CONGRESSIONAL RECORD:

CONTAINING

THE PROCEEDINGS AND DEBATES

OF THE

SIXTY-FIRST CONGRESS, FIRST SESSION;

ALSO

SPECIAL SESSION OF THE SENATE.

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In all seriousness, Mr. Chairman, to propose to increase this schedule when it was expected that it would be decreased 20 per cent is as ridiculous as it is pernicious. I desire here to insert a letter from the Green-Joyce Company, of Columbus, Ohio, one of the largest jobbing concerns of dry goods and notions in Ohio:

THE GREEN-JOYCE COMPANY,
Columbus, Ohio, March 26, 1909.

Hon. WILLIAM A. ASHBROOK,
House of Representatives, Washington, D. C.

DEAR SIR: You will recall the writer as having lived in Newark for a great many years, and who was well acquainted with your father and his family. I have been associated with and part of the company for which I write for a number of years.

I write you on behalf of this company for the purpose of protesting, most vigorously, against a proposed advance of 20 per cent duty on cotton hosiery. It is uncalled for and unfair to wholesale and other dealers and to the consumers. We do not know whether you so understand it or not, but the large part of cotton hosiery imported is cheap goods, such as are used by people in moderate circumstances, laboring people, etc. In other words, the majority of cotton hosiery imported is that of medium price and the cheaper grades, and not silk and fancy qualities, which would be classed as luxuries.

It was generally understood among, and acceptable to the trade and manufacturers, that a reduction of 20 per cent would take place on this item, instead of an advance.

We are advised by what we consider good authority that an interested combination has either accomplished this advance, or is about to accomplish it. This combination controls a large percentage of the imported goods we refer to, and are prepared to advance the price very considerably beyond what it now is. It won't do. It must not be done, and we ask you as one of the Representatives from this State to oppose it. It is against the welfare of every dealer, large or small, and against the welfare of the people, the majority of whom are now having one of the hardest struggles in history to make ends meet, and many to even get the commonest necessities. It is one of the serious things, and we ask you not to pass it lightly.

We shall be pleased to hear from you.

Very respectfully, yours,
THE GREEN-JOYCE CO.,
E. B. DENNIS.

Mr. Chairman, the Green-Joyce Company know that if the duty on cotton hosiery is increased 20 per cent they will be compelled to add that amount and a small increased per cent of profit to the cost of their goods to the retailer; the retailer will be compelled to add a small increase in his per cent of profits, so that by the time the goods reach the consumer a conservative estimate makes an increase of 35 per cent to 40 per cent. Why? Is this the revision of the tariff downward promised by the Republicans during the last campaign? Does not the Payne bill show an increase of 1.56 per cent, and is upward, not downward? Has the Standard Oil fastened its fangs on the manufacture of cotton goods, too? Will this help the cotton grower of the South? Not a penny. He will sell his cotton in the markets of the world, and the combinations will reap the rich reward.

No doubt all of the Members are being deluged with petitions and personal letters from the merchants and the people generally in their districts, protesting against the advance on gloves, hosiery, and manufactured cotton goods, as well as a dozen other objectionable schedules. If all of the Members receive as many complaints as have poured into my office since this debate has been on, I do not envy you the job of reconciling the folks at home if you vote for these schedules.

I here have three letters received in my last mail. L. Hirshberger, proprietor of the Great Western Clothing House, of Newark, Ohio, under date of April 2, says:

Kindly use your best efforts against a further increase in the duties on gloves and hosiery; everybody uses these articles; the duty is now high enough. This is only intended to benefit the rich manufacturers at the expense of the multitudes. We know you will vote to protect the common people.

And here is another letter of the same date from Nick Amster, of Wooster, Ohio, a large merchant in that city:

As merchants we are strongly opposed to an increase in the duties on gloves. The market is now in a very good condition. Just as soon as this duty is increased, the American manufacturer will take advantage of it. Kindly do all you can to oppose this bill.

Here is what one of the largest merchants in my home county, John J. Carroll, of Newark, Ohio, has to say:

We desire to express our disapproval of the advance in duty on hosiery as proposed in the new tariff bill. It is unchlled for as far as protection to American manufacturers and employees are concerned, and would really be a great burden on the majority of our people for the benefit of a few who are never satisfied with a fair profit. We hope and believe you will work for the people's interest.

I have also received similar letters to-day from Louis Forlow, a prominent dry goods merchant at Millersburg, Ohio, and from the Fountain Dry Goods Company, of Coshocton, Ohio.

I should hate to go back to my people, having voted for such outrageous increases in these schedules, and I promise you that I will not vote for it; and I warn those who do vote for it that unless you are in districts controlled by these interests you will find yourselves in the "lame-duck" class when next you have an accounting with the people.

And there is the countervailing duty on petroleum. Innocent looking little thing in type, but it takes millions out of the pockets of the people and gives it to the greatest trust the world has ever known. Strange, too, that very few people know anything about it and dream on under the sweet delusion that coal oil, like salvation, is free.

Paragraph 637 is found on page 159 of the Payne bill "snugly tucked away" in the "Free list." Let us read it:

637. Oils: Almond, amber, crude and rectified ambergris, aniline, aspic or spike lavender, cajeput, caraway, cassia, cinnamon, chamomile, civet, cocoanut, cotton seed, croton, fennel, ichthyol, juglandium, limes, mace, olive oil rendered unfit or incapable of use for food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; palm, sesame or sesamum seed or bean, thyme, origanum, red or white, valerian; spermaceti, whale, and other fish oils of American fisheries; petroleum, crude or refined: *Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

Read the proviso again and you will find what is called a "joker." Let us read the "Provided" carefully:

That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

The principal producers of petroleum outside of the United States are Russia and Mexico. Both impose a duty on petroleum, so that neither can import their products into this country except by the payment of the same duty as is imposed on these products imported into their countries. Does that put coal oil on the free list? The gentleman from Wisconsin [Mr. KÜSTERMANN], an independent Republican—would that there were more like him—who has made an incessant fight against this little "joker," informs me that this "proviso" costs the American people $13,000,000 annually.

If the Standard Oil needs protection—and the Republicans contend that it is protection to infant industries, and the people are willing to be longer fooled—then I withdraw to the ranks of "free trade," on oil, at any rate. It remains to be seen whether or not we shall have a right to vote on this schedule. If we do, it goes out; if we do not get a vote on it, prepare for the wrath to come; and I again predict many of those who vote for it will themselves go out. You can not fool all of the people all of the time.

Before I leave the "joker," permit me to make another illustration by again referring to the lumber schedule. The people generally think of the discarded card when they play seven-up, or the end man at the minstrels when they read about the "joker" in a tariff bill, and I want them to become better acquainted with the Washington "joker."

On page 54 we find paragraph No. 197:

197. Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, 50 cents per thousand feet board measure; sawed lumber, not specially provided for in sections 1 or 2 of this act, $1 per thousand feet board measure; but when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid for each side so planed or finished, 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved, $1 per thousand feet board measure; and if planed on two sides and tongued and grooved, $1.50 per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing and grooving: *Provided, That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever upon, or any discrimination against, any forest product exported to the United States, or if any country, dependency, province, or other subdivision of government forbids or restricts the exportation of any forest product to the United States in any way, there shall be imposed upon all of the forest products of such country when imported into the United States the duties prescribed in section 3 of this act during the continuance of such export duties, charges, embargo, discrimination, or restriction.*

Here we are supposed to get a cut of just one half. But do we? Well, we do until we strike the "joker," whose non de plume is "Provided." Read carefully on after you strike that word "Provided," and you will find the same old "nigger in the wood pile." If the Province of Nova Scotia should put a duty on cord wood or toothpicks, the duty would remain the same in the Payne bill as in the Dingley bill. Surely Mr. FORDNEY was the right man in the right place on the Ways and Means Committee to see that the poor lumberman does not "get his toes tramped on." We believe the gentleman from Michigan [Mr. FORDNEY] is a truthful gentleman, and he told us he did not believe this schedule would affect the present Dingley duty or that it would reduce the duty on lumber at all. But why try to fool the people? He evidently believes that Barnum told the truth.

The tariff is the most insidious disease with which the American people were ever affected. They pay it and do not know it. "He toileth not, neither does he spin."

When the taxpayer goes to the county treasurer to pay his taxes on real and personal estate, the rate and amount of the tax is clearly shown when the receipt is given, and he knows to just what extent he is assessed. If the rate happens to be a trifle higher than he believes it should be, somebody hears about it; but when the same taxpayer goes to the merchant and buys the necessities of life, he pays the price apparently unconscious of the fact that he is paying tribute to some trust—a tariff tax—many times in excess of what it costs him for schools for his children and for local, county, and state purposes.

When the poor man and the middle class vote for Congressmen and help send Senators to Washington to represent their best interests, who, under the guise of protection, enact tariff laws like the Payne bill, he is outrageously duped, to put it in the mildest possible terms. He does not know that when his good wife pours out a cup of coffee or a cup of tea that there will lurk behind his back the taxgatherer; that when he drops a lump of sugar in the cup, the sugar trust takes its pinch of about 2 cents per pound, and so on down the simple bill of fare.

Diamonds and rubies come in free, but calico dresses are taxed 50 per cent. But, then, the poor man, his wife, and his children should not despair. While it is true that the poor man pays the burden of the tax, yet asafetida, Balm of Gilead, catgut, whipgut, wormgut, cuttlefish bone, dandelion roots, dragon's blood, divi-divi, fishskins, fossils, hones, whetstones, ice, ipecac, old junk, leeches, marrow, musk, nux vomica, pulu, rags, rennets, salip, fennel seed, shrimps, spunk, turtles, vaccine virus, whalebone, and so forth, are on the free list. Hallelujah!

When he lays in his winter supply of dragon's blood, diamonds, catgut, whetstones, leeches, and so forth, he can thank the Lord and the dear old Republican party that no trust gets a "rake-off" on these useful and indispensable articles.

The trouble is the people pay too little attention to those things that ought to concern them most. They do not bother themselves about "drawbacks," a "maximum and a minimum," a "countervailing duty," and "jokers," but live on sweet campaign promises from year to year, apparently oblivious of the fact that the opulent become more corpulent and the patches on their pants more prominent.

But, Mr. Chairman, I am no free trader; but in my humble way I propose whenever I get the opportunity to help strike down and out these "fossils" of protection and "leeches" of infant industries preying on the poor man and the duplicity of the people.

In conclusion, I wish to urge the American people to give more thought and consideration to those things in which they are most vitally interested. I read an editorial in the Cleveland (Ohio) Press yesterday which illustrates better than it is possible for me to do why the people are being robbed, with little protest, of many, many millions every year of their hard-earned dollars:

A WOMAN'S PALLID FACE WILL INTEREST MOST PEOPLE, BUT HOW ABOUT THE TARIFF?

Two facts are before the editor of this newspaper to-day for consideration in this column. They are unusual facts, and one is certain to interest you. They are:

(No. 1.) Mrs. Clarence Mackay, one of New York's richest and most conspicuous society women, has adopted a new cosmetic fad. She puts gray powder on her forehead and cheeks, paints her upper lip with light carmine and her nether lip in dark red.

It is said that the effect of this pallid face and brilliant mouth is startling, and that many fashionable women, especially those who have lithe figures like Mrs. Mackay, will adopt the fad.

(No. 2.) The tariff revision which Congress is about to perpetrate will be the most colossal fraud (in so far as the consumer and real producer are concerned) since the revision of 1892–93. The bill that will become a law will increase the cost of the poor or salaried man's living, will heavily tax the woman of moderate means, but will be perfectly satisfactory to the trusts and the millionaires of both sexes. It is highly probable that there will be no tax on inheritances or on stock certificates.

The tax will be increased on gloves of moderate grade and size, such as shop girls wear, but there will be a reduced tax on very expensive gloves, long 16-button affairs, such as Mrs. Mackay wears. Indeed, in every tariff schedule you will find that the revision upward will be upon articles that common folks use, and the revision downward will be upon articles consumed by the rich; and in every instance you will find the revision will consider the interest of the capitalistic producer, giving him full protection, and will disregard the interest of the consumer and labor producer, who is one and the same person.

* * * * * * *

Which of these facts interest you? They appear to have no relation to the other, but they have. It is this: Congress is to pass a vicious tariff measure, because the majority of citizens are not concerned about anything that Congress does in any tariff measure. The word containing a "t," an "a," an "r," an "l," and two "fs" frightens most people, and they do not study the really great question under discussion in our country to-day. You, for instance, may pass over without reading or serious thought the columns containing tariff discussion in this newspaper to-day. But will you miss the item concerning Mrs. Mackay's gray powder and red lip paint? We think not. You will remember the pallid Mrs. Mackay after you have forgotten that you are paying absurd tribute to the trusts as a result of the thievish tariff revision which is now being made and which you are doing nothing to stop. This seems to be the happy-go-lucky American way. And it fully explains why a little minority of rich men is able to dominate and rob the great majority of people in this country year after year.

"What can I do," you ask?

Well, what did the trust do? It sent its cleverest lawyers and managers to Washington and demanded revision in its interest. The leather trust demanded protection. It explained its needs and politely described its desire to make you pay more for shoes. It, with all the other trusts, was on hand to fight for revision beneficial to the trusts and the rich.

We have printed the Payne bill. Did you read it? If so, do you not see that the brunt of the new tax is to fall upon you? You have a right to protest. Write to your Representatives in Washington. Tell them that you are paying all you can stand for shoes, tea, coffee, cotton goods, oil, and other articles proposed for increased tax. Tell them to see to it that the tax is put upon luxuries, not necessities. Ask why uncut diamonds should come in free of duty and tea come in with a heavy tax. And if your Representatives do not respond to your bidding, like the servants they are, cut off their pay envelopes at the end of their terms and send men to Washington who will represent you and not the trusts. That is your weapon. Let your Representatives know that you will use it if they fail to think of the consumer, you, before they think of the producer, the trust.

* * * * * * *

Do you see the relation, now, between Mrs. Mackay's cosmetic and the tariff? The majority of people are so engrossed by frivolous news that they overlook the serious questions of the day—overlook them even when they mean harder work with less profit.

Finally, Mr. Chairman, I can only say that I certainly hope that no rule will be adopted which will prevent every Member going on record on free lumber, free hides, free shoes, free oil, free iron ore, and on all of the schedules in this bill in which the people are demanding a reduction. The people are patient and long-suffering; but it was the last straw that broke the camel's back, and the passage of this bill without radical amendment will surely break the backs of the American people and the future prospects of many Members across that aisle. [Applause.]

Mr. HELM. Mr. Chairman, the bill before the House, as reported by the majority members of the Ways and Means Committee, calls for an estimated annual collection from the pockets of the people of the enormous sum of $326,724,732. Its magnitude and far-reaching effects demand that we should consider it carefully and dispassionately from a business standpoint. From statements made here by members of that committee, it is manifest that only those who have an ax to grind have been heard in the make-up of this bill; ample time should be afforded the great masses of consumers to be heard from before its passage; undue haste would be wrong. I am not the least surprised that the special interests, having succeeded in obtaining a bill to their taste, are now busy creating a sentiment for its immediate passage. If this bill did not serve the purposes of the special interests, there would be an increasing cry for extended discussion. From the very nature of the situation, the 85,000,000 ultimate consumers who are affected by it, or any considerable per cent thereof, could not appear before the committee at its hearings. The only possible way for them to be heard is through their Representatives who have the courage to voice their contentions, and to that end, I for one protest against inordinate haste in the passage of this bill.

At the very beginning let it be remembered that the expense of running the Government for the past twelve years amounts to $8,122,508,367, almost twice the sum required for the same purpose for the twelve years next preceding July 1, 1897. The first session of the Sixtieth Congress, and since the panic of 1907, appropriated $1,008,884,884 to be expended during the fiscal year 1909. The revenue of the Government for that fiscal year was over $35,000,000 less than the appropriations. The appropriations for the fiscal year 1910 amount to $1,044,014,295, and the revenues for this are now over $90,000,000 short, with three months of the fiscal year 1909 remaining; so that it can be seen at once that, if this bill comes up to the full measure of its proponents' expectations, there will still remain to be raised by taxation from other sources the sum of $717,289,565, with a prospective estimated deficit of $140,000,000. Instead of the panic serving as a signal to slow down and take the situation under control, you have thrown the throttle wide open, and as a result you are in the ditch.

While it does not come within the official scope of Congress to take cognizance of municipal, county, and state taxes, which in every instance are at the highest limit, with in many instances their bonded indebtedness strained, I insist that it is proper for the Members of this body to bear in mind that the burdens being placed upon the people in the way of taxation are intolerable and must be lightened. It may be well in this connection to bear in mind that the bonded indebtedness of the Federal

Government has increased since July 1, 1897, to March 16, 1909, from $847,365,130 to $913,317,490, and that the total amount of interest paid on the outstanding interest-bearing debt of the Government during the period just stated amounts to $343,058,701.

The striking feature of the two sessions of Congress in which I have had the honor to sit has been the prodigal and lavish expenditure of the public funds. The RECORD will disclose the fact that I have consistently opposed this course by my votes. The Republican party, claiming to be a party of constructive legislation, has done little, if anything, during the last two years other than to make the most extravagant appropriations. You are preeminently a party of spenders, and your whole aim in the passage of this bill is to collect more taxes off the people that you may still further increase appropriations. Whenever any effort is made to check your untoward course in this particular, your invariable response is that this is a billion-dollar country. As well might the individual spendthrift undertake to justify his course by saying that he has the wealth to squander. That there is, and has been for a number of years, an alarming annual waste of many millions of dollars, due to duplicate appropriations and unbusinesslike methods and a general all-round leakage, is admitted by the belated effort to constitute a committee to supervise appropriations.

Instead of curtailing expenses, stopping these duplicates and leaks, you are casting about to find additional sources from which to derive more revenue, as is evidenced by the inheritance-tax feature of this bill. This is a method of raising taxes that has been resorted to by many of the States for raising revenue for state purposes, and it is manifestly unjust to these States that have been compelled to resort to this method for the Federal Government to forestall this right, for the legislative bodies of these States will be compelled to repeal their laws, since they are closer to the people who will rebel against this double taxation. The vice of this proposition is in creating a condition by extravagance where it becomes necessary to find new sources of revenue without eliminating some of the present sources of taxation.

Following the panic of October, 1907, the business of the country has fallen to lower and lower levels during each month succeeding that date; yet, in the face of these admitted conditions, Congress, by the policy and action of the majority party, has permitted appropriations to increase till it staggers the mind to contemplate their stupendous proportions. Mr. CLARK, the minority leader, in his discussion of this bill on the floor of the House, made this statement:

> The tariff is a tax. The tariff is a tax paid by the consumer. Nobody with any reputation for veracity or intelligence to lose will deny either of these two propositions. If he does deny them, he will be confounded by the evidence of high protective advocates contained in the hearings before the Committee on Ways and Means, which hearings are made up almost exclusively of the evidence of such advocates.

No one on that side to this date has challenged this statement or can do so successfully, so that it must follow that the $326,724,732 to be raised by this bill is a tax that must be paid by the consumer.

The right to tax is the right to destroy, and by taxation you have exercised well-nigh to the limit this right to destroy the property of the people. All efforts on this side to check or curb the placing of this intolerable burden upon the people is met with derision and sneers. The businesslike procedure under such circumstances would be to reduce expenditures to at least meet existing revenue, not to increase taxation for more lavish expenditures. Efforts looking to economy are made sport of. At the present time no one can contend that business is increasing in such volume, for that is the usual plea of the extravagant, as to demand additional expenditures to meet expanding conditions. At such seasons as this it is imperative that the Government, like individuals, live within its income. The chairman of the committee extolled the Dingley bill as a revenue producer, conveying the impression to the country that by it the Spanish-American war was financed. The controlling idea of the proponents of the bill is not to lighten the burdens of the people, but to raise additional revenue with which to meet additional and increased appropriations, the chairman stating in his opening speech that "the time had come to hunt for more revenue in a tariff bill." Economy is an unknown quantity on that side of the House. Anybody can spend money, but it is an evidence of wisdom to save it. Nor do I expect to see a return of a period of prosperity until the legislative bodies controlling the commercial nations of the world, realizing this fact, act accordingly; for, and I repeat it with emphasis, national, as individual, prosperity rests primarily upon the same underlying principle. The estimated annual revenues from custom duties to be raised by this bill show an increase over the Dingley bill of $11,666,748. This, together with the $20,000,000 from inheritance taxes and $1,500,000 additional internal revenue, represents an estimated annual increase in the amount of taxes to be collected from the people of $33,166,748.

In all, you propose to collect under this bill, by way of taxation, from the people $326,724,732.39, and at a time when the country is still suffering from severe business depression, and as against $293,557,984.14 collected in 1906, when the country was at its high tide of prosperity. And yet there are gentlemen here on this floor, in the face of these indisputable facts, claiming that this bill is a "revision downward." Neither the facts nor the figures warrant this statement. If it were true, we would be in the ridiculous attitude of undertaking to meet a daily increasing deficit with a daily decreasing revenue. At what point, pray, do you expect these two diverging conditions to meet and strike a balance?

The apologists for this bill claim to have recently discovered that some of the rates of the Dingley bill are and have been prohibitive. Yet you have inserted prohibitive rates in many instances in this bill in spite of your additional contention that reduced rates increase revenue and that you must have and are hunting for more revenue. Again, if you have full confidence in your prophecy that the passage of this bill means the return of vanished prosperity, why in addition to taxing inheritances do you provide for $50,000,000 Panama bonds to refund a liquidated charge, and in addition make provision to increase the amount of certificates of indebtedness from $100,000,000 to $250,000,000; and this in the face of the fact that the average or equivalent ad valorem rates of taxation in this bill are higher than the rates in the bill which this extraordinary session of Congress was called to revise, and, as the country understood it, to revise downward?

To my mind, these are distress signals for the approaching financial storm that you expect to break in fury over the commercial business of this country following this bill's enactment into law. You have made provision in said bill to issue interest-bearing obligations of the Government equal to almost two-thirds of the revenue that you claim this bill will raise, so that it might well be termed "a bill to increase the bonded indebtedness of the country," instead of "a bill to raise revenue." This function of the bill will be used to its full extent, if it shall result, as I expect it to, that the expenses of the Government for the next twelve years shall, as they have in the past twelve years, redouble.

The Republicans have, with amazing effrontery, but with their accustomed inconsistency, claimed that every blessing—including, I presume, increased cost of living—that humanity has enjoyed since July, 1897, when the Dingley bill became effective, has resulted from the provisions of that bill. In the first instance, if true, why repeal it? Mr. DALZELL, speaking of that measure, in addressing this House during the first session of the Sixtieth Congress, after rehearsing the wonderful strides this country had made along commercial lines, added:

> And yet, notwithstanding this wonderful prosperity which, if not contributed to by, is at least coincident with our existing tariff laws—

And so forth.

Later, in his efforts to account for the panic that was then on, he said:

> The most remarkable thing about the whole situation is the suddenness with which it passed.

Has it "passed?" If so, when? This Dingley bill, panacea for all previous business disorders—this bill that you claim rekindled the fires in the furnaces, started the wheels of prosperity to revolving—is to be repealed and succeeded by a bill that a Washington Post correspondent, on March 24, 1909, styles "A bill to kill business," over an article bearing a New York date line and written by an economic expert, and which is in full as follows:

> "BILL TO KILL BUSINESS"—ECONOMIST WRITES IN CRITICISM OF PAYNE TARIFF MEASURE—BY KEEPING 2,000,000 IDLE, HE SAYS, IT WILL PREVENT EARNINGS OF A BILLION AND TEN BILLIONS OF TRADE.
>
> NEW YORK, *March 24, 1909.*
>
> Among the criticisms of the new tariff bill received by Wilbur F. Wakeman, general secretary of the American Tariff League, is this by R. Benedict, a New York lawyer and economic expert:
>
> "The Payne bill, as I read the House draft, looks in the wrong direction, for it looks rather toward less than more employment for our people. It is said that there are now idle in this country all the way from 2,000,000 to 5,000,000 of our workers of all grades and classes. Call it the smaller number, 2,000,000. If these people were put to work they could hardly earn and spend yearly less than $500 apiece upon the average. That would mean an initial impulse of $1,000,000,000 more annually paid to our merchants, which alone is quite worth while; but that is the initial value only of the reemployment of our idlers; the final annual value must be at least ten times as great, for $1 paid into the market to-day would certainly have changed hands ten times by this day of next year, and upon each exchange it would have represented a total employment of $1—that is, it would have swollen to the value of $10 in a year, which would mean a final value yearly of $10,000,000,000 to our domestic business of merely putting the present idlers to work.

"From every human point of view the reemployment of our 2,000,000 of present unemployed is the main thing to be looked out for in the new tariff measure. Of course, one does not have to say that unemployment means death by starvation at one place or another. It means the swelling of our bread lines and our pauper rolls, not to mention the increase in business at police headquarters. But from a cold business point of view, the Payne bill as it comes from the committee is a sad mistake.

"I believe it is expected to bring in about $300,000,000 a year of revenue by keeping the people unemployed, and even in many cases adding to our sum of unemployment. If it merely keeps idle those who are now out of work, it will destroy $10,000,000,000 of business here annually to realize $300,000,000 of revenue. That is, for each dollar of customs revenue collected it will kill $33.33 of domestic business. But from the vice of reductions in many directions inherent in the bill there is every reason to believe that unemployment will be eventually doubled by it—that is, to collect $1 customs revenue we will throw away $66.66 of domestic business.

"It seems to me that if this were my job, and I were the giant of wealth called 'Aggregate domestic business interest of the United States,' I would put my hand in my pocket and pay the Government $300,000,000, which it seeks to raise by the Payne bill in exchange for a fiat closing our ports against foreign competition in this market for our workers. I should be miles and miles ahead of the game at that."

In this article it appears that there are from 2,000,000 to 5,000,000 idle workers of all grades. Is it possible that this condition could still exist and this wonderful Dingley bill still in full force and effect? In the language of the distinguished gentleman from Pennsylvania, yet notwithstanding this appalling idleness, "which, if not caused by it, is at least coincident with a Republican administration."

In 1897, the date of the passage of the Dingley bill, following the period of business depression, the Republicans went before the people proclaiming that the remedy for the situation was the passage by Congress of a highly protective tariff. The battle cry was "Start the factory and prosperity will come to the farmer, as night follows day." But, behold, idle and smokeless factories for two years, and the farmer prosperous in spite of this situation. You are simply groping, or else boldly undertaking to deceive by false impressions; for this same party, with a siege of hard times, with an increasing army of unemployed, are now telling the people that the remedy for a situation paralleled to the situation preceding 1897, requires a reduction of customs duties or taxes in order to restore prosperity. And yet they are offering a bill that is a revision upward, as the figures disclose. Notwithstanding the gentleman from New York, chairman of the committee proposing this bill, displayed violent indignation and wrath when the gentleman from Tennessee [Mr. GARRETT], on the floor of the House, during his opening statement of the bill, ventured to intimate that the bill now under consideration was a revision upward, and denounced, with the wrath of Jupiter hurling a thunderbolt, the statement as unjust and unfair, vehemently asserting that this bill was a revision downward. Verily, it is the "voice of Esau but the hand of Jacob."

The chairman of the Ways and Means Committee, in the course of his remarks on this bill, in response to a question from the gentleman from Kansas [Mr. REEDER], made use of this expression:

Now, get the farmer's vote out of your mind and try to consider this question fairly and squarely as between man and man.

This bill places a tariff of 25 cents per bushel on wheat and 15 cents per bushel on corn. When did a farmer ever sell a bushel of wheat at a higher price than that at which wheat was selling at the same time in the Liverpool free-trade market, except, possibly, when the gamblers on the board of trade had cornered the market? If the market abroad is not higher than the home market, what man would be so foolish as to pay freight abroad and sell in a lower market than at home? Until the farmer gets more for his products at home than abroad the tariff is of no earthly advantage to him. This is no new proposition, I confess; but if this matter is to be treated "fairly and squarely as between man and man," why put this and many similar features in this bill to hoodwink the farmer? Canada is the only country from which we import wheat into the United States. The chairman said that it was necessary to have the hard wheat of that country to mix with the soft wheat of this country in order to make a flour that our mills can export. Again, if the duty placed by this bill on agricultural products could be of any possible advantage or benefit to the farmer, under the drawback clause of this bill Canadian wheat can be brought in in unlimited quantities, converted into flour by American millers, and made to supplant the American export trade, not by blending it with American wheat, but by using Canadian wheat exclusively to supply the market that is now supplied, at least in part, by home-grown wheat. Under this same drawback clause, by which the import duties paid by the importers are refunded to them, Canadian, Mexican, and other foreign cattle and live stock and farm products generally can be imported and, after rehandling, made to compete with our home products, so that the farmer will be compelled to sell his raw material in an unprotected market—the markets of the world, as it is best understood—and at the same time be compelled to purchase every thing he must buy in a taxed or protected market, while, by the provisions of this measure, you are attempting to mislead him into believing that it is his products that are protected.

From the Republican point of view this is what you call "treating the matter fairly and squarely as between man and man." No; the ultimate effect of this bill is, with a line drawn north and south through Pittsburg, that the section of country west of that line is treated as an alien and foreign country, in that the domestic raw material from this section must compete in price and quality with the best of imported raw material free of duty. Another deception for the farmer is in the placing of iron ore on the free list. The effect of this, in plain English, is to enable the steel trust to import its raw material from Cuba, Canada, and Mexico, where it has acquired extensive and high-grade ore deposits, free of duty, thereby putting into the pockets of the trust millions of dollars which formerly went into the Treasury, while the fencing wire, the roofing, structural material, and iron material used in agricultural implements remain unrelieved of the protective rates that have been and are placed upon them by this bill. Still another deception, intended for much the same class, is in the sugar rate, whereby each consumer's annual saving, under the new rate, reaches the preposterous sum of 4 cents.

During the year 1906, 1,058,926 dozen pairs of gloves were imported—that is, 12,707,112 pairs. On these the duty under the present law was from $1.75 to $5.90 per dozen. This bill proposes to increase the duty on the $1.75 kind—the cheapest gloves imported—an increase of 100 per cent. The poor woman's glove is to be taxed 90 per cent; the rich woman's 44 per cent. There are 3,000,000 pairs of the gloves which are taxed 90 per cent annually imported and only 28,000 of the gloves that are taxed 44 per cent, so that the total taxes on the poor woman's glove will be $930,025 a year and on the rich woman's glove $12,749 for the same period.

These are but samples of the deceptions sought to be imposed upon this country's army of consumers. Did time and opportunity permit, I could point out scores of others. The country might as well expect to gather grapes from thorns or figs from thistles as to expect real relief from a "revision of the tariff by its friends."

I declare any tax-levying bill that takes one penny from the wages of the working girl to pay for the increased salaries of an increasing army of federal officeholders or for big navies and armies to be, if not unhallowed, at least criminal. I am opposed to increasing the price of the cheap gloves that the poor must use in order to lower the price of the gloves that the rich wear. I am for the girl that must wear the cotton stocking because she can not afford the silk one.

And, now, before closing this particular branch of the discussion, and in response to the statement of the gentleman from the State of Washington [Mr. CUSHMAN], who, in his inimitable style, twitted this side of the House because of the depression of prices during the last Democratic administration, I wish to submit, in order that the people may be enabled to form their own conclusions as to how far the Republican party's legislation was instrumental under similar circumstances in increasing prices of live stock and farm products, the following reports of the Chamber of Commerce of Cincinnati for the years indicated:

Annual average price of hogs.

DEMOCRATIC YEARS.		
1893	per hundred	$6.90
1894	do	5.10
1895	do	4.35
REPUBLICAN YEARS.		
1897	per hundred	3.30
1898	do	3.85
1899	do	4.65

Annual average price of cattle, same market.

DEMOCRATIC YEARS.		
1893	per hundred	$3.61
1894	do	3.85
1895	do	3.85
REPUBLICAN YEARS.		
1897	per hundred	3.54
1898	do	3.70
1899	do	3.85

Average price leaf tobacco, same market.

DEMOCRATIC YEARS.		
1893	per hundredweight	$10.00
1894	do	11.85
1895	do	10.05
REPUBLICAN YEARS.		
1897	per hundredweight	8.05
1898	do	9.10
1899	do	7.95

Corn, No. 2 (St. Louis, Milwaukee, and Cincinnati).

DEMOCRATIC YEARS.

		Cents.
1893	per bushel	31⅞–41⅛
1894	do	31⅛–56
1895	do	23⅛–53

REPUBLICAN YEARS.

1897	per bushel	19¼–29⅛
1898	do	25¼–36⅜
1899	do	29⅛–36¼

Clover seed (Cincinnati Chamber of Commerce).

DEMOCRATIC YEARS.

1893	per hundredweight	$10.67
1894	do	8.80
1895	do	7.64

REPUBLICAN YEARS.

1897	per hundredweight	5.82
1898	do	5.08
1899	do	5.48

Timothy seed (Cincinnati).

DEMOCRATIC YEARS.

1893	per hundredweight	$1.68
1894	do	2.10
1895	do	2.07

REPUBLICAN YEARS.

1897	per hundredweight	1.20
1898	do	1.11
1899	do	1.05

Timothy hay (same market).

DEMOCRATIC YEARS.

1893		$12.55
1894		10.95
1895		12.70

REPUBLICAN YEARS.

1897		9.80
1898		8.67
1899		10.00

The present bill bears a strong resemblance in its operations to the concessions granted by the governments in the Latin-American republics. There the government grants a monopoly direct to its favorite, which in time, by intolerable oppression of the people, engenders revolution. This bill grants special favors by legislative enactment to particular industries, and the result is scant difference between the monopolies born of and fostered by such legislation as contained in this bill and the concessions of the republics south of us. In operation they are the same. What is the difference in the status, as a result of this bill, of Standard Oil, the steel trust, the sugar trust, the beef trust, the International Harvester Company, and kindred companies in the United States, and in that of the concessionaires of the South American republics? The concerns first named are in as complete control of the commodities that the American people must have as the concessionaires are in their respective governments. There are indications that the people of this Republic are becoming aware of the similarity of these situations; and when they do become fully advised, and these glaring evils are not eradicated, the result will be one about which I entertain grave and serious apprehensions.

When the panic of 1907 came, it was the farmer who was to the panic-stricken financiers what reinforcements are to a routed army. He saved the day and averted a direful disaster. In return for that service, he is in this, as in all other bills written by the friends of the tariff, made to retain his position as the principal burden bearer of an extravagant and profligate Republican administration.

The failure of the bill to in any measure alleviate the gross injustices that have been imposed on the vast army of American consumers forbids that I lend my vote or support to any feature of it.

Mr. FOSTER of Illinois. Mr. Chairman, it is with a great deal of pleasure that the Members of this House have listened to the able argument upon both sides of this Chamber upon the tariff bill now before us. The hearings before the Ways and Means Committee have been exhaustive in so far as the protected interests are concerned, and they have clamored to be heard in the committee room in the interest of protection to their industries. Some very able speeches have been made on this floor, and we are indebted to the chairman of the committee for his explanation of this bill; yet in all his argument in support of the bill, it seems to me, he does not show where the consumer will be given the benefit of a downward reduction of duties. The minority leader, Hon. CHAMP CLARK, in a very able and exhaustive address before this House, has shown that this bill is not a downward revision of the tariff, but that all the protected industries are very well taken care of in the Payne bill now under consideration, and if this bill becomes a law as now reported no relief of taxation will be given the people. [Applause.]

An attempt has been made by these men who are asking that special privileges be given them under this bill to show how the consumer will be benefited. The selfishness of human nature has always been such that each is trying to take care of himself, and while the arguments, from a protection standpoint, might seem to be conclusive that these protected industries are making goods for the consumer as cheap as he ought to expect to buy them, yet they are attempting to have a bill passed that will enable them to take from the consumer a portion of his earnings for the purpose of enriching themselves.

We have seen, under this protective-tariff system, institutions grow from small concerns and then, forming immense combinations and trusts, attempting through these combinations to control the price of their own product and thereby be enabled to charge the people whatever price they determine as fixed by themselves in combination. The argument in this House has demonstrated, it seems to me, that Members are sometimes unable to look beyond their own districts and are asking the privilege of taxing other people for the benefit of their own districts.

I like the sentiment expressed by the gentleman from Minnesota [Mr. NYE] in a speech on this floor, when he said:

> We ought to be patriotic enough to look to the welfare of all the people and legislate in their interests.

[Applause.]

Too often, through selfishness, people advocate a high tariff, not for the purpose of placing revenue in the Treasury, but that they may have the benefit of this tax to enrich themselves.

I believe in the principle that every man is entitled to the full benefit of his own labor, and that no man or class of men have a right to take from another man's pocket a portion of his earnings and put it into his own without giving him something of value in return.

The protected industries have so long enjoyed the privilege of taxing the American consumer that they feel it is their right to continue to do so. Under the guise of protecting the American manufacturer and laborer they attempt to show that protection is necessary or their factories will have to close and the workman be thrown out of employment.

I believe in the principle that whatever tariff is levied is that much taxation upon the people, and that the Government has no right to permit, by law, any man to tax another for his own benefit. It seems to me that the principle that you advocate of taxing the people to make a business profitable that otherwise would not be is wrong. The farmer or workman has no assurance of a profit by law, but must take his chances in open competition in the markets of the world. I believe that all taxation should be as light as possible on the necessaries of life, and only so much should be collected as is necessary for an economical administration of the Government.

The farmer who works from early morn to late at night, many times in rain as well as sunshine, in the cold and heat, often being compelled to keep his children from school, thus depriving them of an education, and at the end of forty years of hard labor has a few hundred acres of land is considered a rich man in the community; and yet these men in protected industries have been able, on account of a high tariff and with the aid of combinations, to amass immense fortunes in a little while. It was said by a Republican candidate for the United States Senate in Wisconsin in the last primary that since the Dingley bill had been enacted into law more than $500,000,000 had been collected each year by the protected industries of the country that had gone not into the Treasury of the United States, but into the pockets of these protected industries. So that the people have been taxed for the benefit of these protected industries while this law has been on the statute books over $5,000,000,000. This certainly is an enormous tax on the people of our country.

The farmer by law is compelled to pay a tariff on everything he buys and sell his products in the open market of the world. In this bill you intend to fool the farmer by making him believe he is protected by a tariff, when you certainly know it is of no benefit to him. The farmer does not ask to be relieved of his just proportion of taxation, and is willing to be taxed when that money goes into the Treasury, but he has a right to object to being taxed on everything he buys and compelled to sell in competition with all the world. The beef trust is enabled to pay him what it desires for his stock when placed on the market, and he is powerless to help himself. If he ships a load of fattened stock to one market and he is dissatisfied with the price offered him, which is fixed each day by the trust on all the stock in the market at that time, and he should decide to reload and ship to another market, the combination will telegraph ahead to look out for this particular shipment, and when he arrives there is offered less for his stock than before. So he is compelled to sell his stock at a reduced price. The beef

trust is determined that he must sell at the price they fix in the first instance or take less. Again, when this product is finished and shipped back to the local merchant, the beef trust again fixes the price, and he is compelled to pay whatever they ask. The trust is enabled, through combination, to fix the price in both instances. Thus it is, like the old man's coon trap, he is "caught coming and going." [Applause.]

The protected industries have enjoyed the privilege of taxing the American people so long that now they are doing their utmost to hold the privilege granted them. The great corporations have capitalized their concerns so much more than they have actually invested—and have millions of watered stock—that they are now trying to make the people pay a profit on this fictitious capital with the cry that they are entitled to a fair profit on the capital invested. The great cry of the protected interest is that protection is for the benefit of labor; that the tariff is levied for the purpose of protecting labor; and yet, under the provisions of this bill, material is shipped in here and manufactured and shipped abroad and sold to foreigners cheaper than to the men who work in the factories. The laborer must come in competition with the labor of the world. There is no protection for the men who labor in the factories. Many times the tariff is much higher than the total cost of the labor. Whenever there is any agitation of a lower tariff, then there is a cry of reducing wages by this class of protected interests. If the tariff is levied for the interest of labor and to cover the difference in cost of production in this country and abroad, there ought to be a provision that when the Department of Commerce and Labor determines that the product of such protected industry is selling for more than the difference in the cost of labor here and abroad, then the President of the United States should have the right to lower the tariff accordingly. [Applause.]

During the last campaign the people were promised genuine reduction of the tariff, so that they might secure the necessaries of life at a lower price. It was said that the schedules in the Dingley law needed revising and that this Congress would reduce the rates of the present tariff law. Mr. Taft told the people on the platform that if he were elected he would call Congress in extra session for the purpose of revising the tariff, giving genuine reduction, so that the people might be relieved of the unnecessary burdens of taxation. I ask the Members of the other side of the House if you think you are keeping faith with the people? Have you given them in this bill a reduction in the price of the necessaries of life? Can they buy cheaper clothing or other necessaries of life when this bill becomes a law than they do now? The Treasury experts have estimated that the average tariff in this bill is nearly 2 per cent greater than the Dingley law. Is that the kind of reduction promised? Is that the kind of reduction the people expected from the hands of this Congress? I think not. In my judgment, a genuine reduction should be made on the articles the people are compelled to buy for everyday use. No Member of this House wants to see a single industry of the United States injured in the least. Everyone desires to see labor employed at good wages. The man who works with his hands is entitled to a fair division of the profits of his labor; but in the passing of this bill this end is not sought by the men who are asking for a continuance of the right to tax the people through the tariff; they want the right by law to continue to shut out foreign competition and control through combination the markets of our own country. The people will not tolerate a species of legislation like this, that increases taxation when they are promised a reduction.

Mr. Chairman, the majority of the Committee on Ways and Means can fool the people no longer. They will drive from power the majority in this House and send Representatives here who will give them genuine tariff reduction. The expenses of the Government have grown so enormous through extravagant appropriations that the high rates of the present tariff do not produce sufficient revenue to pay the expenses. We ought to cut down our expenses. Many millions could be saved if an effort were made to be more economical. There seems to be no effort to reduce expenses any place, but useless appropriations are made and millions of dollars are spent from which the people derive no benefit whatever. No true American citizen desires to hinder a just administration of the Government, and he is willing that all necessary money should be appropriated for all just needs of the Government; but, Mr. Chairman, he does have a right to object to being taxed and have that money extravagantly spent. Every dollar that goes into the Treasury must be produced by some one's labor. Every dollar means the toil of some one. The people will no longer bear this heavy burden of taxation. They expect this Congress to take such steps as are necessary to lessen this load that they are now compelled to bear. The money that is spent by Congress is not the money of the Representatives, but belongs to the people; and it is the duty of the officers of the Government to see that it is economically used. [Applause.]

It is hard to understand why the great State of Ohio, through its representatives in the legislature, should petition this Congress to remove all the tariff on lumber and still desire to retain the high tariff on such products as the people of that State produce. It is just as essential that the people should have other necessaries of life as they should have cheaper houses. The people of New England want the western people to give them free hides and yet desire to retain a high tariff on shoes. Very few shoes are imported into this country, and all the tariff levied on boots and shoes is for the benefit of the shoe factory. It certainly seems to me that the tariff should be made as light as possible on those articles of necessity, so that the people will be able to supply themselves with cheaper clothing and other necessaries for themselves and their families.

The shoe men, before the Ways and Means Committee, have asked that the tariff on hides be removed, so that they would not be at the mercy of the packers' combine, and yet they want to retain the duty on shoes. Let us remove the duty on leather goods, such as boots, shoes, and harness such as the farmer buys, so that our people can buy leather goods at less price than they are now compelled to pay. The gentleman from Wisconsin [Mr. WEISSE] has repeatedly said on the floor of this House that he, as a tanner, was willing to have all tariff removed from leather if he were given free hides and free tanning materials. The great shoe manufacturing firm of Wolfe Brothers, of Columbus, Ohio, has said, in the following letter, that if they are given free hides they can make the shoes for the world:

WOLFE BROTHERS SHOE COMPANY,
Columbus, Ohio, March 29, 1909.

Hon. MARTIN D. FOSTER,
Washington, D. C.

DEAR SIR: As one of the largest manufacturers of shoes in the country, we urge you to lend your influence to place shoes on the free list.

The American shoe manufacturer needs no protection. With free hides and cheap raw material, the American shoemaker can shoe the world.

Very respectfully,

THE WOLFE BROS. SHOE COMPANY.
R. F. WOLFE, *President.*

Yet, in the face of all this Congress is asked to remove the duty on hides and allow a high tariff to remain on leather goods. Be consistent and remove the duty on shoes also. Do not attempt to take care of the interest of the New England shoemakers and forget all the consumers. There are so many "jokers" in this bill that nobody can tell what will be its effect until after it is passed and becomes a law, and its different provisions construed by the Treasury officials and the courts. [Applause.]

The gentleman from North Carolina [Mr. KITCHIN] in a great speech in this House a few days ago showed how the "joker" in the lumber schedule would raise the tariff on all classes of lumber, and the gentleman from Michigan [Mr. FORDNEY] acknowledged that such a "joker" existed, and that it would not reduce the duty on lumber one cent.

Mr. KITCHIN is to be commended for his loyal stand for the people in his efforts to relieve them from this unjust tax. He has been able to look to the interest of the home builders, and not to the interest of the men who are trying to tax people for every stick of lumber they are compelled to buy. People must have lumber to build houses, and no combination controlling the price should be permitted to compel our people to pay outrageous prices for this necessary product that God has placed here for our use. It seems that the defenders of the tariff on lumber have worked overtime, and the representatives of this interest have been the best organized of all the interests asking protection in this bill. Every mail has brought to the Members arguments and appeals to continue this unjust tax on the American home. Even so great and good a man as the Hon. Gifford Pinchot has been induced by some argument to reverse himself on this question.

The duty on sugar has been reduced 5 cents on the hundred pounds. This reduction does not amount to anything, and so far as giving any relief to the people from the sugar trust, might just as well have been left where it was in the Dingley law. Each person would have to eat 100 pounds of sugar before he would save one nickel with the reduction contained in this bill. The people must continue to pay the enormous profits to the sugar trust, and the people must continue to buy of the sugar trust and pay tribute to that gigantic monopoly if this bill becomes a law. No one has yet pointed out the "joker" in the watch schedule, but it, no doubt, is there.

I confidently expect my colleague [Mr. RAINEY] to expose the iniquity of the schedule on watches, as I am sure he can so ably do, as in the past he has shown the injustice of this schedule in the Dingley bill. There is not much doubt that the watch trust will find some way to keep out competition and continue to sell its products abroad cheaper than to the people of this country.

Mr. Chairman, I believe in the Democratic doctrine of tariff for revenue, the burden being placed the lightest on the necessaries of life. With all the protected interests clamoring at the doors of the committee room and the lobby about this Capitol working overtime for protection, the people, I fear, will be forgotten; and when this bill passes both the Senate and House and becomes a law, it will be demonstrated that the people's interest has not been looked after, and they must go on paying tribute to the rich combinations who have already grown too rich off the labor of the country. When this bill was first introduced it was heralded over the country that the tariff had been revised downward, but the more it is examined the more it is shown that the bill will again fool the people and still give the tariff beneficiaries all the advantage they desire. I would have been glad to have voted for a bill that would lighten the burden of the taxpayer, though it had been proposed by a Republican Congress; and I am sure this side of the House would have gladly supported such a measure. Not only to the people of the districts we have the honor to represent, but to the people of the whole country, do we owe an effort to give them a tariff law that will not burden them with taxation and compel them to pay of their earnings to the trusts of the country that shield themselves behind a tariff wall.

Mr. Chairman, I would be untrue to the interests of the people should I vote for this bill without it is changed in such a way as to give substantial relief to them in taxes. I expect that next Monday a rule will be brought in here closing debate and permitting such amendments as the committee may consent shall be offered. No opportunity will be given to reach this bill under the five-minute rule, and the claim will be made that the interests of the country demand that the bill shall be passed immediately. I submit to this House that it would be better to take a little time and pass a bill that will be in the interest of the people. The protected interests are here to look out that they be taken care of, and it is our duty as representatives of the people to see that those who labor and pay the taxes, those who are the consumers, should also be looked after. We should not permit our people to be robbed of their hard earnings by a class of men who give them nothing in return for the money they take from them. Mr. Chairman, there will come a time when the people can not be fooled. They will rise in their might, and instead of these paid lobbies being about in this Capitol they will demand that the Representatives shall no longer give heed to this class of citizens who only act from selfish motives; and if we fail to heed the people's voice and keep faith with them, they will send men here who will secure legislation favorable to their interests and who will revise this tariff in the way the people have been promised it would be done.

I can not attempt in the brief time allotted me to discuss in detail the different schedules, but have contented myself in dealing in a general way with this bill. I had hoped that in this bill there might be relief for the wage-earner, for the farmer and producer generally, but, it seems to me, this bill is only in the interest of that class who want to profit from the labor and producer of the land.

Mr. Chairman, this House should not be so hasty in its endeavor to pass this bill that no opportunity be given to amend it in such a way that the promise made to the people will be fulfilled. Let us take a broad view of the rights of the people and legislate in the interest of all of them. Let us not forget that we have no right to tax all the people of this country for the benefit of any one class. Let us see that the rights of the people are maintained against the greedy combinations and trusts that would build a high tariff wall around our country, keeping out all competition from abroad and stifling competition at home, thus controlling the market of our own country and collecting an unjust tax from our people. [Loud applause.]

Mr. ELLERBE. Mr. Chairman, it has not been my intention to make a speech on the Payne tariff bill. I have realized from the first that Democrats would have practically nothing to do with framing the law. The most that we will be permitted to do is to protest against the bill as a whole. Because of the unjust burdens imposed upon the masses of the people, for the reason that the bill is sectional, particularly does it discriminate in favor of the East and against the South and West, because the burden is the greatest ever imposed upon the American people the bill should not pass. At this time I shall simply call attention to one paragraph of the Payne bill.

Paragraph 652 of section 2 of the Payne bill is identical with paragraph 644 of the Dingley law. This paragraph in the Dingley law places sulphate of potash and muriate of potash on the free list. Paragraph 652 in the Payne bill nominally does the same thing. As a matter of fact, placing this paragraph of the bill under the heading "free list" is a pretense and a fraud. It is one of the many paragraphs in the Payne bill to be denominated, popularly speaking, a "joker" and is intended to hide the real purpose of the framers of the bill in imposing a duty of 20 per cent on all the articles enumerated in the paragraph mentioned.

Section 3 of the Payne bill, beginning at line 24, page 172, reads as follows:

Upon each article enumerated in the following paragraphs of section 2 of this act there shall be levied, collected, and paid a duty of 20 per cent ad valorem.

A number of paragraphs are mentioned, among them paragraph 652 of section 2. This "joker," hidden away in section 3, is intended to impose a burden or tax of nearly $1,000,000 on the farmers of the South. I take the following from Notes on Tariff Revision, a publication gotten up for the use of the Ways and Means Committee, and only in the last few days available to the membership of the House:

Sulphate of potash is a salt that occurs in nature in considerable quantities. In the Stassfurt (Germany) mines it is found in combination with sulphate and chloride of magnesium, forming the mineral kainit. Sulphate of potash is employed in the production of carbonate and also as a fertilizer.

Importation of sulphate of potash: Quantity, 58,306,202 pounds; value, $1,013,045.31; value per unit, $0.018. Germany's share of this importation was 55,407,033 pounds, the United Kingdom furnished 1,773,932 pounds, and the balance came from Austria-Hungary, Belgium, France, and Canada. Muriate, or chloride of potash, called "sylvine," occurs in the Stassfurt beds and also in Vesuvius. It enters largely into the manufacture of saltpeter, alum, and chloride of potash. From it is made, by decomposition with sulphuric acid, the greater part of commercial sulphate of potash, and it is used to a considerable extent as an ingredient of artificial manures.

Importation of muriate of potash.—Quantity, 231,327,378 pounds; value, $3,863,311.45; value per unit, $0.017. Of this importation, 226,586,102 pounds came from Germany, the balance from Belgium, the United Kingdom, and the British West Indies.

The total value of these two items imported into this country in 1907, $4,876,356.76. Twenty per cent duty, or tax, on this amounts to the sum of $975,271.35. Heretofore these items have been on the free list; now, it is proposed to tax the farmers of the South in order that the trusts and great industrial corporations may not be required to pay their quota toward defraying the expenses of the Government.

It may be claimed by some that the 20 per cent duty levied in section 3 will not apply to potash shipped from Germany, unless conditions are such that the provisions of section 4 apply to the imports from Germany enumerated in paragraph 3 and particularly including paragraph 652, relative to potash. Section 4 of the Payne bill reads as follows:

SEC. 4. Until sixty days after the passage of this act, and whenever thereafter any country, province, dependency, or colony admits each and every article imported into said country, province, dependency, or colony from the United States, or any of its possessions, the growth or product, in whole or in part, of the soil or industry of the United States or any territory belonging thereto, upon payment thereon of duties, imposts, excises, or taxes which shall not be in excess of those levied upon like articles imported from any other country, province, dependency, or colony, and admits such articles on terms as favorable as those accorded to any article imported from any other country, province, dependency, or colony, there shall be levied, collected, and paid upon articles imported into the United States, and all territory belonging thereto (except the Philippine Islands), from such country, province, dependency, or colony, the growth or product of the soil or industry of such country, province, dependency, or colony, and whether such articles are shipped from the ports of such country, province, dependency, or colony, or from any other foreign port or ports, the rates of duty prescribed in section 1 of this act, and in like cases the articles mentioned in section 2 of this act shall be admitted free of duty.

Whenever, on or after sixty days after the passage of this act, any country, province, dependency, or colony discriminates against any article imported from the United States, or any territory belonging thereto, the growth or product in whole or in part of the soil or industry of the United States, or any territory belonging thereto, by levying duties, imposts, excises, or taxes thereon in excess of those levied upon similar articles imported from any other country, province, dependency, or colony, or in any way fails to admit any article imported from the United States, or any territory belonging thereto, on terms as favorable as those accorded to any article imported from, and the products of any other country, province, dependency, or colony, there shall be levied, collected, and paid upon all articles imported into the United States, or any territory belonging thereto, the growth or product of the soil or industry of such country, province, dependency, or colony so discriminating against any article imported from the United States, the rates of duty prescribed in section 3 of this act: *Provided, however*, That these provisions for additional duties shall not apply to the cases where the preferential duties to other countries are those who are given by a province, dependency, or colony to the mother country only.

It is a notable fact worthy of all condemnation that the Payne bill in section 4 substitutes maximum and minimum rates for

reciprocal rates provided in section 4, the corresponding section in the Dingley law. In other words, the Dingley law in section 4 provides for reciprocal treaties with other countries.

It will be observed that the proviso in section 4 specifies that the additional duty shall not be imposed where the preference is given by "province, dependency, or colony to the mother country only." Germany has three forms of tariff—maximum, conventional, preferential. The United States by treaties is only entitled to the conventional rate of tariff with Germany. Should Germany give a preferential rate on an article imported from any other country or one of her provinces, dependencies, or colonies, which she denies the like imports from the United States, then the rate imposed in section 3 is applicable.

Nearly all of the sulphate and muriate of potash brought into this country comes from Germany. At the present time Germany discriminates against us on considerably more than 100 articles or tariff numbers by giving preferential rates to other countries. In my humble judgment, she will never make the concessions we demand in this bill; therefore, in sixty days from the passage of the bill the maximum rate goes into effect and a 20 per cent duty is placed on all sulphate and muriate of potash imported from Germany into this country.

Now, gentlemen, potash is used extensively in the manipulation of nearly all fertilizers used in the South. Therefore, this tax places a burden upon every man who grows cotton and tobacco in the South, Pennsylvania, Connecticut, and elsewhere. It does seem that in selecting this item the committee was evidently armed with a "search warrant" to find a paragraph which would injure the farmers of the South and tobacco growers of other sections.

You can not claim that you are protecting anything by this, for we do not produce sulphate or muriate of potash in this country. You gentlemen of the Republican side claim to be the friend of the farmer, and yet you would place this burden upon him. Every time a poor man comes to town with his mule and cart and carries home a bag of fertilizer he will realize more and more your deceit and treachery.

I suppose, Mr. Chairman, that this will tax the cotton grower more heavily than anyone else. In the name of high Heaven, has he not troubles enough? Some one has well said that it took thirteen months to make a cotton crop. If many of you gentlemen on the Republican side of this Chamber were forced to go South and make a support for yourself and families growing cotton under conditions as they have existed for the past twenty-five years, you would raise a howl over this tax that would be heard around the Nation. Gentlemen, I appeal to you not to place this tax upon the people of the South, who now bear more of the burdens and receive less of the benefits of the tariff than any section of the country.

The southern cotton grower not only clothes the world, but he holds the balance of trade in favor of this country. In the name of common fairness, is he not entitled to some consideration?

And now, Mr. Chairman, though in a measure tied as I am because of my being on this side of the Chamber, yet I feel that I would be untrue to myself and untrue to the millions of farmers who must bear this burden did I not enter my most vigorous protest against such unfair, unjust, and discriminatory legislation. [Applause on the Democratic side.]

Mr. HILL. Mr. Chairman, I move that the committee do now rise.

The question was taken; and the motion was agreed to.

The committee accordingly rose; and Mr. OLCOTT having resumed the chair as Speaker pro tempore, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1438, and had instructed him to report that it had come to no resolution thereon.

The SPEAKER pro tempore. The hour of 6 o'clock p. m. having arrived, the House will stand in recess until 8 o'clock this evening.

AFTER RECESS.

The recess having expired, at 8 o'clock p. m. the House was called to order by Mr. OLCOTT, the Speaker pro tempore.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438, Mr. OLMSTED in the chair.

Mr. RAINEY. Mr. Chairman, the day of reckoning has come at last. For ten years the Republican party has promised a substantial revision of the tariff—a proper readjustment of the burdens of tariff taxation. Every two years, just before the elections, the Republican party has promised a revison of the tariff by the friends of the theory of protection, and upon that promise that party, for the last decade, has succeeded always in electing a majority of this House. Just after the elections, however, the leaders of the party have invariably pointed to large Republican majorities as an evidence of the alleged fact that there was no demand in the country for a revision of the tariff, and so the years dragged their weary length along. On the farms of the West men labored under the burning sun of summer and paid tribute to the trusts; in the East, amid the clang of machinery, men toiled and paid tribute to the trusts, and saw the product of their own brain and muscle sell 3,000 miles away, in the capitals of Europe, 25 and 50 per cent cheaper than they themselves could buy it in the markets of the city where they labored. A feeling of unrest prevailed last year throughout the country.

In order to carry the elections last fall, it was necessary to make a promise that apparently meant something, and the Republican candidate for the presidency, rising to the demands of the occasion, agreed, in the event of his election, to call Congress in extra session immediately after his inauguration for the purpose of revising the tariff. He has kept that promise, and we are here now for that purpose. For over a week, day and night, this debate has dragged on. The country now understands the situation. The bill you propose retains all the bad features of the present law and adds many new features infinitely worse. [Applause on the Democratic side.] It is a Republican measure pure and simple. The Republican members of the Ways and Means Committee boast of the fact that they excluded the Democratic members of that committee from their deliberations, and, consulting only the trusts and the law-defying corporations, framed this the most infamous measure of tariff oppression ever conceived by tariff beneficiaries and their representatives.

THIS BILL TO INCREASE BONDED INDEBTEDNESS AND TO TAX INHERITANCES.

The bill we are considering proposes to increase the bonded indebtedness of the country by hundreds of millions of dollars in order to avoid disturbing the tariff barons of the land in their enjoyment of ill-gotten gains. This measure proposes to invade the States and levy a tax on inheritances. Nearly 30 of our States now levy a tax of this character. The National Government proposes now, in this measure, to usurp the functions of the State, and to levy additional inheritance taxes. Under prior Republican tariffs everything was taxed from the cradle to the grave—clothes, food, medicines, books, the tools of the artisan, and, finally, the very boards out of which his modest coffin was constructed, the nails which held it together, and the hammer which drove them into the yielding wood. This bill goes further than that, however, and fines his widow and children because he is dead. The poorer he was, the more it is proposed to fine his widow and children. If he only leaves $500 worth of property, the fine for dying is fixed at 5 per cent of that amount; if, however, he leaves $100,000 worth of property, the fine is only 1 per cent, and so this bill preserves, even in this feature, the Republican policy of compelling the poor to bear the real burden of paying the expenses of government—the same old Republican policy of making the rich richer and the poor poorer.

BEER AND OIL PROTECTED IN THIS MEASURE.

There has been a pretended attempt for some years to regulate railroads, but even the pretense has vanished now, and a great railroad attorney sits in the counsel chamber of the President. A great temperance wave has just swept over the country; but the President of the United States, safe behind his substantial majority, has defied it all and has given an important place in his Cabinet to the personal attorney of the greatest brewer in the world, who contributed $50,000 to the Republican campaign fund last fall. With a fine of $29,000,000 hanging over him, the head of the Standard Oil trust called on the President-elect, pledged to carry out the policies of the man who made the fine possible, and to-day the Standard Oil Company is represented in the Cabinet of the President. No sane man ever expected a dollar of this fine to be paid, and a few days ago the fine was set aside by the courts. The present administration is taking no further serious steps against the Standard Oil.

Beer and oil seem to have played a prominent part in the framing of the present tariff bill. The tax on gloves, cotton goods, and hosiery is increased 20 per cent, but the country is safe—no additional burden is placed on beer and the countervailing duty is preserved on petroleum. In fact, this bill comes to the relief of the millionaire brewers of the country and proposes to give them cheaper raw material by reducing the tax on barley. The millions of voters in this country who have been lead to believe that a real fight was being waged against the

Standard Oil trust and who have been registering their protest at the polls against beer will be glad to know that beer and oil have both been taken care of in this bill. There may be a tax on coffee; the burden of maintaining the breakfast table may be increased; but beer is safe and oil is safe, and contributions from millionaire brewers and Standard Oil magnates will continue to pour into the treasury of the national Republican committee. [Applause on the Democratic side.]

FREE LUMBER.

The demand for free lumber is almost universal; it has been granted in part by this bill; kindling wood is now on the free list. [Laughter and applause on the Democratic side.] The tax on American homes and home builders continues, but the Republican party in future campaigns can call attention to this important concession; and the farmer of the West has now the opportunity, if he cares to accept it, of purchasing his kindling wood in Canada and bringing it in free of duty. I apprehend, however, that there will be no great rush across our northern boundary for kindling wood.

INCREASE OF TARIFF TAXATION.

There are four or five thousand articles embraced in our tariff schedules. This bill reduces the tariff tax on less than 400 articles. The juggling of ad valorem and specific duties in the present bill makes it impossible to tell upon how many articles the tariff is raised. The comparison of the Payne tariff bill with the present tariff law prepared under the direction of the Committee on Ways and Means, which means the Republican members of that committee, and which is now a public document, shows that the tariff tax is increased from 44.16 per cent under the present law to 45.72 per cent under the pending bill.

It is impossible, however, to tell how much the pending bill will increase the rate provided for in the Dingley law. The actual effect of the maximum and minimum provisions of this bill can not be fully understood at the present time. They certainly can, under no circumstances, at any time lower the rate of duty. They amount in reality to an emphatic declaration of trade war against every nation in the world. Our position will be, if this bill becomes a law, that whenever any nation in the world gives the slightest preference on the most unimportant little article imported into that country from any other country, or even from any of its provinces, automatically and at once we put into operation on everything we import from that country the maximum tariff rates, which are to be made by adding to the rates prescribed by this bill sometimes one-fourth, sometimes one-fifth of the same. In other words, if the rate is under the present bill 50 per cent ad valorem on some particular schedule, automatically and without notice that rate becomes over 60 per cent ad valorem. I undertake to say that it will be impossible to find at any time in the future a commercial nation which does not on some little article give some slight preference over us to some other nation or to some one of its own provinces.

The real effect of the present bill, therefore, is not to raise the tariff taxes 1 or 2 per cent over the present law, but to raise the tariff taxes 20 or 30 per cent over the present law. [Applause on the Democratic side.]

WATCHES.

Now, Mr. Chairman, I think I have more present now than I had a few minutes ago; in fact, I seem to have an excellent audience—for a night audience. In view of that fact, I want to discuss just one feature of this bill as briefly as I can, and to point out one more "joker" for the benefit of my old friend, the watch trust. [Laughter and applause on the Democratic side.] It has been nearly three years now since I talked about watches on this floor. I have spent a large portion of that time trying to get the watch trust prosecuted, but it seems, under a Republican administration, to have grown stronger and stronger all the time, and stands to-day in this bill shoulder to shoulder with beer, and shoulder to shoulder with Standard Oil and its products. You can usually find in the watch schedule of a Republican bill a fair index of the entire bill. [Applause on the Democratic side.] Under the Dingley law the tax imposed upon imported watches was higher than it ever was before. After the Dingley law went into operation this great watch combination was formed. Under a pretense of revising the tariff downward, this schedule has been juggled, as all these other schedules have been juggled, by switching tariffs from specific to ad valorem and from ad valorem to specific, adding ad valorem tariffs to specific tariffs, until it takes an expert to know what they mean. [Applause on the Democratic side.]

This bill was framed without consulting any Democratic members of the committee; in fact, the Republican members of the Committee on Ways and Means openly boast that they excluded the Democratic members from their deliberations while framing the bill; and while they do not openly boast of this further fact, the bill shows that in framing it they consulted only the representatives of the trusts. There is not any lowering of the duty in the watch schedule. In this bill a method has been found to increase almost 100 per cent the tariff on the poor man's watch.

PRICE OF POOR MAN'S WATCH TO BE INCREASED.

Watches are divided into two classes. The more expensive watches—those containing 17 jewels, and more than that—are known as "railroad movements." The watch trust, under a Republican administration, has found a way to protect itself absolutely so far as these movements are concerned. I have shown on this floor before that every jobber, if he wants to handle their goods at all, is compelled to agree to sell railroad movements for not less than a certain price, and every retailer is compelled to agree to sell railroad movements at a certain minimum price. It does not matter how much more than that they charge. Their mode of fixing in this way the price of watches does not extend to the cheaper grades. In this bill they have found a way to increase the price of these cheaper grades.

Under the tariff of 1894 the duty on all watch movements was 25 per cent ad valorem. The present tariff law retained the ad valorem duties and added certain specific duties, and the present tariff law made possible the watch trust in this country. The bill we are now considering increases the tariff tax on all the cheaper grades of watches. It does not change the tariff as to the watches containing 17 jewels and more than 17. In the Payne bill there is a specific duty of $1.25 on a 17-jewel watch, in addition to a duty of 25 per cent ad valorem. On watches containing more than 17 jewels the specific duty is $3 each, and to that is added 25 per cent ad valorem. This is not an increase. The same rates are charged in the Dingley bill. The bill we are considering, however, abandons the ad valorem duties of 25 per cent on all grades of movements containing less than 17 jewels, and the 7-jewel movement is taxed 70 cents specific; the 11-jewel movement, $1.35 specific; the 15-jewel movement, $1.85 specific. Under the present law there is a tax of 35 cents on each movement containing 7 jewels and less than that, to which was added 25 per cent ad valorem. The tax on movements containing 11 jewels and more than 7 jewels, under the present Dingley schedules, is 50 cents each, and 25 per cent ad valorem. On watches containing 15 jewels the tax is 75 cents each, and 25 per cent ad valorem.

Assuming that the unit value of watch movements is 85 cents under the Dingley law, a 7-jewel movement would be taxed 35 cents plus 25 per cent ad valorem. In other words, under the present Dingley schedules, a watch movement costing, at wholesale, 85 cents would pay a duty of 56 cents. Under the Payne bill the duty on this movement would be 70 cents, an increase of nearly 50 per cent. The New York Standard Watch Company filed a brief with the Ways and Means Committee in which they claim that a Swiss movement can be produced in Switzerland for 50 cents wholesale. Under the Dingley tariff the tax on this watch would be 47 cents. In the proposed bill the tariff would be 70 cents. Under the present law the tariff on a watch of this character is over 100 per cent. This certainly ought to satisfy the watchmakers in this country. Under the proposed bill, however, the tariff will be 125 per cent.

The object of this schedule in the Payne bill is, therefore, to increase the price of the poor man's watch, and the effect will be to practically prohibit the importations of the cheaper grades from Switzerland, and therefore to enable the watchmakers of this country to fix prices to suit themselves. The burden falls upon the retailers and the ultimate consumers. This bill is supposed to be a revenue measure, and yet, in this schedule, the effort is to exclude from the Treasury the revenue heretofore derived, even under the high Dingley rates, from watches.

PROPOSED WATCH SCHEDULE MEANS LOSS OF REVENUE.

In 1907 the importations of watch movements containing 7 jewels and less amounted to 857,184, and upon this grade of watch movements in that year alone there was collected duties to the amount of $482,847.33. There was in 1907 brought into the United States only 18,600 watch movements containing 17 jewels, and only 6,113 watch movements containing more than 17 jewels. The 17-jewel movements and the movements containing more than 17 jewels paid in that year a revenue amounting to only $118,441.50. From this showing it can be seen at once that the poor man's watch has in reality been paying the revenue derived from this schedule. The more expensive grades pay only a small portion of it. As a revenue measure, therefore, this bill, having the effect of excluding the cheaper movements from this country, has the effect of increasing not only to the poor man the price of his watch, but it has the effect of decreasing the revenue heretofore derived from watches.

THE JOKER IN THE WATCH SCHEDULE.

The watch manufacturers, however, fearing that it might be possible for some Swiss movements to get over this proposed high tariff wall and interfere with their plans for exacting tribute from retailers and consumers, have provided a joker, which the Republican members of the Ways and Means Committee have kindly included in this bill.

Section 189 of the Payne bill contains the following proviso:

Provided, That all watch movements and cases of foreign manufacture shall have the name of the manufacturer and of the city, town, or village, and country of manufacture cut, engraved, or die-sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively; and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

I am delighted to see that I have now present a large number of the Republican Members of this body, and I appreciate the attention my argument is receiving on that side of the House. In order to be able to make perfectly clear the effect of this proviso, I have brought into the House to-night certain Swiss watches. They are from the establishment of A. Wittnauer & Co., of New York City. This firm is among the largest of the importers of Swiss watches. Practically all of the watches imported into this country come from Switzerland. I have here a watch which is marked, for the purpose of this argument, No. 1. It is what is known as a "ball watch." No firm in this country manufactures anything like it. It is one of the smallest watches made. The dial of the watch is less than one-quarter of an inch across, and the entire watch could be put in the end of an ordinary sized lead pencil; and yet it is a complete watch.

The watch is hardly as large as an ordinary hazelnut. I would like to have some gentleman on the other side of the House explain how it is possible to engrave, or cut, or sink conspicuously or indelibly on the plate of the movement, and on the inside of this case, the name of the manufacturer, the name of the city, town, or village where this watch is manufactured, the country where it is manufactured, the number of jewels the watch contains, and the number of adjustments the watch contains, expressed both in words and in Arabic numbers. I submit that it is physically impossible to comply with these requirements, and this bill would exclude absolutely on account of this proviso alone from the United States this beautiful little watch.

I have here another watch, marked No. 2, for convenience, on the tag attached to it. This movement is just a fraction larger perhaps than the one I have just displayed. It is, of course, impossible to mark this movement in any of the ways indicated, on account of the small size of the watch. This watch is known as a "locket watch." It has considerable sale in this country and is incased in a locket-shaped case when sold. This little watch, marked on the tag No. 3, is a trifle larger than the other, but not large enough to contain the legend required by this bill. The watches I have been displaying are of the more expensive kind. The ball watch sells in this country at wholesale for $115, case and all. The locket watch sells at wholesale in this country for $78 in the case. The movement in the watch I am now displaying sells at wholesale in this country for $70. It is incased in an American case, and the case sells at wholesale for $15. These watches would probably retail for 33 per cent more than the wholesale price. There is no attempt, however, on the part of importers to regulate the retail price of Swiss watches in this country, and retailers are at liberty to fix their own price.

This little jewel-size silver watch, marked on the tag No. 4, is of a slightly different pattern from the others. It sells in this country at wholesale for $12.50, and is what is known as a silver "Niello" watch.

The watch marked No. 5 on the tag is also a jewel-size watch. The price of the movement at wholesale in this country is $12.50. The movement is contained in the American case and the price of the case is $4.50 at wholesale.

The two watches I am displaying now, marked No. 6 and No. 7 on the tags, are much larger in size. No. 6 is the equivalent of a 12-size American watch. No. 7 is as large as a 14-size American watch. The ordinary American watch of this size would have in it plates large enough to contain several words. I am displaying these two watches, however, for the purpose of showing that these models do not contain room for the smallest inscription. It is not possible to find in them a plate large enough to contain any inscription, and certainly not the long pedigree required by the bill we are considering. I have displayed only ordinary models of the Swiss watches imported to this country. All of them show, whether they are large or small, the absolute physical impossibility of engraving upon the Swiss-watch movements the matter required by this bill.

In these larger watches it would be possible, of course, to comply with the law so far as the case is concerned, but the larger movements are usually encased in American cases. In order to more fully explain this particular phase of the bill, I will print here a letter from the company which so kindly loaned these watches to me. This firm is well known on two continents, and its standing can not be questioned.

A. WITTNAUER COMPANY,
MANUFACTURERS OF WATCHES, 9–13 MAIDEN LANE,
New York, March 27, 1909.

The Hon. H. T. RAINEY,
House of Representatives, Washington, D. C.

DEAR SIR: At your request, we are sending to you by to-day's express, prepaid, the following watches, the numbers indicated below being duplicated by the same numbers on the tag attached to each article. All of the watches are intended to illustrate the physical impossibility of complying with the proposed regulations as to the marking of watch movements and watch cases.

No. 1. This article, which is called a "ball watch," has admittedly no surface whatever inside the case or movement whereby we could comply with said regulations. It would, of course, be absurd to insist upon putting these requirements upon the outside of the case, inasmuch as it would obviously render the article unsalable.

No. 2. On this watch the same argument is offered as on the preceding, and is merely sent to show a variety.

No. 3. On this article, although a regularly made Swiss watch, it is admittedly impossible to comply with the proposed markings, as there is not surface enough on the entire movement on which to place the required wording.

No. 4. This watch will give you a good idea of a medium-sized Swiss watch, of a model at present largely imported. Here, also, although much larger in size than the preceding examples, it is obviously impossible to comply with the proposed regulations.

No. 5. This watch is the same size as the preceding and is intended to show that although of a different pattern of movement, here also there is no room whatever for the lengthy pedigree required.

No. 6. We are sending this model to refute any objection that may be made against the size of the former models. You can easily see that notwithstanding the large size of this watch there is absolutely no room on the surface of this movement for even the smallest inscription.

No. 7. We are sending this, which is equal to the No. 14 size American watch, to show good faith in our contention that modern watches are so made that it would, in nearly all instances, be impossible to comply with the regulations, requiring the lengthy pedigree proposed.

We would call your attention to the fact that No. 5 and No. 6 are both cased in American cases, and desire to say that the larger portion of all foreign movements imported are cased in this country in American-made cases.

We trust that these 7 models will be conclusive evidence that our request to leave the marking of watches the same as at present is correct in every respect and furthermore, we might add, that a large portion of the retail trade of the United States imports most of their foreign watches, with their own trade names and places of business, in the United States, which it is certainly their privilege to do, besides being a resident guarantee to the purchaser to the American consumer, who has an American firm to fall back upon. Furthermore, if the proposed regulations were to be enforced, it would react as an injury to the retail dealer, inasmuch as by being compelled to have his wares marked with the name of the maker, place of production, etc., there would be no reason why the consumer could not be in direct communication with the European manufacturer, purchase there, and if purchased there in person, the article would then be brought in as personal property, thus working injury to the retail dealer who loses legitimate profit to which he is normally entitled, besides losing the revenue to the Government, which is no small item.

We would add again that if the regulations were to be enforced, it would, as you can judge by most of the exhibits sent, prevent the importation of a large quantity of watches, which at present represent considerable revenue to the Government.

Without wishing to take up too much of your time, yet we would like to touch in a few words the fact that the proposed increase of duty on the movements having 15 jewels and less, if enforced, will, first, cause a considerable shrinkage in the amount of Swiss watches imported, to the serious detriment of the revenue, which from the standpoint of your honorable body is the main object of the Payne bill. Second, there are several independent American watch-case factories which derive a very large portion, if not their entire business, from their imported movements, classed from 7 jewels and less, and if therefore the importation of this class of Swiss movements is curtailed by the proposed new duties, aside from the fact that the revenue from this importation will be lost, these various American case factories will be compelled to reduce their output and even go entirely out of business.

In conclusion, we desire to register the fact that we are not asking an impossibility; we believe in reasonable protection for home industries and for revenue, but, as is well known, the American watch industry has for many years, and even previous to the Dingley Act, needed no protection above the old 25 per cent ad valorem to become a power in the land and so increase their output as to be able to control not only home models, but seriously compete with foreign watches in their place of production.

We wish you every success in your argument and desire to thank you for the interest you have taken, and beg to remain,

Very sincerely, yours,

A. WITTNAUER CO.,
V. C. DESSIAN, *Secretary.*

Certain alleged Swiss movements were displayed before the Ways and Means Committee. All of them were supplied with plates large enough to contain this legend. I have had the pleasure of inspecting these movements. It is impossible to believe any of them could be sold in this country to any appreciable extent. No respectable retailer would think of carrying them in his stock, and no watch purchaser with the slightest degree of judgment and ordinary common sense could be in-

duced to buy them at any price. It would surprise me very much to learn that any of them could be made to run for as long as sixty minutes. It is absurd to say that these models could injure in this country the business of any watchmaker. Any ordinary blacksmith ought to be able to make a better watch than the watches displayed before the Ways and Means Committee, on account of which they claim this proviso was inserted in this bill. I challenge the watch manufacturers in this country to name a single reputable retailer who carries in his stock the movements they displayed before the Ways and Means Committee. A watch manufacturer in this country whose business is injured by such clumsy watch-movement imitations as these has no right to continue in the business of manufacturing watch movements in this country. [Applause.]

The great firm of Tiffany & Co., in New York, sell only Swiss watches. The purchaser of a "Tiffany watch" buys a Swiss watch. This great firm simply prints across the dial of the watch the word "Tiffany" and indicates in some place on the watch the fact that it is of Swiss make. They become, therefore, responsible for the watch. If the watch is defective in any particular, the purchaser relies upon Tiffany to make it good. This firm has built up its watch business by extensive advertising. If it is compelled now to engrave on a watch movement the matter required by this bill, the watch business of this firm would be completely ruined. Any retailer operating in any part of the country where rents are cheap would be able to take advantage of all the advertising Tiffany might do. He could order "Tiffany" watches direct from the makers in Switzerland and could point to the fact that they were identical with the watches Tiffany was selling, except that they did not contain on the dial the word "Tiffany." The effect of years of advertising and business enterprise will be completely and immediately destroyed by this bill, even assuming that it is possible to so modify the Swiss movements that they will contain a plate large enough to permit the legend required in this bill to be engraved on the same.

Admitting that it is possible to induce the Swiss watchmakers to modify their methods of making watch movements so as to insert in the movement a plate large enough to contain the required inscription, I respectfully insist that this law would compel every consumer who purchases a Swiss watch to carry around with him the business card of a Swiss firm 3,000 miles away. Many thousand American tourists visit Europe every year. Nearly every one of them goes to Switzerland. This law—if it is possible to carry it into effect, and if it is possible to keep up the importation of Swiss watches—will therefore have the effect of fully advising American tourists as to the location of the great Swiss watch factories, and any one of them can go directly to the manufacturer and buy there his Swiss watch and bring it back, free of duty, through our customhouses. Swiss watches purchased by Americans who go abroad are usually of the most expensive type, watches costing from $300 to $500, and even more than that; watches which strike the hour and quarter hours, and watches which contain other curious and unusual features. I submit that this situation would be most undesirable from many standpoints.

In nearly all our large cities great firms of retailers can be found who handle only the Swiss watches. The Tiffany firm is not the only American firm that will be injured by this bill. The proposition in this schedule, therefore, will have the following effect:

First. To increase the cost of the poor man's watch.

Second. To make it impossible to import the cheaper Swiss watches at all on account of the prohibitive duty on the same.

Third. The bill will deprive the Government of practically all the revenue it collects on watches.

Fourth. Assuming that the tariff is not absolutely prohibitive, this proviso is intended to make it physically impossible, in the case of Swiss watches, to comply with the same.

Fifth. Assuming that the Swiss manufacturers will for our benefit modify their method of constructing movements so as to permit this legend to be engraved on the movement, and assuming that watches can be brought in at the rates provided in this bill, to handle Swiss watches would completely ruin the watch business of any ambitious advertising retailer.

Sixth. The physical impossibility of engraving the required matter on the movements and on the cases of the smaller watches would, in the absence of anything else, absolutely prohibit the importation to this country of the smaller watches.

Seventh. There are six large independent watch-case manufacturing companies in the United States. Their product is used largely for the purpose of encasing the cheaper grades of Swiss movements. If the cheaper grades of Swiss movements can not be brought into the country, we may expect the greater number of these watch-case companies to be driven out of business.

WATCH CASES.

The American watch trust could therefore fix its own price on all watch cases. The watch trust controls—as every retailer in this country well knows—the following watch-case companies: The Crescent Watch Case Company, of Philadelphia; the Keystone Watch Case Company, of Newark, N. J.; and the Philadelphia Watch Case Company, of Riverside, N. J.

There are no other companies than these trust companies and six independent watch-case companies engaged in the manufacture of watch cases in this country, except the Dueber-Hampden Company; and inasmuch as this latter company only manufactures cases for its own movements, it would not perhaps be seriously affected.

IMITATION SWISS WATCHES.

I have here a letter from an independent watch-case maker in this connection, which I will presently read. The makers of watch movements in this country are so sure that the provision I have been discussing will become a law that they have for a long time been getting ready for it; and within the last few days they have placed upon the market a watch which I was able yesterday to secure. It purports to be made by the Swiss-Anglo Association, of Liverpool and New York; as a matter of fact, it is made in New Haven, Conn. It will surprise many Members of this House to know that it is proposed to sell at wholesale this watch, complete—case and movement—for 75 cents. I have had it now for about two days, and have kept it wound up. I set it yesterday by the clock over the Speaker's desk, and I can testify that for nearly two days it has kept the best of time.

In the face of the fact that our watchmakers can produce this watch and sell it complete, case and all, at home and abroad, for 75 cents, is it not absurd to insist that in order to protect them it is necessary to insert a provision in this bill by which the very cheapest Swiss movement is taxed 70 cents in addition to 40 per cent ad valorem on the case that contains it?

I want to call attention to the fact that this watch is called the "Swiss-Anglo" watch. It is, as you see, an open-face watch, provided with a very heavy crystal, and although no part of even the material that goes into the watch was brought from Switzerland—although it is completely manufactured in this country—they propose to call it the "Swiss-Anglo" watch. This watch is evidently to be placed on the market to take the place of the cheaper Swiss movements, when, by the operation of the schedule we are considering, the cheaper Swiss movements are absolutely excluded from this country. This watch can be sold to a purchaser who wants a cheap Swiss watch, and he can be made to believe he is getting a watch of that character.

They have just commenced to advertise in the trade papers the watch I am now displaying, and I have here some advertisements clipped from watch-trade papers now advertising the watch. I do not know just what connection the American watch combination has with this so-called "Swiss-Anglo" watch. I want to call attention to the fact that the watch as placed upon the market is sent out in this neat little box, with a hinged lid, and that the watch itself is contained in a chamois bag. The cheaper grades of watches are usually sent out in little canvas bags, like the one I hold now in my hand. If the watch trust is not interested in this particular watch, those gentlemen who are putting it on the market, whoever they are, have copied very closely their methods, and in order to show that this watch is intended to be sold all over the world, I propose to print here, for the benefit of the retail watch dealers of the country, the guaranty and agreement which appears printed here on the bottom of this little box which contains the watch:

License.

THE SWISS-ANGLO ASSOCIATION,
LIVERPOOL AND NEW YORK.

Agencies in London, Toronto, Chicago, and San Francisco.

The movement fitted in this watch is completely covered by the strongest basic patents, and is not sold separately from the case. Any infringement will be rigorously prosecuted.

Guaranty: The watch carries with it our guaranty, and if without misuse it should fail to keep good time, it should be at once returned to any of our branches, preferably New York, together with 6 pence (or 12 cents) for packing and remailing, and it will be repaired free of charge.

AGREEMENT.

The finished watch is sold under the following agreement, assented to by purchase and controlling all sales and uses thereof, any violation of which agreement revokes and terminates all rights and license as to watches of makers in violator's possession, and, continued, subjects the violator to suit for infringement of said letters patent:

1. Jobbers may sell only to retail dealers, and accompanied by this notice, and may sell only at rates specified in the schedules.

2. Retailers may advertise and sell only to buyers for use at 6s. 3d., 7 francs 85 centimes, $1.50, 6 marks 35 pfennigs, 2 rubles 95 copecks.

No rebate or bonus allowed with any sale at wholesale or retail.

One absolutely standard price, f. o. b. London, Liverpool, Chicago, or New York.
3. Guaranty, with date of sale, with each watch.

Not long ago I notified these gentlemen that I was going to make this speech—I mean the gentlemen who have been defending the watch trust.

Mr. TIRRELL. That being the case, will the gentleman answer one or two questions?

Mr. RAINEY. With great pleasure.

Mr. TIRRELL. The gentleman stated at the opening of his remarks that the watch trust had got in their work, the raising of duties in the Payne bill. Can the gentleman tell us by whose brief or testimony or evidence the rates were changed in the Payne bill? Is he informed on that subject?

Mr. RAINEY. Inasmuch as the majority members of the Committee on Ways and Means would not even permit the Democrats who were members of that committee to be present when they framed the schedules, I can not say what influences were brought to bear on the Republican members of the Ways and Means Committee. [Applause on the Democratic side.]

Mr. TIRRELL. Then the gentleman has not seen the brief which was filed.

Mr. RAINEY. I have seen all the briefs that have been filed, including the brief filed by young Mr. Dueber, to whom the gentleman evidently refers. I want to say that his father, who built up that great business, spent the last years of his life fighting the watch trust.

Mr. TIRRELL. On June 25, 1906, did not the gentleman say, in reference to that concern whose brief has been filed with the Committee on Ways and Means, in regard to the watch trust——

Mr. RAINEY. I can make the gentleman's question much shorter by saying that I said a great many complimentary things about the Dueber Company. I said a great many complimentary things about the old gentleman who built up that great industry, and who spent his life fighting the watch trust. And the watch trust is probably delighted with the fact that he is now dead. [Laughter on the Democratic side.]

Mr. TIRRELL. Did not the gentleman say at that time that the Dueber-Hampden Company is the strongest opponent of the watch trust——

Mr. RAINEY. Yes; and I could not think of any greater compliment at that time, and I am sorry I can not say it now.

Mr. TIRRELL. Does not the gentleman know that the company filed a brief and furnished the evidence on which the tariff on watches has been changed?

Mr. RAINEY. No; I do not know it.

Mr. TIRRELL. And that this company whom you alluded to as the most independent and vigorous opponent of the watch trust, this very company, is the one that has recommended the changes in the watch tariff, and the reason given principally——

Mr. RAINEY. What authority has the gentleman for disclosing the secrets of the Committee on Ways and Means?

Mr. TIRRELL. Because I had sources of information that perhaps the gentleman did not possess.

Mr. RAINEY. And nobody else. [Applause on the Democratic side.]

Mr. TIRRELL. That is an assertion that will compare with some of the assertions the gentleman has made about the watch trust.

Mr. RAINEY. I want to congratulate the gentleman. It is evident from the work the Republican members of the Ways and Means Committee have been doing that the gentleman who defends always upon this floor with so much energy and so much ability one of the most infamous trusts in this country has had access to the Republican members of the Ways and Means Committee when they were framing this bill to such an extent that they consulted him and told him what they are going to do with reference to this particular schedule.

Mr. TIRRELL. The information was open to the inspection of the gentleman from Illinois, if he had had the industry to look it up.

Mr. RAINEY. The gentleman can not charge me with lack of industry.

Mr. TIRRELL. I want to ask the gentleman if this very company to whom he has alluded as the opponent of the watch trust is not the principal witness, and the one that furnished the principal evidence giving the reasons for the changes in the watch tariff in the Payne bill?

Mr. RAINEY. The New York Standard Watch Company and various watch companies furnished evidence before the Ways and Means Committee, and also young Mr. Dueber. I have read this evidence—all of it. I told the gentleman that I read Mr. Dueber's brief. I know what he said.

Mr. TIRRELL. Then, why did not the gentleman spread it before this House?

Mr. RAINEY. I read everything having reference to watches in the hearings before the Ways and Means Committee.

Mr. TIRRELL. And the gentleman has not said one single line about anything said in that brief.

Mr. RAINEY. I know all about everything that was printed. I did not know, as the representatives of the trust seem now to know, just exactly what the Republican Members were going to do. [Applause on the Democratic side.]

Mr. TIRRELL. And the gentleman should know that the independent men, who the gentleman says are outside of the trust, are those who furnished the evidence upon which the present schedule was prepared.

Mr. RAINEY. That is the trouble about the protective tariff. It reaches down through all ranks of men and corrupts everybody it touches. You can not fight one hornet without fighting the whole colony. [Applause on the Democratic side.] Every manufacturer of anything, when he looks up high above him and sees a man worth millions of dollars which he has stolen from the people, carries around in his heart the fond hope that that system will be continued in force until some day he has had the opportunity and time enough to steal millions himself from the people.

That is the trouble with your protective system. We stand for tariff for revenue only. You stand for that system which reaches down and corrupts everything it touches, which makes men, when they see the profits of legalized robbery, anxious to continue in the career that makes that kind of robbery possible; and so you get them all together here, all agreed upon one proposition, all agreed upon the proposition that the way for thieves to succeed is to stand together and to prey upon honest men. [Applause on the Democratic side.]

Mr. TIRRELL. Mr. Chairman, in all that declamation we have not heard one fact or one argument. I want to ask the gentleman this question——

Mr. RAINEY. The gentleman can ask all the questions he wants if I can have the time to answer them.

The CHAIRMAN. The gentleman has four minutes remaining, and it rests with him whether he will yield or not.

Mr. RAINEY. Very well; I will ask the gentleman to make his question as short as he can; and if I anticipate it and answer it in advance, I hope he will acquit me of any desire to be discourteous.

Mr. TIRRELL. The gentleman has spoken about prices. Can the gentleman inform this House as to the difference in wages as it appeared in Mr. Dueber's brief between the workmen in Switzerland and in this country? As a matter of fact, is it not nearly three times as much here?

Mr. RAINEY. Oh, Mr. Chairman, that is the old story, maintaining a system that makes possible millionaries and paupers and sustaining it by calling attention to wages and wage differences. We make watches here by machinery. They simply feed metal into one end of a machine and it comes out the parts of a watch at the other end. There are no watchmakers now. The highest paid men in the watch factories are employed about what they call "assembling" watches. This tariff is for the benefit of machines, not men, and in order that a man may earn $3 a day, it is necessary for him in some grades of these cheaper movements to assemble 100 movements a day. He can not hope to work every day, except Sunday, in a month assembling 100 movements a day. It affects a man's nervous condition, so that he is compelled to take days off occasionally. Is the gentleman through with his questions?

Mr. TIRRELL. If the gentleman would answer the question, instead of going off into a declamation, I would submit more questions.

Mr. RAINEY. I would be glad to answer them if I have the time.

The CHAIRMAN. The time of the gentleman has expired.

Mr. LUNDIN. Mr. Chairman, I ask unanimous consent that the gentleman be allowed ten minutes more to finish his remarks.

The CHAIRMAN. The Chair is not aware that the gentleman from Illinois desires ten minutes more.

Mr. RAINEY. Oh, Mr. Chairman, I will take all the time I can get, provided I am not taking up time allotted to other gentlemen.

The CHAIRMAN. The Chair will state that there are a good many gentlemen who desire to be heard.

Mr. RAINEY. I do not want to impose on other gentlemen, and I shall not ask for it.

Mr. LUNDIN. I think it nothing but fair that he be allowed ten minutes more, inasmuch as his time was taken up consid-

erably. Therefore I ask unanimous consent that he be granted ten minutes more.

The CHAIRMAN. If those gentlemen who desire to be heard are agreeable, the Chair will put the request. Is there objection? [After a pause.] The Chair hears none.

THE INDEPENDENT WATCH-CASE COMPANIES.

Mr. RAINEY. Mr. Chairman, I want to call attention to another feature of this proposition. There are six large independent watch-case manufacturing companies in the country. Their output is used largely for the purpose of encasing the Swiss movements that are brought to this country. This tariff, keeping out, as it will, Swiss movements entirely, means that most, if not all, of these independent companies will be compelled to go out of business. Now, I want to read a letter from one of them for the benefit of my friend, the gentleman from Massachusetts [Mr. TIRRELL], the watch-trust expert on the other side of this House. [Laughter on the Democratic side.] This is from the North American Watch Company, and at least the gentleman from Massachusetts, who knows so much about watch prices and the secrets of the Ways and Means Committee so far as they relate to the trusts and the protection they are getting under this bill, will admit that this particular company is not a part of the trust he defends. This letter is dated New York, March 30, 1909:

Hon. HENRY T. RAINEY, *Washington, D. C.*

DEAR SIR: The "colored person in the wood pile," or the Payne tariff, so far as the watch interests are concerned, is Mr. Zerbrugg, the president of the Standard Watch Company, of Jersey City, N. J.—

I supposed he was the man who wrote this schedule. Is the gentleman from Massachusetts familiar enough with the secrets of the Ways and Means Committee, so far as it relates to trusts and this particular infamous trust, to tell me whether he did or not?

Mr. TIRRELL. I do not know this gentleman or anything about him.

Mr. RAINEY (reading)—

The "colored person in the wood pile," or the Payne tariff, so far as the watch interests are concerned, is Mr. Zerbrugg, the president of the Standard Watch Company, of Jersey City, N. J., and the Philadelphia Watch Case Company—

And he will agree those two case companies in addition to the Keystone Company are controlled by the watch trust—

who is also the moving spirit and the "boss" of the alleged watch trust. He wishes the United States Government to give him an absolute monopoly on low-priced watches in America by putting an excessive tariff on imported movements, thus not only stopping their importation and cutting off from the Government the revenue tariff on same, but also preventing six large independent watch-case factories in this country, who have a large market for their cheaper line of watch cases with imported movements in same, from doing any business in watches of similar cost to his, and throwing all this trade into the hands of Mr. Zerbrugg and his factories. We are willing to compete with him in watch-case making, but do not desire him to shut out our customers from buying our cases with imported movements in same, by getting the United States Government to put a prohibitory duty on such movements for Mr. Zerbrugg's benefit. This is creating a monopoly by congressional action and reducing the Government's revenue on same, as no low-priced watch movements in the cheaper grades can be imported and sold in America under the Payne tariff.

Mr. Zerbrugg can and does sell his watches, which he claims cost him 72 cents at present, for $1.25; that should be profit enough for him and his infant industries.

Yours, very truly,

NORTH AMERICAN WATCH COMPANY,
W. A. MOORE, *Vice-President.*

Now, this "Swiss-Anglo" watch movement takes the place, so far as this particular factory is concerned, of the cheaper Swiss watches. They were so sure of the Ways and Means Committee of this House, just as sure as my friend from Massachusetts is, and they make a confidant of him because he is the watch-trust expert of the House, that the cheaper grades by the Payne tariff bill would be taxed 70 cents specific on the movement alone and 40 per cent ad valorem on the cases, that they put this watch out just a few days in advance of the appearance of the Payne bill.

This company could not wait. They were so sure and so anxious to take advantage of the other companies that they have put their Swiss movement, manufactured in this country, on the market now in order to take advantage of the barring out of this country by this bill of the cheap movements made in Switzerland or in any other part of the world.

Mr. WEISSE. Will the gentleman from Illinois yield for a question?

Mr. RAINEY. Yes; I will yield to anybody, and I will gladly yield to my friend from Wisconsin.

Mr. WEISSE. The gentleman from Massachusetts spoke about the labor cost in Switzerland. According to the census report, the labor cost of watches in the United States is 51 per cent; the tariff is 75 per cent. Who gets the other 24 per cent? Will the gentleman answer?

Mr. RAINEY. I can tell you who gets the other 24 per cent—you need not wait for the gentleman from Massachusetts to answer. These watch-trust millionaires the gentleman represents—some of them live in his district—get the other 24 per cent. He owes his election to the fact that watch-trust employees are compelled by their employers to vote for him. The Waltham watch factories are located in his district. He is here earning his salary. He is here repaying——

The CHAIRMAN. The Chair must call the gentleman to order. That is going a little too far.

Mr. RAINEY. The gentleman does not object; and if he does not object, it is not necessary for the Chairman to object for him.

Mr. TIRRELL. I will say to the gentleman that both Democrats and Republicans seem to like a defense of their industries on the floor of this House from the gentleman from Massachusetts.

Mr. RAINEY. I have no doubt they do.

THIS BILL AIDS THE WATCH TRUST.

I have been for some time now fighting, to the very best of my ability, the American watch trust. This bill establishes for many years to come the tyranny of the watch trust and makes it more complete than ever. No provision in the bill is so absolutely unnecessary and so oppressive as the provision I have been discussing. The American watch trust can, whenever it pleases, destroy the business of any watch jobber or watch retailer in the country. The existence of this trust was made possible by the provisions of the Dingley bill. It can become, under this bill, more oppressive than ever. It has so far received splendid assistance from Republican administrations. I called attention nearly three years ago to the business of Charles A. Keene, of 180 Broadway, New York, who at that time had commenced to reimport American-made watches. I produced on this floor the evidence of his reimportations; I brought here a number of his watches; I put the numbers of the movements in the RECORD; I challenged the companies comprising the watch trust to say that these movements were not sold abroad at the price I stated. I produced on this floor the evidence and published it in the CONGRESSIONAL RECORD in speeches I made here on the 5th and 6th days of April, 1906, and on the 25th day of June, 1906; and the evidence I produced on those occasions stands absolutely uncontradicted to-day.

A number of speeches have been made in reply to my speeches, but no Member speaking on this floor for the watch trust has ventured for a moment to refer to or discuss the evidence I presented. Articles of American manufacture can be brought back, under the Dingley law, without the payment of duty, if they have not been improved upon or advanced in value abroad. It gives me great pleasure to state that Mr. Charles A. Keene is still engaged in the business of reimporting American-made watches, and is still engaged in the business of retailing them in New York City at prices less than any American wholesaler is able to buy them for.

In view of the fact that American watches are being sold abroad at prices ridiculously low, compared with prices they charge at home, is it not now absurd to insert in this bill these prohibitory provisions, thereby fixing stronger than ever upon watch retailers and upon purchasers of watches the power of this infamous trust?

I will print at this point in my speech some letters I received recently from Mr. Keene, who has so successfully defied the trust, in which he discusses the provisions of this bill:

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
New York, March 27, 1909.

Hon. HENRY T. RAINEY,
Washington, D. C.

MY DEAR MR. RAINEY: I received the copies of the Payne bill and the Dingley tariff law of 1897, and have compared the sections you mention. I was already familiar with section 189 of the Payne bill and also section 191 of the Dingley tariff law; in regard to section 490 of the Payne bill, I do not think that has any bearing on the watch business.

When Mr. Dueber informed you that the omission of the ad valorem duty on the 7-jewel movements, on the 11-jewel movements, and on the 15-jewel movements really made the duty about the same as before, he either did not know what he was talking about, or he wished to willfully mislead you. As I told you in my letter of a few days ago, the omission of the ad valorem duty was intended for a severe blow against the very cheapest grade of watches that are imported. For instance, I have been talking with an importer to-day, one of the largest in New York, whom I have known these twenty years; he says a watch movement can actually be produced in Switzerland at 40 cents each. Under the old tariff law (before the Dingley) tariff on this movement would amount to 10 cents; under the Dingley tariff law it would amount to 45 cents; under the proposed Payne law it amounts to 70 cents. Now, then, the watch trust may say that there are some 7-jewel movements that cost a great deal more than 40 cents to produce in Switzerland that will be allowed to come into this country under the 70-cent rate. That is true, but government statistics will show that three-fourths of the movements imported into this country at the present

time contain 7 jewels and less, and the average cost to the importer is 70 cents each; the average cost to produce is something less, so you see this fact alone will nail any argument the watch trust can produce.

Now, then, under the old tariff law—that is, before the Dingley—the duty was 17½ cents; under the Dingley, 52½ cents; under the proposed Payne law, 70 cents, or 100 per cent on the average importations against a little less than 80 per cent.

Mr. Dueber was right in regard to the 11-jewel not being made very much in this country, and it is also true that they are not imported much. The 15-jewel Swiss can be made as cheap as $1.60; under the old law the duty would have been 40 cents; under the Dingley, $1.15; under the new proposed Payne bill, $1.85; and at present there is being imported in all grades of Swiss watches about $2,000,000 worth annually; and if this new Payne law goes into effect, it will keep out at least seven-eighths of these goods, therefore depriving the Government of just so much revenue. It will also deprive the American workingman of cheap watches and deprive the independent American case makers of the business they have now in making cases for these cheap Swiss movements that are imported, and to transfer the business to the Philadelphia Watch Case Company and the New York Standard Watch Company, which practically belongs to Mr. T. Zerbrug, who was one of the leaders in forming the watch trust; he also controls the Keystone and Crescent Watch Case Company.

I wish to point out to you the extreme percentage of duty in the new proposed Payne tariff bill is 70 cents on an article costing 40, or 175 per cent, and I am told by a Swiss manufacturer that the actual difference in the cost to produce one of these very cheap movements and the 11-jewel movement is 10 American cents, and the difference in the proposed new tariff is 65 cents, or about 650 per cent. I understand that Mr. A. Wittauer, of New York, is to call on you tomorrow; although I never met Mr. Wittauer but a few times I know him well by reputation. He is one of the largest importers we have. His goods are sold by the finest stores throughout this country.

I understand that Tiffany & Co., of this city, will be hit very hard if this bill becomes a law, as you are aware the bill provides that the full name and address of the manufacturer shall appear on all movements that are imported, and of course Tiffany & Co. would object to that as they have all their movements made abroad and prefer to have their own name and address put on them here, and I sincerely hope you will find time to make a strong speech in favor of having the Dingley tariff reduced, as even at the present rate the tariff fosters a trust which coerces and blacklists the dealers at will. As I said before, I am personally most interested in seeing a clause inserted in the new bill that will permit the free entry of reimported American watches as a whole or in part of American manufacture. As it is now, the Waltham and Elgin companies send their movements to Europe and have Swiss dials, hands, and some other minor parts put on which costs a few cents; then duty is charged against the entire watch when it goes back. This work is being done on their part simply to keep the goods out, and I certainly hope that you will be able to beat them at that game.

With best wishes, I remain,

Yours, very truly,

C. A. KEENE.

CHARLES A. KEENE,
WHOLESALE WATCHES AND DIAMONDS,
New York, March 20, 1909.

Hon. HENRY T. RAINEY,
Washington, D. C.

DEAR MR. RAINEY: About a week ago I sent a letter to my agents in London requesting them to cable to me in francs the actual cost in francs to produce the very cheapest grade of 11 and 15 jewel movements. You will notice by the inclosed cablegram that the 11 jewel cost 6 francs, or about $1.20; the 15 jewel 6 francs 50, or about $1.30; so you will see the new bill proposes to put a new tariff of $1.35 each on an article that costs but $1.20, and $1.85 each on an article that costs but $1.30.

Hoping you will be able to make use of this information, I remain,

Yours, very truly,

C. A. KEENE.

CHARLES A. KEENE AND THE WATCH TRUST.

Under the Dingley law and under the proposed bill it is possible by making slight alleged improvements on an article of American manufacture to prevent its reimportation to this country unless there is paid on it the full tariff rates. While the watch trust three years ago was very vigorously denying that Mr. Keene was purchasing Elgin and Waltham watches abroad at ridiculously low prices and bringing them back into this country for sale here, they were asking the assistance of the Treasury Department in their efforts to prevent the reshipment of their own watches. They were causing to be placed on their watches while abroad Swiss dials, so as to be able to claim that the watches had been "improved upon" or "advanced in value" while abroad.

At that time I wrote to the Secretary of the Treasury, asking him if he had been requested by the American Waltham Watch Company to be on the lookout for American-made watches "improved upon" while abroad, and therefore dutiable. I received a reply from him, dated the 9th day of May, 1906, in which he declined to give me information of that character. I expected this refusal before I wrote to him. I wrote to every collector at every one of our ports of entry, and I received answers from many of them which prove absolutely that at the request of the watch trust the officials of this Government stand guard at every one of our ports of entry to prevent Charles A. Keene, of New York City, from bringing back to this country the American watches he has purchased abroad at the foreign price. The bill we are considering preserves this feature of the Dingley law and makes it still possible to make alleged improvements on articles of American manufacture of only a few cents in value while those articles are abroad, and thereby prevent the bringing back of the same to this country. It will be impossible, under the rule you propose to bring in, to amend the bill, even in this particular. The party in power therefore makes it possible for American manufacturers to keep up their prices at home and to make 3,000 miles from here prices 25 and 50 per cent cheaper. Mr. Keene is able, however, I am glad to say, by carefully removing the dials they place on their product abroad, to bring American watches back into this country and to continue his business. He is still furnishing the American people with the very best evidence in existence as to the fact that our industries no longer need protection, and that we are maintaining our present system for the benefit alone of the men who have already profited to the extent of untold millions of dollars at the expense of the great mass of the American people. [Applause.]

I will print at this point in my speech some of the letters I received at the time I was investigating this matter, from the collectors at some of our ports, and I submit them as proof positive of the fact that the watch trust is exerting itself to the utmost to prevent the reshipment to this country of the goods they still insist they do not sell cheaper abroad than at home, and I submit them as an impeachment of the standing and of the veracity of the officials of the watch trust, who still make these assertions [applause]:

UNITED STATES CUSTOMS SERVICE,
Port of New York, May 7, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: Your letter of April 30 was received and held awaiting reply from the Treasury Department in regard to your application for copies of the affidavits and information lodged with this office with reference to an importation of watches by C. A. Keene, of New York.

I beg to state that I am unable to give you the desired information, for the reason that the department do not feel that they can with propriety authorize this office to supply the same.

Yours, respectfully,

J. J. COUCH,
Special Deputy Collector.

HOUSE OF REPRESENTATIVES,
Washington, D. C., May 2, 1906.

SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: Please advise me whether you have been advised by the American Waltham Watch Company, directly or through any of their agents, or by any other American watch company, directly or through any of their agents, to be on the lookout for American-made watch movements improved upon while abroad by adding Swiss dials or in some other way? Have you been requested by any watch company, or their agents, to notify the collectors at the various ports to look out for American-made watch movements improved up, and therefore dutiable? Can you send me copies of such letters of advice from any watch company? I am looking up the question of the reimportation of American-made goods, particularly the question of the reimportation of American-made watches.

Yours, truly,

HENRY T. RAINEY.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, May 8, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, United States, Washington, D. C.

SIR: In reply to your letter of the 2d instant, in which you request to be furnished with copies of letters received from certain American watch companies relative to the importation of watches made by them and sold abroad, I have the honor to state that information of the character referred to is considered as confidential by the department, and can not therefore be disclosed.

Respectfully,

L. M. SHAW, *Secretary.*

The following letter I sent to the collectors of nearly all our ports, believing that the Secretary of the Treasury would refuse to furnish the desired information. I attach some of the replies, which show how completely the Roosevelt administration indorses the method by which the watch trust attempts to make the law inoperative.

I wrote to the collectors a week before I wrote to the Secretary of the Treasury, in order that they could not be directed by the Department to refuse to furnish me with the information I desired. The wisdom of this course was fully demonstrated. The nearer you get to a Republican administration the stronger the determination is manifested to give out no information that will show the necessity for a tariff revision downward:

HOUSE OF REPRESENTATIVES, UNITED STATES,
Washington, D. C., April 24, 1906.

JOHN C. CLINE,
Collector United States Custom Service,
Port of Los Angeles, Los Angeles, Cal.

DEAR SIR: I am advised that the Waltham Watch Company, and perhaps some other American watch companies, have notified you to be on the lookout for Waltham watches imported by C. A. Keene, of New York; also advising you that these American-made watches have been finished and improved upon abroad, which makes them more valuable when returned, and therefore they are subject to duty as any foreign-made goods. Please advise me if this is true or not; also send me a copy of the letter of notification received by you from the Waltham Watch Company, or any other American watch company, together with your fees, or let me know what your fees are and I will remit.

Yours, truly,

HENRY T. RAINEY.

UNITED STATES CUSTOMS SERVICE,
OFFICE OF THE COLLECTOR,
Portland, Oreg., April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I have the honor to acknowledge receipt of your communication of the 24th instant in regard to the importation of certain watches manufactured by the Waltham Watch Company, and in answer thereto beg to inform you that no such importations have been made at this port, but this office has been instructed by the Secretary of the Treasury to assess duty on watches manufactured by this company which have been exported and returned with certain improvements. You, no doubt, can obtain the information desired from the honorable the Secretary of the Treasury, to whom the letter from the Waltham Watch Company was addressed.

Respectfully,
I. L. PATTERSON,
Collector of Customs.

UNITED STATES CUSTOMS SERVICE,
Port of Buffalo, N. Y., April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: In answer to your letter of the 24th instant regarding the Waltham Watch Company et al., I beg to say this office has had no letters from any firm direct, but did receive a copy of a letter of Robbins & Appleton, agents of the American Waltham Watch Company, of No. 21 Maiden Lane, New York City, dated April 2, 1906, to the honorable Secretary of the Treasury, which was forwarded here with department's letter of April 13, 1906, for our files.

If you will apply to the Secretary of the Treasury, you will be able to get the information desired.

Respectfully,
W. H. BRADISH,
Special Deputy Collector.

UNITED STATES CUSTOMS SERVICE,
Port of New Orleans, La., April 26, 1906.

Hon. HENRY T. RAINEY,
Committee on Labor, House of Representatives, Washington, D. C.

DEAR SIR: In reply to your letter of the 24th instant, I beg to state that the information relative to reimported American watches came from the Treasury Department, and you can doubtless obtain a copy thereof on application to the honorable Secretary of the Treasury.

Respectfully,
HENRY MCCALL, *Collector.*

UNITED STATES CUSTOMS SERVICE,
Port of Chicago, April 26, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I am in receipt of yours of the 24th instant, making inquiry whether we had received any communication from the Waltham Watch Company, or other American watch companies, in regard to the American-made watches that were being finished and improved abroad and returned to this country.

We have had no communication from the Waltham Watch Company, nor from any of the other watch companies, but our attention has been called by the Secretary of the Treasury to the reported reimportation of such watches, and we are cautioned in regard to the same.

Respectfully, yours,
WM. PENN NIXON,
Collector of Customs.

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Detroit, Mich., April 26, 1906.

Hon. HENRY T. RAINEY,
Committee on Labor, House of Representatives,
Washington, D. C.

SIR: I beg to acknowledge receipt of your communication of the 24th instant relative to the return of American-made watches to the United States after the same have been advanced in value abroad, and in reply would inform you that this matter has been made the subject of correspondence between the honorable Secretary of the Treasury and this office.

Respectfully, JOHN B. WHELAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
Toledo, Ohio, April 26, 1906.

Hon. HENRY T. RAINEY, M. C., *Washington, D. C.*

SIR: I have your letter of the 24th instant relative to American watches imported after having been improved abroad, and I beg to state that we have had no correspondence with the Waltham or other company upon the subject. We have had, however, instructions relative thereto from the Secretary of the Treasury, with citations from manufacturers' correspondence, which, it is assumed, would be available to you through the department.

Respectfully, JOS. C. BONNER, *Collector.*

UNITED STATES CUSTOMS SERVICE,
Port of Boston, Mass., May 1, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, Washington, D. C.

SIR: I am in receipt of your letter of date April 28, 1906, further in regard to the question of watches.

In reply, I would state that I do not feel at liberty to make public any correspondence from importers to this office without direct authority from the department.

Respectfully, yours, GEORGE H. LYMAN, *Collector.*

CUSTOMS SERVICE, OFFICE OF THE COLLECTOR,
San Diego, Cal., May 14, 1906.

Hon. HENRY T. RAINEY, *Washington, D. C.*

SIR: Respectfully referring to yours of April 24, 1906, requesting certain information from this office relative to the Waltham Watch Company, I have the honor to respectfully refer you to the honorable the Secretary of the Treasury.

Yours, respectfully, F. W. BARNES, *Collector.*

I was fortunate, however, in securing from the collector at Los Angeles, Cal., a copy of the letter of the Waltham Company, sent by the Secretary of the Treasury to the collectors at all our ports. I print here the letter of this collector to me and the copy of the letter of Robbins & Appleton sent to me by him:

UNITED STATES CUSTOMS SERVICE,
Port of Los Angeles, Cal., April 30, 1906.

Hon. HENRY T. RAINEY,
House of Representatives, United States, Washington, D. C.

SIR: I have the honor to acknowledge the receipt of your letter dated April 24, 1906, requesting me to advise you whether or not it is true that the Waltham Watch Company, or any other American watch company, has notified this office to be on the lookout for Waltham watches exported and again imported by Keene, of New York, advanced in value.

In reply, I have to state that such notice has been received from Messrs. Robbins & Appleton, agents of the American Waltham Watch Company, Waltham, Mass., and I herewith inclose a copy of the said notice.

Very respectfully, CHAS. W. SPOBERG,
Special Deputy Collector.

ROBBINS & APPLETON,
AGENTS AMERICAN WALTHAM WATCH COMPANY,
WALTHAM, MASS.,
New York, April 2, 1906.

SECRETARY OF THE TREASURY,
Washington, D. C.

SIR: On or about March 15, 1906, about 1,300 Waltham watch movements, made by the American Waltham Watch Company, of Waltham, Mass., and consigned to Charles A. Keene, arrived at the port of New York. Upon examination by the appraisers it was found that some 1,218 of these movements bore foreign-made dials, which were attached to the watches so as to form an integral part thereof. Also, that 88 of the said watch movements bore American-made dials. Reference to the books of the American Waltham Watch Company showed that 1,210 of those bearing foreign-made dials, and 6 of those bearing Americanments were in a foreign country they had been provided with dials and made dials, had been shipped from the factory of the said company to London, England, without any dials, and that while said watch movehad been timed and regulated and subjected to final inspection, after which they were imported into this country as first above stated. The said two lots of watch movements, namely, 1,210 bearing foreign-made dials and 6 bearing American-made dials, attached in a foreign country, were classified as dutiable at the usual rates applicable to imported watches.

We have received information, which is believed to be reliable, that other shipments of Waltham watches or watch movements may arrive in the future at one or more of the ports of entry on the Canadian border, and not impossibly at some other port of entry along the Atlantic or Pacific seaboard, which watches or watch movements will be dutiable, because of a similar state of facts to that above referred to. In order that the Government may be able to collect the proper duties in the event of any such future shipment, we suggest that the proper officers at each port of entry of the United States, and particularly at each port of entry on the Canadian border, be notified to hold all consignments of Waltham watches or watch movements upon their arrival until an opportunity be given to show whether such watches or watch movements went abroad without dials and were furnished with dials or other parts and had work done upon them in foreign countries, and that for that purpose, and immediately upon such arrival, the American Waltham Watch Company be notified at its office at Waltham, Mass., in which event the proper evidence will be immediately furnished by such company.

Respectfully, ROBBINS & APPLETON.

I call particular attention to the latter part of this letter. The Waltham Watch Company agrees, if they are "immediately" notified of the arrival of Waltham watches, they will "immediately" furnish evidence showing the watches have been improved upon while abroad. The question arises, How can the Waltham Company "immediately" furnish such information? It can only be answered in one way: The Swiss dials are put upon the watches, or the other alleged improvements are put upon the watches, while abroad, by the Waltham Watch Company themselves, or the alleged improvements are made here in the factory of the Waltham Company in Massachusetts and a careful record of the same kept, so as to prevent their reimportation.

The Waltham Company can and probably do obtain in this country the material for the improvements they claim they make abroad, and to prove this assertion I print here an affidavit I received to-day from an importing firm in New York City:

HIPP, DIDISHEIM & BRO.,
New York, April 3, 1909.

We hereby testify that we have imported in large quantities for various American watch factories watch material, such as dials, watch hands, mainsprings, hair springs, balances, jewels.

HIPP, DIDISHEIM & BRO.

Sworn and subscribed before me this 3d day of April, 1909.
[SEAL.] CHARLES SIMON,
Notary Public, New York County, No. 177.

FREE TRADE WITH THE PHILIPPINES.

For a number of years the proponents of a high protective tariff have insisted that it was being maintained principally for the purpose of protecting labor. This year they have thrown aside the mask and this bill proposes to take down the tariff wall between the United States and the cheapest labor in all the world.

As a Democrat, I have been in favor always of expansion, but I have been in favor of that kind of expansion which would extend our national boundaries until they stretched from a frozen north to a frozen south. [Applause.] Take the map of

the world and find that place in the world where labor is the cheapest, and you will find to-day the American flag floating there. Did you ever hear any Republican orator insisting that the flag should remain on the island of Cuba, and yet more American blood was shed there than was shed in the Philippine Islands. Twice we have sent our regiments to Cuba to maintain order and to secure honest elections, but the tariff beneficiaries who control the destinies of the Republican party have never insisted that the flag should remain there and that Cuba should be annexed.

The reason for this situation is not far to seek. There are no laborers in Cuba who are willing to work for a few cents a day. There is no great storehouse of cheap labor in that part of the world.

The Republican platform of last year contained the following startling announcement:

Between the United States and the Philippines we believe in the free interchange of products, with such limitations as to sugar and tobacco as will afford adequate protection to domestic interests.

This declaration was not taken seriously by the organized labor of the country; but the proposed tariff bill follows the declaration contained in the Republican platform and provides for absolute free trade with the Philippine Islands, except that shipments of sugar from the Philippine Islands to the United States in excess of 300,000 gross tons and the excess of shipments of tobacco in each year over a certain amount fixed therein shall pay a duty when brought into the United States.

We propose to build up industries in the Philippine Islands by providing for them free trade with the United States. We propose to maintain industries here by high protective tariffs. An easy method, however, of escaping the tariff in this country when it becomes burdensome upon any of our industries has been discovered within the last few years. The industries so burdened simply establish branch plants in those sections of the world where they expect to sell their product. Within the last four or five years the Westinghouse Company has escaped the exactions of the steel trust by simply establishing in England its largest plant, and from that point, employing cheaper foreign labor, under the direction of American foremen, they are attempting to carry on the fight for supremacy with the great German factories.

Only one thing at the present time seriously interferes in this country with the law-defying progress of predatory corporations. The only thing that seriously interferes with the plans of our so-called "captains of industry" is the demand for shorter hours and a higher wage, which comes from the organized laborers of the country. They are making in this country the real fight for the future of the race. If our great industries could escape these demands, do not you think they would accept any opportunity presented?

This bill, if it becomes a law, presents to them the opportunity they need, and it may explain the tenacity with which Republican party leaders have clung to the idea that the flag must be maintained in the Philippine Islands. Under this bill industries can be established in the Philippine Islands, where conditions of living are cheap, close to the world's great storehouses of cheap labor, and there, with the cheapest labor in all the world, the market even in this country can be supplied with the articles produced now by our own skilled laborers.

NOT SAFE TO EXCLUDE JAPANESE LABORERS FROM PHILIPPINES.

At present the Chinese-exclusion laws have been extended to the Philippine Islands. It would not be safe, however, to attempt to exclude Japanese laborers from the Philippine Islands if they show a disposition to go there. The consequence of legislation of this character might be much more serious than could ever have come from the recent attempt to exclude Japanese from the public schools on the Pacific coast and to limit their holdings of real estate in that section of our country. A few years ago the Japanese nation fought and won the battle of the Sea of Japan with cruisers and battle ships built by the United States, by England, and by Germany.

To-day, with Japanese workmen under Japanese foremen, in Japanese shipyards they are turning out that most complicated of all machines, a modern battle ship; they are building *Dreadnoughts* in Japan now in less time than they can be built in English shipyards. These imitative, skillful little workmen, willing to work for a few cents a day, it is reasonable to suppose can in the near future turn out almost as much product in a day as our own skilled workmen.

The present bill opens up alarming possibilities in this direction. The Philippine Islands are exempted by the bill we are considering even from the operation of the maximum and minimum provisions of this bill. The great Empire of China, with its teeming millions of population, lies immediately adjacent to and within easy reach of the Philippine Islands. Even now the Chinese cross back and forth, 8,000 of them, every year in their little boats. There are 18 Provinces in China, and 14 of them are rich in iron ore. Within the next decade China will furnish the world with its chief supply of iron ore.

THE STEEL TRUST AND THE IRON ORE OF CHINA.

Not long ago the real head of the steel trust, and the most conspicuous example of what the protective tariff can do in the matter of producing millionaires, testified before the Ways and Means Committee and made the apparently patriotic declaration that the steel industries needed no further protection. A well-defined rumor is now being circulated in this Capitol to the effect that this gentleman and his associates have acquired large interests, perhaps controlling interests, in the iron-ore fields of China. What is to prevent these gentlemen from transporting to the Philippine Islands ore from the iron-ore fields of China, adjacent to the sea, and there, with the cheapest labor in all the world, manufacturing steel with which to supply the markets even of this country? The ore consumed now at Pittsburg and the iron ore they propose to use at Gary comes, all of it, from Canada by water, through the Lakes to Gary—through the Lakes, and then by rail to Pittsburg.

It would be easier and shorter and less expensive to carry iron ore from China to the Philippine Islands than it is to carry iron ore from the Lake Superior region in Canada to Gary or Pittsburg. The Philippine tariff law of 1903 furnishes no obstacle to this kind of a programme.

The Democratic party is not in favor of free trade with any nation in the world. We realize that under present conditions half the revenue of this Government must be derived from duties on imports. The Democratic party favors a tariff for revenue, and I undertake to say that there can be found in the history of the Democratic party no tendency to take down the bars between this country and the cheapest labor in the world. [Long-continued applause.]

The CHAIRMAN. The time of the gentleman has again expired.

Mr. STURGISS. Mr. Chairman, our friends on the other side are never so happy as when pleading the cause of the Swiss or some other foreign workman. They are more interested in giving employment to those who owe allegiance to a foreign government, who pay their taxes to that government, who fight for its flag in case of war, than they are in taking care of the interests of their fellow-citizens who live under our flag and will fight for our Government and sustain all of its industries. I shall not in the time allotted to me engage in a controversy touching any of the matters discussed by the gentleman from Illinois [Mr. RAINEY], but I shall endeavor to present what I conceive to be an accurate and philosophic statement of the principles that separate and distinguish the two great parties that are contending for supremacy in this country.

The existing tariff law, known as the "Dingley Act," was passed by a Republican Congress and approved by that apostle of protection, the martyr President McKinley, in fulfillment of the pledges of the Republican party as contained in its national platforms. In 1888 it declared that—

We are uncompromisingly in favor of the American system of protection; the protective system must be maintained. Its abandonment has always been followed by general disaster to all interests, except those of the usurer and the sheriff.

In 1892 it "reaffirmed the American doctrine of protection," and called attention to its growth abroad. In 1896 the party platform gave expression to this idea by declaring:

We renew and emphasize our allegiance to the policy of protection as the bulwark of American industrial independence and the foundation of American development and prosperity. This true American policy taxes foreign products and encourages home industry; it puts the burden on foreign goods; it secures the American market for the American producer; it upholds the American standard of wages for the American workman; it puts the factory by the side of the farm, and makes the American farmer less dependent on foreign demand and price; it diffuses general thrift.

The people approved these declarations and commissioned a Republican Congress and President to crystallize them into legislation, and on the 24th day of July, 1897, the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States" was approved.

Did that title honestly set forth the real character of the act? I insist it did.

AS TO REVENUE.

First. Official records show that it yielded ample revenue for all the legitimate and ordinary expenses of the Government, and provided for the extraordinary expenses of the war with Spain and for many new public buildings and a greatly increased navy. The total receipts and expenditures have been as follows, July 1, 1897, to March 16, 1909:

Total receipts	$8,097,920,296
Total expenditures	8,072,508,367
Surplus	25,411,929

Included in the expenditures is the sum of $99,143,479, being the excess of cost of the rapidly expanded postal service over its earnings, but not including $50,000,000 paid or advanced on account of the Panama Canal, which will be reimbursed by the sale of bonds authorized for the expenses of constructing the canal, which was an extraordinary expense, intended to be defrayed by the issue and sale of bonds.

But it is asserted that the revenues have fallen off and the Treasury is facing a certain deficit, and, therefore, a new tariff law is required that will provide more revenue. I doubt the assertion. A very marked and world-wide depression in business, beginning abroad in 1906, culminated in this country in the fall of 1907. I am of opinion that if our importers had not permitted the dumping upon this country in 1906–7 of about $200,000,000 worth of foreign goods in excess of the usual imports for the same period we should have suffered very slightly from this world-wide panic; but the foreign manufacturers, pressed by demands for money to meet debts contracted in an undue expansion of manufactures, and finding no home market for their products, sold at temptingly low prices to American importers this large excess, which not only caused a drain of gold to Europe and England in payment of the same, but glutted our markets, caused suspension of work in the home factories, threw our work people out of employment, and disturbed all forms of business and destroyed confidence.

Revenues fell off rapidly, both customs and internal, but the scale of government expenses projected when the country was in the full tide of prosperity could not be immediately curtailed, and there is consequently a temporary deficit in revenues as against expenditures. That this is only temporary is shown by the already increasing volume of business in all domestic enterprises as well as in imports. I have no fear that the existing tariff law would fail to provide ample revenue for the current ordinary expenses of the Government in the future, when normal conditions have been restored.

ENCOURAGING INDUSTRIES.

Second. Did the Dingley Act "encourage the industries of the United States?" No other period of a little less than twelve years can show so marvelous a growth in all the industries and business of the United States. More mines were opened and more coal, ores, and minerals produced; more factories, furnaces, mills, and industrial plants were built and equipped, and a vastly larger output, both in quantity, quality, and value, than ever before, placed upon the markets. The forests and the farms teemed with industrial life. Wages were higher than ever, employment more steady and constant; more railways were built, greater additions to the deposits in our savings banks made, and the general prosperity was the admiration and marvel of the whole civilized world, and capital and population were attracted here in larger degree than ever before.

And so every pledge in party platforms and the declarations of the caption of the act were most abundantly fulfilled and redeemed.

THE PROTECTIVE POLICY.

It would seem too late in the history of this country to have to defend the right to levy duties which should be for the purpose of not only providing revenue for the Government, but also to encourage the industries and provide for the general welfare of the United States, but the assertion has been repeatedly made and in many forms by Democratic Members of this House during the present session that no constitutional authority existed in Congress to levy taxes of any kind "except for revenue only," and that party has repeatedly enunciated that proposition in its state and national conventions, and at this time that is the cardinal difference between Democrats and Republicans. We believe a distinct grant of power was conferred upon Congress to so arrange national taxes and duties as to not only raise revenue, but also in the so doing to provide for the general welfare. The people of the United States ordained and established the Constitution "in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, and secure the blessings of liberty to themselves and their posterity," and also "to promote the general welfare," and in pursuance of that declaration, the grant contained in the eighth section of Article I, defining the objects for which the taxing power might be exercised, includes the right "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense," and also "for the general welfare of the United States."

If, then, a tax or duty may be so laid and collected as to provide revenue for all the purposes enumerated, and in its expenditure provide for the general welfare, it certainly can not militate against the right to levy and collect such tax if the mere levying and collecting it, apart from any purpose for which the money collected might afterwards be used, will redound to and enhance the general welfare. And if this double advantage may be secured by arranging schedules and the free list, and by regulating the rate of duties, then not only is the right clearly conferred, but it becomes the plain duty of every Member of Congress, and in accordance with the soundest dictates of patriotism and statesmanship to so arrange schedules and rates that this double advantage may accrue.

It is alleged that taxation in any form is a necessary evil, and if this be conceded, then it becomes more plainly apparent that we should not only mitigate the evils, but as far as possible convert them into blessings.

A PROTECTIVE POLICY DEVELOPES NATURAL RESOURCES AND MAKES A NATION STRONG AND INDEPENDENT.

I conceive that it is of the utmost importance that a nation and people organized into a body politic that desires to maintain its independent existence must be self-sustaining, capable of defending its soil and people from the aggressions of every other nation, whether in the form of actual physical war or in commercial warfare and rivalry. In order to acquire this actual independence and to maintain it, the material things that supply food, clothing, shelter, weapons of warfare offensive and defensive, must be produced and provided within the territory and jurisdiction of the nation. Until all this has been done the nation exists only by the tolerance of other and more powerful and better equipped governments.

It therefore is the part of political wisdom, of patriotism, and the highest statesmanship to encourage the development of all the reasources and natural advantages that the nation possesses. Agriculture, mining, manufactures, shipbuilding, commerce, banking, and diversified occupations and employments should all be encouraged and stimulated, until the nation, like a well-trained athlete, should be systematically and symmetrically developed and fit to meet all comers, to suppress insurrection and rebellion, and repel invasion.

If a nation were composed of tillers of the soil only, or of artisans and manufacturers alone, or of merchants and traders, or of miners, or woodsmen and shipbuilders and sailors alone, it would be at the mercy and exist only at the sufferance of those nations that had a diversification of industries, occupations, and resources all well developed.

THE SOUTH AND THE CIVIL WAR.

No more impressive and gigantic illustration of the wisdom and importance of such a symmetrical development of the resources and diversification of the industries and the training and occupations of a people can be found in the pages of either ancient or modern history than in the late civil war in our own country. I challenge the attention of Members on both sides of this House who participated in that struggle, as well as every thoughtful student of the events and conditions that preceded and were a part of the history of that unhappy war, to consider the admitted facts.

Nearly 9,000,000 people, banded together with enthusiasm in a common purpose to establish an independent government, fighting on interior and shorter lines, with half their frontier protected by the ocean and the Gulf; with a docile slave population to cultivate the soil and care for the families of the absent soldiers; with as gallant and brave soldiers as ever wore uniform; with a dash and élan unsurpassed by the veterans of Napoleon; with brilliant generals skilled in the science and art of war; with a Johnston, a Jackson, and a Lee, equal in genius, daring, and devotion to our Sheridan, Sherman, and Grant; with wives, mothers, and daughters of the Southland most devoted and self-sacrificing; these people, who were born and bred of our bone and blood, fought a losing fight, and were doomed from the beginning to defeat and disappointment. Yet, never before in the history of the world had such a combination of numbers, qualities, and devotion failed in such a struggle.

The explanation is a simple one. Hinton Rowan Helper, a native of North Carolina and a slave owner, whose tragic death took place in this city since this session began, pointed out as early as 1857 that slavery would make the States in which it existed almost exclusively agricultural, because slave labor must necessarily be crude, ignorant, and unskilled, and only profitable in the cultivation of the soil; and that skilled artisans and mechanics would not go to or remain in a State where slave labor degraded free labor and reduced its wages.

Alexander H. Stephens, one of the ablest and purest public men this country ever produced, declared upon the floor of the Georgia convention as it was about to pass the ordinance of secession that that step meant war; that the South was not prepared for war; that it was an agricultural section; that it had no diversification of industries; that it could not manufac-

ture cannon, powder, shot, guns, or side arms, nor clothing, boots, or shoes for its armies; that it could not build ships or locomotives nor make railway rails; that it could only procure these essentials for successful warfare by exchanging its cotton with England or continental Europe, and for this exchange it must depend upon foreign ships, for the South had few of its own.

When the blockade was successfully established, cotton dethroned as king, and munitions of warfare could neither be manufactured at home nor be brought in from abroad, the end was inevitable and near at hand. How great the contrast with the Northern States, whose mining, manufacturing, commerce, and all the varied industries of that section flourished as never before. The high war tariff stimulated and created new industries and brought population and capital to that section.

Nearly every regiment from the North had its skilled mechanics, who could build or repair a locomotive or other engine, construct boats and railways, or repair and man a telegraph line; but in the South, when rails were worn out, locomotives or engines disabled, boats damaged or destroyed, and telegraph lines cut, few skilled mechanics or engineers could be found to repair or replace these worn-out or damaged instruments so necessary for successful warfare. Superhuman courage, genius, and devotion could not win a fight in which material resources and supplies were wanting against an army well supplied with and capable of renewing these necessary resources and supplies as fast as they were used up, worn out, or destroyed.

Who can tell how long the war would have been prolonged, or its final outcome, if the Southern States, instead of being almost exclusively devoted to agriculture and stock raising, had been blessed with a diversification of industries, with all their magnificent and varied natural resources developed, and their people skilled in all the mechanic arts and occupations? The genius and capabilities of the citizens of the South had been too largely devoted to politics and the defense and propagation of slavery. That they had the capacity for large business enterprises, the genius for the learned occupations as distinguished from the learned professions, has been shown in a thousand ways since the incubus of servile labor has been removed. Rumsey, of Virginia, was the real inventor of the steamboat, and his model, crude and imperfect because the requisite skilled labor to build engine and boat could not be had in the South, was launched upon the waters of the Shenandoah River, in my district, before Fulton, on the Hudson, had made a successful trip. Yet, surrounded by skilled artisans and favoring circumstances, the latter has been acclaimed the first inventor of a water craft propelled by steam, and is likely to go down in history with that credit to his genius.

McCormick, another Virginian, having perfected his reapers and mowers in model and form, was compelled to establish his shops and works in a great northern city, where self-respecting mechanics, machinists, and skilled laborers of all kinds, working at good wages, could be had to carry out his plans to build and ship these creatures of his ingenious brain to every harvest field of the world.

RESOURCES OF THE SOUTHERN STATES.

With coal, timber, and ore, and water power equal to the best in New England, and raw cotton superior to any in the world, the South and not New England should have been the busiest and most prosperous cotton-goods manufacturing section in the world. The whole South, with natural resources equal to any part of the North, with a more genial climate, presents a case of arrested development, because her people were doomed to the simplest occupations by reason of the unskilled labor of the slaves, against which no intelligent, self-respecting white artisan would compete. Slavery was a curse to master and land hardly less great than its injustice to the slave.

Mr. GARRETT. Mr. Chairman——

Mr. STURGISS. I beg the gentleman not to interrupt me. I have no idea I shall be able to enlighten him at all by replying to his questions. If he will follow the line of my argument, he will see the trend of it; and he is welcome to all of it. I represent in part a so-called "Southern State," in which I have seen that arrested development so stimulated until to-day the State of West Virginia, once an integral part of Virginia, whose creation and existence depended upon a party whose pledge was to develop and promote and protect all the great interests of the country, is unsurpassed in progress and prosperity by any other Southern State.

Mr. GARRETT. The gentleman answered a question which was not asked.

Mr. STURGISS. I shall have to remind the gentleman of the fact that for many weeks the gentlemen upon that side, intoxicated with the exuberance of their own verbosity, have multiplied words without wisdom and have defended everything except the true American policy and the interests of the American workman, and have exercised, as they have exercised for years, the arguments of destructive criticism. They have so long persisted in this—for nearly fifty years—that they have lost the power of constructive statesmanship. They have not brought in here, as the result of these many weeks and months of deliberation, a tariff measure of their own. They have not dared to challenge the attention of the country to a tariff policy of their own creation, but, standing in the position of opposition, have devoted themselves now, as ever in the past, to that policy of destructive criticism——

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. Does the gentleman yield to the gentleman from Tennessee?

Mr. STURGISS. I can not. I have only a limited time, and we are drawing near the conclusion of this debate and discussion.

Mr. GARRETT. The gentleman ought not to take up so much time, then, to answer questions I did not ask.

Mr. STURGISS. If the gentleman did not want the question which he had in his mind answered, he ought not to have intimated it. The gentleman forgets, possibly, that mental telepathy may have communicated it to me.

Mr. GARRETT. The gentleman thought I was going to ask a partisan question, which I was not.

Mr. STURGISS. Happily that period in our economical history has passed, and the South may now compete on equal terms with the most favored sections of our common country in the generous rivalry for material development and prosperity.

The greatest drawback and handicap under which that section now labors is the result of her prejudices and adherence to old political ideas and associations. However well free trade might have suited the South when she had little but cotton to trade and wanted to buy in the cheapest markets of the world, that policy should no longer control her statesmen and her people, owners of a rich heritage in natural, but slightly developed, resources and riches.

The South should have the same just measure of protection to her peculiar industries and occupations as New England or any other section of our country. Rice, sugar, lumber, citrus fruits, peanuts, and cotton manufactures, as well as coal, iron, and zinc ores, lead, and manufactures thereof, should receive that share of protection that will secure the work people of the South from the cheap labor of the Tropics, of China, and Japan, as well as the illy paid labor of Europe.

Will any thoughtful student of political economy and industrial conditions show any plausible reason why New England, without coal, iron, or a rich soil and genial climate should have so far outstripped the South Atlantic and Gulf States, the middle Southern and southwest Southern States, which possess by nature all that New England has of natural advantages and, in addition, a fertile soil, genial climate, coal, iron, zinc, lead, sulphur, limestone, cement rock, and other natural and material resources? If the Representatives from those States will permit me, I commend that question to them, to be answered to their own consciences and their constituents.

WAGES.

The policy of a protective tariff does undeniably develop the resources and increases the wealth and prosperity of a nation, making it independent commercially, financially, and politically. It does give better wages and happier conditions to its work people. No one familiar with the wages paid abroad in the mines, furnaces, mills, factories, and on the farms, whether in Europe, the Tropics, China, or Japan, will contend for a moment that the American workman could live, or should be required to live, upon these starvation wages.

Every American voter is a sovereign and carries under his hat a part of the sovereignty of the Nation. He is the source of all political power, and each one of us is profoundly interested that he should be intelligent as well as virtuous; that he should have leisure for reading, studying, and understanding the policies of the Government which he controls. He is, and of right ought to be, the best fed, the best clothed, best housed, and best paid workman in the world. That his condition, even in the periods of panic and utmost depression in the United States, is vastly better than that of the workman in any free-trade nation is shown beyond all question in the fact that the workers of the Old World and of foreign lands are coming to our shores in greater numbers every year, which they would not do if it were not certain that they would thereby better their condition. The small number of work people in the United States who are now the subjects of charity is infinitesimal almost by contrast with the more than 750,000 wage-earners of free-trade Great Britain, who have been out of employment for the last twelve months. The old-age pension sys-

tem of England is but a thinly disguised charity to keep these unfortunates from the poorhouse. Germany was less affected by the late panic and depression than any other European nation, and largely because of the fact that that people, under the leadership of Bismarck, has abandoned the free-trade policy and established a well-arranged system of protection.

THE PAYNE BILL.

Before offering any criticisms upon the bill reported by Mr. PAYNE, the chairman of the Ways and Means Committee, I want to bear testimony to the laborious investigations and conscientious efforts by the chairman and that committee in their endeavor to perfect a bill that would command the support of the House, meet with the approval of the people, provide adequate revenue, and equalize duties, and encourage the industries of the United States.

No measure of taxation of such a complicated character and touching such a variety of interests can ever be drafted so as to meet with the unanimous approval of Members of Congress and of the people; such a bill must necessarily be in the nature of a compromise, and, in my judgment, it seems to be framed along protection lines and to provide for adequate revenues.

It is calculated to create new industries and to make them profitable here, to give employment to a larger number of our people in these occupations, and to give a better market for our own raw materials. Doubtless clamor will be raised against some of the schedules that have been slightly raised, having for their purpose the encouragement of new industries. A like clamor was raised when the Dingley bill sought by a high rate on tin plate to establish that industry in the United States.

It was asserted by free traders that we never could successfully manufacture tin plate, because we had no tin mines and could produce no metallic tin, losing sight of the fact that more than 90 per cent of the cost of finished tin plate is in the labor, in mining the coal, making coke, raising the iron ore, quarrying the limestone for fluxing purposes, transporting these materials to the furnace, and the various processes that at last result in producing the steel or iron sheet, with finally the very thin coating of metallic tin, the latter of which constitutes less than 5 per cent of the actual cost of labor and material for the finished plate. Under the fostering influences of the Dingley Act tin-plate mills have been established in many parts of the United States, and thousands of skilled workmen find employment at high wages, produce as good a tin sheet and at lower cost to the consumer than was the cost before the passage of the Dingley Act. This industry may be taken as typical of many others that have been established in like manner and by the stimulating influence and the fostering care of the protective system.

The advantages to this country of such an industry are manifold. These employees receive high wages; they own their own homes; they pay the best prices in the market for meats, fruits, and vegetables, thereby directly benefiting the farmer and the stock raiser; they are well housed and well clothed; they pay a large share of the taxes for local and state government; they bear arms in time of war in our army and navy.

If such industries were not established and maintained here we should be sending our money abroad to build up industries that would give employment to men who would support a foreign government by their taxes, by manning foreign ships, and fighting in the armies of our trade rivals, if ever at any time war should exist between those nations and our own country. It seems to me that every consideration of patriotism, of self-interest, of the broadest altruism, should prompt us to support the principle of protection so plainly embodied in the Payne bill, whether that protection relates to the local industries situate in our respective congressional districts or is a part of the general system, the first benefits of which will accrue to some other section or locality.

SCHEDULES.

In the further consideration of the bill I shall direct my attention briefly to some of the schedules in which my home State is most largely interested as a producer of competing articles affected by the tariff rates, and as to others so far as they relate to the wisdom and propriety of subjecting them to any tariff rate.

SUGAR, TEA, AND COFFEE.

These articles of prime necessity, used alike by rich and poor, when subject to a very moderate duty would be great revenue producers, because of such general use and the large quantities consumed.

The rate of 8 cents and 9 cents per pound on tea, proposed by the Payne bill, is, in the opinion of many, excessive, and in this I concur. Under the Dingley law it is on the free list. The proposed rate might well be termed a high protective rate, and would gratify every extreme protectionist, if it could possibly tend to the growing of tea in our own territory or island possessions; but soil, or climate, and labor conditions hold out little hope that the experiments in the cultivation of the tea plant now being tried can ever result in the production of tea successfully in commercial quantities. The rate of duty can only be defended upon the plea of the necessity to raise revenue, and will always be unpopular and can never be justified except upon the ground of the greatest emergency. I do not believe that such necessity now exists, and therefore believe it would be unwise to levy a duty upon tea.

Coffee stands upon a slightly different footing, for its cultivation may be encouraged and greatly increased in Porto Rico, Hawaii, and elsewhere within the jurisdiction of the United States by a moderate tariff upon imports, and at the same time yield a very considerable revenue; but it is admitted by the framers of the pending bill that the tariff proposed is not intended for revenue, for, while nominally putting coffee upon the free list, the bill provides—

That if any country, dependency, province, or colony shall impose an export duty, or other export tax or charge of any kind whatsoever, directly or indirectly, upon coffee exported to the United States, a duty equal to such export duty, tax, or charge shall be levied, collected, and paid thereon.

Some, or all, the States or Provinces of Brazil which produce coffee impose such an export tax, deriving a large revenue therefrom, and have pledged or mortgaged this revenue to repay the principal and interest of loans or bonds the proceeds of which have been used by these Provinces for various projects or enterprises undertaken by them. These pledges cover periods extending from seven to ten years, and consequently this export tax can not now be repealed. The expectation of the Ways and Means Committee in drafting the proviso was, apparently, that Brazil or her Provinces would be induced to repeal this export tax, if the duty imposed by the bill should not apply, upon condition that the export duty was repealed and the exports of coffee to the United States be free from both export and import tax and that traffic be untrammeled. But, in view of the facts just stated, this condition can not be expected, and the tariff proposed by the bill will be just that much added to the cost of coffee to the consumer. The primary purpose of the proviso was to cheapen the price of coffee—and it probably would have produced that effect, by inducing the repeal of the export tax by Brazil or her Provinces, but for the obligation to her creditors to continue and apply the revenue therefrom to the payments of the debts secured thereby—and not to increase the cost by import duties.

Brazilian Provinces produce about two-thirds of the world's crop, and the United States is the largest consumer. Porto Rico and the Philippines and Hawaii are the only places under the jurisdiction of the United States that successfully cultivate the coffee berry. In 1906 importations from Brazil amounted to over 778,000,000 pounds (out of a total of 982,000,000, of the value of over $78,000,000), while the exports from Porto Rico and Hawaii amounted to only 39,000,000 pounds, of the value of about $4,700,000.

Under the conditions relating to tea and coffee, I believe both should remain on the free list and not be subjected to any tariff whatever.

The rate on sugar is a reduction on refined sugar of 5 cents per hundred pounds, while that on raw or unrefined sugar remains unchanged.

The consumption of sugar in the United States amounts to 3,000,000 tons per year, or an average of about 66 pounds per capita. In 1907–8 the United States, including Porto Rico, Hawaiian Islands, and the Philippines, produced a little over one-half of that amount. Cuba produced about the same amount. The importation of beet sugar, not above No. 16 Dutch standard, amounted to 177,564 tons, valued at $8,203,000. The revenues from importations of sugar, molasses, and manufactures thereof amounted to over $60,000,000, on a valuation at ports of entry of about $93,000,000.

The estimated revenue under the Payne bill upon the basis of an equal value or amount of imports will be reduced a little over $500,000.

I believe the rate on refined sugar might have been reduced to 1.75 cents per pound, or a little over 10 per cent reduction on the present rate, instead of 2½ per cent reduction, still leaving a difference of eighty one-hundredths of a cent per pound for cost and profit to the refiners instead of 1 cent per pound.

Under the Dingley Act the refiners have had a margin of 1 cent a pound between the tariff on imported raw and refined sugars, and that the profits have been unjustly large is shown by the following statement of the American Sugar Refining Company, commonly known as the "sugar trust," chartered under the laws of New Jersey with a capital of $50,000,000. It

has increased it to $90,000,000. Its preferred stock has paid 7 per cent per annum and its common 10 per cent per annum, and in 1893 12 per cent, and an extra dividend that year of 10 per cent, making 22 per cent. Its assets for 1907 are as follows:

Raw sugar, including sugar to arrive, refined sugar, and sirup, and stock in process of manufacture	$17,532,226
Cash	5,016,986
Loans	17,666,550
Accounts and bills receivable	5,934,482
Investments in beet sugar and other corporations	22,907,052

Manifestly the margin of profit is unreasonably large, and the duties on raw sugar might have been raised and on refined sugar reduced without loss of revenue to the United States and with a gratifying reduction of the price to the consumer.

Since the committee put hides upon the free list, boots and shoes should have been put at a lower rate than the reduction from 25 per cent ad valorem, present rate, to 15 per cent.

West Virginia stands out as the one political and geographical landmark created or growing out of the civil war. Repressed and ignored by the political leaders of Virginia, except for purposes of taxation, her separation from the mother State was the beginning of a new industrial life as well as of political independence. With a little over 400,000 population when admitted to the Union, June 20, 1863, the State has now over a million and a quarter of people.

With magnificent virgin forests of the best timber, then not unfrequently selling for payment of delinquent taxes, now worth for stumpage alone from $20 to $50 per acre; with 16,000 square miles of bituminous coal in workable seams of commercial value, selling within the last twelve or fifteen years at from $2.50 to $10 per acre, now bringing $200 to $500 per acre; with oil and natural gas in very large quantities, glass sands, limestone and cement rocks, blue-grass lands of the best, herding the choicest of beef cattle and the finest wooled sheep; with superior fruit farms upon the river bottoms and the uplands; with peach and apple orchards of more than a thousand acres each in many instances; with great tanneries, many paper and pulp mills; with furnaces, iron and steel mills, tin-plate plants, pottery and glassware factories, and many of the raw materials entering into these and other manufactured goods, the State may well be said to have been richly dowered by the god of nature. West Virginia was aroused from a semidormant state by the stimulating influences of the Dingley Act, and from the date of its enactment the State became a great workshop of prosperous industry.

The State may truly be described as a tariff-made State—that is to say, by the protective feature of the Dingley Act capital and population were attracted to the State, completely revolutionizing its political complexion, emancipating it from the thraldom of a free-trade Democracy, adding to the value of its forests, its mines and varied resources, and giving employment at good wages to many added thousands in its manufacturing plants, in the forests, mills, and in the mines and quarries.

Some of the provisions in the pending bill hit West Virginia industries a staggering blow, if they shall be enacted into law.

COAL.

Fifty thousand miners and coke workers are employed in our coal and coke operations. A very considerable market is found for our coals in New England. If, as is proposed, coal be placed upon the free list, a concession will be made to New England that it does not need, and I do not believe will demand or insist upon. Nearly all of her manufactured products are and have been liberally protected for many years. Free trade would give a market in New England for Nova Scotia or Cape Breton coal to the amount of about 1,000,000 tons a year, and to that extent drive out the bituminous coals of Maryland and West Virginia, and the latter State would be compelled to seek a market in the Ohio and Mississippi valleys for that much more of her products than now find their way southward, and to that extent displace the coals of Tennessee and other Southern States supplying the Mississippi Valley. In addition, New England, more profoundly interested in shipbuilding and in the construction and maintenance of a great merchant marine than any other section of the country, would be encouraging the importation of Canadian coal in foreign built and owned vessels, which would engage in that traffic, and to that extent deprive American-built vessels engaged in and having exclusive privilege of our coastwise trade of that much freight.

So that the advantages of free coal to New England would be more than offset by the discouragement offered the American shipbuilders and vessels and the encouragement given the foreign vessels to engage in this trade, thus injuriously affecting the shipbuilding industry of New England.

The coal operators in West Virginia would be willing to accept a fixed rate of 45 cents per ton, and would prefer this to either the present rate, which is 67 cents a ton for run-of-mine coal and 15 cents for slack, or to the proposed rate, made dependent upon the rate to be fixed by Canada. Personally, I do not believe it a wise policy to make the rate that we impose on imports depend in any degree upon the pleasure or will of the nation to which we export our products. I understand that the Canadian rate may be quickly changed by order of council or some other executive body, while with us it must depend upon congressional action, which is slow and uncertain. By the enactment of the proposed bill we should be giving an undue advantage to our rivals.

LUMBER.

The State, and my district, is a large producer of both hard and soft wood lumbers and of wood pulp and paper, and the proposed reduction in the tariff on all of these products will work a great hardship to our people. Many of them have bought timber lands at high prices, with the Dingley tariff rates in existence, and now give employment to thousands of sturdy wood choppers and sawmill men and other thousands in the pulp mills.

The reduction or abolition of rates on products of wood from our forests will throw many thousands of people out of employment and make valueless, or greatly reduce in value, property investments. In this connection I desire to read an extract from a letter from one of our pulp makers:

> It is now admitted by the paper-trade journals that the Mann committee will recommend the abolition of the duty on wood pulp amounting to $1.75 a ton. This means a loss to us of $70 a day if we meet Canadian prices.
>
> There is enough pulp wood in this State to supply all the pulp mills and paper mills within its borders for the next fifty years. The statistics show that the pulp-mill consumption represents 2 per cent of the visible supply.
>
> We have 68 men here dependent on the 2 small mills I represent. The day this tariff change goes into effect we will have to shut down.

I earnestly protest against placing lumber and wood products on the free list.

OIL.

The independent oil producers in West Virginia have indicated their entire satisfaction with the provisions of the bill relating to the countervailing duties, provided that the operation of the section in relation to drawbacks does not give an undue or unreasonable advantage to the Standard Oil Company or other great producing and refining companies.

WOOL.

We are not satisfied with the reduction in the rate on the lower grades of wool. While we produce a small quantity of these lower grades, yet it is believed that if imported in large quantities they will supplant in greater or less degree the fine wools, which constitute the bulk of the wool grown in West Virginia. We think no change should be made in the wool schedule.

TIN PLATE.

Our tin-plate workers are practically unanimous in objection to the drawback provisions in relation to imported tin, manufactured into cans and cases in this country and in which are exported abroad meats and canned goods and the oils of the Standard Oil Company; and while I do not believe that the repeal of this provision would materially benefit the tin-plate worker, yet I am opposed on principle to the drawback system as opening, in many instances, a wide door for fraud.

I think it unwise to reduce the tariff on tin plate in any degree so long as we are importing a very considerable quantity of tin plate from Great Britain.

NO APOLOGY.

I make no apologies for speaking specially in behalf of the interests of my district and of its products that are affected by the tariff. I do this because I am more familiar with them, and because if I did not represent them specially, I should be derelict in my duty to my constituents.

I am willing to extend to the products of every other State to the fullest extent the benefit of a protective policy, and ask only similar treatment for the industries of my State.

DEMOCRATS BREAKING AWAY.

I welcome with much gratification the breaking away from party allegiance of many enlightened and patriotic members of the minority party, and especially among those who come from the Southern States. I believe the time is coming rapidly when, emancipated from the thraldom of party allegiance, the South will declare for a protective policy, and so continue long after New England may have declared for free trade.

It will be better for the country when industrial and economic and not sectional questions divide the great parties of the country, and I hope to live to see the day when greater

prosperity, greater wealth, and greater material development and advantage shall come to the South in common with all other sections of the country, and when, burying all differences growing out of the ancient policies of the past, we shall go forward to greater heights of prosperity and happiness under one economic policy, one destiny, and one flag. [Applause on the Republican side.]

Mr. LLOYD. Mr. Chairman, several gentlemen from the Republican side have complained that the Democrats have not presented a substitute bill for the one now pending. Every such suggestion has come from a politician who is not satisfied with the Payne bill, and feels that his constituency are less content than he. The Republicans are responsible for this bill, and need not expect to be able to hide their own misdoings by attempting to throw responsibility upon Democrats or by raising any quarrel with them. The promise has been made that the tariff would be revised. In every part of the country this statement was reiterated. The pending bill is supposed to be in response to the demands of the people and framed in accordance with the preelection pledges of Representatives. It was insisted prior to the election that a genuine tariff revision could only be made by friends of the tariff, and the assertion was repeatedly made that the Republicans were its friends and the Democrats were its enemies. Complaint is now heard that the Democrats are not doing their duty, because they have permitted the Ways and Means Committee without hindrance to present their views in a concrete bill. The Payne bill is not satisfactory to any Member of this body, so far as I have heard. Gentlemen in explaining its imperfections now say no tariff bill can be made which is perfect. Why were not the American people informed last November that it was impossible for any Republican to frame a satisfactory tariff bill? It was then asserted that only the Republican party could make such a bill. At this time it is frankly admitted that the Republican party is unable to frame a satisfactory law; that any bill to secure passage must be a compromise. This could as easily have been asserted six months ago as now.

How ridiculous must this confession appear to those who have relied upon the Republican party for relief, when that party now admits its incapacity and demands that the Democratic party shall present a substitute bill. Evidently such request is made with the vain hope that the Democrats may present an objectionable measure. The Republican party is charged with the responsibility, and it can not shirk it. The people have thrown the burden upon that party to prepare a tariff measure, and it can not avoid the burden of such action. The Democrats were excluded from the consideration and preparation of the bill. From January 1 to March 15, behind closed doors, the Republican members of the Ways and Means Committee deliberated on the tariff schedules, and then presented the pending bill to the Democrats. No one outside that committee, so far as the Democrats have knowledge, had the slightest intimation of anything it would contain. When the bill thus prepared in secret was presented to the committee, motion was made to favorably report it without reading, and this motion prevailed. The bill was reported to the House at once, and the discussion began and has continued until this time, beginning at 10 o'clock each morning and concluding at 10.30 at night. When, I wish to know, could the Democrats have presented a bill as a substitute? At what stage in the proceedings was it permissible? Under the existing autocratic rules, when could such a substitute have been presented? At no time; and every gentleman here knows it. Such a suggestion can only be made to mislead an unsuspecting public. But gentlemen may rest assured that the people are informed of what is doing here, and will hold each individual responsible for his action.

It is not my purpose to critically discuss the bill in detail, but I can safely assert that it is no improvement on the Dingley law. When all its mysterious provisions are understood, and its "jokers" have all been exposed, it will be seen that the bill has been drawn by the manufacturers, for the manufacturers, and that protection to special interests and not tariff has been the controlling motive in the preparation of the bill. The professed friends of the tariff for the time being forgot their interests in that subject, and apparently have allowed themselves to be overcome in what may seem to them the larger question of protection to manufacturers. It is not the infant industries that have controlled action, but it is the overmastering power of the mature enterprises which have controlled in the framing of the schedules.

The Government, with its deficiency of $60,000,000 last year, with $90,000,000 thus far this year, and the prospect of a deficit next year, makes urgent need for revenue. Will the proposed law furnish it, is the question. The chairman of the committee, in his statement and report, shows a probable shortage of $10,000,000 per year in the revenues under the bill. In explaining the different items of expenditure which must be made, he said, among other things, that the appropriations made from time to time were not wholly expended each year, and intimated that at least 5 per cent of the total amount would not be required. Then, figuring the demands for the fiscal year 1910 at $900,000,000, he concluded that $45,000,000 of the appropriations recently made for the coming fiscal year will not be needed, and then deducted that amount from the appropriations. He failed to take into his accounting the fact that appropriations made for a given year may be paid in subsequent years; that in each year there are payments made from the Treasury for items not included in the appropriations for that year. When this has been taken into account, the appropriation is about exhausted.

The records show that on an average much less than 1 per cent is shown to remain of the appropriated balance, so that the reduction of $45,000,000 from the needed revenues on this account can not be made. This bill can, from no reasonable standpoint, be considered a revenue measure, and other means must be resorted to in taxation to meet the expenditures of the Government. The gentleman from New York shows that between the passage of the Dingley bill, July 25, 1897, and March 16, 1909, there has been $25,000,000 collected in revenue above disbursements, but he fails to show how much of that sum was produced by the war taxes imposed to meet the expenses of the Spanish war. One thing is evident, the expenses must be greatly curbed. During the calendar year 1908 the increased expenditures over 1907 were $77,000,000, and this in the midst of the panic. The expenditures in business enterprises decreased, and naturally it would be supposed that the expenditures of the Government would likewise have decreased. Unless an urgent system of economy is inaugurated the pending bill, if enacted into law, must inevitably fail by tens of millions of dollars annually to meet the demands of the Treasury.

The appropriations for next year are $1,044,014,298.23. Think of it, more than $12 per capita if distributed to the individual. Now, to meet this it is estimated that $223,340,712 will be received from postal revenue. It is claimed that $60,000,000 is for sinking fund on public debt, and need not be paid; that $35,000,000 is appropriated for the Panama Canal, which can be paid by the sale of bonds under the provisions of this bill. By making these reductions there would be left as a necessary amount to be raised by taxation $725,673,586.23. To meet this enormous sum the following estimates are made:

From customs duties under the present bill	$305,224,752
From internal revenue	251,000,000
From taxes on legacies	20,000,000
From miscellaneous sources	62,000,000

making in all $638,224,732.39, which anyone can see will leave a deficiency of over $87,000,000 per year.

It is claimed for this bill that it will produce $33,166,748.25 more revenue than existing law. It may be surprising to know that after all that has been said about the revenue features of this bill it proposes only $11,666,748.25 more than the Dingley law on customs duties. In fact, it produces less by nearly $3,000,000 than the present law on all schedules excepting agriculture. Agricultural products and provisions are increased $14,010,392.33. It might be expected naturally that any extra burdens would bear more heavily on agriculture than anything else. But, in this case, this enormous increase in agricultural schedules was ostensibly for the protection and benefit of the farmer. Notice how this is worked out. Tea, which has been on the free list, is taxed 8 cents per pound. This product is all imported so that there is no protection to the American producer or laborer in levying the tax. There was imported for consumption last year 99,420,859 pounds. If there should be the same importation next year, it would yield a revenue under the proposed law of $7,953,668.70. Pepper, mustard, nutmeg, cloves, cinnamon, and nearly all kinds of spices are taken from the free list and taxed 30 per cent of their value, and this would add one and one-half millions more to the revenue. Not content with these heavy taxes on the American table, cocoa has been added to the dutiable list with a tax of 4 cents per pound, which amounts on the present importations to $3,200,000 more.

Apparently not satisfied with this burden placed on the farmer under the guise of protection to his industries, but in fact adding directly to his expenses for the necessaries of life which go into every-day home consumption, there has been taken from the dutiable list with a tax of 15 cents per pound hides, which are produced by the cattle raisers of the country, that the Boston shoe merchant may secure his leather cheaper. This loss to the western farmer has not been fully compensated. If there was a material reduction on the importation prices of boots and shoes, then there could be little complaint, but in

this particular there is apparently splendid foundation for the charge that this bill is drawn in the interests of the eastern manufacturers. The people generally are favorable to free hides, but they wish free boots and shoes as well.

It is surprising what misleading arguments are sometimes made. For example, the gentleman from Ohio undertook to show that the 1867 tariff of 12½ cents per pound on wool was the cause of the marvelous increase in the wool clip from 160,000,000 pounds in 1867 to 308,000,000 pounds in 1885. Then, I ask, why was there less wool produced in 1872, for the law had been in existence five years, than when it was first enacted? There has been practically the same rate of taxation since the existence of the Dingley law. On the same principle, why were there 62,000,000 sheep in 1902 and only 45,000,000 in 1905? Why were there 64,000,000 sheep in 1903 and never within 10,000,000 of that number since that time? Why was the price of wool to the farmer in 1908 so much reduced from earlier years? Why were sheep worth $178,000,000 in 1901 and only $127,000,000 in 1905, a falling off in value of nearly 30 per cent in four years?

I do not controvert the fact that tax on wool increases the price to the woolgrower, because our people are importers of wool and not exporters. The annual production is about 300,000,000 pounds, and there are imported over 200,000,000 pounds; but our market, after all, is largely controlled by the question of supply and demand. The scarcity of wool in the world increases the price here, and a surplus in the world's supply will lessen it. The gentleman from Ohio left the impression that the American horse was valuable only because of the tariff, and that the value increases as the tariff increases. In illustration he shows that horses were worth less in 1897 under the Wilson bill than in 1893 under the McKinley law, and were worth more in 1908 under the Dingley tariff than in 1893. But he fails to explain that horses were worth $74 per head in 1889, when Mr. Cleveland first went out of office, and that they declined each year and were only worth $61 per head when he was inaugurated the second time. Why not be fair in these discussions, and admit the truth—that none of the tariffs, high or low, are responsible for the price of horses? When they are in demand, they are high, and when there is an oversupply, horses are cheap.

The gentleman from Washington likewise digressed from the discussion of the merits of the pending bill to make comparison of the prices of farm products. He said:

> It is the common knowledge of all men that shortly after 1894, about 1897, that the prices in this connection began to rise and rose very rapidly all the time up to 1904 and past that date.

I ask that the record be examined to ascertain the truth of this statement. Take wheat, the great staple crop of the country. In 1897, the year Mr. Cleveland went out of office, wheat was 80 cents a bushel, and it never reached that price again in any year, with the exception of 1904, until the year 1907. I quote from the Statistical Abstract the price of wheat for the following years:

	Cents.
1897	80.8
1898	58.2
1899	58.4
1900	61.9
1901	62.4
1902	63.0
1903	69.5
1904	92.4
1905	74.8
1906	66.7
1907	87.4

Some gentleman may say your statement begins with the close of the Cleveland administration, and does not show the prices during that time. To be entirely fair, I will give the prices of wheat, commencing in 1890 and ending with 1896, which completes the table:

	Cents.
1890	83.8
1891	83.9
1892	62.4
1893	53.8
1894	49.1
1895	50.9
1896	72.6

It will be observed that from 1890 to 1894, under the McKinley tariff, wheat fell from 83.8 cents to 49.1 cents, and that under the Wilson tariff it rose from 49.1 to 80.8 cents, and that for five years thereafter it was not within 15 cents per bushel of the 1897 prices. Equally surprising facts are found with reference to the price of corn. For example, in 1899, it was worth 30 cents per bushel; in 1901, 60 cents; in 1895, during the Cleveland régime, 45 cents per bushel; and in 1905, under Roosevelt, 41 cents per bushel.

Any comparison which undertakes to charge the low prices of farm products to a low tariff and the high prices of such products to a high tariff are without foundation in fact. The surplus of the staple products of the farm are sold abroad in the open market in competition with the products of the lowest-paid labor in the world.

It is urged that there is a tax on farm products which protects the agriculturalist. How does that help the farmer so long as he is an exporter? Whenever he becomes an importer, or like products are imported, as in the case of the sugar planter, then the tax imposed is a benefit, because the foreign sugar producer or the importer, as the case may be, can not sell here without first paying the duty on sugar. The wheat grower exports annually more than 200,000,000 bushels of wheat and wheat flour. He is dependent wholly upon the export price for his product, which is governed mainly by the supply of wheat in the world. Why was it that wheat was worth less than 50 cents per bushel in 1894? A careful inquiry will develop the fact that it was because there was more wheat produced that year than in any previous year in the world's history. Why did it increase in price to 80 cents per bushel in 1897? Was it because of Grover Cleveland and the Wilson bill? No; but because in that year there was a shortage of 270,000,000 bushels from 1896, and the world production was less by 425,000,000 bushels than in 1894. The world's production in 1891, under the McKinley tariff, was 130,000,000 bushels less than it was in 1893, when it was worth 30 cents per bushel less. If gentlemen were to study the economical conditions and the causes which affect, there would be none of the cheap political cant which charges all of the financial failures to the actions of any political organization. This bill should stand or fall on its merits, and not on any attempt to befog and belittle a great political organization by fallacious declarations, deceptive jugglery of figures, or bitter denunciations. None of these should avail in determining the desirability of the proposed legislation.

There can be no question of the fact that the American people were promised revision of the tariff by both political parties. Notwithstanding this positive pledge to the people, gentlemen wedded to the doctrine of protection have repeatedly asserted that the tariff should be so high as to prevent the importation of any foreign goods in competition with American manufacture. At least three members of the Ways and Means Committee have declared themselves in favor of this position, which is in open violation of platform declarations and in utter disregard of the needs of the people. It is the extreme selfish view in statesmanship, which would have a small part of the people prosper without regard to the well-being of the great mass of mankind whose will should be supreme and whose wishes should be enacted into law. According to the table prepared by the tariff experts who are employed by the Ways and Means Committee to make comparison of the Dingley law and the Payne bill, the present average per cent of customs duties under the several schedules is 44.16 per cent, while under the proposed law the per cent will be 45.72, an increase of 1.56 per cent over the Dingley duties.

COUNTERVAILING DUTIES.

One of the objectionable features of this bill is what is termed "countervailing duties." These are conditional taxes and dependent upon the terms expressed in the provisions of the bill. Petroleum, for illustration, is placed on the free list, but in doing so there is added this proviso:

> That if there be imported into the United States crude petroleum, or the products of crude petroleum, produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

No one can tell whether there will be any tax on crude petroleum or whether this provision will serve to prohibit importation. It is not known how much the tax may be, because it will depend upon the tax imposed in the country which levies an impost on American products seeking admission there. The interpretation of the law will depend wholly upon the statute of a foreign country. The Standard Oil Company now controls the price of oil in the United States; in fact, it almost controls the world's price. The crude oil is subject to its dictation, whether it owns the oil or buys the product from independent producers. No independent producer can compete with that company, but is completely subject to its monopolistic grasp. If independent competition is attempted, the Standard has the power to crush its competitor. In addition to its enormous holdings in the United States, it owns oil fields wherever oil in paying quantities is found. In every oil-producing country of the world, with the possible exception of Russia, it has possessions. If it is sought in the United States to assert the rights of a competitor, the overmastering power of the Stand-

ard is met at every advanced step. If it is attempted to protect against the foreign competitor, again the Standard is found in the way to progress. How to release its hold, how to meet its control, how to remove its monopolistic power, are the questions which so greatly concern the whole American people. I feel sure that the sentiment in this House is so strongly in favor of the people in this contest that the countervailing duty on petroleum will be removed and it will be placed unconditionally on the free list. The provision now in the law can only benefit the Standard Company, so that no harm can result from removing this barrier to competition from without.

A countervailing provision is attached to the coffee schedule, which makes the law indefinite as to amount of tax and dependent upon the action of the country exporting coffee. It is expressed in this proviso:

That if any country, dependency, province, or colony shall impose an export duty or other export tax or charge of any kind whatsoever, directly or indirectly, upon coffee exported to the United States a duty equal to such export duty, tax, or charge shall be levied, collected, and paid thereon.

Brazil last year sent to the United States three-fourths of the coffee consumed, over 778,000,000 pounds. It furnished over two-thirds of the world's crop. That country has an export tax on coffee of nearly 3 cents per pound. The effect of the passage of this bill would be to levy a tax of 3 cents per pound on all Brazilian coffee. It is claimed that that country would remove this export duty in order to avoid the tax imposed here. It has been plainly shown, however, that Brazil needs the revenue, and, in addition, that its bonded indebtedness is based on the agreement to continue such tax. That country is, therefore, so situated that it can not withdraw the tax. The United States would then impose the 3-cent rate on every pound coming from Brazil. Coffee, therefore, instead of being on the free list, will yield a revenue of many millions of dollars. I feel sure it is safe to predict that this unreasonable and uncertain tax will be removed by placing coffee on the free list without interposing conditions.

Another provisional section will have the effect of preventing the importation of small watches, because it will be impossible to make the engraving required on the case and movements. The prohibitory provision to which I refer is thus expressed:

That all watch movements and cases of foreign manufacture shall have the name of the manufacturer, and of the state, town, or village, and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the face of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals; and none of the articles shall be delivered to the importer unless marked in exact conformity to this direction.

Why should such a provision be made? Why should the importer, if he pays the customs duties required by law, be excluded? American watches are sold in every market of the world. If the European watch is sent to this country, and the importer is willing to pay the duty here, should the law by its terms have the effect of excluding it? Watches, too, are a commodity which it is admitted are sold away from home much cheaper than in the United States.

The best hidden "joker" found in any schedule in the bill, perhaps, is the countervailing tax on lumber. The conditional clause is splendidly expressed in these words:

That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever upon, or any discrimination against, any forest product exported to the United States, or of any country, dependency, province, or other subdivision of government forbids or restricts the exportation of any forest product to the United States in any way, there shall be imposed upon all of the forest products of such country when imported into the United States the duties prescribed in section 3 of this act during the continuance of such export duties, charges, embargo, discrimination, or restriction.

This provision is so broad and far-reaching that if any small dependency or division of government in any part of British Columbia should impose an export duty, however slight, upon any product of the forest of any kind, then the Dingley rates are to apply to the products of lumber that may be exported. The gentleman from Michigan [Mr. FORDNEY], author of this provision, frankly admitted that it would have the effect of retaining the Dingley rate, and was intended to do so. In my judgment, this unfortunate provision will not be in the bill when it goes to the Senate. There will be a reduction of 50 per cent as indicated in the present bill, or a less rate, on lumber, with all conditions removed. The people have a right to know the rate of taxation on anything imported into this country. No law should be so framed as to depend for its construction upon the statutes of another country. Our tariff bills should be so framed that every item in them can be understood at the time of the reading. There are several provisions in the pending bill which no man can understand without reading various other sections in the bill, and in some instances the expressions are so difficult in their meaning that no man can tell in advance what would be the probable construction of a court on the provisions of the bill. Before passing from this phase of the subject I wish to call attention to another proviso. In the schedule fixing the duty on dolls, doll heads, and toys there is named an ad valorem tax of 35 per cent, which is the existing law; then there are added these words:

The toys made in imitation or miniature of, or bearing the same name as, articles that are provided for in the dutiable list of this section by individual or class designation shall pay the same rate of duty as such articles.

Nearly all toys are made in imitation of something real or bearing the name of some article of manufacture. This bill would make the tax on the toy the same as on the object imitated. If a toy is made in imitation of a horse, the duty would be the same as on a horse that might be imported, $30. On a toy cow the duty would be $3.75, which is the proposed duty on a cow. Small toy watches, in Europe worth, say, $1.36 per gross, would, under existing law, pay 49 cents duty, but under the Payne bill there would be required 70 cents for each watch, plus 40 per cent ad valorem on the case, which would amount to $101.34 per gross, or about 75 cents each. A toy sheep, which would cost less than 10 cents in Europe, would require a duty of $1.50, because the duty on a sheep is that amount. A toy pistol, which may be imported at 5 cents, would be required to pay a duty of 75 cents and 25 per cent of the value of the pistol, because that is the duty on pistols. These items show the absurdity of this provision. I can not understand on what theory such a suggestion was made, unless it was for the purpose of preventing their importation. The manufacturers of toys, according to the hearings, agreed that 35 per cent ad valorem was a sufficient protection to them. The hearings disclose also a violent protest to the proposed provision, and an urgent demand that it should not be incorporated into law.

DRAWBACKS.

Another scheme provided in this bill is pernicious in its effects. I have reference to what is known as the "drawback" feature; that is, a provision which, in certain specified cases, allows 99 per cent of the duties that have been paid to be refunded to the persons who made payment. For example, where ships are constructed in American shipyards for foreigners, to be used in foreign trade, the duties of all the materials of importation used in building the ship shall be paid back to the shipbuilder. This is a strange provision, in light of present conditions. With the merchant marine of this country fast passing away, with the decline from 65 per cent of the whole carrying trade in 1860 to about 10 per cent of it now, this makes this action the more astounding. Why should ships be built for foreign ownership free from the effects of the tariff, while all duties are imposed in the construction of American ships for American use and ownership?

Section 29 of the bill is so constructed as to make the meaning indefinite. I have conferred with no one who has a fixed idea of what is intended. One of its provisions is—

On the exportation of articles manufactured or produced in the United States either in whole or in part of imported materials, or from domestic materials of equal quantity and protective manufacturing quality and value, such question to be determined by the Secretary of the Treasury, there shall be allowed a drawback equal in amount to the duties paid on the imported materials used, or where domestic materials are used, to the duties paid on the equivalent of imported materials less the legal deduction of 1 per cent.

This, whatever else it may accomplish, is intended to have the effect of furnishing free of duty the materials for use in manufacturing articles which may afterwards be exported. It is another forceful illustration of the apparent desire to pave the pathway of the manufacturer with every substantial benefit that a law can give without regard to the rights of the American consumer, who pays the bills.

Another paragraph of the same section relates to the withdrawal of the internal revenue from articles aboard ship and is in these words:

Articles of domestic manufacture and production subject to internal revenue tax may be withdrawn from bonded warehouses free of tax, to be consumed on vessels clearing for foreign countries, and after their departure from the United States, under such rules and regulations as the Secretary of the Treasury shall prescribe.

There is now a heavy internal revenue tax imposed on all malt and spirituous liquors, tobacco, cigars, and cigarettes, amounting to $250,000,000 annually. Under the provisions of the pending bill, all articles which pay such taxes can be sold for consumption and use on any vessel clearing for foreign ports entirely exempt from taxation. All revenues are to be remitted. Why should this Government encourage the use and sale of intoxicating beverages and tobacco in every form on the high seas, while it prohibits the American citizen on land from using the same articles unless the revenue duties are fully

paid, and until the individual has first obtained a license to sell and dispose of such commodities?

In the fiscal year ending June 30, 1907, the records showed that over one-half million people took passage from the United States. This gives an idea of the enormous traffic which is encouraged by this unusual concession. The drawbacks under the Dingley law are not nearly so large as those expected under the Payne bill. For the last ten years the drawbacks have averaged more than $5,000,000 per year. Many think they will be several times that under the Payne bill. In any event, whatever the drawback may be, it is taken from the current revenue and lessens it by the amount thus withdrawn. I ask on principle, Why should the manufacturer be given a royalty to the amount of the customs duties on goods sold for export when the American citizen is required to pay them on goods sold at home? On what economic or ethical basis can such a course be upheld?

MAXIMUM AND MINIMUM RATES.

One of the most radical and serious changes made in existing law is with reference to maximum and minimum rates. Under the Dingley law the maximum rate was charged unless by friendly trade agreement a lower rate was determined upon not below the minimum rate. This had the effect of encouraging trade and was an inducement to fair treatment on peaceful terms. Under the Payne bill the minimum rate is first charged, but all existing treaties as to tariffs are to be annulled in sixty days after the passage of the bill, then the maximum rate is to be charged against every country unless the foreign government shall give the United States as favorable tariff arrangements as are given to any other country.

The minimum rates are the specified rates under the Payne bill. The maximum rates are on an average about 20 per cent higher than the Dingley rates and add 68 paragraphs of the free list to the dutiable list at 20 per cent ad valorem. The purpose of this plan is to coerce trade agreements, to force other nations to make with us the most favorable trade relations. This, in face of the fact that our Government has entered into a treaty with Cuba to favor it in the discrimination of duties beyond all other nations. How can it be expected to drive other nations to terms while this Government is itself favoring Cuba? Leading nations to-day have agreements with one another whereby preferential duties are given in certain instances, and our Government has done likewise. Why should it now seek to annul these treaty stipulations, cause other nations to break up their preferential plans, and drive them if they trade with this Government to readjust their tariff agreements, when our Government would not change its trade relation with Cuba to satisfy any other country?

The strongest plea in favor of the pending bill was made by the gentleman from California [Mr. MCKINLAY], who insisted that the United States should have a tariff law so high that no goods would ever come into competition with American manufactures, and then the productions of this country should be limited to the needs of our own people. This is the legitimate result of the protective policy, and is the fairest expression of it I ever heard from a Republican. What must become of the American farmer, who has produced more than $50,000,000 worth of animals each year than is needed for home use and consumption? What will be done with the $700,000,000 annual surplus of farm products? Where will the market be found for the half billion dollars' worth of manufactured goods that are sold in foreign markets? This country is reaching a point in its development where the vital question is one of the sale of commodities.

The great burning economical proposition is, Where can the products of the American farm, mine, and manufactory find a ready and profitable market? This country is great industrially. Its business thrift and enterprise can not be surpassed. Its natural advantages are the greatest enjoyed by any people. And yet, in direct opposition to the plea of the gentleman from California, is the demand of the American producer for a place where he can dispose of the fruits of his toil at a profit. I can not understand how the American who examines the pending bill in the light of business expansion and economic conditions can indorse the restrictive effect of such a law upon the trade of our country at home and abroad. In the face of a pledge to revise the tariff in the interests of the people, this unequal, unfair, unjust, and grievously burdensome measure can not meet the expectant demands of a generous people. Since the pending bill increases the cost of nearly everything of everyday consumption, from that which makes up the daily bills of fare for the table to the clothes and underwear worn by the inmates of the home, and brings expense and burden rather than relief from the ills already borne, a long-suffering people will certainly condemn it as a measure of oppression, and will see in it a further yielding to the firm grasp of monopoly rather than the loosening of the bands which now draw the profits of the masses into the coffers of the few. Against this tendency I protest. Legislation should be in the interest of the whole people. They should write the statutes, and as far as I can ascertain their judgment it shall control my action. Believing as I do that the pending bill is not in their interests and will in no way benefit them, I shall cast my vote against it.

Mr. BARTLETT of Georgia. Mr. Chairman, I thank you for your kindness and courtesy in extending me recognition at this time, but owing to my physical condition I am not able to proceed. I will avail myself of the privilege of extending my remarks in the RECORD now or later, in the event I shall be able to address the committee on Monday.

Mr. KORBLY. Mr. Chairman, there is an irreconcilable conflict between two propositions presented by this bill, as indicated in its title. It purports to be a bill to provide revenue and encourage the industries of the United States. This means that the bill is devised primarily for purposes of "protection."

In so far as it tends to "protect" it fails to provide revenue, and in so far as it tends to provide revenue it fails to "protect." It can "protect" only by shutting out imports, and it can provide revenue only by securing imports.

Its proponents are so doubtful of its revenue-producing qualities that they have provided for issuing $250,000,000 worth of interest-bearing bonds, called "certificates of indebtedness," out of deference to certain critics of a certain Democratic administration. If this inference as to the bond provision is not correct, and if the bill is really expected to produce the needed revenue, then the proponents of the bill certainly must be preparing, not to reduce expenses, but to increase them enormously. There is likewise an irrepressible conflict between the advocates of "protection" and the defenders of man's natural rights. Those who deny to "protection" anything but evil can hardly be expected to discuss the question of how much "protection" is necessary or desirable.

Mr. Chairman, I do not believe that we can achieve "national prosperity" by legislation. Both in and out of Congress many profess to believe this can be done. The proposition that we can tax ourselves rich has been proclaimed so often that the people seem to have a settled conviction that the chief business of Government is to provide prosperity for the Nation. This idea is almost a superstition. If it be true that prosperity flows from legislation, then such prosperity as we have had for the past eighteen months must be the kind to expect from the legislation proposed.

The truth is that legislation can, and often does, interfere with prosperity, but never creates it. We can not make the Nation rich by taxing ourselves, yet that is what the advocates of "protection," as provided in this bill, propose.

"Protection" has been well intrenched since the civil war, and the tariff has, consciously or unconsciously, been surrounded with so much "mystery" that not a few people profess to believe it is not understandable. The debates on the question are not always striking examples of perspicacity, and often are couched in terms which undoubtedly prove that many of the debaters are far from possessing a clear understanding of the question.

The tariff is indeed a vexed question, but it can be understood. To understand it involves merely an accurate description of what takes place in the production and distribution of wealth. The settlement of this question is desirable, and the demand for its settlement is insistent and must be met.

Not a few seem to think it can be settled by taking it out of politics, and many of this class boldly abandon their time-honored claims to greatness on account of tariff legislation in the past and frankly admit that "Congress does not know enough to write a tariff law." "How have the mighty fallen!" Eleven years bring many changes. In this opinion I heartily concur. Congress will never know enough to devise a bill which will successfully provide for both revenue and "protection." Much clamor is now heard for a permanent tariff commission as a means of taking the question out of politics. Somehow the suspicion will not down that these men are trying to let go. It is idle, however, to talk about taking the tariff out of politics. In the very nature of things it must continue a political issue until it is settled, and settled right. Ultimately it will be settled right, as was the slavery question; but, like the slavery question, it will be a long time in the settlement. So tariff reformers ought not to despair.

It is equally idle to talk about settling this question by referring it to a permanent tariff commission. The proposition involved is that a committee of experts will determine the amount of "protection" needed. The defenders of the doctrine that man has natural rights will never subscribe to this propo-

sition. The underlying principle of American institutions is the innate capacity of the people to settle for themselves all questions of government. This principle recognizes the certitude of reason and the natural dignity of man. Consequently this question will have to be settled by the people in the court of reason; and, in my opinion, they will never submit to a "committee of experts" questions which, in the very nature of things, and as a matter of right and duty, they must settle for themselves.

This proposition may draw upon me the scorn of protectionists, who seem to deny the certitude of reason, and cause them to say sneeringly that I learned this out of books. Book learning, it appears, is good in all branches of activity except "national prosperity." The kind of learning that is good in that behalf is evolved from the "inner consciousness" of "statesmen," who do not learn from books.

In this connection it may not be amiss to say that the people are coming to understand clearly that if a Congressman has to depend upon what he learns from the "tariff hearings" to equip him for "statesmanship," he is unfit for that important office.

Tariff reform has gained a tremendous impetus in the past two years. Time was when the people probably believed the story that panics came because the Democrats "tinkered" with the tariff. But we have just had a panic, and it came at a time when protectionists were in power, and had been uninterruptedly in power for more than ten years. It also came in a time of peace, and in the very midst of harvesting one of the most bountiful crops ever recorded in the history of the Nation, and the truth is its shadow is still upon the land.

Many thoughtful men were convinced that this panic would arouse the people on the question of banking and currency reform, which is woefully needed, and it did; but it aroused them more on the tariff question. The people evidently have taken this panic as conclusive proof of the error of the oft-repeated assertion that panics come only after the Democrats "monkey" with the tariff.

The people have a suspicion that the "protective" tariff has caused the "increased cost of living," and accordingly have voted for a revision of the tariff "by its friends." The word "revision" is susceptible of several interpretations, however, and time alone will disclose, Mr. Chairman, whether or not the revision now in process by the friends of a "protective" tariff will be upward or downward, and whether or not it will give relief.

The agitation for relief will not down. If we are to get relief, reform must be along natural lines and in full recognition of the truth that natural laws govern the production and distribution of wealth, and that more human misery flows from ignorance of natural laws than from all the crimes of history.

Protectionists seem to lose sight of the fact that legislative interference with natural laws is inevitably followed by human misery. Nature always provides punishment for violation of her laws, and from nature's decrees there is no appeal. The punishment for our attempts to provide "national prosperity" by act of Congress is the "increased cost of living."

Reforms are accomplished slowly, and tariff reform will be no exception. It will come when the people give a mandate for it, but not before. Perhaps the people will have to endure much increase in the "cost of living" before they will seriously examine "protection" on its merits, but their burdens under "protection" will increase progressively and finally become unbearable. When that time comes, and it is sure to come, "protection" will hear its death knell.

The power to tax is the power to take away from the people the fruits of their toil, their property, their food and clothing and homes. The power to tax is the power to destroy.

Taxes, therefore, ought to be sparingly and justly laid and collected, and the measure of justice is the equality of the burden and the needs of government economically administered.

As the tariff is a tax, it is excusable as a revenue producer, but not otherwise. A tariff for purposes other than revenue is unequal and unjust. A tariff for "protection" is a special privilege of the worst kind, and violates the rights of property. The right of the citizen in his property is a natural right of man, a right which government does not give and can not take away, a right which is guaranteed by the Constitution, but denied by act of Congress. Congress has not the right to lay a tax to be collected by private interests, yet that is the effect of "protection."

The tariff is essentially a question of political economy, concerning as it does the production and distribution of wealth.

Economically speaking, the Nation is not a unit. Political lines and national boundaries are not made for economic reasons. If Mr. Jefferson had not bought Louisiana, the "disasters" which would have followed the years of unrestrained commerce between the people of that section and the people of the old Northwest Territory would be dreadful to contemplate. Had Nova Scotia joined in the Revolution it would not now be necessary to "protect" the people of Boston against Nova Scotia coal. Had we conquered Canada in 1812 we would not now have to "protect" ourselves against her lumber. Had Texas maintained her separate sovereignty, we could not now allow our citizens liberty to buy Texas beef.

Inasmuch as Mexico is a separate sovereignty we may not use her petroleum, even though it be so plentiful as to run into the sea, as it does, according to the gentleman from New York [Mr. VREELAND].

In the face of the overwhelming disaster which befell San Francisco recently we forgot to protest against the contributions of food and clothing made by the "pauperized" peoples of Europe. We forget to rejoice over disasters which befall other peoples, and when famine is their lot we divide with them our food and clothing. We forget that we used our navy as an instrument of mercy recently to carry food and clothing to the hungry and the naked in southern Italy.

Yet Congress is full of "statesmen" who regard the exchange of food and clothing, building material, and household furniture as "commercial warfare," and who inveigh against importations as "invasion," and who predict that freedom and liberty in the matter of exchange will result in the "capture" of our markets and the "annihilation" of our industries. These are the men who are now engaged in rehabilitating our "national prosperity."

Protectionists seem to regard money as wealth, but money is not wealth. Wealth consists of goods, broadly classified as food, clothing, and homes. Wealth is produced, not by act of Congress, but by labor. Wealth is produced, not in Congress, but on the farms and in the mines and factories. Wealth is the product of labor coupled with nature. Nature does much; labor does little. The sun and the rain and the wind are not negligible quantities in the scheme. The production of wealth is, however, scarcely more important to mankind than its distribution.

The distribution of wealth involves the machinery of exchange, the machinery for transferring the ownership of property from one person to another, and transportation. But transportation is another question. The machinery for transferring ownership consists of money and banking.

Protectionists do not seem to understand the nature of money and banking. Money is a measure of value. It is also a tool or instrument for transferring the ownership of property. About 5 per cent of the business of the country is done with money. The other 95 per cent is done without the use of money, save as a measure of value, by means of banks.

In this age it is no longer possible for a man to supply all his needs with his own hands. Specialists in all branches of activity produce wealth which is placed in the common fund of commerce. Originally men exchanged or traded their products directly; for instance, a bushel of wheat for a yard of cloth. This was direct barter. Specialization developed variety of products, and then direct barter consumed so much time that it became burdensome, so double barter was invented. Double barter consists of trading general products for one particular product, which particular product by common consent is made the measure of value and the medium of exchange.

For ages this particular product has been the precious metals and has been called "money." Money is to-day the measure of value throughout the civilized world, but it is a very limited medium of exchange. Specialization and the development of labor-saving machinery so increased the quantity and variety of the product of man's labor, and so complicated the process of exchange, that money was no longer adequate to the work of transferring the ownership of products, and banking was devised for the purpose. Hence, among other things, a bank is a machine for the transfer of the ownership of property, and banks and clearing houses to-day are actually engaged in transferring the ownership of property from one person to another and without the use of money, save as a measure of value. In short, one piece of property is traded for another piece of property at an agreed valuation through banks by means of checks and clearing houses.

Overwhelming necessity brought this about, for no civilized country possesses or can possess money enough to effect the transfers of ownership in modern domestic commerce; and the civilized world does not possess enough money to effect even the transfers of the ownership of property between the citizens of the several nations.

International commerce is merely the exchange of products between citizens of the several nations. The citizen trades—not

the nation. What takes place every day in the clearing house of an American city is exactly what takes place in international commerce. One commodity is traded for another commodity.

Millions of dollars' worth of commodities and property are exchanged every day, and scarcely any money at all is used even in settlement of the balances.

The imports and exports of merchandise by the people of the United States for the fiscal year ending June 30, 1908, were more than $3,000,000,000 in value, which is more than all the gold and silver coin and bank notes in the United States. Yes; and it is more than all the gold imported by the United States in one hundred and seventeen years.

The imports of merchandise for the year mentioned amounted to more than $1,194,000,000 worth, and the exports amounted to more than $1,860,000,000 worth, an excess of exports over imports of more than $666,000,000 worth of goods.

Our imports of gold and silver for the year mentioned were $192,975,418 and our exports $130,354,926, an excess of imports of $62,620,492. Last year, it will be remembered, bankers, on account of the scarcity of currency due to the panic, imported an unusually large amount of gold.

Our exports of merchandise last year, it appears, exceeded our imports by more than $600,000,000 worth. Yet our imports of gold and silver exceeded our exports by less than $63,000,000. This leaves more than $600,000,000 worth of merchandise exported last year for which, apparently, the American citizens were not paid. I say "apparently," for, in fact, the foreigner pays for this excess of merchandise exports in several ways: By services rendered—such as carrying merchandise across the sea, which will probably account for $200,000,000—by banking the various transactions, and by feeding, clothing, housing, transporting, and otherwise serving vast numbers of American tourists who roam foreign lands in quest of excitement, pleasure, and knowledge.

Hence we must conclude that our exports certainly are paid for in other things than money. Hence we are driven to the conclusion that for every dollar's worth of commodities or other property sent by an American citizen to a foreign country a dollar's worth of commodities, property, or service must come from some citizen of some foreign country to this country in payment.

Protectionists delight in talking about the "favorable balance of trade," and point with pride to the fact that we "sell more than we buy." Apparently they are superficial enough to believe that because we export more merchandise than we import we therefore sell more than we buy, and that the difference between what we "sell" and what we "buy" is paid to us in money, and that money, after all, is the one desirable thing, and that the receipt of this money is the proof of our prosperity and their wisdom.

The following tables, which are official compilations, conclusively prove the folly of the "balance of trade" doctrine, and the error of the inference drawn by protectionists that we get in money the difference between what we buy and sell:

Gold coin and bullion imported and exported and annual excess of imports or exports from 1864 to 1907.

Year ended June 30—	Exports.	Imports.	Excess of—	
			Exports over imports.	Imports over exports.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*
1864	100,661,634	11,176,769	89,484,865	
1865	58,381,063	6,498,228	51,882,805	
1866	71,197,309	8,196,261	63,001,048	
1867	39,026,627	17,024,866	22,001,761	
1868	72,396,344	8,737,443	63,658,901	
1869	36,009,498	14,182,568	21,870,930	
1870	33,635,982	12,056,950	21,579,012	
1871	66,686,208	6,883,561	59,802,647	
1872	49,548,760	8,717,458	40,831,302	
1873	44,856,715	8,682,447	36,174,268	
1874	34,042,420	19,503,137	14,539,283	
1875	66,980,977	13,696,793	53,284,184	
1876	31,177,060	7,992,709	23,184,341	
1877	26,590,374	26,246,234	344,140	
1878	9,204,455	13,330,215		4,125,760
1879	4,587,614	5,624,948		1,037,334
1880	3,639,025	80,758,396		77,119,371
1881	2,565,132	100,031,259		97,466,127
1882	32,587,880	34,377,054		1,789,174
1883	11,600,888	17,734,149		6,133,261
1884	41,081,957	23,331,317	18,250,640	
1885	8,477,892	26,691,096		18,213,804
1886	42,962,191	20,743,349	22,206,842	
1887	9,701,187	42,910,601		33,209,414
1888	18,376,234	43,934,317		25,558,083
1889	59,952,285	10,284,858	49,667,427	
1890	17,274,491	12,943,342	4,331,149	

Gold coin and bullion imported and exported and annual excess of imports or exports from 1864 to 1907—Continued.

Year ended June 30—	Exports.	Imports.	Excess of—	
			Exports over imports.	Imports over exports.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*
1891	86,362,654	18,232,567	68,130,087	
1892	50,195,327	49,699,454	495,873	
1893	108,680,844	21,174,381	87,506,463	
1894	76,978,061	72,449,119	4,528,942	
1895	66,468,481	36,384,760	30,083,721	
1896	112,409,947	33,525,065	78,884,882	
1897	40,361,580	85,014,780		44,653,200
1898	15,406,391	120,391,674		104,985,283
1899	37,522,086	88,954,603		51,432,517
1900	48,266,759	44,573,184	3,693,575	
1901	53,185,177	66,051,187		12,866,010
1902	48,568,950	52,021,254		3,452,304
1903	47,090,595	44,982,027	2,108,568	
1904	81,459,986	99,055,368		17,595,382
1905	92,594,024	53,648,961	38,945,063	
1906	38,573,591	96,221,730		57,648,139
1907	51,890,176	114,510,249		63,111,073

Silver coin and bullion imported and exported and annual excess of exports over imports from 1864 to 1907.

Year ended June 30—	Exports.	Imports.	Excess of exports over imports.
	Dollars.	*Dollars.*	*Dollars.*
1864	4,734,907	1,938,843	2,796,064
1865	9,202,193	3,311,844	5,950,349
1866	14,846,762	2,503,831	12,342,931
1867	21,841,745	5,045,609	16,796,136
1868	21,387,758	5,450,925	15,936,833
1869	21,134,882	5,675,308	15,459,574
1870	24,519,704	14,362,229	10,157,475
1871	31,755,780	14,386,463	17,369,317
1872	30,328,774	5,026,231	25,302,543
1873	39,751,859	12,798,490	26,953,369
1874	32,587,985	8,951,769	23,636,216
1875	25,151,165	7,203,924	17,947,241
1876	25,329,252	7,943,972	17,385,280
1877	29,571,863	14,528,180	15,043,683
1878	24,535,670	16,491,099	8,044,571
1879	20,409,827	14,671,052	5,738,775
1880	13,503,894	12,275,914	1,227,980
1881	16,841,715	10,544,238	6,297,477
1882	16,829,599	8,095,336	8,734,263
1883	20,219,445	10,775,242	9,464,208
1884	26,051,426	14,594,945	11,456,481
1885	33,758,633	16,550,627	17,208,006
1886	29,511,219	17,850,307	11,660,912
1887	26,296,504	17,260,191	9,036,313
1888	28,037,949	15,403,669	12,634,280
1889	36,689,248	18,678,215	18,011,033
1890	34,873,929	21,032,984	13,840,945
1891	22,590,988	18,026,880	4,564,108
1892	32,810,559	19,955,086	12,855,473
1893	40,757,319	23,193,252	17,544,067
1894	50,451,265	13,286,552	37,164,713
1895	47,295,280	20,211,179	27,084,107
1896	60,541,670	28,777,186	31,764,484
1897	61,946,638	30,533,227	31,413,411
1898	55,105,239	30,927,781	24,177,458
1899	56,319,055	30,675,056	25,643,999
1900	56,712,275	35,256,302	21,455,973
1901	64,286,180	36,386,521	27,898,659
1902	49,732,390	28,322,254	21,410,136
1903	44,250,259	24,163,491	20,086,768
1904	49,472,702	27,768,814	21,703,888
1905	48,848,812	27,484,865	21,363,947
1906	65,869,063	44,442,540	21,426,522
1907	56,739,073	43,946,624	13,792,449

Merchandise imported and exported, and the annual excess of imports or exports: Specie values, 1864 to 1907.

Year ended June 30—	Exports.	Imports.	Total exports and imports.	Excess of exports over imports.	Excess of imports over exports.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1864	158,837,988	316,447,283	475,285,271		157,609,295
1865	166,029,303	238,745,580	404,774,883		72,716,277
1866	348,859,522	434,812,005	783,671,588		85,952,544
1867	294,506,141	395,761,096	690,267,237		101,254,955
1868	281,952,899	357,436,440	639,389,339		75,483,541
1869	286,117,697	417,506,370	703,624,076		131,388,682
1870	392,771,768	435,958,408	828,730,176		43,186,640
1871	442,820,178	520,223,684	963,043,862		77,403,506
1872	444,177,586	626,595,077	1,070,772,663		182,417,491
1873	522,479,922	642,136,210	1,164,616,132		119,656,288
1874	586,283,040	567,406,342	1,153,689,382	18,876,698	
1875	513,442,711	533,005,436	1,046,448,147		19,562,725
1876	540,384,671	460,741,190	1,001,125,861	79,643,481	
1877	602,475,220	451,333,126	1,053,798,346	151,152,094	
1878	694,865,766	437,051,582	1,131,917,298	257,814,234	
1879	710,439,441	445,777,775	1,156,217,216	264,661,666	

Merchandise imported and exported, and the annual excess of imports or exports: Specie values, 1864 to 1907—Continued.

Year ended June 30—	Exports.	Imports.	Total exports and imports.	Excess of exports over imports.	Excess of imports over exports.
	Dollars.	*Dollars.*	*Dollars.*	*Dollars.*	*Dollars.*
1880	835,638,658	667,954,746	1,503,593,404	167,683,912	
1881	902,377,346	642,664,628	1,545,041,974	259,712,718	
1882	750,542,257	724,639,574	1,475,181,831	25,902,683	
1883	823,839,402	723,180,914	1,547,020,316	100,658,488	
1884	740,513,600	667,697,698	1,408,211,302	72,815,916	
1885	742,189,755	577,527,329	1,319,717,084	164,662,426	
1886	679,524,830	635,436,136	1,314,960,966	44,088,694	
1887	716,183,211	692,319,768	1,408,502,979	23,863,443	
1888	695,954,507	723,957,114	1,419,911,621		28,002,607
1889	742,401,375	745,131,652	1,487,533,027		2,730,277
1890	857,828,684	789,310,409	1,647,139,093	68,518,275	
1891	884,480,810	844,916,196	1,729,397,006	39,564,614	
1892	1,030,278,148	827,402,462	1,857,680,610	202,875,686	
1893	847,665,194	866,400,922	1,714,066,116		18,735,728
1894	892,140,572	654,994,622	1,547,135,194	237,145,950	
1895	807,538,165	731,969,965	1,539,508,130	75,568,200	
1896	882,606,988	779,724,674	1,662,331,612	102,882,264	
1897	1,050,993,556	764,730,412	1,815,723,968	286,263,144	
1898	1,231,482,330	616,049,654	1,847,531,984	615,432,676	
1899	1,227,023,302	697,148,489	1,924,171,791	529,874,813	
1900	1,394,483,082	849,941,184	2,244,424,266	544,541,898	
1901	1,487,764,991	823,172,165	2,310,937,156	664,592,826	
1902	1,381,719,401	903,320,948	2,285,040,349	478,398,453	
1903	1,420,141,679	1,025,719,237	2,445,860,916	394,422,442	
1904	1,460,827,271	991,087,371	2,451,914,642	469,739,900	
1905	1,518,561,006	1,117,513,071	2,636,074,737	401,048,595	
1906	1,743,864,500	1,226,562,446	2,970,426,946	517,302,054	
1907	1,880,851,078	1,434,421,425	3,315,272,503	446,429,653	

Without exception, since 1864 our exports of silver yearly have exceeded our imports; and our exports of gold have largely exceeded our imports for the period named.

For each of the past thirty-three years, with but four exceptions, our imports of merchandise have largely exceeded in value our exports of merchandise.

So we find from government statistics that for the last forty-three years our exports of merchandise and our exports of money have largely exceeded our imports of merchandise and our imports of money.

The following totals of imports and exports, from 1790 to 1908, inclusive, a period of one hundred and eighteen years, as they appear in the historical table of imports and exports, Annual Review of the Foreign Commerce of the United States, page 30, are illuminating:

Merchandise exports	$46, 328, 213, 301
Merchandise imports	40, 243, 189, 615
Excess exports	6, 085, 023, 686
Gold and silver exports	4, 521, 866, 830
Gold and silver imports	3, 090, 520, 768
Excess exports	1, 431, 346, 062
Merchandise and gold and silver exports	50, 850, 080, 131
Merchandise and gold and silver imports	43, 333, 710, 383
Excess combined exports	7, 516, 369, 748

In the light of these facts, what becomes of the idea that "money is wealth?" What becomes of the idea that only one party to a transaction can make a profit, and that the one who gets the money? What becomes of our boasted "favorable balance of trade?" What becomes of the claim that the difference between what we "buy" and "sell" comes to us in money? What becomes of the "home market?" What becomes of the "maximum and minimum rates for securing foreign markets?" What becomes of the prediction that a tariff for revenue only will cause our country to be "flooded" with "cheap" products of foreign "pauper" labor? Does not such talk show an ignorance of commerce that is appalling?

Scarcely 10 per cent of any nation's total annual product is exported or can be exported. More than 90 per cent of the products of each nation is consumed at home. War or famine may increase a nation's imports, but if the increase is due to war, the imports as a rule are to be paid for in the future; if the increase is due to famine or other like disaster, the imports are often a gift prompted by humanitarian motives.

The protectionists boldly assert that their policy gives "labor" to the people, from which it might be inferred that they look upon labor as a blessing. But labor is a curse. We read in Genesis that God drove Adam and Eve out of the Garden of Eden on account of their sins. Theretofore they had dominion over the earth and enjoyed whatever they wanted without working for it. But when God drove them from the garden He put a curse upon them, and said to them:

All the days of thy life shalt thou eat thy bread in the sweat of thy brow.

No one works because it is pleasant, but because it is necessary. We do not live to work, but we work to live. We work to overcome obstacles to our well-being, our prosperity. We need food, clothing, and homes; so we toil to secure these things. As soon as we have supplied one want we are confronted with another. We want more than just enough for our subsistence. We are always confronted with desires. We do not need an act of Congress to give us work.

In proof of this, I call as witnesses the countless numbers of men and women in our large cities who tramp from house to house and from factory to factory seeking—what? Not labor, for they are weary now from the labor of their quest. They know full well that no other labor is quite so hard as that of going from place to place seeking a chance to expend time and energy in the production of things which may be exchanged for food and clothing and shelter. They want bread, not work.

Work is a curse, not a blessing; yet "protection" makes us work harder to get what we need and want than we would have to work if we did not have "protection." We want more food, more clothing, more homes, more leisure, but we want less work.

By our unnatural laws we have built up unnatural industries, overcrowded our cities, hampered exchange, and lessened the productive power of our people, and as a consequence we suffer and our highly artificial system periodically breaks down and our sufferings are then accentuated. Then thousands of men and women suddenly are unable to get food for themselves. What must they think of legislation that gives them work, but prevents them from getting food?

When Christ told us how to pray, He bade us ask, not for our daily work, but for our "daily bread." When the multitude followed the gentle Nazarene on the occasion of the Sermon on the Mount, He did not tell them to catch fish and bake bread for themselves, but He took compassion upon them and multiplied the loaves and fishes that they might eat.

Oh, that was "cheap labor!" By eating that bread those poor people "robbed" themselves of the "advantage" of producing it themselves and "threw themselves out of work."

What of a man who refuses to live in a house already built, because, forsooth, by so doing he "robs" himself of the work of building a house, and who builds a new house out of new material to "protect" himself against "cheap labor?"

No doubt had some protectionist been present when God rained manna down from heaven for His chosen people, whilst Moses was leading them from the land of bondage into the land of promise, he would have warned them against the economic error of eating such food, for was it not "from a foreign country?" Was it not the product of "cheap labor?" Did it not literally "flood" the country with a "cheap" product? Was it not "dumped" on their shores? Was not the country "inundated" with it? Did it not "rob" the people of work? Did it not "annihilate" an industry? Did it not "paralyze" commerce?

By their words, protectionists seem to fear abundance and plenty, and by their acts they cause scarcity and want.

The rights of property are loudly proclaimed by the protected interests in their contests with organized labor, but these same interests seem to possess very obscure ideas about the rights of property when it comes to tariff schedules. The tariff is now and for many years has been and will no doubt continue to be laid primarily for the purpose of "protecting" industries. When a tariff is so laid it is an unwarranted interference with the production of wealth as well as a controlling factor in its unequal distribution.

"Protection" diverts capital and labor from natural channels to unnatural channels, from enterprises which are naturally profitable to enterprises which are naturally unprofitable, from industries which add to the stock of the world's wealth to industries which subtract from the stock of the world's wealth. In other words, "protection" constrains men to produce certain things, while without "protection" they could and would produce other things. It causes them to consume more time, more food, and more clothing whilst producing them than they will naturally exchange for after they are produced.

Hence it is these enterprises need "protection." "Protection" simply compels other people to give to the owners of these enterprises food and clothing which the owners of these enterprises could not under freedom get for themselves by exchange. In other words, the owners of these enterprises can not exchange their products for enough food and clothing to sustain life, so they have a law passed, called "protection," which forces the people to supply them with the difference, called "a reasonable profit."

Therefore the effect of "protection" is actually to lessen the production of wealth. This is so, whether the industry can or

can not continue without "protection." It is important to bear in mind, however, that there are not many cases where they can not continue without help. In most cases enterprises are not dependent upon "protection" at all. The owners of most protected industries simply fatten on what the law enables them to take away from other people.

Therefore, Mr. Chairman, if anyone says that I am in favor of destroying industries, I answer that any industry which can not sustain itself is a stumbling block to the Nation, and the sooner the men engaged in it get into some other enterprise which will make them self-supporting the better it will be for all concerned.

Under "protection," therefore, there is not as much wealth for distribution as there is under freedom. Under "protection" there is scarcity of wealth. This scarcity is felt by the people, but they do not perceive that food and clothing and building material are scarce; they just perceive that these things are "high priced." So scarcity manifests itself by increasing the cost of living. They do not get as much as they used to get and have to work harder to get it.

Under "protection" an inventory of the products of labor discloses less wealth, less food, clothing, building material, and household furniture in the land than under natural conditions, under freedom and liberty.

"Protection," we have seen, gives to some people the right, under the acts of Congress, to levy tribute upon other people; that is to say, our tariff laws enable some to take away from others the products of their labor—their food, clothing, household furniture, and building material—without giving them anything in return.

Perhaps I shall be denounced as a free trader, and this naturally presents for inquiry the meaning of the word "free," as used in this connection. As I understand it, it means that the citizen shall be at liberty to trade with whomsoever he pleases. It means that if a man produces something, he may exchange it for something produced by anybody else on earth. This is the natural condition of trade. If there were no statutes concerning trade and exchange, all men would be at liberty to trade with whomsoever they pleased. If a man is not free, what is his condition? If a man is not free, it is because his liberty has been taken away from him. A man in this condition is forced to do something he does not want to do and would not do if he were free. Why is he deprived of liberty and freedom? Is it that some one may compel him to accept a lot of good things which he desires and needs, or is it that some one may compel him to give up a lot of good things which he has produced by hard work? Man has always been deprived of liberty because some one wanted to rob him. Oppression has always had spoliation for its purpose.

Liberty is the natural right of man. The Declaration of Independence defines liberty as an inalienable right of man given to him by his Creator, and declares that government is instituted for the purpose of securing to him this right. I am old fashioned enough to believe that the Constitution guarantees to me this right. I am bold enough to say that I resent any attempt to deprive me of this right upon any ground whatsoever.

The pretext and refuge of "protectionists" is the "greatest good to the greatest number." This is a damnable doctrine. The natural right of the humblest citizen is far superior to the greatest good of the greatest number.

It is far better that a hundred guilty men go free than that one man should suffer unjustly.

No one will deny that what a man produces with his own labor belongs to him. He may do with it what he pleases—consume it himself, exchange it for his neighbor's product, or give it away. He may take it across the sea and give it away over there and not even a protectionist will complain. He may exchange it over there for some other fellow's product and no one will complain. So long as he does not bring the other fellow's product back to this country there will be no complaint. As soon as that is done, however, complaint is heard. Strange to say, the complaint is not that the foreigner has cheated and given too little, but that he has given too much. The more he gives, the louder the complaint.

If, for instance, an American citizen produces a thousand cigars and takes them to Berlin and exchanges them for 1,000 pencils, no one will complain until the pencils are brought to America. Then the American will be told that he has brought back too many pencils for his own good, as well as too many for the good of the country.

The customs-house officer will tell him that in view of these "facts" and the laws of the land based upon them, it will be necessary to take half the pencils away from him. Inquiry will develop the fact that the Government wants half the pencils for revenue to help support the Government (more or less economically administered), but it will further disclose the fact that the Government wishes to discourage the American from bringing home "too many" pencils in the future.

In fact, according to protectionists, the more pencils the American brings back, "the worse" for the country; the fewer, "the better." Because, by bringing back "too many" pencils Americans are "deprived of the opportunity of producing pencils by their own labor."

The cigar maker, as a result of his trade, has only 500 pencils left for himself, and he concludes that the effect of the transaction is exactly the same as if the Government had taken one-half his cigars in the first place. In fact, he would be better off if it had, for that would have saved him the expense of his trip to Europe. He consoles himself, however, with the thought that he is helping to support the Government. His experience with the Government, however, results in a determination to trade in the future on this side of the ocean, in compliance with its wishes. He accordingly goes to the home pencil maker the next time and asks how many pencils he will give for 1,000 cigars.

The pencil maker looks at his price list and answers:

I will give you 500 pencils for your thousand cigars.
But I can get a thousand pencils in Berlin for a thousand cigars—

Says the cigar maker.

That's true—

Says the pencil maker—

but you can't use them in this country. I have great influence with Congress and have had a law passed which will take half the Berlin pencils away from you if you bring them home. Now, I am not fool enough to give you more pencils than I have to, and as 500 is the best you can do by going to Berlin, it is, under the circumstances, the best I will do for you.

The cigar maker, as a result of his second trade, again has but 500 pencils left for himself.

In the first instance the Government, in effect, took half his cigars away from him and gave him nothing in return but "good government." In the second instance the pencil maker, in effect, took half his cigars away from him and gave him nothing in return at all.

This fairly illustrates not only how "protection" interferes with the distribution of wealth and enables some people to appropriate other people's property, but it gives us an inkling of the manner in which some people grow rich and others grow poor, and it throws a flood of light on the increase in the cost of living due to scarcity.

Note that the American produces 1,000 cigars and exchanges them for 1,000 Berlin pencils. The country needs the pencils, but does not need the cigars, so the country gains by the trade. The other country needs the cigars, but not the pencils, so it is also gainer by the trade. But, on account of "protection," the American loses one-half his product because the Government takes it away from him. Between him and the Government, however, the country gets 1,000 pencils, all that is coming to it. But "protection encourages industries." The American pencil maker produces 500 pencils, which he trades to the cigar maker for 1,000 cigars. The Government gets nothing; the cigar maker gets but half what he could get under freedom; therefore there are in the country on account of "protection" 500 less pencils than there otherwise would be. Therefore the net result of "stimulating" American industries by "protection" is a net shortage of 500 pencils.

The country needs 1,000 pencils, and has but 500; it does not need cigars, and has 1,000 of them. Under freedom the two Americans could have produced by foreign exchange 2,000 pencils; but we have "protection," so must manage to get along without 1,000 cigars and 500 pencils.

By trading with a foreigner under "protection" the citizen alone meets with a loss, but by trading with home producers under "protection" the citizen and the Nation both meet with a loss. The tariff as a revenue producer impoverishes the citizen; the tariff as an "industry stimulator" impoverishes both the citizen and the Nation.

Not only does a tariff for "protection" lessen production and thereby create scarcity, which is only another word for "famine," but it also enables some people to take things away from other people without giving them anything in return.

Therefore, a protective tariff decreases the wealth of the country and causes the decreased wealth to be distributed in such a way that much of it goes to a few and but little of it goes to the many.

By the tariff tax the Government yearly takes away from the people vast quantities of their products for its support. These products are used in government work and by people employed in government work, and includes government supplies of all kinds, and food and clothing for officeholders and public servants. The value of these products in money exceeds

three hundred millions of dollars yearly. But for every dollar's worth of products taken by this tax for government use, there are many dollars' worth taken by the owners of "protected" industries for their use. This is what protectionists describe as "stimulating" industries and "developing" resources. If the owners of these "protected" industries were not permitted to appropriate other people's property they would have to produce property themselves, and if they produced it there would not be a scarcity, and "high prices" would not distress the people.

It is a "great" system. In an almost virgin country, after fifty years of "protection," we have the spectacle of numerous trusts and monopolies in continuous struggle with organized labor over the question of wages.

In Europe there are several hundred people to the square mile, while in the United States there are but 27 people to the square mile. In England and Wales there is enough land to give about 6 acres to the family, whilst in the United States each family may have more than 200 acres. England and Wales have not enough land to support their people—we have more than enough.

Yet we find American cities overcrowded. European cities are overcrowded because land is not available for the people. Such is not the case in this country. Conditions in this respect are so obviously wrong that the President—Mr. Roosevelt—was constrained to appoint a commission to inquire into the conditions of farm life in the United States. The appointment of this commission certainly is in harmony with "prosperity by legislation."

We refuse to take European manufactures, hence they can not take our farm products, for, remember, a dollar's worth of exports means a dollar's worth of imports. If we will not buy, we can not sell. We shut out foreign products by a protective tariff, which also shuts in home products; then we devise a maximum and minimum tariff for the extension of our foreign commerce. Great statesmanship, indeed!

European peoples produce more than twice as much wheat as all the people of North America, who produce but little above their own needs. European peoples work longer and harder to produce this wheat than Americans would have to work to produce it, and can not produce enough to supply the demand.

Americans, who can produce wheat with much less time and effort, are not permitted to do so. It is so much more picturesque to appoint a farm-life commission! Americans, on the contrary, are constrained to produce things at which they must work as long and as hard as Europeans, although, in the very nature of things, Europeans would exchange these very things for our farm products, and the result would be that we would get these things, and more of them, by exchange, for less time and effort than we get them now by producing them ourselves, and Europeans would get more food for the same amount of effort now exerted.

Trade in gold is free the world over, because "statesmen" think gold is wealth. Gold is produced cheaper in some places than others; yet, strange to say, no one has ever asked for "protection" for the American gold miner. He has had to go on competing with "foreign pauper labor," whilst the zinc and lead miner has had to be "protected." Now, a bushel of wheat will exchange for as much gold in America as it will in Europe. An ounce of gold, however, will exchange for twice as much cloth in England as in America. This is but one of many examples of the unnatural, or law-made, ratios of exchange.

The old familiar sophism that "low prices are all right if we only could get the dollar" is not forgotten or overlooked. This sort of reply may satisfy some people that tariff reform is dangerous, but thinking people who know that men do produce and exchange the great bulk of commodities without money will not be alarmed, and they will rest content with the assurance that men, if let alone, will produce the things they need, and will exchange them with each other. They know full well that the dollar is only a tool to make the exchange easy, and that if there is plenty of products in the land it makes no difference whether the valuation of them in dollars is high or low. It is important that there be plenty of food, clothing, and houses to go round; it is not important how these things are measured in dollars. The people want food and clothing and homes, not dollars, and the "statesmen" who argue that an abundance of dollars is the consequence of a protective tariff must believe that "money is wealth," and that a man is well off even if he go hungry, provided his "daily bread" is "high priced" in dollars.

A man who exchanges his daily product for $2, but who can not exchange his $2 for enough good things to sustain his family, is not as well off as a man who exchanges his daily product for $1, but who can exchange his $1 for enough to sustain his family. Prices are deceptive. The cost of living is measurable by the amount of work required to produce enough for sustenance and comfort; therefore, abundance and not price is the desirable thing for the Nation. Instead of looking upon abundance as an evil it should be looked upon as a blessing. Instead of shutting out Mexican oil and zinc because it is abundant, in order that we may work longer and harder to get these things in our own country, we should welcome the opportunity to get them elsewhere with less work. We should neither fear abundance nor cause scarcity.

We hear much about the "high wages" in this country and "pauper wages" in Europe. We have "protection" and high wages in this country—therefore "protection" makes wages high. They have "protection" and "pauper wages" in European countries—therefore "protection" makes "pauper wages." Wonderful logic, Mr. Chairman. But despite our "high wages," Mr. Chairman, the increased cost of living is here to plague us.

Yes; wages are high in this country, and so is the cost of living. "Increased cost of living!" That does not mean anything if it does not mean a scarcity of food and clothing and building material and household furniture. It means that too few people are producing these things, and too many are consuming them. It means that a few get too much, and many get too little. There is, in other words, a shortage of good things. The Indianapolis Tariff Commission Convention has said that "protection produces scarcity." In this connection it may not be amiss to emphasize again the fact that a failure of crops also "increases the cost of living."

In this, a virgin country, in a so-called "land of liberty," we have a system which makes multimillionaires and labor unions, idle rich who roam in foreign countries, and little children 4 and 5 years old, by the hundreds of thousands, working in the mines and factories to keep their poor souls and bodies from dissolution.

A protective tariff has a twofold action. It constrains the people to produce less, and then takes their products away from them, a part for the support of the Government and a part for "stimulating" industries.

And this is done partly in the name of labor. "O labor, what crimes are committed in thy name!"

On the one hand, Congress says to the laborer: You may not do with the products of your own labor what you want; you may not exchange them with whomsoever you will; you must content yourself with exchanging them with this man, not with that man. You may not exchange your products for a hat made in England or Germany, but you must exchange them for a "Danbury-made hat," or for some other American-made hat.

On the other hand, the courts say to the laborer: You may not agree among yourselves that you will trade with one American hat maker and not another; you may not agree among yourselves not to trade with the "Danbury hat maker."

Such an agreement is defined as a "secondary boycott," and as a "cruel" violation of property rights, and if you and your associates undertake anything of the kind you will be restrained, and if you disobey, the court will send you to jail.

What is sauce for the goose, it seems, is not always sauce for the gander.

The people groan under the load of taxation and spoliation. When they resist and cry out in protest, "it disturbs business." Business men now not only have to reckon with all the natural conditions under which wealth is produced and distributed, but they must also reckon with the unnatural conditions. They must wait with bated breath the outcome of elections, and then wait until the Committee on Ways and Means takes "evidence," and then wait until a bill is secretly written, and then wait until it is published, and then wait until it is debated, and then wait until it is made into law, and then commence all over again and wait some more. So it will always be until we are enlightened enough to abandon the notion that prosperity flows from legislation and repeal all laws intended to produce "national prosperity" and allow the law of nature, which comes from a superior intelligence and which can neither be modified nor repealed, to have its beneficent sway, and then men will be free in fact as well as in name, and business will be undisturbed by elections and sessions of Congress and peace and justice and equality will prevail. Then wealth will reach its highest production and its distribution or exchange will be unrestrained and equal. Then spoliation in the "name of the law" and under the guise of benevolence will get a setback, and the country will enter upon a long and peaceful period of natural prosperity, checked only by the act of God.

Mr. GREGG. Mr. Chairman, to our Republican friends, who have boasted so long, so loud, so persistently, and so recently of the wisdom, perfection, and all-sufficiency of the Dingley tariff bill, this extra session is the saddest they ever at-

tended. [Applause.] I wish to assure them, that while I can not mingle my tears with theirs, they have my sympathy. I am so constituted that I can not see a man or set of men in an embarrassing condition without having a compassion for them.

We are at last invited to the funeral obsequies of the Dingley bill. [Applause.] Those whom I have so often heard on this floor praise, yea, even glorify, that bill, come now not to praise but to bury it. [Loud applause.] Its erstwhile friends plaintively say that changed conditions make its repeal necessary. What conditions have changed? Nothing, except that the law has been demonstrated to be a failure. [Applause.] It failed to produce prosperity. The country struggled along well under it for a while, but eventually, notwithstanding our great resources, its burden became too grievous to be borne, and we went down into the most disastrous financial, business, commercial, and industrial collapse this country has ever experienced. [Loud applause.]

It has failed to produce the revenue necessary to conduct the Government, and under its predicted great revenue-producing effects we are now confronted with a deficit of $150,000,000 at the end of the present fiscal year. So disastrous is its failure that its burial can not be conducted with proper decorum, not even decently and in order. [Applause.] Everybody, from the President down, in wild excitement and almost in delirium is crying, "Bury it, and bury it quick. [Applause.] If not, the stench of its decomposing body will fill the land and nauseate still more the American public." [Applause.]

One more idol of Republicanism is to be dashed to the ground. One more failure of Republican statesmanship is to be written in history by the side of its other follies. [Applause.] One more tombstone is to be erected in the Republican cemetery. [Applause.] The sadness of the Republican heart at this funeral is aggravated, because it feels and knows that the party is burying its idol of protection through prohibitive tariff rates. [Applause.]

The Payne bill is framed in partial recognition of this. Here and there it makes a complete surrender, and adopts the wise and righteous Democratic idea of raising revenue. Through this bill the Republican Ruth is saying unto the Democratic Naomi:

> Entreat me not to leave thee or to return from following after thee; for whither thou goest I will go, and where thou lodgest I will lodge.

[Applause.]

The next tariff bill, whether written by Republicans or Democrats, will be framed with a view to providing the necessary revenue to run the Government. [Applause.] The Republicans may not so frame it from choice, or patriotism toward the great body of American consumers, but will be compelled to so frame it from necessity. If that party continues to administer this Government, the expenses of running it will so increase that any other character of tariff bill will be insufficient to raise the revenues to meet these expenses. [Applause.]

If the Democrats come into power, after this wild carnival of Republican extravagance, it will have no other choice and will both from necessity and from a sense of patriotism toward the American people, frame a bill on that principle. [Applause.]

No bill will be framed along free-trade lines. There is no sane man but knows that free trade is absolutely impossible in this country under our constitutional taxing powers. [Applause.] The taxes to raise the bulk of the necessary revenue will always have to be tariff taxes. The governmental expenses have been increasing in almost arithmetical progression, and we have no reason to believe they will ever be reduced below a point where to meet them anything but a comparatively high tariff can be levied.

It is a libel upon the Democratic party to call it a free-trade party. It could not be if it wished. Democrats are sensible and patriotic, and they realize that many industries have come to rely upon legislation for successful continuance, and that any change of law must at every step be regardful of the labor and capital involved, and that reductions should be made so gradual as not to affect injuriously either capital or labor. [Applause.]

As said before, no party could be free trade if it wished. Any tariff bill will have to be so framed as to produce the necessary revenue, and the amount to be raised is now and will continue to be so great that the rates levied will of necessity have to be so high that in themselves and in spite of everything they will afford sufficient protection to cover the difference in cost of production here and abroad. [Applause.] This will be sufficient to put the home producer on an equal footing with his foreign competitor, and it is a sad reflection upon the energy and business capacity of our people to say that they can not then successfully compete. [Applause.]

At first the justification of the protective system was based on the idea that it encouraged the investment of capital in manufacturing enterprises and protected it after it was so invested. Now, the labor vote having become an important factor, our Republican friends claim that protection is necessary to maintain the American wage scale.

In this connection I wish to call attention to the fact that every legislative measure for the alleviation of the laboring man has been of Democratic initiative, and if passed by a Republican Congress, has been so passed because of constant twitting and goading by Democrats. [Applause.] The Democrats have been the friends of labor in all their just demands; but notwithstanding this, in every election a majority of the labor vote of the East and West has loyally supported the Republican party. They have sorely tried the patience of their Democratic friends, and let me warn them that they may wear out that patience. When they do this, woe is their condition! When the Democratic party ceases to uphold their cause, they will have no advocates in the Halls of Congress. [Applause.]

The only excuse I can find for this seeming ingratitude is that they are misled by the Republican dogma that a perpetuation of Republican ideas is necessary to the perpetuation of their wage scale. I am persuaded that this contention has been overworked. It is strange to me that any man is silly enough to believe that employers pay their employees better wages because their products are protected by prohibitive tariffs.

Do we not know that they get their labor, just as they get everything else, just as cheap as they can? The employees have always been compelled to deal across the counter with the employers, and every advance in wages and every reduction in hours of work has been contended for and accomplished by their own efforts and very often after great sacrifices by them; and they undervalue the importance of their own efforts when they credit to a tariff any increase in wages or reduction in hours of work. The employers pay existing wages because they are compelled to. [Applause.] The fact that our workingmen receive better wages than those of other countries is due to many causes, such as organization, by which they can enforce their demands, and a superior capacity of production; the most important cause being that there are so many varied occupations which our people may pursue that they are more independent and the demand sustains a fairer proportion to the supply. When our country becomes as thickly settled as the older countries and all the avenues of employment are filled up, you will then see the same scale of wages, regardless of any tariff scale we may have.

The contention of the Republicans that the wage scale is affected by the tariff is an afterthought as well as fallacious. Admitting for the sake of argument, which we do not, that any wages are affected by the tariff, it should not be forgotten that the great bulk of American laborers are engaged in work which can not either directly, or indirectly, be so affected. That eminent statistician, the late Edward Atkinson, of Boston, in an article styled "Occupations and their relation to the tariff," published in the Quarterly Journal of Economics, February, 1903, in a masterly analysis of the different occupations affected by the tariff, demonstrated that according to the census of 1900, there were:

Persons occupied in—	
Agricultural pursuits	10,381,765
Professional pursuits	1,258,739
Domestic and personal service	5,580,657
Trade and transportation	4,766,964
Mechanical and manufacturing pursuits	7,085,992
Total	29,074,117

Mr. Atkinson shows that out of the 29,000,000 persons now at work for gain, not 1,000,000 of them could be seriously or adversely affected if all duties on foreign products of a like kind were at once removed, which no one contemplates doing. If this be true, and it has not, so far as my investigation has extended, been denied or answered, should not the interest of the other 28,000,000 laborers have some consideration, and should they be unreasonably burdened to aid the 1,000,000?

Another class of our fellow-citizens who are very dear to those who wish to build prohibitive tariff walls are the farmers of the Middle West, Western, and Pacific coast States. To quiet a slight restlessness on the part of these worthy fellow-citizens of ours the Dingley tariff levied a small import duty on corn and wheat. The levy of this duty was an insult to the intelligence of every farmer in the United States. Pray tell us how many barrels of corn and bushels of wheat would have been imported into the United States if there had been no tariff?

These misguided farmers do not stop to consider what they pay in the increased prices of the clothing they wear, upon all

the woolen and cotton goods they use, upon the shoes, boots, harness, agricultural implements, tools, sugar, nails, and upon all other articles used by them in their avocations.

Mr. Chairman, in the presidential campaigns of 1900, 1904, and 1908, go where you would in Kansas, you would see miles of farmers in procession dressed in cheap, shoddy clothes, brandishing aloft cornstalk sticks, marching under banners and transparencies containing such miserable legends as "Let us stand pat, my boys," "Protection and prosperity," "We must protect our labor," "We will preserve our home market." The same humiliating spectacle could be seen in Iowa, where thousands of farmers listened to Senator DOLLIVER and Colonel Hepburn sing the glories of the prohibitive tariff. The same asinine exhibition could be seen all over the States of Montana and Wyoming, in both the Dakotas, in Idaho, and in Utah, and all up and down the Pacific coast. "Against stupidity the very gods battle in vain." [Applause.]

I want to utter a warning to Congress and the American people. The Payne bill, to a certain extent, is an abandonment of former Republican contentions, and has partly for its object the production of revenue. I warn you that it may not in any contingency, and certainly will not raise sufficient revenue if we do not begin to economize in our expenses. I do not mean that we should get down to a stingy and niggardly basis. Run the Government as a great Government, such as we have, should be run, but in doing it have some regard to businesslike administrative methods. Every department of our Government swarms with unnecessary and incompetent tax eaters; unnecessary offices and positions have been created until now employees of the Government, in different departments, are in the way of each other, and the duties of different bureaus interlap so as to produce conflict and confusion.

For forty-two years the Republican party has been in full control of one, two, or three of the departments of our Government. It began its career in the mad riot and extravagance of a dreadful civil war. Forty-four years ago the civil war ended. With the exception of eight years of Democratic control in the Executive Department our Government has been conducted on a war footing. In the fiscal year ending June 30, 1908, we paid on pensions, one of the legacies of the civil war, $153,093,086.27.

This amount of money is greater than Great Britain pays for a standing army of 254,000 men; it is a sum greater in amount than Germany pays for a standing army of 617,000; it is greater in amount than any nation of continental Europe pays for the support and maintenance of a standing army. Pensions are granted to soldiers on the theory that patriotic services were rendered in the crisis of the Government's fate; that they bravely rallied to its defense and bore themselves like heroes in the arduous conflict which preserved the Union. While I am in favor of pensions, I believe they should be paid to the deserving and the needy. Those who are already self-sustaining and independent should be dropped from the rolls, and the money paid to them should be paid to those who need it, thereby increasing the Government's contribution to their unfortunate condition.

For twelve years we have groaned under the so-called "Dingley tariff bill." Even its friends must now admit it was a tariff for the benefit of foreign nations. Under its malign operation our own manufactured products are sold to foreign nations at prices ranging from 30 per cent to 60 per cent less than they are sold to our own citizens.

In Laredo, Tex., a Remington typewriter, or typewriter of any make, is sold at a cost of 50 per cent higher than in Laredo, Mexico, about 200 yards distant on the other side of the Rio Grande. The same typewriter which brings $100 in Laredo, Tex., can be bought in Laredo, Mexico, for $50. The same discrimination is made against our own people in the sale of sewing machines, agricultural implements, barbed wire, all kinds of iron, and hardware. It is plain that every article which is sold in a foreign country for a less price than is sold to our own citizens needs no discriminating duty in its favor, and it should be put upon the free list. Steel rails are sold cheaper in Canada and Mexico than in the United States. This fact alone demonstrates that steel needs no protection whatever. Mr. Carnegie, who is perhaps more interested in the manufacture of steel than any man living, says that it needs no protection. Mr. Schwab, in the last few days, has announced that the steel industry of the United States can defy all foreign competition. It seems to me that Congress should take Mr. Carnegie and Mr. Schwab at their word and place steel upon the free list.

As we can not hope to secure sufficient revenue to support the Government, as at present administered, through custom tariff, we are compelled to resort to internal taxation, and right here we encounter another serious difficulty. Nearly every known method of internal taxation is in use in many—in perhaps a majority—of the States. If the fact that the States levy an inheritance tax forbids the General Government from resorting to this method of raising revenue, then the Government of the United States is helpless along that line. I can see no objection to an inheritance tax levied by the General Government. I favor it for the reason that when it is directly levied and collected those affected by it will most likely stir themselves and demand that an end be put to the mad riot of extravagance in the administration of the Government. Moreover, it is certainly within the power of Congress to levy a tax on the gross receipts of all corporations engaged in interstate and foreign commerce. Speaking for myself, I would favor levying a tax on the gross receipts of corporations engaged in the manufacture of products favored by a discriminating tariff duty.

These spoiled darlings of protection should be made to pay for the favors shown them by the Government. I have seen it stated that President Taft favors an income tax. While it is true that the Supreme Court has decided that the income tax levied by the Wilson-Gorman bill was unconstitutional in certain parts, still the question is an open one. That decision, when rendered, met with the approval only of those who were adversely affected by the law. It has not generally been approved by either the people or the profession. In rendering it a bare majority of the Supreme Court overruled five previous decisions of the Supreme Court sustaining the power of the General Government to levy an income tax. Should the question again come before the Supreme Court, there are strong reasons to believe that the court will again reconsider its former decision and reverse itself.

The power of the Government to issue treasury notes and make them legal tender in the payment of prior debts, in the case of Hepburn *v.* Griswold, was denied. In a subsequent case this decision was overruled, mainly upon the ground that when the Constitution of the United States was adopted all sovereigns had the power to issue this kind of note and make it legal tender in the payment of all debts, and that the United States, as a sovereign, had the same power. When the Constitution was adopted the governments of every foreign nation had and exercised the right to levy and collect an income tax. By parity of reasoning it seems to me that the United States Government, as a sovereign, has the power to levy an income tax.

At the close of the last Congress the able chairman of the Committee on Appropriations [Mr. TAWNEY] gave out to the country a startling exhibit of the frightful waste and extravagance of the public service, but it fell stillborn upon the ears of the public and did not produce even a ripple of reform. During the last seven years the executive branch of our Government has been conducted with a total disregard of expenses. So much time and thought was devoted to spectacular performances intended to glorify the occupant of the White House and to keep him in the limelight that no time or thought was left to the consideration of a businesslike administration of the affairs of the Government.

If a private corporation, as rich, even, as the Standard Oil Company, had conducted its business in the same way, it would long since have been bankrupt. If one of our great business administrators, a J. J. Hill or a Harriman, for instance, had been in charge of our civil establishments, he would have placed them upon business bases and millions of useless expenditure would have been avoided. The Republican party alone is responsible for this seven years of utter disregard of business principles in the administration of the Government, and I hope it will learn, sooner or later, that the people have paid too dearly for Rooseveltism.

I congratulate you, my Republican friends, upon the change you have made, for I see that our present Chief Executive is now taking steps to consolidate bureaus whose duties and work overlap, and generally reforming the departments all down the line, so as to get the greatest results for the least expense, and it is said that thereby an immense amount of money will be annually saved, without any detriment to the public service. [Applause.] It is a great scandal that this has not been done sooner.

In the brief time allotted to me, I have not been able to consider the schedules of the bill under consideration. Suffice it to say in condemnation of the whole bill, that it is generally conceded, except by those interested, that it is sectional and lays tribute upon certain sections of the country in the interest of others.

While I indorse the Democratic position on the tariff, and if we were framing a Democratic tariff bill I would be willing for my section to share its advantages and suffer its disadvantages with other sections, I will not, however, sit idly by and see the interests of my section crucified by a bill which is

framed along sectional lines. If we are forced to have a bill which is protective, then I believe that such protection should be extended equitably to all industries in all sections.

My section is largely interested in the production of lumber and rice and hides. The producers of this lumber and rice and hides are, under this bill, taxed upon everything they consume and upon the implements and machinery with which they labor, and I insist that their products should be placed upon an equal footing with others and should receive the same advantages that are granted to other products. If I am told that the last Democratic platform declared for free lumber, I answer that it also declared for a tariff bill framed along Democratic lines. We are not getting such a bill, and, as we are not, it is the duty of every Member of Congress to do the best he can for his district and section, and it becomes his duty to see that his district and section do not suffer all the disadvantages without getting any of the benefits. In legislation, as in everything else, we ought to apply practical common sense. If a law is being enacted which we can not prevent, it becomes our duty to minimize as much as possible the evil effects of such law upon our own people. If a bill is to be adopted which applies the principles of protection, we should insist that these principles be fairly and impartially applied. To say that those principles should be fairly and impartially applied is not by any means equivalent to saying that those principles are correct.

Mr. Chairman, I have but little hope that any reasonable or just tariff law will be enacted by this Congress. The Senate of the United States is the fortress of the protected interests. While under the Constitution all bills raising revenue must originate in the House of Representatives, the Senate may propose or concur with amendments, as on other bills. As a matter of fact, the Senate not only proposes amendments and concurs with amendments, but it also substitutes whole clauses, sections, and paragraphs—the whole bill in short. The House proposes; the Senate disposes. Whatever bill we pass here will be returned to us torn, dismembered, and disfigured beyond recognition, and made more sectional in its effect and operation. Mr. Chairman, I have faith in the honesty and intelligence of the American people. There are signs of an awakening all over our country. A better time is coming. The fight will go on until a just and a reasonable tariff law is enacted, and a fiscal system devised which will grant special favors to none and give equal opportunity to all classes of our fellow-citizens without regard to section, locality, or class. [Applause.]

[Mr. SAUNDERS addressed the committee. See Appendix.]

Mr. HAMMOND. Mr. Chairman, in the brief time allotted to me I can not, of course, make a speech on the tariff. The things I shall say may more properly be denominated, as they frequently are in the RECORD, "remarks."

Throughout the country for several years there has been a demand from the people for a revision of the tariff schedules. This demand did not come from the beneficiaries of the tariff system, but rather from the great body of consumers throughout the land.

This bill when it is finally perfected will be the answer of Congress to that demand, and the bill as it leaves this body the response of the House to the consumers of the United States. In the ordinary course of proceedings many gentlemen appeared before the Ways and Means Committee to enlighten that committee upon the conditions affecting the various schedules to be considered, but unfortunately they who came before the committee were not representatives of those who made the demand for tariff revision. The consumers are not represented in this controversy at all, except in so far as the Members in this House see fit to represent them. Glove makers, hose makers, watchmakers, boot and shoe makers, and all other makers of goods protected by the tariff schedules appear by themselves and by their attorneys, but the consumers, the persons who made the complaint, and the persons who ask relief, are not represented.

It is not too much to say that the great majority of the persons who demanded revision looked for downward revision; and when the answer of this body and of the whole Congress is returned they will first of all inquire if their demand has been considered and if an answer such as they are entitled to have returned to them has been given.

First of all they will be told, and they will know it if they examine the recapitulation on the last page of the estimated revenues, that under the present tariff law the average ad valorem tariff rate is 44.16 per cent, but that under the proposed bill, the answer to their demand for reduction, it is 45.72 per cent, an increase of nearly 2 per cent to the duties of which they complain and which they condemn as too high.

True, here and there will be found reductions. There has been a reduction upon cattle hides. There has been a small reduction on refined sugar. There has been a reduction on barley. Have these reductions been made upon the request of the great consuming body of this country? I come from a district producing hides, but I know that we can not expect to have all tariffs adjusted for our benefit; and under certain conditions I would be willing that the hide tariff should be reduced or removed entirely. But one of the conditions I should insist upon would be that if we have duties cut down upon products we send out, then we must have the duties cut down on the things we have to buy.

Under the act of 1897 hides of cattle, raw or uncured, whether dried, salted, or pickled, bear an import duty of 15 per cent ad valorem, but skins and hides weighing 25 pounds or less if green, and 12 pounds or less if dried, are held to be raw skins and admitted free of duty, and during the fiscal year ending June 30, 1907, nearly 49,000,000 pounds of calfskins, valued at $11,163,702.51, were imported into the United States free of duty. Now it is proposed to admit free of duty cattle hides formerly bearing a tax of 15 per cent. In the better grade of shoes, I am informed, leather made from these cattle hides is used for the soles and heels only, but the heavy shoes, the cheaper shoes, used to a large extent by the very men who raise and sell cattle, and for whose benefit this 15 per cent tariff tax on hides has been imposed, are made of leather obtained from cattle hides. Under the proposed bill shoes are protected by a duty of 15 per cent ad valorem. If the man who produces hides and puts them upon the market for sale is to have no protection, why should the shoemaker who makes boots and shoes out of these hides and puts them upon the market for sale be protected by a 15 per cent duty? Of course, labor is expended in the manufacture of shoes, and it is claimed that the wages paid labor are greater in this country than in other countries, and, therefore, the products of the better-paid labor ought to bring better prices in the market; but is the labor expended in the manufacture of shoes better labor, more valuable to the country at large, than the labor of the cattle raiser? If our tariff laws be designed for the raising of revenue, let all our people bear alike the burden of the taxes. If the tariff laws be designed for protection, let all equally share in the protection afforded. If there is to be no tariff duty imposed upon the cattle hides of the farmer, which he sells, then let there be no duty on the shoes made from those hides, which he buys. Until boots and shoes are put upon the free list, I am opposed to the hides of cattle being placed upon the free list. The demand for free hides has come from the manufacturers of boots and shoes, and some of them are willing that the duty be taken off their products, providing it is taken off the raw materials they manufacture; and this is fair.

I present again the letter from the Wolfe Brothers Shoe Company, of Columbus, Ohio. This company declares that, with free hides and with cheap raw material, the American shoe manufacturer needs no protection.

THE WOLFE BROTHERS SHOE COMPANY,
Columbus, Ohio, March 30, 1909.

Hon. W. S. HAMMOND,
Washington, D. C.

DEAR SIR: As one of the largest manufacturers of shoes in the country, we urge you to lend your influence to place shoes on the free list. The American shoe manufacturer needs no protection. With free hides and cheap raw material the American shoemaker can shoe the world.

Very respectfully, THE WOLFE BROS. SHOE CO.
R. F. WOLFE, *President.*

The placing of hides upon the free list and leaving a duty upon boots and shoes will benefit only the manufacturers of boots and shoes. It will decrease the revenue of the country and furnish another instance of a tariff for the benefit of the few at the expense of the many.

Then the duty on barley, which has been 30 cents a bushel since the act of 1890, by this bill is to be reduced to 15 cents a bushel. It is interesting to learn from the published hearings before the Ways and Means Committee from whom the demand for a reduction of this duty comes. The great barley-producing States of the Union are Wisconsin, Iowa, Minnesota, North Dakota, South Dakota, and California, and while some barley is used for feed, nearly all of it is converted into barley malt for the brewers. In western New York there are a number of maltsters, and, because their plants are at a distance from the barley-producing areas, they are obliged to pay heavy transportation charges on the barley they manufacture. It seems that the land near their establishments will not produce so good a grade of barley as is raised in the West, but across the line, in Canada, the farmers can raise a most excellent product.

Now, the persons who desire the barley rate reduced and upon whose statements the Ways and Means Committee has acted in making the reduction, are these New York maltsters. There is no claim that the reduction of the duty will give to the country a greater revenue, so this reduction has not been made for revenue purposes. We have been told time and time again that the purpose of tariff legislation is to furnish, first, protection to our own industries, and incidently to provide a sufficient revenue for the needs of government. This reduction is not a revenue measure. Then it must be defended upon the ground that it protects our American industries. How does it protect them? These New York maltsters say that if the tariff is reduced on barley, then the Canadian farmers near the New York line will raise barley and ship it into this country where it will be made into barley malt. This, then, might appropriately be called a tariff adjustment for the purpose of encouraging Canadian industries, instead of a tariff for the purpose of encouraging American industries. I can not vote to reduce the duty upon barley to aid the farmers of Canada and half a dozen maltsters in western New York at the expense of the barley growers of the United States. In this connection I desire to read a letter from a Canadian malting company addressed to the Electric Malting Company, of Minneapolis, Minn.:

THE EATON BROTHERS MALTING COMPANY,
Owen Sound, March 22, 1909.

Messrs. ELECTRIC MALTING COMPANY,
Minneapolis, Minn.

GENTLEMEN: We are in receipt of your letter of the 19th instant, asking us for information regarding barley. In reply we beg to say that we are at present paying the farmers 60 cents per bushel for good malting barley. We are having to pay dealers at points of delivery, throughout the Province, 65 to 66 cents per bushel in carloads.

It is almost impossible to estimate with any degree of accuracy the quantity of barley still in the hands of the farmers. The farmers in this neighborhood are, as a rule, exceedingly well off. Most of them use all of their barley for feed, excepting on occasions when prices rule very high. Then they bring the barley onto the market instead of using it for feed.

In answer to your questions regarding your tariff on barley, we think it should not exceed 10 cents per bushel. If you want Canadian barley you must do something to stimulate its cultivation among the farmers. There is not the least doubt but you could import Canadian barley with greater advantage to yourselves. If your tariff were low enough to justify your starting into buying on this market, it would arouse interest among the farmers, and, no doubt, before many years they would be raising as much barley as they did in the eighties, when such enormous quantities were exported from Ontario into the United States. That was before the McKinley bill and the Dingley bill were enacted.

The requirements for malting barley in this country are small; not enough to make any difference to the cultivation of that cereal. According to the government statistics, the quantity of malt manufactured in Canada does not exceed 3,000,000 bushels per year. You will see by this that there is no encouragement to the home industry of malting to stimulate the cultivation of barley.

We shall be pleased at any time to correspond with you on this matter and to impart to you any information we may possess.

We beg to remain, gentlemen,
Yours, truly,

THE EATON BROS. MALTING COMPANY,
CHRISTE EATON.

There is a slight reduction in the duty on sugar. Sugar which has gone through a process of refining is now taxed 1.95 cents per pound. The proposed bill reduces it to 1.90 cents a pound. The sugar schedule is both a revenue and a protective tariff. The Government receives from $50,000,000 to $60,000,000 a year in sugar duties. Louisiana produces a little less than 350,000 tons of cane sugar, and this year it is estimated we will produce nearly 400,000 tons of beet sugar. The sugar duty affords protection to the producers of about 750,000 tons of sugar, but this amount is less than one-quarter of the sugar we use each year. The average wholesale price of sugar in 1908 in the London wholesale market was 2.70 cents a pound; in the New York wholesale market it was 4.96 cents a pound. We are paying, therefore, nearly twice as much for sugar here as it is sold for in London. A prominent member of the Ways and Means Committee is reported to have said, in reference to the sugar tariff, that—

> Investigation into the subject proved very irksome and troublesome; it was impossible to get at the exact facts, as the experts were not inclined to reveal the secrets of their business to the Committee on Ways and Means.

The following computation may not be exact, but it is at least interesting: The American importation of 3,726,339,201 pounds at the average New York wholesale market price of 4.96 cents makes a total wholesale cost of $184,826,424. The same number of pounds at the English wholesale price of 2.70 cents gives a total cost of $100,611,158. The difference between the two is $84,215,266.

Now, what becomes of this $84,215,266 paid by the consumers of sugar in the United States? The sum of $52,232,041 found its way into the United States Treasury through the duties collected, the balance, over $30,000,000, went somewhere else. Since the sugar trust practically controls the sugar industry of this country, and is the institution principally interested in maintaining the high protective tariff upon sugar, it is not difficult to guess where over $30,000,000 paid out by the consumers of sugar in this country found lodgment, nor is it very difficult to understand why the members of the Ways and Means Committee found that an investigation into the subject of sugar "proved very irksome and troublesome," and why it was "difficult to get at the exact facts," and why the sugar experts were "not inclined to reveal the secret of their business." The American consumer of sugar is paying too much for the protection of the comparatively small amount of sugar produced in this country. I think the producers of cane sugar and the producers of beet sugar should receive protection as well as the producers of barley or the producers of wheat, but a tax of 80 per cent upon sugar, and that is practically the duty it bears, is too great, and the reduction instead of being five one-hundredths of 1 cent a pound should be ninety-five one-hundredths of 1 cent a pound, leaving for the present, in view of the great need of the country for revenue, a duty of 1 cent a pound on refined sugar.

The American consumer will be grievously disappointed with some of the items of this bill. It proposed to tax tea at 8 cents and 9 cents a pound—this for purely revenue purposes. Even yet we sometimes hear Democrats called "free traders," and sometimes learned and wise men in attempting to show the differences between Republicans and Democrats upon the tariff question declare that the Republicans are in favor of duties upon articles competing with products of the United States, which is protection, while the Democrats favor duties on articles that do not compete with the things produced in the United States—a revenue tariff.

Here we find a Republican committee, the majority of whom are "standpatters" and extreme protectionists, proposing a duty upon a noncompeting article for the purpose of revenue and revenue alone. As a matter of fact, a tariff bill enacted by either party will furnish protection and a great deal of it to American industries. I do not object to the protection afforded by a tariff bill, but to inequalities in protection. In making a tariff bill to-day we seek to put in it as much protection as possible and to get out of it as much revenue as possible. The needs of the Government are imperative, we must have a sufficient income to meet our necessary expenditures, and the time may come when it will be necessary to tax tea and coffee and other noncompeting products, but it is not necessary to do it now, and the necessities of life are the things that should escape the burden of taxation the longest. When all other means have been exhausted and the income of the Government is insufficient, the necessities of life must be taxed; until then they should not be taxed unless it be for the purpose of equalizing protective duties. The added duty proposed would increase the cost of teas practically 10 cents a pound, an increase of from 30 per cent to 40 per cent upon the present prices. Tea is not a luxury, but a necessity, and it should remain where it is—on the free list.

The Dingley tariff affords the American manufacturers of hosiery an advantage of about 65 per cent over foreign manufacturers. Under this substantial advantage over competitors the production of hosiery in this country has increased. The value of men's half hose manufactured in this country in 1900 was a little over $11,000,000. In five years it increased to $17,438,914—about 58 per cent. Ladies', children's, and infants' hosiery manufactured in 1900 were of the value of $16,205,372; and in the same space of time the amount was increased to $26,152,043—about 61 per cent. This does not indicate that the hosiery manufacturers of this country are suffering on account of disastrous competition, and the consumers of this country are not complaining because of the low price of stockings.

Yet, in this bill revising the tariff, we find instead of a reduction of duties, large increases. On hosiery valued at $2.68 a dozen, now taxed 59.78 per cent, the duty is raised to 70.98 per cent, an increase of 11.20 per cent; hosiery valued at $1.93 a dozen, now taxed at 51.23 per cent, is raised to 66.75 per cent, an increase of 15.52 per cent; hosiery valued at $1.39 a dozen, now taxed at 58.17 per cent, is raised to 76.16 per cent, an increase of 17.99 per cent; hosiery valued at 93.6 cents a dozen, now taxed at 68.39 per cent, is raised to 89.75 per cent, an increase of 21.36 per cent; and let it be noticed that the cheapest grade of hosiery, of which there is imported more than one-half of all the hosiery imported, is taxed the highest at the present time, and under this bill suffers the greatest percentage of increase of tax. This does not appeal to one as an attempt to put the burden upon the luxuries of life instead of the necessities. This revision has not been made for the benefit of the

consumer at large, but for a limited number of Pennsylvania manufacturers.

The glove manufacturers of Fulton County, N. Y., appeared before the committee and received substantial recognition to the cost, if this bill becomes a law, of the American consumer. The makers of this bill, who would reduce a 15 per cent duty on hides for the benefit of the New England boot and shoe manufacturers, are very kind indeed to the New York glove manufacturers. Gloves valued at $3.01 a dozen, now protected by a duty of 58.13 per cent, increased to 132.86 per cent; those worth $3.89 a dozen, now protected by a duty of 55.28 per cent, are to have 113.12 per cent; those worth $4.42 a dozen have a protective duty raised from 56.60 per cent to 90.56 per cent; those worth $10.50 a dozen, now protected by a duty of 42.85 per cent, raised to 51.42 per cent; those worth $16.36, bearing a duty of 31.48 per cent, raised to 35.44 per cent. And, again, observe the method of putting the tax upon luxuries and not on necessities—gloves worth $3.01 a dozen, taxed at 58.13 per cent, are now to be taxed 132.86 per cent, while the gloves valued at $16.36 a dozen will have the tax increased from 31.48 per cent to 35.44 per cent.

Mr. Chairman, the people of the country, it seems to me, would be better satisfied if the glove revision were downward instead of upward. Possibly the revenues of the Fulton County glove manufacturers might not increase so rapidly, but they would still be sufficient to enable them to keep their automobiles.

Behold the glove maker who has the benefit of a tax of 132 per cent on a cheap glove riding in an automobile bearing a tax of 45 per cent. Are we taxing luxuries or necessities?

Calamine (zinc ore), now admitted free of duty, is given tariff protection to the extent of $22.40 per ton—100 per cent. In the last campaign Speaker CANNON visited the Joplin (Mo.) zinc district and, in substance, informed the people of that district that if they wanted a tariff on zinc ore they should elect a Republican Congressman in place of the Democrat then representing that district. He put his hand on the shoulder of the man he desired the district to send to Congress. That gentleman was elected, voted for Mr. CANNON for Speaker, supported the so-called "Cannon rules" and, no doubt, supports the present tariff bill. The Joplin district is rewarded by this 100 per cent tariff, while the people of the whole country will pay a little more for the zinc they purchase and for the manufacture of zinc. For years the zinc industry has flourished without any tariff, but there are zinc mines in Mexico producing a 32 per cent ore, while the Joplin mines produce a 60 per cent ore; this, and the fact of the proximity of the smelters to the Joplin mines would indicate that the industry might struggle along without 100 per cent protection.

But, turning from the direct increases granted by this measure, let me call your attention to a few of the indirect methods by which certain industries secure favorable tariff legislation. Paragraph 637 provides that petroleum, crude or refined, shall be admitted free of duty. Then follows this provision:

Provided, That if there be imported into the United States crude petroleum or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty on said crude petroleum or its products so imported equal to the duty imposed by such country.

Russia and, possibly, Mexico—the only countries from which petroleum or its products might be imported into the United States—levy duties upon imported petroleum, and through this provision petroleum and its by-products enjoy now a tariff duty of about 100 per cent.

In paragraph 424 coal is taxed 67 cents a ton, unless exported from a country, dependency, province, or colony which imposes no tax or duty on it when imported from the United States. Whether or not we shall have free coal in this country—and we ought to have it—depends upon the action of other countries instead of the action of our own Congress.

I believe if we are permitted to vote upon the question lumber will go on the free list. The bill provides for the reduction of the tariff $1 a thousand feet, but paragraph 197 provides that if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever upon, or any discrimination against, any forest product exported to the United States, and so forth, then the duties prescribed in section 3 of this act shall apply, and section 3 directs that each article mentioned in paragraph 197 shall bear "the same rate of duty as prescribed by the law in force prior to the passage of this act." Such duties are now levied in Canada, from which country lumber, if any at all is imported, will come, and if the proposed law is enacted all lumber imported from Canada will bear, under the terms of the provision to which I have called attention, exactly the same duty that it bears to-day. So there is absolutely no reduction whatsoever in the lumber duty.

The tariff on cotton goods remains apparently the same in this bill as in the Dingley law, but the duty is fixed largely by the number of threads per square inch. The greater the number of threads to the square inch the higher the tariff duty. Section 318 of this law provides that "each ply of two-or-more-ply thread shall be counted as a thread. Much of the imported cotton goods contains threads which are of two or more ply, and the effect of this provision is to count more threads to the square inch and thus remove cotton cloths from the low-duty schedules and place them in the high-duty schedules. By reason of this provision some cotton goods now bearing a tariff duty of 2½ cents a square yard will carry a duty of 4½ cents a square yard, and in this way the duties on cotton goods are increased. Then, much of the cotton cloth imported is mercerized, at least it is given a luster, and by paragraph 321 of the act "all cotton cloth mercerized or subjected to any similar process" shall pay a tax of 1 cent per square yard in addition to the other duties imposed. So, by these two very innocent provisions, the duties upon cotton cloth are very largely increased; and right here I would read a letter from F. B. Shipley, chairman of a committee representing a large number of wholesale dry goods houses:

NEW YORK, *March 27, 1909.*

Hon. W. S. HAMMOND,
Washington, D. C.

DEAR SIR: The undersigned, a committee representing 70 wholesale dry-goods houses, respectfully ask your attention to the inclosed press clippings, showing that the effect of the "joker" paragraphs, 318 and 321 of the cotton-goods schedule of the Payne tariff bill, would greatly raise duties, and frequently double them and more.

As the provisions are technical, it is certain that the gentlemen who drafted the bill did not realize that these provisions were prohibitive.

Our special committee of experts is at your disposal to demonstrate this raise.

Cotton-goods statistics show that American mills do not need any protection on the goods they are equipped to produce. In neutral markets they have so well been able to compete that their exports have rapidly grown, and in 1906 equaled $52,944,033.

The average dividends of the principal Fall River mills affected were, in 1907, a panic year, 25.5 per cent; in New Bedford, 25.2 per cent. A prominent illustration is the Dartmouth Manufacturing Company, which paid 66 per cent last year, and on February 24 last an extra dividend of 100 per cent. This mill makes precisely the class of goods which these paragraphs are designed to prohibit. All of these dividends are in addition to enormous salaries paid to officers.

American mills do not sell their products on an ordinary profit basis, but adroitly fix their prices just below those at which similar goods can be imported.

The net result of these paragraphs, if permitted to become law, will be to greatly reduce revenues by prohibiting importation; to permit a few New England mills to manipulate prices at will, and to repeat their action of 1907, when they arbitrarily raised prices more than 50 per cent, although there was no corresponding increase in cost of production; it will drive many importing houses out of business and work a hardship on 28,000 American retail merchants and add an additional burden to the whole American people by increasing the cost of a primary necessity of life.

No question of politics is involved. The whole people are united in the conviction that the tariff should be reduced rather than raised.

President Taft said, on December 16 last: "I believe that the way to stamp out trusts and monopolies is to avoid excessive rates, which tempt monopolies."

An average tariff of 20 per cent on cotton fabrics is ample to protect American manufacturers from any possible difference in cost of production, and its only effect would be to compel them to run their mills on a fair capitalization and charge reasonable profits.

Respectfully submitted.

F. B. SHIPLEY,
49 Leonard street.
Chairman Committee on Publicity.

Coffee, of course, in paragraph 533 remains on the free list. Then follows the provision that if any country, dependency, province, or colony shall impose an export "duty or other export tax or charge of any kind whatsoever, directly or indirectly, upon coffee exported to the United States, a duty equal to such export duty, tax, or charge shall be levied, collected, and paid thereon." In the year ending June 30, 1907, there were imported into the United States 982,254,832 pounds of coffee, and of this amount 778,600,591 pounds came from Brazil. Brazil does, and has for some time past, imposed charges and taxes upon coffee, at least certain provinces of Brazil have imposed such charges and taxes. Therefore under this provision the coffee coming from Brazil to this country would be subjected to a duty equal to the taxes, imposts, and charges upon it in Brazil. It is claimed that the duty imposed by this country upon such coffee would be less than 1 cent a pound; but from such information as I have been able to obtain, I believe that upon the cheaper grades of coffee a tariff tax equal to all charges, duties, and imposts of the Brazilian Government thereon would be in the neighborhood of 4 cents a pound. The consumer, therefore, would have that much more to pay for each pound of coffee purchased by him. Those who say that in case this duty were imposed the merchants and middlemen would pay it, and not the consumers, will deceive no one. Even if the profits of the merchants and middlemen were so great that they

could afford to pay the duty on the coffee sold by them, they would not pay it. The consumers know from bitter experience that no one is looking for a chance to pay taxes, and they are pretty well satisfied that no one other than themselves will pay taxes upon the things they buy. The profits of the merchants are not so great upon the cheaper grades of coffee that they could afford to pay out of them this tariff tax even if so inclined. I desire to read a letter received from Sprague, Warner & Co., wholesale grocers, of Chicago, Ill.:

SPRAGUE, WARNER & CO., (INCORPORATED),
WHOLESALE GROCERS,
Chicago, March 31, 1909.

Hon. WINFIELD S. HAMMOND, M. C.,
Washington, D. C.

SIR: Believing that Members of Congress desire to be informed upon the question of the distribution of coffee in this country, in view of the present discussion of this article in reference to the new tariff bill, we take the liberty of submitting for your consideration the following facts:

The lowest grade of Rio or Santos coffee that is merchantable is now selling in lots of 1,000 bags or more for 8¼ cents, New York. The cost of handling and transporting the same to this market costs, approximately, three-eighths of a cent per pound. The shrinkage in roasting is about 16 per cent, or 1¾ cents per pound. The cost of roasting and insurance, including expense of handling, but without any charge for storage, amounts to about one-half cent per pound, making the lowest possible cost to us, as distributers of coffee, 10¼ cents per pound. We sell this grade of coffee at a very close margin of profit, the average of which would be less than one-half cent per pound. Retailers of coffee sell this grade to consumers at from 12½ cents to 15 cents per pound. The suggestion that is reported to have been made, that this grade of coffee is sold at from 35 cents to 40 cents per pound, is entirely without foundation in fact. We do not believe that this grade of coffee is retailed in any part of our country at a price exceeding 20 cents per pound. We also believe that we should be warranted in affirming that in no instance has there been a pound of this grade of coffee retailed at 35 or 40 cents per pound. If, however, there has been any sale made by any unscrupulous merchant at either of the prices mentioned, we are very sure that for every single pound that has been retailed at such prices there have been 10,000 pounds retailed at 12½ cents per pound or less. The margin of profit to all handlers of this grade of coffee is exceedingly small, and this fact should be borne in mind in giving consideration to this question.

We are roasters and distributers of high-grade coffees that sell for 40 cents and even 50 cents per pound at retail, but these are coffees that are imported from other countries, and their cost to us is in proportion to the increased price to the consumers.

We are, we believe, among the leading distributers of high-grade coffees, but from our experience we feel warranted in saying that fully 75 per cent of all the coffee consumed in this country is purchased by the consumer at from 12½ cents to 25 cents per pound. Very little coffee is sold "green," but when sold it is upon a margin of profit even narrower than that shown for roasted coffee.

So far as we have knowledge, the preparation and the sale of coffee to consumers is upon as reasonable a basis of merchandising as any article now sold by the merchants of this country. It should be borne in mind, however, that entering into the cost of this article are the items of transportation, insurance, labor, packages, and the usual expense items entering into the cost of other manufactured articles.

While the taxing of coffee would undoubtedly create no financial loss to us, still we regard it as a most unwise measure, and believe that nothing Congress could do would tend to destroy public confidence and create dissatisfaction among the greater portion of our citizens more than to place a tax upon tea and coffee, which are now regarded as necessaries in the family food supply.

The only object of this letter is to invite you to a careful consideration of this question, and before passing judgment upon it to ascertain the facts.

Very respectfully, yours,

SPRAGUE, WARNER & CO.,
By M. A. DEAN, *Treasurer.*

I must not occupy more time, but let me say that the duties to which I have called attention are the so-called "minimum duties." Under sections 3 and 4, should any country fail to admit any article imported from the United States on terms as favorable as if it were imported from another country, province, dependency, or colony, the maximum duties would apply to imports from such country into the United States, and those duties are the minimum duties plus an additional duty, generally 20 per cent of the minimum duty. Thus wherever there are trade agreements or trade arrangements between foreign countries where a preferential duty is established more favorable to the contracting parties than to the United States, the maximum duties would be at once established, and the tariff duties upon imports from the countries entering into such trade arrangements be largely increased.

This act is intended to provide revenue, equalize duties, and encourage the industries of the United States. The revenue we must have, and to obtain it there must be importations from other countries. Revenue can not be secured through duties that prohibit importations. We ought to have competition in our markets, and only such protective duties as will enable the American manufacturer or producer to meet competition from abroad under equal conditions. The duties should be equalized. One class of labor is as much entitled to protection as another; one manufacturer should be given as much advantage as another; one producer should receive from tariff legislation as much benefit as another. Our industries should be encouraged, not only to control the American market but to find a place in other markets. We can well afford to permit importations of manufactured articles from countries where we may ship our products. Our cotton, our grain, our cattle, and our manufactured articles are in demand in many foreign markets, and their export should be encouraged. The domestic market is of great value, but it is not the only market. American industry and American progress seek the markets of the world and are not content to exploit the home market alone.

I favor liberal drawback provisions so that the American producer and American manufacturer may not be handicapped in their effort to find new markets for American products, and to carry around the globe the evidences of American skill and American effort. We are big enough and strong enough to meet competitors here and abroad without burdening the American consumer with heavy taxes and excessive charges. [Applause.]

Mr. LEVER. Mr. Chairman, it was not my intention to take part in the general debate upon the pending bill, and I shall do so now only briefly and to uncover a patent wrong against my section, preferring, as I did, to discuss its various schedules under the five-minute rule and when action was being had. The press reports give us to understand, however, that a rule will be brought in by the majority on Monday, or some time during next week, which will cut off the discussion of the bill by item and prevent any amendments to it except such as have been agreed to by the majority of the members of the Ways and Means Committee. You have thrown away two weeks in a useless, ridiculous, farcical, so-called "discussion" of the bill in what you call "general debate." It has not been a debate at all except in a few instances. You Republicans, divided as you are between those who want no revision of the tariff except a revision upward, and those who would in good faith keep the pledges of their platform and have a bill which gives real revision and relief, are permitting this debate not for the benefit that may come of it, but for the sole purpose of getting time in which to bring together your warring factions. It is not general debate that the country wishes; it is not long-drawn out academic discussion; the country demands and expects a discussion of this bill item by item, with the right accorded Democrats and Republicans alike to offer amendments to it item by item.

Your rule will prevent this. Your rule means, in fact, that the 12 Republican members of the Ways and Means Committee, and not the chosen Representatives of all the people, will make the bill that passes this House and is sent to the Senate, which, when it reaches that body, will be chucked into the waste basket of the Senate Finance Committee, there to sleep the sleep that knows no waking. The Senate Finance Committee will proceed to give the country its next tariff law, and, while it may bear the name of the "Payne law," it will probably have precious little of the handiwork of the distinguished chairman of the Ways and Means Committee of the House in it. This is the procedure that the country is to witness in the near future, and all this debate and discussion and furore we are now having will go for naught. This is not as it should be. The House of Representatives, under the Constitution, is charged with the responsibility of providing the revenues for the Government; but, under your rules, the rules of the majority, the House of Representatives has become so impotent as a legislative body, so absolutely unresponsive to the wishes of the people, that they have had to turn to the Senate for whatever of real discussion and legislation they seek. Why are we not permitted a discussion of this bill by items? Why are we not allowed to offer amendments to it freely by items? What if it does take a little more time? The country is willing to stand for a reasonable delay if, in return, you will give it a real downward revision of the tariff. Why this haste in putting through this most important piece of legislation that will affect the country in the next ten years? Why are Members—the immediate, direct personal representatives of the people—denied the right of speaking for the people through such amendments as seem wise and just to them?

When the Payne bill was given to the press, it was hailed as a magnificent piece of legislation, in full accord with the Republican platform, and meeting in every respect the demand of the country for revision. Every interest and section of the country were represented as being satisfied with it, rapturously satisfied with it. It is different to-day. Every interest seems to be dissatisfied. The consumers are being heard from. The people at home are using the mails, and you Republican gentlemen who were falling over yourselves at first to support the Payne bill are now falling over yourselves to get out of the way of it. [Applause.]

The more it has been studied the more vicious and obnoxious it appears. It is filled from one end to the other with "jokers," frauds, and deceptions. Its very title, viz, "To provide revenue,

equalize duties, and encourage the industries of the United States, and for other purposes," is a fraud and deception, for it does not equalize duties; nor is it built upon nonsectional lines. It is an effort to deceive the people by apparently reducing rates in their interests, when, as a matter of fact, the rates have been raised covertly and by hidden paragraphs. This is true of lumber, petroleum, coffee, and commercial fertilizers—these many jokers have already been discovered. No man on earth can tell how many more are in the important sections 3 and 4 of the bill. I dare say there is not a man in this House, not even the chairman of the Ways and Means Committee, who is alleged to be the best posted man in the House on tariff matters, who can give a thorough and comprehensive statement in detail of the duties that are imposed by these two sections. They are a Chinese puzzle, covering up no man knows what and bearing on their face a strong suspicion of deception.

Mr. Chairman, this is strikingly illustrated—yes, demonstrated—in the matter of a duty on commercial fertilizers. Paragraph 576 of the bill puts guano, manures, and all substances used only for manure on the free list, permitting that schedule of the Dingley bill to stand. Paragraph 652 puts potash, sulphate of potash, muriate of potash, and all potash salts upon the free list. This is the way it looks on the face of the bill, but a more careful study of the bill, a closer investigation of it, discloses that a possible duty on potash salts of 20 per cent ad valorem is carried in sections 3 and 4, the sections that carry the so-called "maximum and minimum rates." This is seen by a reference to page 152 of the bill, where section 652, apparently on the free list, is made amenable to the maximum and minimum rates carried in these sections. I think no one can deny that these sections were intended, in the end, to keep in effect the Dingley rate and in some cases to increase it. This is certainly true of sulphate and muriate of potash.

Germany, from which we import the bulk of our muriate of potash, has a tariff on potash salts. But even if this were not the case, section 4 provides that Germany or any province, dependency, or colony must give to the United States the same rate of duty as it gives to every nation of earth, and this is the important language of the section, "upon each and every article imported into said country."

In other words, if Germany, or any other country for that matter, should, to secure some important treaty right, give the least concession upon the least article of trade and to that extent discriminate against the United States, then the maximum duty automatically applies to imports from her; and in the case of commercial fertilizers, muriate of potash would be dutiable at the rate of 20 per cent ad valorem.

Now, what will a 20 per cent duty on muriate of potash mean to the farmers of the South Atlantic States? The Department of Agriculture estimates that the farmers of the country use annually $110,000,000 of commercial fertilizers, and of this amount $90,000,000 is consumed by the South Atlantic States—about 87 per cent of the total for the entire country. South Carolina alone, small in area as she is, expends annually $15,000,000 for commercial fertilizers. Of the total amount of fertilizers consumed in the South Atlantic and Southern States, $10,000,000, according to the best available information, is expended for muriate of potash, which is one of the necessary constituents of a complete fertilizer, the kind most usually used by the southern farmer. It is the potash of your ordinary 8:2:2 fertilizer and is supposed to give fruit to the crop, although this has not been scientifically demonstrated.

A 20 per cent duty ad valorem on $10,000,000 worth of muriate of potash consumed in the Southern States annually means a $2,000,000 annual tax upon the southern farmers. It means to South Carolina alone, to her farmers, an additional burden, for it must be understood that all potash salts are on the free list in the Dingley law, of $320,000 a year. It is to protest against this flagrant disregard of the rights of the southern people, this outrageous imposition upon them, this surreptitious attempt to saddle an additional load upon them, that causes me to raise my voice on this occasion. This is a covert method of discriminating against them, of making them contribute out of their pockets to the Federal Government this added tax. The southern farmer does not wish, nor has he ever wished, to escape any of the burdens of the Government. He is willing to carry his share of the necessary evils of government, but he does protest against an unjust discrimination against him; he does protest against being made the burden bearer all the while, and getting so little in return for it; he does ask that same treatment for himself that is accorded every section of the country; he does demand that taxation throughout the country shall be levied without regard to sectional lines; and he does protest against the building up of one section of the country at his expense.

The demand for muriate of potash is growing day by day, and hence this new duty upon it means an increasing burden upon the farmer, and the next ten years will in all probability see the use of it doubled, with a consequent doubling of the tax.

The policy in tariff legislation heretofore has been to put guanos and manures upon the free list, and I venture to assert that there can be given no good reason at this time why this important element of all commercial fertilizers should be placed upon the dutiable list. It can not be claimed that it is imposed for the purpose of nurturing and building up some infant American industry—an argument behind which is planted the high-protective system with all of its inherent wrongs and injustice—for every pound of muriate of potash consumed in this country is imported, the largest supply coming from Germany. There can be but one reason for the imposition of this tax upon the southern farmers, and that is that it is a source of revenue. But, in the name of justice, does not the South, which is largely agricultural, already contribute more than her just proportion of federal taxation?

The truth is, Mr. Chairman, that the farmers, North, East, South, and West, who are the greatest producers and, at the same time, the greatest consumers of the Nation, will, as a class, find no relief in the Payne bill, but on the contrary will, as too usual, find themselves bearing the brunt of providing for the revenues of the Government, and, at the same time, under your theory of high protection, contributing out of their earnings to the upbuilding of certain favored industries. Strange it is that he does not make his voice heard. He is more directly affected by the tariff than any other class, and yet he does not maintain a lobby at Washington; he does not give any elaborate banquets for the entertainment of Members of Congress. He expects his Representatives to give heed to his interests, and how badly he is disappointed in them can never be shown more clearly than in this so-called "revision" of the tariff. You have taxed him upon everything that he eats, wears, and drinks, and uses in his business. You have taxed his farm implements, his bagging and ties, his binding twine, his spices, his oil, his shoes, his harness, his furniture, his tableware, his nails, his wire, his sugar, coffee, and tea, and his wearing apparel.

You have taxed him upon everything of which the imagination can conceive; you have left him nothing free that can be of any use to him; and, not satisfied with the present burdens upon him, you have added this new burden of a tax upon his commercial fertilizer, which he uses in maintaining soil fertility and in stimulating crop growth. You have taxed the very instrumentalities with which he has made your Nation great. Standing as he does between this Nation and international bankruptcy; giving you as he does from year to year, with his brain and brawn, your balance of trade; bringing back to you through the sale of his products in foreign markets a ceaseless stream of foreign gold, you might be expected to give him some consideration in accordance with his deserts. You have not done it. You have taxed him from alpha to omega. You think that you have hoodwinked him, but woe be to you if you have deceived yourselves. [Applause on the Democratic side.]

I desire to read as part of my remarks bearing on the proposition to impose a duty on commercial fertilizers a very carefully written letter of a very valued friend of mine. It illuminates the subject very much, and I am sure will be of value and interest to the House. I read:

M. O. DANTZLER,
HARDWARE AND FURNITURE,
Orangeburg, S. C., April 2, 1909.

Hon. A. F. LEVER,
Washington, D. C.

DEAR SIR: I take the liberty of drawing to your attention some apparent discriminations in the new tariff bill, known in the House of Representatives as "H. R. 1438."

I wish to draw your attention to section 2, articles 592 and 652.

Article 592 provides for the free entry of basic slag, certain grades of which are imported only for manurial purposes and can not be used for any other purposes than manurial.

Article 652 provides for the free importation of sulphate of potash, crude or refined, and muriate of potash, which articles are imported more largely for manurial purposes than for any other purposes.

All three of these articles enumerated in the above two paragraphs are imported almost entirely from Germany. Commercially speaking, there is no muriate or sulphate of potash obtained outside of Germany, and the same thing can in justice be said of the basic slag, which is used for manurial purposes.

If the law goes into effect with its provisions intact as they are to-day, the actual result will be that a duty from $2 to $3 per ton will be levied upon basic slag and $7, $8, or $9 per ton on potash. Hitherto basic slag has come in free under a recent decision of the Board of Appraisers, classing it where it rightly belongs, as a substance used only for manure, and potash has also come in free by special provision.

I understand that the treatment now accorded to some of our exports by Germany will immediately result in the retention of a 20 per cent ad valorem tax upon all articles which are imported from Germany, with the result to these articles as aforesaid.

Crops require phosphoric acid and potash. They will not grow and mature without them. Basic slag is one of the most important and valuable sources of phosphoric acid available to our farmers; and sulphate and muriate of potash, obtained only in Germany, are the only

sources of potash; consequently, the operation of this bill will be to immediately impose upon agriculture in this country a most severe tax.

In every ton of fertilizer which the farmer buys in this section of the country there is not less than 8 per cent of phosphoric acid nor less than 5 per cent of potash, which would be equivalent approximately to 1,000 pounds of basic slag and 200 pounds of muriate of potash. The additional tax per ton on fertilizer used by the farmer would, therefore, be from $1.50 to $2 per ton, or nearly 10 per cent.

I invite you to compare with the two paragraphs above enumerated paragraph No. 576, providing for the free entry of guano, manures, and all substances used only for manure; paragraph 673, providing for the free entry of nitrate of soda; and paragraph 480, providing for the free entry of sulphate of ammonia. I notice that these articles are omitted from the enumeration of the materials upon which the 20 per cent ad valorem duty will be levied in the event contemplated by the provisions of sections 3 and 4 of the act.

I beg respectfully to ask why there should be this discrimination? Basic slag and the potash salts are just as much manures and just as essential to the production of crops in this country as sulphate of ammonia, nitrate of soda, guano, or any other articles used only for manure, and it seems to be strange that there apparently should be a desire to impose a heavy tax upon these articles while the others come in free.

I beg to recommend either that the words "basic slag, ground or unground," be entirely struck out of section 592 and not mentioned anywhere in the tariff, so that, when imported in a form and of a grade which can be used only for manure, it will come in free in any event, or that the words "basic slag fit only for manure" be added to section 576.

I also recommend that the words "sulphate of potash, crude or refined and muriate of potash when used only for manure," be added on to section 576.

Respectfully, yours, M. O. DANTZLER.

Mr. MAGUIRE of Nebraska. Mr. Chairman, much has already been said here on this tariff bill. Naturally it has become a theme of comment and discussion throughout the country. Revenue legislation is always of unusual interest and far-reaching in its consequences. We have been called here in extraordinary session to perform the work of tariff revision, and the country waits in suspense and anxiety for the results. The demand of the people is for a genuine revision. Will they get it? We are the properly constituted authority to shape a revenue measure. This question, upon the magnitude of which we all agree, is now for us to answer. What kind of a tariff bill does the country want and what sort of a measure have the people a right to expect? What promises had the country from those who to-day are in position and power to grant this needed legislation? Let us turn for a moment to a little political history. Both platforms of the two great political parties in the last campaign declared for tariff revision. All platform orators and leaders of both political parties who were in authority to speak for their respective parties declared, at least in my State, for revision downward. The people of the first district of the great State of Nebraska, which I have the honor to represent, understood these promises to be for a sincere and honest revision, and they will be satisfied with nothing less.

I come from a State which asks for no legislative favors that are not given to all alike in this great Republic; from a State having the smallest per cent of illiteracy of any in the Union. I represent a district in the heart of a vast empire of wealth; a district with more young men and women in its colleges and universities and more children in its schools than any similar section in our common country; a district with its great fields of waving grain and yellow corn, with herds grazing on its hillsides and valleys, with homes and groves, schools and churches, cities and villages. These people have carved their fortune from the wilderness and made the State one of the brightest in the galaxy, surpassed by none in its form of state and local self-government, in the character of its laws, and in the desire of its people to obey them. It is not surprising, then, that they should desire and demand through their elected Representative the support of measures which will reflect their will and be in accord with progressive policies everywhere.

I am in accord with their sentiment in demanding a genuine tariff revision. If an honest bill had been presented here, offering real substantial revision, and at the same time a measure calculated to produce revenue sufficient to meet the legitimate expenses of government, I promised the people of my district I would support it, no matter from what source it might emanate or what party might receive its credit. I promised them I would favor legislation for the general good, that patriotism, not partisanship, would be the controlling motive in determining whether I would give or withhold my support on tariff legislation.

A tariff bill is now before this House under the name of the "Payne tariff bill," purporting in language "to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." Will this bill in its present form produce sufficient revenue? Does it equalize the duties and burdens of indirect taxation, and is it fair to the producer and the consumer? Will it encourage the legitimate industries upon which the masses of the people depend? These are the questions which every Representative must consider in this investigation and answer to his constituents and to the country for his vote and final action on them.

Let us now take up and examine some of the schedules bearing directly on the ordinary articles of consumption.

LUMBER.

Among the various subjects upon which the consumers of this country have been expecting a reduction of the tariff is lumber. As to this product the sentiment has been overwhelming, not merely for a reduction of the tariff, but that lumber should be placed on the free list. Outside of the great lumber interests, including the holders of large tracts of timber lands, there has been heard no great opposition to free lumber. But those few who have profited in recent years by the exorbitant prices of lumber and who expect to continue to be treated by the Government as the beneficiaries of an unjust and discriminating tariff have been very active in their efforts to keep the tariff on lumber.

Under the present Dingley Act the tariff on lumber is as follows:

Boards, rough, $2 per thousand; boards, planed and grooved, $2.50 to $3.50 per thousand; telegraph poles, ties, etc., 20 per cent ad valorem; fence posts, 10 per cent ad valorem; laths, 25 cents per thousand pieces; shingles, 30 cents per thousand pieces.

Of this schedule the one which affects the consumer the most is that of sawed boards which are planed. It is estimated that at least 90 per cent of the lumber shipped from the mill by rail goes through the planing mill before it is put on the cars, or in other words, 90 per cent of the lumber sold at the yards by the retailer to the consumers is of the finished or partly finished class, on which there is a duty of from $2.50 to $3.50 per thousand.

In carrying out the pledge for genuine tariff revision and in the face of a general demand for free lumber, the proposed Payne bill has cut the duty on rough lumber from $2 per thousand to $1 per thousand. On the face of it this appears to be a reduction in the duty on lumber of 50 per cent, but the gain is more apparent than substantial. This is very evident when we consider that practically none of this rough lumber is used by the consumer, and even if it could be used the reduction would not benefit the consumer materially, because the duty of even $1 per thousand is prohibitive in the case of rough lumber for the reason that the high rate of transportation would make it impossible to import this class of lumber. The weight of rough lumber is about one-third more than the weight of the finished lumber and the cost of the transportation alone from the Pacific coast to the retail markets of the United States is estimated to be about $10 per thousand.

If the Committee on Ways and Means had the desire of benefiting the consumers in the least they should have made a reduction on the finished lumber, because this is the lumber of the market, and this is the lumber for which the consumers have been compelled to pay outrageous prices in the past few years.

It is clear, then, that the Payne bill offers no substantial relief on the lumber schedule. What justification is there for maintaining this lumber tariff in view of all the circumstances, even from the standpoint of a protectionist?

In the first place, the owning of timber lands is not an industry and should not be protected on any theory. As for the manufactured products of lumber, the industry has long since ceased to be in its infancy. The United States to-day is the leading lumber-exporting nation in the world. We are not only exporting lumber abroad, but we are successfully competing in the markets of the world. Such an industry needs no protection at home against foreign competition. Again, the annual drainage on the forests of the United States in about three times the annual growth. It is estimated that in 1907 the consumption, not counting loss by fire, was between 100,000,000,000 and 150,000,000,000 feet. Of this amount, 40,256,154,000 feet were used for lumber alone, based upon the estimate of Mr. R. S. Kellogg, assistant forester in the Department of Agriculture, that there are between 500,000,000 and 700,000,000 acres of timber land producing an average of 60 board feet per acre.

The scarcity of white pine is already giving alarm. This industry reached its maximum eighteen years ago, and now the output is only 50 per cent of what it was then. The supply of hard woods has declined from 8,000,000,000 feet in 1900 to 5,000,000,000 now. Minneapolis was once the lumber center of the world, and within five years more all her sawmills will be gone. Between Minneapolis and St. Louis on the Mississippi River there were once a hundred sawmills, according to ex-Governor Van Sant, of Minnesota, and now there are only two, and these will cease to operate within a year.

In 1880 the lumber product of the United States was 18,000,000,000 feet, and in 1907 it was 40,000,000,000 feet. This enormous drain on the forests of our country has been increasing to such an extent that the end of this natural resource is already in sight. Southern yellow pine and Douglas fir are to-day the

leading kinds of lumber on the market, and of these the yellow pine annual cut equals about one-third the total cut of coniferous timber in the United States and goes on at the destructive rate of 30,000 square miles annually. The Douglas fir, it is estimated, will be exhausted in twenty-five or thirty years. Must we, in the face of all this, have a tariff on lumber and thus put a premium on the further destruction of our rapidly diminishing forest products?

Yet the tariff makers urge that we must have revenue. Apart from the acknowledged fact that our timber as a natural resource is rapidly being exhausted, there might be some weight to the argument for a reasonable tariff on lumber for the purpose of revenue if, in fact, such a tariff would produce any considerable amount of revenue. But the fact is under the present schedule of the Dingley law the imports for 1907 from Canada of finished or partly finished lumber amounted to less than $300,000, which produced only about $60,000 in revenue. From the tariff on finished lumber, then, practically no revenue has come to the Government under the Dingley law, and under the Payne bill it is probable that the revenue from the imports of finished lumber will be even less than under the Dingley law, because the rate on finished lumber still remains prohibitive. The revenue from the imports of rough lumber in 1907 was $1,718,679.33, and under the Payne bill would be only about half this amount. The revenue from the importation of rough lumber would not materially increase by the reduction of the tariff from $2 to $1 per thousand, because, in the first place, the consumer does not furnish the market for this unfinished lumber, and, in the second place, lumber imported from Canada in the rough can not pay the high freight rates plus the duty and compete with American lumber. Therefore a tariff, whether on finished or unfinished lumber, can not be justified on the ground of producing revenue.

But the lumber interests and the stumpage owners of the United States insist that they must have the tariff on lumber for protection. If there ever was a time when this argument was good, that time has long since passed. Much stress has been laid upon the argument of protection to American industry and American labor in order to justify a tariff on lumber. For this reason an examination of the facts is not only fair, but necessary to a proper understanding of the situation. Now, what are the facts? In the first place, Canada is practically our only competitor in lumber production. It is contended by those who favor a tariff on lumber that Canadian lumber produced by cheap labor would destroy the American lumber industry, if admitted free of duty. The fact is, as the following table shows, that wages in Canada, both in the mills and in the logging camps, are higher than wages for the same labor in the United States. The table was furnished to the Ways and Means Committee by Theodore M. Knappen, secretary of the National Forest Conservation League:

	Canada.	United States.
Foreman, per month	$143.33	$127.50
Band sawyer, per day	6.19	5.20
Filer, do	7.35	6.83
Engineer (chief), do	4.25	3.79
Graders, do	2.99	2.44
Fireman, do	2.54	2.78
Millwright, do	3.99	3.56
Setter, do	3.38	3.12
Edgerman, do	3.62	3.20
Trimmer, do	2.54	2.48
Common laborers (white), do	2.30	2.05

	British Columbia.		Washington.	
	Campbell River.	Fraser mill.	Shelton.	Olympia.
Barker	$2.75	$3.00-3.25	$2.50	$2.50
Blacksmith	3.00	75.00	3.00	3.00
Blacksmith helper	2.50	2.25		
Buckers	3.00	3.25	2.75	2.75
Cook	75.00	75.00	65.00	
Dog-up man	2.50	3.00	2.50	2.50
Engineer	3.25	65.00	3.00	2.50-3.00
Faller, head	3.50-4.00	4.00	3.00	3.00
Faller, second	3.00	3.75	2.75	2.75
Fireman	2.50	2.50	2.00	
Flunkey	35.00	35.00	30.00	
Hook tender	4.00	5.00	3.75	4.00
Line horseman	2.50		2.25	2.25
Rigging slinger	3.00	3.50	2.75	2.50
Signalman	2.50	3.00	2.25	2.25
Skidder, head	3.00		3.25	
Skid road man	2.25	2.25	2.00	2.00
Sniper	2.75	3.25	2.50	
Swamper	2.50-2.75		2.25	2.25-2.75
Undercutter	3.50		3.00	
Woodcutter, behind donkey		3.00	2.00	

In estimating the cost of production in Canada as compared with the United States we must consider not only that labor is paid as high or even higher than in this country, but also that the Canadians pay a 25 per cent duty on their mill machinery. The tariff on lumber, therefore, does not give the American labor any advantage. The manufacturer will get his labor, as he does in the South, for $1.25 per day, and he will pay for skilled labor just what he has to and no more. In respect to the cost of production, then, we can and should compete with the Canadian lumber. As for the competition in the markets of the world, no argument is necessary, because we are actually doing it now. In 1905 the United States exported lumber to the amount of $40,613,504 and furniture to the amount of $5,377,768. In 1907 the United States exported timber and logs to the amount of $4,535,286; also sawed timber and lumber as follows:

Sawed timber	$13,101,178
Boards	39,861,352
Joists, etc	752,152
Total	53,714,682

Our entire forest products exported that year amounted to $126,000,000, and a large part of this went to Canada. Last year our manufactured lumber product exported to Canada amounted to $10,000,000. The mills of Washington and Oregon compete successfully with those of British Columbia in the markets of the world where they get no tariff advantage. Then why should we fear competition from Canadian lumber right here at home in our own markets without the aid of a high tariff? The testimony before the Ways and Means Committee of the lumbermen themselves showed that we can and do compete in the markets of the world in all the higher grades of lumber, and yet on this very class of lumber the tariff is the highest.

A tariff on lumber, therefore, can not be justified as a means of producing revenue, because it produces very little; nor can it be justified on the ground of protection for two reasons: First, the lumber industry has grown so large that it has demonstrated that it does not need protection any longer; and second, American labor has not been getting any benefit from the tariff on lumber.

It seems clear, then, that the only other purpose of the lumber duty is to continue this legislative privilege in favor of the lumber manufacturers and stumpage owners for the sole purpose of enhancing the value of their holdings of timber lands and allow them to continue to dictate prices of a product so essential to the building of American homes. While the consumers of lumber have been paying the tariff on lumber during all these years, they were not aware of the fact that they were victims of the greatest fraud ever perpetrated on any people.

During the last seven years the price of lumber has increased 46 per cent on the average, while other commodities have advanced only from 9 per cent to 26 per cent. The man who built a frame house in 1907 paid twice as much for it as for one built in 1893. The following table shows an average advance of over 100 per cent in fifteen years:

White pine.	1892.	1907.	Per cent increase.
Fencing:			
6-inch, No. 1	$15.00	$32.00	113.33
4-inch, No. 1	12.00	30.00	150
4-inch, No. 2	9.00	26.00	188.88
4-inch, No. —	7.00	19.00	171.42
6-inch, No. 2	12.00	29.00	141.66
6-inch, No. 3	9.00	21.50	138.88
Common boards:			
8-inch, No. 1	12.50	30.00	140
8-inch, No. 2	11.00	28.00	154.54
8-inch, No. 3	10.00	25.00	150
10-inch, No. 1	12.50	31.50	160
10-inch, No. 2	11.00	28.00	154.54
10-inch, No. 3	10.00	25.00	150
12-inch, No. 1	14.00	37.00	164.28
12-inch, No. 2	12.50	31.00	148
12-inch, No. 3	9.50	26.00	173.68
Flooring:			
No. 1 fancy	16.50	33.00	100
C fancy	25.00	47.00	88
Piece stuff:			
2 by 4, 12, 14, 16	11.50	23.00	100
2 by 6, 12, 14, 16	10.00	27.50	175
2 by 8, 12, 14, 16	11.00	27.50	150
2 by 10, 12, 14, 16	10.50	29.00	176.19
2 by 12, 12, 14, 16	11.50	30.50	165.21
3 by 12, 12, 14, 16	11.50	31.50	173.91
White-pine lath	2.00	5.00	150

The following statement shows the increased value of stumpage in the past eight years:

White pine, from $3.66 per thousand to $8.09 per thousand.
Yellow pine, from $1.12 per thousand to $3.16 per thousand.
Douglas fir, from 77 cents per thousand to $1.44 per thousand.
Cedar, from $1.32 per thousand to $4.63 per thousand.
Hemlock, from $2.56 per thousand to $4.51 per thousand.
Spruce, from $2.26 per thousand to $5.40 per thousand.

This shows an advance of from 100 per cent to 300 per cent in eight years, and values are still going higher. Holders of stumpage lands expect to get even $10 per thousand for longleaf pine which they bought at 50 cents per thousand. These values are largely due to the prospect of a continued protective tariff.

The great development of the West and the increase of the rural population will cause an increasing demand for lumber, and at the same time there will be a constantly decreasing supply. These two circumstances together would normally give the lumbermen a valuable and a fortunate opportunity. But they want more than this. They are asking for a subsidy in the form of a tariff. Such a tariff on lumber is not for protection nor for revenue, but instead, if this tariff prevails, it will inevitably operate to encourage the rapid destruction of our forests and it will give to the lumbermen a monopoly of one of our most valuable natural resources.

And a monopoly of our forest resources for the purpose of exploitation and destruction would indeed be a great calamity to our country. Our timber, unlike many other of our natural resources, is a one-crop product and can not be replaced in a generation. Destroy our forests and you strike a blow at the American home. All over the great argicultural stretches of our country millions of cottages are scattered, in which happy families find shelter and comfort. Barns and sheds protect their stock and securely house their crops. Annihilate the forests and you drive our poor people into caves and cliffs. Lumber is of necessity so much a part of the poor man's home that we should have free lumber in order that we may have more free homes.

GLOVES.

Under Schedule N, in the compilation entitled "Estimated revenues, comparison of Payne tariff bill with present tariff law," we find the whole class of gloves, made wholly or in part of leather, raised from 51.89 per cent under the Dingley law to 72.65 per cent under the Payne bill. On men's sheep, "glace" finish, unlined, the duty is raised from $3 per dozen to $4 per dozen pairs, or from a dutiable rate of 64.29 per cent to 85.71 per cent. The total imports of this class are practically nothing, amounting in 1907 to only $1,816, and while the yearly imports from 1895 to 1907 have averaged slightly higher, still there has been a gradual decline.

Under the same class, on ladies' or children's gloves of sheep origin not over 14 inches in length, the duty is increased from $1.75 per dozen to $4 per dozen pairs, or a rate of increase on the appraised value from 58.13 per cent to 132.86 per cent. While this class has been a fair revenue producer, still with this increase the rate would become restrictive and disastrous to revenue. Imports have gradually decreased from $1,166,973 in 1900 to $438,940 in 1907. This decline does not indicate that American manufacturers are in any growing danger from foreign competition.

The glove classed as "lamb" or "sheep" not over 14 inches in length, has the duty raised from $2.50 per dozen to $4 per dozen pairs, or an increase from 56.60 per cent to 90.56 per cent. The goat, kid, or other leather than sheep origin, "glace" finish, unlined, is increased from $3 per dozen pairs to $4 per dozen pairs, or from 49.52 per cent to 66.03 per cent. The injustice in the schedule is still further apparent in the higher rate of duty paid, and the still greater increase on the cheaper gloves and those classed as necessaries which is seen in the flat instead of the graduated rate on all grades above a certain fixed value.

It is impossible, though, for me to dwell much longer on the injustice of this glove schedule, because my time is limited; but the foregoing observations have been taken as types and examples of the unfair discriminations to the ordinary consumer on a single article of clothing so generally worn by the average man and woman. Examination of the imports and productions shows that the rate on a large number of items in the glove schedule is already restrictive, and it would be greatly to the interest of the Government and the consumer to have a radical reduction. The only advantage in the present law under several classes of gloves is in keeping out healthy competition and giving the manufacturers a monopoly of the business.

The excuse given as a justification for this increase in the rate in the Payne bill by the supporters of this measure is that increased rates will give added protection to manufacturing, will stimulate home industry, and ultimately, through course of time, will cheapen gloves. But the method is indirect and conjectural, and gives no hope to the present-day consumer. The truth is that the industry in this country has already grown far beyond the infant stage and has taken on monopolistic proportions.

HOSIERY.

Let us now turn our attention to the hosiery schedule. We find stockings, hose, and half hose imported for the year ending June 30, 1906, to the amount of $6,123,195.69, with an average rate of 60.03 per cent duty, while this bill proposes an increase to 77.16 per cent. But the above figures do not give a correct impression of the radical discrimination in the rate of duty on this class of clothing. Under the cheaper grade, valued at $1 per dozen pairs, the rate is 68.39 per cent, while in the Payne bill the duty is increased to 89.75 per cent. The class valued more than $1 and not more than $1.50 per dozen pairs has a rate of 58.17 per cent, but under the Payne bill the proposed rate of duty is increased to 76.16 per cent. The grade valued at more than $1.50 and not more than $2 per dozen pairs is raised from 51.23 per cent to 66.75 per cent. But the unfair discrimination again is most apparent when we examine the higher priced goods valued at more than $5 per dozen pairs and find that they have been left at the Dingley rate of 55 per cent. For example, a pair of hose valued at 9 cents will have a duty imposed of 89.79 per cent, while expensive kind worn by the rich bears only a 55 per cent rate. On this same pair of hose valued at 9 cents the duty will be 8 cents, while on a pair valued at $1 the duty is but 55 cents.

In the present age and under our present standards of living hosiery is not a luxury, but an ordinary necessary of life—a common and universal article of consumption. This is a proposition which I think will not be necessary to argue to this body, notwithstanding the statement of the eminent chairman of the committee in reporting this bill, that he was offering a bill with reductions in the necessaries of life. When forced to explain, the answer comes that it is for protection to American manufactures. An examination of statistics of the hosiery industry for many years past and of the testimony before the Ways and Means Committee does not reveal a necessity for government aid. The only conclusion to be reached is that the exorbitant increase is wholly unjustifiable and is in the nature of a gift to the hosiery manufacturers. From the examination of the schedules, the amount of imports in the past, the rapid and permanent development of the industry, and from the fact that this article of clothing is of common use and a necessity of life, there is no valid reason why the present rate in the hosiery schedule should not be radically reduced. Let us have this schedule amended and reduced in justice to 90,000,000 consumers.

COTTON MANUFACTURES.

A further examination of the cotton-manufactures schedule shows a total advance from 46.29 per cent to 50.27 per cent. Cotton cloth, coarser weave, is 38.17 per cent and the finer weave 44.35 per cent, with handkerchiefs and mufflers 58.65 per cent, leaving these articles at the Dingley rate. The old rate is also retained in cotton clothing and wearing apparel. The total imports for consumption for the year ending June 30, 1906, in cotton manufactures were $26,543,211.53, and on this the American consumer paid $12,286,490.08 import tax. But many of these grades of goods produced practically no revenue, and the rate of duty on them served only for protection purposes to the manufacturers. It was said that we could hope for a reduction in the tariff on the necessaries of life. Is there any hope in this schedule, with the total rate raised from 46.20 per cent to 50.27 per cent? In the cotton schedule are found the articles of universal use, common necessaries of life.

The schedule reveals an unscientific and unnatural classification, and could be made a greater revenue producer if the authors had framed the schedules from the point of view of the Government and the consumer instead of from that of the manufacturer. The effect of this bill will be to work serious hardships to dry-goods merchants and in removing from their stock, goods that usually sold at popular prices. The provisions seem to be adroitly arranged to prevent the importation of the bulk of cotton goods. The duty now is about twice the cost of the labor in manufacturing. The testimony before the Ways and Means Committee shows that the desire of the cotton manufacturers was to retain the rate of duty as it was, and now we find presented here a bill providing for an increase from 46.29 per cent to 50.27 per cent. We certainly are compelled to go to some other schedule before we find any encouragement in this bill for the consumer.

WOOLEN MANUFACTURES.

There is practically no change in the rate of duty in the general schedule of woolen manufactured goods. Woolen or worsted clothes bear a rate of 96.56 per cent. Women's and

children's goods remain very nearly the same, the Dingley rate being 103.33 per cent and in the proposed bill 103.23 per cent. Wearing apparel—clothing, ready-made, such as cloaks and outer garments—now have a rate of 85.35 per cent, with no change in the Payne bill. On the two items of blankets and flannels the rate of duty remains unchanged, with 80.78 per cent on blankets and 107.52 per cent on flannels. But many of the items throughout this schedule bear a rate of duty which is not only exorbitant and unfair, but practically prohibitive. If the classification and rates of duty were made reasonable, this schedule could be made a much greater revenue producer. On this schedule you will not receive any plaudits from the American consumer. The rates are so prohibitive that in a large number of grades of goods but a few hundred dollars of revenue are reported in a year. The Government seems to have gone into partnership with the manufacturers to sustain a price and force the consumer to pay tribute to the manufacturer in the increased price. If the rates were made reasonable, the results would come not only to the Government in revenue and the consumer in a reasonable price, but to the manufacturers in good profits. As the rate now is the consumer pays enormous profits to the manufacturer and the Government suffers seriously from the lack of revenue.

SHOES.

Shoes and leather products going into shoes, while reduced from 25 per cent to 15 per cent, in fairness to the consumer should have been reduced considerably more. This is an article of universal use among rich and poor, a necessary of life in this climate and in our stage of society. Every individual uses from one to several pairs of shoes, making a considerable portion of the total clothing expense, and perhaps no other article of wear amounts to so much in the course of the year to the average man, woman, and child. Had this schedule been revised from the standpoint of the consumer and the Government as a revenue producer, the duty on shoes would have been greatly reduced.

The manufacturers of boots and shoes in the United States need no tariff protection, as appears very clearly from the testimony and the facts before the Ways and Means Committee. The exports of boots and shoes from the United States have increased from $6,665,017 in 1903 to $10,666,949 in 1907, while our imports in 1907 were only $164,509.30. This vast export trade shows that American shoes are now sold in the markets of the world in competition with other shoes. Then why compel the American consumer to pay a tariff tax to the manufacturer to protect him against foreign competition when, as a matter of fact, there is no competition? This industry has grown so large and prosperous that the American shoe manufacturers have not only successfully driven the foreign competition out of our own markets, but have actually gone over and are now driving the foreigner out of his own market to the extent of nearly $11,000,000 in 1907.

Would it not be in keeping with our duty as Representatives, in behalf of nearly 90,000,000 consumers of shoes, to reduce this duty, instead of swelling the coffers of the shoe manufacturers, who long ago passed from the nursery stage?

WATCHES.

It would seem from this bill that the framers had not forgotten their old friend the watch trust, and that they are determined to bring the support of Congress to aid it in retaining a monopoly of the watch industry. Movements having not more than seven jewels have the rate of duty raised from 62.56 per cent to 75.12 per cent, while on higher-priced movements of more than seventeen jewels, the class of watches not commonly used, the proposed rate is only 36.12 per cent. The cheaper movements pay by far the higher rate of duty. Can anyone discern a revision here in the interest of the poor man?

PINEAPPLES, SALT, LEMONS.

The rate on pineapples in bulk is raised from 24.07 per cent to 27.52 per cent, while the rate on those in packages is raised from 16.06 per cent to 27.54 per cent. Salt in bulk bears the same rate as under the Dingley law, 79.19 per cent, which furnishes the salt trust with ample protection to insure for it a monopoly of prices with nothing to fear from foreign competition. The duty on lemons is also increased from 47.27 per cent to 59.08 per cent, and while the members of the committee have attempted to restrict importation, they may have the home industry sufficiently developed to have lemons handed back to them a hundredfold if this bill goes into operation.

TEA, COFFEE, COCOA.

Cocoa, crude, is taken from the free list and made dutiable at the rate of 36.86 per cent. There can be no justification, nor is any given, for placing this much used article on the dutiable list, and this illustrates the point to which the supporters of this measure must go in order to raise revenue.

Tea is taken from the free list and made dutiable at the rate of 8 cents and 9 cents per pound. This further exemplifies the extremity to which the advocates of discrimination are forced to obtain revenue to run the Government. Tea has always remained on the free list except in 1898, when a tax was levied to carry on a war.

Coffee is on the free list nominally; but actually, and in the most effective sense, it is on the dutiable list. The proviso, in effect, places an almost unbearable tax on this article of food by providing that if any country or province shall impose an export duty on coffee exported to the United States, then a duty equal to that duty shall be levied and collected thereon. The fact is that Brazil, in a single Province of that country, produces the bulk of the coffee of the world. This Province produces more than 70 per cent of the consumption of the United States, and a general export tax is charged in Brazil and in this Province which is variously estimated from 2½ cents to 8 cents per pound. Under your countervailing proviso a like amount in import tax would be added by our Government, which would make us pay not only the export tax of Brazil, but, in addition, the import tax of our own country. Brazil produces two-thirds of the world's crop of coffee, while the United States is the greatest consumer. On an average, nine or ten hundred millions of pounds are imported each year, and more than 70 per cent of this comes from one Province in Brazil where the export tax prevails.

This "joker" evidently was not intended to be discovered till the bill became a law and interest in it had passed from the public mind. Those who drafted this bill knew full well the facts, and no denial comes from them that this was a secret method to tax an article of food which, almost from time immemorial, has been on the free list.

Why use deception and place coffee on the free list with this innocent-appearing proviso, to be taken advantage of when the export duty of Brazil, as you well know, will place coffee on the dutiable schedule? If revenue is wanted, and you wish to deal fairly with the people, why not reduce trust-made articles from a protective to a revenue basis? In times of profound peace to attempt to levy tribute on the poor man's breakfast table—his tea, coffee, and cocoa—is an example in tariff making that seriously discredits this measure as a possible revenue producer, and is another evidence of the ridiculous position into which you are forced in order to obtain ample revenue. You promised a revision downward on the necessaries of life, and you reported a bill purporting to do so, and here you tax the poor man on the articles of food from which he draws his sustenance to give him strength to go forth on his daily toil.

OIL.

I have been not a little surprised at the attempts of some of the men in this House to advocate and attempt to force through 99 per cent protection for the products of the Standard Oil Company in the countervailing provision in paragraph 637 of the free list. This is another of the so-called "jokers." It might be interesting for us to know some of the facts and motives behind the framing of this paragraph, and I am sure the Members would willingly give way at any time for this information. Certainly the Standard Oil Company can not need protection to assist it and its group of interests and high financiers in further exploiting the American people and piling up its ill-gotten wealth. It is pitiable to see free men condoning, but a deplorable spectacle to witness representatives of the people serving such a master. I have confidence enough in the honesty and fairness of the membership of this House, and in their feeling of responsibility and duty to the people they represent, to believe that if those in authority let us get at that provision upon the final passage it will be defeated with an overwhelming vote. You can not vote for a duty on oil and then go back to your district and look an honest man in the face.

BONDS.

We were asked at the outset to believe that this was a bill for a genuine reduction on the necessaries of life, but a search through the free and the dutiable lists offers no proof that it is in any proper sense a reduction. If redeeming features are contained in the bill, they certainly are not found in the schedules. Looking, then, at the other provisions we find one that is more conspicuous than all the others, and that is the provision for the issuance of bonds and certificates of indebtedness. This latter term is used with something of a soothing effect instead of the word "bonds," which has the traditional sound of war, but the result of each is the same—the creation of a public debt. At a time when we are at peace with all the

world, section 40 of the Payne bill enlarges the war provision of June 13, 1898, from one hundred millions to two hundred and fifty millions of dollars. This is corroborative evidence of its weakness and forecasts the failure of this measure. This, too, while the earth is yielding abundantly, and in the natural order of things when the wheels of industry should be moving at an unabated speed. The provision for the issuance of bonds has no place in an import-revenue system. The test of a revenue system is crop failures, combined with industrial and commercial depression. If this bill provides now in a testamentary way for its own failure, what could we expect for it in times of depression? Instead of issuing more bonds we ought to be providing for the payment of bonds and indebtedness and for reducing the deficits of the Government by a system of more rigid economy.

SOUTH AMERICAN TRADE.

The subject of foreign trade is inseparably connected with our import revenue system. One vital defect of the present bill is not only that it will fail to encourage trade, but that it will have a tendency to destroy trade. The Dingley law failed in this one essential, because its rates of duty are too restrictive. The nations of Europe are cultivating trade relations with the South American republics, and as a result are securing the bulk of the commerce, while we have not availed ourselves of our privileges there. Their political systems are modeled after ours and they naturally would desire to trade with us. Then, too, some of our island possessions and the Isthmian Canal are conveniently reached in that direction, all of which would easily give us control of the commerce of South and Central America. The Payne bill offers no hope along the line of amicable trade encouragement, because the average rate is too high and the reciprocal arrangements are based upon the "big-stick" idea, with trade duty of 45.72 per cent and a penalty from 45.72 per cent upward. On the other hand, there should be such reciprocity between the two Americas in commercial and trade relations that we could turn our attention southward to find new and larger markets for our machinery and our products.

MAXIMUM AND MINIMUM CLAUSE.

The maximum and minimum clause of this bill is disappointing in that it is so constructed as to be an invitation to an endless trade war. It lacks in the essential elements of cultivating reciprocal trade relations with the nations of the earth. The bill interchanges the maximum and minimum features and makes the Dingley maximum the proposed minimum rate. The universal rule in every revenue and taxation system, whether through statutes or constitutions, is that the principle should be maximum instead of minimum in the limitations on administrative power to levy taxes. Permanent international commerce and trade relations must always be on an amicable basis and not enforced by threat. The safe principle of reciprocal trade is to provide a general maximum duty treating all nations on the same terms, and if reciprocal advantages can be gained by trade treaties or agreements between us and other countries, then the favored-nation clause could be invoked to meet favored-trade conditions between the two. With the proposed provision in effect, instead of 44.16 per cent we may have a 65.72 per cent rate in operation, or a rate more than 21 per cent higher than the present law. The Dingley law allows trading on a rate of 44.16 per cent downward, while the Payne bill proposes a rate of 45.72 per cent upward. This is going after trade with a club by retaliation and vengeance; and the clause, if made operative, will result in a trade destroyer and a deficit producer, with possible international complications.

PRODUCER AND CONSUMER.

Little hope is given either the producer or the consumer in this bill. The margin between the two is widened and the consumer comes in for even less favors than the producer. The test to the producer is not alone the price he gets in the market, but the purchasing power of his product in what he must consume. This is likewise true of the wages or salary of the laborer, the artisan, the clerk, and the professional or business man. The framers of this bill either neglected or failed to grasp the mighty industrial, social, moral, and political forces associated with the well-being of this country. They encouraged the interests of the rich, but failed to study the problems of the poor. In the shaping of a tariff measure the schedules ought to be arranged with a view of letting the burdens of indirect taxation fall as lightly as possible on the necessaries of life, the articles of consumption by the poor, and the burdens should be borne by the luxuries enjoyed by the wealthy.

RULES.

Much has been heard both in and outside of this House about the rule to be enforced in the passage of this measure. Are we to be given the right to amend, or is this bill to be forced through and the Members compelled to vote upon it in the manner of dumb animals driven through a chute? We have a measure with 4,000 items, covering every conceivable article of commerce, and are you going to deny 391 Members and 391 districts the right to determine what is to remain in this bill and become a law, or is one man, with his 11 party associates on the committee, to frame the bill, present it to the House, and force it through by gag rule? Shall we be given a chance to amend, or will this bill be forced through en masse? Are we here simply in numbers to make your actions legal? The general debate could have ceased long ago and the Members permitted to take up the bill paragraph by paragraph, with the privilege to debate under the five-minute rule and amend any or all of the 43 sections, including the dutiable and the free lists, and also the administrative features.

The country needs and wants the very best tariff law it can get. We should have free tea, free coffee, free lumber, and free oil; we should have greatly reduced duties from those proposed, on iron and steel, cotton and woolen manufactures, gloves, shoes, and hosiery. In the passage of a tariff bill there ought to be no delay, but I hope the Members will take the time to assert their full rights, demand a scientific classification of schedules, and give us a law under which we can all live and prosper. Grant this much for the millions of wage-earning women and children, for the man at the anvil, at the business counter, and on the farm—for those who developed this vast empire of wealth and established the ideals and institutions of American industry and civilization. I appeal not for the thousands who dwell in the shadow of this Capitol to influence legislation, but for the millions everywhere who have no paid lobby here. [Continued applause.]

Mr. ANDERSON. Mr. Chairman, it is with some hesitancy that I ask permission to take up any of your valuable time, but I deem it advisable to say a few words at least and to enter my protest against any duty on the necessities of life, such as coffee, tea, spices, boots, shoes, gloves, hosiery, clothing, and so forth. Fully appreciating the short time that has been allowed to me this evening and thanking the House for the courtesy, I will dwell chiefly on matters with which I am familiar. I have been for several years connected with manufacturing interests and have employed several hundred people, especially in the manufacture of underwear.

I did not expect to have this privilege accorded me, and only requested time when the gentleman from West Virginia [Mr. GAINES] failed to answer my question regarding how many people the high tariff on laces and embroideries protected. He argued that laces are a luxury, and I agree with him to a certain extent, and especially do I agree with him on certain grades of laces; but when we have no lace factories, or rather very few lace factories—and, if I am correctly informed, there are less than a thousand operators in lace factories at the present time—would you put a prohibitive tariff on lace, so that it actually prevents the poor laboring man's wife and children from enjoying trimming on their gowns, skirts, dresses, and infants' wear?

The poor man does not just care to exist and have three meals a day, although at the present time, under Republican administration, many would hail with joy one good meal a day, instead of standing in the bread line and partaking of the luxury of soup houses. [Applause on the Democratic side.] It would be a great country in which to live if we could say we had no bread lines or soup houses, and our laboring men not only received good wages, but owned their own homes and had some hours for pleasure seeking.

The laboring man's wife has just as much pride in making a good appearance before her husband and her friends as the rich man's wife, and I again want to enter a protest against a duty on certain grades of laces and embroideries. If certain grades of lace were admitted free of duty, it would allow a poor man's wife to trim her garments, as well as to beautify baby's dress; and what pleases a man more on returning home, weary and worn, from a hard day's work than to find a good meal ready for him, with the smiles of wife and baby to cheer him along? God pity the man who is not blessed in this manner. [Applause on the Democratic side.]

I might also say if certain grades of laces were admitted free of duty it would not only remove a great burden from 80,000,000 people, but it would stimulate and cause a demand for the manufacture of such articles as muslin underwear, shirt waists, children's and infants' wear, and give employment to many more thousands of people.

Statistics show that but few men are employed in this country in the manufacture of laces, less than a thousand, I think, despite the fact that this industry has enjoyed an ad valorem duty of 60 per cent. In other words, the cost of laces pur-

chased by 80,000,000 people for trimming purposes has been increased 60 per cent, and the net result has been that less than 1,000 men are now employed in manufacturing laces in this country. If this is a fair sample of the protective system, any man can figure out for himself its iniquity.

As I said in the beginning, the lace business is something of which I have personal knowledge. However, my observation has been that in this great country of ours the burden of taxation bears too heavily upon the shoulders of those who can least afford to bear it. I mean the poor man and the man of moderate circumstances. Obviously this state of affairs should not continue longer.

Let us for a moment analyze the effect of a protective tariff on one item. Take, for instance, that of farming implements. It is a fact beyond a doubt that farming implements are manufactured in this country, transported to European and South American countries, and sold there at a lower figure than they are sold to the farmer right at the door of the factory that turns them out.

This, I think, all will agree is a discrimination that works a hardship to one of the largest classes of wage-earners in the United States. It has been the most valuable asset of the Republican party to pose as the friend of labor, and while I am, and have always been, an advocate of giving to every man who works in the factory or the shop the just return of his labor, I am also in favor of giving to the man who digs and delves in the field from cock crow to sunset the same just return. In the last analysis the whole labor and business world is dependent upon the farmer for sustenance.

Without his industry the forge and the shop, the mine and the factory would soon have to suspend operations. Why, then, may I ask, is an unjust and unfair discrimination practiced against him in favor of the alien farmer, whose products come in competition with those raised in our own country? Why should the Arab, or Egyptian, who raises wheat to compete in the markets of the world with American-raised wheat, have the machinery that cuts and prepares that wheat for market sold to him at a vastly lower figure than the farmer in Ohio, Illinois, or Iowa? How comes it that an American company can sell its wares cheaper to the foreign purchaser than to the home consumer? That question is easily answered. By reason of the fostering care of a Republican tariff, American combinations and monopolies are protected from outside competition under the guise of giving them an opportunity to pay higher wages to the factory hand, the traveling salesman, and the general run of employees whose bread and meat come from the coffers of these trust magnates; yet we find that after a consolidation of the many factories that produce this class of goods, the wage of the artisan is reduced, the occupation of the salesman, like that of Othello, is gone, and the farmer of America is more systematically and persistently robbed than before.

The charity of these gentlemen is extended solely to the foreign agriculturist, and that, too, at the expense of one of the largest classes of American laborers. The tariff that gives the agricultural-implement trust a monopoly gives it at the same time power to exact from the farmer a profit that amounts to tribute, just as surely as that exacted by the Black Hand from the man who by his thrift and economy has prospered to an extent that excites cupidity and lawless lust for the fruits of another's labor.

Reduce your tariff and let competition come in, and the American farmer will be able to harvest his crop with improved machinery bought as cheaply as that used by the half-breed on the steppes of Brazil or the banks of the Nile. But, you say, that will allow foreign cheap labor to compete with high-class and highly paid American labor. We want to keep up the wage scale.

Now, was there ever a greater fallacy or a more demagogical argument put forth to sustain a bad cause? Does not every intelligent American know that the price of labor is controlled by the law of supply and demand, as are all other commodities of present-day civilization? Do we for a moment suppose that the head of one of the trust factories would refuse to replace a $5 a day mechanic with a $1 a day mechanic who could do the same work and as much of it in a day simply because the one was an American and the other a foreigner? Do we not see every day in the year the cheap labor of Asia coming in and displacing the better-paid American labor in nearly every vocation and in every section of this country? Then, why longer deceive ourselves and seek to deceive the people whose servants we are with false arguments and absurd hypotheses?

A protective tariff inures to the benefit of him who has and takes from him who has not even the little he would like to have. The farmer's boy who rises with the lark and goes forth to his daily task under the light of the still shining stars and works until the last faint streak of red has faded in the western sky pays tribute to the trusts that have monopolized the implement business.

Every rosy-cheeked maid who sings as she sews the folds of her modest gown in which to appear with becoming decency at the village church, every weary mother who from day to day sews and sews, that the raiment of her offspring may be presentable, or to provide food for the hungry mouths of those she is left by a sad fate to protect, pays her widow's mite to swell the bank account of the multimillionaire who never works, but reaps from the sowings of others, that a pampered darling may dissipate a fortune on the frivolities of fashion and a degenerate son may live in easy indolence. Call you this just or right? That we must have a tariff that will produce a revenue to meet the demands of the Government none will gainsay, but when you place the chief burdens of taxation upon the shoulders of the artisan, the farmer, the sewing woman, and all those who have to provide the daily needs by daily exertions, you have placed upon them an unjust burden, and you have put the ax to the tree of liberty.

In the name of the American workers, in the name of our American civilization, and in the name of common humanity and justice, I bid you pause while there is yet time and before an outraged people arise in their might and strength and by that brute force that is born of hunger and lost hope and shattered ideals make you pause.

I am one of those who believe in the cardinal principle of Democracy—"the greatest good to the greatest number"—and, applying that principle to this Payne tariff bill, I find that either the bill or the principle needs to be changed.

In so far as the tariff bill as originally presented is concerned, my honest and candid opinion is that it is a sham and a mockery, and is a Republican endeavor to blind the millions of consumers. The Democratic party has been preaching revision for years, and Mr. Taft was forced to promise relief.

Now, how will that relief be given? Shall we further rob the wage-earner and the man of moderate circumstances? Shall we add to the already heavy burdens he has to carry? Why should we put a tax on the toiler's breakfast table? If a tax is put upon tea and coffee, I believe it would be one of the most outrageous acts ever perpetrated by Congress.

The Payne bill is supposed to be framed in accordance with preelection pledges of Representatives and is supposed to be in response to the demands of the masses. It was stated on the stump last fall that only the Republican party could frame a satisfactory bill, and I honestly believe when the bill is finally passed you will hear men of all parties criticise it and claim that little relief, if any, has been given.

There is no question in my mind whatsoever but that the trusts and monopolies which have had the utmost protection in every manner will receive all for which they have asked, and that they will continue to make and distribute their wealth among themselves and spread more harm and discontent among the masses.

Now, Mr. Chairman, if my memory serves me right, Andrew Carnegie made the statement sometime ago that no tariff was needed on steel rails, and yet the Payne bill shows a tariff of $3.92 per ton on steel rails, which, to my mind, is practically as prohibitive as the Dingley rate of $7.84, and my candid opinion is Mr. Carnegie was pretty well informed as to what the tariff would be and will continue to be able to make generous gifts in the future as he has done in the past; but in this country of ours charity covers no sins, and the Payne bill is void of charity and full of sin. It seems to me we should return to Democratic principles in the framing of the tariff bill, to the end that the expenses of the Government be more equitably distributed and that each pay in proportion to his ability to do so.

Mr. Chairman, I for one am in favor of a separate record vote on the articles I have mentioned and all other articles in which the people of this great country are interested, so they may know who are representing them and who are representing the trusts and monopolies, such as the Standard Oil, the steel, and the sugar trusts.

Mr. Chairman, I desire to call your attention and the attention of this House to the ever-increasing belief that this bill is a particularly heavy burden on the American breakfast table, an institution that neither individuals nor parties can afford to attack with impunity, and I am willing to base my reputation as a prophet on the proposition that if this bill carries the tax on tea, coffee, pepper, sugar, cloves, and so forth, as it now carries them, the party in power will feel the heavy hand of the voter who does not relish the additional cost added to his morning meal.

But it is said that it will be impossible to raise the revenue to pay the expenses of government unless these things are taxed.

I deny this proposition, and I believe that more revenue can be raised by a strictly revenue bill than by a protective bill, especially if the protective bill is so drawn, as it is in many cases, as to make the imports practically impossible by the enormous duty charged. Then there is the income tax, which was constitutional for nearly one hundred years and only pronounced unconstitutional by a divided court in time to defeat the Wilson bill as a revenue producer. There can be no possible question but that the one class other than the laborer who receives the least benefit and is done the greatest injury by the operations of a tariff bill like this is the American farmer. His surplus products are sold in a free market and everything that he uses is taxed to the limit, so that he buys in the highest and least competitive market and sells in a market that competes with the world.

Still the standpatter from the stump tells him that ancient joke, that the tariff on wheat, oats, and corn is his share of protection. Then he tells him of the spirit of brotherly love that should envelop his soul, so that he will help his brother, the manufacturer, to pillage, under the form of protection, his other brother, the workingman.

But to return to the farmer. When Grover Cleveland retired from office at the end of his second term the price of the principal product of the farmer, wheat, was 80 cents per bushel; and it never reached that price again until the year 1907, despite the fact that during the ten years that ensued there was a duty of 25 cents a bushel on wheat. From 1890 to 1894, under the high protective McKinley bill, wheat fell from 83 to 50 cents per bushel, with the same duty of 25 cents per bushel.

And so it is with other products of the farm, the surplus of which the farmer is compelled to sell in the free market of the world. Corn in 1890 was worth 30 cents per bushel. In the short space of two years, namely, in 1901, it sold at 60 cents per bushel.

Will some one please explain why there is such a vast change in price under the operation of the selfsame bill? If there be any virtue in the claim of the protectionist, why, then, does not this tariff keep it at the high price instead of in such dangerous fluctuations? Every reasonable person knows that there is but one law that makes the price of wheat, corn, and so forth, and that law can neither be repealed, amended, or trifled with by legislators, and that is the law of supply and demand. I reassert the well-known truth that nothing else affects the price of grains except, perhaps, a war or some other dreadful calamity, and these things can be placed under the head of accidents.

However, before I leave this subject I will add just one more agency that affects the price of grains, and that is the manipulations of heartless gamblers who operate on grain exchanges in the great grain centers of this and other countries. They frequently extort great fortunes from the people by devious methods and artificially affect the price of grain. There should be some law framed to prevent these gamblers from so manipulating the price of grain for their selfish ends. My attention has also been called to the fact that in 1895, under the Cleveland administration, corn sold at 45 cents per bushel, and during 1905, under the Roosevelt administration, corn sold at 41 cents per bushel. These examples only serve to show the folly of trying to prove by the prices themselves that the tariff has anything to do with the price of grains; and dull, indeed, is the person who can be convinced that low prices of grain bear any relation to a low tariff or high prices to a high tariff.

The surplus products of the American farmer are sold in the markets of the world in competition with similar products raised by the lowest-priced labor in the world.

But they tell us that the farmer is helped by this duty on farm products. They forget that this can not help the farmer so long as he is an exporter. Particularly does he get no benefit from this sort of legislation because when he becomes an importer—that is, when he purchases necessary articles—he finds that he is buying articles protected by a nearly prohibitive, and in many cases by an absolutely prohibitive tariff.

Let the farmer take in a load of grain to market, and then if he has in mind the erection of a new building on the farm, let him invest the proceeds of the sale of the grain in lumber, nails, glass, and so forth, and he will be compelled to owe a little until he brings in the next load or two. At this time he should begin to speculate on the real meaning and value to a farmer of this much-vaunted high protective tariff on agricultural products.

It begins to look as though the revision of the tariff by the friends of the tariff is going to be a joke, a delusion, and a snare so far as the great mass of consumers is concerned. The revision will be upward instead of downward, and woe be unto the party that foists this bill on the people, for they will rise in their wrath on election day. Two years thereafter they will replace President Taft with that other great son of Ohio, Governor Judson Harmon. [Applause.]

Mr. GORDON. Mr. Chairman, it would seem superfluous to further specifically discuss any of the important or even any of the immaterial tariff schedules contained in the bill now under consideration. This has been done so ably and exhaustively that I could not reflect any additional light upon them. I will therefore direct my remarks upon somewhat different lines; and in doing so I wish to say that I have no ambition now or at any time to be heard in this Chamber merely for the transitory honor of making a speech. Neither do I desire to speak and publish for "home consumption," as all of the new Members and some of the old ones are frequently supposed to do. But I do desire to be heard for a short time, lest my silence should be construed as indifference to the important issues involved in the pending debate, which perhaps will prove to be the most celebrated, exhaustive, and instructive discussion ever known to the hackneyed but vital and notable history of the intricate and perplexing problem of tariff legislation, and which debate will perhaps disseminate more educational tariff literature than was ever before given to the American people. Practically all that has been said and published heretofore on this subject has been brought to light in this debate and supplemented with a history of the effects of the operation of existing tariff laws since the enactment of the Dingley bill, and which shows the necessity of revising and amending such laws, from time to time, in order to adjust them to the ever-changing conditions of trade and commerce and the every varying demands of an evolving and advancing civilization.

For more than a century, nay, from the very foundation of this Government, a reasonably satisfactory solution of the tariff problem for any considerable period of time has defied the wisdom and statesmanship of some of the ablest and best men that this country has ever produced or, perhaps, ever will produce. It is no wonder, then, that we should approach this economic enigma "with fear and trembling." And all that we can presume to do is to emphasize the magnitude and sensitiveness of the question involved in this, perhaps, too impassionate and vehement controversy and to supplicate the majority having the issue in their hands to exercise all of their wisdom, justice, and moderation in framing the bill for enactment. Unbecoming, indeed, it may appear in me, a comparative stranger on this floor, to offer a word of advice to any Member of this House, perhaps, the ablest, most practical, and, by their various occupations, vocations, and professions, most fully equipped for their duties of any legislative council in the world. Sensible of this, I offer any advice, something that is oftener given than taken, with hesitancy and diffidence. During my very pleasant association with the membership of this House I have not sought to talk and to teach, but to listen and to learn. And I would now gratefully acknowledge my obligations to gentlemen on both sides of this Chamber for the useful information and valued instruction that I have derived from listening to their learned discourses here, and more especially for that derived during this prolonged and remarkable debate, which, I think, has taught us all that the fundamental difficulty in formulating and adopting a tariff bill resides in the perpetual and irrepressible rivalry of commercial interests. It is so easy for men to think that is right which is to their advantage, but it is not so easy for them to think that is right which is to the advantage of somebody else.

Has not such been the observation of every gentleman in this House in his dealings with men, and has such infirmity not had emphatic expression in the earnestness with which manufacturers generally beg for protection for their manufactured products, but pray that the raw material from which they are made shall be put upon the free list? The iron manufacturers want protection for iron and steel, but want ore upon the free list. Manufacturers of shoes and leather want a tariff on shoes and leather, but want hides on the free list. While cattle raisers want a healthy duty on hides, they would not object to free shoes and other leather products.

The oil trust wants a tariff on the products of petroleum, but the crude oil on the free list. Woolgrowers want a high tariff on imported wool, but would be glad to see woolen goods on the free list; while the manufacturers of woolen goods want a high

duty on imported woolen products, they want wool, the raw material, on the free list. Sugar growers and manufacturers of sugar want protection for sugar and its products, but would like to see barrels and hogsheads and the machinery necessary for their finished products on the free list. The manufacturers of cotton goods want a high-protective duty on the products of cotton, as they have heretofore had, and which they have been given again in the pending bill; yet they want free cotton, which they have heretofore had and will continue to have, because our country has a practical monopoly in the production of cotton, and it therefore has little or no competition with foreign-grown cotton; while the people, not only in the cotton-producing areas, but in every other section of the country, would rejoice to have a material reduction of the duty on cotton goods, as they ought to have.

In those States wherein timber, suitable for lumber, is practically exhausted and wherein lumber has heretofore been protected, and in those prairie States and Territories wherein there is little or no timber or lumber, the people want free lumber; but in those States wherein there is yet a supply of timber and lumber, the timber owners, lumber dealers, and manufacturers want the present or a higher duty than is now imposed upon lumber. And so we could continue these antithetic illustrations indefinitely, but we have cited enough to show that the fundamental difficulty in framing and adopting a tariff law that will be reasonably satisfactory to all classes and communities of our people, resides in the great diversity of local, sectional, or specific interests and in the rivalries of commercial enterprise, and hence the diversity of views and contentions heard upon this floor in the pending discussion. Members naturally sympathize with the wishes and wants of their constituents. This is right, with this qualification, that each will not demand more for his constituents than he is willing to concede to the constituents of others under like or similar conditions. My constituents are willing to pay their just proportion of a tariff tax—for it is nothing more nor less than a tax indirectly paid—to support the Government honestly and economically administered, but not a dollar for protection per se—that is, for the sake of protection. Our once "infant industries" have become full grown and independent giants, that need no protection, though a tariff for revenue only does incidentally protect them.

I agree with the distinguished gentleman from Alabama [Mr. UNDERWOOD], who said in his able speech before this committee a few days since that the best Democratic tariff law we have ever had was what is known as the "Walker bill," of 1846, which levied import duties on competitive products, such as wool, cotton, iron, and steel, but placed sugar and coffee, noncompetitive articles, on the free list. And we would so graduate the duties on competitive products as to levy the highest rate, not prohibitory, on the luxuries and elegancies of life, such as wines, liquors, jewels, ornaments, silks, works of art, and so forth, and so forth, and the next highest upon the comforts and the lowest on the necessities of life. I believe that all classes of the people should bear their just proportion of the tax necessary to the support of the Government that protects them, the rich paying the highest rate, the well to do the next highest, and the poor the very lowest—that is, in proportion to their ability to pay.

While my constituents want a reduction of the tariff on shoes, cotton and woolen goods, oil, coal, farming implements and machinery, wheat, flour, meat, bacon, and some other necessities, they are not complaining unreasonably, nor are they demanding such radical reduction in the existing tariff schedules as will destroy or seriously damage any useful industry, but they do insist upon an equitable tariff tax and the lowest consistent with revenue purposes.

The timber owners and lumber dealers and manufacturers of the district that I have the honor to represent are asking that the present duty be retained on lumber; the consumers naturally want free lumber. Now, as I do not think that the reduced rate proposed in the bill would be burdensome to consumers or unfair to any interests, and as we are compelled to raise revenue for the support of the Government, and as the duty now on imported lumber brings into the Treasury nearly $2,000,000, and as the decrease of that duty to about one-half, as provided in the pending bill, may increase that amount by increased quantities of foreign lumber coming into the country, I will, for the purpose of revenue, vote for the reduced rate of tariff on imported lumber as provided in the bill, believing that each industry ought to bear its just proportion of a tax to support the Government. As shown in this debate, this industry gives employment to 800,000 laboring men. I have said that one chief difficulty in coming to an agreement in framing a tariff law resides in the diversity of the interests involved and in the ever active conflicts of commercial enterprises. I repeat that declaration to show the necessity of mutual concession and compromise. It is hard to reason with the run-mad commercialism of the day. It sometimes looks as if that spirit would soon become a national monomania, if it has not already done so. Fifty years ago a millionaire was a novelty and a wonder. To-day he is common as colonels in Kentucky or majors in Tennessee. The pauper of to-day is the millionaire of to-morrow, and we do not know how he became so except by devious methods that robbed somebody else. We admire and applaud commercial enterprise and success when directed and achieved on legitimate lines and by honest methods.

There is, or ought to be, a limit to individual, corporate, monopolistic, and even national aggrandizement. A nation, as well as individuals and combinations of individuals, can become too powerful to be just. The exactions of wealth and the extortions of monopoly, with the power that accompanies great riches, have been prolific sources of social disturbance and political revolution in all past ages, and may become so in this if not restrained and controlled by law.

That a high protective and discriminating tariff has aided in the creation of trusts and monopolies will hardly be questioned, and the time has come to enforce the Democratic doctrine of "equal rights to all and special privileges to none." That New England has grown rich and powerful at the expense of other sections of the country will hardly be denied. She was the first to get tariff protection and she wants to be the last. The high protection that she has so long enjoyed on cotton and woolen fabrics, shoes, and other products of prime necessity should be greatly reduced and to a revenue basis. And here may I historically remind you that it was this long favored section—New England—that made the first threat to dissolve the Union, because she said her commerce was being injured by the then existing war with Great Britain. May I also remind you that what were deemed unjust tariff laws caused another State in a different part of the country to threaten nullification and secession in 1832, but the objectionable law was modified and further trouble for the time was averted. Also that the tariff question was later a material factor in the inauguration and prosecution of one of the most sanguinary and destructive internecine wars of which human history has given an account. May I further remind you that tariff taxation was the leading cause of our Revolutionary war. And although it is a hundred and thirty years since one of these wars and nearly fifty since the other in which the tariff question was a material factor, it is not yet settled, but is still a source of discord and dissension as shown in this protracted and vehement debate. It is still a bombshell filled with explosives, and needs to be carefully handled. It is not—at least, it ought not to be—any party's question, but the country's question. The eyes of restless, anxious, watching millions are upon this Congress, called together for the special purpose of revising and changing an unsatisfactory tariff law and making it more equitable and satisfactory to the people by doing equal and impartial justice to all classes and all sections of the country. Justice is the essence of all good and stable government, and without that all forms of human rule, whether democratic, monarchic, oligarchic, autocratic, or what you will, are alike tyrannies and will eventually be overthrown. If, then, we would have continued peace and tranquillity, let us give the people justice. No Member can fairly claim a concession for his particular constituency that he is not willing to accord to those of all other Members. And in the final framing of this bill, imposing a tariff tax for revenue to support the Government, frugally and honestly administered, let us endeavor to put the lightest burdens upon the labor producers and toiling consumers and the highest on those who can most easily bear them.

AN INCOME TAX.

We are compelled to raise enough revenue to maintain the Government and to prevent a continuation of the deficit now in the Treasury and estimated to be from $100,000,000 to $140,000,000. This is the great purpose for which we have been convened in extraordinary session, and this must be done by levying duties on foreign products coming into this country until some better and more satisfactory system of raising revenue to support the Government can be devised.

In this connection I desire to say that I emphatically favor an income tax for raising a portion of the revenue to support the Government, and would heartily support a bill for that purpose, such as was proposed by my colleague, Mr. HULL, in his able speech on yesterday. The bill he proposes provides that all incomes above $4,000 per annum be taxed 2 per cent for the purpose of raising revenue for the support of the Government. The passage of such a bill would bring large sums into the Treasury, without being oppressive to anyone. The man

who is fortunate enough to have such an income ought not to object to paying a tax of 2 per cent on all the income he has above that amount, because it enables him to pay the tax without a hardship. Is it not a sound principle that all citizens should contribute to the support of their Government in proportion to their ability to do so? Such an income tax as this would not only be moderate and fair, but would be such an ample source of revenue to the Government as to enable it to reduce the tax now imposed upon the comforts and necessaries of life, and that is what I favor. I am for revising the tariff downward on all articles that are indispensable to the great body of the people and of raising it, if necessary for revenue, on those articles that are not indispensable.

Concluding, I once more appeal to the majority, having the power to pass the bill under consideration, to be fair and just—giving to all classes of the people and all sections of the country an equal hearing and a "square deal."

Mr. MOSS. Mr. Chairman, in speaking for a short time on the tariff question I shall not attempt to make a partisan speech. I wish to talk from the standpoint of a farmer and not that of a politician, nor do I have the same advantage as the gentleman from New York, who is a merchant in New York and a farmer when in Pennsylvania. I know nothing about any other business than farming, and came direct from the farm to the floor of this House; theories may sustain arguments for campaign purposes, but the business of this country deals only with facts, and the American farmer is the great business man of our Nation.

I wish to speak of two phases only of this great tariff question—its relation to the cattle industry and the maximum and minimum features of this bill. The value of our meat industry is not seemingly understood by some of the Members of this House. I was much interested in the remarks of the gentleman from Massachusetts [Mr. GARDNER] when speaking in the interest of the shoemakers of his State. We are aware of the importance of the busy workshops and the value of their output, but, sir, Mr. Chairman, if all the property of the New England States was sold at its estimated value the proceeds would not be sufficient to equal the amount of capital now invested in the production of the meat supply of the United States. And I call the attention of the Members of this House to Table 3, page 4, Bulletin 155, United States Department of Agriculture, published in 1907. I insert that table in full in my remarks, and now call attention only to the comparisons I have given, namely, the total capital engaged in the meat industry and that invested in the New England States; the capital directly related to meat productions for export is $10,625,059,283; and the estimated true value of the New England States is $8,823,325,592.

And now, Mr. Chairman, the value of our cattle is three-fourths that of all our domestic meat animals; and so we may say the capital directly related to the cattle industry in the United States is equal to the true value of all the property of the New England States. The people who own this vast amount of property are interested in every phase of the cattle question. We are interested more in the price of the meat than we are in the price of the hide, simply because there are more pounds of beef in the steer than there are pounds in the hide; but, sir, when I was a boy and attended the old-time rifle matches, where a beef was the prize, the hide and tallow always made one choice out of five, and the hide is more valuable to-day than it was thirty years ago. And I state here that no industry in the United States with an equal investment pays so small a margin of profit as the cattle industry as it stands to-day, and, if the committee will follow me a few moments, I will give some of the reasons why this it true, and I wish it understood that I am speaking from the standpoint of a corn-belt cattle grower and feeder.

I desire to call particular attention to the fact that export cattle to-day under our present tariff are lower than they were under the Wilson law in 1896. I shall insert in full in my remarks a table prepared for me by the statistician of the Agricultural Department showing the number, value, and average value per head of all cattle exported from the United States from 1890 to 1908, both inclusive. I call attention now only to the years 1896 and 1908—the last year of the Cleveland administration and the last year of the Roosevelt administration. In 1896 we exported to all countries 372,461 head of cattle; in 1908 we exported 349,210 head, or a decrease of 23,251 head. The cattle exported in 1896 brought the American farmer $34,560,672, while those exports in 1908 realized but $29,339,134, or a decrease of $5,221,538 in total value. In 1896 the average price per head of export cattle was $92.79. In 1908 the average was only $84.02 per head, or a decrease of $8.77 per head. Under the Wilson bill, taking the years 1893–1897, inclusive, a period of five years, the average price of export cattle was $92.31 per head; and under the Dingley law, taking the years 1898 to 1908, inclusive, a period of eleven years, the average price of export cattle was $77.65, or a decrease of $14.66. To make this comparison the more striking, let us compare the average price of export cattle under the McKinley Act, the Wilson law, and the Dingley bill. For the years 1890 to 1892, inclusive, the average export price of cattle was $82.46. So we have the averages as follows:

The last years of the McKinley law the average price of export cattle was $82.46 per head; the Wilson law, $92.31 per head; the Dingley law, $77.65 per head. These facts are not mentioned as a defense of the Wilson bill or an indictment of the Dingley law; they are quoted to prove the assertion that the cattle industry pays a very small margin of profit at the present time, and whatever may have been the degree of prosperity of the whole country, the cattle industry has not been favored by the high prices which are said to constitute that prosperity.

Cattle from the corn belt, when fattened for the market and sent to Chicago, are separated into grades, and each grade seeks its own market. There is no more competition between the different grades of fat cattle from our farms than there is between the fine shoes and the brogans from the Massachusetts factories. There are three principal grades of beef cattle. The shipping grades are the very choicest and the highest priced. These go to our eastern cities for high-grade hotel, restaurant, and retail trade. This trade demands the best beef and pays the highest price. The second grade is export cattle, or those which are shipped abroad alive; then comes the packing grades, or those purchased by the Chicago packers, which compose the great bulk of our beef cattle. The only practical competition at the Chicago yards is that between the shippers, packers, and exporters, and this competition is only present when the packers are bidding for the higher grades of cattle, and thus conflict with the interests of the buyers for the shipping and export trade. As the great bulk of cattle are of grades below shipping and exports, they fall into the packers' hands without competition. This gives rise to the charge of a cattle trust. I shall not argue the question of the existence of a cattle trust; but if there is a cattle trust, it is a trust which can not be broken up by the penal laws of our country, and will be dissolved only when you broaden the foreign market for our cattle and make it possible for competition to enter into the grades of cattle now handled exclusively by the packers. Men will always buy as cheaply as is possible under existing conditions. That is the first law of trade, and it will manifest itself in the cattle trade just as surely as in any other branch of business. One of the chief advantages which broader foreign markets will bring to the American farmer is the competition in buying for the grades of cattle now handled exclusively by the packers. I can make this clear if you will follow me in an examination of our export cattle trade.

I can not better illustrate the present condition of our present foreign markets for cattle than to take a most striking example from our fat-stock show at Chicago. In this great international fat-stock show, in 1908, my own State, Indiana, captured the highest honors open to any cattle feeder in the world, producing the grand champion fat steer, Fyvie King. No other beef animal, sir, in the world was the equal of this fine animal, which was bred and fed in the great cattle State of Indiana; but when that animal was offered for sale to go upon the block it was denied admission into the markets of every country of continental Europe, except Belgium.

The traveler from continental Europe speaks about meeting American citizens and American products, but he never sees an American steer or tastes American beef.

There has been but 1,179 head of American cattle sold in France, Germany, Italy, and Austria-Hungary since 1895, a period of thirteen years. There has not been a single steer sold in either country since 1902, a period of six years. Their market is not friendly to fresh beef slaughtered in America and sent to their markets.

From the years 1896 to 1907, inclusive, not a pound of American fresh beef has found a market in Austria-Hungary, but 19,000 pounds in France, 1,419,760 pounds in Germany, and but 156,350 pounds in Italy. I place in the RECORD Table 7, Bulletin 55, showing our table exports of meat products, by countries, from 1800 to 1906, inclusive, and I will only call your attention now to the totals.

Taking the years 1890–1908, inclusive, a period of ten years, we exported to the four great countries of continental Europe, viz, France, Germany, Austria-Hungary, and Italy, only 1,146 head of live cattle, valued at $101,220. During this same period we exported to the United Kingdom 3,371,382 head, valued at $315,023,115, or in round numbers 3,000 times in number and value was sold to the United Kingdom as to the four great

countries on the Continent. Practically the same results are true in our fresh-beef trade. During this same period our total exports of fresh beef to the four great countries of Europe were 2,390,163, having a value of $209,683. As small as this amount is, it was wholly sent out during the last five years under reciprocal trade agreements which have been made between the United States and these countries, and which the Payne bill in its present form will abrogate and set aside. During this same ten-year period we exported and sold to the United Kingdom 2,775,684,413 pounds fresh beef, valued at $266,401,965, or 1,250 times the volume and value to Great Britain as to the four great countries of continental Europe. The combined population of France and Germany exceeds 100,000,000 people; transportation facilities are as ample to Havre and Bremen as to Liverpool, nor are freight rates materially different. The people of continental Europe are a meat-eating population, and their markets are poorly supplied with this prime necessity of life. I can not explain this situation better than to quote from a signed article by Alvin H. Saunders, editor of the Breeders' Gazette, and published in that great farm paper, April 22, 1908, page 9441:

I spent a few hours the other day in the great Smithfield market, London, where beef, pork, and mutton in quantity fairly paralyzing is daily exposed for sale from Argentina, New Zealand, Australia, Denmark, and the United States; but across the English Channel, scarce six hours' distant, are other toiling millions gnawing at hard crusts, horse meat and sausages of dubious origin. A glut at Chicago and London and comparative famine, so far as good nourishing meats are concerned, from Naples to Copenhagen. Why? Because the iron hand of the law stands between the American feed lot and the European kitchen, that is all.

The United Kingdom has always been a friendly market to us, but it is also a friendly market to other countries. South America and Australia are now underselling us in the British markets on the cheaper grades of beef, and we are gradually losing our export trade on cattle and their products. I will place Table 6 in full in my remarks, and now simply call attention to the fact that for the year ending June 30, 1907, a period free from financial disturbance, we did not export, in round numbers, but 7,000 head more cattle than we did for the average of five years extending from 1898 to 1902, inclusive, and 113,857 head below the average for the five-year period from 1903 to 1906. If we take the year 1908 for comparison, we exported in that year fewer cattle and the American farmers received a smaller total sum of money from this item than for any year since 1893. Comparing 1908 with 1896, the total number exported in 1908 was greater and the average price was $8.72 per head higher in price. Our canned beef has fallen from 50,000,000 to 15,000,000 pounds for the five years ending in 1907, and in this same period our exports of fresh beef fell from 300,000,000 to 291,000,000 pounds. In this connection I quote from a statement made by Clay, Robinson & Co., of Chicago., one of the largest cattle commission firms in the Central West, published in the Live Stock Report, March 5, 1909:

Exports of beef from this country are on the wane, and a great deal of damage has resulted to the price range thereby. The latest statistics anent the imports into the United Kingdom during 1908, as compared with the previous year, indicate a big decrease. Last year the United Kingdom bought from our country live stock for food purposes to the value of $31,782,168, a decrease of $7,570,800 from the previous twelve months, while a total of $50,165,828 of fresh beef was imported by that country, a decrease of $432,145. And this total decrease in import trade in fresh beef indicates that a considerably increased volume of cheaper beef was received against the year previous, and it came from countries other than the United States.

United States exports of dressed beef in the United Kingdom during 1908 in value were approximately $15,906,641, a decrease of $9,256,000 from the year before; while in exports of live meat animals a total volume of business of $21,704,590 was noted, indicating a decrease of $7,610,323 from the year before. A great portion of the decrease in the United States live-cattle and dressed-beef exports was due to the increased trade with the Argentine Republic enjoyed with England and also the favor with which the Canadian beef found sale.

Our total exports of fresh beef are shown to have been 201,154,105 pounds for 1908, against 281,651,502 pounds in 1907. The significance of these figures can best be shown by quoting the following statement, taken from Meat Supply and Surplus, published by the Department of Agriculture in 1907. I quote the first sentence written in that bulletin:

With a meat export in 1900 amounting to one-eighth of the production, the growing of meat animals and the manufacture of the products derived from their slaughter are largely dependent upon the export trade, and the foreign marketing is essential to the maintenance of the present magnitude of the meat industry and of prices profitable to the farmer. If such an immense quantity of surplus meat food was to be confined within this country by the refusal of foreign countries to buy it, there would follow consequences to farmers, range men, slaughterers, and packers which would be financially disastrous.

Now, Mr. Chairman, I trust these figures will convince the gentlemen of this House that the cattle industry deserves careful consideration in the pending tariff measure.

I shall speak of free hides in this connection; but before leaving the subject of foreign markets I want to ask the question, What relief will the pending measure give from unfriendly foreign restrictions on our meat industry if it becomes a law as it now stands? I am going to ask the same question regarding this measure which Mr. Blaine asked in regard to the McKinley bill: Does it make a foreign market for our beef and pork?

The farmers and live-stock men are in favor of a maximum and minimum tariff, because they have understood that such an arrangement means an extension of our reciprocal trade agreements. I have called attention to the fact that the only fresh beef we are now sending to the Continent is the result of these trade treaties, and that these agreements will be abrogated by the pending bill; but I undertake to say that as the present bill is drawn, however well it may serve the American manufacturer, it will not open foreign markets to American meats and meat animals, and therefore will disappoint the just expectations of our farmers and stockmen. This opinion is not based upon a spirit of hostility to any constructive work by the majority, but is based upon a study of the cause which has driven us from the world's live-stock markets. The Payne bill assumes that American products have been discriminated against by foreign tariffs, and the trade advantages it offers will go to countries which give to our products the most-favored-nation clause. The present live-stock situation has not been created by hostile tariffs.

The Secretary of Agriculture uses these words in describing the tariff situation in Europe as applied to our meats:

As a rule, the tariff rates imposed do not discriminate against the United States. At present no country of Europe, except France, imposes on the United States products higher rates than those applicable to the products of its most highly favored competitor. Even in the case of France, the benefit of the lowest tariff rate is accorded to the United States on several of its leading packing-house products.

The Payne bill abrogates our present special trade agreements which have partly opened European trade to certain classes of our meats, and then, under the automatic maximum and minimum features, prevent the American farmer from securing any concession at all. It takes away what little special privileges we have, and absolutely offers nothing in return. This being true, then in what manner will the Payne bill, if enacted into law, open the markets which are now closed to us? This important feature of our trade relations does not seem to have been understood by the distinguished gentleman of the Ways and Means Committee.

Our cattle and meat products are shut out of their markets by unjust regulations under the right to protect the public health, and not under the operation of a tariff charge. The American farmer produces the best meat in the world at the lowest price. On all grades of grain-fed cattle they can meet the competition of the world. No one objects to the principle that a nation should have the power to exclude or restrict the importation of food products to protect the public health, or to avoid contagious diseases among stock. Our own country exercises this power, and but recently it prohibited shipments to avoid diseases; but as soon as the danger is past, the arbitrary regulations are suspended. We can not reasonably object to other countries exercising the same power to protect their interests which we reserve to protect ours. It is not the principle to which we object, but the unfair regulations to enforce the principle. It is an instance in which the spirit rather than the letter killeth, and that is exactly why this automatic provision of the Payne bill must fail to meet the situation.

The gentleman from Michigan [Mr. FORDNEY] in defending the countervailing duties on forest products, used these words:

Canada has discriminated against American citizens; and, by the heavens above me, I contend that we have the right to strike back at Canada when she strikes at us.

This sentiment was applauded on the Republican side of this Chamber; and yet, Mr. Chairman, in section 482 of the Payne bill I find this provision; "Any animal imported specially for breeding purposes shall be admitted free;" and under this section France, in 1907, sent to the United States 1,582 horses and mares, which brought the farmers of France more than $1,000,000, and during that period not an American steer was admitted into their markets. The same thing is true of Germany; they send their horses and mares into the United States at a high price and not a single American steer could gain entry into their country. Our farmers want to know why it is that they can send sound animals into our markets and we can not send sound animals into theirs. If you are going to strike at the Canadian lumberman, why not strike at the French and German farmers? We give them markets for their horses and they deny us a market for our cattle. This section of this bill should be amended, and I call attention that, if given the opportunity, I will offer the following substitute for this section:

SEC. 482. Any animal imported by a citizen of the United States specially for breeding purposes, whether intended to be so used by the

importer himself or for sale for such purpose, $100: *Provided*, That all such animals shall be admitted free of duty if imported from any country which admits American live animals under conditions and regulations satisfactory to the President: *And provided further*, That no such animal shall be admitted free unless pure bred of a recognized breed and duly registered in the book of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: *And provided further*, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure-bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That the provisions of this act shall apply to all such animals as have been imported and are in quarantine, or otherwise in the custody of customs or other officers of the United States, at the date of the passage of this act.

If this section were amended, taking away the right of free entry from those countries which prohibit the entrance of our live stock into their markets, we would have a most powerful weapon with which to secure the American farmer a fair fight for foreign trade.

And now, Mr. Chairman, the question of free hides is raised by the Payne bill. My position is mighty plain on that proposition. I am for free hides if you put leather and shoes on the free list. I am opposed to free hides and taxed shoes. The working people of this country are entitled to cheaper shoes; the farmer should have cheaper harness; and I am willing to spread this gospel of reduction in the cost of production to include free hides. I place in my remarks a letter from a manufacturer of shoes asking for free hides and offering free shoes. I commend the spirit of fairness contained in that letter, and I am willing to strike the bargain on his own terms. This means a concession from both parties who produce the shoe—the man who raises the hide and the man who makes the shoe—in favor of the man who buys the shoe, for you can not make a shoe without the hide; and when we are to determine the cost of that shoe, why take all the concession from one man? Free raw materials with a taxed finished manufactured product made from that raw material means, simply, that the advantage which goes in some degree at least with any tariff duty is to be given to the manufacturing States as against the agricultural and mining States; for raw materials are produced largely by the farmer and the miner.

I am willing to take off both duties at the same time; but, sir, the wayfaring man, though a fool, knows that if the farmer consents to free hides in advance the shoe manufacturer will get cheaper hides, but the farmer will not receive cheaper harness and cheaper shoes. The Treasury will lose the revenue derived from a just revenue duty on hides, the farmer will lose $1 per head on all beef cattle, and the people will pay the same price for shoes. It will be the same old story of the sugar trust, with the old duty on refined sugar maintained and raw sugar admitted at a lower rate. The duty on raw sugar from Cuba was lowered 20 per cent, without any reduction in the duty on refined sugar. This was done to give the people cheaper sugar. Last year we imported from Cuba 1,618,233 tons of raw sugar, and the price of the refined sugar was not lowered one penny. The Treasury of the United States lost a vast amount of revenue, the treasury of the sugar trust gained an equal amount, and our people paid the old price, which is 2 cents per pound more for sugar than the people of the United Kingdom have to pay.

Why should there be protection on shoes? All our shoes are made in the United States and we are selling vast quantities abroad. Last year we imported only $164,509 worth of shoes, paying a duty of only $41,000, while we exported $10,600,000 in value, or nearly 6,000,000 pairs of shoes. The manufacturers lose nothing by lowering the rate on shoes from 25 per cent to 15 per cent; one rate is just as prohibitive as the other. Harness is reduced from 45 per cent to 35 per cent. In the year 1907 we imported but $160,632 worth of harness, and in the same year we exported five times the value in harness that we imported. The rates on shoes and harness are absolutely prohibitive. They yield practically no revenue, so that the Treasury is not benefited. If the purpose of a tariff is to raise revenue, I call attention to the fact that a tariff on hides of 15 per cent will yield more revenue in one year than a tariff of 25 per cent on boots and shoes would do in fifty years. Why, then, repeal the one and leave the other?

The present tariff on hides is 15 per cent ad valorem. This is a just and fair revenue duty and places in the Treasury a revenue of $2,789,300 per annum. We are told that at present our revenues are not sufficient to meet our expenses, and that the Government must raise more money. Under these circumstances, I ask why this revenue is thrown away and hides are placed on the free list? I am determined to adhere to my resolution to discuss this question from a farmer's view point and not as a political consideration. I may remind my Democratic colleagues, however, that this is purely a tariff for revenue, and therefore accords with our time-honored political principles; and I may say to my Republican brethren that if you recognize the difference between the cost of production here and abroad, together with a reasonable profit to the American farmer, that the present duty is too low, and, while I do not claim the right to direct your policy, to make the interpretation of your platform, I can see no reason why an American farmer is not as fairly included within that promise as an American manufacturer.

The question has been asked, "Who gets the benefit of the tariff on hides?" The answer is very plain. The same man gets the advantage of the tariff on hides who gets the benefit from the tariff on every other article in the tariff schedule—the man who makes them for sale; and that, in this instance, is the American cattleman. I insert in my remarks a table of the prices of domestic hides for the years from 1892 to 1908, inclusive. This table was compiled for me by the Bureau of Statistics under date of March 29, 1909. I now call attention to the prices for 1897 and 1898: For 1897, the price for domestic green salted hides was $9.96 per 100 pounds; in 1898, the price was $11.50, an increase of nearly 15 per cent. The tariff on hides went into effect in 1898, and this ought to answer who got the extra price. I wish to say that no market is more sensitive than the fat beef market. Even the appearance of a steer adds to his value. Cattlemen feed special feeds to add to the glossiness of the hair; they bed carefully to add to the appearance, for the cattle are purchased by the eye, and every factor adds to their value. Even the presence of horns detract from their sale because of liability to damage or actual damage to the hides and flesh by bruising; and anyone familiar with market reports knows that if a high-priced bunch of cattle contains any cattle with horns, that fact is always noted in the market report, so that buyers and sellers in the country will fully understand the sale.

The present bill carries a duty of 11 cents a pound on raw wool—a tax equal to a rate of 46.88 per cent ad valorem. This tax increases to 44 cents on scoured wool which produces 1 pound of woolen cloth; on yarns made wholly or in part of wool a tax equivalent to a rate of 121.09 per cent ad valorem; on woolen cloths, 136.75 per cent ad valorem; on knit fabrics, 133 per cent; blankets, 99.9 per cent; flannels, 107.52 per cent; women's and children's dress goods, 107.53 per cent—an average rate on all wearing materials made wholly or in part of wool of 94.54 per cent. These taxes are not only oppressive but they are prohibitive. Only 6.2 per cent of all our woolen manufactured goods are imported into the country; we get practically no revenue from these importations.

I have given these figures to contrast the wool schedules with the hide schedules in the same bill. Now, the value of all the cattle in the United States, according to the census of 1900, was $1,500,000,000; and the value of all sheep was $171,000,000; or that our cattle are worth practically nine times the value of our sheep. Now, why should wool bear so high a duty and cattle hides no duty at all? The answer is very plain to me. Farmers shear their sheep and sell their own wool. If you own but one sheep you can see at a glance the difference which the tax on wool makes in its market value, and the vote of the farmer is feared at the ballot box. The beef animal is usually sold on foot, and beef cattle vary widely in price—often from 3 to 6 or 7 cents a pound in the same market.

A butcher, when he slaughters a beef, divides it into three parts, the hide, the quarters, and the offal. From the hide and the quarters he must get the value of the animal. The more meat it dresses, the higher value he can pay, so that a very fat animal is worth more than a poor one, both on account of the quantity and the quality of the beef. So the price varies widely, because the percentage of dressed beef to live weight varies widely. The hide does not vary so much in weight or price, so that the hide is a larger factor in fixing the price of plain cattle than it is in fixing the price of the very high-priced cattle. But to show that the price of the hide does have an effect on the selling price of cattle, I insert the following telegram from Clay, Robinson & Co., cattle salesmen at Chicago and every other great cattle market in the United States. These men have no interest on either side of this controversy

and simply state the effect the change will have on cattle shipped for sale to any of the great markets:

UNION STOCK YARDS,
Chicago, March 31, 1909.

RALPH W. MOSS,
Washington, D. C.:

If hides put on free list, affect selling value of cattle 5 to 10 cents hundred.

CLAY, ROBINSON & CO.

If every cattle grower in the United States slaughtered his own cattle and sold the hides as he now sells his wool, so that the effect of the tariff duty would appear to him as plain on hides as it does on wool, there would be doubt as to the disposition of this schedule. Every protectionist would be eager to vote for a high rate on hides, and every tariff-for-revenue advocate would favor a revenue duty with its incidental protection, and we would have the hide and the leather schedules closely modeled after the wool and woolen schedules.

I rejoice, Mr. Chairman, that this result can not be brought about. Leather and its products are a necessity among civilized people. Everybody wears shoes, and the demand for leather and its products exceed our ability to produce the hides to supply it. I believe the necessities of life should be lightly taxed, but the necessity for good shoes is no greater than it is for warm clothing. I insert in my remarks an editorial which Mr. CLARK of Missouri took from the Kansas City Star, the leading Republican newspaper of the West, and made a part of his speech on the Payne bill. Mr. CLARK of Missouri said:

That there was any connection between the tariff and tuberculosis I never dreamed, but here it is, and when you hear it, it is as clear as day. This article is as follows:

TUBERCULOSIS AND THE TARIFF.

Probably few persons have ever given the matter a thought, but there is an intimate relation between the high protective tariff and the high mortality resulting from tuberculosis. The ravages of this disease are greater in the United States than in any other similarly enlightened country. And the cost of warm clothing is greater in this country than in others. There is where the relation between an unnecessary tariff and a largely preventable malady comes in.

It has been shown that tuberculosis is very largely a disease of poverty. Particularly is the spread of the disease, the miscellaneous infection from it, mainly traceable to poverty. And, next to good food and fresh air, the most important thing in the prevention or the cure of tuberculosis is warm, woolen clothing. But the cost of this kind of clothing, whether for wearing apparel or for bedding, is directly increased about 100 per cent by the heavy import duty on wool and woolens. This excess cost is raised to about 150 per cent by the duty on machinery and other articles affecting the manufacture of woolens. These duties were imposed to promote sheep raising and the manufacture of woolens. But the increased cost of raw material has made the general tariff disadvantageous to the manufacturer, and it has not greatly benefited the woolgrower. At least, such benefits as have accrued to the limited class engaged in growing wool is as nothing compared to the benefits that would come to the masses in general through cheap clothing; or to the cruelties, hardships, sickness, and death resulting from an insufficiency of warm clothing. It is better that the Nation should be comfortably and cheaply clothed, warmed, and saved from preventable disease than that the woolgrowers should increase their profits at the cost of these advantages to the whole people. It is claimed by scientists that cheap wool clothing would do more to suppress tuberculosis than all the sanitariums and other agencies now maintained for that purpose.

But in order to make an equitable adjustment of this question, the tariff should be taken off both raw and manufactured wool, and from all machinery or other articles affecting the cost of manufactured wool.

[Applause on the Democratic side.]

The men who vote to levy these exorbitant rates on the woolen manufactures will have visited upon them the curse that is pronounced in the Bible against those who "grind the faces of the poor." [Applause.]

I not only indorse this sentiment, but I mean to vote for free hides and free leather and free shoes; but I protest against the discrimination between wool and hides. It would be vastly better to lower the tariff on wool and woolen goods and retain a low tariff revenue on hides and leather products. The woolen schedules are the worst in the bill. It is not possible that they could be written in any tariff bill if it were not for the supposed effect on the farmer vote. Yet there are vastly greater farm values on cattle than on sheep, and the effect of the tariff on hides is just as positive as on wool. The tariff table which I insert in this connection will show this to be true. No industry ought to prosper at the expense of the whole country. The burdens of government ought to be equally distributed by lower duties levied on many articles instead of high duties on manufactured articles. We would then distribute the benefits as well as the burdens of taxation. The needs of the people and not the political advantages should be considered in levying taxes to support our Government.

James J. Hill stated in a public address that there must be a revolt against the worship of manufacture and trade as the only forms of progressive activity. I venture to predict that if the farmers of our country thoroughly understood the provisions of this tariff bill the revolt would come in this Congress.

Farmers do not enjoy the leisure nor the income of the manufacturing and commercial classes. They live an isolated life and have not had access to current literature as other classes have. I rejoice that this condition is fast passing away. Rural delivery and cheap daily papers are working wonders among our rural population. If their influence is not felt in this body to-day, it will be felt in the near future. I need not remind the majority of this House that the agricultural interests look to them to make this revision a fair one to their interests. We hear much on the floor of this House about the conservation of our resources. Gentlemen, the greatest natural resource this country or any other country has is the fertility of its soil. Lord Bacon more than three centuries ago said that "there be three things which make a nation great and prosperous—a fertile soil, busy workshops, and easy mode of conveyance for men and commodities from one place to another." You can not maintain a fertile soil without general live-stock farming, and you can not promote the live-stock industry of this country by placing hides on the free list and shutting our beef from the markets of the world. [Loud applause.]

APPENDIX.

[United States Department of Agriculture, Bureau of Statistics Bulletin No. 55. Victor H. Olmsted, Chief of Bureau.]

Meat capital compared with other capital and classes of wealth.

Item.	Value.
Capital directly related to meat production for export	$10,625,059,283
Capital invested in manufacturing, 1904	12,686,295,673
Capitalization of net earnings of steam railroads, June 1, 1904	11,244,752,000
Value of real estate (1905, autumn) and of implements and machinery (1900) of farms devoted chiefly to producing cotton, hay, and grain	9,074,108,745
Value of real estate (1905, autumn) and of implements and machinery (1900) of farms devoted chiefly to producing cotton, fruit, rice, sugar, tobacco, vegetables, and to general farming (including small specialties)	5,792,314,927
Estimated true value of street railways, shipping, waterworks, telegraph and telephone systems, electric light and power stations, Pullman and private cars, and canals (1904)	4,840,546,909
Estimated true value of entire real estate of South Atlantic and South Central divisions, 1904	9,505,995,304
Estimated true value of all property situated in New England, 1904	8,823,325,592
Estimated true value of all property situated in the South Central division, 1904	10,052,467,528
Estimated true value of all property situated in the Western division (Rocky Mountain and Pacific regions), 1904	9,992,581,271

Domestic exports of meat animals, 1890–1908.

Year ending June 30—	Total value of cattle, sheep, and swine.	Meat animals.					
		Cattle.		Sheep.		Swine.	
		Number.	Value.	Number.	Value.	Number.	Value.
1890	$32,413,250	394,836	$31,261,131	67,521	$243,077	91,143	$309,042
1891	31,852,988	374,679	30,445,249	60,947	231,109	95,654	1,146,630
1892	35,024,281	394,607	35,099,065	46,900	161,105	21,963	264,069
1893	28,555,281	287,094	26,062,428	37,209	126,394	27,375	397,165
1894	34,309,438	359,278	33,461,922	132,370	832,763	1,553	14,753
1895	33,306,906	331,722	30,603,796	405,748	2,630,685	7,130	72,424
1896	37,834,355	372,461	34,500,672	491,565	3,076,384	21,040	227,297
1897	38,185,094	302,190	36,357,451	244,120	1,531,645	28,751	295,998
1898	39,151,873	439,255	37,827,500	199,690	1,213,886	14,411	110,487
1899	31,597,629	389,490	30,516,833	143,285	953,555	38,031	227,241
1900	31,763,443	397,283	30,635,153	125,772	733,477	51,180	394,813
1901	39,738,445	459,218	37,566,980	297,925	1,933,000	22,318	238,465
1902	31,930,602	392,854	29,902,212	358,720	1,940,030	8,368	88,330
1903	30,957,719	402,178	29,818,936	176,961	1,067,800	4,061	40,923
1904	44,234,675	563,400	42,258,291	301,313	1,954,604	6,345	53,780
1905	42,702,061	567,806	40,598,048	268,365	1,687,321	44,496	416,692
1906	43,516,258	584,220	42,081,170	142,000	804,090	50,170	630,998
1907	35,637,074	423,051	34,577,392	135,344	750,242	24,262	309,440
1908		349,210	29,239,134				

Average export prices of cattle, 1890–1908.

1890	$79.17
1891	82.26
1892	88.95
1893	90.68

1894	$93.14
1895	92.26
1896	92.79
1897	92.70
1898	86.12
1899	78.35
1900	77.11
1901	81.81
1902	76.11
1903	74.22
1904	71.21
1905	71.50
1906	72.03
1907	81.73
1908	84.02

Exports beef from United States to all countries, years 1890–1908.

Country and year ending June 30—	Beef, canned.		Beef, cured: Salted or pickled.		Beef, fresh.	
	Pounds.	Value.	Pounds.	Value.	Pounds.	Value.
Total, all countries:						
1890	82,638,507	$6,787,193	97,508,419	$5,250,068	173,237,506	$12,862,384
1891	109,585,727	9,068,906	90,286,979	5,048,788	194,045,638	15,322,054
1892	87,028,064	7,876,451	70,204,736	3,987,829	220,554,617	18,053,732
1893	79,089,493	7,222,824	58,423,903	3,185,321	206,294,724	17,754,041
1894	55,974,910	5,120,851	62,682,667	3,572,054	193,891,824	16,700,163
1895	64,102,263	5,720,933	62,473,325	3,559,280	191,338,487	16,832,860
1896	63,698,180	5,636,953	70,709,200	3,975,113	224,783,225	18,974,107
1897	54,019,772	4,656,308	67,712,940	3,514,126	290,395,930	22,653,742
1898	37,109,570	3,279,657	44,314,479	2,368,467	274,768,074	22,965,556
1899	38,385,472	3,503,293	46,534,876	2,525,784	282,139,974	23,545,185
1900	55,553,745	5,233,962	47,306,518	2,697,340	329,078,609	29,643,330
1901	53,445,521	5,307,501	55,312,632	3,145,219	351,748,333	31,851,361
1902	66,645,838	6,645,130	48,632,727	3,031,027	301,824,473	29,045,056
1903	76,307,114	7,916,928	52,801,220	3,814,671	254,795,903	25,013,323
1904	57,468,338	5,882,888	57,584,710	3,260,475	230,579,671	23,841,586
1905	66,686,568	6,588,958	55,934,705	3,095,304	236,486,568	22,138,365
1906	64,523,350	6,430,446	81,088,008	4,697,742	268,054,227	24,310,038
1907	15,809,826	1,615,808	62,645,281	3,740,212	281,651,502	26,367,287
1908	23,376,447	2,467,875	46,958,367	3,213,480	201,154,105	20,339,377

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF STATISTICS,
Washington, D. C., March 29, 1909.

MY DEAR MR. MOSS: The table concerning hides, beef, etc., sent to you Saturday were, it is hoped, useful for your speech of to-morrow. There was some expectation that further information might be provided, and an overhauling of material in this office discovers the following mean wholesale price of domestic packers' green-salted cattle hides at Chicago, the annual mean being adopted. The hides are those of heavy native steers, and the prices are computed from the Shoe and Leather Reporter market reports.

		Cents.
1892	green-salted, per pound	8.79
1893	do	7.31
1894	do	6.38
1895	do	10.20
1896	do	8.14
1897	do	9.96
1898	do	11.50
1899	do	12.34
1900	do	11.94
1901	do	12.37
1902	do	13.38
1903	do	11.69
1904	do	11.66
1905	do	14.30
1906	do	15.43
1907	do	14.55
1908	do	13.19

You will observe that from 1897 to 1898 the price increased almost exactly 15 per cent, the ad valorem rate of the Dingley tariff.

Very truly, yours,

NAT. C. MURRAY,
Acting Chief of Bureau.

Hon. RALPH W. MOSS,
Room 134, Office Building,
House of Representatives, Washington, D. C.

Hides and skins—Number produced in 1900.

NATIONAL CONSUMPTION OF BEEF HIDES.

Naturally following from Table 23, which presents the results of this investigation with regard to the number of cattle, sheep, and swine slaughtered in 1900, a mere copying of numbers establishes the number of calfskins, cattle hides, and lamb and sheep skins produced in 1900. The calfskins numbered for that year 5,831,000; the beef hides (exported live cattle not being included), 12,738,000; lambskins, 12,765,000; and the sheepskins 11,783,000. The total skins produced by cattle, including calves, is 18,569,000; by sheep, including lambs, 24,548,000.

Upon combining the production of beef hides with the net imports the approximate consumption of beef hides during one year at about 1900 can be determined. This is presented in detail in table 61, wherein it appears that to the cattle-hide production of this country should be added imports of 3,130,000 hides, and from them should be subtracted domestic exports of 130,000 hides, leaving as a net result of the operation a consumption of 15,738,000 cattle hides.

For the year represented by Table 61 the gross imports were about 20 per cent of the consumption, and the net imports remaining after deducting the domestic exports were about 19 per cent.

TABLE 60.—*Number of hides and skins produced, 1900.*

Class of animals.	Number of hides and skins.
CATTLE.	
Calves under 1 year	5,831,000
Steers:	
1 and under 2 years	1,687,000
2 and under 3 years	2,336,000
3 years and over	1,966,000
Total steers	5,989,000
Bulls 1 year and over	649,000
Heifers 1 and under 2 years	1,687,000
Cows 2 years and over	4,413,000
Total cattle, except calves	12,738,000
Total cattle	18,569,000
SHEEP.	
Lambs under 1 year	12,765,000
Sheep, except lambs	11,783,000
Total sheep	24,548,000

TABLE 61.—*Consumption of beef hides, 1900.*

Item.	Number of hides.
Cattle slaughtered (calves not included)	12,738,000
Imported hides, computed from dry weight, average of 1899-1901	3,130,000
Total	15,868,000
Deduct:	
Domestic exports, hides and skins, all kinds except furs, average of 1899-1901	130,000
Foreign exports (reexports) of "hides and skins" not deducted, partly because the above deduction necessarily includes skins, and also hides other than those of cattle, and partly because the statistics of foreign exports do not separate cattle hides	0
Consumption	15,738,000

THE WOLFE BROS. SHOE COMPANY,
Columbus, Ohio, March 30, 1909.

Hon. RALPH W. MOSS,
Washington, D. C.

DEAR SIR: As one of the largest manufacturers of shoes in the country, we urge you to lend your influence to place shoes on the free list.

The American shoe manufacturer needs no protection. With free hides and cheap raw material, the American shoemaker can shoe the world.

Very respectfully,

THE WOLFE BROS. SHOE CO.,
R. F. WOLFE, *President.*

Mr. FISH. Mr. Chairman, I am well aware of the old adage that fools rush in where angels fear to tread, and of the unwritten rule that it is advisable for a new Member to refrain from discussing public questions. It had been my intention to adhere to a strict observance thereof, but within the past week or so I have received numerous petitions from residents of my district protesting against the tax on tea, and in order to give expression to their views I am compelled to transgress that well-considered rule.

Few complaints have reached me in regard to the other schedules of the bill. From the foundation of the Government no general tariff bill has received universal indorsement for all its schedules. Human ingenuity could not successfully master that problem. The history of the general tariff bills that have been enacted into law is that with scarcely an exception have they received the full vote of the dominant party in both branches of Congress.

The Payne bill is a fulfillment of the pledges of the Republican party, and carries out the views of its candidate for the Presidency. To my mind the plank in our platform was not equivocal, but was intended to mean and meant a real revision, and not as has been claimed by some a revision upward. I would have been loath to have enunciated any other view during the campaign.

Complaints have come from the other side of the House that the minority members of the committee were excluded from the counsels of the committee until the bill was ready to be reported. Such has been the course pursued in framing all general tariff bills in the last quarter of a century. It was done by the Democratic members of the committee in framing

the Mills bill in 1888 (see Stanwood's American Tariff Controversies in Nineteenth Century, vol. 2, p. 231), and also with the Wilson bill, and no other method can, for the general welfare, be safely pursued.

I shall not dwell upon the danger of importations of tea being rushed in during the discussion of the bill, and the very object of this particular tax, namely, raising of revenues, being defeated. The general theory of tariff legislation in this country for half a century or more is that luxuries rather than necessities should be taxed. Tea was subject to a tax prior to the tariff of 1832. The Walker tariff of 1846 continued it on the free list, qualifying, however, provided that it was imported in American vessels or in vessels of countries entitled to reciprocal privileges direct from the country where it was produced. The tariff of 1857 left it on the free list. During the civil war, owing to the dire necessity of raising revenue, both tea and coffee were subjected to a tax by the tariff act of July, 1861.

In 1872 both tea and coffee were taken off the dutiable list, so that from 1832 to the present time, a period of seventy-seven years, with the exception of eleven years (1861 to 1872) during the civil war and for a few years after, tea has not been taxed. The people have come to look on it as not a proper subject of taxation. The person most vitally affected by the proposed tax is the wife or daughter who looks after the household and endeavors to keep down the expenses, while the husband, father, or brother is at work earning a livelihood for the family. This proposed tax, being a specific tax of 8 or 9 cents per pound, bears heaviest upon the people in moderate circumstances, who buy the cheaper grades of tea. It is an additional burden of from 20 to 25 per cent upon those who can least afford it. This tax is not only unsound and unjust, but it is lacking in political expediency. Should it be imposed, it will be the subject of daily discussion in every household, and the party which imposes it will justly be held responsible. The hand that rocks the cradle rules the world.

I listened to the eloquent remarks of the gentleman from Colorado [Mr. RUCKER] as to the benefits of woman suffrage. To my mind, woman has a higher and nobler sphere than in the domain of politics, and that is the management of the household, and therefore I am unwilling to increase her burden in this matter of domestic economy. There are other proposed duties which affect her which, personally, I should prefer to see left out of the bill.

The revenue to be derived from the tax on tea is $8,000,000. As one of the objects of this bill is to raise revenues, the question naturally arises how to supply its place. I would with all deference suggest a stamp tax or an additional tax on beer, one or both, preferably the former. As to the former, it produces in Great Britain an annual revenue of about £8,000,000, or almost $40,000,000, and France of over 200,000,000 francs, or $40,000,000; but it is fair to say that it is more comprehensive and embracing than would be acceptable in our country. The tax on affiches or advertisements, posters, and so forth, in France brings an annual revenue of $800,000.

The annual revenue derived by the British Government from tax on beer is upward of £13,000,000, or about $65,000,000. Here it is somewhat less. The tax on beer in the United States is $1 less per barrel than it was a few years ago.

The report of the Commissioner of Internal Revenue for the year ending June 30, 1908, shows that tax was paid on 58,747,680 barrels of fermented liquor.

Mr. Chairman, I would be the last to tax any particular industry unduly, but from what I have seen of brewers in the metropolitan district of our State, the large fortunes they have amassed, I am not willing to concede that they are unable to bear their fair share of the burdens that must be imposed to raise the necessary revenue. While I would not wish to reestablish the war rate, an additional tax of 30 or 40 cents per barrel would in nowise be burdensome and would produce an annual revenue of from eighteen to twenty million dollars. The chairman of the Ways and Means Committee, in his clear exposition of the features of the bill, alluded to the fact that the license fee in some portions of our State was $1,000 or over per annum. While this is true, it is only true of cities of the first class, and the license has in nowise been changed for five and fifty to twelve hundred dollars. The imposition of a stamp tax and a moderate additional tax on fermented liquors will allay any fear as to the lack of sufficient revenue arising from the enactment of the Payne bill.

Whether or not the Treasury Department was consulted by or six years; it varies in different localities from one hundred the Committee on Ways and Means as to the advisability of imposing a stamp tax and raising the tax on fermented liquors the Members of this House have no means of judging, but I venture the opinion that were the question of taxing tea and coffee or the imposition of a stamp tax, or the additional tax on fermented liquors, one or both, left to the vote of the House, the majority would be in favor of the latter.

The leaders on the other side of the House criticise the provisions of the bill and declare themselves in favor of a large reduction in the duties imposed, while individual Members demand protective rates for the products of their particular districts.

It is not to be wondered at that under these circumstances the distinguished and courteous leader of the minority should refrain from introducing a tariff bill. How could he bring these divergent opinions and interests together? Upon what given proposition could they agree? They are vociferous in their denunciations of the extravagance of the dominant party, and yet when called upon to specify in what particulars the expenditures of the Government could be reduced they are dumb. The largest annual expenditures are for the army, navy, pensions, and the Panama Canal, besides the post-office expenditures. They are unwilling to demand a reduction in these items. Their national platform calls for an adequate navy, for a generous pension policy, and for the completion of the Panama Canal.

Their platform goes further and calls for liberal and comprehensive plans for the improvement of waterways and for federal aid to state and local authorities in the construction and maintenance of post-roads; but they fail to suggest how this vast increase of expenditure is to be provided for. Such is the constructive genius of the Democratic party.

Mr. Chairman, we have a great and growing country which under the wise administration of a protective tariff has prospered as no other land. We can not stand still; we have new problems to face, and shall be prepared to meet them with the enactment of the tariff bill.

The fathers of our country favored a protective tariff, and the greatest minds of both parties have advocated it, as did Missouri's greatest son, Thomas H. Benton, who has been referred to in this debate, and who stood in the Senate in favor of protection to the products of his State. Silas Wright and James Buchanan did likewise, as well as many other leading Democrats, and yet we have heard men of the same faith in this House denounced for following in their footsteps.

In fifty years the Democratic party has had but one man, Grover Cleveland, who will go down into history as one of the great statesmen of the country. He has been far more criticised and denounced by his own party than by his opponents. He made an earnest and honorable attempt to carry out the pledges of his party.

How beset he was with difficulties, and how the sugar trust succeeded in gaining control of the Wilson tariff bill is shown by the extracts below from Chairman Wilson's speech and the letter from President Cleveland to Chairman Wilson under date of July 2, 1894.

Mr. Wilson, on July 19, 1894, referring to the difference in conference committee on said bill, spoke as follows:

> But the great difficulty in the pathway of an agreement has been a proper adjustment of the sugar schedule. The Senate has reintroduced into the proposed tariff bill a sugar schedule which, whether truly or not, has been accepted by the committee and by the press of the country as unduly favorable to the great sugar trust. It proposed a duty of 40 per cent ad valorem on all grades of sugar, a differential of one-eighth per cent upon refined sugar, in addition to a differential of one-tenth of a cent on sugar imported from countries that pay an

In the same speech he read a letter from President Cleveland to himself, of which the following is an extract:

> Under our party platform and in accord with our declared party purposes sugar is a legitimate and logical article of revenue taxation.

Extracts from letter of President Cleveland addressed to Chairman Wilson, of Ways and Means Committee, dated July 2, 1894, when the Wilson bill was in the hands of the committee of conference and read in the House of Representatives on July 19, 1894:

> Every true Democrat and every sincere tariff reformer knows that this bill in its present form and as it will be submitted to the conference falls far short of the consummation for which we have long labored, for which we have suffered defeat without discouragement, which in its anticipation gave us a rallying cry in our day of triumph and which in its promise of accomplishment is so interwoven with Democratic pledges and Democratic success that abandonment of the case or the principles upon which it rests means party perfidy and party dishonor.

With such an indictment of the outcome of the last Democratic tariff legislation by its own President, is it not natural that the people of the United States have been unwilling to intrust further tariff legislation to that party?

In conclusion, Mr. Chairman, let me say that the manner in which the country had prospered and advanced under a pro-

tective tariff is best summed up in the words of the last Republican national platform:

In this the great era of American advancement the Republican party has reached its highest service under the leadership of Theodore Roosevelt. His administration is an epoch in American history. In no other period since national sovereignty was won under Washington or preserved under Lincoln has there been such mighty progress in those ideals of government which make for justice, equality, and fair dealing among men.

The highest aspirations of the American people have found a voice. Their most exalted servant represents the best aims and worthiest purposes of all his countrymen. American manhood has been lifted to a nobler sense of duty and obligation. Conscience and courage in public station and higher standards of right and wrong in private life have become cardinal principles of political faith; capital and labor have been brought into closer relations of confidence and interdependence; and the abuse of wealth, the tyranny of power, and all the evils of privilege and favoritism have been put to scorn by the simple, manly virtues of justice and fair play.

The great accomplishments of President Roosevelt have been, first and foremost, a brave and impartial enforcement of the law, the prosecution of illegal trusts and monopolies, the exposure and punishment of evildoers in the public service, the more effective regulation of the rates and service of the great transportation lines, the complete overthrow of preferences, rebates, and discriminations, the arbitration of labor disputes, the amelioration of the condition of wage-workers everywhere, the conservation of the natural resources of the country, the forward step in the improvement of the inland waterways, and always the earnest support and defense of every wholesome safeguard which has made more secure the guaranties of life, liberty, and property.

These are the achievements that will make for Theodore Roosevelt his place in history, but more than all else the great things he has done will be an inspiration to those who have yet greater things to do. We declare our unfaltering adherence to the policies thus inaugurated and pledge their continuance under a Republican administration of the Government.

Let us speedily enact the tariff bill, and thereby produce revenue, equalize duties, and encourage the industries of the United States, so that we may enter anew upon a field of unbounded prosperity, and in these days of universal good will, with the last vestige of sectionalism happily vanished, afford the broad-minded and splendidly equipped President of the United States an opportunity to develop his progressive policies, which are to redound to the welfare of the whole people.

Mr. THISTLEWOOD. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and Mr. OLCOTT, Speaker pro tempore, having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill, H. R. 1438, the tariff bill, and had come to no resolution thereon.

ADJOURNMENT.

Then, on motion of Mr. OLMSTED, at 10 o'clock and 30 minutes p. m., the House adjourned until Monday, April 5, 1909, at 10 o'clock a. m.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSTER of Vermont: A bill (H. R. 6278) providing special postage rate on third-class and fourth-class matter on rural free-delivery routes—to the Committee on the Post-Office and Post-Roads.

By Mr. YOUNG of Michigan: A bill (H. R. 6279) making an appropriation for extending the breakwater at the harbor at Marquette, Mich.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6280) providing for the purchase of a site and the erection of a public building thereon at Ishpeming, in the State of Michigan—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6281) to authorize the establishment of a life-saving station at Munising, Mich.—to the Committee on Interstate and Foreign Commerce.

By Mr. WILEY: A bill (H. R. 6282) granting pensions to army locomotive engineers, and providing pensions to widows and minor children of army locomotive engineers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6283) providing for the recognition of the men who served as locomotive engineers during the late war of the rebellion—to the Committee on Military Affairs.

Also, a bill (H. R. 6284) to provide for clean paper money—to the Committee on Banking and Currency.

Also, a bill (H. R. 6285) to provide for the further purification of the water supply of the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 6286) for universal transfers over the street railway lines in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 6287) providing for the purchase of a site and the erection of a public building thereon at East Orange, in the State of New Jersey—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6288) providing for an examination and survey of the Kill von Kull and Newark Bay, New Jersey, with a view to securing increased depth and width—to the Committee on Rivers and Harbors.

By Mr. AUSTIN: A bill (H. R. 6289) for the construction of a lock and dam in the Clinch River at or near Kingston, Tenn.—to the Committee on Rivers and Harbors.

By Mr. ANDREWS: A bill (H. R. 6290) amending act of June 27, 1898, permitting payment of pensions to officers and men of Indian wars and their widows, between 1849 and 1854—to the Committee on Pensions.

Also, a bill (H. R. 6291) to amend section 3 of an act entitled "An act to provide for the allotment of land in severalty," etc., approved February 8, 1901—to the Committee on Indian Affairs.

Also, a bill (H. R. 6292) to amend section 2324 of the Revised Statutes of the United States relating to mining claims—to the Committee on Mines and Mining.

Also, a bill (H. R. 6293) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

Also, a bill (H. R. 6294) providing for the exchange and payment by the United States of certain railroad-aid bonds issued by the counties of Grant and Sante Fe, Territory of New Mexico, and for other purposes—to the Committee on Claims.

Also, a bill (H. R. 6295) to establish a Soldiers' Home at Santa Fe, Santa Fe County, N. Mex.—to the Committee on Military Affairs.

Also, a bill (H. R. 6296) to authorize the issue of bridge bonds by the county of Valencia, in the Territory of New Mexico—to the Committee on the Territories.

Also, a bill (H. R. 6297) donating the southwest quarter of the northwest quarter of section 36, township 1 south, range 34 east, New Mexico principal base and meridian, in New Mexico, to Bedford Forrest Camp, No. 1606, United Confederate Veterans—to the Committee on the Public Lands.

Also, a bill (H. R. 6298) to authorize grants of land in national forests for cemetery purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 6299) to quiet title to certain lands in Dona Ana County, N. Mex.—to the Committee on Private Land Claims.

Also, a bill (H. R. 6300) granting to the Women's Missionary Union, of El Paso, Tex., certain unappropriated land for a public sanatorium—to the Committee on the Public Lands.

Also, a bill (H. R. 6301) to provide for the establishment of an annex to all National Homes for Disabled Volunteer Soldiers—to the Committee on Military Affairs.

Also, a bill (H. R. 6302) authorizing the Secretary of the Interior to allot agricultural lands in the Mescalero Apache Indian Reservation to the Indians resident therein, and setting aside the remainder of said reservation as a national park, and for other purposes—to the Committee on Indian Affairs.

Also, a bill (H. R. 6303) to amend an act entitled "An act to prohibit the passage of local or special laws in the Territories, to limit territorial indebtedness, and for other purposes"—to the Committee on the Territories.

Also, a bill (H. R. 6304) pensioning the surviving officers and enlisted men of the New Mexico and Arizona volunteers employed in the defense of the frontier of the Territories of New Mexico and Arizona against Mexican marauders and Indian depredations from 1855 to 1890, inclusive, and for other purposes—to the Committee on Pensions.

Also, a bill (H. R. 6305) to establish a fish-culture station at Trout Springs, Gallinas Canyon, San Miguel County, N. Mex.—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 6306) for the purchase of a site and erection of a federal building at Las Vegas, N. Mex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6307) to amend an act entitled "An act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," approved February 6, 1907—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6308) to authorize the Secretary of the Interior to sell and convey the unappropriated nonmineral desert lands of the United States—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 6309) to amend section 2139 of the Revised Statutes of the United States of 1878—to the Committee on Indian Affairs.

Also, a bill (H. R. 6310) to validate a certain act of the legislative assembly of New Mexico with reference to issuance of certain bonds—to the Committee on the Territories.

Also, a bill (H. R. 6311) granting to the Women's Missionary Union, of El Paso, Tex., certain unappropriated land of the public domain for a public sanatorium—to the Committee on the Public Lands.

Also, a bill (H. R. 6312) providing for the allowance of compensation to the members of the United States Land Commission to the Territory of New Mexico, created under the act of Congress of June 21, 1898—to the Committee on the Public Lands.

Also, a bill (H. R. 6313) appropriating $10,000 for the construction of a reservoir in the Manzano Mountains, Torrance County, N. Mex.—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 6314) to amend an act entitled "An act to provide for the adjudication and payment of claims arising from Indian depredations," approved March 3, 1891—to the Committee on Indian Affairs.

Also, a bill (H. R. 6315) donating the southwest quarter of the northwest quarter of section 36, township 1 south, range 34 east, New Mexico principal base and meridian, in New Mexico, to Bedford Forrest Camp, No. 1606, United Confederate Veterans—to the Committee on the Territories.

Also, a bill (H. R. 6316) appropriating $10,000 for the construction of reservoir in Sandoval County, Territory of New Mexico—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 6317) to authorize the exploration and purchase of mines within the boundaries of private land claims—to the Committee on Mines and Mining.

By Mr. SISSON: A bill (H. R. 6318) to provide for the purchase of a site and the erection of a public building thereon at Water Valley, in the State of Mississippi—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 6433) granting to the town of Gallup, McKinley County, Territory of New Mexico, 160 acres of land—to the Committee on the Territories.

Also, a bill (H. R. 6434) creating the national battle ground at Glorietta, Sante Fe County, N. Mex.—to the Committee on the Public Lands.

By Mr. WILEY: Resolution (H. Res. 50) concerning rates charged for telephone service in the District of Columbia—to the Committee on the District of Columbia.

By Mr. ANDREWS: Resolution (H. Res. 51) providing additional compensation for the two messengers in the disbursing clerk's office of the House—to the Committee on Accounts.

By Mr. WILEY: Concurrent resolution (H. C. Res. 14) for survey of a ship canal in New Jersey—to the Committee on Rivers and Harbors.

By Mr. HOWELL of Utah: Memorial of the legislature of Utah, in favor of a law prohibiting the shipment of alcoholic beverages to prohibition States—to the Committee on Interstate and Foreign Commerce.

Also, memorial of the legislature of Utah, praying for the retention of the present tariff on lead, wool, and hides—to the Committee on Ways and Means.

By Mr. CALDER: Memorial of the legislature of Wyoming, in opposition to any reduction in the present tariff on wool or hides—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 6319) granting an increase of pension to Horatio N. Warren—to the Committee on Invalid Pensions.

By Mr. ANDREWS: A bill (H. R. 6320) for the relief of Louis Kahn—to the Committee on War Claims.

Also, a bill (H. R. 6321) for the relief of Capt. H. C. Smith—to the Committee on War Claims.

Also, a bill (H. R. 6322) for the relief of W. J. Goodwin—to the Committee on War Claims.

Also, a bill (H. R. 6323) for the relief of Alfred Miller—to the Committee on War Claims.

Also, a bill (H. R. 6324) for the relief of Juan Estevan Vigil—to the Committee on War Claims.

Also, a bill (H. R. 6325) for the relief of Jose Antonio Barreras—to the Committee on War Claims.

Also, a bill (H. R. 6326) for the relief of W. A. Walker—to the Committee on Claims.

Also, a bill (H. R. 6327) for the relief of John S. Bowie—to the Committee on Claims.

Also, a bill (H. R. 6328) for the relief of Pedro Salazar y Garcia—to the Committee on Claims.

Also, a bill (H. R. 6329) for the relief of Rayes Salas—to the Committee on Claims.

Also, a bill (H. R. 6330) for the relief of Jose Antonio Barreras—to the Committee on Claims.

Also, a bill (H. R. 6331) for the relief of Nathan Bibo, sr.—to the Committee on Claims.

Also, a bill (H. R. 6332) for the relief of E. H. Biernbaum—to the Committee on Claims.

Also, a bill (H. R. 6333) for the relief of F. Nerio Gomez—to the Committee on Claims.

Also, a bill (H. R. 6334) for the relief of Rebecca J. Miller—to the Committee on Claims.

Also, a bill (H. R. 6335) for the relief of Eduardo Martinez—to the Committee on Claims.

Also, a bill (H. R. 6336) for the relief of Ventura Maestas—to the Committee on Claims.

Also, a bill (H. R. 6337) for the relief of Theophilus L. Keen—to the Committee on Claims.

Also, a bill (H. R. 6338) for the relief of Jose Salazar y Ortiz—to the Committee on Claims.

Also, a bill (H. R. 6339) for the relief of Pablo Ciriaco Baca—to the Committee on Claims.

Also, a bill (H. R. 6340) for the relief of Manuel Madril—to the Committee on Claims.

Also, a bill (H. R. 6341) for the relief of A. W. Cleland—to the Committee on Claims.

Also, a bill (H. R. 6342) granting a pension to Presciliana F. Valdez—to the Committee on Pensions.

Also, a bill (H. R. 6343) granting a pension to George A. Rigdon—to the Committee on Pensions.

Also, a bill (H. R. 6344) granting a pension to Lou Butler—to the Committee on Pensions.

Also, a bill (H. R. 6345) granting a pension to Doroteo Duran—to the Committee on Pensions.

Also, a bill (H. R. 6346) granting a pension to George Leihy—to the Committee on Pensions.

Also, a bill (H. R. 6347) granting a pension to W. H. Gooden—to the Committee on Pensions.

Also, a bill (H. R. 6348) granting a pension to Bernard Higgins—to the Committee on Pensions.

Also, a bill (H. R. 6349) granting a pension to William Sweeney—to the Committee on Pensions.

Also, a bill (H. R. 6350) granting a pension to Joseph B. Watrous—to the Committee on Pensions.

Also, a bill (H. R. 6351) granting a pension to John W. McSparron—to the Committee on Pensions.

Also, a bill (H. R. 6352) granting a pension to William C. Stanford—to the Committee on Pensions.

Also, a bill (H. R. 6353) granting a pension to Julian Lujan—to the Committee on Pensions.

Also, a bill (H. R. 6354) granting a pension to Nicanor Quintana—to the Committee on Pensions.

Also, a bill (H. R. 6355) granting a pension to Antonio Rendon—to the Committee on Pensions.

Also, a bill (H. R. 6356) granting a pension to F. Salazar y Jimines—to the Committee on Pensions.

Also, a bill (H. R. 6357) granting a pension to Miguel Romero—to the Committee on Pensions.

Also, a bill (H. R. 6358) granting a pension to John H. Young—to the Committee on Pensions.

Also, a bill (H. R. 6359) granting a pension to Theodor Reimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6360) granting a pension to Guadalupe G. Martinez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6361) granting a pension to Ignacio Salazar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6362) granting a pension to John Lilly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6363) granting a pension to Edwin Kraemer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6364) granting a pension to Antonio Salazar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6365) granting a pension to Nemecio Valencio—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6366) granting a pension to Juan Bautisto Duran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6367) granting a pension to Charles W. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6368) granting a pension to Clara W. Griego—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6369) granting a pension to William C. Stanford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6370) granting a pension to Alexander May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6371) granting a pension to Juan Deciderio Valdez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6372) granting a pension to Leonisco Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6373) granting a pension to Peter Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6374) granting a pension to Alvina McCabe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6375) granting a pension to Juanita Leyva de Sanchez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6376) granting a pension to H. C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6377) granting a pension to John J. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6378) granting a pension to George W. Mossman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6379) granting a pension to Eli Newsoms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6380) granting a pension to Sarah A. Geck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6381) granting a pension to C. B. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6382) granting a pension to Simon Arias—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6383) granting a pension to Carey C. Seemuller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6384) granting a pension to John W. Irvin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6385) granting a pension to Francisco Perea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6386) granting a pension to Harris B. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6387) granting a pension to Samuel Barbeau—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6388) granting a pension to George R. Watt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6389) granting a pension to Frank A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6390) granting a pension to Quincy Adams Stiteler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6391) granting a pension to Juan Antonio Griego—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6392) granting an increase of pension to William H. H. Metzger—to the Committee on Pensions.

Also, a bill (H. R. 6393) granting an increase of pension to Hattie E. Crary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6394) granting an increase of pension to William S. Smock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6395) granting an increase of pension to Annie J. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6396) granting an increase of pension to Lewis Eckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6397) granting an increase of pension to Maria C. Lopez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6398) granting an increase of pension to Sylvia A. Sturges—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6399) granting an increase of pension to S. D. Longstreet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6400) granting an increase of pension to Irene Schormoyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6401) granting an increase of pension to Emeline Dalton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6402) granting an increase of pension to E. W. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6403) granting an increase of pension to Joseph McQuillin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6404) granting an increase of pension to James E. Chadwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6405) granting an increase of pension to Juan Baca y Sais, alias Juan Baca No. 2—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6406) granting an increase of pension to George W. Read—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6407) granting an increase of pension to James T. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6408) granting an increase of pension to Pascualita J. G. de Anaya—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6409) granting an increase of pension to Anna M. Shont—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6410) granting an increase of pension to Amanda Paxton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6411) granting an increase of pension to Reuben S. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6412) granting an increase of pension to Philip L. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6413) granting an increase of pension to Cornelius J. Demorest—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6414) granting an increase of pension to William H. Hastings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6415) granting an increase of pension to Elizabeth Shield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6416) granting an increase of pension to John C. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6417) granting an increase of pension to William Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6418) granting an increase of pension to Maria Soledad Montoya de Trujillo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6419) granting an increase of pension to C. H. Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6420) granting an increase of pension to Belle Forsha—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6421) granting an increase of pension to John A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6422) granting an increase of pension to H. A. Van Epps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6423) granting an increase of pension to Mrs. A. J. Fountain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6424) granting an increase of pension to J. N. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6425) granting an increase of pension to Gottlieb Honzaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6426) granting an increase of pension to Maria S. B. Sanchez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6427) granting an increase of pension to Mary J. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6428) granting an increase of pension to A. E. Chaffee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6429) granting an increase of pension to Roque Candelaria—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6430) granting an increase of pension to Leverett Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6431) granting an increase of pension to D. M. Sutherland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6432) granting an increase of pension to James E. Chadwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6435) confirming title to the Canoncito de Nuanez grant—to the Committee on Private Land Claims.

Also, a bill (H. R. 6436) for the relief of certain persons residing at Monticello, Sierra County, Territory of New Mexico—to the Committee on Claims.

Also, a bill (H. R. 6437) for the relief of the estate of Justiniano Castillo—to the Committee on Claims.

Also, a bill (H. R. 6438) for the relief of the estate of Martin Vigil, deceased, and the administrator of said estate, Eslavio Vigil, of Albuquerque, N. Mex.—to the Committee on Claims.

Also, a bill (H. R. 6439) for the relief of the estate of Francisco Montoya—to the Committee on Claims.

Also, a bill (H. R. 6440) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca—to the Committee on Claims.

Also, a bill (H. R. 6441) for the relief of the estate of William Le Blanc, deceased—to the Committee on Claims.

Also, a bill (H. R. 6442) giving the Court of Claims jurisdiction to adjudicate two claims for Indian depredations of the estate of Blas Lucero, late of Albuquerque, N. Mex.—to the Committee on Claims.

Also, a bill (H. R. 6443) to authorize the payment of $5,000 to the widow of the late Tranquilino Luna, in full for his contest expenses in the contested-election case of Manzanares against Luna—to the Committee on Claims.

Also, a bill (H. R. 6444) giving the Court of Claims jurisdiction to adjudicate two claims for Indian depredations of the estate of Blas Lucero, late of Albuquerque, N. Mex.—to the Committee on Claims.

Also, a bill (H. R. 6445) to confer jurisdiction on the Court of Claims in the case of Manuelita Swope—to the Committee on Claims.

Also, a bill (H. R. 6446) for the relief of Serapio Romero, late postmaster at Las Vegas, N. Mex.—to the Committee on Claims.

Also, a bill (H. R. 6447) referring to the Court of Claims the claim of the heirs and legal representatives of John P. Maxwell and Hugh H. Maxwell, deceased—to the Committee on Claims.

Also, a bill (H. R. 6448) for the relief of the heir and legal representative of R. W. Daniels, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6449) for the relief of the heirs and legal representatives of William Bishop, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6450) to remove the charge of desertion from the military record of Ramon Tafoya—to the Committee on Military Affairs.

Also, a bill (H. R. 6451) to remove the charge of desertion from the military record of Juan Sanchez—to the Committee on Military Affairs.

Also, a bill (H. R. 6452) to remove the charge of desertion from the military record of Joseph D. Depue—to the Committee on Military Affairs.

Also, a bill (H. R. 6453) to remove the charge of desertion from the military record of Francisco Medina—to the Committee on Military Affairs.

Also, a bill (H. R. 6454) to remove the charge of desertion from the military record of the late Lieut. Robert C. Hoggins—to the Committee on Military Affairs.

Also, a bill (H. R. 6455) to place Austin J. Chapman on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 6456) to remove the charge of desertion from the military record of Isidro Talamante—to the Committee on Military Affairs.

Also, a bill (H. R. 6457) to remove the charge of desertion from the military record of John D. Hopper—to the Committee on Military Affairs.

By Mr. AUSTIN: A bill (H. R. 6458) granting an increase of pension to John H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6459) for the relief of Robert Allcorn—to the Committee on War Claims.

By Mr. BARCLAY: A bill (H. R. 6460) granting an increase of pension to David F. Marsh—to the Committee on Invalid Pensions.

By Mr. BURNETT: A bill (H. R. 6461) for the relief of Mrs. Mary Trayler—to the Committee on War Claims.

By Mr. BYRNS: A bill (H. R. 6462) for the relief of F. J. McCarthy, administrator of the estate of Martin F. McCarthy—to the Committee on War Claims.

Also, a bill (H. R. 6463) granting an increase of pension to Romulus C. Ramer—to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 6464) for the relief of L. A. Whitehead—to the Committee on War Claims.

Also, a bill (H. R. 6465) for the relief of Mrs. Virginia Grant, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 6466) for the relief of Mrs. M. M. Champion—to the Committee on War Claims.

Also, a bill (H. R. 6467) for the relief of Henry L. Blake and others, complaining that their lands and other property have been taken, damaged, and destroyed in the execution of the works of the United States for the improvement of the Mississippi River—to the Committee on Claims.

Also, a bill (H. R. 6468) for the relief of heirs of Mrs. Julia L. Watson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6469) for the relief of the heirs, devisees, and legatees of the estate of Willis Lowe, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6470) to carry into effect the findings of the Court of Claims in the case of Bettie B. Willis, administratrix of Joel H. Willis, deceased—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 6471) granting an increase of pension to Eli Miller—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 6472) granting an increase of pension to Joseph C. Holt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6473) granting an increase of pension to Walter Pruett—to the Committee on Invalid Pensions.

By Mr. COUDREY: A bill (H. R. 6474) granting an increase of pension to Thomas J. Connor—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 6475) granting an increase of pension to John Quinn—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 6476) granting an increase of pension to James P. Holsclaw—to the Committee on Pensions.

By Mr. ELVINS: A bill (H. R. 6477) granting an increase of pension to Israel L. Hahn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6478) granting an increase of pension to Noah A. Sapp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6479) granting an increase of pension to Samuel McGhee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6480) granting an increase of pension to Jeremiah F. Berryman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6481) granting an increase of pension to Elihu L. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6482) granting an increase of pension to Jesse Harral—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6483) granting an increase of pension to Benjamin M. Lanham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6484) granting an increase of pension to Childers W. Lanham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6485) granting an increase of pension to Thomas Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6486) granting an increase of pension to Edmond R. Haywood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6487) granting an increase of pension to Willis Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6488) granting an increase of pension to Thomas H. G. Lester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6489) granting an increase of pension to James Mosier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6490) granting an increase of pension to David Farquhar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6491) granting an increase of pension to Falkland H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6492) granting a pension to John George Schacht—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6493) granting a pension to Samuel S. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6494) granting a pension to Alexander J. Souden—to the Committee on Pensions.

Also, a bill (H. R. 6495) for the relief of William Nevin—to the Committee on War Claims.

Also, a bill (H. R. 6496) to correct the military service record of John Schwab—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 6497) for the relief of the estate of E. A. Mays, deceased—to the Committee on War Claims.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 6498) granting an increase of pension to Edmond S. Norris—to the Committee on Pensions.

Also, a bill (H. R. 6499) granting an increase of pension to Jacob Haylett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6500) granting an increase of pension to Noah E. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6501) granting a pension to Mollie A. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6502) granting an increase of pension to Richard J. Gilbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6503) granting an increase of pension to Daniel W. Lynch—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 6504) for the relief of the estate of J. H. Moseby, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6505) granting an increase of pension to Stephen Konicka—to the Committee on Pensions.

By Mr. WILEY: A bill (H. R. 6506) granting permission to Frank W. Clarke to accept the decoration of Chevalier of the Legion of Honor, conferred upon him by the French Government—to the Committee on Foreign Affairs.

Also, a bill (H. R. 6507) to authorize John A. Ockerson to accept decorations tendered him by the Government of the French Republic, the King of Italy, the King of Sweden, the King of Belgium, the Emperor of Germany, and the Emperor of China—to the Committee on Foreign Affairs.

By Mr. YOUNG of Michigan: A bill (H. R. 6508) granting a pension to George L. Steward, alias George Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6509) granting a pension to Emma C. Peterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6510) granting an increase of pension to Thomas Helmka—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6511) for the relief of James E. Saunders—to the Committee on Claims.

Also, a bill (H. R. 6512) to correct the military record of Edward Joseph Carey, alias Edward Joseph Fitzharris—to the Committee on Military Affairs.

Also, a bill (H. R. 6513) providing for salary and allowances of the postmaster at Mackinac Island, State of Michigan—to the Committee on the Post-Office and Post-Roads.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BYRNS: Paper to accompany bill for relief of F. J. McCarthy, administrator of the estate of Martin F. McCarthy—to the Committee on War Claims.

By Mr. CALDER: Petition of citizens of the Eleventh Congressional District of New York against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Porto Rico, favoring 5 cents per pound on coffee—to the Committee on Ways and Means.

Also, petition of International Brotherhood of Paper Makers, against any reduction of duty on print paper—to the Committee on Ways and Means.

Also, petition of citizens of the Sixth Congressional District of New York, favoring increase of duty on post cards, etc.—to the Committee on Ways and Means.

Also, petition of John Kissell, of Brooklyn, N. Y., favoring reduction of duty on Canadian barley—to the Committee on Ways and Means.

Also, petition of many importers of paper, favoring decrease of duty on various paper products—to the Committee on Ways and Means.

Also, petition of citizens of Brooklyn, N. Y., favoring a very low duty on Guinness's stout—to the Committee on Ways and Means.

Also, petition of Pittsburg Marble Mosaic Company and D. J. Kennedy Company, against increase of duty on Keene's cement—to the Committee on Ways and Means.

By Mr. COX of Ohio: Petition of Charles E. Thorne, of Wooster, Ohio, favoring the placing of all fertilizing material on the free list—to the Committee on Ways and Means.

Also, petition of grocers of Hamilton, Ohio, favoring reduction of duty on raw and refined sugars—to the Committee on Way and Means.

Also, petition of the Thresher-Varnish Company, against a duty on China nut oil—to the Committee on Ways and Means.

Also, petition of General Assembly of Ohio, favoring repeal of duty on all forms of lumber—to the Committee on Ways and Means.

Also, petition of Stomps & Burkhardt Company, against a duty on rattan—to the Committee on Ways and Means.

Also, petition of Hamilton Iron and Steel Company, Hamilton, Ohio, against a duty of 50 cents on scrap iron—to the Committee on Ways and Means.

Also, petitions of the Holbrock Brothers Company and the Elder & Johnston Company, against increase of duty on hosiery—to the Committee on Ways and Means.

Also, petition of citizens of the Third Congressional District of Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DODDS: Petition of citizens of Traverse City, Mich., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. FISH: Petitions of sundry citizens of West Ghent, of sundry citizens of Hudson, and of sundry citizens of Kinderhook, N. Y., against a duty on tea, coffee, cocoa, or spices—to the Committee on Ways and Means.

Also, petition of citizens of the Twenty-first Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of Prattsville, favoring a duty on lactarene—to the Committee on Ways and Means.

By Mr. FULLER: Petition of the Casein Manufacturing Company, of New York, favoring a duty on casein and lactarene—to the Committee on Ways and Means.

Also, petition of Wolf Brothers' Shoe Company, of Columbus, Ohio, favoring placing shoes on the free list—to the Committee on Ways and Means.

Also, petition of importers and jobbers of tea in the city of Boston, Mass., against a duty on tea—to the Committee on Ways and Means.

Also, petition of Frank Gehring, general president of the Lithographic International Protective and Beneficial Association of the United States and Canada, favoring increase of duty on post cards and lithographic products—to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of Endres, N. Dak., against reduction of duty on barley—to the Committee on Ways and Means.

By Mr. LAFEAN: Petition of employees of Joseph Black & Sons Company, of York, Pa., against any change in schedule on hosiery—to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of Indiana and Reynoldsville (Pa.) Lodges, Nos. 931 and 519, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. NORRIS: Petition of A. F. Allemand, of Nebraska, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HENRY W. PALMER: Petition of citizens of the Eleventh Congressional District of Pennsylvania, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. ROBINSON: Petition of Tim J. Pettit, Ernest Gibbs, and others, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SHEPPARD: Petition of H. Brown and others, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of Mr. W. M. Cole, Samuel Garner, and many others, of Columbus, Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. TOU VELLE: Petitions of Frank Piestinger, of Greenville, and T. D. and G. E. Leist, of Kempton, Ohio, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Ohio, against a tax on tea and coffee—to the Committee on Ways and Means.

Also, petition of 15 ladies of Bluffton, Ohio, against increase of duty on gloves, hosiery, cotton goods, woolen goods, ribbons, tea, and coffee—to the Committee on Ways and Means.

By Mr. WANGER: Petitions of Chalkley Styer, of Narcissa, and 30 other residents of Montgomery County; of 50 residents of Schwenksville; of John L. Kulp, of Bedminster, and 75 other residents of Bucks County, all of the State of Pennsylvania, for an amendment to the tariff bill removing casein and lactarene from the free list and imposing a duty of 2¼ cents per pound on unground casein or lactarene, and 2½ cents per pound on ground casein or lactarene—to the Committee on Ways and Means.

By Mr. YOUNG of Michigan: Petition of citizens of the Twelfth Congressional District of Michigan, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petitions of citizens of Munising, Mich., and citizens of Marinette, Wis., favoring retention of tariff on wood pulp, pulp, and paper—to the Committee on Ways and Means.

SENATE.

MONDAY, *April 5, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Vice-President being absent, the President pro tempore took the chair.

Mr. SAMUEL D. MCENERY, a Senator from the State of Louisiana, appeared in his seat to-day.

The Journal of the proceedings of Thursday last was read and approved.

ADJOURNMENT TO THURSDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Thursday next.

The motion was agreed to.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 38) repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909, in which it requested the concurrence of the Senate.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a concurrent resolution of the legislative assembly of the Territory of Hawaii, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Concurrent resolution.

Be it resolved by the house of representatives of the Territory of Hawaii (the Senate concurring):

Whereas the Congress of the United States is about to consider the revision of the law relating to the tariff on imports; and

Whereas the country is committed to the principle of a protective tariff, which shall also produce a large proportion of the necessary revenues of the Government: Be it

Resolved, That the following facts be laid before Congress for consideration by it in connection with said proposed revision of the tariff law, viz:

1. At the time the present tariff law was enacted the United States owned no coffee-producing territory, necessitating no duty on coffee as a protective measure, and the current revenue was sufficient without imposing a tariff on coffee for revenue only; consequently coffee is now on the free list.

2. Since the enactment of the present tariff law the United States has acquired a large area of coffee-producing territory, viz, the Philippines, Porto Rico, and Hawaii.

3. It is our understanding and belief that, with a protective duty on coffee of, say, 6 cents per pound, these three groups of islands could profitably produce coffee enough eventually to supply a large proportion, if not the entire consumption, of the United States.

4. We ask that, from a protective-tariff standpoint, consideration be given to protecting those industries which are peculiar to the tropcal portion of the United States, as well as to those which are the products of the mainland exclusively.

5. Aside from the purely protective feature of the suggested duty, we submit that no single item among the whole list of imports presents a better opportunity for securing so large a revenue with so small a tax on individuals as will a duty on coffee. A duty of 6 cents a pound on coffee would produce a revenue of between fifty and sixty million dollars per annum.

We submit, however, that there is every reason to believe that imposing the suggested import duty upon coffee would not result in raising the price of coffee to the consumer, or would result in but a slight increase.

Under these circumstances we submit that, as additional revenue is needed from some source, the foregoing facts show that a duty on coffee would result:

1. In a very large revenue to the United States Treasury, with only a slight, if any, increase in price of coffee.

2. In incidentally protecting a now small and unprotected industry, with the ultimate prospect of its becoming a large and prosperous one, and provide a suitable means of agricultural development by small landowners, in which the people of these islands of small means can take a large part.

Resolved further, That a copy of these resolutions be sent to the President of the Senate, to the Speaker of the House, the chairman of the Ways and Means Committee, and the Delegate to Congress from Hawaii, at Washington, D. C.

HOUSE OF REPRESENTATIVES,
TERRITORY OF HAWAII,
Honolulu, Hawaii, March 16, 1909.

We hereby certify that the foregoing concurrent resolution was this day adopted in the house of representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker, House of Representatives.
EDWARD WOODWARD,
Clerk, House of Representatives.

SENATE OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, March 19, 1909.

We hereby certify that the foregoing concurrent resolution was this day adopted in the senate of the Territory of Hawaii.

WILLIAM O. SMITH,
President of the Senate.
WILLIAM SAIRDGE,
Clerk of the Senate.

The PRESIDENT pro tempore presented a joint resolution of the legislative assembly of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY.

(Certificate of comparison.)

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that there was filed for record in this office at 11.55 o'clock p. m., on the 18th day of March, A. D. 1909, council joint memorial No. 7, Mr. President, and also that I have compared the following copy of the same with the original thereof now on file and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at the city of Santa Fe, the capital, on this 27th day of March, A. D. 1909.

[SEAL.]

NATHAN JAFFA,
Secretary of New Mexico.

Council joint memorial 7. By Mr. President.

Memorializing Congress for an appropriation of money or land script for the purpose of relieving the counties of Santa Fe and Grant, in the Territory of New Mexico, from the burden imposed upon them respectively by former congressional statutes confirming and validating certain bonds of each of the said counties issued without lawful authority.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the county of Santa Fe, N. Mex., is overburdened and distressed by the weight of a bonded indebtedness now approximating in amount $1,000,000, based on illegal railroad-aid bonds, converted into illegal refunding bonds, which, although such bonds could not be successfully enforced in the courts after the decision of the Supreme Court of the United States in the Pima County case, below more particularly referred to, were, in avoidance of that decision, confirmed and validated by Congress in and by an act entitled "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes," the same having become a law, without the approval of the President, January 16, 1897. (See Stat. L., vol. 29, pp. 487, 488, 489, chap. 30.)

Whereas the said indebtedness originated in the following manner and under the following circumstances, to wit:

1. The said indebtedness results, to an amount exceeding one-half thereof, from the issue by the county of Santa Fe, in February, 1880, of bonds in the principal sum of $150,000, bearing interest at the rate of 7 per cent per annum, payable semiannually, in aid of the construction of the New Mexico and Southern Pacific Railroad (now part of the Santa Fe Route), so far as that railroad extends in the said county, including a branch line of about 20 miles in tortuous length from Lamy Junction to the city of Santa Fe, and the remainder of the said indebtedness results from the issue by the said county, at a later date, of bonds in the principal sum of $150,000, bearing interest at the rate of 6 per cent per annum, payable semiannually, in aid of the construction of the Texas, Santa Fe and Northern Railroad (now part of the Denver and Rio Grande Railroad system) from the city of Santa Fe to Espanola, the southern termination at that time of the railroad of the late Denver and Rio Grande Railway Company.

2. The total assessed valuation of the property subject to taxation in the county of Santa Fe is about $2,200,000.

3. All the aforesaid railroad-aid bonds, with one judgment for interest on a part of the said first bond issue, were, before the rendering of the decision in the Pima County case (Oct. 29, 1894, Lewis *v.* Pima County, 155 U. S., 54), refunded under the provisions of a territorial refunding act, chapter 79 of the Sessions Laws of 1891, found in the compiled laws of New Mexico of 1897, as sections 340 to 348, both inclusive, which refunding act it is evident, does not authorize the refunding of bonds void on their face.

4. Over and above the said railroad-aid indebtedness, the said county has a legitimate interest bearing bonded indebtedness of about $200,000.

5. All of the said railroad-aid bonds were issued under the supposed authority of chapter 30 of the New Mexico Session Laws of 1872, still found in the said compiled laws as sections 3898 to 3901, both inclusive, which statute of 1872 could, under the doctrine announced in the Pima County case, no longer legally operated after the passage of the act of Congress, approved June 8, 1878 (20 Stat. L., 101), which prohibited every "municipal corporation" in a Territory from incurring "any debt or obligation other than such as shall be necessary to the administration of its internal affairs."

6. The bonds in aid of the New Mexico and Southern Pacific Railroad Company were, under the belief that the said territorial act of 1872 was still in force, and pursuant to its provisions, voted for on the 4th day of October, 1879, in two concurrent elections, one upon the proposition to aid, to the extent of $71,000, in the construction of the main line crossing the said county, and the other upon the proposition to aid, to the extent of $79,000, in the construction of a branch line connecting the city of Santa Fe with the main line at Lamy Junction.

The votes cast on the first proposition numbered only 259, of which 192 were in the affirmative and 67 in the negative; and the total vote cast on the second proposition numbered only 266, of which 190 were in the affirmative and 76 in the negative.

8. At that time (1879) the total number of voters qualified to vote in the county of Santa Fe at general elections, including resident owners of taxable property as well as residents not such owners, exceeded 1,000, but, by the terms of the said railroad-aid statute of 1872, very few of the general electors were qualified to vote at the special elections believed to be thereby authorized, because such elections were determined under that statute by the votes exclusively of "the electors of the various precincts of said county who own taxable property." (N. Mex. Compiled Laws of 1897, p. 3899.)

Under the exemption statutes in force at the time of the said railroad-aid elections, respectively, every resident was immune from taxation of property to the amount of $300, not to speak of other exemptions from taxation more specific in character, and the great majority of such residents at the time of each of the said special elections had severally no property subject to taxation. This fact, taken in connection with the general ignorance then prevailing in the county, of the English language and of the method of American corporate business, accounts for the apparent passivity of the great majority of its residents on the occasions of the special elections concerning the said railroad aids. Railroads were still unsolved mysteries to the great majority of the territorial population. Most of those of Mexican ancestry were characteristically simple in their habits, confiding in their nature, attentive to religious duties, and devoted to pastoral and agricultural pursuits after the ancient manner of their forefathers. The first influence of the incoming railroads was prejudicial a generation ago to the native population of New Mexico, for it diminished by eastern competition their accustomed home markets, and was subversive of old-time social conditions.

This first influence of the railroads was felt conspicuously by the county of Santa Fe. The main line of the "Santa Fe Route" did not come nearer to the city of Santa Fe than 20 miles, although from time immemorial that city had been the emporium and distributing point of New Mexico and, under the Spanish, Mexican, and American rule, the seat of an important and money-distributing military, as well as civil, government. The advent of the first railroad destroyed the "Santa Fe trail" and the commerce which over that trail had centered in Santa Fe for generations. Santa Fe's importance was temporarily impaired, her old trade distributed among other places more favored by railroad communication; and yet, as consideration for the burden of the first aid by the county bonds, voted at the two-headed election of 1879, she was, in respect of railroad transportation, accorded only the small favor of the railroad branch from Lamy Junction, and even that supposed benefit was conditioned on the county's contribution to the construction of the main line, a contribution not, it is believed, exacted of any other county, since the main line was to be built at all events.

9. In fact, it was a great detriment to the city of Santa Fe to be thus sidetracked on a branch line of railroad, and naturally her commercial residents looked forward to the advantages apparently in prospect from the incoming of the main line of the old Denver and Rio Grande Railway Company under its chartered right and duty to construct its main line into New Mexico as far south as Santa Fe, conformably to the acts of Congress requiring such construction to be completed as early as June 10, 1882. But, although chartered and subsidized by Congress, the old Denver and Rio Grande Railway Company failed to meet that statutory requirement, and even entered into a compact with its rival, the Atchison, Topeka and Santa Fe Railroad Company (the indirect beneficiary of the said first railroad aid), by which, early in 1880, further construction of the Denver and Rio Grande Railway south of Espanola was inequitably pretermitted for the period of ten years from that date. In view of this new disappointment, and for the immediate purpose of bridging the gap in railroad communication between the city of Santa Fe and the Denver and Rio Grande Railway at Espanola, from which point that railway was in operation to the north through Pueblo, Denver, and other business centers, the Texas, Santa Fe and Northern Railroad Company was incorporated and the second county aid voted as aforesaid.

10. But, nothwithstanding these efforts for amelioration of the evil conditions flowing from the innovation of railroads in a community accustomed to the simple life of the old Spanish and Mexican days, the property and business interests of the inhabitants of the county became almost stagnant, and so continued for a whole generation. It was absolutely impossible for the county to pay the interest on the railroad-aid bonds, still less any part of the principal. Indeed, the accumulated interest is now a heavier burden than the principal, and is subject to increase by compounding under judgments and future re-

fundings, because Congress has confirmed and validated the county's void indebtedness.

11. All these railroad-aid bonds appear to have been negotiated by the respective companies concerned and to have come into the hands of purchasers for value, and, since their conversion into refunding bonds, the county is confronted by present holders of the new bonds, who bought them in reliance on the confirmatory acts of Congress.

12. In the year 1887 the board of county commissioners of the county of Santa Fe was sued upon a large number of interest coupons clipped from the bonds issued as aid to the New Mexico and Southern Pacific Railroad Company, and there followed in that and collateral legal proceedidg a most energetic litigation, finally resulting in a decision of the supreme court of New Mexico, August 12, 1891, adjudging the validity of the coupons, which decision is reported in 6 New Mexico Reports (Gild.), 88.

13. Prior to this decision the legislative assembly of New Mexico passed said chapter 79 of the session laws of 1891, looking to the refunding of all outstanding valid indebtedness of counties and municipalities.

14. After that decision of the supreme court of New Mexico, not only the judgment in which the interest coupons involved were merged (with interest compounded on those coupons), but also the outstanding principal indebtedness evidenced by the railroad-aid bonds and all arrears of interest not merged in that judgment, and, furthermore, the principal and interest evidenced by the aid bonds and coupons issued to the Texas, Santa Fe and Northern Railroad Company, all coming within the doctrine so announced by the supreme court of New Mexico, were converted into refunding bonds of the county under the said chapter 79.

15. It is true that, in a dissenting opinion in that case, Mr. Justice Freeman took the ground that all the said railroad-aid bonds were void ab initio under a proper construction of the said act of Congress of June 8, 1878 (20 Stats., 101). But was then the opinion of the majority of the justices, as well as of some of the leading lawyers of the Territory, that the congressional prohibition could not be extended to a county, although governed by a board of county commissioners, by any proper interpretation of the words "or other municipal corporation." Therefore, the county failed to sue out a writ of error from the Supreme Court of the United States for review of the said judgment, and took it for granted that no relief could be had in the courts from the burden of the railroad-aid indebtedness.

16. However, in the year 1894, the Supreme Court of the United States, in the above-mentioned Arizona case, Lewis *v.* Pima County (155 U. S., 54), distinctly held, without any dissent, that the prohibition in the act of Congress above cited extends to railroad-aid bonds, issued by counties in the Territories, although so issued strictly in conformity with the provisions of a general act of the territorial legislative assembly. For that reason the Pima County bonds involved in that case were held to be void.

17. Later, Congress, in view of the Pima County case, passed the aforesaid act of 1897, expressly validating all bonds of the county of Santa Fe, which had been refunded under the terms of the above-cited chapter 79 of the New Mexico Session Laws of 1891. This confirmatory act of Congress, by its broad terms, absolutely excluded the county of Santa Fe from any relief whatever in the courts from the oppression of the said railway-aid indebtedness, no matter how great its original invalidity, and thus the present generation of Santa Fe County's inhabitants, including numerous worthy settlers recently from the East, are face to face with a demon of poverty, for whose invocation they are in no respect responsible.

18. Notwithstanding the failure of the county of Santa Fe to secure, within the space of time allowed by law, a writ of error from the Supreme Court of the United States for a review of the aforesaid decision, Congress probably had, in its tutelar relation to the Territories, constitutional power, even after the promulgation of the decision in the Pima County case, to authorize a review by that high tribunal of the New Mexico judgment. At all events, that territorial decision could not debar a review by the Supreme Court of the United States of future territorial decisions affecting railroad-aid indebtedness for the principal, or for later-maturing interest coupons of any such railroad-aid bonds, or resulting county refunding bonds.

19. That territorial judgment could not in any view be deemed res judicata except as to those privy to the litigation, and there were many outstanding bondholders, including all holders of bonds issued in aid of the Texas, Santa Fe and Northern Railroad Company, who were in no sense whatever entitled to invoke that judgment as an estoppel.

The want of power in the county to issue the railway-aid bonds, as declared in the Pima County case, was constructively imputable to every holder of such bonds, since the bonds all originated after the prohibitive act of Congress considered in that case, every purchaser of a municipal bond issued either in a State or in a Territory being put on inquiry as to the power of the municipality to issue it, and no recital saving him from the duty of such inquiry.

20. Again, until the passage in 1897 of the confirmatory act of Congress before mentioned, every holder of a refunding bond which showed on its face that the debt funded was absolutely void in its inception and, whatever the form of the refunding bonds, every original refunder and every original purchaser of a refunding bond knew that the indebtedness refunded by that bond was within the class of municipal indebtedness denounced by the act of Congress of 1878, discussed in the Pima County case, was powerless to enforce such bond in the courts, notwithstanding the most "binding" recitals appearing on its face.

21. But, in 1897, before the county of Santa Fe was advised of its right and opportunity under the decision of the court of last resort in the Pima County case, Congress passed the above-cited confirmatory act, which operated on the one hand to protect every bondholder of the void railroad-aid bonds as refunded and on the other hand to deprive the county of Santa Fe of its right of defense against the bondholders and almost of its right to exist on a political plane comportable with the civic merit of its citizens and worthy of its ancient dignity as the capital of the vast subkingdom out of which the States of Colorado, Utah, and Nevada have since, in great part, sprung, New Mexico and Arizona only remaining as Territories.

Whereas the county of Grant, N. Mex., is aggrieved and burdened in like manner, although not so egregiously, by the validation by the said act of Congress of her void railroad aid indebtedness; and

Whereas it is the sense of this legislative assembly that, on the eve of New Mexico's emergence out of the territorial condition into the full dignity of statehood, Congress ought, on grounds of political equity, to relieve the county of Santa Fe from the hard plight in which it has been left by adverse national legislation in which the Territory of New Mexico had no representative vote: Therefore be it

Resolved by the legislative assembly of the Territory of New Mexico, That the Congress of the United States is hereby requested, by an appropriation of money or assignable landscrip, to enable the counties of Santa Fe and Grant, N. Mex., to compromise, satisfy, and discharge so much of their respective bonded indebtedness (principal, with accrued and accruing interest), validated and confirmed by the act of Congress of January 16, 1897, as was originally embraced in the refunding by the county of Santa Fe of the principal and interset of its railroad-aid bonds issued to the New Mexico and Southern Pacific Railroad Company, and in the judgment mentioned in the said act of 1897, as well as in the refunding by the county of Santa Fe of the principal and interest of its railroad-aid bonds issued to the Texas, Santa Fe and Northern Railroad Company, and also as was originally embraced in the issue by the county of Grant of its railroad-aid bonds under the supposed authority of the territorial railroad-aid act of 1872, but after its repeal by the act of Congress of 1878; and be it further

Resolved, That the secretary of the Territory be, and hereby is, directed to make and transmit seven copies of this memorial to our Delegate in Congress, one for himself and the others to be transmitted by him, one to the President of the Senate, one to the Speaker of the House, one to Senator ELKINS, two to the Senators from Colorado, respectively, two to the chairmen, respectively, of the proper Senate and House committees.

CHAS. A. SPIESS,
President of the Council.

WM. F. BROGAN,
Chief Clerk Council.

E. A. MIERA,
Speaker House of Representatives.

E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 18th day of March, 1909.

GEORGE CURRY,
Governor of New Mexico.

Filed in office of the secretary of New Mexico, March 18, 1909, 11.55 p. m.

NATHAN JAFFA, *Secretary.*

The PRESIDENT pro tempore presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the repeal of the duty on soy beans, which was referred to the Committee on Finance.

He also presented a memorial of Dirigo Local Union, No. 84, International Brotherhood of Paper Makers, of Augusta, Me., and a memorial of Local Union No. 146, International Brotherhood of Paper Makers, of Woodland, Me., remonstrating against any reduction in the duty on wood pulp and print paper, which were referred to the Committee on Finance.

He also presented petitions of Field & Start, of the William Trimbey Company, of T. R. Thomas & Co., of W. E. Owen & Son, and of Griffin & Hoxie, all of Utica; of J. W. Mitchell, of Olean; and of R. C. Albro, of Olean, all in the State of New York, praying for a reduction in the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a memorial of the Socialist Labor Party of New York, remonstrating against the decision of the supreme court of the District of Columbia in imposing a jail sentence on Messrs. Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

Mr. SMITH of Michigan. I present a petition, in the form of resolutions, adopted at a public meeting in the State of Michigan, and ask that it be read for the information of the Senate and referred to the Committee on Finance.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

Whereas the Payne bill now before Congress provides for free iron ore; and

Whereas the principal industry and largest part of the wealth of the upper peninsula lies in its iron-ore mines; and

Whereas the largest part of the taxable wealth of the State of Michigan is in the iron-ore resources; and

Whereas free iron ore means that the independent, well fed, well-clothed labor of Michigan must compete with the cheap labor of Cuba and will therefore mean idle mines and deserted villages in the upper peninsula and affect every taxpayer in the State of Michigan: Therefore be it

Resolved by this mass meeting of all the people of the village of Iron River (within the vicinity of which are upward of 10 producing iron-ore mines), That our Senators and Representatives in Congress be requested to use their utmost endeavors to have the present duty on iron ore retained, and to the end that the same be not changed in any particular: Be it further

Resolved, That the secretary of this mass meeting be instructed to send a copy of these preambles and resolutions to Senator BURROWS, Senator SMITH, and Hon. H. O. YOUNG.

P. O'BRIEN, *Chairman.*
M. S. MCCONOUGH, *Secretary.*

Mr. SMITH of Michigan. I present a petition in the form of a resolution adopted by the board of supervisors of Iron County, Mich., relative to a reduction of the present duty on iron ore. I ask that the petition be read and referred to the Committee on Finance.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

Resolution adopted by the board of supervisors of Iron County, Mich., March 27, 1909.

Whereas the mining and shipment of iron ore is the principal industry of Iron County, in which a vast amount of capital has been invested, and forms the basis of its industrial welfare; and

Whereas the mining development of Iron County is yet in its early stages, and has progressed to its present state by the fostering and

encouragement of reasonable protection against the importations of iron ore from foreign countries; and

Whereas there is abundant iron ore in Iron County, but it is of such a low grade as to make it unprofitable to mine the same in competition with such imported foreign ores; and

Whereas it is now proposed in the tariff bill introduced in the House of Representatives at Washington to place iron ore on the free list, chiefly for the benefit of the iron mines of Cuba, by reason of which the miners of this county will be brought into competition with the cheap and poorly paid labor of Cuba, which competition will surely tend to lessen the wages of our miners, if our iron mines are not closed entirely, as we fear they will be in case that iron ore is so placed on the free list; and

Whereas the development of the iron industry of Cuba or other foreign countries will tend to discourage the investment of capital in the Lake Superior district, and especially in Iron County, where the iron ore is of low grade, as aforesaid: Now therefore be it

Resolved, That the board of supervisors of Iron County, Mich., hereby protest against the provision in the tariff bill placing iron ore on the free list as being injurious and detrimental to the iron mining industry of Michigan, and particularly in Iron County, and as contrary to the best interests of the country as a whole: And be it further

Resolved, That we urge upon our Senators and Representatives in Congress to use every means in their power to oppose placing iron ore on the free list and endeavor to restore it to its former position.

W. J. RICHARDS, *Chairman.*
JOHN WALL, *Clerk.*

I hereby certify that the foregoing is a true and complete copy of a resolution unanimously adopted by the board of supervisors of Iron County, Mich., on the 27th day of March, 1909.

[SEAL.] JOHN WALL, *Clerk of the Board.*

Mr. SMITH of Michigan presented a petition of the Board of Trade of Holland, Mich., praying for the repeal of the duty on raw hides, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Marinette, Wis., and a memorial of sundry citizens of Munising, Mich., remonstrating against the repeal of the duty on wood pulp and print paper, which were referred to the Committee on Finance.

Mr. GALLINGER presented a memorial of the Board of Trade of Berlin, N. H., remonstrating against the proposed reduction of the duty on print paper, wood pulp, and lumber, which was referred to the Committee on Finance.

He also presented a memorial of the Winnipiseogee Mill Company, of Franklin, N. H., remonstrating against the proposed reduction of the duty on wood pulp and print paper, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of New Hampshire, remonstrating against the imposition of a tax on tea, which was referred to the Committee on Finance.

He also presented a memorial of the legislative committee of the New Hampshire Pharmaceutical Association, of Nassau, N. H., remonstrating against the imposition of the proposed stamp tax on proprietary medicines, which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of Dirigo Local Union, No. 84, International Brotherhood of Paper Makers, of Augusta, Me., remonstrating against the repeal of the duty on wood pulp and print paper, which was referred to the Committee on Finance.

Mr. SMOOT presented a memorial of the legislature of Utah, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

To the honorable Senate and House of Representatives of the United States:

Your memorialists, the legislature of the State of Utah, respectfully represent that the mining and the live-stock industry of the State of Utah are the greatest industries and more capital is invested therein than in any other of the industries of this State; and

Whereas even under the present tariff on lead in ores a majority of the lead mines of Utah can not be operated at a profit on account of the low metal prices; and

Whereas if the present tariff is reduced at all our labor in the lead mines would be compelled to compete with Mexican peon labor, making the production of lead in Utah prohibitory; and

Whereas the raising of stock and the shipping of hides to be used in the manufacture of leather have built up a large industry, and the shipping of hides to the eastern market to be used in the manufacture of leather has greatly increased the live-stock industry of this State:

Therefore your memorialists respectfully urge the Congress of the United States to maintain the present tariff on lead, wool, and hides, and that no change be made in the tariff revision affecting these articles; be it further

Resolved, That a copy of this memorial be forwarded to our Senators and Representative in Congress, to be by them presented to the Senate and House of Representatives.

HENRY GARDNER,
President of the Senate.
E. W. ROBINSON,
Speaker of the House.

Approved March 22, 1909.

WILLIAM SPRY, *Governor.*

Attest:
[SEAL.]

C. S. TINGEY,
Secretary of State.

STATE OF UTAH, *Office of the Secretary of State, ss:*

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the foregoing is a full, true, and correct copy of certified copy of senate joint memorial No. 2, "Protesting against the removal or reduction of the tariff on lead, wool, and hides," approved March 22, 1909, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 29th day of March, A. D. 1909.

[SEAL.] C. S. TINGEY,
Secretary of State.

Mr. SMOOT presented a memorial of the legislature of Utah, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

A joint resolution requesting the Senators and the Representative in Congress from Utah to endeavor to secure an amendment to the interstate-commerce act to prohibit the shipment of alcoholic liquors in certain cases.

Be it resolved by the legislature of the State of Utah:

That the Senators and the Representative in Congress from the State of Utah be, and they are hereby, respectfully requested to use their best endeavors to secure an amendment to the interstate-commerce act, so that the same will prohibit the shipment of alcoholic liquors into States which by law prohibit the manufacture and sale of alcoholic liquors;

That copies of this resolution be immediately forwarded to each Senator and the Representative in Congress from this State.

HENRY GARDNER,
President of the Senate.
E. W. ROBINSON,
Speaker of the House.

Approved March 22, 1909.

WILLIAM SPRY, *Governor.*

Attest:
[SEAL.]

C. S. TINGEY,
Secretary of State.

STATE OF UTAH, *Office of Secretary of State, ss:*

I, Charles S. Tingey, secretary of state of the State of Utah, do hereby certify that the foregoing is a full, true, and correct copy of senate joint resolution No. 6, approved March 22, 1909, as appears on file in my office.

In witness whereof I have hereunto set my hand and affixed the great seal of the State of Utah this 29th day of March, A. D. 1909.

[SEAL.] C. S. TINGEY,
Secretary of State.

Mr. SCOTT presented petitions of sundry citizens of the United States, praying that an appropriation be made to place a suitable memorial in Statuary Hall to James Rumsey, which were referred to the Committee on the Library.

Mr. PERKINS presented a petition of sundry citizens of the State of California, praying for an increase in the duty on lithographic products, which was referred to the Committee on Finance.

He also presented petitions of the board of trustees of the state library of Sacramento; of the executive committee of the California Library Association, of Sacramento; of the California Association, of Sacramento; of the regents of the University of California, of Berkeley; and of the academic council of the Leland Stanford, Junior, University, of Palo Alto, all in the State of California, praying for the repeal of the duty on books and other printed matter imported into the United States, which were referred to the Committee on Finance.

He also presented a memorial of the board of directors of the State Agricultural Society, of Sacramento, Cal., remonstrating against any reduction of the present duty on wool, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of San Francisco, Cal., and a petition of the Shipowners' Association of the Pacific Coast, of San Francisco, Cal., praying for the enactment of legislation providing for the transportation in American bottoms of all Philippine products imported into the United States free of duty, which were referred to the Committee on Finance.

He also presented a petition of the California Tariff Revision Committee, of San Francisco, Cal., praying for the repeal of the duty on sulphate and muriate potashes, which was referred to the Committee on Finance.

He also presented a petition of the Nevada Sulphur Company, of San Francisco, Cal., praying that the meaning of the word "refined," as applied to sulphur, be defined in the proposed tariff law, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the repeal of the countervailing duty on petroleum, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of the State of California, remonstrating against a reduction in the duty on sugar imported from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Oakland, Cal., remonstrating against any reduction in the duty on blasting caps, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of San Francisco, Cal., remonstrating against any change being made in the duty on plain and mercerized cotton piece goods, which was referred to the Committee on Finance.

He also presented a petition of the Chula Vista Lemon Growers' Association, of San Diego, Cal., praying for an in-

crease of the duty on lemons to 1½ cents, which was referred to the Committee on Finance.

He also presented a memorial of the Chamber of Commerce of Los Angeles, Cal., remonstrating against any reduction of the duty on bituminous coal and asphaltum, which was referred to the Committee on Finance.

He also presented a memorial of the Labor Council, American Federation of Labor, of San Francisco, Cal., and a memorial of sundry citizens of Bakersfield, Cal., remonstrating against the imposition of the proposed duty on tea, which were referred to the Committee on Finance.

He also presented petitions of the Merchants' Exchange of San Francisco, of the Chamber of Commerce of Sacramento, of sundry banking institutions of Santa Rosa, and of the board of directors of the Bank of San Francisco, all in the State of California, praying for an increase of the duty on hops, which were referred to the Committee on Finance.

Mr. BROWN presented a petition of sundry citizens of Sutton, Nebr., praying for the enactment of legislation granting a per diem pension to the surviving soldiers and sailors of the civil and Mexican wars, which was referred to the Committee on Pensions.

He also presented a paper to accompany the bill (S. 557) granting an increase of pension to John M. Bayley, which was referred to the Committee on Pensions.

Mr. CLAPP. I present a petition, and as it is a legislative act of Minnesota, I ask that it be read and referred to the Committee on Finance.

There being no objection, the petition was read and referred to the Committee on Finance, as follows:

Resolution.

Whereas the Payne tariff bill as drawn reduces the import duty on barley from 30 cents per bushel to 15 cents per bushel; and

Whereas the States of Minesota, North Dakota, South Dakota, Wisconsin, Montana, and Iowa produce nearly all of the barley grown east of the Rocky Mountains, large quantities of which barley is used in the eastern part of the United States; and

Whereas the Provinces of eastern Canada are able to produce an excellent quality of barley, grown on cheaper lands and worked with cheaper labor, and much nearer our large eastern cities than barley grown in our Northwestern States; and

Whereas the farmers of the Northwest have in the past carried by far the heaviest burden of a high protective tariff on lumber, machinery, and other articles of general use, and receiving but a very small, if any, benefit from the tariff on grain because the price has been fixed by the price received for the surplus exported to other countries; and

Whereas we have now reached a point where home consumption has nearly reached our ability to produce, and consequently a protective tariff on grain has become of actual and not merely an imaginary benefit to the farmers of this State: Be it

Resolved, That the proposed reduction of the duty on imported barley is against the interests of all growers of barley in all of our Northwestern States and against the interests of the western terminal cities of Minneapolis, Duluth, Milwaukee, and Chicago: And be it further

Resolved, That we ask our Senators and Congressmen representing the State of Minnesota at Washington, and also Senators and Congressmen representing our sister States at Washington, to use their influence and votes to maintain the present duty on imported barley.

Adopted March 26, 1909.

A. J. ROCKNE, *Speaker.*
ARCHIBALD H. VERNON,
Chief Clerk.

Mr. CLAPP presented a memorial of sundry citizens of Duluth, Minn., remonstrating against the proposed duty on hosiery and gloves, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of Brainerd and Cloquet, in the State of Minnesota, remonstrating against the repeal of the duty on wood pulp and print paper, which were referred to the Committee on Finance.

Mr. JONES presented petitions of Local Lodges Nos. 1102, 1083, 318, 1082, 287, 228, 353, and 823, of Ellensburg, Centralia, North Yakima, Hoquiam, Walla Walla, Spokane, Port Angeles, and Vancouver, all of the Benevolent and Protective Order of Elks, in the State of Washington, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. OLIVER presented a memorial of the Journeymen Bricklayers' Association of Philadelphia, Pa., remonstrating against the imposition of any duty on tea, coffee, cocoa, and spices, which was referred to the Committee on Finance.

He also presented a petition of Valley Grange, No. 52, Patrons of Husbandry, of Millville, Pa., praying for the removal of the duty on sugar, which was referred to the Committee on Finance.

He also presented a memorial of the synod of the Reformed Presbyterian Church of North America, praying for the adoption of an amendment to the Constitution to prohibit polygamy, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry paper-box manufacturers of Philadelphia, Pa., remonstrating against the proposed increase of duty on surface-coated papers, which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Butler, Pa., praying for the removal of the duty on works of art, which was referred to the Committee on Finance.

He also presented a petition of Green Brier Grange, Patrons of Husbandry, of Rebuck, Pa., praying for the removal of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented petitions of Local Lodge No. 931, of Indiana; Local Lodge No. 455, of Monongahela; Local Lodge No. 983, of Ambridge; Local Lodge No. 1106, of Bangor; Local Lodge No. 540, of Washington; Local Lodge No. 776, of Washington; Local Lodge No. 319, of East Stroudsburg; and of Local Lodge No. 650, of Homestead, all of the Benevolent and Protective Order of Elks, in the State of Pennsylvania, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. TAYLOR presented the petition of E. W. Foster and sundry other citizens of Tennessee, praying for an increase of the duty on lithographic products, which was referred to the Committee on Finance.

He also presented a petition of the Retail Shoe Dealers' Association, of Nashville, Tenn., praying for the repeal of the duty on hides, which was referred to the Committee on Finance.

He also presented a petition of Sherman Council, No. 20, Junior Order of United American Mechanics, of East Chattanooga, Tenn., praying for the enactment of legislation to regulate the interstate transportation of liquors into prohibition districts, which was referred to the Committee on the Judiciary.

He also presented a memorial of sundry citizens of Nashville, Tenn., and a memorial of sundry citizens of Memphis, Tenn., remonstrating against any increase of the duty on hosiery and gloves, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Nashville, Sweetwater, Knoxville, Chattanooga, and Niota, all in the State of Tennessee, praying for the adoption of the clause in the so-called "Payne tariff bill" relating to the duty on hosiery, which were referred to the Committee on Finance.

Mr. BURNHAM presented a memorial of the Board of Trade of Berlin, N. H., remonstrating against the proposed reduction of the duty on print paper, wood pulp, and lumber, which was referred to the Committee on Finance.

Mr. GUGGENHEIM presented a concurrent resolution of the legislative assembly of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY.

(Certificate of comparison.)

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that there was filed for record in this office at 11.55 o'clock, p. m., on the 18th day of March, A. D. 1909, council joint memorial No. 7 by Mr. President; and also that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at the city of Santa Fe, the capital, on this 27th day of March, A. D. 1909.

[SEAL.]

NATHAN JAFFA,
Secretary of New Mexico.

Council joint memorial 7. By Mr. President.

Memorializing Congress for an appropriation of money or land scrip for the purpose of relieving the counties of Santa Fe and Grant, in the Territory of New Mexico, from the burden imposed upon them, respectively, by former congressional statutes confirming and validating certain bonds of each of the said counties issued without lawful authority.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the county of Santa Fe, N. Mex., is overburdened and distressed by the weight of a bonded indebtedness now approximating in amount $1,000,000, based on illegal railroad aid bonds, converted into illegal refunding bonds, which, although such bonds could not be successfully enforced in the courts after the decision of the Supreme Court of the United States in the Pima County case, below more particularly referred to, were, in avoidance of that decision, confirmed and validated by Congress in and by an act entitled "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes," the same having become a law, without the approval of the President, January 16, 1897. (Stat. L., vol. 29, pp. 487, 488, 489, ch. 30.)

Whereas the said indebtedness originated in the following manner and under the following circumstances, to wit:

1. The said indebtedness results to an amount exceeding one-half thereof, from the issue by the county of Santa Fe, in February, 1880, of bonds in the principal sum of $150,000, bearing interest at the rate of 7 per cent per annum, payable semiannually, in aid of the construction of the New Mexico and Southern Pacific Railroad now part of the "Santa Fe route"), so far as that railroad extends in the said county, including a branch line of about 20 miles in tortuous length from Lamy Junction to the city of Santa Fe, and the remainder of the said indebtedness results from the issue by the said county, at a later

date, of bonds in the principal sum of $150,000, bearing interest at the rate of 6 per cent per annum, payable semiannually, in aid of the construction of the Texas, Santa Fe and Northern Railroad (now part of the Denver and Rio Grande Railroad system), from the city of Santa Fe to Espanola, the southern termination at that time of the railroad of the late Denver and Rio Grande Railway Company.

2. The total assessed valuation of the property subject to taxation in the county of Santa Fe is about $2,200,000.

3. All the aforesaid railroad-aid bonds, with one judgment for interest on a part of the said first bond issue, were, before the rendering of the decision in the Pima County case (Oct. 29, 1894, Lewis v. Pima County, 155 U. S., 54), refunded under the provisions of a territorial refunding act, chapter 79 of the Session Laws of 1891, found in the Compiled Laws of New Mexico of 1897 as sections 340 to 348, both inclusive, which refunding act, it is evident, does not authorize the refunding of bonds void on their face.

4. Over and above the said railroad-aid indebtedness, the said county has a legitimate interest-bearing bonded indebtedness of about $200,000.

5. All of the said railroad-aid bonds were issued under the supposed authority of chapter 30 of the New Mexico Session Laws of 1872, still found in the said Compiled Laws as sections 3898 to 3901, both inclusive, which statute of 1872 could, under the doctrine announced in the Pima County case, no longer legally operate after the passage of the act of Congress approved June 8, 1872 (20 Stat. L., p. 101), which prohibited every "municipal corporation" in a Territory from incurring "any debt other than such as shall be necessary to the administration of its internal affairs."

6. The bonds in aid of the New Mexico and Southern Pacific Railroad Company were, under the belief that the said territorial act of 1872 was still in force, and pursuant to its provisions, voted for on the 4th day of October, 1879, in two concurrent elections—one upon the proposition to aid, to the extent of $71,000, in the construction of the main line crossing the said county, and the other upon the proposition to aid, to the extent of $79,000, in the construction of a branch line connecting the city of Santa Fe with the main line, at Lamy Junction.

The votes cast on the first proposition numbered only 259, of which 192 were in the affirmative and 67 in the negative; and the total vote cast on the second proposition numbered only 266, of which 190 were in the affirmative and 76 in the negative.

8. At that time (1879), the total number of voters qualified to vote in the county of Santa Fe, at general elections, including resident owners of taxable property as well as residents not such owners, exceeded 1,000, but, by the terms of the said railroad-aid statute of 1872, very few of the general electors were qualified to vote at the special elections believed to be thereby authorized, because such elections were determined under that statute by the votes exclusively of "the electors of the various precincts of said county who own taxable property." (N. Mex. Compiled Laws of 1897, p. 3899.)

Under the exemption statutes in force at the time of the said railroad-aid elections, respectively, every resident was immune from taxation of property to the amount of $300, not to speak of other exemptions from taxation more specific in character, and the great majority of such residents at the time of each of the said special elections had severally no property subject to taxation. This fact, taken in connection with the general ignorance then prevailing in the county of the English language and of the methods of American corporate business, accounts for the apparent passivity of the great majority of its residents on the occasions of the special elections concerning the said railroad aids. Railroads were still unsolved mysteries to the great majority of the territorial population. Most of those of Mexican ancestry were characteristically simple in their habits, confiding in their nature, attentive to religious duties, and devoted to pastoral and agricultural pursuits after the ancient manner of their forefathers. The first influence of the incoming railroads was prejudicial, a generation ago, to the native population of New Mexico, for it diminished by eastern competition their accustomed home markets, and was subversive of old-time social conditions.

This first influence of the railroads was felt conspicuously by the county of Santa Fe. The main line of the "Santa Fe route" did not come nearer to the city of Santa Fe than 20 miles, although from time immemorial that city had been the emporium and distributing point of New Mexico, and, under the Spanish, Mexican, and American rule, the seat of an important and money-distributing military as well as civil government. The advent of the first railroad destroyed the "Santa Fe trail," and the commerce which over that trail had centered in Santa Fe for generations. Santa Fe's importance was temporarily impaired, her old trade distributed among other places more favored by railroad communication, and yet, as consideration for the burden of the first aid by the county bonds voted at the two-headed election of 1879, she was, in respect of railroad transportation, accorded only the small favor of the railroad branch from Lamy Junction, and even that supposed benefit was conditioned on the county's contribution to the construction of the main line, a contribution not, it is believed, exacted of any other county since the main line was to be built at all events.

9. In fact it was a great detriment to the city of Santa Fe to be thus sidetracked on a branch line of railroad, and naturally her commercial residents looked forward to the advantages apparently in prospect from the incoming of the main line of the old Denver and Rio Grande Railway Company under its chartered right and duty to construct its main line into New Mexico, as far south as Santa Fe, conformably to the acts of Congress requiring such construction to be completed as early as June 10, 1882. But, although chartered and subsidized by Congress, the old Denver and Rio Grande Railway Company failed to meet that statutory requirement, and even entered into a compact with its rival, the Atchison, Topeka and Santa Fe Railroad Company (the indirect beneficiary of the said first railroad aid), by which, early in 1880, further construction of the Denver and Rio Grande Railway south of Espanola was inequitably pretermitted for the period of ten years from that date. In view of this new disappointment and for the immediate purpose of bridging the gap in railroad communication between the city of Santa Fe and the Denver and Rio Grande Railway at Espanola—from which point that railway was in operation to the north through Pueblo, Denver, and other business centers—the Texas, Santa Fe and Northern Railroad Company was incorporated and the second county aid voted as aforesaid.

10. But, notwithstanding these efforts for amelioration of the evil conditions flowing from the innovation of railroads, in a community accustomed to the simple life of the old Spanish and Mexican days, the property and business interests of the inhabitants of the county became almost stagnant and so continued for a whole generation. It was absolutely impossible for the county to pay the interest on the railroad-aid bonds, still less any part of the principal. Indeed, the accumulated interest is now a heavier burden than the principal, and is subject to increase by compounding under judgments and future refundings, because Congress has confirmed and validated the county's void indebtedness.

11. All these railroad-aid bonds appear to have been negotiated by the respective companies concerned and to have come into the hands of purchasers for value, and since their conversion into refunding bonds the county is confronted by present holders of the new bonds, who bought them in reliance on the confirmatory acts of Congress.

12. In the year 1887 the board of county commissioners of the county of Santa Fe was sued upon a large number of interest coupons clipped from the bonds issued as aid to the New Mexico and Southern Pacific Railroad Company, and there followed in that and collateral legal proceedings a most energetic litigation, finally resulting in a decision of the supreme court of New Mexico, August 12, 1891, adjudging the validity of the coupons, which decision is reported in 6 New Mexico Reports (Gild), 88.

13. Prior to this decision the legislative assembly of New Mexico passed said chapter 79 of the session laws of 1891, looking to the refunding of all outstanding valid indebtedness of counties and municipalities.

14. After that decision of the supreme court of New Mexico not only the judgment in which the interest coupons involved were merged, with interest compounded on those coupons, but also the outstanding principal indtebtedness evidenced by the railroad-aid bonds and all arrears of interest not merged in that judgment; and, furthermore, the principal and interest evidenced by the aid bonds and coupons issued to the Texas, Santa Fe and Northern Railroad Company, all coming within the doctrine so announced by the supreme court of New Mexico, were converted into refunding bonds of the county under the said chapter 79.

15. It is true that, in a dissenting opinion in that case, Mr. Justice Freeman took the ground that all the said railroad-aid bonds were void ab initio under a proper construction of the said act of Congress of June 8, 1878 (20 Stat., 101). But it was then the opinion of the majority of the justices, as well as some of the leading lawyers of the Territory, that the congressional prohibition could not be extended to a county, although governed by a board of county commissioners, by any proper interpretation of the words "or other municipal corporation." Therefore the county failed to sue out a writ of error from the Supreme Court of the United States for review of the said judgment, and took it for granted that no relief could be had in the courts from the burden of the railroad-aid indebtedness.

16. However in the year 1894 the Supreme Court of the United States in the above-mentioned Arizona case, Lewis v. Pima County (155 U. S., 54), distinctly held without any dissent that the prohibition in the act of Congress above cited extends to railroad-aid bonds issued by counties in the Territories, although so issued strictly in conformity with the provisions of a general act of the territorial legislative assembly. For that reason the Pima County bonds involved in that case were held to be void.

17. Later Congress, in view of the Pima County case, passed the aforesaid act of 1897, expressly validating all bonds of the county of Santa Fe which had been refunded under the terms of the above-cited chapter 79 of the New Mexico Session Laws of 1891. This confirmatory act of Congress by its broad terms absolutely excluded the county of Santa Fe from any relief whatever in the courts from the oppression of the said railway-aid indebtedness, no matter how great its original invalidity, and thus the present generation of Santa Fe County's inhabitants, including numerous worthy settlers recently from the East, are face to face with a demon of poverty for whose invocation they are in no respect responsible.

18. Notwithstanding the failure of the county of Santa Fe to secure within the space of time allowed by law a writ of error from the Supreme Court of the United States for a review of the aforesaid decision, Congress probably had in its tutelar relation to the Territories constitutional power, even after the promulgation of the decision in the Pima County case, to authorize a review by that high tribunal of the New Mexico judgment. At all events, that territorial decision could not debar a review by the Supreme Court of the United States of future territorial decisions affecting railroad-aid indebtedness for the principal or for later maturing interest coupons of any such railroad-aid bonds or resulting county refunding bonds.

19. That territorial judgment could not, in any view, be deemed res judicata except as to those privy to the litigation; and there were many outstanding bondholders, including all holders of bonds issued in aid of the Texas, Santa Fe and Northern Railroad Company, who were in no sense whatever entitled to invoke that judgment as an estoppel.

The want of power in the county to issue the railway-aid bonds, as declared in the Pima County case, was constructively imputable to every holder of such bonds, since the bonds all originated after the prohibitive act of Congress considered in that case, every purchaser of a municipal bond issued either in a State or in a Territory being put on inquiry as to the power of the municipality to issue it and no recital saving him from the duty of such inquiry.

20. Again, until the passage, in 1897, of the confirmatory act of Congress, before mentioned, every holder of a refunding bond which showed on its face that the debt funded was absolutely void in its inception, and, whatever the form of the refunding bonds, every original refunder and every original purchaser of a refunding bond who knew that the indebtedness refunded by that bond was within the class of municipal indebtedness denounced by the act of Congress of 1878, discussed in the Pima County case, was powerless to enforce such bond in the courts, notwithstanding the most binding recitals appearing on its face.

21. But in 1897, before the county of Santa Fe was advised of its right and opportunity, under the decision of the court of last resort in the Pima County case, Congress passed the above-cited confirmatory act, which operated, on the one hand, to protect every holder of the void railroad-aid bonds as refunded, and, on the other hand, to deprive the county of Santa Fe of its right of defense against the bondholders and almost of its right to exist on a political plane comportable with the civic merit of its citizens and worthy of its ancient dignity as the capital of the vast subkingdom out of which the States of Colorado, Utah, and Nevada have since in great part sprung, New Mexico and Arizona only remaining as Territories.

Whereas the county of Grant, N. Mex., is aggrieved and burdened in like manner, although not so egregiously, by the validation of the said act of Congress of her void railroad-aid indebtedness; and

Whereas it is the sense of this legislative assembly that, on the eve of New Mexico's emergence out of the territorial condition into the full dignity of statehood, Congress ought, on grounds of political equity,

to relieve the county of Santa Fe from the hard plight in which it has been left by adverse national legislation in which the Territory of New Mexico had no representative vote: Therefore be it

Resolved by the legislative assembly of the Territory of New Mexico, That the Congress of the United States is hereby requested, by an appropriation of money or assignable land scrip, to enable the counties of Santa Fe and Grant, N. Mex., to compromise, satisfy, and discharge so much of their respective bonded indebtedness (principal, with accrued and accruing interest), validated and confirmed by the act of Congress of January 16, 1897, as was originally embraced in the refunding by the county of Santa Fe of the principal and interest of its railroad-aid bonds issued to the New Mexico and Southern Pacific Railroad Company, and in the judgment mentioned in the said act of 1897, as well as in the refunding by the county of Santa Fe of the principal and interest of its railroad-aid bonds issued to the Texas, Santa Fe and Northern Railroad Company, and also as was originally embraced in the issue by the county of Grant of its railroad-aid bonds under the supposed authority of the territorial railroad-aid act of 1872, but after its repeal by the act of Congress of 1878; and be it further

Resolved, That the secretary of the Territory be, and hereby is, directed to make and transmit seven copies of this memorial to our Delegate in Congress, one for himself and the others to be transmitted by him, one to the President of the Senate, one to the Speaker of the House, one to Senator ELKINS, two to the Senators from Colorado, respectively, and two to the chairmen, respectively, of the proper Senate and House committees.

CHAS. A. SPIESS,
President of the Council.

WM. F. BROGAN,
Chief Clerk Council.

E. A. MIERA,
Speaker House of Representatives.

E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 18th day of March, 1909.

GEORGE CURRY,
Governor of New Mexico.

Filed in office of secretary of New Mexico March 18, 1909, 11.55 p. m.

NATHAN JAFFA, *Secretary.*

Mr. DU PONT presented a resolution adopted by the Board of Trade of Wilmington, Del., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Whereas a joint meeting of the trade and commerce and the legislative committees of the Wilmington (Del.) Board of Trade was called by the president March 30, 1909, for the purpose of considering the Payne tariff bill; and

Whereas in view of the possible operation of the maximum and minimum provision of the Payne tariff bill now before the House of Representatives, and in view further that the large industries of this city engaged in the manufacture of morocco from imported raw skins would be seriously affected by the operation of the so-called maximum and minimum provisions of the proposed bill under which imported raw skins would be subject to a duty of 20 per cent ad valorem: Therefore be it

Resolved, That these committees in joint session enter their most earnest protest against the maximum and minimum provisions as proposed, and urge upon our Senators and Representative in Congress to oppose these provisions by every honorable means in their power.

Unanimously adopted March 30, 1909.

THE WILMINGTON BOARD OF TRADE.

Attest:
GEO. H. MCGOVERN,
Secretary.

Mr. DEPEW presented memorials of Local Union No. 4, International Brotherhood of Pulp, Sulphite, and Paper Mill Workers, of Palmer; of the Business Men's Association of Corinth, and of the Business Men's Association of Luzerne, all in the State of New York, remonstrating against the repeal of the duty on wood pulp and print paper, which were referred to the Committee on Finance.

He also presented a memorial of the Board of Trade of North Tonawanda, N. Y., remonstrating against the repeal of the duty on dressed and rough lumber, which was referred to the Committee on Finance.

He also presented a petition of Local Grange No. 66, Patrons of Husbandry, of Orwell, N. Y., and a petition of Lombard Grange, No. 714, Patrons of Husbandry, of Westfield, N. Y., praying for the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. ROOT presented a memorial of the Board of Trade of North Tonawanda, N. Y., remonstrating against the repeal of the duty on lumber, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, praying for the repeal of the duty on Canadian barley, which were referred to the Committee on Finance.

He also presented petitions of Local Lodge No. 33, of Utica; of Local Lodge No. 922, of Dunkirk; of Local Lodge No. 772, of Ogdensburg; of Local Lodge No. 621, of Plattsburg; and of Local Lodge No. 1005, of Hoosick Falls, all of the Benevolent and Protective Order of Elks, in the State of New York, praying for the enactment of legislation to create a national reserve in the State of Wyoming, for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Addison, Brooklyn, Newburgh, New York City, Poughkeepsie, and Syracuse, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Niagara Falls, Deferiet, Fort Edward, Ticonderoga, Watertown, Morrisonville, Luzerne, and Corinth, all in the State of New York, remonstrating against any reduction of the duty on wood pulp and print paper, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Naples, Olean, Clinton Corners, Delmar, Arlington, Barker, Clyde, Chemung, Moravia, Ripley, Groton, Lebanon, South Hannibal, Ashville, Solsville, Castile, Yorktown, Edmeston, Deer River, Peekskill, Fillmore, Interlaken, East Chatham, Orwell, Nunda, Oswego, Syracuse, Beekman, Greenwich, and De Peyster, all in the State of New York, praying for the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented petitions of sundry citizens of Binghamton, Lyons, Corning, Auburn, Elmira, Rochester, Le Roy, Warsaw, Geneva, Hornell, Canandaigua, Penn Yan, Waverly, Ithaca, Cortland, Canastota, Oneida, Fulton, Rome, Herkimer, Utica, Oneonta, and Norwich, all in the State of New York, praying for a modification of the present duty on oilcloth and linoleum, which were referred to the Committee on Finance.

Mr. HALE presented a petition of Local Union No. 146, International Brotherhood of Paper Makers, of Woodland, Me., and a petition of Dirigo Local Union, No. 84, International Brotherhood of Paper Makers, of Augusta, Me., praying for the retention of the present rate of duty on print paper, which were referred to the Committee on Finance.

He also presented a memorial to the selectmen of West Enfield, Me., remonstrating against the reduction of the duty on news print paper and the free importation of ground wood pulp, which was referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of Boston, South Boston, Hyde Park, Somerville, Waltham, Cambridge, Ashland, Ware, Falkner, Everett, East Somerville, Plymouth, East Boston, Tully, Revere, Medford, Roxbury, Lawrence, Reading, Haverhill, Andover, Brockton, Newton, Northampton, Belmont, Fall River, Dorchester, Holyoke, Lynn, Edgartown, Hyannis, Roslindale, West Newton, North Cambridge, Clinton, Worcester, Lowell, Quincy, Dracut, Marblehead, Falmouth, Salem, Newburyport, Chicopee Falls, Somerset, Brookline, Melrose, Malden, Mattapan, Jamaica Plain, Peabody, Stoughton, Taunton, Allston, North Easton, Campbello, Lakeville, Littleboro, Charlestown, Brighton, Beverly, North Adams, Pittsfield, Dalton, Dedham, Winthrop, Waltham, Westfield, Chicopee, Adams, Ashland, Ayer, Winchester, Fitchburg, North Plymouth, Swampscott, North Andover, Greenfield, Gloucester, Elmwood, Wakefield, Orange, Provincetown, Orleans, Springfield, and Turners Falls, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were referred to the Committee on Finance.

Mr. HEYBURN presented sundry papers to accompany the bill (S. 15) to amend the military record of Jonas O. Johnson, which were referred to the Committee on Military Affairs.

Mr. FRYE presented memorials of Livermore Falls Local Union, No. 8, of Chisholm; of Local Union No. 22, of Solon; of Dirigo Local Union, No. 84, of Augusta; of Local Union No. 146, of Woodland; and of Local Union No. 14, of Lisbon Falls, all of the International Brotherhood of Paper Makers, in the State of Maine, remonstrating against the repeal of the duty on wood pulp and print paper, which were referred to the Committee on Finance.

He also presented a petition of Orient Grange, No. 60, Patrons of Husbandry, of East Corinth, Me., and the petition of Lowell & Whitten, of West Farmington, Me., praying for the repeal of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a memorial of Local Union No. 179, Cigarmakers' International Union of America, of Bangor, Me., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was referred to the Committee on Finance.

He also presented a petition of the Board of Trade of Gardiner, Me., and a petition of the Board of Trade of Auburn, Me., praying for the repeal of the duty on hides, which were referred to the Committee on Finance.

PACIFIC COAST STEAMERS.

Mr. FRYE, from the Committee on Commerce, to whom was referred the bill (S. 428) directing the Secretary of War to

establish and operate a line of steamers along the Pacific coast, and making provision therefor, asked to be discharged from its further consideration and that it be referred to the Committee on Interoceanic Canals, which was agreed to.

HEARINGS BEFORE THE COMMITTEE ON THE DISTRICT OF COLUMBIA.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 11, submitted by Mr. GALLINGER on the 25th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 11.

Resolved, That the Committee on the District of Columbia, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during the sessions or recesses of the Senate; and that the expense thereof be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON INTERSTATE COMMERCE.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 15, submitted by Mr. ELKINS on the 29th ultimo, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 15.

Resolved, That the Committee on Interstate Commerce or any subcommittee thereof be, and the same is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON MILITARY AFFAIRS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 17, submitted by Mr. WARREN on the 1st instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 17.

Resolved, That the Committee on Military Affairs, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee and to have the same printed for its use; that the committee may sit during the sessions or recesses of the Senate, and that the expense thereof be paid out of the contingent fund of the Senate.

DISPOSITION OF USELESS PAPERS IN THE EXECUTIVE DEPARTMENTS.

Mr. SIMMONS, from the Joint Select Committee on the Disposition of Useless Documents, submitted the following report (S. Rept. No. 1), which was read and agreed to:

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers, which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Postmaster-General in House Document No. 3, Sixty-first Congress, first session, dated March 15, 1909, are not needed in the transaction of the current business of such departments and bureaus, and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

F. M. SIMMONS,
J. H. GALLINGER,
Members on the part of the Senate.
ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. HEYBURN:

A bill (S. 1213) extending to the members of the Forsyth Scouts the provisions of the pension acts of June 27, 1890, and February 6, 1907 (with the accompanying papers); and

A bill (S. 1214) granting an increase of pension to Lewis W. Graham (with the accompanying paper); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 1215) to furnish bronze medals of honor to surviving soldiers who responded to President Lincoln's first call for troops; to the Committee on Military Affairs.

A bill (S. 1216) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof; to the Committee on Mines and Mining.

By Mr. DU PONT:

A bill (S. 1217) granting an increase of pension to Penton Belville; to the Committee on Pensions.

By Mr. BROWN:

A bill (S. 1218) granting a pension to Henry Fleming; and

A bill (S. 1219) granting a pension to William W. Maltman; to the Committee on Pensions.

By Mr. TAYLOR:

A bill (S. 1220) for the relief of Jacob G. Barkley; to the Committee on Claims; and

A bill (S. 1221) granting a pension to Thomas Smith; to the Committee on Pensions.

By Mr. TALIAFERRO:

A bill (S. 1222) for preventing the manufacture, sale, or transportation of adulterated, misbranded, or falsely graded naval stores, and for other purposes; to the Committee on Interstate Commerce.

By Mr. CHAMBERLAIN:

A bill (S. 1223) authorizing the President of the United States to appoint Col. James Jackson to the rank of brigadier-general on the retired list;

A bill (S. 1224) to correct the military record of William R. Owen;

A bill (S. 1225) to correct the military record of David R. B. Winniford; and

A bill (S. 1226) granting an honorable discharge to Amos Dahuff; to the Committee on Military Affairs.

A bill (S. 1227) granting a pension to I. C. Taylor;

A bill (S. 1228) granting an increase of pension to Allen Rhodes;

A bill (S. 1229) granting a pension to John S. Montgomery;

A bill (S. 1230) granting an increase of pension to William Allen King; and

A bill (S. 1231) granting an increase of pension to David D. Garrison; to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 1232) for the relief of James L. Bradford; to the Committee on Public Lands.

A bill (S. 1233) to amend the patent laws of the United States; to the Committee on Patents.

A bill (S. 1234) for the relief of the estate or the heirs of Mrs. Martha L. Wells, deceased (with the accompanying papers);

A bill (S. 1235) for the relief of the legal representatives of G. A. Le More & Co.;

A bill (S. 1236) for the relief of the estate of Marcus Walker, deceased;

A bill (S. 1237) for the relief of the estate of Amy L. Mahoudeau, deceased; and

A bill (S. 1238) for the relief of T. Alonzo Walker and Augusta C. Todd; to the Committee on Claims.

By Mr. BRADLEY:

A bill (S. 1239) granting an increase of pension to John F. Corbett;

A bill (S. 1240) granting a pension to John Clay;

A bill (S. 1241) granting an increase of pension to Frederick Journal;

A bill (S. 1242) granting an increase of pension to Mary A. Kerr;

A bill (S. 1243) granting an increase of pension to Richard M. Johnson;

A bill (S. 1244) granting an increase of pension to William A. McGinety;

A bill (S. 1245) granting an increase of pension to W. L. Southgate;

A bill (S. 1246) granting an increase of pension to James S. Searcy;

A bill (S. 1247) granting an increase of pension to Francis M. Thompson;

A bill (S. 1248) granting an increase of pension to John French; and

A bill (S. 1249) to amend "An act to amend section 4766 of the Revised Statutes of the United States;" to the Committee on Pensions.

A bill (S. 1250) for the relief of Eliza V. C. Farris, for services rendered the United States; to the Committee on Claims.

A bill (S. 1251) to establish a fish-cultural station in the State of Kentucky; to the Committee on Fisheries.

By Mr. JONES:
A bill (S. 1252) granting an increase of pension to Gates Saxton;
A bill (S. 1253) granting an increase of pension to Tilman P. Edgerton; and
A bill (S. 1254) granting an increase of pension to John J. Swett; to the Committee on Pensions.
By Mr. ROOT:
A bill (S. 1255) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities; to the Committee on Finance.
A bill (S. 1256) granting a pension to Melville A. Hays; to the Committee on Pensions.
A bill (S. 1257) for the relief of Dr. Warren E. Day; to the Committee on Claims.
By Mr. JOHNSTON of Alabama:
A bill (S. 1258) granting an increase of pension to Edward J. Schnell, alias Edward J. Snell (with accompanying papers); to the Committee on Pensions.
By Mr. NELSON:
A bill (S. 1259) for the incorporation and regulation of corporations engaged in interstate commerce; to the Committee on the Judiciary.
By Mr. GUGGENHEIM:
A bill (S. 1260) to establish a subtreasury at Denver, Colo.; to the Committee on Finance.
A bill (S. 1261) to provide for the purchase of a site and the erection of a public building thereon at Glenwood Springs, in the State of Colorado;
A bill (S. 1262) to provide for the purchase of a site and the erection of a public building thereon at Montrose, in the State of Colorado; and
A bill (S. 1263) to provide for the purchase of a site and the erection of a public building thereon at Durango, in the State of Colorado; to the Committee on Public Buildings and Grounds.
A bill (S. 1264) granting a pension to Emerson E. Paden (with accompanying paper);
A bill (S. 1265) granting a pension to John G. Schempp;
A bill (S. 1266) granting a pension to Cynthia A. Simons;
A bill (S. 1267) granting a pension to Hannah Mohr;
A bill (S. 1268) granting an increase of pension to Robert H. Fernsworth;
A bill (S. 1269) granting an increase of pension to Robert S. Faught;
A bill (S. 1270) granting an increase of pension to Eunice A. Starr;
A bill (S. 1271) granting an increase of pension to Albert N. Raymond;
A bill (S. 1272) granting an increase of pension to David W. Aldrich;
A bill (S. 1273) granting an increase of pension to Sarah J. Selby;
A bill (S. 1274) granting an increase of pension to Alfred H. Livingston;
A bill (S. 1275) granting an increase of pension to Cora G. Davison;
A bill (S. 1276) granting an increase of pension to John Burns;
A bill (S. 1277) granting an increase of pension to George W. Parks;
A bill (S. 1278) granting an increase of pension to Spencer M. Hillibert;
A bill (S. 1279) granting an increase of pension to Thomas J. Vinyard;
A bill (S. 1280) granting an increase of pension to Wilbert B. Teters;
A bill (S. 1281) granting an increase of pension to Charles Roden;
A bill (S. 1282) granting an increase of pension to Marshall K. Ames;
A bill (S. 1283) granting an increase of pension to William H. Stannah;
A bill (S. 1284) granting an increase of pension to John G. Geiling;
A bill (S. 1285) granting an increase of pension to Adelia Dittman;
A bill (S. 1286) granting an increase of pension to Theodore A. Mather;
A bill (S. 1287) granting an increase of pension to John S. Sanderson;
A bill (S. 1288) granting an increase of pension to Hubert Steimel;
A bill (S. 1289) granting an increase of pension to George W. Hamilton;
A bill (S. 1290) granting an increase of pension to Annie George;
A bill (S. 1291) granting an increase of pension to John Mather;
A bill (S. 1292) granting an increase of pension to Isaac Hollister;
A bill (S. 1293) granting an increase of pension to Francis M. McMahan;
A bill (S. 1294) granting an increase of pension to Henry Butler;
A bill (S. 1295) granting an increase of pension to Charles Hinman;
A bill (S. 1296) granting an increase of pension to Willis E. Hall (with accompanying paper);
A bill (S. 1297) granting an increase of pension to Joseph M. Rawlings (with accompanying paper);
A bill (S. 1298) granting an increase of pension to John H. Mattocks (with accompanying paper);
A bill (S. 1299) granting an increase of pension to Joseph H. Surby (with accompanying paper); and
A bill (S. 1300) granting a pension to Elizabeth A. Corliss (with accompanying paper); to the Committee on Pensions.
By Mr. STONE:
A bill (S. 1301) granting an increase of pension to Annie C. Potter;
A bill (S. 1302) granting an increase of pension to Daniel M. Shaw;
A bill (S. 1303) granting an increase of pension to Thomas Hewson;
A bill (S. 1304) granting an increase of pension to Andrew G. Wylie;
A bill (S. 1305) granting a pension to Sarah J. Ridgeway;
A bill (S. 1306) granting an increase of pension to Daniel F. Lee;
A bill (S. 1307) granting an increase of pension to Alfred N. Webb;
A bill (S. 1308) granting an increase of pension to Elias Baker;
A bill (S. 1309) granting an increase of pension to O. A. Stine;
A bill (S. 1310) granting an increase of pension to Robert A. Tracy;
A bill (S. 1311) granting an increase of pension to David Farquhar;
A bill (S. 1312) granting an increase of pension to Lucien W. Dunnington;
A bill (S. 1313) granting an increase of pension to David F. Ragsdale;
A bill (S. 1314) granting an increase of pension to Emma A. Porch;
A bill (S. 1315) granting an increase of pension to Catherine R. Rice;
A bill (S. 1316) granting a pension to Alexander J. Souden; and
A bill (S. 1317) granting a pension to America V. Vincent; to the Committee on Pensions.
A bill (S. 1318) for the relief of Arthur H. Barnes;
A bill (S. 1319) for the relief of the heirs of Frances E. Bannister;
A bill (S. 1320) for the relief of the heirs of Ann L. Robb; and
A bill (S. 1321) for the relief of Joseph L. A. Daugherty; to the Committee on Claims.
A bill (S. 1322) for the relief of John N. Neal; and
A bill (S. 1323) to correct the military record of John P. Griffith; to the Committee on Military Affairs; and
A bill (S. 1324) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians; to the Committee on Indian Affairs.
By Mr. SMITH of Maryland:
A bill (S. 1325) granting an increase of pension to Louis N. Frank;
A bill (S. 1326) granting an increase of pension to Donna M. Blatter;
A bill (S. 1327) granting an increase of pension to Naomi V. Culley;
A bill (S. 1328) granting a pension to Emil Kuhblank;
A bill (S. 1329) granting an increase of pension to Thomas S. Ball;
A bill (S. 1330) granting a pension to Mary Elizabeth Wannall;
A bill (S. 1331) granting an increase of pension to Mary E. Campbell;

A bill (S. 1332) to equalize the pension of Edward D. Bates from March, 1883, up to the time of the special act granting him $24 per month;

A bill (S. 1333) granting an increase of pension to Eli Strimel; and

A bill (S. 1334) granting an increase of pension to Rachel A. Ardeeser; to the Committee on Pensions.

A bill (S. 1335) for the relief of the widow of Joseph Culley;

A bill (S. 1336) to reimburse and indemnify the town of Frederick, in the State of Maryland;

A bill (S. 1337) for the relief of the mayor and city council of Baltimore, Md.;

A bill (S. 1338) for the relief of the estate of George Lloyd Raley;

A bill (S. 1339) for the relief of the estate of R. W. Isaac;

A bill (S. 1340) for the relief of the estate of Zachariah Claggett; and

A bill (S. 1341) for the relief of Elizabeth Shutt; to the Committee on Claims.

A bill (S. 1342) placing M. H. Plunkett, assistant engineer, United States Navy, on the retired list with an advanced rank; to the Committee on Naval Affairs.

By Mr. BRISTOW:

A bill (S. 1343) granting an increase of pension to Charles G. Craig (with the accompanying papers); and

A bill (S. 1344) granting an increase of pension to Benjamin F. Hays (with the accompanying papers); to the Committee on Pensions.

By Mr. FRYE:

A bill (S. 1345) to incorporate the American National Institute (Prix de Paris) at Paris, France; to the Committee on Foreign Relations.

A bill (S. 1346) to correct the military record of Albert S. Austin (with the accompanying paper); to the Committee on Military Affairs.

A bill (S. 1347) to construct a vessel for the customs service for use in the vicinity of Portland, Me.; and

A bill (S. 1348) to construct a tender for the use of the engineer of the first and second light-house districts; to the Committee on Commerce.

A bill (S. 1349) granting a pension to Aaron O. Houghton;

A bill (S. 1350) granting an increase of pension to George W. Stone;

A bill (S. 1351) granting an increase of pension to Francis M. Johnson;

A bill (S. 1352) granting a pension to Alfonso Penley;

A bill (S. 1353) granting an increase of pension to Rose E. Staples;

A bill (S. 1354) granting an increase of pension to Richard Dearborn;

A bill (S. 1355) granting a pension to Emma K. Frank;

A bill (S. 1356) granting an increase of pension to William D. McKenney;

A bill (S. 1357) granting an increase of pension to Thomas Storah;

A bill (S. 1358) granting a pension to Alice Rugan;

A bill (S. 1359) granting an increase of pension to Eudora McLaflin;

A bill (S. 1360) granting an increase of pension to James H. Little;

A bill (S. 1361) granting an increase of pension to Oscar F. Gammon;

A bill (S. 1362) granting an increase of pension to Esther A. Field;

A bill (S. 1363) granting an increase of pension to Hannah J. Dinsmore;

A bill (S. 1364) granting an increase of pension to Samuel W. Ingalls (with accompanying papers); and

A bill (S. 1365) granting an increase of pension to Alonzo Hill; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 1366) granting an increase of pension to John M. Johnson (with accompanying papers); and

A bill (S. 1367) granting an increase of pension to John Chatham (with the accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 1368) granting an increase of pension to Woodbury Blocksom, alias Ralph D. Wood (with accompanying papers); to the Committee on Pensions.

By Mr. CULLOM (by request):

A joint resolution (S. J. R. 15) proposing an amendment to the Constitution in relation to the term of service of the President of the United States; to the Committee on the Judiciary.

By Mr. BURTON:

A joint resolution (S. J. R. 16) authorizing the printing of reports upon preliminary examinations and surveys, etc.; to the Committee on Printing.

TAXATION OF DISPLAY SIGNS.

Mr. HEYBURN. I introduce a bill which I ask to have read at length and to be laid upon the table.

The bill (S. 1369) providing for a license tax on display signs, was read the first time by its title and the second time at length as follows:

Be it enacted, etc., That there shall be levied, collected, and paid into the Treasury of the United States an annual license fee of 2 cents per superficial square foot or fraction thereof upon each and every posted display advertisement or sign of any article of commerce, trade, or commodity entering or advertised to enter into interstate commerce, whether such advertisement or sign be painted, printed or marked upon buildings, wood, paper, cloth, or other material displayed for the purpose of advertising any article or thing mentioned or described upon said sign.

Second. That said license fee shall be paid annually on or before the 1st day of May in each and every year as in the case of other licenses collected by the United States.

Third. That in ascertaining the superficial contents of such notices or advertisements the entire surface of the thing upon which such advertisement appears shall be measured and such contents shall be the basis upon which the said license shall be collected.

The PRESIDENT pro tempore. At the request of the Senator from Idaho, the bill will lie on the table.

TAXATION OF EXCESS LAND HOLDINGS.

Mr. HEYBURN. I introduce a bill, and I ask that it be read at length and laid on the table.

The bill (S. 1370) to provide for taxation of land holdings in certain cases was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That all corporations, persons, or associations of persons owning or holding in their names lands in excess of 1,000 acres in any State or Territory of the United States shall pay an annual tax into the Treasury of the United States of 10 cents per acre upon such excess of holding over and above 1,000 acres for each corporation or persons or association of persons.

Second. That said tax shall be collected on or before the 1st day of March in each and every year as in the case of other taxes levied by the United States.

The PRESIDENT pro tempore. The bill will lie on the table, at the request of the Senator from Idaho.

TAXATION OF LANDS IN INTERSTATE COMMERCE.

Mr. HEYBURN. I introduce a bill and ask that it be read at length and laid on the table.

The bill (S. 1371) to provide for taxation of land holdings in connection with interstate commerce was read the first time by its title and the second time at length, as follows:

Be it enacted, etc., That every corporation, person, or association of persons owning, holding, or claiming to own or hold lands in any State or Territory of the United States, granted, purchased, or held in connection with the conduct of any interstate commerce business, or from which lands any article of commerce or trade entering into interstate commerce is taken or produced, shall pay an annual tax of 10 cents per acre upon said land on or before the 1st day of May in each and every year.

SEC. 2. That said tax shall be collected as in the case of other taxes levied by the United States.

The PRESIDENT pro tempore. The bill will lie on the table.

AMENDMENT TO THE CENSUS BILL.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, which was referred to the Committee on Appropriations and ordered to be printed.

FOREIGN PRODUCTS IN DOMESTIC MARKETS.

Mr. DANIEL. I submit a resolution of inquiry and ask for its present consideration.

The resolution (S. Res. 20) was read, as follows:

Senate resolution 20.

Resolved, That the Secretary of State is directed to inform the Senate, as far as he may, what foreign products are sold in the United States lower than in foreign countries, and what information has been derived under the resolution of the Senate directing the Secretary of State "to procure, through our consular and other representatives abroad, all available information relating to the practice of foreign governments selling manufactured goods in this country at a price lower than the domestic price, the information to be communicated to the Senate at the earliest possible day."

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. HALE. Let it be read again.

Mr. ALDRICH. It is all right.

Mr. HALE. I withdraw the request.

The resolution was considered by unanimous consent and agreed to.

DOMESTIC PRODUCTS IN FOREIGN MARKETS.

Mr. DANIEL submitted the following resolution (S. Res. 21), which was considered by unanimous consent and agreed to:

Senate resolution 21.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to inform the Senate what has been accomplished with reference to the statement requested by resolution sent to that department, and to give the Senate such information as he can with respect to manufactured products which are sold in foreign markets at lower rates than in America.

ASSISTANT CLERK TO COMMITTEE ON INDUSTRIAL EXPOSITIONS.

Mr. JONES submitted the following resolution (S. Res. 23), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 23.

Resolved, That the Committee on Industrial Expositions be, and is hereby, authorized to employ an assistant clerk, to be paid from the contingent fund of the Senate at the rate of $1,440 per annum.

HEARINGS BEFORE THE COMMITTEE ON THE CENSUS.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 22), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 22.

Resolved, That the Committee on the Census or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

THE CENSUS BILL.

Mr. LA FOLLETTE. I desire to state for the information of Senators that it is the expectation of the committee that the census bill can be reported out by Thursday morning. If so, I shall then ask the Senate to give it consideration on Friday and from day to day thereafter until it is disposed of.

ASSISTANT CLERK TO COMMITTEE ON CANADIAN RELATIONS.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 24), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 24.

Resolved, That the Committee on Canadian Relations be, and is hereby, authorized to employ an assistant clerk at a salary of $1,440 per annum, to be paid out of the contingent fund of the Senate.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 38. Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909, was read twice by its title and referred to the Committee on Printing.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After eighteen minutes spent in executive session the doors were reopened, and (at 1 o'clock p. m.) the Senate adjourned until Thursday, April 8, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 5, 1909.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. George W. Goode, First Cavalry, to be major from April 3, 1909, vice Stevens, Fifth Cavalry, retired from active service.

First Lieut. Douglas McCaskey, Fourth Cavalry, to be captain from April 3, 1909, vice Goode, First Cavalry, promoted.

INFANTRY ARM.

First Lieut. Wait C. Johnson, Twenty-sixth Infantry, to be captain from March 9, 1909, vice Hathaway, unassigned, retired from active service.

First Lieut. J. Millard Little, Thirtieth Infantry, to be captain from March 10, 1909, vice Ronayne, Twenty-eighth Infantry, retired from active service.

First Lieut. John L. Bond, Nineteenth Infantry, to be captain from March 23, 1909, vice Swaine, First Infantry, retired from active service.

First Lieut. Josephus S. Cecil, Nineteenth Infantry, to be captain from March 23, 1909, vice Gordon, Eighteenth Infantry, promoted.

First Lieut. Edward R. Stone, Thirtieth Infantry, to be captain from March 25, 1909, vice Lasseigne, Fourteenth Infantry, promoted.

Second Lieut. Horatio K. Bradford, Seventeenth Infantry, to be first lieutenant from March 9, 1909, vice Johnson, Twenty-sixth Infantry, promoted.

Second Lieut. Charles H. Mason, Eighth Infantry, to be first lieutenant from March 10, 1909, vice Little, Thirtieth Infantry, promoted.

Second Lieut. Nicholas W. Campanole, First Infantry, to be first lieutenant from March 15, 1909, subject to examination required by law, vice Ware, Twenty-first Infantry, detailed in the Signal Corps.

Second Lieut. John G. Macomb, Fourteenth Infantry, to be first lieutenant from March 23, 1909, vice Bond, Nineteenth Infantry, promoted.

Second Lieut. L. Worthington Moseley, Second Infantry, to be first lieutenant from March 23, 1909, vice Cecil, Nineteenth Infantry, promoted.

POSTMASTERS.

GEORGIA.

James F. Dever to be postmaster at Rockmart, Ga., in place of James F. Dever. Incumbent's commission expired February 3, 1909.

KANSAS.

J. M. Gibbs to be postmaster at Oskaloosa, Kans., in place of Frank H. Roberts, resigned.

E. T. Metcalf to be postmaster at Colony, Kans. Office became presidential January 1, 1909.

LOUISIANA.

Edson E. Burnham to be postmaster at Amite, La., in place of Edson E. Burnham. Incumbent's commission expired January 10, 1909.

MINNESOTA.

James A. Gillespie to be postmaster at Carlton, Minn., in place of William Gallagher, resigned.

NEW JERSEY.

Frank Hill to be postmaster at Dumont, N. J. Office became presidential April 1, 1909.

NEW YORK.

James A. Johnston to be postmaster at Marlboro, N. Y., in place of James A. Johnston. Incumbent's commission expired April 19, 1908.

NORTH CAROLINA.

Albert Richardson Kirk to be postmaster at Albemarle, N. C., in place of Ella M. Sanders. Incumbent's commission expired January 14, 1907.

OREGON.

Lee Rowell to be postmaster at Sheridan, Oreg. Office became presidential April 1, 1908.

PENNSYLVANIA.

Martin B. Allen to be postmaster at Honesdale, Pa., in place of Martin B. Allen. Incumbent's commission expired April 19, 1908.

Sallie P. Gillingham to be postmaster at Langhorne, Pa., in place of Sallie P. Gillingham. Incumbent's commission expired January 14, 1909.

John P. Thomas to be postmaster at Taylor, Pa., in place of John W. Reese. Incumbent's commission expired April 27, 1908.

TEXAS.

William L. Yanger to be postmaster at Iowa Park, Tex. Office became presidential April 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 5, 1909.

CONSUL-GENERAL.

James T. Du Bois to be consul-general at Singapore, Straits Settlements.

MINISTER.

George H. Moses to be envoy extraordinary and minister plenipotentiary to Greece and Montenegro.

ASSISTANT SECRETARY OF THE TREASURY.

Charles Dyer Norton to be Assistant Secretary of the Treasury.

ASSISTANT ATTORNEY-GENERAL.

Oscar Lawler, to be Assistant Attorney-General of the United States.

REGISTER OF THE LAND OFFICE.

John W. Miller to be register of the land office at Wausau, Wis.

PROMOTIONS IN THE ARMY.

PAY DEPARTMENT.

Lieut. Col. Harry L. Rogers, deputy paymaster-general, to be assistant paymaster-general with the rank of colonel.

Maj. George F. Downey, paymaster, to be deputy paymaster-general with rank of lieutenant-colonel.

TO PLACE ON RETIRED LIST.

Each of the retired officers herein named to be placed on the retired list of the army, with the rank of one grade above that actually held by him at the time of retirement:

With the rank of licutenant-colonel.

Maj. Ferdinand E. De Courcy,
Maj. Henry F. Brewerton,
Maj. Lafayette E. Campbell,
Maj. William M. Waterbury,
Maj. John R. Brinckle,
Maj. Edward G. Mathey,
Maj. James N. Morgan,
Maj. Edmund K. Russell,
Maj. Henry M. Kendall,
Maj. Thomas Sharp,
Maj. Washington I. Sanborn,
Maj. Henry P. Ritzius,
Maj. James M. Burns, and
Maj. William H. Kell.

With the rank of major.

Capt. John A. Payne,
Capt. George K. Spencer,
Capt. William W. Tyler,
Capt. Dillard H. Clark,
Capt. William O. Cory,
Capt. Christopher W. Harrold,
Capt. Lewis Merriam,
Capt. William M. Williams,
Capt. John H. Gifford, and
Capt. Edward I. Grumley.

COAST ARTILLERY CORPS.

Lieut. Col. Clarence Deems to be colonel.
Maj. Charles H. Hunter to be lieutenant-colonel.
Maj. Stephen M. Foote to be lieutenant-colonel.
Capt. George Blakely to be major.
Capt. Frank W. Coe to be major.
First Lieut. Francis W. Clark to be captain.
First Lieut. George A. Wieczorek to be captain.
First Lieut. Edward Canfield, jr., to be captain.
Second Lieut. Edward N. Woodbury to be first lieutenant.
Second Lieut. Ray L. Avery, to be first lieutenant.
Second Lieut. Edward A. Stockton, jr., to be first lieutenant.

CAVALRY ARM.

Lieut. Col. Levi P. Hunt to be colonel.
Maj. Edwin P. Andrus to be lieutenant-colonel.
Capt. Daniel L. Tate to be major.
First Lieut. William H. Winters to be captain.
Second Lieut. George E. Price to be first lieutenant.
Second Lieut. Isaac S. Martin to be first lieutenant.
Second Lieut. Raymond S. Bamberger to be first lieutenant.
Second Lieut. George A. Somerville to be first lieutenant.

INFANTRY ARM.

Capt. Walter H. Gordon to be major.
First Lieut. George I. Feeter to be captain.
Second Lieut. John McE. Pruyn to be first lieutenant.
Second Lieut. Henry W. Fleet to be first lieutenant.
Second Lieut. Francis H. Burr to be first lieutenant.
Second Lieut. John C. Ashburn to be first lieutenant.
Second Lieut. Robert T. Phinney to be first lieutenant
Second Lieut. Hugh M. Kelly to be first lieutenant.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

John Anson Burket,
Charles Carroll Demmer,
Owen Chester Fisk,
George Burgess Foster, jr.,
James Shelton Fox,
James Charles Haley,
Howard Hume,
Thomas Holland Johnson,
Glenn Irving Jones,
Charles Tomlinson King,
Condon Carlton McCornack, and
Edward Leroy Napier.

PROMOTIONS IN THE NAVY.

Ensign Bradford Barnette to be a lieutenant (junior grade).

Lieut. (Junior Grade) Bradford Barnette to be a lieutenant.

Assistant Paymaster Edward R. Wilson to be a passed assistant paymaster.

Second Lieut. Clayton B. Vogel to be a first lieutenant in the Marine Corps.

Boatswain Edwin Murphy to be a chief boatswain.

POSTMASTERS.

ILLINOIS.

Willard C. Magner, at Morris, Ill.

KANSAS.

Charles Friskel, at Frontenac, Kans.

MASSACHUSETTS.

Benjamin W. Brown, at Northbridge, Mass.

MICHIGAN.

Thomas A. Dailey, at Adrian, Mich.
Cash B. Herman, at Carleton, Mich.
Robert E. Newville, at Boyne, Mich.
M. Byron Pierce, at Farmington, Mich.

MINNESOTA.

Lewis O. Norheim, at Montevideo, Minn.
Harry E. Woodis, at Amboy, Minn.

NEW HAMPSHIRE.

Frank I. Morrill, at Contoocook, N. H.

NEW JERSEY.

Palmer H. Charlock, at Elizabeth, N. J.

OHIO.

Charles H. Ellis, at Yellow Springs, Ohio.
Emley B. Gatch, at Milford, Ohio.
Seymour S. Tibbals, at Franklin, Ohio.

PENNSYLVANIA.

Thomas F. Bourke, at Rossiter, Pa.
James Edward Butler, at Ellwood City, Pa.
David I. Stadden, at Glen Campbell, Pa.
James R. Underwood, at Roscoe, Pa.

VIRGINIA.

Robert Irby, at Appomattox, Va.

WISCONSIN.

Thomas H. Wylie, at Owen, Wis.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 5, 1909.

William G. Wheeler to be United States attorney for the western district of Wisconsin, his resignation having been tendered.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed by the Senate on April 5, 1909, from an extradition treaty between the United States and the French Republic, signed at Paris on January 6, 1909.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 5, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Saturday, April 3, 1909, was read and approved.

DISTRIBUTION OF DOCUMENTS.

Mr. MANN. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution 38, repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 38.

Resolved, etc., That the joint resolution entitled "Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications," approved March 2, 1909, be, and the same is hereby, repealed.

The SPEAKER. Is there objection?

Mr. PERKINS. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. MANN. Mr. Speaker, I move to suspend the rules and pass the resolution.

The SPEAKER. The gentleman from Illinois moves to suspend the rules and pass the joint resolution. Is a second demanded?

Mr. PERKINS. Mr. Speaker, I demand a second.

Mr. MANN. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Illinois asks unanimous consent that a second may be considered as ordered. Is there objection? [After a pause.] The Chair hears none. The gentleman from Illinois is entitled to twenty minutes and the gentleman from New York to twenty minutes.

Mr. MANN. Mr. Speaker, at the last session of Congress a joint resolution was passed providing that the documents which were appropriated for or ordered by the last Congress be distributed by Members of the last Congress, thereby shutting out the new Members of this Congress from the distribution of any public documents except those which may be ordered by this Congress until the 1st of next December. The excuse given for that was that it was ordinarily the habit for Congress not to meet until December, and therefore the Members of the Sixtieth Congress ought to have the distribution of documents until the 1st of December. There are, I believe, between 70 and 80 new Members of this House. They have been sworn in; they are here in Washington serving their districts as Members of the House.

When they are asked by their constituents for public documents which are being issued, they are compelled to say that although they are Members of Congress the documents belong to their predecessors who are ex-Members of Congress; and while the resolution was passed in the last House during the time the old Members of Congress were here, it seems to me very appropriate that this House with its new membership shall have the right to vote upon the question as to who shall have the distribution of the documents intended for the various Congressional districts during the time that the new Members are the Members of Congress and the old Members are ex-Members of Congress.

Mr. KEIFER. Mr. Speaker, will the gentleman yield?

Mr. MANN. Certainly.

Mr. KEIFER. Mr. Speaker, I desire simply to ask whether the gentleman has before him the resolution that it is proposed to repeal by this resolution, and if he has I would be glad to have it read so that we may understand just what we are repealing.

Mr. MANN. Mr. Speaker, the resolution which was passed to repeal reads as follows:

House joint resolution 263.

Joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications.

Resolved, etc., That all documents and books ordered to be published by the Sixtieth Congress which are actually printed prior to the first Monday in December next, to which Members of that Congress not Members of the Sixty-first Congress would have been entitled if published prior to the 4th day of March, shall be allotted such Members, and the term allowed to distribute the same shall be extended to the first Monday of December next.

Approved, March 2, 1909.

Now, by construction of the folding room, it is held that this means not only documents which were ordered printed by the Sixtieth Congress, but documents for which the Sixtieth Congress made the appropriations. Perhaps the easiest document to refer to would be the Agricultural Yearbook, to which each district becomes entitled to in the neighborhood of 1,000 copies. Under the joint resolution, which is now the law, these Yearbooks, which come out in June or July usually, would all go to the credit of the ex-Members of Congress in place of to the credit of the new Members of Congress, and the new Members of Congress being asked in their districts for the Yearbook will be compelled to say that although they are the Members of Congress the distribution of those documents—part of the duty of Members of Congress—is made by a man no longer a Member of Congress.

Mr. Speaker, I reserve the balance of my time. [Applause.]

Mr. PERKINS. Mr. Speaker, I desire to present very briefly the question that is now before the House. I ask the attention of the House that the decision may be made which seems to be fair and just with reference to our own membership. I have no possible personal interest in this question, nor has the Committee on Printing, but in the Sixtieth Congress the question was presented in reference to the distribution of certain documents. The law is that an outgoing Member has the distribution of documents until the convening of the first session of the following Congress.

Under this, as we all know, the new session meets in the December a year following a new Member's election. The result is that the outgoing Member has the distribution of the documents that are published until the meeting of the next session in December following his election. The present Congress meets, instead of December, in the middle of March, and under the wording of the general law, instead of the outgoing Member having the distribution until December, his distribution is cut off in the middle of March. To meet that, so that outgoing Members of the Sixtieth Congress might have exactly the same treatment that has been allotted to the Members of other outgoing Congresses where there is no extra session—that they might have exactly the same treatment that will be accorded to any Member of the Sixty-first Congress who is not reelected—it was provided that in reference to documents ordered by the Sixtieth Congress and not yet published, those should be distributed to the outgoing Members down to December. An extra session has been called. Let me call the attention of the House to the fact that documents ordered by this Congress go to the new Members, documents in relation to the tariff, tariff reports, and so forth—every one of those go to the new Members.

They are here in attendance now, and everything authorized by this Congress, everything that pertains to the tariff and the work we are doing, is given to us for distribution; but in reference to those documents which were ordered by the Sixtieth Congress and which might not have been printed by reason of the inability of the printing department to keep up with the requirements as fast as ordered, and are not yet ready for distribution, those go to the old Members. Now, gentlemen, as I say, I have no interest in this thing; but it did seem to the Committee on Printing, it seemed to the Members of the Sixtieth Congress, that we should deal with the outgoing Members of the Sixtieth Congress as Members of all other Congresses have been dealt with. What is the law? A man is elected in November. His office begins in March. He does not get the distribution of documents until December following the beginning of his term, and then he has the distribution for two years; if he is not reelected and goes out in March he has the distribution until the following December. The only exception to that would be the Members of the Sixtieth Congress whose distribution began in December, 1907. Unless we allow the law to remain as we passed it in the last Congress their distribution stops absolutely on the 15th day of March, 1909.

A Member of the Sixtieth Congress not reelected has the distribution of documents for fifteen months and no more. A Member of the Sixty-first Congress begins his distribution in March and he has it for the two years for which he is elected. If he is not reelected he still has it until the following December, because there will not be another extra session to pass another tariff bill two years from now; so a Member of the Sixtieth Congress not reelected has the distribution for fifteen months and a Member of the Sixty-first Congress not reelected will have the distribution for thirty-three months. Do gentlemen think it is fair for a Member of the Sixtieth Congress not reelected to have a distribution for fifteen months and that a Member of the Sixty-first Congress not reelected should have a distribution for thirty-three months?

Mr. DOUGLAS. Will the gentleman yield?

Mr. PERKINS. Oh, surely.

Mr. DOUGLAS. Does not the gentleman think the exceptional circumstances of this year—as this is an extra session and the present Members of the Sixty-first Congress will be in Washington during the whole of this spring—that this excep-

tional condition calls for an exception in favor of the Members of this Congress?

Mr. PERKINS. No; because the Members of the Sixty-first Congress have everything that belongs to them. We have everything that is printed as a result of the extra session.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. PERKINS. Surely.

Mr. HULL of Iowa. These documents are primarily for the benefit of the people of the different districts. Will not an active Member be more active in making a general distribution than a man that is entirely out and engrossed in his private business?

Mr. PERKINS. I will say, in answer to the gentleman from Iowa, that I should be very glad if Congress at some past time had seen fit to change the general law so that every man's distribution should begin the day he came in, session or no session, and should close the day he went out, session or no session. That would have been a better law, but it has not been the law for years untold. Instead of that being the law the distribution has ceased——

Mr. SHERLEY. Will the gentleman yield?

Mr. PERKINS. Surely.

Mr. SHERLEY. How are we going to make this a better law unless we do it sometime?

Mr. PERKINS. I think it perfectly proper that the Members of the Sixty-first Congress make their requisitions and begin their distribution of the works of this Congress now. I think it would be perfectly proper to have a law providing that at the end of the Sixty-first Congress distribution should be made——

Mr. SHERLEY. Is not the gentleman begging the question if he admits that the position taken by the gentleman from Iowa is right?

Mr. PERKINS. No; not at all; because the Members of the Fifty-sixth, Fifty-seventh, Fifty-eighth, and Fifty-ninth Congresses have all had two years' distribution.

Mr. SHERLEY. Oh, but the gentleman keeps assuming that the distribution is a perquisite of the Congressman, whereas it is supposed to be for the benefit of his district. Now, if the position of the gentleman from Iowa [Mr. HULL] is right, the sooner we put it in the hands of that person most likely to make the distribution in the district the better.

Mr. PERKINS. If it had been regarded that way by Congress, it would not have been on the statute books for untold years that the distribution should not begin until the beginning of the following session.

Mr. SHERLEY. There can not be such a thing as a vested wrong; and if it is wrong, the sooner we change it the better.

Mr. PERKINS. If it is a vested wrong, certainly not. But it does not seem to be a vested right that a man of the Sixtieth Congress should be turned out with only a fifteen months' distribution—with only a fifteen months' control over books. The gentleman from Kentucky knows perfectly well that when it comes to such a document as the Yearbook, they were promised long in advance; he knows perfectly well that every Member of this House has upon the books in which he keeps his records a list of applications which exhaust every publication which he has as soon as it is placed to his credit.

Mr. SHERLEY. The "gentleman from Kentucky" certainly does not know it, but it may be true as to the gentleman from New York.

Mr. SULZER rose.

The SPEAKER. Does the gentleman from New York [Mr. PERKINS] yield to his colleague [Mr. SULZER]?

Mr. PERKINS. I do.

Mr. SULZER. Mr. Speaker, I would like to have the gentleman from New York explain to the House as briefly as he can just the difference between himself and the gentleman from Illinois [Mr. MANN] regarding the distribution of public documents.

Mr. PERKINS. The difference is exactly this: The law has been, or the operation of the law has been, because Congress does not meet until December, though the term begins in March, that a Member coming into Congress has had books placed to his credit in December and distributes them from the December that he came in until the December following the closing of his term. On account of the special session meeting in March, we thought it was just that there should be the same distribution ordered in reference to Members of the Sixtieth Congress that had been followed for years in reference to Members of prior Congresses, and therefore we provided that the holding of the special session should not change that law, but that the Members of the Sixtieth Congress not reelected should have a distribution of documents ordered by the Sixtieth Congress, as they would have had if this extra session had not been called, the Members of the new Congress having, of course, the publications ordered as the result of the extra session. Now, the gentleman from Illinois [Mr. MANN] moves to repeal that provision, and the result would be that the outgoing Members of the Sixtieth Congress will lose the distribution of publications which they ordered, but which are not yet printed.

Mr. JAMES. Will the gentleman permit an interruption?

Mr. PERKINS. Surely.

Mr. JAMES. Is it not true that Congress originally provided that this distribution should commence from the "opening of Congress," for the reason that when a Member is elected the demand becomes greater upon the Member-elect, especially when Congress is in session, than upon the outgoing Member?

Mr. PERKINS. I hardly think that. The gentleman knows that the minute he is elected people regard him as having begun his office, and in his district they know he is coming here as a Member of Congress.

Mr. JAMES. Is it not a fact that anything that is desired to be brought to the attention of the Member of Congress by a constituent is directed to the person elected to Congress after Congress assembles, and not to the retired Member?

Mr. PERKINS. The constituent generally knows who has been elected in his own district in the previous November, and sends his request to him.

Mr. JAMES. Now, supposing a letter is addressed to the "Member of Congress from the First District of Kentucky," with a request contained in it from some one in his district; that letter is given to you and you are required to fill it with such books as requested; does the gentleman not think that we are expected, as we are here, to secure them, and it is not expected of the man who is not here? [Applause.]

Mr. PERKINS. I will say that I do not believe there is anybody in the gentleman's district would address a letter to him as the Member from the First District, but would address it to him as "Ollie M. James."

Mr. MARTIN of Colorado. I would like the gentleman to point out the line of demarcation in reference to this proposition: My predecessor has returned to his home and profession in private life. I am here and I am being deluged with requests that I ought to be able to fill, and he can not.

Mr. PERKINS. I reserve the balance of my time. How much time have I occupied?

The SPEAKER. Fourteen minutes.

Mr. PERKINS. I reserve my time.

Mr. MANN. I yield two minutes to the gentlemen from Colorado [Mr. MARTIN].

Mr. MARTIN of Colorado. Mr. Speaker, I only want a moment on this resolution. I simply want to state the position that confronts the new Members. I live in a very remote district. My predecessor has returned to his home and his profession. I am here in Washington and Congress is in session. As the fact is known to my constituents, I am daily being deluged with a number of requests for seeds and maps and documents and the various kinds of government publications. I want to ask the gentleman who is opposing this resolution how these requests are to be satisfied? I want to say to him that it is decidedly embarrassing for me to have to write to those people and inform them that those publications have been allotted to a man who is no longer in office, and that I, who am here, for that reason am unable to supply those requests. Now, I want to say to you, gentlemen, that I believe that I can speak for all new Members, that we do not want these publications for the purpose of gratuitously flooding our districts with them, but that we do want them for the purpose of complying with the demands and the requests that we are daily receiving from our constituents, to whom these publications belong, and not to our predecessors in office. [Applause.] Therefore, gentlemen, I trust that you will see the predicament in which 70 or 80 new Members have been placed; that you will consider that these publications are the property and perquisites of our constituents, and not of ourselves or our predecessors, and that you will pass the resolution offered by the gentleman from Illinois. [Renewed applause.]

Mr. MANN. I yield two minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Speaker, I think the gentleman from Colorado has hardly stated the case for the new Members as strongly as it deserves. The new Members here are intensely interested in this resolution. The requests they are receiving for papers and documents are so many that their position is very embarrassing under the present conditions, so much so that they would not be justified in voting against this resolution. The President of the United States loses all of his prerogatives the moment he steps down from his office. The moment a judge steps out of his office he loses control over

the business of his court; and everywhere as soon as a man leaves an office he ceases to perform the functions of that office. Now, why should a gentleman who has been a Member of Congress continue after his term expires to exercise the privileges of that office, unless it be to inflict humiliation upon the man who comes to take his place? I believe the present condition does us new Members great injustice, and I hope the resolution of the gentleman from Illinois will prevail. [Applause.]

Mr. MANN. I yield one minute to the gentleman from Tennessee [Mr. AUSTIN].

Mr. AUSTIN. Mr. Speaker, I am a new Member on the floor of this House, and have been forced to the necessity of actually buying public documents in order to supply the needs of my constituents. Now, I either want this resolution passed or my pay increased in order to meet this extraordinary expense. [Laughter.] The salaries of the retiring Members of the Sixtieth Congress ceased on the 4th of March, their allowance for clerk hire ceased on the 4th of March, their distribution of garden seed ceased on the 4th of March, and there is no good, sound reason why their supply of public documents should not cease on the 4th of March.

Now, I know of one case where a retiring Member of Congress, who for some reason did not feel friendly to his successor, actually gave the documents away to some other Member of Congress not representing his district. The documents are the property of the people of the various districts, and not the property of the retiring Members. In my own case, my predecessor was kind enough simply to leave the walls of the office in which I transact my official duties. [Laughter.]

Mr. MANN. I hope the gentleman from New York will use part of his time.

The SPEAKER pro tempore (Mr. MALBY). The gentleman from New York [Mr. PERKINS] has six minutes remaining.

Mr. PERKINS. How much time has the gentleman from Illinois still left?

The SPEAKER pro tempore. Ten minutes time.

Mr. PERKINS. I will ask the gentleman if he is going to yield to any other speakers?

Mr. MANN. If the gentleman is only going to make one more speech, I will take a minute or two myself to conclude, without yielding any more time.

Mr. PERKINS. Then, Mr. Speaker, I only wish to say a word or two. In this matter I represent those who are not here. Let us in this matter be fair. Three-quarters of us have no personal interest in it, but a rule is being applied to others which all of us have been subjected to. When I was first elected, as was the case with every Member of this House, the people in my district knew perfectly well who was the Member of Congress, and I received a certain number of applications, as you now receive a certain number of applications which perhaps you are unable to fill.

When I was elected, as was the case with everyone here, our terms began in March, but not until December did our distribution of documents begin. We have all gone through with that experience. I found no great difficulty with it. My constituents were perfectly reasonable. I either got documents from my predecessor, if he was willing to turn them over, or if he had turned them over to some one else I wrote back to my constituents and said, "Write me after December, when the distribution begins," and in that way I had no great difficulty. As a reward for that, when I go out of Congress I shall have the distribution under the general rule until the December after my term expires. I have no interest in this matter, but it does seem to me unfair that the Members of the Sixtieth Congress shall be the only Congressmen in years past or years to come who, instead of having their full two years' distribution, shall have it only for fifteen months.

Mr. MANN. Mr. Speaker, just one word. I came into Congress twelve years ago at the extra session which passed the Dingley tariff law, and I desire by the resolution that I now ask the House to vote upon to apply the same rule to new Members now which was applied when the last tariff law was passed at a special session. The new Members then received the public documents, and the old Members of the Fifty-fourth Congress did not have the gall to ask that they be allowed to rob the new Members. [Applause.] The gentleman from New York [Mr. PERKINS] says we should be fair. I believe in fairness. When the joint resolution was passed by the last Congress it was not an exhibition of fairness or justice, it was merely an exhibition of power. Now we have the opportunity to do away with the mere exhibition of power, and to deal fairness and justice to the new Members of Congress and to their districts. [Applause.] The people of their districts are entitled to receive their public documents from the men whom they have elected as their Members of Congress, and not from mere private citizens. [Applause.] I ask for a vote.

Mr. HOBSON. Before the gentleman takes his seat will he yield for a question as to the effect of this provision?

Mr. MANN. I yield to the gentleman for a question.

Mr. HOBSON. Reference has been made to the possible advantages of a change of procedure in this matter. I merely wish to ask the gentleman if the adoption of this resolution would accomplish that effect, and whether, after the 4th of March, 1911, when this Congress expires, the issuance of publications would cease for those who are now Members of Congress?

Mr. MANN. The resolution now under consideration and the resolution sought to be repealed only apply to the year 1909. They have no application after that. I ask for a vote.

The SPEAKER pro tempore. The question is on the suspension of the rules and the passage of the joint resolution.

The question was taken; and on a division (demanded by Mr. PERKINS), there were—ayes 190, noes 18.

Accordingly (two-thirds voting in affirmative) the rules were suspended and the joint resolution passed.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of House bill 1438, the tariff bill.

Mr. CLARK of Missouri. Mr. Speaker, I wish to make a parliamentary inquiry, and if the Chair can not answer it, it may be that the Chairman of the Ways and Means Committee can. I want to ask if it is not advisable to quit this general debate and at once take up the bill under the five-minute rule, discuss it from the first section to the last section for amendment, and report it back and pass it? [Applause on the Democratic side.]

The SPEAKER pro tempore (Mr. MALBY). The gentleman from Missouri does not state a parliamentary inquiry, in the opinion of the Chair.

Mr. CLARK of Missouri. Well, I want to make one remark, and that is, we are ready for that performance right now. [Laughter.] [Cries of "The regular order!" on the Republican side.]

You can yell "Regular order" as much as you please, but you can not take that out of the RECORD except by a record vote. [Applause on the Democratic side.]

The motion of Mr. PAYNE was then agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

Mr. BARTLETT of Georgia. Mr. Chairman, I do not intend to detain the House or to lengthen out this debate, which has dragged its length along for these last two weeks. I had intended on last Monday to say something to the House on the position I occupy on this bill, but I was prevented from doing so by very serious illness. Nor can I expect, nor do I now intend, to occupy, even if I were physically able, the time that it would take me to discuss the propositions in this bill as I had intended.

I merely rise, Mr. Chairman, for the purpose of briefly discussing some of the features of this bill, and will amplify my views in the RECORD. I am one of those Representatives, Mr. Chairman, coming from that section of the country, the South, whose development in recent years has amazed and startled our own country and the world. Our increase in wealth, manufactures, in the products of the farm, the mine, and the factory, and everything that makes a people great and prosperous, is amazing, not because of any favorable or special privileges that the Government of the United States have given us at the expense of other citizens of the United States, but in spite of all vicious legislation at the hands of the Republican party. [Applause on the Democratic side.]

I am not here to demand for my people, in this bill or any other bill, a change of the tariff law, or any special privileges for any product or manufacture of my section. We are ready to bear the burdens of taxation, and we do not want to reap any benefit that may result from the Government extending unequal taxation to any citizen of the United States. [Applause on the Democratic side.]

We are for a tariff for revenue when the Government is economically administered, but not a dollar for protection. [Applause on the Democratic side.]

The great cotton industry of the South, which pours into the laps of the people of the United States a golden stream of wealth, which during the prosperity from 1898 to 1907 made the balance in our favor of exports over imports, is the great-

est wealth-producing crop of the United States and of the world. The producers of this wealth-bearing crop, which brought in nearly $450,000,000 per annum of foreign gold to our people for the past eight years, do not ask, do not demand, protection of their raw product or the finished manufactures—do not demand any protection or special privileges at the hands of the Government for that great staple. [Applause on the Democratic side.] Nor do we believe it is the duty of the Government to lay the hard and partial hand of taxation on the necessities of the people in order to give us an advantage over others upon the products we produce and the things we manufacture. [Applause on the Democratic side.]

Mr. Chairman, it can not be expected that anyone in any reasonable time can discuss the party principles and party differences involved in the question of the tariff, with the various theories that are held relative thereto and the schedules which this bill contains. From the beginning of our Government it has been the policy followed by all political parties to raise a part of the revenue for the Government by the levy of duties upon imports. This must be done in order to obtain revenue for the Government, or other plans of taxation must be resorted to and other sources of revenue sought.

So long as our Federal Constitution limits the method and manner of taxation by the General Government, resort should be had for revenue to a tariff on imports. Otherwise, we must resort to direct taxation and apportion it amongst the States, according to population. I do not believe that the American people, and especially those who are engaged in agricultural pursuits and who own the land and real estate, will ever agree to such a change in our fiscal policy. Therefore nearly all are agreed that we must have a tariff law. It is as to the application of the principle of taxing imports by tariff duties to the various articles imported that the differences exist.

THE POWER OF TAXATION.

Nothing is more important than the question of taxation, and in this age and generation very few people can be found, even amongst the extreme protectionists, who will now deny that the tariff is a tax and that it must be paid by the American consumer. This power to tax is the strongest and most pervading of all the powers of government, reaching, as it does, directly or indirectly, all classes of people. As was stated by Chief Justice Marshall in the case of McCullough *v.* Maryland:

> The power to tax is the power to destroy.

No better illustration can be given of the truth of this proposition than the existing 10 per cent tax imposed on the circulation of all other banks than the national banks, because it drove out of existence every state bank of circulation within a year after its passage. This power to tax, and therefore this power to destroy, can be as easily employed against one class of individuals and in favor of another, so as to ruin one class and give unlimited wealth and prosperity to another, if there is no limitation on the use of the power which may be exercised.

To quote the language of Judge Miller, in the case of the Loan Association *v.* Topeka (20 Wallace, 657):

> To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprise and build up private fortunes is none the less robbery because it is done under the form of law and is called "taxation." This is not legislation, but it is a decree under legislative forms.

The word "taxes" has been defined as the rate or sum of money assessed on the person or property of the citizen by government for the use of the Nation or State, or as burdens or charges imposed by the legislature upon persons or property to raise money for public purposes.

To quote Judge Miller further:

> If it be said that a local benefit results to the local public of a town by establishing manufactories, the same may be said of any other business or pursuit which employs capital or labor. The merchant, the mechanic, the innkeeper, the banker, the builder, the steamboat owner are equally promoters of the public good and equally deserving of the aid of the citizens by forced contributions. No line can be drawn in favor of the manufacturer which would not open the coffers of the public treasury to the importunities of two-thirds of the business men of the city or town.

In this opinion Justice Miller quotes with approval certain cases from the State of Maine, to be found in the Fifty-eighth Maine Reports, page 590, and amongst other things as follows:

> Taxes are the enforced proportional contribution of each citizen out of his estate, levied by authority of the state for the support of the government and for all public needs. They are the property of the citizen, taken from the citizen by the government, and they are to be disposed of by it.
>
> There is nothing of a public nature any more entitling the manufacturer to public gifts than the sailor, the farmer, or the lumberman. Our Government is based upon equality of rights. All honest employments are honorable. The state can not rightfully discriminate among occupations, for discrimination in favor of one branch or one industry is discrimination adverse to all other branches. The state is equally to protect all, giving no undue advantage or special and exclusive preference to any.
>
> No public exigency can require private spoliation for the private benefit of favored individuals. If the citizen is protected in his property by the Constitution against the public, much more is he against private rapacity.

Instances might be multiplied by quoting like declarations by the courts dealing with the question of the right to tax the people for the benefit of any special interest. The right of commerce and trade we do not get from the Constitution, nor did our ancestors get it from kings; it is an inherent right of the Anglo-Saxon and of the American citizen. All restrictions upon it and all burdens placed upon the right to trade and commerce, other than to raise revenue for the Government, are contrary to the theory of a free republic. One of the chief grievances of the American colonies against George the Third, set forth in the Declaration of Independence, was "for cutting off our trade with all parts of the world."

NEW ENGLAND'S FIRST VIEWS ON THE TARIFF.

At that time, and up to 1846, England was and had been for centuries the most earnest, vigorous, and determined champion of protection the world ever saw, and enforced the extremest doctrines by all the powers of war and all the arts of diplomacy. To use the language of a distinguished Republican Senator from Maine in 1882:

> She destroyed the growing commerce of Ireland by one blow of her navigation laws; repressed her cattle raising, her woolgrowing, her manufactories, and made her the waste of to-day. She attempted the same rôle in America; forbid the exportation of her products to any other country than her own; forced all the carrying trade into English bottoms; repressed all manufactories of fabrics, and provided by law that none of the American colonies should manufacture iron of any kind; that no smith should make a bolt, spike, or nail of bar or wrought iron; that no mill or other engine for rolling iron or furnace for making steel should be permitted; and finally drove us to the Revolution and lost the brightest jewel from her diadem. * * *

The resistance to this oppression by taxation and restriction of trade showed itself in Massachusetts Bay, when the citizens of Boston, painted as savages, boarded the tariff-ridden ships and dumped the tea of tyranny into the waters of the harbor. The crack of the rifles of the patriots at Bunker Hill and Lexington in defense of the right to resist this oppression was heard around the world.

It may be well to recall something that Massachusetts has said and done in opposition to the protective policy, since Massachusetts and the East are to be benefited, probably, more by this bill than any other section of the country, and have grown rich and powerful by the maintenance and continuance of the protective system. The merchants of Boston in 1820 met at a town meeting and appointed a general committee, consisting of 29 men, amongst them some of the most honored of the State and most distinguished of the country. Mr. Daniel Webster was appointed chairman of a committee of seven to consider the scheme of a protective tariff. They issued an address, in which they invited the manufacturers, merchants, and farmers of the State to confer with them, and these delegates from all parts of the State formulated their views into a series of resolutions.

Certain things are stated in the resolutions and in the report made by Mr. Webster which may sound strange now, but it may be well to recall them. Amongst other things they alleged:

> That the avowed object of protection was to direct and control the occupations of men by granting special privileges to those engaged in particular pursuits.

They said further:

> This can be done (waiving any question whether it can be done at all without violating the spirit of the Constitution) only at the expense of the community, for it is a fact that legislation does not create wealth, but simply transfers it from hand to hand, and can enrich one class only by impoverishing others. It would surely be surprising that a system of restriction so unequal and so repugnant to all sound theories should be adopted by a free and enlightened people at a time when the greatest nations of Europe, after a long trial of it, have openly acknowledged its incorrectness, and whole nations suffering and lamenting the consequences of its adoption, and when our own unexampled success, under a more liberal policy, has given the sanction of experience to the deduction of reason.

This is but a part of the report, but he quoted the resolutions as follows:

> *Resolved*, That no objection ought ever to be made to any amount of taxes equally apportioned and imposed for the purpose of raising revenue necessary for the support of government, but that taxes imposed upon the people for the sole benefit of any one class of men are equally inconsistent with the principles of our Constitution and with sound policy.
>
> *Resolved*, That high bounties on such domestic manufactures as are principally benefited by that tariff (meaning the tariff then proposed)

favor great capitalists rather than personal industry or the owners of small capitals, and therefore that we do not perceive its tendency to promote national industry.

Resolved, That we are equally incapable of discovering its beneficial effects on agriculture, since the obvious consequences of its adoption would be that the farmer must give more than he now does for all he buys and receive less for all he sells.

The entire memorial was presented by Mr. Webster in the first session of the Eighteenth Congress. (See Annals of Congress, vol. 2, pp. 3079, 3091.)

Thus it is true that years before the Democratic party placed in its platform opposition to this policy of tariff taxation of the many for the benefit of the few, the able men of New England pronounced this policy of protection inconsistent with the Constitution of the United States and with our theory of government.

THE DEMOCRATIC DOCTRINE.

The substance of the Democratic theory can be found in the declarations of its platforms enunciated in 1832, 1836, and 1840, and since then, in this proposition:

That justice and sound policy forbid the Federal Government to foster one branch of industry to the detriment of any other, or to cherish the interests of one portion to the injury of another portion of the common country. We hold that the citizen of every section of the country has a right to demand and insist upon equality of rights and privileges.

HENRY CLAY'S VIEW.

The Republican doctrine of to-day, which claims to be founded upon the theory of the American system advocated by Mr. CLAY, who was the chief exponent of the system in the early days of the Republic, has gone far beyond anything ever conceived or intended by Mr. Clay, and to-day the Republican doctrine stands for protection, not to the infant industries, but protection to certain favored manufacturing industries at the sacrifice of the rights and interests of all the other thousands and millions of people in the United States. The American policy advocated by Mr. Clay never looked to the closing of our markets against foreign products; all that he ever claimed was such an adjustment of duties for revenue as would afford incidental protection to home industries. In 1815, in a debate on the tariff, he proposed to raise money to pay off the war debt, and only urged a duty on imports of 25 per cent, instead of 20 per cent. He said:

In three years we can judge of the ability of our establishments to furnish these articles as cheaply as they were obtained from abroad, and can then legislate with the lights of experience.

He believed that three years would be sufficient time to place our industries on this desirable footing. Yet nearly one hundred years have passed since Mr. Clay announced this doctrine, and it is claimed now that we should not only levy tariff taxes to raise revenue but to encourage industries that were infants at that time. A century of protection has hardly been able to satisfy these infant industries, and we have now a tariff tax of 45 per cent ad valorem; and when the Treasury has been full and a surplus accumulated, that surplus has been dissipated by extravagant and wasteful expenditures, and there has not been any effort made to reduce taxes to something like a revenue standard, and every effort to do so is denounced by protectionists as ruinous to American industry. Mr. Clay can not be charged with having any such ideas as are now entertained by the Republican majority.

In 1842, in the Senate, while discussing the tariff act of 1832, in which all the duties were pared to the uniform rate of 20 per cent, Mr. Clay said:

If the compromise act had not been adopted, the whole system of protection would have been swept by the boards by the preponderating influence of the illustrious man at the head of the Government (President Jackson) at the very next session after its enactment.

And that so far as he could go he would; and that was not to lay duties for protection alone, but in laying duties for revenue to supply the Government with means, to so lay them as to afford incidental protection. He would, therefore, say to the friends of protection, "Lay aside all attempts beyond this standard and look to what is attainable and practicable."

Surely, if the spirit of Henry Clay could revisit these Halls, he would be shocked and horrified to be told that he was the father or founder of any such system which would produce such a bill for the country as the one under consideration.

DANIEL WEBSTER'S VIEW.

Daniel Webster, in his debate in the House in 1824, in reply to Mr. Clay, who advocated what he called "the American policy of protection," said:

Sir, that is the true American policy which shall most fully employ American capital and labor and best sustain the whole population. With me it is a fundamental axiom; it is interwoven with my opinions; the greatest interests of the country are united and inseparable; agriculture, commerce and manufacturing will prosper together or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.

THE DEMOCRATIC TARIFF OF 1846.

Various tariff battles were waged and laws enacted until 1846, when what is known as the "Walker tariff act" was passed.

This was a Democratic tariff, which imposed the highest duties upon luxuries and the lowest upon necessaries. No duty, even upon luxuries, was higher than 40 per cent ad valorem, except in the case of brandy and whisky distilled from corn, and other spirituous liquors or beverages of a similar character, which were taxed 100 per cent. No better illustration of the assertion that this Walker tariff act was the best tariff law we have ever had could be found than in the statement of Senator Allison, a Republican, of Iowa, in 1870, then a prominent Member of the House, and later, and until he died, one of the most distinguished Senators of the United States, as follows:

The tariff of 1846, although confessedly and professedly a tariff for revenue, was, so far as regards all the great interests of the country, as perfect a tariff as any we have ever had. If any interest was depressed under the tariff of 1846, it was the iron interest. I do not believe that this interest, as compared with other interests, had sufficient advantage under that tariff; yet when we compare the growth of the country from 1840 to 1850 with the growth of the country from 1850 to 1860—the latter decade being entirely under the tariff of 1846, or the amended and greatly reduced tariff of 1857—we find that the increase in our wealth between 1850 and 1860 was equivalent to 126 per cent, while it was only 64 per cent between 1840 and 1850, four years of which decade were under the tariff of 1842, known as a "high protective tariff," but the average rate of which was about 70 per cent below the existing rate, or 27 per cent under the tariff of 1842 as against 44 per cent upon all importations under the present tariff. Our industries were generally prosperous in 1860, with the exception, possibly, of the iron interest. This was the statement of Mr. Morrill, of Vermont, on this floor during the discussion of the tariff of 1864. With regard to the condition of the steel industry in 1860, the steel manufacturers in 1866, memorializing Congress for increase of duties on steel, stated that—

"It was reserved for Pittsburg to bring about the first substantial and enduring success in the year of 1860; and encouraged by our example numerous establishments have sprung into existence, as already indicated in this paper. This shows that under the revenue tariff of 1857, which imposed only an ad valorem duty of 12 per cent on steel, a substantial success was achieved in the steel manufacture in 1860." I have read the language of the memorial.

To show what the view of Mr. Walker was on this subject of raising revenue, I quote from his report, as follows:

This revenue of $244,000,000 a year as a maximum, I would derive from three sources alone:

1. By a tariff for revenue.
2. By an excise on wines, malt and spirituous liquors, and tobacco, abolishing all other internal taxation.
3. By a tax on our national banks, based upon just and fair equivalents.

In later years, he wrote of the effect of such a tariff:

A tariff for revenue, as experience has shown, instead of depressing improves all industrial pursuits, including manufactures, and vastly augments the wealth of the country. Under the tariff of 1846, as shown by the census, our wealth increase from 1850 to 1860, 126.54 per cent; whereas from 1840 to 1850 the increase was only 64 per cent; from 1830 to 1840, 42 per cent; and from 1820 to 1830, 41 per cent. So, also, from 1850 to 1860 our agricultural products increased 95 per cent, and our manufactures 87 per cent, being in both cases nearly double any preceding ratio of increase. So also our imports, exports, and revenue nearly tripled in the same period of time, and our domestic trade rose nearly in the same ratio. This augmented ratio is not the result of increase of population, which, from 1850 to 1860, was less than 36 per cent. The Irish famine was supposed by my opponents to account for the increase the first year, although the decreased price paid abroad that year for our cotton nearly equaled the additional sum paid by England for our breadstuffs and provisions. But the next year and the next, before any gold had reached here from California, our exports and revenue went on augmenting in a corresponding ratio, rising in eight years from $22,000,000, under that tariff of 1842, to $64,000,000, under the tariff of 1846.

There is another insuperable objection to the specific system, namely, that it unnecessarily and invariably taxes labor vastly more than capital, and the poor in a much greater proportion than the rich, upon the goods consumed. Under the system of specific duties of so much per pound, or yard, or gallon, etc., the specific duty is the same. The rich, who purchase the costly articles bearing only the same specific duty, pay, in proportion to value, less than one-half of what is paid by the poor, who purchase a cheaper and less costly article. If we take all the costly articles purchased by the rich bearing under the present tariff the same specific duty as the inferior article bought by the poor, we will find the difference against them exceeds $20,000,000 a year. Such is the immense additional tax exacted from labor under the system of specific duties.

This act of 1846 remained in force until 1857, when the duties on imports were reduced, and this remained true until 1861, at the beginning of the civil war, when a tariff act was passed providing for the raising of revenue for the Government at that time, and this was from time to time amended, increasing the rates and imposing an internal-revenue tax and a direct tax; and the captions of these bills show that they were intended to temporarily increase the duties on imports. These laws continued in force until 1870, when a tariff bill was framed reduc-

ing the internal-revenue taxes, but not reducing the tariff taxes. In 1872 a pretense was made to reduce duties, but the high protective duties still continued. Again in 1883 the internal-revenue tax was decreased, but the tariff taxes were kept up. An effort was made in 1888 by a Democratic House to reduce tariff taxation in what was known as the "Mills bill." While this bill passed the House, it failed in the Senate, the Senate being Republican. This brings us to the McKinley bill of 1890, the title of which act was to reduce revenue, which had accumulated under the tariff act of 1883, and under this act the protective duties were higher than during the war. Then came the Wilson bill of 1894, to provide revenue for the Government, but which failed of its purpose by reason of the decision of the Supreme Court of the United States declaring the income tax unconstitutional. Then we had the Dingley bill of 1897, which had for its purpose to provide revenue and encourage the industries of the United States; and now we have the Payne bill, which has for its alleged purposes, to provide revenue, equalize duties, and encourage industries.

The American people, chafing under the injustice and wrong of these schedules which have existed since 1897, have made demands upon the party in power that they should be reduced. The pledge of the Republican party, as construed by the Chief Executive while a candidate for the Presidency, is that we shall have tariff revision downward. Yet, in this bill the same special interests are taken care of, duties are not equalized, and the same discrimination and injustice is practiced against the American people. The same power to tax is exercised and used and the burdens of the people are not at all diminished, and the property of the citizen is again to be confiscated by the Government for the benefit of the few. If it were left to me, I would eliminate every trace of what I conceive to be the plunder of the public for the benefit of the few from this system of taxation; I would prevent a few men from making their living in the sweat of other men's brows. It is not, in my judgment, a proper exercise of the taxing power; when the Government thus taxes the property of the citizen it amounts, in many instances, to confiscation, even though the proceeds be devoted to governmental purposes. By the exercise of the power conferred by this bill, under the guise of protection to the industries of the country, the Government places in the hands of individuals and corporations the power to confiscate the property of their neighbors for private gain. Taxation for governmental purposes is a burden, but to confer upon individuals the power to confiscate property is robbery.

This system of protection has grown so strong and has been fostered to such an extent that those who live upon it think it is sacred, as a statute contained in the Ark of the Covenant, and that it should be preserved unchangeable, like the laws of the Medes and Persians. They assume that it is right and proper at any time to put burdens upon the people, but that the people who bear these burdens have no right, whether in times of prosperity or in the time of adversity, to have them mitigated; that no Democrat shall dare touch it, and that it can only be handled by its friends. They flatly declare that we should bear the burdens of the system, sell our products wherever we can, but that we must buy what we need where they please for us to buy.

I now propose to discuss some of the features of this bill, which will be known as the "Payne bill."

THE DINGLEY BILL.

The effect of the administration of the policies promulgated by the Dingley bill have been such that the people, without regard to party, have clamored for and demanded a revision of the tariff schedules provided in that act. Under the Dingley Act, as under all protective-tariff acts, trusts and combinations have been formed, and the formation and combination of these trusts are but the natural results of the protective-tariff system. The protective tariff has been justly said to be the genesis of the trusts, and the trusts produce oppression and monopoly. So oppressive have been the exactions of the trusts under the Dingley law that a distinguished Republican, now a Senator from Iowa, said of it:

All the robberies and thefts committed by the insurance officials since the life insurance business was originated do not amount to the extortions paid under the Dingley law in one year.

Under it the prices of all articles, and especially the necessaries of life, have been advanced to the American consumer, while the foreigner has been favored by these same manufacturers and trusts and buy the same articles in the foreign markets at a much cheaper price. The demand of the people for a revision was so loud and insistent that the Republican party, which had produced these conditions by its protective-tariff law of 1897, was forced to heed it in its platform of 1908, when it promised revision of the tariff. The Republicans have stood pat for many years, until they realized that their standing pat would no longer bluff the people into submission, and they have finally thrown down their pat hand and in this bill presented a tariff measure which, in its effect, will be worse and more disastrous to the people than has been the Dingley law. The party in power has presented a bill which will ultimately raise the ad valorem rate 1.56 per cent, and they have buttressed so many of its provisions with jokers and countervailing duties upon many of the necessaries of life that, under the pretense of having articles admitted free or the duties thereon lessened, the actual tariff will be increased over the present rates.

I do not hesitate to say that this measure will be hailed by the manufacturers and combinations and trusts with much more joy than they welcomed the Dingley law. There is not a single provision in it that looks to in any way lessening the power and control of the monopolies in the United States, and the old game of extorting from the people will go on in the same way under this as under former high-protective tariff bills of the Republican party. The trusts will still flourish and will still bleed and plunder the people. The hope of the American people that this Congress would bring a blessing in the shape of a reduction of the tariff schedules is to be blasted if this bill becomes a law.

The present conditions are very much akin to those which existed in England in the seventeenth century during the reigns of Elizabeth and Charles the First. Monopolies in the necessaries of life flourished by grants from the Crown. Charles the First lost his head and the reign of Elizabeth was in danger of a shameful and disgraceful end by reason thereof. Our English ancestors began the fight against monopolies, and their descendants will continue the battle until the victory is won. It may not be amiss to recall the condition of affairs in England during that time. They are thus described by the historian Macaulay:

It was in the Parliament of 1601 that the opposition, which had during forty years been silently gathering and husbanding strength, fought its first great battle and won its first victory. The ground was well chosen. The English sovereigns had always been intrusted with the supreme direction of commercial policies. It was their undoubted prerogative to regulate coins, weights, and measures, and to appoint fairs, markets, and ports. The line which bounded their authority over trade had, as usual, been but loosely drawn. They therefore, as usual, encroached on the province which rightfully belonged to the legislature.

The encroachment was, as usual, patiently borne till it became serious. But at length the Queen took upon herself to grant patents and monopolies by scores. There was scarcely a family in the realm that did not feel itself aggrieved by the oppression and extortion which the abuse naturally caused. Iron, oil, vinegar, coal, lead, starch, yarn, leather, glass, could be bought only at exorbitant prices. The House of Commons met in angry and determined mood. It was in vain that a courtly minority blamed the speaker for suffering the acts of the Queen's highness to be called in question. The language of the discontented party was high and menacing, and was echoed by the voice of the whole nation. The coach of the chief minister of the Crown was surrounded by an indignant populace, who cursed monopolies and exclaimed that the prerogative should not be allowed to touch the old liberties of England.

The Queen's reign was in danger of a shameful and disgraceful end, but that she, with admirable judgment, declined the contest and redressed the grievance, and in touching language thanked the Commons for their care of the common weal.

At the meeting of the Long Parliament, Sir John Culpepper thus spoke of these monopolies which oppressed the people:

They are a nest of wasps—a swarm of vermin which have overcrept the land. Like the frogs of Egypt, they have gotten possession of our dwellings, and we have scarce a room free from them. They sup in our cup; they dip in our dish; they sit by our fire. We find them in the dye fat, washbowl, and powdering tub. They share with the butler in his box. They will not bait us a pin. We may not buy our clothes without their brokerage. These are the leeches that have sucked the commonwealth so hard that it is almost hectical. Mr. Speaker, I have echoed to you the cries of the kingdom. I will tell you their hopes. They look to h. ven for a blessing on this Parliament.

As an illustration of the present conditions and how this protective tariff builds up the manufacturer and extorts from the consumer, I call attention to the following statement made by Mr. H. E. Miles, a member of the National Manufacturers' Association, the chairman of its tariff committee, a manufacturer of agricultural implements, and at the head of that trust. The statement is taken from the American Industries, and was published on November 15, 1907, as follows:

I have made money every year out of the tariff graft. Not much, but still a little.

The tariff barons raised their price $50,000 to me. I made a charge against the jobber of $60,000, and I know that he charged more than $70,000 for the $60,000 he paid me. Before reaching the consumer the $50,000 charge became about $100,000, to be paid by the agricultural consumer.

The manufacturer who would prosper must make a double profit, one by the shrewd management of his business and another by still shrewder manipulation in Washington.

We have no great difficulty in shopping abroad, for we could get as high prices as at home. We are so held up, however, by our supply people that to most of us there is very scant profit in foreign business.

When Congress gave us 45 per cent, we needing only 20 per cent, they gave us a congressional permit, if not an invitation, to consolidate, form one great trust and advance our prices 25 per cent, being the difference between the 20 per cent needed and the 45 per cent given.

Mr. Miles shows how the tariff raises prices to those who, in manufacturing, have to buy other manufactured products. This expense is transferred to the next purchaser. The jobber charges a profit on the tariff, as well as on the cost of the article, and each person who handles the product collects a profit, so that, according to Mr. Miles, the first charge of $50,000 becomes $100,000 by the time it reaches the consumer. Mr. Miles in another article estimates the total loss to the people at $500,000,000 annually. The statement of Mr. Miles also shows that the tariff law is an invitation to consolidate, and that having been given the tariff on the theory that it is needed, the manufacturers naturally assume that it is intended that they shall take advantage of it, even if they have to combine to do so.

So to-day, in America, three hundred years after this fight against monopoly was inaugurated and carried on by the English people, we have a repetition of that condition. The American people have looked to this Congress, called in special session by the President, to remedy the evils that exist, and instead of receiving a blessing at the hands of Congress they have received this bill, which but further fastens the chains of monopoly upon the people. I believe that the same spirit of resistance to oppression and the exactions at the hands of the trusts and monopolies still lives in the American heart as found expression in our English ancestors three hundred years ago and that they will hold to a severe reckoning this Republican majority, which, in this bill, have so betrayed the trust of the people.

Let us examine some of the provisions of the bill briefly and see what has been done toward lessening the burdens of the people. You set out to raise revenue for a depleted Treasury, which your Dingley law has failed to keep replenished and which your extravagance has emptied. Your Dingley law has not only increased the amount the people must pay for the necessaries of life, but it has produced a panic. You not only propose to increase taxation by still further burdening the consumers of the land with an increased cost of living, but you propose to issue bonds and certificates of indebtedness in a time of profound peace. Your McKinley bill produced a panic in 1893 and forced you to prepare to issue bonds, after you had wasted a surplus left you by a Democratic President, and the same result has followed the Dingley bill—extravagance in public expenditures, a deficit in the public revenues, and bond issues in time of peace.

THE PAYNE BILL.

The Government must have revenue, and you propose to raise it by this bill—not by taxing the incomes of the rich and laying burdens upon the luxuries of life, but by taxing the inheritances of the poor, and by laying burdens upon the necessaries of life, which the common people and the poor must have. You propose to make the American breakfast table bear an increased burden of eleven and a half million dollars. Tea and coffee must be taxed to make up the deficit caused by your inefficient Dingley bill and by your extravagance. Under your proposed scheme of tariff revision, throughout this entire bill, the burdens of the poor are increased and no increased burden is put upon the rich. The cheaper grades of clothing, both of wool and cotton, must bear an additional burden. The cheaper the article and the greater its consumption, the more it is taxed under the provisions of this bill. It is proposed to raise nearly $7,000,000 from tea and $1,000,000 from the increased duty on hosiery, and that of the cheaper kinds, which already pays a tax of about $3,500,000; ladies' gloves are required to pay $1,500,000 of increased duty, making the toll on the women who wear gloves nearly $5,000,000.

THE PROVISION IN REFERENCE TO COFFEE.

The countervailing duty on coffee will amount to a tax of $2.90 per 100 pounds on all the coffee purchased from Brazil, which is the chief coffee-producing country of South America, and which supplies to this country 750,000,000 pounds of the 900,000,000 pounds consumed by our people. I base this statement upon information which I get from the Daily Consular Report of March 27, 1909, issued by the Bureau of Manufactures, and which is as follows:

EXPORT DUTIES ON COFFEE.

THEIR RELATION TO PROPOSED IMPORT DUTY IN UNITED STATES.

The tariff bill under consideration in the House of Representatives provides "that if any country, dependency, province, or colony shall impose an export duty or other export tax or charge of any kind whatsoever, directly or indirectly, upon coffee exported to the United States, a duty equal to such export duty, tax, or charge shall be levied, collected, and paid thereon."

The following statement shows the countries which impose export duties or taxes on coffee, the units for taxation, and rate. A column is added showing the equivalent of such tax in United States currency on 100 pounds of coffee.

Country.	Unit.	Rate of duty.	
		Foreign currency.	United States equivalent, 100 pounds.
Belgian Congo	100 kilos [a]	3 francs [b]	$0.263
Brazil:			
Rio de Janeiro	Kilo	29.75 reis	.411
Minas Geraes	Ad valorem	8½ per cent	
São Paulo	Kilo	41.4 reis	.57
Ceylon	Cwt.	0.10 rupee	.029
Dominican Republic	46 kilos	$0.15	.1485
Ecuador	Kilo	0.005 sucre	.11
French Congo	Ad valorem	5 per cent	
French Somali coast protectorate	100 kilos	1 franc	.0088
Guatemala	101 pounds	$1	.99
Haiti:			
Coffee	do	$3	2.97
Coffee, broken, and residues of	do	$2.50	2.475
Nicaragua	100 pounds	$0.40	.40
Portuguese possessions:			
Cape Verde Islands	Kilo	4 reis	.20
Congo	100 kilos	1$080	.825
San Thome and Principe—			
To Portuguese ports	Kilo	16 reis	.78
To foreign ports in foreign vessels.	do	45 reis	2.21
To foreign ports in Portuguese vessels.	do	30 reis	1.47
Timor	Picul	2$520	1.90
Salvador:			
From the ports of Libertad and Acatjutla.	46 kilos	$0.40	.40
Surtax	do	0.265 pesos [c]	.10
From the port of La Union	do	$0.40	.40
Surtax	do	0.51 pesos [c]	.194

[a] Equals 220 pounds. [b] One franc equals 19.3 cents. [c] Silver.

In addition to the tax imposed by the Brazilian States as given in the above statement, coffee exported from these States is subject to a further tax of 5 francs per bag of 60 kilos (73.1 cents per 100 pounds). According to the decree of September 12, 1908, an additional tax of 20 per cent ad valorem is to be levied on all coffee exported from the State of São Paulo in excess of 9,000,000 bags during the crop year commencing July 1, 1908; in excess of 9,500,000 bags during the crop year beginning July 1, 1909; and in excess of 10,000,000 bags during the succeeding crop years.

No one believes that Brazil or any other South American country that produces coffee can or will abolish the export duty which its Government imposes on coffee. Therefore, if this countervailing duty prevails, it must be an additional tax of about 2.9 cents per pound on coffee imported into this country. Here, again, you sought to tax the poor man's breakfast table.

TEA.

The tax of from 8 to 9 cents per pound on tea is not justified. It was a much less tax than this on the same article that led our forefathers to rebel against the unjust taxation of England. Surely the Ways and Means Committee, who put this tax upon tea, have never read what Sydney Smith said about tea, when he used these words:

Thank God for tea! What would the world do without tea? I am glad I was not born before tea.

LUMBER.

The people looked to this Congress to give them free lumber, and you have refused to do so. Not only that, but you have added to the lumber schedule in the bill a provision that will virtually continue the same rates that now exist in the Dingley Act.

For twenty-five years before the Dingley Act no tax had been placed on lumber. It was not regarded as a fit subject of taxation, at least during times of peace. It does not bring in any considerable amount of revenue; it is but a bonus or bounty to the lumber manufacturers, which they in turn collect from the consumers.

You not only tax lumber, but you tax every common article of consumption and all the necessaries of life. For twelve years the lumber manufacturers have enjoyed a period of plenty and profit. Their product has doubled and almost trebled in value during that time, and lumber kings and millionaires have increased largely in numbers. It is about time that the American consumer of lumber should have his inning, and that they should again have free lumber. I quote on this subject from the late James G. Blaine, one of the greatest Republicans of the age, who was himself in favor of a protective tariff and who, in 1868,

while discussing the proposed tax on breadstuffs, salt, and lumber, said:

In the first place, let me say that during the war, when we were seeking everything on the earth out of which taxation could be wrung, it never entered into the conception of Congress to tax breadstuffs—never during the most pressing exigencies of the terrible contest in which we were engaged. Neither breadstuffs or lumber ever became the subject of one penny of taxation. It was not because of the influence of the rich grain dealers of Chicago or Toledo or Milwaukee. It was because if anything is universal, breadstuffs are universal, for they constitute literally the staff of life.

If you impose upon them a tax ever so small in amount, it will be made a pretext by the very speculators of whom gentlemen talk for adding an appreciable amount to the cost of a barrel of flour. Now, as to the article of lumber, I again remind this House that there never has been a tax on this article. The gentleman from Ohio may talk of this question as he pleases; but I say that whenever the western frontiersman undertakes to make for himself a home, to till the soil, to carry on the business of life, he needs lumber for his cabin, he needs lumber for his fences, he needs lumber for his wagon or carts, he needs lumber for his plow, he needs lumber for almost every purpose in his daily life.

I stand with Mr. Blaine on this question, and I stand with the Democratic platform of 1908, which demanded free lumber for the people. The man who builds his home should be encouraged and not burdened with a tax upon the absolutely necessary article out of which he must build his home.

THE COTTON SCHEDULE.

Raw cotton is left free in the bill, as it should be, unless the bill is to be framed purely as a revenue measure, when there might be raised some revenue by taxing the 71,000,000 pounds of cotton that is imported annually into the United States. But I do not believe that cotton is a proper subject of revenue. I am not one of those who demand or expect a tariff duty upon the small amount of cotton that is imported into the United States. I come from a State that produces the largest number of bales of cotton of any State in the Union save one. In 1908 Georgia produced over 2,000,000 bales. True, some of it is what is called 'sea-island cotton" or "long-staple cotton;" but I am not here to demand or suggest—on the contrary, I would oppose—the laying of a duty upon the Egyptian cotton that is imported into the United States. It would produce, it is true, a small revenue, but there is no necessity for the levying of a protective or prohibitive tariff on cotton imported into this country. No other country in the world can compete with the South in the production of cotton, and never will. Of the 13,450,000 bales produced in 1908, 8,364,000 bales, or over 63 per cent of the entire production, was exported; and a duty on cotton would not enhance the price one penny, because the price is fixed, not in America, but in Liverpool.

To put a tariff on cotton, in my opinion, would simply result in a retaliation in England and other countries that purchase our cotton and that send to us cotton raised in other countries. Besides, Egyptian cotton, which is the bulk of the cotton imported into this country, being about 58,000,000 pounds, does not compete with the sea-island or long-staple cotton in America, nor does it tend to reduce its price. On the contrary, the Egyptian cotton is mixed with the long-staple cotton raised in the United States, and is used to produce a grade of cloth that can not be made except by the combination of the two. So that to levy a tariff upon cotton of any sort, and especially on sea-island or long staple, would not be for a revenue purpose but purely for protection against a cotton that is not produced in the United States. This Egyptian cotton is of a brown-colored fiber; it is a long staple, and is best adapted for mercerizing and other processes that give a high finish to the cloth and cause it to resemble silk. Its brown color permits it to be used without dyeing in the manufacture, such as is seen in balbriggan underwear and lace curtains. Except in cases where the brown-colored fiber is especially desired, there is little reason for preferring the Egyptian cotton to the sea-island cotton. The higher grades of sea-island cotton have not only a finer fiber than any other cotton, but make finer and stronger yarns and threads. For this the grades of Egyptian cotton can not be substituted and are not substituted. Besides, there is no danger from the Egyptian cotton, because its production has not increased, but has decreased in the last year from 307,800 bales to 215,000 bales. Besides, nearly 38 per cent of the sea-island crop is exported; in 1907 there were 86,000 bales of sea-island cotton raised, or the equivalent of 34,000,000 pounds, and of this 12,000,000 pounds were exported, leaving only 20,000,000 pounds for consumption in the United States. Surely, when the demand of the United States for long-staple cotton is for three times as much as can be produced in the United States, it would not be fair nor just nor right to the consumers or the manufacturers of the goods made from long-staple cotton to exclude by a prohibitive tariff the importation of Egyptian cotton, which does not and can not compete with the sea-island cotton.

No man would be bold enough to suggest that an import duty on cotton would in anywise help or aid the cotton farmer of the South. The cotton crop of the South, two-thirds of which is exported, has brought into this country billions of dollars in gold, and has done as much or more than any one thing to produce prosperity of the kind we enjoyed two years ago. For five years, from 1900 to 1905, the cotton crop of the South brought $2,974,000,000, while the entire gold and silver output of the world amounted to $2,578,000,000, and for the three years following 1905 the value of the crop was over $20,000,000 more. It brought into this country nearly $450,000,000 last year, and while we had an excess of exports over imports of $456,000,000, the cotton crop produced the greater part of the excess. Unlike other farm products raised in this country, such as corn and wheat, cotton is not consumed at home, but is exported and brings back into the coffers of the country streams of gold to make it prosperous and rich. Of corn produced in this country in 1907, only 2.95 per cent was exported, and of wheat only 19.95 per cent was exported, while nearly two-thirds of the cotton crop was exported.

Yet the producers of this great wealth in the United States, which does so much to place the balance of trade with the world on our side, are taxed for everything they use in making this great crop. They have to pay tribute to the steel trust, to the agricultural-implement trust, to the bagging trust, and to the cotton-tie trust. They must buy all that they require in the highly protected market of the United States and sell their product in competition with the world.

I call attention to the following letter, in reference to the bagging trust, to show what extortions are practiced upon the cotton farmers:

NEW ORLEANS, *April 1, 1909.*

Hon. CHARLES L. BARTLETT,
Washington, D. C.

DEAR SIR: Having been delegated last November by the New Orleans Cotton Exchange to present before the Ways and Means Committee its plea for free bagging and ties for the cotton farmer, I now beg to address you, with the hope of enlisting your assistance toward removing the present tax upon the above necessities to every man who raises a bale of cotton. If I can assist you in any possible way with information in connection with these articles, please command me, as there may be some points you would like to know which neither Messrs. GRIGGS, UNDERWOOD, nor POU touched upon when I was before their committee.

I observed that Chairman PAYNE laid considerable stress upon the fact that, according to the Treasury figures, there was imported during 1907 some 20,000,000 square yards—say, 16,250,000 running yards 44 to 45 inches wide—but the gentleman possibly did not know that during that year, and also the present year, the American Manfuacturing Company, known as the "bagging trust," were the ones who imported the greater part of that bagging into this country; and you may state, without fear of contradiction, that out of the five Calcutta mills engaged in making this bagging the American Manufacturing Company are this year importing the output of three mills, namely, Hastings, Briggs, and Kinnison, two of which are the largest in Calcutta; and I may also state that some years the American Manufacturing Company buy, through Raili Brothers, in Calcutta, all of the cotton bagging made there.

I was struck with the absence before Ways and Means Committee of all of the American makers of bagging, for no man connected with the bagging trust appeared before the committee; but the American Manufacturing Company, the Ludlow Manufacturing Associates, and the Peru Bagging Company combined and sent a Brooklyn lawyer there to present their claims asking for an increased duty. Perhaps none of the trust magnates would have enjoyed answering questions that might have been put to them.

In their written address to the committee the combine emphasized the fact that on account of foreign competition fewer mills in this country were now engaged in the business than some years ago. Let me here state that the big new mill situated in Brooklyn could make bagging enough for half of the present crop, while the Ludlow, Mass., mill has increased its capacity until it now can make about 25,000,000 yards each year.

You know that the cotton crop since 1892 has doubled in size—say, 6,700,365 bales raised in 1892; 13,408,841 bales raised in 1908—and during that time, under the protection the bagging trust has enjoyed it has grown rich and powerful. Did it not buy out and completely demolish the bagging mills of both Louisville and New Orleans? And did not the trust buy out the independent mill in Galveston, and has kept it idle ever since the storm? I know all the above to be facts.

The cotton farmer has not only paid the tax under the Dingley tariff, but please consider his losses incurred on account of the very inferior cloth the trust forces upon him. Read, if you please, the inclosed clipping from the New Orleans Times-Democrat, which will give you a fair idea of how the first bale grown in Mississippi last year looked upon its arrival by express at the New Orleans Cotton Exchange. Let Congress place bagging upon the free list, and you will then put within the farmer's reach a quality of bagging which will properly protect his cotton and thereby save millions of losses every year caused by damage and loss of cotton badly covered. Read, if you are interested, some of the letters we have received praising Calcutta bagging—which is the farmers' friend—and then you may realize the additional benefit free bagging will be to the farmer.

Let me here state that if you find you can not get bagging upon the free list, the same as the western farmer has had his binder twine since 1894, I hope you will then try for a reduction of the duty to one-fourth cent per running yard, for this is but another case of the "half loaf."

Under the Payne bill the reduction upon ties will be 9 cents per bundle. The Dingley duty of five-tenths equals 22½ cents per bundle. The Payne duty of three-fourths cent equals 13½ cents per bundle, say, 2.7 cents per bale of cotton, which, added to the present duty of 75 cents per 100 yards of bagging, amounts to 7½ cents per bale of cotton.

No cotton ties have been imported for several years, and I think none will come in if the Payne tariff of 13½ cents per bundle stands, so no revenue will be derived there. Nearly 90,000,000 yards of bagging were required to cover the cotton raised in 1908, which, as above stated, the farmer was taxed upon at a rate of 73½ cents per 100 running yards. If you can aid in removing this burden, every cotton farmer in the South will owe you a debt of gratitude.

I trust you will excuse the length of this letter; but I thought it was possible that I might give you a new idea upon a subject I have been engaged with for twenty-five years.

With best wishes, I beg to remain,

Faithfully, yours, C. LEE MCMILLAN.

DISCRIMINATIONS IN THE COTTON SCHEDULE.

This bill is so sectional in its provisions that, while it gives free twine to the farmers of the West, it makes the cotton farmer pay a large toll to the combinations and trusts that control the market for bagging and ties. It is to such inequalities and such iniquities in all protective-tariff measures that we most strongly object. The South does not want a protective tariff on anything it makes. It is true that there are some manufacturers and some lumbermen in the South who are demanding an increase of the duties on lumber and other manufactures; but the South has grown great and prosperous, not by reason of the tariff but in spite of it, and those in the South who clamor for protection upon their manufactured products at the same time demand that the tariff be taken off the articles they purchase in other portions of the country. Their idea of statesmanship that the southern Representative should follow is thus expressed in a letter which I have from one who desires to have the duty retained on lumber:

It seems to us that our Representatives ought to vote for everything that is in our favor and to reduce the tariff on those things that we buy from the North, like machinery and other articles.

This is but an evidence of that same spirit of selfishness and greed upon which is bottomed the principle of a high protective tariff; and whether you find it in the North, South, East, or West, it is the same desire to have the Government protect and foster one class of men at the expense of another class; protect by tariff legislation what I make, but do not protect the things I buy. And that principle is embodied in this bill, for it puts the tariff high on articles produced in the East and reduces it or removes it entirely from articles manufactured in the South. This is particularly true of the schedule of cotton manufactures. Under the Dingley law the tariff tax on cotton manufactures averages about 47 per cent, and this bill increases it to over 50 per cent. Strange to say, the increases are all made on the finer grades of goods manufactured in the North, and the reductions are made on the coarser grades of goods manufactured in the South. I do not complain at some reduction in the tariff on cotton manufactures; a tariff ought to be laid on them for revenue purposes. In 1907 we manufactured about $450,000,000 worth of cotton goods, and we exported about $32,000,000 worth and imported cotton goods to the value of $73,000,000, producing something over $13,000,000 in revenue.

The South has made rapid progress in the manufacture of cotton, and we now consume in our mills more cotton than do the eastern mills. While we do not manufacture the finer grades of goods, we have almost a monopoly of the market for the coarser grades. No discrimination in this tariff bill can stop our progress, and the change in the present duties, or any considerable reduction, would not stop our progress. We have prospered in spite of discrimination and in spite of the tariff, and will continue to do so; but the injustice and outrage perpetrated in this bill is that on these goods that are made in the South the tariff is reduced, while on those manufactured in northern mills the duty is increased. What the southern manufacturer needs and wants is a market for his goods and not protection by tariff. The same schedules in the Dingley Act are high enough; in fact, they were too high, and should not be increased. There was no demand for their increase; certainly not from the cotton producers and manufacturers of the South.

The evidence before the committee shows that when the cotton manufacturers first appeared before the committee, one of their chief spokesmen, Mr. Lippitt, stated, in answer to a question by the chairman:

We are going to ask you to leave the duty as it is.

Mr. DALZELL asked:

All along the line?

And the answer was:

On the cloth schedules, with the exception of some few minor points. I am making my argument why it should not be changed.

And again he said:

I am not appearing here to ask for an increase in the duties on the cloth clause of the cotton schedule. The importations are not so large that we feel justified in asking that the duties be increased, but we would not like to see them decreased.

There was no reason for the increase of these duties. From a statement I have seen, it appears that the average dividends of the principal Fall River mills in 1907 were 25½ per cent; in New Bedford, 25 per cent. The Dartmouth Manufacturing Company paid last year 66 per cent, and on the 24th of February declared an extra dividend of 100 per cent.

I quote the following letter I have received, calling my attention to the injustice of this schedule of cotton manufactures:

NEW YORK, *March 27, 1909.*

Hon. CHARLES L. BARTLETT,
Washington, D. C.

DEAR SIR: The undersigned, a committee representing 70 wholesale dry-goods houses, respectfully ask your attention to the inclosed press clippings, showing that the effect of the "joker" paragraphs 318 and 321 of the cotton-goods schedule of the Payne tariff bill would greatly raise duties, and frequently double them and more.

As the provisions are technical, it is certain that the gentlemen who drafted the bill did not realize that these provisions were prohibitive.

Our special committee of experts is at your disposal to demonstrate this raise.

Cotton-goods statistics show that American mills do not need any protection on the goods they are equipped to produce. In neutral markets they have so well been able to compete that their exports have rapidly grown, and in 1906 equaled $52,944,033.

The average dividends of the principal Fall River mills affected were, in 1907, a panic year, 25½ per cent; in New Bedford, 25.2 per cent. A prominent illustration is the Dartmouth Manufacturing Company, which paid 66 per cent last year, and on February 24 last, an extra dividend of 100 per cent. This mill makes precisely the class of goods which these paragraphs are designed to prohibit. All of these dividends are in addition to enormous salaries paid to officers.

American mills do not sell their products on an ordinary profit basis, but adroitly fix their prices just below those at which similar goods can be imported.

The net result of these paragraphs, if permitted to become law, will be to greatly reduce revenues by prohibiting importation; to permit a few New England mills to manipulate prices at will, and to repeat their action of 1907, when they arbitrarily raised prices more than 50 per cent, although there was no corresponding increase in cost of production. It will drive many importing houses out of business and work a hardship on 28,000 American retail merchants and add an additional burden to the whole American people by increasing the cost of a primary necessity of life.

No question of politics is involved. The whole people are united in the conviction that the tariff should be reduced rather than raised.

President Taft said on December 16 last: "I believe that the way to stamp out trusts and monopolies is to avoid excessive rates which tempt monopolies."

An average tariff of 20 per cent on cotton fabrics is ample to protect American manufacturers from any possible difference in cost of production, and its only effect would be to compel them to run their mills on a fair capitalization and charge reasonable profits.

Respectfully submitted.

F. B. SHIPLEY,
49 Leonard Street,
Chairman Committee on Publicity.

As illustrating the cotton-goods schedule, I quote the following:

COTTON GOODS.

MERCHANTS GET TOGETHER TO OPPOSE HIDDEN DUTIES IN COTTON-GOODS SCHEDULE.

[Daily Trade Record, March 26, 1909.]

Aroused by a sense of injustice at what they term the "jokers" in paragraphs 318 and 321 of the cotton-goods schedule, about 40 well-known and representative dry-goods houses met in the rooms of the Merchants' Association and took steps in a movement the object of which is to arouse public sentiment against these parts of the bill becoming law, and to gain a full knowledge of the significance of what these apparently innocent provisions really mean.

When the synopsis of the bill which was first sent out, and which, by the way, contained no reference to the cotton-goods schedule, came to the attention of cotton-goods merchants, the first impression was that the new bill contained no material change in this regard. However, with more careful study of the completed bill, which came out later, additions to the old schedule have been noted and carefully analyzed which change the whole complexion of the law in so far as it affects foreign-made cotton goods of a certain character. Mercerized goods, in particular are attacked, and in such a way, it is stated, that goods which cost the consumer 19 cents, 25 cents, and 35 cents will increase in price 100 per cent. This, it is considered, will put importers out of business and will only benefit one or two large local firms.

The previous intimations that Henry F. Lippitt and James R. MacColl, representing the Arkwright Club of Boston, were responsible for the offending additions grow stronger and more frequent, and it is claimed that the loss of business which will result if the schedule, as it stands, becomes law will be irreparable, and that the added cost will be borne by the consuming public.

R. K. MacLea was chairman of the meeting referred to, at which the following resolutions were adopted:

"*Resolved*, (1) That we emphasize our protests against the method of changing the cotton-goods schedule as embodied in the Payne tariff bill, and use every effort to fully expose the attempted underhand advances as proposed by the wording of same following the suggestion as given to the Ways and Means Committee by Henry F. Lippitt and James R. MacColl, for the Arkwright Club of Boston, as shown and published in tariff hearings of March 1, 1909. (Appendix, p. 1772.) We further voice our protests against such methods and demand that the Ways and Means Committee of the House of Representatives and the Senate Finance Committee of the United States Senate give due consideration to our joint protest.

"(2) That two committees be appointed, one to give publicity of the facts, another to act on behalf of wholesale dry-goods merchants interested to show the proper authorities at Washington the serious error as embodied in the Payne bill now before the House of Representatives on the cotton schedule."

A publicity committee, consisting of Frederic B. Shipley, of Shipley & Blauvelt, 49 Leonard street, and A. L. Reid, of A. L. Reid & Co., of 66 White street, and a representative committee, consisting of R. B. MacLea, of R. B. MacLea & Co., 79 Worth street; John Darling, of

John Darling & Co., 41 Union square; and F. D. Sherman, of Sherman & Sons Co., 62 Leonard street, were appointed.

The bill having been reported, the only hope for success, it is believed, lies in interesting the public and the press. This the committee hopes to do, and will at once get in touch with all of the wholesale and retail houses throughout the country.

Frederic B. Shipley, of Shipley & Blauvelt, when seen by a representative of this paper yesterday, gave out the following statement on the matter:

"While the cotton-goods schedules in the proposed law apparently provide for the same duties as the Dingley law, these provisions are largely nullified and the duty increased by paragraph 318, which alters the usual means of determining the duty.

"In the present law the duty has been fixed largely by the number of threads per square inch. Paragraph 318 provides not only that each thread shall be counted, but that 'each ply of two or more ply threads shall be counted as a thread.' As most cotton goods imported contain threads which are of two or more ply, the effect of this will be to remove most cloths from the low-duty schedules and place them in the high-duty schedules. Thus goods now paying 2½ cents per square yard will frequently pay 4½ cents per square yard. The operation of this will be that many goods imported, such as English reps and jacquards will pay about 52 per cent of their value, instead of 31 per cent as at present.

"In addition to this, paragraph 321 provides that all cotton cloth mercerized or 'subjected to any similar process,' shall be subject to an extra duty of 1 cent per square yard. On the cloths before mentioned, this will operate to bring the total duty up to about 66 per cent of their value.

"The phrase 'mercerized or subject to any similar process' will doubtless be construed to mean any sort of luster, and as almost all cotton goods imported have some luster, this means that practically all cotton cloths will not only have to pay the advances before mentioned, but will be subject to an additional tax of 1 cent per square yard.

"In fully 75 per cent of the cotton goods imported, this tariff will therefore be prohibitive and will not operate to increase the revenue.

"These provisions have been artfully designed, not by statesmen who are trying to protect American industry, but by cotton-goods experts who are adroitly trying to prevent any importations of cotton goods.

"If the bill is allowed to become a law, it will not only close up the majority of the importing houses, but it will work untold hardship on all classes of dry-goods merchants by removing from the popular price classes many cloths that are now retailed for 19, 25, and 35 cents. It will work special hardship on cotton-goods converters, leaving them at the mercy of a few cotton-goods mills who will be enabled to repeat their action of two years ago, when they arbitrarily raised the prices to an unlimited and unwarranted extent.

"The extra duty on mercerization is totally unjustifiable, since foreign cloths are already taxed the ad valorem rate on the cost of mercerization. In view of the fact that every mercerizer in America to-day is totally unable to take care of the business which he has in hand, there is no reason to charge an extra duty on mercerization.

"Another 'joker' in the proposed law is the provision that determines the number of threads to the square inch in that 'each filament of cotton' shall be counted as a thread. A 'filament' is an elusive term and may easily be construed to mean a section of a fiber, which would make even the cheapest cloth count more than the finest cloths made, and therefore impose the highest duty even on the lowest cloths.

"The pretended justification of the bill on the ground of protecting American labor is absurd, for the reason that the average duty is twice as great as the total percentage of wages, much less any difference between foreign and American cost of labor. On most American cloths for which American manufacturers are equipped, they are amply able to compete with foreign manufacturers in neutral markets.

"The object of this law is, therefore, to create the same conditions in the cotton-goods industry as exist in the steel and other industries, which enable American manufacturers to sell goods in America at a higher price than the same goods may be obtained for abroad."

But why should not Mr. Lippitt and his associates be protected, since they are from New England, where large (?) fortunes are not made? This gentleman, when asked what he considered a large fortune, said to the committee that he would not regard anything short of three-quarters of a billion dollars as a very large fortune. So that Mr. Lippitt, whom I have quoted, is reported to have afterwards urged the committee to make some changes in the cotton schedule which discriminate against other manufacturers and operate to the advantage of the mills in which he is interested. In this respect, as in others, the committee seems to have followed the idea of protecting those who are rich already at the expense of those who are poor, and who under this bill will still be compelled to pay tribute to the multimillionaires of New England, who do not regard themselves as rich until they have acquired three-quarters of a billion dollars.

THE PROGRESS OF THE SOUTH.

I desire to say a few words just here in regard to the great progress of the South, accomplished in spite of discriminatory tariff laws:

Since 1880 the population of the South has increased 63 per cent; the value of her property has increased 167 per cent; investments in manufactures have increased 716 per cent; cotton mills have increased 1,169 per cent; active spindles in cotton mills, 1,464 per cent; active looms in cotton mills, 1,453 per cent; the use of cotton in mills, 875 per cent; capital invested in cotton-oil mills, 2,268 per cent; pig-iron production, 767 per cent; coke production, 2,394 per cent; in lumber production, 830 per cent; in the products of the farm, 237 per cent; in bales of cotton raised, 85 per cent; in the value of the cotton crop, not including seed, 96 per cent; in the production of corn, wheat, and grain, 41 per cent; in mineral products, 1,976 per cent; in coal mined, 1,470 per cent; in iron ore, 649 per cent; in railroads constructed, 221 per cent; in exports from ports, 145 per cent; in capital in national banks, 248 per cent; in deposits in national banks, 721 per cent; in deposits in state banks, 649 per cent; and in expenditures for public schools, 285 per cent. (See Appendix B.)

This progress has proceeded steadily, until to-day the South is one of the most promising and wealthy sections of the country. We have made this progress by industry and under the most adverse conditions that ever beset a people. And this prosperity and progress is not due to any favors from the Government of the United States or to any privileges that have been granted it. This great South, prospering and advancing as it has done and will continue to do, in material development and wealth, is not to be allured from its devotion to the political principles and policies to which it has adhered through all these years by the proffer of privileges and benefits to it or its people, by placing burdens on other portions of the country. All they ask is a fair chance and an equitable and just distribution of the burdens and benefits of government. They are not to be shaken in their faith in the proper principles of government or party policies, or by the offer of plunder under the guise of taxation or protection to be extorted from other citizens of the United States. Nor are they to be swerved from their devotion to those principles by the offer of offices by those in power and who distribute offices. Nor are they yet ready to join the Republican party of the Nation in placing burdens and taxes upon the American people in order that they may receive a small portion of the benefits to be derived from such an unjust and unfair exercise of the taxing power of government. So far as the people I represent are concerned, they do not ask to participate in the plunder of the American people by unjust and onerous taxation. Let not the Republicans lay unction to their souls that the people of the South will change their political convictions. I can do no better here than to quote from a letter recently written by Bishop Warren A. Candler upon this very subject, and which letter I shall quote in full as an appendix to my speech. Said the bishop:

It should also be said that our long-established view of the tariff is not to be surrendered. With possibly one exception, the professors of political economy in every respectable college and university in America (the experts on this subject) unite with us in our unwavering opposition to protection. I am not sure that there is one exception, but I understand that in the University of Pennsylvania the heresy of protection is intrenched. The location of such instruction discloses its inspiration. Why should we renounce what is demonstrably correct? Certain protectionists are fond of calling themselves the "standpatters;" very well, if they can stand pat for an erroneous economic dogma we may well stand pat for a sound economic principle.

The truth is, the system of protection is not founded in reason nor based on righteousness; it is maintained by trading and mutual concessions among the Representatives in Congress of clamant and domineering interests. To employ the taxing power of the Government to enrich certain interests at the expense of all the people comes dangerously near robbery under the guise of legislation. It is utterly puerile to say such a system is necessary in order to maintain the wages of the laboring man. Who shall make the protected manufacturer, who has not scrupled to rob all the people, divide his spoils with his employees? Wages are not thus determined. And even if it were true that protection raises wages, it is also true that it raises the expenses of the laborer more, and thereby it reduces the amount of his net income.

It is true that in the South, as elsewhere, there are a few who are ready for proffered privilege to surrender their convictions, if they ever had any, or who are ready to fill offices when tendered. But the seasons will come and go, and the years will roll away into many decades before the rank and file of the Democrats of the South, who believe in the teachings and doctrines of the party, and who are Democrats from principle, will desert the tenets of that party in which they have long had faith and whose fortunes they have always followed. The mere fact that the people of Georgia may have given the President a hearty welcome and entertainment does not justify the statement that they have surrendered their political faith. The fact is that Mr. Taft received fewer votes in Georgia in November last than any Republican candidate for President ever received, except President Roosevelt in 1904, and no recruits will be made for the Republican party in Georgia or in the South by legislation of this character, which violates all the rules of equity and fair dealing and undertakes to lay the burden of taxation not only with inequality among the people, but with discrimination in favor of sections.

This bill proceeds upon the idea of retaliation upon the other nations of the world, so far as our foreign commerce is concerned. It comes out upon the highways of the world and proclaims commercial war, and pays no heed to the words of that great Republican, who himself did so much in the interest

of protection, when, in his last speech at Buffalo, he left this message to the American people:

The period of exclusiveness has passed. The expansion of our trade and commerce is the pressing problem. Commercial wars are unprofitable. A policy of good will and friendly trade relations will prevent reprisals. Reciprocity treaties are in harmony with the spirit of the times; measures of retaliation are not.

If perchance some of our tariffs are no longer needed for revenue or to encourage and protect our industries at home, why should they not be employed to extend our markets abroad? * * *

We must not repose in fancied security that we can forever sell everything and buy little or nothing.

Instead of cultivating friendly relations with our South American neighbors, about which we have heard so much in recent years, especially from President Roosevelt and his Secretary of State [Mr. ROOT], this bill undertakes to regulate and control the fiscal systems of those countries and inaugurate a system of retaliation on them, and that, too, in reference to an article of food furnished us by those countries which is chiefly consumed by the poorer classes of our citizens.

AN INCOME TAX.

I favor an income tax as a just, fair, and proper tax.

The Supreme Court of the United States, as it was constituted in 1895, by a vote of 5 to 4, rendered a decision declaring the income-tax provision of the Wilson Act to be unconstitutional.

I desire now to call attention to a portion of the dissenting opinion of Mr. Justice Brown in that case, as follows:

It is difficult to overestimate the importance of these cases. I certainly can not overstate the regret I feel at the disposition made of them by the court. It is never a light thing to set aside the deliberate will of the Legislature, and, in my opinion, it should never be done, except upon the clearest proof of its conflict with the fundamental law.

Respect for the Constitution will not be inspired by a narrow and technical construction which shall limit or impair the necessary powers of Congress. Did the reversal of these cases involve merely the striking down of the inequitable features of this law, or even the whole law, for its want of conformity, the consequences would be less serious; but as it implies a declaration that every income tax must be laid according to the rule of apportionment, the decision involved nothing less than a surrender of the taxing power to the money class.

By resuscitating an argument that was exploded in the Hylton case, and has lain practically dormant for a hundred years, it is made to do duty in nullifying not this law alone, but every similar law that is not based uopn an impossible theory of apportionment. Even the specter of socialism is conjured up to frighten Congress from laying taxes upon the people in proportion to their ability to pay them. It is certainly a strange commentary upon the Constitution of the United States and upon the Democratic Government that Congress has no power to lay a tax, which is one of the main sources of revenue of nearly every civilized State. It is a confession of feebleness in which I find myself wholly unable to join.

While I have no doubt that Congress will find some means of surmounting the present crisis, my theory is that in some moment of national peril, this decision will rise up to frustrate its will and paralyze its arm. I hope it may not prove the first step toward the submergence of the liberties of people in a sordid despotism of wealth.

As I can not escape the conviction that the decision of the court in this great case is fraught with immeasurable danger to the future of the country, and that it approaches the proportion of a national calamity, I feel it my duty to enter my protest against it. (Pages 1145-1146 United States Supreme Court report, volume 1, book 39.)

Since that time President Roosevelt, in a message to Congress on the subject, and in speeches, has recommended the imposition of an income tax. I quote from his message, as follows:

The National Government has long derived its chief revenue from a tariff on imports and from an internal or excise tax. In addition to these there is every reason why, when next our system of taxation is revised, the National Government should impose a graduated inheritance tax, and, if possible, a graduated income tax. The man of great wealth owes a peculiar obligation to the State, because he derives special advantages from the mere existence of government. Not only should he recognize this obligation in the way he leads his daily life and in the way he earns and spends his money, but it should also be recognized by the way in which he pays for the protection the State gives him.

President Taft, while discussing the same subject in a speech delivered in Ohio, used the following language, which he has repeated on a number of occasions since:

I believe a federal graduated inheritance tax to be a useful means of raising government funds. It is easily and certainly collected. The incidence of taxation is heaviest on those best able to stand it, and indirectly, while not placing undue restriction on individual effort, it would moderate the enthusiasm for the amassing of immense fortunes.

In times of great national need an income tax would be of great assistance in furnishing means to carry on the Government, and it is not free from doubt how the Supreme Court, with changed membership, would view a new income-tax law under such conditions. The court was nearly evenly divided in the last case, and during the civil war great sums were collected by an income tax without judicial interference, and it was then supposed within the federal power.

Surely this is a question worthy of consideration by the present Congress when it undertakes to make up a deficit in the revenues of the country, and the Government should again be given the opportunity to at least endeavor to collect from the wealth of the country a portion of the revenues with which to defray its necessary expenses, and the policy of laying the chief burdens of taxation upon the consumers and upon the backs of the toiling masses of our country, as is done by this bill, should be no longer continued.

INHERITANCE TAX.

I have already stated that I am opposed to the inheritance-tax feature of this bill, because it undertakes to levy a tax upon the small inheritances of the poor, and does not reach the large inheritances, upon which such a tax should be mainly imposed. Besides, 36 of the States now impose an inheritance tax, and from this source derive an annual revenue of from ten to fifteen million dollars, and the remaining States that have not already adopted this plan of raising revenue are considering the proposition. Under the act of 1898, known as the "war-revenue act," there was collected in the year 1902 something like $5,000,000 from this source.

I can not give my support to this bill, because I do not believe in the doctrine of protecting by the agency of the Government any business or any class by the imposition of tax that must be borne chiefly by the consumers of the country. I am not opposed to the levying of tariff upon imports sufficient to raise revenues for the Government, to carry it on and pay the expenses when economically administered, but in imposing the duty it should be fairly and justly imposed, and not, as is contained in this bill, discriminating in favor of classes and sections.

I have no desire to learn any new lessons as to the Democratic doctrine on the subject of the tariff. I am content to still follow the doctrine as laid down and upheld by the founders of the party, and by that great apostle of Democracy, Andrew Jackson. In his first message to Congress he said:

With regard to a proper selection of the subjects of impost with a view to revenue, it would seem to me that the spirit of equity, caution, and compromise in which the Constitution was formed requires that the great interests of agriculture, commerce, and manufactures should be equally favored, and that perhaps the only exception to this rule should consist in the peculiar encouragement of any products of either of them that may be found essential to our national independence.

In conclusion, I can do no better service to my party and my people than to recall and repeat the words of this most illustrious Democrat and advocate of the rights of the plain people of our country, to be found in his message to the Senate, protesting against their vote of censure for removing the deposits from the United States Bank:

It is not in a splendid government supported by monopolies and armies that they will find happiness or their liberties protected, but in a plain system, void of pomp, protecting all and granting favors to none, dispensing its favors like the dews of heaven, unseen, unfelt, save in the freshness and beauty they contribute to produce. It is such a government that the genius of the people require; such a one only under which our States may remain for ages to come united, prosperous, and free.

[Applause on the Democratic side.]

Think not to delude us by proposing a tariff on cotton—the long staple, the sea-island kind, or any other kind. The price of our cotton, for long and short staple, is fixed in Liverpool, in the markets of the world. We export 65 per cent of the short staple and nearly 38 per cent of the long staple, or sea-island cotton; and to lay a tax on cotton, either long or short staple, is to put upon it merely a bonus for the cotton manufacturer, which will be taken from the pockets of the people and redound to the injury of the grower. [Applause on the Democratic side.]

Hug not the delusion to your souls, gentlemen on the Republican side, that this great empire of the South, which has arisen from its ashes and which is developing simply the privileges and advantages that God has given them by the exercise of their own independence and their intelligence—hug not the delusive idea to your souls that that great empire wants any protection under this bill, but is true to the principles that their forefathers fought for. Hug not the delusion to your souls that that country is ready to sell its devotions and principles of party for a mess of tariff protection. [Applause on the Democratic side.] Nor yet are they ready to forget the doctrines of their fathers for mere favor of more protection.

Mr. Chairman, I must desist. The House will grow weary, and I am myself hardly able to continue. I desire to say that I am ready to vote with my party and its party declarations in a removal of a tariff on lumber, every cent and every dollar of it. [Applause.] Up to the war no tariff on lumber was ever levied by any Congress. From 1868 to 1897 no unhallowed hand of any trust ever dared to lay a tax on lumber or salt. To use the language of a great Republican, probably the greatest Republican we ever had in modern times, a man that stood up for the principles of the Republican party, Mr. James G. Blaine, in a speech of 1868, declared that even during the stress of the civil war when you swept the sea of expediency, swept the ocean and land, went into the houses and dwellings of citizens and put an internal-revenue tax on every business, levied tariff taxes until they piled mountain high, never in war even did the Republican or Democratic party ever think of levying a tax on lumber, salt, or bread. [Applause on the Democratic side.] In

this bill you do all. Lumber to build the homes of the poor man and shelter his family is taxed for the benefit of the lumber trust. Salt must pay a tax, not for revenue, not to fill the empty coffers of the Government, made empty by the extravagance of the Republican party for the last fourteen years. [Applause on the Democratic side.] Not to run the Government economically, but that the lumber trust, the salt trust, the beef trust, the Standard Oil trust, the steel trust, the cotton bagging and tie trust, and all the other trusts may prosper, and that the people may continue to bear the burdens, not of taxation, but of robbery and injustice. [Loud applause.]

APPENDIX A.

DISSOLVING THE "SOLID SOUTH."

[By Bishop Warren A. Candler.]

Objection is being urged to the solidity of the "solid South," and intimations have been given out that an effort is being made to disintegrate it. Concerning the political phases of the subject, in the light of which men determine their party affiliations, I have nothing to say; but about the general subject I have some reflections to offer.

And, first of all, I would like to inquire why so much objection is urged to a "solid South" while nothing is said of a "solid New England?" The solidity of the latter is as obdurate and persistent as the solidity of the former, and for much the same reasons, doubtless. There is no solid West (i. e., North and Central West), because the West has been settled by a great variety of people and its population is too heterogeneous to be solid. But from the days of the colonies until now there have been distinct types of people in both New England and the South, and for the most natural reasons, therefore, they have been solid.

For one I believe that it is best they should be "solid." By their solidity they work out for themselves the best results, and at the same time they thereby make the best contribution to the well-being of the entire country. In a land which is filling up with multitudes of miscellaneous people from every part of the globe it is vastly important that in one or two sections at least there should be some stable forms of life and civilization.

The South especially possesses certain characteristics which should be perpetuated at all cost. They are of the utmost value to the Republic, and they must not be minimized or modified.

In the South is found the purest type of what may be called "original Americanism." Among its people are more men and women who trace their descent directly to colonial sires than in any other section of the Union. Its social forms and domestic life, as well as its architecture, tend naturally to the colonial type, and they should not be exchanged for any other.

Its religious life is orthodox in creed and evangelical in spirit. The variegated and eccentric ecclesiastical bodies which abound in New England have but a small and negligible following in the South. Southern Christianity has not been weakened by sending forth from its roots all sorts of isms, which, like suckers, weaken the main stem without producing any good fruit themselves. We have had few heresy trials, for we have had few heretics. Our people have accepted the Bible as the word of God, and have relied for salvation upon the atonement of Jesus Christ the Lord. By consequence the southern churches have more nearly succeeded in winning the whole population of the South to Christian living than have the churches of the other sections of the country succeeded with the people to whom they make their appeals. There are more church members in the South in proportion to population than can be found in any other part of the United States.

In the South we have also the best observance of the Sabbath, and in so far as we have anywise fallen from grace in this important matter our fall may be traced to influences which have come in upon us from without. If we had remained more "solid" with respect to the observance of the Sabbath, we would have done far better than we have by following, even for a little way, modish vice and foreign airs.

The South is the soberest part of the United States. There are fewer barrooms among us and fewer people who want barrooms than are found in New England or the West. Prohibition counts for more in the South than it does in any other section of the Union.

There are also fewer grafters and less graft in the South than any other section. Pennsylvania, the land of William Penn and great solidity, has shown more corruption in the building of her capitol and the government of the one city of Pittsburg than has been known in all the South during a half century. The southern people have not been without their faults, but they have been remarkably free from the cowardly, sneakish vice of stealing. Public officials in the South have not been given to pilfering public funds.

Many other characteristic excellencies of the southern people might be enumerated, but let these suffice for the present. Is it supposed that we shall change our principles with respect to these or any other matters? If so, why? Have our principles been demonstrated to be unsound? If so, in what particular? If we are to renounce our principles, what set of principles shall we put in their place? Has New England anything better to teach us? Is the land of the Pilgrim Fathers to maintain an unyielding solidity, while the South is to break up into classes of convenient size for instruction by New England? Let New England show more Christianity, more children, a better observance of Sunday, less drunkenness, and less graft before we sit humbly at her feet for instruction. We might have learned much from the New England of the Pilgrim Fathers, but we can learn little of value from the New England of their backslidden children.

But it may be said that we must change our view of the relative powers of the state and federal governments. This is not the time for that. It is true our picturesque President has assured the country that "we need through executive action, through legislative action, and through judicial interpretation and construction of law to increase the power of the Federal Government;" but at the risk of initiation into the "Ananias Club" or classification with the "undesirable citizens," we are bound to tell him such talk is perfidy to his official oath. He swore to support the Constitution, not to stretch it, and secession against the Constitution is worse than secession against the Union, for the Union draws its life from the Constitution. The Union without the Constitution is not the Federal Union, but the organized tyranny of an unscrupulous majority, doing as they list with the rights of the minority. If the Federal Government requires more power to fulfill its mission under the conditions of the present day, there are easy and constitutional ways of giving to it such power, but it does not belong to the executive, legislative, or judicial branches of the Government to filch power from the States or from the people, even though they purloin it in order to lay it in the lap of the Federal Government.

But does the Federal Government need so much more power? It is said that there is going on in our country a perilous concentration of wealth in the hands of a few. Suppose we centralize the Government at the same time this process of concentrating wealth goes on, and that eventually the concentrated wealth seizes the centralized Government. What then would become of the rights of the people? What would be done would simply be a question of what might be desired by the men wielding this immense combination of financial and political power. If they failed to find precedents for their usurpations they could plead the illustrious example of our present President, and call for the enlargement of the powers of the Federal Government by "executive action," "legislative action," and "judicial interpretation and construction of law." Doubtless, however, they would not stop for even that much formality of law. Under the lead of the President's rough-riding example the limit of their power would be only the limit of their desires.

Moreover, expansion of territory demands more and more the shifting of weight from the Federal Government to the local governments of the States. Otherwise the strain on the center will become too great and the whole structure will crumble. The security of the Union is in the sovereignty of the States.

This is certainly no time for the South to cease contending for the strict observance of the constitutional limitations imposed upon the Federal Government. A surreptitious revolution is proposed, and it must be resisted as vigorously as if it were an armed force attempting to subvert the Government. Let us stand solidly against it, and if any other section wishes to stand with us we shall not object. But if any other sections of the country invite us to abjure our devotion to the fundamental principles of the Government in order to obtain political spoils in the form of office and appropriations, let us give them to understand that neither we nor our fathers have been accustomed to accept bribes.

It should also be said that our long-established view of the tariff is not to be surrendered. With possibly one exception the professors of political economy in every respectable college and university in America (the experts on this subject) unite with us in our unwavering opposition to protection. I am not sure that there is one exception, but I understand that in the University of Pennsylvania the heresy of protection is intrenched. The location of such instruction discloses its inspiration. Why should we renounce what is demonstrably correct? Certain protectionists are fond of calling themselves the "standpatters;" very well, if they can stand pat for an erroneous economic dogma we may well stand pat for a sound economic principle. The truth is, the system of protection is not founded in reason nor based on righteousness; it is maintained by trading and mutual concessions among the Representatives in Congress of clamant and domineering interests. To employ the taxing power of the Government to enrich certain interests at the expense of all the people comes dangerously near robbery under the guise of legislation. It is utterly puerile to say such a system is necessary in order to maintain the wages of the laboring man. Who shall make the protected manufacturer, who has not scrupled to rob all the people, divide his spoils with his employees? Wages are not thus determined. And even if it were true that protection raises wages, it is also true that it raises the expenses of the laborer more, and thereby it reduces the amount of his net income.

We have nothing to take back as to the tariff. If other sections wish to unite with us in embodying in law the sound and honest views which we have held on this subject, we will welcome their association and assistance. But if they unite with us in our contentions, what then will become of their own solidarity, concerning the dissolving of which we hear nothing?

Other subjects might be brought forward, but I forbear for the present. Let me inquire with reference to the matters herein presented and other issues which naturally suggest themselves, what principle or set of principles, which have operated as cohesive forces to make the South solid in her place, as New England is solid in her place, is it now proposed that we shall renounce? If we all go together into some new movement, will we not be as solid as ever? If we divide, will we be happier and more harmonious among ourselves and more influential with other sections by reason of the strife which division will engender? Were any people ever made more powerful or prosperous by discord? Wily enemies have been known to pursue the policy of dividing a people in order to conquer them, but those who have most faithfully resisted the foes of peoples thus threatened have always insisted that their security was their unity.

I take it no Trojan horse will be admitted within our gates. Our people may gaze on such devices with a certain sort of interest, but they will not be so simple as not to see that the contents of the animal are something more warlike than grass.

I beg to commend to careful consideration of all concerned the following paragraph, which I have extracted from one of the most ably conducted papers in the South:

"That the South is dissimilar from other parts of the Republic in important social, political, and religious matters is a proposition too plain to be disputed for a moment. That these differences are radical, historic, and persistent it would be easy to show. That they are to the advantage of our section is a belief that we hold without asking leave or license of any. The South is the social, political, and religious residuary legatee of American civilization. Its day is coming; indeed, is now. It has no need to fret or to be impatient of fortune, for it holds the illuminating lamp of the future of our national life. Only we must preserve our vantage and push our way toward a complete realization of our historic ideals. Nor must we be in haste to give up either our solidarity or our isolation. This may seem a reactionary or nonprogressive sentiment, but it is neither. Both the solidarity and the isolation of peculiar peoples have been employed of history and Providence in hastening the world's better destinies. This isolation and solidarity is no barrier to intercourse and cooperation in all common enterprises, but it is that eclecticism of people which puts their exceptional ideals above the thought of compromise or accommodation. The South can agree to no coalescences, ecclesiastical or otherwise, that will for a moment jeopardize its ideals."

That is what might be called "interestin' readin'." It is also quite suggestive. Southern courtesy and hospitality must not be mistaken for the renunciation of southern convictions.

It may be added that the task of breaking up the "Solid South" will not be found an easy one. The unifying processes of more than a century are not arrested and turned backward in a day. Blood and tradition, ancestry and history, the compacting power of war and the solidifying struggles of peace, common interests and common dangers, common memories and common hopes, count for something; and all these things must be reckoned with when men undertake to break up the "Solid South." Where will they find a solvent powerful enough to disintegrate in a moment what has been forming for more than a century? Can the seductive wooings of an artful partisanism put asunder

those whom Providence hath so manifestly joined together? Can the crafty pleadings of a thrifty expediency compass such an end? Can the saccharine sentiments which are wont to flow around banqueting boards dissolve the affiliations of generations? Hardly.

The "New South" is just the "Old South" going on its way—and "happy on the way." If any civil person is traveling the same road the South has no objection to his company, but it is not bowed down beneath an insupportable sense of desolation and lonesomeness. Its happiness is not dependent upon the presence of any traveling companion. With its cotton fields and factories, its fruit and flowers, and above all with its lofty and uncompromisable principles, the South asks no favor and begs no one for fellowship.

The people of the South are not wanting in independence of thought. They are not terrified into being "solid." They do not divide, simply because they are honestly agreed. It has not been for a sham solidarity, forced upon them by intolerance, that they have contended in peace and war. Such a view of them is shallow and misleading. The South is solid first and most of all in the sacred things which lie deeper down in the soul than passing policies and transient expedients of party politics. The southern people are one in heart, and I mistake them very much if they do not so remain for years to come.

APPENDIX B.

THE SOUTH—RESULTS—RESOURCES.

Summary of southern progress since 1880.

[From the Manufacturers' Record.]

	1880.	1900.	1908.
Population	16,369,960	22,548,401	26,834,705
Density	29.3	29.1	33.2
Manufactures:			
Capital	$257,244,564	$1,153,002,368	$2,100,000,000
Products	$457,454,777	$1,463,643,177	$2,600,000,000
Cotton mills:			
Capital	$21,000,000	$112,837,000	$266,500,000
Spindles, active	667,754	4,453,729	10,443,761
Looms, active	14,323	112,806	222,539
Cotton used, pounds	108,694,889	747,744,000	1,059,519,893
Cotton-oil mills:			
Number	45	369	800
Capital	$3,800,000	$34,450,000	$90,000,000
Pig iron made, tons	397,301	2,604,671	[a] 3,445,221
Coke made, do	372,436	5,709,384	[a] 9,289,471
Lumber products, value	$39,000,000	$188,114,000	$365,000,000
Lumber cut, feet	3,410,294,000	13,699,107,000	[a] 19,303,983,000
Farm products, value	$660,000,000	$1,271,664,000	$2,225,000,000
Cotton crop:			
Bales	5,723,934	9,003,296	10,582,966
Value without seed	$312,303,000	$339,958,000	$614,034,000
Grain products:			
Corn, bushels	406,825,484	476,655,803	[a] 715,780,000
Wheat, do	55,301,686	93,358,836	[a] 59,485,000
Oats, do	55,201,270	83,998,256	[a] 43,053,000
Mineral products, value	[b] $13,817,930	$114,945,099	[a] $286,818,347
Coal mined, tons	6,037,003	49,048,059	[a] 94,829,835
Iron ore mined, do	842,454	4,707,449	[a] 6,316,027
Petroleum, barrels	179,000	17,099,973	[a] 27,239,057
Phosphate mined, tons	190,763	1,489,907	[a] 2,253,198
Railroad mileage	20,612	52,594	67,181
Exports, value	$264,905,753	$484,644,177	$648,098,715
National banks:			
Resources	$171,464,172	$516,798,006	$1,100,117,838
Capital	$46,688,930	$86,371,980	$162,558,230
Individual deposits	$64,733,249	$264,938,284	$531,277,537
Other banks, deposits	$83,444,576	$254,439,168	$624,752,437
Common schools, expenditures	$9,796,040	$26,585,848	[c] $37,687,615
Property, true value	$7,505,000,000	$13,893,073,149	$20,073,686,216

[a] Figures of 1907. [b] Figures of 1882. [c] Figures of 1905-1906.

INVENTORY OF THE SOUTH.

[From the Manufacturers' Record.]

An inventory of accomplished facts of southern progress since 1880, when it was enabled to resume its normal career, and of its material resources still to be thoroughly developed.

Population, from 16,369,960 to 26,834,705, or by 10,464,745, equal to 63.9 per cent.

True value of property, from $7,505,000,000 to $20,073,686,216, or by $12,568,686,216, equal to 167 per cent.

Capital in manufactures, from $257,244,564 to $2,100,000,000, or by $1,842,755,436, equal to 716.6 per cent.

Products of manufactures, from $457,454,777 to $2,600,000,000, or by $2,142,545,223, equal to 468.9 per cent.

Capital in cotton mills, from $21,000,000 to $266,500,000, or by $245,500,000, equal to 1,169 per cent.

Active spindles in cotton mills, from 667,754 to 10,443,761, or by 9,776,007, equal to 1,464 per cent.

Active looms in cotton mills, from 14,323 to 222,539, or by 208,216, equal to 1,453 per cent.

Cotton used, from 108,694,889 pounds to 1,059,519,893 pounds, or by 950,825,004 pounds, equal to 875 per cent.

Capital in cotton-oil mills, from $3,800,000 to $90,000,000, or by $86,200,000, equal to 2,268 per cent.

Pig iron produced, from 397,301 tons to 3,445,221 tons, or by 3,047,920 tons, equal to 767 per cent.

Coke made, from 372,436 tons to 9,289,471 tons, or by 8,917,035, equal to 2,394 per cent.

Value of lumber products, from $39,000,000 to $365,000,000, or by $326,000,000, equal to 836 per cent.

Lumber cut, from 3,410,294,000 feet to 19,303,983,000 feet, or by 15,893,689,000 feet, equal to 466 per cent.

Value of farm products, from $660,000,000 to $2,225,000,000, or by $1,565,000,000, equal to 237 per cent.

Bales of cotton raised, from 5,723,934 to 10,582,966, or by 4,859,032 bales, equal to 85 per cent.

Value of the cotton crop, not including seed, from $312,303,000 to $614,034,000, or by $301,731,000, equal to 96 per cent.

Corn, wheat, and oats raised, from 577,328,440 bushels to 818,318,000 bushels, or by 240,789,560 bushels, equal to 41 per cent.

Value of mineral products, from $13,817,930 to $286,818,347, or by $273,000,417, equal to 1,976 per cent.

Coal mined, from 6,037,003 tons to 94,829,835 tons, or by 88,792,832 tons, equal to 1,470 per cent.

Iron ore mined, from 842,454 tons to 6,316,027 tons, or by 5,473,573 tons, equal to 649 per cent.

Petroleum produced, from 179,000 barrels to 27,239,057 barrels, or by 27,060,057 barrels, equal to 15,118 per cent.

Phosphate mined, from 190,763 tons to 2,253,198 tons, or by 2,062,435 tons, equal to 1,081 per cent.

Railroad length, from 20,612 miles to 67,181 miles, or by 46,569 miles, equal to 221 per cent.

Exports from southern ports, from $264,905,753 to $648,098,715, or by $383,192,962, equal to 145 per cent.

Aggregate resources of national banks, from $171,464,172 to $1,100,117,838, or by $928,653,666, equal to 541 per cent.

Capital of national banks, from $46,688,930 to $162,558,230, or by $115,869,300, equal to 248 per cent.

Individual deposits in national banks, from $64,733,249 to $531,277,537, or by $466,544,288, equal to 721 per cent.

Deposits in state banks, savings banks, private banks, and loan and trust companies, from $83,444,576 to $624,752,437, or by $541,307,861, equal to 649 per cent.

Expenditures for common schools, from $9,796,040 to $37,687,615, or by $27,891,575, equal to 285 per cent.

This record of achievement is as nothing compared to what the South is yet to do in realizing fully its vast potentialities. To begin with, its area of 806,247 square miles is for the most part scantily populated, when one considers the more than 100 persons to the square mile supported in New England or the 93 persons to the square mile in such a State as Illinois. When the density of population in the whole South shall be equal to that of Illinois, there will be 75,046,071 inhabitants of the South, nearly the population of the whole country in 1900. That there is room for such a population and a support for it is obvious in the fact that of the 516,446,080 acres of land in the South but 337,981,784 acres, or 65 per cent of the whole, are in farm land, and of the farm land but 116,779,896 acres, or 34 per cent, are improved.

Mr. CALDERHEAD. Mr. Chairman, I am not sure that anything I say will add to the value of this discussion. We have had fifteen days of it now, I believe, and the debate has not added much light either to the value of discussion of the protective-tariff system, as a system, or to the criticisms that are imposed upon it.

The eloquent gentleman from Georgia [Mr. BARTLETT], who has just taken his seat, in his opening remarks accused the provisions of the proposed legislation to be a grant of special privileges to somebody, and in his concluding remarks he charged that the proposed tariff was not levied for the purpose of producing revenue for the Government economically administered, but for the purpose of making rich somebody at the expense of others.

For fifteen days we have listened to the general charge that the tariff was levied for the purpose of being a burden on the consumer. There has not been an intimation that the tariff at any time is for the benefit of the producer.

The gentleman from Missouri [Mr. CLARK], opening the discussion on that side of the House, cited the names of the authorities in the Nation who included the substance of all that could be said upon it. He named Alexander Hamilton's report and a number of others, and concluded with the report of Mr. Gallatin. Nothing that has been said upon the subject since Hamilton's report has added much to the knowledge of the people, or to the purpose for which the protective tariff is levied. Here is a great Nation, now, of 90,000,000 people, occupying land stretching from sea to sea, a great agricultural land, to which the inhabitants might easily turn for their own sustenance, and Hamilton's report was for the purpose of advising the country of the necessity of diversifying the industries of the United States, that it might find employment for all its people and be independent of the producers of other nations.

At this hour, Mr. Chairman, the question is the same that it was in his day. Ten millions of people are engaged as laborers upon farms; six and a half millions of people, speaking in round numbers, are engaged in labor in the manufactories; 1,800,000 people are employed upon the railways. All the vast army of men who are not employed in agriculture are employed in producing some form of manufactured goods or in the transportation of them. The charge is generally made that the whole tariff is levied for the protection of the manufacturer. The general answer to it is that the man who has received the most protection from the tariff has been the farmer upon his farm, and the wage-earner at his work and in his wages. Testimony to that effect is set forth in the language of Mr. Tompkins, from North Carolina, before our committee, in which he testified that fifteen years ago a cotton crop of 10,000,000 bales was worth 5 cents a pound, before the establishment of manufactories, and brought $300,000,000; and now, since the establishment of manufactories, that same crop of 10,000,000 bales brings to the South $600,000,000; and in addition to that, the discovery of the method of producing cotton-seed oil brings the South another $100,000,000.

Men have been drawn from the farms to labor in their own factories, and the men who competed upon the farm merely

for the production of cotton and the sale of it are competing upon the farm for the production and sale of the food which supports the factories, as well as supplies them with its cotton. The value of the farm products there is another hundred millions.

Mr. Chairman, but a few minutes more will suffice for all that I intend to say at this time. Last year we produced upon the farms of America nearly eight thousand millions of dollars worth. We sold abroad to other countries about one thousand millions of dollars' worth. Who bought the rest of it? Who had the money to buy it, and how did they get it? Last year the manufactured products of America were sixteen thousand and eight hundred millions of dollars, and we exported about nine hundred million dollars of that. Who bought the rest of it and who had the money to buy it? Twenty-three thousand million dollars' worth of commerce between the States and less than two thousand million dollars' worth of commerce between the United States and all the balance of the world!

The commerce between the States of our country is greater than all the commerce of Europe, Asia, and Africa with all the world. Who buys our commerce, and who has the money to buy it? We have lived for ten years under a tariff legislation that is denounced as partisan, as class legislation, as legislation for privileged wealth. Where did the money come from that bought sixteen thousand millions of dollars worth of manufactured products and seven thousand millions of dollars worth from the farms? Who paid for it? It is not worth while now to enter into a discussion of the schedules which this committee has been preparing for the next tariff. It is hardly worth while to attempt to answer charges that have been made against the Chicago platform. It is enough for us that for months the committee has been listening to the testimony of men engaged in every line of business. More statistics and more data have been collected for the preparation of this bill than for all of the other bills within the last forty years. In a few hours, I think, the bill will be laid before you for discussion, section by section.

As you read it it will be evident to you that it has not been made for the purpose of enriching one man at the expense of another, and it will be no reply to say that it is a tax levied upon the poor or upon the consumer. There is no consumer unless he is also a producer, and the man in America who is not a producer can not be a consumer of any value either to the Nation or to its productions from the farm or from the factory. The tariff legislation that is proposed now does not differ from the tariff legislation proposed by Hamilton, from that proposed and carried into effect by McKinley, nor from that proposed and carried into effect and operation by Dingley. You can not turn a page of the national life during the operation of the Dingley bill that does not show that the Nation was richer by a thousand millions of dollars at the end of every year. There were years when the Nation was richer at every sundown by a million of dollars. There were years when the Nation was richer by a thousand millions of dollars every thirty days.

Some complaint is made that the tariff is levied for the benefit of New England. Can you remember that at the same time the most of our manufactories are in New England and that there is neither coal, nor iron, nor wood, nor leather, nor any other natural production there within her borders sufficient to keep one-fourth of her mills running for thirty days? The great supply comes from the rest of the Nation. Look at the map of the country and at the roll of the deposits in the banks. The gentleman from Connecticut [Mr. HILL] sitting at my right represents a little district. His whole State is only half as large as my own congressional district, and yet in his State there are $400,000,000 on deposit in the savings banks, not counting deposits of the manufacturers who are protected by this protective tariff. Let me modify that expression. The men who are protected by the protective tariff are the wage-earners of his State.

Rocky and mountainous, rough with swamps, without coal mines or iron mines or any other raw material; without grazing for herds of cattle or sheep; without a 40-acre field, even in one spot, for corn or grain, he has in his State twice as much wealth accumulated as wages of labor as there is in my State, which has 80,000 square miles in it. Surely the wealth of New England——

Mr. RUCKER of Missouri. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Missouri?

Mr. CALDERHEAD. Certainly.

Mr. RUCKER of Missouri. Speaking of the great wealth of the wage-earner in Connecticut, I desire to ask the gentleman if the statistics do not show that a smaller per cent of the wage-earners own their homes in Connecticut now than they did twenty years ago?

Mr. CALDERHEAD. I think the gentleman is mistaken. He has had plenty of time to inform himself upon that subject. I have not investigated the subject for the purpose of——

Mr. RUCKER of Missouri. I say that the statistics show that.

Mr. CALDERHEAD. I say that I have not investigated the subject for the purpose of answering questions of that kind; but it sounds very much like a question that might have been under discussion in a hotel lobby and ought to have been answered there. It was just as easy for gentlemen upon the other side, who have been propounding questions of the same character for the last fifteen days to themselves in the lobbies of the hotels in the evening, to have ascertained the facts and brought them here and presented them during the fifteen days they have had the opportunity to present them.

Mr. RUCKER of Missouri. I sought to be entirely courteous to the gentleman——

Mr. CALDERHEAD. I do not wish to be discourteous to my friend——

Mr. RUCKER of Missouri (continuing). And I say my statement is not predicated upon hotel-lobby discussions; it is based upon the statistics issued by the party in power. [Applause on the Democratic side.]

Mr. CALDERHEAD. Then I say again in the fifteen days of debate that has been going on here there has been ample opportunity to have offered the authentic statistics before the House; and there will be time yet before the bill passes, and while the gentleman is my friend, I hope that he will lay them before the House.

Mr. SULZER. I would suggest to the gentleman from Kansas that the gentleman from Missouri has laid the statistics before the House.

Mr. CALDERHEAD. But he was asking a question.

Mr. RUCKER of Missouri. But I followed it up by the declaration that the statistics show what I stated.

Mr. CALDERHEAD. Lay the volume before the House in due course of time, and I will undertake to answer it then if I have overlooked it now. What I ask you to remember is this fact, that north of the Potomac and east of the Ohio River is more than two-thirds of the wealth of the entire Nation.

Let me repeat again, that north of the Potomac and east of the Ohio River are two-thirds of the wealth of the country, and there are the manufacturers, there are the producers who take seven-eighths of all that come from your farm and mine and manufacture it into material for commerce, and there the things are made, the $16,000,000,000 worth, $15,000,000,000 worth that is sold to us in our country. There is the market for our flocks and our herds, our wheat and our corn.

Mr. HARDY. Mr. Chairman, will the gentleman yield for a question?

Mr. CALDERHEAD. Yes.

Mr. HARDY. You stated that north of the Potomac and east of the Ohio River is two-thirds of the wealth of the country.

Mr. CALDERHEAD. Yes.

Mr. HARDY. Does not that of itself show that some unfair advantage in our economic system has been given to that section of the United States?

Mr. CALDERHEAD. Not in the world. From the time of Alexander Hamilton to this time they have been building factory after factory. Just as I stated a little while ago, the little State of Connecticut, or take all New England, without coal, without iron, without sheep ranges and cattle ranges, and cotton fields, without the great producing soil that is found in your country, have been accumulating more manufactures, paid more wages, and put more money in the bank than all the balance of us put together.

Mr. HARDY. Will the gentleman allow me just a repetition of what I said. Does not the very fact that that portion of the country which has the natural resources is poorer than that portion of the country which is by nature the poorest show that the Government is favoring the New England section to the detriment of the other sections?

Mr. CALDERHEAD. Nowhere in the world. The only thing now that bothers New England is the fact that cotton mills have doubled in the field where the cotton is produced. And other factories are growing up in other parts of the country.

The shoe factories are in St. Louis, in Kansas City, in St. Joseph, and Omaha, nearer to the field which produces the leather for them and nearer to the consumer who uses them. Just as I stated a little while ago, if the gentleman will read

the statements made by Mr. Tompkins, of North Carolina, before our committee, he will see that cotton, which fifteen years ago only brought $300,000,000, last year brought $600,000,000, and he charges it to the fact that the cotton mills have gone nearer to the cotton fields. The same protective-tariff law that stretched over New England stretched over the great South and the great West and invited labor in all its operation.

Mr. HARDY. Have not those cotton mills of the South been compelled in their infancy and their poverty to compete with the great, wealthy factories of New England without any protection?

Mr. CALDERHEAD. No, sir. The same protection extended to them that extended all over the country. It was one law for one land.

Mr. HARDY. Is there any protection against New England for the young industries of the South and of the new West? [Applause on the Democratic side.]

Mr. CALDERHEAD. The same protection. It is one law for one land, from sea to sea. The same protection which stands over the shoe factories of New England stands over the shoe factories of St. Louis, and there is in St. Louis the largest shoe factory in the world, turning out a million pairs of shoes every thirty days. There are in New England the cotton mills which were built nearly a hundred years ago, still in operation, turned by the same water power, while there is spread all over Georgia the new cotton mills that have been built within the last fifteen years.

Mr. HARDY. The point I am trying to present to the gentleman is: Are not we in the South building up infant industries, and, under the Constitution, are not we forbidden to have any protection against the old established and wealthy industries which may drive us out of the market?

Mr. CALDERHEAD. Does the gentleman mean that there should be a tariff between States? Is that the doctrine he intends to advocate, that there must be a tariff between States, to enable Georgia, which was planted when Massachusetts was planted, to catch up with Massachusetts now?

Mr. HARDY. If protection is a righteous proposition, ought it not to prevail in every locality and in favor of every State?

Mr. CALDERHEAD. It does, without question. We make no law and have made none in forty-eight years that we have been responsible for legislation that is not for the whole people. We have never made a law which you have revised or repealed except a tariff law. The only tariff law that we have ever made that you have repealed was the McKinley law. We made it and put it in operation. You repealed it and put in operation the Wilson bill, and the country repudiated and repealed you at the first opportunity.

Mr. REEDER. I would like to make a suggestion, if you please. I would like to say to the gentleman that nature has built up a great protection in favor of the southern cotton industry, and that, in addition to the protection that we give, it seems to me, will produce a great deal of cotton manufacture.

Mr. BARTLETT of Georgia rose.

Mr. HARDY. Allow me just one suggestion by way of response to what the gentleman said a moment ago.

Mr. CALDERHEAD. I prefer to yield to the gentleman from Georgia [Mr. BARTLETT] now, and I will yield to the other question later.

Mr. BARTLETT of Georgia. I want to ask the gentleman if this very bill—the Payne bill—does not discriminate against the kind of cotton yarns made in the South in favor of the kind made in the East by reducing—and I have no complaint to make of that—the tariff upon the coarser classes of yarn up to 40, and made now almost altogether in the South, and by increasing the duty upon the finer yarns, made almost altogether in the East and in the North?

Mr. CALDERHEAD. Mr. Chairman, I did not enter into a discussion of the schedules. I did not intend, and neither did the committee, that there should be a discrimination against the mills of Georgia and in favor of the mills of New England. I want to say just one word further.

Mr. BARTLETT of Georgia. I would like to ask the gentleman another question, and then I will not interrupt him again, because I am not able physically to do it. The gentleman, then, admits that my proposition about this particular bill is correct?

Mr. CALDERHEAD. I am not quite sure that I have admitted that. I have said that I did not intend——

Mr. BARTLETT of Georgia. The gentleman aided in preparing the bill. Is it not a fact, not only with reference to the finer and coarser yarns, but you put a provision in here which taxes thread which was double twisted, and put a higher tariff on that, and that was the kind of thread made in the East? Is it not a fact—and I do not want the gentleman to give away any secrets, if it is not proper—is it not a fact that within the last few days, with reference to the last proposition of twisted thread, the committee, realizing the injustice of this, have proposed to modify that by an amendment?

Mr. CALDERHEAD. The gentleman is perhaps correct about that, for I want to say that the committee did not intend to do injustice to any portion of the land or show partiality to any portion. We are preparing legislation to establish justice and equity in the whole Nation.

From now until the end of the debate on the bill, I think if it is shown that there are partialities to one section or discriminations against another, the committee will be just as willing to correct it as the gentleman from Georgia. I may add a little further that I was one of the Members who was in favor of a tariff on the long staple or sea-island cotton, for I am aware of the vast extent of territory over which its cultivation could be extended. I regret that the committee was unable to agree with me in that. If the gentleman is in favor of a tariff which will protect sea-island cotton and will perfect an amendment to that effect, I will stand by him.

Mr. BARTLETT of Georgia. I am not, because I do not think it needs it.

Mr. CALDERHEAD. He could have the benefit of it.

Mr. BARTLETT of Georgia. I would not be for it if it needed it.

Mr. HARDY. I wish to say in answer to the gentleman from Kansas [Mr. REEDER], who has stated that nature has given protection to the South, which it has denied to other countries, in her product of cotton, that whenever we sell that product cheaper abroad than at home something ought to be done to bring down our home price.

Mr. CALDERHEAD. I have not yielded for a discussion with the gentleman.

Mr. HARDY. Just one word more. If the manufacturer of New England sells his product cheaper abroad than at home, they need no protection.

Mr. CALDERHEAD. Mr. Chairman, I have heard that fallacy uttered more than once. If the gentleman will read the testimony presented to the committee, to which the gentleman has had access for the last fifteen days, it would have given him better information than that.

Mr. HARDY. Does the gentleman deny that manufactured products are sold cheaper abroad than at home?

Mr. CALDERHEAD. I have just made my reply to you, but if the goods sent abroad were emptied into the ocean, the wages of the men who made them would be paid just the same.

Mr. STANLEY. Mr. Chairman, I was impressed by what the gentleman has said—that it was the desire of the Committee on Ways and Means to do exact justice to all sections of the country. I want to say to the gentleman that my section of the country—Kentucky, with the exception of the claim on the part of those representing eastern Kentucky for an increase of the duty on lumber—has asked no favor at the hands of the committee for protection to any industry. Everything we produce in my section is sold in the open markets of the world, and 90 per cent of our greatest staple goes direct to Liverpool and other foreign markets. We have asked that the iniquitous tax of 6 cents a pound upon all tobacco be removed. The Ways and Means Committee have three times passed a bill, and it passed the House without an opposing vote, taking that tax from the backs of these people. I want to ask the gentleman now if he is not in favor or if he would oppose an amendment to this bill repealing the 6 cents tax on this product—tobacco—a tax that no man on this floor will defend for a second and that would not affect the bill or any of its schedules in its symmetry or autonomy in any way?

Mr. CALDERHEAD. Mr. Chairman, I am not undertaking an investigation of the internal-revenue law for the purpose of replying to any suggestion that the gentleman has just made. I know it is a fact that the great market for our tobacco is in America. The merchants in Hamburg, who buy tobacco from all the islands of the sea, hold it to sell for manufacture in every nation on the face of this earth, and are trying to get into this great market of ours. Every nation on earth is trying to compel this Nation to reduce its tariff. The Democratic party is organized and somehow or other seems to be lined up upon the side of foreign nations and against the American laborer. [Applause on the Republican side.] How comes it that all of you should be insisting that we should levy the taxes in our law for the support of our Government upon terms which will be satisfactory to Hamburg, satisfactory to Liver-

pool, and satisfactory to every foreign country that desires to sell to this country?

Mr. STANLEY. Mr. Chairman, I will be as brief with a question as I can, and I know the gentleman——

Mr. CALDERHEAD. What is the question?

Mr. STANLEY. Mr. Chairman, the gentleman from Kansas misapprehends the purpose of my question and misapprehends the purpose of the amendment to which I referred.

Mr. CALDERHEAD. No, Mr. Chairman; I think not.

Mr. STANLEY. This 6 cents tax does not affect the internal revenue directly or indirectly. It is not collected on the imports; it does not deal with any portion of the foreign trade; it is an excise tax, levied here at home.

Mr. CALDERHEAD. I am perfectly willing to yield for a question, but I am not going to enter into a colloquy.

Mr. STANLEY. Mr. Chairman, I am calling the gentleman's attention to the misapprehension of my question and the purpose of this tax. I do not care to put a tax of a dollar a pound on imported tobacco or to take it off; what I am talking about is whether he is willing to take off the excise tax.

The CHAIRMAN. The gentleman declines to yield.

Mr. CALDERHEAD. Mr. Chairman, I said a moment ago that I did not intend to enter into a discussion of the internal-revenue tax. It has been a good many years since that tax was levied. There has been ample opportunity for a discussion of it and ample opportunity for revision of it, and if at the present time it is deemed necessary or advisable, it may yet be done.

Mr. JAMES. Is it not true that your party platform of 1888 declared in favor of taking this tax off of tobacco because your party declared that it was a hindrance, a burden, and an annoyance to agriculture? [Applause.]

Mr. CALDERHEAD. That may be true.

Mr. JAMES It is true.

Mr. CALDERHEAD. I think it is, or the gentleman would not state it. For the purposes of what I have to say at this time, I do not care much whether it is true or not, since Kentucky does not care for a tariff for any of her interests. Situated in the heart of the nation, with the richest soil and the most genial climate, with a most heroic people and a heroic history, I advise the gentleman to turn to the statistics of his State and inquire whether her sons have done their duty to their land or not when they compare it with the little New England States and see what they have done with their rocky coasts. And there are others. There is all that vast land of the South, richer by nature than any other land the sun shines on; with heroic traditions, with great men, with rich land, with easy, docile labor, what have you done with your rich inheritance?

These men in the frost-bitten States of New England, not by the favor of a sun that shines summer and winter like yours, not by the favor of a soil that is measureless in its richness, not by the favor of a gentle climate or great opportunity, not by the favor of rivers that can carry their produce to the sea, but by toil and labor the men in these little frost-bitten States have accumulated two-thirds of the wealth of the Nation, while you, with waterfalls enough to run all the machinery necessary for all the cotton that could be made on all your wide acres, ship two-thirds of your crop to some other country and sell it there. What have you done with your land?

Mr. SISSON. Will the gentleman permit an interruption?

Mr. CALDERHEAD. Yes.

Mr. SISSON. Will the gentleman tell this House what would become of the smoking factories and humming looms in New England if the South should manufacture all of her vast products?

Mr. CALDERHEAD. Do not be uneasy for a moment about New England. She has taken care of herself from the day the Pilgrim fathers landed at Plymouth Rock until now, and she will take care of herself until the end. [Applause.] Do not be uneasy about that.

Mr. GARRETT. This bill indicates that. [Applause on the Democratic side.]

Mr. CALDERHEAD. Make all you can, develop your own lands to the utmost, and see what we will do.

Mr. SISSON. Will the gentleman permit another interruption?

Mr. CALDERHEAD. Yes.

Mr. SISSON. Has not the condition the gentleman speaks of been occasioned by reason of the fact that New England has had from 45 to 90 per cent protection upon all that she produced and the South has had absolutely nothing?

Mr. CALDERHEAD. That is a question which is traditional in the South, and has occupied most of the hearthstones and most of the hotel corners for the last eighty years. Why do you not get to work on your own account? [Laughter.] When you set up a government of your own—I do not intend to accuse you of doing what was unjust—you intended to export cotton to England, and you provided in your constitution that no import duty should ever be laid upon any manufactured goods coming into your country.

You stood by your traditions then, and you are still standing by them. You are living by them. A tradition is a healthy thing for a people, and no nation lives long that does not reverence its fathers and its mothers; but it is time for the children of a rich land to take their traditions in hand and go to the fields of toil and begin to produce and manufacture for themselves. [Applause on the Republican side.]

Mr. HOBSON. Will the gentleman yield for a question?

Mr. CALDERHEAD. Yes.

Mr. HOBSON. I will ask the gentleman if he has ever been through the South since the days of the civil war, and since the devastation and prostration produced by reconstruction, and if he has since then seen the astonishing progress that has been made not only in the development of agriculture, but in the way of manufacturing?

Mr. CALDERHEAD. Now, if the gentleman will wait, and not interrupt with a question——

Mr. HOBSON. I should like to know if the gentleman has been through the South and seen the changes that have occurred since the days of the civil war?

Mr. CALDERHEAD. There is no need of repeating the question. I understand it. I do not want to be interrupted again with a colloquy, without meaning any discourtesy whatever to the gentleman from Alabama.

When I saw the South it was devastated by war; it was poor. I know how poor it was when it went home from Appomattox. I realize the heroism with which they finally returned to their labors on their homesteads, but I know that until the operation of the Dingley law spread its influences and its sustaining hand over you, you paid no attention to factories, and I know that since that time you have built more cotton mills than you built before in a hundred years. [Applause on the Republican side.]

I know also that 2,600 independent sawmill owners sent their delegates to represent them before our committee. The water power which turns the wheels had been running there from the time before the first governor of Georgia occupied his seat. The power to turn all that great forest into lumber for us to use in a market 800 miles away was open, and yet not a sawmill turned a wheel, except for their own little home consumption, until the Dingley law furnished a protecting hand over them, and then they sold lumber to little New England.

Mr. SLAYDEN. Will the gentleman yield?

Mr. CALDERHEAD. I will yield to the gentleman from Texas.

Mr. SLAYDEN. I want to ask the gentleman, who has told us some things that he knows, and in passing I want to say that he knows some things that have not happened [laughter on the Democratic side]——

Mr. CALDERHEAD. Mr. Chairman, I do not care to yield to hear things that I do not know and things that have not happened. [Laughter.]

Mr. SLAYDEN. Does the gentleman know that at least one State in the South, the only one for which I claim the privilege of speaking, even in part, produces one crop worth more each year than any other crop of any nature whatever produced by any State in the Union, and on top of that the people of Texas contribute a million of dollars to help pay the pensioners in Kansas? [Laughter on the Democratic side.]

Mr. CALDERHEAD. Upon that subject I want to say one word. We frequently have heard it charged that the poor South is taxed to pay the pensions to my comrades. I want to remind them that the only tax they pay for that purpose is the internal-revenue tax levied upon whisky, beer, and tobacco, and the payment of that is purely a voluntary matter with each man. [Laughter on the Republican side.]

Mr. SLAYDEN. They pay it, do they not? They do not do like the people of Kansas, drink without paying the tax. [Laughter on the Democratic side.]

Mr. CALDERHEAD. Pay it? Of course, they pay it. Unfortunately, it may be for them, they have paid more attention to the consumption which results in paying the tax than they have to turning the steel shafts that hold the spindles in the cotton mills. [Laughter and applause on the Republican side.]

Mr. RICHARDSON. Will the gentleman yield for a question?

Mr. CALDERHEAD. Certainly.

Mr. RICHARDSON. I do not want to ask any question in relation to sentiment at all. I want to ask the gentleman one

question. He has discussed the cotton-cloth tax, although I did not hear him, as I was not in the Hall at the time. I want to ask this question about the cotton-cloth tax: Is there any difference in the Payne bill as to the tax on cotton cloth and that in the Dingley bill; and if so, what is the difference?

Mr. CALDERHEAD. I stated, I think, although the gentleman did not hear me, that I did not intend to enter into a discussion of the schedules of this bill at this time for the reason that there will be ample opportunity to do that when the bill is presented in the House.

Mr. RICHARDSON. But the gentleman was discussing the tax upon cotton mills, etc. I want the gentleman to give me a direct answer, as whether paragraph 321 of the Payne bill does not change the entire tax put upon cotton cloths in the Dingley bill, and the average increase reaches 50 per cent—prohibitive in a great many of the articles of cotton cloth imported.

Mr. CALDERHEAD. Mr. Chairman, do I understand the meaning of that question to be that therefore the South must stop making cotton and quit work? Of course I do not want to be discourteous to the gentleman.

Mr. RICHARDSON. Mr. Chairman, I am asking for information; I am not talking about sentiment, about the poverty of the South, or anything of the kind. I want the gentleman to answer that direct question about the difference in the rate in the Dingley bill on cotton cloths and in this bill.

Mr. CALDERHEAD. Mr. Chairman, I said before that I did not care to enter into a discussion about the schedules of the tariff at this time for the reason that we will have ample opportunity to do that as the schedules come before us.

Mr. RICHARDSON. Will the gentleman allow me right there to make a suggestion—not a speech at all?

Mr. CALDERHEAD. Very well.

Mr. RICHARDSON. Mr. Chairman, this tax does not touch the southern cotton mill at all. The southern cotton mills make coarse cloths, and they have no competitor in the world on that character of cotton cloth.

Mr. CALDERHEAD. I think that is true.

Mr. RICHARDSON. It relates only to the New England mills. If sections 318 and 321 are carefully examined it will be ascertained that by classification the theory of the Dingley tax is annulled, and which increases the rate 50 per cent on certain cotton cloths.

Mr. CALDERHEAD. Mr. Chairman, I wanted to remind the gentleman of this fact, that he has had that bill since the day it was reported to the House, and has had ample opportunity to study it. Some changes have been made in the bill recently for the purpose of correcting what appeared to be an injustice to his people. I think, perhaps, he will find as the bill comes before the House that it has been amended for the express purpose that he desires.

Mr. RICHARDSON. Does the gentleman think that a cotton mill at Fall River which makes 25 per cent in the panic year of 1907 ought to have additional protection? I am not complaining as to southern mills. They are not affected at all. The change made decreases revenues and increases the cost to the people of necessary cotton cloth by giving the New England mills a monopoly.

Mr. CALDERHEAD. Mr. Chairman, there are questions of that kind which can be discussed, and doubtless have been discussed during the last fifteen or twenty days. They have been in every campaign. Wherever I have had the pleasure and honor of hearing those gentlemen talk about politics from the stump in the last ten years, I have heard these same kind of questions put to the audience as an evidence that the Republican party was unjust to the gentleman and his people and unfair in partiality to New England. I am not from New England. I have seen very little of it. The only portion that I have ever seen has been the heart of Connecticut. I live west of the Missouri River. For twenty-eight years I never was east of it.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. CALDERHEAD. Not now. Mr. Chairman, I have watched the vast increase of that great empire, against the policy and against the legislation, so far as they were able to accomplish it, of our friends on the other side.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. CALDERHEAD. Mr. Chairman, I can not yield at this time.

The CHAIRMAN. The gentleman declines to yield.

Mr. RUCKER of Missouri. But the gentleman asked me——

The CHAIRMAN. But the gentleman declines to yield.

Mr. RUCKER of Missouri. The gentleman asked me for some facts, and I want to give them to him.

Mr. CALDERHEAD. Mr. Chairman, the gentleman can take the floor after I am through for the purpose of making a speech. I have watched the development of my country from the other side of the Missouri River. For twenty-eight years I was not east of it. A year after the time I went there they drove the golden spikes that united the Central Pacific with the Union Pacific Railway, and made one line of railroad from the Missouri River to the Pacific Ocean. When I went there, freight was $600 a ton in gold from the Missouri River to Salt Lake. The next year after that great railway was built it was $39 a ton for the same distance. The day before yesterday the sixth intercontinental line was completed. No golden spike was driven at Seattle when the Chicago, Milwaukee and Seattle Railway was completed.

All the notice that it excited was a paragraph in the newspaper. Fifteen great States have been built since that time. Mines and minerals have been developed, flocks and herds are scattered over their vast domains, affording the raw material that will keep the unemployed workingmen of America at work the year round. You are standing here to say that every tax we put upon it is in some way or other a burden upon the consumer. The consumer? Who is he but the man who produces?

Just a word more, Mr. Chairman, and then I am through. I wish to remind my Republican friends that it is not a question whether hides come in free or subject to a duty, of whether lumber comes in free or subject to a duty. Personally I know that they ought both to be protected, for the tariff is for protection to the laborer in the lumber mills, and there has been no evidence found in four years that there is a lumber trust which combines the lumber mill and the manufacturer. [Applause.]

I believe there ought to be a tariff on hides, for it is an industry which the farmer and the herd owner from the Missouri to the Rocky Mountains furnish to the market. [Applause on the Republican side.] I do not believe that the shoe factories of New England or anywhere else need that 15 per cent. It is not a question of whether either of those things comes the way we want it; but it is a question of whether the legislation in which we believe, the legislation which is consistent with the life of the laborer of the Nation, the legislation which stands like a wall around the laborers of America to protect them from the competition of the poorly paid laborers of other nations [applause on the Republican side] shall be maintained and passed as a law or shall be defeated because some little petty item does not suit you and me. [Applause on the Republican side.]

And for it all there are many years to come. No nation has ever yet been born and started on its career with a purpose to die. A hundred million people in our brief life; in another century 300,000,000; in another five centuries who shall number the multitudes that stand upon our land, all of them rejoicing in that nobler spirit of life, in nobler action of life, in the higher standard of faith and hope, and that if all around them some kind of clouds come to disturb the air, and threats upon one side and answers upon the other side make the foundations of the Nation tremble, then I know that in that far-off day, just as in the day of the fragment of the generation to which I belong, when duty calls, liberty's sons will come answering from every hill and valley, singing the same song that we sung:

Oh, say, can you see, by the dawn's early light.
* * * * *
Oh, say, does that Star-Spangled Banner still wave
O'er the land of the free and the home of the brave?

[Applause on the Republican side.]

And it will still be there. [Loud applause.] A thousand years, my own Columbia, it will still be there.

Mr. RUCKER of Missouri. Will the gentleman yield for a question before he takes his seat?

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Could I answer the question he asked me a moment ago? Does the gentleman yield for a moment; it will not take but a moment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURGESS. Mr. Chairman, in this bill now before the House the clock of protectionism strikes twelve. The philosophy of the doctrine and the facts now existing in this country demonstrate the truth of that assertion. From Alexander Hamilton to President McKinley all of the great men who have written and spoken on this subject have contended that the philosophy of the doctrine was that a protective tariff invited the investment of capital in manufacturing enterprises in this country, which increased the employment of labor and consequently augmented the capacity to buy and strengthened the home market for all producers. To put it concisely, until quite recently all the advocates of the doctrine of protectionism based their support of it upon the theory that it was a great developing instrumentality, augmenting the wealth of the country in every way.

I need not weary the House by quotations from Alexander Hamilton's report or from any of the historical documents and speeches touching this subject, for no well-informed man will gainsay what I have stated.

Mr. Chairman, I submit that every character of development policy carries inherently the seeds of death; that any policy of development presupposes fruition, just as the great natural law of growth presupposes ultimate fruition and decay. Just as the fruits ripen and fall to the ground, just as the trees of the forest reach maturity and finally decay, just as every form of life finally goes into dissolution, so, in the very nature of things, a development theory when put in operation looks to its final death, to the cessation of its application, by reason of the consummation of those things sought by its adoption. More than that, a development policy the result of human invention should be based upon and be in accord with the great natural laws pertaining to the subject-matter to which the policy itself relates.

You ask a great physician what the real philosophy of medicine is, and he will tell you that it is a mere aid to nature's natural efforts to work out the laws of health, and that medicine really is the science of how not to give it. That, in the nature of things, any remedy which he adopts must be in accord with these natural laws, and temporary in its use, ceasing with the evolution of these natural laws, which he merely tries to aid. You ask the Huntingtons and the Hills the philosophy of railroad building, and they will tell you that donations by the citizens toward the building of the railroad is purely a temporary matter, an inducement, an aid, and that in the last analysis those who invest their capital in the building of railroads must look to the great natural forces that exist, or will be developed, for dividends upon such investments. The very origin of protectionism was grounded upon the theory of stimulating manufacture, the contention being briefly stated thus: That by restricting foreign competition in the home market, a more profitable field therein was created for the investment of capital; that such investments not only added to the taxable values but increased the employment of labor, furnished more mouths to eat and bodies to wear, with better wages to buy all those things needed for man's necessities and comforts; and that this condition produced a universal benefit, in that it tended to increase prices on everything within the home market for the simple reason that it made the demand greater, operating upon the same supply, and hence increased prices on all things, since value at last is the creature of relation.

In the beginning there was much force in this philosophy, for the reason that the facts then existing made the application of the doctrine capable of producing to a large extent these results, since in our early history we purchased nearly all manufactured articles abroad, and we were almost wholly an agricultural people, raising corn, tobacco, wheat, cotton, cattle, and so forth.

I do not care at this time to pause to discuss the question of whether the policy was a wise one to inaugurate or not. That has been for a hundred years a question upon which has been poured out the intellect of the world, but for the purposes of the argument I am now making that is immaterial. I have said, and I repeat with all emphasis possible, that we have reached a period at which the doctrine of protectionism is doomed to death by the changed conditions, which make its continued application more and more unjust and injurious. I have said, and I repeat that this bill makes the clock of protectionism strike twelve; that this policy has reached its fruition, and that the process of dissolution as certainly awaits it as ultimately it must await every other development policy.

In the language of my German friends I wish to say to the House that the philosophy of the doctrine of protectionism is "ausgespieled." This German word beautifully and truthfully expresses the situation as it exists to-day, and obviously to the thoughtful mind as manufacture was increased under this policy more and more its benefits grew less and its burdens increased. As the immortal Grover Cleveland once remarked: "It is not a theory but a condition which confronts us." What are the facts? In almost all lines of manufacture the American manufacturer is making as much and more than the American market consumes, and foreign export of American manufactured articles is growing by leaps and bounds. An examination of the reports of the department of the Government touching the subject discloses this fact, as well as the most casual investigation through the usual sources of information among us. And now I wish you to follow me. Is it true that we have reached the point in this development policy called "protectionism" where the manufacturer of the article upon which he has been protected by the tariff is making more than the people of the United States consume?

If that be true, and you know, each of you, that it is true, I submit that I have demonstrated that we have reached the fruition of your policy, and that the present and coming great task of the American statesman is how to abandon the policy as no longer productive of good, but really of injury if continued, with the least commercial and industrial disturbances on account of such abandonment. In other words, we have reached the point with this doctrine where statesmanship is the art of how to cease giving this medicine any longer without destroying the health of the patients who have been overstimulated by it. The fact is, we have gotten drunk, as a nation, on the wine of protectionism, and the serious problem now is how to sober up. Obviously, when the manufacturer, stimulated under this development policy, reached the point where he was furnishing an adequate supply for the home market demand, from his selfish standpoint, he recognized that he was confronted by a condition under which, if he wished to extend his business—increase his profits—he must do one of two things as a business proposition: He must compete with similar factories in the home market by reducing prices without respect to the shelter afforded by protection, or he must combine with these others engaged in the same business, so as to reap the benefit of the full prices afforded under protectionism, and expand such combined businesses by competition in foreign markets wherever possible. Is it strange that these combinations have rapidly sprung up in the country? Is it strange that the mother of protectionism finally gave birth in the fullness of time to this miserable brood of children that, like vampires, are now sucking the blood of the masses? The strange thing about it is that the American people will be so busy with their private pursuits as not to exercise their intelligence and call a halt in this process of what is now legalized robbery.

Will any man on this floor contend that this policy now and still invites the investment of capital in competing factories in the home market; that under this policy now there is increasing employment to labor and a universal diffusion of capacity to buy, by reason of its beneficent operation? No honest man can or will make any such contention, in the face of the facts as they are known to exist. [Applause on the Democratic side.]

But, Mr. Chairman, this is not the worst of the condition that confronts us. Not only has all the good philosophy which originally supported the doctrine passed out of it, by reason of the consummation of the purposes of its operation, but, under present conditions, the application and continuance of the policy not only ceases to be beneficent, but actually becomes malevolent. How? These manufacturers, having covered the American market with their supplies, and having organized, either by actual holding companies covering the various factories or by agreements which operate with the same practical results, to maintain the largest measure of profits possible under protectionism, are now going further, and by these processes they are seeking to depress the prices of the things they buy, to lessen labor by eliminating it wherever possible, and crushing and preventing any local competitor from springing up anywhere by the enormous capital and power they possess when thus massed under the shelter of protection.

I wish to say to my Republican colleagues on that side of the Chamber, and to Republicans everywhere, that you are being driven, inch by inch, by the great, natural economic laws of this country toward the abandonment of protectionism. You may war against these great forces for a while, but the time is coming speedily when they must finally overthrow you. You may ridicule the "Iowa idea." You may laugh and spit at LA FOLLETTE, CUMMINS, and others, but these men are types of the toiling masses within the Republic, and their views are a tribute, eternal as the hills, to the tenets of that party of the people from Jefferson to Bryan. [Applause on the Democratic side.]

These men who stand for genuine revision of the tariff are not going to grow less in numbers. They are continually going to increase more and more by reason of comprehension of the conditions which exist, and a great Democratic tide is rising in this country which will work out practical results, in spite of the "stand-pat" arguments of this House, in spite of the hand of the "Iron Duke" and his lieutenants, in spite of partisan politics, in spite of the contributions of wealth and power, in spite of a subsidized press, and in spite of time-serving politicians, and we shall sweep the "standpatters" from power in the Republican party and force it to accept finally on this character of legislation, as it already has done in other things, the true Democratic doctrine of a tariff for revenue, or the Republican party will be disorganized and overthrown and the Democracy will reign supreme, and the manufacturer will cease to be

the only creature taken care of by the legislation of our country. [Applause on the Democratic side.]

I told you that the clock of protectionism strikes twelve. We can not go on always, as McKinley said at Buffalo, looking alone to the home market. The real need now—and it will be an ever-increasing one to the American people—is foreign markets. It is inevitable that the pockets and the patriotism, that the principles and the policies of the American people will finally jump together on this question. The manufacturer has too long been the pet of national legislation, and the great producers and consumers of this country must "have their day in court." The "bulls" of protectionism have played the stocks and bonds of the manufacturer, of trusts, of combinations to the limit, and the "bears" must now have their innings, and the corn raisers of the great Middle West, the wheat raisers of the great Northwest, can no longer be held in line for this policy by the waving of the "bloody shirt," by the adroit appeals to sectionalism, by the false sophistry of benefit to them, and they are gradually drifting in line with the cotton raisers and the cattle raisers on this doctrine.

The great cry for reduction of the tariff, a cheapening to them of the things they buy, in justice to them, because of the fact that they are selling their products in the world's market under the universal laws of competition, and blessing other nations and enriching their own, is swelling more and more in this country, and will finally become speedily a mighty voice which can not be hushed by all the hands of all the "Iron Dukes" of all the parties in this country. The irony, the bitter sarcasm, of this bill lies in the fact that the organized leaders of the Republican party, preaching the "stand-pat" doctrine and practicing it, too, as long as they dared, and now, when in the open, they no longer dare to thwart this voice in their own party, they are resorting to miserable subterfuge in order to still this voice. They knew well this cry was so strong, that for fear of national defeat in the last election, they suddenly became so anxious to revise and ostensibly reduce the tariff, that they pledged the people, prior to the last election, that if successful they would call, immediately after the short session of the Sixtieth Congress, a special session to revise the tariff, and while you evaded all you could any specific promise to reduce it, such was the party contention everywhere where this voice of reduction was making itself heard. All over the Middle West your orators were promising the people that the tariff would not only be revised, but that it would be reduced in the interest of the people. You knew the people were crying for bread; you knew that insurrection threatened your party organization; you met it by promises, and this bill is your performance, contemptible to every man who knows enough about it to look into it. This bill does not reduce the tariff. This bill is not in the interest of the toiling and consuming masses. This bill is still a "stand-pat" high-protection tariff measure, and you can not delude the people any longer. The people cried for bread, and you have given them a stone, and a grindstone at that. [Applause on the Democratic side.]

Now, what are the people going to do about it? Are they going to continue to support a policy that, played to the limit, all the good has passed out of and that is growing worse every day? How long will the taxpaying consumers of this country stand for a policy that, played to the limit, is now resulting in combinations which control the home market and continually milk the American people of the highest possible profit, while they are selling abroad, under competitive conditions with other countries, cheaper than they sell at home? I bear glad witness to the fact that the great toiling masses are rapidly becoming better informed. You find to-day in the humblest home newspapers and magazines, and I am proud to say that they are not all subsidized, and more and more they are pouring out to these earnest, patriotic brains the facts as they exist, and more and more the wheat raiser, the cattle raiser, the corn raiser, the cotton raiser, and the toiler everywhere, is coming to realize that protectionism has played out; that his burdens are growing greater; that his wages are buying less; that it is harder and harder for him to hold his job; and that something awful, somewhere, is the matter. And as certain as the sun shines this great educational process going on among the masses will not stop, and these men are putting away from them sectionalism feeling, partisanship, and are drifting with irresistible force from different standpoints to the same conclusion—that the protection must be overthrown. Does this mean free trade? No. The Democratic party never in its history declared for free trade, and never could have logically done so, for the simple reason that it is a party always revering the Constitution of our country, and that Constitution proposes as a method of raising taxation to support the Government a duty on imports, a tariff, a tax, if you will, to be paid by the consumer of the articles taxed, and we could not therefore in this country ever go beyond a tariff for revenue.

We could not go to free trade, nor ought we to go too fast. I sometimes fear that the desperation of the "standpatter" and the delay of remedial relief may provoke such a storm against its own house as that the danger will be too sweeping and sudden a reduction of the tariff when it comes, as come it must, and that the problem confronting the conservative Democrat will be to prevent not a reduction, but too much reduction too suddenly. The Democracy's position on the tariff is the golden thread which runs through its whole history, in preachment and in practice, since its first national platform in 1840, and it declared then for the doctrine of a tariff for revenue, limited to the needs of an honest government economically administered. From that doctrine it has never wavered. As the great Thurman used to wake the echoes in the Middle West by saying "The tariff of the American people is a tax, and should be levied according to taxation principles," so the party, in all its history, has been true to this doctrine, and it has ever stood for the doctrine of a tariff for revenue. And what does that mean? Revenue is an income to the Government from taxation. A tariff for revenue is a tariff tax paid by the consumers of the articles taxed. I pause to call attention to the fact that while Republicans at home and elsewhere talk glibly about state taxation, you never hear one of them, here or elsewhere, talk about national taxation. They seem to have a horror of this word "tax," and some of them used to say, when we hurled it in their teeth, that the foreigner paid it, and logically got themselves in a ridiculous position of contending that their great system actually developed this country at the expense of the foreigner. Of course, few people ever believed such a ridiculous doctrine.

The overshadowing issue in this country to-day, like Banquo's ghost, which was an honest one which will not down, is the issue of low taxation and economic expenditure, of equality of the burden and benefits of taxation, and the wise economy of expenditure. That is the point, now, upon which all the thought of the country needs to be concentrated. Look at the Republican party as an organization now. Its main circus is the tent of protectionism, and everything else is a side show. Speaking to my brethren on this side, I implore you to get busy, get together, call our forces all over the country together, and let us cease fighting over side shows, as they are not important, but let us march in solid phalanx down upon the main circus, in through the main entrance, and grapple with the old "he" elephant himself. And, my brethren on this side of the Chamber, if we will get together in the coming campaigns upon the ancient and honorable doctrines of our party for low and equal taxation, honest and economic government, we can sweep this country. [Applause on the Democratic side.]

What about the doctrine of free raw material? The very fact that the tariff is a tax forces the conclusion that it should be levied according to taxation principles. What are they? Equality, uniformity in the burdens and benefits of a tax without reference to classes, sections, individuals, or whatever else. The doctrine precludes the idea of fighting protection with a free list. It makes me sick to hear a Democrat, or a Republican, as to that, talk about free this or that or the other. Whenever you put articles of import upon the free list you increase the burden of the tax on everything else and increase the inherent evil of the incidental protection carried by it at the same time. [Applause on the Democratic side.]

As for myself, if I could write a tariff bill, I would have a free list that you could practically cover with a $10 bill. But you say, "Would you be for a tax on this, on that, or the other?" I would be for a tax of some sort on any old thing that is imported into this country, so that I could broaden the burden of the tax and decrease and lessen the incidental protection as far and as much as the system of taxation would permit under our trade conditions.

You ask me if I am for a tax on hides? Why, of course. The duty was over three millions of dollars last year on hides. For a tax on wool? Yes. For a tax on cattle? Yes. For a tax, in a word, on anything that we import. I would be for a very moderate tax on some things. Why? Because I believe in the old Democratic doctrine that if we could we would raise enough revenue to run an honest, economic Government by taxing the luxuries alone, but we can not. Therefore, we have to tax comforts as well, and we can not raise enough on both. Therefore, we have to have a tax on necessaries. I would minimize the free list. I would levy as low a tariff on the necessaries of life as the demands of an economic, honest Government would permit, and still higher on comforts, and still higher on luxuries, and enough on all classes of articles to meet the needs of an

honest, economic Government justly and fairly administered. That is the position that this country is as certain to come to as you live.

It would have been better by far for the country if this general debate had closed in four hours on a side, and the bill had been taken up section by section and this body permitted to assert its representative capacity on every schedule in this bill. [Loud applause.] But the "standpatters" are in the saddle. They own "the machine" of the House, and they are allowing the "Iron Duke" to dictate the great taxing power of this Government. You start in to stifle the voice of the people in this, the greatest representative body. You know it, and I know it, and the people are finding it out. Abraham Lincoln knocked the black out when he said:

You may fool some of the people all of the time and all of the people some of the time, but you can not fool all of the people all of the time.

[Applause.]

The real question involved in this controversy among ourselves about the rules was not secondary issues, not a question of committee on committees; but really the question was of taking from the Speaker part of his power—taking the iron glove from the "Iron Duke"—and raise a Committee on Rules in this House that will be responsible to the Representatives here and to whom we could appeal for a rule that will give every Representative a fair show on every article that affects his district. The issue was "the machine," as run by the Speaker and his two appointees on the Committee on Rules.

Now we are beginning to reap the results. The "Iron Duke" and his two lieutenants are juggling and fixing up a rule by methods that no man would care to tell the truth about in the open day. They are endeavoring to satisfy this side and that side and get them to come together in a hodge-podge trade to force the stand-pat policy through in this House, and take the chance to have the thing helped out some at the other end of the Capitol by a like machine. [Applause on the Democratic side.] I predict that the machine will go to pieces at the other end of the Capitol for the first time in forty years. They have no such rules over there. This bill, just like the railroad rate bill, I predict, will be better for the people when it comes from the other end of the Capitol than it is now and here. Perhaps the result of this is softened somewhat by the fact that this protracted debate has brought out a lot of concessions from the machine that we might not otherwise have gotten. If the blow is softened to that extent, I welcome the fact, but I apprehend the concessions will not amount to anything substantial. I predict that the iron and steel schedules will not be modified, nor will the woolen schedules. We are to be allowed to touch the lumber schedule in high places. I understand we are to have an amendment on hides, so that we may under hides "skin" the rest of the country. [Laughter and applause.] There may be an amendment on lumber offered, perhaps, and a few little things to satisfy some of the insurgents, but the body of the bill will stand in accord with the "standpatters" here and yonder.

Now, if I were as mean as some of the Populists were once in my district, when they had a mass meeting and spoke favorably of a measure that passed, and said it was a scoundrelly act, but helped their party—if I could find it in my heart, I would say in regard to the situation, "I welcome the situation, because I believe it means the destruction of the Republican machine in this country in the next congressional and presidential elections."

Just here I wish to call attention to the evidence of the growth of Democratic sentiment, which, in my judgment, is a matter on which the country and the party should be congratulated. Doubtless, upon past "paramount" issues, we either estranged entirely or caused the indifference of a very considerable number of voters who may be classified under the name of the "middle class"—the merchants, the bankers, and the professional men; but it is perfectly evident that upon this issue the merchant everywhere is becoming awake to the fact that protection played to the limit, which for a while he thought aided his business, and maybe made him sympathize with protectionism or be indifferent to the Democracy, is now affecting his business; that these combinations are fixing the price to him, decreasing his profits, dictating the course of his business, and interfering with the great laws of competition, and minimizes the value of his character and capacity in his business; that his real interests lie not with the great combinations and manufacturers, but with the great consuming masses, and he is beginning to protest everywhere and is rapidly drifting toward the ranks of the Democracy.

Ah, Mr. Chairman, as iniquitous and wicked in its conception and its execution as that glove and hosiery schedule is, out of the evil there is coming good; the merchants everywhere, and the women everywhere—God bless them all—are looking into this question, and they are protesting not only against this schedule, but more and more against the system which I assert is absolutely consistent when it writes into this bill this miserable glove and hosiery schedule. It is only what it has done times without number in the history of the organization. It is nothing new for the "standpatter" to build up a monopoly that is exactly what has been done all along, and this schedule, I trust, will form an object lesson that will rivet the minds and hearts of the American women and the American merchants upon this great problem, and that they will aid us in the destruction of any political organization which stands for a continuance of this policy.

Protests are coming in from them indicating that they are realizing that this protection played to the limit has evolved combinations that are destructive of competition, that narrow the middlemen's profits, and tend to destroy every just, economic law in its operation. [Applause on the Democratic side.] You will not fool the country. The country will take the view of it that a lunatic did in a story which I intend to tell and then close.

Two lunatics were being conveyed to the Southwest Asylum, in my State. One said to the other:

Where are you going?

The other one said:

I am going down to the lunatic asylum.
What is the matter with you?
Why, I got to studying predestination and foreordination and God's election and man's free will, and all that, and I got mixed up.
I talked with the preachers and deacons, and it all got worse. I got so I couldn't sleep, saw all kinds of visions, and they just took me and said they were going to send me down to the asylum to straighten me out. Now, what is the matter with you?

Well—

Said the other—

I am going down to the asylum, too. They say I am crazy.
Well, what is the matter with you?
Why, I got to studying tariff revision, free trade, tariff for revenue, reciprocity, free raw materials, the maximum and minimum, and drawbacks, and all that, and I got all mixed up, and I thought the country was being ruined. One night I had a vision, and I heard a voice that told me the Republican party was coming into power the next election and that they were going to revise and reduce this tariff in the interest of the people and straighten all this out. I believed it, and I told my friends of my vision, and they took me and sent me down to the lunatic asylum.
Well—

The other man said—

you did not believe in a vision like that, did you?

He said:

Yes.
What! Did you believe that the Republican party as at present organized would reduce the tariff in the interest of the people?
Yes—

He said—

I did.
Well, you ain't crazy, you are just a natural-born fool.
[Laughter.]

[Mr. FOSTER of Vermont addressed the committee. See Appendix.]

Mr. STANLEY. Mr. Chairman, I rise to discuss a part of this tariff bill which is more than political. "For justice all places a temple, and all seasons summer;" and in the name of common justice I demand of the Ways and Means Committee either that they bring in an amendment taking the tax off of leaf tobacco in the hand of the farmer or that some man who refuses to do it have the courage, the manhood, the respect that is due the committee and the people to rise on this floor and defend his act and defend the justice of that tax. Mr. Chairman, this tax will, sooner or later, be the hardest thing you will have to defend. When the cry is abroad in the land that this bill is a cunningly devised plan to help the rich and oppress the poor, to aid the strong and to burden the weak, then this one little schedule will rise like Banquo's ghost, and it will not down. [Applause on the Democratic side.]

Mr. Chairman, for many years there has been concealed a joker in your tariff bills. There is a provision to-day in the revenue laws providing that tobacco in the hand, just as the farmer raises it, without any process of manufacture at all, just as it comes from the stalk, is manufactured tobacco and subject to an internal-revenue tax of 6 cents a pound until you get enough of those leaves together, unmanufactured in any way, to amount to 2,000 pounds and to fill a hogshead, and then it is tobacco in the natural leaf and can be sold by whoever purchases or whoever wants it. Both in the hands of the vendee and in the hands of the vendor it is absolutely free from tax,

but the man who raises that tobacco can not sell it in small quantities unless he sells it to some manufacturer or broker. The result is that the tobacco that is raised must go through this so-called "process of manufacture." Now, for the purpose of smoking—pipe tobacco—the natural leaf is not improved by manufacture, and the manufacturers before the Finance Committee of the Senate all admit that to-day the greatest problem they have to confront them is how to make their tobacco as much like the natural leaf as possible. They admit that the cost of manufacturing is not half a cent a pound, and yet that tobacco, although manufactured at less than half a cent a pound, is sold at from 40 to 80 cents a pound to the very man that raises it.

If the 6 cents tax did not exist and there was no law preventing the farmer from selling his tobacco in the hand, one concern in Tennessee authorizes me to make the statement that it could handle 10,000 hogsheads of the farmer's tobacco for which they could find a sale at home, that they could ship it by the hundred pounds wrapped up in bales to the sawmills in Missouri, in Louisiana, and in Mississippi, and that they could sell it in small quantities in the same way all over the South.

As it is the only sale we have for our tobacco, the only purchasers of 95 per cent of it are the Regies and the American Tobacco Company. The only force, the one agency that demands as its inexorable ultimatum of the Republican party that this tax shall remain, is the tobacco trust, and I call upon you here to-day to let us have a vote and to let us see who are with the people and who are with the trust. [Applause on the Democratic side.]

I believe that the great majority of the men upon that side are not with this trust. The Committee on Ways and Means time and again has reported this bill. No man has spoken for the retention of this tax. No laborer, no farmer, none of the sons of toil, have asked for it. The insidious machinations of James B. Duke and those under his control, a few stool pigeons posing as independents—they are the only people who have asked for it.

I heard my friend from Kansas [Mr. CALDERHEAD] talk about the principle of the tax upon luxuries. The only reason you tax the luxury and tax it as high as you do, is that the men who indulge in the luxury pay for it. I do not object to a tax on manufactured tobacco—I do not care if you make it 40 cents a pound. I do not object to a dollar a gallon tax on whisky, and my people make it. If men choose to chew tobacco and to drink whisky, both bad habits, they can pay for it, but the man who raises a pound of tobacco is as much entitled to justice as the man who raises a bushel of wheat. You have no right to put a tax on the tobacco grower, that you may fill the coffers of the trust.

Now, I demand that this committee do one of two things: EITHER PERMIT MY AMENDMENT OR DEFEND YOUR REFUSAL ON THE FLOOR OF THIS HOUSE. Do not conceal a nameless outrage in the body of this bill; do not put a thing in there of which you are ashamed; do not put a thing in there which you know is wrong and will do a grave injustice to 500,000 men and then treat my appeals with silent contempt; do not refuse to do justice and then refuse to defend the act of injustice.

I interrupted my friend from Kansas [Mr. CALDERHEAD]. He said they did not propose to allow imported tobacco to come into this country without a tax. He is a member of the committee, and I say it with all due deference, that he is utterly ignorant of the whole subject, or he misapprehended what I said, which I think is more probable. He says he objects to the free importation of foreign tobacco, and talks of this 6 cents tax as if it were an import. There is not a pound of tobacco in the Burley district or an ounce of tobacco in the Black Patch that ever comes back into this country when exported. There is not a pound of tobacco that is imported into this country that comes directly or indirectly in competition with it. Why, he was talking about the Hamburg market. I am surprised that a gentleman on the great Ways and Means Committee should know absolutely nothing about the tobacco market. He talks about the Hamburg tobacco competing with our own. Hamburg is not a tobacco market. Bremen is the only open tobacco market in Europe. If he reads the consular reports, he will see that Bremen is the great center which supplies Sweden, Norway, Switzerland, and it actually breaks up the hogsheads we ship over there, and every dealer in the Bremen market has asked the privilege of having tobacco shipped to him in bales instead of in hogsheads.

If you allow this to go through, my friends, it will not in any way affect your revenue. If there is a man upon the Ways and Means Committee who will take five minutes or five hours and will convince me or will convince himself, or will at the end of the argument still claim in the presence of this House that this bill will affect our import duties by a mill, I will agree to make no further demands. Yea, more than that. Your Commissioner of Internal Revenue, one of the ablest commissioners you have had since the war, Mr. Yerkes, came before your committee and said that you could take this tax off the back of the farmer and that it would not affect the internal-revenue tax by a single cent.

My friends, you have read in the daily papers of the conditions that exist in western Kentucky and Tennessee. You have read the story of the Night Riders, a story of lawlessness and disorder in that country, and the accounts are very greatly exaggerated. No writer has yet taken the trouble to paint to you the misery, the want, the utter destitution that visited that country when the tobacco tenants for two long years got less than 20 cents a day because the American Tobacco Company arbitrarily in ninety days reduced the price of raw material from an average of over 7 cents a pound on over $60,000,000 worth of property.

You have never read how those farmers peacefully organized and stood together and held their crops unsold for three years, until they secured a fair price for them, and you have never read the story of the lives of these same farmers of Kentucky and Tennessee for generations before they became the hapless victims of a grinding and heartless monopoly. In the midst of labor broils, in the midst of war between employer and employee, in the midst of lockouts and of strikes, in a hundred years there had been no friction, there had been no strife, no jar between the landlord and his tenant in any of those 26 States. Three hundred thousand men for fifty years tilled the soil in peace; 300,000 men have for half a century lived as neighbors and friends with those for whom they toiled, and 300,000 men had as their sole ambition and highest desire to add to the column of home lovers and home seekers in this land.

On the fertile plains of Kentucky and Tennessee during all this era the little patches of tobacco on hill and dale furnished to the tumultuous scenes of conflicting toil one quiet haven. Hope and peace and plenty cast their mingled delights around them. Here in the midst of confusion and lockouts on every hand was labor's very Eden.

But it is an unequal contest. There is but one thing that will give them relief. There is no longer any competition in the sale of manufactured tobacco, and they want to sell it without manufacturing it. They want to sell their tobacco just as they grow it, just as the farmer has a right to sell his wheat and his hay and his corn; and you by a single amendment can give it to them. Five hundred thousand men will rise up and call you blessed if you do. One single solitary commercial bandit will grit his teeth in wrath and curse you if you amend this law. It is James B. Duke, whom your courts have indicted, whom your President has denounced, standing out, solitary and alone, against a host of toilers. For whom do you stand; the farmer or the trust? If you can not defend this iniquitious provision, for the sake of humanity and for the sake of justice and for the sake of common decency I appeal to you to repeal this pernicious provision in the organic law of the land. The Ways and Means Committee has three times reported a bill to this House repealing this obnoxious act, and three times when presented by the gentleman from Pennsylvania [Mr. DALZELL] it has passed this House without a dissenting vote. Three times it has died in the Senate; and I have produced here on this floor the very telegram that was sent in the name of an independent buyer to a certain member of the Finance Committee, whose name I am not permitted to call, stating that he wanted the bill killed.

I produced the man who sent that telegram. He said that he was not an independent buyer and Mr. Duke sent for him and took him to his office at 105 Fifth avenue, New York, and dictated that telegram, and that is the only voice that has ever been raised against the repeal of this infamous enactment. Can James B. Duke run a ground wire to the Capitol of the United States, and secretly steal the clothing from the back of a million men and women, and reduce them to a condition of almost abject servitude?

What are we asking? I am ashamed to say it. Only a little relief for the wretch who has toiled through heat and cold and rain and shine to bring to fruition a few leaves of tobacco. They have at last mastered the markets of the world, until to-day there is not a manufacturer of tobacco on earth save one to whom he can sell. There is not a foreign port which he may enter.

This poor man can not sell a leaf of his tobacco anywhere on the green earth, not in Germany, the Netherlands, Portugal, France, Spain, Austria, Italy, or South Africa, unless it go to one purchaser; and we ask—what? We ask that he may take

in his own hand a few leaves of tobacco that he himself has grown, and start barefooted down the road to find a purchaser for them.

This brave tenant and his hard-pressed landlord are still sternly and stubbornly battling with the trust. They stand in the midst of poverty and disaster, still unwilling to surrender to their merciless master. Princely fortunes, old and established firms, almost omnipotent in the mercantile world, have been scattered and blown to the winds. The anathema of the law, state and national, this trust successfully defies. In the face of it all, these loyal, determined, patriotic farmers of Kentucky and Tennessee, in the face of pitiless penury, still stand by their homes.

There is one relief and only one—the producer of tobacco must find a market not controlled by the trust. That market you can open by the repeal of this tax. The only objection which has been or can be assigned is this pitiful loss of revenue. In the face of the facts and conditions that confront you, this is no objection at all.

There are 7,000,000 negroes in the South who prefer the natural leaf to tobacco in any other form. That tobacco is given to those negroes in the form of a ration by the owners of southern plantations. A Member of this House the other day told me that it was the custom to allow so many pounds of tobacco with every ration—so much meat and so much meal and so much tobacco. Now, the southern planter and the plantation darky alike would prefer the natural leaf. I know that in the sad hours for Kentucky and Tennessee we can look to the sons of the orange and evergreen for relief. They will not fail us in a response characteristic of that brave and generous land.

It is argued, Mr. Chairman, that if this tax should be taken from tobacco in this form that the sale would supersede the demand for tobacco in other forms, and in that way more materially decrease the revenues of the Government. I hope that this is true, and more than true. "'Tis a consummation devoutly to be wished." Have you ever considered the full meaning of this argument? It is simply this: Men making a few cents for a day of thirteen hours' ceaseless toil in the cultivation of tobacco, will, after this long day is done, take a bundle of tobacco to the nearest country store and trade it for coffee or sugar or meat, and the merchant will sell it to the next customer instead of a plug made by James B. Duke & Co., and in that way the Government will lose the chance to take from this "o'erlabour'd wight" the sum of 6 cents.

Is there a man upon either side of this Chamber who will tell me in honesty and candor that he is the friend of the toiler, that he believes in protecting him against the oppression of the worst trust ever formed, and then have the temerity to claim that this Government should continue this old, cruel war tax, eating as it does the bread from the mouths of the overburdened and starving tenantry of the South?

Will you sit idly by, with your eyes open, and permit them to be ruthlessly plundered, see their last market destroyed, and refuse to this people, by a law you can not defend, the poor boon of making another market for themselves? [Applause on the Democratic side.]

Mr. HOBSON rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HOBSON. Mr. Chairman, I ask unanimous consent to proceed for five minutes in order that I may reply to the gentleman from Kansas [Mr. CALDERHEAD].

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HOBSON. Mr. Chairman, the gentleman from Kansas [Mr. CALDERHEAD] has reproached the South for being backward. It is not necessary to call attention to the progress that the South has made in recent years. This progress has been marvelous. As shown by statistics, it stands without a parallel in the history of America or of any other country. And yet the South is only on the threshold of its development, for in addition to its fertile soil and salubrious climate, it has boundless deposits of coal, iron, cement, salt, limestone, marble, and other minerals, along with great water-power possibilities and three-quarters of the cotton supply of the world, all constituting the basis for becoming the greatest manufacturing section of the world. But it is true that the South was a long time getting started. I believe the gentleman from Kansas little realizes the odds under which the southern people have been laboring. He can have but a slight idea of the terrible devastation wrought by the long civil war, nor can he realize the untold suffering of the reconstruction days, when ignorance was enthroned and the land turned over to be pillaged by adventurers, who squandered the meager resources of the public treasury. I am sure the gentleman has no realization of the staggering weight which the southern people are bearing as they try to uplift the colored race in the face of difficulties arising from misguided efforts of those at a distance who do not understand this great race problem. It is only within the last few weeks that the southern people have been able to draw a deep breath of relief in the assurance that no more will there come from the Government any suggestion of political domination or social equality. With these two questions set at rest we will, under God's guidance, grapple with this great problem and make more rapid progress in redeeming a part of a race that is otherwise going to extermination. And the reward for duty well done will be that the black man will become a growing asset for the South and for the Nation.

The gentleman from Kansas has reproached the South for clinging to its sentiments and to its traditions. I think that such a reproach is ill timed at this juncture, when we find special interests, far and near, forgetting their country, as they clamor for themselves. It is full time that some of the old devotion to country and to principle should again be manifested in public life. [Applause.] I believe, Mr. Chairman, that a man has not fully learned to live until he has found certain principles for which he is willing to die. [Applause.] I admit that the South is clinging to her traditions. Ninety-eight per cent of all the blood that flows in the veins of Southerners is American blood [applause], that has come down pure from the days when men were willing to sacrifice themselves, their fortunes, and their lives for country and for principle. [Applause.] It will be a happy day for the United States when the South, buttressed by industrial, commercial, and financial strength, goes forward and takes again the leadership in directing and molding the affairs of this great Nation. [Applause.]

The question has been raised of the South's share of the national taxes which go to pensions. This amounts to tens of millions every year, and is a heavy drain upon that section for which there is no return. But the South has never complained; the ex-confederate soldiers themselves have never complained, though the pensions have grown to mountain heights. The southern people have the kindliest feelings for the soldier that wore the blue, who showed so much courage and devotion, and the South is thankful to heaven that it is still a part of our great Union. [Applause.] The gentleman from Kansas no doubt loves his country. He doubtless feels a thrill when he looks at the stars in the flag, but I am bold to say that his feelings are not as deep as those of the man who realizes that there was a chance of his not being born under that flag. I have seen the flag when smoke and thunder were on the air, and then it was that my soul exulted and my thanks went up to Almighty God that I had been born under the Stars and Stripes. [Applause.]

And I know that I am simply typical of the other southerners. My father was three times wounded, an officer in the confederate army; yet the earliest memory I have is his saying that he hoped that two of his sons would live, one to go into the army and one into the navy to fight under the old flag. [Applause.] I can tell you to-day, speaking for the whole South, that the fires of patriotism burn as brightly there as in any other part of the country—and no one has a right to doubt this fact since the evidence shown in the Spanish war. The stars in that glorious flag that answer to the names of the Southern States are glittering with a loyalty that is perfect, with a devotion to the Union that is absolute. [Applause.]

Mr. GILLESPIE. Mr. Chairman, I would not join in any way in this discussion except for the fact I find myself differing from some of my colleagues and Members on this side as to what policy should be pursued in reference to some items in this tariff bill. I join in the main, but not all, with what has just been said in regard to the South by the gentleman from Alabama, who has just taken his seat. My father and mother were both born and raised in the district which that gentleman now represents. I have found out that in these tariff questions that special interests control and are the ones who are fighting for recognition here before the Ways and Means Committee. They are the dominant factors in framing a tariff bill. I want to refer, for instance, to the charge that the South is not doing what she ought in the way of material progress. You men of the North hear me. It is to-day as it was when Calhoun hurled the doctrine of nullification, the doctrine of secession, against the tariff barons of this Nation; it is true now, as it was then, that the South suffers most from the heavy taxation laid upon her toilers by your system of protective-tariff legislation. [Applause on the Democratic side.]

We are a cotton-raising people. That is our chief industry. The man who would sacrifice the interests of the cotton raiser of the South to those interested in lumber, in hides, in sugar, in rice, in a number of articles on this tariff list, in my opinion

does not represent the interests of the main body of people of the South who have suffered all these years from these unjust tariff burdens. [Applause on the Democratic side.] Let me tell you. Two-thirds of our cotton crop must find a market abroad. You can not help us by tariff legislation except by making our burdens as light as possible consistent with the needed revenue of an economical government, only by affording us an opportunity to buy what we need of manufactures at a lower price. We are interested in preserving the cotton-manufacturing industry of this Nation. It would be a foolish policy for us to advocate anything that would destroy the cotton-manufacturing industry of this country, or any other industry, for that, although we are dependent for two-thirds of our cotton products upon the cotton industries in foreign countries.

Let me put this to you. The gentleman from Ohio the other day plainly put before this House and the country how, by your protective tariff legislation, you are putting 11 cents a pound in the pockets of the woolgrowers of his State. You people a few years ago denied the proposition that you could create value by legislation. But here you are admitting that, by your high protective tariff policy, you are putting 11 cents a pound in the pockets of the woolgrowers of this country. Now, my friends, suppose you go to the cotton farmer with that proposition, a proposition that requires him to pay on an average nearly 100 per cent tax upon the woolen fabrics that he has got to buy. Are not you asking him a great deal when you require of him to support a policy by taxation that takes from his pockets his honestly earned money and puts it in the pockets of people in other parts of the country?

My friends, the southern white man has to support and educate his own family. Yea, more than that, he has to educate a family of negro children at the same time—tax himself to educate his own children, tax himself to educate almost an equal number of negro children; and then you come to him with this bill in your hand and lay further tax burdens upon his back by demanding 100 per cent on wool, 65 per cent or 70 per cent on cotton and on steel, and many other outrageously high rates in this bill.

Take the whole list, and, in heaven's name, can you hope to win the South under such a policy as that? You may get a few lumber barons, you may get a few wool barons, you may get a few of our people that receive direct benefit from your legislation, but, my friends, the great body of southern workers, those who are toiling in the fields, will control the South. You will never get them until you come, not with flattery upon your lips, not with a bribe in your hands by way of paying special interests, but with justice in your heart, with justice in your proposition, whatever it is. Then, and not until then, will you make any headway in the South, and that will be when the leopard changes his spots or the Ethiopian his skin.

My friends, I know that a Republican believes in special interests, and he may have some respect for southern men that join the Republican party in order to advance their particular special interests; but I do not believe that you have any respect for a man, not controlled by any of these special interests, that would come over and join your protective policy and thus practically betray the interests of the great body of his own people. [Applause on the Democratic side.]

You criticise the South. Let me tell you what you are doing. Look at the statistics of the census of 1900. Look at the boys and girls from 10 to 15 years of age in the South that are working in the fields. You men of chivalrous America, look at the girls of the South, of that tender age, that are in the fields. They are not all negroes. I ask you to look at the statistics with reference to the white boys between 10 and 15 years of age, and the white girls between 10 and 15 years of age, out in the fields; and yet you sneer at them because they have not made the advancement you think they should have made in education. What are you doing? You are by this bill taking schoolbooks out of their hands and putting them into the hands of your own children. You are tearing the roofs from over the heads of these people of the South and building more substantial and palatial residences for your own people. My friends, that is the condition. Mark my word; you will never win in the South until you leave flattery behind, until you leave political bribery behind, and come to us with a proposition involving the square deal, the fair thing, for the people of that section of the Union. [Applause on the Democratic side.]

Now, they say, here is a bill that puts coal on the free list. A gentleman, a Republican, powerful in the councils of his party, turned and said: "Look here; you have turned traitor to the South. I am going to protect southern interests." Now, my friends, how does that proposition look? Coal is a necessary commodity in millions of homes to our people. Here is a proposition that puts coal on the free list, practically. We need it in Texas, we need it in every State in the Union, and here is a gentleman that says to the southern people, "Stand with me to put coal on the dutiable list. I want the southern people to join with me and enable me to recover my part of this special privilege, my tax on coal."

This powerful Republican says: "My colleagues in plunder are not fair. I have heretofore helped them collect a bonus on wool, iron, steel, cotton cloth, and they deny me my bonus on coal. I am outraged. You men of the South, help me to get my share. I do not propose to lift the burdens by a little finger's weight off the backs of our consuming masses, but I will continue their burdens. However, your lumber barons want their bonus, your meat and hide barons want theirs. Let us barons stand together and collect what we have heretofore collected, and let the consuming masses of the country bear the burden."

Mr. Chairman, I will not join in with this delightfully just and fair programme.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I would like to ask the gentleman a question.

Mr. GILLESPIE. I yield to the gentleman.

Mr. HUMPHREYS of Mississippi. While the gentleman is on that point, you have observed that a number of gentlemen on this side of the Chamber, some at any rate, are supporting the proposition to keep the tariff on lumber on the theory that heretofore there has been protection to the interests of the North, and now they intend the South to have its share. The gentleman has observed in the newspapers in the last few days a number of Republicans who are in favor of a tariff on lumber, and who now are threatening the organization that unless they keep this tariff on lumber they will join with the opponents and make an assault on the protective system as a whole. The gentleman, I am sure, sympathizes with those Republicans who want to make a general assault on the entire policy of protection. [Applause.]

Mr. GILLESPIE. Certainly. And it is the only way we can ever win. Take from them their bonus and they will join us for justice to all our people. Now, think of that proposition. Think of the thousands that live on the prairies of Texas and that have been systematically robbed by lumber trusts or lumber agreements in forcing up the price of lumber. Now, here is a proposition that looks to giving to my people cheaper lumber, and yet through some theory of taxation I am required to join the hosts who claim they have been deprived of a part of their booty by their own colleagues.

They come over and want my vote to continue the high price on lumber to the people of Texas. The same way about hides. Now, here is a proposition that is plain in my mind. There is a reasonable competition in this country among the boot and shoe manufacturers anyway. Practically, they have the field. They have excluded foreign competition. Now, in the face of home competition they are able to give our people their boots and shoes at a fair and reasonable price. If they can get their raw material cheaper under this competition, which is admitted to exist, it would inevitably tend to give the people of this country cheaper boots and cheaper shoes, cheaper harness and cheaper saddles. How can I deny such an open proposition as that? My people who have stood for and paid these unjust exactions for years—here is a proposition that offers them a prospect of cheaper shoes, cheaper leather products, and what shall I do? Shall I sacrifice the interests of the shoe wearers and the boot wearers of my district and State to the interests, whether they are cattle kings or packers, of the few that control the sale of hides?

My friends, on the principle of the greatest good to the greatest number of my people as well as of the country at large, I am going to vote, if I can, to put hides on the free list, and I am going to vote to put leather and the products of leather of all kinds on the free list. [Applause.] If I can not get that, I am going to stand for hides on the free list anyhow. They have reduced the tariff on leather from 20 to 5 per cent anyway. I will do this believing the inevitable result will be to give my people and those of the whole country cheaper boots, cheaper shoes, cheaper harness, and cheaper leather manufactures of all kinds. [Applause on the Democratic side.]

Mr. KENNEDY of Ohio. Will the gentleman yield for a question?

Mr. GILLESPIE. I yield to the gentleman.

Mr. KENNEDY of Ohio. Do I understand you are opposed to a tariff on wool and woolen products?

Mr. GILLESPIE. I would put wool to-day on the free list. [Applause on the Democratic side.] I would reduce the tariff on woolen manufactures fully 50 per cent to-day. [Renewed applause on the Democratic side.]

Mr. KENNEDY of Ohio. Does not the gentleman think that the tariff on wool and woolens distinctly discriminates in favor of the South as against the North, where more woolens are consumed per capita in those colder climates?

Mr. GILLESPIE. You say it does discriminate?

Mr. KENNEDY of Ohio. Do you not think that the South pays less per capita to raise revenue on wool and woolens than the northern people would?

Mr. GILLESPIE. I suppose they would; I have not looked up the statistics. But what if it is so? The money stays with your people. Your tariff barons get a large share, and a much smaller share is forced from these barons by labor organizations.

Mr. KENNEDY of Ohio. I would ask the gentleman to kindly tell us what your constituents consume in your district that you do not want taxed?

Mr. GILLESPIE. I have said I would reduce the tariff on woolen fabrics one-half, leaving 50 per cent. Is not the gentleman satisfied with a tax of 50 per cent? Why do you demand 100 per cent? [Applause.]

Mr. KENNEDY of Ohio. Do I understand that the people of the South do not want a tax on anything?

Mr. GILLESPIE. You do not understand any such thing, because the people of the South have never refused to bear their just burden of taxation at any time. [Applause on the Democratic side.]

Mr. KENNEDY of Ohio. On what do your constituents want to pay their share of the revenue necessary to run this Government?

Mr. GILLESPIE. We want to pay a tax on our incomes. [Applause on the Democratic side.] We want to pay taxes on all luxuries that our people use. We have always been willing to pay a reasonable revenue tariff tax.

My friends, this is a serious matter with my people. Since I have been in Congress I have not appealed for one minute to sectional prejudice or any prejudices growing out of the war. I have told my people that if we can get our case before those of the American people who live north of Mason and Dixon's line, if we can convince them that we are not ourselves controlled by sectionalism, by prejudice, but that in the interest of this country we stand for justice and for nothing more, I believed that in time our people would be heard.

Lincoln said that this Government could not continue founded upon injustice. Your protective tariff policy is unjust. Injustice is embodied in it, and, as Lincoln said about slavery, I do not believe the American people will ever let this question rest. Every movement must tend toward the ultimate extinction of this unjust system of taxation now imposed by the Republican party. In 1890 you passed the Sherman antitrust law. You did this to keep the people quiet over their just resentment at tariff-sheltered trusts and monopolies, destroying home competition. But you have not enforced this law, and monopoly is now demanding its repeal or emasculation by amendment, so bold has monopoly become. The panic of 1907 exposed all your false pretenses that high taxation brings and continues prosperity. When, through short crops, the price of cotton advances, you tell the cotton farmer that high tariff did it. When the wheat crop of the world but ours fails, and the nations are paying famine prices for bread, and wheat goes up, you say high tariff did it. When labor organizations force wages up, you say high tariff did it. When the demands of the wars of the world, including ours, raise prices, you say the high tariff did it. When new gold supplies stimulate prices everywhere, you say high tariff did it. Your false pretenses are fully exposed. But the high cost of living and the trusts remain prominent. You told the people you would revise the tariff downward. This Payne bill exposes that false pretense. Mr. Taft promised a revision downward; but the tariff baron is greater than Mr. Taft. The Dingley bill promised reciprocity; but the tariff baron is greater than the Dingley bill. You promised the enforcement of the Sherman antitrust law; but the tariff baron is greater than the Sherman antitrust law. You stand fully exposed. You must receive the condemnation of the people. Every movement must look to the ultimate extinction of your unjust, unequal, and sectional tariff policy. [Applause on the Democratic side.]

Mr. THISTLEWOOD. Mr. Chairman, I have listened with a great deal of patience and not without some pleasure to this tariff discussion that has occupied the attention of this House and the people of the country generally for many days.

I should not trouble you at this time were it not a fact that this may be the only opportunity I may have of explaining my vote on this important measure.

I have been greatly amused by the arguments presented by some of my good Democratic friends on the other side of this Chamber. Some of them have pointed their long, bony fingers at this side and with wild gesticulations and in thunderous tones have declared that the tariff system under which this country has grown and its people prospered without a parallel in any country was robbery and graft, and that the framing of any tariff legislation was tinctured with dishonor.

I have great respect for opinions of some of my Democratic friends. I have great respect for those who disagree with me honestly, if they can suggest something better, but I have only contempt for denunciation without argument or for statements and opinions not founded on the truth.

Notwithstanding the defects of our revenue system, as pointed out by our good Democratic friends; notwithstanding all the ills of our tariff legislation that has been so vigorously denounced, and under which the business of the country has been carried on, we have made greater progress under the Dingley tariff law in the last twelve years than in any like period of our country's history. And yet you say everything is going wrong in the face of the undisputed fact that the laborers of this country have been better clothed, better paid, and better fed than in any other country on the face of the globe. In no country are the women and children treated with that consideration that are accorded to them here. We have more savings banks, with more depositors, and, what is more, some of our savings banks' depositors are helping to furnish the money to run the institutions of industry which have added so much to our country's greatness. We have more miles of railroad, and as an evidence of the general prosperity of the country I do not know of a single railroad in the hands of a receiver, showing our people are traveling and that they have the money to pay the freight.

But, while I am a protectionist, while I believe in protection as a principle, because I have seen the great good that has come to this country through the operation of our tariff laws, there are some features of this bill I do not indorse. I do not believe it is wise to remove the duty on hides; the land upon which most of our cattle are raised is no longer cheap. Some one has said the hide is raw material. The hide to the farmer, if he does the killing, is his finished product. If he sells his bullock at the rate of 5 cents per pound, gross, the hide when taken off will bring him 8 to 10 cents, or nearly as much per pound as the dressed carcass.

Land in Illinois upon which cattle are now being raised is selling from $50 to $150 per acre. To raise cattle on this high-priced land requires you shall have not only the best breed of cattle, but that you must endeavor to sell in your best home market. The hide of a good butcher steer will sell for $10 or more; and yet some one says the hide is a by-product.

Another thing, Mr. Chairman, that I oppose in this bill is the excessive duties, as I believe, sought to be collected from imported hosiery and gloves, and in response to a large petition from the business interests of my district I desire to enter my earnest protest against this schedule. I say to the framers of this bill that they have trouble on their hands.

Whenever you attempt to impose a seeming excessive charge on the things that are so dear to the hearts of the ladies of this country, as gloves, hosiery, and so forth, you have a fight. The trouble this will bring you compared to the attack by the gentleman from Alabama will be as the disturbing of a hornet's nest to that of the ordinary house fly. Do not do it, gentlemen. Do not increase the duty on this class of goods. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I want to assure the committee that it is not my purpose to deliver a tariff speech. I think this House and the country have been surfeited with tariff speeches; but representing a district in that great section of the country about which so much has been recently said, my constituents entertaining some views not in entire accord with all that has been said, sitting here not in a Democratic caucus or in a Democratic convention, as some gentlemen seem to suppose, but under my oath as a Representative in the Congress of the United States, I propose, if I am enabled so to do, to represent faithfully the views of my constituency in any vote that I may cast in this House of Representatives. Gentlemen coming from that section of the country—I mean nothing personal in my remarks—some of them representing simply the interests of short cotton, shall not, I respectfully submit, prescribe my Democracy for me. I am not a free trader in any sense of that term; and as I declared upon this floor more than two years ago, whenever the Democratic party declares for free trade, I shall sever my connection with it the next day. [Applause on the Republican side.]

Mr. RANDELL of Texas. Will the gentleman yield for a question?

Mr. CLARK of Florida. I will yield to the gentleman.

Mr. RANDELL of Texas. Does not the gentleman equally oppose the doctrine of protection?

Mr. CLARK of Florida. I will answer the gentleman. The Democratic party has declared, as the gentleman from Texas well knows, for a tariff for revenue only. It has declared for a tariff for revenue with incidental protection, and I believe that is the most sensible declaration it ever made on the subject, because it is absolutely impossible to fix and collect a duty on any article coming into this country in competition with like articles produced here unless you do add a measure of protection to the people who own and sell such like articles so produced in this country. [Applause on the Republican side.]

The Democratic platform in this country has also declared, and I think the gentleman will find it in the platform of 1888, that the Democrats stood for a tariff for revenue that would take care of the industries of this country, at least to the extent of the difference in the cost of labor abroad and in this country, and I stand for that. [Applause on the Republican side.]

Mr. RANDELL of Texas. I realize full well that incidentally advantage occurs when you levy a duty on certain articles. I wish to know the position of the gentleman himself. He belongs to the same party that I do, and comes from the same Southland, and I ask him the simple question——

Mr. CLARK of Florida. Whether I believe in protection?

Mr. RANDELL of Texas. Whether you are a protectionist or not.

Mr. CLARK of Florida. I will answer the gentleman, and answer him plainly.

Mr. RANDELL of Texas. Can not the gentleman say "yes" or "no?"

Mr. CLARK of Florida. I say to the gentleman that all legislation is the result of compromise, and I do not expect to write the tariff bill for this majority. I say to him that if they put into this bill what my people want and what they sent me here to get, I shall not undertake to dictate to them what else they shall put into it, because I have no power to do it. [Applause on the Republican side.]

Mr. RANDELL of Texas. Does the gentleman stand for this doctrine, that if he gets his part of the swag he will vote to give protection in making this bill?

Mr. CLARK of Florida. Oh, the gentleman ought not to use that language.

Mr. RANDELL of Texas. Well, I will not use that word, I will say when it is a question of dividing the advantage, if the gentleman gets his part, is he satisfied?

Mr. CLARK of Florida. I will tell you what I said to my people and what they said to me: As long as a protective-tariff system prevails in this country, as long as the articles we have to buy are taxed, as long as my people have to bear the burdens of it, they say that we ought at least to have a division of the benefits. [Applause on the Republican side.] That is where I stand. You may call it "swag" or what you please, but I represent as intelligent and patriotic a constituency as the gentleman from Texas does. [Applause on the Republican side.]

Mr. RANDELL of Texas. I can say to the gentleman that the incidental protection he speaks of is a necessary incident when you levy a tax; but does it make a difference with the gentleman (whether he stands for protection, or does not stand for it) whether the bill has a tax on long-staple cotton or on oranges and other products of that district? Would he be for protection with these items in the bill and against protection if they are not included?

Mr. CLARK of Florida. I have not said that I was for protection per se.

Mr. RANDELL of Texas. Is the gentleman for or against it? Yes or no.

Mr. CLARK of Florida. I am absolutely in line with the Democratic platform that I quoted, and I am not in line with the Populistic element that has controlled it recently. [Applause on the Republican side.]

Mr. SHACKLEFORD. Will the gentleman yield to me for a question right there?

Mr. RANDELL of Texas. Mr. Chairman——

Mr. CLARK of Florida. If gentlemen will just wait a minute, I want to complete a statement I was about to make, and I hope the gentlemen will wait a moment. I want to say this, because aspersions have been cast, perhaps not intentionally—I would not charge gentlemen with that—upon some of us who represent constituencies whose interests are distinct from some of the others. I want to state to this House and to the country what the gentleman from Alabama [Mr. HOBSON] stated a few days ago. The very Democratic caucus under which these gentlemen claim to be acting, to which they swear all sorts of allegiance, and condemn every man who does not, has a rule—and if it did not have that rule I would not have stayed in it—to the effect that every Representative is left free, where a constitutional question is involved and he has an opinion on the subject, to vote as he pleases. He is also left free, when instructed by his people in a certain regard, to vote the instructions of his constituents. On two several occasions a Democratic legislature in the State of Florida, solidly Democratic at one time and almost solidly Democratic at the other, has memorialized Congress to put a duty on Egyptian and other long-staple cotton coming into this country in competition with the sea-island cotton.

Our legislature has also memorialized Congress to put a duty on citrus fruits, pineapples, and other products of my State, and I am instructed in that regard, and no caucus and no opinionated Democrats can make me violate the solemn obligation I owe to my people. [Applause.] Now I yield to the gentleman.

Mr. RUCKER of Missouri. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RUCKER of Missouri. Mr. Chairman, I want to suggest that the applause on the Republican side is suppressive of order.

The CHAIRMAN. The Chair thinks that the gentleman has not stated a point of order.

Mr. CLARK of Florida. Oh, Mr. Chairman, the gentleman can not hurt me by such things as that. The people of my district know me.

Mr. RANDELL of Texas. Mr. Chairman, I am very sorry, indeed, that the gentleman from Florida has seen fit, when I asked him a respectful question to find out whether he was a protectionist or not, to say that he claimed that he does not belong to the Populistic element that has come into the Democratic party. Now, I want to ask the gentleman this question: Does he think that was an answer to my question, or did he mean to reflect the idea that there is anything Populistic about my record or about the people that I represent?

Mr. CLARK of Florida. Mr. Chairman, I meant to tell the gentleman where I stood. I tried to do it. I told him I stood on the platform as I have quoted it to him.

Mr. RANDELL of Texas. And in that connection the gentleman made the answer that he did not stand with the Populistic element.

Mr. CLARK of Florida. And I have told the gentleman that I was not for protection per se.

Mr. RANDELL of Texas. Not for protection per se?

Mr. CLARK of Florida. Yes.

Mr. RANDELL of Texas. Then the gentleman is not for protection for itself, but for himself. [Applause on the Democratic side.] Is that the idea?

Mr. CLARK of Florida. The gentleman knows that I am not for myself, but for my constituency.

Mr. DIES rose.

Mr. CLARK of Florida. Oh, Mr. Chairman, let me get through with this gentleman first.

Mr. RANDELL of Texas. May I ask the gentleman this question: Did he intend the House or the country to understand that the Democracy of Texas is in any way impregnated or poisoned with Populism?

Mr. CLARK of Florida. Mr. Chairman, I will tell the gentleman exactly what I meant the country to understand, that we do not intend, so far as I am concerned, and I believe the people I represent, to follow your Nebraskan Populistic leader any more. [Applause and cheers.]

Mr. RANDELL of Texas. I would like to ask the gentleman this question: Does he stand with the New Jersey Democrat who said here that Mr. Bryan knew too much of the decalogue to be President of the United States? [Applause on the Democratic side.]

Mr. CLARK of Florida. I will state this: I think the southern Democracy never made a greater mistake in its life than when it turned its back on its Democratic friends in the East, whom it has driven from the party, and tied up with Populism out in Nebraska. [Applause and cheers.] Now, let me go on. I can not yield any more.

Mr. RANDELL of Texas. But I want to ask the gentleman a question.

Mr. CLARK of Florida. Oh, Mr. Chairman, the gentleman made a two-hours' speech on Saturday——

Mr. RANDELL of Texas. The Nebraskan needs no defense at my hands. [Applause on the Democratic side.] I want to ask the gentleman from Florida: Is he a Cleveland Democrat on the tariff? Does he stand for the doctrine of free raw material?

Mr. CLARK of Florida. Oh, Mr. Chairman, I am just a plain, old-fashioned Democrat, and when you all get back there

you will be better off. [Applause and laughter on the Republican side.]

Now, I want to say this: In 1896 I happened to be the United States district attorney in my State under Mr. Cleveland's appointment. Notwithstanding the fact that federal officials were being removed everywhere because of political activity, I went over that State and upheld the banner of the regular Democracy as represented by Mr. Bryan at the risk of having my head cut off every night, any night, any morning. It was not done, and I have followed him three times, and I am awfully tired. [Applause.]

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. CLARK of Florida. Yes; for a question.

Mr. BARTLETT of Georgia. That is all. I want to know whether the gentleman regards as Populistic doctrine the principles announced by the Democratic platform in 1892, under which we elected the last Democratic President that we have elected, which platform declares:

We denounce Republican protection as a fraud and robbery of the great majority of the American people for the benefit of the few.

Mr. CLARK of Florida. Oh, read all of that, please.

Mr. BARTLETT of Georgia (reading)—

We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties except for the purpose of revenue only, and we demand that the collection of such taxes shall be limited to the necessities of the Government when honestly and economically administered.

Is that Populistic or Democratic doctrine?

Mr. CLARK of Florida. That is very Democratic, because there was a good Democrat on the ticket that time. [Applause and laughter.]

Now, Mr. Chairman, I will say this——

Mr. BARTLETT of Georgia. Is not that good Democratic doctrine to-day?

Mr. CLARK of Florida. I want to express publicly my opinion that the Democratic party will never win a national election on the tariff question as long as these divisions and differences of opinion exist, some being for revenue only, some for revenue, with incidental protection, some free traders, and, perhaps, some protectionists; but if you will join with me and a few other humble members of the party and let us have a tariff commission, with a maximum and minimum rate, and thus take the tariff out of politics and go before the country on the time-honored principles of the party, we may rehabilitate it in the eyes of the American people.

Mr. BARTLETT of Georgia. The gentleman does not mean to say that is not Democratic doctrine.

Mr. CLARK of Florida. Oh, no; I would not say that anything was not Democratic doctrine from some standpoint. [Laughter and applause on the Republican side.] I deny nothing; but I want to say this, Mr. Chairman, and these gentlemen can not charge me——

Mr. SHACKLEFORD. Let me ask the gentleman one more question. The gentleman from Florida wants a tax on sea-island cotton. I want to know if he is willing, in order to get a tariff on sea-island cotton, to join the Republicans in putting an increase on hosiery and knit goods and tea and coffee and the other things that they have in their bill?

Mr. CLARK of Florida. I stated a while ago that all legislation was the result of compromise.

Mr. SHACKLEFORD. Mr. Chairman——

Mr. CLARK of Florida. I will answer. I will give a categorical answer, but I will do it in my own way. I have said there are diverse interests all over this country. I do not expect to write this bill. It would be presumption to go to these gentlemen and ask the privilege of doing so. I do not know whether they are going to put sea-island cotton in the bill or not. I do not know anything about it at this late hour, I can assure the gentleman; but I said this in the beginning of my remarks, that if they put into that bill what my constituents sent me here instructed for, I shall not undertake to dictate what else they shall put in it after getting what my people want——

Mr. SHACKLEFORD. You will take theirs?

Mr. CLARK of Florida. I will vote for the bill; yes. [Applause on the Republican side.] Mr. Chairman, one thing further——

Mr. WEISSE. Mr. Chairman——

Mr. CLARK of Florida. I desire to go on.

The CHAIRMAN. The gentleman from Florida declines to yield.

Mr. CLARK of Florida. I want to say now, Mr. Chairman, that these gentlemen who assume to themselves the entire right to speak for the South are not entitled to that right. I can speak for a part of it, and I have as much right to speak for that great section as any man on this floor, I do not care who he is. My father has slept in the grave of a confederate soldier, wrapped in the uniform of that great army, for forty-odd years. I was raised in that section and have lived there all my life, imbued with every sentiment that has nerved and actuated the great people from out of whose loins I came. I believe I am rendering those people a better service, reverencing the memory of their deeds, loving their history and all that; I believe I am rendering them a greater service when I stand for the material upbuilding of my section in everything that makes a people great, rich, powerful, and prosperous. [Applause.] I am sick and tired of hearing my southern colleagues upon this floor pleading for the poor man in the South. For God's sake do something to take him out of that class, and you will not have to make that plea. [Applause on the Republican side.]

The factories in the East are going to the South every day where the raw material is, in that balmy climate where living is cheap, where a man can work three hundred and sixty-five days in the year in the open air, where fuel is cheap, and everything else that goes to support a family is cheap. We can in our cotton factories, in our canning establishments, and in other industries of similar kind soon defy the world in the cheapness of manufacture. I want to say to the gentleman who is still standing, although Spartanburg is not in his district——

Mr. FINLEY. Mr. Chairman——

Mr. CLARK of Florida. Wait a minute, let me finish and then I will yield. So many cotton factories have been established in Spartanburg, S. C., in recent years that they do not raise enough cotton in the country to supply them, and they have to bring it in from other parts.

Mr. FINLEY. I will say to the gentleman, in answer to his statement——

Mr. CLARK of Florida. I do not yield for that.

Mr. FINLEY. Hold on. There are about as many cotton mills in my district as there are anywhere.

Mr. CLARK of Florida. Go ahead.

Mr. FINLEY. The gentleman says he will vote for this bill?

Mr. CLARK of Florida. I did not say that.

Mr. FINLEY. I beg pardon, but I understood the gentleman to say that.

Mr. CLARK of Florida. I said if they took care of my people in the bill I would vote for it.

Mr. FINLEY. Does the gentleman know what is in the bill?

Mr. CLARK of Florida. I do not know what the Ways and Means Committee may put in it by way of amendment.

Mr. FINLEY. Have they taken care of you or not?

Mr. CLARK of Florida. I do not know whether they have or not.

Mr. FINLEY. Will the gentleman vote for the bill?

Mr. CLARK of Florida. If it does not take care of what my people sent me here for, I will not vote for it. That is plain and frank and honest.

Mr. FINLEY. If they put in what you want in the bill and you vote for it, what is the difference between the gentleman from Florida and the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL], who will also vote for the bill?

Mr. CLARK of Florida. Well, there is a vast difference between the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] and the "gentleman from Florida."

Mr. FINLEY. For the purposes of this bill?

Mr. CLARK of Florida. In the first place, they have served a great many years here, and they are very able gentlemen. The "gentleman from Florida" is only an ordinary Florida cracker. [Laughter.]

Mr. FINLEY. But for the purposes of this bill?

Mr. CLARK of Florida. Oh, the gentleman can draw all the fine distinctions he wants to. First and last, I say this to you, that I am here instructed by my people. If this Republican party, to which I do not belong, but which controls the House—and they have got a right to control it—put in the bill what my people instructed me to get if I could, I will vote for the bill regardless of the party framing it.

Mr. FINLEY. When the gentleman says that he will vote for the bill, does he mean that he will then be voting with the Democratic party or with the Republican party?

Mr. CLARK of Florida. I will be voting with those Democrats nearest my views.

Mr. BYRD. I would like to ask the gentleman a question.

The CHAIRMAN. Does the gentleman yield?

Mr. CLARK of Florida. Yes; just for a question.

Mr. BYRD. If I understood you, you said that if what you wanted was in the bill you would vote for it. Would you do

that notwithstanding everything else in the bill meant robbery to the American people? Answer that.

Mr. CLARK of Florida. I have just stated that I would vote for it if they put in what my constituents wanted, no matter what else they put in.

Mr. FINLEY. Is that the price?

Mr. CLARK of Florida. I want to know what the gentleman means by that?

Mr. FINLEY. I did not mean anything offensive, but if you had any political convictions.

Mr. CLARK of Florida. I have not the convictions of a man who represents a district that has got nothing in it in the world but a bale of short cotton, a "nigger," and a mule. [Great laughter.]

Mr. BYRD. I would like to ask the gentleman another question.

Mr. CLARK of Florida. I must decline.

The CHAIRMAN. The Chair understands that the gentleman from Florida [Mr. CLARK] declines to yield.

Mr. CLARK of Florida. As most of the gentlemen know, I have been sick for some time, and I am standing here exerting myself too much now.

But I want to say this, Mr. Chairman, in conclusion. I do not care anything about the scoffs and jeers of these people. I came to my own conclusion, and my people have come to theirs. You folks do not elect me to Congress. You do not send a Representative from the Second District of Florida here to represent that district. I am here to represent the 225,000 or 230,000 people in that great district which sweeps the entire eastern coast of Florida. There is not a State in the Union that is not represented in that district by some citizen from that State.

They are wholly American in every respect. They have come from all over this Union there; they have married and intermarried with our people, and it is as thoroughly an American community as there is in the broad expanse of this Republic; and I am tired of living back in the years before I was born. [Laughter and applause on the Republican side.] Democracy ought to be progressive if it is anything; it ought to keep pace with the times; it ought to meet the conditions as we find them; and I do not concede for a moment that you gentlemen represent the Democracy; you do not represent it any more than I do. I will meet you, if I live, at the next national convention, and we will see who is in control and who represents the Democratic sentiment of this great Republic of ours. [Loud applause on the Republican side.]

On the 1st day of December last I had the honor to appear before the honorable Ways and Means Committee of this House in advocacy of an import duty on Egyptian and other long-staple cotton imported into this country. In the statement which I then made to the committee was incorporated the memorials of the legislature of my State, to which I have referred; an article from the Daily Consular and Trade Reports, No. 2908, dated June 29, 1907; resolutions of the sea-island cotton growers of Georgia and Florida, and other documents, as well as abundant and indisputable facts showing the absolute justice of the contention which I was then and am still making. That address or statement to the committee was as follows:

STATEMENT OF HON. FRANK CLARK, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF FLORIDA, ASKING FOR A DUTY ON LONG-STAPLE COTTON.

TUESDAY, DECEMBER 1, 1908.

Mr. CLARK. Mr. Chairman and gentlemen of the Ways and Means Committee: I am here as the representative of the people of the Second Congressional District of Florida in the House of Representatives of the Congress of the United States, together with certain of my constituents, who are growers of sea-island cotton in Florida, and who are duly accredited representatives of the sea-island cotton growers of that State, for the purpose of asking your honorable body to incorporate in the bill revising the present tariff schedules, which you will soon frame, a provision placing a duty on all Egyptian, West Indian, and other "long-staple" cotton imported into the United States from any foreign country whatsoever.

Lest my position and that of our people should be misunderstood, I beg the kind indulgence of the committee while I briefly state what my understanding of the views entertained by the people of Florida, irrespective of political parties, are. I desire to assure the committee at the outset that I believe I fully appreciate the proprieties of the occasion, and therefore shall not attempt to afflict the committee with a speech on the tariff, but shall content myself with a statement of our position and follow that with facts and figures which I trust and believe will amply justify the asking which we shall make of this committee.

First, I submit, Mr. Chairman, without in anywise discussing or even impinging on the relative virtues of a "protective tariff" and a "tariff for revenue," that the recent election and other elections preceding it have, in my opinion, forever established as a part of our system of government the indirect scheme of taxation, viz, the levy and collection of customs duties on articles imported into this country from foreign lands. This being true, I am firmly of the opinion that this matter ought to be removed from the domain of partisan politics and hereafter treated as a business proposition and a commission or other proper tribunal created to deal with it.

Second, I construe the verdict of the American electorate in the recent national contest to mean that the majority desired the dominant political party to "revise the tariff," and I recognize that the responsibility for results is with the majority.

Third, believing that as long as the policy of levying and collecting customs duties on imports is to be maintained by the United States, the people who are forced to bear the burdens of this system of taxation should be allowed to reap some of the benefits which flow from it, myself and my associates are here to ask and to urge that this committee in its work of revision will place a reasonably fair and proper duty on all Egyptian, West Indian, and other such long-staple cotton as is imported into this country from Egypt, the West Indies, and other foreign lands, and which are competitors in the markets of the United States with the sea-island cotton grown in the States of South Carolina, Georgia, and Florida.

As evidencing that I am truly voicing the sentiments and desires of the people of Florida on this subject, I desire to read certified copies of two memorials to the Congress of the United States passed by two different legislatures of the State of Florida, in the years, respectively, A. D. 1899 and A. D. 1905. I may add that both of these legislatures were practically solid Democratic bodies.

The memorials are as follows:

MEMORIAL 1.

Memorial to our Senators and Representatives in Congress in reference to a duty on Egyptian or long-staple cotton, or the importation thereof.

Whereas the present price of long-staple or sea-island cotton is now far below the cost of production, causing a large area of our State to languish and a once profitable industry to wane and die; and

Whereas the low price referred to is not due to overproduction, as is demonstrated by the fact that for a crop of 104,557 bales in 1896 and in 1897 the average price for the grade of "fine" was 11 cents, while the last crop, 75,000 bales only, or 23 per cent less than the year previous, and the average price for the grade of "fine" was 2 cents less, or 9 cents per pound; and

Whereas the indisputable cause for our low prices, financial depression, and agricultural discontent is found in the annually increasing importation of Egyptian cotton, the product of pauper labor; and

Whereas the Democratic party and people have not deemed it derogatory to their principles and interests to have a duty placed on wool, pineapples, citrus fruits, and tobacco; and

Whereas the placing of said duty on the above-mentioned article has proven a direct benefit to our people and with which protection they would not part without a struggle; and

Whereas there are but two ways whereby the money necessary to maintain the National Government can be raised, and since the funds derived from internal revenue are insufficient even when made onerous and burdensome, as they now are; and

Whereas we are forced from the nature of things to depend on a tax laid upon goods and products imported into this country from foreign countries to raise funds to assist in the support of the Government: Therefore be it

Resolved, That it is the sense of this legislature that a tariff should be laid for revenue only and arranged so that if it shall prove a burthen all may equally bear it; if a benefit, it may be equally shared.

Resolved further, That we are unalterably opposed to the free importation of Egyptian or other long-staple cotton.

Resolved, That we favor an import duty of 50 per cent ad valorem and 5 cents per pound on all long-staple cotton imported into the United States, and that a copy of these resolutions be furnished each of our Senators and Representatives at Washington.

MEMORIAL 2.

Memorial to the Congress of the United States, asking that a duty of at least 10 cents per pound be levied on all importations of Egyptian and other long-staple cotton brought into the United States as raw material.

Whereas the present price of long-staple or sea-island cotton is below the standard of profitable production and has so been for some years past, causing a large area of our State to be uncultivated and our farming interests to languish; and

Whereas the policy of protection to American interests, if to be continued, should embrace within its fostering care the tillers of the soil, who are now and must ever be the mainstay of our republican form of government; and

Whereas the long-staple or sea-island cotton grown in this country is used exclusively in the manufacture of the finer fabrics, such as laces, etc., and a duty upon the Egyptian cotton and other foreign long-staple cottons would therefore be no burden upon the poor, but would only affect those well able to bear it, and at the same time would greatly encourage a large portion of our farming population; and

Whereas we believe that the levy of such a duty would materially aid in building up our factories engaged in the manufacture of the finer cotton fabrics, while at the same time protecting our farmers from the pauper labor of Egypt: Therefore be it

Resolved, That it is the sense of this legislature that a duty of 10 cents per pound on all Egyptian and other long-staple cottons imported into the United States should be levied by Congress.

Resolved further, That our Senators and Representatives in Congress are hereby earnestly requested to use all honorable means to accomplish this end.

Be it further resolved, That the secretary of state is hereby requested to furnish each of our Senators and Representatives in Congress with a certified copy of this memorial.

STATE OF FLORIDA, *Office of the Secretary of State, ss:*

I, H. Clay Crawford, secretary of state of the State of Florida, do hereby certify that the foregoing are true and correct copies of memorials to the Congress of the United States as passed by the legislature of Florida, sessions 1899 and 1905, respectively, as shown by the original enrolled resolutions as filed in this office.

Given under my hand and the great seal of the State of Florida, at Tallahassee, the capital, this the 11th day of November, A. D. 1908.

[SEAL.] H. CLAY CRAWFORD,
Secretary of State.

Mr. CLARK (continuing). On the 25th day of November, 1908, in response to a call therefor, a convention of delegates representing the sea-island cotton growers of Georgia and Florida met in the city of Lake City, in the State of Florida, to consider this matter. I am told that fully 200 sea-island cotton growers from the two States were present, and the result was the appointment of a committee to appear here to present their cause to this committee. These gentlemen so appointed are now here.

In addition to sending representatives here, the convention adopted certain resolutions, which are as follows:

"In convention of the sea-island cotton growers of Georgia and Florida, held at Lake City, Fla., this the 25th day of November, 1908, the growers of cotton finding, after years of experience, that Egyptian cotton without a tariff on it, on account of the cheap labor of 8 or 10 cents per day required to produce said Egyptian cotton, is injuring the interest of the sea-island cotton growers by placing the value or selling price of his cotton below the cost of production, which at present is from 22½ to 24 cents per pound, and thereby jeopardizing the industry and output of the yield of sea-island cotton necessary for the world's consumption and needs: Therefore be it

"Resolved, That a committee of four from Georgia and four from Florida be elected to meet the Ways and Means Committee at Washington, December 1, and ask that a tariff of 10 cents per pound be placed on Egyptian cottons.

"Resolved further, That it is the sense of this convention that we want our American industries protected and that we want the producer to share equally in such protection with the manufacturer.

"Resolved further, That Hon. Harvie Jordan, president of the Sea Island Cotton Association, and Hon. C. S. Barrett and Hon. R. F. Duckworth, of the Farmers' Educational and Cooperative Union, be requested to cooperate with any committee selected by this meeting."

Mr. CLARK (continuing). With the permission of the committee I will now read an article appearing in the Florida Times-Union on November 25, 1908, over the signature of Maj. Alex St. Clair Abrams, one of the ablest lawyers and one of the most brilliant men in all the South, and who has had a great deal of experience with relation to cotton. It is as follows:

THE COTTON QUESTION.

JACKSONVILLE, FLA., *November 23.*

EDITOR TIMES-UNION: In view of the early meeting of the cotton growers of Florida, at Lake City, I trust they will appoint a committee to proceed to Washington and appear before the committee charged with the work of preparing a revision of our tariff laws, and insist upon a tariff being levied on all cotton imported into the United States.

As is well known, I have always been a Democrat of the school of the late Samuel J. Randall, of Pennsylvania. I believe in protecting American products and industries, and while it may be true, and doubtless is, that some of the schedules in the Dingley bill are unreasonably high, nevertheless it seems clear to me that the principle of protection has enormously added to the development and prosperity of the country.

When the Dingley bill was before the Congress, I went to Washington for the purpose of aiding, however feebly, in the work of obtaining protection for Florida fruits, vegetables, and cotton. Unfortunately, the Democratic policy was hostile to protection, and but little could be accomplished. The tariff put upon vegetables, oranges, and pineapples was wretchedly inadequate, and still is, while the idea of putting a tariff on cotton was generally ridiculed. As a result, we have been importing, on the free list, every year from $12,000,000 to $15,000,000 worth of Egyptian long cotton, while more than half the time, by reason of this competition, the Florida, Georgia, and South Carolina growers have not been able to raise it profitably. While this cotton has been admitted free of duty, thread and fabrics made from long cotton have been heavily protected and the manufacturers have reaped large harvests, while the growers have either made bare livings or suffered loss.

Aside from any question of principle, it is clear that with a deficit of over $50,000,000 there can not be much reduction in the existing tariff, and now that the bill is being revised, our representatives in both Houses should insist on a tariff on cotton of at least 5 cents per pound and 50 per cent ad valorem.

I know of my own knowledge that for years in Alachua, Baker, Columbia, Bradford, and other counties in which long cotton is raised the majority of the growers were always heavily in debt and their property mortgaged to merchants and factors.

I have given the matter much thought and feel sure that if when the Dingley bill was passed a tariff had been imposed on cotton, as suggested by me, that it would by this time have added 100,000 souls to the population of Florida and increased output at least $5,000,000 or $6,000,000 per annum, besides affording a reasonable profit to the growers.

From a remark made by the committee to Mr. Chase, representing the fruit growers, I see that the South is being met with the same rebuke I met with from Mr. Dingley, whom I saw personally in my effort to get a tariff on cotton. He asked me if the tariff was put on cotton would the Florida Representatives vote for his bill. I told him that I could not answer for that, but that probably they would not. He replied to me as follows: "Mr. Abrams, it would make no difference to me whether a Member of Congress was a Democrat or a Republican if he favored the protection of American industries and production, but when you gentlemen come to us and ask us to put a tariff on your productions, and at the same time send representatives to both Houses to oppose protection and to vote against protective measures, your people can not find fault if we take you at your word and decline to give you the protection which you secretly ask and publicly oppose." I have given his language as near as I can recall it after so many years, but I do not hesitate to say that there was much force in what he said.

The western and eastern sheep owners are amply protected from foreign wool by the tariff placed thereon. I can see no reason why the southern growers of cotton, who have to produce a staple at much greater cost and labor than the growing of wool on sheep's back, should not also be given protection; and rather than not have it, I think every representative in both Houses from Georgia, South Carolina, and Florida should vote for the revised tariff bill, no matter if some of the schedules are, in their opinion, unreasonably high, provided we obtain adequate protection for our industries and productions.

American producers, whether black or white, can not compete with Egyptian growers, who pay 6 or 8 cents per day for labor, and whose lands in the Valley of the Nile are annually fertilized by nature by the annual overflow of the valley by the river. So, likewise, we can not compete with the West India pineapple and citrus growers for the same reason.

I therefore trust that a vigorous and successful effort will be made to get the committee to impose a tariff on cotton. And just here I want to remind those interested in obtaining it that the tariff should be imposed on cotton in general, so as to avoid all technical questions that may arise as to what is or is not long cotton. The Egyptian cotton is not as long as our sea-island cotton, and unless the tariff is placed on cotton without designating it "long" or "short" there will be danger of contests by the manufacturers who are anxious to import the staple free of duty, while they are amply protected in the articles they manufacture, and as a result of such protection keep the price of their productions just as high as it had ever been.

If we can obtain this tariff, I feel confident that within ten years the increased production of cotton in Florida will add 150,000 souls to our population and increase the value of our lands in the counties producing the staple from $25,000,000 to $50,000,000.

The committee in Washington will take up the cotton question on the 1st of December, and it seems to me that the board of trade, as well as the Lake City convention, should take immediate measures so that Florida may be well and thoroughly represented before it.

ALEX. ST. CLAIR-ABRAMS.

Mr. CLARK (continuing). In addition, along this line, I beg permission to say, Mr. Chairman, that when I came here to Congress for the first time I came here through a long-drawn-out primary election contest, in which there were four other candidates, and in that contest from every stump I openly and publicly promised the people that, if chosen, I would use every legitimate and proper effort to secure the duty on cotton for which I am now before you contending. My election, then, by quite a large majority and my return twice since then without opposition clearly establishes, in my opinion, the wishes of my constituents on this subject.

During the present year, in a hotly contested primary election for United States Senator from Florida, the Hon. DUNCAN U. FLETCHER was chosen by a large majority, and Mr. FLETCHER announced himself on this subject as favoring exactly what I stood for four years ago.

Having, I feel, established that the people of Florida desire the asking here made, I now invite your attention to existing conditions, upon which we base our insistence.

When I mention sea-island cotton, I refer to that cotton which is of very fine texture, of quite lengthy staple, and, so far as I am advised, is only grown in this country in portions of South Carolina, Georgia, and Florida. I am aware of the fact that in certain parts of Mississippi, Louisiana, Arkansas, and Texas they grow a cotton of longer staple than the ordinary "short" cotton which is common to practically all of our southern territory, and that this cotton is ordinarily referred to as "long-staple" cotton, but it is not the sea-island cotton of South Carolina, Georgia, and Florida.

The best quality of our sea-island cotton is grown on the islands near Charleston, S. C., and the staple of this cotton is from about 1¼ to 2¼ inches in length.

I believe it is generally conceded that our Florida sea-island cotton ranks second in texture, and the staple runs from 1⅛ to 2 inches in length. The Georgia sea-island cotton comes third, there really being, however, as I am informed, no very great difference in texture or length of staple between sea-island cotton grown in the three States, under similar conditions, as to the selection of seed, planting, cultivation, and harvesting.

This sea-island cotton of the three States mentioned, and in the interest of which we are asking a duty on imported long-staple cottons, is used principally in the manufacture of laces, thread, mercerized silks, plushes, velvets, velveteens, curtains, table covers, and other goods of the finest character. Not 10 per cent of our sea-island cotton or imported Egyptian cotton is made into thread.

The total quantity of cotton such as we contend is a competitor of our sea-island cotton in the markets of the United States consumed in this country for the year ending August 31, 1908, was as follows: Ninety-two thousand eight hundred and fifteen bales of Egyptian cotton, 12,061 bales of Peruvian cotton, 6,405 bales from British West Indies.

I have ascertained from Census Bulletin 97, released for use on November 9 of the present year, that the net quantity of cotton imported into the United States during the year ending August 31, 1908, was 140,870 bales of 500 pounds each, and that of this amount 122,170 bales, or 85 per cent of the entire importation, was of Egyptian growth.

I am informed by Director of the Census North that the total importation of what is known under the generic term of "long-staple cotton" into the United States for the present year amounts to 71,072,855 pounds, of the value of $14,472,241. Of this amount there came into this country from Egypt 58,356,306 pounds of long-staple Egyptian cotton of the value of $12,287,460. This cotton came into the United States free from duty, and competed with the sea-island cotton of South Carolina, Georgia, and Florida in the markets of the United States.

The quality of Egyptian cotton, known in this country as the "Joannovich" variety, is constantly improving in quality, owing to the improved methods of seed selection, as well as more modern methods of planting, cultivating, and harvesting. This variety of Egyptian cotton is the particular cotton which is the most dangerous competitor of our sea-island cotton which has yet come into the American market.

In this connection the committee should consider that within less than three years after the proposed tariff revision bill goes into operation the area for the growth of cotton in Egypt will be vastly extended. This will be due to the completion of the work of raising the Assouan dam in the Nile in Upper Egypt. It is proposed to raise this dam 23 feet, and will require an expenditure of $7,500,000.

Concerning this proposed improvement, which is to be made solely for the benefit of cotton culture in that country, I desire to call the attention of the committee to some statements appearing in the Egyptian Gazette, which item I have taken from the Daily Consular and Trade Reports of the Department of Commerce and Labor, No. 2908, dated June 29, 1907, as follows:

"The result of the work will have an important bearing on the cotton crop. The area under cotton in 1906 is given as 1,506,290 acres. Taking the present cotton crop at 6,750,000 kantars (a kantar equals 100 pounds), the average yield per acre works out to 4½ kantars. The area under cotton in Lower Egypt alone is 1,260,107 acres, this representing about 40 per cent of the total cultivated area in that division of the country. The whole of this area being perennial irrigation is cotton bearing. These figures indicate, therefore, that on an average cotton is grown on the same land two years out of five. The area under cotton in Upper Egypt is given as 246,183 acres. This represents only a small proportion of the cultivated area, less than half the latter being under perennial irrigation. Moreover, the climatic conditions south of Assiout are unfavorable for growing cotton. In order to ascertain to what extent the cotton-bearing area is susceptible of expansion, we assume that the whole of the basin lands in the northern half of Upper Egypt will be brought under perennial irrigation, and that the uncultivated portions in both Upper and Lower Egypt will ultimately be reclaimed. The cotton-bearing area will then extend over some 5,600,000 acres (being the total of 6,387,100 acres given above,

less about 800,000 acres south of Assiout). On the basis of 40 per cent acreage per annum and a yield of 4½ kantars per acre, this area might produce an annual cotton crop of about 10,000,000 kantars. It is to be observed that a considerable portion of the land at present under cultivation is being improved, which will, without doubt, contribute to raise the average yield per acre. On the other side must be set the consideration that last year's crop was so favored by a good Nile and satisfactory climatic conditions as to raise the average yield above the level of recent years. Of the total of 10,000,000 kantars, no more than 7,000,000 kantars would consist of the Mitafifi, Abassi, and Yoannovitch varieties, for which the delta is famous, the remaining 3,000,000 kantars representing the lower-grade cotton produced in Upper Egypt. Lord Cromer, in discussing these figures, remarks in his report for 1906:

"'It will, of course, be understood that this crop of 10,000,000 kantars can not be produced until both the supply of water has been largely increased, either by raising the Assouan dam or by some other means, and until reclamation works on a large scale have been executed in Lower Egypt.' Sir William Garstin, probably the highest authority on the subject says: 'I do not think that 10,000,000 kantars as an eventual yield for the Egyptian cotton crop is at all an impossible figure, but it will take many years to arrive at—probably ten or fifteen.'

"The Egyptian cotton crop might conceivably receive a still greater extension in course of time from two further sources, namely, the reclamation of the lakes in Lower Egypt and the development of the oases (reclamation of Lower Egypt is the Khedive's especial project). The former, if ever carried out, would add some 800,000 acres to the cultivated area and a further 1,500,000 kantars to the cotton crop. The latter is at present too problematical to permit of any estimate being made of the possible results."

It will be observed that it is the intention to complete the dam mentioned and bring this vast additional territory into cultivation for cotton about the year 1912. As it is hardly possible that another revision of the tariff will take place for ten, fifteen, or possibly twenty years, it will at once be seen what the completion of the dam will mean for the cotton growers of sea-island cotton in this country unless they are given the benefit of a duty upon their competitors from abroad. The fact is that no sea-island cotton can be raised in this country.

The South Carolina, Georgia, and Florida sea-island cotton growers can not begin to compete with the long-staple cotton growers of Egypt and other foreign countries. In the first place, the lands in Egypt produce, without fertilization, about 450 to 500 pounds of lint cotton per acre, whereas our sea-island cotton-growing lands in the State of Florida will not produce one-third so much without fertilization.

In the second place, it is utterly impossible to employ labor on a farm in the State of Florida for less than $25 to $30 per month for men and at least $15 per month for women. This is the lowest possible figure, and farm labor is exceedingly scarce at those prices. This condition exists because of the fact that the turpentine farms, phosphate plants, lumber camps, and other like places where labor is in demand in our State are anxious to secure hands at from $1.25 to $2.50 per day.

My information is that farm labor in Egypt in an abundant supply can be obtained anywhere from 10 cents to 20 cents per day for able-bodied men. The committee, on this statement of fact, will have no difficulty in determining at once how serious a condition threatens the sea-island cotton industry in the United States.

I have not taken the time to closely investigate, but I am under the impression that an investigation of the present tariff schedules will show that every article of cotton manufacture imported into this country is dutiable, thus benefiting the American manufacturer of cotton goods of whatever description and leaving the grower at the mercy of the pauper labor of Egypt. He sells in markets that are free and there meets with his product the competition of the world and buys in a protected market and thus pays a large tax on every article he produces, although such article may be manufactured out of his own product.

The grower of wool in the West is protected against the cheap labor engaged in the growing of wool in foreign lands by a duty on all importations, and his sheep graze on the public lands. He is thus twice favored by the Government.

The Republican party, which is now in control of every department of the Government, and which through its representatives will frame the intended revision of the tariff, declared in the twelfth resolution of its platform, in 1860, that that party was in favor of "that policy of national exchanges which secures for the workingmen liberal wages, to agriculture remunerative prices, to mechanics and manufacturers a reward for their skill, labor, and enterprise, and to the Nation commercial prosperity and independence." I invoke that declaration of more than forty-eight years ago now in the interest of "agriculture" in my section of the country. If, Mr. Chairman, your party has benefited, protected, and cared for the artisan and the manufacturer, you have not fostered, cared for, and protected the agricultural interests of the country in its different forms.

In view of the facts which we have been enabled to put before this committee, I shall insist that the committee owes it to those engaged, and who desire to further engage in the cultivation of sea-island cotton in this country, to place a duty upon Egyptian cotton, and all other cottons grown in foreign lands, of such texture and length of staple as to make them competitors in the American markets with our sea-island cotton, of at least 10 cents per pound on lint, and at least 4 cents per pound on all such cotton in the seed. This, in my judgment, would not be a prohibitive tariff, but in its operation would produce revenue for the Government, and at the same time would, in a measure at least, equalize the difference between the cost of production in such countries as Egypt and in this country, and would give to our people at least an even chance in their own markets. We are not asking any special favors, Mr. Chairman; we are not insisting upon any privileges being granted to us that are not granted to the remainder of the citizenship of this country, but we do believe that when we toil in the sun of a semitropical climate for twelve months in the year to produce a crop of cotton, and when everything we purchase for our own consumption, even if manufactured from the identical sea-island cotton which our sweat and toil has produced, we are forced to bear the burden of paying the price increased by the addition of a tariff, that we should at least be permitted to enter, with the article which we produce, the markets of our own country upon an equal footing with Egypt and the West Indies, conscious that we are asking nothing but that which our patriotic fellow-citizens of this committee, with full knowledge of the facts, will gladly accord us; I submit to this committee the case of my constituents.

I do not think I care to add anything else unless the committee desires to ask questions.

Mr. UNDERWOOD. Are you to be followed by some other, who raise this cotton?

Mr. CLARK. Yes. I could not give you anything with reference to the practical raising of the cotton. We have some practical men who can give you all the information along that line that you desire.

Mr. BOUTELL. The total importations of this long-staple cotton you gave in round figures at 71,000,000 pounds?

Mr. CLARK. Yes.

Mr. BOUTELL. What is the present domestic production?

Mr. CLARK. About 80,000 bales, I should say. It will run about 300 pounds to the bale. Sea-island cotton runs 300 pounds to the bale; that is, the standard bale.

Mr. BOUTELL. How many pounds would that make of the domestic product as against the 71,000,000 pounds imported?

Mr. CLARK. Well, that is 80,000 bales, 300 pounds to the bale. I would have to figure it up. It would be about 24,000,000 pounds, I think.

Mr. BOUTELL. Twenty-four million pounds of the domestic product?

Mr. CLARK. As against 71,000,000 pounds imported?

Mr. BOUTELL. Yes, sir.

Mr. GAINES. Practically one-third?

Mr. CLARK. Yes, sir; just about.

Mr. DALZELL. Do you not think that this tariff you are asking for is what Mr. Cockran would call a tariff on apprehension?

Mr. CLARK. I do not know what he would call it.

Mr. GAINES. It is the Assouan Dam that is troubling you, is it not?

Mr. CLARK. No; the Assouan Dam has troubled us to some extent, but the importation free of duty of 85 per cent of the long cotton consumed in this country is what is troubling us now.

Mr. HILL. You are not able, of course, to anywhere near supply the demand, even if all the land used for the growing of this cotton in the United States were in use?

Mr. CLARK. I don't know about that, Mr. Hill. When I first went to Florida they were growing long-staple cotton down on the peninsula below Tampa, and there is not a pound grown now in any but 17 of the 45 counties of Florida. My opinion is that if it were profitable to grow sea-island cotton in Florida we could, in connection with the sea-island growing belt of Georgia and the islands of South Carolina, supply the demand in America for this class of cotton.

Mr. HILL. Why not? Do you not get more for it now than you ever have before?

Mr. CLARK. I could not tell you that, but I know labor has increased.

Mr. HILL. You mean the demand has increased and your domestic supply has not increased?

Mr. CLARK. No; I say labor has increased.

Mr. HILL. Oh, labor?

Mr. CLARK. I say labor has increased so much and the cost of living has increased so much that it is impossible to raise it now.

Mr. HILL. What is the cost per acre of that land on which that cotton is grown on the sea islands, on an average?

Mr. CLARK. I should say $25 an acre.

Mr. HILL. Do you think you would require a duty to protect the product of land worth $25 an acre against products grown on land worth $200 or $300 or $400 or $500 an acre?

Mr. CLARK. I do not mean land that has been cleared and put in a thorough state of cultivation. I mean you can buy it for that now, but after you put it in a thorough state of cultivation it would probably be worth from $50 to $100 an acre.

Mr. NEEDHAM. Do you think there is sufficient area in the region spoken of, if cultivated, to supply the American demand for this cotton?

Mr. CLARK. I think we could supply it if we could raise it profitably.

Mr. NEEDHAM. You spoke of the area being limited to three States——

Mr. CLARK. You can raise this cotton, I think, in every inch of the State of Florida; certainly from the Suwanee south. That would be two-thirds of the State.

Mr. NEEDHAM. Then you think the area is practically unlimited there in which you could raise this cotton?

Mr. CLARK. No; I would not say it was unlimited. I say the area is quite large in Florida.

Mr. UNDERWOOD. I suppose the value of the domestic long-staple cotton has followed to a large extent the value of the imported cotton, has it not?

Mr. CLARK. I could not tell you about that, Mr. UNDERWOOD. These gentlemen who handle cotton and deal with it, and all that, can give you that practical information better than I can give it to you.

Mr. UNDERWOOD. I notice here in the Treasury reports that the value of the imported article in 1894 was a little over 10 cents; in 1895 it was 9 cents; in 1896 it was 12 cents; in 1897 it was 11 cents; in 1898 it was 9 cents; in 1899 it was about 10 cents; in 1900 it was 12 cents; the same figure in 1901; in the next year 12 cents; in the next year 14 cents; the next year 17 cents——

Mr. CLARK. What year was it 14 cents?

Mr. UNDERWOOD. That was in 1903.

Mr. CLARK. Yes.

Mr. UNDERWOOD. In 1904 it was 17½ cents; in 1905 it was 15 cents; in 1906 it was 15 cents; in 1907 it was 19.9 cents. So that there has been a constant rise in the price of cotton, a constant rise in the price of the domestic product, notwithstanding the importations that have come in.

Mr. CLARK. No——

Mr. UNDERWOOD. That is what these figures show.

Mr. CLARK. There was a rise in cotton last year, Mr. Underwood, because our people, the long-staple cotton growers—to be perfectly frank with this committee—became so absolutely tired of selling their cotton at a loss that they got together and decided they would hold their cotton until they could get a better price for it, and that is the reason it went up last year. Some of the local people decided to stand by them financially and enable them to hold it, which they did. But of course they can not do that always. That would be a losing fight in the long run.

Mr. UNDERWOOD. But, outside of last year, there has been a continual increase in the imported cotton from 1894 from something like 10 cents to 15½ cents.

Mr. CLARK. Yes; the price now in the market is some 17 or 18 cents.

Mr. RANDELL. The increase in this cotton has not been nearly as much in per cent in the other grades of cotton?

Mr. CLARK. No, sir; it has not.

If you will permit me to say one word more, I would like to do so. I am here insisting upon this proposition. If the tariff schedule is to

be maintained and duties to be levied on every single solitary thing on the face of the earth which is manufactured from this long-staple cotton, and the manufacturer is to be protected, if it is a good thing for him, why is it not a good thing for the man who toils in the sun and grows it, and furnishes the long cotton to the manufacturers?

Our people, in other words, are tired of selling our stuff absolutely in competition with the pauper labor of Egypt; and every time our wives buy a little of this artificial silk that has been exhibited this morning we pay an enormous tax, and we are buying our own goods, made from the product of our own soil.

That is the whole question in a nutshell, as I see it; and that is why I am presenting this case in behalf of my constituents.

Mr. HILL. You ask a duty on cotton generally, without any particular reference to long-staple cotton?

Mr. CLARK. No; I do not.

Mr. HILL. I thought you had in the past.

Mr. CLARK. No, sir; I have not. That is a mistake. We have a monopoly as against the world in short cotton; we do not need any protection.

Mr. BOUTELL. Right in that connection, Mr. CLARK, you have gone thoroughly and intelligently into this question of the growth and supply of cotton in the different parts of the world. The question that Mr. HILL asked suggests whether you have in your investigation found out what progress is being made by the English, German, and French manufacturers, statesmen, and economists in attempting to solve the problem of growing their own staple in their own colonies or possessions.

Mr. CLARK. Well, I have not any information sufficient to give this committee. I only know in a general way that that is true.

Mr. BOUTELL. You know that they are making great efforts in that direction?

Mr. CLARK. Yes.

Mr. BOUTELL. And spending large sums of money?

Mr. CLARK. Yes.

Mr. BOUTELL. Now, you have given an illustration of what can be done by the growers of long-staple cotton in foreign countries with the cheap labor. Suppose that Great Britain and Germany and France should solve this problem of producing their own staple entirely, in India, Egypt, and the French possessions in Africa. Then we would be brought face to face—perhaps it will be the framers of the next tariff—with the problem, first, of protecting our growers of short cotton against this Hindoo and African labor; and, second, with the more important problem of using our own staple in our own American factories.

Mr. CLARK. Yes, sir.

Mr. BOUTELL. Well, if there should be at any time a falling off in the foreign demand for the raw cotton, in order to utilize it and continue the value of the raw cotton, we must manufacture it here at home, must we not?

Mr. CLARK. Yes; that is the way I view it, sir.

Mr. BOUTELL. And if that time should approach with a falling off of the foreign demand for our cotton, increasing domestic demand for our cotton, it will make a very largely increased spread of the manufacturing of cotton in the South, will it not?

Mr. CLARK. There is no doubt about it in the world, sir.

Mr. BOUTELL. If these foreign manufacturers of cotton should produce all of their own staple, we could by broadening our manufacture here still absorb our entire domestic crop?

Mr. CLARK. Surely, yes. Now, I will let these other gentlemen speak.

Mr. HILL. You acknowledge the ability of the South to compete with the rest of the world in short-staple cotton?

Mr. CLARK. Yes; I think so.

Mr. HILL. But claim that they can not compete in the long-staple cotton?

Mr. CLARK. Yes, sir.

Mr. HILL. Are you not aware of the fact that labor in India and China, where short-staple cotton is produced, and more particularly India, is much lower than it is in Egypt?

Mr. CLARK. I understand that, but they have not been able yet to produce cotton that competes with us in what we call "short cotton."

Mr. HILL. Then it is a question of quality between India cotton and cotton in the Southern States, and not a question of price?

Mr. CLARK. Well, of course the quality controls prices very largely, I think, in everything. I think it is always a question of quality. It is so in the case of men, animals, and goods.

Mr. COCKRAN. As I understand it, your position is that if there were a general freedom of trade, cotton would be willing to take its chances with the rest, but when every other industry levies upon cotton, cotton wants a chance to levy back upon others?

Mr. CLARK. Mr. Cockran, representing my constituency, I want to say this: We are American citizens. I think every State in the Union is represented in my district by some citizen who has transferred his residence down there. We are willing to take our chances with the American people in any plan or scheme of taxation adopted by them. If it is considered best to remove all the duties from cotton goods and leave cotton free, we will take our chances with the rest; but if these duties are to remain we want our interests taken care of, along with those of the other sections of the country. That is the way I think our people view it.

Mr. COCKRAN. That is precisely as I understood.

On December 14 last, with the consent of the Ways and Means Committee, I filed an additional statement, as follows:

ADDITIONAL STATEMENT OF HON. FRANK CLARK, M. C., IN ADVOCACY OF PLACING A DUTY ON RAW COTTON.

WASHINGTON, D. C., *December 14, 1908.*

COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

GENTLEMEN: As additional to what has been said and submitted in behalf of the levying and collection of a duty on all long-staple raw cotton imported into the United States, either in lint or in seed, from Egypt, Peru, the British West Indies, and other foreign lands, I shall submit, first, a letter from the Hon. Alex. St. Clair-Abrams, of Jacksonville, Fla. Major St. Clair-Abrams states the case so clearly and has such an intimate knowledge of conditions that I feel I can do no better than simply submit his letter for your consideration. The letter is as follows:

JACKSONVILLE, FLA., *December 8, 1908.*

Hon. FRANK CLARK,
House of Representatives, Washington, D. C.

MY DEAR CLARK: I have received your letter, as well as the pamphlet, on the tariff hearings. There is one matter that I do not think has been sufficiently impressed on the committee, and it is this: That you can only raise long cotton, or sea-island cotton, on light sandy soil, while short-staple cotton can be raised on clay and other heavy soils. On the light sandy soil the average of lint on the long or sea-island cotton varies from 100 to 125 pounds per acre, while on the short cotton the average will be 200 to 500 pounds per acre. Therefore it is not only the difference in price of labor and cost of picking, but also the difference in the average production of cotton, which bears most heavily upon the grower. I think you could have safely stated to the committee, and can still safely state to them, that in Georgia, South Carolina, and Florida there is enough of this light sandy soil adapted to the cultivation of long or sea-island cotton to supply not only the United States, but the world.

As a result of the average low price and the uncertainty, caused by the competition from free Egyptian and other cotton, the children of the farmers who are raising the staple, instead of going into the same business, leave the farms and seek other and more profitable avocations, and the result is that instead of the staple increasing in volume every year it remains about stationary and is principally cultivated by the older men, who have no other occupation and are not familiar with any other business that could prove more profitable.

When I came to Florida, in 1874, there was a great deal of long cotton raised in Putnam, Marion, Orange, Volusia, Brevard, Polk, Hillsboro, and Manatee counties. To-day not a bale of cotton is raised in those counties, although there are hundreds of thousands of acres of land in them admirably adapted to the culture of the staple. The decline in the price has been the sole cause of the people abandoning the staple as a farm product. It is perfectly clear to my mind that unless a protective duty is imposed on this cotton that within twenty years there will not be a bale of sea-island cotton raised in the South.

It is not a question of apprehension as to the future, but a question of the actual condition which exists at the present time. Under ordinary circumstances our production of long cotton should have increased fourfold, instead of which it has either remained stationary or is actually declining. In the meantime thousands of our young men, both white and black, who were born on these long-cotton farms, are annually leaving them because they see no hope of making even a fair living out of its culture. To stop this exodus and abandonment of these farms, to keep these young men on them and afford them a reasonable opportunity of earning a fair profit, is certainly worthy of the attention of Congress.

As you have properly stated, for years I have given this matter a great deal of attention and study. Not a few of my clients have been utterly ruined by the low prices of long cotton and have seen their farms sold from under them as a result, and they driven, in their mature years, from the homes where they were born to live a life of struggling poverty elsewhere.

Because of my knowledge of the situation and my advocacy of a protective tariff, I refused in 1888 to accept a nomination for Congress tendered to me at Orlando by a committee as a result of the long-drawn-out struggle between General Bullock and Hon. John E. Hartridge, on the sole condition that I would pledge myself to abide the action of the Democratic caucus on the subject of the tariff. I mention this fact only to show how many years I have had this matter in my mind.

I regret exceedingly that I could not have been in Washington to have aided you in this matter, and wish you the most complete success.

If you think this letter will help you any you are at liberty to file it with the committee.

Repeating my sincere hope that you will be successful in obtaining this much-needed and much-merited relief to the long-cotton growers of this State, I am, my dear Clark,

Very truly, yours,

ABE ST. CLAIR-ABRAMS.

I have made every possible effort to secure exact figures as to cost of production of cotton in Egypt. I have been enabled to secure what I regard as authentic information touching the labor cost in Egypt. I made the statement in my former address to the committee on this subject that labor in the cotton fields of Egypt only commanded a wage of from 10 to 20 cents per day. It seems I was in error, because from the evidence which I shall now furnish the committee it appears that laborers in the upper Nile section receive a wage of from only 9 to 11 cents per day.

I herewith submit a letter from the Hon. Charles P. Neill, Commissioner of Labor of the Department of Commerce and Labor, under date of December 9, 1908, which speaks for itself:

WASHINGTON, *December 9, 1908.*

Hon. FRANK CLARK,
House of Representatives, Washington, D. C.

DEAR SIR: Your request to the Bureau of Statistics, Department of Commerce and Labor, for information regarding the cost of field labor in the cotton fields of Egypt has been referred to this office for attention.

In reply I would say that exact and recent data on this subject are not available. The best information which I can supply you is the following extract from the United States Monthly Consular Reports for 1904, page 1107:

"*Wages in Egypt.*—The Deutsche Kolonial Zeitung of April 7, 1904, says that of the population of Egypt, which is about 8,000,000, only a few are engaged in commerce and industry; the greater part are devoted to agriculture. The labor supply is large and wages are low. In Upper Egypt wages are from 9 to 11 cents per diem; in Lower Egypt, 13 to 18 cents. Board is never furnished. In addition to wages by the day or the month (the latter for overseers), payments may be made according to the work. For example, to plow 1¼ acres, 94 cents; to irrigate it, 70 cents. The fellaheen prefer to receive their wages in natural products, particularly shares of the crop—as, for sowing and reaping, 5 per cent of the grain; for thrashing, 1 per cent of the grain and 1 per cent of the straw. In growing cotton on bad ground they receive one-third to one-half of the crop; on good ground, about one-fifth of the crop and the refuse parts of the cotton plant, to be used as firewood. In the case of corn, the laborer gets one-half the crop; in rice, which requires irrigation, three-fifths. The fellaheen do not like to work where it is necessary to use the sakieh or shadoof (mechanisms to draw water by animals or by hand, respectively). On the whole, the position of the laborer in Egypt is not good."

Hoping that this information is sufficient for your purpose,

I am, very truly, yours,

CHAS. P. NEILL, *Commissioner.*

I desire to state to the committee, in conclusion, that since the hearing on this subject, December 1 last, I have been to Florida, and my further investigation of the subject convinces me of the truth of the following:

First. There exists in the sea-island cotton belt of the United States sea-island cotton-producing land sufficient to supply any demand for this product in the United States.

Second. No one now engages in the production of sea-island cotton as a money-making proposition. The sea-island cotton now grown in Florida is chiefly grown by the very small farmer, who makes a support for his family otherwise and simply plants enough of this cotton (which is generally worked and gathered by his children) to make a bale or two of lint, thus guaranteeing to him some ready money at Christmas time.

Third. Eighty to 100 pounds of lint, under present methods and without the use of fertilizers, per acre is a fair average crop of sea-island cotton for Florida.

Four hundred and fifty pounds of lint per acre, with the present crude methods of cultivation and without the use of fertilizers, is considered a fair average crop in Egypt.

Fourth. Labor in the Upper Nile region in Egypt is from 9 to 11 cents per day, and in the Lower Nile region it is from 13 to 18 cents per day.

Counting twenty-six working days to the month, and multiplying the said twenty-six days by the average wage, which would be 13½ cents per day, we would have $3.51 as the average monthly wage paid laborers in the cotton fields of Egypt, as against from $25 to $30 per month paid to farm laborers in the sea-island cotton region of Florida.

Fifth. Conditions surrounding the production of sea-island cotton in the United States have grown worse year after year, and unless something is done to save the industry the time is close at hand when not a pound of sea-island cotton will be grown in the United States.

In conclusion, I desire to print with these remarks a clipping from the Evening Metropolis, a newspaper published in Jacksonville, Fla. The item is a telegraphic dispatch from the town of Alachua, a town of about 1,000 inhabitants located in the heart of the sea-island cotton belt, and has been always one of our principal markets for sea-island cotton.

The news clipping speaks for itself, and I herewith present it:

"BACKSET FOR COTTON—GROWERS NEAR ALACHUA HAULED STAPLE BACK HOME.

"ALACHUA, *December 14*.

"Something that has scarcely ever happened in the county, and never at Alachua, is the fact that cotton offered for sale has had no buyers.

"This place has not only always paid more for cotton than any other place in the county, but has generally been the leader of the State, and the fact that cotton has been offered for sale by the growers there for the past several days without buyers certainly shows that the market is in bad shape.

"It has always been said that cotton is one thing that the farmer could depend on to get cash out of; but the present crop will doubtless make many of the larger growers look to other products another season and see if cotton can not be again brought up to where it will pay the farmer to grow it."

Respectfully submitted.

FRANK CLARK.

In addition to my own statements, which I have just quoted at length, a number of gentlemen, some of them growers of sea-island cotton in Georgia and Florida, appeared and made arguments in favor of the levy of a duty on imports of Egyptian and other long-staple cottons. I desire to call particular attention to a communication from Hon. Harvie Jordan, of Georgia, president of the Sea Island Cotton Association, and also president of the National Cotton Association, which can be found at page 4502 of the Tariff Hearings. Mr. Jordan says:

HARVIE JORDAN, OF ATLANTA, REPRESENTING ASSOCIATION OF COTTON PRODUCERS, ASKS FOR DUTY ON COTTON.

ATLANTA, GA., *December 7, 1908*.

COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

GENTLEMEN: As president of the Sea Island Cotton Association and the National Cotton Association, which two organizations embrace a very large element of cotton growers engaged in the production of sea-island and long-staple cotton in the Southern States, I respectfully beg to file an appeal with your committee for the speedy enactment of an amendment to our present tariff laws by which an import duty of not less than 40 per cent shall hereafter be imposed on the market valuation of all foreign raw cotton imported to America which can be used as a substitute or competitor by American mills against similar grades raised in this country. The southern cotton growers of sea-island and long-staple varieties earnestly desire the levy of this import duty by the Federal Government, in view of the fact that the heavy and constantly increasing annual importations of Egyptian raw cotton into this country by American manufacturers is becoming a serious menace to the production of such grades of cotton in this country. In 1907 the importations of Egyptian long-staple cotton was 90,000 bales, which was 10,000 bales in excess of the total production of sea-island cotton in the States of Georgia and Florida for the same period. These importations are constantly on the increase and seriously affect the price of not only the sea-island productions of Georgia, Florida, and South Carolina, but between 300,000 and 500,000 bales of long-staple cottons annually produced in the Mississippi Delta and territories adjacent thereto.

It is altogether unfair to give high protection to American manufacturers against the shipment of manufactured cotton goods from abroad into this country and at the same time allow the importations of raw cotton into this country duty free. American mills under this process are protected against competition from foreign mills, while they are given the power to regulate the price of sea-island and long-staple cotton raised in this country by the importation of Egyptian varieties of raw cotton duty free. Under this system the highly civilized and progressive American farmer is made to compete with the practically enslaved peasantry of Egypt. We do not believe that these conditions represent the true policy of the American Government. Either the protective duties favoring American manufactured cotton goods should be wiped out entirely and the American mill owners placed on a parity of competition with American cotton growers, or a duty of at least 40 per cent of the market value of all grades of Egyptian and other foreign-grown cotton should be levied against the importations of such cottons into this country. There are many mills in America to-day which are using only Egyptian cotton, which they receive at their mills duty free, while the finished product of their mills is protected by a duty of from 40 to 60 per cent against the competition of similar products manufactured abroad.

The southern cotton growers of these varieties are asking for a fixed duty of 10 cents per pound on all grades of Egyptian cotton shipped into this country. Such a duty would at once mean an increased demand for long-staple varieties in this country by American mills, and would stimulate production of these varieties, especially in the Delta of the Mississippi, where competition with Egyptian cotton under existing conditions is not profitable.

This is a plain presentation of the case, and the fixing of a duty as requested would mean the increase of many millions of dollars annually to the producers of sea-island and long-staple cotton without injury or detriment to American manufacturers. We hope to secure your favorable indorsement of the proposition herewith submitted.

Yours, respectfully,

HARVIE JORDAN,
President Sea Island Cotton Association;
President National Cotton Association.

Having now, Mr. Chairman, presented the case of my constituents from the standpoint of the necessity for the placing of Egyptian cotton on the dutiable list at a fair and reasonable rate, let me very briefly call attention to the unjust, yea, even harsh treatment accorded the Florida, Georgia, and South Carolina grower of sea-island cotton by and under the terms of this bill. In almost every line of it he is discriminated against. I am quite sure there is not a single article in the wide, wide world of which sea-island cotton constitutes a component part which, under the terms of this bill, is not placed on the dutiable list, and at a highly protective rate. He is forced to sell his product in an open market, free to all the world, and in direct competition with the product of the "pauper labor" of Egypt; and when he goes into a store to buy a little piece of lace, mercerized cloth, or other article for his wife, his children, or himself, although the article is manufactured from sea-island cotton—the product of his own industry and toil—he finds himself buying in a protected market, where he is forced to pay heavy tribute to the manufacturer.

Not only this. Almost everything which the Florida sea-island cotton grower buys, and which he must buy to enable him to produce this cotton on his farm, is on the dutiable list. I have selected a few items from the bill, and I call the attention of the committee to them. They are as follows:

SCHEDULE G.—AGRICULTURAL PRODUCTS AND PROVISIONS.

ANIMALS, LIVE.

222. Cattle, if less than 1 year old, $2 per head; all other cattle, if valued at not more than $14 per head, $3.75 per head; if valued at more than $14 per head, 27½ per cent ad valorem.
223. Swine, $1.50 per head.
224. Horses and mules, valued at $150 or less per head, $30 per head; if valued at one $150, 25 per cent ad valorem.
225. Sheep, 1 year old or over, $1.50 per head; less than 1 year old, 75 cents per head.
226. All other live animals, not specially provided for in sections 1 or 2 of this act, 20 per cent ad valorem.
227. Barley, 15 cents per bushel of 48 pounds.
228. Barley malt, 25 cents per bushel of 34 pounds.
229. Barley, pearled, patent, or hulled, 2 cents per pound.
230. Buckwheat, 15 cents per bushel of 48 pounds; buckwheat flour, 25 per cent ad valorem.
231. Corn or maize, 15 cents per bushel of 56 pounds.
232. Corn meal, 40 cents per 100 pounds.
234. Oats, 15 cents per bushel.
235. Oatmeal and rolled oats, 1 cent per pound; oat hulls, 10 cents per 100 pounds.
237. Rye, 10 cents per bushel; rye flour, one-half of 1 cent per pound.
238. Wheat, 25 cents per bushel.
239. Wheat flour and Seminola, 25 per cent ad valorem.
240. Biscuits, bread, wafers, and similar articles, not specially provided for in this section, 20 per cent ad valorem.

Thus it is seen that if a Florida cotton grower buys a mule or a horse from Kentucky, Tennessee, or Missouri, and the value of that mule or horse is $200, the Florida man must pay to the Kentucky, Tennessee, or Missouri dealer his tariff protection of 25 per cent ad valorem. And just here let me say, in passing, that I have yet to hear of any effort being made by my extremely virtuous Democratic colleagues from the States named to put either mules or horses on the free list. It is not much of a mule or horse that is not worth $150 these days, and yet, under this paragraph, if the animal is only worth fifteen or twenty dollars, there is a duty of $30 per head, and still my virtuous friends from Kentucky, Tennessee, and Missouri, who are the only real, genuine Democrats left on the earth, do not, in the interest of the "common people," complain.

Corn is protected to the extent of 15 cents per bushel, and corn meal—the poor man's bread—is taken care of at the rate of 40 cents per hundred pounds. Why is it that some of these "holier-than-thou" Democrats from Missouri, Illinois, Nebraska, Iowa, and other corn-raising States, do not rise on this floor and denounce this iniquity of taxing corn and corn meal? Here, my friends, is where you could render a real service to the "common people," for whom you express such great love in general-debate speeches.

Oats are taxed 15 cents per bushel, rye taxed 10 cents per bushel, wheat taxed 25 cents per bushel, wheat flour taxed 25 per cent ad valorem, and wool protected at a high rate.

My position is that the tariff schedules ought to be equalized, so that the burdens of the system may be equally borne and the benefits equally shared by every section of our common country and by all our people, whether they be common or uncommon. No logician beneath the skies can give one single sensible reason why corn, oats, barley, rye, potatoes, wheat, or wool should be on the dutiable list in any American tariff bill, while long-staple cotton is kept on the free list. I challenge any and every Representative upon this floor to furnish such reason, if he can. It has not been furnished thus far, Mr. Chairman, either at the tariff hearings or in this debate.

Amplifying very briefly my statements in colloquy with some of my colleagues in the beginning of my remarks, I will say that I am of the opinion that in acting upon matters of legislation the primary duty of a Representative in the American Congress is to his immediate constituency; he should represent and reflect their wishes and views faithfully; and if the time should come during his service when he can not conscientiously pursue this course, his duty, to my mind, is perfectly plain.

He should surrender to his people the commission they have intrusted to him, and thus allow them to fill their seat in this House with a Representative who can and will truly and faithfully voice their sentiments in this body. I think no other course would be honorable. The secondary duty of a Representative here, in my opinion, is to the great body of the country at large, and I yield to no man on this floor, on either side of this Chamber, in patriotic love of country from ocean to ocean and from the mountains to the sea. I love every star that glitters in the flag; I love the institutions of the Republic, and my people are as ready to uphold, protect, and defend them as are the people from any portion of the broad domain over which flies that proud emblem of liberty, the Stars and Stripes. Borrowing from another, let me say that my people, standing for this Republic, indorse the sentiment—

To our country, may she ever be right; but right or wrong, our country still.

Mr. SAUNDERS. Mr. Chairman, a few moments ago, the other side of the House seemed to applaud the statement of the gentleman from Florida, that it was time for them to do something for the poor man of the South, and thereby take him out of that category. I agree with this sentiment. The time has come for something more than honeyed words to our section. If your applause indicates a spirit of sincere willingness to aid us, then the way is open, and action on one item of this bill will afford this aid. Nor will you be asked to take a step inconsistent with the working theory on which your bill has been constructed.

I recognize that it is built on protective lines, but it is not necessary that a protection measure should be inherently unjust in the application of the protective principle, to the extent of surrendering revenue that is badly needed. A deficit of $100,000,000 clamorously proclaims the need of the Treasury for more revenue, and in the search for that revenue you have indicated a willingness to tax luxuries in order to secure it. Now, I am going to afford the majority party of this House a chance to do justice; to take advantage of an opportunity neglected by the Ways and Means Committee; to square itself with its professed principle of protection; and at the same time afford incidental aid to a large body of farmers in the South who are engaged in a heartbreaking struggle with foreign cheap labor, and the American tobacco trust. [Loud applause on the Democratic side.]

This opportunity will be made clear when your scrutiny is directed to certain features of the tobacco schedule.

The majority report of the Committee on Ways and Means contains two statements to which I wish to call the attention of the House. On page 5 of the report will be found the following statement, in connection with the advance of duties, and the avowed purpose for which the duties have been increased. Here are the words of the report:

We have increased the duties on certain articles for the *sole purpose of increasing the revenue*, and *most* of the *articles on which the duties have been increased, are luxuries*. (Italics mine.)

Now, I wish to remind the majority side of the House that if it is their purpose to raise revenue, there is one article in the tobacco schedule from which a handsome revenue can be raised, an article which we are all agreed, is a luxury. This article is imported Turkish tobacco.

The bill under consideration is a protective-tariff bill, and some of the schedules are phenomenally high. This is conspicuously true in the case of Sumatra leaf, which carries an import tax of $1.85 per pound. The effect of this duty has been to build up in this country an absolutely artificial system of cultivation; an industry of a restricted character, that could not exist for a moment under natural conditions, if the duty was removed. The Payne bill continues this duty, because there is a limited production of shade-grown tobacco in the States of Connecticut and Florida, a production that is largely in the hands of corporations that have been strong enough to secure from the lawmaking body in the past, a duty of $1.85 a pound. This duty has enabled them to do business, and make money.

One of the witnesses before the Ways and Means Committee stated that the tremendous possibilities for profit in this industry, as a result of this duty, have stimulated production abnormally. But, while the committee has continued this duty, it has been blind to the interests, and deaf to the demands, of a large body of tobacco growers in the States of Virginia, North Carolina, and South Carolina who raise tobacco under absolutely natural conditions. If the committee desired to raise more revenue, and this is given as one of the objects of the bill, an opportunity is presented to compass this result, by imposing a higher duty on an imported article which comes into this country from Turkey, Asia Minor, and Egypt. Incidentally, while raising revenue from a luxury, they would aid the tobacco farmers of three States. Now, what are the facts in regard to smoking tobacco, used both for cigarettes, and pipe smoking? A large proportion, if not the entire amount, of the bright tobacco raised in this country for cigarettes, and for pipes, is raised in the States of North Carolina, South Carolina, and Virginia.

The duty on the imported tobacco that competes with this home-grown product, is very low, as compared with the duty on Sumatra leaf.

Mr. STANLEY. Mr. Chairman, I ask for order. The gentleman from Virginia is discussing a matter of vital importance, outside of the politics in it, to every Member in this House, and I think the House ought to be in order.

Mr. SAUNDERS. There are no politics in this proposition. It is a question of justice which rises above politics [loud applause], and as such I am presenting it to the majority side of this House, and simply asking them to be consistent. They have framed this bill, and have announced to the country that it was framed on protective lines.

In the majority report from the Ways and Means Committee, it is stated that they have increased duties on luxuries to raise more revenue. To be consistent, the duty on this luxury, this imported Turkish leaf, which is the fad of the day for smoking, ought to be increased, and the additional revenue that this increase will afford, ought to be collected. The Treasury needs the revenue, and here is one subject at hand from which it can be secured.

I suppose that the duties have been increased on luxuries, because it was considered the proper thing to do, because they were considered appropriate subjects to carry a greater burden. Now, Turkish tobacco is a luxury, and if adequately taxed, will be a great revenue producer. Why not increase the duty on this subject-matter? The committee has been satisfied to retain the tax of $1.85 per pound on Sumatra tobacco, and a tax of 35 cents a pound on this class of tobacco, although the latter duty is really only equal to 17½ cents a pound. Why do I make that statement? Because the evidence taken by the Ways and Means Committee shows that the tobacco which comes into competition with the bright tobacco of Virginia, North Carolina, and South Carolina, is equal per pound, for the purposes for which it is intended, to 2 pounds of the home-grown product. That fact makes the duty on this Turkish tobacco only 17½ cents a pound, so far as the interests of our home growers are concerned.

And yet Sumatra tobacco coming into this country in competition with the hothouse growths of shade-produced tobacco in Connecticut, and Florida, carries a duty of $1.85 per pound. If you gentlemen want to be consistent, if you are in quest of some subject-matter from which consistently, and appropriately, you can raise a larger revenue, then I direct your attention to a foreign-grown product which will carry a higher duty. Increase this duty, and you will increase our revenues anywhere from $3,000,000 to $5,000,000 a year, according to the duty imposed, and at the same time do something for those struggling farmers of the South, in whom your applause of a few moments ago seemed to indicate that you were so much interested. Did it mean that, gentlemen, or did your applause simply indicate that you were delighted to see that the gentleman from Florida [Mr. CLARK] was out of touch, and harmony, with the rest of the Democrats on this side of the House? What did your applause mean? If it meant that you are interested in our struggling farmers, then let me give you a few facts. You will find that in this matter, my statements are amply borne out by the record. The importation of Turkish tobacco has been increasing for the last ten years.

This tobacco comes into competition with Virginia, and North and South Carolina bright tobacco. Its importation has in-

creased from 400,000 pounds in 1897, to something over 7,000,000 pounds in 1907, the last period for which we have the figures of importation available. This tobacco carries a tax of 35 cents a pound, and it is easy enough to see what it would yield in the way of revenue if this tax were increased to $1.25 a pound. You may ask me in that connection, Would not the increase exclude the Turkish tobacco leaf? It would diminish it to some extent, just exactly as the tax on Sumatra leaf has to some extent diminished the importation of Sumatra tobacco, but the amount that would come in under the increased duty, just as the Sumatra leaf has come in under a larger duty, would be sufficient to make a considerable increase in the revenue from this source. I suppose there is hardly a Member on this floor who knows what Sumatra tobacco leaf yields in the way of revenue to this Government. Let me give you the figures. There is annually imported into this country about 6,500,000 pounds of Sumatra tobacco leaf, at $1.85 per pound, yielding something like $12,000,000 of revenue.

I ask the gentlemen on that side of the House, Would they not prefer to get the revenue that they need, and that we know the country needs, from this source—a tax on imported tobacco—rather than from coffee and tea, both of which are taxed in the Payne bill? It can be done without any trouble. You can secure from this source all of the revenue that you would derive from the tax on both tea, and coffee. If, incidentally, there comes any benefit to the producers, it will come to a class of people who need that benefit, as much as any class of workers in these United States.

We hear a great deal, Mr. Chairman, about the principles of protection, and the interests of American labor, but when the Republican party comes to apply those principles, they seem to think that the application ought to be confined to industrial labor entirely. They build up protected interests, which give employment in industrial centers, and then they talk with pride of the people working in those protected industries, who receive from $4, to $5, to $10, or $15, a day.

Yet when it comes to applying the same principles to agricultural labor, they seem to be indifferent to its interests. Agricultural labor ought to be as dear to the hearts of the American lawmaker, as labor in the factories, or in the shops. [Applause.] What do the people who work in the tobacco fields of Virginia get in the way of protection? Your attention is called to the fact that domestic shade-grown tobacco is doubtless protected by a high duty, because its production is controlled in large measure, by corporations able apparently to impress their demands upon the Republican party, and to have what they want, written into the tobacco schedules. But the bright tobacco of Virginia, and of North and South Carolina, is raised by individual growers, who are never seen about the halls of Congress clamoring for protection, or for a duty. Most of them are not able to raise the money with which to furnish a lobby in their interests.

Yet their rights are as great, and as equitable, as the rights of the people who have come here, and secured the duties on Sumatra tobacco. What does the Virginia tobacco grower get for his bright tobacco? An average, say, of 10 cents per pound. What does that price mean in the way of a daily wage, for the people who work in the tobacco fields? Does that price mean to the tobacco grower, a daily wage in anywise equivalent to the wages received by the men who work in the protected industries, in the tin plants, or in the steel plants, or to the wages paid to the men who work for the companies that raise shade-grown tobacco? Not at all. According to the testimony before the Ways and Means Committee, ordinary darky laborers working for the people who grow tobacco under shade, receive from $22, to $24 a month.

What of the man who cultivates, and owns the fields, and raises his own tobacco? What does he often get as a daily wage, from the sales of bright tobacco? He gets, Mr. Chairman, in many cases, not more than $10, or $15 a month, if his returns are calculated as wages. In bad years he gets less than this. It is not an infrequent thing for a tobacco raiser, to find that the proceeds of his crop barely pays his fertilizer bill.

This Turkish leaf is a subject that can stand an increased duty. Do you ask me how, as a Democrat, I am asking you to increase this duty? If I could write this bill, I would secure relief for my people in some other way, by some other form of fiscal legislation.

But you are writing this bill, and we have the right to come to you gentlemen, who have announced the principles that control your action, and ask you to be consistent, to be just, to be fair, and to make your actions square with your professions. You profess to be in favor of protection; you announce that you have advanced duties to secure revenue. In the same breath you assert your willingness to tax luxuries. Now, I bring to your attention a subject-matter that is a luxury, and one that will yield a large revenue, if adequately taxed.

In addition, by the imposition of an adequate duty on Turkish tobacco, you will incidentally aid a large number of American farmers, who, in the truest sense, are laboring men. I say that I have a right to ask the Republican party, which has announced the working theory upon which the Payne bill has been constructed, to be consistent in their treatment of kindred interests, and to furnish us a bill purged of sectionalism, and in all respects just, and equitable in its application of the principle for which it stands. I ask nothing more, and should receive nothing less. [Loud applause.]

Mr. REEDER. Mr. Chairman, will the gentleman from Virginia yield me time, if he has it, to make a statement?

Mr. SAUNDERS. I will yield to the gentleman.

Mr. REEDER. The gentleman from Texas started out with the proposition as a foundation for his excellent speech that the South necessarily ships two-thirds of its raw cotton across the ocean for a market. This is far from the truth. Instead of having men in Congress representing their fair land who base their fine logic and flowing wit on false premises, careful thought would lead one to the conclusion that the people of the South should send men here who would look after their interests and see that those interests are protected rather than promulgate such ideas. The gentleman from Virginia has argued until the very close in favor of protecting his people, and then he seemed to remember some Democratic time-honored dogma and set the whole thing aside by saying they would devise some other method of taking care of the southern laborer.

Mr. SAUNDERS. Oh, no; I addressed you gentlemen as Representatives on the majority side of the House, simply asking you to be consistent and just.

Mr. REEDER. I am with you as to that proposition, but it seems to me that both the gentleman from Texas and the gentleman from Virginia have indicated that the South is derelict in not sending Members here to represent them who will work to have their industries protected.

I believe that your industries should be protected, and I believe that they should be protected to such an extent that your people would be more prosperous than they are to-day, and that the whole Nation would benefit by your increased prosperity. It is not necessary to ship two-thirds of the raw cotton raised in the South across the ocean for a market. If your people would reach out for the protection of the cotton manufacturer with the same energy that the western and northern people use in seeing that the interests of their constituents are looked after, the South would be much more prosperous, and every part of the Nation benefited vastly by the better market you would thus furnish for other manufactures and for food products. One section can not be a laggard without injury to all.

Mr. FINLEY. Mr. Chairman——

Mr. REEDER. Oh, just let me get through with this statement.

Mr. FINLEY. Now, that we are on the cotton schedule——

Mr. BURLESON. Mr. Chairman, to what gentleman from Texas does the gentleman from Kansas refer?

Mr. REEDER. The gentleman from Texas, Mr. GILLESPIE.

Mr. BURLESON. Surely you did not understand from his remarks that he was asking for protection upon any product of our State.

Mr. REEDER. He started off with this proposition, that you produce cotton and that you must send two-thirds of your cotton across the ocean as raw material. This was the foundation for his speech and is all wrong, because you have no business to send two-thirds of your cotton across the ocean as raw material. You should send men to Congress who are in favor of protecting the cotton industry, and manufacture the greater part of that cotton in the South.

Mr. BURLESON. With the permission of my friend from Virginia, I will state to the gentleman from Kansas that the South has not yet abandoned, but still adheres to her traditional policy as to the tariff. She has her faults, but a desire to pilfer her neighbors' pockets, even though it could be accomplished through the instrumentality of law, is not one of them. For her I beg to decline the suggestion of the gentleman. Furthermore, it would be silly to put a duty on raw cotton. Cotton does not need protection.

Mr. REEDER. I do not refer to raw cotton. I mean the manufactures of cotton.

Mr. BURLESON. Cotton goods are protected now; the duty, especially on the finer grades made in New England, is as high as a cat's back.

Mr. SABATH. They are protected now to 50 or 60 per cent.

Mr. REEDER. No one is suggesting a duty on raw cotton; but I do insist that manufactures of cotton ought to be protected sufficiently to cause the work of manufacturing to be done in this country.

Mr. CLARK of Missouri. You could not protect them more. It is prohibitive now.

Mr. GLASS. Does the gentleman believe in protecting American industries because they are American industries or because they send Republicans here to Congress? [Applause and laughter on the Democratic side.]

Mr. REEDER. I believe that the Democrats have made a failure in this. Their constituents need protection, but the tenets of your party are such that you have got to make some excuse when you ask for protection. You worship party tenets so much you dare not go forward. You will not admit you have foresight. You only use a hindsight, and your people continue to suffer stagnation for that reason. The South ought to send men here who want protection and who do not fear to say so and work to get it.

My friend CLARK, the witty leader of the minority, says the tariff is now prohibitive on cotton. The fact is, this statement is so far from the facts that nearly $95,000,000 worth of the products of your cotton, which you have shipped abroad in the raw state, came back in 1906 manufactured, and paid nearly $40,000,000 tariff to get back to our markets. There is some difference between prohibitive tariff and ninety-five million imports; but what is ninety-five millions when a traditional Democratic policy is to be upheld?

Mr. SABATH. Oh, the West wants protection, and you are willing to vote for protection, too.

Mr. REEDER. The gentleman never saw a State more in favor of protection of American labor than Kansas, and we have little direct protection.

Mr. SAUNDERS. If I will say what we want in the South, will you give it to us?

Mr. REEDER. No; I would not like to say that. [Laughter.] I do not know you well enough.

Mr. RUCKER of Missouri. Suppose the South sends Republicans here; would that change the gentleman's view?

Mr. REEDER. It would not. I would not give Republicans all they want, because some of them want a tariff on lumber, and I am not in favor of that. That protects stumpage, not labor. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I would like to ask the gentleman from Kansas a question.

Mr. REEDER. I am afraid that the gentleman will spoil what I intended to say at this point.

Mr. JOHNSON of South Carolina. Mr. Chairman, I understand the gentleman from Kansas to say that we ought to manufacture all the cotton in this country.

Mr. REEDER. Yes; you ought to manufacture all the cotton needed in this country and much to sell abroad in the way of cotton goods.

Mr. JOHNSON of South Carolina. Does the gentleman want to help the South to build more cotton mills?

Mr. REEDER. Yes, sir.

Mr. JOHNSON of South Carolina. Then, vote to reduce the enormous duty on cotton-mill machinery. [Applause on the Democratic side.]

Mr. REEDER. I do not believe that is the way to do it. It does not profit to kill one industry and thus throw American laborers out of employment to build up some one else. That is Democratic doctrine. I want Americans to make that machinery, and I wish you people to be so protected that you can afford to pay for the machinery and sell all of the cotton manufactures used in the United States and much elsewhere, and not have your Congressmen get up here and make speeches, with the foundation for such speeches the statement "that you, of necessity, have to ship your raw cotton across the ocean to find a market," though I concede this is Democratic doctrine and usage.

Mr. SAUNDERS. May I ask the gentleman from Kansas a question? Does he think that I made out a pretty good case for the people in whose interests I have spoken?

Mr. REEDER. Yes; until you get about through. Then you seemed to think you must preserve some Democratic precedents, or time-honored tenets, and backed up considerably.

Mr. SAUNDERS. My friend is mistaken in thinking I have "backed up" at all. I have merely asked the gentlemen on that side to be consistent. Is that asking too much of a Republican? Now, I want to show the gentleman how much stronger I can make my case. This Turkish tobacco, on which I ask that the duty be increased, as a matter of consistency on your part, as well as of advantage to my people and to the public revenues, is manufactured chiefly into cigarettes and smoking tobacco, at a profit of 100 per cent or more to the manufacturers. I want to say further, and this may explain why it is that we have not been able to get an increase in the duty on this tobacco, that 90 per cent of the Turkish tobacco importations into this country, are used by the American Tobacco Company, the "tobacco trust." At the same time Turkey does not allow us to import into that country a pound either of raw tobacco, or of the manufactured product from America.

Sumatra leaf is a wrapper tobacco. Turkish leaf is a filler tobacco. On account of its distinctive qualities Sumatra tobacco can, and does, carry a very large duty. Its importations, in the face of a duty of $1.85 a pound, are millions of pounds a year.

Turkish tobacco has its distinctive qualities—a peculiar flavor, due to the salts in the soil where it is grown. This flavor has caused the smoking of Turkish tobacco, chiefly in the form of cigarettes, to become quite a fad, a national fad. Hence this tobacco, as a luxury and fancy tobacco, will carry a large increase of duty, and under this duty, yield a large increase of revenue, anywhere from three to five millions of dollars a year, according to the duty imposed.

The importations of Sumatra tobacco are about 6,500,000 pounds a year, yielding about $12,000,000 a year.

The importations of Turkish tobacco have grown from about 400,000 pounds a year to about 8,000,000 pounds a year, the figures for the year 1908 not being available.

A large increase in the duty on this tobacco would diminish to some extent the importation of the lower grades of this product, a very desirable thing, by the way, to do, but large quantities would continue to be imported, as no American filler leaf has the peculiar flavor of this tobacco.

Hence this tobacco will carry a large increase of duty, and the importations under a larger duty will yield a large amount of additional revenue. European and Asiatic Turkey, and Egypt, send us practically all of this Turkish tobacco.

Turkey does not allow the importation of tobacco from this country, however manufactured.

The duty on Turkish tobacco is at present 35 cents on the pound, which is really only about 17½ cents per pound, as compared with American filler tobacco, for the reason that, owing to the small stems in the Turkish tobacco, a pound of it will go as far as 2 pounds of American tobacco.

Sumatra tobacco and Turkish tobacco do not compete, as one is a wrapper and the other a filler tobacco.

There is an estimated profit of 100 per cent, or more, in the manufacture of this Turkish tobacco into cigarettes.

I think the facts given strengthen my case.

Mr. REEDER. It requires a good deal of gall on the part of the Republican party to force protection upon the South for their interests, with their Representatives fighting constantly against such a protection; but as the gentleman seems to have a proper case for protection and frankly asks such protection, I heartily favor his having such protection for the tobacco he indicates.

Mr. RUCKER of Missouri. Oh, well, they have got the gall.

Mr. SABATH. Yes; they have gall enough to do it.

Mr. STANLEY. I want to ask the gentleman just one question.

The CHAIRMAN. Does the gentleman from Virginia [Mr. SAUNDERS] yield to the gentleman from Kentucky [Mr. STANLEY] to ask the gentleman from Kansas [Mr. REEDER] a question?

Mr. SAUNDERS. Yes.

Mr. STANLEY. I want to state to the gentleman from Kansas that so far as his observations go there is a non sequitur in their application to anything that has been said by the gentleman from Virginia [Mr. SAUNDERS]. The claim of the gentleman from Virginia for an increase of this duty is absolutely Democratic, for the reason that it is in the first place a revenue tax, and in the next place it is a duty upon a luxury, and in the third place it is a duty that in its operation affects a trust and does not in any way affect the people.

There is nothing in the Democratic platform or in the Democratic policy that prevents the laying of a large revenue upon a luxury because incidentally somebody in this country may produce a small quantity of that same article.

Mr. REEDER. The extended statement of the gentleman from Kentucky, misnamed a question, bars cotton manufactures from protection. But in the interest of the South we have used of our gall and given your workers in cotton quite a protection on what to us are necessaries. I wish that the gentleman after this, if he has a correction to make in a speech of the gentleman from Virginia, will call him to one side and correct it before the gentleman from Virginia starts in to make the speech

and not take my time for such a good and necessary labor. I will, for a moment, if I have the time——

Mr. SAUNDERS. I will give the gentleman all the time he wants.

Mr. REEDER. The gentleman from Kentucky says you are arguing the case as a tariff for revenue; the fact is, you are arguing it for the protection of your people.

Mr. SAUNDERS. No; I merely made a quotation from the Payne report. Are you familiar with that report?

Mr. REEDER. Somewhat.

Mr. SAUNDERS. Here is what it says: That it has increased duties on certain articles for the sole purpose of raising revenue, and that most of "the articles on which duties have been increased, are luxuries."

Now, I call the attention of the gentleman to the following facts—that Turkish tobacco is a luxury, and as such is a proper subject upon which you can raise revenue for the country. I said that to be consistent in carrying out the announcements on your side, you ought to take this subject-matter, and put an increased duty on it, as being at once a luxury, and a revenue producer.

Mr. REEDER. The gentleman insisted he wanted this tariff for the protection of his people. I wish to emphasize two points; first, the gentleman from Texas started out with the proposition we must ship two-thirds of our raw product abroad. That is not true. The South should send men here in favor of protecting southern industries and then you would manufacture your own raw material and save millions of dollars to the South. The gentleman from Virginia certainly insisted that he wanted this raise of the tariff to protect his people, and it would be a dangerous stretch of imagination to imagine his interest in this item and not consider the thought of his people's interest.

Mr. SAUNDERS. No; I did not.

Mr. REEDER. You certainly did.

Mr. SAUNDERS. What I said was that if you were consistent, you would get your revenue from a tax on a luxury, and incidentally we would get some benefit.

Mr. REEDER. Your argument was it would benefit your people.

Mr. RUCKER of Missouri. One of the inconsistencies of your position is that it is predicated on the hope of consistency on the other side.

Mr. SAUNDERS. The point is well taken.

Mr. REEDER. You should educate the southern manufacturers on this proposition. If you favor protection for your industries, send men here to work along that line and get your industries protected and the South will then prosper beyond measure, because they have unlimited resources.

Mr. BARTLETT of Georgia. May I ask the gentleman——

Mr. SAUNDERS. This is an illustration of your attitude. You prefer to be inconsistent rather than help southern industries.

Mr. REEDER. No; the southern people are the inconsistent people. We have helped your people with a good duty on manufactures of cotton and I will do all I can to protect your tobacco raisers with a higher duty on tobacco.

Mr. BARTLETT of Georgia. We made last year 13,486,000 bales of cotton. Of that, a little over 4,500,000 was manufactured both in the East and the South. Now, how many factories do you suppose you would have to build in the East or South to manufacture all the 13,500,000 bales of cotton?

Mr. REEDER. If the South were represented here by such men as are sent from New England, we would manufacture 9,000,000 bales of it. That is what they would do and what you ought to do.

Mr. BARTLETT of Georgia. Is it not a fact that Kansas has sent men here who do not know any more about the cotton industry than——

Mr. REEDER. I do not think I know as much about cotton as the gentleman from Georgia, but I do know this, that there is a great deal of cotton manufactured abroad that ought to be manufactured by the people of the South.

There is plenty of money in this country to manufacture much of this cotton, and all that stands in the way is the Democratic idea that you must not protect your home industries.

Mr. BURLESON. In the name of common sense, tell us how the duty on raw cotton would encourage the manufacture of it.

Mr. REEDER. I do not want a duty on raw cotton; I want a duty on manufactured cotton.

Mr. BURLESON. You have that now, to an unconscionable degree, in the present law, and on hosiery and goods to be used by your people and mine this bill materially increases the duties.

Mr. REEDER. I want just enough, so that the American workmen will do the work and get the pay for manufacturing our cotton goods.

Mr. BURLESON. But New England has been demanding and receiving a prohibitory tariff on cotton goods for years. And, Mr. Chairman, I pray that enlightenment may some day come to the farming constituents of the gentleman from Kansas, when they can at last realize that they can not be made rich by increasing the tax burden resting upon themselves. I hope that some day they will come to know that just such bills as this one makes them pay a higher price for everything they eat and wear, everything they use, with absolutely no recompense.

The duties on farm products in this bill, with the possible exception of barley, are a delusion and a snare. In truth, they afford the farmer no benefit and only serve as a means of deceiving them, in certain States, into a continuation of support of the Republican party. Such farmers seem unable to realize that the real effect of such bills as this and the present Dingley law is to enable the crafty beneficiaries under its provisions to plunder for their own enrichment.

Mr. Chairman, sometimes I tremble when I think that the God above is still exacting of men an observance of that law handed down on the tablet of stone which says, "Thou shalt not steal." If he is doing so, as an inevitable consequence a very hot fire must be kept kindled for those intelligent Republicans who are instrumental in keeping such fruitful means of thievery as these modern tariff laws in existence, for under them the toiling millions are plundered in order that a few trust magnates and manufacturing monopolists may roll in wealth.

Mr. REEDER. The facts are, the way to have goods cheap, money plenty, and farm products high is to so protect manufactures as to have our goods made by our own people. See tin; first stage, tin made in Wales and high; second stage, a tariff on tin; tin now made at home and cheap. Abraham Lincoln once said—he knew this much about a tariff—when you buy goods made abroad you have the goods, but some one else has the money. When you buy goods at home we have the goods and the money. Even a Democrat ought to see the latter is the better condition.

Mr. WEISSE. Does the gentleman believe that this bill protects American labor?

Mr. REEDER. Yes, sir.

Mr. WEISSE. Will the gentleman kindly explain to this House how the Republicans are protecting labor when, through the drawback system of this bill, the foreign laborer can buy the products made by American labor cheaper than he can himself? How are you protecting American labor by denying him the right to buy the work of his own hands as cheaply as the same can be bought by a foreigner?

Mr. REEDER. You overlook the fact that he must have money to buy at any price, and the only source of money is his labor. If certain raw material is sent into this country and we pay a tariff on it, and we can not pay that tariff and have the labor done here and send the goods manufactured therefrom abroad and sell them, we had a good deal better rebate that tariff than not have the work of manufacturing done by our people.

Mr. WEISSE. Then the gentleman is in favor of a tariff on hides? He can not get the hides into this country on account of the 15 per cent duty. They go to Europe to be tanned, and they deny our tanners the manufacture of that leather and the exportation of their leather goods. This same system gives to the foreign manufacturer cheaper leather than our own manufacturers, all in the interest of the beef trust.

Mr. REEDER. Put a higher tariff on manufactured leather and then they can manufacture it in this country, and we will have to apply our rebate system on leather sold abroad, as we can not control that market, but we can give our laborers the pay for tanning and also for manufacturing the leather.

Mr. WEISSE. It will absolutely kill our export trade in leather if you do that. Give us free hides and we can beat the world in any market. We are willing to let the heavy leather come in free if you will put all material used in tanning and cattle on the free list, which you will not do. The tanning business is such that there are 70 per cent less of tanners to-day than there were ten years ago.

Mr. REEDER. That is exactly the difficulty with your southern prosperity. You let foreigners do your manufacturing. This rebate system gives you free hides where you compete for a foreign market. The southern people should manufacture their cotton, and I would like to see the South send men here who are in favor of the southern people manufacturing at least their own raw material.

Mr. WEISSE. You can not get the hides of South America tanned here as long as you let England buy them 15 per cent cheaper than we do by reason of the tariff.

Mr. REEDER. By means of the rebate system we answer your statement absolutely and give the labor to Americans at good wages. Then you can have them manufactured here if you put a tariff on leather.

Mr. MACON. Mr. Chairman, I would like to ask the gentleman, in response to what he said a while ago about the prosperity of the South, if it is not a fact that the South, during the present panic, sent money to New York and the other money centers of the country to do the business of the country upon? The South is to-day one of the most prosperous sections of this country, and I want to say that it will continue so if you do not rob it of its just dues with your high protective tariff. Let her alone and she will take care of herself.

Mr. REEDER. The South has had very fair prosperity under the Dingley tariff. They could have greater prosperity if they would send men here imbued with the idea that they must protect southern industry rather than work in the interest of the foreign manufacturer.

Mr. MACON. The gentleman wants the South to send men here who would deliberately sacrifice her time-honored principles of justice in order that they may take from the pocket of one man in order to put gain into the pocket of another. If that is what he wants, I hope the time will never come that that class of Representatives will be sent here to disgrace that fair land upon this floor in that way.

Mr. REEDER. There is a good deal more prosperity, in my judgment, in Texas and Florida than in most parts of the South. It is on account of their not paying so much attention to those "time-honored Democratic principles." They are working along the line of the advanced thought of the times. I commend other portions of the South to their example.

Mr. CLARK of Missouri. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. Does the gentleman from Kansas yield the floor?

Mr. CLARK of Missouri. He did not have the floor.

Mr. REEDER. I did not understand that I had the floor, but I am not through.

Mr. CLARK of Missouri. The gentleman did not have the floor.

Mr. REEDER. I think I am going to do the southern people some good, and I would like to continue.

The CHAIRMAN. All gentlemen will be seated.

Mr. REEDER. Now, Mr. Chairman, I would like a little time on my own hook, if I could have it.

The CHAIRMAN. The gentleman from Missouri moves——

Mr. CLARK of Missouri. The gentleman did not have any time.

Mr. REEDER. I did not have, but I would like to have some.

The CHAIRMAN. The gentleman from Missouri moves that the committee do now rise.

The question was taken; and the Chairman announced that the noes seemed to have it.

Mr. CLARK of Missouri. Division!

The committee divided, and there were—ayes 96, noes 139.

So the committee refused to rise.

Mr. REEDER. Mr. Chairman, I did not intend making a speech on the tariff question, but I am thoroughly in favor of a protective tariff; I am in favor of a protective tariff, and I am also a Member from a purely agricultural region. We do not expect to get any great amount of protection for our products direct, and we never have had such protection. All we expect is that with a great number of people working all over this Nation and receiving good wages, we will be furnished a good market for our products. [Applause.]

I am sure the South would be in a very much better financial condition if they would send Members to Congress who would work to secure a protective tariff for such products as they in the South could produce and which they ought to manufacture. [Applause on the Republican side.]

Southern Members were complaining this morning about New England having a preference over the South in the tariff. The fact is the tariff is the same for both sections. But the South has a vast advantage over New England, because they have the products that support their laborers right at their door.

They have water powers handy; they have raw material in close proximity to their factories; nature has built up around you what New England does not have and what could not be given you by law. With these many advantages the southern people should wake up to the fact that they should not ship cotton abroad in the raw state, but should manufacture it at home into all the articles which are made out of cotton. The South should see to it they have Members on this floor who will favor the passage of laws that will protect them to such an extent as to insure that your cotton will not pay the expense of middlemen and transportation across the ocean twice and a tariff to get back, and then sell in a market which you are clearly entitled to. So I believe it is in regard to every other industry. I do not believe that the protective tariff should be so high as to keep all manufactures out; but I believe it should be very near that point. I would keep it below, because I do not wish the people to pay any more for manufactured goods than is necessary to permit us to continue to pay our citizens such wages as will permit them to clothe, feed, and educate their children in a manner likely to produce a high grade of citizens in spite of the pauper wages the Democrats would have them meet in unprotected competition. Our laboring people differ from other people, because of the better wages we pay, and because of their living better and educating their children more generally; our laboring people have many of the luxuries of life, and the tendency of our giving our laboring people so good an opportunity not only makes our laborers' standard higher, but has a tendency to better the condition of the laborers of every nation of the world.

Mr. HAMILTON. I will ask the gentleman if it is a fact that the foreign manufacturer is able to pay the cost of transportation on raw cotton to Europe, manufacture the raw cotton into the finished product and then pay the cost of transportation back to the United States, and still compete successfully in our markets with finished product in cotton here?

Mr. REEDER. It is. When the gentleman from Texas [Mr. GILLESPIE] made a speech this morning he started out with this as a foundation for his speech, "We must ship two-thirds or three-fourths of our raw cotton across the ocean." This is a false proposition. The speech was a good one, but he located it on a sandy foundation which will simply slip from under it, and thus destroy his whole logic. On page 418 of document 1503, Notes on the revision of the tariff, I see that of the raw cotton sent out from the South to foreign lands $93,850,689.93 worth of manufactured goods came back to be sold to our people. And that not only was the freight paid across the ocean and back and a profit to numerous middlemen, but a tariff of $38,999,267.96 was paid for its return to our markets, and this for the one year ending July 1, 1906.

Here is some fifty millions each year that belongs to your people of the Southland. If fifty million per annum is not enough of a bonus on one item to awaken the South, your people should send men here who would work with New England to pass a tariff for protection on cotton manufactures so high that they could afford to have this work done by Americans and then use your natural advantages over New England with such energy as to get your full share, and thus be of vast benefit to the Southland and of some considerable benefit to the sections of the country which furnish you food for your laborers. And while we in Kansas would probably pay a little more for our cotton goods, we would have a better market for all of our products. It seems very clear to me we should have a tariff for protection to southern labor, and, incidentally, it should be a tariff for revenue. We should no doubt raise some revenue by the tariff, but it is much more important, especially to the South, who are losing the very life blood of their prosperity by having their raw materials sent abroad for manufacture, that this bill should be for protection to American labor. Every laborer in this country who can be protected and given a better wage thereby becomes a better citizen, and his children will grow to be better men and women; and not only that, but they will be better customers than you can find in any other portion of the world. Our market is worth a great deal more than all the other markets of the world to the American producer, and if the southern people would proceed along the line of protection, they could make this market still better than it is now.

Mr. JOHNSON of South Carolina. Will the gentleman yield for a question?

Mr. REEDER. Yes, sir.

Mr. JOHNSON of South Carolina. The gentleman is talking about cotton. Now, I live in a cotton-manufacturing district, and I would like to say to the gentleman that it costs probably a million dollars to build a mill in South Carolina which could be duplicated in England for $600,000. That is because of the enormous duty that is placed on cotton-mill machinery, rubber

belting, structural steel, and the material that we must buy to equip that plant. Now, does not the gentleman think that the building of a mill that will give employment to a thousand people for all time to come is such an industry that the New England manufacturers could afford to release their grasp on the machinery that goes into that mill?

Mr. REEDER. The idea embodied in the gentleman's question is the primal mistake of the Democratic party. The gentleman virtually asks me this: If we have men working now in the manufacture of machinery to put into cotton mills, and those men get $2 a day, would it not be better to make them take $1.20 a day instead of $2?

Mr. JOHNSON of South Carolina. Now, another question.

Mr. REEDER. I hope the gentleman will wait until I have an opportunity to answer the first one. That is the mistake the Democratic party is making and always seems to be determined to make; that is, that we should lower the wages of our laboring men from $2 to $1.20 a day. Now, that would be a fatal mistake. I would rather see you pay for the mill a price which will protect the laborers who are engaged in the manufacture of the machinery that goes into the mill and then raise the price on cotton products, so that where your laborers now get four or five dollars per month they will get ten or twelve dollars a month or more.

Mr. JOHNSON of South Carolina. What is your drawback clause for—to let in free material to give labor something to do?

Mr. REEDER. Mr. Chairman, I will be glad to answer that question also. The drawback clause means that, although we can not control the foreign market, we can do this: If a man is manufacturing goods in this country and has to pay a duty on raw material, if he can not meet the competition in the foreign markets and pay that duty, when he manufactures goods for the foreign market we return to him 99 per cent of the duty that he pays on the imported materials going into the manufactured product which he exports. That permits him to meet the competition and thus give employment to American workmen. That is Republican doctrine, and that is just what we ought to do. [Applause on the Republican side.]

Mr. MADDEN. Mr. Chairman, I do not wish to burden the House in a prolonged argument of the various schedules embodied in this measure, but would rather devote the inadequate time allotted me in a discussion of the effect the adoption of the bill will have upon that class of our American citizenship, the bone and sinew, I might say, of our body politic—the American laborer.

I desire to talk upon this subject because it is one in whose every particular I am well versed by experience, which, after all, is the only fruitful source from which can emanate information which can be depended upon.

About the laboring man and concerning the field of duty in which he is engaged, I possess that peculiar information which is enjoyed only by one whose early requirements rendered it imperative that employment must be had or the necessities of life would not be forthcoming.

It happened to be my good fortune to be born poor. My parents being in necessitious circumstances, and the opportunities in the neighborhood in which I lived for securing employment by one whose financial conditions made it impossible for him to secure the necessary education to obtain higher employment were extremely meager, and so my life from early childhood until young manhood was spent in the dangerous, hazardous, and laborous work of stone quarrying, in which business I acquired information and experience which ultimately made it possible for me to accept the presidency of the company from which I earned my first dollar.

These years of preparation, which finally shaped my career, gave me a splendid opportunity to study the desires, the necessities, and the inclinations of the laboring man, with whom I had had years of experience. I suffered what they suffered; I enjoyed what they enjoyed. Their grievances received my sincere sympathy and their troubles I made my own. When they were happy I was happy, and when they were sad I was remorseful. Our hearts beat in unison, and I have never learned to disregard their reasonable appeals for assistance; and I hope that I may never so far forget my own early experience as to fail when opportunity offers to render them whatever assistance I can and to espouse their cause whenever it seems to me to be in their interests so to do.

I am in favor of the adoption of the bill now pending before the House for a twofold reason.

First, I am in favor of its adoption because I believe that it will bring back those banner days of commercial supremacy which the United States enjoyed following the passage of the Dingley tariff bill, which brought great blessings and remained in full force and with undiminished powers until the recent unavoidable panic, the blighting ravages of which were so speedily and effectually checked by the wise, sane, businesslike, and apparently providential action of a Republican President, backed by a Republican Senate and House of Representatives.

Secondly, I want to hear the hum of the wheels of American industry. I want again to smell the smoke of commercial activity. I want to hear the rumbling of the wheels of factory and mill. I want to know that away down in the bowels of the earth, amid the grime and smoke and dirt and dust, there will be found the same light-hearted, well-paid, contented American wage-earner that is to be found in more favorable employment, and with less arduous duties to perform. I want them all to be equally happy.

I want the American laboring man to be the best-paid, the best-housed, the best-clad, and the most-contented person on earth; and the American laborer is the best paid, the best housed, the best clad, and the most contented of his class that can be found anywhere upon the face of the earth. He receives from two to five times as much in exchange for his hire as is received by any like person in this broad universe, and he has been receiving said wage since the adoption of the Dingley tariff bill, a Republican measure passed by a Republican Congress and signed by a Republican President.

The laboring man who remembers the doleful years from 1893 to 1897 needs no argument to convince him that the Republican policy of protection is, when compared with the system which made those days a curse to American manhood and American womanhood, the most blessed and the most beneficent system ever adopted by man for the benefit of his kind.

The enemies of this measure are filling the air with bitter, vindictive, and partisan rant because of the provision contained therein to tax the breakfast table by putting a duty on coffee and tea. I am not in favor of that tax, but I want to call attention to the indisputable fact that there was not a laboring man in this country from 1893 to 1897 who would not have been willing to pay five times the price he now pays for a cup of good coffee or tea in exchange for the privilege of receiving employment at half the wage he now receives. It was not a matter of the cost of coffee or tea in those days, Mr. Chairman, but a matter of bread, and the wherewithal to purchase the same.

I am a protectionist because I believe that protection affords greater opportunities to all classes of our citizenship than a free-trade or tariff-for-revenue system can possibly give.

There has never been a time in this country, from its very foundation to the present time, when a tariff-for-revenue policy was in existence that the country did not suffer commercial paralysis; and there never was a time following the adoption of a Republican protective-tariff system that the country did not, under its stimulating and invigorating effect, take on new and increased activity.

There are other good reasons why I am a protectionist, Mr. Chairman, and why I favor the adoption of the bill we are now preparing for final enactment into law, but I am particularly wedded to the system because of the protection it affords the wage-earner.

I do not want to live to see the day when the American workingman will be forced by legislation to accept the low wage scale of foreign free-trade nations. If there be those here who think that there is no substantial difference between the wages received by our laborers and the wages received by foreign laborers, I would respectfully invite their careful inspection of the following comparison of wages in this country and the wages paid in free-trade Europe:

	United States.		Great Britain.		Germany.		France.		Belgium.	
	Hour.	Day.	Hour.	Day.	Hour.	Day.	Hour.	Day.	Hour.	Day.
Bricklayers	$0.55	$4.40	$0.21	$1.68	$0.13	$1.04	$0.13	$1.04	$0.08	$0.64
Stonecutters	.42	3.36	.20	1.60	.12	.96	.14	1.12	.07	.56
Stone masons	.46	3.68	.21	1.68	.13	1.04	.14	1.12	.08	.64
Hod carriers	.29	2.32	.13	1.04	.08	.64	.10	.80	No data.	
Carpenters	.36	2.88	.20	1.60	.13	1.04	.15	1.20	.07	.56
Painters	.35	2.80	.18	1.44	.12	.96	.13	1.04	.07	.56
Plumbers	.44	3.52	.20	1.60	.11	.88	.16	1.20	.08	.64
Machinists	.27	2.16	.17	1.36	.13	1.04	.13	1.04	No data.	
General laborers	.17	1.36	.10	.80	.08	.64	.10	.80	.05	.40

A comparison of the cost of production of certain articles in the United States, Great Britain, and Belgium.

Articles.	United States.		Great Britain.		Belgium.	
	Labor cost.	All other expense.	Labor cost.	All other expense.	Labor cost.	All other expense.
One yard cashmere cloth of cotton and low botany wool of equal weight and quality. (Weaving wage given as labor cost)	$0.064	$0.196	$0.013	$0.143	.....	.....
One yard cashmere cloth of cotton and botany worsted of equal weight and quality. (Weaving wage given as labor cost)	.064	.135	.015	.163	.....	.....
1 yard all-wool sateen of botany wool of equal weight and quality. (Weaving wage given as labor cost)	.058	.65	.014	.30	.....	.....
1,000 common red building brick	2.33	1.91	.....	.....	$0.66	$0.69
1 dozen ivory-handled table knives, practically same size, American make best English steel, English make ordinary steel	.94	7.18	.85	3.65	.....	.....
1 dozen knife blades used for above knives	.68	.55	.445	.40	.....	.....
1 gross green glass spirit bottles, equal capacity and weight	1.88	2.25	1.15	1.91	.....	.....
1 ton (2,240 pounds) Hematite pig iron	1.23	9.43	.79	11.25	.....	.....
1 dozen plain ironstone-china plates, equal size, American make half ounce heavier	.22	.24	.15	.21	.....	.....
1 dozen plain cups and saucers same size, style, and weight	.23	.25	.12	.36	.....	.....

A comparison of the wages of labor employed in woolen manufacture in the United States, England, France, and Italy.

	Italy.	France.	England.	United States.
Sorters	$4.60	$6.40	$7.30	$12.50
Washers or dyers	3.00	4.25	5.00	7.00
Carders	2.30	4.00	3.90	6.00
Gill boxes	2.30	3.70	3.00	6.00
Comb minders	2.30	3.70	3.00	6.00
Boss spinner	7.00	9.25	12.60	18.00
Mule spinner	5.80	6.20	7.30	9.50
Ring spinner	2.30	4.00	3.00	6.00
Weavers	3.00	4.60	4.00	9.00
Fullers and pressers	3.50	4.25	6.00	7.00

If the above tables are correct, and they are correct, and if the Republican protective tariff system is responsible for the great difference in wages received by our wage-earners and those received by wage-earners of Europe, and it certainly is so responsible, then it is beyond me to understand how it is possible for any man who is compelled to earn his bread by toil to so far forget his own interests as to want to change said system. I do not believe, however, that any appreciable number of them do want a change. The American laborer is better educated than his foreign brother. He has better opportunities for acquiring information concerning public affairs than is afforded abroad. He knows the value of the franchise and knows how to exercise it, and can be counted upon to do the right and the intelligent thing when it comes to protecting the protection which protects him.

Mr. Chairman, I favor the passage of the pending measure when amended as I understand it will be when it shall be taken up under the five-minute rule. It contains some schedules I would change, and some I would strike out of the bill if I had my way about it. I would reduce the tariff on some articles in some of the schedules and increase the duty on others. It is not a perfect measure. No tariff bill ever was perfect. None ever will be. But we must have money to meet the expenses of our Government, and I believe the easiest and least burdensome way to raise that money is by the tariff method.

The tariff question has been discussed from the formation of our Government, in season and out of season, down to the present good hour, and I will wager that when time rolls his scroll into internity and Gabriel blows his horn the gentlemen on the other side of this aisle then representing, or misrepresenting, the Democratic party, even though it be then too late, will cry out "Protection! Protection! Protection!"

The way to keep America prosperous is to keep American workmen employed. To do this we must prevent Europe from taking the American market. You can not employ men in European factories to make goods for American consumption without throwing American workmen out of employment. What advantage is there in being able to buy foreign-made goods cheap if to do so we are first compelled to shut off the forge and the loom? What would it profit us to have Europe take our market while we are looking for theirs? The American market is the best in all the world. It amounts to $27,000,000,000 per annum, while the export trade of the world, including the United States, amounts to but twelve billions annually. Do we want to give up the home market and take a chance on the foreign market? I hope not. It does not appeal to me as a wise suggestion. I am opposed to it. My plan is to keep the American workmen employed, pay them good wages, keep them happy, make it possible for them to buy the goods made by their fellow-citizens—make the tariff sufficient to protect the American workman, but not so high as to cause an inflation of prices; to be exact, I should like to see the tariff just enough to make the difference in cost of production at home and abroad so that our workmen can find employment in making goods for home consumption, hold the home market, and thus maintain the present standard of wages and living.

I am a Republican and I believe in protection. I am one of those who believe in taking the responsibility placed upon us by our election. [Applause on the Republican side.] After having done so I shall be glad to submit my case to the good people of my district and abide the result of their verdict, whatever it may be. [Loud applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee determined to rise; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1438, the tariff bill, and had come to no resolution thereon.

Mr. DALZELL. Mr. Speaker, I submit the following privileged report (H. Rept. No. 4) from the Committee on Rules.

The Clerk read as follows:

House resolution 53.

Resolved, That immediately upon the adoption hereof general debate on H. R. 1438, "A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," shall be closed, and the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of said bill for amendment under the five-minute rule; but committee amendments to any part of the bill shall be in order at any time, and also preference shall be given to amendments to paragraphs 196, 197, 708 (lumber), 581, 447½ (hides), 227 (barley), and 228 (barley malt).

That an amendment shall be voted on to section 637, to wit: Strike out the proviso and insert as a new paragraph, No. 36½, the following: "Crude petroleum and its products, 25 per cent ad valorem."

That said specified amendments shall take precedence of committee amendments.

That consideration of said bill for amendment shall continue until not later than Friday, the 9th day of April, at 3 o'clock p. m., at which time the said bill, with all amendments that shall have been recommended by the Committee of the Whole House on the state of the Union, shall be reported to the House, and the previous question shall then be considered as ordered on said amendments and said bill to its engrossment, third reading, and final passage.

A separate vote may be had on the amendments relating to hides, lumber, oil, barley, barley malt, tea, coffee, or any of them, irrespective of their adoption or rejection in Committee of the Whole, and the vote upon all other amendments in gross.

That the daily hour of meeting hereafter shall be 12 o'clock noon.

Mr. DALZELL. Mr. Speaker, it is hardly necessary that I should occupy the attention of the House for any length of time aside from the time necessary to explain the terms of this rule. The rule relates to the consideration of the tariff bill reported to the House some two weeks or more ago. The first thing it provides is that general debate, which has continued for two weeks, shall now be closed. The next thing it provides for is amendments, to be considered in Committee of the Whole, and those amendments are of two classes: First, amendments reported by the Committee on Ways and Means. These amendments are to be in order to any part of the bill at any time. Second, amendments relating to certain paragraphs in the bill covering subjects that have been considered of primary importance and of exceptional interest to the Members of the House, to wit, hides, barley, barley malt, lumber, and the two subjects which will be included in the amendments offered by the Committee on Ways and Means, tea and coffee.

Special provision is made for the consideration of an amendment to paragraph 637, the proviso to which paragraph reads as follows:

Provided, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

Mr. Speaker, the amendment to that paragraph, provided for in the rule, is to strike out the proviso and insert the following:

Crude petroleum and its products, 25 per cent ad valorem.

Of course the effect of that amendment is to allow our own people to fix what shall be the duty upon petroleum in any given instance, or indeed in all instances, rather than to allow the amount of that duty to be fixed, as it would be in the bill reported, by some other country.

The consideration of these amendments will engage the attention of the House up until Friday next at 3 o'clock, during which time the House will be engaged in their discussion. At that time, the bill, together with such amendments as may have been adopted by the Committee of the Whole House on the state of the Union, will be reported to the House, the previous question will be considered as ordered upon the amendments, on the engrossment and third reading of the bill, and on the bill to its final passage. There will, however, be permitted in the House a record vote upon the various subjects that are made amendable in the bill, without regard to whether or not those amendments have been voted up or voted down in the Committee of the Whole.

The hour of meeting has been changed from 10 o'clock in the morning until the ordinary hour of 12 o'clock noon.

I reserve the balance of my time and yield twenty minutes to the gentleman from Missouri [Mr. CLARK].

Mr. CLARK of Missouri. Mr. Speaker, I yield five minutes to the gentleman from Alabama [Mr. UNDERWOOD], a member of the Committee on Ways and Means.

Mr. UNDERWOOD. Mr. Speaker, the status of this tariff bill before the House is this: We have discussed the bill for two weeks under general debate. I believe there is a concensus of opinion in favor of closing general debate. I know that there is no opposition on this side of the House to that portion of the resolution that seeks to close general debate, but it is not necessary to bring before this House a special rule to close general debate. If the gentleman from New York [Mr. PAYNE], the chairman of the committee, had been willing this morning, he could have moved in the House to close general debate, and close it by unanimous consent of this House. So that the only proposition that comes before us to vote upon on which there is a difference of opinion is how we shall consider the bill. General debate is no consideration of the bill.

The rules of this House for a hundred years have recognized that when you come to consider a great appropriation bill or a great revenue bill the only way the House can express the sentiments of the country and the Members can express the sentiments of their constituencies, is to consider the items contained in the bill item by item. [Applause on the Democratic side.] It is impossible to get a consensus of this House or an expression of the opinion of the country by voting en bloc for a tariff bill, as much so as if it was a general appropriation bill. Recognizing that, to some extent the Committee on Rules has very graciously said to the House that on some particular amendments, which we will point out to you, you may have an opportunity to cast your vote, and try to voice the expressions and the wishes of your constituencies. But, Mr. Speaker, under the rules of this House, under the law that the Republican party has fixed for the government of this House, the membership of the House have been guaranteed that great appropriation bill and great revenue bills shall be considered item by item.

There has been no effort made in this debate or the consideration of this bill, either in the committee or in the House, since the 11th day of last November to in any way delay or hamper its passage by the minority Members of the House. The Democracy represented on this committee has been willing to drive the bill to its final passage at the earliest hour it could be done, with a fair and reasonable consideration of the items in the bill. Last June, before this House adjourned, I called the attention of the chairman of the Committee on Ways and Means to the fact that we were ready to sit here all summer and prepare a tariff bill. [Applause on the Democratic side.]

The SPEAKER. The time of the gentleman has expired.

Mr. CLARK of Missouri. I yield five minutes to the gentleman from North Carolina [Mr. POU], a member of the Committee on Ways and Means. [Applause on the Democratic side.]

Mr. POU. Mr. Speaker, our Republican friends are to be congratulated that at last you have been able to frame a rule which satisfies the insurgents in your own ranks. You do not dare to bring in a rule, as has been stated by the gentleman from Alabama [Mr. UNDERWOOD], which will allow a vote upon all the sections of this bill. It may be presumed, therefore, that your proposed rule satisfies the demands of the heretofore clamorous and discordant elements in your own ranks. How you propose to put this bill through will be developed hereafter. The air is full of rumors. It is even claimed by those in charge of the bill that they are assured of Democratic support. Let it be understood here and now that this bill represents all of the viciousness and discrimination of the protective-tariff system, and no Democrat can consistently vote for it. [Applause on the Democratic side.] But it is rumored that you are expecting help from this side of the Chamber because your bill satisfies the demands of certain districts. Let us hope that there is no gentleman on this side of the Chamber who has been "satisfied" so far as the demands of his district are concerned to that point which will constrain him to support such a vicious measure as this. [Applause on the Democratic side.] This bill represents the fundamental difference between the two parties struggling for ascendency in this Nation, and gentlemen who support the bill belong on that side of the Chamber and not on this. [Applause on the Democratic side.] I can not understand that code of ethics which constrains any gentleman to say, "Because the bill has satisfied me and my district I will support the measure, no matter what its effect may be upon the interests of other districts and the American people generally." That is selfish greed run to seed.

I can conceive of no position more brutal in its disregard for the rights of others, or more corrupting as an example of legislative conduct. As well might the member of a caravan, banded together for mutual protection crossing a desert, attacked by a band of Arabs, say to the chief of the attacking band, "If you will give me part of the booty, I will surrender to you all of my companions." [Loud applause on the Democratic side.]

In conclusion, Mr. Speaker, I would commend to gentlemen, if there be those who entertain any such intention, the spirit of that great man, Robert E. Lee, who, when the supreme hour came, put aside the allurements of place and power and cast his lot with the weaker side; not, indeed, because he was a southern man, but because the voice of duty called him there. [Loud applause.]

Mr. CLARK of Missouri. Mr. Speaker, I wish the gentleman from Pennsylvania would use some of his time.

Mr. DALZELL. I prefer the gentleman would use all his time.

Mr. CLARK of Missouri. That is not fair.

Mr. DALZELL. I think it is fair enough.

Mr. CLARK of Missouri. If you are going to have one speech, it is fair; but it seems to me if you are going to have more than one, you ought to use part of your time now.

Mr. DALZELL. Mr. Speaker, I yield five minutes to the gentleman from Washington [Mr. CUSHMAN]. [Loud applause.]

Mr. CUSHMAN. Mr. Speaker, I trust that every man in this House will understand that I realize full well the meaning of this resolution and the effect it is likely to have, if adopted, upon the mighty lumber and coal interests of my home district. But, Mr. Speaker, in my mind, above and beyond the local interests of my own district there rises the welfare of the entire ninety millions of people in this Nation. [Applause on the Republican side.] Therefore let me pass by for a moment my own personal interest and speak of the welfare of the Nation at large.

We are here to pass the Payne tariff bill. To-day this great Nation of ninety millions of people and all its mighty industries, aggregating in value untold thousands of millions of dollars, is standing idle, waiting, resting its industrial sinews and holding its commercial breath, waiting for the passage of this tariff bill that will lift from athwart its pathway a shadow. These industries are willing and anxious to move on, and all they ask is that before they start the pathway along which they are to go shall be lighted by law, and then they will, as best they can, adjust their business to the prescribed conditions.

Even a bad bill is better than no bill; even an imperfect bill passed soon is better than interminable delay and prolonged uncertainty.

The question now before this House is the adoption of this resolution, which will enable this House to pass the Payne tariff bill and send it over to the Senate. We must pass this or a similar resolution to enable us to pass this bill. Every man with two ideas above the intellectual level of a chimpanzee knows that if we do not pass this or a similar rule to limit time and expedite matters, we will still be talking and still considering while spring blossoms into summer and summer dwindles into winter. And in the meantime the vast industrial energy of this Nation will be waiting, waiting, waiting. And when everybody gets to waiting, that constitutes industrial paralysis.

I do not claim to be wiser or more patriotic than my political brethren on this floor, but I, for one, want to see this tariff bill passed, and passed soon, whether it exactly suits me

or not. It ill becomes any man to set up his own little interest against the great and overpowering welfare of this Nation at large. Speaking for myself alone, I thank God that my Republicanism is a little deeper than my selfishness. [Applause on the Republican side.]

I shall vote for this resolution. [Applause.]

Now, what is the present situation, so far as my especial and particular interest in this bill is concerned?

The Ways and Means Committee have reported into this House this great tariff bill, and it is conceded by most Republicans here that that committee have done the best they could considering the necessities of the United States Treasury on the one hand and the welfare of the consumer on the other. The committee felt that it was necessary to make some reductions in the tariff on some items, but they have endeavored to treat all industries with fairness.

In this bill as it now stands that committee have cut the tariff on lumber right square in two, in the middle, and they have cut off the 67 cents per ton tariff on coal and placed coal on the free list.

Considering that lumber and coal are two of the biggest industries in my region, do not you think that by these sacrifices I have already contributed about as much to the general welfare as ought to be asked of any man or any region?

But there are men on this floor—on the Republican side—whose industries have not been touched and are still afforded ample protection in this bill, and these men are now demanding that what little protection to lumber now remains in this bill shall be wiped off. They have threatened to hang the country up by the heels and let it dangle till the dog days come while they talk tariff unless lumber is hit another blow.

They are willing to accept this bill in its present form with all the protection it gives to their own interests, but they demand an opportunity to vote to place lumber on the free list, while at the same time their industries are sheltered behind the protection afforded by this bill. That is a pathetic exhibition of supreme selfishness.

I know that they have demanded the peculiar language of this resolution in order to aid them in smiting lumber, which is the big industry in my district. If I consent to this programme, I want you to know that I am not so stupid that I do not understand it, but it is because I put my patriotism and my regard for the welfare of my country above my selfishness. [Applause.]

Mr. Speaker, a quarter of a century ago I lived in the then Territory of Wyoming. Those were the days of which Eugene Field sang—

When money flowed like likker, 'nd the folks wus brave 'nd true.

The enterprising citizens of those days and that region had a way of expediting justice that was mighty swift; they frequently hung a man first, and made up the court record afterwards. [Laughter.]

There was a certain old settler in that region whose front name in his lifetime was "Bill," although I do not now recall that there is any name on his tombstone.

Bill was engaged in the business of raising cattle, and he prospered marvelously. The only cow brute he had on earth in the beginning was one old brindle steer. But he turned that old steer out on the range in the fall, and the next spring he branded a thousand head of calves as the natural increase. [Great laughter and applause.]

Yes; Bill was prospering, and all went merry as a marriage bell until one night—one dark night—a vigilance committee called on Bill without the formality of an engraved invitation.

They called old Bill out of the cabin and put a noose around his neck with a facility made perfect by long practice [laughter], and the leader then said to him:

Bill, we are going to hang you; what have you got to say about it?

Old Bill rolled his quid into the other cheek and said:

Well, gentlemen, I s'pose I've got more interest in this performance than ary other gent present, but I am the least enthusiastic over the programme.

[Great laughter.]

Now, Mr. Speaker, that describes exactly my feelings in this present situation. [Renewed laughter.]

When I look around over this polite political vigilance committee gathered together in this Hall, I think I realize that you are about to confiscate my lumber industry and at the same time lead me to the political scaffold. Permit me, as my farewell message, to say to you, that—

I have more interest in this performance than ary other gent present, but I am the least enthusiastic over the programme.

[Great laughter.]

A great many men on this floor who come from prairie States hug to their breasts the delusion that they can get cheap lumber for their communities, and that the price of agricultural products will still remain high. Do not think it for a minute!

If you smite the lumber business of the United States, the recoil of that blow will stagger every interest that you think you are representing when you vote for free lumber.

Let me give you in about a dozen words a word picture of the size of the lumber industry—as I know it to be:

In my own State of Washington the lumber business is enormous. We have in that State 1,300 sawmills, employing 110,000 men. We pay out every year in wages to those men the enormous sum of $75,000,000. The total capital invested in sawmills and machinery in the State of Washington (not including standing timber or logging roads or lumber vessels) is the stupendous sum of $160,000,000.

In the entire United States, the figures showing the total of the lumber business are still more astounding. In the United States there is over $600,000,000 invested in the sawmill industry. There are employed in the United States in the lumber industry over 800,000 men, with an annual pay roll to labor of $200,000,000. There are 28,000 sawmills in the United States, scattered from ocean to ocean.

When you think you can strike down the lumber industry of this Nation without any serious consequence, I bid you think of those 800,000 laboring men scattered throughout the length and breadth of this land—and if they can not have work, they will not have bread. [Loud applause.]

The SPEAKER. The gentleman's time has expired.

Mr. DALZELL. How much time did I occupy, Mr. Speaker?

The SPEAKER. The gentleman has occupied ten minutes.

Mr. DALZELL. I mean personally.

The SPEAKER. The gentleman has an hour.

Mr. DALZELL. I know; but how much time personally did I occupy?

The SPEAKER. The gentleman used five minutes personally and yielded five minutes to the gentleman from Washington [Mr. CUSHMAN].

Mr. DALZELL. I yield ten minutes to the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Speaker, the refusal of the gentleman from Missouri [Mr. CLARK] to yield me part of the time that was to go to him compels me to seek time from the same source from which he takes his. Whatever differences I may have with my party associates in this House I shall settle at an appropriate time, and, I think, to my own satisfaction. At this time I desire to discuss this proposed rule.

I concede, Mr. Speaker, the obligation of the majority to prepare a tariff bill in accordance with their theory of a tariff measure and to enact it into law in that shape in which they believe it should be enacted. The pending bill is entitled:

An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

If this bill did any of the things which it purports to do, I should not find so much fault with the majority for attempting to prevent the House perfecting it as it should be perfected. But this bill does not do any of the things purported in its title. It does not raise the revenue required, because, for the first time in the history of the country, a tariff bill provides for the issuance of $290,000,000 of interest-bearing obligations of the Government to provide revenue sufficient to run the Government. In no other tariff bill ever enacted has this been done. Under the war revenue act of 1898 only $15,000,000 of 3 per cent certificates of indebtedness were issued, not for the purpose of raising revenue to defray the expenses of the Government, but to enable the administration to help out the speculative interests in the country during the panic last year. This bill contemplates the issuance, not of $100,000,000 of 3 per cent certificates as were provided in that act, but the issuance of $250,000,000 of 3 per cent certificates, and forty million Panama Canal bonds, and taken in consideration with the attitude of the administration in the curtailing of expenses, it must be apparent that the most extraordinary expenditures ever contemplated must be in the minds of some people.

The bill does not equalize duties, Mr. Speaker. When it was reported from the Committee on Ways and Means there was no stampede of the idle rich to this Capitol from the golf courses or from the balmy summer resorts in the South, where they spend the winter months. Confident that the tariff was to be revised by its friends, this Capitol has seen a complete absence of the great magnates representing combined corporate wealth in this country.

I speak, with my associates, on behalf of the great consuming public of the country. [Applause on the Democratic side.] We ask you not to revise this iniquitous tariff law in the interest of those who have been the beneficiaries, but in the interest of

those who have been suffering under its inequalities for years. [Applause on the Democratic side.] The Speaker has recently said, and his statement has been repeated on the floor of this House, that every day this bill is delayed in this Congress the business interests of the country suffer at the rate of $10,000,000 a day. Mr. Speaker, I much prefer that the business interests of this country should continue to suffer at the rate of $10,000,000 a day for two or three months than that the great toiling masses of the country should be for ten or fifteen years more subjected to the same inequalities and burdens under which they have labored for twelve years. [Applause on the Democratic side.]

My position upon a tariff measure is easily stated. I believe it is in harmony with the historic Democratic doctrine. I should enact a law which would raise sufficient revenue to meet the expenditures of the Government economically conducted. I should place all raw materials upon the free list. In distributing the burdens, I would place them upon luxuries and not upon necessities. In adjusting the rates of duties upon those articles upon which duties were imposed, I would endeavor to equalize the cost of production here and abroad.

Mr. Speaker, I rejoice that I was a party to a measure which will enable the Democratic party to place itself squarely on record as to its position on tariff legislation before the bill is enacted into law. My colleague from New York [Mr. HARRISON] has already in detail pointed out those things which he believes and I believe should be incorporated into the motion to recommit to be made by the gentleman from Missouri [Mr. CLARK]. And let me say that, with many millions of others of the people of this country, I await with expectation and hope the form in which that motion to recommit will be framed, confident that the Democratic party as now controlled and represented here will not fail to meet the expectations of the millions of suffering toilers throughout the country when the time comes to record the Democracy upon what should be in a tariff bill. Mr. Speaker, I can not believe that my party will fail to take advantage of this opportunity, and I rejoice that the country will have squarely before it the position of the two parties upon the tariff for the first time in twelve or fourteen years.

I have that confidence in the House of Representatives that if I had my way I would be willing to permit this bill to be considered section by section, item by item, so that the people's Representatives might have an opportunity properly to discharge their duties. I shall await with some curiosity to see how those who were recently professing themselves as anxious to relieve this House from a so-called "system of tyrannical rules" will vote at this time upon this rule. If they are as anxious as they professed to be less than three weeks ago, this rule can not be adopted, and this House will be placed in a position where it can carry out the mandates of the American people. [Loud applause.]

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Texas [Mr. RANDELL].

Mr. RANDELL of Texas. Mr. Speaker, this bill was prepared and written in secret, and the rule proposed here to-day is for the purpose of preventing its proper consideration. I oppose the adoption of this rule and defend the rights of the people. The Committee on Rules intend to prevent an exposure of the hidden frauds, commonly called the "jokers," in the bill, and to render impossible any improvement of the measure. The Constitution imposes upon you and me, as representatives of the people, the duty of making the tariff law. You know that it is impossible for the House of Representatives to pass on the items in this bill unless they consider it section by section. No opportunity is given under this rule to so consider it, but only to vote on and discuss committee amendments and a few other specific items, namely, lumber, hides, barley, and barley malt.

Also, it gives us the right to vote to retain the present duty on petroleum or to tax it 25 per cent. It means to cover up inequalities in the bill. It means that the Representatives here on this floor will not have the right to have written in the bill what they desire to contain. They must stand for extortion, and not to give simple, fair, honest provision for the good of the whole people. [Applause.] You can not cast an intelligent vote in the way required by the rule. If this bill is passed through the House in bulk the Senate will be compelled to make the bill instead of the House of Representatives. The Constitution gives us the right and imposes upon us the duty to make the revenue laws. Will you shirk that duty for party advantage? Will you nullify that right? Will you permit the special and favored interests to frame this law for their own advantage? [Applause on the Democratic side.]

This rule will save a little time. It will help pass this bill sooner; but, Mr. Speaker, I tell you that for every hour you save by its adoption in preventing amendments under the five-minute rule you will cover up some nefarious scheme that even the majority on that side of the House would not favor if they understood it. The bill is full of fraud and deception. I challenge gentlemen on that side to meet us on that proposition. We will give to them an opportunity to answer whether that charge is true or false, if they will consider the paragraphs in their order. If you, gentlemen, stand here and vote for a gag rule and prevent consideration and amendments when the charge is made here openly by us on this side of the House by the minority members of the Ways and Means Committee, you will be called to answer to the people for your unfaithfulness.

If you follow the Republican machine in this House, and the Senate fails to protect the country, the new law will pour more money into the coffers of the trusts and cause more wrong and misery than even the present law you have faithfully promised to revise. [Applause on the Democratic side.]

Mr. DALZELL. I yield five minutes to the gentleman from Michigan [Mr. FORDNEY].

Mr. FORDNEY. Mr. Speaker and gentlemen of the House, as much as I dislike the wording of this rule, I am going to vote for it. I want to say to the gentlemen on this side of the House who have been for several days demanding that certain provisions should be put into this rule before they would vote for it—I say to you, gentlemen, some of you from the States of Minnesota, and Iowa, and from Kansas, that you are not good Republicans. [Laughter.] You are not good protectionists. [Applause.] You are demanding protection for an industry directly in your representative district, and demanding free trade on the products of another State, your neighbor.

Ah, gentlemen, the man who will demand free trade on his raw material that is his neighbor's finished product, and ask protection on his own finished product, is a statesman in the great structure of American politics about the size of a 2 by 4, the smallest timber in the structure. [Applause on the Republican side.] That is your size, no matter who you are. You demand protection to barley. One gentleman from the State of Minnesota said he could not vote for a rule that did not give more duty on barley than 15 cents per bushel. There was produced in that great State last year but 172,000 bushels of barley, about $75,000 or $100,000 worth. He is demanding more protection to barley, but he wants free trade on that great and magnificent industry, the lumber industry, which amounts in volume to nearly $800,000,000. [Applause on the Republican side.]

Measure your patriotism, figure it out yourselves, whatever it may be, and you will find in the arena of American politics you are not larger than a fly speck on the map of the world. [Applause.] Gentlemen, the country is demanding prompt action on this tariff bill, so that the business world may go forward, and I am generous enough to say that I will submit my case to the Members of this House and to the people of the country and show my patriotism in my desire to enact this tariff bill into law at the earliest possible moment. [Applause on the Republican side.]

Mr. CLARK of Missouri. Mr. Speaker, to offer a motion to recommit on a tariff bill with instructions is no new performance. On the McKinley bill Mr. Carlisle offered a motion to recommit with instructions. On the Wilson bill Mr. Converse offered a motion to recommit with instructions. On the Dingley bill Mr. Dockery, of Missouri, offered a motion to recommit with instructions. Following those illustrious examples, at the proper time I shall offer a motion to recommit with instructions. [Applause on the Democratic side.]

The situation about this matter is this: I am against this rule and every rule like it. My position is that the humblest man in this House, the veriest congressional tenderfoot here, has a right to offer an amendment to any item in this bill from A to Z. [Applause on the Democratic side.]

He has as much right as the chairman of the committee has or as I have. It is the only way that a tariff bill can be thoroughly considered and presented to the country. Now, what does this rule do, in brief? It fixes certain amendments to be offered. Then it gives a majority of the Ways and Means Committee a right to offer an amendment here at any time about anything, but no other Member is to be permitted to offer any sort of amendment. That is unjust, unfair, un-American, and preposterous. If gentlemen want to tie their own hands, let them do it; I will not. [Applause on the Democratic side.] And when you go back to your constituents do not be so cowardly as to undertake to load the whole of this indefensible transaction onto the man who occupies the Speaker's chair. [Applause.] You can not defend yourselves by that trick. Like Saul at the stoning of Stephen, you stand by, consenting, when you vote for this rule. You thereby make yourselves parties to

taking away from yourselves the right to freely offer amendments.

I said twice in my speech that the Democrats did not want to waste an hour and that we did not want general debate, but we wanted to amend the bill. Two weeks ago last Friday I took the chairman of the Ways and Means Committee out into the lobby before the debate began and offered to waive every minute of the general debate if they would let us at the bill. [Applause on the Democratic side.]

I told him that all we wanted was a chance to amend it, and that I would cooperate with him to prevent any waste of time. Thirteen days have rolled by. Many good speeches have been made. They might as well have been made on the top of Pikes Peak for all the effect they have had, except to drive the majority into bringing in a few amendments, such as putting tea and coffee on the free list. We did that much good, anyway.

But, Mr. Speaker, these amendments are not sufficient; we have a right to have a vote upon the question whether that outrageous raise in hosiery shall stay in this bill. [Applause on the Democratic side.] We have a right to say whether steel rails shall go upon the free list. These amendments that are picked out by the men on this committee are no more important than a hundred that I could stand here and enumerate. For instance, that outrageous raise on gloves, made for the benefit of one lone glove maker in the city of Johnstown, N. Y. [Applause on the Democratic side.] Why should we not have a crack at the prohibitive rates on woolen goods in this country, that are consumed everywhere? I could name 100 more, if I had time, but I have only five minutes.

I know you have 47 majority. I know you will get a little aid and comfort over on our side—but very little. You postponed this rule from last Thursday, when you had us here to vote on a rule, down to the present minute, because you did not have enough votes to pass it, and in order that you might trade and traffic, bulldoze and wheedle and coax enough men back onto the reservation, like the gentleman from Washington [Mr. CUSHMAN], to get this rule through. [Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, I now yield ten minutes to the gentleman from New York [Mr. PAYNE]. [Applause.]

Mr. PAYNE. Mr. Speaker, I want to say to my brethren on this side of the House that we will be held responsible for this bill before the people of the country. That fact has weighed upon the members of your committee in the preparation of the bill, and every fact has been sought, every source of information has been tried in order that we might present a bill that would do simple justice to the people of the United States—to the consumer and the laborer—that we might so adjust the balance of duties in this bill that no man might be deprived for a moment of his right to labor, and no man or woman might be deprived of the right to buy a good article in the market, made by American workmen, at the lowest possible price. [Applause on the Republican side.]

Responsibility on the other side of the aisle is different. It is theirs to criticise and not to construct. They gave out after the close of the hearings that they were to consult, that they were to formulate a bill, that they were to astonish the country with the excellence of their tariff ideas. They did nothing during the months we were at work, and when we brought in our bill they said they had had no time to consider it. They had every moment of the day and of the night that we had for the months that we spent in our deliberations; and if they had used the same diligence, if they had used the same courage, if they had used the same patriotism, they would have presented to the country their ideas in a tariff bill.

The bill came before the House and before the country and was open to criticism. The gentleman says we have spent too much time in general debate. I do not believe he has even read the general debate. There has been much that is valuable said on the floor and some criticism that was just on the bill and some criticism that was grossly unjust. It has been met by counter argument; but the bill still remains, gentlemen, as it was presented to this House, and the fact remains that the great mass of the Republicans in this House at this moment are willing to vote for this bill with a few amendments that have been placed upon it by the Ways and Means Committee. [Applause on the Republican side.]

We can not satisfy every interest. The gentleman complains of hosiery; and I want to say to you gentlemen on this side, that there is not a single protected item in this bill that is better justified than the increase of duty on hosiery put into this bill. [Applause on the Republican side.]

They complain of gloves. Yet it is precisely the case that we had in tin plate twenty years ago, when we followed the leadership of William McKinley and created that magnificent industry employing 25,000 of our people; and twelve years ago, under the leadership of Mr. Dingley, when we imposed the duties on men's gloves. We were making about 5 per cent, and to-day we are making 90 per cent of men's gloves. [Applause on the Republican side.] And they are much cheaper than they were when we put the duty on them. It is as fine a vindication of the idea of protection as was the duty on tin plate.

Now, men that make men's gloves can make women's gloves; and with the same measure of protection that we put on men's gloves we come before you to-day with a bill to put a duty on women's gloves; and when we shall employ 50,000 of our people in making women's gloves for American women to wear, they will be sold as cheaply and cheaper than they are to-day; and the American workmanship will make better gloves than the women are wearing to-day. [Applause on the Republican side.]

Gentlemen, the country is waiting to have this tariff question settled. They want it settled now. Telegrams and letters are coming to our committee: "Hurry up the passage of the tariff bill." Will you falter, will you delay, because you can not have your own way in everything? Is your judgment better than the judgment of the great mass of the Republicans? Gentlemen, there has never been a moment since I have had a seat in this House that I did not believe that the wisdom of a majority of the Republican party, after full consideration of a question, was better than my own, and I was willing to follow, no matter who led the great mass of Republicans and blazed the way. [Applause on the Republican side.]

So, gentlemen, we should surrender our individual opinions, we should surrender for the good of our party, we should surrender for the good of the country. This is the way all great measures are passed in the House of Representatives, and with the Democratic party carping and criticising and ready to do mischief in any way they can. There are a few dissatisfied gentlemen on this side, but I want them to stop and think how many industries they might destroy for want of proper knowledge and information. How many industries might you destroy not only in the whole country, but even in your own congressional district?

Gentlemen are excited here about the duty on barley. The farmers of their districts, they say, want barley put back again to 30 cents. We put it at 15 cents, not on my motion; and yet I venture to say that I have received more resolutions from grangers, more petitions from farmers, asking me to see to it that the duty on barley did not exceed 10 cents a bushel, and under no consideration to go above 15 cents, than resolutions and petitions to the contrary have been received by any other gentleman; and still I cheerfully ask to have put into this rule this provision that you might vote upon barley to satisfy the people of your districts, the farmers who you state are in favor of a greater duty on barley. Gentlemen, look beyond your own districts, look to the future, look to the millions of our people, look to the workingmen, ready for work, and for the sake of the toiling masses hasten the passage of this bill! [Applause on the Republican side.]

Mr. DALZELL. Mr. Speaker, I shall not delay the committee. I have only a single word to say in conclusion. The consideration of a tariff bill by a special rule is nothing new in the history of tariff legislation in this country. The McKinley bill was considered under a rule. The Wilson bill was considered under a rule. On the 5th of January, 1894, the Democratic party then being in control of this House, a rule was introduced which provided for the consideration of the tariff bill then pending, known as the "Wilson bill." That rule provided that on January 10, five days thereafter, general debate should close, and on January 25, fifteen days thereafter, the bill should be reported to the House, the previous question considered ordered upon the amendments upon the bill to its engrossment and third reading, and upon its final passage. As a matter of history, the bill was passed without any opportunity afforded to the Members of the House to consider each and every paragraph of the bill. Why, gentlemen on the other side of the House are agonizing to-day because they say that they will have no opportunity to consider this bill item by item.

Mr. Speaker, I recall an historic occasion in this House when a Democratic Speaker, occupying the chair you now occupy, and a Democratic majority being in control of the House, a rule was adopted which, with only fifteen minutes' debate on either side, compelled a vote upon and secured the passage of 637 Senate amendments to the Wilson bill, and that despite the protests of Republicans on this side of the House. [Applause on the Republican side.] And these are the gentlemen who are to-day agonizing because they shall not have an opportunity

to spend the dog days in Washington considering item by item the paragraphs of a tariff bill.

Mr. Speaker, this bill is a tariff bill made by a Republican committee in response to the call of a Republican President, pursuant to the mandate and in redemption of the pledge of the Republican platform made in Chicago last summer. It is a well-considered bill, a well-matured bill. It appeals not, of course, to the satisfaction of every Republican—no tariff bill made by uninspired human wisdom could be made so perfect as to respond to the desires of all—but it should appeal to every true Republican, because it is a bill drawn along Republican lines in accordance with Republican principles for the protection of American industry and the maintenance of an American wage. And now the country at large stands waiting and asking us not to talk, but to act. I suggest that we act. [Applause on the Republican side.]

Mr. Speaker, I demand the previous question.

The SPEAKER. The question is on ordering the previous question.

The SPEAKER proceeded to put the question.

Mr. CLARK of Missouri. Mr. Speaker, I want to offer a motion to recommit this rule, as follows:

Resolved, That the resolution providing for the consideration of the bill (H. R. 1438) to provide revenues, equalize duties, and encourage the industries of the United States, and for other purposes, be recommitted to the Committee on Rules with instructions to report back a substitute for said resolution that will provide for the immediate closing of general debate on said bill and for its immediate consideration under the five-minute rule, so that the Members of the House may have an opportunity to offer amendments to and pass on separately each and every paragraph in the bill.

The SPEAKER. The Chair will state that the precedents for the last ten years have been uniform, holding such a motion not in order.

Mr. CLARK of Missouri. Mr. Speaker, I would like to read the Speaker one of his own decisions. [Cries of "Regular order" on the Republican side.] O, just possess your soul in patience over there.

The SPEAKER. One moment. The Chair will hear the gentleman on the point of order.

Mr. DALZELL. Mr. Speaker, I demanded the previous question. The gentleman has not the floor to make any motion of any kind.

The SPEAKER. That is correct.

Mr. DALZELL. Even if his motion were in order.

The SPEAKER. Not until after the previous question is ordered.

Mr. UNDERWOOD. Mr. Speaker, I submit if a motion to recommit is in order, the previous question would not take the gentleman off the floor to make that motion.

Mr. DALZELL. I submit, Mr. Speaker, that the gentleman is not entitled to the floor to make his motion; and, furthermore, his motion is not in order. I shall be very glad to see, and I think we all will on this side of the House, the gentleman's motion to recommit the bill when that time comes.

Mr. CLARK of Missouri. You will see that, if you do not go blind before next Friday. [Laughter and applause on the Democratic side.]

The SPEAKER. The Chair, without objection, will hear the gentleman.

Mr. CLARK of Missouri. All I want to do is to read the rule and read the Speaker's decision:

RULE XVII.

PREVIOUS QUESTION.

There shall be a motion for the previous question, which, being ordered by a majority of Members voting, if a quorum be present, shall have the effect to cut off all debate and bring the House to a direct vote upon the immediate question or questions on which it has been asked and ordered. The previous question may be asked and ordered upon a single motion, a series of motions, allowable under the rules, or an amendment or amendments, or may be made to embrace all authorized motions or amendments and include the bill to its passage or rejection. It shall be in order, pending the motion for or after the previous question shall have been ordered on its passage, for the Speaker to entertain and submit a motion to commit, with or without instructions, to a standing or select committee.

Now for the precedent—page 287, volume 5, Hinds' Precedents, section 5576:

The motion to refer under rule 17 may be made pending the demand for the previous question—

I commend that to the gentleman from Pennsylvania—

on the passage, whether a bill or resolution be under consideration.

Mr. DALZELL. But not applicable to this case.

Mr. CLARK of Missouri (reading):

On January 4, 1904, Mr. JAMES HAY of Virginia presented a resolution relating to an investigation of certain alleged misconduct on the part of Members, and after debate thereon moved the previous question.

Pending this question Mr. SERENO E. PAYNE of New York, rising to a parliamentary inquiry, asked when it would be in order to make a motion to recommit the resolution.

The SPEAKER said—

The same Speaker in the chair now—

"The Chair is of the opinion that pending a demand for the previous question the motion which the gentleman indicates would not be in order."

The question was taken on the motion for the previous question, the yeas and nays being ordered. There appeared—yeas 78, nays 78, answering present 9—not a quorum.

Thereupon the House adjourned.

On January 5, when the resolution was again taken up, the Speaker said:

The Chair desires at this time to correct a ruling made by the Chair yesterday. After the previous question had been moved upon this resolution yesterday the gentleman from New York [Mr. PAYNE] proposed a motion to refer. The Chair had in mind clause 4 of Rule XVI, which is as follows:

"When a question is under debate, no motion shall be received but to adjourn, to lay on the table, for the previous question (which motion shall be decided without debate), to postpone to a day certain, to refer, or to amend, or postpone indefinitely; which several motions shall have precedence in the foregoing order."

Now, with that rule standing alone, the ruling of the Chair was strictly in accordance with the letter of the rule; but the Chair had overruled Rule XVII, which is as follows—

Just as the gentleman from Pennsylvania overlooked it just now—

There shall be a motion for the previous question, etc.

There is no use quoting it again, as I have already quoted it. Then the Speaker determined, after quoting the rule:

In the opinion of the Chair, if called upon to rule for the first time and harmonize Rule XVI with Rule XVII, the Chair would hold that Rule XVI applies to resolutions and that Rule XVII applies to joint resolutions and bills.

Evidently, under Rule XVII, it was the intention of the House, by the adoption of the same, to give the House an opportunity after a bill had been engrossed and read a third time, if there were accidents, or for any reason it was the sense of the House that the bill ought to be recommitted, to have that opportunity. In practice that motion is in constant use in the ordinary business in the House in cases where the previous question is ordered upon the bill to its passage after the bill has been engrossed and read a third time. But the Chair does not feel at liberty or believe that it would be a correct ruling, in view of the practice of the House heretofore, to so harmonize these two rules. It has been the practice of the House, certainly from the time of Speaker Crisp, to hold that Rule XVII applies to resolutions as well as to bills. That was followed by Speaker Reed and also by Speaker Henderson.

Gentlemen are familiar with that fact, for the reason that in cases of resolutions reported from election committees in the determination of election contests it has been the constant practice after the substitute was voted on to move to recommit with or without instructions. So the practice of the House having been to substantially nullify Rule XVI, and the Chair not feeling at liberty to depart from that practice, so far as the motion to commit is concerned, holds that under Rule XVII it is in order, pending a motion for the previous question upon a resolution, or after the previous question upon the resolution has been ordered, either, at the election of the House to commit the resolution.

The Chair thought proper to call the attention of the House promptly to the error that the Chair fell into yesterday.

[Applause on the Democratic side.]

Mr. DALZELL. Mr. Speaker, there is no doubt at all that in a proper case a motion to recommit may be made after the ordering of the previous question, but I call the attention of the Chair to paragraph 61 of Rule XI, which reads:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

Now I call the attention of the Speaker to a ruling in the Fifty-second Congress, a Democratic Congress, and in the Fifty-third Congress, also a Democratic Congress, where Speaker Crisp ruled:

Pending a report from the Committee on Rules, one motion to adjourn is in order, and thereafter no other dilatory motion, even of the highest privilege, is in order.

And also in the Fifty-second and Fifty-third Congresses, Mr. Speaker Crisp said:

The former practice of entertaining the question of consideration against a report of the Committee on Rules was reversed.

But without regard to these cases, I call your attention to a ruling that is right in point, as follows:

Pending the motion for or after the previous question is ordered on a report from the Committee on Rules, the motion to recommit is not admitted under the more recent practice of the House, although the rulings conflict.

That was ruled by Speaker Crisp and by several Speakers since, and that is the identical question that is now before the Chair and is decisive of the question. [Applause on the Republican side.]

The SPEAKER. The Chair quite agrees with the ruling that the Chair made on the motion then pending. But the Chair calls the attention of the gentleman from Missouri [Mr. CLARK] to the fact that while the Chair ruled properly in that case, yet that ruling does not cover this motion. It is not a universal rule. This is a report from the Committee on Rules, and the same question was raised in the speakership of Mr. Speaker Crisp, as follows:

On March 28, 1894, the previous question had been ordered on a resolution reported from the Committee on Rules fixing times for the consideration of the contested-election cases of O'Neill *v.* Joy, from Missouri, and English *v.* Hilliborn, from California.

Mr. Thomas B. Reed, of Maine, moved to recommit the pending resolution to the Committee on Rules, with instructions to so modify the resolution that an additional vote might be had in the Joy case on the question of ordering a new election, if the House should determine that the facts required one, and with instructions to allow a suitable time for discussion.

Mr. Joseph H. Outhwaite, of Ohio, made the point of order that a motion to recommit a report of the Committee on Rules was not now in order.

The Speaker sustained the point of order, holding as follows:

"In the first place, ordinarily, under all parliamentary rules with which the Chair has any acquaintance, except the system under which we are now operating, a motion to recommit is not in order after the previous question is demanded or ordered. A motion to recommit is simply another method of permitting the House to amend, and under ordinary rules the right of amendment is cut off by the previous question. The House has, however, a provision in its rules that even pending the demand for the previous question or after it is ordered a motion to recommit may be in order.

"Rule XI provides that 'It shall always be in order to call up for consideration a report from the Committee on Rules, and pending the consideration thereof the Speaker may entertain one motion that the House adjourn; but after the result is announced, he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

"Now, the purpose of the rule, as disclosed by the language which has been read, was that on reports from the Committee on Rules the House should have the right, without delay and without motions tending to delay, to dispose of such report. The language is similar to that used in reference to motions to suspend the rules; and the Chair is aware that there may be some embarrassment at times because of the distinction between a report from the Committee on Rules and a motion to suspend the rules. But take the case now before the House. The Chair has no doubt that it is within the power of the House to amend a report from the Committee on Rules. The Chair has never entertained any doubt about that. If the House should vote down the demand for the previous question, then this report could be amended.

"The idea that the Chair has always had in enforcing this new rule was so to construe it as to permit the House to vote without delay upon the final proposition, either as reported by the committee or as agreed upon by the House if the House should choose to amend it.

"Now, the House has ordered the previous question. What does the previous question mean? It means that the House shall proceed to vote upon the proposition on which it is ordered. If a motion to recommit is in order, perhaps a motion to lay on the table might be in order; and the effect of both these motions, whatever the motive of the mover might be, would be to delay the House in reaching a final vote on the proposition before it, and on which the House has expressed a desire for a final vote by ordering the previous question. The Chair has always held, in construing the rule, that any motion which would tend to prevent the House from a speedy vote upon the final proposition is not in order.

"The Chair holds that on a report from the Committee on Rules, when the previous question has been ordered, it is not in order to move to recommit to the committee. The Chair thus holds the more willingly because the matter is entirely in the power of the House. If the House desires to amend or alter in any respect a report of this character, it need only vote down a demand for the previous question, and then the whole field of amendment is open; the report can be altered in any way to suit the wishes of the House.

"In other words, the Chair accepts the ordering of the previous question as an expression of the desire of the majority of the House to vote upon the resolution as it stood when the previous question was called upon it. Therefore, the Chair holds that the motion to commit is not in order."

This ruling of Mr. Speaker Crisp has been four times, the Chair is reminded, sustained by Mr. Speaker Henderson, and the present occupant of the chair has on two occasions followed the rulings of Mr. Speaker Crisp and Mr. Speaker Henderson; so that while the Chair now admits the correctness of the ruling that he made in the case read by the gentleman from Missouri [Mr. CLARK] as applying to ordinary resolutions, he calls the gentleman's attention to the fact that this is not an ordinary resolution. The Chair now reads from the Manual, page 273, at the bottom, the rule that was adopted in the Congress presided over by Mr. Speaker Crisp, as follows:

It shall always be in order to call up for consideration a report from the Committee on Rules, and, pending the consideration thereof, the Speaker may entertain one motion that the House adjourn; but after the result is announced he shall not entertain any other dilatory motion until the said report shall have been fully disposed of.

And under that rule these decisions were made by Mr. Speaker Crisp, by Mr. Speaker Henderson, and the present occupant of the chair. It is an exception under the express rule to the ordinary practice arising under Rules XVI and XVII.

The question is on the motion of the gentleman from Pennsylvania [Mr. DALZELL].

The question was taken; and the Chair announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 196, nays 180, answered "present" 1, not voting 11, as follows:

YEAS—196.

Alexander, N. Y.	Esch	Kennedy, Iowa	Payne
Allen	Estopinal	Kennedy, Ohio	Pearre
Ames	Fairchild	Kinkaid, Nebr.	Perkins
Anthony	Fassett	Knapp	Plumley
Barchfeld	Fish	Knowland	Pratt
Barclay	Focht	Kronmiller	Pray
Barnard	Foelker	Küstermann	Prince
Bartholdt	Fordney	Lafean	Pujo
Bates	Foss	Langham	Reeder
Bennet, N. Y.	Foster, Vt.	Langley	Reynolds
Bennett, Ky.	Foulkrod	Law	Roberts
Bingham	Fowler	Lawrence	Rodenberg
Boutell	Fuller	Longworth	Scott
Bradley	Gaines	Lorimer	Sheffield
Broussard	Gardner, Mass.	Loud	Simmons
Brownlow	Gardner, Mich.	Loudenslager	Slemp
Burke, Pa.	Gardner, N. J.	Lovering	Smith, Cal.
Burke, S. Dak.	Garner, Pa.	Lowden	Smith, Iowa
Burleigh	Gillett	Lundin	Smith, Mich.
Butler	Goebel	McCall	Snapp
Calder	Graff	McCreary	Southwick
Calderhead	Graham, Pa.	McGuire, Okla.	Sperry
Campbell	Grant	McKinlay, Cal.	Stafford
Capron	Greene	McKinley, Ill.	Steenerson
Chapman	Griest	McKinney	Sterling
Cocks, N. Y.	Gronna	McLachlan, Cal.	Stevens, Minn.
Cole	Guernsey	McLaughlin, Mich.	Sturgiss
Cook	Hamer	McMorran	Sulloway
Cooper, Pa.	Hamilton	Madden	Swasey
Cowles	Hanna	Madison	Tawney
Creager	Hawley	Malby	Taylor, Ohio
Crumpacker	Hayes	Mann	Tener
Currier	Heald	Martin, S. Dak.	Thistlewood
Cushman	Henry, Conn.	Miller, Kans.	Thomas, Ohio
Dalzell	Higgins	Miller, Minn.	Tilson
Davidson	Hill	Millington	Tirrell
Davis	Hollingsworth	Mondell	Townsend
Denby	Howell, N. J.	Moon, Pa.	Volstead
Diekema	Howell, Utah	Moore, Pa.	Vreeland
Dodds	Howland	Morehead	Wanger
Douglas	Hubbard, W. Va.	Morgan, Mo.	Washburn
Draper	Huff	Morgan, Okla.	Weeks
Driscoll, M. E.	Hughes, W. Va.	Mudd	Wickliffe
Durey	Hull, Iowa	Needham	Wiley
Dwight	Humphrey, Wash.	Nye	Wood, N. J.
Edwards, Ky.	Johnson, Ohio	Olcott	Woodyard
Ellis	Joyce	Olmsted	Young, Mich.
Elvins	Kahn	Palmer, H. W.	Young, N. Y.
Englebright	Keifer	Parker	The Speaker

NAYS—180.

Adair	Dies	James	Pickett
Adamson	Dixon, Ind.	Jamieson	Poindexter
Aiken	Edwards, Ga.	Johnson, Ky.	Pou
Alexander, Mo.	Ellerbe	Johnson, S. C.	Rainey
Anderson	Ferris	Jones	Randell, Tex.
Ansberry	Finley	Kelliher	Ransdell, La.
Ashbrook	Fitzgerald	Kendall	Rauch
Austin	Flood, Va.	Kinkead, N. J.	Reid
Barnhart	Floyd, Ark.	Kitchin	Richardson
Bartlett, Ga.	Foster, Ill.	Kopp	Robinson
Bartlett, Nev.	Gallagher	Korbly	Rothermel
Beall, Tex.	Garner, Tex.	Lamb	Rucker, Colo.
Bell, Ga.	Garrett	Lassiter	Rucker, Mo.
Booher	Gill, Md.	Latta	Sabath
Borland	Gillespie	Lee	Saunders
Bowers	Glass	Lenroot	Shackleford
Brantley	Godwin	Lever	Sharp
Burgess	Goldfogle	Lindbergh	Sheppard
Burleson	Good	Lindsay	Sherley
Burnett	Gordon	Livingston	Sherwood
Byrd	Goulden	Lloyd	Sims
Byrns	Graham, Ill.	McDermott	Sisson
Candler	Gregg	McHenry	Slayden
Cantrill	Griggs	Macon	Small
Carlin	Hamill	Maguire, Nebr.	Smith, Tex.
Carter	Hamlin	Martin, Colo.	Sparkman
Cary	Hammond	Maynard	Spight
Clark, Fla.	Hardwick	Mays	Stanley
Clark, Mo.	Hardy	Moon, Tenn.	Stephens, Tex.
Clayton	Harrison	Moore, Tex.	Sulzer
Cline	Haugen	Morrison	Talbott
Collier	Hay	Morse	Taylor, Ala.
Conry	Heflin	Moss	Taylor, Colo.
Cooper, Wis.	Helm	Murdock	Thomas, Ky.
Covington	Henry, Tex.	Nelson	Thomas, N. C.
Cox, Ind.	Hinshaw	Nicholls	Tou Velle
Cox, Ohio	Hitchcock	Norris	Underwood
Craig	Hobson	O'Connell	Wallace
Cravens	Houston	Oldfield	Watkins
Cullop	Howard	Padgett	Webb
Dawson	Hubbard, Iowa	Page	Weisse
De Armond	Hughes, Ga.	Palmer, A. M.	Willett
Dent	Hughes, N. J.	Parsons	Wilson, Ill.
Denver	Hull, Tenn.	Patterson	Wilson, Pa.
Dickson, Miss.	Humphreys, Miss.	Peters	Woods, Iowa

ANSWERED "PRESENT"—1.

Andrus

NOT VOTING—11.

Boehne	Driscoll, D. A.	Murphy	Russell
Coudrey	Fornes	Rhinock	Wheeler
Crow	Gill, Mo.	Riordan	

So the previous question was ordered.

The following pairs were announced:
For this session:
Mr. TOWNSEND with Mr. RUSSELL.
Until further notice:
Mr. CROW with Mr. BOEHNE.
Mr. WHEELER with Mr. DANIEL A. DRISCOLL.
Mr. MURPHY with Mr. FORNES.
Mr. COUDREY with Mr. GILL of Missouri.
Mr. ANDRUS with Mr. RIORDAN.
The result of the vote was then announced as above recorded. [Applause on the Republican side.]

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 195, nays 178, answered "present" 1, not voting 14, as follows:

YEAS—195.

Alexander, N. Y.	Esch	Kennedy, Iowa	Payne
Allen	Estopinal	Kennedy, Ohio	Pearre
Ames	Fairchild	Knapp	Perkins
Anthony	Fassett	Knowland	Plumley
Barchfeld	Fish	Kopp	Pratt
Barclay	Focht	Kronmiller	Pray
Barnard	Foelker	Küstermann	Prince
Bartholdt	Fordney	Lafean	Pujo
Bates	Foss	Langham	Reeder
Bennet, N. Y.	Foster, Vt.	Langley	Reynolds
Bennett, Ky.	Foulkrod	Law	Roberts
Bingham	Fowler	Lawrence	Rodenberg
Boutell	Fuller	Longworth	Scott
Bradley	Gaines	Lorimer	Sheffield
Broussard	Gardner, Mass.	Loud	Simmons
Brownlow	Gardner, Mich.	Loudenslager	Slemp
Burke, Pa.	Gardner, N. J.	Lovering	Smith, Cal.
Burke, S. Dak.	Garner, Pa.	Lowden	Smith, Iowa
Burleigh	Gillett	Lundin	Smith, Mich.
Butler	Goebel	McCall	Snapp
Calder	Graff	McCreary	Southwick
Calderhead	Graham, Pa.	McGuire, Okla.	Sperry
Campbell	Grant	McKinlay, Cal.	Stafford
Capron	Greene	McKinley, Ill.	Steenerson
Chapman	Griest	McKinney	Sterling
Cocks, N. Y.	Gronna	McLachlan, Cal.	Stevens, Minn.
Cole	Guernsey	McLaughlin, Mich.	Sturgiss
Cook	Hamer	McMorran	Sulloway
Cooper, Pa.	Hamilton	Madden	Swasey
Cowles	Hanna	Madison	Tawney
Creager	Hawley	Malby	Taylor, Ohio
Crumpacker	Hayes	Mann	Tener
Currier	Heald	Martin, S. Dak.	Thomas, Ohio
Cushman	Henry, Conn.	Miller, Kans.	Tilson
Dalzell	Higgins	Miller, Minn.	Tirrell
Davidson	Hill	Millington	Townsend
Davis	Hollingsworth	Mondell	Volstead
Denby	Howell, N. J.	Moon, Pa.	Vreeland
Dickema	Howell, Utah	Moore, Pa.	Wanger
Dodds	Howland	Morehead	Washburn
Douglas	Hubbard, W. Va.	Morgan, Mo.	Weeks
Draper	Huff	Morgan, Okla.	Wickliffe
Driscoll, M. E.	Hughes, W. Va.	Mudd	Wiley
Durey	Hull, Iowa	Needham	Wilson, Ill.
Dwight	Humphrey, Wash.	Nye	Wood, N. J.
Edwards, Ky.	Johnson, Ohio	Olcott	Woodyard
Ellis	Joyce	Olmsted	Young, N. Y.
Elvins	Kahn	Palmer, H. W.	The Speaker
Englebright	Keifer	Parker	

NAYS—178.

Adair	Craig	Hardy	Lloyd
Adamson	Cravens	Harrison	McDermott
Aiken	Cullop	Haugen	McHenry
Alexander, Mo.	Dawson	Hay	Macon
Anderson	De Armond	Heflin	Maguire, Nebr.
Ansberry	Dent	Helm	Martin, Colo.
Ashbrook	Denver	Henry, Tex.	Maynard
Austin	Dickson, Miss.	Hinshaw	Mays
Barnhart	Dies	Hitchcock	Moon, Tenn.
Bartlett, Ga.	Dixon, Ind.	Hobson	Moore, Tex.
Bartlett, Nev.	Edwards, Ga.	Houston	Morrison
Beall, Tex.	Ellerbe	Howard	Morse
Bell, Ga.	Ferris	Hubbard, Iowa	Moss
Booher	Finley	Hughes, Ga.	Murdock
Bowers	Fitzgerald	Hughes, N. J.	Nelson
Brantley	Flood	Hull, Tenn.	Nicholls
Burgess	Floyd	Humphreys, Miss.	Norris
Burleson	Foster, Ill.	James	O'Connell
Burnett	Gallagher	Jamieson	Oldfield
Byrd	Garner, Tex.	Johnson, Ky.	Padgett
Byrns	Garrett	Johnson, S. C.	Page
Candler	Gill, Md.	Jones	Palmer, A. M.
Cantrill	Gillespie	Kelliher	Parsons
Carlin	Glass	Kendall	Patterson
Carter	Godwin	Kinkead, N. J.	Peters
Cary	Goldfogle	Kitchin	Pickett
Clark, Fla.	Good	Korbly	Poindexter
Clark, Mo.	Gordon	Lamb	Pou
Clayton	Goulden	Lassiter	Rainey
Cline	Graham, Ill.	Latta	Randell, Tex.
Collier	Green	Lee	Ransdell, La.
Conry	Griggs	Lenroot	Rauch
Cooper, Wis.	Hamill	Lever	Reid
Covington	Hamlin	Lindbergh	Richardson
Cox, Ind.	Hammond	Lindsay	Robinson
Cox, Ohio	Hardwick	Livingston	Rothermel
Rucker, Colo.	Sims	Sulzer	Watkins
Rucker, Mo.	Sisson	Talbott	Webb
Sabath	Slayden	Taylor, Ala.	Weisse
Saunders	Small	Taylor, Colo.	Willett
Shackleford	Smith, Tex.	Thomas, Ky.	Wilson, Pa.
Sharp	Sparkman	Thomas, N. C.	Woods, Iowa
Sheppard	Spight	Tou Velle	Young, Mich.
Sherley	Stanley	Underwood	
Sherwood	Stephens, Tex.	Wallace	

ANSWERED "PRESENT"—1.

Andrus.

NOT VOTING—14.

Boehne	Driscoll, D. A.	Murphy	Thistlewood
Borland	Fornes	Rhinock	Wheeler
Coudrey	Gill, Mo.	Riordan	
Crow	Kinkaid, Nebr.	Russell	

So the resolution was agreed to.

The Clerk announced the following additional pairs:
Until further notice:
Mr. THISTLEWOOD with Mr. RHINOCK.
Mr. KINKAID of Nebraska, with Mr. BORLAND.
The result of the vote was announced as above recorded.

On motion of Mr. DALZELL, a motion to reconsider the last vote was laid on the table.

The SPEAKER. Under the order just adopted, the House resolves itself into the Committee of the Whole House on the state of the Union, for the further consideration of the bill.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. CLARK of Missouri. In order to save time——

Mr. PAYNE. Pending that——

Mr. CLARK of Missouri. Under the rule that motion is not in order.

Mr. DALZELL. Well, we can go into Committee of the Whole and then rise.

Mr. CLARK of Missouri. Then let us go into Committee of the Whole.

Mr. DALZELL. It will take about two minutes to go through the form.

Mr. CLARK of Missouri. It may take more than two minutes, I will advise you right now.

Mr. DALZELL. All right.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438, the tariff bill, with Mr. OLMSTED in the chair.

Mr. FORDNEY. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Michigan offers an amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 197, on page 55, strike out all of lines 9 to 19, inclusive——

Mr. UNDERWOOD. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. UNDERWOOD. I desire to inquire whether we are now considering these amendments under the five-minute rule of the House?

The CHAIRMAN. The Chair so understands.

Mr. UNDERWOOD. Then I desire to know, under that rule, if debate is limited on each amendment to five minutes?

The CHAIRMAN. The Chair understands that the debate upon amendments is governed by the ordinary rules of the House.

Mr. UNDERWOOD. That is, five minutes in favor of a proposition and five minutes against it?

The CHAIRMAN. Under the rules.

Mr. UNDERWOOD. Then, Mr. Chairman, I wish to say, that in order to expedite——

The CHAIRMAN. The Clerk has not completed the reading of the amendment. The Clerk will read the amendment.

The Clerk read as follows:

Paragraph 197, on page 55, strike out all of lines 9 to 19 inclusive, the words to be stricken out being as follows:

Provided, That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever upon, or any discrimination against, any forest product exported to the United States, or if any country, dependency, province, or other subdivision of government forbids or restricts the exportation of any forest product to the United States in any way, there shall be imposed upon all of the forest products of such country when imported into the United States the duties prescribed in section 3 of this act during the continuance of such export duties, charges, embargo, discrimination, or restriction.

The CHAIRMAN. The Chair will ask the gentleman from Michigan if this is offered as a committee amendment?

Mr. FORDNEY. It is, Mr. Chairman.

Mr. CLARK of Missouri. Mr. Chairman——

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

Mr. CLARK of Missouri. I was on the floor addressing the Chair before the gentleman from New York was.

The CHAIRMAN. A motion to rise always has precedence. The gentleman from New York moves that the committee do now rise.

The question being taken, on a division (demanded by Mr. CLARK of Missouri) there were—ayes 208, noes 168.

Mr. CLARK of Missouri. Tellers.

Tellers were ordered, and the chairman appointed Mr. PAYNE and Mr. CLARK of Missouri.

The committee again divided; and the tellers reported—ayes 192, noes 146.

So the motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1438, the tariff bill, and had come to no resolution thereon.

Mr. PAYNE. Mr. Speaker, I am informed that the printed bill is exhausted in the document room. I ask unanimous consent for a reprint of 1,200 copies of the bill as reported to the House in bill form.

Mr. CLARK of Missouri. Why not have it printed with these celebrated amendments printed in different type?

Mr. PAYNE. Because it is not practicable.

Mr. CLARK of Missouri. Why is it not practicable?

Mr. PAYNE. Because the amendments are not ready, and we could not get the bills for use to-morrow morning.

Mr. CLARK of Missouri. I would rather have it printed the other way, but I am not going to object.

WITHDRAWAL OF PAPERS.

Mr. DENBY, by unanimous consent, was given leave to withdraw from the files of the House papers in the case of Lewis B. Moon, Sixtieth Congress, no adverse report having been made thereon.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. CLARK of Missouri. I demand the yeas and nays. [Cries of "Oh, no!"] Oh, you have got to work every night until 5 o'clock. [Laughter.]

Mr. MANN. We will work until 5 o'clock to-night.

Mr. CLARK of Missouri. I know it, and that is what I want.

The yeas and nays were ordered.

The question was taken, and there were—yeas 205, nays 150, answered "present" 3, not voting 29, as follows:

YEAS—205.

Alexander, N. Y.	Dwight	Hubbard, W. Va.	Mondell
Allen	Edwards, Ky.	Huff	Moon, Pa.
Anthony	Ellis	Hughes, W. Va.	Moore, Pa.
Austin	Elvins	Hull, Iowa	Morehead
Barchfeld	Englebright	Humphrey, Wash.	Morgan, Mo.
Barclay	Esch	Johnson, Ohio	Morgan, Okla.
Barnard	Estopinal	Joyce	Morse
Bartholdt	Fairchild	Kahn	Mudd
Bates	Fassett	Keifer	Murdock
Bennet, N. Y.	Fish	Kendall	Needham
Bennett, Ky.	Focht	Kennedy, Iowa	Norris
Bingham	Foelker	Kennedy, Ohio	Nye
Boutell	Fordney	Kinkaid, Nebr.	Olcott
Bradley	Foss	Knapp	Olmsted
Broussard	Foster, Vt.	Knowland	Palmer, H. W.
Brownlow	Foulkrod	Kopp	Parker
Burke, Pa.	Fuller	Kronmiller	Payne
Burke, S. Dak.	Gaines	Küstermann	Pearre
Burleigh	Gardner, Mass.	Lafean	Perkins
Butler	Gardner, Mich.	Langham	Plumley
Calder	Gardner, N. J.	Langley	Poindexter
Calderhead	Garner, Pa.	Law	Pratt
Campbell	Gillett	Lawrence	Pray
Capron	Goebel	Lenroot	Prince
Cary	Good	Longworth	Pujo
Chapman	Graff	Lorimer	Reeder
Cocks, N. Y.	Graham, Pa.	Loud	Reynolds
Cole	Grant	Loudenslager	Roberts
Cook	Greene	Lovering	Rodenberg
Cooper, Pa.	Griest	Lowden	Scott
Cooper, Wis.	Gronna	Lundin	Sheffield
Cowles	Guernsey	McCreary	Simmons
Creager	Hamer	McGuire, Okla.	Smith, Cal.
Crumpacker	Hamilton	McKinlay, Cal.	Smith, Iowa
Currier	Hanna	McKinley, Ill.	Smith, Mich.
Cushman	Haugen	McKinney	Snapp
Dalzell	Hawley	McLachlan, Cal.	Southwick
Davidson	Heald	McLaughlin, Mich.	Sperry
Davis	Henry, Conn.	McMorran	Stafford
Dawson	Higgins	Madden	Steenerson
Denby	Hill	Madison	Sterling
Diekema	Hinshaw	Malby	Stevens, Minn.
Dodds	Hollingsworth	Mann	Sturgiss
Douglas	Howell, N. J.	Martin, S. Dak.	Sulloway
Draper	Howell, Utah	Miller, Kans.	Swasey
Driscoll, M. E.	Howland	Miller, Minn.	Tawney
Durey	Hubbard, Iowa	Millington	Taylor, Ohio
Tener	Volstead	Wickliffe	Young, Mich.
Thistlewood	Vreeland	Wiley	Young, N. Y.
Thomas, Ohio	Wanger	Wilson, Ill.	
Tilson	Washburn	Wood, N. J.	
Tirrell	Weeks	Woodyard	

NAYS—150.

Adair	Dickson, Miss.	Hughes, N. J.	Rauch
Adamson	Dies	Hull, Tenn.	Reid
Aiken	Dixon, Ind.	Humphreys, Miss.	Richardson
Alexander, Mo.	Edwards, Ga.	James	Robinson
Anderson	Ellerbe	Jamieson	Rothermel
Ansberry	Ferris	Johnson, Ky.	Rucker, Colo.
Ashbrook	Finley	Johnson, S. C.	Rucker, Mo.
Barnhart	Fitzgerald	Kelliher	Sabath
Bartlett, Ga.	Flood, Va.	Kinkead, N. J.	Saunders
Beall, Tex.	Floyd, Ark.	Kitchin	Shackleford
Bell, Ga.	Foster, Ill.	Korbly	Sharp
Booher	Gallagher	Lamb	Sheppard
Borland	Garner, Tex.	Lassiter	Sherley
Bowers	Garrett	Latta	Sherwood
Brantley	Gill, Md.	Lever	Sims
Burgess	Gillespie	Lloyd	Sisson
Burleson	Glass	McDermott	Slayden
Burnett	Godwin	McHenry	Small
Byrd	Goldfogle	Macon	Smith, Tex.
Byrns	Gordon	Maguire, Nebr.	Sparkman
Candler	Goulden	Martin, Colo.	Spight
Cantrill	Graham, Ill.	Mays	Stanley
Carlin	Gregg	Moon, Tenn.	Stephens, Tex.
Clark, Fla.	Griggs	Moore, Tex.	Sulzer
Clark, Mo.	Hamill	Morrison	Talbott
Clayton	Hamlin	Moss	Taylor, Ala.
Cline	Hardwick	Nicholls	Taylor, Colo.
Collier	Hardy	O'Connell	Thomas, Ky.
Conry	Harrison	Oldfield	Thomas, N. C.
Covington	Hay	Padgett	Tou Velle
Cox, Ind.	Heflin	Page	Underwood
Cox, Ohio	Helm	Palmer, A. M.	Wallace
Craig	Henry, Tex.	Patterson	Watkins
Cravens	Hitchcock	Peters	Webb
Cullop	Hobson	Pou	Weisse
De Armond	Houston	Rainey	Wilson, Pa.
Dent	Howard	Randell, Tex.	
Denver	Hughes, Ga.	Ransdell, La.	

ANSWERED "PRESENT"—3.

Andrus	Fornes	Lindbergh

NOT VOTING—29.

Ames	Gill, Mo.	Maynard	Slemp
Bartlett, Nev.	Hammond	Murphy	Townsend
Boehne	Hayes	Nelson	Wheeler
Carter	Jones	Parsons	Willett
Coudrey	Lee	Pickett	Woods, Iowa
Crow	Lindsay	Rhinock	
Driscoll, D. A.	Livingston	Riordan	
Fowler	McCall	Russell	

So the motion was agreed to.

The Clerk announced the following additional pairs:

Until further notice:

Mr. WOODS of Iowa with Mr. WILLETT.

Mr. SLEMP with Mr. LEE.

Mr. PICKETT with Mr. MAYNARD.

Mr. PARSONS with Mr. LIVINGSTON.

Mr. NELSON with Mr. LINDSAY.

Mr. MCCALL with Mr. JONES.

Mr. HAYES with Mr. HAMMOND.

Mr. FOWLER with Mr. CARTER.

Mr. AMES with Mr. BARTLETT of Nevada.

Accordingly (at 4 o'clock and 58 minutes p. m.), the House adjourned until 12 o'clock noon to-morrow.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BATES, from the Committee on the Disposition of Useless Executive Papers, to which was referred the reports of the heads of departments, reported the same, accompanied by a report (No. 3), which said report was referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. FOSTER of Vermont: A bill (H. R. 6514) granting certain obsolete ordnance for ornamental purposes—to the Committee on Military Affairs.

By Mr. STANLEY: A bill (H. R. 6515) for the erection of a public building at Madisonville, Ky.—to the Committee on Public Buildings and Grounds.

By Mr. BENNET of New York: A bill (H. R. 6516) to amend an act entitled "An act making an apportionment of Representatives in Congress among the several States, under the Twelfth Census"—to the Committee on the Census.

By Mr. GARDNER of New Jersey: A bill (H. R. 6517) to create a tariff commission, and defining its powers and duties—to the Committee on Ways and Means.

By Mr. NYE. Resolution (H. J. Res. 43) directing payment of

money to widow of Hon. James Hinds, deceased, according to terms of resolution passed in Fortieth Congress, third session—to the Committee on Claims.

By Mr. BINGHAM: Resolution (H. Res. 52) for relief of Elizabeth J. Farrell—to the Committee on Accounts.

By Mr. BENNET of New York: Resolution (H. Res. 54) requesting the Secretary of the Treasury to furnish certain information in reference to secret-service employees—to the Committee on Expenditures in the Treasury Department.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALLEN: A bill (H. R. 6518) granting an increase of pension to Frank H. Holding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6519) granting an increase of pension to James Gannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6520) granting an increase of pension to Charles A. J. Blake—to the Committee on Invalid Pensions.

By Mr. ANSBERRY: A bill (H. R. 6521) to remove the charge of desertion from the record of Jackson Hockett—to the Committee on Military Affairs.

By Mr. BARCLAY: A bill (H. R. 6522) granting a pension to Martha E. Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R 6523) granting an increase of pension to Allen Matley—to the Committee on Invalid Pensions.

By Mr. BARNARD: A bill (H. R. 6524) granting an increase of pension to James H. Bowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6525) granting an increase of pension to Isaac M. Sheaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6526) granting an increase of pension to Jonathan Harlan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6527) granting an increase of pension to Emmett Langston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6528) granting an increase of pension to Nancy C. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6529) granting an increase of pension to Travis Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6530) granting an increase of pension to Isaac H. Cohn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6531) granting an increase of pension to Isaac C. Spears—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6532) granting an increase of pension to David Monticue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6533) granting an increase of pension to James McCurdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6534) granting an increase of pension to Marshall Dill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6535) granting an increase of pension to Erie Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6536) granting an increase of pension to Edward C. Fultz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6537) granting an increase of pension to Rorsey Strong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6538) granting an increase of pension to James H. Bowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6539) granting a pension to Mary De Prez—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6540) granting a pension to Margaret McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6541) granting a pension to Daniel W. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6542) to authorize the honorable discharge of Theodore F. Colgrove, late lieutenant-colonel of the One hundred and forty-seventh Regiment Indiana Infantry—to the Committee on Military Affairs.

By Mr. BURLESON: A bill (H. R. 6543) for the relief of the heirs of William Russell—to the Committee on Claims.

By Mr. BYRNS: A bill (H. R. 6544) granting an increase of pension to Almon E. Abel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6545) for the relief of F. M. Yarbrough—to the Committee on War Claims.

By Mr. CAMPBELL: A bill (H. R. 6546) granting an increase of pension to David Byers—to the Committee on Invalid Pensions.

By Mr. CARY: A bill (H. R. 6547) granting an increase of pension to Martin King—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 6548) granting an increase of pension to Thomas B. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6549) granting an increase of pension to Thomas J. D. Pinnick—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 6550) granting an increase of pension to James Hewitt—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 6551) granting an increase of pension to George A. Mills—to the Committee on Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 6552) granting a pension to Abbie L. Ellis—to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 6553) granting an increase of pension to Charles F. Junkin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6554) granting an increase of pension to Edward H. Dorsett—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 6555) granting an increase of pension to George W. Whitacre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6556) granting an increase of pension to David Studebaker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6557) granting an increase of pension to James N. Hughes—to the Committee on Invalid Pensions.

By Mr. STANLEY: A bill (H. R. 6558) granting an increase of pension to S. G. Ragsdale—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANSBERRY: Joint resolution of general assembly of Ohio, favoring repeal of all duty on lumber—to the Committee on Ways and Means.

By Mr. AUSTIN: Petition of employees of Biddle Manufacturing Company, of Knoxville, Tenn., asking passage of paragraphs 325, 326, and 327 of the Payne tariff bill—to the Committee on Ways and Means.

Also, petitions of employees of Loudon Hosiery Mills, of Loudon, Tenn., and employees of Davis Hosiery Mills, of Chattanooga, Tenn., asking passage of paragraphs 325, 326, and 327 of Payne tariff bill—to the Committee on Ways and Means.

Also, petition of employees of Holston Manufacturing Company, of Lenoir City, Tenn., asking for passage of paragraphs 325, 326, and 327 of Payne tariff bill—to the Committee on Ways and Means.

By Mr. BATES: Petition of George Blair, of New York City, favoring a duty on moving-picture films—to the Committee on Ways and Means.

Also, petition of many citizens of the Twenty-fifth Congressional District of Pennsylvania, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of James T. Reno, of Edinboro, Pa., against removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Youngsville Manufacturing Company, against increase of duty on plate glass—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Ephraim Allen, of Eden, Me., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. CALDER: Petition of citizens of the Sixth Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of physicians of Brooklyn, N. Y., against a duty on Guinness stout—to the Committee on Ways and Means.

Also, petition of International Brotherhood of Paper Makers, against reduction of duty on paper—to the Committee on Ways and Means.

Also, petition of National Liberal Immigration League, favoring arrangements by which American missionaries can be accorded the same rights in Russia as Russian missionaries are accorded in America—to the Committee on Foreign Affairs.

Also, petition of Congress of the Knights of Labor against all tariff legislation that does not grant adequate protection to American labor—to the Committee on Ways and Means.

Also, petition of C. E. Jagger for a duty on patent leather—to the Committee on Ways and Means.

Also, petition of Rumford Local No. 9, Brotherhood of Paper Makers, against reduction of the duty on print paper—to the Committee on Ways and Means.

By Mr. COOK: Petition of citizens of the Second Congressional District of Pennsylvania, against a duty on tea and coffee—to the Commmittee on Ways and Means.

Also, petition of Journeymen Bricklayers' Association of Philadelphia, Pa., opposing tax on tea and coffee—to the Committee on Ways and Means.

By Mr. COX of Indiana: Petition of citizens of the Third Congressional District of Indiana, opposing tax on tea and coffee—to the Committee on Ways and Means.

Also, petition of Local Union No. 371, A. S. of E., against reduction of tariff on barley, grain, etc.—to the Committee on Ways and Means.

Also, petition of Benevolent and Protective Order of Elks, of Dayton, Ohio, favoring a reserve for care of the American elk in Wyoming—to the Committee on the Public Lands.

By Mr. DODDS: Petition of citizens of Comfort, Antrim County, Mich., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of New York Fruit Exchange, against tariff increase on lemons—to the Committee on Ways and Means.

Also, petition of Adirondack Lumber Manufacturers and Shippers' Association, against tariff reduction on lumber—to the Committee on Ways and Means.

Also, petition of Germania Brewing Company, of Buffalo, N. Y., against duty on Canadian barley—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York City, for appropriation to widen the Hudson River to Troy—to the Committee on Rivers and Harbors.

Also, petition of Retail Grocers of Philadelphia, against tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Mid-Continent Oil and Gas Producers' Association, against reduced tariff on petroleum and its products—to the Committee on Ways and Means.

Also, petition of National Association of Box Manufacturers, against reduction of tariff on wooden boxes, box shooks, and lumber—to the Committee on Ways and Means.

Also, petition of Luyties Brothers, of New York, favoring amendment to tariff bill to encourage sale and exportation of spirits of domestic manufacture—to the Committee on Ways and Means.

Also, petition of Chapin Post, No. 2, Department of New York, Grand Army of the Republic, of Buffalo, N. Y., favoring bill for erection of monument to the late Brig. Gen. Henry W. Lawton—to the Committee on the Library.

Also, petition of Fine Arts Federation, of New York, favoring the bill introduced by Senator NEWLANDS—to the Committee on the Library.

Also, petition of citizens of the Thirty-fifth Congressional District of New York, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. MICHAEL E. DRISCOLL: Petition of willow growers of New York State and willow-basket makers of Liverpool, N. Y., for increase of duty on willow baskets—to the Committee on Ways and Means.

By Mr. DUREY: Petition of various residents of the Twenty-fifth Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. FORNES: Petition of machine printers of New York, favoring increase of duty on wall papers—to the Committee on Ways and Means.

Also, petition of many soap manufacturers of the United States, for reduction of the duty on tallow—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the State of New York, urging upon the Congress of the United States that provision be made in the new tariff now under preparation for such equitable arrangement as will insure for our exports the application by the Republic of France of the minimum rates of duty that other favored nations enjoy in their commerce with that country—to the Committee on Ways and Means.

Also, petition of Retail Grocers' Association of Philadelphia, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of the Twenty-ninth Congressional District of New York, favoring higher duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Business Men's Association of South Norwark, Conn., against reduction of tariff on print paper—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York City, against the ad valorem basis of duties—to the Committee on Ways and Means.

Also, petition of paper manufacturers of the United States, against a reduction of duty on paper products—to the Committee on Ways and Means.

Also, petition of committee of wholesale grocers of New York, favoring reduction of duty on sugar—to the Committee on Ways and Means.

Also, petition of Yellow Pine Manufacturers' Association, against reduction of the tariff on lumber—to the Committee on Ways and Means.

Also, petition of National Shoe Wholesale Association of the United States, against the duty on hides—to the Committee on Ways and Means.

Also, petition of James W. Howard, to place crude asphalt and crude bitumen on the free list—to the Committee on Ways and Means.

Also, petition of Knickerbocker Chocolate Company, of New York, asking that crude cocoa be restored to the free list—to the Committee on Ways and Means.

Also, petitions of Smith & Henley, Joseph Beth, and Charles F. Holesark, all of New York City, asking removal of duty on raw and refined sugar—to the Committee on Ways and Means.

Also, petition of 400 machine wall-paper printers of New York City, asking increase of duty on wall paper—to the Committee on Ways and Means.

Also, petition of David Stevenson Brewing Company, of New York, asking for removal of duty on Canadian barley—to the Committee on Ways and Means.

By Mr. FOSS: Petition of Bay View Reading Circle, of Zion City, Ill., against passage of hosiery and glove schedule in Payne tariff bill—to the Committee on Ways and Means.

Also, petition of J. F. Bidinger, representing Sprague, Warner & Co., of Chicago, against tax on tea or coffee—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Hon. Charles D. Watson and 74 other citizens of St. Albans, Vt., asking for removal of the duty on sugar—to the Committee on Ways and Means.

By Mr. FULLER: Petition of National Coffee and Tea Association, of New York, against a duty on coffee—to the Committee on Ways and Means.

Also, petition of 28 citizens of the Twelfth Congressional District of Illinois, in favor of removing casein and lactarene from the free list and imposing a certain duty on the same—to the Committee on Ways and Means.

Also, petition of National Coffee and Tea Association, of New York, against a duty on tea—to the Committee on Ways and Means.

Also, petition of Sprague, Warner & Co., of Chicago, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of James Hewitt—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of James W. Van Cleave, favoring adjustment of the tariff—to the Committee on Ways and Means.

Also, petition of lithographers of Greater New York, favoring tariff on lithographs—to the Committee on Ways and Means.

Also, petition of Adirondack Lumber Manufacturing Company, opposing change of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York State, favoring improvement of the Hudson River—to the Committee on Rivers and Harbors.

Also, petition of Fine Arts Federation, of New York City, favoring the Mall for a Lincoln Memorial—to the Committee on the Library.

Also, petition of New York Fruit Exchange, opposing reduction of duty on lemons—to the Committee on Ways and Means.

Also, petition of American lithographers of New York, for a proper tariff—to the Committee on Ways and Means.

Also, petition of National Association of Box Manufacturers, favoring an increase of tariff on lumber—to the Committee on Ways and Means.

Also, petition of Jed, Frye & Co., New York, favoring reduction of tariff on canned and cured fish—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of citizens of the Ninth Congressional District of Pennsylvania, opposing casein and lactarene on the free list and urging removal of duty on hides—to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota, against reduction of duty on barley or other agricultural products—to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of George W. Pitner—to the Committee on Pensions.

By Mr. HOWELL of New Jersey: Petition of residents of the Third Congressional District of New Jersey, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of Utah Lithographing Company, against reduction of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of citizens of Utah, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HUGHES of New Jersey: Petition of citizens of the Sixth Congressional District of New Jersey, against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of farmers and elevator men of Paynesville, Minn., protesting against the proposed reduction in the tariff on barley—to the Committee on Ways and Means.

Also, petition of George E. Brett, L. B. and D. Richards, and F. Kron, dry-goods merchants of Mankato, Minn., protesting against proposed increase in tariff on cotton hosiery and women's leather gloves—to the Committee on Ways and Means.

By Mr. LOWDEN: Petition of citizens of the Thirteenth Congressional District of Illinois, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. McDERMOTT: Petition of Chicago Live Stock Exchange, against repeal of the duty on hides—to the Committee on Ways and Means.

By Mr. McHENRY: Petition of citizens of Pennsylvania, favoring removal of the duty on sugar—to the Committee on Ways and Means.

By Mr. MALBY: Petition of residents of St. Lawrence County, N. Y., favoring repeal of duty on raw and refined sugar—to the Committee on Ways and Means.

Also, petition of residents of the Twenty-sixth Congressional District of New York, against any duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MARTIN of Colorado: Petition of Canon City Lodge, No. 610; Central City Lodge, No. 557; and Telluride Lodge, No. 692, Benevolent and Protective Order of Elks, all of Colorado, for an American elk reservation in Wyoming—to the Committee on the Public Lands.

Also, petition of citizens of Colorado, against religious legislation in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of citizens of Colorado, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MILLINGTON: Petition of various residents of the Twenty-seventh Congressional District of New York, for removal of duty on casein and lactarene—to the Committee on Ways and Means.

Also, petition of various residents of Utica, N. Y., against placing of duties on teas, coffees, cocoa, or spices—to the Committee on Ways and Means.

By Mr. MURDOCK: Petition of Sumner County Medical Association, for the creation of a bureau of health—to the Committee on Agriculture.

Also, petition of citizens of Sedgwick and Wichita counties, Kans., for a pension for the members of the United States Military Telegraph Corps—to the Committee on Invalid Pensions.

Also, petition of citizens of Eighth Congressional District of Kansas, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Cattle Raisers' Association of Texas, for retention of the present duty on cattle and hides—to the Committee on Ways and Means.

Also, petition of citizens of Harvey County, Kans., against passage of Senate bill 3940—to the Committee on the District of Columbia.

By Mr. A. MITCHELL PALMER: Petition of 106 citizens of East Stroudsburg, Pa., favoring removal of duty on hides—to the Committee on Ways and Means.

By Mr. PRAY: Petition of H. G. Miller and Kalispell Lumber Company, of Kalispell, Mont., favoring a duty on lumber—to the Committee on Way and Means.

By Mr. PEARRE: Petition of Charles Conters and 128 other tin-plate workers, of Cumberland, Md., asking for an amendment of the drawback feature on tin plates in the Payne tariff bill—to the Committee on Ways and Means.

By Mr. SMITH of Michigan: Petition of citizens of Lansing, Mich., for legislation to regulate commerce in intoxicants, and favoring also the antiopium bill—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of C. E. Jagger, favoring a duty of 30 per cent on manufactured patent leather for shoes—to the Committee on Ways and Means.

Also, petition of Wolfe Brothers Shoe Company, favoring placing shoes on the free list—to the Committee on Ways and Means.

Also, petition of C. J. Wittenberg, of New York City, against placing coal on the free list—to the Committee on Ways and Means.

Also, petition of Frank Gehring, of Jersey City, N. J., for increase of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of F. C. Lowry, secretary of wholesale grocers' committee, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of importers and jobbers of tea in the city of Boston, against a duty on tea—to the Committee on Ways and Means.

Also, petition of National Coffee and Tea Association, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Dryden & Palmer, J. H. Barker & Co., and Wallace & Co., favoring placing crude cocoa on the free list—to the Committee on Ways and Means.

Also, petition of Sprague, Warner & Co., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, resolution of the Chamber of Commerce of the State of New York, urging upon the Congress of the United States that provision be made in the new tariff, now under preparation, for such equitable arrangement as will insure for our exports the application by the Republic of France of the minimum rates of duty that other favored nations enjoy in their commerce with that country—to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, against an increase of duty on linoleum—to the Committee on Ways and Means.

Also, petition of Manhattan Shoe Company, for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of assembly of the State of Ohio, favoring removal of duty on lumber—to the Committee on Ways and Means.

Also, petition of Siegman & Weil, for lower duty on artificial silk—to the Committee on Ways and Means.

By Mr. WANGER: Resolutions of the Pennsylvania State Association of Architects, approving the report of the Fine Arts Council recommending that the proposed Lincoln Monument to be erected in the national capital shall be upon the site at the end of the Mall, as originally provided for; and in favor of the Newlands bill, creating a bureau of fine arts—to the Committee on the Library.

Also, protest of John B. Swartz and 15 other residents of Perkasie, Bucks County, Pa., against the imposition of any tax or duty on teas or coffees—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

TUESDAY, *April 6, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438—the tariff bill.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the tariff bill, with Mr. OLMSTED in the chair.

Mr. FORDNEY. Mr. Chairman, I now call up the amendment which I offered last evening.

The CHAIRMAN. The amendment was reported yesterday, but without objection will be again reported.

The Clerk again reported the amendment, as follows:

Paragraph 197, on page 55, strike out all of lines 9 to 19, inclusive, the words to be striken out being as follows:

Provided, That if any country, dependency, province, or other subdivision of government shall impose an export duty or other export charge of any kind whatsoever upon, or any discrimination against, any forest product exported to the United States, or if any country, dependency, province, or other subdivision of government forbids or restricts the exportation of any forest product to the United States in any way, there shall be imposed upon all of the forest products of such country when imported into the United States the duties prescribed in section 3 of this act during the continuance of such export duties, charges, embargo, discrimination, or restriction.

Mr. CLARK of Missouri. Mr. Chairman, I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Mr. Chairman, the parliamentary inquiry is this, and it might as well be settled now as at any other time: If this motion of the gentleman from Michigan is voted up or is voted down, then, under the rule, can any other amendment be offered touching the subject of lumber?

Mr. PAYNE. Mr. Chairman, I would say to the Chair that that is the way I understand it, that an amendment can be offered provided for in the rule.

Mr. CLARK of Missouri. That is the very thing that I am asking about.

Mr. TAWNEY. This is not an amendment provided for in the rule.

Mr. MANN. Anybody can offer an amendment.

Mr. CLARK of Missouri. That is what I want to find out.

Mr. DALZELL. Mr. Chairman, if the gentleman from Missouri will allow me, the rule provides for committee amendments. One of the committee amendments relates to the subject of lumber. A rule also provides for the consideration of a lumber schedule specifically by somebody else than the committee.

Mr. MANN. Anybody can offer an amendment.

Mr. CLARK of Missouri. When are we going to consider it?

Mr. BURLESON. Now. An amendment to the amendment can be offered.

Mr. DALZELL. The amendments specifically mentioned in the rule have precedence over the committee amendments.

Mr. CLARK of Missouri. That is the gentleman's opinion and that is my opinion. The opinion that rules, however, is in the Chair.

Mr. DALZELL. I think probably the Chair will follow us. [Laughter.]

The CHAIRMAN. The Chair will endeavor to answer the parliamentary inquiry of the gentleman from Missouri. This particular amendment offered by the gentleman from Michigan is offered as a committee amendment. It is to strike out a certain proviso beginning on page 55. In the opinion of the Chair this amendment does not open up for amendment any other portion of that paragraph save the proviso referred to, but the proviso itself, that part of the paragraph, is subject to perfection by amendment before this amendment to strike out is voted upon.

Mr. CLARK of Missouri. Mr. Chairman, then I offer this as the substitute, which I send to the desk.

Mr. TAWNEY. Mr. Chairman, do I understand the Chair to hold that after this amendment is agreed to or disagreed to there would be no opportunity to offer further amendments to this paragraph unless a committee amendment?

The CHAIRMAN. No. The Chair has simply ruled as to the effect of this particular committee amendment. There is specific provision in the rule for other amendments.

Mr. FORDNEY. Can I not offer it as an individual? If so, I want to offer the amendment as an individual and not as a committee amendment. While I say it is authorized by the committee, if I am permitted to offer it as an individual I would like to have it considered at this time.

Mr. PAYNE. The gentleman has offered it already, and it is before the committee, and no point of order was made against it.

Mr. FORDNEY. Very well.

The CHAIRMAN. The gentleman stated yesterday that he offered it as a committee amendment; but in the opinion of the Chair that is immaterial, as the rule specifically provides a preference for amendments to this paragraph no matter by whom offered.

Mr. FITZGERALD. Mr. Chairman, in order to understand, may I inquire whether under this rule it is not in order to offer and have considered, in preference to any other amendments, amendments which may be offered by anybody to the paragraphs specified in the rule? I call the attention of the Chair to the fact that while the rule makes committee amendments in order in preference to amendments offered by other Members of the House, it yet gives priority to amendments to certain paragraphs no matter from what source those amendments come. In order that there may be no misunderstanding, we should have an expression from the Chair at this time as to whether that is the correct construction of the rule.

I wish to call the attention of the Chair to this fact, that this rule does not provide that such amendments, meaning committee amendments or a committee amendment, shall have priority; but it provides that while committee amendments to any part of the bill shall be in order at any time, that "also preference" shall be given to amendments, not committee amendments, but to amendments to specific paragraphs. It seems to me that in order to clear up any misunderstanding the Chair at this time should state what its construction is of the rule, so that Members may be fully advised. I understand, for instance, it is the intention of some Members to offer to this particular paragraph an amendment placing lumber on the free list, and this rule was intended to give such an opportunity; but if it be held that such amendments have no priority, then the object of the rule in this respect will be defeated.

The CHAIRMAN. The Chair will, without objection, have the rule again reported.

There was no objection.

The rule was again reported.

Mr. FITZGERALD. Mr. Chairman, I call the attention of the Chair, in addition, to the fact that these specific amendments are given preference in another part of the rule over committee amendments, so that there can be no doubt that the rule was designed to give preference to amendments to the specified items in the bill.

Mr. DALZELL. Mr. Chairman, the gentleman from New York is entirely right in his construction of the rule. The amendments to the subjects specified in the rule have preference over committee amendments. But here is a subject upon which there are two amendments, one a committee amendment and the other an amendment specified in the rule. If the point had been made that the gentleman's committee amendment was not in order until after the amendments had been offered to the lumber paragraph by somebody else, I think it would have been well taken; but no point of order was made, and the gentleman has been recognized and his amendment is pending before the House, and while, of course, it is entirely proper we should understand technically what the rule means, yet it seems to me the difference here is the difference between tweedle dee and tweedle dum. The gentleman could offer his amendment now, under the rule, as an individual.

Mr. HENRY of Texas. Mr. Chairman, I suggest that the gentleman offered his amendment as a committee amendment on yesterday.

Mr. DALZELL. He did; but if it is ruled out as a committee amendment——

Mr. HENRY of Texas. The gentleman could not withdraw it and offer it as an individual amendment. We should object to that.

Mr. MANN. Mr. Chairman, I would like to call the attention of the Chair to what the rule provides in this way. The rule provides that committee amendments shall be in order to any part of the bill at any time. If the rule had stopped there, there would be no chance to offer individual amendments until the committee was through offering its amendments. Now, in order to prevent the committee occupying the entire time until the final rising of the committee with its committee amendments, so as to prevent the offering of individual amendments, the rule provides that individual amendments to certain specified paragraphs shall have precedence, but the two portions of the rule must be construed together. It is perfectly plain that it is not the intention of the rule to provide that all individual amendments to all of the specified rules shall be passed upon before the committee can offer an amendment to any of these specified paragraphs, because if that were the case it would prevent the committee from offering its amendments at the time when the paragraph is before the committee. Now, it seems to me that the proper construction of the rule is that the committee amendments upon the specified paragraphs under the usual rules of the House are in order when they are offered when the specified paragraphs are under consideration; but the committee can not take up all the time of the committee offering amendments upon paragraphs not specified, and thereby cut out the offering of amendments on the specified paragraphs. If a contrary rule should be made, then the committee can, under no circumstance, offer an amendment to the lumber schedule until all the specified paragraphs have been disposed of; and instead of our disposing of the paragraph when it comes up for consideration, we would undertake to dispose of individual amendments on the lumber schedule, and then next Friday dispose of the committee amendments on the lumber schedule, perhaps.

Mr. SHERLEY. Mr. Chairman, I can not agree with the proposition laid down by the gentleman from Illinois. The rule is crudely drawn, and was drawn under force of political necessity, and that political necessity required that certain men should be assured that there would be an opportunity that could not be taken away of offering amendments to certain specific paragraphs. Now, there is no language that can be made plainer than the words that state that specified amendments shall take precedence of committee amendments. It either means plainly that, or it means nothing at all; and I insist the purpose was that such amendments should be in order, and that such motions would have precedence over any other amendments, not to these specified paragraphs, whether offered by the Ways and Means Committee or not.

Mr. HENRY of Texas. Mr. Chairman, I ask that the amendment offered by the gentleman from Missouri [Mr. CLARK] be read, in order that the committee may understand it.

The CHAIRMAN. The Chair will first answer the parliamentary inquiry. The special rule, or order, of the House under which we are now proceeding provides that committee amendments to any part of the bill shall be in order at any time, and then it provides that precedence shall be given to amendments to paragraphs 196, 197, and so forth, and that said specified amendments shall take precedence of committee amendments. The rule undoubtedly intended to provide that amendments to paragraphs 196 and 197 and the other specified paragraphs should have precedence over amendments to other paragraphs, even though offered by the committee. Now, here is an amendment to one of those specified paragraphs, and although it is offered by the committee, it seems to the Chair to have prece-

dence, being to one of the specified paragraphs to which amendments are given precedence by the very terms, as well as the manifest intention, of the rule. The Chair, therefore, thinks that the amendment offered by the gentleman from Michigan is in order at this time.

Mr. CLARK of Missouri. Now, I offer a substitute for it.

The CHAIRMAN. The Clerk will report the substitute.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry. The gentleman from Michigan——

The CHAIRMAN. The Chair will state, however, that the gentleman from Missouri [Mr. CLARK] can not be recognized to offer a substitute until the gentleman from Michigan, if he so desires, has occupied his time. He has the floor and is entitled to five minutes before any other gentleman can be recognized to offer an amendment.

Mr. CLARK of Missouri. I will be recognized then?

The CHAIRMAN. Perhaps.

Mr. CLARK of Missouri. It seems to me that, being the first to offer a substitute, I have the first right.

The CHAIRMAN. The Chair can not promise. Perhaps the chairman of the Committee on Ways and Means may have a substitute amendment.

Mr. CLARK of Missouri. He has no more rights here than I have.

Mr. SHERLEY. After the disposition of the amendment offered by the gentleman from Michigan [Mr. FORDNEY], will there be any limitation to the number of amendments that can be offered to this paragraph?

The CHAIRMAN. The Chair would rather meet that question when it arises. The gentleman from Michigan [Mr. FORDNEY] is entitled to the floor.

Mr. FORDNEY. Mr. Chairman, I am frank to say that I exceedingly regret to find it necessary to offer this amendment. It is my candid opinion that it is one of the most meritorious paragraphs in the bill. The lumber industry, as every man knows who knows anything about it, is one of the greatest industries in the country. As has been repeatedly stated on the floor of the House, the value of the output of lumber in a single year—last year—amounted to somewhere from $600,000,000 to $800,000,000. And it has been repeatedly stated, and I wish to make that statement again, that the duty on lumber, based on the average value of the product of the log, is not more than 10 or 11 per cent ad valorem, perhaps the lowest rate of protection to any prominent industry in the country. And if the bill as it is now before the House were enacted into law, I am frank to say—and it was my earnest hope that it might be—would mean $2 per thousand feet on rough lumber. It means this:

That Canada must yield up to the United States her raw material, her forest products, or pay $2 per thousand feet on rough lumber. The Members of the House who are here to-day asking to have lumber placed upon the free list have known that the Committee on Ways and Means has been in session since the 10th day of November last; yet not a voice has been raised before that committee by any man in this House in opposition or to protest against the duty on lumber being reported in that bill.

Mr. FITZGERALD. Will the gentleman yield for a question?

Mr. FORDNEY. Just one question.

Mr. FITZGERALD. Is the gentleman in favor of or opposed to the amendment which he has offered?

Mr. FORDNEY. My dear sir, I am offering it and will vote for it, but it causes me to sweat blood in doing it. [Laughter.]

Mr. MADDEN. Will the gentleman permit a question? Just exactly what effect will the amendment have on the provision in the bill if adopted?

Mr. FORDNEY. If the amendment is adopted and the bill then is enacted into law, it means $1 per thousand feet on rough lumber and the additional duty provided for in other paragraphs on dressed and partly manufactured lumber. There are many gentlemen in the House who do not want to vote for the bill with that proviso in it. Therefore, Mr. Chairman and gentlemen of the House, in order to satisfy men who are willing to vote for $1 duty on lumber, I am ready and willing now to sacrifice that proviso and accept $1 per thousand feet on lumber. How much time have I, Mr. Chairman?

The CHAIRMAN. The gentleman's time has expired.

Mr. CLARK of Missouri. I offer that substitute now for the gentleman's motion.

Mr. TAWNEY. I desire to offer a substitute for the motion of the gentleman from Michigan.

Mr. CLARK of Missouri. I was up first.

The CHAIRMAN. The Chair does not know what is in either motion and presumes them to be of equal rank. The gentleman from Missouri is the ranking member of the Ways and Means Committee, but not necessarily entitled to recognition on that account. Under all the circumstances, however, the Chair will recognize him at this time. [Applause.] The Clerk will report the amendment——

Mr. PAYNE. I do not think that ruling is fair to this side of the House. It is well known that the gentlemen on the other side of the House are opposed to the bill [cries of "Regular order!" on the Democratic side] and gentlemen on this side of the committee—— [Renewed cries of "Regular order!" on the Democratic side.]

Mr. HENRY of Texas. I would like to know what the gentleman is saying.

Mr. PAYNE. I am addressing myself to this side and to the Chair.

Mr. SHERLEY. The gentleman is entirely out of order.

Mr. SHACKLEFORD. I make the point of order that the point has already been ruled on.

The CHAIRMAN. The Chair will, in the first instance, have the amendment reported.

Mr. PAYNE. What I was objecting to was the observation of the Chair.

Mr. SHERLEY. I insist on the regular order.

The CHAIRMAN. The Chair will take that into consideration upon hearing the amendment. The Clerk will read the amendment.

The amendment was read, as follows:

"Strike out all of paragraphs 196 and 197 and insert in paragraph 708, 'timber manufactured or unmanufactured and all lumber.'"

Mr. CLARK of Missouri. That means to put it all on the free list.

Mr. TAWNEY. Mr. Chairman, I move to strike out all of the substitute after the first word, and insert what I have sent to the desk.

The CHAIRMAN. The gentleman will suspend for one moment.

Mr. TAWNEY. I make the point of order that two paragraphs can not be covered by one amendment.

The CHAIRMAN. The Chair thinks this is not a substitute amendment offered by the gentleman from Missouri.

Mr. TAWNEY. Mr. Chairman——

The CHAIRMAN. Wait a minute.

Mr. TAWNEY. I offered an amendment——

Mr. CLARK of Missouri. If it is not an amendment, what is it?

The CHAIRMAN. Why it is an amendment to strike out two or three paragraphs, and then an amendment. It is not a substitute for or an amendment to the amendment offered by the gentleman from Michigan.

Mr. CLARK of Missouri. Yes; and the whole thing goes together; it is the same subject-matter.

Mr. FITZGERALD. I wish to submit that a motion to strike out——

Mr. TAWNEY. I insist on the point of order.

The CHAIRMAN. Whenever an amendment is offered to perfect a paragraph it takes precedence of a motion to strike out the paragraph, and certainly of a motion to strike out two paragraphs.

Mr. CLARK of Missouri. Why, it takes precedence over the same rule.

The CHAIRMAN. Not under the rules and practice of the House. It is not to perfect the paragraph, but a motion to strike it out.

Mr. CLARK of Missouri. I know; but what is the sense of perfecting the paragraph if you are going to move to strike out?

The CHAIRMAN. After the paragraph is perfected the committee may not desire to strike it out. That is the sense of permitting an amendment offered for the purpose of perfecting the paragraph to take precedence of a motion to strike out the paragraph.

Mr. CLARK of Missouri. Well, then, I offer that leaving out paragraph 196 and moving to strike out 197.

Mr. TAWNEY. I object to a modification of the amendment.

Mr. FITZGERALD. The gentleman has a right to modify his amendment at any time before it is acted upon by the committee.

The CHAIRMAN. The gentleman had best offer his amendment in writing.

Mr. TAWNEY. I have offered my amendment and sent it to the desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

Mr. SHACKLEFORD. The gentleman from Minnesota said he offered his amendment, but he did not have the floor to offer it.

The CHAIRMAN. He has the floor now.

Mr. DE ARMOND. Mr. Chairman, I would like——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DE ARMOND. I would like to make a suggestion on the point of order, stating to the Chair the historic order——

The CHAIRMAN. There is no point of order pending at the present moment.

Mr. DE ARMOND. I want to call attention to the motion of the gentleman from Missouri. [Cries of "Regular order!" on the Republican side.]

The CHAIRMAN. One moment.

Mr. DE ARMOND. The gentleman from Missouri had the floor and offered a substitute; the gentleman from Minnesota then offered to amend the substitute, moving to amend the substitute by striking out all after the first word.

The CHAIRMAN. But the Chair did not recognize the gentleman for that purpose.

Mr. DE ARMOND. The gentleman from Minnesota now proposes to offer an amendment.

The CHAIRMAN. The Chair has ruled upon the matter.

Mr. DE ARMOND. Then the Chair has ruled wrongly.

Mr. TAWNEY. I offer the amendment I send to the Clerk's desk.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Minnesota.

The Clerk read as follows:

Strike out all after the figures "197," in line 20, of lines 20 to 25, both inclusive, page 54, and lines 1 to 14, both inclusive, page 55, and insert the following:

"Lumber of any sort, planed or finished on one side, 50 cents per 1,000 feet board measure; planed on two sides, $1 per 1,000 feet board measure; and if planed on one side and tongued and grooved, $1 per 1,000 feet board measure; and if planed on two sides and tongued and grooved, $1.50 per 1,000 feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing, and grooving."

Mr. FITZGERALD. I make the point of order, so as to demonstrate the consistency of the Chair in its ruling, that the amendment of the gentleman from Michigan [Mr. FORDNEY] takes precedence over the amendment of the gentleman from Minnesota [Mr. TAWNEY], because it is an amendment to strike out a portion of the paragraph, and this is a motion to strike out the entire paragraph and insert.

The CHAIRMAN. The Chair sustains the point of order.

Mr. DE ARMOND. I offer an amendment to the amendment of the gentleman from Michigan.

The CHAIRMAN. The gentleman from Missouri offers an amendment——

Mr. TAWNEY. Mr. Chairman, do I understand the Chair to rule that my amendment is not in order? It is a substitute for the amendment of the gentleman from Michigan.

The CHAIRMAN. The Chair did not understand that the gentleman desired to be heard on the point of order, but if he does——

Mr. TAWNEY. I offer this as a substitute for the amendment offered by the gentleman from Michigan, and not as an amendment to his amendment.

The CHAIRMAN. But the Chair will suggest to the gentleman from Minnesota that his amendment strikes out the entire paragraph.

Mr. TAWNEY. It strikes out down to certain lines and then reinserts the language of the bill.

Mr. CLARK of Missouri. Now, Mr. Chairman, that is worse than mine was, according to the ruling of the Chair.

The CHAIRMAN. The lines proposed to be stricken out by the amendment of the gentleman from Minnesota comprise the entire paragraph, and render his amendment subject to the same objection as that sustained against the amendment of the gentleman from Missouri [Mr. CLARK]. Now, the gentleman from Missouri [Mr. DE ARMOND] offers an amendment, which the Clerk will report.

Mr. TAWNEY. Mr. Chairman, I move, then, to strike out, on page 54, all——

Mr. GARRETT. A point of order, Mr. Chairman. The gentleman from Missouri [Mr. DE ARMOND] has been recognized.

Mr. SHACKLEFORD. The gentleman from Missouri [Mr. DE ARMOND] has been recognized.

Mr. TAWNEY (continuing). All after the figures "197," and in line 20, down to and including——

Mr. GARRETT. I make the point of order that the gentleman from Missouri [Mr. DE ARMOND] has been recognized to offer his amendment.

The CHAIRMAN. That is correct, and the Clerk is about to report the amendment.

Mr. TAWNEY. I move as a substitute for the amendment offered by the gentleman——

Mr. GARRETT. I make the point of order——

Mr. TAWNEY. I move to strike out, after the figures "197," in line 20, the remainder of that line, and lines 21, 22, 23, and 24, up to the word "when" in line 24, page 54, and then strike out, in line 25, the words "in addition to the rates herein provided."

The CHAIRMAN. The Chair will recognize the gentleman from Minnesota after the amendment offered by the gentleman from Missouri [Mr. DE ARMOND] has been disposed of.

Mr. MANN. The gentleman's amendment has not yet been reported.

The CHAIRMAN. The Chair will then consider whether or not it is in order——

Mr. TAWNEY. And then strike out from line 9 down to line 19, page 55.

The CHAIRMAN. The Chair is afraid the Clerk will be unable to report the amendment of the gentleman from Minnesota, and would suggest that while we are considering the other, if it is convenient, the gentleman reduce his amendment to writing.

Mr. TAWNEY. It is very easy to report my amendment, if the Clerk has followed it.

The CHAIRMAN. The Clerk will first report the amendment of the gentleman from Missouri.

The Clerk read as follows:

Amend the proviso by striking out all after the word *"Provided,"* and insert in lieu of the words stricken out the following:

"That none of the duties imposed by this paragraph shall be levied upon any of the products of any country, subdivision, or dependency of North America, South America, or Central America, or any island of the Western Hemisphere, but all such products shall be admitted free of duty."

[Applause.]

Mr. TAWNEY. Mr. Chairman, I make the point of order that you can not transfer any item in this schedule, on which there is imposed a duty by the schedule, to the free list.

Several MEMBERS. Why not?

Mr. TAWNEY. Because the procedure is first to strike out, and then to amend paragraph 708 of the free list——

Mr. MANN. It does not put it on the free list.

Mr. TAWNEY (continuing). By adding that stricken out to the free-list paragraph.

Mr. MANN. It does not put it on the free list.

The CHAIRMAN. The Chair will hear the gentleman from Missouri on that point.

Mr. DE ARMOND. I would like to hear the point of order stated.

The CHAIRMAN. The point of order is that the amendment is not germane in that it attempts to amend the free list.

Mr. DE ARMOND. Why, Mr. Chairman, I think we shall find in the bill precisely the same sort of thing. There are sections imposing duties and providing that under certain circumstances the duty should not be imposed. The bill is full of that kind of legislation.

Mr. HITCHCOCK. If the gentleman will allow me, there is a paragraph on page 54 which sustains his contention.

Mr. DE ARMOND. I will yield to the gentleman to read the paragraph.

Mr. HITCHCOCK. That is a paragraph imposing a duty on cash registers, embroidery machines, and other such machinery. It contains, however, this proviso, which puts certain machinery on the free list:

Provided, however, That all embroidering machines and lace-making machines imported prior to July 1, 1911, shall be admitted free of duty.

Mr. DE ARMOND. You see that I am trying to preserve as far as possible, if this amendment be incorporated, the harmony, beauty, and careful phraseology employed in the construction of this bill. [Laughter on the Democratic side.] It is unkind for the gentleman from Minnesota [Mr. TAWNEY] to reflect in this way on the Ways and Means Committee. It is true that there is more or less rivalry between the Committee on Ways and Means and the Committee on Appropriations, but this is one of the subjects within the jurisdiction of the Committee on Ways and Means, and it certainly is unkind, not to say ungenerous, in the gentleman from Minnesota in this indirect way, without making open attack, to cast reproach upon the Committee on Ways and Means. [Laughter.] The bill just bristles with this kind of provisions.

Mr. TAWNEY. Mr. Chairman, I make the point of order that the gentleman is not talking to the point of order.

Mr. FITZGERALD. Mr. Chairman, it is immaterial——

The CHAIRMAN. The Chair does not wish to hear any further discussion on the point of order, which the Chair overrules. [Applause on the Democratic side.]

Mr. DE ARMOND. Mr. Chairman, if this amendment be incorporated in the bill and take the place of the proviso, it will "protect" our lumbermen against the "pauper labor" of Europe and the "pauper labor" of Asia and Africa and the far distant islands of the eastern seas. [Laughter on the Democratic side.] It would admit duty free the wood products mentioned in this paragraph, when they come from some country,

or some division of some country, or some dependency of some country in America, North America, South America, or Central America, or the Western Hemisphere islands, and I think that would be desirable.

Mr. NEEDHAM. Will the gentleman yield?

Mr. DE ARMOND. For a question.

Mr. NEEDHAM. Does not the gentleman's amendment violate the most-favored-nation clause, and would it not render it absolutely inoperative?

Mr. DE ARMOND. I think not, and we can take care of the favored-nation clause later on. We have a right to "violate" it, anyway.

Mr. PAYNE. You will not get far enough to violate anything with such an amendment as this.

Mr. DE ARMOND. We have some precedents in this bill which, I think, violate the rights of the plain American citizen. [Applause on the Democratic side.] This would give, I think, free of duty, wood articles covered by this paragraph, provided they are the product of the Western Hemisphere. It would afford a degree of protection, for which gentlemen have yearned, so far as is concerned the "pauper labor" of Europe, Asia, and Africa. Against these "hordes" of pauper laborers there would be ample protection; but when it comes to America, then we would have free trade in lumber. I believe the lumber trust can stand it, and I am sure the masses of the American people can.

Mr. PAYNE. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from Missouri [Mr. DE ARMOND]. Of course, it is hardly necessary to argue it. I can not think it possible that the gentleman himself believes in it. I am in doubt whether he would vote for it if he had the opportunity. The idea of imposing a duty against some countries and not against others is a violation of the most-favored-nation clause of our treaties. Of course gentlemen on that side of the House would not vote for any such foolish proposition if they thought it would go into the bill.

I want to say, Mr. Chairman, that I shall support the amendment offered by the gentleman from Michigan [Mr. FORDNEY]. Further than that, in justice to the majority of the Ways and Means Committee, I want to say that they entered on the revision of the tariff with the agreement that they were all finally to unite on every provision of the bill after full and fair discussion and vote in the committee, whatever their individual opinions might be. And so that committee will be found voting and standing by the bill as reported to the House except where the committee has agreed upon an amendment. If an amendment is made to put lumber on the free list, you will find the committee voting for it solidly, and if an amendment is offered to increase the duty you will find them voting the same way, because they believe that the bill must be perfected by a majority, and when it is so perfected it is their duty to stand by the bill. [Applause on the Republican side.]

Now, having said that, Mr. Chairman, I want to call attention to the intimation made by the Chair, that the gentleman from Missouri was entitled to make a motion because he was a member of the committee. The Chair sees that that would deny any individual Member upon this side an opportunity to offer any amendment to this bill which had not been reported by the Ways and Means Committee. The gentlemen on this side desiring to amend this paragraph other than to strike out the proviso——

Mr. GARRETT. I submit that the gentleman is not talking to the amendment.

Mr. PAYNE. Of course the Chair would not be so unfair as to deny that recognition which would be their right as Members of the House, a higher right than that accorded to any member of the committee upon the minority side. The majority being precluded because of their agreement among themselves to stand by the bill from offering any amendment either to reduce the duty on lumber or to increase it, it would be unfair to gentlemen upon this side not to recognize them to make such an amendment, although they are not upon the committee.

Mr. FITZGERALD. Mr. Chairman, will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. Yes.

Mr. FITZGERALD. Let me suggest to my colleague, Is it not the practice of the House that not only does recognition alternate from one side to the other, but members of the committee reporting the bill are entitled to recognition before other Members of the House?

Mr. PAYNE. That is in the discretion of the Chair, and I want to say to my colleague in all fairness that that has generally been followed in the House. There is no rule in that respect, and the Chair is not bound by that custom; and when we come to the position we are in to-day, it would be unfair in the Chair to carry that out, and I have no doubt the present occupant of the chair will be fair, as he always is in the matter of recognition.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask the gentleman a question for information. Does he hold that any individual Member on his side of the House has any more right to offer an amendment to this bill than an individual Member upon this side of the House?

Mr. PAYNE. Why, certainly not; but it is a question of recognition, and that question of recognition is entirely with the Chair.

Mr. CLARK of Missouri. I know that; and the Chair ruled on it and the gentleman from New York is growling about it, and that is all there is to it, one way or the other.

Mr. PAYNE. The Chair has not ruled upon it. The Chair made an intimation, and the Chair made an intimation without knowing all the facts; and I have no doubt, from the fair-mindedness of the present occupant of the chair, since he has learned the facts he will allow gentlemen upon this side to offer amendments to these schedules—gentlemen who desire to offer them like the gentleman from Minnesota [Mr. TAWNEY].

Having said that much, I want to make another suggestion here, and that is that I shall take advantage of the order of the House heretofore made and publish in the RECORD to-morrow morning some remarks, which I can not make upon the floor now because we are proceeding under the five-minute rule, in reference to the hosiery schedule and the glove schedule of the bill. I want to make that announcement so that if any gentleman on the floor is curious to see those remarks he will know where to find them, otherwise they might be buried in the RECORD forever.

Now, Mr. Chairman, in regard to this amendment offered by the gentleman from Michigan, I am heartily in favor of it. It was an amendment reported by the committee and an amendment offered in the committee, as it has been in the House, by the gentleman from Michigan [Mr. FORDNEY]. I may say that if the committee had been fully informed as to the nature of the leases and the contracts that have been made in the Dominion of Canada and some of the Provinces, that proviso would never have been in the bill in the shape in which it is, but that information was gained later, and the committee are very glad to correct that mistake. Having said this much, Mr. Chairman, on that subject, I think I have already said all that is necessary in opposition to the variegated amendment offered by the gentleman from Missouri [Mr. DE ARMOND]—all that is necessary to solidify this side of the House against it, I think, and all that is necessary or ought to be necessary to solidify that side of the House against such an amendment. I hope the time will come when some gentleman who has been at work and prepared an intelligent amendment to this paragraph will be recognized by the Chair so that the House will have an opportunity to vote upon the merits of the proposition as to whether it wants to put lumber upon the free list.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. Is the amendment of the gentleman from Missouri [Mr. DE ARMOND] offered as a substitute for the amendment offered by the gentleman from Michigan [Mr. FORDNEY], the committee amendment, or is it an amendment to the amendment?

Mr. MANN. It is an amendment to perfect the paragraph.

Mr. TAWNEY. Mr. Chairman, my purpose in asking is this: If it is a substitute, I want to offer my amendment as an amendment to the substitute, striking out all after the first word of the substitute.

Mr. MANN. Mr. Chairman, as I understood the reading of the amendment of the gentleman from Missouri [Mr. DE ARMOND], it is simply to perfect the proviso which the amendment of the gentleman from Michigan proposes to strike out.

The CHAIRMAN. The Chair has just reread the amendment offered by the gentleman from Missouri, which seems, as stated by the gentleman from Illinois, to be an amendment by way of perfection of that portion of the text which the amendment of the gentleman from Michigan proposes to strike out. It is, therefore, entitled to be voted upon before the amendment of the gentleman from Michigan.

Mr. MANN. Mr. Chairman, just a word——

The CHAIRMAN. Had the gentleman from Minnesota concluded?

Mr. TAWNEY. Mr. Chairman, I simply wanted to say that if it was a substitute for the amendment offered by the gentleman from Michigan, I desire, then, to offer my amendment as an amendment to the substitute by striking out all after the first word and inserting my amendment; but if it is an amendment to the amendment, my amendment would not now be in order.

Mr. SHERLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. For what purpose does the gentleman from Illinois rise?

Mr. MANN. To discuss the question.

Mr. SHERLEY. Mr. Chairman, has not debate closed upon the amendment? That is my parliamentary inquiry.

The CHAIRMAN. As the amendment stands now, it is one amendment being made on each side.

Mr. MANN. Mr. Chairman, I move to strike out the last word of the substitute. Mr. Chairman, apparently we will soon be called upon to cast our first vote in committee upon the amendment offered by the gentleman from Missouri——

Mr. UNDERWOOD. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. UNDERWOOD. On yesterday the gentleman from Pennsylvania [Mr. DALZELL] stated that the time had come to vote, not to talk. We shall insist on a strict construction of the rule——

Mr. MANN. Mr. Chairman, I make the point of order the gentleman is not stating a point of order; he is talking through his hat.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order the gentleman from Illinois is not speaking to the amendment he made to strike out the last word.

Mr. MANN. I am speaking to the amendment which I made to strike out the last word. The gentleman from Alabama does not know what I am speaking about; he has not listened to a word that I said, but if he listens he will get the information.

Mr. UNDERWOOD. I listened to every word the gentleman said.

Mr. SHACKLEFORD. Mr. Chairman, I desire to know what is the last word.

Mr. UNDERWOOD. Mr. Chairman, I make the point of order the remarks of the gentleman from Illinois were not addressed to his amendment to strike out the last word. Of course, I submit to the Chair to determine whether he was or was not.

The CHAIRMAN. The Chair was attending to another matter and did not hear the language of the gentleman from Illinois, but he has no doubt the gentleman from Illinois will proceed in order.

Mr. MANN. Mr. Chairman, in order to determine whether it is wise to strike out the last word of the amendment of the gentleman from Missouri [Mr. DE ARMOND] it is necessary to consider what the amendment is. I would not leave to my distinguished friend from Alabama, who never takes a broad view of one question, but only looks at the little details of it, to understand what is in question. [Applause.] Now, gentlemen, what is the question presented in the amendment offered by the gentleman from Missouri, and what does it provide? That we shall violate the practice of this country since its beginning; that we shall violate the favored-nation clause in all of our treaties; and the first amendment offered by the gentleman on that side of the House is in violation of all the rules of decency in legislation and of practice in both bodies.

Mr. UNDERWOOD. Mr. Chairman, I again raise the point of order, and I think I am entitled to recognition on that point. I again make the point of order the gentleman is not speaking to his amendment, and I make the further point of order that his amendment is an amendment in the third degree and he is not entitled to make it.

Mr. MANN. The gentleman needs to read the parliamentary practice.

The CHAIRMAN. The Chair thinks the amendment offered by the gentleman is in the second degree and is in order.

Mr. MANN. The gentleman's arithmetic is at fault.

Mr. UNDERWOOD. Mr. Chairman, I ask for a ruling of the Chair as to whether the gentleman is speaking in order on this matter.

The CHAIRMAN. The Chair will ask the gentleman from Illinois to proceed in order.

Mr. MANN. Mr. Chairman, I should not have occupied the time of the House on this matter, but this very identical matter was one which was very carefully considered by the special committee in reference to pulp and paper, and we concluded that it was not possible or practical or decent for us to recommend that we have legislation in the tariff bill in respect to a specific country——

Mr. UNDERWOOD. Mr. Chairman, I rise to say the gentleman is not proceeding in order, and we are entitled to have this bill considered in order under the rules of the House.

Mr. MANN. Mr. Chairman, I propose to say——

Mr. UNDERWOOD. Mr. Chairman, I propose to raise——

Mr. MANN. We not only have authority to move to strike out the last word, but if necessary——

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. Mr. Chairman, my time has been largely taken up. I call the attention of the Chair to the fact that one-half of the five minutes has been occupied by the distinguished gentleman from Alabama, kicking against nothing.

Mr. FORDNEY. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. Without objection, the gentleman from Michigan [Mr. FORDNEY] desires to speak in opposition to the amendment offered by the gentleman from Minnesota.

Mr. FORDNEY. Yes, sir. Mr. Chairman, I do hope that the amendment will not prevail. If the amendment is carried, it means that the entire paragraph will be stricken out. It means that rough lumber will be placed upon the free list. I believe, Mr. Chairman, that would be a serious mistake. I believe that no man—no Republican, at least—can conscientiously vote for that amendment, for the reason that after many days spent in hearings by the committee——

Mr. PAYNE. Will the gentleman yield?

Mr. FORDNEY. Yes, sir.

Mr. PAYNE. I want to say to him that the amendment of the gentleman from Missouri [Mr. DE ARMOND] does not do anything of that kind at all. It does not accomplish any purpose except to insult some various nations. [Cries of "Vote!"]

Mr. FORDNEY. Mr. Chairman, I quite agree with the gentleman from New York [Mr. PAYNE] that it means nothing except a filibuster, and therefore I will not take up any more of the time of the committee, but I appeal to the gentlemen to vote the amendment down.

Mr. DE ARMOND. Mr. Chairman, I would like to have a few words in closing, on the amendment.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. DE ARMOND. To address myself to the amendment as proponent of it, and closing the debate.

The CHAIRMAN. There is no closing of debate in the Committee of the Whole.

Mr. DALZELL. Mr. Chairman, I make the point of order that debate is exhausted.

The CHAIRMAN. Debate is exhausted upon the amendment.

Mr. DE ARMOND. I move to strike out the last two words.

[Cries of "Regular order!"]

Mr. MANN. Mr. Chairman, I make the point of order that that amendment is in the third degree.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. MANN], to strike out the last word, unless that amendment is withdrawn.

The question was taken, and the amendment was rejected.

The CHAIRMAN. Now, the gentleman from Missouri [Mr. DE ARMOND] moves to strike out the last two words.

Mr. DE ARMOND. Mr. Chairman, evidently, as indicated by the vote, the gentleman from Illinois did not go far enough in his amendment.

I was very much impressed, Mr. Chairman, with the suggestion of the gentleman from New York [Mr. PAYNE] when he expressed the hope that somebody in this House would prepare a suitable amendment to this lumber schedule. The country has been hoping for that ever since the gentleman and his committee made their deliverance. It has not only been hoping that a suitable amendment would be offered, but it has been hoping that a suitable amendment would be adopted. The gentleman and his committee for months were upon this and kindred matters, and now the suggestion is, now the hope is voiced, now the longing finds words to carry it forth, advising that the gentleman from New York would like somebody in the House to offer an intelligent amendment to perfect this schedule upon which he and his side of the committee have been operating for several months.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry. I would like to have the amendment of the gentleman reported so that we may know whether he is talking to the amendment or not.

Mr. DE ARMOND. Mr. Chairman, for the general benefit of the committee that might do, but for the benefit of the gentleman from Minnesota [Mr. TAWNEY], I am satisfied it would be futile.

Mr. TAWNEY. I am satisfied that the gentleman is not talking to the last two words, which he knows as well as every other Member here.

The CHAIRMAN. The gentleman from Missouri [Mr. DE ARMOND] will proceed in order.

Mr. DE ARMOND. Thank you, Mr. Chairman. I do hope that I can have the attention of the gentleman from Minnesota, because if there is any man here who needs enlightenment, not only on the last two words, but upon all of them, the gentleman from Minnesota has furnished demonstration this morning that he surely is the individual.

Now, if this amendment were adopted there would then be put into this text what I have offered in place of what the gentleman from Michigan [Mr. FORDNEY] has moved to strike out. It would not interfere in any particular with striking out the entire paragraph if the House sees proper to strike it out, but if the House should not strike that out, then I think, as the gentleman from Michigan [Mr. FORDNEY] does, that by virtue of the incorporation of this amendment in the paragraph there would be free trade in these lumber articles mentioned and specified in this paragraph. I share with the gentleman the conclusion that this would be the effect of the incorporation of the amendment, but I can not join with him in the sorrow which he voiced and which it appears would possess him if such an amendment were adopted.

Now, as to what would happen about these "favored nations." Every one of these treaties provides that we can abrogate the treaty upon notice. This is anticipating a trouble that has not come and is not likely to come. The Chair will observe that efforts were made to get in amendments to cover the entire paragraph, to deal with the question of free lumber, and thus far without success, because the amendment submitted by the gentleman from Michigan [Mr. FORDNEY] is that which, of course, controls, determining whether other amendments are or are not germane.

In view of this fact, and not because I think the phraseology of the amendment is particularly good, but so that the amendment may be made applicable and allowable at this time, I have offered this amendment, and if adopted we shall have in effect free lumber so far as this paragraph is concerned, whether or not you do anything else; yet its adoption would not interfere with striking out the entire paragraph, or any appropriate amendment providing for free lumber. It is not offered merely as a choice of phraseology, or as a favorite style of amendment, but simply because nothing but an amendment to the proviso can be offered at this time or be acted upon at this time. Therefore I believe it quite unobjectionable, because after the vote is taken upon it perhaps there will be something offered, or something done, taking us away from the lumber schedule if that be possible. So I would like to have this vote; it would accomplish the purpose that we had in view in seeking free lumber, and its adoption will not interfere with a motion, if made later on, to strike out the entire paragraph.

The CHAIRMAN. The motion is on the amendment offered by the gentleman from Missouri by way of substitute to perfect the paragraph.

Mr. DE ARMOND. My motion is to amend the paragraph as it stands in the bill and perfect the text.

The CHAIRMAN. The Chair so stated it.

The question is on the amendment offered by the gentleman from Missouri.

Mr. HARDY. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HARDY. If it is in order, to offer an amendment to the amendment offered by the gentleman from Missouri.

The CHAIRMAN. The gentleman from Texas offers an amendment.

Mr. HARDY. That amendment is this:

Provided, That the foregoing duties shall not apply to any country, dependency, province, or other subdivision of government which shall not prohibit all imports of any kind from the United States, and as to all such nations, countries, dependencies, provinces, or other subdivisions of government all commodities named in this paragraph shall be admitted free of duty.

The CHAIRMAN. That amendment must first be reported from the Clerk's desk.

Mr. HARDY. I have interlined it in the proviso as it stands in the bill.

The Clerk read as follows:

Provided, That the foregoing duties shall not apply to any country, dependency, province, or other subdivision of government which shall not prohibit all imports of any kind from the United States, and as to all such nations, countries, dependencies, provinces, or other subdivisions of government all commodities named in this paragraph shall be admitted free of duty.

Mr. HARDY. Mr. Chairman, I offer that amendment as a complete answer to the proposition that the amendment of the gentleman from Missouri [Mr. DE ARMOND] might infract the favored-nation clause of some treaty with some nation. My amendment would apply equally to all of the nations of the earth that should absolutely prohibit all imports from the United States. It would apply to any such nation and would let in the lumber and lumber products of all other nations free. Its intention is to give free lumber from all the nations on the earth. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment to the amendment as offered by the gentleman from Texas.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced that the noes appear to have it.

Mr. DE ARMOND. I would like to have a division, Mr. Chairman.

The committee divided; and there were—ayes 131, noes 178.

So the amendment was rejected.

Mr. PAYNE. Let us have a vote on the proviso.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORDNEY].

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. I now offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Page 54, after the figures "197," in line 20, strike out all down to and including the word "but," on line 24, and also strike out the words "in addition to the rates herein provided," in line 25, on page 54, and line 1, page 55.

Mr. MANN. I ask that the paragraph may be read as it will be when amended.

The Clerk read as follows:

So as to read:

"197. When lumber of any sort is planed or finished there shall be levied and paid for each side so planed or finished 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved $1 per thousand feet board measure; and if planed on two sides and tongued and grooved, $1.50 per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing, and grooving."

Mr. TAWNEY. Mr. Chairman, this amendment, if adopted, will take out of paragraph 197 all lumber on which there is imposed a duty, including rough lumber, the duty on which is now $2 a thousand, and will reduce the duty on finished lumber 80 per cent. I then intend to offer an amendment striking out paragraph 196, which imposes a duty upon timber hewn, sided, or squared, and round timber used for spars or in building wharves, and will follow these two amendments with still another amendment to paragraph 708 of the free list, placing on the free list all of the lumber thus taken from the duitable list.

My purpose in proposing to allow a duty of 50 cents a thousand to remain on sawed boards finished on one side instead of $2.50 a thousand, $1 on boards planed on two sides instead of $3 a thousand, and $1.50 on boards planed on two sides, tongued and grooved, instead of $3.50 as in the present law is to afford American labor the opportunity of finishing in the United States rough lumber imported free of duty, and thus overcome the objection that my proposition would benefit Canadian and not American labor.

VALUE OF LUMBER IMPORTED FROM CANADA.

The value of rough lumber imported from Canada into the United States during the fiscal year 1907 was $14,623,256.02. The value of sawed lumber, planed or finished on one side, imported from Canada in the same year, was $239,649.28; sawed lumber, planed or finished on two sides, $48,348.91; sawed lumber, planed or finished on three sides, $34; sawed lumber, planed or finished on four sides, $1,224; sawed lumber planed on one side, tongued and grooved, $83,415.75; and sawed lumber, planed on two sides and tongued and grooved, $15,482.78.

These statistics, furnished by the Department of Commerce and Labor, establish two facts: First, that the principal importation of lumber from Canada is rough lumber; and, second, that the duty on finished lumber is practically prohibitive, for the statistics show that we have heretofore imported only a very small quantity of finished lumber. Even with rough lumber on the free list and a reduction of 80 per cent in the duty on finished lumber, the importation of lumber from Canada would not increase, as I shall hereafter show, to an extent that would in any way injure the American manufacturer or American laborer employed in the manufacture of domestic lumber.

Mr. FITZGERALD. Will the gentleman yield?

Mr. TAWNEY. I must decline to yield. I have only a few minutes to fully explain my position in reference to the amendment which I have offered and those which I propose to offer.

Mr. FITZGERALD. Just for a question.

WHAT CONSTITUTES REPUBLICAN PROTECTION?

Mr. TAWNEY. Mr. Chairman, notwithstanding the statement made yesterday on this floor by the distinguished gentleman from Michigan [Mr. FORDNEY] that I am neither a Republican nor a protectionist, because I have asked for an opportunity to vote in favor of free lumber in order to determine whether the House approves the judgment of the Committee on Ways and Means when, in the first instance, it placed lum-

ber on the free list, or when, in the second instance, it transferred lumber from the free list back to the dutiable list, I, as a Republican and a protectionist, offer this amendment.

If to demand a duty on the unfinished product of an industry where it is conceded that the cost of producing that product is no greater here than it is abroad—an industry whose raw material is rapidly diminishing and can not be reproduced except by the joint action of God and man—for the purpose of giving to that industry a monopoly in the sale of its product in the American market, is Republican protection, then the gentleman from Michigan [Mr. FORDNEY] is entitled to the distinction of standing alone in his theory of what constitutes a Republican and a protectionist. Let me say to him that that kind of protection is not Republican protection. It is monopolistic protection, and he is welcome to the distinction of being the only Republican who advocates it. [Applause.]

Mr. CLARK of Missouri. I would like to say about three sentences, and that is that I am for the Tawney amendment. [Applause.] If you can not get a whole loaf, take a half loaf. [Applause.]

Mr. TAWNEY. Mr. Chairman, I am utterly unable to understand why the gentleman from Michigan should exhibit so much temper and feeling because, as a Representative and a Republican, I have insisted only upon being accorded an opportunity to offer this amendment and those which I propose to offer, and an opportunity to vote on these several amendments. If he is sincere in his statement and believes that the lumber industry of this country is in need of the duty proposed, he ought to be willing, as I am, to submit that question to the candid judgment of this House. I have no quarrel with him because he contends for and advocates a duty on lumber. That is his right as a Member of the House. But I claim for myself and for all other Members who disagree with him on the merits of his proposition the same right and the same opportunity to advocate free lumber and to vote in accordance with our convictions on that proposition.

It is a notable fact that in the speech of the gentleman from Michigan a few days ago in defense of a high duty on lumber he did not claim or attempt to show that the cost of manufacturing lumber in the United States is greater than the cost of manufacturing lumber in Canada, the only country from which we import lumber manufactured from coniferous wood; and yet he claims that because I advocate free lumber I am neither a Republican nor a protectionist. By what rule, Mr. Chairman, are we to determine whether we are protectionists or free traders? Are only those protectionists who, merely for the sake of protection, advocate that policy regardless of the conditions incident to production, or are those protectionists who advocate protection only where it is necessary to equalize the difference in the cost of production here and abroad? I have never advocated protection, nor has the Republican party declared for protection, where the cost of producing an article in a foreign country was as great as in our own. The Republican party, in its last national convention at Chicago, declared in its platform that—

> In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equalize the difference between the cost of production at home and abroad.

DUTY ON LUMBER NOT NOW JUSTIFIED.

Mr. Chairman, in view of the fact that the cost of producing lumber in the United States is no greater than it is in Canada, and in view also of the fact that our forests, which are the source of the raw material of the lumber industry, are rapidly diminishing while the demand for lumber is constantly increasing, I maintain that neither from the standpoint of protection nor from the standpoint of conserving the forests of the United States can a duty upon lumber imported from Canada now be justified. The cost of producing lumber being no greater here than in Canada, the admission of lumber free of duty would not injure American manufacturers or affect the wages of American labor. Its only effect to the producer would be to check temporarily the rapid increase in the price of his stumpage. It would not decrease that price, for although the forests of Canada would become available for meeting the demands of our market, yet these demands are increasing so rapidly that the combined forest areas of both the United States and Canada would soon be encroached upon to such an extent that the value of Canadian and American stumpage would very soon increase beyond what that value is to-day.

Stumpage values have increased within the last eight years enormously. I have in mind a large tract of standing timber in the northern part of Minnesota that was sold ten years ago by a private owner at $1.75 per thousand feet. This timber to-day would readily sell at from $12 to $15 per thousand feet. Instances were cited in the hearings before the Committee on Ways and Means where timber purchased a few years ago for 17 cents per thousand feet is to-day worth $2.50 and $5 per thousand feet. If to admit lumber free of duty would only temporarily check the further increase in the price of stumpage and would not injuriously affect the manufacturer or the laborer, then it can not be claimed that free lumber would injure anyone, or that a duty is necessary to protect this industry from foreign competition.

COST OF PRODUCTION GREATER IN CANADA THAN IN UNITED STATES.

I have a statement here, taken from the hearings before the Committee on Ways and Means, showing the cost of producing lumber in Canada and in the United States. It is in the form of a letter, dated November 17, 1908, and printed on page 3095, Schedule D, Tariff Hearings, before the Committee on Ways and Means. The letter is written by Mr. D. N. Winton, the president of several lumber companies operating sawmills in the United States and Canada. From this letter it appears that the mills of the Thief River Falls Lumber Company, Thief River Falls, Minn., produced lumber at a cost of $3.482 in 1906, and $3.418 in 1907, per thousand, in each case, while Mr. Winton's mill at Prince Albert, Saskatchewan, comparable on account of its location to the Minnesota mill, produced lumber at a cost of $4.187 per thousand feet in the year 1907.

The items included in making up these figures begin with the sorting of the logs and repairing of booms, and continue up to the point of disposition of the lumber, including the cost of planing, repairs, shipping, disposition of refuse, selling cost, traveling expenses, and commissions. In the case of neither mill were logging expenses and the cost of stumpage figured. The Canadian mill would get its logs a little cheaper so far as stumpage is concerned, but logging would cost more in Canada.

WHOLESALE PRICE.

In 1907 the average price received for lumber at the Prince Albert mill was $21.06, and at the Thief River Falls mill $21.10.

Mr. Winton states that his interests in the United States are several times those in Canada, and concludes his letter as follows:

> It is my opinion that the removal of the tariff would work no unnecessary hardships on the lumber industry in the United States. It might take a short time to readjust the changed conditions, but I believe it would be for the best interests of the people at large that the tariff on lumber should be abolished.

Further details of Mr. Winton's statement may be obtained by consulting the Hearings, pages 3096-3097.

BRITISH COLUMBIA V. WASHINGTON.

On page 3097 will be found detailed statements of cost of manufacture, including cost of logs, at a British Columbia mill and at a Puget Sound, Washington, mill. For obvious reasons the name of the Puget Sound mill is withheld, but the name of the company was given to the committee in confidence. The following is the statement of the Puget Sound mill:

COST OF PRODUCTION, WASHINGTON.

Average cost of logs per month	$6.447
Labor in sawmill per thousand, including all labor on logs from pond to pile in yard	1.87
Administration, including San Francisco office	.454
Insurance	.25
Taxes	.036
Depreciation	.50
Interest and exchange	.282
Repairs and maintenance	.068
Supplies	.147
Total average cost of rough lumber per pile in yard	10.054
Dressed lumber—labor, repairs, and supplies	.739
Total cost of dressed lumber	10.793

COST OF PRODUCTION, BRITISH COLUMBIA.

ROGERS LUMBER COMPANY, ENDERBY, BRITISH COLUMBIA.

This is based on our figures for 1907 and taken from our books:

Logs delivered at the mill	$6.50
Sawing and putting in pile	3.92
Taking the lumber from pile and loading on cars	.12
General expense, including salaries, interest, and taxes	3.17
Total	13.71

In 1908, owing to having changed our method of operation to some extent, we have reduced our cost:

Logs delivered at the mill	$6.50
Sawing and putting in pile	2.89
Taking the lumber from pile and loading cars	.15
General expense, including salaries, interest, and taxes	3.05
Total	12.59

Cost at British Columbia mill $1.80 per thousand more than at Washington mill.

The Rogers mill is not on tidewater, but as a rule logs of cedar cost about $1 less at coast points in British Columbia than on Puget Sound, and for logs a little more in British Columbia. Other statistics as to wages and cost of production will be found on pages 2881–2882, 3051, 3052, 3077, 3082–2007.

WAGES IN UNITED STATES AND CANADA.

Mr. Chairman, I have here another statement as to the wages paid to labor employed in the manufacture of lumber in Canada and wages paid to those who are employed in the manufacture of lumber in Wisconsin and in Michigan. The statement has been taken from the pay roll of 9 sawmills in Wisconsin, 3 in Michigan, and 5 in the Province of Ontario, Canada, and is as follows:

Wages paid in Wisconsin, Michigan, and Ontario sawmills.

	Filer.	Machinist.	Blacksmith.	Circular sawyer.	Band sawyer.	Hand setter.	Steam setter.	Edger men.	Catching edgings.	Carriage edger.	Firemen.	Night watchmen.	Resaw sawyer.
Girard Lumber Co., Dunbar, Wis.	$5.00	(a) $2.70	$2.65 2.70	.....	$4.00 4.50	$2.35 2.57	.....	$2.25 2.47	$1.50 1.57	$2.10 2.34	..... $2.00	$1.85 2.00	..... $2.00
Bird & Wells Lumber Co., Wausaukee, Wis.	4.00	3.00	2.65	.....	4.00	2.20	.....	2.20	1.55	1.75	1.75	1.75	.....
I. Stephenson Co., Wells, Mich. No. 1 mill, $14; No. 2 mill, $12, to be cut to $10.	(b)	3.00	2.50	(c)	4.80 5.50	2.25 and 2.50	.....	2.00 and 2.50	1.50	1.75	1.75	1.00 to 1.75	2.50
Wisconsin Land and Lumber Co., Hermansville, Mich.	5.00	3.50	2.25 to 3.00	$4.00	4.00	2.50	$2.50	2.50	1.50 1.35	2.00 1.60	1.75	1.75	2.25
Sawyer Goodman Co., Marinette, Wis.	8.00 and 9.00	.....	2.75	.....	4.00 and 5.00	2.25	2.25	2.25	1.40	1.75	1.75	1.75	.....
Paige & Keith Lumber Co., Crandon, Wis.	5.50	5.00	2.00	5.50	.....	2.75	.....	3.00	1.75	2.00 1.75	2.00	2.00	2.75
Brown Bros. Lumber Co., Rhinelander, Wis.	d 3.50 e 6.00	.....	3.00	.....	6.50	2.50	.....	2.75	1.75	2.00 2.10	2.10	2.10	2.50
Robbins Lumber Co., Rhinelander, Wis.	6.00	3.00	2.50	.....	6.00	.....	2.50	2.75	1.25	1.85	2.00	2.25	2.25
Stearns Lumber Co., Lac du Flambeau, Wis.	7.50	2.50	2.50	.....	5.50	2.50	.....	2.75	1.75	2.00	2.00	1.75	.....
Menominee Bay Shore Lumber Co., Soperton, Wis.	f 11.00	.....	2.25	.....	4.00	2.25	.....	2.25	1.40	2.00	2.00	1.75	.....
White Pine Lumber Co., Blind River, Ontario.	f 11.00	3.00	2.50	5.00	4.50	2.50 and 2.75	.....	2.75	1.60	2.00	2.00	1.50	.....
Eddy Bros. & Co., Blind River, Ontario.	g 21.00	1.75 and 2.25	1.75 and 2.50	.....	5.00 5.00	2.75 2.50	.....	2.75 3.00	1.60 1.40	2.00	2.00	.....	.....
J. W. Wells Lumber Co., Menominee, Mich.	h 12.00	.....	.....	.....	3.75 3.75	2.15 2.15	.....	2.15 2.15	1.40 1.60	.....	1.65	.....	.....
Moulthrop Lumber Co., John Island, Ontario.	4.00	.....	2.50	5.00	.....	3.00	.....	2.75 2.75	1.75 2.00	2.50	3.25	1.87	.....
James Playfair & Co., Ontario.	h 15.00	3.50	2.25	.....	5.00	2.75	2.50 2.75	2.50 3.00	1.75	2.00 2.25	2.25	1.65	2.25
Norman L. Playfair, Midland, Ontario.	h 12.00	.....	2.00	.....	6.00	2.75	2.75	3.00	2.00	2.00 2.25	2.25	1.65	.....

	Clearing resaw sawyer.	Clearing band saw.	Clearing gang.	Head trimmer.	Tail trimmer.	Slasher men.	Pilers.	Sorters.	Teamsters.	Lumber handlers.	Pond men.	Common laborers.	Jackers.	Gang sawyer.
Girard Lumber Co., Dunbar, Wis.	$1.65 1.75	$1.75 1.80	..... $1.75	$1.75 1.80	$1.65 1.70	$1.65 1.75	$1.65 1.75	$1.50 1.51	$1.50 1.57	$1.45 1.57	$1.65 1.75	$1.35 1.40 to 1.50	.....	$2.60 2.70
Bird & Wells Lumber Co., Wausaukee, Wis.	.....	1.55	.....	1.75	1.40	1.55	1.55	1.40	1.50	1.40	1.55	1.40	.....	.....
I. Stephenson Co., Wells, Mich. No. 1 mill, $14; No. 2 mill, $12, to be cut to $10.	1.50	1.60	1.75	2.00	1.75	1.60	1.75	1.75	1.50 to 1.65	1.25 to 1.50	1.50 to 1.65	1.25 to 1.50	.....	2.50
Wisconsin Land and Lumber Co., Hermansville, Mich.	.....	1.75	1.60	1.60	1.50	1.40	1.60	.....	1.60	1.50	1.50	1.75	.....	2.50
Sawyer-Goodman Co., Marinette, Wis.	.....	1.60	.....	1.65	1.40	1.35	1.50	1.50	1.50 1.60 1.75	1.50	1.50	1.50	.....	2.25
Paige & Keith Lumber Co., Crandon, Wis.	2.00	2.25	.....	2.00	1.75	1.75	i 2.25	1.75	1.75	1.75	1.75	2.00	.....	2.75
Brown Bros. Lumber Co., Rhinelander, Wis.	1.85	2.00	.....	2.50	1.85	1.85	2.00	1.85	1.25 to 2.00	.....	.....	1.60 to 1.85	$1.85	2.50
Robbins Lumber Co., Rhinelander, Wis.	1.85	1.75	.....	2.10	1.50	1.75	1.85	2.25	2.00	1.85	1.85	1.85	.....	.....
Stearns Lumber Co., Lac du Flambeau, Wis.	.....	1.50	.....	2.00	1.75	1.75	2.00	2.00	1.65	1.25 to 2.00	1.75 to 2.00	1.75 to 2.00	.....	2.50
Menominee Bay Shore Lumber Co., Soperton, Wis.	.....	1.50	1.75	1.85	1.75	1.75	1.70	1.60	1.50	1.60	1.60	1.85	.....	2.25
White Pine Lumber Co., Blind River, Ontario.	.....	1.87½	2.00	2.00	.....	1.60	2.00	1.60	1.50	1.50	1.75	1.50	.....	3.00
Eddy Bros. & Co., Blind River, Ontario.	.....	1.87½	1.75	2.12½	2.00	1.60	2.00	1.60	1.50	.....	1.00	1.40 1.50	1.75	3.00
J. W. Wells Lumber Co., Menominee, Mich.	.....	1.65	1.40	1.50	1.50	1.65	1.55	1.42	1.50	.....	1.35	1.40	1.40 1.55	2.25
Moulthrop Lumber Co., John Island, Ontario.	.....	.....	2.25	2.25	2.00	.....	2.25	1.75	2.00	.....	2.00	1.75	.....	3.00
James Playfair & Co., Ontario.	1.75	2.00	.....	2.25	1.75	1.75	2.10	1.75	1.60	1.65 1.75	1.75	.....	2.00	.....
Norman L. Playfair, Midland, Ontario.	.....	2.00	.....	2.00	2.00	1.75	2.00	1.75	1.75	1.50	1.85	1.50	1.90	.....

a $100 per month. b Job work. c Hard wood; pine. d Round. e Band. f For whole mill. g Day and night. h 2 bands going; edger. i Per thousand.

From these two statements it conclusively appears that there is no room for the application of the principle of protection to the lumber industry or to the manufacture of lumber in the United States, for from these statements it is clear that the cost of producing lumber is no greater here than in Canada, and without a difference in the cost of production which would give to Canada an advantage over the American producer in our market, you can not apply the principle of Republican protection.

NECESSITY FOR PROTECTION NOT DETERMINED BY MAGNITUDE OF INDUSTRY.

The question of whether or not the principle of Republican protection should be applied can not be determined from the size of an industry nor from the number of men employed in that industry. The gentleman from Michigan [Mr. FORDNEY] and other gentlemen who advocate a duty on lumber have dwelt almost entirely upon the magnitude of the lumber industry to justify the duty, and have studiously avoided discussing the real question that should determine the application of the principle of protection, namely, whether or not there is any difference in the cost of producing the article imported upon which it is proposed to impose the duty. If the product of any industry can be produced as cheaply here as it can be abroad, then the foreign and the domestic industry meet in our market on an equality. It has always been my understanding that that is all that is contemplated in the policy of protection. This, of course, includes every element that enters into the cost of production as well as a

reasonable profit to the producer. Protection for an industry simply because of the size of the industry and regardless of the cost of production can not be justified, and those who advocate protection under such circumstances can do so only upon the ground that it is their purpose to protect such an industry in the enjoyment of a complete monopoly of the American market for the sale of its product.

The lumber industry of the United States to-day has practically a monopoly of the American market for the sale of lumber. Our product aggregates more than 40,000,000,000 feet annually, while the lumber imported from Canada during the last fiscal year did not exceed 2 per cent of the American product. The forest area of Canada is less than one-third the present forest area of the United States. The facilities for producing lumber in Canada and transporting it to our markets are greatly restricted by physical and other conditions, which in themselves are ample protection against any possible harm to the American producer on account of the admission of lumber free of duty.

CONDITION OF LUMBER INDUSTRY NOW AND TWELVE YEARS AGO.

The gentleman from Michigan [Mr. FORDNEY] and other advocates of the duty on lumber have mentioned the fact that when we prepared and passed the Dingley tariff bill I favored a duty on lumber. Mr. Chairman, that is true, I did, and if the conditions surrounding the production of lumber in Canada and the United States were to-day as they were then, I would not advocate the admission of lumber from Canada free of duty. At that time this industry in Canada was not, as it is now, at the mercy of powerful labor organizations which control the wages paid to labor employed in it, and it was not then paying the wages it is now obliged to pay in consequence of the demands of these organizations. At that time, as is conclusively shown from the testimony then given before the Committee on Ways and Means, the labor cost of producing lumber was 50 per cent less in Canada than in the United States.

The lumber industry in the United States at that time was in a more depressed condition than any other industry. According to the annual report of R. G. Dun & Co. for the year 1896, four-fifths of all the manufacturing failures during that year were lumber manufacturing failures. Notwithstanding the panic of 1893-94, and the consequent reduction of American wages in all branches of industrial activity, Canadian lumber was imported into the United States in large quantity and sold in competition with the American product. During that time a bridge was being constructed across the St. Louis River at Duluth, in the State I have the honor in part to represent. Although the abutments at either end of that bridge stood practically in a lumber yard, the timber used in its construction, as I was then informed, was imported from Canada. Such was the condition of the lumber industry when the Dingley tariff law was enacted.

Since that time the demand for lumber has been constantly increasing and has been greater than our supply. This is evidenced by the substitution for lumber of various kinds of materials for structural purposes which were not used to any extent twelve years ago, while the price of lumber has increased until to-day all grades of lumber are selling for much more than ever before, and many grades have increased in price from 100 to 200 per cent within the past eight years.

Mr. SWASEY. Will the gentleman yield?

Mr. TAWNEY. I have no time to yield.

OUR FORESTS BECOMING DEPLETED.

There is another fact that must be borne in mind in considering this question to-day. Twelve years ago, when the Dingley tariff bill was under consideration, our forests were so vast in extent that they were regarded as practically inexhaustible. Their depletion since then by reason of the aggressiveness of the American lumbermen to meet the demands of the domestic market has been so rapid and so extensive that many of our people, who are unselfishly looking to the welfare of future generations in this country, believe that if this depletion is not checked it will be only a short time until our forests will be practically denuded and we will then be at the mercy of foreign producers of lumber to supply the demand of the American market.

Mr. Chairman, in this connection it is a matter of sincere regret that the Chief of the Forestry Bureau of the Department of Agriculture did not continue up to the time when the bill now under consideration was reported to the House of Representatives to advocate the admission of Canadian lumber free of duty in the interest of forest conservation, and that he, for the purpose of exalting himself and his bureau, accepted the condition which would give him practical control over the administration of all American forests, both public and private, in consideration for changing his views as to the effect of a duty upon lumber to the extent of claiming that a high duty on lumber is necessary to the conservation of the American forests. If he had chosen to postpone making known his changed views on this subject until this bill had been reported to the House, the bill would have provided for the admission of rough lumber free of duty instead of the imposition of a duty, for it is a fact which no member of the Committee on Ways and Means will deny that while the bill was under consideration in the committee lumber was on the free list longer than it was on the dutiable list, and that the change was not effected until after the receipt by the committee of the now famous letter of the Chief of the Forestry Bureau of the Department of Agriculture recommending and advising the imposition of a high duty upon lumber in the interest of forest conservation.

PUBLIC SENTIMENT DEMANDS REMOVAL OF DUTY.

Mr. Chairman, there is no schedule in the Dingley tariff law that has contributed more to the demand for a revision of the tariff than the lumber schedule. There is no schedule against which public sentiment has crystallized as it has against the lumber schedule of the present tariff law. Republican and Democratic state conventions in different parts of the Union have declared in favor of free lumber.

Mr. LANGLEY. Not all of them.

Mr. TAWNEY. I did not say the Republicans of every State have declared in favor of free lumber, but Minnesota, Iowa, Ohio, Wisconsin, and the two Dakotas, and doubtless others, have, while legislatures controlled by the Republican party have memorialized Congress in favor of free rough lumber.

The sentiment of the people in respect to the lumber schedule has not been manufactured by men in Wall street or in the great commercial centers as it has been manufactured in respect to other provisions of the Payne bill. It is a genuine sentiment, growing out of the conditions under which lumber is now produced and sold to the American consumer. In view of the fact that this sentiment is based upon conditions which justify placing lumber on the free list, I believe it to be the duty of Congress to respect that sentiment by admitting free of duty all Canadian lumber.

To justify Congress in doing otherwise, the advocates of a duty on lumber must show that the cost of production here is greater than in Canada. This they have not done. To insist upon a duty without that condition violates the principle of protection and does more to destroy the confidence of the people in its advantages and its benefits as an economic policy than all the Democratic free-trade arguments that have ever been used to overthrow it.

THE DUTY ON BARLEY.

Mr. Chairman, the gentleman from Michigan [Mr. FORDNEY] and other advocates of the lumber duty have charged that because I favor free lumber, and at the same time demand a protective duty upon barley, one of the great cereals of the Northwest and of my district, I am utterly inconsistent and selfish. I might reply in kind by calling attention to the fact that while they are demanding a duty on lumber, they are also advocating and doubtless will vote, as I shall, for free iron ore, free coal, free hides, free wood pulp and pulp wood, free saw logs, and free binding twine, as well as the several hundred other items on the free list. But I am not in the habit of questioning the motives of or making charges against my colleagues on this floor. They are as much entitled to their opinion as to the wisdom of placing the articles I have mentioned on the free list as I am, and I claim only the same right for myself as to placing lumber on the free list.

ADVANTAGES OF CANADIAN OVER AMERICAN FARMER IN PRODUCING BARLEY.

The production and sale of barley in the United States and in Canada is an entirely different proposition from the production of lumber in these two countries. The value of the land that produces malting barley here is much greater than that of the land upon which barley is produced in Canada. The aggregate yield per acre is greater in Canada than in the United States, which enables the Canadian farmer to sell his product at a less price per bushel than the American farmer. The quality of the Canadian product is no better than is that of Michigan, Wisconsin, and Minnesota. The wages of farm labor in Canada are much less than the wages paid to farm labor in this country. The cost of transporting Canadian barley to market, owing to the advantages of water transportation, is much less than the cost of transporting our western barley to market. Because of these different conditions under which barley is produced and sold in Canada and in the United States, the duty on barley, as a matter of protection to the American farmer, is abundantly justified.

But, Mr. Chairman, there is another wide distinction between the production of lumber and of barley. Lumber production permanently reduces and destroys national wealth. Barley production increases national wealth by adding annually to the aggregate production of our farms and also by increasing the

value of our agricultural land. When timber is removed from an acre of land, unless it is hard wood, the land is practically valueless and a second crop of merchantable timber can not be produced from that acre of land in less than half a century, while an acre of barley-producing land yields an annual crop. The conditions under which these two articles are produced are, therefore, not at all comparable, either as these conditions affect the cost of production or as they affect our national wealth.

BARLEY MARKET NOW IN THE WEST.

There is a further reason that justifies this duty. Up until twenty years ago the duty on barley was 10 cents a bushel. At that time we produced in the United States only 63,000,000 bushels of barley, and imported from Canada from eleven to fifteen million bushels per annum, or almost one-fourth of our annual production. All Canadian barley was sold and delivered at Buffalo and Oswego and other ports on Lake Erie and Lake Ontario. At that time the malting center of this country was in the State of New York. The price paid for Canadian barley at Oswego fixed the price for the entire American product. The farmers of the West then received the New York price, less the cost of transportation from our western and northwestern farms to New York. This difference in the cost of transportation of Canadian and American barley to the then barley market was alone sufficient to justify the imposition of the duty.

Since that time, and as a result of the duty, the maltsters of Oswego and other places on Lake Ontario have practically gone out of business, Buffalo now being the only point in the State of New York where malting has been continued to any considerable extent, and that is because of the cheap water transportation from Lake Superior and Lake Michigan to that point. To-day the center of the barley market of the United States is in the Northwest, principally in Chicago and Milwaukee, where the price of the American product is fixed. Instead of receiving the market price as fixed years ago in New York, less the cost of transportation to that State, the western farmer is to-day receiving for his barley the price fixed in the market which is in close proximity to his fields where the barley is produced.

This, Mr. Chairman, is the principal reason why the farmers of the Northwest have, during the past eighteen years, received more for their malting barley than they ever received prior to the time when the duty was imposed in the McKinley tariff law.

INCREASE IN BARLEY PRODUCTION.

In addition to this, we have the further fact which shows conclusively the benefit that the farmer has derived from this duty: In 1888 our aggregate production of barley was 63,884,000 bushels, the farm value of which was $37,672,032, while in 1907 our aggregate production of barley was 153,597,000 bushels, the farm value of which was $102,290,000; the aggregate annual value and production in 1907 being practically three times that in 1888.

Mr. HILL. Will the gentleman state, without reference to the greater production of barley and the rate of duty, what effect it will have upon the price of the nearly 7,000,000 bushels of barley we are exporting?

Mr. TAWNEY. I do not know that we export any barley except that which is exported from California, which is poor malting barley and is sold principally for feed. The gentleman must distinguish between feed barley and malting barley. Malting barley is raised principally in the Northwest along the Canadian border, and that is the section of the country which constitutes our principal malting-barley territory.

Mr. Chairman, the subject of the duty on barley is one with which I have been familiar since the Fifty-third Congress, sixteen years ago, which was a Democratic Congress. When the Wilson tariff bill was reported to the House, it provided for a duty on barley of only 20 per cent ad valorem, equivalent to a specific duty of about 6 cents a bushel. The only amendment offered to the Wilson bill by a Republican that was adopted was the amendment I offered increasing the duty on barley from 20 per cent ad valorem to 20 cents a bushel. Prior to that time the duty under the McKinley law, enacted in 1890, was 30 cents a bushel. In the present Dingley law the duty was again increased to 30 cents a bushel.

In 1908 the State of Minnesota produced more barley than any other State in the Union, the aggregate production that year being 32,500,000 bushels. I therefore maintain that I am neither inconsistent nor unreasonable in asking for the same protection to the barley farmers of my State that the Committee on Ways and Means has proposed to give to the wheat farmers or the farmers who produce any other cereal or other agricultural product.

THE FARMER ENTITLED TO PROTECTION.

I believe, and always have believed, in the policy of protection to American industries and American labor, and there is no industry in this country that is more entitled to that protection than our agricultural industry. There is no industry that contributes so much to the wealth and prosperity of the Nation as that industry. To take from a branch of that industry the protection which has enabled it to expand threefold in the last two decades, for the purpose of reestablishing the malting industry in the State of New York, is unjustifiable. I therefore hope the duty on barley will be restored to a protective basis. [Applause.]

It is true that the farmers of Minnesota are greatly interested in continuing the present duty on barley or in securing a sufficient duty to enable them to compete successfully against the Canadian product. Their interest in this question is not wholly a selfish interest. The majority of the people I have the honor to represent upon the floor of this House are Republicans and protectionists. They believe in protection because they know from experience that under this Republican policy they, as well as the entire country, have always prospered and that they have always enjoyed more of the comforts and even many of the luxuries of life than they have ever enjoyed under the Democratic free-trade tariff policy.

While they advocate protection for things which they produce, they do not ask that the things which are produced by others and which they consume be unprotected from competition with foreign producers where the cost of production abroad is less than it is here. They recognize that on the whole the American standard of wages and living is far above that of any other country exporting products to our market, and that this standard of wages and living can not be maintained unless the difference in the cost of production here and in foreign countries, whose standard of wages and living is below ours, is equalized by the imposition of a duty upon the foreign product when entering into the American market.

But where there is an article like lumber, which enters so largely into the agricultural industry, and when they know, as they do, that the price to them of that product has enormously increased during the past few years, and that the cost of producing lumber is no greater here than in Canada, they naturally feel that protection to such an industry is not justifiable, and this fact explains the universal demand among the farmers for free lumber. If the same conditions existed in respect to the production and sale of barley, they would not ask, nor would I, as their Representative, insist upon an increase in this duty. Since these conditions are not the same, and the proposed duty of 15 cents a bushel on barley would give the Canadian farmer an advantage in our market, I do insist that the duty should be increased, thereby removing the inequality that would otherwise exist between the Canadian and the American farmer in the sale of this product in the American market.

Mr. FORDNEY. I move to strike out the last word, Mr. Chairman.

The CHAIRMAN. That is unnecessary. The gentleman from Michigan [Mr. FORDNEY] is recognized in opposition to the amendment offered by the gentleman from Minnesota.

Mr. FORDNEY. Mr. Chairman, I wish to say in reply to the remarks made by the gentleman from Minnesota that when he states he is in favor of removing the duty from rough lumber because it is the raw material of the planing mill, he forgets that it is the finished product of 30,000 sawmills in this country [applause], which sawmills employ from 750,000 to 800,000 men, and the value of the product amounts to $600,000,000 to $800,000,000. I did state, and I repeat, that the gentleman from Minnesota insisted that he would not support a rule for the consideration of this tariff bill unless he could have an opportunity to have a separate vote on lumber and on barley.

Mr. TAWNEY. Mr. Chairman, I want to say to the gentleman from Michigan that the gentleman from Minnesota never made that statement.

Mr. FORDNEY. Let me say to the House that I may be mistaken. If the gentleman will say I am——

Mr. TAWNEY. The gentleman is mistaken. I never made that statement.

Mr. FORDNEY. I understood you to say that in a private conversation with me in your committee room.

Mr. TAWNEY. Oh, no; the gentleman did not understand me to say anything of the kind.

Mr. FORDNEY. If I am mistaken I ask the gentleman's pardon, because I would not misquote him; but he did say [laughter], he did state, gentlemen of this House, that the question of barley was one of great importance to him. I want to say to the gentleman and to the House that the question of barley in the State of Michigan is of great importance to me, as much so as it is to the gentleman from Minnesota in his State. The States of Michigan, Wisconsin, and Minnesota are the great barley-producing States in this country; and if the gentleman is fair, he will then demand free raw material for the breweries in his district.

Mr. HARRISON. Will the gentleman yield? Does the gen-

tleman believe that if the amendment of the gentleman from Minnesota prevails, rough lumber will go on the free list?

Mr. FORDNEY. I so understand it.

Mr. HARRISON. The gentleman is wrong; it will be taxed at 10 per cent under section 9.

Mr. TAWNEY. But the gentleman will remember that I propose to follow this with an amendment placing the items in section 196 and the items stricken out in 197 on the free list.

Mr. FORDNEY. Well, the gentleman must not take up my time. I do say, and I repeat to the gentleman from Minnesota, that when you demand free trade on your neighbor's finished product and ask protection on your own, you are not as good a Republican as I am. [Laughter.] There was a time on the floor of this House when the great State of Minnesota was a lumber-producing district—I think in the gentleman's own district—and he was a protectionist then on lumber. He is a free trader on lumber now, and I demand of him that he shall prove to the contrary, because his amendment is the very best proof of it. My dear, my beloved friend, you are not in the same class of Republicans with me. [Laughter.]

Mr. TAWNEY. I do not want to be, on this proposition.

Mr. FORDNEY. I am glad the gentleman excludes himself from my class of Republicanism, and he must admit that I am a loyal protectionist. [Laughter.]

Mr. POU. The effect of the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] is to put all lumber not dressed on the free list. Now, the proposed bill to which I am opposed is a high protective measure. You have, for instance, protected the woolgrowers of the Nation with an average ad valorem duty of 59 per cent. You have protected the manufacturers of metal with a 36.15 per cent duty; the earthenware and glass manufacturers with a 52.15 per cent duty; the manufacturers of chemicals with a 28 per cent duty; tobacco manufacturers with a duty of 104 per cent; agricultural products and provisions with a duty of 39.08 per cent; the manufacturers of spirits, wines, and so forth, with an average ad valorem duty of 74.92 per cent; and the manufacturers of cotton goods with a similar duty amounting to 50.27 per cent; but your bill only provides a duty of 5.92 per cent on sawed lumber, and now comes the gentleman from Minnesota with an amendment which will put all lumber not dressed on the free list.

Mr. Chairman, I can not support the proposition. [Applause.] I see no reason for this discrimination against the people of the South, who have preserved their forests, and those who are engaged in the manufacture of lumber. I decline to support the amendment for several reasons. No tariff bill which raises less than $325,000,000 will adequately meet the requirements of the Government. A great sum must be raised by levying duties on imports. The levying of such duties must necessarily protect somebody's business or interests, and I hold that the protection thus incidentally afforded should be equitably adjusted. No interest should be made the scapegoat of a bad measure. There is to my mind no reason why you should discriminate against the people of my section in favor of the woolgrowers of the Dakotas or the sugar-beet growers of the West.

Under the existing Dingley law rough lumber is protected with a duty of 11.84 per cent, which yields an annual revenue of $1,800,000 to the Government. You have already cut this duty in half in this bill; but not content with this, the gentleman from Minnesota wants lumber placed on the free list.

Will those who favor his amendment also vote to place wool on the free list? Will they even vote to place the manufactures of lumber on the free list? Will they vote to place the manufactures of steel and iron on the free list? Of course not. Then why discriminate in levying duties? Is it because the South has not cut away her timber as some other sections have?

Mr. Chairman, nobody contends that the person who consumes lumber in the South will receive any benefit whatever if that commodity is placed on the free list. If the proposed amendment would enable those who build homes to get their lumber cheaper, I would without hesitation support it; but even the advocates of free lumber do not claim this. The home builder, the person who buys lumber, will pay exactly the same whether his lumber comes from North Carolina or from Canada. The existing duty and the proposed duty only enable the lumber manufacturers of my section to reach a market a little farther away from the point of manufacture. In its last analysis the question which now confronts us is whether we will deprive these people of the market they now enjoy for their low grades of lumber.

I repeat, if the placing of the commodity on the free list made lumber cheaper to the consumer, I would not hesitate one instant to support it, for even if it injured the lumber manufacturers of my section, I would feel it my duty to cast my vote in the interest of the great army of consumers. But not a solitary gentleman who has spoken on this subject puts forth any such contention.

In conclusion, let me say, quoting a distinguished Democratic Senator, if your tariff is a good thing, then all sections and all commodities are entitled to its benefits equally; if it be a burden, then all sections and all commodities should bear the burden equally, as nearly as possible. Of course, it is no sacrifice of any man's principles as a Democrat favoring a tariff for revenue only to insist upon this. As a Member of the minority, I have a right to insist that you treat my State and my people justly even from your standpoint of legislative action. I fear that your bill will still be characterized by discrimination and favoritism even after we have all done what we can to improve it.

The lumber industry is a most important industry to the people of the South, distributing, I am told, $1,000,000 every day in the year. I am not begging you for protection for this or any other industry in the State or the section which I have the honor to represent in part. As I have said before in this Chamber, I am opposed to the protective principle. Verily it can kill and make alive, but the life it imparts to any industry is dearly paid for in the end. But I insist that an ad valorem duty of less than 6 per cent on lumber is a fair and just revenue-raising duty. Its removal will not help the consumer. It may help the owner of Canadian stumpage. It certainly will deprive the Treasury of a large annual revenue. I am not willing to unite with gentlemen on the other side of that aisle who, I fear, from selfish motives, advocate a removal of this revenue duty after every interest in their States has been cared for by this committee by levying duties which shut out competition and give those interests a monopoly of the American market. [Applause.]

Mr. CUSHMAN. Mr. Chairman, I rise to oppose the amendment offered by the gentleman from Minnesota [Mr. TAWNEY], which amendment, in effect, proposes to put all rough lumber on the free list in this American tariff bill which we are now discussing.

Sir, that Minnesota gentleman, while assaulting the faith of the party with his hands, is boasting of his Republicanism with his mouth. He says he is a Republican. If that be true, God save the mark. Sir, if he is a Republican, then I am not, and I do not want to be. [Applause on the Republican side.]

When a man surrounds and circumscribes his Republicanism by lines of sublime human selfishness, then he puts his feet off the Republican platform. [Applause on the Republican side.]

If a man on the Democratic side of this House votes for free trade on all products, I do not agree with his views, but I respect his candor and pay my meed of praise to his consistency.

But when a so-called "Republican leader" of this House rises in his place and repudiates the political faith into which he was born, for no loftier purpose than pure greed and selfishness, then, in my opinion, he falls beneath the level of contempt.

That is where that eminent but evasive gentleman from Minnesota stands to-day.

He, in an effort to justify his position, gives his private definition of a Republican, and he violates the political dictionary in an effort to justify himself. Sir, if I can invade the domain of the dictionary and write my own definitions, I can do anything on earth, and justify it—by my own private dictionary.

I heard an infidel once say that if he could rewrite the Bible he would be a great churchman. That is the trouble with the gentleman from Minnesota. If he could rewrite the faith of the Republican party to suit his selfishness, he would be a Republican.

Sir, the declarations of Republican faith have not been written by a single hand; those declarations have been written by the uncounted millions of Republicans all over this broad land, and thank God, the tenets of that faith can not be unwritten by any single hand, however greedy and selfish it may be.

The gentleman says he is in favor of free raw material. But is he? What free raw material is the Minnesota gentleman in favor of? Is he in favor of free trade on barley—for that is the raw material of the brewer; is he in favor of free trade on wool—for that is the raw material of the spinner; is he in favor of free trade on wheat—for that is the raw material of the miller. Of course he is not.

And when the gentleman proclaims that he is in favor of free trade on rough lumber, because it is a raw material, he again violates the political dictionary. Rough lumber may be the raw material of the carpenter and the home builder, but, sir, that same rough lumber is the finished product of 28,000 sawmills scattered over this land from ocean to ocean, and they employ in those sawmills 800,000 sawmill laborers, who, with their families, count 3,200,000 mouths that are fed from the wages of this industry—and if they can not have work they will not have bread. [Applause on the Republican side.]

Sir, the Republicans of this Nation have never sought nor intended to pick out one single industry from all our flourishing land and sacrifice it upon the altar of any man's greed.

When the gentleman spoke of putting lumber on the free list, he said that public sentiment had crystallized wonderfully in favor of such a move. His political faith does not seem to rest upon moral conviction, but upon public clamor. When he said that, I realized upon what a slender base his faith rested. The trouble with that gentleman is that he has had his ear to the ground instead of having his eye on the stars.

I say to you, my political brethren on this floor, that it will be a sad day for the Republican party when we start in to tear down the wall of Republican protection in front of any legitimate American industry. [Applause on the Republican side.]

It may be another man's industry that is attacked to-day, but when you begin to tear down the temple of protection, sooner or later you will find your own industry engulfed in the common ruin.

I am a consistent protectionist. My protectionism rises superior to my selfishness. I am willing to protect the barley of Minnesota, and I ask similar protection for the lumber of my own State. I am consistent.

And I say that the man on this floor who wants to protect his own little industry but is willing to see his neighbor's industry destroyed, is not a protectionist; he is just a plain political cannibal, willing to have his neighbor eaten up if he can be saved.

Here is the eminent gentleman from Minnesota, who proclaims his Republicanism in the very moment when he is deserting the principles of that party. Sir, I am here to impugn the Republicanism of any man who wants a tariff of nearly a dollar a grain on barley and who does not want a tariff of a cent per thousand on lumber. [Applause on the Republican side.]

Sir, my political faith is a matter of conviction, and not of convenience. I do not change my politics when I change my residence.

Almost a quarter of a century ago I lived in Nebraska. It was a great prairie State, with little or no forests. But I believed in a tariff on lumber then just the same as I do now.

If I moved away from the State of Washington, which is a great lumber State, and went back to Nebraska, I would carry my convictions back with me, even if I had no visible assets.

But some men cry out, "Oh, it is not going to hurt the lumber business to remove the tariff." Sir, those men give the lie to their language by showing the tenacity with which they cling to protection for each little product of their own.

My friends, this is a matter that comes close home to me. I have never appealed on this floor for any privilege or protection which I was not willing to concede to all other people and all other sections. In relation to this whole tariff bill I have stood openly and aboveboard for a fair measure of protection to every legitimate American industry. And having been that fair and generous to others, I do not want the one great industry, which means more for the prosperity and happiness of my people, made a vicarious sacrifice to gratify the selfishness of any man.

When I campaigned over my own State of Washington last fall I preached the faith of Republicanism; I told those people that the Republican party believed in protecting all legitimate American industries, including the manufacture of lumber—and as God is my witness, I was honest when I said it. I believed it then, and I believe it now.

The only way the Republican party can be held together is by building a wall of protection that shall equally and adequately protect all the industries of America. Do you think that on the great field of American enterprise you can make lumber a commercial outlaw and not reap the reward of your political treachery?

Sir, when I was a child I read a story of the English war in India. According to that tale certain of the natives of India had allied themselves with the English army. They were in imminent danger of attack, and together they threw up a hasty fortress for their joint protection from the common enemy without. But it was found that the fortress was too small to hold all, so the English drove their native allies out of the fortress they helped to build, expecting them to be slaughtered by the enemy.

Do you know what those natives did? In a single instant they joined the enemy and turned their fire upon the inhuman and ungodly crowd that had denied them shelter within the fortress they had helped to build, and they washed their hands in the blood of those who had sought to sacrifice them. [Applause on the Republican side.]

You had better listen to that tale. When you drive a legitimate American industry outside the wall of protection, they will help shoot you to death on the next American political battlefield. [Applause on the Republican side.]

APPENDIX.

GIFFORD PINCHOT, FORESTER, ON THE RELATION OF THE TARIFF TO FOREST CONSERVATION.

WASHINGTON, D. C., *March 10, 1909.*

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee,
House of Representatives.

DEAR MR. PAYNE: To avoid any chance of misunderstanding, I take the liberty of stating my views upon the tariff on lumber in more connected fashion than it was possible to do at the hearing before the Committee on Ways and Means on February 24. At the outset I want to make it clear that the Forest Service has never advocated either the reduction or the abolition of the present duties upon lumber and shingles. On the contrary, we have been at some pains to avoid taking any position, one way or the other, until we could complete a satisfactory investigation of the subject. I say this because many believe that the Forest Service has declared in favor of the removal of the duty upon forest products as a means of conserving our forests. The service has made no such declaration.

If the tariff on lumber were to be removed, it would be done, I take it, for one or both of two purposes—either to reduce the price to the consumer or to preserve our forests. In my judgment, it would accomplish neither.

Free lumber would not materially reduce the price to the consumer. Most of the lumber we now import comes from Canada, as most of it would if the duty were taken off. We are importing from Canada only about 2 per cent as much lumber as we are cutting from our forests. It is not likely that under free lumber more than 5 per cent as much would come from Canada as we would cut at home. Contrary to the general impression, Canada, as compared with the United States, has no great timber supply. Her total amount of standing timber is probably not more than one-third of what is left of ours. In the end the Canadians will undoubtedly require for home use all the timber they can produce. Imports from Canada would not be enough, therefore, to limit the cutting of our own forests or to reduce the price of lumber in any important degree.

Stumpage prices are at present somewhat lower in Canada than in the United States. The taxation of Canadian timber land is better adjusted to the conditions under which timber must be cut than it is with us, but the average cost of logging and manufacturing are probably as great there as here. If the duty were removed, the effect of these factors, taken together, would be to increase the value of Canadian stumpage and to some extent the profits of the Canadian manufacturer and the American retailer. There would remain little, if any, benefit to the ultimate consumer of lumber in the United States.

The fundamental question at issue in the lumber tariff is forest conservation. I believe that the demand for free lumber rests mainly on the hope that it offers a way to protect our forests. If I were of the same opinion, I should favor the removal of the tariff. But I am unable to see how free lumber will promote forestry.

There is only one way to save our forests. That is to see that they are kept at work growing new crops of timber as the old are cut away.

The lumbermen are right when they tell you that in times of high prices for lumber they do cleaner work in the woods and cut more timber from a given area than they do when prices are lower and only the best grades can be marketed. Low prices for lumber unquestionably increase waste. If the removal of the tariff had any effect on work in the woods, it would be to displace the lower grades of lumber now cut by our own mills, which must be either logged or left in the woods when the higher grades are taken out, and to that extent it would increase the woods' waste in this country. The waste in logging is already enormous, several times larger than our importation from Canada. I do not believe that the increased use of Canadian wood under free lumber would equal the increased waste, and even if it did, the larger danger from fire and the greater difficulties in the way of forestry which follow wasteful logging would probably more than offset the gain. In other words, the drain upon our forests would not be relieved by allowing Canadian lumber to come in free.

You asked me at the hearing for my opinion as to the tariff on wood pulp. We are already dependent upon Canada for much pulp wood. Nearly seven-tenths of the wood we use for paper is spruce, and one-third of the spruce pulp wood is imported from Canada. It is highly important that we should have free pulp wood in the future as in the past, and that Canada should impose no export duty upon pulp wood. In this respect the pulp and paper making industry is in a different position from the other great wood-using industries of the United States. The latter can be wholly supplied from our own forests, while the former must have free access to the Canadian spruce forests so long as spruce is the chief pulp wood. I therefore concur with the recommendations of the Select Committee on Pulp and Paper Investigations of the House of Representatives. These were that ground wood should be admitted free, provided that it comes from a country which does not in any way restrict the exportation of pulp wood or ground wood, and that there should be a reduction in the duty upon news paper, providing that it comes from a country which does not in any way restrict the exportation of pulp wood, wood pulp, or printing paper.

I believe there is now a sincere desire on the part of a large number of lumbermen to handle their forests more conservatively. I realize that they face difficulties in their efforts. We as a people have often been at fault because we have not made it easy for the lumbermen to practice forestry at a profit. The States, for instance, have failed to provide adequate fire protection. They have often taxed standing timber so heavily that the owner was forced to cut it off as quickly as possible, and then let the land go back to the State without provision for a future crop.

But it is first of all upon the lumbermen themselves that the duty of conserving their own forests actually lies. By asking for the retention of the tariff in order to protect the forests, the lumbermen have in substance entered into an agreement with the people of the United States to perpetuate their forests by wise use. This tacit agreement is freely recognized by many of the leaders among them. If the tariff is allowed to remain, the lumbermen should be held to their agreement; and if they should fail to carry it out, the people of the United States should take the matter in hand and enforce such control of lumbering as will protect the forests and the public. The lumbermen must recognize that the forests which they own are not simply pieces of private property. They are a public trust, the source from which most of the Nation's future timber supply must come. The Nation has decided that these forests must be conserved. It is the duty of every lumberman to act upon this decision. It is the duty of the Nation and the State to aid him in every way they can. If the lumbermen do not make the most of this opportunity, legislation is coming, and coming very soon, which will force them to do clean work in the woods and to leave their cut-over lands in a condition to produce a second crop.

I believe that it is possible to work out a solution of this great problem, in cooperation with the lumbermen, in a way that will satisfy both them and the public. To this much-desired end I have given in the past, and will continue to give in the future, my utmost efforts.

Very sincerely, yours,

GIFFORD PINCHOT, *Forester.*

The CHAIRMAN. The gentleman's time has expired.

Mr. HARRISON. Mr. Chairman, lest we forget, I desire at this point to read a plank from the Democratic platform adopted at Denver last July:

Existing duties have given the manufacturers of paper a shelter behind which they have organized combinations to raise the price of pulp and of paper, thus imposing a tax upon the spread of knowledge. We demand the immediate repeal of the tariff on wood pulp, print paper, lumber, timber, and logs, and that those articles be placed upon the free list.

Mr. Chairman, I stand upon that platform. [Applause on the Democratic side.]

Mr. BOUTELL. Mr. Chairman and gentlemen of the committee, in speaking in opposition to the amendment offered by the gentleman from Minnesota [Mr. TAWNEY], I wish to offer to the members of this committee for their calm and sober consideration a few reasons why this duty should remain as fixed by the committee. It is very apparent that we have now reached the most critical period in the life of this bill, namely, the amending of carefully prepared schedules in the confusion of the Committee of the Whole, and it is clear that we must proceed with patience and good nature and with great self-restraint if we would escape error.

I now wish to call attention to what seem to me three cogent reasons why this duty should not be changed: First, on account of the revenue which it produces. Let me suggest to those members of the committee who would be glad to see rough lumber go upon the free list that during the last year, according to the official statistics, the duty collected on rough lumber was $1,800,000, and that the ad valorem was less than 12 per cent. The Ways and Means Committee has cut that ad valorem in two, to less than 6 per cent. If the same amount of lumber should come in as came in heretofore, under the new duty, we would still collect $900,000 a year. If, as the advocates of a freer trade in lumber maintain, double the amount of rough lumber should come in at the reduced $1 rate, our income would be still $1,800,000 from this source. Now, as we approach this first suggestion of cutting off the income fixed by the committee, I want to call the calm and sober attention of the members of the committee to this responsibility: That wherever you take a million dollars from the bill, the obligation is placed upon you to suggest some other wise measure for raising an equivalent revenue.

I suggest this to the consideration of those members of the committee who under ordinary circumstances would like to see lumber placed upon the free list. Second, it is very apparent from the evidence before the committee that the best interests of forest conservation would lead us to maintain at least a dollar rate on rough lumber so as to induce the lumbermen of the United States to clean up the cheaper lumber which otherwise they would not be induced to do. The third reason, and the one which I think ought to prevail, even if neither of the others addresses itself to the judgment of the committee, is this: On both the north and the south of us we have in the British Dominion and in South America countries that are ready to take advantage of us in replenishing their own treasuries by an export tax on their raw products which we buy from them. Let me call the attention of the committee to this remarkable situation. We import over 80,000,000 pounds a year of raw rubber. We pay about $60,000,000 a year for it. We boast that it is on the free list for the benefit of our rubber manufacturers, but every year, gentlemen, the American rubber manufacturers, who think they are getting free rubber, contribute to the treasuries of the States of Brazil over $12,000,000 a year in a 25 per cent ad valorem export tax. There is the same danger on the north, that every reduction which we make in lumber will be used by the Canadian or the provincial governments to aid their own treasuries or their crown-land funds. So, for these three reasons, Mr. Chairman, that we need the revenue; that it is the interest of the conservation of our forests; that it is to prevent an export duty being placed by the Canadian government, I submit to the calm and sober judgment of all the members of the committee that the rate fixed by the Ways and Means Committee should be sustained. [Loud applause.]

Mr. PERKINS. Mr. Chairman, the gentleman from Washington [Mr. CUSHMAN] has suggested some question as to what was required of Republicanism. I stand here believing the duty of a Republican is to vote for a measure by which the largest benefit will be derived by the greatest number and the smallest loss will fall on the smallest number. There is no commodity the use of which enters so largely into the entire American population as lumber. Nine-tenths of the men of moderate means live in houses that are built of wood, and whatever tends to lessen the price certainly is of benefit to the great masses of the American community. [Applause.] Now, Mr. Chairman, who are those who are interested in the high price of lumber? I have an acquaintance with a man of wealth who told me that years ago, fifteen or twenty years ago, he bought a large amount of timber land; and he told me that for every dollar he had paid then he could realize $10 now in the increase in the value of the stumpage. Now, Mr. Chairman, between the man who builds a house and the man who has found his investment has increased from $1 to $10 in the course of fifteen years, whom shall we stand for? I find no fault with the gentleman who made that judicious investment; he had the advantage of intelligence, he had the advantage of wealth, and he foresaw that the increased value of our forest product would be such that where every dollar he put in would be worth $10 now.

But it seems to me it comes with a strange grace, to those who have profited by an increase in the value of their commodity as the result of the general economic laws, to ask us to add to that great increase a further increase of $2 a thousand on the price of lumber.

The gentleman from Michigan [Mr. FORDNEY] spoke of the mills that would be closed, the men that would be thrown out of employment. That, Mr. Chairman, it seems to me, is the veriest nonsense. Were not these mills working, were not these men employed, ten years ago, when the price of lumber was $4 or $5 a thousand less than it is now? If they could not work, if the men could not be employed, if lumber were $2 less than it is now, they would not have been employed then. The only effect of taking off this duty will be, I apprehend, not to greatly reduce the price, but to prevent the rapid increase that year by year makes more expensive one of the most necessary commodities of the country, and year by year increases the value of the great stumpage ownership. It has been the history of our industrial development that large wealth, large ownership, has largely acquired the possession of the great undeveloped portion of the natural resources of the land. The ownership of timber land, the ownership of mines, the ownership of coal, have very largely drifted into large ownerships. With that, Mr. Chairman, I find no fault; but surely, when we are legislating on what should be for the interest of the great bulk of the community, we should consider the fact that the natural resources of the land are largely absorbed by a comparatively small number, and that the necessary result of the use of the natural resources of the land is to increase their price by economic laws that no one can hinder. It does seem to me that we should fairly respond to the demand which, as the gentleman from Minnesota [Mr. TAWNEY] justly said, comes up from all over the land, to add no additional burden on the price of one of the great commodities of the American people. [Applause, and cries of "Vote!"]

Mr. CLARK of Florida. I desire to offer an amendment.

The CHAIRMAN. The gentleman from Florida offers an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the last three words in the paragraph, viz, "planing, tonguing, and grooving."

Mr. CLARK of Florida. Mr. Chairman, I desire to say that I am opposed to the amendment offered by the gentleman from Minnesota [Mr. TAWNEY], and I go further than that and say that I am in favor of a restoration of the $2 per thousand rate contained in the Dingley bill. [Applause.] If I can get an opportunity to vote, I shall certainly so record myself.

Yesterday, Mr. Chairman, in the discussion of this bill the gentleman from North Carolina [Mr. POU] undertook to read those gentlemen who occupy the position that I do a lecture as to our duty to the Democracy. He recommended that we go over on the other side and take a seat. I commend that advice to the gentleman from North Carolina, who is standing here voting against what is in the Denver platform, which he helped to make, and with which I had nothing to do. [Applause.]

Mr. POU. Will the gentleman permit an interruption?

Mr. CLARK of Florida. I have not the time.

I was not here yesterday, and the gentleman did not give me any opportunity. My seat is right in front of him, and the gentleman ought to have had me here, because I was in the building and not very far away. But that is neither here nor there.

He says that one who takes the position that I did exhibits "selfishness run to seed," or "greed run to seed." I take it openly, and I am willing to treat the other man fairly. "Selfishness" or "greed run to seed" is when you try to put in the bill what your own district wants and you are not willing to give the same "square deal" to the other fellow. [Applause on the Republican side.]

I am opposed to the amendment offered by the gentleman from

Michigan [Mr. FORDNEY], and I stand here, as I said yesterday, representing my constituency, under their instructions, to vote for the $2 rate if I can possibly be given opportunity to do so. That is my position, fairly and squarely stated, and I do not go under cover to state it, and I do not go in the darkness to my friends on the other side and beg them to put things in the bill for my constituents' interests. [Applause.]

Mr. FASSETT and Mr. REEDER rose.

The CHAIRMAN. The Chair will ask whether the gentleman from Kansas [Mr. REEDER] desires to speak in favor of or in opposition to the amendment?

Mr. REEDER. I am in favor of it.

Mr. FASSETT. I wish to speak against it.

The CHAIRMAN. The Chair will first recognize the gentleman from Kansas [Mr. REEDER] and then the gentleman from New York [Mr. FASSETT].

Mr. REEDER. Mr. Chairman, I regard myself as a Republican and my faith is based on the fact that I think the protection of American industry is the foundation of Republican success and the prime cause of the great success the party has had in so successfully guiding the affairs of this Nation. Yet I am very much in favor of the resolution of the gentleman from Minnesota [Mr. TAWNEY] to place lumber on the free list. I shall not be able successfully to establish my argument by telling a story, so I shall have to base what I may say on facts. I am in favor of free lumber.

Mr. HUMPHREY of Washington. You do not produce any lumber in your district.

Mr. REEDER. I propose to base my argument favoring this amendment, as a Republican, on facts.

Mr. HUMPHREY of Washington. That is a fact, is it not?

Mr. REEDER. The facts are, a tariff on lumber will not protect American labor; it is not intended to protect American labor. We have arranged in this resolution to protect all such labor done on lumber as can be done in this country. The protection to be had under the law as it was in the Dingley bill and the law as it was proposed in the Payne bill was protection to stumpage purely, simply giving to those men who own the stumpage more for such stumpage.

The basis of my argument is protection to American labor; but no protection to owners of stumpage, which is the Republican principle of protection to our laborers' interests. And because of my steadfastness for this Republican doctrine, I am heartily in favor of this resolution to admit rough lumber free. I probably have some little feeling in regard to the owners of this stumpage because of my knowledge of how much of it was obtained by great millionaires, who now own nearly all of the stumpage of this country. When I first came to Congress, a law was passed providing that the money received for this lumber when sold should go into the irrigation fund. We have saved to this fund some forty or fifty millions of dollars. I know, as nearly as I can know anything, that these people who now own this stumpage have been able to secure and keep legislation on our statute books, in the way of lieu-land scrip, the timber and stone act, and other devices to enable them to secure stumpage at such prices as to clear not less than $100,000,000, which should be in the irrigation fund. They did not need that money; they do not need this extra one or two dollars per thousand they wish us to donate them by this bill on all their holdings. They wish us to add this amount to that great sum of money they have secured by getting this stumpage, which they should have permitted to go into the irrigation fund, as was provided in the law of 1902, and thus to-day we would have enough in that fund to have been able to make 20 to 25 homes a day instead of the 10 homes we are now making daily with the $50,000,000 they have left us for that purpose.

This stumpage was generally secured under the timber and stone law at 25 cents to 50 cents per thousand feet and they can now sell it for from $3 to $5 a thousand feet. I do not believe there is an American citizen that desires to tax the millions of consumers of lumber in this country, to add to the price of lumber in order to aid these people, who now own this stumpage. Therefore, I am in favor of passing this resolution, and I do not believe there is a man in favor of the people on this floor, either Democrat or Republican, who would think of voting against passing the resolution or who will vote to add one to two dollars a thousand to the value of the stumpage now owned by millionaire speculators, especially when you consider the means by which they obtained it. If we vote in favor of passing this resolution, every part of the labor, which is done in changing the logs which are already free into lumber, will be done in the States in the Northwest and other sections of our country and by American laborers. Are you in favor of the stumpage owner? If you intend changing the price of stumpage, you do not thus aid labor; the labor is to be done under this resolution by American labor or pay a duty.

The millions of lumber users should not be asked to contribute on every piece of lumber they use to add to the fortunes of these millionaire speculators in lumber, and it is no part of Republican principles to pass a law to compel them to so contribute.

Mr. CLARK of Missouri. A question of order. Is debate on this paragraph exhausted?

The CHAIRMAN. It is not exhausted on this amendment.

Mr. CLARK of Missouri. I move that debate on the Tawney amendment and all other amendments attached to it be closed.

The CHAIRMAN. The gentleman is not recognized for that purpose.

Mr. CLARK of Missouri. I raise the point of order that debate on this paragraph is exhausted under the rule.

The CHAIRMAN. The gentleman from Florida moved to strike out the last three words. The gentleman from New York is recognized in opposition, only one speech having been made.

Mr. FASSETT. Mr. Chairman, I shall not detain the gentleman from Missouri nor this House long. I am opposed to this proposition for several reasons. The first reason is that I am for a high protective tariff [loud applause on the Republican side] pledged to protect in every possible way every legitimate American enterprise.

The second reason I am opposed to the proposition is that it will disappoint every advocate of it in this room and in the country outside.

The third reason is it will deprive us of a large item of important revenue, $1,700,000, annually and give us no substitute.

The fourth reason is that no consumer of raw lumber anywhere in the United States will buy one foot of lumber one cent cheaper if this resolution passes. [Applause.]

Mr. Chairman, I speak as a manufacturer of lumber and owning large stumpage in Canada. For myself personally I would be glad to see the tariff reduced entirely. I would be glad to see absolute free trade in every product of the forest. We can get, then, into the magnificent markets of America from across the border, and I could make my holdings worth much more than they are now. [Applause.]

Who is pushing for this change? It is those of us who are interested in Canadian enterprises and Canadian stumpage. We can well afford free trade. You gentlemen in the lumber business can not afford it, and purchasers of lumber will not benefit. If you give me a $2 remission, I can get $2 farther into New York State and New England. You compromise on $1——

Mr. TAWNEY. Will the gentleman yield for a question?

Mr. FASSETT. Not at all. I can get $1 farther into New York State than I can now, and that is where this committee agreement is a compromise. But those gentlemen who talk for the benefit of the ultimate consumer must not forget the primary producer. No consumer has power to consume to the profit of the dealer beyond his power to earn; and if you solely consider the consumer here and destroy the earning power of the producer in America, you have spoiled your market and ruined your party, and you can not face the people on that issue and you ought not to want to do so. [Applause on the Republican side.]

Mr. SLAYDEN and Mr. RANSDELL of Louisiana rose.

The CHAIRMAN. The Chair will ask upon which side of the amendment the gentleman from Texas is?

Mr. SLAYDEN. I am in favor of the Tawney amendment.

Mr. RANSDELL of Louisiana. I am opposed to it.

The CHAIRMAN. The Chair will recognize first the gentleman from Texas and then the gentleman from Louisiana.

Mr. SLAYDEN. Mr. Chairman, the unanimity with which the timber barons oppose the amendment offered by the gentleman from Minnesota [Mr. TAWNEY] suggests that there may be a little joker in that amendment, and that it is in the interest of the people. [Applause.] As all of the other jokers in this bill are offered against the interest of the people, it seems to me only fair that we give this bantling an opportunity. When the people who confess themselves directly interested financially in the production of lumber without exception oppose legislation, then it is very likely wise legislation to enact.

The suggestion has been made here that gentlemen can not consistently agitate for free lumber who demand a tariff on barley, for example, and it was suggested that the gentleman from Minnesota [Mr. TAWNEY], who, I suppose, wants a tariff upon barley, should come over to this side of the aisle.

I should like mighty well to see him move, but I do not believe that on the logic advanced in support of that contention he needs to take up his chattels to-day and start in this direction;

nor, on the other hand, need the gentlemen who support a tariff on citrus fruits, even though they advocate free lumber, which the gentleman that I have in mind at this moment does not do, move on that account. Lumber and annually renewable crops do not stand upon a level with each other.

In that connection I want to introduce into the RECORD a paragraph or two from a communication sent here by a man who has been lobbying, if you please, in the interest of the people and in opposition to overtaxed lumber:

It can not be denied that logging and sawmill labor in Canada is paid, on the whole, as high wages as in the United States. It is a fact that sawmills in Canada cost more than they do in this country, on account of the duty on their machinery and the higher cost of construction labor. It is also a fact that in the markets of the world the United States sells ten times the lumber that Canada does.

Mr. Chairman, it seems to me that a merchant who sells ten times as much produce of any given nature and quality as another need not be very apprehensive of the competition of that other merchant.

This all goes to show that neither the American sawmill labor nor the American manufacturer needs protection, and that the only and real party protected is the American stumpage owner.

The coniferous timber of the United States is gradually passing into the hands of a few parties. One company alone—the Weyerhaeuser Timber Company—owns 15,000,000 acres of the choicest timber in the West.

Think of it, Mr. Chairman; one association, the Weyerhaeuser Timber Company, owns a kingdom in extent, an empire in value; and they are asking that they be permitted to tax the people who live upon the prairies, who are already groaning under an excessive burden of taxation, mostly levied in the interest of people situated financially as these timber barons are.

While this is the largest individual holding, yet throughout the South and the far West there are numerous and vast holdings of such extent that within the life of the new tariff bill about to be enacted the holders thereof will be absolutely enabled to monopolise the lumber market of the United States.

Similar Weyerhaeusers owning large timber tracts in the State of Texas stand on the platform of the gentleman from Michigan, but there are more people on the prairies of Texas than there are Weyerhaeusers, and more producers of the wealth of that great State than there are timber owners in eastern Texas, and I hope the Representatives of the people will vote for the interests of the majority. [Applause.]

Mr. JOHNSON of South Carolina. Mr. Chairman, I am in favor of free lumber, but as that proposition has been voted down, I shall support the amendment of the gentleman from Minnesota [Mr. TAWNEY]. This amendment provides for the free admission of rough lumber and a very material reduction of more than 50 per cent in the duty on dressed lumber. I would like to see every American citizen own his own home. There are millions of home builders who are interested in the price of lumber, while the number of people who own stumpage is very small. Practically all the standing timber in the United States is owned by a few millionaires. These great timber lands were purchased for a mere song and have increased in value in many instances more than 1,000 per cent. I do not see how any gentleman can get his own consent to vote additional millions to the lumber barons at the expense of the toiling millions who must build homes.

Mr. PAYNE. Mr. Chairman, I move to close debate on this paragraph and amendments in five minutes.

Mr. SWASEY. I hope the gentleman will give me five minutes.

Mr. PAYNE. Well, in ten minutes, then.

Mr. CLARK of Missouri. Does that mean that it will preclude any other amendments being offered to this paragraph?

Mr. PAYNE. To this paragraph; there are one or two other paragraphs.

Mr. CLARK of Missouri. But I want to offer an amendment to this paragraph after we are through with the Tawney amendment.

The CHAIRMAN. If the amendment prevails, it would not prevent the offering of other amendments to the paragraph, but it would prevent debate.

Mr. CLARK of Missouri. Well, I am in favor of that.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending paragraph and amendments be closed in ten minutes, the time to be occupied by the gentleman from Louisiana [Mr. RANSDELL] and the gentleman from Maine [Mr. SWASEY]. Is there objection?

There was no objection.

Mr. RANSDELL of Louisiana. Mr. Chairman, there is one thing I wish to call to the especial attention of this side of the House, and that is that we are not engaged in framing a Democratic tariff bill. This is a Republican measure, framed according to Republican protective principles, and not a Democratic bill framed according to the tariff-for-revenue ideas of the Democratic party. I wish to suggest to my Democratic friends that it is illogical to insist upon applying the principles of the Denver platform to one schedule of this bill when it is impossible for us to frame the bill as a whole according to that platform. It would surely be inconsistent to make a Democratic provision for lumber and Republican provisions for all other parts of the bill. It is a connected whole, a complete entity, and all its schedules must be coordinated according to some definite line of policy, which, in the present case, is the Republican one of protection.

If we were framing a Democratic bill, I take it that it would be our duty to make it conform as close as we could to the principles laid down in that platform; but we are not doing that. We are here trying to make a bill along Republican lines.

The voters of this country have said that the Republicans must frame this bill and not the Democrats, and the Republicans are doing it. As one Representative of a great section of the country largely interested in the lumber industry, I wish to say that as the bill is being framed along protection lines, I think it very unjust for my section not to get its fair share of that protection. [Applause.]

I do not think it is at all inconsistent for good Democrats, as most of us from the South are, to try to have this bill just and fair to every section of the country.

The gentleman from Minnesota, who introduces this measure, is not trying to have free trade in the many products of his own State, but he is striking at one of the largest interests of this country, one of the greatest of the South. Are you going to play into his hands, my Democratic friends, when he will not play into yours? Take the bill as a whole, let it be considered as a whole and not as a part when you make up your vote. Get it in as good shape as you can, and let it protect your section if it is going to protect all the others.

Mr. NORRIS. Will the gentleman yield?

Mr. RANSDELL of Louisiana. I will yield to the gentleman from Nebraska.

Mr. NORRIS. I want to ask the gentleman if this was a Democratic House, then I presume from what he has said that he would vote for this amendment, but as long as it is a Republican House he will vote against it. [Applause.]

Mr. RANSDELL of Louisiana. I think a duty on lumber can be defended on the strictest kind of Democratic principles, because it is a distinct revenue producer, and if I was preparing a tariff bill I would favor putting a duty on it, because it does produce a very large revenue.

Mr. SWASEY. Mr. Chairman, I am interested in the paragraph concerning lumber. I represent a State that has a large lumber interest, and if the gentlemen of this House will look at the map of the United States, they will see that the boundary line between Maine and the Provinces of Canada is a river—the St. John. We have large lumber holdings in Maine. We have 10,000,000 acres of timber land in which the State of Massachusetts and the State of Rhode Island and the State of Connecticut can get lost in the woods.

Our northern boundary is a navigable river—the St. John. It is navigable for logs and for lumber. I am here as a Representative of the people that are deeply interested in the protection of American lumber, and the legislature of my State, by an overwhelming majority, last week sent instructions to their Representatives in both branches of the National Congress to see to it that this great interest was protected.

We are brought into direct competition with Canadian lumber and we are brought into competition with every forest product of the Canadian forests. Mr. Chairman, I apprehend that we forget that this great Union of ours is a union of States; that there is no interest north, south, east, or west but what the whole people of the Union are interested in. By our rapid transportation, by our rapid communication, by telegraph and telephone and wireless telegraphy, by the railroads, it is nearer from Maine to Texas than it ever was before, it is nearer from Florida to Washington than it ever was before. You can not touch the interest of any section of this great Republic without affecting to some extent the interests of the other sections of the Republic.

This great West of ours furnishes us corn and wheat and barley and beef, and all those products are being run into our forests by the carload, train after train, and if we could have the privilege of going into the Canadian market and buying the products for carrying on our lumbering operations over the Canadian line, we could afford to give up the $2—yes, $4—but when we pay you $1.20 for your wheat, $1.10 for your corn, and from $400 to $600 for a pair of Kansas, Ohio, or Illinois horses, we are paying for all the privilege that we get by virtue of the protection to that great industry of ours, and I trust that gentlemen will be fair with us and will give us a restoration of the Dingley tariff.

The CHAIRMAN. The time of the gentleman has expired. Without objection, all pro forma amendments will be considered as withdrawn. The question now is on the amendment offered by the gentleman from Minnesota.

Mr. EDWARDS of Georgia. Mr. Chairman, let us have the amendment rereported.

The CHAIRMAN. Without objection, the amendment will be again reported.

There was no objection, and the Clerk again reported the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken; and on a division there were—ayes 151, noes 173.

Mr. TAWNEY. Mr. Chairman, I demand tellers.

Tellers were ordered.

The Chair appointed Mr. TAWNEY and Mr. FORDNEY tellers.

The House again divided; and the tellers reported—ayes 170, noes 176.

So the amendment was rejected.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Pages 54 and 55, strike out paragraph 197.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. CLARK of Missouri), there were—ayes 118, noes 157.

So the amendment was rejected.

Mr. TAWNEY. Mr. Chairman, I desire to make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. Mr. Chairman, as I understand the rule it provides for a vote in the House on any of the amendments to the paragraphs specified in the rule, whether the amendment is voted up or voted down. The inquiry that I wish to make is this: If this paragraph 197 can not be amended in the Committee of the Whole, and the amendment has been voted down, and a vote is demanded on this paragraph in the House, and it should carry, that would necessitate amending the free list and also striking out paragraph 196. Could that be done in the House without a vote in the committee on the proposition to strike out paragraph 196 and to amend paragraph 708?

The CHAIRMAN. The present occupant of the chair has a very decided opinion upon that point, but it seems to the Chair that is a question which would have to be decided by the Speaker in the House. It can not be decided in Committee of the Whole House on the state of the Union, as the inquiry touches the action of the House after the bill shall have been reported from the committee.

Mr. TAWNEY. Then, in order that there may be no question about it, I will offer amendments to strike out paragraph 196 and to amend paragraph 708.

The CHAIRMAN. The Clerk will report the amendment which the gentleman from Minnesota offers.

The Clerk read as follows:

Page 54, strike out paragraph 196, being lines 16, 17, 18, and 19.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. TAWNEY. Now, Mr. Chairman, I offer the following amendment to paragraph 708, which I send to the desk and ask to have read, which amendment seeks to transfer all of the items in paragraphs 196 and 197, proposed to be stricken out by my amendment originally offered to paragraphs 196 and 197, and transfer all of said items to paragraph 708 of the free list.

Mr. GAINES. Mr. Chairman, I wish to make the point of order that the amendment now offered is inconsistent with the action already taken by the committee. The vote already taken disposes necessarily of the proposition now made by the gentleman from Minnesota.

Mr. TAWNEY. Why, I can not see anything in the proposition of the gentleman. My former amendment——

The CHAIRMAN. The Chair does not desire to hear argument; it is not for the Chair to determine the consistency or inconsistency of the amendment. The committee must determine for itself whether or not it will be consistent. This is not the same identical amendment that was voted upon, and is an amendment to a different part of the bill—an entirely different paragraph—and it appears to be germane. The point of order is overruled. The Clerk will report the amendment.

The Clerk read as follows:

708. Wood: Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, and sawed lumber, timber hewn, sided, squared, or sawed, and round timber used for spars or in building wharfs, logs and round manufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gunstocks, rough hewn, or sawed or planed on one side, hop poles, ship timber, and ship planking; all of the foregoing not specially provided for in sections 1 and 2 of this act.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

Mr. SCOTT. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 136, after line 14, insert as a new paragraph, to be numbered 447½:

"447½. Hides of cattle, raw or uncured, whether dry, salted, or pickled, 10 per cent ad valorem."

Mr. SCOTT. Mr. Chairman, in the eight years of my service in this Chamber I do not now recall that I have made a speech without the expectation, or at least the hope, that what I said might have some influence upon the action of the House. I can not flatter myself, however, that there is any ground for any such hope or expectation at this time. After the extended discussion which has been had on this subject there seems to be no doubt but what every gentleman on this floor has already made up his mind how he will vote on this amendment, and that nothing which can now be said will change a vote. I shall therefore content myself with one or two brief statements which seem to me to show that this amendment is logical and just.

The bill which we are considering reduces the duty on leather goods, boots and shoes, and other manufactures of leather at varying rates from 25 to 75 per cent below the Dingley law. In view of the fact that the duty on the finished product of the manufacturer is thus reduced, it is only fair and just that the duty of his raw material should be reduced. But the raw material of the manufacturer is the finished product of the farmer and the stock raiser, and I do not believe it is fair to reduce the duty upon this raw material in greater proportion than the reduction on the manufacture of the finished product. The pending measure removes all the duty from hides, while it takes but from 25 to 75 per cent duty from shoes and leather.

Mr. HUGHES of West Virginia. Mr. Chairman——

Mr. SCOTT. Mr. Chairman, I should prefer to make my statement first. I am willing, and those for whom I speak are willing, to submit to a corresponding reduction in the duty on hides, but I do not think they should suffer all of the loss. The amendment which I have offered, therefore, asks that a duty of 10 per cent be levied upon raw hides, which is substantially a 40 per cent reduction from the existing rate.

I believe that this duty can be levied without injustice to any American industry. I believe it can be levied without robbing any American laborer of employment or reducing his wages. I believe also that the levying of this duty will be just to the farmers and the stock raisers who furnish this raw material and whose profit would undoubtedly be diminished if it be allowed to remain on the free list. As I said in discussing this measure some days ago, the removal of this duty either will not reduce the price of hides or it will reduce the price. If it does not reduce the price, then no industry has been benefited and the Treasury has been robbed of the revenue derived from the tariff. If it does reduce the price, then the farmer who purchases the hides must ultimately suffer the loss; and he will obtain no corresponding benefit by reason of a reduction in the price of the manufactured articles which he must purchase, because I submit that no manufacturer of shoes has ever yet been able to figure out that he would be able to give the consumer either a better shoe for the same price or a cheaper shoe by reason of the remission of this slight duty. It seems to me, therefore, Mr. Chairman, that in common fairness to the great producing class of this country, in fairness to the class which makes up more than one-third of the population of the United States, that this amendment should prevail, and I hope the House will take that action upon it.

Mr. DIEKEMA, Mr. ROBERTS, Mr. GARDNER of Massachusetts, and Mr. BURLESON rose.

The CHAIRMAN. Does the gentleman from Massachusetts [Mr. ROBERTS] desire to speak in favor of or against the amendment?

Mr. ROBERTS. In opposition.

The CHAIRMAN. The gentleman may proceed.

Mr. ROBERTS. Mr. Chairman, it seems to me at this time a brief history of the tariff on hides would be of interest and benefit to the committee. For a period of twenty-eight years prior to the enactment of the Dingley law hides carried a small tariff of from 5 per cent to 10 per cent, the 10 per cent being imposed in the height of the civil war, when it was absolutely necessary to raise enormous revenue and everything in sight was taxed. From 1872 down to 1897, when the Dingley bill was enacted, hides were on the free list, where they had been from

the foundation of the Government until about 1856. I want to call the attention of the committee to the fact that no tariff bill in the last quarter of a century has passed this House carrying with it a tariff on hides. The McKinley bill as it became a law and as it passed the House exempted hides from taxation. The Dingley bill as it passed the House had no provision taxing hides, that provision being put on in the coordinate branch; and it seems to me that the arguments of the gentleman from Kansas [Mr. SCOTT] have a very familiar ring. Either hides will be reduced or they will not be reduced. He seems to ignore one of the vital points in this question. The American manufacturers have been engaged for years, in all lines of business, in working up a foreign market; yet the manufacturer of shoes has been met, under the provisions of the Dingley bill, by a distinct handicap when he endeavored to put his wares in competition with those of the foreign manufacturer, for the simple reason that the foreign manufacturer of boots and shoes can come to the American tanner and purchase the identical leather used by the American manufacturer at from 10 to 12 per cent cheaper than his American competitor can purchase that same leather.

Through the operation of the drawback clause it allows the tanner to get the drawback of 15 per cent upon the exported leather, so that when the American manufacturer goes into the foreign market he is met with that discrimination imposed upon him by the laws of the United States, of his own country, of 10 to 12 per cent advanced cost in the raw material of his product. That reason alone should impel this Congress to restore hides to the free list, where they had been from 1872 until 1897.

Now, the gentleman from Kansas [Mr. SCOTT] is evidently arguing from the standpoint that the tariff on hides benefits the raiser of the cattle. But it seems to me, Mr. Chairman, that is one of the greatest fallacies that has been advocated and advanced in support of the proposition of taxing hides. I think if I had the opportunity—I have only a moment or two, and may not be able to give all the figures—that I could demonstrate to a mathematical certainty that there is not at present, and never has been, the slightest relation between the price of cattle on the hoof and the price of their hides.

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. Mr. Chairman, the preparation of a tariff bill always affords opportunity for a disply of selfishness; but I confess my surprise that the time has come when a Member of Congress stands upon this floor and deliberately says, "If you will give me what I want for my district, if you put in this bill what I ask for my district, you can put in anything else that you may see fit and I will support it." [Applause on the Democratic side.] Mr. Chairman, having reached this point, I confess that, in my judgment, we have sounded the uttermost depths of unconscionable selfishness and grasping greed. What does this mean? Nothing more than this: That if you will provide for me, protect the few things that I want taken care of in my district, you may pilfer, you may plunder, you may rob the remainder of the American people to your heart's content, and I will stand by and not raise my voice to protest or resist, but will aid you in your acts of despoliation. [Applause on the Democratic side.]

But, Mr. Chairman, it has become so fashionable to make protection speeches on this side of the Chamber that I am tempted to make one myself. [Laughter.] I believe that I, too, will stand for protection. Mr. Chairman, I raise my voice for protection in behalf of the 80,000,000 of people—yes; the 90,000,000 of people—in the United States who are consumers, as against the few thousand manufacturers who are to be the principal beneficiaries if this bill becomes law. In their behalf I am for free boots and shoes. I am for free leather, and free goods manufactured from leather. If these could be had and a proposition should be brought forward to put a tariff on hides, I would oppose and vote against it. I am opposed to a protective tariff, regardless of the guise in which it may come or be offered. But, Mr. Chairman, I also believe in honesty and fair dealing. The people of the South and West, the farmers and cattle growers of those sections, are large consumers of leather, leather manufactured goods, and boots and shoes.

New England is a large consumer of hides, making them into boots and shoes. Now, if hides are to go on the free list, why not boots, shoes, and leather goods? Echo answers, "Why!" Why do I support the proposition proposed by the gentleman from Kansas? I will tell you why, and I shall speak with the utmost candor: I do not believe it is going to benefit the cattle grower but to a very limited degree. I would not be honest if I did not state my deliberate judgment to be that the principal beneficiary of the present tariff on hides is the packers or, to speak plainly, the beef trust. I so stated three years ago on this floor. I said then that the farmer and stock grower had been handed a gold brick in this particular schedule of the tariff law. I reiterate that statement now. Then, why should I ask a tariff on hides in this bill? I will tell you why. But before I proceed, let us see what would be the result if free hides were given as contemplated here.

Do you think free hides as offered in this bill will secure for the masses of the people cheaper boots and shoes—for the farmers, cheaper harness and saddles?

If I thought so, I would stand against this amendment, though if we on this side were making a bill I would insist that hides be used as a revenue article, having collected last year nearly $3,000,000 from hide importations.

The tariff tax under the Dingley law, the present law, on boots and shoes was 25 per cent, the tariff on hides being 15 per cent. This rate on boots and shoes was prohibitory, or practically so, because there is collected, as shown by the Treasury reports, only $38,960 per annum from their importation. This tax is reduced in this bill to 15 per cent; but, Mr. Chairman, a careful reading of the hearings before the Ways and Means Committee forces the conclusion that this 15 per cent tariff is so high, when considered in connection with the cost of ocean freight charges, as to enable American shoe manufacturers to continue to sell their product at prevailing prices.

The same is true also as to leather manufactured goods, the duty under the present law on these being 45 per cent and under this proposed bill 35 per cent.

The shoe manufacturer appeared before the Ways and Means Committee and said, "Give us free hides, and we are willing to give free boots and shoes." Our mail has been flooded with letters from those claiming to be of the largest of our shoe manufacturers to the same effect. We have repeatedly heard the gentleman from Wisconsin [Mr. WEISSE], a tanner, who knows more about leather than all of us, say that the tanners were willing to have leather free if hides were put on the free list. Mr. Chairman, the farmers and stock raisers of the West and South are entitled to cheaper boots and shoes, cheaper harness and saddles; the mass of consumers of this country are entitled to cheaper shoes.

Considering the many burdens laid on them under the terms of this bill, do you not think one schedule should be formulated in their interest, not with a view of giving them an advantage—they do not ask it—but in order to give them simple justice? Now, if we give these manufacturers free hides, do you think they will give the consumers the benefit of the concession? I do not believe it. Do you not know they will continue to charge just as high a price as possible under the duty fixed on their manufactured product? Of course they will, and the only result of free hides will be to enable these manufacturers to put that much more in their pockets. I believe in free hides in this bill, but when we yield this I say let them yield free boots and shoes and free leather goods at the same time.

They have expressed their willingness to give free shoes if they can get free hides; now let them do it. If free hides are granted and no further reduction is made in these boot and shoe and leather-goods schedules, my opinion is that the consumers of this country will for years be compelled to continue to pay this high tax on their shoes and other leather goods. My deliberate judgment is that if you who stand for the consumer and want cheaper shoes and boots, your best chance to secure them is to continue the tariff on hides until the tariff is taken off boots and shoes and leather goods at the same time. You must do this, and by so doing say to these protected interests, say to these monopolistic manufacturers who are always grasping, who always want more—say to these men who came before the Committee on Ways and Means and declared "We are willing to give you free boots and shoes if you give us free hides"—"we propose to continue a duty on hides until you keep faith and give up the graft that you have through the tariff."

If we do this, we will ultimately succeed in getting free shoes; if we now yield, we never will.

Mr. Chairman, if we let this bill stand unamended, thus leaving hides on the free list, mark the prediction: We will hear no more complaint from the East about the hide and leather schedules; but if we hold to a duty on hides they will continue to howl, and in the end will yield their unreasonable exactions and consent that the consumer be given cheaper shoes and leather goods in order to secure free hides.

Mr. Chairman, in the interest of those who grow cattle, I stand ready to put hides on the free list if boots and shoes go on the free list at the same time. If leather-manufactured goods should go on the free list, I will stand upon this floor and vote against the duty on hides; but we are not going to even have a chance to vote on these schedules. Oh, no! We can not be trusted to do so.

Mr. Chairman, this House has by vote in Committee of the

Whole just refused to put lumber on the free list. It may be in the House, on a record vote, the result will be the same, but I have my doubts; it may be you will vote this amendment down; it may be that the Payne bill will go to the Senate providing for other free raw materials, which is, of course, a departure from the long-established Republican protection policy; but, Mr. Chairman, however this may be, when the Aldrich bill becomes law you will find that the same old crowd has been doing business at the same old stand and that the interest of the protected monopolies of this country has been carefully looked after, notwithstanding the consumer, for whom I beg protection, is again the victim and sufferer thereby.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DIEKEMA. Mr. Chairman, I rise to speak in opposition to the amendment of the gentleman from Kansas, the distinguished chairman of the Committee on Agriculture. I believe that agriculture still lies at the foundation of our national wealth and prosperity. I am glad, for one, that one-half of the people of this country are still engaged in agricultural pursuits. I am happy to know, as an American citizen, that the farmers of the United States own their own farms and are not tenants. They are the great conservative force and moral strength of our people; and I believe, representing as I do a great agricultural district, that they also represent the most patriotic sentiment of the country. Mr. Chairman, when the farmers understand the exact situation contained in this schedule they will unite with me and say that they want hides upon the free list. [Applause.] There is a hand-to-hand struggle, a hand-to-hand fight, going on at the present time between the independent tanners and the packers; and the farmers of my district will come to the help of the independent tanners.

Now, Mr. Chairman, there is not a country on the face of the earth that places a cent of tariff upon hides except our country, and we never did it except in an evil moment. We can not stimulate this industry so as to produce enough to supply our own needs. Forty per cent of the hides are now imported, and a greater percentage will be imported from year to year, for the demand for leather is increasing and our population is growing much faster than our production of hides. Now, what are we doing? We are saying to the independent tanner, if we adopt this amendment, you must either pay a dollar or a dollar and twenty-five cents for every hide you import from a foreign country, or you must buy from your competitors, the Chicago packers, who control from 60 to 80 per cent of the product. One-third of all the heavy leather tanned to-day in this country is being tanned by tanneries owned by these packers. Recently in my own State they have, as I am informed, acquired three new tanneries. They are now selecting the best hides for their own tanneries and therefore can make the best leather to compete in the open market with the independent tanners. Soon they will make their own boots and shoes and will try to monopolize the whole industry and fix their own prices. Give free hides to the independent tanner and he can compete. Compel him to pay tribute to his competitor and he can not survive.

While I do believe that the farmer is at present receiving some slight benefit from the duty on hides, I am absolutely certain that no selfish instinct will stand in the way of his present patriotic duty. I do not believe shoes will be cheaper if we place hides on the free list, but I believe they will be better, for the competition is very sharp, and a better shoe is ultimately a cheaper shoe. [Applause.]

Let me remind the Members of the House right here of a letter written by the immortal Blaine in 1890, as follows:

WASHINGTON, *April 10, 1890.*

DEAR MR. MCKINLEY: It is a great mistake to take hides from the free list, where they have been for so many years. It is a slap in the face of the South Americans, with whom we are trying to enlarge our trade. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes.

It will yield a profit to the butcher only, the last man that needs it. The movement is injudicious from beginning to end—in every form and phase.

Please stop it before it sees light. Such movements as this for protection will protect the Republican party only into speedy retirement.

Very hastily,

JAMES G. BLAINE.

This voice now comes to us from the grave, but added years have only given to those words an increased appreciation of their wisdom and foresight.

Free hides will save a great independent industry, and will prevent a most dangerous monopoly of the whole hide, leather, and boot and shoe industry. Our duty seems clear. Let us stem the tide and save the industry. [Loud applause.]

Mr. UNDERWOOD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. UNDERWOOD. I desire to offer an amendment.

The CHAIRMAN. To the amendment?

Mr. UNDERWOOD. I desire to offer an amendment to the amendment and to insert, after the words "cattle hides," the words "and skins," so that it will read "cattle hides and skins."

Mr. GARDNER of Massachusetts. Mr. Chairman, I make the point of order that that is not germane.

Mr. UNDERWOOD. I insist that it is germane.

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

After the words "cattle hides" insert the words "and skins."

Mr. HARRISON. May we have the whole amendment of the gentleman from Kansas reported with the proposed amendment?

The CHAIRMAN. Without objection, the amendment of the gentleman from Kansas will be again reported.

The amendment was again reported.

Mr. UNDERWOOD. Now, Mr. Chairman, speaking——

Mr. GARDNER of Massachusetts. Mr. Chairman, I have raised a point of order.

Mr. PAYNE. I want to call the attention of the Chair to the rule under which we are working.

The CHAIRMAN. One moment. The Chair is trying to find out what the amendment is.

Mr. UNDERWOOD. Mr. Chairman, I desire the amendment to read, "Hides and skins of cattle." I do not know whether I have made myself clear or not.

The CHAIRMAN. The Clerk will, then, report the amendment as the gentleman desires it to be.

The Clerk read as follows:

Amend so as to read, "Hides and skins of cattle, raw or uncured, whether dry, salted, or pickled, 10 per cent ad valorem."

Mr. GARDNER of Massachusetts. I raise the point of order that that is not in accordance with the rule adopted yesterday. The rule permits germane amendments to paragraph 581, which is the hides paragraph. Now, the skins paragraph comes later, paragraph 672 of the bill. It has been decided in several cases by the Treasury Department, and has never been appealed by the Government, that skins are not hides; that they are divided by a well-known line of 25 pounds in the green hides and 15 pounds in the dry hide, and that the two things commercially are totally different articles.

Mr. WEISSE. Twelve pounds for dry hides.

Mr. UNDERWOOD. I think that any language that relates to the phraseology, broadening or narrowing it, is in order as an amendment.

The real purpose of this amendment is this: I believe we should have a revenue tariff on hides. I believe that tariff should cover all classes of hides. The effect of the present law is to let in skins free. Skins are the product of the ordinary farmer, the ordinary producer of cattle. He gets no protection, but the great beef packers of the country have their hides protected. Now, if we are going to raise revenue on one, I believe we ought to raise revenue on the other, and there is a great deal of revenue that can be raised on skins. Therefore I think this amendment is in order, because it merely goes to the phraseology of the paragraph and broadens it to cover the contention of the Supreme Court of the United States. The courts have held, although the original paragraph was all one, that any hide weighing less than 25 pounds was a skin. I do not think that was contemplated by Congress when it passed the original law; and now, if we change the phraseology of the law so that any hide, whether it weighs a pound or 30 pounds, is a hide, the amendment is one which merely goes to the changing of the phraseology.

Mr. STAFFORD. If the Chair will indulge me——

The CHAIRMAN. The Chair will hear the gentleman.

Mr. STAFFORD. I wish to correct the gentleman——

Mr. UNDERWOOD. Just one word. The fact that there is another paragraph in the bill does not affect the pertinency of the amendment to this paragraph. We have a perfect right in this paragraph to define what a hide is. We could strike out the word "hide" and substitute the word "skin." It is merely an effort to broaden the phraseology of the paragraph so that it will cover the subject all the way through.

Mr. SLAYDEN. I think the gentleman will find that the interpretation of the meaning of the word is merely a ruling of the Treasury Department.

Mr. STAFFORD. The paragraph to which I wish to direct the attention of the Chair provides "that skins of all kinds, raw, except sheepskins with the wool on, and hides not specifically provided for in section 1 or 2 of this act," shall be on the free list.

The purpose of those who submitted the rule was to provide for a vote on hides, and hides alone. As the gentleman from Massachusetts [Mr. GARDNER] has said, the word "hides" has received a definite construction by the Treasury Department to be those hides of cattle which average more than 25 pounds. All hides under that weight, which are known as "calfskins" or

"kips," are now admitted free of duty. But the Ways and Means Committee, in the bill that has been submitted here, reenforces and confirms that construction by placing skins in paragraph the rule if an amendment to include skins is permitted, for then you give opportunity to any Member of this House to make any kindred motion that would be violative of the rule and that only the committee might offer as committee amendments.

The CHAIRMAN. The Chair is ready to rule. The Chair finds that in the pending bill, in previous tariff laws, and in rulings and decisions under those laws a distinction has always been made between hides and skins, and finds, also, that in the rule adopted yesterday, and under which the committee is now proceeding, preference is given only to certain specified amendments, among others, to paragraph "447½, hides." The preference seems to be distinctly limited to amendments upon the subject of hides.

Now, the amendment of the gentleman from Alabama proposes to add the words "and skins." The rule distinctly limits preferential amendments under this paragraph to hides. The proposed amendment by the gentleman from Alabama includes an additional subject, namely, skins. The Chair thinks it is not in order under the rule.

Mr. UNDERWOOD. Then, Mr. Chairman, I offer the following amendment: Add, after the word "hides," the words "weighing more than 1 pound."

Mr. GARDNER of Massachusetts. Mr. Chairman, I raise the same point of order that I raised to the other amendment.

The CHAIRMAN. Does the gentleman from Massachusetts desire to be heard on the point of order?

Mr. GARDNER of Massachusetts. No.

Mr. STAFFORD. Mr. Chairman, will the Chair allow me to direct his attention to the fact that the amendment is contradictory? You can not have a cattle hide weighing 1 pound. The hides of calves weigh several pounds. The purpose of the gentleman is to violate plainly the construction of what is known as "skins," which has received a definite construction by the Treasury Department. He is trying to accomplish by indirection what he can not accomplish by direction.

Mr. CLARK of Missouri. Let me ask the gentleman if that is not simply a trade regulation, and has not Congress the right to define the meaning of these terms?

Mr. STAFFORD. The question must be construed under the rule which we have adopted. What was the purpose of the rule in permitting an amendment by an individual Member to the paragraph on hides? It was not intended that liberty should be given to offer an amendment to the paragraph on skins and kips. It is a question of the construction of the rule under which we are proceeding.

The CHAIRMAN. The Chair is ready to rule. The special rule or order of the House gives a preference to amendments to paragraph 447½ on hides. The gentleman from Alabama offers an amendment relating to hides weighing 1 pound or over. The Chair can not attempt to decide as to how many pounds a hide may weigh, nor how few pounds a hide may weigh and still be a hide. It seems that the amendment relates strictly to hides; and it is for the committee to determine whether they wish to apply the paragraph to hides weighing 1 pound, if there are such, or limit it to hides of a greater weight. It may be absurd to legislate concerning hides weighing 1 pound. But if the Chair should rule out this amendment, others might be offered at 2, 3, or 4 pounds, and so on upward, until finally the Chair would have to determine the minimum weight of a thing which may be called a "hide." That is not a parliamentary question for the Chair to decide. It is legislative matter for the committee. The amendment upon its face relates to hides. The Chair overrules the point of order.

Mr. UNDERWOOD. Then, Mr. Chairman, on the merits of the question, I want to say that the gentleman proposes to tax hides 10 per cent. That will apply only to hides weighing 25 pounds or over. The testimony before the Ways and Means Committee clearly shows that the average hide the farmer takes off a cow or steer will not weigh 25 pounds. There was no duty left on the article that the farmer produces, and this is under the ruling of the Treasury Department, this duty on hides being construed to mean a hide of cattle weighing more than 25 pounds. The great packers of this country have a revenue levied on their products, but the farmers of the country have their products put on the free list. I say what is fair for one is fair for the other; and if you are going to levy a duty on hides that weigh more than 25 pounds, which is a benefit to the packer, why not levy it on hides that weigh more than 1 pound for the benefit of the farmer?

More than that, the reason I am for it is outside of that question. I believe it is our duty to raise revenue. I believe in a revenue tariff. I know that this duty on hides does produce more than $3,000,000 of revenue as it stands now. If we put it on all kinds of hides it will produce a great deal more.

Mr. STAFFORD. Will the gentleman permit a question?

Mr. UNDERWOOD. I can not; I have only five minutes. If we put it on all kinds of hides we will increase the duty considerably. It will apply to calfskins as well as to other kinds of hides, and in 1907 $11,000,000 worth of hides and skins came into this country. Ten per cent of that would mean $1,000,000 that we put into the Treasury of the United States. We are in need of revenue. It is a good revenue article, and there is no reason, in my judgment, why the hides weighing under 25 pounds should not bear a revenue, as well as hides that weigh 25 pounds and over; and for that reason I am in favor of the amendment. [Applause.]

Mr. SCOTT. Mr. Chairman, I ask unanimous consent that debate on the two pending amendments be closed in twenty minutes.

Mr. PAYNE. Oh, no; let us vote on this preposterous amendment offered by the gentleman from Alabama. I object.

Mr. GARDNER of Massachusetts. Mr. Chairman, I was wondering what excuse gentlemen on that side of the House would give in order to get out of voting for free hides. I have said for years that when it came to the point they would find some good reason why they could not vote to abolish the duty. Now, we are told by the gentleman from Texas [Mr. BURLESON] and the gentleman from Alabama [Mr. UNDERWOOD] that they are going to vote for a tariff on hides because boots and shoes and leather are dutiable. I am only surprised that more of the gentlemen on the other side have not claimed that as a revenue producer the hide duty should be maintained. Now, let us first take up the words of the gentleman from Texas. He says, if you will only put boots and shoes on the free list, and so says the gentleman from Kansas [Mr. SCOTT]——

Mr. SCOTT. Mr. Chairman, the gentleman from Kansas did not express a wish for boots and shoes to be upon the free list.

Mr. GARDNER of Massachusetts. Perhaps he did not put it as strong as that. If the gentleman from Kansas [Mr. SCOTT] will admit that he is inconsistent in voting for free lumber and for a duty on hides, I will admit that I am inconsistent in voting for a duty on lumber and in voting for free hides.

Mr. SCOTT. Mr. Chairman, if the gentleman will yield to me, I would be very glad to explain my position on that question.

Mr. GARDNER of Massachusetts. Mr. Chairman, with regard to this question of free boots and shoes raised by the gentleman from Texas [Mr. BURLESON], and I would like to have his attention for a moment, the gentleman knows very well that hides always were free until the Dingley bill was enacted. He knows very well that boots and shoes always carried a duty of from 20 to 30 per cent when hides were free. Upper leather carried a duty of 20 per cent when hides were free throughout the period of the Wilson Act and at all other recent times prior to 1897.

Mr. COX of Indiana. Mr. Chairman, will the gentleman yield?

Mr. GARDNER of Massachusetts. In a minute. Sole leather carried a duty of 10 per cent. Then came along the Dingley bill, and Congress said we will put 15 per cent duty on hides, and in return we will raise the duty on boots and shoes from 20 to 25 per cent, and on sole leather we will raise the duty from 10 per cent to 20 per cent. We will leave upper leather where it is. Now, when we reverse the situation and take the duty off hides we are willing to give you more than you gave us when you put it on. We accept 15 per cent on boots and shoes where we had 20 before. We accept 5 per cent on sole leather where we had 10 per cent before. We accept 15 per cent on upper leather where we had 20 per cent before the duty on hides was imposed. Now, the gentleman from Texas tells us that he can not vote for free hides because it is not a fair exchange, although we are conceding him more than we received when hides were put on the dutiable list. Now I yield to the gentleman from Indiana.

Mr. COX of Indiana. Mr. Chairman, does the gentleman believe that it is fair for that western country to raise the cattle and for the manufacturers in New England to get their hides free and at the same time have an enormous rate of duty on the manufactured products of boots and shoes that we out in that country must buy?

Mr. GARDNER of Massachusetts. Mr. Chairman, the gentleman's cows are protected from tail to horn, and his farmers are mighty well protected in other respects. Moreover, the shoe and leather trade must pay a duty on tanning extracts and dyes. We are not getting our raw materials free. Now, to go on. You say, Give our farmers what they are giving you and we will be satisfied. We are giving you more. If you calculate a reduction of 10 per cent on the duty on boots and shoes you will see what it means. Why, I remember hearing people

argue in this House as to how much more a pair of shoes will cost if you have a duty on hides. The gentleman from Ohio [Mr. KEIFER], who thinks that upper leather is not ever dutiable leather, shakes his head, because he does not know what farmer's upper leather is made of. Now, the fact is that nobody claims that the hide duty adds as much as 15 cents to the cost of a pair of shoes, and yet we are giving the farmer more than 15 cents in return for free hides. We are giving up 10 per cent of the duty on our finished product. Under the Payne bill, if you import a pair of $2.50 shoes we give up 25 cents of our protection. If you could import shoes as cheap as $1.50 per pair, then we should be giving 15 cents off our protection. If you import a $5 shoe, we must yield 50 cents of our present protection.

Mr. KEIFER. Mr. Chairman, an emissary from some district—I will not say the district of the gentleman from Massachusetts [Mr. GARDNER], who has just spoken—passed into my home city yesterday and visited all of the people who use leather of any kind, and asked them to telegraph me, and that emissary carried the same information that my distinguished friend from Massachusetts [Mr. GARDNER] just now displayed. One of the telegrams, omitting the name, reads as follows:

> We use $40,000 to $50,000 worth of leather yearly. We are anxious for lower prices. Kindly use your influence for free hides.

I have known the business of the man who sent that message ever since he entered it, and that of the company which now bears his name, and I knew at once that neither he nor his company ever used a dollar's worth of leather the hides from which it was produced was subject to any duty at all. All the leather he or his company uses is tips and the like for suspenders, that never came from cattle hides at all.

Briefly answering the gentleman from Massachusetts, I may say I know that the uppers of ladies' shoes and gentlemen's shoes generally are not made from cattle hides. This is almost universally the case. I do know that the "little brogan shoes" that the farmer wears are made generally from cattle hides, and I know that the farmer does not complain that he has to pay, at the utmost, 5 cents per pair of shoes more on account of the duty on cattle hides, because that is the utmost duty that comes upon the heavy shoe sold to the farmer. If the farmer gets the benefit of a duty on hides, he need not and will not complain of 5 cents extra on a pair of shoes.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Ohio yield to the gentleman from Massachusetts?

Mr. KEIFER. I can not yield, as I have only five minutes. If you give me time, I will yield. My friend here, also from Massachusetts, said just now that the packers control the tanning business because they acquired the hides of the beeves they slaughtered, as though that had something to do with it, and if we take the duty off, they would not have any hides to control at all. They would buy their beef stock for less than they pay now, and they would have the same number of hides under free trade as with a duty. But the fact is that one-fifth of the hides are controlled by the packers of this country. About 50 per cent of all the hides they take, as the statistics show, from the cattle they slaughter they sell to the independent tanners, that have tanneries here and there all over the country. It seems to be common here to cry aloud in favor of something that is to be in the interest of a special class of manufacturers by crying out against the packer, and that is enough. I have in a recent speech given the figures to show that the big packers do not kill anything like one-half of the beef cattle of this country. I have also given other figures to show the packers do not control the tanning business. These gentlemen are still reiterating here that the hide of an animal is raw material and ought not to be protected. It represents, when it is taken off of an animal that is killed for its beef, one-sixth of the value of that animal. That is the average all over this country. It represents the toil and the labor and the feed and all that of the farmer in every county in my State and in every county in every other State west of the Ohio, all of whom are interested in its protection. [Applause.] It is not a question of my district; it is not a question of the big cattle raisers, as these people seem to think. It is not that. Every farmer that has a cow, and every other person that has a cow or raises an animal for beef, has the same interest in the protection of cattle hides. To discourage and cripple the cattle industry will not only promote a monopoly on foreign hides against the people's interest, but it will tend strongly to advance the price of beef.

It is said that the Ways and Means Committee has equitably adjusted the hide and leather schedule and that it should not now be disturbed. How putting hides on the free list and a duty on leather and the manufactures thereof comes to be an equitable adjustment is hard to see.

The farmer gets nothing; the manufacturer everything. Equity means equality; and you can not deal equitably with one party or class by giving him or it nothing and the other party or class all there is. If this bill is to be a reduction downward by putting some important products on the free list and increasing the duty on other products in special interests, it will not be an honest revision, but a disappointment to the whole country. The protected interest that is struck down to-day may be a precedent for striking down another important one to-morrow, and the whole protective policy must soon fail. Protection in our country must stand as a general policy or not all.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HENRY of Texas. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY of Texas. Mr. Chairman, I make the point of order that all time allotted under the rules for discussion has been exhausted.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Texas makes the point of order that debate on the pending amendment is exhausted. The point is well taken. The Clerk, for the information of the House, will——

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

Mr. WEISSE. Mr. Chairman, I move to strike out the last word.

Mr. HUGHES of New Jersey. Mr. Chairman, I make the point that the gentleman from Wisconsin has already spoken to that amendment.

The CHAIRMAN. The Chair thinks the gentleman from New Jersey is mistaken. The Chair knows the gentleman from New Jersey is mistaken.

Mr. HUGHES of New Jersey. If the Chair knows it, it is sufficient.

Mr. WEISSE. Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, this question of a duty on hides is purely a question between the beef packers and the tanners. The large beef packers of Chicago control at least 60 per cent of the cattle hides that are taken off of cattle every year——

Mr. KEIFER. Mr. Chairman——

Mr. STAFFORD. Mr. Chairman, I can not be interrupted; if the gentleman from Ohio would read the hearings——

Mr. HENRY of Texas. Mr. Chairman, I rise to a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY of Texas. Mr. Chairman, I make the point of order, this is an amendment in the third degree, and therefore the gentleman is not entitled to the floor.

The CHAIRMAN. The Chair is inclined to think and the Chair would rule that that point of order upon the amendment can not be made while the gentleman has the floor making his speech.

Mr. HENRY of Texas. Mr. Chairman, it seems to me that now is the only time to make it.

The CHAIRMAN. The Chair thinks the proper time to make the point of order against the amendment is when the amendment is made.

Mr. HENRY of Texas. But the gentleman never offered his amendment until he took the floor, and therefore I never knew for what purpose he rose until he offered his amendment.

The CHAIRMAN. The Chair thinks the gentleman from Texas will readily recognize that, after an amendment has been made and debate has been proceeding, it is too late to make a point of order that it is not in order.

Mr. HENRY of Texas. I ask the gentleman to reduce his amendment to writing.

The CHAIRMAN. The Chair declines to make any such request.

Mr. HENRY of Texas. I make the point of order that it is not in writing.

The CHAIRMAN. That point of order the Chair overrules. It is not a good point of order.

Mr. HENRY of Texas. Let me understand the Chair fully. The Chair holds that the point of order will not lie against the amendment after it has been offered, but that I must make the point before the amendment is offered?

The CHAIRMAN. The Chair holds that when the amendment is offered and received by the committee, and debate has commenced upon it, it is too late, then, to make a technical point of order against it, and is not in order.

Mr. HENRY of Texas. I tried to make it before the debate commenced.

The CHAIRMAN. The Chair thinks the gentleman from

Texas is hardly correct in making that statement. The Chair recognized the gentleman from Texas to make a point of order, and sustained his point of order a while ago——

Mr. HENRY of Texas. I make the further point of order that the gentleman is not addressing himself to the amendment offered by him.

The CHAIRMAN. The Chair will endeavor to ascertain.

Mr. HENRY of Texas. All right. I will renew the point if he does not speak to the question.

Mr. STAFFORD. The hearings before the committee disclosed that the total number of cattle killed throughout the country was 17,000,000, and of these 7,000,000 were killed by the large packers. These 17,000,000 head of cattle were what are known as "cows and kips."

Mr. HENRY of Texas. Mr. Chairman, I make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY of Texas. The gentleman is not addressing himself to the amendment.

The CHAIRMAN. The Chair thinks he is, and thinks the gentleman from Wisconsin [Mr. STAFFORD] is in order.

Mr. HENRY of Texas. The gentleman moved to strike out the last word, and he is discussing a proposition as to how many cattle were killed in the United States, and how many hides were imported, and so forth, and is not touching his amendment, side, edge, or bottom.

The CHAIRMAN. The Chair would state, so far as the opinion of the present occupant of the chair is concerned, he believes he is right in making the ruling, according to the constant practice of the House and by the rule of common sense. It is impossible to discuss the merits of striking out the last word of a paragraph without considering the paragraph itself.

Mr. HENRY of Texas. And that rule is the one to which I am trying to address myself, namely, the rule of common sense, and not permit the gentleman to move to strike out the last word and then discuss everything but his amendment.

The CHAIRMAN. The gentleman from Texas is not in order. The gentleman will take his seat.

Mr. HENRY of Texas. When the Chair has ruled.

The CHAIRMAN. The Chair has ruled.

Mr. STAFFORD. The question before the House is whether the beef packers, who control the hide market, shall be supreme and dictate the selling price of hides to the independent tanners or whether the tanners will have a free market in the purchase of hides and be able to continue on even terms with the packers who have gone into the leather business.

More than 60 per cent of all the hides taken off of cattle is controlled by the large beef packers of the country. If the gentleman who has just taken his seat had read the hearings, he would have noticed that the representative of Armour & Co. stated that 7,000,000 of the 17,000,000 head of cattle that were killed last year were slaughtered by the largest packers in Chicago. But this 17,000,000 includes 5,000,000 head of calves or yearlings, from which calfskins and kips are taken, and which are not included under cattle hides. But more than 7,000,000 of the 12,000,000 cattle hides are controlled by the large beef packers, for it is becoming the practice of Swift & Co. and other large packers to make it a business of purchasing individual hides from farmers at their respective branches throughout the country from cattle killed on the farm or slaughtered locally.

When the independent tanner wishes to buy a consignment of hides he must pay that price which is arbitrarily fixed by the beef packers. He has no other market to buy from than that controlled by the beef packers, and they derive the benefit of the tariff duty by charging the tariff rate to the world's market price.

If cattle were raised for the hides and the farmer received the benefit of this duty, there might be some reason for urging its continuance; but when we know that cattle are raised and will continue to be raised for the supply of beef, it can not be maintained that the removal of the tariff will in anywise affect the raising of cattle.

Another potent reason for demanding free hides is that the hides taken from cattle slaughtered here are insufficient to meet the home demand of the leather manufacturers. They must have foreign hides to meet and to provide sufficient raw material for the market. But the tanning industry is so advanced and efficient that placed on an equal footing with other foreign competitors they can compete in the markets of the world.

The duty on hides has not only crippled the American leather manufacturer, but it has resulted in causing tanneries to be established in Canada, across the border, that would have been established in this country, because Canada, as all civilized countries, levies no duty on hides. The effect has been only to cripple the local leather manufacturer to the decided advantage of the large beef packers.

It is unfair, and the argument is specious as advanced by those gentlemen on the other side when they say if you take off the duty on hides that the duty on boots and shoes should be removed. It is the independent tanner that is asking for relief, and the question is whether as to his manufactured product, the leather, there has been a proper reduction in the tariff. On examination you will find that there is more than a corresponding reduction in the proposed duties on leather manufactured from cattle hides. Sole leather, which now bears a duty of 20 per cent, is reduced to 5 per cent.

Mr. COX of Indiana. Mr. Chairman——

Mr. STAFFORD. I can not yield.

But the gentleman knows, if he has studied this bill, that there are heavy duties levied on tanning materials used in the manufacture of leather, such as the chemicals used in preparing the leather; and besides the difference in labor cost, this extra cost must be compensated for with a duty.

The question for the House to determine is whether or not you are going to relieve the independent tanners and let them compete with the beef packers, some of whom are engaging in leather manufacture, or are you going to continue to subjugate them to their thraldom?

When you consider the great competition in the boot and shoe industry, can it be contended, if the price of leather is reduced by taking off the duty, that the price of manufactured products of leather will not redound to the benefit of the consumer? Every shoe manufacturer claims that it will. And what is the reason why the shoe, harness, and belting manufacturers, and all other manufacturers of leather are asking for the duty to be taken off hides? They fear that if the duty is not removed, the packers will ultimately control the leather output and they will be more and more under the control of the beef packers.

It is that condition that confronts the independent packers of this country. Take off this duty on hides and they will be able to go into the markets of the world to sell their leather.

This is a raw material, and no one can dispute it. When the farmer sells the "critter" there can be no question but that the value of the animal is determined by the value of the beef. The little benefit that the farmer receives from the higher price for the few hides of cattle he slaughters will be offset by the reduced price or superior quality of the shoes and harness he uses. Take off that duty and you will enable the independent tanner to continue without ultimately being forced to merge with the leather trust, and also to extend his trade by capturing the markets of the world. The reduced price of leather will also be to the advantage of the shoe, harness, and other leather manufacturers in enlarging their export trade. Even with the handicap of higher prices for leather the shoe exports have increased remarkably.

Twelve years ago we exported 1,000,000 pairs of shoes, of the value of $1,400,000. Last year we exported 6,500,000 pairs, of the value of eleven and a half million dollars.

The issue is whether we will have enlarged markets or be content with the home market. The manufacturers want freedom from restraint. They are willing to take their chance in gaining supremacy in the foreign markets, if you will place them on the same plane as their foreign competitor in obtaining the basic product.

Mr. McGUIRE of Oklahoma. I move to strike out the last two words.

The CHAIRMAN. The gentleman's motion is not in order.

Mr. McGUIRE of Oklahoma. I desire to speak in opposition to the motion to strike out the last word.

The CHAIRMAN. The gentleman is recognized in opposition to the motion to strike out the last word.

Mr. HENRY of Texas. The Chair had already ruled that the time had been exhausted on the amendment when I made the point that it was an amendment in the third degree.

The CHAIRMAN. That is the point of order? That amendment is still pending.

Mr. HENRY of Texas. Then, the gentleman is speaking in opposition to the amendment of the gentleman from Wisconsin?

The CHAIRMAN. He is.

Mr. McGUIRE of Oklahoma. Mr. Chairman, this is the first time in six years' service in this House I have spoken against or voted against any committee provision, or any portion of a committee bill. I am a protectionist; and in advocating protection upon hides I am absolutely and unqualifiedly doing it, as

I believe, in the interests of the principles of the great Republican party of this country. [Applause.] The gentleman from Massachusetts [Mr. ROBERTS], referring to the remarks of the gentleman from Kansas [Mr. SCOTT], stated that those remarks had a very familiar ring. That is quite true. Those remarks had a familiar ring, because they were, in effect, in the interest of a tariff upon one of the greatest of American industries.

Mr. ROBERTS. Will the gentleman yield for a question?

Mr. McGUIRE of Oklahoma. Not now. The remarks of the gentleman from Massachusetts had a very unfamiliar ring, coming from a gentleman from that State; for it is a fact written within the pages of the history of this Government for fifty years that whenever you hear a word from one of these gentlemen it was in the interest of protection to the very limit upon every industry in the State of Massachusetts.

Mr. COX of Indiana. Will the gentleman allow me to interrupt him?

Mr. McGUIRE of Oklahoma. Not now. But when we come, Mr. Chairman, to advocate protection upon hides, the meaning of which is to protect an industry in every State in the American Union [applause], then and now, I find these gentlemen, coming from the State whose great industries have been builded because of the principles and policies of the Republican party, advocating free trade, in line with the Democratic party upon every article that does not affect their own individual industries.

I say, Mr. Chairman, in the face of a proposition such as made by the gentleman from Massachusetts, I can not help but think "Consistency thou art a jewel, but thy name is not Massachusetts." [Laughter and applause.]

Mr. Chairman, it is an easy matter just at this juncture, just at this particular period, to say that you are building up a trust, you are protecting the packer. It does not make any difference to me whether the tanning industry is found on the one side or on the other. If it was said that the packers—if such is the case—are establishing tanneries, the tannery is worth just as much to the farmer, it is worth just as much to the laborer, it is worth just as much to the American people, whether it be established in the State of Missouri or the State of Massachusetts, in Michigan, or in any other State. It does not make any difference whether it is for the exclusive business of tanning or whether it is established in connection with some other business.

It employs the same number of men, the same wages are paid, the same protection is guaranteed to labor. Shall we stand here and say we are opposed to the duty on hides because it may contribute a few pennies to the packer while it at the same time contributes millions to the farmer?

Mr. STEPHENS of Texas. Will the gentleman permit me to suggest that out of 13,000,000 cattle slaughtered in the United States, 5,000,000 are slaughtered at the various slaughtering establishments.

Mr. McGUIRE of Oklahoma. I quite agree with the gentleman, but my time has expired.

The CHAIRMAN. The time of the gentleman from Oklahoma has expired.

Mr. HENRY of Texas. Mr. Chairman, I make the point of order that all time has expired for the discussion of this amendment and amendments thereto, and that no further amendment can be offered at this time.

The CHAIRMAN. One moment. The Chair understands that there has been one argument on either side upon the pro forma amendment to strike out the last word, and further debate therefore is out of order. The point of order being made, the Chair sustains it.

Mr. HENRY of Texas. I make the point of order.

The CHAIRMAN. Without objection, the pro forma amendment will be considered as withdrawn. The Chair hears no objection.

Mr. KELIHER. I move to strike out the last two words.

The CHAIRMAN. The gentleman from Massachusetts——

Mr. WEISSE. I move to strike out the last two words.

The CHAIRMAN. That motion has already been made by the gentleman from Massachusetts [Mr. KELIHER].

Mr. FERRIS. I rise to a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. FERRIS. The inquiry is this: I desire to know if this section would be subject to a further amendment to put boots and shoes on the free list? I ask this for the purpose of determining my vote, and casting an intelligent vote upon this subject.

The CHAIRMAN. The Chair will have to decide that question when such an amendment is proposed.

Mr. FERRIS. Well, but——

The CHAIRMAN. The Chair declines to answer that at this time.

Mr. FERRIS. Mr. Chairman, just a moment.

Mr. HENRY of Texas. A point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. FERRIS. I should like to be heard just a moment.

The CHAIRMAN. The gentleman from Massachusetts [Mr. KELIHER] has been recognized.

Mr. FERRIS. Upon the parliamentary inquiry I made a moment ago——

The CHAIRMAN. The Chair can not hear argument upon a parliamentary inquiry. The Chair has recognized the gentleman from Massachusetts [Mr. KELIHER].

Mr. HENRY of Texas. I make the point of order——

The CHAIRMAN. What is the point of order?

Mr. HENRY of Texas. That the gentleman's amendment is an amendment in the third degree, and can not be debated.

The CHAIRMAN. The Chair sustains the point of order. The question is upon the amendment offered by the gentleman from Alabama [Mr. UNDERWOOD] to the amendment offered by the gentleman from Kansas [Mr. SCOTT].

Several MEMBERS. What is the amendment?

Mr. HENRY of Texas. I ask that the amendment and the amendment to which it is offered be again reported.

The CHAIRMAN. Without objection the amendment of the gentleman from Alabama will be again read.

Mr. HENRY of Texas. And also the amendment of the gentleman from Kansas.

The CHAIRMAN. Without objection both amendments will be read.

The amendment of Mr. UNDERWOOD and the amendment of Mr. SCOTT were again reported.

The CHAIRMAN. The question now is on the amendment of the gentleman from Alabama [Mr. UNDERWOOD].

The question being taken, on a division (demanded by Mr. UNDERWOOD) there were—ayes 65, noes 133.

Accordingly the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment of the gentleman from Kansas [Mr. SCOTT].

Mr. WEISSE. Mr. Chairman, I move to strike out the last word. Mr. Chairman, a great many statements have been made here in regard to the hide business by gentlemen who know very little about that business. If you will go to the Bureau of Animal Industry down here, they will give you the number of cattle killed, but they will not give you the value of the hides. The gentleman from Ohio a minute ago stated the number of cattle. If he will take the census of 1905, he will find that the packers marketed $44,000,000 worth of hides. He will find, further, that of the cattle killed in the various slaughterhouses of the United States the hides sold amounted to about $20,000,000. We imported $14,000,000 worth. The gentleman may shake his head and deny the statement, if he wants to. I repeat that we imported $14,000,000 worth. This made a total of about $78,000,000. We used in the tanning business in 1905, $89,000,000.

The hides that the farmer marketed and sold directly to the tanners or dealers did not bring him over $7,000,000, or $10,000,000 at the outside. The packers' hides that were sold in the Chicago yards brought an average of $8.80 apiece. Figures which I have already inserted in the RECORD show that purchases of southern hides averaged the farmer $1.62. It takes five southern hides to make one packer's hide, so any statement as to the number of cattle hides is absolutely misleading when you quote the number of hides and do not quote their value.

Now, the gentleman states, further, that this is a Massachusetts proposition. I wish to say that Massachusetts tans scarcely any sole leather made of dutiable hides. It is tanned in Wisconsin, Michigan, Ohio, Tennessee, Kentucky, Illinois, California, New York, Pennsylvania, Maryland, Maine, Indiana, Georgia, North Carolina, West Virginia, and Virginia.

Now, he also made the statement that he was for protection, but he fears that some foreigner would sell a hide here in competition with an American and not be taxed to bring it in here. I will say that under the Dingley bill that same foreigner can come here to-day and buy leather made in America—the animal raised in America—15 per cent cheaper than the American can through the drawback system. [Applause.]

Now, there has been a question in regard to classification. Calfskins have always been classed by the trade from 8 to 15 pounds, kipskins 15 to 25 pounds, and hides 25 pounds and up; and when the Treasury Department ruled on that they ruled according to the trade classification, and since then calfskins have come in free. During this time calfskins have advanced

above 30 per cent more than hides that are dutiable. During the last panic free calfskins declined 20 per cent, while the market for dutiable hides declined 70 per cent. Why? Because the foreigner could not buy them and reexport them to this country without paying the duty, and our market was thus deprived of the support of foreign capital when most needed.

In 1890 hides were worth 4½ cents a pound in Chicago. In 1897 they advanced to 10 cents a pound; then they declined again, and went up to 14 cents two years ago, and again declined 6 cents, and since then have advanced to 12 cents, which they are to-day.

This 15 per cent duty on hides, after paying the rebate, gave us on exported leather made from it a net revenue of about $1,800,000. The tax diverted quantities of hides from South America and other countries to Europe, where they were tanned into leather and made into leather goods, boots and shoes, and so forth. The foreign manufacturers also bought other raw material and extracts from us to do this. They were able to do this, as they paid 15 per cent less for their hides in South America, and he had to pay on account of the tariff 15 per cent more to get them into the United States. Political economists say it is an evidence of barbarism to export raw materials. Our investment was so much more that no tanner could conduct a tannery entirely for exporting leather and invest 15 per cent more on his hides than the European tanner, even if he got the rebate back.

Now, as a result of this tax these hides did not come to our country to be tanned, but went to Europe. In trying to collect this tax we lost this trade and through the rebate system our consumers—farmers and laborers—could not buy leather as cheap here as the foreigner could. We have lost the export trade of $5 worth of leather goods, boots and shoes, on every dollar's worth of foreign hides kept out by the tariff. There is, in addition, the loss of labor to American workmen as well as in capital invested. In an effort to get small revenue from imported hides we have put our tanners and manufacturers of shoes, harness, belting, and other leather goods out of business to the exact amount of the hides turned away from our shores.

Is it not better to allow hides to come in free, when by so doing we employ American labor and capital and export the finished product, which would amount to millions, than to keep on this duty of 15 per cent for the small revenue? No amount of tariff on hides will increase the production of them.

The profit in the hide tax, if any, goes to the packer trust, that kills heavy cattle and sells 50 per cent in value of all the hides affected by the 15 per cent duty. Through the branch slaughtering houses in the large cities the packers kill and market about 40 per cent more, which gives them absolute control of the sale of 90 per cent of the heavy hides taken off in this country, leaving about 10 per cent to be sold direct by the farmer, which nets him about seven to ten million dollars, on which the duty of 15 per cent would give him, if he got it, an additional price of one to one and a half million dollars for his hides. It is not true that the farmer will get less for his hides if the duty is removed. Hides on the free list would increase the price of hides in the markets abroad, which would be equally as high as ours. It is not a question of price, but of quantity. To keep our leather industries employed we need millions of pounds of hides, more than can be produced in this country.

I have endeavored to secure statistics from the Animal Industry Bureau, but they have not furnished any information that can be used in a reliable way. I have taken the census report of 1905 of manufactures and compiled the figures that I herewith submit, which are about as near correct as can be obtained anywhere:

Dutiable hides used in 1905		$89, 126, 593
Large packers produced		44, 206, 107
Imported		14, 949, 628
Small packer and butcher		20, 000, 000
Farmer to the dealer	$7, 000, 000	
Transportation	3, 000, 000	
Total of hides sold by the dealer		10, 000, 000
		89, 155, 735
Commerce and Labor report, 1907—		
Imported skins, free of duty		$49, 814, 518
Produced in United States		6, 426, 614
Total		56, 231, 132

There was consumed in 1905 hides and skins total amount of $145,387,867—

Of imported hides and skins, amount of	$64, 764, 146
Domestic hides and skins	80, 623, 721
Total	145, 367, 867

With this amount of raw material we produced leather and leather goods to the grand total of about $700,000,000, or about $1 worth of hides will make $5 worth of leather and leather goods. We exported leather and leather goods as follows:

Exports of leather and leather goods, 1905.

Sole leather made from dutiable hides	$9, 444, 873. 00
Total revenue from duty on hides, 1905	2, 185, 381. 53
Total drawbacks	565, 514. 99
Net revenue	1, 619, 866. 54

Free of duty.

Patent leather	$166, 320. 00
Upper and split leather	15, 057, 791. 00
Other leather	1, 813, 154. 00
Boots and shoes	8, 057, 697. 00
Harness and saddles	502, 660. 00
All leather goods	1, 318, 046. 00
Total	26, 915, 668. 00

HIDE TARIFF CAUSES DECREASE OF SOLE-LEATHER EXPORTS.

Under the baneful influence of the tariff of 15 per cent on heavy cattle hides, our exports of sole leather have declined, despite the well-known fact that the use of leather shoes has increased all over the world. In the year 1895, before the imposition of the present tax, our exports of sole leather were 45,364,349 pounds. During the fiscal year ending June 30, 1908, exports of sole leather were only 31,189,897 pounds. Here is a loss of more than 14,000,000 pounds, notwithstanding that the law now in force permits a drawback of 99 per cent of the duty. Under the stimulus of free hides, Canada, England, Germany, and other countries have developed their tanning industries.

Sole-leather exports.

Year.	Pounds.	Dollars.
1895	45,364,349	6,919,372
1896	41,818,502	7,474,021
1897	38,384,314	6,510,404
1898	37,813,019	6,644,553
1899	37,120,912	6,280,904
1900	34,060,296	6,433,306
1901	35,180,266	6,577,732
1902	36,454,284	6,569,857
1903	37,428,437	6,920,467
1904	36,830,717	6,978,497
1905	44,107,054	9,444,873
1906	40,548,767	8,186,279
1907	31,900,868	7,024,313
1908	31,189,897	6,598,950

Comparative table of cattle, hides, and hogs, taken from the official market reports in Chicago, showing the relative cost of hides and meats.

Year.	Packer hides.[a]		Chicago country hides—No. 1 buffs.	St. Louis market—green salted country hides.	
	Price heavy native cows.	Price branded cows.		Highest, per pound.	Lowest, per pound.
	Hundred pounds.	*Hundred pounds.*		*Cents.*	*Cents.*
1888				7½	6½
1889				6	4½
1890				8	4½
1891				6½	4½
1892	$5.94	$5.17	$4.86	4½	3½
1893	5.21	4.71	4.26	4½	2½
1894	4.95	4.53	4.21	5½	3½
1895	8.76	8.00	7.86	9	5
1896	7.51	6.66	6.85	8½	4½
1897	9.35	8.74	8.86	9½	7½
1898	10.84	9.72	9.94	9½	8
1899	11.27	10.90	10.08	10½	8½
1900	10.62	10.18	9.11	9	7½
1901	10.66	9.87	8.73	8½	6½
1902	11.12	10.01	8.74	8½	7½
1903	10.07	9.19	8.59	8	7½
1904	10.60	10.28	9.45	9½	7½
1905	13.16	12.74	11.88	13½	9½
1906	14.90	14.11	13.41		
1907	13.12	11.88	10.83		
1908	11.42	10.40	9.19		

[a] Prices taken from the hide and leather trade publication.

Comparative table of cattle, hides, and hogs, etc.—Continued.

Year.	Average farm price per head.[a]		Prices, Chicago market.[b]		
	Milch cows.	Other cattle.	Western cattle.	Canning cows.	Average price for hogs, all grades.
			Per hundred.	*Per hundred.*	*Per hundred.*
1888	$24.65	$17.79			
1889	23.94	17.05			
1890	22.14	15.21			
1891	21.62	14.76			
1892	21.40	15.16			
1893	21.75	15.24		$0.65 to $5.00	$6.00
1894	21.77	14.66	$3.00	.75 to 4.40	5.05
1895	21.97	14.06	3.75	.75 to 4.40	4.30
1896	22.55	15.86	3.50	.75 to 5.00	3.50
1897	23.16	16.65	3.90	1.00 to 2.70	3.70
1898	27.45	20.92	4.20	1.45 to 3.60	3.85
1899	29.66	22.79	4.60	2.00 to 3.25	4.05
1900	31.60	24.97	4.35	1.25 to 3.25	5.05
1901	30.00	19.93	4.55	1.00 to 2.80	5.85
1902	29.23	18.76	4.95	1.00 to 3.25	6.85
1903	30.21	18.45	3.65	1.00 to 2.75	6.00
1904	29.21	16.32	3.65	.75 to 2.75	5.15
1905	27.44	15.15	3.80	.75 to 2.00	5.25
1906	29.44	15.85	4.40	.75 to 3.05	6.25
1907	31.00	17.10	4.50	1.00 to 2.85	6.10
1908	30.67	16.89		1.25 to 3.40	5.70

Year.	Estimate of average weight of hides sold by the farmer on other cattle.	Price of heavy native cows as price basis for hide value.	Value of the meat and all offal, if killed by the packer.
	Pounds.		
1888	50		
1889	50		
1890	50		
1891	50		
1892	50	$2.97	$12.19
1893	50	2.80	12.64
1894	50	2.47	12.10
1895	50	4.38	19.68
1896	50	3.75	12.11
1897	50	4.67	11.98
1898	50	5.42	15.50
1899	50	5.63	17.16
1900	50	5.31	19.65
1901	50	5.33	14.60
1902	50	5.56	13.20
1903	50	5.06	13.42
1904	50	5.30	11.02
1905	50	6.58	8.57
1906	50	7.48	8.37
1907	50	6.56	10.54
1908	50	5.71	11.18

[a] From Bureau of Statistics, Department of Agriculture.
[b] Prices taken from Drovers' Journal, the official paper of the Chicago Union Stock Yards.

Taking as a basis for our calculation hides that average 50 pounds in weight on farm cattle in the above table, according to census and trade reports, it shows that the cattle value to the farmer, if sold in the market to the packer, was, in 1893:

For meat and offal other than hides	$12.64
For hides	2.60
Total	15.24

In 1895, the year of a panic under Democratic administration, according to these census figures, the farmer received:

For meat and offal	$19.68
For hides	4.38
Total	24.06

In 1905, the boasted Republican prosperity year, the farmer received:

For meat and offal	$8.57
For hides	6.58
Total	15.15

In 1906, according to these same census reports, the farmer received:

For meat and offal	$8.37
For hides	7.48
Total	15.85

The above table shows that the meat value in 1895 was 135 per cent more than in 1906.

The above table shows that the hide value in 1906 was 170 per cent more than in 1893.

The attached tables show that canner cows, which classification includes the old cows unfit for dairy purposes and from the ranches for breeding purposes, sold in 1906 as low as 75 cents a hundred pounds in the Chicago market. The hide brought on an average of 14 cents for branded, and about 15 cents for free of brands. The hides off of these animals netted the packer, no doubt, more than he paid for the same cattle alive on the hoof in the yards.

Did the packer sell his dressed meat cheaper in 1906 than in 1895? This I leave open for the cattle raisers and consumers of meat to answer. If not, according to this table, is it not a fact that the packer gets the benefit of the 15 per cent duty on hides?

Also, there is printed in the RECORD a table showing the average price of export steers for four years, 1893–1897, of about $92, during the Democratic years; in the four years 1904–1908, of about $74, showing a decline in value, no doubt, on account of the duty on hides, as these hides will sell for an average price of $12 to $16 each in our market, and in the foreign markets 15 per cent less on account of the duty.

If the duty was removed, it would raise the price of these cattle and also would not reduce the price of hides, as we are the greatest consumers of this product in the world, and our market establishes the price.

The average value of a hide sold by the farmer direct from the South, east of the Mississippi, according to tables in the RECORD, is $1.62, and about 80 per cent of them will class as free of duty hides.

This bill reduces the duty on heavy leather made out of imported hides from 20 to 5 per cent. We imported $105,923.25 worth and collected $21,184.65 of revenue.

The farmers of this country consume about $160,000,000 worth of leather goods, on which the duty is lowered from 10 to 40 per cent. This would make a reduction in cost to the consumer, figuring on the same basis, of not less than $20,000,000 to the farmer alone. To the consumers of leather and leather goods throughout the United States this difference in duty would no doubt effect a saving of $70,000,000 to $100,000,000.

Fifteen thousand tanners and shoe manufacturers, because of free and open competition, would certainly give to the farmers the benefit of this reduction quicker than would a dozen large packers, who work hand in hand and control the packers' trust.

Cowan is the "attorney," so-called, for the cattle raisers. No doubt he should be called "attorney for the packers' trust," since he used their argument for the duty on hides, advanced twelve years ago. The tanners and shoe and leather people have been fighting for free hides ever since, and every argument Cowan made has been for the packers' interest. The packers have been trying to fool the country for years, declaring that if the hide duty was removed cattle would sell lower. They have been able to buy cattle on the hoof from the farmer at about any price they chose to pay, regardless of the tariff supposed to benefit the farmer.

According to the reports of the Bureau of Animal Industry, which gives the value of cattle to the farmer, and of which I inclose tables, this was 135 per cent less in 1906 than in 1895, while the packers sold the hides to the tanners for 170 per cent more.

It certainly requires no attorney to analyze this proposition to find the party who gets the benefit from the hide tariff.

If you wish to protect the American laboring man, pass a bill, not like this, where the pauper labor of the world can buy the products of his labor in America cheaper than he can himself through the rebate system on imported raw material, and by so doing make him compete with the labor market of the world, with freight and carrying charges against him, and pay more for his product than any other laborer.

If you want a system of protection and want to protect the American laborer against the pauper laborer of Europe, as you have been talking of on the stump and in this debate, put the tariff so high that they will be unable to import any manufactured goods, and then reduce his hours of labor to seven or eight and let him exchange with the farmer and other producers of wealth in this country, and levy an income tax. By so doing, tax the people that have money and bring it into the channels of business. This, no doubt, will protect him so that he could enjoy the fruits of nature that are produced in this country, as we have the garden spot of the world. Adapt this policy and you will then have the right to go out and talk that you are protecting the American laborer.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the gentleman from Wisconsin may be permitted to continue for five minutes.

The CHAIRMAN. The gentleman from New Jersey asks unanimous consent that the gentleman from Wisconsin may continue for five minutes. Is there objection?

Mr. SCOTT. I object.

Mr. CRUMPACKER. Mr. Chairman, the Committee on Ways and Means, after a careful investigation of this subject, considering well its industrial and the commercial aspect and all other questions relating thereto, decided that hides should be placed on the nondutiable list, and I think that decision was a wise one from every standpoint and fully in harmony with the principles and traditions of the Republican party along the lines of protection. The duty on hides has not increased the opportunities for the employment of capital in any measure, nor has it given a single additional day's work to the laboring men of the country. The only effect of that duty is to increase the cost of one of the prime necessities of life; and, in my judgment, Mr. Chairman, the benefits of the duty goes to the enrichment of the packers and the leather trust instead of the cattle raiser. That is demonstrable from the fact that we export $35,000,000 worth of cattle on the hoof every year, and the hides of those cattle can receive no possible benefit from the duty.

Those cattle sell at the same price in our market as the cattle that we sell for home consumption, showing clearly that the duty on hides is not a factor in fixing the price of beef cattle.

Now, Mr. Chairman, in order to show that the Committee on Ways and Means in this respect acted in full harmony with the great Republican leaders on the policy of protection, I will read a letter written by James G. Blaine to William McKinley on the 10th of April, 1890, on this identical subject, when the McKinley bill was in course of preparation.

The letter is as follows:

WASHINGTON, *April 10, 1890.*

DEAR MR. MCKINLEY: It is a great mistake to take hides from the free list, where they have been for so many years. It is a slap in the face of the South Americans, with whom we are trying to enlarge our trade. It will benefit the farmer by adding 5 to 8 per cent to the price of his children's shoes.

It will yield a profit to the butcher only, the last man that needs it. The movement is injudicious from beginning to end—in every form and phase.

Please stop it before it sees light. Such movements as this for protection will protect the Republican party only into speedy retirement.

Very hastily,

JAMES G. BLAINE.

And, following that suggestion, the Ways and Means Committee and Congress in 1890, under the leadership of Mr. McKinley, decided it unwise and un-Republican to put hides upon the dutiable list, to tax that necessary of life, the only effect of which would be to increase the cost of leather products. The duty could not possibly stimulate or increase the production of hides. There would be as many cattle raised without the duty as with it.

Therefore, Mr. Chairman, I am firmly in favor of the action of the Committee on Ways and Means in making hides free, because it is sound, because it embodies Republican doctrine, because it is in harmony with the traditional policies of our party on the principle of protection. The effect of the duty is to drive millions of pounds of South American hides from our ports—where they would be tanned and manufactured into leather products and sold abroad—to European ports, where they are admitted free of duty. European capital and European labor now convert those hides into leather and manufactures thereof, when that work would be done by American capital and American labor if it were not for our tariff. In the interest of American capital and American labor and in behalf of the average American farmer, I protest against the imposition of a duty on hides. [Applause.]

The CHAIRMAN. The Chair will recognize the gentleman from Connecticut [Mr. HILL].

Mr. PAYNE. Will the gentleman yield till I make a motion to close debate?

Mr. HILL. Yes.

Mr. PAYNE. Mr. Chairman, I move that we close debate in twenty minutes. [Cries of "Make it five."]

Mr. SCOTT. Mr. Chairman, it seems to me the time of closing debate ought to depend a little bit on the number of those who wish to speak in favor of the amendment. I do not think we ought to have twenty minutes of debate unless it be devoted to those in opposition to the amendment.

Mr. PAYNE. Is there any gentleman who wants to speak in favor of the amendment? I am trying to find out.

Mr. SCOTT. If nobody desires to speak in favor of the amendment, then I think the debate ought to close in five minutes, and let the gentleman from New York [Mr. PAYNE] occupy those five minutes.

Mr. PAYNE. I do not desire to cut off any gentleman, if anybody desires to speak in favor of the amendment.

Mr. HENRY of Texas. Mr. Chairman, I move that all debate on the pending paragraph close in five minutes.

The CHAIRMAN. The gentleman from Connecticut yielded to the gentleman from New York for the purpose of making a motion to close debate.

Mr. PAYNE. Mr. Chairman, I move that debate on the pending paragraph close in fifteen minutes, and I would like to have the last five minutes of that time.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment close in fifteen minutes.

Mr. SCOTT. Mr. Chairman, pending that I would like to ask how the time is to be divided. I think the proponents of the amendment have the right to close the debate, and we shall certainly want part of those fifteen minutes.

The CHAIRMAN. The Chair is not advised of any gentlemen desiring to be heard.

Mr. KEIFER. There are many who want to be heard in favor of the amendment.

Mr. PAYNE. Who?

Mr. KEIFER. Right here, right beside you, within reach of you.

Mr. PAYNE. Oh, the stentorian voice of the gentleman from Ohio has already been heard.

The CHAIRMAN. The gentleman from New York now moves that all debate on the pending amendment close in fifteen minutes.

Mr. KEIFER. Mr. Chairman, I shall not object to that if ten minutes of that are given to those in favor of the amendment and one against it, because the last fifteen minutes have been taken up by those opposing the amendment.

Mr. PAYNE. Then I shall make it twenty minutes.

The CHAIRMAN. Does the gentleman indicate how the time is to be divided?

Mr. GARNER of Texas. Mr. Chairman, I demand the regular order.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment close in twenty minutes, the time to be equally divided——

Mr. KEIFER. Mr. Chairman, I shall object unless those in favor of the amendment close the debate.

The CHAIRMAN. The Chair will put the question. The question is on the motion of the gentleman from New York that all debate on the pending amendment close in twenty minutes.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The Chair will recognize the gentleman from Connecticut [Mr. HILL].

Mr. MARTIN of South Dakota. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MARTIN of South Dakota. I would like to inquire as to whether the proponents have the right to close debate?

The CHAIRMAN. There is no rule on the subject.

Mr. MARTIN of South Dakota. Can we have one at the present time?

The CHAIRMAN. The Chair understands the gentleman from Ohio [Mr. KEIFER] desires to be heard in favor of the amendment. Is that correct?

Mr. KEIFER. Yes; if there is nobody else who wishes to speak.

The CHAIRMAN. The gentleman from Connecticut is now entitled to the floor.

Mr. HILL. Mr. Chairman, I approached this subject in the committee and now in a perfectly neutral state of mind. I have no personal interest in any way, shape, or manner, and neither does the State which I in part represent, for there is very little tanning—I think none—and very little of leather manufacturing in that State. I want to call the attention of Members to this fact: If they will look at the books of the members of the committee, which they have used for five months in preparing these schedules, they will find no schedule received more careful attention or study than this did, and when you talk about changing the rate of duty on hides I want to say that you have got to go through the whole schedule from top to bottom and alter every rate in it, because the whole schedule is built up on free hides. Mr. Chairman, why did I vote for free hides? Because there came before the committee a large number of gentlemen from Maine, from New York, from Virginia, from Minnesota, from St. Louis, from New Orleans, from Savannah, from all over the United States, who said, "If you will give us free hides, we will build up the shoe and leather trade of the United States to the stars," as one man put it, "and we will admit the products of the hides free—shoes and all the rest of the leather productions."

They put the committee in an embarrassing position by the radicalness of their testimony, but there was no dissenting voice before the committee. Now, why did the tanners want it? They said:

We can not get the material to carry on our industry. Sixty per cent of all the hides in the country, and the best hides, come through the packing houses, and they tan their own hides and they will not sell them to us.

Not only 60 per cent goes through the packing houses, but at every little meat-distributing house all over this country the hides of the farmers' cattle are picked up, so that I have not the slightest doubt but that 80 per cent of the hides of this country are absolutely controlled by the four large packing concerns in Chicago, and the tanners are utterly unable to get material to carry on their business. I would have been perfectly willing to have voted——

Mr. POU. May I ask the gentleman, Is it or is it not true that under the ruling of the Treasury Department all hides weighing under 25 pounds come in now free?

Mr. HILL. I do not care a straw; it is simply a question of maintaining or giving up the tanning industry in the United States, a surrender absolutely to the Chicago packing houses, or having free hides. That is all there is to it.

Mr. POU. I want to help the gentleman——

Mr. MANN. I am a free-hide man, but I think that is rank nonsense.

Mr. HILL. If you do——

Mr. MANN. And I am a free-hide man.

Mr. HILL. That is according to the testimony that was given to the committee. Now, I do not care whether you have free shoes or not. I did vote for a duty, because I believed it was fair and just that the duty should be in proportion to the reduction in the taking off of a duty on hides.

Mr. SCOTT. Then why does not the gentleman support this amendment, which would have that effect?

Mr. HILL. Not at all. If this is changed, you have got to work it out in its entirety on every feature of your schedule.

Mr. SCOTT. Why is it necessary?

Mr. HILL. You are taking saddlery and harness, where buckles are used, where metals are used, where woolen linings are used, and all dutiable at high rates, and you are putting a burden of 10 per cent on the hides, where we take it off.

Mr. SCOTT. Does not the gentleman think they can stand it?

Mr. HILL. I do not think they can stand it.

Mr. WEISSE. Mr. Chairman——

Mr. HILL. We worked upon that schedule weeks and weeks, and it is harmoniously adjusted; put a duty on the hides, and you have got to raise the whole thing. What you do will not only affect one paragraph, but affect the whole schedule.

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. KEIFER. Mr. Chairman, I have already spoken, and I do not wish to take up time——

The CHAIRMAN. The Chair understands the gentleman from Ohio has already spoken.

Mr. KEIFER. Then I withdraw in favor of the gentleman from Texas——

The CHAIRMAN. The Chair recognizes the gentleman from South Dakota [Mr. MARTIN].

Mr. MARTIN of South Dakota. Mr. Chairman, it is, I think, quite ingeniously made to appear by those who are advocating free hides in this bill that it is in effect a controversy between the tanners on one side and the great packing houses on the other. It occurs to me that the interest of the man who really produces the hide and who wants to get this benefit is entirely overlooked in this debate.

The tanners and the packers really have a common interest. They are both purchasers of hides, and the cheaper they can buy them the better they are suited. Now, it is quite possible that the packers may obtain a benefit from the tariff on hides, and also that they may appropriate some other resources that ought to go to the farmer. That, from a Republican standpoint, is no excuse for failing to protect any legitimate American industry. For one I desire to say that if the packers, by means of a monopoly, are appropriating any part of the benefit that belongs to the other people of the American Republic, a proper enforcement of our wholesale antitrust laws ought to afford some relief against that. In the minds of the Committee on Ways and Means, apparently, that was no sufficient objection against a tariff revenue upon sugar.

And when I raised the question with the gentleman from West Virginia [Mr. GAINES] the other day he took the same position upon the sugar schedule that I take here. The real producer of that material is entitled to protection. If it is in the tariff laws, he may get it; if it is not there, he certainly will not get it.

Now, two arguments really are urged against a reasonable tariff on hides; and I may say, consistent with the general policy to reduce tariff rates, I am entirely agreeable that this rate should be reduced to 10 per cent instead of 15, keeping just about an equal adjustment of the duties in the Dingley bill upon leather products. Two arguments are advanced against any duty on hides. The first is, or was, when we heard the argument from the chairman of the Ways and Means Committee the other day, that it is a by-product; secondly, that it is raw material. I desire but a word or two upon both of these propositions before I take my seat, if my time allows. It is a mere begging of the question and avoiding of the argument to call hides a by-product and say, for that reason, that they ought not to be protected. It is illogical. About 65 per cent of the weight of the steer is meat. The balance is by-products, and no man who does not look after the proper value of his by-products can succeed in this busy industrial life at this time. It is a by-product, perhaps. It is a by-product of the farmer; it is a by-product of the stock raiser. He is entitled to a measure of protection upon that in any scheme of tariff protection. As to the other argument, it is said that hides are raw material. That depends entirely on the place where you take up the material. The grass and the corn are raw materials of the farmer and the stockman. The hide is a part of the raw material of the tanner. The leather is the raw material of the harness maker. The more finished leather is the raw material of the boot and shoe man; and the boots and shoes are the raw material of the merchant, if he has any raw material. The only raw materials that are entitled to be classed as such for purposes of tariff schedules are those that nature in her bounty has provided, and the moment you apply skill and labor to bring forth an article of production that moment you are bringing in the elements that remove it from the classification of raw material for the legitimate and proper purposes of a tariff measure. I am for a reasonable tariff upon hides; and in any schedule that is going to protect the articles that are made from hides, through the whole list of leather manufactures, I submit, on behalf of the western stock growers and farmers, that it is, from a Republican standpoint, illogical and a bad application of the protective principle to deny a measure of protection to the man who produces the hides. [Applause.]

Mr. SLAYDEN. Mr. Chairman, like the gentleman who has just taken his seat, I am, under existing circumstances, for a reasonable tariff upon hides. I want to say what was hinted at by the gentleman from Oklahoma [Mr. FERRIS], that if the gentlemen who are at the head of the great shoe industry in New England—who are now exporting six times as much of their manufactured products as they did twelve years ago, making the best article in their line produced anywhere in the world, producing it cheaper, and, if their prospectuses and advertisements tell the truth, making it out of the best materials in the world—are willing to meet us halfway, we will agree to abolish, so far as we can do it by our votes, all of the tariff on hides, merely requiring them to be equally generous and take the duty off of leather and leather products.

Mr. Chairman, I was born and brought up in what some people seem to think is the semicivilized South. I was an adult before I had the privilege of traveling in that section of the country which, by reason of its intellectual acumen, has for so long dominated, and always selfishly dominated, the legislation of this country.

When I first had the privilege of traveling through New England and compared the soil of that country and realized the disadvantages of the climate of that section with those from that part of the country from which I came, I marveled that they could accomplish what they had done. As an American I was proud of their achievement, though somewhat restive under the manner in which they had accomplished it. But now, sir, since I have had the privilege of serving for a few years on the same floor with a number of these gentlemen, and have observed their methods, have seen how unremittingly and aggressively selfish they are, have seen with what skill, with what ingenuity, and what persistence they can press upon the attention of the country legislation in the interest of their own industries, I am no longer surprised when I read the marvelous story of their savings-bank deposits, and I understand why on every rocky hill in New England there protrudes up toward the heavens a factory chimney.

These wise men tell us, and there are gentlemen on the floor of this House who will do it again before the day is gone, that there is nothing sectional in this legislation. A few days ago I met a distinguished Member from New England and had a talk with him. As it was a private conversation, I will not mention his name. He asked me how I would vote; whether I should vote for free wool. Remembering the interests he represented, I told him I would vote for free wool; then he asked me, "How will your colleagues vote?" I replied, "They also will all vote for free wool, provided you will vote for free woolen fabrics." [Laughter and applause.] You can imagine how that announcement was received. He grunted his disgust, and just now he has had the presumption to stand up here and advocate legislation specifically in the interest of the people and the industries of his section and against those of mine. Fur-

thermore, he and those like him have the audacity to tell us that we do not know our own interests or the interest of the people we represent.

Now, Mr. Chairman, I contend that the hide on every beef steer that is marketed is so much value, that it has been estimated in every transaction that is made in cattle, and it is nonsense to say that it is not. It is denied by every shipper in my part of the country, at least, that it is not reckoned and considered in fixing the value of his cattle. I appeal to gentlemen not to write laws purely in the interest of one section of the country. Let us fight for what the gentleman from South Dakota called a "reasonable tax" upon imported hides, thus broadening the basis of taxation and increasing the revenue.

I do not ask for a protective tariff on hides; I merely ask for a moderate tariff to raise revenue. I am willing to have a prorated tax on leather and leather products for the same purpose, although the revenue is hardly to be expected. But common justice demands that if we are to have free hides we should have free leather goods. And we will get it, Mr. Chairman. If not now, we will get it later. The South and the West are getting nearer and nearer together on economic questions, and New England should make the best of her present successes, for she will not command the situation much longer.

Mr. PAYNE. Mr. Chairman, gentlemen say we should not put hides on the free list for the reason that they are a by-product. Sulphite of ammonia is on the free list because it is a by-product and because 95 per cent of it goes to fertilize their soil; and that, gentlemen, is a provision in the interest of the farmer. When we come to hides, we find a reasonable excuse to take off this Populistic duty on hides, because it was put into the Dingley bill by the votes of the Populists, and not by Republican votes. It was always voted down by a Republican House. Why should there be a duty on hides? We put a duty on cattle almost prohibitory; we put a duty upon meat almost prohibitory, and we have put a duty upon everything the farmers raise upon their farms. I say to the gentleman from Oklahoma, we have put a duty upon his wool and to the gentlemen from Texas, we have put a duty on the Texas wool; and still they say that this bill is sectional because we refuse to have a duty on hides—a by-product, Mr. Chairman—not taking into consideration that no benefit will accrue to any farmer in the United States. If this duty is put on, where does it go? It goes to the packers, without any doubt, and they will not sell their hides to our tanners. They have opened tanneries themselves and are tanning hides. But what do our tanners do? The packers refuse to sell to them, and tell them that they can import their hides; this duty sends the foreign hides to Germany, and it has by this means taken business and industry that belongs to the tanners of the United States. Gentlemen say if you will take the duty off shoes and leather we will vote with you. The Committee on Ways and Means worked out this thing, reducing the duty on sole leather and belt leather from 20 per cent to 5 per cent, because of taking the duty off hides. Why did we leave the 5 per cent? In order to protect the chestnut industry in the South, with a larger duty on tanning extracts that are used in tanning leather. And so with other leather and with shoes.

This is not a sectional bill. There is not a sectional line in it. We have gone over the whole United States, and we have given adequate protection to every industry in the United States; we have given to the farmer his share; the largest share and benefit of this bill will go to the farming industry to the remotest corner in the United States. You will be able to build up your factories and do your business and set millions to work at American wages, and they will go to the farmer and buy meat, buy their provisions, buy everything they need, and the benefit goes to the farmers of the United States.

There is no logical foundation for a duty on hides; there is no justice in a duty on hides. It is not for the benefit of the farming interest, but it benefits only the great monopolies that control the packing industry of the United States, and so your farmer constituents will say to you gentlemen who vote for it when they discover that through your lack of wisdom or foresight you voted for this inexcusable duty on hides. [Applause on the Republican side.]

The CHAIRMAN. Debate on this amendment is exhausted. The question is on the amendment offered by the gentleman from Kansas [Mr. SCOTT].

The question being taken, on a division (demanded by Mr. SCOTT) there were—ayes 106, noes 166.

Accordingly the amendment was rejected.

Mr. SCOTT. In order to protect my rights in the House, I offer the following amendment.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Page 155, lines 13 and 14, strike out paragraph 581.

Mr. SCOTT. This provides simply for striking out the paragraph putting hides on the free list in case the House should vote in favor of my other amendment.

Mr. SLAYDEN. We could not hear the gentleman's amendment.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again read.

Mr. MILLER of Kansas and Mr. CLARK of Missouri rose.

Mr. MILLER of Kansas. Mr. Chairman, I desire to offer the following amendment.

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman from Missouri rise?

Mr. CLARK of Missouri. I rise for the purpose of offering an amendment.

The CHAIRMAN. The Chair has recognized the gentleman from Kansas to offer an amendment which he understands to be in order under the rule.

The Clerk read as follows:

Page 62, line 8, paragraph 227, strike out "fifteen" and insert "twenty-five."

Mr. CLARK of Missouri. Mr. Chairman, I wanted to offer an amendment about the very same thing that was then up.

The CHAIRMAN. About the hide question?

Mr. CLARK of Missouri. Yes; a product of hides.

Mr. MILLER of Kansas. I will withhold my amendment.

The CHAIRMAN. The gentleman from Kansas withholds his amendment.

Mr. CLARK of Missouri. I move to strike out paragraph 448; that is, leather and all products of leather—boots and shoes, harness, and everything else. [Applause on the Democratic side.]

Mr. PAYNE. Mr. Chairman, that is not a committee amendment, and therefore it is not in order.

Mr. CLARK of Missouri. Any amendment is in order.

Mr. PAYNE. I make the point that it is not in order, not being a committee amendment.

Mr. CLARK of Missouri. But it was decided this morning that we had a right to offer amendments that are not committee amendments.

Mr. PAYNE. This does not come within the rule.

Mr. CLARK of Missouri. I understand the rule as well as you do.

Mr. PAYNE. It is not within the rule—not a committee amendment.

Mr. CLARK of Missouri. This is part and parcel of the hide amendment.

Mr. PAYNE. Oh, no.

Mr. CLARK of Missouri. Of course it is. You can not play both ends against the middle.

Mr. DALZELL. If the gentleman will read the rule, he will find that the paragraphs subject to amendment are specifically named.

Mr. CLARK of Missouri. Of course you named certain ones specifically, but the Chair ruled that other amendments were in order. The gentleman from Minnesota [Mr. TAWNEY] offered an amendment on the subject of lumber, and so did I—offered two or three.

The CHAIRMAN. The Chair is prepared to rule. The gentleman from Missouri misunderstood the Chair, if he understood the Chair to say that any amendments were in order, except as provided in the rule or order adopted by the House yesterday and under which we are now acting. The Chair did state that when an amendment in order under the rule had been offered, a germane amendment to that amendment would be in order.

Mr. CLARK of Missouri. Then I will offer this amendment, and see if it is in order.

The CHAIRMAN. One moment. The amendment now before the committee, offered by the gentleman from Missouri, is not a committee amendment, and it applies to paragraph 448, which is not one of the preferential paragraphs specified in the rule, and so the amendment is out of order.

Mr. CLARK of Missouri. I do not want to consume time, but only to make one remark about it. This leather business—boots and shoes, harness, and so forth—is an essential part of the hide business.

The CHAIRMAN. A pair of shoes may be essential to a hide, or a hide may be essential to a pair of shoes, but a pair of shoes is not a hide. [Laughter.]

Mr. CLARK of Missouri. It is a part of the hide, and the biggest part of it. I offer another amendment.

The CHAIRMAN. The point of order is sustained. Now, the gentleman from Missouri offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amend paragraph 581, page 155, by adding the words "leather and all products of leather."

Mr. PAYNE. I make the point of order against that that it is not germane.

Mr. CLARK of Missouri. That is unquestionably in order, because that is the paragraph that puts hides on the free list.

Mr. PAYNE. It is not germane.

Mr. CLARK of Missouri. It is germane, if you go to the meaning of the word germane.

Mr. PAYNE. It is no more germane than shoe strings would be.

Mr. CLARK of Missouri. It is germane, unless they are going to change the dictionary along with the tariff.

The CHAIRMAN. The Chair is prepared to rule. The special rule under which the committee is now proceeding provides that preference shall be given to amendments to certain paragraphs, numbering among others 581.

This amendment is offered to paragraph 581, and the point of order is made by the gentleman from New York that it is not germane to that paragraph. Paragraph 581 reads as follows:

Hides of cattle, raw or uncured, whether dry, salted, or pickled.

The amendment provides for adding thereto "leather and the products of leather." The Chair thinks the amendment is not germane, and sustains the point of order.

Mr. HENRY of Texas. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HENRY of Texas. Suppose there is no amendment offered or pending by an individual Member or by the Ways and Means Committee, as the special rule provides for; that neither one of the pending amendments is offered; then would it be in order for any Member to offer an amendment to the bill, the House being in Committee of the Whole House on the state of the Union and considering the bill under the five-minute rule?

The CHAIRMAN. When the amendments provided for in the rule and by it made preferential shall have been exhausted, the next thing in order, if the committee shall then be in session, will be the reading of the bill by paragraphs for amendment, and as any paragraph is reached amendments will be in order if germane thereto.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment that I know is germane, and there can be no question about it.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend by adding to paragraph 581 the words "and all products of hides."

Mr. PAYNE. I make the same point of order, Mr. Chairman.

The CHAIRMAN. The point of order is sustained.

Mr. CLARK of Missouri. Surely, products of hides belong to the hide family. [Laughter.]

Mr. MILLER of Kansas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 62, line 8, paragraph 227, strike out the word "fifteen" and insert "25," so as to read, "barley, 25 cents per bushel of 48 pounds."

Mr. ALEXANDER of New York. Mr. Chairman, I desire to offer a substitute for the amendment.

The CHAIRMAN. Does the gentleman from Kansas yield for that purpose?

Mr. MILLER of Kansas. I have no objection; I yield to the gentleman from New York for the purpose of offering his amendment.

The CHAIRMAN. Without objection, the amendment will be reported. Is that what the gentleman from Kansas desires?

Mr. MILLER of Kansas. I want to hear the amendment.

The CHAIRMAN. The Clerk will report the amendment of the gentleman from New York.

The Clerk read as follows:

In lines 8 and 9, page 6, paragraph 227, strike out the words "fifteen cents" and substitute therefor "10 per cent ad valorem."

Mr. MURPHY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MURPHY. When will it be in order to offer a substitute for the amendment?

The CHAIRMAN. One substitute is already pending; it will be in order a little later.

Mr. MILLER of Kansas. Mr. Chairman, I recognize the fact that this is not a very good day for amendments, judging by the result of the recent votes that have been taken by the committee. I have offered the amendment, however, in the best of faith. The amount of duty on barley heretofore has been 30 cents a bushel, and the Committee on Ways and Means have reported in favor of 15 cents duty. This amendment provides that the duty shall be 25 cents instead of 15 cents, and the reason I did not move to restore it to 30 cents was the fact that 30 cents is more than necessary for the protection of barley in this country. I have talked with those interested especially in this product, and they admit that 25 cents a bushel is sufficient protection. I want to call attention of the committee to the reason why the amendment is offered.

This is a product of the great States of Montana, the two Dakotas, Nebraska, Minnesota, Wisconsin, and Michigan. Wisconsin and Minnesota probably produce more barley than any other two States in the United States.

Mr. TAWNEY. If the gentleman will pardon me, I want to say that the State of California produces more barley than any other State in the Union.

Mr. MILLER of Kansas. I will get to that point. The State of California is a great barley-producing State, but I am speaking of the barley that is used for the purpose of manufacturing beer. I am speaking of this barley and not of the kind raised in California, which is a feed barley. I am speaking of a barley produced by the great States that I have named—Minnesota, Wisconsin, Michigan, Iowa, North and South Dakota, Nebraska, Wyoming, and Kansas.

Mr. SLAYDEN. Will the gentleman yield for a question?

Mr. MILLER of Kansas. Certainly.

Mr. SLAYDEN. What is barley used for principally?

Mr. MILLER of Kansas. Barley is used principally for making beer.

Mr. SLAYDEN. Malt to be used for making beer?

Mr. MILLER of Kansas. Yes.

Mr. SLAYDEN. Then, how in the world does it concern Kansas? [Laughter.]

Mr. MILLER of Kansas. I will tell you how it concerns Kansas. Kansas is one of the greatest producing States in this country. It is an agricultural State, and it raises barley. It asks that it shall be protected on this product the same as on other products of the farm.

I would like to have some gentleman on the Ways and Means Committee or some Member of this House give some reason why the duty on barley should be cut down and the duty on wheat and on rye and on corn and on other farm products of the Western States should remain as it is. There can be but one reason why it is done, and that is the reason that people interested—brewers probably more than any other people in this country—want it cut down. I stand here this afternoon for the purpose of protecting the farmers of this country and seeing that they get justice rather than that the brewers shall have added profits to the business in which they are engaged.

Mr. BARTHOLDT. Will the gentleman yield?

Mr. MILLER of Kansas. Yes.

Mr. BARTHOLDT. Can my friend from Kansas state the total amount in value of the importations of barley during the last year?

Mr. MILLER of Kansas. I desire to say in answer to the gentleman's question that I can not do that.

Mr. BARTHOLDT. About how much?

Mr. MILLER of Kansas. I can not tell. There are Members here from the barley-producing States who will be able to answer that question, I have no doubt.

Mr. HILL. Here are the statistics on that for the last fifteen years.

Mr. BARTHOLDT. Will the gentleman permit me to tell him?

Mr. MILLER of Kansas. Mr. Chairman, I can not yield. The gentleman will have plenty of time to put that in his speech. The great apostle of peace in this House will be heard before this question is voted upon, I have no doubt.

Mr. BARTHOLDT. Not at all. I do not propose to speak.

Mr. MILLER of Kansas. Very well.

Mr. BARHOLDT. The importations of barley during 1908 were 11,915 bushels, amounting to $6,000. [Laughter.] Mr. Chairman, in one day one of my breweries will use that amount of barley.

Mr. MILLER of Kansas. Mr. Chairman, I want to call attention to the fact that right across the line from the northeastern section of this country there is a country where they produce barley in abundant quantities, and I want to protect the farmers of this country as against the farmers of Canada rather than to favor the brewers of the country by increasing their profits.

Mr. PERKINS. Mr. Chairman, I desire to speak in opposition to the amendment in the interests of the barley growers of the State of New York, in the sections from which I come. Fifteen years ago, Mr. Chairman, a large amount of barley,

which sold as barley No. 1, was raised in the State of New York, especially along the lake shore. It was the best barley raised. It was sold at the highest price. That barley was used in the manufacture of malt, and malt is used in making beer; but if we are to have beer at all, let us have the best, and the best material going into it. At Sodus, for instance, there was a large malt house built at an expense of $150,000, and the proprietors of that malt house bought the barley raised along the lake shore in New York and bought also the additional amount which it required from Canada. A duty of 30 cents a bushel was imposed on Canadian barley. What was the benefit to the farmer?

The result was that that malt house, purchasing hundreds of thousands of bushels every year, was absolutely shut up and has been sold for 10 cents on the dollar. Is it any benefit, Mr. Chairman, to those who raise barley to have the houses where their barley could be used closed?

The object of a duty on barley, if it is to work advantageously, should be to raise the price of barley. Certainly it can be of no benefit to any farmer in any part of the country if the duty so operates that the price of barley at the chief markets is less than it was. In Buffalo, the great market for barley of a certain quality in our section of the country, before the passage of the bill, which imposed a tax of 30 cents a bushel on barley, the average price of barley sold for malt ran from 60 to 70 and 80 cents per bushel. Since the imposition of this tax, which has largely closed the market to Canadian barley, the average price of barley in Buffalo has been less than 50 cents.

Mr. Chairman, I stand here in behalf of the farmers of my section and all farmers. A tax has been imposed, doubtless thought to be in their interest, which has resulted in entirely cutting out of the country a certain class, and the best class, of barley. The result has been that where there were large malt houses in our section buying large amounts of barley——

Mr. GARNER of Texas. I will ask the gentleman what barley is worth a bushel now?

Mr. PERKINS. It sells for less than 50 cents in Buffalo. Certainly, Mr. Chairman, this has been injurious to the farmers to have the malt houses which consumed their barley closed. Now, what has been the influence upon the price of barley? The average price of barley in Buffalo since the imposition of this tax has been between 40 and 50 cents a bushel, instead of between 70 and 80 cents a bushel, as it used to be.

The result of the exclusion of Canadian barley has been the killing of the raising of No. 1 barley in this country, and, as I state, the best barley raised has been sold on an average for from between 40 and 50 cents a bushel. Now, has it been a benefit to the farmer to impose a tax, the result of which has been that barley is sold on an average at a lower price than it was before the tax was imposed? The reason was that by checking so large an amount of demand, by closing the malt houses, by preventing the entry of No. 1 barley for the making of the best class of malt, the demand has been diminished, and so now we have a less demand for a lower product at a lower price, and we have, as a result of that, a cheaper and poorer malt.

Mr. TAWNEY. Mr. Chairman, I would like to have the attention of the committee for a moment——

Mr. DAVIS. Mr. Chairman——

Mr. TAWNEY. If my colleague desires to speak now, he can do so.

Mr. STEENERSON. Mr. Chairman, I represent a State that produces more barley than any other State in the Union. My district probably produces more barley than any other district in the State of Minnesota. I ask that this amendment be adopted for the reason that it relates to one of the few items in this bill that affords genuine protection to the farmer. We produced last year in the State of Minnesota 32,500,000 bushels of barley—one-fifth of the total product of the whole United States—and of that more than 6,000,000 bushels was produced in my district. My district adjoins the Canadian border, where they produce barley, and we know that this duty is for the benefit of the farmer; we know that it enhances the price of the farmer's product.

Mr. CAMPBELL. Will the gentleman state the difference between the price in Minnesota and Canada?

Mr. STEENERSON. I can state that a year ago last fall, in 1907, there was paid duty on barley from Manitoba to the amount of over $5,000 in one cargo. Canada got 30 cents less in that instance, but the difference runs perhaps 15 to 20 cents per bushel.

Mr. HUMPHREY of Washington. Will the gentleman yield for a question? Is farm labor any higher over in Manitoba or across the line in Canada than in your district?

Mr. STEENERSON. The cost of production is higher for the reason that it costs more to deliver the barley in the eastern market than from eastern Canada, that is, from the State of Minnesota, and that is an item in the cost of production. Now, the legislature of the State of Minnesota has unanimously passed a resolution in favor of this duty, basing it upon the theory that the farmers are contributing in everything else to the support of protection prices, and that this is one of the items which is of genuine benefit to them.

The situation on the border of northern Minnesota is especially important. We are engaged, especially in the frontier section, in the raising of wheat. We have not got far enough advanced to go into stock raising, and it is necessary to alternate and rotate the crop. The wheat exhausts the soil very rapidly, and we have to put in barley or let the land go fallow, and barley, being a profitable crop, gives us an opportunity to use the land every year. We can see no reason why the Canadian, who contributes nothing to the support of the army or the navy, who is not a taxpayer and does not bear the burden of our heavy prices under our tariff system, should have the same benefit, or practically the same benefit, given to our own people, who support the Government. This is no higher protection than is afforded upon all other farm products. The duty on wheat is 25 cents a bushel, and oats and all the products of the farm throughout the United States are given protection under present schedules.

The result of this tariff has been to stimulate production. Ten years ago Minnesota only produced 9,000,000 bushels, whereas we produced thirty-two and a half million bushels last year. In 1897, when we had low duty, we produced in the United States only 66,000,000 bushels, whereas in 1906 we produced 178,000,000 bushels, showing that this duty does tend to stimulate production and to bring returns to the farmer, who bears the largest share of the burdens in the payment of tariff duties, because they consume more than any other class of people. Now, in behalf of the people of my district, who are vitally interested in this, who produce, perhaps, 6,000,000 bushels of barley every year, I say to you if you leave this duty at 15 cents a bushel it will practically ruin the barley production of that district and of the whole country; and having supported this Committee on Ways and Means in all the other items, it seems to me you ought not to single out the one subject of barley and discriminate against the farmers in this way. [Applause.]

There is no object which so completely justifies the policy of protection as this. In 1896, before the enactment of the Dingley law, we only produced 66,000,000 bushels, whereas in 1906 we produced 178,000,000 bushels, an increase of nearly 300 per cent. The average farm price in 1896 was only 32 cents per bushel, whereas the average farm price in 1907 was 66 cents, and last year about 55 cents. The reason for this increase in price was the establishment of a good home market. Since 1897 the malting industry has grown immensely, so that now the center of it is west of Buffalo—in Chicago, Milwaukee, and Minneapolis. Formerly the export price fixed the domestic price, but not so during the last few years, for the establishment of the malting industry in the West has created a home demand and a home market sufficient to control the price.

Who is it that is responsible for this cut in the barley duty? We are reliably informed that it all comes from a desire of the eastern malting interests—principally those in Buffalo—not to get cheaper barley, but to get an undue advantage over their western competitors. They can get their barley from Ontario cheaper than Chicago or Milwaukee can from Kansas, Iowa, southern Minnesota, or South Dakota, and they will thus be able to dominate the malt market and to destroy that industry in the West. This demand for a reduced duty does not come from the consumer, but from maltsters of the East, who only produced 14,000,000 bushels of malt last year, as against 56,000,000 bushels produced by the maltsters west of Buffalo.

Is it fair and just to destroy this great home market west of Buffalo and thereby entailing a loss of millions upon the farmers of the West? The maltsters of Buffalo can continue to get their barley by way of the Great Lakes from Duluth, Superior, and other lake ports at a freight rate of 2½ cents per bushel, a rate even lower than that enjoyed by Chicago.

The wheat farmer gets very little benefit out of the duty on wheat, for, owing to the large proportion of that crop exported, the price in the domestic market is largely, if not entirely, controlled by the price abroad; but just now, when we have reached a point where this is not true of barley, you propose by cutting the duty in two to destroy the domestic market in the West and compel us to abandon barley production, which has grown up on the faith of the present tariff to such great proportions.

You will benefit no one in this country by this course, but you will injure many. We in the West have stood by the Republican party and its policy of protection believing it would be applied fairly and justly to the whole country alike and would develop every section and bring prosperity to all, and we

appeal to you, in the name of the millions of farmers of the West, not to perpetrate this injustice upon us now, but to treat us fairly and give us that measure of protection which is our due.

It has been said that this duty is more than the difference in cost of production at home and abroad with a reasonable profit. This I deny; but even if it was, there would be nothing in the argument, for this is one of the industries where combination into a trust or monopoly is impossible. There has never yet been a farmers' trust organized. Production of barley will go on increasing as long as the demand is greater than the supply, and when the supply overtakes the demand prices will fall and production decrease. The rule as to other commodities where combination is possible should be that the measure of protection should be as above indicated, but not as to products where monopoly is impssible.

As to these the home market should be preserved, and be so securely guarded that it can not be invaded by dumping upon it the unusual surplus of another country.

I venture to assert, however, that most of the schedules in this bill exceed the rate above referred to. There is hardly a single item of manufactured goods on the dutiable list where the duty does not exceed by 50 per cent the difference in the cost of production at home and abroad. So, even if this barley duty should exceed this difference, it would have plenty of company in this bill—you would only give the farmer the same measure you have given the manufacturers.

But considering that the western farmer is entitled to the market at the seaboard, from whence he obtains most of his manufactured goods, and considering transportation to this market as a part of the cost of production, this duty no more than fills the requirement for protection, and hardly that.

I hope, therefore, that you will be consistent, and that this amendment increasing the barley duty from 15 to 25 cents per bushel will prevail.

I have received from farmers in my district a petition in support of this amendment, extracts from which I will insert in the RECORD as a part of my remarks. I commend the reasons therein stated to your judgment and favorable consideration. [Applause.]

This bill provides for the reduction of the tariff on barley 15 cents per bushel, or from 30 cents, as provided in the Dingley law, to 15 cents per bushel.

This reduction was made at the solicitation of a few manufacturers of malt at Buffalo, N. Y., whose entire production represents less than 20 per cent of the malt produced in the United States, the bulk of the product being produced in the West, with Chicago, Milwaukee, and Minneapolis as the principal centers, where malt houses were erected within the last ten years at a cost of millions of dollars.

The reduction was sought by the Buffalo men, not for the purpose of relieving themselves from any burden, but for the sole purpose of securing an advantage over their western competitors. As Buffalo is adjacent to the good Canadian barley fields, the Buffalo maltsters see in free barley, or barley at a low rate of duty, a possibility of securing the Canadian barley, which by the nature of conditions could not be obtained by their competitors West. Hence it is their effort and intent to get their supply of raw grain, unobtainable by the others, at a cost that would not enable said western manufacturers to secure. Malt is used largely in the East, and to ship the barley West, then the product back, would be equal to paying double freights on the product to the consumer for the western manufacturer. Several things would work to dissipate the 15 cents duty, and place the Canadian barley ahead of the American-grown barley.

The following are some of the principal ones:

First. Low rate of freight from the barley fields of Canada to Buffalo.

Second. Low rate of freight from Buffalo to consumers.

Third. The Canadian barley fields produce more bushels per acre of barley, so Canadian growers could afford to accept less price per bushel than American farmers.

Fourth. Adjacent to Buffalo, in Canada, due to soil and climate, a better barley is produced, which in the malting process yields more malt.

Fifth. The Canadian malt brings a premium in price due to a higher yield in malt extract. The quality of the beer produced from Canadian barley malt is no better, however, than that made from American barley malt.

It is not a case of an appeal on the part of these Buffalo manufacturers to put themselves on an equality with the rest of the manufacturers West, but a case of wishing to secure an unfair advantage for the business at Buffalo. Under the Dingley tariff as many new plants have been built in Buffalo as in any other part of the country. In fact, within the last few years the largest plants that have been erected have been built at Buffalo. Does this indicate that that city is in need of the Canadian barley? That city now gets its raw material, barley, via the Great Lakes from Duluth, Minn., Superior, Green Bay, Manitowoc, and Milwaukee, Wis., at a cost of about 2½ cents per bushel, a lower cost than can be had by the great malting plants of Chicago and other malting centers, who must get their barley from the western barley fields of Wisconsin, the Dakotas, and Minnesota, via the railroads.

It costs less in freight to ship a bushel of barley via Duluth to Buffalo, there to be malted, thence as malt to New York, than from the same barley centers to New York via Chicago, or any other western malting center, so that Buffalo is voicing only a selfish scheme in asking for lower duties on barley.

* * * * * * *

The great brewing and distilling interests of the Central, Western, and Southern States would be placed at great disadvantage with like industries of their own in the East if obliged to get malt from the East.

Buffalo would ask Congress to destroy the production of a farm product that brought to the farmers of the United States in the last ten years about $800,000,000, and which gave to the railroads upward of $80,000,000 in freight in hauling to market.

Barley is a special product of the farmer, and a product he did not raise largely until the gates were closed to Canadian barley. What barley he can raise adds its value to the farm revenue, which can not be secured in full by substituting anything else, as it must be remembered that wheat, corn, and oats are a world's market and that barley is the only grain for which the tariff creates a home market. Were he to raise 170,000,000 more bushels of wheat and none of barley he would increase the country's supply of that commodity and proportionately cheapen or lower the wheat value in the markets. This would also apply and affect any other commodity which he would substitute in place of barley. Hence barley raising in the United States is an "infant industry," created by the tariff for the American farmer, and in order to perpetuate it the barley of Canada must be kept out.

Will the Government enact a measure which now produces $100,000,000 annually of farm revenue to farmers? The framers of the McKinley, Wilson, and Dingley tariff laws saw the necessity of placing an absolutely prohibitive tariff on both barley and malt. They saw that barley growing added to created wealth of the United States an enormous sum of money, and that this wealth was an extra wealth to the farmer, hence the lawmakers put up the wall over which no barley came.

Barley raising twenty years ago in the United States was of little importance, but to-day about 170,000,000 bushels are raised annually. Prior to this Canada supplied the malting needs, then paying a large duty, and it would again on a 15-cent duty, as shown herein. The former tariff framers saw this and put 30 cents per bushel duty on barley. They saw that, owing to conditions herein enumerated, that what might appear to be a reasonable duty would not give any measure of protection at all.

It is fair to believe that the committee thought 15 cents would continue the protective policy, but the facts were apparently not before them, or they would not, it is thought, have made the proposed reduction. It could not be reasoned that said committee intended revenue should be secured at the expense of the United States farmers, and causing great injury to 80 per cent of the malt manufacturers, with benefit to only 20 per cent in one city of the United States. * * * The present duty on barley should be retained. All the barley States voted for a continuance of the protective policy, as did the country; a policy that should protect the farm and factory sufficiently, or equal to the difference between the cost of production, under like conditions, at home and outside our borders. On barley this policy is not observed by the bill.

Production of barley, 1908, government report.

	Bushels.	Acres.
Wisconsin	24,750,000	825,000
Minnesota	32,500,000	1,300,000
Iowa	13,500,000	500,000
North Dakota	18,330,000	940,000
South Dakota	24,592,000	928,000
Kansas	4,400,000	275,000
Nebraska	2,773,000	118,000
Michigan	1,785,000	70,000
Other Middle West States	8,632,000	262,000
California	25,427,000	1,082,000
Washington	5,185,000	170,000
Oregon	1,798,000	62,000
New York and all other Eastern States	3,084,000	114,000
Total	166,756,000	6,646,000

Malt production.

	Bushels.
West of Buffalo	56,000,000
Buffalo and east thereof	14,000,000
Total	70,000,000

Mr. HARRISON. Mr. Chairman, as I understand this amendment, it raises the tax upon barley from the proposed rate of 15 cents to a rate of 25 cents. I am opposed to that, both on account of the intrinsic question involved and because I am opposed to all raises of rates of taxation except upon luxuries. This is a raw material and as such, in my opinion, should be on the free list.

Mr. MILLER of Kansas. It is not a raise in the taxation. It is a reduction.

Mr. HARRISON. It is a proposed raise over the rate in the Payne bill.

Mr. MILLER of Kansas. It is a reduction of the original rate.

Mr. HARRISON. Until the time of the McKinley bill, the rate used to be only 10 cents a bushel.

Mr. MILLER of Kansas. The original rate was 30 cents a bushel, and this is 25 cents.

Mr. HARRISON. The rate in the Dingley bill was 30 cents, but before 1890 it was only 10 cents. I call your attention to the fact, moreover, that the imports before that time used to net us an annual revenue of over a million dollars. Now there is practically no revenue.

Mr. MILLER of Kansas. The rate now is 30 cents a bushel.

Mr. HARRISON. The rate now is 30 cents a bushel, and that is prohibitive. The proposed rate of 15 cents in the bill is still prohibitive, in my opinion, and this barley should be on the free list. I want to corroborate what my colleague from

New York [Mr. PERKINS] has said on the subject. This is a matter in which the farmers of New York State are very deeply interested. I have communications from the leaders of the State Grange and from several other active representatives of the farmers.

The curious part of this duty is this, and it seems to strike at the very root of the Republican theory of protection—that since the imposition in the McKinley bill of the 30-cent rate the actual value of a bushel of barley in the United States has diminished. Upon an average of seventeen years before 1890 barley sold for 63 cents a bushel, and upon an average of seventeen years since 1890 barley has sold for only 43 cents a bushel.

Mr. TAWNEY. Will the gentleman permit an interruption there?

Mr. HARRISON. With pleasure.

Mr. TAWNEY. Is the gentleman speaking of feeding barley or malting barley?

Mr. HARRISON. I mean all barley.

Mr. TAWNEY. Malting barley has increased in price since that duty went on.

Mr. HARRISON. All kinds of barley are less valuable under the prohibitive high tariff than they were before, which is a very curious thing under the Republican system of prohibitive protection.

Mr. Chairman, the farmers of my State have demanded that I voice their sentiments upon this floor. I do so when I say that I think barley should be on the free list. If you will not put it on the free list, at least leave it where it is in the proposed Payne bill, namely, at 15 cents a bushel. I fear that even that will be prohibitive; but, at least, it will be some concession to common sense.

Mr. Chairman, I hope this committee will vote down the amendment of the gentleman from Kansas [Mr. MILLER].

Mr. ALEXANDER of New York. Mr. Chairman, I am somewhat surprised at the statements made by the gentleman from Minnesota, for I notice he has before him the statistics of the Agricultural Department which give the prices from which proper reasons——

Mr. TAWNEY. If the gentleman will give me time, I will put it in his speech, or in my own.

Mr. ALEXANDER of New York. Put it in your own, please.

Mr. TAWNEY. I did not suppose you wanted it in yours.

Mr. ALEXANDER of New York. Not as you had it before.

Mr. Chairman, I trust this amendment will not prevail. Fifteen cents makes the importation of Canadian barley prohibitory and 25 cents makes it doubly prohibitory. The distinguished chairman of the Ways and Means Committee said, in his speech published in the RECORD on March 23 (p. 158), that—

> When the duty was raised from 10 to 30 cents per bushel, it was about twice over prohibition of the importation of barley.

There is no justification for 25 cents or 15 cents. It does not add to the farmer's price. Prior to 1890 the duty was 10 cents a bushel, and under it ten or twelve million bushels were imported. At that time, for a period of fifteen years, the average price of barley per bushel was 61.6 cents. The farmers of New York raised large quantities of it, and the character of the barley was standard No. 1 and No. 2. Out of a few acres of it each one gathered a good profit, and the uses to which it was put gained in value and in excellence. Then came the McKinley tariff of 30 cents per bushel. This was prohibitory, and under it the New York farmer gradually gave up its production. It did not pay. Besides, the price kept going down, until the statistics show that for the past seventeen years the farmer has received an average of only 43.3 cents per bushel.

The reason for this decline is well known to the intelligent producer and user. By reason of its soil and careful husbandry Canada grows the best barley, grading in quality No. 1 and No. 2. This is particularly true of the Province of Ontario. Now, when the act of 1890 prohibited the importation of this grain, the standard was immediately lowered, superior seed could not be obtained, the Northwest began raising No. 3 in quality, and the price quickly dropped an average of 18.2 cents per bushel, being an annual loss on the 160,000,000 bushels raised in this country of over $29,000,000. Under the broad theory that a low-grade grain can not sell for as much as a higher one, the lower grade has steadily declined until the Northwest farmer must double his acreage and double his product to obtain as much as he received nineteen years ago.

Now, what is the remedy? Give the farmer an opportunity to improve the seed by placing a low duty, if a duty must be imposed, on Canadian barley, which will make its importation possible. Such a duty should not exceed 10 per cent ad valorem. This would make the commodity a revenue producer, would raise the standard of grade, and insure, with half the acreage, an increased profit to our farmers with half the work. A tax of 10 per cent would not bring a surplus of barley. The statistics of the Agricultural Department show that when the price of barley, prior to 1890, was at its highest, the Canadian importation did not exceed ten to twelve million bushels. Such an amount cuts no figure in regulating the price. Our own crop annually varies from ten to twenty million bushels. In 1901 and 1902 it reached 25,000,000 bushels, and yet the price paid the farmer during these two years differed only seven-tenths of 1 cent per bushel.

Barley at present is largely grown in Wisconsin, Minnesota, and the Dakotas. The crop each year is for the most part acquired by the grain and elevator companies of that section, which regulate the amount to be offered and the price. The malt manufacturer in the East must not only pay their price, but the cost of transportation, insurance, elevating, and storage charges to his plant, and the higher local rate on his product to his consumer, as compared with the cheaper through rate on the product of the western manufacturer.

Then, too, the eastern consumer is at a further disadvantage as to the quality of the barley purchased in the West, as he is at the complete mercy of the western shipper should shipments of inferior quality be made, as he has no competitive market in which to make purchases to secure the required grade for malting purposes. With Canadian barley admitted free, or at 10 per cent ad valorem, the eastern consumer would be placed on a parity with the western maltster to supply the eastern market.

Mr. BARTHOLDT. Mr. Chairman——

Mr. PAYNE. I should like to find out how long this debate is to be prolonged to-night—how many gentlemen want to speak?

Several MEMBERS. Rise! Rise!

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the Chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1438, the tariff bill, and had come to no resolution thereon.

LEAVE TO WITHDRAW PAPERS.

By unanimous consent, at the request of Mr. ANSBERRY, leave was granted to withdraw from the files of the House, without leaving copies, the papers in the case of Charles S. McGirr, Fifty-second Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OLDFIELD: A bill (H. R. 6559) authorizing the construction of a bridge across Black River at Pocahontas, Ark.—to the Committee on Interstate and Foreign Commerce.

By Mr. TAYLOR of Colorado: A bill (H. R. 6560) to provide a fund for the traveling expenses of the President of the United States—to the Committee on Appropriations.

Also, a bill (H. R. 6561) to make October 12 in each year a public holiday, to be called "Columbus Day"—to the Committee on the Judiciary.

By Mr. HULL of Tennessee: A bill (H. R. 6562) to authorize the Secretary of War to continue and complete the locking and damming of the Cumberland River in Tennessee, above Nashville and to the Kentucky line, and in accordance with the plan heretofore authorized and adopted by river and harbor act of 1886, on or before July 1, 1914, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HUBBARD of West Virginia: A bill (H. R. 6563) for the relief of West Virginia state troops—to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 6564) for the establishment of a fish-cultural station in the State of Pennsylvania—to the Committee on the Merchant Marine and Fisheries.

By Mr. HUBBARD of West Virginia: A bill (H. R. 6565) to pension army teamsters—to the Committee on Invalid Pensions.

By Mr. DAVIS: Memorial of the legislature of Minnesota, urging the connection of Great Lakes and Mississippi River by canal—to the Committee on Railways and Canals.

Also, memorial of the legislature of Minnesota, relating to the clearing of channel of Minnesota River—to the Committee on Rivers and Harbors.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ASHBROOK: A bill (H. R. 6566) granting a pension to William Canaday—to the Committee on Pensions.

By Mr. BYRNS: A bill (H. R. 6567) granting an increase of pension to Ephraim M. McWhorter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6568) granting an increase of pension to James H. Webb—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 6569) granting an increase of pension to Horace W. Nungesser—to the Committee on Invalid Pensions.

By Mr. CANDLER: A bill (H. R. 6570) for the relief of the heirs of George W. Gardner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6571) for the relief of the heirs of Gladney, Gardner & Co.—to the Committee on War Claims.

Also, a bill (H. R. 6572) for the relief of the estate of John Linton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6573) for the relief of the estate of R. C. Bumpass, deceased—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 6574) granting an increase of pension to Phillip Muler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6575) granting an increase of pension to Robert D. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6576) granting an increase of pension to Joseph Wilson—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 6577) granting an increase of pension to Martin I. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6578) granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6579) granting an increase of pension to Mitchell Theriac—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6580) granting a pension to Moses M. Fulk—to the Committee on Invalid Pensions.

By Mr. DUREY: A bill (H. R. 6581) granting an increase of pension to Marcus S. Burrus—to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 6582) granting a pension to Virginia Bringham—to the Committee on Invalid Pensions.

By Mr. FORDNEY: A bill (H. R. 6583) granting an increase of pension to James L. Look—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6584) granting an increase of pension to Thomas Hefty—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 6585) granting a pension to Mary C. Lloyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6586) granting a pension to Curtis T. Waite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6587) to remove the charge of desertion from the record of William S. Foulks—to the Committee on Military Affairs.

Also, a bill (H. R. 6588) granting an increase of pension to B. F. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6589) granting an increase of pension to Gottworth Eilenstein—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6590) granting an increase of pension to James T. Sefton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6591) granting an increase of pension to Bartholamew Keating—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6592) granting a pension to J. K. Rainey—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 6593) granting an increase of pension to Isaac Kear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6594) granting an increase of pension to John M. Rhodes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6595) granting an increase of pension to Samuel Petrie—to the Committee on Invalid Pensions.

By Mr. HAMLIN: A bill (H. R. 6596) to correct the military record of Louis Dunham—to the Committee on Military Affairs.

By Mr. HARRISON: A bill (H. R. 6597) to remove the charge of desertion and insubordination from the record of Michael J. Quirk, alias Joseph McDonough, and grant him an honorable discharge—to the Committee on Naval Affairs.

By Mr. HAYES: A bill (H. R. 6598) granting a pension to Mary Ann Leindecker—to the Committee on Pensions.

Also, a bill (H. R. 6599) granting an increase of pension to William L. McMillin—to the Committee on Invalid Pensions.

By Mr. HELM: A bill (H. R. 6600) granting an increase of pension to John J. Burnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6601) granting an increase of pension to Thomas McClure—to the Committee on Pensions.

Also, a bill (H. R. 6602) granting an increase of pension to William P. Wade—to the Committee on Pensions.

Also, a bill (H. R. 6603) granting an increase of pension to Thomas Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6604) granting a pension to Mary E. Cornelius—to the Committee on Pensions.

Also, a bill (H. R. 6605) granting a pension to William Tanner—to the Committee on Pensions.

Also, a bill (H. R. 6606) granting a pension to H. Rowan Saufley—to the Committee on Pensions.

Also, a bill (H. R. 6607) granting a pension to Nancy Johnson—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 6608) for the relief of Edward W. Whitaker—to the Committee on Military Affairs.

By Mr. HULL of Tennessee: A bill (H. R. 6609) granting an increase of pension to John Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6610) granting an increase of pension to Walter C. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6611) granting an increase of pension to Martha J. McDuffy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6612) granting an increase of pension to Andrew F. Byers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6613) granting an increase of pension to Allen Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6614) granting an increase of pension to Dixon A. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6615) granting an increase of pension to Rufus K. Callahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6616) granting an increase of pension to Thomas Norris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6617) granting a pension to Henry M. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6618) granting a pension to Sallie C. Dowell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6619) granting a pension to Hezikiah Sloan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6620) granting a pension to William R. Chaffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6621) granting a pension to Samuel D. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6622) for the relief of W. C. Willis—to the Committee on War Claims.

Also, a bill (H. R. 6623) for the relief of Martin L. Loftis—to the Committee on War Claims.

Also, a bill (H. R. 6624) for the relief of J. K. P. Davis, of Clay County, Tenn.—to the Committee on Claims.

Also, a bill (H. R. 6625) for the relief of heirs of Robert Wix, deceased, of Macon County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6626) for the relief of the heirs of John W. Malone, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6627) for the relief of the estate of William I. Longacre—to the Committee on War Claims.

Also, a bill (H. R. 6628) to remove the charge of desertion standing against Elijah Randolph—to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 6629) granting a pension to Martin Walraven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6630) granting an increase of pension to John Bokart—to the Committee on Invalid Pensions.

By Mr. NYE: A bill (H. R. 6631) granting an increase of pension to James E. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6632) granting an increase of pension to Sarah P. Tyrer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6633) granting an increase of pension to Joseph Robichaud—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6634) granting an increase of pension to William Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6635) granting an increase of pension to Theophile Rainville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6636) granting an increase of pension to Mary J. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6637) granting an increase of pension to William W. Mills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6638) granting an increase of pension to Rufus R. S. Mayo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6639) granting an increase of pension to Hiram L. Mason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6640) granting an increase of pension to Samuel B. McGuire—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6641) granting an increase of pension to John McDonald—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6642) granting an increase of pension to Darius T. Ludwig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6643) granting an increase of pension to Peter Lovall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6644) granting an increase of pension to Autimus King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6645) granting an increase of pension to Charles M. Hoag—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6646) granting an increase of pension to Hiram H. Heath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6647) granting an increase of pension to John H. Hasty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6648) granting an increase of pension to Thomas Barton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6649) granting an increase of pension to Christian Bachman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6650) granting an increase of pension to Elliott C. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6651) granting a pension to Tony K. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 6652) granting a pension to Josiah G. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6653) granting a pension to Margaret Fowler Merritt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6654) granting a pension to Patrick Magrath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6655) granting a pension to Albert E. Longman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6656) granting a pension to Priscilla Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6657) granting a pension to Alice Fenton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6658) granting a pension to Patrick Fahey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6659) granting a pension to Richard D. Colbreath—to the Committee on Pensions.

Also, a bill (H. R. 6660) granting a pension to Mary S. Byrnes—to the Committee on Pensions.

Also, a bill (H. R. 6661) granting a pension to Berintha L. Barnes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6662) for the relief of Wallace S. Winter—to the Committee on Military Affairs.

Also, a bill (H. R. 6663) for the relief of Sarah B. Schaeffer—to the Committee on Claims.

Also, a bill (H. R. 6664) for the relief of Andrew Erickson—to the Committee on Claims.

Also, a bill (H. R. 6665) for the relief of James and William Crooks—to the Committee on Claims.

Also, a bill (H. R. 6666) for the relief of Joseph Cameron—to the Committee on Claims.

Also, a bill (H. R. 6667) to correct the military record of Reginald Woollett—to the Committee on Military Affairs.

Also, a bill (H. R. 6668) to correct the military record of Silas Overmire—to the Committee on Military Affairs.

Also, a bill (H. R. 6669) to correct the military record of John Moran—to the Committee on Military Affairs.

Also, a bill (H. R. 6670) to correct the military record of Sylvester D. Foss—to the Committee on Military Affairs.

Also, a bill (H. R. 6671) to correct the military record of Robert Abernethy—to the Committee on Military Affairs.

Also, a bill (H. R. 6672) to remove the charge of desertion from the military record of Roswell W. Gould—to the Committee on Military Affairs.

By Mr. OLDFIELD: A bill (H. R. 6673) granting a pension to Rachael C. Groves—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 6674) for the relief of Emil Meyer and others—to the Committee on the Judiciary.

Also, a bill (H. R. 6675) for the relief of Ellen Fields—to the Committee on the Judiciary.

Also, a bill (H. R. 6676) for the relief of Mrs. E. A. Magill, widow of William Magill—to the Committee on War Claims.

Also, a bill (H. R. 6677) for the relief of Mrs. James M. Jett, of Brownwood, Brown County, Tex.—to the Committee on War Claims.

Also, a bill (H. R. 6678) for the relief of Josepha Bara de Gonzales—to the Committee on the Judiciary.

Also, a bill (H. R. 6679) granting an increase of pension to John S. Churchill—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 6680) granting a pension to John C. Holcomb—to the Committee on Invalid Pensions.

By Mr. WANGER: A bill (H. R. 6681) granting a pension to Adeline Rue—to the Committee on Pensions.

By Mr. WILSON of Pennsylvania: A bill (H. R. 6682) granting an increase of pension to Darius H. Hotchkiss—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ADAMSON: Petition of citizens of Columbus, Ga., against the proposed duty on hosiery and gloves—to the Committee on Ways and Means.

By Mr. ALEXANDER of New York: Petition of R. M. Skellen and others, favoring parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of the William Hengerer Company and others, of Buffalo, N. Y., against increase of duty on wrapping paper—to the Committee on Ways and Means.

By Mr. ANDRUS: Petition of citizens of the Nineteenth Congressional District of New York against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Yonkers (N. Y.) Lodge, No. 707, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. ANTHONY: Petition of citizens of Bancroft, Kans., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petitions of Leavenworth Local Unions, Nos. 1429 and 1858, United Mine Workers of America, favoring a direct duty on crude petroleum—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Julien Emery, of Salisbury Cove, Me., for removal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BYRNS: Paper to accompany bill for relief of Ephraim M. McWhorter—to the Committee on Invalid Pensions.

By Mr. CALDER: Petition of J. D. Crory, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Lanyon Zinc Company, of Iola and La Harpe, Kans., favoring zinc on the free list—to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, favoring reduction of duty on linoleum—to the Committee on Ways and Means.

Also, petitions of citizens of the Sixth Congressional District of New York, Sprague, Warner & Co., and National Tea and Coffee Association, of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petitions of Chamber of Commerce of Watertown, N. Y.; Woodland Local, No. 146, International Brotherhood of Paper Makers; Dirigo Local, No. 84; Bellows Falls Local, No. 5; Kalamazoo Local, No. 52; Fitchburg Local, No. 12; Niagara Falls Local, No. 51; and Grand Rapids Local, No. 56, against reduction of the duty on print paper—to the Committee on Ways and Means.

By Mr. COOK: Petition of Pennsylvania State Association of the American Institute of Architects, favoring site of the Lincoln memorial at end of the Mall—to the Committee on the Library.

By Mr. DAVIS: Petition of legislature of Minnesota, for establishment of a national highways commission—to the Committee on Agriculture.

Also, petitions of business men of Arlington and Gaylord; F. J. Kotek and others, of Montgomery; Alson Brothers and others, of Nicollet; Hutchinson & Co., of Waterville; F. W. Rynda and others, of Le Sueur Center; S. P. Fluke and others, of Farmington; Frey & Gillis, of Morristown; and W. Trude & Sons, of Gibbon, all of the State of Minnesota, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

Also, petition of house of representatives of the State of Minnesota, against removal of the tariff on barley—to the Committee on Ways and Means.

By Mr. DENBY: Petition of citizens of the First Congressional District of Michigan, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. FISH: Petition of sundry citizens of Hudson, Philmont, and Catskill, N. Y., against a duty on tea, coffee, cocoa, and spices—to the Committee on Ways and Means.

By Mr. FOSTER of Illinois: Petition of citizens of Carlyle, Vandalia, Effingham, Farina, Kinmundy, Sandoval, Centralia, Odin, and Patoka, all of the State of Illinois, against a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. FULLER: Petition of 286 employees of the Rockford (Ill.) Mitten and Hosiery Company, favoring duty on textile goods—to the Committee on Ways and Means.

Also, petition of citizens of Leland, Ill., against parcels-post and postal savings bank legislation (S. 5122)—to the Committee on the Post-Office and Post-Roads.

Also, petition of R. H. Shumway, of Rockford, Ill., concerning proposed duty on seeds, bulbs, etc.—to the Committee on Ways and Means.

Also, petition of W. F. Childs, of Chicago, Ill., against provisions of the tariff bill—to the Committee on Ways and Means.

Also, petition of Illinois Watch Company, of Springfield Ill., favoring increase of duty on watches—to the Committee on Ways and Means.

Also, papers to accompany bills for relief of Samuel Petrie, John M. Rhodes, and Isaac Kear—to the Committee on Invalid Pensions.

By Mr. GRAHAM of Illinois: Petitions of business men of Taylorville, Edinburg, Morrison, Raymond, Assumption, Auburn, Girard, Virden, Palmyra, Buffalo, Mechanicsburg, Illiopolis, Chatham, Pleasant Plains, and Dawson, all of the State of Illinois, against parcels-post legislation—to the Committee on the Post-Office and Post-Roads.

Also, petition of Walter Holderread, of Litchfield, Ill., for the Montgomery County Retail Druggists' Association, against a stamp tax on proprietary and toilet articles—to the Committee on Ways and Means.

Also, petitions of Martin Roth, of Springfield; Charles Tinlin, of Riverton; and Neff Brothers, of Illiopolis, all in the State of Illinois, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of E. A. Brown and 37 others, of Luverne, Minn., against reduction of duty on barley—to the Committee on Ways and Means .

Also, petition of Bicker & Robson and 12 others, of Heron Lake, Minn., against parcels-post and postal savings bank bills—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of citizens of North Dakota, against a reduction of the duty on barley—to the Committee on Ways and Means.

By Mr. HAUGEN: Petition of citizens of the Fourth Congressional District of Iowa, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petitions of citizens of Thornton, Rockwell, Dougherty, Swaledale, and Joice, all in the State of Iowa, against parcels-post and postal savings bank laws—to the Committee on the Post-Office and Post-Roads.

By Mr. HAYES: Papers to accompany House bill granting an increase of pension to William L. McMillan—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mary Ann Leindecker—to the Committee on Pensions.

Also, petitions of citizens of Morgan Hill and San Mateo, Cal., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. JOYCE: Petition of Zanesville (Ohio) Lodge, No. 114, Benevolent and Protective Order of Elks, for a reserve in Wyoming for the American elk—to the Committee on the Public Lands.

By Mr. KRONMILLER: Petition of citizens of Baltimore, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petition of General U. S. Grant Camp, No. 5, Sons of Veterans, Division of Pennsylvania, favoring legislation to make Lincoln's birthday a national holiday—to the Committee on the Judiciary.

By Mr. McKINNEY: Petition of A. G. Abraham Company, of Moline, Ill., against a duty on cocoa beans—to the Committee on Ways and Means.

Also, petition of Fortnightly Club, of Monmouth, Ill., against increase of duty on gloves and hosiery—to the Committee on Ways and Means.

Also, petition of C. C. Russell, of Monmouth, Ill., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SABATH: Petition of citizens of Chicago, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of C. E. Jagger, against the proposed reduction of the tariff on patent leather for shoes—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Braid Manufacturers' Association of the United States, favoring increase of duty on silk braid—to the Committee on Ways and Means.

Also, petition of Edward & John Burke (Limited), favoring a drawback on container of malt liquor, where duty is specific—to the Committee on Ways and Means.

Also, petition of Auto Piano Company, against increase of duty on pianos—to the Committee on Ways and Means.

Also, petition of S. M. Flickinger & Co., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Retail Dry Goods Association of New York, against advance of duty on wrapping paper, and also against a tariff on hosiery—to the Committee on Ways and Means.

Also, petition of Edward Smith & Co., against a raise of duty on china nut oil, etc.—to the Committee on Ways and Means.

Also, petition of Hawley & Hoops, against an advance of duty on crude cocoa beans—to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of retail and wholesale merchants of Cairo, Ill., against the proposed tariff on gloves and hosiery—to the Committee on Ways and Means.

By Mr. TOU VELLE: Petitions of G. M. Lockwood, Retail Grocers' Association, Burr Evans and A. J. Mider, Getz & Snettel and J. B. Maher, and the Dorman Grocery, all of Greenville, Ohio, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. WANGER: Protest of Cigarmakers' Local Union No. 402, of Quakertown, Pa., against the free importation of cigars into the United States from the Philippine Islands—to the Committee on Ways and Means.

By Mr. WILSON of Pennsylvania: Petition of W. J. Dale and 19 other residents of Williamsport, Pa., for removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Fenton L. Scheed and 30 other residents of Lock Haven, Pa., against imprisonment of Russian and Mexican political refugees—to the Committee on Foreign Affairs.

Also, petition of Thomas S. Hagerman and 76 other residents of Lycoming County, Pa., against a duty on tea and coffee—to the Committee on Ways and Means.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, *April 7, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of House bill 1438.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438, the tariff bill, with Mr. OLMSTED in the chair.

Mr. PAYNE. Mr. Chairman, I move that all debate on this paragraph and all amendments be closed in twenty minutes.

The motion was agreed to.

Mr. BARTHOLDT. Mr. Chairman——

Mr. HUMPHREY of Washington. Mr. Chairman——

The CHAIRMAN. The gentleman from Missouri [Mr. BARTHOLDT] was recognized last evening just before the committee rose, and yielded for a motion that the committee rise. If there be no objection, the Chair will recognize him first this morning. For what purpose did the gentleman from Washington [Mr. HUMPHREY] rise?

Mr. HUMPHREY of Washington. To offer an amendment.

The CHAIRMAN. The gentleman will be recognized for that purpose later.

Mr. BARTHOLDT. Mr. Chairman, the author of the pending amendment is my friend from Kansas [Mr. MILLER], the same distinguished gentleman who, in official communications, addressed to the Members of this House, by the Prohibition party, has been designated as the official leader of that party on the floor of this House. I wonder if there is a connection between his efforts to increase the duty on barley and his position as the official Prohibition leader, and if this is a move for the protection of the barley growers or a move for prohibition. Let me see. The importations of barley have fallen off from 2,074,067 bushels in 1895 to 19,930 bushels in 1906, and the importations in 1907 amounted to only 11,815 bushels, representing a total value of $6,608. This proves conclusively that the present rate of duty is practically prohibitory, and a reduction from 30 cents to 15 cents a bushel, as provided for in the Payne bill, is in the interest both of the revenues of the Government and the health of the American consumers, inasmuch as Canadian barley is indispensable to the production of the better brands of beer. In other words, there is a superior kind of barley which must and should be imported, which, however, under present prohibitory rates, it is impossible to secure. As compared with the total consumption of barley the importations, even under the Wilson bill, were insignificant; hence even a prohibitory duty would not have, and has not had, the effect of enhancing the price of the home product. Therefore I believe that in proposing this amendment my friend is acting as the champion of the white-ribbon brigade rather than as the representative

of the barley growers of Kansas. This is a case, Mr. Chairman, where protection and prohibition do not mix. In fact, I may as well add that the interests of the barley grower and the prohibitionist are not only not identical, but are diametrically opposed to each other. If my friend wants to aid the barley growers, he must oppose prohibition, because if the rest of the country should follow in the wake of Kansas there would be no market for barley at all. If, on the other hand, he wants to aid prohibition, then he should move to prohibit both the importation and the raising of barley altogether. He can not eat the cake and keep it too. [Laughter and applause.] Of course, after the performance of my neighbors from Kansas on yesterday, we must not be surprised at anything they do.

First they were ready to desert their party and smash this bill unless they could get separate votes on lumber, hides, and barley. Then they voted for free lumber because their State does not produce any, and for a duty on hides because that was important to their pocketbooks. It reminds me strongly of the prayer of the middle-age peasant:

Oh, Florian, saint with the patron's crown,
Please spare my house; burn others down!

[Laughter.]

Their action proved that on the fertile prairies of Kansas there grow not only grasshoppers, prohibition, populism, and barley, but also large chunks of patriotic unselfishness. [Laughter.] But the barley amendment is the crowning evidence of their unselfish statesmanship. In their own State they have destroyed the industry which uses the barley of their farmers, and now they insist that the other more liberal States which buy this product from them shall pay them a tribute in doing so. I am sure that the committee will agree with me when I say that a better and more sincere way to aid the barley growers of the country would be to increase the demand for and the price of that product by encouraging the industry which buys it, an industry which, by the way, has done more for the cause of true temperance than all professional prohibitionists put together. [Applause.]

Mr. BURKE of South Dakota. Mr. Chairman, as a Republican and protectionist and in behalf of the people of my State and of the other great States in the agricultural West, I want to say a word in favor of the amendment offered by the gentleman from Kansas. I find that in the United States the production of barley for 1908 was somewhere about 167,000,000 bushels; that in the State of South Dakota we produced something more than 24,000,000 bushels; about 18,000,000 bushels were produced in North Dakota, 32,000,000 bushels in Minnesota, 24,000,000 in Wisconsin, 13,000,000 bushels in Iowa; making, with what Kansas and Nebraska produced, about 130,000,000 bushels of the whole amount that was produced in the United States in the year 1908.

The present tariff under the Dingley law is 30 cents a bushel, and by this bill it is proposed to reduce the duty to 15 cents per bushel. The distinguished gentleman from New York [Mr. PAYNE], chairman of the Committee on Ways and Means, gave as his reason for the reduction that 15 cents per bushel is sufficient to protect the industry. Mr. Chairman, the farmers of the West and Northwest do not believe this statement to be true. I have taken the pains to look up the hearings upon this subject to find who it was that appeared before the Committee on Ways and Means when this subject was before that committee. I find that Charles L. Feldman, of Buffalo, appeared before that committee on behalf of the Maltsters' Association of that city. I find that Henry V. Burns also appeared on behalf of that association. I also find a statement from that association, and a brief filed by one B. H. McLaughlin, and with the exception of these representatives and a delegation from the Chamber of Commerce of Oswego, N. Y., there was no one appeared before that committee asking for a reduction of the duty on barley.

I find in the brief filed by Mr. Burns for the Malt Manufacturers' Association, of Buffalo, N. Y., that he urged that barley be placed on the free list, and argued that the present duty is prohibitive so far as Canadian barley is concerned, and he asserted, and I quote from his brief, as follows:

The growing of malting barley is more centralized, perhaps, than is the growing of any other cereal, for while most all of the States produce a certain amount for feeding purposes, the principal States producing malting barley tributary to the territory east of the Missouri River are Minnesota, Wisconsin, Iowa, and the Dakotas, and there is no section that has developed more rapidly and extensively as a farming country during the past few years than the States named above. Equal also in growth has been the country grain elevator, dotting each section along the main line and branches of each new railroad as soon as completed, until at present this vast territory is one complete network of grain elevators.

Mr. Chairman, it is to encourage this very condition and that it may continue throughout the West that I earnestly appeal to the Members of this House to vote to restore the duty on this product from the rate stated in the pending bill to 25 cents per bushel, which is 5 cents less than the duty under the existing law.

Mr. CLAYTON. Will the gentleman yield?

Mr. BURKE of South Dakota. No; I have not time. I want again to reiterate that those who are urging the reduction are the maltsters of the country, and no demand except from them was presented to the Committee on Ways and Means for this reduction. It is somewhat amusing to observe on the floor of this House our distinguished friend from New York [Mr. ALEXANDER] and our distinguished friend from Missouri [Mr. BARTHOLDT] opposing this amendment and urging the House to stand by the bill as reported, and hereafter, I presume, these distinguished gentlemen will be known in the House and throughout the country as the "farmers' friends."

I appeal to you, Mr. Chairman and gentlemen, not to reduce this tariff, and I hope that the amendment proposed by the gentleman from Kansas will prevail. [Applause.]

Mr. GRONNA. Mr. Chairman, I am somewhat amused to see the number of Representatives in this House who are interested in the farmer. I am not at all surprised that the farmer has succeeded so wonderfully during the last decade. We find that all these men from all over the country, New York lawyers and everyone else, seem to have a special interest in the farmer. A statement was made yesterday by the eminent gentleman from New York [Mr. ALEXANDER], who seems to know all about how to raise barley, that we import barley for the purpose of getting seed in the United States, and that we can not raise barley fit for seed in our country. I hope that he will not make that statement before a convention of farmers, because he would be ridiculed if he should make such a statement as that. I want to say, Mr. Chairman, that the barley that is being imported is used by the eastern importer for malting purposes. We are producing in North Dakota, as my friend from South Dakota [Mr. BURKE] has said, more than 18,000,000 bushels of barley. I am not here to say whether or not 25 cents a bushel is the duty needed to protect us on barley, but I do say that we are entitled to a duty that is prohibitive because we can raise more barley than we can consume. I want to say to my friends on the other side, considering the vote on the lumber schedule yesterday, that I congratulate you that you have seen the dawn of day, and that in the future we may expect to see at least some of you stand for protection instead of standing for free trade. Upon you rests the responsibility whether or not we are going to get free lumber. There were enough of us on this side who voted for free lumber yesterday when that schedule was considered to have placed it upon the free list. If you had practiced what you preach the farmers on our western prairies would in the future have that benefit, but 40 or more of you gentlemen on the other side voted for a protective tariff on lumber.

Mr. GAINES. May I ask the gentleman a question, Mr. Chairman?

Mr. GRONNA. Yes.

Mr. GAINES. Mr. Chairman, I would like to ask somebody who has the view the gentleman takes to explain why, on what theory, they believe that barley should carry a duty of more than twenty-six and a half per cent, when they believe that lumber should not have a duty of as much as 6 per cent?

Mr. GRONNA. Mr. Chairman, in reply to the gentleman, I would say that I find that in the schedule on gloves there is a duty of 594 per cent; and so we, as farmers, are claiming the right to adjust the duty on this one article at 25 or 30 cents per bushel. [Laughter.]

Mr. Chairman, we are using an acreage of about 6,600,000 in the United States in raising barley. We have 45,000,000 acres in North Dakota alone, and we can produce more barley than you can use in the United States. It is true, as my distinguished friend from Missouri [Mr. BARTHOLDT] has said, that we do not use barley in North Dakota for malt. We are a prohibition State, and we are proud of it. I hope we shall never see the day when we will go back to the time and look for a market in our State for the sale of malt for the manufacture of liquors. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HANNA. Mr. Chairman, I wish to say a few words in reference to the question of tariff on barley. There is no product in North Dakota, to my mind, at the present time, which is so vitally affected by the tariff as is barley. It is contemplated under the provision of the tariff bill which is now before us to reduce the duty on barley from 30 cents, as provided by the present law, and to make the duty 15 cents per bushel. The gentleman from Kansas has made a motion to increase the tariff as contemplated from 15 cents per bushel to 25 cents per bushel, and it would seem that his motion should prevail. It costs the farmers of North Dakota every cent of 15 or 20 cents

per bushel to put their barley into the markets of New York State and in New England. With this proposed reduction of the tariff, barley will come into the United States from Ontario in competition with the barley which is raised in the Northwest, and the American farmer of the Northwest will not be sufficiently protected if the tariff is made 15 cents per bushel as against the barley raised by the farmer in Canada. The production of barley in the United States under the Dingley law of 30 cents a bushel has gone up by leaps and bounds, and to-day we are raising in the Northwest barley sufficient for the needs of the whole country, and last year there was practically no barley imported into the United States. In the Northwest there are 500,000 farmers raising barley, and they are asking and sending petitions to us by the hundred that the tariff on barley shall be let alone and stay where it now is, and as near as I can find out there are only some half dozen men in the State of New York interested in the brewing and malt business who are asking for the reduction of tariff on barley and barley malt.

There are a number of reasons why the tariff should be let alone. One is that there is a low rate of freight from the barley fields of Canada to Buffalo, N. Y., and another the low rate of freight from Buffalo to the consumers. Since the transfer of barley raising from Canadian to American farmers prices have been satisfactory and remunerative to farmers; and, as a matter of fact, if the reduction of the tariff on barley should tend to stop the growing of barley in the Northwest, the great brewing interests in the central, western, and southern sections of the United States will be placed at a great disadvantage with like industries of their own in the East if obliged to get malt in the East and to ship it West. We ask Congress to protect the production of a farm product—barley—that has brought to the farmers of the United States in the last ten years about $800,000,000. We have a tariff upon wheat, upon corn, and upon other grain; but as long as we are exporting these grains out of the United States as we are doing, the tariff upon them does not affect and help us at all. But through the tariff on barley our farmers in the Northwest are receiving a direct benefit, because we are producing all of the barley that is used in our own country, and with the tariff as it now stands our farmers are receiving a good price for it; and if they are to continue to do this, the tariff wall should be kept where it is to keep the Canadian barley across the border and out of the United States. Only a few years ago barley raising was of little importance in the United States, and now we are raising in this country over 170,000,000 bushels a year.

The present duty on barley should be retained. Every one of the barley-producing States voted for a continuance of the protection policy, as did the country, a policy that should protect the farm and factory sufficiently to equal the difference between the cost of production under like conditions at home and outside of our borders. Twenty-four hours ago you took the tariff from hides and put them on the free list, which I believe was wrong and a great detriment to the farmers of the West. The cattle which are to-day on the prairies of North Dakota are worth $1,000,000 less than they were twenty-four hours ago. Now you seek to reduce the duty on barley. Last year we raised in North Dakota 18,000,000 bushels of barley, and the reduction of the tariff of 15 cents a bushel would make a loss of nearly $3,000,000 to the farmers of the State I represent alone. We come here and ask for a protection on barley, and believe that it should be granted. I am against the proposition to reduce the tariff on barley. I do not think that it is right. Men come here, from various States of the Union, to this Congress asking for a tariff on their products, and it is right that they should do so; and, as a rule, their requests are granted. The people of North Dakota and of the Northwest have the same right and should have protection upon the products which they raise. I sincerely hope that this amendment, which has been offered by the gentleman from Kansas [Mr. MILLER], raising the tariff as proposed in this pending bill from 15 cents to 25 cents will prevail. [Applause.]

Mr. PAYNE. Mr. Chairman, how much time have I?

The CHAIRMAN. The gentleman has five minutes.

Mr. PAYNE. Mr. Chairman, I yield two minutes to the gentleman from Washington [Mr. HUMPHREY].

Mr. HUMPHREY of Washington. Mr. Chairman, I offer the following amendment, which I send to the Clerk's desk and ask to have read.

The Clerk read as follows:

Strike out the words "25 cents per bushel of 48 pounds" and insert in lieu thereof the following:
"Shall be admitted free of duty."

Mr. HUMPHREY of Washington. Mr. Chairman, on yesterday the gentleman from Minnesota [Mr. TAWNEY] demonstrated that there was no need for a protection on barley. He said that the wages over in Canada were just as high as in this country. If that be true, then there is no reason why we should protect barley. I thought that it would be a good thing to protect 300,000 people in my district who depend for their daily bread upon the lumber industry, but the gentleman from Minnesota says not.

Mr. TAWNEY. Mr. Chairman, can not the gentleman distinguish between the cost of producing one article and the cost of producing another?

Mr. HUMPHREY of Washington. Yes.

Mr. TAWNEY. I made no such statement.

Mr. HUMPHREY of Washington. The gentleman did make such statement by his vote, if not in words, and I feel fully justified in saying that he spoke as he voted. In reply to the gentleman's question, I answer that I can also distinguish the difference between a product that grows in the gentleman's district and one that grows in somebody else's district; and while I have no very great regard for Republicanism that is measured by the particular crop that grows in a man's district, yet if it is good for the whole country, as the gentleman argues, I think it is good for the first district of Minnesota. [Applause.]

Mr. MILLER of Kansas. Will the gentleman yield now for a question?

Mr. HUMPHREY of Washington. No; I will not.

Mr. MILLER of Kansas. All right. I simply wanted to ask the gentleman if he was dead sure that the duty would stay on lumber. That is all I wanted to ask. The lumber question is not settled yet.

Mr. HUMPHREY of Washington. I am not greatly enamored of the Republicanism of the gentleman from Minnesota [Mr. TAWNEY] as shown by his record in regard to the tariff question. But yesterday he favored a tariff on lumber. Then his district produced lumber. To-day he favors a high tariff on barley and free trade on lumber. His district no longer produces lumber, but it does produce barley. What he will want on the free list and what he will want protected to-morrow will be measured by the harvests that are reaped in his district. Republicanism dictated only by human selfishness in a sublime desire to profit at the expense of others does not command my respect.

The gentleman from Minnesota [Mr. STEENERSON] speaks of the nearness of the Canadian line to the raisers of barley. I beg to remind him and his colleagues that the Canadian line is no nearer to the farmer in Minnesota than it is to the lumber mills in Washington. He speaks of the disadvantage of the farmer in regard to freight rates, but this handicap is not as great with the farmer of Minnesota as it is with the lumbermen of Washington; and yet the Minnesota delegation is clamoring for free lumber, protected now only 5 per cent, and demanding an increase in the prohibitive tariff already on barley. Such selfishness ought to have an element of consistency. The gentlemen ought to assume to have some virtue in their arguments, even if they do not possess it. Every argument that they have made in favor of free lumber is applicable in a far greater degree as an argument in favor of free barley. I have long labored under the delusion that whenever 1,000 feet of lumber was bought in British Columbia, such transaction meant just that much work and that much wages taken from the American workman and given to the foreigner; but, according to the argument of both the distinguished gentlemen from Minnesota, this is a mistake. Such proceedings would benefit entirely the American. It would be of no benefit whatever to the foreigner. This being true in regard to lumber, of course it must be true in regard to barley. So that to benefit the men who labor at raising barley, the amendment I have offered to place barley on the free list ought to prevail.

It has been repeatedly urged by each side of the House that protection on farm products is a fraud. If this be true, why clamor for additional duty on barley? The lumberman buys more dollars' worth of protected products from the farmer, three to one, than the farmer buys lumber from him. Why should not the lumberman have farm products free if the farmer is to have free lumber? Never before in public life has there been a more complete example of inordinate local selfishness and utter disregard of the interests of the country at large than has been displayed here by certain gentlemen who have cried out for a duty on hides, an increased duty on barley, and then demand that lumber and everything else not produced in their districts shall go upon the free list. The opposition led by these men is responsible for the rule that has placed the great industry of lumber in jeopardy. They are responsible for delaying this bill for several days, which, according to the estimate of the Speaker and other prominent men, has meant a loss of many million dollars to the country. But for their opposition this bill would now be in the Senate. I admit that it is the right of any Member, if he wishes, to vote for any schedule or against any schedule; that it is his right to protect his own

interests; that it is his right to demand an increased protection upon his products. But I deny that it is the right of any man or any set of men to demand that they be taken care of, that they be given special privileges, at the expense of the other industries of the country. I deny that it is the right of any man to demand that everything his district produces be protected and everything that is bought by that district be placed on the free list. Men who make such demands are not following Republican principles—they are following personal interests. [Applause.]

The CHAIRMAN. The gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I am opposed to this amendment offered by the gentleman from Washington, and I am opposed to all these amendments, and I stand by the committee proposition—15 cents a bushel on barley. In the first place, I want to show these gentlemen that the farmers are not all agreed. I hold in my hand a letter from Mr. Norris, who stands very high up in the grange, and I have received another letter from the chief officer of the grange to the same effect. Mr. Norris says:

We are informed this day Mr. F. N. Godfrey, representing the New York State Grange as its master, has wired you that a tariff on barley higher than 15 cents a bushel will not be satisfactory to the grange and farmers of the State of New York.

The farmers in your district are uniting with the members of the granges in the Empire State in remonstrating against the raising of the tariff on barley above the schedule as fixed in your bill.

We petition you most earnestly to use your influence to keep the tariff down to or less than 15 cents per bushel.

Please cooperate with the farmers and satisfy this large constituency.

Sincerely and respectfully, yours, ELLIOT B. NORRIS.

Mr. DAVIDSON. Will the gentleman yield?

Mr. PAYNE. I have only three minutes. I had not received that letter, which is dated April 3, when the committee fixed this rate upon barley of 15 cents per bushel, and, by the way, I think 15 cents per bushel is probably prohibitory to bringing in barley from Canada, on everything except the seed, which might be brought in from Canada. The committee looked over the duty on breadstuffs and they find that oats bore a duty of 15 cents, equal to 32.26 per cent ad valorem; rye, 10 cents, or 12.55 per cent ad valorem; corn, 15 cents, or 17.97 per cent ad valorem; wheat, 25 cents, or 28.85 per cent ad valorem; buckwheat, 15 cents, or 22.12 per cent ad valorem; barley, 30 cents, or 53.64 per cent ad valorem; and the motion was made to equalize the barley duty to the other duties on breadstuffs in the bill, not with the lowest but with the average of the other duties, and so we made it 15 cents per bushel, which is nearly 26 per cent on barley and higher than on most of the cereals. Now, the farmers in my district are interested in this bill, and the interest we have is to get barley seed from Canada to renew and regenerate our crops.

This duty was put up in 1890 to 30 cents a bushel, and it has cut off our farmers from raising barley. They can not get money enough in the spring to get seed barley from Canada to pay this high rate of duty, and they are not raising anything. That has been transferred to the West, and the people who use barley have to take the seed barley that comes from the West, and can not get that bright and beautiful barley from Canada, or in my State, which is superior to any barley grown in the United States. So it is that the farmers in my district and in my State, looking at this thing from an intelligent standpoint, want to get in their seed barley at 15 cents duty. Do not be alarmed about that. If it is 15 cents, it will prohibit the importation of everything except barley seed, and you will not be disturbed. You will have the same monopoly that you have in the market, except that my farmers can get some seed to furnish the best barley for the best brands. It will stop foreign importation that comes from Canada now. It will stop everything but the seed barley. It will still be prohibitive. Do not be worried about this bill or about your farmers or about their raising barley in the Northwest if it remains at the rate of 15 cents a bushel.

I ask for a vote, Mr. Chairman. [Applause.]

The CHAIRMAN. Without objection, the Chair will again ask the Clerk to report the amendment offered by the gentleman from Kansas [Mr. MILLER].

The Clerk read as follows:

Page 62, line 8, paragraph 227, strike out the "15" and insert "25."

The CHAIRMAN. Now the Clerk will report the amendment offered by the gentleman from Washington [Mr. HUMPHREY].

The Clerk read as follows:

Strike out the words "25 cents per bushel of 48 pounds" and insert in lieu thereof the following:

"Shall be admitted free of duty."

The CHAIRMAN. The Chair desires to state that the amendment offered by the gentleman from Washington [Mr. HUMPHREY] does not appear to be an amendment to the amendment offered by the gentleman from Kansas, but is an amendment to the bill itself, in part at least, and not in order until the amendment of the gentleman from Kansas is disposed of. The question, therefore, is upon the amendment offered by the gentleman from Kansas [Mr. MILLER].

Mr. HAWLEY. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. HAWLEY. What became of the amendment offered by the gentleman from New York [Mr. ALEXANDER].

The CHAIRMAN. That is in the same class as the amendment offered by the gentleman from Washington [Mr. HUMPHREY]. The question is on the amendment offered by the gentleman from Kansas [Mr. MILLER].

Mr. TAWNEY. Mr. Chairman, I supposed there was an amendment pending to the amendment offered by the gentleman from Kansas. If there is none, I desire to offer an amendment changing it from 25 to 20 cents a bushel, the same as it was in the Wilson Democratic tariff bill.

The CHAIRMAN. Such an amendment will be in order, but is not debatable.

Mr. MILLER of Kansas. I have no objection to that amendment.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. TAWNEY] desire to offer an amendment?

Mr. TAWNEY. Yes.

The CHAIRMAN. The Clerk will report the amendment to the amendment, offered by the gentleman from Minnesota [Mr. TAWNEY].

The Clerk read as follows:

Amend the amendment of the gentleman from Kansas by striking out "25" and inserting in lieu thereof "20," so as to read, "20 cents per bushel."

The CHAIRMAN. The question is upon the amendment to the amendment, offered by the gentleman from Minnesota.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MILLER of Kansas. Division, Mr. Chairman.

The committee divided; and there were—ayes 83, noes 137.

So the amendment to the amendment was rejected.

Mr. MILLER of Kansas. Mr. Chairman, I desire to offer the following amendment.

Mr. STEENERSON. Regular order, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. MILLER].

The question was taken, and the amendment was rejected.

Mr. MILLER of Kansas. Now, Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 62, line 10, paragraph 228, strike out "20" and insert "40," so as to read:

"Barley malt, 40 cents per bushel of 34 pounds."

Mr. MANN. Mr. Chairman, I make the point of order that an amendment offered by the gentleman from New York [Mr. ALEXANDER] is pending.

The CHAIRMAN. The point is well taken. The Chair was about to suggest that. There is an amendment pending, offered by the gentleman from New York [Mr. ALEXANDER], which has not yet been disposed of, and which, if there is no objection, the Clerk will again report.

The Clerk read as follows:

In lines 8 and 9, page 62, paragraph 227, strike out the words "15 cents" and substitute therefor the words "10 per cent ad valorem."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. ALEXANDER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington [Mr. HUMPHREY], which the Clerk will report.

The Clerk read as follows:

Strike out the words "25 cents per bushel of 48 pounds" and insert in lieu thereof the following:

"Shall be admitted free of duty."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was rejected.

The CHAIRMAN. If there are no further amendments to paragraph 227, the gentleman from Kansas is recognized to offer an amendment to paragraph 228, which the Clerk will report.

The Clerk read as follows:

Paragraph 228. Strike out "25" and insert "45," so as to read "barley malt, 45 cents per bushel."

Mr. MILLER of Kansas. Mr. Chairman, the amount of duty on barley malt was 45 cents per bushel. The committee in its report made it 25 cents per bushel. This amendment strikes

out 25 and inserts 45, so that it reads the duty on barley malt shall be 45 cents a bushel, as it was in the Dingley bill.

Mr. MANN. Will the gentleman yield for a question?

Mr. MILLER of Kansas. Certainly.

Mr. MANN. Is this amendment for the purpose of accomplishing prohibition or for the purpose of giving protection to American industries?

Mr. MILLER of Kansas. Mr. Chairman, in answer to the gentleman from Illinois, I desire to state that it is for the purpose of protecting American industry. I want to call the attention of the gentleman from Illinois to the fact that in this country to-day we are producing in abundant quantities barley malt, and if we had the protection that we are entitled to, or think we are entitled to, we could produce barley malt for the production of beer in Chicago, in the State of Illinois, so that the distinguished gentleman could get all the beer he wants from barley that was raised and malted in the United States. [Applause.]

Mr. MANN. Is it barley you are producing in the gentleman's State?

Mr. MILLER of Kansas. It is a product of the Western States, and they are as much entitled to protection as are the interests represented by the gentleman from Illinois. We are not discussing the temperance question or the prohibition question, but, as a Representative from an agricultural State, I am asking that there shall be given to this industry the same protection that is given to other industries.

I have no disposition at this time to enter into a discussion of the temperance question. This change in the law can have but one effect, and that is to give a larger profit to the brewers of the United States, and nobody else on earth will be benefited by it. The Members of this House who want to give an increased profit to the brewers can do it by voting against the amendment. Those Members who desire to protect an agricultural industry will vote for this amendment.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. MILLER of Kansas. I yield to the gentleman.

Mr. MADDEN. How did the gentleman vote on the lumber schedule?

Mr. MILLER of Kansas. Well, now, the gentleman from Illinois knows how the "gentleman from Kansas" voted on that proposition.

Mr. MADDEN. I am asking for information.

Mr. MILLER of Kansas. I voted against the lumber schedule, for the reason I believed that it was against the interest of the people to put rough lumber on the dutiable list. I voted for free lumber.

Mr. MADDEN. How about hides?

Mr. MILLER of Kansas. I voted for the amendment, for this reason: If the Committee on Ways and Means had reported in favor of putting hides on the free list and putting boots and shoes on the free list, I should have voted to put both on the free list. [Applause.] I voted for the duty on hides for the purpose of protecting an industry of my own and other great Western States. I am not ready yet to give over to New England the entire business of the country or the profits of it.

Mr. MADDEN. One more question. How much lumber does the State of the gentleman produce?

Mr. MILLER of Kansas. But very little lumber is produced in Kansas; not quite as much as in Illinois, but very close to it; but I must suggest to the gentleman from Illinois that the people in my State are getting very tired of paying tribute to the lumber trust.

Mr. MANN. Mr. Chairman, one of the curiosities, to my mind, as to the proposition offered by the distinguished gentleman from Kansas is that he has been one of the leaders, if not the leader, in the prohibition sentiment in this House, and that he should seek to incorporate an amendment in the bill for the protection of malt made out of barley. [Laughter.]

Mr. MILLER of Kansas. Will the gentleman allow me a question? I yielded to him for two questions.

Mr. MANN. Certainly.

Mr. MILLER of Kansas. I will have to take exception to the statement that I am a leader of an organization.

Mr. MANN. I did not say that the gentleman was a leader of an organization; what I did say was that he was a leader of a sentiment. Now, the gentleman's State is exceedingly moral, and it will not permit liquor to be sold in its limits; it will not permit beer to be manufactured in its limits; but it is quite willing to produce the substance out of which beer is made. [Laughter and applause.] What is the difference in theory between making barley into malt and making the malt into beer? Now, the people in the gentleman's State are raising barley out of which malt is made, knowing that it will be converted into beer somewhere else and then shipped into the gentleman's State for consumption by the gentleman's constituents. [Laughter and applause.]

Mr. SIMS. Will the gentleman yield for a question?

Mr. MANN. I have only five minutes.

The CHAIRMAN. The gentleman declines to yield.

Mr. MANN. Mr. Chairman, yesterday the distinguished gentleman from Minnesota [Mr. TAWNEY] in discussing the barley amendment, said that it was introduced largely in the interest of the production of malt in the city of Chicago.

Mr. TAWNEY. I want to correct that statement.

Mr. MANN. Correct it in your own time.

Mr. TAWNEY. I said it was in the interest of the sale of barley in the Chicago market. I was not discussing barley malt at all.

Mr. MANN. The gentleman is always pleasing and sometimes correct. [Laughter.] The gentleman from Connecticut [Mr. HILL] had previously stated that the proposition concerning hides was in order to carry on and locate in Chicago the entire manufacture or conversion of hides by the tanning process into leather.

Mr. HILL. Oh, no; I said nothing of the kind.

Mr. MANN. I have noticed in the House that as a rule many of the gentlemen are urging the interests of their particular districts. If I should take the judgment of the gentleman from Connecticut and the gentleman from Minnesota, I would be false to the interests of my city in voting against the propositions for duty upon these articles. I do not take it to be an extra degree of patriotism that I vote in favor of free hides and against raising the duty on barley. I do not know whether it would increase the business in Chicago or not. We do not depend upon these little things for increasing our commercial supremacy. The whole world comes to Chicago to-day. It increases the business of the country at Chicago. Aye, even when the President desires to select his advisers, he takes from Chicago one Republican and one Democrat, because Chicago has become like Rome of old, the center of the universe. [Laughter and applause.]

Mr. PAYNE. Mr. Chairman, I move that all debate on this paragraph and amendments be closed in twenty minutes.

Mr. HUMPHREYS of Mississippi. Does the gentleman mean this paragraph and all amendments?

Mr. PAYNE. All amendments.

Mr. HUMPHREYS of Mississippi. I have an amendment that I would like to offer.

Mr. PAYNE. The gentleman can offer his amendment; I only move to close debate.

Mr. HUMPHREYS of Mississippi. But I want to have five minutes on it.

Mr. PAYNE. I have five minutes, and I will yield all but a half a minute to the gentleman.

The CHAIRMAN. The gentleman from New York moves that all debate on this paragraph and amendments be closed in twenty minutes.

The motion was agreed to.

Mr. SIMS. Mr. Chairman, we are appealed to to support the amendment of the gentleman from Kansas upon the idea that the reduction of the duty on barley in the bill is a benefit only to brewers or manufacturers of beer. I can not be moved in my action on this matter by an appeal to my temperance or prohibition sentiment. I think prohibition is an American industry just at this time, and very active and fairly productive.

Now, if we want to do something that will help the Treasury and also help along on the line of reducing the consumption of intoxicating liquors, put a tax on the beer and not on the material out of which it is manufactured.

Mr. MOORE of Pennsylvania. Will the gentleman yield for a question?

Mr. SIMS. I will yield to the gentleman.

Mr. MOORE of Pennsylvania. I would like to know whether it would be satisfactory to the gentleman from Tennessee if the gentleman from Kansas would accept an amendment that all barley malt grown in Kansas should be used for medicinal purposes only? [Laughter.]

Mr. SIMS. I suppose the gentleman's question will answer itself. I am as much in favor of reasonable prohibitive liquor laws as anybody, but I want to get at it directly and not indirectly. If this 45 cents a bushel on barley malt as proposed in the pending amendment is passed, it does not bring a cent into the Treasury in the way of revenue. It is prohibitive of imports; and how can it affect the temperance movement? Not a particle. It does not help along the idea of restricting or preventing the sale of intoxicating liquors. It simply gives an additional inducement for the continuance of such manufacture, and the proposed great American industry to be built up by protection of barley, for its market must depend on the con-

tinued use of intoxicating liquor made from barley. Therefore, being a Democrat that believes in revision downward instead of upward of everything in the bill, I will have to vote against the amendment offered by the gentleman from Kansas, and in doing so I do not understand that I am antagonizing any real temperance sentiment of the country. [Applause.]

Mr. SCOTT. Mr. Chairman, the gentleman from Illinois, Mr. MANN, with his accustomed readiness and keenness, attempts to convict my colleague from Kansas of inconsistency by suggesting that while he is the leader of the temperance sentiment on this floor, he is now seeking legislation which will make it possible for Kansas to grow more barley, which may be used to produce more beer. The suggestion meets with the cheap applause which can always be secured here when a gibe is made at Kansas because of her attitude on the temperance question. But, Mr. Chairman, I stand here to say that the gentleman's suggestion has no merit in logic or in fact. My colleague from Kansas is absolutely consistent when he insists from a temperance standpoint that the men engaged in the manufacture of beer shall be taxed at every turn in the road where it is possible to tax them; and we believe that one of the ways in which they may be properly taxed is in enhancing the cost of the material from which they manufacture their product.

We believe that if the duty on barley malt can be restored to where it stands in the present law, the malt will be enhanced in price, and the growers of barley, out of which this malt is made, will reap a more adequate profit, while the liquor industry will be taxed to that extent.

I want to say to you gentlemen of the Ways and Means Committee that the bill you have brought before the House is not without suspicion from the standpoint of temperance sentiment. [Applause.] You have reduced the duty on barley and you have reduced the duty on barley malt. Is there any pretense here that it is done for any other purpose than to give gentlemen engaged in the manufacture of beer cheaper raw material?

Mr. MADDEN. Will the gentleman yield?

Mr. SCOTT. I beg the gentleman's pardon, but I can not be interrupted now. You have failed to increase the tax on beer, notwithstanding the fact, if current publications may be credited, that your bill will fall $45,000,000 short of raising the revenue which has been claimed for it, and you are reaching out in every direction for additional revenue when here is your opportunity to obtain it without imposing any undue burden on any American industry and without doing injustice to any American consumer. [Applause.]

I want to say, Mr. Chairman, that this bill will smell much more sweetly in the nostrils of the people of this country if there can be written into it some of the changes that my colleague from Kansas [Mr. MILLER] has been recommending.

I understand how common it is and how easy it is to joke and jeer at Kansas because she has seen fit to write a prohibitory statute into her laws. But I want to say that out there on the wind-swept plains of that splendid State we are bringing up a citizenship that every American, wherever he hails from, may well be proud to recognize as brothers. [Applause.] We are bringing up a generation of men and women who do not know what a saloon looks like, and who never want to find out. We are bringing up a race of the clearest-headed, the keenest-witted, the most God-fearing, and most patriotic people on the face of the earth, and we are not getting any help from the men who are engaged in the brewery business. Kansas has no apologies to make for her attitude on the liquor question, and as one of her Representatives on this floor I do not intend to sit here and hear her maligned without a protest. [Applause.]

Mr. PAYNE. Mr. Chairman, I do not propose to go into the question of "What is the matter with Kansas?" [Laughter.] Nor do I intend to take up any kindred question. The committee did not put an additional tax on beer, because we are not trying to kill anybody's industry that we are trying to raise a revenue out of. This is a revenue bill and not a temperance measure.

Mr. STEENERSON. Will the gentleman yield?

Mr. PAYNE. No; I can not yield. I rose only to make one suggestion, and that is that this bill is properly balanced. Of course it would be of no value to put 15 cents duty on barley unless we put a protective duty on barley malt, because it would not help the farmer any to let the malt come in here free when the barley could not. With a duty of 15 cents on barley and 25 cents on malt, it is properly balanced. If the duty had gone up to 25 or 30 cents on barley, then this amendment would have been very proper, and I think the House would have voted for it and put an added protection on malt. That is all I desire to say. I now yield the balance of my time to the gentleman from Mississippi [Mr. HUMPHREYS].

Mr. HUMPHREYS of Mississippi. Mr. Chairman, if I can, under the rules that have been adopted, I shall try to perfect this bill so as to commend it to the favor of the gentleman from Kansas [Mr. MILLER] by providing that hereafter there shall be collected in lieu of the present tax of $1 a tax of $1.60 on all beer brewed from barley or barley malt or any other malt.

Mr. MURDOCK. Will the gentleman yield?

Mr. HUMPHREYS of Mississippi. I have but a moment.

Mr. MURDOCK. I will take only half a minute.

Mr. HUMPHREYS of Mississippi. I yield for a question.

Mr. MURDOCK. Is it not true that gentlemen here in this House precluded all chance of raising the tax on beer when they voted for the rule the other day? [Applause.]

Mr. HUMPHREYS of Mississippi. They certainly did; and I stated on Saturday to the gentlemen on the other side of the House that if I had an opportunity I would offer to this House a chance to vote to increase the tax on beer, and I told them then that if they were in earnest, if they meant what they said, to vote against the rule that was going to preclude that opportunity; and all those gentlemen who voted for that rule will understand now, and the country will understand, that they so voted with their eyes open, knowing that that vote meant that there shall be no vote in this House on this proposition. Now, in answer to the gentleman from New York [Mr. PAYNE], that this was not intended as a bill against the brewers, and that he did not want to indulge in any prohibition legislation here, I want to say that I do not, either. I do not believe the Federal Government has anything to do with the question of prohibition. It is a matter that ought properly to be left with the States, and, so far as I can, I shall insist that it shall always be left with the States; but as a revenue producer, I want to say that this amendment would increase the revenue $35,000,000 annually, and I assert, upon the authority of the official records of the Treasury, that the revenue increased when the tax was $2 a barrel on beer, instead of decreasing, as is so frequently claimed, and that the production of beer increased, rather than decreased. In 1899 the production was 36,581,114 barrels, and in 1900, with the tax at $2 a barrel, the production was 39,330,849 barrels. In 1902 the production was 44,478,832 barrels. The tax was then reduced to $1, and the production in 1903 was 46,650,730 barrels. In other words, from 1899 to 1900, with a tax of $2, the increase was 3,000,000 barrels a year, approximately. From 1902 to 1903, with $1 a barrel, the increase was less, so that when gentlemen say that to increase the tax on beer will reduce the revenue, they fly in the face of the facts as shown by the records of the Commissioner of Internal Revenue. Now, Mr. Chairman, I ask that my amendment be read in my time.

The Clerk read as follows:

Provided, That there shall hereafter be paid in lieu of the tax of $1 now imposed by law a tax of $1.60 on all beer, lager beer, ale, porter, and other similar fermented liquors brewed or manufactured in part from barley or barley malt, or other malt, and sold, or stored in warehouse, or removed for consumption or sale within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons, and at a like rate for any other quantity or for the fractional part of a barrel authorized and defined by law; and section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That the additional tax imposed in this section on all fermented liquors stored in warehouse, to which a stamp has been affixed, shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamps.

Mr. PAYNE. Mr. Chairman, I make the point of order that that amendment is not in order under the rule, and it is not germane to the paragraph.

The CHAIRMAN. The Chair understands the gentleman from Mississippi to offer that at this time, or merely to have it read as showing his intention to offer?

Mr. HUMPHREYS of Mississippi. I want to offer it as an amendment to the original section at the proper time.

The CHAIRMAN. The Chair will then consider it as pending, to be disposed of after the pending amendments.

Mr. PAYNE. Mr. Chairman, but I make the point of order against it now.

The CHAIRMAN. But the amendment is not offered now. It is simply read for information, and when it is treated as offered the point of order will be considered.

Mr. BOUTELL. Mr. Chairman, I wish to remind the gentlemen of the committee that this is an economic and fiscal measure; and in voting on each one of these amendments changing rates of duty, however trivial they may seem to some, a correct understanding of the relation to each other of the different items in the bill is essential to the preservation of the integrity of the bill. In considering this amendment, therefore, it is necessary to throw open the doors of sectionalism, throw up the windows of prejudice, and clear out the mists, so that we can see clearly just what we are voting upon. I want to make one statement here at the outset in the interest of historic truth. An illustrious public citizen of Massachusetts wrote to a member of the Ways and Means Committee some two or three months ago

commenting on those who appeared in their own interests at the hearings. He spoke of those who came there asking for higher duties, with a beautiful and facile disregard of metaphor not usually characteristic of a Massachusetts scholar, as "tariff hogs, who were seeking licenses to steal." Now, while I do not agree with the gentleman from Massachusetts as to those who appeared before the committee, even from his own State, I do want to call attention to this fact in the interest of historic truth, that among those who came before the committee asking modifications of the present tariff two great industries, sir, were conspicuous by their absence, the packers of the United States and the brewers of the United States. No packer appeared before this committee urging any change in the tariff. He sent no brief to the committee, he sent no telegrams, he sent no letters. No brewer appeared before the committee, no brewer sent any telegrams, no brewer sent any letters.

Mr. MILLER of Kansas. Mr. Chairman, will the gentleman allow a question?

Mr. BOUTELL. I must decline to yield in my brief time.

Now, then, what are the facts about the case? The present duty on barley is 30 cents a bushel. The present duty on barley malt is 45 cents a bushel. These duties are not only prohibitive, Mr. Chairman, but they are excrescences. I have not the time to go into the legislative history of these duties in the present law. In the law of 1883 barley and rye were grouped together at 10 cents a bushel; other cereals at the same rate. In 1890 barley, by some process unknown to me, the legislative history of which would be interesting, was raised to 30 cents a bushel and barley malt to 45 cents. In the law of 1894—the gentleman from Minnesota [Mr. TAWNEY] was incorrect—barley was inserted at 30 per cent ad valorem. It went back again under the Dingley law to 30 cents and barley malt to 45 cents a bushel. In their wisdom, the committee, as the chairman has shown, equalized these rates on cereals by making not only a specific, but an ad valorem, duty on barley coincide and comport with the duty on other cereals, and fixed it at 15 cents a bushel. Think of that, Mr. Chairman and gentlemen. On an acreage of 50 bushels of barley a protection of seven and a half dollars an acre! Under the Dingley law there is a protection of $15 an acre on the raising of barley. That was, Mr. Chairman, an abnormality that was perfectly apparent to the committee, however it got there, and so in the Payne bill barley has been placed at 15 cents a bushel. Let me suggest to the members of the committee that 15 cents a bushel is prohibitive. Barley malt should have a duty bearing a relation and proper proportion to the duty on barley, and so we reduced the barley malt from 45 cents a bushel to 25 cents a bushel—still a prohibitive duty. Only once in the last ten years did the importation of barley malt reach the figure of 4,000 bushels, and the figures of 15 cents on barley, which we have agreed to; and 25 cents on barley malt is still not only protective, but prohibitive. They should stand as fixed by the committee and should not be raised.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. MILLER].

The question was taken, and the amendment was rejected.

The CHAIRMAN. Does the gentleman from Mississippi [Mr. HUMPHREYS] desire to offer an amendment to this paragraph?

Mr. HUMPHREYS of Mississippi. Yes.

The CHAIRMAN. The gentleman from Mississippi now offers the amendment which was read for information. The Clerk will again report the amendment.

Mr. PAYNE. Mr. Chairman, I make the point of order against it that it is not in order under the rule.

The CHAIRMAN. The Chair will call attention to the fact that the order of the House under which we are now proceeding provides that committee amendments to any part of the bill shall be in order at any time, and also that preference shall be given to amendments to paragraphs 196, 197, 708 (lumber), 581, 447½ (hides), 227 (barley), and 228 (barley malt).

The paragraph now under consideration is 228, relating to barley malt. The rule specifically restricts the amendments which shall be made to barley malt. The amendment offered by the gentleman from Mississippi [Mr. HUMPHREYS] relates to beer, lager beer, ale, porter, and other similar fermented liquors brewed or manufactured in part from barley or barley malt. Although they may be made in part from barley malt and other ingredients, these articles do not any of them come within the designation "barley malt." The amendment is clearly not within the terms of the rule and therefore not entitled to be offered at this time as a preferential amendment.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, I call the attention of the Chair to the fact that there is no other amendment now pending to the paragraph which has preference, and the question of preference or precedence does not enter into it at all.

The CHAIRMAN. The amendment is not in order at all at this time. When the preferential amendments under the order shall have been considered, it will be in order to read the bill from the beginning by paragraphs. When this particular paragraph is reached and read such an amendment may be in order.

The Chair expresses no opinion concerning that now. But as the paragraph to which it is offered has not been reached in due course, no amendment can be offered at this time except as provided in the special rule or order of the House.

Mr. HUMPHREYS of Mississippi. When the preferential amendments to the particular paragraph are concluded, then other amendments to that paragraph are in order?

The CHAIRMAN. The Chair thinks not. The whole tariff subject can not be considered in connection with one of these preferential paragraphs, particularly when the matter proposed in the amendment is not of the character specifically limited in the rule itself. The Chair sustains the point of order.

Mr. MANN. The amendment is not germane.

The CHAIRMAN. The Chair agrees with the gentleman from Illinois upon that, but had not felt it necessary to put its ruling upon that ground, although it might well rest there.

Mr. VREELAND. Mr. Chairman, I desire to offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The Chair, understanding that there is no other gentleman wishing to offer an amendment to paragraph 228, recognizes the gentleman from New York [Mr. VREELAND] to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Strike out the proviso in section 637 of the bill and insert as a new paragraph, No. 36½, the following:

"Crude petroleum and its products, 25 per cent ad valorem."

Mr. NORRIS. Mr. Chairman, I wish to offer an amendment.

The CHAIRMAN. Unless the gentleman from New York [Mr. VREELAND] yields the floor for that purpose, the Chair can not recognize the gentleman to offer an amendment now.

Mr. NORRIS. If the gentleman wants to occupy the floor now, I will offer the amendment after he has finished.

Mr. VREELAND. Mr. Chairman, many Members of the House were not present last week when the debate took place on the countervailing duty on oil which was carried in the bill. In order that I may bring some of the points of that debate to the attention of those who were not here, I ask unanimous consent that I may proceed for ten minutes.

The CHAIRMAN. The gentleman from New York asks unanimous consent that he may proceed for ten minutes. Is there objection?

Mr. MURDOCK. I object.

The CHAIRMAN. The gentleman from Kansas objects.

Mr. VREELAND. Mr. Chairman, it was made clear last week in the debate here that the 25 or 30 men who represent districts which produce crude petroleum in the United States were acting as a unit for the 500,000 men who produce oil.

Not only did we represent here the 500,000 men engaged in the production of oil in 15 States of this Union, but we represented here the 70 independent refiners of oil in the United States—not the refiners of oil which are Standard refineries and appear under some other name, but 70 refiners of oil, who make yearly reports to this Government showing their ownership beyond a shadow of doubt.

Mr. Chairman, at that time we were advocating the retention of the countervailing duty in the bill, but I stated in my speech that we very much preferred to have a reasonable ad valorem duty put upon it. In the remarks which I made, in answer to the question by the gentleman from Missouri [Mr. CLARK] I stated:

That while it was too late to attempt the proposition in the House, changing from the countervailing to a reasonable ad valorem duty, we should attempt to do it at the other end of the Capitol.

The situation became such that we were able to satisfy those men on this side of this House who at that time were opposed to a countervailing duty by substituting this amendment, making a reasonable ad valorem duty of 25 per cent.

I want to say to gentlemen that we hope to follow up this amendment during the week by excepting from the drawback feature of this bill crude petroleum and its products. I stated at that time, in detail, that the oil producers of this country were not afraid of competition from any part of the globe except the newly discovered fields of Mexico. As men know, who keep track of the business, the independent refiners who were here last week are fearful of the great deposits which have been found in an adjoining State of Mexico, of low quality, but enormous in volume, the largest oil wells ever known in the world. The present countervailing duty imposed by the action of other governments is very large. The duty imposed against the United States by Russia, the next great petroleum-producing country in the world, and which by the effect of our countervailing law

becomes our duty against Russia, is more than 200 per cent on crude and nearly 400 per cent on refined oil at present wholesale prices.

Now, there are gentlemen in this House who believe that if a small duty were levied Russia would be able to bring in oil and compete for the markets of this country. The producers of oil and the independent refiners do not believe that; but they are content to try it, and will substitute for this enormous duty of 300 or 400 per cent a reasonable ad valorem duty of 25 per cent. This shows the sincerity of the oil men in their position. Mexico, as I have said, is the only field which we fear as a competitor, but that is not what the producers of this country are afraid of. They are afraid that the Standard Oil Company, following out its policy throughout all its history, in exploiting the oil fields of other countries, will go into Mexico and obtain possession of that great field and use it as a basis for cheaper crude oil than we can sell them in this country, and not only use it in our market, but the markets of the world. I can state that the Standard at this moment has three refineries in Mexico; one at Tampico, one at Veracruz, and one at Mexico City.

The present countervailing duty against Mexico, on account of the duty which they levy against us, is over 400 per cent on crude oil. It is over 300 per cent on refined oil. And yet the producers and refiners are willing to strike out that prohibitive duty, the highest, perhaps, in the Dingley bill, and substitute in the place of it an ad valorem duty of 25 per cent. Why are they willing to do this? Because we know that the moment this great Mexican field is opened up, the moment that the Standard or some other great company, if there is any one that can compare with it, takes possession of that field the Mexican Government will take off that countervailing duty, because they will have no need for it, and that will give it free entry in our market.

Mr. DE ARMOND and Mr. NORRIS rose.

Mr. CLAYTON. Mr. Chairman, we are operating to-day in the Committee of the Whole House on the state of the Union and considering the tariff bill under a rule that I think not short of infamous, that denies the rights of Representatives here to offer amendments to this tariff bill, which amendments are in the interest of the people. Under this harsh rule it is probable that I will not be allowed at any time to offer amendments to put bagging and ties, in which the great cotton product of our country is baled for the market, on the free list. If I shall have the opportunity to offer these amendments, I shall offer one putting bagging on the free list, in the following words:

Strike out all of section 350, covering bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, and transfer the same to the free list.

Then I shall offer another amendment putting cotton ties for the baling of cotton on the free list, which is in the following language:

Strike out section 123, covering hoop or band iron, or hoop and band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton, and transfer the same to the free list.

Mr. Chairman, I elaborated what I had to say on this subject last Friday in the discussion of the pending tariff bill. I desire now to make a brief statement.

Under the Wilson tariff there were nine mills in this country making bagging for cotton. Under the Dingley bill the bagging trust reduced the number to three, and this trust now has a monopoly of the cotton-bagging business. The cotton farmer is compelled to pay a duty on 6½ yards of bagging per bale, a duty which is a tax of 4¾ cents on the bagging in each bale. Now, I ask that bagging be put upon the free list, because it is not an American product—the jute is raised in foreign lands—because it will benefit the great cotton industry of our country, and because it will tend to destroy the bagging trust.

There are about 100,000,000 yards of bagging consumed by the cotton growers in this country per annum. In 1897, 20,000,000 yards were imported before the Dingley law went into effect, paying a duty of $118,000, having a foreign unit value of 6½ cents a square yard. The three companies having a monopoly of this bagging business are located in New York, Boston, and Indiana.

The cotton farmer, I repeat, pays a duty on 6½ yards of bagging per bale, or 4¾ cents duty, and on cotton ties, which were free under the Wilson bill, the duty under the present bill is three-tenths of a cent per pound, instead of five-tenths of a cent per pound under the Dingley bill. There were imported into this country in 1907, 716,819 pounds of cotton ties, paying a duty of $3,584; 16,216,000 pounds came in in the last year of the Wilson bill. The Dingley bill favored the steel trust, and the pending bill still hands out favors to this and other monopolies.

If this Payne bill becomes a law, every cotton farmer must pay, under the guise of tariff taxation, but really for the benefit of the two trusts that I have mentioned, duties on:

	Cents.
6½ yards of bagging, per bale	4¾
Steel cotton ties, per bale	4½
Total	9¼

At 10 cents, 13,540,000 bales make $1,354,000 a year paid to the bagging and steel trusts, more than half of which is excess cost on bagging.

I appeal to the majority in this House to treat the cotton farmer of the South as fairly as they have treated the grain farmer of the West. You have given to the latter free binding twine, so necessary in harvesting his crop. I ask, with equal justice, that you give to the cotton grower his bagging and ties free of taxation, and thus let this tribute which is now exacted from the cotton grower in behalf of the two great trusts that I have mentioned remain in the pockets of that cotton grower.

I call attention, Mr. Chairman, to what Mr. W. B. Thompson, president of the New Orleans Cotton Exchange, said a few days ago. I quote his language:

One hundred and twenty thousand dollars is the largest amount of duty on bagging for cotton received by the Government any year. Thus for maximum revenue of $120,000 to the Government the farmer pays over a million dollars, and the bagging trust gets the difference.

Mr. NORRIS. I desire to offer an amendment.

The CHAIRMAN. The Chair will ask if it is an amendment to the amendment?

Mr. NORRIS. It is.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

Amend the proposed amendment by striking out "25" and inserting in lieu thereof "1," so that the amendment will read: "Crude petroleum and its products, 1 per cent ad valorem."

Mr. DALZELL. I make the point of order that that is not in order.

Mr. VREELAND. I make the point of order that under the rule this one amendment is the only one that can be offered.

Mr. DALZELL. The only amendment that is in order under the rule is the one that is embodied in the rule.

Mr. CLARK of Missouri. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is that amendment so sacred that you can not touch it at all?

Mr. DALZELL. I think that is the situation.

Mr. CLARK of Missouri. Well, I will try it on, anyway. I move to strike from the amendment the words "twenty-five."

The CHAIRMAN. The amendment of the gentleman from Nebraska [Mr. NORRIS] is still pending, subject to the determination of the point of order.

Mr. CLARK of Missouri. I offer my motion as a substitute for his.

Mr. NORRIS. The point of order will have to be decided in either case.

Mr. JAMES. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JAMES. When the question of barley and barley malt was considered by the House just a few moments ago——

The CHAIRMAN. The question of barley and barley malt is not now before the House.

Mr. JAMES (continuing). The Chair allowed an amendment to be considered striking it off the taxed list and putting it on the free list. Now, why is not a like amendment in order in this case, when Standard Oil is affected, placing oil upon the free list?

The CHAIRMAN. The Chair will hear the gentleman from Nebraska briefly on the point of order.

Mr. NORRIS. Mr. Chairman, I believe that this motion is in order under the special rule that we have adopted. The special rule provides that the amendment offered by the gentleman from New York [Mr. VREELAND] may be offered. It seems to me there can be no doubt in the mind of any reasonable man that when that amendment is offered it then becomes subject to the ordinary rules of the House of Representatives. The special rule makes no provision that it shall not be amended, but simply provides that a certain amendment can be offered. When that amendment is offered, unless the special rule provides to the contrary specifically, I do not see how there can be any doubt, and why it would not be subject to the ordinary rules of the House. The five-minute rule, under which we are now laboring, applies to the amendment of the gentleman from New York, and therefore my amendment is in order.

It is true also that as to other amendments that have been offered the Chair has received amendments to change the rate and to put them on the free list. I can see no reason why this amendment, being properly before the House on account of the

special rule, is not the same as any other amendment under the five-minute rule. The special rule provides that this bill shall be considered under the five-minute rule. This rule provides for amendments such as I have offered. In fact, the very object of the rule is to permit such amendments. The amendment of the gentleman from New York is, by the special rule, to be considered under the five-minute rule, and therefore it follows that my motion is in order.

Mr. DALZELL. Mr. Chairman, the rule under which the House is now operating provides for three kinds of amendments, or, rather, for two kinds of amendments, more properly speaking, and an amendment. It provides that there shall be committee amendments; it provides that there shall be amendments permissible to certain paragraphs of the bill; and then it provides, not that an amendment may be offered to a paragraph of the bill, but that a certain amendment shall be voted upon, to wit, the amendment which is embodied in the rule itself. So that while the amendments that are committee amendments and the amendments that are to the paragraphs specified may be subject to the ordinary parliamentary law of amendment, it is specifically provided here that the House shall vote only on this amendment, not on any amendment to that amendment.

Mr. CLARK of Missouri. I would like to ask the gentleman a question. Is it your position that we have got to vote for 25 per cent ad valorem, or vote to keep the countervailing duty in there, or not vote at all?

Mr. DALZELL. My position is that you must vote for or against this amendment submitted to the committee under the rule; not offered on the floor of the House, permission for which is not given to be offered on the floor of the House, but which is in explicit terms submitted by the rule to be voted upon.

Mr. MURDOCK. Mr. Chairman, it is true, as the gentleman from Pennsylvania states, that the oil rule occupies a peculiar relation to all the rest of the rule, but has the gentleman noticed that in drafting that rule, in enumerating the things which may be voted upon in the House after the committee has arisen, that oil as a general subject is mentioned, and does not the gentleman think that the fact that oil is included as a general subject opens up the rule that he sought to close?

Mr. DALZELL. No; I think, and the Chair would be bound to so hold, that on the vote in the House the vote would be confined to the amendments that were offered in Committee of the Whole. For instance, the vote in the House on the subject of lumber will be confined to the amendments that were offered on paragraphs 196, 197, and 708, specified in the rule. And so in respect to barley, and so in respect to hides, and so in respect to this particular amendment, which is submitted by the rule to the House to be voted upon. There is no doubt about what the intention of the rule was.

The CHAIRMAN. The Chair will hear the gentleman from Massachusetts.

Mr. GARDNER of Massachusetts. Mr. Chairman, "the gentleman from Massachusetts" calls the Chair's attention to the Chair's ruling yesterday, on page 957 in the CONGRESSIONAL RECORD, first column, two-thirds of the way down the page, in which the Chair says this:

> The Chair has already stated that when an amendment in order under the rule has been offered, a germane amendment to that amendment would be in order.

Now, an amendment in order under the rule has been offered, and an amendment germane to that amendment has been offered, and under the ruling of the Chair yesterday it is in order.

Mr. DALZELL. Mr. Chairman, the gentleman from Massachusetts makes a mistake when he says that an amendment has been offered and calls attention of the Chair to his ruling of yesterday. This amendment is not offered by anybody on the floor of the House. It is suggested in the rule, not that there may be an amendment offered as in other cases to paragraph so and so——

Mr. GARDNER of Massachusetts. Mr. Chairman, I did not yield to the gentleman from Pennsylvania.

Mr. DALZELL. I beg the gentleman's pardon. I thought he had closed.

Mr. GARDNER of Massachusetts. Mr. Chairman, I call the Chair's attention to the rule under which the currency bill was considered last year. I think the Chair will find that the gentleman from Pennsylvania is again at fault. The currency bill provided for the offering and voting on a special substitute bill. It says, among other things:

> The vote shall be taken without delay or intervening motion, first on the question of substitute H. R. 6713.

In other words, it was necessary to put in those words "without intervening motion," in order to show that that substitute was itself not amendable.

Now, in drafting the special rule under which we are operating, the Committee on Rules has by no means stated that this specified oil amendment must be voted upon without any superimposed amendment.

One thing more. On the 25th of June, 1906, Mr. Watson, of Indiana, was in the chair. We were considering a bill under a strenuous rule. I raised a point of order that a certain amendment offered was not germane to the section. It clearly was not germane to the section. But the gentleman from Indiana ruled that under exceptional circumstances, when a bill was being considered under a narrow rule, the broadest construction possible must be given to the rule. In other words, he gave us the old decision that "the letter killeth, but the spirit maketh alive." [Applause.]

Mr. MANN. Mr. Chairman, under the rules of the House the committee can not consider amendments to any paragraph in the bill until the bill has been read from the Clerk's desk under the five-minute rule. That would be the case now, except for the rule adopted by the House. Of course the committee is bound by the rule adopted by the House, which was a rule enlarging the power of the committee, and not restricting the committee's power.

The committee could proceed and read the bill and offer amendments as the paragraphs are reached. Now, the rule enlarging the power of the committee provided that the Committee on Ways and Means might offer amendments to any part of the bill at any time; that before they had that privilege it should be in order to amend certain paragraphs of the bill. When those amendments were offered, they were thrown open to the ordinary rules of the House and of the committee, and were subject to germane amendments. Those matters have all been disposed of by the House. Now, in addition, the rule provided that an amendment shall be voted on to section 637, to wit:

> To strike out the proviso and insert as a new paragraph, No. 36½, the following.

The rule which binds the committee and which enlarged the powers of the committee simply provides as to this matter that it shall be in order now to vote upon an amendment striking out the paragraph, and inserting under the dutiable list the paragraph named in the rule. There can be no possible misconstruction of the rule; and even my distinguished friend from Massachusetts [Mr. GARDNER], who has made a special study of the rules of late, I think, in coolness would say that the rule itself is as plain as day. The cases which he cites have no relevancy to this rule or to the question now before the Chair.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. Mr. Chairman, I was not present when the gentleman from New York [Mr. VREELAND] began his speech. I am informed by a colleague from my State that the gentleman from New York himself presented the amendment and that the Chair announced an amendment offered by the gentleman from New York. If that be true, and it was so presented to the Committee of the Whole, the point of order comes too late, does it not, debate having begun?

The CHAIRMAN. There has been no point of order made against the amendment offered by the gentleman from New York.

Mr. COOPER of Wisconsin. If the pending amendment comes as an amendment by the gentleman from New York, then it does not come as the amendment provided by the rule. If the Chair put it to the Committee of the Whole as an amendment offered by the gentleman from New York, then it is an amendment offered by the gentleman from New York by the unanimous consent of the committee, and it is not the amendment named in the rule—the rule amendment.

The Chair, I think, under the rule, was himself bound to put the rule amendment, but this was not done; and there is now before the committee by unanimous consent an amendment offered by the gentleman from New York; and any objection such as is here being made that it violates or that a proposed amendment to it violates the rule comes too late, because debate upon it was in progress when I entered the Chamber, the gentleman from New York himself having the floor.

Mr. DALZELL. Mr. Chairman, it would be utterly without the power of either the Chairman or the gentleman from New York [Mr. VREELAND] by a simple system of words to change the effect of the rule. If the rule were not operating now, the gentleman from New York could not have offered any amendment, nor could the Chair have submitted any amendment on this subject to the committee. The amendment is before the committee by virtue of the rule, and nothing else is before it.

Mr. RICHARDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RICHARDSON. Under the rule which has been adopted, it is provided that an amendment shall be voted to section 637, to wit:

Strike out the proviso and insert a new paragraph, as follows:
"Crude petroleum and its products, 25 per cent ad valorem."

Now, I desire to ask this question: If crude petroleum is not voted, is not passed by the Committee of the Whole, does it leave the countervailing provision in paragraph 637 still in effect, and will the Committee of the Whole have the right to vote upon that "countervailing" proviso in section 637 by striking out or amending?

The CHAIRMAN. The Chair will state that the effect of an amendment is not within the province of the Chair to decide in reply to a parliamentary inquiry. The Chair will state, however, that if any paragraph of the bill is reached, under the reading under the five-minute rule, when the bill is taken up from the beginning, it will be subject to any proper and germane amendment.

Mr. RICHARDSON. One further parliamentary inquiry. Suppose that the 25 per cent ad valorem is voted, will it be in addition to the proviso fixing a countervailing duty in section 637?

The CHAIRMAN. The Chair can not attempt to answer questions as to the effect of amendments. The Chair will hear the gentleman from Missouri [Mr. DE ARMOND] briefly on the point of order.

Mr. DE ARMOND. Mr. Chairman, as I understood the gentleman from Pennsylvania [Mr. DALZELL], his position is that a vote could be had on this proposition without the offering of an amendment. I think that can not be true. This provision of the rule is nothing more and nothing less than the allowance of an amendment. It is not really the submission of an amendment. Suppose nobody were to offer an amendment, and suppose somebody were to call for a vote without any amendment being offered, and the point were to be made that nothing is pending.

That point of order would undoubtedly be good. So, then, really, it is necessary that an amendment be offered; and, in fact, an amendment has been offered, has been read from the Clerk's desk, and the gentleman from New York, who offered it, has addressed himself to it. The gentleman, not being a member of the Committee on Ways and Means, Mr. Chairman, offered that amendment from the floor as a Member of this House. In that way his amendment came before the House, and thus it now is before the House, in the Committee of the Whole House. That being the case, and this oil schedule, and particularly this proviso, being under consideration, the question before the committee and before the Chairman is whether or not there can be an amendment offered by another Member of the House to the amendment offered by the gentleman from New York as an individual Member of the House and entertained by the committee.

Mr. DAVIS. A germane amendment.

Mr. DE ARMOND. The point is not made that the amendment is not germane, because it relates absolutely to the same matter, and merely would affect the amount of duty imposed, changing the rate from 25 per cent to 1 per cent, if I recall correctly the reading; so it is germane. It relates to the same subject-matter; it relates to a matter directly before the House; it does not interfere with a vote in the House upon the amendment offered by the gentleman from New York. It submits to the House, in Committee of the Whole House, the question of whether the committee or, later, the House shall vote upon an amendment in a direct form or shall vote upon the amendment in a different form, as proposed by the gentleman from Nebraska. Of course, the identity of phraseology makes no difference. The amendment offered by the gentleman from New York, in other phraseology and of the same meaning, would be an amendment in order. There are not special words prescribed. There is nothing thoroughly fixed in this rule in regard to the formula of words, so that some particular formula of words would be allowable and permissible and some other, having precisely the same meaning, would not be allowable or permissible.

Now, how ought the rule to be construed; how ought the rule to be applied? The one application and the one construction, a liberal and just one, I think, is toward increasing the opportunity of the House and of individual Members in the Committee of the Whole House; the other is a construction narrowing and restricting the powers and opportunities of the individual Member and of the Members in the aggregate. Now, the real question with reference to wholesome legislation ought surely to be upon general principles. What provision shall we put into this bill or keep in this bill with respect to petroleum and its products? Everybody, I think, will concede that is a sound general proposition. Now, should the rule be construed by the Chairman in ruling upon the point of order so as to narrow and restrict as far as possible, so as to be artificial and closely technical, with the effect of denying to the Members of the House opportunities which by general principles and according to the general course of legislation they would have, and which constitutionally they do have unless they deprive themselves of those powers and rights? Or should the construction be a liberal one, not a fanciful one, not a latitudinarial one without limit or without reason, but a liberal one, such a construction as might be given and was properly given yesterday and may properly be given to-day, that when a subject is brought up under the rule, when there is a consideration of that particular subject, an amendment, whether it be an amendment specified in the rule or not, if pertinent to that particular proposition, the general principles of legislative action and legislative procedure applying, shall be admitted? Germane amendments offered may be considered, with a view of the determination by the House in Committee of the Whole House by vote of the Members and not merely by a decision of the Chair, as to whether or not a particular amendment ought to be adopted.

Now, no wrong or harm can be done, no violence to correct principles; no violence to this rule, if the rule is meant to be at all fair, by allowing an amendment. On the other hand, to deny it, to deny the offering of a germane amendment, is simply a restriction to the fullest extent upon the rights of Members of the House. Now, certainly when the two constructions are offered, when the question of which shall be adopted, the construction that is liberal and fair to the general membership, and which may reasonably be made under the terms of this rule and under parliamentary law, ought to be the one adopted and announced, and not the other which would have to be made by a strained and narrowed construction.

If there be denied amendment to this amendment, when the amendment is germane, it must be denied upon the theory that the House expressly intended to deny to itself the opportunity for any and every vote upon this oil schedule, except a vote upon the proposition submitted in the amendment offered by the gentleman from New York [Mr. VREELAND]. Now, if that is a necessary and inevitable conclusion, then, of course, that conclusion should be arrived at; but if it is not necessary, if it is not inevitable, then all the principles that should govern, all the principles of fair play, all the principles of legislative action and legislative precedent and legislative rules unite in demanding the other ruling and the other decision. That, it seems to me, ought to be conclusive of the matter.

In the first place, to repeat, the gentleman from Pennsylvania was wrong when he said that there was no need to offer an amendment. But, even if he were right about it, the amendment has been offered, the amendment is pending; nobody objected to the offering of it; nobody objected to the pendency of it, and nobody objects now; and the mere question is, What shall be done with reference to it? A pertinent amendment, an amendment clearly germane, an amendment offered evidently in good faith, has been submitted by the gentleman from Nebraska [Mr. NORRIS]. Shall the rule be considered so narrowly, with such a prospective reading of it, such an application of it, as to deny to the House the opportunity to deal with this oil schedule, or shall there be a reasonable, broad, just, and liberal interpretation of the rule, which will not deprive the House of its power to deal with this subject? That is a simple question, and I think that the point of order ought not to be sustained, but ought to be overruled. [Applause on the Democratic side.]

Mr. SHERLEY. Mr. Chairman, while agreeing with the conclusion of the gentleman from Missouri [Mr. DE ARMOND], I can not agree that it was necessary for an amendment to have been offered. The rule itself expressly provides several things that do not require individual action by a Member. For instance, the rule declares that, immediately upon its adoption, the House shall resolve itself into Committee of the Whole. That did not require any motion, but of itself operated. Now, the rule also requires that this amendment shall be voted upon. It was the duty of the Chair, and it still remains the duty of the Chair, some time while the committee is considering the bill to present such an amendment, but in point of fact the gentleman from New York [Mr. VREELAND] presented an amendment in his own right as a Member. He then proceeded to discuss that amendment. No point of order was made against his amendment and, therefore, if it was subject to a point of order, and such point was not made, a point of order would not apply to any germane amendment to his motion. And even if the rule itself contemplated simply the presenting of the specific amendment named in the rule, inasmuch as the gentleman had obtained the floor, been recognized, and had made a motion without any point being made upon it, it was before the committee, and then it was too

late. The rule operates only in this particular. It does not change the ordinary practice of the House except to make preferential certain things. It does not deprive any Member of the right at any time to offer any amendment to any part of the bill, and if no objection is made to such an amendment, if no point of order is made, and it is entertained by the Chair and debate is had, the amendment is in order, and it is then too late to make the point. I insist the gentleman was not obeying simply the automatic provision of the rule which imposes an obligation on the Chair, but was in his own right offering an amendment to which exception was not made. [Applause.]

The CHAIRMAN. The Chair will ask the gentleman from Kentucky [Mr. SHERLEY] how the amendments specified in the rule would get before the committee unless some gentleman——

Mr. SHERLEY. Why, by the Chair saying that—

Under the rule the following amendment is for consideration of the Committee of the Whole.

And it is the duty of the Chair, under the provision of that rule, to present such a proposition to the Committee of the Whole House. Now, inasmuch as the Chair did not do it and some Member in his right did make a motion, the question now is simply that, no point of order having been made, his motion is in order and all germane amendments to it are in order.

Mr. DALZELL. The answer to the gentleman's proposition is that nobody could have offered this amendment except for the provision in the rule.

Mr. SHERLEY. I submit, Mr. Chairman, I could now, if I could obtain recognition from the Chair, offer an amendment to any part of the bill, and if the point of order was not made to it and the Chair entertained the motion and I discussed it, it would then be too late to make a point of order, and the matter would be before the Committee of the Whole House.

Mr. DALZELL. The Chair did not entertain it.

Mr. SHERLEY. The Chair did entertain it, and we are faced with that fact and not a theory.

Mr. MURDOCK. I want to point out to the committee and to the chairman this fact. There is no question about what the Committee on Rules intended the special rule should do, but I do not believe that it carries out that committee's intention. I believe the rule is faulty in this respect. The crude-petroleum alternative provision, as carried in this rule, reads:

That an amendment shall be voted on to sections 637, to wit: Strike out the proviso and insert as a new paragraph, No. 36½, the following: "Crude petroleum and its products, 25 per cent ad valorem."

Now, there is no other reference to crude petroleum in that rule. But there is a provision later in the rule for a separate vote in the House; that is, after the committee has risen a separate vote may be had on the amendment relating to hides, lumber, oil, and so forth. Will it not then be in order in the House to move to recommit with instructions on the oil schedule? The Committee on Rules closed and restricted the Committee of the Whole House in one place, but opened the door to action later for the House itself, not in the Committee of the Whole. I wish to make that point to the Chairman.

The CHAIRMAN. The Chair is ready to rule.

Mr. MARTIN of South Dakota. Mr. Chairman, I would like to be heard a moment.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. MARTIN of South Dakota. There is one phase with reference to this rule that has not been brought to the attention of the Chair as fully as I think it should be, and I would like to call the attention of the Chair to it. The rule provides that at a certain time the House shall go into Committee of the Whole House for the consideration of the pending bill for amendment under the five-minute rule. It then provides that committee amendments to any part of the bill shall be in order at any time, and also a provision as to certain other preference amendments. Then it is provided that a vote upon a certain amendment must be had. What I desire to remind the Chair is that this rule provides generally that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of this bill, and does not state that only committee amendments and preference amendments can be considered. Operating under this rule, this amendment is offered. I undertake to say that the gentleman from New York might have risen in his place and under this rule offered an amendment to any pending provision in the bill and without objection proceed to debate it, and thereafter it would be too late to make a point of order against the amendment. The mere fact that the language of the amendment is identical with one set forth in the special rule does not change the parliamentary situation. That does not remove the fact that we are proceeding under the five-minute rule, and does not limit the number of amendments or the number of paragraphs to which amendments may be offered. Therefore an amendment being offered, no objection being made to it, discussion being had upon it, I suggest to the Chair whether it is not open to the usual procedure, by amendment or otherwise, which is customary in the deliberations of the committee.

The CHAIRMAN. The Chair is ready to rule. As to the merits of the rule or special order of the House under which we are proceeding, the merits of the propositions specified in the rule, or of the amendment to the amendment proposed by the gentleman from Nebraska the Chair has no right to determine. In the determination of a point of order the merits of a proposition can not properly be considered, nor the personal wishes of the occupant of the chair. The duty of the Chair is to pass upon the point of order—determine the parliamentary status, and nothing else. Now, it is undoubtedly true that if this paragraph, 637, were reached in due course in the reading of the bill under the ordinary practice by paragraphs for amendment under the five-minute rule, it would be subject to any germane amendment or amendment to an amendment which any gentleman might offer; and so, if any additional paragraph, to be numbered 36½, were to be offered, that would be subject to amendment. But this section has not been reached in the regular order of the reading of the bill, and it is amendable at this time only as provided in the special rule. We are proceeding under a special rule or order of the House, which, so far as concerns this question, reads as follows:

Resolved, That immediately upon the adoption hereof general debate on H. R. 1438, "A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," shall be closed, and the House shall resolve itself into Committee of the Whole House on the state of the Union for the consideration of said bill for amendment under the five-minute rule; but committee amendments to any part of the bill shall be in order at any time, and also preference shall be given to amendments to paragraphs 196, 197, 708 (lumber), 581, 447½ (hides), 227 (barley), and 228 (barley malt).

That an amendment shall be voted on to section 637, to wit: Strike out the proviso and insert as a new paragraph, No. 36½, the following: "Crude petroleum and its products, 25 per cent ad valorem."

Now, it will be noticed that committee amendments are provided for; not any particular amendment; not just one single specified amendment, but amendments generally; also preferential amendments are permitted to certain specific paragraphs—196 and others. As to those matters, the preference is not given to any certain amendment. The rule says "amendments," which, of course, includes amendments to amendments, as the Chair has heretofore ruled. But when we come down to section 637 the rule does not permit of amendments. It declares than an amendment shall be voted on to section 637, to strike out certain things and insert to wit:

Crude petroleum and its products, 25 per cent ad valorem.

That is the rule; that an amendment shall be voted on, which amendment shall be:

Crude petroleum and its products, 25 per cent ad valorem.

The gentleman from New York [Mr. VREELAND] rose in his place and offered that amendment, thus bringing it before the committee. Any gentleman might have called it up perhaps at any time. Possibly the Chair itself might have called it up. The Chair treats the action of the gentleman from New York as simply calling the attention of the committee and the Chair, or bringing before the committee for its attention and action, the amendment which this rule provides shall be voted upon—

Crude petroleum and its products, 25 per cent ad valorem.

Now, the gentleman from Nebraska [Mr. NORRIS] proposes another amendment to be voted on, namely—

Crude petroleum and its products, 1 per cent ad valorem.

The effect of his amendment, if in order, would be to make it a preferential amendment—that is to say, while the rule itself gives a preference, and in fact declares that a vote shall be taken upon a certain specific provision—

Crude petroleum and its products, 25 per cent ad valorem—

the effect of recognizing as in order the amendment of the gentleman from Nebraska would be not only to amend the rule itself, but actually to give to his amendment a preference over and above the precise amendment which the rule specifies as the one, and only one, to be voted upon. It is not for the Chair to determine whether this duty ought to be 1 per cent, or 25 per cent, or no duty at all. The Chair must simply rule upon the parliamentary situation, the proper construction of the rule.

The gentleman from Massachusetts [Mr. GARDNER] called attention to a rule adopted on a former occasion, which provided for the taking of the vote upon a substitute amendment, providing that the vote "shall be taken without delay or intervening motion." That was a case in which motions for delay or intervening motions would have been in order without the rule, but this is just the reverse of that. This amendment itself would not be in order at this time except for the rule which makes it in order; while, as the Chair has stated, when this

paragraph is reached in regular course on the reading of the bill any amendment would be in order, no amendment is in order now out of order except the precise amendment specified in the rule itself:

Crude petroleum and its products, 25 per cent ad valorem.

The Chair must therefore sustain the point of order, and decline to entertain the amendment offered by the gentleman from Nebraska, which amendment proposes to change the terms of the rule or order of the House by striking out twenty-five and inserting one.

Mr. CLARK of Missouri. I appeal from the decision of the Chair.

The CHAIRMAN. From that decision the gentleman from Missouri appeals. The question then is, Shall the decision of the Chair stand as the decision of the committee?

Mr. RICHARDSON. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. RICHARDSON. We could not hear the statement of the Chair. Is it not the effect of the ruling of the Chair that the Committee of the Whole have no right to vote on anything except the 25 cents—no more, no less?

The CHAIRMAN. Not so broadly stated as that. The ruling of the Chair is that when this paragraph is reached in regular order, or if it were now in regular order before the committee, any germane amendment would be in order, but that no amendment can now be recognized preferentially and out of the regular order except the particular amendment specified in the rule under which the committee is proceeding.

Mr. RICHARDSON. Will the Chair kindly allow me to call his attention to the phraseology of one part of that rule, in which it says that an amendment "shall be voted?"

The CHAIRMAN. That is exactly as the Chair has ruled. The Chair has ruled that that amendment and no other may properly be voted upon at this time.

Mr. RICHARDSON. Then the effect of that ruling is that this committee can not vote on any smaller amount than the 25 cents prescribed in the amendment; and if that is defeated, why, there is no other provision for amendment, and it may be that the 25 cents will be added to the countervailing duty.

The CHAIRMAN. The Chair will state, while it is perhaps not an answer to a parliamentary inquiry, that what is understood to be the countervailing duty is contained in the proviso which this amendment strikes out.

Mr. HITCHCOCK. Mr. Chairman, I would make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HITCHCOCK. Are we considering this bill under the five-minute rule?

The CHAIRMAN. We are considering this particular amendment under the special rule adopted by the House and requiring a vote to be taken upon it.

Mr. HITCHCOCK. That special rule provides that the bill shall be considered under the five-minute rule.

The CHAIRMAN. That special rule says that an amendment shall be voted on to section 637, to wit:

Strike out the proviso and insert as a new paragraph, No. 36½, the following: "Crude petroleum and its products, 25 per cent ad valorem."

And that is the matter now before the committee.

Mr. RANDELL of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. RANDELL of Texas. As I understand it, there is an appeal from the decision of the Chair?

The CHAIRMAN. That is correct.

Mr. RANDELL of Texas. If the House votes to sustain the Chair, it is the parliamentary situation that we can only have a vote on this amendment, as stated in the rule; and if we vote against sustaining the decision of the Chair they will have an opportunity to offer amendments.

The CHAIRMAN. The Chair has endeavored to make his ruling plain.

Mr. RANDELL of Texas. Is that the parliamentary situation?

The CHAIRMAN. When the paragraph is reached in the regular course of reading the bill, amendments germane will be in order.

Mr. HENRY of Texas. A parliamentary inquiry. Would it be in order to submit a motion to strike out the figure 5?

The CHAIRMAN. Not while this appeal is pending. The question is, Shall the decision of the Chair stand as the decision of the committee?

The question was taken; and on a division (demanded by Mr. CLARK of Missouri) there were 162 ayes and 174 noes.

Mr. DALZELL. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. CLARK of Missouri and Mr. DALZELL.

The committee again divided, and the tellers reported that there were 136 ayes and 168 noes.

So the decision of the Chair was not sustained as the decision of the committee.

Mr. CLARK of Missouri. I offer the following substitute amendment.

The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Nebraska.

The Clerk read as follows:

Amend the paragraph by striking out the words "twenty-five" and inserting in lieu thereof the word "one," so the amendment will read "crude petroleum and products, 1 per cent ad valorem."

Mr. CLARK of Missouri. Now, I offer a substitute for that.

The CHAIRMAN. The Clerk will report the proposed substitute offered by the gentleman from Missouri.

The Clerk read as follows:

Amend paragraph 637 by striking out all of line 20 after the word "refined," and also lines 21, 22, 23, 24, 25, and 26.

Mr. CLARK of Missouri. That is, strike out the countervailing duty.

Mr. KEIFER. Mr. Chairman, I want to make a point of order against the substitute.

The CHAIRMAN. Will the gentleman allow the Chair to find where this amendment applies? The Chair will reserve the gentleman's right.

Mr. CLARK of Missouri. Mr. Chairman, I will withdraw the proposed substitute and let a vote be taken on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The CHAIRMAN. Without objection, the amendment offered by the gentleman from Missouri will be considered as withdrawn.

There was no objection.

Mr. MARTIN of South Dakota. Mr. Chairman, I offer the following substitute for the amendment offered by the gentleman from Nebraska.

The CHAIRMAN. The gentleman from South Dakota offers a substitute amendment, which the Clerk will report.

The Clerk read as follows:

Amend the pending amendment by striking out all after the word "proviso," so as to read: "Strike out the proviso."

Mr. NORRIS. I submit, Mr. Chairman, that that will not be in order until the other is first disposed of.

Mr. PAYNE. Let us have the amendment read again.

The CHAIRMAN. The Clerk will again report the amendment of the gentleman from South Dakota.

The Clerk again reported the amendment.

Mr. NORRIS. I submit that that would not be in order until the other motion is disposed of. It is not a substitute for the motion which I have made, and so shows on its face.

Mr. GARDNER of Massachusetts. And I make the point of order that it is not in order anyway.

Mr. NORRIS. At least, not at this time.

Mr. PAYNE. There is no such word as "proviso" in the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. NORRIS. Mr. Chairman, the effect of this amendment, if adopted, I think is apparent to all. It would simply change the proposed amendment provided for in the rule by striking out the words "25 per cent ad valorem" and inserting in lieu thereof "1 per cent ad valorem duty." Its practical effect would be to put oil on the free list. I do not care, Mr. Chairman, to go into a discussion of the question at this time, because it has been fully discussed under the general debate, and, as far as I am concerned, I am willing that the matter should be voted upon now. [Cries of "Vote!" "Vote!"]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

Mr. DE ARMOND. Mr. Chairman, I offer the following substitute for the amendment.

The Clerk read as follows:

Strike out the proviso in paragraph 630, page 159, which proviso is in these words, to wit:

"*Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country."

Mr. NORRIS. Mr. Chairman, I make the point of order against that amendment, first, that it is not a substitute, and second, that it is not in order under the rule.

Mr. DE ARMOND. Mr. Chairman, I would like to be heard upon that.

Mr. NORRIS. And it is in the third degree.

Mr. DE ARMOND. Mr. Chairman, it is a substitute for the two amendments, and of course it is in order. As I take it, it is only the third of the series.

The CHAIRMAN. The Chair is ready to rule. The amendment pending is a motion to strike out and insert. The amendment offered by the gentleman from Missouri [Mr. DE ARMOND] as a substitute is a motion to strike out only. Clause 7 of Rule XVI reads:

A motion to strike out and insert is indivisible; but a motion to strike out being lost, shall not preclude amendments by a motion to strike out and insert; and no motion or proposition on a subject different from that under consideration shall be admitted under the color of amendment.

The amendment offered by the gentleman from Missouri makes practically a division of the pending amendment, which is to strike out and insert, and is, therefore, not in order at this time.

Mr. DE ARMOND. Mr. Chairman, then I offer the amendment in another form. I offer an amendment as a substitute for the amendment, to strike out that portion of the amendment offered by the gentleman from New York which provides for inserting for a new paragraph No. 36½.

Mr. NORRIS. Mr. Chairman, I submit that that would not be a substitute. It must be confined to my amendment.

The CHAIRMAN. Let the Clerk report the amendment.

The Clerk read as follows:

Strike out the words "crude petroleum and its products, 25 per cent ad valorem.

Mr. NORRIS. Mr. Chairman, I make the point of order that that is not a substitute and is not in order under the rules.

The CHAIRMAN. The Chair thinks that that amounts to a division of the question now pending, which is to strike out and insert, and such division of that question is not permissible under the rule already stated. The Chair, therefore, sustains the point of order.

Mr. MARTIN of South Dakota. Mr. Chairman, I desire to offer a substitute for the amendment of the gentleman from Nebraska; to amend the amendment of the gentleman from Nebraska by striking out the words "1 per cent ad valorem" and inserting "free of duty."

Mr. NORRIS. Mr. Chairman, I make the point of order that that amendment is in the third degree and is not in order.

The CHAIRMAN. Does the Chair understand the gentleman to offer his amendment as a substitute?

Mr. MARTIN of South Dakota. I offer it as a substitute for the amendment of the gentleman from Nebraska.

Mr. NORRIS. Mr. Chairman, how can it be a substitute when it is simply to strike out?

Mr. MANN. Mr. Chairman, I make the point of order that under the arrangement of the bill we can not put into the first section of the bill an item providing that it shall be free of duty, that being the dutiable list in the bill, and that that item, if it goes in at all, must come in the second section, because the first section provides that the duties named therein shall be collected.

Mr. FITZGERALD. But it does not provide that the duties not imposed shall be collected.

Mr. MANN. The second section of the bill provides for the free list. In making up a bill of this kind it is necessary to preserve some harmony and uniformity in the process of the manufacture of the bill, because without that it would be the easiest thing in the world to stick jokers into a bill and to play with the House, and the best parliamentary procedure is to the effect that in bills of this kind, where one section provides for articles upon the dutiable list, it shall be confined to paragraphs relating to articles upon the dutiable list, and another section providing for articles upon the free list shall be confined to articles upon the free list. Now, there is no difference here so far as the amount is concerned which "cuts any ice," to use a vernacular expression. The difference between 1 per cent and no per cent is of no consequence, but 1 per cent is in accordance with parliamentary law and no per cent is in violation, it seems to me, of parliamentary practice.

The CHAIRMAN. The Chair will state that the question arose yesterday. It was pointed out to the Chair that in sundry provisions in different parts of the bill there were articles on the free list, or at least declared to be free of duty, and after consideration of the matter the Chair admitted yesterday an amendment providing for putting lumber upon the free list.

Mr. MANN. The Chair, I think, is in error in regard to that. The proposition offered yesterday was not a proposition to insert a paragraph putting lumber on the free list in section 1 of the bill at all.

Nor were there any citations of paragraphs which put any articles on the free list, but the citations offered—for instance, wood pulp has a provision for a duty of one-twelfth of 1 cent a pound, with a proviso which puts it upon the free list under certain conditions—but here is a proposition in a clear paragraph by itself; no proviso, no limitation, no conditions, but a clear paragraph by itself. It is perfectly patent, Mr. Chairman, that if we propose to put an article on the dutiable list under certain conditions and then to put it on the free list under certain conditions, you must put it in one paragraph; but the proposition now offered by the gentleman from South Dakota is a clear proposition to put a distinct paragraph by itself upon the free list under a section providing for a dutiable list.

Mr. MARTIN of South Dakota. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MARTIN of South Dakota. I rise, Mr. Chairman, to withdraw my substitute and allow a vote to be had. [Applause and cries of "Vote!"]

Mr. CAMPBELL. Mr. Chairman, before the vote is taken I desire to address myself to the amendment before the House.

Mr. LIVINGSTON. Which one of them?

Mr. CAMPBELL. The one offered by the gentleman from Nebraska practically putting oil on the free list.

Mr. CLARK of Missouri. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. CLARK of Missouri. Is not debate under the paragraph exhausted? It seems to me there has been more than ten minutes consumed.

The CHAIRMAN. There has been no debate whatever upon it except by the gentleman from New York [Mr. VREELAND].

Mr. CLARK of Missouri. Mr. Chairman, I move that all debate on it close in five minutes.

Mr. CAMPBELL. Mr. Chairman, I submit that I can not be taken off the floor for that purpose.

Mr. Chairman, the existence of the Standard Oil Company is most unfortunate for the independent oil industry of this country to-day. The independent and small oil industries of the country are about to be hit harder than they have ever been hit before, and the Standard will be unharmed, if not in the end greatly benefited. No one, I submit, will challenge the truth of the statement that if it were not for the Standard Oil Company there would be no substantial objection offered to a countervailing duty or a duty of 25 per cent ad valorem on oil. Now, as a matter of fact, I believe that gentlemen are sincere in their opposition to protecting the oil industry of this country in the belief that no one will be hurt but the Standard.

Mr. AUSTIN. Will the gentleman yield?

Mr. CAMPBELL. No; I can not yield; but I submit that I am as sincere in declaring now that it is just as important to the independent oil producers in this country, who for years have been fighting an unequal battle with the Standard Oil Company, to have their oil protected as it is to any other industry in the country. It is not important to the Standard Oil Company that it be protected. It needs no protection. It can take care of itself anywhere in the world. I stand here to-day appealing to you in behalf of the same people for whom I made an appeal four years ago—the independent oil producers and the independent oil refiners.

Then I asked you to aid the independent oil industry of the mid-continent oil field, and with a unanimous voice the vote of this House did what I asked. I stated then that the Standard Oil Company controlled the rates on oil; that under a maximum rate law passed by the State of Kansas, the fairness of which had not been contested, oil was shipped from the Kansas field to Kansas City, Kans., a distance of 123 miles, for 7 cents per hundred. The rate from the Kansas field to Kansas City, Mo., 126 miles—3 miles farther—on the same roads, without change, was 17 cents per hundred.

The Standard Oil Company has a refinery on Sugar Creek, at Kansas City, Mo., and by reason of this difference in freight rates was able to control the refined-oil trade in Kansas City, Mo., and its suburbs on the Missouri side of the line.

The freight rate from the Kansas field to Weber, Kans., a distance of 254 miles, was 10½ cents per hundred pounds. The freight rate to Superior, Nebr., on the same line of railroad as Weber and 7 miles farther, was 30 cents per hundred pounds. The increase of 7 miles in the distance increased the freight rate almost three times.

The rate on oil and its by-products from the Kansas field to Coolidge, Kans., a distance of 485 miles, was 15 cents per hundred pounds. The rate to Holly, Colo., 491 miles from the Kansas refineries, was 50 cents per hundred pounds. In this instance an increase in the distance of 6 miles nearly quadrupled the freight rate, and both rates over the same line of railway.

To-day I am glad to be able to tell the Members of this House that under the Hepburn law the independent refineries

have increased from less than half a dozen to more than a score, and that they are shipping their oil into the markets of the country. Within the last three months carload lots of oil from independent refineries in the mid-continent field have been sold in Detroit in competition with the product of the Standard's refineries. They are getting on their feet. They want a chance for an equal fight. They can not have it if this amendment is agreed to.

Of the 13,000 oil wells in the mid-continent field the Standard owns but 74. The independent producers have the value of 12,026 wells at stake, the Standard has the value of 74 wells at stake, in the question before the House.

If the amendment offered by the gentleman from Nebraska——

Mr. GRIGGS. Will the gentleman yield——

Mr. CAMPBELL (continuing). Is carried, the independent oil industry will be injured and the Standard will be unhurt.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Georgia?

Mr. CAMPBELL. No; I can not yield; I have but a short time. If I had the time I would gladly yield. The fact is that the Standard Oil Company to-day has three refineries in old Mexico—one at Tampico, one at Veracruz, and one at the City of Mexico—and the vote you are about to take will give free admission into the United States to the product of the Standard's wells and to the product of its refineries in old Mexico. It can have its oil refined with the cheap labor of old Mexico, and will pay taxes on its property in old Mexico. If the independent oil industry of this country must meet the competition of the Standard Oil Company, I submit to you that that competition should be required only after the Standard has paid American labor to refine its oil and paid taxes upon its refineries and upon its properties in the United States. [Applause.]

Mr. HENRY of Texas. Will the gentleman yield?

Mr. CAMPBELL. I can not yield.

The CHAIRMAN. The time of the gentleman has expired.

The gentleman from Missouri moves that all debate on this paragraph and amendments thereto close in five minutes.

Mr. COOPER of Wisconsin rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. COOPER of Wisconsin. I want to get an opportunity to address the House.

The CHAIRMAN. The gentleman from Missouri [Mr. CLARK] was entitled to make that motion.

Mr. CLARK of Missouri. I will change the motion to ten minutes, and give the gentleman five minutes, and anybody else who wants time five.

Mr. FITZGERALD. Mr. Chairman, I would like five minutes to speak in favor of this amendment.

Mr. KAHN. Mr. Chairman, I would like time to address the committee.

Mr. CLARK of Missouri. I move, Mr. Chairman, that debate on this amendment close in ten minutes.

Mr. MADDEN. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. MADDEN. I wish to offer an amendment to the motion of the gentleman from Missouri [Mr. CLARK]. I move that debate upon the amendment close in thirty minutes.

Mr. CLARK of Missouri. I will compromise on fifteen minutes.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois to the motion of the gentleman from Missouri.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 157, noes 173.

So the amendment was rejected.

Mr. MADDEN. I move to make it twenty minutes, Mr. Chairman, for debate on this question.

Mr. JOHNSON of South Carolina. Mr. Chairman, that is dilatory.

Mr. CLARK of Missouri. Mr. Chairman, I will compromise on fifteen.

Mr. MADDEN. Make it twenty minutes.

Mr. CLARK of Missouri. I will not.

The CHAIRMAN. The question is upon the amendment of the gentleman from Illinois [Mr. MADDEN].

Mr. JOHNSON of South Carolina. Mr. Chairman, I make the point that the amendment of the gentleman from Illinois is dilatory.

The question was taken on the amendment of the gentleman from Illinois [Mr. MADDEN], and the Chair announced that the noes appeared to have it.

Mr. MADDEN. Division, Mr. Chairman.

The committee divided; and there were—ayes 121, noes 176.

So the amendment was rejected.

The CHAIRMAN. The question is on the motion of the gentleman from Missouri [Mr. CLARK] to close debate in ten minutes.

Mr. CLARK of Missouri. I am willing to accept fifteen minutes, if it will stop this.

The CHAIRMAN. Without objection, the Chair will put the question thus: The question is on the motion of the gentleman from Missouri [Mr. CLARK] that all debate on this paragraph and amendments thereto close in fifteen minutes.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Chairman, for years I have been listening to the gentleman from Kansas [Mr. CAMPBELL] complaining against the operations of the Standard Oil Company. He has been beseeching Congress to take some action that would protect the people of his district against the exactions of this enormous trust. For three weeks I have stood silent while I have been accused of having been the subservient tool of this great corporation. I have made no response to the charge that I have been controlled or actuated in the discharge of my public duties because I desired to serve any improper interest, since I believed that those of my colleagues who have served with me during the past, as well as those who have honored me with repeated elections to this House, have been confident that I have in all my actions been guided solely by my own judgment as I conscientiously understood the questions before this body.

An amendment is now pending that, whatever else its effect will be, will, in the opinion of many who are informed on the subject, seriously cripple the abilities of this giant corporation to continue to fleece the American people. I am glad of this opportunity in my place as a Representative, discharging my duties in a conscientious manner, to express the hope that this amendment will be adopted by this House. [Applause.]

Mr. Chairman, it has never been my practice to pay attention to those vile calumniators who assail the integrity of men in public life because the attitude they take on public questions does not happen to harmonize with their views. I have never failed to meet any question that came before this House and to place myself squarely on record upon it. I have never attempted to place myself on record in the public press and then to dodge a record vote upon questions in this House.

Lest there should not be an opportunity to place ourselves upon record on this question, where it will be forever preserved in the permanent records, I desired this opportunity to let those who know me see that I have not deviated from that path which I have marked out since I have been a Member of this body, but that I honestly have endeavored to discharge my duties here as a representative of the people who have justly had confidence in my integrity. I wish to express the hope that, whatever else may be the effect of this amendment, if it will in any way cripple this giant monopoly against which so much complaint has been made, the House will not fail to take advantage of this occasion to restrain in some respects its operations.

Mr. Chairman, I repeat again, in order that it may be reiterated in the RECORD, that I am heartily in favor of this amendment, and I shall vote for it both in the committee, where there will be no record vote, and in the House, where I hope there will be a record vote, and so fling back the foul calumnies and insinuations that have been thrown at me through discreditable prints in this country by men who have not had the courage to make those statements to my face. [Loud applause.]

Mr. COOPER of Wisconsin. Mr. Chairman, the rule under which we are operating is one of the most extraordinary that I have seen since I have been a Member of this House.

Mr. KAHN. Mr. Chairman, may I ask whether the gentleman is going to speak for the amendment or against the amendment?

The CHAIRMAN. The Chair is unable to state.

Mr. COOPER of Wisconsin. I am speaking for the amendment.

Mr. KAHN. Then I suggest that some one who is opposed should be recognized. I am opposed to the amendment, and desire recognition.

Mr. COOPER of Wisconsin. This will not be taken out of my time, will it, Mr. Chairman?

The CHAIRMAN. It will not be taken out of the gentleman's time.

Mr. COOPER of Wisconsin. Mr. Chairman, I was saying that the rule under which we are now operating is one of the most extraordinary I have ever known. Under it we are permitted to have a vote on the question of free hides; under it we are permitted to have a vote on the question of free lumber; under it we are permitted to have a vote on the question of free barley;

but under it we were gagged, so that we could not have a vote on the question of free Standard Oil. [Loud applause on the Democratic side.] And but for the gentleman from New York arising and offering that amendment as his individual amendment and being recognized, as he was, for that purpose, we would not have had the privilege of voting on the amendment to his amendment now before the Committee of the Whole.

The gentleman from Kansas [Mr. CAMPBELL] speaks of the independent oil producers. What influence was it that succeeded in getting into the existing Dingley law the proviso, which great newspapers have said—the Washington Post, in effect, in an editorial last week—was drawn by the Standard Oil Company, fixing the tariff on petroleum products at 99 per cent. [Great applause.] Was it the little independent oil producers who got that inserted in such a manner that practically nobody in the United States knew that it was in the law? I said on the stump, the gentleman from Kentucky [Mr. LANGLEY] said on the stump, the gentleman from Wisconsin [Mr. KÜSTERMANN] said on the stump, scores of Representatives in Congress said on the stump, the press of the country filled columns in saying that there was not a cent of tariff on petroleum or its products for years after it had been put on both.

Did the little independent oil producers, for whom the gentleman pleads in such piteous tones, succeed in getting in that proviso in that clandestine manner? No. I will name the influence that got it into the law. It was the influence that the United States Government at this hour, in the circuit court in St. Louis, is trying to smash—the Standard Oil Company. [Great applause.] Here is a newspaper synopsis of the brief of the United States Government in that case, filed by that great lawyer, Frank B. Kellogg, and the other government counsel, after months and months of the taking of testimony, showing all about these little competing companies and how the Standard Oil Company crushes competition. It shows how the company has practically controlled the prices and monopolized the commerce in the products of petroleum in the United States. The brief tells of how—

> It obtains secret information as to competitive business, largely through bribing railway employees and using their secret information to procure the countermanding of orders of independent producers and to facilitate the price-cutting policy; of the use of so-called "independent" companies—that is, companies held out by the Standard Oil Company as independent—which are engaged in price cutting, while the Standard Oil maintains the price through its well-known companies and other abusive competitive methods against the competitors.
>
> It does from 85 to 90 per cent of the business of the United States, leaving about 10 to 15 per cent for all its competitors.
>
> Its net earnings in 1906 were about 112 per cent on the capital stock actually paid in and about 100 per cent on a liberal valuation of the capital used.

The brief shows also that in almost every case the so-called "competing companies" charge only prices which the Standard Oil Company permits them to charge, and that they are not permitted to do business in any other way. They do their business to-day by sufferance and must "confine themselves to a small percentage of the trade." The United States Government says that this is the fact.

We were told during the general debate that the countervailing-duty clause in the existing Dingley law is all right because of the necessity of protecting some farmers in Illinois and elsewhere who produce crude oil. Now, under the Dingley law, the drawback clause provides that if crude oil be imported into this country and refined here and exported, that the exporter must identify the oil exported as being the same which was imported before he can secure a 99 per cent rebate or drawback of the tariff paid on the imported oil.

But under the pending bill the identification clause of the Dingley law is done away with, so that for the purposes of its export trade the Standard Oil Company can every year bring from those great wells in Mexico, which my friend from New York [Mr. VREELAND] so eloquently described, millions of barrels of oil to this country without it being identified, and practically free of duty, and so among other things knock down the price of crude oil to the independent oil-well men in the United States. [Applause.]

Mr. CANNON. Mr. Chairman, I trust I may have without interruption the five minutes allotted to me. I happen to be Speaker of the House, but am yet a Member of the House. Rarely does a Speaker take part in the debate. I am compelled at this time, as a Representative, to say a word. In my congressional district a new oil field has developed in the last four years, and also in the district of my Democratic colleague [Mr. FOSTER]. In that oil field there is being produced to-day more oil than everywhere else from Illinois to the Atlantic coast. There are said to be 3,000 owners of the soil receiving royalties. Eighty to 90 per cent of that production is by independents. The Standard Oil, I am informed, has a line from that field to Whiting, Ind. I am glad there is a line. My constituents would fight anybody who would tear up that line. I believe they would be glad to have two pipe lines. The iron in it does not know who owns it; and it is the only means, except the railway, that we have to get to market. Yet if you were to listen to some gentlemen upon this floor it would seemingly be a felony for anybody to ship a barrel of oil through that wicked company's pipe line or sell oil to its owners.

Now, what is this proposition? It is to put oil upon the free list. This bill is constructed, all along the line, to treat other countries as they treat us [applause]—the minimum protective, the maximum penalizing. This is the only exception. Well, now, passion—misrepresentation, perchance; I do not know or care—makes this exception. To punish whom? The wicked Standard Oil. Gentlemen, is it not well enough to see, when you seek to punish somebody whom you claim is bad, that you do not, like old Samson, pull down the pillars and have the temple fall upon yourselves? What is the proposition? Practically it is to put oil from Mexico and all the world upon the free list when it comes to our market. I have been told by various people that three refineries in that new field, belonging to the Standard Oil Company, are there now.

I have been told that there is a duty in Mexico of $2 a barrel upon our oil that goes there. Then there would be $2 duty here under the countervailing duty as to oil that comes to us from Mexico under the present law; but this amendment lets the Standard Oil, with their refineries in Mexico, ship not only the crude but the refined oil free into our market, with a nominal duty of 1 per cent ad valorem. Still the gentleman from Wisconsin [Mr. COOPER] and others flap their wings and crow, and crucify the people while they demagogue in denouncing this wicked Standard Oil. [Applause.] If the Standard Oil, a creature of the law, transgresses the law, the courts are open. If legislation in addition is needed, we are here to legislate, and no man can go further than I will go to properly regulate the common carriers engaged in interstate commerce. I have said as much as I have time to say. Speaking for that constituency that are interested in this great production, I have felt that I would not be justified in withholding speech for five minutes upon this matter. If you are to pass this amendment——

Mr. COOPER of Wisconsin. Mr. Chairman——

Mr. CANNON. I have but a moment.

Mr. COOPER of Wisconsin. The gentleman from Illinois is already two minutes over time.

The CHAIRMAN. The Chair is keeping the time carefully.

Mr. COOPER of Wisconsin. A parliamentary inquiry, that is all.

The CHAIRMAN. He has just thirty seconds remaining.

Mr. CANNON. In those thirty seconds, looking in the eye of the patriot, Mr. COOPER, who is always ready, as he confesses, to redress abuses, in Heaven's name, if you amend this, except the refined oil that you are legislating to let in free from the Standard Oil refineries in Mexico. [Applause.]

Mr. SMITH of California. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. SMITH of California. To offer a substitute for the pending amendment.

The CHAIRMAN. The gentleman from California offers a substitute for the amendment, which the Clerk will report.

The Clerk read as follows:

> Strike out of lines 21 and 22, page 159, the words "or the products of crude petroleum;" also, in line 25, strike out "or its products."

Mr. SHACKLEFORD. I make a point of order against that.

Mr. GARDNER of Massachusetts. I raise the point of order that it is not an amendment to the amendment under the special rule.

The CHAIRMAN. The Chair is glad to see that the gentleman from Massachusetts sustains the Chair's former ruling. [Laughter.] The Chair will state that the amendment offered by the gentleman from California is an amendment to perfect the proviso which the amendment now pending proposes to strike out. It is therefore a preferential amendment and is in order.

Mr. SMITH of California. I should like to explain the amendment. [Cries of "Regular order!" "Regular order!"]

The CHAIRMAN. Under the order of the committee, debate is closed on this paragraph and all amendments.

Mr. SMITH of California. All amendments then pending?

The CHAIRMAN. All amendments to the paragraph. The amendment is in order, but debate is not. The question is on the amendment offered by the gentleman from California.

The question was taken, and the amendment was lost.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS].

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri, which the Clerk will report.

The Clerk read as follows:

Amend the amendment by striking out the word "section" before 637 and insert in lieu thereof the word "paragraph."

Mr. DE ARMOND. There is no section 637.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York.

Mr. DE ARMOND. And on that, Mr. Chairman, I ask for a division. A part of the amendment is to strike out and another part is to enact a new paragraph. They are entirely distinct, and we are entitled to a division on the question. I call the Chair's attention to clause 6, Rule XVI.

The CHAIRMAN. The Chair will call the attention of the gentleman to clause 7 of Rule XVI, which says, "A motion to strike out and insert is indivisible." This amendment is to strike out and insert. The question is on the amendment offered by the gentleman from New York as amended by the amendment of the gentleman from Nebraska.

The question was taken, and the amendment as amended was agreed to.

Mr. COOPER of Wisconsin. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COOPER of Wisconsin. As the law now stands, amended by the amendment of the gentleman from Nebraska, section 637 provides——

Mr. MANN. I make the point of order, Mr. Chairman, that the gentleman is not entitled to the floor, all debate having been closed.

Mr. JOHNSON of South Carolina. That would not prevent a Member from making a parliamentary inquiry.

The CHAIRMAN. The gentleman from Wisconsin rises to a parliamentary inquiry, and the gentleman will state it.

Mr. COOPER of Wisconsin. Under paragraph 637, the paragraph itself before the proviso begins, and just at the end, occurs the words "petroleum, crude or refined." That would put it on the free list.

The CHAIRMAN. The Chair thinks the gentleman is not stating a parliamentary inquiry.

Mr. COOPER of Wisconsin. What I want to ask is, Does not the Norris amendment providing that there shall be a duty of 1 per cent ad valorem contradict that provision?

The CHAIRMAN. If that provision becomes a law, it will be a question for the courts and not for the Chair.

Mr. MANN. That is Democratic legislation. [Laughter on the Republican side.]

Mr. BOUTELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 295, on page 73, strike out lines 17 to 20, inclusive.

Mr. SHERLEY. Mr. Chairman, I would like to inquire whether this is offered by the gentleman as a member of the committee or as an individual amendment?

The CHAIRMAN. The Chair will ask the gentleman from Illinois if this is offered as a committee amendment?

Mr. BOUTELL. It is offered as a committee amendment, and has the unanimous approval of the Committee on Ways and Means. Mr. Chairman, this amendment of placing tea back on the free list needs this much of explanation. It was placed on the dutiable list by the Ways and Means Committee for the purpose of raising eight or nine million dollars in revenue. Upon further reflection, and on account of the indebtedness to the general fund of the Treasury of the Panama bond-issue fund, the committee has felt justified in placing it back on the free list. But I wish to call attention of gentlemen of the committee to this, that the placing of tea on the dutiable list in the Payne bill has had this beneficial effect, that it has called the attention of the country emphatically to the rate at which our annual expenditures are increasing. Our predecessors, Mr. Chairman, the Members of the Sixtieth Congress, have already appropriated for the fiscal year ending June 30, 1910.

The detailed amount of their appropriations, in round figures, is ten hundred and forty-four millions of dollars; and without wearying the committee with any comparison of detailed figures, except those we can easily carry in our heads, let me say that in that ten hundred and forty-four millions of dollars is an item of thirty-four millions which should be paid out of the Panama bond issue. Ninety millions of dollars are in what is called the "permanent appropriation." Thirty millions of it relate to money for redeeming national-bank notes. This is paid by national banks. It carries an item also of $60,000,000 for redeeming our interest-bearing debt, the sinking-fund provision. This, where the condition of the country warrants it, may be passed over for future surplus into the Treasury. We may, therefore, deduct from the ten hundred and forty-four millions of dollars one hundred and twenty-four millions, leaving $920,000,000 to be paid for out of the annual revenue. From this fund should be deducted the average amount, 5 per cent, or $46,000,000, which will remain in the Treasury unexpended. This leaves a gross sum of $874,000,000, to be provided for out of our annual revenues. How are they to be made up? The estimates of the Treasury for the year 1910 give these figures: Internal revenue, two hundred and fifty million; miscellaneous revenue, including sales of public lands, public fees, and so on, sixty million; and the Post-Office, two hundred and thirty-five million, or a total of $545,000,000. This would leave the sum of $329,000,000 to be made up out of the customs revenues, to make up the fund of $874,000,000. This bill without the fee will raise three hundred millions of revenue. The available cash in the Treasury is amply sufficient to carry us to the beginning of the fiscal year 1911.

The revival of business under this new tariff law we confidently expect will raise the revenues under this bill to $350,000,000, and give us ample annual revenue, no doubt. For these reasons the committee deem it wise to place tea back upon the free list.

Mr. MANN. Will the gentleman yield for a question?

Mr. BOUTELL. Certainly.

Mr. MANN. This puts tea on the free list. I understand it is the intention to put coffee upon the free list. Now, I would like to ask in reference to chocolate and cocoa?

Mr. BOUTELL. Coffee is on the free list, with a countervailing duty.

Mr. MANN. Theoretically. It will be when we get through.

Mr. BOUTELL. It will be put on practically before we get through.

Mr. MANN. What I want to get at is this: I suppose the committee raised the duty on cocoa and chocolate because they raised the duty on coffee and tea. Is it the intention to offer a committee amendment on cocoa as well as on tea and coffee?

Mr. BOUTELL. So far the committee has deemed it wise to keep the increase on cocoa.

Mr. PAYNE. The committee will report an amendment reducing the duty on crude cocoa. The duty on cocoa was put in for a revenue duty.

Mr. MANN. It seems to me quite unfair to put all the burden on the people who happen to drink cocoa.

Mr. SHERLEY. Mr. Chairman, the figures given by the gentleman from Illinois [Mr. BOUTELL] were interesting, but I desire to call to the attention of the committee the fact that so far we have had no real estimate as to what the customs revenues will be under this bill. There has been a statement made by the clerk of the Committee on Ways and Means by which it was estimated that some $305,000,000 would be received from customs. Now, the method by which this sum was arrived at is very interesting. They took the year 1906, and the imports for that year. They discovered that of a given article the imports amounted to half a million dollars, and there was a 50 per cent ad valorem tax, resulting in customs dues of $250,000. They then estimated that if they increased that tax to 60 per cent, that there would be $50,000 more income. If they decreased it 10 per cent, they estimated that there would be $50,000 less income. Now, it requires only a moment's thought to see the absolute absurdity of such a way of reckoning. The increase or the decrease of the duty may result entirely in prohibiting importation, or in increasing importation where heretofore there has been none, and the figures presented by the committee as to what this bill will provide in the way of revenues are absolutely useless. I could name any number of schedules where there is at present a prohibitive rate, where, by lowering that rate, you will have importation, and thereby customs duties. There are other schedules where, by increasing the rate, instead of increasing your customs dues, you will absolutely curtail them by making the rate more or less prohibitive.

And so when the gentleman from Illinois [Mr. BOUTELL] tells us, as he did yesterday, that we must not vote to lower the duty on any particular schedule unless we provide some other means of revenue, I answer him by saying that so far as the country knows or this House knows we are absolutely ignorant as to what revenue this bill will produce. Personally, I hope that the bill will not produce a dollar more than we absolutely need. I

believe that a deficit is better for a country than a surplus. I believe that if you get your revenues very close to your expenditures it will curtail extravagance. The Government has no money of its own. It can not create any, but obtains what it obtains from the people, and if you have a large surplus it means an undue proportion taken from the people, and you have an invitation to extravagance—such an invitation as has been accepted in recent years whereby our appropriations have grown by leaps and bounds. If out of this revision we can bring now a condition where there will be no such temptation, and if the people will learn the salutary lesson that you can not have governmental activity without paying for it, our labor will not be entirely in vain. I should like to see some sort of direct tax upon the people, something that would enable them to know that they are paying federal taxes as they now know they are paying state taxes, and when that condition arises you will not find such a disposition to bring to the National Government every "ism" and every new theory under the sun. [Applause.]

Mr. PAYNE. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed.

The CHAIRMAN. The gentleman from New York moves that all debate on the paragraph and amendments thereto be closed.

The question was taken, and the motion was agreed to.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. BOUTELL. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Illinois offers the following amendment which the Clerk will report. The Chair will ask if this is a committee amendment?

Mr. BOUTELL. It is a committee amendment and supplemental to the one previously offered.

The Clerk read as follows:

Paragraph 687. On page 166, line 2, after the word "tea," insert the words "and tea," and after the word "plants," strike out the period and insert the following:

"*Provided*, That nothing herein contained shall be construed to repeal or impair the provisions of an act entitled 'An act to prevent the importation of impure and unwholesome tea,' approved March 2, 1907, and any act amendatory thereof."

Mr. UNDERWOOD. Mr. Chairman, when this bill was filed in the House, and it first came to the attention of the minority members of the Ways and Means Committee, we recognized the injustice of maintaining the present prohibitive rate on the great products of this country controlled by trusts and great manufacturing interests and at the same time attempting to raise revenue which should have been raised from the great products of wool, iron, steel, and cotton goods by reducing the prohibitive rates, by putting a direct per capita tax on the people, by import taxes on coffee and tea and incomes; and in our minority report to the House we suggested the injustice that was about to be done the people of this country in leaving this tax on tea and coffee and incomes while the Republican party stood pat in the interest of the great corporations of this country and refused to lower their prohibitive rates. Now, Mr. Chairman, it appears that the gentlemen on that side of the House seem to have heard a word of warning in the country. They have seemed to realize that the country will not submit to everything that they are willing to do, and I congratulate them now, when it is not too late, that they come here with amendments proposing to put tea back on the free list. In the committee they have voted an amendment to put coffee back on the free list; and I understand—I do not know that any action is taken yet, but it is in the air—that before the consideration of this bill is concluded they intend to come in here and repeal the tax that they have placed on inheritances. Are they awakening? Possibly before this bill is concluded we may have an honest tariff bill, not one that is being built in behalf of special interests.

But, if this bill could stay before the House for two weeks or a month longer, possibly they would levy a tariff for the purpose of revenue and not for the purpose of protecting the profits of trusts and corporations in this country.

The gentleman speaks of revenue. They estimated when they brought this bill before the House that they were $40,000,000 of revenue short. They were expected to make it up with the tea tax, coffee tax, and a tax on inheritances. If they wipe out those taxes, where will they get the money to make up the deficit in the bill? They can not possibly get it as the bill is written now. But if they will reduce the prohibitive rates on the great products protected in this bill, they can raise $500,000,000 of revenue instead of $300,000,000, as the gentleman from Illinois predicts. [Cries of "Vote!"]

Mr. CLARK of Florida. Mr. Chairman, it is said that "consistency is a jewel." On yesterday the gentleman from Texas [Mr. BURLESON], and I hope he is in the House, undertook to read me out of the Democratic party for my position on the tariff, and then the gentleman proceeded to advocate a duty on hides. The gentleman reminded the committee that in a former speech upon this subject he had stated that a duty on hides was a "gold brick" handed to the cattle growers of the West. The gentleman stated in his speech yesterday, and I shall read it, so as to be perfectly accurate—after stating that he would support the amendment offered by the gentleman from Kansas, he used the following language:

I would not be honest if I did not state my deliberate judgment to be that the principal beneficiary of the present tariff on hides is the packer, or, to speak plainly, the beef trust.

I simply desire to remind the cattle growers of the West that the gentleman is still engaged in handing them a "gold brick," and I want to congratulate the beef trust that the martial gentleman from Texas is here admitting that he is advocating a duty of which the beef trust is the principal beneficiary. [Applause on the Republican side.] Mr. Chairman, in my position I have been open on all these propositions, but God forbid that I should ever stand upon this floor knowingly, deliberately, and willfully taking a position which I myself declare is chiefly in the interest of the beef trust or any other trust in this country. [Applause.] I had thought that the Democratic party—and I believe he claims to be a leader—was opposing trusts in this country. I had thought from what these leaders had said that these bad men on the other side represented the trusts. But here is one of our conspicuous leaders, the warlike and martial gentleman from Texas, standing solely and alone on this floor as the sponsor for the beef trust, and I submit, if what he has said, and what everybody else has said on this side who assume to be leaders, be true, the gentleman now sits where he ought to be, namely, on the Republican side of the Chamber. [Laughter.]

Mr. Chairman, I withdraw the formal amendment.

Mr. BURLESON rose. [Applause on the Democratic side.]

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. BURLESON].

Mr. BURLESON. Mr. Chairman, in the first place I desire to disclaim any profession or claim to leadership in the Democratic party. In the second place, I deny that I have made an effort to read the gentleman from Florida [Mr. CLARK] out of the Democratic party. Mr. Chairman, it was wholly unnecessary for me to make such attempt, because the gentleman from Florida, by his own words and acts, had already placed himself without the Democratic party and beyond the pale of Democracy.

Neither am I responsible, Mr. Chairman, for the fact that the gentleman from Florida did not understand what I plainly said yesterday. I do not know whether this failure arises from his incapacity to comprehend or a determination upon his part not to understand what was said.

I distinctly stated that in this bill I stood for free hides; that I would be glad to vote against any tariff duty on hides if a concession could be secured on the leather schedule and on the boot and shoe schedule. As for supporting a trust, Mr. Chairman, I am more than willing to submit my record made in this House in comparison with the record of the gentleman from Florida, and let every honest man in this country, every intelligent Democrat in his district, and in mine as well, determine whether I have been the supporter of trusts or whether it is the gentleman from Florida who has given them aid and support. [Applause on the Democratic side.] Only yesterday I voted for free lumber——

Mr. CLARK of Florida. Mr. Chairman——

The CHAIRMAN. Does the gentleman from Texas [Mr. BURLESON] yield to the gentleman from Florida?

Mr. BURLESON. Certainly.

Mr. CLARK of Florida. I would like to ask the gentleman if he did not vote for free lumber because he has not any lumber in his district?

Mr. BURLESON. It is true, Mr. Chairman, I have no lumber in my district, but I voted for free lumber because I stand upon a platform that pledged the people that Democrats would vote for free lumber, and I endeavored to honestly keep that pledge by casting my vote in favor of free lumber. [Applause on the Democratic side.]

Mr. CLARK of Florida. Will the gentleman answer another question?

Mr. BURLESON. So far as Florida and the State of Texas are concerned, Texas contains a timber region twice the size of the entire State of Florida [loud applause], and yet Texas

Democracy kept the faith and cast her vote against the trusts and in favor of free lumber. The gentleman can not say as much.

Mr. CLARK of Florida. Will the gentleman permit just one more question?

Mr. BURLESON. Oh, yes; but before yielding I would like to ask the gentleman how he voted a moment ago upon the proposition affecting the Standard Oil Company?

Mr. CLARK of Florida. I voted for the amendment of the gentleman from Nebraska. That is how I voted.

Mr. BURLESON. How did you vote on the other proposition?

Mr. CLARK of Florida. Which one?

Mr. BURLESON. On the proposition whether the Chair should be sustained in the ruling he had made.

Mr. CLARK of Florida. I voted not to sustain the Chair.

Mr. BURLESON. Ah, of course; and there was the crucial point. If the Chair could be sustained, the gentleman could have been relieved of the necessity of voting at all upon this proposition.

Mr. CLARK of Florida. I said to the gentleman, Mr. Chairman, I voted to overrule the decision of the Chair.

Mr. BURLESON. I beg the gentleman's pardon. I misunderstood him [laughter], and had been informed to the contrary, but——

The CHAIRMAN. The time of the gentleman has expired.

Mr. BURLESON. In conclusion, I will now say to the gentleman that I invite him to permanently occupy the seat on this side which I now vacate.

Mr. CLARK of Florida. And I invite the gentleman to come to Florida and discuss the question with me before my people.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I offer the following committee amendment.

The Clerk read as follows:

Paragraph 533, page 150, in line 20, strike out, commencing with the word "*Provided*," down to and including line 25. The words proposed to be stricken out are:

"*Provided*, That if any country, dependency, province, or colony shall impose an export duty or other export tax or charge of any kind whatsoever, directly or indirectly, upon coffee exported to the United States, a duty equal to such export duty, tax, or charge shall be levied, collected, and paid thereon."

Mr. LARRINAGA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. Does the gentleman from New York desire to be heard?

Mr. PAYNE. I understand that the gentleman from Porto Rico desires to offer an amendment.

The CHAIRMAN. The gentleman from Porto Rico offers an amendment, which the Clerk will report.

The Clerk read as follows:

In page 150, paragraph 533, strike out the whole paragraph and insert the following:

"First. All coffees under standard No. 7 shall be free of duty.

"Second. Coffees classed as standard No. 7, Rio Santos or any other ports of Brazil, or any other country, which according to the decision of the Department of Agriculture should be classed as a strong coffee, shall pay a duty of 3 cents a pound.

"Third. Coffees classed as mild coffees, such as those from Venezuela, Colombia, Ecuador, Panama, Costa Rico, San Salvador, Nicaragua, Honduras, Guatemala, Mexico, the West Indies, and all foreign countries and possessions, such as Sumatra, Java, and all East India, Arabian, and African coffees, etc., shall pay a duty of 50 per cent ad valorem.

"*Provided*, That every package of coffee entering the United States shall be plainly marked on each container in permanent and easily legible form and in letters not less large and distinct than any other mark upon the package, with the name of the country and district thereof in which the coffee is grown, and every package of coffee entering into interstate commerce or sold in the District of Columbia or Territories of the United States or its possessions shall have plainly stated on the label the name of the country or countries in which said coffee was grown, and any failure to comply with these provisions shall be ascertained as provided for in the food and drugs act of June 30, 1906, and be punishable in the manner and by the penalties therein provided."

Mr. PAYNE. Mr. Chairman, in order to gratify the gentleman, I will not make the point of order on the amendment which he offers.

The CHAIRMAN. Does the gentleman desire to be heard?

Mr. LARRINAGA. Mr. Chairman, the object of this amendment is to put the poor man's coffee on the free list. The coffee that the poor man buys in this country for his use is under standard No. 7. The first provision of my amendment will give the poor man his free coffee for his free breakfast table. All coffees imported into this country above the denomination of standard No. 7 are the coffees that you gentlemen are buying at from 20 cents up.

The second provision, for 3 cents a pound, will have furthermore the object of giving the poor man the coffees that you are buying to-day for 20 or 25 cents at a much cheaper rate, because if you put 3 cents a pound on No. 7 it will be better for the man importing coffee to introduce it as No. 8 or 9, to come in free, than to introduce it as No. 7 and pay 3 cents, because the difference in price, as a rule, between two consecutive numbers is covered by the 3 cents. The second provision, which puts 3 cents on standard No. 7, will allow the poor man to buy No. 7, and perhaps No. 6 and No. 5, at the price that they are paying to-day for their cheap coffee, or 15 cents a pound.

The third provision of the amendment will have the effect that the richer people who pay the fancy prices—30, 35, and 40 cents per pound—will pay the duty. This is exactly in accordance with the ideas of every Member in this House, whether on that side or this, that the wealthy classes who buy luxuries and not simply commodities shall pay the taxes that will bring the revenue into the Treasury of the United States. By this amendment we will leave the poor man his free breakfast table untouched, and you will be bringing into the Treasury of the United States a revenue of $30,000,000 a year.

Mr. Chairman, much as I should like to, I have not the time to present the case of the poor men of my country, who seem not to be considered as poor, or even as men at all, when this question is treated in this House or outside of it; but if you do not put on that amendment your own poor people will continue to pay the Brazilian tax; and if you do not put on the fourth provision, which is a proviso to hinder the men in New York from continuing the Mocha and Java masquerade blends, your people will continue to be deceived as they have been deceived until this very day. [Applause.]

Mr. PAYNE. Mr. Chairman, I want to say just a single word. The committee put a tax on tea as a revenue duty. Since we have taken it off we have been receiving remonstrances against taking it off. One tea man wrote me this morning stating that he used to be opposed to any duty on tea, but now he is in favor of it. Since we took off the duty in the Spanish-war revenue act the Japanese have put the price up until they have got it up about 10 cents a pound, the amount of the duty that we took off. After we took this duty off a Japanese merchant came to me and proved by figures that Japan paid half the duty and our people paid the other half. But the committee have concluded we can get along without that revenue and have taken it off.

We put this countervailing duty on coffee in order that our people might not be obliged to pay the taxes of the South American governments, hoping that that would cure that outrage upon our people; but we found that some of the governments have pledged these duties for twenty years for the payment of a loan, and we could not put on this countervailing duty without crippling them, and so we concluded to report this amendment taking off that countervailing duty.

Mr. SLAYDEN. We could hear the arguments advanced by the Commissioner from Porto Rico [Mr. LARRINAGA], but we can not hear the argument of the gentleman, which I suppose is in opposition to that.

Mr. PAYNE. Oh, no; I have not said a word in opposition to what the gentleman from Porto Rico said. We did not put a duty on coffee, because we thought we could get along without the revenue from coffee.

Mr. SLAYDEN. Do you think so now?

Mr. PAYNE. We do not propose to put a protective duty on coffee for the small amount that can be raised in the possessions of the United States. I am sorry not to be able to accommodate my friend from Porto Rico, but we can not do it, in justice to the consuming public of the United States. One argument against putting any duty upon coffee, even for revenue, is that under it these people might put their money into coffee, and after a while on the strength of producing 15 or 20 per cent of the consumption in the United States, would come in and make a claim that they had invested their money relying upon this protection, and would remonstrate against taking the duty off.

Mr. HOBSON. I have not been able to hear the gentleman, and I wish to ask him if he is of the same opinion as the gentleman from Porto Rico—that the amendment offered by the gentleman from Porto Rico will not tax the poor man's breakfast table?

Mr. PAYNE. I am not. I think the duty on coffee, or a part of it at least, would be paid by the people of the United States. After a while, if we could get rid of the export duties charged by the South American Government, they might reduce the price of coffee, so that the whole duty might not be paid by the United States.

As I said, when we put a duty of 10 cents a pound upon tea, a Japanese merchant proved to me that Japan had paid one half of that duty and the tea merchant had paid the other half. I doubt if any consumer paid any more for his tea on account of that duty during the whole period that the tariff was on tea.

Mr. LARRINAGA. Is that the answer of the gentleman from New York to the question of the gentleman from Alabama? I

fail to see any answer to the question propounded by the gentleman from Alabama.

Mr. PAYNE. I am sorry that I can not make myself understood.

Mr. LARRINAGA. The gentleman from New York ought to be kind to a gentleman who speaks a foreign language.

Mr. PAYNE. Oh, it is my fault and not his.

Mr. LARRINAGA. Will the gentleman from New York give me the reason why he thinks the poor man is not going to get his coffee free?

Mr. PAYNE. As I understand, the gentleman's amendment is to put the duty on coffee.

Mr. LARRINAGA. On the higher priced coffee, such as the gentleman and myself drink. [Laughter.]

Mr. GAINES. Mr. Chairman, I want to say, in connection with this proposition, that I myself had as much as anyone to do with the original proposition of placing a duty upon coffee equal to the amount of export duty charged by the Brazilian Government. It seems to me the time has come when every Member of this body ought to know, even if the American people will not themselves take the trouble to find out, that the talk we frequently hear about free trade, about taking off the tariff from the necessities of life, about the untaxed breakfast table, is the talk of a visionary.

In the modern habit of collecting revenues—a habit which all countries in the world have—of collecting revenues from taxation on commerce, if the Government of the United States does not place an import duty on any article coming to our markets, if it be important enough the other countries which produce it put on an export duty. We are paying, it should be understood, a part of the Brazilian taxes by reason of the export tax which Brazil puts on coffee. We are paying millions of other Brazilian revenues by reason of the export tax that other Brazilian States put on raw rubber; the people of the United States are paying a large part of the taxes of Chile by way of the export duty which Chile levies on nitrates. We flatter ourselves that we are admitting nitrates free of duty, untaxed, for fertilizers. We are paying Sicilian taxes by way of an export duty on lemons, and we in the United States are paying Greek taxes because of an export duty on their filthy little Zante currants.

I hope—not now, for I am in favor of the proposition of keeping coffee on the free list—but I hope that at no distant day the representatives of the American people will give their attention to the question whether we shall permit other countries to make us pay their taxes by export duties. I submit that it is against what anybody thinks fair and right for the seller to charge the buyer for the opportunity of doing business with him.

No one would patronize a store which charged an admission fee. If we really want free tea, free coffee, free rubber for the rubber manufactories, and free nitrates for fertilizers, if we want many things untaxed, we must bring it about that foreign nations shall not charge an export duty.

So far as I am concerned, if the trade between our country and others is to have all the taxation placed upon it that the traffic will bear, I believe that sound statesmanship will require that the United States should collect those taxes, and not the people who desire to sell to the United States. [Applause.]

Mr. PAYNE. Mr. Chairman, I move that all debate on this amendment and the paragraph close in seven minutes, five minutes to be occupied by the gentleman from Alabama [Mr. HOBSON] and two by the gentleman from Illinois [Mr. SABATH].

The CHAIRMAN. The gentleman from New York moves to close debate in seven minutes, the time to be occupied by the gentleman from Alabama and the gentleman from Illinois. Is there objection?

There was no objection.

Mr. PARSONS. Mr. Chairman, desiring to know the part that tea and coffee play in the household economy of the poor man and the extent to which he would pay any duty imposed upon either of them in case the duty is paid by the consumer, I asked the New York Association for Improving the Condition of the Poor, which is the largest relief-giving society in New York City, for such facts as it had, and received the following in reply:

THE NEW YORK ASSOCIATION FOR IMPROVING
THE CONDITION OF THE POOR,
New York, March 30, 1909.

Hon. HERBERT PARSONS,
House of Representatives, Washington, D. C.

DEAR MR. PARSONS: Complying with your request, I have had our supervisors make a study of the budgets of the families in our charge, with a view to determining the comparative amounts of tea and coffee consumed by the poor. This morning Mrs. Ingram, superintendent of relief, reported in behalf of the supervisors and visitors that, in our experience, the average poor family consists of five or six persons, and receives when its wage-earners are employed from $10 to $12 per week. The average weekly expenditure of such a family for food of all kinds is, approximately, $7. Of this $7, 25 cents is spent for 1 pound of coffee and 18 cents for ¼ pound of tea. Tea is used as a beverage among the poor quite as generally as coffee.

For the sake of additional clearness, I summarize these figures in tabular form.

The average "poor" family, 5 or 6 persons.

Average weekly earnings when head is employed	$10 to $12
Average weekly expense for food (all supplies)	$7.00
Amount of coffee used each week—pound	1
Cost of coffee used each week—cents	25
Amount of tea used each week—pound	¼
Cost of tea used each week—cents	18

Very truly, yours,

ROBERT W. BRUERE, *General Agent.*

Mr. HOBSON. Mr. Chairman, I have been impressed with the remarks of the gentleman from West Virginia [Mr. GAINES] that this country should, if possible, be placed in a position where it would not be compelled to pay the export duties levied by foreign governments. I believe upon consideration and investigation in the matter of the question of coffee it will appear clear to anyone that the only way on earth in which to become independent of Brazil is to develop within the United States and its dependencies the industry of coffee culture. I was present during the hearings on this question before the Ways and Means Committee. I listened carefully to the testimony, and I became convinced, having previously visited our tropical dependencies, that there is a prospect, a fair prospect, of developing a substantial coffee industry within our own control.

I believe that as a Congress we have not taken time sufficient in the past, as far as my observation has gone, to give full consideration to our dependencies. I believe that when a Delegate from one of those dependencies rises and gives full reasons for propositions that he makes on behalf of his own people, we ought to give those reasons careful consideration. The gentleman from Porto Rico [Mr. LARRINAGA] has stated that by his amendment the coffee that is used by the poor man, the cheap grades, will come in free and, therefore, that his amendment could not possibly increase the cost of living to the poor man. He has indicated that there is a chance to raise coffee in Porto Rico. We know that machinery which our American manufacturers send to Porto Rico is sold there at a higher price than it is sold to the competitors of Porto Rico in Jamaica and other islands of the West Indies, and our tariff prevents the Porto Ricans from securing machinery in Europe. They have been bearing the burdens of our tariff system without getting any of the benefits. The same considerations hold for Hawaii and the Philippine Islands. It is high time that we should give full consideration to the interests and claims of those peoples whose welfare and whose destiny are now confided to our keeping.

The amendment of the gentleman from Porto Rico appears to me wise and meritorious from every point of view. It would not only be in line with a just policy toward our insular possessions, but it would produce revenue for our Treasury without placing any burden upon the diet of the poor man. It would fulfill the object of legitimate protection by encouraging an infant industry, which would have a good prospect of large development until ultimately we would have a chance of becoming independent of the taxes imposed upon coffee by other Governments, a result that would insure cheaper coffee for all—poor man and rich man alike.

Mr. NICHOLLS. Mr. Chairman, will the gentleman yield?

Mr. HOBSON. Yes.

Mr. NICHOLLS. I desire to say for the information of the gentleman and of the committee that the poor man, especially in my section of the country, and I one of them; miners, working in the mines, have paid 30 and 35 cents a pound for their coffee, and they are paying those prices now, and this amendment, if passed, would increase the cost to the poor man, whom I believe ought to get the best coffee as well as the rich.

Mr. HOBSON. I believe the gentleman will find that he is paying a high price for cheap coffee; that the coffee he is buying at the mines for 30 and 35 cents a pound comes under the provision of the amendment by which such coffee would be admitted free.

The CHAIRMAN. The time of the gentleman has expired.

Mr. SABATH. Mr. Chairman, it is gratifying to me that we on this side and public opinion have forced the Committee on Ways and Means to bring in this amendment to strike out the "joker" that would have placed a tax of about 4 cents a pound on coffee, and I shall with great pleasure and satisfaction vote for this amendment placing coffee on the free list. In connection with this matter I desire to inquire of the committee if they will not bring in an amendment reducing the 100 per cent increase they have placed on chicory and coffee essence? Your committee has seen fit to add 100 per cent duty on chicory, and, inasmuch as chicory is only used by the poorest of the poor as

a mixture or substitute for coffee, as they are not able in these Republican prosperous times even to buy the cheapest kind of coffee, I hope that an amendment will be brought in by the committee removing the increase, for I believe it is not the wish and desire of this House to increase such a necessity, that is only used by the poor people of this country, by 100 per cent.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Porto Rico.

The question was taken; and on a division (demanded by Mr. HOBSON) there were—ayes 56, noes 74.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

Mr. SABATH. Mr. Chairman, before the Clerk reports that amendment, I desire to ask if it would be in order now to offer an amendment to reduce the tariff upon chicory?

The CHAIRMAN. Committee amendments only are in order at this time. The Clerk will report the amendment offered by the gentleman from New York.

The Clerk read as follows:

Page 1, strike out lines 3 to 12, inclusive, and on page 2, lines 1 and 2, and insert in lieu thereof the following:

"That on and after the day following the passage of this act, unless otherwise specially provided in this act, there shall be levied, collected, and paid upon all articles mentioned in the schedules contained in this section and imported into the United States and into any of its possessions, except the Philippine Islands, from any foreign country, province, dependency, or colony, the rates of duty which are by the schedules and paragraphs, respectively, in this section prescribed, whenever any such foreign country, province, dependency, or colony, respectively, is entitled under the provisions of section 4 of this act to minimum rates of duty."

Mr. PAYNE. Mr. Chairman, that simply transposes the language; that is all.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 1. On page 2, line 11, after the words "lactic acid," insert the words "containing not over 40 per cent, by weight, of actual lactic acid;" and in the same line, after the word "pound," insert "containing over 40 per cent, by weight, of actual lactic acid, 3 cents per pound."

Mr. PAYNE. Mr. Chairman, a word in regard to that. Lactic acid came in twelve years ago about 20 per cent in strength. Since, they have improved the process of manufacture so that they produce 80 per cent of strength. They import the 80 per cent strength lactic acid, bring it over, and then dilute it back to 20 per cent before they can use it. This amendment places the duty on that not exceeding 40 per cent 1 cent less per pound than the Dingley law, and above 40 per cent, 3 cents, the same as the Dingley law. I ask for a vote.

The question was taken, and the amendment was agreed to.

Mr. LONGWORTH. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from Ohio offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 22. On page 7, line 12, strike out the words "20 per cent ad valorem" and insert in lieu thereof the words "2½ cents per pound;" and on the same page, line 13, strike out the comma after the word "pound" and insert after said word "pound" the words "and not above 35 cents per pound;" and on the same page, line 13, after the word "valorem" insert the words "valued above 35 cents per pound, 15 cents per pound and 20 per cent ad valorem."

The CHAIRMAN. Does the gentleman from Ohio desire to be heard?

Mr. LONGWORTH. Not unless some information is desired.

Mr. HARRISON. Mr. Chairman, I would like to ask the gentleman a question. This is practically a restoration of the Dingley rates, is it not?

Mr. LONGWORTH. That is the effect of this amendment.

Mr. HARRISON. Will the gentleman explain why the rates were first changed in the Payne bill and then changed back to the Dingley rates?

Mr. LONGWORTH. I think the committee acted in the first place without a very careful consideration of the imports during the period of the Dingley law.

Mr. HARRISON. The committee had extensive hearings on this subject and had much testimony before it.

Mr. LONGWORTH. Yes; but under the Dingley law, as the committee has found after a more careful consideration, the imports of this cheapest class of glue raised from 2,000,000 in 1898 to four million seven hundred thousand and odd pounds in 1907, and the ad valorem has never been very high, averaging not over 35 per cent, and the committee thought better——

Mr. HARRISON. Will the gentleman yield at that point?

Mr. LONGWORTH. Certainly.

Mr. HARRISON. Thirty-six per cent on ordinary glue and 42 on fish glue, which makes a considerable part of this item.

Mr. LONGWORTH. The principal part affected in this item is glue taxed 2½ cents a pound.

Mr. HARRISON. That is the old Dingley rate.

Mr. LONGWORTH. That is cheap glue made in this country——

Mr. HARRISON. That has been taxed at 36 to 42 per cent.

Mr. LONGWORTH. I beg the gentleman's pardon, 35 per cent.

Mr. HARRISON. I have the figures right here, and fish glue also comes in under this paragraph.

Mr. LONGWORTH. The fact is, Mr. Chairman, there are some hundred and odd factories engaged in the production of this cheapest class of glue. Their protection has only been an average of about 35 per cent. During the ten years, as I have said before, the Dingley bill has been in operation, the imports of that class of glue have increased from 2,000,000 to nearly 5,000,000 pounds. Under that state of facts it has hardly seemed justifiable to the committee to make a substantial reduction, and therefore the effect of this amendment is to restore the Dingley rates.

Mr. HARRISON. Mr. Chairman, I am opposed to the committee amendment. They originally did an act of virtue in reducing the duties under this paragraph to a fair revenue point. They reduced the duty, which ranged all the way from 36 to 42 per cent ad valorem, down to a 25 per cent ad valorem rate. After they did that, some influence or other has exercised their minds, and they now desire to raise the rates again to where they were in the Dingley bill. The chief hardship that will fall upon the consumers in this country in this connection is the fact that the cheaper grades of glue will still be held up at a price of 7 or 8 cents as against 3 or 4 cents, where they were before the Dingley bill. Now, glue is of interest not only to the people who use it in the ordinary arts and in commerce, but it is useful to a great many manufacturers. For some manufacturers glue is an important raw material.

The committee now proposes to raise the taxation upon this cheaper form of glue in order to hold up the price in favor of certain American manufacturers, chief among whom are the packing houses, which turn out about a million pounds of this cheaper class of glue every year. I am, therefore, opposed to this unnecessary raise in the rates, and I hope the committee will vote it down.

Mr. SCOTT. Will the gentleman answer a question?

The CHAIRMAN. Does the gentleman from New York [Mr. HARRISON] yield to the gentleman from Kansas [Mr. SCOTT]?

Mr. HARRISON. Yes.

Mr. SCOTT. I would like to ask the price per pound of the glue upon which this duty is levied?

Mr. HARRISON. The duty is fixed on a sliding scale—10-cent glue and under, 35-cent glue and under, and all over 35-cent glue—so I can not answer the gentleman's question categorically. But the glue that is chiefly affected is that valued at less than 10 cents a pound, and that is the glue which the packing houses turn out as a by-product. And I believe that this return to the Dingley rates from the original proposed Payne rates is chiefly in the interest of the packing houses; and on that ground, as well as on the others I have specified, I oppose it, and I hope the committee will vote it down.

Mr. HULL of Iowa. Mr. Chairman, it seems to me the gentleman from New York is mistaken when he charges that this increase in duty is in the interest of the packing houses. There are a great many independent glue concerns in the United States, many of them in the West, one of them in my town, which is just starting, and this glue manufacturer buys all the by-products of four packing houses in Iowa, in different parts of the State, evaporates it, and ships it to Des Moines to be made into glue. If the duty is reduced to the point that was originally fixed by the Payne bill, it means the closing up of every factory in Indiana, Iowa, and all through the West, at least.

The great competitor of the American manufacturer is located in Austria, and Austria levies a duty of 6 cents a pound flat on glue. They can dump their surplus on us as long as they have the absolute market of Germany and Austria and Europe for their product. These glue manufacturers in the United States are barely able to maintain themselves against the competition in the Old World under the Dingley rates. Reduced to what it was originally proposed in the Payne bill and you will close them all up on the cheap grades of glue.

Now, it seems to me it is good policy for our people here to use every part that they can of all these by-products in manufacturing something for the people of the United States. The price of glue is not regarded as excessive, not regarded as extortionate. There is no combination and no trust in the business. The independent manufacturers are situated in different localities in the United States and compete with each other.

Mr. HARRISON. The gentleman says the price of glue is not regarded as excessive. Does the gentleman realize that on these cheaper grades it is about twice as much as it was fifteen years ago?

Mr. HULL of Iowa. No; I do not realize anything about that.

Mr. HARRISON. That is the fact, I will say to the gentleman.

Mr. HULL of Iowa. I know this, that under the duty in the Dingley law we have scattered these manufactories all over the country, and they are using products that before that duty was put on were absolutely waste products. I know, further, that with the high duty in the Old World against our production, if you reduce our people here so that they can not retain control of our own markets, you will drive out of employment every man that is engaged in the industry and send the manufacturer across the water to open glue works there with cheap labor. And to-day many of our glue manufacturers have establishments in the Old World that are lying idle because they can manufacture here. If you reduce the duty they would start them up with their cheaper labor and deprive our people of the advantage in the manufacture of glue. So I am strongly in favor of the proposed amendment.

Mr. HARRISON. Will the gentleman permit me another interruption?

Mr. HULL of Iowa. Yes.

Mr. HARRISON. I have the figures of the production of the United States and the exportations. In 1904 we exported 2,800,000 pounds of glue. Now, why do you want any more protection except to hold up the price?

Mr. HULL of Iowa. Let me say, Mr. Chairman, that the countries of Austria and Germany are now protecting themselves against us more every year. The amount imported, even under the Dingley rates, has increased each year. We have got to protect ourselves in a reasonable way, and at least 2½ cents on glue is not an extravagant duty. To my mind the House will do a great injustice to that industry, which is not localized in any one part of the country, but extends wherever there is a packing-house interest, independent, or in Chicago, and uses a product that would otherwise go to waste. I hope the committee amendment will be adopted.

Mr. JOHNSON of South Carolina. Mr. Chairman, the tariff is a tax. Taxes are a burden. The Government has no right to lay taxes, except for the purpose of raising revenues sufficient to conduct it economically and efficiently. Democrats have always contended that import duties were finally paid by the consumer. Republicans always insisted that the import duties were paid by the foreigner in order to get his goods and wares into our markets. The founders of the school of protection favored laying import duties in order to protect infant industries until they could be firmly established. The promise was made that as soon as these industries were established, the protection could be and would be withdrawn. In this belief many patriotic Americans submitted to said taxation patiently, and many actively encouraged it in order that we might become a manufacturing as well as an agricultural people. Nobody will deny but that most industries are and have been for many years firmly established, but the protection under which they were fostered has not been withdrawn, nor even reduced. On the contrary, the rates of duty have increased from an average of 8½ per cent in the first tariff bill ever passed to more than 45 per cent in the bill now under consideration. As manufacturing industries became stronger in the commercial and manufacturing world, they also grew stronger in the political world. The early advocates of moderate protection never dreamed that giant industries would form into trusts and great combinations and control absolutely the output of many of the necessaries of life. It is almost incredible now that any respectable number of people will insist upon the highest rates of duty for combinations which they know are imposing upon the American people; such, for instance, as the sugar trust and the Standard Oil Company, both of which are well taken care of in the impending bill.

The Payne bill marks a radical departure from the theory of protection heretofore advocated by the Republican party. As I have already stated, they have always denied that the tariff is a tax. In the discussion of the present bill many of the individual Republicans have assumed that the reduction in the price of the finished products would be equal to the reduction in the tariff, and that the consumer would get the benefit of it. This is an admission that the tariff is a tax which is finally paid by the consumer. The party might not be bound by the declarations of individuals, but the party is bound by the principles enunciated in the bill itself. The bill recognizes this principle by placing many articles which enter into manufacture on the free list. It still further recognizes that the tariff is a tax by providing in section 29 for practically the free importation of any and all articles that may be needed for manufacturing purposes. Heretofore it has permitted manufacturers to import raw material and convert it into finished products, and upon the exportation of the finished product get back 99 per cent of the duty paid. It was necessary, however, for the particular article which was imported to be manufactured and exported. Under section 29 of the pending bill no identification of the imported article is necessary. The manufacturer can import any material he may need, and if within three years he shall export goods of equal value, whether made from foreign or domestic material, he can get back 99 per cent of the duties paid. I shall not stop to discuss this feature of the bill further than to emphasize that the Republican party admits in the strongest possible way that the tariff is a tax, and that in order to induce our manufacturers to export wares and merchandise, they are willing for the manufacturers to be relieved of such taxation.

Section 29 affords abundant food for thought along another line. In the early days of protection the whole contention was that the tariff should be levied in order to build up infant industries. When the infant industries became strong and were not willing to surrender the privileges which they enjoyed, another plausible reason was advanced for keeping up duties, viz, that the duties were laid for the benefit of the American workingman. Are any American workingmen engaged in producing the articles which you provide in section 29 that the manufacturer may import free of duty? What becomes of your concern for the workingman? Be it remembered that one man's raw material is another man's finished product. The wheat of the farmer is the raw material for the miller. Wool and cotton are raw materials for the manufacturers. I am not saying that these things ought to be protected. I am merely pointing out that the Republicans contend that all American laborers should be protected, and at the same time they practically place upon the free list any and all materials that manufacturers buy, provided they export within three years manufactured products made of similar material. You frequently accuse the Democrats of favoring the foreigner when it is proposed to reduce duties, yet you openly favor the foreigners at the expense of our own people, first, by letting the manufacturers buy raw material practically duty free, no matter how many of our people may be engaged in producing it, in order that the manufacturers may sell more cheaply abroad than at home. This is a severe condemnation of your protection theory, after half a century of high tariffs, which we were assured would establish manufactures and ultimately give us cheap products. We have for several years seen many kinds of manufactures sold cheaper abroad than at home. At first it was denied. Later it was admitted, with an explanation that it was only surplus stock.

Now it is to become the rule, recognized and provided for by law. Why not give our own people the benefit of cheaper goods instead of the foreigner? Protected industries sell cheaper in foreign countries than they do at home. Unprotected industries sell for more abroad than they do at home. Our surplus cotton sells from $5 to $10 per bale more in Liverpool than it does in the United States, while our surplus oil is sold cheaper in London than it is in this country.

Mr. Chairman, when the workingman will find out that the claim that protection is for his benefit is a fraud and a pretense, I do not know. He ought to stop some day to think about it. Wages are higher here than they are in other countries, but it is not on account of protection. It is so in spite of protection. Presidents of banks, insurance companies, railroads, and other corporations receive more than twice as much as like officials in England and Germany. Brick masons, carpenters, railway conductors and firemen, none of whom are engaged in protected industries, receive very much better wages than like classes in England or Germany. Protection is not the cause of our higher wage scale. Labor is not protected. Our doors are wide open to the laborers of all the world except the Chinese. It is admitted that wages are very much higher in England than they are in Germany, yet England is a free-trade country, while Germany has high protection. If protection makes high wages and free trade low wages, Germany would have higher wages than England. Then if the poor, deluded working man will stop to think he will discover that it is the manufacturer and not the laborer who has "cottages" at Newport and is able to pay fabulous prices for titles of nobility.

In this debate the panic of 1893 to 1896 is attributed to the Wilson bill. That panic was world-wide. The acute stage of the panic was passed in 1893, while the Wilson bill was not passed until August, 1894. The country has enjoyed a period of great prosperity, but it could not have been the result of the Dingley law, because during the same period Canada, Great Britain, Mexico, Germany, and Argentina had no Dingley law, but did have prosperity.

There is little in this bill for the consumers. All the people are consumers. Republicans in this debate have said that all are producers. Not so. For economic purposes the people may be divided into three classes: First, those who produce wealth; second, those who distribute wealth; third, the nonworking class, such as small children, the infirm, and so forth.

This bill carries no comfort to the cotton grower. He must pay heavy duties on his hardware and practically all that he buys. He must sell his product in the open markets of the world, in competition with the poorly paid labor of India and Egypt. This bill leaves a duty on bagging and ties for the benefit of the bagging trust and the steel trust. There will be no opportunity to amend these burdensome propositions. You give the manufacturer free raw materials to enable him to export his wares and bring in gold. The cotton farmer brings into this country more gold than any other class, but you tax heavily the covering in which he must export his cotton. In addition to this burden, which he has always borne and must continue to bear, this bill will increase the cost of his muriate of potash, which he must buy in large quantities to produce his crops.

It is useless, Mr. Chairman, to point out the many vices in this bill. It is mere idle talk. What boots it if the glove schedule, the hosiery schedule, the spool-cotton schedule, or any other is oppressive, when we are denied the right to amend, or even to offer amendment?

Mr. Chairman, the time will come, and godspeed its coming, when the people will come into their own. The Government has no favor to bestow. What it gives to the few it must necessarily take from all the people. Taxation is a burden. We can not make the people rich and prosperous and happy by taxing them. Instead of increasing their burdens, let us lighten them.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio.

The question was taken, and the Chairman announced that the ayes appeared to have it.

Mr. HARRISON. Division, Mr. Chairman.

The committee divided; and there were—ayes 152, noes 104.

So the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 40, page 10, line 3, strike out the words "seventy-five" and insert in lieu thereof the words "one dollar and fifty."

Mr. PAYNE. This amendment, Mr. Chairman, increases the duty on crude barytes from 75 cents to $1.50. There were extensive hearings on this matter. Those interested asked for an increase from 75 cents to $5, and rather prejudiced their case by their extravagant demands. The committee in reviewing this matter read again the evidence and came to the conclusion that they were fairly entitled to this increase, doubling the duty from 75 cents to $1.50. The duty on refined under the Dingley law is $5.25 a ton, and we have retained that duty.

Mr. MANN. What is the present law on the crude?

Mr. PAYNE. Seventy-five cents, and we have increased it to $1.50.

Fifty per cent of it is mined in Washington County, in the State of Missouri, by a number of small miners and people of small means. It is used as a mixture in paint. The United States Army officials have examined the subject through some experts and say that it is a valuable ingredient in paint, and, mixed with lead, it prevents the lead from blistering, and so forth, and so is valuable as a mixture.

Mr. HAMILTON. Where is it produced?

Mr. PAYNE. Oh, in the Southern States; some in Missouri, much of it in the Appalachian Range, and also in the State of Tennessee. It is wholly a southern industry; and, of course, the committee, looking after all sections of the country, have been peculiarly kind to the South in protecting their industries wherever the idea of protection could be legitimately advanced, and we thought that they ought to have an increased duty on this because of the importations under the duty of 75 cents a ton.

Mr. HAMILTON. Is it all mined as they mine it in Missouri, like a man digging a hole?

Mr. PAYNE. Well, it is in pockets.

Mr. HAMILTON. By simply digging holes?

Mr. PAYNE. They have got to go over the ground to find it. They prospect for every ton they get.

Mr. HAMILTON. Why is not 75 cents a sufficient protection?

Mr. PAYNE. Because it does not make up the difference in the labor cost of mining it here and mining it across the water. That answers the gentleman's question.

Mr. STEPHENS of Texas. Can the gentleman inform us what the value of it is?

Mr. PAYNE. Crude about $4 or $5 a ton and refined, $16 a ton.

Mr. STEPHENS of Texas. Does not the gentleman think that $1.50 is an exorbitant amount of tariff?

Mr. PAYNE. I think it is a very reasonable protective tariff to put it at $1.50 a ton.

Mr. STEPHENS of Texas. It does not cost much to operate it.

Mr. HAMILTON. It is ordinarily operated by a man digging a hole in the ground, as they get it in Missouri.

Mr. PAYNE. They have got to do more than that. Now, I yield the floor, and the gentleman from Missouri can take it.

Mr. HARRISON. Mr. Chairman, this amendment is an attempt on the part of the Republican party to pay one of their campaign expenses. I do not know that I would be such a dog in the manger as to object to that were it not that the people will pay the piper. The consumers of this country, and especially of the eastern seaboard, will have to pay to redeem this campaign pledge.

Barytes is a crude ore which is mined somewhat in the Southern States, but chiefly in the State of Missouri. About 52 per cent of the crude barytes production of this country comes from Washington County, Mo. The people of Missouri are unable to compete profitably with the foreigners in crude barytes. And how absurdly disproportionate the expense of mining and transporting to New York is from the two principal points of production, namely, Missouri and Germany, will be shown by the figures. A witness testified before the Ways and Means Committee that crude barytes costs about $5 a ton, delivered on the cars in the sidings in Missouri; that the freight rate to New York was about $4.65, making the cost in New York from Missouri $9.65.

The same witness said that the cost of production in Germany was about $2 a ton, 50 cents per ton freight across the Atlantic, because, as he claimed, it came chiefly as ballast, and 75 cents duty—in other words, a total of $3.25 a ton. Now, even the wildest protectionist must admit that the disproportion between the cost of production is so great that it is absurd for this Congress to attempt to put the American producer on a level with the German.

But, besides that, another witness said that for twenty years they had been producing barytes in Massachusetts at a profit, and that they needed no protection whatever upon the crude ore.

So the question is simply this: It is a matter of freight rates. The people of the eastern seaboard who consume immense quantities of barytes ore are to be called upon to pay the freight rates of the Missouri producers, so as to give them prohibitive control of the eastern markets. Now, to show you how important this ore is——

Mr. PAYNE. I should like to ask my colleague a question.

Mr. HARRISON. With pleasure.

Mr. PAYNE. If the people in the East can produce it without any duty upon it, how is it that they only control a very small percentage of the market, while the people in Missouri and the people in the Southern States control over 80 per cent of the market? Why do they not drive the Southern States and Missouri out if they can produce it without any duty?

Mr. HARRISON. Because the size of their barytes mines in New England is limited. That is the only reason; whereas in the western country the supply is unlimited.

Mr. PAYNE. That is the answer I expected.

Mr. HARRISON. The freight rate is the differential. That is what we will have to pay. The people in Massachusetts are able to get to the New York market because their freight rate is so much less, and you are now asking us in New York to pay the freight rate on the Missouri ore.

Barytes ore is used in the production of a new nonpoisonous paint called "Ilithopone"——

Mr. PAYNE. Does not the gentleman know that the barytes ore which is produced in Missouri is manufactured largely in Missouri, and that the southern ore is manufactured largely in the Southern States?

Mr. HARRISON (continuing). And over half of it comes from Washington County, Mo. Barytes is used in aniline lake colors, in tanning, in rubber manufacturing, in the manufacture of oilcloths and linoleum, and is also used in paper manufactur-

ing. It is of enormous importance to the manufacturers of the United States, and the sole effect of this increase in duty will be to make the consuming public pay this new tax in the interest of the Missouri barytes producer.

Now, Mr. Chairman, what it was that operated upon the minds of the committee to change this rate after they had reported the bill, I do not know. The attitude of the gentleman from New York [Mr. PAYNE], chairman of the committee, in speaking on the floor, is one of some levity about this subject. I do not know what the joke is, but I know it will be no joke to the consuming public of the eastern seaboard.

Mr. BARTHOLDT. Mr. Chairman, the differences between the gentleman from New York [Mr. HARRISON] and myself on this question can not possibly be reconciled, for the simple reason that the proposed amendment is proposed in the interest of protection to the American miner as against the miner in foreign countries. It is the difference between protection and free trade and between the Democratic party and the Republican party. We try to give employment to American labor, while if this amendment is not adopted we will use barytes mined by foreign labor. That is the difference.

Mr. LIVINGSTON. Are you not allowing hundreds of thousands of foreign laborers to come into this country every year?

Mr. BARTHOLDT. I want to say to the gentleman that the mines and mills in Missouri and in other States which produce barytes are now closed. The miners are idle, and the men who have invested their capital in that industry receive no return from it. In order to revive that industry, it is absolutely necessary that the Republican party should apply the principle of protection as it has been applied, through this very bill, to many other industries of the country.

Mr. LIVINGSTON. Will the gentleman yield?

Mr. BARTHOLDT. Yes.

Mr. LIVINGSTON. What is the difference between protecting foreign laborers in Germany and bringing them here and protecting them here?

Mr. BARTHOLDT. Oh, that is a question which touches an entirely different phase of national economy. I would rather manufacture in this country, I would rather have the foreign laborer come here and manufacture here, thus becoming American consumers, instead of having our products manufactured abroad and coming here as ballast in ships. Barytes is laid down in the port of New York cheaper than we can lay it down there from Missouri. Why? Because for the foreigner there is no cost of transportation to speak of, and, furthermore, the miners in Missouri receive living wages, while the miners abroad do not.

Mr. Chairman, this increase which the committee proposes, from 75 cents to $1.50, is hardly sufficient, but knowing that it would be futile to attempt to amend the committee amendment at this time, we will content ourselves with the proposal of the committee.

Mr. SLAYDEN. Will the gentleman allow a question?

Mr. BARTHOLDT. I will yield to the gentleman.

Mr. SLAYDEN. What actuated the committee in the original suggestion? Was it that they operated in the interest of the people, but, on reflection, they thought they would operate in the interest of the miners?

Mr. BARTHOLDT. No; the committee did what it did in a large number of cases—adopted the Dingley rate, ignoring one important fact, namely, that at the time the Dingley rate was made there was practically no importation of barytes to this country, and consequently there was no competition from abroad. But since that time the importation from abroad has reached nearly 50 per cent of the total output of that article. Consequently the time has come to protect ourselves and our American labor against that competition.

Mr. HAMILTON. Will the gentleman describe barytes mining in Missouri, as ordinarily carried on?

Mr. BARTHOLDT. For the details of that I would refer the gentleman to my colleague from Missouri [Mr. ELVINS], who represents the barytes district. I have seen it and been in the mills; but the mills are closed down at the present time.

Mr. HAMILTON. The gentleman has seen them mining barytes in Missouri?

Mr. BARTHOLDT. Yes; and I want to say that if you travel along the Iron Mountain Railroad south, you will see piles of barytes along the track, which can not be disposed of on account of the fact that the stuff is being brought in from foreign countries. [Applause.]

Mr. HILL. Mr. Chairman, I want to answer a question which was asked a moment ago by the gentleman from Texas [Mr. SLAYDEN], as to what actuated the committee in making this rate, and I desire to say for myself, and I believe representing the views of every man on the committee, that there was nothing in any rate that has been fixed, nothing whatever, that actuated any member of the committee, except what they believed to be for the best interests of the whole country.

I wish to say that, so far as any vote I have given during the last five months, it has not been governed by any political, sectional, or any other consideration except as it has been based on the statistics of the industry. [Applause.] And I want to call the attention of the Members of the House to the statistics in this case.

When the Dingley law was enacted making a rate of 75 cents a ton on barytes, we imported the first year, 1898, 1,000 tons. Last year we imported 12,000 tons—twelve times as much. We imported the first year of the manufactured article——

Mr. HAMILTON. Where did that imported barytes mostly come from?

Mr. HILL. The Tariff Notes will tell you where it comes from; and if you will take the trouble to take the book entitled "Tariff Notes" and this other book entitled "Imports and Duties" you will find the import value per unit, quantity and value of importations, duties collected, and ad valorem rates for each year since 1894; and as a general rule, unless in the case of luxuries, you will find that if the importations have very largely increased under the Dingley rates, the rates are either left unchanged or advanced; but if they have very largely fallen off, you will find the rates have been reduced, and that without any reference to sections, politics, or anything of the kind. The statistical position of this item demands an increase. [Applause.]

Mr. SLAYDEN. Will the gentleman yield?

Mr. HILL. Yes.

Mr. SLAYDEN. My information is, Mr. Chairman, that there is a great difference in the quality of barytes that is imported and that which is produced in this country, and that the imported article is the superior.

Mr. BARTHOLDT. That is not so.

Mr. SLAYDEN. The information comes from a gentleman sitting beside me, who uses a good deal. I want to ask the gentleman from Connecticut if he feels that he is justified in placing an additional tax upon all the manufacturing enterprises in this country like the manufactures of linoleum, wall paper, and other useful articles of that kind used in domestic life, in order to put a higher tax on a single importation of 12,000 tons?

Mr. HILL. What is the use of the gentleman asking me a question of that kind? I am a protectionist, and I believe in protecting the American industry. I believe if duties are too high that they ought to be cut down, and cut down on merit and not upon politics. [Applause on the Republican side.] I believe that if they are not high enough they ought to be raised in every case [renewed applause], and I do not propose to have my action governed by party or sectional considerations. I stand upon the economic principle.

Mr. SLAYDEN. Even though, as is manifest in this case——

Mr. HILL. And I am in favor of applying the rule fairly and raising or lowering the rate as the conditions may indicate, whether in steel, gloves, or barytes.

The CHAIRMAN. The time of the gentleman has expired.

Mr. STANLEY. Mr. Chairman, I am a Democrat. [Applause on the Democratic side.] I am for freer trade; but my district, Mr. Chairman, is about to produce barytes, and I must be for protection on barytes. [Laughter.] Mr. Chairman, one of the dearest friends I have on earth has written to me, telling me that he can make a fortune on barytes if it can just be hothoused. I do not know how I can turn that friend down. [Laughter.] They tell me that I will lose votes in my district if I am not for a tariff on barytes; and I must protect barytes, if Democracy goes to the "demnition" bow wows. [Laughter.]

Mr. Chairman, in all seriousness, some people in my district are interested in barytes. One-third of all the coal that is produced in Kentucky is produced in one county in my district.

The whole region is underlaid by the richest bituminous fields God ever buried in the bosom of the earth. I have looked into the faces of 5,000 coal miners and millions of money, and I have voted for free coal. [Applause on the Democratic side.] There are hills and valleys in my district still covered to-day with virgin forests, and I voted for free lumber. [Applause.] And by the same principle, and by the Eternal God, I shall vote for free barytes. [Applause.] I have never learned how to fight protectionism with my hand behind me. I am told by the gentleman from Florida [Mr. CLARK] that I live in the past. And in a way I do, Mr. Chairman; I do. I am proud of the memories of the past. The man who says that he is only against protection when it does not become profitable to him or his would feel strange, indeed, preaching such a selfish heresy as that in the presence of "those dead, but sceptered, sovereigns who still rule our spirits from their urns."

Mr. CLARK of Florida. Will the gentleman permit a question?

Mr. STANLEY. I have but five minutes.

Mr. CLARK of Florida. Just a question.

Mr. STANLEY. Yes.

Mr. CLARK of Florida. Has the gentleman from Kentucky been before the Ways and Means Committee or has he made any effort in this House to take the duty off mules and horses?

Mr. STANLEY. I would like to take the duty off mules for the sake of the gentleman from Florida. [Laughter.] A man who would make an argument of that kind must feel very sorry for a mule.

Mr. CLARK of Florida. And for the benefit of the gentleman from Kentucky, Mr. Chairman, I would like to put a duty on the father of the mule. [Prolonged laughter.]

Mr. STANLEY. Mr. Chairman, "I had rather be a doorkeeper in the house of the Lord than a dweller in the tents of wickedness," and I would rather be an honest ass than the gentleman from Florida. [Prolonged laughter.]

Mr. ELVINS. Mr. Chairman, unlike the gentleman from Kentucky [Mr. STANLEY] I am not a Democrat, but am a Republican of the protectionist brand, and therefore I am in favor of this increased duty upon barytes. The gentleman from New York [Mr. HARRISON] has just stated that 52 per cent of all of the barytes in the United States is produced in Washington County, Mo. Such is nearly the fact, and Washington County is in the district that I represent in this body, and I rise to urge this increase in tariff on her chief product that she may become a rose in the bouquet of general prosperity. I have to-day a letter from a constituent in that county, which will express the need for increased protection better than I could do so. He says in part:

I just returned from Potosi last night, and conditions are miserable. The barytes miners on our property are suffering for the bare necessities of life, and I think you will agree with me when I say that this condition is due to the fact that German barytes is being brought into this country, usually as ballast, and sold to the eastern consumer at a price cheaper than the Missouri ore can be mined, sold, and freighted. In fact, this mineral can be sold in New York at a price cheaper than it can be mined in Missouri. At the present price of crude mineral—and that price has been the same for over a year—the landowner can not afford to pay the miner enough to provide even a bare living, and, unfortunately, the barytes miner is fitted for nothing else. To-day there are several thousand tons of mineral which have been mined by the 200 families who live on our property and which we can not afford to pay for. These people have mined this mineral without encouragement from the owners, with the hope that we would be able to pay for it. Our people are doing what they can for these people and their families. We are furnishing them houses and fuel, and are hoping that we will be able to pay them for their mineral at an early date. I am afraid, however, that we will not be able to do anything unless we are afforded a reasonable protection. The barytes industry in Missouri is the most typical example of an infant and struggling industry that has come to my knowledge, and assuredly deserves protection.

Mr. Chairman, in further answer to the gentleman from New York, who said that barytes was used principally in the production of a new paint called "lithopone" and who so vehemently objects to this amendment, I want to say that the gentlemen who produce lithopone filed with the Ways and Means Committee during its hearings this statement, which statement from its very selfishness ought to convince this committee of the importance of this amendment. I will read it:

NEWPORT, DEL., *November 11, 1908.*

HON. SERENO E. PAYNE,
Chairman Committee on Tariff Revision,
Capitol, District of Columbia.

DEAR SIR: While considering the paint and chemical schedule, we beg to call your attention to the fact that barytes ore in the present tariff pays a duty of 75 cents a ton. It is in an absolutely crude condition as we get it, and, while we do not advocate radical changes in the tariff, we believe that all raw material used in the manufacture should come into the country free of duty.

Barytes, as this ore is called, is a very important raw material to us, as it, after different chemical treatments, forms one of the principal parts of the paint we manufacture, namely, lithopone.

Lithopone is a new paint that gradually but slowly is gaining a footing in this country. It is nonpoisonous and very effective, and as a baby industry we commend it to you for your protection.

Spelter is another material that we use in the manufacture of this article. Zinc ore, from which spelter is made, is now on the free list, but I am told that a determined effort will be made by the Missouri interests to secure some protection for zinc ores. Against this I vigorously protest, as it would decidedly handicap us were we to pay advanced prices for our spelter. Zinc ore, being a raw material, should be without protection, as it is in the present schedule, and we beg of you to see that it remains where it is.

Respectfully, yours,

KREBS PIGMENT AND CHEMICAL CO.,
H. J. KREBS, *President.*

He asks in one breath a protection for his "baby industry" of lithopone, which industry, by the way, is now and was then protected to the point of being prohibitive, and at the same time he talks against the protection of the chief ingredient of lithopone, which is barytes, or tiff, as we call it in Missouri.

Mr. Chairman, I want to say to the gentlemen on that side of the Chamber who are opposing this amendment that my predecessor in this House, who sat upon that side in the last Congress, offered House bill sixteen thousand and something [H. R. 16368], which provides for fixing a duty on crude barytes of $5 a ton. [Applause.] If it be a good proposition from a Democratic standpoint to put on a duty of $5 a ton, certainly no great objection ought to be made to the committee amendment, which gives only $1.50 a ton. [Loud applause.]

The lithopone people, like a lot of other misguided people in this country, raise the usual clamor for "free raw materials," purposely forgetting, of course, that while barytes is a raw material in the manufacture of lithopone, it is the finished product of the poor tiff digger of my district, and I fear, Mr. Chairman, that unless additional protection is given us it will become a "finished" industry in Missouri.

A study of the tariff hearings had before the Ways and Means Committee, of which the gentleman from New York [Mr. HARRISON] is a distinguished member, shows that other "baby industries" are opposed to the increased duty on tiff, or any duty at all, for that matter, and among these may be found the Standard Sanitary Manufacturing Company, of Pittsburg; and I beg anybody who has ever bought a bath tub or other article manufactured by this concern to bear witness to its magnanimity in making prices. Then come the Atlantic Terra Cotta Company and the Northwestern Terra Cotta Company and tearfully protest that their industry would be crippled by a raise, and yet on account of their own protection by law they have no competition from abroad. Next comes the Beckton Chemical Company, and admitting the protection on lithopone, which Mr. Krebs, by inference at least, tried to fool the committee into believing was unprotected, and it also protests against allowing us a tariff of one dollar and a half per ton on tiff, while it basks in the glorious protection of $25 per ton.

But, Mr. Chairman, I shall not take time to read their protests, but under consent given, will append their statements to my remarks in the RECORD, and also that of the wall-paper manufacturer, Mr. W. D. Uptegraff, who objects to a tariff on the tiff that goes into his wall paper, while he sits supinely behind a wall of protection on his own product to the tune of 35 per cent ad valorem.

None of these gentlemen has offered to put his product on the free list in case barytes is put on the free list, although it is his raw material. The labor is our "raw material," and we want it protected against the cheaper labor of Germany, which competes with us in the tiff market. If some of the wise legislators across the aisle or elsewhere will raise the daily pay of the tiff diggers of Germany and Newfoundland to the wage that is demanded and ought to be regularly had by the barytes miners of my district, I shall consent that barytes may go upon the free list, but I shall never consent that the wages of the miners of Washington County be cut down to an equality with those of the foreigners mentioned to please the fancy of raw-material men, free traders, or anybody else. [Loud applause.]

It has been suggested that the increase proposed in this amendment, from 75 cents to $1.50 a ton, 100 per cent, is the greatest increase in percentage in the schedule. That would have been equally true if the rate had been 1 cent per ton and had been increased to 2 cents per ton. The truth is, that while a tariff of $1.50 a ton may equal the difference in the cost of production at home and abroad, as was guaranteed to us by the Republican platform, yet, on account of the advantage which the Germans have over us in transportation facilities and charges, it is hardly adequate; but in view of the apparent sentiment for a revision of the tariff downward and the cry for free raw materials, I presume I shall have to be satisfied, and I urge all gentlemen to vote for the amendment.

Mine is a voice from Missouri, Mr. Chairman, and it is a voice that would not have sounded from this side of the Chamber had not the tiff diggers of Washington County seen the gleam of hope shine through the Republican banner. [Long and continued applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. ELVINS. I now submit those portions of the hearings heretofore referred to:

H. L. DAWES, GENERAL MANAGER STANDARD SANITARY MANUFACTURING COMPANY, PITTSBURG, PA., OPPOSES INCREASE OF DUTY ON BARYTES.

PITTSBURG, U. S. A., *November 9, 1908.*

HON. JOHN DALZELL, M. C., *Washington, D. C.*

DEAR SIR: Inclosed find letter from Gabriel & Schall, of New York, through whom we purchase about 225 tons of carbonate of baryta a year. We would advise you that we do not see how it would be possible for us to continue the use of this material in our mixture if it would carry an advance duty on it. It is as high as we could well afford to pay. So far as we are aware, we have not been offered this material in this country at any time or at any price. The duty that is now

being collected on it, we believe, would be ample for the protection of any industry, and we trust that you will use your influence to keep the duty from being advanced.

Yours, truly,

E. L. DAWES,
General Manager Standard Sanitary Manufacturing Company.

GABRIEL & SCHALL, 205 PEARL STREET,
New York, November 7, 1908.

Mr. L. C. CORBUS,
Acting Purchasing Agent,
Standard Sanitary Manufacturing Company, Pittsburg, Pa.

DEAR SIR: Referring to the subject of our carbonate of baryta, which we have been importing for many years and which under the present tariff, while on the free list, has been and is being assessed a duty of 25 per cent, may come up for a further advance in duty before the Ways and Means Committee, which will be in session at Washington, beginning November 10, 1908. The schedule under which our carbonate of baryta appears we believe to be the first one to come up—that is, on November 10 and 11—and we know that about one year ago some interested parties in the West tried to put a bill through Congress to advance the duty on this product to $25 per ton, which would be an enormous increase over the rate of 25 per cent as now assessed, and would increase the cost of our material about $20 per ton.

We hope you will lay this matter before your Congressman and protest against such advance. Awaiting your favors, we remain,

Very truly, yours,

GABRIEL & SCHALL.
A. S. SCHALL.

J. W. COULSTON & CO., OF NEW YORK CITY, IMPORTERS AND MANUFACTURERS OF DRY PAINTS AND COLORS, PROTEST AGAINST ADVANCE OF DUTY ON CRUDE BARYTES.

NEW YORK, *November 28, 1908.*

Hon. S. E. PAYNE,
Chairman Ways and Means Committee, Washington, D. C.

SIR: We take the liberty of writing to you on the subject of paragraph No. 44, Schedule A, as follows:

"Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 75 cents per ton; manufactured, $5.25 per ton."

We import some of the goods, both unmanufactured and manufactured, that come under this paragraph, and write to you with reference to this paragraph and the request for higher duty that was held before you on the 11th of the month.

If the reports in some of the newspapers in New York were correct, some of the statements made by the speakers were incorrect. According to one speaker, he said that there were about 20,000 tons of foreign crude barytes imported from Germany and Newfoundland into this country during the year 1907; whilst, according to the statistics published by the Bureau of Statistics of the Department of Commerce and Labor, the importation of crude barytes during the fiscal year 1907 was 6,000 tons and 4,000 tons of the powdered, and the importations during the fiscal year ending 1908 were 9,000 tons of the crude and 2,750 tons of the powdered. The reason that there is such a large percentage of crude imported is that it is used in the manufacture of lithopone, or sulphide of zinc, which has materially displaced the importation of German lithopone. The manufacturers of these goods—lithopone, or sulphide of zinc—are all situated on the Atlantic seaboard, in the neighborhood of New York and Philadelphia, and in our opinion they would be seriously handicapped by an extra duty, as proposed by some of the gentlemen who advocated a duty of $5 a ton on the commodity.

Some of the speakers, especially the gentleman from Buffalo, were also exceedingly incorrect and "wild of the mark" with reference to the ocean freight on these crude barytes, as well as the cost of the German powdered barytes delivered in New York City or Philadelphia or the Atlantic seaboard. There is no such ocean freight from Germany as 50 cents per ton. The ocean freight for this year and for next year is about $2 per ton. Nor is the cost of the German barytes, powdered, $8 or $9 per ton. The material costs very much higher than this, and in fact we know, in a good many instances, that the cost of the German powdered barytes is higher than the domestic is now selling for in market, or was selling for in this market during the course of last year or the year 1906.

Yours, respectfully,

J. W. COULSTON & CO.

THE ATLANTIC TERRA COTTA COMPANY OBJECTS TO IMPOSITION OF DUTY ON CARBONATE OF BARYTA, OR WITHERITE.

NEW YORK, *November 24, 1908.*

To the COMMITTEE ON WAYS AND MEANS,
House of Representatives, Washington, D. C.

GENTLEMEN: This company, operating four factories in New York and New Jersey, is one of the largest consumers of imported carbonate of baryta in the United States.

We are large manufacturers of building or architectural terra cotta used in the construction of the exterior and interior walls of buildings. This terra cotta is clay baked at a high degree Fahrenheit.

Imported carbonate of baryta is used by us as a neutralizer of the sulphates in the clay. The domestic product, commonly referred to as "witherite," contains too many impurities and is not fine enough for our use in the making of terra cotta. Carbonate of baryta, or witherite, under the present tariff or Dingley Act is placed on the free list. Notwithstanding this provision, we have for some time past been obliged to pay the producers of carbonate of baryta a price to include an added duty of 25 per cent ad valorem levied by the customs authorities under a ruling of the department either obscure or not well defined.

The protests against this tax thus imposed in the face of the provision in the Dingley tariff have taken form in an action pending in the United States courts. This 25 per cent tax with which we as consumers are charged has added greatly to the cost of our finished material and operates as a burden and an injustice to all manufacturers of architectural terra cotta. During the first session of the Fifty-ninth Congress, about two years ago, a bill was introduced in the House of Representatives providing for a duty of $25 per ton on this imported carbonate of baryta, but the bill was not taken up for consideration.

We glean from the newspapers that certain interested persons have appeared before your committee and urged the adoption of the provisions of this bill.

If such were accomplished the cost of this material to us as consumers would be nearly double the present onerous expense, inasmuch as the increased tariff would be added to the high price now paid by us as users and consumers of a chemical indispensable in the manufacture of our product.

Hence we protest against the imposition of a duty or tax upon this witherite or imported carbonate of baryta and earnestly urge that it be continued, as in the Dingley Act, on the free list.

Respectfully submitted.

ATLANTIC TERRA COTTA CO.

THE NORTHWESTERN TERRA COTTA COMPANY, CHICAGO, ILL., WISHES NO DUTY ON CARBONATE OF BARYTA.

CHICAGO, *November 24, 1908.*

Hon. HENRY S. BOUTELL,
Washington, D. C.

DEAR SIR: We are informed that there is now a bill (H. R. 7599) before the Ways and Means Committee which will increase the duty on carbonate of baryta to $25 per ton.

We are large users of this material, perhaps the largest consumers in the country, but only one among many interested.

While under the present tariff it is on the free list, it has been and is being assessed a duty of 25 per cent. This is a product that is only produced in small quantities and of a very inferior quality in this country. Any advance in duty would be imposing hardship upon us, and we trust that you will see fit to make vigorous protest against any such advance.

Yours, very respectfully,

THE NORTHWESTERN TERRA COTTA COMPANY,
JOS. F. SHIPPEN, *Purchasing Agent.*

THE BECKTON CHEMICAL COMPANY, OF PHILADELPHIA, PA., MANUFACTURERS OF LITHOPONE, ASKS THAT DUTY ON CRUDE BARYTES BE NOT ADVANCED.

PHILADELPHIA, *December 3, 1908.*

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee, Washington, D. C.

DEAR SIR: We regret that not sufficient notice was given us of the hearing held in Washington on the 10th of November in reference to the schedule on barytes to enable us to be represented.

We are large importers and users of crude barytes, and are informed that arguments were presented on November 10 urging increased duty on crude barytes from present tariff of 75 cents per ton to $5 per ton.

We are manufacturers of lithopone, for which the prime raw material is the German crude barytes. Lithopone is a modern pigment consisting of a chemical combination of barytes and zinc. Its use has increased very rapidly in Europe, as it is an exceedingly white pigment of great opacity or covering power.

An important business in lithopone has already been established in this country. This business was at first confined to the imported lithopone. Our own was the first company to engage in its manufacture in this country, and within the last few years several other companies have started. The business is a rapidly growing one, and the American lithopone has now been brought to such a stage of perfection that it is replacing the German and English lithopones in the American market.

This business would be crippled, if not entirely destroyed, by such an advance in the duty on crude barytes as has been suggested—from 75 cents to $5 per ton.

The German crude barytes is of a higher quality, more suitable for the manufacture of lithopone than any American deposits so far developed, and it would be impossible to manufacture lithopone equal to the imported article or equal to the present standard of lithopone established by us from any crude barytes mined in America of which we have any knowledge. Moreover, the American is mined at interior points in Missouri and Tennessee, and freight rates would make it so costly that we could not use it, even if it were otherwise as suitable as the German, and compete with the German lithopone unless the tariff on the latter is proportionately increased.

We submit, finally, that the manufacture of lithopone in this country is a new and promising industry, which would be ruined by such an advance of tariff on crude barytes, and we petition, therefore, that the duty on crude barytes be either retained at the present figure or removed altogether, and that if this tariff is raised the tariff on lithopone should be raised in proportion.

Respectfully submitted.

THE BECKTON CHEMICAL COMPANY,
By T. S. HUBBARD, *President.*

THE BECKTON CHEMICAL COMPANY, PHILADELPHIA, PA., SUBMITS SUPPLEMENTAL BRIEF RELATIVE TO BARYTES.

PHILADELPHIA, PA., *December 17, 1908.*

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee, Washington, D. C.

SIR: We wish to protest against an advance in duty on crude barytes earth or barium sulphate ore over present duty of 75 cents per long ton.

Crude barytes earth is the crude ore just as taken from the mines; is shipped in bulk from abroad, principally from Germany. About 15,000 tons are imported annually as a raw material for the manufacture of lithopone. We know of no other use for this ore, as it is too far off color to be manufactured into powdered barytes pigment.

Lithopone is a very opaque, nonpoisonous, white pigment, manufactured and used to a considerable extent abroad, especially in countries where the use of white lead is prohibited. Chemically it is a combination between barium sulphate and zinc sulphide.

The manufacture of lithopone in the United States is a growing industry, with considerable competition both among the several domestic manufacturers and from abroad.

With the present duty of only 1¼ cents per pound on the finished product, the ability of the American manufacturer to compete with foreign-produced lithopone depends upon his ability to obtain his principal raw material, crude barytes earth, at a reasonable cost.

American barytes deposits are situated in the South and Middle West, with prohibitive freight rates to the East. The American ores, on account of their physical nature and attendant chemical impurities, are not suited to the manufacture of lithopone. Our company, the first manufacturers of lithopone in this country, have never found an American ore from which lithopone could be manufactured to compete with the foreign product.

An increase in the tariff on the raw material, without a proportionate protective increase on the finished product, would destroy the lithopone industry of this country.

We petition, therefore, that the duty on crude manufactured barytes earth suitable for lithopone manufacture be entirely removed, or at least not advanced beyond the present tariff.

Very truly, yours,

BECKTON CHEMICAL COMPANY,
By R. S. HUBBARD, *President.*

CAWLEY, CLARK & CO., NEWARK, N. J., PROTEST AGAINST ANY INCREASE OF DUTY ON CRUDE BARYTES.

NEWARK, N. J., *December 29, 1908.*

Hon. SERENO E. PAYNE,
Chairman Ways and Means Committee, Washington, D. C.

DEAR SIR: We beg to enter our earnest protest against the suggested duty of $5 per ton on crude barytes. The basic fact is that the industries dependent on a cheap and reliable source of crude barytes are vastly more important than the barytes mining interests of the United States. These interests are endeavoring (we hope unsuccessfully) to make the tail wag the dog. Their mines are either physically inferior to the German mines, and therefore impossible of economical exploitation, or they are so remote from the principal market as to render them relatively worthless. As intelligent men they should realize the handicap which nature (and to some extent unintelligent exploitation) has imposed upon them, and endeavor to find a market for what is, after all, a very cheap material in their own neighborhood; and they have such a market, and a good one, too; but not content with this, they desire to put an important group of industries at their mercy—industries, as above mentioned, vastly more important than their own.

Unpleasant as the task is, simple duty requires that reference be made to the communication of the W. D. Gilman Company, Sweetwater, Tenn. Every one of Mr. Gilman's characteristic statements are contrary to fact.

Firstly. The Beckton Chemical Company is an entirely independent concern and not "otherwise Harrison Brothers & Co.," as Mr. Gilman states.

Secondly. The price of Beckton white (lithopone) is not $100 to $150 per ton, as Mr. Gilman says, but about $70 only. It is true that when the United States were supplied from Germany mainly the price was $120 to $130 per ton, but when the Beckton Chemical Company (the pioneer concern) came into the market the price immediately fell; and now, owing to the keen competition of some half dozen domestic concerns, the price is $70 or under, or about 10 per cent higher than the stable price in Germany. Nevertheless the present duty should be maintained, if only to prevent "dumping" of the surplus German product on this market. It is almost certain that if, in the absence of protection, the Germans should again gain control of this market the American consumer would be paying at least as much for lithopone as he is now paying to the domestic manufacturer.

Thirdly. Mr. Gilman states that only 700 pounds of crude barytes is necessary for the production of 1 ton of lithopone. As a matter of fact, 1,900 to 2,000 pounds of German ore is required and about 2,300 to 2,400 pounds of the stuff Mr. Gilman used to supply.

Fourthly. Again, Mr. Gilman states that the Beckton Company highly approved of his product. The fact is that the writer, as responsible expert and general superintendent, always protested against its use as wasteful in the extreme. Unlike some of his associates, he was not subject to the somewhat relaxing influence of Mr. Gilman's eloquence.

Respectfully submitted.

CAWLEY, CLARK & CO. (INC.),
Color Manufacturers.
JOHN CAWLEY, *President.*

STATEMENT OF W. D. UPTEGRAFF, PITTSBURG, PA., WALL-PAPER MANUFACTURER.

PITTSBURG, PA., *November 11, 1908.*

Hon. JOHN DALZELL,
House of Representatives, Washington, D. C.

DEAR SIR: I notice in the papers that the Ways and Means Committee was to-day hearing the arguments of color manufacturers and manufacturers of crude barytes for increased tariff duties. All of these things are raw materials in the manufacture of wall paper, in which you know I am interested. Our other raw materials consist of all anilines, soda ash, alum, and print paper. Aniline colors especially should be on the free list, because they are not made in this country to any extent.

As manufacturers of wall paper, we naturally wish to object to any increase in the duties upon our raw materials.

Respectfully,

W. D. UPTEGRAFF.

Mr. CLARK of Florida. Mr. Chairman, I simply desire to say that the gentleman from Kentucky [Mr. STANLEY], who just addressed the committee, will have no difficulty on earth in having his wish gratified. It is utterly impossible for him to reach the standard of representation of the people's interests occupied by the "gentleman from Florida," but he will have no difficulty on earth in reaching the proud distinction of being an ass. [Laughter and hisses.]

Mr. GARRETT. Mr. Chairman, I call the gentleman to order.

The CHAIRMAN. The gentleman from Florida will proceed in order.

Mr. CLARK of Florida. Mr. Chairman, there are two animals, the old story goes, and only two, who hiss; they are the goose and snake. The gentleman from Kentucky has associated with mules, I dare say, all his life. The father of the mule, in which class the gentleman prefers to be placed, is a dull, patient, laborious animal, who always follows and never leads.

He also imitates and never initiates, and his chief weapon is not in front, but in the rear. [Laughter.] The gentleman has classed himself properly. [Laughter and applause.] And I am glad he has described himself to the House and to the country——

Mr. CRUMPACKER. Mr. Chairman, I make the point of order that the gentleman's remarks are against the dignity of this body. The gentleman from Florida is transgressing the rules of the House. [Applause.]

The CHAIRMAN. The Chair trusts the gentleman from Florida will so proceed as not to render his remarks subject to further objection.

Mr. CLARK of Florida. Mr. Chairman, I have no desire in the world to transgress the rules of the House. I respectfully submit to the House that I did not start this row, and I desire to say, in conclusion——

Mr. HAMER. Mr. Chairman, I desire to ask the gentleman a question.

The CHAIRMAN. Does the gentleman from Florida yield for a question?

Mr. CLARK of Florida. I do.

Mr. HAMER. I desire to ask if the mule is to be hereafter considered the emblem of the Democratic party?

Mr. CLARK of Florida. Perhaps the gentleman from Kentucky can answer that better than I can. [Laughter.] Mr. Chairman, in conclusion I want to say this, and I hope this will end this badgering so far as I am concerned: I shall permit no man on this floor or anywhere else to direct my course or to control my political convictions. I am the peer of any man on this floor, on this side or the other, and there is no man who will gainsay that proposition or will say that I do not represent as intelligent, able, conscientious, and patriotic a constituency as he does; and for whatever I say here in debate, desiring to transgress no rules, as I want to be a gentleman everywhere, still, I shall never hide behind my constitutional privileges for anything that I may say here.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New York.

The question was taken, and the Chair announced the ayes seemed to have it.

On a division (demanded by Mr. HARRISON) there were—ayes 185, noes 123.

So the amendment was agreed to. [Applause.]

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise.

Mr. MICHAEL E. DRISCOLL. Mr. Chairman, before that motion is put I desire to ask the gentleman from New York if he would not print in to-morrow's RECORD the balance of the proposed amendments which are to be proposed by the committee. It seems to me that it would be of benefit to all of us if we could have them printed in the RECORD.

Mr. PAYNE. Oh, I do not think it is necessary. [Cries of "Regular order!"] I do not think it is necessary to make the clerks work at night in order to do that.

Mr. PAYNE. Mr. Chairman, I renew my motion that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1438, the tariff bill, and had come to no resolution thereon.

WITHDRAWAL OF PAPERS.

Mr. GRANT, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of J. A. Reagan, Fifty-ninth Congress, no adverse report having been made thereon.

Mr. SNAPP, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Sarah Jane Schafer, Sixtieth Congress, no adverse report having been made thereon.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 3 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Sarah Katherine Blue, administratrix of estate of Jesse M. Blue, and William Traughber, administrator of estate of David Blue, against the United States (H. R. Doc. No. 11) was taken from the Speaker's table, referred to the Committee on War Claims, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. KENDALL: A bill (H. R. 6683) granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 6684) providing for the erection of a public building at Rolla, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. CREAGER: A bill (H. R. 6685) to authorize the establishment of an Indian home in the State of Oklahoma, and for other purposes—to the Committee on Indian Affairs.

By Mr. MAYS: A bill (H. R. 6686) to provide for the erection of a public building at the city of Marianna, in the State of Florida—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6687) to provide for the survey of Blackwater River and East and Pensacola bays, in the State of Florida—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6688) to provide compensation for carriers of rural free-delivery mail—to the Committee on the Post-Office and Post-Roads.

By Mr. BURKE of South Dakota: A bill (H. R. 6740) affecting town sites, and for other purposes—to the Committee on Indian Affairs.

By Mr. DAWSON: A bill (H. R. 6741) authorizing the appointment of dental surgeons in the navy—to the Committee on Naval Affairs.

By Mr. LIVINGSTON: Resolution (H. Res. 55) to pay to Joseph B. Sparks a certain sum of money—to the Committee on Accounts.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 6689) granting a pension to Charles J. Tribble—to the Committee on Pensions.

Also, a bill (H. R. 6690) granting a pension to Eliza T. Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6691) granting a pension to Walter O. Hester—to the Committee on Pensions.

Also, a bill (H. R. 6692) granting a pension to Medicus F. Day—to the Committee on Pensions.

Also, a bill (H. R. 6693) granting an increase of pension to Harriet Powe Lynch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6694) granting an increase of pension to Harry Horton—to the Committee on Pensions.

Also, a bill (H. R. 6695) granting an increase of pension to James Crombie—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 6696) granting an increase of pension to David M. Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6697) granting an increase of pension to Theodore S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6698) granting a pension to Edward Goings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6699) granting a pension to Ada G. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6700) granting a pension to Matilda Summers—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 6701) granting an increase of pension to Alfred Owen—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 6702) for the relief of the estate of J. M. Fortinberry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6703) for the relief of Emily Donnelly or her legal representatives—to the Committee on War Claims.

Also, a bill (H. R. 6704) for the relief of the estate of Capt. John Bolino, late of Pass Christian, Harrison County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 6705) granting an increase of pension to John T. Lippincott—to the Committee on Invalid Pensions.

By Mr. COVINGTON: A bill (H. R. 6706) granting an increase of pension to William A. Bell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6707) authorizing the Secretary of War to issue an honorable discharge to Norman S. Will, late of Company I, Twentieth Regiment Pennsylvania Volunteer Cavalry—to the Committee on Military Affairs.

Also, a bill (H. R. 6708) to equalize the pension of Edwin D. Bates from March, 1883, up to the time of the special act granting him $24 per month—to the Committee on Invalid Pensions.

By Mr. CREAGER: A bill (H. R. 6709) to authorize the Delaware tribe of Indians residing in Oklahoma to bring suit in the Court of Claims against the United States, and for other purposes—to the Committee on Indian Affairs.

By Mr. DENVER: A bill (H. R. 6710) granting an increase of pension to John McDonald Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6711) granting an increase of pension to Henry N. Bushnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6712) granting an increase of pension to Harvey Liggett—to the Committee on Invalid Pensions.

By Mr. ELLIS: A bill (H. R. 6713) granting a pension to James O'Rourke—to the Committee on Pensions.

Also, a bill (H. R. 6714) granting a pension to Anna G. Roth Baker—to the Committee on Pensions.

Also, a bill (H. R. 6715) granting an increase of pension to Gerard Holcomb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6716) granting an increase of pension to Robert D. Rector—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6717) granting an increase of pension to Martin L. Olmsted—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6718) granting an increase of pension to Clara T. Lyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6719) granting an increase of pension to William H. Williams—to the Committee on Pensions.

Also, a bill (H. R. 6720) granting an increase of pension to Thomas E. Kellogg—to the Committee on Invalid Pensions.

By Mr. FULLER: A bill (H. R. 6721) granting an increase of pension to George W. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6722) granting an increase of pension to James C. Boyle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6723) granting an increase of pension to Albert S. Kinsloe—to the Committee on Invalid Pensions.

By Mr. HOWLAND: A bill (H. R. 6724) granting an increase of pension to Leonard P. Rice—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 6725) granting an increase of pension to Gustavus M. Cowger—to the Committee on Invalid Pensions.

By Mr. LENROOT: A bill (H. R. 6726) granting an increase of pension to George W. Jenkins, alias Henry H. Seymour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6727) granting an increase of pension to Frank Oleson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6728) granting an increase of pension to Alexander Cadotte—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6729) granting a pension to Lewis Coryell—to the Committee on Invalid Pensions.

By Mr. MORSE: A bill (H. R. 6730) granting an increase of pension to J. B. Vaughn—to the Committee on Invalid Pensions.

By Mr. REYNOLDS: A bill (H. R. 6731) granting an increase of pension to Sellers Raugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6732) granting an increase of pension to Daniel A. Lamberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6733) granting an increase of pension to Dennis Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6734) granting a pension to Victor Schmidt—to the Committee on Pensions.

By Mr. SIMMONS: A bill (H. R. 6735) granting an increase of pension to William H. Cornell—to the Committee on Invalid Pensions.

By Mr. SMITH of Texas: A bill (H. R. 6736) for the relief of Parker Burnham—to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 6737) granting a pension to Alvira Kingcaid—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 6738) granting a pension to Caroline M. Cradit—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 6739) to pay Maj. Horace P. Williams amount found due him by Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. BURLEIGH: Petitions of S. N. Rich, of Salisbury Cove, and the Smith & Schott Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. COOK: Petition of citizens of the Second Congres-

sional District of Pennsylvania against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. CREAGER: Petition of Delaware Indians, etc., of Oklahoma, favoring $1,000,000 appropriation to secure at least two full sections of land within the limits of the State of Oklahoma—to the Committee on the Public Lands.

By Mr. DALZELL: Petition of many citizens of the Thirtieth Congressional District of Pennsylvania against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DAWSON: Petitions of George D. Barth and 18 other citizens, and C. M. Beene and 36 other citizens, of Marengo, and Henry H. Ruths and 100 other citizens, of Davenport, all of the State of Iowa, against a tax on tea and coffee—to the Committee on Ways and Means.

By Mr. FAIRCHILD: Petition of Ronan Brothers, M. E. Wilder & Son, and M. Gurney & Son, of Oneonta, N. Y., against the tax on oil cloth and linoleum—to the Committee on Ways and Means.

Also, petition of James R. Dart and others, of Roxbury, N. Y., removing casein and lactarene from the free list and imposing a duty on both—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Thomas F. Burns, of Belvidere, Ill., against increase of duty on hosiery and women's leather goods—to the Committee on Ways and Means.

Also, petition of Rockford (Ill.) Palace Furniture Company, against increase of duty on plate glass—to the Committee on Ways and Means.

Also, petition of citizens of Colvinpark, Ill., for removal of casein and lactarene from the free list and placing a certain duty thereon—to the Committee on Ways and Means.

Also, petition of Great Northern Seed Company, of Rockford, Ill., for specific duty on vegetable seeds, bulbs, etc.—to the Committee on Ways and Means.

Also, petition of committee on publicity of 70 dry goods houses of New York, concerning paragraphs 318 and 321 of cotton-goods schedule in Payne bill—to the Committee on Ways and Means.

Also, petition of Ernecke & Solmstein Company, of Chicago, Ill., against reduction of duty on spirit varnishes—to the Committee on Ways and Means.

By Mr. FORNES: Petition of citizens of the Eleventh Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. GARDNER of Massachusetts: Petitions of Newry J. Pushane and others, of Peabody, and Bailey Sargeant and others, of Merrimac, Mass., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of job printers of Haverhill, Beverly, Peabody, Danvers, and Gloucester, Mass., against the practice of the Post-Office Department of printing return envelopes without extra charge—to the Committee on the Post-Office and Post-Roads.

By Mr. GARDNER of New Jersey: Petition of legislature of the State of New Jersey, against inheritance-tax provisions in the tariff bill—to the Committee on Ways and Means.

Also, petition of committee of section of New York County of the Socialist-Labor party, favoring impeachment of Judge Daniel T. Wright, of the United States court in the District of Columbia—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: Paper to accompany bill for relief of William H. Allison—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: Petition of many citizens of the Eleventh Congressional District of Texas, asking legislation that will prevent gambling in agricultural products—to the Committee on Agriculture.

By Mr. KAHN: Petition of many citizens of San Francisco and vicinity, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LAMB: Petition of manufacturers and dealers in furs in the United States, favoring Dingley-law rate of duty on furs—to the Committee on Ways and Means.

Also, petition of citizens of the Third Congressional District of Virginia, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of retail merchants of Richmond, against increase of duty on hosiery—to the Committee on Ways and Means.

By Mr. LAWRENCE: Petition of employees of the Reliable Knitting Company, of Great Barrington, Mass., favoring rates of duty on hosiery reported by the Ways and Means Committee—to the Committee on Ways and Means.

By Mr. LENROOT: Paper to accompany bill for relief of George W. Jenkins, alias Henry H. Seymour—to the Committee on Invalid Pensions.

By Mr. LOWDEN: Petition of citizens of Freeport, Ill., against a duty on tea, coffee, cocoa, or spices—to the Committee on Ways and Means.

By Mr. MILLINGTON: Petition of Jackson Company, of Rome, N. Y., favoring modification of the tariff on oilcloth and linoleum—to the Committee on Ways and Means.

Also, petition of Herkimer (N. Y.) Grange, No. 567, Patrons of Husbandry, favoring enactment of a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of various residents of Herkimer County, N. Y., praying for the imposition of a tariff on casein and lactarene—to the Committee on Ways and Means.

By Mr. O'CONNELL: Petition of Massachusetts Civil Alliance, against tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of Massachusetts State Board of Trade, opposing duty of 15 per cent on hides—to the Committee on Ways and Means.

Also, petition of Wolfe Brothers' Shoe Company, asking that shoes be placed on free list—to the Committee on Ways and Means.

Also, protest of Charles Francis Adams, of Boston, against the great Washington trough—to the Committee on Ways and Means.

Also, appeal for free lumber; editorials from Boston Post and Transcript, with others from various ports of the United States—to the Committee on Ways and Means.

Also, petition of Minute Tapioca Company, of Orange, Mass., opposing duty on flake and pearl tapioca—to the Committee on Ways and Means.

Also, petition of C. E. Stryker Company, of Springfield, Mass., for reduction of duty on sugar—to the Committee on Ways and Means.

Also, petition of olive importers' committee, asking reduction of tariff on Spanish olives—to the Committee on Ways and Means.

Also, protest of Glidden, Hyde & Co., of Boston, Mass., against increase of duty on hosiery—to the Committee on Ways and Means.

Also, petition of Henry J. Bowen, of South Boston, Mass., for a free art schedule—to the Committee on Ways and Means.

Also, petition of Thomas Wood, of Boston, Mass., against tax on poor man's breakfast table—to the Committee on Ways and Means.

Also, petition of Hersey Manufacturing Company, of South Boston, Mass., asking for preferential duty on American machinery into Philippines—to the Committee on Ways and Means.

Also, petition of U. H. Dudley, of Boston, Mass., favoring reduction of duty on raw and refined sugar—to the Committee on Ways and Means.

Also, petition of the New England Dry Goods Association, against increase of the tariff on hosiery and gloves—to the Committee on Ways and Means.

Also, petition of wholesale grocers, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Slattery Brothers, of South Boston, Mass., against admission of foreign-made goods by travelers returning without paying duty—to the Committee on Ways and Means.

Also, petition of National Shoe Wholesalers' Association of the United States, against a duty on hides—to the Committee on Ways and Means.

Also, petition of the fishing interests of Boston, Mass., for lower duty on fish—to the Committee on Ways and Means.

Also, petition of the Merrimack Chemical Company, for placing bauxite on the free list—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of sundry citizens of the Nineteenth Congressional District of Pennsylvania, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SABATH: Petition of citizens of Cook County, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. STEVENS of Minnesota: Petition of many business firms in Minnesota, against an increase of the tariff on crockery—to the Committee on Ways and Means.

Also, petition of Butler Brothers, of Minneapolis, Minn., against increase of the tariff on toys—to the Committee on Ways and Means.

Also, petition of E. A. Brown Company, of St. Paul, Minn., against increase of the duty on watches—to the Committee on Ways and Means.

By Mr. WALLACE: Petition of Crossett Lumber Company, against reduction of duty on lumber—to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 8, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

Mr. ALBERT J. BEVERIDGE, a Senator from the State of Indiana, appeared in his seat to-day.

The Journal of the proceedings of Monday last was read and approved.

IRON ORE AND PIG IRON.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, in response to Senate resolution No. 289, a letter from the Director of the Geological Survey, together with certain tables relating to iron ore produced and manufactured in the United States during the calendar year 1908 (S. Doc. No. 2), which, with the accompanying paper, was referred to the Committee on Finance and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of W. J. Sawyers *v.* United States (S. Doc. No. 3), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MAJ. PIERRE CHARLES L'ENFANT.

The VICE-PRESIDENT. Under the discretion conferred by Senate concurrent resolution No. 2, of the present session, giving authority to the Commissioners of the District of Columbia to use the Rotunda of the Capitol on the occasion of the removal of the remains of Maj. Pierre Charles L'Enfant from the Digges farm, Prince George County, Md., to the Arlington National Cemetery, under such supervision as may be approved by the President of the Senate and the Speaker of the House of Representatives, the Chair appoints Elliott Woods, Superintendent of the Capitol Building and Grounds, to superintend the ceremonies in the Capitol to be held in connection with the removal of the remains.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of S. H. Knox & Co., of Jamestown, N. Y., praying for a reduction of the duty on toys, which was referred to the Committee on Finance.

He also presented the petition of Beckwith & Hiteman Brothers, of West Winfield, N. Y., and a petition of the Boot and Shoe Manufacturers' Association of Cincinnati, Ohio, praying for the removal of the duty on hides, which were referred to the Committee on Finance.

He also presented a petition of Local Union, International Brotherhood of Paper Makers, of Watertown, N. Y., praying for the retention of the present duty on print paper, which was referred to the Committee on Finance.

He also presented a petition of the Citizens' Association of Takoma Park, D. C., praying that the present date of the inauguration of the President of the United States be changed to a later period, which was referred to the Committee on Privileges and Elections.

He also presented a petition of sundry citizens of the United States, praying for the passage of the so-called "parcels post" and "rural mail delivery" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the National Live Stock Association, of South Omaha, Nebr., remonstrating against the removal of the duty on hides and wool, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, Indiana, Nebraska, Georgia, Ohio, North Carolina, Michigan, Maine, New Jersey, Virginia, Iowa, Illinois, and Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. GALLINGER presented memorials of St. Regis Local Union, No. 4, of Deferiet; of Local Unions Nos. 4 and 6, of Watertown, all of the International Brotherhood of Paper Makers, in the State of New York; of Local Union No. 146, of Woodland; of Dirigo Local Union, No. 84, of Augusta; and of Local Union No. 9, of Rumford, all of the International Brotherhood of Paper Makers, in the State of Maine, remonstrating against any reduction of the duty on print paper, which were referred to the Committee on Finance.

Mr. FRYE presented a petition of Highland Grange, No. 116, Patrons of Husbandry, of Bridgton, Me., praying for the repeal of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. BROWN presented a petition of the Commercial Club, of Omaha, Nebr., praying that an appropriation of $500,000,000 be made for the improvement of the rivers, harbors, and waterways of the country, which was referred to the Committee on Commerce.

Mr. BEVERIDGE presented petitions of the Board of Trade of Indianapolis; of the Indiana State Horticultural Society, of Indianapolis; of sundry citizens of Anderson, Columbus, Carbon, Fort Wayne, and of the Parsons & Scoville Company, of Richmond, all in the State of Indiana, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a petition of the Hoosier Mercantile Company, of Richmond, Ind., praying for the repeal of the duty on cotton and leather goods, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Peru; of the Merchants' Association of Indianapolis; of H. B. Sykes & Co., of Elkhart; of the Roeder Company, of Sandborn; and of the Bazaar Company, of Bourbon, all in the State of Indiana, praying for a reduction of the duty on hosiery and gloves, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Elkhart; of Branch & Rose, of Muncie; of S. Chaska Company, of Fort Wayne; and of George W. Williams Company, of Knightstown, all in the State of Indiana, praying for the repeal of the duty on hosiery and gloves, which were referred to the Committee on Finance.

He also presented a petition of the H. Lauter Company, of Indianapolis, Ind., and a petition of the Hawks Furniture Company, of Goshen, Ind., praying for a reduction of the duty on plate glass, which were referred to the Committee on Finance.

He also presented a memorial of the Live Stock Exchange of Indianapolis, Ind., remonstrating against any reduction of the duty on hides and wool, which was referred to the Committee on Finance.

He also presented a petition of the Wood-Mosaic Flooring and Lumber Company, of New Albany, Ind., praying for the repeal of the duty on rough lumber, which was referred to the Committee on Finance.

Mr. GAMBLE presented a petition of the Commercial Club of Aberdeen, S. Dak., praying for the repeal of the duty on lumber, which was referred to the Committee on Finance.

He also presented a memorial of the Ladies' History Club of Sioux Falls, S. Dak., remonstrating against any increase of the duty on gloves and hosiery, which was referred to the Committee on Finance.

Mr. SMITH of Michigan presented a memorial of 10,000 citizens of Grand Rapids, and memorials of sundry citizens of Comfort and Gourley, all in the State of Michigan, remonstrating against the proposed duty on tea and coffee, which were referred to the Committee on Finance.

Mr. SMITH of Michigan. I present a memorial signed by a number of members of the legislature of the State of Michigan, remonstrating against the removal of the duty on iron ore. I ask that the memorial be read and referred to the Committee on Finance.

There being no objection, the memorial was read and referred to the Committee on Finance, as follows:

LANSING, MICH., *March 24, 1909.*

Hon. WILLIAM ALDEN SMITH, Senator,
Washington, D. C.:

We, the undersigned representatives, representing the Upper Peninsula of Michigan in the legislature now in session at Lansing, respectfully urge your assistance in defeating that portion of the tariff bill placing iron ore on the free list. We consider the best interest of the State served by leaving the duty on iron ore as it is at present.

M. HARRIS,
LEWIS T. STERLING,
A. D. EDWARDS,
D. T. MORGAN,
C. R. MCCABE,
JOHN O. MAXEY,
WILLIAM R. OATES,
W. R. BURNS,
PETER JENSEN,
JAMES S. MONROE,
H. L. FULD.

Mr. SMITH of Michigan. I present a resolution adopted by the Shipmasters' Association, of Detroit, Mich. I ask that the letter and accompanying resolution be printed in the RECORD and referred to the Committee on Finance.

There being no objection, the letter and accompanying resolution were referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

SHIPMASTERS' ASSOCIATION, LODGE NO. 7,
234 JEFFERSON AVENUE (OLD BIDDLE HOUSE),
Detroit, Mich., April 2, 1909.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: Inclosed you will find copy of a resolution passed by Detroit Lodge, No. 7, Shipmasters' Association, which will explain itself.

We most earnestly desire your cooperation in placing this resolution before Congress, and would ask that you do all in your power to assist us.

Yours, very respectfully, C. C. BALFOUR,
Chairman of Committee.

Whereas a bill is pending before Congress proposing the removal or the reduction of the tariff on iron ore: Therefore be it

Resolved, That it is the unanimous opinion of the Shipmasters' Association Lodge No. 7, Detroit, Mich., that the duty on iron ore entering this country should not be reduced or removed, inasmuch as there are large deposits of iron ore lying close to the boundary line between this country and Canada, near the north shore of Lake Superior, where it is easily accessible; and the removal or reduction of the tariff would make possible the bringing of this ore into the United States in foreign bottoms, which would injuriously affect the lake trade and be against the best interests of this organization.

Mr. BURNHAM presented the petition of Dyer & Chipman, of Manchester, N. H., praying for a reduction of the duty on raw and refined sugars, which was referred to the Committee on Finance.

He also presented a memorial of the Winnipiseogee mill, International Paper Company, of Franklin, N. H., remonstrating against any reduction of the duty on print paper and wood pulp, which was referred to the Committee on Finance.

Mr. JONES. I present telegrams in the nature of petitions, which I ask may be read and properly referred.

There being no objection, the petitions were read and referred to the Committee on Finance, as follows:

[Telegram.]

SEATTLE, WASH., *April 6, 1909.*

WESLEY L. JONES,
United States Senate, Washington, D. C.

Whereas Congress has now under consideration a revision of the tariff which involves among the many articles the duty on red-cedar shingles, which are so largely manufactured in the State of Washington as to constitute one of our principal industries; and

Whereas over $30,000,000 are invested in the 452 shingle mills in this State and 14,000 men employed (all white labor), representing an annual income of $16,000,000; and

Whereas owing to the inadequate protection of 30 cents per 1,000 under the Dingley Act, which has forced our mills to suspend operations from three to four months during each year for many years, on account of competition from British Columbia shingle mills employing oriental labor, and whose shipments to the United States last year amounted to nearly 1,000,000,000 shingles: Therefore be it

Resolved, That the Seattle Commercial Club, believing in the protection of our own industries, such as lumber and shingles produced in this State by American labor, and realizing that shingles are entitled to further protection than that set forth in the Payne bill: Be it further

Resolved, That we respectfully ask Congress to retain the existing duty on lumber and raise the duty on shingles from 30 cents to 60 cents, on the ground that the forests will be better conserved and steady employment be given our workmen, and that these resolutions be wired Hon. NELSON W. ALDRICH, chairman Senate Finance Committee, and our Representatives and Senators in Congress.

Adopted March 6, 1909.

GEORGE E. BOOS, *Secretary.*

[Telegram.]

SPOKANE, WASH., *April 5, 1909.*

Hon. WESLEY L. JONES,
United States Senate, Washington, D. C.

Lumber is one of the principal products of this district, and because of the tariff agitation the business is becoming demoralized, we earnestly urge the retention of the present duty on lumber for the protection of the financial interests of the Pacific Northwest.

SPOKANE CLEARING HOUSE ASSOCIATION,
By A. F. MCLAIN, *Vice-President.*
W. D. VINCENT, *Secretary Exchange National Bank,*
By THOMAS H. BREWER, *Vice-President.*
THE TRADERS' NATIONAL BANK,
A. KUHN, *President.*
THE FIDELITY NATIONAL BANK,
GEO. S. BROOKS, *President.*
NORTHWEST LOAN AND TRUST CO.,
ADOLPH GALLAND, *Vice-President.*
THE WASHINGTON TRUST CO.,
R. L. WEBSTER, *Secretary.*
SCANDINAVIAN AMERICAN BANK,
By R. A. JOHNSON, *President.*
OLD NATIONAL BANK,
D. W. TWOHY, *President.*

Mr. PILES presented a memorial of Schwabacher & Bros. Company (Incorporated), of Seattle, Wash., remonstrating against the proposed duty on raw cocoa, which was referred to the Committee on Finance.

Mr. STEPHENSON presented petitions of sundry citizens of Milwaukee, Watertown, and Shell Lake, all in the State of Wisconsin, praying for the removal of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wisconsin, praying for the retention of the duty on iron ore and lumber, which was referred to the Committee on Finance.

He also presented a memorial of the Southern Wisconsin Cheese Makers and Dairymen's Association, of Monroe, Wis., remonstrating against any reduction of the duty on cheese and praying for the appointment of a tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of sundry citizens of Kenosha, Wis., remonstrating against any discrimination in the duty on scrap iron, which was referred to the Committee on Finance.

He also presented a memorial of the Consumers' League, of Milwaukee, Wis., remostrating against the proposed duty on hosiery and gloves, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Wisconsin, praying for an increase of the duty on lithographic products, which was referred to the Committee on Finance.

He also presented memorials of the Chamber of Commerce of Milwaukee and of sundry citizens of Orange and Waterloo, all in the State of Wisconsin, remonstrating against the repeal of the duty on barley and malt, which were referred to the Committee on Finance.

Mr. DEPEW presented a petition of Gansevoort Grange, No. 832, Patrons of Husbandry, of Saratoga County, N. Y., praying for the repeal of the duty on sugar, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on tea, which was referred to the Committee on Finance.

He also presented a petition of Oak Grange, Patrons of Husbandry, of Oswego, N. Y., and a petition of Local Grange No. 1141, Patrons of Husbandry, of Lake Placid, N. Y., praying for the passage of the so-called "rural parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of Pomona Grange, Patrons of Husbandry, of Ontario County, N. Y., praying for the passage of the so-called "rural parcels post" and "postal savings bank" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the board of supervisors of Rensselaer County, N. Y., and a memorial of the common council of Watervliet, N. Y., remonstrating against any reduction of the duty on collars and cuffs, which were referred to the Committee on Finance.

He also presented a memorial of Local Union No. 311, Cigarmakers' International Union of America, of Auburn, N. Y., and a memorial of Local Union No. 2, Cigarmakers' International Union of America, of Buffalo, N. Y., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for the adoption of a more fair and equitable schedule relative to the duty on furs, which was referred to the Committee on Finance.

He also presented a petition of the Eastern New York Bee Keepers' Association, of Albany, N. Y., praying for an increase of the duty on honey imported from foreign countries, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, praying for an increase of the duty on lithographic products, which were referred to the Committee on Finance.

Mr. HALE presented a petition of Highland Grange, No. 116, Patrons of Husbandry, of Bridgton, Me., praying for the repeal of the duty on raw and refined sugars, which was referred to the Committee on Finance.

Mr. BULKELEY presented a joint resolution of the legislature of Connecticut, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY.
GENERAL ASSEMBLY,
January Session, A. D. 1909.

House joint resolution 362.

Resolution concerning the date of inauguration of the President of the United States.

Whereas the weather conditions obtaining at the inauguration of President Taft have again illustrated the wisdom of a change in the date for inauguration; and

Whereas many other valid reasons for such change exist: Therefore

Resolved by this assembly, That the Senators and Representatives in Congress from Connecticut are respectfully requested to favor and support the passage of legislation changing the date of inauguration to a time not earlier than the last week in April.

Resolved, That the secretary of the state is hereby instructed to transmit a copy of this resolution to each of said Senators and Representatives in Congress from Connecticut.

Passed house of representatives, State of Connecticut, March 24, 1909.

Passed senate, State of Connecticut, March 24, 1909.

STATE OF CONNECTICUT, *Office of the Secretary, ss:*

I, Matthew H. Rogers, secretary of the State of Connecticut, and keeper of the seal thereof, and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning the date of inauguration of the President of the United States with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut, now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 6th day of April, 1909.

[SEAL.] MATTHEW H. ROGERS, *Secretary.*

Mr. PERKINS presented a joint resolution of the legislature of California, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Senate joint resolution 22, relative to a proposed federal collateral inheritance tax.

Whereas the new revenue bill reported by the Ways and Means Committee of the United States House of Representatives contains provisions for an inheritance tax, to be both collateral and direct; and

Whereas more than 30 States now have inheritance-tax laws, and among this number is the State of California, which will this year receive from this source about $1,000,000; and

Whereas for state governments and the Federal Government to depend for revenue upon the same subjects of taxation is not in accordance with sound financial principles, while the double taxation of inheritances would be burdensome and unjust to the persons who must pay the taxes: Therefore be it

Resolved by the senate and assembly of the State of California, concurring jointly, That it would be inexpedient for the Federal Government to impose inheritance taxes at this time, and that such action would be unfair to California and other States which already tax inheritances; and be it further

Resolved, That our Senators and Representatives in Congress be requested to oppose this feature of the pending tariff bill and to endeavor to have it stricken from the measure; and be it further

Resolved, That the secretary of the senate mail copies of these resolutions to our Senators and Congressmen.

THE CENSUS.

Mr. LA FOLLETTE. I am directed by the Committee on the Census, to whom was referred the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, to report it favorably with amendments, and I submit a report (No. 2) thereon.

The VICE-PRESIDENT. The bill will be placed on the calendar.

Mr. LA FOLLETTE. I desire to say that I will ask the Senate to take up the bill for consideration to-morrow immediately after the routine morning business.

HEARINGS BEFORE THE COMMITTEE ON THE CENSUS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 22, submitted by the Senator from Wisconsin [Mr. LA FOLLETTE] on the 5th instant, to report it favorably without amendment, and I ask for its present consideration.

Mr. CULBERSON. Let the resolution be read.

The resolution was read, as follows:

Senate resolution 22.

Resolved, That the Committee on the Census, or any subcommittee thereof, be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. CULBERSON. Let the resolution go over until to-morrow.

Mr. KEAN. I trust the Senator from Texas will not insist on doing that. It is merely to pay for the expense of the hearings before the Committee on the Census.

Mr. CULBERSON. What hearings?

Mr. KEAN. The hearings that were had on the census bill which has just been reported.

Mr. CULBERSON. Hearings which have already been had?

Mr. KEAN. Hearings that have been already had.

Mr. CULBERSON. I have no objection to that. I thought it was a continuing resolution.

Mr. KEAN. Oh, not at all. It is not to employ an additional stenographer.

The resolution was considered by unanimous consent, and agreed to.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. FRYE:

A bill (S. 1372) for the relief of Marion B. Patterson; to the Committee on Claims.

By Mr. TALIAFERRO:

A bill (S. 1373) to provide for sittings of the United States circuit and district courts of the northern district of Florida at the city of Apalachicola, in said district; and

A bill (S. 1374) for the relief of C. M. Cox, and to confirm and legalize his acts while acting as United States commissioner; to the Committee on the Judiciary.

A bill (S. 1375) for the relief of James I. Griffin, his heirs and assigns; to the Committee on Public Lands.

A bill (S. 1376) to authorize the President of the United States to confer an additional grade on retired officers who have two or more recommendations for the medal of honor from corps and division commanders for gallantry in battle and who have thirty-one years of service, including four years in the civil war; to the Committee on Military Affairs.

A bill (S. 1377) for the establishment of a fish-cultural station on the St. Johns River, in the State of Florida;

A bill (S. 1378) to authorize the establishment of a fish-cultural and biological station on the Gulf of Mexico within the limits of the State of Florida; to the Committee on Fisheries.

A bill (S. 1379) to provide for a survey for a ship canal across the State of Florida from the Atlantic Ocean to the Gulf of Mexico, and making appropriation therefor;

A bill (S. 1380) to construct and place a light-ship opposite the entrance of St. Johns River, Florida; and

A bill (S. 1381) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla.; to the Committee on Commerce.

A bill (S. 1382) to correct the naval record of William Henry Beehler and to authorize the President to appoint him a rear-admiral on the retired list; to the Committee on Naval Affairs.

A bill (S. 1383) to provide for the erection of a public building at the city of Apalachicola, State of Florida;

A bill (S. 1384) to provide for site and public building at Bartow, Fla.;

A bill (S. 1385) providing for the erection of a public building at the city of Live Oak, Fla., and for other purposes;

A bill (S. 1386) to provide for site and public building at St. Petersburg, Fla.;

A bill (S. 1387) providing for the erection of a public building at the city of Orlando, Fla., and for other purposes;

A bill (S. 1388) to provide for a site and public building at Lakeland, Fla.;

A bill (S. 1389) to provide for the erection of a public building for the use of the United States court, custom-house, and post-office in the city of Key West, Fla.; and

A bill (S. 1390) providing for the improvement, repair, and an addition to the public building at Pensacola, Fla.; to the Committee on Public Buildings and Grounds.

A bill (S. 1391) for the relief of the estate of F. C. Blackmer, deceased;

A bill (S. 1392) for the relief of Sarah R. Bexley, administratrix of the estate of the late Augustus R. Bexley;

A bill (S. 1393) for the relief of the heirs of J. L. F. Cottrell, deceased;

A bill (S. 1394) for the relief of Salvador Costa;

A bill (S. 1395) for the relief of the estate of Nathan A. Davis;

A bill (S. 1396) for the relief of Joseph De V. Hazzard;

A bill (S. 1397) for the relief of Emily Catherine Jones;

A bill (S. 1398) for the relief of Mariah L. Trowell, administratrix of the estate of Benjamin F. Trowell, deceased;

A bill (S. 1399) to carry into effect the findings of the Court of Claims in the case of St. John's Church, of Jacksonville, Fla.;

A bill (S. 1400) for the relief of the heirs of Fernando J. Moreno, deceased;

A bill (S. 1401) for the relief of Edward Nelson, Joseph A. McDonald, Z. T. Merritt, and E. L. White, or their legal representatives;

A bill (S. 1402) for the relief of William Minshew;

A bill (S. 1403) for the relief of William A. Chisolm;

A bill (S. 1404) for the relief of the estate of Alfred L. Shotwell; to the Committee on Claims.

A bill (S. 1405) granting a pension to Catherine R. Sabic;

A bill (S. 1406) granting a pension to Anna Omweg;

A bill (S. 1407) granting a pension to Adolphus N. Pacetty;

A bill (S. 1408) to extend the provisions of the existing bounty-land laws to the officers and enlisted men and the officers and men of the boat companies of the Florida Seminole Indian war;

A bill (S. 1409) granting an increase of pension to William H. McCormick;

A bill (S. 1410) granting a pension to Zim C. Corbin;

A bill (S. 1411) granting an increase of pension to Edward L. Carrington;

A bill (S. 1412) granting an increase of pension to Volney J. Shipman;

A bill (S. 1413) granting an increase of pension to Martha Stewart;

A bill (S. 1414) granting a pension to George M. Richart;

A bill (S. 1415) granting an increase of pension to John A. Packard;

A bill (S. 1416) granting a pension to Anne Olive Erwin;

A bill (S. 1417) granting a pension to James A. Thomas;

A bill (S. 1418) granting an increase of pension to John B. Wood;

A bill (S. 1419) granting an increase of pension to John A. Tucker;

A bill (S. 1420) granting an increase of pension to Antoinette A. Darnall; and

A bill (S. 1421) granting an increase of pension to Henry Handrop; to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 1422) for the relief of the legal representatives of Sewell Coulson, deceased (with the accompanying papers); to the Committee on Claims.

A bill (S. 1423) granting an increase of pension to Henrietta Jordan (with the accompanying papers); and

A bill (S. 1424) granting an increase of pension to Jemima Williams; to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 1425) to incorporate the Descendants of the Signers; to the Committee on the Judiciary.

By Mr. GUGGENHEIM:

A bill (S. 1426) granting a pension to Ella Nickerson;

A bill (S. 1427) granting an increase of pension to Abraham Rhodes;

A bill (S. 1428) granting an increase of pension to Christian R. Shirey;

A bill (S. 1429) granting an increase of pension to John C. Kennedy;

A bill (S. 1430) granting an increase of pension to William L. Switzer;

A bill (S. 1431) granting an increase of pension to George W. Spray; and

A bill (S. 1432) granting pensions to the surviving members and the widows of members of the Forsythe Scouts; to the Committee on Pensions.

A bill (S. 1433) authorizing a resurvey of the interior of the east half of township 3 south, range 86 west, from the sixth principal meridian, in Eagle County, State of Colorado; and

A bill (S. 1434) to encourage the sinking of wells on the western plains; to the Committee on Public Lands.

A bill (S. 1435) providing for prospecting, mining, and canal, ditch, and reservoir building on forest reserves and other public lands of the United States; to the Committee on Forest Reservations and the Protection of Game.

A bill (S. 1436) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army and place him on the retired list; and

A bill (S. 1437) to provide medals for certain volunteers of the war of the rebellion; to the Committee on Military Affairs.

A bill (S. 1438) to provide for instruction in forestry in the colleges of agriculture and mechanic arts established under the provisions of an act of Congress approved July 2, 1862, and for experiments in forestry in the agricultural experiment stations established under an act of Congress approved March 2, 1887; to the Committee on Agriculture and Forestry.

A bill (S. 1439) to establish a fish-hatching and fish station in the State of Colorado; to the Committee on Fisheries.

By Mr. WARNER:

A bill (S. 1440) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Cal. (with the accompanying papers); to the Committee on Claims.

A bill (S. 1441) to authorize the construction of a bridge across the Missouri River and to establish it as a post-road; to the Committee on Commerce.

A bill (S. 1442) granting a pension to Samuel L. Landers;

A bill (S. 1443) granting a pension to Jasper N. Meredith;

A bill (S. 1444) granting a pension to John W. Toppas;

A bill (S. 1445) granting a pension to Thomas Elwood Mason;

A bill (S. 1446) granting a pension to George W. Jennings;

A bill (S. 1447) granting a pension to James Standiford;

A bill (S. 1448) granting a pension to Allen Barnes;

A bill (S. 1449) granting a pension to John Robertson;

A bill (S. 1450) granting a pension to Arthur Eckert;

A bill (S. 1451) granting a pension to Wesley Smith;

A bill (S. 1452) granting a pension to Thomas J. Lamunyon;

A bill (S. 1453) granting a pension to Perry H. Hayes;

A bill (S. 1454) granting a pension to James R. Shultz;

A bill (S. 1455) granting a pension to Henry J. Stevens;

A bill (S. 1456) granting a pension to Levi Slinger;

A bill (S. 1457) granting a pension to Thomas R. Buxton; and

A bill (S. 1458) granting a pension to Lee W. Putnam; to the Committee on Pensions.

By Mr. STEPHENSON:

A bill (S. 1459) granting an increase of pension to William F. Bockhouse; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 1460) for the relief of the legal representatives of Samuel Schiffer; to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 1461) to prevent fraudulent representations as to government guaranties of foods and medicines; to the Committee on Manufactures.

A bill (S. 1462) granting a pension to Lucy Soule; to the Committee on Pensions.

By Mr. DICK:

A bill (S. 1463) to establish a naval militia and define its relations to the General Government; to the Committee on Naval Affairs.

A bill (S. 1464) to create in the War and Navy departments, respectively, a roll to be known as the "civil war officers' annuity honor roll," to authorize placing thereon with pay certain surviving officers who served in the Volunteer or Regular Army, Navy, or Marine Corps of the United States in the civil war and who are not now on the retired list of the Regular Army, Navy, or Marine Corps, and for other purposes; to the Committee on Military Affairs.

By Mr. McENERY:

A bill (S. 1465) for the relief of the estate of Victor Faisons, deceased;

A bill (S. 1466) for the relief of the estate of Frederick Arbour, deceased;

A bill (S. 1467) for the relief of the estate of Antonio Pfister, deceased;

A bill (S. 1468) for the relief of Antonio Hook;

A bill (S. 1469) for the relief of the legal representatives of Francisco Deocurro, deceased;

A bill (S. 1470) for the relief of the heirs of Charles and Palmyra Barre, his wife (deceased); and

A bill (S. 1471) for the relief of the estate of John Carr, deceased; to the Committee on Claims.

By Mr. SHIVELY:

A bill (S. 1472) granting an increase of pension to James W. McMurray;

A bill (S. 1473) granting an increase of pension to Stepher Thresher;

A bill (S. 1474) granting an increase of pension to Benjamin F. Simpson;

A bill (S. 1475) granting an increase of pension to Luther W. Whitbeck;

A bill (S. 1476) granting an increase of pension to George F. Shoemaker; and

A bill (S. 1477) granting an increase of pension to Barney Stone; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 1478) granting an increase of pension to Josephine A. Barnard; and

A bill (S. 1479) granting an increase of pension to Elizabeth Streit; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 1480) to provide for the naturalization of aliens who have served or shall hereafter serve five years in the United States Navy or Marine Corps; to the Committee on Immigration.

A bill (S. 1481) to establish the status of officers who voluntarily resign from the army or navy of the United States; to the Committee on Military Affairs.

A bill (S. 1482) to provide for the establishment of a three-order revolving light and keeper's quarters at Point Firmin, seacoast of California;

A bill (S. 1483) to provide for the establishment of a fog signal and keeper's quarters at Point Loma, seacoast of California;

A bill (S. 1484) to provide for the establishment of a fog signal and keeper's quarters at Point Hueneme, seacoast of California;

A bill (S. 1485) to provide for the establishment of a light and fog signal on Anacapa Island, off the coast of California;

A bill (S. 1486) to provide for a fourth-order revolving light, fog signal, and keeper's quarters at Santa Barbara, seacoast of California; to the Committee on Commerce.

A bill (S. 1487) granting an increase of pension to William Quinlivan; to the Committee on Pensions.

By Mr. PILES:

A bill (S. 1488) providing for the appointment of an assistant treasurer of the United States at the city of Seattle, in the State of Washington; to the Committee on Finance.

A bill (S. 1489) authorizing the appointment and retirement as brigadier-generals of certain officers of the army below the grade of colonel who served during the war of the rebellion;

A bill (S. 1490) to remove the charge of desertion from the military record of William McCutcheon; and

A bill (S. 1491) authorizing the issuance of a certificate of merit to Mathew Kelley, William Houser, Mathew Roach, Jeremiah Sheridan, Frederick Bernaur, Hiram Smiley, and Robert Williams (with accompanying papers); to the Committee on Military Affairs.

By Mr. ELKINS:

A bill (S. 1492) granting an increase of pension to Thomas H. B. Dawson;

A bill (S. 1493) granting an increase of pension to Eli B. Riggs;

A bill (S. 1494) granting an increase of pension to G. W. Rutherford;

A bill (S. 1495) granting an increase of pension to Henry A. Skeens;

A bill (S. 1496) granting a pension to Bridget McIntire;

A bill (S. 1497) granting an increase of pension to Joseph B. Holesteine;

A bill (S. 1498) granting a pension to Samuel B. Swartz;

A bill (S. 1499) granting a pension to Hiram S. Shahan;

A bill (S. 1500) granting a pension to Julia A. Johnson;

A bill (S. 1501) granting an increase of pension to Alexander P. Hart;

A bill (S. 1502) granting a pension to Thomas F. Hebb;

A bill (S. 1503) granting an increase of pension to William Large;

A bill (S. 1504) granting an increase of pension to Arabella M. Probasco; and

A bill (S. 1505) granting an increase of pension to Thomas H. B. Dawson; to the Committee on Pensions.

A bill (S. 1506) granting an honorable discharge to Benjamin F. Helmick; and

A bill (S. 1507) granting an honorable discharge to Asher M. Phillips; to the Committee on Military Affairs.

A bill (S. 1508) for the relief of Mrs. C. A. Grose; to the Committee on Claims.

By Mr. JOHNSTON of Alabama (for Mr. BANKHEAD):

A bill (S. 1509) for the relief of William W. Callahan, administrator of the estate of Thomas Gibbs;

A bill (S. 1510) for the relief of Lewis Metz; and

A bill (S. 1511) for the relief of Salina E. Lauderdale; to the Committee on Claims.

By Mr. BURKETT:

A bill (S. 1512) granting an increase of pension to F. M. Uhler;

A bill (S. 1513) granting an increase of pension to John F. Early;

A bill (S. 1514) granting an increase of pension to E. N. Melton; and

A bill (S. 1515) granting an increase of pension to Alice E. Quillen; to the Committee on Pensions.

By Mr. CLAPP:

A bill (S. 1516) granting an increase of pension to Louis Freeman; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 1517) granting an increase of pension to William M. Campbell; to the Committee on Pensions.

By Mr. BAILEY:

By request, a bill (S. 1518) for the relief of Daniel W. Dorris;

By request, a bill (S. 1519) for the relief of Parker Burnham;

By request, a bill (S. 1520) for the relief of Ophelia V. Worsham, sole heir of Mary E. Buchanan, deceased;

By request, a bill (S. 1521) for the relief of Mrs. Martha J. Couchman;

A bill (S. 1522) for the relief of the estate of J. W. Cumby, deceased;

By request, a bill (S. 1523) for the relief of the estate of James B. Ogletree, deceased; and

A bill (S. 1524) for the relief of Lemuel J. Ward; to the Committee on Claims.

By Mr. TALIAFERRO:

A bill (S. 1525) for the relief of Adam L. Eichelberger; to the Committee on Claims.

A joint resolution (S. J. R. 17) to provide for the removal of obstructions from the main ship channel, Key West Harbor, Florida; to the Committee on Commerce.

A joint resolution (S. J. R. 18) for the relief of P. J. McMahon; to the Committee on Naval Affairs.

By Mr. DICK:

A joint resolution (S. J. R. 19) providing for the erection of a statue of the late Hon. Edwin M. Stanton, Secretary of War under Presidents Lincoln and Johnson; to the Committee on the Library.

WITHDRAWAL OF PAPERS—MRS. MARTHA E. WEST.

On motion of Mr. CLAPP, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of Mrs. Martha E. West (S. bill 125, Fifty-eighth Congress, first session), there having been no adverse report thereon.

THE BEET-SUGAR INDUSTRY.

Mr. SMITH of Michigan submitted the following resolution (S. Res. 28), which was considered by unanimous consent and agreed to:

Senate resolution 28.

Resolved, That the Secretary of Agriculture be, and he is hereby, directed to inform the Senate—

1. The number of beet-sugar factories in operation in the United States in 1896; also, the total United States production of beet sugar in the year 1896.

2. The number of beet-sugar factories which have been erected in the United States each year since 1896; also, the present approximate investment by American beet-sugar factories, including machinery, buildings, lands, irrigating systems, tools, implements, and working capital.

3. The annual production of beet sugar in the United States since 1896; also, the approximate amount received annually by American farmers from the sale of sugar beets from 1896 to date.

4. The effect which the establishment of American beet-sugar factories has had on values of surrounding farm land; also, on local business generally; also, on the local production of live stock; also, on the tonnage production of other crops raised in rotation with sugar beets; also, on the thriftiness, prosperity, and general cultural methods of American farmers engaged in the culture of sugar beets; also, as American farmers become familiar with beet culture are they, as a rule, more inclined or are they less inclined to engage in raising sugar beets?

5. The most recent available data regarding the retail price of sugar in Paris, Berlin, Vienna, Brussels, Amsterdam, Madrid, Rome, and other important cities of continental Europe.

6. The methods which have been pursued by the Department of Agriculture in order to determine the beet-sugar area of the United States; also, what States are now known to be adapted to the culture of sugar beets; also, what amount amount of beet sugar could be produced annually in the United States.

7. What pamphlets, bulletins, or other literature have been issued on this subject by the Department of Agriculture during the past twelve years.

HEARINGS BEFORE THE COMMITTEE ON INDIAN AFFAIRS.

Mr. CLAPP submitted the following resolution (S. Res. 27), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 27.

Resolved, That the Committee on Indian Affairs or any subcommittee thereof be authorized to send for persons and papers, to administer oaths, and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee; that the committee may sit during sessions or recesses of the Senate, in Washington or elsewhere; and that the expenses thereof be paid out of the contingent fund of the Senate.

HEARINGS BEFORE THE COMMITTEE ON COMMERCE.

Mr. FRYE submitted the following resolution (S. Res. 26), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 26.

Resolved, That the Committee on Commerce or any subcommittee thereof be, and the same is hereby, authorized to employ a stenographer from time to time as may be necessary to report such hearings as may be had on bills or other matters pending before said committee, and to have the hearings, bills, and such papers and documents as may be deemed necessary printed for the use of the committee, and that such stenographer be paid out of the contingent fund of the Senate.

DUTIES ON SUGAR IN FOREIGN COUNTRIES.

Mr. CARTER submitted the following resolution (S. Res. 30), which was considered by unanimous consent and agreed to:

Senate resolution 30.

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate—

The amount of duties and taxes per hundred pounds which are levied and collected on sugar in the following countries: Great Britain, Germany, France, Russia, Austria-Hungary, the Netherlands, Belgium, Spain, Italy, and Denmark; also, which of these countries grant tariff concessions on imports of sugar from their colonies.

STATISTICS RELATIVE TO SUGAR.

Mr. GUGGENHEIM. I submit a resolution, and ask for its present consideration.

The resolution (S. Res. 29) was read, as follows:

Senate resolution 29.

Resolved, That the Secretary of Commerce and Labor be, and he is hereby, directed to inform the Senate—

1. The annual imports by the United States of full-duty-paid sugar from 1898 to date.

2. The annual imports by the United States of duty-free or concessionary sugar from Hawaii, Porto Rico, Cuba, and the Philippines from 1898 to date, classified as to origin; also, the amount of duty remitted on sugar imports from each of the above-mentioned islands in each of the above-mentioned years by reason of their sugars entering our ports at less than full tariff rates.

3. The total amount of sugar exported annually during the past ten years by the colonies or possessions of Great Britain, France, and the Netherlands, respectively; also, the amount of colonial sugar which was imported annually by each of the above-mentioned mother countries.

4. The total amount of duties and taxes levied and collected on imported and home-produced sugar during the latest year for which

figures are obtainable in each of the following countries: Germany, France, Austria-Hungary, Russia, the Netherlands, Belgium, Denmark, Spain, and Italy.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

Mr. KEAN. I understand that the former resolution was addressed to the Secretary of State.

The VICE-PRESIDENT. The prior resolution was addressed to the Secretary of State.

Mr. KEAN. I do not object to this resolution.

The resolution was considered by unanimous consent and agreed to.

HEARINGS BEFORE THE COMMITTEE ON TERRITORIES.

Mr. BEVERIDGE submitted the following resolution (S. Res. 25), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 25.

Resolved, That the Committee on Territories, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths, employ a stenographer, and report such hearings as may be had in connection with any subject which may be pending before said committee and have said hearings printed for the use of the committee, and that the expenses thereof be paid out of the contingent fund of the Senate.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty minutes spent in executive session the doors were reopened, and (at 12 o'clock and 53 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 9, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 8, 1909.

PROMOTION IN PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Samuel C. Hotchkiss, of Ohio, to be assistant surgeon in the Public Health and Marine-Hospital Service of the United States, in place of W. W. Miller, deceased.

ASSISTANT SECRETARY OF THE TREASURY.

Charles D. Hilles, of New York, to be Assistant Secretary of the Treasury, in place of Louis A. Coolidge, resigned.

UNITED STATES ATTORNEY FOR CALIFORNIA.

Aloysius I. McCormick, of California, to be United States attorney for the southern district of California, vice Oscar Lawler, resigned.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF ARIZONA.

John H. Campbell, of Arizona, to be associate justice of the supreme court of the Territory of Arizona. A reappointment, his term having expired March 16, 1909.

UNITED STATES MARSHAL.

Thomas Cader Powell, of Alaska, to be United States marshal, second division, district of Alaska. A reappointment, his term having expired on January 23, 1909.

GOVERNOR OF ARIZONA.

Richard E. Sloan, of Arizona, to be governor of Arizona, vice Joseph H. Kibbey, term expired.

SECRETARY OF ARIZONA.

George U. Young, of Arizona, to be secretary of Arizona, vice John H. Page, resigned.

PROMOTIONS IN THE ARMY.

COAST ARTILLERY CORPS.

Lieut. Col. John V. White, Coast Artillery Corps, to be colonel from March 31, 1909, vice Anderson, retired from active service.

Maj. John C. W. Brooks, Coast Artillery Corps, to be lieutenant-colonel from March 31, 1909, vice White, promoted.

Capt. William R. Smith, Coast Artillery Corps, to be major from March 31, 1909, vice Brooks, promoted.

First Lieut. Arthur H. Bryant, Coast Artillery Corps, to be captain from March 31, 1909, vice Smith, promoted.

Second Lieut. James H. Cunningham, Coast Artillery Corps, to be first lieutenant from March 31, 1909, vice Bryant, promoted.

INFANTRY ARM.

Capt. Armand I. Lasseigne, Fourteenth Infantry, to be major from March 25, 1909, vice Fremont, Fifth Infantry, dismissed.

Maj. Arthur C. Ducat, Seventh Infantry, to be lieutenant-colonel from April 5, 1909, vice Moon, Twentieth Infantry, retired from active service.

Capt. James H. Frier, Twenty-third Infantry, to be major from April 5, 1909, vice Ducat, Seventh Infantry, promoted.

APPOINTMENT IN THE ARMY.

COAST ARTILLERY CORPS.

Carl Amos Lohr, of Michigan, late ensign, United States Navy, to be second lieutenant, with rank from April 6, 1909.

PROMOTIONS IN THE NAVY.

Lieut. Commander Webster A. Edgar to be a commander in the navy from the 2d day of March, 1909, vice Commander Thomas D. Griffin, promoted.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 2d day of February, 1909, upon the completion of three years' service in present grade:

Halsey Powell,
Abram Claude,
Nathan W. Post,
Harry A. Stuart,
William F. Halsey, jr.,
James W. Hayward,
George M. Baum, and
Joseph D. Little.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 2d day of February, 1909, to fill vacancies existing in that grade on that date:

Halsey Powell,
Abram Claude,
Nathan W. Post,
Harry A. Stuart,
William F. Halsey, jr., and
James W. Hayward.

Asst. Paymaster Franklin P. Williams to be a passed assistant paymaster in the navy from the 8th day of July, 1908, upon the completion of three years' service in the present grade.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 8, 1909.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

First Lieut. of Engineers Eugene Prescott Webber to be a senior engineer in the Revenue-Cutter Service.

UNITED STATES DISTRICT JUDGE.

Charles P. Orr to be United States district judge, western district of Pennsylvania.

UNITED STATES MARSHAL.

Harvey P. Sullivan to be United States marshal, third division, district of Alaska.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Prentiss P. Bassett,
Lawrence P. Treadwell, and
William H. Toaz.

The following-named lieutenants (junior grade) to be lieutenants:

Prentiss P. Bassett,
Lawrence P. Treadwell, and
William H. Toaz.

Second Lieut. William L. Burchfield to be a first lieutenant in the Marine Corps.

POSTMASTERS.

CALIFORNIA.

Cyrus F. Demsey at Mojave, Cal.

DELAWARE.

Delaware Clark at Newark, Del.

ILLINOIS.

Eugene A. Foster at Bradford, Ill.
George F. Tscharner at Okawville, Ill.

IOWA.

J. W. Colvig at Lake City, Iowa.

KENTUCKY.

Rezin B. Boulden at Millersburg, Ky.

MASSACHUSETTS.

Jesse W. Crowell at South Yarmouth, Mass.

MICHIGAN.

Arba N. Moulton at Decatur, Mich.

MINNESOTA.

George E. Kirkpatrick at Rushford, Minn.

MISSOURI.

Abner Barrow at Greenville, Mo.
Frank A. Stroup at Novinger, Mo.
Alonzo Turner at Billings, Mo.

NEBRASKA.

George A. Blackstone at Craig, Nebr.
Andrew Richmond at Orleans, Nebr.

NEVADA.

Katherine Cannon at Rawhide, Nev.

NEW YORK.

Benjamin A. Babcock at Brasher Falls, N. Y.
Edward V. Baker at Marcellus, N. Y.
Edward E. Boynton at Livonia, N. Y.
Charles H. Griffin at Oakfield, N. Y.
Benjamin E. Jones at Nunda, N. Y.
George E. Marcellus, at Le Roy, N. Y.
Frederic J. Merriman, at Madrid, N. Y.
Ambrose C. Montrose, at Larchmont, N. Y.

PENNSYLVANIA.

John B. Cox, at Sheridanville, Pa.
Helen P. Howell, at West Alexander, Pa.
Arthur H. Rider, at Freedom, Pa.

SOUTH CAROLINA.

James F. Hunter, at Lancaster, S. C.

WASHINGTON.

Guy C. Crow, at White Salmon, Wash.
Leonard S. Pendleton, at Port Orchard, Wash.

WISCONSIN.

Frank L. Davis, at Camp Douglas, Wis.
Jonathan Wiggins, at North Freedom, Wis.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 8, 1909.*

The House met at 12 o'clock noon.
Prayer by the Chaplain, Rev. Henry N. Couden, D. D.
The Journal of yesterday's proceedings was read and approved.

QUESTION OF PRIVILEGE.

Mr. CALDERHEAD. Mr. Speaker, I desire to make a motion to correct the RECORD of Monday, April 5. On page 1089, first column, I had a colloquy with the gentleman from Texas [Mr. HARDY]. He asked this question:

If protection is a righteous proposition, ought it not to prevail for every locality and in favor of every State?

To that I replied:

It does, without question.

When the manuscript was corrected he interpolated these words:

If the principle is right, is it not just as right if used to protect Texas and Wisconsin against New England as when used to protect New England against old England?

I had not noticed the interpolation in the manuscript and did not notice the RECORD itself until to-day. The interpolated words make me subscribe to the doctrine implied in them. When my answer was—

It does, without question—

I was answering the first question which the gentleman put to me, and not the interpolation which he has since made in the RECORD. I did not think that any Member of the House would so change the RECORD as to make me state what was evidently not true. I do not know whether the gentleman from Texas [Mr. HARDY] is present or not, but the reporter's manuscript is here and will show the gentleman's interpolation in pencil writing. For that reason I ask to have the words stricken out.

The SPEAKER. The gentleman from Kansas [Mr. CALDERHEAD] asks that the RECORD be changed by striking out the words indicated, leaving it as shown by the official reporter's notes.

Mr. SLAYDEN. Mr. Speaker, I can not hear the request of the gentleman.

Mr. BARTLETT of Georgia. Mr. Speaker, to whose speech is the gentleman referring?

The SPEAKER. The gentleman from Kansas states that when he was on the floor making a speech the gentleman from Texas [Mr. HARDY] asked him a question, and that he answered the question. He further states that, as shown by the notes of the official reporter, the gentleman from Texas interpolated something that was not said.

Mr. BARTLETT of Georgia. I do not dispute that the gentleman from Kansas is correct, and, of course, we have the right to correct the RECORD to conform to the reporter's notes, but the gentleman from Texas [Mr. HARDY] probably was not aware of what the practice is here.

Mr. SLAYDEN. With the permission of the gentleman from Kansas [Mr. CALDERHEAD] and the Chair, if the gentleman from Georgia [Mr. BARTLETT] will permit me, I will say that I am just trying to come to an arrangement with the gentleman from Kansas to wait a little while, until the gentleman from Texas is in his seat.

Mr. BARTLETT of Georgia. The reason I rose was that I could not hear what was going on.

Mr. HENRY of Texas. Mr. Speaker, I wanted to make the same request as that of my colleague [Mr. SLAYDEN].

Mr. PAYNE. Mr. Speaker, how long is this thing going to take? We want to get on with the tariff bill.

Mr. SLAYDEN. Mr. Speaker, I will say to the gentleman from New York that an assault has been made upon the integrity of the report of a speech made by a colleague of mine, who happens for the moment not to be here; and I think, as a matter of common courtesy, that the matter should not be disposed of until he comes.

Mr. PAYNE. That throws it over.

Mr. SLAYDEN. I hope the gentleman from New York will yield to that extent the courtesy I ask.

The SPEAKER. This is a matter of privilege regarding the RECORD, and, of course, gentlemen can accommodate the matter.

Mr. CALDERHEAD. Mr. Speaker, I am perfectly willing to let the matter go over until the gentleman from Texas [Mr. HARDY] is present. I want to state, however, that I endeavored to find him this morning, but could not.

The SPEAKER. The gentleman for the present withdraws the question.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438.

The motion was agreed to.

The House accordingly resolved itself into Committee of the Whole House on the state of the Union, Mr. OLMSTED in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438, the tariff bill.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 65, page 14, line 13, after the word "alcohol," insert the following:
"Not specifically provided for in sections 1 and 2 of this act."

Mr. PAYNE. Mr. Chairman, this simply differentiates these articles from toilet articles and toilet waters, and lets them come in at a lower rate of duty. I call for a vote.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. BARTLETT of Georgia. Mr. Chairman, we could not hear what the amendment was.

The CHAIRMAN. Without objection, the amendment will be again reported.

The amendment was again reported.

Mr. BARTLETT of Georgia. I did not hear what the gentleman said.

Mr. PAYNE. I stated to the House that this was merely correcting the language there, so that these waters did not come in as toilet articles, but at the less rate of duty. It brings it down to that, and lets them come in at the lower rate.

Mr. BARTLETT of Georgia. That is all right.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the further amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 83, page 16, line 24, after the word "plain," strike out the comma; page 16, line 25, after the word "ceramic," strike out the comma.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Another formal amendment.

The CHAIRMAN. The gentleman from New York offers another committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 84, page 17, line 12, after the word "in," strike out the words "this section" and insert in lieu thereof the words "sections 1 and 2 of this act."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I yield to the gentleman from Illinois [Mr. BOUTELL].

Mr. BOUTELL. I offer the following committee amendment. The Clerk read as follows:

Paragraph 88, page 18, lines 17, 18, and 19, strike out, after the word "spar," the words "crude, 50 cents per ton; crushed, ground, or otherwise treated or manufactured," and in line 19 strike out the word "seventy-five" and insert in lieu thereof the word "fifty."

Mr. BUTLER. I would like the gentleman from Illinois to explain the purpose of his amendment.

Mr. BOUTELL. Mr. Chairman, during the last few years fluor spar has been mined successfully in two counties of Illinois—Hardin and Pope counties. Fluor spar is a species of calcium mineral that can be used as a flux in place of limestone in certain manufactures of steel and in certain manufactures of glass. Until the successful working of the deposits of Illinois, all the fluor spar we used was imported from England. Large quantities of this spar have been left as useless at the mouth of some of the English tin mines, where it has lain for two of three centuries. A large quantity of this spar has come in during the last few years without the payment of any duties whatever. Some of it has been coming in as ballast. Some three years ago the subject of these fluor-spar deposits in Illinois were made the subject of a very interesting report by the Geological Department of the Government. These deposits in Illinois are now being mined, and there are deposits in Kentucky that can be mined if a duty is placed on the English spar. But the output comes in competition with the deposits taken from the mouth of the old English tin mines which are brought in here free of duty, or at 10 per cent ad valorem.

It may be interesting to know, particularly to some Members on the other side of the House, that in this report of the Department of Geology the first mining of fluor spar in Kentucky was done by a company headed by President Andrew Jackson in 1835.

These mines can with sufficient profit be again worked in Kentucky, and the Illinois mines are now being profitably developed. This will continue, provided we can prevent the introduction without duty of these deposits from the abandoned mines of England.

Mr. HARRISON. Will the gentleman yield for a question?

Mr. BOUTELL. Yes.

Mr. HARRISON. I do not wish to interrupt the gentleman's interesting historical description, but will he tell us what it is that has actuated the committee in raising the duty on this raw material from 50 cents to $1.50?

Mr. BOUTELL. I am coming to that. I thought it was worth while, as this was an entirely new article in any of our tariffs, to take at least three minutes to explain what it was. The committee therefore determined, upon the evidence submitted and upon the recommendations of the government appraisers, to place a duty of 50 cents a ton on the crude spar and $1.75 a ton on the manufactured or crushed or pulverized spar. After the bill had been reported the matter was taken before the Treasury Department, and it was the opinion of the experts that, on account of the character of the spar imported from these abandoned English mines, it could all come in under the 50-cent duty, and that the rate fixed on what was intended to be the manufactured article or the crushed article would not apply. The committee therefore thought it wiser to lower the rate on the manufactured to $1.50 a ton and to strike out the duty referring to the crude, so that all the spar would come in at a uniform rate of $1.50 a ton.

Mr. HARRISON. But the effect of it is, I believe, to take the raw material from the free list and tax it at $1.50 a month.

Mr. BOUTELL. Not at all. The raw material has heretofore been coming in, if properly reached by the appraisers, at 10 per cent ad valorem for the crude and the other at 20 per cent ad valorem.

Mr. HARRISON. The committee amendment multiplies the rate on the raw material by three, does it not?

Mr. BOUTELL. It raises the rate on the crude $1 a ton and decreases the rate on the crushed 25 cents a ton. In other words, in accordance with the recommendation of the department, this change is necessary in order to reach the crushed spar that comes in. The amendment makes a flat rate of $1.50 a ton for all fluor spar.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. DENT. Mr. Chairman, not having had the opportunity to address the committee at length, I avail my self of the leave accorded to every Member and place in the RECORD my views on some of the questions necessarily involved in the consideration of the pending measure.

It would be an useless consumption of time to discuss the underlying principles involved in the subject of the tariff. Nor need I repeat its history in our own country.

Generally speaking, Mr. Chairman, I am utterly opposed to the policy as well as the principle—if there be any in it—of protection. It is, in the first place, a perversion of the power of government to tax one man for the pecuniary benefit of another. No government can justify the power of taxation in any court of conscience for the purpose of building up the private interests of any of its citizens, and the contention that such a policy results in the good of the whole community is the most absurd proposition upon which any community ever took hold. No man has ever yet been lifted up by pulling on his own boot straps. This method of uplift is the doctrine of protection.

Another and a very serious objection to the doctrine of protection lies in the fact that the amount of taxes paid by the average citizen is concealed from him. It requires an expert to calculate how much tax the consumer pays to the Government, and how much profit by virtue of the tax the consumer pays to the manufacturer when he purchases an article either of comfort or necessity.

I firmly believe that if the American people could be brought face to face with the real facts and had before them the exact data showing the amount they annually pay to certain selected classes and special interests in this country, it would be only a question of the majority at the next election by which the party in power would be overthrown.

To carry out this policy of concealment, I find instances in the bill now before the committee in which the tax is, in terms, stated to be four times some other tax or some other figure. This requires an investigation of the tax upon the other article, all of which, it seems, would be entirely unnecessary. If the authors of the bill want to be fair with the people, they should, in plain terms and the simplest language, state the exact amount of the tax the people are to be called upon to pay.

In reading the bill I was particularly struck with the provision relative to wool hats, in which it is provided that the duty per pound is four times the duty imposed by the same section on 1 pound of unwashed wool of the first class, and, in addition thereto, 60 per cent ad valorem. It required some time to investigate the meaning of this language, as it was not only necessary to ascertain the duty on unwashed wool, but it was also necessary to determine what constituted unwashed wool of the first class. This is but a sample tending to show the only possible way in which the policy—for it is not a principle—of protection can be maintained. The people must be deceived, the people must be kept in doubt, or the difficulties must be made so great that the general public shall not be able to understand precisely what such a bill means. So-called "jokers" are found in every Republican tariff act; some have already been uncovered in the pending bill. How many remain time alone can disclose.

Our friends on the other side have attributed the so-called "panic of 1893" to the Wilson tariff bill. They have urged this so often until actually a great many people have come to believe it. As a matter of fact, it has been demonstrated upon the floor of this House and throughout the country that that panic began during a Republican administration, reached its zenith prior to the passage of the so-called "Wilson bill," and began to subside after its enactment into law. It is a matter of history that when Mr. Cleveland left the presidential chair, after serving his first term, the Treasury had a larger surplus than at any time during the history of our Government; whereas when he returned, after four years of Republican administration, he found the Treasury depleted and plates already prepared for the issuance of bonds necessary to preserve the credit of the Government. These historic facts are too well established to be now perverted.

The great interest, Mr. Chairman, which I represent is that of the cotton producer. The manner in which he has been ridden is a shame and a disgrace to all principles of fairness in the administration of government. Producing an article which has always been the means by which a favorable balance of trade has been preserved for this country, he has been required to purchase everything he needs in a protected and, consequently, a high-priced market, while he sells his product in a free-trade market.

The truth of the matter is that the cotton producer of the Southern States has for years and years done more than his share in taking care of the Government, and in addition has largely contributed to the support of those interests in the East which are claimed to be unable to take care of themselves. This may be one of the penalties of secession; but if it be, it seems to me, Mr. Chairman, that it is high time the statute of limitations be invoked against further prosecution.

Speaking specifically to the bill now pending before the committee, I desire to go on record as being opposed to its passage. I, of course, have not had the opportunity to examine this bill

in all its details, but I believe it is generally conceded that, taken as a whole, it levies a higher rate of taxation than did the Dingley bill, which has the record of being the highest protective tariff this country has ever known.

The Republican party during the last campaign promised a revision of the tariff. It was universally supposed—except perhaps by certain favored interests—that this revision was to be downward. Instead of that, the promises made the country in this regard have been broken. It is a great pity that the law of false pretense does not cover the breach of promise to do something in the future, rather than the false statement of an existing or past transaction. If this were true, then, should this bill become a law, the Republican party would be subject to indictment and conviction for false pretenses, and the country be freed from its iniquitous rule.

I, however, desire to congratulate the committee on the fact that the tax upon cotton ties has been reduced, and my only regret is that I can not still further congratulate it upon having placed cotton ties on the free list.

I find upon an examination of this bill that gloves and hosiery are made to bear a large increase in the tariff tax. This, Mr. Chairman, is a representative government. Every man who has the privilege of casting a vote not only votes for himself, but for all others who are deprived of this privilege, and this is especially true as to the man who represents in a legislative body the people of any particular district. Under most of the laws of this country the women and children are deprived of the right to vote. In some States the woman is given a limited and in others the full right of suffrage. But nowhere in any State, so far as my information extends, is the boy or the girl under 21 years of age qualified to cast a ballot. These articles are particularly essential to the comfort and the happiness of the women and children, and yet for the benefit of a small number of manufacturing interests they are required to bear this unnecessary and unjustifiable burden. I believe, if this bill should be passed, that every wife and every daughter in the land and every barelegged boy, who suffers from the biting frosts of winter, will remember the Republican party to its regret when the next election rolls around.

Now, Mr. Chairman, let me say further I have been very much interested during the progress of this debate to hear Representatives upon the floor of this House admit that they themselves have direct personal interests in the tariff upon certain articles specified in the pending measure.

I am not familiar with the history of parliamentary practice and procedure in this body, but upon examination of the rules I find that a Representative who has any direct personal or pecuniary interest in any pending measure is excused from voting. I find further, upon an examination of Jefferson's Manual—a part of the rules of this body—that such Representative not only is not entitled to vote, but shall withdraw from the House when the measure in which he is interested is being considered and determined.

This, Mr. Chairman, is not only a general principle of parliamentary law, but a principle of common right and simple justice, which common decency demands should not be overlooked on this occasion.

I know not, of course, whether these gentlemen expect to cast their ballots; but should there not be an investigation of different Members who have direct personal and pecuniary interests in the result of this legislation; and should not the rule excluding them not only from casting their votes but from the floor of the House while the measure is being considered be rigidly enforced?

I remember upon one occasion, when prosecuting attorney of my county, the court quashed an indictment because one of the grand jurors, who was a brother of the principal state witness and who was personally interested in the prosecution, had remained in the room of the grand jury while the vote was being taken, although he did not cast a ballot and more than the necessary 12 of the grand jury voted in favor of the bill. This, I think, was carrying the doctrine to its extreme limit; yet its principle is correct and I trust it will be invoked, at least when we come to vote upon the passage of this measure.

For a Member to stand upon this floor and boldly proclaim that he has a direct personal interest in a pending bill—that its passage will put money into his pocket—and then undertake to vote upon it places him in an indefensible position, and yet no one seems to be shocked at the idea. If a judge should sit, hear, and determine his own case, the whole country would rise up in arms at the appalling spectacle. Yet is there any difference between judge and legislator in this respect? Is it not equally wrong for a man to vote for a law for his own personal and pecuniary interest as it is for one to construe the law in his own case? Is it possible that the moral sense of the people has been blunted under the system of protection until it is no longer considered even bad taste for a Representative to forget his duty and vote for his own private interest?

I do not mean to cast any personal reflection upon any Member, but I think the attention of the country should be called to the rule mentioned before it is too late, and before a public injury has been inflicted.

I am inclined to the opinion that the rigid enforcement of this law will result in great good to the country, and certainly bring about the defeat of the pending measure.

The Republican party, Mr. Chairman, having failed to fulfill its pledges to the people during the preceding year—and this bill being no improvement, to say the least of it, on the present law—I believe it to be to the best interests of the country that a motion be made to strike out its enacting clause, and this extraordinary session be adjourned without day.

Mr. PETERS. Persistent rumors are current that the Committee on Ways and Means are considering bringing in an amendment to the bill placing on iron pyrites a duty. This makes it necessary to call attention to the danger and injustice of such a procedure.

Pyrites is used principally in the manufacture of sulphuric acid. It is the principal raw material of the whole chemical industry, and is essential to almost all chemical operations. The United States is relatively poor in deposits of pyrites, the domestic production in 1897 being 262,000 tons, while the importation was 656,000 tons, the domestic output at the present time being worth $500,000 to $600,000, as against the imported product, which is worth $3,500,000 to $4,000,000. Of the foreign product, substantially all comes from Spain.

Prior to 1890 sulphur-ore pyrites, or sulphate of iron, was dutiable at 75 cents per ton. In 1890 the McKinley Act placed on the free list after full consideration this important raw material, where it has since remained. The whole chemical industry in this country has been developed under the use of pyrites as a free raw material. In 1900 there were in the United States 4,591 establishments in the chemical industry, with an invested capital of $89,091,430 and 22,081 wage-earners. These establishments produced in 1900 sulphuric acid to the value of $14,247,185.

As great an authority as Humboldt has said that the best measure of the degree of civilization of any country is the extent of its use of sulphuric acid. The chemical industry in this country has in the last few years seen enormous development, which is regarded by those who know but as the beginning of its capabilities.

E. H. Rising, president of the General Chemical Company, says:

> The country which at this stage of the world's progress should be placed at a disadvantage as regards other countries in the production of sulphuric acid would have no chance whatever in the struggle for industrial supremacy.

Absolutely essential to the cheap production of chemicals, pyrites has an almost infinitesimal bearing upon metals. Of the total iron ore imported, the contents of all the pyrite ore amounts to but 1 per cent of the iron mined in this country. The sulphur contents of the pyrite ore imported into this country constitute more than 70 per cent of the country's entire consumption of ore. That the United States at the present time is totally incapable of meeting by local production the demand for sulphuric acid can by no one be questioned. The absolute dependence of our chemical industry upon pyrites is apparent. In addition, sulphuric acid is essential to the production of fertilizer, and mixed with phosphate rock, each comprising three-tenths, forms a mixture which is used as a basis for all artificial fertilizer. Of all the sulphuric acid used, 60 to 70 per cent goes into the manufacture of fertilizer, and the remainder is used in the manufacture of articles consumed by the people at large. The development of scientific farming and fertilization is dependent largely upon this artificial fertilizer. A duty on pyrites therefore would place on the shoulders of every farmer an added burden.

The steel business, the refinement of oils, and many other businesses are dependent upon sulphuric acid for a large part of their raw material.

On the free list for eighteen years, iron pyrites was still left on the free list of the original bill as reported to this committee. A raw product in one of our great industries, an article used by all our people, and hitherto for years being free, it is a most astounding proposition that now at this eleventh hour rumor should say the Committee on Ways and Means consider the report of an amendment placing on this article a duty, and should this be attempted we wish to know the reason why the committee should change their minds and why iron pyrites should be placed under a duty, and should the committee so act what reasons have actuated it to shift from its position as indicated in the original bill.

Mr. CRUMPACKER. By direction of the Committee on Ways and Means I offer a committee amendment.

The CHAIRMAN. The gentleman from Indiana, by direction of the Committee on Ways and Means, offers an amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 89, on page 18, lines 20 to 23, inclusive, strike out the paragraph and insert in lieu thereof the following:

89. Mica, when unmanufactured or raw trimmed only, 5 cents per pound and 20 per cent ad valorem. Mica, cut or trimmed, mica plate or built-up mica or manufactures of mica, or of which mica is the component material of chief value, 10 cents a pound and 20 per cent ad valorem.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 91, page 19, line 7, after the word "gilded," insert the words "brown white lined."

The amendment was agreed to.

Mr. PAYNE. Also the following.

The CHAIRMAN. The gentleman from New York offers a further committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 92, page 19, line 14, after the word "white," insert the words "plain brown."

The amendment was agreed to.

Mr. PAYNE. Also the following, Mr. Chairman.

The CHAIRMAN. The gentleman from New York offers another committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 118, on page 28, line 11, strike out the word "six" and insert in lieu thereof the word "ten."

Mr. ROBINSON. I should like to have the gentleman explain the effect of that amendment.

Mr. PAYNE. This relates to Swedish iron, or charcoal iron. The committee reduced the duty from 12 cents to 6 cents. Subsequent investigation showed that we had put the duty on Swedish iron lower than on ordinary bar iron, and so we propose to increase it to $10 a ton, so that it will have an equal rate of duty with the ordinary bar iron. This is charcoal iron.

The amendment was agreed to.

Mr. PAYNE. I also offer the following committee amendment.

The Clerk read as follows:

Paragraph 120: On page 28, line 22, after the word "grooves," insert the following: "Valued at 1 cent per pound or less, three-tenths of 1 cent per pound; valued above 1 cent and not above 2 cents per pound, four-tenths of 1 cent per pound; valued above 2 cents and not above 4 cents per pound, seven-tenths of 1 cent per pound; valued at over 4 cents per pound."

Mr. PAYNE. This changes the ad valorem proposed in the bill to an equivalent specific duty.

Mr. SLAYDEN. Is it equivalent?

Mr. PAYNE. Yes.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The Clerk read as follows:

Paragraph 129: On page 32, line 15, after the word "at," insert the words "eight-tenths of," and in line 17, before the words "one cent," insert the words "eight-tenths of;" in line 17 strike out the word "four-tenths" and insert in lieu thereof the word "three-tenths;" line 19 strike out the word "four-tenths" and insert in lieu thereof the word "three-tenths."

Mr. MANN. Mr. Chairman, I would like at least a brief statement about a matter of that sort, that it is impossible to tell what its effect is by the reading of the amendment.

Mr. PAYNE. I think the gentleman is entirely correct about that. This paragraph includes ingots and billets, and also bars. Bars are a higher grade of manufacture, and cost to manufacture about $6 more per ton than ingots or billets; and they are all included in the paragraph and have been thus in the law a great many years.

Of course bars require a higher duty than ingots. That has heretofore been taken care of by the difference in value, as the House will see that the duty is graded according to the value of the article. The committee made a reduction of these duties from the present law all along the line. It turns out, however, that bars are selling at a lower price than when the Dingley law was enacted; and for that reason on the lower bracket bars would go in at a lower rate of duty and the same as ingots; and we have changed the bracket from 1 cent to eight-tenths of a cent, so that it reaches over or under the dividing line between bars and ingots, ingots coming in at eight-tenths of a cent and bars over eight-tenths and under 1 cent, in order that bars might have a differentiation in duty increasing the duty over that of ingots, and that is the reason of this change, and making a proper distinction between bars of a higher grade of manufacture and ingots.

Mr. HAUGEN. I did not catch the amendment. What is the effect of this?

Mr. PAYNE. The committee report shows a large reduction on the present law on both billets and bars, and as I explained to the House—I am sorry the gentleman from Iowa did not hear me—the bars are a higher grade of manufacture, costing about $6 a ton more than the billets, and the only way they are protected is by their value. It turns out there is a change in value since the Dingley law was enacted, and bars come in at less than a cent a pound, and in order to get the higher duty on the bars than there is on the ingots under our schedule with lower rates, it is necessary to make the dividing line eight-tenths a pound instead of 1 cent a pound in order that bars may have a greater duty than ingots.

Mr. HAUGEN. As I understand, this amendment has reference to the bars only and not to the billets.

Mr. PAYNE. It affects the bars.

Mr. HAUGEN. There is no increase on billets and rods.

Mr. PAYNE. No; billets and ingots, the gentleman means?

Mr. HAUGEN. I have reference to billets and rods out of which barbed wire is made. Has this any reference to billets and rods out of which we make the barbed wire?

Mr. PAYNE. I do not know that wire may not be made out of them. I do not think it affects that.

Mr. MANN. This does not affect the barbed wire at all.

Mr. HAUGEN. I just came in, and I did not quite catch the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. UNDERWOOD. Mr. Chairman, before the amendment is voted upon I wish to say this: The committee, in making this change, I think has very properly drawn a distinction between bars and billets. The steel billet corresponds to the pig in pig iron. It is the first stage of production. The bar is the second stage of production, and necessarily a properly adjusted bill should have the rate on bars higher than on billets. The committee, in its amendment, is attempting to correct the difference in the rate between bars and billets by reducing the duty levied on bars, and to that I have no objection; but I think there is this apparent objection to the entire paragraph, that the committee leaves billets higher than it does steel rails in the main. The committee has reduced steel rails in this schedule from seven-twentieths of 1 cent per pound to seven-fortieths of 1 cent per pound, cutting it in two. Under the schedule as it still stands, steel billets, out of which steel rails are manufactured, are in the main higher than the duty on steel rails. I think that is illogical, and there is no reason for it, and if we had an opportunity to go into these schedules and adjust them and offer anything except the committee amendment I think we ought to make a change in that schedule. Our hands, however, are tied under this rule. We have a rule brought in here where we can offer no amendments. The only amendments the House can consider are the amendments that the committee sees proper to lay before the House. Now, this paragraph is clearly out of adjustment. Steel rails carry the same duty as billets. That is an absurdity and it ought to be changed. It is apparent to all, however, when we come to consider a bill with our hands tied, when we are ordered by the Committee on Rules of this House——

Mr. SHERLEY. Mr. Chairman, I would suggest to the gentleman that these committee amendments are amendable, and that the gentleman ought to offer an amendment that would bring about the reduction that should be had in this schedule.

Mr. UNDERWOOD. Mr. Chairman, as I understand the rule, no amendments are in order excepting committee amendments.

Mr. SHERLEY. The gentleman is mistaken. An amendment to a committee amendment is in order, and the gentleman's amendment now would be in order to the amendment offered by the gentleman from New York [Mr. PAYNE].

Mr. UNDERWOOD. Mr. Chairman, I would say to the gentleman that if I had the opportunity—I can not do it on my feet now—I would prepare an amendment. My understanding of the rule has been when I read it, and for that reason I attempted to prepare no amendment, that we are limited to committee amendments. I could not intelligently sit down here in five minutes and prepare an amendment, I will say candidly, and that is the reason I do not offer it. I merely present this criticism to show that in the way this bill is presented to the House it is impossible for us to properly prepare these schedules.

Mr. RICHARDSON. The gentleman is a member of the Committee on Ways and Means. Is he not allowed, under what I understand to be the rule, as a member of that committee to offer a committee amendment without the approval of the Republican members of that committee?

Mr. UNDERWOOD. Oh, certainly not. A member of the Committee on Ways and Means has no more right here than any other Member.

Mr. RICHARDSON. According to the rule, they are given the additional right of being allowed to offer amendments and nobody else can do that.

Mr. UNDERWOOD. Not at all. No amendment is in order without the majority of the committee have brought it before the House.

Mr. RICHARDSON. Then, the Democratic members of the Committee on Ways and Means have no more rights than I have?

Mr. UNDERWOOD. No.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment which the Clerk will report.

The Clerk read as follows:

Paragraph 134. On page 34, line 14, strike out the word "one-half" and insert in lieu thereof the word "three-fourths."

Mr. CLARK of Missouri. Mr. Chairman, what is the amendment?

The CHAIRMAN. The amendment has been just reported, but without objection it will be reported again.

The amendment was again reported.

Mr. HITCHCOCK. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New York desire to be heard upon the amendment?

Mr. HITCHCOCK. I will be glad to hear the gentleman from New York, as I propose to insist upon some explanation of these amendments from now on.

Mr. PAYNE. Mr. Chairman, I will be very happy to explain. The committee on round iron and steel wire reduced the brackets one-fourth of a cent a pound until we came to this third bracket; I think it is smaller than No. 16 wire gauge. The gentleman from Michigan wants to know what I mean by brackets. I will illustrate: "Round iron or steel wire, not smaller than No. 13 wire gauge, 1 cent a pound." I call that one bracket. The next bracket is "smaller than No. 13 and not smaller than No. 16 wire gauge, 1¼ cents per pound." "Smaller than No. 16 wire gauge, 1½ cents per pound." Now, we reduced the duty on those given in the Dingley law one-quarter of a cent per pound on the first two brackets. The duty on the third bracket was 2 cents a pound, and we cut it to 1¼ cents. We discovered that was too large a cut on the third bracket in proportion to the cuts made on the other two and this amendment is to make it 1¾ cents a pound so as to make it balance the bill. The gentleman will notice that as the brackets proceed, the wire gets smaller and, of course, there is more labor, more drawing for the smaller wire than on the larger.

Mr. HAMILTON. I desire to say to the gentleman from New York that I had a general knowledge of the meaning of the term "bracket," but I thought it had better go in the RECORD because that is the term the gentleman uses frequently in his explanations.

Mr. PAYNE. I am very much obliged to my friend for asking the question.

Mr. LIVINGSTON. Is that an increase or a decrease?

Mr. PAYNE. It is an increase from one cent and a half to a cent and three-quarters in the proposed bill, but it represents a decrease in the present law of a quarter of a cent a pound—from 2 cents to 1¾ cents.

Mr. LATTA. Mr. Chairman, that means $20 a ton on wire to the farmers, and we can not stand that.

Mr. PAYNE. Fence wire is in another bracket.

Mr. LATTA. This wire that the gentleman is speaking of is used by the chicken raisers and farmers all over our Nation for fencing in their chicken yards. It is used but little for farmyards, I admit, but you place this duty on No. 13 gauge, which is the wire that is used in the barbed wire our farmers and stockmen use all over the United States, and you place that at $20 a ton. That is prohibitory. [Applause on the Democratic side.] It is a mistake——

Mr. PAYNE. Now, Mr. Chairman, is the gentleman asking a question or is he making a speech; if so, he should do it in his own time.

Mr. LATTA. I want to call the attention of the gentleman——

The CHAIRMAN. One moment; the gentleman from New York has the floor unless he yields.

Mr. CLARK of Missouri. Mr. Chairman——

Mr. PAYNE. Now, Mr. Chairman, I want to say to the gentleman that he is entirely mistaken in his assertion. If he will turn to page 33, paragraph 133, he will find, "Wire rods: rivet, screw, fence, and other iron or steel wire rods"——

Mr. LATTA. Until you come to No. 6 wire and when you come to No. 6 wire——

Mr. PAYNE. That is wire used for making fences; this wire is used for making cables.

Mr. CLARK of Missouri. Mr. Chairman, I want to ask the gentleman——

Mr. PAYNE. The gentleman's zeal to make capital with the farmer has led him into an error.

Mr. CLARK of Missouri. I would like to ask the chairman of the Ways and Means Committee a question, whether we are making capital with the farmers or not.

Mr. PAYNE. I am not speaking of the gentleman from Missouri.

Mr. CLARK of Missouri. I know the gentleman is not. What we want to know is whether this amendment is a raise or a decrease?

Mr. PAYNE. It is a raise by a quarter of a cent a pound, from 1¼ to 1¾, and is a decrease of a quarter of a cent a pound, from 2 cents to 1¾, in the present rates, and corresponds with the reductions we have made in the other brackets and the other size of wire.

Mr. GRAHAM of Pennsylvania. Mr. Chairman, it is not my desire to take up much of the time of the House, nor do I deem it necessary for me to discuss at great length the various schedules in this proposed tariff bill.

It is the never-ceasing cry, especially in my own State among local Democrats who have no desire to offer any protection whatever to our industries as well as among those malcontents in our own ranks—or fusionists, otherwise more popularly known as "insurgents"—that the good old Commonwealth of Pennsylvania is the mother of trusts. I want to state that the State of Pennsylvania always has and it will continue to encourage its corporations. But what else does Pennsylvania do? She in turn taxes these same corporations, of course, and the result is to-day that the people are not taxed for the maintenance of our state government. These expenses are all paid out of the taxes received from these same corporations which we welcomed to us, which we assisted in starting. Our State appropriates annually many millions of dollars toward the support of institutions not under management of the State, such as hospitals, asylums, and all sorts of institutions for the relief of suffering humanity. And that is not all; from these revenues raised by taxation of corporations our State returns to the counties for support of common schools from three to four millions of dollars. In this connection, it is my opinion that some of the other States in the Union, aye, many of them, might do well to follow our example, instead of so heavily taxing its farmers and wage-earners generally.

I am for protection. I believe in protecting our industries with a view to continuing our present prosperous conditions, for in protecting them is not the country reaping the benefits by their employment of labor and the maintenance of our high wage scale and standard of living, the highest by far in all the world? It is our bounden duty to endow our citizens with every possible facility and advantage, and it is for that reason mainly that I am for a high protective tariff. It may not be lacking in interest here to state, Mr. Chairman, that under ordinary conditions the pay roll in my county, the little "State of Allegheny," is something over $1,000,000 a day. That is, I speak of conditions under a protective tariff. I remember, however, the distressing times that followed the passage of the Democratic free-trade Wilson bill; how the manufacturing industries throughout the country were paralyzed, factories closed down, employees thrown out of work; hard-working, honest men, who had never known the true meaning of idleness before, forced to tramp from city to city searching for work; soup houses established in every city in the land; and such distress throughout the country as had never before been witnessed. But this is ancient history, and I will not take up the time "in stirring up your pure minds by way of remembrance" of these harrowing scenes, that I trust will never be repeated—certainly not unless the Democratic party should be restored to power and attempt a repetition of their free-trade fallacies.

Remembering all these things, however, and desirous that our grand old party, that has stood like a rock for protection to American industries, should not falter and, under the guise of revision, make such heavy cuts as to require corresponding reductions in the wage scale, I am not altogether satisfied with this bill, as I consider the reductions—especially those in the iron and steel schedules—are heavier than necessary to an equitable revision. Who profits by this reduction—the people? Not a bit of it. Does the laborer or man of ordinary means use steel in the construction of his home? We will presume that there will result a slight reduction in the price of steel. Will

the people be benefited by this reduction? Will they be benefited in the possible resultant reduction in the cost of constructing a bridge, for instance, by a corresponding reduction in the charges for transportation? It will be the railroads and the large corporations who will profit thereby. And who will suffer? Why, the workers in the mills and their families, as has already been illustrated in the reduction of 10 per cent of the wages recently announced by the Jones & Laughlin Company, the largest independent steel company in the country.

I have not received any complaints from the steel people against the reduction on these duties, nor have I heard of any. And I think this substantiates the fact that it will not be the mills but those who work in them who will be the losers.

I am not satisfied with the plate-glass schedule. While I think the manufacturers can stand a reduction of from 35 to 22½ per cent upon large sizes, they certainly can not compete with Belgium, Germany, and other foreign countries on the smaller sizes. In those countries the rate of wage is from 60 to 75 cents per day, as against $2 and $2.25 paid in this country. To cover this great discrepancy in wages, the rate upon smaller sizes of plate glass should be the same as provided in the bill for the larger sizes, namely, 22½ per cent.

To the credit of the manufacturers be it said that, although competition has been so keen and profits cut so that our independent companies have suspended dividends, they have not as yet reduced wages. But if they fail in getting an equitable schedule from Congress, I am afraid the inevitable result will be a reduction in the wage scale of this industry also.

But I am in favor of placing hides on the free list. This may not sound consistent, but it is consistent, nevertheless. The admission of hides free of duty would mean, perhaps, a dollar per head less that the farmer or cattle raiser would receive for grown cattle. But we must not lose sight of the fact that it would, at the same time, result in cheaper shoes, cheaper harness, cheaper belting, and all other leather goods. But it can hardly be said that we raise our cattle primarily for hides, when we remember that every $5 hide necessitates the production of $50 worth of beef, at least. With this saving resultant from free hides, the cattle raiser can certainly increase the weight of his cattle and thereby increase the price for which he will sell, and make up the difference.

As I have said, I am for a high protective tariff, but it must be a protection to our industries. I have just shown how, from the placing of hides on the free list, no ill effect will be felt by our farmer and cattle raiser, but, on the contrary, it will be beneficial to them. I want now to show just what effect this action will have as a protection to American labor. It would give increased employment to the people on the larger quantities of leather that would be manufactured into shoes, harness, belting, furniture, upholstery, and other articles of domestic and export trade. I am receiving hundreds of petitions for free hides. In my own State there is tanned almost one-third of all the leather made in the United States, and this, with the shoe and harness industry, both in volume and value, is the next largest to steel and iron.

I have not the time to read them to the House, but I shall include in my remarks a few editorials and articles which express much better than I could the situation in detail:

THE FIGHT FOR FREE HIDES.

[Extract from Pittsburg Gazette-Times, Sunday, March 28, 1909.]

There is one provision in the Payne bill, in the nature of revision downward, which is of universal interest. It permits the importation of hides free of duty, as against the 15 per cent schedule of the Dingley bill. This is an item which affects the price of shoes, harness, and all leather goods, and the independent tanners and packing interests of the United States are making an energetic campaign to prevent manipulation such as was employed in the conference on the Dingley bill. It is clamed with so much circumstantiality as to be convincing that the duty on hides is championed solely by the great packing concerns of the West, which are the prime beneficiaries, and that instead of stock raisers being injured by admitting hides free they would not suffer at all, whereas the consumer would reap direct advantage.

Tanners and manufacturers of shoes and leather products assert that the principal effect of the Dingley duty on hides has been to stimulate manufacturing abroad, to the injury of American users of hides. In other words, the leather and shoe trade of Europe has increased out of proportion while our own has languished, and this is actually being accomplished by our foreign cousins with American machinery and by American methods, the absence of duty and lower cost of labor giving competitors across seas undue advantage. The main objection to the hide duty is that it operates wholly to the benefit of that group of beef barons of the West which preys upon the public by brutal methods of price boosting in defiance of every effort of the Government to compel fair dealing. By means of an all-absorbing system of stock buying these packers in turn compel the cattle raiser to sell at the closest possible figure and force the tanner to buy hides at top prices or import his requirements and pay duty. It is to get away from this system that free hides are proposed. Mr. Blaine denounced a proposed duty on hides, as long ago as 1890, as "injudicious in every phase and form." It is not the theory of a protective tariff that it should work hardship on any class of our people, and for this reason the Payne bill provides for free hides.

'WARE THE PACKERS.

[Editorials from Pittsburg Post, March 29, 1909.]

In another column on this page will be found an article touching upon the duty on hides. It is not necessary to read far before one realizes that eternal vigilance is the price of free hides, when the disposition of the matter rests with a Republican Senate; and that even then it is sometimes unavailing.

The perfidy of the people's representatives in the United States Senate was never more painfully apparent than it was eleven years ago, when the 15 per cent duty on hides was first imposed. As at the present time the tariff bill, as it came from the House, made no provision for a duty on hides. But the packing interests wanted protection, and they got it, through the treachery of standpat Senators.

No voice was raised for a tax on hides, save that of the packers. They are the only persons who have profited by it. Because of a limited supply, tanners have been obliged to obtain their raw product from foreign countries, and at a great disadvantage on account of the duty. They can not fairly compete with the packers in the tanning business. The revenue from imports has been inconsiderable, and the Government, therefore, has not benefited. And every person who wears or uses articles fashioned from leather has been obliged to pay more for his goods.

If it is true that the beef trust is planning another such coup as that of 1897—and it would not be surprising, since it is among the most avaricious of monopolistic combines—the Senate will have to be closely watched during the next few weeks. Every influence should be brought to bear to prevent further outrages in the matter of hides.

HOW A DUTY ON HIDES WOULD AFFECT EVERY PERSON WHO WEARS SHOES.

The Pennsylvania Free Hide League, a branch of a national organization of tanners, shoe, harness, belting, and leather goods manufacturers, is making a desperate effort to the end that hides shall be admitted free of duty, as provided in the Payne bill. It is claimed that the great packing interests of the United States, which have gone extensively into the tanning business, are endeavoring to have the 15 per cent duty on hides retained.

The history of the Dingley bill is quoted to show the manner in which the beef trust is proceeding. Eleven years ago the Dingley bill passed the House carrying free entry for hides. Influence was brought to bear in the Senate, however, whereby a duty of 25 per cent was fixed, and this was reduced to 15 per cent only after the most vigorous of legislative battles. The packers, it is asserted, are now engaged in the same kind of tactics.

Literature disseminated by the Free Hide League shows in convincing fashion the absolute injustice of a tariff on hides. It is shown conclusively that the only element to profit through it is the packers. "On the other hand," to quote from this literature, "it has made every farmer pay more for his harness, and every rider pay more for his saddle, and every traveling man pay more for his grips, and every manufacturer pay more for his belting, and you and I pay more for our shoes for the last eleven years.

This duty of 15 per cent only added $2,000,000 a year to the revenues of the Government, but it has cost the American people untold millions; it has cut off thousands of men from employment, because with a 15 per cent duty on sole leather and no duty on any other sort of leather, the American shoemaker is no longer able to compete in the world markets for supremacy. He can now only finish the uppers of millions of dollars' worth of shoes which he is forced to send abroad, where they can put soles on them so much cheaper than we can, through savings of tariffs which he must pay, that the wages that would support thousands of our vast army of unemployed go into the pockets of Englishmen, Germans, Frenchmen, and Italians. Meanwhile, knowing that the Argentine Republic and other South American countries, which could supply us with enough hides for all purposes, are now handicapped, the beef trust has steadily advanced the price of sole leather.

Now, if you want to know how this has affected you individually, one example will give you a sharp enough jolt to make you realize that this is some of your business, and decidedly so. The duty on sole leather has made every pair of shoes in this country cost at least 15 per cent more at the factory. By the time a manufacturer has figured his profits on the finished product, a shoe that used to be sold to the retailer at $1 now costs him $1.15. This shoe used to cost you $1.25; now it costs you $1.50, because 10 cents is not enough profit for the retailer, and the average shoe store takes 25-cent jumps in price; so you pay a 50 per cent advance on your shoes.

With all hides on the free list, $22,000,000 worth of leather now exported to be finished into shoes will be finished at home; thousands of Americans will find employment; a bigger profit will come to the country through the heavier profit that we will be able to make out of the foreign countries by selling them manufactured articles out of this leather. We will not have to send out footwear to Europe to be finished; our shoes will cost so much less that every father of every family in America will benefit at least $4 or $5 every year, if not by lower priced shoes, by better value for the money, which means the purchase of fewer pairs of shoes and the saving, if not through reduction of price, at least through reduction of purchases. Our tanneries will be saved and kept out of the maw of a trust that has always been merciless, which has always taken advantage of every opportunity to increase the prime necessities of life.

THE HIDE SITUATION.

[Extract from Pittsburg Gazette-Times, March 30, 1909.]

"The production of hides," said William Flaccus, president of the William Flaccus Oak Leather Company, whose tanneries are on the North Side and at Buckbannon, W. Va., "is not an American industry; the making of leather is. No cattle are raised in this country for the hides, nor will any be raised for the hides, no matter what duty may be imposed. Hides are a by-product of the slaughtering industry. The cattle are raised for the food beef in them. The cattle grower sells his cattle for beef; the butcher buys them for beef. The price of hides enters not at all into the price that is paid for the steer. The hide is worth not more than 10 per cent of the value of beef in a steer. It is a comparatively small matter to the butcher. It is not taken into consideration when the price of the animal is fixed, so any statement that a duty on hides is a protection to the American farmer is false.

NOT ENOUGH HIDES.

"We raise beef for food for the world; that is, we can not consume all of the beef raised in the United States. We export prodigious quantities of beef, both refrigerated and canned. But the millions of hides

stripped from the carcasses that make this food supply are insufficient in number by many millions to supply the wants of American tanners. We must import hides. It is the same in every other civilized country; none raises all the hides it needs. The result is that every hide tanned in Europe is one less hide for American labor to work on. An American tariff wall against hides makes idle American workmen. Hides are raw material in the broadest sense of the term, and it is only by giving us all the hides we can handle that the American workman in the tanning industry is given that protection to which he is entitled. By just so much as foreign hides are kept out of America by an import duty, by just so much is American industry injured.

DUTY HELPS PACKERS.

"The only beneficiaries of the 15 per cent import duty on hides are the big western packers. That duty was written into the Dingley bill in conference as a compromise, at the demand, we believe, of the packers. Hides before that were free, and they were on the free list of the Dingley bill as it passed the House, just as they are on the free list in the Payne bill as written. Now the packers have become tanners; the beef trust is levying tribute on every consumer of leather in the United States, whether that leather be in shoes, harness, traveling bags, furniture, or other things into the manufacture of which leather enters. They simply add 15 per cent to the world price for hides when they sell their product to the independent tanners. When the world price is low they refuse to sell and tan the hides coming from their slaughter houses; when the world price is high, they tack on the 15 per cent and sell to us at the top of the market. The price they have paid for the cattle makes no difference in the price of hides. The only difference high-priced hides make to the farmer is that he must pay so much more for shoes and harness, and the farmers are greatest consumers of leather in the country.

PRICES ARTIFICIALLY FIXED.

"Statistics published by the United States Government prove that the price of beef on the hoof has no bearing on the price of hides. Hides often rise when beef on the hoof is declining, and vice versa. The prices of American hides are kept up by the beef trust and the leather trust because the packers have a practical monopoly of the production of hides in this country, aided by the duty on imported hides. The whole tanning and leather industries, outside of trust circles, are united in favor of free hides, and they are working with all their might to prevent any change in the Payne bill, so far as this item is concerned. Ask the shoe dealers what they think of it."

GOOD FOR SHOE TRADE.

W. M. Laird, of the Laird & Taylor Company, said he believed that so far as the shoe trade was concerned, the opinion was a unit for free hides. "It will not make so much difference in the price of shoes," Mr. Laird said, "but prices would remain stationary, and not fluctuate at the will and whim of the trusts. For instance, the price of shoes varies from 25 to 50 cents in two months, and without notice or apparent cause. We can not buy shoes for fall trade now, though common business principles would suggest such purchase; manufacturers and leather dealers can not quote more than a week ahead on prices. The most benefit from free hides will come to the workingman, for it is the workingman's shoes that are affected the most. When a man, working for $1.50 to $2 a day, comes suddenly face to face with an advance of 50 cents in the price of his shoes, he feels it keenly. In the better grade of shoes, the manufacturer is able to save in some other part than in leather, and the price of the shoes is unchanged. The buyer does not notice it, but he gets an inferior quality shoe, looking the same as the former one, for the same price."

Thomas R. Ray, another experienced wholesaler of shoes in Pittsburg, said: "Free hides will benefit the independent tanner and leather dealer. It will steady prices, and all of the retailers and wholesalers will know exactly what their stock will cost. It may mean the saving of from 5 to 15 cents a pair on shoes, depending upon their quality, but the actual gain will be in the unchangeable prices of footwear, and people will know what it means when they get a pair of shoes at a certain price."

FREE HIDES.

[Editorial from the Newport (Pa.) News, March 25, 1909.]

The new tariff bill is now under consideration by the House, which is expected to pass it, but certain of its provisions, especially free hides, will, in all probability, be vigorously attacked by the advocates of the continuation of the present high tariff on this article of raw material.

There is no good reason why hides should not be free. Only the large packers, as a general proposition, are advocating a tariff on hides, for purely mercenary and therefore entirely unpatriotic reasons, while the diversified tanning and leather interests of the whole country are opposing it.

The packers control the native hide market and, having their own tanners, are, it is feared, endeavoring to destroy all opposition to their hide and tanning business by means of the proposed tariff on hides, which will prevent their importation and use by the independent tanners. By the term "independent tanners" is meant such tanners as the Elk Tanning Company, of this place, and C. A. Rippman & Sons, of Millerstown. It is said if hides are not placed on the free list and for the further reasons already given, both these concerns will find it very difficult, if not impossible, to continue in business.

Petitions are being numerously signed for presentation to Senators PENROSE and OLIVER requesting them to vote and use their influence in behalf of free hides. It is gratifying that party lines have been dissolved and that the petitions contain the names of both Democrats and Republicans.

The blessings of free hides to the people would be many, outside of aiding measurably one of the most important industries of the country.

By reason of the duty on hides every man pays more for his shoes, every farmer more for his harness, every owner of an automobile more for his machine, trunk, grip, saddle, pocketbook, hat, or suspenders, and every dollar of it goes to one set of men. These men control the hide supply, and they have so harrassed the tanners of America that many of them have either gone out of business, or sold out to the beef trust, or been forced to tan by the pound at whatever price the trust chose to give them. The tariff on hides was inserted in the Dingley bill by doubtful methods, and its baneful effects are seen in the high prices of leather and leather goods, in the destruction of more than 300 tanneries in twelve years, and in going far toward placing another great staple in the hands of less than half a score of men.

The argument that the farmer or other small producer of hides is benefited by the present tariff is entirely wrong.

A well-fed 3-year-old steer will weigh 1,400 pounds, and at this time will bring 6 cents per pound in Chicago. The hide on such an animal will weigh 70 pounds. The farmer, therefore, gets 6 cents per pound for the hide on the carcass, or $4.20. The packer takes off the hide and cures it at a trifling cost, and at the present time would sell it for 15 cents per pound, or 9 cents per pound more than it cost him.

A 70-pound hide at 15 cents per pound brings $10.50, showing that the packer cleared $6.30, which is a profit of 150 per cent. Does this look like the farmer or anybody else gets any benefit from the hide duty? A condition that enables any man or set of men to monopolize a business and make such an enormous profit needs revision, and the only way to revise it is to take the tariff off hides. This great Government can not afford to maintain any tariff item that helps but a half score of men at the expense of 80,000,000.

The packers are a beef trust, and by their advantages due to the Dingley tariff on hides they are fast becoming a leather trust. They now have 32 tanneries stocked and tanning for them, direct or by the pound. In the event of the present duty on hides being continued, they may drive out of business the balance of the independent tanners. Another important question or two arises in this connection: Where will the farmer sell the few hides he may have to sell, or where will he sell his bark if the independent tanner is forced to quit?

The News would, therefore, urge everybody, business men, farmers, mechanics, laboring men, professional men, women, and children, as well as the independent tanners, to ask our Senators and Representatives, by petition or in person, to use all their influence and vote for free hides.

Mr. HITCHCOCK. Mr. Chairman, the present proposition to increase now, by this amendment, the high schedule on steel as proposed in the Payne bill seems to me nothing more than outrageous in view of the facts that were placed before the Committee on Ways and Means when this bill was formed.

Mr. Chairman, the greatest beneficiary of the steel trust in the United States, Mr. Andrew Carnegie, said, and his testimony has never been disputed, that by using 10,000,000 tons of steel during the year 1907 the steel trust earned a profit of $133,000,000, or a profit of more than $13 per ton on all the steel that it manufactured. A more conclusive statement could not have been made that no tariff whatever is required to protect the steel products of this great monopoly. [Applause on the Democratic side.] Here, however, we have in this bill a tariff almost as high on many of the schedules as they have been under the existing Dingley bill, and now it is proposed by committee amendments to jerk up some additional items in the bill to practically the same point under which they have existed in the Dingley bill. My colleague from Nebraska [Mr. LATTA] has said that this particular item affects the farmer, and he is competent to speak for the farmers, I will tell the gentleman from New York, for he has been for more than forty years an active farmer in the State of Nebraska and knows whereof he speaks.

Mr. PAYNE. I would like to ask the gentleman a question. Does he know of any fence wire ever used under No. 16?

Mr. HITCHCOCK. I do not know the sizes of fence wire, but I will take the word of my associate from Nebraska [Mr. LATTA] against the word of an attorney from New York on that subject. I do not care, however, whether this particular wire is used by farmers or used by townspeople. It is a wire of general consumption in some form by the people of the United States, and a deliberate effort is now being made, as it has been made in other cases here, to increase the price of it by taxes.

Mr. PAYNE. Does not the gentleman understand——

Mr. HITCHCOCK. I want to refer to something the gentleman——

Mr. PAYNE. Does not the gentleman understand that this——

Mr. HITCHCOCK. I am not yielding. I have not the time. I want to refer to something the gentleman said here yesterday, which reveals the whole situation. When the tariff was yesterday being discussed upon barley, the gentleman from New York assured his friends on the other side of the House that the 15 per cent per bushel tariff on barley was a prohibitory duty, and therefore they could afford to vote for it. And that is so in many of these schedules. The duty is not for revenue, but to shut out competition. It is particularly so in the schedules that cover the steel products of the United States, it is designed to enrich a monopoly, and it is a farce and a confidence game upon the people to call this a reduction in the interest of the people when many of the schedules are made not only as protective but as prohibitory as they have been during the last ten years. [Applause on the Democratic side.]

Mr. LATTA. Gentlemen of the committee, on this question of wire, the tariff that imposes a duty on it is prohibitory. Now, speaking for the wire that is used by the farmer, on all wire rods, rivets, screws, fencing, and other wire, down to No. 6 gauge, there is a duty of $8 a ton. They blind the public by saying one-quarter of 1 per cent per pound, which is $8 a ton. Wire smaller than No. 6 wire gauge shall be classed as wire, and from No. 6 up to No. 13 it shall be 1 cent a pound. What does that mean? Twenty dollars a ton. All the wire that is

used by the farmer in making his barbed-wire fence is made of No. 13 wire gauge. Every rod of woven wire is made from 13 gauge and larger down to No. 9. Twenty dollars a ton duty is the price of that.

Number 16 wire is used in the poultry fence and by the small gardeners and chicken raisers, and that is $30 per ton, 1½ cents a pound. It is misleading, gentlemen. You have stopped to figure this $30 per ton. Gentlemen, it is more than we can buy the wire for. If there was no duty on it, we could buy it at $30 a ton. Now, as to the covered wires, the duty is much higher, and this is an imposition on the farmer to have $20 a ton placed on wire that he uses to fence his farm. That is the size of the wire that is manufactured into fence, 13 gauge and larger, used by the farmer in fencing his farm in diversified farming, raising stock, and changing his crop. It is a burden and should be reduced. [Loud applause on the Democratic side.]

Mr. HAUGEN. Mr. Chairman, evidently the scheme now is to restore the Dingley rate on wire, billets, wire rods, rivets, and screws. The principle of protection is to protect every worthy and legitimate industry, capital, and labor. It does not include fraud and deception. Anybody who knows anything about the quality of wire that is furnished at the present time knows that it is inferior and that it is nothing but a fraud and deception. If anybody is disposed to doubt my statement, let him investigate for himself. Let him study the investigations made by the Agricultural Department.

Mr. Chairman, considering the poor quality of wire manufactured and sold to-day in this country, the present high tariff is nothing but a protection to fraud and enables the manufacturers to hold up the consumers and compel them to buy a worthless article. When in Panama last January, I observed that the roofs of buildings covered with corrugated iron, as all buildings built by the United States Government and the French company are down there, were in bad condition. Upon inquiry I was told by officers who knew that many of the roofs on the buildings were in bad condition. Upon further investigation I found that the corrugated iron covering the American-built buildings was rusted and in bad condition, while the corrugated iron laid by the French company was apparently in as good shape as when put on.

As you know, in the purchase from the French company, among other things, the purchase included 2,265 buildings in Panama, Colon, and along the line. These buildings were built from fifteen to thirty years ago. As you know, the French Government began its operation there about thirty years ago. The first blast at Culebra was discharged January 10, 1880, and some of the buildings were built before that time.

We began operations and the construction of buildings about five years ago. The canal treaty was signed November 18, 1903, and approved February 5, 1904. We did not begin building houses for some time after that, so the corrugated-iron roofs laid by the French people were laid from fifteen to thirty years ago, and are still in good condition, while the corrugated iron laid by our people, which is the very same gauge, has been laid for less than five years, and is not now in as good condition as that laid by the French company and which has served for twenty or thirty years. The better quality which was used by the French company was made abroad, or, if made here, under the old process; that used by us was made in the United States and by the modern process, which accounts for the difference in quality.

Five years ago I built several miles of welded and woven wire fence. I bought what was represented to be the best made welded and woven wire. In place of buying new barbed wire to put on top of the fence I used old wire that had been in service for twenty-five or thirty years, and to-day that old barbed wire is in better condition than the wire in the welded fence bought only five years ago. What has been my experience seems to have been the experience of everybody else. I have talked with many, and have received a large number of letters from farmers confirming my experience. I have talked with a number of manufacturers and have received many letters from manufacturers of fence wire, many admitting that the quality of the wire manufactured and sold to-day is much inferior to that manufactured and sold twenty or thirty years ago. Nobody, so far as I know, denies it; and if anybody will investigate he will find that the consumers of steel and iron, and especially of wire, are being imposed upon, and, I believe, can reach no other conclusion than that the high tariff on billets, rods, and wire is nothing less than robbery. If so, is it not high time that we take off this tariff on billets, rods, wire, corrugated iron, and other kinds of steel and iron which makes this hold up possible, or at least take off half of it?

Is this imposition to be continued? When the bill was first reported it proposed to reduce the duty. Now it is proposed to practically restore the duty.

Gentlemen, it is hardly fair for you, even if you have a majority vote, to put hides on the free list, to cut the duty on barley in two, which can only benefit the brewers, and at the same time not raise the tax on beer. You are imposing a duty of 594 per cent on one kind of gloves and about 40 per cent on wire, which will enable the steel trust to sell its worthless wire, and are putting many products of the farm on the free list. This is hardly giving us a square deal. If we are to have free trade in the products of the farmer, why not reduce the duty on the manufactured products in the same proportion?

If we are to reduce duties, why not reduce the duty on shoes, harness, and gloves? Why not cut out this differential duty in favor of the sugar trust, or at least cut it in two? Why not reduce the duty on wire, billets, and rods in the same proportion that is proposed in the case of hides and wheat? It is proposed to reduce the duty on hides 100 per cent and the duty on wheat 99 per cent. Hides are put on the free list and only 1 per cent is left on wheat. The duty on gloves has been increased in one instance to more than 500 per cent. It is proposed to reduce the duty on refined sugar from $1.95 to $1.90, a reduction of less than 3 per cent. Why not reduce the duty on the finished articles of leather which the manufacturer has to sell in the same proportion that you reduce the duty on the hide, the finished product which the cattle raisers sell?

Gentlemen, this can hardly be considered a square deal. Why this discrimination? Have the American brewers, the manufacturers of steel, the refiners of sugar and of oil, contributed or done more to maintain or perpetuate this great and splendid Government of ours—yes, to maintain the dignity and stability of this Government—than the tillers of the soil? My understanding is that nobody has responded more promptly or freely when our government institutions were in danger than have our farmers. They have always been found in the foremost ranks in our days of unpleasantness, marching on to victory in times of peace and war, and, generally speaking, have been loyal to the principles of protection. Why, then, should we now kick from under them the ladder, a ladder on which other great industries have climbed to success, at a time when it will serve as a protection to the farmers and add to the blessings, advantages, advancement, happiness, comfort of these people, a people which has contributed so much to this Nation's growth and greatness, dignity, prosperity, stability, peace, law, and order; and at a time when we impose a high tariff on manufactured articles—in my opinion an excessively high tariff on many manufactured articles, especially on billets, rods, and wire—which permits of the manufacture and sale of an inferior quality of the same? [Loud applause.]

I discussed the wire proposition somewhat at length some time ago, and will append to my remarks a part of what I then said.

Mr. Chairman, some time ago I introduced H. R. 16755, having for its object the taking off of duties on all plain and galvanized iron or steel wire, woven or welded into fencing or manufactured into barbed wire.

In offering this amendment to the present tariff laws the importance and value of a protective tariff to American industries, capital, and labor were not overlooked. After carefully considering the value and importance of our tariff system, as well as the importance of the measure and the present conditions, I believe that, as a protectionist and a Republican, I am fully justified in presenting this bill. I yield to nobody in admiration, loyalty, and appreciation of the principles of Republicanism and protection, and I trust that that party may forever cling to that sound and logical doctrine which I believe is so conducive to the welfare, advancement, and happiness of the American people, and which has contributed so much to our Nation's growth and greatness.

Republicans stand united for a protective tariff and denounce free trade as advocated by our Democratic friends. We believe in the upbuilding, encouragement, and advancement of American industries, and a tariff that will benefit labor and result in the common good of all our people. But, as before stated, that does not imply that there is anything sacred in any set of schedules and that they should not be changed or that the present law is perfect in all its details.

For years the Agriculture Department has carried on a careful and extensive investigation with a view to ascertaining the quality of wire fencing manufactured and sold. Anyone who will take the trouble to look up the reports and investigate will, I believe, reach the conclusion that the wire manufactured and sold at the present time in the United States is much inferior

to that manufactured and sold years ago. He will find that wire made under the present process, the Bessemer and open-hearth process, is much inferior to the wire made years ago by the puddling method. Wire manufactured and sold to-day has probably equally as much, if not more, tensile strength, but it cracks and breaks off under vibration, expansion, and contraction, and is less resistant to rust, corrosion, and deterioration. The trouble is it contains too high a percentage of manganese and other impurities. The excess quantity and unequal distribution of manganese and other impurities of course makes the wire less durable, and it lasts only about one-quarter or one-fifth as long as the wire made twenty years ago. The old wire, or the more durable wire, was made of wrought iron by the old process, the puddling method, where the impurities were oxidized or burnt off and the impurities more evenly distributed. The puddling method required more labor, and it is claimed that with the present high-priced labor it can not be expected that hand-worked metal can compete in price with that produced by modern methods. As a result, the steel wire generally made from fairly high carbon hard steel, has been substituted for the old and more durable wire made out of wrought iron by the old process—the puddling method—especially the woven wire. Therefore a much inferior quality of wire is being sold the farmers and consumers of wire, not because of the inability of the manufacturers to furnish the quality desired, but from avarice and greed for profits.

The same is true as to steel sheets used for roofing, smoke flues, locomotive flues, gas pipes, and so forth. Take, for example, roofs and sides which were covered with corrugated iron sheets of heavy gauge twenty years ago, where extensions have later been erected at periods of from five to fifteen years, and where steel sheets of the same gauge were used and subjected to the same conditions and treated the same. The roof sheets laid on the first part have been found in good order after twenty years, while the steel sheets laid later have lasted only four or five years. Those who have had experience with both kinds say that the present sheets last only one-fourth or one-fifth as long as the old ones.

Besides the investigation and information furnished by the department, I have received a large number of letters on the subject. I will not take up the time of the House to read all of them, but will read one. Here is a letter written by a gentleman I have known for thirty years. He is a practical, intelligent, and successful farmer, and what he says can be relied upon.

MANLY, IOWA, *February 21, 1908.*

Hon. G. N. HAUGEN.

DEAR SIR: Allow me to thank you for the splendid work you are doing, and especially for your bill putting fence wire on the free list.

I have some fence on my place that has been doing service for twenty years, and the wire is now in better condition than some that I erected five years ago. It is utterly impossible to obtain good wire now at any price. I know I am voicing the sentiment of the entire farming community when I urge the passage of your bill.

Sincerely, yours,

M. PARKER.

Besides this I have had some experiences myself. I have bought and used fence wire for thirty years, and know that the fence wire manufactured and sold in recent years is much inferior to and shorter lived than that sold years ago.

I will also ask to have printed in the RECORD some of the correspondence with manufacturers of wire, and newspaper clippings, which give much light on the subject. I will also invite your attention to Farmers' Bulletin No. 239, by Allerton S. Cushman, who has carried on an extensive investigation for the Department of Agriculture.

These letters and clippings raise a very important question, that is, Should not the billets and rods be included and be put on the free list? The contention is, if not, we will drive the independent manufacturers—those who do not manufacture the partly finished article—out of business; that the trust dictates prices and controls the output, and that the independent manufacturers are now at its mercy. Nobody wishes to cripple or drive out of business any worthy or legitimate enterprise. I certainly have no such desire. To the contrary, I want to protect them.

The letter and clippings are of high authority, and I take it nobody will dispute the fact that the wire manufactured and sold to-day is much inferior to that manufactured and sold twenty or thirty years ago. Gentlemen, if this is true, and there is no doubt about it, and if by removing the duty a better quality of wire will be furnished by our domestic manufacturers, or can be imported and sold for the price the inferior domestic wire is now being sold for, then why not remove the duty? But you say that the duty is necessary to protect our home manufactures—that iron and wire is now being imported notwithstanding the high duty. That is true, but that is a special grade of wire, such as is not and can not be manufactured here. Barbed wire and wire fencing are not separately enumerated in the returns of imports rendered to the Department of Commerce and Labor by the collectors of customs, being included with other articles under general heads.

If you will turn to pages 41 and 42 of the report of the Department of Commerce and Labor, Bureau of Statistics, on imported merchandise entered for consumption in the United States and duties collected thereon in 1907, you will see by the table on page 42 that of the 569,250.95 pounds of wire not smaller than No. 13 gauge, 398,475.90 pounds was valued at more than 4 cents per pound, and paid a duty of 40 per cent plus 1¼ cents per pound. Of the 149,132 pounds of wire coated with zinc, and so forth, 121,065 pounds was valued at more than 4 cents per pound, and paid 40 per cent duty, and 15,117 pounds of it was smaller than No. 13 wire gauge, and paid a duty of 2.2 cents per pound, while only 12,950 pounds was not smaller than No. 13 wire gauge, and paid 1.9 cents duty per pound. It will be seen, then, that the wire imported is of a very high grade, and does not come in competition with the fence wire manufactured and sold here.

If our manufacturers can and will not furnish the better quality of wire, why deprive the consumer of the privilege of buying it elsewhere? Will anybody contend that the manufacturers are entitled to this protection, or will anybody contend that our manufacturers or laborers need any protective tariff on this article against foreign manufacturers and labor, even with our high-priced labor? Certainly not.

I call your attention to page 7399 of the CONGRESSIONAL RECORD of May 24, 1906:

Mr. UNDERWOOD. Can the gentleman from Pennsylvania name me any steel mill in the world that can make steel rails cheaper than they are made at Pittsburg? Can the gentleman from Pennsylvania name me any iron furnace in the world that can make pig iron cheaper than Birmingham?

Mr. DALZELL. I think not.

Nobody will question this authority. Both are experts and represent districts where the largest manufacturers of these articles are located. If pig iron and steel rails can be made as cheaply here as any place in the world, of course wire can. A large amount of iron is being exported every year and sold in competition with the world, which also goes to show that it can be made as cheaply here as elsewhere. With our advantages in transportation, with our skilled labor, with our improved machinery, with our abundance of ore and fuel, our manufacturers of wire can and would produce wire equally as good and as cheaply as any other country without a protective tariff. They would make less money, as it costs more to manufacture the better quality, but they can make, and will have to make it, if the duty is removed, and that without any hardship to labor or anyone. Even if the trust has to squeeze a little water out of its stock, what of it? The trust has robbed the consumer by imposing on him high prices and furnishing a poor quality of wire, and the consumer is now entitled to some consideration.

More than 400,000 tons of this wire is manufactured and sold every year. The average price at the mills is estimated at about $52.21 per ton, the total value being $22,511,149.43. Add to this the cost of transportation and the charges and profits to the merchants and jobbers, and you will easily have $30,000,000. This means that if a superior quality of wire can be made here or imported and sold for the same price that the inferior wire is bought and sold for now, the farmers are taxed more than $20,000,000 every five years by reason of the fact that an inferior quality of wire is being sold them.

If our manufacturers can and will furnish us with a good quality of wire, I would not object to a duty on wire in order to protect them against foreign cheap labor, if such protection is needed; but if the manufacturers of wire have, and I understand many of them have, combined and formed a trust, watered their stock, and entered into a conspiracy to defraud the consumers by manufacturing and selling an inferior wire at a price equal to that which a good quality can be furnished for, then that is a different thing, and there can be no justification for it. Manufacturers have and can make as cheap and as good wire as manufacturers in other countries, and as good as was made here twenty years ago; and the purchaser is entitled to just as good wire as is made in other countries, especially if it can be made as good here as elsewhere. If the manufacturers insist on making and selling, at present prices, an inferior wire when a better quality can be made and sold as cheaply as imported wire can be made and sold, then they are not entitled to protection.

It has been the policy of the Republican party to encourage manufacturers by giving them a protective tariff, even if they were making an inferior quality and charging higher prices, but that was with a view of stimulating competition and encour-

aging industries and with the expectation that in time the articles might be perfected. This is entirely a different proposition. We know that the manufacturers know how to make a durable, serviceable, and economical article, but do refrain from doing so because the inferior article can be made cheaper, and because outside competition has been cut off by reason of a protective tariff, and because the farmers and consumers have to buy their make. This is, of course, unjust and indefensible. The same holds true to a large extent as to steel sheets, railroad irons, billets, rods, and various other irons.

Gentlemen, the iron and steel trusts and the iron and steel schedules need attention. What is true as to the quality of wire manufactured and sold is probably true as to all kinds of steel—sheets, wire and iron nails, construction and bridge iron, railroad iron, and other iron. This is undoubtedly the cause of so many accidents on railroads and a loss of so many lives. I have confined my amendment to wire fencing, as the investigation of the department was confined to wire fencing, and I did not feel justified in including items of which I had no special information.

The principle of protection, as before stated, is to protect American industries and American labor, but not to foster and protect fraud and deception, nor is it to build up or to foster an industry that is not or can not be made a success in this country, or one that has ceased to exist.

In conclusion let me say that I believe and contend that inasmuch as American wage-earners and American capital help to maintain and contribute to our national prosperity, growth, and greatness, they should be given protection against foreign manufacturers and producers who pay no taxes here, who pay less for labor, and who can afford to sell for a less price by reason of cheap labor. But that does not imply that there should be a tariff on all products, certainly not on those which do not need protection, or such as will foster and protect fraud, deception, trusts, monopolies, and combinations. Every Republican tariff act has contained a large list of articles on the free list. If you will turn to pages 194 to 203, volume 30, United States Statutes at Large, you will find that the Dingley Act contains a free list of more than 200 articles and classes of articles.

As before stated, I am a protectionist, but in view of the existing trusts, monopolies, combinations, high prices, and the conditions of our forests, I believe that the tariff schedules, such as billets, wire rods, steel sheets, lumber, wood pulp, and paper, should receive immediate attention and the duties modified if not totally removed. And until the trusts manufacture a fence wire and furnish the American consumer with a better quality, a more rust-resisting wire, a quality equally as good as that furnished by other countries, or as good as that manufactured here years ago, greater in efficiency and economy than that which it is now manufacturing and selling, I favor the admittance, free of duty, of wire suitable for this purpose.

Mr. GARDNER of New Jersey. Mr. Chairman, if this amendment affected the farmer, as my friend from Iowa seems to think——

Mr. HAUGEN. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. HAUGEN. Is it in order to move to reduce the duty one-half?

The CHAIRMAN. The Chair will consider that question when an amendment is offered.

Mr. CLARK of Missouri. Mr. Chairman——

The CHAIRMAN. The gentleman from New Jersey has the floor.

Mr. GARDNER of New Jersey. The only thing, I apprehend, with which the House has to do for the moment is the amendment offered by the gentleman from New York, the chairman of the Committee on Ways and Means. That refers to the wire smaller than 16 gauge and smaller than 16 gauge only. It does not enter into the wire fences used by the farmers. If it enters into the building of a chicken fence, it is only after it has been manufactured otherwise, and is provided for in another schedule of this bill.

Mr. POINDEXTER. Will the gentleman yield to a question?

Mr. GARDNER of New Jersey. One moment. This wire is used for the purpose of making wire cables. It was understood, as I am informed, that the duty on wires should be reduced, the smaller wires, one-quarter of a cent a pound. It so happens that in the printed bill this particular size, on which there is the most reason to keep up the duty, is reduced half a cent a pound, while the others are reduced one-quarter. Now, the farmer is neither interested in nor harmed by this. This is a question of the importation of wire for the making of cables, and whether it shall be made in this country or some other.

Mr. LATTA. What gauge do they use in wire cables, please?

Mr. GARDNER of New Jersey. No. 16 and smaller.

Mr. LATTA. No, sir; they use Nos. 48 to 80 in the making of wire cables. Nos. 16, 18, and 20 would break in two hours' use. No. 16 and up to 30 is used for chicken wire, the kind that is used in fences.

Mr. GARDNER of New Jersey. The answer is that it does not do it.

Mr. LATTA. Nos. 48 to 80 gauge is what they use in making wire cables.

Mr. GARDNER of New Jersey. The tariff on this bracket should be made to correspond with the other. If one is 1 cent, another one and a quarter, and another one and a half, this should be one and three-fourths; and I repeat, the farmer is not interested in the matter.

Mr. LATTA. Are you a farmer?

Mr. GARDNER of New Jersey. Yes; that is my occupation.

Mr. LATTA. But you never built any wire fence.

Mr. POINDEXTER. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New Jersey yield to the gentleman from Washington?

Mr. GARDNER of New Jersey. In one moment, Mr. Chairman. The gentleman from Nebraska [Mr. LATTA], in taking his seat remarked, "You have never built any wire fence." I will not take the time of the House to talk about that, but we will measure up mile for mile all the wire fence we have built and perhaps own at this moment, and there is a dinner on the result.

Mr. LATTA. I will meet you any time to measure up with you.

Mr. POINDEXTER. What is the cost of producing a ton of this wire that is affected by this amendment?

Mr. GARDNER of New Jersey. I do not know the cost of producing it, but what I do know is that under the present rate of 2 cents a pound enough of it is coming in from abroad to interfere with the labor of the United States which makes it.

Mr. POINDEXTER. If you pass a law reducing it a quarter of a cent, still more will come in.

Mr. GARDNER of New Jersey. And still more if it is reduced still further.

Mr. POINDEXTER. If you do not know what is the cost of producing it, how are you able to advocate an increase in the duty on it as being justifiable?

Mr. GARDNER of New Jersey. I am not advocating an increase.

Mr. POINDEXTER. This proposed amendment is an increase.

Mr. GARDNER of New Jersey. It is not. It is a reduction.

Mr. POINDEXTER. An increase of $2.50 per ton.

Mr. CLARK of Missouri. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Missouri offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend Mr. PAYNE'S amendment by striking out of his amendment the word "one."

Mr. MANN. The gentleman's amendment does not have the word "one" in it.

Mr. CLARK of Missouri. Then I will offer this one.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn, and the gentleman from Missouri [Mr. CLARK] offers another amendment.

Mr. CLARK of Missouri. Amend the amendment by striking out "1¾ cents" and insert "one-half of 1 cent" as a substitute.

Mr. MANN. But the gentleman's amendment does not have——

Mr. CLARK of Missouri. I will settle that very suddenly, if the Chair will bear with me. In line 14, I move to strike out the words "one and one-half" and insert the word "three-fourths."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of Mr. PAYNE'S amendment the words "one and," so that it will read "three-fourths cent per pound."

Mr. CLARK of Missouri. That is all I want to say about it. This is what it does. It cuts this tariff down one-half, and if this amendment carries, then I will offer another.

Mr. HILL was recognized.

Mr. RANDELL of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentlemen will state it.

Mr. RANDELL of Texas. Is the committee amendment offered by the chairman to strike out the word "one-half" and insert "three-quarters," or is it to strike "one and one-half" and insert "one and three-quarters?"

The CHAIRMAN. Without objection, the amendment of the gentleman from New York will be again reported.

The Clerk again reported the amendment.

Mr. CLARK of Missouri. All my amendment does is to substitute for the amendment of the gentleman from New York the word "three-quarters." It strikes out "one and a half" and "one and three-quarters" and substitutes "three-quarters."

Mr. HILL. Mr. Chairman, I do not believe this House wants to begin now or at any other time to fix duties in this bill in the interest of any particular class, either in the interest of the banker, the clerk, the farmer, the manufacturer, or anybody else, but to do equal and exact justice to all people. And yet the claim is made boldly on this floor that this duty ought to be cut in the interest of the farmer.

Now, the farmer has nothing to do with this particular duty. If you are going to raise that claim, raise it on something else. The committee has not acted on that policy. Let me tell you some of the facts. On the question of the farmer's products you have duties like this: Wool, 60 per cent; starch, 61; plants and nursery stock, 63; potatoes, 57; honey, 55; hay, 55; eggs, 56; rice, 64; mules, which were the subject of discussion yesterday, 75 [laughter]; zinc, a western product, 100 per cent.

What is the duty on this product? Twenty-five to 40 per cent. Why is this amendment offered? Because, when the duty was scaled from the Dingley law on this paragraph, the purpose was to cut it a quarter of a cent a pound—$5 a ton. What did we do? We made a mistake. We cut the less valuable product $5 a ton and the next less valuable product $5 a ton, and this, the most valuable, $10 a ton. We made a mistake. On the first bracket, which we cut one-quarter of a cent a pound, the importation in 1898 was 1,000,000 pounds. In 1907 it was 1,600,000 pounds; it had only increased one-half in twelve years.

What on the next bracket? In 1898 it was 800,000 pounds, and the importation in 1907 was 2,245,000 pounds. But this is one on which you propose to put a lower rate than any other, and which ought to be higher than any of the three. The importations are as follows: Twelve years ago 600,000 pounds, and last year 2,200,000 pounds. The importations have increased nearly four times over, and the committee comes in and say they made a mistake and ask to have it put back on the same basis as the other two where the importations have not increased proportionately. Is it not fair, can not you divest yourselves of the idea that it is going to benefit any particular class and then do justice to this bracket on the basis of fact? [Applause.]

Mr. SCOTT. Will the gentleman state what the Dingley law provides?

Mr. HILL. Two cents, and if you pass the amendment it will still be $5 a ton below the Dingley law.

Mr. HAUGEN. Does not the gentleman think that the American consumer is entitled to as good a quality of wire as the foreigner?

Mr. HILL. Absolutely, and better. I was talking to a man last night who has factories in London and Berlin, where he uses large quantities of wire, and he told me that he was shipping wire from the United States to his factories, because the quality was better.

Mr. HAUGEN. Is not the gentleman aware of the fact that every independent manufacturer of wire admits that the quality of wire to-day is inferior, and is now asking for free billets and rods that they may be able to make better goods—a better quality?

Mr. HILL. I am aware that general statements do not count. I was in conversation all last evening with a constituent of mine from my district, who has a large factory in London and another in Berlin and two in the United States, where his raw material is wire, and he told me that he was shipping American wire to his English factory because it was better.

Mr. HAUGEN. Now, Mr. Chairman, I will put the statement of the Secretary of Agriculture and the statement of the experts in that department——

The CHAIRMAN. The time of the gentleman from Connecticut has expired.

Mr. SLAYDEN. Mr. Chairman, I offer the following substitute for the amendment, which I send to the desk and ask to have read.

The CHAIRMAN. The Chair will state that there is already one substitute pending.

Mr. SLAYDEN. Then make this a substitute for the substitute.

The CHAIRMAN. It is not in order at this time.

Mr. RUCKER of Missouri. Mr. Chairman, I think the country may well be congratulated upon the fact that members of the Ways and Means Committee are now standing before the House seeking to correct some of the many mistakes they have made. When this bill was brought in, we were told in a two-days' speech of the arduous work performed by the committee. We were assured that exhaustive and extensive hearings were had, and that the Payne bill as reported was the result of the very best intellect, the very best judgment, and the very best patriotism to be found in the Republican party. To-day and yesterday we have seen some remarkable demonstrations.

Responsive to an overwhelming sentiment throughout the country, the leader has been driven to put tea and coffee back on the free list; but with those exceptions it seems to me that this committee is being moved and guided by influences from other sources. The gentleman from Connecticut [Mr. HILL], who has just taken his seat, states that even last night, and until a late hour in the night, he was in consultation with one of the manufacturers of wire in this country. We are advised by the press and by those who live in hotels in Washington that the hotels and boarding houses here are flooded to overflowing with people whose mission here is to advise the individual members of the Committee on Ways and Means of the mistakes made here and there in the bill as reported; and to-day we see a reflex of that influence. Every amendment produced is a contradiction of the statement which accompanied this bill proclaiming the great care with which it was prepared, and demonstrates that, notwithstanding the public hearings, the committee had not heard from all of the trusts and the monopolies of this country. To-day we are asked to increase the duties above those reported by the committee. I will say that, in my judgment, it is a crying shame and a disgrace, at a time when this town is flooded with lobbyists, that distinguished gentlemen will stand here responsive to the appeals of these lobbyists and move to increase the duties upon the necessities of life and articles of common use. I am opposed to all of these committee amendments. [Applause on the Democratic side.]

Mr. UNDERWOOD. Mr. Chairman, I think that some of our friends are mistaken as to what this particular wire about which this amendment is offered is used for. I do not think this grade below 16-gauge wire is used for fencing, but in the same paragraph there is wire that is used for fencing that is entirely too high. I think this schedule, this particular amendment, makes this wire too high, and it ought to be reduced, and I think it is very unfortunate that the rules of the House do not let us take up this schedule on iron and steel and adjust it properly. I want to call the attention of the committee to schedule 134. The amount of production in the United States, as shown by the census reports, was $61,840,000 worth of wire under the schedule. The imports amounted to $496,000. In other words, the imports in the year 1905 were only five-sixths of 1 per cent. Now, this schedule includes the farmer's fence wire, and yet the tariff is so high on it that there is only five-sixths of 1 per cent imported into this country—practically no competition. There is a tariff wall built so high by this bill that competition is impossible. More than that, we exported to foreign countries in the year 1907, $8,482,000 worth of wire that is covered by this schedule. If we can take this wire and go into the markets of the world, where there is no protection—where there is no tariff wall to hold it up and maintain it—and compete in the open markets of the world with the world's commerce, where is the necessity for maintaining these prohibitive rates under this paragraph? [Applause on the Democratic side.] More than that, I want to call attention to a specific piece of testimony in reference to No. 13 gauge wire, which is net wire. When Judge Gary, the chairman of the United States Steel Corporation, returned his testimony to the Ways and Means Committee——

The CHAIRMAN. The time of the gentleman has expired.

Mr. UNDERWOOD. Mr. Chairman, I regret that I have not time to finish this interesting story.

Mr. WOOD of New Jersey. Mr. Chairman, there seems to be a good deal of misunderstanding on the floor of the House in reference to this committee amendment, which has been reported by the gentleman from New York [Mr. PAYNE]. The purpose of the committee amendment is simply to correct an error that has crept into the bill as reported to the House. It is to make these wire schedules consistent and logical. The wires to which this amendment relates are the smaller kinds of wire known as "smaller than No. 16 wire gauge." The reduction in these sizes from the present rates is 25 per cent. In the larger sizes of wire the reduction from the Dingley rate is 16⅔ per cent and 20 per cent, respectively. The smaller the wire the greater amount of labor involved and the greater the protection necessary. This principle was inadvertently overlooked by the committee in this single item. When the matter was brought to the attention of the Ways and Means Committee, they cheerfully and promptly made the correction, and have reported it as a committee amendment.

I want to say, Mr. Chairman, that 46 per cent of all the wire that is made in this country is produced in my own city. There are two firms, the John A. Roebling Sons & Co. and the Trenton Iron Works. The Roebling firm employs between seven and ten thousand men.

And I would say they have also established what is called the "model factory town" of Roebling, located a few miles below the city of Trenton.

Mr. COX of Indiana. Mr. Chairman——

The CHAIRMAN. Does the gentleman from New Jersey yield?

Mr. WOOD of New Jersey. Not just at present. I want to say, Mr. Chairman, 75 per cent of the business of the John A. Roebling Sons & Co. is in the smaller grades of wire, and this disproportionate reduction would work great injury to this industry, if not entire disaster. Thousands of workmen will be thrown out of employment, and conditions will probably be about the same or similar to those which prevailed before the Dingley act went into effect. At that time several of these departments were shut down and many of the buildings of this great establishment were used as storehouses and filled with foreign-made wire. I appeal, Mr. Chairman, for the support of this amendment, because it is in the interest of fair play. Let this work done by American workmen, in American shops, and at American wages, rather than by German workmen and in German shops.

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. WOOD of New Jersey. Yes.

Mr. STEPHENS of Texas. Are not you already protected by 45 per cent ad valorem?

Mr. WOOD of New Jersey. But this will disconcert all the schedules, and there is no reason why there should be a reduction of 25 per cent in one schedule and 16⅔ per cent in another and 20 per cent in another. If you are going to do away with the whole schedule, that is one proposition; but there is no reason for this disproportionate decrease in the smallest-sized wire.

Mr. STEPHENS of Texas. Can the gentleman inform us whether barbed wire is charged the same 45 per cent and an additional rate of two-tenths of a cent per pound, and is it not a fact that this barbed wire is used by the farmers entirely?

Mr. WOOD of New Jersey. I do not understand this is used by the farmers at all. It is employed in the making of cables.

Mr. STEPHENS of Texas. Do not they call the wire in it "barbed wire?"

Mr. WOOD of New Jersey. Not that I am aware of.

Mr. PAYNE. Will the gentleman yield? I would like to move that debate be closed. Mr. Chairman, I move that all debate be closed on this paragraph and amendments thereto in ten minutes.

The CHAIRMAN. The gentleman from New York moves that all debate——

Mr. CLARK of Missouri. Make it fifteen minutes.

Mr. PAYNE. Very well; I will make it fifteen minutes.

The CHAIRMAN (continuing). Be closed in fifteen minutes.

The motion was agreed to.

Mr. COX of Indiana. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. COX of Indiana. When this amendment is disposed of will it be in order to offer amendments to the remaining parts of the paragraph?

The CHAIRMAN. The Chair will answer that question when such an amendment is proposed.

Mr. RUCKER of Colorado. Mr. Chairman, it was far from the thought of the Chair that I was not recognized half an hour or more ago, but mainly because I was hidden behind the presence and voices of so many others seeking recognition. It appears that a new Member has more difficulty in being recognized—by the old Members—when seeking the floor than he does to be elected. And it creates little wonder in my mind that so many of the new Members are taking the places of the old.

Now, Mr. Chairman, if the gentleman from Nebraska [Mr. LATTA] or the distinguished chairman of the Ways and Means Committee are both right or greatly wrong, one claiming that the particular item under discussion includes fencing wire and the other that it has special reference to cable wire; and, again, upon the other hand, if the distinguished member of the Ways and Means Committee from Alabama [Mr. UNDERWOOD] is correct that the size and weight of this wire will take in at least chicken wire and baling wire, then my people, as well as myself, find that even the negro's coon trap which was set to catch the coon acoming and agoing was not quite complete, because he ought to have caught him sideways as well.

My State, Mr. Chairman, is a great agricultural Commonwealth and the greatest mining State of this Union. We raise, in connection with our agriculture, chickens, and we need wire to protect them against the coyotes, wolves, and polecats. We need wire for baling purposes, because we produce great crops of alfalfa. Of course there are but few here who know what that is. [Applause.]

Mr. MANN. Oh, we are not so ignorant as we look.

Mr. RUCKER of Colorado. But it may be that the gentleman does not know that we ship this product all over the United States, and a great part of it even goes to Europe. [Applause.]

Now, without questioning the opinion of any one of these gentlemen as to where this particular weight of wire will go or undertaking to get them out of their tangle, it goes without saying that this weight of wire will be included in what we use for chicken as well as baling wire. But Mr. Chairman, I am led to believe that it will also include fencing wire. We are engaged more largely to-day than any other State in this Union in fencing a large hitherto unoccupied domain. Our country is settling up rapidly, and we are deeply interested in this proposition for the purpose of aiding the new settler in fencing his home and aiding the old settler to repair his fences. [Applause.]

Then again, Mr. Chairman, we are a great mining section of the country. We produce more gold and silver, we sink deeper shafts, run longer tunnels, build more tramways, and use more derricks than any other State in the Union. And I will now ask the gentleman from Connecticut [Mr. HILL], and the chairman of the Ways and Means Committee [Mr. PAYNE], if it is not true that most of the cable wire is used in the mining industry?

Mr. STEPHENS of Texas. Will the gentleman yield for a question?

Mr. RUCKER of Colorado. With pleasure.

Mr. STEPHENS of Texas. I wish to ask this question. I wish to ask the gentleman if he has discovered the "joker" in this provision here, beginning on line 25, as follows:

On iron or steel wire coated by dipping, galvanizing, or similar process with zinc, tin, or other metal, there shall be paid two-tenths of 1 per cent a pound in addition to the rate imposed on the wire of which it is made.

Now, is it not a fact that the galvanized wire, known as "barbed wire," used in the stock-raising country of the entire West, goes through this process; and is it not a fact that this will add two-tenths of 1 per cent to the rate imposed on the cattle raisers all over the country? [Applause.]

Mr. RUCKER of Colorado. If not in whole, at least in part, the gentleman from Texas is correct. Yet, I want to emphasize the fact that this wire, as used for fencing purposes, can be so reduced or enhanced in weight by the manufacturer in this country as to cut out competition. [Applause.]

Already, Mr. Chairman, the price of wire of all kinds is too high when it reaches us of the West and the Middle West. It becomes almost prohibitive in its use. The farmer, and especially the latest comer, the man of small means, hesitates, the one to repair his fences, and the other to build his fences, because of the uncertainty of his crop and the price he is going to get for it. He would like to build a fence such as would keep out the coyotes, wolves, and polecats all around his place, but with the present price of wire and the added price this bill would accomplish, he may not be able to build a fence that an elephant or a giraffe might not easily pass through, even though the one raised his snout, or the other bent his head.

The miner has been forgotten entirely so far as explosives are concerned and so far as his clothing is concerned, and this measure adds one more straw to his already overburdened back by compelling him to pay more for the cables used in his mining. [Applause.] And this is done despite the fact that the two greatest chieftains of the iron and steel industry have testified before the honorable members of the Ways and Means Committee that protection is not necessary to this production—the two men who have, more than all others combined, built the trade in the United States to its present tremendous proportions.

In view of this fact, I would like to inquire of the defenders of this exorbitant and in many cases prohibitive duty from whence comes the clamor for its imposition? [Applause.]

Mr. SLAYDEN. Mr. Chairman, I think that of all the obnoxious paragraphs in this bill none is a more flagrant and inexcusable effort to legislate in favor of great, strong corporations and against the interest of the masses of the people than paragraph 134, page 34, which covers the wire schedules. There has been some discussion here as to the quality and size of wire used by farmers on the ranches and farms in the West. No. 13 wire is very generally used in making ordinary barbed wire

that goes around, I suppose, 95 per cent of all the farms and ranches in the West. Two strands of No. 13 wire twisted together and containing barbs made from the same wire make the ordinary fencing barbed wire of commerce.

Now, Mr. Chairman, under this bill it is proposed to have that class of wire carry a duty of $20 per ton, or 1 cent a pound. And it is peculiar how persistently this committee insisted upon levying this duty as a pound rate, when everybody knows that fencing wire is never bought by the pound. It looks insignificant to say a cent a pound. It begins to loom up as important when you say $20 or $30 a ton.

Taking No. 13 as a basis, the farmers will be called upon under this bill, as proposed, to pay a tax of $3.20 a mile on each strand of wire that they use in their fences. Ordinarily four strands of wire are used in making the fences in my section of the country, and it makes the important tax of $12.80 a mile to be paid by the farmers.

Mr. Chairman, ties for baling hay ordinarily consist of Nos. 14 and 16, on which we are to pay $30 per ton duty. Now, it is possible that the farmers in the East, like our friend from New Jersey [Mr. GARDNER], do not have to spend a great sum of money for baling wire, but in the West and Southwest it is of vast importance. An incredible amount of it is used, and to ask the farmer to pay a tax of a cent and a half per pound, or $30 a ton, is entirely too much. It is all done in the interest of the strongest corporation in the United States, the greatest monopoly in the world.

Carnegie, who, until his testimony was recently impeached by gentlemen here, was supposed to know as much about steel making as any man in the world, declares that we make it cheaper than any people on earth.

Mr. CULLOP. Will the gentleman yield for a question?

Mr. SLAYDEN. If the gentleman will ask it quickly.

Mr. CULLOP. One of the gentlemen stated that these rates were for the benefit of the laboring men of the country; and another one that these same companies were exporting a large amount of this product to foreign countries. How could it be for the benefit of the laboring men, then?

Mr. SLAYDEN. I can not, in the time allowed me, answer the question of the gentleman, I am sorry to say. Judge Gary, the chairman of the board of the United States Steel Corporation, admitted that with the tariff taken off of steel his corporation could live and go on doing business, and I inferred from his remarks that he thought they could even more effectually dominate and control the market of the United States under free steel than they do now. He appeared, however, to be particularly solicitous for his only competitors, the small, independent producers.

Mr. Schwab, a man of large experience in the steel trade; a man who, I suppose, still keeps current knowledge of all that is to be known, and of all that it is important a manufacturer should know, in reference to the steel trade, in an interview published within a week has also declared that it is not a matter of importance whether the steel schedules proposed in this bill are enacted or not.

Yet the committee insists upon taxing products in common use by farmers, and by farmers only, thus conferring advantages upon corporate interests that do not need them, and denying them to that class which is most in need of the consideration of Congress.

The general condition of trade in steel manufacturing, as in all others, makes for prosperity or lack of prosperity.

Mr. PAYNE. Mr. Chairman, as I stated to the House, the wire that is mentioned in this bracket is not the class of wire that is used for fencing wire. I am glad to be confirmed in my statement by the statement made by the gentleman from Alabama, and I do not believe there is another Member of the House better posted in the products of iron and steel manufacture than that gentleman. He also stated that this wire was not fence wire, and I put that statement and my own information against the statement of the gentleman from Nebraska. The gentleman claims to speak as a farmer. I understand he has written himself down as a banker. I suppose he combines both banking and farming—both honorable occupations, and both occupations have bred truthful men, as undoubtedly he is.

Mr. LATTA. Is it any crime to be connected with a bank?

Mr. PAYNE. If the gentleman had listened to what I said, he would have heard me say that both farming and banking were honorable occupations.

Mr. LATTA. Thank you.

Mr. PAYNE. I hope the gentleman is not unduly sensitive.

Mr. LATTA. If there is anything I do know anything about, it is barbed wire and fencing materials.

Mr. PAYNE. Having settled that little dispute with the gentleman from Nebraska—and the unpleasantness of it seems to have been upon his side—I want to say, on the merits of the proposition, recognizing on this particular wire the committee cutting down, as they have, the iron and steel schedule from the beginning to the end, had made this cut a little too deep in this third bracket, they proposed to ask the House to remedy that, making it conform with the cut they made upon the other brackets, a cut of one-quarter of a cent a pound, or $5 a ton upon this particular class of wire, which, fortunately, does not affect the fences, but does affect those manufacturers who make wire cables and who make various manufactures of things in which this wire is used.

Having made that statement, Mr. Chairman, it would seem to me there is no use of all this flurry and all this eloquence, and still I am glad to hear it, when gentlemen think that some of their own interests are disturbed. I have no interest in the manufacture of wire; there is none in my district; it is not a monopoly, because there are a score of independent wire manufacturers. It is a process which any man can enter into. It is not monopolized by any one corporation. So, Mr. Chairman, I think that the committee have made a proper change in this particular amendment, which may have been overlooked, because the amendment offered by my friend from Missouri is on the mistaken idea that he was going to help the farmer by cutting this down. So I hope that the House will adopt the amendment proposed by the committee.

Mr. CULLOP. Will the gentleman allow me to ask him a question?

Mr. PAYNE. Certainly.

Mr. CULLOP. I will ask the gentleman if it is not a fact that 60 per cent of this product is manufactured by a trust in this country?

Mr. PAYNE. Well, I can not give the amount. But as well as I can, I think the United States Steel Corporation makes perhaps 50 per cent of it. I think probably that is true, but there are a number of other independent manufacturers.

Mr. HAUGEN. Will the gentleman allow me to ask him a question?

Mr. PAYNE. I yield to the gentleman.

Mr. HAUGEN. Does the gentleman contend that the wire furnished now by American manufacturers is equal to the quality furnished by other countries?

Mr. PAYNE. Why, Mr. Chairman, the manufactures of iron and steel in this country, and the manufactures of iron and steel of every description, wire or anything else, are equal to the best manufactures anywhere in the world. [Applause on the Republican side.] I am tired of hearing my friend, by that question, impugning his Americanism.

The CHAIRMAN. The time of the gentleman from New York has expired. The question is on the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced that the noes seemed to have it.

Mr. HITCHCOCK. Division!

The House divided; and there were—ayes 145, noes 128.

Mr. PAYNE. I demand tellers.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] and the gentleman from Missouri [Mr. CLARK] will take their places as tellers.

The committee again divided; and the tellers reported—ayes 155, noes 146. [Applause on the Democratic side.]

Mr. HITCHCOCK. Mr. Chairman——

Mr. LIVINGSTON. Mr. Chairman——

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York as amended by the amendment of the gentleman from Missouri.

Mr. HITCHCOCK. Mr. Chairman, I offer this as a substitute.

The CHAIRMAN. A substitute for what?

Mr. HITCHCOCK. A substitute for the amendment as amended. I have the right to do that, as I understand.

Mr. PAYNE. Why, Mr. Chairman, the House has exhausted this amendment by amending the amendment.

The CHAIRMAN. The Clerk will first report the proposed substitute.

The Clerk read as follows:

Page 34, paragraph 134, amend line 11: Strike out "1" and insert "one-half of 1." Line 13——

The CHAIRMAN. This is not a substitute for the amendment and is out of order.

Mr. CLARK of Missouri. I appeal from that decision.

Mr. SHERLEY. The Chair has not even permitted the amendment to be read.

The CHAIRMAN. The Chair has heard enough to learn that it is not an amendment or a substitute.

Mr. SHERLEY. In good faith to the committee, the committee should have an opportunity to know what it is; to see if it desires to appeal.

The CHAIRMAN. Without objection, the entire amendment will be reported. The Chair was simply desiring to save time.

The Clerk read as follows:

Page 34, paragraph 134, amend line 11: Strike out "1" and insert "one-half of 1."
Line 13: Strike out "1¼ cents" and insert "one-half of 1 cent."
Line 14: Strike out "1½" and insert "one-half of 1;" also strike the "s" from the word "cents."
Line 16: Strike out "40" and insert "20."
Line 24: Strike out "45" and insert "20."
Page 35, line 2: Strike out "2" and insert "1."
Line 8: Strike out "1¼ cents" and insert "three-fifths of 1 cent."
Page 35, paragraph 134, line 12: Strike out "1" and insert "one-half of 1."
Line 13: Strike out "40" and insert "20."

Mr. PAYNE. I make the point of order against that amendment that it is not germane to the amendment before the House.

Mr. CLARK of Missouri. This amendment——

Mr. PAYNE. Will you allow me to make my statement?

Mr. CLARK of Missouri. I beg your pardon. I thought you had finished.

Mr. PAYNE. The gentleman should hold in his exuberance. He will get over it before the day is far spent.

Mr. CLARK of Missouri. I beg your pardon. I thought you had finished.

Mr. PAYNE. It seeks to amend various parts of the paragraph that are not open to amendment; and I do not know, but I should think it covered most of the iron and steel schedule.

Mr. SHERLEY. Upon the point of order I desire to be heard briefly.

The CHAIRMAN. The Chair will hear the gentleman from Kentucky.

Mr. SHERLEY. Mr. Chairman, the rule that made a committee amendment in order to any part of the bill stops there. If the bill was being read under the five-minute rule and a paragraph was reached and an amendment was offered, the whole paragraph would be subject to amendment. Now, the only difference between that condition and the condition in which the committee now finds itself is this: That the rule under which we are operating gives to the members of the Ways and Means Committee the right to immediately offer an amendment to any particular paragraph; but when that amendment is offered to that particular paragraph, the committee is in the same position that it would be if the paragraph had been reached under the regular reading of the bill under the five-minute rule; and that being true, the whole paragraph is open to amendment by virtue of the action of the committee.

The CHAIRMAN. The Chair will ask the gentleman from Kentucky where he finds anything in the rule to substantiate that view of it?

Mr. SHERLEY. The rule provides:

But committee amendments to any part of the bill shall be in order at any time, and also preference shall be given—

And so forth. Now, the effect of that rule is simply to enable the Committee on Ways and Means to offer an amendment to a particular paragraph without waiting until that paragraph is reached under the five-minute rule. But the moment they do offer an amendment to that particular paragraph, so far as the Committee of the Whole is concerned, we deal with it just the same as if we had reached it under the five-minute rule.

The CHAIRMAN. Where does the gentleman find authority for that proposition?

Mr. SHERLEY. Why, simply in the logic of events. When there is any doubt about the construction of a rule, it must never be construed to restrict the powers of the House. The doubt must always be in favor of enlarging the power of the committee or of the House to deal with a subject. Now, the rule simply provides that the Committee on Ways and Means may come to a paragraph out of its order.

Mr. JOHNSON of Kentucky. And leave the other rules standing.

Mr. SHERLEY. Suppose, for instance, we were operating under the ordinary rules of the House, and a gentleman rose to ask unanimous consent to offer an amendment to a certain paragraph which had not been reached. No objection being made, the amendment is offered to that paragraph. Would it not be apparent that that paragraph then would be before the Committee of the Whole House for all amendments germane to it? That is the proposition that confronts the committee now.

Mr. MANN. Mr. Chairman, the rule provides that amendments offered by the committee shall be in order to any part of the bill at any time. I take it that an amendment offered by the committee is to be tested according to the ordinary rules of the House relating to amendments. If the gentleman from Kentucky had offered, when this paragraph was read in regular order, the amendment now offered by the gentleman from New York, no one would contend that it was in order as a substitute for that amendment to offer the amendment now offered by the gentleman from Nebraska. The simplest parliamentary principle would tell anybody that that could not be done in regular order. If the paragraph were reached for amendment in regular order, and the amendment of the gentleman from New York had been disposed of, it would then be in order for the gentleman from Nebraska to offer his amendment; but no one will contend that his amendment is a substitute, in fact, under the ordinary parliamentary law, for the amendment now pending as amended by the gentleman from Missouri.

Going even further, I should liken the case somewhat to a matter of conference between the two Houses. Suppose the House had passed a bill and the Senate had inserted as an amendment the amendment offered by the gentleman from New York and the matter was sent to conference. There are repeated decisions, all on one side, to the effect that the amendment of the Senate could be amended and that the text of the bill, which was not amended in the bill not in conference, could not be amended by the conferees.

Mr. HITCHCOCK and Mr. SHERLEY rose.

Mr. MANN. I will yield to the gentleman from Nebraska.

Mr. HITCHCOCK. Would not that be for the simple reason that both Houses having acted on the paragraph, the conferees had no jurisdiction whatever? Is it not now the fact that this Committee of the Whole House has all the powers that the Committee of the Whole always has to consider a bill under the five-minute rule, except such cases as are made by the special order adopted by the House, and this is not one of them?

Mr. MANN. The amendment in conference is subject to any germane amendment, and that is all an amendment ever is. The committee amendment is subject to a germane amendment; and the amendment in conference between the two Houses is subject to any germane amendment, and that is the reason I gave the illustration. I think it is upon all fours, so far as the parliamentary law is concerned. I will now yield to the gentleman from Kentucky [Mr. SHERLEY].

Mr. SHERLEY. I do not now care to ask the question.

The CHAIRMAN (Mr. OLMSTED). The special rule or order of the House under which we are proceeding provides that committee amendments to any part of the bill shall be in order at any time. Without that special provision, the amendment offered by the gentleman from New York would not itself be in order at this time.

The Chair has heretofore ruled that when a committee amendment is offered it falls under the five-minute rule and is itself subject to any germane amendment; but this is not such an amendment. Here is a proposition offered by the gentleman from Nebraska as a substitute amendment to the amendment offered by the gentleman from New York. That amendment and the substitute amendment offered by the gentleman from Missouri and already voted upon, both relating to a single definite article or subject of duty in the pending bill, to wit, "smaller than No. 16 wire gauge, 1½ cents per pound," is the item in the bill to which the amendment is directed.

Now, as a substitute for that amendment, the gentleman from Nebraska offers some nine different amendments, or, if you choose, one amendment upon nine different subjects and to as many different places in the bill, and which would be divisible, if anybody demanded it, so as to require nine different votes, the first one applicable to an entirely different dutiable subject-matter, the second one relating to still another, the third to a different one, the fourth to a different one, the fifth to a different item in the bill, the sixth to a different item in the bill, the seventh to a different item in the bill, and so on. There is only one of all the provisions of the amendment of the gentleman from Nebraska that has any relation at all to the pending committee amendment offered by the gentleman from New York or to the item in the bill to which that amendment is offered. If in order on the demand of any Member, it would be divisible, and a separate vote would have to be taken on each of the different propositions, and they could only be voted upon one at a time.

None of these provisions, save one, are germane to the amendment offered by the gentleman from New York, or the amendment offered by the gentleman from Missouri, or to the particular item or subject-matter of the bill to which they are offered. Without reference to the special rule or order under which we are proceeding, the substitute amendment is not a substitute; it is not germane; it is not in order under the regular rules of the House nor general parliamentary law.

It amounts to nine different amendments to as many different parts of the bill, and is not in any event in order at this

time under the special rule which governs procedure upon this bill. If this paragraph of the bill were reached in regular order during the reading of the bill, of course it would be subject to amendment. Even then the amendment of the gentleman from Nebraska would have to be ruled out as an amendment to or substitute for the amendment of the gentleman from New York as not being germane. But the paragraph has not been reached and read in due course. The committee amendment itself is in order only because made so by the special rule. But that special rule does not open up to noncommittee amendments any part of the bill or paragraph not covered by the committee amendment. Independent of the special order, such an amendment was never in order in the history of the United States. The Chair sustains the point of order.

Mr. CLARK of Missouri. I most respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Missouri appeals, and the Chair entertains the appeal. The question is, Shall the decision of the Chair stand as the judgment of the committee?

The question was taken, and there were 167 ayes and 138 noes.

Mr. CLARK of Missouri. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. CLARK of Missouri and Mr. PAYNE were appointed tellers.

The committee again divided; and the tellers reported—ayes 178, noes 139.

So the decision of the Chair stood as the judgment of the committee.

Mr. LIVINGSTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 30, paragraph 123——

Mr. PAYNE. Mr. Chairman, that has gone far enough to indicate that it is not in order at this time. That is an amendment to another paragraph.

Mr. CLARK of Missouri. Mr. Chairman, I wish to call the attention of the Chair to the fact that he has never yet put the question upon the amendment offered by the gentleman from New York [Mr. PAYNE] as amended by the amendment which I offered.

Mr. PAYNE. He has not yet had the opportunity.

The CHAIRMAN. The Chair supposed that the amendment offered by the gentleman from Georgia was an amendment to the amendment, but it seems it is not.

Mr. LIVINGSTON. I withhold that for the present, Mr. Chairman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York as amended by the amendment of the gentleman from Missouri.

The question was taken; and on a division (demanded by Mr. CLARK of Missouri) there were—ayes 126, noes 177.

So the amendment was rejected.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 150, page 40, line 1, strike out the words "made from plate metal" and insert in lieu thereof the following words: "tubes or flues made from plate metal and corrugated, ribbed, or otherwise reenforced against collapsing pressure."

Mr. PAYNE. Mr. Chairman, just a word in explanation of that. That relates to solid cylindrical furnaces made from plate metal. The committee wishes to confine it to certain furnaces by confining it to those that are corrugated or by some other method are reenforced so as to resist the pressure of the steam. The class is too large now for this rate of duty, which is 2 cents a pound, and we wish to restrict it or, in other words, to lower the rate. And, Mr. Chairman, I want to say one word further, and that is that we are not making as rapid progress on the bill this afternoon as we would if gentlemen upon this side of the House would stay here and attend to business. [Applause.] I want to state to the Members of this side of the House that the members of the committee worked early and late for five months. Now, can you not afford to stay here this afternoon and to-morrow morning in order to vote on the bill? [Applause.]

Mr. CLARK of Missouri. Mr. Chairman, I would like to have that amendment again reported.

There was no objection, and the Clerk again reported the amendment.

Mr. CLARK of Missouri. I would like to ask the chairman of the committee what it means.

Mr. PAYNE. Mr. Chairman, it restricts the class of these furnaces that come in at this rate of 2 cents a pound and refers them to another paragraph at a lower rate. We wanted to confine it to those that had the iron corrugated so as to reenforce by their shape the strength of the furnaces.

Mr. CLARK of Missouri. It has a tendency to reduce the rate?

Mr. PAYNE. It has a tendency to reduce the class on which this large rate is imposed.

Mr. CLARK of Missouri. Is the class that you put it into raising or lowering the rate?

Mr. PAYNE. It makes it lower. This is 2 cents a pound—a very high rate.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I now offer the following committee amendment, Mr. Chairman, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 151, page 40, line 16, strike out the word "fifty" and insert in lieu thereof the word "twenty-five." On the same page, line 18, strike out the word "fifty" and insert in lieu thereof the word "twenty-five." On page 41, line 3, strike out the word "fifty" and insert in lieu thereof the word "twenty-five."

Mr. PAYNE. Mr. Chairman, this is a change of the class——

Mr. HAUGEN. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman will be recognized when the gentleman from New York has yielded the floor.

Mr. PAYNE. Mr. Chairman, this is a change of the class, and to correct a mistake that was made in the printing of the bill—that is, in the copy of the bill that was taken from the previous print. It corrects it in three particulars, making it 25 instead of 50 cents, referring to the class under which these goods come. This is the cutlery schedule, and the rate of duty is high, because cutlery is largely a luxury. A good knife is always a luxury. A man can carry a poor knife as long as he desires to for the necessities of the case, or a cheap knife, but this higher class of knives is the class that should bring in a revenue to the Government. That is all I care to say at present.

Mr. HAUGEN. Mr. Chairman, I wish to offer an amendment.

Mr. CLARK of Missouri. Before the gentleman offers his amendment, I wish to make the point of order on this amendment. It has not been fifteen minutes since the Chair ruled that you could not do the identical thing the Chair is doing.

The CHAIRMAN. The Chair will state that debate having taken place the point of order of the gentleman is now too late.

Mr. CLARK of Missouri. It is never too late to do good. You are offering three amendments at one clip.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Iowa, and the Chair will ask the gentleman from Iowa if it is offered as an amendment to the amendment?

Mr. HAUGEN. It is offered as a substitute.

The Clerk read as follows:

Strike out the word "four-tenths," in line 2, page 24, and insert the word "two-tenths"——

Mr. PAYNE. The Clerk has read far enough. The gentleman's amendment refers to page 34, and this is page 40, and I make the point of order against it.

Mr. HAUGEN. I trust the gentleman from New York will not make the point of order.

Mr. PAYNE. But the gentleman does.

The CHAIRMAN. The amendment offered by the gentleman from Iowa seems to be neither an amendment to the amendment nor a substitute. It does not even relate to the same paragraph of the bill. The pending committee amendment is to paragraph 151, "Penknives," and so forth. The amendment of the gentleman from Iowa is directed to the item of wire rods, in paragraph 133, and therefore is not in order at this time.

Mr. SHERLEY. Mr. Chairman, can we have the paragraph reported as proposed to be amended?

The CHAIRMAN. Without objection, it may be so reported. The Clerk will report.

The paragraph as proposed to be amended was reported.

Mr. RUCKER of Missouri. Mr. Chairman, I desire to ask the gentleman from New York if this proposed amendment would increase the tariff on this class of goods?

Mr. PAYNE. It would on some of these knives, slightly.

Mr. RUCKER of Missouri. May I ask the gentleman what information has recently come to his mind that suggests the necessity for a further increase on this particular line of goods?

Mr. PAYNE. Mr. Chairman, we intended to follow the old law, the present law covering these brackets. Through some mistake in printing the word "fifty" was inserted in place of the word "twenty-five," and this amendment is to carry out the original intention of the committee. The committee's intention was to keep this paragraph where it is in the present

law, so far as the present duty is concerned, because it is necessary for the protection of this industry.

Mr. RUCKER of Missouri. May I ask the gentleman one other question? I would like to know how your attention was directed to the fact that an error was made in this matter.

Mr. PAYNE. Well, it is a story. I will tell the gentleman, if he wants to know. In Notes and Comments, in the right-hand column, the mistake was made in the first place, printed some time ago, and printed at "fifty" instead of "twenty-five." When the Clerk came to make up this bill, he took that right-hand column instead of the left hand and placed it in the copy. The copy went to the Printing Office and it was printed in this way, and the committee did not discover it until the attention of the committee was called to it to know whether we meant to make that change. We did not intend to do so, and we offer this amendment simply to make the paragraph just what the committee thought it was when they put it in here and what they voted to do.

Mr. RUCKER of Missouri. I am glad, Mr. Chairman, that the Public Printer has made some mistakes and the Committee on Ways and Means did not make them all.

Mr. PAYNE. Mr. Chairman, there is no question that we sometimes make mistakes; none are infallible unless they come from Missouri.

Mr. RUCKER. I supppose the Public Printer called attention to the mistake.

Mr. PAYNE. No; the Public Printer, even, did not call attention to it.

Mr. RUCKER of Missouri. I did not know but what somebody had come here for the purpose.

Mr. CLARK of Missouri. Mr. Chairman, I would like to ask: The net result of this amendment is to raise the rate on all these articles named?

Mr. PAYNE. No; it raises it on some of them, not on many of them. It raises it on those between $1.25 and $1.50, if that is the size of it. It puts them where they are in the present law, all of them.

Mr. CLARK of Missouri. Here is the way you work it: You cut down the price——

Mr. PAYNE. No; we did not cut down this duty at all.

Mr. CLARK of Missouri. I know; but you cut the price down——

Mr. PAYNE. Yes.

Mr. CLARK of Missouri (continuing). So that the cheaper article got the higher rate.

Mr. PAYNE. Yes.

Mr. CLARK of Missouri. That is it. Well, I am "agin" it. [Laughter.]

Mr. PAYNE. Well, I am for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PAYNE].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Division, Mr. Chairman.

The committee divided; and there were—ayes 158, noes 103.

So the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] offers a further committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 151, on page 40, line 21, after the word "provided," insert the following:

"That any of the foregoing knives or erasers, if imported in a condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon the value of finished knives and erasers of the same material and quality: *And provided further.*"

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. SHERLEY. I desire some information.

Mr. PAYNE. I want to say for the benefit of my friend from Kentucky [Mr. SHERLEY] that this is to correct a fraud on the revenue, nothing more and nothing less. They have been bringing in knives here that were fully completed—"assembled," to use the technical term—except one or more blades did not receive the final polish, which is a matter of very little cost and very little labor, and bringing them in as parts of knives at a lower rate of duty. It is a fraud against those who bring in honest knives fully completed, and this is simply to correct that irregularity or fraud upon the revenue.

Mr. CLARK of Missouri. Does it not require labor to finish these things?

Mr. PAYNE. Very little labor.

Mr. CLARK of Missouri. All of us want to give employment to American labor. Why do you not want to give this to them?

Mr. PAYNE. Now, that is the difference between the gentleman and myself. I would rather commence from the bottom—from the ore—and go on up, and make these knives, shape them, and everything else. The gentleman seems to think it would be better to bring them in here fully made, except lacking polish of a blade or two, and then give our laborers the benefit of the little labor on them.

Mr. CLARK of Missouri. The gentleman does not state the difference right. I wish everything that is used in the United States could be made in the United States [applause on the Republican side], and then we could substitute some reasonable and sensible system of taxation in this country for this system that no mortal man has sense enough to understand [applause on the Democratic side], not even the chairman himself.

Now, the situation about it is that these things that are being put in at this higher rate are unfinished articles. There is a gentleman here now who has in his pocket one of these unfinished knives. Nobody would want one of them, and every time one of them is brought in that way in an unfinished state, instead of being brought in in a finished state, it gives employment to American labor. There is no getting away from that proposition. Consequently, I am against this amendment.

Mr. PAYNE. The only question is whether we shall give a cent's worth of employment or half a dollar's worth.

Mr. CLARK of Missouri. You can not keep out certain fine cutlery until we learn how to make it.

Mr. PAYNE. We make just as good cutlery as they do in any country under the sun.

Mr. CLARK of Missouri. You do of some classes.

Mr. PAYNE. We do of all classes.

Mr. CLARK of Missouri. Wait a moment. I will jog the gentleman's memory here so that he will not forget it. The gentleman from New York [Mr. VREELAND] demonstrated before that committee, much to my surprise, that we can not compete in the razor-making business in this country with the foreigner.

Mr. PAYNE. And he also demonstrated that we made better razors than those which were imported. [Applause on the Republican side.]

Mr. CLARK of Missouri. That all may be. It is all right to applaud when you do not know what you are applauding about. [Laughter and applause.] But the gentleman from New York [Mr. VREELAND] did testify before that committee that most of the razors that are used in this country are made abroad because we can not make them under present circumstances, and it surprised me as much as anything that happened before that committee. Consequently, the statement of the chairman is not based on fact. It is simply one of those bluffs that might go on the stump, but it will not go here. [Laughter.]

The CHAIRMAN. The question is on the amendment.

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. CLARK of Missouri. Division!

The committee divided; and there were—ayes 151, noes 120.

So the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 182, on page 49, line 16, strike out the word "ferrophosphate" and insert in lieu thereof the word "ferrophosphorous."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 182, on page 49, line 15, strike out the word "ferromanganese;" and in line 17, strike out the word "ferrosilicon;" and in line 20, after the word "valorem," change the period to a semicolon and insert after said semicolon "ferrosilicon and ferromanganese, $4 per ton."

Mr. SHERLEY. Mr. Chairman, I would like to have the paragraph read as it is proposed to be amended.

The CHAIRMAN. Without objection, the paragraph will be read as proposed to be amended.

Mr. PAYNE. I object to reading the paragraph. Gentlemen have the bill before them, and they can see what it is.

Mr. SHERLEY. It is impossible to understand the changes that are made as the amendments are read.

Mr. GARRETT. I make the point of order on the amendment.

Mr. MANN. I would have no objection ordinarily to having a paragraph read as proposed to be amended, but out of respect for the jaws of the Clerk on this paragraph, I object to its being read. If the gentleman will look at it, he will see what I mean.

Mr. PAYNE. A gentleman has asked me to withdraw this amendment until to-morrow morning, if there is no objection.

Mr. SHERLEY. I shall not object.

Mr. PAYNE. I offer the following amendment:

Paragraph 194, page 54, line 1, strike out the words "apparatus and."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 194, page 54, line 5, after the words "lace-making machines," insert the following: "including machines for making lace and machines for making nets and netting;" and in line 7, after the words "lace-making machines," insert the following: "including machines for making laces and machines for making nets and netting."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Paragraph 198, page 55, lines 23, 24, and 25, strike out the words "briar root or briar wood and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted;" and insert at the end of the paragraph on page 56, line 7, after the word "valorem," the following words: "briar root or briar wood, ivy or laurel root, and similar wood unmanufactured or no further advanced than cut into blocks suitable for the articles into which they are intended to be converted, 25 per cent ad valorem."

Mr. HARRISON. Will the gentleman please explain the reason for the imposition of this duty?

Mr. PAYNE. Yes; these are on the free list. The proposition is to let them pay a duty of 25 per cent for revenue. It appeared to the committee that briar root or briar wood was formerly produced, or rather gathered, in this country in large quantities for the purpose of making pipes. It was quite an industry in some of the Southern States, and regardful always of the interests of the Southern States we have put a protective tariff on this briar root and briar wood of 25 per cent ad valorem in order to revive that interest, so that the South may supply the American smoker in the matter of briar-root pipes instead of importing foreign wood for that purpose. It is to encourage this southern industry.

Mr. HARRISON. Then you have shifted from the revenue point to the protective point?

Mr. PAYNE. We have moved to the protective point and did not care for the revenue that that involved.

Mr. HARRISON. Do you consider this new rate prohibitive?

Mr. PAYNE. Oh, no; I think that we will still be importing briar wood, but the importations will grow less, I hope.

Mr. HARRISON. What has become of the revenue you had expected to raise?

Mr. PAYNE. The revenue in this particular item we will have to forego in the interest of a domestic industry of the South.

Mr. BARTLETT of Georgia. May I ask the gentleman a question?

Mr. PAYNE. Certainly.

Mr. BARTLETT of Georgia. The gentleman speaks of this industry of the South and protecting those industries. Does not the gentleman think he would do more to serve the great masses of the people of the South by taking the duty off cotton bagging and ties rather than making this change, which will be of no benefit to anybody?

Mr. PAYNE. Now, the gentleman is looking from his view point, not from mine. I believe in making the cotton ties in this country to bale the cotton produced in this country, and I am in favor of protecting them so that we can do the labor. I am like the gentleman from Missouri [Mr. CLARK]. I want to do all this labor in our country in the way of manufacture. I not only wish it, but I am directing my practical energies in that direction.

Mr. CLARK of Missouri. I want to congratulate the gentleman upon having come over to my platform. [Laughter.]

Mr. PAYNE. Yes; I should not have to come a long way, would I, to get onto the platform of desiring to produce everything in this country that our people need to use? Why, I was shouting that doctrine before I was 10 years old.

Mr. BARTLETT of Georgia. The gentleman knows he has put binding twine upon the free list, which is used by the farmers of the West. Is not the gentleman as much in favor of putting cotton ties, that bind the great crop of the South, upon the free list as he is of putting binding twine on the free list?

Mr. PAYNE. Let me point out to the gentleman from Georgia something that he has forgotten. We can make binding twine in this country in competition with the world, and do make it. Notwithstanding it is on the free list, we are able to make our binding twine. If it was necessary in order to have that industry here instead of abroad, I would vote for a duty on binding twine. I am not voting for class legislation on this business.

Mr. BARTLETT of Georgia. The effect of this bill is purely class legislation.

Mr. PARSONS. Does the committee intend to bring in a compensating increase to the manufacturers of articles from briar wood?

Mr. PAYNE. The committee concluded that 60 per cent on smokers' articles, including briar-wood pipes, was ample protection for the industry, and therefore did not add to that percentage.

Mr. PARSONS. Did the committee examine into the facts?

Mr. PAYNE. They did, and also examined some letters which have been received since, and the committee are amply satisfied that 60 per cent will take care of that business. If they had not been so satisfied, they would have put a larger percentage on these pipes.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MANN. As I understand, briar root is now on the free list.

Mr. PAYNE. Yes; and that kills the industry.

Mr. MANN. I notice there is not a very large amount imported—a little over $300,000 worth. Now, I am not a smoker of pipes, but I have smokers in my district, and I rise to the defense of the gentlemen in the House who use briar-root pipes. I do not see what object there is in putting 25 per cent duty on briar root when the importations scarcely amount to anything, solely for the benefit of someone who is producing it and now able to produce it without any duty at all.

Mr. PAYNE. The gentleman is somewhat mistaken in his statements.

Mr. MANN. Very likely. I took my figures from some of the gentleman's documents.

Mr. PAYNE. There was $46,000 worth imported in 1894 and $340,000 worth in 1907, and there has been a gradual increase from year to year of the importation of briar wood.

Mr. MANN. Oh, well, while there has been a gradual increase of importation of briar root, there has been a very rapid increase in the consumption of briar root, and the use of $300,000 worth of briar root does not go very far in providing the briar-root pipes that are used in this country.

Mr. PAYNE. Perhaps the gentlemen were mistaken who came before the committee, but they thought that none of it was produced here, that it was practically all imported. Now, I do not know. I am not in the pipe business.

Mr. MANN. I am not in the pipe business.

Mr. PAYNE. And I have no pipe dreams about it, either.

Mr. MANN. I think before we put that additional tax on the men who use briar-root pipes we ought to be sure that it is necessary.

Mr. COWLES. Will the gentleman permit a question?

Mr. MANN. Certainly.

Mr. COWLES. The gentleman referred to the quantity of briar wood imported into this country. I have before me the figures given me by the Bureau of Commerce and Labor, and I find that briar wood or briar root and similar woods unmanufactured, the woods intended to be covered by this amendment, were imported to the amount of $499,687 worth in one year.

Mr. MANN. I want to ask the gentleman if the supply of briar wood in the United States is sufficient to furnish the demand for all briar-wood pipes?

Mr. COWLES. Yes; the material that this will cover will furnish material enough to make all the pipes in the world for years to come. I will further state for the gentleman's benefit, if he will permit me, that the McKinley bill placed a duty of 20 per cent ad valorem on briar wood, and during that time a number of factories sprung up in North Carolina, and perhaps in Virginia and Tennessee, manufacturing material from which pipes are made.

Mr. MANN. Now, if the gentleman will yield me a little of my time, I would like to make some remarks myself. I suppose it is only fair, if we are to increase the tax on ladies' stockings and gloves, that the men should pay a little more for the privilege of doing that which the ladies can not do—smoke briar-wood pipes. [Laughter.]

Mr. PARSONS. Mr. Chairman, this amendment will destroy the pipe-manufacturing industry in this country. At present that industry has a duty to protect it of 60 per cent under the duty on smokers' articles.

Mr. COWLES. Will the gentleman yield?

Mr. PARSONS. I will yield to the gentleman for a question.

Mr. COWLES. Was the pipe industry in this country destroyed during the operation of the McKinley bill?

Mr. PARSONS. It was not as great then as it is now.

Mr. COWLES. The country was not as great then as it is now, and they had a duty of 20 per cent.

Mr. PARSONS. On smokers' articles they had a duty higher than 60 per cent. In other words, under the McKinley bill the manufacturer was protected by a compensating duty equal to or greater than the 60 per cent which is now provided on smokers' articles. This 60 per cent duty has not prevented a tremendous increase in importation.

In 1899 the importations of smokers' articles was $237,000; in 1907 the importations were $954,000, an increase of 400 per cent, which shows very clearly that the manufacturing industry could not live if you put a duty on the wood of 25 per cent, and yet leave the duty on the finished article only 60 per cent.

There has been a 400 per cent increase on the importations with 60 per cent on the manufactured article, and the manufactured industry here will be wiped out if you reduce the compensating protection to only 35 per cent. Therefore I ask again the chairman of the committee whether the committee is not going to propose some compensating duty for the manufactured article? If not, I hope the amendment will be defeated.

Mr. SLEMP. Mr. Chairman, I want to say that I represent a congressional district that produces all the coal that is produced in Virginia, and yet coal has been placed on the free list. We furnish iron ore enough to run 14 furnaces, and yet iron ore is placed on the free list. We send out 57,000 cattle, and yet hides are put on the free list. Here is all that is left, the only free raw material to which I ask your attention. [Laughter.] I want to read in this connection a letter from the president of a railroad in my district on this subject. It is as follows:

SEPTEMBER 25, 1908.

Hon. C. BASCOM SLEMP,
Big Stone Gap, Va.

DEAR SIR: At the coming session of Congress I believe it would be worth your time and of value to your constituents to look into the matter of pipe blocks for making "French briar-root pipes." Formerly there was a large business in southwest Virginia and east Tennessee in the getting out and shipping of ivy roots for these pipe blocks, and one or two small plants in the same territory for cutting the roots into pipe blocks. The chief item of revenue was to the local people in the mountains in getting out, hauling, and selling these ivy roots. When the Wilson tariff bill was passed, as the writer is advised, these pipe blocks were put upon the free list, and since that they have been coming in from foreign countries cheaper than our people could get them out of the mountains, haul them to the railroad, and ship them. If there is an infant industry in the United States which needs a little protection and which would benefit the workingman and farmer, it is this pipe-block business.

I would suggest that it would be well for you to discuss this question with Mr. W. P. BROWNLOW, as it affects his district as well as yours.

Yours, very truly,

W. E. MINGEA.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. SLEMP. I will yield to the gentleman from New York.

Mr. PARSONS. What good will protection do you if you do not protect the manufactured article?

Mr. SLEMP. I am in favor of protecting the manufactured article, and I am also in favor of protecting the raw material of the producer. It seems to me that it is the fundamental principle of the Republican party, which, in my judgment, has been violated in this bill. [Applause.] I want to say that I do not approve of the Payne bill in that feature; and yet I voted for the rule the other day, because I placed my Republicanism higher than my own personal interests. [Applause.] I know I took some chances in my district as to my political future in supporting the rule that brought in the Payne bill, but I did it because I believed it was for the interest of the Republican party to do it; and because I believe it will come back to the House in such shape that it will meet with my approval and the approval of the people of my district. Now, in answer to the gentleman's question, I am in favor of giving protection to all manufacturing interests, and also to all raw-material producers. While we are considering the ultimate consumer I do not want you to forget the primary producer; and I hope you gentlemen will give us this protection, at least. [Applause.]

Mr. GARRETT. Mr. Chairman——

The CHAIRMAN. The gentleman from Tennessee.

Mr. PAYNE. Mr. Chairman, will the gentleman yield for a moment until I can make a motion to close debate?

Mr. GARRETT. I will state to the gentleman from New York that I desire only about a minute and a half.

Mr. PAYNE. Mr. Chairman, I move that debate close on this paragraph and all amendments thereto in five minutes.

The CHAIRMAN. The question is on the motion of the gentleman from New York that all debate on this paragraph and amendments thereto be closed in five minutes.

Mr. HUGHES of West Virginia. Mr. Chairman, I would like the gentleman to amend that by inserting a provision, if the gentleman from Tennessee wants only a minute and a half, that the gentleman from North Carolina [Mr. COWLES] may have the remainder of that time.

Mr. PAYNE. I will state to the gentleman that he may have it.

The question was taken, and the motion was agreed to.

Mr. GARRETT. Mr. Chairman, I just want to suggest, in answer to the observation of the gentleman from New York [Mr. PAYNE], that this was for the encouragement of a southern industry; that we appreciate the fact that the gentleman from New York sometimes thinks of the South, and along his lines of peculiar thought seeks to do the people of that section of the country what he assumes will be a kindness. I wish to say, however, that that statement illustrates the fact that the gentleman from New York does not understand either the South or the briar business. The raising of briars is not an industry. Briars result from a lack of industry. [Applause on the Democratic side.]

Mr. COWLES. Mr. Chairman, I hope that the House will sustain the committee in this amendment. This amendment, if adopted, will inure to the benefit of a large class of people in this country who to-day live remote from factories and towns and railroads and who receive very little direct benefit from the protection that is guaranteed and given to the great industries of this country. In my district there are three counties into which no railroad enters. Not one mile of railroad is in those three counties. They have an abundance of laurel and ivy. If this amendment does what I think it will do—and if it does what the McKinley bill did—it will establish pipe-block factories in these counties and bring to them a large amount of money every year and give employment to hundreds of men and boys.

Mr. PARSONS. Will the gentleman yield for a question?

Mr. COWLES. Yes.

Mr. PARSONS. Does not the gentleman think that his protection would be made more accurate if an increased duty is put upon the finished article?

Mr. COWLES. There is already a duty provided of 60 per cent ad valorem upon the finished article.

Mr. PARSONS. But the importations of the finished article are 22 per cent now, and I suggest to the gentleman that if he lets the raw material come in at 25 per cent, then unless he protects the manufactured article in proportion the finished article will be imported from abroad and his protection will do him no good.

Mr. COWLES. Well, I do not know how that will be, but I know this, Mr. Chairman, that this little protection should be given to this industry. This protection should be given to revive this industry and thus give help to a people who deserve it. I hope the amendment will be sustained.

Mr. PARSONS. Mr. Chairman, I offer the following amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Add at the end of the amendment the following:
"And articles into which they are converted, 80 per cent ad valorem."

Mr. PAYNE. Mr. Chairman, I make the point of order against that amendment to the amendment, that it is not germane.

The CHAIRMAN (Mr. CURRIER). The gentleman from New York makes the point of order that the amendment to the amendment is not germane. The Chair sustains the point of order.

Mr. FITZERALD. Mr. Chairman, I move to strike out of the amendment the words "twenty-five" and insert the word "four."

The CHAIRMAN. The question is on the amendment to the amendment offered by the gentleman from New York.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on agreeing to the amendment offered by the gentleman from New York [Mr. PAYNE].

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 202, page 56, line 20, strike out the word "oarlocks" and insert in lieu thereof the word "oarblocks."

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 215, on page 59, line 19, strike out the words "25 per cent ad valorem" and insert in lieu thereof the words "50 cents per pound."

Mr. HARRISON. What is the ad valorem equivalent of 50 cents?

Mr. PAYNE. About 50 per cent.

Mr. HARRISON. That doubles the proposed duty, then.

Mr. PAYNE. It doubles that proposed in the bill.

Mr. HARRISON. Will the gentleman not admit that saccharine is a coal-tar derivative.

Mr. PAYNE. Coal tar is used in the preparation of——

Mr. HARRISON. It is made from toluine, a coal-tar derivative, and all other coal-tar derivatives are taxed under paragraph 15 at 20 per cent ad valorem. Will the gentleman explain why the rate on saccharine, a substitute for sugar, has been raised from 25 to 50 per cent ad valorem?

Mr. PAYNE. I was just about to explain it. The present law provides a duty on saccharine of $1.50 per pound and 10 per cent ad valorem——

Mr. HARRISON. Which was absolutely prohibitory.

Mr. PAYNE. I wish the gentleman would let me make my statement. I am much obliged for his help. (Continuing.) And ought to be prohibitory, as it amounted to some 200 per cent, and the committee cut it down to 25 per cent, largely, and I do not know but wholly, on the imports of the article and the statement of this book of imports. I do not think there is anything in the hearings upon the matter.

Mr. HARRISON. Mr. Chairman——

Mr. PAYNE. Mr. Chairman, I will sit down and let the gentleman make this statement.

Mr. HARRISON. I beg the gentleman's pardon. I thought he had stopped, and I was about to put a question.

Mr. PAYNE. No; I had no intention of stopping——

Mr. HARRISON. I am very glad, because I desire to get the information.

Mr. PAYNE. That is what I am trying to give. The gentleman and I are in pursuit of the same thing. Now, having cut it down to 25 per cent, we found that a large industry in this country was engaged in the manufacture of saccharine. It is not like ordinary coal-tar derivatives, on which we put a duty of 20 per cent. It is a business that requires a good deal of labor and a large amount of capital and skill and chemical knowledge, and when we looked the matter all over and got the facts we concluded that it needed the protection of 50 cents per pound, which is something less than 50 per cent ad valorem. So we concluded to change it from 25 per cent, which might have the effect of ruining that industry, and put it at 50 cents, or about 50 per cent ad valorem. Coal-tar dyes we have increased in another paragraph from 30 to 35 per cent. We had a very ample statement before the committee, a concern going so far as to lay open their books, showing that they had been engaged in the manufacture for a few years and put in about $2,000,000 capital, and they had not made any money during the whole time. We have given an increase from about 30 to 35 per cent and have given this protection to saccharine because we think it necessary to carry on that business in our Nation.

Mr. MANN. Will the gentleman yield for a question? We find in the large book this is a patented article. If it is a patented article, how does it come in competition——

Mr. PAYNE. I think that must be a mistake. I think it was a patented article, but the patent ran out, because they are making it here.

The CHAIRMAN. The time of the gentleman has expired.

Mr. RUCKER of Missouri. Mr. Chairman, I desired to ask the gentleman from New York a question before he resumes his seat. He has offered another amendment to his bill by which he proposes to exactly double the rate of duty which the committee, after great deliberation and careful consideration, wrote into the bill now before us, and which is a reduction of the rate in existing law.

I am curious to know if this amendment is also made necessary by reason of some blunder or carelessness on the part of the committee clerk or the Public Printer. So many mistakes have been admitted, all relating to reductions, that I am forced to the conclusion that every provision of this bill which is not in itself a palpable outrage is the result of a mistake of judgment on the part of the Republican members of the Committee on Ways and Means.

Mr. HARRISON. Mr. Chairman, it does not seem to me that the chairman of the committee has been entirely frank in informing the committee as to what actuated them in doubling the rate upon saccharine. He says that there was a great deal of testimony before the committee about coal-tar colors and coal-tar derivatives, but there is no specific testimony about saccharine. Had there been, the committee might have fixed upon some definite rate with some assurance that they were right; but since the printing of the Payne bill something has operated upon the minds of the majority of the Ways and Means Committee in connection with saccharine which they are evidently unwilling to disclose to the whole committee. What that may be is absolutely a mystery to me.

Saccharine is a substitute for sugar. It is 300 times stronger than sugar itself. To-day the American consumer of sugar pays about twice as much as the English and other foreign consumers of sugar, owing to the iniquitous tax in the sugar schedule. Under those circumstances the Ways and Means Committee might have permitted——

Mr. SCOTT. Will the gentleman yield?

Mr. HARRISON. I have not the time. The Ways and Means Committee might at least have enabled us to obtain cheaply the only substitute we know of for sugar, namely, saccharine.

Now, saccharine is made from a substance called "toluine," a coal-tar derivative. The Germans have encouraged synthetic chemistry to a point where they can reproduce nearly everything in nature by assembling by-products of other industries. This is one of them. I am sorry to say the Americans can not yet compete with the Germans in all these respects. The raising of the duty on saccharine will only have the effect of increasing the cost. We can not hope to get the whole market from the Germans until we have developed synthetic chemistry in this country to a point equal to that in Germany. I therefore hope the committee will vote down the proposed amendment.

Mr. GARDNER of Massachusetts. Is the gentleman making a serious argument?

Mr. HARRISON. I am trying to do so.

Mr. GARDNER of Massachusetts. To the effect that saccharine is something that comes into competition with sugar?

Mr. HARRISON. It is used instead of sugar, and I will——

Mr. GARDNER of Massachusetts. By diabetic patients, as the gentleman knows very well, and by persons who, on account of their health, or from one reason or another, must use it at times.

Mr. HARRISON. If the gentleman means obesity, he is better informed on the subject than I am.

Mr. GARDNER of Massachusetts. It is not the sugar of the poor man, and the gentleman knows it.

Mr. LONGWORTH. With regard to the price which the gentleman states would be increased by this duty, permit me to call his attention to the fact that the price per unit per pound when the Wilson bill was in operation was $47 a pound, and it is now 70 cents a pound.

Mr. HARRISON. The gentleman is aware of the fact that the whole coal-tar business has been developed, practically, since that day; the products become cheaper as the methods of production cheapen.

Mr. LONGWORTH. The price of saccharine has declined steadily throughout the entire period of the Dingley law, when the rates were more than three times as great as those now proposed.

Mr. HARRISON. And will continue to decline——

Mr. LONGWORTH. As it did under the beneficent operation of the Dingley law. Under the Wilson law it was $47 a pound, and now it is 70 cents a pound.

Mr. MANN. It is used in canning foods, and ought to be cheaper.

Mr. BARTHOLDT. Mr. Chairman, I want to call the attention of the committee to the fact—it may have been done before by some one else—that under the Dingley bill the duty was $1.50 a pound and 10 per cent ad valorem. Even if the amendment offered by the committee is adopted, it will amount to a reduction of the present duty on the article of 66⅔ per cent. In my district we have a saccharine factory, which we established against great odds. All efforts in this country to establish chemical factories are very difficult and laborious, as against competition from abroad. It is an infant industry, but there really is no reason why we should yield supremacy, with respect to drugs and chemicals, to any other country. We are now bringing to this country skilled chemists from all over the world, and we have the raw material for the manufacture of these very things that we are now importing. Unless this increase which has been asked for by the committee is granted that little factory in my district, to which a number of chemists have devoted ten years of effort, will be absolutely wiped out; and I satisfied myself of this fact only one week ago, when I personally visited that factory. The duty now proposed by the committee is not high enough, but we think we can live under it and, at least, continue to manufacture.

Mr. SCOTT. Will the gentleman allow me to ask him a question?

Mr. BARTHOLDT. Yes, sir.

Mr. SCOTT. The gentleman is a trained physician?

Mr. BARTHOLDT. I am not a physician.

Mr. SCOTT. I would like to ask him if saccharine is a food or a drug?

Mr. BARTHOLDT. It is a drug.

Mr. SCOTT. And can not be substituted for sugar?

Mr. BARTHOLDT. It can not be used as a food; it is used in making medicine which needs the addition of saccharine. I trust this amendment offered by the committee will be agreed to, as it tends to build up an American industry in drugs—saccharine and articles of a similar nature.

Mr. PARKER. Just one word. The chemicals used in making saccharine bear duties of 20 and 25 per cent. Twenty-five per cent on the product saccharine, as provided in the bill, is not sufficient for the manufacture as carried on in my city.

Mr. HARRISON. Is the gentleman sure that the materials bear these duties? My belief was that they are now on the free list.

Mr. PARKER. I am sure; I have a memorandum of the articles.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Paragraph 216, on page 60, lines 1, 2, and 3, strike out the words "biscuits, wafers, and similar articles if filled with or coated with chocolate or sugar, 50 per cent ad valorem," and insert after the word "merchandise," in line 6, the following: "biscuits, wafers, and similar articles if filled with or coated with chocolate or sugar, 50 per cent ad valorem," and in line 1 change the semicolon after the word "valorem" to a period.

The CHAIRMAN. The question is on the amendment.

Mr. CLARK of Missouri. Mr. Chairman——

Mr. PAYNE. This change in the language of the brackets or in the paragraph is made in order to get it out of the qualifying class of goods covered. It takes this out from that paragraph and moves it to the latter part, so that part of the paragraph will not operate.

Mr. CLARK of Missouri. What do you want to get it out of that for?

Mr. PAYNE. Why, to put it where we do in the paragraph now will take it out of the words "packing and covering," and the words "packing and covering" will not apply to this particular part of the paragraph. We put this after that clause.

The question was taken, and the amendment was agreed to.

Mr. HILL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Page 60, line 15, change the period after the word "pound" to a colon and add the following: "*Provided*, That on all filler tobacco produced in or imported from countries that prohibit the importation of tobacco from this country, the duty on said tobacco shall be, if unstemmed, 75 cents per pound; if stemmed, $1 per pound."

Mr. HILL. Mr. Chairman, this is a purely revenue proposition. It was presented by the gentleman from Virginia [Mr. SAUNDERS], who is thoroughly posted on this subject of Turkish tobacco. This tobacco comes from a country which prohibits the importation of our tobacco. It will practically amount to 40 cents a pound additional, over the rates proposed on the ordinary filler tobacco. Last year 8,000,000 pounds were imported into this country. It will probably give us two, three, or four million dollars of additional revenue; and I hope that every man on the floor, on both sides, Republicans and Democrats, will vote for this amendment as a revenue proposition.

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment:

The Clerk read as follows:

Page 63, paragraph 239, strike out the word "Seminola" and insert in lieu thereof the word "Semelina."

The CHAIRMAN. The question is on the amendment.

Mr. CLARK of Missouri. I would like the gentleman to explain that.

Mr. PAYNE. I suppose they were not acquainted with "lina" [laughter], and afterwards they found out and they got it correct.

Mr. CLARK of Missouri. They did not know how to spell.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I offer the following committee amendment:

Page 64, paragraph 248, line 9, after the word "way," insert the following: "Any of the foregoing not specifically provided for under sections 1 and 2 of this act."

Mr. SHERLEY. What is the result of this amendment?

Mr. PAYNE (reading)—

Vegetables if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, packed in salt, brine, oil, or prepared in any other way, any of the foregoing not specifically provided for under sections 1 and 2 of this act.

That is to make it clear.

Mr. SHERLEY. I suggest that the gentleman has not made it clear to the committee, however clear it may be to himself; and I would like some further explanation.

Mr. PAYNE. The purpose of it is not to include articles in other paragraphs, bulk vegetables and similar articles not included in this paragraph. That is the reason. I have not the language of the amendment before me, but it is so as to make this paragraph that it will apply only to those mentioned here and will not apply to any other products.

It is simply a correction of the language. If the gentleman had the whole business before him, he would understand it in a minute. The difficulty with me is I have not the amendment before me and I do not remember exactly the wording of it, but that is the object of it.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I think will be obvious to my friend from Kentucky from the reading of it.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 65, paragraph 258, line 6, strike out the word "thirty" and insert in lieu thereof the word "twenty-five."

Mr. BURLESON. That is a reduction.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 65, paragraph 260, lines 21 and 22, strike out the words "and evergreen seedlings."

Mr. PAYNE. That is for the purpose of transferring them in an amendment, which I shall offer in a moment, to the free list in case this is adopted, in order to encourage reforestation in this country.

The amendment was agreed to.

Mr. PAYNE. I also offer the following committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 664, on page 163, line 24, before the word "all," the next to the last word in said line, insert "evergreen seedlings."

Mr. PAYNE. That puts them on the free list. [Applause.]

The amendment was agreed to.

Mr. PAYNE. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 266, page 67, line 11, strike out the words "when in undivided" and insert in lieu thereof the words "fish in."

The amendment was agreed to.

Mr. PAYNE. Also the following.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 275, on page 69, line 14, strike out the word "or" and insert in lieu thereof the following: "8 cents per cubic foot of the capacity of barrels or packages."

Mr. PERKINS. Will the gentleman explain the object of that?

Mr. PAYNE. Certainly. The committee, in their wisdom, changed the present Dingley law so far as the classification is concerned. The Dingley law provides for a duty on pineapples in packages or barrels, so much per cubic foot for the contents thereof, 7 cents a cubic foot and $7 a thousand in bulk. The committee increased that duty to $8 a thousand and provided only for pineapples by number, whether in bulk or in packages. This was done under the statement made to the committee that pineapples in boxes or barrels had the number marked on the barrel or box.

Mr. MANN. Or crate.

Mr. PAYNE. Or on the crate, and that it would be very easy to find out the number by counting the packages. But the committee were further informed in reference to that that the number in the packages varied considerably—sometimes from 20 to 50. They were assorted, and the smaller ones put in one crate and the larger ones in another; so that, as one gentleman said, if a whole cargo of pineapples should come to him, the boxes would cover the whole wharf in order properly to assort them and count out the boxes that had 20 or 30 or 50 as the case might be, and that it would be almost impossible of execution. The original rate was fixed at so much per cubic foot in the Dingley law after a very thorough investigation made by our genial friend from Ohio, Mr. Grosvenor, who was then a

Member of the House and on the committee, and whom I see on this side of the House now.

He went out and made an investigation in the various stores in this city and found out the cubic contents of a foot and the average number of pineapples in a cubic foot, and when he had ascertained that we put in the Dingley bill a rate of 7 cents per cubic foot in the package and $7 per thousand in bulk.

Mr. PERKINS. Now, in the amendment you offer you re-establish the method which was used in the Dingley bill.

Mr. PAYNE. Yes.

Mr. PERKINS. The only difference is that instead of 7 cents a cubic foot it will be 8 cents a cubic foot, and instead of $7 a thousand it will be $8.

Mr. PAYNE. That is right.

Mr. PERKINS. But under the amendment, if the pineapples are not brought in by the thousand, but in packages, they will be taxed, not by the thousand, but by the cubic foot.

Mr. PAYNE. And if they are brought in by bulk, and not in packages, they will be taxed by the thousand.

Mr. PERKINS. If brought in in packages, they will be taxed by the package and not by the thousand, as they are now. I concur in that amendment.

Mr. TALBOTT. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from New York.

Mr. MANN. If the gentleman will allow me, I want to ask the gentleman from New York what is the increase?

Mr. PAYNE. From 7 to 8 cents a cubic foot and from $7 to $8 a thousand.

Mr. MANN. That is two rates of duty on the same thing. What is the reason for that?

Mr. PAYNE. I have explained, or tried to, that some come in in bulk. But they mostly come in packages, and we want to adjust the duty fairly between the bulk and packages. We tried to get evidence in regard to that when the Dingley bill was under consideration; and in the final result the gentleman from Ohio, Mr. Grosvenor, went out among the various fruit dealers and measured up the cubic feet of space occupied by the pineapples to get at the number, and arrived at a conclusion that 7 cents a cubic foot was on an equality with $7 a thousand.

Mr. MANN. Does the gentleman from New York mean to say that the great Ways and Means Committee now takes the opinion of General Grosvenor, gathered from two or three or four Italian dealers in this city, as to the amount of space occupied by pineapples?

Mr. PAYNE. General Grosvenor's investigation turned out to be in accordance with the evidence before the committee twelve years ago as to the number of pineapples per cubic foot. Relying upon the integrity and honesty of the investigation of General Grosvenor, the committee found that it coincided with the statement of people that came before it.

Mr. MANN. The statement is based on 10 pineapples to the cubic foot, and I venture to say that there is no one in the country that will take that position who knows anything at all about it.

Mr. PAYNE. I will say to the gentleman from Illinois, in all fairness, that this makes a lower duty on those in packages than it does by the thousand.

Mr. MANN. I am not specially concerned about that, but it seems to me incongruous to provide two rates of duty which do not jibe.

Mr. PAYNE. The gentleman will find, if he takes as much time to investigate this as he did the paper and pulp business, and does it as thoroughly, that this is pretty nearly right.

Mr. TALBOTT. Now, Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out of the amendment the word "eight" and insert the word "six," so that it will read: "6 cents per cubic foot."

Mr. TALBOTT. And I want to make it $6, instead of $8, a thousand.

The CHAIRMAN. That is not in the gentleman's amendment that he sent to the desk.

Mr. PAYNE. I make the point of order that the amendment is not germane to the amendment I offered.

Mr. TALBOTT. Then, I will move to insert the word "six" in the amendment of the gentleman from New York, instead of the word "eight," and then, when the paragraph is reached, I intend to offer an amendment making it $6, instead of $8 a thousand.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Maryland.

The Clerk read as follows:

Strike out of the amendment offered by the gentleman from New York the word "eight" and insert the word "six," so it will read: "6 cents per cubic foot of the capacity of barrel or packages."

Mr. TALBOTT. Now, Mr. Chairman, I want to be understood. In this Payne bill the paragraph says $8 per thousand, in bulk or in packages. When we reach that I want to amend it by making it $6 a thousand, in bulk or barrel.

Mr. PAYNE. And I make the point of order against that amendment.

The CHAIRMAN. The Chair understands that at the present time the gentleman from Maryland offers only one amendment, which is an amendment to the amendment offered by the gentleman from New York, and is to strike out the word "eight" and insert the word "six."

Mr. PAYNE. Mr. Chairman, that would totally unbalance the paragraph, and principally result in——

Mr. TALBOTT. Is the gentleman going to insist——

Mr. PAYNE. I am going to insist on all the rights I have. I insist it will not be in order to amend the rate of duty on pineapples by the thousand, and the only way the gentleman can get at it is to wait until we come to the paragraph under the five-minute rule.

Mr. SHERLEY. Mr. Chairman, I offer as a substitute for the amendment offered by the gentleman from Maryland [Mr. TALBOTT] to amend the paragraph proposed to be amended by striking out the word "eight" and substituting the word "six" wherever it occurs.

The CHAIRMAN. The Chair would like to know just what the amendment offered by the gentleman is. As the Chair understands it, that appears to be the amendment already offered by the gentleman from Maryland.

Mr. SHERLEY. No. If the Chair will permit, the amendment offered by the gentleman from Maryland simply amended the amendment of the gentleman from New York [Mr. PAYNE] by changing the word "eight" to "six" so far as it relates to cents, and did not relate to "dollars" per thousand. Now, I offer as a substitute for the paragraph as proposed to be amended to also strike out the word "eight," in line 15, and make it read "six."

Mr. PAYNE. I make the point of order against that that it is not germane.

Mr. SHERLEY. And on that I desire to be heard.

The CHAIRMAN. The gentleman from Kentucky, as he now announces his amendment, puts it in a different light from that offered by the gentleman from New York. The Clerk will report the amendment.

The Clerk read as follows:

Strike out of line 15, page 69, the word "eight" and insert the word "six," so that it will read "$6 per thousand."

Mr. PAYNE. I make the point of order against that amendment.

Mr. SHERLEY. Mr. Chairman——

Mr. PAYNE. May I not make my point of order?

Mr. SHERLEY. No; not until it has been properly reported. If the Chair will permit, my substitute was to make it read exactly, the whole paragraph, as proposed by the gentleman from New York, except that the word "six" takes the place of the word "eight."

The CHAIRMAN. If the Clerk is able to report the amendment from the gentleman's statement, he will do so.

The Clerk read as follows:

Substitute for the proposed amendment the following, to stand as paragraph 275 and to read:

"275. Pineapples in barrels and other packages, 6 cents per cubic foot of the capacity of the barrels or packages; in bulk, $6 per thousand."

Mr. PAYNE. Now, Mr. Chairman, I make the point of order against that amendment that it is not germane either to my amendment or to the amendment offered by the gentleman from Maryland.

Mr. TALBOTT. But the gentleman from Maryland stated that he proposed to do that.

Mr. PAYNE. And that he can not, under the rule, amend the balance of the paragraph.

Mr. SHERLEY. Mr. Chairman, upon that point of order I desire to submit the following: The Chair's recent ruling was that a substitute that undertook to relate to other items than the one embraced by the committee amendment was not in order, but the committee amendment of the gentleman from New York relates to the one item of pineapples and the rate of duty thereon. My substitute relates to the one subject of pineapples and the rate of duty thereon, and I submit, under the rulings of the Chair heretofore made, that it is in order.

Mr. PAYNE. Mr. Chairman, it is entirely on all fours with the amendment that was offered to the wire paragraph.

Mr. SHERLEY. Oh, no; not anything like it.

Mr. PAYNE. I amended one bracket, and they sought to amend three or four. Now I amend one bracket of this, and

they seek to amend the other. It is entirely on all fours, and the amendment is clearly out of order.

Mr. TALBOTT. One provision in the present bill is a duty on pineapples in bulk at $8 a thousand, and you offer the other as an amendment to that.

The CHAIRMAN. The Chair is ready to rule. The gentleman from New York [Mr. PAYNE] offers an amendment relating to pineapples in barrels and other packages. The gentleman from Maryland [Mr. TALBOTT] offers an amendment to that amendment, changing simply the rate of duty.

Now, the gentleman from Kentucky [Mr. SHERLEY] offers as a substitute for the amendment offered by the gentleman from Maryland [Mr. TALBOTT] an amendment which relates not only to pineapples in barrels and other packages, and which in that regard is the identical amendment offered by the gentleman from Maryland [Mr. TALBOTT], but the amendment offered by the gentleman from Kentucky [Mr. SHERLEY] goes further and applies to a different item or subject-matter of duty, to wit, pineapples in bulk. The Chair thinks that without any reference to the special order or rule of the House under which we are now proceeding that would not be properly a substitute and could not be entertained as a substitute either for the amendment offered by the gentleman from New York [Mr. PAYNE] or the amendment to the amendment offered by the gentleman from Maryland [Mr. TALBOTT].

Mr. TALBOTT. The Chair will remember that my motion is to insert "six" where "eight" occurs.

The CHAIRMAN. The Chair will further state to the gentleman from Kentucky that it is a substitute for an amendment to an amendment.

Mr. SHERLEY. Mr. Chairman, I desire to suggest to the Chair that if I understand the effect of the Chair's ruling it practically does this, that where one paragraph relates to one subject only and the rate of duty thereon, that if one word is stricken out designating the character of the package, that no amendment striking out any other word relating to the package or the article would be in order.

The CHAIRMAN. The ruling of the Chair, without any reference to the special rule or the order under which we are now proceeding, is that an amendment to one item——

Mr. SHERLEY. But how does the Chair make more than one item? The only item is pineapples.

The CHAIRMAN. No; the Chair thinks the gentleman is in error; and the Chair thinks pineapples in barrels and in boxes and pineapples in bulk——

Mr. TALBOTT. Section 275 says:

Pineapples, in barrels and other packages, or in bulk, $8 per thousand.

The CHAIRMAN. They are different items than under this amendment, and are subject to different duties; and the Chair sustains the point of order. The question is upon the amendment offered by the gentleman from Maryland to the amendment offered by the gentleman from New York.

Mr. SABATH. Mr. Chairman, what is the amendment?

The CHAIRMAN. It has been reported three or four times; but, if there is no objection, it will be again reported.

There was no objection.

The amendment was again reported.

Mr. TALBOTT. Mr. Chairman, I desire to have read for the benefit of the committee a communication from a packing company in Baltimore city, the same to come out of my time.

The Clerk read as follows:

THE BOOTH PACKING COMPANY,
Baltimore, March 23, 1909.

Hon. J. FRED. C. TALBOTT,
House of Representatives, Washington, D. C.

SIR: Supplementary to my letter of March 22, I beg to submit the following facts:

1. The largest canners of pineapples in the United States are located in the city of Baltimore, and are members of the Canned Goods Exchange, an incorporated body of merchants engaged in the canning industry. The membership earnestly solicit your interest and efforts to the end that fresh pineapples be admitted into the United States duty free.

2. About fifteen years ago a duty of $7 per thousand was laid upon fresh pineapples. The State of Florida had just then entered upon the cultivation of this fruit. It was thought at that time the State would be able to supply at least a quantity equal to that which was being imported from Cuba and the Bahama Islands. After an experiment of fifteen years the State of Florida has never yet grown near a sufficient quantity of pineapples to supply the demand of the United States, and at this time the importations from the island of Cuba alone exceed the Florida output by more than 50 per cent. The importations from the Bahama Islands are so infinitesimally small that it is known the only pineapples imported into the United States from these islands during the year 1908 came to the city of Baltimore; not a single cargo was landed in the city of New York.

3. There can be no dependence placed upon the Florida crop from one season to the other. The growing fruit is in continual danger from frosts and cold weather, which in previous years has practically ruined the entire crop. We learn also the area for cultivation is very small and can not be increased; besides which, the crop from Cuba, and whatever may be received from the Bahamas, have practically been harvested and gone into consumption before the Florida crop is received.

4. Fresh pineapples from the Hawaiian Islands can not be delivered with safety in the United States, except, perhaps, in the State of California. It can not be transported from Hawaii to interior points of the United States on account of its perishable nature. The manufacturers in the East are precluded from handling it on account of decay. But the manufacturer in California is allowed to import it free of duty, while the eastern manufacturer, depending solely upon the island of Cuba for his supply, must needs pay an exorbitant duty for the privilege of engaging in the same line of manufacture as his western competitor.

5. For manufacturing purposes we must needs depend upon Cuba for a full supply. Though the Bahamas furnish such a small portion of fresh pineapples, there is a large quantity of canned pineapples imported into the United States from these islands, the duty being reckoned at 25 per cent ad valorem. The present duty of $7 per thousand on Bahama and Cuban pineapples makes it extremely burdensome to the manufacturer in the United States, with the low rate of duty on canned pineapples from the Bahamas, which enters into direct competition with that the canners in the United States manufacture.

6. Since the present duty of $7 per thousand was imposed, the United States has added to her possessions the Hawaiian Islands and the Island of Porto Rico. From tabulated statistics it is ascertained that there is a larger quantity of canned pineapples coming into the United States from the Hawaiian Islands than all the manufacturers of the United States are able to produce from the island of Cuba. Besides this, Porto Rico also sends in its canned pineapples as well as its fresh pineapples; and against these tremendous odds the manufacturer or canner, in the production of his pineapples, is compelled to pay a duty of $7 per thousand, presumably for the purpose of competing, to all intents and purposes, with the foreign production. The large quantities of fresh pineapples annually grown in Hawaii and Porto Rico and the very low cost of labor required to produce the finished article (canned pineapple), makes it almost impossible for the Baltimore canner to compete with this pineapple of alleged foreign growth.

7. The proposed tariff bill now under consideration in the House of Representatives increases the duty on fresh pineapples from $7 to $8 per 1,000. The reasons above given, wherein the manufacturer in the United States is shown to be unable to compete with a duty of $7 per 1,000, are now intensified and accentuated by the increased duty to $8 per 1,000. If the present duty obtains, there is no hesitancy in saying that the manufacturer of canned pineapple in the United States will be most effectually done for, must give up any idea of packing pineapple, rendering the plants of the firms engaged in this industry utterly useless.

8. The imposition of duty on fresh pineapples, in our judgment, is not alone a protection to the Florida grower, but is an absolute bar to the manufacturer in the United States, and an ideal protection to the establishments in the Hawaiian Islands and the island of Porto Rico manufacturing canned pineapple and shipping it into the United States duty free.

9. I understand one of the purposes of a tariff to be the protection afforded to home manufacturers. I respectfully submit that the canners of the United States have patiently paid the duty of $7 per 1,000 on fresh pineapples to protect the Florida grower, without receiving any protection whatever to themselves; that they have built up a demand for the pineapple manufactured into cans; that they have paid out large sums for specially designed machinery to can the fruit; that Florida has not kept pace with the demand of the consumers of the United States for pineapple, and, in consequence, the manufacturer has been compelled to seek foreign fields for his supply.

That the manufacturer in one section of the United States can receive fresh pineapples admitted free of duty, and that the excessive demand for duty as required from the manufacturer of a different section is a menace so palpably wrong that their various plants will have to be dismantled and the packing and preparation of canned pineapple become a lost art unless the duty is entirely abolished and fresh pineapples are allowed to be imported into the United States entirely free.

10. The canners of pineapple in the United States—and Baltimore city, particularly—feel that they should be at least on a parity with the large importations of canned pineapple from points outside the immediate borders of the United States, which only lately were looked upon as foreign countries; that the canners should not be subjected to an extra cost of production by the payment of a duty which at once cuts him out from all competition.

The Canned Goods Exchange of Baltimore city therefore begs your consideration of the arguments advanced above, earnestly hoping said arguments will be so clear to you and are of so convincing a nature that your very best efforts will be directed toward the abolition of any duty whatever on fresh pineapples, and that they be allowed to come into the United States free.

Respectfully submitted.

HUGH S. OREM,
Chairman Legislative Committee,
Canned Goods Exchange of Baltimore.

During the reading of the above the time of the gentleman from Maryland expired and he was granted consent to print the balance of the letter in the RECORD.

Mr. SPARKMAN. Mr. Chairman, I would like to be heard on this.

The CHAIRMAN. The Chair desires to make a statement, and will ask the attention of the gentleman from Kentucky——

Mr. PAYNE. Mr. Chairman, I would like to know how much time gentlemen desire on this.

Mr. TALBOTT. Twenty minutes. I think twenty minutes ought to be allowed for debate—ten minutes on a side.

Mr. PAYNE. You have already had fifteen minutes on that side.

Mr. TALBOTT. We have not had any such thing.

Mr. PAYNE. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be concluded in ten minutes.

Mr. TALBOTT. Mr. Chairman, I move to amend that by making it twenty minutes.

The CHAIRMAN. Before putting the motion, the Chair desires to make a brief statement. In passing upon the amendment offered by the gentleman from Kentucky, the Chair was misled by the erroneous marking of the bill which he holds in his hand, and fell into a single error which the Chair desires to correct in justice to himself and to the gentleman from Kentucky. The Chair stated that the paragraph in the bill seemed to relate to two different subjects. The Chair finds, in looking at the proper copy, that paragraph 275 reads, "pineapples, in barrels and other packages, or in bulk, $8 per thousand." The Chair thinks the gentleman from Kentucky was correct in stating that there was in that original paragraph but one subject-matter, but the amendment offered by the gentleman from New York makes two subjects. That amendment relates only to pineapples in barrels and other packages, and puts a duty thereon. The Chair is still of the opinion that the amendment offered by the gentleman from Kentucky, relating to a different part of the paragraph and to pineapples not in barrels or packages, but in bulk, was not in order as a substitute to the amendment offered by the gentleman from New York.

Mr. SHERLEY. Mr. Chairman——

Mr. PAYNE. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in ten minutes.

Mr. TALBOTT. I move to amend by making it twenty minutes.

Mr. PAYNE. The gentleman used fifteen minutes because gentlemen on the other side consumed all the time so far.

Mr. TALBOTT. We have not consumed it all.

Mr. PAYNE. We have two or three gentlemen in favor of the duty who want to be heard on this proposition. The gentleman from Maryland had a letter read that consumed seven minutes.

The CHAIRMAN. The Chair will put the question in a moment. The gentleman from Kentucky [Mr. SHERLEY] desires to make an observation.

Mr. SHERLEY. Simply that on yesterday the Chair did rule when there was a motion made to strike out a proviso that it was in order to amend that by perfecting that proviso.

Now, here was a case where there was a motion to insert in a paragraph relating to but one subject, and I offered an amendment to perfect that, and yet the Chair now holds that amendment not in order.

Mr. PAYNE. No one moved to strike out this paragraph.

The CHAIRMAN. A motion to insert and a motion to strike out are quite different. The amendment of the gentleman from Kentucky proposed to perfect not only what the amendment of the gentleman from New York proposed to insert, but also a subject in the original paragraph which the latter did not seek to strike out.

Mr. TALBOTT. I did state to the Chair that I proposed to offer an amendment to strike out "eight" where it occurred.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] moves to close debate in fifteen minutes, and the gentleman from Maryland [Mr. TALBOTT] amends the motion by asking that the debate close in twenty minutes.

Mr. PAYNE. I move, as an amendment to that, fourteen minutes.

The CHAIRMAN. What does the gentleman from New York state?

Mr. PAYNE. To make it fourteen minutes.

The CHAIRMAN. The question is on the proposition of the gentleman from New York to close debate upon this paragraph and all amendments thereto in fourteen minutes. The motion of the gentleman from New York [Mr. PAYNE] seems to be a kind of substitute for his own amendment, and the vote comes first——

Mr. PAYNE. Mr. Chairman, there is so much distinction and refinement made with reference to this that I will withdraw it and consent to twenty minutes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Maryland [Mr. TALBOTT] to extend the time to twenty minutes.

The question was taken, and the amendment was agreed to.

Mr. SPARKMAN. Mr. Chairman, neither one of these amendments should prevail. The rates on pineapples should be kept as the committee fixed them originally in the bill as they would be none too high. One of the purposes of this bill is to raise revenue; another is to give protection to American industries; and I would keep the rate as it is for both of these purposes. We would get more revenue and the growers of pineapples in the United States would reap a greater benefit. Besides, the increase over the old rates in the present law would hurt no one.

Mr. HUMPHREYS of Mississippi. How much revenue a year?

Mr. SPARKMAN. Oh, that could easily be figured out—probably sixty-five or a hundred thousand dollars; maybe not so much. The rate as increased originally in the bill over that in the present law would perhaps have added no less than sixty or seventy thousand dollars. I have made no estimate, but think it is about that. The rate in the old law was 7 cents per cubic foot of the capacity of barrels or packages, or $7 per thousand. The "per thousand" rate, however, has rarely if ever, been utilized, as the shipments usually came in in barrels or packages, or, rather, I should say, in crates, which were estimated at 2 cubic feet per crate, the duty on the crate being 14 cents. The rate as fixed in the bill is $8 per thousand, which would be the equivalent of about 24 cents per crate, as I make it.

Now, to cut down the rate as proposed by the committee amendment would reduce the rate per box to about 16 cents, while the amendment proposed by the gentleman from Maryland [Mr. TALBOTT] would, of course, reduce the charge per box still more. The cost of the production of pineapples in Cuba, the main competitor of the pineapple growers in Florida—and nearly all pineapples grown in the United States are produced in Florida—is about 20 cents per crate, while the cost of production in Florida is something like 70 cents per crate, in some instances running as high as 90 cents. So that one can readily see there is a great difference in the cost of production here and the cost of producing the same article in Cuba, which difference, under the principles under which this bill is supposed to have been framed, should be taken into account in fixing this duty.

Mr. CULLOP. Will the gentleman from Florida permit a question?

Mr. SPARKMAN. I hardly have the time.

Mr. CULLOP. What constitutes the difference in the cost between Cuba and the United States?

Mr. SPARKMAN. Oh, largely the labor, of course.

Mr. CULLOP. How much higher is the labor here than it is there?

Mr. SPARKMAN. Three or four times as great.

Mr. CULLOP. What are the wages in Cuba?

Mr. SPARKMAN. About 20 cents per day.

Mr. CULLOP. Just one other question. What is to prevent Cuban labor coming over to take the place of labor here?

Mr. SPARKMAN. The Cuban has never shown a disposition to leave his own country and go very far away. They do come over to my town and to Key West on account of the better wage inducements at these places, but that is about as far as they ever go in any great numbers. Besides, the labor they perform in these cities is a peculiar sort of work—that of cigar making—they being highly skilled in that particular kind of work.

But the labor cost does not tell the whole story. The freights by water from Cuba to New York, Baltimore, and all great centers into which shipments of fruit and vegetables from Cuba come are much lower than freights by rail from Florida, and particularly from that section where the most of the pineapples in Florida are at present produced. These rates are so great that the producers of pineapples can not compete successfully with the Cuban shippers, to say nothing of the much lower cost of production there. The freight rate from Cuba, for instance, to New York is about 32 cents, while that from Florida is about 75 cents per crate, making the entire cost of the Cuban-grown product, including the tariff, laid down in New York about $1.11, while to place a similar crate from Florida at the same market, counting labor, packing, freight, and so forth, costs about $1.80, or a difference of 69 cents. So it will readily be seen that in order to put the two products, the Cuban and the Florida grown, on an equal footing the tariff rate should be much higher than that contemplated in the present bill, to say nothing of the reduction contemplated in either one of these two amendments. Hence, I say the rate should be increased rather than reduced.

The proposed amendments are each in favor of the canneries in the United States, and there, Mr. Chairman, is where the trouble comes in. There is a fight between the farmer on one side and the manufacturer on the other. It is no new fight, but an old one; and if either one of these amendments prevails the usual result will follow, namely, gross discrimination in favor of the manufacturer as against the farmer.

There is entirely too much of this discrimination. The interests of the farming classes are too often lost sight of in an effort to benefit the manufacturer. Now, I submit that the former should be taken care of as well as the latter. Let us equalize the burdens of taxation in so far as we may be able.

There is another objection to each of these two amendments. Under the present law, as I have already stated, there were two rates provided for, one by the cubic foot when brought in in bar-

rels or packages; another rate when the article was imported in bulk, the rate on the former being 7 cents per cubic foot; on the latter $7 per thousand. Now, a crate really holds about 2½ cubic feet, and at 7 cents a crate the importer would have to pay for the extra half foot; but instead of this the Government has ignored the half foot and has been estimating the crate at 2 cubic feet, thus losing 3½ cents on each crate; so that, in my judgment, it would be much better for that reason, if for no other, to fix the rate at so much per thousand. Of course, this could be remedied, no matter how the tax is levied, but I know of no provision in this bill which undertakes to do so.

Now, Mr. Chairman, I trust that both of these amendments will be voted down, and that the rate will remain as fixed originally in the bill, though I would like to see it increased even beyond that. It would not hurt the canners to any great extent. I understand they are already making immense profits, and the only effect would be to cut down slightly these profits, while the producers would be greatly benefited.

Another thought and then I will close. Pineapples are essentially a luxury and should be taxed more highly than the necessities of life. That is the Democratic idea, and it is the theory of common sense.

As there are others desiring to speak and only a few minutes allowed, I will consume no more time.

Mr. MADDEN. Mr. Chairman, the gentleman from New York [Mr. PAYNE] yesterday presented a statement which appears in the RECORD to the effect that certain importing concerns in this country have establishments for the manufacture of gloves and stockings in Chemnitz, Germany; and his statement, I understand, was based on information furnished to him as chairman of the Ways and Means Committee by some concern importing goods from Germany, whose establishment is in New York. The people whose names the gentleman incorporated in his remarks are residents of Chicago. These people deny the statement made by the gentleman from New York, and in justice to them, as well as to the consumers of gloves and stockings, I beg to read the following communication, which is made under oath and addressed to Mr. PAYNE, as chairman of the Committee on Ways and Means. This statement seems to be conclusive and would seem to indicate that the information upon which the Committee on Ways and Means based its action increasing the tariff on gloves and hosiery is erroneous and misleading.

APRIL 8, 1909.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
House of Representatives, Washington, D. C.

DEAR SIR: There appeared in the CONGRESSIONAL RECORD of April 6, page 905, the report of your speech relating to the proposed tariff on gloves and hosiery.

We beg to state that the information upon which your speech was based is inaccurate; also to point out the great injustice done to honorable houses in that they were placed in an absolutely false position before the people.

We wish, as members of the organizations of Marshall Field & Co., of Chicago, and Francis T. Simmons & Co., of Chicago, to emphatically deny, and that under oath, that either of our houses, or, to the best of our knowledge and belief, any other house in kindred line of business in Chicago, are either directly or indirectly financially interested in any manufactory of hosiery or women's gloves in Europe. Furthermore, we deny that any advance of money of any kind is made upon any such merchandise partly made or entirely finished, or that any money is advanced on any raw material entering into the manufacture of hosiery or gloves; furthermore, that any payment is made on any European merchandise whatsoever until the bill of lading for such goods has been delivered and the goods are in the hands of the transportation company.

MARSHALL FIELD & CO.,
By KENNETH BARNHART, *Secretary.*
FRANCIS T. SIMMONS & CO.,
By FRANCIS T. SIMMONS, *Secretary and Treasurer.*

Subscribed and sworn to before me, a notary public in and for the District of Columbia, this 8th day of April, A. D. 1909.

[SEAL.] BENJ. VAIL, *Notary Public.*

The duty on these articles under the Dingley law is high enough. The duty proposed in the Payne bill is prohibitive. If the recommendation of the committee is enacted into law it will result in increasing the cost to the consumer. This is no time to increase the cost of living, and I hope the bill can be amended.

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman that I have also received a telegram from the J. V. Farwell Company, and I want to put that in the RECORD. The telegram is as follows:

CHICAGO, ILL., *April 8, 1909.*

Hon. SERENO E. PAYNE,
Washington, D. C.:

We have no interest in hosiery or glove factory abroad, nor do we advance any money in advance of delivery of goods.

JOHN V. FARWELL COMPANY.

Mr. GILL of Maryland. Mr. Chairman, the proposition before the House is the original amendment offered by the gentleman from New York, the chairman of the Committee on Ways and Means, which proposes to increase the duty on pineapples which has been in existence since the passage of the Dingley bill, and which has been sufficient protection to the agricultural interests of Florida and has permitted them to increase their output of pineapples probably some two or three hundred per cent from what they were when that law was passed. On the other hand, Mr. Chairman, this amendment, if adopted, will absolutely destroy the great canning interests that are now engaged in this business in the State of Maryland, the State of New York, and in other parts of this country in preserving this product.

Mr. SPARKMAN. Will the gentleman yield for a question?

Mr. GILL of Maryland. Certainly.

Mr. SPARKMAN. What is the difference between the ad valorem rate on canned goods and what would be the ad valorem rate on imported pineapples?

Mr. GILL of Maryland. Well, all I can say to the gentleman is that the ad valorem rate on the preserved article is not sufficient under the present law, which protects fully the grower of pineapples.

Mr. SPARKMAN. What is it?

Mr. GILL of Maryland. If you are dealing with this subject as a matter of protection, you must give the protection to the preservers over and above the amount of protection that is given to the agricultural interests in Florida. That is necessary and essential in the canning interests in the State of Maryland and other States engaged in preserving this fruit are to be able to remain in existence.

I want to say one word in conclusion: That there are engaged in canning upward of 50,000 people, who are employed at a very small rate of pay, as against the few people that are employed in the State of Florida raising the pineapple. I therefore hope that the committee will not increase this duty, but, if anything, will decrease it. [Applause.]

Mr. CLARK of Florida. Mr. Chairman, I am opposed to this amendment; and representing a district which produced last year 640,000 crates of pineapples, I am in favor of the original provision contained in the Payne bill as reported to the House. I desire to put the House upon notice, Mr. Chairman, that the provision in the bill of $8 per thousand shipped in bulk might as well be stricken from the bill if this rate upon crates is to obtain, because no pineapples of any consequence are shipped into this country in bulk under the Dingley rates. They are being shipped here in crates much cheaper under the Dingley Act, and under the reciprocity agreement as to Cuba, the rate to this country being only twelve and a fraction cents per crate.

Under this provision of 8 cents a cubic foot—I am not now speaking of the amendment offered by the gentleman from Maryland—the rate would be 15 cents per crate, with this 20 per cent off. I want to call attention just for a moment to a letter which I received this morning from a gentleman in Connecticut who owns interests in Florida pineapples, Mr. K. W. Mansfield, of Norwalk. In a portion of his letter he uses this language:

I am interested in a pineapple plantation in your State and several of my friends are interested in kindred enterprises. However, many citizens of this community have been recently induced to invest money in pineapple growing in Cuba. Every dollar so invested hurts Florida, and I believe that our capital should remain in our own country and build up our own resources so far as is possible, and I have done my best to encourage my friends to invest their money in your State, which I believe can produce better fruit than Cuba or Central America, but not as cheaply.

This increase of duty—

Speaking of the increase in the original bill—

will help pay your citizens greater profits and better wages, and will induce northern capital to come in and build up your industries, while without the duty capital would tend toward Cuba, which, with money and cheap labor and modern methods, would soon swamp the business in Florida.

I want to call attention for a moment to the statement of Mr. Norman Fetter, of St. Paul, Minn., before the Ways and Means Committee. I do this because he states the whole question more succinctly, perhaps, than any other witness. He, too, is interested in Florida pineapples. He said:

The present duty is 7 cents per cubic foot, or 16 cents per crate (10 by 12 by 33 inches, or 2.29 cubic feet), less 20 per cent under the Cuban reciprocity act of December 17, 1903, or 12.8 cents net per crate.

To equalize conditions between the American grower and his Cuban competitor, taking into consideration the 20 per cent reduction which the latter enjoys, the following protective rates per cubic foot (as expressed in the language of the present act) are needed by the American grower:

(1) To cover 29½ cents excess in transportation, 16 cents per cubic foot (16 by 2.29 less 20 per cent=29.31 cents).

(2) To cover 16 cents difference in labor, 9 cents per cubic foot (9 by 2.29 less 20 per cent=16.47 cents).

(3) To cover 40 cents extra cost of fertilizer, 22 cents per cubic foot (22 by 2.29 less 20 per cent=40.31 cents).

Total handicap on the American grower, 47 cents per cubic foot of packages.

I will also read from the statement of Mr. E. P. Porcher, a citizen of the State of Florida, who is a large grower and shipper of pineapples. Mr. Porcher is an authority on this subject. He said to the Ways and Means Committee, among other things, the following:

The matter of pineapples is the point that I want to touch on forcibly, although I may repeat, in part, statements that have been made. We produced last season on the east coast 690,000 crates, while the importations from Cuba were about 840,000 crates. In addition to that, we had importations from the Hawaiian Islands, which have not been mentioned at all. We had importations from Porto Rico, and we had importations from Jamaica to contend with.

The pineapple situation with us is such on the east coast that we produce, out of that 690,000 crates, 640,000 crates; in other words, all the rest of the State produces but 50,000 crates. That is produced now on the mainland, because the storm of a few years ago swept away the products of the keys. It is in a section of the country where it has been necessary to go to extreme expenditures in matters of not only preparing the land, which has been done, but in the cost of fertilization, which runs up as high as 4,000 pounds per acre per annum. In addition to that, with the increased cost of labor, the increased cost of crate material, we find that about an average of 90 cents, even running up to $1.10, according to other averages made, is the cost to produce a crate of pineapples and deliver it on board the cars. The pineapple industry is more subject to frost than oranges, and for a frost to get into an orange tree requires what we term a "freeze;" but a frost will get into the pineapples just as it would into a tomato plant, for it is a very tender plant.

As to the cost of production and getting to market the Florida pineapple, as well as the Cuban pineapple, I respectfully call the attention of the committee to the statement of Mr. F. G. McMullen, also a citizen of the State of Florida, and who is largely interested in the growing of Florida pineapples. Mr. McMullen in discussing this subject used this language to the Committee on Ways and Means:

Relative to the cost of production in Cuba, we have the statement of the Cuban Horticultural Society reports, which state that they can produce them for 20 cents a crate. We can not produce a crate of pineapples in Florida under 70 cents under the most favorable conditions, in the field, not packed, and on up to 90 cents. We strike an average of 75 or 80 cents. I will say that we ask for the same consideration in the tariff that the citrus fruits are getting to-day. It costs more to produce, in the field, a box of pineapples than it does a box of citrus fruit. We draw 14 cents a crate, and they draw 80 cents. Cuban pineapples, costing 20 cents to produce, and 35 cents to pack, we will say, 14 cents duty, 32 cents transportation to New York, and then add your 7 cents or 7½ cents or 10 cents—they can place them there for $1.11 f. o. b. New York. Florida pineapples will cost you $1.80.

I shall trespass upon the time of the committee far enough to call attention to the additional or supplemental statement of Mr. F. G. McMullen, of Florida, filed with the Ways and Means Committee, and beg the close attention of my colleagues, because in this statement he conclusively answers every objection and charge made by the importers of pineapples against the proposed increase of duty:

F. G. M'MULLEN, WALTON, FLA., FILES SUPPLEMENTAL STATEMENT RELATIVE TO CUBAN PINEAPPLES.

WALTON, FLA., *December 28, 1908.*

COMMITTEE ON WAYS AND MEANS,
Washington, D. C.

GENTLEMEN: Supplement to brief concerning tariff on pineapples, in answer to statements filed by John McCormick and Albert Merritt, importers.

The said statements filed by John McCormick and Albert Merritt are wrong in all particulars, viz:

First. A barrel of pineapples weighs 160 pounds, and a duty of 1 cent per pound would be a duty of $1.60 per barrel, instead of $3.50, as per their statement.

A crate of pineapples weighs 80 pounds, and 1 cent per pound duty means 80 cents per crate duty.

The average sale of Cuban pineapples during March, April, and May exceeds $5 per barrel, and often reaches $7.50 per barrel, and later lower prices are caused by overstocked markets, which also cause loss to the Florida producer.

Second. The cost to produce and deliver Cuban pineapples in bulk f. o. b. New York to-day is $23.35 per 1,000, with present duty paid. With present duty increased to $15 per 1,000, as per our request, the cost would be $31.35 per 1,000, leaving a profit of $19 per 1,000 at the lowest average selling price.

Third. The large profits in Cuban pineapples is not returned in American products. Cubans buy little or nothing in America to produce their crop of pineapples, and produce at home their main articles of food.

Fourth. Cuban pineapples could be imported with profit into this country and pay 2 cents per pound duty until active competition with Florida ruins the market. Hence, a duty of 1 cent per pound is not prohibitive, but merely places the American producer on an equal basis as to cost of delivery f. o. b. markets.

With 1 cent per pound duty Cuba can deliver pineapples f. o. b. New York for $1.74 per crate of 80 pounds, while Florida can not deliver its pineapples there for less than $1.80 per crate. This gives Cuba 6 cents advantage with the 1 cent duty, which we propose, and is positively not prohibitive.

Fifth. There would be no delay caused by tariff reading "by pound." For instance, all crates are estimated at 2½ cubic feet, and 80 pounds; barrels at 5 cubic feet, and 160 pounds. Therefore we request that all crates of 2½ cubic feet be estimated at 80 pounds, and barrels of 5 cubic feet at 160 pounds when collecting this tariff.

Sixth. We call your honorable body's attention to the importance of a pineapple importer. He creates no value, nor adds any to articles he handles. The said John McCormick and other importers never buy or invest one dollar in the pineapple business. They receive this merchandise on a commission basis, charging at least 10 per cent on the gross sales for disposing of same, and have not a dollar invested or at any risk of loss.

The said John McCormick has told his Florida customers that he would not oppose an increase of duty to 35 cents per crate, or one-half cent per pound, as this amount would equalize the difference in cost of transportation, but would not grant protection for the difference in cost of production.

Seventh. We would also call your particular attention to the fact that the Cuban pineapple does not come in serious competition with other fruits, having two months' free market, while the Florida producer must compete with Cuban pineapples at all times, and also has, in addition, cantaloupes and Georgia peaches, two very popular articles of food.

We submit the above facts for your consideration.

Respectfully,

INDIAN RIVER PINEAPPLE GROWERS' LEAGUE.

Represented by F. G. McMULLEN.

Just one word now with reference to one statement made by these importers. They say, in substance, that practically all of the land in the State of Florida suitable for growing pineapples is now in cultivation, and that therefore our pineapple area can not be appreciably increased. The utter ignorance of some people as to the State of Florida, who profess to know all about it, is simply appalling. The State of Florida is the largest State in point of area, save one, east of the Mississippi River, and there are to-day thousands of acres of land in that State adapted to the growing of pineapples which are lying idle, but would be planted to pines if our own people could be placed upon an equality with the Cuban grower. We ask no advantage of the Cuban; we only ask a fair chance and a "square deal."

Mr. Chairman, the Democratic party has always insisted that the tariff should bear heaviest on the luxuries of life. Here is an article which is essentially a luxury, and it will be interesting at least to see if gentlemen who stand for a duty on corn—a necessity—intend to strike down the duty on pineapples—a luxury. This contest for a higher rate on pineapples is a contest between the farmers of Florida, Hawaii, and Porto Rico on the one side, and the canners and importers on the other. Where will the ancient friends of the much overworked "common people" line up? Where will those who have for years been howling from the housetops for heavy duties on luxuries and practically free trade in necessities take their stand? "By their fruits ye shall know them."

Mr. NEEDHAM. Mr. Chairman, I desire to say just a few words against the proposed amendment offered by the gentleman from Maryland. The sections of our country that are particularly interested in pineapples are Florida and Hawaii. At present the chief competing region is Cuba. Cuba now enjoys 20 per cent reduction in duty under reciprocity. If the pineapple industry is to be kept alive, we must give it some protection. At the present time, under Cuban reciprocity, pineapples from Cuba pay a duty equivalent to 15 per cent ad valorem. It is the lowest protection accorded any fruit interest in the whole schedule. It would be manifestly unfair to this industry to further reduce the rate. It seems to me it is in the interest of all our people that we should grow commercially, as far as possible, within our own country and our own possessions, this class of fruits, and I feel sure that it would utterly destroy the industry both in Florida and Hawaii if this amendment were to prevail.

I yield the balance of my five minutes to the gentleman from Ohio [Mr. LONGWORTH].

The CHAIRMAN. Without objection, the gentleman from Ohio [Mr. LONGWORTH] will be recognized for the remainder of the five minutes.

Mr. LONGWORTH. Mr. Chairman, I merely desire to say one word in opposition to the amendment of the gentleman from Maryland. In my judgment it would utterly destroy the pineapple-growing industry in the Hawaiian Islands.

Mr. Chairman, the pineapple industry in those islands is only a few years old. It is the poor man's industry. It is the one industry that can now be taken up with a comparatively small amount of capital. Most of the islands have been given up entirely to the sugar industry, which, as everyone knows, requires a tremendous capital and a tremendous amount of land. Pineapples can be cultivated there at a comparatively small outlay. The wages of labor are comparatively high, and most of that money goes to American labor. It is, in my judgment, our duty to do all that we can for the people of those islands. Personally I would be glad to see an even higher rate than this bill contains, but I think if the amendment of the gentleman from Maryland should pass, it would absolutely wipe out that industry. [Applause.]

Mr. BARNHART. Mr. Chairman, it is very unfortunate that I could not have had enough time allotted to me to make a showing on the imposition this bill inflicts upon users of

pineapples, and that is nearly everybody who lives in that section of the country in any way remote from the seacoast. The pineapples grown in this country are very high-priced fruit, and so the pineapple used on the table of the great majority of people is the fruit grown on islands adjacent to the United States, and which can not be uncrated, as this bill provides, without partial or absolute loss of the fruit, as it is very perishable, or without damaging it so to make it unpalatable by the time it reaches the consumer; but I thank you for the privilege of permitting me time to submit this brief in behalf of the amendment offered by the gentleman from Maryland.

Mr. Chairman, I am in favor of the amendment, and I will submit the following statement on behalf of the American importers of Cuban pineapples, the American canners, and the plain American consumers of Cuban pineapples:

STATEMENT OF PROPOSITION.

Amend section 275 to read: Pineapples in barrels and other packages, 8 cents per cubic foot of the capacity of barrels or packages.

Pineapples imported in crates, present duty 7 cents per cubic foot. Proposed change, $8 per 1,000 pineapples, regardless of size or weight.

Comparison of duties under present law and Payne bill will show an increase of 100 per cent.

Statistics show average size pineapples imported 36 to box.

Duty on small pineapples, 54 to box, will be increased from 14 cents to 0.3456.

Government will derive much less revenue.

Duty of $8 per 1,000 will require counting of all pineapples, which will mean prohibition of importation for all smaller sizes.

Reduction in quantity of fruit imported will increase price to consumer.

Nonimportation means destruction of present canneries and business in the United States.

Pineapples imported are wrapped in American paper and in American crates.

Pineapples are transported in American vessels.

Pineapples can only be raised in a small portion of Florida under artificial conditions.

Cuban pineapples come into the market at different times from Florida.

Hawaiian pineapples can not compete on account of long haul.

Higher price of Florida pineapples in part caused by excessive railroad rate in Florida.

Injustice to consumers in the United States, to importers, to men in industries engaged in transportation making crates, etc.

The different points named above are elaborated in the few pages following, which I trust will be read carefully.

BRIEF ON THE SUBJECT OF THE PROPOSED CHANGE IN INCREASE IN THE DUTY ON CUBAN PINEAPPLES, AND THE PROPOSED CHANGE IN THE MANNER OR METHOD OF APPLYING AND COLLECTING THAT DUTY.

STATEMENT OF PROPOSITION.

Section 268 of the Dingley law provides as follows:

Pineapples, in barrels and other packages, 7 cents per cubic foot of the capacity of barrels or packages; in bulk, $7 per thousand.

Page 63 of the comparison of the proposed tariff bill.

The Payne bill, section 275, reads as follows:

Pineapples, in barrels and other packages or in bulk, $8 per thousand.

Page 62 of the comparison of the proposed tariff bill.

Suggestion 1. That no duty should be placed on pineapples.

Suggestion 2. If it is thought that it is the part of wisdom to place a duty on pineapples, that section 275 of the Payne bill be amended to read as follows:

Pineapples, in barrels and other packages, 8 cents per cubic foot of the capacity of barrels or packages.

ARGUMENT.

First. All pineapples imported into this country from Cuba are packed in crates. There are practically no pineapples imported in bulk. These crates are of one standard size and measure and contain 2½ cubic feet each. The present duty is 7 cents per cubic foot, less 20 per cent, and the duty now assessed by the Government on pineapples from Cuba in these crates amounts to 14 cents per crate regardless of the number of pineapples in each crate. Pineapples packed into these crates are packed in regard to size, the larger being packed 18 to the crate, the medium 24, 30, and 36 to the crate, and smaller 42, 48, and 54 pineapples to the crate. The Payne bill makes no difference in the duty for weight or size of pineapples. The pineapple that takes 18 to the crate it is proposed to assess at $8 per thousand, and the pineapples packed 54 to the crate it is proposed to assess at $8 per thousand.

Second. Comparison of duties as now paid and those that will result in case the Payne bill as it now stands is enacted as law:

Pineapples per crate.	Old rate of 7 cents per cubic foot, less 20 per cent.	New rate per 1,000 pineapples, less 20 per cent.
	Cents per crate.	*Cents per crate.*
18	14	11.52
24	14	15.36
30	14	19.20
36	14	23.04
42	14	26.88
48	14	30.72
54	14	34.56

Third. Statistics for several years immediately past show that the average number of pineapples per crate throughout the importing season to have been 36 pineapples in each crate. At the old rate the duty has been assessed at 14 cents per crate; at the new rate the duty will be 23 cents per crate of 36 pineapples.

Fourth. The larger pineapples, which the proposed law will allow to be imported at the rate of 11.52 cents, are used by the fancy trade and the people who can afford to pay the fancy prices. The smaller pineapples, packed 54 to the crate, used by the ordinary American citizen and the canners, under the proposed new law will pay a duty of 34.56 cents per crate.

Fifth. This increase in the duty on pineapples will operate against the importation into this country of pineapples for use smaller in size than those that are now packed 30 pineapples to the crate, with the result that the normal importation from Cuba of about 1,000,000 crates per annum will probably be reduced to 500,000 crates or less per annum. Under the Payne bill the revenue to the Government would probably amount to less than $100,000—based on crates containing 30 pineapples each at 19.20 cents per crate of 30 pineapples—while under the present tariff the duty to the Government in a million crates amounts approximately to $140,000. Under the Payne bill no pineapples smaller than 30 to the crate can be imported into this country.

Sixth. The Payne bill provides that the duty be assessed at the rate of $8 per thousand. All pineapples are packed in Cuba. In order to arrive at the number of pineapples in a crate and avoid fraud, for instance, not having a box marked 24 pineapples contain 54, it would undoubtedly be necessary to take these pineapples from their crates and count them. The average importing vessel carries a cargo of from 15,000 to 30,000 crates of pineapples. In case every crate should be opened and every pineapple counted, it would take an army of government employees to discharge the shipment and count the pineapples, resulting in an immense cost; and, in addition, pines are packed by experienced men who understand the packing, and it would require, in justice to the business, that practical men be employed as custom employees, otherwise the fruit would become bruised and made into seconds and damaged. The consumer would no doubt refuse to accept a large quantity of the fruit thus repacked. The shipments would be greatly delayed and much would become spoiled and rotten. This would naturally tend to increase the price of the balance to the consumer. It would discourage both the grower and the importer and would operate as a prohibition in the importation of Cuban pineapples.

Seventh. A reduction of 50 per cent in the quantity of the fruit imported would affect the price to the consumer, both of the fresh as well as of the canned pineapples, and would raise the price so high that the ordinary American consumer could not use any pineapples.

Eighth. The nonimportation of the smaller size of pineapples referred to, which are used principally in the manufacture of pineapple products and canned pineapples, means the destruction of the pineapple canning and preserving industries in the United States; a decrease in the revenues of the Government in the importation of this fruit and an increase in the expenses of the Government incident to the collecting of the duty thereon. It means the destruction of the business of importers of pineapples. (See petition of the Canned Goods Exchange, Baltimore, Md., submitted by Hon. ISIDOR RAYNER, p. 4062 of Tariff Hearings, Schedule G.)

Ninth. All pineapples imported from Cuba are wrapped in paper and crated before shipment. The paper and crates used for such purposes are manufactured in the United States and shipped to Cuba. The lumber is American lumber; nails are American nails; paper is American paper; all grown and manufactured in this country. The capital engaged in this business

is the capital of citizens of the United States. The adoption of the Payne schedule would decrease this branch of the business at least 50 per cent, and these interests certainly have a right to be considered.

Tenth. The transportation of fruit between the United States and Cuba is almost exclusively in American vessels, freight is paid to citizens of the United States, and the benefits of the business of transportation accrue to citizens of this country. A prohibition of importation means a loss to the citizens of this country, means the destruction of the business of the citizens of this country, and the throwing out of employment of a large number of men. In addition, the steamers that carry Cuban pineapples are always loaded on their way back to Cuba with the products of the American farm and factory. These goods are purchased by the Cuban growers of pineapples with the money received for their pineapples in this country, and a prohibition of the importation of pineapples, as will result from this 100 per cent increase in duty, and the manner of collecting the duty by counting the fruit, will destroy this trade between the product of American factories and farms and the growers of pineapples in Cuba.

Eleventh. The area of land within the United States suitable for the purpose of raising pineapples is very limited and is confined to the State of Florida alone, and the area within that State suitable for the purpose of raising pineapples is very small, and, with the present system of cultivation, can not be greatly enlarged. In addition, the climatic conditions in the State of Florida are such that frequently the temperature is so low as to produce freezing, and this condition could, and would, probably, ruin the whole pineapple crop of that State. Mr. F. G. McMullen and others, in their statement to the Ways and Means Committee (see Tariff Hearings, Schedule G, p. 4061), state:

The Florida pineapple is somewhat out of its natural element as to soil, and requires a large amount of fertilizer.

Mr. E. P. Porcher, in representing the Florida pineapple producers, in his statement to the committee (see Schedule G, p. 4052) says:

The pineapple situation with us on the east coast is such that we produce out of that 690,000 crates 640,000 crates; in other words, all the rest of the State produces but 50,000 crates. That is produced now on the mainland because the storm of a few years ago swept away the products of the keys. It is a section of the country where it has been necessary to go to extreme expenditures in matters of not only preparing the lands, which has been done, but in the cost of fertilization, which runs up as high as 4,000 pounds per acre per annum. In addition to that, with the increased cost of labor, the increasing cost of crate material, we find that about an average of 90 cents, even running up to $1.10, according to other averages made, is the cost to produce a crate of pineapples and deliver it on board the cars. The pineapple industry is more subject to frost than oranges, and for a frost to get into an orange tree requires what we term a "freeze," but a frost will get into the pineapples just as it would into a tomato plant, for it is a very tender plant.

Mr. McMullen says, on page 4056 of Schedule G, in regard to Florida land now used for the growing of pineapples:

That land can not be applied to the growing of anything else, for it will not produce anything else. We have practically to produce our pineapples with fertilizer.

Mr. McMullen further says, in response to questions by Mr. BOUTELL as to what extent pineapples were canned in Florida, as follows:

Mr. BOUTELL. To what extent are you canning fruit in Florida?
Mr. MCMULLEN. Not at all.
Mr. BOUTELL. Why not?
Mr. MCMULLEN. It is on account of the price of labor; and then again, the supply of fruit is not sufficient to keep the canneries running. We have nothing to keep the industry going all the year round. The fruit comes in by itself, and it is in a territory by itself, and if we shipped we could not pay the local freight of 25 cents per crate.
Mr. BOUTELL. Then you can not have canned pineapples down there?
Mr. MCMULLEN. No, sir.
Mr. BOUTELL. How are they eaten; are they eaten raw?
Mr. MCMULLEN. Yes, sir.

Twelfth. Cuban pineapples do not, in any particular degree, conflict with the sale of Florida pineapples, for the reason that the Cuban pineapples begin to arrive in American markets about the 1st of April, and the Florida pineapples begin to reach the market on the last of May, about the time that the Cuban pines are exhausted. The position of the Florida growers is well stated by F. G. McMullen in his statement before the committee. (See Schedule G, 4063.)

The pineapple is in no sense a necessity, but is a luxury, and for this reason will be purchased by its regular consumers at a fair price; hence the amount of duty received by this Government if the present duty is increased to 1 cent per pound will be $640,000. This great benefit to the Government will impose no hardship and will be paid willingly, and at the same time protect a large American industry which consumes a large amount of American products in its production.

We submit that the pineapple is not a luxury, but has become a staple article of food for the plain American citizen, who certainly is entitled to be furnished this food at a reasonable cost.

Thirteenth. A protest has also been received from the Hawaiian Islands in regard to this matter. It is known, as a matter of common knowledge, that fresh pineapples from Hawaii can not be imported into the United States successfully, for the reason that Hawaii is so far away from the United States that the cost of getting the fruit here is very high as compared with the fruit imported from Cuba, and in addition to the distance being so far, the conditions of the climate are such that the fruit is not fit for use, especially for canning, when it reaches the United States. The canners of Hawaii are asking that a tariff to cover the difference in the cost of production and freight be put upon pineapples, so that they can start canneries and increase their present canneries in Hawaii. It seems manifestly unfair and unjust that the canneries for pineapples in this country, employing a large number of men, should be forced out of business in order to help establish canneries in Hawaii, and that the entire American consumers of pineapples should be forced to pay a price much greater than they should pay that this business may be built up for people in Hawaii under artificial conditions.

Fourteenth. The Florida growers charge that they are unable to compete with the Cuban growers of pineapples for the reason that the freight rates from Habana to the market are less than the freight rates from Florida to the market, and they show that they are charged from points in Florida to Jacksonville a rate of 25 cents per crate, which takes away from them the opportunity to make any profit on a crate of pineapples. We submit that it is not fair to raise and increase the cost of this article of food to all the thousands of consumers in the United States in order that the growers of Florida can contribute more than they should to a short line of 150 miles of railroad in Florida running through the pineapple district.

Fifteenth. We submit that the pineapples grown in Florida are grown under practically artificial conditions, where a freeze will be liable to stop the growth of pineapples for years, thus forcing all of the American people who use this fruit to pay a largely increased price for it. We submit that this is unfair to the American consumer. We submit that an increase in the tariff of 100 per cent, as will be the result of the proposed change, is manifestly unfair to the American consumer of pineapples, to the parties engaged in the manufacture of crates, to the parties engaged in hauling pineapples to this country, and to the importers of pineapples and to the canners of pineapples, and we submit that the method of applying the duty, at $8 per thousand, is such a process as will result only in the entire stoppage in the importation of the small pineapples used by the plain American citizens and the American canners. To say that you must levy a duty at so much per thousand, without regard to size, is unfair upon its face, and it would be just as well in levying the duty on apples or potatoes or beans to say that you must count every apple or potato or bean in a barrel. The result of this prohibition will be to ruin the business of the importers of Cuban pineapples, to deprive the American consumer of the use of this fruit except at exorbitant prices, and all for the benefit of a few growers on a narrow strip of land on the east coast of Florida and a few growers in the Hawaiian Islands who can only ship their product to this country in cans.

Mr. SULZER. Mr. Chairman, for years I have been trying to secure national aid in the building of good roads throughout the land. National aid for good roads is demanded by the people, and the question will grow more and more important as the seasons come and go until the demands of the people are granted by the National Government.

Good roads mean progress and prosperity, a benefit to the people who live in the cities, an advantage to the people who live in the country, and it will help every section of our vast domain. Good roads, like good streets, make habitation along them most desirable; they enhance the value of farm lands, facilitate transportation, and add untold wealth to the producers and consumers of the country; they are the milestones marking the advance of civilization; they economize time, give labor a lift, and make millions in money; they save wear and tear and worry and waste; they beautify the country—bring it in touch with the city; they aid the social and the religious and the educational and the industrial progress of the people; they make better homes and happier hearth sides; they are the avenues of trade, the highways of commerce, the mail routes of information, and the agencies of speedy communication; they mean the economical transportation of marketable products—the maximum burden at the minimum cost; they are the ligaments that bind the country together in thrift and industry and intelligence and patriotism; they promote social intercourse, prevent intellectual stagnation, and increase the happiness and the prosperity of our producing masses; they contribute to the

glory of the country, give employment to our idle workmen, distribute the necessaries of life—the products of the fields and the forests and the factories—encourage energy and husbandry, inculcate love for our scenic wonders, and make mankind better and broader and greater and grander.

The plain people of the land are familiar with the truths of history. They know the past. They realize that often the difference between good roads and bad roads is the difference between profit and loss. Good roads have a money value far beyond our ordinary conception. Bad roads constitute our greatest drawback to internal development and material progress. Good roads mean prosperous farmers; bad roads mean abandoned farms, sparsely settled country districts, and congested populated cities, where the poor are destined to become poorer. Good roads mean more cultivated farms and cheaper food products for the toilers in the towns; bad roads mean poor transportation, lack of communication, high prices for the necessaries of life, the loss of untold millions of wealth, and idle workmen seeking employment. Good roads will help those who cultivate the soil and feed the multitude, and whatever aids the producers of our country will increase our wealth and our greatness and benefit all the people. We can not destroy our farms without final decay. They are to-day the heart of our national life and the chief source of our material greatness. Tear down every edifice in our cities and labor will rebuild them, but abandon the farms and our cities will disappear forever.

Mr. Chairman, the report of the Country Life Commission, appointed by President Roosevelt to consider the condition of the farmers and recommend remedies for existing deficiencies in country life, was submitted to Congress on February 9, 1909, together with a message from the President. While the commission purposely avoided indorsing any particular bill now before Congress for national aid for good-road building, it does make certain specific recommendations.

"The demand for good highways," it says, "is general among the farmers of the entire United States. Education and good roads are the two needs most frequently mentioned in the hearings. Highways that are usable at all times of the year are now imperative, not only for the marketing of produce, but for the elevation of the social and intellectual status of the open country and the improvement of health by insuring better medical and surgical attendance. The advantages are so well understood that arguments for better roads are not necessary here. With only unimportant exceptions, the farmers who have expressed themselves to us on this question consider the Federal Government is fairly under obligation to aid in the work. We hold that the development of a fully serviceable highway system is a matter of national concern, coordinate with the development of waterways and the conservation of our native resources. It is absolutely essential to our internal development. The first thing necessary is to provide expert supervision and direction and to develop a national plan. All the work should be cooperative between the Federal Government and the States. The question of federal appropriation for highway work in the States may well be held in abeyance until a national service is provided and tested. We suggest that the United States Government establish a highway engineering service, or equivalent organization, to be at the call of the States in working out effective and economical highway systems."

Mr. Chairman, the report and recommendations of the commission are highly valuable, as its careful investigation, including personal visits to all sections of the country, and correspondence with 550,000 residents of the country districts as to the most pressing needs of the farmers for the improvement of their condition, shows that public sentiment is unanimous in favor of better roads as a practical means of supplying existing deficiencies in country life.

In his message to Congress accompanying the commission's report, President Roosevelt summarizes the conclusions arrived at by the commission, and states that as the result of its investigations the following three great general and immediate needs of country life stand out:

"First. Effective cooperation among farmers, to put them on a level with the organized interests with which they do business.

"Second. A new kind of schools in the country, which shall teach the children as much outdoors as indoors, and perhaps more, so that they will prepare for country life, and not as at present, mainly for life in town.

"Third. Better means of communication, including good roads and a parcels post, which the country people are everywhere, and rightly, unanimous in demanding."

Mr. Chairman, the satisfaction of the first two of these needs will be greatly facilitated by the adoption of a system of improved roads extending through all the farming sections of the country. Bad roads are the chief obstacle to cooperation among the farmers, and improved roads will make cooperation possible.

The need for a new kind of country schools can not be met so long as our dirt roads, which at certain seasons are almost impassable, prevent the attendance of the farmers' children at centralized schools where they could have all the advantages of a graded school in connection with a high school. Central schools of this kind are now being established in some sections of the country, where good roads permit the pupils of an entire township being transported to them daily from their homes, and with the extension of improved roads this school system would become general. It can thus be seen that of the three reforms which in the opinion of the president have been shown to be urgently desirable, road improvement is the most important, as it would aid in making the others practicable.

That highway improvement is the most important economic reform has long been urged by the farmers, who, through their principal organization, the National Grange, have been persistently agitating for the adoption of a policy of federal aid for good-road construction and maintenance. The declaration by the Country Life Commission that the establishment of a fully serviceable highway system is a matter of national concern, absolutely essential to our internal development, should serve to hasten the enactment of legislation providing for the creation of a national highways commission, and making liberal appropriations for carrying on its work.

The direct connection between good roads and the value of farm lands is shown in a striking manner in Bulletin No. 38 of the United States Department of Agriculture. This bulletin gives the results of an investigation by the Office of Public Roads of that department relating to public-road mileage, revenues, improved roads, and expenditures in the United States in the year 1904, and the information contained therein is of great importance in connection with the movement on behalf of the systematic improvement of the public highways.

The returns from various States show that in nearly every case the States having the highest percentage of improved roads have the largest population per mile of road, thus showing that better roads are a powerful factor in encouraging the settlement of unused lands, especially in sparsely populated sections of the country. Good roads are also an important influence in retaining in the farming districts the desirable elements who might otherwise drift into the towns and cities. As the price of farm lands depends on their productivity, accessibility to markets, and population engaged, or desiring to engage, in agricultural pursuits, it follows that road improvement, by attracting additional settlers, and giving them better facilities for reaching their markets, directly tends to increase the values of all farm lands within the radius of the roads improved.

A comparison of the percentage of the improved roads of the various States shows that the average percentage of the improved roads in all States where farm land is worth less than $20 per acre is only 1.8 per cent; whereas in the States where the acreage value is more than $20, improved roads constitute an average of 9 per cent of the total mileage.

While there may be minor causes of variations in the value of farm lands, it is an undoubted fact that as a general rule the higher values of certain States are largely due to their superior roads. Records on file in the Office of Public Roads show that farm lands have been known to advance in value from 50 to 500 per cent on account of the improvement of the roads connecting them with market towns.

When the facts secured by the Department of Agriculture become known to the farmers of the country, and they realize that the establishment of a complete system of properly constructed public roads will have the direct effect of greatly increasing the value of their farms, they will be the foremost advocates of a broad, comprehensive policy of public-road improvement by the Nation, States, counties, and townships.

Mr. Chairman, the farsighted wisdom of Julius Cæsar built from the imperial exchequer the magnificent roads that led in all directions to eternal Rome. The great Napoleon—Cæsar like—built the roads of France that center in Paris from the general funds of the Government; and these French roads have done more than any other single agency to encourage the thrift and increase the industry and insure the contentment of the people of France. Cæsar and Napoleon were the great road builders of ancient and modern times, and their foresight and their judgment and their work demonstrated the beneficent results that follow like the night the day the building of great governmental highways.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. Mr. Chairman, I ask unanimous consent to

print in the RECORD as a part of my remarks an address by the Hon. N. J. Bachelder, master of the National Grange.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the request is granted.

The address referred to follows:

THE DEMAND OF THE FARMERS FOR NATIONAL AID FOR HIGHWAY IMPROVEMENT.

ADDRESS BY THE HON. N. J. BACHELDER, MASTER OF THE NATIONAL GRANGE—NATIONAL CARRIAGE BUILDERS' ASSOCIATION, CHICAGO, OCTOBER 14, 1908.

The deplorable condition of the public roads in nearly all sections of the United States has for many years been the subject of careful consideration by the farmers, and they fully realize the great economic and social importance of substituting a scientific system of road construction and maintenance for the crude and old-fashioned methods that prevail to so large an extent at the present time. It may seem to outsiders that it has taken the farmers a long time to appreciate the benefits of improved roads, but in reality they have not been so backward as some of their critics suppose. As the chief sufferers from the rough dirt roads which constitute by far the greater mileage of the country's highways, the farmers have been foremost in favoring the general policy of road improvement, and have been using their influence to bring about a change in methods of road construction.

Up to a comparatively recent period the question of better roads was regarded as one that concerned only the districts in which the highways are located, and it was believed that the expense of road construction and improvement should be borne by such districts. As the result, very largely, of the persistent agitation by the farmers for better roads, the road problem has come to be considered from the wider point of view that bad roads affect not only the communities through which they run, but also the interests of the towns, cities, States, and Nation. There is now a general agreement that since the manufacturers, merchants, and workers of the country at large are all concerned with the prosperity of the farmers, the question of good roads, as a means of improving the condition of the farmers, is of direct interest to all other classes of our people.

I assert without fear of contradiction that the establishment of a complete system of improved public highways is the most important economic issue now confronting the American people. The conservation of our forests and other natural resources; the improvement of our rivers and harbors; railway and trust regulation; all these sink into insignificance in comparison with this question, in so far as it relates to the permanent welfare and prosperity of the Nation. Careful estimates of the loss in time, labor, and actual expenditure for marketing the country's enormous volume of farm products show that bad roads impose an annual burden of at least $125,000,000, the difference between the cost of hauling these products over the dirt roads, which constitute 93 per cent of our total road mileage, and the cost of hauling the same quantity over improved roads. This loss falls heaviest on the farmers, whose productive capacity is decreased because of the greater portion of their time that is spent in conveying their crops to market, but it also imposes the burden of higher prices on the consuming public generally. Manufacturing and business interests are affected through the fact that under present conditions the farmers produce less, and therefore consume less manufactured goods, than they would under more favorable conditions.

It is a truism that the prosperity of the whole country depends on the condition of our agricultural interests, yet this simple statement of fact is practically ignored in all discussions of how to restore and maintain prosperity. The dependence of our whole complicated system of manufacturing, transportation, and trade on the farmers of the country has been clearly illustrated during the past year, when Wall street, our great railway systems, and to a large extent our manufacturing and business interests generally, have been anxiously following the crop reports, in order to assure themselves of a more favorable outlook and the coming of another period of manufacturing, transportation, and business activity. But when it comes to appropriating money by Congress, how do we find the great basic agricultural industry treated? The statistics of the expenditures of the National Government during a period of ten years ending with 1906 show that out of appropriations of $6,309,742,632, collected, it must be remembered, by taxes paid in large part by the farmers of the country, only $47,000,817 was devoted to furthering the interests of agriculture; that is, three-quarters of 1 per cent of the total appropriations for the department of our National Government that is concerned with the advancement and welfare of the most important interest of the country.

Much attention has recently been given to the appointment of a national commission to study the needs and condition of the farmers, with a view to aiding in making farm life more attractive and desirable. The commission will doubtless receive many suggestions, but I am confident that when the real sentiment of the farmers of every section of the country, as to the reform which would confer the greatest benefit upon them, is expressed, it will be, "Give us good roads."

It is because of their earnest conviction that the improvement of our highways would be the most effective agency in promoting not only their own prosperity, but that of the entire country, that the farmers are now everywhere demanding larger appropriations by the States for road improvement, and for federal appropriations for the same purpose. They believe that a part of the money raised by the taxation of all the people of the United States should be devoted to assisting in the construction of better roads, and are taking action to secure the enactment of the necessary legislation by Congress.

The initiative in the movement for federal appropriations has been taken by the farmers through their principal organization—the National Grange—which has upward of 1,000,000 members, with local granges in all sections of the country.

The National Grange is organized to further the interests of the farmers in legislative matters, and has for several years favored the policy of national aid to road improvement. During the past year it has perfected plans for carrying on a widespread, systematic movement throughout the whole country, for the purpose of creating a public sentiment favorable to legislation by Congress creating a national highways commission and making liberal appropriations in aid of public road improvement. The grange believes that the proper method of securing legislative action on any subject is through first convincing the people that it is in their interest, and when this has been accomplished bringing the influence of the individual voters to bear on their Senators and Representatives; and it is with this view that they are conducting their educational campaign for good roads.

A bill embodying the principle of federal assistance was prepared by the grange legislative committee, and introduced in Congress at its recent session by the Hon. FRANK D. CURRIER of New Hampshire. This bill was carefully drawn so as to meet all objections raised against bills previously introduced for the same purpose. By decisions of the Supreme Court of the United States it has been held that the National Government has power to construct, maintain, or improve roads in the various States used in interstate commerce, and all roads leading into or connecting therewith. Under the grange bill it will be possible for the proposed highways commission to aid in the improvement of any road in any section of the country, since all roads connect with or lead into some other road which is used in interstate commerce. It is believed, however, that the greater part of such appropriations as may be made by Congress will be expended by the highway commissions or other road authorities of the various States.

It may be objected that in undertaking to assist in the improvement of our highways the National Government would be encroaching on the sphere of the States, and that the matter is one with which Congress has no concern. I would submit that the long neglect of the Nation to contribute toward the expenditures for road improvement is no reason why this mistaken policy should be continued. The chief obstacle, in fact I might say the only difficulty, in the adoption of a general plan of highway improvement is the lack of the money necessary for the construction and maintenance of improved roads. The principle that the work of road improvement should be provided for more largely out of the public funds and less at the expense of the abutting owners is finding general acceptance as a matter of state policy, and in many States large amounts are being annually appropriated for the public roads. But there is a limit to the ability of the States to furnish the funds required, and it is for this reason that the farmers feel justified in urging that appropriations be made out of the revenues derived by taxing the people of the whole country for what is so clearly a matter of national importance.

The farmers have for a long time believed that the highways of the country are of greater importance than its waterways, and that every argument in favor of appropriations by Congress for the improvement of our rivers applies even more strongly to the improvement of the public roads. They also believe that they are not now receiving a fair share of the money taken from them as federal taxes, and that if Congress wishes to dispose wisely of the present large surplus in the Treasury it can not do better than to devote at least $50,000,000 to the work of road improvement.

The benefits which would follow the enactment of the legislation advocated by the National Grange are by no means to be measured by the mileage of improved roads that could be constructed with the appropriations made by Congress. The most effective argument for good roads is the object lesson of the improved road, as contrasted with the ordinary dirt road, and each new section of properly constructed road is an inducement for the municipal, county, and state road authorities to unite in placing the largest possible mileage of the highways within their jurisdiction in a similar condition.

Another great advantage resulting from federal appropriations expended under the general supervision of the proposed national highways commission would be the substitution for our present haphazard methods of road construction of a scientific system of road making. It is estimated that out of our annual expenditure for road construction and maintenance of about $80,000,000 at least one-half is wasted through unwise methods or the use of wrong materials. This waste would be to a large extent, if not entirely, avoided through bringing to bear on the subject the knowledge and experience of trained engineers, whose advice and services would be at the disposal of the various local road authorities. I may mention in this connection the example of France, which is admitted to have the best road system of the world. It is the opinion of experts who have given the subject careful consideration that the superiority of the French roads is chiefly due to the fact that the National Government of France not only contributes very largely to the construction and repair of the highways, but also maintains a staff of highly trained road experts, whose cooperation with the local road authorities has given the whole country an effective body of competent highway administrators.

The subject is of such magnitude and extends in so many directions that I have only been able to outline some of its phases. I am confident that when the attitude of the farmers is understood and the vital importance of the question realized that public sentiment will be practically unanimous in favor of this proposition, and that Congress will at an early date enact this most desirable legislation.

Mr. CALDER. Mr. Chairman, I offer a substitute for the pending amendment.

The CHAIRMAN. The gentleman from New York offers a substitute for the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "8 cents" and insert "7 cents;" also, strike out "$8" and insert "$7."

Mr. PAYNE. I make the point of order that that is not germane.

Mr. TALBOTT. Why, yes, it is.

Mr. PAYNE. It has been offered half a dozen times.

The CHAIRMAN. The Chair will state that the amendment is open to the same objection as that offered before, and the Chair therefore sustains the point of order.

The question is on the amendment of the gentleman from Maryland to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. TALBOTT) there were—ayes 133, noes 141.

Mr. TALBOTT. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. PAYNE and Mr. TALBOTT.

The committee again divided; and the tellers reported that there were—ayes 120, noes 176.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 71, paragraph 288, line 8, strike out the word "four" and insert in lieu thereof the word "three."

Mr. PAYNE. Mr. Chairman, I want to say that this amends the duty on cocoa, reducing it from 4 cents to 3 cents a pound, and I ask for a vote. [Applause.]

Mr. MANN. If the gentleman from New York will permit me, in reference to the matter of tea and coffee and cocoa, may I ask whether there is likely to be a change in the tariff on chicory?

Mr. PAYNE. I have no amendment to that.

Mr. MANN. I may say to the gentleman, that I discovered the fact years ago that chicory was used very largely not as an adulteration for coffee, although it is sometimes used for that, but as a substitute for coffee, especially by a certain class of people who come here from abroad, and, as I understand the tariff on chicory is practically prohibitive, it seems to me it would be unjust to some of these people to retain the present duty.

Mr. PAYNE. I will give the gentleman's remarks prayerful consideration, but it is rather late now.

Mr. PERKINS. Mr. Chairman, I offer as an amendment to the amendment to strike out the word "three" and insert the word "two."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from New York as an amendment.

The Clerk read as follows:

Strike out "three" and insert "two," so as to read "2 cents per pound."

Mr. PAYNE. Before that is put, Mr. Chairman, I want to say that it will cut off $800,000 of revenue, and we want the revenue.

Mr. PERKINS. Mr. Chairman, I very much approve of the reduction of the duty on cocoa to 3 cents. I would be glad to see the duty further reduced, but for the present I withdraw the amendment.

The CHAIRMAN. Without objection, the amendment will be withdrawn.

There was no objection.

Mr. FITZGERALD rose.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. FITZGERALD. Mr. Chairman, I was endeavoring to be recognized to offer an amendment to the amendment of the gentleman from New York.

Mr. PAYNE. What is the gentleman's proposition?

Mr. FITZGERALD. I was endeavoring to be recognized, but the Chair could not see me.

Mr. PAYNE. The Chair ought not to recognize the gentleman until the next amendment has been read.

Mr. FITZGERALD. It was the other amendment that I wanted to offer an amendment to.

Mr. PAYNE. But that has been agreed to.

Mr. FITZGERALD. It was not when I was on my feet endeavoring to get recognition.

Mr. PAYNE. Was the gentleman asleep?

Mr. FITZGERALD. I am not as sleepy as the gentleman from New York.

The CHAIRMAN. Without objection, the action of the committee will be vacated.

Mr. MANN. I want to reserve the right to object.

Mr. PAYNE. I object.

Mr. FITZGERALD. I am not asking unanimous consent. I submit to the Chair that the Chair inadvertently omitted to recognize me when I was on my feet asking for recognition, and was entitled to recognition, and endeavoring to attract the attention of the Chair; but the Chair studiously refused to look in this direction——

Mr. PAYNE. Let me ask what the gentleman's amendment is?

Mr. FITZGERALD. I want to move to strike out "three" and insert "one-half."

Mr. PAYNE. I have no objection to the gentleman going back and doing that.

Mr. FITZGERALD. Then, Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read:

The Clerk read as follows:

Strike out "three" and insert "one-half."

Mr. FITZGERALD. Mr. Chairman, this is a duty upon "cocoa, or cacao, crude, and leaves and shells of." It is the raw material, out of which all chocolate products are made. None is produced in this country whatever. It has been upon the free list, if my recollection serves me right, since about 1872. This duty is such that if it be enacted into law, it will not produce the amount of revenue anticipated by the members of the committee. For instance, in one part of the city of New York alone, in one borough, the annual business done by the sale of pieces of chocolate that sell for 1 cent each, amounts to $200,000 a year. If this duty be placed upon the raw product, it will be impossible to reduce the size of these pieces of chocolate which are sold for 1 cent, and equally impossible to increase the price to 2 cents, because that chocolate is sold largely through the penny slot machines.

The trade to which this trade is offered in this way will not be able to purchase it at 5 cents, the only other price at which it could be fixed; so that instead of bringing an additional revenue, as the committee anticipates, the result will be largely to curtail the manufacture of chocolate. This is but one illustration of the effect of the duty. More than that, Mr. Chairman, an examination of this bill shows that while 4 cents or 3 cents a pound might be proper, if a duty were placed upon tea and coffee, in order to balance the schedules, to place this duty on chocolate or cocoa, the raw material out of which the chocolate is made, when no duty is placed upon tea or coffee, is unduly to discriminate against a valuable food product which is used in practically every home in the country. I am opposed to placing a tax upon the raw material out of which a valuable, necessary, and extensively used food product is made, and for that reason, and not being able at this time under the rules controlling the consideration of this bill to offer an amendment that would restore this product to the free list, I have submitted this amendment that will reduce the duty to one-half a cent per pound, practically putting it upon the free list.

Mr. LIVINGSTON. Mr. Chairman, in this connection I desire to have read, as touching upon the amendment offered by the gentleman from New York [Mr. FITZGERALD], the following letter, which I send to the desk.

The Clerk read as follows:

HARRY L. SCHLESINGER,
Atlanta, Ga., April 3, 1909.

Hon. LON F. LIVINGSTON,
Washington, D. C.

FRIEND LIVINGSTON: I note in the new tariff bill, H. R. 1438, that there is to be a change or contemplated change of taking cocoa beans from the free list. As you know, cocoa beans are entirely imported, and I do not see why they should be taken from the free list, as it would work hardships to pay duty on something that we need in this country, which, as usual, the poor fellow would have to pay for. I know you will see the justice of this letter, and I will appreciate your efforts in keeping this on the free list.

Sincerely, yours,
HARRY L. SCHLESINGER.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the committee amendment offered by his colleague from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I want to say only a word. Our friends on the other side are for a tariff for revenue always, except when you come to put a tariff on anything for revenue, and then they are against it, because somebody will have to pay for it.

Mr. HARRISON. But we want free raw materials.

Mr. PAYNE. Every one of them on that side of the House will try to vote away this revenue, amounting to between two and three million dollars a year. I ask for a vote.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the committee amendment.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were—ayes 79, noes 113.

So the amendment to the amendment was rejected.

Mr. CALDER. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

Mr. PAYNE. Mr. Chairman, I object to that amendment now. I simply went back to allow my colleague from New York to offer his amendment.

The CHAIRMAN. The Chair thinks that is right.

Mr. PAYNE. Very well; let the gentleman proceed.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "three" and insert "two."

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken; and on a division (demanded by Mr. CALDER) there were—ayes 81, noes 111.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs upon the original committee amendment offered by the gentleman from New York [Mr. PAYNE].

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 292, page 72, lines 22 and 23, strike out the words "and whether used for starching, sizing, or filling."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 294, page 73, line 8, strike out the words "cloves and clove stems."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 526½, page 150, between lines 6 and 7, insert the following: "526½. Cloves and clove stems, unground."

Mr. PAYNE. Mr. Chairman, that puts them on the free list.

Mr. MANN. Mr. Chairman, why this discrimination made in behalf of the fellows who drink?

Mr. PAYNE. I want to say that we make this change because they are used in making vanillin.

Mr. MANN. Then this is not merely to accommodate the gentlemen who come from States that are not prohibition States?

Mr. PAYNE. Not at all.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Paragraph 294, page 73, line 13, after the word "valorem," insert the words "cloves and clove stems, ground, 2½ cents per pound."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Paragraph 313, page 81, line 17, after the word "that," insert "on all the foregoing and."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Paragraph 318, page 87, strike out lines 7 to 24, inclusive; and on page 88 strike out lines 1 to 11, inclusive, and insert in lieu thereof:

"318. The term 'cotton cloth' or 'cloth' wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton, in the piece or otherwise, whether figured, fancy, or plain, the warp and filling thread of which can be counted by unraveling or other practicable means."

Mr. UNDERWOOD. Mr. Chairman, I desire to ask the gentleman from New York a question. As I understand this amendment the gentleman's proposition is to restore the Dingley provision——

Mr. PAYNE. As to counting.

Mr. UNDERWOOD (continuing). Which amounts to really a lower duty than in the present bill.

Mr. PAYNE. On some cloths; yes. We take this method of counting in order to meet decisions in regard to the counting of cloths, but it was found, after inquiries, that it would advance the duties on some cloths by some 10 per cent; the experts disagreed in the particular amount; some went as high as 25 per cent. The committee has not sought to increase the duty by that method. If they wanted to increase the duty they would go in the open to do it, but this reduces it to the Dingley rate.

Mr. UNDERWOOD. In other words, the effect of the amendment is to restore the Dingley rates, and it is also a lower duty than maintained in the present paragraph?

Mr. PAYNE. Yes.

Mr. RICHARDSON. Mr. Chairman, I would like to ask the gentleman this question.

Mr. PAYNE. Certainly.

Mr. RICHARDSON. Is there not a difference in the Payne bill and in the Dingley bill as to the method of ascertaining or determining the duty? Under the Dingley bill were not the duties ascertained by the number of threads per square inch? Now, section 318 of this bill provides not only that each thread shall be counted, but that each ply of two or more ply threads shall be counted as a thread.

Mr. PAYNE. Mr. Chairman, we will have to have a little better order for me to hear the gentleman.

Mr. RICHARDSON. Mr. Chairman, I dislike very much to trouble the gentleman, but I am asking for information. This restores it to the Dingley rates, if I understood him correctly. The question I asked was——

Mr. PAYNE. This restores it to the Dingley method of counting.

Mr. RICHARDSON. What effect does this paragraph have, for instance, on cotton cloth, referred to in section 321, which reads—

On all cotton cloth mercerized or subjected to any similar process, 1 cent per square yard.

Is not that an additional duty over and above that provided in the Dingley law?

Mr. PAYNE. Yes.

Mr. RICHARDSON. What does it amount to?

Mr. PAYNE. Mercerizing is a new process invented since the Dingley law was enacted and is only four or five years old; it makes a beautiful piece of goods resembling silk and requires additional labor, and the committee were at some pains to find out the necessary duty in order to make up the difference between the cost of the labor here and on the other side and fixed it at 1 cent per square yard.

Mr. RICHARDSON. I desire to ask the chairman another question. Is it not a fact that under the present Dingley law there is an ad valorem duty for cost of mercerization—any kind of luster, and all imported cotton goods have some luster? Then this simply means that all of the cotton cloths of the cheap grade will be transferred to the higher dutiable class.

Mr. PAYNE. No.

Mr. RICHARDSON. And is not this an additional tax?

Mr. PAYNE. There is nothing relating to it in the Dingley law at all; this is a new process that has arisen since.

Mr. RICHARDSON. What do you mean, then, by "subject to any similar process?"

Mr. PAYNE. Similar invention; that is all. I want to say to the gentleman that this is a process of dipping the cloth into some chemical compound, and after stretching it and drying it while stretched it leaves a beautiful luster upon the cloth. It was a process invented by a man by the name of Mercer, and hence is called "mercerizing." This additional part of the paragraph is to cover any similar invention or similar process to reach the same result.

Mr. RICHARDSON. Is it not true that 75 per cent of the imported cloth goods to this country now have a certain character of glaze upon them——

Mr. PAYNE. A good many of them do.

Mr. RICHARDSON (continuing). That range from 15, 20, or 25 cents a yard will be transferred into the higher class duties, and thereby a great decrease in revenue by reason of the duties on that class of cotton cloth will be prohibitive?

Mr. PAYNE. It is a cent a yard more. We put a cent more on that kind of cloth.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PAYNE].

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 324. On page 91, line 8, after the word "value," insert the following:

"And Jacquard figured goods, in the piece or otherwise, suitable for use as upholstered goods, or as draperies or covers, composed wholly or in piece value of cotton or other vegetable fiber, made in looms, dyed in the yarn."

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. WALLACE. Mr. Chairman, I wish to congratulate the gentlemen on the other side of the House in some effort occasionally to revise a schedule downward. When it comes to some of the cotton-thread schedules, one finds himself tangled in a mesh of threads like unto Gulliver when tied to the earth by the Lilliputs. Proceeding further, we find a veritable spider's web, in which the unwary consumer and producer may be eluded. I understand the rules under which we are proceeding deny all opportunity for amendment of the cotton schedules. I understand also that I have no time for any extended observation in the premises.

But, Mr. Chairman, I wish to submit as a part of my remarks a well-digested protest against the increase of the tariff

on hosiery and gloves by the New England Dry Goods Association, as follows:

A PROTEST AGAINST THE PROPOSED INCREASE IN THE TARIFF ON HOSIERY AND GLOVES.

The New England Dry Goods Association is a representative body of business men, over 500 in number, engaged in selling dry goods in retail and wholesale stores throughout New England. In every community a dry goods store is well known, and the dealer in serving a large clientage feels the pulse of the trade and learns the temper of the customers regarding the goods they buy. This experience enables them to know positively whether or not the public are satisfied with the goods and with the prices they have to pay.

The tariff has a most important influence both on the nature of the goods and their prices, and is therefore a matter of vital interest both to us, as dealers, and to our customers.

We believe that our experience enables us to form not only an intelligent opinion on that portion of the tariff relating to the merchandise we sell, but an unselfish one as well, for the following reason: We are essentially distributors of goods, either in a retail or wholesale capacity, and get a profit on the merchandise, whatever the price, whether it is increased or diminished by a greater or lesser tariff.

We believe that in general the Dingley tariff now in force is high enough to afford ample protection to manufacturers and a generous scale of wages to their employees; that any further increase in the rates would, first, exclude or greatly lessen the importation of merchandise that is now coming from abroad; second, the exclusion of such goods would deprive customers of merchandise they want, would force them to take inferior American substitutes, which they do not want, would deprive the Government of necessary revenue, would eliminate competition with the foreigner, which is beneficial to the American manufacturer; third, the importation of a fair amount of superior foreign goods—and they would not be imported unless they were superior at the price—forms a constant object lesson to the less experienced American manufacturer.

The presence of imported goods has been a great stimulus and is, in a large measure, responsible for the vast improvement in domestic manufactures. To eliminate or lessen this beneficial influence would be a detriment to the manufacturers themselves and would increase the cost of living for the masses, which is quite high enough to-day. It would tend to create a monopoly in some branches of manufacturing, bringing in its train all the baneful abuses characteristic of monopolies, which are too numerous to mention. This tendency toward monopoly is well manifested by the petition of certain groups of manufacturers, who, though their industry is amply protected by the present tariff, are asking for a still higher schedule, and whose action in so doing springs either from greed or fear that the existing rate may be lowered unless they ask for an increase. The manufacturers of hosiery and gloves may be taken to illustrate the above contention.

HOSIERY.

Some manufacturers of fashioned hosiery have petitioned for a general increase of 20 per cent over the present schedule. On page 4750 of the tariff hearings they state as follows: "A careful census of the hosiery mills of this country shows the desperate condition of this craft; almost without exception a week not exceeding four days is prevailing, and in many cases three days a week is the true state of affairs. You therefore can readily understand the serious necessities of the industry, due entirely to the low cost of labor and materials in Germany, the keenest competitor for American cotton-hosiery trade."

This statement is positively at variance with the fact, as the majority of hosiery mills throughout New England, and, indeed, the great majority of well-known hosiery mills of the country are working full time and with a full complement of help. Every industry has been affected by the recent depression, but to ascribe dullness in the hosiery trade to insufficient protection is an evidence either of an attempt to deceive, by taking advantage of a temporary calamity, to prove a general condition, or it is a manifestation of inexcusable weakness, that deserves the contempt and opposition of every fair-minded citizen in the land.

Although the Dingley tariff to-day gives the American manufacturers an advantage of about 65 per cent over the foreigner, yet their committee asks for an increase of between 15 and 20 per cent more, and justifies their position by making various assertions regarding this higher 20 per cent rate to give them the profit to which they are entitled. In other words, they want Congress to enable them to tax the American people 20 per cent for their hosiery to equalize the differential between the cost of manufacturing abroad and the cost of manufacturing in this country, or else they must "reduce wages," to use their own words. Can they explain why, in the face of such conditions, the production of hosiery in the United States between 1900 and 1905 increased 60 per cent, according to the official report of the Government Census Bulletin 74? The amount of men's half hose manufactured in 1900 was $11,031,244. In five years this increased 58 per cent—to $17,438,914. Ladies', children's, and infants' hosiery in 1900 amounted to $16,205,372; in 1905, to $26,152,043, showing an increase of 61 per cent. In the words of Mr. Edward Stanwood, the government expert, "the product reached the prodigious number of 530,232,756 pairs in 1905."

Do such figures as these substantiate the assertion that the hosiery business is in a desperate condition? Does it seem plausible that an industry would thrive and increase at such a rate unless it is profitable to those engaged in it? Unfortunately the census can furnish no later figures than 1905; but were the report of the banner years 1906 and 1907 available, when no manufacturer in the country could meet the demands made upon him, we are confident that the figures would prove even more conclusively the marvelous growth of this already highly protected industry, and the futility of asking more aid from the American people in the shape of an extra tax of 20 per cent.

How have the imports of hosiery increased during this period from 1900 while the country was increasing in population? In 1890 the imports of foreign hosiery from Germany, which constitutes practically 95 per cent of all that is shipped to this country, amounted to $6,604,835. In 1900, $4,016,435. In 1908, $6,645,570.

These figures are from the official consular report. During twenty years there has been scarcely any increase in the amount of hosiery imported, while the growth of the domestic output has advanced at the rate of over 60 per cent. According to the government census, the percentage of foreign hosiery used in American amounted to 5.4 per cent of the total hosiery sold, and in 1905 it had decreased to 5.1 per cent.

We believe the American manufacturers need have little concern regarding the wages they must pay their operatives. The prosperity of their industry and the little competition they get from abroad, as shown by figures we cited, proves their capacity to pay good wages and derive a fair profit themselves. It may be safely left to the trades unions to secure good wages for the operatives, as they are not at all backward in this respect. We believe that if a census were taken of the hosiery mills that a large number, in fact the majority, are entirely satisfied with the present tariff, and that the petition now before the Ways and Means Committee is the work of a few who are specially interested.

The official government figures prove that the American manufacturers are getting control of the entire domestic hosiery market, and the rapidity of their growth constitutes indisputable evidence that the tariff which favors them is more than ample.

We notice a very marked increase in the amount of domestic-fashioned hosiery used which is particularly in competition with German goods. The improvement in the American product is in a large part due to this very competition, which is both stimulating and instructive. It is a satisfaction to us to know that for the past eighteen years, while the output of American manufacturers has increased from $19,162,206 to over $50,000,000, as estimated by the manufacturers themselves, the importation of foreign hosiery has varied but little from year to year, and scarcely increased at all. Speaking for ourselves and our customers, we are positively opposed to any further advance in the tariff rates on hosiery.

GLOVES.

The demands of the glove manufacturers are as unjustifiable and outrageous as those of the hosiery manufacturers. They evidently want to exclude altogether foreign gloves, which we believe can never be made in this country on account of the hand work required. The sewing and finish is of the finest nature, being done in families and in convents by very expert help, who make a life study of the work, the trade being handed down from generation to generation. Machines can not do this work entirely, and American labor could never be induced to undertake it.

As a whole, the American manufacturers have 75 per cent of the market, as the last census figures of 1905 prove, the domestic product being $17,740,385, as compared with importations of $4,899,793. Yet in spite of this increase over the already high rates, duties are asked as follows: For schmaschen gloves, from 128 per cent to 390 per cent. For lamb gloves, 60 per cent to 200 per cent. For kid, 33 per cent to 184 per cent.

Under the present rates gloves not over 14 inches pay, in schmaschen, $1.75 per dozen; in lamb, $2.50; and in kid, $3. The enormous increase to $4 and $5.50 is asked for, which is prohibitive and intended to be so. Such a result would simply add one more indirect tax upon the American people and enable manufacturers, aided by the Government, to monopolize this market and enrich themselves from the public purse.

We likewise are opposed to any increase in the tariff on fabric gloves, as there is ample protection on these goods as well, the American manufacturer having control of the market. Gloves of all kinds are poor enough to-day, even at the high prices charged for them, and we are not in favor of aiding manufacturers to force upon the public a still poorer article at the same price, or compel them to pay a radical advance for merchandise that is none too good to-day. It is a common saying among all dealers that "Gloves are never sold;" meaning thereby that they are constantly being returned on account of poor-wearing qualities. No department in a retail store furnishes so much trouble, because customers must be satisfied, and require a glove that is guaranteed durable and free from imperfections. Our troubles in this respect will be doubled if there is any increase whatever in the tariff.

Indirectly to tax every man and woman in this country who wears hosiery and leather gloves, for the benefit of the already too highly protected domestic manufacturers, is an outrage that should not be tolerated. It will simply result in depriving the country of revenue, and turn into the pockets of a few manufacturers the equivalent of the import duties that would ordinarily go to the Government, plus the extra profit equal to the advance in the tariff. The revenue lost by the exclusion of foreign goods would have to be collected in another form, constituting a double tax.

The position of the dry goods merchants of New England can be summed up in the words of President Taft when he said in New York December 16, 1908, "I believe the way to stamp out trusts and monopolies is to avoid excessive rates which would tempt monopolies. It would be better to have no revision at all unless we are going, honestly and favorably, to revise the tariff on the basis promised by our party." We understand that revision to mean reduction of rates and not increases. We want the tariff treated as a great public measure, and not sacrificed to greedy private interests. We earnestly solicit Congress to heed our requests, made as they are in a spirit of justice for the welfare and prosperity of the community at large.

Respectfully,

THE NEW ENGLAND DRY GOODS ASSOCIATION.

P. S.—This petition was prepared by a representative tariff committee and read at a meeting of the association on March 16, when 295 members were present. It was unanimously adopted.

J. C. B. SMITH, *President*,
55 Bedford street, Boston, Mass.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. GARRETT. What is the amendment?

Mr. PAYNE. From hearing it read I do not think you or any other man would understand it. It is to protect the manufacturers of cotton cloths the equal of which I did not think were produced in this country or in any other until the samples were presented to the committee. It is a cotton fabric for coverings for lounges, and for curtains, for upholstering, and so forth. They had a silk piece and a piece of cotton side by side, and no one could tell which was the silk and which was the cotton except by handling it. It was beautiful cloth, with beautiful figures in it, perfect in every respect, woven from colored yarns with Jacquard looms, costing a good deal to produce, and there was nothing in the law that would furnish it any more protection than ordinary cotton cloth.

This is something which has grown up since the enactment of the Dingley bill, and something that every man who is interested in our people making the best goods in the world in this

country ought to be willing to give adequate protection. From a study of the subject, the committee came to the conclusion that the protection provided for in this paragraph was the protection to which they were entitled if they are to continue the manufacture. There are several factories, located in Philadelphia and elsewhere, that are making these goods, so the committee recommended this amendment in order to give a fair protection only to these goods.

Mr. GARRETT. It adds a new item?

Mr. PAYNE. It is a new item, yes; new to this and to the Dingley bill.

Mr. GARRETT. Is it not covered by the ad valorem in the Dingley bill at present?

Mr. PAYNE. Yes; they come in there under one of the clauses of the Dingley law not designed to cover that class of goods, but coming under that item or that clause through a decision of the courts or the general appraisers. This takes them out and classifies them by themselves, and describes them and gives them a little raise in duty over what they would get under that general paragraph. They are not the ordinary cloths. They are entitled to more protection.

Mr. GARRETT. May I ask the gentleman if this will make it prohibitive?

Mr. PAYNE. Oh, no; not if the committee is right. It will simply make better protection, if their information is correct.

Mr. MANN. These mills in this country now in operation making this class of goods could build their plants and start work and conduct their operations profitably up to this time under the existing tariff. Now, why do they need a raise?

Mr. PAYNE. That is the very difficulty, they do not; they are not making money.

Mr. MANN. Oh, well; of course I never have met any establishment that made money, on its own showing, at a time when a tariff bill was made.

Mr. PAYNE. They are struggling to get along.

Mr. MANN. They are running.

Mr. PAYNE. Some of them are. [Cries of "Vote!"]

Mr. GARRETT. How many are there of these mills?

Mr PAYNE. Half a dozen, the gentleman from Pennsylvania says; and that corresponds with my recollection.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I offer the following amendment.

The Clerk read as follows:

Page 93, paragraph 328, line 7, strike out the words "lining for bicycle tires" and insert in lieu thereof the words "tire fabrics or fabrics suitable for use in pneumatic tires."

Mr. MANN. Mr. Chairman, I would like to have the gentleman very briefly state what that will cover.

Mr. PAYNE. I will state to the gentleman that under the present law——

Mr. MANN. I can understand what this means, but I would like to know the explanation.

Mr. PAYNE. I want to say under the present law the language is "lining for bicycle tires." Now, the court held that that applies only to those cut into strips. These are made out of long-staple cotton, a very strong piece of cloth. Samples of it were shown to the committee, and it is the heaviest cotton I have ever seen. Now, it was found that under that clause of the previous bill, under the duty, none of them came in as linings. They came in as various things, because they were fabrics and came is as duck, and not as fabrics for bicycle tires; so that we propose to make it fabrics woven for bicycle and pneumatic tires.

Mr. MANN. The reason I asked the gentleman was because I saw the suggestion in one of the papers that the amendment proposed was to put a duty on sea-island cotton. Of course the gentleman's amendment does not do it.

Mr. PAYNE. Not at all.

Mr. MANN. I wanted that impression corrected, which evidently had gone out.

Mr. PAYNE. It is an entire mistake. The committee has never voted for such an amendment as that.

Mr. MANN. That suggestion has been made.

Mr. LOVERING. I would like to state to the gentleman that the best pneumatic tires that are made are made from sea-island cotton. No other cotton makes as good an article as this does.

Mr. MANN. I understand; and this only puts the duty on the fabric, not on the cotton. The statement was made in the newspaper that the committee had agreed to this amendment for the purpose of putting a duty on the cotton, which, if it were correct, would be a duty of 50 cents a pound on sea-island cotton.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I offer the following amendment.

The Clerk read as follows:

Page 94, paragraph 330, line 9, before the word "manufactures," insert the following:

"Cotton, bleached, purified, whether medicated or not, 20 per cent ad valorem."

Mr. RICHARDSON. I would be very glad to call the attention of the chairman of the committee to an amendment that I would like to see made to paragraph 576, on page 155, and ask him if he will not consent to insert after the word "guano," the words "calcium cyanamide, lime nitrogen"? It is a fertilizer, and has been discovered since the Dingley bill was enacted some twelve years ago, and it has become, or will become in a few years, a very important fertilizer. It was passed upon by the appraiser of New York, as I understand, and was classed at the time by him as a dutiable article; afterwards, upon a hearing and investigation, it was held to be properly on the free list. I will ask if the gentleman's committee will put it on the free list, because it is nothing but a fertilizer. We all know what an important factor nitrogen is to plant as well as animal life.

Mr. PAYNE. Does the gentleman say the courts decided?

Mr. RICHARDSON. No; I can not say that the courts made the decision; and that is the reason I am asking this committee to classify it with fertilizers on the free list.

Mr. PAYNE. I want to say to the gentleman, as I understand the decisions of the courts, wherever a decision is in force at the time of the passage of a tariff bill, if that tariff bill adopts the same language, the courts construe it that Congress acted on the line of the decision of the language in the former act, and intended that the language should be carried under the present decision.

Mr. RICHARDSON. That is certainly true as stated by the gentleman from New York [Mr. PAYNE], but it is quite likely that the change of opinion about calcium cyanamide in placing the article on the dutiable list and afterwards placing it on the free list was confined to the appraiser alone. However, I am anxious to have any uncertainty as to the status of this fertilizer entirely removed by placing it on the free list. The nitrogen mines of the world are being rapidly exhausted. We all know the soil's supply of nitrogen in the support of plant life is drawn heavily upon in the production of crops, especially such as pea vines, clover, and other plants of that family. This fertilizer is produced by drawing nitrogen from the air by electrical powers. It is the cheapest fertilizer and requires the cheapest power for its production. It will be a vital ally in the development of water powers of our country. It is being produced now at Niagara Falls.

Mr. PAYNE. If the gentleman is correct, that would remain on the free list. Now, as to the practical question. The gentleman asks to put it on by name. I do not see how that can be done without a committee amendment, and I have no authority from the committee to do it. I think there is no doubt, if the gentleman's statement is correct, that it will continue to come in free of duty.

Mr. RICHARDSON. You know that it is a very recent discovery and a very important one, and they are beginning to manufacture it at Niagara Falls. It is of the greatest importance in the future development of this country.

Mr. PAYNE. I did not understand the exact name of it.

Mr. RICHARDSON. It is lime nitrogen or calcium cyanamide, discovered in Germany in the last three years.

Mr. PAYNE. I would not want to consent to that without the committee had a full chance to investigate the subject, because it may be used for a great many other purposes and might destroy some domestic industry.

Mr. RICHARDSON. It is the cheapest fertilizer that can be made.

Mr. HILL. Then it is free under this language.

Mr. RICHARDSON. It is a newly discovered fertilizer, and I want to make it certain.

Mr. MANN. We can make it here.

Mr. RICHARDSON. I would be glad if the chairman would let it go in that way.

Mr. PAYNE. I think there is a decision of the courts making it free. If that is so, it will remain free under this bill.

Mr. RICHARDSON. If that is true; but I think you go too far about the decision of the courts. I have kept up with the decisions.

Mr. PAYNE. If it is free and going to remain free, what is the use of discussing it further?

Mr. RICHARDSON. The gentleman will remember that I presented it to the Ways and Means Committee.

Mr. PAYNE. I will look it up for the gentleman.

Mr. MANN. If we can make it in this country, why should we not encourage its manufacture?

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] offers the following committee amendment, which the Clerk will report.

The Clerk read as follows:

Page 94, paragraph 334, line 22, after the words "ad valorem," strike out the period and insert the following:
"Yarns made of jute, not otherwise specially provided for under sections 1 or 2 of this act, 35 per cent ad valorem."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. CLAYTON. Mr. Chairman, I rise to ask the gentleman from New York to propose an amendment in behalf of his committee. You have put binding twine for the grain grower on the free list. I ask that you put jute bagging on the free list. I have an amendment here to that effect.

Mr. PAYNE. I am very sorry, but I must decline.

Mr. CLAYTON. And yet the gentleman says this bill is not sectional.

Mr. PAYNE. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following amendment, which will be reported by the Clerk.

The Clerk read as follows:

Page 96, paragraph 343, line 21, strike out the word "nine" and insert in lieu thereof the word "eleven;" and in line 23 strike out the word "nine" and insert in lieu thereof the word "eleven."

Mr. FINLEY. I would like to ask the gentleman from New York to explain the effect of this amendment.

Mr. PAYNE. Mr. Chairman, this relates to the width of oil cloth and linoleum. The dividing line in the present law is 12 feet in width. Below 12 feet in width a certain rate of duty is required, and above 12 feet a little higher rate of duty. The information before the committee was that in order to avoid the high rate of duty they were importing oil cloth and linoleum a little less than 12 feet in width, 11 feet and 11 inches and a fraction, thus escaping the higher rate of duty, although it answered the practical purpose of 12 feet in width. The information that came to the committee was that instead of making oil cloths either 6 or 12 feet or wider, they were dividing them up into yards, 3, 6, 9 feet, and so forth.

And so the committee made this dividing line at 9 feet, in order to cover the 11 feet 11 inches in width. Later information came to the committee that they made them 6, 7½, 9, 10½, and so forth. So in order to bring the 10½ into the lower paragraph, we offer this amendment making the dividing line 11 feet; all below 11 feet at a certain rate of duty and above 11 feet at a higher rate of duty. It is a reduction on those between 9 and 11 feet in width.

Mr. FINLEY. Will not the effect of this amendment be to increase the duty?

Mr. PAYNE. No; as I said before, it reduces the duty on that which is 10½ feet in width.

Mr. FINLEY. Does this raise the duty on those above 9 feet?

Mr. PAYNE. No; it does not.

Mr. DAWSON. If the gentleman will yield, it reduces the duty in the Payne bill on linoleum.

Mr. PAYNE. Certainly.

Mr. DAWSON. What comparison is there between the duties in the existing Dingley bill? Would the proposed amendment have the effect of reducing the duty in the existing law?

Mr. PAYNE. The narrow cloths are the same as in the Dingley bill; then on those 9 feet and over in width 12 cents per square yard and 15 per cent ad valorem in the present law. We make that now 11 feet and over 12 cents per square yard and 15 per cent ad valorem.

In the Dingley law all those linoleums 12 feet and over were 20 cents per square yard and 20 per cent ad valorem; so there is quite a material reduction.

Mr. VREELAND. Let me ask the gentleman from New York, is there not any danger that the duty on oilcloth will benefit the Standard Oil Company? [Laughter.]

Mr. PAYNE. I will refer that to some one posted on the Standard Oil Company; I do not know anything about it. [Laughter.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following amendment.

The Clerk read as follows:

Page 97, paragraph 344, lines 8 and 9, strike out the word "thirty-five" and insert in lieu thereof the word "forty-five." In line 9, same page, strike out the word "ten" and insert in lieu thereof the word "fifteen."

Mr. PAYNE. Mr. Chairman, we put back the Dingley rate on collars and cuffs made of cotton. The committee, acting through mistaken information, supposed that the consumption of collars and cuffs of this country was largely of linen and only a very small percentage of cotton. It turns out to be the very reverse of that, and more than 90 per cent, as I am informed, are made of cotton and the balance are made of linen.

In reducing this we are only reducing the paragraph on which there was more or less competition. When the bill was published we heard from Troy and other collar localities, and the gentlemen presented their briefs and their arguments, and also presented the statement that we would destroy an industry and destroy Troy.

We did not take so much stock in the destruction business, because we hear that cry too often. Unlike my friend from New York on the pipe question a while ago, we did not think 25 per cent on the raw material was going to ruin an industry that had 60 per cent protection on pipes.

So on collars and cuffs we did not take altogether as true that it was going to ruin the industry, but they gave us a good showing that they were entitled to have the present duty, and also a showing that there is an active competition in this country on collars and cuffs; that it is a great American industry, and that we are making collars and cuffs for all of our people, and that it employs a whole city full of people in Troy, a large city, as well as in other parts of the country. Therefore the committee was constrained to offer this amendment restoring the Dingley rates on collars and cuffs made of cotton, and I hope the amendment will prevail.

Mr. HARRISON. Mr. Chairman, it strikes me that this whole system of committee amendments is an outrage upon the House of Representatives. In spite of repeated demands that these proposed amendments should be printed, the chairman of the Committee on Ways and Means has interposed infantile objections to that proceeding.

Once in Committee on Ways and Means and again on the floor of this House the gentleman from Missouri [Mr. CLARK]——

The CHAIRMAN. The Chair thinks it is not in order to state anything that occurred in the committee.

Mr. HARRISON. I will state for the information of the Chair that it was expressly agreed in this same committee that all proceedings at that meeting should be made public.

The CHAIRMAN. The Chair thinks the committee has no right to make such an agreement.

Mr. CLARK of Missouri. But we did make the agreement.

The CHAIRMAN. The Chair thinks that is not binding upon the House.

Mr. CLARK of Missouri. I can not understand, to save myself, why 19 citizens could not make an agreement that would hold.

Mr. DALZELL. I want to say to the gentleman that the agreement was simply that the amendments agreed upon might be given to the newspapers.

Mr. HARRISON. Mr. Chairman, under the ruling of the Chair, I will withdraw the remarks of what took place in the committee; but I will state, for the benefit of the committee, that on the floor of the House the gentleman from Missouri [Mr. CLARK] requested the chairman of the Committee on Ways and Means to have the proposed amendments printed.

Again, the gentleman's colleague, the gentleman from New York [Mr. MICHAEL E. DRISCOLL], made the same request last night, and once more the chairman of the Committee on Ways and Means interposed the puerile objection that it would keep the printing clerks up late at night to print these proposed amendments in the RECORD, so that Members of the House might know what was coming before the committee. Accordingly, this has not been done, and these amendments spring from the jungle of printed words upon unsuspecting Members, who are unable to prepare themselves to present their pleas upon the floor of the committee.

Mr. Chairman, I am unable to understand how a party which has announced that it will give a revision of the tariff downward, and has made a great blare of trumpets about the reduction in duties, can thereupon, in almost all the rates other than those in which the reduction is useless and the rates still prohibitory, turn around and amend so as to raise the rates of duty.

I will remind the gentleman from New York that the phrase "collars and cuffs" has been heard before in tariff revision. That phrase is a stench in the nostrils of Democracy. Let him

have a care that it does not become so in the nostrils of Republicanism. I can not understand, for the life of me, what occult influences operating upon the minds of the majority of the Ways and Means Committee have induced them to abandon the reduction in the rates upon collars and cuffs, and in between the time of the printing of the proposed bill and the consideration of it in the House to restore the iniquitous rates of the Dingley bill. The gentleman had before him at the time the bill was framed all of the testimony necessary to make up his mind upon this point. Apparently he did so, but he has not told us just exactly what it is that has since worked this miracle in the minds of the majority of the committee. I have asked him in vain, upon nearly all of these raises in rates, what it is that actuated them.

Mr. Chairman, this is just another step in the fraud and imposition upon the American people. This is not a downward revision of the tariff. The rates that count anything are going to be left just where they were under the Dingley bill. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. HARRISON), there were—ayes 141, noes 121.

So the amendment was agreed to.

Mr. HILL. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

On page 116, paragraph 397, strike out lines 4 to 25, inclusive, and insert in lieu thereof the following:

"396½. Bandings, including hat bands, bindings, bone casings, braces, cords and tassels, garters, gorings, suspenders, tubings and webs and webbings, composed wholly or in part of silk, and whether composed in part of India rubber or otherwise, if not embroidered in any manner by hand or machinery, 50 per cent ad valorem.

"397. Laces, and articles made wholly or in part of lace, edgings, insertings, galloons, flouncings, nets, nettings, veils, veilings, neck ruffings, ruchings, braids, fringes, trimmings, ornaments, belts, beltings, ribbons, embroideries, and articles embroidered by hand or machinery, or tamboured or appliquéed, clothing ready-made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all of the foregoing made of silk, or of silk and india rubber, or of silk, india rubber, and metal, or of which silk is the component material of chief value, not specially provided for in this section, and silk goods ornamented with beads or spangles, 60 per cent ad valorem: *Provided*, That articles composed wholly or in chief value of any of the materials or goods dutiable under this paragraph shall pay not less than the rate of duty imposed upon such materials or goods herein: *And provided further*, That tamboured or appliquéed articles or fabrics shall pay not less than the rate of duty to which they would be subject if not so tamboured or appliquéed.

Mr. HILL. Mr. Chairman, if the Members will look at the old law, paragraphs 389 and 390, they will find there articles substantially along the same line. Now, if you will look in the tariff notes you will find that the proposed language in capitals and in italics brings those two paragraphs together. The committee acted upon the consolidated paragraphs, but subsequently found that 389 was a 10 per cent lower rate than 390, and I move to strike out 389 and put it back to the old rate, 10 per cent less, so that the gentleman from New York [Mr. HARRISON], who just made the remark that this was a revision upward, will be glad, I know, to vote with me on this downward revision.

Mr. HARRISON. I should be delighted to agree with the gentleman about anything.

Mr. HILL. This is a reduction, rather than an increase, of 10 per cent.

Mr. FITZGERALD. This amendment of the gentleman restores the rates of the Dingley bill.

Mr. HILL. It restores the rates, and it was done by inadvertence.

Mr. FITZGERALD. So, as a matter of fact, it is not a revision downward at all.

Mr. HILL. Oh, the gentleman knows what I meant. He knows I meant it was a revision downward from the Payne bill.

Mr. FITZGERALD. Was the Payne bill reported, putting rates purposely too high in order that this amendment might be made, for the purpose of misleading the public?

Mr. HILL. Of course, the gentleman knows it was an inadvertence.

Mr. HITCHCOCK. Will the gentleman from Connecticut answer this question?

Mr. HILL. I will if I can.

Mr. HITCHCOCK. Will there be any use in including garters in this paragraph? Is not hosiery already so high in this bill that it will not be possible to come down? [Laughter and applause.]

Mr. HILL. I leave the gentleman from Nebraska to answer his own question about garters.

Mr. JAMES. I would like to ask the gentleman, are you making your revision downward——

Mr. GARRETT. Mr. Chairman, the confusion has been such that we could not hear well over here. Do I understand the gentleman to say he raises or lowers women's garters?

Mr. HILL. This lowers by 10 per cent every item in the paragraph.

Mr. JAMES. Was the purpose of this bill and the promises of the Republican party to lower the rate proposed upon the Payne bill or the Dingley bill?

Mr. HILL. Well, the purpose of this amendment is to correct a mistake.

Mr. JAMES. Oh, I know, and we all know, the Republican party is a mistake [laughter]; but what I am talking about is whether or not you are going into lowering duties upon the Payne bill, or whether your promises to the people were made to lower the duties upon the Dingley bill.

Mr. HILL. Well, Mr. Chairman, this is to correct a mistake, and in doing it it reduces the duty 10 per cent on every item carried in this paragraph.

Mr. SABATH. Will the gentleman yield? That applies, though, only to silks and articles manufactured out of silk; is not that true?

Mr. HILL. Yes; silk and India rubber.

Mr. SABATH. Silk mostly.

Mr. HILL. Does the gentleman wish it kept at 60 per cent?

Mr. SABATH. Will it benefit the poor laboring people by reducing it down? They do not wear silk. You raise woolens and you raise cotton, but you are willing to reduce on silks. [Applause on the Democratic side.]

Mr. FITZGERALD. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. FITZGERALD. I rise for the purpose of offering an amendment, when the gentleman has finished. I move to strike out "50 per cent" where it appears in the amendment and insert "20 per cent," and I move to strike out "60 per cent" where it appears and insert "20 per cent."

The CHAIRMAN. The gentleman from New York offers an amendment to the amendment, which the Clerk will report.

The Clerk read as follows:

Strike out "50 per cent" wherever it occurs and insert in lieu thereof "20 per cent," and strike out "60 per cent" wherever it occurs and insert in lieu thereof "20 per cent."

Mr. FITZGERALD. Mr. Chairman, I am particularly interested in the reduction of duties on articles in this section; not from the amount fixed in the Payne bill, but from the amount fixed in the Dingley Act. I assume that everybody in this House is anxious to have a reduction on these articles. I find enumerated here both garters and suspenders, and I submit that every Member of this House has some member of his family who uses either one or the other articles every day in the year. Mr. Chairman, I find that in my everyday life some of these articles are indispensable to my comfort. Some people might think they are not absolutely essential for public comfort. I should not like to attempt to picture what would happen if the rates on these articles were made so high on garters and suspenders that the Members of this House were unable to procure these useful articles of attire before they entered upon the performance of their duties. This, it seems to me, Mr. Chairman, is so necessary——

Mr. SABATH. Will the gentleman yield?

Mr. FITZGERALD. For a question?

Mr. SABATH. Yes.

Mr. FITZGERALD. I will yield.

Mr. SABATH. Does the gentleman from New York hold that this applies only to silk garters and silk suspenders?

Mr. FITZGERALD. I hope the gentleman from Illinois does not think that I do not wear silk suspenders.

Mr. SABATH. I did not know.

Mr. FITZGERALD. Mr. Chairman, I wish to say that so far as my personal knowledge goes every man in this House must at least wear silk suspenders. I do not suspect that Members of this House are going around with a rope about their waists instead of wearing silk suspenders. As this is the only time, perhaps, that I shall have an opportunity to offer an amendment to this bill that will reduce the price of suspenders, I am glad to take advantage of an opportunity that will give the people of this country, who heretofore have been compelled to wear cotton suspenders, because of the excessive duty on those of all other materials, an opportunity to wear silk suspenders, at least some time in their lives. This is not in the interest of any class. Every man, woman, and child is interested in the price of suspenders and in the price of garters. In the interest of all the American people, without regard to class distinctions, I hope we shall all be placed upon an equal footing and permitted to wear cheap silk suspenders and cheap silk garters.

Mr. CANDLER. I want to serve notice on the gentleman from New York [Mr. FITZGERALD] that I do not wear silk suspenders.

Mr. RUCKER of Colorado. Does the gentleman's amendment include garters as well as suspenders?

Mr. FITZGERALD. It includes everything mentioned in the two paragraphs. Let me suggest that if it were possible for me to know exactly what was in the two paragraphs to be inserted I might feel much more pleased than I am, but garters and suspenders must appeal to every Member of this House as articles so essential that no obstacle should be placed in the way of those who desire to obtain them.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from New York [Mr. FITZGERALD] to the committee amendment offered by the gentleman from Connecticut [Mr. HILL].

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. FITZGERALD. Division, Mr. Chairman.

The Committee divided; and there were—ayes 90, noes 109.

So the amendment was rejected.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Connecticut.

The question was taken, and the amendment was agreed to.

Mr. BROUSSARD. Mr. Chairman, I desire to offer a committee amendment.

The CHAIRMAN. The gentleman from Louisiana offers an amendment which the Clerk will report.

The Clerk read as follows:

Page 176, line 19, section 5, before the word "except," insert "except rice and."

And page 177, line 5, after the word "prescribe," insert the words "and upon rice."

Mr. PUJO. Mr. Chairman, this is a committee amendment, adopted by the committee and offered by Mr. BROUSSARD, a member of the committee. The effect of this amendment, in a few words, is to apply the present rate of duty on rice shipped from any foreign country into the United States, also against rice which might be shipped from the Philippine Islands; that is, as to this amendment, the Philippine Islands are placed upon the same footing as any foreign country. It has been my contention for more than two years that it was a matter of justice and a matter of right to those engaged in rice culture in the United States that such an amendment or such a provision should be enacted into law.

I want to express my thanks as a representative of the people of my district, and of the people largely interested in rice culture in the State of Louisiana, for the fair action on the part of the Committee on Ways and Means, in so far as this amendment is concerned. And I want to say to my good Democratic friends that you will suffer no embarrassment for supporting this measure.

Mr. SABATH. Will not your amendment increase the price of rice?

Mr. PUJO. It will not, in my judgment; but it will put an industry which has developed in the last ten or twelve years, confined solely to the people of North Carolina, South Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, upon a footing of safety.

It will make those who have their money in it feel that they will not be subject to be flooded with rice from the Philippines.

Mr. SABATH. You are excluding the Philippine rice?

Mr. PUJO. Not at all. We are excluding no rice; but we say that rice shipped from the Philippines into the United States must pay a fair duty, because if this amendment were not adopted, rice wholly the product of the Philippine Islands could be shipped here and sold at a profit, for less than its cost to produce it in this country.

Mr. MANN. Will the gentleman allow me to ask him a question?

Mr. PUJO. With pleasure.

Mr. MANN. Do I understand the position of the gentleman to be that there is danger that the Filipinos will raise rice and ship it here, and then, in order to supply the local consumption, import rice from other oriental countries?

Mr. PUJO. They imported 280,000,000 pounds of rice last year.

Mr. MANN. Did that take the place of any rice exported?

Mr. PUJO. Not at all; but it is possible that the rice grower of the Philippine Islands, who produces it under 2 cents a pound, could compete with Louisiana, Texas, or South Carolina rice growers, who have to pay 2.4 cents a pound to produce it.

Mr. MANN. I would like to get the gentleman's position. Does the gentleman believe there is danger the Filipino will raise rice and export it to this country, and then for local consumption import rice to take its place?

Mr. PUJO. I believe it is entirely possible, and very probable. Whether the Filipino does it or not, there is nothing to prevent capitalists in this country from buying that rice at 1.9 cents a pound, adding a quarter of a cent transportation, and then undersell the American rice grower.

Mr. Chairman, that is my position, and I believe it is our duty to safeguard the interests of those building up a great section of the country, and not to legislate for those away from home as against those who have invested their money, who are American citizens, and are contributing to internal development.

Mr. MANN. Does not the gentleman think also that if we force our goods on the Filipino free of duty, that we owe them a little duty on our side?

Mr. PUJO. In answering the gentleman, I would call to his attention the fact that the Filipinos themselves do not want free trade in rice with the United States, and both of their representatives here spoke against it the other day.

Mr. SLAYDEN. Is it not true that the Philippine assembly last week passed a resolution asking for closer commercial relations?

Mr. PUJO. That is true; and it has been true with a view of the nonretention of the archipelago.

Mr. MANN. But do they want goods imported from this country into the Philippines free of duty, and then require them to pay a duty on goods imported from the Philippines here? I heard both speeches, and heard no such suggestion.

Mr. JOHNSON of South Carolina. What is the rate of duty provided on rice?

Mr. PUJO. Two cents a pound for the clean rice and 1¼ cents for the uncleaned rice, and running on down the scale.

Mr. JOHNSON of South Carolina. Is this a revenue duty or for protection?

Mr. PUJO. It is primarily to produce revenue, but it is protective in the sense of preventing the bringing of rice into this country from any other country, which will absolutely destroy one of the greatest agricultural interests of the country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MANN. I ask unanimous consent that the gentleman have five minutes more.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the time of the gentleman from Louisiana be extended five minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. PUJO. Pursuing the line of thought suggested a few moments ago, my colleague from Louisiana [Mr. BROUSSARD] has presented to me a copy of the resolution passed by the Philippine assembly, which I will read:

AGAINST THE PAYNE BILL.

AMENDMENTS SUGGESTED AT A MEETING OF MANILA MERCHANTS.

WASHINGTON, *April 5, 1909.*

MESSRS. LEGARDA and OCAMPO, the Resident Philippine Commissioners, to-day received a cablegram from the president of the Filipino Chamber of Commerce, which they regard as a complete rebuttal of the statements issued from the Insular Bureau that the business interests of the islands are favorable to the provisions of the Payne tariff bill. The text of the cablegram is as follows:

"The Filipino Chamber of Commerce, at a public meeting, attended by merchants and manufacturers, passed a resolution urging the following amendments to the Payne bill:

"The free entry into all ports of the Philippine Islands of agricultural and industrial machinery and implements, raw products not produced in the islands, and all material necessary for the construction and repairing of vessels.

"Free entry in all ports of the United States of Philippine sugar and tobacco, in conformity with letters A, B, and C of joint resolution No. 11 of the Philippine legislature, passed May 18, 1908.

"And with a view of protecting importations already on hand, we request that the bill, with amendments suggested above, should not be in force until six months after its passage.

"FERNANDEZ, *President.*"

The letters referred to in the cablegram relate to clauses limiting the yearly importations into the United States from the Philippines under the free list to 400,000 tons of sugar, 7,000,000 pounds of raw tobacco, and 150,000,000 cigars.

IN FILIPINO ASSEMBLY.

MANILA, *April 5, 1909.*

The insular commission resolution, relative to the Payne tariff bill, a full summary of which has been cabled to Washington, was presented to the Philippine assembly to-day. The measure was referred at once to the committee on financial relations. It is expected the house will report the resolution and extended conferences will follow between members of the commission and a committee of the popular branch of the legislature.

Mr. BROUSSARD. I suggest to my colleague there is no demand either on the part of the Board of Trade of the Philippine Islands at Manila or the legislature of those islands requesting the entry of free rice into this country, and that the Insular Bureau is not in favor of permitting this rice to come in from there, for the reason that they not only use it for consumption at home but they use it partially as money in the settlement of wages of labor employed in the cultivation of the fields of

sugar, rice, hemp, and other avenues of agriculture in the island.

Mr. PUJO. I very much appreciate the assistance of my colleague, and the manner in which he has spoken to the committee, and will, with permission, continue.

I want to speak particularly to my Democratic friends on this side of the Chamber, and state to them that, in my humble judgment, the adoption of this amendment will in one sense be a declaration on the part of the Congress of the United States that we may have some hope in the future concerning the independence of the archipelago.

The more you link us to the Philippine Islands, and the more closely trade and commercial relations become established by law, the harder you make it ever to permit those people to become a separate and independent nation. Therefore, I hope that there will not be great opposition to this measure. I believe it is fair. It is a revenue-producing amendment, for rice is a revenue-producing article. It is a great agricultural product, and the only interests in the United States threatened by the trade with the Philippine Islands are the agricultural interests in their various branches.

Mr. STAFFORD. Is the gentleman's amendment in consonance with the recommendations of the committee so far as sugar and tobacco are concerned? Both those products come into competition with American-grown products, and yet they limit the amount to which they may enter into competition. Now, the gentleman's amendment does not at all limit the amount to which Philippine production can enter into competition with the home production. Why should it not?

Mr. PUJO. This is not my amendment. This is the amendment of the committee.

Mr. STAFFORD. It is being supported by the gentleman.

Mr. PUJO. I am not charged with the duty of reconciling views of the Ways and Means Committee; but I would say that the ruling motive in the minds of the committee in voting for the amendment was to do justice to a great industry in the United States, and to place those who have invested their money, and the farmers engaged in this industry, upon a footing where they may not be destroyed by greedy capitalists in the United States.

Mr. SABATH. Do they take the consumer into consideration?

Mr. PUJO. When you destroy the origin of production—capital—the consumer will have nothing to consume, and we are not legislating for the people of India. For information I desire to direct attention to the phenomenal development of the rice industry in the United States since 1880:

Rice production in the United States by decades:

1880	pounds	111,868,990
1890	do	136,800,000
1900	do	253,139,200
1907	do	843,210,000

Rice imported for the year 1908: 87,619,202 pounds, valued at $2,543,417.

Rice flour, rice meal, and broken rice imported in the year 1908: 125,164,190 pounds, valued at $2,255,136.

Rice exported in the year 1908: 2,195,947 pounds, valued at $87,687.

Rice bran, meal, and polish exported in the year 1908: 26,248,468 pounds, valued at $236,070.

Rice shipped to Porto Rico during the year ending June 30, 1907: 102,081,938 pounds, valued at $4,165,330.

Rice bran, meal, and polish shipped to Porto Rico for the year ending June 30, 1907: 2,000 pounds, valued at $19.

Duty collected, 1907:

Cleaned rice, net	$536,910.11
Uncleaned rice	357,079.84
Paddy	11,158.71
Rice flour, meal, and broken rice	346,974.15
Total	1,252,122.81

The following figures are taken from testimony adduced before the Ways and Means Committee on hearings, in Schedule G, page 3671:

Estimated farm land	acres	1,500,000
In cultivation	do	650,000
Farms irrigated by wells	number	500
Canals and pumping plants	do	157
Aggregate investment due to rice industry, including works, stock, implements, improvements, and towns and capital entirely dependent on rice industry		$200,000,000
Value of annual product on farms		$18,000,000

Mr. MACON. Mr. Chairman, with due deference to the appeal of the gentleman from Louisiana [Mr. PUJO] to his Democratic colleagues and friends upon this side, I take pleasure in opposing any effort upon the Democratic side of the House to force protection upon the Democratic party as a Democratic principle. [Applause on the Democratic side.]

Mr. PUJO. Will the gentleman yield for a question?

Mr. MACON. Not just now. I have always understood, Mr. Chairman, that the Democratic party stood for a tariff for revenue only when the affairs of the Government were honestly and economically administered, and that under no circumstances did it favor the protection of a particular product or commodity because it happened to be grown or manufactured in some particular district which some one claiming to be a Democrat happened to represent upon this floor.

Sir, I have always understood that Americans were the proudest and bravest people on the face of the earth, the most resourceful people upon the face of the earth, but I have come to the conclusion from what I have seen on this floor during the last two weeks that we are the most contemptible and cringing pack of cowards that ever undertook to engage in business anywhere under the sun. [Applause on the Democratic side.] Every Member that I have seen rise in his place here to advocate a tariff proposition for his district has fairly held up his hands in holy horror for fear that some other country producing this or that article would produce it cheaper than we could produce it. And all of them contend that the tariff is the sole cause of the prosperity of this country. Sir, I have always understood that the United States of America had more natural resources for the production of wealth than any other country in the world, and hence that it needed less protection.

We can raise almost every product that the human mind can conceive of. We can raise the luxuries as well as the necessities; and, putting them together, we have a perfect monopoly as against the rest of the world which ought to satisfy the selfish greed of any people. England can not raise sugar, rice, cotton, or tropical fruits as we do, and she can not raise many other things that we raise in abundance. We can not only raise tropical fruits, sugar, rice, and cotton, but we can produce more wool, corn, wheat, hay, and meat than we can consume; and we can dig minerals enough out of our soil to make our own money, our agricultural implements, our machinery, and many other things that are necessary to enable us to produce cheaply and bountifully. We have the most genial sunshine and the most refreshing showers of any country in the world. Yet, in the face of the many natural blessings that we have, our friends stand here and appeal to us to vote to protect them and their constituents from some competitive harm that might come to them from some imaginary source.

Mr. ROBINSON. Does my colleague understand that the purpose and effect of this amendment is simply to strike out the discrimination contained in this bill in favor of the Philippine Islands, and that the bill provides a duty of 2 cents a pound on rice?

Mr. MACON. I understand that it is a protection for American-grown rice of 2 cents a pound.

Mr. PUJO. That has been the law for years.

Mr. MACON. I understand it to be improper and unjust treatment of the Filipinos by this country, whose commerce and trade with the rest of the world we have greatly injured, if not destroyed.

Mr. ROBINSON. Will the gentleman yield for a brief statement?

Mr. MACON. No; just for a question.

Mr. ROBINSON. Then I shall have again to ask the gentleman if he does not know that the bill under consideration provides a duty upon rice from every other country under the sun that he speaks of except the Philippine Islands?

Mr. MACON. Yes; I know that.

Mr. ROBINSON. Then I shall have to ask the gentleman if he is in favor of making a discrimination in favor of the Philippine Islands?

Mr. MACON. I most certainly am. I think the trade between the Philippine Islands and the United States ought to be as free as between Missouri and Arkansas. [Applause.] It ought to be as free as between Virginia and Maryland or as between the District of Columbia and Pennsylvania. [Applause.]

Mr. PAYNE. Mr. Chairman, I move that all debate on the paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from New York moves that all debate be closed in five minutes.

The question was taken, and the motion was agreed to.

Mr. FORDNEY. Mr. Chairman, my only reason for rising is in the interest of the amendment. I want to say to the House that under existing law all goods coming from the Philippine Islands into the United States, as every gentleman in the House knows, pays a duty, but the money is immediately returned to the Philippine government. Not one cent of it goes into the United States Treasury. The Philippine government is at the present time complaining about free trade between the Philippine Islands and the United States because, under the provisions of the Payne bill, the islands will lose three and one-half millions of dollars of revenue received in that way.

Now, it is possible for the people of the Philippine Islands to export to the United States not only its rice, but sugar as well, and purchase both abroad for consumption at home.

Sugar and rice imported into the Philippine Islands from a foreign country pays duty, and thereby the Philippine government could get some revenue on their imports, both on sugar and on rice, and send to the United States their domestic sugar and rice and obtain a better price for the same than they would have to pay for foreign rice.

One gentleman has said that it is about time we should do something for the Philippine Islands, and not ask to have our goods go into the islands free of duty and collect a duty on Philippine goods coming into this country.

I want to call attention of the gentlemen on that side of the House that last year the Philippine government exported $60,000,000 worth of her products and 25 per cent of it came to the United States. The Philippine people imported $30,000,000 worth of stuff and the measly sum of $5,000,000 came from the United States.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. FORDNEY. I will yield to the gentleman.

Mr. HUMPHREYS of Mississippi. If this amendment is agreed to and a tax of 2 cents goes on rice imported from the Philippine Islands, would that revenue go into the Federal Treasury, or into the treasury of the Philippine Islands?

Mr. FORDNEY. It will come into the Treasury of the United States. It will protect the rice industry in the United States, and will compel the Philippine people either to eat their own rice or pay a duty when they bring it to the United States.

Mr. MANN. There will be no rice come from there here.

Mr. FORDNEY. No rice will come from there under these conditions.

Mr. PUJO. Mr. Chairman, I want to state for the information of the committee that rice is shipped from foreign countries into the Philippine Islands and pays not a half a cent a pound duty. So, they can buy their rice from countries near there at 1.9 cents a pound, including duty, and then sell it here on a protected market without paying duty.

Mr. FORDNEY. The evidence is that the Filipino people can produce rice at 1.1 cents per pound, and the freight on that rice to the United States is but one-quarter of a cent per pound. By bringing their domestic rice into our markets under free trade they can undersell the rice of Louisiana, and therefore I am in favor of this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana.

The question was taken; and on a division (demanded by Mr. MANN) there were—123 ayes and 75 noes.

So the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 398, page 117, line 7, after the word "section," insert the following: "and boxes or cases covered with or composed in chief of velvet or silk and velvet."

The amendment was agreed to.

Mr. PAYNE. I also offer the following amendment.

The Clerk read as follows:

Paragraph 401, page 118, line 18, strike out the words "of horse hair or."

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The Clerk read as follows:

Paragraph 402, page 119, line 3, after the word "government," insert the following: "being the product thereof."

Mr. CLARK of Missouri. Mr. Chairman, there is no such thing in nature as a product of a government.

Mr. PAYNE. It does not follow that that relates to the government.

Mr. CLARK of Missouri. If you change the word "government" to "country," it is all right.

Mr. MANN. It is all right now.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 402, page 119, line 17, after the word "imported," insert "directly or indirectly."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 405, page 120, line 21, after the word "imported," insert "either directly or indirectly."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 407, page 122, line 25, strike out the word "twenty" and insert in lieu thereof the word "ten."

Mr. PAYNE. Mr. Chairman, that is a reduction from 20 to 10 per cent.

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 408, page 124, line 14, strike out the words "two dollars and fifty cents" and insert in lieu thereof the word "eighty," so as to read "80 cents per pound."

The CHAIRMAN. The question is on the amendment.

Mr. UNDERWOOD. Mr. Chairman, I have an amendment which I desire to submit as a substitute for the amendment proposed by the gentleman from New York, which amendment I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 408, in line 9, strike out the word "eight" and insert the word "six;" and in line 12 strike out the word "ten" and insert the word "eight;" and in lines 16, 17, 18, and 19 strike out the words "any of the foregoing that are die cut or embossed shall pay 3 cents per pound in addition; but if both die cut and embossed they shall pay 6 cents per pound in addition."

Mr. PAYNE. Mr. Chairman, I make the point of order that that is not germane.

Mr. UNDERWOOD. Mr. Chairman, I understand that the gentleman is attempting to change the rate in this paragraph. I think the rates as provided in this bill are very excessive in this paragraph, and my effort is to reduce the rate. I understand the gentleman's amendment is an amendment in reference to the rate. It seems to me that I have the right to offer a substitute that reduces the rate; and as the rate does not appear identical in the same lines all the way through the paragraph, to reduce it it is necessary to reduce it in different places, but it refers all the time to the same rate on the same subject.

Mr. PAYNE. Mr. Chairman, the Chair has already ruled on that about half a dozen times, and the committee has sustained the Chair by vote on it once or twice.

Mr. UNDERWOOD. Mr. Chairman, the Chair has ruled this, that where there were several items appearing in one paragraph under different rates, as 13-gauge wire and 16-gauge wire, an amendment offered by the committee to 16-gauge wire did not bring before the Committee of the Whole the subject-matter of 13-gauge wire. But I did not understand the Chair to hold that when a subject-matter influenced by one set of rates is before the Committee of the Whole and the Ways and Means Committee attempts to amend that subject-matter that other amendments are not in order. Now, the gentleman has attempted to amend the same subject-matter and the same set of rates I am attempting to amend.

The CHAIRMAN. The amendment proposed by the gentleman from Alabama as a substitute amendment for the committee amendment offered by the gentleman from New York seems to the Chair to be standing upon the same plane as the amendment heretofore offered by the gentleman from Nebraska [Mr. HITCHCOCK], against which the point of order was sustained by the Chair. In this case the gentleman from New York has offered a committee amendment applying to line 14, on page 124, changing the rate on "decalcomanias, in ceramic colors, $2.50" to 80 cents. It applies only to those articles, reducing the duty from $2.50 to 80 cents. Now, the amendment offered as a substitute by the gentleman from Alabama applies to line 9, on page 123, a different page, to an item imposing a duty upon labels, flaps, and cigar bands, and so forth, 8 cents, proposing to reduce the duty on them to 6 cents. Then it proposes to amend certain other provisions, all of which are different from the subject-matter involved in the amendment offered by the gentleman from New York. The Chair thinks that the amendment could not in any event be entertained as a substitute for the amendment offered by the gentleman from New York. It is not germane thereto. It is not upon the same subject-matter. The Chair therefore sustains the point of order.

Mr. GORDON. Mr. Chairman, I desire to offer an amendment to section 407.

Mr. UNDERWOOD. Mr. Chairman, I desire to address myself to the amendment offered by the gentleman from New York.

The Clerk read as follows:

Amend section 407, page 122, line 1, by striking out the words "4½ cents a pound" and inserting therefor the words "25 per cent ad valorem."

Mr. PAYNE. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. The Chair will state that the amendment was not intended to be reported. It is not offered at this time. The gentleman has not been recognized to offer it. The gentleman from Alabama has the floor.

Mr. UNDERWOOD. Mr. Chairman, I regret very much the ruling of the Chair prevented my offering the amendment which I desired to offer in relation to this paragraph. I want to call the attention of the committee to this fact, that this lithographic industry, including the making of cards, labels, and so forth, was very carefully considered at the time of the writing of the Dingley bill. It was stated at the hearings then before the committee that wrote the Dingley bill that if these rates were adopted that this great industry would thrive, flourish, and develop in the United States. The rates were adopted. At the time of their adoption there were $12,000,000 of this product produced in the United States. Now, I do not contend it was due to the adoption of the Dingley rates that the development of this industry took place, but it did develop, due to the growth and development of the American Continent and expansion of our trade relations and business contracts in the United States. It developed from $12,000,000 twelve years ago to $30,000,000 to-day. Now, under the Dingley bill there never has been a time when more than $5,000,000 of this product has ever been imported into the United States. It is to-day at a fair-revenue basis. The industry is developing, thriving, and pushing ahead every year under the present rate of duty. It is not languishing, it is going right ahead, and there is but one excuse in the world. I understand the increase of rate that is proposed in this Payne bill on this one item amounts to 123 per cent. There is no reason for it in the world except to make this rate of duty prohibitory; to give the American industry the absolute and entire control of the American market. It will deprive the Government of from half a million dollars to three-quarters of a million dollars revenue, and there is no reason for it in the world, so far as the development of the industry in America is concerned. It is merely an effort by certain home producers who do not control the entire American market to make a monopoly of it for themselves, and I think it is an outrage that under this rule under which this bill is being heard and considered that we have no opportunity to offer amendments to test the judgment of the House on this question. [Applause.]

Mr. PAYNE. Mr. Chairman, I move that all debate on this paragraph and amendments thereto be closed in five minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the paragraph and amendments thereto be closed in five minutes.

Mr. GORDON. Mr. Chairman——

Mr. FITZGERALD. Mr. Chairman, I want to offer this amendment.

The CHAIRMAN. Does the Chair understand that the gentleman from New York [Mr. PAYNE] makes a motion?

Mr. PAYNE. That the debate close in five minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment and all amendments thereto be closed in five minutes.

The motion was agreed to.

Mr. GAINES. I have no objection, Mr. Chairman, to having the amendment of the gentleman from New York reported first, if he so desires.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. FITZGERALD] to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Add to the end of the amendment:

"*Provided*, That only 50 per cent of all the other rates of duty in this paragraph shall be collected for a period of ten years next ensuing after the date on which the act shall take effect."

Mr. GAINES. Mr. Chairman, I make a point of order.

Mr. FITZGERALD. What point of order?

The CHAIRMAN. What is the gentleman's point of order?

Mr. PAYNE. The gentleman from New York [Mr. FITZGERALD] ought to recognize the point of order.

Mr. FITZGERALD. It is not necessary to discuss the point of order, Mr. Chairman, until somebody advances at least one reason in favor of the point of order.

The CHAIRMAN. The Chair will be glad to have the point of order at least stated.

Mr. GAINES. May we hear the amendment reported again?

The amendment was again reported.

Mr. GAINES. Mr. Chairman, that is subject to the same point of order that has been sustained recently. It is not germane to the amendment offered by the gentleman from New York [Mr. PAYNE].

The CHAIRMAN. The Chair will hear the gentleman from New York [Mr. FITZGERALD].

Mr. FITZGERALD. Mr. Chairman, no argument has yet been made, and I do not know what the point of order is. I concede that it is new legislation, and even concede that it changes existing law. But unfortunately those questions are not involved in this amendment.

The CHAIRMAN. The Chair will ask the gentleman from New York [Mr. FITZGERALD] if his proposed amendment does not affect other rates of duty not referred to in the amendment of the gentleman from New York [Mr. PAYNE]?

Mr. FITZGERALD. It would hardly require any statement from the "gentleman from New York" to inform the Chair on that point, because I hope I have drawn an amendment that is so plain that not even a customs officer would have any difficulty in construing it. But, Mr. Chairman, the rulings of the Chair up to this time have not been such as would eliminate an amendment of this character.

The Chair has held that amendments which are offered specifically changing language in other portions of this bill or in the paragraphs under consideration would not be admitted under the rule. What the effect of this amendment is is not for the Chair to consider in ruling upon the question of order. Is it an amendment that is germane to this particular amendment that is pending? I submit that if the gentleman from New York [Mr. PAYNE] had offered this as a part of his amendment nobody could have successfully raised a point of order that his amendment was not germane to the paragraph, and that being so, it is clear that so long as the amendment is germane to the subject-matter of the provision of the bill that is before the committee it is in order at this time. Whether it is an attempt to do indirectly what might not be accomplished directly does not matter, because the Chair is familiar with the decisions that hold that the Chair can not take that into account in construing whether an amendment is germane.

I submit that the Committee on Ways and Means can not occupy, even under the special rule, a position which enables it to offer an amendment and then restrict other amendments to the same form on the ground that they are not germane amendments to mere figures. If it would be in order to change the substance of the particular thing to which these gentlemen here are offering their amendments, this is germane. What is before the committee? An amendment to change the rate of duty upon one of the things enumerated in this paragraph. This does not attempt to change the rate of duty on anything outside of the paragraph.

Mr. PAYNE. Mr. Chairman, I make the point of order against this attempt. It is purely dilatory. Here is a thing the Chairman has decided half a dozen times.

Mr. FITZGERALD. Whatever may be the opinion of my colleague, I submit that so long as the Chair has listened with the attention that he has, at least he has had the intelligence to appreciate this debate.

It is not dilatory on my part. It has been at the suggestion of the Chair. When the gentleman from New York gets into the chair, if he wishes to shut out the light he can do so; but he ought not to snuff out whatever intelligence there may be in the present occupant of the chair.

The CHAIRMAN. The Chair is ready to rule. The committee amendment offered by the gentleman from New York [Mr. PAYNE] applies only to the duty on decalcomanias in ceramic colors, and proposes to change the rate from $2.50 to 80 cents. Now, the amendment to the amendment, as offered by the gentleman from New York [Mr. FITZGERALD], does not relate to that item at all, but in express terms relates only to "all other" rates in the paragraph.

Mr. FITZGERALD. I modify the amendment, Mr. Chairman, by striking out the words "all other."

The CHAIRMAN. The Chair will first rule upon this amendment. This question is analogous to the question which was raised when the present occupant was in the Chair during the consideration of the Philippine tariff bill in 1906. The bill related only to sugar coming from the Philippine Islands.

An amendment was offered relating to sugar coming from all other countries. The present occupant of the chair ruled that the amendment was not germane. The bill and the amendment were subjects of great controversy and some feeling; an appeal was taken from the decision of the Chair, and the Chair was sustained by a vote of nearly two to one (5 Hinds' Precedents, 5857). The Chair has no hesitation in ruling that the amendment offered by the gentleman from New York is not germane to the committee amendment to which it is offered.

Mr. FITZGERALD. I modify it by striking out the words "all other," so that it will apply to the rates of duty in the

paragraph, which will make it clearly germane to the amendment, and it will apply to that as well as everything else.

Mr. GAINES. The gentleman was limited to one amendment.

The CHAIRMAN. The Chair will have to ask the gentleman from New York to submit his amendment in writing.

Mr. GAINES. Mr. Chairman, I have the floor, and I had better proceed with what I desire to say while the gentleman is preparing his amendment.

Mr. SABATH. A parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. The gentleman from Tennessee desired to offer an amendment some time ago.

The CHAIRMAN. The gentleman from Tennessee did rise to offer an amendment.

Mr. GORDON. I will ask the Clerk to read the amendment.

The Clerk read as follows:

Section 407, page 122, line 1, amend by striking out the words "4½ cents per pound" and insert in lieu thereof the words "25 per cent ad valorem."

Mr. PAYNE. The same thing again. That is not germane.

The CHAIRMAN. The Chair will state to the gentleman from Tennessee that his amendment is not even offered to the paragraph under discussion. It is not at all germane to the pending amendment and must be declared out of order at this time. It is not an amendment to the pending amendment, but is an amendment to an entirely different paragraph of the bill.

Mr. GORDON. It relates to the same subject-matter.

Mr. PAYNE. Why should we have this delay?

Mr. GAINES. Mr. Chairman, in reply to what was said by the gentleman from Alabama, I ought perhaps to say to the committee that these decalcomanias in ceramic colors are lithographs for the purpose of transferring impressions on pottery. Under the Dingley bill the rate was made as in the Payne bill, by the pound. At that time these decalcomanias were imported with backs on them. The importers, however, took advantage of the provisions of the law, and practically reduced the rate by stripping the backs off, reducing the weight of them and the duty so as to not give to the manufacturers of decalcomanias in this country the amount of protection which it was the intention they should enjoy when the Dingley law was passed. The amendment is a reduction, and a very large reduction, from the language in the Payne bill. The provision in the bill is $2.50 a pound, and the amendment proposes to change the rate to 80 cents a pound.

Your committee thought that the business of making these transfers in this country should have that degree of protection. There is this, however, to be said about such a line of manufacture in this country. Its origin is essentially artistic, and on that account it does not so readily respond to protection as if it were a merely mechanical process. When it comes to the mechanical process of reproduction, we can do that as well as it can be done in any other country, by paying, of course, higher wages to labor. We have not, however, developed the artistic skill to originate the designs, and the committee believe that the amendment proposed will give to the manufacturer of decalcomanias in ceramic colors the amount of protection which they had under the Dingley law, and that the rate of 80 cents a pound will be fair to them and not interfere with the pottery industry, which uses these decalcomania transfers.

Mr. FITZGERALD. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York [Mr. FITZGERALD] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Add at the end of the amendment: "*Provided*, That only 50 per cent of the rates of duty in this paragraph shall be collected for a period of ten years next ensuing after the date on which this act shall take effect."

Mr. PAYNE. I make the same point of order, Mr. Chairman. It is clearly and obviously open to the same objection.

Mr. FITZGERALD. The Chair ruled before that the objection to this amendment was that it did not apply to the rates of duty in the pending amendment, but applied to things outside of that amendment.

Mr. PAYNE. This applies to every article in the paragraph. It is as clear as the sunlight——

Mr. FITZGERALD. That is what it is intended to do.

The CHAIRMAN. The Chair is ready to rule. This amendment, of course, applies to decalcomanias, but it also applies to everything else in the paragraph, and is not therefore properly a substitute for or germane to the committee amendment offered by the gentleman from New York [Mr. PAYNE].

Mr. FITZGERALD. I submit it is germane to this amendment, because it applies specifically to the duty the gentleman is attempting to fix.

Mr. PAYNE. On the contrary, it is not germane. Because an amendment may be germane as to one word or one item it does not still remain germane when it adds amendments to a whole lot of other provisions in the paragraph. Besides that, it opens up a number of other dutiable subjects in the paragraph which are not opened up by the committee amendment, and is therefore also obnoxious to the special rule under which we are proceeding.

The CHAIRMAN. The point of order is sustained. The question is upon the committee amendment offered by the gentleman from New York [Mr. PAYNE].

The amendment was agreed to.

Mr. PAYNE. I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers a further committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 408, page 123, line 17, strike out the words "3 cents" and insert in lieu thereof the words "one-half of 1 cent." On the same page, line 18, strike out the words "6 cents" and insert in lieu thereof the words "1 cent."

Mr. UNDERWOOD. Mr. Chairman, I think now that the amendment offered by the gentleman from New York [Mr. PAYNE] touches the same subject-matter as the amendment that I offered a while ago, and I renew my amendment.

Mr. GAINES. I make the point of order that it is not germane.

The CHAIRMAN. Let the Clerk first report the amendment.

The Clerk read as follows:

Paragraph 408, line 9, strike out the word "eight" and insert the word "six." Line 12, strike out the word "ten" and insert the word "eight." In lines 16, 17, 18, and 19, strike out the words "any of the foregoing that may be die cut or embossed shall pay 3 cents per pound in addition; but if both die cut and embossed, they shall pay 6 cents per pound in addition."

The CHAIRMAN. Upon that amendment the Chair understands the gentleman from West Virginia to make the point of order.

Mr. UNDERWOOD. If the Chair will hear me a moment——

The CHAIRMAN. The Chair will hear the gentleman briefly.

Mr. UNDERWOOD. These articles are not finished until the last section down here comes into operation—that is, where it says "any of the foregoing that are die cut or embossed." That applies to the articles that are named in the 6, 8, and 10 cent rates above. That is the completion of these articles.

Therefore, the latter rate applies to the same articles that the rates above apply to, and an amendment to the lower section of the bill is identically the same with the upper section, and therefore my amendment, applying to the same subject-matter all the way through, as the amendment of the gentleman from New York [Mr. PAYNE], is germane and in order.

Mr. PAYNE. Mr. Chairman, there is no question——

The CHAIRMAN. The Chair is ready to rule. The Chair thinks that the amendment is subject to the same objections that have heretofore been sustained by the Chair. The committee amendment offered by the gentleman from New York [Mr. PAYNE] strikes out the words "3 cents," in line 17, and inserts "one-half of 1 cent," and in line 18 strikes out the words "6 cents" and inserts in lieu thereof the words "1 cent." These proposed changes relate only to the additional duties on articles die cut or embossed.

Now, the amendment of the gentleman from Alabama applies to line 9, and again in line 12. Not to the additional duties upon articles die cut or embossed, but to the regular duties upon the various articles named in the paragraph, whether so treated or not. The Chair thinks that the amendment is subject to the same objection as heretofore, and without taking up time by further elaboration sustains the point of order.

Mr. UNDERWOOD. Then I will modify the amendment as follows:

In lines 16, 17, 18, and 19 strike out the words "any of the foregoing that are die cut or embossed shall pay 3 cents per pound in addition, but in both die cut and embossed they shall pay 6 cents per pound."

In other words, my amendment strikes out the language which the gentleman from New York [Mr. PAYNE] seeks to amend.

Mr. PAYNE. I do not understand the amendment, Mr. Chairman, but I will not make any point of order.

Mr. MANN. I make the point of order on that.

The CHAIRMAN. The Chair desires to say that when a motion is made to strike out a paragraph or proviso or any portion of a paragraph it is in order to perfect that part which it is proposed to strike out, and an amendment to that effect would take precedence of and be voted upon before the motion to strike out.

But here on an amendment which does not propose to strike out, but merely changes the rate, the gentleman from Alabama proposes to amend and strike out something not embraced in the amendment offered by the gentleman from New York, thus reversing the situation. Instead of seeking to perfect something proposed to be stricken out, the amendment of the gentleman from Alabama proposes to strike out what the amendment of the gentleman from New York proposes to perfect. The Chair thinks the amendment is subject to the point of order.

Mr. UNDERWOOD. What I propose to strike out is the very language which the gentleman from New York seeks to amend.

The CHAIRMAN. It is much more than that; the gentleman from New York seeks only to change "three" to a "half" and something else, and the gentleman proposes to strike out all about the articles being die cut and embossed.

Mr. UNDERWOOD. Which is the rate the gentleman seeks to change on articles die cut and embossed.

The CHAIRMAN. The gentleman from New York seeks to change the rate only, but the gentleman from Alabama seeks to amend the language in reference to the articles themselves.

Mr. UNDERWOOD. Then, Mr. Chairman, I move to strike out the rate entirely.

Mr. PAYNE. I make the point of order that the whole proceeding is dilatory. The gentleman is asking the Chair to rule over and over again on the same question.

Mr. UNDERWOOD. It is not the same question; it is a separate and distinct question.

The CHAIRMAN. The Chair would state that the amendment of the gentleman from New York proposes to strike out the rate and insert a new one. An amendment to strike out and insert is expressly declared not divisible in clause 7 of Rule XVI. The amendment offered by the gentleman from Alabama is simply the first part of the amendment of the gentleman from New York. It proposes, in substance, to divide that motion and require a separate vote upon the proposition to strike out, and therefore it is not in order. The Chair sustains the point of order. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I also offer the following committee amendment.

The Clerk read as follows:

Paragraph 411, page 125, line 21, strike out the word "thirty" and insert in lieu thereof the word "thirty-five."

Mr. PAYNE. I will explain that in a word. It increases the duty on wrapping paper under this bill from 30 cents to 35 cents. The reason of this is that the next bracket provides that all other paper shall pay 35 per cent in the same paragraph. Of course there would be a conflict as to what was wrapping paper and what was not, and constant litigation, and this is simply to bring the two brackets on the same plane, so as to avoid litigation.

Mr. CLARK of Missouri. Why not strike out the "thirty-five" and put in "thirty?"

Mr. PAYNE. Because the committee thought that 35 was the proper rate of duty on other paper.

Mr. MANN. If the gentleman will allow me, this would cover the ordinary Kraft paper now in American markets.

Mr. PAYNE. I think so.

Mr. MANN. I think it would be wise to put a higher rate of duty on wrapping paper. The Kraft paper now being made abroad is taking possession of the American market for wrapping paper, and is now used almost exclusively, in all the large department stores especially.

Mr. PAYNE. It only weighs about half as much as ordinary wrapping paper.

Mr. MANN. The paper is much more expensive per pound, but it is a much stronger paper. It is made by a process which, up to date, would not be permitted to be used in this country.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 418: On page 127, line 19, after the word "wholly," insert the words "or in chief value;" and on page 127, lines 24 and 25, and on page 128, lines 1, 2, and 3, strike out the words: "Braids, plaits, laces, and willow sheets or squares, if composed in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, 15 per cent ad valorem."

Mr. CLARK of Missouri. How does that change the duty?

Mr. PAYNE. Mr. Chairman, the bill reads "wholly of straw," and we found that some braids that were presented to us as samples had a single cotton thread, the rest composed of straw, and that that cotton thread would increase the duty, I do not remember how much—10 or 15 per cent—because of the language of the paragraph. We wanted to correct that and let those come in at the same rate that braids made wholly of straw would come in; and so we say now "wholly or in chief value of straw," so as to let them come in at the lower rate of duty.

Mr. CLARK of Missouri. The effect of that amendment is not to put up the price of hats and bonnets, and so forth, is it?

Mr. PAYNE. It is to put down the duty.

Mr. CLARK of Missouri. I am greatly obliged. [Laughter.]

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 425, page 130, lines 1 and 2, strike out the words "this section" and insert in lieu thereof the following: "Sections 1 or 2 of this act;" and in line 4 strike out the words "this section" and insert in lieu thereof the following: "Sections 1 or 2 of this act."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 427: On page 131, lines 9 to 16, inclusive, strike out the paragraph and insert in lieu thereof the following:

"427. Dolls, doll heads, toy marbles of whatever materials composed, and all other toys not composed of rubber, china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for in sections 1 or 2 of this act, 35 per cent ad valorem: *Provided*, That no articles shall be dutiable as toys except those made as playthings for children."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. HARRISON. Mr. Chairman, I will ask the gentleman to explain the purpose of this amendment. Does it change the rate of duty?

Mr. PAYNE. Mr. Chairman, the experts of the department attempted to change the wording to meet the decisions of the general appraisers and also of the courts, and in doing so they found it difficult to tell just exactly what rate of duty was provided. Some extravagant statement has been made that a toy horse would come in at the same rate of duty as the living animal. Of course that was not correct, but the doll's clothing would come in at a much higher rate than the committee intended. This duty on toys is a small ad valorem duty, and the committee had the experts of the department and representatives of the Board of General Appraisers at work on this paragraph, and this is the result, which we think corrects the defect in the original paragraph and lets all toys and dolls and playthings for children in at the lower rate of duty prescribed in this paragraph.

Mr. HARRISON. The rate of duty in the committee amendment is the same as the rate in the Payne and the Dingley bills, is it not?

Mr. PAYNE. Yes.

Mr. HARRISON. Is it true that most of the articles that were brought in in contravention of the law as toys were of a higher or lower rate of duty?

Mr. PAYNE. Well, there are several pages of decisions on this subject, some very interesting as matters of curiosity, and illustrating how great minds like those of our judges, when they come to operate on little things like toys, will sometimes make mistakes that the children never have made, in interpreting the language applying to toys, and it was to get rid of this confusion that this amendment was offered.

Mr. GAINES. Mr. Chairman, if my colleague will permit me, I think we imported, under the corresponding paragraph in the Dingley law, many small articles that were really works of art; for instance, an image of a horse or some animal that was really a work of art, and for grown people, for connoisseurs, under the name of toys. To avoid that fraud upon the revenue language was used, as the chairman has stated, which it was thought would make a toy horse bear the same duty as a live horse, and the purpose here is to leave the rate where it was and use language which will define toys as playthings for children.

Mr. GARRETT. Will the gentleman state what effect the amendment will have upon the exceedingly unattractive toy commonly known as the "Billy Possum?"

Mr. GAINES. Well, it is rather a fashionable animal at this time, and I think would not be included in this.

Mr. HARRISON. Does the gentleman know of any process by which American human beings can get their clothes as cheaply in proportion as these dolls?

Mr. GAINES. I ought to be more expert in the matter of dolls than the gentleman from New York, but I am not sure that I am.

Mr. HARRISON. I doubt very much if the gentleman has the advantage of me. Mr. Chairman, I do not propose to detain the committee on this proposed amendment. I will merely call attention to the fact that the rate under this bill is 35 per cent. It used to be only 25 per cent ad valorem under the last Democratic bill, the Wilson bill. The Payne bill, as a whole, in its taxes upon clothes and stockings and upon children's toys reminds me of the description of a massacre of a garrison by the Indians, where not even the women and children were spared. [Applause on the Democratic side.]

The CHAIRMAN. The question is upon the amendment.

The question was taken, and the amendment was agreed to.

Mr. NEEDHAM. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Paragraph 433, on page 132, line 14, strike out the words "blasting caps" and insert in lieu thereof the words "cartridge shells empty;" and on same page, line 15, after the word "valorem," insert the following: "Blasting caps, $2 per thousand."

The question was taken, and the amendment was agreed to.

Mr. McCALL. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Paragraph 439, page 134, lines 10, 11, 12, and 13, strike out the following words: "Manufactures of animal hair or of which such hair is the component material of chief value, not specially provided for in sections 1 or 2 of this act, 25 per cent ad valorem;" and on same page, line 10, after the words "ad valorem," change the semicolon to a period.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Paragraph 448, on page 137, lines 1 and 2, strike out the words "and leather shoe laces, finished or unfinished;" and on the same page, line 1, after the words "ad valorem," insert "leather shoe laces, finished or unfinished, 50 cents per gross pairs and 10 per cent ad valorem."

Mr. CLARK of Missouri. Mr. Chairman, I move to strike out that entire section as a substitute for the gentleman's amendment.

Mr. PAYNE. Mr. Chairman, I make the point of order against that.

Mr. CLARK of Missouri. You bring in an amendment to that section and that opens it to amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out section 448.

Mr. PAYNE. Mr. Chairman, I make the point of order that that is not germane to the amendment.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GARRETT. Mr. Chairman, do I understand this increases the duty on shoe strings?

Mr. PAYNE. It reduces it from the present law and increases it from the rate in the bill as it is before the House.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 478, page 143, line 12, after the word "gum," insert "gum kauri" and "gum copal."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. I also desire to offer the following amendment.

The CHAIRMAN. The gentleman from New York offers an amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 513, page 149, strike out all of line 15.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also desire to offer the following amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 528: On page 150, line 14, after the word "nitro-toluol," change the semicolon to a comma, and after the said word "nitro-toluol" insert the following: "naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitraniliin, dimethylaniliin."

Mr. PAYNE. I do not think, Mr. Chairman, that needs any explanation. It is perfectly clear.

Mr. HUGHES of New Jersey. Mr. Chairman, I ask unanimous consent that the amendment may be reported again.

Mr. HARRISON. I wish to speak in opposition to the proposed amendment.

Mr. PAYNE. Mr. Chairman, I was going to say, for fear some gentleman should not fully understand it, that these are coal-tar products, and they are used as raw material in manufacturing coal-tar dyes, and we are putting them on the free list instead of their coming in at 20 per cent ad valorem. That is all there is of it, and all you have got to do is to understand what these names mean.

Mr. GARRETT. I did not catch the fourth item that was mentioned.

Mr. BUTLER. Are these extracts in competition with anything in this country?

Mr. PAYNE. Except as to their names; that is all.

Mr. BUTLER. They can win on that, then. I ask unanimous consent that the amendment may be reported again.

Mr. McCALL. I object.

Mr. RUCKER of Colorado. You do not mean that it is a definition of the whole bill?

Mr. PAYNE. Ordinary people can understand it. Of course, a Member of Congress may not be able to do so.

Mr. HARRISON. Mr. Chairman, admitting my total inability to pronounce any of these names, and congratulating the Clerk upon his success in doing so, I wish to oppose the amendment. The subject of coal-tar colors and products has been up on this floor before to-day. It is complicated by the difficulty of pronouncing the names. I could have wished that we might have had the longest one of them, which looks like a centipede upon the typewritten page, labeled "Exhibit A," and I would like to refer to it as such.

The scheme of taxing coal-tax colors and their products, under paragraph 15 of the bill, will be totally upset by this proposed amendment of the chairman of the committee. Under the original scheme coal-tar raw materials were to be on the free list, sulfoacids and their salts were to be taxed at 20 per cent ad valorem, and the finished colors at 35 per cent ad valorem, which latter is a raise of 5 per cent over the rates of the Dingley bill.

Now, almost all of these unpronounceable substances may be classed under sulfoacids and the salts thereof, and instead of being raw material, as stated by the chairman of the committee, they are really finished products of the coal tar. They are not the highest form of products, which are the coal-tar colors, but they are intermediate products.

The fact is that they are so nearly wholly finished products that a man, if he imported them into our country, in order to assemble them has very little more to do than the veriest tyro in chemistry could accomplish. The work in manufacturing these products is done on the other side, and then it is proposed to bring them over free and assemble them here. If they were truly raw materials, I would be the last man upon this floor to oppose putting them on the free list, because I have consistently maintained that all raw material should be on the free list. The fact is, that the gentleman from New York, the chairman of the committee, is entirely mistaken. These are not raw materials. They are intermediate products, almost finished products, of coal tar, and the effect of admitting them free will be entirely fatal to the scientific arrangement of paragraph 15.

The ultimate effect, in my opinion, will be also to destroy entirely the revenue collected upon aniline or coal-tar colors. The revenue that we collected in 1907 upon coal-tar colors was $1,697,000, and upon coal-tar preparations, $184,000. Every one of these substances you now wish to put on the free list would otherwise come in under coal-tar preparations. Therefore that revenue will be done away with; and the fact is that aniline dyes will also be knocked on the head, because any man can import these intermediate products and assemble them. Any beginner in chemistry could probably accomplish that. The real purpose, I believe, of this amendment is to give the right to one coal-tar color manufacturer in the city of Buffalo to get his intermediate product free and destroy the aniline-color industry and to charge every textile manufacturer in the United States that makes use of coal-tar colors whatever price he sees

fit. It makes the rate on aniline dyes almost prohibitive, and therefore I oppose the amendment. [Loud applause.]

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. McCALL. I offer the following amendment.

Page 151, line 11, strike out the paragraph, and on page 5, between lines 15 and 16, insert a new paragraph as follows:

18½. Copperas and sulphate of iron, fifteen one-hundredths of 1 cent a pound.

Mr. HARRISON. Mr. Chairman, I very much regret imposing myself upon the committee again, but this happens to be another subject I have studied a little. I would like to ask the gentleman from Massachusetts, who submits the amendment, what is the reason for this seesawing back and forth, putting copperas on the free list and then upon the dutiable list?

Mr. McCALL. I would say, in reply to the gentleman, that copperas under the present law bears a duty of one-fourth of a cent a pound, I think it is. In some way, when the committee came to consider it, it was put entirely upon the free list. We very quickly discovered that there were a number of factories making copperas, some of them successfully, and we thought it was unfair to them to have their product upon the free list, on account of the difference in the cost of production. This amendment proposes a duty of fifteen-hundredths of a cent a pound, which is a little more than half that under the existing law, but we believe that is a sufficient cut upon this product.

Mr. HARRISON. Mr. Chairman, may I be heard in opposition to the amendment?

The CHAIRMAN. The gentleman from New York.

Mr. HARRISON. Copperas, or sulphate of iron, is used for a number of purposes. It is used in the manufacture of ink. It is used as a black dye. It is used in photographic reproduction, and in all kinds of chemical products. It is produced by the oxidation of pyrites or iron ore, and it is enormously produced from the refuse of the wire mills of the United States. There is no earthly excuse for any duty upon it. The wire mills of the United States can stand on their own feet, and can easily invade the markets of Europe if they see fit to do so. The only effect, in my mind, of any duty upon copperas or sulphate of iron is to enable them to hold the price up. This product was free under the Wilson bill, and the importations of 1897 were 991,000 pounds.

It was taxed under the Dingley bill at a quarter of a cent a pound. In 1907 the importations were 1,869 pounds. The production in the United States in the year 1904, which is the year for which we have the last figures, was 9,700,000 pounds. The imports for the same year were the ridiculous figure of 600 pounds. It is perfectly evident to anybody that the wire mills of the United States need no protection upon this article and, in my opinion, the sole purpose of putting it on is to enable them to hold up the price. This is another example of a mysterious influence working upon the minds of the majority of the committee, causing them to undo some of the few virtuous acts they performed in drafting the bill and to undo the reductions in duties. Mr. Chairman, I hope the committee will vote down the amendment.

The question being taken on the amendment, on a division (demanded by Mr. HARRISON) there were—ayes 85, noes 42.

Accordingly, the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from New York offers the following committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 637, page 159, line 13, after the word "mace," insert the words "nut oil or oil of nuts not otherwise specially provided for in section 1 or 2 of this act."

Mr. PAYNE. This is the transfer of this from the dutiable list, at 25 per cent, to the free list.

The amendment was agreed to.

Mr. DALZELL. Mr. Chairman, I offer the following.

The CHAIRMAN. The gentleman from Pennsylvania offers the following committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 650, on page 161, lines 11, 12, and 13, strike out the words "and vases, retorts, and other apparatus, vessels, and parts thereof, composed of platinum, for chemical uses," and on line 11 change the comma after the word "scrap" to a period.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, the amendment which I hold in my hand is a substitute for section 3. There are some 21 pages in it. I ask unanimous consent to have it printed in the RECORD and to dispense with the reading of it, so that it may be acted upon in the morning when the committee meets.

Mr. STEVENS of Minnesota. What is it?

Mr. PAYNE. Section 3 is the maximum tariff.

The CHAIRMAN. The gentleman from New York offers an amendment and asks unanimous consent that it may be printed in the RECORD and called up in the morning, and to dispense with the reading of the amendment by the Clerk. Is there objection?

Mr. FINLEY. I wish to ask the gentleman from New York, Does this embody the paragraphs that will be taken out of section 3?

Mr. PAYNE. This is the maximum tariff.

Mr. FINLEY. Does the gentleman's substitute take any paragraphs out of section 3 that are now enumerated?

Mr. PAYNE. Yes; and the paragraphs that the gentleman is interested in, if I mistake not.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The amendment is as follows:

Strike out the whole of section 3, beginning on page 169, and insert the following:

"SEC. 3. That on and after sixty days after the passage of this act, unless otherwise specially provided for in this act, there shall be levied, collected, and paid upon all articles mentioned or referred to in this section, and imported into the United States or into any of its possessions (except the Philippine Islands), from any foreign country, province, dependency, or colony, whenever any such foreign country, province, dependency, or colony, respectively, shall not be entitled under the provisions of section 4 of this act to the rates of duty in sections 1 and 2 provided, the rates of duty which are in this section prescribed, namely;

"Upon each of the following articles enumerated in Schedule A, namely:

"Coal-tar dyes or colors, not specially provided for in this section; all other products or preparations of coal tar, not colors or dyes and not medicinal, not specially provided for in this section.

"Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section; extract of nutgalls; extract of Persian berries; chlorophyll; extracts of quebracho; extracts of hemlock bark; extracts of sumac, and of woods other than dyewoods, not specially provided for in this section; all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, not containing alcohol and not medicinal, and not specially provided for in this section, the same rate of duty as prescribed in section 1; upon each and every other article enumerated in Schedule A the same rate of duty as prescribed in section 1, and in addition thereto, 20 per cent of said duty; upon each of the following articles enumerated in Schedule B, namely:

"Pumice stone, manufactures of pumice stone or of which pumice stone is the component material of chief value, not specially provided for in this section.

"Clays or earths, unwrought or unmanufactured, not specially provided for in this section; china clay or kaolin; limestone rock asphalt containing not more than 15 per cent of bitumen; asphaltum and bitumen, not specially provided for in this section; bauxite, or beauxite, crude, not refined or otherwise advanced in condition from its natural state; fuller's earth, unwrought and unmanufactured, wrought or manufactured; fluor spar, crude, crushed, ground, or otherwise treated or manufactured, the same rate of duty as prescribed in section 1 of this act; upon each and every other article enumerated in Schedule B the same rate of duty as prescribed in section 1 of this act, and in addition thereto 25 per cent of said duty; upon each of the following articles enumerated in Schedule C, namely:

"Iron in pigs, iron kentledge, and spiegeleisen; wrought and cast scrap iron and scrap steel; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel in such physical form as to be fit only to be remanufactured.

"Bar iron, square iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, round iron not less than seven-sixteenths of 1 inch in diameter.

"Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this section.

"Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, whether plain or punched, or fitted for use.

"Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for in this section, not thinner than No. 10 wire gauge, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves.

"Iron or steel anchors or parts thereof; forgings of iron or steel, or of combined iron and steel, but not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this section; antifriction ball forgings of iron or steel, or of combined iron and steel.

"Hoop, band, or scroll iron or steel, not otherwise provided for in this section; barrel hoops of iron or steel, and hoop or band iron or hoop or band, steel flared, splayed, or punched, with or without buckles or fastenings; steel bands or strips, untempered, suitable for making band saws, hack saws, or butchers' saws.

"Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.

"Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, railway fish plates or splice bars, made of iron or steel.

"Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel.

"All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne

plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding.

"Sheets of iron or steel, polished, planished, or glanced, by whatever name designated; plates or sheets of iron or steel, by whatever name designated, other than the polished, planished, or glanced herein provided for, which have been pickled or cleaned by acid, or by any other material or process, or which are cold-rolled, smoothed only, not polished.

"Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin.

"Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting material; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; steel saw plates wholly or partially manufactured; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel in all forms and shapes not specially provided for in this section.

"Round iron or steel wire; all iron or steel wire covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel strips, strip steel, or steel in strips, twenty-five one-thousandths of 1 inch thick, or thinner, whether in long or short lengths, in coils or otherwise, and whether drawn through dies or rolls, and all other wire not specially provided for in this section; iron or steel wire coated by dipping, galvanizing or similar process with zinc, tin, or other metal; articles manufactured wholly or in chief value of any wire or wires.

"All iron or steel bars or rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering; all strips, plates, or sheets of iron or steel, of whatever shape, other than the polished, planished, or glanced sheet iron or sheet steel hereinbefore provided for, which are cold rolled, cold drawn, cold hammered, blued, brightened, tempered, or polished in any way in addition to the ordinary process of hot rolling or hammering, and steel circular saw plates.

"Bolts, with or without threads or nuts, or bolt blanks, and finished hinges or hinge blanks, whether of iron or steel.

"Cast-iron pipe of every description.

"Cast hollow ware, coated, glazed, or tinned.

"Chain or chains of all kinds, made of iron or steel.

"Files, file-blanks, rasps, and floats, of all cuts and kinds.

"Cut nails and cut spikes of iron or steel.

"Horseshoe nails, hob nails, and all other wrought iron or steel nails not specially provided for in this section.

"Wire nails made of wrought iron or steel.

"Spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel.

"Cut tacks, brads, or sprigs.

"Rivets or studs, latbed, machined, or brightened, and rivets or studs for nonskidding automobile tires; rivets of iron or steel, not specially provided for in this section.

"Crosscut saws; mill saws; pit and drag saws; circular saws; steel band saws, finished or further advanced than tempered and polished; hand, back, and all other saws, not specially provided for in this section.

"Screws, commonly called wood screws, made of iron or steel.

"Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured; ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture; wheels for railway purposes, or parts thereof, of iron or steel, imported with iron or steel axles fitted in them, the wheels and axles together.

"Hooks and eyes, metallic, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels"—the same rate of duty as prescribed by the law in force prior to the passage of this act; upon each and every other article enumerated in Schedule C, the same rate of duty as prescribed in section 1 of this act, and in addition thereto 20 per cent of said duty; upon each of the following articles enumerated in Schedule D, namely:

"Timber, hewn, sided or squared otherwise than by sawing (not less than 8 inches square) and round timber used for spars or in building wharves.

"Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, sawed lumber, not specially provided for in this section; lumber of any sort planed or finished, planed on one side and tongued and grooved, or planed on two sides and tongued and grooved; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing and grooving.

"Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods.

"Clapboards. The same rate of duty as prescribed by the law in force prior to the passage of this act; upon each and every other article enumerated in Schedule D, the same rate of duty as prescribed in section 1 of this act; upon each article enumerated in Schedules E, F, and G, the same rate of duty as prescribed in section 1 of this act and in addition thereto 20 per cent of said duty; upon each article enumerated in Schedule H, the same rate of duty as prescribed in section 1 of this act and in addition thereto 40 per cent of said duty; upon each article enumerated in Schedule I, the same rate of duty as prescribed in section 1 of this act and in addition thereto 20 per cent of said duty; upon each of the following articles enumerated in Schedule J, namely:

"Flax, hackled, known as 'dressed line.'

"Tow of flax.

"Hemp, and tow of hemp, $20 per ton; hemp, hackled, known as 'line of hemp.'

"Plain woven fabrics of single jute yarns, by whatever name known.

"Bags or sacks made from plain woven fabrics, of single jute yarns, not dyed, colored, stained, painted, printed, or bleached, and not exceeding 30 threads to the square inch, counting the warp and filling.

"Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard, the same rate of duty as prescribed in section 1 of this act; upon each and every other article enumerated in Schedule J, the same rate of duty as prescribed in section 1 of this act, and in addition thereto 20 per cent of said duty; upon each article enumerated in Schedule K, the same rate of duty as prescribed in section 1 of this act; upon each article enumerated in Schedule L, the same rate of duty as prescribed in section 1 of this act and in addition thereto 20 per cent of said duty; upon mechanically ground wood pulp, one-twelfth of 1 cent per pound, dry weight: *Provided, however*, That mechanically ground wood pulp shall be admitted free of duty from any country, dependency, province, or other subdivision of government, being the product thereof, which does not forbid or restrict the exportation of or impose any export duty, export license fee, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee, or otherwise), upon mechanically ground wood pulp or wood for use in the manufacture of wood pulp; upon each and every other article enumerated in Schedule M, the same rate of duty as prescribed in section 1 of this act and in addition thereto 20 per cent of said duty; upon each of the following articles enumerated in Schedule N, namely:

"Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horse rakes, cultivators, threshing machines, and cotton gins, 25 per cent ad valorem; upon each and every other article enumerated in Schedule N, the same rate of duty as prescribed in section 1 of this act and in addition thereto 20 per cent of said duty; upon each of the following articles enumerated in section 2 of this act, namely:

"Alizarin, natural or artificial, and dyes derived from alizarin or from anthracin.

"Amber, and amberoid unmanufactured, or crude gum.

"Asbestos, unmanufactured.

"Beeswax.

"Birds, stuffed, not suitable for millinery ornaments.

"Bismuth.

"Bladders, and all integuments and intestines of animals and fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for in section 1 of this act.

"Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

"Camphor, crude, natural.

"Cork wood or cork bark, unmanufactured.

"Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in section 1 or 2 of this act, and are in a crude state, not advanced in value or condition by refining, grinding, crushing, rasping, bleaching, steaming, or by any process or treatment beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture.

"Flint, flints, and flint stones, unground.

"Fruits or berries, green, ripe, or dried, not specially provided for in section 1 or 2 of this act.

"Furs, undressed.

"Gambier.

"Glass plates or disks, rough-cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eyeglasses, and suitable only for such use: *Provided, however*, That such disks exceeding 8 inches in diameter may be polished sufficiently to enable the character of the glass to be determined.

"Gutta-percha, crude.

"Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section; and human hair, raw, uncleaned, and not drawn.

"Hide cuttings, raw, with or without hair, and all other glue stock.

"Hide rope.

"Hides of cattle, raw or uncured, whether dry, salted, or pickled.

"Hones and whetstones.

"India rubber, crude, and milk of, and scrap or refuse India rubber, fit only for remanufacture, and not ground or otherwise reduced in size.

"Indigo.

"Iron ore (except such as is used chiefly in the production of pigments and colors), including manganiferous iron ore, and the dross or residuum from burnt pyrites; basic slag, ground or unground.

"Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact, and vegetable ivory in its natural state.

"Junk, old.

"Kindling wood.

"Lac dye, crude, seed, button, stick, and shell.

"Lactarene, or casein.

"Lemon juice, lime juice, and sour orange juice, all the foregoing not containing alcohol.

"Licorice, extracts of, in paste, rolls, or other forms.

"Licorice root, unground.

"Lime, citrate of.

"Lithographic stones, not engraved.

"Magnesite, crude or calcined, not purified.

"Magnesium not made up into articles.

"Manganese, oxide and ore of.

"Manna.

"Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof, showing that they are in no way artificially prepared, and are only the product of a designated mineral spring.

"Needles, hand sewing and darning; but the coverings of these articles other than the plain wooden outside cases shall be dutiable at the same rate as if imported empty.

"Nuts: Palm nuts and palm-nut kernels; cocoanuts in the shell and broken cocoanut meat or copra, not shredded, desiccated, or prepared in any manner.

"Oils: Almond, amber, crude and rectified ambergris, aniline, aspic or spike lavender, cajeput, caraway, cassia, cinnamon, chamomile, civet, cocoanut, cotton seed, croton, fennel, ichthyol, jugiandium, limes, mace, olive oil rendered unfit or incapable of use for food or for any but mechanical or manufacturing purposes, by such means as shall be satis-

factory to the Secretary of the Treasury and under regulations to be prescribed by him; palm, sesame or sesamum seed or bean, thyme, origanum, red or white, valerian; spermaceti, whale, and other fish oils of American fisheries; petroleum, crude or refined: *Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country.

"Paper stock, crude, of every description, including all grasses, fibers, rags (other than wool), waste, including jute waste, shavings, clippings, old paper, rope ends, waste rope, and waste bagging, including old gunny cloth and old gunny bags, fit only to be converted into paper.

"Pearl, mother of, and shells, not sawed, cut, polished, or otherwise manufactured, or advanced in value from the natural state.

"Rags, not otherwise specially provided for in this section.

"Rennets, raw or prepared.

"Sago, crude, and sago flour.

"Sausages, bologna.

"Seeds: Anise, caraway, cardamom, cauliflower, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangel-wurzel, rape, St. John's bread or bean, sugar beet, sorghum or sugar cane for seed; bulbs and bulbous roots, not edible and not otherwise provided for in sections 1 or 2 of this act; all flower and grass seeds; all the foregoing not specially provided for in this section.

"Shrimps and other shellfish.

"Skins of all kinds, raw (except sheepskins with the wool on), and hides not specially provided for in this section.

"Sulphur, lac or precipitated, and sulphur or brimstone, crude, in bulk, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur, and sulphur not otherwise provided for in this section.

"Tallow.

"Tapioca, tapioca flour, cassava or cassady.

"Tea and tea plants.

"Tobacco stems.

"Tonquin, tonqua, or tonka beans.

"Turpentine, spirits of.

"Turtles.

"Types, old, and fit only to be remanufactured.

"Wax, vegetable or mineral.

"Witherite.

"Wood: Logs and round unmanufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gunstocks rough hewn or sawed or planed on one side, hop poles, ship timber and ship planking; all the foregoing not specially provided for in this section.

"Zaffer."

There shall be levied, collected, and paid a duty of 20 per cent ad valorem; that each and every other article enumerated in section 2 of this act shall be admitted free of duty.

Mr. SHERLEY. I suggest to the chairman of the committee that he do the same thing as to the drawback provision and the patent provision, which are necessarily highly technical. It will be a great convenience if he will do so.

Mr. PAYNE. The amendment is to strike out the patent section entirely.

Mr. SHERLEY. How about the drawback section?

Mr. PAYNE. I will be very glad to put that in the RECORD.

Mr. Chairman, I ask unanimous consent to print in the RECORD the amendment to the drawback provision, section 29.

The CHAIRMAN. The gentleman from New York asks unanimous consent to print in the RECORD the amendment which he suggests. Is there objection?

There was no objection.

The amendment is as follows:

Section 29, on page 197, between lines 10 and 11, insert the following paragraph:

"No drawback shall be allowed upon the exportation of any article manufactured or produced in whole or in part of grain raised in the United States unless such article shall have been manufactured or produced in the same city or town as the article manufactured or produced from the imported grain, and only upon such articles as are manufactured or produced from grain harvested prior to such importation: *And provided*, That the exportation shall be made within twelve months after the importation of the grain used or checked against: *Provided further*, That no drawback shall be allowed under this section upon domestic material except upon due proof that the imported material upon which the drawback is allowed has actually entered into manufacture."

Mr. STEVENS of Minnesota. What is that amendment?

Mr. PAYNE. It is the drawback provision.

Mr. STEVENS of Minnesota. The one that relates to grains?

Mr. PAYNE. Yes; they are both there. Now, Mr. Chairman, I want to say that in the opinion of the committee, meeting at 12 o'clock in the morning, with due diligence, we believe the Committee of the Whole can complete the amendments by 3 o'clock or thereabouts, and therefore I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 1438, the tariff bill, and had instructed him to report that it had come to no resolution thereon.

QUESTION OF PRIVILEGE.

Mr. CALDERHEAD. Mr. Speaker, I want to renew my motion of this morning to strike from the RECORD an interpolation in a question by Mr. HARDY of Texas, if the gentleman from Texas is on the floor.

The SPEAKER. The gentleman from Kansas calls up the motion he made this morning to correct the RECORD as indicated.

Mr. CLARK of Missouri. Mr. Speaker, the gentleman from Texas is not here, and I think it ought to be postponed.

Mr. CALDERHEAD. I am willing that it should go over until morning.

The SPEAKER. The gentleman from Kansas informed the Chair that he thought the gentleman from Texas was present, but the gentleman consents that it may go over until morning.

Mr. PAYNE. Mr. Speaker, I object to that.

The SPEAKER. The gentleman from Kansas can call it up as a matter of privilege.

Mr. PAYNE. I do not think it is of any higher privilege than this tariff bill.

The SPEAKER. The Chair will rule upon that when it comes up.

Mr. PAYNE. Then I am going to ask unanimous consent to come in earlier. How long will this take?

Mr. CALDERHEAD. It will take me about three minutes.

Mr. RANDELL of Texas. Mr. Speaker, I understand the gentleman from Texas [Mr. HARDY] has made an agreement with the gentleman from Kansas as to what should go into the RECORD, and that the gentleman from Texas is to present it himself and there will be no trouble about it. Is that correct?

Mr. CALDERHEAD. The agreement was that he should present it at this time.

Mr. RANDELL of Texas. I think the gentleman from Texas is at lunch, not knowing that we were going to adjourn at this time.

Mr. PAYNE. I wish some accommodation could be made, so that the whole time will not be taken up by this matter.

Mr. CLARK of Missouri. Move to adjourn until 11 o'clock.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn. If the gentleman from Kansas wants to take the responsibility of delaying this bill, he can do so.

Mr. CALDERHEAD. I have no objection to taking the responsibility.

ADJOURNMENT.

The motion of Mr. PAYNE was then agreed to; accordingly (at 6 o'clock and 58 minutes p. m.) the House adjourned until to-morrow at 12 o'clock noon.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WALLACE: A bill (H. R. 6742) to create a new division of the eastern judicial district of Arkansas, and to provide for terms of court at Camden, Ark., and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 6743) appropriating the sum of $150,000 for locking and damming and otherwise improving Saline River between Warren, Ark., and where it empties into the Ouachita River, in Arkansas—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 6744) to provide for the repair and improvement of the post-office building at Camden, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6745) for the erection of mounds for the protection of human life and stock along the banks of the Mississippi River between the government levees and the river—to the Committee on Appropriations.

Also, a bill (H. R. 6746) to increase the compensation of fourth-class postmasters—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 6747) to provide for the erection of a public building at Warren, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6748) to provide for the erection of a public building at Arkadelphia, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6749) to provide for the erection of a public building at Hamburg, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6750) to provide for the erection of a public building at Prescott, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6751) to provide for the erection of a public building at El Dorado, Ark.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6752) to provide for the erection of a public building at Magnolia, Ark.—to the Committee on Public Buildings and Grounds.

By Mr. BORLAND: A bill (H. R. 6753) to extend the time for the construction of a bridge across the Missouri River at Kansas City—to the Committee on Interstate and Foreign Commerce.

By Mr. DIEKEMA: A bill (H. R. 6754) to make Holland, in the State of Michigan, a subport of entry, and for other purposes—to the Committee on Ways and Means.

By Mr. BATES: A bill (H. R. 6755) providing for the recognition of the military service of the officers and enlisted men of McLane's Erie regiment, Pennsylvania Volunteer Infantry, who served in the civil war—to the Committee on Military Affairs.

By Mr. MILLER of Kansas: A bill (H. R. 6756) amendatory of existing laws regulating the sale of intoxicating liquors in the District of Columbia—to the Committee on the District of Columbia.

By Mr. HINSHAW: A bill (H. R. 6757) providing for the establishment of a national park in Gage County, Nebr.—to the Committee on the Public Lands.

By Mr. BURKE of South Dakota: A bill (H. R. 6758) authorizing allotments to certain Indian women of the Crow, Creek, and Lower Brulé tribes of Indians in South Dakota—to the Committee on Indian Affairs.

By Mr. McKINLEY of Illinois: A bill (H. R. 6759) to increase the efficiency of the Army of the United States—to the Committee on Military Affairs.

By Mr. HOUSTON: A bill (H. R. 6760) to provide for the erection of a public building at Shelbyville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. HIGGINS: Memorial of the legislature of Connecticut concerning the date of inauguration of the President of the United States—to the Committee on Election of President, Vice-President, etc.

By Mr. BURLEIGH. Memorial of the legislature of Maine relating to the proposed reduction of the duty on lumber, pulp, and paper—to the Committee on Ways and Means.

Also, memorial of the legislature of Maine in favor of free coal—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 6761) granting an increase of pension to Archibald Neff—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 6762) granting a pension to John L. Taggart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6763) granting a pension to Robert M. Jones—to the Committee on Pensions.

Also, a bill (H. R. 6764) granting a pension to Ernest Howard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6765) granting an increase of pension to James A. Caldwell—to the Committee on Pensions.

Also, a bill (H. R. 6766) for the relief of R. Q. Merrick—to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 6767) for the relief of Charles A. Bess—to the Committee on Military Affairs.

Also, a bill (H. R. 6768) for the relief of De Mott Bishop—to the Committee on Claims.

Also, a bill (H. R. 6769) for the relief of James W. Morgan—to the Committee on Claims.

Also, a bill (H. R. 6770) granting an increase of pension to George F. Heustis—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 6771) granting an increase of pension to Horace E. Burroughs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6772) granting an increase of pension to George W. Eckert—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 6773) granting a pension to William H. Bender—to the Committee on Pensions.

By Mr. BARCLAY: A bill (H. R. 6774) granting an increase of pension to William C. Robbins—to the Committee on Invalid Pensions.

By Mr. BORLAND: A bill (H. R. 6775) for the relief of John H. Hickey—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 6776) for the relief of Oliva J. Baker, widow of Julian G. Baker, late quartermaster, United States Navy—to the Committee on Claims.

By Mr. CAMPBELL: A bill (H. R. 6777) granting an increase of pension to Ebenezer Mather—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 6778) granting an increase of pension to Peter V. Gruesbeck—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 6779) granting an increase of pension to Orville C. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6780) granting an increase of pension to Gilbert F. D. Wilson—to the Committee on Invalid Pensions.

By Mr. DIEKEMA: A bill (H. R. 6781) granting an increase of pension to Amos E. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6782) granting an increase of pension to Orlando J. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6783) granting an increase of pension to John C. Hurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6784) granting an increase of pension to Joseph Randolph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6785) granting an increase of pension to Jacob W. Keyser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6786) granting an increase of pension to Matthias S. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6787) granting an increase of pension to James N. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6788) granting an increase of pension to Oren Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6789) granting an increase of pension to Susan M. Sumner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6790) granting an increase of pension to Frank Deming—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6791) granting an increase of pension to William H. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6792) granting an increase of pension to Charles A. Althouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6793) granting an increase of pension to Washington Ames—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6794) granting a pension to Alexander L. Smith—to the Committee on Pensions.

Also, a bill (H. R. 6795) granting a pension to Aaron M. Dalrymple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6796) granting a pension to Harriet Ballou—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6797) granting a pension to Frank Hiler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6798) granting a pension to Lucinda J. Pratt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6799) for the relief of John W. McCrath—to the Committee on Claims.

Also, a bill (H. R. 6800) for the relief of James Conway—to the Committee on Military Affairs.

Also, a bill (H. R. 6801) for the relief of Benjamin W. Ehle—to the Committee on Military Affairs.

Also, a bill (H. R. 6802) for the relief of Medad Spencer—to the Committee on Military Affairs.

Also, a bill (H. R. 6803) for the relief of Alvah Clement—to the Committee on Military Affairs.

Also, a bill (H. R. 6804) for the relief of James W. Miles—to the Committee on Military Affairs.

Also, a bill (H. R. 6805) for the relief of Cornelius De Haas—to the Committee on Naval Affairs.

Also, a bill (H. R. 6806) for the relief of Peter Duchane—to the Committee on Military Affairs.

Also, a bill (H. R. 6807) for the relief of Chancy Boyce—to the Committee on Military Affairs.

Also, a bill (H. R. 6808) for the relief of Peter Shively—to the Committee on Military Affairs.

Also, a bill (H. R. 6809) for the relief of Warren Shepard—to the Committee on Military Affairs.

Also, a bill (H. R. 6810) for the relief of William A. Billings—to the Committee on Military Affairs.

Also, a bill (H. R. 6811) to remove the charge of desertion from the military record of Michael Coveny, alias Michael Dowling—to the Committee on Military Affairs.

Also, a bill (H. R. 6812) making an appropriation to pay to certain Chippewa Indians of Michigan moneys due them under former treaties—to the Committee on Indian Affairs.

By Mr. FLOYD of Arkansas: A bill (H. R. 6813) to correct the military record of James Fanning—to the Committee on Military Affairs.

Also, a bill (H. R. 6814) to correct the military record of John C. Fite—to the Committee on Military Affairs.

Also, a bill (H. R. 6815) granting an increase of pension to Samuel Foster—to the Committee on Invalid Pensions.

By Mr. GALLAGHER: A bill (H. R. 6816) granting an increase of pension to Ernest Von Daniels—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 6817) granting an increase of pension to Samuel Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6818) granting a pension to Preston Eyre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6819) granting an increase of pension to Isaac B. Doolittle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6820) granting an increase of pension to George W. Ramsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6821) granting an increase of pension to Samuel Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6822) granting an increase of pension to Samuel Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6823) granting an increase of pension to Anna Litz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6824) granting an increase of pension to James Adams League—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 6825) granting a pension to Marion T. Tankersley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6826) granting a pension to W. R. Dockery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6827) granting a pension to Richard S. Osteen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6828) granting a pension to James Bryson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6829) granting a pension to James H. Arwood—to the Committee on Pensions.

Also, a bill (H. R. 6830) granting a pension to M. C. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 6831) granting a pension to Mary R. Ragsdale—to the Committee on Invalid Pensions.

By Mr. HAMER: A bill (H. R. 6832) granting an increase of pension to William Groves, alias Thomas Jackman—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 6833) granting an increase of pension to John T. Starkey—to the Committee on Invalid Pensions.

By Mr. JOYCE: A bill (H. R. 6834) granting an increase of pension to John Milligan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6835) granting an increase of pension to Joseph Morehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6836) granting an increase of pension to George S. Swingle—to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 6837) for the relief of Jacob Hough—to the Committee on War Claims.

By Mr. MARTIN of Colorado: A bill (H. R. 6838) granting an increase of pension to Robert G. Edgar—to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 6839) granting a pension to Eliza P. Tagart—to the Committee on Pensions.

Also, a bill (H. R. 6840) granting a pension to Terressa Jane Hoyt—to the Committee on Pensions.

Also, a bill (H. R. 6841) granting an increase of pension to Henry Mott—to the Committee on Pensions.

By Mr. MORRISON: A bill (H. R. 6842) granting a pension to Louise Theobald—to the Committee on Invalid Pensions.

Also, a bill (H. R 6843) granting an increase of pension to Thomas F. Stockton—to the Committee on Invalid Pensions.

By Mr. NORRIS: A bill (H. R. 6844) granting an increase of pension to Edward L. Hagon—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 6845) for the relief of the heirs of George Small—to the Committee on War Claims.

By Mr. A. MITCHELL PALMER: A bill (H. R. 6846) granting a pension to Phoebe A. Dixon—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 6847) for the relief of the heirs of Francisco Guilbeau, deceased—to the Committee on War Claims.

By Mr. SMALL: A bill (H. R. 6848) granting a pension to Tena Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6849) granting an increase of pension to Joseph Roughton—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 6850) granting an increase of pension to Herbert Chavous—to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 6851) granting an increase of pension to Benjamin Kelsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6852) granting an increase of pension to James C. Jennings—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 6853) for the relief of J. B. Maryman—to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of committee of section of New York County of the Socialist-Labor party, praying for the impeachment of Judge Daniel T. Wright, of the United States court in the District of Columbia—to the Committee on the Judiciary.

By Mr. ANDERSON: Petition of Cigarmakers' International Union of America, opposing amount of cigars coming from Philippines under the Payne bill—to the Committee on Ways and Means.

Also, petition of A. C. Close and others, of Sandusky, Ohio, favoring removal of duty on fish—to the Committee on Ways and Means.

Also, petition of citizens of Marion, Ohio, opposing duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of C. A. Kuhn and others, of Bucyrus, Ohio, in favor of highway commission—to the Committee on Agriculture.

Also, petition of Grant Lott and others, of Tiffin, Ohio, favoring postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Petition of citizens of the Thirty-second Congressional District of Pennsylvania, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petitions of 31 citizens of the Sixth Congressional District of Georgia and 51 citizens of Macon, Ga., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of J. T. Dosier, superintendent of South Georgia Conference Orphan's Home, against tariff on the necessities of life—to the Committee on Ways and Means.

By Mr. BATES: Petition of citizens of the Twenty-fifth Congressional District of Pennsylvania, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Frank L. Andrews, of Eden, Me., asking removal of duty on raw and refined sugar—to the Committee on Ways and Means.

Also, petition of the legislature of the State of Maine, favoring passage of a law which shall permit the taxation by States of deposits in savings departments of national banks—to the Committee on Banking and Currency.

Also, petition of the legislature of the State of Maine, favoring the Sulzer bill for appropriation to remove the wrecked battle ship *Maine* from Habana Harbor—to the Committee on Appropriations.

Also, petition of citizens of the State of Maine, favoring provision for the use of wireless telegraphy on ships plying between Maine and Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. CALDER: Petition of fur dealers of the United States, for advance of duty on furs—to the Committee on Ways and Means.

Also, petition of George Staber, against increase of duty on paper—to the Committee on Ways and Means.

Also, petition of Manhattan Shoe Company, for placing hides on free list—to the Committee on Ways and Means.

Also, petition of F. B. Shipley, for reduction of tariff on cotton goods—to the Committee on Ways and Means.

Also, petition of W. J. Butterfield, of New York City, favoring a tariff on tea—to the Committee on Ways and Means.

Also, petition of P. K. Wilson & Son, against increase of duty on cotton goods—to the Committee on Ways and Means.

Also, petition of Lyon Brothers, of Baltimore, against increase of duty on matting—to the Committee on Ways and Means.

Also, petition of Lithographers' International Protective Association, for increase of the duty on lithographic products—to the Committee on Ways and Means.

Also, petition of tea jobbers of Boston, against a tax on tea—to the Committee on Ways and Means.

Also, petition of Dryden & Palmer, against increase of duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of J. H. Barker & Co., against increase of duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of American News Company, for a duty on post cards—to the Committee on Ways and Means.

Also, petition of Russell M. Rome, M. D., for a low duty on Guinness stout—to the Committee on Ways and Means.

Also, petition of Henry P. Walker, against a reduction of tariff on coal—to the Committee on Ways and Means.

By Mr. COCKS of New York: Petition of citizens of the

First Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of John Mulligan and others, favoring increase of duty on rattan ware—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of citizens of the Third Congressional District of Pennsylvania, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DAWSON: Petition of Cigarmakers' Union, No. 120, of Muscatine, Iowa, protesting against the reduction of the duty on cigars imported from the Philippines—to the Committee on Ways and Means.

Also, petition of Thomas L. Sharon, of Davenport, Iowa, protesting against the proposed duties on gloves and hosiery—to the Committee on Ways and Means.

By Mr. DODDS: Petition of citizens of the Eleventh Congressional District of Michigan, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of W. J. Butterfield and others, of New York City, favoring a duty on tea—to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of the legislature of the State of Wyoming, favoring changes in reclamation law—to the Committee on Irrigation of Arid Lands.

Also, circular of enameled-ware industry of the United States, favoring specified changes in proposed tariff law—to the Committee on Ways and Means.

Also, petitions of the Courier Company, Henry G. Breed, Lithographers' Protective Association, and Gies & Co., all of the State of New York, opposing reduction of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Lemon, Bache & Co., of New York City, opposing tariff on glass—to the Committee on Ways and Means.

Also, petition of Roessler & Hasslacher Chemical Company, opposing changes in tariff on cyanide of potassium—to the Committee on Ways and Means.

Also, petition of Casein Manufacturing Company, of New York City, for a duty on casein and lactarene—to the Committee on Ways and Means.

Also, petition of the Republic Metal Ware Company, of New York City, for increase of duty on metal ware—to the Committee on Ways and Means.

Also, petition of Seggerman Brothers, of New York City, against tariff on chicory—to the Committee on Ways and Means.

Also, petition of Buffalo Branch of Butchers' Association, for reduction in tariff on various articles—to the Committee on Ways and Means.

Also, petition of Dubois Watch Case Company, for reduction in tariff on watch cases—to the Committee on Ways and Means.

Also, petition of Oronogo (Mo.) Circle Mining Company, for a tariff on zinc ore—to the Committee on Ways and Means.

Also, petition of L. C. Gillespie & Sons, against change in tariff on nut oil and varnish gum—to the Committee on Ways and Means.

Also, petition of C. E. Robertson, of Baltimore, Md., favoring change in tariff on aluminum—to the Committee on Ways and Means.

Also, petition of E. J. Burke, against tariff on barrel lumber used for containers of malt liquors—to the Committee on Ways and Means.

Also, petition of Standard Varnish Works, against a tariff on China nut oil—to the Committee on Ways and Means.

Also, petition of Seneca Iron and Steel Company, of Buffalo, N. Y., favoring a duty on black and galvanized steel sheets—to the Committee on Ways and Means.

Also, petition of Paul Taylor Brown Company, against change in tariff on canned pineapple—to the Committee on Ways and Means.

Also, petition of Dast & Brandt and others, for reduction of tariff on parts of umbrellas—to the Committee on Ways and Means.

Also, petition of citizens of Buffalo, N. Y., opposing tax on tea and coffee—to the Committee on Ways and Means.

Also, petition of Buffalo Glove and Whip Manufacturing Company, of Buffalo, N. Y., favoring abolition of tariff on reeds—to the Committee on Ways and Means.

Also, letter from P. J. Rechin, of Buffalo, N. Y., favoring tariff on baskets and willows—to the Committee on Ways and Means.

Also, petition of Hubbs, Howe & Co., of Buffalo, N. Y., opposing higher duties on kroft and sulphite wrapping paper—to the Committee on Ways and Means.

Also, petition of M. H. Berge & Son, of Buffalo, N. Y., favoring an increase of tariff on wall papers—to the Committee on Ways and Means.

Also, petitions of Business Men's Association of South Norwalk, Conn.; Felix, Solomon & Co., of New York City; and Chamber of Commerce of Watertown, N. Y., opposing reduction of tariff on print paper—to the Committee on Ways and Means.

Also, petition of George F. Nye, of Niagara Falls, N. Y., opposing change of tariff on wood pulp—to the Committee on Ways and Means.

Also, petition of mechanical engineers, favoring tariff on embroidery—to the Committee on Ways and Means.

Also, petitions of New England Dry Goods Association, of Boston, Mass., and Lepper & Tisdall Company, of Buffalo, N. Y., opposing increase of tariff on hosiery and gloves—to the Committee on Ways and Means.

By Mr. ESCH: Petition of Milwaukee Printing Pressmens' Union, No. 7, favoring an increase of duty on postcards—to the Committee on Ways and Means.

By Mr. FISH: Petitions of sundry citizens of Germantown and Hudson, N. Y., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. FORNES: Petition of importers and dealers of New York City, for reduction of tariff on house or cabinet furniture of wood—to the Committee on Ways and Means.

Also, petition of Hess Brothers, of New York City, favoring placing crude cocoa on free list—to the Committee on Ways and Means.

Also, petition of Butler Brothers, of New York City, for specific duty on mattings—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Watertown, N. Y., for reduction of tariff on print paper—to the Committee on Ways and Means.

Also, petition of Charles Zoller Company, of New York City, for reduction of duty on varnishes—to the Committee on Ways and Means.

Also, petition of Casein Manufacturing Company, of New York City, for tariff on lactarene—to the Committee on Ways and Means.

Also, petition of Standard Varnish Works, of New York City, to place nut oil on free list—to the Committee on Ways and Means.

Also, petition of Manhattan Shoe Company, of New York City, for free hides—to the Committee on Ways and Means.

Also, petition of the Paul Taylor Brown Company, of New York City, against increase of duty on preserved fruits—to the Committee on Ways and Means.

Also, petition of Oronogo Circle Mining Company, of Oronogo, Mo., for tariff on zinc ore—to the Committee on Ways and Means.

Also, petition of Metal Stamping Company, of New York City, for reduction of tariff on manufactured metal goods—to the Committee on Ways and Means.

Also, petition of R. G. Cantrell, of New York City, for low rate of tariff on Guinness stout—to the Committee on Ways and Means.

Also, petition of Columbus Industrial Alliance, of Columbus, Ohio, for tariff on iron and steel—to the Committee on Ways and Means.

Also, petition of Truman G. Palmer, for duty on beet sugar—to the Committee on Ways and Means.

Also, petition of Gifford Pinchot, for retention of tariff on lumber—to the Committee on Ways and Means.

Also, petition of W. S. D. Winnell, of Minneapolis, Minn., against a tariff on lumber—to the Committee on Ways and Means.

Also, petition of National Forest Conservation League, against a tariff on lumber—to the Committee on Ways and Means.

Also, petition of James W. Van Cleave, favoring a tariff commission—to the Committee on Ways and Means.

Also, petition of Max Lowenthal & Bro., of Rochester, N. Y., against tariff on wool save for revenue—to the Committee on Ways and Means.

Also, petition of Lemon, Bache & Co., of New York City, against tariff on glass—to the Committee on Ways and Means.

Also, petition of Schorn & Brown, of New York City, against tariff on coffee—to the Committee on Ways and Means.

Also, petition of E. C. Knapp, of Milwaukee, Wis., for tariff on post cards—to the Committee on Ways and Means.

Also, petition of Jed. Frye & Co., of New York City, for reduction of tariff on pickled fish—to the Committee on Ways and Means.

Also, petition of Roy Watch Case Company, of New York City, for tariff on watch cases, movements, etc.—to the Committee on Ways and Means.

Also, petition of Leeds & Johnson, of New York City, to place barley and malts on free list—to the Committee on Ways and Means.

Also, petition of Coltens Publishing Company, of Minneapolis, Minn., for free lumber—to the Committee on Ways and Means.

Also, petition of Casein Manufacturing Company, of New York City, for tariff on casein and lactarene—to the Committee on Ways and Means.

Also, petition of Farm and Stock, of St. Joseph, Mo., against tariff on lumber—to the Committee on Ways and Means.

Also, petition of George Staber, of New York City, against increase of tariff for the benefit of the paper manufacturing industries—to the Committee on Ways and Means.

Also, circular favoring a tariff on tea and coffee as sources of revenue—to the Committee on Ways and Means.

Also, petition of committee of fur trade, favoring schedule in Dingley tariff on furs—to the Committee on Ways and Means.

By Mr. FOWLER: Petition of skilled workmen of the American-Swiss File and Tool Company, of Elizabeth, N. J., against reduction of duty on files—to the Committee on Ways and Means.

Also, petition of lithographic workmen of Elizabeth, N. J., favoring higher duty on lithographic products—to the Committee on Ways and Means.

Also, petition of citizens of the Fifth Congressional District of New Jersey, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Phoenix Lodge, No. 315, International Association, of Elizabeth, N. J., against reduction of tariff on iron ore and machinery—to the Committee on Ways and Means.

By Mr. FULLER: Petition of H. W. Buckbee, of Rockford, Ill., in relation to duty on seeds—to the Committee on Ways and Means.

Also, petition of Rockford Watch Company, of Rockford, Ill., for increase of duty on watches, etc.—to the Committee on Ways and Means.

Also, petition of Rubin & Krause, of Rockford, Ill., against reduction of tariff on scrap iron—to the Committee on Ways and Means.

Also, petition of citizens of Genoa, Ill., favoring the removal of casein and lactarene from free list and placing a certain duty thereon—to the Committee on Ways and Means.

Also, petition of Federated Mines and Milling Company, of Chicago, Ill., concerning the proposed tariff on zinc ore—to the Committee on Ways and Means.

Also, petition of Butler Brothers, of Chicago, Ill., concerning the proposed tariff on toys, favoring ad valorem duty of 35 per cent—to the Committee on Ways and Means.

Also, petition of W. W. Hixon & Co., of Rockford, Ill., and their employees, favoring increased duty on lithographic products, etc.—to the Committee on Ways and Means.

Also, petition of C. H. Ronne, of Chicago, Ill., concerning the proposed tariff on sugar—to the Committee on Ways and Means.

Also, petition of citizens of Coal City, Ill., against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of Leland, Ill., against proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. HANNA: Petition of many citizens of North Dakota, against reduction of duty on barley—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of residents of Third Congressional District of New Jersey, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Frank Curtis, of Lakehurst, N. J., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HOWELL of Utah: Petition of citizens of Utah, opposing duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HOUSTON: Papers to accompany H. R. 3981, granting an increase of pension to William H. Colsher—to the Committee on Pensions.

By Mr. KEIFER: Petition of James S. Keen and 75 other citizens of the Seventh Congressional District of Ohio, opposing tax on tea and coffee—to the Committee on Ways and Means.

By Mr. LANGHAM: Petition of citizens of the Twenty-seventh Congressional District of Pennsylvania, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of Dryden & Palmer Company, of New York City, against the proposed duty on cocoa—to the Committee on Ways and Means.

Also, petition of the Wolfe Brothers' Shoe Company, of Columbus, Ohio, favoring placing shoes on the free list—to the Committee on Ways and Means.

Also, petition of J. E. Rhoads & Sons, of New York City, favoring free hides—to the Committee on Ways and Means.

Also, petition of the Standard Varnish Works, of New York, against any duty on China nut oil and varnish gum—to the Committee on Ways and Means.

Also, petition of the New York Fruit Exchange, favoring a reduction of duty on lemons—to the Committee on Ways and Means.

Also, petition of the common council of the city of Troy, N. Y., protesting against any change in the present tariff law on collars and cuffs—to the Committee on Ways and Means.

Also, petition of the Chamber of Commerce of the City of Watertown, N. Y., against any reduction in the existing tariff on print paper—to the Committee on Ways and Means.

Also, petition of Butler Brothers, of New York City, against the proposed duty on toys—to the Committee on Ways and Means.

Also, petition of citizens of the Second Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Lockwood & Co., of Brooklyn, N. Y., against any duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Wallace & Co., of New York City, against any duty on cocoa—to the Committee on Ways and Means.

Also, petition of Hawley & Hoops Company, of New York City, against a duty being placed on cocoa—to the Committee on Ways and Means.

Also, petition of J. H. Barker & Co., of New York City, against the proposed duty on cocoa—to the Committee on Ways and Means.

Also, petition of the National Coffee and Tea Association of New York, against any duty on tea—to the Committee on Ways and Means.

Also, petition of the legislature of the State of Wyoming, against any reduction of duty on wool and hides—to the Committee on Ways and Means.

Also, petition of citizens of the Second Congressional District of New York, favoring the passage of the paragraph in the Payne bill relating to lithographic post cards—to the Committee on Ways and Means.

Also, petition of the Lithographers' International Protective and Beneficial Association of New Jersey, against any reduction and for a higher rate of duty on all lithographic work—to the Committee on Ways and Means.

Also, petition of the National Coffee and Tea Association of New York, against any duty on coffee—to the Committee on Ways and Means.

Also, petition of the employees of the Sacket-Wilhelm Company, of Brooklyn, N. Y., favoring a higher import duty on lithographic work—to the Committee on Ways and Means.

Also, petition of the Owl Creek Coal Company, protesting against the removal of duty on coal—to the Committee on Ways and Means.

Also, petition of the importers and jobbers of Boston, Mass., against a tax on tea—to the Committee on Ways and Means.

Also, petition of W. J. Buttfield, of New York City, favoring a duty on tea—to the Committee on Ways and Means.

Also, petition of the general assembly of the State of Ohio, favoring free lumber—to the Committee on Ways and Means.

Also, petition of Edward Smith & Co., of New York City, against any duty on China nut oil and varnish gum—to the Committee on Ways and Means.

Also, petition of the American Plate Glass Company, favoring a higher duty on plate glass—to the Committee on Ways and Means.

Also, petition of Schmidt & Co. employees, of Brooklyn, N. Y., favoring a higher import duty on all lithographic post cards, etc.—to the Committee on Ways and Means.

By Mr. LOWDEN: Petition of citizens of Ashton, Ill., opposing tax on tea or coffee—to the Committee on Ways and Means.

By Mr. MANN: Petition of citizens of Chicago, Ill., against increase of duty on furs—to the Committee on Ways and Means.

Also, petition of dealers in leather gloves, against increase of duty on gloves—to the Committee on Ways and Means.

By Mr. MARTIN of Colorado: Petition of citizens of the Second Congressional District of Colorado, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MILLER of Kansas: Petition of certain citizens of Maplehill, Kans., for repeal of tariff on lumber—to the Committee on Ways and Means.

Also, petition of certain citizens of Scranton and Belvue, Kans., against changes of duty on gloves and hosiery—to the Committee on Ways and Means.

By Mr. MORGAN of Missouri: Petition of Robert Johnson

and Rand Shoe Company and others, of St. Louis, Mo., for removal of tariff on hides—to the Committee on Ways and Means.

By Mr. MURPHY: Petition of ex-Soldiers and Sailors' Association, of St. James, Mo., favoring the bill to provide $1 per day pension for Union soldiers and sailors of the civil war—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: Petitions of Bangor and East Stroudsburg (Pa.) Lodges, Nos. 1106 and 319, Benevolent and Protective Order of Elks, favoring a reserve for the American elk—to the Committee on the Public Lands.

By Mr. PAYNE: Petition of South Bristol (N. Y.) Grange, No. 1107, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. REEDER: Petition of citizens of Agra, Kans., for placing shoes on the free list—to the Committee on Ways and Means.

By Mr. SABATH: Petition of citizens of Cook County, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of D. E. Young and 35 others, of Newport, R. I., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SLAYDEN: Paper to accompany bill for relief of heirs of Francisco Guilbean—to the Committee on War Claims.

By Mr. SMITH of Texas: Petition of citizens of Texas, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Kansas zinc smelters, for a tariff on zinc ore—to the Committee on Ways and Means.

Also, petition of the Florsheim Shoe Company and J. E. Rhoades & Sons, of New York City, for free hides—to the Committee on Ways and Means.

Also, petition of Common Council of the city of Troy, N. Y., against reduction of tariff on collars and cuffs—to the Committee on Ways and Means.

Also, petition of manufacturers and importers of furs, favoring Dingley schedule on furs—to the Committee on Ways and Means.

Also, petition of C. H. McLaughlin, favoring maintenance of the barley schedule—to the Committee on Ways and Means.

Also, petition of Lyon Brothers & Co., of Baltimore, against increase of tariff on matting—to the Committee on Ways and Means.

Also, petition of manufacturers of blueprint paper, against increase of duty on print paper—to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petitions of residents of Marble, Minturn, and Carbondale, Colo., against a tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. TAYLOR of Ohio: Petition of citizens of Columbus, Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of C. E. Trapp and many other citizens of Columbus, Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. TIRRELL: Petition of S. L. Parsons and others, for removal of duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. WANGER: Petition of R. Scheetz and 27 other citizens of Norristown, Pa., against the imposition of any tax or duty upon coffee—to the Committee on Ways and Means.

Also, petitions of A. B. Frank, of Pennsburg, and 40 other residents of Montgomery County, Pa., for the removal of casein and lactarene from the free list and imposing a duty of 2¼ cents per pound on unground casein or lactarene and 2½ cents per pound on ground casein or lactarene—to the Committee on Ways and Means.

By Mr. WEBB: Petition of Charles Gibson and other citizens of Mecklenburg County, N. C., for a parcels-post system—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. C. Faires, of Kings Mountain, N. C., against a tariff on raw and refined sugar—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of citizens of Milwaukee, Wis., for an increased duty on post cards—to the Committee on Ways and Means.

Also, petition of citizens of the Sixth Congressional District of Wisconsin, against reduction of the tariff on barley—to the Committee on Ways and Means.

By Mr. WHEELER: Petition of citizens of the Twenty-eighth Congressional District of Pennsylvania, against a duty on tea and coffee—to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 9, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

Mr. ROBERT L. OWEN, a Senator from the State of Oklahoma, appeared in his seat to-day.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the house of delegates of Porto Rico, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

HOUSE OF DELEGATES OF PORTO RICO,
San Juan, P. R., March 26, 1909.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to submit for the consideration of the Senate, through the Hon. TULIO LARRINAGA, Resident Commissioner for Porto Rico in Washington, the inclosed certificate on memorial to the Congress of the United States concerning the limitation of the jurisdiction of the federal court of Porto Rico, approved by the house of delegates of Porto Rico at its meeting held on February 24, 1909.

Very respectfully,

J. DE DIEGO,
Speaker, House of Delegates of Porto Rico.

A memorial to the Congress of the United States of America.

The house of delegates of Porto Rico, to the Congress of the United States, respectfully states:

That the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," enacted by the Congress and approved April 12, 1900, by section 34 thereof provided "that Porto Rico shall constitute a judicial district, to be called 'the district of Porto Rico,'" and established the "district court of the United States for Porto Rico," with the ordinary jurisdiction of district and circuit courts of the United States.

That thereafter the Congress, in amending the aforesaid organic act, enacted another act, approved March 2, 1901, section 3 of which reads as follows:

"SEC. 3. That the jurisdiction of the district court of the United States for Porto Rico in civil cases shall, in addition to that conferred by the act of April 12, 1900, extend to and embrace controversies where the parties, or either of them, are citizens of the United States, or citizens or subjects of a foreign state or states, wherein the matter in dispute exceeds, exclusive of interests or costs, the sum or value of $1,000."

The house of delegates of Porto Rico has knowledge of the investigation made by the Committee on Insular Affairs of the House of Representatives in the year 1901 into judicial conditions in Porto Rico, and the said house of delegates deems it to be a fact that the enlarged jurisdiction conferred upon the district court of the United States for Porto Rico, as provided by section 3 of the act of March 2, 1901, hereinabove transcribed, was based on false, slanderous, and selfish reports of several lawyers, without any representation in Porto Rico and without any knowledge of the laws and of the courts of the island, who had but recently arrived to this country, with the sole ambition of getting the greatest wealth in the shortest time. Such slanderous reports against the Porto Rican courts could have been inspired only by malignant personal interests, and, as against the said reports, the Congress may take notice of the just praises bestowed upon our courts by subsequent governors of Porto Rico in their messages to the legislative assembly of Porto Rico and in their reports to the President of the United States, which are solemn documents that revindicate the prestige of the insular courts.

The judges of Porto Rico have always been men of exemplary honesty and wisdom, and if cases of most serious judicial corruption have occurred in the courts of the island, no Porto Rican officer has figured therein.

The inhabitants of the island, natives and foreigners, had and do have absolute confidence in the insular courts, and there was not then nor is there now any reason to warrant the invasion by the district court of the United States for Porto Rico, under section 3 of the aforesaid act of March 2, 1901, of the legitimate jurisdiction of our courts in our territory.

Under the said act the rights of Porto Ricans to administer to themselves their own justice in their own country, in matters that do not belong to the federal jurisdiction, was snatched from them; a doubt was cast upon the right of Spaniards residing in Porto Rico, which was granted under Article XI of the treaty of peace with which the United States and Spain brought to an end the war of 1898. The aforesaid Article XI of that international compact placed the Spaniards residing in Porto Rico under the jurisdiction of the courts of this country in the same manner and on the same terms as native citizens of Porto Rico; but, under section 3 of the act of Congress of March 2, 1901, the jurisdiction of the district court of the United States for Porto Rico is extended to embrace all cases wherein the matter in dispute exceeds the sum of $1,000, and where the parties, or either of them, are foreigners, without apparently differentiating foreigners from Spaniards, which latter have, in matters judicial, a special privilege established in circumstance of supreme consideration under the sovereign power of an inviolable treaty.

The house of delegates of Porto Rico, in objecting to the jurisdiction of the district court of the United States for Porto Rico, can not descend from its lofty moral place and political dignity to the low level of the charges preferred by certain attorneys, before the Committee on Insular Affairs of the House of Representatives, against the courts of Porto Rico; but, we will say now, after the thorough investigation made by the committee on legislation of the house of delegates, reproducing the words of an American lawyer before said committee, that the federal court has been a failure in Porto Rico.

Judges without the slightest knowledge of the language, the customs, and of the laws of Porto Rico have successively sat upon the bench

of the district court of the United States for this district; they did not learn, understand, or apply the laws of the country; the law relative to real property was unknown to said judges; they administered justice like the ancient pretors with the twelve tables, as if in our country there were not a modern system of codified law; they could not understand or appreciate, through the worst kind of oral translations, the testimony of Porto Rican witnesses in civil and criminal cases; and, with all this ignorance and confusion, such justice, administered as aforesaid by the district court of the United States for Porto Rico, was productive of the greatest surprises, the greatest contradictions, and the most insufferable tyranny in what is most delicate in civil relations.

The audacity of many litigants and the malice of some lawyers fed upon this evil of the judges and court. It was generally believed that, as the federal court was not subject to any law, any matter within or without the law could be successful in that court. Property owners and capitalists were involved in insidious litigations. The scandal as to certain relations of sexes and family was made a matter of exploitation, and under the auspices of such shadows weak-minded people live in fear of spoliation and dishonor.

Such grave causes would be sufficient to warrant the resolution of the house of delegates petitioning the Congress for the suppression of the district court of the United States for Porto Rico. Such resolution would not be against federal institutions, for, even supposing that Porto Rico is a Territory of the United States, there are territories without United States courts; but Porto Rico being nothing within American constitutional law, belonging to and not forming part of the United States, which has been held by the Supreme Court of the Republic, it is a judicial and political antinomy to have a court of the United States at a place which is not part of the United States.

But the house of delegates of Porto Rico, thoughtful and wise, does not ask for the suppression of the federal court. This could be interpreted, perhaps, as a protest against the sovereignty of the United States, and this house should declare and state in every one of its acts that, loving the sovereignty and the flag which the Porto Rican people should naturally have over themselves, it also loves the glory of the flag of the United States, and does not merge the vices of the system of government into the lofty and noble principles of the life and power of the Republic.

The house unanimously, representing the will of our people, simply and respectfully demands from the Congress to organize the district court of the United States for Porto Rico like any other district and circuit court of the United States in any other part of the United States.

We ask for the repeal of the act of March 2, 1901, and for the reestablishment of section 34 of the act of April 12, 1900, should it be that this autocratic and unjust act is to continue in force for some time longer oppressing the people of Porto Rico.

At any event, we petition the Congress to reorganize the district court of the United States for this island, with the jurisdiction of district and circuit courts of the United States, as provided under sections 563 and 629 of the Federal Statutes, with the limitation of saving the rights conferred upon Spaniards under Article XI of the treaty of Paris.

We so petition, trusting to the justice of Congress, being anxious to remedy a greatly felt necessity among the great and painful necessities of the Porto Rican people.

HOUSE OF DELEGATES OF PORTO RICO,
OFFICE OF THE SECRETARY,
March 26, 1909.

I hereby certify that the foregoing is a full, true, and correct copy of a memorial to the Congress of the United States, duly adopted at a meeting held on the 26th day of February, A. D. 1909.

JOS MUÑOZ RIVERA.
Secretary House of Delegates of Porto Rico.

The VICE-PRESIDENT presented a memorial of the house of delegates of Porto Rico, which was referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

HOUSE OF DELEGATES OF PORTO RICO,
San Juan, P. R., March 26, 1909.

The PRESIDENT OF THE SENATE,
Washington, D. C.

SIR: I have the honor to submit for the consideration of the Senate, through the Hon. TULIO LARRINAGA, Resident Commissioner for Porto Rico in Washington, the inclosed certificate or memorial to the Congress of the United States soliciting tariff protection for coffee and praying that no measures will be passed which will injure the sugar and tobacco interests of Porto Rico, approved by the house of delegates of Porto Rico on March 3, 1909.

Very respectfully,

J. DE DIEGO,
Speaker House of Delegates of Porto Rico.

A memorial to the Congress of the United States of America.

The house of delegates of Porto Rico respectfully represents:

That when the change of the sovereignty took place in Porto Rico in the year 1898 the production of coffee was the chief source of our insular wealth, as much on account of the extensive area of coffee under cultivation, as well as for the good quality and remunerative price which said product brought in the open market; and, further, on account of the vast quantity exported, and more particularly on account of the many persons and families among whom the profits derived therefrom were distributed.

The aforesaid change of sovereignty, though inevitable, brought about a radical change, a great disturbance in the financial relations of Porto Rico with the markets consuming its coffee, because, by the application to our island of the Dingley tariff, the markets of Spain, France, Germany, Italy, and Austria were instantly closed almost completely to this product of ours.

And, at the same time that these markets were suddenly closed, the price of coffee in the markets of the world suffered an enormous decline; and as if such causes by themselves were not sufficient to depress what at that time and for many years previous thereto had been our chief source of wealth, the sad financial condition of Porto Rico was further aggravated by the terrible disasters occasioned by the cyclone of August, 1899, from the dire consequences of which, notwithstanding the time since elapsed, the island has not as yet been able to recover.

However, Porto Rico did always entertain the hope that such grave evils would find greater or lesser compensation by the opening for Porto Rican coffee of the natural market of its new metropolis, a hope which was further enhanced by the belief that Porto Rico, being already an integral part of the United States, the products of its soil would find in the territory and in the laws of the Nation—as it was only reasonable and just—that same protection and safeguard as provided for potatoes, rice, sugar cane, onions, citrus fruits, and other national products in the Dingley tariff, under which said products were and are still most decidedly protected against similar foreign products.

Almost ten years have passed since, by the application of the Dingley tariff to Porto Rico, the several European markets were closed to this island, which markets it had conquered through incessant and unabated efforts and, above everything else, through the undeniable superiority of its coffee in a noble and reasonable competition; and though since that time Porto Rico has been unremitting in its exertions to open the market of the United States, which is to-day the natural market for its products, yet it has not obtained anything up to this time, because foreign products, generally inferior in quality to the Porto Rican grain, offer strenuous competition under more advantageous conditions.

When the idea of revising the tariff became a final conclusion, the people of Porto Rico thought, and continue to think, that the hour of compensation had at last arrived, and that within the doctrine of protection for domestic products, which had always been the life and the financial development of the Nation, the representatives thereof would find it easy and logical to provide a duty on foreign coffees entering the markets of the United States; because, aside from the fact that such action would have a precedent, since up to the year 1870 there was a duty on coffee of 5 cents per pound, the reestablishment of such a duty would be in accord with the just demands for protection for coffee from Hawaii and Porto Rico, to-day integrant parts of the American Union.

And, notwithstanding the facts hereinabove set forth, only trustworthy news of opposition are received in this island against its just aspirations, which are entirely in accord with the principles that at all times have regulated the financial policy of the American people, and further coupled therewith there are also rumors of a possible and considerable reduction of the duties which are to-day imposed upon foreign sugars when entering the markets of the United States.

If that rumor, which up to the present time has only been given as a mere possibility, should attain a place in a bill and gain such a foothold as to be interesting to the heart and sentiments of the Representatives in Congress, rather than to their intelligence, then Porto Rico would soon see a decline in its sugar wealth, as it has seen a decline, to the point of agony, in the production of coffee. And the United States could surely feel proud for having raised to an enviable height the prosperity of foreign peoples, but they would have consented to ruin and misery devastating an integrant part of the national territory.

No; Porto Rico can not believe that such is the destiny which is reserved for it within the bosom of the North American Republic. And because it can not so think, because it can not accept as possible that the Congress of the United States, on beginning the work of revision of the tariff, forgetting the principles of protection on which their financial acts were always inspired, should sacrifice the interests of Porto Rico (which are to-day the interests of the American Nation) upon the altar of the altruist desire of benefiting foreign interests; therefore the house of delegates of Porto Rico does not hesitate in raising its voice to the National Congress in these supreme moments, sincerely stating its financial troubles and reclaiming the adoption of the proper remedies.

The house of delegates of Porto Rico appears before the Congress of the United States with the demand that on revising the customs tariff provision be made therein for the imposition of a duty of 5 cents per pound on foreign coffee upon its entrance into the American market; and that, as regards sugar and tobacco, such duties as are to-day imposed and collected under the present tariff be continued in force, as any other measure contrary to this would bring with it the disappearance of the sugar and tobacco wealth of our island.

And now, with abiding faith in the Almighty and placing our confidence on the history and the lofty spirit of justice of the American people, the house of delegates of Porto Rico trusts, confidently and calmly, that the resolutions of the Congress will not disappoint the legitimate aspirations of the Porto Rican people.

HOUSE OF DELEGATES OF PORTO RICO,
OFFICE OF THE SECRETARY,
March 26, 1909.

I hereby certify that the foregoing is a full, true, and correct copy of a memorial to the Congress of the United States duly adopted by the said house of delegates at a meeting held the 3d day of March, A. D. 1909.

JOSÉ NUÑOZ RIVERA,
Secretary of the House of Delegates of Porto Rico.

Mr. BULKELEY. I present a resolution of the general assembly of the State of Connecticut regarding an inheritance tax, which I ask to be printed in the RECORD without reading, and referred to the Committee on Finance.

Mr. KEAN. I should like to hear it read.

The resolution was read and referred to the Committee on Finance, as follows:

STATE OF CONNECTICUT,
OFFICE OF THE SECRETARY,
General Assembly, January Session, A. D. 1909.

Senate joint resolution 130.

Resolution concerning reservation of inheritance tax for state revenue.

Whereas the several States are now taxing inheritances with marked success, and need all the revenue that can properly be drawn from this source; and

Whereas the Federal Government can readily raise additional revenue, when required, from other sources: Therefore be it

Resolved by this assembly:

First. That the taxation of inheritance should be reserved to the several States as a source of revenue for their exclusive use and benefit.

Second. That copies of this resolution be forwarded to the Senators and Representatives representing this State in the Congress of the

United States, and that they hereby are respectfully requested to support a properly drawn joint resolution when proposed for adoption by the two Houses of the Congress declaring it to be the policy of the Federal Government to refrain from the taxation of inheritances for federal purposes, and to reserve this source of revenue for the exclusive use and benefit of the several States.

Passed senate, State of Connecticut, March 18, 1909.

Passed house of representatives, State of Connecticut, March 31, 1909.

STATE OF CONNECTICUT,
Office of the Secretary, ss:

I, Matthew, H. Rogers, secretary of the State of Connecticut, and keeper of the seal thereof and of the original record of the acts and resolutions of the general assembly of said State, do hereby certify that I have compared the annexed copy of the resolution concerning reservation of inheritance tax for state revenue with the original record of the same now remaining in this office, and have found the said copy to be a correct and complete transcript thereof.

And I further certify that the said original record is a public record of the said State of Connecticut now remaining in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of said State at Hartford this 7th day of April, 1909.

[SEAL.] MATTHEW H. ROGERS, *Secretary.*

Mr. BRISTOW presented a petition of Oak Grange, No. 665, Patrons of Husbandry, of Shawnee County, Kans., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DU PONT presented a memorial of the board of managers of the Wilmington Institute Free Library, of Wilmington, Del., which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

THE WILMINGTON INSTITUTE FREE LIBRARY,
Wilmington, Del.

At a meeting of the board of managers of the Wilmington Institute Free Library, on Tuesday, February 16, 1909, the following resolutions were adopted:

"The board of managers of the Wilmington Institute Free Library have learned with deep regret that an effort is making to increase the duty now levied on books and other printed matter imported into the United States, and to remove from the free list all classes of books now included therein.

"The existing tariff imposes a duty of 25 per cent ad valorem on books, excepting, however, first, books printed wholly in foreign languages; second, books in English which have been printed more than twenty years; third, books imported for the use of the United States or the Library of Congress, or for the use of libraries, educational institutions, or societies of a literary or scientific character.

"An import duty on books differs entirely in its effect upon the manufacturer from other duties in that the copyright laws afford protection to authors and publishers quite apart from the tariff.

"The protection afforded, moreover, is extremely limited, affecting only such imported modern books and periodicals as are printed in English. So far as it goes, however, the duty is a tax on knowledge and education; an unwise tax in a republic, the existence of which must always depend on the intelligence of its citizens.

"The removal of books for public libraries from the free list will be distinctly a backward step, as the exemption as now existing has been the law for many years, and the result will be the imposition of a serious tax upon a class of institutions which have always been favored or supported by all enlightened governments.

"This board therefore respectfully protests against any diminution of the privileges that libraries now posses, and further expresses the opinion that all import duties upon books and other printed matter should be entirely abolished.

"*Resolved*, That an attested copy of the foregoing minute be sent to each member of the Committee on Ways and Means of the House of Representatives and to each Member of the House and Senate representing the State of Delaware."

WILLIAM P. TAYLOR, *President.*
FREDERIC H. ROBINSON, *Secretary.*

Mr. STONE presented a memorial of the Latin-American and Foreign Trade Association, of St. Louis, Mo., remonstrating against the commissaries maintained by the Isthmian Canal Commission in Panama entering into competition with the merchants of that country, which was referred to the Committee on Interoceanic Canals.

He also presented a petition of sundry citizens of Maryville, Mo., praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented the memorial of Mrs. J. F. Cook and sundry other citizens of Lagrange, Mo., remonstrating against any increase of the duty on hosiery, gloves, and other wearing apparel, which was referred to the Committee on Finance.

He also presented a petition of the Latin-American and Foreign Trade Association, of St. Louis, Mo., praying for the ratification of the pending treaty between the United States and the Republic of Panama, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Southwestern Mercantile Association, of St. Louis, Mo., praying that an appropriation be made for the improvement of the public highways of the country, which was referred to the Committee on Agriculture and Forestry.

He also presented a memorial of Violet Lodge, No. 34, Brotherhood of Railway Carmen of America, of St. Louis, Mo., remonstrating against the decision of the supreme court of the District of Columbia in imposing a jail sentence on Messrs. Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

Mr. BURKETT presented a petition of sundry citizens of North Bend, Nebr., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

He also presented a petition of sundry citizens of Sutton, Nebr., praying for the enactment of legislation granting a per diem pension to the surviving soldiers and sailors of the civil and Mexican wars, which was referred to the Committee on Pensions.

Mr. PERKINS presented a memorial of sundry business firms of San Francisco, Cal., remonstrating against the imposition of a duty on raw cocoa, which was referred to the Committee on Finance.

He also presented a petition of the Merchants' Exchange of Oakland, Cal., praying that all foreign works of art, except when imported for commercial purposes, be admitted free of duty, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 1527) granting an increase of pension to Roland E. Neff;

A bill (S. 1528) granting an increase of pension to Cyrus S. Pitts; and

A bill (S. 1529) granting an increase of pension to Charles E. Wellman; to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 1530) to reorganize the corps of dental surgeons attached to the Medical Department of the Army (with accompanying paper); and

A bill (S. 1531) to grant medals to survivors and heirs of volunteers of the Port Hudson forlorn-hope storming party (with accompanying paper); to the Committee on Military Affairs.

A bill (S. 1532) granting a pension to Henrietta M. Moore (with accompanying papers); and

A bill (S. 1533) granting a pension to Antietam Burnside Mann (with accompanying paper); to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 1534) granting an increase of pension to A. M. Enoch (with accompanying paper); to the Committee on Pensions.

By Mr. WARNER:

A bill (S. 1535) amending paragraph 14 of an act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1883, and for other purposes," approved August 7, 1882; to the Committee on Appropriations.

A bill (S. 1536) providing for the transfer of certain names from the freedman roll to the roll of citizens by blood of the Choctaw and Chickasaw nations; to the Committee on Indian Affairs.

A bill (S. 1537) authorizing and directing the Secretary of the Treasury to pay to Angeline C. Burgert the sum of $157.72, the amount of her distributive share of the net proceeds of the sale of the Painesville and Youngstown Railroad, applicable to bond No. 209;

A bill (S. 1538) for the relief of the heirs or legal representatives of James B. Hassett, deceased;

A bill (S. 1539) for the relief of Margaret C. Montville; and

A bill (S. 1540) for the relief of the estates of J. W. Gunter and W. H. Gunter, both deceased; to the Committee on Claims.

A bill (S. 1541) to correct the military record of Otis B. Vanfleet;

A bill (S. 1542) authorizing the Secretary of the Treasury to prepare plans for the building of a memorial amphitheater at Arlington, Va., and for other purposes;

A bill (S. 1543) for the relief of Levi Mott;

A bill (S. 1544) authorizing the Secretary of War and the Auditor for the War Department to consider and settle the claim of Col. John D. Hall, United States Army, retired, for personal property destroyed in the earthquake at San Francisco, Cal.; and

A bill (S. 1545) to amend and correct the records of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, by including the name of Valentine Fraker therein, with

the dates of his enlistment and discharge; to the Committee on Military Affairs.

A bill (S. 1546) granting a pension to Charles Herold;

A bill (S. 1547) granting an increase of pension to Isaac Shields;

A bill (S. 1548) granting a pension to Henry Frederick Gieseke;

A bill (S. 1549) granting an increase of pension to Caleb Stone;

A bill (S. 1550) granting an increase of pension to William West;

A bill (S. 1551) granting an increase of pension to Jennie E. Lowell;

A bill (S. 1552) granting an increase of pension to John Whelan;

A bill (S. 1553) granting an increase of pension to Bedford B. Hulet;

A bill (S. 1554) granting an increase of pension to Ida L. du d'Huy;

A bill (S. 1555) granting an increase of pension to John Robertson;

A bill (S. 1556) granting a pension to Robert Devling;

A bill (S. 1557) granting an increase of pension to Sarah Dawson;

A bill (S. 1558) granting an increase of pension to Sarah F. Gillam;

A bill (S. 1559) granting an increase of pension to Marion Cunningham;

A bill (S. 1560) granting a pension to John A. Pollard;

A bill (S. 1561) granting an increase of pension to Abram M. Casteel;

A bill (S. 1562) granting an increase of pension to James E. Twitchell;

A bill (S. 1563) granting a pension to Edward T. Sutton;

A bill (S. 1564) granting a pension to John J. Shanks;

A bill (S. 1565) granting an increase of pension to Darwin W. Perkins;

A bill (S. 1566) granting an increase of pension to James C. Settle;

A bill (S. 1567) granting a pension to John W. Wilkerson;

A bill (S. 1568) granting a pension to Nora R. Willett;

A bill (S. 1569) granting an increase of pension to James A. Whitworth;

A bill (S. 1570) granting an increase of pension to Frederick W. Odell;

A bill (S. 1571) granting an increase of pension to Thomas C. Lyon;

A bill (S. 1572) granting an increase of pension to Phoebe A. Kent;

A bill (S. 1573) granting an increase of pension to Christopher S. Alvord;

A bill (S. 1574) granting an increase of pension to Harrison Ferguson;

A bill (S. 1575) granting an increase of pension to Marion Vest;

A bill (S. 1576) granting an increase of pension to John Whitaker;

A bill (S. 1577) granting a pension to Mary Florence King;

A bill (S. 1578) granting a pension to Sarah J. Boone;

A bill (S. 1579) granting a pension to Paris G. Strickland;

A bill (S. 1580) granting an increase of pension to Ellenor E. Wells;

A bill (S. 1581) granting an increase of pension to Andrew J. Fryatt;

A bill (S. 1582) granting an increase of pension to Belle F. Halstead;

A bill (S. 1583) granting an increase of pension to Ann M. Ellenberger;

A bill (S. 1584) granting an increase of pension to Maggie Olson;

A bill (S. 1585) granting an increase of pension to Charles W. Branson;

A bill (S. 1586) granting an increase of pension to Nathaniel Finley;

A bill (S. 1587) granting an increase of pension to John H. Herod;

A bill (S. 1588) granting a pension to Eliza J. Glover;

A bill (S. 1589) granting an increase of pension to William Kelly;

A bill (S. 1590) granting an increase of pension to William E. Julian;

A bill (S. 1591) granting an increase of pension to Jacob N. Ketcham; and

A bill (S. 1592) granting an increase of pension to Matthew Harris; to the Committee on Pensions.

By Mr. STONE:

A bill (S. 1593) granting an increase of pension to James Haley;

A bill (S. 1594) granting a pension to Robert D. Walkinshaw;

A bill (S. 1595) granting a pension to Caroline Coleman; and

A bill (S. 1596) granting an increase of pension to Charles Sells; to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 1597) granting an increase of pension to George Baldey (with accompanying papers); to the Committee on Pensions.

REFUND OF STAMP TAXES, ETC.

Mr. CULBERSON. I introduce a bill and ask its reference to the Committee on Finance.

With the indulgence of the Senate I will say that in 1898 an act was passed known as the "war-tax act," levying a tax on foreign bills of exchange. That tax was paid very generally. Subsequently it was declared to be unconstitutional, and on the 1st day of February of the present year an act was approved by the President authorizing the repayment of such taxes where the claims for such payment had been made prior to the 1st day of July, 1904. Since then cases have come under my observation where valid claims exist, but which were not presented by the persons prior to the 1st day of July, 1904.

The object of the bill which I introduce is to allow the presentation of such claims up to the 1st day of July, 1909, and their payment by the Secretary of the Treasury.

The bill (S. 1526) to amend an act entitled "An act to provide for refunding stamp taxes paid under the act of June 13, 1898, upon foreign bills of exchange drawn between July 1, 1898, and June 30, 1901, against the value of products or merchandise actually exported to foreign countries and authorizing rebate of duties on anthracite coal imported into the United States from October 6, 1902, to January 15, 1903, and for other purposes," approved February 1, 1909, was read twice by its title and referred to the Committee on Finance.

MARCIA A. TAYLOR.

Mr. DILLINGHAM submitted the following resolution (S. Res. 31), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 31.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Marcia A. Taylor, widow of George M. Taylor, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

THE CENSUS.

The VICE-PRESIDENT. The morning business is closed, and the calendar under Rule VIII is in order. The Secretary will state the first bill on the calendar.

The bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses was announced as first in order; and the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. KEAN. I do not see the Senator from Wisconsin [Mr. LA FOLLETTE] present.

Mr. GALLINGER. Let the bill be read.

Mr. KEAN. He has been sent for.

The Secretary proceeded to read the bill.

Mr. LA FOLLETTE. I ask unanimous consent that the formal reading of the bill be dispensed with and that the bill be read by sections for action on the amendments of the committee.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin? The Chair hears none.

The reading of the bill was resumed.

The first amendment of the Committee on the Census was, in section 3, page 2, line 14, after the word "appointed," to strike out "without examination by the Secretary of Commerce and Labor upon the recommendation of," and insert "by," so as to make the section read:

SEC. 3. That after June 30, 1909, and during the decennial census period only, there may be employed in the Census Office, in addition to the force provided for by the act of March 6, 1902, entitled "An act to provide for a permanent Census Office," an assistant director, who shall be an experienced practical statistician; a geographer; a chief statistician, who shall be a person of known and tried experience in

statistical work; an appointment clerk; a private secretary to the director; two stenographers, and eight expert chiefs of division. These officers, with the exception of the assistant director, shall be appointed by the Director of the Census. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 18, before the word "dollars," to strike out "five hundred," so as to read:

That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, $7,000.

Mr. DILLINGHAM. I should like to have the committee give the reasons why they make recommendations as to a change of salaries of the various officials as provided for in this section. I understand that the salary of the Director of the Census, which was taken ten years ago, was $7,500.

Mr. LA FOLLETTE. Mr. President, the Senator from Vermont is mistaken about that. The salary of the Director of the Census, taken in the year 1900, was $6,000. This is an increase of $1,000 over the salary paid at that time.

Mr. DILLINGHAM. With the Senator's permission, I will state I had the impression that by a subsequent act in 1900 the salary was changed to $7,500 and it was so applied during the taking of that census. I may be in error, however.

Mr. LA FOLLETTE. I think the Senator is mistaken. The salaries are reduced in this bill to conform to the salaries fixed by the census act of 1899 and the act of 1902, making the Census Office a permanent bureau.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 19, before the word "dollars," to strike out "two thousand five hundred" and insert "two thousand two hundred and fifty," so as to read:

The private secretary to the director, $2,250.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 20, before the word "dollars," to strike out "five thousand" and insert "four thousand," so as to read:

The assistant director, $4,000.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 21, before the word "dollars," to strike out "five hundred," so as to read:

The chief statisticians, $3,000 each.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 22, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The chief clerk, $2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 23, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

Disbursing clerk, $2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 24, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The appointment clerk, $2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 3, line 25, before the word "dollars," to strike out "three thousand" and insert "two thousand five hundred," so as to read:

The geographer, $2,500.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 1, before the word "dollars," to strike out "two hundred and fifty," so as to read:

The chiefs of division, $2,000 each.

The amendment was agreed to.

The next amendment was, in section 5, page 4, line 3, before the word "dollars," to strike out "two thousand" and insert "one thousand eight hundred," so as to read:

And the stenographers provided for in section 3 of this act, $1,800 each.

The amendment was agreed to.

The Secretary read the next section of the bill, as follows:

SEC. 6. That in addition to the force hereinbefore provided for and to that already authorized by law there may be employed in the Census Office during the decennial census period, and no longer, as many clerks of classes 4, 3, 2, and 1; as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than $600 nor more than $1,000 per annum, and as many messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, as may be found necessary for the proper and prompt performance of the duties herein required, these additional clerks and employees to be appointed by the Director of the Census: *Provided*, That the total number of such additional clerks of classes 2, 3, and 4 shall at no time exceed 100: *And provided further*, That employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the director.

Mr. CURTIS. I should like to ask the chairman of the committee why the clerks in each class were not numbered, so that we could know the number of each class to be appointed, instead of leaving it in the hands of the Secretary or the director to employ as many as he may see fit to do the work.

Mr. LA FOLLETTE. There is a limitation.

Mr. CURTIS. Yes; to a hundred.

Mr. LA FOLLETTE. There is a limitation put on the number in each class. It was thought by the committee, after hearing the director, that it was prudent to give him the discretion which is conferred upon him in this section of the bill.

There were certain limitations provided in the census act of 1899 with respect to the three first classes of clerks—that is, it was provided that there should be 10 clerks of class 4, 15 clerks of class 3, and 20 clerks of class 2. But the director was invested with the widest discretion with respect to the employment of all other clerical help. Indeed, the provision from line 8 to line 15 in the section is almost identical with the provision of the act of 1899.

Mr. CURTIS. I should like to know whether the committee considered the advisability of limiting the number of each of these first three or four classes of clerks.

Mr. LA FOLLETTE. The number is limited by the proviso in lines 15, 16, and 17.

Mr. CURTIS. It is limited to 100.

Mr. LA FOLLETTE. Of all the three classes there are at no time to be employed more than 100 clerks. That is a larger number of clerks of those three classes than were employed under the act of 1900.

Mr. CURTIS. Yet they have now a permanent force that has been doing the very work that that class of clerks will be required to do. The point I want to make is whether the bill ought not to designate the number of clerks in class 1, whether 5, 10, 15, or 20, and the number of clerks in class 2 or class 3 that the director should have. It seems to me that with the number of clerks he has now and the work they have performed, the additional number is unnecessary. It puts in his hands the power of employing clerks up to 100 in either one of these classes.

Mr. LA FOLLETTE. No.

Mr. CURTIS. That is a power which does not exist as to all the classes.

Mr. LA FOLLETTE. The Senator is mistaken about that. The total number who can be employed in all three classes is but 100.

Mr. CURTIS. That is true.

Mr. LA FOLLETTE. That is as many as he indicates to be necessary. Of course in ten years the work has greatly increased.

Mr. CURTIS. That is true, but he may employ 18 clerks in one class, and then divide all the rest among the other classes.

Mr. LA FOLLETTE. That is true. It was the opinion of the committee that he should be invested with the very widest discretion in carrying forward this emergency work as to what classes he should take his clerks from; and with the limitation of 100 put upon him it is precisely in the form in which the bill passed the Senate at the last session of Congress.

Mr. CURTIS. If the committee considered that question, I am perfectly satisfied to be guided by them, but, in my judgment, it would be better to leave it the other way.

Mr. CARTER. Mr. President, I will state in reply to the inquiry of the Senator from Kansas, that in the operation of the census work under this phraseology as it stands, the cheaper grade of clerks will predominate in the beginning, and as excellence is developed promotions may occur. If, however, the various classes were rigidly confined to specific numbers, the director would thus be required in the beginning to appoint the specified number of high-grade clerks, whereas under the rule as prescribed by the proposed law the lower priced clerks of the classes may predominate, and thus normal promotions occur as points of excellence are developed in the clerical force.

Mr. CURTIS. Does not the Senator believe that the director at this time knows the number of clerks who may be necessary in each class?

Mr. CARTER. The director estimates that 100 will be an adequate number in all these classes, but he does not desire

that the number shall be equally divided in the beginning between the classes. That division will be made from time to time as efficiency records are developed, and thus the premium of promotion will be a constant incentive to better work.

If the phraseology should be changed so that 20 of the high-class clerks should be appointed in the beginning, thus filling up the quota, there would be no possibility of promotion from the lower to the higher grade throughout the entire period of service; stagnation would prevail in all the grades from the very beginning; whereas by allowing the latitude suggested, naming the aggregate number and leaving the director first to select all at the lower rate of salary, as I have heretofore suggested, he may secure better service by holding out the premium of promotion.

Mr. CURTIS. Does the Senator believe that the director will employ all the clerks at the lower grades and eventually promote them?

Mr. CARTER. The director will appoint to the lower grades, chiefly, in the beginning, and allow the course of the work and the excellence of performance to determine the number and the names of those entitled to higher rates of wages.

The VICE-PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was resumed. The next amendment was, in section 7, page 4, line 22, after the word "employees," to strike out the following words:

Except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen.

Mr. LA FOLLETTE. I ask unanimous consent that section 7 be passed over informally. I have a committee amendment to offer to the section, and it is being prepared.

The VICE-PRESIDENT. Without objection, the section will be passed over as requested.

The reading of the bill was resumed. The next amendment was, in section 8, page 7, line 16, after the word "employee," to insert "and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year;" and in line 22, after the word "deaf," to insert "and dumb," so as to make the paragraph read:

SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year, whether or not engaged in agriculture, school attendance, literacy, and tenure of home, and whether or not a survivor of the Union or confederate army or navy; and the name and address of each blind or deaf and dumb person; and, for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions.

The amendment was agreed to.

The next amendment was, in section 8, page 8, line 2, before the word "color," to strike out "and;" in the same line, after the word "color," to insert "and country of birth;" in line 3, after the word "farm," to insert "acreage of woodland and character of timber thereon;" and in line 7, after the word "crops," to strike out "as of the date of enumeration" and insert "planted and to be planted during the year of enumeration," so as to make the paragraph read:

The schedules relating to agriculture shall include name, color, and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland and character of timber thereon, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops planted and to be planted during the year of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December 31 next preceding the enumeration.

The amendment was agreed to.

The next amendment was, in section 8, page 9, line 13, after the word "manufactures," to strike out "the quantity of crude turpentine gathered;" in line 14, after the word "quantity," to insert "and quality;" in line 15, after the word "manufactured," to insert "and marketed;" and in line 16, after the word "industry," to insert "and business and how conducted," so as to make the paragraph read:

The inquiry concerning manufactures shall cover the production of turpentine and rosin and the report concerning this industry shall show in addition to the other facts covered by the regular schedule of manufactures, the quantity and quality of turpentine and rosin manufactured and marketed, the sources, methods, and extent of the industry and business and how conducted.

The amendment was agreed to.

The next amendment was, in section 9, page 10, line 11, after the word "President," to insert "by and with the advice and consent of the Senate," so as to read:

The supervisors shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the whole number of supervisors shall not exceed 330.

The amendment was agreed to.

The next amendment was, in section 15, page 15, line 22, after the word "exceed," to strike out "five" and insert "four," so as to make the section read:

SEC. 15. That the Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorization shall be given for such employment in any district until due and proper effort has been made to secure an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed $4 per day for each day actually and necessarily employed.

The amendment was agreed to.

Mr. BURKETT. Mr. President, I should like to ask a question of the Senator in charge of the bill. I have been following the reading and noticed back a section or two that there was provided a limitation of 330 on the number of the supervisors to be appointed. There was another provision that the territory assigned to each supervisor should conform as nearly as possible to the congressional districts. I take it from that that it is intended to conduct the next census along similar lines as in the past, about one supervisor being assigned to each district. I wish to inquire of the Senator how the committee arrived at the number 330. There are certainly more than 330 congressional districts in the country, and, providing as the bill does for a census of Alaska and Hawaii, it does seem to me that 330 supervisors will not reach around. I have examined the subsequent sections to see if there was any provision made for the consolidation of territory, but have not found it.

Mr. LA FOLLETTE. Mr. President, the number 330 was not determined upon to correspond to the number of congressional districts.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. In just a second. The estimate of the number required is based upon the experience of the last census. One supervisor for every congressional district is not required. The Census Office has found it more practicable and satisfactory, assuring more definite responsibility and uniformity of results, in the enumeration in cities to employ only one supervisor in a city, even large cities embracing congressional districts. Thus in New York City only one supervisor is employed, although there are about 17 congressional districts in that city. This practice is extended to all large cities, so that the number of supervisors required for the entire country is much less than the total number of congressional districts in the country.

Mr. GALLINGER. And, if the Senator will permit me, is it not likewise a fact that in the smaller States one supervisor covers the entire State?

Mr. LA FOLLETTE. I know that the director spoke of the State of Massachusetts especially.

Mr. GALLINGER. And New Hampshire, Vermont, and Rhode Island likewise.

Mr. LA FOLLETTE. I suppose that is true of New Hampshire.

Mr. GALLINGER. And that likewise reduces the number.

Mr. LA FOLLETTE. Yes.

Mr. KEAN. And there is only one supervisor for the State of New Jersey.

Mr. SMITH of Michigan. I should like to state to the Senator from Wisconsin that so far as I am able to find there has never been any provision for the employment of supervisors coextensive with the congressional districts. In the last census there were 300 supervisors.

Mr. LA FOLLETTE. That is the number. The Senator is correct.

Mr. SMITH of Michigan. There were 386 congressional districts, I believe, at that time.

Mr. BURKETT. Three hundred and fifty-six.

Mr. SMITH of Michigan. There were 356 congressional districts at that time, so that the number has only been increased in about the proportion that the congressional districts have increased. The number is proportionally the same as it was in the last census.

Mr. LA FOLLETTE. That is true. I think the number has been very carefully ascertained by the Director of the Census,

and I do not think that the Senator from Nebraska will be disappointed.

Mr. BURKETT. I have no disappointment about it and no concern about it further than, observing the provision in the line following the limitation that the supervisors should be apportioned, so far as practicable, I thought probably in view of the phraseology it would not be very practicable.

The reading of the bill was resumed.

The next amendment of the Committee on the Census was in section 18, page 17, line 23, before the word "dollars," to strike out "four" and insert "three," so as to make the section read:

SEC. 18. That special agents may be appointed by the Director of the Census to carry out the provisions of this act and of the act to provide for a permanent census office, approved March 6, 1902, and acts amendatory thereof or supplementary thereto. The special agents thus appointed shall have like authority with the enumerators in respect to the subjects committed to them under this act, and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed $6 per day and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding $3 per day during necessary absence from their usual place of residence: *Provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census shall have power, and is hereby authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office: *And provided further*, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis.

The amendment was agreed to.

The next amendment was, in section 33, page 27, line 9, after the word "the," to strike out "Director of the Census, under the supervision of the Secretary of Commerce and Labor," and insert "Secretary of the Treasury," so as to make the section read:

SEC. 33. That the Secretary of the Treasury be, and he is hereby, authorized and directed to acquire by purchase, condemnation, or otherwise, for the use of the Census Office, and for other governmental purposes, the site and buildings thereon, containing about 118,000 square feet of ground, and constituting the southern 350 feet, more or less, of square No. 574, in Washington, D. C., bounded on the north by a public alley, on the south by B street, on the east by First street, and on the west by Second street NW.: *Provided*, That not more than $430,000 shall be paid for the property herein referred to.

Mr. LA FOLLETTE. On behalf of the committee I have an amendment to offer, not only as a substitute for section 33, but for section 34 as well. I will ask, therefore, that section 34 be read, and then I will offer the substitute for both sections.

The VICE-PRESIDENT. The Secretary will read as requested.

The SECRETARY. In section 34, page 27, line 24, after the words "That the," it is proposed to strike out "said Director of the Census, under the supervision of the Secretary of Commerce and Labor" and to insert "Secretary of the Treasury;" so as to make the section read:

SEC. 34. That the Secretary of the Treasury is instructed to cause to be erected on such portion of the site as is not now occupied by buildings, a commodious and substantial building with fire-proof vaults, heating and ventilating apparatus, elevators, and approaches, for the use of the Census Office, and for other governmental purposes, the cost of such building not to exceed $250,000. A sum of money sufficient to pay for the property and the erection of the said building is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to the property referred to shall be vested in the United States.

Mr. LA FOLLETTE. I am directed by the committee to offer the amendment, which I send to the desk as a substitute for sections 33 and 34.

The VICE-PRESIDENT. The Secretary will read the substitute proposed by the Senator from Wisconsin.

The SECRETARY. It is proposed to strike out sections 33 and 34, and in lieu thereof to insert as a new section, to be known as section 33, the following:

SEC. 33. That the Secretary of the Treasury be, and is hereby, authorized and directed to provide, upon land, the title to which is in the United States, or to acquire by purchase, condemnation, or otherwise, a suitable site, with or without buildings thereon, for the use of the Census Office and for other governmental purposes, and to remodel, rebuild, or construct thereon such building or buildings as may be necessary to provide substantial and commodious accommodations for the Census Office, on or before January 1, 1910. The sum of $750,000, or so much thereof as may be necessary to carry out the provisions of this section, is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to any property acquired under the provisions of this section shall be vested in the United States.

Mr. LA FOLLETTE. Mr. President, this amendment slightly increases the appropriation provided in section 34 and invests the Secretary of the Treasury with a discretion which will enable him, if it is possible within the limits of this appropriation, to procure a better location than the present site of the Census Office.

The VICE-PRESIDENT. The question is on the substitute offered by the Senator from Wisconsin.

Mr. CLAPP. Mr. President, I should like to ask the Senator in charge of the bill a question. This is a matter with which I am not familiar. Is it contemplated that this additional building is necessary for the taking of the census provided for in this bill?

Mr. LA FOLLETTE. Mr. President, it would be impossible to care for the force necessary for the taking of the census without either renting, as was done in 1900, office rooms in other parts of the city, which is very expensive and very inconvenient, or erecting some additional rooms on or near the site occupied by the present census building which is under lease.

Mr. CLAPP. Mr. President, of course the committee undoubtedly has given this subject a great deal of attention, but it does seem to me that it is vesting unusual authority in the Secretary of the Treasury to authorize him to select the site for the proposed building, with no information to be first furnished Congress as to where the site is or the price of it. It may be that the exigencies of the case demand it. Nothing but that suggestion would warrant me in supporting such an extraordinary grant of authority.

Mr. LA FOLLETTE. Mr. President, I do not know what position the Senator from Minnesota took when this bill was before the Senate at the last session, but at that time the Senate and, indeed, Congress adopted the provision which is in the bill as reported originally by the committee, for which the proposed amendment is offered as a substitute. It was determined, after considerable debate in both Houses, determined after hearings by the committees of both Houses, that it was, so far as the subject-matter could be considered by both committees and both Houses, necessary to provide this additional room for the Census force, and that the best and most feasible plan for making that provision was presented by the bill as finally passed at the last session.

Some objection was made to the provision when the matter came up for debate here in the Senate, and this is with the view of meeting that objection and, if possible within the appropriation proposed, to secure a better site than the one then contemplated, leaving in the Secretary of the Treasury the discretion to make the selection.

Mr. CLAY. Mr. President, if I catch the language of the Senator, with his permission, I wish to say that the bill we passed, which was vetoed by the retiring President, confined the purchase to the present location and the adjoining land, if I understand it.

Mr. LA FOLLETTE. That is true.

Mr. CLAY. And the amendment offered by the committee at this time authorizes the Secretary of the Treasury to examine different sites and select such site as he may think suitable for that purpose?

Mr. LA FOLLETTE. Certainly.

Mr. CLAY. It does not confine the Secretary of the Treasury to the particular site where the Census Office now is or to any other location?

Mr. LA FOLLETTE. That is the scope and purpose of the amendment. It permits the Secretary of the Treasury to avail himself of any land which the Government may have at this time which may be a better site or to acquire some other site.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. When this subject was before the Senate at the last session I did not say anything, because I knew it was absolutely useless. I was certainly opposed to any such proposition. On the other hand, it does seem to me that the Senate, and, if not the Senate, at least the committee, ought to have in mind some location—different locations, if necessary—with the price, in order that the Senate, acting through the committee, might have some voice as to where this building should be located, the character of it, and the price to be paid for the land.

It will take some little time to erect a building, probably a year or two. If the Secretary should desire to erect one, in the meantime we would probably have to rent accommodations, anyhow. What suggests itself to my mind is the unusual proposition of turning over to any officer the authority to select a site and agree on the price without any previous information being furnished the Senate or its committee as to where the proposed site may be or what the land may cost. It may be that the exigencies require it. If they do, I certainly do not want to oppose it.

Mr. TALIAFERRO. I should like to ask the Senator from Minnesota a question. I ask if the policy of the Government generally is not to authorize the Secretary of the Treasury to select sites for government buildings, except perhaps in the case of buildings to be occupied by the Government in the District of Columbia?

Mr. CLAPP. Exactly. That is just the point I would make. When we come to authorize the erection of post-offices or custom-houses in cities distant from the capital, of course we leave it to the Secretary; but it would seem to me that when it comes to erecting buildings here in the city of Washington, where we would be inclined to bear in mind possibly the relation of one location to another, although not perhaps having a fixed plan, Congress ought to say something about where such buildings should be erected, unless there is a contingency which has arisen——

Mr. TALIAFERRO. There is a contingency and an emergency.

Mr. CLAPP. Then I do not wish to press the objection.

Mr. TALIAFERRO. The information presented to the committee was that this was the most economical time to make provision for the general census force. It has been represented to the committee, and the committee think, that the building ought to be in readiness for the force by the 1st day of January, and that date is fixed in the authorization to the Secretary of the Treasury to purchase the site and construct the building.

Mr. LA FOLLETTE. Just one word, Mr. President. Exactly this situation is presented: It is necessary to provide additional buildings properly to house the force that must compile the census during the census period. We have a limited time in which to do it. It may be that Congress has been negligent about it; it may be that the matter should have been taken up a year or two ago, when there was ample time to consider the whole proposition and provide for a building with reference to other buildings, but we are now confronted with a situation where we must increase very largely, by some two or three thousand, the employees of the Census Office. That must be done very soon. We either have to do that by making use of the buildings we have there and making additions to them, as contemplated by the bill as passed by the last Congress and as reported by your committee and as now presented to the Senate; or we must, if it can be done within the same appropriation, make selection of a better site and get the building completed within the same time. That seemed to the committee the wise thing to do. Upon further consideration, at a meeting of the committee held this morning, it was decided to report this substitute, so that in providing a building we shall not be limited to this one site, to which considerable objection has been made whenever the matter has been brought to the attention of the Senate.

Mr. CLAPP. Will the Senator from Wisconsin entertain a suggestion? I appreciate the situation, but I do not like the idea, when it comes to building permanent buildings in the District of Columbia, of leaving it to any one man. Would it appeal to the committee to incorporate in this amendment a provision leaving it to the Secretary, in conjunction with the Census Committees of the Senate and the House, so that it would be somewhat in the hands of the Senate, through its committee?

Mr. TALIAFERRO. The chairmen of each of those committees.

Mr. CLAPP. The chairmen of each of those committees; and if it meets with the approval of the Senator in charge, I would suggest that amendment. I do not think, when it comes to locating permanent buildings here in the District, we ought to have the views of more than one man.

Mr. LA FOLLETTE. It is hardly to be expected, with this amount of money, that a site can be acquired and a monumental building erected. We are simply making provision for an emergency which has arisen.

Mr. GALLINGER. Mr. President, I will ask the Senator in charge of the bill if it is in contemplation to purchase a site and erect a building for $750,000?

Mr. LA FOLLETTE. If there should be erected the building which was contemplated by the bill passed at the last session of Congress and by the bill as passed by the House of Representatives at this session of Congress, we would acquire a site and would erect a building upon a portion of that site, in addition to acquiring the buildings now standing there, for the sum of $680,000. Options have been secured upon the tract of land where the census building now stands and upon land adjoining it, upon a portion of which there is a building which is now in use by the Southern Railway Company, which the company will relinquish if the Government desires to exercise its option and buy that land.

Mr. GALLINGER. I can readily understand that if the present site is to be acquired the additional building could be constructed for $750,000; but the amendment contemplates the possibility of going outside and purchasing other land and erecting a building upon it, in which case I will suggest to the Senator that the sum of $750,000 will be utterly inadequate. We have had some experience in purchasing land in the city of Washington, and I will say unless the present site shall be acquired that the Secretary of the Treasury will be very fortunate, indeed, if he buys a foot of land in the District of Columbia except through condemnation; and that is a very expensive proceeding, as we happen to know.

Mr. LA FOLLETTE. I will say in reply to that, that I have no doubt the Senator is probably right in his assumption, and it is even probable that the Secretary of the Treasury, after looking over the entire situation, invested with the widest discretion under this amendment, will be compelled, in order to keep within the appropriation, to select the site of the present Census building. But it has been suggested by some Senators that there are sites already owned by the Government upon which the building might be erected. It is not contemplated that, within this appropriation, there will be erected a monumental building that will stand for a great period of time, but just a fireproof commercial structure which will house the employees and take care of the records of the bureau.

While I think it was the opinion of perhaps every member of the committee that the Secretary of the Treasury would possibly be driven ultimately to accept the present location, it was thought that if there was an opportunity to get a better location and keep within the amount that Congress can properly appropriate at this time, that discretion ought to be given.

Mr. GALLINGER. Mr. President, in addition I have simply a word to say. I quite sympathize with the Senator that if we are to have for the purpose of the Census Office a new building, a building that will stand for a long time, upon a site different from that upon which the building now stands, we ought to guard it a little better than it is guarded in this amendment so far as the authorization is concerned. But I will not urge that. I think the suggestion is a wise one, and I should like very much if the Senator from Wisconsin would agree to it—to add to the Secretary of the Treasury, for instance, the Director of the Census and the chairmen of the Committees on the Census of the Senate and House.

Mr. LA FOLLETTE. I do not know that there would be any objection to such an amendment. For my own part I should feel that I could be of very little service on such a committee.

I desire to say just one word further with respect to the suggestion made by the Senator earlier in his remarks, and that is this: It was proposed in the bill passed by Congress at the last session to erect a building on the present site, or adjoining the present site, for $250,000. It had been carefully estimated that there could be housed and cared for in that building, besides the records, some 1,500 clerks, which would be about equal to one-half the entire census force during this census period, when the largest number are employed in the Census Office.

Mr. President, if a suitable fireproof building of that size can be erected for $250,000, it might be possible to find a site more desirable than the present one at a cost which would enable the Secretary of the Treasury, within this appropriation of $750,000, also to erect such a building, say for $450,000, which would house all of the force of the Census Office.

The junior Senator from New York, in conversation upon the floor, yesterday called my attention to a site in the vicinity of the Corcoran Art Gallery, which is under contemplation and, I believe, under option, for an auditorium, by which the amount to be paid per square foot is only $2.50, if I remember rightly.

Mr. NEWLANDS. A little over $2.

Mr. LA FOLLETTE. A little over $2. It is possible that that site might be secured and a building erected there which would serve for census purposes during the census period and then be converted into an auditorium by partial reconstruction. Of that I do not know.

I simply wish to say, in conclusion, it was the view of the committee that it was wise not to confine the Secretary of the Treasury to this particular location, provided we could keep within about the same expenditure of money and secure what would meet the exigencies of this occasion and better provide for the accommodation of the Census Office.

Mr. BURKETT. Mr. President, I think, perhaps, if this provision is to be inserted, there should be some changes. I take it it has been hastily drawn with reference to its wording, but that can be attended to in conference.

But I am going to say what I do not know that anybody else has said. I should like to have the chairman of the

committee enlighten me, whether or not anybody else wishes to be enlightened, upon the advisability of building a structure here for the Census Bureau. I am frank to say I do not think it is a good business proposition. I do not believe that in the few months from now until we shall have to begin to take the census we have time to build a building suitable or at all satisfactory. We have always had more or less of this sort of discussion, but unfortunately we have waited until within a few months of the time for taking the census.

If we follow the same practice with reference to the appointment of this clerical force that was followed ten years ago, by the 1st of September we will have quite a large part of the clerks here in Washington; at least, by the 1st of next April we will have them practically all here. It leaves only a few months in which to prepare the plans, to enter into the contracts, and to erect the building and get it ready for the taking of the next census.

Now, the best that can be said is it will be a botch. It is not going to be what the Government wants. It is not going to measure up in any great degree to what the Government ought to have. I believe the Government ought to build some more departmental buildings. Anybody can see we must have one for the Department of Commerce and Labor. It seems to me that the better way would be to strike out all of this provision with reference to the erection of a building right now. There is the building down here that we used ten years ago. In addition to that we have thrown open practically all of the Maltby Building, and perhaps by reason of these two Office buildings some other rooms could be utilized. At this late hour, with less than six or seven months at hand, to start somebody out on the erection of a fireproof building here is a ridiculous proposition to me.

It seems to me, I will say frankly, from all this discussion and that at the last session of Congress also, that it is going to narrow itself down to this particular site. I have never been satisfied with that site for a government building. I doubt if we want to start any kind of a building down there. I would rather get a more desirable site, in harmony with the rest of our public buildings, and build a public building, and have it right for all time, taking the necessary time to build it and building it in a proper way.

This bill devolves upon some man already overcrowded with business the duty of buying land for a building; and he will turn it over to somebody else. Congress will not know anything about it. No provision is made for plans. The Supervising Architect is overrun with business. This requires him within a few months to build a building. We will in the end get something that is not satisfactory, a botch, as I say, in construction. It will not be finished and completed and dry enough in time to put the force of clerks into it.

For one, I would rather see this whole matter with reference to the erection of a building stricken from the bill and direct the authorities to rent whatever may be necessary, if it shall be necessary. I doubt if it shall be necessary. In my opinion, with the Maltby Building thrown open, as it is now, with the additional room that can be found in the Senate Office Building for temporary purposes, a building with a great amount of room for storage purposes, and which is under the control of the Senate, it is folly to start out at this time upon the erection of a building.

So far as concerns a fireproof building of any size for $250,000, that seems to me, from a somewhat limited knowledge of buildings, almost ridiculous. We will not get a fireproof building. We will get a building of which we will always be ashamed and that will stand there for a good many years. I do not think any of us have been satisfied with the building we have there, which has always been pointed out as a government building, and has not been satisfactory in any particular. Let us not continue this ridiculous method any longer. Let us go ahead and use that building, and the next time we get around to public buildings we will build a building which will house the Census Office and take care of it, by the time, in my opinion, that the next census shall be taken, and we will be better satisfied with it, and the Government will save money. I hope such an opportunity will be afforded. I think I will move to strike all of it out of the bill and see if there is anybody else who is of the opinion I am.

Mr. LA FOLLETTE. Mr. President, during the last census it was found necessary to rent rooms in different parts of the city for a large portion of the force. The force was scattered nearly all over the city as a matter of fact. It is exactly what we will be confronted with if we do not make some provision such as is embodied in the pending amendment. It is estimated that with the force scattered about the city in rented quarters it will cost something like $50,000 a year more in the way of delay of work, in carting records back and forth, and in the necessary additional expense of supervision than the cost with the force consolidated under one roof.

It would be a good deal better, if necessary, to make a botch of a building that would cost $250,000, than to make a botch of the census, which would cost ten or twelve or fourteen million dollars. By bringing this force together and putting $250,000 into a suitable, fireproof building, the plan of which has already been drawn, we can take care of the census in the emergency now upon us without a very great sacrifice of money.

Mr. CARTER. Mr. President, it seems appropriate to suggest, in reply to what the Senator from Nebraska [Mr. BURKETT] has said in reference to the Maltby Building, that that building has been condemned by the building department as unsafe on several different occasions. One member of the committee, whose office rooms were located in that building, desired to move into his rooms United States Supreme Court reports, for convenience, and was at once admonished that the building was in a precarious condition and that no additional weight could be placed in the building without imperiling the lives of the occupants, in consequence of which admonition he was required to send his books elsewhere.

The census records of a division placed in that building would probably result in startling the country in a very short time with such a loss of life as was witnessed when old Ford's Theater caved in and resulted in serious loss of life or permanent injury to many of the clerks who were employed there at that time.

I doubt if anyone would seriously consider placing any clerical force in a building which the building inspectors have at least twice warned the Congress that, occupied for office purposes, was insecure. I for one certainly would not willingly assent to any such proceeding, laden with responsibility as that assent would be.

Mr. NEWLANDS. Mr. President, it is clear to my mind that the work of the census must be concentrated, and it is also clear that whatever accommodations are provided must be provided within a year. Perhaps the easiest thing to do is to take the lot where the present Census building is located, to buy the adjoining property, and to put up a building costing $250,000, which, added to the existing building, will meet the requirements of the force. However, I have always been opposed to that site, not because I thought the price asked was unreasonable, not because I did not think the Government would ultimately acquire it as a part of its park-development scheme, but because I thought it inhuman to put 4,000 employees of the Government in a building in the very lowest part of the city, without sufficient air spaces about it to insure comparative comfort during the hot season. I think I am not mistaken when I say the entire force will be between 3,000 and 4,000; and in these days when we are confronted with the question of the proper housing of people, it seems to me we ought to give consideration to the housing of these employees of the Government, who are under great strain, and will be for a period of three years.

The question is, Where can we concentrate the buildings necessary for this purpose within a year? There is no question about it that the building proposed, costing $250,000, upon the lot adjoining the present site can be built within nine months or a year. The Senator from Nebraska [Mr. BURKETT] doubts that. But I think he can not be familiar with the extraordinary work that has been done by the great builders and constructors of the country in the great cities. The Senator has doubtless seen that magnificent building in New York, known as the "Stock Exchange," a building of very noble proportions, which was planned, designed, and finished within one year.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Nebraska?

Mr. NEWLANDS. I yield.

Mr. BURKETT. In the first place, we have not a year within which to build it; and in the second place, there is not a plan made for it. You probably could not get the steel made in time, if you ordered it now.

Mr. NEWLANDS. If that can not be done, then of course the Secretary of the Treasury under this amendment will purchase the existing site. But I have had some experience in buildings—a very wide experience in buildings, particularly since the fire and earthquake in San Francisco—and I have taken occasion to familiarize myself with the speed with which work of this kind can be conducted; and I assure the Senator that an entirely fireproof building, not only sufficient for all the requirements of this force, but pleasing to the eye, strong

in construction, and monumental in character, can be planned and put up within one year. I can refer the Senator to numerous instances in Chicago and New York and other great cities in which it has been done.

Mr. GALLINGER. Mr. President, can the Senator refer to any instance where the Government has ever done it?

Mr. NEWLANDS. I regret to say that I can not furnish such an instance, but I should expect that this amendment would put the Secretary of the Treasury and the Supervising Architect of the Treasury upon their mettle, and they would vie with private enterprise in the accomplishment of this work.

In a conversation with the Attorney-General two weeks ago he referred to the construction of the New York Stock Exchange building within a period of one year, and he referred to it as showing what could be done with a building dedicated to the Department of Justice, which, as we all know, has lagged for years. If this work should be put under the charge of the Attorney-General, familiar as he is with large enterprises in New York, connected as he has been with large corporations engaged in great constructive work, I will undertake to say that he would have the plans and the building finished all within one year.

Now, what is the nature of this construction? It is a very simple construction. It consists, first, of a steel frame and then simply filling in the steel frame. The spaces to be used are very large. The rooms will be perhaps from 40 to 50 feet wide and 100 feet long, or perhaps of greater length, for that is the modern way of such a construction.

The great delays in construction, the great cost in construction, come largely from the interior finish, the construction of partitions, the woodwork, and things of that kind. All these are unnecessary in this case. So far as the mere structure is concerned you put up the shell and fill in the spaces, and later on, if you want to make the building monumental in character, you can put on the columns, the marble, and the stonework that will give it character and dignity. There is no question about your being able, within a very limited time, to put up a building that will comfortably house these employees.

When the matter was last before the Senate I was impressed with this view; and after it passed I asked a noted architect of this city, who has done some of the best work in the city, who designed the Union Trust Company Building on H street, whether a building of this character could not be put up within a year. He sent me a letter of the George A. Fuller Company, stating that a building constructed according to a scale which Mr. Deming dashed off, but which is very attractive in appearance, of the dimensions required, could be constructed within a year for from 25 to 30 cents per cubic foot.

Here in this case the Census Office requires 200,000 square feet of surface. If you get a block containing, as most blocks do, 150,000 square feet, you will want to have a building only a little over one story high. Two stories would furnish one-half more than the space required.

The question is, Has the Government to-day within reach any space upon which this building can be constructed? We are all familiar with the fact that years ago the Government bought an entire block near the War Department for a Hall of Records building. That block, I believe, contains about 150,000 feet. The building has never been put up. It seems to me that it would be very much better to put the census force upon that salubrious site near the Mall, with large air spaces around it, and to put the future Hall of Records building on the site now occupied by the Census Office.

As everyone knows, the Hall of Records will not be filled with human beings; the building will be filled mainly with documents of the Government, and salubrity of site is not essential, whereas the Census Office is to be filled with between three and four thousand employees. So all you have to do is to devote the building indicated for the Hall of Records to this purpose, and, I should say, within nine months a suitable building could be constructed.

There is another site that is within reach, and that is the site referred to by the junior Senator from New York [Mr. ROOT], the site near the Corcoran Art Gallery, lying between it, I believe, and the building belonging to a patriotic organization of the country, and adjoining, I believe, the new building erected by Mr. Carnegie and dedicated to the American Republics. There is a block containing 160,000 square feet. I am told that an option has been obtained for the whole of it at the rate of a little over $2 a foot—less than the cost of the proposed site, the total cost being $350,000 for this site.

Citizens of Washington have been engaged in the enterprise of collecting funds to put upon that site an auditorium. It is a question as to whether private parties can carry through that enterprise, because it will be one probably without profit, and it is a question as to whether it ought to be a private enterprise, for there are numerous congresses, such as the tuberculosis congress that was held here some time ago, an international congress, and the international railway conference. Meetings of that kind are being held continually under the auspices of the Government, and some proper housing ought to be provided for them.

It is suggested by the Senator from New York that by cooperation in some way with the Citizens' Association this block might be turned over to the Government and a structure put upon it which would be suitable for the Census Office, and which could be dovetailed into and form a part of the future auditorium. Certainly the air spaces dedicated to the census force will be admirably adapted to large meetings. The census force will occupy the entire space for a period of only two or three years, and during the remaining seven or eight years the building will be very largely unoccupied. So it seems to me that this structure could be very well put to both uses.

The purpose of this amendment is to give the Secretary of the Treasury a free hand in this great exigency and emergency, to allow him, if in his judgment it is best, upon consultation with the census force, to purchase the existing site, and also to permit him, if it is thought best, to put up this structure upon the Hall of Records site, or to permit him by a negotiation with the citizens' organization to get control of the lot now proposed for a public auditorium.

I regret that the sum is placed at only $750,000, for I think that a building with 200,000 square feet of floor space will be a building, probably, of about two million and a half cubic feet, and at the price of 25 cents a cubic foot, for which such a building could be constructed, it would cost somewhere near $600,000, hardly leaving enough for the purchase of a site if the purchase of a site such as the auditorium site should be the best thing. I would much prefer that the amendment should increase the appropriation to a million dollars, and when we have done that we have placed it in the power of the Secretary of the Treasury to meet every phase of this question by proper negotiations.

Mr. ROOT. Mr. President, the fact that the Census Committee have proposed an amendment to the provision originally forming a part of the bill by which they ask the Senate to confer upon the Secretary of the Treasury discretionary power in regard to the selection of a site seems to indicate that the committee had become conscious of the fact that there were considerations which ought to receive weight and which they had not had the time or the opportunity to entertain as they ought to be entertained.

I can well see that there are such considerations. One is the question whether there may not be some plat of land already belonging to the Government upon which this temporary structure may be erected. Another is the question whether in view of the manifold needs of the Government for additional buildings there may not be some arrangement devised under which this structure may answer, in the first instance, the specific purpose of accommodating the clerks of the Census Bureau during the census period and afterwards be applied to other government uses.

I should much prefer to have those questions considered by the Congress itself; but if they have not been fully considered, as the action of the Census Committee seems to indicate, then it seems to me that we had better remit the consideration of them to a body which we can trust, so that they may be considered without delaying this pressing measure by consideration which we are not now prepared to give.

I must confess that the suggestion of the Senator from New Hampshire [Mr. GALLINGER] that there be an addition to the number of persons whom we call upon to exercise this discretion strikes me very favorably. I would rather see it put in the hands of a commission which can discuss the subject than in the hands of a single individual, greatly trusted as the Secretary of the Treasury is and ought to be.

I wish to suggest, however, to the Senator from New Hampshire that he make a further addition to the number of official persons whom he would include in such a commission. He mentioned, I believe, the chairmen of the Census Committees of the Senate and House and the Director of the Census as appropriate persons to add to the Secretary of the Treasury. It seems to me that the location and erection of a public building in the city of Washington is necessarily something more than a mere census question.

We are spending a great deal of money, and, I believe, properly and laudably spending it, to make Washington beautiful. If we erect a Census Office building, though we may call it a temporary building, no one can tell how long it will stand. It may

outlast any and all of us. It would be a pity to consider nothing but the accommodation of the clerks in the location and erection of such a building. It seems to me that the relation of the building to the general plan of Washington, the general character of its public buildings, and the development of the city in continually increasing beauty ought to be carefully considered, as well as the other matters to which I have referred.

I suggest that the chairmen of the Senate and House Committees on the Library should be added to the commission. They are much in the habit of considering just such subjects. They have for years been selecting sites and considering plans for public memorials and monuments of various kinds, so that they are competent to pass upon just such questions as I have referred to.

Mr. CLAPP. Mr. President, the suggstion of the Senator from New Hampshire, supplemented by the suggestion of the Senator from New York, would leave that body an even number. I would suggest that the Director of the Census be eliminated and that the body consist of the Secretary of the Treasury, the chairmen of the two Committees on the Census, and the chairmen of the two Committees on the Library. By dropping out the Census Director it would leave an odd number, and it might conduce to an agreement more readily.

Mr. BULKELEY. Mr. President, it seems to me this is a question that involves and should involve much more thought than could possibly be given to it in connection with the preparation of a bill for the taking of a census. The erection of public buildings in this city has been a matter of very careful study, not only from time to time by Congress, but by bodies of men who are familiar with the proper grouping of public buildings. We have in the Senate a committee that has charge of such business, the Committee on Public Buildings and Grounds. I should like to ask the chairman of the committee who has the bill in charge if the Committee on Public Buildings and Grounds has ever given any consideration to this matter?

Mr. LA FOLLETTE. I am not able to answer that. I am not a member of that committee, and can not speak for it.

Mr. SCOTT. Will the Senator from Connecticut allow me to answer the question?

Mr. BULKELEY. I would be glad to have it answered.

Mr. SCOTT. The Committee on Public Buildings and Grounds, I think, should be included in the proposition to erect a Census Office building or to add to the present building. I should think that it was a reflection upon the committee of which I am chairman to put it in the hands of the Committee on the Library. We have certainly given the subject a great deal of thought and consideration. The Senator from New York [Mr. ROOT] will remember, I think, that when he was serving as Secretary of State, and we were trying to acquire the block between Fourteenth and Fifteenth streets and Pennsylvania avenue and the Mall, we conferred with him and had communications from him on that subject. I do not want to inject my personality or that of my committee into whatever the Senate may think is best for the purpose of the Government, but I think if you would leave it to the Committees on Public Buildings and Grounds of the Senate and the House we could probably take care of it in a proper manner.

Mr. BULKELEY. There have been, I understand, very elaborate plans drawn from time to time for the beautifying of the city in connection with the erection of our public buildings. I think there is pending in the Senate at the present time a scheme to acquire large parcels of land on the south side of the avenue for the purpose of erecting on some general plan the buildings that will be adequate to the future demands of the Government.

It occurs to me that it would be vastly better to eliminate a scheme of this character, which can only be of a temporary nature and is only proposed to be of a temporary nature, for, I take it, that it would hardly comport with the dignity of the buildings we have heretofore erected for the Government to erect a permanent building for the Census or any other bureau that would be of such an inexpensive character as to cost but $250,000.

I hardly think that anybody would for a moment believe that for any such sum you are going to erect a building for any department of the Government that would answer the demands of the department or answer the criticisms that we would be likely to receive, in view of the elegant buildings that we have been constructing in the past few years.

I should much prefer to see, in accordance with the suggestions of the Senator from Nebraska [Mr. BURKETT], the whole item stricken out from the bill and left where, it seems to me, it properly belongs, and where it naturally would be considered and carefully considered by the Committee on Public Buildings and Grounds. I would suggest for the consideration of the Senate a proposition to strike out sections 33 and 34 of the bill in order that the provision may be considered in the regular way and not as a part of the census bill.

Mr. HEYBURN. I ask that the amendment under consideration may be read.

The PRESIDING OFFICER (Mr. CURTIS in the chair). The Secretary will read the amendment.

The SECRETARY. In lieu of sections 33 and 34 in the bill insert the following, to be section 33:

SEC. 33. That the Secretary of the Treasury be, and is hereby, authorized and directed to provide, upon land the title to which is in the United States, or to acquire by purchase, condemnation, or otherwise, a suitable site, with or without buildings thereon, for the use of the Census Office and for other governmental purposes; and to remodel, rebuild, or construct thereon such building or buildings as may be necessary to provide substantial and commodious accommodations for the Census Office on or before January 1, 1910. The sum of $750,000, or so much thereof as may be necessary, to carry out the provisions of this section is hereby appropriated out of any money in the Treasury not otherwise appropriated: *Provided*, That no part of the said appropriation shall be expended until a valid title to any property acquired under the provisions of this section shall be vested in the United States.

Mr. HEYBURN. Mr. President, it seems to me inappropriate to take up the consideration of the building or acquiring of a site for a building for any purpose in connection with this bill. During the Fifty-ninth and Sixtieth Congresses this body passed a bill and sent it to the other House providing for the purchase of the land south of Pennsylvania avenue as a suitable place to erect all necessary public buildings for a long time to come. Those who have taken an active part on behalf of that legislation have given necessarily a great deal of attention to the question of providing necessary buildings not only for to-day but for the future.

In my judgment, the Government should provide public buildings in this city for fifty years ahead of the present requirements. There should always be on hand extra rooms for extraordinary conditions that may arise. The Government should never be compelled to rent rooms in which to perform governmental functions. I am quite as strongly in favor of constructing public buildings, so much in each Congress, as I am of constructing war ships on the basis of so many in each Congress.

I think it quite as important to prepare for peace as it is to prepare for war. We are to-day paying rents in the city of Washington on the basis of about $16,000,000 in order to provide homes for government employees. To undertake in connection with the enactment of a measure such as this to provide for a building for this purpose merely because it has the same name does not seem to me at all necessary or wise.

We are apt to make this mistake. Before adopting a general policy for the location of these buildings we are apt to find that we have by dealing with it piecemeal scattered them around over the city. For instance, the Pension Office building is not located anywhere with relation to any other building. It is not according to any style of appropriateness at all. I am quite anxious to see a definite policy established at the earliest day so as to head off this irresponsible "spattering around" of buildings, if I may use such a term.

There is nothing in the amendment that determines where this building shall be located. Those designated by the act to locate it to-day may not be in sympathy with any system that Congress may have in view as to the location of public buildings. I feel called upon to protest against any provision being incorporated in the bill that will forestall an intelligent location of public buildings according to some recognized system.

It has been the declared policy of the Senate, twice expressed, that the public buildings should be on the south side of the Avenue. That is the position which the Senate has assumed on two occasions. I know of no reason for changing or anticipating a change of sentiment. Suppose, forsooth, that this commission—if that is to be determined on—were to conclude to erect a Census Office building off in some disassociated part of the city——

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I suggest to the Senator from Idaho that whilst at all events most of us agree with him in his views regarding the south side of Pennsylvania avenue, it is utterly impossible within the limited time to secure a site, because the blocks there are in divided ownership and the negotiations would cover a considerable period. This building has to be provided, if it is provided at all, within nine months or a year.

Mr. HEYBURN. Mr. President, I think that is not a serious objection at all. The Government has now at its disposal that palatial building lying at the foot of the grade in which nearly

one-half of the Members of this body have been luxuriously and comfortably located for the last twelve or fifteen years, known as the "Maltby Building." It was good enough for Senators, and I suppose it is good enough for census takers. I would try it.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield further to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Does the Senator realize that the employees of this bureau will number between three and four thousand?

Mr. HEYBURN. Well, we have more than that number; we have many thousands scattered around in rented buildings in this city. Does it occur to the Senator from Nevada that on the very eve of entering upon the taking of the census we should contemplate and undertake the erection of a building for that purpose? If you are going to provide a new building for the census, it should have been taken up five or six years ago. The idea of waiting until the hour of action, and then say, "Well, the first thing we have got to do is to build a house to cover us and shelter us while we take the census." No; that is not a conservative plan. I do not think it will appeal to the Senate upon mature deliberation that we should feel it necessary to construct a building before entering upon this work. What would we do with the building afterwards? Where would it be located? To what use would it be put? I think that every reference to the construction of a building should be eliminated from this bill. Let us, as soon as we can, carry out the broader plan of acquiring the land south of the Avenue which the Government does not already own, and provide for a harmonious construction of buildings that will be adequate for the present and for the future necessities of the Government.

I do not believe that all Members of Congress know that the Government already owns fully one-fourth of the land south of the Avenue, and has been allowing it to be used rent free and cost free by money-getting enterprises for a lifetime. The Government owned the land upon which the Pennsylvania Railroad Company's buildings were, but forgot it. It had allowed that company to use the land so long rent free that both the company and the Government thought the company owned it, and we actually made an appropriation to pay them $1,500,000 for land which we owned.

Mr. GALLINGER. We invited the company to occupy it, and Congress ratified it.

Mr. HEYBURN. Well, if you invite a man to come in and occupy a seat at your table, you do not thereby give him a fee simple in your household.

Mr. GALLINGER. Now, Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. The Government, for the purpose of getting a competing railroad into Washington, invited the Pennsylvania Railroad corporation here and gave them the occupancy of certain lands south of the Avenue—considerably south of the Avenue—upon which to erect a station. Subsequently the Government asked the company to abandon that land and accept the site upon which their station was built. Now, it is hardly fair to say that they were squatters or that they ought to have been dispossessed except in a proper way.

Mr. HEYBURN. Mr. President, I am not entering upon any attack upon any railroad. I am dealing with facts. I presume I am as friendly in my intention toward the Pennsylvania Railroad as that railroad is toward me, or as it is to any other Senator. I am dealing with pretty cold-blooded facts that somewhat astonished me when they were developed upon this floor upon a former occasion. I wonder how many know that the Government owns the land upon which the Center Market stands, and that that market has occupied it a lifetime without paying or compensating the Government for it? I suppose that the market company will feel when the time its visit has expired that its transportation expenses should be paid. I wonder how many people know that this great marble palace down here was paid for one-half by the Government of the United States?

Mr. GALLINGER. Mr. President, nobody knows that, because it is not a fact.

Mr. HEYBURN. Well, that is the kind of statements with which I was met when we were dealing with this question before; but they did not stand examination.

Mr. GALLINGER. The trouble is, if the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Yes.

Mr. GALLINGER. The trouble is that the Senator from Idaho has not made the proper investigation. The Government paid not one copper for that marble palace to which the Senator refers. The Government made a contribution toward the elimination of grade crossings in the District of Columbia, precisely what has been done by many other cities of the country.

Mr. HEYBURN. Was not money paid out of the Treasury, directly or indirectly, toward the construction of that depot?

Mr. GALLINGER. Not a copper.

Mr. HEYBURN. Not a copper?

Mr. GALLINGER. No, sir.

Mr. HEYBURN. I would ask the Senator how much money is the Government out by reason of the construction of that depot?

Mr. GALLINGER. Mr. President, I will answer the Senator from Idaho very promptly. The railroad companies were content to remain where they were, but Congress thought it very desirable to have a union station in the city of Washington. It was thought desirable to build a very expensive station—much more expensive than the present wants of the city required. That has necessitated on the part of the railroad corporations the expenditure up to the present time of more than $25,000,000. The Government of the United States and the District of Columbia, for the purpose of eliminating grade crossings in this District, made a contribution of something like $3,000,000, but not a copper was paid for the beautification of the city in the vicinity of the Union Station or for the construction of that building.

Mr. HEYBURN. I should like the Senator, while he is giving information, to state how much the Government paid the Pennsylvania Railroad for moving off of the Government's land at Sixth and B streets?

Mr. GALLINGER. Well, Mr. President, I will simply say that the Government and the District of Columbia, for everything connected with the removal of the Sixth Street Station, for the elimination of grade crossings, and for everything that has been done in the direction of giving us the Union Station—the finest station in the world—and the building of the tunnel and the elevating of the tracks from the north, contributed about $3,000,000. That is all I have got to say about that.

Mr. HEYBURN. Mr. President, I think it will be developed upon an inspection of the records that the Government Treasury is out a little over $6,000,000 in connection with the transfer from the old depot to the new one. So I think it will be found that my statement will be borne out by an examination of the facts.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. I do.

Mr. GALLINGER. I had something to do with that matter and think I am very well informed in regard to it. I shall be very much delighted, indeed, if the Senator will produce what he says are the facts, which, as a matter of fact, are pure fiction.

Mr. HEYBURN. Mr. President, it is a very convenient way to denominate a matter "fiction" when the construction upon which that conclusion is based is known only to the Senator who makes it. I was speaking, however, of the land which the Government now owns appropriately located for the purpose of erecting upon it buildings that are needed for the Government's use. It owns the land formerly occupied by the Pennsylvania Railroad by the grace of the payment of a million and a half dollars—a tip paid a parting guest. The Government owns the land upon which the Center Market stands. It owns the block lying beyond it. It owns ground enough there to erect buildings for many years to come.

Now, let us not take this thing by piecemeal and make what I may term, with a due regard for those who have introduced it, an irresponsible provision for an irresponsible building. There is neither time nor is the occasion appropriate for entering upon the construction of any such building for such a purpose. My own object in speaking upon the question at all is that I do not want a meritorious plan for the beautification of the city and the accommodation of the Government despoiled, as it has already been done in part.

Buildings have been set on Pennsylvania avenue with the corner to the street. One beautiful District building is set down in the ground until it looks like a man with his hat jammed down on his shoulders. Let us have no more of that. Let us be conservative, and let us deal with proprieties and the things that are appropriate in this matter and cut out from this bill any reference to the construction of a building. I repeat, let us now enter upon a policy that will anticipate the

growth of the Government for fifty years. Let us deal with the question as a man deals with his home. Let us have more room than we want to-day in anticipation of the necessities of some other day.

Mr. GALLINGER. Mr. President, simply a word. The Senator from Idaho is not the only Senator who is interested in the development or beautification of the city of Washington. The Senator has taken charge of this matter, it is true; but before he took charge of it there were some of the rest of us who had done something in that direction.

The Senator talks about acquiring all the land south of the Avenue. It is true that the Senate did pass a bill for that purpose. In that bill the sum of $10,000,000 was appropriated for the purchase of that land, when every Senator who had given that matter any consideration knew that $30,000,000 would not purchase the land.

I submit to the Senator that it will be some time in the future before the Government of the United States acquires all the land south of the Avenue. It may ultimately do so, and very likely it may be a good bargain for the Government to do it now; but the Government is not going to do it for some time to come.

I am not going to discuss the railroad question. That was discussed here before the Senator became a Member of this body; and a policy was settled upon by Congress that was considered fair and just as between the District, the Government, and the railroad corporations. It is ancient history, and it is idle to revive that controversy now.

The Senator speaks of land upon which the market building stands. Why, Mr. President, that building is there, it is true, by grace of the Government, but that company regularly makes contributions to the Public Treasury, which the Government accepts. Perhaps they are not sufficient, but the Government accepts them in good faith, and I do not think the market company ought now to be criticised because of the fact that they occupy government land.

I will say to the Senator from Idaho—and I say it upon knowledge—that when the time arrives for the company to vacate that land, under the agreement made with the Government, the company will be willing to vacate it upon the terms provided in the agreement. Hence that company should not be the subject of unfair or unkind criticism.

Now, Mr. President, recurring to the bill, my judgment is that it would be wise to accept the House provision to enlarge the present building that is now occupied by the Census Office. I think it would be an economical thing to do. I think it would answer every requirement of the Census Office in the taking of the next and the subsequent censuses; but some Senators around me do not agree to that proposition. They think it would be wise to defer the matter, and I am inclined to agree with those Senators that perhaps the best solution of the subject, so far as the present is concerned, is to strike out from the bill sections 33 and 34 and let the matter go to conference. Possibly the conferees may be able to adjust it better than we can adjust it to-day.

Mr. President, I do not think there is any occasion for heat. I do not think there is any occasion for denunciation. We are all trying to do the best we can do under the circumstances for the Government. We have got to make provision to take the next census. We can not erect an elaborate structure and have it in condition to occupy in nine or ten months, but we might be able to erect on the ground that is now occupied by the Census Office a temporary building that would answer for the time being. That is all we could do in the nine or ten months which remain.

Let us take this matter up calmly and dispassionately and solve the problem as best we can under the circumstances. As I have said before, if I had my way I would accept the House provision; but other Senators, perhaps wiser than I am, think otherwise, and if that is deemed a desirable thing I will unite with those Senators in casting my vote to amend the House provision or to eliminate from the bill all allusion to the new building and let the whole matter go to the conferees, who will have time to consider it and who will doubtless consider it more carefully and very likely more wisely than we can do to-day.

Mr. CLAPP. I should like to ask the Senator a question.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Minnesota?

Mr. GALLINGER. Certainly.

Mr. CLAPP. I should like to ask whether the matter would be in conference if we simply strike out the entire section? The Senator is more familiar with that than I am.

Mr. GALLINGER. It would. The conferees could then agree upon a substitute provision, and they could create a commission if they chose to do so.

Mr. CLAPP. If that is true, I am in favor of it.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I have yielded the floor; but I yield to the Senator for a question, if that is his purpose.

Mr. HEYBURN. I will not put it in the form of a question, then, if the Senator has yielded the floor. I was going to suggest to the Senator, first, that he certainly was not laboring under the impression that I had spoken in heat or passion about anything.

Mr. GALLINGER. The Senator always speaks with a great deal of zeal and earnestness, and I think sometimes with a considerable degree of heat. [Laughter.]

Mr. HEYBURN. Well, Mr. President, it is hardly an occasion on which I feel called upon to define my personal feelings; but I may say appropriately that I have never spoken in public in heat or passion during my life, though I have spoken earnestly. I do not feel called upon to defend myself at all for the manner in which I speak. I may possibly be at times called upon to defend myself for the utterance, but not for the manner of it, I trust.

Mr. President, the Senator seems to think that I should not take notice of things because they are so ancient that they occurred before I came here—something over six years ago. I was dealing with questions that have arisen since I became a Member of this body. Mistakes do not gain dignity because of age. If mistakes were made, if the Government made a bad bargain with those people, such transactions are just as much subjects of criticism to-day as the day after they were made.

The Senator from New Hampshire says I have assumed to take charge of the matter. I have assumed this far: I am, by the grace of this Senate, a member of the appropriate committee to consider these matters. I was directed by that committee to report the measure to which reference has been made. I spoke in support of it upon this floor, as I may, perhaps, do again, and the Senate stamped the measure with its approval; so I do not feel called upon to apologize because I address the Senate on this subject. I have been placed in the responsible position where it is my duty to address the Senate upon this subject whenever the question arises. As a member of the Committee on Public Buildings and Grounds, I am directed to present this matter——

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from West Virginia?

Mr. HEYBURN. Certainly.

Mr. SCOTT. Was not the Senator appointed by the full committee a subcommittee to take this subject up?

Mr. HEYBURN. Yes, Mr. President; I was. I am glad the chairman of the committee called attention to it. I should not have done so; but I was appointed a subcommittee by the whole Committee on Public Buildings and Grounds to present this matter to the Senate, and I am doing no more than my duty. When I see introduced or urged measures that might interfere with the policy that has been adopted by that committee, whose spokesman I happen to be, I would be doing less than my duty if I were to sit idly here and allow this policy of public improvement to be nibbled here and there until there would be no form or substance left for the committee having the responsibility to act upon. I think it is appropriate to call the attention of the Senate to the fact that the matter is under consideration by a standing committee of this body, and that it proposes to act and to submit its action to this body for ultimate determination.

Mr. President, I sincerely trust that nothing will be attempted at this time that might either mar or defeat the plan of your committee to whom has been intrusted the duty of providing appropriate building sites and an appropriate plan of public improvement.

Mr. GALLINGER. Mr. President, I regret that the Senator has felt called upon to look at me in the tone of voice that he did a moment ago [laughter]——

Mr. HEYBURN. That was a dulcet tone.

Mr. GALLINGER (continuing). And to read a lecture to me on his duties and mine as Senators of the United States. The Senator does belong to the committee that has this matter in charge, and I am quite willing that that committee should perform its functions; yet some of the rest of us have had an interest in the matter that is so near the Senator's heart, and we expressed it on this floor before the honorable Senator became a Member of the Senate.

Mr. HEYBURN. Mr. President, again I must apologize for my youth.

Mr. GALLINGER. No; the Senator need not apologize for anything; the Senator is an apology in himself. [Laughter.]

Mr. HEYBURN. Mr. President, there are times——

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I do not yield to the Senator now. I will give him all the time he wants after I get through.

Mr. HEYBURN. I was going to ask the Senator for a little more definite statement with regard to his last remark. I can do it, though, in my own time.

Mr. GALLINGER. The Senator will not, Mr. President, get up a heated controversy with me, because I always keep cool.

Mr. BAILEY. The Senator is never heated.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. The Senator from New Hampshire declines to yield.

Mr. HEYBURN. I am addressing the Chair again, and I should like a ruling as to whether I may be permitted to interrupt.

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. Certainly; I yield to the Senator.

Mr. HEYBURN. I should like to inquire of the Senator just exactly what he means when he says I am an apology in myself? [Laughter.]

Mr. GALLINGER. Well, Mr. President——

Mr. HEYBURN. I am not at all inclined to have any heated controversy, nor am I inclined to submit for a moment to any innuendo from anybody anywhere.

Mr. GALLINGER. Well, Mr. President, that kind of language does not count with me at all. I will dismiss the Senator with the words of the old play, "And you, Oh, Polonius, you vex me but slightly." [Laughter.]

I will not enter into a heated or a disagreeable controversy with any Senator.

The Senator from Idaho talks about the right of the committee of which he is a member. He is correct in that; but he goes back seven or eight years to criticise a matter that was in the hands of another committee—the Committee on the District of Columbia—of which I chance to be chairman. If there is any unpleasant criticism in this controversy, it came from the Senator himself, and not from me.

I will apologize to the Senate if I have said anything in this debate that I ought not to have said; and, to my friend from Idaho, of whom I am personally very fond and whom I regard as one of the best Senators in this body, I will say that I have had no intention of being offensive to him in any way. The Senator sometimes is heated. The Senator sometimes in debate goes quite as far as I ever have gone in debate in criticising others. I will leave the personal matter exactly there.

The Committee on the District of Columbia has had an interest in all these matters. The Committee on the District of Columbia had charge of the bill that provided for the erection of the Union Station. I believe that committee acted with great wisdom. With the exception of one or two members on the committee, who took some exception to the final conclusions, the committee was united. I think that there is very little complaint made against that committee so far as the results are concerned. We have beautified the city by building that great Union Station, and when the grounds are completed it will be the joy not only of every citizen of this District, but of every citizen of this great country who has the privilege of observing it. I do not think it is wise, seven or eight years after that legislation has become an accomplished fact, to call in question the patriotism, the wisdom, or the good sense of the committee that had in charge that great work.

It was a labor of love, a labor that involved a great deal of time and care and thought; and I hope that some time there will be an end of the criticism of the work that was then done and the appropriations made for that purpose.

I want to repeat that the city of New York, the city of Boston, the city of Detroit, the city of Wilmington, and many other cities have made contributions of a larger per cent toward the elimination of grade crossings than were made for that purpose by the Government of the United States and the District of Columbia. That is all there is to the matter, so far as the appropriations which the Senator from Idaho criticises are concerned.

I do not care to weary the Senate in discussing the use by the railroad company of the ground on which the station that has recently been pulled down stood. I think it ought to have been removed and the Mall opened up. The railroad was there, it is true, by the courtesy of the Government; but the railroad had been invited to occupy that land, and if the railroad company itself had thought of abandoning that site until provision was made for a union station, the company would have been severely condemned.

Mr. President, I do not think we ought to continue this controversy. I have no disposition to do it. I have no feeling but kindness for the Senator from Idaho, and whether or not he feels so toward me, I certainly shall continue to feel so toward him.

Mr. HEYBURN. Mr. President, I certainly have none but the kindest feelings of personal friendship and high regard for the Senator from New Hampshire. Nothing that he could say or would say could change that relation between us. Perhaps both of us sometimes, as he suggests, go pretty near the limit in our criticism of measures, not of men. When I criticise legislation that has been enacted by this body I do not criticise, and am not to be understood as criticising, the men who participated in it; but it would be intolerable that we should not criticise legislation for which no one Senator is responsible. When a matter becomes legislation every Senator is as much responsible as every other Senator.

Mr. GALLINGER. Responsible for his vote.

Mr. HEYBURN. What occurred before I came here I had no responsibility in connection with. Perhaps nearly half the Senate is new since I became a Member of it; so that responsibility is not very heavy at this time.

I have nothing further to urge in regard to this matter. I simply adhere to my statement that I think this bill should not deal with the measure at all.

Mr. LA FOLLETTE. Mr. President, this body adopted the provision for the erection of a building upon the ground adjoining the present Census building after full and thorough consideration. Whatever may be done by the Senate to-day in reference to the pending amendment, it is probable that when the matter is fully thrashed out we shall be driven to the position taken by the Senate at the last session of Congress upon this question, and if we do the wise thing for the present, it will be to provide a temporary building there to meet the exigency with which we are confronted.

Where the responsibility rests, or whether responsibility rests upon anybody for neglect in not providing a suitable building before we reached this emergency, I am not prepared to say. The Committee on the Census have nothing to do with that question, I am sure, except when charged with the responsibility of reporting with all possible haste a bill under which the next census shall be taken containing such a provision. The only reason why a substitute amendment was offered to-day for these two sections, which the Congress adopted last session, is that it might be possible to secure some location within the appropriation proposed better than that which is now occupied.

Mr. BURKETT. If it is in order, I desire to move to strike out those two sections.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the committee.

Mr. NEWLANDS. What is the question, Mr. President?

Mr. SCOTT. I think the vote now is on the amendment offered by the Senator from Connecticut to strike out sections 33 and 34.

The VICE-PRESIDENT. The committee amendments are first in order, by order of the Senate.

Mr. NEWLANDS. Mr. President, I hope the amendment offered by the committee will prevail. I sympathize with every word the Senator from Idaho [Mr. HEYBURN] has uttered regarding the need of a comprehensive plan and regarding the wisdom of providing long beforehand for our public buildings and for every public requirement, and I join with him in the condemnation, not of his committee, but of the inertia of Congress in this matter. We are all responsible for it.

But here is the situation. We are going to employ immediately between 3,000 and 4,000 people, who have to be housed in this city in the work of the census. We have to-day a property under lease, the lease of which will expire within a few months. That building, in my judgment, has always been unsuitable for the work, and yet more suitable than any building we could rent. It is absolutely necessary to add to the space at present occupied, and we must either build ourselves or get somebody else to build for us, for it is absolutely essential that this work should be concentrated. The showing of the Director of the Census is convincing upon that point. The scattering of this work over the city, as it has been customary to do with reference to many bureaus and works, would be very prejudicial to the service itself and would result in delay and a very much increased expense.

We have to take this place or else we have to authorize somebody to act for us promptly in the selection of another one, and we have to give that somebody the power and the authority to proceed immediately with the plans and the construction.

I agree to what the Senator from Minnesota said about the unwisdom of giving such extraordinary powers to a single official,

but the emergency is upon us. We can not exercise our judgment in reference to a site because that would mean delay. It would be unwise for us to create a large board, for time would be consumed in the meeting of the board. We must fix the responsibility upon some official. I should prefer to fix the responsibility upon the President himself, who can call in the Director of the Census, the Secretary of Commerce and Labor, the Secretary of the Treasury, the Supervising Architect of the Treasury; who can call in a competent architect from the outside who is accustomed to great work; who can call in a great constructor, and then settle the matter quickly. But outside of the President, certainly the Secretary of the Treasury, the official designated by this amendment, is the proper official, because in his department is the great bureau of architecture known as the "Office of the Supervising Architect," and that official is under his direction and control.

Now, what power do we give him? We give him the power of accepting this site which Congress, for lack of any better plan, approved in the bill that last passed. It gives him the power to put up a building costing $250,000, just as Congress gave the power at the last session of Congress; but it gives him an alternative and it gives him the power to make this expenditure upon another site which may be now in the possession of the Government—for the Government owns other land, notably this site to which I have referred, an entire block, which is intended for the Hall of Records—or gives him the power, if he can do so within the appropriation, to purchase a site and put up a building.

It is to be assumed, inasmuch as Congress can not act upon these matters of judgment, that the Secretary of the Treasury will act promptly and will act wisely under all the circumstances, and it seems to me the amendment offered by the committee meets the situation.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

Mr. BULKELEY. If it is in order, I move to strike out sections 33 and 34 of the bill as amended.

The VICE-PRESIDENT. Under the order of the Senate, the committee amendments must first be disposed of. All of them have not yet been concluded. The Secretary will resume the reading of the bill.

The Secretary resumed and concluded the reading of the bill.

The VICE-PRESIDENT. Section 7 was passed over.

Mr. LA FOLLETTE. For the committee, I am instructed to ask to recede from the amendment adopted by the committee and reported on page 2, line 14.

Mr. KEAN. Page 2?

Mr. LA FOLLETTE. As reported by your committee, the words "without examination" were recommended to be stricken out of the bill, and now the committee instructs me to recede from that proposed amendment. As we have passed that section, I ask unanimous consent to return to it.

Mr. KEAN. Section 3?

Mr. LA FOLLETTE. Section 3.

Mr. KEAN. Let it be read.

The VICE-PRESIDENT. If there be no objection, the Senate will return to section 3, and the Secretary will report the proposed action asked for by the Senator from Wisconsin.

Mr. LA FOLLETTE. Just the words "without examination."

The SECRETARY. On page 2, line 14, it was proposed to strike out the words "without examination."

The VICE-PRESIDENT. Those words were stricken out.

Mr. LA FOLLETTE. Those words were stricken out.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent to reconsider the vote by which those words were stricken out. Is there objection? No objection is heard, and it is so ordered. The question is on agreeing to the amendment.

Mr. KEAN. That is, it leaves it with those words in.

Mr. GALLINGER. "Without examination."

Mr. CUMMINS. I suggest to the chairman of the committee that there is some misapprehension with regard to the motion just made by him. As I remember the action of the committee, those words were to be stricken out and the matter was to be cared for under section 7.

Mr. LA FOLLETTE. That is the amendment which I understand is about to be submitted to the Senate—to strike out the words "without examination."

Mr. CUMMINS. Yes.

Mr. LA FOLLETTE. And when that shall have been done, I will follow it with the proposal of the other amendments of the committee which the committee authorized me to offer.

Mr. CUMMINS. I understand these words have already been stricken out. They were to be stricken out, as I remember the action of the committee.

Mr. LA FOLLETTE. The pending proposition is to restore those words.

The VICE-PRESIDENT. The vote striking out those words has already been reconsidered by the Senate.

Mr. LA FOLLETTE. It has been reconsidered by the Senate.

Mr. SMITH of Michigan. I should like to ask the Senator from Wisconsin whether he thinks by restoring these words we will facilitate the work of taking the census?

Mr. LA FOLLETTE. Those words were stricken out by inadvertence by the committee. It was simply to make that correction, in order to perfect the section, that I offered the motion.

Mr. SMITH of Michigan. I did not understand that it was by inadvertence. I was prompted to make the inquiry because the Civil Service Commission have been so driven with the additional work put upon them that I have been in very serious doubt whether we could take the census at all next year if we left the preliminary arrangements for that purpose entirely with the Civil Service Commission. I thought perhaps it might facilitate the work of taking the census to follow the lead of the committee.

Mr. LA FOLLETTE. It was not intended by the committee that they should be stricken out.

Mr. SMITH of Michigan. For instance, I understand that the order requiring examinations for fourth-class postmasters, which put them into the classified service last November, and which was supposed to go into effect on the 15th of February, has as a matter of fact gone into effect, but the Civil Service Commission are so driven with work that not a single vacancy has been filled in fourth-class post-offices since the matter was left to the commission.

If by allowing these appointments to be made without a civil-service examination we will facilitate the taking of the census and eliminate entirely the question of party spoils, I shall make no objection. If I thought it operated otherwise, I should certainly object.

Mr. CUMMINS. Mr. President, I do not think it was the purpose of the committee to leave these officers, save the assistant director and the private secretary, without examination.

Mr. LA FOLLETTE. Without examination by the Civil Service Commission, if I understood the action of the committee.

Mr. CUMMINS. I may be permitted to remind the chairman of the committee that it was the sense of the committee, as I understood, in the amendment recommended by the committee that all the officers named in section 3, with the exception of the assistant director and the private secretary, should be included in the special-test examination provided for in section 7, which examination is to be conducted by the Civil Service Commission, but the test or rules are to be prescribed by the Director of the Census.

Mr. LA FOLLETTE. The test is to be prescribed by the Director of the Census. The Civil Service Commission is formally to conduct the examination.

Mr. CUMMINS. And therefore the words "without examination" should be stricken, in section——

Mr. LA FOLLETTE. In section 3.

Mr. CUMMINS (continuing). In section 3, and should be inserted, as I remember, in section 7, so that section 7 would read:

SEC. 7. That the additional clerks and other employees provided for in sections 3 and 6, excepting the assistant director and the private secretary, shall be subject to such special-test examination, etc.

Therefore, as it seems to me, the words "without examination" should remain stricken out of section 3.

Mr. LA FOLLETTE. That is the action which I understand is before the Senate.

Mr. SCOTT. Mr. President, as far as I am personally concerned, I would hope that the whole matter would go out, and that Representatives and Senators should be given the privilege to name good clerks to do this work. It was my portion to serve as Commissioner of Internal Revenue when the Dingley bill was put into force under the McKinley administration. It had to be put in force, as I recollect now, within sixteen days after its passage. There were a number of clerks to be appointed—I should say a thousand—all over the United States. It was left to the Commissioner of Internal Revenue. I asked Representatives and Senators to name to me clerks whom they thought would be suitable for those positions, assuring them that their recommendations would be given consideration, and that at the expiration of a temporary appointment of sixty days I reserved the right to dismiss them and have others selected.

I desire to say, Mr. President, that in my experience with those hundreds of clerks who were recommended by Representatives and Senators, not one of them did I have to dismiss. After a temporary appointment they were put on regularly.

Hundreds of those clerks since have been put under the classified service; and I say here, without fear of successful contradiction, that some of the best clerks in the Internal-Revenue Service of this country are persons who were recommended by Senators and Representatives for the positions they hold to-day.

Mr. President, in my experience as commissioner but once did I ask for a certification from the Civil Service Commission. I had certified to me a man who passed 99 per cent on his examination. He was assigned to a position in the Revenue Service in Philadelphia, and in a very short time he had to be dismissed for dishonesty; and we found that he had occupied a cell in a penitentiary previous to his taking the examination. Yet he passed at 99 per cent. I do not want it understood that I desire to turn back the hands of the clock, but I do believe if you will permit the Senators and Representatives of the United States, upon their honor and their dignity and their word, to name persons, they will name men and women suitable to do this work, and that you will get better clerks, more efficient clerks, clerks that will work more hours, than by going to the Civil Service Commission and having them certify persons to fill these places.

Mr. President, I am opposed to having them examined by the Civil Service Commission at all. Let the Director of the Census, Mr. North, if he is to be the director, prepare an examination and put the clerks who are recommended by Senators and Representatives through the test that he prescribes, giving to the old war veterans of 1861–1865 an advantage of 5 or 10 per cent, say, in their examination, and the Spanish-American war veterans 5 per cent. Let the director designate the line of examination, and let him be the judge as to who are the people that can best serve him in the work in producing the results we all desire.

Mr. President, I have stated my position. I doubt whether there is anybody who will agree with me, but I freely and frankly put myself on record that, in my judgment, this is the surest way to get the best results.

Mr. CLARK of Wyoming. Mr. President, a parliamentary inquiry. I understand, if the motion of the chairman of the committee prevails, it will have the effect of restoring the House provision.

The VICE-PRESIDENT. Restoring the two words.

Mr. CLARK of Wyoming. "Without examination?"

The VICE-PRESIDENT. "Without examination."

Mr. CLARK of Wyoming. I would ask if that is the understanding of the chairman of the committee, if his motion prevails it will be to restore the House provision, so that the two words, "without examination," will remain in the bill?

Mr. LA FOLLETTE. It is brought to my attention by another member of the committee that, while in the first place it was agreed by the committee to recede from the committee amendment striking out the words "without examination," in section 3, another amendment subsequently agreed to in section 7 requires that the amendment as reported be adhered to. The committee did not formally rescind its action in agreeing to recede from the former amendment, and, in the haste in which we proceeded, I had not noted that such was the effect of the subsequent amendment in section 7. The effect, therefore, of the committee amendments in sections 3 and 7 is to strike out all of section 3 after the word "division," in line 10, except the words—

These officers shall be appointed by the Director of the Census.

Mr. NEWLANDS. What page?

Mr. LA FOLLETTE. Page 2.

Mr. SCOTT. I ask the Senator in charge of the bill whether his amendment strikes out the words that have been stricken out in lines 14 and 15, page 2, or whether it restores them?

Mr. LA FOLLETTE. It strikes out those words and some other words additional to those words, leaving the section in that portion of it to read as follows:

These officers shall be appointed by the Director of the Census.

Mr. BACON. If I understand that——

Mr. LA FOLLETTE. That is to be stricken out; that is, if the action of the committee is to be adopted, and it is to be followed——

Mr. SCOTT. By what?

Mr. LA FOLLETTE. By a committee amendment to section 7, as soon as this is disposed of.

Mr. BACON. If I understand the meaning of the Senator from Wisconsin, if there is nothing prescribed with reference to the examination, it necessarily implies that the director has the power without examination. Therefore it is not necessary to specify. Am I correct?

Mr. LA FOLLETTE. I will say to the Senator from Georgia, it is proposed to follow that amendment with another which will provide for an examination, to be prescribed by the Director of the Census, for all these officers excepting the assistant director and the private secretary.

Mr. CLAY. The Senator desires to amend section 7, as I understand, so that not only the employees mentioned in section 7 shall stand the examination, but that the special employees of the director mentioned in section 3 shall stand the examination, except the Assistant Director of the Census.

Mr. LA FOLLETTE. The assistant director and the private secretary of the director.

Mr. CLAY. Section 3 provides for—

An assistant director, who shall be an experienced, practical statistician; a geographer; a chief statistician, who shall be a person of known and tried experience in statistical work; an appointment clerk, a private secretary to the director, two stenographers, and 8 expert chiefs of division.

Does the Senator think that those employees of the census ought to be under the Civil Service Commission?

Mr. LA FOLLETTE. This does not put them under the Civil Service Commission.

Mr. CLAY. If you amend section 7, as you say you will, it will place them under the Civil Service Commission.

Mr. LA FOLLETTE. It will require that they be examined by the Civil Service Commission, but the test will be fixed by the Director of the Census.

Mr. CLAY. Then, if I understand the Senator, under the provisions of this bill every single employee in the census work, including messengers and charwomen and higher employees, except the assistant director, will be under the Civil Service Commission and be appointed after having stood the examination.

Mr. LA FOLLETTE. After having passed an examination conducted by the Civil Service Commission, the examination having been prescribed by the Director of the Census.

Mr. CLAY. Then, this will not apply to the enumerators appointed by the supervisors in the different districts?

Mr. LA FOLLETTE. No; nor to the supervisors, nor to the special agents.

Mr. CLAY. If applied to the enumerators, I doubt if we would ever get the census taken.

Mr. CARTER. Mr. President, there seems to be some confusion in the minds of Senators as to the exact condition of the amendments proposed to section 3 and likewise to section 7. Permit me to say that these amendments are interdependent. The committee, in the course of the consideration of section 3, first struck out the words "without examination." It was thereupon suggested, at a later hour, that striking out those words in the text of the section left the officers referred to subject to the general civil-service examination. Desiring to avoid that as to those particular officers who constitute the executive staff of the director, in whose selection qualifications of an executive and technical character both must be considered, it was concluded that the words stricken out, thus referring the matter to the Civil Service Commission, should be restored, or that motion reconsidered, and as the chairman of the committee suggests, on a motion made by me, the action of the committee in that behalf was reconsidered.

At a later moment, however, in the deliberations, which were, as the chairman suggests, quite hastily conducted, owing to the short time at disposal, it was concluded that these officers should be made subject to the examination conducted on test questions prepared by the director, as provided in section 7.

Hence, in striking out the words "without examination," as the committee originally did, to prevent those officers from going into the general classified service, it was provided that the provisions of section 7 in reference to test examinations should likewise apply to the officers named in section 3. So, as the text amended originally by the committee stands, the words "without examination" are stricken out, and those officers are to be subject to the test examination provided in section 7. If the amendment agreed to originally by the committee as to section 3 is adopted, it will be necessary, then, to adopt the amendment in section 7 to prevent the general civil-service law from applying to section 3.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin [Mr. LA FOLLETTE]. The Chair will ask the Secretary to read the amendment again, if there be no objection.

The SECRETARY. As now modified, in section 3, page 2, line 13, after the word "officers," strike out the comma and all of the section down to and including the word "recommendation," in line 15, and insert "shall be appointed by," so that if amended the clause will read:

These officers shall be appointed by the Director of the Census.

Mr. DU PONT. I should like to ask the chairman of the committee if this amendment will not require the assistant director to be appointed by the Director of the Census?

Mr. LA FOLLETTE. The assistant director will then be appointed by the Director of the Census.

Mr. DU PONT. Is that the intention?

Mr. LA FOLLETTE. It is believed by the committee that the appointment should be given to the Director. It is a highly technical place.

Mr. DU PONT. That is the intention of the committee?

Mr. LA FOLLETTE. That was the intention of the committee. I ask unanimous consent to withdraw the previous amendment.

The VICE-PRESIDENT. The Chair understands that the amendment first offered by the Senator from Wisconsin was withdrawn.

Mr. LA FOLLETTE. Yes.

The VICE-PRESIDENT. Thereafter the Senator offered the amendment which the Secretary has just read, and the pending question is on the adoption of the amendment.

Mr. GALLINGER. Mr. President, before the amendment is voted on I wish to ask the Senator from Montana if I understood him to say that if the words "without examination" were stricken out, under some subsequent section there would be an examination provided for the 14 or 15 different employees designated in section 3.

Mr. CARTER. In section 7 it is provided "that the additional clerks and other employees" and so forth, "shall be subject to such special test examination as the Director of the Census may prescribe."

Mr. GALLINGER. That applies to those provided for in section 6.

Mr. CARTER. It does not include section 3. It is proposed to amend by adding section 3, so that all shall be included.

Mr. GALLINGER. That is satisfactory. I think all should be included.

The VICE-PRESIDENT. The Secretary will again read the pending amendment, because it is apparently misunderstood.

Mr. KEAN. I desire to know what words are stricken out in section 3.

The VICE-PRESIDENT. The Secretary will again read the amendment.

The SECRETARY. In section 3, page 2, line 13, after the word "officers," strike out the comma and the remainder of the section and insert the words "shall be appointed by the Director of the Census."

Mr. KEAN. Does that strike out lines 16 and 17?

The VICE-PRESIDENT. It does.

Mr. KEAN. It strikes out the provision that the assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

The VICE-PRESIDENT. The assistant director is then to be appointed by the Director of the Census, as the Chair understands the amendment.

Mr. LA FOLLETTE. That is the purpose of the amendment.

Mr. KEAN. I think we ought to have some explanation of it.

Mr. SCOTT. Why will not the Senator in charge of the bill, the chairman of the committee, read us the bill as it will appear as he wants to have it amended? Let it be read clear through; then we can properly understand what we are voting on.

Mr. LA FOLLETTE. Does the Senator from West Virginia refer merely to the proposed amendment of this section?

Mr. SCOTT. I want to have the Senator explain the amendment in section 3, and then what it will provide further on, in section 7—what the bill will contain when we pass it, if we do pass it.

Mr. LA FOLLETTE. I think that is a pertinent inquiry, because those two amendments have reference to each other and ought to be considered together, perhaps.

After the word "division" at the end of line 12, in section 3, strike out the balance of the section and insert the following:

These officers shall be appointed by the Director of the Census.

That is the proposed amendment as to section 3. When that is disposed of, if the amendment is adopted, I am directed by the committee to move to amend section 7 by adding after the word "employees," in line 22, on page 4, the following:

Except the assistant director and the private secretary to the director.

And inserting before the word "six," in line 25, the words "three and," so that the first four lines of that section will read as follows:

SEC. 7. That the additional clerks and other employees, except the assistant director and the private secretary to the director, provided for in sections 3 and 6, shall be subject to such special test examination as the Director of the Census may prescribe.

Mr. DU PONT. I should like to ask the Senator in charge of the bill whether it is intended to put under civil-service regulations the unskilled laborers and charwomen and all that class of people? If so, that is a new departure, as the Senator knows, in the service of the Government.

Mr. LA FOLLETTE. By the action of the committee those words were stricken out of the bill as reported—that is, the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen." That would subject such employees as are designated in those two lines to a test examination, to be prescribed by the Director of the Census.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Michigan?

Mr. LA FOLLETTE. I do.

Mr. SMITH of Michigan. The act providing for the last census left the appointment of assistant director with the President, and fixed qualifications for that officer, that he should be a statistician of some reputation. Is it the desire of the Senator from Wisconsin to leave this appointment solely with the Director of the Census?

Mr. LA FOLLETTE. It was believed by the committee, after considering the matter, that, in view of the character of the work and the highly technical qualifications required by the assistant director, he should be a skilled statistician; that it would be best for the service to permit the Director of the Census to make the selection of that officer himself.

Mr. SMITH of Michigan. But the bill presented by the Senator from Wisconsin fixes no special qualifications for the assistant director.

Mr. GALLINGER. It does on page 2, line 8. It provides that he shall be an experienced statistician.

Mr. LA FOLLETTE. In lines 8 and 9 of section 3, as reported by the committee, that official is required to be an experienced, practical statistician.

Mr. SMITH of Michigan. That is practically the language of the last act.

Mr. LA FOLLETTE. Yes; I think it is the same language as that of the last act.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wisconsin to section 3.

The amendment was agreed to.

The VICE-PRESIDENT. The Senator from Wisconsin now offers an amendment to section 7, which will be read.

Mr. RAYNER. I should like to ask the chairman of the committee what appointments the Director of the Census is to make under the bill?

Mr. LA FOLLETTE. They are enumerated in section 3, in section 7, in the section with reference to supervisors and enumerators, and in the section with reference to special agents.

Mr. RAYNER. When the time comes I want to give the Senate a case which shows that the Director of the Census can not make the appointment; that it must be made by the head of a department. I am quite sure the Senator does not want to have the bill pass with a provision in violation of law. Some of these appointments can not be made. I will give the Senator the case in a few moments.

Mr. LA FOLLETTE. After the bill has been perfected in accordance with the recommendations of the committee or the committee amendments have been submitted and are passed upon by the Senate, the Senator from Maryland will have an opportunity to present the case to which he refers.

With reference to section 7, I am directed by the committee to offer an amendment. After the word "employees," on page 4, line 22, in section 7, I move to insert the words:

Except the assistant director and the private secretary to the director.

And to add the letter "s" after the word "section," the last word in line 24, making it read "sections;" and to insert before the word "six," where it occurs in line 25, the words "three and."

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Wisconsin.

The SECRETARY. In section 7, on page 4, line 22, after the word "employees," strike out the comma and the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" and insert "except the assistant director and the private secretary to the director."

Mr. LA FOLLETTE. That is not the amendment as I submitted it. The words "except messengers, assistant messengers, messenger boys," and so forth, were stricken out, as reported in the bill.

The VICE-PRESIDENT. Section 7 has not been acted upon at all as yet.

Mr. LA FOLLETTE. That is true. It was not acted upon when we went over the bill the first time.

Mr. CUMMINS. I suggest to the chairman of the committee that in our hurry this morning we omitted one word that ought to be inserted after the word "additional," in the first line, namely, the word "officers," so as to read:

That the additional officers, clerks, and other employees.

Employees are termed "officers" under section 3.

Mr. BAILEY. If they are officers, then the suggestion that the Senator from Maryland [Mr. RAYNER] has just made will create no end of trouble. If they are employees as contradistinguished from officers, then their appointment can be lodged with the Director of the Census. If they are officers within the meaning of the Constitution, the suggestion——

Mr. CUMMINS. They are termed "officers" in section 3. I am perfectly willing to make them employees.

Mr. BAILEY. I thought section 3 described them as "employees."

Mr. LA FOLLETTE. No; in line 13, on page 2, the Senator from Texas will see the second word in the line describes them as "officers." That is the form in which the House passed the bill and in which we considered it in committee. Perhaps the word "officers" should be changed to "employees."

Mr. RAYNER. By changing the word you can not change the character of officers. The change of a word does not make any difference.

Mr. BAILEY. Yes; it might make a very radical difference. If you describe a man as an "officer" you then express the view and the purpose of Congress as to his character. You can not cheat the Constitution by a change of nomenclature. Surely if you designate a man as an "officer" that is an expression of congressional purpose. I did not notice what the Senator calls my attention to. I only noticed that in lines 4 and 5 the language is, "there may be employed in the Census Office," and the verb "employed" is, of course, equivalent in meaning to the noun "employee." An employee is not an officer. That has been uniformly held.

Mr. LA FOLLETTE. The Senator from Texas will observe that in line 5 of section 3 reference is made to them as "employees"—that "there may be employed in the Census Office," and so forth—and then they are afterwards designated in line 13, "officers."

Mr. BAILEY. I discovered that.

Mr. LA FOLLETTE. If "officers" is changed to "employees" in line 13, it will harmonize with the designation in line 5.

Mr. BAILEY. I wish to say that as to the assistant director I think it reasonably certain that he is an officer. He is the man who in the absence of the director would have charge of the bureau. I hardly think an officer in charge of a bureau can fairly be described as an "employee." I suggest to the Senator that he had better look at that point.

Mr. CUMMINS. If the chairman of the committee will withhold the amendment to section 7 a moment, I move to strike out the word "officers" in line 13 on page 2, and to insert the word "employees."

The VICE-PRESIDENT. No other amendments are in order until the committee amendments are disposed of.

Mr. CUMMINS. Possibly the Senator from Wisconsin will adopt this as a committee amendment.

Mr. LA FOLLETTE. If I have the authority to do it and I have the floor to do it, I will offer it myself.

The VICE-PRESIDENT. Anybody has authority to offer it after the committee amendments are disposed of. Under the rule the Senate has adopted committee amendments must first be disposed of before other amendments are in order.

Mr. CUMMINS. Very well; I will let it go.

Mr. RAYNER. Mr. President, it might be out of order, but I think perhaps it will avoid some confusion if I give the Senate this case. I do not think we can vest the appointment of the assistant in the director, and while perfecting amendments you might look at this defect. If any of the appointees under the bill are officers of the United States, no matter what you call them, you can not confer upon the Director of the Census the right to appoint them. That question has been definitely passed upon, I think, by the Supreme Court. I give the Senate the case of the United States against Germaine, in Ninety-ninth United States Reports, page 508.

The defendant was appointed by the Commissioner of Pensions to act as surgeon, under the act of March 3, 1873. Here is the act:

That the Commissioner of Pensions be, and he is hereby, empowered to appoint, at his discretion, civil surgeons to make the periodical examination of pensioners which are or may be required by law, etc.

I will not read the whole of the act.

Here is the opinion:

He was indicted in the district of Maine for extortion in taking fees from pensioners to which he was not entitled. * * *

The indictment being remitted into the circuit court, the judges of that court have certified a division of opinion upon the questions whether such appointment made defendant an officer of the United States within the meaning of the above act, and whether upon demurrer to the indictment judgment should be rendered for the United States or for defendant.

The counsel for defendant insists that Article II, section 2, of the Constitution, prescribing how officers of the United States shall be appointed, is decisive of the case before us. It declares that "the President shall nominate and, by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for and which shall be established by law. But the Congress may, by law, vest the appointment of such inferior officers as they may think proper in the President alone, in the courts of law, or in the heads of departments."

The argument is that provision is here made for the appointment of all officers of the United States, and that defendant, not being appointed in either of the modes here mentioned, is not an officer, though he may be an agent or employee working for the Government and paid by it, as nine-tenths of the persons rendering service to the Government undoubtedly are, without thereby becoming its officers.

The Constitution, for purposes of appointment, very clearly divides all its officers into two classes. The primary class requires a nomination by the President and confirmation by the Senate. But foreseeing that when offices became numerous and sudden removals necessary, this mode might be inconvenient, it was provided that, in regard to officers inferior to those specially mentioned, Congress might, by law, vest their appointment in the President alone, in the courts of law, or in the heads of departments. That all persons who can be said to hold an office under the Government about to be established under the Constitution were intended to be included within one or the other of these modes of appointment there can be but little doubt. This Constitution is the supreme law of the land, and no act of Congress is of any validity which does not rest on authority conferred by that instrument. It is, therefore, not to be supposed that Congress, when enacting a criminal law for the punishment of officers of the United States, intended to punish anyone not appointed in one of those modes. If the punishment were designed for others than officers, as defined by the Constitution, words to that effect would be used, as servant, agent, person in the service or employment of the Government; and this has been done where it was so intended, as in the sixteenth section of the act of 1846, concerning embezzlement, by which any officer or agent of the United States, and all persons participating in the act, are made liable. (9 Stat., 59.)

As the defendant here was not appointed by the President or by a court of law, it remains to inquire if the Commissioner of Pensions, by whom he was appointed, is the head of a department within the meaning of the Constitution, as is argued by the counsel for plaintiffs.

That instrument was intended to inaugurate a new system of government, and the departments to which it referred were not then in existence.

And so on.

The word "department" in both these instances clearly means the same thing, and the principal officer in the one case is the equivalent of the head of department in the other * * *.

If we look to the nature of defendant's employment, we think it equally clear that he is not an officer. In that case the court said the term embraces the idea of tenure, duration, emolument, and duties, etc.

He was but an agent, and therefore they held that he was not liable. If there is any appointment here of an officer of the United States, you have no right to vest that appointment in the director. That is my suggestion. If he is an agent, there is no trouble. If he is an officer, you must follow the Constitution. What are the assistant director and chief statistician?

Mr. BACON. If the Senator will pardon me, I want to see if I correctly understand the case he has just read. As I understand the case, there was an indictment against one who was known as a civil servant, and he was indicted under a statute which made it an offense for an officer of the United States to do certain things. The defense is put in that he is not an officer, and the Supreme Court sustained that position upon the ground that he was not the appointee either of the President or of a court of law or the head of a department, and that therefore he was not amenable to the law which is directed against officers.

But there is nothing in that decision which involves the appointment, as it was made under the statute by the Commissioner of Pensions. The court does not say that his appointment is not valid; it simply says that the appointment did not make him an officer. Therefore, I suggest that by a proper construction of that decision of the Supreme Court it is within the competency of Congress to provide for the appointment of such a person as those who are enumerated in this section, and under the section they do not become officers.

Mr. RAYNER. Which section is the Senator speaking of?

Mr. BACON. Section 3. If the Senator will pardon me a moment, I was going on to state that when I say they do not become officers I mean they do not necessarily become officers; and I think the whole difficulty is cured by simply taking out the improper nomenclature which designates them as officers. One of them, the assistant director, is an officer and is intended to be an officer, but by simply taking out the words that designate these men as officers it seems to me the whole difficulty is cured. There are a class which you can properly have classi-

fied under the term "employees"—the geographers and other men who are to perform certain specific duties, and are not men vested with discretionary power such as is necessarily devolved upon those who are properly called "officers."

Mr. RAYNER. Mr. President, I think the assistant director is an officer of the United States.

Mr. BAILEY. I myself think——

The VICE-PRESIDENT. Does the Senator from Maryland yield to the Senator from Texas?

Mr. RAYNER. Certainly.

Mr. BAILEY. I myself think that he could fairly be considered as an officer. I did not know that the change had been made in the bill, and I myself suggested to the chairman of the committee that that probably would be held the construction; but the other employees are not officers and ought not to be considered such. My understanding—and I do not say that it is accurate—but my understanding is that the difference between an officer and an employee is that an officer must be commissioned.

Whoever is commissioned by the President, no matter how appointed, whether by a court of law or the head of a department or the President alone, or the President by and with the advice and consent of the Senate, if he is an officer of the United States he is so commissioned; but in the case of employees they are not commissioned and can not fairly be considered officers within that clause of the Constitution.

I am not so sure about the assistant director, for the reason that the director's position is an office so created and so recognized. Now, you appoint an assistant who is, as it were, a vice-director and in the absence of the director performs the duties of the director. If he is not an officer, I am not quite able to comprehend how he could perform the duties.

I think perhaps in that respect the Senator from Maryland has made a very useful suggestion, and I think it very much safer for the committee to take that into consideration. I think the suggestion that the Senator from Iowa [Mr. CUMMINS] makes to strike out when we get to it the words "officers" and insert "employees," relieves the bill of any construction that Congress intended to provide for officers instead of employees.

Mr. RAYNER. Mr. President——

Mr. SCOTT. May I ask the Senator in charge of the bill——

Mr. RAYNER. I think I have the floor.

The VICE-PRESIDENT. The Senator from Maryland is entitled to the floor. Does the Senator yield?

Mr. RAYNER. I desire first to finish what I have to say, and that is that the question whether a government employee is an officer or a servant or an agent is a very narrow question, and therefore I cited this case. Is not the chief statistician of this bureau an officer of the United States? He is not a clerk; he is not an agent. We are all well aware of the fact that agents and clerks are not officers, just as a surgeon was held, in the case to which I have referred, to be not an officer. If the chief statistician is not an officer of the United States, what is he? It is a very narrow question. I would not pretend to pass upon the question of whether he is an officer of the United States or not, but I do think the Assistant Director of the Census is an officer of the United States; that is certain. Why leave it in any doubt? Why give the appointment of an officer of the United States, if he is an officer, to the Director of the Census instead of putting it where the Constitution puts it—in the hands of the President—so that there can be no doubt about it? Why take any chance about making an invalid and unconstitutional appointment? I submit that just as a proposition to be considered.

Mr. BAILEY. Mr. President, that argument might have been made with reference to the very law which the Senator from Maryland has read. He might have contended then that the appointment of a surgeon was an appointment of an officer; but I think if the appointment had been made of a surgeon of the army probably he would have been a military officer, and then he could not have been appointed by the head of the bureau. But he was appointed to perform a certain service connected with that bureau, and I think it was competent to vest his appointment in the head of that bureau, inasmuch as he was to be a mere employee within it. The same suggestion might have been made in that case. Why leave that open? The Senator from Maryland knows that the President, if he is required to make these appointments, is under some obligation to know something as to the character and capacity of the appointee; and therefore if he is not to be required to so inform himself, he ought not be required to make the appointment; but as the employees under this bill are to perform their duties immediately under the supervision and control of the director, I think he ought to appoint them wherever he would be permitted under the Constitution to do so; and of course I think he ought to be permitted to appoint them without an examination.

One of the grotesque absurdities of this age is to require a charwoman to stand a civil-service examination. I shall have something to say about that when we reach the next section—section 7—of the bill. I despair, however, of being able to impress the Senate, seeing that the distinguished Senator from Michigan [Mr. SMITH], who has heretofore been such a sturdy advocate of partisanship, has now joined with the civil service and other reformers.

I suppose the Senator from West Virginia [Mr. SCOTT], whose practical experience guides him, and who follows his theories, and myself are perhaps to be the only ones left to lift a discordant note against this modern piece of hypocrisy, commonly known as the "civil service."

Mr. BACON. Why should the Senator be so despairing, when the Senate upon a yea-and-nay vote, when this bill was before it, voted directly in accordance with the sentiments now expressed by the Senator? It seems to me that he should be inspired with some little remnant of hope, in view of that recollection.

Mr. BAILEY. But if the Senator from Georgia had not been so much occupied with other things, such as the tariff and other matters, he would have discovered the marvelous conversion which was wrought by the veto message of the late President of the United States. He stigmatized Senators as professional politicians, and they are about to justify his description of them by accepting it meekly and passing under his rod.

Mr. BACON. The only thing I am objecting to, Mr. President, is that the Senator from Texas should assume himself and the Senator from West Virginia to be the only ones of consistency of purpose.

Mr. BAILEY. I thank the Senator from Georgia——

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. Just a moment, while I correct myself and thank the Senator from Georgia for calling my attention to it. I hope we are to have others to join in opposition to this policy. I know that there are other Senators who agree with me and who can give even better reasons for the faith that is in them than I can, but I was at liberty, or at least I felt at liberty, only to classify myself and the Senator from West Virginia, who had already classified himself. I am gratified, however, to know that the Senator from Georgia, for whose judgment and for whose patriotism I have as much respect, and in whose Democracy I have as much confidence as I have for anybody's, is also of the same persuasion. I undertake to say, Mr. President, that a great many Senators have changed their positions on this question without having changed their minds. [Laughter.]

Mr. SCOTT. Mr. President, I am always delighted to hear the Senator from Texas, especially on this occasion, when he agrees with my views. Necessarily he must be correct in his views this time. [Laughter.]

Now, Mr. President, I want to go back. When I was Commissioner of Internal Revenue—and in what I am about to say I want to acquit the gentlemen who are now members of the Civil Service Commission of any responsibility, for not one of them was a commissioner at the time to which I refer—when, as the head of the greatest bureau, as I believe, of this Government—the Bureau of Internal Revenue, which collects more money to defray the expense of the Government than any other—I refused to recognize the Civil Service Commission in the appointment of storekeepers and gaugers and some other officers, what was the proposition of the then chairman of that commission to me? He came in person and told me that if I would send him the names of three gentlemen whom I wanted appointed and indicate that the first name was the man whom I wanted appointed, the commission would certify him back to me, if I would ask for the certification of the Civil Service Commission. I would not do it. That is the system we are laboring under to-day. It is just as the Senator from Texas [Mr. BAILEY] says—nothing but hypocrisy and deceit. The people of this country are being fooled. That is the whole secret of it, Mr. President.

If we had a civil service that meant civil service—that is, civil service pure and simple—I would favor it; but when there can be an order issued relieving one man from the operation of the law, or restoring another man in spite of the law, then I say that we have no use for that kind of a civil service.

Mr. President, I am not reflecting on the present Commissioners of the Civil Service, for I have had nothing to do with them at all; but I assert, without fear of contradiction, that such was the condition when I was Commissioner of Internal

Revenue, and such was the proposition made to me by the president of the commission at that time. While I am on my feet I want to ask the chairman in charge of this bill if he desires to eliminate the words beginning in line 16, in section 3? If I understand correctly, the words "the assistant director shall be appointed by the President, by and with the advice and consent of the Senate," have been stricken out. Do I understand that the Senator has had that sentence stricken out in that section?

Mr. LA FOLLETTE. That has been stricken out, I will say to the Senator.

Mr. SCOTT. I shall oppose that with all the vim that I have got when the time comes.

Mr. LA FOLLETTE. I think, in view of the decision that has been presented here and the views of Senators that it should be restored to the bill, and that the assistant director should be appointed by the President, I ask unanimous consent to perfect section 3 in that way.

Mr. SCOTT. By restoring those lines.

The VICE-PRESIDENT. Does the Senator from Wisconsin make that request now? Does he withdraw the other amendment?

Mr. LA FOLLETTE. I withdraw the other amendment for the time being.

The VICE-PRESIDENT. The Senator from Wisconsin withdraws the other amendment and asks unanimous consent to return to section 3. Is there objection? The Chair hears none.

Mr. LA FOLLETTE. On behalf of the committee, I move to reconsider the vote by which the amendment in lines 13, 14, 15, 16, 17, and 18 in section 3, page 2, was adopted.

The VICE-PRESIDENT. The Senator from Wisconsin asks unanimous consent that the Senate reconsider the vote by which the amendment in lines 13 to 18, inclusive, was adopted. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. LA FOLLETTE. Now I move to amend by striking out, in line 13, after the word "These," the word "officers," and inserting in lieu thereof the word "employees."

Mr. BACON. I want to suggest to the Senator, that will not be sufficient. In view of the change it would be somewhat inconsistent. You would have to strike out more than that, if my view is correct.

Mr. LA FOLLETTE. I expect to follow that——

Mr. BACON. I was going to suggest to the Senator that striking out the word "officers" would be equivalent to striking out the entire line after the word "these." Inserting the word "employees" would be inconsistent in view of the words which follow. The point to which I direct the attention of the Senator is this.

Mr. LA FOLLETTE. I see it.

Mr. BACON. That he makes a distinction between the officers. The assistant director is not an employee, and therefore to say "These employees, with the exception of the assistant director," would not be right.

Mr. LA FOLLETTE. I think those words should go out with the word "officers." I modify the amendment in that respect.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 2, line 13, after the word "These," it is proposed to strike out "officers, with the exception of the assistant director," and to insert "employees;" in line 14, after the word "appointed," to strike out "without examination;" and after the word "by," in the same line, to strike out "the Secretary of Commerce and Labor upon the recommendation of."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. Let the amendment be read as it would read if amended.

The VICE-PRESIDENT. Without objection, the Secretary will read the provision as it will appear after the amendment is agreed to.

The Secretary read as follows:

These employees shall be appointed by the Director of the Census. The assistant director shall be appointed by the President, by and with the advice and consent of the Senate.

Mr. GALLINGER. I will call the Senator's attention to the fact that in line 8 the words "assistant director" occur, and yet it is now proposed to say "These employees," which includes the assistant director. I think if the Senator will drop the word "These" and say "Employees shall be appointed" that it will meet the requirements of the case.

Mr. LA FOLLETTE. The word "These" would only refer to such as were employees and would embrace those that go before.

Mr. GALLINGER. It does embrace the assistant director necessarily.

Mr. LA FOLLETTE. It does not if he is an officer as distinguished from an employee.

Mr. GALLINGER. But you have got him in the list of employees. That is the trouble. However, I do not care anything about it. Let it go. The conferees will fix that.

The VICE-PRESIDENT. The question is on agreeing to the amendment as read by the Secretary.

The amendment was agreed to.

The VICE-PRESIDENT. Section 7 was passed over. Does the Senator from Wisconsin desire to renew the amendment which he offered?

Mr. LA FOLLETTE. I do.

The VICE-PRESIDENT. The Secretary will state the amendment heretofore offered and now again offered by the Senator from Wisconsin.

The SECRETARY. In section 7, on page 4, line 22, after the word "employees," it is proposed to strike out the comma and the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" and insert "except the assistant director and the private secretary to the director."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. GALLINGER. Mr. President, the original so-called "civil-service act" of 1883 placed the clerical force of the departments under that law, with which I find no fault. Since then great extensions of the law have been made, the Executive extending the law from time to time by orders, so that now almost every class of employees has been gathered into the classified service; but, if I am correctly informed, or if my recollection is correct, I think it has never gone to the extent of including unskilled laborers, messengers, and charwomen. I will ask the chairman of the committee if I am correct upon that point?

Mr. LA FOLLETTE. The Senator is mistaken. As I am informed, all the employees designated in the words proposed to be stricken out are within the civil service at the present time.

Mr. GALLINGER. Are charwomen?

Mr. LA FOLLETTE. They are.

Mr. GALLINGER. What is the form of examination for charwomen, I will ask the Senator, if he can tell me?

Mr. LA FOLLETTE. They are examined, in the first place, with respect to their ability to do that work. They are tested with respect to the conditions of their health. They are required to do some——

Mr. GALLINGER. Scrubbing? [Laughter.]

Mr. LA FOLLETTE. I think some strength test is applied. The examination is one, Mr. President, which is intended to, and I believe does, test their fitness to do the particular work for which they are examined.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan?

Mr. GALLINGER. I will yield to the Senator.

Mr. SMITH of Michigan. If the Senator from New Hampshire will pardon me, I was going to suggest that I understand they have a "knee action" that is very accurate and very essential to that work. [Laughter.]

Mr. LA FOLLETTE. Mr. President, I know nothing about that. The Senator from Michigan is better informed than I am upon the details of the examination.

Mr. SMITH of Michigan. A knee-action test works very well.

Mr. GALLINGER. I recollect the fact——

Mr. LA FOLLETTE. I would suggest, if the Senator will permit me, that the examination which is proposed here is not necessarily the examination which the civil service now applies to positions of this character, because the Director of the Census will prescribe the examination in this case.

Mr. GALLINGER. Why not have the Director of the Census settle the matter? Why is it necessary for the Director of the Census to formulate a certain examination and send that up to the Civil Service Commission and have them use up their valuable time in making the examination?

Mr. LA FOLLETTE. I suppose the reason for framing the bill by the House committee in that form was that the Civil Service Commission is equipped to conduct such examinations and have a force to expedite the business and carry it out. The Census Office is not provided in any such way.

Mr. GALLINGER. But the House did not formulate the bill in that way. The House exempted the classes mentioned which the Senator now proposes to strike out, and removed the excepted classes from the examination requirement.

Mr. LA FOLLETTE. Yes; but it was very manifest from the language of the section, of those first three lines, that the pur-

pose of the exception, as doubtless intended by the House, would not be effectuated by the adoption of that language.

Mr. GALLINGER. Mr. President——

Mr. BAILEY. Will the Senator from New Hampshire yield to me?

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Texas?

Mr. GALLINGER. I yield to the Senator from Texas.

Mr. BAILEY. Mr. President, I simply want to say to the Senator from New Hampshire that if the civil-service regulations and system are to be preserved, it is useless to resist their application to even unskilled laborers. It will finally be made to cover everybody except Representatives and Senators. Congress will never apply it to those, because not one in ten of them can stand the civil-service examination. [Laughter.]

Mr. GALLINGER. I will agree with the Senator from Texas that not one in ten of them could make 25 per cent in such an examination. I have no idea they could do so.

Mr. BAILEY. And yet we practice before the country the absurdity of saying that these men are qualified to make the laws under which the people live and yet would not be qualified for a clerkship in the Treasury Department. There was never a grosser absurdity.

Mr. GALLINGER. I was about to say, Mr. President, that in my opinion civil service has run mad in this country—literally run mad; and when we come to a point where we are asking a great commission to examine charwomen as to the question of whether or not they can scrub floors and perform the other duties required of charwomen, and messenger boys as to whether or not they can carry messages or do that kind of work, it is an absurdity that no language of mine can properly characterize.

Now, let us look at this matter of the Civil Service Commission. They are loaded down with work. It is being piled on them day by day. By a recent executive order the fourth-class postmasters in a considerable portion of the country have been placed under their jurisdiction.

I had occasion to call upon the Civil Service Commission a while ago with a request that they should inform me what the rating was of a certain young man in my State who had taken an examination eight months before for the position of postal clerk. I was informed by that commission that they had not yet reached the papers for examination and could not tell me when they would be reached, but that as soon as they were reached and the rating ascertained I would have the necessary information conveyed to me.

Mr. SMITH of Michigan. Perhaps during that time he might have passed the age of eligibility.

Mr. GALLINGER. The Senator from Michigan suggests that during that time he might have passed the age of eligibility, which is true. But whether or not that is so, it is manifestly absurd that a young man who took an examination before any board or commission for a position in the government service should not be able to ascertain for approximately a year whether or not he had passed the examination.

I have heretofore put myself on record against certain phases of this system, and I am unwilling that the Senator from Texas [Mr. BAILEY] should to-day read me out of the list to which he considers he belongs.

The civil service of the Government is full of very serious faults. It would be interesting, if it could be ascertained, to learn the proportion of young men and young women who have taken examinations who have secured positions under the Government. I believe it to be a fact that the young men and the young women who leave their homes and go to the capitals of the several States, or elsewhere, to be examined probably spend on an average $10 each. Out of the number who take that examination a small proportion pass. The proportion who do pass are certified to the Civil Service Commission; they are placed upon the eligible list, and a very small proportion of those who are certified ever get an appointment. The money loss which comes to the young people of this country from that system would aggregate an amount that would be startling if it could be ascertained.

There is another fact. As a rule, after a young man has taken a civil-service examination and has reason to believe he has passed, he is not worth much to himself or anybody else, so far as employment is concerned, while he is waiting to get a government job. It is not universal, but it is true, as a rule. If he passes and is certified, then he indulges the belief that he will get an appointment, but in that he is frequently disappointed.

Mr. President, if we are to continue this system, it seems to me that it is an absurdity to submit messenger boys and charwomen to examination, loading down the commission with more work. They are to pass upon the question of whether a woman is capable of sweeping an office or scrubbing a floor; whether a messenger boy is capable of riding a bicycle or running an errand. I hope that the proposed amendment of the committee striking out those words will not prevail. Let us confine this bill, so far as examinations are concerned, to the clerical force. That is bad enough in itself. The young men who graduate from our colleges and our high schools can pass the examination, but young men who have infinitely more sense than they have and infinitely greater ability and experience to discharge the duties incumbent upon them in those positions are barred out.

Has it ever occurred to the Senate that all the business of this great country of ours, except the government business, is done outside of civil service? The government business is but a small fraction of the business that is done in this country, and yet no man at the head of a great corporation finds it necessary to appoint a commission to examine the men who are going to do the work in his great establishment. It is insisted, however, that any man who utters a word against the system that is in vogue so far as the government work is concerned is an enemy to good government, that he is a spoilsman, and that he wants to rob the Government and the people of something that properly belongs to them. For me, I am tired of that kind of talk.

I am not going to say that we ought not to have this examination so far as the clerical force is concerned, for we have in a way committed ourselves to that; but I do insist that we bring the matter into disrepute and make it a laughing stock to men who stop to think along practical lines when we ask that messenger boys and charwomen and employees of that class shall be subjected to an examination by a great commission; that they shall wait to hear from that commission until such time as it serves their purpose to give them an answer; that they shall go on an eligible list from which they may never be designated; and that the money of the Government shall be spent in that way.

Mr. SCOTT. Before the Senator takes his seat will he allow me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. SCOTT. Would it not be a greater expense to the Government to examine those messenger boys and charwomen than to pay those poor people their salaries for the short time they will be employed?

Mr. GALLINGER. Likely that is so. At any rate, whether that is so or not, I will repeat that I shall esteem it a great pleasure to vote against the proposed amendment, and I hope a majority of the Senate will vote against it.

Mr. CLAY. Will the Senator from New Hampshire permit me to ask him a question?

Mr. GALLINGER. Certainly.

Mr. CLAY. I think the Senator is correct in what he has stated; I agree with his position; but suppose we except these messengers, assistant messenger boys, and charwomen; is it not true that under the civil-service law now in force the Census Office will be required to select these very employees from a list furnished by the Civil Service Commission? I have been informed that the head of the Civil Service Commission, Mr. Black, stated before the Census Committee that if the Director of the Census was not instructed to have this examination, then he would feel that he was directed by law to see that these employees had stood the examination under the general civil-service law. And if that be so, would the making of this exception be of any service at all?

I agree with the Senator; I think it is absolutely useless to have such examinations; but if we leave it out and have to go back to the general law, then we will accomplish no good whatever, if the premises be true.

Mr. GALLINGER. It occurs to me that if we specifically except them, the Civil Service Commission will be estopped from enforcing the examination.

Mr. CLAY. I am not a member of the Census Committee, but I have been informed that the chairman of the commission—I do not know how true it is; the chairman can speak for himself—said to the committee that every one of these employees—messenger boys and charwomen—will have to be selected from a list furnished by the Civil Service Commission, even if an exception is made.

Mr. BAILEY. Will the Senator from New Hampshire permit me?

Mr. GALLINGER. Certainly.

Mr. BAILEY. Irrespective of the contention of the Civil Service Commission, I am rather inclined to think that as a

matter of legal construction he is right about it. Will the Senator from New Hampshire give his attention for a moment to the language?

That the additional clerks—

We will read it as it passed the House.

That the additional clerks and other employees, except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen provided for in section 6 shall be subject to such special test examination, etc.

The effect of that language is to except messenger boys and charwomen from the special test provided for by this law; and the view of the chairman of the Civil Service Commission is that by excepting them from the operation of this law we simply throw them back under the operation of the general law, although I think it is perfectly obvious that the purpose of the House was not to subject these charwomen and messengers to a still wider examination than it was subjecting the employees provided for in this bill. But the effect of it—under a Civil Service Commission that wants more power, and so far as my experience goes all commissions want to extend their power—might be to embarrass.

Mr. GALLINGER. Mr. President, that puts a different phase upon the situation, I confess.

Mr. CARTER. I will state to the Senator from New Hampshire that the language referred to was stricken out on my motion and for the reasons pointed out by the Senator from Texas.

I think it is obvious upon close examination of the language that if these persons are excepted from the special examination they must inevitably be subjected to the general examination provided by the Civil Service Commission. The amendment was not perfected so as to carry forward through the bill the view that it was believed the House took, but the language was stricken out, at least as far as my intention extended, for the purpose of throwing the matter into conference, and for no other purpose.

Mr. GALLINGER. Mr. President, my purpose has been served, whether one construction or another is placed upon this language. My purpose has been served by saying upon my responsibility as a Senator that I think it is an absolute absurdity to waste the money of the people of the United States in placing under a great commission these inconsequential places for which, in the very nature of things, the qualifications can be ascertained by the head of a department or a bureau quite as well, if not better, than they can be determined by any examination that a commission can institute.

I do not believe in some matters that the Civil Service Commission are in the habit of insisting upon. I doubt very much whether even an executive order has placed under that commission the charwomen and the messenger boys who are in the several departments of the Government. I do not recall any such order; but if they have reached out and taken in those people, I suppose we have to submit to it and do the best we can under existing conditions.

But I wish to put myself on record as looking upon it as an unnecessary and an injudicious thing for the Civil Service Commission to do, and I believe we would have better service if the head of a department or a bureau was permitted to appoint such minor employees, dismiss them if they did not do their duty faithfully, and employ somebody else, just as business men do all over this country. The truth is, Mr. President, under existing conditions we can not get rid of an official of the Government who is there under civil service. Our departments are crowded with men and women who are of very little service to the Government, but no head of a department will dismiss them, and they will remain there, I suppose, until death calls them from their scene of action. We are building up a system of life tenure in the government service.

Two or three years ago I was in one of the departments, when my attention was called by the head of the department to a clerk who was absolutely doing no service for the Government, and the head of the department said to me: "There are 50 clerks in this department with respect to whom the Government would be better off if they remained at home and came in twice a month to draw their salaries." He said, "They are of no earthly consequence." I said, "Why do you not get rid of them?" He said, "Oh, we can not dismiss them."

Mr. DOLLIVER. I am interested in what the Senator says, because in one department of the Government an old friend of mine has been dismissed, or ordered dismissed, solely on the ground of old age, and what may be a helpless effort is being made to do what the Senator says prevailed in the case he cited.

Mr. GALLINGER. I stated precisely what occurred. Another matter occurred. I went to a great bureau of the Government to transact some business. A clerk came in, almost unable to walk. He dropped into a chair, and the man in charge of the bureau said to me, "Do you see that clerk?" I said, "Yes." "Well," he said, "two years ago you reported a bill increasing that man's pension from $30 to $60 a month; and if you will refer to the report you will see that you stated in your report that he was so incapicitated that he had to leave the public service. But he is drawing the increased pension and is still here drawing $1,800 a year." I said, "Why do you not dismiss him?" He said, "Oh, we can not do that; we can not dismiss any of these employees." I do not know where the real remedy is, Mr. President. It has been suggested that we ought to have a civil-pension roll, and I presume it will come to that after a while. But I have every reason to believe, and I get it from men who know the facts, that our departments are crowded with inefficient clerks, largely due to the fetich of civil service.

We talk about reducing government expenditures. In that connection I think it would be a good plan for some commission or committee to take up the question as to the clerical force of the Government, with a view of ascertaining whether or not we are getting efficient service.

Now, we are going to put two or three thousand clerks on temporary work in the Census Office. The bill, as it came from the House, provides that when that work is over, they shall be dismissed. They will not be dismissed; certainly not all of them. I apprehend a very small proportion will be dismissed. Every clerk who is under the civil service will immediately clamor to be placed in some one of the departments of the Government or be transferred.

Mr. LA FOLLETTE. If the Senator will permit me, the bill expressly provides that they shall not be subject to transfer.

Mr. GALLINGER. I understand; but notwithstanding that you will find a very considerable part of them continued, in some way or other, in the government service.

Mr. LA FOLLETTE. The Senator understands that they do not take the general civil-service examination, and are not within the classified service. There is a special examination provided for by this bill—a special test.

Mr. GALLINGER. The examination is made by the Civil Service Commission.

Mr. LA FOLLETTE. The bill provides that the Director of the Census is to prescribe the examination.

Mr. GALLINGER. Yes. The denatured-alcohol people were appointed for temporary work, but they are all in the departments now—every one of them.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Michigan.

Mr. GALLINGER. Certainly.

Mr. SMITH of Michigan. Mr. President, the Senator from New Hampshire [Mr. GALLINGER] referred to a case that had come under his special knowledge where an applicant had waited eight or nine months for a rating and the papers had not even been taken up for consideration by the Civil Service Commission. I desire to point out for the information of the Senator the fact that the highways to Washington are literally crowded with applicants for places under the civil service. One hundred and sixty-seven thousand persons were examined during the year ended June 30, 1908, for positions in the public service. Ninety-two thousand nine hundred and twenty passed the required test, and 39,003 were appointed. The young men of this country are being lured from other walks of life, where they might help themselves and their families, by a false hope.

Mr. SCOTT. What does the commission cost?

Mr. SMITH of Michigan. Two hundred million dollars a year is spent in the executive civil service. I do not know what the commission costs. The salaries of the executive civil service amount to $200,000,000 a year. Merit must be the basis of public employment; but it should rest on merit, and not on favoritism or caprice of a petty chief. If I do not interrupt the Senator from New Hampshire, I wish to give my opinion, for whatever it may be worth, from fourteen years' observation, that the meanest, most contemptible, and petty politics in the United States are now carried on under the holy cloak of civil-service reform. Every department of this Government is so honeycombed with little department cliques that merit is no longer the basis of promotion, but abject subserviency and toadyism is a sure passport to favor.

I desire to give it as my opinion that few men or women can get a promotion in the civil service, as now administered, unless he or she will bow low or cringe and kotow to some little petty chief who shields himself behind the civil-service law. Get promotions on merit! I deny that merit rules in the civil service of our Government. The spoils system of Andrew Jackson had at least one merit—if the people did not like it they

could change the system by changing the representation; even Jackson did not enthrone a petty chief, with no obligations to party, State, or country, many of whom do not now vote and have no interest in the Government they serve.

Cabinet ministers do not manage their departments, willing and able as they may be; the departments manage the cabinet minister and lead him blindly through a maze of departmental politics, as mystifying as it is vicious and shocking to behold.

I know of cases where clerks have been slapped in the face and women humiliated in the presence of these petty autocrats, without reproof, where privilege and promotion go hand in hand.

Mr. President, in the interest of the dignity of the public service, in the interest of fairness to the thousands of men and women who have given the best years of their life to the Government, this system of tyrannical favoritism should cease, and if we are to have a merit system let it be fair and just to all sections and all people, otherwise I shall never vote to clothe these people with further authority.

My interest in this matter is not because I desire these places for my constituents; they are occupied in their own private pursuits. I have never been in the habit of seeking public patronage, but, mindful of the commission I bear and the responsibility I owe to the people of my State, I feel it necessary to call attention to this growing evil in our public service.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. The Senator from New Hampshire has the floor. Does he yield to the Senator from Nevada?

Mr. GALLINGER. I will yield in a moment, if the Senator from Nevada pleases.

Mr. President, the Senator from Michigan has called attention to a matter that I alluded to a little while ago without having the figures before me. He showed that during the past year 167,391 persons were examined and 39,003 were appointed, which leaves 128,000 young men and women who left home and traveled to the capitals of the several States, underwent the civil-service examination without result; and, as I said a while ago, it cost them an average of $10 apiece. I know some instances where it cost $15. They have to lose time, stay over night, and pay railroad fare. More than a million dollars was squandered by those young people in attempting to get places in the civil service of the Government. It is a very serious question, Mr. President, and I wish that some scheme might be devised that would mitigate the evil.

One other matter. Under the civil-service law there is a fiction that there shall be an equitable distribution among the States, according to population. It is a fiction; a pure fiction. If you would investigate the matter, you would find that some States have three or four times as many as they are entitled to and other States have not half as many as they are entitled to.

Mr. BACON. If the Senator will permit me, I should like to make a suggestion at this point.

Mr. GALLINGER. Yes.

Mr. BACON. It is even worse than the Senator now states. Upon investigation it will be found that there are clerks in some of the departments—unless they have since died; certainly it was so not very many years ago—whose appointments are attributed to certain States, when those appointees never saw those States; they have been appointed from other States and credited to certain States where they had never been.

Mr. GALLINGER. Oh, yes. New Hampshire has suffered in that way.

Mr. KEAN. So has New Jersey.

Mr. GALLINGER. We have institutions of learning in our State that attract boys from other States. Some boys from the West, and possibly from the South—about that I do not know—have qualified themselves by going to Phillips Exeter Academy and have received appointments which were charged up to New Hampshire, they claiming they once lived in New Hampshire.

But I have a greater grievance than that, so far as my State is concerned. Some years ago a young lady from New Hampshire took the civil-service examination. She made an average of considerably over 90. She had been a school-teacher.

She was a splendid girl—strong, able, intellectual. Her name went on the eligible list. She waited a year and was informed they would have to drop her name because the quota of New Hampshire was full. She took another examination, and again passed at an equally high average. She waited another year, and was dropped. She took a third examination, passed again, waited another year and was dropped.

I thought I would like to ascertain whether or not the quota of New Hampshire was really full, as was claimed. I introduced a resolution in the Senate, which was passed, calling upon the Civil Service Commission to report to the Senate the names of the employees in the civil service charged to the State.

In due time a list came in, and out of that list 45 per cent were not in the service at all. The clerk to my committee, who had formerly been in the classified service, but who had been my committee clerk for several years, was on the list. A gentleman practicing law in New Hampshire, formerly a clerk in the service, but who had been practicing law in the State for nine years, was also on the list. Several were dead. Forty-five per cent of the list returned were not in the service at all.

I sent my clerk to the Civil Service Commission to ask why it was that they returned a list of that kind, and he was told that they kept a record when clerks entered the service. What became of them afterwards was a matter of no concern, apparently, to the commission.

New Hampshire is to-day laboring under the handicap that her quota is full. I presume they continue to count the people who entered the service from 1883 to the present time. Notwithstanding it is claimed that our quota is full, they continue to hold examinations, thus adding to the eligible list names of persons who never can be appointed. What a farce that is!

Mr. President, the Senator from Montana [Mr. CARTER] suggests that the amendment to which I object has been stricken out, so that the conferees may consider the matter, inasmuch as it does not accomplish the result that was manifestly intended by the House. If that be so, I am quite content to have the amendment agreed to, with the expressed hope that the conferees on the part of the Senate will insist that if there is any way to exempt messenger boys and charwomen from the operation of the civil-service law that it will be done.

Mr. BACON. Before the Senator from New Hampshire takes his seat, in connection with the suggestion just made I suggest that the difficulty can be cured in this way: If the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" are left in—in other words, not stricken out, as proposed by the amendment of the committee—and then in line 19 make another proviso, to put the matter beyond doubt.

Before we get to the second proviso, I will state that this amendment is based upon the recognition of the fact that with the language as it would then appear the general law would apply, and the amendment which I now suggest is to take it out from that dilemma. Add these words as a second proviso, there being now one proviso in the bill:

Provided further, That messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen shall be appointed by the Director of the Census without an examination under either this act or under the general civil-service law.

That certainly will put it beyond the possibility of any doubt.

Mr. CARTER. Mr. President, this regular and unvarying assault on the civil service comes in the absence of the senior Senator from Massachusetts [Mr. LODGE] just as well as when he is present. In his absence I feel called upon to make an observation with reference to the discussion that has proceeded on this subject this afternoon.

In the twenty years I have observed legislative proceedings I have been a witness to these assaults and counter assaults, with the civil service as the battleground all the time. It is undoubtedly true that on both sides of this long controverted question little progress has been made because terms of acrimony have generally been employed. In the veto message which came to the Senate on the bill we now propose to pass in another form, the intention of Congress was, I think, unhappily denominated a design by "plunder-seeking politicians" or some such euphonious term.

The idea prevails throughout the ranks of the ardent advocates of civil service—and they are not inclined to conceal their thought—that all persons who suggest amendment of law or improvement of method are per se spoilsmen seeking a part in the distribution of public places. On the other hand, in both Houses of Congress, it has become common in every session when any opportunity to discuss the subject arises to engage in terms of denunciation and to hold up to ridicule the little peculiarities of a complex system which may be ridiculed when standing out singly or alone.

Now, as between these two unfair methods of discussion there is a common ground upon which all are agreed, and I think the Senator from Michigan may be included in the term "all," as I use it. I venture to say that there is not a Senator on this floor this afternoon who would, if he could, dismiss the army of employees in the executive departments of the Government to-night to the end that he might to-morrow participate in selecting their successors. The task would be intolerable. No Senator or Representative at all conversant with the burden it would impose would for a moment advocate the radical change.

The civil service provides, according to the law—the practice may be different—that there shall be a fair apportionment in the selection of public servants through all the States and congressional districts of the country. Is that unfair to any section? Not at all. It simply allows all sections, howsoever remote from the seat of government, a fair participation in the laudable work of performing a part of the public service.

I do not blame the boys and girls and women and the old men who seek to enter the public service, and I sympathize with them when they are disappointed in their aspirations. I am sorry that 165,000 took the examination in a year, with only 9,000 or thereabouts successful.

Mr. GALLINGER. Thirty-nine thousand.

Mr. CARTER. Thirty-nine thousand. Well, Mr. President, if 39,000 succeeded out of 165,000, that is a much better proportion of successful achievement than occurs with Senatorial candidates throughout the United States. [Laughter.] It is infinitely better than occurs in proportion to the number of candidates for the House of Representatives. I think the civil service, under the figures given, evolves a fairly just result and is encouraging to those who seek to enter the service.

I believe, Mr. President, that the civil-service method of selection may be perfected. I think its machinery may be defective. At the same time I as firmly believe that the system is not only inherently right but is indispensable to good administration in the clerical work of conducting the Federal Government.

Mr. CLAPP. Will the Senator pardon a question?

Mr. CARTER. I am glad to yield. No pardon is necessary.

Mr. CLAPP. I perhaps agree with the Senator that the system of selection might be perfected. I wish to ask the Senator if he believes it is possible for human ingenuity to develop a proper system covering the so-called "promotions" that will relieve matters the Senator from Michigan suggested but could not perhaps in public debate?

Mr. CARTER. Mr. President, in working out the various justice of each case there will always be some failure as long as human nature remains as it is and human methods remain imperfect. I have no doubt that there are cases of gross injustice in the matter of promotion. But let me ask, Mr. President, if you can eliminate that element of injustice by changing the method of selection from one of competition to one of continual exercise of outside influence? You can not get rid of that feature of injustice by changing the method of selection. You must change some of the elements of our human nature, and you must perfect methods in the departments whereby those who are entitled to promotion will secure it upon their record.

Many years ago I happened to be for a time in charge of one of the bureaus here as Commissioner of the General Land Office. There were six or seven hundred clerks employed down there. Occasionally one of them would become ill, and about the first notice I would receive of the illness of the clerk would come from some one who appeared upon the scene and bowed pleasantly and said, "Good morning," and then announced that Mr. Jones was sick; that he hoped nothing would happen to Mr. Jones, but "if he should die I would like to get his place." That was a common occurrence.

The system was changed somewhat. A method of marking performance in that department was adopted. The record of each clerk's daily work was kept and entered in a book at the close of each day, and when a clerk came forward seeking promotion that record bore its mute testimony as to whether the promotion was due that clerk or not.

Mr. SCOTT. Will the Senator allow me? Has the Senator the slightest idea that that marking is correct, that it is done honestly, and that justice is done to the best clerk? If he is, I am sure he had better make a further examination.

While I am on my feet let me ask the Senator if he believes it was the intention of this Government, when we had a little falling out with Great Britain in the latter part of the eighteenth century, that we were going to create a life office-holding class of people in this country? Was not that a part of the complaint that brought on the rebellion against the mother country? We have reached a point when the head of a department will not dismiss an old clerk because of sympathy, and yet we know that he is not worth anything. They know that they are held in those positions by the act of the Civil Service Commission, and they will not perform half the labor of a clerk who knows he can be dismissed if he does not do his work.

Mr. CARTER. Mr. President, there are undoubtedly hundreds of very pathetic cases in the various departments. Persons who have grown old in the public service, have ceased relations with all business affairs on the outside, and are unable to engage in any new occupation to make a living.

But, Mr. President, will that situation be changed or cured if the clerks are held in place by the binding power of political influence exercised from day to day? Do you suppose that the Senator from West Virginia, virile, strong, and persistent as he is, would suffer a man from West Virginia to be discharged because of age or ill health or incapacity to keep up the standard?

Mr. SCOTT. No.

Mr. CARTER. No; not so, Mr. President. He would be right at the bat from morning until night, and would make it so hot for the fellow who discharged him that he would be glad to compromise by keeping him until the funeral occurred.

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from West Virginia?

Mr. CARTER. Certainly.

Mr. SCOTT. I wish to say for the information of my friend from Montana that in the position of Commissioner of Internal Revenue, I was directed by the Secretary of the Treasury at that time to dismiss a number of old clerks, both male and female, who had passed the age of 75. Now, remember that age. I refused to do it. Why? They were not from my State; but probably some of them were from the Senator's State of Montana. They had been here a long time and possibly could not get home.

But I want to say that that is the great trouble. These heads of departments know that they have incompetent clerks. They know that they have men and women who are not physically able to do a clerk's duty and work; yet they will not dismiss them. The Senator knows that to be true.

Mr. CARTER. I know it; it is unquestionable; and my dread is that that state of affairs is destined to lead to a retiring pension or reduced pay after a certain period of time. If we do reach that period when we will have retirement pay or pension, this Government will be burdened as no one in years gone by anticipated it ever would be burdened by any class of people. The pension roll for the civil list would grow into stupendous proportions compared with the pension roll for old veterans of the wars.

I do not know what the solution of that perplexing proposition may be, but I do know that it does not rest in discarding selection by merit and changing to selection by whim or the recommendation of interested parties. I grant that there are in the civil-service list persons who have passed high lacking in judgment, lacking in discretion, lacking in many of the qualities that go to make up an excellent clerk or division chief.

But, Mr. President, admitting that, how can we improve it by changing it? Will we do better by making the lack of merit the test, or applying no test at all? I care not who makes the selection, whether by certification of the Civil Service Commission or on the recommendation of a Senator or Representative, the selection must be preceded by some kind of a test. I should have that test so impersonal and so uniform that the boy from the country, without a friend within a thousand miles to speak for him, would have just as good a chance as the man backed by the President of the United States.

Mr. GALLINGER. Mr. President——

Mr. CARTER. I believe in a merit system, Mr. President, but, at the same time, I will say to the Senator from New Hampshire that I am not to be taken in saying that as approving the methods or the law of the civil service, as now existing, as entirely perfect or unobjectionable.

Mr. GALLINGER. Mr. President, I rose simply to say to the Senator that he will never be able to reach that equality of opportunity to the boy in the country and the President of the United States, because under this most remarkable law of ours the President of the United States can put anybody into the civil service without an examination; and it has been done in a great many cases.

Mr. CARTER. I think it has been done in many cases that were entirely meritorious, and then I find at times that that privilege of the President was abused to some extent.

Mr. SCOTT. Will the Senator allow me just to supplement his remark? I can testify that the President, who vetoed our bill because it was too liberal, had appointed in the Department of Commerce and Labor a gentleman simply because he sent him a copy of a resolution that was passed, eulogizing him, and saying he was out of employment. The President ordered him to Washington, and he was put to work at $4 a day, and is now getting $7 a day; and I am glad of it, for he is a good fellow.

Mr. CARTER. The writing of that resolution and the manifestation of genius necessary to carry it through, and, further, his judgment in bringing it down to Washington indicated a high order of intelligence which entitled him to go through without any special examination. [Laughter.]

Mr. President, I think we would make more progress upon this civil-service question if we addressed ourselves to the perfection of the law, to the elimination of the absurdities by mandate of law, and that the examinations should be continued along more rational and less technical and trifling lines. I have read many of the lists of questions propounded by the Civil Service Commission, and I have often felt that they were drawn out to ridiculous and absurd degrees; that questions were propounded to skilled laborers that might better be addressed to skilled civil engineers. But that is not the fault of the principle under which they operate. It is the abuse of the system which leads to that. The merit system is inherently and eternally right in so far as clerical positions in the public service are concerned.

Mr. President, it may be made ridiculous by the manner in which the merit system is carried into effect. I hope that all Senators here will join me in perfecting the system, and let us put it upon a basis by common consent which will relieve it from ridicule and absurd connections.

Mr. KEAN. Does the Senator from Wisconsin desire to finish the bill to-night?

Mr. LA FOLLETTE. I do not believe that it will be possible to finish the consideration of the bill to-night. I wish to ask unanimous consent, if that is necessary, to have the bill reprinted as amended, in order that we may have a clean copy to work with to-morrow.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin? No objection is heard, and it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Saturday, April 10, 1909, at 12 o'clock m.

NOMINATIONS.

Executive nominations received by the Senate April 9, 1909.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants, with rank from April 7, 1909.

Laurence Tidd Walker, of Massachusetts;
Samuel Harrison Tilghman, of Maryland;
Otto Harry Schrader, of Illinois;
William James Turkenton, of the District of Columbia;
Creedy Collins Sheppard, of West Virginia;
Howard T. Clark, of Connecticut;
Halstead Powell Councilman, of Minnesota;
Arthur Haldane Doig, of California;
Robert Elton Guthrie, of Nebraska;
George Elmer Nikirk, of Iowa;
William Robert Nichols, of Virginia;
Paul Henry Herman, of Maryland;
Oscar Czar Warner, of New York;
Frank Sheldon Clark, of Vermont;
Kelley Benjamin Lemmon, of Michigan;
William Skinner Fulton, of Louisiana;
Thomas Ogden Humphreys, of the District of Columbia;
Edwin Francis Barlow, of Tennessee;
Donald MacQueen Ashbridge, of Pennsylvania;
Hollis Le Roy Muller, of Vermont; and
Eli Elmer Bennett, of Maryland.

POSTMASTERS.

ALABAMA.

Henry R. Jordan to be postmaster at Collinsville, Ala. Office became presidential January 1, 1909.

COLORADO.

William F. Ordway to be postmaster at Dolores, Colo. Office became presidential April 1, 1909.

Nellie R. Summers to be postmaster at Gunnison, Colo., in place of Nellie R. Summers. Incumbent's commission expired March 1, 1909.

CONNECTICUT.

Arthur B. Calef to be postmaster at Middletown, Conn., in place of George I. Allen. Incumbent's commission expired June 24, 1906.

FLORIDA.

Homer B. Rainey to be postmaster at Wauchula, Fla., in place of Francis B. Rainey, resigned.

GEORGIA.

P. Brooks Ford to be postmaster at Sylvester, Ga., in place of Mary C. McWhorter, deceased.

ILLINOIS.

John F. Regan to be postmaster at Mount Sterling, Ill., in place of John F. Regan. Incumbent's commission expired November 17, 1907.

INDIANA.

Henry F. Radcliff to be postmaster at Pierceton, Ind., in place of Henry F. Radcliff. Incumbent's commission expired April 28, 1908.

IDAHO.

Alson H. Nihart to be postmaster at Buhl, Idaho. Office became presidential January 1, 1909.

KANSAS.

Nereus H. Mendenhall to be postmaster at Haviland, Kans. Office became presidential April 1, 1909.

LOUISIANA.

W. J. Behan to be postmaster at New Orleans, La., in place of Thomas J. Woodward. Incumbent's commission expired February 9, 1909.

Margarette L. Tatum to be postmaster at Gibsland, La. Office became presidential October 1, 1908.

MAINE.

Harlan P. Dennison to be postmaster at West Bethel, Me. Office became presidential April 1, 1909.

MICHIGAN.

Ora P. Gordon to be postmaster at Hopkins, Mich. Office became presidential January 1, 1909.

MONTANA.

George A. Tusler to be postmaster at Terry, Mont. Office became presidential April 1, 1909.

MISSOURI.

Andrew S. Munro to be postmaster at Cuba, Mo., in place of Edward D. Lowe. Incumbent's commission expired December 16, 1908.

NEW JERSEY.

Elbert Bradshaw to be postmaster at Greenloch, N. J. Office became presidential April 1, 1909.

William H. Kuhlthau to be postmaster at Milltown, N. J., in place of William H. Kuhlthau. Incumbent's commission expired January 9, 1909.

NEW MEXICO.

Leroy P. Loomis to be postmaster at Texico, N. Mex., in place of Albert S. Breeding, resigned.

NORTH DAKOTA.

William Berry to be postmaster at Page, N. Dak. Office became presidential October 1, 1908.

Mary C. Dwyer to be postmaster at Medina, N. Dak. Office became presidential July 1, 1908.

Emil O. Ellison to be postmaster at La Moure, N. Dak., in place of Emil O. Ellison. Incumbent's commission expired February 18, 1908.

H. A. Mayo to be postmaster at Walhalla, N. Dak., in place of Charles H. Lee. Incumbent's commission expired January 9, 1909.

Dolphy O. Ostby to be postmaster at Sheyenne, N. Dak. Office became presidential January 1, 1909.

Edward T. Pierson to be postmaster at Granville, N. Dak., in place of Edward T. Pierson. Incumbent's commission expired November 19, 1907.

J. W. Pratten to be postmaster at Milton, N. Dak., in place of Joseph Powles. Incumbent's commission expired January 11, 1908.

OREGON.

Anna G. Baskett to be postmaster at Freewater, Oreg., in place of Jesse N. Baskett, deceased.

C. B. Wilson to be postmaster at Newberg, Oreg., in place of Julius C. Hodson. Incumbent's commission expired March 18, 1909.

PENNSYLVANIA.

F. N. Boyle to be postmaster at Nicholson, Pa., in place of Fred M. Williams. Incumbent's commission expired January 14, 1909.

Arthur W. Briggs to be postmaster at Shinglehouse, Pa., in place of Scott Bancroft. Incumbent's commission expired January 21, 1909.

William F. Eckbert, jr., to be postmaster at Lewistown, Pa., in place of William F. Eckbert, jr. Incumbent's commission expired February 10, 1909.

Frank W. Leib to be postmaster at Pottsville, Pa., in place of Gustavus C. Schrink. Incumbent's commission expired January 7, 1908.

John C. Tullock to be postmaster at Moores, Pa. Office became presidential April 1, 1909.

SOUTH DAKOTA.

Charles N. Curtiss to be postmaster at Wessington, S. Dak. Office became presidential October 1, 1907.

Theophilus N. Kirkpatrick to be postmaster at Letcher, S. Dak. Office became presidential January 1, 1909.

A. W. Prewitt to be postmaster at Philip, S. Dak. Office became presidential October 1, 1908.

TEXAS.

Irvin W. Baker to be postmaster at Loraine, Tex. Office became presidential January 1, 1909.

Theophilus F. Berner to be postmaster at Henrietta, Tex., in place of Theophilus F. Berner. Incumbent's commission expired January 10, 1909.

Henry L. Sands to be postmaster at Alvord, Tex., in place of Henry L. Sands. Incumbent's commission expired February 9, 1909.

J. J. Staskey to be postmaster at Bremond, Tex. Office became presidential April 1, 1909.

Lottie E. Turney to be postmaster at Smithville, Tex., in place of Kittie L. Edwards. Incumbent's commission expired January 10, 1909.

W. F. Viereck to be postmaster at Sealy, Tex., in place of Clara I. Lockwood, resigned.

WASHINGTON.

Velosco J. Knapp to be postmaster at Anacortes, Wash., in place of Velosco J. Knapp. Incumbent's commission expired February 9, 1909.

Cornelius E. Legg to be postmaster at Chewelah, Wash., in place of Charles F. Legg, deceased.

George D. C. Pruner to be postmaster at Blaine, Wash., in place of George D. C. Pruner. Incumbent's commission expired January 21, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 9, 1909.

INDIAN INSPECTOR.

Z. Lewis Dalby to be an Indian inspector.

CHIEF JUSTICE SUPREME COURT, PORTO RICO.

José Conrado Hernandez to be chief justice of the supreme court of Porto Rico.

ASSOCIATE JUSTICE SUPREME COURT, PORTO RICO.

Emilio del Toro y Cuevas to be associate justice of the supreme court of Porto Rico.

REGISTER OF THE LAND OFFICE.

Jose Gonzales to be register of the land office at Las Cruces, N. Mex.

POSTMASTERS.

CONNECTICUT.

Arthur B. Calef, at Middletown, Conn.

GEORGIA.

James F. Dever, at Rockmart, Ga.

LOUISIANA.

Edson E. Burnham, at Amite, La.
Charles W. Lyman, at Rayne, La.

NEW JERSEY.

Frank Hill, at Dumont, N. J.

PENNSYLVANIA.

John P. Thomas, at Taylor, Pa.

SOUTH DAKOTA.

Lyman J. Bates, at Lake Preston, S. Dak.
Alexander B. Coutts, at Hudson, S. Dak.
Edward O. Bromwell, at Mount Vernon, S. Dak.
Frank E. Brown, at Iroquois, S. Dak.
Allie Lee, at Ashton, S. Dak.
Joshua F. Wood, at Doland, S. Dak.

TEXAS.

Maurice C. Kelly, at Lockhart, Tex.
William L. Yanger, at Iowa Park, Tex.

WITHDRAWAL.

Executive nomination withdrawn from the Senate April 9, 1909.

Thomas Cader Powell to be United States marshal, Division No. 2, District of Alaska.

HOUSE OF REPRESENTATIVES.

FRIDAY, *April 9, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of yesterday was read and approved.

QUESTION OF PRIVILEGE.

Mr. HARDY. Mr. Speaker, on page 1089 of the RECORD is shown a colloquy between Mr. CALDERHEAD and myself. When the reporter's notes were handed me I hastily added a few words to what I had said in order to make it clearer without changing its meaning; but my attention is called to the fact that the words added by me seem to make the gentleman from Kansas declare or indorse the idea of a tariff between the States, which in fact he did not, and I did not intend to represent him as doing. The fact was he simply declared that protection applied to all the States, but not between the States. Neither the gentleman from Kansas nor myself wish anything but that a true record be made, having regard to the substance and not the form, and we both wish the RECORD corrected so that it shall read as follows:

Mr. HARDY. If protection is a righteous proposition, ought it not to prevail in every locality and in favor of every State?

Mr. CALDERHEAD. It does, without question. We make no law and have made none in forty-eight years that we have been responsible—

and so forth.

In other words, Mr. Speaker, my interlineation while not changing the meaning did put an erroneous inference upon the statement of the gentleman from Kansas which I did not notice at the time.

The SPEAKER. Both gentlemen concur in the correction of the RECORD?

Mr. HARDY. We agree.

The SPEAKER. Without objection, the correction will be made.

There was no objection.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that under the discretion conferred by Senate concurrent resolution No. 2, Sixty-first Congress, first session, giving authority to the Commissioners of the District of Columbia to use the Rotunda of the Capitol on the occasion of the removal of the remains of Maj. Pierre Charles l'Enfant from Digges farm, Prince George County, Md., to Arlington National Cemetery, under such supervision as may be approved by the President of the Senate and the Speaker of the House of Representatives, the Vice-President had appointed Elliott Woods, Superintendent of the Capitol Building and Grounds, to superintend the ceremonies within the Capitol.

PRESENTING A PETITION.

Mr. FOSS. Mr. Speaker, I ask unanimous consent that I may present in the open House a petition signed, I am informed, by 250,000 citizens of Chicago and its suburbs, protesting against the duties on wearing apparel, particularly leather gloves and cotton hosiery, as reported to the House in the Payne tariff bill.

The SPEAKER. Is there objection?

Mr. PAYNE. Reserving the right to object, I would like to ask the gentleman how long it would take?

Mr. FOSS. A few moments.

Mr. PAYNE. Five minutes?

Mr. FOSS. Less than that.

Mr. PAYNE. I do not object to that if the gentleman from Pennsylvania [Mr. MOORE] is given time to make a statement.

Mr. MOORE of Pennsylvania. Mr. Speaker, I shall object unless some time is accorded to me to present statistics on the other side.

Mr. MANN. Mr. Chairman, we have three hours only in which to perfect this bill, and I object.

Mr. FOULKROD. I object, Mr. Speaker.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 1438, the tariff bill.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. OLMSTED in the chair.

Mr. PAYNE. Mr. Chairman, I offer the following amendment to section 3, which is found printed in the RECORD this morning at page 1234: Under the paragraph headed "iron ore," I move to

strike out the words "basic slag, ground or unground." I will say to the committee that this is a fertilizer, and it is the intention of the committee that no fertilizer shall bear any duty, even in the maximum tariff.

Mr. MANN. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. MANN. Mr. Chairman, as I understood the gentleman from New York, he now offers an amendment to the amendment which he proposes to offer to section 3.

Mr. PAYNE. That was offered last night. If the gentleman will examine the RECORD he will see that that amendment to section 3 was offered last night and is pending. I asked to have it done in that way to dispense with the reading of it, having it printed instead in the RECORD.

Mr. MANN. Well, Mr. Chairman, that was the parliamentary inquiry that I was addressing to the Chair, whether that amendment was now pending before the committee.

The CHAIRMAN. The Chair understands that the gentleman from New York last night offered an amendment and asked unanimous consent that instead of having it reported from the Clerk's desk it be printed in the RECORD. The Clerk will now report the amendment offered by the gentleman from New York.

The clerk read as follows:

Strike out the words "basic slag, ground or unground."

The CHAIRMAN. The question is on the amendment.

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, under the paragraph headed "oils," last column on page 1234, I move to strike out the words "petroleum, crude or refined," and also the proviso for retaliatory duties which follows.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the words: "Petroleum, crude or refined: *Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I would like at this time, because of the confusion in which the amendment of the Committee of the Whole House has left the petroleum paragraph in the original section 1, to ask unanimous consent that the committee report that paragraph 36½ is disagreed to, that it be eliminated from the bill, and that the proviso under the free paragraph for oils, for retaliatory duties, be stricken from section 2, so that it will leave petroleum and its products upon the free list, and not have that duty of 1 per cent, according to the amendment offered and agreed to by the Committee of the Whole.

The CHAIRMAN. Is there objection?

Mr. GARDNER of Massachusetts. Mr. Chairman, before that is taken up, has not the gentleman just moved to strike out petroleum and its products and also the proviso?

Mr. PAYNE. That is in section 3. I am now asking to return for a moment to sections 1 and 2, and to leave them so that petroleum and all its products will be on the free list without any countervailing duty.

The CHAIRMAN. The gentleman asks unanimous consent, as he has stated. Is there objection?

Mr. HITCHCOCK. Mr. Chairman, reserving the right to object, I would like to understand what effect this has upon the products on the free list?

Mr. PAYNE. It puts them on the free list, where they were placed in the original bill, paraffin being mentioned by name.

Mr. HITCHCOCK. And this amendment proposes to strike out?

Mr. PAYNE. It strikes out the retaliatory provision, the countervailing duty, and leaves the products of petroleum upon the free list. That would be the effect of it.

Mr. HITCHCOCK. What is gained by this?

Mr. PAYNE. It simply gets rid of the amendment offered by the gentleman from Nebraska [Mr. NORRIS] and adopted by the committee, to put a duty of 1 per cent on petroleum and its products.

Mr. HITCHCOCK. Is this 1 per cent duty considered objectionable?

Mr. PAYNE. It strikes it out. That is the purpose of my amendment.

Mr. HITCHCOCK. Why do you want to get rid of it?

Mr. PAYNE. Because the sense of the House seems to be that petroleum should be upon the free list, and in order to conform to that and to avoid delay in the consideration of the bill, I make this request.

Mr. HITCHCOCK. I am trying to learn why the gentleman formerly favored a 99 per cent duty and now——

Mr. PAYNE. Oh, Mr. Chairman, I shall not take up any more time on the matter. If the gentleman wants to object, let him do so.

Mr. CLARK of Missouri. If this is agreed to, this settles the petroleum business, so far as we are concerned?

Mr. PAYNE. So far as the Committee of the Whole is concerned, entirely.

Mr. CLARK of Missouri. It settles it so far as the House is concerned also, does it not?

Mr. PAYNE. Yes; I hope it does.

Mr. CLARK of Missouri. So do I.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none. [Applause.]

Mr. MANN. Mr. Chairman, I offer an amendment to the amendment of the gentleman from New York.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 3. Amend the committee amendment offered by the gentleman from New York under articles enumerated in section 2, under the heading of "wood," by inserting after the word "timber" and before the word "including" the word "not," so as to read, "timber not including pulp wood."

Mr. MANN. That would be on page 1235, first column. Under an amendment offered by the committee——

Mr. PAYNE. Mr. Chairman, I have no objection to that being done. It is an oversight, or it would have been done.

Mr. MANN. I understood it was an oversight. This makes that read "not including pulp wood," so there will be no tariff on pulp wood.

Mr. PAYNE. I have no objection.

The question was taken, and the amendment was agreed to.

Mr. BARTLETT of Georgia. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Georgia offers an amendment, which the Clerk will report.

The Clerk read as follows:

To amend the amendment by adding after the words "this act," in the last line, and before the word "shall," the following:

"And also hoop or band iron, or hoop or band steel, cut to lengths or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity;

"And bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding 10 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard."

Mr. PAYNE. Mr. Chairman, I make the point of order against the amendment. It puts something on a maximum paragraph that is not germane to it. The article is not mentioned in that paragraph.

The CHAIRMAN. Does the gentleman from Georgia desire to be heard upon the point of order?

Mr. BARTLETT of Georgia. Yes; briefly. Will the Chairman look at the amendment offered by the committee on page 1235 of the RECORD this morning, and he will see the following words:

There shall be levied, collected, and paid a duty of 20 per cent ad valorem; that each and every other article enumerated in section 2 of this act shall be admitted free of duty.

Now, Mr. Chairman, it is true that without this rule under which we are proceeding we could not add an amendment to the section until it is read; but the committee have brought in an amendment to section 3, which was the free list. Section 3 contained the articles upon the free list, and they specify certain particular articles which they say shall pay a certain duty of 20 per cent in addition to the maximum duty. Upon looking at page 1233, last column, you will find that—

Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated, etc.

The very language that is quoted in this amendment offered by myself is also in this amendment. And upon page 1234, last column, you will see:

Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, etc.

And further on the committee are not satisfied to declare that these particular articles which were under the bill in the free list shall pay a certain duty of 20 per cent, but it winds up its amendment by declaring and enumerating certain articles in section 2 shall be upon the free list in the language which I have quoted from the amendment. Now, the subject being brought before this House by the committee amendment itself, the question of the free list, why has not the House the right to add to that free list? Now, can it be said that we have arrived at that stage when nothing remains to the House except what

the Committee on Rules or the Committee on Ways and Means sees fit to submit to it?

Invoking the rule of a few days ago of the Chairman, I desire to say that this is germane in every way because it is dealing with the free list; it is dealing with articles which are in section 2; it is dealing with the free list; it is dealing with the same subject-matter with which the committee amendment deals.

Now, it is true, Mr. Chairman, that I add two articles to the free list; but how is that different from the committee saying that each and every other article incorporated in section 2 of this act shall be put upon the free list? Shall it be said that the Committee of the Whole declares that certain enumerated articles shall go upon the free list, and that this great article, which binds the cotton of the people of the South, which levies a tax of nearly 10 cents a bale upon that great product, a product which is exported in raw condition more than any other article in the United States, which brings into this country nearly $500,000,000 every year—and has done so for the last five years—of imports from abroad, shall not go upon the free list?

Shall the cotton farmers pay high duties and high taxes on everything they raise, on plows, and hoes, and such implements, and still have no benefit from this taxation? Mr. Chairman, it is in the interest of the producers of this great staple. These amendments will put cotton bagging and cotton ties on the free list.

Mr. PAYNE. Mr. Chairman, I make the point of order that the gentleman is discussing everything except the point of order.

The CHAIRMAN. The Chair does not care to hear the gentleman from Georgia [Mr. BARTLETT] further on the point of order, but would like to hear the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. This part of section 3 amends section 2, or refers to section 2, which is the free list under the minimum rate of duty. I do not know whether the gentleman proposes now to put these articles in free or whether with the tariff upon them. It is not germane to that paragraph.

The CHAIRMAN. The Chair desires to ask whether the articles mentioned in the amendment of the gentleman from Georgia [Mr. BARTLETT], namely, hoop or band iron, and so forth, are found in section 2?

Mr. PAYNE. They are found in section 1, and not in section 2.

The CHAIRMAN. The Chair, then, is clearly of the opinion that the amendment offered by the gentleman from Georgia is not germane.

Mr. CLAYTON. Before the Chair makes a final ruling I want to call the attention of the committee to the fact that at the instance of the ranking Democratic member of the Committee on Ways and Means [Mr. CLARK of Missouri] I prepared an amendment relating to the removal of the duty on bagging for cotton in the following words:

Strike out all of section 350, covering bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, and transfer the same to the free list.

And that I also, at his instance, prepared an amendment relating to putting cotton ties on the free list in the following language:

Strike out section 123, covering hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton, and transfer the same to the free list.

I ask further to say that these two amendments are printed in the RECORD of April 7, on page 1164, together with my remarks containing a partial summary of the facts relating to the two propositions and a brief argument in their support.

I am very glad that the able and vigilant gentleman, my friend from Georgia, has at this time offered amendments on the same subject. He has my hearty support. I hope the effort that he makes will be successful. If the amendments can not be adopted before the motion to recommit, then I hope the gentleman from Missouri will embody both amendments to which I have referred, and which are printed on page 1164 of the RECORD, in his motion to recommit the bill.

The CHAIRMAN. The Chair finds that the committee amendment offered by the gentleman from New York [Mr. PAYNE] proposes to amend section 2 of this act. The articles enumerated in the amendment offered by the gentleman from Georgia [Mr. BARTLETT] appear in the first section but not in the second section. The amendment of the gentleman from New York concludes in this language:

That each and every other article enumerated in section 2 of this act shall be admitted free of duty.

The amendment of the gentleman from Georgia adds hoop or band iron for baling cotton, as well as bagging for cotton, and so forth. None of these articles are found in section 2 at all. They are all found in section 1. In other words, it is proposed to amend section 1 by amending an amendment which relates, so far as this matter is concerned, to an entirely different section. The amendment is not germane. The point of order is sustained.

Mr. BURLESON. Mr. Chairman, I move to strike out of the amendment under consideration the words:

Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity.

Now, Mr. Chairman——

The CHAIRMAN. The Clerk will first report the amendment.

The Clerk read as follows:

Strike out the following:

"Hoop or band iron, or hoop or band steel, cut in lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity."

Mr. BURLESON. Mr. Chairman, as I understand it, the amendment to the amendment I have read and which I now offer is not subject to a point of order. This amendment, if adopted, will accomplish only in part what was intended to be accomplished by the amendments offered the other day by the gentleman from Alabama [Mr. CLAYTON], and which were ruled out of order. The particular amendment offered by the gentleman from New York [Mr. PAYNE] and now pending provides for a maximum and minimum clause in this bill, the maximum rate to become effective against the products of a country if any discriminations are practiced by that country against the products of this country; said maximum rate to apply only to such articles as are set forth in the pending amendment of the gentleman from New York [Mr. PAYNE], among which I find cotton ties.

Now, if this amendment I offer is adopted, the effect of it will be, and the only effect it can have will be, to relieve the cotton producer from paying the additional burdensome price for his cotton ties if the maximum clause should become operative against a country where ties are manufactured.

Mr. Chairman, the gentleman from New York the other afternoon, replying to an inquiry from this side, said that the duty on cotton ties was continued for the purpose of developing an industry in this country to manufacture cotton ties. In God's name, when will this hoary-headed infant become fully grown? Mr. Chairman, I want to direct attention to the fact that we have been growing cotton in this country for a hundred years, and it does strike me that the industry of making ties to bind the bale should by this time have been thoroughly developed.

Mr. Chairman, the truth is, this industry is more than fully grown. The hearings before the Ways and Means Committee disclose that almost the entire output of cotton ties is controlled by the United States Steel Corporation. The tariff tax on cotton ties under the present law, the Dingley law, is so high that it is prohibitive. No competition by foreign manufacturers is possible. What is the result? Ties are selling for about 95 cents per bundle, when, if this incubus could be lifted, the cotton farmer could get them for at least 25 per cent less.

Mr. Chairman, this burden should no longer be imposed on the southern cotton grower. The gentleman from New York has repeatedly said that this bill was not sectional—that the purpose of the majority members in framing it was to strip it of all sectional unfairness. Let us see if they have succeeded in that effort.

The farmers who grow wheat in the North are relieved from the burden of paying a tax upon the binding twine with which they bind their grain and on the wire with which they bale their hay, yet you continue to tax the cotton grower for his cotton ties. Therefore I ask, Why is this done, if this bill is not sectional? I do not charge you with purposely making it sectional, yet I would like to be told why you do not give the cotton producer the same relief you have for twelve years accorded the wheat grower.

Mr. Chairman, if gentlemen on the other side really desired to relieve this bill of sectional unfairness, if they wanted to accord equal, fair treatment to the people of the South with the people of the North, here was an opportunity to demonstrate that fact by giving the cotton grower of the South the same consideration they have given the wheat grower of the North by putting cotton ties on the free list.

Surely, Mr. Chairman, these gentlemen who claim to be so just and fair will not refuse the cotton grower relief from this

additional burden to be imposed on him if the maximum clause in this bill should become effective.

Mr. CLAYTON. May I interrupt the gentleman while I read a statement from Mr. W. B. Thompson, president of the New Orleans Cotton Exchange, made a few days ago? He says:

One hundred and twenty thousand dollars is the largest amount of duty on bagging for cotton received by the Government any year. Thus for maximum revenue of $120,000 to the Government the farmer pays over a million dollars, and the bagging trust gets the difference.

Mr. BURLESON. That telegram relates to bagging for cotton. I intend later to have something to say about that, and I hope my friend from Alabama will prepare an amendment relating to bagging and offer it after my amendment is disposed of. But I desire now to direct the attention of the committee to this: For twelve years the farmers of the South have borne this unjust burden. The tariff on cotton ties under the Dingley bill being prohibitory, all competition with foreign makers is stifled, and in consequence the farmer of the South has been forced to pay an unconscionably high price for his ties.

Mr. Chairman, I now desire, following the suggestion of my friend from Alabama [Mr. CLAYTON], to direct attention to another great injustice and wrong suffered by the southern cotton grower because of the Dingley tariff law. The price he pays for jute bagging in which to wrap his cotton is far in excess of what he ought to pay. It necessitates approximately 80,000,000 yards of bagging to meet the annual requirements of the cotton planter for this purpose. The tax on cotton begging fixed by the present law, which is continued without change in the pending bill, is so high that the maximum of importation for any one year during the life of the Dingley law has been sufficient to cover only about 20 per cent of the crop. Before the Dingley law there were a number of manufacturing establishments in this country engaged in the production of cotton bagging, but, sheltered behind this monstrous tariff, two concerns have driven all others out of business, buying up their plants, dismantling them, and selling the machinery for scrap. Since then the southern cotton farmer has been victimized year by year, exploited, and plundered by this grasping, greedy bagging trust.

Mr. Chairman, last year Mr. Roosevelt, then President of the United States, received a letter from a citizen of New York urging that bagging for cotton be placed on the free list. This letter contains some very interesting statements. It throws a flood of light on the situation, indicating just how the cotton farmer is robbed.

Hear the statement set forth in his letter, and then answer me, If cotton were grown north instead of south of Mason and Dixon's line, would this condition be allowed to continue?

Every yard of bagging used to cover the cotton crop of the United States is made by the American Manufacturing Company, 65 Wall street, and the Ludlow Manufacturing Company, at Ludlow, Mass., which concerns have the country districted, the American selling 82 per cent and the Ludlow 18 per cent, at an agreed price.

This business has been going on for many years, the two concerns in question having gradually crushed out or absorbed all others who attempted to make bagging.

They are protected by a tariff to such an extent that it keeps out the Dundee and Calcutta bagging. For it has been the rule for many years that whenever a consignment of any foreign bagging would come in, the combination (American and Ludlow) would promptly lower their prices in the market to which the foreign bagging came to a point below the cost of the foreign bagging, and would so advertise the fact and intimidate the trade as to discourage further importations.

It is a notorious fact that the American cotton bale is to-day, and has been for many years since the existence of this trust agreement, the most disreputable package which comes from any market of any commodity on earth.

The bagging is sold all the way from 3 to 4½ cents per pound, though made out of the lowest and cheapest grade of jute butts and rejections, worth in the market seven-eighths to 2 cents per pound.

It is loaded down with East River water, salt, oil, barytes, and other makeweights, and which makeweights it is estimated about cover the labor cost on the bagging.

It is made of very coarse, slazy slivers, and runs through the machines consequently at a rapid rate.

The above concerns have for many years seen to it, by maintaining the secret lobby in Washington, that the tariff on bagging is always kept up to the high-water mark, and they thereby fattened at the expense of every farmer and planter throughout the South who had a bale of cotton for market and who might otherwise present it at market in merchantable shipshape and at reasonable cost for his bagging.

Several years ago the American Manufacturing Company cut down its capital stock from $3,000,000 to $2,000,000, passing around the excess $1,000,000, the profits on bagging for two years, to its stockholders, saying it had no use for the extra capital.

The tariff on bagging should be removed entirely, and at once this would operate to encourage competition here or enable the foreign bagging which is of a standard quality and integrity to come in.

In addition to the above combination between the American and Ludlow, they also maintain a chain of brokers or so-called "dealers" throughout the country who, though posing as independent, are in fact emissaries of these concerns, keeping them advised at all times of the conditions in the various markets regarding the status of foreign bagging, etc., and with suggestions as to "all the traffic will bear."

Mr. Chairman, I again say that we have heard repeatedly during the consideration of this bill from gentlemen on the other side that this bill was not sectional. If so, why do you not treat the farmer of the South as you have the farmer of the North? When you consider that this great staple brings to our country every year more than $400,000,000 in gold, serving to turn the balance of trade in our favor, it does strike me that the gentleman from New York, and gentlemen in charge of this bill, in shaping its schedules ought to be willing to put the cotton grower on the same plane with the wheat grower. The wheat grower pays no tariff tax on the particular appliances which he uses to prepare his wheat and hay for market.

Now, why should the cotton grower be compelled to pay a tariff tax on the particular appliances used by him to prepare his cotton for market? For the last twelve years, during which the wheat producer has enjoyed the benefit of free binding twine and baling wire, the cotton producer has staggered along under the burden of this unjust tax on his bagging and ties. I submit in all fairness to this committee that he ought to be relieved of this burden. The effect of the present law is simply to enable grasping monopolies to charge the cotton farmer higher prices for these hoops or bands of steel and iron, and for jute bagging, than he would otherwise have to pay. [Applause.]

Mr. Chairman, another discrimination practiced against the southern cotton producer is the continuance of the 25 per cent tax levied on arsenate of lead. I desire to submit to you a letter from Professor Herrick, of the Texas Agricultural College, showing why this should go on the free list. Yet, we are not even allowed the privilege of bringing the matter before this body for consideration, as under the special rule we are not allowed to offer an amendment to put it on the free list.

OFFICE OF STATE ENTOMOLOGIST,
TEXAS AGRICULTURAL AND MECHANICAL COLLEGE,
College Station, Tex., March 1, 1909.

Hon. ALBERT BURLESON,
House of Representatives, Washington, D. C.

MY DEAR SIR: I take the liberty of writing you regarding a matter which is of considerable importance to the cotton planters of the South, Texas and Louisiana particularly, and a matter in which I think you will take a hearty personal interest.

During the past two years a new arsenical insecticide, known as "powdered lead arsenate," has been developed. It is quite certain that this insecticide will replace Paris green for use in fighting cotton insects, particularly the cotton leaf worm and the cotton boll worm. It is barely possible that it will prove more or less effective against the boll weevil. Experiments in this direction are now being conducted, with promise of some success.

The powdered arsenate of lead is preferable to Paris green for use on cotton for the reason that it is cheaper and also for the reason that it contains no soluble arsenious oxide, while Paris green contains from 2 to 5 per cent soluble arsenious oxide. The high content of soluble arsenic in the Paris green causes it to injure and stunt cotton to which it is applied.

We understand that in the proposed revision of the tariff the committee will reduce the duty on Paris green and London purple to about 12½ to 15 per cent ad valorem, but that the tariff on powdered lead arsenate now stands at 25 per cent ad valorem. We think it would be a marked advantage to the southern cotton planters if Congress would reduce the tariff on powdered arsenate of lead to the same basis as that on Paris green and London purple. Much of the lead arsenate is manufactured abroad, and American manufacturers are certain to keep the price up so long as this high duty on the imported article remains in effect. The farmer will have to foot the bill.

In view of the usefulness to the farmer of this powdered arsenate of lead, and considering further that many of the cotton planters have already been reduced to a state of poverty by the ravages of cotton insects, particularly in Louisiana and eastern Texas, will you not make every possible effort in trying to get the committee to reduce this duty on the powdered lead arsenate?

Thanking you in advance for your kind consideration, of which I feel assured, I am,

Very respectfully, yours, GLENN W. HERRICK,
State Entomologist.

But this appeal avails nothing; the tax is continued. A compliance with this just demand would enable the cotton grower to produce more cotton, and surely you ought to be willing to see this done, in view of the fact that the woolen schedules in this bill and under the present law are so exorbitant that the poor of America are compelled to wear cotton garments during the winter as well as the summer season. Mr. Chairman, during the life of the Dingley law the people of the South have produced 124,730,795 bales of cotton, and as a result of these discriminations which I have pointed out have been mulcted of millions and millions of dollars.

And who has been the beneficiary? Has this money they have paid gone to the Government in the way of customs dues? Not at all; but, as was shown in the telegram read a moment since by the gentleman from Alabama [Mr. CLAYTON], a few beggarly thousands have gone into the Treasury, but the great bulk has gone into the coffers of these two trusts which I have named. [Applause on the Democratic side.] Mr. Chairman, how long will such outrages be permitted? How long will the American people continue to permit the pilfering of their pockets by these protected monopolists?

In my judgment, the day of reckoning is near at hand.

The pending bill shows that the effort of the majority members of the Committee on Ways and Means to prepare a tax measure strictly along protective tariff lines has resulted in

failure. At last the pernicious and indefensible policy of protection is about to break down of its own weight.

Every thoughtful man who has carefully looked over this bill knows that it will fail to raise revenue sufficient to meet the character of appropriations the Congress from year to year has been making. It falls by approximately $40,000,000, and the deficiency is to be met by the issuance and sale of interest-bearing certificates of indebtedness, a plan never before resorted to in the history of our country. The gentlemen who prepared the bill in effect confess it when they do that which was never before done in the history of this country, authorize, in a bill intended to raise revenue to support the Government, the issuance of bonds or certificates of indebtedness to meet the current necessities of the Government. Tell me, in the name of common sense, If you can not provide in this bill revenue sufficient for the Government's needs, how you are ever going to pay off these bonds or certificates and at the same time keep the Government going?

I do not believe that history affords a precedent for the action you are attempting. I believe you will search in vain the parliamentary proceedings of the civilized countries of the world without finding a parallel for this attempt.

Consider how ridiculous this performance really becomes. Here you are pretending to bring forward a tax measure to raise revenue to meet the expenses of the Government, and yet in the same bill, in time of peace, you authorize the issuance and sale of interest-bearing bonds or certificates of indebtedness to the extent of $250,000,000 to meet these expenses, in the event your bill fails to produce enough revenue. If it does fail, and bonds are sold, how are you at a future time going to provide in another measure for the payment of these bonds and at the same time provide the money to meet the expenditures of a Government which is year by year requiring increasing appropriations to keep it going? This is the problem with which you are brought face to face.

So long as the Republican party is in power it is idle to talk about cutting down appropriations. The gentleman from Minnesota [Mr. TAWNEY], the chairman of the committee dealing with this subject, has pleaded without avail during two Congresses for economy, for retrenchment, for reduction of appropriations, and what has been the result? Year by year the aggregate of appropriations has mounted higher and higher until we have reached the point where, instead of having a billion-dollar Congress, we are having billion-dollar sessions of Congress.

To repent, you can not, or will not, reduce the expenses of government. You can not draw a bill along protective lines that will raise sufficient revenue to meet these appropriations. What are you going to do about it?

The tariff beneficiaries, the trusts, are becoming more rapacious day by day. They will not be satisfied with even what they formerly admitted was reasonable (?) protection. You are compelled to acquiesce in their demands; and if you do not in every particular, the Senate leaders will.

Mr. Chairman, it does not require a prophet to foretell that when this bill finally ripens into legislative enactment it will be found that there has been no genuine revision of the tariff.

It is more probable it will bear evidence that once more there has been a complete surrender to the trusts.

The masses of the people, who have been groaning under the increased cost of living, were led to believe last fall that the necessities of life would be cheapened—that they were to receive cheaper food, cheaper clothes, cheaper boots and shoes. What answer will you make these people when, outraged by the fact that instead of the burden being lightened you have made it heavier, they demand of you to know what influence led you to their betrayal? This answer must be made and you can not avoid making it.

Mr. PAYNE. Mr. Chairman, I move that all debate on the amendment and amendments thereto be closed in fifteen minutes.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment and amendments thereto be closed in fifteen minutes.

Mr. SHERLEY. I move to amend that by making it twenty-five minutes.

The CHAIRMAN. The gentleman from Kentucky moves to amend the motion by making it twenty-five minutes.

Mr. PAYNE. I will compromise on twenty minutes. We must get along with this bill.

Mr. SLAYDEN. I hope the gentleman will not insist on that. This is one of the most important parts of this bill.

Mr. PAYNE. Oh, it is not important at all.

Mr. SLAYDEN. The gentleman does not know what he is talking about.

Mr. PAYNE. The gentleman is both polite and distinguished.

Mr. SLAYDEN. The gentleman from New York is neither.

Mr. PAYNE. Praise from that source is praise indeed.

The CHAIRMAN. Does the gentleman from Kentucky insist on his amendment?

Mr. SHERLEY. I will accept the proposition of the gentleman from New York.

The CHAIRMAN. The gentleman from New York moves that all debate on the pending amendment and amendments thereto be closed in twenty minutes.

Mr. DAVIS. Will this preclude any other amendment?

The CHAIRMAN. Not at all; but it will preclude debate.

Mr. DAVIS. I desire to offer an amendment.

The CHAIRMAN. The gentleman may offer any number of amendments if this motion carries, but they will not be open for debate.

The question was taken, and the motion was agreed to.

Mr. MANN. Mr. Chairman, I offered an amendment a few minutes ago, which the committee adopted. I ask unanimous consent that the action of the committee may be vacated, and that the amendment which I now send up may be considered.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that the action of the committee on the paragraph referred to be vacated for the purpose indicated. Is there objection? [After a pause.] The Chair hears none.

Mr. MANN. I offer the amendment which I send to the Clerk's desk.

The Clerk read as follows:

Section 3, amend the committee amendment offered by the gentleman from New York under the articles enumerated in section 2, under the head of "Wood," by striking out, after the word "including," the words "pulp woods," and insert, after the word "planking," the words "but not including pulp woods."

Mr. PAYNE. There is no objection to that.

The question was taken, and the amendment was agreed to.

Mr. DAVIS. On page 1234 of the RECORD I find the following:

Timber, hewn, sided or squared otherwise than by sawing (not less than 8 inches square) and round timber used for spars or in building wharves, etc.

The Clerk read as follows:

Timber, hewn, sided or squared otherwise than by sawing (not less than 8 inches square) and round timber used for spars or in building wharves.

Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, sawed lumber, not specially provided for in this section; lumber of any sort planed or finished, planed on one side and tongued and grooved, or planed on two sides and tongued and grooved; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing, and grooving.

Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods.

Clapboards. The same rate of duty as prescribed by the law in force prior to the passage of this act.

The CHAIRMAN. One moment. There was an amendment pending. The gentleman from Minnesota will suspend.

Mr. BURLESON. I make the point of order that my amendment is still pending.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. BURLESON. Division, Mr. Chairman.

The committee divided, and there were—ayes 142, noes 157.

So the amendment was rejected.

The CHAIRMAN. The gentleman from Minnesota [Mr. DAVIS] offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out on page 1234 of the RECORD amendment, first column, the words:

"Timber, hewn, sided or squared otherwise than by sawing (not less than 8 inches square) and round timber used for spars or in building wharves.

"Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, sawed lumber, and specially provided for in this section; lumber of any sort planed or finished, planed on one side and tongued and grooved, or planed on two sides and tongued and grooved; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing, and grooving.

"Paving posts, railroad ties, and telephone, trolley, electric-light, and telegraph poles of cedar or other woods.

"Clapboards. The same rate of duty as prescribed by the law in force prior to the passage of this act."

Mr. DAVIS. Mr. Chairman, just a word. My understanding of the language that has been read by the Clerk, and which I seek to strike out, is this, that if this language remains in the bill, and becomes a law, then in case any government discriminates or places any duty upon any article which we export, the Dingley rates will become operative immediately upon all

classes of material mentioned in the language which I seek to strike out. If such is the case, I would like to have the House pass upon that question and see if they desire to have the Dingley rate restored upon any classes of lumber or timber.

Mr. FORDNEY. I should like to ask just what the sense of that amendment is. I did not quite get it. Is that to put all these articles named on the free list?

Mr. DAVIS. Oh, no; it will leave the articles as they now appear in the pending bill, but in case any government should discriminate against any product, timber or otherwise, of this country, it would relieve it of the possibility of the Dingley rate being automatically enforced upon timber and the products mentioned herein.

Mr. FORDNEY. Your idea is to strike out the maximum, and that only?

Mr. DAVIS. To strike that out; that is all.

Mr. FORDNEY. I am not familiar with it, and do not understand that there is a maximum on some of these things. Therefore I am not in favor of the amendment, and I hope it will be voted down.

Mr. PAYNE. Mr. Chairman, I want to say a word right here in reference to this section. Not all the Members of the House seem to appreciate the fact that sections 1 and 2 provide minimum rates of duty, section 1 providing the duty on certain articles and section 2 providing what articles shall be upon the free list. Section 3 is for the purpose of compelling or persuading foreign countries to give us as favorable trade relations as they give any other country, and therefore the duty is raised in section 3 upon these articles enumerated in section 1 and certain articles are taken from the free list in section 2 and enumerated in section 3, and to bear a duty of 20 per cent. Now, if every gentleman is to get up here and put in an amendment providing that the articles enumerated one by one or schedule by schedule in section 3 are to be put upon the same rate of duty as in section 1, there is no use in having any section 3.

We might just as well deliver the American people bound hand and foot to the maximum tariffs which are exacted by foreign countries. But it is for the purpose of freeing our people from those maximum tariffs that we have section 3 and increasing the duty and creating a maximum tariff. Our maximum tariff does not increase the general tariff rate anywhere near to the proportion exacted by France or Germany or other countries. We have made moderate increases, generally of 20 per cent of the duty. It is not expected by the committee, and it is not expected by the American people who have taken the trouble to examine this bill, that we shall have to impose the maximum rates, because the nations of the earth will be glad to get their goods in at our minimum rates. From the very beginning everything coming from Great Britain will come in at the minimum rate, because Great Britain extends to us every trade facility that she extends to any other nation in the world. And that being so, Mr. Chairman, does any man here suppose that Germany or France is going to keep themselves and their people out of our markets by imposing an unjust rate upon us, by putting a maximum duty on imports coming from this country, or will they be swift to give us the benefit of the minimum rate, as low and as favorable as they extend to any other nation on earth? It is, Mr. Chairman, of no avail to gentlemen to come in here and offer this amendment if they are in favor, as they profess, of a maximum and minimum rate of duty. This lumber schedule, for instance, we have imposed as a maximum rate, not the actual rate of the Dingley bill, as in the first section, where we supposed there was the least possibility of any criticism upon the bill; but we have gone through these matters carefully. The bill has been published for weeks; and, Mr. Chairman, it seems to me that any fair-minded person examining this first section and this substitute is merely putting into words what is in the third section in order that there might be no misapprehension. It is no change in principle from the original section 3.

Mr. CLARK of Missouri. Why would not it be just as easy to make the rates in the Payne bill the maximum, and then trade down with the minimum, as it is to make the rates in the Payne bill and trade up?

Mr. PAYNE. That question comes pretty late. The gentlemen who framed the bill started out the other way; they started out to make a minimum rate that should be a fair rate to everybody—our people and the people abroad—and then put in a maximum rate increasing the rate of duty for trade purposes, in order that we might get every nation on the earth to give us favorable rates where we give it to them.

Mr. CLARK of Missouri. That is all very good, but the gentleman does not answer my question.

Mr. PAYNE. If the gentleman from Missouri had the other view, why has he not presented it before; what has he been doing?

Mr. CLARK of Missouri. I have been doing a great deal——

Mr. PAYNE. Why did not the gentleman make out a tariff bill with maximum rates?

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SHERLEY. Mr. Chairman, those Members in favor of free lumber should be in favor of the amendment offered by the gentleman from Minnesota. Let nobody make a mistake as to that. There are plenty of items contained in the maximum rates by which we can punish foreign countries discriminating against us without punishing ourselves by putting a duty on lumber.

The effect of this amendment is simply this, that if in the House we put lumber on the free list and this amendment should carry here in the committee you will not be able, under the maximum schedule, to put a tariff back on lumber, and the American people will get some relief in the way of cheaper lumber. That is the common sense of it and the legality of the provision.

The gentleman from New York talks about it being necessary to have provisions in the maximum rates in order to prevent other countries discriminating against us. It may be, but it is not necessary to have every rate in there, and the gentleman has shown that by not putting every rate in section 3.

There are many items that are not put in the maximum section, and we who favor free lumber contend that lumber should not be one of the things put in. It is well to hit the other man if he deserves a lick, but it is well to be careful that the blow you strike does not hurt yourselves more than it hurts him. I want cheaper lumber, and this is a method toward that end. [Applause.]

Mr. BOUTELL. Mr. Chairman, the gentlemen on the other side of the House, in discussing this bill, have spoken of the words "protection," "prohibition," and "maximum rates" as though they were pure inventions of the Republican party and all made at this late day. I would like to call attention of the members of this committee to a report made to the House of Representatives by no less a Democrat than Thomas Jefferson, when, as Secretary of State, he was called upon to express his opinion in reference to the discriminations that were made against our commerce and our navigation. The report was sent to the House on December 16, 1793. It answers the very question asked by the gentleman from Missouri [Mr. CLARK]. It ought to have been added to his list of four great national documents on the tariff. Every line of it glows with the spirit of patriotic Americanism and rings with the spirit of protection.

I shall put it all in the RECORD, Mr. Chairman, as an appendix to my remarks; but before this vote is taken I wish the gentlemen on the other side to listen to these sentiments from the father of Democracy. After having outlined the discriminations that were made by other nations against our commerce, he says, among other things:

> But should any nation contrary to our wishes suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce and navigation, by counter prohibitions, duties, and regulations also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

Again he says:

> The following principles, being founded in reciprocity, appear perfectly just and to offer no cause of complaint to any nation.
>
> 1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring here in competition with our own of the same kind, selecting next such manufactures as we take from them in greatest quantity and which at the same time we could the soonest furnish to ourselves or obtain from other countries, imposing on them duties lighter at first, but heavier and heavier afterwards as other channels of supply open. Such duties, having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry.

Again, he says:

> It is true we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing when weighed against the loss of wealth and loss of force which will follow our perseverence in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions or for our due share in the transportation of them, but to our own means of independence and the

firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them.

Now listen, my Democratic friends, who want to return to Jeffersonian principles, and vote accordingly:

In our case one distinction alone will suffice; that is to say, between nations who favor our productions and navigation and those who do not favor them. One set of moderate duties, say the present duties for the first, and a fixed advance on these as to some articles and prohibitions as to others, for the last.

There, Mr. Chairman, is the original, historic doctrine of the maximum and minimum tariff. Let us see how many will show their approval of it by their votes on this bill. [Applause on the Republican side.]

APPENDIX.

[No. 68, first session, Third Congress.]

COMMERCIAL PRIVILEGES AND RESTRICTIONS.

Report of the Secretary of State on the privileges and restrictions on the commerce of the United States in foreign countries.

PHILADELPHIA, *December 16, 1793.*

SIR: According to the pleasure of the House of Representatives, expressed in their resolution of February 23, 1791, I now lay before them a report on the privileges and restrictions on the commerce of the United States in foreign countries. In order to keep the subject within those bounds which I supposed to be under the contemplation of the House, I have restrained my statements to those countries only with which we carry on a commerce of some importance, and to those articles also of our produce which are of sensible weight in the scale of our exports; and even these articles are sometimes grouped together, according to the degree of favor or restriction with which they are received in each country, and that degree expressed in general terms, without detailing the exact duty levied on each article. To have gone fully into these minutiæ, would have been to copy tariffs and books of rates of the different countries, and to have hidden, under a mass of detail, those general and important truths, the extraction of which, in a simple form, I conceived would best answer the inquiries of the House, by condensing material information within those limits of time and attention, which this portion of their duties may justly claim. The plan, indeed, of minute details would have been impracticable with some countries, for want of information.

Since preparing this report, which was put into its present form in time to have been given in to the last session of Congress, alterations of the conditions of our commerce with some foreign nations have taken place—some of them independent of the war, some arising out of it.

France has proposed to enter into a new treaty of commerce with us, on liberal principles; and has, in the meantime, relaxed some of the restraints mentioned in the report. Spain has, by an ordinance of June last, established New Orleans, Pensacola, and St. Augustine, into free ports, for the vessels of friendly nations having treaties of commerce with her, provided they touch for a permit at Corcubion, in Gallicia, or at Alicant; and our rice is, by the same ordinance, excluded from that country. The circumstances of the war have necessarily given us freer access to the West Indian Islands, whilst they have also drawn on our navigation vexations and depredations of the most serious nature.

To have endeavored to describe all these would have been as impracticable as useless, since the scenes would have been shifting while under description. I therefore think it best to leave the report as it was formed, being adapted to a particular point of time when things were in their settled order, that is to say, to the summer of 1792.

I have the honor to be, &c. TH: JEFFERSON.

To the SPEAKER OF THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA.

The Secretary of State, to whom was referred, by the House of Representatives, the report of a committee on the written message of the President of the United States, of the 14th of February, 1791, with instruction to report to Congress the nature and extent of the privileges and restrictions of the commercial intercourse of the United States with foreign nations, and the measures which he should think proper to be adopted for the improvement of the commerce and navigation of the same, has had the same under consideration, and thereupon makes the following report:

The countries with which the United States have their chief commercial intercourse are Spain, Portugal, France, Great Britain, the United Netherlands, Denmark, and Sweden, and their American possessions; and the articles of export, which constitute the basis of that commerce, with their respective amounts, are:

Breadstuff, that is to say, bread grains, meals, and bread, to the annual amount of	$7,649,887
Tobacco	4,349,567
Rice	1,753,796
Wood	1,263,534
Salted fish	941,696
Pot and pearl ash	839,093
Salted meats	599,130
Indigo	537,379
Horses and mules	339,753
Whale oil	252,591
Flaxseed	236,072
Tar, pitch, and turpentine	217,177
Live provisions	137,743
Ships	———
Foreign goods	620,274

To descend to articles of smaller value than these would lead into a minuteness of detail neither necessary nor useful to the present object.

The proportions of our exports which go to the nations before mentioned and to their dominions, respectively, are as follows:

Spain and its dominions	$2,005,907
Portugal and its dominions	1,283,462
France and its dominions	4,698,735
Great Britain and its dominions	9,363,416
United Netherlands and their dominions	1,963,880
Denmark and its dominions	224,415
Sweden and its dominions	47,240

Our imports from the same countries are:

Spain and its dominions	$335,110
Portugal and its dominions	595,763
France and its dominions	2,068,348
Great Britain and its dominions	15,285,428
United Netherlands and their dominions	1,172,692
Denmark and its dominions	351,364
Sweden and its dominions	14,325

These imports consist mostly of articles on which industry has been exhausted.

Our navigation depending on the same commerce will appear by the following statement of the tonnage of our own vessels entering in our ports from those several nations and their possessions in one year; that is to say, from October, 1789, to September, 1790, inclusive, as follows:

	Tons.
Spain	19,695
Portugal	23,576
France	116,410
Great Britain	43,580
United Netherlands	58,858
Denmark	14,655
Sweden	750

Of our commercial objects, Spain receives favorably our breadstuff, salted fish, wood, ships, tar, pitch, and turpentine. On our meals, however, as well as on those of other foreign countries, when reexported to their colonies, they have lately imposed duties of from half a dollar to $2 the barrel, the duties being so proportioned to the current price of their own flour as that both together are to make the constant sum of $9 per barrel.

They do not discourage our rice, pot and pearl ash, salted provisions, or whale oil; but these articles, being in small demand at their markets, are carried thither but in a small degree. Their demand for rice, however, is increasing. Neither tobacco nor indigo are received there. Our commerce is permitted with their Canary Islands, under the same conditions.

Themselves, and their colonies, are the actual consumers of what they receive from us.

Our navigation is free with the Kingdom of Spain, foreign goods being received there in our ships on the same conditions as if carried in their own, or in the vessels of the country of which such goods are the manufacture or produce.

Portugal receives favorably our grain and bread, salted fish, and other salted provisions, wood, tar, pitch, and turpentine.

For flaxseed, pot and pearl ash, though not discouraged, there is little demand.

Our ships pay 20 per cent on being sold to their subjects, and are then free bottoms.

Foreign goods (except those of the East Indies) are received on the same footing in our vessels as in their own or any others; that is to say, on general duties of from 20 to 28 per cent and, consequently, our navigation is unobstructed by them. Tobacco, rice, and meals are prohibited.

Themselves and their colonies consume what they receive from us.

These regulations extend to the Azores, Madeira, and the Cape de Verd islands; except that in these meals and rice are received freely.

France receives favorably our breadstuffs, rice, wood, pot and pearl ashes.

A duty of 5 sous the quintal, or nearly 4½ cents, is paid on our tar, pitch, and turpentine. Our whale oils pay 6 livres the quintal, and are the only foreign whale oils admitted. Our indigo pays 5 livres the quintal, their own 2½; but a difference of quality, still more than a difference of duty, prevents its seeking that market.

Salted beef is received freely for reexportation; but if for home consumption it pays 5 livres the quintal. Other salted provisions pay that duty in all cases, and salted fish is made lately to pay the prohibitory one of 20 livres the quintal.

Our ships are free to carry thither all foreign goods which may be carried in their own or any other vessels, except tobaccos not of our own growth; and they participate with theirs the exclusive carriage of our whale oils and tobaccos.

During their former government our tobacco was under a monopoly but paid no duties, and our ships were freely sold in their ports and converted into national bottoms. The first National Assembly took from our ships this privilege. They emancipated tobacco from its monopoly, but subjected it to duties of 18 livres 15 sous the quintal, carried in their own vessels, and 25 livres carried in ours, a difference more than equal to the freight of the article.

They and their colonies consume what they receive from us.

Great Britain receives our pot and pearl ashes free, whilst those of other nations pay a duty of 2 shillings and 3 pence the quintal. There is an equal distinction in favor of our bar iron; of which article, however, we do not produce enough for our own use. Woods are free from us, while they pay some small duty from other countries. Indigo and flaxseed are free from all countries. Our tar and pitch pay 11 pence sterling the barrel. From other alien countries they pay about a penny and a third more.

Our tobacco for their own consumption pays 1 shilling and 3 pence sterling the pound, custom and excise, besides heavy expenses of collection; and rice in the same case pays 7 shillings and 4 pence sterling the hundredweight; which, rendering it too dear as an article of common food, it is consequently used in very small quantity.

Our salted fish and other salted provisions, except bacon, are prohibited. Bacon and whale oils are under prohibitory duties; so are our grain, meals, and bread as to internal consumption, unless in times of such scarcity as may raise the price of wheat to 50 shillings sterling the quarter, and other grains and meals in proportion.

Our ships, though purchased and navigated by their own subjects, are not permitted to be used even in their trade with us.

While the vessels of other nations are secured by standing laws, which can not be altered but by the concurrent will of the three branches of the British Legislature, in carrying thither any produce or manufacture of the country to which they belong, which may be lawfully carried in any vessels, ours, with the same prohibition of what is foreign, are further prohibited by a standing law (12 Car. 2, 18, sect. 3) from carrying thither all and any of our own domestic productions and manufactures. A subsequent act, indeed, has authorized their Executive to permit the carriage of our own productions in our own bottoms, at its sole discretion; and the permission has been given from year to year by proclamation, but subject every moment to be withdrawn on that single will, in which event our vessels having anything on board stand

interdicted from the entry of all British ports. The disadvantage of a tenure which may be so suddenly discontinued was experienced by our merchants on a late occasion,* when an official notification that this law would be strictly enforced, gave them just apprehension for the fate of their vessels and cargoes dispatched or destined to the ports of Great Britain. The minister of that court, indeed, frankly expressed his personal conviction that the words of the order went farther than was intended, and so he afterwards officially informed us; but the embarrassments of the moment were real and great, and the possibility of their renewal lays our commerce to that country under the same species of discouragement as to other countries, where it is regulated by a single legislator; and the distinction is too remarkable not to be noticed that our navigation is excluded from the security of fixed laws, while that security is given to the navigation of others.

Our vessels pay in their ports 1 shilling and 9 pence sterling per ton light and Trinity dues more than is paid by British ships, except in the port of London, where they pay the same as British.

The greater part of what they receive from us is reexported to other countries, under the useless charges of an intermediate deposit and double voyage. From tables published in England, and composed, as is said, from the books of their custom-houses, it appears that of the indigo imported there in the years 1773, '4, '5, one-third was reexported; and from a document of authority we learn that of the rice and tobacco imported there before the war four-fifths were reexported. We are assured, indeed, that the quantities sent thither for reexportation since the war are considerably diminished, yet less so than reason and national interest would dictate. The whole of our grain is reexported when wheat is below 50 shillings the quarter, and other grains in proportion.

The United Netherlands prohibit our pickled beef and pork, meals and bread of all sorts, and lay a prohibitory duty on spirits distilled from grain.

All other of our productions are received on varied duties, which may be reckoned, on a medium, at about 3 per cent.

They consume but a small proportion of what they receive. The residue is partly forwarded for consumption in the inland parts of Europe, and partly reshipped to other maritime countries. On the latter portion they intercept between us and the consumer so much of the value as is absorbed by the charges attending an intermediate deposit.

Foreign goods, except some East India articles, are received in vessels of any nation.

Our ships may be sold and naturalized there, with exceptions of one or two privileges which somewhat lessen their value.

Denmark lays considerable duties on our tobacco and rice carried in their own vessels, and half as much more if carried in ours; but the exact amount of these duties is not perfectly known here. They lay such as amount to prohibitions on our indigo and corn.

Sweden receives favorably our grains and meals, salted provisions, indigo, and whale oil.

They subject our rice to duties of 16 mills the poundweight carried in their own vessels, and 40 per cent additional on that, or 22⅘ mills, carried in ours or any others. Being thus rendered too dear as an article of common food, little of it is consumed with them. They consume some of our tobaccos, which they take circuitously through Great Britain, levying heavy duties on them also; their duties of entry, town duties, and excise being $4.34 the hundredweight if carried in their own vessels, and of 40 per cent on that additional if carried in our own or any other vessels.

They prohibit altogether our bread, fish, pot and pearl ashes, flaxseed, tar, pitch, and turpentine, wood (except oak timber and masts), and all foreign manufactures.

Under so many restrictions and prohibitions our navigation with them is reduced almost to nothing.

With our neighbors an order of things much harder presents itself.

Spain and Portugal refuse to those parts of America which they govern all direct intercourse with any people but themselves. The commodities in mutual demand between them and their neighbors must be carried to be exchanged in some port of the dominant country, and the transportation between that and the subject State must be in a domestic bottom.

France, by a standing law, permits her West India possessions to receive directly our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice, and maize, and prohibits our other breadstuff; but a suspension of this prohibition having been left to the colonial legislatures, in times of scarcity it was formerly suspended occasionally, but latterly without interruption.

Our fish and salted provisions (except pork) are received in their islands under a duty of 3 colonial livres the quintal, and our vessels are as free as their own to carry our commodities thither, and to bring away rum and molasses.

Great Britain admits in her islands our vegetables, live provisions, horses, wood, tar, pitch, and turpentine, rice and breadstuff, by a proclamation of her Executive, limited always to the term of a year, but hitherto renewed from year to year. She prohibits our salted fish and other salted provisions. She does not permit our vessels to carry thither our own produce. Her vessels alone may take it from us and bring us in exchange rum, molasses, sugar, coffee, cocoanuts, ginger, and pimento. There are, indeed, some freedoms in the island of Dominica, but under such circumstances as to be little used by us. In the British continental colonies, and in Newfoundland, all our productions are prohibited and our vessels forbidden to enter their ports. Their governors, however, in times of distress, have power to permit a temporary importation of certain articles in their own bottoms, but not in ours.

Our citizens can not reside as merchants or factors within any of the British plantations, this being expressly prohibited by the same statute of 12 Car. 2, c. 18, commonly called the navigation act.

In the Danish American possessions a duty of 5 per cent is levied on our corn, cornmeal, rice, tobacco, wood, salted fish, indigo, horses, mules, and live stock, and 10 per cent on our flour, salted pork, and beef, tar, pitch, and turpentine.

In the American islands of the United Netherlands and Sweden our vessels and produce are received, subject to duties, not so heavy as to have been complained of; but they are heavier in the Dutch possessions on the Continent.

To sum up these restrictions, so far as they are important:

First. In Europe—

Our breadstuff is at most times under prohibitory duties in England, and considerably dutied on reexportation from Spain to her colonies.

Our tobaccos are heavily dutied in England, Sweden, and France, and prohibited in Spain and Portugal.

Our rice is heavily dutied in England and Sweden, and prohibited in Portugal.

Our fish and salted provisions are prohibited in England and under prohibitory duties in France.

Our whale oils are prohibited in England and Portugal.

And our vessels are denied naturalization in England and of late in France.

Second. In the West Indies—

All intercourse is prohibited with the possessions of Spain and Portugal.

Our salted provisions and fish are prohibited by England.

Our salted pork and breadstuff (except maize) are received under temporary laws only, in the dominions of France, and our salted fish pays there a weighty duty.

Third. In the article of navigation—

Our own carriage of our own tobacco is heavily dutied in Sweden and lately in France.

We can carry no article, not of our own production, to the British ports in Europe. Not even our own produce to her American possessions.

Such being the restrictions on the commerce and navigation of the United States, the question is, In what way they may best be removed, modified, or counteracted?

As to commerce, two methods occur. 1. By friendly arrangements with the several nations with whom these restrictions exist; or, 2. By the separate act of our own legislatures for countervailing their effects.

There can be no doubt but that, of these two, friendly arrangement is the most eligible. Instead of embarrassing commerce under piles of regulating laws, duties, and prohibitions, could it be relieved from all its shackles in all parts of the world; could every country be employed in producing that which nature has best fitted it to produce, and each be free to exchange with others mutual surpluses for mutual wants, the greatest mass possible would then be produced of those things which contribute to human life and human happiness; the number of mankind would be increased, and their condition bettered.

Would even a single nation begin with the United States this system of free commerce, it would be advisable to begin it with that nation; since it is one by one only that it can be extended to all. Where the circumstances of either party render it expedient to levy a revenue, by way of impost, on commerce, its freedom might be modified, in that particular, by mutual and equivalent measures, preserving it entire in all others.

Some nations, not yet ripe for free commerce in all its extent, might still be willing to mollify its restrictions and regulations for us, in proportion to the advantages which an intercourse with us might offer. Particularly they may concur with us in reciprocating the duties to be levied on each side, or in compensating any excess of duty by equivalent advantages of another nature. Our commerce is certainly of a character to entitle it to favor in most countries. The commodities we offer are either necessaries of life, or materials for manufacture, or convenient subjects of revenue; and we take in exchange either manufactures when they have received the last finish of art and industry or mere luxuries. Such customers may reasonably expect welcome and friendly treatment at every market. Customers, too, whose demands, increasing with their wealth and population, must very shortly give full employment to the whole industry of any nation whatever in any line of supply they may get into the habit of calling for from it.

But should any nation, contrary to our wishes, suppose it may better find its advantage by continuing its system of prohibitions, duties, and regulations, it behooves us to protect our citizens, their commerce, and navigation by counter prohibitions, duties, and regulations, also. Free commerce and navigation are not to be given in exchange for restrictions and vexations, nor are they likely to produce a relaxation of them.

Our navigation involves still higher considerations. As a branch of industry it is valuable, but as a resource of defense, essential.

Its value, as a branch of industry, is enhanced by the dependence of so many other branches on it. In times of general peace it multiplies competitors for employment in transportation, and so keeps that at its proper level; and in times of war—that is to say, when those nations who may be our principal carriers shall be at war with each other, if we have not within ourselves the means of transportation our produce must be exported in belligerent vessels at the increased expense of war freight and insurance, and the articles which will not bear that must perish on our hands.

But it is as a resource of defense that our navigation will admit neither neglect nor forbearance. The position and circumstances of the United States leave them nothing to fear on their land board, and nothing to desire beyond their present rights. But on their seaboard they are open to injury, and they have there, too, a commerce which must be protected. This can only be done by possessing a respectable body of citizen-seamen, and of artists and establishments in readiness for shipbuilding.

Were the ocean, which is the common property of all, open to the industry of all, so that every person and vessel should be free to take employment wherever it could be found, the United States would certainly not set the example of appropriating to themselves, exclusively, any portion of the common stock of occupation. They would rely on the enterprise and activity of their citizens for a due participation of the benefits of the seafaring business, and for keeping the marine class of citizens equal to their object. But if particular nations grasp at undue shares, and, more especially, if they seize on the means of the United States to convert them into aliment for their own strength and withdraw them entirely from the support of those to whom they belong, defensive and protecting measures become necessary on the part of the nation whose marine resources are thus invaded; or it will be disarmed of its defense, its productions will lie at the mercy of the nation which has possessed itself exclusively of the means of carrying them, and its politics may be influenced by those who command its commerce. The carriage of our own commodities, if once established in another channel, can not be resumed in the moment we may desire. If we lose the seamen and artists whom it now occupies, we lose the present means of marine defense, and time will be requisite to raise up others, when disgrace or losses shall bring to our feelings the error of having abandoned them. The materials for maintaining our due share of navigation are ours in abundance. And, as to the mode of using them, we have only to adopt the principles of those who thus put us on the defensive, or others equivalent and better fitted to our circumstances.

The following principles, being founded in reciprocity, appear perfectly just, and to offer no cause of complaint to any nation:

1. Where a nation imposes high duties on our productions, or prohibits them altogether, it may be proper for us to do the same by theirs; first burdening or excluding those productions which they bring

* April 12, 1792.

here in competition with our own of the same kind; selecting next, such manufactures as we take from them in greatest quantity, and which at the same time we could the soonest furnish to ourselves or obtain from other countries; imposing on them duties, lighter at first, but heavier and heavier afterwards, as other channels of supply open. Such duties having the effect of indirect encouragement to domestic manufactures of the same kind, may induce the manufacturer to come himself into these States, where cheaper subsistence, equal laws, and a vent of his wares, free of duty, may insure him the highest profits from his skill and industry. And here, it would be in the power of the state governments to cooperate essentially, by opening the resources of encouragement which are under their control; extending them liberally to artists in those particular branches of manufacture for which their soil, climate, population, and other circumstances have matured them; and fostering the precious efforts and progress of household manufacture by some patronage suited to the nature of its objects, guided by the local informations they possess, and guarded against abuse by their presence and attentions. The oppressions on our agriculture, in foreign ports, would thus be made the occasion of relieving it from a dependence on the counsels and conduct of others, and of promoting arts, manufactures, and population at home.

2. Where a nation refuses permission to our merchants and factors to reside within certain parts of their dominions, we may, if it should be thought expedient, refuse residence to theirs in any and every part of ours, or modify their transactions.

3. Where a nation refused to receive, in our vessels, any productions but our own, we may refuse to receive, in theirs, any but their own productions. The first and second clauses of the bill reported by the committee are well conformed to effect this object.

4. Where a nation refuses to consider any vessel as ours which has not been built within our territories, we should refuse to consider as theirs any vessel not built within their territories.

5. Where a nation refuses to our vessels the carriage even of our own productions to certain countries under their domination, we might refuse to theirs of every description the carriage of the same productions to the same countries. But, as justice and good neighborhood would dictate that those who have no part in imposing the restriction on us should not be the victims of measures adopted to defeat its effect, it may be proper to confine the restriction to vessels owned or navigated by any subjects of the same dominant power other than the inhabitants of the country to which the said productions are to be carried. And to prevent all inconveniece to the said inhabitants, and to our own, by too sudden a check on the means of transportation we may continue to admit the vessels marked for future exclusion, on an advanced tonnage, and for such length of time only as may be supposed necessary to provide against that inconvenience.

The establishment of some of these principles by Great Britain, alone, has already lost us in our commerce with that country and its possessions between eight and nine hundred vessels of nearly 40,000 tons burden, according to statements from official materials in which they have confidence. This involves a proportional loss of seamen, shipwrights, and shipbuilding, and is too serious a loss to admit forbearance of some effectual remedy.

It is true, we must expect some inconvenience in practice from the establishment of discriminating duties. But in this, as in so many other cases, we are left to choose between two evils. These inconveniences are nothing, when weighed against the loss of wealth and loss of force which will follow our perseverance in the plan of indiscrimination. When once it shall be perceived that we are either in the system or in the habit of giving equal advantages to those who extinguish our commerce and navigation by duties and prohibitions as to those who treat both with liberality and justice, liberality and justice will be converted by all into duties and prohibitions. It is not to the moderation and justice of others we are to trust for fair and equal access to market with our productions, or for our due share in the transportation of them; but to our own means of independence and the firm will to use them. Nor do the inconveniences of discrimination merit consideration. Not one of the nations before mentioned, perhaps not a commercial nation on earth, is without them. In our case, one distinction alone will suffice; that is to say, between nations who favor our productions and navigation and those who do not favor them. One set of moderate duties, say the present duties, for the first, and a fixed advance on these as to some articles, and prohibitions as to others, for the last.

Still, it must be repeated that friendly arrangements are preferable with all who will come into them; and that we should carry into such arrangements all the liberality and spirit of accommodation which the nature of the case will admit.

France has, of her own accord, proposed negotiations for improving, by a new treaty, on fair and equal principles, the commercial relations of the two countries. But her internal disturbances have hitherto prevented the prosecution of them to effect, though we have had repeated assurances of a continuance of the disposition.

Proposals of friendly arrangement have been made on our part, by the present Government, to that of Great Britain, as the message states; but, being already on as good a footing in law, and a better in fact, than the most favored nation, they have not, as yet, discovered any disposition to have it meddled with.

We have no reason to conclude that friendly arrangements would be declined by the other nations with whom we have such commercial intercourse as may render them important. In the meanwhile, it would rest with the wisdom of Congress to determine whether, as to those nations, they will not surcease ex parte regulations, on the reasonable presumption that they will concur in doing whatever justice and moderation dictate should be done.

TH. JEFFERSON.

The CHAIRMAN. Debate has closed on the amendment.

The question is on the amendment offered by the gentleman from Minnesota, being an amendment to the amendment of the gentleman from New York.

The question was taken; and on a division (demanded by Mr. DAVIS) there were—ayes 134, noes 199.

Mr. DAVIS. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. DAVIS and Mr. PAYNE were appointed tellers.

The House again divided; and the tellers reported—ayes 134, noes 194.

So the amendment to the amendment was rejected

Mr. CLAYTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Strike out the words beginning with the word "bagging" and ending with the word "act," just before the words "upon jute bagging and jute on the free list."

Mr. CLAYTON. Mr. Chairman, I will say that that is on page 1234 of to-day's RECORD, in the second column, and it seeks to remove the duty on bagging.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Alabama.

The question was taken.

Mr. CLAYTON. Mr. Chairman, I demand tellers.

Tellers were ordered, and Mr. CLAYTON and Mr. PAYNE were appointed tellers.

The House again divided; and the tellers reported—ayes 130, noes 170.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question now recurs on the amendment offered by the gentleman from New York [Mr. PAYNE], as amended.

The question was taken, and the amendment was agreed to.

Mr. CUSHMAN. Mr. Chairman, I now offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Paragraph 227, on page 62, line 8, strike out the word "fifteen" and insert in lieu thereof the word "twenty-four."

Mr. CUSHMAN. Mr. Chairman, this is an amendment which relates to the farm product of barley, and the effect of this amendment, if adopted, will be to raise the rate of tariff on barley from 15 to 24 cents a bushel. That is all I care to say, unless some gentlemen desire to ask some questions.

Mr. PERKINS. Mr. Chairman, I would like to say a word on this. This amendment certainly is a surprise. It was only yesterday that, in answer to the convincing eloquence of the chairman of the Committee on Ways and Means, showing the evident propriety and necessity that the duty on barley should not exceed 15 cents a bushel, that the majority, by adopting the views of the committee, made its obeisance to the wisdom of the chairman of that committee. This morning, after an interval of twenty-four hours, a motion is presented, not by the gentleman himself, but by one of his associates, again raising the duty to within 1 cent of the amount voted down on yesterday. I only wish to suggest to the members of the committee the argument suggested by my distinguished friend and colleague from New York, in which he said, and no one can contradict him, that the result of this duty has been to entirely destroy the barley industry of New York. My friend and my colleague alluded to the fact of the demands made upon him. They have been made upon me in like manner by the farmers of the State of New York, who say that this duty on Canadian barley, imposed with the idea of helping the farmer, has done harm to the farmer. They show that the malt houses, which are the only businesses which consume barley, have been closed as a result of this injudicious tax.

Mr. TAWNEY. Will the gentleman permit an interruption?

Mr. PERKINS. I have only five minutes.

Mr. TAWNEY. The question I desire to ask is, If this is not because they could not get the Canadian barley?

Mr. PERKINS. They closed because the production of New York barley was not enough to furnish the demand for the first-class malt, which must be made from No. 1 barley in order to produce No. 1 malt. I said that this certainly could be of no benefit to the farmer. Two things have resulted from the raising of this duty: One was that a large number of malt houses had been closed, and, therefore, the demand for barley had been diminished; another thing was that the average price of barley in Buffalo, which used to range from 60 to 70 cents, had for a period of ten years been between 40 and 50 cents.

Now, furthermore, Mr. Chairman, the House was influenced by consideration of the gentleman from Kansas, who believes that the consumption and the production of malt should cease, who claimed with pride that in all the State of Kansas no man knew what the inside of a saloon looked like and no man could drink a glass of beer. There is little reason that he should ask a duty the result of which would increase their power to sell a commodity, to wit, malt, which could only be used in the production of a thing which did harm to many. Certainly, Mr. Chairman, the law says that the receiver of stolen goods is quite as guilty as the man who steals. It does not lie in the mouth of my friend from Kansas to say that it is a pernicious thing that a glass of beer should be made or drank and then come before this House and try to drive, to keep out all of the barley

raisers of New York in order that he may raise in his State an article to be turned into this pernicious purpose. I hope, Mr. Chairman, that the House will still remember the arguments of the chairman of the Committee on Ways and Means, and will to-day, as it did on yesterday, vote in favor of that gentleman's argument.

Mr. HARRISON. Mr. Chairman——

Mr. PAYNE. Will my colleague yield for a moment for me to make a motion to close debate?

Mr. HARRISON. I shall only consume two or three minutes.

Mr. PAYNE. I would like to make a motion to close debate in five minutes. [Cries of "No; ten minutes!"]

Mr. PAYNE. Well, ten minutes.

The CHAIRMAN. The gentleman from New York moves to close debate on this amendment and all amendments thereto in ten minutes.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. HUBBARD of West Virginia. Division, Mr. Chairman.

The committee divided; and there were—ayes 192, noes 16.

So the motion was agreed to.

Mr. HARRISON. Mr. Chairman, this is an attempt to raise the rate on barley from 15 cents a bushel to 24 cents a bushel. I am opposed to the amendment. I shall not go into the matter deeply at this moment, because the matter has been thoroughly thrashed out already in the House of Representatives.

Mr. Chairman, this is a barefaced attempt to do under the crack of the party whip what these gentlemen were unable to do in the House day before yesterday. I hope that gentlemen on that side of the Chamber who voted against such a proposition two days ago will be independent enough to retain their own judgment upon this proposition and vote down this attempt to-day.

Mr. PETERS. Mr. Chairman, the amendment which has been offered which seeks to increase from the rate of 15 cents, as recommended in the pending bill, to 24 cents the duty on barley, I wish most vehemently to protest against. In addition, I wish to protest against the bringing in at this time of this amendment. The matter has already been considered thoroughly by the Committee on Ways and Means and by the Committee of the Whole House, and the opinion of both committees is expressed in the 15-cent rate. The rate has previously been 30 cents per bushel. So far as this change in the Payne bill is a reduction, Mr. Chairman, it meets my hearty approval, and for the same reasons that this amendment should fail I should be in favor, not of raising the duty on barley, but of abolishing it entirely.

Under the Dingley bill the importations of barley in 1908 were only 11,915 bushels, valued at the paltry sum of $6,000. The importations show a falling off from 1895, when the importations were 2,062,152 bushels. The insignificant amount of importations under the existing rate show that the 30-cent rate is practically prohibitive, and that the reduction to 15 cents might at least stimulate the importations and therefore be in the interests of the revenues of the Government.

Barley is used in a legitimate industry and one recognized in this country, the product of which is consumed by a large part of our people. It is an admitted fact that in Canada there is raised a higher quality of barley than is raised in this country. The reduction of the duty on this important staple would allow the importation and use of this higher grade, and its importation is therefore in the interest both of the revenues of the Government and the health of our people.

It can not be claimed that an increase in the rate suggested by this bill will be in the interest of the farmers of our country. On the contrary, such information as the committee has received from the representatives of the grange associations shows a strong feeling on the part of the farmers against any duty higher than 15 cents per bushel. It is important to recognize in this connection that the American farmer can not afford to buy even seed barley from Canada under the Dingley rate of 30 cents, so that the higher rate not only deprives the consumer of the best quality of article, but fails utterly to stimulate the growth of American barley. It is even argued that the 15 cents duty will not be low enough to encourage the importation of Canadian barley. I strongly urge, Mr. Chairman, that all restriction be removed from the importation of this valuable food product.

Mr. ALEXANDER of New York. Mr. Chairman, there is a humorous side to this proposition. The House on yesterday voted down a 25-cent duty on barley, and now my friend from Washington [Mr. CUSHMAN], representing the Ways and Means Committee, and in behalf of that committee, offers an amendment raising it to 24 cents without offering a single reason for so doing.

Mr. HUBBARD of West Virginia. Will the gentleman permit a question?

Mr. ALEXANDER of New York. Yes.

Mr. HUBBARD of West Virginia. Does he state that this is a committee amendment?

Mr. ALEXANDER of New York. This is a committee amendment.

Mr. HUBBARD of West Virginia. After the statements made on yesterday?

Mr. BUTLER. It only has the committee's indorsement; it does not mean anything.

Mr. ALEXANDER of New York. The gentleman from Washington [Mr. CUSHMAN] has not the temerity to present a reason for this sudden change of front. He simply said, "Change 15 to 24," and asked for a vote. There were good reasons presented yesterday showing that 15 cents was absolutely prohibitive. We have the word of the distinguished chairman of the Ways and Means Committee for that. Now, why does my friend from Washington, representing the Ways and Means Committee, ask that it be 24 cents? Why this change of front in a night? For what reason does he and his committee turn a somersault? What does he want?

Mr. MANN. Free lumber.

Mr. ALEXANDER of New York. No; he wants lumber protected. And if 15 cents on barley is prohibitive, why is he not satisfied? What joker is concealed in this amendment? What is the inducement that prompted him to do this thing? He may be satisfied to change his vote, but I challenge him to give a reason for the increase which will convince this committee that it must change its mind as expressed yesterday by an overwhelming vote.

Mr. CUSHMAN. Mr. Chairman, the gentleman complains because the rate of 15 cents will be prohibitive. If that is true, according to the gentleman's own logic, he is not injured by the raise in this bill.

Now, as a matter of fact, the existing Dingley law protects all agricultural products and, among others, the grain schedule. There was no other single cereal that was interfered with except this particular product of barley, and the men from the great West, who raise this product in their States, have come here and asked that the same measure of protection which we have granted in this bill to the gentleman's own beloved industries, be extended to this agricultural product.

Mr. ALEXANDER of New York. Will the gentleman yield for a question?

Mr. CUSHMAN. Now, then, I wonder why the gentleman did not raise his voice against the increase in the glove schedule, gloves being manufactured in his own State?

Mr. ALEXANDER of New York. Your committee gave me no opportunity if I had desired to do so.

Mr. CUSHMAN. It has been here for a number of days.

Mr. ALEXANDER of New York. I asked the gentleman if he would yield for a question.

Mr. CUSHMAN. When I get through; yes. Mr. Chairman, I do not pretend to talk for the entire committee, but I can state what my sentiments are. As I said on this floor the other day, I am a protectionist and a high protectionist, and I do not apologize for that. When I lift my voice for a high degree of protection on other articles, including manufactured articles, I am willing to extend that same degree of protection to agricultural products, and if it would relieve the gentleman's mind any, I might say that I made the motion in the committee to raise this rate on barley.

Mr. ALEXANDER of New York. Will the gentleman now yield for a question?

Mr. CUSHMAN. Yes, sir.

Mr. ALEXANDER of New York. Then I understand that your only reason for doubling the prohibitive tariff on barley is because the tariff on wheat and other agricultural products has not been increased.

Mr. CUSHMAN. Not by any sort of means.

Mr. ALEXANDER of New York. Have you any other reason? Let us have it. You have not given it yet.

Mr. CUSHMAN. The Members on the floor who have the right to speak for their constituents have pressed upon this committee the necessity, in their mind, for a further increase of the duty. Now, then, if they do not have knowledge sufficient to speak for the industries that they represent, that is their fault.

Mr. ALEXANDER of New York. But that is not a reason for doubling a duty already prohibitive. I ask the gentleman from Washington for his reason.

Mr. GRONNA. Have not the western members shown to the Ways and Means Committee that the duty of 15 cents per bushel on barley would not be prohibitive?

Mr. CUSHMAN. In my judgment it is.

Mr. ALEXANDER of New York. Then, if 15 cents is prohibitive, what is your reason for doubling it? Will the gentleman kindly tell us? Let us see how much you know about barley.

Mr. CUSHMAN. It has been insisted by gentlemen who are pressing this upon the committee that in lowering that rate from the Dingley rate we were endeavoring to favor the American brewer at the expense of the American farmer. [Applause.] Now, let us see on what side of that line you stand?

Mr. ALEXANDER of New York. I will answer the gentleman. I am speaking in the interest of the New York farmer. For the last ten years the duty on barley has cut off his privilege of securing seed from the Province of Quebec. I represent a district of 25 towns in which farmers reside, and I also speak for the farmers of my State who want barley for seed purposes.

Mr. CUSHMAN. I can see by looking at the gentleman that he is a farmer. [Laughter.]

Mr. ALEXANDER of New York. And if the gentleman had ever seen a farm, he would know more about barley.

Mr. GRONNA. I want to state to the gentleman from New York——

Mr. JAMES. Mr. Chairman, I make the point of order that the debate was to close in five minutes.

Mr. GRONNA. I want to state to the gentleman from New York that I am perfectly willing to furnish barley at the price that they can get it from Canada, and as good as they can.

The CHAIRMAN. The debate was limited to ten minutes, and the time has expired. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the ayes seemed to have it.

Several MEMBERS. Division!

The committee divided; and there were—ayes 163, noes 120.

So the amendment was agreed to.

Mr. CUSHMAN. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Paragraph 228, page 62, line 10, strike out the word "twenty-five" and insert thereof the word "forty."

Mr. CUSHMAN. This likewise, Mr. Chairman, refers to the subject of barley. It increases the duty on malting barley, the product of barley, from 25 cents to 40 cents per bushel.

Mr. PERKINS. For whose benefit is that?

Mr. CUSHMAN. For the benefit of the farmer.

Mr. PERKINS. How can this benefit the farmer?

Mr. CUSHMAN. It benefits the farmer through the increased price that he gets for his barley, and the malt is made out of the barley. What does the gentleman believe—that the doctrine of protection is general, but is not effective as to this?

Mr. PERKINS. It is for the benefit of those who change the barley into malt.

Mr. CUSHMAN. On the contrary, this amendment simply is for the benefit of the men who raise barley in this country, and it restores the relative rate between the barley and the malt. We have just adopted an amendment to raise the tariff on barley from 15 to 24 cents per bushel, and we ought now to adopt this amendment to raise the tariff on barley malt from 25 to 40 cents per bushel.

Mr. PARKER. I make the point of order on the parliamentary proceeding of this question that the committee voted on the subject of barley, and that having been settled by the committee, no further amendments to this section can be offered.

The CHAIRMAN. The subject having been debated, the point of order is too late.

Mr. PARKER. It was not too late when I rose.

Mr. FITZGERALD. Mr. Chairman, I am very much interested in the very peculiar situation which has arisen here. The day before yesterday the gentleman's colleague [Mr. HUMPHREY] offered an amendment to put barley on the free list. To-day the gentleman from Washington says that there is such a necessity for the protection of barley that he offers an amendment now to increase the duty from 15 to 25 cents per bushel. His colleague stated that he was anxious to have barley on the free list, in the interest of 300,000 persons in his district who used barley in their daily life. In whose interest, let me ask either of the gentlemen from Washington, is he so deeply interested that he should raise the rate of duty which the chairman of the committee himself has already confessed is prohibitive? I will watch with somewhat peculiar interest the vote upon that side of the House on the lumber schedule. [Applause.] I imagine, although I am not in the confidence of either gentleman from Washington, that not only will they vote to-day for the increased duty on lumber, but that they are tumbling over themselves to vote this concession to those who heretofore have been advocating free lumber. It illustrates, Mr. Chairman, the agility of the gentleman from Washington. He stands on one foot to-day, in favor of free barley, and shifts to the other foot, in favor of a higher protective tariff on barley, indifferent, as a matter of fact, to what the duty will be on barley, so long as his sacred lumber interests are protected. Never before in the history of a tariff legislation has the greed of the special interests been exhibited as they are right at this time in this House. [Loud applause on the Democratic side.] The gentleman is indifferent to those who consume barley in his district, all of the people, so long as that proportion who are enriching themselves at the expense of all of the people of the country are permitted to do so under this pernicious Republican tariff.

I am delighted—if that word is still in use in this country—that the gentleman has been so frank to concede that, overnight, in response to the fresh light that has broken from the heavens, he has been able to see that his people do not need cheap bread, so long as they are able to rob all of the people in enriching themselves; and I congratulate him upon the fact that he is so successful in bringing the people of his district into the ranks of the plutocrats of the country, who are indifferent to everybody else so long as their pockets are stuffed with the earnings extracted from the poor under the operations of such a bill.

Mr. Chairman, perhaps what I have said is sufficient to illustrate that I am opposed to this amendment. I can imagine the gentleman will say that I am opposed to it because I am speaking on behalf of the brewers. But let me say to him that whenever questions affecting taxes that may concern the brewers directly come before this House, I will not attempt by any secret midnight trades to protect any particular industry or any particular class at the expense of the great mass of the American people, and I will cheerfully go on record upon any question that may be presented to the House. I hope, Mr. Chairman, that the gentleman may be disappointed to-day and that lumber will go upon the free list in spite of the efforts to keep it highly protected. [Applause.]

Mr. SULZER. Mr. Chairman, I move to amend by striking out of the Payne tariff bill sections 19, 20, and 21, which read as follows:

SEC. 19. That a discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which, being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

SEC. 20. That no goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 21. That the preceding section shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

And insert in the place thereof the following:

"SEC. 19. That a rebate of duties shall be allowed and deducted on all foreign goods, wares, and merchandise to the extent of 5 per cent ad valorem in cases where the specific and ad valorem duties together amount to less than 25 per cent of the value of the articles, and to the extent of 10 per cent in cases where the specific and ad valorem duties together amount to more than 25 per cent of the wholesale value of the articles in the market of the port where the same may be brought in by a vessel of the United States.

"And in cases where minimum or reciprocity duties are imposed by law on goods, wares, and merchandise imported, a rebate shall be allowed and deducted to the extent of 2½ per cent ad valorem in cases where the specific and ad valorem duties together amount to less than 20 per cent of the value of the articles, and to the extent of 5 per cent ad valorem in cases where the specific and ad valorem duties together amount to more than 20 per cent of the wholesale value of the articles in the market of the port where the same may be brought in by a vessel of the United States.

"SEC. 20. That no other or higher duties than those imposed as regular by law shall be levied, collected, or paid on any goods, wares, or merchandise imported direct by a vessel of the country, its colony, or possession, which produced the same, or of a country through which said merchandise is necessarily passed to reach a market; but on all goods, wares, and merchandise imported direct by a vessel not of the United States and not belonging to the country, its colony, or possession, where said goods, wares, and merchandise were produced, an additional duty of 10 per cent ad valorem shall be levied, collected, and paid; and on all goods, wares, and merchandise imported in direct by a vessel not of the United States from any country, its colony, or possession, not that of the production and original exportation of said merchandise, the additional duty as aforesaid shall be 15 per cent ad valorem.

"And in cases where no duties are imposed by law on certain goods, wares, and merchandise imported, and the same have been brought in by a vessel not of the United States direct from its own country, colony, or possession where the same were produced, there shall be levied, collected, and paid a duty of 4 per cent ad valorem; but if such goods, wares, and merchandise shall be brought direct from a country to which the importing vessel does not belong, but which was the place of production, then the duty as aforesaid shall be 8 per cent ad valorem; but if such goods, wares, and merchandise so imported be brought from a country that did not produce the same, then and in that case the duty as aforesaid shall be 12 per cent ad valorem, valued in all cases in the market of the port of entry.

"And in cases where minimum or reciprocity duties are imposed by law on goods, wares, and merchandise imported, there shall be levied, collected, and paid full rates of duty, if the same shall be brought in by a vessel not of the United States or not of the reciprocating country from which such merchandise has been exported; or if the same, not being the growth, production, or manufacture of a country contiguous to the United States, shall be brought across the line from such country.

"And the additional duties imposed under this section shall apply also to all cases where goods, wares, and merchandise may have been transferred from a foreign vessel or land vehicle, at any place, to a vessel or land vehicle of the United States, for the purpose of convenience, or to evade the provisions of this section.

"SEC. 21. That a duty of 20 per cent ad valorem, in addition to the duties imposed by law as regular, and also to the additional duties required by the foregoing section, shall be levied, collected, and paid on all goods, wares, and merchandise imported by a vessel not of the United States from a country to which the importing vessel does not belong, unless the importation shall be the growth, production, or manufacture of a country at peace with the United States.

"That all goods, wares, and merchandise imported by a vessel not of the United States, that shall be admitted to storage in bonded warehouse with lawful tariff duties unpaid for a period exceeding five days, shall be charged and pay an additional duty of 15 per cent ad valorem, but a rebate of 5 per cent shall be allowed in all cases where such merchandise shall be reexported and cleared outward in a vessel of the United States. This section and the two preceding sections shall take effect in thirteen months after their passage."

Mr. Chairman, I urged the Ways and Means Committee when it was making up the Payne tariff-tax bill to do something for the restoration of our shipbuilding industry; to do something to recover our deep-sea trade along the lines of a graduated system of tonnage taxes on foreign ships, but I am sorry to say the committee has done absolutely nothing for these important industries. The sections I now move to strike out of the Payne bill are copied verbatim from the Dingley law, and during the twelve years they have been on the statute books they have done nothing for our merchant marine on account of the favored-nation clause in all existing treaties. If my amendment prevails, something will speedily be done to revive our languishing shipbuilding industries, restore our merchant marine, and secure for us our share of the deep-sea carrying trade of the world.

I am in favor of immediate action by Congress for the resumption of the shipping policy which prevailed under the first five Presidents of the Republic, and which brought forth and maintained the best merchant marine on the ocean without the cost of a cent to the American people. I denounce the Republican party for its willful neglect of our shipping in the foreign trade, having done nothing whatever for its revival since the civil war, except to connive at the passage of vicious subsidy bills, utterly useless for the object in view, and really in the interest of foreign nations.

I am willing to go as far as any man in this country to legislate for the restoration of the American merchant marine to all its former glory and to secure for the American people their just share of the over-seas carrying trade of the world. I know, and every man who has investigated this subject knows, that our loss of deep-sea commerce is due entirely to the iniquitous legislation and shortsighted policies of the Republicans in the National Legislature. If the American Congress would legislate intelligently regarding this subject, we could restore our merchant marine, increase our revenues, and secure nine-tenths of all our commerce on the high seas, exports and imports, without a ship subsidy and without taking a single dollar from the pockets of the taxpayers to give bounties to favored shipowners.

This whole subject is a very simple matter when reduced to an intelligent business proposition. We do not need to take a dollar out of the Treasury of the United States to revive our shipbuilding industries or restore our merchant marine. All we need to do is to legislate intelligently, repeal the restrictive laws against our deep-sea shipping now on our statute books, put in their place laws similar to the navigation laws that were enacted by the early statesmen of the country—laws that built up our merchant marine in those historic days, laws that placed our flag on the high seas and gave us nine-tenths of our entire over-seas carrying trade—and we would do it if it were not for the greed and the selfishness of the shipping trust.

Mr. Chairman, in the House of Representatives in 1794 James Madison said:

"As early as the year succeeding the peace (1784) the effect of the foreign policy (British) which began to be felt in our trade and navigation excited universal attention and inquietude. The first step thought of was an application of Congress to the States for a grant of power for a limited time to regulate our foreign commerce.

"This effort failing, the States next endeavored to effect their purpose by separate but concurrent regulations. Massachusetts opened a correspondence with Virginia and other States in order to bring about the plan. Here again the effort was abortive. Out of this experience grew the measures which terminated in the establishment of a Government competent to the regulation of our commercial interests and the vindication of our commercial rights."

The president of the Constitutional Convention was General Washington. In transmitting the Constitution to the Confederated Congress he remarked:

"The friends of our country have long seen and desired that the power of making war, peace, and treaties, that of levying money, and regulating commerce, and the corresponding executive and judicial authorities should be fully and effectually vested in the General Government of the Union."

One of the five principal objects of the "closer union" being the "uniform" protection of shipping, as thus declared, it was natural that this sentiment should be general in the convention. Every plan for a Constitution included the regulation of our commerce, by wise national laws in lieu of state statutes—unlike and conflicting. The only question raised and settled by debate was whether or not a "two-thirds vote" should be required for the passage of shipping bills. Mr. Gorham, of Massachusetts, Chairman of the Committee of the Whole, in closing the debate, submitted the ultimatum of New England as follows:

"If the Government is to be so fettered as to be unable to relieve the Eastern States, what motive can they have to join it, and thereby tie their own hands from measures which they could otherwise take for themselves? The Eastern States were not led to strengthen the Union by fear for their own safety. He deprecated the consequences of disunion, but if it should take place, it was the southern part of the continent that had the most reason to dread them. He urged the improbability of a combination against the interest of the Southern States, the different situations of the Northern and Middle States being a security against it. It was, moreover, certain that foreign ships would never be altogether excluded, especially those of nations in treaty with us."

Because of this ultimatum the motion for a two-thirds restriction was lost and the majority rule adhered to nem. con. In pursuance of this action, clause 3 of section 8 of Article I of the Constitution not only empowers, but its inclusion makes it the duty of Congress, in perpetuity, "to regulate commerce with foreign nations."

Necessarily, the several States were divested of power to continue their discriminating duties of tonnage and of tariff, either for revenue or for protection. (See sec. 10 of Art. I.) Thus was the protection of shipping given up by the States

and taken over by the General Government, on condition that the protection desired and necessary should always be given. The action of the convention was afterwards ratified by the States and the people through the adoption of the Constitution. By this adoption the States were relieved of their natural duty to protect a most important industry, and the United States, in virtue of the compact described, promised and undertook the stipulated duty with no right reserved ever to discontinue it.

Though the truth of this statement may be acknowledged, it will be well to offer some facts for its support.

The founding of our Government was not the simple thing imagined by many citizens of the present day. Thirteen sovereign States, varying greatly in territory and population, differing considerably in laws and institutions, had to be united under a general government in such a way as to merit and receive the assent of each and of all. Of necessity, the Government had to be founded in the confidence and affections of the people and be constructed so as to obtain the popular vote. Compromises had to be made on several perplexing questions, and in certain States only the utmost efforts of the friends of the Union, in the legislatures and before the people, were sufficient for its accomplishment. That we have trade regulations for ship protection provided in the Constitution is no wonder at all. The States had it and thought it vital to their commercial independence. The only object in turning it over to a general government was to increase its efficiency and to complete its power. From the debate in convention, especially from the closing speech, it is clear that the third "enumerated" power was one of the "bonds and conditions" of the Union, just as much as allowing each State—big or little—two Senators in Congress, or that reserving certain rights and spheres of government to the States, or that concerning the President's nativity, or that limiting his term of office—just as much, in fact, as any provision of a fundamental character. In fact, a charter for a national government would be incomplete without a power of industrial protection, such as that for the regulation of commerce. The first "enumerated" power—that authorizing the laying of duties on imports for revenue—contains no element for industrial protection, save as incidental. A power distinct from that of revenue, to enable the Government to exclude goods, or by duties to equalize home and foreign prices, or to cause preference for homemade articles, was deemed absolutely necessary for national development. The shipping trade is an industry that is highly susceptive of protection by tariff duties. Tonnage and tariff duties, taken together, were the means of ship protection in use by the States from 1785 to 1789. They were the means recognized in the compact, and applied by Congress in 1789. They are the only expedient, effective, and constitutional means at the command of Congress to-day. Had they been unprovided for, the Union could not have been effected.

There can be no doubt of this. Massachusetts had most shipping, but Pennsylvania, New York, Maryland, and Virginia had growing fleets in 1787 under protection of state regulations. As Mr. Gorham intimated, not one of these States would join a government unable to protect its marine, or that would protect it for a little while and then "suspend" it, as, in fact, the Federal Government did in 1828—to the gradual ruination of the vessel interest in the foreign trade. The people in this trade are now in this situation: The States can not protect their shipping, and the General Government has "suspended" its law for so doing. Had it been suspended also as to the domestic trade, that, too, would now be in a ruined state, not a vessel in building for it, but our entire water-borne commerce, an immense and vital interest, would have been placed to our detriment in the grasp of foreign nations. We would now be standing on the sea with both legs cut off, crippled for life in every part of the national body, as we are weakened in many parts now.

When the question of adopting the Constitution was before the States, no little of its merit was shown to be the power which Congress would have to regulate our foreign commerce. Madison, Hamilton, and Gouverneur Morris were eloquent on this line.

That the compact for the regulation of commerce was promptly acknowledged by Congress, through proper legislation, is a fact well known. The very first tariff bill, by Madison, contained protection not only for factories but for navigation. The first shipping regulation adopted in Committee of the Whole was that of Fitzsimmons of Pennsylvania. He moved a list of discriminating duties on Asiatic goods calculated to secure the trade of the Far East for American ships. He stated that under similar legislation by his State we were already commanding the direct commerce with China and India, and the General Government would, of course, continue the policy then so useful. On goods brought by foreign vessels or indirect (via Europe) the duties were nearly double the rates by American ships coming direct. Before this bill was passed it was amended to provide for a drawback of 10 per cent of the duty on all goods imported in American vessels. In 1794 this provision was changed to an extra duty of 10 per cent on goods by foreign ships. A separate bill for tonnage-tax discrimination soon followed the first tariff measure, and in 1804 the tonnage discrimination was varied from 44 to 94 cents per ton.

That the President, the House, and the Senate rightly interpreted the commerce-regulating clause is indisputable. President Washington had been the presiding officer of the convention; 7 Representatives and 9 Senators, 17 in all, had been delegates. They knew perfectly well all that was intended, expressed, and implied in the "regulation of commerce." They knew also of a certainty that their duty as Members of Congress was to carry out all the compacts of the Constitution. The proceedings of the convention were not made public while any of the delegates lived, but in various debates in Congress they could direct the majority. The debate on the "Madison resolutions" brought out clearly the purpose of the third "enumerated" power. Concerning this, in his work on the "Debates of Congress," Senator Thomas H. Benton remarked as follows:

"In the House of Representatives, 1794, occurred one of the most interesting and elaborate debates which our Congress has furnished. It grew out of the clause in the Constitution conferring power 'to regulate commerce with foreign nations,' and gives the interpretation of its authors, which is wholly different in its nature, and also distinct from the power to lay and collect import duties. The latter was to raise revenue, the former to make such discriminations in trade and transportation as to protect our merchants and shipowners from the adverse regulations and devices of our rivals. While the lack of power to regulate foreign commerce was a primary defect of the Confederated Government, and the necessity for its exercise so great as to form a chief cause for creating the Federal Government, it is singular that Congress has always overlooked it, or confounded it with the impost or revenue power. Though not now exercised, it is a power which has found a need for its exercise, and will find it again."

Mr. Chairman, Senator Benton wrote shortly before the civil war, when it was quite apparent that the suspension of our ship protection would ultimately prove ruinous. He could safely predict that the commerce power would find "a need" for its exercise "again."

That this proposition is true needs little argument. One of the bonds and conditions of the Union being the encouragement and protection of navigation, and the regulation of commerce being the specific provision therefor, it follows, necessarily, that there is no other way that can be taken. If this is not the case, why was the debate in the convention confined to trade regulations? Why were not other ways alluded to? Why was a specific way laid down? Clause 3 of section 8 of Article I of the Constitution was provided in answer to the demand for "navigation laws," which are enactments concerning vessels. The power is given for specific purposes; this logically and legally precludes all other methods of ship protection. This grant of power for specific uses, vital to national integrity, industrial development, commercial independence, and strength upon the seas constituted a trust in perpetuity, and Congress has no more authority to "suspend" or discontinue its exercise than to pass a bill making a foreign prince eligible to the Presidency or to change the number of United States Senators from two to ten for the populous States. It is not loyalty to the Constitution that has destroyed our foreign-trade marine, and without honoring its compact for life-sustaining regulations our last ship is bound to perish in the course of time.

Sir, notwithstanding the ease with which we may resume the effectual protection of our shipping trade, we have those among us who accept the foreign sentiment, that we should forbear to do so and bear our ills a little longer, or, at the most, adopt a "subsidy" plan, as done abroad. I submit Congress should consider the following points:

(1) Our shipbuilding industry being essential to the survival of a marine in the foreign trade, we must return to our former policy or relinquish the sea.

(2) The equities, if any there were, in the "reciprocity conventions" for unprotection, now extant, have long since been dissipated by changes in conditions and no longer exist; the duty of the Government is, therefore, to terminate them and to resume our liberty as to ship business.

(3) The Federal Government is under a compact, more sacred than any "treaty," with the States that gave up to it their right to protect their shipping, on condition that it should do it, and fail not, through trade regulations. Congress should perform its duty, or else release the States from their obligation to

cease laying discriminating tonnage duties. (See sec. 10 of Art. I.)

(4) The Constitution—just as binding now as ever it was—confers no power to raise and appropriate money to "aid" the carrying trade or any other business. No such power has ever been pointed out as belonging to the Government. Its existence is in the States severally. Nor is it probable that they would ever consent to such an amendment of the Constitution as would be necessary to the adoption of a "ship-subsidy" policy.

Mr. Chairman, it is a fact, and a most deplorable fact, and every man who has investigated the subject knows it, that we have less registered tonnage for ocean carrying trade to-day than we had one hundred years ago. In 1806 the United States, with a population of less than 7,000,000 inhabitants, owned more registered tonnage for ocean carrying trade than the United States in 1909, with a population of over 85,000,000. The American tonnage in 1806 was over 900,000, and it is now less than 800,000, and, what is worse still, it showed an actual decrease of more than 6,000 tons last year. In 1806 American ships, flying the American flag and manned by American sailors, carried over 90 per cent of our deep-sea trade and a great part of that of all the countries of Europe. To-day we carry very little of our own trade and practically none of other countries, notwithstanding the fact that we should be the foremost maritime power in the world. More than nine-tenths of our once great and powerful deep-sea fleet has vanished, and not one new keel for an ocean-going ship is being laid to-day on either our Atlantic or Pacific coast, while the vessels of foreign nations throng our ports and monopolize more than nine-tenths of all our import and export commerce.

In 1806 over 92 per cent of our export and import trade was carried in American bottoms; in 1906 less than 8 per cent of our imports and exports were carried in American ships. The United States pays to the owners of foreign deep-sea vessels for conveying our freight and passengers over $200,000,000 a year, and much of this vast sum of money goes to the owners of foreign steamers which are regularly enrolled on the merchant cruiser lists of European governments, manned by naval-reserve officers and sailors, and available for immediate service against us in case of war. The British Empire has 14,800,000 tons of merchant shipping; Germany has 4,960,000 tons; France, 1,680,000; Norway, 1,460,000; and Italy, 1,280,000. The larger part of all these great deep-sea fleets is engaged in the ocean carrying trade, but the Government of the United States, which produces and exports more merchandise than any other nation on earth, has a fleet registry of deep-sea commerce of less than 800,000 tons.

Mr. Chairman, I see my time is nearly consumed and I must conclude; and in doing so I want to say that my amendment is not a makeshift. It is not a temporary expedient. It is not new. It is the plan and the policy of the fathers of the Republic, and should never have been abandoned. It is a permanent remedy, and again adopted and upon the statute books it would continue in favor for years and years to come, until the American people possessed the greatest merchant marine in all the world; and I therefore say in conclusion that from a careful study of the whole subject-matter I sincerely believe that the adoption of this amendment, in my opinion, will speedily restore our ocean carrying trade, revive our shipbuilding industries, give employment in our shipyards to thousands and thousands of men in all parts of the country, bring about an era of prosperity such as we have never known before in our shipping trade and deep-sea commerce, place our flag on ships on every ocean and in every port, and make the American sailor what he was in the historic days of the Republic—the pride of the American people and the master of the seas.

The CHAIRMAN. The time of the gentleman from New York has expired, and the amendment is out of order under the rule heretofore adopted.

Mr. SULZER. Mr. Chairman, all I want to say is that it seems to me too bad I can not get a yea-and-nay vote on this proposition; but sooner or later public opinion will compel legislation along these lines to restore the merchant marine and revive our shipbuilding industries. I ask unanimous consent to print as part of my remarks an amendment, somewhat similar to the one now offered by me, presented in the Senate on June 20, 1894, by Senator FRYE, of Maine, to the Wilson tariff bill, and his remarks thereon; also, copy of bill I have had pending in Congress for years for a revival of our merchant marine.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none, and the request is granted.

THE FRYE AMENDMENT AND THE DEBATE IN THE SENATE JUNE 20, 1904, FOLLOWS:

Mr. FRYE. I desire to offer amendments to sections 14, 15, and 16. As the amendments have but one purpose, I shall offer them as one amendment after the three sections have been read.

The PRESIDING OFFICER. The reading of the bill will proceed.

The Secretary read as follows:

"SEC. 14. That a discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

"SEC. 15. That no goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

"SEC 16. That the preceding section shall not apply to vessels or goods, wares or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States."

Mr. FRYE. Mr. President, I offer the amendments which I send to the desk as one amendment, because together they effect one purpose.

The PRESIDING OFFICER. The amendments will be stated.

The SECRETARY. It is proposed to amend section 14 by adding thereto the following:

"Until after January 1, 1896, and notice of this provision shall be given all nations before the 31st day of December next."

To amend section 15 by inserting after the word "treaty," in line 2, the words:

"Hereafter made and ratified."

To amend section 16 by adding thereto the words:

"Until after January 1, 1896, and notice of this provision shall be given all nations before the 31st day of December, 1894."

Mr. FRYE. Mr. President, section 14 of the pending bill provides for a discriminating duty of 10 per cent on certain goods which are brought in in American bottoms. It has been a provision of the law for a great many years, but is to-day of no earthly account because we have given away every advantage we ought to derive from it by reciprocal legislation and by treaties. Undoubtedly, I suppose, the Secretary of the Treasury to-day would say that he did not know of an instance in the last five years when such provisions as those contained in this section 14 had been applicable, and there had been a discriminating duty allowed.

The pending amendments if agreed to will have this effect: To give notice to all the nations of the earth of a discriminating duty of 10 per cent in favor of all goods brought into the country in American vessels; and that notice will abrogate all treaties hitherto made which to-day stand in our way, and repeal all reciprocal legislation; and it is for the purpose of making another attempt to revive our marine on the ocean that I offer these amendments.

The fathers seemed to understand this question perfectly, and in the first tariff act ever passed in the United States, approved July 4, 1789, the following discriminating duties were imposed on teas per pound imported in American vessels:

Teas imported from China or India bore duties as follows: Bohea, 6 cents; Souchong, 10 cents; Hyson, 20 cents; other green teas, 12 cents.

Imported from Europe: Bohea, 8 cents; Souchong, 13 cents; Hyson, 26 cents; other green teas, 16 cents.

If the teas were imported in American bottoms, these duties were imposed, but if they were imported in foreign-owned and foreign-built ships, then the duties were doubled, Bohea tea being 15 cents, Souchong 22 cents, Hyson 45 cents, and other green teas 27 cents, practically doubling the duties on teas imported here in foreign bottoms. On all other goods imported from China or India in foreign ships there was a 12 per cent ad valorem duty.

The same law provided a discount of 10 per cent on all duties on other goods imported in vessels built and owned in the United States as described above.

Thus there was a discrimination of 50 per cent on all teas, and a discrimination of 10 per cent on all other goods brought into the United States in American bottoms.

But that did not quite satisfy the fathers. In the act of January 29, 1795, instead of making a discount of 10 per cent of the duties, they provided for an addition of 10 per cent to all duties on goods imported in foreign vessels, except in cases where such additional duty had been before laid.

Again, the act of March 27, 1804, imposing more specific duties on certain articles, provided for 14 per cent additional ad valorem upon importations of such articles in foreign vessels. The same act also provided that a duty of 50 cents per ton, to be denominated "light money," should be levied and collected "on all ships or vessels not of the United States, which, after the aforesaid 30th day of June next, may enter the ports of the United States."

By the act of July 20, 1789, the following duties or taxes were imposed on all vessels:

On vessels built in the United States and belonging to citizens thereof, or built abroad and owned by such citizens on May 29 of that year, 6 cents per ton.

On all vessels thereafter built in the United States belonging to foreigners, 30 cents per ton.

On all other vessels, 50 cents per ton.

United States vessels in the coasting trade to pay tonnage but once a year and foreign vessels employed in our coasting trade to pay 50 cents per ton at each entry; which was an enormous duty.

What was the trouble which made the fathers provide all these discriminating duties for American ships? It was that in 1789, when the first law was passed, we had but 124,000 tons of shipping engaged in the foreign carrying trade; we carried only 17 per cent of our imports and 30 per cent of our exports; and the wise men of that day determined that we should carry our own imports and our own exports in American-built vessels. So they passed that law. What was the effect? In 1795 we had 529,500 tons of these ships, and carried 92 per cent of our imports and 88 per cent of our exports. In 1800

we had 667,000 tons. We then carried 91 per cent of our imports and 87 per cent of our exports. In 1810 our tonnage had reached 1,000,000, and we were carrying of our imports 93 per cent and of our exports 90 per cent.

The wise men of that day had done well. They had transferred from Great Britain the carrying trade of the United States, which when they entered upon this crusade was 85 per cent, and given it to us; and we carried 93 per cent of our own, and it was done by these laws discriminating in favor of American vessels and against foreign vessels; it was done by men who believed that they ought to look out for their own household first, who loved their own country more than any other and dared legislate as this love prompted.

How much tonnage have we to-day in the foreign carrying trade? In 1810 we had 1,000,000 tons, and were carrying 93 per cent of our exports and imports. To-day we have 938,000 tons, about 100,000 tons less than we had in 1810; and to-day, instead of carrying 93 per cent, we are carrying but 12 per cent of our own exports and imports, and are paying Great Britain $175,000,000 every year to do our own carrying trade for us.

Mr. LODGE. If it would not interrupt the Senator, I should like to ask him, in that connection, if Great Britain has not pursued by indirection the same methods—that is, by the rates on insurance at Lloyds, and by premiums on iron steamships—of discriminating in favor of her own tonnage down to the present day?

Mr. FRYE. Mr. President, the most persistent, continued effort on the part of Great Britain to prevent our vessels getting any of the carrying trade has been pursued always from the very beginning down to now. The Lloyds will rate our vessels second rate when they ought to be rated even above a first-rate British ship to-day, and the Lloyds control the entire marine insurance of the world, at any rate so far as that of Great Britain and the United States are concerned. Their companies are controlling all the marine insurance in our country, and are discriminating against our vessels.

Mr. PERKINS. It has been also shown to-day in debate that England will not permit salt to be carried from England to the East Indies from her own provinces in any other vessels except those of English build and flying the English flag.

Mr. PEFFER. Will the Senator allow me a question?

Mr. FRYE. Certainly.

Mr. PEFFER. The Senator from Maine is unquestionably as well informed upon this subject as any Member of this body. I wish he would give the Senate the benefit of his views as to how the United States can recover the lost carrying trade. What ought we to do?

Mr. FRYE. Mr. President, I have just offered an amendment to the pending bill which will beyond any manner of question, if it be adopted and the bill become a law, restore the American merchant marine to the old position it occupied in 1810.

Mr. PEFFER. I am to blame doubtless for not having heard the amendment.

Mr. FRYE. It provides a discriminating duty.

Mr. PEFFER. To what effect?

Mr. FRYE. In favor of all goods imported into the United States in American bottoms.

Mr. PEFFER. Another question, because this is a very important matter, and I hope the Senator will pardon me. Does the Senator believe that that policy would be sufficient to overcome the fact that ships, ship tackle, and shipping outfits are all regarded as property taxable under state laws? Then, further, will it not be necessary in the end for the United States in some way to relieve the shipping trade of state taxation?

Mr. FRYE. Mr. President, under the Constitution the United States can not relieve ships from state taxation; but I am happy to inform the Senator from Kansas that many of the States do now relieve them from this burden. New York does.

Mr. PEFFER. Does Pennsylvania?

Mr. FRYE. I do not know about Pennsylvania, but New York, of course, is the great important owner of ships. I think Massachusetts relieves them from taxation.

Mr. PEFFER. Another point. If the Government of the United States were to relieve American shipmasters and American ships from all other burdens except those which are necessarily thrown upon them by the difference in rates of interest on money prevailing in England and the difference in the rates of wages prevailing between the English seamen and ours, would that be sufficient to overcome the difficulty, or if we were to make ships and give them as a gift to American seamen and let them run them on the seas free of duty, free of all charges, either from the State or National Government, is there not enough of difference in the rate of interest of money in Great Britain and the United States and in wages of labor to run the American ships ashore and out of business?

Mr. FRYE. Mr. President, the Senator has opened up a pretty wide subject. The rate of interest is a small matter, and would not make any great difference. The difference in wages in the running of British and American ships is very important, I admit, and also the cost of living on board a British ship as compared with that on an American ship favors greatly Great Britain, and so of all foreign nations. But the most serious thing we have to contend with is that our ships on almost every line of the carrying trade are compelled to compete with foreign ships which are subsidized by Great Britain, Germany, France, Spain, and Italy. The result is that where it costs us to-day $7 or $8 a ton to carry goods, it does not cost them over $5. They have that advantage of us, and we have no advantages to offset. We are competing openly with them, left absolutely alone and unprotected and unencouraged.

The provisision which I offer is one of immense protection. I have no doubt it would revive our carrying trade upon the ocean. For twenty years I have been——

Mr. LINDSAY. I ask the Senator, with his permission, when these preferential laws in favor of American ships were repealed?

Mr. FRYE. We made treaties with Great Britain and with Sweden in 1815. We passed acts of Congress in 1817—in 1828, accepted by Great Britain in 1849—providing for reciprocity, by which all protection to our ships in the foreign trade was gradually removed and the right to again encourage by discriminating duties and tonnage taxes surrendered.

Mr. LINDSAY. I will ask the Senator, with his permission, another question, and that is, if the American shipowners did not maintain the supremacy of the American trade until about 1860?

Mr. FRYE. Just so long as the trade was carried on in wooden ships the United States could and did hold its own with the world, and that was the reason our wise fathers thought that in 1815, 1826, and 1828 they could give those privileges away, that we could compete with Great Britain even, and build ships for her. We were all right, we thought, just as Great Britain thought when she adopted free trade. She believed that she was in condition to stand it, and whether other nations could or not she did not care.

For twenty years I have been trying to restore this American shipping interest to the place to which it is entitled. We have here as powerful a Nation as there is in the world, as rich a Nation, and more seaboard than any other. We have as good sailors and shipbuilders and as energetic men as can be found anywhere. There is no earthly reason why our flag should not be seen in every port in the wide world, as it was fifty or sixty years ago.

I am not going into the question as to what has caused our decay, because that would necessitate a speech of two hours in length, and I do not propose to delay this bill by anything of the kind. I simply wish to get a vote on this proposition to discriminate—as section 14 recognizes the principle—against all nations in favor of American ships, and give them notice a year in advance that we intend to do so, and thus restore ourselves to our former condition.

I was remarking, when the Senator from Kentucky interrupted me, that for twenty years I have been making this fight. That we have gained immensely in that time there is no doubt, in some respects. We have relieved our ships from an enormous number of burdens, amounting to millions of dollars every year. We never have been able to go the one step further and do what other nations do, put them on an equality by subsidies or by bounties. The Democratic party is committed against bounties and subsidies, but by no vote anywhere committed against a discriminating duty. There is no Democratic vote in the whole history of the country where the party is committed against such a duty. Here is section 14, which provides for a discriminating duty, which has had the vote of every Senator on this floor.

Mr. President, I believe and have always believed that the true method of revival is through discriminating duties, that the fathers were right; but I have always been restrained by these treaties. Many of our treaties have done us immense harm. The Nicaragua Canal would have been to-day built if it had not been for the Clayton-Bulwer treaty, and if that spook had not been shaken in our faces here in the Senate; and the American merchant marine would have been where England's is to-day if it had not been for the treaties we have made with those countries and our accepted reciprocal legislation. A treaty is no more sacred than a law, and I am in favor of one more trial and of the Democratic party voting for discriminating duties, they having entered upon the race this very day in section 14, which they knew meant practically nothing.

Mr. CAFFERY. I should like to ask the Senator from Maine a question. I understood him to say that down to 1860 the United States maintained her supremacy in the carrying trade because she had good ships, and because she could build those ships cheaper than England built theirs. If the conditions were changed, and if the United States could build ships as cheap if not cheaper than the English, could she not regain by that the supremacy of the seas?

Mr. FRYE. No; she could not. I did not mean to say that we retained supremacy down to 1860. We did not. I did not notice the question which the Senator asked me. We maintained our supremacy for a good many years, but not down to 1860. We began to lose very largely our carrying trade along in 1850, 1857, and 1858, and during those years lost more than at any other time except during the war.

Of course we lost more then, for reasons any Senator can comprehend. During the war we could do nothing for our marine, and after the war for six or seven years we were powerless, because our currency was so disturbed, Great Britain had commenced building the iron steamships and had invented the triple and compound engines, and all that sort of thing, and away she went out of our sight. We let her stay there. We never have in earnest tried to catch her from that day to this.

Mr. STEWART. Before 1860, by subsidizing her mail ships on the ocean, England drove the American lines off.

Mr. FRYE. Oh, yes; her whole history has been one of subsidy.

Mr. BLACKBURN. Will the Senator from Maine allow me to ask him a question?

Mr. FRYE. With pleasure.

Mr. BLACKBURN. Did I understand the Senator from Maine to say a moment ago that we lost more heavily in foreign commerce during the four years of war than ever before?

Mr. FRYE. In our carrying trade.

Mr. BLACKBURN. Does the Senator mean to exclude or include the coastwise trade?

Mr. FRYE. Exclude it.

Mr. BLACKBURN. I should like to have the figures in support of that statement. Whilst it is true that the foreign carrying trade of this country was not increased from 1861 to 1865, it is equally true that it was substantially as heavy in tonnage in 1865 as it was in 1861. It did not shrink; it simply failed to increase.

Mr. FRYE. The Senator from Kentucky, I think, does not know quite so much about this as I do. Pardon the immodesty of the remark.

Mr. BLACKBURN. I am used to that from the Senator from Maine.

Mr. FRYE. We had tonnage, but where was it? It was tied up at the wharves, because British cruisers were crossing the ocean and capturing it wherever they could lay hands on it, and we did not dare go to sea. Our ships were tonnage, but they were not carrying freight. If the Senator from Kentucky will look at the reports, he will find that we lost in the four years of war 38 per cent of the carrying trade, and we lost before the war, in from 1856 to 1860, inclusive, about 15 per cent of the carrying trade. We have been losing from that time down to last year, and last year it improved just a trifle. But the tonnage does not tell the story, as the Senator will see. We were afraid of you. We feared you would capture our ships.

Mr. BLACKBURN. There was no occasion for that.

Mr. FRYE. We were afraid you would take our men, force them into your army, and make them fight us; and so we stayed at home, at our wharves.

Mr. SQUIRE. I should to ask the Senator from Maine a question before he yields the floor. Is it not true that one of the reasons for the failure to develop the American shipping is owing to the fact that the American people have been engaged in expending their energy and money in the great internal development of the country of the United States, by its immense railway systems? I desire to ask the Senator from Maine whether that is not a great reason for the failure to undertake exploiting the business of carrying the commerce of the world outside of the United States? Has not the enlarging of our railroad systems and methods of transportation in the United States, and the development of our far Western region been such as to occupy the capital and the energy of the people of the United States? But now, that having been done to the extent it has gone on, we are better

prepared than we have been before to undertake the business of carrying foreign commerce.

Mr. FRYE. The Senator from Washington is unquestionably right. The Senate will pardon me for not undertaking to go into these questions. I did not propose to make an argument or give a history of our decline in shipping. As the Senator understands, we are very limited in time. At some other time or on some other occasion I shall be very happy to discuss the question and go into it thoroughly. It is impossible to do it now. But the principal reason why we can not compete is that wages of foreign nations are lower than ours and that under the American flag an Italian or any other foreign sailor demands American wages. Another reason is that our sailors live 40 per cent better on board ship than any sailors on the face of the earth. Another reason is that every maritime nation on earth pays bounties or subsidies to its ships and ours pays none. We have allowed this to be done year after year without undertaking to save our own vessels except to a very limited degree two years ago in establishing a postal service.

Mr. HIGGINS. Mr. President, my extreme anxiety that the amendment of the Senator from Maine [Mr. FRYE] shall be adopted leads me to say a few words. I hope that the amendment will be considered by our friends on the other side of the Chamber as a matter apart from the general policy of the bill. I wish to call the attention of the members of the Finance Committee who sit on the other side and the Senators generally to a matter that was a great surprise to me, that the discriminating duty provided in sections 14 and 15 of the bill is no novelty. I was surprised to know that there was such a provision in the bill. But it is time honored. It has come down in our tariff statutes as an inheritance from the founders of the Government.

I presume it is the very language in which such a discriminating duty was put in the first statute of this country, and which contributed so much to the building up of our merchant marine. The language of section 14, in the first four lines, is as follows:

"That a discriminating duty of 10 per cent ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States."

The remaining provisions of the section only supplement what is said there. It was under such a provision that our merchant marine was built up to its great extent before 1856 and 1857 and the disasters of the war. Great Britain finally accepted in 1849 the legislative offer which we had made them of a treaty to abandon those discriminating duties after they had in 1846 repealed the corn laws and gone to the principle of free trade. Then for the first time she abandoned her policy of holding for herself the trade of her own colonies, and also of maintaining discriminating duties in favor of her own ships. If she had done as we did, stopped there, the conditions in that respect between the two nations would have been equal, but when she and the United States together at the same time by treaty took off the discriminating duty against the ships of the other country, respectively, Great Britain, if she did not then begin, at least kept up and maintained, and has maintained from that time to this her system of bounties. We have not done so. We have therefore been playing against loaded dice.

We on this side thoroughly understand that the Democratic party is committed in its policy against the principle of bounties, and that a vote in favor of such a policy could not be had.

My object in saying anything at all is to ask our friends on the other side of the Chamber whether they can not restore to the sections, 14 and 15, their original broad character and application by adopting the amendment of the Senator from Maine authorizing the Executive to terminate these treaties by notice, and thereby vivify these sections and restore these great means of support to our marine in the future.

If that is done, I think we will have taken by far the longest step toward the restoration of the American merchant marine. It can not be restored simply by the ability to build ships cheaper. That alone will not do it. It will scarcely contribute toward doing it. Neither can we hope to equalize the conditions between the merchant ships of the two countries by any expectation that the American sailor will accept as low wages and as poor living as the foreign sailor. As I have already said, we can not hope for a bounty to meet the subsidies of foreign nations; but here is this good old American remedy against which the Democratic party is not committed, and by which they can give a great boon to the people of the United States, in all parts and in all sections, and to our whole country.

Mr. HAWLEY. Mr. President, I wish to touch upon a single feature of this case, and to call attention to a single consideration. I hear an implied reproach to this country is that it has not its proper numerical proportion of shipping. I am not troubled about it at all. The American Nation has used its capital and put forth its power where it could be done to the very best advantage.

The Senator from Washington [Mr. Squire] has referred to this. We are not upon the ocean in our numerical proportion, because in that we are following the free-trade doctrine—that is to say, we take where we can get a thing cheapest. The carrying can be done cheaper by Norwegians and Italians and other seamen, at a third of what Americans will work for, and the men who build those foreign ships are working for about one-half or two-thirds what the American shipbuilders will work for. So the ships are cheaper, the wages are cheaper, the food and clothing given sailors are cheaper, the officers are paid figures which make you ashamed when you ask them on shipboard what they get.

What have we done? Where are we using our power and our money in that general field of commerce? We have about 171,000 miles of railway. By Poore's Manual they are worth $11,000,000,000. The figures are beyond the capacity of the human intellect to properly grasp and appreciate. Say that our railways carry freight at twice the speed of a mercantile marine; I am told by Mulhall in his Dictionary of Statistics, by which I have just refreshed my memory, that British merchant steamships cost from £16 to £24 per ton. We will average it at $100 a ton. The ten thousand million dollars, then, divided by $100, gives us the money equivalent of 100,000,000 tons of shipping. Great Britain has 7,000,000 tons of shipping. Converting our railroads into shipping, we have fifteen times as much as the mercantile marine of Great Britain.

Mr. SQUIRE. In tonnage?

Mr. HAWLEY. In tonnage. Our railways represent in tonnage fifteen times as much and freight trains run twice as fast as the average merchant ships sail. Our railways represent practically thirty times the mercantile tonnage of Great Britain upon the seas. That is the reason we are not upon the sea with our ships; we are doing better. While we are worrying ourselves over the statistics of international commerce, much exploited and vastly magnified in importance, we are adding fifteen or eighteen millions of inhabitants to our population in this decade, and adding within ten years past from three to ten thousand miles of railway to our splendid system.

The United States is not fooling away its time in this country, sir. We are far and away the most powerful and magnificent Nation.

Mr. SQUIRE. If the Senator from Connecticut will allow me, I will ask him whether he does not think it is about time now for us to commence to agitate the question of going into foreign commerce?

Mr. HAWLEY. I should be very glad if we had more shipping; but you can not force the American when he is making 6 per cent in one pursuit to change to another and be satisfied with 3 per cent. Our time will come, probably, to take our share of international carrying. We could have a great deal more of it now if we followed the course of other nations, notably free-trade Great Britain, and protected our shipping by bounties and otherwise. Great Britain, as I have said many times, is the most violently protective country in the world when you come to properly understand her policy. In the matter of salt, I gave an example of it in previous remarks.

Mr. LODGE. Mr. President, there always seems to be in the popular conception of this subject great confusion between the shipbuilder and the shipowner. We hear it constantly said upon the stump that we have been giving protection to our shipping for all these years and yet see the manner in which it has declined. The remedy proposed on the other side, by the free trader, is to give us free ships, to allow us to buy ships wherever we choose.

Now, the shipbuilder is one person, the shipowner is another. We have always given protection to our shipbuilders. From that follows no protection to the shipowner, and we have given no protection to the shipowner. If you were to have free ships to-morrow it would not affect the shipowner particularly, because he would still have to compete with the high protection which is given by all other countries, and particularly by England, to the shipowners of their countries. When England entered upon her policy of free ships, which was a crude and merely nominal move, most of our tonnage was in wood, and the result of her free-ship policy at that time was to transfer very largely the building of ships to this country. I think that act was passed about 1849, and by 1852 60 per cent of the new English wooden tonnage was built in this country.

The question that is involved here is a wholly different one. It has nothing to do with shipbuilding or with free ships. It is a question whether we shall give to our shipowners the same advantages that all other countries give to theirs. We do protect them in the coastwise trade, and that trade is enormous. But aside from that we give our shipowners absolutely no protection, neither subsidy, discriminating duties, nor discriminating rates of insurance as Lloyds does, nor premiums on iron ships. We give them nothing. With the higher wages which they are obliged to pay to their seamen, they are simply driven from the sea. Here in the bill is a clause giving distinctly discriminating duties in favor of the American ship and the American shipowner.

Every man in the Senate will vote for that clause, and yet I suppose the Democratic party will decline to vote for the amendment of the Senator from Maine which alone can make that clause efficient or effective in any way. In other words, all of us, Democrats and Republicans, recognize the traditional principle of the country in that clause, and we do not allow ourselves to make it effective. The question of free ship or protected shipbuilding is one thing; the question of protecting shipowning is another. This involves the question whether we shall encourage our merchant marine as it has been the traditional policy of the country always to do.

The Senator from Maine [Mr. FRYE] pointed out how we began it in the beginning of our Government, and how the tonnage rose under it. After the war of 1812, which, of course, had the effect of breaking up our merchant marine very largely and breaking up our carrying trade, we returned to our old discriminating policy, and our proportion of the carrying trade rose by leaps and bounds again, just as it did after the Revolution. We had given it away by these treaties, and other countries, while they had given us the same thing by the treaties, had been very careful to provide similar discriminations for their own merchant marine by subsidies, by bounties, or by discriminations at Lloyds, which have already been pointed out by the Senator from Maine.

Mr. President, it seems to me that when all of us are prepared to vote for the principle, we ought also to be prepared to vote for the amendment which shall make the principle effective.

Mr. STEWART. Mr. President, I like the principle of this amendment. I believe there is no party committed against it. A similar proposition, precisely the same in effect, will be found in the acts of the First Congress of the United States. It worked well then, but we gave it away by treaties. These treaties have been substantially violated. We are under no obligation in consequence of those treaties, because all of the important nations which entered into them have subsidized their carrying trade, which is a violation of the principle, and we ought to take some notice of it at least.

I think the granting of a subsidy by foreign countries to their carrying trade is a violation of the treaties which were made to abrogate this differential duty, because it is the same in principle. They having taken another mode of reaching the same result, I think it is the duty of the United States to return to the original proposition. At all events, it ought to apply it at once, without regard to notice, to those nations which have subsidized their carrying trade and subsidized their shipping, because they have violated the treaty. It is another way of getting at it.

The carrying trade is a very important matter. It is very important to the country now. It amounts to about $200,000,000 a year, I suppose. I do not know the exact amount. We are paying now in this country a very large amount for carrying on our foreign commerce. If we are opposed to the principle of subsidies, it seems to me that we ought to return to the principle established in the First Congress of the United States, which worked well, and which we have given away by treaties of which foreign countries have taken advantage by subsidizing their lines. Our passenger ships running across the ocean a half century ago were driven off the line by British subsidies. The British have obtained and maintained control of the carrying trade, which is exceedingly important. Two hundred million dollars a year is a great drain on our people, and if it can be recovered by legitimate legislation I think it ought to be done.

No one will pretend that the fathers of the Constitution, many of whom were in the First Congress, would violate the spirit of that instrument. I think to return to the teachings of the fathers is a very good thing in many cases. I think the departure from the principles which they laid down in the beginning in the legislation they started has produced most of the calamities from which we are now suffering in many respects. If the Senator from Maine will modify his amendment so that it shall apply to all countries subsidizing the vessels con-

ducting their carrying trade it might go into effect at once. It is not in bad faith. It is bad faith in them, however, after we made treaties with them giving up the differential duty, to adopt another mode of obtaining an undue advantage. I hope the amendment will be adopted, but if it is not adopted as it is, I hope the Senator from Maine will modify it so that it shall apply to those countries which subsidize their carrying trade.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. FRYE].

Mr. CULLOM. I should be very glad to have the amendment stated again.

The PRESIDING OFFICER. The amendment will be again stated at the request of the Senator from Illinois.

The SECRETARY. At the end of section 14 add the following:

"Until after January 1, 1896, and notice of this provision shall be given all nations before the 31st day of December next."

In section 15, line 2, after the word "treaty," insert:

"Hereafter made and ratified."

At the end of section 16 add:

"Until after January 1, 1896; and notice of this provision shall be given all nations before the 31st day of December, 1894."

Mr. SHERMAN. I should like to have the sections read as they will read if amended.

Mr. FRYE. I will state to the Senator from Ohio that the amendment simply has one effect, and nothing more. It provides that the discriminating duty provided for in section 14 shall extend to all goods imported in foreign vessels, one year's notice being given for the purpose of terminating existing treaties in that regard. That is all there is to the amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Maine [Mr. FRYE]. [Putting the question.] The noes appear to have it. The noes have it, and the amendment is not agreed to.

Mr. FRYE. I ask for the yeas and nays. I wish to say to the Senator from Ohio that there are very few treaties, indeed, to be affected; that the greater portion has been yielded by legislation. We enacted certain legislation which should become law when certain other nations accepted it. Great Britain accepted the final legislation in 1849, and the amendment provides a discriminating duty where no legislation or treaty prevents it.

The Senator from Ohio will not find many treaties to be affected. Then, I think it only gives notice for repealing this particular clause. After the vote has been taken, if the amendment is not adopted, and I suppose it will not be, I shall have the amendment go before the Committee on Foreign Relations.

The PRESIDING OFFICER. The Senator from Maine [Mr. FRYE] demands the yeas and nays on the amendment.

Mr. FRYE. I withdraw the request for the yeas and nays.

The PRESIDING OFFICER. The demand is withdrawn. The amendment has already been declared not adopted.

MR. SULZER'S BILL TO PROMOTE THE AMERICAN MERCHANT MARINE.

A bill to regulate commerce with foreign nations, so as to equalize the footing of American vessels with foreign, to make preference for the use of American ships in our own trade, to extend the postal service by American steamships, and to promote the commercial independence of the United States.

Be it enacted, etc., That the law relating to vessels, to the duties laid upon tonnage, and to the ocean mail service in force when this act shall be approved, be, and the same is hereby, supplemented and amended as follows:

PART 1.—TONNAGE DUTIES.

SECTION 1. That all vessels not of the United States arriving at any port under the jurisdiction of the United States, after this act shall take effect, shall be liable for, and shall pay, additional, or extra tonnage duties, except as provided in section 2, for the purpose of equalizing the footing of American ships with those of other countries, whose vessels, as a rule, cost much less to build and especially to navigate, that there may be fair and equitable commerce with all countries, proper competition between our own vessels and those of the nations with whom we trade, and a chance for the survival of the marine of the United States.

DIRECT TRADE.

SEC. 2. That no vessel coming direct from her own country, its colony or possession, not stopping at a port of another country, laden with the productions of its own country, or with passengers, in excess of one-third of her burden or capacity for freight or for passengers, to be landed in the United States, shall be charged with additional or extra tonnage duty, except in cases where the country to which she belongs and whence she sailed direct, charges additional or extra tonnage duty, or an equivalent thereof, to vessels of the United States; and in such cases, if any there be, the extra duty of the vessel's country so chargeable shall be added to the extra duty of the United States under this act, and the sum so found shall be the full charge per ton for additional or extra duty to be collected; but if the country to which the vessel belongs, so laden and coming, shall hold out to its vessels by law the payment of bounty, subsidy, or subvention of some sort, whether for building or running, in consideration of making voyages like the one in question, then, and in that case, three-fourths of the amount of the gratuity payable as aforesaid, shall be charged and collected as countervailing duty in addition to the regular and the extra duty otherwise chargeable and to be collected: *Provided, however*, That a steamer under postal contract, carrying the mails regularly, shall pay no extra tonnage taxes, unless her country charges such taxes to the mail steamers of the United States, or unless she comes indirect, or unless there be no mail steamers of the United States running to such country, in which case an equivalent of such tax shall be charged up and collected from her, as additional or countervailing duty.

Clause 1. Every vessel not of the United States that shall arrive direct from her own country, its colony or possession, in ballast, or with merchandise produced there, or with passengers, in a less proportion than one-third of her burden or capacity for freight or passengers, as aforesaid, shall pay a duty on the gross admeasurement, in addition to the regular duty imposed by law, as follows: On all vessels not exceeding 4,000 tons, 25 cents per ton; on all vessels between the sizes of 4,000 and 8,000 tons, 50 cents per ton; on all vessels between the sizes of 8,000 and 12,000 tons, 75 cents per ton; on all vessels between the sizes of 12,000 and 16,000 tons, $1 per ton; on all vessels between 16,000 and 20,000 tons, $1.25 cents per ton; on all vessels exceeding the size of 20,000 tons, $1.50 per ton.

Clause 2. But if a vessel not of the United States shall arrive direct from her own country, its colony or possession, in ballast, or with merchandise of its production, or with passengers, in a less proportion than one-third of her burden or capacity for freight or passengers, as aforesaid, and the country of said vessel holds out to its shipowners by law the payment of bounty, subsidy, or subvention of some sort, whether for building or running, in consideration of making voyages like the one in question, then in addition to the regular and the additional duties found as provided in clause 1, there shall be added a countervailing duty, which shall amount to one-half the additional duty provided in clause 1.

Clause 3. Surveyors of tonnage shall ascertain and certify to the collector the proportion of carrying ability or capacity occupied by passengers, by freight, and by ballast of any kind, respectively, and no vessel so laden and coming shall be discharged of cargo, except upon acceptance of the report of the surveyor by the master or agent of the vessel.

Clause 4. Every vessel coming from her own country, but bringing cargo the whole or a portion of which has been produced in another or foreign country, shall be considered as engaged in direct trade, unless nine-tenths of her cargo, in weight or value, shall be of home production, and she shall be liable to payment of duties under the provisions of section 3, according to size by tonnage admeasurement.

INDIRECT TRADE.

SEC. 3. That a discriminating tonnage duty, based upon the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive with merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions where the said cargo, in whole or in part, was laden, but to which country, colony, or possession said vessel or vessels do not belong, as follows:

Clause 1. On all vessels exceeding 4,000 tons, the additional duty shall be $1.25 per ton until the 1st day of January, 1910, after which date it shall be $1.50 per ton until the 1st day of January, 1912, after which date it shall be $1.75 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be $1.50 per ton until the 1st day of January, 1910, after which date it shall be $1.75 per ton until the 1st day of January, 1912, after which date it shall be $2 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be $1.75 until the 1st day of January, 1910, after which date it shall be $2 per ton until the 1st day of January, 1912, after which date it shall be $2.50 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be $2.25 per ton until the 1st day of January, 1910, after which it shall be $2.75 per ton until the 1st day of January, 1912, after which date it shall $3.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be $3.50 per ton until the 1st day of January, 1910, after which date it shall be $4 per ton until the 1st day of January, 1912, after which date it shall be $5 per ton. Any vessel violating this section or refusing to pay duties under its provisions as aforesaid shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 4. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States that shall arrive in ballast without merchandise, passengers, or mails to be landed in the United States from countries, colonies, or possessions to which said vessel or vessels do not belong, as follows:

Clause 1. On all vessels not exceeding 4,000 tons, the additional duty shall be 75 cents per ton until the 1st day of January, 1910, after which date it shall be $1 per ton until the 1st day of January, 1912, after which date it shall be $1.25 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be $1 per ton until the 1st day of January, 1910, after which date it shall be $1.25 per ton until the 1st day of January, 1912, after which date it shall be $1.50 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be $1.25 per ton until the 1st day of January, 1910, after which date it shall be $1.50 per ton until the 1st day of January, 1912, after which date it shall be $1.75 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be $1.50 per ton until the 1st day of January, 1910, after which date it shall be $1.75 per ton until the 1st day of January, 1912, after which date it shall be $2 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be $2.50 per ton until the 1st day of January, 1910, after which date it shall be $3 per ton until the 1st day of January, 1912, after which date it shall be $4 per ton. Any vessel violating this section or refusing to pay duties under its provisions as aforesaid shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 5. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from all vessels not of the United States, but of a country that holds out to its vessels by law the payment of bounty, subsidy, or subvention of some sort, whether for building or running, in consideration of making voyages like the one in question, that shall arrive in ballast without merchandise, passengers, or mails to be landed in the United States, from countries, colonies, or possessions to which said vessel or vessels do not belong, as follows: *Provided, however*, That in no case shall the additional duty amount to less than the bounty, subsidy, or subvention actually payable by the government of the country to which the vessel belongs.

Clause 1. On all vessels not exceeding 4,000 tons, the additional duty shall be $1 per ton until the 1st day of January, 1910, after which date it shall be $1.25 per ton until the 1st day of January, 1912, after which date it shall be $1.50 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be $1.25 per ton until the 1st day of January, 1910, after which date it shall be $1.50 per ton until the 1st day of January, 1912, after which date it shall be $1.75 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be $1.50 per ton until the 1st day of January, 1910, after which date it shall be $1.75 per ton until the 1st day of January, 1912, after which date it shall be $2 per ton.

Clause. 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be $1.75 per ton until the 1st day of January, 1910, after which date it shall be $2 per ton until the 1st day of January, 1912, after which date it shall be $2.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be $2.75 per ton until the 1st day of January, 1910,

after which date it shall be $3.50 per ton until the 1st day of January, 1912, after which date it shall be $5 per ton. Any vessel violating this section, or refusing to pay duties under its provisions as aforesaid, shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 6. That a discriminating tonnage duty, based on the gross admeasurement in all cases, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from every vessel not of the United States that shall arrive from a country to which it does not belong, whether with or without cargo, passengers, or mails, but under engagement to load cargo, passengers, or mails for another country than its own, or that shall effect such engagement after arrival at a time and while there shall be one or more vessels of American registry in port listed at the custom-house as ready and offering to engage for the same or a similar voyage, as follows:

Clause 1. On all vessels not exceeding 4,000 tons, the additional duty shall be $2 per ton until the 1st day of January, 1910, after which date it shall be $2.25 per ton until the 1st day of January, 1912, after which date it shall be $2.50 per ton.

Clause 2. On all vessels between the sizes of 4,000 and 8,000 tons, the additional duty shall be $2.75 per ton until the 1st day of January, 1910, after which date it shall be $3 per ton until the 1st day of January, 1912, after which date it shall be $3.25 per ton.

Clause 3. On all vessels between the sizes of 8,000 and 12,000 tons, the additional duty shall be $3 per ton until the 1st day of January, 1910, after which date it shall be $3.50 per ton until the 1st day of January, 1912, after which date it shall be $4 per ton.

Clause 4. On all vessels between the sizes of 12,000 and 16,000 tons, the additional duty shall be $3.25 per ton until the 1st day of January, 1910, after which date it shall be $3.75 per ton until the 1st day of January, 1912, after which date it shall be $4.25 per ton.

Clause 5. On all vessels exceeding the size of 16,000 tons, the additional duty shall be $3.50 per ton until the 1st day of January, 1910, after which date it shall be $4 per ton until the 1st day of January, 1912, after which date it shall be $5 per ton.

Clause 6. But if, in addition to coming as aforesaid, under engagement or making it after arrival, as above, a foreign vessel shall have held out to her by law the payment of bounty, subsidy, or subvention of some sort, whether for building or running, in consideration of making voyages like the one in question, then, and in such case, a duty of 25 per cent over and above the rate per ton stated in clauses 1, 2, 3, 4, and 5 of this section shall be levied and collected: *Provided, however,* That if there be no vessels of American register listed at the custom-house at the time of arrival, or of engagement afterwards, as ready and willing to engage for the same or a similar voyage, then tonnage duty shall be payable under section 2, or 3, or 4, according to the circumstances described therein. Any vessel violating this section or refusing to pay duties under its provisions as aforesaid shall not be permitted to load or clear with cargo in a port of the United States on penalty of seizure and confiscation.

SEC. 7. That all vessels not of the United States, running under bounty, subsidy, or subvention of some sort, arriving at the Gulf ports of the United States from the Atlantic ports, or vice versa; or arriving at the Pacific ports of the United States from the Atlantic or Gulf ports, or vice versa; or arriving at any port of the insular possessions of the United States, or vice versa, in ballast and without freight or passengers, seeking cargo, shall pay additional tonnage duties for the privilege thus enjoyed, as follows: On arrival from Atlantic to Gulf ports, or vice versa, 30 cents per ton; on arrival from Atlantic or Gulf ports to Pacific ports, or vice versa, $1 per ton; on arrival from any port of the mainland to any port of the insular possessions of the United States, or vice versa, $2 per ton, gross measurement in all cases. No vessel, not of the United States, shall discharge or take in cargo or passengers without a permit from the collector in each and every case. Any vessel violating this section or refusing to pay duties as aforesaid shall not be permitted or allowed by the collector to load cargo or passengers in a port of the United States.

SEC. 8. That a duty of 50 cents per ton on the gross admeasurement, in addition to the regular duty imposed on vessel tonnage by law, shall be levied and collected from every vessel that shall enter a port of the United States from a port of her own country, either with or without cargo, passengers, or mails, if she has not come direct, but has called or stopped on the way at a port of a country not her own and there, either in or off the port, has received merchandise, passengers, or mails, and the same shall be landed in the United States, unless said vessel has been built in the United States, or is owned by citizens of the United States, to the extent of 40 per cent, to be proved to the satisfaction of the collector and the district attorney of any United States court.

SEC. 9. That a tonnage duty, to be termed light tax, of 3 cents per ton on the gross admeasurement of every merchant vessel, not of the United States, that shall enter a port of the United States, shall be levied and collected, in addition to duties required by preceding sections, before clearance for sea, except in case such vessel shall clear in ballast, or may have made port in distress, or was built in the United States.

SEC. 10. That a tonnage duty, to be termed race tax, of 14 cents per ton on the gross admeasurement of every merchant vessel not of the United States, that shall enter a port of the United States and therein discharge merchandise, passengers, or mails, shall be levied and collected, in addition to the duties required by preceding sections, if such vessel, belonging to a country of Europe or America, shall be manned to an extent exceeding 10 per cent of the crew by persons belonging to any African or Asiatic country, or if said persons of the crew belong to a different race of men from the owners of such vessel.

SEC. 11. That the regular tonnage tax referred to in preceding sections shall be paid by all vessels in the foreign trade, whether American or foreign, and be hereafter collected on each and every entry at the custom-house and computed on the gross admeasurement. The present rates shall be increased from 6 cents to 10 cents per ton, and from 3 cents to 5 cents per ton, respectively. American steamers carrying mails shall pay tonnage tax but once a year.

PART 2.—EXPORT PREMIUMS.

SEC. 12. That all collections of tonnage duties and charges of every sort against vessels of every kind, whether regular, or additional, or countervailing duties, light, race, and immigrant tax, entrance and clearance fees, and permits provided by this and former acts to be levied, collected, and paid at the custom-house, and all fines, penalties, and forfeitures paid into the courts from violations of the navigation and revenue laws of the United States, this act included, shall, after the passage of this act, be set apart in the Treasury as a special fund from which to pay, first, for the support of marine hospitals for seamen sailing in vessels of the United States; and, second, for the payment of premiums to exporters of merchandise for giving preference in the employment of vessels to those of the United States not in fact owned by themselves. No part of this fund shall be covered into the General Treasury, but the unpaid portion of it shall be carried over from year to year.

SEC. 13. That on and after fifteen months from the passage of this act there shall be paid, out of the special fund in the Treasury provided for by section 12 of this act, to the bona fide owners and exporters of merchandise the growth, production, or manufacture of the United States, to foreign countries not adjoining the United States, in vessels of the United States registered pursuant to law and not owned in fact by themselves, as follows: A premium of one-fourth of 1 per cent on the cash valuation of each shipment direct to a port not less than 65 miles from the tidal or national boundary of the mainland of the United States; and a premium of one-half of 1 per cent on the cash valuation of each shipment direct to a port not less than 400 miles from the port of departure in the United States; and a premium of three-fourths of 1 per cent on the cash valuation of each shipment direct to a port not less than 1,000 miles from the port of departure in the United States; and a premium of 1 per cent on the cash valuation of each shipment direct to a port not less than 2,000 miles from the port of departure in the United States; and a premium of 1¼ per cent on the cash valuation of each shipment direct to a port not less than 3,000 miles from the port of departure in the United States; and a premium of 1½ per cent on the cash valuation of each shipment direct to a port not less than 4,000 miles from the port of departure in the United States; and a premium of 1¾ per cent on the cash valuation of each shipment direct to a port not less than 5,000 miles from the port of departure in the United States; and a premium of 2 per cent on the cash valuation of each shipment direct to a port not less than 6,000 miles and upward from the port of departure in the United States. These premiums to an exporter shall be payable to his order upon report of the clearance of the vessel, with a statement of the collector of the port fixing the value of the shipment, which must be sworn to by an appraiser for the United States, within ten days, according to such regulations as the Secretary of the Treasury shall prescribe, distances between ports to be determined by the Hydrographic Office of the Navy Department and stated in sea miles.

PART 3.—MAIL CARRIAGE.

SEC. 14. That the postal act approved March 3, 1891, be, and it is hereby, amended to provide and to read as follows:

Clause 1. That the Postmaster-General shall as often as once in each year advertise for informal proposals for the carriage of mails by sea in American vessels between such ports of our own and other countries as to exporters may seem advantageous. The advertisements shall be inserted four times weekly in a paper printed in Boston, New York, Philadelphia, Baltimore, New Orleans, Galveston, Norfolk, Charleston, Savannah, Mobile, San Francisco, Portland, and Seattle, describing the service as that of mail and naval vessels adapted to promote the postal, commercial, and naval interests of the United States and to subserve those of their owners as well. Proposers will state the size and speed of vessels, number of trips yearly, remuneration required, time when service could be begun, and such other particulars as may seem useful for the Government to consider.

Clause 2. That within one month after receipt of informal proposals, the Secretary of the Navy and the Postmaster-General shall together consider their contents, the wants of the navy and the needs of the postal service, and fix upon a schedule of requirements that will satisfy both interests. The Secretary of the Navy will control the plans for the vessels, and the Postmaster-General will decide upon the postal programme, and the two together shall advertise formally to let contracts for the running of the vessels required. Such advertisements shall be inserted in the same papers that called for informal proposals four times weekly, describing the route, the character of the vessels, the size and speed, the number of trips yearly, the times of sailing, and the time when the service shall begin. These requirements shall not be such that bidders can not be found. The Navy Department shall pay the cost of formal advertising. The letting of such contracts shall be the same as prescribed by law for the letting of inland mail contracts, so far as shall be applicable to vessels. Every contract must have the approval of the President, and none shall exceed the limit of thirty years; but the President may require improved service every ten years.

Clause 3. That the vessels employed under any contract made under this act shall constitute a line which shall have a sailing day or days, at most, as often as three times a week, but no line shall monopolize the carriage of mails to any foreign port.

Clause 4. That the owners of lines contracting for mail carriage may be persons or corporations, but if the latter, the contract must be with the individuals of the board of directors, who must be citizens of the United States and at all times prepared to swear that not more than 40 per cent of the capital stock of the corporation is held by aliens, and that a citizen manages the line, under penalty of forfeiture of the contract, which, in such case, the President of the United States is hereby authorized to declare. No line shall combine or consolidate with another, under the same penalty.

Clause 5. That the vessels employed under this act shall be commanded by citizens, and at least two officers and two engineers of each vessel shall also be citizens of the United States, and on each departure a portion of the crew, inclusive of firemen, shall owe allegiance to the United States, to wit: During the first year, one-eighth thereof; during the next two years, one-fifth; during the fourth and fifth years, one-fourth; during the sixth and seventh, three-tenths; during the remainder of contract time, one-third thereof. But no mail carrier shall be delayed in sailing to obtain a crew in above proportion until ten years after the passage of this act. It may be stipulated that mails may be brought from abroad, the foreign country paying for the service; also that passengers and baggage and freight may be carried both ways. After July 1, 1912, the mails shall be sent foreign by vessels of the United States and no others, without express consent of Congress; and in cases of need, when private enterprise fails to undertake or carry on the mail service at reasonable or lawful rates of remuneration, the Secretary of the Navy shall have authority, and it shall be his duty, to furnish suitable vessels of the navy in which to send mails foreign or bring them home, until the further order of Congress.

Clause 6. That all vessels in the postal service and hereafter built for it shall be prepared to receive arms for immediate use as cruisers, scouts, or transports in time of war; and in future their plans and specifications shall be agreed upon by and between the owners and the Secretary of the Navy, the strength and stability to be sufficient to carry armament required in naval service, and the materials of hull

and machinery to be such as will command the highest classification given by American inspection of vessels. And all such vessels hereafter built shall be constructed under the inspection of a naval officer detailed by the Secretary of the Navy, to whom he will report in writing the progress made monthly, whether or not the contract is being well performed, and when the trial trip may be made; and no vessel not approved by the Secretary as fulfilling the contract, as to hull and machinery, shall be accepted for the service.

Clause 7. That the compensation to be agreed upon and paid for such service as may be contracted for under this act shall be reasonable and as low as responsible bidders will perform the same, having regard to the encouragement to vessels provided by this act, to the commercial circumstances in each case, and to the rate of compensation for similar service paid by other countries. Where a bid may be deemed too high, the programme may be modified or the route readvertised, payment for services to be made at the end of each round voyage. If the contract shall fail to be fulfilled for six months, the President may declare it forfeited, and thereupon the route shall be readvertised and let to another bidder, but on no account shall the service be abandoned to other countries. Readvertising shall be done in a paper printed in Washington, D. C.

Clause 8. That upon each mail vessel the United States shall have transported, free of charge, one messenger, whose duty shall be to receive, sort, take in charge, and deliver the mails to and from the United States, and who shall be provided with suitable room for himself and for the mails.

Clause 9. That officers of the navy may volunteer for service on mail vessels, and when accepted by the contractors be assigned to such duty by the Secretary of the Navy whenever in his opinion such assignment can be made without harm to the service, and while in said employment they shall receive furlough pay from the Government and such other compensation from the contractors as may be agreed upon: *Provided*, That they shall be required to perform only such duties as pertain to the service.

Clause 10. That said vessels shall carry as cadets one American boy under 21 years of age for each 2,000 tons gross measurement, who shall be taught the duties of the service as seamen or engineers, rank as petty officers, and receive reasonable remuneration from the contractors.

Clause 11. That said vessels may be taken and used by the Government as cruisers, scouts, or transports at any time, on payment to the owners of their fair, actual value at the time of the taking, either for service by the voyage, by the month, or year, or may be purchased outright; and if there shall be a disagreement as to the rental or value, then the same shall be settled by two appraisers, one appointed by each party, they selecting the third, who shall act in case the two disagree. In the event of breaking up a line by taking its vessels, the Government shall give the contractors the time necessary to provide other vessels for carrying out their contract when opportunity offers, or the contract may be terminated by mutual consent.

Clause 12. That all vessels, not of the United States, coming with passengers from a country to which said vessels do not belong, shall pay to the collector of the port where landed an immigrant tax of 10 cents for each nautical mile of distance from port to port, for each and every passenger brought from such country, who shall be landed with his or her effects.

PART 4.—GENERAL PROVISIONS.

SEC. 15. That marine underwriters or insurance companies of all countries, in person or through agencies in the ports of the United States, may issue policies on hulls or cargoes in conformity with state regulations, where such have been made, on voyages outward or inward; but any discrimination made by them or their agents, either in the clauses of policies, in the premium rates, or effected through inspection or classification of hulls or otherwise, which shall tend to favor the employment of foreign vessels or tend to disfavor, embarrass, or inhibit the engagement of vessels of the United States, shall be deemed a misdemeanor, punishable by a fine as a penalty in a district court of the United States. Said fine for the first offense shall not exceed $5,000 nor be less than $3,000; for a second offense said fine shall not be less than $10,000, and for the third offense and each one afterwards said fine shall be not less than $15,000 nor more than $25,000, and suits shall be prosecuted by the attorney of the court aforesaid for each and every violation of this section that may be brought to his notice. In any such suit it shall be no defense that the orders or directions of any person, or the rules and regulations of any association of underwriters, shipowners, merchants, marine surveyors, or their agents, whether citizens or aliens, or that the inspection or classification of any vessel by any person, society, or authority whatsoever, can be claimed to justify the discrimination that may have been the subject of complaint, and which is not to be justified on any grounds. A refusal to insure goods, wares, and merchandise under this act to be carried by American vessels shall forfeit the privilege of doing business in American ports, or make the parties finable as above, to be decided by the court, in a suit brought for the forfeiture of said privilege, which is to be enjoyed under this act only.

SEC. 16. That in a time of peace it shall not be lawful for any officer of the Government to receive tenders of service or to make contracts to be performed by vessels not of the United States, and in all contracts for the performance of public work it must be provided that water transportation shall be performed by vessels of the United States. And the transportation of passengers, mails, goods, wares, and merchandise between the United States, its Territories and possessions, and the ports and places of the Panama Canal Zone is hereby declared to be reserved for vessels of the United States under the coastwise laws.

SEC. 17. That in a time of war it shall not be lawful for vessels not of the United States to import or land anywhere in the United States, its Territories or possessions, any goods, wares, or merchandise, the growth, production, or manufacture of a country not at peace with the United States. And all goods, wares, and merchandise imported by a vessel not of the United States admitted to storage in bonded warehouse is hereby limited to a period of ten days, within which time the lawful duties and charges must be paid, whether entered for consumption or reexportation. In cases where minimum or reciprocity duties are imposed by law on goods, wares, and merchandise imported there shall be levied, collected, and paid full rates of duty, notwithstanding any convention, if the same shall have been brought in by a vessel not of the United States, or not of the reciprocating country from which such goods, wares, or merchandise were exported; or if the same, not being the growth, production, or manufacture of a country contiguous to the United States, shall have been brought across the line from such country.

SEC. 18. That on and after the passage of this act it shall be lawful for the space of thirty months, but no longer, for any bona fide citizen, citizens, or domestic corporation engaged in, or intending immediately to engage in, the carriage of merchandise, mails, or passengers in the foreign trade of the United States, to import and enter at the customhouse, stating the foregoing facts under oath, for his or their own use, and that of no other person or persons in said trade, and not to be held for sale or sold to other citizens, and not to be employed in the domestic trade more than two months in the year, any vessel or vessels suitable therefor, of size not less than 2,000 tons gross, and of age not more than 5 years, and have the same duly registered as a vessel of the United States, but upon the following conditions, nevertheless, to wit, that all vessels imported in the first six months of the term of thirty months, as aforesaid, shall pay a duty of $4 per ton gross measurement; those imported in the second six months shall pay a duty of $5 per gross ton; those imported in the third six months shall pay a duty of $6 per ton; those imported in the fourth six months shall pay a duty of $7 per ton; those imported in the fifth six months shall pay a duty of $8 per ton gross measurement, on all vessels less than 1 year old. A deduction of duty may be made on all vessels according to age beyond 1 year, to wit, of 5 per cent on those between 1 and 2 years; of 10 per cent on those between 2 and 3 years; of 15 per cent on those between 3 and 4 years; and of 20 per cent on those between 4 and 5 years of age. The Treasury Department may allow credit on duties for imported tonnage to the extent of six and twelve months' time on secured notes of owners with interest at 2 per cent per annum. And it shall be unlawful upon penalty, as for a misdemeanor, punishable by fine of not exceeding $1,000 in a district court of the United States, for the master, owner, or agent of any foreign-built freighting vessel or yacht not duly registered, enrolled, or licensed to fly the flag of the Union from or abaft of the aftermost mast, spar, or pole, except as a signal of distress.

SEC. 19. That the making or offering to make a contract for the exclusive carriage of goods, wares, or merchandise, either to or from foreign countries, conditioned partly on the shipment of same in the future by no other vessel or line of vessels, and promising or making of payment of rebates of freightage thereon, in consideration of making such contract, by an owner or agent of any vessel or line of vessels, is hereby declared a misdemeanor, punishable by fine in a district court of the United States of not less than $3,000 or more than $10,000 on each conviction of such owner or agent of any such offending vessel or line of vessels, and if under foreign registry such vessel or line of vessels shall not thereafter be permitted either to land or to load cargo in the United States. Where it may become known to, or suspected by, the collector of any port that rebates of freightage are offered, promised, or paid in an endeavor to engross the carriage of export or import goods, wares, or merchandise, he shall forthwith place the facts, or his information and belief, before the district attorney, who shall take proper steps to ascertain the truth and to break up the practice. And for the prevention of frauds that might be attempted under this act in indirect carrying, foreign vessels not built in the country of registry shall undergo a probation of three years before being adjudged by the collector as belonging in good faith to the country of registration, unless built in the United States.

SEC. 20. That nothing in the act to regulate commerce, approved February 4, 1887, or in the act to protect commerce against unlawful restraints and monopolies, approved July 2, 1890, or in any act amendatory of either of said acts, shall hereafter apply to the establishment of railroad rates or to the changing or publication of the same with respect to foreign commerce, if carried in vessels of the United States; or shall prohibit any agreement or reasonable act with respect to interstate transportation that is not in restraint of commerce with foreign nations or among the several States; or shall hereafter authorize fines for any violation of such acts.

SEC. 21. That after the 1st day of January, 1910, it shall be unlawful to transport merchandise that has been imported, or that is designed for export, at a less rate than is charged between the same points for the transportation of domestic interstate commerce of like character, unless carried in vessels of the United States inward or outward.

SEC. 22. That after the passage of this act it shall not be lawful for any officer of the Government to issue a register, enrollment, or license for any vessel built abroad, except such as have been captured in war and condemned as prize, or such as have been forfeited for a violation of the laws and bought at marshal's sale, or may have belonged to a country that has come under the Government of the United States, or has become entitled to registry by compliance with this act.

SEC. 23. That the regular duties of tonnage, computed on the gross admeasurement in all cases, and the usual passenger tax shall be paid alike by vessels of the United States and foreign vessels on each and every arrival, in foreign trade, when entry of vessel is made. Immigrant tax shall be paid when permit is given for the landing of passengers from vessels, not of the United States, brought from countries to which said vessels do not belong. All additional tonnage duties and the light and race tax shall be paid before lading permit is issued, but if loading be delayed, then, at least, at the end of two months from date of entrance. American vessels carrying crews of which one-eighth the number are citizens, or owe allegiance to the United States, shall have rebate of tonnage tax to the extent of 20 per cent; if one-fourth of the crew be citizens, the rebate shall be 30 per cent; if three-eighths of the crew be citizens, the rebate shall be 40 per cent; if one-half the crew be citizens, the rebate shall be 50 per cent; if five-eighths of the crew be citizens, the rebate shall be 75 per cent; and if three-fourths of the crew be citizens, the rebate shall be 100 per cent. The United States shipping commissioner shall ascertain and certify to the collector the proportion of citizens or persons owing allegiance in each crew where rebate of tax may be demanded. Regular apprentices, as seamen or engineers, if citizens, shall count as men in computing rebate of tax. In trade to and from tropical countries, where it may not be practicable to find any but natives of such regions to fill vacancies in the crew of vessels, permits may be issued, on applications under oath of the owner or agent, by the Secretary of Commerce and Labor for one year, or while necessary, to carry a crew partly such as it may be practicable to engage in any given place. In all cases where vessels may be fined in accordance with the statutes, for infractions of law, it shall be unlawful for the Secretary of the Department to remit any portion thereof without an order of court duly recorded; and it shall also be unlawful for the Commissioner of Navigation to order refunds of tonnage taxes that have been paid to a collector without trial and judgment of the case by a court of the United States.

SEC. 24. That for twelve years from the passage of this act it shall be lawful for the judge of any district court of the United States to grant final papers of naturalization to any seaman of a country in Europe or America who can speak and read the English language on his taking the oath of allegiance prescribed by law, and swearing also that he has sailed one or more years in vessels of the United States,

naming them, and that he intends so to do in the future, naming the vessel that he will sail in next.

SEC. 25. That sections 12, 14, 15, 16, 18, 19, 20, 22, 24, and 25 of this act shall take effect upon its passage, and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 13, 17, 21, and 23 in one year and thirty days thereafter; and all acts or provisions of law in conflict herewith are hereby repealed; also any and all articles or clauses in existing maritime reciprocity conventions or in treaties, whose time fixed has expired, that are in contravention herewith, are hereby annulled and abrogated, in conformity with the stipulations and equities of said agreements and the rights of the United States; and the formal notice of the Congress of the United States is hereby given to all countries concerned that, in one year from the approval of this act by the President, all diplomatic agreements for the suspension of commercial regulations, or for the forbearance to enact them, so far as the aforesaid agreements are terminable by notice, are receded from on the part of the United States, and all enactments to carry out said agreements are by this act repealed. Any agreement, as above, not yet terminable by notice, may be observed until its term expires, but not longer.

Mr. PAYNE. I move that all debate on this amendment and all amendments thereto close in five minutes.

The motion was agreed to.

Mr. MANN. Mr. Chairman, I do not believe there is any trade or bargain between those who are in favor of a high tariff on barley and those who are in favor of free lumber, and I hope that the Members on this side of the House, as well as those on that side of the House, who have been in favor of free lumber will stand in favor of free lumber regardless of what position the House may take on the subject of barley.

Mr. Chairman, I deny that there is any trade on barley. I trace the origin of this amendment to another source. The other day the amendment was offered by my distinguished friend from Kansas [Mr. MILLER] in behalf of prohibition. It is very evident that the prohibitionists have been exceedingly busy, and the distinguished gentleman from Washington [Mr. CUSHMAN], himself an example of the way beer makes men fat [laughter], is now proposing a fresh attack upon the beer industry. I know that he would not make a trade. He is only urging that the price of malt and beer be raised in behalf of the sentiment in the country in favor of prohibition and temperance. It would be idle to suppose that the gentleman's State is interested in the subject of barley. It would be idle to suppose that he had engaged in conversation with the insurgents of the House from the districts where they raise barley concerning the tariff on lumber or even the tariff on barley. The gentleman's sole motive is a temperance motive. Sordid considerations do not affect him.

Mr. CUSHMAN rose.

The CHAIRMAN. Does the gentleman from Illinois yield to the gentleman from Washington?

Mr. MANN. Always, with pleasure and profit.

Mr. CUSHMAN. In all seriousness, I can state to the gentleman that no Member who has talked with me in relation to this barley schedule——

Mr. MANN. That is just what I said a moment ago.

Mr. CUSHMAN (continuing). Has talked to me in reference to the lumber schedule as connected with the barley schedule.

Mr. MANN. That is what I said. The gentleman bears out my words, and I am glad to see the gentleman serious for once on the floor of the House. [Laughter.]

Mr. CUSHMAN. I am not only serious, but sober. [Laughter.]

Mr. MANN. Mr. Chairman, it is not usual for the gentleman to be serious on the floor. I hope—I know—it is not unusual for him to be sober. [Laughter.]

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Washington [Mr. CUSHMAN].

The amendment was agreed to.

Mr. GAINES. I offer the following committee amendment.

The CHAIRMAN. The gentleman from West Virginia offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

Paragraph 182, on page 49, line 15, strike out the word "ferromanganese," and, in line 17, after the word "ferrosilicon," insert the words "containing more than 15 per cent of silica;" and, in line 20, after the word "valorem," change the period to a semicolon and insert after the semicolon "ferrosilicon containing not more than 15 per cent of silica, and ferromanganese, $4 per ton."

The amendment was agreed to.

Mr. HILL. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Paragraph 138, on page 37, lines 1, 2, 3, and 4, strike out the following words:

"Rolled, cold drawn, cold hammered, blued, brightened, tempered, or polished in any way in addition to the ordinary process of hot rolling or hammering," and insert in lieu thereof "hammered, blued, brightened, tempered, polished, or treated in any way in addition to cold rolling to size."

Mr. HILL. Mr. Chairman, that amendment simply corrects an erroneous classification and puts it back to the classification in the Dingley bill.

Mr. HARRISON. And it reduces the duty.

Mr. HILL. It reduces it from what it would be if it stayed in the wrong place.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

Strike out section 4 and insert the following in lieu thereof:

"SEC. 4. Whenever any country, province, dependency, or colony admits each and every article imported into said country, province, dependency, or colony from the United States, or any of its possessions (except the Philippine Islands), the growth or product, in whole or in part, of the soil or industry of the United States or any of its possessions (except the Philippine Islands), upon payment thereon of duties, imposts, excises, or taxes which shall not be in excess of those levied upon like articles imported from any other country, province, dependency, or colony, and admits such articles on terms as favorable as those accorded to any article imported from any other country, province, dependency, or colony, there shall be levied, collected, and paid upon articles imported into the United States and any of its possessions (except the Philippine Islands) from such country, province, dependency, or colony, the growth or product of the soil or industry of such country, province, dependency, or colony, and whether such articles are shipped from the ports of such country, province, dependency, or colony, or from any other foreign port or ports, the rate of duty prescribed in section 1 of this act; and in like cases the articles mentioned in section 2 of this act shall be admitted free of duty.

"Whenever on or after sixty days after the passage of this act any country, province, dependency, or colony discriminates against any article imported from the United States, or any of its possessions (except the Philippine Islands), the growth or product, in whole or in part, of the soil or industry of the United States, or any of its possessions (except the Philippine Islands), by levying duties, imposts, excises, or taxes thereon in excess of those levied upon similar articles imported from any other country, province, dependency, or colony, or in any way fails to admit any article imported from the United States, or any of its possessions (except the Philippine Islands), on terms as favorable as those accorded to any article imported from, and the products of any other country, province, dependency, or colony, there shall be levied, collected, and paid upon all articles imported into the United States, or any of its possessions (except the Philippine Islands), the growth or product of the soil or industry of such country, province, dependency, or colony so discriminating against any article imported from the United States the rates of duty prescribed in section 3: *Provided however*, That these provisions for additional duties shall not apply to the cases where the preferential duties are those which are given by and between a province, dependency, colony, or the mother country only."

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

Mr. GARRETT rose.

The CHAIRMAN. Does the gentleman from Tennessee desire to be heard?

Mr. GARRETT. No; I desire to hear the gentleman from New York.

Mr. PAYNE. Mr. Chairman, I offer an amendment to that amendment.

The Clerk read as follows:

Before the word "article," in the second paragraph of the amendment, insert the word "similar," so as to read, "any similar article imported from the United States," etc.

The CHAIRMAN. The question is on the amendment to the amendment.

The question was taken, and the amendment to the amendment was agreed to.

Mr. GARRETT. Mr. Chairman, this amendment as amended seems to me a repetition of words. I would like to ask the gentleman from New York what the effect of it is?

Mr. PAYNE. Due to a mistake in printing the original paragraph alluding to the United States, it said "or any territory belonging thereto." The committee substituted the words "or any of is possessions." They meant to substitute it all the way through, but in redrawing it it was left out, and this change is made to put it back again. Although the proviso was changed in the original section, it would probably except from the provision of this section concessions between the mother country and the colonies, and would not relate to those made by the colonies to the mother country and other divisions of government between themselves, and this makes it so that it excepts any relations between the mother country and any of its colonies and other forms of government, and between the colonies or other forms of government themselves belonging to the same country.

Mr. PERKINS. I notice that you have inserted the words "except the Philippine Islands." What is the object of that?

Mr. PAYNE. Because our tariff laws do not provide for importations into the Philippine Islands from foreign countries. We have a separate tariff law for such importations, which was passed three or four years ago, and so it was only fair to them to except them from the operation of this section.

Mr. LOWDEN. Mr. Chairman, I offer the following amendment to the amendment offered by the gentleman from New York, which I send to the desk. I offer to substitute the language which I send to the desk for the amendment.

The Clerk read as follows:

Whenever on or after sixty days from the passage of this act it shall appear to the satisfaction of the President that any country,

province, dependency, or colony is discriminating against any article exported from the United States, or any territory belonging thereto, the growth or product, in whole or in part, of the soil or industry of the United States or any territory belonging thereto, through the operation of duties, imposts, excises, taxes, or other restrictive measures; or that any country, province, dependency, or colony is, in effect, unfairly excluding by any means any article of commerce exported from the United States or any territory belonging thereto, he shall have the power, and it shall be his duty, to suspend by proclamation to that effect the imposition and collection of the rate of duties provided for in sections 1 and 2 of this act on such articles so exported to the United States from such country, province, dependency, or colony, and in such case and during such suspension there shall be levied, collected, and paid upon such articles so imported into the United States or any territory belonging thereto the growth or product of the soil or industry of such country, province, dependency, or colony maintaining such restrictions, the rates of duty prescribed in section 3 of this act.

Mr. MANN. Mr Chairman, will not the gentleman modify his amendment so as to use the same proviso that the gentleman from New York did?

Mr. LOWDEN. I was going to suggest that myself. The latter clause of that amendment may be stricken out, and then the language that is used by the chairman of the committee would take the place of it in that respect.

Mr. MANN. Strike out the proviso and amend down to the proviso of the amendment offered by the gentleman from New York.

Mr. LOWDEN. That is exactly what I suggest now.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard?

Mr. LOWDEN. Yes.

Mr. Chairman, the amendment involves the manner in which the maximum and minimum provisions of the Payne bill are to be applied. The Payne bill, with the amendment which has just been offered by the chairman of the committee, seeks to make the maximum and minimum provisions absolutely automatic, so as to dispense with the intervention in any way of the executive department of the Government. I want to call the attention of the committee to the fact that the very purpose of the dual tariff system, which we have adopted in this country for the first time, is to give us an opportunity to negotiate with foreign countries so as to get rid of unfair discriminations, whether those discriminations are in the schedules themselves or whether in the form of sanitary or other domestic regulations. The fact is that nearly every substantial discrimination which has been directed against us during the last few years by other nations has been a discrimination which would not be overcome in any way by the adoption of the provision submitted by the chairman of the Committee on Ways and Means.

To illustrate, Germany excludes in a large degree our meat products from her markets, but the adoption of this provision would not prevent a continuance of this practice on her part, for Germany does not upon the face of her tariff treat our meat products any differently than the meat products of other countries. She permits us to ship beef carcasses to her ports just as she does Belgium and other neighboring countries. She requires in all cases that such carcasses must be shipped with the viscera of the carcasses intact and in place. The effect of this is to absolutely exclude from her markets American beef in the carcasses, for though Belgium and other neighboring countries can comply with this regulation, it is, of course, practically impossible for American meats to be shipped such a distance in this condition, they being spoiled before they reach their destination. This discrimination, which does not appear upon its face to be such, is none the less a real and prohibitive discrimination against this form of beef exports from the United States. Germany need not change this regulation or any other in order to secure for herself the minimum duties provided for in the Payne bill. Of course I shall not have time to discuss this subject with anything like thoroughness. To those who are interested, I desire to call attention to a speech which I made during the general debate upon this provision of the bill and which can be found upon page 611 of the RECORD.

My amendment authorizes the President to put the maximum rates into effect as against any foreign government whenever he is satisfied that such foreign country, in effect, discriminates against some peculiarly American product, whether such discrimination is effected by schedules, rates, sanitary, or other domestic regulations or unfairly excludes by any means any article of commerce exported from the United States. My amendment simply applies the principle contained in section 3 of the McKinley law and section 3 of the Dingley law. It puts it in the power of the President to say, in effect, that until any foreign country shall have extended us equivalent concessions, such country can not expect from us the benefits of our lowest duties. You will recall that only two years ago, when we were threatened by Germany with a trade war, President Roosevelt had only section 3 of the Dingley law with which to avert that war. He sent a commission to Germany, and limited as was the number of articles upon which he was permitted to make concessions, he was enabled by an agreement to avert the injury threatened to American commerce.

I do hope, Mr. Chairman, the gentlemen of this committee will realize that we can not have an automatic maximum and minimum tariff which will take the place of negotiation by the executive department of the country. The world's way to trade peace is through trade agreements in which reciprocal concessions are given and received. We have declared for the principle of the dual tariff. Let us so provide for the administration of that tariff as to be able to accomplish this purpose. We can only do this by conferring upon the President the power to use the differences between our highest and lowest rates in negotiations with foreign powers.

Mr. SHERLEY. Will the gentleman yield for a question?

Mr. LOWDEN. Yes.

Mr. SHERLEY. Does the gentleman's amendment enable the putting into effect of a given number of the schedules in the maximum list, or does it require that all of them are to be put into effect?

Mr. LOWDEN. My amendment, as submitted, requires that all of them be put into effect, if any are. I should prefer that some way be found of authorizing the President to put any or all the maximum duties into effect unless we are granted equivalent concessions by those to whom we offer our minimum rates. I have found, however, that many eminent authorities doubt our power, under the Constitution, to confer this authority upon the President. The whole question is very elaborately discussed in the case of Field *v.* Clark (143 U. S.). While I have not been persuaded that this decision is authority for the constitutional objection, I do find that it is so regarded by many eminent lawyers. I have preferred, therefore, in framing this amendment to avoid any constitutional question; because with the adoption of my amendment we would have a situation where we could begin to negotiate; where we could begin to say, "If you expect our lowest duties, do not give us tariffs and sanitary regulations that upon their face are just as good as those extended to other countries, but which in effect are directed absolutely against American exports."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois to the amendment offered by the gentleman from New York.

The question was taken; and on a division (demanded by Mr. PAYNE) there were—ayes 73, noes 126.

So the amendment was rejected.

Mr. RICHARDSON. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. RICHARDSON. I want to get some information from the chairman of the Committee on Ways and Means.

Mr. PAYNE. Before I yield, Mr. Chairman, I desire to offer another amendment to the amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Before the word "article" and after the word "any," in the first paragraph, insert the word "similar," so as to read, "accorded to any similar article."

The CHAIRMAN. Does the gentleman from New York now yield to the gentleman from Alabama for a question?

Mr. PAYNE. Certainly.

Mr. RICHARDSON. Mr. Chairman, I want to call the gentleman's attention for information concerning an amendment which he offered yesterday to paragraph 324, page 91, as follows:

Paragraph 324. On page 91, line 8, after the word "value," insert the following:

"And Jacquard figured goods, in the piece or otherwise, suitable for use as upholstered goods, or as draperies or covers, composed wholly or in piece value of cotton or other vegetable fiber, made in looms, dyed in the yarn."

Now, that includes the certain character of goods which I hold in my hand, and I would be very glad for the chairman to state to the committee what the increase on those cotton goods is; and I desire, in this connection, Mr. Chairman, if you please, to read the following letter while the chairman is examining these samples.

The letter is as follows:

A. L. REID & CO.,
New York, April 6, 1909.

Hon. WILLIAM RICHARDSON.

DEAR SIR: The American manufacturers, who seem to be running things so successfully for the Ways and Means Committee in the House, I see by reports in paper have succeeded in introducing in paragraph 324, under cotton goods, the wording, "Jacquards, or all Jacquards, or Jacquard goods." This would put a duty of 50 per cent on all such goods as inclosed, known to the trade as "Jacquards" or "brocades," and used for women's wear.

These samples are mercerized goods, and we are now paying 4 cents a square yard on No. 325 and No. 39. It would certainly shut them out of the market if 50 per cent was asked. It would also affect bed quilts made in England and Germany, which now pay 25 per cent to 40 per cent, according to value and count. In these goods, it would, I believe, cut importations more than half. The American maker is well protected on these lines and has difficulty in filling orders.

The southern mills are not afraid of any bed quilts coming from Europe at present rates.

Yours, truly,

A. L. REID & Co.,
By A. L. REID.

Mr. PAYNE. Mr. Chairman, the difficulty is, the people who sent these samples in that communication had not read the amendment that was put into the bill. That amendment does not refer to these goods in the slightest particular.

Mr. RICHARDSON. You say "Jacquards."

Mr. PAYNE. But the others are made from chenille, those are——

Mr. RICHARDSON. These are marked in his samples as "Jacquards."

Mr. PAYNE. Oh, well, the Jacquard loom is used on silk, cotton, and various other things, for various kinds of goods. My amendment does not increase the duty on those goods a penny; not a farthing.

Mr. RICHARDSON. It is no addition to the Dingley law?

Mr. PAYNE. It does not increase them at all, except a cent a yard on the mercerized goods.

Mr. RICHARDSON. Is this true? I am asking for information without reflecting upon anybody now——

Mr. PAYNE. I do not take it that way.

Mr. RICHARDSON. I know you do not. Is it not true that the Dingley schedules on cotton cloth were expected to remain the same, even up to and after the Ways and Means Committee ceased its public hearings, and that it was upon the statement of the Arkwright Club, of Boston, after the hearings closed, that these duties were increased in the Payne bill?

Mr. PAYNE. The intention was and they do remain the same, substantially, in the bill before the House as they were in the Dingley bill. The addition to this is a cent a yard, because those goods were mercerized, a process which I described to the House the other day when we had more time, and the House was satisfied that that was a proper rate of duty for the new process.

Mr. RICHARDSON. Now, under section 321, which I called to your attention last night——

The CHAIRMAN. The time of the gentleman has expired. The question is on the amendment to the amendment.

The question was taken, and the amendment was agreed to.

The CHAIRMAN. The question now is upon the amendment of the gentleman from New York as amended by his amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment to the drawback section.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 29, on page 197, between lines 10 and 11, insert the following paragraph:

"No drawback shall be allowed upon the exportation of any article manufactured or produced in whole or in part of grain raised in the United States unless such article shall have been manufactured or produced in the same city or town as the article manufactured or produced from the imported grain, and only upon such articles as are manufactured or produced from grain harvested prior to such importation: *And provided*, That the exportation shall be made within twelve months after the importation of the grain used or checked against: *Provided further*, That no drawback shall be allowed under this section upon domestic material except upon due proof that the imported material upon which the drawback is allowed has actually entered into manufacture."

Mr. POU. Mr. Chairman, I offer a substitute for the section as amended—for the whole section as amended by the gentleman's amendment.

Mr. PAYNE. Mr. Chairman, I make the point of order against that.

The CHAIRMAN. That is not in order at this time, the Chair thinks.

Mr. POU. Then I offer this amendment as an amendment to the gentleman's amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out the last 19 words of the amendment, which words are as follows:

"Except upon due proof that the imported material upon which the drawback is allowed has actually entered into manufacture."

The CHAIRMAN. Does the gentleman from North Carolina desire to be heard?

Mr. POU. Mr. Chairman, I simply desire to say this: This is that famous section 29 which nobody understands, and if my amendment be adopted it eliminates domestic articles from the drawback clause. Mr. Chairman, this is really one of the most important sections in the entire bill. If adopted as reported by the committee, it will be difficult to compute the amount it will take from the Treasury, and if adopted I venture the prediction that the day will come when gentlemen who are responsible for this radical change in existing law will regret their action.

Mr. PAYNE. That is a very insidious amendment. It might be called a "joker" if it was applied to anything else except to this section and was not offered by the gentleman from North Carolina [Mr. POU] and he was allowed to name it. It nullifies the provision of the section and prevents getting any drawback on the manufactures manufactured from material bought in this country, although, under the provision of the section, the manufacturer had imported material equal in value for manufacturing, and so forth, and paid the duty on it and manufactured the foreign material to go into the domestic trade. In other words, it restores all the evils of the present drawback law, which is so hard to execute, and renders it so difficult to manufacturers to get back the duties which they have paid. They must keep separate accounts and keep separate the manufactures made from the domestic and from the imported articles.

Mr. POU. I merely want to say that if my amendment is adopted it leaves the drawback clause exactly like it was under the Wilson bill and under the Dingley bill, and I think that is broad enough.

Mr. GARDNER of Massachusetts. Will the gentleman from New York [Mr. PAYNE] allow me to ask him two or three questions?

The CHAIRMAN. Does the gentleman yield?

Mr. PAYNE. I do.

Mr. GARDNER of Massachusetts. I would like to ask the gentleman from New York this question: A great deal of unmanufactured tobacco is imported into this country which goes into manufactures. Presumably there will be a rebate check against it. We export a great many cigarettes. Do I understand that under this amendment and under the drawback clause, the amendment which I saw in the RECORD this morning, that any manufacturer of cigarettes, merely by proving that the tobacco he is checking against as a matter of fact actually entered into manufacture, can go and draw from the Treasury a drawback to the amount of duty on the cigarettes?

Mr. PAYNE. If he proves that he has imported the same amount in manufacturing value of tobacco and pays the duty on it and has manufactured the imported material to go into domestic consumption, he can get back 99 per cent of the duty he has paid upon exporting either the product of what he had imported or the product of domestic tobacco.

Mr. GARDNER of Massachusetts. Now, that is the way I understood it. I ask the gentleman if there are any figures from the Ways and Means Committee showing the enormous strain that this drawback provision as drawn is going to be on the revenues of the Government? Has it occurred to the gentleman, for instance, that a great deal of unmanufactured wood, or partially manufactured wood, is imported into this country, wood of the same quality that we put into furniture and into cars—of the "same manufacturing value," which I think are the words you use in the drawback clause? Now, if the law is enacted in its present shape, and the drawback certificates taken out, every manufacturer of cars—Pullman cars, or anything else—who uses wood in manufactures will buy those certificates. They will go to the Treasury and take that money out. Moreover, is it not going to be the same thing in the case of refined sugar and crude sugar? Is not every bit of the crude sugar that comes in here going to have a drawback certificate taken out on it; and then when it is exported in the form of refined sugar, or chocolate, or confectionery, or refined molasses, is there not going to be an enormous drain on the United States Treasury under this drawback provision?

Mr. PAYNE. I want to say to my friend from Massachusetts that, as the law is to-day, if they import sugar and manufacture it into confectionery and export the confectionery, they can get a drawback of 99 per cent of the duty paid.

Mr. GARDNER of Massachusetts. If they can identify it?

Mr. PAYNE. If they can identify it. That is the present law. It has worked satisfactorily in a great many cases, but it is found to be hard work, because a factory can not keep separate the domestic sugar—to use that as an illustration—and the sugar that is imported, and they are not able to get the drawback. Now, the whole theory of this law is that we may be allowed to get raw material from abroad without paying the duty, and have our people perform the labor and the manufacturing, and sell it abroad and so get into the markets of the world.

Mr. GARDNER of Massachusetts. I understand that perfectly well. I understand, of course, the difficulty which has arisen. It has arisen in the shoe trade in getting a drawback on sole leather.

The trouble is that if the law is enacted in its present shape it will put a premium on a man getting his raw materials abroad. Of course, if it is going to add just so much to our export trade, and will allow us to import so much additional raw material and export it in manufactured form, it might be different; but I am sure you are going to put a premium on men getting their raw material abroad if you pass the clause in its present shape. What is more, you are going to cut into the revenues to an extent of which the House has no suspicion.

Mr. PAYNE. I think the gentleman's apprehensions are ill-founded in this respect, because they can not get a drawback on this raw material unless they export the manufactured article. They have to do that; and that helps the laboring men in this country. They can not export any more than there is a market for abroad.

Mr. GARDNER of Massachusetts. Can not they import and get a drawback?

Mr. PAYNE. In that case they can import and manufacture the imported goods into domestic product and sell at home, and by manufacturing our domestic raw material, so to call it, and export it, they can get the drawback; but it only gives them a drawback on what they sell abroad.

Mr. GARDNER of Massachusetts. I understand.

Mr. PAYNE. It increases these manufactures to that extent.

Mr. GARDNER of Massachusetts. Well, in default of figures to the contrary, I anticipate a tremendous draft on our revenue if this clause goes into effect unamended.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from North Carolina desires to slightly modify his amendment. Without objection, it will be considered as modified, and the Clerk will report the amendment as modified.

The Clerk read as follows:

Strike out, in the last three lines of the amendment, the words "except upon due proof that the imported material upon which the drawback is allowed has actually entered into manufacture" and insert "which is hereby specifically excepted from the operation of this section."

The CHAIRMAN. The question is on the amendment offered by the gentleman from North Carolina.

The question was taken, and the amendment was rejected.

Mr. HANNA. Mr. Chairman, I offer the following amendment:

Add, after the word "grain," wherever it occurs, the words "of flaxseed."

The CHAIRMAN. Does the gentleman desire to be heard on his amendment?

Mr. GRONNA. Mr. Chairman, I want to state to the committee that this proposed amendment simply is, that wherever the word "grain" appears that "flaxseed" shall be inserted after it. Flaxseed is not considered as grain. I think it has been so decided by the courts, and that is all that this amendment of my colleague does.

The question was taken, and the Chairman announced that the amendment was rejected.

Mr. BURKE of South Dakota. I demand a division.

The CHAIRMAN. A division is demanded.

Mr. HILL. Mr. Chairman, I hope the Members will accept the amendment of the gentleman from North Dakota, and include flaxseed as grain.

The CHAIRMAN. Without objection, the Chair will again put the question.

The question was again taken, and the amendment was agreed to.

Mr. MONDELL. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend by inserting at the end of line 19, page 195, the following proviso:

"That no drawback shall be allowed or paid on account of duties on importations of live animals."

Mr. PAYNE. What is the necessity of that? Where is the manufacture of live animals?

Mr. MONDELL. Mr. Chairman, I know that some members of the committee are of the opinion that the drawback clause does not apply and would not apply to products such as might be produced or manufactured from imported live animals, but from a careful reading of the clause it seems to me that it is clear that the drawback clause would apply. It provides that it shall apply on exportations of articles "manufactured" in the United States, either in whole or in part of imported materials. Well, canned beef is a manufactured article on which the drawback might be claimed—"or exportations of articles 'produced' in the United States." Canned meats are produced in the United States. Carcasses exported are produced in the United States, so that both canned and preserved meats and fresh meats would clearly come within the provisions of the drawback clause. The result would be this: The duty on live animals, which now largely keeps the cheap cattle of Mexico out of Texas and all the range States, would be practically abrogated, and an enormous business would be built up by the packers importing live animals into Texas, finishing them in Texas and the northern range States, canning them at Omaha and Chicago, and demanding a drawback on the exportation of their canned meats and fresh meats whether produced from the imported cattle or not.

Now, if there be any question in regard to this, surely the law ought to be made clear; and there can be no harm in the acceptance of an amendment which makes clear the view of the committee, that the drawback clause does not apply to the duties paid on importations of live animals.

Mr. STEPHENS of Texas. Will the gentleman allow me to ask him a question?

Mr. MONDELL. Certainly.

Mr. STEPHENS of Texas. I desire to ask the gentleman what is the objection to the Mexican steer being brought into the United States for the purpose of finishing them by feeding them?

Mr. MONDELL. That involves the entire question of the tariff.

Mr. STEPHENS of Texas. It would be of great benefit.

Mr. MONDELL. They can raise calves cheaper in Mexico than you can in Texas or anywhere else.

Mr. STEPHENS of Texas. I am talking about the finishing of steers.

Mr. MONDELL. I do not care to discuss the question of the tariff with the gentleman. We have a duty on cattle, which duty ought to be protective, and that duty will be wiped out and done away with in effect, and the benefit will accrue to the packers' trust, if there be any such trust; and certainly there should be no objection to the acceptance of this amendment, which makes it clear beyond all question or controversy that the drawback clause does not apply to duties paid on importations of live animals.

Mr. PAYNE. Mr. Chairman, I do not think it makes any particular difference whether this amendment is in or out.

Mr. MONDELL. Let it go in, then.

Mr. PAYNE. I do not think this section provides anything of that kind, or that it would be possible to get a drawback.

Mr. MONDELL. Then I hope the gentleman will not object.

Mr. PAYNE. If it gratifies the gentleman, I will not object.

The question was taken, and the amendment was agreed to.

Mr. VREELAND. I offer the following amendment, Mr. Chairman.

The Clerk read as follows:

Provided further, That crude petroleum and its products shall be exempt from the provisions of this section.

Mr. VREELAND. Mr. Chairman, I wish to address the House upon this proposition briefly. I offer this amendment at this time as a matter of good faith.

Mr. SHERLEY. I reserve a point of order on the amendment.

Mr. VREELAND. Representing the producers of oil in the United States, and the 60 or 70 independent refineries, I have endeavored in this House to have an ad valorem duty of 25 per cent levied upon the importation of petroleum and its products. The House has decided otherwise, and has placed oil on the free list.

No intelligent reason has been offered by any advocate of this proposition as to how it will benefit the Standard Oil Company to have a duty on oil, or to refute the claim of the producers and of the independent refiners that it is a blow struck at their interests as competitors of the Standard Oil Company. The excuse has been made upon this floor that by reason of this clause in the drawback the Standard Oil Company could bring in oil from Mexico, could export it and receive back 99 per cent of the duty paid. That proposition is true.

During my remarks in this House last week I gave notice that I should offer this amendment when the proper time arrived. During my remarks in offering the amendment day before yesterday, I again stated to the House that I should offer this exemption feature, exempting petroleum from the drawback clause when the time came to offer it upon this floor, and I do it now as a matter of good faith, and to show the sincerity of the men whom I represent in their position. Any man on this floor could have offered this amendment if I failed to do so.

This House has decided as a blow to the Standard Oil Company, as they believe, that oil shall be put upon the free list. I am not criticising the action of the House. I am not assuming that it is not intelligent, but we believe that you are simply giving the Standard Oil Company the benefits of cheap raw material, which they will use in preference to that produced in the United States. To-day the Standard Oil Company has three refineries in Mexico. You have put into their hands the power to refine that cheap Mexican oil, worth 5 or 10 cents a barrel, the greatest production ever struck on this globe, and to bring it into our market free and sell it here. You have put it into their hands to bring that crude oil from Mexico to their refineries in New York, Baltimore, and Philadelphia by ocean freight, mix it with our oils and export it, and to sell it in our markets. How can the independent refineries meet this competition? They have no refineries upon the seaboard. Their refineries are hundreds of miles inland. They would be compelled to stand the transportation by railroads in order to obtain the benefit of this free raw material.

This House might as well now proceed to attempt a blow at the sugar trust by giving them the right to bring in free raw sugar from Cuba, or by giving them the right to build refineries in Cuba to refine sugar there and to bring it into our markets free in the name of striking a blow at the American sugar trust. The only reason I have seen alleged for this action was in one of the morning papers of this city. It said that the secret of this proposition was in the by-products; that that was where the blow would be struck at the Standard Oil Company. It may interest these gentlemen to know that the Standard Oil Company refineries in Mexico within the last three months have been fully equipped with every facility for making all of the by-products that come out of crude oil, and to-day you have given them free entry into our markets.

Mr. SHERLEY. Mr. Chairman, I make the point of order.

The CHAIRMAN. The gentleman from Kentucky will state his point of order.

Mr. SHERLEY. The point of order is that the motion of the gentleman from New York is broader than the committee amendment, and therefore under the rule is not in order.

The CHAIRMAN. The Chair would ask the gentleman from Kentucky whether he does not think that instead of being broader it narrows the committee amendment?

Mr. SHERLEY. It is broader in a parliamentary sense, that it goes outside of the provision of the committee amendment.

Mr. VREELAND. I withdraw my amendment.

The CHAIRMAN. Without objection, the amendment will be considered as withdrawn. The question now is upon the amendment offered by the gentleman from New York [Mr. PAYNE] as amended.

The amendment of Mr. PAYNE as amended was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The Clerk read as follows:

On page 232, section 41, strike out lines 24 and 25, and on page 236 strike out lines 1 to 5, inclusive.

Mr. STEPHENS of Texas. Mr. Chairman, I offer the following as a substitute.

The Clerk read as follows:

That (a) before any letters patent shall be issued by the United States on any article, commodity, compound, device, mechanical appliance, or machine to be protected by patent, or (b) before any copyright shall be issued by the United States on any article, musical composition, musical instrument, or device for reproducing music or musical composition, or any picture, book, pamphlet, or any other work of literature or art to be protected by copyright, to any citizen of any foreign country, the applicant for such copyright registration or patent shall pay to the United States the same amount of copyright or patent fees, and subject himself to all the laws, conditions, restrictions, rules, limitations, and regulations that are imposed by the country of said citizen or subject upon a citizen of the United States for securing copyrights or obtaining and maintaining patents or for manufacturing and selling the patented article or article copyrighted in such foreign country, and the failure on the part of the foreign patentee to comply with this law shall operate as a forfeiture and cancellation of such copyright or letters patent: *Provided*, That citizens of any foreign country having no copyright or patent laws, or having such laws, do not permit copyrights or patents to issue to citizens of this country, shall not be entitled to copyrights or patents in the United States.

Mr. CURRIER. To that, Mr. Chairman, I reserve a point of order.

Mr. PAYNE. I reserve a point of order. It is not germane.

Mr. STEPHENS of Texas. Mr. Chairman, I understand the object of this bill is to raise revenue.

The CHAIRMAN. The amendment is not debatable at present. The Chair is trying to find out how the amendment applies.

Mr. PAYNE. Mr. Chairman, the section makes provision for patents by foreign citizens in the United States. This amendment proposes a whole code in regard to issuing patents and in regard to the copyright laws.

Mr. CURRIER. Mr. Chairman, this amendment applies not merely to patents but to copyrights, and under the rules of the House if any part of an amendment is subject to a point of order the whole amendment is.

Mr. STEPHENS of Texas. This amendment offered by me is broader by containing the word "copyrights," but the Chair will find that under the law copyright is carried through the statutes with patents in one general provision.

The CHAIRMAN. The amendment offered by the gentleman from New York proposes to strike out section 41. The amendment offered by the gentleman from Texas proposes as a substitute amendment to strike out section 41 and insert certain matter in lieu thereof. The original section 41 relates only to patents issued by the United States to subjects of foreign countries or, rather, to manufacture thereunder, which it makes subject to retaliatory conditions. That is the entire scope of the section. The amendment offered by the gentleman from Texas seeks to regulate the granting of patents by fixing the fees, and so forth. It controls the operation of the Patent Office, and in addition thereto applies to and regulates copyrights, which are not mentioned in the original section at all. It may be that patents and copyrights are both treated of in certain statutes heretofore enacted, but copyrights are not carried in section 41 of the bill. The point of order must be sustained. The amendment is not germane.

Mr. STEPHENS of Texas. Then I move to strike out the word "copyright" wherever it occurs and let the amendment apply to patents only.

Mr. PAYNE. I hope the gentleman's amendment will be reported.

The CHAIRMAN. The Clerk will report the amendment as modified by the gentleman from Texas.

The Clerk read as follows:

That before any letters patent shall be issued by the United States on any article, commodity, compound, device, mechanical appliance, or machine to be protected by patent, or to any citizen of any foreign country, the applicant for such patent shall pay to the United States the same amount of patent fees, and subject himself to all the laws, conditions, restrictions, rules, limitations, and regulations that are imposed by the country of said citizen or subject upon a citizen of the United States for patents or for manufacturing and selling the patented article in such foreign country, and the failure on the part of the foreign patentee to comply with this law shall operate as a forfeiture and cancellation of letters patent: *Provided*, That citizens of any foreign country having no patent laws, or, having such laws, do not permit patents to issue to citizens of this country, shall not be entitled to patents in the United States.

Mr. PAYNE. I make the same point of order, Mr. Chairman.

Mr. STEPHENS of Texas. Why, this is germane.

The CHAIRMAN. The Chair will hear the gentleman from New York, if he desires to be heard.

Mr. PAYNE. The paragraph in the bill simply relates to the working of the patents in this country after they obtain them, requiring that they shall comply with all the provisions of that country from which they apply. This amendment offered by the gentleman from Texas commences at the beginning and makes a patent law for those citizens from the beginning to the end.

Mr. CURRIER. Mr. Chairman, the paragraph in the bill refers solely to domestic manufacture of patented articles for a foreign citizen who obtains a patent here, and has no relation to anything else, and the amendment offered by the gentleman from Texas goes into the whole matter of fees.

Mr. STEPHENS of Texas. Mr. Chairman, it applies certainly to the obtaining of patents, and they could not be obtained unless fees should be paid. The foreigner never could have a patent in the United States unless it could be obtained by the payment of fees. The object of the amendment is to have reciprocity between foreign nations and the United States and to require foreigners to comply with our laws before they can obtain patents here, to give them no greater benefits or rights than we have in other countries.

The CHAIRMAN. The Chair is ready to rule. Section 41, as it appears in the bill, relates entirely to manufacturing under patents granted by the United States to foreigners. The amendment offered by the gentleman from Texas [Mr. STEPHENS] does not, in its modified form, embrace copyrights, but is still much broader than section 41 and applies to different matters.

It applies to the regulation and granting of patents by the United States. It is not confined to the manufacture of articles under such patents. It provides for the fees to be paid for patents; declares that under certain conditions no patents shall be granted at all, and that in certain cases patents previously granted by the United States shall be canceled. The Chair, therefore, thinks it not germane and sustains the point of order.

Mr. PAYNE. Mr. Chairman, I think in justice to the committee that I ought to say a word about striking out this section. It was put in by the Committee on Ways and Means after great deliberation, and to cure an evil and an abuse, which is this: Some foreign countries provide that where our citizens obtain patents there and they do not work the patents—that is, manufacture within a certain number of years—then the countries can cancel the patents. It is usually left in the power of some officer to exercise his discretion in that direction—of course, we could not under our Constitution leave that to any official in the United States—and the result is that in some foreign countries the citizens are actually advertising for a chance for foreigners to come in there, citizens of the United States, and build factories, eligible sites, and so forth, in order that they may protect their patents by working them within the four years. After we had prepared this amendment with some care and had consulted with some Members of the House who had special knowledge of the subject, we were met by a reference to a convention held in 1882 by the principal powers of the world, in which it was mutually agreed that the rights, and so forth, of patentees in patented articles—aliens—should not be discriminated against in favor of the citizens of the country in their rights obtained under the patent, and we found we could not pass this without doing something in contravention of that convention of the powers to which we had subscribed in 1887. Therefore, Mr. Chairman, we are obliged to forego this, and the only way out of it would be to make this same provision apply to all future patents issued both to citizens of our own country and to foreign citizens. Of course, we were not prepared to take that step, but it is something which I hope the Committee on Patents will work out, and that at an early date that committee will bring a bill into this House which will cure the evil.

They will find in the hearings before this committee how widespread this evil is, and I do not think the doctrine of protection could be extended in any one direction with greater good to the manufacturers of the United States and the working people of the United States than to bring some sort of order out of this confusion, providing some sort of remedy by way of retaliation, if you choose to call it so, against those foreign countries which are thus able by their laws to exercise discrimination against the people of our own country.

Mr. STEPHENS of Texas. Mr. Chairman, I will ask the gentleman if he is opposed to the reciprocity idea involved in the amendment which I propose? It means nothing at all except reciprocity. It requires them to comply with the same laws that we have to comply with.

Mr. PAYNE. I will say to the gentleman that after having devoted some time to the study of this question, I am not willing to accept the amendment, or any amendment, offered by any gentleman on the floor of the House which I have not time to even hear read intelligently because of the confusion of the House, much less to form an opinion as to whether it conflicts with that convention, which I have not before me, or whether it will work more evil than good in the way of curing this difficulty.

Mr. Chairman, I ask for a vote.

Mr. CURRIER. Mr. Chairman, I desire to say that the Committee on Patents has had this matter under consideration, and we have gone far enough to know that this proposition is utterly unworkable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment.

The CHAIRMAN. The gentleman from New York offers a committee amendment, which the Clerk will report.

The Clerk read as follows:

SEC. 31. On page 198, line 15, after the word "correct," insert "complete and detailed," and on page 198, line 16, after the word "merchandise," insert "and of the packages, wrappings, or other coverings containing it."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 11. On page 182, line 6, after the word "indicate," insert the words "the name of the maker and."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the same.

The Clerk read as follows:

SEC. 27. On page 191, line 19, after the word "bond," insert the following: "to foreign countries, or to the Philippine Islands."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 27. On page 191, line 25, after the word "vessel," insert the following: "*Provided*, That the waste material or by-products incident to the processes of manufacture in said bonded warehouse may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected by law if such waste or by-products were imported from a foreign country.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 29. On page 196, line 17, after the word "warehouse," insert the words "and bonded manufacturing warehouse."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Section 37, on page 231, line 5, strike out the words "twenty-nine and thirty" and insert in lieu thereof "thirty-four, thirty-five, thirty-six, and thirty-seven."

The question was taken, and the amendment was agreed to.

Mr. ADAMSON. Mr. Chairman, I ask unanimous consent for the Clerk to read this short letter.

The CHAIRMAN. Would it suit the gentleman's purpose to have the letter inserted in the RECORD?

Mr. ADAMSON. Yes.

The letter referred to is as follows:

FARM LIFE,
Chicago, April 7, 1909.

Hon. WILLIAM C. ADAMSON,
Congress Hall, Washington, D. C.

DEAR SIR: I would like to call your careful attention to the inclosed editorial, which appears in the April number of Farm Life.

We have devoted a great deal of attention to this question of the lumber tariff and are convinced that the farmers are overwhelmingly in favor of free lumber, and we believe that the editorial states the argument for free lumber concisely and incontrovertibly.

In conclusion, we would warn Members of Congress against allowing themselves to be trapped into adopting a futile lumber schedule by permitting a discrimination between rough and finished lumber. Finished lumber is the only kind of lumber the individual consumer—the farmer—buys, generally speaking. To leave the duty prohibitive on finished lumber, as it is in the Payne bill, would be a revision fiasco.

Yours, very truly,

HERBERT H. BOWDEN, *Editor.*

Mr. PAYNE. Mr. Chairman, I also offer the following committee amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

SEC. 33. On page 221, strike out all of lines 14 to 24, inclusive, and insert in lieu thereof the following: "no packages of manufactured tobacco, snuff, cigars, or cigarettes prescribed by law shall be permitted to have packed or attached to or connected with them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, or any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishment provided by section 3456 of the Revised Statutes."

Mr. PERKINS. Mr. Chairman, we would like to have some explanation of this.

Mr. PAYNE. I can explain it in a word if it is desired. We amended the tobacco section in order to get an increased internal-revenue tax upon cigarettes for the sake of the revenue, and in amending it we copied the whole section, making the changes which were necessary for this increased tax, and in doing so inadvertently the law, which had been repealed, was put in as the last clause of the section, and the law as it has since been amended is in the language which I have offered now as an amendment. It simply makes it conform to the present law.

Mr. MANN. You strike out the provision which had been rejected.

Mr. TAWNEY. Mr. Chariman, I would like to be heard for a moment on the amendment offered by the gentleman from New York.

I am in favor of the provision in the Payne bill as it was reported by the Committee on Ways and Means. It may have been an inadvertence, as the chairman of the committee states, that this paragraph was included, but if it was it was in the interest of the independent tobacco manufacturers of the United States as against the tobacco trust. The law, to which the gentleman from New York refers, was enacted in 1902, since which time the American tobacco trust has been using the internal-revenue law as a medium for carrying on its gift enterprises, and thereby subjecting the independent manufac-

turer, who could not afford to manufacture his tobacco, and at the same time accompanying the package with a coupon redeemable in cash or redeemable in some article of merchandise. The paragraph which the gentleman from New York [Mr. PAYNE] seeks to strike out of his own bill was enacted in the Dingley law originally.

The tobacco companies made up a case, took it to the Supreme Court of the United States, and the Supreme Court of the United States sustained that law. It was then that Congress enacted this act, approved July 1, 1902, which enables the trust to carry on its ruinous competition, as it has been doing ever since the enactment of this law.

Now, the independent tobacco manufacturers have been contending against this competition for the last six years. Many of them have been driven out of business in consequence of the use of the internal-revenue laws which the tobacco trust has been making of those laws, for the purpose of carrying on the business of selling not only the taxed article in the package, but also carrying a coupon in the form of a prize, either in cash or otherwise.

The gentleman from New York claims that the union label could not be included in the package. If that is so, which I do not understand to be the fact, it will be very easy to correct this paragraph by amending it so as to include a proviso making definite and certain the fact that the union label will not be eliminated from the package. But in the interest of the independent tobacco manufacturers of the United States, who I know have suffered in consequence of the existing law and the practice of the tobacco trust under it, I sincerely hope that this committee will not strike out this paragraph, but will allow it to remain as the committee has reported it to the House.

Mr. LARRINAGA. Mr. Chairman, if the amendment of the committee to paragraph 275, relating to the duty on pineapples, is carefully studied it will practically come to this: That the duty on a box of pineapples, having approximately the same weight as a box of oranges, will be 16 cents; while the duty on a box of oranges, having practically the same weight, will be 80 cents a box, and for a box of lemons $1. Why this discrimination? If the oranges of Florida and California are to be protected with that duty, why should not the pineapples of Florida, Porto Rico, and the Hawaiian Islands be equally protected? Oranges are produced in trees like apples, and once the tree is in full bearing there is practically no other expense than the cost of picking them. Boxing is the same as in the case of pineapples, while these last have to be replanted every year. Why, then, should oranges and lemons be protected with a duty four and five times higher than that on pineapples? There is no reason whatever for such discrimination; and, in due justice to the pineapple producer, the duty should be at least equal to that on oranges or lemons, which is about 1 cent per pound. There is another reason why the American production of pineapples should be protected the same as the oranges. Cuba has the benefit of 20 per cent rebate on the duties on fruits. Cuba is much nearer than Porto Rico to the American markets, for these are practically within a few hours' distance and Porto Rico is 14 miles away. Cuba has all means and facilities for transportation, which is a very important and favorable circumstance in the case of the fruit industry.

Besides these facilities there are many others in favor of Cuba, such as the value of land, for while an acre of land suitable for pineapples in that island is worth from $15 to $40, in Porto Rico can not be bought for less than $100 to $150. Very little or no fertilizer is required in Cuba for the production of pineapples, which is not the case in Porto Rico. By virtue of the fact that Cuban fruit can be transported in foreign bottoms, competition is possible, and therefore cheaper rates of freight. The frequency of communications between Cuba and the American market, which practically is daily, is another very important item in the fruit business. The acreage used in the cultivation of pineapples represents already about $1,000,000, and this in American territory, and there is no doubt that in the next few years will increase many times that figure. A comparison of the shipments from Cuba with those from Porto Rico is remarkably in favor of the latter. In 1908 Cuba shipped some 750,000 boxes of pineapples, while Porto Rico shipped only 74,091. For the year 1909 Cuba's estimated yield is 1,200,000, while Porto Rico will ship about 561,800 boxes; in 1910 Porto Rico could ship, if this industry is properly protected, about one and one-half million boxes.

As to the possibility of Porto Rico, Florida, and the Hawaiian Islands producing all the pineapples necessary for the American market, within the next three years, there can be no doubt. A single glance at the following tabulations will show this.

Capitulation of acreage now planted and yield for 1909, with estimates of increase in acreage and yield for 1910, by districts, in Porto Rico.

District.	1909.		1910.	
	Acres now planted.	Approximate number boxes.	Increase in acreage.	Approximate number boxes.
Rio Piedras	1,201	257,050	1,153	525,300
Pueblo Viejo	123	27,800	213	73,800
Vega Baja Manati and Barceloneta	590	114,100	766	258,700
Bayamon	300	62,900	515	180,550
Mayaguez-Ponce	500	100,000	500	200,000
Total	2,714	561,850	3,147	1,238,350

Now, Mr. Chairman, that the coffee industry is doomed to die, as even my amendment leaving the coffee of the poor man on the free list was voted down two days ago on the floor of this House; now that misery and starvation will stare in the face a large part of our population with the ruin of our coffee industry, I hope that Congress will be willing, at least in this infant industry of the pineapple production, to remedy in some measure, although small, the great sufferings which this tariff will inflict on the people of the island of Porto Rico.

Mr. GAINES. Mr. Chairman, I move that the debate on this paragraph be now closed.

The CHAIRMAN. The gentleman from West Virginia moves that the debate on this paragraph be now closed.

The question was taken, and the motion was agreed to.

Mr. GARDNER of Massachusetts. Mr. Chairman, I desire to offer an amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. PAYNE].

The question was taken, and the amendment was agreed to.

Mr. TAWNEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TAWNEY. Was the amendment of the gentleman from Massachusetts [Mr. GARDNER] offered to the paragraph or to the amendment of the gentleman from New York [Mr. PAYNE]?

Mr. GAINES. None was offered. Regular order, Mr. Chairman.

Mr. TAWNEY. Has the vote been taken on the amendment of the gentleman from New York?

The CHAIRMAN. Yes.

Mr. GARDNER of Massachusetts. I call for a division on the vote.

Mr. TAWNEY. Mr. Chairman, I want to ask for a division of the vote on the amendment offered by the gentleman from New York [Mr. PAYNE].

Mr. LOUDENSLAGER. It is too late now.

Mr. GAINES. Regular order!

Mr. TAWNEY. Mr. Chairman, in view of the fact that the gentleman from Massachusetts [Mr. GARDNER] had just offered an amendment, and nobody knew he had withdrawn it, I supposed the vote was on his amendment.

Mr. MANN. The gentleman from Massachusetts [Mr. GARDNER] did not offer an amendment. Anybody who was paying attention knew what was taking place.

The CHAIRMAN. The Chair will state the parliamentary situation. The gentleman from New York [Mr. PAYNE] offered an amendment. The gentleman from Massachusetts [Mr. GARDNER] stated that he was going to offer an amendment. He did not send it to the Clerk's desk. He did not offer it, and it was not reported. The Chair distinctly stated the question to be on the motion of the gentleman from New York [Mr. PAYNE]. Now, if the gentleman from Minnesota [Mr. TAWNEY] states that he was upon his feet and demanding a division, the Chair will recognize him now to demand a division.

Mr. TAWNEY. I was not demanding a division, because I did not know the amendment was voted on at all.

The CHAIRMAN. The Chair can not recognize a demand for division under those circumstances.

Mr. GARDNER of Massachusetts. Mr. Chairman——

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GARDNER of Massachusetts. To demand a division.

The CHAIRMAN. It is too late to demand a division.

Mr. McCALL. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

On page 221, after line 24, insert a new section to read as follows:

"SEC. 33½. That subdivision 9 of section 3244 of the United States Revised Statutes, as amended by section 69 of the act entitled 'An act

to reduce taxation, to provide revenue for the Government, and for other purposes,' approved August 28, 1894, is hereby further amended so as to read as follows:

"Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf tobacco, tobacco stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco: *Provided*, That unstemmed tobacco in the natural leaf and not manufactured or altered in any manner shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf without payment of tax of any kind: *Provided further*, That any person who sells natural-leaf tobacco to manufacturers of tobacco, snuff, or cigars shall be deemed and considered a dealer in leaf tobacco and become subject to all the provisions, rules, and regulations of subsection 6 of section 3244, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and also as amended by the act of March 3, 1883, and further, shall be subject to all the provisions of section 3360, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and of sections 3359 and 3391, United States Revised Statutes: *And provided further*, That farmers and growers of tobacco may sell leaf tobacco of their own growth and raising to manufacturers of tobacco, snuff, or cigars without being considered leaf dealers or manufacturers of tobacco and shall not be subject to the sections of the law and amendments thereof above named."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to. [Loud applause.]

The CHAIRMAN. The hour of 3 o'clock having arrived, the committee will now rise and report the bill to the House. [Loud applause.]

The committee accordingly rose, and the Speaker resumed the chair.

Mr. OLMSTED. Mr. Speaker, the Committee of the Whole House on the state of the Union instructs me to report that it has further considered the bill H. R. 1438, the tariff bill. While so considering it the hour of 3 o'clock having arrived, in pursuance of the resolution of the House governing its proceedings, the committee rose, and now, through its Chairman, reports to the House the said bill and sundry amendments thereto.

The SPEAKER. The Chairman of the Committee of the Whole House on the state of the Union reports from that committee the bill H. R. 1438, the tariff bill, with sundry amendments thereto. Under the terms of the special order made by the House the vote will be taken first upon the committee amendments, and the vote on the committee amendments under the order of the House will be taken in gross except upon certain specified amendments.

Mr. MANN. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. The committee amendment on the subject of barley and barley malt was agreed to.

The SPEAKER. But that is excepted by the special order of the House, if a separate vote is demanded.

Mr. MANN. That is what I understand; that is the reason why I directed the attention of the Chair to the fact that all committee amendments are not to be voted on in gross.

The SPEAKER. All are committee amendments save the excepted subjects contained in the special order.

Mr. MANN. I understand under the language of the special order that these special amendments are to be voted on separately, but that it requires a demand of some Members of the House to have the separate vote.

The SPEAKER. If a separate vote is demanded.

Mr. PERKINS. I wish to state——

The SPEAKER. The vote will first be taken on the amendments in gross that come under the special order and that do not require a separate vote.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays!

The yeas and nays were ordered.

Mr. NORRIS. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. The Chair has stated that this vote is on a committee amendment?

The SPEAKER. Excepting specified subjects in the general order.

Mr. CLARK of Missouri. Is the House entitled to a separate vote on each of the amendments?

The SPEAKER. On the excepted subjects, if it is demanded. That is on the excepted subjects under the special order; and the order specifies that a vote shall be taken upon the other amendments in gross.

Mr. CLARK of Missouri. I will withdraw the demand for the yeas and nays.

The SPEAKER. Without objection, the order for the yeas and nays is vacated.

There was no objection.

Mr. CLARK of Missouri. Then the amendments pertaining to barley malt, tea, and coffee are committee amendments, as I understand it?

The SPEAKER. They are specially excepted under the order under which we have been proceeding; and the Chair is putting the question only upon those specially referred to in the order on which the vote is to be taken in gross.

The question was taken on the amendments not specified, and they were agreed to in gross.

The SPEAKER. Is a separate vote demanded on any remaining amendment?

Mr. TAWNEY. Mr. Speaker, I offer an amendment under the rule to paragraph 708, the free list. Amend paragraph 708, page 167, by inserting after the word "wood," in line 16, the following:

Sawed boards, planks, deals, and other lumber of white wood, sycamore, and bass wood, and sawed lumber, timber hewn, sided, squared, and sawed, and round timber used for spars or in building wharves.

The SPEAKER. Well, the amendment can be reported after it is ascertained on what a separate vote is demanded. Is there any other separate vote?

Mr. HENRY of Texas. I demand a separate vote on hides.

The SPEAKER. Is a separate vote demanded on tea?

Mr. FORDNEY. The only vote that you can have on that paragraph is on the amendment offered by the gentleman from Minnesota, which is not in order, as it was voted on in the committee.

The SPEAKER. The Chair is trying to ascertain on which of these amendments a separate vote is desired.

Mr. SCOTT. Mr. Speaker, I desire to ask for a separate vote on the amendment relating to hides.

Mr. SHERLEY. I ask for a separate vote on oil.

The SPEAKER. A separate vote is demanded on lumber, hides, and oil.

Mr. SHERLEY. Barley and barley malt.

The SPEAKER. Barley and barley malt.

Mr. PERKINS. Do I understand——

Mr. FORDNEY. Mr. Speaker——

The SPEAKER. As a separate vote is not demanded on the amendments known as the "tea and coffee amendments," the vote will be taken upon those two amendments in gross.

Mr. HENRY of Texas. Mr. Speaker——

Mr. POINDEXTER. A parliamentary inquiry. In view of the fact that the vote has already been taken on the amendments in gross, and you are now proceeding to take a vote upon certain separate amendments, and there are certain other separate amendments not included in the vote in gross, and not included in this demand for separate votes, what disposition is to be made of them?

The SPEAKER. The Chair is not aware of any such amendments, except the tea and coffee amendments, and those articles are included, and the Chair was about to put the question. As a separate vote was not demanded upon the tea and coffee amendments, the Chair was about to put the question on agreeing to those amendments in gross.

Mr. HENRY of Texas. Mr. Speaker, I do not want to waive the point that I wished to make a moment ago in regard to the amendment on hides. I shall also demand a separate vote on an amendment offered to that amendment by the gentleman from Alabama.

The SPEAKER. That will come later, after these two amendments are disposed of. As many as favor agreeing to the amendments indicated will say "aye," those opposed "no."

The question being taken, the amendments were agreed to.

The SPEAKER. The first vote in order upon the bill is on lumber. That is because lumber is the first paragraph that is reached in the bill, and, proceeding through the bill regularly, the vote would come upon this amendment first.

Mr. TAWNEY. Mr. Speaker, I desire to make one suggestion which will affect the vote. If the vote is taken first on the amendment to paragraph 708, which is a part of the lumber vote, that will entirely dispose of the necessity of votes on the other two amendments. For that reason, I ask that the vote be taken first on the amendment to paragraph 708, the free list.

Several MEMBERS. Regular order!

The SPEAKER. The regular order is demanded. The Clerk will report the amendment.

Mr. FORDNEY. Mr. Speaker, I insist that the amendment offered first by the gentleman from Minnesota be voted on, if I am correct in my construction of the rules of the House.

Mr. DE ARMOND. Mr. Speaker——

The SPEAKER. The Clerk will report the first amendment.

Mr. FORDNEY. I will withdraw my demand.

Mr. TAWNEY. The gentleman from Michigan has withdrawn his demand.

Mr. FORDNEY. Mr. Speaker, the gentleman from Minnesota says that if a vote on this paragraph is defeated, that will settle the question and he will not demand a vote on paragraphs 196 and 197, and no one else will, and that will end the lumber schedule if that is correct.

Mr. SABATH. The gentleman from Minnesota can not bind all the Members of the House.

Mr. FORDNEY. Then I demand the regular order.

The SPEAKER. The gentleman from Michigan demands the regular order.

Mr. JAMES. Mr. Speaker, I want to demand a separate vote on the lumber schedule on the De Armond amendment, which provides for free lumber, which was the first amendment offered in the Committee of the Whole, and the one first acted upon in the Committee of the Whole.

The SPEAKER. The first amendment that comes in order on the bill is in paragraph 197, page 54, an amendment offered by——

Mr. RANDELL of Texas. A point of order, Mr. Speaker.

The SPEAKER. The Chair thinks there is no better way to submit these amendments, unless by unanimous consent, than to begin at the paragraph which comes first, and that is paragraph 197.

Mr. FITZGERALD. One ninety-six, Mr. Speaker.

The SPEAKER. The amendment that was offered to paragraph 197, first reached upon the bill, was offered by the gentleman from Minnesota [Mr. TAWNEY].

Mr. FITZGERALD. I rise to a question of order.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. Was not the first Tawney amendment knocked out on a point of order? I think I can state the case as it was.

The SPEAKER. The point of order amendments are not up to the House. The House has no knowledge of them.

Mr. CLARK of Missouri. That is what I am trying to explain to the Chair. Now, the situation was that the first amendment that was offered, I offered, and the gentleman from Minnesota raised——

The SPEAKER. The Chair——

Mr. CLARK of Missouri. I should like to explain the parliamentary situation.

The SPEAKER. But the Chair desires to explain, a moment. The Chair is not presumed to know, and, in fact, does not know the exact moment of time that these various amendments were offered, but by the report of the Chairman of the Committee of the Whole House on the state of the Union, the first one of these preferred amendments under the special order is one that seems to have been offered by the gentleman from Minnesota [Mr. TAWNEY], as determined by the order of the bill, the paragraph, and the lines in the paragraph. The Chair thinks that is the proper rule to adopt.

Mr. CLARK of Missouri. I was trying to enlighten the Chair as to what happened in the Committee of the Whole.

The SPEAKER. The Chairman of the Committee of the Whole is the only one that can enlighten the House upon what was done in the Committee of the Whole.

Mr. CLARK of Missouri. The RECORD itself will show.

The SPEAKER. The Chair follows the report of the Committee of the Whole House on the state of the Union as made by its Chairman, and has not other data to guide the Chair, except that report.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. I understood the Speaker to say that section 197 was the first paragraph to which an amendment was offered. There was a motion made to amend paragraph 196, which comes before 197. If the Speaker is to take the paragraphs in the order in which they occur in the bill we would have to take first the motion to strike out paragraph 196 from the bill.

The SPEAKER. There seems to be no record of the motion spoken of by the gentleman from Illinois.

Mr. MANN. There was such a motion made—defeated, it is true. Ordinarily a defeated motion would have no standing before the House, but under the special rule the fact that the motion did not prevail makes no difference, and we are still entitled to a vote.

The SPEAKER. The Chair is causing inquiry to be made at the desk, and finds no such written motion reported by the chairman of the committee.

Mr. MANN. Mr. Speaker, I think there was no written motion, but there was a motion made, and is shown by the RECORD as having been made. Of course there is no journal of it, because it was a defeated motion.

The SPEAKER. The Chair has no knowledge of any such motion.

Mr. HENRY of Texas. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HENRY of Texas. The Speaker stated that we can only receive information through the Chairman of the Committee of the Whole in regard to amendments voted upon. There were two amendments offered by the gentleman from Minnesota in the Committee of the Whole; which one of these amendments does the Speaker propose to submit?

Mr. TAWNEY. There were three amendments offered by "the gentleman from Minnesota."

Mr. HENRY of Texas. One was ruled out on a point of order made by the gentleman from New York [Mr. FITZGERALD]——

Mr. TAWNEY. That was reoffered on page 1129 of the RECORD.

Mr. HENRY of Texas. The first was on page 1126.

Mr. TAWNEY. That was the first, and then the next amendment was to strike out paragraph 196, and the third amendment was to transfer the one stricken out to paragraph 808, which is the free list.

Mr. Speaker, let me state, for the information of the Chair, that when the first vote was taken——

The SPEAKER. This is an exceptional condition the House finds itself in, operating under the special rule, and the Chair will call upon the gentleman from Pennsylvania [Mr. OLMSTED], Chairman of the Committee of the Whole House on the state of the Union, to make a supplemental report, if he so desires, as to the verbal amendment that was offered by the gentleman from Minnesota.

Mr. TAWNEY. The reason it does not appear in the RECORD is because I withheld my remarks that day for revision and have not published them.

The SPEAKER. But the Chair finds it on page 1139 of the RECORD. [Laughter.]

Mr. OLMSTED. Mr. Speaker, without having examined the RECORD carefully, or without having attempted to remember all the amendments that were offered, I have a distinct recollection that the first amendment offered was by the gentleman from Missouri. It was ruled out of order.

That was to paragraph 197, and, I think, also included some other matter. Then an amendment was offered by the gentleman from Minnesota [Mr. TAWNEY], which was ruled out of order. The first amendment actually voted upon, directed to paragraph 197, was offered by the gentleman from Minnesota [Mr. TAWNEY]. Afterwards the gentleman from Minnesota made an inquiry of the Chair, whether or not amendments not offered in committee could under the special order be voted on in the House. The Chair declined to answer that question, stating that he had a distinct opinion upon it, but that it was a question to be determined by the Speaker or by the House and not in Committee of the Whole House on the state of the Union. Thereupon the gentleman from Minnesota stated that in order to preserve his rights he proposed certain other amendments, including the one striking out section 196. He did offer such an amendment, and it was not agreed to by the committee. That is why it does not appear among the amendments reported from the committee. Nevertheless it is, under the special order, entitled to be voted on in the House.

Mr. MANN. That is the first paragraph which was amended?

Mr. DE ARMOND. Mr. Speaker, the gentleman from Pennsylvania [Mr. OLMSTED] is wrong about the first vote. The first vote was on an amendment offered by myself.

The SPEAKER. The Clerk will read as follows from the RECORD, supplementing the statement of the gentleman from Pennsylvania [Mr. OLMSTED], and the Chair presumes from what he says that he refers to the entry which the Chair has found in the RECORD, and which the Clerk will read.

The Clerk read as follows:

[Page 1139 of the RECORD.]

Mr. TAWNEY. Then, in order that there may be no question about it, I will offer amendments to strike out paragraph 196 and to amend paragraph 708.

The CHAIRMAN. The Clerk will report the amendment which the gentleman from Minnesota offers.

The Clerk read as follows:

"Page 54, strike out paragraph 196, being lines 16, 17, 18, and 19."

The CHAIRMAN. The question is on the amendment.

The question was taken, and the amendment was rejected.

The SPEAKER. So far as the Chair knows, that is the first amendment in order.

Mr. OLMSTED. Mr. Speaker, it is proper to add that the first amendment actually voted upon in Committee of the Whole House on the state of the Union was an amendment offered by the gentleman from Missouri [Mr. DE ARMOND] touching paragraph 197.

Mr. MANN. Mr. Speaker, no one disputes that.

The SPEAKER. To what paragraph of the bill?

Mr. MANN. That was the paragraph 197.

The SPEAKER. Paragraph 196 will first be disposed of.

Mr. RANDELL of Texas. Mr. Speaker, a point of order.

The SPEAKER. The gentleman will state it.

Mr. RANDELL of Texas. Mr. Speaker, under the rule we are given the list of those subjects amendments on which can be voted upon separately, regardless of the action of the Committee of the Whole House on the state of the Union. I make the point of order that hides come first in that list, lumber second, oil next, and so forth, and that the rule does not follow the order in the bill, but varies from it. I make the point of order that the order of those subjects as contained in the rule should be followed in the House in taking the vote.

The SPEAKER. The Chair has fully considered that matter, and has ruled that under this special order the vote would come in the order of the paragraph in the bill, because the special order itself upon that matter is conflicting. The first part of the special order speaks first of lumber. The latter part of the special order speaks first of hides. The Chair, after considering the whole special order, has decided to follow the order of the paragraph in the bill.

Mr. HARRISON. Mr. Speaker, can we have the amendment again reported?

The SPEAKER. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Page 54, strike out paragraph 196, being lines 16, 17, 18, and 19.

Mr. CANDLER. Mr. Speaker, may we have paragraph 196 read?

The SPEAKER. Without objection, paragraph 196 will be read.

There was no objection, and the Clerk read paragraph 196 of the bill, as follows:

196. Timber, hewn, sided, or squared otherwise than by sawing (not less than 8 inches square) and round timber used for spars or in building wharves, one-half of 1 cent per cubic foot.

The SPEAKER. The question is on the amendment to strike out paragraph 196.

The question was taken.

Mr. TAWNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 184, nays 198, not voting 6, as follows:

YEAS—184.

Adair	Davis	Hitchcock	Martin, S. Dak.
Aiken	Dawson	Houston	Miller, Kans.
Alexander, Mo.	De Armond	Howard	Miller, Minn.
Anderson	Dent	Howell, N. J.	Moore, Tex.
Ansberry	Denver	Howland	Morgan, Okla.
Anthony	Dixon, Ind.	Hubbard, Iowa	Morrison
Ashbrook	Driscoll, D. A.	Hughes, Ga.	Moss
Barnard	Driscoll, M. E.	Hughes, N. J.	Murdock
Barnhart	Esch	Hull, Iowa	Nelson
Bartlett, Ga.	Ferris	Hull, Tenn.	Nicholls
Bartlett, Nev.	Finley	Humphreys, Miss.	Norris
Beall, Tex.	Fitzgerald	James	Nye
Bochne	Flood, Va.	Jamieson	O'Connell
Booher	Floyd, Ark.	Johnson, Ky.	Oldfield
Borland	Fornes	Johnson, S. C.	Palmer, A. M.
Burgess	Foster, Ill.	Jones	Patterson
Burke, S. Dak.	Gallagher	Joyce	Perkins
Burleson	Garner, Tex.	Kelher	Peters
Burnett	Garrett	Kendall	Pickett
Byrd	Gill, Md.	Kennedy, Iowa	Prince
Byrns	Gillespie	Kinkaid, Nebr.	Rainey
Campbell	Goldfogle	Kinkead, N. J.	Randell, Tex.
Candler	Good	Kitchin	Rauch
Cantrill	Goulden	Kopp	Reeder
Carlin	Graff	Korbly	Reid
Carter	Graham, Ill.	Küstermann	Richardson
Cary	Gronna	Latta	Riordan
Clark, Mo.	Hamill	Lawrence	Robinson
Clayton	Hamilton	Lenroot	Rothermel
Cline	Hamlin	Lindbergh	Rucker, Colo.
Collier	Hammond	Lindsay	Rucker, Mo.
Conry	Hanna	Lloyd	Sabath
Cooper, Wis.	Hardwick	Lowden	Scott
Covington	Hardy	McDermott	Shackleford
Cox, Ind.	Harrison	McHenry	Sharp
Cox, Ohio	Haugen	McKinney	Sheppard
Craig	Hay	Macon	Sherley
Cravens	Heflin	Madison	Sherwood
Creager	Helm	Maguire, Nebr.	Sims
Cullop	Henry, Tex.	Mann	Sisson
Davidson	Hinshaw	Martin, Colo.	Slayden
Smith, Iowa	Steenerson	Talbott	Underwood
Smith, Tex.	Stephens, Tex.	Tawney	Volstead
Spight	Sterling	Taylor, Colo.	Wallace
Stafford	Stevens, Minn.	Thomas, Ky.	Weisse
Stanley	Sulzer	Tou Velle	Woods, Iowa

NAYS—198.

Adamson	Elvins	Knowland	Poindexter
Alexander, N. Y.	Englebright	Kronmiller	Pou
Allen	Estopinal	Lafean	Pratt
Ames	Fairchild	Lamb	Pray
Andrus	Fassett	Langham	Pujo
Austin	Fish	Langley	Ransdell, La.
Barchfeld	Focht	Lassiter	Reynolds
Barclay	Foelker	Law	Roberts
Bartholdt	Fordney	Lee	Rodenberg
Bates	Foss	Lever	Saunders
Bell, Ga.	Foster, Vt.	Livingston	Sheffield
Bennet, N. Y.	Foulkrod	Longworth	Simmons
Bennett, Ky.	Fowler	Lorimer	Slemp
Bingham	Fuller	Loud	Small
Boutell	Gaines	Loudenslager	Smith, Cal.
Bowers	Gardner, Mass.	Lovering	Smith, Mich.
Bradley	Gardner, Mich.	Lundin	Snapp
Brantley	Gardner, N. J.	McCall	Southwick
Broussard	Garner, Pa.	McCreary	Sparkman
Brownlow	Gillett	McGuire, Okla.	Sperry
Burke, Pa.	Glass	McKinlay, Cal.	Sturgiss
Burleigh	Godwin	McKinley, Ill.	Sulloway
Butler	Goebel	McLachlan, Cal.	Swasey
Calder	Gordon	McLaughlin, Mich.	Taylor, Ala.
Calderhead	Graham, Pa.	McMorran	Taylor, Ohio
Capron	Grant	Madden	Tener
Chapman	Greene	Malby	Thistlewood
Clark, Fla.	Gregg	Maynard	Thomas, N. C.
Cocks, N. Y.	Griest	Mays	Thomas, Ohio
Cole	Griggs	Millington	Tilson
Cook	Guernsey	Mondell	Tirrell
Cooper, Pa.	Hamer	Moon, Pa.	Townsend
Cowles	Hawley	Moon, Tenn.	Vreeland
Crumpacker	Hayes	Moore, Pa.	Wanger
Currier	Heald	Morehead	Washburn
Cushman	Henry, Conn.	Morgan, Mo.	Watkins
Dalzell	Higgins	Morse	Webb
Denby	Hill	Mudd	Weeks
Dickson, Miss.	Hobson	Murphy	Wheeler
Diekema	Hollingsworth	Needham	Wickliffe
Dies	Howell, Utah	Olcott	Wiley
Dodds	Hubbard, W. Va.	Olmsted	Wilson, Ill.
Douglas	Huff	Padgett	Wilson, Pa.
Draper	Hughes, W. Va.	Page	Wood, N. J.
Durey	Humphrey, Wash.	Palmer, H. W.	Woodyard
Dwight	Johnson, Ohio	Parker	Young, Mich.
Edwards, Ga.	Kahn	Parsons	Young, N. Y.
Edwards, Ky.	Keifer	Payne	The Speaker
Ellerbe	Kennedy, Ohio	Pearre	
Ellis	Knapp	Plumley	

NOT VOTING—6.

Coudrey	Gill, Mo.	Russell	Willett
Crow	Rhinock		

So the amendment was rejected. [Applause.]

The SPEAKER directed that his name be called, and when it was called he answered "no." [Applause.]

The Clerk announced the following pairs:

Until further notice:

Mr. CROW with Mr. RUSSELL.

Mr. COUDREY with Mr. GILL of Missouri.

The result of the vote was announced as above recorded.

The SPEAKER. Does the gentleman from Missouri [Mr. DE ARMOND] demand a separate vote upon his amendment?

Mr. DE ARMOND. Yes.

The SPEAKER. A little later on we will come to the amendment of the gentleman from Missouri. The Clerk will report the next amendment to be voted upon.

The Clerk read as follows:

Page 54, after the figures "197," in line 20, strike out all down to and including the word "but," in line 24; also strike out the words "in addition to the rate herein provided," in line 25, page 54, and line 1, page 55, so that the paragraph will read:

"When lumber of any sort is planed or finished there shall be levied and paid for each side so planed or finished, 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved, $1 per thousand feet board measure; and if planed on two sides and tongued and grooved, $1.50 per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing, and grooving."

The SPEAKER. Is a separate vote demanded upon this amendment?

Mr. TAWNEY. It is, Mr. Speaker.

Mr. JAMES. Mr. Speaker, a parliamentary inquiry. I make the point of order that the amendment of the gentleman from Missouri [Mr. DE ARMOND] was acted upon in the Committee of the Whole House before that amendment was, and that it is now in order to consider the amendment of the gentleman from Missouri.

The SPEAKER. We will come to that.

The question was taken; and the Chair announced the noes seemed to have it.

Mr. TAWNEY. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 180, nays 200, not voting 8, as follows:

YEAS—180.

Adair	Driscoll, D. A.	James	Patterson
Aiken	Driscoll, M. E.	Jamieson	Perkins
Alexander, Mo.	Esch	Johnson, Ky.	Peters
Anderson	Ferris	Johnson, S. C.	Pickett
Ansberry	Finley	Jones	Prince
Anthony	Fitzgerald	Joyce	Rainey
Ashbrook	Flood, Va.	Keliher	Randell, Tex.
Barnard	Floyd, Ark.	Kendall	Rauch
Barnhart	Fornes	Kennedy, Iowa	Reeder
Bartlett, Ga.	Foster, Ill.	Kinkaid, Nebr.	Reid
Bartlett, Nev.	Gallagher	Kinkead, N. J.	Richardson
Beall, Tex.	Garner, Tex.	Kitchin	Riordan
Boehne	Garrett	Kopp	Robinson
Booher	Gill, Md.	Korbly	Rothermel
Borland	Gillespie	Latta	Rucker, Colo.
Burgess	Goldfogle	Lawrence	Rucker, Mo.
Burke, S. Dak.	Good	Lenroot	Sabath
Burleson	Goulden	Lindbergh	Scott
Burnett	Graff	Lindsay	Shackleford
Byrd	Graham, Ill.	Lloyd	Sharp
Byrns	Gronna	Lowden	Sheppard
Campbell	Hamill	McDermott	Sherley
Candler	Hamilton	McHenry	Sherwood
Cantrill	Hamlin	McKinley, Ill.	Sims
Carlin	Hammond	McKinney	Sisson
Carter	Hanna	Macon	Slayden
Cary	Hardwick	Madison	Smith, Iowa
Clark, Mo.	Hardy	Maguire, Nebr.	Smith, Tex.
Clayton	Harrison	Mann	Stafford
Cline	Haugen	Martin, Colo.	Stanley
Collier	Hay	Martin, S. Dak.	Steenerson
Conry	Heflin	Miller, Kans.	Stephens, Tex.
Cooper, Wis.	Helm	Miller, Minn.	Sterling
Covington	Henry, Tex.	Moore, Tex.	Stevens, Minn.
Cox, Ind.	Hinshaw	Morgan, Okla.	Sulzer
Cox, Ohio	Hitchcock	Morrison	Talbott
Craig	Houston	Moss	Tawney
Cullop	Howell, N. J.	Murdock	Taylor, Colo.
Davidson	Howland	Nelson	Thomas, Ky.
Davis	Hubbard, Iowa	Nicholls	Tou Velle
Dawson	Hughes, Ga.	Norris	Underwood
De Armond	Hughes, N. J.	Nye	Volstead
Dent	Hull, Iowa	O'Connell	Wallace
Denver	Hull, Tenn.	Oldfield	Weisse
Dixon, Ind.	Humphreys, Miss.	Palmer, A. M.	Woods, Iowa

NAYS—200.

Adamson	Ellerbe	Keifer	Pearre
Alexander, N. Y.	Ellis	Kennedy, Ohio	Plumley
Allen	Elvins	Knapp	Poindexter
Ames	Englebright	Knowland	Pou
Andrus	Estopinal	Kronmiller	Pratt
Austin	Fairchild	Küstermann	Pray
Barchfeld	Fassett	Lafean	Pujo
Barclay	Fish	Lamb	Ransdell, La.
Bartholdt	Focht	Langham	Reynolds
Bates	Foelker	Langley	Roberts
Bell, Ga.	Fordney	Lassiter	Rodenberg
Bennet, N. Y.	Foss	Law	Saunders
Bennett, Ky.	Foster, Vt.	Lee	Sheffield
Bingham	Foulkrod	Lever	Simmons
Boutell	Fowler	Livingston	Slemp
Bowers	Fuller	Longworth	Small
Bradley	Gaines	Lorimer	Smith, Cal.
Brantley	Gardner, Mass.	Loud	Smith, Mich.
Broussard	Gardner, Mich.	Loudenslager	Snapp
Brownlow	Gardner, N. J.	Lovering	Southwick
Burke, Pa.	Garner, Pa.	Lundin	Sparkman
Burleigh	Gillett	McCall	Sperry
Butler	Glass	McCreary	Sturgiss
Calder	Godwin	McGuire, Okla.	Sulloway
Calderhead	Goebel	McKinlay, Cal.	Swasey
Capron	Gordon	McLachlan, Cal.	Taylor, Ala.
Chapman	Graham, Pa.	McLaughlin, Mich.	Taylor, Ohio
Clark, Fla.	Grant	McMorran	Tener
Cocks, N. Y.	Greene	Madden	Thistlewood
Cole	Gregg	Malby	Thomas, N. C.
Cook	Griest	Maynard	Thomas, Ohio
Cooper, Pa.	Griggs	Mays	Tilson
Cowles	Guernsey	Millington	Tirrell
Cravens	Hamer	Mondell	Townsend
Creager	Hawley	Moon, Pa.	Vreeland
Crumpacker	Hayes	Moon, Tenn.	Wanger
Currier	Heald	Moore, Pa.	Washburn
Cushman	Henry, Conn.	Morehead	Watkins
Dalzell	Higgins	Morgan, Mo.	Webb
Denby	Hill	Morse	Weeks
Dickson, Miss.	Hobson	Mudd	Wheeler
Diekema	Hollingsworth	Murphy	Wickliffe
Dies	Howard	Needham	Wiley
Dodds	Howell, Utah	Olcott	Wilson, Ill.
Douglas	Hubbard, W. Va.	Olmsted	Wilson, Pa.
Draper	Huff	Padgett	Wood, N. J.
Durey	Hughes, W. Va.	Page	Woodyard
Dwight	Humphrey, Wash.	Palmer, H. W.	Young, Mich.
Edwards, Ga.	Johnson, Ohio	Parker	Young, N. Y.
Edwards, Ky.	Kahn	Parsons	The Speaker

NOT VOTING—8.

Coudrey	Gill, Mo.	Rhinock	Spight
Crow	Payne	Russell	Willett

So the amendment was rejected.

The Clerk announced the following additional pair:

Until further notice:

Mr. PAYNE with Mr. WILLETT.

The result of the vote was announced as above recorded.

The SPEAKER. The next amendment offered in point of time was an amendment by the gentleman from Michigan [Mr. FORDNEY] to strike out the proviso to the lumber section, but the gentleman from Missouri [Mr. DE ARMOND] offered a preferential amendment to perfect the proviso. Therefore the vote would come first upon the amendment offered by the gentleman from Missouri, which the Clerk will report:

The Clerk read as follows:

Amend the proviso by striking out all after the word *"Provided,"* and insert in lieu of the words stricken out the following:

"That none of the duties imposed by this paragraph shall be levied upon any of the products of any country, subdivision, or dependency of North America, South America, or Central America, or any island of the Western Hemisphere, but all such products shall be admitted free of duty."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken, and the Chair announced that the noes seemed to have it.

Mr. DE ARMOND. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 133, nays 244, not voting 11, as follows:

YEAS—133.

Adair	De Armond	Hughes, Ga.	Peters
Adamson	Dent	Hughes, N. J.	Rainey
Aiken	Denver	Hull, Tenn.	Randell, Tex.
Alexander, Mo.	Dixon, Ind.	Humphreys, Miss.	Rauch
Anderson	Driscoll, D. A.	James	Reid
Ansberry	Ferris	Jamieson	Richardson
Ashbrook	Finley	Johnson, Ky.	Riordan
Barnhart	Fitzgerald	Johnson, S. C.	Robinson
Bartlett, Ga.	Flood, Va.	Jones	Rothermel
Bartlett, Nev.	Floyd, Ark.	Keliher	Rucker, Colo.
Beall, Tex.	Fornes	Kinkaid, Nebr.	Rucker, Mo.
Bell, Ga.	Foster, Ill.	Kinkead, N. J.	Sabath
Boehne	Gallagher	Kitchin	Shackleford
Booher	Garner, Tex.	Korbly	Sharp
Borland	Garrett	Latta	Sheppard
Burgess	Gill, Md.	Lindsay	Sherley
Burleson	Gillespie	Lloyd	Sherwood
Burnett	Goldfogle	McDermott	Sims
Byrd	Goulden	McHenry	Slayden
Byrns	Graham, Ill.	Macon	Smith, Tex.
Candler	Hamill	Madison	Spight
Cantrill	Hamlin	Maguire, Nebr.	Stanley
Carter	Hammond	Martin, Colo.	Stephens, Tex.
Clark, Mo.	Hardwick	Moore, Tex.	Sulzer
Clayton	Hardy	Morgan, Okla.	Talbott
Cline	Harrison	Morrison	Taylor, Colo.
Collier	Hay	Moss	Thomas, Ky.
Conry	Heflin	Murdock	Tou Velle
Covington	Helm	Nicholls	Underwood
Cox, Ind.	Henry, Tex.	Norris	Wallace
Cox, Ohio	Hinshaw	O'Connell	Weisse
Craig	Hitchcock	Oldfield	
Cravens	Houston	Palmer, A. M.	
Cullop	Howard	Patterson	

NAYS—244.

Alexander, N. Y.	Draper	Hill	Madden
Allen	Driscoll, M. E.	Hobson	Malby
Ames	Durey	Hollingsworth	Mann
Andrus	Dwight	Howell, Utah	Martin, S. Dak.
Anthony	Edwards, Ga.	Howland	Maynard
Austin	Edwards, Ky.	Hubbard, Iowa	Mays
Barchfeld	Ellerbe	Hubbard, W. Va.	Miller, Kans.
Barclay	Ellis	Huff	Miller, Minn.
Barnard	Elvins	Hughes, W. Va.	Millington
Bartholdt	Englebright	Hull, Iowa	Mondell
Bates	Esch	Humphrey, Wash.	Moon, Pa.
Bennet, N. Y.	Estopinal	Johnson, Ohio	Moon, Tenn.
Bennett, Ky.	Fairchild	Joyce	Moore, Pa.
Bingham	Fassett	Kahn	Morehead
Boutell	Fish	Keifer	Morgan, Mo.
Bowers	Focht	Kendall	Morse
Bradley	Foelker	Kennedy, Iowa	Mudd
Brantley	Fordney	Kennedy, Ohio	Murphy
Broussard	Foss	Knapp	Needham
Brownlow	Foster, Vt.	Knowland	Nelson
Burke, Pa.	Foulkrod	Kopp	Nye
Burke, S. Dak.	Fowler	Kronmiller	Olcott
Burleigh	Fuller	Küstermann	Olmsted
Butler	Gaines	Lafean	Padgett
Calder	Gardner, Mass.	Lamb	Page
Calderhead	Gardner, Mich.	Langham	Palmer, H. W.
Campbell	Gardner, N. J.	Langley	Parker
Capron	Garner, Pa.	Lassiter	Parsons
Cary	Gillett	Law	Payne
Chapman	Glass	Lawrence	Pearre
Clark, Fla.	Godwin	Lee	Perkins
Cocks, N. Y.	Goebel	Lenroot	Pickett
Cole	Good	Lever	Plumley
Cook	Gordon	Lindbergh	Poindexter
Cooper, Pa.	Graff	Livingston	Pou
Cooper, Wis.	Grant	Longworth	Pratt
Cowles	Greene	Lorimer	Pray
Creager	Gregg	Loud	Prince
Crumpacker	Griest	Loudenslager	Pujo
Currier	Griggs	Lovering	Ransdell, La.
Cushman	Gronna	Lowden	Reeder
Dalzell	Guernsey	Lundin	Reynolds
Davidson	Hamer	McCall	Roberts
Davis	Hamilton	McCreary	Rodenberg
Dawson	Hanna	McGuire, Okla.	Saunders
Denby	Haugen	McKinlay, Cal.	Scott
Dickson, Miss.	Hawley	McKinley, Ill.	Sheffield
Diekema	Hayes	McKinney	Simmons
Dies	Heald	McLachlan, Cal.	Slemp
Dodds	Henry, Conn.	McLaughlin, Mich.	Small
Douglas	Higgins	McMorran	Smith, Cal.

Smith, Iowa	Sulloway	Tirrell	Wickliffe
Smith, Mich.	Swasey	Townsend	Wiley
Snapp	Tawney	Volstead	Wilson, Ill.
Southwick	Taylor, Ala.	Vreeland	Wilson, Pa.
Sparkman	Taylor, Ohio	Wanger	Wood, N. J.
Sperry	Tener	Washburn	Woods, Iowa
Stafford	Thistlewood	Watkins	Woodyard
Steenerson	Thomas, N. C.	Webb	Young, Mich.
Sterling	Thomas, Ohio	Weeks	Young, N. Y.
Sturgiss	Tilson	Wheeler	The Speaker

NOT VOTING—11.

Carlin	Gill, Mo.	Rhinock	Stevens, Minn.
Coudrey	Graham, Pa.	Russell	Willett
Crow	Howell, N. J.	Sisson	

So the amendment was rejected.

The following additional pairs were announced:

Until further notice:

Mr. STEVENS of Minnesota with Mr. SISSON.

Mr. HOWELL of New Jersey with Mr. RHINOCK.

The result of the vote was then announced as above recorded.

The SPEAKER. The next amendment is one offered by the gentleman from Michigan [Mr. FORDNEY], striking out the proviso to paragraph 197, page 55, of the bill.

The question was taken, and the amendment was agreed to.

Mr. CLARK of Missouri. Now, Mr. Speaker, the next amendment was mine, at the bottom of page 946 of the RECORD.

The SPEAKER. What paragraph?

Mr. CLARK of Missouri. Paragraph 197. The motion was to strike it out.

The SPEAKER. Strike what out?

Mr. CLARK of Missouri. Strike the whole paragraph out.

The SPEAKER. Was the motion voted on?

Mr. CLARK of Missouri. Yes; it was voted on.

The SPEAKER. Will the gentleman please give the page of the RECORD?

Mr. CLARK of Missouri. It is at the bottom of the first column of page 946, and the vote is shown at the top of the next column: "Ayes 118, noes 157."

The SPEAKER. That is an amendment referred to by the Chairman of the Committee of the Whole House on the state of the Union, as the Chair recollects. The Clerk will report the amendment.

The Clerk read as follows:

Strike out paragraph 197.

The question was taken on the amendment, and the Speaker announced that the noes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The question was taken; and there were—yeas 153, nays 228, not voting 7, as follows:

YEAS—153.

Adair	Davis	Hughes, Ga.	Randell, Tex.
Adamson	De Armond	Hughes, N. J.	Rauch
Aiken	Dent	Hull, Tenn.	Reeder
Alexander, Mo.	Denver	Humphreys, Miss.	Reid
Anderson	Dixon, Ind.	James	Richardson
Ansberry	Driscoll, D. A.	Jamieson	Riordan
Anthony	Ferris	Johnson, Ky.	Robinson
Ashbrook	Finley	Johnson, S. C.	Rothermel
Barnard	Fitzgerald	Jones	Rucker, Colo.
Barnhart	Flood, Va.	Kelliher	Rucker, Mo.
Bartlett, Ga.	Floyd, Ark.	Kinkaid, Nebr.	Sabath
Bartlett, Nev.	Fornes	Kinkead, N. J.	Scott
Beall, Tex.	Foster, Ill.	Kitchin	Shackleford
Bell, Ga.	Gallagher	Korbly	Sharp
Boehne	Garner, Tex.	Latta	Sheppard
Booher	Garrett	Lawrence	Sherley
Borland	Gill, Md.	Lindsay	Sherwood
Burgess	Gillespie	Lloyd	Sims
Burleson	Goldfogle	McDermott	Sisson
Burnett	Good	McHenry	Slayden
Byrd	Goulden	Macon	Smith, Tex.
Byrns	Graham, Ill.	Madison	Spight
Campbell	Gronna	Maguire, Nebr.	Stafford
Candler	Hamill	Martin, Colo.	Stanley
Cantrill	Hamlin	Moore, Tex.	Steenerson
Carlin	Hammond	Morgan, Okla.	Stephens, Tex.
Carter	Hanna	Morrison	Sterling
Clark, Mo.	Hardwick	Moss	Sulzer
Clayton	Hardy	Murdock	Talbott
Cline	Harrison	Nicholls	Taylor, Colo.
Collier	Haugen	Norris	Thomas, Ky.
Conry	Hay	O'Connell	Tou Velie
Covington	Heflin	Oldfield	Underwood
Cox, Ind.	Helm	Palmer, A. M.	Volstead
Cox, Ohio	Henry, Tex.	Patterson	Wallace
Craig	Hinshaw	Perkins	Weisse
Cravens	Hitchcock	Peters	
Cullop	Houston	Prince	
Davidson	Howard	Rainey	

NAYS—228.

Alexander, N. Y.	Bates	Broussard	Capron
Allen	Bennet, N. Y.	Brownlow	Cary
Ames	Bennett, Ky.	Burke, Pa.	Chapman
Andrus	Bingham	Burke, S. Dak.	Clark, Fla.
Austin	Boutell	Burleigh	Cocks, N. Y.
Barchfeld	Bowers	Butler	Cole
Barclay	Bradley	Calder	Cook
Bartholdt	Brantley	Calderhead	Cooper, Pa.
Cooper, Wis.	Grant	Lorimer	Pray
Cowles	Greene	Loud	Pujo
Creager	Gregg	Loudenslager	Ransdell, La.
Crumpacker	Griest	Lovering	Reynolds
Currier	Griggs	Lowden	Roberts
Cushman	Guernsey	Lundin	Rodenberg
Dalzell	Hamer	McCall	Saunders
Dawson	Hamilton	McCreary	Sheffield
Denby	Hawley	McGuire, Okla.	Simmons
Dickson, Miss.	Hayes	McKinlay, Cal.	Slemp
Dickema	Heald	McKinley, Ill.	Small
Dies	Henry, Conn.	McKinney	Smith, Cal.
Dodds	Higgins	McLachlan, Cal.	Smith, Iowa
Douglas	Hill	McLaughlin, Mich.	Smith, Mich.
Draper	Hobson	McMorran	Snapp
Driscoll, M. E.	Hollingsworth	Madden	Southwick
Durey	Howell, N. J.	Malby	Sparkman
Dwight	Howell, Utah	Mann	Sperry
Edwards, Ga.	Howland	Martin, S. Dak.	Stevens, Minn.
Edwards, Ky.	Hubbard, Iowa	Maynard	Sturgiss
Ellerbe	Hubbard, W. Va.	Mays	Sulloway
Ellis	Huff	Miller, Kans.	Swasey
Elvins	Hughes, W. Va.	Miller, Minn.	Tawney
Englebright	Hull, Iowa	Millington	Taylor, Ala.
Esch	Humphrey, Wash.	Mondell	Taylor, Ohio
Estopinal	Johnson, Ohio	Moon, Pa.	Tener
Fairchild	Joyce	Moon, Tenn.	Thistlewood
Fassett	Kahn	Moore, Pa.	Thomas, N. C.
Fish	Keifer	Morehead	Thomas, Ohio
Focht	Kendall	Morgan, Mo.	Tilson
Foelker	Kennedy, Iowa	Morse	Tirrell
Fordney	Kennedy, Ohio	Murphy	Townsend
Foss	Knapp	Needham	Vreeland
Foster, Vt.	Knowland	Nelson	Wanger
Foulkrod	Kopp	Nye	Washburn
Fowler	Kronmiller	Olcott	Watkins
Fuller	Küstermann	Olmsted	Webb
Gaines	Lafean	Padgett	Weeks
Gardner, Mass.	Lamb	Page	Wheeler
Gardner, Mich.	Langham	Palmer, H. W.	Wickliffe
Gardner, N. J.	Langley	Parker	Wiley
Garner, Pa.	Lassiter	Parsons	Wilson, Ill.
Gillett	Law	Payne	Wilson, Pa.
Glass	Lee	Pearre	Wood, N. J.
Godwin	Lenroot	Pickett	Woods, Iowa
Goebel	Lever	Plumley	Woodyard
Gordon	Lindbergh	Poindexter	Young, Mich.
Graff	Livingston	Pou	Young, N. Y.
Graham, Pa.	Longworth	Pratt	The Speaker

NOT VOTING—7.

Coudrey	Gill, Mo.	Rhinock	Willett
Crow	Mudd	Russell	

So the amendment was rejected.

The Clerk announced the following additional pair:

Until further notice:

Mr. MUDD with Mr. RHINOCK.

The result of the vote was announced as above recorded.

The SPEAKER. Is an additional vote called for?

Mr. TAWNEY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Is it the intention of the Speaker to consider the amendments in the order of the paragraphs or in the order in which the amendments were offered?

The SPEAKER. In the order of the paragraphs.

Mr. TAWNEY. Mr. Speaker, it has been suggested by gentlemen here that I ask unanimous consent, in order to finish the lumber schedule, that the vote be taken at this time on the amendment to paragraph 708.

The SPEAKER. The gentleman asks unanimous consent that the vote may be taken on the amendment to paragraph 708. Is there objection?

There was no objection.

The Clerk read as follows:

708. Wood: Sawed boards, planks, deals and other lumber of white wood, sycamore and bass wood and sawed lumber, timber hewn, sided, squared or sawed and round timber used for spars or in building wharves, logs and round unmanufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gunstocks rough hewn or sawed or planed on one side, hop poles, ship timber and ship planking; all of the foregoing not specially provided for in sections 1 and 2 of this act.

The SPEAKER. The motion is to strike out paragraph 708 and to insert what has been read.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry. Is the effect of this amendment to put upon the free list the articles enumerated in the paragraph read?

Mr. LANGLEY. That is not a parliamentary inquiry. It is a legal inquiry.

The SPEAKER. The Chair is informed that would be the effect of it.

Mr. TAWNEY. I did not hear the gentleman's question.

Mr. FITZGERALD. Is the effect of this amendment to put the articles enumerated on the free list?

Mr. TAWNEY. It is. The effect is to transfer the articles mentioned from the dutiable list to the free list.

The question being taken, the Speaker announced that the noes appeared to have it.

Mr. TAWNEY and Mr. COOPER of Wisconsin demanded the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 181, nays 200, not voting 7, as follows:

YEAS—181.

Adair	Driscoll, D. A.	James	Peters
Aiken	Driscoll, M. E.	Jamieson	Pickett
Alexander, Mo.	Esch	Johnson, Ky.	Prince
Anderson	Ferris	Johnson, S. C.	Rainey
Ansberry	Finley	Jones	Randell, Tex.
Anthony	Fitzgerald	Joyce	Rauch
Ashbrook	Flood, Va.	Keliher	Reeder
Barnard	Floyd, Ark.	Kendall	Reid
Barnhart	Fornes	Kennedy, Iowa	Richardson
Bartlett, Ga.	Foster, Ill.	Kinkaid, Nebr.	Riordan
Bartlett, Nev.	Gallagher	Kinkead, N. J.	Robinson
Beall, Tex.	Garner, Tex.	Kitchin	Rothermel
Boehne	Garrett	Kopp	Rucker, Colo.
Booher	Gill, Md.	Korbly	Rucker, Mo.
Borland	Gillespie	Latta	Sabath
Burgess	Goldfogle	Lawrence	Scott
Burke, S. Dak.	Good	Lenroot	Shackleford
Burleson	Goulden	Lindbergh	Sharp
Burnett	Graff	Lindsay	Sheppard
Byrd	Graham, Ill.	Lloyd	Sherley
Byrns	Gronna	Lowden	Sherwood
Campbell	Hamill	McDermott	Sims
Candler	Hamilton	McHenry	Sisson
Cantrill	Hamlin	McKinney	Slayden
Carlin	Hammond	Macon	Smith, Iowa
Carter	Hanna	Madison	Smith, Tex.
Cary	Hardwick	Maguire, Nebr.	Spight
Clark, Mo.	Hardy	Mann	Stafford
Clayton	Harrison	Martin, Colo.	Steenerson
Cline	Haugen	Martin, S. Dak.	Stephens, Tex.
Collier	Hay	Miller, Kans.	Sterling
Conry	Heflin	Miller, Minn.	Stevens, Minn.
Cooper, Wis.	Helm	Moore, Tex.	Sulzer
Covington	Henry, Tex.	Morgan, Okla.	Talbott
Cox, Ind.	Hinshaw	Morrison	Tawney
Cox, Ohio	Hitchcock	Moss	Taylor, Colo.
Craig	Houston	Murdock	Thomas, Ky.
Cravens	Howard	Nelson	Tou Velle
Cullop	Howell, N. J.	Nicholls	Underwood
Davidson	Howland	Norris	Volstead
Davis	Hubbard, Iowa	Nye	Wallace
Dawson	Hughes, Ga.	O'Connell	Weisse
De Armond	Hughes, N. J.	Oldfield	Woods, Iowa
Dent	Hull, Iowa	Palmer, A. M.	
Denver	Hull, Tenn.	Patterson	
Dixon, Ind.	Humphreys, Miss.	Perkins	

NAYS—200.

Adamson	Ellis	Knapp	Pearre
Alexander, N. Y.	Elvins	Knowland	Plumley
Allen	Englebright	Kronmiller	Poindexter
Ames	Estopinal	Küstermann	Pou
Andrus	Fairchild	Lafean	Pratt
Austin	Fassett	Lamb	Pray
Barchfeld	Fish	Langham	Pujo
Barclay	Focht	Langley	Ransdell, La.
Bartholdt	Foelker	Lassiter	Reynolds
Bates	Fordney	Law	Roberts
Bell, Ga.	Foss	Lee	Rodenberg
Bennet, N. Y.	Foster, Vt.	Lever	Saunders
Bennett, Ky.	Foulkrod	Livingston	Sheffield
Bingham	Fowler	Longworth	Simmons
Boutell	Fuller	Lorimer	Slemp
Bowers	Gaines	Loud	Small
Bradley	Gardner, Mass.	Loudenslager	Smith, Cal.
Brantley	Gardner, Mich.	Lovering	Smith, Mich.
Broussard	Gardner, N. J.	Lundin	Snapp
Brownlow	Garner, Pa.	McCall	Southwick
Burke, Pa.	Gillett	McCreary	Sparkman
Burleigh	Glass	McGuire, Okla.	Sperry
Butler	Godwin	McKinlay, Cal.	Sturgiss
Calder	Goebel	McKinley, Ill.	Sulloway
Calderhead	Gordon	McLachlan, Cal.	Swasey
Capron	Graham, Pa.	McLaughlin, Mich.	Taylor, Ala.
Chapman	Grant	McMorran	Taylor, Ohio
Clark, Fla.	Greene	Madden	Tener
Cocks, N. Y.	Gregg	Malby	Thistlewood
Cole	Griest	Maynard	Thomas, N. C.
Cook	Griggs	Mays	Thomas, Ohio
Cooper, Pa.	Guernsey	Millington	Tilson
Cowles	Hamer	Mondell	Tirrell
Creager	Hawley	Moon, Pa.	Townsend
Crumpacker	Hayes	Moon, Tenn.	Vreeland
Currier	Heald	Moore, Pa.	Wanger
Cushman	Henry, Conn.	Morehead	Washburn
Dalzell	Higgins	Morgan, Mo.	Watkins
Denby	Hill	Morse	Webb
Dickson, Miss.	Hobson	Mudd	Weeks
Diekema	Hollingsworth	Murphy	Wheeler
Dies	Howell, Utah	Needham	Wickliffe
Dodds	Hubbard, W. Va.	Olcott	Wiley
Douglas	Huff	Olmsted	Wilson, Ill.
Draper	Hughes, W. Va.	Padgett	Wilson, Pa.
Durey	Humphrey, Wash.	Page	Wood, N. J.
Dwight	Johnson, Ohio	Palmer, H. W.	Woodyard
Edwards, Ga.	Kahn	Parker	Young, Mich.
Edwards, Ky.	Keifer	Parsons	Young, N. Y.
Ellerbe	Kennedy, Ohio	Payne	The Speaker

NOT VOTING—7.

Coudrey	Gill, Mo.	Russell	Willett
Crow	Rhinock	Stanley	

So the amendment was rejected.

Mr. STANLEY. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. STANLEY. I wish to say that if I had been in my seat I would have voted "aye."

Mr. LANGLEY. I am glad the gentleman was not in his seat. [Laughter.]

The result of the vote was then announced as above recorded.

The SPEAKER. The Clerk will report the next amendment.

Mr. HENRY of Texas. Mr. Speaker, I ask unanimous consent that the amendments be now taken up in the order in which they were offered in the committee.

Mr. PAYNE. The regular order.

The SPEAKER. The gentleman from New York demands the regular order, and the Clerk will report the next amendment.

The Clerk read as follows:

Page 62, line 8, strike out the word "fifteen" and insert in lieu thereof the word "twenty-four," so that it will read: "227. Barley, 24 cents per bushel of 48 pounds."

Same page, line 10, strike out the word "twenty-five" and insert in lieu thereof the word "forty," so that it will read: "Barley malt, 40 cents per bushel of 34 pounds."

The SPEAKER. The question is on agreeing to the amendment.

Mr. PERKINS and Mr. HARRISON called for the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 194, nays 186, answered "present" 1, not voting 7, as follows:

YEAS—194.

Allen	Englebright	Kendall	Palmer, H. W.
Andrus	Esch	Kennedy, Iowa	Payne
Anthony	Estopinal	Kennedy, Ohio	Pearre
Ashbrook	Fairchild	Kinkaid, Nebr.	Pickett
Austin	Fassett	Knowland	Plumley
Barchfeld	Focht	Kopp	Poindexter
Barnard	Fordney	Kronmiller	Pratt
Barnhart	Foss	Küstermann	Pray
Bartholdt	Foster, Vt.	Langham	Prince
Bates	Foulkrod	Langley	Pujo
Bennett, Ky.	Fowler	Latta	Reeder
Bingham	Fuller	Lawrence	Roberts
Boutell	Gaines	Lenroot	Rodenberg
Bradley	Gardner, Mass.	Lindbergh	Rucker, Colo.
Broussard	Gardner, N. J.	Longworth	Scott
Brownlow	Garner, Pa.	Lorimer	Sheffield
Burke, Pa.	Garner, Tex.	Loud	Slemp
Burke, S. Dak.	Gillett	Loudenslager	Smith, Cal.
Burleigh	Goebel	Lovering	Smith, Iowa
Burnett	Good	Lowden	Smith, Mich.
Calderhead	Graff	Lundin	Snapp
Campbell	Graham, Pa.	McCall	Sperry
Capron	Grant	McCreary	Stafford
Cary	Greene	McGuire, Okla.	Steenerson
Chapman	Griest	McKinlay, Cal.	Sterling
Cocks, N. Y.	Gronna	McKinley, Ill.	Stevens, Minn.
Cole	Guernsey	McKinney	Sulloway
Cook	Hamer	McLachlan, Cal.	Swasey
Cooper, Wis.	Hamilton	McLaughlin, Mich.	Tawney
Cowles	Hammond	McMorran	Taylor, Colo.
Creager	Hanna	Madison	Tener
Crumpacker	Haugen	Martin, S. Dak.	Thistlewood
Currier	Hawley	Miller, Kans.	Thomas, Ohio
Cushman	Hayes	Miller, Minn.	Tilson
Dalzell	Henry, Conn.	Millington	Tirrell
Davidson	Higgins	Mondell	Tou Velle
Davis	Hill	Moon, Pa.	Townsend
Dawson	Hinshaw	Moore, Pa.	Volstead
Denby	Hollingsworth	Morehead	Vreeland
Denver	Howell, N. J.	Morgan, Mo.	Washburn
Diekema	Howell, Utah	Morgan, Okla.	Weeks
Dodds	Hubbard, Iowa	Morrison	Wickliffe
Douglas	Huff	Morse	Wiley
Draper	Hull, Iowa	Murdock	Wood, N. J.
Durey	Humphrey, Wash.	Needham	Woods, Iowa
Dwight	Johnson, Ohio	Nelson	Young, Mich.
Edwards, Ky.	Joyce	Norris	The Speaker
Ellis	Kahn	Nye	
Elvins	Keifer	Olmsted	

NAYS—186.

Adair	Cantrill	Fish	Heald
Adamson	Carter	Fitzgerald	Heflin
Aiken	Clark, Fla.	Flood, Va.	Helm
Alexander, Mo.	Clark, Mo.	Floyd, Ark.	Henry, Tex.
Alexander, N. Y.	Clayton	Foelker	Hitchcock
Ames	Cline	Fornes	Hobson
Anderson	Collier	Foster, Ill.	Houston
Ansberry	Conry	Gallagher	Howard
Barclay	Cooper, Pa.	Gardner, Mich.	Howland
Bartlett, Ga.	Covington	Garrett	Hubbard, W. Va.
Bartlett, Nev.	Cox, Ind.	Gill, Md.	Hughes, Ga.
Beall, Tex.	Cox, Ohio	Gillespie	Hughes, N. J.
Bell, Ga.	Craig	Glass	Hughes, W. Va.
Bennet, N. Y.	Cravens	Godwin	Hull, Tenn.
Boehne	Cullop	Goldfogle	Humphreys, Miss.
Booher	De Armond	Gordon	James
Borland	Dent	Goulden	Jamieson
Bowers	Dickson, Miss.	Graham, Ill.	Johnson, Ky.
Brantley	Dies	Gregg	Johnson, S. C.
Burgess	Dixon, Ind.	Griggs	Jones
Burleson	Driscoll, D. A.	Hamill	Keliher
Butler	Driscoll, M. E.	Hamlin	Kinkead, N. J.
Byrd	Edwards, Ga.	Hardwick	Kitchin
Byrns	Ellerbe	Hardy	Knapp
Calder	Ferris	Harrison	Korbly
Candler	Finley	Hay	Lafean

Lamb	Mudd	Richardson	Stanley
Lassiter	Murphy	Riordan	Stephens, Tex.
Law	Nicholls	Robinson	Sturgiss
Lee	O'Connell	Rothermel	Sulzer
Lever	Olcott	Rucker, Mo.	Talbott
Lindsay	Oldfield	Sabath	Taylor, Ala.
Livingston	Padgett	Saunders	Taylor, Ohio
Lloyd	Page	Shackleford	Thomas, Ky.
McDermott	Palmer, A. M.	Sharp	Thomas, N. C.
McHenry	Parker	Sheppard	Underwood
Macon	Parsons	Sherley	Wallace
Madden	Patterson	Sherwood	Wanger
Maguire, Nebr.	Perkins	Simmons	Watkins
Malby	Peters	Sims	Webb
Mann	Pou	Sisson	Wheeler
Martin, Colo.	Rainey	Slayden	Wilson, Ill.
Maynard	Randell, Tex.	Small	Wilson, Pa.
Mays	Ransdell, La.	Smith, Tex.	Woodyard
Moon, Tenn.	Rauch	Southwick	Young, N. Y.
Moore, Tex.	Reid	Sparkman	
Moss	Reynolds	Spight	

ANSWERED "PRESENT"—1.

Weisse

NOT VOTING—7.

Carlin	Crow	Rhinock	Willett
Coudrey	Gill, Mo.	Russell	

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will read the next amendment.

The Clerk read as follows:

Page 136, after line 14, insert as a new paragraph, to be numbered 447½:

"447½. Hides of cattle, raw or uncured, whether dry salted or pickled, 10 per cent ad valorem."

Mr. UNDERWOOD. Mr. Speaker, I now ask the Clerk to report the amendment that I offered to that amendment.

The SPEAKER. The Clerk has not the amendment to which the gentleman refers, the Chair is informed.

Mr. HENRY of Texas. Mr. Speaker, it is on page 949 of the RECORD. This is the language used by Mr. UNDERWOOD:

Mr. Chairman, I offer the following amendment: Add, after the word "hides," the words "weighing more than 1 pound."

Mr. DALZELL. Mr. Speaker, I would make the point of order against that that it is not subject to a vote under the terms of the rule.

Mr. HENRY of Texas. Well, it was voted on in the Committee of the Whole.

Mr. DALZELL. I do not care if it was. It is not a committee amendment, and it is not an amendment provided for in the rule.

Mr. HENRY of Texas. It was an amendment to the amendment of the gentleman from Kansas, and the committee voted upon it and we have the right to vote upon it now.

Mr. UNDERWOOD. Mr. Speaker, I desire to be heard on the point of order made by the gentleman from Pennsylvania.

The SPEAKER. The Chair will ask the gentleman from Pennsylvania to state his point of order.

Mr. DALZELL. Mr. Speaker, the point of order is that this amendment is not a committee amendment and is not an amendment provided for in the rule. In the first place, I contend that the amendment offered by the gentleman from Alabama was not in order at the time it was offered—talk about a skin weighing a pound being a hide!

The SPEAKER. Almost anything sensible or not sensible under the terms of the special order, which was offered as an amendment and disposed of, seems to be in order. The Clerk will read the amendment to the amendment offered by the gentleman from Alabama.

The Clerk read as follows:

Add, after the word "hides," the words "weighing more than 1 pound."

The SPEAKER. The question is on the amendment to the amendment.

Mr. UNDERWOOD. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 147, nays 225, answered "present" 1, not voting 14, as follows:

YEAS—147.

Adair	Bowers	Carter	Dies
Adamson	Brantley	Clayton	Dixon, Ind.
Aiken	Broussard	Collier	Edwards, Ga.
Alexander, Mo.	Brownlow	Cowles	Edwards, Ky.
Anthony	Burgess	Cox, Ind.	Ellerbe
Ashbrook	Burke, S. Dak.	Craig	Elvins
Austin	Burleson	Cravens	Estopinal
Bartlett, Nev.	Burnett	Cullop	Ferris
Beall, Tex.	Byrd	Davis	Finley
Bell, Ga.	Byrns	Dawson	Flood, Va.
Boehne	Campbell	Dent	Garner, Tex.
Booher	Candler	Denver	Gillespie
Borland	Cantrill	Dickson, Miss.	Godwin
Good	Jamieson	Miller, Kans.	Saunders
Gordon	Johnson, Ky.	Mondell	Scott
Graff	Johnson, Ohio	Moore, Tex.	Sheppard
Graham, Ill.	Kendall	Murdock	Sisson
Gregg	Kennedy, Iowa	Murphy	Slayden
Griggs	Kinkaid, Nebr.	Nelson	Slemp
Gronna	Kopp	Norris	Small
Hamer	Latta	Oldfield	Smith, Iowa
Hamlin	Lee	Page	Smith, Tex.
Hammond	Lenroot	Pickett	Spight
Hanna	Lever	Poindexter	Stephens, Tex.
Hardy	Lindbergh	Pou	Sterling
Haugen	Livingston	Pratt	Taylor, Ala.
Heflin	Lloyd	Pray	Taylor, Colo.
Henry, Tex.	Lorimer	Prince	Thistlewood
Hinshaw	Loudenslager	Pujo	Thomas, N. C.
Hitchcock	Lowden	Randell, Tex.	Thomas, Ohio
Hobson	McDermott	Ransdell, La.	Tou Velle
Hollingsworth	McKinney	Rauch	Underwood
Howell, Utah	Macon	Reeder	Volstead
Hubbard, Iowa	Madison	Richardson	Webb
Hubbard, W. Va.	Maguire, Nebr.	Rodenberg	Wickliffe
Hull, Iowa	Martin, Colo.	Rucker, Colo.	Woods, Iowa
Humphreys, Miss.	Martin, S. Dak.	Rucker, Mo.	

NAYS—225.

Alexander, N. Y.	Fish	Kennedy, Ohio	Pearre
Allen	Fitzgerald	Kinkead, N. J.	Perkins
Ames	Floyd, Ark.	Kitchin	Peters
Anderson	Focht	Knapp	Plumley
Andrus	Foelker	Knowland	Rainey
Ansberry	Fordney	Korbly	Reid
Barchfeld	Fornes	Kronmiller	Reynolds
Barclay	Foss	Küstermann	Riordan
Barnard	Foster, Ill.	Lafean	Roberts
Barnhart	Foster, Vt.	Lamb	Robinson
Bartholdt	Foulkrod	Langham	Rothermel
Bartlett, Ga.	Fowler	Langley	Sabath
Bates	Fuller	Lassiter	Shackleford
Bennet, N. Y.	Gaines	Law	Sharp
Bennett, Ky.	Gallagher	Lawrence	Sheffield
Bingham	Gardner, Mass.	Lindsay	Sherley
Boutell	Gardner, Mich.	Longworth	Simmons
Bradley	Gardner, N. J.	Loud	Sims
Burke, Pa.	Garner, Pa.	Lovering	Smith, Cal.
Burleigh	Garrett	Lundin	Smith, Mich.
Butler	Gill, Md.	McCall	Snapp
Calder	Gillett	McCreary	Southwick
Calderhead	Glass	McGuire, Okla.	Sparkman
Capron	Goebel	McHenry	Sperry
Cary	Goldfogle	McKinlay, Cal.	Stafford
Chapman	Goulden	McKinley, Ill.	Stanley
Clark, Fla.	Graham, Pa.	McLachlan, Cal.	Steenerson
Clark, Mo.	Greene	McLaughlin, Mich.	Stevens, Minn.
Cline	Griest	McMorran	Sturgiss
Cocks, N. Y.	Guernsey	Madden	Sulloway
Cole	Hamill	Malby	Sulzer
Conry	Hamilton	Mann	Swasey
Cook	Hardwick	Maynard	Talbott
Cooper, Pa.	Harrison	Miller, Minn.	Tawney
Cooper, Wis.	Hawley	Millington	Taylor, Ohio
Covington	Hay	Moon, Pa.	Tener
Cox, Ohio	Hayes	Moon, Tenn.	Thomas, Ky.
Creager	Heald	Moore, Pa.	Tilson
Crumpacker	Helm	Morehead	Tirrell
Currier	Henry, Conn.	Morgan, Mo.	Townsend
Cushman	Higgins	Morgan, Okla.	Vreeland
Dalzell	Hill	Morrison	Wallace
Davidson	Houston	Morse	Wanger
De Armond	Howard	Mudd	Washburn
Denby	Howell, N. J.	Needham	Watkins
Diekema	Howland	Nicholls	Weeks
Dodds	Huff	Nye	Weisse
Douglas	Hughes, Ga.	O'Connell	Wheeler
Draper	Hughes, N. J.	Olcott	Wiley
Driscoll, D. A.	Hughes, W. Va.	Olmsted	Wilson, Ill.
Driscoll, M. E.	Hull, Tenn.	Padgett	Wilson, Pa.
Durey	Humphrey, Wash.	Palmer, A. M.	Wood, N. J.
Dwight	James	Palmer, H. W.	Woodyard
Englebright	Joyce	Parker	Young, N. Y.
Esch	Kahn	Parsons	
Fairchild	Keifer	Patterson	
Fassett	Kelliher	Payne	

ANSWERED "PRESENT"—1.

Moss

NOT VOTING—14.

Carlin	Gill, Mo.	Mays	Willett
Coudrey	Grant	Rhinock	Young, Mich.
Crow	Johnson, S. C.	Russell	
Ellis	Jones	Sherwood	

So the amendment was rejected.

The Clerk announced the following additional pairs:

Until further notice:

Mr. YOUNG of Michigan with Mr. JONES.

Mr. GRANT with Mr. JOHNSON of South Carolina.

Mr. ELLIS with Mr. CARLIN.

The result of the vote was then announced as above recorded.

The SPEAKER pro tempore (Mr. CAPRON). The question is now on the amendment proposed by the gentleman from Kansas, which the Clerk will report.

Mr. ROBERTS. Mr. Speaker, let us have the amendment again reported.

The Clerk read as follows:

Amendment offered by Mr. SCOTT: Page 136, after line 14, insert as a new paragraph to be numbered 447½:

"447½. Hides of cattle, raw or uncured, whether dried, salted, or pickled, 10 per cent ad valorem."

The SPEAKER pro tempore. The question is upon the amendment.

Mr. WEISSE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER pro tempore. The gentleman will state it.

Mr. WEISSE. That amendment, as I understand it, is 25 pounds dry or green. Is that what it says? [Cries of "Regular order!"]

Mr. SABATH. Mr. Speaker, what is the amendment?

The SPEAKER pro tempore. Does the gentleman desire to have the amendment again reported?

Mr. SABATH. Yes.

The SPEAKER pro tempore. Without objection, the amendment will be again reported. [Cries of "Regular order!"]

The SPEAKER pro tempore. Regular order is demanded.

The question was taken; and the Speaker announced that the noes seemed to have it.

Mr. SCOTT. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 103, nays, 274, answered "present" 2, not voting 9, as follows:

YEAS—103.

Adair	Englebright	Kinkaid, Nebr.	Prince
Anthony	Gardner, N. J.	Kopp	Pujo
Austin	Garner, Tex.	Lenroot	Randell, Tex.
Bartlett, Nev.	Good	Lindbergh	Reeder
Beall, Tex.	Gordon	Lorimer	Rodenberg
Bennet, N. Y.	Graff	Loudenslager	Rucker, Colo.
Bennett, Ky.	Grant	Lowden	Scott
Borland	Gregg	McDermott	Sheppard
Brantley	Gronna	McGuire, Okla.	Slayden
Broussard	Hamer	McKinley, Ill.	Slemp
Burgess	Hamlin	McKinney	Smith, Iowa
Burke, S. Dak.	Hammond	McLachlan, Cal.	Smith, Tex.
Burleson	Hanna	McMorran	Steenerson
Burnett	Hardy	Madison	Stephens, Tex.
Campbell	Haugen	Martin, Colo.	Sterling
Chapman	Henry, Tex.	Martin, S. Dak.	Sturgiss
Cole	Hinshaw	Miller, Kans.	Taylor, Ala.
Cowles	Hollingsworth	Mondell	Taylor, Colo.
Cox, Ind.	Howell, Utah	Moore, Tex.	Thistlewood
Creager	Hubbard, Iowa	Morgan, Okla.	Volstead
Davis	Hubbard, W. Va.	Murdock	Wanger
Dawson	Hull, Iowa	Norris	Wood, N. J.
Dies	Johnson, Ohio	Pearre	Woods, Iowa
Edwards, Ky.	Keifer	Pickett	Woodyard
Ellis	Kendall	Poindexter	The Speaker
Elvins	Kennedy, Iowa	Pray	

NAYS—274.

Adamson	De Armond	Hardwick	McCreary
Aiken	Denby	Harrison	McHenry
Alexander, Mo.	Dent	Hawley	McKinlay, Cal.
Alexander, N. Y.	Denver	Hay	McLaughlin, Mich.
Allen	Dickson, Miss	Hayes	Macon
Ames	Diekema	Heald	Madden
Anderson	Dixon, Ind.	Heflin	Maguire, Nebr.
Andrus	Dodds	Helm	Malby
Ansberry	Douglas	Henry, Conn.	Mann
Ashbrook	Draper	Higgins	Maynard
Barchfeld	Driscoll, D. A.	Hill	Mays
Barclay	Driscoll, M. E.	Hitchcock	Miller, Minn.
Barnard	Durey	Hobson	Millington
Barnhart	Dwight	Houston	Moon, Pa.
Bartholdt	Edwards, Ga.	Howard	Moon, Tenn.
Bartlett, Ga.	Ellerbe	Howell, N. J.	Moore, Pa.
Bates	Esch	Howland	Morehead
Bell, Ga.	Estopinal	Huff	Morgan, Mo.
Bingham	Fairchild	Hughes, Ga.	Morrison
Boehne	Fassett	Hughes, N. J.	Morse
Booher	Ferris	Hughes, W. Va.	Mudd
Boutell	Finley	Hull, Tenn.	Murphy
Bowers	Fish	Humphrey, Wash.	Needham
Bradley	Fitzgerald	Humphreys, Miss.	Nelson
Brownlow	Flood, Va.	James	Nicholls
Burke, Pa.	Floyd, Ark.	Jamieson	Nye
Burleigh	Focht	Johnson, Ky.	O'Connell
Butler	Foelker	Johnson, S. C.	Olcott
Byrd	Fordney	Jones	Oldfield
Byrns	Fornes	Joyce	Padgett
Calder	Foss	Kahn	Page
Calderhead	Foster, Ill.	Kelliher	Palmer, A. M.
Candler	Foster, Vt.	Kennedy, Ohio	Palmer, H. W.
Cantrill	Foulkrod	Kinkead, N. J.	Parker
Capron	Fowler	Kitchin	Parsons
Carlin	Fuller	Knapp	Patterson
Carter	Gaines	Knowland	Payne
Cary	Gallagher	Korbly	Perkins
Clark, Fla.	Gardner, Mass.	Kronmiller	Peters
Clark, Mo.	Gardner, Mich.	Küstermann	Plumley
Clayton	Garner, Pa.	Lafean	Pou
Cline	Garrett	Lamb	Pratt
Cocks, N. Y.	Gill, Md.	Langham	Rainey
Collier	Gillespie	Langley	Ransdell, La.
Conry	Gillett	Lassiter	Rauch
Cook	Glass	Latta	Reid
Cooper, Pa.	Godwin	Law	Reynolds
Cooper, Wis.	Goebel	Lawrence	Richardson
Covington	Goldfogle	Lee	Riordan
Cox, Ohio	Goulden	Lever	Roberts
Craig	Graham, Ill.	Lindsay	Robinson
Cravens	Graham, Pa.	Livingston	Rothermel
Crumpacker	Greene	Lloyd	Rucker, Mo.
Cullop	Griest	Longworth	Sabath
Currier	Griggs	Loud	Saunders
Cushman	Guernsey	Lovering	Shackleford
Dalzell	Hamill	Lundin	Sharp
Davidson	Hamilton	McCall	Sheffield
Sherley	Sperry	Thomas, N. C.	Weeks
Sherwood	Stafford	Thomas, Ohio	Weisse
Simmons	Stanley	Tilson	Wheeler
Sims	Stevens, Minn.	Tirrell	Wickliffe
Sisson	Sulloway	Tou Velle	Wiley
Small	Swasey	Townsend	Wilson, Ill.
Smith, Cal.	Talbott	Vreeland	Wilson, Pa.
Smith, Mich.	Tawney	Wallace	Young, Mich.
Snapp	Taylor, Ohio	Washburn	Young, N. Y.
Southwick	Tener	Watkins	
Sparkman	Thomas, Ky.	Webb	

ANSWERED "PRESENT"—2.

Moss	Olmsted

NOT VOTING—9.

Coudrey	Rhinock	Spight	Underwood
Crow	Russell	Sulzer	Willett
Gill, Mo.			

So the amendment was rejected.

Mr. SULZER. Mr. Speaker, how am I recorded?

The SPEAKER. The gentleman is not recorded.

Mr. SULZER. In the negative?

The SPEAKER. The gentleman from New York is not recorded.

Mr. SULZER. I wish to vote "no," Mr. Speaker.

The SPEAKER. Well, but was the gentleman present when his name was called?

Mr. SULZER. I just came in now.

The SPEAKER. The gentleman does not bring himself within the rule.

The result of the vote was announced as above recorded.

Mr. TALBOTT. Mr. Speaker, I offered an amendment yesterday to reduce the duty on pineapples—paragraph 275. I would like to know if it is in order now to ask for a yea-and-nay vote on that proposition? Under the ruling of the Chair I think I am entitled to it.

The SPEAKER. The amendment is not privileged under the order of the House.

The question is on the engrossment and third reading of the bill.

Mr. CLARK of Missouri. Mr. Speaker, is there not a coal oil amendment?

The SPEAKER. The Chair is informed that there is not.

Mr. DALZELL. Mr. Speaker, by unanimous consent crude oil and its products were put on the free list.

Mr. CLARK of Missouri. I know; but I would like to have a roll call on it.

Mr. DALZELL. Does the gentleman want to amend that?

Mr. CLARK of Missouri. No; I do not want to amend it. I want a roll call on the Payne amendment, and on that I ask for the yeas and nays.

The SPEAKER. The Chair will ascertain from the report.

Mr. NORRIS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. NORRIS. Inasmuch as the vote in the Committee of the Whole was on the oil proposition, and has not been voted upon by the House, it would not be in the bill if we did not vote on it. We have taken no vote on that; and, no matter whether it is by unanimous consent or how, we must take a vote here or it will not be in the bill.

Mr. PAYNE. Mr. Speaker, the whole history is not in the RECORD. A vote was taken several days ago on the motion of the gentleman from Nebraska [Mr. NORRIS] to put oil at a duty of 1 per cent, as well as the products, and the proviso was stricken out of the paragraph. This morning, by unanimous consent, on my motion, the committee authorized the chairman to report an amendment to the bill striking out section 36½, which was voted in the other day, and also to strike out the proviso in the free list, leaving petroleum and all its products on the free list. That was the amendment.

Mr. CLARK of Missouri. That is what I want to vote on.

Mr. OLMSTED. That is correct, Mr. Speaker, and that is one of the amendments reported by the chairman to the House.

The SPEAKER. Now, then, the recommendation of the committee is that the Norris amendment should be stricken out, and that the proviso on page 159 be stricken out.

Mr. NORRIS. That was stricken out, Mr. Speaker, by my amendment.

The SPEAKER. Precisely. Now, then, the House wants to agree or disagree.

Mr. NORRIS. That is the idea exactly. That is what I was trying to impress upon the Chair.

The SPEAKER. Without objection, the vote will be taken upon both propositions at the same time.

Mr. CLARK of Missouri. The oil provision is in there, in section 3, as placed in the RECORD this morning, and that is what I think the gentleman from Nebraska [Mr. NORRIS] amended by his motion.

Mr. NORRIS. I think the Speaker stated the proposition correctly.

Mr. CLARK of Missouri. I wanted a vote on the Payne amendment. That swallows up the Norris amendment.

Mr. NORRIS. I agree with the gentleman from Missouri that the vote here should be on the Payne amendment. That covers and includes the whole matter.

The SPEAKER. But both amendments have to be disposed of. It is the recommendation coming from the Committee of the Whole House to strike out the matter which was inserted by the Norris amendment.

Mr. HITCHCOCK. Mr. Speaker——

Mr. CLARK of Missouri. Mr. Speaker——

Mr. HITCHCOCK. Mr. Speaker, I desire to make a parliamentary inquiry.

The SPEAKER. One moment.

Mr. MANN. Mr. Speaker, in order that we may have the record correct, as I understand the matter, the other day the Committee of the Whole adopted an amendment striking out the proviso where oil comes in the free list, inserting a provision as section 36½ with 1 per cent duty. Yesterday the gentleman from New York offered an amendment to the amendment to the section carrying it and the countervailing proposition with it.

This morning he asked unanimous consent to strike out that part of the section providing for the countervailing duty on oil and to strike out section 36½, so that oil would be on the free list on the maximum and also on the free list under section 2.

Mr. BURLESON. Petroleum and its products.

Mr. MANN. He also asked at the same time that it be removed to the place in this bill where these things are properly included, so that a vote upon the Payne amendment would cover the entire proposition.

Mr. NORRIS. It strikes me that would cover the whole proposition.

Mr. DALZELL. I would like to ask the gentleman from Missouri if what he wants is not that we should have a roll call on the last Payne amendment, putting oil on the free list?

Mr. CLARK of Missouri. That is it.

Mr. BURLESON. Oil and its products.

Mr. DALZELL. That is all the gentleman is asking for.

Mr. UNDERWOOD. Let the amendment be reported, and then we will know.

Mr. OLMSTED. That is the Payne proposition?

Mr. NORRIS. The Payne amendment that offers to amend section 3 is not now before the House. As I understand the parliamentary situation, that was disposed of with the proviso in the committee amendment; and the only amendment that is now before the House is the Payne amendment with reference to the provision on page 159 of the bill, which strikes out the proviso and puts oil and its products on the free list.

The SPEAKER. The difficulty arises from the multiplicity of amendments reported by the Chairman of the Committee of the Whole House on the state of the Union. The Chair is just trying to find what the report was; that is all. As near as the Chair has been able to ascertain, the amendment striking out the proviso to paragraph 637, on page 159, leaves oil and its products on the free list.

Mr. NORRIS. That is the amendment of the gentleman from New York.

The SPEAKER. That is the amendment offered by the gentleman from New York. And the amendment of the gentleman, which was amended in the Committee of the Whole House, making the duty 1 cent was stricken out by unanimous consent. So that his amendment and that amendment are parliamentarily as if they never existed; and the vote is to be taken upon the motion to strike out the proviso. If the House should concur in the recommendation of the committee, it would accomplish——

Mr. NORRIS. I think, Mr. Speaker, that is practically the parliamentary situation.

The SPEAKER. The question is on striking out the proviso.

Mr. UNDERWOOD. Let the amendment be reported.

Mr. KEIFER. We have to vote on the question of putting petroleum on the free list.

The SPEAKER. It was on the free list in the bill. The proviso is the countervailing duty. If the gentleman desires, it will be read.

Mr. FINLEY. I ask that it be read.

Mr. GAINES. I ask for order, Mr. Speaker; it is impossible to understand what is being done on account of the number of gentlemen down in front.

The SPEAKER. The Clerk will read the proviso that is to be stricken out.

The Clerk read as follows:

Strike out of paragraph 637 the following proviso:

"*Provided*, That if there be imported into the United States crude petroleum, or the products of crude petroleum produced in any country which imposes a duty on petroleum or its products exported from the United States, there shall in such cases be levied, paid, and collected a duty upon said crude petroleum or its products so imported equal to the duty imposed by such country."

Mr. BURLESON. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. BURLESON. In order to accomplish what the gentleman's amendment sought to do, ought not there to be inserted, in line 20, after the word "crude," "and the products thereof?"

Mr. NORRIS. I think that was included in the amendment.

Mr. PAYNE. There is no such proposition before the House. Petroleum is on the free list.

Mr. POINDEXTER. Mr. Speaker, the language which the gentleman from Texas desires to retain is already incorporated in the words "petroleum, crude or refined." They will be left on the free list.

The SPEAKER. The question is on striking out the proviso, which has been read.

The question was taken, and the Speaker announced that the ayes seemed to have it.

Mr. CLARK of Missouri. Yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas, 322, nays 47, answered "present" 1, not voting 18, as follows:

YEAS—322.

Adair	Diekema	Hill	Morgan, Mo.
Adamson	Dies	Hinshaw	Morgan, Okla.
Aiken	Dixon, Ind.	Hitchcock	Morrison
Alexander, Mo.	Dodds	Hobson	Morse
Allen	Douglas	Houston	Moss
Ames	Draper	Howard	Mudd
Anderson	Driscoll, D. A.	Howell, N. J.	Murdock
Ansberry	Driscoll, M. E.	Howland	Murphy
Anthony	Durey	Hubbard, Iowa	Nelson
Ashbrook	Dwight	Hughes, Ga.	Nicholls
Barnard	Edwards, Ga.	Hughes, N. J.	Norris
Barnhart	Ellerbe	Hull, Iowa.	Nye
Bartholdt	Ellis	Hull, Tenn.	O'Connell
Bartlett, Ga.	Elvins	Humphrey, Wash.	Olcott
Bartlett, Nev.	Esch	Humphreys, Miss.	Oldfield
Beall, Tex.	Estopinal	James	Olmsted
Bell, Ga.	Fairchild	Jamieson	Padgett
Bennet, N. Y.	Fassett	Johnson, Ky.	Page
Bingham	Ferris	Johnson, S. C.	Palmer, A. M.
Boehne	Finley	Jones	Parker
Booher	Fish	Joyce	Parsons
Borland	Fitzgerald	Keifer	Patterson
Boutell	Flood, Va.	Keliher	Payne
Bowers	Floyd, Ark.	Kendall	Pearre
Bradley	Focht	Kennedy, Iowa	Perkins
Brantley	Foelker	Kennedy, Ohio	Peters
Broussard	Fordney	Kinkaid, Nebr.	Pickett
Brownlow	Fornes	Kinkead, N. J.	Plumley
Burgess	Foss	Kitchin	Poindexter
Burke, S. Dak.	Foster, Ill.	Knapp	Pou
Burleigh	Foster, Vt.	Kopp	Pratt
Burleson	Foulkrod	Korbly	Pray
Burnett	Fowler	Kronmiller	Prince
Butler	Fuller	Küstermann	Pujo
Byrd	Gallagher	Lafean	Rainey
Byrns	Gardner, Mass.	Lamb	Randell, Tex.
Calder	Gardner, Mich.	Lassiter	Ransdell, La.
Calderhead	Garner, Pa.	Latta	Rauch
Campbell	Garner, Tex.	Law	Reeder
Candler	Garrett	Lawrence	Reid
Cantrill	Gill, Md.	Lee	Reynolds
Capron	Gillespie	Lenroot	Richardson
Carlin	Gillett	Lindbergh	Riordan
Carter	Glass	Lindsay	Roberts
Cary	Godwin	Livingston	Robinson
Chapman	Goldfogle	Lloyd	Rodenberg
Clark, Fla.	Good	Longworth	Rothermel
Clark, Mo.	Gordon	Loud	Rucker, Colo.
Clayton	Goulden	Loudenslager	Rucker, Mo.
Cline	Graff	Lovering	Sabath
Cocks, N. Y.	Graham, Ill.	Lowden	Saunders
Collier	Greene	Lundin	Shackleford
Conry	Gregg	McCall	Sharp
Cook	Griest	McDermott	Sheffield
Cooper, Pa.	Griggs	McHenry	Sheppard
Cooper, Wis.	Gronna	McKinley, Ill.	Sherley
Covington	Guernsey	McKinney	Sherwood
Cowles	Hamer	McLaughlin, Mich.	Simmons
Cox, Ind.	Hamill	McMorran	Sims
Cox, Ohio	Hamilton	Macon	Sisson
Craig	Hamlin	Madden	Slayden
Cravens	Hammond	Madison	Slemp
Crumpacker	Hanna	Maguire, Nebr.	Small
Cullop	Hardwick	Martin, Colo.	Smith, Iowa
Currier	Hardy	Martin, S. Dak.	Smith, Mich.
Cushman	Harrison	Maynard	Smith, Tex.
Davidson	Haugen	Mays	Snapp
Davis	Hawley	Miller, Kans.	Sparkman
Dawson	Hay	Miller, Minn.	Speight
De Armond	Heald	Millington	Stafford
Denby	Heflin	Moon, Tenn.	Stanley
Dent	Helm	Moore, Pa.	Steenerson
Denver	Henry, Tex.	Moore, Tex.	Stephens, Tex.
Dickson, Miss.	Higgins	Morehead	Sulloway

Sulzer	Thomas, Ky.	Wallace	Wilson, Ill.
Talbott	Thomas, N. C.	Wanger	Wilson, Pa.
Tawney	Tilson	Watkins	Wood, N. J.
Taylor, Ala.	Tirrell	Webb	Woods, Iowa
Taylor, Colo.	Tou Velle	Weisse	Young, N. Y.
Taylor, Ohio	Townsend	Wickliffe	
Thistlewood	Underwood	Wiley	

NAYS—47.

Alexander, N. Y.	Englebright	Kahn	Southwick
Andrus	Gaines	Knowland	Sturgiss
Austin	Goebel	Langham	Tener
Barchfeld	Graham, Pa.	Langley	Thomas, Ohio
Barclay	Grant	Lorimer	Vreeland
Bates	Hayes	McCreary	Washburn
Bennett, Ky.	Hollingsworth	McKinlay, Cal.	Weeks
Burke, Pa.	Howell, Utah	McLachlan, Cal.	Wheeler
Cole	Hubbard, W. Va.	Mann	Woodyard
Creager	Huff	Mondell	Young, Mich.
Dalzell	Hughes, W. Va.	Moon, Pa.	The Speaker
Edwards, Ky.	Johnson, Ohio	Needham	

ANSWERED "PRESENT"—1.

Lever

NOT VOTING—18.

Coudrey	McGuire, Okla.	Scott	Swasey
Crow	Malby	Smith, Cal.	Volstead
Gardner, N. J.	Palmer, H. W.	Sperry	Willett
Gill, Mo.	Rhinock	Sterling	
Henry, Conn.	Russell	Stevens, Minn.	

So the amendment was agreed to.

The Clerk announced the following additional pair:

For the remainder of this day:

Mr. SCOTT with Mr. LEVER.

Mr. LEVER. Mr. Speaker, I desire to know if the gentleman from Kansas [Mr. SCOTT] has voted.

The SPEAKER. He has not.

Mr. LEVER. Then I desire to change my vote from "aye" to "present."

The SPEAKER. The Clerk will call my name.

The Clerk called the Speaker's name, and he voted in the negative.

The result of the vote was announced as above recorded.

The SPEAKER. The question is on the engrossment and third reading of the bill.

Mr. COOPER of Wisconsin. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. COOPER of Wisconsin. Was there not an amendment offered by the gentleman from New York [Mr. PAYNE] which in specific terms put petroleum and its products on the free list? I do not understand that the words "and its products" are in any amendment which we have voted on in the House.

The SPEAKER. The amendments are disposed of that were reported to the House.

The bill was ordered to be engrossed and read a third time, and was accordingly read the third time.

Mr. LINDBERGH. Mr. Speaker——

Mr. CLARK of Missouri. Mr. Speaker——

Mr. LINDBERGH. I move to recommit the bill with the following instructions——

The SPEAKER. The Chair will recognize the gentleman from Missouri.

Mr. CLARK of Missouri. I offer a motion to recommit, and want to ask the Speaker a parliamentary question before he puts that motion. Does the rule as adopted carry the previous question with it, or do I have to move the previous question, under the rule we are operating under?

Mr. PAYNE. I am entitled to recognition after he gets through, and I will move the previous question, if he makes the motion I expect him to make.

Mr. CLARK of Missouri. I will make the motion myself.

Mr. MADDEN. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. I wish to inquire under what rule of practice in the House the gentleman from Missouri seeks recognition for the purpose of making a motion to recommit?

Mr. CLARK of Missouri. It has been that way for years.

The SPEAKER. Under the new rule adopted at the beginning of the session, popularly known as the "Fitzgerald amendment." [Laughter and applause.]

Mr. MURDOCK. Mr. Speaker, a parliamentary inquiry, and in good faith.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. The gentleman from Minnesota asked for recognition under the new rule. Was not he entitled to it?

The SPEAKER. The Chair in carrying out the new rule lately adopted feels that in fairness, following a fair construction of the rule, the gentleman from Missouri, a member of the minority of the Committee on Ways and Means, the leading opponent to the bill, should be recognized for the purpose of making the motion to recommit. [Applause.] And therefore the Chair recognizes the gentleman from Missouri [Mr. CLARK].

Mr. MURDOCK. Another parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MURDOCK. I wish to call the Speaker's attention to the fact that the Fitzgerald amendment, or the new rule, does not specify a member of the minority as the one opposed to the bill.

The SPEAKER. The Clerk will read the rule.

The Clerk read as follows:

Amend Rule XVI by adding at the end of paragraph 4: "After the previous question shall have been ordered on the passage of the bill or joint resolution, one motion to recommit shall be in order, and the Speaker shall give preference in recognition for such purpose to a Member who is opposed to the bill or joint resolution."

The SPEAKER. Now, the Chair, in fairness, as the Chair seeks to be in the construction of the rule, recognizes the gentleman at the head of the minority on the Ways and Means Committee and the leading opponent to the bill.

Mr. CLARK of Missouri. Mr. Speaker, I move the resolution to recommit and the previous question upon it.

The SPEAKER. The gentleman is recognized just as far as the rule empowers him.

Mr. CLARK of Missouri. I will modify that by moving to adopt the resolution to recommit.

The SPEAKER. The gentleman from Missouri moves to recommit. The Clerk will report the resolution.

Mr. PAYNE. Mr. Speaker, I call for order.

The SPEAKER. The Chair believes that gentlemen should all be seated and that we should have complete order, for the reason, among others, that there is no debate upon the motion to recommit, and therefore the Chair desires to hear and believes that every other Member should also listen.

The Clerk read as follows:

Resolved, That the bill H. R. 1438 be recommitted to the Committee on Ways and Means with instructions to amend the bill as hereinafter specified and report the same back to the House at as early a date as practicable:

First. Amend by reducing the duties carried by the bill to revenue rates, so as to raise the maximum of revenue with the minimum of burden of taxation upon the masses of the American people, so adjusting the rates of duty as to deal fairly with both producer and consumer, with due regard to the needs of the Government.

Second. Amend by making the rates of duty named in the bill the maximum rates, and provide for minimum rates below the said maximum rates that may be allowed foreign countries for like concessions on their part.

Third. Amend section 19 by providing that the discriminating duty of 10 per cent ad valorem therein provided for to be imposed on goods, wares, and merchandise imported in vessels not of the United States shall be so amended as to provide for a rebate of 10 per cent ad valorem of the duties provided for in the bill on all imports entering our ports from foreign countries in vessels of the United States in place of the discriminating duties now provided for in said section.

Fourth. Amend by inserting a new paragraph in said bill that will provide for a graduated tax to be levied on incomes.

Fifth. Amend as follows: Strike out all of section 350, covering bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, and transfer the same to the free list.

Sixth. Amend as follows: Strike out section 123, covering hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton, and transfer same to the free list.

Seventh. Amend by placing leather, harness, boots, shoes, and all other products of leather on the free list.

Eighth. Amend by placing articles entering into competition with trust-controlled products upon the free list.

Ninth. Amend by placing cocoa, or cacao, crude and fiber, leaves and shells of, on the free list.

Tenth. Amend section 23 by providing that vessels built in foreign countries, when purchased by citizens of the United States for use in the ocean carrying trade, may be given American registry under rules and regulations, providing the same shall be officered by American citizens.

Eleventh. Amend by cutting out all increases made in the Payne bill on hosiery and gloves, so as to materially decrease instead of materially increasing the Dingley law rates.

Twelfth. Amend by placing all agricultural implements on the free list.

Thirteenth. Amend by adding the following paragraph:

"Whenever the President of the United States shall be satisfied that the price of any commodity or article of merchandise has been enhanced in consequence of any monopoly or trust in the United States, he shall issue his proclamation suspending the collection of all customs duties or import taxes on like articles of merchandise or commodities brought from foreign countries. Such suspension shall continue as long as such enhancement in price of such commodity or article of merchandise exists and until revoked by the President."

Fourteenth. Amend by reducing and adjusting rates in all schedules so that the duties shall not exceed the difference in the cost of labor in America and abroad and shall be upon a basis to produce increased revenue for the Government and competitive prices for the American consumer.

Mr. PAYNE. Mr. Speaker, I move the previous question on the motion made by the gentleman from Missouri.

The previous question was ordered.

The SPEAKER. As many as are in favor of the motion made by the gentleman from Missouri will say "aye."

Mr. CLARK of Missouri. Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 162, nays 218, answered "present" 1, not voting 7, as follows:

YEAS—162.

Adair	Dickson, Miss.	Hughes, N. J.	Ransdell, La.
Adamson	Dies	Hull, Tenn.	Rauch
Aiken	Dixon, Ind.	Humphreys, Miss.	Reid
Alexander, Mo.	Driscoll, D. A.	James	Richardson
Anderson	Edwards, Ga.	Jamieson	Riordan
Ansberry	Ellerbe	Johnson, Ky.	Robinson
Ashbrook	Ferris	Johnson, S. C.	Rothermel
Barnhart	Finley	Jones	Rucker, Colo.
Bartlett, Ga.	Fitzgerald	Kelliher	Rucker, Mo.
Bartlett, Nev.	Flood, Va.	Kinkead, N. J.	Sabath
Beall, Tex.	Floyd, Ark.	Kitchin	Saunders
Bell, Ga.	Fornes	Korbly	Shackleford
Boehne	Foster, Ill.	Lamb	Sharp
Booher	Gallagher	Lassiter	Sheppard
Borland	Garner, Tex.	Latta	Sherley
Bowers	Garrett	Lee	Sherwood
Brantley	Gill, Md.	Lindsay	Sims
Burgess	Gillespie	Livingston	Sisson
Burleson	Glass	Lloyd	Slayden
Burnett	Godwin	McDermott	Small
Byrd	Goldfogle	McHenry	Smith, Tex.
Byrns	Gordon	Macon	Sparkman
Candler	Goulden	Maguire, Nebr.	Spight
Cantrill	Graham, Ill.	Martin, Colo.	Stanley
Carlin	Gregg	Maynard	Stephens, Tex.
Carter	Griggs	Mays	Sulzer
Clark, Fla.	Hamill	Moon, Tenn.	Talbott
Clark, Mo.	Hamlin	Moore, Tex.	Taylor, Ala.
Clayton	Hammond	Morrison	Taylor, Colo.
Cline	Hardwick	Moss	Thomas, Ky.
Collier	Hardy	Nicholls	Thomas, N. C.
Conry	Harrison	O'Connell	Tou Velle
Covington	Hay	Oldfield	Underwood
Cox, Ind.	Heflin	Padgett	Wallace
Cox, Ohio	Helm	Page	Watkins
Craig	Henry, Tex.	Palmer, A. M.	Webb
Cravens	Hitchcock	Patterson	Weisse
Cullop	Hobson	Peters	Wickliffe
De Armond	Houston	Pou	Wilson, Pa.
Dent	Howard	Rainey	
Denver	Hughes, Ga.	Randell, Tex.	

NAYS—218.

Alexander, N. Y.	Estopinal	Kinkaid, Nebr.	Parsons
Allen	Fairchild	Knapp	Payne
Ames	Fassett	Knowland	Pearre
Andrus	Fish	Kopp	Perkins
Anthony	Focht	Kronmiller	Pickett
Austin	Foelker	Küstermann	Plumley
Barchfeld	Fordney	Lafean	Poindexter
Barclay	Foss	Langham	Pratt
Barnard	Foster, Vt.	Langley	Pray
Bartholdt	Foulkrod	Law	Prince
Bates	Fowler	Lawrence	Pujo
Bennet, N. Y.	Fuller	Lenroot	Reeder
Bennett, Ky.	Gaines	Lindbergh	Reynolds
Bingham	Gardner, Mass.	Longworth	Roberts
Boutell	Gardner, Mich.	Lorimer	Rodenberg
Bradley	Gardner, N. J.	Loud	Sheffield
Broussard	Garner, Pa.	Loudenslager	Simmons
Brownlow	Gillett	Lovering	Slemp
Burke, Pa.	Goebel	Lowden	Smith, Cal.
Burke, S. Dak.	Good	Lundin	Smith, Iowa
Burleigh	Graff	McCall	Smith, Mich.
Butler	Graham, Pa.	McCreary	Snapp
Calder	Grant	McGuire, Okla.	Southwick
Calderhead	Greene	McKinlay, Cal.	Sperry
Campbell	Griest	McKinley, Ill.	Stafford
Capron	Gronna	McKinney	Steenerson
Cary	Guernsey	McLachlan, Cal.	Sterling
Chapman	Hamer	McLaughlin, Mich.	Stevens, Minn.
Cocks, N. Y.	Hamilton	McMorran	Sturgiss
Cole	Hanna	Madden	Sulloway
Cook	Haugen	Madison	Swasey
Cooper, Pa.	Hawley	Malby	Tawney
Cooper, Wis.	Hayes	Mann	Taylor, Ohio
Cowles	Heald	Martin, S. Dak.	Tener
Creager	Henry, Conn.	Miller, Kans.	Thistlewood
Crumpacker	Higgins	Miller, Minn.	Thomas, Ohio
Currier	Hill	Millington	Tilson
Cushman	Hinshaw	Mondell	Tirrell
Dalzell	Hollingsworth	Moon, Pa.	Townsend
Davidson	Howell, N. J.	Moore, Pa.	Volstead
Davis	Howell, Utah	Morehead	Vreeland
Dawson	Howland	Morgan, Mo.	Wanger
Denby	Hubbard, Iowa	Morgan, Okla.	Washburn
Dickema	Hubbard, W. Va.	Morse	Weeks
Dodds	Huff	Mudd	Wheeler
Douglas	Hughes, W. Va.	Murdock	Wiley
Draper	Hull, Iowa	Murphy	Wilson, Ill.
Driscoll, M. E.	Humphrey, Wash.	Needham	Wood, N. J.
Durey	Johnson, Ohio	Nelson	Woods, Iowa
Dwight	Joyce	Norris	Woodyard
Edwards, Ky.	Kahn	Nye	Young, Mich.
Ellis	Keifer	Olcott	Young, N. Y.
Elvins	Kendall	Olmsted	The Speaker
Englebright	Kennedy, Iowa	Palmer, H. W.	
Esch	Kennedy, Ohio	Parker	

ANSWERED "PRESENT"—1.

Lever

NOT VOTING—7.

Coudrey	Gill, Mo.	Russell	Willett
Crow	Rhinock	Scott	

So the motion to recommit was rejected.

The result of the vote was announced as above recorded.

The SPEAKER. The question now is upon the passage of the bill.

Mr. PAYNE. And upon that, Mr. Speaker, I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 217, nays 161, answered "present" 1, not voting 9, as follows:

YEAS—217.

Alexander, N. Y.	Fairchild	Knapp	Payne
Allen	Fassett	Knowland	Pearre
Ames	Fish	Kopp	Perkins
Andrus	Focht	Kronmiller	Pickett
Anthony	Foelker	Küstermann	Plumley
Barchfeld	Fordney	Lafean	Poindexter
Barclay	Foss	Langham	Pratt
Barnard	Foster, Vt.	Langley	Pray
Bartholdt	Foulkrod	Law	Prince
Bates	Fowler	Lawrence	Pujo
Bennet, N. Y.	Fuller	Lenroot	Reeder
Bennett, Ky.	Gaines	Lindbergh	Reynolds
Bingham	Gardner, Mass.	Longworth	Roberts
Boutell	Gardner, Mich.	Lorimer	Rodenberg
Bradley	Gardner, N. J.	Loud	Sheffield
Broussard	Garner, Pa.	Loudenslager	Simmons
Brownlow	Gillett	Lovering	Slemp
Burke, Pa.	Goebel	Lowden	Smith, Cal.
Burke, S. Dak.	Good	Lundin	Smith, Iowa
Burleigh	Graff	McCall	Smith, Mich.
Butler	Graham, Pa.	McCreary	Snapp
Calder	Grant	McGuire, Okla.	Southwick
Calderhead	Greene	McKinlay, Cal.	Stafford
Campbell	Griest	McKinley, Ill.	Steenerson
Capron	Gronna	McKinney	Sterling
Cary	Guernsey	McLachlan, Cal.	Stevens, Minn.
Chapman	Hamer	McLaughlin, Mich.	Sturgiss
Cocks, N. Y.	Hamilton	McMorran	Sulloway
Cole	Hanna	Madden	Swasey
Cook	Haugen	Madison	Tawney
Cooper, Pa.	Hawley	Malby	Taylor, Ohio
Cooper, Wis.	Hayes	Mann	Tener
Cowles	Heald	Martin, S. Dak.	Thistlewood
Creager	Henry, Conn.	Miller, Kans.	Thomas, Ohio
Crumpacker	Higgins	Miller, Minn.	Tilson
Currier	Hill	Millington	Tirrell
Cushman	Hinshaw	Mondell	Townsend
Dalzell	Hollingsworth	Moon, Pa.	Volstead
Davidson	Howell, N. J.	Moore, Pa.	Vreeland
Davis	Howell, Utah	Morehead	Wanger
Dawson	Howland	Morgan, Mo.	Washburn
Denby	Hubbard, Iowa	Morgan, Okla.	Weeks
Dickema	Hubbard, W. Va.	Morse	Wheeler
Dodds	Huff	Mudd	Wickliffe
Douglas	Hughes, W. Va.	Murdock	Wiley
Draper	Hull, Iowa	Murphy	Wilson, Ill.
Driscoll, M. E.	Humphrey, Wash.	Needham	Wood, N. J.
Durey	Johnson, Ohio	Nelson	Woods, Iowa
Dwight	Joyce	Norris	Woodyard
Edwards, Ky.	Kahn	Nye	Young, Mich.
Ellis	Keifer	Olcott	Young, N. Y.
Elvins	Kendall	Olmsted	The Speaker
Englebright	Kennedy, Iowa	Palmer, H. W.	
Esch	Kennedy, Ohio	Parker	
Estopinal	Kinkaid, Nebr.	Parsons	

NAYS—161.

Adair	Denver	Hughes, Ga.	Ransdell, La.
Adamson	Dickson, Miss.	Hughes, N. J.	Rauch
Aiken	Dies	Hull, Tenn.	Reid
Alexander, Mo.	Dixon, Ind.	Humphreys, Miss.	Richardson
Anderson	Driscoll, D. A.	James	Riordan
Ansberry	Edwards, Ga.	Jamieson	Robinson
Ashbrook	Ellerbe	Johnson, Ky.	Rothermel
Austin	Ferris	Johnson, S. C.	Rucker, Colo.
Barnhart	Finley	Jones	Rucker, Mo.
Bartlett, Ga.	Fitzgerald	Kelliher	Sabath
Bartlett, Nev.	Flood, Va.	Kinkead, N. J.	Saunders
Beall, Tex.	Floyd, Ark.	Kitchin	Shackleford
Bell, Ga.	Fornes	Korbly	Sharp
Boehne	Foster, Ill.	Lamb	Sheppard
Booher	Gallagher	Lassiter	Sherley
Borland	Garner, Tex.	Latta	Sherwood
Bowers	Garrett	Lee	Sims
Brantley	Gill, Md.	Livingston	Sisson
Burgess	Gillespie	Lloyd	Slayden
Burleson	Glass	McDermott	Small
Burnett	Godwin	McHenry	Smith, Tex.
Byrd	Goldfogle	Macon	Sparkman
Byrns	Gordon	Maguire, Nebr.	Spight
Candler	Goulden	Martin, Colo.	Stanley
Cantrill	Graham, Ill.	Maynard	Stephens, Tex.
Carlin	Gregg	Mays	Sulzer
Carter	Griggs	Moon, Tenn.	Talbott
Clark, Fla.	Hamill	Moore, Tex.	Taylor, Ala.
Clark, Mo.	Hamlin	Morrison	Taylor, Colo.
Clayton	Hammond	Moss	Thomas, Ky.
Cline	Hardwick	Nicholls	Thomas, N. C.
Collier	Hardy	O'Connell	Tou Velle
Conry	Harrison	Oldfield	Underwood
Covington	Hay	Padgett	Wallace
Cox, Ind.	Heflin	Page	Watkins
Cox, Ohio	Helm	Palmer, A. M.	Webb
Craig	Henry, Tex.	Patterson	Weisse
Cravens	Hitchcock	Peters	Wilson, Pa.
Cullop	Hobson	Pou	
De Armond	Houston	Rainey	
Dent	Howard	Randell, Tex.	

ANSWERED "PRESENT"—1.

Lever

NOT VOTING—9.

Coudrey	Lindsay	Russell	Sperry
Crow	Rhinock	Scott	Willett
Gill, Mo.			

So the bill was passed.

The Speaker directed that his name be called; and when it was called, he answered "aye," as above recorded.

The following additional pair was announced:

Mr. LEVER with Mr. SCOTT.

Mr. STANLEY. Mr. Speaker, how is Mr. SCOTT recorded on this roll? I wish to vote "present," because I am paired with Mr. SCOTT.

The SPEAKER. Mr. SCOTT is recorded as voting "present."

Mr. STANLEY. I now understand that Mr. LEVER is paired with Mr. SCOTT.

Mr. LEVER. I have a pair with Mr. SCOTT.

Mr. STANLEY. Then, Mr. Speaker, I desire to vote "no."

The result of the vote was then announced, as above recorded. [Loud and continued applause.]

On motion of Mr. PAYNE, a motion to reconsider the vote by which the bill was passed was laid on the table.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for a print of the bill, 1,200 copies, as it passed the House, and that in the printing the numbering of the paragraphs and sections be preserved.

The SPEAKER. Is there objection?

Mr. FINLEY. Will that put them in the document room?

Mr. PAYNE. I do not know where they will go.

Mr. FINLEY. I think they should go to the folding room. The gentleman ought to know; for if they go to the document room, Members will not get them. I move to amend by directing that they go to the folding room.

The SPEAKER. Is there objection to the request of the gentleman from New York?

Mr. CLARK of Missouri. If the gentleman from New York says they shall go to the folding room——

Mr. PAYNE. I am told they will go to the folding room.

Mr. CLARK of Missouri. All right.

The SPEAKER. The Chair hears no objection.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. MOON of Tennessee, indefinitely, on account of important business.

To Mr. JOHNSON of South Carolina, indefinitely, on account of important business.

To Mr. FINLEY, indefinitely, on account of business.

To Mr. MOSS, indefinitely, on account of important business.

DAYS OF MEETING.

Mr. DALZELL. Mr. Speaker, I offer the following resolution and move its adoption.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 58.

Resolved, That until further ordered the House shall meet only on Mondays and Thursdays of each week.

Mr. DALZELL. Mr. Speaker, it is perfectly manifest that the House has no business to do, and will not have any business at all until some report is made from the Senate. It will be perfectly useless to have all the Members of the House come up here day by day simply for the purpose of adjourning. The incidental business that we may likely be called upon to do can be done on Mondays and Thursdays, and if this resolution be passed by a quorum, and we certainly have a quorum here now, we will be relieved from the necessity of coming up every day to the House and agreeing to a motion to adjourn. The resolution is identical in terms with the one that was adopted in the Fifty-fifth Congress after the passage of the Dingley law when it went to the Senate.

Mr. CLARK of Missouri. Mr. Speaker, the only objection I have to it—I am not going to object—is that it is unconstitutional, as the House can not adjourn but three days at a time, and if the House will give unanimous consent for me to print some remarks on that subject I will not weary myself or the House with them now.

Mr. DALZELL. Mr. Speaker, I am sure they will. [Laughter and applause.]

The SPEAKER. Is there objection to the request of the gentleman from Missouri? [After a pause.] The Chair hears none.

The question was taken, and the resolution was agreed to.

ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move when the House adjourn to-day it adjourn to meet on Monday next.

The motion was agreed to.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move the House do now adjourn.

The motion was agreed to.

Accordingly (at 8 o'clock and 20 minutes p. m.) the House adjourned until Monday, April 12, 1909, at 12 o'clock noon.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of War, transmitting, with a letter from the Chief of Engineers, report of examination and survey of St. Andrews Bay, Florida (H. Doc. No. 12), was taken from the Speaker's table, referred to the Committee on Rivers and Harbors, and ordered to be printed with illustrations.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HULL of Tennessee: A bill (H. R. 6854) for the erection of a public building at Dayton, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6855) for the erection of a public building at Gallatin, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 6856) making appropriation for the construction and equipment of a Weather Bureau observatory on Crab Orchard Mountain, Cumberland County, Tenn.—to the Committee on Agriculture.

Also, a bill (H. R. 6857) authorizing the Secretary of War to supervise the erection of monuments and markers and locate the route of "the great stage road," also known as the "Walton road"—to the Committee on the Library

By Mr. SIMMONS: A bill (H. R. 6858) for the erection of a public building at Batavia, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. AUSTIN: A bill (H. R. 6859) to authorize the Secretary of War to commence and complete the locking and damming of the Clinch River, in Tennessee, above Kingston and to Walkers Ford, and in accordance with the plan heretofore adopted—to the Committee on Rivers and Harbors.

By Mr. CAMERON: A bill (H. R. 6860) to amend section 2, chapter 1159, United States Statutes at Large, volume 32, part 1, page 405, and for other purposes—to the Committee on the Territories.

By Mr. BURKE of South Dakota: A bill (H. R. 6861) granting a condemned cannon to John A. Dix Post, Grand Army of the Republic, of Highmore, S. Dak.—to the Committee on Military Affairs.

By Mr. STERLING: A bill (H. R. 6862) for permanent consular improvement and commercial enlargement—to the Committee on Foreign Affairs.

By Mr. GRIEST: A bill (H. R. 6863) to amend a provision in the "Act making appropriations for the service of the Post-Office Department for the fiscal year ending June 30, 1882, and for other purposes," approved March 1, 1881—to the Committee on the Post-Office and Post-Roads.

By Mr. SIMS: A bill (H. R. 6864) to levy and collect a tax on the gross receipts of all corporations, firms, or persons doing an interstate business—to the Committee on Ways and Means.

By Mr. HUMPHREY of Washington: A bill (H. R. 6865) to provide for the greater security of life and property on navigable waters, for the inspection of vessels, and for other purposes—to the Committee on the Merchant Marine and Fisheries.

By Mr. WALLACE: A bill (H. R. 6866) to extend the time for the construction of a bridge across the Ouachita River at or near Camden, Ark.—to the Committee on Interstate and Foreign Commerce.

By Mr. HAMILTON: A bill (H. R. 6867) to authorize the city of Sturgis, Mich., to construct a dam across the St. Joseph River—to the Committee on Interstate and Foreign Commerce.

By Mr. LORIMER: Resolution (H. Res. 56) providing additional compensation for the assistant foreman of the folding room—to the Committee on Accounts.

By Mr. LUNDIN: Resolution (H. Res. 57) authorizing the Speaker to appoint a select committee to make an investigation concerning old-age insurance—to the Committee on Rules.

By Mr. BURLEIGH: Memorial of the legislature of Maine, against the passage of any law by Congress imposing any tax on succession of inheritances—to the Committee on Ways and Means.

Also, memorial of the legislature of Maine, in favor of the enactment of a law creating a volunteer retired list—to the Committee on Military Affairs.

By Mr. HIGGINS: Memorial of the legislature of Connecticut, concerning reservation of inheritance tax for state revenue—to the Committee on Ways and Means.

By Mr. SPERRY: Memorial of the legislature of Connecticut, favoring a change in the date of the inauguration of the President and Vice-President—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, memorial of the legislature of the State of Connecticut, favoring the reservation of inheritance tax for state revenue—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AIKEN: A bill (H. R. 6868) for the relief of R. Smith Bailey—to the Committee on War Claims.

By Mr. ASHBROOK: A bill (H. R. 6869) granting an increase of pension to Rachel A. Johnson—to the Committee on Invalid Pensions.

By Mr. BARCHFELD: A bill (H. R. 6870) granting an increase of pension to Leopold Bertsche—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 6871) granting an increase of pension to Christopher G. Bollman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6872) granting an increase of pension to Henry R. Tobias—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6873) granting an increase of pension to David Copley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6874) granting an increase of pension to Phillip Wolfenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6875) granting an increase of pension to John M. Dorland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6876) granting an increase of pension to John W. Bentz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6877) granting an increase of pension to Albert G. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6878) granting an increase of pension to William Shively—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6879) granting an increase of pension to Henry H. Weirick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6880) granting an increase of pension to Alfred Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6881) granting an increase of pension to Peter Spangler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6882) for the relief of William H. Richhart—to the Committee on War Claims.

Also, a bill (H. R. 6883) to remove the charge of desertion from the military record of George W. Dunlap and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BARTHOLDT: A bill (H. R. 6884) for the relief of Edward Cahalan, and the heirs of Milton C. Espey, Edmund P. Wilcox, and Hampton L. Lee, deceased—to the Committee on War Claims.

By Mr. BENNET of New York: A bill (H. R. 6885) to reimburse the Gore-Duggan Engineering Company—to the Committee on Claims.

Also, a bill (H. R. 6886) granting an increase of pension to Terence N. Foley—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 6887) granting an increase of pension to John R. Carrol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6888) granting an increase of pension to Richard A. Wood—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 6889) granting a pension to Newell Wolcott—to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 6890) granting an increase of pension to Reubin Allred—to the Committee on Pensions.

By Mr. CANNON: A bill (H. R. 6891) granting a pension to Horatio M. Jones—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 6892) for the relief of Mrs. M. A. Turner—to the Committee on War Claims.

Also, a bill (H. R. 6893) for the relief of the estate of Sandford Humphrey, deceased—to the Committee on War Claims.

By Mr. CARY: A bill (H. R. 6894) granting an increase of pension to Eugene Foot—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 6895) granting an increase of pension to Martin A. Didion—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 6896) granting an increase of pension to William Newton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6897) granting an increase of pension to John J. Alles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6898) granting a pension to Thomas Finney—to the Committee on Pensions.

Also, a bill (H. R. 6899) granting a pension to Thomas J. D. Pinnick—to the Committee on Pensions.

By Mr. CRAVENS: A bill (H. R. 6900) for the relief of the estate of Leroy Noble—to the Committee on War Claims.

By Mr. CREAGER: A bill (H. R. 6901) to provide for the honorable discharge of Platoff Bush—to the Committee on Military Affairs.

By Mr. DENVER: A bill (H. R. 6902) granting an increase of pension to William H. Few—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6903) granting an increase of pension to David Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6904) granting an increase of pension to James W. McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6905) granting an increase of pension to Phillip P. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6906) granting an increase of pension to Hill C. Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6907) granting an increase of pension to Elijah Cowen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6908) granting an increase of pension to Thomas L. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6909) granting an increase of pension to Frank L. Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6910) granting an increase of pension to William H. Everhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6911) granting an increase of pension to Alexander Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6912) granting an increase of pension to William J. Srofe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6913) granting an increase of pension to Samuel N. Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6914) granting an increase of pension to Silas W. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6915) granting an increase of pension to Henry Babb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6916) granting an increase of pension to George W. Brookover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6917) granting an increase of pension to James Gaines—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6918) granting an increase of pension to John Hiett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6919) granting an increase of pension to John N. McCollough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6920) granting an increase of pension to John W. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6921) granting an increase of pension to Mahlon O. Sween—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6922) granting an increase of pension to John Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6923) granting an increase of pension to Tilghman R. Willis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6924) granting an increase of pension to Mark D. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6925) granting a pension to Murray R. Marshall—to the Committee on Pensions.

Also, a bill (H. R. 6926) granting a pension to Samuel Wolf—to the Committee on Pensions.

Also, a bill (H. R. 6927) granting a pension to James I. Taylor—to the Committee on Pensions.

Also, a bill (H. R. 6928) granting a pension to Daniel E. Bavis—to the Committee on Invalid Pensions.

By Mr. ELVINS: A bill (H. R. 6929) granting an increase of pension to Franklin Cozine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6930) granting an increase of pension to Joseph S. Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6931) granting an increase of pension to Daniel Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6932) for the relief of David F. Ragsdale—to the Committee on War Claims.

Also, a bill (H. R. 6933) for the relief of the heirs of Willis Potter, deceased—to the Committee on War Claims.

Also, a bill (H. R. 6934) to remove the charge of desertion from the military record of Isaac H. Zolman—to the Committee on Military Affairs.

By Mr. FISH: A bill (H. R. 6935) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.—to the Committee on Claims.

By Mr. GRAFF: A bill (H. R. 6936) granting an increase of pension to William T. Boyd—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 6937) granting a pension to Almon Shibley—to the Committee on Pensions.

Also, a bill (H. R. 6938) to correct the military record of Peter Kenney—to the Committee on Military Affairs.

By Mr. HOLLINGSWORTH: A bill (H. R. 6939) granting a pension to Francis W. Leeper—to the Committee on Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 6940) granting an increase of pension to William Carl—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 6941) granting an increase of pension to Milford Clemons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6942) granting an increase of pension to William W. Baldwin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6943) granting an increase of pension to Louis M. Starring—to the Committee on Pensions.

Also, a bill (H. R. 6944) granting an increase of pension to Leonard W. Massey—to the Committee on Pensions.

Also, a bill (H. R. 6945) granting a pension to William Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6946) for the relief of M. J. Julian, of Putnam County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6947) for the relief of John Beasley, of Rhea County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 6948) for the relief of the legal representatives of Z. Tate & Son—to the Committee on War Claims.

Also, a bill (H. R. 6949) for the relief of the legal representatives of Joseph Chipman—to the Committee on War Claims.

Also, a bill (H. R. 6950) granting pay to heirs of Tyre Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6951) for the relief of R. C. M. Cunnyngham and W. H. Cunnyngham, executors of the estate of Elvina Cunnyngham, deceased—to the Committee on War Claims.

By Mr. JOHNSON of Ohio: A bill (H. R. 6952) granting an increase of pension to John Dufour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6953) granting an increase of pension to Samuel Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6954) granting a pension to Helen Canterbury—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6955) granting a pension to Barbara Trago—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6956) granting a pension to Lillie B. Dieterich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6957) granting a pension to Julia A. Dawley—to the Committee on Invalid Pensions.

By Mr. LORIMER: A bill (H. R. 6958) granting an increase of pension to Andrew T. Moonert, alias William Mayfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6959) granting an increase of pension to James M. Merritt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6960) granting an increase of pension to Allen W. Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6961) granting an increase of pension to John Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6962) to remove the charge of desertion from the military record of Theodore Reichel—to the Committee on Military Affairs.

Also, a bill (H. R. 6963) to remove the charge of desertion from the military record of Lorenzo F. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 6964) to remove the charge of desertion from the military record of John C. Whittin—to the Committee on Military Affairs.

By Mr. LOVERING: A bill (H. R. 6965) granting an increase of pension to Oliver A. White—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 6966) to remove the charge of desertion against James M. Neal—to the Committee on Military Affairs.

Also, a bill (H. R. 6967) to remove the charge of desertion from the military record of Richard Dove and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 6968) granting a pension to Ara A. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6969) granting a pension to William E. Woodward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6970) granting an increase of pension to Edward Hall Dell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6971) granting an increase of pension to James J. Spence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6972) granting an increase of pension to James R. Hooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6973) granting an increase of pension to Ephraim C. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6974) granting an increase of pension to Joel Cokely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6975) granting an increase of pension to John P. Hardin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6976) granting an increase of pension to Sidney Clarke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6977) for the relief of James B. Houston—to the Committee on War Claims.

By Mr. MORRISON: A bill (H. R. 6978) granting a pension to Angeline L. Swaim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6979) granting an increase of pension to Catherine L. Willis—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 6980) granting an increase of pension to William Henry Hyde—to the Committee on Invalid Pensions.

By Mr. SMITH of Michigan: A bill (H. R. 6981) granting an increase of pension to Daniel D. Mann—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6982) granting an increase of pension to William N. Ash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6983) granting an increase of pension to William I. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6984) granting an increase of pension to Abraham G. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6985) granting an increase of pension to Montville Benjamin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6986) granting an increase of pension to William Francis Ball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6987) granting an increase of pension to Thomas W. Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6988) granting an increase of pension to James Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6989) granting an increase of pension to Catherine Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6990) granting an increase of pension to Miles P. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6991) granting an increase of pension to Edgar Durfee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6992) granting an increase of pension to H. F. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6993) granting an increase of pension to Samuel W. Dunham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6994) granting an increase of pension to C. Feckenscher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6995) granting an increase of pension to T. W. Gilbey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6996) granting an increase of pension to George W. Graves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6997) granting an increase of pension to Martha Harrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6998) granting an increase of pension to Robert Hawthorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 6999) granting an increase of pension to Andrew W. Holliday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7000) granting an increase of pension to Nelson Huxley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7001) granting an increase of pension to Deloss Hopkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7002) granting an increase of pension to Samuel B. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7003) granting an increase of pension to Oscar Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7004) granting an increase of pension to Paul C. G. Itsell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7005) granting an increase of pension to Isaac H. Lawrence—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7006) granting an increase of pension to Edward H. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7007) granting an increase of pension to Esther Lake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7008) granting an increase of pension to Edward Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7009) granting an increase of pension to Jennet F. Mueller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7010) granting an increase of pension to Henry P. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7011) granting an increase of pension to James McCurdy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7012) granting an increase of pension to George W. Nicholson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7013) granting an increase of pension to William W. Pentlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7014) granting an increase of pension to John D. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7015) granting an increase of pension to Horace A. Rexford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7016) granting an increase of pension to George Shiebel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7017) granting an increase of pension to C. H. Sedgwick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7018) granting an increase of pension to Alfred Tichurst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7019) granting an increase of pension to Elizabeth E. Ten Eyck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7020) granting an increase of pension to Benjamin F. Tifft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7021) granting an increase of pension to Albert A. Ingham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7022) granting an increase of pension to Charles Van Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7023) granting an increase of pension to Julia Nolen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7024) granting an increase of pension to Peter Wager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7025) granting an increase of pension to John Wilkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7026) granting an increase of pension to Isaac Wadsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7027) granting an increase of pension to Jerome C. Walton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7028) granting an increase of pension to R. C. Worthington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7029) granting an increase of pension to John Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7030) granting an increase of pension to Mary Smith Weeks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7031) granting an increase of pension to Katie Weschke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7032) granting an increase of pension to Frank Chase—to the Committee on Pensions.

Also, a bill (H. R. 7033) granting an increase of pension to John B. Hanna—to the Committee on Pensions.

Also, a bill (H. R. 7034) granting an increase of pension to Samuel C. Parker—to the Committee on Pensions.

Also, a bill (H. R. 7035) granting an increase of pension to Charles L. Randall—to the Committee on Pensions.

Also, a bill (H. R. 7036) granting a pension to Oliver S. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7037) granting a pension to Charles N. Bacon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7038) granting a pension to Lyman A. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7039) granting a pension to William L. Coryell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7040) granting a pension to Emory Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7041) granting a pension to William I. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7042) granting a pension to Morgan Gulick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7043) granting a pension to Lizzie J. Hoadley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7044) granting a pension to James R. Hutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7045) granting a pension to Edward C. Marsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7046) granting a pension to Theodore Pack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7047) granting a pension to J. C. Predmore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7048) granting a pension to Albert Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7049) granting a pension to Oscar J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7050) granting a pension to William A. Sperl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7051) granting a pension to Milon Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7052) granting a pension to Orren Wakeley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7053) granting a pension to William Daniels—to the Committee on Pensions.

Also, a bill (H. R. 7054) to correct the military record of Daniel D. Mann—to the Committee on Military Affairs.

Also, a bill (H. R. 7055) to correct the military record of George W. Barnes—to the Committee on Military Affairs.

Also, a bill (H. R. 7056) to correct the military record of William H. Barrett—to the Committee on Military Affairs.

Also, a bill (H. R. 7057) to correct the military record of Henry Berry—to the Committee on Military Affairs.

Also, a bill (H. R. 7058) to correct the military record of John Burke—to the Committee on Military Affairs.

Also, a bill (H. R. 7059) to correct the military record of Horace Clapp—to the Committee on Military Affairs.

Also, a bill (H. R. 7060) to correct the military record of Thomas Eagan—to the Committee on Military Affairs.

Also, a bill (H. R. 7061) to correct the military record of Edwin Horton—to the Committee on Military Affairs.

Also, a bill (H. R. 7062) to correct the military record of Henry P. Kinney—to the Committee on Military Affairs.

Also, a bill (H. R. 7063) to correct the military record of J. H. Lewis—to the Committee on Military Affairs.

Also, a bill (H. R. 7064) to correct the military record of George W. Leaming—to the Committee on Military Affairs.

Also, a bill (H. R. 7065) to correct the military record of William Manning—to the Committee on Military Affairs.

Also, a bill (H. R. 7066) to correct the military record of George L. Patterson—to the Committee on Military Affairs.

Also, a bill (H. R. 7067) to correct the military record of Charles E. Potter—to the Committee on Military Affairs.

Also, a bill (H. R. 7068) to correct the military record of Clark G. Russell—to the Committee on Military Affairs.

Also, a bill (H. R. 7069) to correct the military record of Jefferson Vinton—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 7070) granting an increase of pension to Santford S. Liller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7071) granting an increase of pension to Perry Metheny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7072) granting an increase of pension to Samuel Gould—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 7073) granting a pension to Jacob Both—to the Committee on Invalid Pensions.

By Mr. WICKERSHAM: A bill (H. R. 7074) granting an increase of pension to John Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7075) granting an increase of pension to Anthony Brown—to the Committee on Invalid Pensions.

By Mr. CAMPBELL: A bill (H. R. 7076) granting an increase of pension to Lemuel Thornell—to the Committee on Invalid Pensions.

By Mr. CAPRON: A bill (H. R. 7077) granting an increase of pension to William H. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7078) granting an increase of pension to Charles H. Kendall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7079) granting an increase of pension to Emily W. Tilley—to the Committee on Pensions.

By Mr. FORDNEY: A bill (H. R. 7080) granting an increase of pension to John W. Stephens—to the Committee on Invalid Pensions.

By Mr. HOBSON: A bill (H. R. 7081) granting a pension to W. W. Harris—to the Committee on Invalid Pensions.

By Mr. JAMIESON: A bill (H. R. 7082) granting an increase of pension to Leander Blair—to the Committee on Invalid Pensions.

By Mr. KOPP: A bill (H. R. 7083) granting an increase of pension to Reuben Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7084) granting an increase of pension to Orson Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7085) granting a pension to Mary J. Prentice—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Rockford Mitten and Hosiery Company, Nelson Knitting Company, Burson Knitting Company, and Forest City Knitting Company, praying for an increase of the duty on hosiery as provided in the Payne bill—to the Committee on Ways and Means.

By Mr. AIKEN: Petition of citizens of the Third Congressional District of South Carolina, favoring a national highways commission—to the Committee on Ways and Means.

By Mr. ANDERSON: Petition of R. J. Cristy Company, of Fremont, Ohio, opposing duty on cold-rolled strip steel—to the Committee on Ways and Means.

Also, petition of Sterling Emery Wheel Company, of Tiffin, Ohio, requesting corundum on free list—to the Committee on Ways and Means.

Also, petition of Wolfe Brothers, of Columbus, Ohio, in favor of shoes on free list—to the Committee on Ways and Means.

Also, petition of Fostoria Glass Specialty Company, of Fostoria, Ohio, against proposed duty on red lead and lithorage—to the Committee on Ways and Means.

By Mr. ANSBERRY: Petition of Hide and Leather Association, for placing hides on the free list—to the Committee on Ways and Means.

By Mr. ASHBROOK: Paper to accompany bill for relief of Peter Everly and Rachel A. Johnson—to the Committee on Invalid Pensions.

By Mr. AUSTIN: Petition of employees of Rockwood Mills, at Rockwood, Tenn., for retention of paragraphs 325, 326, and 327 of the tariff bill—to the Committee on Ways and Means.

By Mr. BARCHFELD: Petition of Joseph Horne & Co., against increase of duty on toys—to the Committee on Ways and Means.

By Mr. BENNET of New York: Papers to accompany bill for the relief of Gore, Meenan & Co., engineering company—to the Committee on Claims.

Also, papers to accompany bill for the relief of Terence V. Foley—to the Committee on Invalid Pensions.

By Mr. BINGHAM: Petition of citizens of Philadelphia, Pa., through the Grocers and Importers' Exchange, opposing duty on tea and coffee—to the Committee on Ways and Means.

By Mr. BROUSSARD: Petition of Maison Blanche Company and others, against increase of duty on gloves and hosiery—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Rumford (Me.) Local, No. 9, Brotherhood of Paper Makers, opposing reduction on print paper—to the Committee on Ways and Means.

By Mr. CALDER: Petition of Southwick Manufacturing Company and others, of Philadelphia, against reduction of duty on whiting and Paris white—to the Committee on Ways and Means.

Also, petition of Lyons Brothers, of Baltimore, against increase of duty on oilcloth and linoleum—to the Committee on Ways and Means.

Also, petition of W. J. Butterfield, of New York, favoring tax on tea—to the Committee on Ways and Means.

Also, petition of the Florsheimer Shoe Company, against further reduction of tariff on shoes—to the Committee on Ways and Means.

Also, petition of International Brotherhood of Paper Makers, against reduction of tariff on paper—to the Committee on Ways and Means.

Also, petition of citizens of the Eleventh Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Schifflisticker Union, No. 12768, of American Federation of Labor, of New York, favoring increase of tariff on lower grades of embroidery goods—to the Committee on Ways and Means.

Also, petition of F. D. Mott, favoring a duty on tea—to the Committee on Ways and Means.

Also, petition of George W. Bayliss, against a duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Needham & Vallon, against a duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Edward Smith & Co., against a duty on china nut oil—to the Committee on Ways and Means.

Also, petition of Hawley & Hoops, against a duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of W. E. Dwinill, with criticism on Mr. FORNEY'S lumber speech—to the Committee on Ways and Means.

Also, petition of Harry T. Stuart, favoring increase of duty on hosiery—to the Committee on Ways and Means.

Also, petition of the New York Cordage Company, against a duty on hemp rope—to the Committee on Ways and Means.

Also, petition of National Lumber Manufacturers' Association, against decrease of duty on lumber—to the Committee on Ways and Means.

Also, petition of Seaboard Trading Company, favoring reduction of duty on salt fish—to the Committee on Ways and Means.

Also, petition of Clay Tobacco Pipe Makers' Union of the United States, for increase of duty on clay pipes—to the Committee on Ways and Means.

Also, petition of D. Auerbach & Sons, against a duty on cocoa beans—to the Committee on Ways and Means.

Also, petition of Butler Brothers, against increase of duty on toys—to the Committee on Ways and Means.

Also, petition of citizens of the Eleventh Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of common council, city of Troy, against reduction of tariff on collars and cuffs—to the Committee on Ways and Means.

Also, petition of committee of manufacturers of blueprint paper, against increase of duty on blueprint paper—to the Committee on Ways and Means.

Also, petition of sundry citizens of the Sixth Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. CAPRON: Petitions of members of the Tabernacle Methodist Episcopal Church, of Providence; First Baptist Church of Hope Valley; Women's Christian Temperance Union of Trenton; Women's Christian Temperance Union of Washington; Second Presbyterian Church of Providence; and Broadway Baptist Church, all of the State of Rhode Island, favoring bill regulating shipment of liquors into prohibition territory—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. H. Gladding Dry Goods Company, of Providence, R. I., against increase of duty on gloves and hosiery—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of William H. Carter and Charles H. Kendall—to the Committee on Invalid Pensions.

By Mr. CARLIN: Paper to accompany bill for relief of estate of Sandford Humphrey—to the Committee on War Claims.

By Mr. CARY: Petition of the F. H. Bressler Company, of Milwaukee, Wis., favoring placing art works on the free list—to the Committee on Ways and Means.

Also, petition of sundry citizens of the Fourth Congressional District of Wisconsin, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. CONRY: Petition of citizens of the Twelfth Congressional District of New York, opposing tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of Lithographic International Protective and Beneficial Association, of Jersey City, for increase of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Dubois Watch Company, of Brooklyn, N. Y., favoring tariff on watches—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Porto Rico, favoring tariff on coffee—to the Committee on Ways and Means.

Also, petitions of Wallace & Co., Hawley & Hoops, J. H. Booker, and Dryden & Palmer, all of New York City, against a duty on cocoa—to the Committee on Ways and Means.

Also, petition of Ernest J. King and 40 other lithographers of New York City, favoring increased duties on all supplies relative to trade—to the Committee on Ways and Means.

Also, petition of Business Men's Association of South Norwalk, Conn., favoring free raw printing material—to the Committee on Ways and Means.

Also, petition of Paul Taylor Brown Company, of New York City, for increased duty on canned fruits—to the Committee on Ways and Means.

Also, petitions of E. D. McCordley, Kreuser & Brown, and 40 other lithographers, of New York City, for protection—to the Committee on Ways and Means.

Also, petition of Roessler & Hasslacker Chemical Company, of New York City, against reduction of tariff on cyanide of sodium—to the Committee on Ways and Means.

Also, petition of Oronogo Circle Mining Company, favoring increased tariff on zinc ore—to the Committee on Ways and Means.

Also, petition of the Roessler & Hasslacker Chemical Company, of New York City, favoring increased duty on cyanide of sodium—to the Committee on Ways and Means.

Also, petition of Industrial Agent, of Niagara Falls, N. Y., protesting against reduction of duty on lumber—to the Committee on Ways and Means.

Also, petition of Jed, Frye & Co., of New York City, favoring reduction of duty on salt and pickled fish—to the Committee on Ways and Means.

Also, petition of Knickerbocker Chocolate Company, of New York City, against duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Metal Stamping Company, of New York City, favoring reduction of duty on manufactured metal goods—to the Committee on Ways and Means.

Also, petition of C. R. Robertson, of Baltimore, Md., favoring reduction of duty on aluminum—to the Committee on Ways and Means.

Also, petition of E. & J. Burke Company, of New York City,

for increased duty on malt liquors—to the Committee on Ways and Means.

Also, petition of Metal Stamping Company, of New York City, for reduction of duty on metal goods—to the Committee on Ways and Means.

Also, petition of New England Dry Goods Association, of Boston, Mass., against increased duty on gloves and hosiery—to the Committee on Ways and Means.

Also, petition of the Casein Manufacturing Company, of New York City, for increase of duty on casein and lactarene—to the Committee on Ways and Means.

Also, petition of Charles Zoller Company, of New York City, for reduction of duty on oils, varnishes, etc.—to the Committee on Ways and Means.

Also, petition of Lyon Brothers & Co., of Baltimore, Md., favoring tariff equalization on oilcloth and linoleum—to the Committee on Ways and Means.

Also, petition of Industrial Agent, of Niagara Falls, N. Y., against reduction of duty on pulp—to the Committee on Ways and Means.

Also, petition of New York State members of the American Paper and Pulp Association, against reduction of duty on paper—to the Committee on Ways and Means.

Also, petition of Yellow Pine Manufacturers' Association, against removal of tax on lumber—to the Committee on Ways and Means.

Also, petition of Cattle Raisers' Association of Texas, for retention of duty on hides and cattle—to the Committee on Ways and Means.

Also, petition of Standard Trading Company, of New York City, against increased duty on packed fish—to the Committee on Ways and Means.

Also, petition of Felix Solomon & Co., of New York City, against reduction of duty on paper—to the Committee on Ways and Means.

Also, petition of journeymen mechanical embroiderers of New York, against increase of duty on hosiery—to the Committee on Ways and Means.

Also, petition of salt and packed fish dealers of New York City, against increase of duty on salt fish—to the Committee on Ways and Means.

Also, petition of Lemon, Bache & Co., of New York City, against increase of duty on glass—to the Committee on Ways and Means.

Also, petition of the Hampden Watch Company, of Canton, Ohio, for increase of duty on watches—to the Committee on Ways and Means.

Also, petition of Leggerman Brothers, of New York City, against duty on chicory—to the Committee on Ways and Means.

Also, petition of Materne & Hess, of New York City, against duty on spices and lentils—to the Committee on Ways and Means.

Also, petition of manufacturers of artificial marble, against increased tariff on Keene's cement—to the Committee on Ways and Means.

Also, petition of National Tea and Coffee Association, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Standard Varnish Works, of New York City, against a duty on Chinese nut oil—to the Committee on Ways and Means.

Also, petition of E. Smith & Co., of New York City, against a duty on Chinese nut oil—to the Committee on Ways and Means.

Also, petition of Butler Brothers, of New York City, against increase of duty on toys—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Watertown, N. Y., favoring existing tariff on paper—to the Committee on Ways and Means.

Also, petition of Wolfe Brothers Shoe Company, of Columbus, Ohio, favoring shoes on free list—to the Committee on Ways and Means.

Also, petition of Benter Brothers, of New York City, favoring specific duty on matting—to the Committee on Ways and Means.

Also, petition of American Plate Glass Company, of Kane, Pa., favoring protection on glass—to the Committee on Ways and Means.

Also, petition of L. C. Gillespie & Sons, of New York City, favoring Chinese nut oil on free list—to the Committee on Ways and Means.

Also, petition of M. J. Florsheimer, favoring free hides—to the Committee on Ways and Means.

By Mr. COOK: Petition of Philadelphia Quartz Company, favoring retention of present duty on silicate of soda—to the Committee on Ways and Means.

Also, petition of Keystone Blue Paper Company, favoring decrease of duty on blueprint paper—to the Committee on Ways and Means.

Also, petition of John D. Glass, for retention of sulphate of ammonia on the free list—to the Committee on Ways and Means.

By Mr. COX: Petition of Otto Fambach and others, for increase of duty on post cards—to the Committee on Ways and Means.

By Mr. DODDS: Petition of sundry citizens of the Eleventh Congressional District of Michigan, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. DRAPER: Petition of Everett F. Jonnson and others, for increase of duty on post cards—to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of sundry citizens of the Thirty-fifth Congressional District of New York, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of wholesale grocers of New York City, for free sugar—to the Committee on Ways and Means.

Also, petition of the Courier, Times, and Enquirer, of Buffalo, N. Y., for free pulp—to the Committee on Ways and Means.

Also, petition of T. B. Shipley, for reduction of tariff on cotton—to the Committee on Ways and Means.

Also, petition of Charles F. Hubbs Company, of New York City, against increase of duty on paper—to the Committee on Ways and Means.

Also, petition of Butler Brothers, of New York City, against increase of duty on toys—to the Committee on Ways and Means.

Also, petition of Buffalo (N. Y.) Oil, Paint, and Varnish Company, for placing Chinese nut oil on free list—to the Committee on Ways and Means.

Also, petition of John Strootman Shoe Company, of Buffalo, N. Y., for free hides—to the Committee on Ways and Means.

Also, petition of J. E. Rhodes & Sons, of New York City, for free hides—to the Committee on Ways and Means.

Also, petition of common council of Troy, N. Y., against reduction of duty on collars and cuffs—to the Committee on Ways and Means.

Also, petition of Alabama Marble Company, against reduction of tariff on marble—to the Committee on Ways and Means.

Also, petition of Yale Hat Stores, against increase of duty on hats—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Buffalo, N. Y., favoring free malt—to the Committee on Ways and Means.

Also, petition of Larkin & Co., of Buffalo, N. Y., against tariff on wools for carpets—to the Committee on Ways and Means.

Also, petition of Wolfe Brothers' Shoe Company, of Columbus, Ohio, favoring placing shoes on free list—to the Committee on Ways and Means.

Also, petition of Dietzer Sale Lithograph Company, of Buffalo, N. Y., for protection for lithographic products—to the Committee on Ways and Means.

Also, petition of Theodore Hofeller & Co., of Buffalo, N. Y., favoring placing used rubber on the free list—to the Committee on Ways and Means.

Also, petition of Local No. 7, Cigar Makers' Union, of Buffalo, N. Y., against free cigars from Philippines—to the Committee on Ways and Means.

Also, petition of the Butler Company, of Buffalo, N. Y., favoring free coffee—to the Committee on Ways and Means.

Also, petition of Sprague, Warner & Co., of Chicago, Ill., favoring free coffee—to the Committee on Ways and Means.

Also, petition of M. J. Bernhard, of Buffalo, N. Y., favoring free lumber—to the Committee on Ways and Means.

Also, petitions of Burt-Lindler Company and Menker Candy Company, of Buffalo, N. Y., favoring free cocoa—to the Committee on Ways and Means.

Also, petitions of Hawley & Hoops and J. H. Barker & Co., of New York City, favoring free cocoa—to the Committee on Ways and Means.

By Mr. MICHAEL E. DRISCOLL: Petition of sundry citizens of New York State, opposing tax on sugar—to the Committee on Ways and Means.

By Mr. ENGLEBRIGHT: Petition of A. C. Schlesenger, of Oakland, Cal., opposing reduction of duty on nails, etc.—to the Committee on Ways and Means.

Also, petition of H. Hutchison and others, opposing duty on lithographic products—to the Committee on Ways and Means.

By Mr. ESCH: Petition of citizens of Monroe County, Wis., against a duty on tea and coffee and other necessities—to the Committee on Ways and Means.

By Mr. FORNES: Petition of Hide and Leather Association of New York and vicinity, for removal of duty on hides—to the Committee on Ways and Means.

By Mr. FOSTER of Vermont: Petition of Hon. H. F. Brigham and 5 other citizens of Vermont, for removal of duty on sugar—to the Committee on Ways and Means.

By Mr. FULLER: Memorial of house of representatives of the Illinois state legislature, in favor of a just and equitable duty on zinc ore—to the Committee on Ways and Means.

Also, petition of the Merchant Marine League of the United States, in favor of a ship subsidy—to the Committee on the Merchant Marine and Fisheries.

Also, petition of John J. Stangeland, of Fairfield, Ill., concerning the proposed duty on oils, roots, seeds, etc.—to the Committee on Ways and Means.

Also, petition of the Rockford Seed Company, of Rockford, Ill., concerning the proposed duty on vegetable seeds, bulbs, etc.—to the Committee on Ways and Means.

Also, petition of J. E. Broadie, C. G. McGlashan, J. T. Peters, V. R. Anderson, M. S. Brown, H. C. Porter, and D. B. Hutchins, directors of Rockford Merchants and Business Men's Association, of Rockford, Ill., in favor of reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of the Florsheim Shoe Company, of Chicago, Ill., in favor of placing hides on free list—to the Committee on Ways and Means.

Also, petition of Armstrong Paint and Varnish Company, of Chicago, Ill., concerning proposed duty on Chinese nut or wood oil—to the Committee on Ways and Means.

Also, petition of L. B. Duffey, of De Kalb, Ill., concerning the proposed duty on coffee and tea—to the Committee on Ways and Means.

Also, petition of manufacturers of blueprint papers of New York, concerning the proposed tariff on blueprint paper—to the Committee on Ways and Means.

Also, petition of Fred Biffar, of Chicago, Ill., for reduction of tariff on prime cartridge shells—to the Committee on Ways and Means.

Also, petition of Pasteur Vaccine Company, of Chicago, Ill., concerning the tariff on biological products—to the Committee on Ways and Means.

Also, petition of H. J. Pulling, of Chicago, Ill., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Edward Hines Lumber Company, of Chicago, Ill., for greater protection on lumber—to the Committee on Ways and Means.

Also, petition of Lemon, Bache & Co., of New York City, concerning proposed duty on plate glass—to the Committee on Ways and Means.

Also, petition of Coalfield Company, of Coal City, Ill., against a higher duty on hosiery and gloves—to the Committee on Ways and Means.

Also, petition of Lyon & Co., of Baltimore, Md., against increase of duty on oilcloth and linoleum—to the Committee on Ways and Means.

Also, petition of American Sheep Breeder, of Chicago, Ill., against reduction of tariff on wool—to the Committee on Ways and Means.

Also, petition of Charles H. Hulburd, president Elgin National Watch Company, against reduction of the tariff on watches—to the Committee on Ways and Means.

Also, petition of citizens of Kangley, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of S. P. Wetherill Company, of Philadelphia, Pa., for removal of copperas from the free list—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Milwaukee, Wis., against reduction of the duty on barley—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Pennsylvania cigar and tobacco dealers and manufacturers, opposing the free importations of Philippine cigars—to the Committee on Ways and Means.

Also, petition of Lancaster Dry Goods Association, against the proposed increase of duty on gloves and hosiery—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of Siver Gulleckson and 31 others, of Ihlen, Minn., against reduction on barley—to the Committee on Ways and Means.

By Mr. HANNA: Petition of citizens of North Dakota, against reduction of the duty on barley—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Thomas Matthews and 86 other citizens of San Jose and Santa Clara, Cal., favoring an effective exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Paper to accompany bill for relief of Francis W. Leeper—to the Committee on Pensions.

By Mr. JOYCE: Petition of Local Branch No. 55, of United Brotherhood of Leather Workers, of Marietta, Ohio, against return of Mexican refugees to Mexico—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of P. H. Pettinger and 10 other residents of San Francisco, Cal., favoring a reduction of duty on sugar—to the Committee on Ways and Means.

By Mr. KELIHER: Petition of Hide and Leather Association, of New York, favoring free hides—to the Committee on Ways and Means.

By Mr. KINKEAD of New Jersey: Petition of citizens of the Ninth Congressional District of New Jersey, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LENROOT: Paper to accompany bill for relief of George W. Jenkins, alias Henry H. Seymour (H. R. 6762)—to the Committee on Invalid Pensions.

By Mr. LINDBERGH: Petition of the Commercial Club of St. Cloud, Minn., against any reduction of duty on rough or manufactured granite—to the Committee on Ways and Means.

Also, petition of the Woman's Club of Onigum, Minn., against a duty on leather gloves and cotton hose—to the Committee on Ways and Means.

Also, petition of citizens of Brandon, Minn., and vicinity, against reduction of duty on barley—to the Committee on Ways and Means.

Also, petition of the Commercial Club of Brainerd, Minn., against removal of duty on iron ore—to the Committee on Ways and Means.

By Mr. LINDSAY: Petition of the New York City Federation of Women's Clubs, against the proposed duty on kid gloves and hosiery—to the Committee on Ways and Means.

Also, petition of the Hide and Leather Association of New York, favoring hides being placed on the free list—to the Committee on Ways and Means.

Also, petition of Mr. Louis Winkler, of Fonda, N. Y., against the proposed duty on essential oils, drugs, roots, seeds, barks, gums, etc., and kinds of spices—to the Committee on Ways and Means.

Also, petition of D. Auerbach & Sons, of New York, against any duty on crude cocoa—to the Committee on Ways and Means.

By Mr. McKINNEY: Memorial of house of representatives of the legislature of Illinois, for a duty on zinc ore—to the Committee on Ways and Means.

By Mr. MAGUIRE of Nebraska: Petition of citizens of Nebraska, opposing duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MILLINGTON: Petition of W. B. Wilcox, of Utica, N. Y., against removal of duty on watches, watch cases, etc.—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Rushville (N. Y.) Grange, No. 1137, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. STERLING: Resolutions by house of representatives of Illinois, requesting duty on zinc—to the Committee on Ways and Means.

By Mr. SULZER: Petition of Hide and Leather Association of New York City and vicinity, in favor of removal of duty on hides—to the Committee on Ways and Means.

Also, petition of Fred. J. Wright, editor Farm and Stock, in favor of free lumber—to the Committee on Ways and Means.

Also, petition of C. T. Chamberlain, secretary of Knickerbocker Chocolate Company, in favor of removal of duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Charles Zoller Company, against reduction of duty on spirit varnishes—to the Committee on Ways and Means.

Also, petition of Casein Manufacturing Company, of New York City, for a duty on casein and lactarene—to the Committee on Ways and Means.

Also, petition of J. J. Bonneau Company, of New York City, against a duty on cabinet woods in the log—to the Committee on Ways and Means.

Also, petition of Frederick Huhn, of New York City, for increase of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Antiseptic Toothpick Company, relative to tariff on toothpicks—to the Committee on Ways and Means.

Also, petition of Standard Varnish Works, for placing Chinese nut oil on the free list—to the Committee on Ways and Means.

Also, petition of Dubois Watch Case Company, against reduction of tariff on watches—to the Committee on Ways and Means.

Also, petition of L. C. Gillespie & Sons, for placing Chinese nut oil on the free list—to the Committee on Ways and Means.

Also, petition of Beckwith-Chandler Company, for placing Chinese nut oil on the free list—to the Committee on Ways and Means.

Also, petition of A. Wittnauer Company, against increased duty on watches—to the Committee on Ways and Means.

Also, petition of National Wholesale Dry Goods Association, for reduction of duty on oilcloths and linoleum—to the Committee on Ways and Means.

Also, petition of D. Auerbach & Sons, against the duty on crude cocoa—to the Committee on Ways and Means.

Also, petition of Farm Life, for free lumber—to the Committee on Ways and Means.

By Mr. THISTLEWOOD: Petition of Cairo Retail Grocers and Butchers' Association, opposing tax on oleomargarine—to the Committee on Ways and Means.

Also, resolutions of legislature of Illinois, urging tariff on zinc—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of citizens of Fond du Lac, Wis., opposing duty on tea and coffee—to the Committee on Ways and Means.

SENATE.

SATURDAY, *April 10, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

On request of Mr. KEAN, and by unanimous consent, the reading of the Journal of yesterday's proceedings was dispensed with.

The VICE-PRESIDENT. Without objection, the Journal is approved.

THE TARIFF.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, in which it requested the concurrence of the Senate.

Mr. ALDRICH. I ask that the bill from the House be laid before the Senate.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was read twice by its title.

Mr. ALDRICH. I ask that the bill be referred to the Committee on Finance and printed, and that 2,000 extra copies be printed for the use of the Senate document room.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island? No objection is heard, and it is so ordered.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry manufacturers of gloves of New York City, N. Y., praying for the imposition of a high rate of duty on all gloves imported into the United States, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of New York, Massachusetts, Connecticut, Indiana, Illinois, Pennsylvania, Wisconsin, Michigan, Ohio, Minnesota, Rhode Island, Nebraska, Georgia, Iowa, New Jersey, and Texas, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented the petition of Cornelius Kahlen and George Staber, of New York City, N. Y., praying that a duty not to exceed 25 per cent ad valorem be placed on imitation onion-skin paper, calendared or uncalendared, which was referred to the Committee on Finance.

Mr. CULLOM presented a memorial of the League of Cook County Women's Clubs, of Illinois, remonstrating against the duties to be assessed under the new tariff bill, known as the "Payne bill," upon articles of wearing apparel, particularly leather gloves and cotton hosiery, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Crab Orchard, Chicago, Assumption, Monmouth, Wyanet, Carpenter, Mount Vernon, Jacksonville, Kangley, Ladd, Streator, and Freeport, all in the State of Illinois, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented a memorial of the Business Men's Association of Jacksonville, Ill., remonstrating against the proposed increase of the duty on hosiery and gloves, which was referred to the Committee on Finance.

He also presented a memorial of the Live Stock Exchange of Chicago, Ill., remonstrating against the repeal of the duty on hides, which was referred to the Committee on Finance.

Mr. SHIVELY presented petitions of Local Lodges Nos. 625, 805, 471, 365, 826, 245, 500, 796, 143, 768, 1012, 446, and 576, of Hartford City, Huntington, Wabash, Peru, Bedford, Muncie, Valparaiso, Bluffton, Lafayette, Portland, Goshen, Tipton, Bloomington, and Noblesville, all of the Benevolent and Protective Order of Elks, in the State of Indiana, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

Mr. FRYE presented petitions of sundry citizens of Augusta, Manchester, Hallowell, Auburn, and Lewiston, all in the State of Maine, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. LODGE presented petitions of sundry citizens of Ware and Lawrence, in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Boston, Attleboro, Chelsea, Chestnut Hill, Holliston, Milford, Malden, New Bedford, Pittsfield, Stoneham, Upton, Holyoke, Lowell, Chicopee, Natick, Quincy, Somerville, Cambridge, Worcester, South Yarmouth, East Bridgewater, North Raynham, Fall River, Lawrence, Mansfield, Springfield, Chicopee Falls, Athol, Provincetown, Brookline, Haverhill, Everett, Hanover, Westfield, Baldwinsville, West Medford, East Wareham, Revere, Cliftondale, Rockport, Medford, Brockton, Nantucket, Lynn, Sharon, Palmer, Clinton, Fitchburg, Pigeon Cove, East Taunton, Orange, Indian Orchard, Salem, Ayers Village, North Andover, Concord, Yarmouth, Cheshire, Kingston, Ipswich, Dalton, Greenfield, Webster, Walpole, Newburyport, Peabody, Foxboro, North Attleboro, Newtonville, Taunton, Leominster, Barnstable, and North Adams, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were referred to the Committee on Finance.

Mr. BURKETT presented a petition of Local Lodge No. 604, Benevolent and Protective Order of Elks, of Grand Island, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Commercial Club of Omaha, Nebr., praying that an appropriation of $500,000,000 be made for the improvement of the inland waterways of the country, which was referred to the Committee on Commerce.

Mr. STEPHENSON presented a petition of Printing Pressmen's Local Union No. 7, American Federation of Labor, of Milwaukee, Wis., praying for an increase of duty on post cards, which was referred to the Committee on Finance.

Mr. DOLLIVER presented petitions of sundry citizens of Vinton, Iowa, praying for a reduction of the duty on dry goods, which were referred to the Committee on Finance.

He also presented petitions of sundry citizens of Emmetsburg, Dubuque, Glencoe, and Waukon, all in the State of Iowa, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented petitions of Local Lodges Nos. 418, 290, 407, 428, 563, 531, of Charles City, Waterloo, Perry, Le Mars, Boone, and Council Bluffs, all of the Benevolent and Protective Order of Elks, in the State of Iowa, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Woman's Club of Council Bluffs, Iowa, praying for the passage of the so-called "children's bureau" bill, which was referred to the Committee on Education and Labor.

He also presented a petition of the Jobbers and Manufacturers' Association of Fort Dodge, Iowa, praying for the enactment of legislation granting to the shipper the right to route his own freight, and also granting to the Interstate Commerce Commission the power to stop, in its discretion, advances of rates, which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Woman's Christian Temperance Union of Clinton, Iowa, praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

Mr. BROWN presented a petition of Local Lodge No. 604, Benevolent and Protective Order of Elks, of Grand Island, Nebr., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SMITH of Michigan presented a memorial of sundry citizens of Allenville, Mich., and a memorial of sundry citizens of Holland, Mich., remonstrating against the imposition of a duty

on tea and coffee, which were referred to the Committee on Finance.

Mr. ROOT presented petitions of sundry citizens of Syracuse, Cooperstown, New York City, Brooklyn, Mount Vernon, New Rochelle, Port Chester, Oswego, Belfast, Constable, Waterport, Lyndonville, Peruville, Canandaigua, Fulton, Corning, Niagara Falls, Mexico, Staten Island, and Newburgh, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

He also presented memorials of sundry citizens of Troy and Waterville and of the board of supervisors of Rensselaer, all in the State of New York, remonstrating against any reduction of the duty on collars and cuffs, which were referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on lithographic products, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of New York, praying for the retention of the proposed duty on bichromate of potash and bichromate of soda, which was referred to the Committee on Finance.

He also presented a memorial of E. H. Thompson Grocery Company, of Watertown, N. Y., remonstrating against the imposition of a duty on tea, which was referred to the Committee on Finance.

He also presented a memorial of Local Lodge, International Brotherhood of Paper Makers, of Watertown, N. Y., and a memorial of St. Regis Local Union No. 45, International Brotherhood of Paper Makers; of Deferiet, N. Y., remonstrating against the proposed reduction of the duty on print paper, which were referred to the Committee on Finance.

He also presented petitions of Local Grange No. 1137, Patrons of Husbandry, of Rushville; of Frank B. Monagle, of Rushville; of Local Grange, Patrons of Husbandry, of Canandaigua; and of Local Grange No. 542, Patrons of Husbandry, of West Parishville, all in the State of New York, praying for the passage of the so-called "parcels-post bill," which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for a reduction of the duty on window and plate glass, which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Hartwick, N. Y., praying that the duty on hops imported into the United States from foreign countries be increased from 12 to 20 cents per pound, which was referred to the Committee on Finance.

He also presented a memorial of Local Union No. 311, Cigarmakers' International Union, of Albany, N. Y., and of Local Union No. 2, Cigarmakers' International Union, of Buffalo, N. Y., remonstrating against the importation of cigars from the Philippines free of duty, which were referred to the Committee on Finance.

He also presented a petition of Local Grange, Patrons of Husbandry, of Ontario, N. Y., praying for the passage of the so-called "parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the American Travelers' League of New York City, N. Y., and a petition of the Travelers' Defense Association of Boston, Mass., praying for the adoption of an amendment to paragraph 697 of the present tariff law, allowing Americans returning to this country to bring in with them, free of duty, personal effects to the value of $500 or $600, which were referred to the Committee on Finance.

He also presented a petition of the Eastern New York Bee Keepers' Association, praying for an increase of the duty on honey imported into the United States, which was referred to the Committee on Finance.

He also presented memorials of sundry citizens of New York City and Brooklyn, all in the State of New York, remonstrating against an increase of the duty on gloves, which were referred to the Committee on Finance.

He also presented a petition of sundry employees of Otto Yeisler Company's leather mill, of New York, praying for a duty of 20 per cent on leather used in the manufacture of gloves, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills were introduced, read the first and second times by unanimous consent, and referred as follows:

By Mr. DILLINGHAM:

A bill (S. 1598) granting an increase of pension to Greenleaf D. Farnum;

A bill (S. 1599) granting an increase of pension to Charles H. Miner (with the accompanying papers); and

A bill (S. 1600) granting an increase of pension to Edward M. Savage (with the accompanying papers); to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 1601) to establish a fish-cultural station in the State of Kentucky, near the city of Frankfort; to the Committee on Fisheries.

By Mr. MONEY:

A bill (S. 1602) for the relief of the estate of John Fleming, deceased;

A bill (S. 1603) for the relief of the estate of George M. Coker, deceased; and

A bill (S. 1604) for the relief of Abner P. Bush; to the Committee on Claims.

By Mr. FRYE:

A bill (S. 1605) authorizing the appointment of Col. J. H. Gilman, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the army (with the accompanying paper); to the Committee on Military Affairs.

By Mr. STEPHENSON:

A bill (S. 1606) granting a pension to Thomas Powers; to the Committee on Pensions.

A bill (S. 1607) to provide for the purchase of a site and the erection of a public building thereon at Fort Atkinson, Wis.; and

A bill (S. 1608) for the erection of a public building at Menomonie, Wis.; to the Committee on Public Buildings and Grounds.

By Mr. GALLINGER:

A bill (S. 1609) for the extension of Albemarle street from Wisconsin avenue to the east line of Thirty-ninth street NW.; to the Committee on the District of Columbia.

A bill (S. 1610) granting an increase of pension to Margaret L. Graham (with accompanying papers); to the Committee on Pensions.

WITHDRAWAL OF PAPERS—EDWIN A. CHASE.

On motion of Mr. CURTIS, it was

Ordered, That there may be withdrawn from the files of the Senate the papers in the case of Edwin A. Chase (S. 5541, 60th Cong.), there having been no adverse report thereon.

THE CENSUS.

The VICE-PRESIDENT. The calendar, under Rule VIII, is in order. The Secretary will announce the first bill on the calendar, which is House bill 1033.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses.

The VICE-PRESIDENT. The pending question is on the amendment to section 7.

Mr. SCOTT. I observe that the chairman of the committee is not in the Chamber. In fact, I do not see any member of the committee present.

Mr. CUMMINS. There is one member of the committee here.

Mr. KEAN. The Senator from North Dakota [Mr. MCCUMBER] and the Senator from Iowa [Mr. CUMMINS] are here.

The VICE-PRESIDENT. If there be no objection, the Secretary will read the pending amendment?

The SECRETARY. In section 7, page 4, line 24, after the word "employees," it is proposed to strike out the words "except messengers, assistant messengers, messenger boys, unskilled laborers, and charwomen" and to insert "except the private secretary to the director," so as to read:

That the additional clerks and other employees, except the private secretary to the director provided for, etc.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment will be stated.

The SECRETARY. On page 5, line 2, after the word "in," strike out "section" and insert "sections 3 and," so as to read:

Provided for in sections 3 and 6 shall be subject to such special test examinations as the Director of the Census may prescribe.

The amendment was agreed to.

The next amendment was, on page 5, line 15, after the word "rating," to insert the following proviso:

Provided, That hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination.

The amendment was agreed to.

The next amendment was, on page 6, line 1, after the words "Provided, however," to strike out the following words:

That when the exigencies of the service require, preference may be given to eligibles who by reason of residence or other conditions are immediately available; and that preference may be given to persons having previous experience in census work whose efficiency records are satisfactory to the said director, who may, in his discretion, accept such records in lieu of said examination.

And in lieu thereof to insert:

That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil-service examination.

The amendment was agreed to.

The next amendment was, on page 6, line 23, to strike out the words "Bureau of the" before the word "Census," and after the word "Census" to insert the word "Office."

The amendment was agreed to.

The VICE-PRESIDENT. This completes the amendments of the committee. The bill is still as in Committee of the Whole and open to other amendments.

Mr. BURKETT. In section 8, on page 7, after the word "Navy" in line 21, I move the amendment which I send to the desk. It is the same amendment that we put in the last bill in reference to the enumeration of deformed and crippled persons.

Mr. LA FOLLETTE. Has the Senator the reprint of the bill before him?

Mr. BURKETT. I have the print I had yesterday.

Mr. LA FOLLETTE. I suggest that he turn to the reprint of the bill, so that his amendment will conform.

Mr. BURKETT. It would be line 24, on page 7, in the reprint.

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. On page 7, line 24, after the word "Navy," it is proposed to insert the words:

And if under 18 years of age whether ruptured, crippled, or deformed.

Mr. LODGE. I do not understand to what that applies.

Mr. BURKETT. This is the amendment the Senate put in when the bill was up before, with reference to enumerating crippled and deformed children. This schedule provides for the enumeration of certain persons, giving their condition, age, sex, and so forth. The amendment provides for the enumeration of crippled and deformed.

Mr. LODGE. Separately from the others?

Mr. BURKETT. Yes; separately. It is a new provision providing for that matter.

The amendment was agreed to.

Mr. CUMMINS. I wish to call attention to line 6, on page 10, in section 9, which escaped my attention in committee. It seems to me that the words "the Hawaiian Islands" ought to be stricken out. I understand that the Hawaiian Islands now constitute a Territory of the United States and are included in the word "Territory" in line 5. I therefore move to strike out the words "the Hawaiian Islands."

The VICE-PRESIDENT. The Secretary will read the amendment submitted by the Senator from Iowa.

The SECRETARY. On page 10, line 6, after the word "Alaska," it is proposed to strike out the words "the Hawaiian Islands."

Mr. KEAN. The same amendment, I think, should be made elsewhere.

Mr. CUMMINS. This is line 6, on page 10. I do not believe that there is any political subdivision of the United States known as the "Hawaiian Islands."

Mr. KEAN. I think the Senator is absolutely right. I asked the Senator from Wyoming [Mr. CLARK] also to look up the provision in regard to Porto Rico. I do not know whether he has done so or not. That island does not have a territorial form of government, I understand.

Mr. NELSON. Porto Rico is not in the condition that Hawaii is. It is not a full-fledged Territory under the statute.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

The amendment was agreed to.

Mr. CUMMINS. The same correction ought to be made in lines 9 and 10, on page 10. I move to strike out the words "and the Hawaiian Islands" and to insert a comma after the word "Alaska," in line 9.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 10, line 9, after the word "Alaska," strike out the words "and the Hawaiian Islands."

Mr. KEAN. I do not understand that exactly.

Mr. LODGE. As I understand the provision—the chairman, I see, is engaged—it is to enable them to get these particular officers appointed early on account of the great distance of the islands under our jurisdiction.

Mr. KEAN. That is what I understood.

Mr. LODGE. It would delay the entire census in the islands. I call the attention of the chairman of the committee to the amendment, which is to strike out the words "and the Hawaiian Islands," on page 10, lines 9 and 10.

Mr. BAILEY. Mr. President, I desire to submit a parliamentary inquiry.

The VICE-PRESIDENT. The Senator from Texas will state his parliamentary inquiry.

Mr. BAILEY. I desire to ask what disposition has been made of section 7.

The VICE-PRESIDENT. All the committee amendments to that section have been disposed of. The bill is now as in Committee of the Whole for the consideration of any amendments.

Mr. BAILEY. Then, of course, I am still permitted to submit a motion to strike out section 7 and insert a substitute?

The VICE-PRESIDENT. Certainly.

Mr. BAILEY. That I propose to do.

Mr. CUMMINS. In order to meet the suggestion of the Senator from Massachusetts, I suggest that instead of the words "Hawaiian Islands" there be inserted the words "Territory of Hawaii."

The VICE-PRESIDENT. The Senator from Iowa withdraws his previous amendment and submits an amendment, which will be stated by the Secretary.

The SECRETARY. On page 10, lines 9 and 10, strike out the words "Hawaiian Islands" and insert in lieu the words "Territory of Hawaii."

Mr. LA FOLLETTE. I do not understand that that makes any delay at all. I understand that the Hawaiian Islands are now a Territory.

Mr. CUMMINS. That is exactly what I intended to describe by this substitution, making it read the "Territory of Hawaii," instead of the "Hawaiian Islands."

Mr. LA FOLLETTE. Under either phraseology the matter would be taken care of. I do not see any objection to the adoption of the amendment.

The amendment was agreed to.

Mr. DILLINGHAM. Mr. President, yesterday, when the amendment in line 18, on page 3, was reached, which struck out the words "five hundred" before the word "dollars," and which in effect reduced the salary of the director from $7,500 to $7,000, I called the attention of the chairman of the committee to what I thought was a fact, that the salary in the last census was $7,500. In reply he said that I was mistaken, and that the salary of the Director of the Census taken for the year 1900 was $6,000. This is an increase, he said, of $1,000 over the salary paid at that time.

I find, upon examination, that the impression I then expressed was well founded, because in the act of May 10, 1900, section 3, it was provided that the salary of the Director of the Census shall be $7,500 per annum. On inquiry I find that that salary was paid to the director.

Instead of increasing the salary of the director $1,000 over what it was in the last census, the amendment adopted by the Senate yesterday reduced it $500 from what it was then, the House having adopted precisely the same figure that was paid in that census.

I call the Senator's attention to it in the hope that he will ask to have reconsidered that amendment and leave the salary where it was before. I think it ought to be done, owing to the fact, which is undoubtedly true, that the population of our country has increased twelve or thirteen million souls since that time; that the amount of money to be disbursed now is greater than then; and that the cost of living is greater. Almost all salaries have been increased. Therefore it would seem to me that the salary of the director of this census should be at least what it was in the past. I hope the Senator will ask to have the amendment reconsidered and that the salary will be left as it was proposed by the House.

Mr. LA FOLLETTE. Mr. President, it is true that by a special act subsequent to the census act the salary of the Director of the Census was increased to $7,500 for the last census period. In stating yesterday that the salary had not increased I was guided by the salary as fixed in the general census act which was passed providing for the taking of that census. I was not aware, as I was not a Member of either the Senate or the House at the time, that a special act was passed later increasing the salary of the Director of the Census to $7,500.

But notwithstanding that, Mr. President, I do not believe that that increase should be made. From time to time in many of the departments here the work is very much increased. Those who are in important official position accept that as a part of their public service. There are times when the work falls off considerably. They do not expect to have their salaries diminished at such times.

My own opinion is that the salary of $6,000 per year is a reasonable salary to pay to the Director of the Census. It is increased by the bill for the census period to $7,000. We have in the other departments bureau officers whose work is from time to time very much increased by some special act of Con-

gress. Take, for instance, the Bureau of Corporations. From time to time by some special legislation or by some order of the Executive its work is, perhaps, doubled. But there is not any logical reason for making an increase in the salary for such a temporary increase in work. I believe that it is unreasonable to make more than this increase in salary for the Director of the Census.

Mr. President, if salaries are to be increased for Government employees because of the increase in the cost of living which has come upon all of us, I do not think that we ought in justice to begin at the top of the scale. It is the disposition of Congress, as shown by the legislation of the last session, to increase the salaries of those who, perhaps, would feel least of all in the government service the expense incident to the increased cost of living. If we are to revise the scale of salaries for all government employees as an incident to the increase in the cost of living that has come upon us, then, I believe, we should begin with those who are paid least and not with those who are paid most.

Mr. BAILEY. Mr. President, I move to strike out section 7 of the bill and to insert in lieu thereof the matter which I have marked in the document I send to the desk. It is the whole of section 7 in the act passed by both Houses in the last Congress.

The VICE-PRESIDENT. The Secretary will read the amendment offered by the Senator from Texas.

The SECRETARY. It is proposed to strike out section 7 of the bill and in lieu thereof to insert a new section, as follows:

SEC. 7. That the additional clerks and other employees provided for in section 6 shall be subject to such noncompetitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission: *Provided*, That they shall be selected without regard to the law of apportionment or to the political party affiliations of the applicants, and that preference may be given to persons having previous experience in census work whose efficiency records are satisfactory to the said director, who may, in his discretion, accept such records in lieu of said examination: *And provided further*, That employees in other branches of the departmental classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred shall be eligible to appointment to positions of similar grade in any department without examination: *And provided further*, That during the decennial census period, and no longer, the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section 6 of this act: *And provided further*, That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this act shall terminate, and such officers and employees shall not thereafter be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this act.

Mr. BAILEY. Mr. President, the difference, or at least the essential difference, between the bill as it stands and the bill as it would stand if this amendment should be adopted would be that the appointments would be withdrawn from the operation of the civil-service law. The purpose of the bill as it has been reported by the committee is to put all of these appointments under the civil-service regulations, beginning with the highest; that is, beginning with the expert statistician and the geographer, and going down through the list to messenger boys and charwomen.

The amendment I propose allows the Director of the Census to make these appointments upon such noncompetitive examination as he may prescribe. The advocates of the civil service will perhaps insist that the difference between the two propositions is the difference between a spoils system and what they are pleased to call the "merit system."

The mistake which the advocates of a civil-service examination have always made, and which they are still making, is that they assume that under the old system of selection and appointment men obtain their offices through political influence and without merit, whereas under the present system men obtain their offices through merit and without political influence.

Neither the first nor the second branch of that proposition is true. I venture to say that under the old system, when men were appointed, if you please to call it such, under a "spoils system," a vast majority of the men who obtained these offices were as well qualified, both by character and capacity, to discharge their duties as the people who have obtained them since then under a competitive examination.

It is true that many of those who were appointed in the old time could not stand the examinations which are now prescribed, but that does not signify that they were not qualified either by intelligence or by character for the work. If no man is qualified to discharge the duties of these offices except men who are able to stand these examinations, then, I inquire, what would become of the House of Representatives and the Senate of the United States? In this body are many scholarly men; they are men who have achieved great successes in every department and vocation of life; they were eminently successful in business, great at the bar, distinguished on the bench, esteemed by their fellow-citizens in every walk of life as worthy to wear the highest honors of the Republic; and yet not 10 Members of this body can to-morrow morning successfully pass a civil-service examination with a respectable average.

Yet you tell me that, though we are deemed fit to make the laws under which the people must live and work out their destiny, men of our qualifications are not fit to hold a clerkship in the Census Office. It is an absurdity that affronts the common sense of men.

I believe, Mr. President, in education. I believe in the maintenance of schools—common schools, high schools, and universities. I believe no blessing that a father can bestow on a son, except only the blessing of a good name, is comparable to the blessing of an education. And yet I am not so foolish or so narrow as to believe that men must be educated either to be great or to be successful. I have long since subscribed to the homely statement of Patrick Henry, who said on one occasion that "natural parts are worth all the learning in the world."

I would infinitely rather have a man of intelligence and sterling force employed about any business of this Government, though he did not enjoy the benefit of an education, than to have an educated man without intelligence and without force.

But, Mr. President, while I think the civil-service advocates are mistaken even in that view, even if they are not, it is altogether too narrow for us to decide this great question with reference to it alone. The civil-service advocate looks only to the mere question of filling a particular office; and while I doubt if he can fill it any better under his system than I could under the other one, I am willing to grant that he might do so, though I call the country to witness that the administration of the Government to-day is neither cleaner nor more efficient than it was in the older and better days. But, conceding that it is, that does not end the controversy.

What results grow out of this? Two results; and each result, in my opinion, is contrary to the essential principles and genius of free institutions. As certain as the world stands the civil-service system eventuates in a life tenure of office. There is no place in a free government like ours for life tenures, save and except only the judiciary, where the Constitution has ordained it. They put the judges beyond the reach of the populace and the politician, because they believed that he was to do a work the consequence of which would project itself through centuries to come, and they wanted them to do that work "unawed by power and unbribed by gain."

I do not quarrel with the wisdom of the Constitution that it has made the judges hold their offices for life, or, in the language of the Constitution, "during good behavior;" but I do quarrel with men who try to carry the principle of a life tenure in office beyond where the Constitution itself has established it.

Not only must the system eventuate in a life tenure, but it must likewise eventuate in an office-holding class, a class of people whose interest is apart from and sometimes in conflict with the great interest of the American people. The interest of men who eat the taxes is frequently contrary to the interest of men who pay the taxes.

Not only, sir, does it mean life tenure and an office-holding class, but those results lead inevitably to a civil-pension list. I came to Congress nearly twenty years ago, and one of the first speeches I delivered was to denounce what I believed then and I still believe is a sham and a humbug. I declared then that it would lead as unerringly as the night follows the day to a civil-pension list.

Nobody accepted that prediction as correct then. Everybody denounced it as a baseless fear; and yet, although I have not lived very long, I have lived long enough to see so distinguished and experienced a legislator as the Senator from Montana [Mr. CARTER], while defending this very system, admit that it means a civil-pension list; or else, he says, it means, and that is the same thing, that these aged and useless employees of the Government shall be left where they are with their salaries reduced. That is only another way of retiring them on a civil pension for life.

The Senator from New Hampshire [Mr. GALLINGER] says he sees no escape under it from a civil-pension list. There is not a Senator in this body to-day who expects to escape it if the policy is persevered in and extended.

Mr. President, our fathers—yes; almost our contemporaries—would have shuddered at the thought of establishing a system that in turn would establish an office-holding class, with a life tenure to be followed by a civil-pension list. The good which they expected to accomplish was to take the offices out of politics.

I am not one of the men who think politics so bad. I think you could not have a free government if you would take every-

body out of politics. There would be no contest over principles if there were no contests over offices. I have never yet been able to understand why a Senator should have a different rule applied to him when he wants this great office than one of his constituents should have applied to him when he wants a smaller office, because it happens generally that the man who seeks a smaller office seeks one in the same proportion as his intellect would bear to the intellect of the Senator who holds the higher office.

But, Mr. President, not only does this civil-service law produce these bad results to the country, but it produces a mischief to the very men who are the beneficiaries of it. It teaches them thriftlessness. It teaches them improvidence. It inculcates in them extravagance. There are very few men in this world with the providence to lay aside something out of their current earnings, even when they know that if they fail to do so they will suffer in their old age the bitter consequence of their folly.

Knowing that there is nobody to support them except themselves, how few men in the world are provident enough to subtract from their pleasures a part of their current earnings and lay it aside for their old age? Wise men fail to do it; a majority of the people fail to do it. How, then, can you expect a different method of procedure and a different habit on the part of those who have the Government's guaranty that as long as they live and reasonably behave themselves they can draw their salary from the Public Treasury? You can give a man, under the civil-service law, what salary you please, and he will spend it. If you doubt what these men will do with it, as a rule, see what the army and the navy do with theirs. They spend it because they have, written in the statute books of the country, the Government's solemn promise to take care of them when they are old and either unwilling or unable to work. There is not one man in many thousands who, assured of his support at the Government's hand, will think it worth his while to deny himself either comforts or luxuries in order to provide for his old age.

So, Mr. President, your civil-service system will breed a race of office-holding spendthrifts, and that is the inevitable result of it here and elsewhere.

Oh, but they say, if you go back to the old system you will have another saturnalia of politics. Well, the difference between that time and this is not very much of a compliment to this time. Then we had sturdy, thoroughgoing partisans, who were partisans because they believed that their party was best calculated to promote the welfare of their country. That is what made a man a Democrat or a Whig or a Republican. It was not merely that he wanted the office, but having fought the battles of his party and won a triumph, it was neither unreasonable nor unfair that he should ask to share in the fruits of a victory which he had helped to win. The very fact that these offices are open to men stimulates the interest of the citizens in every political contest, and from the very fact that the holder of the office knows that with a reversal of political control he must go back into the body of citizenship, he tries to keep touch with the citizens.

It is not so under this system. I am told—I do not know whether it is true or not, and perhaps I ought not to say it unless I know it, but it has come to me so directly that I do not doubt it—that these heads of bureaus, these petty chiefs now make it a matter of boast to tell the clerks and employees under them that Senators and Representatives are not permitted to influence their action.

I am told that they have a rule in these departments that threatens with discharge an employee upon whose appeal the Senator goes to the department to see why he was reduced in salary or in rank. I am told that they threaten every day that if our constituents appeal to us to secure just and fair treatment for them they imperil their position in the department. Was ever greater insolence than this exhibited under the old system? I think not. The difference, Mr. President, is that we have transferred the political boss into the department boss, and as between the two, I will take the political boss, who is here to-day and gone to-morrow.

Mr. President, one other thing, and I shall not further detain the Senate. I have little hope of accomplishing anything in this matter. I have been speaking against civil service ever since I have been here and I have frequently been able to get my views into a bill, but never able to keep them there. This provision was put in the other bill, but the President vetoed the bill. I want to show you what the President said about you.

Mark you, Mr. President, this question was thrashed out in both Houses of Congress. The distinguished Senator from Massachusetts [Mr. LODGE] exerted his great talents to have the civil-service law preserved in the bill which you then had under consideration. By a pronounced majority the two Houses of Congress framed that bill precisely as I am seeking to frame it now, because, in order to avoid extraneous issues, I have taken the old provision word for word from the law, or, rather, from the bill itself—the President never allowed it to become a law—just as it passed the two Houses; and yet because you did not take the advice of the Senator from Massachusetts and other gentlemen like him—for whom I have great respect, but with whom I have very little patience on this particular question—because you did not take his advice, here is what the President said about you:

> The evil effects of the spoils system and of the custom of treating appointments to the public service as personal perquisites of professional politicians are peculiarly evident—

This President, who was so incensed against the professional politicians, has more than once suspended the civil-service law to put particular individuals in an office.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Georgia?

Mr. BAILEY. Certainly.

Mr. BACON. I have seen the statement that such a thing was done 315 times by the President. I do not know whether that is absolutely accurate or not; and I have not examined the law lately; but I think there is no provision in the law which authorizes the President to make any such exceptions. He is authorized to classify people; but I do not think there is any provision of law which authorizes the President to select a certain individual and say that that man shall be put in office without the civil-service examination.

I remember that a good many years ago a similar issue was presented here, and there was some little colloquy upon the subject, and that the distinguished Senator, then representing in part the State of Connecticut, Mr. Platt, than whom there were few men better informed in the Senate, in response to a suggestion such as I now make, said that if the President had so appointed an individual in the classified service he had done so without warrant of law.

Mr. BAILEY. Mr. President, I am satisfied there is no provision of law which authorizes that procedure, and I am still better satisfied that there ought not to be one. I heard a circumstance related within the last forty-eight hours which illustrates the President's devotion to the civil-service law. I do not mean the present President, but the late President. A member of the legislature of a certain State had introduced a resolution pronouncing a fulsome eulogy on the President of the United States. When the legislature adjourned this solon found himself without employment, or, at least, without the kind of employment which he earnestly desired. So he had one of his friends take the resolution which he had introduced into the legislature of which he was a member, send it to the President of the United States, and ask for an office. The President of the United States sent word to one of the Cabinet officers to find him a place, and they found it at $7 a day. If any Senator thinks that story without foundation let him go and ask the Senator from West Virginia [Mr. SCOTT] whether or not it is true. That is the man who derides the whole Congress as professional politicians, seeking patronage for their own advantage, and yet he rewards the idle and shallow legislator who spends his time in framing fulsome eulogies upon the President.

I am not a spoilsman in the sense that I think Senators and Representatives ought to control these offices, and I am on record, Mr. President, as a Member of the other House against that system. I do not believe that appointments to office bear any resemblance to the legislative function except so far as the Constitution has committed the confirmation of appointments to the Senate; and that was a departure from all the established principles of civil government before our time. Except in so far as confirmation is concerned, the appointment to an office has absolutely no semblance to a legislative function. I have always believed that the legislature, or the members of it as such, ought not to participate in appointments. In pursuance of that view, when a Member of the House of Representatives I introduced a bill forbidding any Representative to seek, solicit, or recommend an appointment and forbidding a Senator to do so, except only in a case where the President had asked his advice. No Senator here knows better than I do the perplexity and vexation that arise out of the distribution of patronage. It is true I have not had much experience in that respect. We have only had one administration of my party since I have been in public life, and they took even the fourth-class postoffices away from me before that administration was 12 months old.

During the latter part of the time if a man wanted a postoffice in my district the surest and the easiest way to obtain it

was to impress the Post-Office Department with the idea that I was trying to keep him from getting it. [Laughter.] I declined to make any recommendations, doing so in a statement issued to my own people over my own signature, in which I declared that I had no influence with the department. I learned then that these things, like kissing, go by favor, and that a Senator or a Representative who possesses great influence at the departments must allow the departments to possess at least a certain degree of influence with him. The reason so many Senators from time to time are at odds with the administration is because the administration can not control them; and while the country thinks that whenever the administration issues a command all of the Members of the Senate belonging to that administration party obey it, I take pleasure in saying that that is not always true. I hope they are not going to obey the administration's command on this question. I hope that, having already voted against the application of the civil-service law to the taking of the census, they will have the firmness and the courage to repeat that vote, and that they will neither be driven by a vaccillating spirit nor by the persuasion of the Executive into surrendering their views and adopting his.

I have been told that the President would veto this bill if we do not provide in it for appointments under the civil-service rules. I do not know who is authorized to say that. I certainly have not been authorized by the President to deny it, but I want to say here and now that if the President of the United States thus early in his administration is undertaking to coerce the American Congress by threats, the experience of the last seven years will be a holiday compared with what the experience of the next four years will be.

I am one of the men who expect and who sincerely hope that the present President of the United States will distinguish himself in his great office. I fervently pray that his administration will be an unmixed blessing to all the people; yet, Mr. President, I do not hesitate to say here and now that no man who ever entered upon the duties of that great office had a less desirable preparation for it than the present occupant of it. He served on the federal bench, a place where the tendency is toward a certain kind of tyranny—and inevitably so. There is scarcely a federal judge—and there are many of them upright, honest, brave, and honorable men—in these United States of twenty years' service who has not become arbitrary, irritable, and sometimes tyrannical.

It is human nature that it should be so. A great heathen philosopher said two thousand years ago that irresponsible power would corrupt the heart of any man who lived. He did not mean, and I do not mean, that it will corrupt him in the sense that it will make him venal, but it will corrupt him in the sense that it teaches him to oppose his will against all obstacles and to insist upon the prevalence of his will even over the law itself upon occasion.

This distinguished gentleman went from the federal bench to the Philippine Islands, where, without the restraint of law and without the limitation of a constitution, his single word was the will of a conquered people. He deserves the highest eulogy that human language can frame or human lips pronounce if in those surroundings he still kept burning in his heart the love of constitutional liberty and a reverence for the law as it has been written. He came from the Philippine Islands, after his long and, I will say, distinguished service there, and passed into the War Department, with absolute control over the great work which we are constructing to the south of us. He took up the work of that canal, and that he has supervised its progress as well as any man could have done I bear cheerful witness, and yet his will, and not the statutes, has governed mostly there.

I grant you that in a work like that as large a freedom and as small a restraint as is compatible with a constitutional government is the proper theory, but still the man who lives under and executes that theory is subject to its influence a long time afterwards. So, Mr. President, I say that no man ever went to a worse school in which to learn to be President of the United States than did the present occupant of the White House.

I hope—and I do not express the hope without coupling with it a belief—that morally and intellectually he has been strong enough to shield and protect himself from that baleful influence; but that hope and that expectation will be disappointed if he is sending messages to Congress, except in the ordinary and constitutional way, and threatening us with his displeasure and his veto if we dare to do what we think ought to be done and not what he wants us to do.

The Constitution of the United States gives the President of this Republic the right to tell us what he thinks we ought to do. That same Constitution gives him the power to veto what he thinks we ought not to have done; and God knows that is power enough for any one man ever born of woman to possess over the laws and legislation of a free country like ours. Therefore, without any special knowledge, I take the responsibility of saying that the President of the United States has not indicated by any threat that he will veto the proposed legislation if we pass it, as we did pass it less than four months ago. But whether he does or not, Mr. President, I took an oath to do my duty as I see it and not as the President of the United States sees it, and I intend to do mine in my way and leave him to do his in his way.

Mr. LODGE. Mr. President, the Senator from Texas spoke with great kindness of me in referring to the part I had taken in this debate in the last session of Congress. He knows that I entirely reciprocate that kindness, and that no one appreciates more fully than I the great force and clearness with which he discusses any subject. He said he felt great respect for myself and for those who feel as I do on this question of the civil service, and I am sure I feel the same respect for him. But he said on this question that he often grew impatient with us. There I have the advantage, for I am entirely patient with the arguments made against the civil service, a patience born of an experience of twenty years in both Houses of Congress.

I have no time, Mr. President, to enter into the old field of discussion about the merits of the civil-service system. I am obliged to leave the Chamber in a moment, and I only want to say a few words in regard to the precise point involved in this debate. I have never thought for one moment that the present system of the classified service was an ideal system that never made mistakes. I try it by no such test as that. This is a comparative world, and the test by which I try the existing classified service is in comparing it with that which it has supplanted. I think in that regard it stands as a great improvement—an improvement of the service itself and a great improvement to the political life of the United States.

In the bill pending at the last session I discussed to the best of my ability the section which the Senator from Texas [Mr. BAILEY] has sent to the desk as an amendment to the pending bill. The Senate decided against the amendment which I then offered, and which embodied the principles which are contained in the section of the bill now reported. I opposed it, not only on general grounds, as likely to give us an inferior service and to lead, as all the professional testimony proved, beyond a doubt, to a greater increase of the expenditure of public money, but I opposed it on the selfish ground of the burden that it would put upon each one of us.

Personally I think it is a great relief to be free from the demands which necessarily fall upon every Senator when a number of offices, small or large, are thrown open to what is commonly called "patronage." My own belief is and my own feeling is that to be relieved of that is a great advantage to Members of the House of Representatives and to Senators alike. They are here for rather more important duties than scrambling in the anterooms of department officers to secure employment for constituents or others.

The bill containing that clause was vetoed by the President, and no attempt was made to pass it over the veto, probably for the very good reason that the House found it could not be passed over the veto. I watched with some interest and took some pains to observe the comment on the bill and the veto. Twenty-five years ago, when I first became familiar with this agitation, there was great support in the press for the view that what is now known as the "classified service" should not be introduced; but after that veto I looked in vain for any adverse comment on the action of the President. The press of the country has become satisfied that the classified service is an improvement upon what went before. This hostility to the classified service, this keen perception of its defects, this desire to improve our service by having these fine, forcible, energetic, sturdy persons, who can not pass an examination, is confined, I think, to the two Chambers of Congress.

The bill went to the President and was vetoed. It has been reintroduced, and, as passed by the House at this session, conforms to the views laid down in the President's message. It is in that form before us at this moment. The amendment of the Senator from Texas would bring it back to the precise condition of the bill which encountered a veto.

Mr. President, I have no earthly authority to speak for the President of the United States. It does not occur to me for a moment that he would ever threaten to veto any bill until it came before him in due course from the Congress of the United States; but it is impossible to be blind to the President's attitude, as shown in all his public career. It is impossible to forget what he has said upon this subject, and, most of all, it is impossible to forget that he established in the Philippine Islands a civil service more rigid in its requirements than the one

established in the United States. His opinions have been shown not only by words but by deeds; and it is well to remember that we are sending this bill to a President whose views on this subject have been expressed and exemplified for many years past in high executive positions. From what he has said and from what he has done, everyone is at liberty to draw his own conclusions. He holds what I believe to be sound views on the treatment of the great civil service of the United States.

I hope he agrees with the action of the committee. Whether he does or not will remain to be determined by the form of the bill which is finally sent to him; but I trust, Mr. President, that Congress will not again pass a census bill containing provisions which seem to me objectionable. I think that it was demonstrated in the debate, beyond any kind of question, that under the old system as applied to the previous census, the fact that the Director of the Census was compelled to take persons whom he did not consider fit caused a waste of money which one Director of the Census estimated at $2,000,000.

I have no time to rehearse the argument. I only ventured to take the floor for these few moments in order to express my earnest hope that the Senate will sustain the committee in the action which, I think, they have very wisely taken upon this subject.

Mr. NEWLANDS. Mr. President, when the census bill was before the Senate at the last session I supported the amendment offered by the Senator from Massachusetts [Mr. LODGE] bringing the employees of the Census Office within the provisions of the civil-service act. I am very glad to know that the bill that is now before us presents practically what was urged by that amendment.

I am opposed to the spoils system in patronage and the spoils system in projects; I am opposed to that form of the spoils system which turns over to Members of Congress, who come here to exercise the function of legislation, the additional function of aiding the appointing power in the selection of officers; I am opposed to that system of spoils in projects which sends men to the Congress of the United States to advocate the construction of a particular public building or the improvement of a particular river and harbor and to devote their entire energy to the carrying out of measures designed for the benefit of their districts alone, without view to general statesmanship. I believe that this spoils system dwarfs the statesmanhip of Congress.

It is essential that somebody should pass upon the qualifications of those who intend to enter the civil service. We must all agree that the employees should possess the proper qualifications, and it is, therefore, necessary for some individual or some board to pass upon such qualifications. If we leave the thing adrift, it will result in the appointments being made by bureau officials, by heads of departments, by the President of the United States, with the active intervention of Members of Congress, for we know that under the old spoils system it was regarded as the duty of a Member of Congress to urge the claims of his constituents to positions in the civil service, and the man who did not discharge that duty was generally left at home. The result was that the energies of Members of Congress were largely employed in attendance upon the offices of officials seeking employment for their constituents, instead of in the functions of legislation. I favor the bill as it stands, therefore, because I would emancipate Congress from the necessity of attending to that kind of patronage.

I hope that in time we will go further and will absolutely abolish, or at all events mitigate, the evils of the spoils system in projects. We have done this to some extent already in connection with the canal service and in connection with the irrigation service. We determined to dig the Panama Canal, and we placed the canal service practically in the hands of the President and gave him full power of execution. Congress does not seek to interfere at all with either the appointments or the details of carrying out that great canal project.

The whole work is being done by experts appointed by the President, and these experts, possessed of all the qualifications and the experience necessary to carry out the work, are conducting it within the general lines mapped out by Congress, but without the action of Congress upon mere matters of detail and without interference in matters of appointment and employment.

When we came to the consideration of the reclamation act we took a similar course. It was, perhaps, forced upon us by necessity. When the sentiment of the country had been so educated in favor of irrigation that the country was ripe for legislation upon the subject, we men from the West found that we were divided in judgment as to the particular projects that should be entered upon, as to their relative importance, and as to the amount which should be expended upon each. We found that we were hopelessly divided upon these questions. Our first instinct was to have these great projects entered upon just as river and harbor projects had been entered upon for years—have each project presented to Congress, referred to a committee, passed upon by the committee, with the aid of a board of engineers, and then acted upon by Congress. But we found that we were so divided as to the localities in which the works should be constructed, as to the sequence in which they should be conducted, as to the expenditures which should be made, that we concluded to declare by law that the reclamation work should commence, to establish an ample fund for the purpose from the sales of the public lands, and to give the Secretary of the Interior the power to locate the projects, to expend whatever money, within the limits of the fund, he thought necessary for the purpose, the only limitation upon his power being that no contract should be entered into unless the money for the payment of the project was in the fund.

We of the arid and semiarid West have realized the great advance made in constructive work by that act. Members of Congress are not elected there to urge Congress with respect to particular projects. They are not expected by their constituencies to bring back legislation in favor of a particular project. All these things are determined by scientific men, trained engineers, constructors, and experts, appointed by the Secretary of the Interior and acting under his direction. All that the Committees on Irrigation of both House do is to require reports of these projects, reports of expenditures, reports of plans. They occasionally inspect projects. But, so far as the initiative regarding the projects themselves is concerned, so far as the plans of and the expenditures upon the projects are concerned, the Irrigation Committees have not yet found it necessary to act. The work has been conducted with quickness, with efficiency, and with economy to the entire satisfaction of 13 States and 3 Territories.

Contrast this with the system that has prevailed regarding rivers and harbors. Contrast it with the system that has prevailed with reference to public buildings. We all know that there every project is initiated by the action of some Member of Congress in the interest of his particular district. We know that upon both those committees men are placed who are desirous of serving there for the purpose of urging a particular project. Necessarily therefore these committees are composed of men not entirely disinterested, not taking the large view of a general benefit of the country, but intent upon individual action regarding their districts and disposed to make compromises in order to secure favorable action.

How can these projects be carefully scrutinized when each man has a project before his committee, when each man knows that the success of his project depends upon the good will of his neighbor, and that the good will of his neighbor upon the committee can be secured only by supporting the project of that neighbor? So it is that the construction of public buildings of the country has become a part of the spoils system of the country, belittling the dignity of legislative action and belittling the statesmanship of the country.

I trust the time will come before long when we will organize a great bureau of architecture and of arts; when we will ally art with construction in this great work; when we will organize in connection with such a bureau a commission of great constructors and artists and architects and sculptors, who will see to it that beauty is united with utility, and who will take hold of the work of public buildings in some comprehensive way, some scientific way; who will adapt the action of Congress not to the persistency or the vigor or the urgency of a particular Member of Congress, but to the wants of the Nation itself. When that is done; we can safely enter upon an era of public-building construction in this country that will warrant an expenditure of $25,000,000 or $30,000,000 annually, and perhaps more; and when it is done in a scientific way, with logic, with sequence, with consecutiveness, the entire country will approve of such construction, whereas the sentiment of the country today disapproves, I believe, of the system of spoils in connection with public buildings.

Mr. BACON. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. I do not wish to ask the Senator a question on the direct point he is now discussing, but to recur to what he said some moments ago in reference to the proposition to adopt the pending amendment as one which he assumes is a recurrence to the spoils system.

The question I desire to ask the Senator is this: The Senator was in the Senate at the time the last census was provided for. If not, he was in the House, and is familiar with the system then adopted. Does the Senator regard the system adopted in the appointment of the clerical force of the census last time, which

was by a distribution, so far as could be practically accomplished, of the clerical force with some degree of uniformity throughout the whole country and without regard to political affiliation as pursuing the spoils system?

Mr. NEWLANDS. Mr. President——

Mr. BACON. Before the Senator answers, if he will pardon me, so that I may not interrupt him again unnecessarily, I understand the purpose of the pending amendment to be to inaugurate and put into practice a similar proceeding, by which there will be appointments of the clerical force which shall be distributed with reasonable uniformity throughout the country without regard to political affiliation or influence. Can that be said to be an advocacy of the spoils system?

Mr. NEWLANDS. I do not object, of course, to a geographical distribution of the employees in the census service, nor do I object to the selection of these officials regardless of their political affiliations. All that I do object to is the participation of Members of Congress in the selection of the employees; and unless we provide for some tribunal that is to pass upon the qualifications of the employees, if we leave the whole matter adrift, I am sure the necessary result will be that Members of Congress will be called upon by their constituents to use their influence with the Census Office for their appointment, and that in this way the spoils system will again be fastened upon Congress, and I would gladly avoid it.

Mr. BACON. I desire again to call the attention of the Senator, with his permission, to the fact that not only was the system in the selection of the clerical force ten years ago such as I have described, but there was also prescribed an examination to ascertain the qualifications. So it was not simply a matter of the arbitrary selection by a Senator or Representative. The applicants had to go before the board for examination.

Really, Mr. President, if the Senator will pardon me, the only difference between the system as it was followed ten years ago and that which is proposed in this amendment is this: Ten years ago the Civil Service Commission had no agency in the matter. The Director of the Census prescribed the examination which should be successfully passed by an applicant before he could be appointed, and he not only prescribed the examination, but he provided the machinery. Under the bill as it stands, and with the section which it is now proposed to amend, the Director of the Census again prescribes the examination, and the only agency of the Civil Service Commission is to provide the machinery for the examination. The Census Director prescribes what shall be the nature of the examination in the same way that he did ten years ago. He then not only prescribed the nature of it, but he provided the machinery. In this bill the only difference is that while he still prescribes the nature of the examination, it is enacted that the machinery for the examination shall be provided by the Civil Service Commission.

Mr. NEWLANDS. Am I to understand that under the present bill the Director of the Census can designate to the Civil Service Commission the men who are to appear before it for examination?

Mr. BACON. No; I do not say that.

Mr. NEWLANDS. It was possible, however, for him to designate them under the old system.

Mr. BACON. Yes.

Mr. NEWLANDS. Very well; that is what I object to, Mr. President. I object to the Director of the Census designating who are to appear for examination, whether that examination be conducted by a board appointed by him or whether it be conducted by the Civil Service Commission; and I object to his designating these men who are to appear before the board simply for the reason that the pressure of Members of Congress will be brought to bear upon him in the selection of the men designated. Thus we will be thrown back upon the old spoils system, which is a nuisance to Congress and a nuisance to the country.

Mr. BACON. It is a question of personal preference as to the method. The only object I had in interrupting the learned Senator was to suggest that possibly his accusation of the desire to return to the spoils system was not well founded if the system was such as was pursued ten years ago, where there was no political influence or affiliation taken into the equation.

Mr. NEWLANDS. I think we all know that ten years ago, under the old system, the services of Members of Congress were constantly called into play in the designation of employees in the census service; and it is that which I would avoid. I would emancipate Congress from that unpleasant duty. It is true there are many individuals here who would refuse to discharge that duty if they were called upon, but it is very difficult indeed to resist the importunities of constituents. It is almost impossible to do it. I am opposed to it for the principal reason that it involves Congressmen in a constant chase for petty offices.

So far as the Civil Service Commission is concerned, its methods may be wise or unwise; so far as that service is concerned, its examination may be as absurd, as they have been here characterized; but I think that all our legislation should be directed to the improvement of the method and not to the abolition of the service itself.

Mr. President, the question of the Senator diverted me from a question which I was considering, and that is the spoils system in projects. I was speaking at the time of the spoils system with reference to public buildings, which made the success regarding the construction of a public building in a particular place more dependent upon the energy, the ability, the persistency, and the negotiating power of the Member of Congress who represents the district than upon the merit of the project itself.

I wish to say a few words regarding the river and harbor system, which has been discredited before the country for years simply because of the spoils system. In every other civilized country waterway development has advanced. It has advanced throughout Europe, notably in France and Germany, and the waterways are used there in coordination and cooperation with the railways in aid of transportation, the waterways carrying the cheaper and bulkier products, in which speed of transportation is not so essential, and the railroads carrying the more expensive products, in which great value is condensed in a small space. We have indulged in desultory and spasmodic work upon the waterways of this country; and, though our expenditures have been large and individual localities have received the benefit of the expenditure of public funds, little has been accomplished of real benefit to the country at large. Public sentiment now demands that the waterways of the country shall be developed in some comprehensive way, and that that development should mean the coordination of all the services of the Government that relate to water—the cooperation of the Nation with the States, the Nation bearing its part of the work so far as it relates to navigation and irrigation of its public lands, and the States bearing their part of the work so far as it relates to the development of the system for other purposes—for the improvement of water for municipal supply, for the development of water power, and for the reclamation of swamp lands. All of these things can be considered in a great scheme for the development of our waterways, and the country is ripe for it; and yet we hesitate to create the machinery, as we have created it in connection with the Panama Canal, as we have created it in connection with the reclamation projects of the country, to carry out the development of our waterways under some broad and comprehensive plan.

I trust that before long the action of Congress will emancipate Congress from the spoils system which has been fastened upon the river and harbor improvements of the country and upon the construction of public buildings, and that we will put these works under the direction of great engineers and constructors and architects, with large powers of initiative as to particular projects and with a large and certain fund for expenditure, Congress simply marking out the general lines of action, retaining through its committees general authorization over plans and expenditures, and intervening when it sees that mistakes are being made or that extravagance is being indulged.

If we can only accomplish the emancipation of Congress from the spoils system in patronage and the spoils system in projects, the statesmanship of this body and the statesmanship of Congress in its entirety will, in my judgment, reach a higher plane.

Mr. DEPEW. Mr. President, I wish to say just one word to express my approval of the action of the committee. I do it from my own experience in this matter ten years ago. At that time a distribution was made in the way suggested by the amendment of the Senator from Texas. Under that distribution I received 12 appointments. As soon as it became known, I had 800 applications. I had no means of ascertaining by any sort of an examination the merits of the 800, so that out of them I might select 12 who could properly perform the duties of the places for which they were applicants.

But that was only the beginning of my trouble. The party organization in each one of the 61 counties of the State demanded its share of the 12 appointments. I then was confronted with the question how I could keep my party status with 61 counties and only 12 offices to assign. The net result of the whole matter was that I appointed 12 people.

When they got in office I discovered that they and their sponsors expected me to keep them there, whether or not they were efficient and competent, and when the census work was over I had the 12 on my hands, or, at least, 11 of them, for the next six months, sustaining them by various contributions while they were here in Washington, and I was besieging the various departments to find places in which they could be put with more permanence than they had had during the three years in the census.

I remember having a conversation prior to the convention of 1888 with the late Mr. Blaine. Mr. Blaine then announced to me—and he believed largely in this system of appointments to office by political considerations solely—that no President of the United States would ever be reelected, because with the constantly increasing population the offices did not grow in proportion, and therefore there would be more applicants every year than there were offices, in geometrical ratio, until the President would be overwhelmed by the defeated, who would be sufficiently strong in any election, if he succeeded in getting a renomination, to prevent his reelection by the defection they would cause in the party from the anger of themselves and of their backers.

The first sneer, I think, that I ever heard of against the civil service came from as distinguished a man as President Lincoln. I remember it very well, because we had no civil service or suggestion of it at the time, except in the army, and there the regular officers were sufficiently strong, especially after the defeats which had come from ignorant commanders, to have a sort of an examination. There was an officer who was recommended for a negro regiment, and Mr. Lincoln believed him thoroughly competent, because he had shown efficient service in the field. But the regular officers objected unless he passed an examination upon some West Point schedule, which Lincoln knew he could not succeed in passing. And so Lincoln said, with considerable acerbity:

> I intend to appoint this man as an officer without regard to whether or not he can pass a civil-service examination as to the color of Julius Cæsar's hair.

Now, since that time we have progressed very far and very rapidly. The first examinations of the civil service were absurd. The first steps in any new department, where officers are untrained, must necessarily be absurd.

But I think that now we have progressed to a point where there is a large degree of efficiency in the civil service, and the best part of it is the relief which Senators and Members of the House have from the duties which were imposed upon them as recently as when I entered the Senate, ten years ago. The Marble Room out there kept me at least one-half my time listening to the appeals of office seekers, no matter how long might be the session of the Senate, and I never had any leisure at home. These applicants were mostly people who were in distress. They had lost their places generally in firms or corporations, or they were dependent members of families in different parts of the country, who sent them down here to get jobs. I found, then, that it was understood all over the United States, where a breadwinner had died and where the adult members were girls and their support was falling upon their relatives, that the relatives should take this method of providing for them by sending them to Washington with letters from the local clergymen and the mayor of the town and the supervisor and the member of the legislature to the Senator, each one stating that the writer knew that if the Senator cared for him that place would be given to this most worthy applicant.

The amount of mental distress I suffered during that period from the misery of these unfortunate applicants made me more unhappy while it continued than I ever had been before in my life. I was utterly helpless. I was eternally hammering at the door of every Cabinet minister, eternally pestering and boring every head of a bureau, establishing a species of information bureau by which I could find out when a man died or a woman was discharged in order that I might get there first, so as to take care of an unfortunate and starving constituent.

Mr. President, that system has so far passed away it is very seldom now that I am called out into the Marble Room, which I call the "room of sighs," and stand upon its floor, bedewed with tears. I rarely am called out now, except on matters relating to legislation, especially during the present session of the Congress.

So, Mr. President, I hope that the committee's proposition, which I think is the result of the best experience of the last few years of the administration of our Government, will be adopted, that we may be relieved from this unnecessary work, where we can do no possible good, and the public service may be better and more efficient. Every one of us, if it were possible, would find a place in Washington under the Government for every boy or girl or man or woman who was recommended to us by our constituents. But as long as we know that there is only the possibility here and there at long intervals of a single place, and that a minor one; and when you have an army, all of whom are informed that you can get each one of them a place if you want to, to be relieved from that as a mere matter of peace of mind as well as ability to attend to your public duties, is a great gain in the public service.

I trust, therefore, Mr. President, that the proposition of the committee will be adopted.

Mr. CARTER. Mr. President, before the vote is taken, I deem it expedient to call the attention of the Senate to the difference between the bill and the bill as passed a few months since, the law as it was passed in 1899, and the provisions of the pending bill.

In the act approved in 1899 for the taking of the decennial census, section 5 made provision for such examination as was contemplated at that time. In so far as applicable, the section reads:

> Subject to such examination as the director may prescribe.

It is then provided that certain employees shall not be subject to any examination.

The bill as passed by the two Houses of Congress during the last session and subsequently vetoed by the President provides, in section 7:

> That the additional clerks and other employees provided for in section 6 shall be subject to such noncompetitive examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission: *Provided*, That they shall be selected without regard to the law of apportionment or to the political party affiliations of the applicants, and that preference may be given to persons having previous experience in census work, etc.

The bill as framed and now pending provides:

> That the additional clerks and other employees provided for in sections 3 and 6 shall be subject to such special-test examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission, the examination to be open to all applicants.

And the law of apportionment shall apply.

It will be observed, Mr. President, that there is a difference between the section which we now propose to enact into law and the section of the bill vetoed by the President. It rests in this: The word "noncompetitive" was used in the vetoed bill to qualify the word "examination." For the word "noncompetitive" we substitute the two words "special test." There is no other difference in that respect.

But there is a difference in this regard, that while in both cases the examination, whatsoever it might be, is to be conducted by the Civil Service Commission, the examination provided for by the vetoed bill was not to be open to all comers, but only to those specially designated to take the examination. The bill as now pending before the Senate, reported by the committee, provides that the examination shall be open to all applicants. So if you will supply the words "special test" as a substitute for "noncompetitive" and interject the words "that the examination shall be open to all applicants," you have the only difference between the vetoed bill and the one pending here, except in this, that the law of apportionment shall be adhered to under the provisions of the bill as reported by the committee.

That law of apportionment, Mr. President, is a wise provision intended to secure to all the States and all the districts an equal participation in the work to be performed. The waiving of that rule of apportionment will necessarily result in giving the employment to the people nearest the capital.

But it is suggested in the President's veto that there might be justification for waiving the law of apportionment because of the temporary character of the service. That suggestion is made in view of the probability that persons from California, Washington, Oregon, and Montana might not desire to come here to work for the low wages for a short period of time. But, Mr. President, they ought to have the privilege of coming if they desire so to do. The pending bill gives them that privilege. If they do not desire to come, then a subsequent portion of the same section allows the Director of the Census to appoint in the exigency persons who from the location of residence and availability may be appointed to perform the work temporarily.

I think the law of apportionment, which the amendment of the Senator from Texas would waive, embodies the right, if a right can be regarded as attaching to a public office, each State has to equal participation in the activities of the Government.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I do.

Mr. GALLINGER. I will ask the Senator from Montana if he has taken any means of ascertaining whether or not the law of apportionment is being observed to any considerable extent? In other words, does the Senator from Montana not know—he surely knows if he has examined the case—that the District of Columbia has six or seven times more than it would have if the law of apportionment was adhered to, and that certain other States, which I will not name, have two or three or four times more than their proportion?

Mr. CARTER. That presents a question with which the committee undertook to deal. I think it is true, at least it is alleged as a fact and alleged upon very excellent authority,

that the law of apportionment has not been adhered to. It is questionable whether the Civil Service Commission is seriously at fault for this departure from the law. It appears that the invasion of the law of apportionment occurs because persons who lived long, long ago in a distant State, having become connected with the civil service of the Government, have raised families here. The children have grown to manhood and womanhood, and when they desire to enter the civil service they assign the old-time residence of their parents in distant States as their residence, notwithstanding the fact that in many cases they have never even seen the borders of the State.

Mr. GALLINGER. It is a common habit.

Mr. CARTER. This is apparently a common habit. Then, undoubtedly in many cases aspiring persons desiring to enter the civil service and finding the quota of the State or district where they reside filled up, have passed through another State, mentally declare that they changed their residence, get a neighbor to certify that they lived for some time in a house at 302 Elm street, for instance, and thus acquire a residence in a State whose quota is not filled up, the whole thing being a fraud upon the law and probably upon the Civil Service Commission as well.

Now, Mr. President, in order to avoid any such invasion of that law in the future, the committee has submitted an amendment, which reads as follows:

Provided, That hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination.

While that may not cure existing wrong, it will prevent the continuance of an abuse.

Mr. BEVERIDGE. Ought you not to add, after the word "State," the words "Territory or the District of Columbia?"

Mr. CARTER. If it is thought proper, let it read "State, Territory, or District of Columbia."

Mr. BEVERIDGE. Otherwise, it would exclude the District of Columbia.

Mr. GALLINGER. It ought to be added.

Mr. CARTER. It ought to be added, and I will make a note of the Senator's suggestion. I hope he will think of offering that amendment when the time arrives.

Mr. BEVERIDGE. I merely make the suggestion.

Mr. CARTER. Now, the Senator from Texas [Mr. BAILEY] presents the section as we passed it in February as a substitute for what we think is a better section, which provides for the specific points to which I have referred, and which, on principle, I think is founded upon that which is just and fair to all the States and to everyone desiring to secure employment in connection with the census.

Why should we close the door to any worthy person who wants to be examined with a view to entering this service? Why should any person be driven to see some other person in order to get a designation as a means of getting a job if qualified to fill the place? If we are to have these examinations at all, then everyone ought to have a fair show at the start and no favor should be shown.

The bill as we present it from the committee leaves the examination open to all persons, and I am sure the Senator from Texas [Mr. BAILEY], fair-minded, broad, and liberal as he is, will support that proposition and will be glad to have his amendment amended by incorporating it, because the amendment as he presents it requires an examination just as it is required here through the civil service, but it is to be noncompetitive. That means that it is to be an examination accorded by special favor. Upon what theory can such a thing be justified? I know that the Senator from Texas would have persons designated for the service without examination, upon his theory that the examination is not necessary and that in the long run it does not form a correct test as to capacity to perform service. But now he proposes in the amendment an examination——

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I yield, of course; but the Senator will permit me to finish the sentence. My understanding of the Senator's position is that his amendment adheres to an examination, and that examination through the civil service, but it is to be noncompetitive; that is, not open to all persons.

Mr. BAILEY. The Senator from Montana is entirely right in saying that I am opposed to applicants being compelled to stand examination; and if I were drawing the amendment to express my views entirely and accurately, I would have drawn it that he should appoint them without examination; but in view of the fact that this provision had passed both Houses of Congress, I felt that it was wiser as a matter of procedure to adopt it than it would be to undertake to change it. I believe, however, I might just as well have offered it as an amendment that perfectly expressed my view, for I think there is no more chance of having this adopted than there would be of having the other adopted.

Mr. CARTER. Mr. President, I realize fully the constraint under which the Senator labored in offering the amendment. Having voted for the bill which has been vetoed both in committee and in the Senate, I have felt somewhat handicapped in the consideration of this bill from the beginning. I am perfectly free to say that if the bill had come to the desk to be voted upon, I would have voted to override the veto of the President. But that opportunity was not afforded. The bill having come forward again for consideration, we have framed what we think is a better bill than that. I am not so anxious to embarrass the President as to wish to adhere to that which is faulty in order to secure the end.

I hope the amendment of the Senator from Texas will be rejected.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas.

Mr. LA FOLLETTE. Mr. President, perhaps it is not necessary to offer any further observations upon the pending amendment. I want to say a few words, however, in addition to what the Senator from Montana [Mr. CARTER] has said with respect to the section under consideration.

Section 7 provides, first, that all employees except the assistant director, private secretary, supervisors, special agents, and enumerators "shall be subject to such special test examination as the Director of the Census may prescribe." Now, that section 7 it is proposed to strike out of the pending bill and it is proposed to substitute for it the section adopted by the last Congress which was the cause of the veto by the President.

This section makes another provision which I think important. The special examination which is to be held under the provision of the section is to be given by the Civil Service Commission. The examination is to be a competitive examination, open to all applicants without regard to political party affiliations and without reference to influence or political indorsement.

The fourth provision of the section requires that such examination shall be held at such places in each State as the Civil Service Commission shall designate. That offers an opportunity to those who desire to enter this service in every State to submit themselves to examination at places where it will be convenient for them. After the examination is held "copies of the eligible registers so established shall be furnished the Director of the Census by the Civil Service Commission." The next requirement provides that a selection from such list of eligibles shall be made by the Director of the Census, first, "in conformity with the law of apportionment," and, second, in the order of rating.

The next requirement of the section which is under consideration is that there are certain exceptions which are to be observed by the Director of the Census in the making of these appointments. First, persons who are afflicted with tuberculosis or who can not furnish a certificate from a physician as to general good health are not permitted to enter the service. It seems to me that that is a reasonable requirement, and one which ought to obtain in bringing into the service the three or four thousand clerks who are to work together in crowded quarters in the compilation of this census.

Second, when the exigencies of the service require, exception is provided in the section under consideration. It is that, for temporary appointment, the Director of the Census may, when such an exigency arises, depart from the apportionment rule of the civil-service law and select from the eligible list prepared by the Civil Service Commission as the result of the examination those who, by reason of residence or other conditions, are so situated as to be available to meet the requirements of that exigency.

Another exception provides that the director may appoint persons having previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and he may accept those efficiency records in lieu of the civil-service examination. That is, the force which will be required by the Census Office in the operation of mechanical appliances, such as tabulating machines, may be appointed, so far as available, upon records for efficiency which they have previously made, without passing any civil-service examination whatever.

The Director of the Census informed the committee when this section was under consideration that the force required for this character of work would be nearly one-half of all the office employees who will be taken into the Census Office during the

census period. About a thousand employees will be required for this character of service, and the committee thought it advisable to waive the examination test with respect to these employees and to permit the Director of the Census to employ, upon their efficiency record, those employees who had previously been in the office, if they applied for appointment and their records were satisfactory, without any examination, because no examination could be made that could so well test their efficiency as the record which they had previously made, unless the director chose to subject them to a test to see that they had not deteriorated since the time when they had made such efficient records.

There is one other exception that is made. Employees in the departments in the classified service who have had previous experience in census work may be taken into the Census Office for this work without being subjected to examination. Such appointees will be eligible to retransfer, when their census work is completed, to the positions from which they were taken in the different departments.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. It occurs to me that a little difficulty will grow out of this provision. Very likely the Senator can disabuse my mind of the impression. The transfer of clerks from the departments to the Census Office for two or three years it seems to me will necessitate the filling of those places by certification from the Civil Service Commission, and when this brief period has passed there will be no place in which to reinstate these men. Has that occurred to the Senator as a possibility?

Mr. LA FOLLETTE. I suppose that is a possibility, but I presume it is something which the applicants for transfer would take into consideration in asking to be transferred to the Census Office for this period.

Mr. GALLINGER. My thought was that very likely very few transfers would be made.

Mr. LA FOLLETTE. Of course, it is true that the work is increasing all the time in the various departments of the Government, and they may find positions open to them at the end of this census period; but I apprehend that none of them would be transferred without application for such transfer upon their part.

Mr. GALLINGER. I assume not.

Mr. LA FOLLETTE. And if they make such application, they take, of course, the chances of being retransferred to positions of like grade when the census period has passed by.

Mr. GALLINGER. Now, Mr. President, if it will not disturb the Senator——

Mr. LA FOLLETTE. Not at all.

Mr. GALLINGER. I should like to ask him a question on the point that he passed a moment ago—namely, that appointments are to be made in the order of rating. Does the Senator understand that to mean—as I think it ought to mean—that the person having the highest average will be selected, or will the system be followed that prevails now—it certainly used to prevail—of three names being certified at the same time and the appointing power having the privilege of selecting any one of those three? I have always thought that the appointment ought to be made of the person having the highest percentage in the examination. I should like to know what interpretation the Senator puts upon the language in this bill in that respect.

Mr. LA FOLLETTE. Mr. President, I understand that this provision makes no change in the civil-service law as it exists at the present time, and I suppose the Director of the Census will be required to select the highest applicant upon the list according to the law of apportionment.

Mr. GALLINGER. I think, if the Senator will pardon me, that the civil-service law does not deal with this question at all, but that in accordance with regulation or custom the Civil Service Commission certifies three names. I think it is a bad custom. I think the person at the head of the list should receive the appointment.

Mr. LA FOLLETTE. In this case, by the terms of the bill, the entire list would go to the director.

Mr. GALLINGER. Yes.

Mr. LA FOLLETTE. It is my understanding that the law would require the selection of the one highest on the list, subject to the rule of apportionment.

Mr. GALLINGER. I hope so.

Mr. LA FOLLETTE. The provisions of the bill require that the director shall make these appointments in the order of their place upon the lists under the rule of existing law. The entire eligible list established by the Civil Service Commission as a result of the competitive special census examination would be transmitted to the Director of the Census. He would be required to appoint from this list the eligibles standing highest on the list from those States first entitled by the law of apportionment to receive appointments.

Mr. President, it was probably not necessary for me to make this explanation with respect to section 7, following the very lucid explanation made by the Senator from Montana [Mr. CARTER]. I want to say a few words generally about the amendment proposed by the Senator from Texas [Mr. BAILEY], and I want to bring to the attention of the Senate, just for a moment, the character of the work for which we are here making provision. We are entering here upon a great piece of work for this Government. The work is to cover a period of about three years and involves an expenditure of some twelve to fourteen million dollars. The work is somewhat technical in its character. If it is to have any value at all, it must be so executed in a manner as to commend it to the business interests of this country, to commend it to the men who are accustomed to the study of statistics, and to men who are engaged in the study of social and economic questions, and in such a manner as to afford an intelligent and reliable basis for legislation concerning the subject-matters with which it will deal.

Can that work be best performed by employing men because of their merit and fitness for that work, or by employing men to suit the pleasure of Senators and Representatives in Congress? It seems to me that efficiency requires that men should be selected for that work first of all upon their qualifications.

I think, Mr. President, that there is another proposition involved in the consideration of the amendment now before the Senate, and that is that every citizen has an equal right, according to his ability, to employment in the public service. If these appointments are to be dictated by the influence of Senators and Representatives, that right is destroyed.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. It is in regard to the suggestion which the Senator has just made, and relates to an amendment that I desire to offer, if the committee amendment finally prevails against the amendment submitted by the Senator from Texas [Mr. BAILEY]. The committee amendment provides—

> That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available.

I want to suggest to the Senator that inserting such a provision opens the door—I do not mean intentionally on the part of the committee, of course—but it opens the door to the very vice we are seeking to avoid, namely, the influence and persistent effort of Representatives and Senators to get appointments. It opens the door to temporary employment to persons who seek it, with the belief that it will be continued until some day it becomes a permanent employment and destroys, so far as it may be utilized—and is dangerous in that respect—the equality of apportionment to the States which the Senator and the committee have sought to effectuate. I desire to call the attention of the Senator to the matter at this time, though I had intended later to bring it up if the amendment of the Senator from Texas failed.

Mr. LA FOLLETTE. I am glad the Senator has directed my attention to that, and I will state very frankly the views of the committee, as I understand them, with respect to that particular provision. The work of the census must be done within a very short space of time, considering the amount of work to be accomplished, and the Director of the Census urged upon the committee the importance of having some discretion to appoint from the eligible list persons who live in the District of Columbia or in the near-by States, in case an exigency should arise in which there should not be immediately available to meet the needs of the office a sufficient number of eligibles from the States entitled to appointments under the apportionment rule.

Mr. President, when this provision was under consideration we had before the Committee on the Census the Director of the Census and the president of the Civil Service Commission, and the particular point which the Senator from Minnesota [Mr. CLAPP] makes came up for discussion.

The Director of the Census stated that he would never, under any circumstances, feel that he ought to exercise the option or discretion given him under that provision without submitting to the president of the Civil Service Commission and to the President of the United States the question whether such an exigency existed as warranted action under that provision. He

said further that he believed he could resist any pressure that might be brought to bear to cause him to make "exigency appointments" when a real exigency requiring such appointments in the interest of the service did not in fact exist. I am inclined to think that one who would undertake to persuade the present Director of the Census against his judgment that such an exigency existed in his office for the sake of securing an appointment would not meet with unqualified success in his undertaking. But, it is true, we have no assurance that the present director will be the director during the coming census period, and if he should not be we do not know who might be his successor.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Minnesota?

Mr. LA FOLLETTE. Certainly.

Mr. CLAPP. Without discussing the Director of the Census, for whom I have a very high regard, the trouble to-day with the civil-service system is not, in my judgment, a question of principle—for I believe that the present system is a great improvement over that which prevailed before we enacted the civil-service law—but lies in the exceptions to it and the arbitrary power that is exercised outside and beyond the law. The trouble is that whenever the point is reached where the influence of the personal equation enters in and there is no legal barrier to prevent, the system breaks down. I do not believe that any Director of the Census, I care not who the man is, will be strong enough to resist the pressure and importunities that will come to him in view of an open door of this character. I want to say, with all due deference to the director, that my brief and somewhat checkered experience here leads me to doubt that there will ever be a shortage of applicants for these positions. I believe we will always have enough to draw from unless it is made to appear, because of pressure and the influence of the personal equation, that there is an exigency which demands the invoking of this exception. I believe it is a dangerous proposition and is along the line where the principal objection to civil service arises by those who do object to it.

Mr. LA FOLLETTE. Mr. President, I can say that, personally, I quite agree with the Senator from Minnesota. I would be very glad to see every position created by this bill under the civil-service law and under the control of the Civil Service Commission. I think I am free to make that statement of my own personal views and my own personal position; but I recognize that the Director of the Census has had wide experience here, and the views which he presented to the committee induced the committee to adopt the provisions of the bill under discussion.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Kansas?

Mr. LA FOLLETTE. Certainly.

Mr. BRISTOW. Under the provisions of the pending bill can the Director of the Census utilize the clerks that are now on the waiting list of the civil service?

Mr. LA FOLLETTE. No, Mr. President, he would not be able to do that. A special examination is to be held, the tests of which are to be prescribed by the Director of the Census. The examination is to be conducted by the Civil Service Commission and a new eligible list is to be constructed, based upon the examination held pursuant to the provisions of the bill, and the appointments that are to be made in this service are to be made from the eligible list so made.

Mr. BRISTOW. Would not a provision authorizing the Director of the Census to utilize those who are on the waiting list of the Civil Service Commission avoid any possibility of an exigency of the kind to which the Senator from Wisconsin refers?

Mr. LA FOLLETTE. Well, perhaps that is true; but I believe it was the view of the members of the committee—and I think it is a view in which perhaps Members of this body and of the House of Representatives would concur—that that waiting list is not a list which is fair to the different States. A good many people are found upon it who, upon any fair test, have no claim to residence in the States to which they are charged, and the list ought to be revised under some such provision as is incorporated in this bill.

Mr. President, I know of no better way of determining whether we get the best service for the public and for the Government under the existing law or under the system and methods employed prior to the adoption of the civil-service law—because the substitute offered by the Senator from Texas is practically for all purposes a return to that system—I know of no way in which we can better judge whether civil service will be beneficial applied to the Census Office than to take the testimony of the men who have been at the head of that office under the old system, men who are no longer personally interested in maintaining one system or another, and who will give their independent and unbiased judgment as to which system furnishes the best public service. Mr. Robert Porter, Director of the Census in 1890, has this to say of the system which prevailed at that time, which is substantially the method of making appointments proposed by the substitute offered by the Senator from Texas:

> In my judgment the efficiency of the decennial census would be greatly improved and its cost materially lessened if it were provided that the employee should be selected in accordance with the terms of the civil-service law. This would relieve the Director of the Census of the burden of giving a very large share of his time to matters of patronage and allow much more time for attention to the functions legitimately pertaining to this office.

Another excellent witness, an entirely disinterested witness, whose judgment may well be considered in the framing of legislation providing for the census, is Mr. Carroll D. Wright, who had charge of the Census Bureau after the census of 1890. Mr. Wright estimates that $2,000,000 and more than a year's time would have been saved if the census of 1890 had been brought into the classified service. He adds:

> I do not hesitate to say one-third of the amount expended under my own administration was absolutely wasted, and wasted principally on account of the fact that the office was not under civil-service rules. * * * In October, 1893, when I took charge of the Census Office, there was an office force of 1,092. There had been a constant reduction for many months, and this was kept up without cessation till the close of the census. There was never a month after October, 1893, that the clerical force reached the number then in office; nevertheless, while these general reductions were being made, and in the absence of any necessity for the increase of the force, 389 new appointments were made.

What reason was there for that? What explanation or excuse can be furnished for it? It was simply the operation of the system which is advocated by the Senator from Texas. Senators and Representatives appealed to the Director of the Census to appoint applicants in whom they were interested, and in response to that appeal experienced clerks in the office were dismissed and new and inexperienced and untried clerks were appointed.

The Director of the Census, Mr. North, says, with respect to this matter:

> A noncompetitive examination—
>
> Such as proposed by the Senator from Texas—
>
> means that every one of the many thousands who will pass the examinations will have an equal right to appointment, and that personal and political pressure must in the end, as always before, become the determining factor with regard to the great body of these temporary employments. I can not too earnestly urge that the Director of the Census be relieved from this unfortunate situation.

Mr. President, it seems to me that this array of testimony—three directors of this great work appealing to the Senate not to subject that office to the political pressure which comes under a law of appointment such as is proposed by the substitute amendment—ought to have some influence with this body.

Mr. CLARK of Wyoming. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Wyoming?

Mr. LA FOLLETTE. Certainly.

Mr. CLARK of Wyoming. I ask the Senator if he has anything from the Director of the Census who was in charge at the time when the law was as is now proposed by the amendment of the Senator from Texas—the Director of the Census of 1900?

Mr. LA FOLLETTE. I have just read from Mr. Porter——

Mr. CLARK of Wyoming. No; he was director in 1890.

Mr. LA FOLLETTE. I have not anything from the Director of the Census of 1900, but I have something which I will be glad to submit as answering quite as well, it seems to me, the Senator's question. I have a letter here by the Assistant Director of the Census at that time.

Mr. CLARK of Wyoming. If the Senator will allow me, I will say that my question was asked with a view of eliciting information as to the operation of that law, in the opinion of the then Director of the Census, and not in antagonism to the Senator's proposition.

Mr. LA FOLLETTE. I understand that, and I will give the Senate the best official information that I have upon the working of the appointment system at that census. I have here a letter from Mr. Frederick H. Wines, who was the Assistant Director of the Census of 1900. The letter is, I think, worth reading at length. It is addressed to Mr. John Joy Edson, of Washington, D. C., who is connected with a national civil-service organization. The letter is as follows:

> BEAUFORT, N. C., *February 17, 1903.*
>
> Hon. JOHN JOY EDSON,
> *Washington, D. C.*
>
> DEAR SIR: I have your letter of the 11th instant, requesting, on behalf of the Civil Service Reform Association of the District of Columbia,

my opinion regarding the desirability of placing the Census Bureau under the jurisdiction of the United States Civil Service Commission.

I do not wish to embarrass the present Director of the Census, concerning whose views on the subject I am not informed, and I feel some hesitation in expressing my views on account of my previous connection with the Census Bureau as assistant director. Nevertheless, a sense of public duty, overruling purely personal considerations, impels me to give a frank reply to your inquiry.

Good public service implies three conditions: First, the appointment of competent employees; second, their retention in office so long as they give satisfaction; and third, their prompt and peremptory discharge whenever it appears that they are incompetent, inefficient, or disloyal.

It is evidently impossible to judge of the qualifications of applicants for clerical positions without a preliminary test in the form of an examination. The value of such examinations is, however, almost purely negative. Their principal importance consists in the fact that they erect a barrier against the admission to the public service of aspirants whose attainments and capacity do not come up to a fixed standard.

Whether this test is applied by the bureau itself or by the Civil Service Commission is apparently a matter of comparatively little moment if it is thorough and if the bureau is governed by it.

In the organization of the Twelfth Census the bureau conducted its own examinations.

I will say to the Senator from Wyoming that that is exactly what it is proposed to do in the substitute offered by the Senator from Texas. Doctor Wines says:

I am free to admit that the result was—

I should like the attention of the Senator from Wyoming, because I am reading——

Mr. CLARK of Wyoming. The Senator from Wisconsin has it and has had it constantly.

Mr. LA FOLLETTE. I am very glad to have the attention of the Senator from Wyoming, but I will read a sentence or two again, in order to be certain that the Senator from Wyoming caught it:

In the organization of the Twelfth Census the bureau conducted its own examinations—

Just as is proposed in the substitute amendment offered to conduct the examinations now—

I am free to admit that the result was unsatisfactory, for the following, among other, reasons:

(1) The examinations held were not free to the public. The permission of the director was an essential prerequisite to admission to them, and the obtaining of such permission was a matter of personal favor, depending upon "influence."

(2) In making selections from the list of those who passed the examination, no attention whatever was paid to their comparative rating. It was a "pass" examination pure and simple, and a rating of 75, with proper political or other indorsement, was sufficient to secure an appointment, where a rating of 100 would count for nothing without it.

(3) There were numerous instances in which an unsuccessful applicant was granted a second, third, or fourth trial, at the request of some Senator or Representative; and to the best of my knowledge and belief, it occasionally happened that the rating made by the examiner upon the papers filed was arbitrarily changed after they left his custody.

(4) The general method of appointment may be described as follows: A mathematical scale was worked out, by which the number of "assignments" to each Senator and Representative was determined in advance, so many appointments to a Senator, a smaller number to a Representative, half as many to a Democrat as a Republican, and in Democratic States and congressional districts the assignments were made to the Republican state and district committees. The assignees named in the first instance the persons to be examined. They were afterwards furnished each with a list of those named who had "passed," and requested to name those who they desired to have appointed. Vacancies were filled in the same manner. This system was thoroughly satisfactory to the majority of the politicians interested, though there were a few who refused to have anything to do with it. The effect upon the bureau was, as may readily be imagined, thoroughly demoralizing.

I am of the same theoretical opinion to-day which I held when the Twelfth Census was organized, namely, that all other things being equal, if the Director of the Census is free to appoint and discharge his employees without interference from the politicians on the one hand, or from the Civil Service Commission on the other, if he can hold his own examinations, make his own selections, and discharge at his own will, he will have a better force of clerks and better control over them. But the conditions are such that experience has convinced me that this ideal is unattainable, impracticable, visionary. The question is, therefore, Will the service gain or lose more if the aid of the commission is invoked by him as a safeguard against the aggression and tyranny of political influence? I believe that the restriction upon his freedom will be less harmful on the whole if the machinery of the civil service is set in motion for his protection and that of the bureau, and that if he obtains his clerks through the commission he can do better work at less cost.

Mr. President, I pause in my reading just a moment to say that the committee in reporting the bill concluded that a special examination devised by the Director of the Census and administered by the Civil Service Commission might be a better test of efficiency for this particular work than the regular civil-service examination; and for that reason they departed to that extent from the general requirements of the civil-service law.

To conclude Doctor Wines's letter:

It must be remembered that the same pressure which forces upon him—

the Director of the Census—

unsatisfactory employees is also exerted to secure their promotion and retention. The increased cost of the Twelfth Census due to this circumstance can not be estimated; it was certainly far from inconsiderable.

The next census year is also a presidential year, with every prospect of an unusually heated canvass. If the director is exposed to the pressure which may reasonably be anticipated in favor of the claims of the various candidates and their friends and supporters, he will be a remarkably strong and fearless man if he can withstand it.

Without having seen the new census bill or the proposed amendment to it, I may and must say that as an ex-official of the census—in 1880, 1890, and 1900—I should favor competitive examinations for appointments in the Census Bureau, free to all applicants, to be conducted by the Civil Service Commission, with the proviso, of course, that the appointments be given to those standing highest on the list.

Mr. President, the Committee on the Census has returned here a bill for the consideration of the Senate drafted upon provisions in accordance with the suggestions and recommendations of directors of the census for the last thirty years and of other census officers who have been subjected to this strain of importunity and pressure of influence for appointments made under a system not protected by civil-service regulations.

In addition to the testimony which I have laid before the Senate, furnished by the directors of the census, I could cite other officials whose testimony was taken by the Census Committee of the last Congress and was before the census committees of both branches of Congress for their consideration at that time and since and is accessible to Members of the Senate. But I do not wish further to delay the consideration of this provision or a vote upon this amendment.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Texas [Mr. BAILEY].

The amendment was rejected.

Mr. CLAPP. Mr. President, I was impressed this morning with the argument of the Senator from Texas [Mr. BAILEY]. He presented three weak points in civil service. First, that it created a life tenure, which is practically true under existing conditions, but which could be met by legislative enactment. Secondly, he presented the fact that the clerks make no provision for the future, which could be corrected by positive legislative enactment, placing before them the absolute certainty that at some time they will be obliged to retire from the service.

The other point which he made was that it was leading to a civil-pension list, which certainly does loom up before us. That, too, could be avoided by positive legislative enactment.

Another feature which he did not discuss, but which the Senator from Michigan [Mr. SMITH] so forcibly discussed, involved the subject of promotions, which I believe can also be cured by positive legislative enactment. In other words, aside from the primary question as to the advisability of the civil service at all, the vice of civil service is found to-day in the want of positive legislative enactment. It is found in the possibility of defeating the spirit of civil service, because of the latitude allowed somewhere. It was stated this morning, without any serious contradiction—I think none at all—that under the existing law men are placed in office without passing the examination.

The point I wish to make is this: I realize what the committee had to contend with, and if the committee does not incline favorably to these suggestions, I will not press them, for I know the difficulty that surrounds work in committee in formulating these bills. The letter which was read from Mr. Wines characterized as visionary a plan which placed the director where he could be independent of Congress on the one hand and independent of the commission on the other, and yet the committee have felt impelled, and perhaps wisely so, in view of the condition—I am not taking issue with that—to place in this bill two or three points where the attempt is made to vest the director with that authority and establish what Mr. Wines himself characterizes as a visionary proposition. First, in reference to taking people without regard to the ratio between the States; secondly, without any examination whatever, except upon records that no one has access to save those who act upon them, of placing men and women in this service upon their record of efficiency in the handling of mechanical devices connected with the taking of the census; and, thirdly, with reference to transferring from the temporary to the permanent list, only for three years, of course.

But here is the trouble that I want to impress upon the chairman of the committee: One other vice in civil service is the fact that every person in that service regards the civil service as genuine only so far as it prohibits his removal. Wherever there is opportunity for promotion, wherever there is a hope of continuing after a time which may have been fixed in the bill, they believe that in some manner there will be found some way to circumvent that limitation, and they seek these transfers, believing that what seems a temporary transfer will be a permanent transfer.

I simply make these suggestions——

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. CLAPP. Certainly; with pleasure.

Mr. LA FOLLETTE. Upon that point I am rather at a loss to see why one who is already in the classified civil service should seek transfer to a work purely temporary. There may be exceptions, of course, where they might secure some slight advantage by the transfer——

Mr. CLAPP. Exactly.

Mr. LA FOLLETTE. But in doing so they would take the chance of going out of the service under the law as it will be enacted if this bill becomes a law.

Mr. CLAPP. They will seek a transfer upon the belief that when the time time comes, if they are from Wisconsin, if they are from Minnesota, or from New York, or whatever State they are from, they will be able to get their Representatives and Senators to take care of them. The vice of this whole thing is in holding out a hope that ought not to be held out in the bill.

Mr. LA FOLLETTE. I am not very experienced here as a Senator. I came to Congress two years after the civil-service law was enacted, in 1885, and remained only six years, and came back here to the Senate only quite recently. But I should like to ask the Senator from Minnesota if it is a fact that the offices of Senators are invoked now for the purpose of interfering with promotions under the civil service. I must say that I have not been much subjected to that sort of pressure since I came here.

Mr. CLAPP. I desire to congratulate the Senator from Wisconsin, and I think every other Senator, not only in the Chamber but in their committee rooms, will join in congratulating him,

Mr. LA FOLLETTE. Perhaps it may be because appointees from Wisconsin know somewhat my views upon the civil service; I do not know why it is; but I, myself, have not been subjected to many importunities of that sort; and, as I understand it, the law provides against that sort of thing and makes it a violation for any employee under the classified civil service to make application to any Senator or Representative for political influence in their behalf.

Mr. CLAPP. That is true.

Mr. LA FOLLETTE. I may be wrong about it.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. CLAPP. With pleasure.

Mr. GALLINGER. I think both Senators are wrong about it. I do not think the law inhibits it, but it is a regulation of the departments.

Mr. LA FOLLETTE. Has not the regulation the effect of law?

Mr. GALLINGER. Possibly so; but I desire to join with the Senator from Minnesota, if he will permit me——

Mr. CLAPP. Surely; with pleasure.

Mr. GALLINGER (continuing). In extending felicitations to the Senator from Wisconsin when he says he is not importuned by employees in the civil service to secure promotions.

Mr. LA FOLLETTE. I am most happy to be the recipient of the felicitations. It is about the only opportunity I have had to receive felicitations in this body, and I am most happy to be the recipient of them this afternoon.

Mr. GALLINGER. I have no doubt that many of us will felicitate the Senator in the future, but he certainly occupies a unique position in that regard, because I feel sure that, notwithstanding the regulation prohibits it, almost every Senator is importuned in that direction. I know I am.

Mr. LA FOLLETTE. Perhaps if all the other Members of this body would join the civil-service reformers of this country, they would be exempt from such importunities, Mr. President.

Mr. GALLINGER. The difficulty——

Mr. LA FOLLETTE. They may not be willing to subscribe to all our views in order to escape these importunities of employees in the civil service.

Mr. GALLINGER. If the Senator will permit me, the difficulty about that is that the remedy would be worse than the disease. [Laughter.]

Mr. LA FOLLETTE. I presume it would be more radical, and would be a severe strain upon most of the Members of this body.

Mr. CLAPP. Mr. President, I have said, substantially, all that I care to say. I voted with the committee to sustain their report as against the proposed amendment, and I do think that this amendment in its present form opens the door to the very things that are pointed out as objectionable in the present administration of the civil service. Whether they can be remedied, whether it is wise at this time to undertake it, I would not press the matter with the committee.

Mr. LA FOLLETTE. Before the Senator takes his seat I wish to say just this: As chairman of the committee, I do not feel I am free to accept suggestions to change the form of the bill; but I do desire to say before the Senator sits down that, personally, I agree entirely with him, and I would be glad to see the bill made water-tight, so far as the civil-service regulations are concerned.

Mr. GALLINGER. Mr. President——

Mr. LA FOLLETTE. And I hope the Senator will feel at liberty to offer any amendment.

Mr. GALLINGER. I was about to offer an amendment.

Mr. CLAPP. In order to test the sense of the Senate, I offer an amendment. On page 6, beginning in line 7, after the word "examination," I move to strike out down to and including the word "further," in line 16.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. After the word "examination," in line 7, page 6, it is proposed to strike out all of the bill down to and including the words "Provided further," in line 16.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Minnesota. The Chair thinks the vote by which the amendment was agreed to ought to be reconsidered.

Mr. CLAPP. I was not in the Chamber at the time. Then I will first move to reconsider the vote by which the amendment was adopted.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Minnesota?

Mr. CARTER. Mr. President, I doubt if the Senate, upon full consideration, will reconsider that amendment. It will be observed the amendment is a substitute for a part of the text of the bill as it came from the other Chamber. The language is merely recast in order the better to carry out the thought of the House, which was approved by the committee. The census will require the services of about 1,000 persons to handle what is known as the "punching machine" used in the tabulation process. It is conceded that the Civil Service Commission has no present means of applying tests such as may be necessary to determine the proficiency of persons in handling those machines.

Mr. CLAPP. Will the Senator from Montana pardon an interruption?

Mr. CARTER. I yield.

Mr. CLAPP. The bill expressly provides that the Director of the Census shall prescribe the test for the examination. He can prescribe any test he sees fit, including a mechanical test. The Civil Service Commission has nothing to do with this except to hold the examinations. The director prescribes the test.

Mr. CARTER. But that will mean simply, with respect to the persons who are to be tested with reference to the punching machines, the transfer of a number of machines, probably the entire equipment, if you please, from the present point where they are installed in the Census Office ready for business to some other room in the city, where a person little conversant with the task will determine whether or not the desired standard of proficiency obtains. It was intended——

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. As soon as I finish the sentence. It was intended by the committee, and obviously by the other House, that the persons who are known to be skilled in this line—and they are few in number, chiefly trained up in the Census Office—should be continued in employment rather than to have tests made all over the country in the futile effort to assemble people skilled in this work.

Mr. CLAPP. Will the Senator pardon me again? Is there anything that prevents that being done? If my two motions prevail, if they are already there, they are there. If they are in other departments, they can be transferred. This only applies to people who are not in the service, and permits their being brought in without any examination. It is just one more of those cases that has given rise to all of this criticism against the civil service.

Mr. CARTER. All of those who are proficient in the handling of these punching machines are not in the service now. A large number of them, with ratings and records still preserved in the Census Office, performed service during the last decennial census, and were dismissed from the service when the work was completed, say seven years ago.

Mr. CLAPP. If the Senator will pardon me, all that is necessary is for them to take the examination. If we are going to have the civil service, let us, so far as we can, proceed to perfect it and guard against the very vices that are complained of.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Kansas?

Mr. CARTER. I yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire what kind of punching machines they use in this work. Is it the ordinary punching machine that is found in printing offices?

Mr. CARTER. The punching-tabulating machines used in the census are a special pattern, I think, and are not such as are in general use, because the class of work to be performed here varies and is somewhat different from any work which punching machines elsewhere are devoted to.

Mr. BRISTOW. If it is the ordinary punching machine used in tabulating it can be operated by any man of intelligence after twelve hours' experience.

Mr. CARTER. Some persons develop more proficiency than others in this line, just as some persons learn to play the piano better than other persons can play it with the same amount of experience. Some people have a particular adaptability to the work which other people do not happen to possess. When proficiency has been determined by experience extending over a series of years, it seems appropriate that the department should avail itself of that class of capacity or adaptability, if you please.

I wish before leaving that portion of the subject to make another observation. This work, the Senator from Minnesota well knows, is an emergency work. It requires the rapid assembling of a force which is within a short time to be with equal rapidity disbanded.

Mr. CLAPP. Does the Senator believe that it will be as rapidly disbanded as it is assembled?

Mr. CARTER. It was rapidly disbanded before, and it will be again. I have observed that in the taking of the census, from the initial step to the close, the director seeks to economize by having the work expeditiously done, thus economizing not only in time, which is a very important matter, but likewise in the expenditure of money placed at the director's disposal for the accomplishment of the task.

Mr. CLAPP. Will the Senator pardon me for a moment?

Mr. CARTER. Most assuredly.

Mr. CLAPP. Was the Senator in the Chamber when the Senator from Wisconsin read the letter of Mr. Wines, who was connected with the last census?

Mr. CARTER. I was not in the Chamber when the letter of Doctor Wines was read. I have read the letter of Doctor Wines, however, and know generally the views he expressed with reference to the last census.

I do not desire in any manner to reflect on Doctor Wines, who is a man of great erudition and has special aptitude for generalizations with figures; but everyone who had to do with the last census well knows that Doctor Wines is not a practical census man and that his work in connection with the census does not warrant the Congress in accepting his views concerning the administration of that great office. He is a doctrinaire rather than a practical administrator. The work the director will be required to execute is eminently practical.

Mr. CLAPP. Will the Senator pardon another interruption?

Mr. CARTER. I grant the interruption without any pardon connected with it.

Mr. CLAPP. Doctor Wines, supplemented by the statements of three ex-Directors of the Census and of the present director, was quoted for the purpose of showing the necessity of applying the civil-service rules to the taking of the census. That was the point I sought to make; and from each one of them comes a piteous plea against the imposition of conditions such as existed heretofore with reference to that work. So far as their testimony is of value as a reason why we should invoke the civil service with reference to taking the census, it stands as a reason why we ought to avoid the vicious phase of the civil service as administered through the exceptions and loopholes that exist to-day.

If there is any virtue in it we ought to apply it and we ought to seek to perfect it. We have decided to apply it and now we seek to perfect it.

Mr. CARTER. Mr. President, undoubtedly the Director of the Census may apply a special-test examination, and will apply that special-test examination to the persons who are assembled to handle these machines, whether we so specify or not. But the test will undoubtedly be applied right in the building where the machines are installed and are to be operated.

However, the Senator's amendment goes further still, and it would take out of the bill a part which is vitally essential to the success of this census-taking operation. A portion of that which he would strike out reads as follows:

> That when the exigencies of the service requires, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available.

When the Senator reflects that in a previous part of the bill we have applied the law of apportionment the importance of this part of the bill becomes at once apparent.

Mr. CLAPP. Will the Senator yield to me for a moment?

Mr. CARTER. I shall be glad to yield.

Mr. CLAPP. The Senator was not in when this question was discussed. I seek to strike that out because it affords an opportunity for nullifying the very provision requiring equality of apportionment. It was that reason which prompted me to move this amendment. Under that provision the provision requiring equality can be nullified just as far as the director or his successor, if he should have one, may deem it advisable and necessary to do under the cover of exigency.

It is to prevent those things, as I have said before, that stand out subject to attack and criticism against the civil-service system that I would eliminate these exceptions and these opportunities for subverting the purpose of the bill in that respect.

Mr. CARTER. Mr. President, in his zeal to secure adherence to the law of apportionment, the Senator from Minnesota would render the taking of the census exceedingly difficult if not impossible within the period of time contemplated by the bill. This service is not like the routine service of a department. The word "emergency" can not be too clearly emphasized in all references to the service. In 1890 we had a census taken, the results of which were not published until the time we were called upon to consider the bill for the census of 1900. Through seven weary years the results of that census were involved in the meshes of the clerical force of the Census Office.

The value of the census, the return on the $14,000,000 we are to invest in the census, is dependent not only upon what ultimately may be collected together, but upon the expedition with which the results may become known. Of what avail is it to this country to have 65,000 enumerators scattered out for thirty days over the country collating figures that are not to be known until the next census period arrives? The great expense connected with the census will be incurred in the taking of the census through the enumerators and the special agents. When the data shall have been collected together the duty devolves upon this office force to quickly tabulate and arrange and publish the result.

The Senator would render nugatory all our previous efforts at expedition by affixing conditions to the clerical force that would render a prompt publication a matter of difficulty, if not of impossibility, within the three-year period we contemplate for this work.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. CARTER. Most assuredly.

Mr. CLAPP. It strikes me that the argument of the Senator should have been made earlier in the day. It should have been made in support of the amendment proposed by the Senator from Texas [Mr. BAILEY]. That amendment involved at the threshold the question whether it was wiser, whether it would tend to expedition and to all that may be desired in the taking of the census, to put the work under the civil service. He contended that it would not. Many of us contended that it would. The Senate finally decided to adopt civil service as applied to the taking of the census.

I undertake to say that it is a far cry to suggest that any State will fail to present its full quota in due time. There can be but one—I will not say object—but one danger in the application of this line of reasoning. Having decided that it will tend to expedition, economy, and good government to adopt the civil-service system, we now propose to provide a loophole here where the very provision that we fought for and won out on will be rendered absolutely of no use or purpose whatever.

Mr. CARTER. Mr. President, the Senator from Minnesota can not have read the text of the amendment he proposes to reconsider. The draft upon this list to be made in an exigency is not a draft upon the world at large, but upon the eligible list, which is evolved from the examination. Let that be clearly understood.

Mr. CLAPP. But without any reference to apportionment.

Mr. CARTER. To apportionment, of course. Let me express the opinion, knowing that the fact will be verified or found to be untrue, that since most, if not all, of these clerks will in the beginning enter the service at $50 per month, it is scarcely probable that anybody will come from a distant State to enter upon a government task at less than board and clothes will cost in the city of Washington. In the last analysis this force, in my judgment, will be drawn under this provision largely because of the failure of the States to supply their quota. There are no jobs open here with enticing salaries. There is drudgery through the summer and in the days of the early autumn at $50 per month. Who is coming from Cali-

fornia to take a position at $50 per month for an indefinite period, limited only by the fact that it is temporary and, at most, brief, when the amount of railroad fare from California to Washington and return, with the amount of absolutely necessary living expenses here, will exceed the total salary?

Mr. President, the quotas will not be filled up from the distant States; and if they are not filled up from the distant States, then, I ask the Senator, what particular predicament the Director of the Census will find himself in if he can not draw on the eligible list from near-by States?

Mr. CLAPP. If the Senator wants an answer, my answer would be this: The Senator asks if they are not filled, then what will happen? We know they always have been filled. It will be a strange revolution in human nature if they are not promptly filled.

Now, one word more and I am going to drop this subject. I listened to the Senator yesterday, and his argument appealed to me that on the one hand there are those who attack the civil-service system because of its weak points, and on the other hand those who characterize as politicians men who do not believe in it; and the Senator sought to point out that the happy solution was in the medium and in the correction of the evils as they exist. The first opportunity that has presented itself to correct some of those evils is in the proposed amendment to take away discretionary power, to prevent the opening of a door by which they can get around these provisions, and by legislative enactment try to perfect civil-service system as a policy.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I yield to the Senator.

Mr. GALLINGER. I wish to inquire of the Senator from Montana upon what authority he makes the statement that these clerks will be paid only $50 a month?

Mr. CARTER. I state on the authority of the Director of the Census that about $50 per month will be the wages paid during the temporary service.

Mr. GALLINGER. Was that the case in the taking of the last census?

Mr. CARTER. It was.

Mr. GALLINGER. My experience with the very few appointments that I suggested—and they were not numerous—was that they received a higher rate of pay than that. I think the Senator is mistaken on that point.

Mr. CARTER. I think the Senator will find upon inquiry that the statement is correct. I do not make an exact, specific assertion.

Mr. GALLINGER. Then, again, I will ask the Senator if he heard the very thrilling speech of the senior Senator from New York [Mr. DEPEW] this morning?

Mr. CARTER. I heard the very illuminating speech of the Senator from New York.

Mr. GALLINGER. In that speech the Senator from New York depicted to us that he was chased about the Capitol and the District of Columbia and the city of New York by young men and young women who wanted to come to Washington and enter the service in taking the last census. I think the Senator is wrong in his suggestion that there will be any difficulty in getting enough young men and young women to come here from points at a considerable distance from the city of Washington.

If the Senator will permit me further, I will say that while I am not an admirer of the civil-service system, and I have made it known several times during my membership here, I think this bill is the worst hotch-potch so far as civil service is concerned that the ingenuity of man could devise. It is neither fish, flesh, nor fowl.

It is neither civil service nor the spoils system, as the Senator and others are pleased to denominate the system that once prevailed in this country, but it is a mixture. I take great pleasure in voting with the Senator from Minnesota [Mr. CLAPP] to take out of the bill this provision, which the Senator from Wisconsin [Mr. LA FOLLETTE], if I understood him correctly this morning, stated would put 1,000 employees in the service without examination.

Mr. CARTER. Mr. President, in reference to the salary of $600 per year to which the Senator directed attention, I desire to request him to turn to section 6 of the bill, in which it will be found that these clerks shall be employed during the decennial census period and no longer, with a salary at the rate of not less than $600 nor more than $1,000 per annum. The director alleges that the major portion of the clerks would start in at the $600 salary as the minimum, to the end that there might be held out to each and to all the incentive to special endeavor, with promotion as the premium.

Mr. GALLINGER. Mr. President, I will say frankly to the Senator that I had not observed that fact, and I am glad the Senator called my attention to it, because I shall move an amendment making the minimum $720. I do not believe that the Director of the Census will be cruel enough, when he has $14,000,000 at his disposal, to ask any young man or young woman, in this period of the world's history, to take government employment at $50 a month. He ought not to be given that privilege.

Mr. CARTER. Mr. President, I can well recall the time when I felt that if I ever got $50 a month, I would be as well paid as I ever deserved or expected.

Mr. GALLINGER. But that was at a time when the Senator did not live in the city of Washington and prices were not what they are to-day.

Mr. CARTER. It would come nearer paying my expenses then than $600 a month does now.

Mr. GALLINGER. That is very likely.

Mr. CARTER. But, Mr. President, I do not wish the Senator from Minnesota to place me in the position of changing one hair's breadth from the position taken yesterday, nor can he do so in the resistance I offered to a reconsideration of the amendment. Permit me to read just what the Senator proposes to strike out:

> That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available.

That provides for a situation where clerks appointed or selected from distant States are tardy in arriving in the city. Any clerk who is available can be appointed temporarily, you must remember, not permanently, in the place, only to perform temporary service in an exigency, and not then from the crowd at large, but from the eligible list.

Mr. CLAPP. Mr. President, I should like to ask the Senator if he ever knew a permanent appointment to become temporary, and I should like to ask him if he has not known of a great many temporary appointments becoming permanent?

Mr. CARTER. I call the attention of the Senator to the fact that what I have quoted does not read "temporary appointment," but "temporary employment." The person appointed under this exigency provision would be appointed to perform temporarily until the place could be filled; in other words, according to the provision made for apportionment.

I am sure the Senator would not have the census work stopped pending the arrival of some eligible from a distant State, when it could be kept moving along in a regular way by the designation for the time being of an eligible who happened to be at hand. Yet that is exactly what the amendment of the Senator would do. There would be, from time to time, unavoidable suspensions of work awaiting the arrival of clerks from States, and without this provision the director would be absolutely helpless and unable to fill the places by any temporary employment of an available person.

I hope the amendment will not prevail, because it is obvious that it will limit and circumscribe the director so as to impair the expedition and efficiency of the service without accomplishing any good whatever for any person at all.

The VICE-PRESIDENT. The pending motion is to reconsider the vote by which the provision was stricken out and language inserted in its stead.

The motion to reconsider was agreed to.

Mr. CLAPP. Now, I move to strike out between the points indicated.

Mr. CARTER. What are the points indicated?

Mr. CLAPP. That would be after the word "however," in line 1, down to and including the word "further," in line 16, page 6.

The VICE-PRESIDENT. The Secretary will report the amendment.

Mr. CLAPP. I rise to a parliamentary inquiry.

The VICE-PRESIDENT. The Senator will state it.

Mr. CLAPP. Is that portion of the House bill, commencing with the word "That," in line 1, and including the word "examination," in line 7, page 6, already stricken out?

The VICE-PRESIDENT. It is already stricken out.

Mr. CLAPP. Then I move to strike out, commencing with the word "That," in line 7, page 6, down to and including the word "further," in line 16.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. The Senator from Iowa will permit the Chair to correct his statement. The provision from line 1 to line 7 is not yet stricken out.

Mr. CLAPP. That is what I thought.

The VICE-PRESIDENT. It had been stricken out, but the Senate has now determined to reconsider the vote by which it was stricken out.

Mr. CLAPP. I move, taking the House bill with the Senate amendment, to strike out, commencing with the word "That," in line 1, page 6, down to and including the word "further," in line 16, which would strike out the House provision and also the committee provision.

Mr. LA FOLLETTE. Mr. President, I think the Chair is in error in stating that the motion to reconsider included the provision from line 1 to line 7. I think the motion made by the Senator from Minnesota to reconsider did not include that part.

The VICE-PRESIDENT. It had to include it. The motion that prevailed was to strike out and insert. The Senator from Minnesota moved to reconsider the amendment, which prevailed.

Mr. LA FOLLETTE. But he moved, by specific terms, to reconsider the language of the section between the word "examination," in line 7, and the word "further," in line 16.

The VICE-PRESIDENT. There is but one thing that could be reconsidered, and that is the action of the Senate.

Mr. CARTER. The committee amendment, as I understand it, consisted in striking out and inserting. When the action of the Senate approving the amendment became effective, it operated to strike out certain parts of the House bill and to insert new matter in lieu thereof. When the matter was reconsidered, it operated to restore the text of the House bill as stricken out.

Mr. CLAPP. Now, the motion is to strike out all.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. The Chair will hear the Senator from Iowa.

Mr. CUMMINS. I make a parliamentary inquiry. Is it not true that the vote having been reconsidered the question now before the Senate is upon the adoption of the committee amendment?

The VICE-PRESIDENT. It would be were another motion not made to intervene. The time has passed when committee amendments have had preference. The Chair thinks that as the matter now stands the first part of the provision which the committee proposed to strike out is still in the bill. No vote has been taken on that language, because the vote which struck it out has been reconsidered. Now, the Senator from Minnesota moves to strike out the portion which it was proposed to insert.

Mr. CUMMINS. That part was not yet in the bill. If the motion by which that part was incorporated in the bill has been reconsidered and the committee amendment is not before the Senate, then the Senator from Minnesota, I fancy, can not move to strike out a portion of the bill that has not yet been put into the bill.

The VICE-PRESIDENT. That is what the motion is.

Mr. CUMMINS. I therefore make the point of order that there is no such language in the bill as the Senator from Minnesota seeks to strike out.

The VICE-PRESIDENT. In the opinion of the Chair, the point of order is well taken.

Mr. BACON. I would suggest to the Senator from Minnesota that the easy way out of it is to move as an amendment that part which he does not wish to strike out. That would cover it.

The VICE-PRESIDENT. As the matter now stands, the Senate has reconsidered its action striking out and inserting, and has taken no action whatever on the amendment. Therefore the bill stands in the form in which it was before the Senate took any action.

Mr. CLAPP. Then, I move, Mr. President——

Mr. GALLINGER. The question is upon agreeing to the committee amendment.

Mr. CUMMINS. That is the suggestion I make.

The VICE-PRESIDENT. That is the pending question.

Mr. GALLINGER. Certainly.

Mr. CLAPP. I move to strike out, on page 6, from the word "That," in line 1, down to and including the word "examination," in line 7.

The VICE-PRESIDENT. There is pending an amendment to strike out and insert. The vote by which that amendment was agreed to having been reconsidered, it would seem to the Chair that it is first necessary to vote that amendment down before the motion of the Senator from Minnesota would be in order.

Mr. CLAPP. I will accept the ruling of the Chair on that.

Mr. NELSON. The Chair is undoubtedly right on that question. The original proposition was to strike out a paragraph and insert another one. That was adopted, and then the vote adopting it was reconsidered. The pending question, therefore, is on the motion to strike out and insert; and that motion has precedence over the other, I think. The Chair is undoubtedly right.

The VICE-PRESIDENT. The question, then, is on agreeing to the committee amendment to strike out and insert.

Mr. CLAPP. Mr. President, I desire to make a parliamentary inquiry. As I understand, the bill is now before us as though the language from the word "That," in line 1, down to the word "examination," in line 7, had not been stricken out. Am I correct in thinking that?

The VICE-PRESIDENT. That is correct.

Mr. CLAPP. Then I move to strike out that language.

The VICE-PRESIDENT. But the motion to strike out and insert has preference over a motion simply to strike out.

Mr. CLAPP. Then I ask for a separate vote, first, on the question to strike out, and then on the question of inserting.

Mr. GALLINGER. I suggest to the Senator, if he will permit me, that if the vote is taken on the proposed amendment of the committee, and that prevails, then the Senator can move to strike out the text of the House bill.

Mr. CLAPP. Then I make that motion.

The VICE-PRESIDENT. The question now is on agreeing to the committee amendment.

The amendment was agreed to.

Mr. BURKETT. Now, if the Senator from Minnesota wants to strike that out, his motion to do so would be in order, it seems to me.

Mr. GALLINGER. That can be done in the Senate.

Mr. CLAPP. As I understand, the Chair has announced that the committee amendment is adopted.

The VICE-PRESIDENT. The committee amendment is adopted.

Mr. CLAPP. The only way we could get around it would be again to reconsider that vote.

Mr. GALLINGER. When the bill reaches the Senate, the Senator can make a motion and reach it in that way.

Mr. CLAPP. I can make the motion when the bill is reported to the Senate.

Mr. GALLINGER. On page 4, line 11, I move to strike out "six hundred" and insert the words "seven hundred and twenty."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 6, on page 4, line 11, at the end of the line, it is proposed to strike out "six hundred" and insert "seven hundred and twenty."

The amendment was agreed to.

Mr. GALLINGER. I offer the amendment which I send to the desk.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. In section 7, on page 5, line 25, after the word "physician," it is proposed to insert the following:

Provided, however, That in no instance shall more than one person be appointed from the same family.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. BURKETT. I offer an amendment to be known as section 26. I will say to the chairman of the committee that it is the same provision exactly that was in the law providing for the taking of the census some two or three decades ago.

Mr. LA FOLLETTE. I inquire if the proposed amendment is intended to be a substitute for section 26? There is a section 26.

Mr. BURKETT. No; it is not a substitute for section 26. If the amendment I propose is adopted, I will move to renumber the subsequent sections.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. At the end of section 25, at the bottom of page 23, it is proposed to insert, as a new section, the following:

SEC. 26. The Superintendent of the Census shall also, in like manner, require and obtain from the owners, proprietors, or managers of every telegraph company the following facts, to wit: Name of corporation or company; terminal points connected; capital and capital paid up; length of lines, in miles; miles of wire; number of officers; number of persons engaged in general administration; number of persons engaged as telegraph operators; the number of messages transmitted by officers of the United States; the number of messages transmitted for the press; the number of messages transmitted for private parties; total number of messages transmitted; total receipts from messages; total expenditures of the company, exhibiting separately the amount expended for salaries, for repairs, and for general expenses.

Mr. GALLINGER. Mr. President, I will suggest to the Senator from Nebraska that if his amendment is to go in, manifestly, section 8, where the census is restricted to inquiry concerning certain matters, ought to be amended. The adoption of his amendment would, of course, enlarge the scope of the census. However, that section could be amended afterwards.

Mr. BURKETT. That could be amended afterwards, if necessary.

Mr. GALLINGER. I doubt whether it will be necessary.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Nebraska. [Putting the question.] By the sound, the "ayes" seem to have it.

Mr. GALLINGER. I ask that the question be again put.

Mr. BURKETT. Mr. President, if there is going to be any objection to the amendment, I desire to say a few words. This is a provision that was in the census act of 1880. It is copied exactly from that act. The Senate will recall that last year a resolution was passed asking for certain information with reference to telegraph companies. The department to which the resolution was referred was a long time getting that information, but, with a good deal of difficulty, they finally furnished some information, though perhaps it was not very complete. In the last census these statistics were not covered.

It occurs to me that this provision could very appropriately go in the law. I do not see any particular objection to it, and I did not suppose there would be any objection. At least, it might go in the bill and go to conference, in order that the conferees might secure more information from the Director of the Census on it to ascertain whether the objection is well founded. I have offered it for that reason.

Mr. LA FOLLETTE. Mr. President, I should like to ask the Senator from Nebraska if it is not a fact that this amendment is secured under the permanent census law? As I understand it, the information he desires is gathered by special agents under the permanent census law. The objection to the effort to secure this information through enumerators at this time, as I am informed, is that it requires really the services of special agents, and special agents are employed for securing the information under the permanent census law. The Census Office should not be burdened during the great pressure of the work of the decennial census period with a number of special investigations, since investigations conducted at such a time can not, under the circumstances, be prosecuted in the most thorough and satisfactory manner and are likely to lead to the publication of a mass of half truths and statistics, more or less unreliable, the publication of which would be more likely to do harm than good.

Mr. BURKETT. Mr. President, I have here a census report, Bulletin No. 17, upon the subject of telephones and telegraphs, and in the opening paragraph of this document is a statement that there has not been any provision for securing this information since the law of 1879. While some statistics have been gathered, they have been gathered, to be sure, by special enumerators, as would have to be done now.

I have always maintained that there has been too much organization and too much expense in connection with the government departments. The census extends over too long a period of time in all its work. I remember, a few years ago, I opposed somewhat vigorously, on account of the enormous expense, the creation of the Census Bureau under the organization planned in the law as a permanent bureau. From year to year this bureau has contrived, in some way or another, to grow more expensive. Yesterday one of the questions I asked the Senator in charge of this bill was, why there were 330 enumerators provided for. The bill appropriates $45,000 more for that purpose than was carried by the bill ten years ago. I am going to make a motion to strike out the word "thirty" as the result of information I received.

It seems to me that since provision is made in the bill for acquiring through special enumerators statistics as to certain manufactures, we could as well secure statistics concerning the telegraph and telephone companies at the same time, and get through with it all and not have it prolonged through the whole ten years, with the consequent retention of high-priced men in the service for so long a time. It is not a big job. The largest item is the expense of sending the men around. As special enumerators for manufactures and other industries are provided for in the section immediately preceding the place where my amendment is proposed to come in, it seems to me that the Census Bureau could utilize them for gathering statistics in regard to telegraph and telephone companies.

I will say to the Senator that I did not take occasion to present this to the committee, and if he has investigated it to the extent that he is not willing to let it go in, of course I realize the proposition could not get any consideration in conference, because if the committee has not favorably acted, it could not receive favorable consideration in conference. It occurred to me, however, if it had not been considered by the committee, that it could very well go into this bill for further consideration in conference, with a view of getting information from the Director of the Census.

Mr. LA FOLLETTE. Before the Senator takes his seat, I will say that this matter was not brought to the attention of the committee while they were considering this bill, at least not during the present session; but the Director of the Census stated that the general policy which the Census Office had found it necessary to adopt in the work of the decennial census period was to limit the inquiry as nearly as possible to the regular census work, because it is not possible in the brief time in which the enumerators are required to gather the census information—about thirty days—to procure the information embodied in such special inquiries as that proposed by the Senator from Nebraska. I only state that from the general observations made by the Director of the Census when he was before the committee. I understand that the very bulletin to which the Senator from Nebraska alludes is a bulletin prepared under the general or permanent census act, and that the Census Office is gathering this information through special agents between the decennial census periods when they are not compelled to collect and publish a vast amount of information in a very limited period of time.

Mr. BURKETT. Well, Mr. President, I am not certain that this information could be gathered in thirty days. I very much doubt, if the information which is provided for in section 24 could be gathered in thirty days, whether it would be of great value. I realize, of course, that at the time of the last census an effort was made to concentrate the work and reduce its amount; but I do not know that we greatly increased the value of it, or greatly dispatched the business. It seems to me that the same enumerators could be utilized in gathering the information in regard to the telegraph and telephone companies that are used in gathering the information with reference to manufactures.

The VICE-PRESIDENT. The Chair will again put the question. The question is on agreeing to the amendment offered by the Senator from Nebraska [Mr. BURKETT].

The amendment was rejected.

Mr. BURKETT. I have another amendment to offer. In section 9, on page 10, line 14, after the word "hundred," I move to strike out the words "and thirty."

The VICE-PRESIDENT. The amendment proposed by the Senator from Nebraska will be stated.

The SECRETARY. In section 9, page 10, line 14, after the word "hundred," it is proposed to strike out "and thirty," so as to read:

Provided, That the whole number of supervisors shall not exceed 300.

Mr. BURKETT. That will leave the number of supervisors as it was for the last census, Mr. President.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska.

Mr. LA FOLLETTE. Mr. President, I do not think that amendment ought to be adopted. The Director of the Census has carefully considered this matter and submitted it to the committees of both Houses. After very careful consideration, that number of supervisors has been accepted. The country has grown. We had only 300 supervisors for supervising the work of taking the census in 1900, and the addition of 30 supervisors at this time seems to me a reasonable accession to the number. I trust that the amendment may not be adopted.

Mr. BURKETT. Mr. President, I do not see that the country has grown any larger. If I knew some other place where I could get at the matter of adiministration, I would like to do so. My observation is always that in creating bureaus too much money is spent in the organization part of the work. You may go into every department of the government service and you will find, whatever the work is which they are going to undertake, that there is too large a per cent—a larger per cent than is ever devoted in private affairs—devoted to organization and superintendency or whatever you might call it, to organization work.

In my opinion 300 supervisors for the census of this country are quite enough. It was demonstrated that that number was sufficient ten years ago. The country to be covered is not greatly different from what it was ten years ago. There are a few more people, but the work relative to their enumeration will all be done by the enumerators. It is proposed to add 30 supervisors, necessitating an expenditure of $45,000 for salaries plus whatever additional expenses they may have.

I remember when we organized the census into a permanent bureau, and the fact was called to the attention of the House of Representatives of the enormous amount of organization that was in the proposition, of the higher salaries to men for doing practically nothing of the real work necessary to be done, the House was so astounded that it recommitted the bill with instructions at that time to make reductions along certain lines.

To be sure the Director of the Census has reported that it is desirable to have 330 supervisors; but I doubt whether his judgment is any better than the judgment of the Senate would be on

this matter unless there is some reason given why 300 men can not supervise the taking of the census. We have not included anything additional in the census; and I can not understand why we should add 10 per cent to the number of census supervisors.

The number of enumerators will undoubtedly need to be increased; but why should we add 10 per cent, one-tenth, to the number of supervisors, who, as the experience in taking the census demonstrates, have not had a great amount of work to do, except for a short time? The remainder of the time they are employed in checking up delinquencies on the part of the enumerators, checking up errors that have been made, and are not very busy. In the cities, and in the centers where considerable work is to be done, they have in connection with the census taking such assistant supervisors as are needed. It seems to me that unless there is some good reason for it, there is not any occasion for increasing the supervisors force 10 per cent over what it was ten years ago.

Mr. LA FOLLETTE. Mr. President, I do not desire to prolong the discussion. I wish merely to call attention to the fact that in the ten years' period we have added somewhat to the geographical limits to be covered by the census; we have added enormously to the wealth of the country in that period of time; and we have added enormously to the population. It seems to me, therefore, that the Senate will do wisely if it adopts the bill in relation to the number of supervisors.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Nebraska [Mr. BURKETT].

The amendment was rejected.

Mr. BULKELEY. Mr. President, during the discussion yesterday on the committee amendment I intimated that I desired to submit a motion to eliminate from the bill sections 33 and 34—one relating to the purchase of a site on which to erect a census building and the other providing an appropriation for the erection of a building on the proposed site. By the adoption of the proposed committee amendment, these two sections have been combined in a new section as section 33 in the reprint of the bill, which seems to me even more objectionable than the original provisions.

In the first place, Mr. President, I think that a provision for the purchase of a site and the erection thereon of a public building has no proper place in a bill providing for the taking of the census.

In the second place, the usual course in providing for the erection of public buildings for departments of the Government or for its bureaus has been by passing measures which have been considered by the committee of Congress usually having such matters in charge—the Committee on Public Buildings and Grounds—which, from time to time, has given a thorough consideration, I think, to the necessities of the Government and the desirability, from an architectural point of view, of grouping in some proper manner the public buildings erected in this city, with the design of pursuing some general plan for the development of our public buildings and grounds.

There is another objection to this proposed legislation. It seems to me, under the provisions of section 33, which require that the building shall be erected on or before January 1, 1910, there can be scarcely the time necessary for the acquirement of a site, particularly if any objections are offered or condemnation proceedings become necessary. There can be hardly time, it seems to me, in the next nine months to institute the necessary proceedings, prepare the necessary plans, and complete a building, if we are to erect one, such as the Government should erect.

As I said yesterday in the course of the discussion, there have been prepared, by gentlemen peculiarly capable of considering the question of future projects for the beautifying of this city and the grouping of buildings, very elaborate plans. They have not been adopted, it is true, but they are being seriously considered, as is the question of the purchase of large additional plats of land on the south side of Pennsylvania avenue for the future needs of government buildings.

For the reasons which I have suggested, I move that we reconsider the vote—if that is the proper motion—by which section 33 was inserted in place of sections 33 and 34; or, perhaps, the proper motion would be to strike out section 33 as reprinted in the bill.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Will the Senator permit the Secretary to state the motion of the Senator from Connecticut?

Mr. NELSON. Certainly.

Mr. BURKETT (to Mr. BULKELEY). Move to strike out section 33.

Mr. BULKELEY. I move to strike out section 33 as it appears in the reprint of the bill.

Mr. GALLINGER. If the Senator will permit me, the usual motion—and it is a better method—would be, when the bill reaches the Senate, to move to strike out that section. When the bill is reported to the Senate, the Senator can reserve a vote on that section.

Mr. BULKELEY. I want to conform to the practice. I do not know what that is.

Mr. GALLINGER. That is the practice.

The VICE-PRESIDENT. In Committee of the Whole sections 33 and 34, as originally reported, were stricken out and a new section 33 inserted in lieu. Now, in the opinion of the Chair, the only procedure would be to move to reconsider the vote by which that was done.

Mr. GALLINGER. That is undoubtedly a proper motion, and yet the other motion is the one usually made in the Senate.

Mr. BULKELEY. I move to reconsider the vote by which the amendment to strike out and insert was agreed to.

Mr. LA FOLLETTE. I hope we can have a vote upon this matter.

The VICE-PRESIDENT. The Senator from Connecticut moves to reconsider the vote by which the old sections 33 and 34 were stricken out and the new section 33 substituted in their place.

Mr. NELSON. Mr. President, I think my good friend from Connecticut [Mr. BULKELEY] is overlooking an important fact in connection with this matter. We have been paying an enormous rent for quarters for the Census Office. The rent we have been paying for quarters occupied by that office ever since we took the last census has been more than enough to pay for the building and grounds. It is now evident that even if we complied with the plans and suggestions which the Senator from Connecticut has in view, of constructing a building down on Pennsylvania avenue, a palace, in conformity with this enormous plan of improvement on the south side of that avenue, such a building could not possibly be completed in time for the next census. If we can get the property referred to in the bill at a reasonable figure and the Government can build a cheap temporary addition to it of a kind such as there is now on the ground, we will save that much rent.

In any event, we will own the ground and the building. Property is going up constantly here, and by the time we can get a census palace erected on the Avenue the rent that we should have paid would more than pay for the temporary building and the ground. In addition, we shall have that property to dispose of. The Government can then dispose of it and get more than what the building and land would cost us now.

That would not militate at all against the plan which the Senator from Connecticut has in view. We all concede that the present plan and programme is a temporary matter. It is simply a question of what is wise and good economy for the Government under the present circumstances. In nowise, Mr. President, will it militate against or interfere with the other plan of beautifying the Avenue, as it is called—of putting all the buildings on the south side of the Avenue—where in old times there was nothing but marsh and swamp. I stated at a former session of Congress when something akin to this was up, or when the former census bill was under consideration, that I was rather in favor of adopting this scheme of erecting a temporary building on the site proposed in the bill because it was in accord with the plan of putting buildings south of the Avenue. We get the same swamp ground and soft ground as on the south side of the Avenue, and having that kind of ground, there is no reason why we should not utilize it for temporary quarters for the census.

I do not know how many thousands of dollars we have paid out in rent for that building which we have occupied since we took possession—perhaps the Senator from Wisconsin can give me the figures—but I imagine we have already paid out more in rent for the property than it is worth to-day. The way things move here in Washington, when they erect these fine palaces like the Senate and the House buildings and the District of Columbia building, it takes years to complete them; and before they can get such a census palace as the Senator from Connecticut has in view, we will expend more in rent than this whole property would cost us and the additional temporary building. If we secure that property, when the time comes when we shall have erected such a census palace as the Senator from Connecticut has in view, we will have this property and can sell it for more than it cost us, and we will be that much ahead and will have saved that much for the Government.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wisconsin?

Mr. NELSON. I will yield to the Senator from Wisconsin in a moment.

I am a member of this great committee that is to curtail the expenses of the Government and to look after the purse strings of Uncle Sam; and, being a member of that committee, I feel it incumbent upon me, as the Senator from Idaho did yesterday, being on the other committee, to look out for the welfare of the Government and see that no money is squandered.

Now I yield to the Senator from Wisconsin.

Mr. LA FOLLETTE. I desire to say, in answer to the suggestion of the Senator from Minnesota, that we have paid out as rental during the Twelfth Census and since $218,500.

Mr. BULKELEY. Mr. President, I think the Senator from Minnesota [Mr. NELSON] is mistaken when he refers to any scheme or plan which I have in mind for the erection of a census building on the south side of the Avenue or in any other locality. The section, as now provided, does not locate the proposed census building in any place whatever, but leaves it arbitrarily to the Secretary of the Treasury to locate it where he pleases, provided he keeps within the expense limit of $750,000 for the site and building.

The proposed $750,000 is an increase of some $70,000 over the provisions of sections 33 and 34, which have been stricken from the bill, of $430,000 for the site and $250,000 for the building. It has rarely if ever, I think, been customary to intrust to any one individual the fixing of a site and the erection of a public building here in the city of Washington. I have before me two bills that were introduced during the Sixtieth Congress, one providing for a building for the Geological Survey, in which the location is fixed by Congress itself; and while the charge of purchase or condemnation of the land is left to the Secretary of the Treasury, the location is accurately described in the bill for the proposed building. The same conditions prevail in a bill which was introduced during the same session for the purchase of a site and the erection of a suitable building for the Supreme Court of the United States. While it was left to the Secretary of the Interior to carry out the provisions of the act, the location of the building, the site, was accurately described in the bill itself.

Section 33 of this bill provides not so much for a building of a temporary character, or for the Census Bureau, if you please, because the bill itself provides that it shall be for the use of the Census Office "and for other governmental purposes." So it is evidently more than a structure of a temporary character.

The first objection I made is a valid one, that in the few months, which will pass quickly, between now and the 1st of January next, there is hardly time—I am certain there is not time—to secure a site, particularly if other than governmental land should be selected and condemnation should possibly be necessary to secure the title to the land, prepare the necessary plans, and erect a building to cost $250,000 anywhere in the city of Washington that the Secretary of the Treasury may decide, and complete it by the 1st of January, 1910.

It is true we have spent for rental during the last ten years quite a large sum of money, but it is very probable that the interest on the proposed investment will more than exceed annually the rentals that have been paid during the last ten years, which were, on the average, about $21,000 a year. These proposed buildings are to cost somewhere from $750,000, estimated, to possibly a very much larger expense. We will call it $750,000. At a moderate rate of interest, 3 per cent, it would be a larger annual expense to the Government for interest alone, to say nothing of the care of the property, than the average annual expenditure for rental for the last ten years.

I trust the motion I have made to reconsider the vote on section 33 will prevail.

The VICE-PRESIDENT. The question is on agreeing to the motion of the Senator from Connecticut.

The motion was rejected.

Mr. GALLINGER. Mr. President, I desire to offer an amendment simply to correct the verbiage of section 33. It reads:

That the Secretary of the Treasury be, and is hereby, authorized and directed to provide, upon land the title to which is in the United States, or to acquire by purchase, etc.

My amendment is, to insert after the word "provide," "a suitable building," so that it will read:

That the Secretary of the Treasury be, and is hereby, authorized and directed to provide a suitable building, upon land the title to which is in the United States, etc.

The Senator from Wisconsin, I think, will see the propriety of that. It is an omission.

Mr. LA FOLLETTE. I accept the amendment.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 28, line 14, after the word "provide" it is proposed to insert "a suitable building."

Mr. GALLINGER. That is right.

The amendment was agreed to.

Mr. CLARK of Wyoming. I should like to ask if any amendment has been made in line 6, on page 10?

The VICE-PRESIDENT. In that line the words "the Hawaiian Islands" were stricken from the bill.

Mr. CARTER. I offer the amendment I send to the desk.

The VICE-PRESIDENT. The Senator from Montana offers an amendment, which will be stated.

The SECRETARY. On page 5, after the word "service," in line 15, it is proposed to insert:

But without reference to the existing apportionment in the classified civil service.

Mr. GALLINGER. Will the Senator explain that, if he pleases?

Mr. CARTER. The amendment, if adopted, will provide for a separate list in every State, without reference to the standing of the quota of each State in the classified service; entirely independent of that.

Mr. GALLINGER. I think that is all right.

Mr. TALIAFERRO. Let the amendment be again stated.

The VICE-PRESIDENT. Without objection, the amendment will be again stated.

The SECRETARY. On page 5, line 15, after the word "service," it is proposed to insert:

But without reference to the existing apportionment in the classified civil service.

Mr. BAILEY. Mr. President, the purpose of that amendment is to cheat some of the States out of appointments to which without it they would be entitled. For instance, many States now, under this excellent and perfect system of civil service, have more than their fair proportion, while other States have less. It seems to me, while they are making 3,000 appointments they might compensate for these deficiencies and let the States that already have more than they are entitled to under the law stand aside until the States that have less than they are entitled to have been put upon an equality with them.

The effect of this is to let the States which have more than their quota not only retain the excess which they now enjoy, but to have their full quota under this bill. Without this amendment States whose quota is full could have no appointments under this service until the States having deficiencies had been supplied. I will ask the Senator from Montana if that is not a correct statement of it?

Mr. CARTER. Mr. President, that statement correctly represents the facts. I will send to the Secretary's desk to be read, if it is desired by the Senate, the exact state of the apportionment for the respective States as provided for by the bill and as the proposed amendment would provide.

Mr. BAILEY. I will be glad to have that printed, because it will confirm what I have just said and it will show, using my State for an illustration, that under the bill as it stands, we would be entitled to something like 150 or 160 appointments, and under the amendment we will be entitled to something less than 100, which is equivalent to saying that under this perfect and excellent system which does such exact justice to everybody, other States have 40 or 50 appointments to which the State of Texas is fairly entitled. Perhaps I ought not to complain about that, because our people are so busy with more useful and profitable employments that they have not been besieging the Government for offices.

The VICE-PRESIDENT. Without objection, the statement submitted by the Senator from Montana will be printed in the RECORD.

The matter referred to is as follows:

Statement showing number of appointments each State and Territory would be entitled to under the apportionment provision contained in the Thirteenth Census bill as passed by the House of Representatives, as compared with the number they would be entitled to under the proposed Senate amendment, on the assumption that 2,000 additional appointments will be made.

State or Territory.	Number under House bill.	Number under proposed amendment.
Alabama	101	47
Arkansas	68	34
California	51	39
Colorado	3	14
Connecticut	11	24
Delaware		5
Florida	17	14
Georgia	74	57
Idaho	4	4
Illinois	165	125
Indiana	50	65
Iowa	69	58

Statement showing number of appointments, etc.—Continued.

State or Territory.	Number under House bill.	Number under proposed amendment.
Kansas	34	38
Kentucky	77	50
Louisiana	77	36
Maine	8	18
Maryland		81
Massachusetts		73
Michigan	63	63
Minnesota	59	45
Mississippi	84	40
Missouri	109	80
Montana	4	6
Nebraska	30	28
Nevada		1
New Hampshire	5	11
New Jersey	26	49
New York	65	188
North Carolina	45	49
North Dakota	15	8
Ohio	45	108
Oklahoma	29	21
Oregon	18	11
Pennsylvania	64	160
Rhode Island	3	11
South Carolina	37	35
South Dakota	19	10
Tennessee	70	52
Texas	150	79
Utah	8	7
Vermont		9
Virginia		48
Washington	25	13
West Virginia	3	25
Wisconsin	81	54
Wyoming		2
District of Columbia		7
Alaska	8	2
Arizona		3
Guam		
Hawaii	16	4
New Mexico	9	5
Philippine Islands		
Porto Rico	112	23
Samoa		
Total	2,021	2,000

Mr. CUMMINS. I wish to ask the Senator from Texas whether he has carefully examined this text as it is now. If he has not, I would be glad to have him look it over and tell the Senate whether, in his opinion, the bill as it is does not accomplish the very thing which is sought to be accomplished by the Senator from Montana. In other words, the amendment offered by the Senator from Montana makes no difference whatever in the meaning and interpretation of the bill.

Mr. BAILEY. Mr. President, when the Senator from Iowa shall have known the Senator from Montana as long as I have known him he will find, in my opinion, that the Senator from Montana does not offer useless amendments.

But I will say, responding further to the Senator from Iowa, that I might be inclined to agree with him as to the meaning of the text except for the fact that those who are charged with the supervision of such matters have indicated their opinion to be that, under the language of the bill as reported by the committee, the apportionment would be made with reference to the present condition of the civil-service apportionment; and it was to avoid that construction that the amendment now proposed by the Senator from Montana was suggested to the committee.

The Senator from Iowa will permit me to say to him further that he and I, as lawyers, might perfectly agree as to the meaning of the statute; but, unfortunately, we can not get the Civil Service Commission into the courts to have the act construed. And they will be down there at the director's office before he comes from breakfast, just as they were down at the committee room before the committee were there, seeing that this special charge of theirs was respected at every stage.

I think probably—and I say it with all deference to the gentlemen who compose that commission, because they are men of intelligence and character, devoted, unduly, as I think, to their particular work—there is not a department of this Government so sensitive about aggressions on its domain as that same Civil Service Commission; and I want to record it here as my prophecy, that they will have these appointments made as they construe the law or else they will make trouble for the Director of the Census. The Civil Service Commission always has the willing and inclining ear of the President, and they get the President to take their side against any officer of this Government, because the President generally suspects that the officers who are charged with the duty of administering this law understand what a fraud it is.

Mr. CUMMINS. Having recently become chairman of the Committee on Civil Service and Retrenchment——

Mr. BAILEY. Will the Senator permit me?

Mr. CUMMINS. Certainly.

Mr. BAILEY. The Senator from Iowa, a sturdy partisan, illustrates what I am tempted to say is the malignant influence of a connection with the civil service, for just as soon as his colleagues made him chairman of the Committee on Civil Service he became a civil-service reformer.

Mr. CUMMINS. Quite true. I had very little sympathy with the workings at least of the civil service as I had observed them since I came to Washington until I became chairman of the Civil Service Committee. I immediately reached the conclusion that there was such an opportunity for reform in the civil service that I would ask the Senate not to enter upon that work of reform with respect to the census bill, but to leave me a free field and a fair opportunity for the future.

Mr. BAILEY. I will join the Senator in repealing the entire law.

Mr. CUMMINS. With respect to the amendment offered by the Senator from Montana, I will say I favor it. I believe in that interpretation of the bill. I asked the question I did of the Senator from Texas solely to advise the Senate, at least from my standpoint, that, even though the amendment were defeated, still this particular apportionment would be made without regard to the apportionment under the general classified service.

Mr. CARTER. Mr. President, I am unable to determine what a court would say with reference to the proper construction of the language of the bill as my amendment would leave it, and I will not venture to say what the Civil Service Commission's construction might be six months hence. But I am somewhat advised of the Civil Service Commission's construction at present. The language of the bill as it appears now is as follows, speaking of appointments:

And selections therefrom—

That is, from the eligible list. I read from page 5, line 12—

And selections therefrom shall be made by the Director of the Census, in conformity with the law of apportionment as now provided for the classified service, in the order of rating.

The Director of the Census and, I believe, the chairman of the Civil Service Commission entertain the view that the employment of the language I have just read will necessitate a consultation from day to day as to the condition of state representation in the classified service before making appointments in the census service, because we are acting in conformity with the law of apportionment as now provided for the classified service, in the order of rating. The amendment I have proposed will relieve the Director of the Census from the ascertainment, from time to time, of the apportionment of the States in the classified service.

Mr. BAILEY. It will also relieve some of the States of appointments to which they are fairly entitled.

Mr. CARTER. And add possibly to others more. I will read the list, which will show. The number the State of Alabama would be entitled to under the bill as passed by the House is 101; the number proposed by the amendment for that State would be 47. Arkansas would have 68 under the House bill; 34 under the amendment, if it is adopted. California would have 51 under the House bill; 39 under my proposed amendment. Colorado would have 3 under the House bill, and 14 under the amendment. Connecticut would have 11 under the House bill, and 24 under the proposed amendment. Delaware would have none under the House bill, and it would have 5 under the proposed amendment.

I am not reading these figures with a view to affecting votes in the Senate on my amendment [laughter], because I am sure no such result would obtain. It balances back and forth pretty well. The only purpose of the amendment, as far as my individual view is concerned, is to relieve the Director of the Census, who will have trouble enough in connection with this rush of work, from the necessity of constantly consulting the Civil Service Commission with reference to the state of appointments from the different States.

Mr. GALLINGER. Is the Senator going to finish the reading of the list? If not, I should like him to tell me how many New Hampshire is entitled to, the quota of which heretofore has been filled, I believe, by dead men.

Mr. CARTER. In view of the fact that the Senator has not committed himself on the proposed amendment, I can with perfect freedom read to him that New Hampshire would be entitled to 5 under the bill as it is——

Mr. GALLINGER. That is good.

Mr. CARTER (continuing). And 11 under my proposed amendment.

Mr. GALLINGER. That is first rate. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Montana [Mr. CARTER].

The amendment was agreed to.

Mr. CLAY. I am inclined to think on this amendment, which is so unjust, we ought to have a yea-and-nay vote; and if the Senator from Montana insists upon it, I think I shall have to call for a yea-and-nay vote.

Mr. LA FOLLETTE (to Mr. CLAY). Take it in the Senate.

Mr. CLAY. Take it in the Senate?

Mr. NELSON. I suggest that the question be again put. I do not think it was fully understood.

Mr. CLAY. I am willing for the question to be again put. But the amendment, to my mind, is manifestly unjust and violates the principles and the spirit of the general civil-service law. This bill as it came from the House in that respect intended that the spirit of the general civil-service law should prevail in those appointments.

Mr. CARTER. I do not blame the Senator from Georgia. Georgia would have 74 under the House bill and only 57 under the amendment.

Mr. CLAY. I will say to the Senator that I do not think Georgia will have any under the House bill, or the Senator's amendment either, so far as I know.

The VICE-PRESIDENT. The Chair put the question, and declared that the amendment was carried. Without objection, the Chair will again submit the question, at the request of the Senator from Georgia. The question is on agreeing to the amendment offered by the Senator from Montana.

The amendment was agreed to.

Mr. CLAY. We can have a yea-and-nay vote in the Senate, I believe, if we want it, when the bill gets there.

The bill was reported to the Senate as amended.

The VICE-PRESIDENT. Is a separate vote demanded on any particular amendment?

Mr. BAILEY. I suggest to the Senator from Wisconsin, in charge of the bill, that probably there will be one or two votes desired in the Senate. Probably the bill can not be completed to-night.

Mr. LA FOLLETTE. I trust we can dispose of the bill to-night.

Mr. CARTER. It is very desirable that the bill should be passed this evening, and I ask unanimous consent to withdraw the amendment I last offered, which was adopted. I will first ask that the vote be reconsidered.

The VICE-PRESIDENT. Is there objection to the request that the vote by which the last amendment was agreed to be reconsidered, and that the Senator have leave to withdraw the amendment? No objection is heard, and the order will be followed. Is a separate vote demanded on any amendment?

Mr. CLAPP. I ask for a separate vote on the amendment on page 6.

The VICE-PRESIDENT. Is a separate vote asked for on any other amendment? If not, the question is on concurring in the other amendments made as in Committee of the Whole.

The amendments were concurred in.

Mr. CLAPP. Since this matter came up the junior Senator from New York [Mr. ROOT] called my attention to the fact that when it comes to employees handling mechanical devices it might be difficult, if not practically impossible, to apportion them to the various States. Seeing the force of his suggestion, I now move to strike out on page 6, commencing with the word "That," in line 1, down to and including the word "further," in line 16, and to insert in lieu thereof the words which I send to the desk.

The VICE-PRESIDENT. But there is no line 16 in the bill.

Mr. CLAPP. It was so reported to the Senate.

Mr. BAILEY. There must be a line 16.

The VICE-PRESIDENT. The pending question is on concurring to the amendment to strike out from line 1 to line 7, inclusive, and to insert from line 7 to line 15, inclusive. The matter from line 7 to line 15, inclusive, is not yet in the bill. All the amendments save this one have been concurred in.

Mr. CLAPP. Then I move to strike out——

Mr. GALLINGER. Mr. President, a parliamentary inquiry. When the amendment was agreed to as a substitute for the House provision, did not that eliminate the House provision from the bill?

The VICE-PRESIDENT. The Senate, as in Committee of the Whole, agreed to it, but the Senate has not agreed to it. That is the question now before the Senate on which a separate vote is asked.

Mr. GALLINGER. Precisely; but what I am trying to get at, in rather an awkward way, perhaps, is whether it is necessary to take any action on the text of the bill as passed by the House, the Senate in committee having substituted language for the language of the House. I think all the Senator from Minnesota has to do is to deal with the amendment as agreed to in Committee of the Whole.

The VICE-PRESIDENT. It would seem to the Chair that the proper parliamentary procedure under the Senate rule would be to nonconcur in the amendment, and then to move to strike out the House provision and to insert whatever the Senate might desire to insert.

Mr. CLAPP. I ask that the amendment be nonconcurred in.

Mr. NELSON. Will my colleague yield to me for a moment?

Mr. CLAPP. With pleasure.

Mr. NELSON. I make this suggestion to him: Having already adopted the portion in italics in place of the part stricken out, that is the only portion of the bill to be dealt with. We have substituted that portion for the other portion. If we reject that portion in the Senate, it eliminates it. Then we have nothing in the bill. We have stricken out a paragraph and substituted another for it; and if we strike that out, it is out of the bill. If on the question of concurring in the amendment reported from the Committee of the Whole the amendment is not concurred in, the paragraph is out of the bill, as I understand it.

The VICE-PRESIDENT. The Senator is right in so far as the part from line 7 to line 16 is concerned, but that does not strike out the House provision. It would seem to the Chair that the proper procedure would be to negative this vote and then to move to strike out the House provision and insert whatever the Senator desires. Rule XVIII of the Senate would seem to indicate that as the proper procedure to be taken.

Mr. CARTER. It seems to me that the amendment adopted as in Committee of the Whole was to strike out and insert.

The VICE-PRESIDENT. Certainly.

Mr. CARTER. It was an indivisible amendment?

The VICE-PRESIDENT. Certainly.

Mr. CARTER. And it must be agreed to or rejected as a whole?

The VICE-PRESIDENT. Certainly. That is precisely what the Chair has stated.

Mr. CLAPP. I ask that the amendment be nonconcurred in.

The VICE-PRESIDENT. The question is on concurring in the amendment made as in Committee of the Whole.

The amendment was nonconcurred in.

Mr. CLAPP. I move as an amendment to insert the words I send to the desk in lieu of the House provision.

The VICE-PRESIDENT. The Senator from Minnesota moves to strike out the House provision and to insert what the Secretary will read.

The SECRETARY. On page 6, line 1, after the word "however," it is proposed to strike out all of line 1 and down to line 7, including the word "examination," and to insert:

That the foregoing provisions as to apportionment, residence, and place of examination shall not apply to employees operating mechanical appliances.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Minnesota.

The amendment was agreed to.

Mr. BAILEY. Mr. President, I do not intend to offer an amendment, but I simply want to call attention to a provision in the bill which I think is beyond the power of Congress. It is that provision which undertakes to punish by fine and imprisonment a refusal to answer certain questions. That provision applies in the agricultural schedule. To my mind, it is plain that Congress has no power to pass a law to send a man to jail because he declines to tell the enumerator how many acres of land he cultivates or the product which he produces. In a following provision it is provided that an officer or director of a corporation who refuses to answer certain questions about its capital and business may be sent to jail, or may be fined, or may be punished in both ways.

My view is that the constitutional power of Congress is to enumerate the people of the United States, and the purpose of that enumeration is to enable Congress to apportion Representatives and direct taxes; that the constitutional power, so far as an independent and substantive power goes, ends there; and that while Congress may have the power to make an appropriation of the money and appoint people to gather this information, and while it may have the power to punish, as it does, the people who willfully make false answers to these questions, I have no doubt that we exceed our power when we provide that a man who declines to tell the census enumerator the secrets of his business or what concerns him only shall be punished. We go much beyond what the Constitution authorizes us to do.

Without divulging the secrets of the committee, I there moved to strike both those provisions out. I was voted down, and I

assume I would be voted down here, but I am not willing to see the bill pass from a committee of which I am a member without putting it in the RECORD that in this respect I feel that the bill is a nullity, and that if any man in the United States refuses to answer those questions he is well within his constitutional rights, and Congress is without the power to punish him for that refusal.

The VICE-PRESIDENT. Will the Senator from Texas kindly give the Secretary the page and line?

Mr. BAILEY. I am not going to make any motion, because I regard it as a waste of time. I simply want to put this in the RECORD so as to save myself from the imputation that I was willing to put a man in jail because he would not supply information which the curious might desire about his business.

Mr. CARTER. Mr. President, it is true that no motion has been made; but I think a word may well be said on the subject presented by the Senator from Texas.

Undoubtedly if the Government relied upon the requirement of the Constitution that an enumeration of the people be made, there would be a want of constitutional warrant for the enforcement by any penalty for a refusal to answer many of the questions required to be answered by the bill. But there are other provisions of the Constitution than that requiring an enumeration of the people; and if it pleases Congress to subserve other public purposes in connection with the enumeration, I think it is clearly within the discretion of Congress so to do.

It will not be contended that Congress is prohibited from utilizing the enumerators for any other purpose than the enumeration of the people. For instance——

Mr. CLAPP. Will the Senator pardon a question?

Mr. CARTER. I hope the Senator will permit me to proceed for a moment. I will yield in the course of time.

For instance, Mr. President, the Constitution authorizes Congress to borrow money on the credit of the United States. The condition of the people of the United States in a material way might go far to advise Congress of the state of the Nation's credit or the basis of it. Congress is authorized to regulate commerce with foreign nations and among the several States and with the Indian tribes. Congress is warranted in asking any question of any citizen of the country at any time that may appertain to interstate commerce or any subject so related to that question as Congress might deem of importance.

Mr. CLAPP. Will the Senator allow an interruption now?

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I should like to finish just this line of thought, if the Senator will permit me a moment.

Mr. CLAPP. All right.

Mr. CARTER. It is provided in one of the prohibitory clauses of the Constitution that "no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken." Then, upon the basis of the "enumeration hereinbefore directed to be taken," Congress may levy a direct or capitation tax.

There are a great number of obligations placed upon Congress by the Constitution; and in order that Congress may intelligently discharge its duty in the matter of regulating commerce between the States, in maintaining and providing for armed defense, and a variety of questions, it is undoubtedly pertinent for Congress to direct that the citizens of the Republic shall answer all proper questions needful for a correct conclusion as to the state of the Union and its resources.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I will first yield to the Senator from Minnesota.

Mr. CLAPP. I ask the Senator from Texas to proceed.

Mr. BAILEY. I was about to remind the Senator from Montana that in the levy of a direct tax all that Congress needs is to know the number of the people, because it has to levy that tax according to population—not wealth.

Now, if it had been written in the Constitution as it was originally proposed, that Congress was required to apportion Representatives and direct taxes according to wealth and numbers, then, undoubtedly, in taking the enumeration, we would have the right to require any answer that would advise us as to the wealth. But that part was eliminated.

Mr. CARTER. The Senator will pardon me for suggesting that I referred to that part of the section of the Constitution, because it prohibits the levy of a capitation or other direct tax; for instance, a tax on corporations——

Mr. BAILEY. It does not prohibit it. It prohibits the levy of it, except it be apportioned and according to numbers. Therefore, all you need to do is to know the number. There is no provision against the levy of a direct or capitation tax. There is a qualification of it.

Mr. CARTER. The capitation tax may not, of course, be levied, except as to numbers.

Mr. BAILEY. Neither can any other direct tax; but the number is all that Congress needs to know in order to levy either direct or capitation taxes. It does not need to be informed of the wealth, because Congress can not levy the tax according to wealth.

Mr. CARTER. Mr. President, Congress, in the exercise of its taxing power, often has recourse to what is called "internal-revenue taxation," a very prominent source of government income. I suggest to the Senator that any pertinent inquiry which may enable Congress in an enlightened manner to assess internal-revenue taxes may be put forward in the form of inquiries to be propounded by the enumerators.

Mr. BAILEY. Mr. President——

Mr. CARTER. It is true, the Senator did not make a motion; and I have only made the statements I have made to the end that the enumerators throughout the country may not be retarded in their work by an impression going forth that the position of the Senator from Texas is accepted as the view of the Senate.

Mr. BAILEY. "The Senator from Texas" will take the chance of being sent to jail on that whenever the enumerator asks him one of those questions. I regard it as an impertinent inquiry for the Government to call on me to inform Senators and Representatives how they ought to legislate by advising them of the state of my private business. That is almost as unreasonable as a search and seizure without warrant.

I ought to have said, Mr. President, that between the two provisions against which I complain there is a provision that requires a tavern keeper to disclose the names of the lodgers or boarders in his house. I think the Government has the power to require him to do that under the penalty of being sent to jail, because it might be very essential to the enumeration that they should learn exactly who occupied every house or who occupied every room in a public lodging place.

I make no question about that, but the other two provisions that would send a farmer to jail because he would not tell the enumerator the number of acres he cultivated or the quality of the soil or the character of his crop, I maintain are clearly beyond the power of Congress, and likewise it is beyond our power to make an officer or director of a corporation come and lay down before the enumerator all the business of his enterprise. If you can do that with a corporation, Mr. President, you can do it with an individual, because a corporation has often been held to be a person within those protection clauses of the Constitution. I am not willing to see it said that an enumerator, too often without judgment and discretion, can be sent into every home in this land with an impudent inquiry as to the private affairs of the citizen. Such a proposition twenty years ago would have brought every man in America to his feet. It would have been regarded as an invasion of the privacy of his home and his business. We have gone on extending and extending the power of the Government until now a proposition like this excites little comment, and does not even justify a sufficient hope of success for me to make a motion to strike it from this bill.

Mr. LA FOLLETTE. I hope we may now have a vote. I should like to say to the Senator from Texas that twenty years ago the enumeration made by enumerators under the census law of that time were much more extended than now.

Mr. BAILEY. But never a provision to send a man to jail because he refused to answer. I do not object to the question, if the citizen chooses to answer. I possibly would commend him for it. I think it would be better if none of us had any secrets which we were unwilling to divulge. But the millennium will have come when that time comes. I am not anticipating it; but if a man declines to answer, whether it is important or unimportant, it is his own affair, and the law has no right to prize his mouth open to make him speak when he chooses to keep his own counsel.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

EXECUTIVE SESSION.

Mr. CARTER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, April 12, 1909, at 12 o'clock m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 10, 1909.

ASSISTANT SURGEON, MARINE-HOSPITAL SERVICE.

Samuel C. Hotchkiss to be assistant surgeon in the Public Health and Marine-Hospital Service.

POSTMASTERS.

NEW YORK.

James A. Johnston, at Marlboro, N. Y.

PENNSYLVANIA.

F. N. Boyle, at Nicholson, Pa.
Frank W. Leib, at Pottsville, Pa.

SENATE.

MONDAY, *April 12, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

Mr. ANSELM J. McLAURIN, a Senator from the State of Mississippi, appeared in his seat to-day.

The Secretary proceeded to read the Journal of the proceedings of Saturday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of Local Union No. 2566, United Mine Workers of America, of Denning, Ark., praying for the imposition of a duty on crude oil, which was ordered to lie on the table.

He also presented a petition of members of the Bar Association of the Territory of Hawaii, praying that in the appointment of judicial officers in the United States courts of that Territory none but residents be appointed, which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented petitions of sundry citizens of New York, Missouri, Iowa, Virginia, Maine, Michigan, and Washington, D. C., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURNHAM presented a memorial of the city council of Berlin, N. H., remonstrating against any reduction of the duty on print paper, wood pulp, and lumber, which was ordered to lie on the table.

Mr. PERKINS presented a memorial of sundry business firms of San Francisco, Cal., remonstrating against any increase of the duty on bottle caps, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Santa Clara County, Cal., praying for the enactment of legislation to prohibit the immigration into the United States of all Asiatics except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. GALLINGER. I present a resolution of the city council of Berlin, N. H., which I ask to have read and referred to the Committee on Finance.

There being no objection, the resolution was read and referred to the Committee on Finance, as follows:

Resolved by the city council of the city of Berlin, N. H., as follows: Believing that the removal or substantial reduction of the existing tariff rates on print paper, wood pulp, and lumber would work a serious and irreparable injury to two of our most important industries, upon which several thousand of our people depend for a living, and compel the stripping of our forests of all soft wood now usable for lumber or pulp, earnestly protest against the removal or reduction of the existing duties and ask our Senators and Members of the House of Representatives in Congress to do everything in their power to retain the duties upon print paper, wood pulp, and lumber as they now are.

Mr. CULLOM presented a petition of sundry employees of the Chester Knitting Mills, of Chester, Ill., praying for an increase of the duty on hosiery, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Decatur, Murphysboro, Chicago, Venice, Braidwood, Springfield, and Danville, all in the State of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Wisconsin, remonstrating against any reduction of the duty on print paper and wood pulp, and praying for the enactment of legislation to prohibit the sale of foreign articles in the United States at less than the selling price in the country in which they are manufactured, which was ordered to lie on the table.

Mr. NELSON presented sundry affidavits to accompany the bill (S. 629) granting an increase of pension to Laura M. Hoard, which were referred to the Committee on Pensions.

Mr. LODGE presented petitions of sundry citizens of Boston, Woburn, Fall River, Lawrence, Rockport, Holyoke, and Lowell, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Mattapan, Roxbury, Roslindale, Boston, and Jamaica Plain, all in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Presque Isle, Sprague's Mills, Sebasco, Portland, and Princeton, all in the State of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Rumford, Me., remonstrating against any reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

MARCIA A. TAYLOR.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution 31, submitted by Mr. DILLINGHAM on the 9th instant, reported it without amendment, and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Marcia A. Taylor, widow of George M. Taylor, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

THE TARIFF.

Mr. ALDRICH. From the Committee on Finance, I report back favorably, with amendments, the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes. I will state that the report is made on behalf of the majority of the committee. It is my purpose, in a moment, to move that when the Senate adjourns to-day it adjourn to meet on Thursday, and I desire to give notice that at that time I shall ask the Senate to proceed to the consideration of the bill which I now report.

The PRESIDENT pro tempore. The bill will be placed on the calendar.

Mr. ALDRICH. I move that when the Senate adjourns to-day, it be to meet on Thursday next.

Mr. DANIEL. Mr. President, before that motion is put, I desire to say——

Mr. ALDRICH. I withdraw the motion, if the Senator from Virginia desires to address the Senate.

Mr. DANIEL. That is not necessary.

Mr. ALDRICH. The motion is not debatable. I shall withdraw it for the time being.

Mr. DANIEL. I am very much in favor of the motion, and for the reason that the Democratic members of the Finance Committee, myself included, have as yet had no opportunity to read this bill, or to know anything about its contents. They have been virtually eliminated from their proper preliminary service of committeemen; that is, from any opportunity to know what has passed with the committee; what are its sources of information or its reliability, and from the benefit of the counsel of that committee in forming their own opinions. They would have much liked to have had that opportunity. Parliamentary law contemplates that it shall be given.

I have been told, and I will not deny the assertion, for I do not know, that this has been the custom of the Finance Committee of this body in regard to the tariff. If so, the maxim of the common law applies, malus usus abolendus est. It is a practice more honored in the breach than in its observance. It deprives a Member of this body who is appointed to perform a public function of the chance to do so in any reasonable way.

We had the opportunity to vote upon one question. I do not recall that at any time there was an opportunity to vote upon any other. It was the question whether or not this bill should be favorably reported. Of course, we voted "No," for we knew nothing about it, and had no chance to know.

I think it due to the Democrats of this body and to the country that it should be known that they have had no chance except such as was filtered to them through their Republican associations to form an opinion about the bill. Of course, everybody knows that the Republican party has been charged by the country with the majority rule in this body, and therefore not only has the right, but the apparent duty, to frame a tariff bill. We can not object to any source the individual Members may apply to for their information; we can not object that the administration should afford them every facility in

its power to be fully instructed as to the bearings of all questions which arise; but we do assert that a minority has the same right to all the facilities that are enjoyed by the Republicans, including that of being present and of hearing and cross-examining, if they so desire, any witnesses who may testify.

In their private character wheresoever they please they may assemble; they have the power to make a combine with themselves to rule out considerations that are introduced by others; but I respectfully submit that they have not the right to use the Government as their adjunct and not permit the Democrats to have the same adjunct of information in all particulars.

It is true, Mr. President, and I wish to acknowledge it, that certain experts have been sent to give us information. This was in the privacy of our own minority meetings, when some were present at one time and some at another. The most lucid and the most beneficial and satisfactory way of information that a committeeman can get is that afforded by conference with his colleagues. In this vast country we all see things from different standpoints, and the difference of standpoints is often the rationale of the act that eventuates from its statement.

It is therefore most important, Mr. President, to the country that in the molding of a measure like this there should be present representative men who may hear the details of it bearing upon things about which they are most concerned. I do not wish to use rough words, and I entertain no rough feeling to any member of the committee. I concede that they think they have done their duty. I can not think so. On the contrary, I regard the practice as oppressive, as tyrannous, and as an impediment to full and dutiable public service.

Mr. CULBERSON. Mr. President, I do not rise to the motion, but merely to inquire of the Senator from Rhode Island if a written report accompanies the bill.

Mr. ALDRICH. No; it never has been the habit in the Senate to make a written report of the committee's action on tariff bills. There is no writen report. It is my purpose when the bill is taken up on Thursday to make——

Mr. CULBERSON. I do not understand that it has been the practice of the Senate to report a bill without its having been considered in committee.

Mr. ALDRICH. It is my purpose on Thursday, or whenever the bill is taken up for consideration, to make a brief statement of the character of the bill and what it proposes to do. That has always been the practice.

Mr. CULBERSON. I should like to ask the Senator if the bill as reported by the committee was read in the full committee.

Mr. ALDRICH. I do not know that I am permitted to state what happened in committee, but I will state for the information of the Senator that if the bill had been read in committee and taken up for consideration in the committee by paragraphs, at least a month would have elapsed before any conclusion would have been reached.

Mr. CULBERSON. I will ask one further question.

Mr. ALDRICH. A majority of the committee, having in view the public interests of the country, decided that the discussion had better take place, in their opinion, upon the floor of the Senate rather than in committee.

Mr. CULBERSON. I should be glad if the Senator would inform the Senate whether the minority of the committee had an opportunity even to read the bill.

Mr. ALDRICH. I will make the motion, Mr. President, that when the Senate adjourns to-day it be to meet on Thursday next, to give the minority of the Senate a chance to read it if they are so disposed. I am not sure whether they are or not. The Senator from Texas can tell, perhaps, whether they are.

Mr. CULBERSON. As suggested by the Senator from Georgia [Mr. BACON], it would require a vote, I understand, on the proposition to report it favorably without having an opportunity to read it or know what is in it.

Mr. ALDRICH. The Senator from Texas is not a member of the committee.

Mr. CULBERSON. No; but I am a Member of the Senate, and interested in the report.

Mr. ALDRICH. It is not customary to discuss on the floor of the Senate what transpires in committees.

Mr. DANIEL. Can you not tell things that did not transpire in the committee?

Mr. ALDRICH. It might take a long time to tell things that did not transpire in the committee.

Mr. DANIEL. I have no doubt; but no reading of this bill took place in the committee.

Mr. ALDRICH. I ask that the question be put on my motion.

Mr. OVERMAN. I wish to inquire of the Senator from Rhode Island whether there is printed a table showing the decrease or increase in each item of the schedules, and whether there is anything to show Senators——

Mr. ALDRICH. The printed bill which the Senator has in his hand shows that in each case.

Mr. OVERMAN. Does it show the amount of revenue to be derived from each article?

Mr. ALDRICH. No; but the committee are having prepared a statement which will contain an estimate of the revenue to be derived from the bill, and I expect to submit it to the Senate on Thursday.

Mr. BAILEY. Mr. President, in view of the statement which the Senator from Rhode Island has just made to the Senate, that it is not customary to relate on the floor what transpired in the committee room, I think it proper here and now to say that the minority will reserve the right and do reserve the right to say to the Senate and to the country that the bill was not read to the committee this morning, and no consideration was given to the bill or to any item of it. It was reported without the minority having had an opportunity to read a line of it. I think that is a matter of proper comment.

Whether that has been the practice heretofore or not is a question to be taken into consideration when determining whether that was a proper procedure, but intending, as I do, at some subsequent stage of the proceeding to comment upon it, I do not want to be foreclosed by the statement that we are not permitted to say what happened or what did not happen in the committee room.

I perfectly understand the obligations of an executive session. I perfectly understand that it is not as a general rule permissible to state on the floor what transpired in a committee. But in this particular case the procedure was exceptional. Possibly it was no more exceptional this time than it has been heretofore, but, at any rate, it is so exceptional as to justify an exception to the general rule that forbids a discussion on the floor of the Senate of what occurred in the committee room.

Mr. ALDRICH. Mr. President, the people of the country understand as well as the Members of this body that there is no limitation under our rules and practices in the examination of bills and the discussion of bills; and the question whether the bill was read in the committee, it seems to me, has no practical application here. The bill is here. It is a bill reported by the majority of the committee upon their responsibility. The Senate, the minority of the Senate and the majority of the Senate, have ample opportunity, without any limitation whatever, to read it, to consider it, to discuss it, and to amend it.

Mr. BAILEY. The Senator from Rhode Island is not exactly accurate when he says it is a bill reported by a majority of the committee. We have no such practice as that in the Senate. It is a bill reported by the committee. No bill can come here except on a report from a committee. The minority have the right, and I think it is permissible under all the proprieties, to explain that they resisted the bill and that they wanted time, or whatever their reason for opposing the report of it at that particular meeting.

Mr. BACON. Mr. President, I marked with some interest the fact that when the Senator from Rhode Island presented the bill to the Senate this morning he pursued the unusual course of saying that he presented it on behalf of the majority of the committee. I was at a loss then to understand why the Senator should have pursued that unusual course. I think I now understand it. When a committee considers a bill the majority and also minority vote upon it; the majority in such case represents the committee, and it can, with perfect propriety, present that bill to the Senate as the action of the committee. But when there has been no consideration or opportunity for consideration by the committee as a whole, when the minority members have been excluded from the opportunity to even see the bill, it is entirely proper that when the Senator, representing a majority only of the committee, presents that bill to the Senate, he should make it appear, as he has done, that it is not the action of the committee, but the action of a part of the committee, which alone has had the opportunity to consider it or even to read the bill.

I therefore think the Senator from Rhode Island, with his usual discrimination and accuracy, was entirely justified in presenting this bill to the Senate as the views of the majority of the committee and not as the action of the committee.

Mr. BAILEY. As a matter of fact but not as a matter of practice under the rules of the Senate.

Mr. BACON. I do not suppose the Senator from Texas understood me as taking issue with his position?

Mr. BAILEY. I did not.

Mr. BACON. I was only emphasizing the character of the action of the majority of the committee.

Mr. ALDRICH. I do not think that the statement of the Senator from Georgia needs any response.

I move that when the Senate adjourns to-day it be to meet on Thursday next.

The motion was agreed to.

Mr. BACON. I desire to say to the Senator from Rhode Island that I quite agree with him that what I said needed no response from him, because I so thoroughly justified the Senator in presenting the bill as the action of the majority only that he certainly could take no issue with me. I was in that manner in agreement with the propriety of what he had done in characterizing it as the report of a majority only of the committee, unusual as that was.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first and, by unanimous consent, the second time, and referred as follows:

By Mr. LODGE:

A bill (S. 1611) for the relief of Parsey O. Burrough; to the Committee on Claims.

By Mr. BACON:

A bill (S. 1612) for the relief of the heirs of Richard Reynolds, deceased; to the Committee on Claims.

By Mr. CULLOM:

A bill (S. 1613) for the relief of William B. Payne; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 1614) prohibiting the printing of certain matter on stamped envelopes and the sale thereof; to the Committee on Post-Offices and Post-Roads.

By Mr. DIXON:

A bill (S. 1615) granting an increase of pension to David B. Todd;

A bill (S. 1616) granting an increase of pension to Joseph Sharpney;

A bill (S. 1617) granting an increase of pension to Benjamin F. Estes; and

A bill (S. 1618) granting a pension to Maria Hinchcliff; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 1619) granting an increase of pension to Caroline S. Bushee (with the accompanying papers); to the Committee on Pensions.

By Mr. SMOOT:

A bill (S. 1620) granting an increase of pension to Eleanor P. Bigler;

A bill (S. 1621) granting an increase of pension to Matthew Caldwell;

A bill (S. 1622) granting an increase of pension to John Duke;

A bill (S. 1623) granting an increase of pension to Philander C. Burch;

A bill (S. 1624) granting an increase of pension to Stephen Taylor;

A bill (S. 1625) granting an increase of pension to John V. Nelson, alias John Nelson;

A bill (S. 1626) granting an increase of pension to Hans Wickstrum; and

A bill (S. 1627) granting a pension to Luella A. Taylor; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A joint resolution (S. J. R. 20) to restore the status of the Third Colorado Volunteer Cavalry, who served during the late civil war; to the Committee on Military Affairs.

REDUCTION OF EXCESS DUTIES.

Mr. NEWLANDS. I submit an amendment to the bill just reported by the Senator from Rhode Island. I give notice of it, and ask the opportunity of saying a few words regarding it after it has been read.

The PRESIDENT pro tempore. If there be no objection, the amendment submitted by the Senator from Nevada will be read.

The Secretary read the amendment, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz: Insert the following:

"That in the case of all duties fixed by this act in excess of 45 per cent ad valorem, the excess of such duty over 45 per cent shall be reduced annually at the rate of one-tenth of such excess per annum until such duty is lowered to 45 per cent.

"That such reduction shall commence on the 1st day of July, 1910."

Mr. NEWLANDS. Mr. President, I desire to say in explanation of this amendment that the minority, of course, realize that it will be impossible for them to shape a tariff bill in accordance with their views; that all they can do will be to aid the majority in an endeavor to reduce the excessive duties imposed by the Dingley Act and perpetuated in this act.

I have had an analysis made of the duties collected under the Dingley Act and I find that the total imports of the country aggregated about $1,100,000,000; that of these imports about $600,000,000 in value were dutiable, the balance being admitted free of duty; that the average duty collected was about 45 per cent of the value of the dutiable articles; that many of the duties were less than 45 per cent and many of the duties in excess of 45 per cent, in some cases reaching 100 per cent and over. We are told by the distinguished author of the pending tariff measure that, although many duties have been diminished others have been increased, and that the general average of the duty on the dutiable articles is slightly in excess of 45 per cent.

This amendment is intended to reach these excessive duties and to reduce them progressively and gradually within a period of ten years so that the changes effected may not accomplish any violent readjustment.

The amendment therefore which I offer provides that wherever under this act the duties exceed 45 per cent, the excess shall be reduced annually at the rate of one-tenth per cent per annum until all the duties of this act in excess of 45 per cent are lowered to such percentage.

I ask that the amendment be printed and referred to the Committee on Finance.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. NEWLANDS. I ask leave to publish in the RECORD, in connection with my remarks, a statement of imports and duties for the year 1908, showing merchandise on which the average ad valorem rate of duty was 45 per cent or more.

I will say that this statement was made up from such information and with such aid as I could secure; that I am not sure it is entirely accurate, but I believe it to be approximately accurate, and I ask that it be published in the RECORD with my remarks.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

Statement of imports and duties for the year 1908 showing merchandise on which the average ad valorem rate of duty was 45 per cent or more.

Article.	Value.	Duties collected.	Average ad valorem rate of duty.
	Dollars.	*Dollars.*	*Per cent.*
Sugar	82,806,235.04	49,984,995.90	60.36
Cotton, manufactures of	49,816,978.39	28,864,424.75	57.94
Wool, manufactures of	19,101,576.16	17,424,734.07	91.22
Tobacco, and manufactures of:			
Leaf	22,275,283.84	18,504,681.74	83.07
Manufactures of	4,219,959.47	3,665,408.00	86.62
Total	26,495,243.31	22,160,089.74	83.64
Silk, manufactures of	31,755,212.30	16,493,078.07	51.94
Spirits, wines, and malt liquors:			
Malt liquors	3,329,210.99	1,823,977.15	54.78
Spirits, distilled	6,249,469.79	7,686,985.37	123.01
Wines	10,269,894.28	5,185,372.74	50.49
Total	19,848,575.06	14,696,334.26	74.04
Earthen, stone and china ware	13,109,796.45	7,708,892.54	58.80
Glass and glassware not elsewhere specified	6,175,786.31	3,285,920.81	53.21
Carriages and other vehicles and parts of, automobiles and parts of	2,873,467.00	1,293,060.15	45
Oilcloths	2,074,310.50	1,092,514.10	52.67
Hops	1,911,602.00	1,036,343.02	54.21
Perfumery, cosmetics, and toilet preparations	1,091,574.36	628,845.53	57.61
Pipes and smokers' articles	1,052,276.51	607,984.14	57.73
Musical instruments or parts of, etc.	1,338,563.97	602,353.35	45
Jewelry	905,306.19	543,037.00	59.99
Explosives	891,111.99	542,853.15	60.92
Beads and bead ornaments	535,165.17	292,559.15	54.67
Buttons or parts of, etc., not elsewhere specified	581,887.84	281,485.95	48.37
Lead, and manufactures of	429,095.69	270,333.96	63
Salt	471,476.79	212,669.32	45.11
Fans not elsewhere specified	362,065.59	181,011.28	49.99
Grand total	263,026,203.62	168,203,540.31	63.80
Imports the average ad valorem rate of duty on which was less than 45 per cent	393,789,716.38	114,379,354.22	29.05
Total dutiable imports and duties collected in 1908	657,415,920.00	282,582,894.53	42.94
Imports free of duty in 1908	525,704,745.00		
Total value of all imports, 1908	1,183,120,665.00		
Percentage of imports free			44.43
Percentage of imports dutiable			55.57
Duty collected per capita	3.24		

TAX ON GROSS RECEIPTS OF CORPORATIONS.

Mr. DANIEL submitted an amendment intended to be proposed to House bill 1438, which was referred to the Committee on Finance and ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. DANIEL to H. R. 1438, to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

All corporations engaged anywhere in the United States in the business of transporting passengers or freight, whether chartered by the United States, a State, Territory, the District of Columbia, or a foreign government, and whether occupied in a State, Territory, or the District of Columbia, shall pay an annual excise tax equivalent to one-fourth of 1 per cent of the gross receipts of its business.

All other corporations engaged in business in the United States, its Territories, or the District of Columbia, whether chartered by the United States or a State or Territory or the District of Columbia, shall pay an annual excise tax equivalent to one-fourth of 1 per cent of the gross receipts of its business.

This tax shall not apply to municipal or other public corporations; to religious, cemetery, educational, or eleemosynary corporations; or to Masonic or other like fraternities; or to building and loan associations which make loans only to their shareholders; nor shall it apply to the corporations whose chief business is the purchase and sale of commodities.

Mr. DANIEL. Mr. President, I should like to say one word about the amendment. It proposes a tax of one-fourth of 1 per cent on the gross receipts of the corporations of the country. I beg leave to commend it to the consideration of the committee, and especially the necessity of accumulating fuller and more accurate statistics upon the subject than I have been able to obtain. I am endeavoring every day to get statistics, but as yet I have not been able to do so. When those statistics are produced, it is possible that the amendment may commend itself to the Senate, and also the percentage. It may also be possible, and perhaps desirable, to make some changes in the present structure of the measure.

MONOPOLIZED ARTICLES ON FREE LIST.

Mr. CUMMINS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CUMMINS to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz: Add to section 1 the following:

Provided, That if with respect to any article or commodity upon which an import duty is laid under the provisions of this act, substantial, effective, and actual competition as to extent of production, price for sale, or manner of distribution has ceased or shall in the future cease to exist among domestic producers or sellers or both, generally throughout the United States, or if the buyers, users, or consumers of any such article or commodity are now or shall hereafter be deprived, and without regard to the cause or causes of such deprivation, generally throughout the United States, of the benefits and advantages of substantial, effective, and actual competition with respect thereto, then, and so long as such conditions or either of them shall exist, all imports of such articles or commodities shall be admitted free of duty into all the ports of the United States.

The existence of such conditions, or either of them, shall be determined as follows, to wit: Any citizen of the United States may bring a suit in equity for injunction in the circuit court of the United States against the collector of customs of any port of entry in the district in which the port is situated. The bill in any such suit shall contain the requisite allegations showing the existence of such conditions, or one of them, and shall pray for an injunction to restrain the collector from levying or collecting a duty or duties upon such article or commodity. The procedure in any such suit shall be as now established for ordinary suits in equity. Immediately after the service of the subpœna the defending collector shall publish for three successive days a notice of the bringing of the suit, stating in general terms the allegations of the bill and setting forth the day upon which the defendant is required to appear, in at least five daily newspapers published in the United States of general circulation, no two of which are published in the same State, and the cost of such publication shall be allowed to the collector as a part of his expenses. Upon the day on which the defendant is required to appear, or at such later date as the court may fix, any person, copartnership, association, or corporation interested in the manufacture or sale of such article or commodity may appear and be made a defendant to said suit, with all the rights, privileges, and obligations of a party thereto. If no such person, copartnership, association, or corporation shall appear, the United States district attorney for the district may, if he is so advised by the Attorney-General, appear for the collector and make such defense as the case may warrant. If upon the final hearing of any such suit an injunction shall issue, the clerk of the circuit court shall at once certify a copy of the decree to the Secretary of the Treasury, and then and thereafter all imports of such articles or commodities from all foreign countries shall be admitted free of duty into all the ports of entry in the United States.

Provided further, That if the President of the United States shall at any time be of the opinion that such conditions or either of them exist, it shall be his duty to direct the Attorney-General to give notice to the person or persons, copartnership or copartnerships, association or associations, corporation or corporations responsible therefor that, at the end of thirty days from and after the service of such notice the said article or articles, commodity or commodities will be admitted free of duty in all the ports of the United States, unless a bill in equity is brought in the circuit court of the United States against a collector by such persons, copartnerships, associations, or corporations or some or one of them to restrain such free admission of imports. If there is a collector in the district of the residence of any such person, copartnership, association, or corporation, or in the district of the residence of one of them, the suit shall be brought in that district, otherwise in the district in which any collector has his principal office. If no such suit is brought within the thirty days hereinbefore specified, the President of the United States shall by proclamation suspend the duties imposed by this act upon any such article or articles, commodity or commodities, and they shall thereafter be admitted free of duty. If, however, a suit is brought as hereinbefore last provided, the bill shall show by its allegations that no such condition or conditions exist, and shall pray an injunction to restrain the collector from admitting such imports free of duty. The Attorney-General, or by his direction the United States district attorney for the district in which the suit is brought, shall appear for the collector and defend the suit, and the procedure shall be as now established for ordinary suits in equity. If, upon final hearing, the court shall refuse to issue the injunction and shall find in its decree that such conditions or either of them exist, the clerk of the court shall immediately certify the decree to the Secretary of the Treasury, and then and thereafter such article or articles, commodity or commodities shall be admitted from all foreign countries into the ports of the United States free of duty.

Provided further, That if, following a decree in either of the cases hereinbefore mentioned, any article or articles, commodity or commodities are admitted free of duty, then, after the period of one year of such free admission of any such article or articles, commodity or commodities, any citizen of the United States may file a supplemental bill in any such suit showing that after the entry of the decree the condition or conditions found by the decree had disappeared, and that substantial, effective, and actual competition existed; whereupon such notice as the court may direct shall be given to the parties to said suit, and the supplemental bill, with the issues made therein, shall proceed to final hearing, the Attorney-General or, by his direction, the district attorney appearing for the collector. No testimony shall be introduced upon any such supplemental bill to impeach the original decree, but all testimony shall be confined to a change in conditions occurring after the original decree was entered. If, upon any such supplemental bill, the court shall enter a decree finding that the conditions found to exist by the original decree had changed, and that substantial, effective, and actual competition existed, the clerk of the court shall at once certify the decree upon the supplemental bill to the Secretary of the Treasury, and then and thereafter and until affected by a subsequent proceeding, taken in accordance with the provisions hereof, the import duties specified in this act shall be levied and collected upon such imports.

RATIO BETWEEN IMPORTATION AND CONSUMPTION.

Mr. NEWLANDS. I offer a further amendment to House bill 1438, and after it has been read I will make a short statement regarding it.

The amendment was read, as follows:

Amendment intended to be proposed by Mr. NEWLANDS to the bill (H. R. 1438) to provide, equalize duties, and encourage the industries of the United States, and for other purposes, viz: Insert the following:

"That the President shall at the end of each fiscal year, when it shall appear that the imports of any commodity during such fiscal year have not equaled one-tenth of the consumption of such commodity in the United States, reduce the duty upon such commodity at the rate of one-tenth thereof per annum until the imports of such commodity shall equal one-tenth of the total consumption in the United States, whereupon such reduction shall cease, such deduction to be renewed annually when the importations of such commodity shall be reduced below one-tenth of the total consumption thereof in the United States."

Mr. NEWLANDS. Mr. President, the purpose of this amendment is to prevent the tariff from being unduly prohibitory of importations. In some cases the duty is so high under the Dingley Act and under the proposed bill as to practically prohibit importations, and in that way destroy competition with the outside world, and thus the domestic factories producing such commodities inside of the tariff wall are enabled to combine to create monopolies and raise the domestic prices of such commodities. The purpose of this amendment is to lower the duty whenever it is so excessive that the imports of a particular commodity do not equal one-tenth of the entire consumption of the country, to enable the executive department to ascertain when the importations of a particular commodity do not equal one-tenth of the total consumption, and thereupon, under the authority of this amendment, to institute a gradual reduction of such duty at the rate of one-tenth per annum until the imports of the commodity do equal one-tenth of the total consumption, and then when such imports do reach that limit the reduction authorized by this amendment is to end.

The PRESIDENT pro tempore. Does the Senator from Nevada desire to have the amendment referred?

Mr. NEWLANDS. Yes; let it be referred to the Committee on Finance.

The PRESIDENT pro tempore. The amendment will be printed and referred to the Committee on Finance.

WITHDRAWAL OF PAPERS—JACOB SOUDER.

On motion of Mr. CULLOM, it was

Ordered, That there may be withdrawn from the files of the Senate the papers in the case of Jacob Souder (S. 305), Sixty-first Congress, first session, there having been no adverse report thereon.

EXECUTIVE SESSION.

Mr. CULLOM. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 12 o'clock and 47 minutes p. m.) the Senate adjourned until Thursday, April 15, 1909, at 12 o'clock m.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 12, 1909.*

The House met at 12 o'clock noon.

Prayer by Rev. Hiram D. Bacon, of Andover, N. Y.

The Journal of the proceedings of Friday, April 9, was read and approved.

THE TARIFF.

Mr. PAYNE. Mr. Speaker, I ask unanimous consent for the adoption of the following order.

The SPEAKER. The gentleman from New York [Mr. PAYNE] asks unanimous consent for the adoption of the following order, which the Clerk will report.

The Clerk read as follows:

House Order No. 1.

Ordered, That the Clerk be directed to request the Senate to return to the House the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

That when said bill shall have been returned the Clerk shall reengross the same with the following amendment:

"At the end of paragraph 637 of section 2 strike out the period after the word 'refined' and insert a comma and the words 'and the products thereof.'"

And when the said reengrossment shall have been completed the said bill shall be returned to the Senate.

The SPEAKER. Is there objection?

There was no objection.

So the order was agreed to.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed with amendments bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 1033. An act to provide for the Thirteenth and subsequent decennial censuses.

EXTRA-SESSION EXPENSES.

Mr. TAWNEY. Mr. Speaker, I ask unanimous consent for the present consideration of the following joint resolution.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House joint resolution 45.

Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress.

Resolved, etc., That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated for purposes as follows:

HOUSE OF REPRESENTATIVES.

For stationery for Members of the House of Representatives, Delegates from Territories, and Resident Commissioners from Porto Rico and the Philippine Islands, at $125 each, $49,750.

For the following employees, from April 1 to June 30, 1909, inclusive: 46 pages, including 2 riding pages; 4 telephone pages, press gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each; 14 messengers in the post-office, at $100 per month each, and for 3 telephone operators, at $75 per month each; in all, $15,340.

For services of one additional messenger in the post-office from March 4 to June 30, 1909, inclusive, at $100 per month, $390.

For folding speeches, $1,000.

Mr. CLARK of Missouri. Mr. Speaker, this does not increase the number of employees at all?

Mr. MACON. Mr. Speaker, I reserve the right to object.

Mr. TAWNEY. Will the gentleman withhold his objection for a moment?

Mr. MACON. I will reserve it.

Mr. TAWNEY. I would say to the gentleman from Missouri [Mr. CLARK] that this does not provide for any new places at all. But in the last Congress no provision was made for paying the session employees of the House for the extra session of the Sixty-first Congress. There is no money now available to pay these session employees on the 1st of next month or for the remainder of this session. In addition to this there are 78 new Members of the House who have no stationery allowance at all. And it is for the purpose of meeting these necessary expenses incident to this extra session of Congress alone that this appropriation is offered.

Mr. CLARK of Missouri. These men named in the resolution do not get annual salaries?

Mr. TAWNEY. No, sir. They are not annual, but session, employees, and there are no funds available to compensate them for the services they have rendered and will render from this on to the close of this session.

The SPEAKER. Is there objection?

Mr. MACON. Mr. Speaker, I desire to ask the gentleman a question or two before I consent. I notice that the resolution carries a provision for $125 each for stationery for Members?

Mr. TAWNEY. Yes, sir.

Mr. MACON. That is to be paid to the Members for this extra session of Congress?

Mr. TAWNEY. Yes; that is for this session of Congress.

Mr. MACON. Now, about the money that is provided for in it for the folding of speeches. Is that absolutely necessary?

Mr. TAWNEY. I am informed by the Doorkeeper of the House, under whose control the force is employed in folding speeches of Members, that he will have over 2,000,000 copies of speeches to be folded for Members at this session of Congress, and that the appropriation made for that purpose for the fiscal year 1909 will not be sufficient to meet this demand—this increased demand and unexpected demand—for the folding of so large a number of speeches.

Mr. MACON. How many other employees are there mentioned in the resolution?

Mr. TAWNEY. They are all the session employees, for which there is no money available for the payment of their compensation for this session. We did not last session of Congress make provision for the payment of these employees for the extra session. The appropriation was made for the session employees for the first regular session, beginning December next, but no money has been appropriated for the session employees for this session of Congress.

Mr. MACON. Does this resolution carry a provision to pay janitors for committees that have not been appointed?

Mr. TAWNEY. It does not. There is no new position under the resolution at all. It provides only for the money necessary to compensate the session employees for this session of Congress.

Mr. BARTLETT of Georgia. Will the gentleman allow me? I do not desire to object, and shall not object, but that a wrong impression may not be obtained by the country, which wrong impression exists now in a great many localities, I notice that the gentleman speaks about appropriating money for folding speeches. The gentleman knows, and we all know, that the money paid for the folding of the speeches is finally paid by the Members that have their speeches printed. The folding of the speech is part of the expense of sending the speech out, and that when the Members have their speeches printed at the Government Printing Office the expense is paid by them. In other words, that Members here do not get the printing and the folding of their speeches that they send out free or paid by the Government, but that the Members themselves at last pay all the expenses, and, in my judgment, a much greater sum than they would pay if done outside of the Government Printing Office.

Mr. TAWNEY. I am obliged to the gentleman from Georgia for the interruption, and would say that while to-day the Doorkeeper of the House must necessarily have this money, with which to pay the men employed in folding the speeches, that money is reimbursed to the Treasury by the individual Members when they pay for the speeches which they themselves have had printed and folded.

Mr. BARTLETT of Georgia. That is what I wanted to draw out—that while the thousand dollars is to-day paid out of the Treasury, that it is part of the expenses returned by the Members individually that have their speeches printed.

Mr. TAWNEY. It is in the first instance paid out of the Treasury, but the amount, as I understand it, is included in the cost to the Member for the printing of his speeches.

Mr. MANN. Let us have no misunderstanding, gentlemen, about this.

Mr. HAUGEN. There is a percentage taken out that is applied that way.

Mr. MACON. Mr. Speaker, I will say to the gentleman that if he will amend his resolution so as to cut out the $125 for each Member for stationery I shall not object. I do not believe that an additional $125 each to the membership of the House for stationery ought to be given. We have already received $125 each for this year, and we will receive $125 next December for next year, and I am opposed to an additional $125 for stationery for the three or four months of this special session, and hence I object. If the gentleman will amend his resolution, striking out that provision, I will not object.

Mr. TAWNEY. Mr. Speaker, in answer to the gentleman from Arkansas [Mr. MACON], I will say, as I said a moment ago, there are about 78 new Members of this House who have received no part of the money heretofore appropriated for stationery, for the reason that the appropriation for stationery is

made for each session of Congress and is not an annual appropriation. The appropriation for stationery for the last session of the Sixtieth Congress is therefore exhausted, and the appropriation for the first regular session of the Sixty-first Congress will not be available before July 1 next. Therefore there is no appropriation available to meet the stationery allowance allowed by law for this, the extra session of that Congress. If the appropriation for stationery was an annual appropriation, covering the entire year, the position of the gentleman from Arkansas [Mr. MACON] would be correct; but it is not. It is an appropriation for each session. The expense of Members for stationery at this session is just as great as at any other session, and their right to it under the law is the same. The statute on the subject reads as follows:

For stationery, $15,000: *Provided*, That from any after the 3d day of March, 1868, no Senator or Representative shall receive any newspapers except the Congressional Globe, or stationery or commutation therefor, exceeding $125 for any one session of Congress.
Approved February 12, 1868. (Stat. L., vol. 15, p. 35.)

A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. TAWNEY. Would it be in order to move to suspend the rules and pass the resolution?

The SPEAKER. The Chair believes this is not suspension day. A demand for the regular order might, perhaps, enable the gentleman, a little later, to have the matter considered.

Mr. BURLESON. Regular order!

The SPEAKER. Regular order is demanded. The regular order is the call of committees.

The Clerk, proceeding with the call of committees, called the Committee on Accounts.

JANITORS.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer a privileged report from the Committee on Accounts.

The SPEAKER. The gentleman from West Virginia offers the following privileged report.

The Clerk read as follows:

Resolved, That there shall be paid out of the contingent fund of the House for the services of janitors to care for the rooms of the following-named committees compensation at the rate of $60 per month from and including March 4, 1909, and during the remainder of the present session, to be appointed subject to the approval of the Committee on Accounts, namely:

One to the rooms of the Committee on Election of President, Vice-President, and Representatives in Congress and the Committee on Reform in the Civil Service;
One to the rooms of the Committee on Manufactures and the Committee on Expenditures in the Department of Agriculture;
One to the room of the Committee on Railways and Canals;
One to the room of the Committee on Pacific Railroads;
One to the rooms of the Committee on Coinage, Weights and Measures and the Committee on Expenditures in the Treasury Department;
One to the room of the Committee on Disposition of Useless Papers in the Executive Departments; and
One to the room of the Committee on Education.

Mr. HUGHES of West Virginia. Mr. Speaker——

Mr. MACON. Mr. Speaker, I reserve the right to object.

The SPEAKER. Well, the reservation of the right to object would not apply to this report. It is a report from the Committee on Accounts, which is privileged, and is before the House for consideration.

Mr. MACON. I did not know that the House was in session for the purpose of passing anything except the tariff bill.

The SPEAKER. Well, the Chair knows of nothing to prevent the House considering anything that is in order under the rules. The Chair is not aware of any constitutional provision which would prevent the House of Representatives doing any business that it might desire to do under the rules.

Mr. MACON. Then, Mr. Speaker, I would like to ask the chairman of the Committee on Accounts to yield me about three minutes when he gets through.

The SPEAKER. Does the gentleman from West Virginia yield to the gentleman from Arkansas?

Mr. HUGHES of West Virginia. I will, after I make my statement.

I will say for the information of the House that this provides for seven janitors, all of whom are in the Capitol building except two, namely, the Committee on the Disposition of Useless Papers, of which the gentleman from Pennsylvania [Mr. BATES] is chairman, and the Committee on the Election of President, and so forth, of which my colleague [Mr. GAINES] was chairman in the last Congress. The former has been appointed and is at work. The Committee on Election of President and Vice-President have a large committee room and no one to look after it. It is not cared for by the charwomen, as are Members' office rooms in the Office Building. None of the committee rooms located in the Office Building are cared for by charwomen. The Doorkeeper advises me that as far as the committee rooms in the Capitol building are concerned, there is no provision to clean them and take care of them; and while the chairmen of committees named in the resolution have not been appointed, the presumption is that they will be reappointed to their old committees, and they are using the rooms formerly occupied by them in preference to the rooms in the Office Building because they expect to be permanently located in their old quarters.

Therefore the rooms so occupied should receive the same care and attention as formerly. Besides, these janitors perform messenger service.

Mr. MADDEN. Does the gentleman wish to convey to the House the information that it is necessary to have a janitor for each one of these rooms?

Mr. HUGHES of West Virginia. I intend to convey to the House the information that it is necessary to have janitors for the rooms that are asked for. These janitors in some instances take care of more than one room each.

Mr. MADDEN. If they are to take care of more than one room each, why should they be specifically appointed for the purpose of taking care of the one room?

Mr. HUGHES of West Virginia. They are not. If the gentleman will permit me to say, it is specified in this resolution that one janitor shall take care of the room of the Committee on Election of President and Vice-President and Representatives in Congress and the Committee on Reform in the Civil Service. One janitor takes care of the rooms of those two committees.

Mr. MADDEN. Does the gentleman wish the House to understand that this is an economical administration of the affairs of the House?

Mr. HUGHES of West Virginia. Yes; it is a 50 per cent reduction. In the last Congress we had 14, and now we are asking for 7.

Mr. MADDEN. Do I understand the gentleman to say it is reducing the number of janitors who are required to take care of the rooms of these various committees——

Mr. NORRIS. That reduction is only temporary, I think.

Mr. MADDEN (continuing). Or is the gentleman asking for 7 additional janitors?

Mr. HUGHES of West Virginia. Oh, no; we had 14 in the last Congress, and we are asking for 7 here.

Mr. MADDEN. What were those 14 doing?

Mr. HUGHES of West Virginia. They were taking care of the different committee rooms to which they were assigned by a resolution passed in the last Congress.

Mr. MADDEN. Can the gentleman enumerate the committee rooms that they did take care of?

Mr. HUGHES of West Virginia. If the gentleman will refer to the resolution that I brought in a few days ago——

Mr. MADDEN. Where is that resolution to be found, so that it can be referred to?

Mr. HUGHES of West Virginia. It was published in the RECORD, and if the gentleman would read the RECORD he would get the information.

Mr. MADDEN. I would like to have the gentleman who presents the resolution read it.

Mr. HUGHES of West Virginia. I will find it for the gentleman. I now yield to the gentleman from Arkansas [Mr. MACON].

Mr. HAY. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. HAY. Has the Speaker appointed a Committee on Accounts for this Congress?

The SPEAKER. The Speaker has appointed, under the law during the last session of the last Congress, possibly on the 3d or 4th of March, a Committee on Accounts which, under the law, as the Speaker recollects, acts as a temporary Committee on Accounts to perform all the duties of that committee until the House is organized and the full committee is appointed. The Chair will cause the section to be read from the precedents which seem to refer to the law.

The Clerk read as follows:

The statutes provide that before the termination of the last session of a Congress the Speaker shall appoint from the Representatives-elect a temporary Committee on Accounts of three members, which committee shall have the same powers and perform the same duties in reference to payments made from the contingent fund of the House of Representatives as are authorized by law and the rules of the House. This said temporary Committee on Accounts begins to exercise its powers immediately upon the termination of the Congress and continues to exercise and discharge its duties until after the meeting and organization of the House of Representatives of the next Congress, and until the appointment of the regular Committee on Accounts. And all payments made out of the contingent fund of the House of Representatives upon vouchers approved by the temporary Committee on Accounts shall be deemed, held, and taken as, and are declared to be, conclusive upon all the departments and auditing officers of the Government.

Mr. BARTLETT of Georgia. Will the gentleman yield?

Mr. HUGHES of West Virginia. I have already yielded to the gentleman from Arkansas [Mr. MACON].

The SPEAKER. How much time does the gentleman yield?

Mr. HUGHES of West Virginia. I yield three minutes.

Mr. MACON. Mr. Speaker, under the ruling of the Chair the gentleman from West Virginia, it seems, brings in a privileged report, which, of course, does not require unanimous consent. A majority vote is sufficient to pass it. What I desire to do in the few minutes allotted to me is to enter a protest against this attempt to exploit the finances of the Treasury at a time when they are sorely in distress. We know that these committees have not been appointed by the Speaker, and hence the selection of janitors to serve them for the next six months will be a gratuity on the part of this body, taking the money from the Treasury of the United States and putting it in the hands of these janitors, who desire compensation, to please some friends of the chairmen of the committees who have not yet been appointed, in order to carry out some sort of a promise that has been made by them to some one.

It may be right, Mr. Speaker; but if so, I have never been able to understand what right is. I do not think it is right to call upon the taxpayers of the country to furnish the funds to pay for the services of employees of committees which are not yet in existence.

Of course, these gentlemen ought to have their rooms cleaned while Congress is in session, but we have a general appropriation to provide for the payment of charwomen who clean the offices in the House Office Building. The committee rooms are but little more trouble to clean than are the rooms of the members of the committees, and I can not understand why these charwomen that go right by the doors of the committee rooms, in order to clean up the offices of Members on each side of them, can not attend to cleaning up these particular committee rooms. It strikes me that that would be the proper thing to do. Mr. Speaker, I therefore enter my protest against this resolution, and I hope the House will not enter upon an exploitation of the revenues of the people at a time when they are running behind our extravagant expenditures—$150,000,000 a year, with a tariff bill that has just passed that will not meet the requirements and supply the deficiency; that will not provide funds sufficient to pay the expenses of the Government for the next year after it has been enacted into law.

Mr. HUGHES of West Virginia. I will now yield five minutes to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, I do not desire to be understood as acquiescing in the proposition stated by the Speaker in reference to the powers of this temporary Committee on Accounts. I believe this resolution is privileged, Mr. Speaker, not by reason of the fact that it was reported from the Committee on Accounts, but by reason of the fact that there has now been a call of committees and the morning hour has not expired, and the House may control it and pass upon it as a matter of privilege. I merely rise for the purpose of saying that in my judgment, construing the statute which authorizes the Speaker in the act of 1900 to appoint a temporary, or ad interim, Committee on Accounts, to exercise simply the function of examining and approving expenditures out of the contingent fund during vacation, will not give that committee, composed of three, the right to pass upon resolutions introduced into this House which the full committee would have. In other words, if that were true, then the Speaker need not fill up the committee at all—need not have a full committee—but the whole business could be transacted by three men, whereas the committee has always heretofore consisted of nine.

As far as I am concerned, I am not now, by the vote I am going to cast for this resolution or its consideration, committing myself to the proposition that this temporary, ad interim committee has a right, until the full committee is appointed, to pass upon and decide and report any resolution with reference to the expenditure of money out of the contingent fund which the full committee when appointed would have.

Mr. HUMPHREYS of Mississippi. Will the gentleman yield?

Mr. BARTLETT of Georgia. In a minute. I do not believe it ever was intended that a temporary Committee on Accounts, appointed for the special purpose of overlooking the expenditures from the contingent fund during the recess or vacation of Congress, should have the same power when Congress was in session that the full committee should have. Now, I yield to the gentleman from Mississippi.

Mr. HUMPHREYS of Mississippi. How long are these janitors provided for in this resolution; how long will they hold office?

Mr. BARTLETT of Georgia. During the session.

Mr. HUMPHREYS of Mississippi. Not during the recess?

Mr. BARTLETT of Georgia. These janitors are provided merely for the session of Congress, as I understand it.

Mr. HUGHES of West Virginia. During the session.

Mr. HUMPHREYS of Mississippi. Their time of service expires when this present session is concluded?

Mr. HUGHES of West Virginia. Yes.

Mr. BARTLETT of Georgia. Mr. Speaker, one word with reference to this particular resolution. These janitors provided for by this resolution are only 7 out of 14 that we had during the last session. They were session employees. I am informed by the officers who have these committee rooms in charge, or whose duty it is to overlook them, that they are absolutely necessary in order to take care of the rooms and to preserve the furniture and property of the United States. Therefore I shall vote for the resolution.

Mr. HAUGEN. Mr. Speaker, I wish to say for the information of the gentleman that the committee rooms in the Office Building are not provided with janitor service, and I have paid for janitor service out of my own pocket.

Mr. BARTLETT of Georgia. Then I shall try to get a janitor for the gentleman.

Mr. HAUGEN. I paid for janitor service the first half of last session.

Mr. BARTLETT of Georgia. I do not doubt that, and this is to prevent men who have these committee rooms, or who will have a right to them, from having to go into their own pockets to pay for service which the Government ought to pay for in order that its property may be properly taken care of and preserved, and for that reason the resolution ought to pass.

Mr. HUGHES of West Virginia. Mr. Speaker, for the information of the gentleman from Illinois [Mr. MADDEN] I desire to read the list of session janitors authorized in the last Congress:

One to the Committee on Education.
One to the Committee on Levees and Improvements of the Mississippi River and the Committee on Reform in the Civil Service.
One to the Committee on Mines and Mining and the Committee on Expenditures in the Department of Agriculture.
One to the Committee on the Election of President, Vice-President, and Representatives in Congress and the Committee on Expenditures in the Interior Department.
One to the Committee on Industrial Arts and Expositions and the Committee on Manufactures.
One to the Committee on Coinage, Weights, and Measures and the Committee on Expenditures in the War Department.
One to the Committee on Railways and Canals.
One to the Committee on the Militia and the Committee on Mileage.
One to the Committee on Expenditures on Public Buildings and the Committee on Ventilation and Acoustics.
One to the Committee on Expenditures in the Department of Justice and the Committee on Expenditures in the Post-Office Department.
One to the Committee on the Disposition of Useless Papers in the Executive Departments and the Committee on Alcoholic Liquor Traffic.
One to the Committee on Expenditures in the Department of Commerce and Labor and the Committee on Expenditures in the State Department.
One to the Committee on the Pacific Railroads.
One to the Committee on Private Land Claims.

In all, 14 for 24 rooms; and now this resolution which I have offered to-day curtails that number of janitors by one-half, who shall care for 10 rooms and act as messengers.

I now yield five minutes to the gentleman from Illinois [Mr. MADDEN].

Mr. MADDEN. Mr. Speaker, I think that if this resolution is enacted into law it will provide for a piece of reckless extravagance that ought not to prevail. There is no reason on earth why a janitor should be appointed to take care of the committee room occupied by the Committee on the Election of the Vice-President. What did that committee ever do?

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that this resolution will not be enacted into law. It is simply a resolution to provide for these janitors during the present extra session of Congress.

Mr. MADDEN. I realize what it is; but you get them on the pay roll once, and they will never leave it.

Mr. HUGHES of West Virginia. They were on the pay roll last session, and they are off now.

Mr. MADDEN. Then you provide in this resolution for the appointment of a janitor to take care of the room of the Committee on the Election of Representatives in Congress. Who ever heard of that committee having a meeting?

Mr. BARTLETT of Georgia. Why, the gentleman is confusing the committees. It is all one Committee on the Election of the President, the Vice-President, and Representatives in Congress.

Mr. MADDEN. Then there is the Committee on Manufactures—a beautiful committee room down here in the Capitol building occupied by a number of distinguished gentlemen.

Mr. GAINES. Will the gentleman yield?

Mr. MADDEN. Oh, I have only two or three minutes.

Mr. GAINES. I only wanted to make one statement, and that is that the Committee on the Election of the President, Vice-President, and Representatives in Congress met as often during the last session as any other committee of this House.

Mr. MADDEN. I do not know what they had to do or what they could have. They may have had some social duties to perform.

Mr. GAINES. It is not the fault of the committee, but the fault of the gentleman, that he is not advised.

Mr. MADDEN. Oh, I am just as well advised as the gentleman from West Virginia. Then we have another distinguished committee for which it is sought to have a janitor appointed.

Mr. RUCKER of Missouri. Will the gentleman yield?

Mr. MADDEN. I can not yield. I have only half a minute. We have the Committee on Railways and Canals, a committee that never meets.

Mr. DAVIDSON. Oh, I beg to differ with the gentleman. [Laughter.]

Mr. MADDEN. Then we have the Pacific Railways Committee, another committee that never meets; Coinage, Weights, and Measures; Useless Papers; and Education. Whoever heard of those committees having anything to do or, if they ever had anything to do, who ever heard of their doing it? [Laughter.] I think it is unfair to the intelligence of the American people to offer a resolution seeking to appoint men—to do what? To sit around and wait on the chairmen of these distinguished committees. There is no reason why these committees should have men sitting at the door to answer the beck and call of the chairman of a committee that never meets. It is only for the purpose of giving somebody a chance to put a man on the pay roll, and I am opposed to it. We have too many men on the pay roll of the House organization now. We could get along with a quarter of the number we have, and we would have better service than we have. [Applause.] We are too free to spend the money of the American people without giving them any return for the expenditure that is made.

The business of this House should be conducted upon the same economical lines that the business of a manufacturing institution anywhere in this country is conducted. There is no reason, except the reason to give a place to somebody, why these places should be created, and that is not a good reason and ought not to be a potent reason, and these appointments should not be made. There is nothing for the men to do, and they ought not to be put upon the pay roll——

Mr. HUGHES of West Virginia. Will the gentleman yield for a question?

Mr. MADDEN. Oh, certainly.

Mr. HUGHES of West Virginia. Does the gentleman think that a janitor should be appropriated for for the committee room of the Committee on Appropriations? That committee has not been appointed.

Mr. MADDEN. The gentleman from Illinois is not saying what janitors should be provided, but the gentleman is saying what janitors should not be provided. I do not want to hit anyone. I have no personal interest in this, no personal animosity. I have no friends to reward and no enemies to punish. I am here to speak for an economical business administration of the affairs of this House. [Applause.]

Mr. FITZGERALD. Mr. Speaker, I am opposed to the passage of the resolution in its present form, and I wish to call the attention of the House to my reasons. This resolution provides a janitor for the room of the Committee on Election of President, Vice-President, and Representatives in Congress and the Committee on Reform in the Civil Service. One of these committees is located in the House Office Building; the other committee is located in this Capitol building. I am opposed to a janitor for the Committee on Useless Papers in Executive Departments. That committee is located in the House Office Building. It has one room. As a member of the House Office Building Commission, I have endeavored to keep the number of employees there down to the number which can properly and economically take care of that building. Forty charwomen, at $20 a month, keep that building clean. It is proposed here, because one Member, who happens to be chairman of a committee which has one room, the same as every other Member who is not chairman of a committee, that a janitor shall be appointed to take care of his room at $60 a month. It may be that he should have a messenger, but it is preposterous to give him a janitor to take care of that one room. I submit also that of the committees which I have previously mentioned, the Committee on Election of President, Vice-President, and Representatives in Congress, if I be not mistaken, has one room in the House Office Building. A janitor is not needed especially to take care of that room. He will not take care properly of the room in the House Office Building and a room in this building at the same time. If either of those committees need a messenger, it would be proper to provide it with a messenger, but under the pretense of giving help to keep a room in proper condition to nominate these men as janitors at $60 a month, in my opinion, is absolutely indefensible. I wish to say, Mr. Speaker, that I propose to scrutinize carefully every resolution that comes providing for additional help in the House Office Building.

I have not approved so far, as a member of the commission, the employment of a single employee in that building that I have not been satisfied was necessary. I hope that this House will not at this time commence to authorize the employment of men there who are unnecessary. The result of such action will eventually result in that building being as heavily loaded down as this building is with useless employees. I shall vote against the resolution unless those committees with offices in the House Office Building, at least, are taken from it. What is necessary in this building—the Capitol—for janitor service, I am unable to tell. I do not know just in what shape the force is which takes care of the building. Many of the committees of this House require messengers and should have them. I am willing to give all the help reasonably or legitimately needed, not only by the committees of the House, but for the convenience and requirements of the Members of the House. But I am opposed to authorizing the appointment of employees whose appointment can not be justified upon any ground whatever. I hope the resolution will not be adopted.

Mr. HUGHES of West Virginia. I yield to the gentleman from Tennessee [Mr. GARRETT].

Mr. GARRETT. Mr. Speaker, I do not wish to demagogue upon this matter. I have not been a cheese parer here, perhaps unfortunately, and the last man that I would want to strike at would be a janitor. But, Mr. Speaker, this is a proposition to appoint janitors for committees that do not exist. There is no Committee on Election of President and Vice-President. That committee is not going to have anything to do with the election of another President this session or pass upon the returns of an election this session. And then there is a Committee on Manufactures, the Committee on Railways and Canals, the Committee on Pacific Railroads, and a number of others; none of these have been or will be appointed this session. There is no service that a janitor will perform or can perform in the rooms occupied by those committees. Now, I suppose, of course, that the rooms in the Capitol will stand upon the same plane as the rooms that are in the House Office Building, and will be as well taken care of as were the individual rooms in the House Office Building. During last summer's vacation the rooms of the House Office Building were entirely cleansed, not only outside the desks, but inside the desks. There is not a single committee mentioned in this resolution, except perhaps one, which has been appointed or which will be appointed for this special session, and the purpose here in this resolution is to appoint janitors for committees that do not exist, that will not meet, that will never be called together during this special session, that will not exist during this special session, and the proposition is just a matter of pure and simple gift and charity.

Mr. HUGHES of West Virginia. Mr. Speaker, I yield one minute to the gentleman from Vermont [Mr. FOSTER].

Mr. FOSTER of Vermont. Mr. Speaker, I offer the following amendment.

The SPEAKER. The gentleman from Vermont [Mr. FOSTER] offers an amendment, which the Clerk will report.

The Clerk read as follows:

At the end of the resolution add the following:
"One to the rooms of the Committee on Expenditures in the Department of Commerce and Labor and the Committee on Expenditures in the Department of State."

Mr. BARTLETT of Georgia. Does that mean two?

Mr. FOSTER of Vermont. One janitor for the two committees—three rooms.

Mr. Speaker, it seems to me that the House, in its eagerness for reform this morning, does not desire to work any injustice. Take these two committees. In the former Congress the gentleman from Massachusetts [Mr. WEEKS] was chairman of one, and I was chairman of the other. Our rooms were here in the Capitol. A janitor was provided for these rooms by a resolution similar to the pending one. During this extra session the gentleman from Massachusetts [Mr. WEEKS] occupies the rooms which he occupied last session, and I occupy the room that I occupied last session. We have no janitor and no way to get one except by this resolution. There are three rooms occupied by these two committees.

Mr. SCOTT. Will the gentleman yield for a question?

Mr. FOSTER of Vermont. Certainly.

Mr. SCOTT. Does the gentleman mean to give the House the information that unless this resolution passes the rooms to which he refers will have no janitor service at all?

Mr. FOSTER of Vermont. That is exactly what I mean. We have made generous provision for janitor service in the new Office Building, and now we who remain here in the Capitol ask for decent treatment. I am sure that the Members of the House understand the situation. I am perfectly willing that the whole question of the patronage of the House should be overhauled. I am just as willing as any of you to enter upon a new era in the matter of the expenses and patronage of the House. But this has nothing to do with the question of adequate janitor service. Every one of you having a room in the Office Building has the benefit of a janitor service provided by Congress, but we who remain in the Capitol awaiting the decision of the Speaker as to our committee appointments are obliged to do our own janitor service. When we ask to be treated as our colleagues are treated, the gentleman from Illinois cries out for reform.

Mr. MADDEN. Will the gentleman allow me to ask him a question?

Mr. FOSTER of Vermont. Certainly.

Mr. MADDEN. I do not know how true it is—there is, possibly, some gentleman who knows—but I would like to inquire if it is not a matter of fact that there are a number employed as janitors at $60 to $80 a month, and they employ men at $20 to do the work?

Mr. FOSTER of Vermont. I know nothing about that; I know nothing about the service of janitors, except in this one instance, I know with reference to the man that takes care of the janitor work in connection with these three rooms I have specified. These three rooms are attended to by this man, who was upon the pay roll last session and drew his salary of $60 a month, and under this resolution he would be on the pay roll and allowed $60 a month; and unless it is paid by the House, we are in honor bound to see that it is paid ourselves.

Mr. GARRETT. May I ask the gentleman where his committee room is?

Mr. FOSTER of Vermont. My committee room is on the floor below the restaurant floor.

Mr. GARRETT. Are they in this building?

Mr. FOSTER of Vermont. They are both in this building.

Mr. GARRETT. Let me ask the gentleman this question: Were you gentlemen who are chairmen of committees, where the committee room is left in this building, permitted to select offices in the Office Building?

Mr. FOSTER of Vermont. No.

Mr. GARRETT. You are excluded from selecting rooms over there?

Mr. FOSTER of Vermont. We had to stay here. In point of fact, when the extra session opened there were not rooms enough vacant in the Office Building for the new Members.

Mr. HUGHES of West Virginia. I yield one minute to the gentleman from Illinois [Mr. PRINCE].

Mr. PRINCE. Mr. Speaker, I desire to offer the following additional amendment, to add to the end of the resolution as follows.

The Clerk read as follows:

Add to the end of the resolution as follows:

"One to the room of the Committee on Levees and Improvements of the Mississippi River, and the Committee on Reform in the Civil Service."

Mr. FITZGERALD. The Committee on Reform in the Civil Service is already provided for. Do you want another?

Mr. PRINCE. The only reason I did that was, I was under the impression the chairman would amend his resolution, because the room of the Committee on Reform in the Civil Service is near by the committee room that I have had heretofore in this building, and the Committee on Election of President, Vice-President, and Representatives in Congress is now over in the Office Building, and I was asking that we have the same as last year. There are two rooms assigned to these committees, one on Levees and Improvements on the Mississippi River, and the other for the Committee on Reform in the Civil Service.

The gentleman from Vermont [Mr. FOSTER] has very plainly and frankly and squarely stated the condition that we are in who have been chairmen of little committees in the rooms in this old building. I trust and hope that the members of this committee and of the House will not treat us unfairly in this matter, but will favor these different amendments.

Mr. HUGHES of West Virginia. Mr. Speaker, in order to meet the objection, I want to make a change in the first paragraph, to strike out "Reform in the Civil Service" and insert "Expenditures in the Department of the Interior," so as to get the two committee rooms together. It was put in the other way by mistake.

The SPEAKER. The gentleman asks unanimous consent to modify his resolution. Is there objection?

Mr. FITZGERALD. Mr. Speaker, is this amendment pending?

The SPEAKER. This is not an amendment. The gentleman asks unanimous consent to modify his resolution. Is there objection?

There was no objection.

Mr. DAVIS. Mr. Speaker, will the gentleman yield to me two or three minutes?

Mr. HUGHES of West Virginia. I do not think it is necessary to prolong this discussion.

The SPEAKER. Let the modification be reported.

The Clerk read as follows:

Strike out "Reform in the Civil Service" and insert "Expenditures in the Department of the Interior," so that it will read "one to the rooms of the Committee on Election of President and Vice-President and Representatives in Congress, and the room of the Committee on Expenditures in the Department of the Interior."

Mr. MADDEN. I object.

The SPEAKER. Consent has already been given to the modification.

Mr. FITZGERALD. Let me call attention to the fact that the office of the Committee on Expenditures in the Department of the Interior is also in the House Office Building.

Mr. HUGHES of West Virginia. We understand that. We want to provide that both rooms shall be in the Office Building, and to take care of both those committees.

Mr. FITZGERALD. One charwoman, at $20 a month, takes care of 20 rooms and the corridors. Does the gentleman think those two committees should have a janitor at $60 a month to take care of two rooms?

Mr. HUGHES of West Virginia. Oh, well, Mr. Speaker, these janitors do messenger service, besides cleaning the rooms.

Mr. FITZGERALD. I do not know what messenger service a man could perform for the Committee on Expenditures in the Interior Department.

Mr. HAUGEN. Mr. Speaker, just a statement in reply to the gentleman from New York [Mr. FITZGERALD]. He stated that we have already employed, I believe, 40 or 20 charwomen, and that the committee rooms in the Office Building are cared for. I happen to have been the chairman of one of those committees, and I have paid money out of my own pocket for janitor service, not only since the adjournment of the Sixtieth Congress, but for the first half of the Sixtieth Congress——

Mr. FITZGERALD. In the House Office Building?

Mr. HAUGEN. In the House Office Building. We have made application——

Mr. FITZGERALD. If the gentleman did that, let me say to him that it was not because he could not get charwomen to do the work, but because he was anxious to have some particular man do his work.

Mr. HAUGEN. Oh, no; we have made application to the gentleman in charge——

Mr. FITZGERALD. The gentleman never made application to the House Office Building Commission, who, under the law, have control of the building, or he would have got a charwoman to do the work.

Mr. HAUGEN. I asked the gentleman in charge of the building.

Mr. FITZGERALD. I do not know whom the gentleman applied to personally, but I am speaking of what the law is.

Mr. HUGHES of West Virginia. I yield to the gentleman from Connecticut [Mr. HENRY] to offer an amendment.

The SPEAKER. The gentleman yields to the gentleman from Connecticut [Mr. HENRY] to offer the following amendment——

Mr. MADDEN. Mr. Speaker, a parliamentary inquiry——

The SPEAKER. The Chair understands that the gentleman offers it as a substitute.

Mr. MADDEN. I wish to make a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MADDEN. I want to know how many times this resolution can be amended under the rules of the House.

The SPEAKER. This is an amendment in the third degree, which the gentleman can offer, if he chooses, by way of substitute.

Mr. MADDEN. This is the fourth amendment that has been offered to the resolution.

The SPEAKER. There is an amendment, an amendment to the amendment, and a substitute, which would be in order, and the Chair understands the gentleman offers this as a substitute.

Mr. MADDEN. In the first place the gentleman offered an amendment——

Mr. HENRY of Connecticut. Mr. Speaker, I will withdraw the amendment.

Mr. GAINES. Mr. Speaker, this resolution comprises several different propositions, and the gentleman was offering an amendment to one clause or paragraph of the resolution. Is it not in order to amend each paragraph of the resolution?

The SPEAKER. Not until the other amendments are disposed of. The gentleman has withdrawn his amendment.

Mr. HUGHES of West Virginia. The gentleman from Connecticut withdraws his amendment, and I will now move the previous question on the resolution and the amendments.

The previous question was ordered.

The SPEAKER. The first vote will come on the amendment offered by the gentleman from Illinois [Mr. PRINCE].

Mr. MADDEN. Mr. Speaker, I move to lay the resolution and all amendments on the table.

Mr. GAINES. I make the point of order that the gentleman is not entitled to make the motion while the House is taking a vote.

The SPEAKER. Volume 5, page 213, of Hinds' Precedents—and the Chair is quite sure that of these eight volumes of precedents there is not a Member on the floor of the House who is not perfectly familiar with each of them [laughter]—says:

Under both the earliest and latest practices a motion to lay on the table is not in order after the previous question is ordered.

That ruling dates as early in the history of the Republic as 1814. The question is on the amendment to the amendment offered by the gentleman from Illinois [Mr. PRINCE].

The question was taken; and on a division (demanded by Mr. HUGHES of West Virginia) there were 87 ayes and 86 noes.

Mr. MACON. I demand the yeas and nays, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas demands the yeas and nays. All those in favor of taking the yeas and nays will rise. [After counting.] Five gentlemen have arisen, not a sufficient number, and the yeas and nays are refused.

Mr. MACON. I make the point of order of no quorum, Mr. Speaker.

The SPEAKER. The gentleman from Arkansas makes the point of no quorum. The Chair will count. [After counting.] One hundred and ninety-seven Members present, a quorum, and the amendment is agreed to. The question now is on agreeing to the amendment offered by the gentleman from Vermont.

The question was taken; and on a division (demanded by Mr. HUGHES of West Virginia) there were 93 ayes and 81 noes.

So the amendment was agreed to.

Mr. FITZGERALD. Mr. Speaker, I move to recommit the resolution to the Committee on Accounts.

Mr. HUGHES of West Virginia. I make the point of order that that motion is not in order at this time.

Mr. HENRY of Connecticut. Mr. Speaker, I would like to offer my amendment now.

The SPEAKER. It seems to the Chair that the previous question having been ordered, that will require unanimous consent.

Mr. HENRY of Connecticut. Then I ask unanimous consent.

The SPEAKER. The gentleman from Connecticut asks unanimous consent to offer an amendment.

Mr. MADDEN. I object.

Mr. FITZGERALD. Now, I move to recommit the resolution to the Committee on Accounts.

The question was taken; and on a division (demanded by Mr. FITZGERALD) there were 86 ayes and 93 noes.

Mr. FITZGERALD. I demand tellers.

Tellers were ordered; and the Chair appointed as tellers Mr. FITZGERALD and Mr. HUGHES of West Virginia.

The committee again divided; and the tellers reported 80 ayes and 82 noes.

So the resolution was recommitted to the Committee on Accounts.

EXTRA SESSION EXPENSES.

Mr. TAWNEY. Mr. Speaker, I now offer the joint resolution which I send to the Clerk's desk, the same joint resolution that I offered this morning.

The Clerk read as follows:

Joint resolution No. 45, making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress.

The Clerk read the resolution.

Mr. TAWNEY. Mr. Speaker, I wish to say that this is the same resolution I offered at the opening of the session this morning and asked unanimous consent for immediate consideration. The resolution and its various provisions were fully explained at that time, and to avoid any further delay I ask the previous question on the passage of the resolution.

Mr. MACON. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MACON. Is this resolution in order under the rules of the House?

The SPEAKER. No point of order has been made against it.

Mr. MACON. I was on my feet to reserve an objection.

Mr. TAWNEY. I make the point of order that the gentleman can not make that point of order now.

Mr. MACON. But I was on my feet.

Mr. TAWNEY. I am not asking unanimous consent for its consideration.

The SPEAKER. The Chair will take the statement of the gentleman from Arkansas. Why is it not in order?

Mr. MACON. I asked the Chair that question. He is here for the purpose of deciding such questions, but the "gentleman from Arkansas" is not.

The SPEAKER. The Chair is willing to hear the gentleman from Arkansas on the point of order.

Mr. MACON. The resolution not having been before a committee of the House, and not having been presented by a committee, and it not being privileged, and being a raid upon the Treasury of the United States, I make the point of order against it.

The SPEAKER. The Chair will state that the House, under the rules, has proceeded on the demand for the regular order to a call of the committees. The committees have been called.

Mr. MACON. But there is no Committee on Appropriations in existence to call.

The SPEAKER. The Chair understands that. The committees in existence have been called, and the order of business is finished, under the demand for the regular order, so far as the Chair is informed. That being the situation, what is there in the rules to prevent any Member from offering a joint resolution or a bill? The Chair overrules the point of order.

The question was taken, and the previous question was ordered.

The SPEAKER. The question now is on the engrossment and third reading of the joint resolution.

The question was taken; and on a division (demanded by Mr. MACON) there were 134 ayes and 6 noes.

So the joint resolution was ordered to be engrossed and read a third time; and being engrossed, was read the third time.

The SPEAKER. The question is on the passage of the joint resolution.

The question was taken; and on a division (demanded by Mr. MACON) there were—ayes 161, noes 17.

Mr. MACON. Mr. Speaker, I respectfully suggest that there is no quorum present.

The SPEAKER. Does the gentleman make the point of no quorum?

Mr. MACON. Yes.

Mr. TAWNEY. Mr. Speaker, I make the point of order that the point of no quorum is dilatory. The Chair has just counted a quorum a moment ago.

Mr. MACON. Mr. Speaker, several things have been done since the Chair counted a quorum.

The SPEAKER. The Chair having just counted, and a quorum evidently not being present——

Mr. MACON. Will the Chair hear me for just a moment?

The SPEAKER. One moment. It may not be necessary for the Chair to hear the gentleman. The Chair is of opinion, from the count of the House and the vote just taken, although the Chair does not base it upon the vote that was taken, that a quorum is not present. The point of no quorum is sustained. The Doorkeeper will close the doors, the Sergeant-at-arms will bring in absentees, those who favor the passage of the joint resolution will, as their names are called, answer "aye" and those opposed will answer "no," and the Clerk will call the roll.

The question was taken; and there were—yeas 161, nays 56, answered "present" 16, not voting 154, as follows:

YEAS—161.

Aiken	Carlin	Ellis	Gregg
Alexander, N. Y.	Carter	Englebright	Hamer
Allen	Cole	Estopinal	Hanna
Ansberry	Cook	Fitzgerald	Hardwick
Ashbrook	Cooper, Pa.	Floyd, Ark.	Harrison
Austin	Cowles	Foster, Vt.	Haugen
Barclay	Craig	Foulkrod	Hawley
Barnard	Cravens	Fowler	Hayes
Bartholdt	Creager	Gaines	Henry, Conn.
Bartlett, Nev.	Crumpacker	Gardner, N. J.	Henry, Tex.
Bates	Dalzell	Garner, Tex.	Higgins
Brantley	Davidson	Gillespie	Hill
Broussard	Dawson	Gillett	Hinshaw
Burgess	Denby	Glass	Howard
Burke, S. Dak.	Diekema	Good	Howell, Utah
Burleigh	Dodds	Gordon	Howland
Burleson	Draper	Graff	Hubbard, Iowa
Calder	Dwight	Grant	Huff
Calderhead	Ellerbe	Greene	Hughes, Ga.

Johnson, Ky.	McLaughlin, Mich.	Pou	Swasey
Joyce	McMorran	Pratt	Tawney
Kahn	Madden	Pray	Taylor, Ala.
Keifer	Mann	Prince	Taylor, Colo.
Kelliher	Martin, Colo.	Pujo	Taylor, Ohio
Kennedy, Ohio	Martin, S. Dak.	Randell, Tex.	Tener
Knowland	Morehead	Ransdell, La.	Tilson
Kopp	Morgan, Mo.	Reid	Tirrell
Kronmiller	Morgan, Okla.	Richardson	Townsend
Langham	Morse	Robinson	Vreeland
Langley	Mudd	Rodenberg	Wallace
Lawrence	Murphy	Scott	Washburn
Lee	Needham	Sheffield	Weeks
Lenroot	Nicholls	Sherley	Wickliffe
Livingston	Norris	Sims	Wiley
Loud	Parsons	Smith, Cal.	Wilson, Ill.
Loudenslager	Payne	Smith, Mich.	Wilson, Pa.
Lowden	Pearre	Snapp	Woods, Iowa
McCall	Perkins	Sparkman	Young, Mich.
McKinlay, Cal.	Peters	Sperry	
McKinney	Pickett	Steenerson	
McLachlan, Cal.	Poindexter	Stevens, Minn.	

NAYS—56.

Alexander, Mo.	Cullop	Houston	Nelson
Barnhart	Davis	Hull, Tenn.	Rainey
Beall, Tex.	De Armond	Humphreys, Miss.	Rauch
Boehne	Dent	James	Rothermel
Booher	Dickson, Miss.	Jones	Rucker, Mo.
Bowers	Dies	Kinkaid, Nebr.	Saunders
Byrd	Dixon, Ind.	Korbly	Sheppard
Byrns	Edwards, Ga.	Lever	Sisson
Candler	Garrett	Lloyd	Smith, Tex.
Chapman	Hammond	McCreary	Sulzer
Clark, Mo.	Hardy	Macon	Thomas, Ky.
Clayton	Heflin	Maguire, Nebr.	Thomas, N. C.
Cline	Helm	Morrison	Tou Velle
Collier	Hollingsworth	Murdock	Watkins

ANSWERED "PRESENT"—16.

Ames	Boutell	Foster, Ill.	Hughes, W. Va.
Anthony	Bradley	Graham, Ill.	McDermott
Bartlett, Ga.	Campbell	Hamlin	Nye
Bell, Ga.	Finley	Hay	Smith, Iowa

NOT VOTING—154.

Adair	Flood, Va.	Knapp	Plumley
Adamson	Focht	Küstermann	Reeder
Anderson	Foelker	Lafean	Reynolds
Andrus	Fordney	Lamb	Rhinock
Barchfeld	Fornes	Lassiter	Riordan
Bennet, N. Y.	Foss	Latta	Roberts
Bennett, Ky.	Fuller	Law	Rucker, Colo.
Bingham	Gallagher	Lindbergh	Russell
Borland	Gardner, Mass.	Lindsay	Sabath
Brownlow	Gardner, Mich.	Longworth	Shackleford
Burke, Pa.	Garner, Pa.	Lorimer	Sharp
Burnett	Gill, Md.	Lovering	Sherwood
Butler	Gill, Mo.	Lundin	Simmons
Cantrill	Godwin	McGuire, Okla.	Slayden
Capron	Goebel	McHenry	Slemp
Cary	Goldfogle	McKinley, Ill.	Small
Clark, Fla.	Goulden	Madison	Southwick
Cocks, N. Y.	Graham, Pa.	Malby	Spight
Conry	Griest	Maynard	Stafford
Cooper, Wis.	Griggs	Mays	Stanley
Coudrey	Gronna	Miller, Kans.	Stephens, Tex.
Covington	Guernsey	Miller, Minn.	Sterling
Cox, Ind.	Hamill	Millington	Sturgiss
Cox, Ohio	Hamilton	Mondell	Sulloway
Crow	Heald	Moon, Pa.	Talbott
Currier	Hitchcock	Moon, Tenn.	Thistlewood
Cushman	Hobson	Moore, Pa.	Thomas, Ohio
Denver	Howell, N. J.	Moore, Tex.	Underwood
Douglas	Hubbard, W. Va.	Moss	Volstead
Driscoll, D. A.	Hughes, N. J.	O'Connell	Wanger
Driscoll, M. E.	Hull, Iowa	Olcott	Webb
Durey	Humphrey, Wash.	Oldfield	Weisse
Edwards, Ky.	Jamieson	Olmsted	Wheeler
Elvins	Johnson, Ohio	Padgett	Willett
Esch	Johnson, S. C.	Page	Wood, N. J.
Fairchild	Kendall	Palmer, A. M.	Woodyard
Fassett	Kennedy, Iowa	Palmer, H. W.	Young, N. Y.
Ferris	Kinkead, N. J.	Parker	
Fish	Kitchin	Patterson	

So the joint resolution was agreed to.

The Clerk announced the following pairs:

From April 10 to May 1:

Mr. AMES with Mr. O'CONNELL.

Until further notice:

Mr. OLCOTT with Mr. OLDFIELD.

Mr. MCKINLEY of Illinois with Mr. FOSTER of Illinois.

Mr. LOVERING with Mr. JOHNSON of South Carolina.

Mr. ANDRUS with Mr. RIORDAN.

Mr. SOUTHWICK with Mr. HAMLIN.

Mr. CAMPBELL with Mr. DANIEL A. DRISCOLL.

Mr. COUDREY with Mr. GILL of Missouri.

Mr. STERLING with Mr. FERRIS.

Mr. NYE with Mr. PAGE.

Mr. HUGHES of West Virginia with Mr. HUGHES of New Jersey.

Mr. HULL of Iowa with Mr. SLAYDEN.

Mr. KOPP with Mr. LATTA.

Mr. FULLER with Mr. GRAHAM of Illinois.

Mr. SMITH of Iowa with Mr. STEPHENS of Texas.

Mr. CAPRON with Mr. HAY.

Mr. MILLER of Kansas with Mr. CONRY.

Mr. KNAPP with Mr. LASSITER.

Mr. KENNEDY of Iowa with Mr. LAMB.

Mr. KENDALL with Mr. KITCHIN.

Mr. HUMPHREY of Washington with Mr. KINKEAD of New Jersey.

Mr. HOWELL of New Jersey with Mr. JAMIESON.

Mr. HAMILTON with Mr. HOBSON.

Mr. LAW with Mr. WILLETT.

Mr. LONGWORTH with Mr. WEISSE.

Mr. LAFEAN with Mr. WEBB.

Mr. KÜSTERMANN with Mr. UNDERWOOD.

Mr. HUBBARD of West Virginia with Mr. TALBOTT.

Mr. WOODYARD with Mr. STANLEY.

Mr. WHEELER with Mr. SPIGHT.

Mr. SULLOWAY with Mr. SMALL.

Mr. STURGISS with Mr. SHERWOOD.

Mr. STAFFORD with Mr. SHARP.

Mr. SLEMP with Mr. SHACKLEFORD.

Mr. SIMMONS with Mr. SABATH.

Mr. ROBERTS with Mr. RUCKER of Colorado.

Mr. REEDER with Mr. RHINOCK.

Mr. PLUMLEY with Mr. PATTERSON.

Mr. PARKER with Mr. A. MITCHELL PALMER.

Mr. OLMSTED with Mr. PADGETT.

Mr. MOORE of Pennsylvania with Mr. MOSS.

Mr. MOON of Pennsylvania with Mr. MOON of Tennessee.

Mr. MILLINGTON with Mr. MAYS.

Mr. MILLER of Minnesota with Mr. MAYNARD.

Mr. MALBY with Mr. MCHENRY.

Mr. MCGUIRE of Oklahoma with Mr. MCDERMOTT.

Mr. GRIEST with Mr. HITCHCOCK.

Mr. GRAHAM of Pennsylvania with Mr. HAMILL.

Mr. GOEBEL with Mr. LINDSAY.

Mr. GARDNER of Michigan with Mr. GOLDFOGLE.

Mr. FOCHT with Mr. GODWIN.

Mr. FORDNEY with Mr. GILL of Maryland.

Mr. FISH with Mr. GALLAGHER.

Mr. FASSETT with Mr. FLOOD of Virginia.

Mr. ESCH with Mr. COX of Ohio.

Mr. DUREY with Mr. COX of Indiana.

Mr. CROW with Mr. COVINGTON.

Mr. COCKS of New York with Mr. CLARK of Florida.

Mr. BURKE of Pennsylvania with Mr. CANTRILL.

Mr. BROWNLOW with Mr. BURNETT.

Mr. BRADLEY with Mr. GOULDEN.

Mr. BOUTELL with Mr. GRIGGS.

Mr. BINGHAM with Mr. BORLAND.

Mr. BARCHFELD with Mr. ANDERSON.

Mr. ANTHONY with Mr. ADAIR.

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BENNET of New York with Mr. FORNES.

Mr. CURRIER with Mr. FINLEY.

Mr. TOWNSEND with Mr. RUSSELL.

From May 10 until further notice:

Mr. BUTLER with Mr. BARTLETT of Georgia.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. WASHBURN). A quorum is present and the Doorkeeper will open the doors.

CENSUS BILL.

Mr. CRUMPACKER. Mr. Speaker, I call up from the Speaker's table the bill H. R. 1033, the census bill, and ask unanimous consent to disagree to the Senate amendments and ask for a conference.

The SPEAKER. The gentleman from Indiana moves to disagree to the Senate amendments to the following bill, the title of which the Clerk will report, and to ask for a conference.

The Clerk read as follows:

H. R. 1033. An act to provide for the Thirteenth and subsequent decennial censuses.

Mr. MANN. Mr. Speaker, will the gentleman from Indiana yield for a question?

The SPEAKER. Does the gentleman yield to the gentleman from Illinois for a question?

Mr. CRUMPACKER. I yield to the gentleman from Illinois for a question.

Mr. MANN. Can the gentleman give any indication at all as to when this bill is likely to come before the House on a conference report or for final consideration?

Mr. CRUMPACKER. I can not. I assume if it goes to conference there will be probably an agreement within a comparatively few days. Some amendments were made to the bill that, on consultation with the Director of the Census, it oc-

curred to me that the House could not afford to agree to, and it was decided best to put the bill in conference. I believe we can have those amendments modified so that an agreement may be had one day this week in all probability. Whether there will be a sufficient number of Members here to agree to the conference report I, of course, am unable to say. If there are not it will have to go over until about the time when the tariff bill is ready to be reported back from the Senate.

Mr. MANN. I take it that it is highly desirable to have the supervisors appointed before this session of Congress expires if they are to be confirmed by the Senate.

Mr. CRUMPACKER. Yes; but we hope that the Senate will agree to strike out the amendment that requires confirmation by the Senate. Those are such small petty offices that it is not customary to authorize or provide that the Senate shall confirm appointments of that character.

Mr. MANN. Of course they are small appointments that any ordinary body of dignified gentlemen throughout the country would not consider worth while quarreling about; but I would not undertake to say what would be done about this item.

Mr. CRUMPACKER. I hope to be able to have that Senate amendment stricken out of the bill.

Mr. MANN. May I ask the gentleman? I notice there is an amendment put into a section changing the civil-service law itself——

Mr. CRUMPACKER. Yes.

Mr. MANN (continuing). In a way which seems to me would be very detrimental.

Mr. CRUMPACKER. Well, aside from that I do not believe such an amendment ought to be incorporated in this bill.

Mr. MANN. The census bill?

Mr. CRUMPACKER. Yes. It should be made in the civil-service law and not in the census law. This is one amendment that is especially objectionable. Then the Senate reduced salaries all along the line, some of them possibly justly, but in one instance the salary is fixed at $300 a year below that which the officer is now drawing under the permanent census law.

Mr. TAWNEY. Will the gentleman yield?

Mr. CRUMPACKER. I yield to the gentleman from Minnesota.

Mr. TAWNEY. For a question. The gentleman from Indiana has stated, or from his statement it seems that he has in mind, the probability of this bill not passing and becoming a law until very nearly or about the close of this session.

Now, the bill does not carry the necessary appropriation for beginning and carrying on the work of taking the next census; and I want to suggest to the gentleman and to the House that it is very desirable that the bill should be passed before that time, in order that an appropriation bill can be prepared in accordance with the provisions of the new census law.

Mr. CRUMPACKER. Of course, I would like to have the bill passed at as early a date as practicable, and I think it ought to be passed as soon as it can be.

Mr. TAWNEY. Let me ask the gentleman right there: The only thing that would prevent its early passage, then, would be not having a quorum here for the purpose?

Mr. CRUMPACKER. That is the only thing.

Mr. TAWNEY. And if a quorum remains here, at least during this week, you will in all probability be able to agree in conference and have a conference report adopted?

Mr. CRUMPACKER. I hope so.

Mr. TAWNEY. That would afford ample time for the preparation of an appropriation bill.

Mr. CRUMPACKER. I will now yield to the gentleman from Georgia [Mr. BARTLETT].

Mr. BARTLETT of Georgia. Mr. Speaker, I rose for the purpose of inquiring what the gentleman's motion was.

Mr. CRUMPACKER. The motion is to disagree to the Senate amendments and ask for a conference.

Mr. BARTLETT of Georgia. Now, I understand, Mr. Speaker, that the bill which the Senate has passed not only deals with matters relative to the taking of the census, the salaries of the officers and clerks, and how they shall be appointed, but they go out and provide for a building in which the forces of the Census Office shall be located. And they authorize not only the building in which the force is now located to be added to or built upon, but they authorise the Secretary of the Treasury to go out and buy new property for the purpose of building a Census Office.

Mr. CRUMPACKER. Yes.

Mr. BARTLETT of Georgia. Now, does the gentleman think that this bill, which is purely for the purpose of taking the census, for the purpose of apportioning the Representatives, and for the purpose of levying taxes, and that is the purpose for which it was originally taken, should come now with a proposition to spend $750,000 for a public building in the city of Washington?

Mr. HAY. I want to call my colleague's attention to the fact that that was provided for in the House bill—not the $750,000, but the building.

Mr. BARTLETT of Georgia. This bill did not provide for the purchase of a new site or leave it for the Secretary of the Treasury to investigate the question?

Mr. HAY. It vested that discretion in the Director of the Census.

Mr. BARTLETT of Georgia. How has the Senate amended that proposition?

Mr. HAY. By putting it in the hands of the Secretary of the Treasury.

Mr. BARTLETT of Georgia. And authorizing him to buy property elsewhere also?

Mr. HAY. Yes; but the understanding is that he is going to buy the same property.

Mr. BARTLETT of Georgia. I do not know whether we ought to agree to that or not.

Mr. CRUMPACKER. The House bill providing for the Thirteenth Census made provision for the accommodation of the census force. Now, the Senate amendment changes the House provision, and that is one of the things we desire to have in conference, with the view of either bringing the Senate to our view or securing some modifications to the Senate amendment upon that proposition.

Mr. BARTLETT of Georgia. The gentleman does not think that the speedy passage of this bill and putting it into law ought to be retarded or held back for the purpose of seeing hereafter whether we will build another building?

Mr. CRUMPACKER. Well, this is an amendment to the bill which we can hardly concur in or agree to, and the only way to get rid of it is to put it in conference.

Mr. BARTLETT of Georgia. I understand. I want to say that, while the gentleman has yielded me time, so far as I am concerned, I am in favor of improving that building or in favor of the Government having a suitable place for the housing of employees and the carrying on of this work. I think, with so prominent a department of the Government as this is, that where these employees and officers now work is not very creditable to the United States, and there ought to be a better place. But I do not want this bill to be retarded or loaded down with that sort of a proposition.

Mr. CRUMPACKER. We will be as expeditious as possible.

Mr. CARLIN. I want to suggest to the gentleman that perhaps the House is now willing to accept these amendments of the Senate. Have you any objection to taking a vote on them?

Mr. CRUMPACKER. I think it would be infinitely better to put the bill in conference. I do not think the House will agree, and I do not think the House ought to agree, to all of the Senate amendments. Some of them are probably wise, and I believe a number of them are unwise.

Mr. CARLIN. Why not take the sense of the House upon that by having a separate vote?

Mr. MANN. We can not do that.

Mr. CARLIN. We could disagree to what we could not agree to. We could see how many votes each would get.

Mr. CRUMPACKER. I believe the gentleman from Pennsylvania wants to ask me a question.

Mr. WILSON of Pennsylvania. Mr. Speaker, I have not been able to get a copy of the bill as it passed the Senate, but have a copy as it was reported. In the bill that came over from the Senate in the last session of Congress there was a clause providing for letting out some of the work of printing of the census reports to outside parties other than the Government Printing Office. I would like to ask the gentleman whether a clause of that character has been inserted by the Senate in this bill?

Mr. CRUMPACKER. It has not; and that kind of a provision can not be inserted in conference, because neither House has voted for it.

Mr. WILSON of Pennsylvania. There being no disagreement, a proposition of that character can not be inserted?

Mr. CRUMPACKER. The conferees would have no jurisdiction of such a proposition. I call for a vote, Mr. Speaker.

The question was taken, and the motion was agreed to.

The SPEAKER. The Chair announces the following conferees: Mr. CRUMPACKER, Mr. BURLEIGH, and Mr. HAY.

MAJ. PIERRE CHARLES L'ENFANT.

The SPEAKER. The Chair makes the following announcement:

The Clerk read as follows:

In concurrence with the Vice-President, the Chair appoints Mr. Elliott Woods to superintend the ceremonies within the Capitol on the occasion

of the removal of the remains of Maj. Pierre Charles l'Enfant from Digges farm, Prince George County, Md., to Arlington National Cemetery.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAMLIN, for fifteen days, on account of important business.

To Mr. NORRIS, indefinitely, on account of important business.

To Mr. MARTIN of South Dakota, indefinitely, on account of important business.

To Mr. CLARK of Florida, indefinitely, on account of important business.

To Mr. ASHBROOK, for four weeks, on account of inspection trip to Panama.

To Mr. COX of Indiana, indefinitely, on account of illness.

To Mr. LATTA, for two weeks, on account of important business.

ADJOURNMENT.

Mr. DALZELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 2 o'clock and 15 minutes p. m.) the House adjourned until Thursday next.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Acting Secretary of the Treasury, transmitting a recommendation in relation to the use of vaults for the storage of emergency currency (H. Doc. No. 13), was taken from the Speaker's table, referred to the Committee on Ways and Means, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. BATES, from the Committee on Disposition of Useless Papers in the Executive Departments, to which was referred the reports of the heads of departments, reported the same, accompanied by a report (No. 5), which said reports were referred to the House Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 7086) requiring the United States Government to own its own post-office building in every county seat in the United States—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7087) to regulate the hours of work of post-office clerks employed in first and second class post-offices, and to grant thirty days' annual leave for clerks and carriers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 7088) to provide for the reduction of mileage to actual expenses of Representatives and Senators—to the Committee on Appropriations.

Also, a bill (H. R. 7089) to establish a mining experiment station at Knoxville, Tenn., to aid in the development of the resources of the United States, and for other purposes—to the Committee on Mines and Mining.

Also, a bill (H. R. 7090) to increase the compensation of rural letter carriers and granting them thirty days' leave per annum—to the Committee on the Post-Office and Post-Roads.

By Mr. SPARKMAN: A bill (H. R. 7091) providing for the marking and protection of the battlefield known as "Dade's massacre," in Sumter County, Fla., and for the erection of a monument thereon—to the Committee on Military Affairs.

Also, a bill (H. R. 7092) to provide for the construction of a revenue cutter of the first class for service in the waters of Key West, Fla.—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7093) prescribing a punishment for conveying tools or appliances into a jail or prison to aid the escape of prisoners or rescuing prisoners therefrom—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 7094) to regulate commerce with foreign nations, so as to equalize the footing of American vessels with foreign, to make preference for the use of American ships in our own trade, to extend the postal service by American steamships, and to promote the commercial independence of the United States—to the Committee on the Merchant Marine and Fisheries.

By Mr. BRADLEY: A bill (H. R. 7095) authorizing the settlement of certain outstanding liabilities of the Government by the issue of new drafts upon the return of drafts heretofore issued representing said liabilities—to the Committee on Claims.

By Mr. MORSE: A bill (H. R. 7096) granting unsurveyed and unattached islands to the State of Wisconsin for forestry purposes—to the Committee on the Public Lands.

By Mr. KALANIANAOLE: A bill (H. R. 7097) to extend the provisions of the reclamation act to the Territory of Hawaii—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 7098) to amend an act entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900—to the Committee on the Territories.

Also, a bill (H. R. 7099) to fix the fees of jurors and witnesses in United States courts in the Territory of Hawaii—to the Committee on the Judiciary.

Also, a bill (H. R. 7100) to provide for a hydrographic survey in the Territory of Hawaii—to the Committee on Appropriations.

Also, a bill (H. R. 7101) to provide for a soil survey in the Territory of Hawaii—to the Committee on Agriculture.

Also, a bill (H. R. 7102) to establish a fish-cultural and biological station in the Territory of Hawaii—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 7103) to provide for the erection of a public building at Hilo, Island of Hawaii, Territory of Hawaii—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 7104) for the establishment of a lighthouse on the island of Hawaii, Territory of Hawaii—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7105) to amend section 92 of an act to provide a government for the Territory of Hawaii—to the Committee on the Territories.

By Mr. KENDALL: A bill (H. R. 7106) to provide for service pensions for surviving volunteer soldiers of the Army of the United States—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 7107) to establish in the Department of the Interior a bureau to be known as the Children's Bureau—to the Committee on Expenditures in the Interior Department.

By Mr. DIXON of Indiana: A bill (H. R. 7108) granting pensions to widows of soldiers and sailors who served in the Army or Navy of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7109) granting pensions to soldiers and sailors who served more than ninety days in the military or naval service of the United States in the civil war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7110) to provide for the purchase of a site and the erection of a public building thereon at Seymour, in the State of Indiana, and appropriating money therefor—to the Committee on Public Buildings and Grounds.

By Mr. KINKEAD of New Jersey: A bill (H. R. 7111) to permit subordinate posts of the American Veterans of Foreign Service, a military organization of the United States of America, the use of Krag-Jörgensen rifles and cartridge belts now stored in the arsenals of the United States—to the Committee on Military Affairs.

By Mr. ENGLEBRIGHT: A bill (H. R. 7112) to amend section 2337 of the Revised Statutes—to the Committee on Mines and Mining.

Also, a bill (H. R. 7113) appropriating money for the improvement of the entrance to Humboldt Bay, California—to the Committee on Rivers and Harbors.

By Mr. LEVER: A bill (H. R. 7114) to provide for the erection of a monument to Maj. Gen. Thomas Sumter—to the Committee on the Library.

Also, a bill (H. R. 7115) for the erection of a monument to the memory of Capt. James Butler and others for heroism during the Revolutionary war—to the Committee on the Library.

Also, a bill (H. R. 7116) to restore to certain citizens the proceeds arising from the sale of their lands under the several acts levying direct taxes, and for other purposes—to the Committee on War Claims.

By Mr. YOUNG of Michigan: A bill (H. R. 7117) to increase the efficiency of the Engineer Corps of the United States Army—to the Committee on Military Affairs.

By Mr. TAYLOR of Colorado: A bill (H. R. 7118) to provide for the settlement of certain claims of officers and enlisted men of the army for the loss or destruction, without fault or negligence on the part of said officers and men, of property belonging to them in the military service of the United States—to the Committee on Military Affairs.

By Mr. SPARKMAN: A bill (H. R. 7119) to provide for the erection of a public building for the use of the United States

court, custom-house, and post-office in the city of St. Petersburg, Fla.—to the Committee on Public Buildings and Grounds.

By Mr. DALZELL: A bill (H. R. 7120) to amend section 4919 of the Revised Statutes of the United States to provide additional protection for owners of patents of the United States, and for other purposes—to the Committee on Patents.

By Mr. PARSONS: A bill (H. R. 7121) to provide for the printing and publication of the rules and regulations of the executive departments and other branches of the Government—to the Committee on Printing.

By Mr. BATES: Resolution (H. J. Res. 44) granting certain naval officers permission to accept certain tokens from the Chinese Government—to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANSBERRY: A bill (H. R. 7122) granting an increase of pension to Levi Lichty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7123) granting a pension to Edward Kerns—to the Committee on Pensions.

By Mr. ASHBROOK: A bill (H. R. 7124) granting a pension to Solomon Morris—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 7125) granting an increase of pension to John W. Pray—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 7126) granting an increase of pension to Isaac H. Myers—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 7127) granting an increase of pension to John R. Craig—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 7128) granting an increase of pension to James M. Pulver—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 7129) granting an increase of pension to Lucien W. Dunnington—to the Committee on Invalid Pensions.

By Mr. DIXON of Indiana: A bill (H. R. 7130) granting an increase of pension to Mary S. Zuck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7131) granting an increase of pension to Alonzo Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7132) granting an increase of pension to John Wikel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7133) granting an increase of pension to George W. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7134) granting an increase of pension to George P. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7135) granting an increase of pension to John A. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7136) granting an increase of pension to Samuel H. Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7137) granting an increase of pension to Johnson White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7138) granting an increase of pension to Joseph Wayman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7139) granting an increase of pension to D. W. Tague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7140) granting an increase of pension to W. C. Trotter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7141) granting an increase of pension to Gotlieb Tosky—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7142) granting an increase of pension to Oscar Trigg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7143) granting an increase of pension to Walter S. Twaddle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7144) granting an increase of pension to Calvers Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7145) granting an increase of pension to Ezekiel M. Tomlinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7146) granting an increase of pension to Jefferson Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7147) granting an increase of pension to James M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7148) granting an increase of pension to Edward Smith—to the Committee on Pensions.

Also, a bill (H. R. 7149) granting an increase of pension to Louis Spicer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7150) granting an increase of pension to Henry C. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7151) granting an increase of pension to Valeria Shook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7152) granting an increase of pension to Arnold Schafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7153) granting an increase of pension to Eugene E. Scherrer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7154) granting an increase of pension to William H. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7155) granting an increase of pension to Thomas C. Shewman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7156) granting an increase of pension to Henry C. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7157) granting an increase of pension to William Sauvain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7158) granting an increase of pension to John Shinolt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7159) granting an increase of pension to Harrison Stilley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7160) granting an increase of pension to Allen G. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7161) granting an increase of pension to Francis R. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7162) granting an increase of pension to William I. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7163) granting an increase of pension to David S. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7164) granting an increase of pension to Martha Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7165) granting an increase of pension to Charles W. Redman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7166) granting an increase of pension to John W. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7167) granting an increase of pension to Thomas A. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7168) granting an increase of pension to Samuel Roddey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7169) granting an increase of pension to Barton W. Rodgers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7170) granting an increase of pension to Noah Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7171) granting an increase of pension to William M. Ruble—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7172) granting an increase of pension to Manlabert C. Rawlison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7173) granting an increase of pension to Jasper Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7174) granting an increase of pension to Nelson Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7175) granting an increase of pension to Joseph P. Pullis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7176) granting an increase of pension to Isaac Pryor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7177) granting an increase of pension to James I. Prosser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7178) granting an increase of pension to James L. Prentice—to the Committee on Pensions.

Also, a bill (H. R. 7179) granting an increase of pension to Bruce Prindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7180) granting an increase of pension to John Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7181) granting an increase of pension to Francis Petro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7182) granting an increase of pension to James M. Pardun—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7183) granting an increase of pension to John Plummer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7184) granting an increase of pension to Thomas A. Pearce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7185) granting an increase of pension to Montgomery Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7186) granting an increase of pension to George W. Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7187) granting an increase of pension to Joseph Neff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7188) granting an increase of pension to Dorious Neel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7189) granting an increase of pension to Henry C. Myrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7190) granting an increase of pension to Edward P. Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7191) granting an increase of pension to David McClintic—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7192) granting an increase of pension to Samuel McIlroy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7193) granting an increase of pension to William L. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7194) granting an increase of pension to Henry H. Murray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7195) granting an increase of pension to William Morton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7196) granting an increase of pension to William W. Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7197) granting an increase of pension to William Menke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7198) granting an increase of pension to Durbin M. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7199) granting an increase of pension to John C. Moncrief—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7200) granting an increase of pension to William Muster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7201) granting an increase of pension to John Montague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7202) granting an increase of pension to Louis C. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7203) granting an increase of pension to William H. Lamson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7204) granting an increase of pension to Benjamin S. Lester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7205) granting an increase of pension to William Lockridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7206) granting an increase of pension to Mahlon M. Lucky—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7207) granting an increase of pension to George W. Louden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7208) granting an increase of pension to John H. Leasure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7209) granting an increase of pension to Julius Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7210) granting an increase of pension to Silas A. Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7211) granting an increase of pension to Thomas W. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7212) granting an increase of pension to William Luck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7213) granting an increase of pension to Hensley H. Kirk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7214) granting an increase of pension to Ezra Keeler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7215) granting an increase of pension to Philip Kissel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7216) granting an increase of pension to Wiley Kinnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7217) granting an increase of pension to William H. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7218) granting an increase of pension to Stephen Kennedy—to the Committee on Pensions.

Also, a bill (H. R. 7219) granting an increase of pension to Henry C. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7220) granting an increase of pension to Lewis Justis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7221) granting an increase of pension to Lewis H. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7222) granting an increase of pension to Robert B. Hoover—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7223) granting an increase of pension to Lewis M. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7224) granting an increase of pension to Isaac Hougland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7225) granting an increase of pension to William H. Hook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7226) granting an increase of pension to George W. Hayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7227) granting an increase of pension to Silas W. Harding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7228) granting an increase of pension to Reuben Hunt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7229) granting an increase of pension to Roderick Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7230) granting an increase of pension to William Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7231) granting an increase of pension to Hiram N. Humphrey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7232) granting an increase of pension to Michael Harmon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7233) granting an increase of pension to Samuel Holder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7234) granting an increase of pension to James G. W. Hardy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7235) granting an increase of pension to Lucian Harbaugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7236) granting an increase of pension to Alexander Hancher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7237) granting an increase of pension to John A. C. Hazel—to the Committee on Pensions.

Also, a bill (H. R. 7238) granting an increase of pension to Moses Holgarth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7239) granting an increase of pension to Christopher C. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7240) granting an increase of pension to William G. Hutchison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7241) granting an increase of pension to Nathaniel M. Gregg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7242) granting an increase of pension to Isaac M. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7243) granting an increase of pension to John M. Guley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7244) granting an increase of pension to Joshua D. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7245) granting an increase of pension to Edmund Gannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7246) granting an increase of pension to Augustus N. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7247) granting an increase of pension to Thomas N. Floyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7248) granting an increase of pension to Henry C. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7249) granting an increase of pension to Rebecca J. Forry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7250) granting an increase of pension to Michael Emig—to the Committee on Pensions.

Also, a bill (H. R. 7251) granting an increase of pension to Lafayette East—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7252) granting an increase of pension to John S. Davidson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7253) granting an increase of pension to Henry Daum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7254) granting an increase of pension to Harvey Deputy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7255) granting an increase of pension to James W. Dear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7256) granting an increase of pension to Jonathan C. Chasteen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7257) granting an increase of pension to Hiram E. Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7258) granting an increase of pension to Samuel T. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7259) granting an increase of pension to Alexander Clements—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7260) granting an increase of pension to Nathan F. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7261) granting an increase of pension to Andrew Carpenter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7262) granting an increase of pension to Samuel C. Callon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7263) granting an increase of pension to Isaac Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7264) granting an increase of pension to Charles W. Burkhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7265) granting an increase of pension to William H. Buchanan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7266) granting an increase of pension to Herman Brunce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7267) granting an increase of pension to Frank J. Brolley—to the Committee on Pensions.

Also, a bill (H. R. 7268) granting an increase of pension to Gilbert W. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7269) granting an increase of pension to Newton W. Botts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7270) granting an increase of pension to John Bohland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7271) granting an increase of pension to Michael Bindhammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7272) granting an increase of pension to Frederick Binder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7273) granting an increase of pension to Curtis C. Bleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7274) granting an increase of pension to James Bergin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7275) granting an increase of pension to Henry Becker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7276) granting an increase of pension to John M. Battin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7277) granting an increase of pension to William N. Barnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7278) granting an increase of pension to Thomas H. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7279) granting an increase of pension to William Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7280) granting an increase of pension to John Baer, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7281) granting an increase of pension to James Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7282) granting an increase of pension to William Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7283) granting an increase of pension to Fielding Arbuckle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7284) granting an increase of pension to Joseph F. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7285) granting an increase of pension to James G. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7286) granting an increase of pension to John A. Alifie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7287) granting an increase of pension to Junius Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7288) granting an increase of pension to Joseph W. Banker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7289) granting a pension to Rachel A. Woodmansee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7290) granting a pension to Alexander Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7291) granting a pension to Elymas F. Wilkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7292) granting a pension to George D. Wellons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7293) granting a pension to Harriet Todd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7294) granting a pension to John William Tungate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7295) granting a pension to Martha J. Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7296) granting a pension to Amelia J. Sweeney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7297) granting a pension to Emily M. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7298) granting a pension to Isaac Stroude—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7299) granting a pension to James H. Sale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7300) granting a pension to Mary E. Redd—to the Committee on Pensions.

Also, a bill (H. R. 7301) granting a pension to Nancy C. Setzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7302) granting a pension to James J. Shipley—to the Committee on Pensions.

Also, a bill (H. R. 7303) granting a pension to Hattie Rinearson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7304) granting a pension to Eliza J. Mahurin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7305) granting a pension to Warren L. Malcolmb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7306) granting a pension to Charles A. Means—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7307) granting a pension to Celestine Marquis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7308) granting a pension to Mary McGowan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7309) granting a pension to Frank L. Kennedy—to the Committee on Pensions.

Also, a bill (H. R. 7310) granting a pension to Elhanan C. Goings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7311) granting a pension to Samuel C. Gildersleeve—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7312) granting a pension to Josephine Dumont—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7313) granting a pension to William H. Daly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7314) granting a pension to David Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7315) granting a pension to Edwin A. Cobb—to the Committee on Pensions.

Also, a bill (H. R. 7316) granting a pension to Nancy Artz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7317) granting a pension to Hannah A. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7318) granting a pension to Abigail Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7319) granting a pension to Elizabeth Broadhead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7320) granting a pension to Minnie M. Bowles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7321) granting a pension to Lillie A. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7322) to correct the military record of George Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 7323) to correct the military record of Jacob Lamont—to the Committee on Military Affairs.

Also, a bill (H. R. 7324) to correct the military record of John Chapin—to the Committee on Military Affairs.

Also, a bill (H. R. 7325) to correct the military record of Alonzo Carter—to the Committee on Military Affairs.

Also, a bill (H. R. 7326) granting a medal to Mortimer S. Longwood—to the Committee on Military Affairs.

Also, a bill (H. R. 7327) to restore Lieut. James Hampton to the pension roll—to the Committee on Invalid Pensions.

By Mr. DODDS: A bill (H. R. 7328) granting an increase of pension to John B. Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7329) granting an increase of pension to Cyrus D. Winner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7330) granting an increase of pension to Willard E. Waldron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7331) granting an increase of pension to Anson Lowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7332) granting an increase of pension to John Neebes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7333) granting an increase of pension to Orlando Manchester—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 7334) to restore the status of the First Battalion, Mountaineers, California Volunteers, who served during the late war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7335) granting a pension to Joseph Younker—to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 7336) granting an increase of pension to Francis M. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7337) granting an increase of pension to James M. Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7338) granting an increase of pension to Andrew J. Beard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7339) granting an increase of pension to John Kringer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7340) granting an increase of pension to James K. Roney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7341) granting an increase of pension to Thomas G. Gambill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7342) granting an increase of pension to Charles Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7343) granting an increase of pension to Nathan W. Coggburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7344) granting an increase of pension to John B. Shafer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7345) granting an increase of pension to David R. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7346) granting an increase of pension to James A. Paine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7347) granting an increase of pension to Sarah C. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7348) granting an increase of pension to William M. Sprinkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7349) granting an increase of pension to James W. Walters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7350) granting an increase of pension to Adam R. Gay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7351) granting an increase of pension to John G. Dale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7352) granting an increase of pension to Washington E. Carothers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7353) granting an increase of pension to John J. Hout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7354) granting an increase of pension to Jesse A. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7355) granting an increase of pension to James W. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7356) granting an increase of pension to James A. Laws—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7357) granting an increase of pension to George W. Kennedy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7358) granting an increase of pension to M. M. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7359) granting an increase of pension to Thomas Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7360) granting an increase of pension to William E. Kinman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7361) granting an increase of pension to Francis Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7362) granting an increase of pension to Joseph Fields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7363) granting an increase of pension to L. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7364) granting a pension to William R. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7365) granting a pension to Lyda Decker—to the Committee on Pensions.

Also, a bill (H. R. 7366) granting a pension to Eliza Leach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7367) granting a pension to Florence E. Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7368) granting a pension to Richard M. Gaddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7369) granting a pension to Annie Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7370) granting a pension to Ollie Arnold—to the Committee on Pensions.

Also, a bill (H. R. 7371) granting a pension to Lydia McKoin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7372) granting a pension to Mary A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7373) granting a pension to Nancy E. McKinley—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 7374) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of David Jameson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7375) to carry into effect the findings of the Court of Claims in the matter of the claim of the Germantown Baptist Church, of Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7376) to carry into effect the findings of the Court of Claims in the matter of the claim of the Baptist Church of Grand Junction, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7377) to carry into effect the findings of the Court of Claims in the matter of the claim of the First Baptist Church of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7378) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John J. Bailey, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7379) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of James Boro, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7380) to carry into effect the findings of the Court of Claims in the matter of the claim of the city of Memphis, Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7381) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Episcopal Church South, of Saulsbury, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7382) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of J. J. Todd, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7383) to carry into effect the findings of the Court of Claims in the matter of the claim of Julia Moore Selden—to the Committee on War Claims.

Also, a bill (H. R. 7384) to carry into effect the findings of the Court of Claims in the matter of the claim of Octavia P. Brooks—to the Committee on War Claims.

Also, a bill (H. R. 7385) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Mathew Brown, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7386) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Elizabeth Burke, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7387) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. L. Carpenter, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7388) to carry into effect the findings of the Court of Claims in the matter of the claim of Hartwell B. Hilliard—to the Committee on War Claims.

Also, a bill (H. R. 7389) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Martha C. Cole, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7390) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Krider, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7391) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Abner D. Lewis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7392) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of B. B. Neville, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7393) to carry into effect the findings of the Court of Claims in the matter of the claim of Annis Lawrence—to the Committee on War Claims.

Also, a bill (H. R. 7394) to carry into effect the findings of the Court of Claims in the matter of the claim of Octavia R. Polk—to the Committee on War Claims.

Also, a bill (H. R. 7395) to carry into effect the findings of the Court of Claims in the matter of the claim of Thomas D. Ruffin—to the Committee on War Claims.

Also, a bill (H. R. 7396) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John R. Pearson, deceased—to the Committee on War Claims.

By Mr. HAMILTON: A bill (H. R. 7397) granting an increase of pension to Adam R. Eglin—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 7398) granting an increase of pension to Francis E. Gleason—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7399) granting an increase of pension to John A. Wheeler—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 7400) granting an increase of pension to John W. Jordan—to the Committee on Invalid Pensions.

By Mr. JOHNSON of Kentucky: A bill (H. R. 7401) granting an increase of pension to Richard C. Montgomery—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 7402) for the relief of William H. Howard and Oliver D. Lewis—to the Committee on Claims.

Also, a bill (H. R. 7403) for the relief of David R. Mister—to the Committee on War Claims.

Also, a bill (H. R. 7404) for the relief of John Henry Edwards—to the Committee on War Claims.

Also, a bill (H. R. 7405) for the relief of William J. Lewis—to the Committee on War Claims.

Also, a bill (H. R. 7406) for the relief of Joseph T. Chance and the heirs of John R. Burton, deceased, late of Accomac County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7407) for the relief of John T. Spence or his legal representatives—to the Committee on War Claims.

Also, a bill (H. R. 7408) for the relief of Thomas Johnson or his legal representatives—to the Committee on War Claims.

Also, a bill (H. R. 7409) for the relief of the Potomac Steamboat Company—to the Committee on Claims.

Also, a bill (H. R. 7410) for the relief of the heirs of William Samuel Custis, deceased, late of Onancock, Accomac County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 7411) for the relief of the heirs of Lemmis J. Spence, deceased—to the Committee on War Claims.

By Mr. KALANIANAOLE: A bill (H. R. 7412) granting a special pension to Samuel McKeague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7413) granting a special pension to Samuel McKeague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7414) for payment to Liliuokalani, formerly Queen of the Kingdom of Hawaii—to the Committee on Claims.

Also, a bill (H. R. 7415) to correct the military record of Barkley S. Denison—to the Committee on Military Affairs.

By Mr. KENNEDY of Iowa: A bill (H. R. 7416) granting an increase of pension to Henry Stichter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7417) granting an increase of pension to John W. Iler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7418) granting an increase of pension to David P. Dunkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7419) granting an increase of pension to Jane Bosworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7420) granting an increase of pension to Jesse W. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7421) granting an increase of pension to Charles W. Sackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7422) granting an increase of pension to Jacob Wilson Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7423) granting an increase of pension to George L. Van Auken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7424) granting an increase of pension to John Watts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7425) granting an increase of pension to Abraham R. Parish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7426) granting an increase of pension to Thomas H. Olinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7427) granting an increase of pension to Patrick Turney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7428) granting an increase of pension to Mathias O'Blennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7429) granting an increase of pension to James P. Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7430) granting an increase of pension to Andrew G. Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7431) granting an increase of pension to Edwin J. Turton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7432) granting an increase of pension to George Reiffenoch—to the Committee on Pensions.

Also, a bill (H. R. 7433) granting an increase of pension to Philip Heiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7434) granting an increase of pension to Silas R. Nugen, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7435) granting an increase of pension to Toma E. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7436) granting an increase of pension to William Dalton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7437) granting a pension to Cornelius Hickey—to the Committee on Pensions.

Also, a bill (H. R. 7438) granting a pension to George I. Ribyn—to the Committee on Pensions.

Also, a bill (H. R. 7439) granting a pension to Jonah B. Eaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7440) granting an increase of pension to John Hinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7441) granting a pension to Robert Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7442) for the relief of A. V. Coles—to the Committee on Claims.

Also, a bill (H. R. 7443) for the relief of Nathan Crutchfield—to the Committee on War Claims.

Also, a bill (H. R. 7444) for the relief of W. H. Heule—to the Committee on Claims.

By Mr. KINKEAD of New Jersey: A bill (H. R. 7445) to correct the military record of George W. Spencer—to the Committee on Military Affairs.

By Mr. LANGHAM: A bill (H. R. 7446) granting an increase of pension to Samuel M. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7447) granting an increase of pension to Lewis C. Edmonds—to the Committee on Invalid Pensions.

By Mr. LATTA: A bill (H. R. 7448) granting an increase of pension to James A. Lindsay—to the Committee on Invalid Pensions.

By Mr. LAW: A bill (H. R. 7449) to remove the charge of desertion from the military record of Oscar Hilton—to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 7450) granting an increase of pension to Simon P. Weed—to the Committee on Pensions.

Also, a bill (H. R. 7451) granting an increase of pension to Catherine Boykin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7452) granting a pension to David T. Kirby—to the Committee on Pensions.

Also, a bill (H. R. 7453) granting a pension to John N. Long—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7454) granting a pension to Mary J. Wroe—to the Committee on Pensions.

Also, a bill (H. R. 7455) granting a pension to John B. McCravy—to the Committee on Pensions.

Also, a bill (H. R. 7456) granting a pension to Wade H. Wilson—to the Committee on Pensions.

Also, a bill (H. R. 7457) granting a pension to T. P. Godfrey—to the Committee on Pensions.

Also, a bill (H. R. 7458) granting a pension to Charles G. Sontag—to the Committee on Pensions.

Also, a bill (H. R. 7459) granting a pension to Paul E. Ayer—to the Committee on Pensions.

Also, a bill (H. R. 7460) granting a pension to Margaret Hertel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7461) granting a pension to William H. Long—to the Committee on Pensions.

Also, a bill (H. R. 7462) granting a pension to H. P. Kohn—to the Committee on Pensions.

Also, a bill (H. R. 7463) granting a pension to Wade H. Rucker—to the Committee on Pensions.

Also, a bill (H. R. 7464) for the relief of Ann S. Elliott—to the Committee on War Claims.

Also, a bill (H. R. 7465) for the relief of the trustees of the German Lutheran Church of Orangeburg, S. C.—to the Committee on War Claims.

Also, a bill (H. R. 7466) for the relief of the legal representatives of Naloti Biraghi—to the Committee on War Claims.

Also, a bill (H. R. 7467) for the relief of the heirs of Adolphus Feininger—to the Committee on War Claims.

Also, a bill (H. R. 7468) for the relief of the estate of Lawrence M. Spann—to the Committee on War Claims.

Also, a bill (H. R. 7469) for the relief of the estate of Joseph Funderburk, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7470) for the relief of the heirs of Miles Busbee—to the Committee on War Claims.

Also, a bill (H. R. 7471) for the relief of W. P. Dukes, postmaster at Rowesville, S. C.—to the Committee on Claims.

Also, a bill (H. R. 7472) for the relief of Mary E. Stelling, sole heir at law of A. S. Frietas, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7473) for the relief of St. Stephen's Church—to the Committee on War Claims.

Also, a bill (H. R. 7474) for the relief of Ainsley H. Monteith, jr., administrator of the estate of William R. Herron, deceased—to the Committee on Claims.

Also, a bill (H. R. 7475) for the relief of the University of South Carolina—to the Committee on War Claims.

Also, a bill (H. R. 7476) for the relief of Powell S. Boatwright—to the Committee on War Claims.

Also, a bill (H. R. 7477) for the relief of Samuel S. Gardner—to the Committee on Military Affairs.

Also, a bill (H. R. 7478) for the relief of heirs of Micheal H. Brennen—to the Committee on War Claims.

Also, a bill (H. R. 7479) for the relief of George W. Newman, guardian of Joseph W. Newman—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 7480) granting an increase of pension to Juliet E. Stevens—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 7481) granting a pension to Willis R. Denney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7482) granting an increase of pension to John Gordon—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 7483) providing for the adjudication of the claim of Walston H. Brown, sole surviving partner of the firm of Brown, Howard & Co., by the Court of Claims—to the Committee on Claims.

By Mr. ROBINSON: A bill (H. R. 7484) for the relief of the heirs of Susan McCurley, deceased—to the Committee on War Claims.

By Mr. SHEFFIELD: A bill (H. R. 7485) granting an increase of pension to Sylvester C. Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7486) granting an increase of pension to George A. Earle—to the Committee on Invalid Pensions.

By Mr. SPARKMAN: A bill (H. R. 7487) granting an increase of pension to Alanson B. Wheelock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7488) granting an increase of pension to Phoebe E. Sparkman—to the Committee on Pensions.

Also, a bill (H. R. 7489) granting an increase of pension to Marvin Randall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7490) granting an increase of pension to William R. Partridge—to the Committee on Pensions.

Also, a bill (H. R. 7491) granting an increase of pension to Lorin B. Ohlinger—to the Committee on Pensions.

Also, a bill (H. R. 7492) granting an increase of pension to Edward C. McGeachy—to the Committee on Pensions.

Also, a bill (H. R. 7493) granting an increase of pension to Duncan McCraney—to the Committee on Pensions.

Also, a bill (H. R. 7494) granting an increase of pension to William H. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7495) granting an increase of pension to Cornelia A. Mobley—to the Committee on Pensions.

Also, a bill (H. R. 7496) granting an increase of pension to William J. Meadows—to the Committee on Pensions.

Also, a bill (H. R. 7497) granting an increase of pension to William Leggett—to the Committee on Pensions.

Also, a bill (H. R. 7498) granting an increase of pension to George F. Hays—to the Committee on Pensions.

Also, a bill (H. R. 7499) granting an increase of pension to Myrtle L. Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7500) granting an increase of pension to Georgia A. Driggers—to the Committee on Pensions.

Also, a bill (H. R. 7501) granting an increase of pension to David Crum—to the Committee on Pensions.

Also, a bill (H. R. 7502) granting an increase of pension to William R. Browne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7503) granting an increase of pension to William B. Bonacker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7504) granting a pension to John Whidden—to the Committee on Pensions.

Also, a bill (H. R. 7505) granting a pension to Bennett Whidden—to the Committee on Pensions.

Also, a bill (H. R. 7506) granting a pension to James A. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7507) granting a pension to Annie A. W. Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7508) granting a pension to Frank E. Saxon—to the Committee on Pensions.

Also, a bill (H. R. 7509) granting a pension to Robert E. Rawls, alias Robert E. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7510) granting a pension to George M. Richart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7511) granting a pension to Missouri L. Porter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7512) granting a pension to Wells Murphy—to the Committee on Pensions.

Also, a bill (H. R. 7513) granting a pension to Serena Hancock—to the Committee on Pensions.

Also, a bill (H. R. 7514) granting a pension to Sindrilla Albritton—to the Committee on Pensions.

Also, a bill (H. R. 7515) granting a pension to Joseph H. Waters—to the Committee on Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 7516) for the relief of James R. Evans—to the Committee on War Claims.

By Mr. CHAPMAN: A bill (H. R. 7517) granting an increase of pension to Sarah E. Johns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7518) granting an increase of pension to Harrison Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7519) granting an increase of pension to Sherman Wharton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7520) granting an increase of pension to Priscilla McDonald—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ASHBROOK: Petition of Elmer Isch and others, of Doylestown, and 38 other citizens of Wayne County, Ohio, for repeal of the Dick military law—to the Committee on Military Affairs.

By Mr. BATES: Petition of 100 citizens of Corry, Pa., for retention of the present duty on lumber—to the Committee on Ways and Means.

Also, petition of Charles H. Jackson & Son Wholesale Grocery Company, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of employees of the General Knitting Mills, of Barnesville, Ga., favoring enactment of paragraphs 325, 326, and 327 of the Payne tariff bill into law—to the Committee on Ways and Means.

Also, petition of Macon Lodge, No. 23, Benevolent and Protective Order of Elks, for establishment of a park in Wyoming for care and maintenance of the American elk—to the Committee on the Public Lands.

By Mr. BURLEIGH: Petition of Woodlawn (Me.) Local, No. 146, Brotherhood of Paper Makers, for retention, at least, of present tariff on paper—to the Committee on Ways and Means.

By Mr. DODDS: Petition of C. A. Bugbee Drug Company and others, against a duty on proprietary medicines—to the Committee on Ways and Means.

Also, petition of R. H. Elsworth, of Traverse City, Mich., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. FOSS: Petition of League of Cook County Women's Clubs, against increased duty on leather gloves and hosiery—to the Committee on Ways and Means.

By Mr. GILLESPIE: Petition of citizens of Fort Worth, Tex., favoring legislation to compel manufacturers and employers to use safety guards on saws and other dangerous machinery—to the Committee on Interstate and Foreign Commerce.

By Mr. HIGGINS: Petition of the Connecticut Valley Leaf Tobacco Board of Trade, against free trade with the Philippine Islands—to the Committee on Ways and Means.

By Mr. HUFF: Petition of citizens of Jeannette, Pa., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LORIMER: Paper to accompany bill for relief of Andrew T. Moonert, John Stephens, James M. Merritt, and Allen W. Cross—to the Committee on Invalid Pensions.

By Mr. ROBINSON: Petition of Sam Harper and others, J. B. Vinson and others, and Jacob Miller and others, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of Cumberland Lodge of the Amalgamated Association of Iron, Steel, and Tin Workers of Valley Falls, R. I., against the drawback provision of the Dingley law regarding tin plate—to the Committee on Ways and Means.

Also, petition of J. Samuels & Bro. and 4 other glove dealers of Providence, R. I., against raising the duty on gloves—to the Committee on Ways and Means.

By Mr. THOMAS of Kentucky: Petition of citizens of Kentucky, against a tax on sugar—to the Committee on Ways and Means.

Also, petition of citizens of Kentucky, for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of sundry citizens of Kentucky, favoring a national highways commission—to the Committee on Agriculture.

By Mr. YOUNG of Michigan: Petition of sundry citizens of the Twelfth Congressional District of Michigan, and citizens of Hancock and Sault Ste. Marie, Mich., against a duty on tea and coffee—to the Committee on Ways and Means.

SENATE.

THURSDAY, *April 15, 1909.*

Prayer by the Chaplain, Rev. Edward E. Hale.

The Secretary proceeded to read the Journal of the proceedings of Monday last, when, on request of Mr. KEAN, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. Without objection, the Journal will stand approved.

TARIFF STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate resolution 275 of February 9, 1909, certain statistics relative to the aggregate value of, and the amount of duties collected upon, imports during the last fiscal year of articles of merchandise upon which specific duties only were imposed, etc. (S. Doc. No. 5), which was referred to the Committee on Finance and ordered to be printed.

DOMESTIC PRODUCTS IN FOREIGN MARKETS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to Senate resolution 21, of the 5th instant, certain information relative to American manufactured products which are sold in foreign markets at lower rates than in American markets (S. Doc. No. 6), which was referred to the Committee on Finance and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Lilly Davis White, widow of Henry W. Schaeffer, deceased, *v.* United States (S. Doc. No. 4); which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

FRENCH SPOLIATION CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting the findings of fact and conclusions of law and opinion filed under the act of January 20, 1885, in the French spoliation claims set out in the annexed findings by the court relating to the vessel-schooner *Betsy*, Francis Bulkley, master (H. Doc. No. 15), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed a joint resolution (H. J. Res. 45) making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress, in which it requested the concurrence of the Senate.

The message also announced that the House had disagreed to the amendments of the Senate to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. CRUMPACKER, Mr.

BURLEIGH, and Mr. HAY managers at the conference on the part of the House.

The message further requested the Senate to return to the House the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

THE CENSUS.

The VICE-PRESIDENT laid before the Senate the action of the House of Representatives disagreeing to the amendments of the Senate to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. LA FOLLETTE. I move that the Senate insist upon its amendments, that it agree to the request of the House for a conference, and that the Chair appoint the Senate conferees.

The motion was agreed to; and the Vice-President appointed Mr. LA FOLLETTE, Mr. HALE, and Mr. BAILEY conferees on the part of the Senate.

THE TARIFF.

Mr. ALDRICH. I ask that the message from the House of Representatives relative to the tariff bill be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate a message from the House of Representatives, which will be read.

The Secretary read as follows:

Ordered, That the Clerk be directed to request the Senate to return to the House the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

That when said bill shall have been returned the Clerk shall reengross the same with the following amendment:

"At the end of paragraph 637 of section 2 strike out the period after the word 'refined' and insert a comma and the words 'and the products thereof.'"

And when the said reengrossment shall have been completed the said bill shall be returned to the Senate.

Mr. ALDRICH. I move that the Senate comply with the request of the House of Representatives and return the bill referred to to that body.

The motion was agreed to.

EXPENSES INCIDENT TO PRESENT SESSION.

Mr. HALE. I ask the Chair to lay before the Senate House joint resolution No. 45.

The joint resolution (H. J. Res. 45) making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress was read the first time by its title and the second time at length, as follows:

House joint resolution 45.

Resolved, etc., That the following sums are hereby appropriated, out of any money in the Treasury not otherwise appropriated, for purposes as follows:

HOUSE OF REPRESENTATIVES.

For stationery for Members of the House of Representatives, Delegates from Territories, and Resident Commissioners from Porto Rico and the Philippine Islands, at $125 each, $49,750.

For the following employees from April 1 to June 30, 1909, inclusive: Forty-six pages (including 2 riding pages), 4 telephone pages, press-gallery page, and 10 pages for duty at the entrances to the Hall of the House, at $2.50 per day each; 14 messengers in the post-office, at $100 per month each; and for 3 telephone operators, at $75 per month each; in all, $15,340.

For services of 1 additional messenger in the post-office from March 4 to June 30, 1909, inclusive, at $100 per month, $390.

For folding speeches, $1,000.

Mr. HALE. I ask that the joint resolution be put on its passage.

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PROPOSED INCOME TAX.

Mr. BAILEY. Mr. President, I offer an amendment which at the proper time I intend to propose to the tariff bill. I offer it this far in advance of the consideration and amendment of that bill because I desire to invite every Senator who feels interested in the subject to make any suggestion or to propose any amendment to it which in his judgment may seem proper.

With the permission of the Senate and occupying but a moment, I desire to say that the amendment is, in the main, the same as the law of 1894 with some important and some immaterial exceptions. Perhaps the most important exception is that I have raised the exemption from $4,000, as provided in the old act, to $5,000 in this amendment; and I have sought to supply what might have been a loss of revenue resulting from that change by increasing the rate of taxation from 2 per cent, as specified in the old act, to 3 per cent, as provided in this amendment. I have no doubt that 3 per cent on incomes above $5,000 will raise much more revenue than 2 per cent on incomes above $4,000 would provide.

I have also responded to the unanimous decision of the Supreme Court of the United States that Congress has no power to levy a tax upon the incomes derived from state, county, and municipal securities, and I have specifically exempted them. I regarded it as unfortunate when the old act was passed that they were then included. I thought it certain, then, that the court would decide—and I think that the court ought to have decided—that part of the old act unconstitutional.

In the early days of the Republic that court, in a decision, announced by its most illustrious member, declared that States, counties, and municipalities could not levy a tax upon Federal obligations, holding that to permit it would be equivalent to a permission for the States to lay a tax upon the operations and the instrumentalities of the Federal Government. I have always believed that decision wise and just; and if it is, then it necessarily follows that its reasoning applies with equal force against a federal tax upon the operations or instrumentalities of the States and their subdivisions. But even if I doubted that, I would have conformed the amendment to what was the unanimous judgment of the court.

I want to say, however, and perhaps it is due to the Senate and to the country that I should say here and now, that this far, and only this far, have I drawn this amendment for the purpose of meeting that decision. Except in that respect, no effort has been made to meet the requirements as announced in that judgment of the court. In all other respects, instead of trying to conform the amendment to the decision of the court, the amendment distinctly challenges that decision. I do not believe that that opinion is a correct interpretation of the Constitution, and I feel confident that an overwhelming majority of the best legal opinion in this Republic believes that it was erroneous. With this thought in my mind, and remembering that the decision was by a bare majority, and that the decision itself overruled the decisions of a hundred years, I do not think it improper for the American Congress to submit the question to the reconsideration of that great tribunal.

The administrative provisions of the amendment are largely a reprint of the administrative features of the old act.

At the proper time, which is not now, I shall lay before the Senate such reasons as occur to me in the support of this amendment. But I will say now—and it can not violate the proprieties of this occasion for me to say that much—that I do not offer this income-tax amendment simply because I desire to tax prosperous people. I regard all taxation as a necessary evil. I regard every tax as a burden, whether it be laid directly at so many mills on every dollar's worth of property, or whether it be laid indirectly, at such a per cent on every imported article. I regard every tax as a subtraction to that extent from either the comfort or the earnings of every man who must pay it, and if it were not necessary to levy and collect taxes in order to support the Government I would not myself propose or advocate a tax on any man.

But knowing, as we all do know, that it is necessary for the Government to raise a vast sum of money to support its administration, my judgment is that a large part of that money ought to be raised from the abundant incomes of prosperous people rather than from the backs and appetites of people who, when doing their best, do none too well.

I believe, myself, that there never was, and that there never will be, a juster or wiser tax devised than an income tax. I believe it is the only tax ever yet devised by the statesmen of the world that rises and falls with a man's ability to pay it.

The people who have incomes subject to tax under this amendment can not complain that we unduly burden them. The exemption of $5,000 leaves the man with an income of $10,000 to contribute, under the provisions of this amendment, only $150 to support the General Government; and surely a man whose abounding prosperity nets him an income of $10,000 a year may be fairly asked to contribute the moderate sum of $150 to the expenditures of this great Government.

Mr. President, I am tempted, but I shall not yield to the temptation, to present some reasons why I think that the court, upon a reconsideration of this question, will adjudge an income tax a constitutional exercise of power by Congress. That temptation addresses itself to me because I would like to have it so ordered that when we come to consider the question we could consider it upon its merits as an economic proposition apart from the legal perplexities. But to enter upon that would occupy very much more time than the Senate has the patience

at this time to accord, and I will wait for some more suitable occasion.

The VICE-PRESIDENT. Will the Senator from Texas indicate what disposition he would like to have made of the amendment?

Mr. BAILEY. I should like to have the amendment printed and lie on the table.

The VICE-PRESIDENT. If there be no objection, that order will be made. No objection is heard.

Mr. BACON. I would like to ask the Senator from Texas if he will not amend his suggestion to the extent of having the amendment printed in the RECORD?

Mr. BAILEY. Mr. President, I did not think it altogether modest to suggest that I was submitting a proposition worthy to place in the RECORD, but I would not object to it if the Senator from Georgia desires to make that request.

Mr. BACON. I hope that will be done.

The VICE-PRESIDENT. Does the Senator from Georgia make the request? The Senator from Texas does not so modify his request, the Chair understands.

Mr. BACON. I make it, if the Senator from Texas does not.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia that the amendment be printed in the RECORD?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. BAILEY to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz: Insert the following:

SEC. —. That from and after the 1st day of January, 1910, there shall be assessed, levied, collected, and paid annually upon the gains, profits, and income received in the preceding calendar year by every citizen of the United States, whether residing at home or abroad, and by every person residing in the United States, though not a citizen thereof, a tax of 3 per cent on the amount so received over and above $5,000; and a like tax shall be assessed, levied, collected, and paid annually upon the gains, profits, and income from all property owned and of every business, trade, or profession carried on in the United States by persons residing elsewhere. The tax herein provided for shall be assessed by the Commissioner of Internal Revenue and collected and paid upon the gains, profits, and income for the year ending the 31st of December next preceding the time for levying, collecting, and paying said tax.

SEC. —. Such gains, profits, and income include all interest received upon notes, bonds, and all other forms of indebtedness, except the obligations of the United States, States, counties, towns, districts, and municipalities; profits realized within the year from the sales of real estate purchased within two years previous to the close of the year for which the income is estimated; the amount of all premiums on bonds, notes, or coupons; the amount received from the sale of merchandise, live stock, sugar, cotton, wool, butter, cheese, pork, beef, mutton, or other meats, hay, grain, vegetables, or other products; money and the value of all property acquired by gift, bequest, devise, or descent; and all other gains, profits, and income derived from any other kind of property, or from rents, dividends, interest, salaries, or from any profession, trade, business, employment, or vocation, carried on in the United States or elsewhere: *Provided, however,* That it shall be proper to deduct from such gains, profits, and income all expenses actually incurred in carrying on any business, occupation, or profession, including the amounts actually expended in the purchase or production of merchandise, live stock, and products of every kind; all interest, due or paid within the year, on existing indebtedness, and all national, state, county, town, district, and municipal taxes, not including those assessed against local benefits; all losses actually sustained during the year, incurred in trade or arising from fires, storms, or shipwreck, and not compensated for by insurance or otherwise; all debts ascertained to be worthless, and all losses within the year on sales of real estate purchased within two years previous to the year for which profits, gains, or income is estimated, but no deduction shall be made for any amount paid out for new buildings, permanent improvements, or betterments, made to increase the value of any property or estate; the amount received from any corporation, company, or association as dividends upon the stock of such corporation, company, or association if the tax of 3 per cent has been paid upon its net profits by said corporation, company, or association as required by this act: *Provided further,* That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children, or husband and wife, but guardians shall be allowed to make a deduction in favor of each and every ward, except where two or more wards are comprised in one family and have joint property interests, when the aggregate deduction in their favor shall not exceed $5,000.

SEC. —. It shall be the duty of all persons of lawful age having an income of more than $5,000 for the taxable year, computed on the basis herein prescribed, to make and render a list return, on or before the second Monday in March, in such form and manner as may be directed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to the collector or a deputy collector of the district in which they reside, of the amount of their gains, profits, and income as aforesaid; and all guardians and trustees, executors, administrators, agents, receivers, and all persons or corporations acting in any fiduciary capacity, shall make and render a list or return, as aforesaid, to the collector or a deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of gains, profits, and income of any minor or person for whom they act, but persons having less than $5,000 income are not required to make such report; and the collector or deputy collector shall require every list or return to be verified by the oath or affirmation of the party rendering it, and may increase the amount of any list or return if he has reason to believe that the same is understated; and in case any such person having a taxable income shall neglect or refuse to make and render such list or return, or shall render a willfully false or fraudulent list or return, it shall be the duty of the collector or deputy collector to make such list, according to the best information he can obtain, by the examination of such person, or any other evidence, and to add 50 per cent as a penalty to the amount of the tax due on such list in all cases of willful neglect or refusal to make and render a list or return; and in all cases of a willfully false or fraudulent list or return having been rendered to add 100 per cent as a penalty to the amount of tax ascertained to be due, the tax and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a list or return, or of rendering a false or fraudulent return: *Provided,* That any person, or corporation, in his, her, or its own behalf, or as such fiduciary, shall be permitted to declare, under oath or affirmation, the form and manner of which shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, that he, she, or his or her, or its ward or beneficiary, was not possessed of an income of $5,000, liable to be assessed according to the provisions of this act; or may declare that he, she, or it, or his, her, or its ward or beneficiary has been assessed and has paid an income tax elsewhere in the same year, under authority of the United States, upon all his, her, or its gains, profits, and income, and upon all the gains, profits, and income for which he, she, or it is liable as such fiduciary, as prescribed by law; and if the collector or deputy collector shall be satisfied of the truth of the declaration, such person or corporation shall thereupon be exempt from income tax in the said district for that year; or if the list or return of any person or corporation, company, or association shall have been increased by the collector or deputy collector, such person or corporation, company, or association may be permitted to prove the amount of gains, profits, and income liable to be assessed; but such proof shall not be considered as conclusive of the facts, and no deductions claimed in such cases shall be made or allowed until approved by the collector or deputy collector. Any person or company, corporation, or association dissatisfied with the decision of the deputy collector in such cases may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector such person or corporation, company, or association may submit the case, with all the papers, to the Commissioner of Internal Revenue for his decision, and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue, as herein prescribed. Such notice shall state the time and place at which, and the officer before whom, the testimony will be taken; the name, age, residence, and business of the proposed witness, with the questions to be propounded to the witness, or a brief statement of the substance of the testimony he is expected to give: *Provided,* That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person taxed. The notice shall be delivered or mailed to the Commissioner of Internal Revenue fifteen days previous to the day fixed for taking the testimony, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness. Whenever practicable, the affidavit or deposition shall be taken before a collector or deputy collector of internal revenue, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit: *Provided further,* That no penalty shall be assessed upon any person or corporation, company, or association for such neglect or refusal or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged an opportunity to be heard.

SEC. —. There shall be assessed, levied, and collected, except as herein otherwise provided, a tax of 3 per cent annually on the net gains, profits, and income over and above $5,000 of all banks, banking institutions, trust companies, saving institutions, fire, marine, life, and other insurance companies, railroad, canal, turnpike, canal navigation, slack water, telephone, telegraph, express, electric light, gas, water, street railway companies, and all other corporations, companies, or associations doing business for profit in the United States, no matter how created and organized, but not including partnerships. It shall be the duty of the president or other chief officer of every corporation, company, or association, or in the case of any foreign corporation, company, or association, the resident manager or agent thereof, to file with the collector of the internal-revenue district in which said corporation, company, or association shall be located or be engaged in business, a statement verified by his oath or affirmation, in such form as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, showing the amount of net profits or income received by said corporation, company, or association during the whole calendar year last preceding the date of filing said statement as hereinafter required, and the corporation, company, or association whose officers or agents shall fail to comply with the requirements of this section shall forfeit as a penalty the sum of $1,000 and 2 per cent on the amount of taxes due, for each month until the same is paid, the payment of said penalty to be enforced as provided in other cases of neglect and refusal to make return of taxes under the internal-revenue laws.

The net gains, profits, and income of all corporations, companies, or associations shall include the amounts paid to shareholders, or carried to the account of any fund, or used for construction, enlargement of plant, or any other expenditure or investment paid from the net annual profits made or acquired by said corporations, companies, or associations. But nothing herein contained shall apply to States, counties, or municipalities; nor to corporations, companies, or associations organized and conducted solely for charitable, religious, or educational purposes, including fraternal beneficiary societies, orders, or associations operating upon the lodge system and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations and dependents of such members; nor to the stocks, shares, funds, or securities held by any fiduciary or trustee for charitable, religious, or educational purposes; nor to building and loan associations or companies which make loans only to their shareholders; nor to such savings banks, savings institutions, or societies as shall, first, have no stockholders or members except depositors and no capital except deposits; secondly, shall not receive deposits to an aggregate amount, in any one year, of more than $1,000 from the same depositor; thirdly, shall not allow an accumulation or total of deposits, by any one depositor, exceeding $10,000; fourthly, shall actually divide and distribute to its depositors, ratably to deposits, all the earnings over the necessary and proper expenses of such bank, institution, or society, except such as shall be applied to surplus; fifthly, shall not possess, in any form, a surplus fund exceeding 10 per cent of its aggregate deposits; nor to such savings banks, savings institutions, or societies composed of

members who do not participate in the profits thereof and which pay interest or dividends only to their depositors; nor to that part of the business of any savings bank, institution, or other similar association having a capital stock, that is conducted on the mutual plan solely for the benefit of its depositors on such plan, and which shall keep its accounts of its business conducted on such mutual plan separate and apart from its other accounts.

Nor to any insurance company or association which conducts all its business solely upon the mutual plan, and only for the benefit of its policy holders or members, and having no capital stock and no stock or share holders, and holding all its property in trust and in reserve for its policy holders or members; nor to that part of the business of any insurance company having a capital stock and stock and share holders, which is conducted on the mutual plan, separate from its stock plan of insurance, and solely for the benefit of the policy holders and members insured on said mutual plan, and holding all the property belonging to and derived from said mutual part of its business in trust and reserve for the benefit of its policy holders and members insured on said mutual plan. All State, county, municipal, and town taxes paid by corporations, companies, or associations shall be included in the operating and business expenses of such corporations, companies, or associations.

SEC. 7. That there shall be levied, collected, and paid on all salaries of officers, or payments for services to persons in the civil, military, naval, or other employment or service of the United States, including Senators and Representatives and Delegates in Congress, when exceeding the rate of $4,000 per annum, a tax of 2 per cent on the excess above the said $4,000; and it shall be the duty of all paymasters and all disbursing officers under the Government of the United States, or persons in the employ thereof, when making any payment to any officers or persons as aforesaid, whose compensation is determined by a fixed salary, or upon settling or adjusting the accounts of such officers or persons, to deduct and withhold the aforesaid tax of 2 per cent; and the pay roll, receipts, or account of officers or persons paying such tax as aforesaid shall be made to exhibit the fact of such payment. And it shall be the duty of the accounting officers of the Treasury Department, when auditing the accounts of any paymaster or disbursing officer, or any officer withholding his salary from moneys received by him, or when settling or adjusting the accounts of any such officer, to require evidence that the taxes mentioned in this section have been deducted and paid over to the Treasurer of the United States, or other officer authorized to receive the same. Every corporation which pays to any employee a salary or compensation exceeding $4,000 per annum shall report the same to the collector or deputy collector of his district and said employee shall pay thereon, subject to the exemptions herein provided for, the tax of 2 per cent on the excess of his salary over $4,000: *Provided*, That salaries due to state, county of municipal officers shall be exempt from the income tax herein levied.

SEC. 10. It shall be the duty of every corporation, company, or association doing business for profit to keep full, regular, and accurate books of account, upon which all its transactions shall be entered from day to day, in regular order, and whenever a collector or deputy collector of the district in which any corporation, company, or association is assessable shall believe that a true and correct return of the income of such corporation, company, or association has not been made, he shall make an affidavit of such belief and of the grounds on which it is founded and file the same with the Commissioner of Internal Revenue, and if said commissioner shall, on examination thereof, and after full hearing upon notice given to all parties, conclude there is good ground for such belief he shall issue a request in writing to such corporation, company, or association to permit an inspection of the books of such corporation, company, or association to be made; and if such corporation, company, or association shall refuse to comply with such request, then the collector or deputy collector of the district shall make from such information as he can obtain an estimate of the amount of such income and then add 50 per cent thereto, which said assessment so made shall then be the lawful assessment of such income.

SEC. —. Every corporation, company, or association doing business for profit shall make and render to the collector of its collection district, on or before the first Monday of March in every year, beginning with the year 1895, a full return, verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year last preceding the date of such return:

First. The gross profits of such corporation, company, or association, from all kinds of business of every name and nature.

Second. The expenses of such corporation, company, or association, exclusive of interest, annuities, and dividends.

Third. The net profits of such corporation, company, or association, without allowance for interest, annuities, or dividends.

Fourth. The amount paid on account of interest, annuities, and dividends, stated separately.

Fifth. The amount paid in salaries of $4,000 or less to each person employed.

Sixth. The amount paid in salaries of more than $4,000 to each person employed and the name and address of each of such persons and the amount paid to each.

SEC. —. The taxes on gains, profits, and incomes herein imposed shall be due and payable on or before the 1st day of July in each year; and to any sum or sums annually due and unpaid after the 1st day of July as aforesaid, and for ten days after notice and demand thereof by the collector, there shall be levied, in addition thereto, the sum of 5 per cent on the amount of taxes unpaid, and interest at the rate of 1 per cent per month upon said tax from the time the same becomes due, as a penalty, except from the estates of deceased, insane, or insolvent persons.

SEC. 5. Any nonresident may receive the benefit of the exemptions hereinbefore provided for by filing with the deputy collector of any district a true list of all his property and sources of income in the United States and complying with the provisions of section —— of this act as if a resident. In computing income he shall include all income from every source, but unless he be a citizen of the United States he shall only pay on that part of the income which is derived from any source in the United States. In case such nonresident fails to file such statement, the collector of each district shall collect the tax on the income derived from property situated in his district, subject to income tax, making no allowance for exemptions, and all property belonging to such nonresident shall be liable to distraint for tax: *Provided*, That nonresident corporations shall be subject to the same laws as to tax as resident corporations, and the collection of the tax shall be made in the same manner as provided for collections of taxes against nonresident persons.

SEC. 11. It shall be the duty of every collector of internal revenue, to whom any payment of any taxes is made under the provisions of this act, to give to the person making such payment a full written or printed receipt, expressing the amount paid and the particular account for which such payment was made; and whenever such payment is made such collector shall, if required, give a separate receipt for each tax paid by any debtor, on account of payments made to or to be made by him to separate creditors in such form that such debtor can conveniently produce the same separately to his several creditors in satisfaction of their respective demands to the amounts specified in such receipts; and such receipts shall be sufficient evidence in favor of such debtor, to justify him in withholding the amount therein expressed from his next payment to his creditor; but such creditor may, upon giving to his debtor a full written receipt, acknowledging the payment to him of whatever sum may be actually paid, and accepting the amount of tax paid as aforesaid (specifying the same) as a further satisfaction of the debt to that amount, require the surrender to him of such collector's receipt.

SEC. —. Sections 3167, 3172, 3173, and 3176 of the Revised Statutes of the United States as amended are hereby amended so as to read as follows:

"SEC. 3167. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or to make known in any manner whatever not provided by law to any person the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any income return by any person or corporation, or to permit any income return or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law, any income return or any part thereof or the amount or source of income, profits, losses, or expenditures appearing in any income return; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding $1,000 or by imprisonment not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States, he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

"SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay any internal-revenue tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

"SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, or other tax imposed by law, when not otherwise provided for, in case of a special tax, on or before the 31st day of July in each year, in case of income tax on or before the first Monday of March in each year, and in other cases before the day on which the taxes accrue, to make a list or return, verified by oath or affirmation, to the collector or a deputy collector of the district where located, of the articles or objects, including the amount of annual income, charged with a duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any tax as aforesaid, then, and in that case, it shall be the duty of the collector or deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case no annual list or return has been rendered by such person to the collector or deputy collector as required by law, and the person shall be absent from his or her residence or place of business at the time the collector or a deputy collector shall call for the annual list or return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office a note or memorandum addressed to such person, requiring him or her to render to such collector or deputy collector the list or return required by law, within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent, or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person, or any other person having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

"SEC. 3176. When any person, corporation, company, or association refuses or neglects to render any return or list required by law, or renders a false or fraudulent return or list, the collector or any deputy collector shall make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the income, property, and objects liable to tax owned or possessed or under the care or management of such person, or corporation, company, or association; and the Commissioner of Internal Revenue shall assess all taxes not paid by stamps, including the amount, if any, due for special tax,

income or other tax, and in case of any return of a false or fraudulent list or valuation intentionally he shall add 100 per cent to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add 50 per cent to such tax. In case of neglect occasioned by sickness or absence as aforesaid the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same time and in the same manner as the tax unless the neglect or falsity is discovered after the tax has been paid, in which case the amount so added shall be collected in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all legal purposes."

Mr. ALDRICH. Mr. President, can the Senator from Texas advise the Senate about the amount of revenue which would be derived from this amendment?

Mr. BAILEY. No more than the Senator from Rhode Island could now advise the Senate as to the amount of revenue that the tariff bill itself will raise.

Mr. ALDRICH. I expect to be able to make an estimate upon that subject at a very early day.

Mr. BAILEY. I expect to answer then the question which the Senator has just propounded.

But, Mr. President, this little jocularity aside, I will say to the Senator from Rhode Island that I have no kind of doubt that this amendment will raise at least $60,000,000. Of course it has been so long since the country levied and collected an income tax that an estimate is more or less speculative; but we know the net income of one of the most important business enterprises in the country, one class of which in 1907 had a net income of more than a billion dollars. Upon that this amendment would raise $30,000,000. I think I could fairly and safely calculate that the total collections would not be less than $70,000,000.

If the Senator from Rhode Island and his associates are disturbed over the question where they will raise revenue to meet these enormous expenditures, I shall be glad to assist them out of their difficulty.

However, I want to say, Mr. President, speaking for myself alone, that I am not proposing this as a mere means of raising revenue for them, because my belief is that, coupled with this amendment, there ought to be a further proposal to reduce the duties on articles of common necessity. If the Senator's bill will raise $300,000,000 upon the consumption of this Republic, I would reduce that by $60,000,000, and conceding that $60,000,000 to the consumers of the land, I would lay it upon incomes exceeding $5,000.

THE TARIFF—ADJOURNMENT TO MONDAY.

Mr. ALDRICH. Mr. President, it had been my purpose this morning to ask the Senate to proceed to the consideration of House bill 1438, for the purpose of submitting some remarks with reference to some features of the bill reported from the committee. But, as the House of Representatives have recalled the bill from the Senate, and as certain tables and information in reference to the subject have not yet been completed, I shall move, if there is no other business that is likely to attract the attention of the Senate to-morrow, that when the Senate adjourns to-day it adjourn to meet on Monday next; and I give notice of my purpose to take up the bill immediately after the routine morning business on Monday. I will then submit some remarks with reference to the measure.

Mr. DOLLIVER. If it will not disturb the Senator, I should like to have some information as to what stage in the consideration of the tariff schedules named in the bill already reported the Senate will have possession of the committee's plan in respect to the reciprocity or retaliatory features that are contained in the bill as passed by the House, and also at what stage in the proceedings we are likely to have a statement of the committee's scheme for the drawback features that are contained in the bill as passed by the House.

Mr. ALDRICH. I should think that within ten days the committee would be able to report to the Senate such amendments as they shall agree upon with reference to both the matters to which the Senator from Iowa has alluded. The committee will proceed certainly with all possible dispatch in the consideration of these questions.

The VICE-PRESIDENT. The Senator from Rhode Island moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

PHILIPPINE TARIFF.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (H. Doc. No. 14), which was read and, with the accompanying papers, referred to the Committee on the Philippines and ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, inclosing one from the Chief of the Bureau of Insular Affairs, in which is transmitted a proposed tariff-revision law for the Philippine Islands.

This measure revises the present Philippine tariff, simplifies it, and makes it conform as nearly as possible to the regulations of the customs laws of the United States, especially with respect to packing and packages. The present Philippine regulations have been cumbersome and difficult for American merchants and exporters to comply with. Its purpose is to meet the new conditions that will arise under the section of the pending United States tariff bill which provides, with certain limitations, for free trade between the United States and the islands. It is drawn with a view to preserving to the islands as much customs revenue as possible, and to protect in a reasonable measure those industries which now exist in the islands.

The bill now transmitted has been drawn by a board of tariff experts, of which the insular collector of customs, Col. George R. Colton, was the president. The board held a great many open meetings in Manila, and conferred fully with representatives of all business interests in the Philippine Islands. It is of great importance to the welfare of the islands that the bill should be passed at the same time with the pending Payne bill, with special reference to the provisions of which it was prepared.

I respectfully recommend that this bill be enacted at the present session of Congress as one incidental to and required by the passage of the Payne bill.

WM. H. TAFT.

THE WHITE HOUSE, *April 14, 1909.*

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Falk Tobacco Company, of New York City, N. Y., praying for an increase of the duty on tobacco, which was ordered to lie on the table.

He also presented a petition of the Daniel Haas Company, of Gloversville, N. Y., praying for the imposition of a duty on ladies' gloves, which was ordered to lie on the table.

He also presented a memorial of sundry business men of New York City, N. Y., remonstrating against the proposed duty on imitation parchment wrapping paper, which was ordered to lie on the table.

He also presented a petition of the Westinghouse Electric and Manufacturing Company, of Pittsburg, Pa., praying for the imposition of a duty of 5 cents per pound and 20 per cent ad valorem on unmanufactured or thumb-trimmed mica, which was ordered to lie on the table.

He also presented a petition of the Newark Conference of the Methodist Episcopal Church of New Jersey, praying for an increase of the internal-revenue tax on whisky and beer, which was ordered to lie on the table.

He also presented a petition of the Horticultural Society of Porto Rico, praying for an increase of the duty on pineapples, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, Alabama, Arkansas, California, Maryland, New Hampshire, Massachusetts, North Carolina, Wisconsin, Maine, Missouri, New Jersey, Oregon, Tennessee, Virginia, Vermont, Washington, West Virginia, Rhode Island, Kentucky, Pennsylvania, Illinois, Kansas, Iowa, Louisiana, Minnesota, and Texas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of New Hampshire, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Waldoboro, Me., remonstrating against the imposition of any duty on tea, which was ordered to lie on the table.

Mr. KEAN presented petitions of sundry citizens of New Jersey, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Newark Conference of the Methodist Episcopal Church of New Jersey, praying for an increase of the internal-revenue tax on whisky and beer, which was ordered to lie on the table.

He also presented a petition of sundry business firms of New Jersey, praying for a reduction of the duty on bichromate of potash and bichromate of soda, which was ordered to lie on the table.

He also presented memorials of Phoenix Lodge, No. 315, International Association of Machinists, of Elizabeth; of the Metal Trades Council, of Newark; and of the Essex Trades Council, of Newark, all in the State of New Jersey, remonstrating against any reduction of the duty on steel, iron ore, and machinery, which were ordered to lie on the table.

He also presented the memorial of James A. McFaul, bishop of the diocese of Trenton, N. J., remonstrating against the imposition of any duty on tea, coffee, or other food necessities, which was ordered to lie on the table.

He also presented a petition of sundry citizens of New Jersey, praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

Mr. BURKETT presented a concurrent resolution of the legislature of Nebraska, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate file 136. Introduced by E. E. Howell.

A joint and concurrent resolution memorializing the Congress of the United States to provide by law for the improvement of the rivers, harbors, and waterways, and the issuance of bonds therefor.

Be it enacted by the legislature of the State of Nebraska:

Whereas the Government should immediately take in hand the improvement of the rivers, harbors, and waterways of the country, and that a large sum of money should be appropriated for that purpose; and

Whereas reservoirs for the storage of the flood waters of the rivers to be used primarily in the reclamation of arid lands are equally useful and essential in regulating the flow of such rivers for commercial purposes and preventing devastating floods in the lower course of such rivers, and the cost of such reservoirs are now charged to the funds of the Reclamation Service; and

Whereas it seems fair and right that future generations who will reap the great benefits should share a portion of the expense; and

Whereas the 2 per cent bonds of the Government sell readily at a premium and at the same time afford an attractive investment to certain classes of people who would otherwise hoard their money and keep it out of circulation; and

Whereas the National Rivers and Harbors Congress, which convened at Washington in December, 1908, composed of more than 3,000 representatives from all sections of the country, indorsed and recommended the expenditure of $500,000,000 by the General Government for these purposes and the issuance of 2 per cent bonds therefor, and similar action has been taken by other representative bodies: Therefore be it

Resolved by the legislature of the State of Nebraska, That the Congress of the United States be memorialized and earnestly urged to provide by law for the issuance by the Government of its 2 per cent bonds to the extent of $500,000,000 or more to carry forward the work which has already been approved by the engineers of the army and the Committee on Rivers and Harbors of the House of Representatives in the matter of the improvement of the rivers, harbors, and waterways of the country, and to carry forward such other new work as may be approved by the engineering department and Congress, and to pay the cost of construction and maintenance of all reservoirs constructed under the authority of the Reclamation Service for the storage of waters for the reclamation of arid lands: Be it further

Resolved, That a duly certified copy of this memorial be by the secretary of the senate forwarded to each Member of the Nebraska delegation in Congress.

STATE OF NEBRASKA, *ss:*

I, William H. Smith, secretary of the senate, hereby certify that the foregoing joint and concurrent resolution has passed the legislature of the State of Nebraska and been approved by the governor.

WM. H. SMITH,
Secretary of the Senate.

CAPITOL BUILDING, *Lincoln, March 2, 1909.*

Mr. DIXON presented a joint memorial of the legislature of Montana, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate joint memorial 5.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Whereas it was the manifest intention of Congress when the Territory of Montana was admitted into the Union as a State to set aside and donate public lands to aid in the establishment of all public institutions, following a long established precedent; and

Whereas through oversight and inadvertence no donation was made on account of the state penitentiary, the state asylum for the insane, nor the orphan's home, as was the case in other States: Now, therefore, be it

Resolved, That we, your memorialists, petition and earnestly urge that there be set aside and donated out of and from the unappropriated lands of the United States lying and being within the borders of the State of Montana 150,000 acres in aid and on account of the state penitentiary of Montana; 150,000 acres in aid and on account of the asylum for the insane; and 150,000 in and on account of the orphan's home: Be it further

Resolved, That the secretary of state be, and is hereby, instructed to forthwith transmit copies of this memorial, properly authenticated, to the Secretary of the Interior and to our Senators and Representatives in Congress.

W. R. ALLEN,
President of the Senate.
W. W. MCDOWELL,
Speaker of the House.

Approved March 10, 1909.

EDWIN L. NORRIS, *Governor.*

Filed March 10, 1909, at 2 o'clock p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint memorial No. 5, enacted by the eleventh session of the legislative assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 10th day of March, 1909.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 18th day of March, A. D. 1909.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. DIXON presented a concurrent resolution of the legislature of Montana, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Senate concurrent resolution 1.

Whereas the National Rivers and Harbors Congress has asked that provision be made for $500,000,000 to be expended for the development of the navigable waterways of the United States; and

Whereas it has been publicly announced by a high and well-informed official of the United States that a sum of about $275,000,000 has already been appropriated and authorized to be expended upon works now undertaken and to be hereafter completed on the rivers and harbors of the United States; and

Whereas none of said $275,000,000 is being expended on the sixteen hundred miles of the navigable Missouri River above Sioux City; and

Whereas the report of the board of engineers for rivers and harbors recommends the improvement of the Missouri River below Sioux City (which is concurred in by the United States Engineers), and its estimate provides for the general improvement of the Missouri River below Sioux City, Iowa, of which sum $2,000,000 is to be expended annually upon the Missouri River from Kansas City to St. Louis; and

Whereas no estimates have been made for the general improvement of the Missouri River above Sioux City, Iowa, or the Yellowstone River, or the Red River of the North; and

Whereas no money is being expended, nor has provision been made to expend any part of the aforementioned $42,500,000 within the States of North Dakota, South Dakota, and Montana; and

Whereas the United States Engineer's estimate, submitted to the Chief of Engineers and through him submitted to the present Congress, makes practically no provision for any expenditure for the improvement or snagging of the upper Missouri River above Sioux City or the Yellowstone River in North Dakota and Montana; and

Whereas commerce carried on these streams during the year 1908 in the localities mentioned exceeds that of the Missouri River below Sioux City: Now therefore be it

Resolved by the senate (the house of representatives concurring), That our Senators and Representative in Congress be requested to immediately obtain proper estimates, through the War Department, of the requirements for the permanent general improvement of the Missouri River between Sioux City, Iowa, and Fort Benton, Mont., and the Yellowstone River between its mouth and Terry, Mont., and on the Red River of the North between Fargo, N. Dak., and the international boundary line, and for the specific improvement and the revetment of the river banks at several points, namely: In the vicinity of Judith, Frazier, and Mondak, Mont., and other places where caving banks menace river craft and destroy the channel; and that they be requested to obtain suitable appropriations from the present Congress wherewith to make these specific improvements promptly, and in the event of there being no river and harbor bill, they be requested to secure adequate appropriations for these specific improvements through some other measure, so as to maintain the channel of these rivers for the purpose of protecting and providing for the present and continually increasing commerce thereon.

Resolved, That a certified copy of this resolution be sent to our Senators and Representative in Congress.

W. R. ALLEN,
President of the Senate.
W. W. MCDOWELL,
Speaker of the House.

Approved March 6, 1909.

EDWIN L. NORRIS, *Governor.*

Filed March 6, 1909, at 3.30 o'clock p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate concurrent resolution 1, enacted by the eleventh session of the legislative assembly of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 6th day of March, 1909.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Montana.

Done at the city of Helena, the capital of said State, this 18th day of March, A. D. 1909.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. DIXON presented a concurrent resolution of the legislature of Montana, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

Senate substitute for house concurrent resolution 6.

To the honorable Senate and House of Representatives in Congress assembled:

Whereas a bill was passed by Congress providing for the classification of the mineral lands in the Northern Pacific land grant, and where a classification was pretended to be made by certain officials known as "mineral-land commissioners;" and

Whereas investigation of the work of such mineral-land commissioners by special field officials of the Interior Department discloses the fact that said former so-called "mineral-land classification" was unscientific, worthless, and made without full knowledge of the lands within the Northern Pacific land grant, and to the detriment of the Government and public; and

Whereas such investigation has shown such pretended classification to be inaccurate and devoid of merit;

Whereas as a result of an investigation by the Interior Department of less than 50 per cent of the complaints so far made nearly 20,000 acres of mineral land has been restored to the Government; and

Whereas a proper and just classification of the mineral land of Montana is of vital interest to the miners and prospectors of the State and involves mineral lands of untold millions of value: Now, therefore be it

Resolved by the legislative assembly of the State of Mantana (the Senate concurring), That we humbly petition and request of the Na-

tional Congress that it pass an act providing for a just, honest, and thorough mineral reclassification of all lands of the State of Montana within the Northern Pacific land grant.

W. R. ALLEN,
President of the Senate.
W. W. MCDOWELL,
Speaker of the House.

Approved March 4, 1909.

EDWIN L. NORRIS, *Governor.*

Filed March 4, 1909, at 11.05 o'clock p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate substitute for house concurrent resolution No. 6, enacted by the eleventh session of the legislative assembly of the State of Montana and approved by Edwin L. Norris, governor of said State, on the 4th day of March, 1909.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State.

Done at the city of Helena, the capital of said State, this 18th day of March, A. D. 1909.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. DIXON presented a joint resolution of the legislature of Montana, which was referred to the Committee on Post-Offices and Post-Roads and ordered to be printed in the RECORD, as follows:

Senate joint resolution 6.

Whereas the present postal divisions of the Railway Mail Service now established in the Northwest are of that size that proper and convenient consideration can not be given to all of the territory, the same being composed of part of the eighth and part of the tenth Railway Mail Service divisions, the headquarters of the former being at San Francisco, Cal., and the latter at St. Paul, Minn.; and

Whereas it appears from all of the evidence at hand that it would be extremely desirable that a third division be formed of portions of the said two divisions, to wit, Alaska, Oregon, Idaho, Washington, and Montana, the same to constitute Railway Mail Service Division No. 13:

Therefore, we, the senate (the house concurring), most earnestly and respectfully pray that an act of Congress be passed creating a new division of the Railway Mail Service, consisting of the States of Oregon, Washington, Idaho, and Montana, and the Territory of Alaska.

And the secretary of state of Montana is hereby directed to send a copy of this petition to the Congress of the United States.

W. R. ALLEN,
President of the Senate.
W. W. MCDOWELL,
Speaker of the House.

Approved March 6, 1909.

EDWIN L. NORRIS, *Governor.*

Filed March 6, 1909, at 3.30 o'clock p. m.

A. N. YODER, *Secretary of State.*

UNITED STATES OF AMERICA, *State of Montana, ss:*

I, A. N. Yoder, secretary of state of the State of Montana, do hereby certify that the above is a true and correct copy of senate joint resolution No. 6, enacted by the eleventh session of the legislative session of the State of Montana, and approved by Edwin L. Norris, governor of said State, on the 6th day of March, 1909.

In testimony whereof I have hereunto set my hand and affixed the great seal of said State. Done at the city of Helena, the capital of said State, this 19th day of March, A. D. 1909.

[SEAL.] A. N. YODER, *Secretary of State.*

Mr. BURNHAM presented a petition of sundry citizens of Lakeport, N. H., praying for the retention of the proposed duty on hosiery, which was ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of Vermont, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. GAMBLE presented petitions from sundry citizens of South Dakota, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented a memorial of sundry business firms of Washington, remonstrating against the proposed duty on raw cocoa, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Bridgeport, Pa., and a petition of sundry citizens of Reading, Pa., praying for the retention of the proposed duty on hosiery, which were ordered to lie on the table.

Mr. JONES presented a memorial of sundry citizens of Chesley, Wash., remonstrating against the repeal of the duty on lumber, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Seattle, Wash., and a petition of sundry shingle manufacturers of Washington, praying for a duty of 60 cents per thousand on shingles, which were ordered to lie on the table.

Mr. STONE. I present sundry petitions signed by several thousand workingmen engaged in different leather industries in Missouri, praying that hides be placed on the free list. I move that the petitions lie on the table.

The motion was agreed to.

Mr. CURTIS presented petitions of sundry citizens of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the American Citizens' Club, of Manhattan, Kans., praying for a reduction of the duty on the common necessaries of life and also for the repeal of the duty on lumber, which was ordered to lie on the table,

He also presented a petition of Pressmen's Local Union No. 49, American Federation of Labor, of Topeka, Kans., praying for an increase of the duty on post cards, which was ordered to lie on the table.

He also presented a petition of the Cattle and Horse Protective Association, of central New Mexico, remonstrating against the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Iola, Gas, and La Harpe, all in the State of Kansas, remonstrating against the placing of a duty on zinc ore, which was ordered to lie on the table.

Mr. SHIVELY presented petitions of sundry citizens of Indiana, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Indiana, praying for the repeal of the duty on raw hides, which were ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of sundry citizens of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Rochester, N. Y., praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

He also presented a memorial of the Board of Trade of Niagara Falls, N. Y., and a memorial of Local Union, International Brotherhood of Paper Makers, of Watertown, N. Y., remonstrating against a reduction of the duty on print paper and wood pulp, which were ordered to lie on the table.

He also presented a memorial of the common council of Troy, N. Y., remonstrating against a reduction of the duty on collars and cuffs, which was ordered to lie on the table.

He also presented a memorial of the Women's Christian Temperance Union of Pawling, N. Y., remonstrating against an increase of the duty on tea, coffee, hosiery, and gloves, which was ordered to lie on the table.

He also presented a petition of sundry business firms of the United States, praying for an increase of the proposed duty on tanning and dyeing extracts, which was ordered to lie on the table.

He also presented petitions of sundry hop growers of Milford, N. Y., and a petition of sundry hop growers of Hartwick, N. Y., praying for an increase of the duty on hops, which were ordered to lie on the table.

Mr. ROOT presented a petition of Local Lodge No. 800, Benevolent and Protective Order of Elks, of North Tonawanda, N. Y., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of New York, praying for an increase of the duty on print paper and wood pulp, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Johnstown, N. Y., and a petition of sundry citizens of Gloversville and Johnstown, N. Y., praying for the retention of the proposed duty on leather gloves, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for the reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for the passage of the so-called "parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Livestock Association of East Buffalo, N. Y., remonstrating against a reduction of the duty on hides, which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for a protective duty on post cards, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Merchants' Exchange of Oakland, Cal., remonstrating against the repeal of the duty on wool, which was ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of Worcester, North Wilmington, Fitchburg, Springfield, New Bedford, Fall River, Brockton, and Chatham, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Boston, Southboro, Newburyport, South Weymouth, and Mansfield, all in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Joint resolution providing that the legislature institute measures leading to repairs of the Portage levee.

Whereas a part of the levee along the north bank of the Wisconsin River at Portage, to wit, about 3½ miles of the lower part of such levee, locally known as the "government levee," is in urgent need of immediate repairs; and

Whereas this part of the levee was built by the General Government in 1888 and maintained by the General Government until about 1900, since which time no repairs have been made; and

Whereas it is generally understood that the General Government still holds the right of way and has the legal control of this part of the levee, thus preventing the state, county, or local authorities from repairing or exercising control over the same; and

Whereas these facts were set forth in a report made by a committee of this legislature, which report appears in the journals of senate and assembly under date of June 24, 1907, and the same facts are now further confirmed by a communication from the state levee commission, consisting of three citizens of Portage, acting under state authority, which communication is in part as follows:

"The undersigned state levee commissioners respectfully inform you that the Wisconsin River since the inspection made by the legislative committee in 1907 has washed off all of the bank for a distance of nearly 300 feet and even slightly undermined the government levee at some places, which make repairs absolutely necessary to prevent a break." Such state commission further says: "We are firm and right in our belief, in which the whole community shares, that the government levee is a necessary protection to the government canal leading from the Wisconsin River to the Fox, as well as the improvements in the Fox River, in aid of navigation, both of which works have been done by the General Government at large expense and to protect which this levee was originally built; the damage done to the canal by the levee break of 1900 being in direct support of this contention;" and

Whereas not alone the important government works above mentioned need the protection of this levee, but the safety of several thousand of our citizens who have homes in the district that will be overflowed in case of a break in the government levee, as well as private property valued at several millions of dollars, and to a great extent all of the cities and villages, the vast manufacturing and farming interests along the upper Fox River above Lake Winnebago: Therefore be it

Resolved, That the foregoing facts be immediately brought to the attention of the Wisconsin Members of Congress; and further

Resolved, That the legislature urgently requests that measures be promptly instituted leading to the repair by the General Government of that part of the Portage levee herein referred to, such repairs being imperative, and conditions will not permit of delay; and further

Resolved, That if any question exists as to the legal ownership of the right of way and the right of supervision of this so-called "government levee," that the necessary investigation be made to determine such ownership, but that the needed repairs be not delayed during such investigation.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Wisconsin, remonstrating against the passage of the so-called "Payne tariff bill," which were ordered to lie on the table.

He also presented petitions of sundry citizens of Wisconsin, praying for a reduction of the duty on textiles, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Boyd, Allenton, Menomonie, Prescott, Oakridge, Coloma, Hancock, Hixton, River Falls, Thorpe, Blair, Hubertus, Richfield, Cushing, Elkhart, and Fairchild, all in the State of Wisconsin, remonstrating against a reduction of the duty on barley, wheat, and any other grains, which were ordered to lie on the table.

DISTRIBUTION OF DOCUMENTS.

Mr. SMOOT. I am directed by the Committee on Printing, to whom was referred the joint resolution (H. J. Res. 38) repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909, to report it favorably without amendment, and I ask for its immediate consideration.

The Secretary read the joint resolution; and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

USELESS PAPERS IN EXECUTIVE DEPARTMENTS.

Mr. SIMMONS, from the Joint Select Committee on the Disposition of Useless Papers in the Executive Departments, submitted the following report (S. Rept. No. 3), which was read and agreed to:

The Joint Select Committee of the Senate and House of Representatives, appointed on the part of the Senate and on the part of the House of Representatives, to which were referred the reports of the heads of departments, bureaus, etc., in respect to the accumulation therein of old and useless files of papers, which are not needed or useful in the transaction of the current business therein, respectively, and have no permanent value or historical interest, with accompanying statements of the condition and character of such papers, respectfully report to the Senate and House of Representatives, pursuant to an act entitled "An act to authorize and provide for the disposition of useless papers in the executive departments," approved February 16, 1889, as follows:

Your committee have met and, by a subcommittee appointed by your committee, carefully and fully examined the said reports so referred to your committee and the statements of the condition and the character of such files and papers therein described, and we find and report that the files and papers described in the report of the Postmaster-General in House Document No. 3, Sixty-first Congress, first session, dated March 20, 1909, are not needed in the transaction of the current business of such departments and bureaus, and have no permanent value or historical interest.

Respectfully submitted to the Senate and House of Representatives.

F. M. SIMMONS,
J. H. GALLINGER,
Members on the part of the Senate.

ARTHUR L. BATES,
J. FRED. C. TALBOTT,
Members on the part of the House.

BILLS INTRODUCED.

Bills and a joint resolution were introduced, read the first and, by unanimous consent, the second time, and referred as follows:

By Mr. DANIEL:

A bill (S. 1628) for the relief of the heirs of J. H. McVeigh, deceased; to the Committee on Claims.

A bill (S. 1629) to provide for the construction of the Patent Office of the United States, including a hall of inventions, and for other purposes; to the Committee on Public Buildings and Grounds.

A bill (S. 1630) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property; to the Committee on the District of Columbia.

A bill (S. 1631) granting an increase of pension to V. A. Witcher;

A bill (S. 1632) granting an increase of pension to Mary S. Hollis;

A bill (S. 1633) granting an increase of pension to Sinnett A. Duling; and

A bill (S. 1634) granting a pension to Johanna Shelden; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 1635) to provide for the purchase of a site and the erection of a public building thereon in the city of Central City, State of Nebraska; to the Committee on Public Buildings and Grounds.

A bill (S. 1636) granting an increase of pension to Norman A. Hamilton; and

A bill (S. 1637) granting a pension to Mary F. Grady; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 1638) for the erection of a monument over the grave of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.; to the Committee on the Library.

A bill (S. 1639) for the relief of Elizabeth J. Bruce and others; to the Committee on Indian Affairs.

A bill (S. 1640) for the relief of W. H. De Long; and

A bill (S. 1641) for the relief of David H. Lewis; to the Committee on Post-Offices and Post-Roads.

A bill (S. 1642) for the relief of Thomas A. Scates;

A bill (S. 1643) for the relief of H. F. Millikan;

A bill (S. 1644) for the relief of William T. Grady;

A bill (S. 1645) for the relief of Daniel W. Boutwell;

A bill (S. 1646) for the relief of Daniel W. Boutwell;

A bill (S. 1647) for the relief of Christ Schrey;
A bill (S. 1648) for the relief of Catherine Ratchford;
A bill (S. 1649) for the relief of Shadrack Sechresh; and
A bill (S. 1650) for the relief of Daniel M. Frost; to the Committee on Claims.

A bill (S. 1651) for the relief of William Hayes;
A bill (S. 1652) for the relief of Gustav A. Hesselberger;
A bill (S. 1653) for the relief of J. Ware Butterfield;
A bill (S. 1654) for the relief of Eric E. Walgen;
A bill (S. 1655) for the relief of A. R. Williams;
A bill (S. 1656) for the relief of Cumberlain Smith;
A bill (S. 1657) for the relief of Stephen Murphy;
A bill (S. 1658) for the relief of Andrew Jackson;
A bill (S. 1659) for the relief of Roughin Brown;
A bill (S. 1660) for the relief of Samuel Liverpool;
A bill (S. 1661) for the relief of James Chard;
A bill (S. 1662) for the relief of John Mitchell;
A bill (S. 1663) for the relief of James Barrett;
A bill (S. 1664) for the relief of William Harshberger;
A bill (S. 1665) for the relief of Patrick H. Wheat;
A bill (S. 1666) for the relief of William Davis;
A bill (S. 1667) for the relief of Kate Riling;
A bill (S. 1668) for the relief of Daniel G. Cormick;
A bill (S. 1669) for the relief of James Carroll, alias James Clingen;
A bill (S. 1670) for the relief of Thomas H. Barrett;
A bill (S. 1671) for the relief of Annie Catherine Mettier;
A bill (S. 1672) for the relief of John Birkett;
A bill (S. 1673) for the relief of Charles Goody, his heirs or assigns;
A bill (S. 1674) for the relief of Franklin Bannon;
A bill (S. 1675) for the relief of Henry C. Smith;
A bill (S. 1676) for the relief of William Martinson;
A bill (S. 1677) for the relief of Green Edmonson;
A bill (S. 1678) for the relief of Samuel D. Jarman; and
A bill (S. 1679) for the relief of James S. Risley; to the Committee on Military Affairs.

A bill (S. 1680) granting an increase of pension to Henry Austin (with the accompanying papers);

A bill (S. 1681) granting an increase of pension to Eli T. Rhea (with the accompanying paper);

A bill (S. 1682) granting a pension to Daniel Jarboe;

A bill (S. 1683) granting an increase of pension to Charles W. Lathrap;

A bill (S. 1684) granting an increase of pension to William Hemphill;

A bill (S. 1685) granting an increase of pension to James F. Bacon (with the accompanying paper); and

A bill (S. 1686) granting an increase of pension to Harriet H. Brady; to the Committee on Pensions.

By Mr. GORE:

A bill (S. 1687) granting an increase of pension to Daniel T. Rose; and

A bill (S. 1688) granting an increase of pension to George W. Butterfield; to the Committee on Pensions.

By request, a bill (S. 1689) to grant additional rights to homestead settlers on public lands; to the Committee on Public Lands.

By Mr. FRYE:

A bill (S. 1690) to authorize the appointment of delegates to the Twelfth International Anti-Alcoholic Congress at London, England, July 16 to 18, 1909; to the Committee on Foreign Relations.

By Mr. WARREN:

A bill (S. 1691) to make certain funds applicable in the payment of expenses of encampments of the organized militia (with the accompanying papers); and

A bill (S. 1692) to increase the efficiency of the veterinary service of the army; to the Committee on Military Affairs.

A bill (S. 1693) for the reimbursement of certain sums of money to certain enlisted men of the Philippine Scouts; to the Committee on Claims.

A bill (S. 1694) to provide for the purchase of a site and the erection of a public building thereon at Green River, in the State of Wyoming; to the Committee on Public Buildings and Grounds.

A bill (S. 1695) granting a pension to George L. Granbery (with accompanying papers);

A bill (S. 1696) granting an increase of pension to Cornelia M. Clagett;

A bill (S. 1697) granting an increase of pension to Nancy M. G. Achord;

A bill (S. 1698) granting a pension to Daniel Fallen;

A bill (S. 1699) granting an increase of pension to Henry Cooper;

A bill (S. 1700) granting an increase of pension to Elias H. Funk;

A bill (S. 1701) granting a pension to Mary A. Hubbell; and

A bill (S. 1702) granting an increase of pension to Alice D. Bainum; to the Committee on Pensions.

By Mr. McLAURIN:

A bill (S. 1703) granting an increase of pension to Jane C. Stingley; and

A bill (S. 1704) granting an increase of pension to Charles Martin; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 1705) granting a pension to Bernice A. Kent (with the accompanying papers); to the Committee on Pensions.

By Mr. LODGE:

A bill (S. 1706) authorizing the appointment of an assistant appraiser at the port of Boston; to the Committee on Finance.

By Mr. DU PONT:

A bill (S. 1707) granting a pension to Maud E. L. Pinder; and

A bill (S. 1708) granting a pension to Hannah Traynor; to the Committee on Pensions.

By Mr. McCUMBER:

A bill (S. 1709) authorizing the creation of a land district in the States of North and South Dakota and Montana, to be known as the Marmath land district; to the Committee on Public Lands.

By Mr. KEAN:

A bill (S. 1710) granting an increase of pension to William N. Furman (with the accompanying papers); and

A bill (S. 1711) granting an increase of pension to Frederick J. Garbanati (with the accompanying papers); to the Committee on Pensions.

By Mr. DICK:

A bill (S. 1712) prohibiting the wearing of the United States uniform by unauthorized persons; to the Committee on Military Affairs.

By Mr. FRAZIER:

A bill (S. 1713) to limit the effect of the regulation of commerce between the several States and Territories in certain cases; to the Committee on the Judiciary.

A bill (S. 1714) for the erection of a public building at Dayton, Tenn.;

A bill (S. 1715) for the purchase of a site and erection of a public building in the city of Covington, Tipton County, Tenn.;

A bill (S. 1716) to provide for the purchase of a site and the erection of a public building thereon at Lewisburg, in the State of Tennessee;

A bill (S. 1717) to provide for the purchase of a site and the erection of a public building thereon at Tullahoma, in the State of Tennessee;

A bill (S. 1718) to provide for the erection of a public building at Sparta, Tenn.;

A bill (S. 1719) to provide for the erection of a public building at Athens, Tenn.;

A bill (S. 1720) to provide for the erection of a public building at McMinnville, Tenn.;

A bill (S. 1721) to provide for the erection of a public building at Winchester, Tenn.;

A bill (S. 1722) to provide for the erection of a public building at Madisonville, Tenn.; and

A bill (S. 1723) to provide for the purchase of a site and the erection of a public building thereon at Fayetteville, in the State of Tennessee; to the Committee on Public Buildings and Grounds.

By Mr. DANIEL:

A bill (S. 1724) to protect the monuments already erected on the battlefields of Bull Run, Virginia, and other monuments that may be there erected; to the Committee on Military Affairs.

A bill (S. 1725) granting an increase of pension to Henry M. Trimble; to the Committee on Pensions.

A bill (S. 1726) for the relief of A. M. Randolph and other children and heirs of Robert Lee Randolph, deceased; to the Committee on Claims.

By Mr. ROOT:

A bill (S. 1727) to authorize the construction of a bridge across the Niagara River from a location in the city of Niagara Falls, in the county of Niagara, State of New York; to the Committee on Commerce.

By Mr. BRADLEY:

A bill (S. 1728) for the relief of the county court of Graves County, Ky.;

A bill (S. 1729) for the relief of the estate of William Claunch, deceased;

A bill (S. 1730) for the relief of Spencer Hudson, deceased; and

A bill (S. 1731) for the relief of D. B. Curd; to the Committee on Claims.

A bill (S. 1732) granting a pension to William Adams;

A bill (S. 1733) granting an increase of pension to Charles Allen;

A bill (S. 1734) granting an increase of pension to George T. Grinstead;

A bill (S. 1735) granting an increase of pension to Thomas Johnson;

A bill (S. 1736) granting an increase of pension to John L. Eblin;

A bill (S. 1737) granting an increase of pension to Franklin T. Noel;

A bill (S. 1738) granting an increase of pension to Lewis G. Johnson;

A bill (S. 1739) granting an increase of pension to Margaret J. Davis;

A bill (S. 1740) granting an increase of pension to Edward A. Short; and

A bill (S. 1741) granting an increase of pension to William H. Hasty; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 1742) granting an increase of pension to Jervis E. Barber; to the Committee on Pensions.

By Mr. OLIVER:

A bill (S. 1743) to carry into effect the findings of the Court of Claims in the claims of Jones & Laughlin and others (with the accompanying paper); and

A bill (S. 1744) for the relief of Anna T. W. Albree, administratrix of James T. Wood, deceased, and the Safe Deposit and Trust Company, of Pittsburg, Pa. (with the accompanying paper); to the Committee on Claims.

A bill (S. 1745) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes; to the Committee on Patents.

A bill (S. 1746) granting an increase of pension to Lydia C. Rose (with the accompanying paper); to the Committee on Pensions.

By Mr. LA FOLLETTE:

A bill (S. 1747) to create a tariff commission and defining its powers and duties; to the Committee on Finance.

By Mr. GAMBLE:

A bill (S. 1748) granting to the State of South Dakota 25,000 acres of land, to aid in the maintenance of a school of forestry; to the Committee on Public Lands.

A bill (S. 1749) granting a pension to Charles H. Jackson; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 1750) granting a pension to Louisa Thompson; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A bill (S. 1751) to amend an act entitled "An act creating the Mesa Verde National Park," approved June 29, 1906; to the Committee on Public Lands.

By Mr. DIXON:

A bill (S. 1752) for the relief of Dr. Charles B. Miller; to the Committee on Military Affairs.

By Mr. BURNHAM:

A bill (S. 1753) granting an increase of pension to Michael E. Long; and

A bill (S. 1754) granting an increase of pension to Charles A. Gray; to the Committee on Pensions.

By Mr. BORAH:

A bill (S. 1755) for the relief of applicants for mineral surveys; and

A bill (S. 1756) granting to the State of Idaho 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Idaho State Soldiers and Sailors' Home; to the Committee on Public Lands.

A bill (S. 1757) providing for the erection of a federal building at Coeur d'Alene, Idaho; to the Committee on Public Buildings and Grounds.

A bill (S. 1758) providing for the dismissal of indictments in the case of failure to prosecute; to the Committee on the Judiciary.

By Mr. PERKINS:

A bill (S. 1759) for the relief of the heirs of Rear-Admiral Henry Glass, United States Navy, retired; to the Committee on Claims.

A bill (S. 1760) granting an increase of pension to Charles E. Pendleton; to the Committee on Pensions.

A bill (S. 1761) to provide for the establishment of a three-order revolving light at Point Arguello, seacoast of California; to the Committee on Commerce.

By Mr. WARNER:

A bill (S. 1762) for the relief of John H. Cole; to the Committee on Claims.

A bill (S. 1763) to establish and construct a national highway from the southern limits of the city of St. Louis to the national cemetery at Jefferson Barracks, Mo.;

A bill (S. 1764) to correct the military record of and issue to James Capehart an honorable discharge;

A bill (S. 1765) removing disabilities from the military record of Newman Tennison and granting him an honorable discharge;

A bill (S. 1766) removing the charge of desertion from the military record of James Carroll; and

A bill (S. 1767) for the relief of W. D. McLean, alias Donald McLean; to the Committee on Military Affairs.

A bill (S. 1768) granting an increase of pension to Jesse Moore;

A bill (S. 1769) granting a pension to John W. Toppas;

A bill (S. 1770) granting an increase of pension to Emma A. Porch;

A bill (S. 1771) granting an increase of pension to David F. Ragsdale;

A bill (S. 1772) granting a pension to Judson H. Streeter;

A bill (S. 1773) granting pensions to the teamsters who served the Government of the United States in the war with Mexico, and for other purposes;

A bill (S. 1774) granting a pension to Uriah Fosberg;

A bill (S. 1775) granting an increase of pension to James H. Cowan;

A bill (S. 1776) granting an increase of pension to John G. Bowers;

A bill (S. 1777) granting an increase of pension to David C. Hardy;

A bill (S. 1778) granting a pension to Caroline McKee;

A bill (S. 1779) granting an increase of pension to Perry H. Hayes;

A bill (S. 1780) granting an increase of pension to Marcus D. Warner;

A bill (S. 1781) granting an increase of pension to William N. Hyatt;

A bill (S. 1782) granting a pension to Abner Welch;

A bill (S. 1783) granting an increase of pension to Thomas R. Buxton;

A bill (S. 1784) granting an increase of pension to Sophrona Austin;

A bill (S. 1785) granting an increase of pension to Prince Albert Loveland;

A bill (S. 1786) granting an increase of pension to William T. Adkins;

A bill (S. 1787) granting a pension to Amelia C. Perry;

A bill (S. 1788) granting an increase of pension to Ferdinand Rubin;

A bill (S. 1789) granting an increase of pension to John Burton;

A bill (S. 1790) granting an increase of pension to Thomas Uptegrove;

A bill (S. 1791) granting an increase of pension to James A. Rutherford;

A bill (S. 1792) granting an increase of pension to John Hobart;

A bill (S. 1793) granting an increase of pension to Samuel Workman;

A bill (S. 1794) granting an increase of pension to Tobias McQuaid;

A bill (S. 1795) granting an increase of pension to George P. Sargent;

A bill (S. 1796) granting an increase of pension to Arthur Eckert;

A bill (S. 1797) granting an increase of pension to William Blair;

A bill (S. 1798) granting an increase of pension to James R. Rittenhouse;

A bill (S. 1799) granting an increase of pension to Joseph Blankenship;

A bill (S. 1800) granting an increase of pension to Ozen B. Nichols;

A bill (S. 1801) granting an increase of pension to Herman H. Richter;

A bill (S. 1802) granting a pension to James C. Tryon;

A bill (S. 1803) granting an increase of pension to Mary J. Voris;
A bill (S. 1804) granting a pension to Jonathan M. Ragner;
A bill (S. 1805) granting a pension to Alva Bird;
A bill (S. 1806) granting an increase of pension to George F. Blue;
A bill (S. 1807) granting an increase of pension to Jacob W. Truxel;
A bill (S. 1808) granting a pension to Benjamin Franklin Brown;
A bill (S. 1809) granting a pension to Patterson McGeehon;
A bill (S. 1810) granting an increase of pension to Jackson Donald;
A bill (S. 1811) granting an increase of pension to Elisha H. Wicker;
A bill (S. 1812) granting an increase of pension to David N. Heatherly;
A bill (S. 1813) granting an increase of pension to Thomas J. Craven;
A bill (S. 1814) granting an increase of pension to Michael C. Bratton;
A bill (S. 1815) granting a pension to Samuel Robinson;
A bill (S. 1816) granting an increase of pension to John Mulcare; and
A bill (S. 1817) granting a pension to George W. Wells; to the Committee on Pensions.

By Mr. BEVERIDGE:
A bill (S. 1818) granting an increase of pension to Gideon B. Thompson (with the paper accompanying); and
A bill (S. 1819) granting an increase of pension to Isaiah P. Watts; to the Committee on Pensions.

By Mr. GORE:
A joint resolution (S. J. R. 21) authorizing the rental of additional and necessary quarters for the accommodation of the Department of Justice; to the Committee on the Judiciary.

TARIFF COMMISSION.

Mr. BEVERIDGE. Mr. President, I introduce a bill which I ask to have referred to the Committee on Finance.

The bill (S. 1820) to create a tariff commission was read twice by its title and referred to the Committee on Finance.

Mr. BEVERIDGE. Mr. President, I crave the indulgence of the Senate for just a moment with reference to this bill. It is the bill referring to a tariff commission which I introduced last year, with only a few changes. It is not my purpose at the present time to offer the bill as an amendment to the tariff bill; nor at all, I hope, Mr. President, will that be necessary. I trust and believe that the Finance Committee will report to the Senate a measure which will sufficiently embody the necessary provisions which those people in this country who favor the tariff-commission idea deem necessary to doing the preparatory work of tariff legislation.

I wish now merely to call attention to two uncommon things with reference to this measure. The first is that it is demanded by a larger number of organizations of producers and commercial bodies than any measure relating to fiscal legislation in the last quarter of a century, and that it has more general support of the public press than any such measure has had since the civil war.

The second unusual thing is that notwithstanding the widespread discussion of this bill and the intense interest manifested in this subject among Senators and Representatives, yet to this day no man now in public life has made a single public argument against it. The objections made have been confined to the private conversations of Senators and Representatives among themselves and in the cloakrooms.

At some proper time before the debate upon the tariff bill shall conclude it is my purpose to submit to the Senate remarks in which I shall try to answer every one of the objections thus far privately made, but none of them publicly made, and also to condense in those remarks all of the affirmative reasons in support of this idea.

When I presented this bill at the last session I said then and I repeat now that I was not wedded to this or to any particular measure, but that I in common with the many hundreds of thousands of business men and producers throughout the country am determined only upon the idea, and although this bill was carefully drawn after mature consultation, and although it then and now meets the views of many experts and of many scores of these business men and producers throughout the country, it was introduced then and I introduce it now as a center and a source for suggestion and comment to the end that if improvements are devised they may be embodied in the final measure that our joint efforts may evolve; and, if not, that the bill as presented may be enacted into law. But some effective legislation to accomplish the purpose of this bill can no longer be delayed.

The interests of the country demand that the idea of a body of experts to do the preparatory work in aid of Congress in building our tariffs shall be now written into the statute books. The exigencies of the present situation in Congress italicize that demand.

At some time in the future before the debate shall close, I shall hope, with the indulgence of the Senate, to lay before this body not only what I think will be a complete answer to any objections which have been made or may be made, but also all of the affirmative reasons that exist for this necessary legislation.

I thank the Senate for its indulgence.

TAX ON TRANSFER OF PROPERTY.

Mr. BEVERIDGE submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

PUMICE STONE AND LUMBER.

Mr. BROWN submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

PHILIPPINE ISLANDS.

Mr. STONE. I present an amendment intended to be proposed to the tariff bill. It relates to that section of the bill which concerns commerce between the United States and the Philippines. At the proper time, and at an early day, I hope, I desire to address the Senate on the subject-matter, and in due course, when the appropriate section of the tariff bill is reached, I shall offer the amendment in its present form or in some modified form. I ask that it be printed, and that it be printed in the RECORD, and lie on the table.

The VICE-PRESIDENT. In the absence of objection, that order is made.

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. STONE to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Strike out paragraph 471d, section 1 of this bill, and insert the following:

"471d. That it is hereby declared not to be the policy and purpose of the United States to maintain permanent sovereignty over the Philippine Islands, but to exercise authority in and over said islands only so long as it may be necessary, in the opinion of the Congress and the President of the United States, not to exceed fifteen years from and after the passage of this act; to organize and establish a native government capable of maintaining public order in said islands, and until such international agreements shall have been made between the United States and foreign countries as will insure the independence of said islands and the people thereof. Upon the organization of such native government, the organization of which shall be upon such terms and conditions as shall be prescribed by the United States, all authority, civil and military, of the United States, except as may be otherwise agreed upon between the Government of the United States and the government of the Philippine Islands, shall be withdrawn from said islands; and hereafter and until the provisions of this section shall be altered, amended, or repealed, all articles of whatever kind, being wholly the growth and product of the Philippine Islands, shall be admitted into the United States free of duty; and agricultural implements of all kinds, cotton and cotton manufactures of all kinds, books and publications of all kinds, and machinery for use in manufactures of all kinds, being wholly the growth and product of the United States, shall be admitted into the Philippine Islands free of duty: *Provided*, That this section shall not be in force and effect nor become operative until the existing legislative authority of the Philippine Islands shall, by joint resolution, duly enacted, consent to and approve the same. All acts and parts of acts inconsistent with the provisions of this section are hereby repealed."

RECIPROCAL TRADE WITH FOREIGN COUNTRIES.

Mr. CUMMINS. I offer an amendment intended to be proposed to the tariff bill. Inasmuch as it relates to a subject which has not yet been considered or reported upon by the Committee on Finance, I ask its reference to that committee.

The VICE-PRESIDENT. The proposed amendment will be referred to the Committee on Finance and printed.

WITHDRAWAL OF PAPERS—ROBERT G. RUTHERFORD, JR.

On motion of Mr. BURNHAM, it was—

Ordered, That there may be withdrawn from the files of the Senate the papers in the case of First Lieut. Robert G. Rutherford, jr. (S. 5130, 58th Cong., 2d sess.), no adverse report having been made thereon.

CLAIMS OF POSTMASTERS IN OHIO.

Mr. DICK submitted the following resolution (S. Res. 32), which was ordered to lie on the table and be printed:

Senate resolution 32.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to have audited and reported for payment to the Senate the salaries of those who served as postmasters at post-offices in the State of Ohio in biennial terms between July 1, 1864, and June 30, 1874, whose names and periods of service appear in applications before 1887 on file in the department, the salary of each former postmaster to be stated for each specified term of service by commissions and box rents, as shown by the registered returns of each former postmaster on file in the Sixth Auditor's Office, and to show the exact excess of the salary by commissions and box rents over the salary paid in every case where the paid salary is 10 per cent less than the salary by box rents and commissions; and to comply in all respects with the public order of the Postmaster-General of February 17, 1884, for stating such salary accounts of former postmasters under the act of March 3, 1883; and to enable the Secretary of the Treasury the better to comply with this resolution the Postmaster-General is hereby directed to turn over to the Sixth Auditor all the data now in his hands pertaining to each and every such claim.

EXECUTIVE SESSION.

Mr. KEAN. Mr. President, I inquire if morning business has closed?

The VICE-PRESIDENT. If there are no further concurrent or other resolutions, morning business is closed.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 1 o'clock and 10 minutes p. m.) the Senate adjourned until Monday, April 19, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 15, 1909.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Engineer William Hyde Doron, of New York, to be a third lieutenant of engineers in the Revenue-Cutter Service of the United States, to fill an original vacancy.

UNITED STATES DISTRICT JUDGES.

Robert S. Bean, of Oregon, to be United States district judge for the district of Oregon. An original vacancy, as provided by the act approved March 2, 1909 (Public No. 300).

Thomas R. Lyons, of Alaska, to be United States district judge, first division, district of Alaska, vice Royal A. Gunnison, whose term expired December 11, 1908.

UNITED STATES MARSHAL.

Daniel A. Sutherland, of Alaska, to be United States marshal for the first division of the district of Alaska, vice James M. Shoup, whose resignation has been accepted to take effect June 30, 1909.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Solomon W. Roessler, Corps of Engineers, to be colonel from April 11, 1909, vice Adams, retired from active service.

Maj. David Du B. Gaillard, Corps of Engineers, to be lieutenant-colonel from April 11, 1909, vice Roessler, promoted.

Capt. William J. Barden, Corps of Engineers, to be major from April 11, 1909, vice Gaillard, promoted.

First Lieut. Arthur Williams, Corps of Engineers, to be captain from April 11, 1909, vice Barden, promoted.

Second Lieut. William A. Johnson, Corps of Engineers, to be first lieutenant from April 11, 1909, vice Williams, promoted.

PROMOTION IN THE NAVY.

Major C. Shirley, a citizen of South Carolina, to be an assistant paymaster in the navy from the 12th day of March, 1909, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

CALIFORNIA.

Clarence Beckley to be postmaster at Santa Paula, Cal., in place of Charles H. Fernald, resigned.

COLORADO.

Davis H. Sayler to be postmaster at Cortez, Colo. Office became presidential April 1, 1909.

ILLINOIS.

Henry J. Faithorn to be postmaster at Berwyn, Ill., in place of Frederick W. Morrison. Incumbent's commission expired November 17, 1907.

Claude L. Stone to be postmaster at Mason City, Ill., in place of Samuel B. Roach, resigned.

INDIANA.

Russell W. Addington to be postmaster at Ridgeville, Ind., in place of James G. Stanley, removed.

George W. Kilmer to be postmaster at Wakarusa, Ind. Office became presidential January 1, 1909.

John P. Russell to be postmaster at Kewanna, Ind., in place of John P. Russell. Incumbent's commission expired January 9, 1909.

IOWA.

James P. Flick to be postmaster at Bedford, Iowa, in place of John J. Clark, resigned.

KANSAS.

Almond P. Burdick to be postmaster at Nortonville, Kans., in place of Robert D. Kirkpatrick, resigned.

Henry A. Platt to be postmaster at Overbrook, Kans. Office became presidential January 1, 1909.

MASSACHUSETTS.

Charles D. Streeter to be postmaster at Mount Hermon, Mass., in place of David D. Streeter, resigned.

OHIO.

James K. Allen to be postmaster at Greenwich, Ohio, in place of James K. Allen. Incumbent's commission expired December 14, 1908.

William T. Orton to be postmaster at West Unity, Ohio, in place of William T. Orton. Incumbent's commission expired March 3, 1907.

OREGON.

Mary E. Walker to be postmaster at Bandon, Oreg., in place of Robert Walker, deceased.

SOUTH CAROLINA.

William M. Floyd to be postmaster at Spartanburg, S. C., in place of Samuel T. Poinier, deceased.

TEXAS.

L. C. Burnecke to be postmaster at Wolfe City, Tex., in place of Hiram T. Andrews, removed.

Isidore Newman to be postmaster at Mexia, Tex., in place of Philpott Karner. Incumbent's commission expired March 2, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 15, 1909.

UNITED STATES ATTORNEY.

John H. Jordan to be United States attorney for the western district of Pennsylvania.

GOVERNOR OF ARIZONA.

Richard E. Sloan to be governor of Arizona.

SECRETARY OF ARIZONA.

George U. Young to be secretary of Arizona.

POSTMASTERS.

GEORGIA.

P. Brooks Ford, at Sylvester, Ga.

ILLINOIS.

John F. Regan, at Mount Sterling, Ill.

KANSAS.

J. M. Gibbs, at Oskaloosa, Kans.
Nereus H. Mendenhall, at Haviland, Kans.
E. T. Metcalf, at Colony, Kans.

NORTH DAKOTA.

William Berry, at Page, N. Dak.
Mary C. Dwyer, at Medina, N. Dak.
H. A. Mayo, at Walhalla, N. Dak.
Dolphy O. Ostby, at Sheyenne, N. Dak.
Edward T. Pierson, at Granville, N. Dak.
J. W. Pratten, at Milton, N. Dak.

PENNSYLVANIA.

Arthur W. Briggs, at Shinglehouse, Pa.
Leanus Schreiner, at Tower City, Pa.

TEXAS.

Irvin W. Baker, at Loraine, Tex.
Theophilus F. Berner, at Henrietta, Tex.
Henry L. Sands, at Alvord, Tex.
J. J. Staskey, at Bremond, Tex.
Lottie E. Turney, at Smithville, Tex.
W. F. Viereck, at Sealy, Tex.

WASHINGTON.

Velosco J. Knapp, at Anacortes, Wash.
Cornelius E. Legg, at Chewelah, Wash.
George D. C. Pruner, at Blaine, Wash.

INJUNCTION OF SECRECY REMOVED.

On April 15, 1909, the Senate removed the injunction of secrecy from an agreement between the United States and Germany for a full and more operative reciprocal protection of patents, designs, etc., signed at Washington on February 23, 1909. (Executive W, 60th, 2d.)

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 15, 1909.*

The House met at 12 o'clock m.
Prayer by the Chaplain, Rev. Henry N. Couden, D. D.
The Journal of Monday's proceedings was read and approved.

MESSAGE FROM THE PRESIDENT.

A message in writing from the President of the United States was communicated to the House by Mr. Latta, one of his secretaries.

PHILIPPINE TARIFF.

The SPEAKER laid before the House the following message from the President of the United States (H. Doc. No. 14), which was read, referred to the Committee on Ways and Means, and, with accompanying papers, ordered to be printed.

To the Senate and House of Representatives:

I transmit herewith a communication from the Secretary of War, inclosing one from the Chief of the Bureau of Insular Affairs, in which is transmitted a proposed tariff-revision law for the Philippine Islands.

This measure revises the present Philippine tariff, simplifies it, and makes it conform as nearly as possible to the regulations of the customs laws of the United States, especially with respect to packing and packages. The present Philippine regulations have been cumbersome and difficult for American merchants and exporters to comply with. Its purpose is to meet the new conditions that will arise under the section of the pending United States tariff bill which provides, with certain limitations, for free trade between the United States and the islands. It is drawn with a view to preserving to the islands as much customs revenue as possible, and to protect in a reasonable measure those industries which now exist in the islands.

The bill now transmitted has been drawn by a board of tariff experts, of which the insular collector of customs, Col. George R. Colton, was the president. The board held a great many open meetings in Manila, and conferred fully with the representatives of all business interests in the Philippine Islands. It is of great importance to the welfare of the islands that the bill should be passed at the same time with the pending Payne bill, with special reference to the provisions of which it was prepared.

I respectfully recommend that this bill be enacted at the present session of Congress as one incidental to and required by the passage of the Payne bill.

WM. H. TAFT.

THE WHITE HOUSE, *April 14, 1909.*

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BYRD, indefinitely, on account of sickness in his family.

To Mr. BROUSSARD, indefinitely, on account of important business.

To Mr. ESTOPINAL, indefinitely, on account of important business.

To Mr. KENNEDY of Iowa, indefinitely, on account of important business.

To Mr. MILLER of Kansas (at the request of Mr. SCOTT), indefinitely, on account of important business.

OCEAN MAIL.

Mr. SMALL. Mr. Speaker, I ask unanimous consent to print in the RECORD some remarks delivered by me last session on the ocean-mail bill, which were inadvertently omitted.

The SPEAKER. The gentleman asks unanimous consent to print some remarks in the RECORD as indicated. Is there objection? [After a pause.] The Chair hears none.

TOBACCO TAX.

Mr. STANLEY. Mr. Speaker, I ask unanimous consent to insert in the RECORD a communication received from Mr. Weissenger with reference to the repeal of the 6 cents tax on tobacco. Mr. Weissenger's long and extensive experience as a tobacco manufacturer and his high standing in my State give his statements great weight. I regard this communication as of the greatest importance, and desire to give it the widest possible circulation.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The communication is as follows:

WASHINGTON, D. C., *April 13, 1909.*

Hon. A. O. STANLEY, M. C.,
House of Representatives, Washington, D. C.

DEAR SIR: I notice in the papers an effort on your part to so amend the internal-revenue laws in relation to tobacco that the farmer or producer of tobacco may dispose of his crop without let or hindrance to all who may desire to purchase it. This is a very desirable amendment if it can be made effective. You will understand, of course, that the art of manufacturing tobacco was originally intended as a way to put up tobacco in a convenient shape for retail purposes. None of the elements of the tobacco were changed by the processes employed at an early time. Tobacco was simply stemmed and put up in plugs called "Cavendish," so-called because a man by the name of Cavendish invented the process. Subsequently tobacco was sweetened with sugar, licorice, and honey for the purpose of making it more palatable, but, notwithstanding all these evolutions, you might say, that have been made in the manufacture of tobacco, there is a large percentage of the people who would prefer to use tobacco just as it comes from the barn of the producer. Now, as a matter of fact, the revenue laws are such that the consumers of tobacco have no opportunity to procure that tobacco. For, while there is no direct tax on leaf tobacco, yet leaf tobacco must go through the hands of the dealer, and from the dealer to the manufacturer, and the consumer can not obtain the tobacco except through this circuitous route; and no matter how much he may desire to use this tobacco which has been subjected to the manipulation of the manufacturer, he is preempted from doing so by the revenue laws, and this amounts to a direct tax on the raw material in the hands of the farmer, because there is no way under the existing law for the consumer to get hold of the tobacco which has not gotten into the hands of the manufacturer. Under the law, it can not get out of his hands, and amounts to the payment of the 6 cents tax under the present law.

Now, it so happens at this time, because of this revenue law and the existence of combinations made possible by reason of this law, that there are but few manufacturers in the United States—I mean separate manufacturers. There are many manufacturers, but they are controlled by a combination, and hence the farmer must depend largely upon this combination for the purchase of his product. Now, it is necessary in order to relieve the farmer to so change the law that the farmer can reach the consumer with his product. It is not sufficient to allow the farmer the privilege of selling his product to neighborhood consumers, because there is no demand for it in the neighborhood where it is grown, as nearly every farmer in the neighborhood raises his own tobacco and John Smith has no reason to buy from Tom Jones; but if the former is permitted to dispose of his tobacco to the sections of the United States where the leaf is not grown and, in turn, the person to whom the farmer sells it is permitted to retail it out to those who wish to use it in its natural state, there will be competition on leaf tobacco that has never existed since the revenue was placed on the manufactured article and the sale of the raw material restricted, as it is and has been by the revenue laws either to dealers or to the manufacturers.

Now, you are well aware of the disorder that has existed in Kentucky. Certainly it does not spring from any natural liking for disorder by our people. The real cause, the fundamental cause, is found in the tax on manufactured tobacco and the restriction of sales in consequence of this tax on the producer of the leaf. The farmer does not understand legislation, but he has long since learned that a great wrong has been perpetrated; that he has not the same privilege of the wheat grower of Dakota, the corn grower of Illinois, or the woolgrower of the West, who can sell their product to any man who will buy it, regardless of the purpose for which its use may be intended, whereas with leaf tobacco, which, by the way, is the only great product of the soil of which I have any knowledge that answers all the purposes of the user in its original shape that it does when manufactured.

If a man wants to smoke and can not get tobacco ground up by the granulator, or cut with the cutting knife, he will very gladly take the raw material and granulate it with his fingers and put it in his pipe and smoke it; in fact, prefers it, for he knows then he is getting a pure article. Whereas with a man who wants to consume wheat, it must go through the flour mill. If he wants to drink whisky he is not satisfied with eating a pone of corn bread, but it must go through a process of distillation. It is not true with leaf tobacco, and the farmer, the grower of leaf tobacco in Kentucky and elsewhere where the lands and climate are especially adapted to its production, ought to have all the natural privileges that the production of the article entitles him. As you doubtless know, I was at one time a large manufacturer. I viewed matters then with the eye of a manufacturer. My object was to get all there was in the business out of it. I realized the fact that in proportion of the consumption to the raw material so would be the falling off of the consumption of the manufactured article. Hence the interest of the manufacturer was then, and is now, to prevent the sale of the raw material to the consumer, and hence the laws restricting the sale of manufactured tobacco. But this was a very unjust law. It operated to benefit the manufacturer at the expense of the great producer. In the early days of manufacturing, by reason of some inadvertence on the part of the lawmakers, leaf tobacco, for a short time, was permitted to be sold to the dealer, and by him to the consumer. There was a rapid increase in the sale of leaf tobacco. Dealers all over the country, and especially in the South, sought to purchase this tobacco in its leaf form and thus save the tax, and so rapid did that demand for leaf tobacco grow that we seriously contemplated abandoning the manufacturing business and confine ourselves to the sale of leaf, specially put in 50, 100, and 200 pound packages, to be shipped to the storekeepers in the country, who in turn would sell to the consumer.

But this privilege was very short lived, and before I could arrange matters accordingly the law was changed, and from that day to this it has been unlawful to sell leaf tobacco direct to the consumer. I simply mention these facts to show you that if the restriction on leaf is removed there will be a big outlet for the product of the farmer that does not exist to-day and which no combination could control. I do not pretend to argue that this will not involve a decrease in the internal revenue, but I maintain that it will greatly benefit the farmer, and if the Government confers this great benefit upon the farmer by permitting the free sale of the leaf, they can afford to submit to the curtailment of the revenue from this source and obtain it in some other way. It is not right, in fact it is fundamentally wrong, to oppress one large section of the United States for the sake of revenue for the whole people, when laws can be enacted obtaining this revenue by placing the tax that bears equally upon all the people.

I repeat that the fundamental cause of all the disorders that have occurred in Kentucky is found, if the whole question is fairly analyzed, in the tax of 6 cents a pound on manufactured tobacco, out of which grows the law restricting the sale of leaf tobacco, and while I do not hope at this time for a complete removal of the tax on manufactured tobacco, yet I am persuaded that if the people of this country understood it and were educated up to a knowledge of the oppression growing out of this tax, that some way would be found by which it could be removed.

Yours, truly, HARRY WEISSENGER.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 12 o'clock and 10 minutes p. m.) the House adjourned until Monday, April 19, 1909.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the assistant clerk of the Court of Claims, transmitting a copy of the conclusions of fact and law in the French spoliation cases relating to the schooner *Betsy*, Francis Bulkley, master (H. Doc. No. 15), was taken from the Speaker's table, referred to the Committee on Claims, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. SCOTT: A bill (H. R. 7521) to prohibit interference with commerce among the States and Territories and with foreign nations and to remove obstructions thereto—to the Committee on Agriculture.

By Mr. HAMILTON: A bill (H. R. 7522) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes"—to the Committee on Indian Affairs.

By Mr. CULLOP: A bill (H. R. 7523) granting pensions to certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. SIMS: A bill (H. R. 7524) for the extension of Albemarle street from Wisconsin avenue to the east line of Thirty-ninth street NW.—to the Committee on the District of Columbia.

By Mr. HARDWICK: A bill (H. R. 7525) to provide for the use of the block system for all trains engaged in interstate commerce; to provide for the examination and license of all telegraph operators engaged in handling block signals and telegraphic orders affecting the movement of trains on such railroads; and to provide for the hours of labor to be required of such telegraph operators and their compensation—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7526) to prohibit any person from taking, receiving, or agreeing to receive, directly or indirectly, giving or agreeing to give to any person any money or other valuable consideration, directly or indirectly, to procure, aid in procuring, or attempting to procure, appointment to federal office, and to provide a punishment therefor—to the Committee on the Judiciary.

Also, a bill (H. R. 7527) to confer additional powers on the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7528) to limit the powers of certain courts of the United States—to the Committee on the Judiciary.

By Mr. BENNETT of Kentucky: A bill (H. R. 7529) extending the provisions of the act of June 27, 1890, to the Kentucky State Militia and the Provisional Kentucky Militia—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7530) for the construction of two ice piers at Ashland, Ky.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7531) to establish a soldiers' home at or near Ashland, Boyd County, Ky.—to the Committee on Military Affairs.

Also, a bill (H. R. 7532) providing for construction of an ice pier at Russell, Ky.—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 7533) providing for the purchase, for the use of the Library of Congress, of certain manuscript books formerly the property of John Marshall, late Chief Justice of the United States—to the Committee on the Library.

Also, a bill (H. R. 7534) granting additional compensation to surviving Union soldiers and marines who were prisoners of war during the civil war—to the Committee on War Claims.

Also, a bill (H. R. 7535) to establish a fish-hatching or fish-culture station in Greenup, Lewis, or Carter County, Ky.—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 7536) to amend an act providing when plaintiff may sue as a poor person, and when counsel shall be assigned by the court, as passed July 20, 1892—to the Committee on the Judiciary.

By Mr. MAYS: A bill (H. R. 7537) providing for the construction of a telephone and cable line between the quarantine station, Santa Rosa Island, Fla., and Forts Pickens and Barrancas, Fla., and for exchange service from Pensacola, Fla., to said Fort Barrancas—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 7538) to provide for the repair, maintenance, construction, and preservation of the public works on the rivers and harbors, and for dredging of certain portions of the Apalachicola River and the harbors of Apalachicola and Carrabelle, in the State of Florida, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. KALANIANAOLE: A bill (H. R. 7539) to amend the laws concerning passenger transportation between ports of the Territory of Hawaii and other ports of the United States—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 7540) to amend an act to provide a government for the Territory of Hawaii—to the Committee on the Territories.

Also, a bill (H. R. 7541) providing for citizen labor on all federal public works in the Territory of Hawaii—to the Committee on the Territories.

By Mr. KENDALL: A bill (H. R. 7542) granting a pension to persons who have lost their hearing from causes originating in the military service of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7543) granting a pension to widows of honorably discharged volunteer soldiers of the Army of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7544) granting pensions to honorably discharged volunteer soldiers who served three months or more, between the 1st day of April, 1861, and the 1st day of August, 1865, in the Army of the United States—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7545) to provide pensions for prisoners of war—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 7546) to amend section 2 of an act approved June 27, 1890, entitled "An act granting pensions," etc.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7547) to amend section 4708 of the laws of the United States, granting pensions, etc.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7548) requiring radio-telegraphic equipment on certain ocean steamers—to the Committee on the Merchant Marine and Fisheries.

By Mr. EDWARDS of Georgia: A bill (H. R. 7549) providing for the erection of monuments, respectively, to Gens. Daniel Stewart and James Screven, two distinguished officers of the American Army—to the Committee on the Library.

By Mr. DOUGLAS: A bill (H. R. 7550) permitting citizens of Porto Rico under certain conditions to become citizens of the United States—to the Committee on Insular Affairs.

By Mr. BRANTLEY: A bill (H. R. 7551) regulating the appointment of rural free-delivery carriers—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 7552) to repeal section 802 of the Revised Statutes, and to provide for the return of jurors to serve in the courts of the United States—to the Committee on the Judiciary.

By Mr. DAWSON: A bill (H. R. 7553) to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains—to the Committee on Interstate and Foreign Commerce.

By Mr. BYRNS: A bill (H. R. 7554) to provide for the erection of a public building at Springfield, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. PAYNE: A bill (H. R. 7555) to revise and amend the tariff laws of the Philippine Islands, and for other purposes—to the Committee on Ways and Means.

By Mr. GRIEST: A bill (H. R. 7556) to declare Lincoln's birthday a legal holiday—to the Committee on the Judiciary.

By Mr. HULL of Tennessee: A bill (H. R. 7557) authorizing and directing the Secretary of War to prepare a roster of all the armies engaged in the service of the United States in all its wars, except the civil war—to the Committee on Military Affairs.

By Mr. BRANTLEY: A bill (H. R. 7558) for the relief of the State of Georgia—to the Committee on War Claims.

By Mr. STURGISS: A bill (H. R. 7559) providing for an additional judge for the fourth judicial circuit—to the Committee on the Judiciary.

By Mr. AUSTIN: Joint resolution (H. J. Res. 46) proposing an amendment to the Constitution of the United States respecting the commencement and termination of Congress—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. GORDON: Joint resolution (H. J. Res. 47) for the relief of the enrolled militia of Memphis and the western district of Tennessee—to the Committee on Military Affairs.

Also, joint resolution (H. J. Res. 48) for the relief of the enrolled militia of Memphis and the western district of Tennessee—to the Committee on Military Affairs.

By Mr. HARDWICK: Joint resolution (H. J. Res. 49) proposing an amendment to the Constitution by providing that all of section 2 of the fourteenth amendment except its first sentence shall be repealed—to the Committee on Election of President, Vice-President, and Representatives in Congress.

Also, joint resolution (H. J. Res. 50) proposing to amend the Constitution by repealing the fifteenth amendment—to the Committee on the Judiciary.

By Mr. McCREARY: Resolution (H. Res. 59) for the relief of the estate of John R. Williams—to the Committee on Accounts.

By the SPEAKER: Memorial of the legislature of New Mexico, praying for an appropriation of money or land-grant scrip, for the relief of the counties of Santa Fe and Grant—to the Committee on the Territories.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 7560) granting a pension to Thomas J. McMullen—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 7561) to grant a discharge to Benjamin F. Cheatham—to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 7562) granting an increase of pension to Peyton Davisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7563) granting an increase of pension to Samuel Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7564) granting an increase of pension to W. H. H. Tilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7565) granting an increase of pension to W. C. Haymond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7566) granting an increase of pension to William H. Schearer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7567) to remove the charge of desertion from the military record of Charles Wilber and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BATES: A bill (H. R. 7568) granting an increase of pension to Charles R. Gray—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 7569) for the relief of Robert Galbreath—to the Committee on Naval Affairs.

Also, a bill (H. R. 7570) for the relief of John McGowan—to the Committee on Military Affairs.

Also, a bill (H. R. 7571) for the relief of George Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 7572) for the relief of John Mullens—to the Committee on Military Affairs.

Also, a bill (H. R. 7573) for the relief of Solomon Lunsford—to the Committee on Military Affairs.

Also, a bill (H. R. 7574) for the relief of Joseph Branham—to the Committee on Military Affairs.

Also, a bill (H. R. 7575) for the relief of Joseph A. Mayes—to the Committee on War Claims.

Also, a bill (H. R. 7576) for the relief of Thomas R. Hill—to the Committee on War Claims.

Also, a bill (H. R. 7577) for the relief of Margaret Morarity—to the Committee on War Claims.

Also, a bill (H. R. 7578) for the relief of C. W. Norris—to the Committee on Claims.

Also, a bill (H. R. 7579) for the relief of Otho Adams—to the Committee on Claims.

Also, a bill (H. R. 7580) for the relief of Jeremiah Cracraft—to the Committee on Military Affairs.

Also, a bill (H. R. 7581) for the relief of W. H. Fritts and others—to the Committee on Military Affairs.

Also, a bill (H. R. 7582) for the relief of W. J. Meadows—to the Committee on Military Affairs.

Also, a bill (H. R. 7583) for the relief of A. J. Hanshaw—to the Committee on Military Affairs.

Also, a bill (H. R. 7584) for the relief of Travis Stull—to the Committee on Military Affairs.

Also, a bill (H. R. 7585) for the relief of Daniel McDowell—to the Committee on Military Affairs.

Also, a bill (H. R. 7586) for the relief of Daniel Porter—to the Committee on Military Affairs.

Also, a bill (H. R. 7587) for the relief of Allen Conley—to the Committee on Military Affairs.

Also, a bill (H. R. 7588) for the relief of Weaden T. Dailey—to the Committee on Military Affairs.

Also, a bill (H. R. 7589) for the relief of Daniel Vanover—to the Committee on Military Affairs.

Also, a bill (H. R. 7590) for the relief of D. E. Workman—to the Committee on Military Affairs.

Also, a bill (H. R. 7591) for the relief of James C. Brickley—to the Committee on Military Affairs.

Also, a bill (H. R. 7592) for the relief of Overton Turner—to the Committee on Military Affairs.

Also, a bill (H. R. 7593) for the relief of H. P. Elderman—to the Committee on Military Affairs.

Also, a bill (H. R. 7594) for the relief of Harriett Ann Crank—to the Committee on Military Affairs.

Also, a bill (H. R. 7595) for the relief of James H. C. Mann—to the Committee on Military Affairs.

Also, a bill (H. R. 7596) for the relief of Jeremiah Hunt—to the Committee on Military Affairs.

Also, a bill (H. R. 7597) for the relief of Enoch Edens—to the Committee on Military Affairs.

Also, a bill (H. R. 7598) for the relief of William G. Gardner—to the Committee on Military Affairs.

Also, a bill (H. R. 7599) for the relief of Robert Ross—to the Committee on Military Affairs.

Also, a bill (H. R. 7600) for the relief of James Black—to the Committee on Military Affairs.

Also, a bill (H. R. 7601) for the relief of Thomas Columbia—to the Committee on Military Affairs.

Also, a bill (H. R. 7602) for the relief of John A. Gribble—to the Committee on Military Affairs.

Also, a bill (H. R. 7603) for the relief of Henry Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 7604) for the relief of Francis McGuire—to the Committee on Military Affairs.

Also, a bill (H. R. 7605) for the relief of Samuel Ritchey—to the Committee on War Claims.

Also, a bill (H. R. 7606) for the relief of Nimrod Pratt—to the Committee on War Claims.

Also, a bill (H. R. 7607) for the relief of Traiucia Holladay—to the Committee on War Claims.

Also, a bill (H. R. 7608) for the relief of Susan Kennard—to the Committee on War Claims.

Also, a bill (H. R. 7609) for the relief of James H. Reeder—to the Committee on War Claims.

Also, a bill (H. R. 7610) for the relief of Delilah Dobbins—to the Committee on War Claims.

Also, a bill (H. R. 7611) for the relief of John W. Remy—to the Committee on War Claims.

Also, a bill (H. R. 7612) for the relief of Eliza J. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 7613) for the relief of William Large—to the Committee on War Claims.

Also, a bill (H. R. 7614) for the relief of Mrs. J. W. Yates—to the Committee on War Claims.

Also, a bill (H. R. 7615) for the relief of J. F. Burgess—to the Committee on War Claims.

Also, a bill (H. R. 7616) for the relief of the heirs of Samford H. Chamblee—to the Committee on War Claims.

Also, a bill (H. R. 7617) for the relief of G. W. Darnell—to the Committee on War Claims.

Also, a bill (H. R. 7618) for the relief of David Teager—to the Committee on War Claims.

Also, a bill (H. R. 7619) for the relief of Richard H. Meek—to the Committee on War Claims.

Also, a bill (H. R. 7620) for the relief of William A. Goble—to the Committee on War Claims.

Also, a bill (H. R. 7621) for the relief of Asa Day—to the Committee on War Claims.

Also, a bill (H. R. 7622) for the relief of John J. McGann—to the Committee on War Claims.

Also, a bill (H. R. 7623) for the relief of John S. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 7624) for the relief of Hiram Pope and William Pope—to the Committee on War Claims.

Also, a bill (H. R. 7625) for the relief of James T. F. Carney—to the Committee on War Claims.

Also, a bill (H. R. 7626) for the relief of J. A. Abbott—to the Committee on Claims.

Also, a bill (H. R. 7627) for the relief of Thomas J. Ewing—to the Committee on Claims.

Also, a bill (H. R. 7628) for the relief of W. S. Adams—to the Committee on Claims.

Also, a bill (H. R. 7629) for the relief of Emma F. Everman—to the Committee on War Claims.

Also, a bill (H. R. 7630) for the relief of Isaac Musser—to the Committee on Military Affairs.

Also, a bill (H. R. 7631) for the relief of Eli F. Prater—to the Committee on Military Affairs.

Also, a bill (H. R. 7632) for the relief of W. J. Flanery, jr.—to the Committee on Military Affairs.

Also, a bill (H. R. 7633) for the relief of Miles A. Hughes—to the Committee on Military Affairs.

Also, a bill (H. R. 7634) for the relief of George W. Ingram—to the Committee on Military Affairs.

Also, a bill (H. R. 7635) for the relief of Baldwin De Bell—to the Committee on Military Affairs.

Also, a bill (H. R. 7636) for the relief of Lewis Tacket—to the Committee on Military Affairs.

Also, a bill (H. R. 7637) for the relief of Dennis Adkins—to the Committee on Military Affairs.

Also, a bill (H. R. 7638) for the relief of James R. Pennington—to the Committee on Military Affairs.

Also, a bill (H. R. 7639) for the relief of W. P. Adkins—to the Committee on Military Affairs.

Also, a bill (H. R. 7640) for the relief of Joseph Segraves—to the Committee on Military Affairs.

Also, a bill (H. R. 7641) for the relief of James Cummins, alias Rhod Cummins—to the Committee on Military Affairs.

Also, a bill (H. R. 7642) for the relief of Francis L. Weaver, alias Francis Lyndenmyer—to the Committee on Military Affairs.

Also, a bill (H. R. 7643) for the relief of the Methodist Episcopal Church of Louisa, Lawrence County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7644) for the relief of members of the Fortieth Regiment Kentucky Mounted Infantry—to the Committee on War Claims.

Also, a bill (H. R. 7645) for the relief of Rowan County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 7646) for the relief of Thomas H. Jones, administrator of William D. Jones—to the Committee on War Claims.

Also, a bill (H. R. 7647) for the relief of the estate of Ann S. Jackson—to the Committee on War Claims.

Also, a bill (H. R. 7648) for the relief of the estate of Thomas K. Ball—to the Committee on War Claims.

Also, a bill (H. R. 7649) for the benefit of George W. Taylor's administrator—to the Committee on Claims.

Also, a bill (H. R. 7650) granting an honorable discharge to Robert D. Keffer—to the Committee on Military Affairs.

Also, a bill (H. R. 7651) granting an honorable discharge to Thomas J. George—to the Committee on Military Affairs.

Also, a bill (H. R. 7652) granting an honorable discharge to Haden Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 7653) granting a pension to Bridget Grimes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7654) granting a pension to Mary A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7655) granting a pension to Martha J. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7656) granting a pension to David W. Swarts—to the Committee on Pensions.

Also, a bill (H. R. 7657) granting a pension to Martha A. Ham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7658) granting a pension to Mary M. Hurd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7659) granting a pension to Andrew Cooksey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7660) granting a pension to Isaac C. Conley—to the Committee on Pensions.

Also, a bill (H. R. 7661) granting a pension to James W. Wallace—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7662) granting a pension to Darkie Warren—to the Committee on Pensions.

Also, a bill (H. R. 7663) granting a pension to Eldelia Weaver—to the Committee on Pensions.

Also, a bill (H. R. 7664) granting a pension to Joseph M. Wilburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7665) granting a pension to Frank Selmar—to the Committee on Pensions.

Also, a bill (H. R. 7666) granting a pension to H. Clay Stone—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7667) granting a pension to Reuben Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7668) granting a pension to Charles Pratt—to the Committee on Pensions.

Also, a bill (H. R. 7669) granting a pension to Marion McKenzie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7670) granting a pension to Lewis McKinney—to the Committee on Pensions.

Also, a bill (H. R. 7671) granting a pension to Louis G. Murray—to the Committee on Pensions.

Also, a bill (H. R. 7672) granting a pension to Trave W. Myers—to the Committee on Pensions.

Also, a bill (H. R. 7673) granting a pension to Christian Lederer—to the Committee on Pensions.

Also, a bill (H. R. 7674) granting a pension to Ellen Kirkpatrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7675) granting a pension to George B. Kennard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7676) granting a pension to Alexander Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7677) granting a pension to Edward Heisler—to the Committee on Pensions.

Also, a bill (H. R. 7678) granting a pension to Frank H. Himes—to the Committee on Pensions.

Also, a bill (H. R. 7679) granting a pension to Henry C. Griffiths—to the Committee on Pensions.

Also, a bill (H. R. 7680) granting a pension to George L. Goodpaster—to the Committee on Pensions.

Also, a bill (H. R. 7681) granting a pension to John Endicott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7682) granting a pension to Gabrail J. Endicott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7683) granting a pension to Martin Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7684) granting a pension to Sarah J. Daugherty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7685) granting a pension to Robert Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7686) granting a pension to Jacob R. Compton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7687) granting a pension to Samuel A. Berry—to the Committee on Pensions.

Also, a bill (H. R. 7688) granting a pension to Lydia Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7689) granting a pension to Reese Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7690) granting a pension to Green Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7691) granting a pension to Delia F. Pepper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7692) granting a pension to Tilden F. Skaggs—to the Committee on Pensions.

Also, a bill (H. R. 7693) granting a pension to William E. Day—to the Committee on Pensions.

Also, a bill (H. R. 7694) granting a pension to Charles A. Ward—to the Committee on Pensions.

Also, a bill (H. R. 7695) granting a pension to Henderson Ramey—to the Committee on Pensions.

Also, a bill (H. R. 7696) granting a pension to Peter H. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7697) granting a pension to Harvey T. Brown—to the Committee on Pensions.

Also, a bill (H. R. 7698) granting a pension to John Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7699) granting a pension to Henry H. Phelps—to the Committee on Pensions.

Also, a bill (H. R. 7700) granting a pension to Werts Riley—to the Committee on Pensions.

Also, a bill (H. R. 7701) granting a pension to Elijah W. Morgan—to the Committee on Pensions.

Also, a bill (H. R. 7702) granting a pension to Ferit E. Skaggs—to the Committee on Pensions.

Also, a bill (H. R. 7703) granting a pension to John A. Wells—to the Committee on Pensions.

Also, a bill (H. R. 7704) granting a pension to Biddy Lockwood—to the Committee on Pensions.

Also, a bill (H. R. 7705) granting a pension to John W. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7706) granting a pension to Emily Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7707) granting a pension to Allen Carroway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7708) granting a pension to John F. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7709) granting a pension to Jerry McLain—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7710) granting a pension to Samuel E. Robb—to the Committee on Pensions.

Also, a bill (H. R. 7711) granting a pension to Charles Luman—to the Committee on Pensions.

Also, a bill (H. R. 7712) granting a pension to Frances Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7713) granting a pension to Thomas T. Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7714) granting a pension to George N. Bishop—to the Committee on Pensions.

Also, a bill (H. R. 7715) granting a pension to Benjamin F. Vaughn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7716) granting an increase of pension to Sylvester Damron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7717) granting an increase of pension to John H. Groves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7718) granting an increase of pension to John R. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7719) granting an increase of pension to Thomas Ruark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7720) granting an increase of pension to Pleasant Timberlake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7721) granting an increase of pension to Albert G. Roper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7722) granting an increase of pension to Israel T. Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7723) granting an increase of pension to Alexander Mitchell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7724) granting an increase of pension to Wylder Branum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7725) granting an increase of pension to William H. Dobbins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7726) granting an increase of pension to David W. Armstrong—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7727) granting an increase of pension to Jesse Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7728) granting an increase of pension to Thomas J. Barker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7729) granting an increase of pension to John H. Grisson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7730) granting an increase of pension to James Vandivort—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7731) granting an increase of pension to William W. Hedrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7732) granting an increase of pension to William T. Tomlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7733) granting an increase of pension to James A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7734) granting an increase of pension to Carl F. Reickert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7735) granting an increase of pension to Nathan Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7736) granting an increase of pension to John W. Boyer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7737) granting an increase of pension to John PeSimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7738) granting an increase of pension to James F. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7739) granting an increase of pension to Andrew J. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7740) granting an increase of pension to M. E. McKellup—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7741) granting an increase of pension to George W. Oldham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7742) granting an increase of pension to Joseph Fields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7743) granting an increase of pension to Lewis P. McBrayer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7744) granting an increase of pension to Joseph Belford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7745) granting an increase of pension to Ferguson Logan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7746) granting an increase of pension to Stephen D. Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7747) granting an increase of pension to David Osborne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7748) granting an increase of pension to Thomas Gilbride—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7749) granting an increase of pension to Henry C. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7750) granting an increase of pension to Harry Chaffin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7751) granting an increase of pension to William Glenn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7752) granting an increase of pension to Andrew W. Grimes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7753) granting an increase of pension to Fred W. Lange—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7754) granting an increase of pension to John M. Gardner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7755) granting an increase of pension to Joseph J. Voorheas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7756) granting an increase of pension to William Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7757) granting an increase of pension to Richard Swearingin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7758) granting an increase of pension to Peter Stamm—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7759) granting an increase of pension to John Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7760) granting an increase of pension to Joseph Renchen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7761) granting an increase of pension to John Pruett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7762) granting an increase of pension to George W. Nethercutt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7763) granting an increase of pension to Gordon McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7764) granting an increase of pension to Faris McFarland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7765) granting an increase of pension to Henderson Medley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7766) granting an increase of pension to James Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7767) granting an increase of pension to Moses Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7768) granting an increase of pension to Morris Campnell Hutchins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7769) granting an increase of pension to George Hedge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7770) granting an increase of pension to John Holliday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7771) granting an increase of pension to James L. Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7772) granting an increase of pension to David M. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7773) granting an increase of pension to Simon B. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7774) granting an increase of pension to Johnson Everman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7775) granting an increase of pension to Daniel Dalton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7776) granting an increase of pension to Montville Cooksey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7777) granting an increase of pension to Harvey W. Cartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7778) granting an increase of pension to William J. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7779) granting an increase of pension to William Crawford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7780) granting an increase of pension to John A. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7781) granting an increase of pension to William M. Barber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7782) granting an increase of pension to James M. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7783) granting an increase of pension to Perry G. P. Bruce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7784) granting an increase of pension to Robert H. Brammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7785) granting an increase of pension to Alvernous Barnhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7786) granting an increase of pension to Moses Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7787) granting an increase of pension to Horace Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7788) granting an increase of pension to John E. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7789) granting an increase of pension to Major M. Virgin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7790) granting an increase of pension to James H. Tyree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7791) granting an increase of pension to Isaac N. Slade—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7792) granting an increase of pension to Clabon W. Stiltner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7793) granting an increase of pension to Thomas Sperry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7794) granting an increase of pension to James H. Reeder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7795) granting an increase of pension to William H. Ryder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7796) granting an increase of pension to Byron Rudy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7797) granting an increase of pension to Edward K. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7798) granting an increase of pension to William Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7799) granting an increase of pension to George N. Picklesimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7800) granting an increase of pension to Noah L. Payne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7801) granting an increase of pension to J. J. Perry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7802) granting an increase of pension to William Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7803) granting an increase of pension to Joseph E. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7804) granting an increase of pension to William Nunley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7805) granting an increase of pension to John Nicholas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7806) granting an increase of pension to James McAllister—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7807) granting an increase of pension to John McGinnis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7808) granting an increase of pension to George W. Milar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7809) granting an increase of pension to James McCue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7810) granting an increase of pension to William Lambert—to the Committee on Pensions.

Also, a bill (H. R. 7811) granting an increase of pension to Perry Kains—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7812) granting an increase of pension to James K. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7813) granting an increase of pension to A. J. Jacobs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7814) granting an increase of pension to Richard M. J. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7815) granting an increase of pension to Cad Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7816) granting an increase of pension to Luther M. Ingraham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7817) granting an increase of pension to Don D. Hendershot—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7818) granting an increase of pension to John Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7819) granting an increase of pension to Alexander Hammer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7820) granting an increase of pension to James M. Howe—to the Committee on Pensions.

Also, a bill (H. R. 7821) granting an increase of pension to W. S. Hardin—to the Committee on Pensions.

Also, a bill (H. R. 7822) granting an increase of pension to William Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7823) granting an increase of pension to John Hanner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7824) granting an increase of pension to Edward K. Gault—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7825) granting an increase of pension to Lucien Guy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7826) granting an increase of pension to John Dickinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7827) granting an increase of pension to Richard Douglas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7828) granting an increase of pension to Amos Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7829) granting an increase of pension to Fernando Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7830) granting an increase of pension to James Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7831) granting an increase of pension to Levie H. Colburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7832) granting an increase of pension to John F. Campbell—to the Committee on Pensions.

Also, a bill (H. R. 7833) granting on increase of pension to Wilson Carver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7834) granting an increase of pension to James M. Cartee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7835) granting an increase of pension to William N. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7836) granting an increase of pension to John S. Copens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7837) granting an increase of pension to B. C. Crosthwait—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7838) granting an increase of pension to Lucy A. Casey—to the Committee on Pensions.

Also, a bill (H. R. 7839) granting an increase of pension to Marshall Caldwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7840) granting an increase of pension to William H. C. Biggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7841) granting an increase of pension to Andrew J. Bow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7842) granting an increase of pension to Henry Braden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7843) granting an increase of pension to Allen Bocook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7844) granting an increase of pension to Allen W. Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7845) granting an increase of pension to John H. Bayse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7846) granting an increase of pension to William Boyd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7847) granting an increase of pension to George M. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7848) granting an increase of pension to Fred Am—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7849) granting an increase of pension to Jerome B. Applegate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7850) granting an increase of pension to William T. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7851) granting an increase of pension to Daniel S. Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7852) granting an increase of pension to James Back—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7853) granting an increase of pension to Nathaniel Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7854) granting an increase of pension to Robert H. Overly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7855) granting an increase of pension to Stephen Marcum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7856) granting an increase of pension to George W. Everman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7857) granting an increase of pension to David Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7858) granting an increase of pension to Edmond Ward, alias John Johnson—to the Committee on Pensions.

Also, a bill (H. R. 7859) granting an increase of pension to James M. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7860) granting an increase of pension to Charles W. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7861) granting an increase of pension to Stephen Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7862) granting an increase of pension to Francis A. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7863) granting an increase of pension to Newton King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7864) granting an increase of pension to George R. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7865) granting an increase of pension to James Seaton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7866) granting an increase of pension to Thomas Douglas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7867) granting an increase of pension to Joseph H. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7868) granting an increase of pension to Ephraim Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7869) granting an increase of pension to Francis Marion Sanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7870) granting an increase of pension to James Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7871) granting an increase of pension to John Blankenship—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7872) granting an increase of pension to John Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7873) granting an increase of pension to John Matney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7874) granting an increase of pension to Ross Ackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7875) granting an increase of pension to Robert Fegan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7876) granting an increase of pension to William H. Rinehart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7877) granting an increase of pension to James Austin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7878) granting an increase of pension to Albert Haucke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7879) granting an increase of pension to James Bartley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7880) granting an increase of pension to Joseph Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7881) granting an increase of pension to Smith Ackley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7882) granting an increase of pension to William H. Bagby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7883) granting an increase of pension to Charles B. Rose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7884) granting an increase of pension to George W. Fowler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7885) granting an increase of pension to Charles Kirby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7886) granting an increase of pension to John McNeal—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7887) granting an increase of pension to George W. Ingram—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7888) granting an increase of pension to Thomas M. Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7889) granting an increase of pension to Calvin Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7890) granting an increase of pension to James W. Burton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7891) granting an increase of pension to William Sullivan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7892) granting an increase of pension to Allen H. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7893) granting an increase of pension to S. V. Bocook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7894) granting an increase of pension to Rufus White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7895) granting an increase of pension to Aaron Arms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7896) granting an increase of pension to John A. Kees—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7897) granting an increase of pension to William F. McKelley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7898) granting an increase of pension to Henry C. Reeves—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7899) granting an increase of pension to Charles E. Seaman—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 7900) for the relief of Thomas B. Pope—to the Committee on Military Affairs.

Also, a bill (H. R. 7901) granting an increase of pension to John Whritenour—to the Committee on Invalid Pensions.

By Mr. BRANTLEY: A bill (H. R. 7902) granting a pension to Marcus A. Moses—to the Committee on Pensions.

Also, a bill (H. R. 7903) granting a pension to Augustus L. Brack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7904) for the relief of the estate of Joseph Lippman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7905) for the relief of James I. Fountain, of Mt. Vernon, Montgomery County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 7906) for the relief of Nancy E. Latimer, executrix of the estate of D. E. Knoles, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7907) to remove the charge of desertion from the military record of Henry Mitchelson and grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. BROWNLOW: A bill (H. R. 7908) granting an increase of pension to William H. Pleasant—to the Committee on Invalid Pensions.

By Mr. CALDER: A bill (H. R. 7909) granting an increase of pension to Hugh Friel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7910) for the relief of Lieut. Commander Jerome E. Morse, United States Navy, retired—to the Committee on Naval Affairs.

By Mr. CAMERON: A bill (H. R. 7911) granting an increase of pension to J. B. Hutton—to the Committee on Pensions.

By Mr. CREAGER: A bill (H. R. 7912) granting an increase of pension to Milon G. Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7913) for the relief of J. Blair Schoenfelt, former United States Indian agent, Union Agency, Okla.—to the Committee on Claims.

By Mr. CULLOP: A bill (H. R. 7914) granting an increase of pension to Louis Soulney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7915) granting an increase of pension to George W. Holdson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7916) granting an increase of pension to Mathias Ingram—to the Committee on Invalid Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 7917) for the relief of the estate of Josiah E. Butler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7918) for the relief of the estate of Mrs. C. L. Fogarty, late of Savannah, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 7919) for the relief of the heirs of Francis M. Stone, late of Savannah, Ga.—to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 7920) granting an increase of pension to Louis Reinold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7921) granting an increase of pension to Minor Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7922) granting a pension to Kelley Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7923) granting a pension to Garfield Lay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7924) granting a pension to Francis J. Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7925) granting a pension to Hiram N. Henry—to the Committee on Invalid Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 7926) granting an increase of pension to John Wilcox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7927) granting an increase of pension to Daniel W. Meyers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7928) to remove the charge of desertion from the record of William S. Foulks—to the Committee on Military Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 7929) granting an increase of pension to Frank Hartwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7930) granting an increase of pension to Charles H. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7931) granting an increase of pension to Taylor Hance—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7932) granting an increase of pension to Stephen H. Reynolds—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7933) granting an increase of pension to Mart H. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7934) granting an increase of pension to Hovey B. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7935) granting an increase of pension to Christian W. Abbadurka—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7936) granting an increase of pension to James H. Spring—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7937) granting an increase of pension to Orlando G. Andrews—to the Committee on Invalid Pensions.

By Mr. GORDON: A bill (H. R. 7938) for the relief of John B. Warren—to the Committee on War Claims.

Also, a bill (H. R. 7939) for the relief of S. R. McAlexander—to the Committee on War Claims.

Also, a bill (H. R. 7940) for the relief of the estate of Edmund Dillahunty, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7941) for the relief of the estate of John W. Hester, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7942) for the relief of the estate of James Jones, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7943) for the relief of heirs of Evelina V. Busby, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7944) for the relief of the heirs of W. A. Rawlings, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7945) for the relief of heirs of Aulsey Dean, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7946) for the relief of heirs of Hiram Howell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7947) for the relief of heirs of W. H. Neel, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7948) for the relief of heirs of D. C. Wells, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7949) for the relief of heirs of Jesse Hollis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7950) for the relief of the heirs of Wesley A. Shelton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7951) to correct the military record of C. H. Hare—to the Committee on Military Affairs.

Also, a bill (H. R. 7952) for the relief of George L. Whitmore or his legal representatives—to the Committee on War Claims.

Also, a bill (H. R. 7953) for the relief of the Court Street Presbyterian Church, of Memphis, Shelby County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7954) for the relief of George L. Whitmore or his legal representatives—to the Committee on War Claims.

Also, a bill (H. R. 7955) for the relief of the Overton Hotel Company, of Memphis, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7956) for the relief of the Methodist Episcopal Church of Moscow, Tenn.—to the Committee on War Claims.

By Mr. GRAFF: A bill (H. R. 7957) granting an increase of pension to Serena Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7958) granting an increase of pension to William H. Bentley—to the Committee on Invalid Pensions.

By Mr. GRIEST: A bill (H. R. 7959) granting a pension to Lizzie S. Engroff—to the Committee on Invalid Pensions.

By Mr. HARDWICK: A bill (H. R. 7960) for the relief of the heirs of Russell W. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 7961) for the relief of the heirs of John Larr, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7962) for the relief of the estate of Willis Ramsey—to the Committee on War Claims.

Also, a bill (H. R. 7963) granting an increase of pension to Mary L. Walker—to the Committee on Invalid Pensions.

By Mr. HUGHES of West Virginia: A bill (H. R. 7964) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the Bowman and the Tucker acts, and for other purposes—to the Committee on Claims.

Also, a bill (H. R. 7965) for the relief of Venila Browning, née Kinder—to the Committee on Claims.

By Mr. HULL of Tennessee: A bill (H. R. 7966) granting a pension to John M. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7967) granting a pension to Paul Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7968) granting a pension to Jane Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7969) granting a pension to Elizabeth Parham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7970) granting a pension to Joshua Young—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7971) granting a pension to Daniel Ladd—to the Committee on Pensions.

Also, a bill (H. R. 7972) granting a pension to W. H. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7973) granting an increase of pension to James H. Carr—to the Committee on Pensions.

Also, a bill (H. R. 7974) for the relief of George A. Vandever—to the Committee on Military Affairs.

Also, a bill (H. R. 7975) for the relief of G. W. Brown—to the Committee on War Claims.

Also, a bill (H. R. 7976) for the relief of George W. Raney—to the Committee on Military Affairs.

Also, a bill (H. R. 7977) for the relief of the heirs of Kinch Exum, deceased—to the Committee on War Claims.

Also, a bill (H. R. 7978) for the relief of the legal representatives of William A. Prewitt—to the Committee on War Claims.

Also, a bill (H. R. 7979) to remove the charge of desertion standing against Sherrod Delk, deceased—to the Committee on Military Affairs.

Also, a bill (H. R. 7980) granting arrears of pension to Julia P. Bate—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7981) to carry into effect the findings of the Court of Claims in the matter of the claim of Cumberland University, of Lebanon, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 7982) to carry into effect the findings of the Court of Claims in the matter of the claim of Howard Lodge, No. 13, Independent Order of Odd Fellows, of Gallatin, Tenn.—to the Committee on War Claims.

By Mr. JOYCE: A bill (H. R. 7983) granting a pension to Adam Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7984) granting an increase of pension to Ford P. Hoff—to the Committee on Invalid Pensions.

By Mr. KAHN: A bill (H. R. 7985) granting a pension to Ellen Murphy—to the Committee on Pensions.

By Mr. KENDALL: A bill (H. R. 7986) granting an increase of pension to James N. Van Pelt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7987) granting an increase of pension to William W. Blackley—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 7988) granting an increase of pension to Alvan W. Chapin—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 7989) granting a pension to Rachael N. Schmitz—to the Committee on Pensions.

Also, a bill (H. R. 7990) granting a pension to Henry Witt—to the Committee on Pensions.

Also, a bill (H. R. 7991) granting a pension to Anderson M. Beck—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 7992) granting an increase of pension to William T. G. Young—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 7993) granting an increase of pension to James L. Prouty—to the Committee on Invalid Pensions.

By Mr. McGUIRE of Oklahoma: A bill (H. R. 7994) granting an increase of pension to John W. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7995) granting an increase of pension to Thomas E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7996) granting an increase of pension to Franklin Spurgeon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7997) granting an increase of pension to Albert R. Glazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7998) granting an increase of pension to William Grayson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 7999) granting an increase of pension to William Ferguson—to the Committee on Pensions.

Also, a bill (H. R. 8000) granting an increase of pension to George P. Uhl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8001) granting an increase of pension to Wesley Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8002) granting an increase of pension to Samuel C. Baxter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8003) granting an increase of pension to Robert Cheyne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8004) granting an increase of pension to Henry H. Swim—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8005) granting an increase of pension to John W. Alyea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8006) granting an increase of pension to W. H. Riner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8007) granting an increase of pension to William Vanatta—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8008) granting an increase of pension to Jacob Amberg—to the Committee on Pensions.

Also, a bill (H. R. 8009) granting an increase of pension to Xerxes C. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8010) granting an increase of pension to Joseph Southard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8011) granting an increase of pension to William McClain—to the Committee on Pensions.

Also, a bill (H. R. 8012) granting an increase of pension to Stalnaker Marteney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8013) granting an increase of pension to Joseph W. Kelly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8014) granting an increase of pension to John M. Milhollen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8015) granting an increase of pension to James M. Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8016) granting an increase of pension to Henry C. James—to the Committee on Pensions.

Also, a bill (H. R. 8017) granting an increase of pension to F. E. Hills—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8018) granting an increase of pension to Oscar A. Ashbrook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8019) granting an increase of pension to George A. Kingston—to the Committee on Pensions.

Also, a bill (H. R. 8020) granting a pension to William R. Mayfield—to the Committee on Pensions.

Also, a bill (H. R. 8021) granting an increase of pension to John Kizer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8022) granting an increase of pension to George S. Stevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8023) granting an increase of pension to George B. Jenness—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8024) granting an increase of pension to Beden Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8025) granting an increase of pension to R. A. Dilley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8026) granting a pension to Rice S. McCubbin—to the Committee on Pensions.

Also, a bill (H. R. 8027) granting a pension to Thomas Corey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8028) granting a pension to Mary J. Melson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8029) granting a pension to Winfield Castle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8030) for the relief of Benjamin F. Albright—to the Committee on Military Affairs.

Also, a bill (H. R. 8031) for the relief of Daniel F. Ritchie—to the Committee on Military Affairs.

Also, a bill (H. R. 8032) to remove the charge of desertion from the military record of Henry Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 8033) to remove the charge of desertion from the military record of James H. Painter—to the Committee on Military Affairs.

Also, a bill (H. R. 8034) to remove the charge of desertion from the military record of E. A. Brown—to the Committee on Military Affairs.

Also, a bill (H. R. 8035) removing the charge of desertion from the military record of Robert Ward—to the Committee on Military Affairs.

Also, a bill (H. R. 8036) removing the charge of desertion from the military record of George G. Banks—to the Committee on Military Affairs.

By Mr. McLAUGHLIN of Michigan: A bill (H. R. 8037) granting an increase of pension to William Henry Harrison Himes—to the Committee on Invalid Pensions.

By Mr. MAYS: A bill (H. R. 8038) granting an increase of pension to Thomas W. Crosby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8039) granting an increase of pension to John H. Ayers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8040) granting an increase of pension to Matthew D. Raker, jr.—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 8041) granting an increase of pension to William B. Lewis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8042) granting an increase of pension to Harmon M. Billings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8043) granting an increase of pension to James Fouch—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8044) granting a pension to Abner Welch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8045) granting an increase of pension to Moses H. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8046) granting an increase of pension to Thomas D. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8047) granting an increase of pension to George L. Clonts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8048) granting an increase of pension to Samuel F. Hartman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8049) granting an increase of pension to James P. Benson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8050) granting an increase of pension to William A. Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8051) granting an increase of pension to Henry Shireman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8052) granting an increase of pension to Hiram D. Craft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8053) granting an increase of pension to Jesse B. Spradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8054) granting an increase of pension to John H. Morrison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8055) granting an increase of pension to Marian A. Franklin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8056) granting an increase of pension to Hezekiah Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8057) granting an increase of pension to Belfield Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8058) granting an increase of pension to Robert D. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8059) granting an increase of pension to James M. Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8060) granting an increase of pension to David C. Hardy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8061) granting an increase of pension to James Nesbit—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8062) granting an increase of pension to Milton H. Franks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8063) granting a pension to Florence Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8064) granting a pension to John W. Reid—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8065) granting a pension to Nancy M. Blackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8066) granting a pension to Samuel Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8067) granting a pension to P. B. Pulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8068) granting a pension to Charles S. Davis—to the Committee on Pensions.

Also, a bill (H. R. 8069) to correct the military record of Jasper Dobson—to the Committee on Military Affairs.

Also, a bill (H. R. 8070) removing the charge of desertion from the military record of Samuel B. Richardson—to the Committee on Military Affairs.

Also, a bill (H. R. 8071) making an appropriation for Thomas A. Vernon—to the Committee on War Claims.

By Mr. PARSONS: A bill (H. R. 8072) granting an increase of pension to Hattie R. Fisher—to the Committee on Pensions.

By Mr. REEDER: A bill (H. R. 8073) granting an increase of pension to Hugh H. Mitchell—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 8074) granting a pension to Misses M. E. and S. J. Gladney—to the Committee on Pensions.

By Mr. SHEPPARD: A bill (H. R. 8075) for the relief of the heirs of Jonas Sutton, deceased—to the Committee on War Claims.

By Mr. SIMS: A bill (H. R. 8076) for the relief of Martin Gridley—to the Committee on War Claims.

Also, a bill (H. R. 8077) for the relief of James W. Glass—to the Committee on War Claims.

Also, a bill (H. R. 8078) for the relief of P. H. Hagler—to the Committee on War Claims.

By Mr. STEENERSON: A bill (H. R. 8079) for the relief of Eli Roscoe—to the Committee on Indian Affairs.

Also, a bill (H. R. 8080) for the relief of Frederick M. Loveless—to the Committee on Indian Affairs.

Also, a bill (H. R. 8081) granting an increase of pension to E. C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8082) granting an increase of pension to Otto E. D. Culbertson—to the Committee on Pensions.

Also, a bill (H. R. 8083) granting an increase of pension to Marie J. Blaisdell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8084) granting an increase of pension to Cornelius O'Neil—to the Committee on Invalid Pensions.

By Mr. STURGISS: A bill (H. R. 8085) granting an increase of pension to William H. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8086) for the relief of the heirs of Isaac Clifford, deceased—to the Committee on War Claims.

By Mr. THOMAS of Kentucky: A bill (H. R. 8087) granting an increase of pension to Evan D. Frogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8088) granting an increase of pension to J. B. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8089) granting a pension to Hester Vanmeter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8090) granting a pension to Kate C. G. Ewing—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8091) granting a pension to Russella J. York—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8092) granting a pension to Martha Edwards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8093) to remove the charge of desertion from the military record of John H. Winkfield—to the Committee on Military Affairs.

Also, a bill (H. R. 8094) for the relief of the estate of Herman Whitney—to the Committee on War Claims.

Also, a bill (H. R. 8095) for relief of George M. Smith—to the Committee on War Claims.

Also, a bill (H. R. 8096) appropriating $4,500 to the heirs of Campbell Glover, deceased—to the Committee on Invalid Pensions.

By Mr. TILSON: A bill (H. R. 8097) granting an increase of pension to Benjamin Kelsey—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANTHONY: Petition of citizens of Atchison, Kans., opposing increase of duty on hosiery, gloves, table linen, etc.—to the Committee on Ways and Means.

Also, petition of members of Leavenworth (Kans.) Local Union, No. 679, United Mine Workers of America, asking that a direct duty be imposed on all imported crude oil—to the Committee on Ways and Means.

Also, communications from Continental Cereal Company, of Leavenworth, Kans., asking an increase of duty on macaroni—to the Committee on Ways and Means.

By Mr. BATES: Petition of citizens of the Twenty-fifth Congressional District of Pennsylvania, opposing tax on tea or coffee—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of Newton-Carmichael Hardware Company, Buttrill Brothers (Incorporated), the Butts County Progress, McKibben Company, the Jackson Mercantile Company, and others, of Jackson, Ga.; and Dixon Williams, McCraw & Myrick, the Joseph Dry Goods Company, Bloodworth-Stembridge Company, and others, of Milledgeville, Ga., protesting against the enactment of any law to establish a parcels post as recommended by the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

Also, petition of Dunlap Hardware Company, H. J. Lamar & Co., Joseph N. Neel Company, Wood-Peavy Furniture Company, the Dannenberg Company, S. S. Parmalee Company, Union Dry Goods Company, Lamar, Taylor & Riley Drug Company, G. Bernd & Co., Merritt Hardware Company, the Macon Telegraph, American National Bank, Fourth National Bank, the Waxelbaum Company, Taylor-Bayne Drug Company, J. F. Heard, president of chamber of commerce, and others, protesting against the establishment of a parcels post, as recommended by the Postmaster-General—to the Committee on the Post-Office and Post-Roads.

By Mr. DALZELL: Petition of sundry citizens of Pittsburg, Pa., against a duty on hides—to the Committee on Ways and Means.

Also, petition of citizens of the Thirtieth Congressional District of Pennsylvania, against a duty on tea—to the Committee on Ways and Means.

By Mr. FLOYD of Arkansas: Papers to accompany House bill for the relief of Minor Johnson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill for the relief of Lewis Reinold—to the Committee on Invalid Pensions.

By Mr. GRIEST: Petition of citizens of Quarryville, Pa., favoring a duty on casein and lactarene—to the Committee on Ways and Means.

By Mr. HAMMOND: Petition of N. T. Halverson and 31 others, of Hardwick; the Anchor Grain Company and 16 others, of Grogan; and 19 citizens of Hills, all in the State of Minnesota, against a reduction of duty on barley—to the Committee on Ways and Means.

Also, petition of O. E. Selnes and 18 others, of Windom, Minn., against parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of 6 citizens of Cottonwood County, Minn., favoring reduction of duty on sugar—to the Committee on Ways and Means.

By Mr. HANNA: Petitions of citizens of North Dakota, against reduction of the duty on barley and favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HAYES: Petition of citizens of the Fifth Congressional District of California, opposing tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of citizens of the Fifth Congressional District of California, asking for increase of duty on post cards—to the Committee on Ways and Means.

Also, petition of George P. Steinhaur and 56 others, of Wilkes-Barre, Pa., favoring an effective Asiatic exclusion law against all Asiatics excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. KAHN: Petition of sundry citizens of San Francisco, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petitions of C. Holz Kamp and 51 others, A. Morrison and 33 others, Mrs. Hannah L. Peters and 28 others, John Lackeman & Co. and 21 others, all of San Francisco, Cal., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. LENROOT: Papers to accompany bill for the relief of George W. Jenkins, alias Henry H. Seymour—to the Committee on Invalid Pensions.

By Mr. PARSONS: Petition of International Photo-Engravers' Union, for increase of duty on postal cards, etc.—to the Committee on Ways and Means.

By Mr. PAYNE: Petition of Herman Taylor and others, of East Venice, N. Y., and Wolcott Grange, of New York, in favor of a parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBERTS: Petition of citizens of the Seventh Congressional District of Massachusetts, opposing tax on tea or coffee—to the Committee on Ways and Means.

By Mr. ROBINSON: Paper to accompany bill for relief of heirs of Susan McCurley—to the Committee on War Claims.

By Mr. SIMMONS: Petition of North Tonawanda Lodge, No. 860, Benevolent and Protective Order of Elks of the United States, for creation of a park for the American elk—to the Committee on the Public Lands.

By the SPEAKER: Memorial of the house of delegates of Porto Rico, praying for a reorganization of the United States district court of Porto Rico so that it may not conflict with the rightful jurisdiction of the insular courts of the island—to the Committee on Insular Affairs.

Also, memorial of the legislature of Hawaii, praying for protective duties on coffee—to the Committee on Ways and Means.

Also, memorial of the house of delegates of Porto Rico, praying for protective duties on coffee, and protesting against any legislation which would injure the sugar and tobacco interests of Porto Rico—to the Committee on Ways and Means.

Also, memorial of the house of representatives of the State of Illinois, praying for a duty on zinc ores—to the Committee on Ways and Means.

Also, memorial of Phillips Brothers, of Danville, Ill., protesting against the duty on tea and coffee—to the Committee on Ways and Means.

Also, memorial of Mrs. B. R. Shiners and 9 other citizens of Chicago and Sherman, Ill., protesting against the duty on gloves and hosiery—to the Committee on Ways and Means.

Also, memorial of the International Brotherhood of Paper Makers, of Watertown, N. Y., protesting against the reduction of the duty on print paper—to the Committee on Ways and Means.

Also, memorial of the National Live Stock Exchange, of South Omaha, Nebr., protesting against the reduction of the duty on hides and wool—to the Committee on Ways and Means.

Also, memorial of J. Polachick, of Chicago, Ill., protesting against the proposed duty on furs and skins—to the Committee on Ways and Means.

Also, petitions of R. W. Woodward and 19 others of Hackett, Ark.; of the Local Union of the United Mine Workers of Hughes, Okla., and other miners, praying for the enactment of a direct duty on crude oil—to the Committee on Ways and Means.

Also, petition of A. I. Bliss, of Wilgus, Pa., and other individuals, firms, and corporations in the United States, praying for the removal of the tax on sugar—to the Committee on Ways and Means.

Also, petition of P. M. Hain, of Hammon, Okla., and 17 others, praying for a constitutional amendment to enable women to vote—to the Committee on the Judiciary.

Also, memorial of Minnie Lee and 9 others, praying for the establishment of a national highways commission—to the Committee on Agriculture.

By Mr. STEENERSON: Petition of Covist V. Rud, of Viking, Minn., for repeal of duty on lumber—to the Committee on Ways and Means.

By Mr. STURGISS: Paper to accompany bill for relief of Isaac Clifford—to the Committee on War Claims.

By Mr. VREELAND: Petition of Manufacturers' Association of Jamestown, N. Y., against hostile and unjust legislation against railways—to the Committee on Interstate and Foreign Commerce.

Also, petition of employees of the Jamestown (N. Y.) Lounge Company, favoring suspension of legislation so that our industries may have an opportunity to recover their normal condition—to the Committee on Ways and Means.

By Mr. WANGER: Petition of 39 residents of Montgomery County, Pa., in favor of removing casein and lactarene from the free list and imposing a duty of 2½ cents per pound on unground casein or lactarene, and 2½ cents per pound on ground casein or lactarene—to the Committee on Ways and Means.

Also, petition of H. W. Gander and 9 other residents of Spring Mount, Montgomery County, Pa., for a reduction of the duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of 81 employees of Kaufman Knitting Mills at Bridgeport, Montgomery County, Pa., for the retention of the schedules of rates upon hosiery contained in the bill H. R. 1438 as passed by the House of Representatives—to the Committee on Ways and Means.

SENATE.

MONDAY, *April 19, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

JAMES P. CLARKE, a Senator from the State of Arkansas, and BENJAMIN R. TILLMAN, a Senator from the State of South Carolina, appeared in their seats to-day.

The Journal of the proceedings of Thursday last was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of the Deacons of the Missionary Baptist Church, of Franklin, Tenn., *v.* United States (S. Doc. No. 12);

In the cause of the Trustees of the Mount Olivet Methodist Episcopal Church South, of Nolensville, Tenn., *v.* United States (S. Doc. No. 9);

In the cause of the Trustees of the Christian Church of Warsaw, Mo., *v.* United States (S. Doc. No. 8);

In the cause of the Trustees of Grace Episcopal Church, of Berryville, Va., *v.* United States (S. Doc. No. 11); and

In the cause of the Trustees of the Methodist Episcopal Church South of Fairfax Court House, Va., *v.* United States (S. Doc. No. 10).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, in which the concurrence of the Senate was requested.

HOUSE BILL REFERRED.

H. R. 1438. An act to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was read twice by its title and referred to the Committee on Finance.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the general court of the Commonwealth of Massachusetts, remonstrating against the imposition by the Federal Government of a tax on inheritances, which was ordered to lie on the table.

He also presented a memorial of the Cigarmakers' International Union of America, remonstrating against the importation of cigars free of duty from the Philippine Islands, which was ordered to lie on the table.

He also presented the memorial of P. Rielly & Son, of Newark, N. J., relative to the duty on green salted hides, which was ordered to lie on the table.

He also presented a petition of the New York Silk Conditioning Works, of New York City, N. Y., praying that the duties on all wools imported in the grease should be levied at given rates upon the actual conditioned scoured weight, which was ordered to lie on the table.

He also presented a memorial of the National Wool Growers' Association, relative to the duty on wools, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, Ohio, Washington, Pennsylvania, Michigan, New Jersey, Georgia, Mississippi, Wisconsin, Texas, Massachusetts, Missouri, West Virginia, Maine, California, Nebraska, Virginia, Utah, Oklahoma, Kentucky, North Carolina, Arkansas, Illinois, Kansas, South Carolina, Minnesota, Louisiana, Colorado, and Indiana, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Typographical Union, No. 643, American Federation of Labor, of Waterville, Me., praying for a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Riley, Me., and a memorial of sundry citizens of Livermore, Me., remonstrating against the repeal of the duty on wood pulp and print paper, which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry business firms of Chicago, Ill., remonstrating against an increase of the duty on millinery, which was ordered to lie on the table.

Mr. GALLINGER presented petitions of sundry citizens of New Hampshire, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the New Hampshire forestry commission, remonstrating against the repeal of the duty on print paper, wood pulp, and lumber, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Enfield, Lebanon, Plymouth, and Warren, all in the State of New Hampshire, remonstrating against the duty on hosiery and gloves, which was ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Lithographing Company of Spokane, Wash., praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present a telegram, in the nature of a memorial, from the Battle Creek Industrial Association, of Michigan, relative to an income tax. I ask that the memorial be read for the information of the Senate, and that it be laid on the table.

There being no objection, the memorial was read and ordered to lie on the table, as follows:

[Telegram.]

BATTLE CREEK, MICH., *April 17, 1909.*

Senator WILLIAM ALDEN SMITH,
Washington, D. C.

The business men who were strong enough to hold the Republican national convention to an indorsement of the courts will insist that if any income tax be established it will apply to all incomes, whether from wages, salaries, business profits, rents, or interests. No one class shall be taxed to support another. Every man must bear his share of tax if he enjoys a share of government protection.

BATTLE CREEK INDUSTRIAL ASSOCIATION.

Mr. SCOTT presented petitions of sundry citizens of the United States, praying that an appropriation be made for a memorial to James Rumsey, to be placed in Statuary Hall, which were referred to the Committee on the Library.

He also presented a memorial of sundry citizens of Follansbee, W. Va., remonstrating against the drawback feature, pertaining to tin plates, in the so-called "Payne tariff bill," which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 79, Allied Printing Trades, of Wheeling, W. Va., praying for a reduction of the duty on paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Clarksburg, Hunton, Parkersburg, Farmington, Monongah, Willowton, and Oakville, all in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CUMMINS presented a memorial of sundry citizens of Iowa, remonstrating against the proposed increase of the duty on imported gloves, which was ordered to lie on the table.

Mr. WARNER presented petitions of sundry citizens of Missouri, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of Typographical Union No. 80, American Federation of Labor, of Kansas City, Mo., remonstrating against an increase of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Novinger, Mo., praying for a direct duty on crude oil of not less than the present countervailing duty, which was ordered to lie on the table.

Mr. BURNHAM presented a memorial of the New Hampshire Forestry Association, of Concord, N. H., remonstrating against the repeal of the duty on print paper, wood pulp, and lumber, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New London, Portsmouth, Stratham, Rye, Wolfeboro, and Berlin, all in the State of New Hampshire, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRADLEY presented petitions of sundry citizens of South Carrollton, Glasgow, Moorefield, Moorehead, Roseville, Williamsburg, Ashton, and Corydon, all in the State of Kentucky, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry lumber and shingle manufacturers of Washington, praying that the duty on shingles

be increased to 50 cents per thousand, which were ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRAZIER presented petitions of sundry citizens of Tennessee, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Tennessee, praying for a protective duty on hosiery, which were ordered to lie on the table.

He also presented memorials of sundry citizens of Tennessee, remonstrating against an increase of the duty on hosiery and gloves, which were ordered to lie on the table.

Mr. LODGE. I present a concurrent resolution of the legislature of Massachusetts, relative to a tax on inheritances. I ask that it be read and referred to the Committee on Finance.

There being no objection, the concurrent resolution was read and referred to the Committee on Finance, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

Resolutions protesting against the imposition by the Federal Government of a tax on inheritances.

Resolved, That the general court of the Commonwealth of Massachusetts, believing that inheritances should not be made a subject for national taxation, but should be left to the respective States as a source of revenue, especially in times of peace, respectfully protests against the imposition by the Federal Government of a tax on inheritances.

Resolved, That certified copies of these resolutions be sent by the secretary of the Commonwealth to the presiding officers of both branches of Congress, and to each of the Senators and Representatives from Massachusetts.

In house of representatives, adopted April 5, 1909.
In senate, adopted in concurrence April 7, 1909.
A true copy.
Attest:

WILLIAM M. OLIN,
Secretary of the Commonwealth.

Mr. LODGE presented a concurrent resolution of the legislature of Massachusetts, which was referred to the Committee on Pensions, and ordered to be printed in the RECORD, as follows:

THE COMMONWEALTH OF MASSACHUSETTS.

Resolution relative to rolls of Revolutionary regiments and companies and to statements regarding Revolutionary pensioners.

Whereas the last soldier of the Revolution passed away years ago, and pensions based upon services of ancestors in the Revolution have almost ceased to exist, and further protection to the interests of the National Government by withholding from the people the details of Revolutionary pension cases or rolls of Revolutionary regiments and companies now in possession of the United States is unnecesary; and

Whereas Massachusetts furnished a large percentage of the soldiers of the Revolution, and the detailed facts of their service contained in said statements and rolls are of historic and genealogical value to the State and to their descendants living in Massachusetts, as well as to the large number of such descendants living in other States: Therefore be it

Resolved, That our Senators and Representatives in Congress are recommended to take early concerted action to bring about public access to the Revolutionary rolls and all documents pertaining to applications for Revolutionary pensions now in the possession of the United States, with the right to copy them in whole or in part under such conditions and regulations as may be necessary for their safety and preservation; and that a copy of this resolution be forwarded to each of the Senators and Representatives in Congress from this Commonwealth.

Adopted. Sent up for concurrence.

JAMES W. KIMBALL, *Clerk.*

Adopted in concurrence.

HENRY D. COOLIDGE, *Clerk.*

A true copy.
Attest:

JAMES W. KIMBALL,
Clerk House of Representatives.

Mr. LODGE presented petitions of sundry citizens of Boston, Lowell, and North Westport, all in the State of Massachusetts, praying for the repeal of the duty on tea, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Clinton, Kingston, Chicopee, Fall River, South Orleans, Hingham, Framingham, Cambridge, New Bedford, Cohasset, and Somerville, all in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURKETT presented a petition of the Western Fruit Jobbers' Association, of Omaha, Nebr., remonstrating against a reduction of the duty on citrus fruits, pineapples, raisins, etc., which was ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of North Carolina, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. NEWLANDS presented a petition of the National Board of Trade, praying for the enactment of legislation providing for the preservation and conservation of the forests of the country, which was referred to the Committee on the Conservation of National Resources.

Mr. BRISTOW presented petitions of sundry citizens of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CLAPP presented petitions of sundry citizens of Minnesota, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DU PONT presented petitions of sundry citizens of Delaware, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of sundry citizens of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the board of supervisors of Washington County, N. Y., remonstrating against a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Buffalo, N. Y., remonstrating against an increase of the duty on barley not to exceed 10 per cent ad valorem, which was ordered to lie on the table.

He also presented a petition of Huron Grange, No. 124, Patrons of Husbandry, of Wolcott, N. Y., praying for the repeal of the proposed duty on sugar, which was ordered to lie on the table.

He also presented a petition of sundry employees of Balch, Price & Co., of Brooklyn, N. Y., praying for the adoption of an equitable tariff schedule relating to furs, which was ordered to lie on the table.

He also presented a petition of Local Grange No. 348, Patrons of Husbandry, of Wolcott, N. Y., praying for the passage of the so-called "rural parcels-post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of the Board of Trade of Johnstown, N. Y., praying for the retention of the proposed tariff schedule relating to gloves, which was ordered to lie on the table.

He also presented a petition of the Live Stock Association of East Buffalo, N. Y., praying for a reduction of the duty on live stock, which was ordered to lie on the table.

He also presented a petition of sundry growers of hops, of Kobleskill, N. Y., praying for the imposition of a duty on imported hops, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 15, American Federation of Labor, of Rochester, N. Y., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Chamber of Mines of Los Angeles, Cal., praying for a protective duty on petroleum, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for an increase of the duty on asphalt, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Sonoma, Santa Clara, and San Bernardino counties, all in the State of California, praying for the repeal of the duty on sulphate and muriate potashes, which were ordered to lie on the table.

He also presented a petition of the Asiatic Exclusion League, of San Francisco, Cal., praying for the enactment of legislation to prohibit the immigration into the United States of all Asiatics, except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. ROOT presented petitions of sundry citizens of New York, praying for a protective duty on post cards, which were ordered to lie on the table.

He also presented a petition of sundry citizens of Kobleskill, N. Y., praying for a duty of not less than 20 cents per pound on all hops imported from foreign countries, which was ordered to lie on the table.

He also presented a petition of the Live Stock Association, of East Buffalo, N. Y., praying for a reduction of the duty on live stock, which was ordered to lie on the table.

He also presented a memorial of the Yellow Pine Exchange, of New York City, N. Y., remonstrating against a reduction of the duty on lumber, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 55, American Federation of Labor, of Syracuse, N. Y., praying for the retention of the proposed duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Port Leyden, N. Y., praying for the retention of the proposed duty on hoisery, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Buffalo, N. Y., remonstrating against an increase of the duty on cotton goods, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of New York, remonstrating against the repeal of the duty on millinery, which was ordered to lie on the table.

Mr. GUGGENHEIM presented a petition of the Chamber of Commerce of Denver, Colo., praying for the ratification of reciprocal trade relations with the Dominion of Canada, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Colorado Springs, Colo., and a petition of the E. C. Kropp Company, of Milwaukee, Wis., praying for an increase of the duty on post cards, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Colorado, praying that tea and coffee be placed on the free list, which were orderd to lie on the table.

He also presented a petition of the Henkel-Duke Mercantile Company of Pueblo, Colo., praying for the repeal of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a memorial of the board of county commissioners of Lincoln County, Colo., remonstrating against the repeal of the duty on wool, woolen goods, and hides, which was ordered to lie on the table.

He also presented a petition of Left Hand Grange, No. 9, Patrons of Husbandry, of Niwot, Colo., praying for the appointment of a nonpartisan tariff commission, which was ordered to lie on the table.

He also presented a memorial of sundry lead ore producers of Idaho, Utah, Colorado, and Nevada, remonstrating against a reduction of the duty on lead ore, pig lead, bars, and base bullion, which was ordered to lie on the table.

He also presented memorials of sundry citizens of Maricopa County, Ariz., remonstrating against a reduction of the duty on sugar imported from the Philippine Isands, which were ordered to lie on the table.

Mr. NELSON presented an affidavit to accompany the bill (S. 629) granting an increase of pension to Laura M. Hoard, which was referred to the Committee on Pensions.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. RAYNER presented petitions of sundry citizens of Maryland, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DANIEL. I present the petitions of C. B. Camper, of Fincastle; The J. W. Rowe Company (Incorporated) of Hampton; C. J. Hedride, of Fincastle; R. K. Thompson, of Fincastle; M. A. Woodson, of Fincastle; W. N. Breckinridge, of Fincastle; F. D. Bolton, of Fincastle; Frank B. Perry, of Orange; R. H. Rawlings, of Orange; J. R. Grymes, of Orange; H. P. Jones, of Orange; L. Willis, jr., of Orange; Robert W. Sparks, of Orange; P. M. Watts, of Orange; R. C. Slaughter, of Orange; T. N. Sparks, of Orange; J. E. Long, of Orange; Kelly & Borum, of Norfolk; George W. Daughtry, of Norfolk; Spindle & Co., of Norfolk; Samuel A. Grimsley, of Culpeper; S. M. Newhouse, of Culpeper; T. E. Grimsley, of Culpeper; Thomas Wampler, of Culpeper; R. P. Rixey, of Culpeper; J. T. Wampler, of Culpeper; J. B. Stringfellow, of Culpeper; J. James Roberts, of Culpeper; H. C. Burrows, of Culpeper; S. D. Moore, of Charlotte Court House; V. V. Paugh, of Charlotte Court House; J. W. Hamlett, of Rough Creek; W. M. Roberts, of Rough Creek; W. M. Peak, of Rough Creek; W. T. Spencer & Son, of Fort Mitchell; M. D. Parrish, of Fort Mitchell; J. T. Newcombe, of Fort Mitchell; H. G. Fore, of Fort Mitchell; G. E. Thompson, of Fort Mitchell; R. C. Williams, of Fort Mitchell; E. F. Thomsom, of Clarendon; J. E. L. Hughes, of Penn Laird; B. T. Suter, of Penn Laird; P. K. Bauman, of Lloyds; P. S. Hart, of Penola; M. L. Hargrove, of Penola; R. L. Lovey, of Penola; E. M. Coleman, of Penola; R. S. Hargrove, of Penola; Augustus J. Smith, of Manchester; B. O. Nunnally, of Manchester; W. C. Flinn, of Manchester; B. A. Nunnally, of Manchester; H. C. Beattie, of Manchester; Charles Stein, of Manchester; Eddie L. Kidd. of Manchester; M. A. Campbell, of Manchester; E. Slump, of Manchester; Lynchburg Steam Bakery, of Lynchburg; W. T. Blankinship, of Lynchburg; T. E. Griffith, of Lynchburg; E. P. Marable, of Lynchburg; A. B. Chewning, of Lynchburg; R. T. Capps, of Norfolk; W. B. Cochrane, of Norfolk; A. D. Doxey, of Norfolk; A. Hueffner, of Norfolk; E. J. Turner, of Galts Mills; S. J. Bailey, of Galts Mills; R. E. Faulkner, of Nasons; Lockett Jenkins Company, of Crewe; W. H. Haney, of Claremont; Davis & Atkins, of Richmond; John B. Winfree, jr., of Lynchburg; and of Whitehead & Yeatts, of Chatham, all in the State of Virginia; and of J. A. Edmondson & Son, of Baltimore, Md., praying for a reduction of the duty on raw and refined sugars.

I ask that one, as a sample, may be printed in the RECORD.

The petitions were ordered to lie on the table, and the petition ordered to be printed in the RECORD is as follows:

To the United States Senate, Washington, D. C.:

The undersigned respectfully ask for a reduction in the duty on raw and refined sugars, in the interest both of the 80,000,000 consumers of the country and the manufacturing industries in which it is an important material. This tax amounts to 2 cents per pound on refined sugar, equivalent to an 80 per cent ad valorem duty.

This exorbitant tax is not justified by the conditions relating to the production or refining of sugar in this country. Leading sugar refiners have testified that they need no tariff protection against foreign refiners, and there is no good reason why all the people should be heavily taxed in the interest of one industry.

The relatively high price of sugar operates to prevent its more general use in the manufacture of preserved fruits of all kinds, and by adding to the cost of these articles limits their consumption. While this is the greatest fruit-growing country in the world, our exports of jams, jellies, etc., are comparatively small, as we can not compete in neutral markets with countries like Great Britain, which have the advantage of cheap sugar. A reduction of the sugar tax would greatly increase domestic consumption of these articles and would give us a much larger share of the export trade. In many cases the canners would be enabled to buy and preserve fruits that are now wasted for lack of a market.

We believe that this is a matter which should be decided by Congress in favor of the policy which will benefit the greater number of the people, and that the interests of the consumers should receive the consideration to which they are entitled. The tax on sugar is paid wholly by the consumers and is an unnecessary burden on one of the principal articles of their food. A reduction in this tax would therefore be an unquestioned advantage to the people of the entire country.

C. B. CAMPER, *Fincastle, Va.*

APRIL 9, 1909.

REPORTS OF A COMMITTEE.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1660) for the relief of Samuel Liverpool, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs, which was agreed to.

He also, from the same committee, to whom were referred the following bills, asked to be discharged from their further consideration and that they be referred to the Committee on Claims, which was agreed to:

A bill (S. 1651) for the relief of William Hayes;

A bill (S. 1654) for the relief of Eric E. Walgen;

A bill (S. 1667) for the relief of Kate Riling;

A bill (S. 1671) for the relief of Annie Catherine Mettier;

A bill (S. 1672) for the relief of John Birkett; and

A bill (S. 1673) for the relief of Charles Goody, his heirs or assigns.

BILLS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 1821) granting an increase of pension to Charles E. Peabody; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 1822) granting a pension to Martha A. Cheyne (with the accompanying papers); and

A bill (S. 1823) granting a pension to Harriett Scott (with the accompanying paper); to the Committee on Pensions.

By Mr. McLAURIN:

A bill (S. 1824) for the relief of the heirs of J. H. Peeples;

A bill (S. 1825) for the relief of Emily Donnelly, widow of James M. Donnelly, deceased;

A bill (S. 1826) for the relief of the estate of Ellen Elizabeth Samuel, deceased (with the accompanying paper); and

A bill (S. 1827) for the relief of the heirs of John Linton, deceased; to the Committee on Claims.

By Mr. OVERMAN:

A bill (S. 1828) for the purchase of a site and the erection of a public building thereon at Rockingham, N. C.; and

A bill (S. 1829) for the erection of a public building at Burlington, N. C.; to the Committee on Public Buildings and Grounds.

A bill (S. 1830) for the relief of the estate of Stephen Johnson, deceased; to the Committee on Claims.

A bill (S. 1831) granting a pension to Zennie Stanton;

A bill (S. 1832) granting an increase of pension to Alfred Rector;

A bill (S. 1833) granting an increase of pension to John D. Capps;

A bill (S. 1834) granting an increase of pension to William Hess, alias William Smith;

A bill (S. 1835) granting an increase of pension to James J. Ballinger;

A bill (S. 1836) granting a pension to Caroline Beachboard;
A bill (S. 1837) granting an increase of pension to Stephen M. Buckner;
A bill (S. 1838) granting a pension to Wiley S. Roberts;
A bill (S. 1839) granting an increase of pension to Elijah P. Hensley;
A bill (S. 1840) granting an increase of pension to H. J. Edge;
A bill (S. 1841) granting an increase of pension to Smith F. Carroll;
A bill (S. 1842) granting an increase of pension to James B. Sprinkle;
A bill (S. 1843) granting a pension to Elza Lawrence;
A bill (S. 1844) granting an increase of pension to Sophronia Roberts;
A bill (S. 1845) granting a pension to Seymour B. Wacaster;
A bill (S. 1846) granting an increase of pension to J. C. Albritton;
A bill (S. 1847) granting an increase of pension to Wilson Carter;
A bill (S. 1848) granting an increase of pension to John Smith;
A bill (S. 1849) granting an increase of pension to William L. Creasman;
A bill (S. 1850) granting an increase of pension to Chisley G. Hagan;
A bill (S. 1851) granting a pension to Daniel Skipper;
A bill (S. 1852) granting a pension to James Carroll;
A bill (S. 1853) granting an increase of pension to P. C. Monteiro;
A bill (S. 1854) granting an increase of pension to Edwin Stephens;
A bill (S. 1855) granting a pension to Timothy Edwards;
A bill (S. 1856) granting an increase of pension to Jane Henderson;
A bill (S. 1857) granting a pension to Joseph B. Voris;
A bill (S. 1858) granting an increase of pension to Wiley S. Roberts;
A bill (S. 1859) granting an increase of pension to Franklin B. Carland; and
A bill (S. 1860) granting an increase of pension to Henry A. White; to the Committee on Pensions.

By Mr. JOHNSTON of Alabama:

A bill (S. 1861) for the relief of the heirs of Gen. John A. Quitman; to the Committee on Claims.

By Mr. JOHNSON of North Dakota:

A bill (S. 1862) to prohibit selling of intoxicating beverages in Territory of Hawaii; to the Committee on Pacific Islands and Porto Rico.

By Mr. BRADLEY:

A bill (S. 1863) granting an increase of pension to Robert H. Clark; to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 1864) to facilitate the use for manufacturing purposes of square No. 328 in the city of Washington, as authorized in the act of Congress of February 1, 1907 (with the accompanying paper); to the Committee on the District of Columbia.

By Mr. NEWLANDS:

A bill (S. 1865) granting a pension to Margaret Mackey; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 1866) providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof; to the Committee on Public Lands.

By Mr. DICK:

A bill (S. 1867) for the relief of John C. Scantling, lieutenant-colonel, United States Army, retired; to the Committee on Military Affairs.

A bill (S. 1868) for the relief of Elizabeth F. Irvin; to the Committee on Claims.

A bill (S. 1869) granting a pension to Dana A. Smalley; to the Committee on Pensions.

By Mr. BURKETT:

A bill (S. 1870) authorizing the Secretary of the Interior to convey to Frank H. Young not to exceed 5 acres of land within the Santee Indian Reservation in Nebraska; to the Committee on Indian Affairs.

By Mr. GUGGENHEIM:

A bill (S. 1871) for a public building for the United States Geological Survey at Washington, D. C.; to the Committee on Public Buildings and Grounds.

A bill (S. 1872) setting apart a tract of land to be used as a cemetery by the Independent Order of Odd Fellows of Central City, Colo.;

A bill (S. 1873) providing for free homesteads in the Ute Indian Reservation in Colorado;

A bill (S. 1874) allowing homesteaders on the Gunnison Tunnel project to leave their claims until water is available;

A bill (S. 1875) to provide for the granting and patenting to the State of Colorado of certain desert lands within the former Ute Indian Reservation in said State;

A bill (S. 1876) to aid the State of Colorado to support a school of mines; and

A bill (S. 1877) to grant certain lands in the town of Fruita, Colo.; to the Committee on Public Lands.

A bill (S. 1878) to reimburse the several States and Territories for expenses incurred in assisting the Government of the United States in raising, paying, organizing, supplying, and equipping troops for service in the war with Spain; and

A bill (S. 1879) for the relief of Pete Jelovac; to the Committee on Claims.

A bill (S. 1880) for the relief of Andrew B. Baird and James S. Baird, and to confirm all sales and dispositions heretofore made by the United States out of the confiscated land of the late Spruce M. Baird, their father, known as "Baird's ranch," in the Territory of New Mexico; to the Committee on Private Land Claims.

By Mr. CLARK of Wyoming:

A bill (S. 1881) granting an increase of pension to John Welch; to the Committee on Pensions.

By Mr. BULKELEY (by request):

A bill (S. 1882) for the relief of the estate of Antonia Sousa, deceased (with the accompanying paper); and

A bill (S. 1883) granting an increase of pension to Thomas S. Gilbert (with the accompanying papers); to the Committee on Pensions.

By Mr. CUMMINS:

A bill (S. 1884) to extend the free transmission through the mails of official mail matter of the organized militia of the several States; to the Committee on Military Affairs.

By Mr. HALE:

A bill (S. 1885) granting an increase of pension to Wilson M. Mayo; to the Committee on Pensions.

By Mr. NELSON:

A bill (S. 1886) granting an increase of pension to Martin J. Easland; and

A bill (S. 1887) granting an increase of pension to Charles Heathfield; to the Committee on Pensions.

By Mr. GUGGENHEIM:

A joint resolution (S. J. R. 22) authorizing and directing the Secretary of War to dispose of certain obsolete guns; to the Committee on Military Affairs.

AMENDMENTS TO TARIFF BILL.

Mr. BEVERIDGE. I submit an amendment to be offered to the tariff bill.

The proposed amendment was referred to the Committee on Finance and ordered to be printed.

Mr. PAYNTER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. PAYNTER to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

That subdivision 9 of section 3244 of the United States Revised Statutes, as amended by section 69 of the act entitled "An act to reduce taxation, to provide revenue for the Government, and for other purposes," approved August 28, 1894, is hereby further amended so as to read as follows:

"Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf tobacco, or otherwise preparing raw or leaf tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf tobacco, tobacco stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco: *Provided*, That unstemmed tobacco in the natural leaf and not manufactured or altered in any manner shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf without payment of tax of any kind: *Provided further*, That any person who sells natural leaf tobacco to manufacturers of tobacco, snuff, or cigars shall be deemed and considered a dealer in leaf tobacco and become subject to all the provisions, rules, and regulations of subsection 6 of section 3244, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and also as amended by the act of March 3, 1883, and further, shall be subject to all the provisions of section 3360, United States Revised Statutes, as amended by section 14, act of March 1, 1879, and of sections 3359 and 3391, United States Revised Statutes: *And provided further*, That farmers and growers of tobacco may sell leaf tobacco of their own growth and

raising to manufacturers of tobacco, snuff, or cigars without being considered leaf dealers or manufacturers of tobacco and shall not be subject to the sections of the law and amendments thereof above named."

Mr. OVERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BRADLEY submitted four amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. DICK submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BULKELEY submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

MRS. MARTHA E. WEST.

On motion of Mr. CLAPP, it was

Ordered, That the papers and files in case of Mrs. Martha E. West (No. 125, 58th Cong., 1st sess.) heretofore withdrawn by permission may be again filed with the Secretary of the Senate.

WITHDRAWAL OF PAPERS—GEORGE F. STEFFENS.

On motion of Mr. CLAPP, it was

Ordered, That leave be granted to withdraw from the files of the Senate the papers in the case of George F. Steffens (S. bill 1913, 60th Cong., 2d sess.), there having been no adverse report theron.

EMMA W. ADAMS.

Mr. PENROSE submitted the following resolution (S. Res. 33), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 33.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Emma W. Adams, widow of Milo R. Adams, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

THE CENSUS.

Mr. LA FOLLETTE submitted the following report:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 14, 15, 16, 21, 36, 37, and 38.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 18, 19, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, and 35; and agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment, as follows: In lieu of the matter proposed, insert the following: "These employees shall be appointed by the Director of the Census upon such examination as he shall prescribe;" and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 13, and agree to the same with an amendment as follows: Strike out the matter proposed to be inserted by said amendment; and the Senate agree to the same.

That the House recede from its disagreement to the amendment of the Senate numbered 17, and agree to the same with an amendment, as follows: In lieu of the matter proposed insert the following: "That when the exigencies of the service require, the director may appoint for temporary employment from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil-service examination;" and the Senate agree to the same.

ROBERT M. LA FOLLETTE,
EUGENE HALE,
J. W. BAILEY,
Managers on the part of the Senate.
EDGAR D. CRUMPACKER,
EDWIN C. BURLEIGH,
JAMES HAY,
Managers on the part of the House.

Mr. McCUMBER. Mr. President, I would ask the Senator from Wisconsin if he will not consent to let the report go over until to-morrow?

Mr. LA FOLLETTE. Mr. President, it is very desirable to get the bill through as soon as possible. The House is in session to-day and will not be in session again, as I am informed, until Thursday. If the report could be disposed of this morning and reach the House to-day, it might be disposed of there by unanimous consent. I hope there will be no objection to the adoption of the conference report to-day.

Mr. McCUMBER. I will say to the Senator that I do not expect to urge any particular objections to the conference report; but I do want to ask some questions that will necessarily need some explanation. It has been well known that the Senator from Rhode Island would to-day discuss——

Mr. LA FOLLETTE. If I may interrupt the Senator from North Dakota, I have just learned that the House has adjourned for the day, and if the Senate is to have a session to-morrow, and I suppose it is, I see no objection to the report going over.

Mr. McCUMBER. I thank the Senator from Wisconsin.

The VICE-PRESIDENT. Without objection, the report goes over until to-morrow. No objection is heard.

DUTIES ON SUGAR IN FOREIGN COUNTRIES.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 7), which was read, and, with the accompanying papers, referred to the Committee on Finance and ordered to be printed:

To the Senate:

I transmit a report by the Secretary of State, with an accompanying statement, made in response to the resolution of the Senate of April 8, 1909, requesting information as to "the amount of duties and taxes per 100 pounds which are levied and collected on sugar in the following countries: Great Britain, Germany, France, Russia, Austria-Hungary, the Netherlands, Belgium, Spain, Italy, and Denmark; also, which of these countries grant tariff concessions on imports of sugar from their colonies."

WM. H. TAFT.

THE WHITE HOUSE, *April 19, 1909.*

THE TARIFF.

Mr. ALDRICH. I ask unanimous consent that House bill 1438 be now laid before the Senate for consideration.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which had been reported from the Committee on Finance with amendments.

Mr. ALDRICH. Mr. President, it is my purpose at the earliest possible moment to ask the Senate to consider the bill by paragraphs for amendment. I do not mean by this announcement that I shall try to stop what elsewhere is called "general debate" upon this subject. So far as the majority of the committee are concerned, and so far as I know, speaking for the friends of this measure, there will be no general discussion of the question of the wisdom or unwisdom of the protective policy. It is well understood, I assume, that the bill has been prepared along the declared lines of that policy. There will be no attempt, however, to restrict debate upon the other side of the Chamber. There will be no attempt by me or by any other member of the majority of the committee to explain in a lengthy speech the principles upon which the bill was constructed or the various provisions of its paragraphs. As these are reached in order the committee will be prepared to explain and defend their provisions.

Perhaps I should allude to a misapprehension which exists with reference to three items of the bill that were reported by the committee practically without recommendation. One is as to the provisions of the House bill on coal, putting it on the free

list, with reciprocal provisions; the other is in regard to news print paper and wood pulp; and the third is in regard to hides. It is not the purpose of the committee—and when I use the word "committee," I shall always mean the majority of the committee—to try to evade responsibility with reference to these items. As soon as the requisite data can be secured by the committee, they will report amendments which they will recommend to the Senate upon each of these three items.

Mr. President, I had intended to leave the question of estimating the amount of revenue to be derived from the pending bill until the consideration of the paragraphs had been completed in the Senate, but the character of the amendments which have been offered to the measure has led me to conclude that an earlier statement in this connection is desirable.

The practical question to which I shall ask your attention today is, Will the bill as reported from the Committee on Finance produce sufficient revenue when taken in connection with the internal-revenue taxes and other existing sources of revenue to meet the expenses of the Government without the imposition of additional taxes? I answer unhesitatingly, after a thorough and careful investigation of the facts and the conditions likely to surround the problem, that it will. I submit statements showing the receipts and disbursements, actual and estimated, of the Treasury for the fiscal years 1900 to 1911, inclusive.

Actual receipts and disbursements exclusive of Panama Canal for fiscal years 1900 to 1908, inclusive.

Fiscal year.	Receipts.	Disbursements.	Surplus.
1900	$567,240,851.89	$487,713,791.71	$79,527,060.18
1901	587,685,337.53	509,967,353.15	77,717,984.38
1902	562,478,233.21	471,190,857.64	91,287,375.57
1903	560,396,674.40	506,089,022.04	54,307,652.36
1904	540,631,749.40	532,237,821.31	8,393,928.09
1905	544,274,684.85	563,360,093.62	a 19,085,408.77
1906	594,454,121.67	549,405,425.35	45,048,696.32
1907	663,140,334.05	551,705,129.04	111,435,205.01
1908	601,126,118.53	621,102,390.64	a 19,976,272.11

a Deficit.

Estimated receipts and disbursements for fiscal years 1909 to 1911, inclusive.

Fiscal year.	Receipts.	Disbursements.	Surplus.
1909	$605,047,230.00	$674,509,680.00	a $69,462,450.00
1910	655,000,000.00	700,000,000.00	a 45,000,000.00
1911	695,000,000.00	665,000,000.00	30,000,000.00

a Deficit.

Actual receipts, nine and one-half months, 1909	$468,042,873.28
Disbursements, nine and one-half months, 1909	533,986,815.88
Deficit, nine and one-half months, 1909	65,943,942.60

In these statements both the receipts and disbursements for the Panama Canal have been eliminated for obvious reasons. It is the policy of Congress, which I think has universal approval, that payments for the canal and its construction should not be made from current revenues, but met by the sale of bonds.

In the official statement of receipts and expenditures heretofore made by the Treasury, the proceeds of the sale of canal bonds have not been included in the receipts, while the disbursements for the purchase and construction of the canal have been included in the table of expenditures.

The figures I submit are all for the fiscal years ending on the 30th of June, and they include all receipts and disbursements except those of the Post-Office Department and the Panama Canal, but the postal deficiencies are included in all cases in the disbursements. The statement consists of the actual official figures of receipts and disbursements for the years 1900 to 1908, inclusive, and show that in these years the act of 1897 (existing law) produced a surplus of $428,656,221, an average yearly surplus of $47,628,469. The statement commences with the year 1900. The Spanish war followed the enactment of the act of 1897, and the revenues and expenses of the Government did not reach normal conditions until the year 1900.

From data which I will submit, secured in consultation with Treasury experts, I have made up the figures, partly estimated and partly actual, showing the probable receipts and disbursements for the fiscal years 1909, 1910, and 1911.

Estimates of the amount of future receipts and disbursements of the Government must, in the nature of things, have an element of uncertainty; but the trained men who have been watching for years the course of the income and expenditures of the Government can form a very close estimate of the probable results.

Taking the present fiscal year for examination, first, we have the actual figures for nine and one-half months, which are: Receipts, $468,042,873; disbursements, $533,986,815; showing a deficit of $65,943,942. I have taken the disbursements of $533,986,815 for nine and one-half months and estimated those for the succeeding two and one-half months on the same basis, reaching the result of $674,509,680 that I have indicated.

A considerable portion of the customs receipts for the remaining two and one-half months of the year 1909 will probably be collected under the terms of existing law.

In making the estimates of receipts of the year 1909, the actual receipts and disbursements for the first nine and one-half months being available, the figures for the remaining two and one-half months are based on these ascertained results, and indicate receipts for the year of $605,047,230. The figures, which must be very nearly accurate, show an estimated deficit at the end of the year of $69,462,450.

For the year 1910 the appropriations have already been made, and the amount which will be expended can be foretold with approximate accuracy.

In making the estimates for these expenditures I have taken the gross appropriations for the year, $1,044,000,000, and deducted the appropriations for the Post-Office Department, $235,000,000; the sinking fund, $60,000,000; the national-bank fund, $30,000,000; and Panama Canal expenses, $37,000,000, and have added the official estimate for the postal deficiency for the year, $20,000,000, showing a probable total of expenditures of $700,000,000. In fact, it is hardly possible that this total amount will be expended, as the total expenditures have never in any fiscal year equaled the gross appropriations.

If the pending bill should become a law before the 30th of June next, the customs revenues for the entire fiscal year of 1910 would be collected under its provisions, and the integrity of the probable results shown constitute the crucial point in our investigation.

For the purpose of ascertaining the relative revenue-producing qualities of the Senate bill and the act of 1897, the Committee on Finance has had prepared a statement, which is laid before the Senate this morning. It applies the rates of the Senate bill to the importations of 1907. In other words, it shows the revenue that would have been derived upon the importations made in 1907 if the Senate bill had been in force during that year.

We have selected the year 1907 for the comparison, as this was the last year in which the finances and business of the country were in a normal condition.

The statement shows that if the Senate bill had been in force in 1907 the customs revenue produced by it would have been $8,000,000 greater than those collected under the Dingley Act, the totals being $332,000,000 under the act of 1897 and $340,000,000 under the Senate bill.

This increase of revenue is due to advances in rates on a few articles of luxury, such as wine, spirits, and so forth. It is also due to the substitution made in the bill, in all cases where it was possible, of specific for ad valorem duties. This will prevent undervaluation and consequently increase revenues. This increase will be more marked in the silk schedule than elsewhere.

There are other changes which will be included in the bill that will affect the comparative revenues.

The changes which we propose to make in the administrative act include (1) new definitions of dutiable value and new methods in its proper ascertainment; (2) more efficient collection machinery; and (3) a provision for the creation of a customs court to insure uniformity of decisions in customs cases. The provisions suggested will, in the opinion of the committee, result in the collection of a certain percentage more revenue in the importation of the same articles than was collected under the act of 1897.

The extent of the undervaluations practiced under existing law is variously estimated at from 10 to 25 per cent of the revenue collection. If any considerable portion of this practice is corrected by the provisions I have alluded to, we can certainly safely add five millions to the estimate of revenue in the year 1910, making a total estimate of revenue for 1910, based upon the importation of 1907, $345,000,000. I have assumed that the importation of 1907 is the proper basis for comparison. We should not lose sight of the fact that there will be approximately 4,000,000 people more in the United States to be provided for in 1910 than in 1907, and if other conditions remain the same there will be a natural increase from this cause. The committee believe that the extent of importations will be greater in 1910 than in 1907.

Growing out of depressed business conditions which have existed since the autumn of 1907, there has been for a month a

large reduction in importations. Stocks of goods of all kinds in the country are now very small, and with the improved conditions that are sure to follow our action, we may expect larger importations in the fiscal year 1910 than in any year in our history.

Business activity and the movement for increased importations has already commenced. We can feel the change in the air. The customs receipts for the thirty-nine business days from March 1 to April 15, inclusive, increased, as compared with the corresponding days in 1908, $12,031,093.08, or an average daily increase of $261,545.50. If this rate of increase should continue throughout the next year, it would lead to an increase in the customs revenue for that year of $81,600,000. This increase, however, seems to be progressive, as the report for the last day which I have, April 16, shows receipts from all sources $2,072,071.86, as compared with receipts of $1,283,321.30 on the corresponding day of last year. The total receipts from customs for the first sixteen days of April were $15,976,106.67, against $11,039,277.15 in April of last year, and the statement of the 1st to the 16th of April—and I ask the Senate's careful consideration of these figures—shows an excess of receipts over expenditures this year of $312,929.92, as against an excess of expenditures over receipts of the corresponding period of last year of $6,618,925.88. There is no incentive for these enlarged importations except improved conditions of the country and reduced stocks of imported merchandise. The character of the legislation proposed furnishes no reason for accelerated imports, as there are practically no rates in either the House or Senate bill which are above the rates imposed by the act of 1897. It must be conceded that the era of prosperity which commenced the first part of March is likely to continue uninterruptedly with the enactment of wise tariff legislation.

Those who do not believe in this continued march of improvement have little knowledge of the recuperative powers of the American people and fail to measure correctly the force of the spirit of confidence which will accompany a guaranty of security and industrial peace.

The estimates which I have made of increased revenues growing out of this change in conditions are most conservative. The estimate I have made for the receipts from customs for the year 1910 is $345,000,000. The customs receipts in 1906 were $300,000,000; in 1907, $332,000,000; and in 1909 they will approximate $300,000,000. If the same rate of increase which has obtained since the 1st of March should be applied to the eight months of the next fiscal year not covered by the period of improvement in this year, we should then have an increase over the receipts for the present fiscal year, say $295,000,000, of $54,401,865, making a total of $349,401,000, without taking into account the additional sources of revenue provided for in the Senate bill.

It will thus be seen that by taking the importations of 1909 as a basis and making proper allowance for increases, we obtain practically the same figures as those based upon the importations of 1907, confirming the result of my first calculation.

For the year 1911 I have estimated an increase of revenues of $40,000,000 and a reduction of expenditures of $35,000,000, a consequent surplus of $30,000,000. This surplus would certainly continue under normal business conditions. There can be no reasonable question of the sufficiency of the Senate bill to provide adequate revenue.

If the statements I have submitted are approximately correct, the important question arises: In what way is the Treasury to take care of the deficiencies I have indicated for the present and the following fiscal year?

The Treasury has to-day, including the $74,681,275.89 which it is entitled to receive for reimbursement of canal expenditures, practically $100,000,000 of available surplus over a necessary working balance. This surplus is likely to be reduced, say, $6,000,000 between now and the 30th of June by additions to the deficiency for the current fiscal year. This would leave on the 30th of June an available surplus of $94,000,000. If the estimates which I have made for the year 1910 are accurate, the estimated deficiency of $45,000,000 in that year would still leave a surplus in the Treasury of $49,000,000, which would be increased from time to time in the subsequent years.

In estimating the Treasury surplus, I have assumed that what might be called "canal bonds" can be sold from time to time to an amount which will reimburse the Treasury for all payments on account of the canal, and that they are now available for that purpose. Further legislation will, however, be necessary in this bill to secure that result.

The Comptroller of the Treasury has held that $60,000,000 of the amount paid is not reimbursable under the provisions of existing law. This lack of authority will undoubtedly be remedied by a proper amendment.

Legislation will also be required in the pending bill to change the character of the bonds which may be issued. Existing legislation only authorizes the issue of 2 per cent bonds, which must be sold at not less than par. These could only be purchased by or for the national banks. It would not be possible to sell a considerable amount of bonds of this character at par. It will therefore be necessary to authorize the Secretary of the Treasury to sell bonds of a different class. Bonds redeemable at the pleasure of the Government after a few years could undoubtedly be sold at a rate not exceeding 3 per cent, and the necessary authority should be given in this bill for such issue.

In the estimates for the year 1911 which I have submitted, it will be observed that I have reduced the estimated disbursements for that year $35,000,000 below the estimated expenditures of 1910, the latter being based upon existing appropriations. I believe, however, that the expenditures for 1910 of $700,000,000 could also be materially reduced by executive or legislative action, or both.

I am well aware that the accomplishment of the reduction of expenditures I have suggested will be surrounded with great difficulties. The rapidity with which our national expenditures have increased within the last three years is a source of anxiety if not of alarm. Simultaneously with the reduction in receipts of $60,000,000 from 1907 to 1909, we have had an increase in expenditures of $120,000,000.

It is but fair to say that when the appropriations for the year 1908 were made the country had not been overtaken by the panic of 1907, and it is quite natural, perhaps, that appropriations should have been made upon the theory that the great prosperity of 1907, with its surplus revenues of $111,000,000, was to continue indefinitely.

But a different condition existed when the appropriations for the year 1910 were made. It is true that the bills making these appropriations were necessarily passed without careful consideration and without a general knowledge of Treasury conditions. The fact that the appropriations were less than the estimates does not relieve Congress from responsibility for their unprecedented extravagance. No excuse whatever can be found for similar legislation in the future.

The conditions under which appropriations are usually made by Congress are, perhaps, in part responsible for the inconsiderate waste of public money. Each department practically makes its own recommendations independently of all the others and without reference to the total amount of revenues which can be safely appropriated. The committees in charge of the various appropriation bills are required to consider only the needs of the respective departments for which they report appropriations and without reference to the total amount of money available.

It is important in the interests of the public service that a radical change in the procedure with reference to appropriations should be made, and the Senate is pledged to immediate reform in this regard. It should be the function of the Committee on Public Expenditures recently created to take into consideration, long before the appropriation bills are received from the House of Representatives, the estimates and needs of the various departments and report their recommendations to the Senate, in order that responsibility for future extravagancies may be clearly fixed. From an investigation more or less superficial I am myself satisfied that the appropriations made last year could have been reduced at least $50,000,000 without impairing the efficiency of the public service. There are periods in the life of a nation when the spirit of extravagance pervades the atmosphere and the public money is scattered right and left, often without reference to the results to be secured. I hope and expect to see a radical reform in this direction. We have within the past few years created many unnecessary bureaus and multiplied employees beyond the possibility of efficient work.

No one committee or official has been charged with the duty of attempting to coordinate expenditures with revenue, and extravagant and unwise appropriations have been made without reference to the economical administration of the Government.

In this work of necessary reduction in expenditure and in reform in methods of appropriation to which the Senate is pledged, I am authorized to say that we shall have the earnest support and active cooperation of the President and the administration.

I may be asked what would happen if it should be found that I have been oversanguine or wholly inaccurate in my statements of probable conditions and results. What shall we do if the revenues actually received are less than those I have anticipated, and large deficiencies are threatened? I answer with all the emphasis at my command that it would then be the imperative duty of Congress to reduce expenditures and make them conform to actual revenue conditions, and not to impose

new and onerous taxes. The legislative power of Congress over the revenues and expenditures will not end with the adoption of the pending bill. Congress will be in session again in December and again the following year. The President has the power to call us in special session at any time. The pending bill will, if enacted into law, provide all the necessary revenues required for public expenses upon a liberal scale. No further additional taxes are needed. The imposition of other taxes under these conditions would not only be unwise, but unjust and prejudicial to every interest of the great people we represent.

In the face of the record I have disclosed no political party can afford to place new and unnecessary burdens upon the industries and people of the United States, and I am confident that the party of which I am a member will not assume any such responsibility.

Mr. President, I was surprised on the morning on which this bill was reported to the Senate to have the senior Senator from Virginia [Mr. DANIEL] almost immediately arise in his place and offer an amendment to the bill which, if adopted, would impose from sixty to eighty million dollars a year upon the business and industries of the United States. The Senator from Virginia is the senior Democratic member of the Committee on Finance. His long service upon that committee; his great knowledge of all economic subjects; his position in his party, all make the action of that Senator significant.

The next day the distinguished Senator from Texas [Mr. BAILEY], also a member of the Finance Committee, offered another amendment supplementing the suggestions of the Senator from Virginia, proposing to impose a tax of $60,000,000 a year upon the incomes of the people of the United States.

Before the enacting clause of this bill was read, and when, by the confession of the two Senators I have named, they were entirely ignorant of its provisions, two Senators suggest adding $120,000,000 to the burdens which now rest upon the people of the United States. What a change was there, my countrymen.

Mr. President, I was brought up in a Democratic atmosphere. I remember well the lessons which my Democratic ancestors tried to instill into my mind as to the policies and the principles of the Democratic party. I shall not attempt to enumerate all of them, but the contention was always prominent that the party was the party of economy in expenses and always opposed to unnecessary taxation. In the Democratic platform for the year 1840, when Martin Van Buren was nominated for President, the following resolution appears:

Resolved, That it is the duty of every branch of the Government to enforce and practice the most rigid economy in conducting our public affairs, and that no more revenue ought to be raised than is required to defray the necessary expenses of the Government.

In 1846 Robert J. Walker, whom I conceive to be the ablest advocate of a tariff for revenue only this country has produced, announced as his platform the following principles:

That no more revenue should be collected than is necessary for the wants of the Government, economically administered.
That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

These ideas have been promulgated from every Democratic platform in this country from that time to this. The Republican party has been assailed from every stump and in every part of the United States for extravagance, for the imposition of unnecessary, and therefore unjust, taxes upon the people of the country. What do we now see? Not an attempt to secure greater economy by the Democratic leaders in the Senate, but propositions to impose $120,000,000 of additional taxes; and for what purpose? They can have no other purpose, or perhaps I should say they could have no other effect, than to promote and incite further extravagance in appropriations and in expenditures.

Mr. BAILEY. Mr. President, will the Senator from Rhode Island yield to me?

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Yes; I yield.

Mr. BAILEY. Mr. President, I assume that the Senator from Rhode Island does not desire to misrepresent my attitude.

Mr. ALDRICH. I do not. I was coming to a statement which the Senator afterwards made in submitting his proposition.

Mr. BAILEY. Then I will refrain from further interruption until I see if the Senator from Rhode Island is as fair when he reaches that statement as he appears to be now.

Mr. ALDRICH. I will try to do so. It is true that the Senator from Texas qualified his statement about the $60,000,000 of revenue that would be obtained from an income tax by saying that it was his purpose, if that should be adopted, to reduce the taxes which are levied by the pending bill, or by existing law, upon other articles which might be designated as "articles in common use" or "necessaries of life." Is that a fair statement?

Mr. BAILEY. That is a fair statement. Not exactly, but in substance. If I were permitted to control the procedure, I would make the two propositions in one motion. I would provide for the reduction of the duties on articles of common necessity, and then I would supply the deficiency of revenue created by a remission of those duties to the people by the levy of an income tax. Of course, if I could not have my way, then I would vote for each proposition separately.

Mr. ALDRICH. I understood that to be the position of the Senator from Texas, and I desire very briefly to examine his proposition to reduce the taxes $60,000,000 below the amount which it is estimated will be raised by this bill or by existing law. How will it be done, as a matter of practical operation? Can anyone suggest to me any method by which it can be done?

Robert J. Walker, in giving his idea of a revenue tariff—and it is the idea of every man who has ever treated this question intelligently and from a logical standpoint—laid down the principle—

That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

Consider that, gentlemen—

That no duty be imposed on any article above the lowest rate which will yield the largest amount of revenue.

If duties should be reduced in the pending bill to that level, what would happen? You would increase the revenues, instead of reducing them, and your income tax would be more unnecessary than it is at this moment, because you would have a large surplus revenue——

Mr. BAILEY rose.

Mr. ALDRICH. I hope the Senator will let me proceed for just a moment longer.

Mr. BAILEY. I should like to have the Senator put in the RECORD another extract from Robert J. Walker's report.

Mr. ALDRICH. The Senator from Texas can put in the whole report later on if he likes.

Mr. BAILEY. I should like to see the two go in together, but I will take occasion to do that later.

Mr. ALDRICH. It must be patent to Senators that if we are to reduce the rates imposed by the pending bill to a revenue basis it means an absolute increase of revenue rather than a diminution. The only way the revenue can be reduced substantially is by adopting one of two courses—either by the adoption of prohibitory duties, which will stop the revenue, or by placing manufactured articles that compete with articles produced in this country on the free list. I suggest that the Senator from Texas give that proposition his attention. That is the only way that the revenues to be derived from this bill can be reduced. There is, it is true, another method, adopted in the construction of the Wilson bill, the only Democratic tariff with which this country has been cursed since 1846. What did that bill do? What was the effect of the legislation in that case? It did reduce revenues. How? By putting out the fires and the furnaces and stopping the machinery of production; by prostrating the industries of the United States and destroying the purchasing power of the American people. You can reduce expenditures by legislation which shall send this great and prosperous country into a state of decay and dissolution. Are you gentlemen upon the other side ready to do this?

Perhaps you would like to reduce the revenues for the purpose of imposing an income tax and thus taking the first steps for the destruction of the protective system. That attempt has been made before; in fact, every time there has been a Republican tariff measure before the Senate, within my recollection.

The traditions of your party, the interests of the great American people are all against this policy of yours. I shall be very curious to see what the Senator from Virginia and the Senator from Texas, with all of their ability and all of their ingenuity, can say in defense of the taxes—taxes which they seek to impose when there can be no necessity for their imposition.

I will ask to have printed as a part of my remarks the detailed tables I send to the desk.

The tables referred to follow on next page.

Statement of receipts and disbursements of the United States.
[By fiscal years 1897 to 1908, inclusive, and nine months of 1909.]

RECEIPTS.

	1897.	1898.	1899.	1900.	1901.	1902.	1903.
Customs	$176,554,126.65	$149,575,062.35	$206,128,481.75	$233,164,871.16	$238,585,455.99	$254,444,708.19	$284,479,581.81
Internal revenue:							
Spirits	81,847,927.23	90,158,802.80	98,285,548.04	110,692,847.66	115,078,617.15	121,773,239.20	131,327,431.76
Fermented liquors	32,471,786.99	39,515,421.14	68,640,183.64	73,560,754.49	76,669,907.65	71,988,902.39	47,547,856.08
Tobacco	30,710,190.88	36,230,522.37	52,484,113.58	59,355,084.89	62,481,907.13	51,967,925.19	43,514,810.24
Stamp taxes			43,837,929.66	40,963,811.53	40,194,641.27	14,174,101.54	
Other sources	1,658,919.24	4,995,896.18	10,189,386.59	10,765,478.19	13,755,590.57	12,005,953.78	8,420,026.09
Total internal revenue	146,688,774.29	170,900,641.49	273,497,161.51	295,327,926.76	307,180,663.77	271,880,122.10	230,810,124.17
Sales of public lands	864,581.41	1,243,129.42	1,678,246.81	2,836,882.98	2,965,119.65	4,144,122.78	8,926,311.22
Other miscellaneous	23,614,422.81	[a]83,602,501.94	34,716,780.11	35,911,170.99	38,954,096.12	32,009,280.14	36,180,657.20
Aggregate receipts	347,721,905.16	405,321,335.20	515,960,620.18	567,240,851.89	587,685,337.53	562,478,233.21	560,396,674.40

	1904.	1905.	1906.	1907.	1908.	1909 (nine months).
Customs	$261,274,564.81	$261,798,856.91	$300,251,877.77	$332,233,362.70	$268,113,130.29	$216,926,093.56
Internal revenue:						
Spirits	185,779,720.54	135,234,711.29	143,168,779.80	157,782,395.38	286,206,268.03	104,095,530.60
Fermented liquors	49,088,458.77	50,334,259.40	55,574,006.45	59,342,450.20	59,807,542.22	41,502,716.93
Tobacco	44,655,801.85	45,699,189.28	48,721,734.62	51,302,777.91	49,862,755.01	37,613,145.30
Other sources	3,385,138.29	2,837,580.86	1,685,692.04	1,239,149.36	2,834,561.44	1,447,144.62
Total internal revenue	282,904,119.45	234,095,740.85	249,150,212.91	269,666,772.85	251,711,126.70	184,658,537.45
Sales of public lands	7,453,479.72	4,859,249.80	4,879,883.65	7,878,811.13	9,731,560.23	6,352,912.33
Other miscellaneous	38,999,585.42	43,520,837.29	40,172,197.34	56,361,387.37	53,570,301.31	33,014,471.88
Aggregate receipts	540,631,749.40	544,274,684.85	594,454,121.67	663,140,334.05	601,126,118.53	440,952,015.22

DISBURSEMENTS.

	1897.	1898.	1899.	1900.	1901.	1902.	1903.
CIVIL ESTABLISHMENT.							
Legislative:							
Congress	$4,358,147.94	$4,163,301.21	$4,506,229.21	$4,417,666.67	$4,430,578.99	$4,542,376.31	$4,682,324.33
Public Printer	3,843,918.37	3,894,609.48	4,124,673.87	4,730,211.11	5,812,387.69	6,156,256.37	5,917,410.11
Library of Congress	545,646.82	266,632.21	262,729.68	306,867.29	424,756.87	469,403.09	590,668.39
Miscellaneous	789,535.06	1,114,034.41	2,283,736.85	517,471.86	543,791.25	162,164.10	1,000,346.34
Executive office:							
Salaries and expenses	97,044.21	101,721.03	113,227.06	110,416.34	115,378.05	112,360.38	247,723.29
Civil Service Commission	96,950.13	97,429.87	97,365.76	97,408.61	97,932.59	101,224.84	99,928.94
Department of State:							
Salaries and expenses	138,684.81	138,975.25	247,594.17	141,371.22	156,015.30	186,467.44	178,098.28
Foreign intercourse	2,076,876.84	2,485,561.13	[b]22,624,019.80	3,214,802.65	3,317,900.35	2,765,734.01	3,204,522.01
Treasury Department:							
Salaries and expenses	3,039,944.79	3,074,323.46	3,186,817.00	3,277,786.67	3,295,011.92	3,533,329.24	3,846,800.94
Independent Treasury	602,369.65	593,635.66	599,685.25	682,811.85	686,610.52	693,544.89	704,203.54
Mint establishment	1,176,516.13	1,128,172.18	1,488,270.92	1,479,648.25	1,906,475.17	1,533,666.06	1,456,220.57
Territories	196,277.88	92,501.53	164,634.17	89,923.95	224,241.84	165,734.85	261,591.08
Internal Revenue Service	8,678,929.54	4,902,511.15	4,499,146.87	4,991,677.41	5,990,282.72	8,536,348.58	10,603,813.60
Collecting revenue from customs	7,075,372.05	7,152,276.58	7,361,562.83	7,467,692.48	7,713,418.82	7,967,475.86	8,468,710.19
Refunds excess of deposits and drawbacks	3,728,144.36	4,928,412.97	7,628,999.95	10,387,538.85	12,976,038.25	10,650,417.26	9,596,844.77
Revenue-Cutter Service	945,180.93	1,066,478.04	1,040,594.64	1,229,337.57	1,256,550.61	1,203,637.12	1,441,614.26
Public Health and Marine-Hospital Service	620,506.90	709,248.04	788,043.21	982,495.77	1,240,192.37	1,234,264.51	1,356,455.87
Life-Saving Service	1,507,340.63	1,537,740.00	1,528,895.39	1,579,127.73	1,650,907.17	1,667,688.48	1,746,841.19
Coast Survey	380,865.52	478,007.84	659,412.43	528,156.05	753,298.04	838,832.07	[c]865,215.78
Light-House Establishment	3,390,090.45	3,331,256.37	3,118,853.50	3,556,840.70	3,638,808.58	4,181,403.39	[c]4,537,315.67
Bureau of Fisheries	428,827.27	465,070.66	433,211.42	520,309.90	516,897.66	540,691.17	[c]560,751.59
Immigration Service	501,607.83	379,093.25	445,560.21	508,319.54	492,224.18	602,336.41	[c]1,024,421.38
Steamboat-Inspection Service	339,561.18	340,009.04	331,678.33	316,140.85	354,929.90	344,490.06	[c]448,605.88
Engraving and Printing	1,130,561.59	1,129,261.90	1,612,926.18	1,807,169.59	2,058,598.21	2,653,522.43	2,782,348.50
Public buildings—construction	3,758,795.67	3,760,684.57	3,861,194.30	6,346,657.85	6,781,362.78	4,919,574.17	7,679,721.24
Fuel, furniture, and expenses, public buildings	1,981,110.87	2,145,982.12	2,284,733.76	2,285,099.97	2,425,144.62	2,417,282.17	2,282,909.92
Expositions	114,781.81	166,972.68	432,774.35	71,279.08	361,013.95	218,660.86	1,099,290.16
Miscellaneous	3,345,984.97	[d]6,824,428.26	4,723,177.49	4,669,550.19	4,708,280.50	3,965,019.66	[e]4,614,659.01
War Department:							
Salaries and expenses, civil	1,713,825.25	1,752,473.78	2,390,391.36	2,679,700.57	2,687,199.80	2,194,319.30	2,224,031.29
Public buildings and grounds in Washington	150,528.84	145,304.80	163,719.53	195,860.32	191,024.03	190,710.74	[f]840,196.50
Navy Department:							
Salaries and expenses	410,983.43	426,496.99	412,630.60	425,234.66	478,325.56	498,897.02	498,762.44
Interior Department:							
Salaries and expenses	4,509,041.83	4,767,499.10	4,700,358.50	4,767,172.82	4,728,737.91	4,742,480.28	4,933,929.83
Public lands service	1,860,676.21	1,747,242.08	1,870,614.45	2,034,164.39	2,438,549.64	2,398,905.07	2,620,643.73
Geological Survey	422,366.82	440,004.96	493,330.80	555,389.75	697,320.49	740,121.53	897,866.44
National parks	40,158.53	20,747.76	25,238.89	24,422.07	35,161.22	73,609.68	101,118.32
Beneficiaries	394,756.66	438,903.97	465,422.35	494,001.00	503,501.03	681,321.53	1,235,578.74
Census	25,817.73	758.54	57,433.35	945,347.03	7,816,748.00	2,920,317.97	1,353,914.24
Colleges for agriculture	1,056,000.00	1,104,000.00	1,152,000.00	1,200,000.00	1,200,000.00	1,200,000.00	1,200,000.00
Reclamation Service							208,517.23
Miscellaneous	206,179.42	152,106.42	202,079.89	145,174.38	1,229,765.80	871,573.10	437,485.49
Post-Office Department:							
Salaries and expenses, department proper	901,267.84	869,966.13	867,946.90	928,557.99	986,574.57	1,031,488.29	1,391,393.00
Deficiency in postal revenues	11,149,296.13	10,504,040.42	8,211,570.06	7,230,778.79	4,954,762.21	2,402,152.52	2,768,919.20
Mail transportation, Pacific railways	1,569,153.38	857,797.45	587,545.31	598,976.18	606,534.08	592,682.31	701,648.28
Miscellaneous	1,646.98	514.88	54,271.13	2,563.00	1,917.01	22,161.50	48,105.87

[a] Includes $64,751,223.75 paid into the Treasury on account of indebtedness of Pacific railroads; and the miscellaneous receipts for subsequent years to June 30, 1908, include approximately four to six millions paid in each year on the same accounts.
[b] Includes $20,000,000 on account of "Treaty obligations between the United States and Spain.
[c] Transferred to Department of Commerce and Labor in 1903.
[d] Includes $4,549,368.26 payment in adjustment of Pacific railroad accounts.
[e] Includes $1,000,000 on account of bubonic plague, Territory of Hawaii.
[f] Includes $540,641 on account of repairs and new buildings at the Executive Mansion.

Statement of receipts and disbursements of the United States—Continued.

DISBURSEMENTS—continued.

	1897.	1898.	1899.	1900.	1901.	1902.	1903.
CIVIL ESTABLISHMENT—continued.							
Department of Agriculture:							
Salaries	$290,566.97	$313,291.95	$316,955.30	$331,810.48	$318,788.11	$369,363.60	$450,664.69
Building						5,000.00	1,000.00
Animal Industry	636,385.02	735,299.39	862,414.33	887,191.13	970,080.20	1,035,096.31	1,367,373.66
Purchase of seeds	145,673.02	127,193.26	118,689.38	136,412.76	148,969.55	272,383.49	263,157.62
Forest Service	12,402.75	25,510.58	17,366.72	40,750.89	80,674.52	114,814.95	224,654.75
Plant industry and cotton boll-weevil investigations	28,276.25	29,061.34	27,354.17	38,345.34	49,805.96	71,482.59	129,352.03
Agricultural experiment stations	746,730.13	756,016.96	757,924.03	767,744.08	777,153.69	785,723.69	796,670.01
Weather Bureau	848,949.64	908,814.39	1,039,060.60	989,776.42	1,063,244.00	1,156,773.69	1,259,121.70
Miscellaneous	316,496.24	298,120.01	353,610.17	433,819.44	555,231.42	769,351.29	840,362.30
Department of Commerce and Labor:[a]							
Salaries and expenses							34,473.84
Bureau of Labor	170,698.76	179,772.26	170,902.08	173,009.74	169,921.35	176,202.49	182,684.49
Department of Justice:							
Salaries and expenses, proper	317,675.06	371,145.58	386,132.50	436,733.03	435,608.17	473,903.04	589,144.39
Salaries and expenses, United States courts	6,344,797.27	6,760,165.32	6,281,525.66	5,937,592.38	6,294,006.71	6,288,840.13	7,350,740.51
District of Columbia:							
Salaries and expenses	6,508,589.34	6,319,725.84	6,735,039.22	7,108,581.57	8,748,323.04	9,363,742.00	8,584,637.32
	95,968,325.72						
Less repayments to Pacific Railroad sinking funds	5,567,057.90						
Total civil establishment	90,401,267.82	96,520,505.17	119,191,255.90	105,773,190.16	122,282,008.10	113,469,323.91	124,934,304.74
MILITARY ESTABLISHMENT.							
National defense		7,034,112.30	8,889,291.81	1,269,546.58	900,233.00		192,801.69
Emergency fund			3,000,000.00	1,040,383.70	360,583.08	42,362.20	76,187.43
Pay Department	13,723,532.36	21,443,090.19	69,588,579.42	31,951,556.59	38,243,279.21	36,915,284.17	28,615,763.10
Extra pay, war with Spain			3,005,000.00	940,321.37	249,324.61	82,538.85	157,191.75
Subsistence Department	1,406,430.12	5,922,441.36	17,203,367.99	10,407,631.76	12,764,977.27	6,420,827.28	5,419,793.20
Quartermaster's Department	6,720,465.60	18,831,850.56	81,782,869.78	48,234,609.92	48,222,948.50	31,725,860.32	30,822,802.69
Medical Department	790,628.25	494,287.34	2,186,288.86	2,837,504.09	2,553,168.24	850,602.41	1,320,023.99
Ordnance Department	7,702,888.08	10,786,774.65	19,396,663.76	10,790,926.13	11,631,915.70	11,155,777.83	10,637,105.75
Engineer Department	375,383.96	774,589.07	1,315,096.04	555,933.09	841,094.75	755,091.75	1,082,265.56
Rivers and harbors	13,682,704.81	20,785,049.96	16,082,541.42	18,718,864.82	19,544,473.71	14,947,980.74	19,590,082.21
Military Academy	234,974.80	280,085.70	161,771.89	199,902.66	398,891.67	257,104.92	490,980.17
Military posts	352,947.33	399,190.37	352,919.12	804,972.73	648,919.77	1,053,242.45	1,824,432.09
National homes	2,330,801.20	2,286,943.73	3,055,783.18	2,849,631.39	3,276,708.85	3,236,434.40	3,938,294.04
Reimbursing States and Territories, expenses of troops, Spanish war			1,281,878.07	1,131,881.04	964,186.77	599,431.34	217,852.35
Refunding to States expenses incurred in raising volunteers						1,053,652.42	6,364,609.31
Panama Canal							9,985.00
Miscellaneous	1,629,511.41	2,953,585.06	2,539,208.13	3,041,011.91	4,014,992.07	3,176,025.00	[b]7,869,334.82
Total military establishment	48,950,267.89	91,992,000.29	229,841,254.47	134,774,767.78	144,615,697.20	112,272,216.08	118,629,505.15
NAVAL ESTABLISHMENT.							
National defense		20,622,415.20	6,197,701.02	1,045,064.40	203,895.74	24,999.72	1,872,734.22
Emergency fund			3,856,263.95	812,406.39	555,395.72	114,019.42	175,132.01
Increase of the navy	14,539,911.36	10,753,388.73	10,277,217.89	14,398,254.94	15,202,578.53	19,793,144.29	26,667,104.25
Yards and docks	1,575,829.90	1,774,571.02	2,449,408.54	4,476,759.21	5,294,178.98	5,701,780.29	6,404,410.50
Equipment	1,455,594.46	1,843,121.78	4,682,491.03	3,329,324.20	4,060,522.73	5,144,548.32	5,439,182.18
Navigation	168,002.80	174,406.11	292,372.45	418,617.24	473,590.51	580,547.94	862,062.11
Construction and repair	2,292,056.16	3,008,220.42	7,371,269.70	5,781,245.81	7,810,405.49	6,998,828.98	7,782,546.78
Ordnance	887,139.00	1,652,784.44	4,271,101.46	3,659,203.82	3,097,203.27	2,549,000.51	3,474,681.63
Steam engineering	1,130,229.12	1,496,417.36	2,445,043.35	2,531,549.71	3,542,627.02	3,253,231.78	3,613,724.40
Supplies and accounts	1,971,560.31	3,349,543.07	5,703,607.97	3,518,421.26	3,573,119.61	3,967,819.29	5,701,472.94
Medicine and surgery	311,329.48	900,661.05	340,441.61	286,798.93	403,893.29	415,870.92	541,577.20
Marine Corps	1,063,676.64	1,174,974.32	1,830,463.57	1,798,871.61	2,318,064.18	2,718,621.95	3,246,688.47
Naval Academy	273,759.45	223,485.32	286,170.05	400,692.31	725,728.03	872,698.13	1,320,502.87
Pay of navy	8,311,599.35	9,067,558.07	11,927,034.50	11,863,099.11	13,245,775.37	13,017,036.61	14,969,881.86
General account of advances		2,258,701.75	118,624.69			1,905,889.92	17,634.10
Miscellaneous	590,858.26	1,123,736.16	892,892.47	1,632,768.78		755,090.17	527,698.66
Total naval establishment	34,561,546.29	58,823,984.80	63,942,104.25	55,953,077.72	60,506,978.47	67,803,128.24	82,618,034.18
Indian Service	13,016,802.46	10,994,667.70	12,805,711.14	10,175,106.76	10,896,073.35	10,049,584.86	12,935,168.08
Pensions	141,053,164.63	147,452,868.61	139,394,929.07	140,877,316.02	139,323,621.99	138,438,559.73	138,425,646.07
Interest	37,791,110.48	37,585,056.23	39,896,925.02	40,160,333.27	32,342,979.04	29,108,044.82	28,556,348.82
Aggregate disbursements	365,774,159.57	443,368,582.80	605,072,179.85	487,713,791.71	509,967,358.15	471,190,857.64	506,099,007.04

	1904.	1905.	1906.	1907.	1908.	1909 (nine months).
CIVIL ESTABLISHMENT.						
Legislative:						
Congress	$4,683,840.49	$4,841,274.41	$4,877,902.26	$5,684,349.09	$6,684,980.40	$5,196,859.16
Public Printer	6,501,562.40	6,369,108.52	5,746,177.00	5,395,278.71	6,394,810.82	4,327,006.63
Library of Congress	575,960.39	607,786.41	569,317.81	586,428.36	613,609.68	542,801.53
Miscellaneous	108,268.03	91,337.29	88,643.90	96,368.04	95,485.52	192,614.60
Executive Office:						
Salaries and expenses	133,406.03	133,953.08	142,350.98	152,031.43	166,460.95	130,372.32
Civil Service Commission	166,579.60	172,484.24	236,430.58	235,363.48	238,062.55	192,034.80
Department of State:						
Salaries and expenses	182,618.15	191,580.09	196,950.07	455,268.12	444,345.07	448,570.52
Foreign intercourse	4,191,884.86	2,621,815.18	2,342,300.13	3,250,592.71	3,301,217.55	2,449,835.43
Treasury Department:						
Salaries and expenses	3,564,094.95	3,776,151.14	3,894,449.24	3,973,673.22	4,057,952.02	3,100,885.11
Independent Treasury	753,953.15	746,793.05	750,302.58	771,749.46	819,404.88	600,350.43
Mint establishment	1,401,372.74	1,299,100.68	1,279,898.08	1,317,511.77	1,476,745.33	1,037,253.68
Territories	181,336.18	254,106.25	192,643.04	372,307.73	[c]6,417,385.62	175,728.35
Internal-Revenue Service	5,329,699.71	5,034,922.00	5,747,860.69	5,490,360.71	5,825,010.87	4,077,030.63
Collecting revenue from customs	8,665,636.37	9,115,499.44	8,997,669.41	9,436,752.68	9,580,626.25	7,609,563.06

[a] Organized by act of February 14, 1903.
[b] Includes $3,000,000 for relief of distress in the Philippines.
[c] Includes $5,000,000 on account of "public schools, Oklahoma.

Statement of receipts and disbursements of the United States—Continued.

DISBURSEMENTS—continued.

	1904.	1905.	1906.	1907.	1908.	1909 (nine months).
CIVIL ESTABLISHMENT—continued.						
Treasury Department—Continued.						
Refunds excess of deposits and drawbacks	$8,483,693.53	$9,303,551.62	$9,427,500.64	$8,785,524.08	$10,297,062.41	$6,847,397.40
Revenue-Cutter Service	1,524,763.53	1,610,812.54	1,469,595.17	1,532,040.10	1,714,487.20	2,477,690.68
Public Health and Marine-Hospital Service	1,424,362.73	1,290,092.32	1,200,098.80	1,441,298.16	1,575,829.60	1,138,316.52
Life-Saving Service	1,779,443.69	1,840,505.21	1,843,012.24	1,795,481.66	2,009,149.79	1,748,754.26
Engraving and Printing	2,756,163.65	2,866,340.62	2,914,726.84	3,347,859.93	3,302,400.27	2,276,174.71
Public buildings—construction	10,188,592.82	10,934,783.10	8,736,004.19	9,361,486.62	9,341,364.55	9,359,858.97
Fuel, furniture, and expenses, public buildings	2,280,456.71	2,681,669.33	3,472,755.29	3,015,569.35	3,244,273.58	2,531,236.56
Expositions	10,037,267.18	644,086.10	132,421.09	283,838.65	205,165.13	78,971.78
Miscellaneous	2,261,581.14	3,016,863.62	3,012,599.01	4,792,201.17	5,334,718.72	4,750,073.78
War Department:						
Salaries and expenses, civil	2,237,622.56	2,118,650.01	2,190,282.55	1,866,353.42	1,878,565.33	2,103,397.67
Public buildings and grounds in Washington	252,135.06	260,595.33	301,093.35	365,661.37	301,871.51	
Navy Department:						
Salaries and expenses	559,148.60	695,264.34	692,519.95	738,359.95	743,136.14	575,770.34
Interior Department:						
Salaries and expenses	4,992,867.41	5,070,856.72	4,984,280.59	4,990,590.95	4,900,797.54	3,833,887.44
Public-lands service	2,762,991.91	2,554,245.85	2,420,448.82	3,514,587.50	3,064,621.48	2,933,243.36
Geological Survey	917,231.33	982,166.16	999,687.05	1,030,718.52	881,568.93	724,050.13
National parks	114,204.06	59,522.18	56,001.14	80,789.91	118,641.32	102,179.84
Beneficiaries	1,157,658.37	571,372.65	671,227.01	633,503.34	673,149.69	610,476.66
Colleges for agriculture	1,200,000.00	1,200,000.00	1,200,000.00	1,200,000.00	1,500,000.00	1,750,000.00
Reclamation Service	1,611,650.19	3,882,020.53	7,256,926.75	12,795,346.80	11,126,042.02	7,172,926.57
Buildings for Senate and House, and power plant	756,452.05	933,690.42	1,160,914.87	1,575,035.20	2,960,746.06	1,898,185.58
Miscellaneous	505,421.89	513,930.90	380,769.11	257,448.68	249,845.74	258,962.27
Post-Office Department:						
Salaries and expenses, department proper	1,404,466.87	1,444,537.48	1,505,203.27	1,510,410.71	1,627,471.55	1,246,402.97
Deficiency in postal revenues	6,502,530.86	15,065,257.00	12,673,294.39	7,629,382.81	12,888,040.94	17,930,059.70
Mail transportation, Pacific railways	739,706.12	740,641.75	741,182.43	773,253.05	761,789.45	187,411.51
Miscellaneous	7,896.18	34,086.45	103,237.68	184,725.33	14,277.86	228,562.51
Department of Agriculture:						
Salaries	458,575.06	475,154.02	792,099.55	846,806.27	920,421.82	812,594.18
Building	28,496.32	101,000.00	368,055.10	533,000.00	460,154.25	21,970.40
Animal Industry	1,250,558.47	1,363,997.29	1,566,222.94	676,711.59	939,515.86	1,226,141.59
Meat inspection				2,015,630.62	2,629,699.71	2,158,522.21
Purchase of seeds	257,904.13	286,209.94	258,717.82	217,622.43	282,166.08	231,077.52
Forest Service	328,927.58	533,345.33	1,110,893.10	1,701,222.55	3,377,123.84	3,631,839.21
Plant industry and cotton boll weevil investigations	77,706.45	279,350.17	175,304.53	563,635.66	665,013.08	686,510.06
Agricultural experiment stations	809,923.26	809,126.52	794,036.95	1,330,737.78	1,253,013.75	1,033,066.93
Weather Bureau	1,227,147.57	1,334,877.66	1,375,298.80	1,342,388.31	1,317,310.71	1,190,883.87
Miscellaneous	1,175,167.66	1,351,403.58	1,203,059.05	1,254,437.70	1,616,345.30	1,546,310.00
Department of Commerce and Labor:[a]						
Salaries and expenses	289,356.98	522,063.94	566,441.89	569,558.23	865,048.94	701,694.16
Bureau of Labor	185,082.61	176,256.13	185,319.75	161,397.66	175,297.66	121,900.43
Bureau of Standards	160,378.61	190,158.64	155,866.90	155,745.16	189,166.87	184,880.15
Census Office	1,219,765.38	1,410,870.02	1,166,379.30	1,228,878.31	1,239,264.25	875,261.45
Coast Survey	744,675.23	926,412.61	854,060.31	858,147.25	962,745.89	712,443.99
Light-House Establishment	4,904,124.63	4,449,658.25	4,349,840.93	4,941,920.50	6,870,052.52	4,237,281.02
Bureau of Fisheries	593,449.47	660,079.96	684,283.84	616,983.66	757,474.72	642,873.08
Immigration Service	1,844,796.59	2,126,355.15	2,066,728.38	2,021,200.80	3,178,554.78	2,790,382.31
Steamboat-Inspection Service	389,741.73	396,260.49	462,115.24	439,213.28	570,631.49	393,872.73
Miscellaneous	253,211.64	36,038.06	39,922.19	35,880.36	41,991.35	36,779.02
Department of Justice:						
Salaries and expenses, proper	635,139.78	688,025.03	704,548.62	829,562.25	861,330.40	744,013.15
Salaries and expenses, United States courts	7,477,527.18	7,664,275.53	7,899,348.47	8,619,928.44	8,232,515.88	6,157,643.63
District of Columbia:						
Salaries and expenses	9,392,025.10	11,678,356.49	11,487,249.80	11,370,801.55	12,184,505.10	12,430,997.03
Total civil establishment	136,602,202.92	143,033,728.82	142,894,471.46	153,045,913.13	175,420,408.57	145,413,775.18
MILITARY ESTABLISHMENT.						
National defense	63,225.22	12,953.60	44,437.34	9,997.51	3,693.52	13,754.85
Emergency fund		46,717.07	1,665.49	682,502.84		20,204.21
Pay Department	27,418,380.58	31,372,083.65	28,566,749.23	32,195,042.68	32,982,606.10	33,876,034.05
Extra pay, war with Spain	275,800.60	584,985.40	370,928.55	350,600.40	131,427.94	11,560.60
Subsistence Department	5,446,558.73	5,541,892.65	5,509,333.18	5,540,021.18	6,439,915.89	5,883,513.55
Quartermaster's Department	28,958,225.61	29,972,958.41	29,008,111.29	30,491,412.05	34,068,199.13	30,401,720.94
Medical Department	1,338,716.28	1,138,701.55	1,668,499.12	1,012,927.44	1,455,816.15	1,869,860.09
Ordnance Department	12,815,736.42	14,001,722.11	12,391,843.85	11,457,263.51	11,547,508.63	9,975,740.78
Engineer Department	1,824,384.97	2,280,947.00	2,397,746.05	2,658,722.43	4,568,593.89	4,201,472.35
Rivers and harbors	22,546,055.94	22,813,864.53	25,955,402.28	23,309,760.85	30,157,649.01	26,784,432.58
Military Academy	414,712.72	477,890.39	933,073.09	1,012,237.14	1,602,185.74	1,121,193.97
Military posts	3,118,087.68	2,846,933.82	1,908,624.10	1,548,193.43	1,912,635.75	2,160,272.31
National homes	4,404,270.09	3,907,685.26	3,715,785.05	4,114,534.31	3,945,098.33	4,895,377.45
Reimbursing States and Territories expenses of troops, Spanish war	39,305.72	200,060.93	218,065.23	260,815.85	562,710.50	45,543.95
Refunding to States expenses incurred in raising volunteers	2,534,633.51	1,103,853.83		65,624.24	97,466.02	
Panama Canal	[b]50,164,500.00	3,918,819.83	19,379,373.71	27,198,618.71	38,093,425.29	22,520,377.74
Miscellaneous	3,837,316.51	5,871,824.04	5,256,428.52	[c]7,866,809.63	[d]8,271,521.10	2,616,555.49
Total military establishment	165,199,910.58	126,093,894.07	137,326,066.08	149,775,084.20	175,840,452.99	146,397,619.91
NAVAL ESTABLISHMENT.						
Emergency fund	91,752.40	13,749.44	157.12	15,009.16	31.08	
Increase of the navy	39,638,188.84	47,418,091.03	42,606,067.50	29,568,343.88	27,468,655.76	5,858,342.32
Yards and docks	7,696,779.34	8,911,207.78	6,405,566.52	5,491,864.61	5,772,537.50	1,493,570.19
Equipment	6,429,908.79	5,893,851.37	7,211,690.00	5,999,183.54	10,386,602.83	3,030,077.13
Navigation	1,499,496.59	1,758,711.20	1,706,961.12	2,348,547.31	3,742,246.86	891,372.76
Construction and repair	8,512,234.78	7,944,886.71	7,932,792.75	7,804,943.36	7,192,521.87	2,601,566.22
Ordnance	3,795,316.37	3,940,574.96	4,116,891.42	4,882,305.37	8,030,376.41	3,597,051.82
Steam engineering	3,763,322.61	4,143,684.10	4,555,273.64	5,094,072.99	5,549,055.84	1,937,211.62
Supplies and accounts	6,317,737.24	6,198,930.26	6,160,003.15	6,880,001.71	8,617,939.45	2,428,438.64
Medicine and surgery	717,814.56	796,419.42	832,267.33	799,402.41	1,453,106.66	482,856.38
Marine Corps	3,798,984.05	3,944,263.22	4,153,707.32	5,002,328.48	5,598,670.77	1,071,689.82
Naval Academy	1,880,997.40	2,748,867.07	1,812,850.66	1,366,029.78	980,628.45	213,500.02
Pay of navy	17,858,964.77	18,264,719.47	21,770,803.17	21,692,616.32	25,492,613.45	7,411,160.09

[a] Organized by act of February 14, 1903.

[b] Includes $40,000,000 for the property of the New Panama Canal Company and $10,000,000 to the Republic of Panama.

[c] Includes $1,987,805 for relief and replacing military stores at San Francisco.

[d] Includes $1,681,442 for roads in Alaska, cyclone sufferers, and improvements at Soldiers' Home.

Statement of receipts and disbursements of the United States—Continued.

DISBURSEMENTS—continued.

	1904.	1905.	1906.	1907.	1908.	1909 (nine months).
NAVAL ESTABLISHMENT—continued.						
General account of advances		$3,161,400.51			$6,778,385.33	$53,881,998.49
Miscellaneous	$954,603.81	2,410,951.64	$1,209,232.70	$163,820.44	973,724.89	1,366,936.17
Total naval establishment	102,956,101.55	117,550,308.18	110,474,264.40	97,128,469.36	118,037,097.15	86,265,771.67
Indian service	10,438,350.09	14,236,073.71	12,746,859.08	15,163,608.41	14,579,755.75	12,786,162.64
Pensions	142,559,266.36	141,773,964.57	141,034,561.77	139,309,514.31	153,892,467.01	123,504,072.67
Interest	24,646,489.81	24,590,944.10	24,308,576.27	24,481,158.34	21,426,138.21	16,014,114.61
Aggregate disbursements	582,402,321.31	567,278,913.45	568,784,799.06	578,903,747.75	659,196,319.68	530,381,516.68

NOTE.—The disbursements from the Treasury for the "Naval establishment" are charged primarily under the law to the account "General account of advances" created by act of June 19, 1878 (20 Stat. L., 167). While the total of the naval disbursements is shown in this statement, of which $53,881,998.49 stands in "General account of advances," the charges against the detailed heads shown herein can be determined only after final adjustment by the Auditor for the Navy Department of the accounts involved in the advances made from "General account."

TREASURY DEPARTMENT,
DIVISION OF BOOKKEEPING AND WARRANTS,
April 15, 1909.

Customs receipts March 1, 1909, to April 15, 1909, inclusive, compared with same period of 1908.

	1909.	1908.	Daily increase in 1909.
March 1	$1,009,331.32	(a)	$1,009,331.32
March 2	783,544.78	$768,144.13	15,400.65
March 3	1,506,111.34	1,040,902.64	465,208.70
March 4	(b)	177,419.58	c 177,419.58
March 5	1,507,442.35	1,481,711.30	25,731.05
March 6	1,800,249.24	709,571.38	1,090,677.86
March 7	(a)	1,087,889.33	c 1,087,889.33
March 8	958,097.18	(a)	958,097.18
March 9	898,430.51	736,238.52	162,191.99
March 10	1,316,506.95	806,302.44	510,264.51
March 11	1,217,485.19	1,053,511.40	163,973.79
March 12	974,726.68	850,172.46	124,554.22
March 13	912,174.51	710,056.40	202,118.11
March 14	(a)	600,829.99	c 600,829.99
March 15	1,403,983.06	(a)	1,403,983.06
March 16	1,118,984.62	660,006.21	458,978.41
March 17	1,289,658.78	990,452.32	299,206.46
March 18	1,131,632.04	980,398.67	151,233.37
March 19	982,016.56	811,076.32	170,940.24
March 20	863,447.73	822,849.60	40,598.13
March 21	(a)	493,103.28	c 493,103.28
March 22	702,461.47	(a)	702,461.47
March 23	890,271.78	840,670.27	49,601.51
March 24	1,206,602.60	860,148.50	346,454.10
March 25	1,099,108.20	960,760.72	138,347.48
March 26	722,411.15	750,503.40	c 28,092.25
March 27	974,831.11	827,099.45	147,731.66
March 28	(a)	723,280.50	c 723,280.50
March 29	1,078,671.34	(a)	1,078,671.34
March 30	934,887.58	673,312.84	261,574.74
March 31	1,256,008.40	788,636.27	469,372.13
April 1	940,043.52	855,504.69	84,538.83
April 2	1,186,515.50	667,860.81	518,654.69
April 3	1,172,871.11	750,615.34	421,755.77
April 4	(a)	689,147.33	c 689,147.33
April 5	1,217,551.92	(a)	1,217,551.92
April 6	1,109,648.80	753,430.48	356,218.38
April 7	1,710,078.91	943,902.10	766,176.81
April 8	1,001,244.02	847,426.00	153,818.02
April 9	1,719,683.44	684,958.20	1,034,725.24
April 10	984,355.75	830,558.30	153,797.45
April 11	(a)	902,200.05	c 902,200.05
April 12	802,178.18	(a)	802,178.18
April 13	981,113.66	851,369.83	129,743.83
April 14	1,106,345.49	662,783.90	443,561.59
April 15	1,044,842.84	1,031,811.64	13,031.20
Total	43,607,709.67	31,576,616.59	

a Sunday. b Holiday. c Deficit.

Net increase in 1909 for the period $12,031,093.08
Average daily increase 261,545.50

TREASURY DEPARTMENT,
DIVISION OF BOOKKEEPING AND WARRANTS,
April 15, 1909.

Panama Canal, proceeds of bonds issued for the work and disbursements by fiscal years 1903 to 1908, inclusive, and for nine and one-half months of fiscal year 1909.

		Proceeds of bonds issued.	Disbursements.
1903			$9,985.00
1904			50,164,500.00
1905			3,918,319.83
1906			19,379,373.71
1907, proceeds of bonds:			
Principal of bonds	$30,000,000.00		
Premium	1,210,817.95		
		$31,210,817.95	27,108,618.71
1908, proceeds of bonds:			
Principal of bonds	$24,631,980.00		
Premium	735,788.67		
		$25,367,768.67	$38,093,929.04
1909 (9½ months), proceeds of bonds:			
Principal of bonds	30,000,000.00		
Premium	731,008.21	30,731,008.21	23,225,644.43
Total		87,309,594.83	161,990,870.72

Panama Canal, proceeds of bonds issued, etc.—Continued.

The disbursements shown herein contain:

Payment for property, New Panama Canal Company	$40,000,000
Payment to Republic of Panama	10,000,000
Toward the project of the canal	10,000,000
Total	60,000,000

Which sums have been construed by the Comptroller of the Treasury as not reimbursable by bonds.

Mr. DANIEL. Mr. President, a deficit in our revenue confronts us. After a period of flush times, of extravagant expenditures, of enormous revenues, and of great lakes of surplus, the question of finance, now demanding attention, is brought to a focus by a deficit. The chairman of the Committee on Finance, who has just spoken, thinks the deficit which he does not provide for is some sixty-nine or seventy million dollars. He might find a very good opening at that deficit, which he has not provided for, by looking at the suggestions of some of his Democratic colleagues. He would feel then as if he was going home, for he tells us that he was raised in a Democratic atmosphere, in which rigid economy was advised, with no more revenue to be raised than would be measured by the economical expenditures of the Government. I am afraid he has forgotten that teaching so long that it will be a surprise to behold him advising the people to consider it.

BOND ISSUES.

The last Congress, which ended March 4 of the present year, appropriated no less than $1,044,359,260.30. Buckle and tongue no longer meet. It is realized by everybody that something must be done, and done at once, to cure the evil and meet the future. Issuing bonds and thereby piling up greater expenses upon the future has often been resorted to. You may look out for bonds nowadays, whether in a bill raising revenue or in an appropriation bill to dispose of it. The last Congress put a hundred million of certificates to raise money in an appropriation bill, commonly called the "sundry civil bill," which is to cover the expenses of the officials of the Government, and for other purposes. The House bill, which is now before us, offers to raise $150,000,000 more of money. This is palatable food for the Government, but not very wholesome for finance. I am glad to know that the Finance Committee has erased this provision from its recommendations, no doubt after reading the wise suggestions of Robert J. Walker.

It leaves, however, $150,000,000 to provide more than the House bill provides for. At present we may cast the question of bonds out of consideration, and in that I thoroughly agree with the chairman, the Senator from Rhode Island.

REDUCTION OF EXPENSES AND RAISING OF REVENUE INDISPENSABLE.

Another way, and one that commends itself to all as to the future, is to reduce expenses. It is the first time I ever heard that shibboleth from that direction, but I welcome it, and again I will go down the line arm in arm with the distinguished re-

cruit who has just joined us. This is the imperious mandate of the situation, and it has already commanded certain dignified attention from "the powers that be" in the Senate, and it will no doubt have general cooperation from all of their Democratic associates, even if they were not permitted to join in the councils from which the evolution came. It is indispensable now to provide such revenues for the Government as will be sufficient for the obligations that have been imposed upon it. We would not only be in default, but in disgrace without it.

Our Government is greater than any party, old or new, and greater than any platform, old or new. No man who serves it truly should permit any projection of view from his own lips or from other lips to stand in the way of this sovereign and commanding obligation. A time may come when individual views may be permitted to predominate with justice and service to the people, but we can serve the people no better now than by square and honest discharge of the obligation that is present with us. Let us, therefore, consider the items of this bill when we come to them, without favor to items that prohibit and prevent revenue, and with favor to those which produce it measurably and proportionately to the great object of good faith.

REPUBLICAN PANIC OF 1907.

Our recent history is advisory and instructive. Not yet two years ago, in 1907, in the midst of boasted prosperity and a magnificent surplus, in the high noon of the highest protective tariff that this country has ever produced, a financial panic burst forth, widely pervasive and more desolating than any that ever swept over us. While the Senator is looking both to the past and the present to animadvert upon Democratic derelictions, let us, in this place of our innocence, proclaim that we had nothing to do in producing the panic, nothing to do in making the laws that brought it about, but have simply been at all times ready to join those who would do something to relieve it. That panic succeeded upon a period of unsurpassed extravagance, both of governmental expenditure and in the style of American living.

HIGH TARIFF AND SURPLUS REVENUE NOT PREVENTIVE OF DEPRESSIONS.

One fact remains in conspicuous view and abides in many painful memories. It is this: That a protective tariff, however high, a great surplus, however enormous, do not prevent trade revulsions, and do not protect the masses of the people from the hardships of depressed condition, either in manufacture or in commerce. It is no panacea for many, and certainly not for all, the ills that man is heir to. An aftermath of that panic is not overpassed. I concur with my distinguished friend in his American optimism. We down South have been living on optimism for forty years, and are glad to live on it still with all the additions that have come thereto from the hard and continuous work of our people.

But it is not to be overlooked that thousands and tens of thousands of workingmen, to whom the distinguished Senator has made no allusion, whether they be clerks, artisans, or manual laborers, remain out of employment. The great cities are congested with many who want work and find it not, and society is yet affected by the inevitable lowered condition on the public weal.

HIGH EXPENSE OF LIVING CONTINUES.

Another conspicuous fact has been revealed to us, that the expenses of living have not fallen, but, on the contrary, show a firm and ascending scale of prices for the necessaries and luxuries of life. The Government of the United States has increased the salaries of its high officials, and of many less high officials, to assist in smoothing their way in the encounter with high prices. But hotels, apartment houses, and public houses of entertainment maintain or increase their prices. Market places and grocery stores are out of affinity with pocketbooks, and those who go to their salaries for their domestic supplies find the breach as between the resources of finance and those of the stall and counter still existing and still enlarging. That higher tariffs which will prevent or depress trade will be administered for correction is a surprising prescription. What shall we eat? What shall we drink? Wherewithal shall we be clothed? These are questions to be answered. It is impressing the housekeepers and the family caretakers of this country more and more as they look around the domestic circle to be provided for. These are two features of the conditions under which we are about to levy the approximate of a billion of dollars of annual taxes upon the whole people of the country.

NO ADMINISTRATION AGAINST EXTRAVAGANCE.

Still another remarkable fact is to be noted. This Government not until recently, and then but lightly, paid regard to the admonitions of the times. We had none from the distinguished committee that is now going into distant generations to find something about the party we represent of which to make cavil. In fact, until recently aroused those who applaud extravagant protective views regarded economy as too coarse and too common a thing for statesmen to pay much attention to. But the wisest have been startled into the resumption of their studies, and a certain sober-mindedness is taking the place of careless confidence and of hurrahing glorification.

LAST SESSION OF CONGRESS THE MOST EXPENSIVE SINCE 1865.

It may not be assuring to note that at the late session, which opened in December last and adjourned March 4, more money was appropriated by this Congress, which opened its suggestions with the deriding of Robert J. Walker, than was ever before appropriated in a single session in the history of our Government except in the year 1865, when flagrant war had reached the top notch of expenditure.

Receipts and expenditures of the United States from 1861 to 1867, inclusive.

	Net ordinary.	
	Receipts.	Expenditures.
1861	$41,476,299	$66,650,213
1862	51,919,261	469,570,242
1863	112,694,946	718,734,276
1864	243,412,971	864,969,101
1865	322,031,158	1,295,009,290
1866	519,949,564	519,022,356
1867	462,846,680	346,729,326

CHAIRMAN TAWNEY'S STATEMENT OF EXPENSES.

Let me read here, too, what Mr. TAWNEY, the chairman of the House committee which considered this bill in that body, has to say on the subject of expenses:

The increase in national expenditures may be attributed to several causes, but the two primary causes leading to this result have been, first, the popular and executive demands upon Congress for appropriations from the Federal Treasury for the exercise of rights and functions belonging exclusively to the States, and, second, the abnormal and unnecessary war expenditures in time of peace. This I shall endeavor to prove later on in my remarks.

So says Chairman TAWNEY, of the House committee. This is a candid, public confession that our enormous extravagance has come from the popular and executive demands upon Congress. There was no Democrat in executive control, and if any benefit can be derived from this assertion, let the people receive it.

The appropriations—

He continues—

made at the last session of Congress were larger than those made in any other session, and the appropriations carried in the several appropriation bills passed at this session of Congress are very considerably in excess of what they were at the last session. Yet in both sessions of Congress they are far below the amount estimated by the executive departments for public expenditures during both fiscal years.

Then comes something excusatory:

The responsibility for this can not be charged to the Congress of the United States. If the estimates submitted during the past two or eight years had been appropriated for, and if the amounts proposed in bills introduced and demanded by public sentiment had passed, which amounts carried in bills now pending before this House exceed a half billion dollars, the deficit, instead of being in the neighborhood of $150,000,000, would exceed $500,000,000. Had it not been for the Congress and the conservative element in that body, we would have long since been meeting these enormously increased expenditures from the proceeds of the sale of bonds. That the people have thus far been saved from that unfortunate situation is not due to any effort or recommendation of the executive branch of the Government, but to the Congress of the United States.

The excuse of the Republican Congress is not unlike that of Clive, when he returned from India—that there was so much that he could have taken and did not, that what he was surprised at was his moderation. No matter whether it was little or whether it was much, it was Republican, and I do not say this in order to carry a political dispute into a financial consideration.

But my friend on the other side was never more happy in his brief statement of conditions than in looking around for something in the Democratic party to find fault with, spurred, perhaps, because he could find nothing in this situation to lay at their doors. The Republican party has always been fond of monopoly, and I congratulate my distinguished friend that he enjoys a monopoly of representing those in this situation who are wholly responsible for it.

MILITARISM.

There is a feature of this enormous expenditure, Mr. President, which I will leave others to point out, whose testimony will be more acceptable to the majority in this Chamber.

In the course of his remarks Mr. TAWNEY showed that it was our extravagant militarism that has added more to these ex-

penditures than anything else. We are a military nation, and ought to be. All nations ought to be prepared to fight for themselves if necessary. But they ought not to have absurd scares, such as the Japanese scare of recent fashion, to plunge them into too speedy and too great expenditures for the military side of our public service. I do not think there are broad Americans who are well informed anywhere in this country in any respectable number who ever were afraid or are now afraid of having Japan overrun and take this country. Those who fancied they thought or who did think so have never deigned to give us the reason of the thought that was in them.

Abraham Lincoln said in the olden times that all the nations of the earth could never get a drink out of the Ohio River. I do not think there are many of them who are compelled to take a drink out of any California river, and if they did they would certainly very promptly and unmistakably get the quickest, the completest, and the most conclusive setback that they were ever introduced to in all their history. There is no European nation, neither is there any eastern nation that has so little sense as to want to pick a quarrel with the United States of America. If there were such, there are a good many Americans who could advise them that they had better take a second sober thought before trying it.

Now, let us hear what Chairman TAWNEY, of the House, has said about our military expenditures:

By far the greater part of our national expenditures are for the military side of our Government, on account of wars that have occurred or in preparing for wars that may come. Considering the subject from the standpoint of appropriations made at this session, from which expenditures are to be made, we find that five great annual supply bills are devoted solely to these expenses, as follows:

Army	$101,197,470.34
Fortifications	8,170,111.00
Military Academy	2,531,521.33
Navy	136,935,199.05
Pension	160,908,000.00

In addition, the sundry civil, the legislative, executive, and judicial, and even the District of Columbia bills carry considerable sums chargeable to military expenditures, and under the chapter of "Permanent appropriations" there are also large amounts directly chargeable to war, or the results of war, including interest and sinking-fund charges on account of our civil war debt. These sums, together with the amount for the army and navy in the general deficiency act, all amounting to about $116,000,000, added to the amount carried by the five bills I have mentioned, bring the total of these appropriations that are chargeable to this session of Congress up to the enormous amount of $525,742,301.72, which, deducted from $1,044,014,298.23, the whole apparent sum of appropriations for the session, leaves only about 50 per cent of our total proposed expenditures to be devoted to civil government.

The growth of appropriations for military purposes, including only those for the military and naval establishments carried in the army and navy acts, and without reference to the large sums for pensions, fortifications, and other incidents of war to which I have referred, for the eight-year period prior to the Spanish war, contrasted with the eight-year period ending with the fiscal year 1910, affords a startling exhibit, and one that I commend to the thoughtful consideration of my countrymen.

Army appropriations.

1891–1898.

1891	$24,206,471.79
1892	24,613,529.19
1893	24,308,499.82
1894	24,225,639.78
1895	23,592,884.68
1896	23,252,608.09
1897	23,278,402.73
1898	23,129,344.30
Total	190,607,380.38

Average annual appropriations, $23,825,922.54.

1903–1910.

1903	$91,730,136.41
1904	77,888,752.83
1905	77,070,300.88
1906	70,396,631.64
1907	71,817,165.08
1908	78,634,582.75
1909	95,382,247.61
1910	101,197,470.34
Total	664,117,287.54

Average annual appropriations, $83,014,660.84.

Naval appropriations.

1891–1898.

1891	$24,136,035.53
1892	32,541,654.78
1893	23,543,385.00
1894	22,104,061.38
1895	25,327,126.72
1896	29,416,245.31
1897	30,562,660.95
1898	33,003,234.19
Total	220,634,403.86

Average annual appropriations, $27,579,300.48.

1903–1910.

1903	$78,856,363.13
1904	81,876,791.43
1905	97,505,140.94
1906	100,336,679.94
1907	102,091,670.27
1908	98,958,507.50
1909	122,663,885.47
1910	136,935,199.05
Total	819,224,237.73

Average annual appropriations, $102,403,029.71.

Mr. TAWNEY says:

It will be seen from these figures that the average annual appropriations for the army have leaped from less than $24,000,000 per annum for the eight-year period immediately preceding the Spanish war to an average of more than $83,000,000 for the eight-year period ending with the appropriations made by this Congress, and that during the same periods the annual average for naval appropriations has increased from a little more than $27,500,000 to more than $102,400,000.

The increase in appropriations for the army for the periods named exceeds $473,000,000, a sum sufficient to cover the whole cost of constructing the Panama Canal, on the basis of the latest estimates for that gigantic work, and with nearly $150,000,000 to spare.

The increase in the sums Congress has voted for the navy for these same periods amounts to $598,589,333.87, a sum greatly in excess of the total appropriations for the support of the whole Government for any fiscal year prior to that of 1898.

The combined excess for the army and navy, thus exhibited for the eight-year periods named, amounts to $1,072,090,741.03, a sum exceeding by more than $158,000,000 the total interest-bearing debt of the United States. So immense has this cost of militarism grown in these last eight years over the eight-year period ending scarce ten years ago that the sum of the excess is greater even than the stupendous sum of all of our appropriations made at this session of Congress.

SENATOR HEMENWAY'S STATEMENT OF EXTRAVAGANT ESTIMATES.

The Hon. James A. Hemenway, of Indiana, who, after serving with credit in the House of Representatives, was elected to this body by his State and served with equal credit as a member of the Committee on Finance, closed his term on the 4th of March last. The day before he submitted the following statement, which I reprint from the RECORD. It shows to congressional credit the reduction of executive recommendations in the last eight years of $274,127,413.05. He said:

The press of the country, in view of the alarming deficit which the Treasury reports show from day to day and month to month, is filled with editorials criticising Congress for its extravagance, and, with no defense made by Congress, the people of the United States are led to believe that Congress alone is responsible for the large appropriation and expenditure of money.

I show by the statement which follows that Congress in the last seven years reduced the estimates sent to us by the Executive over $274,000,000.

Mr. CLARKE of Arkansas. Will the Senator read it? I should like to hear it.

Mr. HEMENWAY. It is a short statement. I will read it:

Estimates for expenses of the Government submitted to Congress by the Executive, including supplemental and deficiency estimates, and appropriations made thereunder for the fiscal years 1903–1910.

Year.	Estimates.	Appropriations.	Reduction of estimates.
1903 [a]	$826,478,318.47	$800,624,496.55	$25,853,821.92
1904	765,456,776.30	753,058,506.02	12,398,270.28
1905	830,974,206.79	781,172,375.18	49,801,831.61
1906	835,260,367.21	820,184,634.96	15,075,732.25
1907 [b]	907,144,696.87	879,589,185.16	27,555,511.71
1908	943,190,643.68	920,798,143.80	22,392,499.88
1909	1,079,449,288.96	1,008,397,543.56	71,051,745.40
1910 [c]	1,100,000,000.00	1,050,000,000.00	50,000,000.00
Total	7,287,954,298.28	7,013,824,885.23	274,129,413.05

[a] Includes $50,130,000 in estimates and appropriations for purchase and to begin construction of the Panama Canal.

[b] Includes $26,348,281.40 submitted in special document for the Panama Canal.

[c] Estimated.

DEMOCRATS EXCLUDED FROM COMMITTEE MEETINGS.

This, Mr. President, is a prodigious bill. It contains 302 pages and carries about a million dollars a page.

The Democratic Members of this body never saw it or heard it read, for it was not read at the one meeting of the Finance Committee which they attended. It was not brought here until April 12, when it was reported by the chairman of the Finance Committee with over 300 amendments. None of these amendments were we permitted to see before they were presented here, and not one of them did we have the opportunity to vote upon before they were brought here with the committee's

approbation. Many witnesses appeared, as stated, before the Senate Finance Committee. We heard not one of them. Not one of them were we permitted to cross-examine. There were some of them, if the press be correct, whom I should like very much to have had the opportunity to cross-examine. I should like to have asked some of them, especially those interested in iron and steel, why one of the committee, after their departure, put a duty on sulphate of ammonia, which is the food for the plants of this country, and is a specific burden upon all our farmers. But it was a closed shop.

I can not regard the method pursued as either good or fair government. Each one of us has at home constituents who are as much interested as any other constituent body of any Senator. Besides, we are all Americans. We are all as anxious for justice to be done to all of our country as any of those who assume the prerogative of excluding us from the opportunities of which they avail themselves most elaborately. It is a disadvantage to the whole public, for, having the desire to do the right thing and so far as we may the wise thing, we not only wish, but need, all the light than can be found upon these important matters to guide us through these labyrinthian schedules. The indignity of such a course is toward the people of the United States. It is also toward the Senate of the United States. We have the honor to be Members of the only body in this country where there remains free debate and where the Members in their rules and in their conduct have in nothing more distinguished themselves in the minds of the American people than by creating the reputation that here everybody would be heard. We must be heard in committee as well as upon the floor, and the invitation of our colleagues for light in all things except in their exclusive conduct, that we could go into the Senate and thrash these things out, is an invitation which we are forced to accept from having been denied a share in their councils.

The organization of the House of Representatives as an American instituton does not permit any kind of free range to the Members, as of old was the custom of the fathers of this country and of their descendants for many generations. It is not permitted in that body for a Member to offer an amendment to a bill levying upon his constituents with others $300,000,000, and to ask and get a vote upon it. I shall not forget the proper rule of the Senate that one House must not indulge in disrespectful allusions to another. But the facts of the organization of each House are upon an open page of American history, and I may advert to the existence of those facts and admonish and advise my people as to what their Representatives have to encounter under this free Constitution of the United States.

I introduce a witness from that House. He is the chairman, or was the chairman at one time, of the Democratic organization there—the Hon. CHAMP CLARK, of Missouri. This is what he has to say as to conditions in that body:

> The Democratic Members did as much work during the "hearings" as did the Republican Members, and were as patriotic and conscientious as they. In such a joint labor nobody would have placed in the bill all he wanted. Nor is it at all probable that even a single Republican Member of the committee or of the House is entirely satisfied with the Payne bill as reported, to say nothing of the Democratic Members. In such a joint labor there could have been no danger of our outvoting them. If the whole committee could have united on a bill, either in whole or in part, under the peculiar circumstances in which we find ourselves, it would have greatly expedited the passage of the bill, thereby relieving the country of the long and wearisome weeks, perhaps months, of business uncertainty and suspense. If there is delay in the passage of the bill and business stagnates by reason thereof and financial loss results from it, let the blame be placed where it properly belongs, upon the head of the Republican party.
>
> Having spent nearly three months in framing their bill, they graciously called in the Democratic Members, and in precisely twelve minutes reported it back to the House without one moment's discussion, without changing a word, without even reading the title—an astounding demonstration of the fact that we live in a fast age and are traveling at a rapid gait.
>
> This happened on March 18, and no member of the minority had ever seen the bill or any paragraph thereof till noon on Wednesday, the 17th of March, and had not the remotest idea of its provisions except by the merest guesswork. In fact, it was currently reported in the public press that so fearful were the Republican Members that the Democratic Members or some other American citizen might secure some knowledge of the contents of the Payne bill that its authors not only kept it under lock and key, but employed armed guards to keep watch and ward over their precious bantling—an absolutely superfluous performance, as many parts of it are utterly incomprehensible even after careful study. And yet this bill, which was too sacred for any eyes except the 12 majority Members and a few of their trusted friends, contains 234 large pages and deals with tariff taxes on about 4,000 articles of everyday consumption, influencing the interests, prosperity, and happiness of 90,000,000 American citizens and involving our trade relations with the whole world. We have had only five days in which to consider and report upon a bill which they spent nearly three months in preparing.

No gentleman ever cares for the association of other gentlemen when his presence is not welcome. There is not a man in this House, I am sure, who would ever obtrude himself upon any assemblage. We are neither so vain nor so unreasonable as to conceive that the exclusion in this body or in the other had any application to the personality excluded. For what reason that can be proclaimed did the Senate committee exclude its Democratic confrères from holding meetings with that body? It was not from any disrespect of them. It was not that they do not practice the amenities, the civilities, and the proprieties of life in all companionship. What could it have been done for—that they wished to derive some information that they did not wish to impart to others? But I will not probe the matter further. It was certainly not for the convenience of this body. It may have served for the nonce the convenience of some of those members; but I can not think that those gentlemen would appropriate and monopolize to themselves for their own sake conveniences and benefits that they would not readily share with their colleagues, whether Democratic, Republican, or what not.

Therefore it is impossible to conceive of any motive save of some advantage to be gained, either in debate upon this subject or in its result, and as I am no further concerned with it, I leave it as it stands, but commend the matter to the consideration of a body which was planned by the Constitution of this country to extend equality to every Member, which made that equality basic in the organic law. That equality sends here from New England 12 Senators to exercise properly those conferred faculties. They would not possess them in proportion to inhabitants, but do rightly possess and energetically employs them. These facts should remind them, while in the enjoyment of their privileges, that a Senator in this body from the smallest State, whether in territory, whether in wealth, or whether in political influence or not, whether in the fashion of the times or not, has exactly the same right that any other and every other Senator has. When any one of those Senators takes away from me or my people, or from any other Senator in this body, the right of equal communication, of equal opportunity, and of equality in all respects which belongs to the positions which we occupy, it is a thing that should receive proper notice.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Texas?

Mr. DANIEL. With pleasure.

Mr. CULBERSON. I do not think the proposition of the Senator from Virginia needs any support in authority, strong as it is in itself, and yet if he will permit me I will read a short paragraph from Jefferson's Manual, which is published by the Senate as a part of its rules:

> A committee meet when and where they please, if the House has not ordered time and place for them, but they can only act when together, and not by separate consultation and consent—nothing being the report of the committee but what has been agreed to in committee actually assembled.

PRIMAL NECESSITY OF REVENUE TO AVOID QUANDARY OF DEFICITS.

Mr. DANIEL. Mr. President, I thank the Senator from Texas for reading so apposite an illustration and declaration of the law of the matter to which I have referred. But, Mr. President, the average American has studied, and if not studied has observed by instinct, the fundamental principles of fair play and square deal. We need not go to any law book to find the vindication of my assertion. It is instinctive to the American man, and I leave it to his contemplation.

This measure is styled "An act to provide revenue, to equalize duties, and encourage the industries of the United States." "To provide revenue." That is, of course, the first declared purpose of the bill. It is its primal and its essential purpose. Revenue is the paramount word we have to deal with. It is indispensable and controlling. We should vote first of all to raise revenue, and wherever there was a fitting place for revenue to be placed, there I would place it. A deficit existing at this time would require this, if there might be at other times a different disposition. I shall also vote, Mr. President, to relieve every burden of taxation of the people that can be eliminated with just regard to the conditions in which we legislate. I would conserve and not destroy any of the plants and industries which have upon their foreign competitors already existing tariffs which raise reasonable revenues which we need. If we do not do this and if we are won away from it by the fascination of the word "free," which always captivates the ears of the American, we shall find ourselves in a quandary of deficits, with interest-bearing bonds quickly upon their heels.

DEMOCRATIC PLATFORM CALLS FOR GRADUAL REDUCTIONS.

Our declarations and our conditions alike require something more than this. The Democrats at Denver have declared for a gradual reduction of the schedules of the protective tariff.

Those words "gradual reductions" show that every Democrat who used them had an intelligent view of our situation, and that none of them either contemplated or desired that there should be a wholesale removal of the present, or prostration of the entire, protective system. Nothing more than this would be possible without a declaration. Nothing more than this gradual process is possible with a declaration, whether the Democrats had the majority or the Republicans. It is an economic truth. It is also a historical truth. It is sometimes overlooked by the speaker when addressing assemblies, and when speaking ideals rather than realities; but it is true that when a great and widespread system of any kind has been established all over a country, of many years' duration, no man but a madman would attempt to leap out of it by one spring or bound, or to deal with it otherwise than by those patient degrees which are the absolute dictates of both patriotism and wisdom.

If we determine to go downstairs at all, we can not get downstairs by leaping off the roof to the ground, but we must go down one step at a time, just as we went up, otherwise we destroy things rather than help them and bring general catastrophe.

We must respect labor. There is no idea in the American heart, whether it beats in a Democratic breast or a Republican, than that we must respect the men who toil. The parties have both been willing to add to the tariff the labor difference in cost of production between this and European countries, and such a tariff would not oppose the American people anywhere, but conserve the interests of everyone. The farming classes as well as mechanical classes would alike share to a degree in this provision, and those who did not share would be glad to contribute their share for the welfare of our whole people. These ideas are Democratic from the root up. They belong to patriotism, and all refer to labor.

GENERAL CONDITIONS OF GREAT NATIONS.

Now, Mr. President, let us glance, if I may be permitted to do so, at the general conditions which we confront in the affairs of other nations. They are different from any that any previous Congress has ever confronted. The great nations of the world are protecting and developing their own resources behind high-tariff walls. I except England. The industries of the nations are intrenching themselves behind high trust walls. The railroad systems are already consolidated or consolidating in vast continental lines behind the walls of combination or amalgamation. The individuals who are in business everywhere are organizing themselves in small numbers as corporations, and frequently consolidating into trusts. All units of power that participate in the intelligent affairs of life are growing and expanding. Great powers have been organized in the republics of the world, as well as in the monarchies, that are greater and more influential than those who occupy the highest public stations. Great cities are growing greater and greater. Their immense buildings contain the numbers of large towns under one roof and those roofs climb, year by year, higher up in the sky.

These processes are universal. William Draper, a student, a philosopher, and an author, said that "when the iron rail was laid the bones of the giant grew." When the steam engine went forth upon the iron rail the greatest materialistic evangel of peace and plenty and of concord that ever went forth on this earth started upon its journey.

I may add to this that when the telegraph came along the nerves of the giant grew.

When the telephone came the voice of the giant grew vaster in volume and farther in range.

When Marconi invented his wireless signal system behold a miracle like that of the whispering wind, which carries the thought, the voice, and the heart of man as it listeth.

No man or set of men, Democratic or Republican, American or foreigner, can altogether change these conditions. They belong to a period of human development; and, like atmosphere and climate, they belong to the world which we inhabit. But even these may be modified by the genius of man. Sanitation and healthfulness may be established where there was poison and death. Equalization must be measurably made to displace disparity. There is a process of gravity in business, and in systems, as there is in the natural world. Graduated steps as recognized in the Democratic platform must be taken in reforms.

The pioneers and skirmishers of science are exploring and conquering the air. Ere long the heavens will be filled with commerce, and both peace and war will look over the earth and its vast concerns from an aerie in the skies. Guns to shoot upward at the flying fleets are already invented and lying in waiting. But tariffs will have a new question to deal with as well as war.

I love to look forward, as in our dreams we may fancy better things than have happened, and I believe that in time unshackled trade will come to all the children of man. That time is not yet. The great nations with tariff barriers are building battle ships and molding long-range guns while they talk of peace to satisfy their philosophic cravings and go occasionally to The Hague and hold conventions. The great Russian Empire made a proclamation through its Emperor inviting the nations to disarm. The next phase was the Russo-Japanese war and a wind up with America as the conciliator and the scene of conciliation, a matter of which she may well be proud.

The great truth still abides with us. Deplore it as we may, "the dream of the world is peace, but the history of the world is war."

THE AMERICANS ARE CLOSER TOGETHER THAN HERETOFORE.

The great fact that should now give hope and comfort us as we look out upon a world of armament with eyes glancing as if they discerned war in the distance, is the fact that the American people are more together, not only in established systems, but in unison of thought and purpose, than they have ever been in all their history. It is easy to talk of good times that have gone; it is easy to talk of good times that will come. Do we not often overlook good things that are present; that carry on them the seeds of betterment to come.

There is no man living in America to-day, whether he comes from North, South, East, or West, who would not rather live here than anywhere else; and if he has had disadvantages at times, he takes them as the accidents of life that fall to all people and looks just as hopefully to the future as if he had been every time a winner.

Our people are alike in their local institutions, and they have become alike in their national aspirations. The subject of commerce taxation now before us is a subject upon which their widest differences have been exhibited throughout many decades of contention.

But, Mr. President, it was illustrated this morning in an accidental way that we are getting closer and closer together, though we do not all the time notice it, when the Republican leader of the Senate made as his invocation a quotation from Robert J. Walker, to which he invited our attention, and when, Walker like, he tuned his harp in Democratic phrase and held out to the people how economy would bring prosperity again to pass. It was illustrated notably in the last campaign by the speeches of President Taft on the necessity of revision.

While debate here will always disclose contentious tongues, it is, nevertheless, a national fact that the underlying thoughts of both the Republican and Democratic parties are more alike than has been the case since 1856, when the Republican party first spread out its banner. You must look at the platforms of the parties to discover what they were thinking about when they wrote them. The shortest platforms are always the safest, the wisest, the truest, and the best, but in this age, when the parties have gotten into making encyclopedias and catalogues of platforms, you are more apt to find some inept expressions.

But look at the platforms for last year, and observe some of the elements which are moving in the same channel. Look at the Democratic platform. It is not radical on the tariff. It wants a few more things on the free list than the Republicans; but the Republican committee will put more things on the free list than were there before.

MR. BRYCE'S COMMENT ON AMERICA.

Mr. Bryce, who is a great commentator on our institutions, says of the United States a wise thing. "America," he says, "is a country where things turn out better than they ought to." That is true. We have often proclaimed the ruin of everybody who did not agree with us at that particular time. We have done things that challenged ruin and that seemed to expedite it. Come around next year. The sun is shining, the birds are singing; the world has not run off of its axis, and is still whirling round and moving on.

Mark Twain made an observation which I think must have been inspired after reading a tariff debate. "This country," he says, "is a country where every parallel of latitude wants to be the equator." Just at this particular moment the equator is exhibited on the political maps as the point in tariff adjustment where an American citizen can get the highest protection on everything he wants to sell and can find the freest trade on everything he wants to buy.

This bill shows that. Look at the raw materials that are put on the free list and then look at the raw materials that are taxed. You discover as soon as you read the list—which the hour of the day and the temperature alike forbid that I should read to you now, but you will have time to study it and dwell

with it—the things that are on the free list are those things which many people in this country who have large influence in this equatorial region want to buy, and hence they immediately see the beauties of free trade. Then look on those that are taxed. Those who support them argue that what they have to sell will get a greater consideration in the market when foreigners are taxed to bring them here. A great many Republicans and Democrats will be found before this debate is over insisting on some of their things being taxed for protection, and insisting that some other things shall be left untaxed for free trade and for protection also, and vice versa, North and South.

There will be on those lines sometimes a union of logical thought and sometimes a union produced by the fact that on some of these articles there is a tariff now which yields revenue and puts it into our Treasury, and also is not extravagant.

No man, let him be Democrat of the strictest sect, or let him be Republican of the strictest sect, who looks at an empty treasury, but will be moved by necessity toward measures and items which reasonably, justly, and fairly will make its contribution to that treasury.

I am consoled by the fact that this tendency is a just one and moves both Democrats and Republicans. I am not of the protection school, but I recognize the fact, as all must, that all protection can no more be removed in a lump than a mountain range could be so moved. Everybody who thinks must recognize this, whether he likes it or not. None know it better than the Democrats at Denver knew it, and they indicated it by pointing to gradual reductions while they were looking forward.

You may move a log cabin with a horse and a man or two, but try to move a stone-and-iron skyscraper, with 2 stories underground and 10 to 20 stories above ground and a tower in the sky. That is another matter. In some cases it is before us in this tariff.

SHERMAN, GARFIELD, ALLISON, AND WEBSTER.

Some general thoughts, familiar to Republican as well as to Democratic thinkers, are pertinent. Let me read, and let my distinguished friend from Rhode Island hear some words of John Sherman. To quote him would seem no stranger from me than the quotation from Robert J. Walker by the chairman of the Finance Committee, nor as much so. Here is a Roland for his Oliver:

JOHN SHERMAN'S VIEWS ON THE INCIDENTAL PROTECTION OF LARGE TARIFF REVENUE.

It is simply an absurdity to talk now about a free-trade tariff, and to talk about a protective tariff; unnecessary, because the wit of man could not possibly frame a tariff that would produce $140,000,000 in gold without amply protecting our domestic industry.

What a consolation it must be to our Republican friends to know that in framing a tariff for over $300,000,000 a year they could not strip themselves of that protection which they so sincerely love.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. I yield to an interruption.

Mr. ALDRICH. What was the date of that statement?

Mr. DANIEL. Eighteen hundred and sixty-seven. It was a general truth.

Mr. ALDRICH. He changed his mind afterwards.

Mr. DANIEL. I have known gentlemen who did that every day. I do not think, however, that a change of mind is by any means a reproach to anyone if it be honest. If one discovers he is in error about anything, he should always change his mind. The time when a man gets so old that he can not change his mind the good Lord removes him to another world. [Laughter.]

I have not changed my mind on what I have said. I am trying to apply it to conditions which I took no part in creating and would deal with in the best practicable way. I have not said anything inconsistent that I know of, but I do not consider that I am a bit different from other men in desiring to vote for the things that the conditions and environments require.

JAMES A. GARFIELD ON A COMPETITIVE TARIFF AND EXTREME MEN.

Now let us hear from Hon. James A. Garfield. He was one of the most learned men that ever occupied the presidential chair. He wrote essays that will rank with some of the finest British essays. He was also a business man, who was at the head of the Ways and Means Committee of the House of Representatives.

Here is what he said about the extreme men. We have them on both sides. They are just the same now as they were then:

We have seen that one extreme school of economists would place the price of all manufactured articles in the hands of foreign producers by rendering it impossible for our manufacturers to compete with them, while the other extreme school, by making it impossible for the foreigner to sell his competing wares in our market, would give the people no immediate check upon the prices which our manufacturers might fix for their products. I disagree with both these extremes.

I hold—

And here is the doctrine that he taught the people who ere long made him their President:

I hold that a properly adjusted competition between home and foreign products is the best gauge by which to regulate international trade. Duties should be so high that our manufacturers can fairly compete with the foreign products, but not so high as to enable them to drive out the foreign article, enjoy a monopoly of the trade, and regulate the prices as they please. This is my doctrine of protection. If Congress pursues this line of policy steadily, we shall year by year approach more nearly to the basis of free trade, because we shall be more nearly able to compete with other nations on equal terms. I am for a protection which leads to ultimate free trade.

This is philosophic. It is close to Democratic teaching; it is practicable; it looks forward, and not back; it looks up, and not down; and it lends a hand. It keeps the stream of revenue running into the Treasury and preserves the tariff for revenue, which is Democratic. It quickens competition, the life of trade, and it abjures monopoly. Again Democratic. Were this doctrine pursued, it would lead the nations to break the hard and fast congestion of tariffs and trusts.

There are some things on the free list, others that I hope and believe will go there; but the free list is often for protection, as well as very high tax rates are. Else why do Republicans favor many raw materials on the free list, such as iron and coal?

Some things you are bound to protect because they have hold of you and you can not let them go. They are tongued and grooved with so many affinities in trade, they are interfibered with so many other affairs that include both direct and collateral interests which only time can remove, that a patriot who did not think more of them than of himself is not in the right mind or mood to deal justly with the intricacies of this subject. But it is not necessary, neither does it tend to freer or fairer trade, for protection to go so high up in the air as so many of these schedules of duty do, piling Ossa upon Pelion.

It is pleasing to consider, Mr. President, that however much we tie the hands of man in one generation, nature is always relaxing the bonds, and even after the severest conflict, so sweet are the charms of peace that war becomes the guardian of peace in its right relations, and produces peace even though its processes are those of destruction.

Any man who gets wedded to any set of theories will sometimes let them run off with him. We become partisan not from the levity of our opinions, but from the sincerity and depth of them; and when we collide with men who are wholly opposed to us we see the best that is in each man brought out by the fierce contention. But when we legislate for a great Nation like this we should not forget the multitude of differences that this country has, which come to head at this place. We have all kinds of climate; we have all kinds of productions; we have all kinds of people. The old Americans, wherever you find them, are very homogeneous. Though they may differ crosswise, they can perfectly understand each other; and if there is any basis of friendship they will quickly find it. But we are too rapidly and inconsiderately introducing all manner of men into this country—many excellent, some indifferent, some bad—and we have got to act, if we represent the country in its wholeness, with regard to all the conditions which we have to contend with.

There is much good now in the Democratic party—a deficiency of numbers occasionally, some jostlings and inconveniences in lining up occasionally; but the heart of the old Democratic party has a great deal of honest and noble human nature in it. It has got one thing about it which will command the respect of those who least agree with it. It has got a spirit that does not take to dying; that never dies unless it dies hard, and if it does die, leaps up into being out of the natural instinct and love of freedom and liberality of the American Nation, and quickly puts on the robes of resurrection. I have seen it time and again infinitely worse off than it is now, and yet I have seen in this Chamber a spectacle which every one of you, no matter how northern you are, no matter how Republican you are, ought to be as proud of as I am.

I have seen more Senators in this Chamber who were ex-Confederates sitting at one time in this body than could have sat in the confederate senate. No star on our flag lost a bit of its luster; there was no man here who did not trust them as readily and as fully as if he had slept in the same house with them, with each of them, for the last forty years. He knew the stuff that they were made of; he knew that they did not speak with deceitful speech; and if he did not concur in what he regarded as their aberrations, he knew also that there was a reason for their being, and in their own hearts at least a justification of their record. Not one of them ever was ashamed of

it. If you want to find where men meet men with equal appreciation, see an old Confederate when he goes to a Grand Army reception and looks to-day in the faces of men who felt it the first duty of their lives to slay him, and he will nowhere else on earth receive a more respectful or more cordial welcome or a more thorough testimonial of American brotherhood, amity, and regard.

Such is life as we live it, and if I could order this tariff—which I know I can not—I would urge all parties to get together. If you would lock them up like a jury until they agreed the outcome would be such a fair tariff and such a concessive tariff that the average common-sense American man would indorse it, and say, "Under all circumstances, that is right."

WEBSTER—"AGRICULTURE, COMMERCE, AND MANUFACTURES."

Mr. President, let me reach beyond Garfield and Allison and Sherman, and quote you something from a man who is generally recognized as of colossal intellect and of clear perceptions. I turn to Webster. He had his changes of opinion—no man can live in a moving scene such as we live in in this world, and not modify or change his opinion—but his mind was certainly in a clear and philosophic state when he said this:

Sir, that is the true American policy which shall most fully employ American capital and labor and best sustain the whole population. With me it is a fundamental axiom; it is interwoven with my opinions; the greatest interests of the country are united and inseparable; agriculture, commerce, and manufacturing will prosper together or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the others.

"Agriculture, commerce, and manufactures"—this was the noble trinity of industry for which Webster spoke.

"The whole population"—it was for that that Webster aimed to serve.

FAIRNESS AND JUSTICE.

Mr. President, I come from a people who have been largely engaged in pastoral things for the greatest part of the history of this country. They have not had many factories, as New England has had; but they have factories to-day, and they are advancing on the inevitable line of modern progress. What is my duty as a Democrat and as a United States Senator? I think I should be thoroughly fair and just to them and vote for nothing that is well for them that I would not vote as readily for if it benefited Oklahoma or California or Massachusetts or New Hampshire. That is my idea. I will live up to that as closely as I may; and I will ask no man to vote for anything because I think it will be a benefit to my State unless, interchangeably, I would do the same with him. If I do not preserve this equanimity and justness of opinion, I shall lose my balance.

There are many temptations about this bill; there are many beguilements in it; but if we set our compass right we stand a better chance of reaching the haven we have sought than otherwise. I believe it would be a great benefit to this country if we could have at this time a generally low, diffusive, and Democratic tariff, with "revenue" as the watchword. I do not think it possible that we can get such a tariff now. That impossibility is self-evident. The Republican party are against it. They have now the majority, derived from the people; they ought to control, and they will. But there is something more than that. You can not destroy at once by waving a wand of any kind of doctrine, good or bad in itself, an order of things that is pervasive, that is everywhere, that is the fruit of years of constructiveness of thought, and that has interlaced itself in the general affairs of men.

"There is nothing," said Sir Isaac Newton, "that you can not answer but a fact. That is a fact; if you do not answer it, it will attend you." So, appreciating these conditions, I think it is the duty of each one of us to adjust himself to them for now and for as long as their controlling and rightful situations require. "Now" is pretty much all we have got in this world to deal with anyway. The past is gone. Nobody can change anything whatever about it. The future is almost as misty as the past. We can only live for duties in sight of reasonable contemplation to-day; we can only legislate for the "now;" but if we deal wisely for to-day, the future will lead us gently on in the kindly light that Heaven sends to guide us.

The tariff of 1846, although confessedly and professedly a tariff for revenue, was, so far as regards all the great interests of the country, as perfect a tariff as any we have ever had.

WILLIAM B. ALLISON'S VIEWS OF A DEMOCRATIC TARIFF.

Now, let me read something from William B. Allison. We have had no colleague in this body who was more liked and honored than William B. Allison. He was a broad man; he was a profound man; he was an unobstrusive and a fair man.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Virginia yield to the Senator from Rhode Island?

Mr. DANIEL. With pleasure.

Mr. ALDRICH. Will the Senator give us the date of that speech?

Mr. DANIEL. It was in 1870. I will have it looked up.

Mr. ALDRICH. The Senator from Virginia must be aware, for he was probably present, that Mr. Allison on many occasions stated that at that time he occupied an entirely different position and had entirely different opinions upon the tariff than he had during the latter part of his life.

Mr. DANIEL. It did not prevent him from stating the truth as he saw it. The tariff of 1846 was the same tariff that it was when he spoke. He told history. His words were well weighed; and whether or not he changed his opinions, there they are. I prefer this edition of Mr. Allison to the one which I have not seen, to which the Senator from Rhode Island refers.

If any interest was depressed under the tariff of 1846, it was the iron interest. I do not believe that this interest, as compared with other interests, had sufficient advantage under that tariff—

This is a criticism; but behold the steel trust, and hear Mr. Carnegie, and read this bill now.

GROWTH OF THE COUNTRY UNDER THE WALKER TARIFF.

Hear Mr. Allison qualify his criticism and describe the growth of the country under the Walker Democratic tariff bill—a golden age.

Yet—

Says Mr. Allison—

Yet when we compare the growth of the country from 1840 to 1850 with the growth of the country from 1850 to 1860—the latter decade being entirely under the tariff of 1846, or the amended and greatly reduced tariff of 1857—we find that the increase in our wealth between 1850 and 1860 was equivalent to 126 per cent, while it was only 64 per cent between 1840 and 1850, four years of which decade were under the tariff of 1842, known as a "high protective tariff," but the average rate of which was about 70 per cent below the existing rate, or 27 per cent under the tariff of 1842 as against 44 per cent upon all importations under the present tariff. Our industries were generally prosperous in 1860, with the exception, possibly, of the iron interest. This was the statement of Mr. Morrill, of Vermont, on this floor during the discussion of the tariff of 1864. With regard to the condition of the steel industry in 1860, the steel manufacturers in 1866, memorializing Congress for increase of duties on steel, stated that—

"It was reserved for Pittsburg to bring about the first substantial and enduring success in the year of 1860; and encouraged by our example numerous establishments have sprung into existence, as already indicated in this paper."

And here, Mr. President, is an important fact Mr. Allison adds. I commend it to consideration:

This shows that under the revenue tariff of 1857, which imposed only an ad valorem duty of 12 per cent on steel, a substantial success was achieved in the steel manufacture in 1860.

AGGREGATES OF DOLLARS AND BATTLE SHIPS NOT STANDARDS.

There is nothing, Mr. President, in Democratic history, that can discourage anyone who is looking for a wise tariff from believing that under lower tariffs this country will not prosper. A nation can not make its standard of prosperity the number of dollars that it owns; nothing is more fleeting. See the vanished surplus. A nation can not make as its standard of prosperity and well-being the number of battle ships that she puts upon the waves.

We had no battle ships when James Monroe, with Adams, of Massachusetts, sitting by his side, taught all the world a lesson and warned the autocrats of the European alliance to keep their hands off the South American Republics, which became free under the patronage of the United States of America. It is the plucky people, who know how to maintain their own rights, that teach all nations the lessons worthy to be learned.

It may be that if you had had the tariff of 1846 or its Democratic likeness in vogue all through these times you would not have had such mountainous prosperity in some places as you now possess. It may be you would not have received annually at our ports millions upon millions of heterogeneous strangers, many of them without our language, many of them knowing nothing of our laws, many of them indigestible elements in the American Commonwealth. It may be you would not have had as many millionaires spending their declining years in apprehension that they will or will not die poor; but you would have had a more homogeneous population; you would have had more independent men living upon their own land and imbued with the American principles which made this country free; you would not have had such great cities as you have now with such stranded populations.

The gloomiest thing that a man can behold in all this earth is one of the great cities, with its squalid degradation crowding around the palaces. A man who wants to get a wholesome sight of life, to get the aroma of fresh air, to breathe amongst

the trees, to raise his children as worthy and virtuous American citizens proud of their country, has to go away from the city and out into the more sparsely settled portions of the country, where the sun shines and where every man and woman has opportunity to educate their children in the way they should go.

The fountain of patriotism is the home. When the people live in pigeon boxes, crowded story upon story above them, nameless to the looker-on, without whereon to lay their heads, except in some place that they would like to escape from, that nation is either going too fast or is overlooking the safe, plain ways of life.

If we continue to build up men and great congested cities in disproportionate wealth; if we frame our laws so as to make richer those who have already become rich and to keep poor those who are poor, we will overlook the fundamental conditions of stable, permanent, enduring, and grand prosperity.

But, Mr. President, let me hasten on with these generalizations. The estimated revenues under this tariff bill and the percentages have just this morning been laid upon our tables. None of us have had a half hour to read them. I have not gone into the discussion of schedules; neither did the distinguished Senator who presides over the Committee on Finance. In conclusion, in this tariff bill I would ask that you stay with the land and stay with the people who make their homes upon the land. Do not turn the batteries of your powerful laws against the man who makes his fortune or is content with a scanty living by sending the plow through the furrow and taking as his reward the plants that grow out of the land of his home.

There is one such plant in my State. It is "the ugly duckling" of every farmyard, and there is no bird of any feather that does not seek to pull a feather out of it. It is tobacco. Go to Turkey. The Sultan will have none of it. No matter how much his people want it, not an ounce is permitted to go there. Go to England. Seventy-six cents a pound must be laid down before an Englishman will touch it. Then he makes a fortune in manufacturing it. Our New England friends have taken care of Connecticut and Connecticut Valley tobacco. I do not blame them. Get our tobacco ready to be sold. What do you say to the farmer? "You shall not sell it to a manufacturer without paying to do so." There is not another citizen in the United States who is denied by an act of Congress the right to sell freely the thing that he made by his own hands out of the land that he owns. Put that thing in your pipe and smoke it.

A Kentucky planter, a Virginia planter, a Pennsylvania planter can not take his own tobacco, for which he asks you nothing, but which he tenders in a trade, and sell it as he pleases without first paying a tax. You talk about Kentucky Night Riders. I am a man of law. I take the side of law whenever it has an encounter. But, gentlemen, we have had the need of rebels in this country to teach law, and the lessons that they have taught this Nation have been its wisest and most enduring. I do not mean by that in the slightest degree to encourage, to approve, or to recognize the right, or the propriety of any man to take the law into his own hands. But whenever you find men in this country who manifest a desire to take the law in their hands, you should also scrutinize your own conscience and your own conduct and see to it that you did nothing to provoke it.

It is the man who produces conflict, whether by speech, whether by law, or otherwise, who is more to be blamed for conflict than anyone else.

"WOE UNTO HIM BY WHOM OFFENSE COMETH."

The farmers of this country, Mr. President, have done more for the country and have got less of favor back from the country than any other element of our population. On that statement I challenge contradiction. The favors that flow back from a liberal and a magnanimous government seldom flow over the old homestead and seldom go down to the farms. The farmer is getting rural free delivery now—a new benefaction, a wise benefaction, a thing for which he may justly thank this generous and this progressive people. But the more he gets of the intelligence of the world, the more he discerns that the world has cared less for him than it has for those who are nearer the throne and more favored.

I will be answered back that you have given empires to the farmer. True. No nation was ever more generous in that respect. I will be told that you have irrigated land which had been abandoned to the desert. True. It is justly to your credit. But observe this: You do not add to the prosperity, to the wealth, or to the bettered condition of any farmer by giving other people farms. They set up in rivalry with him. They take those farms instead of buying his. They add to the production of the things which compete with his, and while he does not oppose it, for it is the natural course of progress, you have done nothing for the old farmer because you have got new lands and irrigated them for the new farmer.

Neither are you doing anything for American labor when the steamships are all occupied in bringing foreign laborers to our markets and shores. It is a difficult and hard thing to handle, I know, but you are not benefiting the workingmen, and that is the point we have to consider. You have great factories. You have a certain number of mechanics who are employed there, and while they are employed there, here comes a new steamer with poverty-stricken people from all the regions of Europe, who are ready to work for anything, and take the jobs out of their hands. Both farmer and workingman have had their attention called to these things. Do not forget them when you fashion the shape of your tariff and the legislation that will be consequent thereon, and never lower the countenance to contemplate other ideals of our country than those which the fathers have instilled in our hearts—ideals which will survive as long as their sons honor wisdom and patriotism and virtue.

I close my remarks with the words of truth of Andrew Jackson. He was an heroic man in both civic and military life. He never permitted to die out in his mind the grounded principles of our Republic. He never abandoned a friend or flinched before a foe. In his public measures he aimed always at the ends of his country, of which he regarded freedom and independence as the chief. He has been discounted by some who thought him too rough about the banks and about military discipline. No doubt he made mistakes sometimes, for all men do who make anything; but whatever mistakes he made he hewed to the line of his great endeavors, and their accomplishment left the country better that he had lived, and more united. From an orphan boy in the South and West he climbed by dint of energy and honor from one place to another until he rose to the highest place that the people could confer upon him. He never lost either his heart or his head as he pressed forward, and no one felt or knew better than he did that it is from the thoughts and daily lives, ambitions and habits of the people who earn their livelihood in their own homes that are derived the purest instincts of patriotism and the most truthful suggestions of wisdom. He was teaching what the working and achieving commonalty had taught when he said:

> It is not in a splendid government, sustained by powerful monopolies and aristocratic establishments, that the people will find their rights protected and their principles secure, but in a plain government devoid of pomp, protecting all, granting favors to none, dispensing its blessings like the dew of heaven, unseen and unfelt, save in the harmony and beauty it contributes to produce.

Mr. ALDRICH. Mr. President, the distinguished Senator from Virginia [Mr. DANIEL] seems to be still troubled about the action of the majority of the committee in the management of this bill and its report, and the distinguished Senator from Texas [Mr. CULBERSON] seems to fear that the Constitution is being violated.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. Certainly.

Mr. CULBERSON. The Senator ought to perceive, and he will as soon as I call his attention to the fact, that the Senator from Texas was not in fear of a violation of the Constitution in that respect, but he invited the attention of the Senator to what he ought to have known before—that it is in violation of the rules of the Senate, not of the Constitution of the United States.

Mr. ALDRICH. I will send to the desk and ask to have read the discussion which took place in the Senate of the United States on the 21st day of February, 1894, and I request the special attention of those two Senators to that debate. The Senator from New Hampshire, Mr. Chandler, known to all of you, was asking the Senator from Indiana, Mr. Voorhees, who was chairman of the Committee on Finance at that time, about the conduct of the committee and what the committee were doing in the preparation of the tariff bill, and the answers of Mr. Voorhees and Mr. Vest and the observations of Senator Sherman are extremely interesting in view of present conditions. I ask that they may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

[From the CONGRESSIONAL RECORD, February 21, 1894.]

> Mr. CHANDLER. * * * I am asking the Senator from Indiana whether the acting member of that committee to-day and now is the Senator from Texas or the Senator from New Jersey, or whether both of those Senators are acting? Is not that a fair inquiry to make?
>
> Mr. VOORHEES. Mr. President, I have no disposition to give the Senator from New Hampshire a short answer, as he knows personally; but we are doing our business in our own way, which is none of his business. He is not a member of that committee, nor charged with any of

the duties connected with it. We are hard at work transacting the business intrusted to our hands to the best of our ability. If the Senator is not satisfied with that answer, he may introduce a resolution of inquiry as to what we are doing, who is doing it, and how it is being done; and then we shall investigate it. That is all the answer I have to make to the Senator.

Mr. CHANDLER. I beg leave to say to the Senator from Indiana that it is my business to know what the committee is doing. * * *

Mr. VOORHEES. Mr. President, I am not to be betrayed into a loss of temper. I have nothing but feelings of personal kindness toward the Senator from New Hampshire, and I told him in tones of courtesy, I thought, that the RECORD showed who constitute the committee. * * * I ventured to say that we were doing our work in our own way, that it was our business and not the Senator's business, and that if he wanted a further answer, aside from what the RECORD shows as to who are on the committee, he could introduce a resolution and investigate. We can stand investigation right well, strange as that may seem.

* * * * * * *

Mr. MANDERSON. * * * Rumor has it, the newspapers say, that the bill has been referred to a committee of five, three of the majority and two of the minority party on the committee. Their names have been published in the newspapers, but not in the RECORD, and I think we ought to know. * * *

Mr. SHERMAN. * * * It is said that, in pursuance of a custom which has sprung up within the last few years—or at least it has been said to me—the bill should be referred, in the first instance, to a subcommittee of the Committee on Finance favoring the bill as sent to us from the House of Representatives. I believe that rule or that custom is being pursued now by our Democratic friends. Certain it is that no member of the Committee on Finance who is classed as a Republican has been called into consultation with respect to the action upon the bill. I do not know but, upon the whole, that is probably the best way to consider the question.

* * * * * * *

Mr. VEST. * * * There has never been any subcommittee on the tariff upon the Democratic side of the Finance Committee, and such a statement has grown out of the active and prolific imagination which characterizes the modern newspaper reporter. * * *

* * * * * * *

Mr. BUTLER. There are but six Democratic votes in the committee.

Mr. VEST. As a matter of course there are only six Democratic votes in the committee, and there can be but six. It should not make any difference to our distinguished friends on the other side of the Chamber whether the work on the tariff bill be done by three or five or six of us. Without using the words of the Senator from Indiana [Mr. Voorhees], I submit in the kindest and most parliamentary sense that it can hardly be any of their business affecting the direct result in this case. The work that we have done has been done by those of us who are willing and able to do it, not under any appointment, but because we appreciate the great public necessity which requires that the bill shall be reported to the Senate as soon as possible. * * *

* * * * * * *

There has been no star-chamber about it. We have had no public hearings, because we deliberately resolved not to have them. We have listened, as far as we could, to the extent of human ability and endurance, to all who have come to us; and what a task it has been will be known only to those who have been afflicted in that regard. * * * This is a small matter, Mr. President. When we bring the bill before the Senate there will be time enough for the eloquence and logic which have been so unsparingly used here to-day. As to the modus operandi, so long as we do not violate the rules of the Senate or the laws or the Constitution, I respectfully submit that we ought to be permitted to do this work in our own fashion, submitting it, of course, afterwards to the full Finance Committee, and then reporting it to the Senate for their action upon it.

* * * * * * *

Mr. VOORHEES. * * * Now, so far as the question of a subcommittee is concerned, I think it matters nothing to Senators on either side of the Chamber whether the bill is considered by a subcommittee technically or by men who have been named as a subcommittee. The fact is that a majority of a committee which is charged with framing a bill must necessarily, before it is considered by the full committee, put their case in shape on paper. Every Senator on the other side of the Chamber knows what I say to be true. Every Senator there knows when they had the majority and brought forward the tariff measure of 1883, and notably of 1890—the McKinley bill—for weeks (I am tempted to say months, for it was a long time) none of the minority of the committee, then belonging to this side of the chamber, was in consultation with them. We abided our time. We knew it was their right to make their bill to suit themselves before they submitted it to us or to the country.

* * * * * * *

Mr. VOORHEES. * * * I repeat, Mr. President, the only logical and reasonable and proper method of legislation on a subject of this kind is for the party in the majority, who are responsible for legislation, to put it in such shape as many be satisfactory to them, and then put it before the Senate and the country and take the consequences. Private discussion, prolonged and protracted debate between man and man, between eleven people—six on one side predetermined, five on the other—is simply a ruthless consumption of time, while the interests of the country are demanding speed, rapidity of action. * * * Those who plead for delay, for long hearings, for technicalities, for Finance Committee discussions between man and man, will be known before the country as the advocates of delay in an hour when it is important to the business interests to know what is to happen to them.

Mr. ALDRICH. I can add nothing to the words which have just been read on this subject.

Mr. President, I ask what is the present status of the bill?

The VICE-PRESIDENT. The bill has been referred to the Committee on Finance.

Mr. ALDRICH. I report back the reengrossed copy of the bill with amendments.

The VICE-PRESIDENT. The Senator from Rhode Island reports from the Committee on Finance, with amendments, a bill, the title of which will be read.

The SECRETARY. A bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The bill will go to the calendar.

Mr. ALDRICH. I ask that it be made the unfinished business.

The VICE-PRESIDENT. The Senator from Rhode Island asks that the bill the title of which has just been read be made the unfinished business. Is there objection? The Chair hears none, and it is so ordered.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After thirteen minutes spent in executive session the doors were reopened, and (at 3 o'clock and 18 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 20, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 19, 1909.

COLLECTOR OF CUSTOMS.

George W. Huntley, of Ohio, to be collector of customs for the district of Miami, in the State of Ohio, in place of Joseph C. Bonner, whose term of service expired by limitation March 6, 1909.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Thomas C. Dawson, of Iowa, now envoy extraordinary and minister plenipotentiary to Colombia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Chile, vice John Hicks.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

First Lieut. Albert R. Dillingham, Eighteenth Infantry, to be captain from April 5, 1909, vice Frier, Twenty-third Infantry, promoted.

First Lieut. William R. Gibson, Third Infantry, to be captain from April 13, 1909, vice Fealy, Second Infantry, retired from active service.

PROMOTIONS IN THE NAVY.

Lieut. Commander Joseph W. Oman to be a commander in the navy from the 11th day of March, 1909, vice Commander Richard T. Mulligan, promoted.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 2d day of February, 1909, upon the completion of three years' service in present grade:

Paul E. Dampman,
Edson C. Oak,
Arthur H. Rice,
Clarence A. Richards, and
David W. Bagley.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 2d day of February, 1909, to fill vacancies existing in that grade on that date:

Paul E. Dampman,
Edson C. Oak,
Arthur H. Rice,
Clarence A. Richards, and
David W. Bagley.

Midshipman Roy Le C. Stover to be an ensign in the navy from the 13th day of September, 1908, to fill a vacancy existing in that grade on that date.

The following-named citizens to be assistant surgeons in the navy from the 14th day of April, 1908, to fill vacancies existing in that grade on that date:

John G. Ziegler, a citizen of Pennsylvania;
Glenmore F. Clark, a citizen of Kentucky;
William M. Kerr, a citizen of New York;
George A. Riker, a citizen of New York; and
Tharos Harlan, a citizen of the District of Columbia.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 19, 1909.

PROMOTION IN THE REVENUE-CUTTER SERVICE.

Cadet Engineer William Hyde Doron to be a third lieutenant of engineers in the Revenue-Cutter Service.

ASSISTANT SECRETARY OF THE TREASURY.

Charles D. Hilles to be Assistant Secretary of the Treasury.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF NEW MEXICO.

Ira A. Abbott to be associate justice of the supreme court of New Mexico.

UNITED STATES ATTORNEY.

Aloysius I. McCormick to be United States attorney for the southern district of California.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Capt. George W. Goode to be major.
First Lieut. Douglas McCaskey to be captain.

INFANTRY ARM.

Maj. Arthur C. Ducat to be lieutenant-colonel.
Capt. James H. Frier to be major.
Capt. Armand I. Lasseigne to be major.
First Lieut. Wait C. Johnson to be captain.
First Lieut. J. Millard Little to be captain.
First Lieut. John L. Bond to be captain.
First Lieut. Josephus S. Cecil to be captain.
First Lieut. Edward R. Stone to be captain.
Second Lieut. Horatio K. Bradford to be first lieutenant.
Second Lieut. Charles H. Mason to be first lieutenant.
Second Lieut. Nicholas W. Campanole to be first lieutenant.
Second Lieut. John G. Macomb to be first lieutenant.
Second Lieut. L. Worthington Moseley to be first lieutenant.

COAST ARTILLERY CORPS.

Lieut. Col. John V. White to be colonel.
Maj. John C. W. Brooks to be lieutenant-colonel.
Capt. William R. Smith to be major.
First Lieut. Arthur H. Bryant to be captain.
Second Lieut. James H. Cunningham to be first lieutenant.

APPOINTMENTS IN THE ARMY.

COAST ARTILLERY CORPS.

To be second lieutenants.

Carl Amos Lohr,
Laurence Tidd Walker,
Samuel Harrison Tilghman,
Otto Harry Schrader,
William James Turkenton,
Creedy Collins Sheppard,
Howard T. Clark,
Halstead Powell Councilman,
Arthur Haldane Doig,
Robert Elton Guthrie,
George Elmer Nikirk,
William Robert Nichols,
Paul Henry Herman,
Oscar Czar Warner,
Frank Sheldon Clark,
Kelley Benjamin Lemmon,
William Skinner Fulton,
Thomas Ogden Humphreys,
Edwin Francis Barlow,
Donald MacQueen Ashbridge,
Hollis Le Roy Muller, and
Eli Elmer Bennett.

PROMOTIONS IN THE NAVY.

Lieut. Commander Webster A. Edgar to be a commander.
The following-named ensigns to be lieutenants (junior grade):
Halsey Powell,
Abram Claude,
Nathan W. Post,
Harry A. Stuart,
William F. Halsey, jr.,
James W. Hayward,
George M. Baum, and
Joseph D. Little.
The following-named lieutenants (junior grade) to be lieutenants:
Halsey Powell,
Abram Claude,
Nathan W. Post,
Harry A. Stuart,
William F. Halsey, jr., and
James W. Hayward.
Asst. Paymaster Franklin P. Williams to be a passed assistant paymaster.

POSTMASTERS.

COLORADO.

William F. Ordway, at Dolores, Colo.
Nellie R. Summers, at Gunnison, Colo.

FLORIDA.

Homer B. Rainey, at Wauchula, Fla.

IDAHO.

Alson H. Nihart, at Buhl, Idaho.

ILLINOIS.

Claude L. Stone, at Mason City, Ill.

LOUISIANA.

Margarette L. Tatum, at Gibsland, La.

MICHIGAN.

Ora P. Gordon, at Hopkins, Mich.

MINNESOTA.

James A. Gillespie, at Carlton, Minn.

MISSOURI.

Andrew S. Munro, at Cuba, Mo.

MONTANA.

George A. Tusler, at Terry, Mont.

NEBRASKA.

Lou W. Frazier, at Fairmont, Nebr.

NEW JERSEY.

Elbert Bradshaw, at Greenwich, N. J.
William H. Kuhlthau, at Milltown, N. J.

NEW MEXICO.

Leroy P. Loomis, at Texico, N. Mex.

OHIO.

Charles M. Trace, at New Concord, Ohio.

PENNSYLVANIA.

Martin B. Allen, at Honesdale, Pa.
William F. Eckbert, jr., at Lewistown, Pa.
Sallie P. Gillingham, at Langhorne, Pa.
John C. Tullock, at Moores, Pa.

SOUTH DAKOTA.

Charles N. Curtiss, at Wessington, S. Dak.
Theophilus N. Kirkpatrick, at Letcher, S. Dak.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 19, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Thursday, April 15, 1909, was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to return to the House of Representatives, in compliance with its request, the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The message also announced that the Senate had insisted upon its amendments to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LA FOLLETTE, Mr. HALE, and Mr. BAILEY as the conferees on the part of the Senate.

The message also announced that the Senate had passed without amendment joint resolutions of the following titles:

H. J. Res. 45. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress; and

H. J. Res. 38. Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909.

THE TARIFF ON COTTON BAGGING AND TIES.

Mr. BARTLETT of Georgia. Mr. Speaker, I desire to discuss briefly the matter of the tariff on cotton bagging and ties. At the present rate of duty upon these articles the tariff tax upon the cotton farmer amounts to about 10 cents per bale for bagging and ties.

The western farmer who uses binding twine has no tariff tax to pay upon that article, but it is admitted free; and not only is the binding twine admitted free, but the grasses and other material from which it is made are admitted free.

The provisions of the law relating to "drawbacks" have been so construed as to permit the exporters of products in imported

bags or bags made from imported material to receive the drawback. But this is not all of the discrimination against the cotton farmer. Upon investigation I find that the Treasury Department has for years been paying to the exporters of cotton baled in round bales the duties paid on the bagging imported for the purpose of baling cotton in round bales; but no such rule is applied to cotton exported in square bales. The baling of cotton into round bales is in the hands of a combination or trust, and up to this time the southern cotton producers have been able to prevent their control of the ginning and baling of the cotton crop. Only about 200,000 bales of cotton were in round bales last year, whereas over 13,000,000 were packed in square bales.

As illustrating this condition, I call attention to the following correspondence:

HOUSE OF REPRESENTATIVES,
Washington, April 14, 1909.

The SECRETARY OF THE TREASURY,
Washington, D. C.

DEAR SIR: Will you kindly have furnished me the following information on the subject of bagging, commonly known as "cotton bagging," which is made from jute and imported into the United States, and used for baling cotton, a description of which will be found in paragraph 344 of the Dingley tariff law, and upon which an import duty is laid:

Whether or not under the present law bagging for cotton and fabrics of this kind suitable for covering cotton is subject to the drawback provisions of the law?

Whether drawbacks have been permitted on bagging imported under this section and used for baling cotton, where the cotton thus baled has been exported, and, if so, whether the drawback has been allowed to those who use imported bagging to cover round or square bales of cotton?

In other words, I desire to know whether—if a drawback has been allowed in this particular—it has been allowed to those who exported round or square bales of cotton, and also the amount of such drawbacks that have been paid by the United States, and to whom paid.

Also, what is the amount of revenue received by the Government during 1908 from duties collected on bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton, as provided for in the section of the Dingley law referred to above.

If the department has rendered any decisions on the subject of granting drawbacks to those who export cotton covered with imported bagging and put up in round bales, I would be glad to have a copy of such decisions or to know where I can find them.

Your early attention will greatly oblige me.

Very truly, yours,

C. L. BARTLETT.

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, April 16, 1909.

Hon. C. L. BARTLETT,
House of Representatives.

SIR: In reply to your letter of the 14th instant, I have the honor to advise you that during the fiscal year ended June 30, 1908, 16,349,696 square yards of bagging for cotton, gunny cloth, and similar fabrics suitable for covering cotton were imported valued at $1,076,351.81, and dutiable at $90,098.16. There was paid during the same year as drawback at the port of New York $88.62 on the exportation of articles manufactured from 14,953 square yards of this imported bagging. This data is compiled by the Bureau of Statistics, Department of Commerce and Labor, and the articles exported are not specifically designated, but it is presumed that they comprise coverings for cotton bales.

There was also imported during the fiscal year ending June 30, 1908, 311,463,391.25 pounds of burlaps, valued at $23,187,861, on which duty was collected amounting to $5,841,535.93. Four hundred and thirty thousand three hundred and eighty-seven dollars and forty-six cents of this duty was refunded as drawback on the exportation of bags manufactured from the imported burlaps. It is probable that the round bale bags may be included in the bags on which this drawback was paid. I am therefore unable to advise you accurately the amount of drawback paid on the exportation of round bale bags.

On March 1, 1904, Treasury Decision 25076, the Department provided for the allowance of drawback on round bale bags manufactured by the American Cotton Company, of New York, from imported burlaps. This decision was extended on January 2, 1907, Treasury Decision 27809, to cover similar bags manufactured by Reagan Round Bale Company, of Houston, Tex., and on December 28, 1907, Treasury Decision 28646, it was further extended to cover round bale bags manufactured by the Alabama-Mississippi Round Bale Company, of Montgomery, Ala.

On January 28, 1903, Treasury Decision 24192, the Department established regulations for the allowance of drawback on round bale bags manufactured by Bemis Brothers Bag Company, of St. Louis, Mo., wholly from imported burlaps, said bags being sewed on one side, and having at each end a hem containing a shirring string. These decisions may be found in the bound volume of the Treasury Decisons. No drawback has been allowed on covering for square bales.

Respectfully,

J. B. REYNOLDS,
Assistant Secretary.

The following statement was made before the Ways and Means Committee, and will be found on page 2840 of the hearings, of date November 30:

STATEMENT OF MR. C. LEE M'MILLAN, OF NEW ORLEANS, LA.

Mr. MCMILLAN. I have been sent here by the New Orleans Cotton Exchange to ask this committee to place upon the free list jute bagging used for the covering of cotton. We think that it is entitled to be so placed. At present the duty paid amounts to a very small matter to the Government, and the farmer of the South we consider is entitled to have the privilege of wrapping his cotton free, just the same as the farmer of the West gets his binder twine free. For fourteen years binder twine has remained upon the free list, and during those fourteen years there has been this tax on cotton bagging. The tax on cotton bagging is six-tenths of a cent, as you will see there, per square yard, amounting to nearly three-quarters per running yard of 44 inches, and amounting to 4⅞ cents per bale on every bale of cotton grown in America.

Through the courtesy of the chairman I was informed on Friday that I might at the same time address you gentlemen in connection with cotton ties, which occupy the same position to the cotton planter as does jute bagging. Cotton ties for the past few years have not been imported at all, the duty being prohibitive. You will find that the duty is half a cent per pound, 22½ cents per bundle, amounting to 4½ cents on each bale produced in this country. We think that on cotton ties the same thing applies as to the farmer who raises wheat or anything else where binder twine is used, and that he is entitled to get his cotton ties free.

The steel mills of this country, I think, are amply able to compete with the foreigner. I have been in the rolling mills in England, and they do not compare with any of ours in this country. The improved machinery here will enable the American to still have a very fair share of the business, and perhaps only the ports like New Orleans, Savannah, or Galveston will amount to anything on the importing.

I also call attention to the following statement made by the same witness before the Ways and Means Committee, which will be found on pages 4826–4827 of the hearings:

NEW ORLEANS, *December 8, 1908.*

Hon. SERENO E. PAYNE,
Chairman of Committee on Ways and Means,
Washington, D. C.

DEAR SIR: In addition to my statement made before your committee on the 30th ultimo, I now ask to be allowed to submit the following in connection with the subject of jute bagging for covering cotton, which I requested you to place upon the free list.

The American makers, say, three in number, consisting of the American Manufacturing Company, of New York; the Ludlow Manufacturing Associates, of Boston; and the Peru Bagging Manufacturing Company, of Peru, Ind., own and control every mill in America now engaged in making new bagging for cotton.

The first two corporations agree at the beginning of each season upon a price to open the market at, and the small Peru company follows. An arbitrary list, showing differentials throughout the entire cotton belt, is strictly followed, and the price named any given point by the American Manufacturing Company is exactly same as the one quoted same point by the Ludlow Company.

Some years ago there were several independent mills engaged in this business, but the ones now surviving managed to drive the others entirely out by selling bagging below price at which the independents could make same at, and in the end the American Manufacturing Company bought such independent mills as the one in New Orleans, in Louisville, Ky., and in Galveston, Tex., and then dismantled same, shipped such machinery as was wanted to Brooklyn and St. Louis, and breaking up and selling for scrap the balance of the machinery. I think that the same process was followed when the American Manufacturing Company bought out their New York and Brooklyn rivals. When additional machinery has been required by the Americans, they have either had it made in this country, or they bought it secondhand in Dundee and imported same free of duty.

There can be no doubt about the profits of the above-named concerns being very large (see how they have grown), and I ask you to take into consideration the great amount of low-grade jute butts and the vast amount of secondhand jute bagging they buy and make into yarns when you compare their cost with that of the Calcutta maker, who uses a much higher quality of raw material.

I beg to call your attention to the fact that during the past eight or ten years the American Manufacturing Company, through its various agents, have imported into this country from Calcutta the major part of all of this kind of cloth made in Calcutta, and I have known seasons when they bought every yard that Calcutta mills could furnish. It is reported upon what I consider the best authority that the American Manufacturing Company, through its agents, has already secured from three of the Calcutta mills all of the bagging they can make from September, 1908, to August, 1909, and offers have been made to the remaining Calcutta mills by the American Manufacturing Company to take their output for the coming season. Portions of the above-mentioned purchase have already arrived here and same is being held by the local selling agent of the American Manufacturing Company.

The writer has never known of any combination existing among the Calcutta mills, and whenever I have cabled out there for prices no two mills ever named me the same figure upon any given date. If bagging was placed upon the free list to-day, I think the American makers would still be amply able to compete. As a matter of fact, the American Manufacturing Company turned out early this year 2-pound 45-inch bagging, at 6¼ cents per yard at the ports, while all that came from Calcutta cost about 1⅞ cents per yard more, or, say, about 8 cents landed, duty paid.

The largest revenue I remember as being paid the Government on jute cotton bagging during any one year did not exceed $120,000, while the cotton farmer pays about one and one-quarter million dollars annually to the bagging and steel trusts, because of the present rate of duty on the articles he requires, which occupy the same position exactly as does binder twine, which is admitted free of duty.

Respectfully submitted.

Yours, faithfully,

C. LEE MCMILLAN.

Mr. Speaker, under the rule adopted by the House under which the tariff bill was considered and passed, it was decided by the chairman who presided that no amendment was in order looking to placing bagging and ties on the free list. The only hope for relief is that the Senate may take the matter up and consider it. With some hope that the Senate may take up the question and give the farmers of the South the relief they are so plainly entitled to, I have addressed the following communication to the Finance Committee of the Senate:

HOUSE OF REPRESENTATIVES,
Washington, April 16, 1909.

Hon. NELSON W. ALDRICH,
Chairman Committee on Finance, United States Senate.

DEAR SIR: As a Representative from one of the cotton-growing States and a State that raised 2,000,000 of the 13,500,000 bales raised, I respectfully call your attention to the matter of what is called "cotton bagging" and "ties."

Cotton bagging and ties are used exclusively by the farmers of the South in baling their cotton and preparing it for market. The cotton crop, without the by-products of cotton seed and cotton-seed oil, is valued at $650,000,000. Sixty-five per cent of the raw cotton raised by the South is exported and brings into the United States from abroad over $400,000,000 annually.

Under the Dingley tariff law and under the pending tariff bill a duty is imposed upon these articles, which, in the case of cotton ties, is almost prohibitory, being, under the present law, five-tenths of 1 cent per pound, which the pending bill reduces to two-tenths of a cent per pound. But, owing to the fact that the manufacture of cotton ties in this country is in the hands of a few corporations, the proposed reduction would be of little benefit. Under the present law and under the pending bill the duty on cotton bagging is fixed at six-tenths of a cent per pound.

In baling the cotton crop there are used 80,000,000 ties, which weigh about 4 pounds each, and 93,000,000 yards of bagging, weighing about 1 pound to the yard, and the duty on bagging and ties amounts to about 10 cents per bale.

The present law and the proposed law admit free of duty binding twine used by the farmers of the West in binding their wheat and other crops. It also admits free of duty the grasses from which binding twine is made, and even jute and jute butts, out of which cotton bagging is made, is admitted free for binding twine. Besides, bagging made out of burlaps and other material in which wheat is exported is subject to the drawback provisions of the tariff law.

I therefore urge upon you and your honorable committee the consideration of the question of placing hoop or band iron or steel used for baling cotton, as contained in paragraph 123 of the pending bill, and bagging for cotton, etc., as contained in paragraph 350 of the bill, on the free list. In the event you can not do this much in the interest of the producers of this great staple, which, in a great measure, clothes the world, I respectfully urge that you so frame the bill as to extend the drawback provisions of the law to the bagging and ties used on exported cotton. I am informed by the Secretary of the Treasury that certain exporters of what is known as "round-bale cotton" are entitled to the benefits of the drawback provisions of the tariff law; but the vast number of bales of cotton exported is packed in square bales, and the exporters of cotton packed in square bales are not allowed the benefits of the drawback provisions.

I inclose, as a mere suggestion, an amendment to the bill in this regard which would be of great benefit to the cotton producers, and would give them at least 65 per cent of their bagging and ties free of duty.

On this subject I beg to call your attention to the testimony before the Ways and Means Committee contained in the Tariff Hearings on Schedule J, pages 4933–4941, being the testimony of Mr. McMillan on the subject. I also call your attention to a letter from Mr. McMillan on the same subject, on pages 4950–4953.

In 1907 the duty collected on imported bagging amounted to about $118,000, and the duty collected on imported ties amounted to $85.

Asking that this matter be given the consideration its importance merits, I am,

Very respectfully, C. L. BARTLETT.

Mr. STANLEY. Mr. Speaker, our Democratic "daddies" started out with the Constitution as a handbook. Jefferson Davis spent two years on his brother's plantation studying constitutional law and in kindred reading before entering public life.

The timely warning of an able historian and philosopher to his own generation might well apply to this:

Do we not show too great a disposition to be governed by considerations of the present with too little regard to the past and the future? It may be safely asserted that the statesman who, in shaping his political theories, shall disregard the landmarks offered by the past will never prove a safe counselor for the state.

Conditions change; principles never do. For instance, nations, like individuals, are at different times addicted to different vices, but we do not hunt for a new decalogue to fit the case of the fellow who is guilty of some original brand of devilment.

The Democracy of Jefferson is a complete system, and was once a kind of political decalogue. Statesmen attempted to understand and expound it; new conditions made it necessary to put special emphasis upon one and then another fundamental principle of government as enunciated by the sage of Monticello.

Democracy should never, like Paul's Athenian mob, go hunting for some new thing which will do to catch votes at the next election.

There never was a better time to stop and think. A time-tried, old-fashioned Democratic platform—Jeffersonian Democracy without the trimmings—will carry the next House and the Presidency in 1912.

The fundamental conditions which made Democracy dominant for sixty years after the inauguration of Thomas Jefferson exist now, and they, strange as it may seem, exist now, to a degree just as they did then, for the first time in half a century.

The old Federalists were essentially the party of caste and special privilege, always considering the people good things to exploit and to fool. Pretty good standpatters they were.

In the language of their admirer and historian, Von Holst:

The Republicans (Democrats) were far inferior to the Federalists in the number and the ability of their leaders, and, moreover, the moneyed interests of the Northern States were the corner stone of the Federal party. These were two elements which might well keep them in power a while longer, even if the majority of the people were in reality more attached to the principles of their antagonists.

But they were not a support on which they could establish lasting rule. In a Democratic republic, the political influence of the moneyed interests, when they have not attained the immense influence they have in America to-day, is, as a rule, very limited, etc. (Von Holst's Constitutional History of the United States, vol. 1, p. 179.)

The overweening and all-important question of the form of the Government having been settled and Hamilton's "penchant" for nobility and a monarchy disguised as a republic having been repudiated utterly and forever, it was the natural, if not the inevitable thing, that he should write his Report on Manufactures.

His followers were the class to be benefited by a system of special privilege and legalized plunder, and neither he nor his party had any compunction about fooling or fleecing the planters of the South and West, or making the Government fetch and carry for their benefit.

Having failed to get "Uncle Sam" to issue patents for a ready-made set of lords and ladies to take care of the people who were unable to take care of themselves, they determined by juggling with import duties and the taxing power to create an oligarchy of wealth.

If anybody thinks I am too hard on the Federalists in their latter days, let him read the proceedings of the Hartford convention.

That convention did not succeed in disrupting the Union, but it played havoc with the Federalist party, and it should have done it.

This party did not die without making its will; it left a dog-eared copy of Hamilton's Report on Manufacturers to the new Whig party.

In the days of the Federalist and the Whig there was no Mason and Dixon's line; it was the children of the fellows who turned a lucky penny in the slave trade, importing naked Africans from Dahomey and the Gulf of Guinea and selling the frightened, chattering wretches to the cotton planters of the South, and not the slave traders themselves, who in the fifties began to throw moral "coniption fits" about the brutality of southern slave drivers.

The Historian Ormsby, born in Vermont, a New England Whig, flays abolition and defends the holding of slaves by an appeal to history—to natural and divine law.

The one distinct, eternal, and paramount issue between the Democrats and Whigs was the question of so-called "protection" to infant industries. The fellows who from choice or necessity made a living by labor took no stock in protection; those who lived by their wits or the other fellow's labor—that is, capitalists and manufacturers and sugar planters, who saw a chance to get a "little on the side" by operation of law—found this second-hand edition of Hamilton's Report mighty interesting reading.

Says Ormsby:

These parties (Whig and Federal) have continued from their origin until a recent date, both occasionally changed as to names, adherents, leaders, and principles, and alternately in their ascendency in the government of the country, as the Federal was in reality the parent of the Whig party. (Ormsby's History of the Whig Party, p. 46.)

In speaking of the Democratic party of that date, the author, a generous foe, is forced, in justice to truth, to pay it this deserved tribute:

They (the Democrats) were patriots, warmly devoted to the cause of human liberty, and willing to perish in the defense of their country. This party was no sectional organization, but was and ever has been intensely national. Jefferson, the founder of American Democracy, was in heart and soul a lover of freedom. The watchword of the party that formed around him was "Liberty."

There exists to-day an absolutely false and untenable impression that Democracy is local, provincial, sectional, and it springs from the confounding of two entirely different things—Democracy and the "solid South."

No historian or statesman who sees beyond his nose will conclude that the principles of Democracy were written for a southern political sect, simply because a half century after the death of Jefferson, as an inevitable result of the war, the lines of Democracy were forced for a time within the boundaries of a dozen Southern States.

The character of the men who at a given time maintain a political theory does not inevitably prove that their doctrine is not suited to the needs of other men and other sections.

The Christian religion was at one time professed only in Palestine, and preached by a handful of Jewish fishermen.

Should the Turks again overrun all Europe, except England, that would not make the Christian religion English. Southerners are generally Democratic, but Democracy is neither northern nor southern.

The tariff is a local issue only from a Republican or protectionist standpoint. Protectionism is necessarily local in its operation and limited in the number of its beneficiaries. This is the essence of special privilege, and special privilege is the genius of Republicanism. Democracy, seeking the greatest good for the greatest number, and logically the party of the consumer and of the producer in an open and unprotected market, is national; because the interests of consumers and such producers

everywhere, whether cotton planters in Alabama or growers of corn in Illinois or wheat in Dakota, are identically the same.

The old Whig leaders possessed one quality absolutely unknown to the modern standpatter—intellectual integrity. They did not dismiss every political economist, from Adam Smith down, with debonair contempt. They not only had intellectual integrity, but they had moral courage, and met the issue squarely. Clay, Calhoun, Webster, and their confrères never maintained for a second that you could force ten cotton planters to contribute into a common fund in order to help one fellow grow cane or beet sugar and then sell it to these same cotton planters at a higher price than they could buy it for under natural rather than artificial conditions, and in that way make the other nine cotton planters rich. They never maintained that you could force a man to give his money to some beneficiary or special pet of legislation and give him so much that after he got rich he would return more than he received. The old Whigs admitted that protection was a tax upon the consumer and a hardship upon the producer whose product was not enhanced in value by the tax, but they claimed that the fostering of infant industries and the necessities of war justified this interference in favor of the manufacturer on the part of the Government.

The beauty about the old tariff issue, as presented by the Whigs, was its honesty, its transparent honesty. As a result, the cotton planter in the South was no more Democratic than the farmer in the corn belt of southern Illinois or the wheat grower in Wisconsin and Iowa. Each saw at a glance that this system increased the price of the things that he had to buy and did not affect in the slightest degree the articles that he had to sell, and he was necessarily a Democrat. So candid and transparent was the issue that where the interests of a community changed, its politics changed with them. As long as Massachusetts was engaged in commerce and shipping she was antiprotection; becoming a great manufacturing State after the war of 1812, she turned Whig. Sugar made Louisiana Whig, and hemp has, to an extent, dominated the politics of Kentucky. Republican Iowa, raising corn, and Democratic Louisiana, raising sugar and rice, are political anachronisms.

A glance at the old returns from presidential elections before the war demonstrates at a glance the nationalism of the two parties. Prior to the slavery issue there was not a semblance of sectionalism. In 1844 James K. Polk carried Illinois, Indiana, Maine, Michigan, New Hampshire, New York, and Pennsylvania. Henry Clay saved Kentucky, Maryland, North Carolina, and Tennessee to the Whigs. In 1848 Lewis Cass, Democrat, carried Illinois, Indiana, Iowa, Maine, Michigan, New Hampshire, Ohio, and Wisconsin, and lost to his Whig opponent Delaware, Florida, Georgia, Kentucky, Louisiana, Maryland, North Carolina, and Tennessee.

In 1856 James Buchanan carried California, Illinois, Indiana, New Jersey, and Pennsylvania. In 1856, as a result of the abolition agitation, Kentucky, Maryland, North Carolina, and Tennessee went Democratic for the first time in sixteen years; and for the first time in a generation, Illinois and New Hampshire lined up on the other side. Indiana, Illinois, Iowa, Maine, New Hampshire, Ohio, Wisconsin, Connecticut, New Jersey, New York, Pennsylvania, Rhode Island, Wisconsin, and Maine, some of them part of the time and most of them all of the time, were to be found in the Democratic column. On the other hand, Kentucky, Maryland, North Carolina, Tennessee, Delaware, Florida, Georgia, and Louisiana were, during the same period, usually found in the camp of the Whigs.

The civil war did not change the opinions of people North or South upon the question of protection. They simply quit thinking about the tariff. They had more vital and absorbing interests. The old Whig map of the United States was literally inundated in that deluge of blood and carnage called "the rebellion." The northern Democrat had little patience with the institution of chattel slavery. He was passionately devoted to the Union. He regarded the man who would plan to dissever it as a traitor, and the man who would carry that plan into effect by force of arms was a rebel. The southern Whig believed in the sovereignty of the States as absolutely as he did in a protective tariff, and he thought more about the title to his property than either. The abolitionist was at once to him a crank and a thief—the biggest sort of a crank and the meanest sort of a thief. He was more interested in saving his "nigger" than in lowering the price of his shirt.

It was not long, under the stress of war and the suffering, outrage, and humiliation of reconstruction, until the southern Whig—for the time being, at least—abandoned his old protection proclivities, because the same doctrine had been preached for ten years by "an infernal abolitionist and a Yark." The northern Democrat ceased to talk about free trade, because free trade had become a hobby with the southern Whig, who was, in his eye, a slaveholding brute before the war and a rebel and a traitor after it.

For thirty years men north and south were unable to look at a business proposition as colorless as a pane of plate glass and as passionless as the multiplication table, because they could not see it distinctly through the red haze of war, and they could not discuss it without recalling the bitter and bloody memories of Bull Run and Appomattox, or the still sadder story of eleven States outraged, pillaged, and dishonored in their destitution and helplessness.

The old Democrat in the Northwest, who had been a Democrat from principle, was now an inveterate Republican from passion, and the old Whig in the South, who had been a Whig from conviction, became a Democrat, not because of any change in his ideas about the tariff, but from long years of suffering and sympathy with those who did not agree with him on the tariff.

TARIFF THE BEST ASSET OF A RATIONAL AND NATIONAL DEMOCRACY.

And so it went through the troubled or turbulent administrations of Grant, Hayes, Garfield and Arthur, Harrison, and Cleveland, and last but not least, the strenuous Theodore. The bitter memories of the war were softened by time, though not obliterated. The wounds no longer bled, but the cicatrix was an unpleasant reminder, and each fellow remembered the maker of his scars. The first really honest talk about a new Nation and a new South was in the South; but no matter how forgiving the vanquished might be, there could be no genuine or permanent reconciliation until the victor himself ceased to discuss and no longer remembered the civil war, and the victor, be it remembered, was the Grand Army of the Republic, and the Grand Army of the Republic is the biggest asset the Republican party possesses, with the possible exception of the negro.

William Howard Taft is the first Republican President—he is the first real big Republican in or out of office—who has honestly and earnestly attempted a genuine reconciliation between the sections, a reconciliation based not upon mutual forgiveness, but upon absolute oblivion so far as the issues arising from the civil war are concerned. He has gone to the right place to preach his doctrine—the South, to the city of Atlanta, the very spot where the backbone and the heart of the confederacy were broken; where the Army of the Tennessee, through the fatuity of Hood, was crushed, then scattered like chaff by the winds, literally obliterated, not enough left of the "orphan brigade" to bury its dead; the spot from which Sherman started on his fateful march to the sea. And when all the rest of the South shall blossom like the rose, here and there in the wake of that swath of havoc and fire the historian will still discover a live coal hot and angry, "like a blood-red carbuncle upon the ashen breast of barbarism." When the memories of the civil war no longer embitter the hearts and fire the minds of southerners, in the city of Atlanta, the work is done. Taft has done that work. He has literally and forever buried the "bloody shirt," and he has buried it in Atlanta, paradoxical as it may seem, buried it amid the unmarked graves of countless southern slain.

Now, there is one thing that never occurred to Mr. Taft. He can not bury the "bloody shirt" in Atlanta and nail it to his flagstaff in Duluth or Des Moines. That is one peculiar thing about the "bloody shirt." If you bury a part of it, you have not buried any of it. You can not save any souvenirs from that detested garment. For the first time in two generations, western planters are beginning to study the tariff simply as a matter of business.

The so-called "insurrection" in the House—the Cummins idea, the western cry for tariff reduction—is not a new thing. It is not a fad or tidal wave. It is the inevitable result of the burying of that same shirt. The insurgents are but the evidence of a condition which they did not produce, which, in fact, produced them in spite of themselves. These so-called "insurgents" are enthusiastically supported by their constituency. They are politicians, like other Congressmen. No politician would deliberately make war upon the czar of the House of Representatives—the "Iron Duke" from Illinois—just for the fun of the thing, or from personal spite or resentment. They were literally hurled at JOE CANNON by the force of public opinion, as from a catapult.

We have said that the old Whig map of the United States was submerged in a troubled sea of blood. In the Tropics, especially in the volcanic regions, it is not unusual for a whole archipelago to sink beneath the surface almost in a night, submerged by some gigantic seismic convulsion. When the unknown force ceases to act, and the subterranean lava is cooled and the imprisoned gases have escaped from the flaming throat of some volcano, normal nature reasserts herself.

The force of gravity slowly and silently lifts the same islands once more to the surface of the sea. Superficial scientists look for a cataclysm and regard the reappearance of these new islands as the evidence of some subterranean convulsion. By and by the geologist digs beneath the drying ooze of the sea and finds evidence of human habitation. Those islands were the Pompeii and the Herculaneum of the deep. It is probable the ancient mariner caught glimpses of their fronded palms, and Phœnician sailors once, perchance, rested beneath their grateful shade.

Tariff revision now and free trade to-morrow in Iowa, Minnesota and Kansas is not a tidal wave. It is a rock against which tidal waves shall break in vain. It is the reappearance of the old Whig map, for forty years submerged in a boiling sea of gore. They mark the sky line of the political sea just as it greeted the eye of "Hickory" Jackson and Henry Clay. The Cummins idea is not a discovery; it is an evolution. CUMMINS got that idea from his great-grandfather, and he does not know it, and he proclaims it for the same reason that his grandfather did—because protection is robbery to the producer in a free-trade market, and the Iowans, like all other agriculturists in this country, are producers in a free-trade market.

Tariff revision, old-fashioned, bottom-rock, common-sense, straight-from-the-shoulder Jeffersonian Democracy, maintained and proclaimed like Paul preached the Christian religion—Christ only and Him crucified—will sweep the West like a holocaust, like a prairie fire, and it will sweep it because the people in the West, no longer blinded by the passion of war, once more see clearly their own interests, and their own interests are radical, effective, immediate tariff revision, not tariff tinkering, but tariff abolition to the point of tariff for revenue only.

It may be suggested that where one door opens another shuts, what we gain in the West we will lose in the South, and that by making the tariff and the tariff only the paramount and sole issue Florida with her pineapples and sea-island cotton, and Alabama with her iron, and Louisiana with her sugar, and southern Texas with her hides will be lost to Democracy for the same reason and by virtue of the same conditions.

Nay, verily, Louisiana, sugar or no sugar, rice or no rice; Florida, with her sea-island cotton; Alabama, with her iron ore, shall stay right where they are—in the solid South, Democratic from necessity if not from conviction.

It is not the memory of a past war, but the existence of an ubiquitous and ever-present "nigger" that will keep those States in line. "Nolens volens," no matter how anxious her Representatives may be to serve a few special interests, the South does not dare to sacrifice her civilization to her selfishness. Over 50 per cent of its population is black. Unrestricted suffrage means that the black man will vote and vote for a black man, and that spells negro domination, and negro domination spells havoc with the property of men and the honor and safety of women in the South. There are perchance to-day several prominent southern statesmen sitting solitary and somewhat uncomfortable in the Democratic band wagon, casting a longing eye to another vehicle loaded with luscious pie called a "Republican band wagon." But they can not climb down out of the Democratic band wagon and cross the road to take their places in the other concern; they are afraid a "nigger" will catch them on the way. That is the situation in a nutshell.

Consider for an instant a Republican Mississippi; 59 per cent of her population is black. Suppose the white men in Mississippi become Republicans, vote for Republican Congressmen, and a Republican governor. Mr. Negro comes along and asks the privilege of doing the same thing. They tell him he is a thick-skulled and kinky-headed fool and has not sense enough to vote. A cornfield darky would have the sense to reply that it looked a little hard that it took his intelligent white master forty years to learn how to vote like a "fool nigger" who had been pining for the privilege of casting his ballot for that same Republican candidate for forty years. Strange kind of intelligence it would be, that was forty years behind the brutal intuitions and animal instincts of a "Guinea nigger," and yet the "Guinea nigger" and his white master would, after all, have reached a common conclusion, guided by a common impulse—greed for gain. Bourke Cockran has well said that "Democracy is a faith, Republicanism an appetite." And the white gentleman from Louisiana or Florida has no advantage over the African from Dahomey when it comes to appetite.

Suppose, on the other hand, the white Republican should refuse to allow his black Republican brother to vote for the same candidate he supports, not because he was politically wrong, but just simply because he was a negro. The proud scions of the Saxon race, the once aristocratic and patrician Democracy of the Southern States, would find themselves excluded from every national Republican convention at the command of the black barbers and waiters from Indianapolis and Cincinnati. The negro is the balance of power in Ohio, Indiana, Illinois, and West Virginia, and he is the only hope of Republicanism in Missouri, Kentucky, Tennessee, and Maryland; and the negro would rise in revolt; the Brownsville affair would be only an episode. A Republican Mississippi is a moral and political impossibility on any issue, so long as the fatuitous absolute domination of the negro is at last the source and secret of Republican power in the United States. We have all to gain and nothing to lose by the burial of the "bloody shirt" and the forcing of the tariff to the forefront, and William Howard Taft is unwittingly lending us aid and comfort at both ends of the line.

ANNEXATION OF CUBA.

Mr. HELM. Mr. Speaker, I ask unanimous consent to send the following resolution to the desk, and to have it read by the Clerk.

The SPEAKER. Does the gentleman ask unanimous consent for consideration of the resolution?

Mr. HELM. No, sir; I ask to have it read at the Clerk's desk. I offer the resolution and ask to have it read.

Mr. PAYNE. I should like to know what it is.

Mr. HELM. It is a resolution relative to the annexation of Cuba, which I propose to introduce.

The SPEAKER. The gentleman from Kentucky asks unanimous consent to have the resolution read at the Clerk's desk. Is there objection?

Mr. PAYNE. I think it is safe to object.

Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly, under the order heretofore agreed to, the House (at 12 o'clock and 5 minutes p. m.) adjourned until Thursday, April 22, 1909.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. TAWNEY: A bill (H. R. 8098) making appropriations for the expenses of the Thirteenth Decennial Census for the fiscal year 1910, and for other purposes—to the Committee on Appropriations.

By Mr. KINKAID of Nebraska: A bill (H. R. 8099) to amend an act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands"—to the Committee on Irrigation of Arid Lands.

Also, a bill (H. R. 8100) authorizing reinstatement of commutation certificate for homestead entries when canceled for lack of residence if entryman had resided continuously on entry the eight months preceding the making of proof—to the Committee on the Public Lands.

By Mr. MORGAN of Oklahoma: A bill (H. R. 8101) for the purchase of a site and the erection of a public building in the city of Woodward, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8102) to provide for the purchase of a site and the erection of a public building thereon at El Reno, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8103) to provide for the purchase of a site and the erection of a public building at Anadarko, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8104) to provide for the purchase of a site and the erection of a public building thereon at Alva, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. MACON: A bill (H. R. 8105) appropriating the receipts from the sale and disposal of public lands in certain States to the construction of works for the drainage or reclamation of swamp and overflowed lands belonging to the United States, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 8106) to prohibit the receipt, delivery, or transmission of interstate or foreign messages, or other information to be used in connection with, and to prohibit interstate and foreign transactions of every character and description that in any wise depend upon margins as a part thereof, and for other purposes—to the Committee on Interstate and Foreign Commerce.

By Mr. HUGHES of West Virginia: A bill (H. R. 8107) to provide rebate of the duty on wheat—to the Committee on Ways and Means.

By Mr. ALEXANDER of Missouri: A bill (H. R. 8108) to provide for the purchase of a site and the erection of a building thereon at the city of Liberty, in the State of Missouri—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8109) to provide for the purchase of a site and the erection of a building thereon at the city of Cameron, in the State of Missouri—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8110) to provide for the purchase of a site and the erection of a building thereon at the city of Excelsior Springs, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. WASHBURN: A bill (H. R. 8111) to aid in the erection of a monument to Pocahontas at Jamestown, Va.—to the Committee on the Library.

By Mr. SIMS: A bill (H. R. 8112) to erect a post-office building in the city of Huntingdon, State of Tennessee—to the Committee on Public Buildings and Grounds.

By Mr. CARTER: A bill (H. R. 8113) authorizing the donation of the United States jail at McAlester, Okla., to Pittsburg County, Okla.—to the Committee on the Judiciary.

By Mr. HUBBARD of West Virginia: A bill (H. R. 8114) providing for an additional judge in the fourth judicial circuit—to the Committee on the Judiciary.

By Mr. RUCKER of Missouri: A bill (H. R. 8115) providing for the erection of a public building at Brookfield, Mo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8116) providing for the erection of a public building at Trenton, Mo.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8117) to extend the provisions of the pension act of June 27, 1890, to the Enrolled Missouri Militia and other militia organizations of the State of Missouri that cooperated with the military or naval forces of the United States in suppressing the war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8118) providing for the erection of a public building at Chillicothe, Mo.—to the Committee on Public Buildings and Grounds.

By Mr. HOUSTON: A bill (H. R. 8119) to prohibit the issuance of federal license to sell liquors in States or counties where the local laws forbid the sale of intoxicating liquors—to the Committee on Ways and Means.

By Mr. HELM: Concurrent resolution (H. C. Res. 15) regarding the possible annexation of Cuba—to the Committee on Foreign Affairs.

By Mr. CLARK of Missouri: Resolution (H. Res. 60) of inquiry touching sale of Tennessee Coal and Iron Company—to the Committee on the Judiciary.

By Mr. FOSTER of Vermont: Resolution (H. Res. 61) to suspend payment of salaries to clerks, assistant clerks, and janitors to certain committees of the House of Representatives—to the Committee on Accounts.

By Mr. ANDREWS: Memorial of the legislature of the Territory of New Mexico, urging an appropriation of money or land scrip for the purpose of relieving the counties of Santa Fe and Grant from public indebtedness—to the Committee on the Territories.

By Mr. WASHBURN: Memorial of the legislature of Massachusetts, protesting against the imposition by the Federal Government of a tax on inheritances—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 8120) granting a pension to Elizabeth Morrison and her heirs—to the Committee on Invalid Pensions.

By Mr. ALEXANDER of New York: A bill (H. R. 8121) granting an increase of pension to Charles Baker Strout—to the Committee on Invalid Pensions.

By Mr. ALLEN: A bill (H. R. 8122) for the relief of St. John Lumber Company, of Portland, Me.—to the Committee on Claims.

By Mr. AUSTIN: A bill (H. R. 8123) granting an increase of pension to Bruce Clifton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8124) granting an increase of pension to Samuel B. Montgomery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8125) for the relief of Henry Jones—to the Committee on Invalid Pensions.

By Mr. BENNETT of Kentucky: A bill (H. R. 8126) granting an increase of pension to Charles L. Crane—to the Committee on Pensions.

By Mr. BOEHNE: A bill (H. R. 8127) granting an increase of pension to Henry M. Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8128) granting an increase of pension to M. M. Angleton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8129) granting an increase of pension to William M. Myers—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 8130) granting a pension to Andrew M. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8131) for the relief of Tusculum Church—to the Committee on War Claims.

Also, a bill (H. R. 8132) to remove the charge of desertion from the military record of Ed. Pruett and grant him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 8133) to remove the charge of desertion from the military record of George A. Easterley and grant him a pension—to the Committee on Military Affairs.

Also, a bill (H. R. 8134) for the relief of the legal representative of the estate of A. L. P. Green—to the Committee on War Claims.

Also, a bill (H. R. 8135) for the relief of the trustees of the Cumberland Presbyterian Church of Clarksville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8136) granting arrears of pension to William H. Willett—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 8137) granting a bounty to Ira Bacon—to the Committee on War Claims.

Also, a bill (H. R. 8138) granting an increase of pension to Parmenas Roush—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 8139) granting a pension to Hannah M. Batt—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 8140) to correct the military record of Tyler Thompson—to the Committee on Military Affairs.

Also, a bill (H. R. 8141) for the relief of Willis Mahon—to the Committee on Military Affairs.

Also, a bill (H. R. 8142) granting an increase of pension to Price Castle—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 8143) granting an increase of pension to Allen Connor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8144) granting an increase of pension to John McMillin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8145) granting a pension to Phillip H. Smith—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 8146) granting an increase of pension to Alrena Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8147) granting an increase of pension to Edward G. Rockhold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8148) granting an extension of Letters Patent No. 473019 to William J. Plecker—to the Committee on Patents.

By Mr. GRANT: A bill (H. R. 8149) to correct the military record of Levi Jones—to the Committee on Military Affairs.

By Mr. GRIEST: A bill (H. R. 8150) to remove the charge of desertion standing against the military record of Henry Dimler—to the Committee on Military Affairs.

By Mr. HIGGINS: A bill (H. R. 8151) granting an increase of pension to James M. Strickland—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 8152) granting an increase of pension to Almon Woodworth—to the Committee on Invalid Pensions.

By Mr. LANGHAM: A bill (H. R. 8153) granting an increase of pension to George L. Van Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8154) granting an increase of pension to Oliver H. Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8155) granting an increase of pension to John W. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8156) granting an increase of pension to Franklin Klingensmith, alias Franklin Clingsmith—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 8157) granting an increase of pension to Joseph L. Frame—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8158) granting an increase of pension to Oliver P. Barr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8159) granting a pension to Martin Purcell—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 8160) granting an increase of pension to John Vandiver—to the Committee on Invalid Pensions.

By Mr. MARTIN of Colorado: A bill (H. R. 8161) removing the charge of desertion from the name of George A. McKenzie, alias William A. Williams—to the Committee on Military Affairs.

By Mr. MORGAN of Oklahoma: A bill (H. R. 8162) granting an increase of pension to Joel Benham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8163) granting an increase of pension to Welcome N. Bender—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8164) granting a pension to Frank Delaney—to the Committee on Pensions.

Also, a bill (H. R. 8165) granting a pension to Margaret D. Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8166) to remove charge of desertion against Jacob Mull—to the Committee on Military Affairs.

By Mr. MURPHY: A bill (H. R. 8167) granting an increase of pension to Sidney Rinck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8168) granting an increase of pension to Henry Roam—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8169) granting an increase of pension to Charles M. Skinner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8170) granting an increase of pension to Oliver W. Shockley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8171) granting an increase of pension to Jabez Goodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8172) granting an increase of pension to Robert A. Harper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8173) granting an increase of pension to James Kinsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8174) granting an increase of pension to Francis M. Kittrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8175) granting an increase of pension to T. M. Laughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8176) granting an increase of pension to Joseph A. Nimmo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8177) granting an increase of pension to John A. Pond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8178) granting an increase of pension to William H. Burgess—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8179) granting a pension to James R. Shelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8180) granting a pension to Hannah Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8181) to remove the charge of desertion from the military record of Erhard Woener—to the Committee on Military Affairs.

Also, a bill (H. R. 8182) for the relief of J. M. Rodgers—to the Committee on Claims.

Also, a bill (H. R. 8183) to correct the military record of V. B. Gatewood—to the Committee on Military Affairs.

Also, a bill (H. R. 8184) to amend and correct the records of Company I, Fourth Regiment Missouri Volunteer Infantry, by including the name of William J. Elmer therein, with the dates of his enlistment and discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 8185) to amend and correct the records of Company D, Seventh Regiment Provisional Enrolled Missouri Militia, by including the name of Valentine Fraker therein, with the dates of his enlistment and discharge—to the Committee on Military Affairs.

By Mr. RUCKER of Missouri: A bill (H. R. 8186) granting an increase of pension to Charity Breeding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8187) granting an increase of pension to Logan A. Talman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8188) granting an increase of pension to Simeon McKinstray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8189) granting an increase of pension to James Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8190) granting an increase of pension to Fannie Hicks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8191) granting an increase of pension to William T. Snow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8192) granting an increase of pension to Samuel C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8193) granting an increase of pension to Jasper N. Cummins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8194) granting an increase of pension to William H. Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8195) granting an increase of pension to Elijah G. Ballard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8196) granting an increase of pension to Cornelius Buckley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8197) granting an increase of pension to George W. Sorrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8198) granting an increase of pension to John R. Pickens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8199) granting an increase of pension to Hannah J. Farr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8200) granting an increase of pension to Cassius M. Myers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8201) granting an increase of pension to William Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8202) granting an increase of pension to Frederick W. Odell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8203) granting an increase of pension to John C. Schnelle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8204) granting an increase of pension to William H. Cummings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8205) granting an increase of pension to Josiah Stoneburner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8206) granting an increase of pension to Joseph G. Banning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8207) granting an increase of pension to George W. Brookover, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8208) granting an increase of pension to John C. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8209) granting an increase of pension to John T. Burriss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8210) granting an increase of pension to Joseph W. James—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8211) granting a pension to Thomas Lamb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8212) granting a pension to John Carrol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8213) granting a pension to Mary P. Crampton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8214) granting a pension to Martha Eyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8215) granting a pension to Jackson Lambert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8216) granting a pension to Archibald Spencer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8217) granting a pension to Taylor Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8218) granting a pension to Nancy B. Ruberson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8219) granting a pension to Robert T. McElhiney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8220) granting a pension to Myra E. Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8221) for the relief of McCarty & Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8222) granting relief to Charles Aholt and others—to the Committee on Claims.

Also, a bill (H. R. 8223) to correct the military record of John Loney—to the Committee on Military Affairs.

Also, a bill (H. R. 8224) to correct the military record of John P. Griffith—to the Committee on Military Affairs.

Also, a bill (H. R. 8225) to remove the charge of desertion against Lewis Jenkins—to the Committee on Military Affairs.

Also, a bill (H. R. 8226) to remove the charge of desertion against Charles W. Miller, alias Charles Nowack—to the Committee on Military Affairs.

By Mr. STURGISS: A bill (H. R. 8227) granting an increase of pension to Nelson B. Miller—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 8228) granting an increase of pension to Thomas A. Nally—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of New York: Petition of Buffalo Photo Engravers' Union, Local No. 4, favoring duty on post cards—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Dirigo Local, No. 84, Brotherhood of Paper Makers, of Augusta, Me., against reduction of the tariff on print paper—to the Committee on Ways and Means.

By Mr. MICHAEL E. DRISCOLL: Petition of citizens of Syracuse, Euclid, Hamilton, and Clay, N. Y., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of Central City Electrotyping and Engraving Company, favoring duty on post cards—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Lancaster (Pa.) Board of Trade, against legislation tending to reduce the lawful earnings of railroad corporations and to aggravate popular hostility against them—to the Committee on Interstate and Foreign Commerce.

By Mr. KAHN: Petition of Alfred F. Boad and 17 other citizens of San Francisco, favoring duty on post cards—to the Committee on Ways and Means.

Also, petition of Asiatic Exclusion League, favoring enactment of an effective exclusion law against all Asiatics other than merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. MURPHY: Petitions of Farmers' Unions, No. 761, of Simmons; No. 786, of Embree; No. 754, of Wright County; No. 763, of Hartshorn; and No. 807, of Mahan, all of the State of Missouri, favoring a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. NEEDHAM: Petition of Chamber of Commerce of Los Angeles, against reduction of tariff on products of California agriculture and horticulture and against repeal of countervailing duty on petroleum—to the Committee on Ways and Means.

Also, petitions of Chamber of Commerce of Wilmington and Chamber of Commerce of San Diego County, Cal., favoring a government freight and passenger line of steamships for principal ports on Pacific coast and Panama—to the Committee on the Merchant Marine and Fisheries.

Also, petitions of D. Olliver Brothers, Carriage and Wagon Builders' Association, and others, of San Francisco, for repeal of tariff on hides—to the Committee on Ways and Means.

Also, petition of lithographic employees, against reduction of tariff on lithographic products—to the Committee on Ways and Means.

Also, petition of Merchants' Exchange of Oakland, Cal., against reduction of duty on wool—to the Committee on Ways and Means.

Also, petition of grain producers of Pacific coast, against a duty on grain bags—to the Committee on Ways and Means.

Also, petition of J. M. Hicks and others, against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of Mrs. H. Cartledge, against increase of duty on gloves and hosiery—to the Committee on Ways and Means.

Also, petition of Woodland Local, No. 146, International Brotherhood of Paper Makers, against reduction of duty on print paper—to the Committee on Ways and Means.

Also, petition of hop growers of California, favoring an increase of duty on hops—to the Committee on Ways and Means.

Also, petition of Asiatic Exclusive League, for enactment of an effective Asiatic-exclusion law save against merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of board of trustees of Stockton Chamber of Commerce, favoring rebuilding of jetties at the entrance of Humboldt Bay, California—to the Committee on Rivers and Harbors.

Also, petition of Marine Engineers' Beneficial Association No. 35, approving work and policies of the National River and Harbor Congress—to the Committee on Rivers and Harbors.

Also, petition of mayor of the city of San Francisco and members of the senate and house of representatives of California, against appropriating the encroachment on the Hetch Hetchy Valley for water-storing privileges—to the Committee on the Public Lands.

Also, petition of business men of Gonzales, Salida, Reedley, and Salinas, Cal., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Chamber of Commerce of San Francisco, favoring immediate occupation of the new immigrant station on Angel Island—to the Committee on Immigration and Naturalization.

By Mr. PRINCE: Petition of L. M. Lawler and others, of Galesburg, Ill., against increase of duty on hosiery—to the Committee on Ways and Means.

By Mr. ROBINSON: Paper to accompany bill for relief of G. A. Joyner (H. R. 1173)—to the Committee on Pensions.

By Mr. THOMAS of Ohio: Petition of citizens of the Nineteenth Congressional District of Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. WASHBURN: Petition of sundry citizens of Worcester, Mass., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

SENATE.

TUESDAY, *April 20, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

MAJ. PIERRE CHARLES L'ENFANT.

The VICE-PRESIDENT laid before the Senate the following communication from the president of the Board of Commissioners of the District of Columbia, which was read, and, on motion of Mr. GALLINGER, referred to the Committee on the District of Columbia:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 17, 1909.

To the Senate of the United States:

The Commissioners of the District of Columbia have the honor to invite the Members of the Senate of the United States to attend the ceremonies in honor of Maj. Pierre Charles L'Enfant in the Rotunda of the United States Capitol at 10.30 o'clock on the morning of April 28, 1909, in connection with the transfer of his remains from Green Hill, Maryland, to the Arlington Cemetery. The Vice-President of the United States and the ambassador of France will make addresses.

Very respectfully,

HENRY B. F. MACFARLAND,
President Board of Commissioners of the District of Columbia.

PETITIONS AND MEMORIALS.

Mr. HALE. I present a very important petition, and I ask that, without the names, it may be printed in the RECORD with the accompanying statement, and that it lie on the table.

There being no objection, the petition and accompanying statement, omitting the names, were ordered to lie on the table and to be printed in the RECORD, as follows:

To the Committee on Finance:

The undersigned, engaged in the manufacture or sale of woolen goods, recognizing the unfairness to a large portion of the woolen industry in the method of collecting the duty on wool on a specific basis, request that in the revised tariff bill the duty on wool be collected on an ad valorem basis, unless, however, a specific duty can be made on a basis more just and equal according to the value of the different grades of wool; also that we are not in favor of reducing the duty on wools as a general proposition.

Mr. CHAIRMAN: Wool clothing is essential to the existence of civilized man in temperate and cold climates. The better he is provided with wool clothing, the better able is he to ward off disease and death. We appear here in behalf of the most important of the two great branches of wool manufacturing, that known as the carded woolen industry. It is the most important in respect to the number of operatives employed, wages paid, and the capacity to provide the people with durable and warm clothing at a low price. The Dingley tariff law places the carded woolen industry at a serious disadvantage in performing this essential service for the people, and at the same time that law confers important special favors upon the other branch of wool manufacturing, known as the "worsted industry." This discrimination against the one and the favors conferred on the other will be made clear by a brief outline of the technical conditions.

Worsted is made by combing, which separates the long fibers from the shorter, and then converting these long fibers into yarn and cloth. On the other hand, carded woolen goods are made by carding the wool without separation of the short fibers from the long and then converting the carded wool into yarn and cloth. In the nature of things, the longer stapled wool is used for worsteds, the shorter wools for carded woolen goods. As a result of these conditions worsted is, as a rule, more expensive than carded woolens. Worsted is adapted more particularly for high-priced clothing, carded woolens for the less expensive clothing. Now, the wools suited for carded woolen goods carry a large amount of grease and dirt as they come from the sheep's back, a much larger amount of grease and dirt than the worsted wools ordinarily carry. It is by no means unusual to find the wool suited for carded woolen goods with four pounds of grease and dirt to every pound of wool, and wool suited for worsted with no more than 1 pound of grease and dirt to every 4 pounds of wool. Hardly two lots of wool can be found that shrink the same by scouring, but the bulk of the shorter wools suited for carded woolen goods is heavy shrinking, while the bulk of the worsted goods is light shrinking.

The Dingley duty on grease wools of classes 1 and 2, which is the same in the Payne bill, is specific, 11 and 12 cents a pound, respectively. It is plain that this specific duty on grease wools is, in fact, much higher on the scoured weight of heavy-shrinking wool than on the scoured weight of light-shrinking wool. Applying the 11-cent duty to the two cases just cited, this duty would be equal to 55 cents a scoured pound for the heavy-shrinking wool and only 13¾ cents a scoured pound for the light-shrinking wool. The price of heavy-shrinking wool per scoured pound for carded woolen goods is usually less than that of worsted wools. These two factors in the problem, the greater quantity of grease and dirt on which the specific duty must be paid, and the lower price of wool for carded woolen goods result in extremely wide variations in the ad valorem equivalents of the Dingley wool duties. An application of the Dingley duty to 60,000,000 pounds of wool sold at London two months ago showed that the ad valorem equivalent of that duty was as low as 23 per cent on light-shrinking and high-priced lots of unwashed wool, and as high as 550 per cent on heavy-shrinking and low-priced lots. The result is that the importations of wool into the United States are confined to the light-shrinking higher priced grades suited for worsted, while the heavy-shrinking and lower priced wools suited for carded woolen goods are excluded from the United States as effectually as if the law made it a capital crime to import them.

This condition is well illustrated by the fact that the average ad valorem equivalent of the Dingley duty on 80,000,000 pounds of wool recently offered for sale in the leading foreign markets was 94 per cent, while the ad valorem equivalent of the Dingley duty on the wool actually imported into the United States last year (1908) was only 44 per cent, because of its light shrinkage.

ADVANTAGES UNDER CLASS 2.

A great many of the wools imported for worsted uses are dutiable under class 2, and aside from the advantage the worsted manufacturer has under a general application of a specific duty he has under this class a further concealed advantage. The terms of this class are: "Unwashed and washed, 12 cents per pound duty; scoured, three times the duty of unwashed."

Note that wools washed under this class can be imported at the same rate as unwashed; or, in other words, the users of these wools can import them in a partly clean condition, with the bulk of the dirt and grass removed, at the same rate as if they were in their natural condition. It is understood that washed means wools washed on the sheep's back. This gives the worsted manufacturers a decided advantage, as they are heavy users of this wool, while carded manufacturers, who use mainly wools in class 1, are obliged to pay a duty on washed wools equal to twice the duty on unwashed. In one case the washed wools are imported at 12 cents per pound, while in the other at 22 cents per pound, a very decided advantage.

It is these conditions from which the carded-woolen manufacturers ask relief. We care not what form that relief takes so long as it is effective, but relief must be given by the Government if the carded-woolen industry, whose function it is to provide warm and durable clothing for the people at a moderate price, is not to be starved to death.

We ask for no reduction in the duty on wool. We ask that as long as wool is imported into this country, the tariff be framed so that it will bear equally on the carded woolen industry and on the worsted industry, so that it will permit the importation of wool suited for warm, durable, and low-price clothing for the masses with no greater proportionate tax than what may be imposed on wool suited for the high-priced clothing. We ask for relief and leave the form of that relief to the lawmakers. We suggest to you, however, that the value of grease wool is based on the value of scoured wool obtained from it, and that in view of the wide fluctuations in the shrinkage in the weight of wool by scouring, there is no escape from the conclusion that the fairest method of levying a duty on wool is in the form of a percentage of its value—that is, by an ad valorem tariff, made effective by a stringent customs administrative law.

Now, we want you to understand clearly the facts. The present 11-cent duty on grease wools admits into this country the light-shrinking long-stapled worsted wools at a low rate per scoured pound that is not more than one-half of that tariff tax contemplated by the framers of the law as a protection to the domestic woolgrowers. On the other hand, the 11-cent duty on heavy-shrinking wools results in a tariff many times that contemplated as protection for the woolgrowers. The effect of the equalization of wool duties which we ask for would be to raise this present low duty on light-shrinking wools to a higher level, at which all wools would bear the same tariff tax.

We are especially favored to-day in illustrating the burden on our industry by the fact that the Payne bill threatens a branch of worsted manufacturing with a burden arising from the same cause, namely, a specific duty on wool of widely varying shrinkages. We refer to the 39-cent duty imposed by the Payne bill on worsted tops. That duty would annihilate the fine-tops industry in this country, just as the 11-cent duty on grease wool of heavy shrinkage is slowly annihilating the carded woolen industry. The working of this Payne duty on worsted tops is illustrated by its application to these four lots of worsted wool combed in American mills.

No. 88.—Coarse quarter-blood wool.

	Duty.
10,000 pounds grease wool, at 11 cents	$1,100.00
6,680 pounds top, at 39 cents	2,605.20
Protection to top maker	1,505.20

No. 230.—Crossbred Australian.

10,000 pounds grease wool, at 11 cents	1,100.00
5,655 pounds top, at 39 cents	2,205.45
Protection to top maker	1,105.45

Passaic.—Fine Australian.

10,000 pounds grease wool, at 11 cents	1,100.00
3,925 pounds top, at 39 cents	1,530.75
Protection to top maker	430.75

Hartley.—Fine merino territory.

10,000 pounds grease wool, at 11 cents	1,100.00
2,173 pounds top, at 39 cents	847.47
Discrimination against top maker	252.53

These tests show that the 39-cent rate on tops gives a very high protection to the makers of tops from light shrinking wools, while the same 39-cent rate means the withdrawal of all protection from the maker of tops from heavy shrinking wool. In the latter case, the duty on the tops is actually less than the duty on the wool, and, as a result, the wool will be combed in foreign countries, imported into the United States in the form of tops, and this branch of top making will be destroyed in this country. We believe that this inequality of rates with which the Payne bill threatens the tops industry should be corrected. We advocate and urge this correction just as we advocate the removal of the same burden that is oppressing the carded-woolen industry. We can not believe that you will grant relief to the worsted industry and refuse it to the carded-woolen industry.

BY-PRODUCTS.

The injustice of the present tariff law, however, is not confined entirely to the schedules on wool. Equally flagrant and unjust inequalities exist in the schedules on by-products. While we are generous enough to believe that these injustices were created unwittingly on the part of our legislators, yet, if there had been a concerted effort made to render it impossible for the carded-woolen manufacturer to procure raw material of any kind with which to produce his goods in competition with the worsted manufacturer, no law could have been made to better bring about the desired result. It was not enough to place a discriminating duty on wools so the worsted manufacturer could get his wools at better value by importing them at a lower rate of duty, but it was deemed wise to place a further prohibitive duty on worsted wastes, noils, etc., so that we are prevented from getting even these products, except at exorbitant prices, to substitute for the wool we can not get. Does this not look like a clever scheme to hamper us in producing our goods at competing prices? If values are inflated on our raw materials and depressed on their raw materials, how can we be expected to compete with them?

In referring to wool substitutes we do not wish you to get the impression that these are used for the purpose of cheapening our goods to gain greater profits for ourselves, nor that they make goods that are unserviceable or impractical for the people to wear. They are, on the contrary, one of the greatest agents for practical economy, and are the salvation of the masses in their efforts to get good, serviceable cloth at reasonable prices. The Dingley duties on these by-products are prohibitory, and the Payne bill gives no relief, because the rates, although slightly less, are still prohibitory. The worsted spinner can not use his noils. They can be converted into cloth only by the carded woolen mills. As a result, however, of the prohibitory duty on noils, the carded woolen manufacturer does not dare to use them to the extent warranted by their value as a raw material, because any material increase in the demand for noils would send the price up to the full amount of the duty paid. An increase in the use of noils could not injure the woolgrower, because he supplies only a small part, about 40 per cent, of the wool consumed by the people. The only effect of an increase in the use of noils under a fair duty would be to give the consumer a warmer and more serviceable garment in place of the cheap shoddy mixtures and cotton worsteds that the present high duties on by-products force him to wear.

In conclusion, gentlemen, I want to state that we have nothing to conceal. We invite and welcome the closest scrutiny of our case, confident that the more closely it is examined the more convinced you will become that our requests should be granted.

GORDON DOBSON,
President National Association of Carded Woolen Manufacturers.

WASHINGTON, D. C., *April 7, 1909.*

Mr. FRYE presented petitions of sundry citizens of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a resolution of the legislature of Ohio, favoring the enactment of more stringent immigration laws, which was referred to the Committee on Immigration.

Mr. GALLINGER presented petitions of sundry citizens of Gorham, N. H., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BROWN presented petitions of sundry citizens of Nebraska, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Commercial Club of Scotts Bluff, Nebr., remonstrating against a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Grand Rapids, Wis., remonstrating against a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Milwaukee, Wis., praying for an increase of the duty on lithographic products, which were ordered to lie on the table.

Mr. McLAURIN. I present a joint resolution of the legislature of the State of Ohio relative to the enactment of more stringent immigration laws. I ask that it be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

House joint resolution 15.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the general assembly of the State of Ohio, That we respectfully ask our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

OHIO, UNITED STATES OF AMERICA,
Office of the Secretary of State:

I, Carmi A. Thompson, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office, and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 12th day of March, A. D. 1909.

In witness whereof I have hereunto subscribed my name and affixed my official seal, at Columbus, this 15th day of April, A. D. 1909.

[SEAL.] CARMI A. THOMPSON,
Secretary of State.

Mr. GAMBLE presented a memorial of the Woman's Christian Temperance Union of Seneca, S. Dak., remonstrating against an increase of the duty on hosiery, gloves, shoes, and other wearing apparel, which was ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. ELKINS presented petitions of sundry citizens of Wick and Bert, in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

REPORT OF A COMMITTEE.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 1884) to extend the free transmission through the mails of official mail matter of the organized militia of the several States, asked to be discharged from its further consideration, and that it be referred to the Committee on Post-Offices and Post-Roads, which was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 1888) granting an increase of pension to Elbridge P. Wardwell; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 1889) for the relief of Daniel B. Roberts, late private, Company E, Ninth New Hampshire Volunteer Infantry; to the Committee on Military Affairs.

A bill (S. 1890) granting a pension to Addie A. Robinson; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 1891) granting an increase of pension to George H. Wheeler (with the accompanying papers); to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 1892) for the relief of James F. Curley; to the Committee on Military Affairs.

By Mr. WARNER:

A bill (S. 1893) providing for the payment of expenses of judges of the United States courts; to the Committee on the Judiciary.

A bill (S. 1894) authorizing the Secretary of the Treasury to appoint tariff experts to report upon schedules of duty, and for other purposes; to the Committee on Finance.

A bill (S. 1895) authorizing the appointment of a vice-admiral in the navy; to the Committee on Naval Affairs.

A bill (S. 1896) to correct the date of muster of Company F, Pacific Battalion, Missouri Home Guards;

A bill (S. 1897) to correct the military record of William L. M. Patterson;

A bill (S. 1898) to regulate the retirement of certain veterans of the civil war;

A bill (S. 1899) to provide for the payment of a bounty of $100 to soldiers who enlisted in the military service of the United States under the act of July 22, 1861, and who were discharged by reason of surgeon's certificate of disability, or for promotion, before the expiration of two years, and who have not received $100 bounty; and

A bill (S. 1900) for the relief of Richard A. Hodges; to the Committee on Military Affairs.

A bill (S. 1901) for the relief of Charles Yust;

A bill (S. 1902) to carry into effect the findings of the Court of Claims in the matter of the claim of Karoline Mulhaupt; and

A bill (S. 1903) for the relief of August Gloeser; to the Committee on Claims.

A bill (S. 1904) granting an increase of pension to Josiah U. Luyster;

A bill (S. 1905) granting a pension to Daniel Barks;

A bill (S. 1906) granting a pension to Elizabeth C. Cox;

A bill (S. 1907) granting an increase of pension to James A. McCoy;

A bill (S. 1908) granting an increase of pension to Joseph Proffitt;

A bill (S. 1909) granting an increase of pension to David Bartlett;

A bill (S. 1910) granting a pension to Joseph D. Britton;

A bill (S. 1911) granting a pension to Mary E. Campbell.

A bill (S. 1912) granting an increase of pension to William W. Scott;

A bill (S. 1913) granting an increase of pension to Patrick O'Brien;

A bill (S. 1914) granting a pension to Emily Hendricks;

A bill (S. 1915) granting an increase of pension to Reuben M. Elliott;

A bill (S. 1916) granting an increase of pension to Miles J. Williams;

A bill (S. 1917) granting an increase of pension to Charles McIntyre;

A bill (S. 1918) granting an increase of pension to William G. Parrish;

A bill (S. 1919) granting an increase of pension to James A. Warren;

A bill (S. 1920) granting an increase of pension to William H. Brown;

A bill (S. 1921) granting an increase of pension to Louise Spiers;

A bill (S. 1922) granting an increase of pension to Martha W. Smith;

A bill (S. 1923) granting an increase of pension to Martha J. Rowland;

A bill (S. 1924) granting an increase of pension to Jonas Fulmer;

A bill (S. 1925) granting an increase of pension to Fannie E. Brown;

A bill (S. 1926) granting an increase of pension to James S. Anderson;

A bill (S. 1927) granting an increase of pension to Archibald W. Mayden;

A bill (S. 1928) granting an increase of pension to Jane E. Hagaman;

A bill (S. 1929) granting an increase of pension to Samuel E. Barber;

A bill (S. 1930) granting an increase of pension to Charles Middaugh;

A bill (S. 1931) granting an increase of pension to Alfonzo Meyers;

A bill (S. 1932) granting an increase of pension to George W. King;

A bill (S. 1933) granting an increase of pension to Catherine E. Tralle;

A bill (S. 1934) granting an increase of pension to Calvin C. Leaming;

A bill (S. 1935) granting an increase of pension to Andrew Alyea;

A bill (S. 1936) granting a pension to William Bruening;

A bill (S. 1937) granting an increase of pension to Caleb S. Bigham;

A bill (S. 1938) granting a pension to John A. Johnson;

A bill (S. 1939) granting an increase of pension to Mary V. Eveland; and

A bill (S. 1940) granting a pension to Matthew N. Brown (with accompanying papers); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BRISTOW submitted three amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

IMPORTS OF TOBACCO.

Mr. DANIEL submitted the following resolution (S. Res. 34), which was considered by unanimous consent and agreed to:

Senate resolution 34.

Resolved, That the Secretary of State be, and he is hereby, directed to inform the Senate what duties per pound on imports of tobacco are levied and collected by other nations on imports thereof from the United States, and what countries prohibit importation thereof, or exercise government monopoly in the purchase of tobacco from other countries.

AFFAIRS IN VENEZUELA.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 13); which was read, and, with the accompanying papers, referred to the Committee on Foreign Relations and ordered to be printed.

To the Senate:

I transmit herewith, for the information of the Senate in connection with the Senate's resolution of February 26, 1908, a

report by the Secretary of State, with accompanying papers, showing the settlement of the controversies which existed with the Government of Venezuela with respect to the claims against that Government of the Orinoco Steamship Company; of the Orinoco Corporation and of its predecessors in interest, The Manoa Company (Limited), The Orinoco Company, and The Orinoco Company (Limited); of the United States and Venezuela Company, also known as the "Crichfield claim;" of A. F. Jaurett; and of the New York and Bermudez Company.

WM. H. TAFT.

THE WHITE HOUSE, *April 20, 1909.*

THE CENSUS.

The VICE-PRESIDENT. The morning business is closed.

Mr. LA FOLLETTE. If I can have the attention of the Senator from North Dakota [Mr. MCCUMBER], I ask that the conference report on House bill 1033 be taken up.

The VICE-PRESIDENT. The Chair lays before the Senate the conference report.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses.

The VICE-PRESIDENT. The report was read in full yesterday. The pending question is on the adoption of the report.

Mr. MCCUMBER. Mr. President, a census bill was reported from the House at the last session and passed by the Senate. The amendments of the Senate, few as they were, were concurred in and the measure went to the President for his signature. The bill was vetoed upon the ground that it contravened the spirit of the civil-service law.

At the present session the House passed another bill. The Senate considered it and made some amendments to it and it went back to the House and then into conference. Some of the more important amendments, which were for the purpose of making it conform to the spirit of the civil-service law, were eliminated in conference. I should like to ascertain what reasons actuated the committee of conference in striking out some of these important provisions and wherein the bill differs materially from that which was vetoed at the last session.

I think I understand the general idea of the chairman of the Committee on the Census. If I understand aright, he is a believer in the civil-service requirements, and he desires to see an honest enforcement of the civil-service law. It is that the Senator from Wisconsin, who is chairman of the committee, may explain it that I rose to my feet to-day to express my opinion on one or two of these points and to seek the proper information.

I had inserted an amendment before the committee, which was adopted by the Senate. The amendment in substance provided that hereafter all applicants for entry into positions under the civil service should not only declare the State from which they claimed their residence, but should be actual bona fide residents, and should have resided or been actually domiciled in the State or Territory from which they claimed residence for at least one year prior to such examination.

Now, there was an object that I had in asking that this provision should be inserted as affecting the general law, and the object was to carry out what is, I think, the spirit of the civil-service law. As the last bill was vetoed because it contravened the spirit of that law, I am justified in asking why this provision, which is to carry out the spirit as well as the words of the old law, should have been surrendered by the Senate conferees.

I want to have read, or to read myself, a few remarks from one of our city papers. In reading these remarks in editorial and other forms I wish to say that I do not criticise the attitude of the paper, which naturally feels kindly disposed toward the citizens of the city of Washington and is always desirous of looking after their special welfare, even though their interests may conflict with those of some other sections of the United States.

Some time after this amendment was inserted the matter was taken up by the press. The first article that I saw on the subject was one from the Boston Advertiser, which, it seems to me, properly stated the object and purpose of the law. It reads as follows:

> It is a reasonable contention that applicants for positions within the general classified service of the Government should be compelled by law to take their examinations in the States to which they are accredited as legal residents. The amendment to the census bill to that effect, reported by Senator LA FOLLETTE as chairman of the Committee on the Census, is, on the face of it, proper and timely. The practice of living in one State and claiming legal residence for reasons of political or financial advantage in another—in a State in which the claimant has never had actual residence—is mischievous.

I am reading this especially for the benefit of the Senator from South Carolina [Mr. TILLMAN] and the Senator from West Virginia [Mr. ELKINS].

Mr. TILLMAN. Mr. President, if the Senator will permit me, I beg his pardon if any little conversation with my friend here has interfered with the progress of his speech. I will try to listen hereafter, and if he has anything for my special benefit I am sure to listen.

Mr. MCCUMBER. I know the Senator will take an interest in this matter, and that is why I want to direct the attention of the Senator to it.

Mr. ELKINS. I want to say that I was paying the strictest attention to what the Senator said, and I do not know why he referred to me. I am delighted to listen to the Senator.

Mr. TILLMAN. I shall be delighted to hear every word.

Mr. MCCUMBER. I am delighted to have the Senator listen to this:

> The practice of living in one State and claiming legal residence for reasons of political or financial advantage in another—in a State in which the claimant has never had actual residence—is mischievous, and is an evasion of the direct purpose of the civil-service regulations, made use of to skirt the edges of the civil-service requirements. The proposed amendment appears to have the excellent purpose of forcing adherence to the exact intent of these civil-service rules. If the spirit of the civil-service law is correct, the law should be so worded, directly or by amendment, as to be capable of exact application.
>
> It is difficult for the true friend of the real merit system to understand why state boundary lines should be drawn in restriction of the men and women who seek employment under the Government. No corporation in search of workers asks the candidate the place of his birth or residence. It ascertains what he knows, what his qualifications are; his habits and his aptitude for improvement. It takes the best and most promising men it can find and expects them to adjust themselves as to residence and ways of living to its requirements.

It might have added, also, that the corporation employs its own men and it passes judgment upon those men. There is not a board composed of outsiders to select the men and pass upon their acquirements and say to the corporation: "You shall take these men, and no one else, whether you want them or not; they are the persons who, we say, are particularly fitted for your class of business." But that is the system we are working under in giving employment to those who seek government service.

I especially desire to call the attention of the Senator from Wisconsin [Mr. LA FOLLETTE] to what I am now about to read. The article says further:

> A Massachusetts man is no less capable of discharging the duties of a position in the Census Office if he takes the examination across the line in New Hampshire. Nor is a Rhode Islander better fitted to do Uncle Sam's work if he slips over the boundary and appears before the examiners in Massachusetts. Why Massachusetts should have a "quota" of patronage seven times as great as New Hampshire is explainable only in terms of spoils, not brains, despite the tradition of the abnormal intelligences produced in the Bay State.

I leave that particular proposition to be answered by any Senator from Massachusetts who desires to answer it. The proposition against which I am contending, and which is against the idea of the papers of this city, is that the city of Washington should be accorded all of these positions. I hold that we should not seek to deprive the different States of their quota of these positions.

One of these papers goes so far as to say that, as a rule, the Washingtonians will be found to be better qualified for these positions than those from the outward States, inasmuch as they live in the atmosphere of the particular kind of work. For myself, I am inclined to think that a resident of Wisconsin is as well qualified to fill these official positions as a resident of the city of Washington.

During my service here I have often had to employ those in the city, and I would not be justified in saying that those persons are better qualified than those from my State or from any other State in the Union.

The whole question is a question whether or not the apportionment under the civil service, which is accorded to the several States according to their population, is a good law or whether it is a bad law. If it is a bad law, we ought to get rid of it now and have nothing more to do with it. If it is a good law, it ought not to be avoided by a fraudulent system that has been in vogue ever since this civil-service law has been imposed upon the American people.

I wish to call the Senator's attention to information which I received but a short time ago, to show the working of this law. I maintain that 90 per cent of the officials or those holding clerkships in the departments in the city of Washington are residents of this city, and that the other 10 per cent may fairly be said to be residents of all the balance of the United States. If we were to follow the rules of the civil-service law, Washington might have 2 per cent and the balance of the United States possibly the rest of the official places here in the city. As I said, if the law is not a good one I am in favor of repeal-

ing it, but if we ought to accord to each of the States its proper quota in the departments, then I insist that the provision which I asked to have inserted in the bill should have been enacted into a law.

Here is one of the sections, the section of manufactures, containing nine people, in the Census Office, the office that we are dealing with.

When I came here ten years ago I selected four people for positions in the Census Office. Three of them, I believe, have gone out. They attended the night schools. One became a physician, another learned some other profession, and they are now doing well in their professions. They got the benefit of that law, and they were entitled to come here. Under this new provision you have practically to cut out all representation from the States and employ those on the new census who may have worked a week or ten days on the previous census, and who have had some qualifications in punching cards. This, which is a privilege as well as a benefit which has been accorded to the citizens of the several States, is to be denied them under this bill.

Now I want the Senate to listen to this one report from a single section containing nine persons. They happen to be all women. One who has employment there is the wife of a secretary to a Congressman. Two of them are wives of officials in the War Department. One is the wife of a prominent person in the Treasury Department; one is the wife of a traveling man; another is a married woman—married lately. I do not know that her husband is in the government service. The others are three widows who have to take care of themselves and families. The promotions seem to be given almost wholly to the women who have husbands in the departments.

Now, I ask candidly if that is a fair construction of the civil-service law?

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Will the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. Certainly.

Mr. GALLINGER. It is a well-known fact, Mr. President, that in all the departments two, and in some cases three, persons from the same family are employed. There are husbands and wives employed at large salaries to my knowledge. I have always felt that that ought not to be permitted.

With a view of minimizing the evil, so far as this bill is concerned, I moved an amendment reading as follows:

Provided, however, That in no instance shall more than one person be employed from the same family.

That is, in the taking of the census. The committee of conference in its wisdom receded from that amendment and it has gone out of the bill. So the Senator from North Dakota may well understand that in addition to the fact that husbands and wives are employed in the departments, the sons and daughters of those people will be employed in the Census Office, and we will have almost whole families employed in the government service, residents of the city of Washington.

I remember that in an investigation I had something to do with a good many years ago the fact was disclosed that in one instance a husband and wife, two children, and three or four nephews and nieces were employed in the government service. I do not know that there is any way to obviate the difficulty, but I had hoped that the simple little amendment, which upon my motion went into the bill, would have been retained by the conferees. However, in that respect I am disappointed.

Mr. McCUMBER. Mr. President, not only is the statement correct as given by the Senator from New Hampshire, but, as a matter of fact, this is growing to be a city of official families holding positions under the Government. Here is a man who, perhaps, passed through New Hampshire thirty or forty years ago or lived there that long ago, got a position in the city of Washington, and has remained here ever since. He has never been back to New Hampshire. He has raised a family of children and grandchildren. All of his children are in the public service here, and all his children and grandchildren are claiming to be residents of the State of New Hampshire. Some kindly disposed notary public, who is acquainted in some way with somebody who knows the family, certifies that they have been residents of that State, because residence is a question of intent, and if a person believes that he lives in such a place and claims that that is his home, though he never lived there, he can get any number of people to certify that it is his home, because he claims it as his home.

Now, according to the view point of the papers of this city, that is what ought to be the case. I read from the Star of April 13 for the benefit of the Senator from Wisconsin, in which, speaking of the citizens here, it says:

Yet, they are particularly well qualified for that service, living, as they do, in the atmosphere of departmental duties and routine. In many cases their parents have been employed by the Government, and they are acquainted with the traditions and the requirements of the federal work. In the circumstances they are ideally equipped to render the most effective service to the United States, and it is altogether likely that in a free-for-all competition for departmental appointment, without geographical or political restrictions, the local residents would prove themselves more efficient than the majority of their rivals.

That may be the case, Mr. President, but I am a little inclined to think that if you will examine into the sick leaves you will find there are very few of these extra capable residents of the city who have not always taken their full thirty days' sick leave, as well as their full thirty days' leave of absence besides; and I think you will probably find that the outsiders will take as few days, both of sick leave and of vacation, as those who reside in the city.

But whether they are as well qualified or not, I insist that as long as the Government pays, and it does pay, almost double the salaries for like service that is paid by private corporations or individuals, it ought to extend its favors fairly throughout the Union and to those people who support the Government.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. The Senator kindly directed his remarks to me a moment ago, saying that he was going to read something for my special benefit. I have been listening very carefully ever since my attention was called, and I at last have arrived at the conclusion that the Senator is complaining of the Civil Service Commission and its working. Am I correct?

Mr. McCUMBER. I thought, Mr. President, that, the Senator being a strict states-rights man, he would find something in this matter that would interest him.

Mr. TILLMAN. But I asked the Senator the question.

Mr. McCUMBER. Therefore I called his attention to the fact that all the States are absolutely deprived of their rights under the working of the civil-service law.

Mr. TILLMAN. Is the Senator complaining of the Civil Service Commission and its working?

Mr. McCUMBER. I am complaining, Mr. President, because——

Mr. TILLMAN. That is not the question. Will the Senator give me a direct answer? Is he complaining of the Civil Service Commission's administration of the law?

Mr. McCUMBER. The Civil Service Commission do not seem to administer the law.

Mr. TILLMAN. Then what does the Senator propose?

Mr. McCUMBER. I propose an amendment requiring every applicant for an examination not only to be a resident of the State in which he claims residence but to prove his residence, and that he shall have had an actual domicile in that State for at least one year previous to the examination.

Mr. TILLMAN. When was that amendment offered?

Mr. McCUMBER. That amendment was offered and agreed to before the bill passed the Senate.

Mr. TILLMAN. What has become of it?

Mr. McCUMBER. The amendment went to conference and it was disagreed to by the conferees.

Mr. TILLMAN. And now we are to pass on it by a vote, and declare whether we will sustain the Senator or sustain the conferees?

Mr. McCUMBER. That is the very question that I desire to have passed on.

Mr. TILLMAN. I want to get at the true inwardness of the situation.

Mr. McCUMBER. I know that the Senator has been sick and absent.

Mr. TILLMAN. I have been absent, not sick.

Mr. McCUMBER. And therefore he is not acquainted with all that has been going on. I am assuming that he has read what has been doing in the Senate, and I did not think it necessary for me to go over all the questions.

Mr. TILLMAN. I have not read all that has gone on, because there has been little going on except adjourning from day to day, and I did not think it worth while to read the CONGRESSIONAL RECORD.

Mr. McCUMBER. If the Senator will read the CONGRESSIONAL RECORD, he will find that something has been going on upon the report of the Census Committee.

Mr. TILLMAN. Will we have an opportunity to vote with the Senator on this question?

The VICE-PRESIDENT. Will the Senator address the Chair?

Mr. TILLMAN. Mr. President, I beg the President's pardon. I hope that he will hold all others to the same rule.

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. I yield, Mr. President.

Mr. TILLMAN. I hope the Senator will give us an opportunity to go on record as to whether we want his system of appointments carried out or whether we are going to allow the Civil Service Commission to ignore the law, as it has been doing.

Mr. McCUMBER. I hope that after the Senator from Wisconsin and those on the conference have explained their views on this subject we may have a vote upon it, unless they show that it would be wholly useless to have a vote at this time.

But I want to call the Senator's attention again to a paragraph in the Star of the 13th, in which we find these words:

> This paragraph requires that persons appointed to position in the new service under the apportionment of offices law must have been bona fide residents of the States to which they are accredited for at least one year.

They object to their being compelled to say that they are bona fide residents. They say:

> This virtually deprives the people who live in the District of all chance of appointment to places in the departments.

The reason is, it has been suggested, that their quota has not only been filled, but it has been filled several times over.

Now, I wish to call the Senator's attention to an article in the Star of April 16 in which, after complimenting the conferees very highly for their work in striking out this provision, it says:

> This action of the conferees will enable residents of the District who claim legal residence—

Not who have legal residence, but who claim legal residence—

> in the State or Territory from which they originally hailed or from which their parents come to enjoy the opportunity which they enjoy at present to obtain employment not only in the Census Office during the taking of the Thirteenth Census, but in all other government offices. If the Senate amendment had become law, the people of the District would have been cut out entirely, for the District quota of government employees under the civil-service law is always filled to overflowing.

Mr. President, the whole question, as I have stated, is whether or not the several States are entitled to their apportionment. Every Senator here knows that the States have been robbed of apportionment under the operation of this law, and the way they have been robbed is by a claim of a legal residence where no residence was actually obtained or had ever been obtained by the applicants. Many young men throughout the several States of the Union are anxious to come to this city and work for a few years in government service, and then, after getting an education at the night schools, to return to the States from which they came. That opportunity ought not to be denied them. That opportunity is denied them. In these appointments, as I have shown, whole families are taken in; and not only whole families, but, as I have shown here, in one little subdivision the wife in one instance is taking care of the husband, and in the other instances six out of nine are married women, and the husbands are also in employment in other branches of the Government. While this is going on, and while these families are drawing two salaries, people in your State and in my State are being denied the right that the law gives them and that the rules give them.

I asked General Black, who is at the head of the Civil Service Commission, when before the committee the other day, if there would be any difficulty whatever in securing from the several States a proper quota. He said there would be none in the world. We have examinations every six months in every State and Territory in the United States, and the quota could be filled with good and competent people.

I hoped that this provision might be adopted that would shut off the fraudulent practices. I am not much of an admirer of the civil-service law, Mr. President. I believe in it so far as an examination is concerned. I believe in it so far as securing the best ability is concerned. But I do not believe in it when we carry it to the extent of saying that when once in government position it shall be a life position.

So I believe in a proper civil service; and while I do not agree with the rules that have been laid down in holding incompetent persons in official position, I do think that those rules which give to a State its proper quota will prevent a few of the abuses, and I feel as though that provision ought to have been retained.

Mr. LODGE. Mr. President, I think the amendment that was offered by the Senator from North Dakota and adopted by the Senate strikes at a very real and a very grave abuse. It is perfectly idle to say, as is said in the newspaper article which the Senator read, that such a provision would exclude the inhabitants of the District from a fair representation. They are entitled to their quota, as every State is entitled to its quota in the service, and nothing would deprive them of it. But in practical working they get many times their quota. Persons who have lived in the District, whose connection with a State is purely nominal, whose children have been born and brought up here, claim residence in the State and are put down to the State's quota. The result is gross injustice to the States. The quotas are not real. A State apparently gets its quota, but, as a matter of fact, it does not gets its quota. A large part of it is made up of people who have no real connection with the State at all, people who never go there to vote, and who take no interest in the State or its affairs.

I am very sorry, Mr. President, that it was thought necessary to abandon this clause. Possibly the reason is that it was too sweeping, that it should have been confined to the census; but the evil is as broad as the civil service.

I am glad this debate has arisen, so that we can call attention to this evil, which undoubtedly exists and which nullifies the intent of the law and the arrangement of quotas, which means to distribute the offices under the classified service fairly throughout the Union. That is not done now. There ought to be some way of testing the right of any man or woman to claim a place on a State's quota. There is no such test now that I am aware of.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. CARTER. Mr. President, the civil-service law appears to vest in the commission quite extensive jurisdiction in the matter of promulgating rules and regulations. As the Senator aptly states, the law now contemplates an equal apportionment according to population amongst the several States. But it is asserted that the law is in practice nullified by virtue of subterfuges employed with reference to residence.

I ask the Senator if it is not clearly within the power of the Civil Service Commission to prevent such violation of the law by indirection through the mere promulgation of a rule which will require evidence of actual residence in a State in lieu of the subterfuge which is now accepted as evidence?

Mr. LODGE. Mr. President, I think the powers of the Civil Service Commission are very extensive in the way of rules and regulations. I have not inquired into the matter lately, but my impression is that they require affidavits, the certification of a notary public, and similar things to prove residence. The trouble is that those are not honestly given. They do not get at the real residence, the real domicile of the person. There ought to be some provision of law which should make the practice to which the Senator from Montana [Mr. CARTER] alluded impossible.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Montana?

Mr. LODGE. I do.

Mr. CARTER. Mr. President, the laws of the respective States fix certain periods as necessary for a residence prior to casting a legal vote in the State. May not the Civil Service Commission exact from the applicant for an examination, or an appointment thereafter, evidence that such person is, if a male inhabitant of the State, a qualified elector, and, if a female, possessed of the length of residence necessary to qualify a person to vote in the State?

I understand that actual residence within the State is essential, and I can not perceive how the Civil Service Commission can be relieved from responsibility in exacting such proof as may be necessary to secure compliance with the letter and spirit of the law. I think it is known to the members of the Civil Service Commission—bright, intelligent, and observant, as they are; conversant with every violation of the law, and quick to resent it—that this matter of residence is being trifled with; that perjury obtains, that false certificates are given, and that the law is openly and notoriously evaded and violated. That commission, it seems to me, is accountable to the country and the Congress for permitting violations of the law, and it does seem that the Congress should not be required, after expressing its intent in the most clear and specific way, to come forward with additional conditions in order to require or secure, if you please, proper execution of the law by the commissioners, who are generally very vigilant in seeking out those who violate its provisions.

Mr. LODGE. Mr. President, I have made no special inquiry recently, but my impression is very strong that the commission does take what appears to be reasonable precautions requiring, as I have said, certificates, witnesses, and all that

sort of thing. But, as a matter of fact, the abuses continue; as a matter of fact, the States are deprived of their quotas by indirect methods, such as have been described on this floor. If it is within the power of the Civil Service Commissioners to regulate this and to prevent it, then they ought to do it. But I had the impression that additional legislation would probably be needed. I merely wish to say, as one who has taken a great deal of interest in the law, that I think there is a grave abuse there, and that it is unfortunate that the other House has proved unwilling to take any steps toward remedying it.

Mr. LA FOLLETTE. I think, Mr. President, that the abuse, so called, of this provision of the law is somewhat exaggerated. A list of the appointees in the civil service charged to any State will no doubt disclose some names of people who are known not to have been recently domiciled within that State. With respect to the law of apportionment, perhaps this ought to be first said: That nearly one-third of all the employees in the classified civil service at the present time did not come into the civil service through examination and subject to the law of apportionment at all. About 75,000 of the employees within the classified civil service at the present time were classified in under executive order or were covered into the classified service by the passage of the law. So that at least one-third of those who are now serving are not subject to the provisions of the civil-service law which require apportionment. It seems to me that if any criticism can be fairly lodged anywhere for neglect, it lies against the Congress and not against the commission. The commission at present requires proof of residence. Of course it is not possible for them to institute a special investigation with respect to each particular applicant for examination to test the validity of the claim of residence and the proof of residence offered by the applicant.

Furthermore, I think it will be found that a large number of the people who are holding these positions and living in the District of Columbia are actual legal residents of the States, although, according to the popular understanding of that term, they would not be regarded as residents of the States. For instance, some head of a family in the public service here locates his family in Washington, but maintains his residence in the State from which he came twenty-five years ago. He maintains a legal residence there; he is only temporarily a resident of this District. He goes home possibly from time to time to exercise his right as an elector of that State——

Mr. HEYBURN. Mr. President——

Mr. LA FOLLETTE (continuing). Or he may never go home to exercise that right.

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Idaho?

Mr. LA FOLLETTE. In just a moment.

But if it is his intention to return to the State in which he was domiciled at the time he received his appointment; if he never has abandoned that intention, although he may not have returned to that State for many years, he still retains a legal residence within that State. Now, I will yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I would like to inquire of the Senator from Wisconsin whether or not, in his judgment, that right of continuous citizenship in the State from which the man comes is transmitted to any other member of his family?

Mr. LA FOLLETTE. In my opinion the children take the residence of the father.

Mr. HEYBURN. Mr. President, the exception comes always from direct provision of law, either constitutional or legislative. I will call attention to one, which may be taken as a fair example of practically all of the provisions in regard to suspended citizenship in the United States. It reads thus:

> For the purpose of voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of this State, or of the United States, nor while engaged in the navigation of the waters of this State or of the United States, nor while a student of any institution of learning, nor while kept at any almshouse or other asylum at the public expense.

That applies only to a single person as affecting his residence. Would the Senator hold that a son, who is born in the District of Columbia during the incumbency of his parent in office, upon coming of age could go to the State of his parent and vote under that provision?

Mr. LA FOLLETTE. I have not any doubt of it, Mr. President.

Mr. HEYBURN. That seems to me to enter very largely into the question.

Mr. LA FOLLETTE. And I know that that right is exercised by the sons of people who have long resided in this District and who never were actually domiciled within the States to which they go to vote.

Mr. McCUMBER. Will the Senator from Wisconsin allow me to ask the Senator from Idaho another question right along the line on which he is speaking?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. Certainly.

Mr. McCUMBER. I should like to ask the Senator from Idaho whether or not he believes when a man has left a State to go into government or other employment and has no intention of ever returning to the State from which he came, that his family would thereby always remain residents of that State, there being no intention of ever returning, they having no home or no place of domicile in that State?

Mr. HEYBURN. Mr. President, I think the proper answer to that question is obvious. Of course the intent governs, subject to legal limitations.

Mr. McCUMBER. And if there is no intent to return—and in the case of 99 per cent of the people who are holding these life positions here they never expect to return—then their children and their children's children are not residents of the State from which they emigrated?

Mr. HEYBURN. Mr. President, I should like, with the permission of the Senator from Wisconsin, if I may interrupt him a little longer, inasmuch as I presume he is now answering all that has been said with the intention of closing the debate——

Mr. LA FOLLETTE. No; I was just speaking in reference to one point.

Mr. HEYBURN. Then, I will wait and submit what I have to say in my own time.

Mr. LA FOLLETTE. Mr. President, I do not apprehend that an appointee in the government service here from any State would be found to have expressed or to have formed any fixed intention of abandoning his residence in the State from which he was appointed, no matter how long the period of his absence may be from that State. He could scarcely expect, if he went out of the government service, to remain in Washington, for he could not find employment here in any other service, and if he had no fixed intention of abandoning his residence in the State from which he was appointed, even though he might remain here temporarily, or for a long period of time, his legal residence would still be within that State. So I say, Mr. President, in that respect I do not believe that any criticism of the Civil Service Commission is justified. I do think that there is room for remedial legislation, and if anybody has been remiss, I think it has been Congress.

I will say to the Senator from North Dakota [Mr. McCUMBER] that personally I was, and am still, in entire sympathy with the purpose of his amendment. I do not think that it was altogether perfect. After the matter went to conference, my attention was called to one feature of that amendment, or to an omission from it, which, I think, made it very objectionable.

Mr. McCUMBER. I think I know to what the Senator refers, but I will ask the Senator if that could not have been obviated by a very slight amendment?

Mr. LA FOLLETTE. I was going to state very briefly to what I referred.

Mr. McCUMBER. I want to say right here, if I may, that there seems to be a misunderstanding as to the object of that provision. I do not think it applied to anyone except those who were entering the service, and not for examination for promotion or transfer after they had been in the service.

Mr. LA FOLLETTE. I agree with the Senator that that was the construction that should have been given to that provision of the amendment. I think, however, that it could have been more clearly worded in that respect. That, however, was not the matter to which I wanted to call his attention, for I hope that the Senator will put his amendment into a bill, introduce it, and let it go to the Committee on Civil Service and Retrenchment, where it will receive consideration and from which committee I have little doubt that it will be favorably reported, for I say that, so far as I am concerned personally, I agree with the purpose generally of the amendment. I think that the legislation is actually necessary if this defect in the law is to be remedied. It can not be done by construction or by the promulgation of rules by the Civil Service Commission.

I do think that the amendment was defective in one respect. It should have provided an exception to the general rule, and that exception ought to be—and I should like the attention of the Senator from North Dakota, because I am saying what little I say largely in response to what he has offered here this morning——

Mr. McCUMBER. I am listening to the Senator.

Mr. LA FOLLETTE. I think an exception should be made to the rule laid down in the Senator's proposed amendment, and that those who are to be examined for scientific and technical

service ought to be excepted from the requirement of being examined in the States of their domicile. In that limited field, it seems to me, the Government ought to be permitted to make its selection from the widest possible area; but, so far as the greater part of all the civil-service appointments are concerned, I believe that one State can offer quite as competent candidates for positions as another State, and it seems to me that, without interfering at all with the operation of the merit system, the appointees can be fairly apportioned among the several States.

But, Mr. President, we had to deal with the Representatives of the House in conference upon this subject. There is every reason in the world why this census bill should become a law just as soon as possible. The Director of the Census will be pushed to the limit to provide for the housing of the large additional force that is to be made to the census force within the time limit, and he will be driven hard to complete the census within the period fixed by this bill. So we were obliged to make some concessions in order to arrive at an agreement in the conference committee and bring this legislation to a speedy conclusion.

The House members of the conference committee were able to urge with a good deal of force that it was an amendment of the general civil-service law; that it had not fairly any place upon a bill simply to provide for the taking of the decennial census; that the general civil-service law perhaps required amendment in many other directions, and that a bill ought to be introduced, taken up by the proper committee, and reported at an early day covering the whole field. Acting as best we could to carry out the purpose of the Senate, holding fast to as many as possible of the provisions that the Senate wrote into this bill, yet in order to get a report before this body and the other body as speedily as we could we were obliged to make some concessions, and this among others.

I want to say with respect to the criticism generally that only the appointees provided for in section 3 of the bill as passed by the Senate are taken out of the classified service by the agreement which the conferees arrived at and are left to appointment by the Director of Census, with such examination as he chooses to prescribe. With respect to all other appointees provided for in the bill, except operatives of mechanical appliances who have had previous experience in census work, all of the clerical force, messengers, assistant messengers, and so forth, are required to be appointed upon a competitive examination given by the Civil Service Commission upon tests to be prescribed by the Director of the Census.

So that, in so far as concerns the preservation of the civil-service features, the absence of which was the cause of the veto of the previous bill by President Roosevelt, I think the conference report is above reproach and fairly meets and more than meets the criticisms of that veto.

Mr. McCUMBER. Mr. President, I wish to say to the Senator, in answer to his suggestion that the matter might be postponed and be taken up in a special bill, that I think it is particularly pertinent now, when the question of the civil service is being discussed and more or less being modified in the particular bill before us, to modify it in another direction that will bring about greater justice in the administration of that law. Such an amendment can be secured, if at all, probably as well by another conference as in any other possible way. I wish the Senator would consent to allow the matter to go into conference for one day more, so as to see if he can not so amend that section, if he thinks there is anything objectionable in it, and that the House may agree to it.

It has been suggested in the article which I read—I did not read the whole of it—that this provision was adopted without due consideration being given to it. Consideration has been given, at least in this debate, to the principle involved, and I should like a vote of the Senate upon the question whether or not it is the belief of the Senate that each State should have its quota in the government employment. If it should, we ought to disagree to the conference report, let the bill go back to conference again, and make one attempt, at least, along the line that has been suggested. If an agreement can not be had to-morrow, certainly I would not further obstruct; but I hope that we may have a yea-and-nay vote upon that question, so that we may have the sense of the entire Senate upon the simple proposition.

Mr. HEYBURN. Mr. President, I should like to inquire of the Senator from North Dakota if his objection in any way affects the employees of the Census Bureau outside of the city of Washington, or is any class affected by it outside of the employees in Washington?

Mr. McCUMBER. To some extent I have no doubt that possibly citizens living in one State, having really a home in one State, often claim residence in another State whose quota is not filled; but the main objection is to those living here in the District of Columbia claiming a residence where an uncle or aunt or some relative of that kind lived thirty or forty years ago.

I want to call the attention of the Senator to one case that I found when I first came down here. I met a man who was running an elevator, I think, and he told me he was from my State. I asked him from what portion of the State he came, but he could not remember the name of the place. He said he had a son-in-law who took a claim out there once and that he had visited him at one time. Upon the strength of that visit and the residence of his son-in-law he claimed a residence in that State, and was awarded a position as a resident of that State. I want to meet such conditions as those and to prevent that character of fraud.

Mr. HEYBURN obtained the floor.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. McCUMBER. I yield to the Senator. I am through.

Mr. BAILEY. I thought the Senator from Idaho had merely taken the floor to make an inquiry.

Mr. HEYBURN. I will only retain it for a moment.

Mr. BAILEY. All right.

Mr. HEYBURN. Mr. President, as I understand the situation—and I have given some little attention to it—it affects only about 4,000 employees of the Census Bureau—that is, those who will be employed in Washington City. Their right to this patronage is what you might call an "inherited right." They inherited it by virtue of having come to Washington as a part of the civil-service machinery, which is practically an appointment for life to the service of the Government. I have frequently wished that we might have the civil-service question squarely before the Senate for consideration. There are very great evils existing under it, which I do not now propose to take up for any extended consideration; but I hope to see the day when the civil-service law will carry with it a limited tenure of office. The evil grows out of the fact that once in always in, without regard to the result of age or conditions that may disqualify a person who is once appointed, until—while I respect and honor gray hairs—if you will look down some of the aisles in some of our great departments, you will see a sort of snow-drift of age, respectability, and former competency, to be estimated and dealt with. We have got to meet it either by a pension law for those who have become unable to render the service for which they are paid, or to establish a limited tenure of office. I do not think anyone should be called upon to serve the Government under the civil service for more than ten years. If within ten years they have not by their frugality laid a sufficient foundation to enable them to go back to the part of the country from which they came and take up the burden of individual citizenship, then there is something wrong with them. I do not believe in the habit of office holding. I believe in a limited tenure, say of ten years, that would rotate and afford just as effective and able a service as we have to-day, and which would eliminate a number of objectionable features from it.

I merely wanted to make the suggestion in connection with this matter more because we so seldom have the question of the civil service before us. Frequently bills are introduced intended to mitigate the evil, but they never reach action. We are face to face with it now. We are providing that about 4,000 employees of the Census Bureau may be appointed from the city of Washington by the ordinary methods of the Civil Service Commission. That is a small proportion of the employees. I understand that there are to be something like 70,000 enumerators, and, taking them all together, something like 120,000 employees. This is a very small proportion, and I would not think it worth while to make any serious controversy about it. But one of these days we must take up this civil-service question and arrive at a wiser conclusion regarding it than that with which we are confronted to-day.

Mr. HALE. Mr. President, the committee of conference found itself confronted with a serious difficulty. The positions taken upon different parts of this bill by the two bodies were directly opposed. We found, for instance, a very strong feeling on the part of the House, as represented by its conferees, that the supervisors, who have charge of the census in the different States, should not be subject to the scrutiny of the Senate, but that the appointments should be given by the President outright; that, as the phrase is used, he should have a free hand.

We found serious controversies with reference to the housing, the accommodation, of the census, and that the Senate had taken one position and the House another. We found differences between the two Houses upon the salaries, where the Senate had

reduced. We found, Mr. President—and it was a matter of serious moment to the conference—that every day's delay embarrasses this great work, and that it ought to have been set afoot and been in operation before this.

Under these conditions the result of the report was concession upon both sides. The amendment offered by the Senator from North Dakota and adopted by the Senate commended itself to the Senate conferees, as it had to the Senate. It was not perfect, but sought to accomplish a good purpose. But the Senate conferees found the House conferees obdurate upon this, and it was claimed by them that here in a census bill, devoted to census purposes, an amendment to the general civil-service law, applicable to residence in States and the apportionment of appointments, had been put on; and the House conferees declared that they could not agree to it. Under these conditions, with all these things standing before us, the report was made up by mutual concessions.

Mr. President, the Senate can reject the report. The House has sessions only twice a week. If so, it has all got to go back. In the meantime the tariff debate is pushing and pressing, and there is the gravest danger, Mr. President, if this report is not adopted, although it does not please everybody, that the whole business will be turned aside, and not only days, but weeks, may pass before anything is done or can be done in the condition of the business of the two Houses.

It is for the Senate to say. We have done the best we could. We have made concessions—important concessions; the other side has made concessions—important concessions. The bill in itself, in its provisions, is a good one. It does not contain everything that everybody wants, but it is the result of a fair and open conference between the two Houses, and I have never known, under such circumstances, the Senate without consideration to turn it aside and reject the report. I hope it will not be done now.

Mr. BAILEY. Mr. President, as one of the conferees of the Senate, I sought, of course, to sustain its action with reference to this particular amendment, though I made no concealment there and I make no concealment here that the amendment is subject to a very sound objection. Not that the amendment itself, or that the purpose which it seeks to serve, may not be desirable; but it is always a bad practice to incorporate general legislation in a bill relating to a particular and a single matter, and had I been on the floor of the Senate when the question was taken I would have voted unhesitatingly against this effort to perfect a law which the Senator from North Dakota knows to be a humbug and a sham, as well as I do.

I have found some satisfaction in these discussions because they illustrate how this just and perfect law has been made to cheat communities as well as individuals. I want to say that I am not yet persuaded, as a matter of principle, that men are to participate in this Government according to their education any more than I am that they should according to their locality, although other things being equal I should prefer to vote for a man from a State which had not been fortunate enough to secure its fair quota of the public offices.

But if your civil service has any merit in it at all and if education is to be the test, then the man with the best education, no matter where he comes from, ought to have the office. In other words, if you establish an educational qualification, and if you are to judge men by the grade which they can make upon an examination, then the man who makes the highest grade, though he come from the State of Maine, should have preference over the man of lower grade, though he come from the State of North Dakota. They concede that their educational requirement is not perfect, because they provide that the apportionment among the States shall be made, and thus the applicants from a certain State are only required to compete with the other applicants from that State. But here again these well-meaning people commit a palpable and frequent fraud by putting in men whose State's quota is already more than full as compared with other States.

But all that aside, if I believed in the principle of the civil-service law and if I believed that the general civil-service law ought to be amended on this particular bill, I should still have felt constrained to yield to the House contention, as I understand it. If I am wrong, the Senator from Maine will correct me; and he may probably, in the moment that my attention was diverted, have stated this himself. But if he has not, I will; and if I misstate it, the Senator will correct me.

My understanding is that the rule is well-nigh universal that when either body incorporates a provision of general law upon a bill relating to a particular subject, the body doing it is the one to recede in case of a firm disagreement between the two Houses. Is that generally true?

Mr. HALE. So far as I know that is the rule generally observed.

Mr. BAILEY. It is not only the general rule, but it is a general rule founded in common sense as well as justified by long and continuous practice. If either House could defeat particular and necessary legislation by incorporating into these particular bills a provision for the amendment of a general law, then either House could be prevented from expressing its independent judgment upon the general question.

Mr. LODGE rose.

Mr. BAILEY. The Senator from Massachusetts rises.

Mr. LODGE. I merely wish to ask the Senator a question in this connection. Undoubtedly the practice is just as the Senator from Maine has stated it. But this bill, as it originated in the House, amends the general law.

Mr. BAILEY. This bill as it originated in the House may amend the general law, but the Senate has made no objection to that amendment or to those amendments. Therefore they pass, no one protesting; and so it would be if the House did not object to this amendment to the general law incorporated in the bill by the Senate—it would pass.

I do not dispute the right of either House—though I do question the wisdom of the practice—to seize upon any particular bill and to force, if it can, an amendment to the general law. All I state is that under the practice the House, incorporating an amendment to the general law upon a particular bill, must yield if the other House resists. I repeat that is not only the long practice, but it is the sensible practice, or otherwise one House could say to the other, "Unless you amend the general law, you shall not pass this particular bill." So I think that, all things considered, the report ought not to be sent back with a command to the Senate conferees that they demand of the House to yield on an amendment to the general law against which they protest.

I have no authority to speak for the conferees of the House; I have no right to divulge what passed in the conference committee room; but I think it reasonably certain that they will not yield to this provision, and I may be permitted to state, without assuming to state what they think about it, that in a work like the census work, to be done rapidly, to be done almost as an emergency work, it is practically impossible to hold these examinations in the distant States and bring people here to do this work. One of two things would inevitably happen: Either you must keep many men here on a waiting list, at the Government's expense or at their own expense, or else you must send for them, and you must delay the work which an emergency requires until they can set their houses in order and make the journey to Washington. That will certainly mean days, weeks, and perhaps it will be months.

Mr. President, I have not had such a long and such a minute experience as has the Senator from North Dakota, but I have recently had called to my attention a very great hardship worked under the civil-service law.

A bright young girl from my own State was brought here under one of these examinations. She passed the probationary period. She was given a permanent appointment. Four months after she was given her permanent appointment she was notified that on the 1st of July she would be dismissed; and thus this young girl, brought from a distant State at an enormous expense—enormous compared to her ability to meet it—stays here less than eight months in that position when she is notified that she is to be dismissed. I think it has been no advantage to her to be brought here and serve in that fashion.

I am not perfectly certain that we do our constituents a service if we bring them from our States to locate them here, because they cease to be citizens, or at least, according to the contention here, they cease to be citizens. They are almost aliens under their own flag. They are not permitted to exercise the right of suffrage here, and if the doctrine we have heard this morning is to be put in force they will not be permitted to exercise suffrage in the States from which they came. I am not prepared to think that a due participation in the offices which are to be filled here at Washington is a very valuable right.

I am of the opinion that in the average case we do a bright young man an injury, a positive injury, to withdraw him from the activities of his State, a useful business or professional career, and bring him here and set him down in one of these offices, even if the tenure is long and the salary certain. But whether that be right or wrong, whether these offices under what you are pleased to call the "merit system" shall be apportioned among the States or not, you can not successfully apply that rule to an emergency work.

Mr. President, it was stated before the committee that it took them six months at one time under the civil-service law to procure an assistant engineer in one of the departments. They stood the examination, and three names were certified, probably; they selected one, and that one did not want to accept the

place. Then they appointed another, and he had gone away from where he was. Perhaps they could not find him. They then appointed the third man, and he said he wanted time to make his preparations to come here.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. It may be interesting to the Senator from Texas to know that it has taken nearly as long as that to get a fourth-class postmaster in a town where the post-office pays only $100 salary, since the civil-service law was made to cover those offices. I understand there have been a great many vacancies which could not be filled, and that there are post-offices to-day with no official and responsible head, awaiting designation for appointment under the civil-service law.

Mr. BAILEY. The Senator from Michigan is speaking, of course, within his knowledge. I have no doubt there are many instances like that which could be found, but when you want work done at once you want a man to come. He can not leave the next day. If he is fit to serve the Government, he is making a living, working either for himself or for somebody else. If he works for himself, he can not close his shop and inconvenience his customers. If he is working for somebody else and is an honorable man, he can not lay down his tools when he receives a message from Washington and walk out and leave his employer with nobody to take his place. He must be fair to those for whom he has worked or with whom he has worked. He must give them sufficient notice to obtain somebody to take his place. Must the great and rapid work of the census wait upon that slow process? It is impossible to apply this rule to a work that must be done with dispatch; and the Congress of the United States will, in my judgment, make a serious mistake if it refuses to allow the Director of the Census, when this work is required to be done in so brief a time, to employ the best talent he can find, and wherever he can find it, for a work that will not wait for somebody to come from a distant Commonwealth to do it.

Mr. NEWLANDS. Mr. President, I am surprised to find that the conference report states that the Senate receded from Senate amendment No. 37, relating to the housing of the Census Office, for I was led to believe from the newspaper report which I saw yesterday that this particular amendment had been accepted.

The Senate will recall that the House provision was that the Government should purchase the present site occupied by the Census Office, at a cost of $430,000, and should add a new building, at a cost of $250,000 more, and that the Senate's action gave the Government the alternative either of pursuing this course or of purchasing a new site and of erecting a building upon it or of erecting a building upon some site now in the ownership of the Government, such as the site intended for the Hall of Records, all of course within the limits of an appropriation of $750,000.

I should like to ask the Senator from Wisconsin, the chairman of the committee, who is in favor of this amendment, whether any considerations were presented in the conference which led him to doubt the wisdom and justice of this amendment?

Mr. LA FOLLETTE. I will say, in answer to the Senator from Nevada, that my own personal judgment has not changed with respect to the wisdom of the Senate amendment, but, as the Senator well understands, we were confronted with differences of opinion which had to be adjusted if a conference agreement was to be reached at all.

Mr. NEWLANDS. Whilst there is much in the contention, so far as concerns the amendment urged by the Senator from North Dakota, that the Senate should yield regarding an amendment, covering general legislation, to a bill devoted to a particular subject, yet that argument can not be applied to this amendment, for this belongs to this particular bill, and it relates to the housing of this great force of three or four thousand people who are to do the work called for by this bill.

I see no reason why the Senate should recede from this amendment. I see no reason why it should not insist upon it. This amendment does not involve necessarily the rejection of the House provision, for it was included within it. The Government, under this amendment, can, if it deems it wise and just, purchase the existing site and building and put up the construction called for by the House bill. But under this amendment of the Senate the Government can also, if it deems it unwise and injudicious and inhumane to put 4,000 employees upon an insalubrious site, in a place ill adapted for this important work, either buy a site or utilize another as yet unutilized site in the ownership of the Government to which these objections do not apply, and can within the limits of an appropriation of $750,000 provide for these 4,000 employees in a manner becoming to common humanity.

I have heard no one contend that the present location of the Census Office is a proper one. We all know that during the taking of the last census the employees suffered severely from the inconveniences of that location. The chairman of the Census Committee himself informed me that at the hearing evidence was given to the effect that during the heated season it was a daily occurrence for seven or eight of the employees to be removed from the building in a state of utter prostration, caused by the intense heat. We know that a large portion of that building is covered by a skylight, through which the sun beats with great intensity, and that in these rooms human beings are crowded; that the site is insanitary, the lowest in the city, right over the old Tiber Creek, and they have been compelled at that site to have a force of nurses to take care of the people who have been made ill by reason of existing conditions. Yet the House refuses even to let the Government exercise its judgment regarding the situation.

I presume the statement will be that this will mean loss of time. The census is to be completed within three years from next January. How much time will it take the Secretary of the Treasury, under the Senate amendment, to come to a conclusion? He can summon before him immediately the Director of the Census, the Supervising Architect of the Treasury, a great architect like Post, of New York, or Burnham, of Chicago, the great Fuller Construction Company, and determine within three hours whether it is possible to put up such a building as is intended for census purposes within a period of from nine months to one year, and, if it is impossible to do it, can he not then accept the existing site under the Senate amendment?

Is there any doubt that such a building can be constructed within nine months or a year? I had here the other day a letter from the Fuller Construction Company, which has put up most of the great buildings of the country, certifying that they can complete such a building within ten months. Do we not all know that the great Stock Exchange Building of New York, a magnificent building, monumental in character, was planned and constructed and completed within one year? Are we not to give the Government at least one opportunity of indicating that it can do a businesslike thing in a businesslike way? Does the House fear to submit to the Secretary of the Treasury the opportunity, within a few hours' conference, of calling together the big architects and the big constructors of the country and determining this question?

When we witness the great constructions of the country, the marvelous celerity with which the great White City of Chicago was constructed, the great celerity with which buildings were put up at Buffalo and St. Louis, what reason have we to doubt that this can be completed within one year? It involves simply the construction of a structure of large spaces, rooms 50 feet wide and 100 feet long, and we all know that the great time that is taken in the construction of some buildings is in the interior finish, in the finishing of small rooms—bathrooms and things of that kind—whereas here it is the construction of large spaces. A great architect can design an attractive building, one that will please the eye, with all these spaces, within a week; he can do it within three days, for he has only to follow models that are within his actual experience. A great constructor can take up this work, and if necessary pursue it night and day.

Why should we not give the Government a chance to exercise its judgment, and if in its judgment it is possible, to do this desirable thing, when the health and the safety of 4,000 employees are concerned, regarding whose interests Congress has not been so considerate as it should be?

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Georgia?

Mr. NEWLANDS. Certainly.

Mr. BACON. I should like to inquire for my information if the Senator knows to whom this property belongs.

Mr. NEWLANDS. It belongs to an estate. I can not recall the name of the estate. I have no reason to doubt that the amount is reasonable.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Nevada yield to the Senator from Wisconsin?

Mr. NEWLANDS. Certainly.

Mr. LA FOLLETTE. If the Senator will yield a moment I will state that it belongs to the estate of M. G. Emery.

Mr. NEWLANDS. Mr. Emery was a banker here.

Mr. LA FOLLETTE. I can not say who he was except that he is dead. I do not know who he was.

Mr. NEWLANDS. Mr. Emery was a prominent citizen and banker.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Certainly.

Mr. GALLINGER. I will state to the Senator that Mr. Emery was an old resident of Washington, that he came from my own State, and he was mayor of the city of Washington at one time. He was a man of the highest personal and business integrity, and, from the information I get, his property is being sold without any middlemen or without any rake off to anybody. Beyond a doubt, it is very cheap property at the price at which it is offered to the Government.

Mr. NEWLANDS. Mr. President, I have no reason to doubt the good faith of the transaction or the reasonableness of the price.

Mr. BACON. With the permission of the Senator, I will say that I did not intend to be understood as casting any reflection on anybody. I asked in good faith, because I did not know; I desired to know, I was entitled to know, and I am glad now that I do know.

Mr. GALLINGER. I can assure the Senator from Georgia that I had no thought he asked the question in any other spirit than that of getting information.

Mr. NEWLANDS. Mr. President, I wish to say that I have no reason to doubt the good faith of the transaction so far as the owners of the property are concerned, and I have no reason to doubt the reasonableness of the price, but I do question the suitableness of the location. I believe that the Government should at some time acquire the block in question as a part of the great project of improving the city and improving the grounds about the Capitol, but I do not believe that this property should be acquired for this purpose.

I believe humanity demands that the Senate of the United States should adhere to this amendment, reasonable as it is, and permit the Government to exercise the judgment, which necessarily we can not exercise here, to inquire into the facts and come to a speedy conclusion, whether that conclusion be the acceptance of the present site or the construction of a proper building upon some other site to be selected by the Government. For that reason I shall oppose the adoption of the report.

Mr. McCUMBER. Mr. President, I wish to correct one error that seems to be quite prevalent here, and that is that the amendment which I offered and which was adopted by the Senate, and which the conferees agreed should go out, was in conflict in any way with the provision in the census bill allowing the director to select anyone who is qualified by previous work without this examination. It is not in conflict with it, as one would think by the argument that was made by the Senator from Texas.

I want to speak with reference to another matter also, and that is as to this being general legislation. The House sent here a bill in which they repealed a part of the general legislation relating to the civil service. The House is in no position, therefore, if we adopt their clause which repeals a part of the civil-service law for the benefit of this bill, to object if we should also ask to add to the civil-service law a provision which may be called "general legislation." In other words, if they by a bill affect general legislation by an amendment, then they can not object to our affecting general legislation also by an amendment, the one adding to, the other taking away. That is the only difference in the world.

The Senator from Texas stated that it was an injury to any of these people to come from the States and go into this government employment. If it is an injury that he wants to prevent, is it not equally an injury to those who are in the city here who are put into government employment, and remain there the whole length of their lives, and have to be generally supported by the Government or by some charitable institution when they get through?

All the Senators who have spoken upon this question have agreed with me that the legislation is right and along proper lines, while they may say that it ought to be amended in some little particular. That could be done in conference. Every one of them also agrees that the injustice that is practiced under the present law is enormous. Every one of them will agree that this will to a considerable extent be remedial legislation against such injustice.

That being the case, I can see no reason why the report may not go back to the conferees and let the conferees see if they can not make such a modification as would be agreeable both to the Senate and the House. If that could not be done, the Senate will be in session to-morrow, and I would make no objection against the adoption of the report.

Mr. MONEY. Mr. President, I heard with a great deal of interest the remarks of the Senator from Nevada [Mr. NEWLANDS]. It happened that during the taking of the last census I was in the city, in a very heated term. I do not now recollect why I was here. I recollect that I heard through the papers that seven ladies had fallen prostrated at their desks in the building down there, overheated or overworked or something. I went down there and interviewed Governor Merriam, who was the superintendent, a most excellent gentleman in every respect. He was kind enough to go over the building with me, and I found that it was a veritable hothouse. The superintendent had very pleasant rooms and so had the important clerks; but the mass of the women, who labor in tabulating statements and making out cards and I do not know what else, labor there under difficulties that would prostrate a dray horse.

It is not humane, it is not decent, to have the employees of this Government at work in such a place. The men can take care of themselves somehow, but these women can not. They are not at work for the Government for their health or for anything but the stress of hard circumstances that compel them to work for the Government, and they are entitled to good pay and they are entitled to good quarters. The health of those people ought to be considered. I do not care how much delay it takes or how much money it costs, we ought to suffer the delay and undertake the expenditure in order to secure the comfort and the health and the lives of these people. They do not forfeit their right as citizens and human beings because they become employees of the United States Government.

I have been through other places in this city where other employees were at work, because I wanted to see for myself what I had so often heard, and the conditions have been such that they would be incredible to one who had not undertaken to look for himself.

As this is an opportunity to rectify what I consider an enormous wrong, I shall agree with the Senator from Nevada to disagree to this report and let it go back in order that the Senate may insist upon its amendments.

I have nothing to say about the civil-service scheme and the work in the civil service except to say that I think the civil service itself is the biggest fraud and sham and humbug in this whole country. I do not believe in it, because I know how it works. I know that the greatest apostles and the greatest preachers of this new doctrine are those who violate it every day of their lives. The men who make the loudest professions are continually in the breach of the law.

I also know that when I was informed in the last census that I could make twelve temporary appointments for six months I did not ask anybody to come from Mississippi. I would not ask anybody to come here for six months' employment and spend three months of it in coming here and going back home, and risk the chances of the examination. So I appointed only three, whom I found here, who wanted the places. Most of the others I never saw in my life before or since, but they were people, I believe, who belong here generally in the District.

There are thousands of poor women in this District to-day who live, God only knows how, who are trying to keep the wolf from the door, some of them with the responsibilities of aged parents, some of them widows with children, who would be very glad to get these crumbs that fall from the master's table occasionally. I do not see why they should not have it. Why should any Senator insist upon dragging people two or three thousand miles to come here to do six months' service or a year's service? I quite agree with the Senator from Texas when he said, a while ago, that it was a cruel kindness to a young man to bring him from home and put him in public employment here. There he is an individual, and here he is a number. He loses his individuality, he loses his initiative, and he loses his citizenship. It is almost impossible, I suppose, to get along altogether with women in these minor clerical positions, but in such service I would take every man out of government employment as far as it could be done.

I hope that the Senate will disagree to the report and insist upon this humane amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. HALE. I ask that the bill be informally laid aside.

The PRESIDING OFFICER. The Senator from Maine asks unanimous consent that the unfinished business be informally laid aside. The Chair hears no objection.

Mr. HALE. I hope that we may have a vote on the conference report very soon, and that the Senate may then proceed with the unfinished business.

Mr. NEWLANDS. Mr. President, the suggestion comes to me from quite a number that I should make some amendment that would enable the judgment of the Senate to be taken upon this particular question with reference to the housing of the Census Office, but, as I understand it, the rules prevent that, and it is only possible to express our opinion regarding that particular amendment by rejecting the report. May I inquire if that is the case?

The PRESIDING OFFICER. The Chair so understands.

Mr. NEWLANDS. So all who stand for the humane housing of the Census Office will necessarily have to vote for the rejection of the report.

Mr. BACON. Mr. President, I desire to say only a word. I have no doubt, as stated by Senators on the floor, that the proposition for the sale and purchase of this particular lot is one beyond criticism, but I confess my curiosity was excited by the fact that the extraordinary position should be taken that that locality should be selected, and that alone, and that the slight opportunity for the Government to exercise any discretion was peremptorily denied. That is a strange thing to me. If the proposition were one which rejected that locality there might be some reason in the contention of those who oppose the Senate amendment; but when the Senate amendment recognizes the ability in the last resort to take that locality if it should be found necessary, and simply gives the opportunity to select some more desirable locality if it shall be found to be practicable, I can not see upon what condition such a position is assumed.

I do not desire to detain the Senate further than to say that, in common with other Senators, during the ten years since that building has been occupied it has frequently been my duty to visit it, and I have never visited it but what I have been impressed by the fact that in the whole city of Washington there is not a locality more unfit for the purposes to which it is put, owing to the circumstance that there have to be congregated there several thousand people, subjected to all the inconveniences and, to more than inconveniences, the inhumanities which are necessarily found there in the heated season of the year, when they must be at work. I have personally known of instances such as that narrated by the Senator from Mississippi [Mr. MONEY], where delicate women have succumbed under the conditions, which are sufficient to overcome strong men.

The PRESIDING OFFICER. The question is on agreeing to the conference report. [Putting the question.] The noes appear to have it.

Mr. LA FOLLETTE. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. I should like to have the exact proposition upon which we are to vote reported to the Senate.

The PRESIDING OFFICER. The question is on agreeing to the report.

Mr. BEVERIDGE. I am aware of that perfectly; but what I want to know before I vote, and several other Senators also, is exactly the proposition in the legislative form in which it appears in the bill before we vote. We can not vote upon what we may gather from a debate, more or less necessarily discursive. At least I shall not vote without knowing upon what I am voting.

Mr. HALE. This is a case that comes up every day in the Senate. It is simply the question whether the report shall be accepted.

Mr. BEVERIDGE. I am aware of that.

Mr. HALE. The report has been made, it has been read and printed, and the question is simply upon its adoption. Its reading can not be called for again, because it has already had its reading.

Mr. BEVERIDGE. I am perfectly aware that it is the customary question that comes before the Senate, as to whether a report shall be agreed to or not. I am also aware that not in one case in a hundred, on the question of agreeing to a conference report, are the yeas and nays called for. There have been two propositions of some kind or other debated here at considerable length. Those two propositions are told in a few brief words in the bill. So far as I am concerned, before I vote I want to know exactly the legislative form in which they are put. I think that is a reasonable request to make before voting.

Mr. HALE. The question is always on the adoption of the report.

Mr. BEVERIDGE. I know the question is on adopting the report.

Mr. NEWLANDS. Will the Senator from Indiana permit me to suggest that so far as I have heard the debate objection is made only as to two amendments?

Mr. BEVERIDGE. Yes; and I want to have those amendments read.

Mr. NEWLANDS. One amendment relates to the civil service, the amendment in which the Senator from North Dakota [Mr. MCCUMBER] is interested. The other relates to the housing of the Census Office, which is amendment No. 37. The two amendments are numbered 15 and 37. As I understand it, no disagreement has been expressed upon the floor of the Senate as to the action of the conferees regarding any other amendments.

Mr. BEVERIDGE. The two amendments, 15 and 37, could have been reported to the Senate in far less time than the discussion has occupied.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the conference report.

The Secretary called the roll, and the result was announced—yeas 32, nays 43, as follows:

YEAS—32.

Aldrich	Clarke, Ark.	Fletcher	La Follette
Bailey	Crane	Frye	Martin
Briggs	Crawford	Gallinger	Nixon
Bristow	Cullom	Gamble	Perkins
Brown	Cummins	Guggenheim	Richardson
Burrows	Curtis	Hale	Root
Carter	Dillingham	Heyburn	Stone
Clapp	Elkins	Kean	Taliaferro

NAYS—43.

Bacon	Daniel	Jones	Piles
Bankhead	Dick	Lodge	Rayner
Borah	Dixon	McCumber	Scott
Bradley	du Pont	McLaurin	Smith, S. C.
Brandegee	Flint	Money	Stephenson
Bulkeley	Foster	Nelson	Sutherland
Burkett	Frazier	Newlands	Taylor
Burnham	Gore	Overman	Tillman
Chamberlain	Hughes	Owen	Warner
Clark, Wyo.	Johnson, N. Dak.	Page	Wetmore
Clay	Johnston, Ala.	Paynter	

NOT VOTING—16.

Beveridge	Davis	Oliver	Smith, Md.
Bourne	Depew	Penrose	Smith, Mich.
Burton	Dolliver	Shively	Smoot
Culberson	McEnery	Simmons	Warren

So the report was rejected.

Mr. BAILEY. I want to submit a parliamentary inquiry. The vote just taken, as I understand, sends the bill back to conference?

The PRESIDING OFFICER. The Chair so understands.

Mr. BAILEY. Does it send it back to the same conferees?

The PRESIDING OFFICER. The Chair so understands.

Mr. BAILEY. Then I ask to be excused from service on the conference committee. In view of my opinion and the vote of the Senate, it is clearly improper that I should serve on the committee, and so I ask to be excused.

Mr. ALDRICH. The bill does not go back to the same committee, unless some motion is made upon the subject.

The PRESIDING OFFICER. The Chair so understands.

Mr. ALDRICH. It is usual for the Senator who has the bill in charge to make the motion.

Mr. LA FOLLETTE. I was not aware of the practice, Mr. President. This is my first performance on a conference committee. I submit the motion that the Senate further insist upon its amendments disagreed to by the House of Representatives and ask for a further conference with the House on the disagreeing votes of the two Houses, the conferees on the part of the Senate to be appointed by the Chair. I trust that the Senator from Texas will consent to serve.

Mr. BAILEY. Mr. President, I have expressed the opinion that that amendment was a bad one and that it ought to be yielded. Entertaining that opinion when the Senate entertains the opposite opinion, I do not believe, in justice to the Senate or in justice to myself, that I can consent to serve, and I will not.

The PRESIDING OFFICER. The Senator from Wisconsin moves that the Senate insist upon its amendments, ask for a further conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate. Is there objection? The Chair hears none.

The Chair appoints as conferees on the part of the Senate——

Mr. LA FOLLETTE. I ask to have substituted the name of the Senator from Florida [Mr. TALIAFERRO] for that of the Senator from Texas [Mr. BAILEY] as one of the conferees on the part of the Senate.

The PRESIDING OFFICER. The Chair appoints as conferees on behalf of the Senate the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Maine [Mr. HALE], and the Senator from Florida [Mr. TALIAFERRO].

THE TARIFF.

Mr. ALDRICH. I ask that House bill 1438 be now laid before the Senate.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. CLAY. With the permission of the Senator from Rhode Island, I desire to make an inquiry before we proceed with the discussion of the tariff bill.

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. CLAY. On April 1, 1909, I introduced a resolution, which I do not desire to take up the time of the Senate in reading. It called upon the Secretary of the Treasury to give to the Senate certain information in regard to sugar. I think the information is valuable in the discussion of the bill. That resolution was adopted unanimously. I desire to ask the Chair if that resolution has been answered?

The PRESIDING OFFICER. The Chair is informed that it has not been.

Mr. CLAY. It strikes me, Mr. President, that a resolution of that nature and character, adopted on April 1, 1909, ought to have been answered by this time.

Mr. ALDRICH. I am sure that I heard read a communication from the President transmitting some information in regard to the sugar schedule. I do not know what it was.

Mr. CLAY. I do not think this resolution has been answered. I have inquired of the Secretary of the Senate, and he informs me that no answer has been made. Doubtless the Secretary of the Treasury has some good reason for not answering; but I desire to discuss the sugar schedule on the floor of the Senate, and the resolution seeks information that I think will be valuable.

Mr. ALDRICH. What was the information sought for?

Mr. CLAY. I can read the resolution, but it is long. It sets forth four or five different questions propounded to the Secretary of the Treasury.

Mr. ALDRICH. The communication to which I have reference was received on the 19th of April, in response to a resolution of the Senate of April 8.

Mr. CLAY. That resolution has been answered, and the answer was placed upon the desks of Senators this morning. This resolution, I think, was the first one introduced upon that subject. I desire simply to call attention to the resolution, and doubtless the Secretary of the Treasury will answer it at an early day.

Mr. ALDRICH. I have just been informed that the Treasury Department have a large force at work getting the statistics which the Senator desires.

Mr. CLAY. That is satisfactory. I desire the information at the earliest possible day, so that I may use it in discussing the sugar schedule.

Mr. SMOOT. Mr. President, in answer to the Senator from Georgia, I will state that I desired to secure the same information from the department, and referred particularly to the resolution offered by the Senator from Georgia, but was informed that there were four or five men working on it daily and that as soon as the information is prepared it will be sent to the Senate.

Mr. CLAY. I desire to say that I am glad to know that the Secretary of the Treasury is seeking to give the information. I felt that he did not desire to keep it from the Senate. I was simply anxious to receive it at as early a date as possible.

Mr. STONE. Mr. President, I send to the desk, and request the Secretary to read, an amendment which I intend at the proper time to propose to the pending bill. I desire to make it the basis of some observations.

The PRESIDING OFFICER. The Secretary will read as requested.

The SECRETARY. It is proposed to strike out paragraph 471 d, section 1, and insert the following:

471 d. That it is hereby declared not to be the policy and purpose of the United States to maintain permanent sovereignty over the Philippine Islands, but to exercise authority in and over said islands only so long as it may be necessary, in the opinion of the Congress and the President of the United States, not to exceed fifteen years from and after the passage of this act, to organize and establish a native government capable of maintaining public order in said islands, and until such international agreements shall have been made between the United States and foreign countries as will insure the independence of said islands and the people thereof. Upon the organization of such native government, the organization of which shall be upon such terms and conditions as shall be prescribed by the United States, all authority, civil and military, of the United States, except as may be otherwise agreed upon between the Government of the United States and the government of the Philippine Islands, shall be withdrawn from said island; and hereafter and until the provisions of this section shall be altered, amended, or repealed, all articles of whatever kind, being wholly the growth and product of the Philippine Islands, shall be admitted into the United States free of duty; and agricultural implements of all kinds, cotton and cotton manufactures of all kinds, books and publications of all kinds, and machinery for use in manufactures of all kinds, being wholly the growth and product of the United States, shall be admitted into the Philippine Islands free of duty: *Provided*, That this section shall not be in force and effect nor become operative until the existing legislative authority of the Philippine Islands shall, by joint resolution duly enacted, consent to and approve the same. All acts and parts of acts inconsistent with the provisions of this section are hereby repealed.

Mr. STONE. Mr. President, in due time, in the course of the consideration of the pending bill and at the proper place, I shall propose what has just been read, either in its present or in some modified form, as an amendment. I have had it read, as I have said, to make it the basis of some observations that I desire to make regarding our relations with the Philippine Islands.

Mr. President, one section of the pending bill provides for absolute and unrestricted free trade between the Philippines and the United States on all articles wholly the growth and product of the respective countries, with this exception, viz, that a restriction is placed upon the importation from the Philippines of sugar and tobacco to this extent—that not over three hundred thousand gross tons of sugar, three hundred thousand pounds of wrapper tobacco, three million pounds of filler tobacco, and one hundred and fifty million cigars shall be imported free in any given fiscal year. The section provides that any amount of either of said articles imported in excess of the limit prescribed shall be subject to the ordinary duty imposed on like products from other foreign countries. I am opposed to this provision, and my purpose in rising is to state my reason for that opposition. I wish to say, Mr. President, that I do this with greater doubt and hesitancy than I would otherwise feel because of the fact that this provision is earnestly approved by President Taft. Perhaps no American is more familiar with the Philippine people and with conditions prevailing in the Philippine Islands than the President. He was long a resident in the islands as the head of the government there, and while there he performed a great, unselfish, and patriotic service of high credit to his own country and of immense benefit to the native population. For the President, personally, I entertain the highest respect, and in the sincerity of his convictions upon public questions I have the greatest confidence. Because of my regard for the President and for his opinion I would be more than glad if I could see my way clear to support his view of this question. I regret I can not bring myself into accord with him, and that for the reasons I am about to state.

Mr. President, in considering this measure the first question which presents itself to my thought concerns the relation existing now, and which is to exist, between the United States and the Philippine Islands. Are these islands a territory of the United States, a part of our national domain, and therefore under our sovereignty, or is the jurisdiction the United States is exercising over the islands only a temporary jurisdiction, which we were compelled to assume as an incident of the Spanish war, and which we are exercising after the manner of that we exercised over Cuba, with the ultimate purpose of turning the islands over to their people? Upon the solution of this question Congressional legislation affecting the Philippines should largely depend. Unfortunately this question is not free from doubt. Up to the close of the Spanish-American war the Kingdom of Spain was the power universally recognized as holding sovereignty over the Philippine Archipelago. While I concur in the belief of many that that sovereignty was, in 1898, more nominal than real, and that on the very day that Dewey won his place among the naval heroes of America the Filipinos were close upon the verge of casting off the enfeebled and relaxing grasp of Spain, the fact remains that Spain still assumed to exercise sovereignty over the islands, and that the world recognized the validity of her claim. At the close of the war, and as a result of the war, Spain, by the treaty of Paris, ceded the Philippines and Porto Rico to the United States. Whatever title Spain had to these islands she ceded to the United States, and the United States took possession of the islands and ever since has assumed to exercise a jurisdiction over them. As between Spain and the United States the title of the latter to the islands is complete. But as between the islands themselves and the United States—that is another question. Soon after the Paris treaty this question as to the status of Porto Rico and the Philippines in their relation to the United States was judicially raised, and it was carried to the Supreme Court of the United States. Instead of making the question clear and settling it, the court was, unhappily, so divided in opinion as to leave it in confusion.

DIVERSITY OF OPINION.

The relation which the Philippine Islands sustain to the United States, if not an open and disputed question, is at least still a question which has not been settled to the satisfaction of the bench, the bar, or the country. Judicially speaking, it is still involved in doubt. I have read the insular cases, so called, but after reading them I am, possibly by my own fault, little wiser than before. I suppose what are known as the De Lima, the Downes, and the so-called Diamond rings cases are the leading cases among those involving this relationship; at least they fitly illustrate the judicial contention on the subject. The most casual comparison of these decisions will show how irreconcilable they are.

The De Lima case (182 U. S.) grew out of this state of facts: In the autumn of 1899, after the treaty of Paris had been ratified, De Lima imported a cargo of sugar from Porto Rico. This importation was before the passage of the Foraker Act, providing for temporary revenues and a civil government for that island. At the time of this importation the only law imposing duties on imports into the United States was the Dingley Act. The Foraker Act relating to Porto Rico had not been passed at that time. The Dingley Act, which was passed before the Paris treaty, levied duties on imports from all *foreign* countries into the United States. The question before the court was whether this sugar imported by De Lima would be subject to the duty levied by the Dingley Act, as upon goods coming from a "foreign country;" in other words, the question was whether Porto Rico, having been ceded to the United States, was a "foreign country" within the meaning of the tariff laws. A majority of the court, namely, Justice Brown (who delivered the opinion), Chief Justice Fuller, and Justices Harlan, Brewer, and Peckham, held that Porto Rico was not a foreign country, but was a domestic territory. Four of the justices—Shiras, White, Gray, and McKenna—dissented. Mr. Justice Brown, speaking for the court, said that—

> By the ratification of the treaty of Paris the island of Porto Rico became territory of the United States, although not an organized territory, in the technical sense of the word. * * * A country ceases to be foreign—

He said—

> the instant it becomes domestic.

He contended that the contrary theory—

> presupposes that territory may be held indefinitely by the United States; that it may be treated in every particular, except for tariff purposes, as domestic territory; that laws may be enacted and enforced by officers of the United States sent there for that purpose; that insurrections may be suppressed, wars carried on, revenues collected, taxes imposed; in short, that everything may be done which a government can do within its own boundaries, and yet that the territory may still remain a foreign territory; that this state of things may continue for years, for a century even, but that until Congress enacts otherwise, it still remains a foreign country.

And then he said he could find no warrant for any such theory in the Constitution.

The position of the four dissenting justices was stated by Justice McKenna in these words:

> That Porto Rico occupies a relation to the United States between that of being a foreign country absolutely and of being domestic territory absolutely.

Although this case arose on an importation from Porto Rico, the questions discussed and the principles at that time involved would of course have been in all particulars equally applicable if the imported cargo had come from the Philippine Islands. In this case five of the justices held that Porto Rico was a domestic territory, and therefore not subject to the existing general law imposing tariff duties on articles imported from foreign countries. Four of the justices, dissenting from that view, held Porto Rico was neither foreign nor domestic, but occupied an undefined, if not undefinable, position somewhere "betwixt and between" the two. In other words, it was in the twilight zone between home and nowhere.

The Downes case (182 U. S.) arose on this state of facts: Downes imported oranges from Porto Rico in November, 1900, after the Foraker Act had passed and gone into effect. That act imposed a duty on articles imported from Porto Rico. The principal difference between the Downes case and the De Lima case was that in the De Lima case the importation occurred before the passage of the Foraker Act, while in the Downes case the importation occurred after the passage of that act. In the Downes case Mr. Justice Brown joined, or partly joined, the four justices who dissented in the De Lima case, and held that Congress had the power by *special enactment* to impose tariffs on products coming from a territory into the United States, although still maintaining that articles coming from a territory into the United States would not be subject to duties imposed by a *general law* on importations from "foreign countries." Justices Shiras, Gray, White, and McKenna agreed with Justice Brown in the result, but they did not agree with him in the reasons upon which he based his opinion. All these learned judges expressed widely different opinions as to the principles of law involved. Mr. Justice Brown concluded his separate opinion in the Downes case as follows:

> We are therefore of opinion that the island of Porto Rico is a territory *appurtenant* to and belonging to the United States, but not a part of the United States within the *revenue clauses* of the Constitution; that the Foraker Act is constitutional so far as it imposes duties upon imports from such islands, and that the plaintiff can not recover back the duties exacted in this case.

Mr. Justice White, with whom Justices Shiras and McKenna concurred, held that—

> It is lawful for the United States to take possession of and hold in the exercise of its sovereign power a particular territory without incorporating it into the United States.

But he held that over territory so possessed by the United States *the Congress might terminate the American occupation and sovereignty at will.* Mr. Justice Gray concurred for the most part, but not wholly, with the opinion of Mr. Justice White. He concluded a separate opinion in these words:

> So long as Congress has not incorporated the territory into the United States, neither military occupation nor cession by treaty makes the conquered territory domestic territory in the sense of the revenue laws. But those laws concerning "foreign countries" remain applicable to the conquered territory until changed by Congress. * * * If Congress is not ready to construct a complete government for the conquered territory it may establish a temporary government, which is not subject to all the restrictions of the Constitution.

Chief Justice Fuller and Justices Harlan, Brewer, and Peckham adhered to the position they took in the De Lima case and dissented from the opinions and conclusion of the majority. The Chief Justice in his opinion said, among other things:

> Mr. Justice Harlan, Mr. Justice Brewer, Mr. Justice Peckham, and myself are unable to concur in the opinion and judgment of the court in this case. The majority widely differ in the reasoning by which the conclusion is reached, although there seems to be concurrence in the view that Porto Rico belongs to the United States, but nevertheless, and notwithstanding the act of Congress, is not a part of the United States, subject to the provisions of the Constitution in respect of the levy of taxes, duties, etc.
>
> The concurring opinion recognizes the fact that Congress, in dealing with the people of new territories or possessions, is bound to respect the fundamental guaranties of life, liberty, and property, but assumes that Congress is not bound, in those territories or possessions, to follow the rules of taxation prescribed by the Constitution. And yet the power to tax involves the power to destroy, and the levying of duties touches all our people in all places under the jurisdiction of the Government. The logical result is that Congress may prohibit commerce altogether between the States and Territories, and may prescribe one rule for taxation in one Territory and a different rule in another. That theory assumes that the Constitution created a government empowered to acquire countries throughout the world, to be governed by different rules than those obtaining in the original States and Territories, and substitutes for the present system of republican government a system of domination over distant provinces in the exercise of unrestricted power.

And against this view the Chief Justice strongly protested.

Mr. Justice Harlan, in his separate opinion, among other things said:

> It is said (by the majority of the court) that new territory, acquired by treaty or conquest, can not become *incorporated* into the United States without the consent of Congress. What is meant by such incorporation we are not fully informed, nor are we instructed as to the precise mode in which it is to be accomplished. * * * I am constrained to say that this idea of "incorporation" has some occult meaning which my mind does not apprehend. It is enveloped in some mystery which I am unable to unravel. * * * If Porto Rico, although a Territory of the United States, may be treated as if it were not a part of the United States, then New Mexico and Arizona may be treated as not parts of the United States, and subject to such legislation as Congress may choose to enact without any reference to the restrictions imposed by the Constitution. The admission that no power can be exercised under and by authority of the United States except in accordance with the Constitution is of no practical value whatever to constitutional liberty if, as soon as the admission is made, the Constitution is so liberally interpreted as to produce the same results as those which follow from the theory that Congress may go outside of the Constitution in dealing with newly acquired territory, and give them the benefit of that instrument only when and as it shall direct. * * * In my opinion, Porto Rico became, at least after the ratification of the treaty with Spain, a part of and subject to the jurisdiction of the United States in respect of all its territory and people, and Congress could not thereafter impose any duty, impost, or excise with respect to that island and its inhabitants which departed from the rule of uniformity established by the Constitution.

As I understand these several decisions, Mr. Justice Brown, in this latter case, held that Porto Rico was not a foreign territory, but a territory appurtenant to the United States (whatever that may be), and that Congress had the constitutional power, by *special enactment*, though not by general law, to impose a tariff duty on articles coming from the territory into the States. Mr. Justices White, Shiras, and McKenna held that Porto Rico was neither foreign nor domestic, but was merely possessed, subject to the will of Congress to hold it or give it up; still that it was for the time being sufficiently foreign to be subject to duties laid on imports by either a special or general law. Mr. Justce Gray strongly intimated, if he did not hold, that the island was still a foreign country. The other four justices adhered to the opinion they had formerly ex-

pressed, that Porto Rico was a domestic Territory and a part of the United States.

Mr. President, so indefinite and indecisive, so confusing and unsatisfactory was this contention that the Reporter appended a note in the Downes case, in which, among other things, he said:

> There is no opinion in which a majority of the court concurred. Under these circumstances I have, after consultation with Mr. Justice Brown, who announced the judgment, made headnotes of each of the separate opinions, and placed before each the names of the justice or justices who concurred in it.

A little later on what is known as the Fourteen Diamond Rings case (183 U. S., p. 176) arose in the United States district court for the northern district of Illinois. The facts of that case were as follows: A soldier from North Dakota, serving in the Philippines, was discharged from that service in September, 1899, and returned to the United States. While in Luzon he became the owner of fourteen diamond rings. The possession of these diamonds came to him after the ratification of the treaty of Paris had been proclaimed in April, 1899. On his return to this country he brought the rings with him, and subsequently they were seized by a customs officer in Chicago as having been imported contrary to law and without the payment of the duty prescribed, and thereupon an information was filed to enforce a forfeiture. That proceeding in due course came to the Supreme Court of the United States, and the question was whether the diamonds were subject to the duty levied under the Dingley Act. There had been no special statute enacted at that time fixing duties on imports from the Philippine Islands to this country. Therefore, if the diamonds in question were subject to taxation, they were so subject to it because of the general law. Five justices of the court held that they were not subject to the payment of a duty. The Chief Justice, who delivered the opinion of the court, after reviewing the De Lima case, said:

> No reason is perceived for any different ruling as to the Philippines. By the third article of the treaty Spain ceded to the United States "the archipelago known as the Philippine Islands," and the United States agreed to pay to Spain the sum of $20,000,000 within three months. The treaty was ratified; Congress appropriated the money; the ratification was proclaimed. The treaty-making power, the executive power, the legislative power concurred in the completion of the transaction.
>
> The Philippines thereby ceased, in the language of the treaty, "to be Spanish." Ceasing to be Spanish, they ceased to be foreign country. They came under the complete and absolute sovereignty and dominion of the United States, and so became territory of the United States, over which civil government could be established. The result was the same, although there was no stipulation that the native inhabitants should be incorporated into the body politic, and none securing to them the right to choose their nationality. Their allegiance became due to the United States, and they became entitled to its protection.

From this reasoning and upon the result Justices Gray, Shiras, White, and McKenna dissented, for the reasons severally stated by them in the De Lima case. Mr. Justice Brown concurred in the result announced by the Chief Justice, but still adhered to the view that Congress could levy import taxes on goods coming from the Philippines by a *special* law.

CHIEF JUSTICE RIGHT.

Mr. President, following my own construction of the Constitution, and following also what I believe to be our traditional policy and the true American conception of constitutional government, I would not hesitate to accept the view promulgated by the Chief Justice and those concurring with him, provided it should be universally agreed by our Government and people that the islands in question belong absolutely to the United States, and that it is the fixed policy of the United States to retain them. To me it seems perfectly plain that if foreign territory is ceded to the United States, and if the United States accepts it with the intention of exercising a perpetual or indefinite sovereignty over it, that territory becomes a part of the United States; and to me it is inconceivable that the Constitution does not extend over Territories which are embraced in our national domain and which are a part of it. Wherever the flag is permanently raised the Constitution should be operative. Any other theory is abhorrent to my conception of the American plan of government. To hold that an American Territory, permanently under our sovereignty, is not within the Union and under the Constitution is to admit into our governmental economy the monarchical idea, intolerable to me, of colonial establishments and dependencies. It is to say that we may by force hold Territories and peoples subject to our jurisdiction while denying to them, to whatever extent and for whatever time we please, the benefits and blessings guaranteed by the Constitution. That, Mr. President, would open the road to oppression and make possible the very tyranny against which our fathers revolted. Chief Justice Taney declared a sound doctrine many years ago when, in a celebrated case, he said:

> There is certainly no power given by the Constitution to the Federal Government to establish and maintain colonies bordering on the United States, or at a distance, to be ruled and governed at its own pleasure, nor to enlarge its territorial limits in any way except by the admission of new States. That power is plainly given, and if a new State is admitted it needs no further legislation by Congress, because the Constitution itself defines the relative rights and powers and duties of the State and the citizens of the State and the Federal Government. But no power is given to acquire a territory to be acquired and held permanently in that character.

That is, it can not be held permanently as a territory, much less a colonial dependency. Criticising this declaration of Chief Justice Taney, Mr. Justice Brown, in his opinion in the Downes case, lamented that the Chief Justice, in view of the excited political condition of the country at that time, felt compelled to discuss the question then before the court upon its merits.

Mr. President, I would dislike to believe, and I will not assert, that the exigencies of party politics had aught to do with changing or modifying the opinion of Mr. Justice Brown as expressed in the De Lima case, yet I can not refrain from saying that the circumstances with which the learned justice was environed should have kept him silent on that subject.

But long before the Dred Scott case, from which the extract quoted from Chief Justice Taney is taken, Chief Justice Marshall, in Loughborough *v.* Blake (5 Wheat.) said:

> It will not be contended that the modification of the power (to tax) extends to places to which the power itself does not extend. The power, then, to lay and collect duties, imposts, and excises may be exercised, and must be exercised, throughout the United States. Does this term designate the whole or any portion of the American empire? Certainly this question can admit of but one answer. It is the name given to our great Republic, which is composed of States and Territories. The District of Columbia or the territory west of the Missouri is not less within the United States than Maryland or Pennsylvania; and it is not less necessary, on the principles of our Constitution, that uniformity in the imposition of imposts, duties, and excises should be observed in the one than in the other. Since, then, the power to lay and collect taxes, which includes direct taxes, is obviously coextensive with the power to lay and collect duties, imposts, and excises, and since the latter extends throughout the United States, it follows that the power to impose direct taxes also extends throughout the United States.

If the law of this case, which was a direct tax case, be good law still, and if the Philippine Islands are a fixed part of our national domain, then the Government has power, which it can and might exercise at will, of levying direct taxes upon the people of those islands. It would be an anomalous situation indeed to treat these islands as foreign with respect to our tariff laws, but domestic with respect to direct taxation. If the construction placed upon the Constitution by three of our great Chief Justices—Marshall, Taney, and Fuller—be correct, then the Philippine Islands are a part of the United States and under our Constitution, provided, always, as I view it, that the United States accepted the cession with the intention of exercising, and still intends to exercise, absolute and permanent sovereignty over them.

Mr. President, let me be correctly understood. I am not contending, I am not striving to prove, that the Philippine Islands are in fact and absolutely a part of our national domain; nor am I striving to prove that the Federal Constitution is in fact operative in the islands as it is in the States. That is not my belief. But I am contending that if the islands are to be treated as American territory, and if it be the policy of our Government to hold them as conquered territory under our sovereignty, without limitation upon the exercise of that sovereignty or limitation upon its duration, then the islands are a part of the United States, and the Constitution is over them as a shield. The islands are either foreign or domestic. It seems impossible to me that they could be both foreign and domestic. It rests with the United States to say whether they are or shall be the one or the other. The circumstances are peculiar, and under the circumstances the status of the islands must depend upon the intention, will, and public policy of the United States. This view is not predicated so much on principles of right as between the people of the United States and the Filipinos, nor yet so much upon principles of national honor and justice, as it is upon the power of this Government to declare whatever policy it pleases and to enforce it. Assuming that it is our policy to permanently hold the islands under our absolute sovereignty, and assuming, for argument's sake, that they are being so held—a theory I stoutly oppose—then, as I construe the Constitution, which I am sworn to support, the products of the Philippine Islands have a right to enter through all American ports and into all American markets on terms of equality with the products of any State. If the islands are American territory, then Congress, in my opinion, is without constitutional authority to discriminate against their products by levying tariffs upon them. So intense is my conviction that this view is correct that

I can not recede from it, nor for one moment accept a different theory, at least until a majority of the Supreme Court shall unequivocally decide that a tariff may be imposed on the products of a territory confessedly American when brought into the States. That was not done in the insular cases, for, while in those cases a majority held that Congress might by *special law* impose a tariff on imports coming from Porto Rico or the Philippines, the justices who so decided were hopelessly divided in opinion as to the relation the islands bore to the United States. Moreover, I can not understand how the Congress can constitutionally do something by means of a special law which it can not constitutionally do by a general law. Holding these views of the whole matter, Mr. President, and until the status of the islands with respect to the United States is definitely determined, I could not cast a vote which would seem to recognize the constitutional right of Congress to impose a duty on imports from any of our Territories into the States.

PHILIPPINES NOT A TERRITORY.

Mr. President, so much for that view. I come now to the other, and I think more correct, view of this subject. I do not believe the Philippine Islands are a Territory of the United States. I have said that the question as to whether they are to be held as a Territory is a question which depends upon the will of the United States. It is a question of power rather than of right. The United States have the power to do in this behalf whatever they may will to do. But while that is physically true, it is also true that the United States can not will to hold the Philippine Islands forever as a Territory subject to our sovereignty without an act of bad faith. To now determine to hold the islands permanently would be to change the original purpose and policy of this Government, and to now declare and execute a new policy upon that line would be an arbitrary exercise of power, inconsistent with right and national honor.

Mr. President, during the first session of the Fifty-ninth Congress, while the fortifications bill was under consideration here in the Senate, our relations with the Philippines was made the subject of a brief debate. In the course of that debate the Senator from West Virginia [Mr. ELKINS] declared that the United States would never surrender the Philippines. He said "the Philippine Islands constitute a part or portion of the territory of the United States." He said they would "furnish a base for operations in the East, where we must extend our commerce and protect American interests," and added that they "will prove of great advantage to the United States." "Give them up!" he cried, "surrender to whom, how, when, and for what? * * * It does not belong to Anglo-Saxon blood to give up land under any circumstances." And then he declared, with the assurance of one speaking by authority, that whatever the Democratic party may do, "the Republicans will declare and say they will never surrender our possessions and give them up for nothing, possessions that have cost us money and blood."

Mr. President, that is commercialism rampant. That is an unblushing espousal of the doctrine that might makes right. Under that doctrine the moral obligations of the nation have only a feather's weight when thrown into the scale against national cupidity. It is not primarily true, Mr. President, that we poured out blood and treasure to conquer the Philippines. Ten years ago the great body of our people were little more than barely conscious that the Philippines existed. We did not declare or wage war to reduce the Philippines. The war we waged was for liberty and humanity—so we said—and we should not permit our victory to bear the bitter fruit of oppression. We should not tarnish our achievement by lowering it to the level of a mere land-grabbing transaction. To whom shall we surrender the islands? the Senator asked. Mr. President, we should surrender them to the people of the islands, to whom they belong.

NATIONAL PROMISES.

At the date, and before the date, of our declaration of war against Spain the Filipino people were in arms, struggling for liberty and independence. Victory was hovering over their banners, and even before that memorable day when the American flag appeared in Manila Harbor on the flagstaffs of our war ships, it seemed as if at last the boon for which they had struggled intermittently for a century was about to be won. The Filipino army welcomed our soldiers and sailors and fought by their side against the common enemy. There can be no doubt—at least there is none in my mind—that the Filipinos believed that the overthrow of the Spanish régime would result in their independence. Moreover, I have never doubted that that belief was founded on assurances given by our representatives during the progress of the struggle. The Filipinos never dreamed that they were merely exchanging one foreign master for another. But however that may be, it is indisputable that the possession of the islands was not the object, even in a remote degree, of the war. On the contrary, our occupation of the islands was only an incident, an unexpected incident, of the war. During the war period neither the American Government nor the American people ever for a moment thought of permanently possessing the islands and incorporating them in any form into our body politic. Any thought of that kind, by whomsoever entertained, was an afterthought. While the Paris treaty was pending before the Senate, at least before the exchange of ratifications, the Senator from Louisiana [Mr. MCENERY] proposed a joint resolution declaring the purpose of the United States toward the Philippine Islands. That resolution is as follows:

Joint resolution declaring the purpose of the United States toward the Philippine Islands.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That by the ratification of the treaty of peace with Spain it is not intended to incorporate the inhabitants of the Philippine Islands into citizenship of the United States, nor is it intended to permanently annex said islands as an integral part of the territory of the United States; but it is the intention of the United States to establish on said islands a government suitable to the wants and conditions of the inhabitants of said islands to prepare them for local self-government, and in due time to make such disposition of said islands as will best promote the interests of the citizens of the United States and the inhabitants of said islands.

That resolution was adopted by the Senate, which is a part of the treaty-making power. In plain terms it declared that it was not the intention of the United States to incorporate the inhabitants of the Philippine Islands into the citizenship of the United States, nor to permanently annex the islands to the territory of the United States. What the United States did ultimately intend to do was not set forth with precision, but what they did not intend to do was made perfectly plain. That resolution has not, of course, the force of a law, but it was expressive of the deliberate judgment of the Senate. Moreover, I believe it was expressive of national sentiment, and to that extent of a national purpose.

Mr. BACON. Mr. President, will the Seantor permit me, without undue interruption, to call his attention to the fact that there was an amendment offered to the joint resolution which he has just read which did declare the purpose, and that there was a tie vote on it in the Senate and it was defeated by the casting vote of the presiding officer of the Senate at that time, Vice-President Hobart, the only tie vote, I will say, which has occurred since I have been in the Senate.

With the permission of the Senator I should like to read this resolution in order that it may be in juxtaposition, and I will not interrupt him further.

Mr. STONE. I have no objection. I am familiar with the resolution.

Mr. BACON. It is in view of the fact that the Senator has commented upon the absence of a declaration of a purpose that I want to call attention to the fact that the Senate came that near declaring a purpose. There was a tie vote, and it was lost by the negative vote of the presiding officer of the Senate. The resolution proposing to amend the joint resolution which the Senator has just read was in these words:

Resolved further, That the United States hereby disclaim any disposition or intention to exercise permanent sovereignty, jurisdiction, or control over said islands, and assert their determination, when a stable and independent government shall have been erected therein, entitled, in the judgment of the Government of the United States, to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people.

Mr. STONE. Mr. President, I knew of that resolution and I had read it. I did not quote it, although I am very glad the Senator did. It was not decisive, because the vote of Senators was equal. The Senator from Georgia, who offered the resolution which he has read, sought to have the Senate take a positive stand and to declare the judgment of this branch of the Legislature on the subject at issue. The resolution offered by the Senator from Georgia was not agreed to, there having been a tie vote. The resolution, however, offered by the Senator from Louisiana [Mr. MCENERY] was adopted; and though in that resolution, as I have said, there was no distinct declaration as to what the United States intended to do, there was a very clear and distinct declaration as to what the United States did not intend to do.

And so, Mr. President, if that resolution, which I have quoted, adopted by a part of the treaty-making power of our Government, was expressive of official and public sentiment, then, at that time, it was not the purpose of our people or Government to annex and hold those islands as a part of our territory. But if we did not and do not intend to hold them as a part of our territory, how can we hold them at all? Will it be contended that it was, or is, our purpose to hold them as a semiforeign

dependency and to force the millions living on the islands into an eternal state of unwilling vassalage? Can any man find warrant in the Constitution or in our history for a thing like that? Rather, Mr. President, was not that declaration a statement of the American policy, that our occupation of the islands was only temporary, and that it would be terminated when order was established and the conditions would make it prudent for us to leave them? Aye, Mr. President, was not that declaration in the nature of a promise made by the Senate of the United States, so far as it could make such a promise, that at some time, whenever the conditions would permit, the government of the islands would be turned over to their people?

Mr. President, I can not say what those in authority now mean to do; but in good faith it should be the policy, the avowed and unquestioned policy, of the United States to ultimately withdraw their jurisdiction over these islands and to deliver them to their own people just as we did with Cuba. While it is true that the grant or cession under which we occupied Cuba was different in its terms from that under which we occupy the Philippines, yet, in all good conscience, the obligation which rested upon us in the one case is not greatly dissimilar from that which rests upon us in the other. In the case of Cuba we were under a double obligation. By the terms of the treaty our occupation of that island was to be temporary, and hence we were obligated to Spain to evacuate it as soon as that could be done with safety to public order. In the case of the Philippines there was no obligation of that kind to Spain imposed upon the United States by the treaty. But, Mr. President, with Spain out of the question, and independent of our obligations to that monarchy, we were under obligations to the people of Cuba; and in like manner we are under obligations to the people of the Philippine Islands. After all that was said and done by Congress and the President, and after all that occurred between our people and their representatives on the one side and the people of Cuba and their representatives on the other, we could not have held that island under our sovereignty without a shameful breach of national good faith. Neither can we hold the Philippines without a breach of national good faith. As between ourselves and the Philippine people (and this without regard to Spain) we hold our title to the islands not as a sovereign, but in trust. Undoubtedly we have the power to repudiate that trust and ignore the obligations it imposes, but we can do that only by lowering the standard to which this great nation, dedicated to liberty and free institutions, should conform its ideals of justice and honor. If we are in good faith to discharge that trust, then we should do nothing inconsistent with it.

DEMOCRATIC POLICY.

Mr. President, in what I have said I am but giving voice to the policy of the Democratic party, in whose ranks I have fought for a generation, as enunciated in three of its national platforms. In 1900 the Democratic national platform contained this declaration:

> We favor an immediate declaration of the nation's purpose to give to the Filipinos, first, a stable form of government; second, independence, and third, protection from outside interference such as has been given for nearly a century to the republics of Central and South America.

In 1904 the Democratic platform contained this declaration:

> We insist that we ought to do for the Filipinos what we have already done for the Cubans, and it is our duty to make that promise now, and upon suitable guaranties of protection to citizens of our own and other countries resident there at the time of our withdrawal—set the Filipino people upon their feet free and independent to work out their own destiny.

In 1908 the Democratic platform contained this declaration:

> We condemn the experiment in imperialism as an inexcusable blunder that has involved us in an enormous expense, brought us weakness instead of strength, and laid our nation open to the charge of abandoning a fundamental doctrine of self-government. We favor an immediate declaration of the nation's purpose to recognize the independence of the Philippine Islands as soon as a stable government can be established, such independence to be guaranteed by us as we guarantee the independence of Cuba, until the neutralization of the islands can be secured by treaty with other powers. In recognizing the independence of the Philippines our Government should retain such land as may be necessary for coaling stations and naval bases.

Mr. President, these declarations embody not only what I hold to be correct principles, but they outline the wisest policy this Government could pursue. It would be the height of unwisdom, the acme of national folly, for us to annex these islands even if we could do so with honor. To hold them will involve us in ever-increasing entanglements, almost without the hope of profit, and bring upon us endless perplexities that can only bode ill to the Republic. But, Mr. President, beyond saying this I do not care to dwell at this time upon this aspect of the subject—that is, the danger to us in holding the islands—although it is of tremendous and far-reaching importance. This particular phase of the Philippine question has been so often elaborated that I do not now care to amplify upon it. Besides, I think the strong native common sense of our people is bringing them to the conclusion that the highest American interests will be best conserved by the speediest practicable severance of political relations with the archipelago. The one thing I am now endeavoring to press upon the Senate is this: That our occupancy of the islands is, and of right ought to be, temporary or provisional, not perpetual or absolute, and that we hold them in trust for the people to whom they belong and not as a sovereign in our own right.

Mr. President, why should not the Congress and the President now, in this very legislative act, declare the policy and purpose of the United States with reference to the Philippines, and thus set this most vexed of questions at rest? If it be our purpose to give liberty and independence to these people, why not say so, and thus give answer to the universal prayer that comes over the sea from these fair islands to America? Why not fix a date for this gracious act, which, while bringing universal happiness to the natives of the islands, will at the same time crown the American name with imperishable renown and glory? Why not fix a date for Philippine independence as a gift from America, and, looking to that end, begin now to arrange international agreements with the leading powers to insure that independence by the neutralization of the islands? At all events, Mr. President, I desire to take the judgment of the American Senate, and of American Senators individually, upon this question.

THE TARIFF.

But in answer to this contention it may be said that even if it should be admitted that our occupancy of the islands is only temporary and that our title to them is in the nature of a trust, we might still pass this Philippine tariff section as it appears in the bill without violence to that theory. But to that I can not lend my assent. Under the existing Philippine tariff law a duty equal to 75 per cent of the Dingley rates is laid upon all imports, with one or two exceptions, from the islands to the United States. The duties collected upon these imports are paid, not into the Treasury of the United States, but into the treasury of the Philippine government. At this time sugar and tobacco constitute substantially all there is of dutiable imports coming from the Philippine Islands into the United States. The effect of this measure, if it be enacted, would be to admit these articles free of duty up to certain prescribed limits, and to exact the current duty imposed on like foreign importations on any excess above those limits.

Mr. President, I believe in the Democratic doctrine of a tariff for revenue, and I am opposed to the Republican policy of imposing tariffs for the primary purpose of preventing or restricting importations, so as to give a practical monopoly of the American markets to American manufacturers at a vastly greater cost to consumers. I believe that tariffs should be levied primarily to raise revenue, with protection as an incident, instead of levying tariffs primarily for protection, with revenue as the incident. Hence, if the question of reducing tariff rates, and thus cheapening somewhat to consumers some of the necessaries of life, was the only question involved in this provision of the bill as it now stands, the situation would be different from what it is, and it might then well appeal to Democrats. But that is not the only question, nor the most important question involved in this consideration.

I have said the Philippine Islands must be of necessity either a foreign territory or an American territory; they are bound to be the one or the other. If they are a domestic territory, then no tariff at all, present or contingent, should be laid on their products, for, as I interpret the Constitution, the Congress can lay duties on importations from foreign countries only. The very fact that we impose a duty on importations from the Philippine Islands is, from my point of view, an admission that the islands are outside the domain of the United States, and therefore are not American. If it is not our purpose to hold the islands, then the mere fact that we are exercising a temporary jurisdiction over them does not, in the circumstances of the situation, make them a domestic territory any more than our occupancy of Cuba made that island a domestic territory. Tariffs, Mr. President, are collected on the imported products of foreign countries to raise a public revenue, and since our own people pay the duties the revenue derived from the payment should go into the Treasury of the United States. I do not believe either in the right or the policy of this Government, now and for a long time followed, of imposing taxes upon our people to support some other government than our own. I no more believe in that than I believe in our right to impose taxes on another people to support this Government. Under the law as it stands—and this bill proposes no change in that respect—any taxes collected from American consumers on importations from the Philippine Islands do not go into the Treasury of the

United States, but are diverted to the Philippine treasury for the support of that government. As I view it that law is indefensible in principle and imposes a wrongful burden upon our people, and I can not vote for a measure that recognizes that policy or that would make its continuance possible under any circumstances for a single day. Moreover, Mr. President, the Philippine Archipelago is extensive in area and is populated by millions. Its resources are diverse and opulent. If the government there should be administered with due simplicity, economy, and wisdom, there is no reason why adequate revenues could not be provided for the proper conduct of public affairs without reaching out a mendicant hand for alms.

I admit that while we are administering the high trust we have accepted we should do whatever we can to promote the well-being of the islands and their people, and we should do whatever we can to qualify the people there as speedily as possible to administer their own affairs; and, Mr. President, while most regrettable things have occurred, it will not be denied that we have done and are doing a great work in that respect. We aided them to shake off the despotism of Spain; we have sent them teachers to instruct their people; we have restored to the public use vast areas of fertile lands held by religious bodies; we have aided them in building railroads and in developing their resources; we have preserved the peace, protected the rights of property and of person, and established order in the islands; we have aided them to organize a government and given them object lessons in public administration; we have paid millions directly out of our Treasury, in addition to tariff taxes collected from our people, for their support. All these things and others we have done for them. In so far as this has been done within the scope of constitutional limitation I have no criticism to make. If in the end we keep faith with the people there, then, notwithstanding our errors, the sum of it all will no doubt redound to our credit. But, Mr. President, if these islands are foreign to us, if they are not a part of our territory, and if the inhabitants are not a part of our people living under the protection of the Constitution, then I protest we go too far when we undertake to tax the people of the United States to support a foreign government. But it may be said that as the people of this country are now paying duty on different articles imported from the Philippines, it can not harm our people to reduce the burden of that tax. Of course, the removal or reduction of the tax would not of itself probably harm our people, at least from my point of view, but I protest on principle against the proposition of taxing our people in any amount, and that whether the tax be immediate or contingent. No such tax should be levied at all, or any condition created under which the payment of any such tax by American citizens should become obligatory.

FREE TRADE.

Again, Mr. President, even if it were proposed to establish unrestricted free trade between the United States and the Philippines, I would doubt the wisdom of that policy. Free trade at this time and under existing circumstances with the Philippines does not entirely commend itself to my judgment. In the first place, it would be of little, if any, value to the great mass of our people. It might encourage the growth of sugar and tobacco in the islands and increase the importation of those articles, particularly of sugar, to this country. But here in America who would that benefit? The importations of sugar would not be of refined sugar fit for consumption, but sugar in a raw state. It is everywhere agreed that for unrefined sugar there is but one purchaser in the United States—the sugar trust. It is the sole purchaser of raw sugar, and it alone refines it. Freedom of trade between this country and the Philippines might open for the sugar trust the way to a greater supply of the raw product, but since the trust has an indisputable and undisputed monopoly he must be a credulous optimist who believes that this would result in materially lowering prices on refined sugar to the consumers. The sugar trust, and possibly the tobacco trust, might derive some benefit from free trade with the Philippines, but I can not see the likelihood of that resulting in any advantage to American consumers.

Free trade might also be of advantage to the Filipinos themselves, and to Americans and foreigners who might go there to engage in the growing of sugar and tobacco, by giving to them a greater market for their productions. But, Mr. President, should we encourage, do we wish to encourage, American investments in Philippine industrial enterprises in a way calculated to beget future complications that might hinder or embarrass the final execution of our national policy? If it be our policy to cut loose from the Philippines and leave them to themselves, then large investments of American capital in the islands would likely give rise to obstacles not now existing to the execution of that policy. If under existing circumstances free trade should be entered upon between the United States and the Philippines, it would be done without consulting the people of the islands, but solely upon our initiation and in the exercise of arbitrary power. The Philippine people themselves, speaking through their chosen representatives here at Washington, have declared themselves opposed to this bill in its present form, and opposed to unrestricted free trade between the islands and the States. So far as the Philippine people are concerned the proposed policy would be compulsory. Again, whether it should be so or not, it is well known that free trade with foreign countries is not the policy of our Government, but the contrary. Therefore, if we should arbitrarily establish free trade between the United States and the Philippines, might it not with reason be asserted that we had dealt with the islands as if they were for all purposes a territory of the United States? It would at least be an act on our part which would comport with the idea of a permanent sovereignty. It would be inconsistent with the theory that the islands are foreign. Would not American investors find some justification for their view if in future they should come to protest against the severance of our relations with the islands? If it be our purpose to restore the islands to their own people, it would be unwise to foster a different impression. But if we adopt policies intended or calculated to encourage Americans to make investments and to become identified with the industries of the islands, we will thereby build up powerful influences that may seek to thwart a separation. They might well come to Washington claiming, not without reason, that we led them to believe that the United States intended to hold the islands indefinitely; that we offered inducements for the investment of American capital in developing the islands, and it will be insisted, no doubt with fervid eloquence, that if the United States should withdraw from the islands and turn them over to the native population it would result, sooner or later, in the destruction of every American interest. A propaganda would at once be launched against ever surrendering the islands to their people. Mr. President, I can not escape the conviction that, from every point of view, it would be wiser and better to deal with the Philippines as a foreign country temporarily under our occupancy. Expenses should be cut down and kept down to the lowest level consistent with orderly administration, and the Filipinos themselves should be required to pay the cost of their own government. We may reduce the tariff on their imports to this country if we will, but whatever the rate their importations should come as importations ordinarily come from other countries.

OTHER GROUNDS OF OPPOSITION.

Mr. President, some Senators oppose this section for reasons much narrower than those which influence me. As I understand, they, or some of them, oppose this provision, because they believe to open our doors to the free importation of sugar and tobacco from the Philippines would be disastrous to the growers of tobacco and the growers of sugar beets and cane in this country without any corresponding benefit to consumers. I confess I have been considerably impressed by this contention, but my opposition to this section is not based upon that objection. To what extent free trade with the Philippines would really result in promoting the growth of sugar and tobacco in the islands is problematical, but I have no doubt that if American capital should be largely invested, and if approved modern methods should be applied, as they would be under American guidance, the volume of sugar and tobacco produced would be enormously increased. If this increase should equal or even approximate the increase apprehended in sugar production, the importation of that staple into this country under free trade would soon displace Cuban sugar, and then it would come into direct competition with the products of the American beet field and cane plantation. This competition might prove to be so great as to justify the fear that it would be injurious to the American farmer. But, Mr. President, I do not indulge that apprehension to the extent others indulge it, and being fundamentally opposed to a protective tariff for the mere sake of protection, I would not antagonize this measure solely for the sake of protection, although if we are to have a tariff for the sake of protection I see no good reason why its supporting arm should be first withdrawn from the American farmer, especially when done without profit to any American interest outside the sugar trust. At this time beet planting, which is one of the most profitable branches of agriculture, is being rapidly expanded in many of the States of the West and Northwest. Free trade with the Philippines, it is asserted, would so alarm those interested in the development of that industry as to check its expansion. Whether after events would silence that alarm and so restore confidence as to make progress possible, no man can foretell. Mr. President, aside from the tariff question and independent of that, and treating

the Philippines as essentially a foreign country, we might well pause to inquire whether it would be wise for the American Congress to enact laws and to encourage the employment of American capital to build up the industries of a foreign country to the possible detriment of our own. That is something to be thought of wholly outside the tariff question. It may contribute to our pride, and it may be our duty, to aid the Filipinos, and I am sure I do not object to extending to them every legitimate aid in our power; but I protest we should not aid them to the injury of our own people at home. Moreover, I question whether it is wise for us to rush headlong and at our own expense into the benevolent project of building up a foreign commercial power, not only to compete with us at home, but which may in the not distant future compete with us for the markets of the world.

Mr. President, however others may regard it, it seems to me that Democrats ought to oppose this section of the bill as it now stands. At all events, I can not give to it my sanction or support. I can not do so, because—

First, if the islands are to be regarded as an American Territory, then they are within the Union, and their products should have free access to all our ports without restriction or limitation;

Second, if our occupancy of the islands is intended to be only temporary, and if it be our policy to surrender them to their own people, then we should pass no law which would tend to create such commercial or political conditions between the islands and this country as might delay or embarrass the final completion of our purpose; and

Third, we are under no such obligations to the Philippine people as to make it our duty to support their government or to build up their industries at the expense of our own.

I prefer, Mr. President, to stand squarely upon the Democratic platform, and do for the Filipinos what we have already done for the Cubans—set them upon their feet and leave them free to work out their own destiny.

CONCLUSION.

In conclusion, Mr. President, I desire to say a few words respecting the amendment I have proposed. My purpose is to strike out that section of the bill relating to the Philippines and insert a provision declaring it to be the policy of the United States to terminate their occupancy of the islands, and to withdraw all civil and military authority over them whenever the natives of the islands have, in the opinion of the Congress and the President, organized a stable government capable of maintaining public order, and that this withdrawal shall occur not later than fifteen years from the passage of this act. The amendment provides that the Congress shall prescribe the terms and conditions upon which the United States shall vacate the islands, and in the meantime it is further declared to be the policy of the United States to negotiate agreements with other powers for neutralizing the islands, and thus further secure their independence and safety. It is further provided that in the meantime, and until this policy shall be fulfilled, and as long as this law remains unamended and unrepealed, all articles, being wholly the growth and product of the Philippine Islands, shall be admitted free of duty into the United States; and that in consideration thereof agricultural implements and machinery, cotton and cotton manufactures, books and publications, and machinery for use in manufactures of all kinds, being wholly the growth and product of the United States, shall be admitted free into the Philippine Islands, provided, that this section shall not become operative until it has been first approved by the existing legislative authority of the Philippine government. A provision of this nature would at once remove the purpose and policy of the United States with reference to the Philippines from the realm of doubt and uncertainty, and our position would become at once well defined and established.

We have held possession of these islands now for ten years, and if we should hold them for another period of fifteen years we would then have had the people of the islands under our tutelage for a quarter of a century. That would be substantially the lifetime of a generation. Children born since we unfurled our flag at Manila, and thousands of boys and girls then living there, have all grown to manhood and womanhood, having been educated in the modern schools we established, and having had all the benefits accruing from their experiences and association with Americans and American methods. If these people under such circumstances would not then be qualified to administer an orderly government of their own, then they could never be fitted for that task. The one long prayer of the Philippine people is for independence, and if the Congress of the United States should make a declaration such as I have indicated it would serve as an inspiration to them to strive after progress and for better things to the utmost limit of their capacity. The tariff feature of the amendment would be in the nature of a reciprocal trade relation established by agreement. During this period of fifteen years there would not be, in my opinion, any great increase in Philippine importations to the United States, and certainly not to any dangerous degree.

I am sure of it. The production of sugar in the Philippines does not exceed half the aggregate production of the islands when our occupancy began and the Spanish control ended. They lost largely in their markets and were discouraged on that account. Their trade with our country did not compensate for what they lost. Our tariffs were enforced against them for a long time. Then came that terrible epidemic, the rinderpest, which swept the islands like a blast and destroyed the greater number of the animals they were obliged to depend upon to conduct their agricultural operations.

Mr. President, the farmers who plant cane in the islands are small farmers, patch farmers. They could not, in my judgment, in the nature of things, poor as they are, develop that industry so as to restore, within the period of fifteen years, anything approximating the amount of sugar they produced when we took possession of the islands.

Of course if we were to open them to free trade, with a declared permanent sovereignty by the United States over the islands, foreign capital might go in and develop their industries, and, applying modern American methods in the culture of sugar and tobacco and other things, it might be that in a few years a great change might be made; but not so if we fix a limit upon the time when free trade shall continue to exist, and that after that limit the islands shall go to the people themselves.

In fifteen years, in my opinion, there would not be any great increase in Philippine importations to the United States. On the other hand, with free entry into the Philippines of the articles named in the amendment, I have no doubt that our exports would exceed our imports. The articles for which we would provide free entry into the Philippine ports are all articles of prime necessity to the Filipinos, whether viewed from the standpoint of comfort or from the standpoint of moral and material progress. Both countries would be benefited by exchanges along the line suggested. If the phraseology of the amendment is not satisfactory, I have no objection whatever to changing it, so that the substance is retained. I propose, Mr. President, at the proper time, to ask the judgment of the Senate by a record vote upon the principles involved in this amendment.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After six minutes spent in executive session the doors were reopened, and (at 4 o'clock and 24 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 21, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 20, 1909.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

Elliott Northcott, of West Virginia, to be envoy extraordinary and minister plenipotentiary of the United States of America to Colombia, vice Thomas C. Dawson, nominated to be envoy extraordinary and minister plenipotentiary to Chile.

UNITED STATES ATTORNEYS.

George H. Gordon, of Wisconsin, to be United States attorney for the western district of Wisconsin, vice William G. Wheeler, resigned.

Harold A. Ritz, of West Virginia, to be United States attorney for the southern district of West Virginia, vice Elliott Northcott, resigned.

PROMOTIONS IN THE ARMY.

CAVALRY ARM.

Lieut. Col. Cunliffe H. Murray, Fourth Cavalry, to be colonel from April 18, 1909, vice Augur, Tenth Cavalry, deceased.

Maj. Frederick W. Sibley, Thirteenth Cavalry, to be lieutenant-colonel from April 18, 1909, vice Murray, Fourth Cavalry, promoted.

Capt. John C. Waterman, Seventh Cavalry, to be major from April 18, 1909, vice Sibley, Thirteenth Cavalry, promoted.

COAST ARTILLERY CORPS.

Capt. Henry H. Whitney, Coast Artillery Corps, to be major from April 14, 1909, vice Barroll, detailed as paymaster.

First Lieut. Willis G. Peace, Coast Artillery Corps, to be captain from April 14, 1909, vice Whitney, promoted.

Second Lieut. Youir M. Marks, Coast Artillery Corps, to be first lieutenant from April 14, 1909, vice Peace, promoted.

POSTMASTERS.

FLORIDA.

Fannie Adams to be postmaster at Paxton, Fla., in place of F. A. Florence, resigned.

ILLINOIS.

G. B. Bushee to be postmaster at Buda, Ill., in place of Nehemiah J. Knipple. Incumbent's commission expired February 23, 1909.

Clark M. Piper to be postmaster at Bridgeport, Ill. Office became presidential January 1, 1908.

INDIANA.

Albert Boley to be postmaster at National Military Home, Ind., in place of Alexander Abernathy, removed.

H. D. Moore to be postmaster at Moores Hill, Ind. Office became presidential October 1, 1908.

Samuel Morris to be postmaster at Eaton, Ind., in place of Moses E. Black. Incumbent's commission expired March 2, 1909.

IOWA.

S. H. Carhart to be postmaster at Mapleton, Iowa, in place of Charles E. Carmody, resigned.

A. W. Hakes to be postmaster at Rock Valley, Iowa, in place of Frank A. Large, resigned.

KANSAS.

William J. Waterbury to be postmaster at Haven, Kans. Office became presidential April 1, 1909.

MISSOURI.

James D. Bush to be postmaster at Marceline, Mo., in place of James D. Bush. Incumbent's commission expired March 1, 1909.

Benjamin F. Guthrie to be postmaster at Milan, Mo., in place of Benjamin F. Guthrie. Incumbent's commission expired February 23, 1909.

John W. Moore to be postmaster at California, Mo., in place of Godfrey Haldiman. Incumbent's commission expired January 14, 1909.

NEBRASKA.

John A. Schleef to be postmaster at Overton, Nebr. Office became presidential January 1, 1909.

NEW JERSEY.

Peter Hall Packer to be postmaster at Sea Bright, N. J., in place of Ebenezer S. Nesbitt. Incumbent's commission expired December 9, 1906.

NEW YORK.

Albert S. Harris to be postmaster at New Hartford, N. Y., in place of Albert P. Seaton. Incumbent's commission expired December 14, 1908.

Samuel P. Poole to be postmaster at Hicksville, N. Y., in place of Samuel P. Poole. Incumbent's commission expired December 13, 1908.

NORTH DAKOTA.

Sarah A. Barry to be postmaster at Hettinger, N. Dak. Office became presidential January 1, 1909.

Anton Berger to be postmaster at Milnor, N. Dak., in place of James D. McKenzie, deceased.

OHIO.

William D. Archer to be postmaster at Pleasant City, Ohio. Office became presidential January 1, 1908.

Edson B. Conner to be postmaster at Bremen, Ohio. Office became presidential April 1, 1909.

SOUTH DAKOTA.

William A. Abbott to be postmaster at Waubay, S. Dak., in place of William A. Abbott. Incumbent's commission expired February 1, 1909.

TENNESSEE.

Andrew N. Brown to be postmaster at Woodbury, Tenn. Office became presidential April 1, 1909.

TEXAS.

W. K. Davis to be postmaster at Gonzales, Tex., in place of Anderson L. Davis. Incumbent's commission expired April 27, 1908.

WEST VIRGINIA.

A. S. Overholt to be postmaster at Marlinton, W. Va., in place of Nathan C. McNeil. Incumbent's commission expired January 9, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 20, 1909.

ASSOCIATE JUSTICE SUPREME COURT OF ARIZONA.

John H. Campbell to be associate justice of the supreme court of the Territory of Arizona.

APPOINTMENT IN THE NAVY.

Maj. C. Shirley to be an assistant paymaster.

POSTMASTERS.

COLORADO.

Davis H. Sayler, at Cortez, Colo.

ILLINOIS.

Henry J. Faithorn, at Berwyn, Ill.

IOWA.

James P. Flick, at Bedford, Iowa.

LOUISIANA.

W. J. Behan, at New Orleans, La.

NORTH CAROLINA.

Albert Richardson Kirk, at Albemarle, N. C.

OKLAHOMA.

James L. Admire, at Fairview, Okla.
Charles C. Archer, at Antlers, Okla.
A. M. Brixey, at Mounds, Okla.
John Coyle, at Rush Springs, Okla.
Paul Gilbert, at Fort Cobb, Okla.
Charles B. Ramsey, at Davis, Okla.
Hugh Scott, at Waukomis, Okla.
Howard E. Wallace, at Spiro, Okla.

TEXAS.

L. C. Burnecke, at Wolfe City, Tex.
Isidore Newman, at Mexia, Tex.

SENATE.

WEDNESDAY, *April 21, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FOREIGN PRODUCTS IN DOMESTIC MARKETS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of State, transmitting, in response to the resolutions of the Senate of April 5, 1909, copies of reports relating to the practice of selling foreign manufactured goods in this country at a price lower than the domestic prices, etc. (S. Doc. No. 16), which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

STATISTICS RELATIVE TO SUGAR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to the resolution of the 8th instant, certain statistics relative to the annual imports by the United States of sugars, etc. (S. Doc. No. 15), which, with the accompanying papers, was referred to the Committee on Finance and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of sundry citizens of Ohio, Virginia, Pennsylvania, New York, Mississippi, Alabama, Georgia, Wisconsin, Minnesota, Kentucky, Indiana, North Carolina, Illinois, Louisiana, Michigan, Florida, Iowa, and New Jersey praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. McLAURIN. I present a joint resolution of the legislature of Pennsylvania, relative to the enactment of more stringent immigration laws. I ask that it be printed in the RECORD and referred to the Committee on Immigration.

There being no objection, the joint resolution was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF PENNSYLVANIA,
March 22, 1909.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

This is to certify that the following is a true and correct copy of a resolution passed the above date:

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the house of representatives of the State of Pennsylvania, That we respectfully request our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands.

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

Mr. FRYE presented petitions of sundry citizens of Greenville and Strong, in the State of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Bartlett and Courtland, in the State of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Seattle, Wash., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CURTIS presented petitions of sundry citizens of Scranton, Kans., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of sundry citizens of Clayton, Fort Covington, and Poplar Ridge, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 55, American Federation of Labor, of Syracuse, N. Y., praying for the retention of the proposed duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a memorial of sundry business firms of New York City, N. Y., remonstrating against the repeal of the duty on millinery, which was ordered to lie on the table.

Mr. STONE presented a memorial of the German-Austrian Benevolent Society of St. Louis, Mo., remonstrating against the enactment of legislation to prohibit the interstate transportation of intoxicating liquors, which was referred to the Committee on the Judiciary.

He also presented a petition of sundry citizens of St. Louis, Mo., and a petition of Typographical Union No. 80, of Kansas City, Mo., praying for a reduction of the duty on wood pulp and print paper, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Missouri, praying for the reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

EMMA W. ADAMS.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution No. 33, submitted by Mr. PENROSE on the 19th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 33.

Resolved, That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Emma W. Adams, widow of Milo R. Adams, late a messenger of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

BILLS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred, as follows:

By Mr. FRYE:

A bill (S. 1941) to increase the efficiency of the Pay Department, United States Army (with the accompanying paper); to the Committee on Military Affairs.

By Mr. GALLINGER:

A bill (S. 1942) for the establishment of a probation and parole system for the District of Columbia; to the Committee on the District of Columbia.

By Mr. BRISTOW:

A bill (S. 1943) granting an increase of pension to Jacob Sands; to the Committee on Pensions.

By Mr. PERKINS:

A bill (S. 1944) for the retirement of employees in the classified civil service; to the Committee on Civil Service and Retrenchment.

By Mr. BOURNE:

A bill (S. 1945) granting an increase of pension to William J. R. Beach (with the accompanying paper); and

A bill (S. 1946) granting an increase of pension to Joseph E. Gaunyan (with the accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 1947) granting an increase of pension to Richard Butler (with the accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 1948) to provide for the issuance of medals of honor to Jesse F. Snow and other volunteer soldiers of the civil war; to the Committee on Military Affairs.

A bill (S. 1949) granting a pension to Antoinette C. Constant;

A bill (S. 1950) granting an increase of pension to Jesse F. Snow; and

A bill (S. 1951) granting an increase of pension to Samuel M. Hill (with the accompanying papers); to the Committee on Pensions.

By Mr. DICK:

A joint resolution (S. J. R. 23) making the 12th day of February a legal holiday; to the Committee on the Library.

TRAVELING EXPENSES OF THE PRESIDENT.

Mr. GUGGENHEIM. I submit an amendment intended to be proposed to the bill (H. R. 8098) making appropriations for expenses of the Thirteenth Decennial Census for the fiscal year 1910, and for other purposes, which I ask to have read and referred to the Committee on Appropriations.

The proposed amendment was read, ordered to be printed, and referred to the Committee on Appropriations as follows:

Amendment intended to be proposed by Mr. GUGGENHEIM to the bill (H. R. 8098) making appropriations for expenses of the Thirteenth Decennial Census for the fiscal year 1910, and for other purposes, viz, insert the following:

Traveling expenses of the President of the United States: There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for or on account of the traveling expenses of the President of the United States, to be expended in his discretion and accounted for on his certificate solely, for the fiscal year ending June 30, 1910, the sum of $25,000.

REPORT OF ROBERT J. WALKER, IN 1845.

Mr. BACON. I ask that the report of the Secretary of the Treasury, Mr. R. J. Walker, on the state of the finances, and so forth, made to Congress December 3, 1845, be printed as a Senate document (S. Doc. No. 14). I will state the fact that it is extremely difficult to get this document. It is only to be found in some few compilations of executive papers.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia?

Mr. KEAN. What is the request?

The VICE-PRESIDENT. The Senator from Georgia will please restate his request.

Mr. BACON. The request is that the report of the Secretary of the Treasury made to Congress in 1845, the Secretary then being Mr. R. J. Walker, shall now be printed as a Senate document, the reason being that it is exceedingly difficult to get a copy of it.

Mr. KEAN. I believe that at the last session of Congress we had printed the report of Alexander Hamilton, and so on, and I see no objection to printing this report.

Mr. BACON. I will state further that at the last session of Congress, at the request of the Senator from Rhode Island [Mr. ALDRICH], all the reports made upon the various tariff bills were printed, back to the date of the Mills bill, I think, and this report therefore was not included. It is important that it should be printed.

Mr. KEAN. I think some passages of it are good reading.

Mr. BACON. That remark applies not only to some passages, but as to its totality.

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the report of the Hon. Robert J. Walker, Secretary of the Treasury, on the state of the finances, dated December 3, 1845, Twenty-ninth Congress, be printed as a Senate document (pp. 1 to 20, both included).

CIVIL-SERVICE EMPLOYEES FROM NEW HAMPSHIRE.

Mr. GALLINGER. I submit a resolution and ask for its present consideration.

The resolution (S. Res. 35) was read, as follows:

Senate resolution 35.

Resolved, That the Civil Service Commission is hereby directed to communicate to the Senate, at the earliest practicable day, a list of the names of those now in the service charged to the State of New Hampshire, including the city or town and the county which each clerk or other employee claims as his or her residence; also a statement as to the number to which said State is entitled under the provisions of the civil-service law.

Mr. TILLMAN. I hope the Senator from New Hampshire will permit South Carolina to be included in the resolution, as an amendment.

Mr. GALLINGER. I am always delighted to be associated with the Senator in any good work, but I think the Senator had better introduce a separate resolution for that purpose.

Mr. TILLMAN. Of course, if the Senator from New Hampshire objects to including South Carolina in a good work—and he says this is a good work—I shall not intrude on him.

Mr. GALLINGER. I think the Senator had better introduce a separate resolution.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution submitted by the Senator from New Hampshire?

Mr. SMITH of Michigan. I should like to ask that the resolution be read again.

The VICE-PRESIDENT. Without objection, the Secretary will again read the resolution.

Mr. GALLINGER. Before it is read, I desire to modify it so as to insert "and the date of his or her appointment."

Mr. WARREN. May I ask the Senator from New Hampshire if we have anything in print now that purports to give the names and residences of the employees from all the States?

Mr. GALLINGER. Not that I am aware of, so far as the classified service is concerned.

Mr. WARREN. There is no general publication?

Mr. GALLINGER. None, so far as the classified service is concerned, I think.

The VICE-PRESIDENT. The Secretary will read the resolution as modified.

The Secretary read the resolution as modified, as follows:

Resolved, That the Civil Service Commission is hereby directed to communicate to the Senate, at the earliest practicable day, a list of the names of those now in the service charged to the State of New Hampshire, including the city or town and the county which each clerk or other employee claims as his or her residence, and the date of his or her appointment; also a statement as to the number to which said State is entitled under the provisions of the civil-service law.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution?

The resolution was considered by unanimous consent, and agreed to.

PROPOSED INCOME TAX.

Mr. CUMMINS. Mr. President, I desire to present an amendment to the pending tariff bill, and after it has been stated, I ask the indulgence of the Senate for a few moments in respect to it.

The VICE-PRESIDENT. The Secretary will state the proposed amendment.

The SECRETARY. An amendment providing for fixing duties on certain incomes.

The VICE-PRESIDENT. The amendment will be printed. Does the Senator prefer to have it referred to the committee, or to lie on the table?

Mr. CUMMINS. Let it lie on the table.

The VICE-PRESIDENT. The amendment will lie on the table.

Mr. LA FOLLETTE. I should like the Senator from Iowa to request, or if I may properly do so I request, that the proposed amendment be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Wisconsin that the amendment be printed in the RECORD?

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

Amendment intended to be proposed by Mr. CUMMINS to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz: Insert the following:

SEC. —. That for the calendar year 1909, and for each calendar year thereafter, duties shall be assessed, levied, collected, and paid upon the incomes herein specified received in such calendar year by every citizen of the United States, whether residing at home or abroad, and by every other person as to an income received from any property, business, trade, occupation, profession, or employment, situated or carried on within the United States. The dutiable incomes shall be those in excess of $5,000, and from every such dutiable income the sum of $5,000 shall be deducted in order to ascertain the amount upon which the duty shall be assessed, levied, and collected. The rate of duty upon dutiable incomes shall be as follows, to wit: Upon incomes not exceeding $10,000, 2 per cent; upon incomes not exceeding $20,000, 2½ per cent; upon incomes not exceeding $40,000, 3 per cent; upon incomes not exceeding $60,000, 3½ per cent; upon incomes not exceeding $80,000, 4 per cent; upon incomes not exceeding $100,000, 5 per cent; upon all incomes exceeding $100,000, 6 per cent.

SEC. —. That the incomes upon which the duties hereinbefore specified are to be assessed and levied shall be incomes received during the calendar year and derived as follows, to wit:

First. Salaries, wages, or compensation for personal labor or service of whatever kind and in whatever form paid or received: *Provided*, That there shall be excluded the compensation of the existing President of the United States during the term for which he has been elected, and of the judges of the supreme and inferior courts of the United States now in office; and there shall be also excluded the salaries and compensation of all officers and employees of a State or any political subdivision thereof.

Second. Earnings in any profession, after deducting the expense actually incurred in conducting such profession.

Third. The gains or profits of any trade, vocation, or business.

Fourth. The gains or profits of all sales or dealings in property, whether real or personal, provided that the gains and profits from sales of real estate purchased more than two years prior to the close of the year for which the income is being ascertained shall not be included.

Fifth. Any other gains or profits growing out of the ownership of or interest in real or personal property, or the transaction of any lawful business carried on for gain or profit.

Sixth. The amount received as dividends upon corporate stocks, together with the proportionate share of the undivided profits of corporations issuing such stocks, the amount received as interest upon bonds, obligations, or other evidences of indebtedness: *Provided*, That interest upon the bonds or other obligations of a State or any political subdivision thereof, and interest upon the bonds or obligations of the United States, exempt by their terms from taxation, shall not be included.

SEC. —. That incomes or parts of incomes derived from any business, trade, vocation, or profession carried on wholly within a foreign country, or derived from property situated in a foreign country, shall not be included in the return hereinafter required.

SEC. —. That it shall be the duty of every person of lawful age having an income of more than $5,000, computed upon the basis herein prescribed, for the year 1909 and for each year thereafter, to make and render a return on or before the first Monday of March, 1910, and on or before the first Monday of March of each year thereafter, in such form and manner as may be directed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury, to the collector or deputy collector of the district in which he or she resides, of the amount of his or her income computed as aforesaid; and every guardian, trustee, executor, administrator, agent, receiver, and every person or corporation acting in any fiduciary capacity shall make and render a return, as aforesaid, to the collector or deputy collector of the district in which such person or corporation acting in a fiduciary capacity resides or does business, of the amount of the income of any minor or person for whom they act whose income exceeds $5,000. The collector or deputy collector shall require every return to be verified by the oath or affirmation of the person rendering it, if it be an individual, or the proper officer or officers of a corporation, if it be a corporation. If the said collector or deputy collector has reason to believe that any return understates the income therein reported, he may increase the amount subject to the appeal hereinafter provided; and in case any such person having a dutiable income shall neglect or refuse to make and render such return, or shall render a willfully false or fraudulent return, it shall be the duty of such collector or deputy collector to make or correct such return from the best information he can obtain, either by the examination of such person or by any other evidence, and to add 50 per cent as a penalty to the amount of the duty in all cases of willful neglect or refusal to make or render a return, and in all cases of a willfully false or fraudulent return to add 100 per cent as a penalty to the amount of the duty ascertained to be due; the duty and the additions thereto as a penalty to be assessed and collected in the manner provided for in other cases of willful neglect or refusal to render a return or of rendering a false and fraudulent return. Any person aggrieved by the decision of the deputy collector in either of the cases above mentioned may appeal to the collector of the district, and his decision thereon, unless reversed by the Commissioner of Internal Revenue, shall be final. If dissatisfied with the decision of the collector, originally or on appeal, such person may submit the case with all papers to the Commissioner of Internal Revenue for his decision and may furnish the testimony of witnesses to prove any relevant facts, having served notice to that effect upon the Commissioner of Internal Revenue as herein prescribed. Such notice shall state the time and place at which and the officer before whom the testimony will be taken, the name, age, residence, and business of the proposed witnesses, with the questions to be propounded to each witness and a brief statement of the substance of the testimony he is expected to give: *Provided*, That the Government may at the same time and place take testimony upon like notice to rebut the testimony of the witnesses examined by the person against whom the collector rendered decision. The notice shall be delivered or mailed to the Commissioner of Internal Revenue a sufficient number of days previous to the day fixed for taking the testimony to allow him after its receipt at least five days, exclusive of the period required for mail communication with the place at which the testimony is to be taken, in which to give, should he so desire, instructions as to the cross-examination of the proposed witness or witnesses. Whenever practicable the affidavit or deposition of a collector or deputy collector of internal revenue shall be taken, in which case reasonable notice shall be given to the collector or deputy collector of the time fixed for taking the deposition or affidavit. No penalty shall be assessed upon any person for such neglect or refusal or for making or rendering a willfully false or fraudulent return except after reasonable notice of the time and place of hearing to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged an opportunity to be heard.

SEC. —. That the duties on incomes hereby imposed shall be due and payable on the 1st day of July, 1910, for the year 1909, and on the 1st day of July of each succeeding year for the duties assessed and levied upon the incomes of the preceding year, and if the duty on any income remains unpaid after the 1st day of July as aforesaid and after ten days' notice and demand thereof and therefor by the collector, there shall be collected as a penalty for such nonpayment the sum of 5 per cent on the amount of duty unpaid, and also interest at the rate of 1 per cent per month upon said duty from the time it becomes due. The Commissioner of Internal Revenue is authorized to relieve the estates of deceased, insane, or insolvent persons from the aforesaid penalty if the failure to pay at maturity was without fault of the person or persons in charge of said estates.

SEC. —. That if at any time after the duty upon any income is paid, or, becoming due, is unpaid, the Commissioner of Internal Revenue ascertains that the person returning the said income for duty knowingly made a false return respecting the same, the amount of dutiable income so concealed shall be assessed for the year in which the discovery is made and there shall be collected for and on account of any such concealed income double the duty prescribed in this act.

SEC. —. That at any time after September 1 in each year the internal-revenue collector in any district shall proceed to enforce by distraint upon any property belonging to any person upon whose income a duty has been assessed and levied and which duty or any part thereof remains unpaid, and all the property of any such person wherever situated subject to execution shall be liable to distraint for the collection of the unpaid duty.

SEC. —. That it shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the administration hereof concerning the amount or source of income, profits, losses, expenditures, or any particular thereof set forth or disclosed in any income return by any person or corporation, or permit any income return or copy thereof or any book containing any abstract or parts thereof to be seen or examined by any person except as provided by law; and it shall be unlawful for any person to print or publish in any manner whatever not provided by law any income return or any part thereof or the amount or sources of income, profits, losses, or expenditures appearing in any income return. Any offense against the foregoing provisions shall be a misdemeanor and punished by a fine not exceeding $1,000, or by imprisonment for a period not exceeding one year, or both, at the discretion of the court; and if the offender be an officer or employee of the United States, he shall be dismissed from office and be incapable thereafter of holding any office under the Government.

SEC. —. That every internal-revenue collector shall, from time to time, cause his deputies to proceed through every part of his district and to inquire after and concerning all persons therein who may be in receipt of dutiable incomes hereunder, and concerning all persons or corporations having the care and management of property which may produce such income, and to make a list of such persons or corporations and to enumerate said properties.

SEC. —. That only one deduction of $5,000 shall be made from the aggregate income of all the members of any family composed of one or both parents and one or more minor children or husband and wife. No penalty shall be assessed upon any person, corporation, or association for a neglect or refusal to make return or for making or rendering a willfully false or fraudulent return, except after reasonable notice of the time and place of hearing, to be prescribed by the Commissioner of Internal Revenue, so as to give the person charged with such neglect or refusal, or charged with such false or fraudulent return, an opportunity to be heard.

SEC. —. That in the event that any person with a dutiable income fails to make the return prescribed in section — hereof to the collector or deputy collector, and the person shall be absent from his or her residence or place of business at the time the collector or deputy collector shall call for such annual return, it shall be the duty of such collector or deputy collector to leave at such place of residence or business with some one of suitable age and discretion, if there be such person present, otherwise to deposit in the nearest post-office, a note or memorandum addressed to such person requiring him or her to render to such collector or deputy collector the return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person, on being notified or required as aforesaid, shall refuse or neglect to make such return within the time required as aforesaid, or delivers any return which, in the opinion of the collector, is false or fraudulent or contains any undervaluation or understatement, it shall be lawful for the collector to summon such person or any other person having possession, custody, or care of books of account containing entries relating to the business of such person or any other person he may deem proper, to appear before him and produce such books at a time and place named in the summons, and to give testimony or answer interrogatories under oath respecting any subjects which will tend to disclose the true income. The collector may summon any person residing or found within the State in which the district lies; and when the person intended to be summoned does not reside and can not be found within such State, he may enter any collection district where such person may be found and there make the examination herein authorized. And to that end he may there exercise all the authority which he might lawfully exercise in the district for which he is commissioned. This procedure shall apply to all cases of failure to make return and to all cases in which the collector shall be of opinion that the return is incorrect, false, or fraudulent.

SEC. —. That when any person, corporation, or association refuses or neglects to render any return required by law, or renders a false or fraudulent return, the collector or any deputy collector shall make, according the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector and on his own view and information, such knowledge as he can obtain, a return according to the form prescribed of the income derived by any person under the care or management of such person, corporation, or association, and the return so made and subscribed by such collector or deputy collector shall be held prima facie good and sufficient for all the above purposes.

SEC. —. That every corporation or association organized under the law of the United States or of any State or Territory doing business for profit shall make and render to the collector of the district in which its principal office is situated, on or before the first Monday of March in every year, beginning with the year 1910, a full return verified by oath or affirmation, in such form as the Commissioner of Internal Revenue may prescribe, of all the following matters for the whole calendar year last preceding the date of such return—

First. The gross profits of such corporation or association from all kinds of business of every name and nature.

Second. The expenses of such corporation or association exclusive of interest, annuities, and dividends.

Third. The net profits of such corporation or association without allowance for interest, annuities, and dividends.

Fourth. The amount paid on account of interest, annuities, and dividends, with a list showing the names and post-office addresses of the persons to whom any such interest, annuities, and dividends were paid, stating the amount paid to each of such persons separately.

Fifth. The amount paid in salaries of $5,000 or more to each person employed, giving the amount of the salary paid to each person and his name and post-office address.

Sixth. If the net profits mentioned in the third paragraph of this section were not wholly divided, then to state the amount which would have been paid to each person if the said profits had been wholly divided, giving the name of each such person and the amount of his distributed share and his post-office address.

SEC. —. That it shall be the duty of every such corporation or association doing business for profit to keep full, regular, and accurate books of account, upon which its transactions shall be entered from day to day in regular order, and whenever a collector or deputy collector in the district in which any such corporation or association has its principal office shall believe that a true and correct return as hereinbefore provided has not been made, he shall make an affidavit of such belief, and of the grounds on which it is founded, and file the same with the Commissioner of Internal Revenue, and if said commissioner shall, on examination thereof and upon full hearing of notice given to all parties, conclude that there is a ground for such belief, he shall issue a request in writing to such corporation or association to permit an inspection of the books of such corporation or association to be made, and if such corporation or association shall refuse to comply with such request, then the Commissioner of Internal Revenue shall take such action as will enforce the duty herein imposed upon such corporation or association.

Mr. CUMMINS. Mr. President, this amendment proposes duties upon certain incomes. I intend at a later time in the consideration of the pending bill to address the Senate with respect to the wisdom and the justice, the history, and the validity of income duties. Until very recently it was not my purpose to accompany the amendment with any observations whatever; but in view of the statement with respect to the expenditures and the revenues of the Government made by the Senator from Rhode Island [Mr. ALDRICH] on Monday morning, and in view of the comments of certain newspapers with respect to the motives of the Republican Senators who favor raising a portion of our revenue by a duty on incomes, I have been tempted to depart from my original intent and to enter at this moment upon a very brief discussion of the subject.

First, with regard to the amendment itself. It differs in two important particulars from the amendment offered by the Senator from Texas [Mr. BAILEY]. The first essential difference is that the duty laid upon incomes is a graduated duty instead of a flat duty. According to the terms of this amendment the duty begins with incomes not exceeding $10,000, those under $5,000 being exempt, attaches to such incomes a duty of 2 per cent, and finally reaches incomes of $100,000 or more, upon which there is imposed a duty of 6 per cent.

In this connection I may be permitted to state as a mere conjecture and opinion that this amendment, if it became a part of the law, would raise substantially $40,000,000, a greatly less sum than would be raised, according to the estimate of the Senator from Texas, upon the amendment presented by him.

The second important particular in which this amendment differs from the amendment already before the Senate is that it is confined to individual incomes; that is to say, the duty is not imposed upon corporate incomes. The reasons that moved me in preparing the amendment in this wise are that the policy of an income law, the policy indeed in almost every kind of law, is to exempt those who are least able to bear the burden from the burden. An income duty imposed upon the aggregate income of a corporation rests with equal weight upon those persons who derive some income from a corporation and yet have an aggregate income below the minimum fixed by the statute and those large incomes upon which it is the policy of the Government to attach a duty.

Further than that, I regard a graduated income duty as impossible if levied upon the incomes of corporations. The reason is obvious. This amendment, for instance, imposes a duty of 2 per cent in the case of an income not exceeding $10,000 upon that part of such income exceeding $5,000. It imposes a duty of 6 per cent upon all incomes in excess of $100,000.

I will take the instance which is in every mind the very moment a corporation is mentioned, namely, the United States Steel Corporation. It had last year, according to its report, an income, not deducting the rewards upon its capital, of $91,000,000. Under any logical or scientific system of graduated tax this income would bear the highest rate, and yet, as we know, there are twenty-five or thirty million dollars of the stock of the United States Steel Corporation held by employees of the corporation whose incomes will average less than $1,200 per year. Therefore, if a graduated tax be accepted and the duty is imposed upon the aggregate income of corporations, the stockholders whose incomes are below the minimum fixed by the amendment would bear the highest rate of duty attached to the largest income. In my opinion, such a result would not only be unjust, but it would destroy the essential and fundamental principle that underlies an income duty.

There is another reason of a legal character which led me to attach these duties to individual incomes only. The very moment that you include a corporation within the scope of an income tax, that moment you must begin a classification of corporations. The law of 1894 excluded from its operation a great number of corporations, and properly excluded them. But this classification had a tendency, in the opinion of the Supreme Court, both of its majority members and its minority members, to destroy the uniformity which the Constitution requires shall inhere in an indirect tax.

I do not suggest, Mr. President, that the amendment I have presented removes all the objections found to such a law in the decision of the Supreme Court in the Pollock case. I recognize that it challenges that opinion in one particular, but I believe that it removes all the points of collision save one. That is this: Is a tax levied upon an income derived from an investment in either real or personal property a direct tax? That

question is one so broad and fundamental, that, in my opinion, it is utterly impossible to frame any income-tax law that will not run counter to the opinion expressed by a majority of the members of the Supreme Court. If that opinion is to stand in its full scope and with its full vigor, then the United States must abandon for all time, or until the Constitution be amended, the exercise of a power and authority which had been recognized for a hundred years before the opinion was announced.

Therefore, in these two particulars, or, broadly speaking, in this one particular, the amendment I have presented challenges the opinion of the Supreme Court in just the same manner that the amendment offered by the Senator from Texas does.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from Nebraska?

Mr. CUMMINS. With pleasure.

Mr. BURKETT. It seems to me that there is another challenge which it must make. If I understand it aright, this income tax is either a direct tax or it is an indirect tax. A direct tax must be apportioned. If it is an indirect tax, it must be uniform.

Of course, I have not read the Senator's amendment to the bill, for it has not yet been printed, but I take it, from what he says, it is not attempted to make an apportionment. It seems to me that it also must attack the other proposition of uniformity, which was one of the questions, if I remember correctly, that was raised in the Pollock case. I have not read that opinion for some years, but if I remember aright, the question was raised in the Pollock case whether there might be a different rate of tax upon different incomes or the tax on some incomes eliminated; for example, a limitation of $4,000, as there was, if I remember correctly, in the act of 1894.

If the Senator has not conformed to the requirement of a direct tax and an apportionment, would not his amendment also run counter to the decision in the Pollock case in not conforming to the other requirement—that of uniformity in the case of an indirect tax?

Mr. CUMMINS. Mr. President, as I suggested in the beginning, it has been my purpose at a later time to consider this question from the constitutional standpoint. But in answer to the inquiry of the Senator from Nebraska, I beg to say that in the Pollock case the question of uniformity related to the classification of corporations, not to the graduation of the tax, for the reason that there was no graduation of duties under the law of 1894. It is quite true that in both the majority opinion and the minority opinion in the Pollock case there was some criticism with respect to the exemption of incomes below $4,000. That criticism, however, did not lead, as I remember, any judge uttering it into the opinion that therefore the law was unconstitutional.

Mr. President, I believe it to be the bounden duty of Congress at this time to again invoke the deliberate reexamination of this question by the Supreme Court. The decision in the case to which I have referred is so serious an invasion upon federal power and it so vitally restricts federal authority that we ought not to permit a single moment longer than necessary to pass without again asking for an examination of this power upon the part of the Government of the United States.

It is true that we are not in the midst of war; but there is no Senator so keen in his prophecies as to attempt to declare the moment in which we may become involved in war, and then, at least, there will be the same imperious necessity for invoking this authority that there was in 1861.

Do not misunderstand me. I am not contending that we ought to enter upon this experiment as a mere experiment. If we do not need the revenue that would be produced by an income tax, then I agree that it would be the height of folly to collect money in any manner whatsoever not needed for the reasonable expenditures of the Government. But if we do need this revenue, or if this revenue can be substituted for another still more burdensome, then there never was a moment in which it became more imperatively the duty of the American Congress to set in motion this power than at the present time.

So much, Mr. President, with regard to the amendment that I have presented.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. I do.

Mr. RAYNER. Without committing myself in any way to any of these propositions of an income tax, for or against, I respectfully call the attention of the Senator from Iowa to the proposition that the suggestion of the Senator from Nebraska [Mr. BURKETT] has been completely answered in the case of Knowlton *v.* Moore (178 U. S.), in which the Supreme Court held that "uniformity" meant geographical uniformity and not individual uniformity.

I think the Senator from Iowa even goes too far when he says that there could not be a classification of corporations. There could undoubtedly be a classification of corporations if the taxes operate uniformly throughout the United States. In this case the proposition was discussed, and the Supreme Court said:

> The two contentions, then, may be summarized by saying that the one asserts that the Constitution prohibits the levy of any duty, impost, or excise which is not intrinsically equal and uniform in its operation upon individuals, and the other that the power of Congress in levying the taxes in question is by the terms of the Constitution restrained only by the requirement that such taxes be geographically uniform.
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> Thus it is apparent that the expression "uniform throughout the United States" was at that time considered as purely geographical, as being synonymous with the expression "general operation throughout the United States," and that no thought of restricting Congress to intrincis uniformity obtained, since the powers recommended were absolutely in conflict with such theory.

Mr. CUMMINS. I agree with the Senator from Maryland perfectly. The difficulty about classification to which I referred was not that the Constitution inhibited the classification of corporations, but that the classification must not be arbitrary; it must be founded upon some reason, and it is exceedingly difficult to classify the corporations of the United States.

However, the chief reason which leads me to present an amendment levying duties upon individual incomes alone is the inequality and the injustice which must necessarily result to the smaller stockholders, the men whose incomes derived from that source and from others do not reach the point fixed by the law for duties.

Mr. President, I shall recur to some phase of this subject at a later time; but I am now prompted to call to the attention of the Senate some comments that I have read within the last two or three days with regard to the income-tax measure, especially relating to the motives of those Republican Senators who believe that a substantial part of the burdens of our country should be borne through a revenue raised in this manner. It is said that it is a Democratic proposition, a Democratic doctrine. If it were, Mr. President, that would not deter me from accepting it, if it commended itself to my conscience and my judgment. We are long past that era in the world's affairs when men repeat that old inquiry, "Can any good thing come out of Nazareth?" I am willing to accept a wholesome, sound, and just principle, no matter what its origin may be.

But, Mr. President, it is not a Democratic doctrine; it is not a Democratic principle in any other sense than that the Democratic party shares with all other political organizations a belief in the fundamental principles of society. The last campaign, from the Republican standpoint, was full of pledges of fidelity and loyalty to an income-tax law; and, more than that, it will not be forgotten that the most successful and the most effective income-tax law ever passed by Congress or administered by an Executive was an income-tax law passed by a Republican Congress and administered by a Republican Executive.

The only difference between those conditions and the ones which surround us is that, in 1861, we levied an income tax to meet the demands of the Government in the most critical moment of its existence—in the time of war. But the demands of peace may be just as imperative as the demands of war. If if was constitutional in 1861 to levy an income tax to support the Government of the United States, it is constitutional in 1909 to levy an income tax to support the Government of the United States. War may make a great difference with respect to the extent of the revenue required; but granting that in a time of peace we need the revenue, it is just as constitutional now, it is precisely as just now, as it was in 1861.

I congratulate the Senate and the country upon the happy and fortunate fact that we can consider this subject without tinge of partisan bias, without tinge of partisan color. I congratulate you and your constituents upon the fortunate conditions that enable us to debate and to decide this question without any regard whatsoever to any party and without any obligation save that which we owe to a common country.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. Certainly.

Mr. RAYNER. We have not had an opportunity of reading the Senator's amendment. I ask the Senator the question: Does the amendment exempt all corporations in the United States from the payment of an income tax?

Mr. CUMMINS. It levies an income tax solely upon the incomes of individuals.

Mr. RAYNER. Then you have an amendment providing for an income tax which practically exempts every corporation in the United States from paying an income tax? That is the point.

Mr. CUMMINS. Just exactly as the law of 1894 did. The law of 1894 provided that the income derived by the individual from a corporation that had paid an income tax should be deducted from his individual income, and this amendment reaches precisely the same result in, I think, a much more satisfactory and equitable way.

Mr. RAYNER. This amendment, in my judgment, does not at all reach the same practical result. What I want to get at is this: Under the law of 1894, corporations paid taxes on their incomes, while under the Senator's amendment no corporation in the United States would pay a dollar to the Government of the United States except in a roundabout way in which the Senator figures it out that it comes out of the pockets of individuals who get dividends from corporations.

Mr. CUMMINS. The Senator from Maryland is too good a lawyer and is too intelligent a man, I am sure, to put a misconstruction upon this amendment. I ask him again to recur to the point. The steel corporation——

Mr. RAYNER. What I want to ask the Senator is this: When you are imposing an income tax—I am not arguing the income tax at all—why not put the income tax on corporations and exempt whatever corporations you think are proper from the operation of the income tax, provided it is a geographically uniform tax? Why not put a tax on corporations? Why do you exclude corporations from the tax? We have not read the amendment; and I should like to hear some reason for such a provision.

Mr. CUMMINS. I will answer the Senator with pleasure.

Mr. RAYNER. We are after the corporations also, and I thought you were, too.

Mr. CUMMINS. I am after justice; I am not after the corporations.

Mr. RAYNER. No; I am after equal justice, but you are letting the corporations out.

Mr. CUMMINS. I favor an amendment which will accomplish justice throughout the United States. I answer the Senator from Maryland further in this way: The amendment which I have offered provides that the tax shall be levied upon all the dividends received from corporations. It is to be levied not only upon all the dividends received from corporations, but it is to be levied upon all undivided surplus or undivided profits of corporations. In that way it reaches every penny that is accumulated by a corporation in the way of net income.

Now, mark you, the reason that I prefer to reach the individual directly rather than the corporation is the one I have so repeatedly expressed. If you tax the corporation alone, or if you tax the corporation upon its entire net income, suppose that I were receiving from that corporation and from other sources an income of $100,000—a most impossible hypothesis, but I nevertheless assume it for the moment—and the Senator from Maryland was receiving an income from all sources, partially from the dividends of corporations, of $5,000——

Mr. RAYNER. That is impossible.

Mr. CUMMINS. Which is no impossible hypothesis——

Mr. RAYNER. It is impossible to myself in the same sense that it is as to the Senator.

Mr. CUMMINS. But do you not see the immediate injustice of it? The Senator would pay an income tax of 6 per cent on the income that he received from that corporation, although his entire income was less than the taxable amount, and I would be taxed also 6 per cent, being in the enjoyment of an income taxed at the highest rate. I am sure that if you once indorse a graduated income tax you must agree that it should be levied in the way that I have suggested, because in the end, I repeat, the income tax reaches the earnings of every corporation in the land and at the same time it does absolute justice among individuals.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. With pleasure.

Mr. SMITH of Michigan. I should like to ask the Senator from Iowa just how he proposes to reach this net income—whether in the form of surplus or undivided profits, where the advantage to the stockholder is in the book value of his stock, or in a suspense account that may not even take the form of surplus? Does the Senator propose to reach that value by some inquisitorial means?

Mr. CUMMINS. Mr. President, it will be necessary for the Senator from Michigan to define what he means by the word "inquisitorial." In a sense every taxing process is inquisitorial.

Mr. SMITH of Michigan. I use it in that way, and not as a criticism.

Mr. CUMMINS. And this amendment is not relieved of that character. But I will answer the Senator from Michigan, anticipating somewhat a full discussion of this measure. This amendment provides that the individual having an income of more than $5,000 shall make a report just as the law of 1894 and just as the law of 1861 provided.

Mr. SMITH of Michigan. That is, the individual citizen?

Mr. CUMMINS. Just wait a moment. Precisely; the individual citizen. It provides that every corporation shall make a report showing its gross income and its net income, showing the amounts that it has paid in the way of interest, in the way of dividends, showing what the amount of the undivided profits of the year are, and also showing the distributive share of each stockholder in the undivided profits, and that is added to the income of the individual precisely as the income that he has actually received in money.

Mr. SMITH of Michigan. Then, Mr. President, the proposition is to assess this income in the hands of the individual stockholder?

Mr. CUMMINS. It is, whether he is a stockholder or not—the individual.

Mr. SMITH of Michigan. In the hands of the individual stockholder. Then if you propose to do it in that way, how are you going to reach the individual stockholder who is not a resident of the country, who lives abroad, and over whose person you have no jurisdiction whatever?

Mr. CUMMINS. We shall reach that individual in precisely the same way he has always been reached; by just the same process as was employed in 1861, and just the same process as was employed in 1894.

Mr. SMITH of Michigan. Will the Senator from Iowa point that out?

Mr. CUMMINS. I pointed it out just a moment ago. We reach it by providing that a corporation must return all its earnings, its gross income, its net income, the names of its stockholders, and those persons, in so far as it knows them, to whom it pays dividends. If those persons be citizens of the United States residing abroad, their income is thus ascertained, just as it was in 1894. If they be aliens and residing in their own countries, then their incomes are reached precisely as under the law of 1894. There is no difference.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. The foreigner, then, is to be reached by some process under our law. He may also be reached by some process of similar nature in the country in which he resides. Is that the situation that we find him in?

Mr. CUMMINS. I do not know what situation the Senator from Michigan would find him in. I am reaching the property precisely as it was sought to be reached in 1894. We might not be able to find the property of those nonresident aliens upon which to levy a distress warrant.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. Then, if you did not find his property, he would escape paying his proportion, notwithstanding his participation in American dividends.

Mr. CUMMINS. Oh, no.

Mr. SMITH of Michigan. For instance—if I do not interrupt the Senator against his wish——

Mr. CUMMINS. Not at all. Although I had not intended at this time to enter upon any such detailed discussion of this measure, I am willing to answer any inquiry.

Mr. SMITH of Michigan. The Senator's remarks are very interesting; but I think it is a well-known fact that much stock in American corporations is held abroad; that there are many stockholders and bondholders in American enterprises who live abroad subject to the jurisdiction and laws of their own countries. Now, it is just a little beyond my ability to comprehend how the Senator is going to reach that class of stockholders unless he puts his tax upon the corporation itself.

Mr. CUMMINS. Mr. President, I will delay making a full answer to that question until the Senator from Michigan has had an opportunity to read the amendment. He will find, however, that there is just as effective a way of reaching the income of the individual whom he has in mind as there was in the law of 1861 or the law of 1894.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. Certainly.

Mr. SMITH of Michigan. I sincerely hope that that is so.

Mr. CUMMINS. If that is not so, the Senator from Michigan can amend the amendment.

Mr. SMITH of Michigan. No. I sincerely hope that the scope of the Senator's amendment is such that its operation and effect will not be to make it convenient or desirable for dummy holders in American corporations to have their residence abroad. If we are to have an income-tax law, it should be uniform, and it should apply to all people alike, whether natural or artificial, and in proportion to their incomes.

But I do not hesitate one moment to say that there is a large part of the stock and securities of prosperous American corporations held abroad in the leading financial centers of the world. I do not understand why these corporations should be relieved of this additional burden or the exactions by the Government, unless it is as a favor to them and not as a right.

Mr. CUMMINS. Mr. President, with the general sentiment expressed by the Senator from Michigan I am in entire accord, and I think that he does not mean to be understood as accusing me of any desire to favor corporations.

Mr. SMITH of Michigan. No.

Mr. CUMMINS. There is a history behind every man which either approves or condemns his course in any such respect as that; and I have a history which, I think, relieves me of any such imputation.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. With that history I am very familiar. I am well aware of the consistent record of the Senator from Iowa in his desire to have all property, whether corporate or personal, bear its just proportion of the expenses of the Government. I have no criticism to make upon him; in fact, I have nothing but praise for him, and I am listening to what he has to say with a great deal of interest. I regret very much that he seems by force of circumstances to be obliged to speak so briefly this morning, for I had hoped to hear him more at length, and shall examine his amendment with a great deal of care. My respect for the Senator from Iowa is such that I acquit him promptly of any desire to furnish immunity to corporations.

Mr. CUMMINS. Mr. President, I did not believe for a moment that the Senator from Michigan entertained a thought of that character. I said what I did only to prevent the possibility of misapprehension on the part of others. In this amendment I have used all the ingenuity I possess to reach the very persons to whom he has referred. If I have failed in that respect, I can not doubt that before the discussion has gone far in a tribunal of this character that defect will be remedied.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. If I will not disturb the Senator from Iowa, I should like to ask him a question for my own information. I did not have the opportunity of hearing the amendment read.

Mr. CUMMINS. It has not been read.

Mr. SUTHERLAND. But if I understand what the Senator has said, his amendment proposes to tax the incomes of individuals only; it makes an exemption of incomes under $5,000, and entirely relieves the incomes of corporations from the tax, provided it has been paid in the shape of dividends. Am I correct about that, I will ask the Senator?

Mr. CUMMINS. The Senator is correct.

Mr. SUTHERLAND. Let me ask the Senator this question: Suppose we have a corporation which distributes dividends amounting to $100,000. It has 50 shareholders, and we will assume that each shareholder has an equal amount of stock, so that each shareholder would receive $2,000 in dividends. Under the Senator's proposed amendment none of those shareholders would pay any tax at all, as I understand.

Mr. CUMMINS. I have not so said.

Mr. SUTHERLAND. Well, then, the Senator did not——

Mr. CUMMINS. If the Senator will permit me, I will correct him just at that point.

Mr. SUTHERLAND. I will be glad to have the Senator do so.

Mr. CUMMINS. In the case that he has imagined, if the $2,000 received as dividends on stock in the corporation constitutes the only income received by the shareholders, then that income would be exempt. If, on the other hand, the income from other sources raises the income of the individual to $5,000 or more, then this tax would fall upon him.

Mr. SUTHERLAND. Mr. President, I did not misunderstand the amendment, only I did not put my supposition quite far enough. We will suppose, then, that the 50 shareholders receive an equal amount of the dividend, $2,000 each, and that no one of them has an income from any other source, so that the $2,000 represents the entire income. In that case not one of those shareholders would pay a cent of tax. That is correct, is it not?

Mr. CUMMINS. That is true.

Mr. SUTHERLAND. And, notwithstanding the fact that the corporation had an income of $100,000, the corporation would pay no tax?

Mr. CUMMINS. That is true—no income tax.

Mr. SUTHERLAND. So that there is an income of $100,000 of the corporation upon which no tax at all is paid? Is that the result?

Mr. CUMMINS. That would be the result in the particular instance the Senator has given. But, Mr. President, I am not to be terrified by any such result. I do not believe that an individual with an income of $2,000 derived from a corporation should be taxed any more than an individual receiving $2,000 by way of a salary. I am attempting to reach the aggregate, the ultimate, the final result. The corporation is simply the instrumentality for the enrichment of its stockholders, and if that instrumentality results in conferring upon its stockholders an income above the minimum fixed by the amendment, then it should be taxed; but if that income is below the minimum, there is no more reason for imposing a tax upon it than there would be if it were derived as a salary or as profit in a real-estate transaction or as the profits of a farm.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. Certainly.

Mr. RAYNER. We have not had an opportunity to look at the Senator's amendment. I should like to give the Senator a concrete, but at the same time a suppositious, case. Let us take the case, for instance, of Mr. Carnegie. That merely exemplifies hundreds of cases, because there are hundreds of people living abroad who draw their income and dividends from domestic corporations. There is no doubt about that. Now, suppose that Mr. Carnegie to-day was getting an income of $500,000 a year in the way of dividends from the Bethlehem Steel Company. The Senator's amendment does not touch the steel company, and there is no way on the face of the earth to collect an income tax from him unless he has property in the United States that you can distrain on.

Mr. CUMMINS. The Senator has not read the amendment.

Mr. RAYNER. You can not make an amendment to cover that case.

Mr. CUMMINS. Very well.

Mr. RAYNER. If the man has no property, how will you collect an income tax if he lives abroad?

Mr. CUMMINS. It is evident the Senator does not desire to ask me a question, and I will yield at the proper time to any argument that he may desire to make.

Mr. RAYNER. I ask the Senator how he would get that tax?

Mr. CUMMINS. The Senator says it can not be done.

Mr. RAYNER. If I may be permitted to ask a question, How does the Senator propose to collect an income tax in such a case as I have given?

Mr. CUMMINS. I propose that the corporation shall pay that tax.

Mr. RAYNER. Does the amendment of the Senator say that the corporation shall pay it?

Mr. CUMMINS. As I understand, the duty could be collected from the corporation, but I will strengthen it in that particular.

Mr. RAYNER. I have not read it. I should like the Senator to point that clause out. It is a very important feature if it says so. The Senator from Michigan [Mr. SMITH] and myself both think that it does not cover that case.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I do not wish to annoy the Senator from Iowa.

Mr. CUMMINS. The Senator does not annoy me at all.

Mr. SMITH of Michigan. The suggestion of the Senator from Utah [Mr. SUTHERLAND] impressed me very much, and the answer given by the Senator from Iowa, it seems to me, leads to this, that under his amendment you can not reach an individual income until it exceeds $5,000. Is that correct?

Mr. CUMMINS. Yes.

Mr. SMITH of Michigan. Then, if the income of $2,000 from a given corporation, as suggested by the Senator from Utah,

is the income of the head of a house, until it reaches the $5,000 mark you can not touch it, and it is not the Senator's desire to reach it. Is that correct?

Mr. CUMMINS. That is correct.

Mr. SMITH of Michigan. Now, suppose the income gets to be $10,000 for the same individual, that he has five children in his family, and that each one of the children is given an equal share in the dividend-producing stock, how are you to reach it? I should like to know whether the amendment of the Senator will reach such an income as that?

Mr. CUMMINS. Mr. President, the amendment provides that there is to be but one exemption of $5,000 in such a case as that suggested by the Senator from Michigan.

Mr. SMITH of Michigan. That is, in the family?

Mr. CUMMINS. In the family.

Mr. SMITH of Michigan. Well, does that include the collateral family, in which distant relatives have a share?

Mr. CUMMINS. I do not know, Mr. President, what a collateral family is. It is supposed to be against good morals to maintain a collateral family. [Laughter.]

Mr. SMITH of Michigan. I congratulate the Senator from Iowa heartily that he does not know what a collateral family is. [Laughter.]

Mr. CUMMINS. In turn, if the Senator from Michigan has any experience about that——

Mr. SMITH of Michigan. I have a very large experience.

Mr. CUMMINS. I suppose we will hear of it later on.

Mr. SMITH of Michigan. Probably; but my experience grows out of the fact that my name happens to be "Smith." [Laughter.]

Mr. CUMMINS. I again congratulate the Senator.

Mr. President, I am sure the Senate will acquit me of any original intent to delay the regular order of the Senate by such an extended discussion. I am not at all blamable, I think. I rose simply to make some observations with regard to an income tax generally. The details of the amendment I have offered will be better understood and more intelligently debated after the amendment shall have been printed and after Senators shall have carefully considered it.

But I was rather entertained this morning in reading a newspaper containing the suggestion that it was the purpose of Republican Senators who favor an income-tax law to invade in some way the system of protection—that it was an insidious attack upon this fundamental principle of the Republican organization. I desire to disclaim any such purpose upon my part. There is no Senator who yields allegiance to the Republican party who is more firmly wedded to the doctrine of protection than I. I understand that I came into the Senate with some suspicion respecting my soundness upon the policy of protection. I frankly admit, if I am to be measured by the test imposed by that association of selfishness and slander known as the "Protective League," that I am not sound upon the doctrine of protection; but if I may be measured by Republican platforms, by the utterances of McKinley and of Garfield and of Allison and of Blaine, then I am as sound as any Senator who marches under the political banner to which I yield my loyalty.

I am not in favor of an income tax for the purpose of destroying the efficiency of the system of protection, and if it be true that an import-duty law can not be adjusted so as to afford ample and adequate protection to American industry without foreclosing the opportunity for the operation of an income-tax law, then I abandon the income-tax provision, for I have no desire to invade by a hair's breadth the established and long-continued policy of the party to which I belong of giving full and ample protection to the American as against every other man on the face of the earth.

I have heard it said—and I think it was first said by a very distinguished Democrat—that an income tax was a Populistic doctrine. If it be Populistic, if it be the emanation of that party that we know as the Populist party, then we owe that party a deep and abiding obligation.

But, again, I must call your attention to history. It is of ancient origin, for when the forefathers were fighting the Revolutionary war, the mother country was levying an income tax; and when the Constitution of the United States was adopted more than one of the colonies was raising its revenues in this manner. It is, so far from being what is ordinarily accepted as Populistic, a long-established and almost universally recognized principle of political economy.

I shall say no more upon that subject; and I come immediately to the phase which I think most interests Republican Senators, and to which I intended when I rose to devote my principal attention. It is this: If we do not need the revenue that would be derived from an income tax, then there ought to be an end of the discussion. The Senator from Rhode Island [Mr. ALDRICH] on Monday morning stated in substance, as I understood him, that we did not need more revenue than will be received at the custom-houses, and that, if the adjustment of the import duties presented by the committee is disturbed, we will have either too large a revenue or too little protection. This, in effect, was the statement made by the distinguished chairman of the Committee on Finance. If these conclusions are sound, I for one abandon my proposal for an income tax, for I say without hesitation that if in securing adequate protection a revenue is necessarily raised that will meet the reasonable expenditures of the Government, then, from my standpoint, it would be an economic crime to impose a tax on incomes. Therefore let us examine the validity of the conclusion.

I take up, first, the expenditures for the year ending June 30, 1910. Do not understand me to oppose my inexperienced and immature judgment upon those matters which fall within the scope and within the learning of the chairman of the Finance Committee against his. There are some things upon which I yield to him an immediate superiority; but there are some things involved in the statement made by the Senator from Rhode Island on Monday morning concerning which every Senator in this Chamber, no matter how brief his service may have been, is just as good a judge as is the Senator from Rhode Island.

As I have said, I take up, first, the expenditures for the year ending June 30, 1910. Congress has already appropriated $1,044,000,000 for those expenditures. The Senator from Rhode Island first adds $20,000,000 for the postal deficit of the year. I take no issue with him with respect to that item. It makes the total expenditures for the coming year $1,064,000,000. He then deducts appropriations for the Post-Office Department, $235,000,000; the sinking fund, $60,000,000; the national-bank fund, $30,000; and the Panama Canal expense, $37,000,000. The result, to be entirely accurate, is a probable expenditure of $702,000,000. The reason for the deduction of the Panama Canal expense is obvious, but the reason for the elimination of the sinking fund of $60,000,000 is not so clear, at least to me, unless the Senator contemplates an abandonment of all effort to reduce the national debt, and proposes to establish it as a permanent institution.

I shall not, however, at this time inquire into the wisdom of eliminating the sinking fund, and shall assume, in accordance with the judgment of the Senator from Rhode Island, that a prudent Congress will make provision for a revenue to at least the extent of $702,000,000, without impairing seriously our present surplus.

I turn now to his statement with respect to the receipts for the year ending June 30, 1910. His estimate is $655,000,000, leaving a deficit, upon his own showing, of $47,000,000. While I am willing to accept implicitly the conclusions of the Senator from Rhode Island growing out of the application of any given schedule to any given importation, I am not willing to accept his estimate of the probable receipts at the custom-houses for the coming year. He assumes that the importations for 1910 will equal the importations of 1907, and, applying the duties recommended by the committee, he estimates that the receipts will be $340,000,000 at the custom-houses, and to this he adds $5,000,000 for better administration of the law, making a total of $345,000,000.

My skepticism with respect to this conclusion does not arise from any lack of confidence in the skill of the Senator from Rhode Island in applying rates to importations. It arises because I do not believe we will reach in 1910 the enormous volume of business done in 1907.

It required nine years of extraordinary conditions, nine years of such prosperity as the American people never before knew to reach the climax of 1907. The severity of the depression which began in October of that year is just fairly dawning upon our minds, and I can not concede that for the year beginning now in two months and ending on the 30th of June, 1910, importations will reach the wonderful volume of that unparalleled year, 1907. It seems to me it would have been more prudent—and I submit it to you, Senators, whose judgments are better than mine—to take the average of 1907 and 1909 or the average of 1906 and 1907——

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. RAYNER. I was only going to ask the Senator a question for information.

Mr. CUMMINS. I do.

Mr. RAYNER. Am I correct in the statement that in 1907 the importations ran from fifty to a hundred and fifty million dollars more than they did for any of the years from 1900 to 1909?

Mr. CUMMINS. You are.

Mr. RAYNER. What is giving me trouble about the statement is this: The Senator from Rhode Island takes the importations from the 1st of March to the 15th of April and shows by actual figures that there was a $12,000,000 increase between the 1st of March and the 15th of April. Then he makes the calculation that if the increase in 1910 is at the same ratio, we will, in that year, equal the importations of 1907. Does the Senator from Iowa propose to take up that part of the statement which the Senator from Rhode Island submitted to the Senate?

I will make it clearer. I have not the figures before me now. He stated that the importations from the 1st of March to the 15th of April increased, as compared with the corresponding days in 1908, $12,000,000. That is correct, is it not?

Mr. CUMMINS. I do not distinctly hear the figures given by the Senator from Maryland.

Mr. RAYNER. I will give the figures in a moment. Here is the statement. The Senator from Rhode Island said:

> Business activity and the movement for increased importations has already commenced. We can feel the change in the air—

That is the only place where we will feel it, I am afraid—

> The customs receipts for the thirty-nine business days from March 1 to April 15, inclusive, increased, as compared with the corresponding days in 1908, $12,031,093.08, or an average daily increase of $261,545.50. If this rate of increase should continue throughout the next year, it would lead to an increase in the customs revenue for that year of $81,600,000.

I understand the Senator takes that showing and proves by it that we will have the importations that we had in 1907, and while there will be a deficiency of about $45,000,000 in 1910, which he proposes to pay from what he calls the "surplus" in the Treasury—I call it the cash balance, but call it surplus or what you will—there will be a surplus of revenue in 1911. Has the Senator from Iowa examined the statement to which I have referred, to see whether it would carry out the conclusion the Senator from Rhode Island said it would, and that we would in all probability in 1910 have receipts running up to $663,000,000 as we did in 1907?

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. ALDRICH. I did not understand the last remark of the Senator from Maryland.

Mr. RAYNER. I will read the balance of it.

Mr. ALDRICH. No; that is not necessary; but I do not understand the last statement about $663,000,000. What does the Senator refer to?

Mr. RAYNER. Those were the receipts for 1907—six hundred and sixty-three million one hundred and forty-odd thousand dollars.

Mr. ALDRICH. That is not from customs.

Mr. CUMMINS. That is the entire revenue.

Mr. ALDRICH. The entire revenue.

Mr. RAYNER. I understand it is. The customs receipts were three hundred and odd million dollars.

Mr. CUMMINS. Three hundred and thirty-two million dollars.

Mr. RAYNER. Three hundred and thirty-two million dollars. The Senator from Rhode Island says this, and I thought he might make a further explanation of it.

I am not attacking these figures. I have simply risen for the purpose of information. I am very frank to say I am opposed to this bill and I shall vote against it, and in a few days I hope to address the Senate against it. I should like to see this bill or such a bill framed as will raise sufficient revenue.

The Senator from Rhode Island says:

> It will thus be seen that by taking the importations of 1909 as a basis and making proper allowance for increases, we obtain practically the same figures as those based upon the importations of 1907, confirming the result of my first calculation.

Mr. ALDRICH. I will explain that in this way: I think the Senator from Maryland will see in a moment what I was trying to get at in that sentence. The customs revenue for the current year will be $300,000,000, approximately. It can not vary more than three or four million dollars from that sum. If we add to that the increased ratio which has already taken place—that is, from the 1st of March until the 15th of April—we shall have more than $350,000,000, or approximately $350,000,000, of revenue, exclusive of the added amounts of revenue which will be derived from the Senate bill, as compared with existing law.

Mr. RAYNER. One moment, before the Senator takes his seat.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Maryland?

Mr. CUMMINS. I yield. I assume the Senator is asking a question of the Senator from Rhode Island.

Mr. RAYNER. Yes.

Mr. CUMMINS. I say the Senator is asking the Senator from Rhode Island.

Mr. RAYNER. I will ask it of you.

Mr. CUMMINS. I yield.

Mr. RAYNER. I will ask the Senator from Iowa. I suppose he will answer it.

Mr. CUMMINS. I yield.

Mr. RAYNER. Is this increase in duties largely derived, and almost entirely derived, from the increase in the wine schedule and the change from ad valorem to specific duties on silks?

Mr. ALDRICH. Almost entirely.

Mr. CUMMINS. In this very interesting colloquy I have really failed to catch the question desired to be put to me by the Senator from Maryland. Will he restate it?

Mr. RAYNER. The question which "the Senator from Maryland" wanted to ask the Senator from Iowa is whether or not he agrees with the Senator from Rhode Island that the increase from the 1st of March to the 15th of April will keep on, so that we will have the importations we had in 1907? I only want the Senator's opinion upon that point.

Mr. CUMMINS. I will reach that in a moment.

At the time I was interrupted by the Senator from Maryland I was dealing with the comparison instituted by the Senator from Rhode Island with respect to the probable importations for the year 1910. It was his opinion, inasmuch as we were recovering from the depression of 1907, the volume of business for the coming year would be as great as for the year 1907, and it was with regard to his judgment or opinion upon that point that I ventured the dissent. I do not believe that Congress can safely proceed upon that hypothesis, and I desire especially to impress it upon Senators. We can not in 1910 attain that high point either in consumption or in production which we enjoyed in 1907, and I was suggesting that it would have been more prudent to have combined the revenues of two years, say of 1906 or of 1909 with the revenue of 1907, and ascertain in that way what will probably be gathered at the custom-houses for the year ending June 30, 1910. I have done so, and the result, adding the eight millions that the Senator from Rhode Island says, and I accept his judgment upon that point, will be added to our revenues upon the same importations, will be that our revenues for the year 1910, gathered at the custom-houses, will be approximately $342,000,000.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. ALDRICH. Will the Senator yield to me for a moment?

Mr. CUMMINS. I do.

Mr. ALDRICH. The average increase of revenue for the thirty-nine business days between the 1st of March and the 16th of April was $261,000 per day. I have just before me the receipts for the period from the 17th to the 20th day of April. They have just reached me this morning. The average is $261,000 a day. For the 20th of April the customs receipts were $1,040,000, against $570,000 a year ago, being an increase on this day of $462,000 against an average of $261,000 for the total period from March 1 to April 15.

Mr. CUMMINS. I was about to reach that point in the comparison. I take it for granted, then, that if there had been no increase within the last few days, as compared with similar days in 1908, even the Senator from Rhode Island would hesitate to affirm that the revenues from the custom-houses in the year 1910 would exceed $324,000,000. He supplements, strengthens, and corroborates that conclusion by a reference to the dealings at the custom-houses within the last month or so.

Mr. ALDRICH. As we are discussing now the probable revenues for the year 1910, will the Senator allow me to put into the RECORD a statement made by the Chief of the Warrant Division of the Treasury? I prepared these figures and estimates by myself, after having consulted with the various experts of the Treasury Department. After they were prepared, I asked the Chief of the Warrant Division of the Treasury Department, who is recognized as a better authority than any other man in the country, to give me his idea as to what the revenue would be in the year 1910; and if the Senator will bear with me, I will be glad to read his statement.

Mr. CUMMINS. I shall be very glad to yield for that purpose.

Mr. ALDRICH. It was received by me after my own computation had been made. He says:

Considering the growth of population, with its future demands, and noting the increase of revenue now coming to the Treasury, indicating renewal of business activity, it seems most probable that the customs receipts will show material gains in the ensuing year over the increase commenced in February, 1909.

Therefore, the receipts for 1910 should be at least $340,000,000, or an average of twenty-eight and one-half millions a month.

This does not take into consideration the increase in revenue which would necessarily follow the enactment of the Senate bill of about $9,000,000 over the present law, the Dingley rates. That would bring the estimated receipts, upon the basis of this estimate, to $350,000,000, which is $5,000,000 more than my own estimate. I feel that I ought to put in this statement in justice to the officials of the Treasury Department, who have given this matter careful attention.

Mr. CUMMINS. The statement just read by the Senator from Rhode Island, in so far as I am concerned, adds nothing whatsoever to the weight or force of the conclusions announced by the Senator Monday morning. I will accept the opinion of the chief of any department—a man of skill, a man of experience—with regard to the application of the law to a given business; but in attempting to determine what the business of the United States will be in the coming year, how rapidly we will recover from the depression we have suffered, I would vastly rather have the opinion of the Senator from Rhode Island, with his wide observation, with his years of experience, than the opinion of any official of any department of the Government; and I am asking the Senators to weigh the judgment of the Senator from Rhode Island, expressed, I have no doubt, with absolute honesty and entire sincerity. But his conclusion and the conclusion of the chief of the Treasury Department are based upon the hypothesis that the American people will do as much business in 1910 as they did in 1907. I dissent from that hypothesis. I do not believe we will so speedily recover, and I can not think it prudent for the American Congress to adjust its affairs—affairs of so vital moment—upon the opinion of any man, if you please, with respect to the recovery from a financial and industrial depression.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. May I ask the Senator from Iowa what revenue he expects to obtain from the measure he has introduced?

Mr. CUMMINS. The revenue that would be obtained from an income-tax law, as I have suggested, is conjectural. There are no statistics, at least at my command, that will enable me to answer that question save approximately. I believe that if the bill were in operation it would produce during a calendar year from forty to forty-five million dollars of revenue.

Mr. NEWLANDS. Will the Senator indulge me further?

Mr. CUMMINS. I will for a question. I feel exceedingly reluctant to consume the time of the Senate contrary to my original intention. If the Senator desires to ask a question, I will gladly yield.

Mr. NEWLANDS. I wish to ask a question, but a short statement will be necessary before I put it.

Mr. CUMMINS. I can not yield for the interjection of an argument.

The VICE-PRESIDENT. The Senator from Iowa declines to yield.

Mr. NEWLANDS. Very well. Then I will ask the Senator a question. Does the Senator believe that the entire constructive work of the country, such as the work on the Panama Canal, the work which we anticipate entering upon regarding the improvements of rivers and harbors, aggregating some $50,000,000 annually, the work which we expect to enter upon in the construction of public buildings upon some comprehensive plan, involving an expense of from thirty to fifty million dollars annually, should come entirely out of bond issues, or does he think it wise to provide additional revenue in order to meet those expenditures?

Mr. CUMMINS. In answer to the Senator from Nevada I will state, although my judgment may not be of great value upon that point, that in my opinion the expense connected with the construction of the Panama Canal ought to be borne entirely from the proceeds of an issue of bonds.

With regard to the other public improvements suggested in the question, I believe they ought to be borne out of the general revenues of the Government; and it is one of the purposes of this amendment so to enlarge those revenues that the improvements can be carried forward.

Mr. NEWLANDS. I will state that I am entirely in sympathy with the Senator from Iowa in that purpose——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Nevada?

Mr. CUMMINS. I will yield, though I have answered the question. However, recurring again to a point which it seems difficult to pass, if you will take the two years, 1907 and 1906 or 1907 and 1909, and combine the customs revenues of those two years and apply the very same rule that has been applied by the Senator from Rhode Island, you will have a revenue from the custom-houses of $324,000,000, that being $21,000,000 less than the amount estimated by the Senator from Rhode Island; and, added to the deficit which it is acknowledged will exist in the year 1910, we have a deficit of $66,000,000 instead of a deficit of $44,000,000.

I now come for a moment to the comparison instituted of the work done in the last few weeks.

I decline to accept the results of importations since we entered upon the composition of the tariff bill as any index of the importations throughout the year. At their best, a few days or a few weeks do not furnish sufficient basis for any prudent conclusion. But least of all do the days and weeks through which we have passed now for a month furnish the evidence upon which you would act in determining whether importations will grow as rapidly as suggested in the comparison. I can not think that in determining what revenues we ought to have, a wise and a prudent Congress will assume that the importations will be accelerated and multiplied as they have been during the last few days.

I have now suggested everything I desire to say with regard to the expenditures of 1910. I pass over now to 1911, that being the last period covered by the Senator from Rhode Island. In ascertaining our condition at the close of the year 1911, he assumes that the customs revenues will increase $40,000,000 over and above his estimate for the year 1910. I can not think that it is in harmony with what we know about the business of this country to assume that in 1911 our customs revenues will exceed the revenues of 1910 by $40,000,000.

Mr. ALDRICH. The Senator does not take into consideration any other source of revenue.

Mr. CUMMINS. I assume that you do not expect any great addition in any other revenues than the customs.

Mr. ALDRICH. I do expect——

Mr. CUMMINS. There has not yet been pointed out, so far as I know, any increase in revenue other than at the custom-houses of the country.

Mr. KEAN. If the Senator will allow me——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I do.

Mr. KEAN. For the month so far the internal-revenue receipts are $12,000,000, while last year they were $11,521,000, being half a million dollars more.

Mr. CUMMINS. I understand perfectly the point made by the Senator from New Jersey; but if I were estimating a revenue for the United States, especially a revenue derived by a tax upon liquor, I would conclude that within the immediate future the result of that tax would be diminished rather than increased, for I believe it to be true, and I hope it is true, that there will be, under the vast, overwhelming development of sentiment sweeping now over this country, a marked diminution in the consumption of this seductive article.

Mr. KEAN. I will say to the Senator that my information is that the increase in internal revenue was not on liquors, but on tobacco.

Mr. ALDRICH. And beer.

Mr. KEAN. And beer.

Mr. CUMMINS. Let me ask, Is there any proposal to increase the duty on beer? I did not know that there was any such suggestion. I am heartily in favor of an increase in the duty on beer of half a dollar a barrel, but I did not understand that the Finance Committee had reported any such measure. Is it not true that the duty remains the same in the bill as reported?

Mr. ALDRICH. It does, as far as the committee is concerned. Of course I do not know what is in the mind of the Senator from Iowa.

Mr. CUMMINS. I can not blame the Senator for not knowing. He has made no effort to ascertain.

So, Mr. President, it is hardly prudent to assume that the receipts of 1911 will be increased $45,000,000 over those of 1910. I refer now to the very last item that has been under consideration. In reaching the conclusion that no further reve-

nues were needed, the Senator from Rhode Island assumes that in the year 1911 the appropriations made by Congress for conducting the Government of the United States will be $35,000,000 less than are now appropriated for the management of our affairs in 1910. I will join the Senator from Rhode Island in reducing the expenditures of this country to the very lowest point of efficiency. Here is a matter of judgment for every Senator. Do you believe that we will be able when we come to make our appropriations for 1911 to reduce those appropriations below the limit of 1910?

I grant you that there is abundant room for reform; I grant you that large sums of money can be saved by a prudent revision of some of our departments; but do you not believe that it will require all the strength and all the virtue held by the Congress to limit for the year 1911 our expenditures to the sum appropriated for 1910?

If when we consider the growth of this country, the rapidity with which the Government takes on new functions, we can hold our expenditures to the amount appropriated in 1910, we will have done more than most of the optimistic and sanguine Senators believe can be done. If this country grows in its importations, if it grows in its internal revenues, it will also grow in its demands upon the Government in the exercise of duties and of functions not now provided by law, and if we will join hands in the effort to prevent the increase of the aggregate amount appropriated for this year in the coming year, we will have served the people whom we represent faithfully and well.

If I am right with respect to these things, Senators, we need the revenue that will be raised by an income-tax provision. We need it for the wise and economical and efficient administration of a government like ours. We may differ with regard to the propriety of an income-tax law. Some of you may prefer an inheritance-tax law; some of you may prefer some other form of adding to the revenues of the Government; but I hope that the merits of the measure which I have offered will be considered not upon the assumption that it creates a useless, unnecessary revenue, but that it will be considered in comparison with other proposals for adding to the revenue of the United States, and when so considered I can not doubt that a wise, just, and honest result will be attained.

Mr. BACON. Before the Senator takes his seat I desire to ask him a question, with his permission.

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. CUMMINS. With pleasure.

Mr. BACON. I have listened with very great interest to the Senator's speech from beginning to end, and my inquiry is prompted by the fact that I have failed to hear from the Senator an allusion to a certain phase of this question. I understand the distinguished and learned Senator to base his support of the proposition for an income tax solely upon the ground that the bill as proposed by the committee will not yield, in all probability, a sufficiency of revenue for the support of the Government. I understood the Senator further to say that if he was wrong in that contention, he abandoned his advocacy of the income tax. Am I correct in that understanding?

Mr. CUMMINS. The Senator from Georgia does not state my meaning, at least with perfect accuracy.

Mr. BACON. I shall be very glad to be corrected, then.

Mr. CUMMINS. I will restate it. I said that if I must choose between an adequate and complete protection to the industries of the United States and an income-tax law, I unhesitatingly would choose the former.

Mr. BACON. I understood the Senator to say that; but what I understood him to advocate was the adoption of his amendment or some kindred proposition exclusively upon the ground that the bill as proposed would, in his judgment, not yield a sufficiency of revenue, and the Senator did not base his advocacy of it upon any other ground.

Mr. CUMMINS. It is my opinion, answering the Senator from Georgia, Mr. President, that the bill as reported by the Senate committee will not yield sufficient revenue for the fair and economical administration of the concerns of the United States, and that an income-tax law is the fairest and justest supplement that can be added to create the necessary revenue.

Mr. BACON. Then I will put the question to the Senator in another form. If the Senator can be satisfied that he is not well justified in the apprehension which he has expressed this morning as to the insufficiency of the revenue to be raised under the bill to meet the demands of the Government, that he is wrong in that particular, and that the Senator from Rhode Island is, on the contrary, correct, does the Senator from Iowa then abandon his advocacy of an income tax as an amendment to this bill?

Mr. CUMMINS. I do not——

Mr. BACON. That is what I wanted to find out from the Senator, because——

Mr. CUMMINS. If the Senator will allow me to conclude my answer——

Mr. BACON. Certainly.

Mr. CUMMINS. I do not, because I believe that the bill as reported by the Senate committee can be so readjusted as to decrease the revenue and still afford adequate protection, and for that diminution I would prefer a revenue raised by an income tax.

Mr. BACON. That is the point upon which I wished to hear the Senator, and I listened with very great interest and attention to his speech from the beginning to the end to see if the Senator would touch upon that which I regard as the vital consideration in connection with the advocacy of an income tax.

Now, Mr. President, as the Senator has concluded his speech, and I have not completed my inquiry of him, I ask him to pardon me for being a little more prolix than I would otherwise be if he were in the delivery of his address. I have purposely omitted interrupting him pending that time, my object being to have a little more opportunity to make myself plain and clear in the inquiry which I desire to make of the Senator.

From my standpoint, believing as I do in the policy and propriety of the laying of an income tax, the important consideration in connection with it is not based upon the apprehension which has so disturbed the Senator from Iowa, that there may not be sufficiency of revenue, because I have great confidence in the judgment of my learned and distinguished friend from Rhode Island [Mr. ALDRICH] in regard to that matter, but my trouble is this: If I have understood correctly the demand which has come up from the American people for a revision of the tariff law, it is a demand so loud that the Republican party itself could not turn a deaf ear to it, and was unwilling to go into the campaign until it had made a pledge upon that subject.

My understanding of the cause of that demand was that the burden of taxation rested so heavily upon the great masses of the people of the United States; and when I say that, I am not speaking of those who are poverty stricken, but of the masses of the people who are in moderately good circumstances, people who live by salaries and who live by wages, and people who live from incomes in small business. The burden upon them was so great as to become intolerable, and the people of the United States desired that the tariff law should be revised in order that that burden might be decreased and that they might be put in a more tolerable condition in the bearing of the expense of comfortable living. In other words, the great masses of the people of the United States were in a condition where food cost them too much, where raiment cost them too much, and where the expense of every incident of life necessary for a comfortable living was in excess of that which they could reasonably supply from ordinary incomes.

Now, the point of the inquiry which I desire to make——

Mr. ALDRICH. Mr. President——

Mr. BACON. If the Senator from Rhode Island will pardon me a moment, my point is this: Does the Senator from Iowa believe that the bill which has been reported from the committee will relieve the great masses of the people of this country of the burden of the excessive cost of living? Will it enable them to get their food cheaper? Will it enable them to get their raiment cheaper? Will it enable them to put shoes upon the feet of their children and hats upon their heads and coats upon their backs cheaper than has been the case heretofore?

Mr. President, of course all this matter is to be thrashed out during the debate on this bill. I do not propose now to enter upon a discussion of the details, but I wanted to bring the attention of the Senator from Iowa to the fact that, with some of us a least, the ground upon which we base the advocacy of an income-tax law is not that there shall be an increase of revenue, as was suggested by the Senator from Rhode Island in his speech on Monday, but that even if there should be no increase of revenue it may be so readjusted through the enactment of an income-tax law that a large part of the burden of the revenue may fall where it does not now rest, upon the wealth of the country, and that it may be taken off where it now rests in such an intolerable burden, from the masses of the people, destroying their efforts to secure a comfortable living for themselves and their families.

Mr. ALDRICH. Will the Senator allow me?

The VICE-PRESIDENT. The Senator will suspend. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated by the Secretary.

The SECRETARY. A bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. The suggestion which I wish to make to the Senator from Georgia is this: I am very glad that he has asked this question in the form he has, because if I did not misunderstand the Senator from Iowa he agrees substantially with what the Senator from Georgia is now saying. There may be a question of degrees, perhaps, between himself and the Senator from Georgia, but I would be glad to have this matter thoroughly understood. I am glad the Senator from Georgia has asked the question, because if I did not misunderstand the remark of the Senator from Iowa a moment ago he is desirous of reducing the taxes imposed by the pending bill.

Mr. BACON. I suppose the Senator from Iowa would have given that assurance if the Senator from Rhode Island had not kindly relieved him of the trouble or necessity of doing so.

Mr. CUMMINS. I did not hear the Senator's remark.

Mr. BACON. I am glad to have the assurance that such is the desire of the Senator from Iowa, even if it has been given through the medium of his distinguished leader, the Senator from Rhode Island.

Mr. ALDRICH. I understood the Senator from Iowa himself to say it.

Mr. BACON. I suppose so, and I said that I had no doubt the Senator from Iowa would say it if the Senator from Rhode Island did not anticipate it and say it for him.

Mr. CUMMINS. Mr. President——

Mr. BACON. But I want to say this, if my distinguished friend from Iowa will permit: As the Senator has said in the course of his remarks, he has a history, one which was known to many of us before he came to this Chamber, at least in part. We had marked the very active and efficient advocacy by the then distinguished governor of Iowa, not only in his official utterances, but in his addresses before the people, his great concern, his well-founded concern, and most admirably expressed concern at, I will not use the word "iniquities," but the oppression of the tariff, and in the injustice which was imposed by it upon the consumers of the country.

I confess that when the Senator from Iowa rose in his place this morning to advocate an income tax, I expected to hear a most instructive and, to me, a most gratifying disquisition upon the suggestion that the income tax was one which should be laid and which should have its greatest foundation in the great necessity to shift the burden of taxation from the shoulders of the ordinary consumers, those who are so little able to bear it, and should rest it in part, at least, so far as the machinery and the constitutional power of this Government may permit, upon the shoulders of those who have the great wealth of the country and who, under our peculiar system of government, bear no appreciable part in the support of the Government, the entire support of the Government resting upon consumers and being almost per capita, regardless of the wealth and ability of the respective citizens to bear each his part.

Therefore, I desired to ask the Senator from Iowa whether or not, in his judgment, the ground for the imposition of the income tax in this particular juncture was rested upon the necessity for an additional revenue, or whether it was rested upon the importance of shifting the burden of taxation from the great masses of consumers, so far as we may be able to do it, to rest it in part, at least, upon the shoulders of those who have the wealth of the country. I wanted to know which, in the opinion of the Senator from Iowa, is the more important consideration, he having given his entire time to the one and having entirely omitted the other.

Mr. CUMMINS. Mr. President, in answer to the question of the Senator from Georgia, I must remind him that it was not my purpose when I rose this morning to present the amendment respecting an income tax to say everything that I think with regard to the tariff. I shall hope as the discussion proceeds to disclose my views with regard to certain duties that are reported in the bill now before the Senate.

I am a protectionist. I believe in protecting the American markets against unfair competition from other countries. I believe, however, that upon many of the articles which are found in the schedules of the bill reported by the Finance Committee the duties are higher than are necessary to accomplish that result, and I expect, as time goes on, to vote for such reductions as I believe ought to be made, but never for any reduction that will open unfairly the American market to the foreign producer.

I want that to be so distinctly understood that hereafter there can be no possible misapprehension about it. My complaint about the tariff law as it now exists, my complaint about the report as it is now before the Senate, is that it attaches duties that are too high to a great many of the articles which are fairly within the scope of a tariff law. I believe, as I said before, that I could, if I had the power, produce tariff schedules that would give to the American producer his due protection, that would diminish the revenues that are derived from the necessaries of life, to which the Senator from Georgia has referred, and that would give more ample room than now exists for the operation of an income-tax law.

But my purpose this morning was simply to show that even upon the bill as presented by the Finance Committee, with the revenues that could fairly be expected from such a law, we shall still need the income-tax law to supply the deficiencies of revenue.

Mr. BACON. If the Senator will pardon me, I still do not understand him, even with the assistance of the learned Senator from Rhode Island, to have entirely answered the question which I propounded, which is, If the Senator were satisfied that the Senator from Rhode Island is correct in his judgment that the bill will raise a sufficiency of revenue, would the Senator then be in favor still of an income-tax law?

Mr. CUMMINS. I would.

Mr. BACON. I would be glad to have the Senator state on what ground.

Mr. CUMMINS. Simply because if I could change the situation I would so rearrange and readjust these schedules as to decrease the revenue derived from the custom-houses and place it where it should belong—upon those fortunate people who enjoy large incomes.

Mr. BACON. Now, the Senator has stated exactly the thing I wanted him to state.

Mr. CUMMINS. I am very glad that I have at last made myself understood.

Mr. ALDRICH. Mr. President, I have heard too many discussions in the Senate over terms, as to whether a man was a protectionist or otherwise, to be anything but sanguine that sooner or later the Senator from Georgia and the Senator from Iowa will reach a satisfactory conclusion upon this question.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. I ask that the reading of the bill be proceeded with; that the reading be by paragraphs, with the understanding that no paragraph or no amendment suggested by the committee shall be acted upon about which there is any contention, and with the further understanding that we may go back at any time and take up any of the provisions of the bill which have been passed over.

Mr. BACON. I suggest to the Senator from Rhode Island that his motion possibly was not anticipated by the Senate, and——

Mr. ALDRICH. It was anticipated by the minority members of the committee, and the request is made on a full understanding with the minority members.

Mr. BACON. The Senator did not hear me through. I was simply suggesting that it might be well to have Senators now put upon notice of the fact that the motion is being called up which is now made by the Senator from Rhode Island.

Mr. ALDRICH. It is not a motion. The bill is now before the Senate.

Mr. BACON. Very well. I simply wish that Senators may be in their seats; that is all; and I think it very important.

Mr. ALDRICH. Does the Senator suggest the absence of a quorum?

Mr. BACON. I did not myself desire to make any suggestion, but I thought perhaps the Senator from Rhode Island would make it.

Mr. ALDRICH. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CARTER in the chair). The Senator from Rhode Island suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clarke, Ark.	Hughes	Piles
Bacon	Clay	Johnson, N. Dak.	Rayner
Bailey	Crane	Johnston, Ala.	Richardson
Beveridge	Cullom	Jones	Root
Borah	Cummins	Kean	Scott
Bourne	Depew	La Follette	Smith, Md.
Bradley	Dick	Lodge	Smith, Mich.
Brandegee	Dillingham	McCumber	Smith, S. C.
Bristow	Dolliver	McLaurin	Stephenson
Brown	du Pont	Money	Stone
Bulkeley	Elkins	Newlands	Sutherland
Burkett	Fletcher	Nixon	Taylor
Burrows	Flint	Oliver	Tillman
Burton	Frye	Overman	Warner
Carter	Gamble	Page	Warren
Chamberlain	Guggenheim	Paynter	Wetmore
Clapp	Hale	Penrose	
Clark, Wyo.	Heyburn	Perkins	

Mr. BAILEY (when Mr. SHIVELY's name was called). The Senator from Indiana [Mr. SHIVELY] is detained at his rooms by illness.

Mr. CLARKE of Arkansas. My colleague [Mr. DAVIS] is detained at home on account of the recent death of his wife, and will probably not be here during the present session.

Mr. OVERMAN. I desire to announce that the Senator from Louisiana [Mr. FOSTER] is detained at home by sickness.

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

Mr. ALDRICH. I ask that the reading of the bill be proceeded with.

The PRESIDING OFFICER. The Senator from Rhode Island requests that the reading of the bill by paragraphs be proceeded with.

Mr. NEWLANDS. Before we proceed with the reading of the bill, I should like to ask the Senator from Rhode Island whether there is any table which shows, with reference to each article covered by the bill, the amount of such article that is imported into this country and the amount of such article that is produced in this country, so that we can judge whether or not the duties imposed are either prohibitory or unduly restrictive of importations?

Mr. ALDRICH. Mr. President, the Senator from Nevada has upon his table, I assume, or he has had it, a statement of the amount of importations for the year 1907. The Census Office printed a report of the production in the United States of manufactured articles in the year 1905. There has been no statement made since that time. The Senator can easily procure a copy of that statement by sending to the Census Office.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Rhode Island whether the committee could not direct such a table to be prepared?

Mr. ALDRICH. It is already prepared.

Mr. NEWLANDS. But I mean a table which will show in parallel columns, with reference to each article, just the amount—not the value, but the amount—in tons or pounds or yards of the article imported, and in another column the amount of the article produced in this country, so that we can have them in relation to each other.

Mr. ALDRICH. The Senator can himself, easily enough, put them in relation if he so desires, by sending to the Census Office and getting a copy of their report for 1905. There is also a statement published, called "Notes on Tariff Revision," printed by the House of Representatives, which contains all of this information in a connected and very short form, as short as could possibly be had. If the Senator desires, we shall order an additional edition of that publication. The Senator can easily get a copy of it by sending to the folding room for it.

Mr. NEWLANDS. I would suggest to the Senator that he would greatly facilitate the work of the Senate if he would have some of the experts in the employ of his committee make such a table as I have suggested.

Mr. ALDRICH. It has already been prepared. I hold a statement of that kind in my hand. If the Senator will send to the document room and get the work called "Notes on Tariff Revision," he will have it all together.

Mr. NEWLANDS. I have seen that book, but it does not cover my inquiry, in my judgment.

Mr. ALDRICH. It covers——

Mr. NEWLANDS. I have no doubt, I may say right here, that each Senator can, by an inspection of the statistical works of the country, by going over the statistical documents which have been presented in the House of Representatives, make up for himself such a table, but it would be a very laborious work, involving much labor by each Senator, whereas it seems to me that this work can be undertaken by some of the experts employed by the Committee on Finance, and Senators be relieved of this burden. What I suggest is, that this information should be placed in parallel columns, side by side. I shall look over the documents to which the Senator refers, which I am sure will not satisfy my suggestion or the convenience of the Senate, and I shall renew the suggestion hereafter.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary proceeded to read the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which had been reported from the Committee on Finance with amendments.

The first amendment of the Committee on Finance was, on page 1, beginning in line 3, to strike out all down to and including line 13, and to insert:

That on and after the day following the passage of this act, except as otherwise specially provided for in the second section of this act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Finance, which has been stated.

Mr. DOLLIVER. Mr. President, I have no particular objection to omitting the reading of the language of the House bill, but I desire to call the attention of the Senate to the fact that it will be very difficult to give a final determination on the rates of duty imposed until the Senate is in possession of that part of the scheme of this legislation which relates to the reciprocity and retaliatory features of the law, to the drawback provisions of the law, and especially those features of administration which will determine the standard upon which the valuation of imported merchandise shall be made. These rates, or most of them, will be changed by the maximum and minimum provisions; they certainly will all be affected by them. Many of them will be affected by the drawback provisions that are to be provided; and if a change is made, as the other House suggests and as I understand the Senate committee intends, by which the basis of valuation shall be transferred from the market in which the goods are purchased to the market here in which they are sold, it is obvious that a fundamental variation will be made in all the rates arising out of those provisions.

I want to call the attention of the Senate to these facts, because it appears to me that we ought to have this whole scheme together when we start on fixing these duties.

Mr. ALDRICH. Mr. President, the effect of this amendment is to simply put all the dutiable and free provisions of the bill in one section, instead of having them in two. That is the sole effect of the suggested amendment. It seemed to the committee better to have them in one section than in two.

Mr. McLAURIN. Mr. President, I think it would be better to read each of the House provisions which it is proposed to strike out before reading the amendment which is offered to it, so that the Senate can consider the two together—the provision for which the amendment is to be made and the amendment itself. I simply make that suggestion.

The PRESIDING OFFICER. At the request of the Senator from Mississippi, the provision proposed to be stricken out by the Committee on Finance will first be read.

The SECRETARY. After the enacting clause, beginning in line 3, on page 1, it is proposed to strike out as follows:

That on and after the day following the passage of this act, unless otherwise specially provided in this act, there shall be levied, collected, and paid upon all articles mentioned in the schedules contained in this section, and imported into the United States and into any of its possessions (except the Philippine Islands) from any foreign country, province, dependency, or colony, the rates of duty which are, by the schedules and paragraphs respectively in this section prescribed, whenever any such foreign country, province, dependency, or colony, respectively, is entitled under the provisions of section 4 of this act to minimum rates of duty.

And in lieu thereof to insert:

That on and after the day following the passage of this act, except as otherwise specially provided for in the second section of this act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely:

Mr. CLAY. Mr. President, I presume I hold before me the statement referred to by the Senator from Rhode Island [Mr. ALDRICH]. I find in that statement the value of our imports for the year 1907; the quantity that came into this country; that is, the rate fixed on each article by the present law. I find, then, the rate fixed by the Senate bill, but I do not find in the statement any reference to the rate fixed by the House bill. Take, for instance, phosphate of ammonia. The present rate, under the Dingley law, is 25 per cent; in the Senate bill it is 25 per cent, but in the Payne bill my recollection is that it is on the free list. Has any statement been printed giving the rate fixed by the Dingley law, the rate fixed by the House bill, and the rate fixed by the Senate bill?

Mr. ALDRICH. The document which the Senator has before him shows the different rates.

Mr. CLAY. Does the Senator mean this large book [indicating]?

Mr. ALDRICH. That is the book.

Mr. CLAY. But it is very difficult to keep informed by reference to this volume.

Mr. ALDRICH. There are also several different prints of the bill.

Mr. CLAY. The one I have before me is the comparison of H. R. 1438——

Mr. ALDRICH. That is simply the "estimated revenues."

Mr. CLAY. Then, I understand the Senator to say there is a statement which gives the rate fixed by the Dingley law, the rate fixed by the House bill, and the rate fixed by the Senate bill.

Mr. ALDRICH. The document which I have here [indicating].

Mr. CLAY. That large book?

Mr. ALDRICH. Yes; and also the bill itself shows the rates fixed in the House bill.

Mr. CLAY. The bill itself ought to show what the House rates were and what changes the Senate committee made.

Mr. ALDRICH. That is all done.

Mr. CLAY. But if we had right before us one statement showing the Dingley law, the House bill, and the Senate bill, Senators could readily keep up with it.

Mr. ALDRICH. If the Senator will take this green book and turn to the different paragraphs, he will find that that precise thing is done, and that it contains altogether the text of the House bill, the changes suggested by the Senate committee, and the terms of the present law.

Mr. BEVERIDGE. Mr. President, I wish to direct the attention of the Senator from Georgia to this suggestion which I make to the chairman of the Finance Committee, who has the bill in charge. Would there be any objection, for the convenience of Senators, to having the experts in the employ of the Finance Committee make a list—there are several thousand items in the bill, as reported to the Senate, in the present law, and in the House bill—to make a list of the items, with the duties provided in the present law, and in another column the same items with the duties in the House bill, and in a third column the items with the duties proposed by the Senate bill? That would show at a glance the differences. Is there any objection to that?

Mr. ALDRICH. None whatever.

Mr. BEVERIDGE. Then I would suggest that it be done. It will save Senators a great deal of labor. I have examined the House notes pretty carefully, the two bills, and the very large and valuable volume that the Finance Committee has had laid before us for our convenience. Of course all these facts are there, but it is a practical impossibility—not an impossibility, but a practical impossibility—to see at a glance the difference in the items and the rates. I make that suggestion because I imagine that, as we go on, the question will come up, and, if it be agreeable to the chairman of the Finance Committee, I suggest that it be now agreed, Mr. President, that that be done. That will present the whole thing in compact form.

Mr. CLAY. That is correct.

Mr. BURKETT. Let me suggest to the Senator that he can remedy his difficulty a good deal more quickly than anybody else can remedy it for him, in my opinion.

Mr. BEVERIDGE. It is a difficulty of all Senators.

Mr. BURKETT. I find, in getting up information, that nobody can ever quite prepare a statement that readily catches the eye and the understanding of others. If the Senator will take the bill, as reported to the Senate, it will show two of the items that he suggests—the House rate and the Senate rate. If he will take a lead pencil and get the other volume that he has there, giving the Dingley rate—and the items come right along in the same order—in about thirty minutes he can mark in the Dingley rate, which is less time than you could get it from the Printing Office or your clerk could do it, and get it in just the form you want it.

Mr. BEVERIDGE. Mr. President, I did not mean to discuss my own feeble efforts to do this very thing, but I suppose a good many Senators have done just exactly what I am going to tell Senators I tried to do. I took a great big piece of paper, put on it the rate under the present law, under the House bill, and under the Senate bill, beginning right at the first schedule. To put down each one and the rate of duty is an interminable task for any Senator to undertake. The other plan—and if the chairman of the Finance Committee has no objection, I can not imagine why the Senator from Nebraska should have any objection—is to present in parallel columns the items covered by the present law, the House bill, and the Senate bill, with the rate of duty fixed upon each item, so that at a glance at the sheet you can see it.

Mr. BURKETT. That is what I am trying to show to the Senator——

Mr. BEVERIDGE. I have had this very thing before me. I have done it, and the Senator could not do it in thirty minutes nor thirty hours nor thirty days. If he has done it, I will be glad to have his paper.

Mr. ALDRICH. Take the book entitled "Estimated Revenues." That book shows the rate upon each item under the present law and under the Senate bill. It will be easy to have printed at the Government Printing Office—in twenty-four hours, probably—the rates under the House bill in the next column, so that the Senate will have the three together in parallel columns.

Mr. BEVERIDGE. I have not the slightest objection to that. I merely made the suggestion to facilitate the work of the Senate and of Senators.

Mr. ALDRICH. We will have the order given at once.

Mr. BEVERIDGE. Very well, then, let the order be given at once.

The PRESIDING OFFICER. The Senator from Indiana requests——

Mr. ALDRICH. It is not necessary that the Senate order the printing. The committee have authority to do it.

Mr. BEVERIDGE. That is perfectly satisfactory.

Mr. ALDRICH. The order will be given immediately.

Mr. CLAY. I did not catch the suggestion of the Senator from Rhode Island. As I understand, he agrees to have printed in parallel columns the present duty under the Dingley law on each item, the duty on each item under the Payne bill as passed by the House——

Mr. BEVERIDGE. In another column.

Mr. CLAY. And then follow that immediately by the duty fixed by the Senate bill.

Mr. BEVERIDGE. In another column.

Mr. CLAY. Which will enable Senators to keep the rates of the three bills before them.

Mr. BEVERIDGE. Exactly so.

The PRESIDING OFFICER. That is within the province of the committee. The question is on agreeing to the amendment.

Mr. NEWLANDS. Mr. President, let me say to the Senator from Rhode Island that he can carry out the suggestion that I made a few moments ago by taking this book "Estimated Revenues" and putting a column next to the first column, which gives the quantity of imports for consumption, giving the amount of the same article produced in the United States, so that we will have before us at a glance the amount imported from abroad and the amount produced in the United States for purposes of comparison. Thus we shall be able to judge and to form an opinion as to whether the duties imposed are prohibitory or unduly restrictive. Would the Senator object to having that suggestion carried out?

Mr. ALDRICH. I would not; but that might delay the preparation of the table.

Mr. BEVERIDGE. Let that be done later.

Mr. ALDRICH. That can be done later. I think the first suggestion——

Mr. NEWLANDS. I would not wish to delay at all, of course, the execution of the suggestion of the Senator from Indiana, but if the Senator from Rhode Island will later on carry out the other suggestion, I am sure it would greatly aid in the consideration of the bill.

Mr. ALDRICH. I hold in my hand a report of the Director of the Census which was made to the Committee on Ways and Means of the House of Representatives, which contains, to a very large extent, the information suggested by the Senator from Nevada. As soon as it can possibly be prepared and printed, I will have that incorporated with the other statement.

Mr. BAILEY. I suggest to the Senator from Rhode Island, in view of the understanding that has just been reached, and in view of the fact that each Senator, as the several items are reached, would like to have that information—the agreement indicates that it is desirable, at least, to have such information—that he let the bill go over until to-morrow, as it is generally understood in the Senate that it is to be taken up by paragraphs.

Mr. ALDRICH. I would suggest to the Senator that we go on with the reading of the bill, with the understanding that any paragraph can be passed over or be subject to amendment or to change when Senators, upon their information, desire to take such action. The information will be here to-morrow morning, and the Senate can rely upon the committee, or some member of the committee, giving them any information that may be desired upon any of the items in the chemical schedule.

Mr. BAILEY. I think the Senate may rely upon the facts as stated by the committee, but not upon the judgment of the committee.

Mr. ALDRICH. No; I will not ask the Senator from Texas to do that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SCOTT. May I ask the Senator in charge of the bill if the reading now is for amendments of the committee and that the bill is not open for general amendment?

Mr. BAILEY (when Mr. SHIVELY's name was called). The Senator from Indiana [Mr. SHIVELY] is detained at his rooms by illness.

Mr. CLARKE of Arkansas. My colleague [Mr. DAVIS] is detained at home on account of the recent death of his wife, and will probably not be here during the present session.

Mr. OVERMAN. I desire to announce that the Senator from Louisiana [Mr. FOSTER] is detained at home by sickness.

The PRESIDING OFFICER. Seventy Senators have answered to their names. A quorum is present.

Mr. ALDRICH. I ask that the reading of the bill be proceeded with.

The PRESIDING OFFICER. The Senator from Rhode Island requests that the reading of the bill by paragraphs be proceeded with.

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Mr. ALDRICH. Mr. President, the Senator from Nevada has upon his table, I assume, or he has had it, a statement of the amount of importations for the year 1907. The Census Office printed a report of the production in the United States of manufactured articles in the year 1905. There has been no statement made since that time. The Senator can easily procure a copy of that statement by sending to the Census Office.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Rhode Island whether the committee could not direct such a table to be prepared?

Mr. ALDRICH. It is already prepared.

Mr. NEWLANDS. But I mean a table which will show in parallel columns, with reference to each article, just the amount—not the value, but the amount—in tons or pounds or yards of the article imported, and in another column the amount of the article produced in this country, so that we can have them in relation to each other.

Mr. ALDRICH. The Senator can himself, easily enough, put them in relation if he so desires, by sending to the Census Office and getting a copy of their report for 1905. There is also a statement published, called "Notes on Tariff Revision," printed by the House of Representatives, which contains all of this information in a connected and very short form, as short as could possibly be had. If the Senator desires, we shall order an additional edition of that publication. The Senator can easily get a copy of it by sending to the folding room for it.

Mr. NEWLANDS. I would suggest to the Senator that he would greatly facilitate the work of the Senate if he would have some of the experts in the employ of his committee make such a table as I have suggested.

Mr. ALDRICH. It has already been prepared. I hold a statement of that kind in my hand. If the Senator will send to the document room and get the work called "Notes on Tariff Revision," he will have it all together.

Mr. NEWLANDS. I have seen that book, but it does not cover my inquiry, in my judgment.

Mr. ALDRICH. It covers——

Mr. NEWLANDS. I have no doubt, I may say right here, that each Senator can, by an inspection of the statistical works of the country, by going over the statistical documents which have been presented in the House of Representatives, make up for himself such a table, but it would be a very laborious work, involving much labor by each Senator, whereas it seems to me that this work can be undertaken by some of the experts employed by the Committee on Finance, and Senators be relieved of this burden. What I suggest is, that this information should be placed in parallel columns, side by side. I shall look over the documents to which the Senator refers, which I am sure will not satisfy my suggestion or the convenience of the Senate, and I shall renew the suggestion hereafter.

The PRESIDING OFFICER. The Secretary will read the bill.

The Secretary proceeded to read the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which had been reported from the Committee on Finance with amendments.

The first amendment of the Committee on Finance was, on page 1, beginning in line 3, to strike out all down to and including line 13, and to insert:

That on and after the day following the passage of this act, except as otherwise specially provided for in the second section of this act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the Committee on Finance, which has been stated.

Mr. DOLLIVER. Mr. President, I have no particular objection to omitting the reading of the language of the House bill, but I desire to call the attention of the Senate to the fact that it will be very difficult to give a final determination on the rates of duty imposed until the Senate is in possession of that part of the scheme of this legislation which relates to the reciprocity and retaliatory features of the law, to the drawback provisions of the law, and especially those features of administration which will determine the standard upon which the valuation of imported merchandise shall be made. These rates, or most of them, will be changed by the maximum and minimum provisions; they certainly will all be affected by them. Many of them will be affected by the drawback provisions that are to be provided; and if a change is made, as the other House suggests and as I understand the Senate committee intends, by which the basis of valuation shall be transferred from the market in which the goods are purchased to the market here in which they are sold, it is obvious that a fundamental variation will be made in all the rates arising out of those provisions.

I want to call the attention of the Senate to these facts, because it appears to me that we ought to have this whole scheme together when we start on fixing these duties.

Mr. ALDRICH. Mr. President, the effect of this amendment is to simply put all the dutiable and free provisions of the bill in one section, instead of having them in two. That is the sole effect of the suggested amendment. It seemed to the committee better to have them in one section than in two.

Mr. McLAURIN. Mr. President, I think it would be better to read each of the House provisions which it is proposed to strike out before reading the amendment which is offered to it, so that the Senate can consider the two together—the provision for which the amendment is to be made and the amendment itself. I simply make that suggestion.

The PRESIDING OFFICER. At the request of the Senator from Mississippi, the provision proposed to be stricken out by the Committee on Finance will first be read.

The SECRETARY. After the enacting clause, beginning in line 3, on page 1, it is proposed to strike out as follows:

That on and after the day following the passage of this act, unless otherwise specially provided in this act, there shall be levied, collected, and paid upon all articles mentioned in the schedules contained in this section, and imported into the United States and into any of its possessions (except the Philippine Islands) from any foreign country, province, dependency, or colony, the rates of duty which are, by the schedules and paragraphs respectively in this section prescribed, whenever any such foreign country, province, dependency, or colony, respectively, is entitled under the provisions of section 4 of this act to minimum rates of duty.

And in lieu thereof to insert:

That on and after the day following the passage of this act, except as otherwise specially provided for in the second section of this act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely:

Mr. CLAY. Mr. President, I presume I hold before me the statement referred to by the Senator from Rhode Island [Mr. ALDRICH]. I find in that statement the value of our imports for the year 1907; the quantity that came into this country; that is, the rate fixed on each article by the present law. I find, then, the rate fixed by the Senate bill, but I do not find in the statement any reference to the rate fixed by the House bill. Take, for instance, phosphate of ammonia. The present rate, under the Dingley law, is 25 per cent; in the Senate bill it is 25 per cent, but in the Payne bill my recollection is that it is on the free list. Has any statement been printed giving the rate fixed by the Dingley law, the rate fixed by the House bill, and the rate fixed by the Senate bill?

Mr. ALDRICH. The document which the Senator has before him shows the different rates.

Mr. CLAY. Does the Senator mean this large book [indicating]?

Mr. ALDRICH. That is the book.

Mr. CLAY. But it is very difficult to keep informed by reference to this volume.

Mr. ALDRICH. There are also several different prints of the bill.

Mr. CLAY. The one I have before me is the comparison of H. R. 1438——

Mr. ALDRICH. That is simply the "estimated revenues."

Mr. CLAY. Then, I understand the Senator to say there is a statement which gives the rate fixed by the Dingley law, the rate fixed by the House bill, and the rate fixed by the Senate bill.

Mr. ALDRICH. The document which I have here [indicating].

Mr. CLAY. That large book?

Mr. ALDRICH. Yes; and also the bill itself shows the rates fixed in the House bill.

Mr. CLAY. The bill itself ought to show what the House rates were and what changes the Senate committee made.

Mr. ALDRICH. That is all done.

Mr. CLAY. But if we had right before us one statement showing the Dingley law, the House bill, and the Senate bill, Senators could readily keep up with it.

Mr. ALDRICH. If the Senator will take this green book and turn to the different paragraphs, he will find that that precise thing is done, and that it contains altogether the text of the House bill, the changes suggested by the Senate committee, and the terms of the present law.

Mr. BEVERIDGE. Mr. President, I wish to direct the attention of the Senator from Georgia to this suggestion which I make to the chairman of the Finance Committee, who has the bill in charge. Would there be any objection, for the convenience of Senators, to having the experts in the employ of the Finance Committee make a list—there are several thousand items in the bill, as reported to the Senate, in the present law, and in the House bill—to make a list of the items, with the duties provided in the present law, and in another column the same items with the duties in the House bill, and in a third column the items with the duties proposed by the Senate bill? That would show at a glance the differences. Is there any objection to that?

Mr. ALDRICH. None whatever.

Mr. BEVERIDGE. Then I would suggest that it be done. It will save Senators a great deal of labor. I have examined the House notes pretty carefully, the two bills, and the very large and valuable volume that the Finance Committee has had laid before us for our convenience. Of course all these facts are there, but it is a practical impossibility—not an impossibility, but a practical impossibility—to see at a glance the difference in the items and the rates. I make that suggestion because I imagine that, as we go on, the question will come up, and, if it be agreeable to the chairman of the Finance Committee, I suggest that it be now agreed, Mr. President, that that be done. That will present the whole thing in compact form.

Mr. CLAY. That is correct.

Mr. BURKETT. Let me suggest to the Senator that he can remedy his difficulty a good deal more quickly than anybody else can remedy it for him, in my opinion.

Mr. BEVERIDGE. It is a difficulty of all Senators.

Mr. BURKETT. I find, in getting up information, that nobody can ever quite prepare a statement that readily catches the eye and the understanding of others. If the Senator will take the bill, as reported to the Senate, it will show two of the items that he suggests—the House rate and the Senate rate. If he will take a lead pencil and get the other volume that he has there, giving the Dingley rate—and the items come right along in the same order—in about thirty minutes he can mark in the Dingley rate, which is less time than you could get it from the Printing Office or your clerk could do it, and get it in just the form you want it.

Mr. BEVERIDGE. Mr. President, I did not mean to discuss my own feeble efforts to do this very thing, but I suppose a good many Senators have done just exactly what I am going to tell Senators I tried to do. I took a great big piece of paper, put on it the rate under the present law, under the House bill, and under the Senate bill, beginning right at the first schedule. To put down each one and the rate of duty is an interminable task for any Senator to undertake. The other plan—and if the chairman of the Finance Committee has no objection, I can not imagine why the Senator from Nebraska should have any objection—is to present in parallel columns the items covered by the present law, the House bill, and the Senate bill, with the rate of duty fixed upon each item, so that at a glance at the sheet you can see it.

Mr. BURKETT. That is what I am trying to show to the Senator——

Mr. BEVERIDGE. I have had this very thing before me. I have done it, and the Senator could not do it in thirty minutes nor thirty hours nor thirty days. If he has done it, I will be glad to have his paper.

Mr. ALDRICH. Take the book entitled "Estimated Revenues." That book shows the rate upon each item under the present law and under the Senate bill. It will be easy to have printed at the Government Printing Office—in twenty-four hours, probably—the rates under the House bill in the next column, so that the Senate will have the three together in parallel columns.

Mr. BEVERIDGE. I have not the slightest objection to that. I merely made the suggestion to facilitate the work of the Senate and of Senators.

Mr. ALDRICH. We will have the order given at once.

Mr. BEVERIDGE. Very well, then, let the order be given at once.

The PRESIDING OFFICER. The Senator from Indiana requests——

Mr. ALDRICH. It is not necessary that the Senate order the printing. The committee have authority to do it.

Mr. BEVERIDGE. That is perfectly satisfactory.

Mr. ALDRICH. The order will be given immediately.

Mr. CLAY. I did not catch the suggestion of the Senator from Rhode Island. As I understand, he agrees to have printed in parallel columns the present duty under the Dingley law on each item, the duty on each item under the Payne bill as passed by the House——

Mr. BEVERIDGE. In another column.

Mr. CLAY. And then follow that immediately by the duty fixed by the Senate bill.

Mr. BEVERIDGE. In another column.

Mr. CLAY. Which will enable Senators to keep the rates of the three bills before them.

Mr. BEVERIDGE. Exactly so.

The PRESIDING OFFICER. That is within the province of the committee. The question is on agreeing to the amendment.

Mr. NEWLANDS. Mr. President, let me say to the Senator from Rhode Island that he can carry out the suggestion that I made a few moments ago by taking this book "Estimated Revenues" and putting a column next to the first column, which gives the quantity of imports for consumption, giving the amount of the same article produced in the United States, so that we will have before us at a glance the amount imported from abroad and the amount produced in the United States for purposes of comparison. Thus we shall be able to judge and to form an opinion as to whether the duties imposed are prohibitory or unduly restrictive. Would the Senator object to having that suggestion carried out?

Mr. ALDRICH. I would not; but that might delay the preparation of the table.

Mr. BEVERIDGE. Let that be done later.

Mr. ALDRICH. That can be done later. I think the first suggestion——

Mr. NEWLANDS. I would not wish to delay at all, of course, the execution of the suggestion of the Senator from Indiana, but if the Senator from Rhode Island will later on carry out the other suggestion, I am sure it would greatly aid in the consideration of the bill.

Mr. ALDRICH. I hold in my hand a report of the Director of the Census which was made to the Committee on Ways and Means of the House of Representatives, which contains, to a very large extent, the information suggested by the Senator from Nevada. As soon as it can possibly be prepared and printed, I will have that incorporated with the other statement.

Mr. BAILEY. I suggest to the Senator from Rhode Island, in view of the understanding that has just been reached, and in view of the fact that each Senator, as the several items are reached, would like to have that information—the agreement indicates that it is desirable, at least, to have such information—that he let the bill go over until to-morrow, as it is generally understood in the Senate that it is to be taken up by paragraphs.

Mr. ALDRICH. I would suggest to the Senator that we go on with the reading of the bill, with the understanding that any paragraph can be passed over or be subject to amendment or to change when Senators, upon their information, desire to take such action. The information will be here to-morrow morning, and the Senate can rely upon the committee, or some member of the committee, giving them any information that may be desired upon any of the items in the chemical schedule.

Mr. BAILEY. I think the Senate may rely upon the facts as stated by the committee, but not upon the judgment of the committee.

Mr. ALDRICH. No; I will not ask the Senator from Texas to do that.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. SCOTT. May I ask the Senator in charge of the bill if the reading now is for amendments of the committee and that the bill is not open for general amendment?

Mr. ALDRICH. The bill is open to amendment. I have not made any suggestion at this time in regard to any amendment. The only thing I have asked is that the reading of the bill be proceeded with by paragraphs, and if any Senator has any suggestion to make or any change to propose, the paragraph will be passed over, my purpose being to have the unobjectionable amendments of the committee disposed of, with the understanding also that at any time we may go back and take up any paragraph which has been passed over.

Mr. BEVERIDGE. Upon that point, I ask if it is not true that, as we are now in Committee of the Whole, the bill is open for amendment by any Senator at any time, either now or in the Senate?

Mr. ALDRICH. Yes.

Mr. BEVERIDGE. Even immediately before the passage of the bill any Senator might offer an amendment. It is open to amendment at all times, as I understand, and no Senator is foreclosed.

Mr. ALDRICH. That is correct.

Mr. NELSON. I desire to ask the Senator from Rhode Island a question. I notice that the second section of the bill has been stricken out. That is the provision regarding the maximum tariff. I want to know whether the committee have abandoned that scheme or intend to bring it in in a subsequent amendment?

Mr. ALDRICH. I assume the Senator from Minnesota was not present when I stated on Monday last that the committee are now preparing a scheme of maximum and minimum duties, which is quite unlike that of the House. The first draft has been made, and I hope to be able to present it to the Senate within the next week. The administrative features, or the changes suggested to the administrative features, are all now in print and have been practically acted upon by the full committee, subject to the inspection of each individual member. I expect to be able to report these amendments within two or three days, at the outside.

Mr. NELSON. Has the committee come to any conclusion on the drawback provision?

Mr. ALDRICH. No; except to this extent: I think it is the unanimous feeling of the committee that it will not do to adopt the House provision, and I think I can say, without violating any confidence, that the committee will probably recommend the restoration of the drawback provisions of the present law. I think every member of the committee, so far as I know, is opposed to the provision of the House bill.

Mr. NELSON. Is the Senator prepared to give an outline of what the scheme of maximum tariff will be?

Mr. ALDRICH. Not at this moment, because——

Mr. NELSON. Is it anything akin to what is in the bill now?

Mr. ALDRICH. No; I think I could hardly say so. It proceeds upon an entirely different proposition and a different method. I hope that it will be satisfactory to the Senator from Minnesota.

Mr. BRANDEGEE. Mr. President, I should like to inquire if I understood correctly that it is agreed by unanimous consent that at any time any Senator can ask to return to any paragraph in the bill?

Mr. BEVERIDGE. That is a Senator's right in any event, without unanimous consent.

The PRESIDING OFFICER. There is no agreement with reference to that, as the Chair understands.

Mr. ALDRICH. That is a Senator's right, of course.

The PRESIDING OFFICER. That is a Senator's right. The question is on agreeing to the first amendment reported by the committee.

The amendment was agreed to.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 2, line 8, to insert the heading "Dutiable list;" in Schedule A, on page 2, line 22, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 26, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the clause read:

DUTIABLE LIST.

SCHEDULE A.—CHEMICALS, OILS, AND PAINTS.

1. Acids: Acetic or pyroligneous acid, not exceeding the specific gravity of 1.047, three-fourths of 1 cent per pound; exceeding the specific gravity of 1.047, 2 cents per pound; acetic anhydrid, 2½ cents per pound; boracic acid, 2 cents per pound; chromic acid, 2 cents per pound; citric acid, 7 cents per pound; lactic acid, containing not over 40 per cent by weight of actual lactic acid, 2 cents per pound; containing over 40 per cent by weight of actual lactic acid, 3 cents per pound; oxalic acid, 1 cent per pound; salicylic acid, 5 cents per pound; sulphuric acid or oil of vitriol not specially provided for in this section, one-fourth of 1 cent per pound; tannic acid or tannin, 35 cents per pound; gallic acid, 8 cents per pound; tartaric acid, 5 cents per pound; all other acids not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 3, line 4, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 5, before the words "per centum," to strike out "forty-five" and insert "twenty-five," so as to make the paragraph read:

2. Alcoholic compounds, including all articles consisting of vegetable, animal, or mineral objects immersed or placed in, or saturated with, alcohol, not specially provided for in this section, 60 cents per pound and 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 3, line 6, before the word "distilled," to strike out "Alkalis, alkaloids" and insert "Alkaloids."

The amendment was agreed to.

The next amendment was, on page 3, line 7, after the word "oils," to insert "extracted resins, and oleoresins."

Mr. DOLLIVER. These two articles appear to be new. I should like to inquire of the chairman of the committee what they are—extracted resins and oleoresins. They seem to be, according to the people who have communicated with me, articles that have hitherto been available in the manufacture of soap. I should like to inquire what the occasion is for putting them on the dutiable list.

Mr. ALDRICH. The question whether they are dutiable or free is now a contested question. The experts in the custom-house in New York think they ought to be dutiable, and they have so contended before the courts, and I think the courts have decided in their favor. If there is any suggestion of objection, however, I shall be very glad to have the amendment passed over for the present.

Mr. BEVERIDGE. I wish to ask one question. "Tannic acid or tannin, 35 cents a pound." I do not know whether my information is correct, but I understand that the material out of which tannic acid is made has very much diminished in this country and will probably further diminish, and that the most of our material for that substance is now imported. Is that correct? And, if it is correct, is this duty a revenue duty—I can readily understand it might be a revenue duty—or is it protective? Which is it?

Mr. ALDRICH. It is a revenue duty. I think there is no large amount of tannic acid now imported. I do not think there ever has been.

Mr. BEVERIDGE. Is it not increasing in its importation?

Mr. ALDRICH. I think not. I can tell the Senator——

Mr. SMOOT. The importations in 1907 amounted to $3,190.83.

Mr. BEVERIDGE. Will the Senator from Utah tell me—I have myself forgotten—the materials out of which it is made? Are not we confined to a certain section of the country, and is not the material rapidly disappearing?

The PRESIDING OFFICER. Senators will please speak so that they can be heard at the desk.

Mr. BEVERIDGE. It is a revenue duty and not a protective duty?

Mr. ALDRICH. It is a small revenue duty. The present rate is 50 cents a pound. There are no considerable importations. So far as I know, there has been no disposition on anybody's part to increase the rate.

Mr. BEVERIDGE. Then, of course, if there is no importation to amount to anything, it is not a revenue duty.

Mr. OVERMAN. We on this side can not hear a word.

The PRESIDING OFFICER. Senators will be in order, and will please speak so that the Reporter and Senators can hear them. The question is on agreeing to the amendment.

Mr. BAILEY. What amendment do I understand is before the Senate?

The PRESIDING OFFICER. On page 3, line 7.

Mr. BEVERIDGE. The committee amendment.

Mr. BAILEY. I thought the chairman of the committee asked that the amendment, including the two oils about which the Senator from Iowa inquired, should be passed over.

Mr. ALDRICH. Let it be passed over.

The PRESIDING OFFICER. The Senator from Rhode Island did not request that it be done, but stated that if objection was made the amendment might be passed over.

Mr. BAILEY. Then, I will ask that it be passed over.

The PRESIDING OFFICER. Objection being made, it will be passed. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Finance was, in line 10, page 3, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 14, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in the same line, after the word "section," to strike out "60 cents per pound ahd 25 per cent ad valorem" and insert "55 cents per pound, but in no case

shall any of the foregoing pay less than 25 per cent ad valorem," so as to read:

3. Alkaloids, distilled oils, essential oils, expressed oils, rendered oils, and all combinations of the foregoing, and all chemical compounds, mixtures and salts, and all greases not specially provided for in this section, 25 per cent ad valorem; chemical compounds, mixtures and salts containing alcohol or in the preparation of which alcohol is used, and not specially provided for in this section, 55 cents per pound, but in no case shall any of the foregoing pay less than 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 3, after line 17, to strike out:

4. Alumina, hydrate of, or refined bauxite, one-half of 1 cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and alum in crystals or ground, one-fourth of 1 cent per pound.

And insert:

4. Alumina, hydrate of, or refined bauxite, containing not more than 64 per cent of alumina, five-tenths of 1 cent per pound; containing more than 64 per cent of alumina, seven-tenths of 1 cent per pound. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing less than 15 per cent of alumina and more than three-tenths of 1 per cent of iron oxide, one-fourth of 1 cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than 15 per cent of alumina, or less than three-tenths of 1 per cent of iron oxide, one-half of 1 cent per pound. Potash alum and ammonia alum, one-half of 1 cent per pound.

Mr. DU PONT. I ask that the paragraph may go over.

The PRESIDING OFFICER. At the request of the Senator from Delaware, the paragraph will be passed over.

The next amendment of the Committee on Finance was, on page 4, after line 7, to strike out:

5. Ammonia, carbonate of, 1¼ cents per pound; muriate of, or sal ammoniac, three-fourths of 1 cent per pound; liquid anhydrous, 5 cents per pound; aqua ammonia, 10 per cent ad valorem.

And insert:

5. Ammonia, carbonate of, 1¼ cents per pound; sulphate of ammonia, two-tenths of 1 cent per pound; muriate of, or sal ammoniac, three-fourths of 1 cent per pound; liquid anhydrous, 5 cents per pound.

Mr. SMITH of South Carolina. I ask that the paragraph be passed over. I wish to offer an amendment, and to submit some remarks.

Mr. ALDRICH. The Senator, as I understand, is interested in the duty on sulphate of ammonia.

Mr. SMITH of South Carolina. Yes.

Mr. ALDRICH. I do not think it necessary to have the other articles passed over. I myself was about to suggest that sulphate of ammonia be passed. I think the Senator has no objection to the other articles.

Mr. SMITH of South Carolina. It is in reference to sulphate of ammonia. I wish to have this stricken from the bill, so that the House paragraph will obtain.

Mr. ALDRICH. The paragraph can go over, of course.

The PRESIDING OFFICER. At the request of the Senator from South Carolina the paragraph will be passed over.

Mr. DU PONT. It was my intention to ask that the paragraph containing sulphate of ammonia be passed over.

Mr. LODGE. That is not the one the Senator from Delaware asked to have passed over.

Mr. DU PONT. Then I withdraw the request that paragraph 4 be passed over. I misapprehended it.

Mr. LODGE. Let that paragraph be disposed of.

The PRESIDING OFFICER. The Senator from South Carolina made the request.

Mr. LODGE. That relates to paragraph 5.

The PRESIDING OFFICER. The question is on agreeing to the amendment to paragraph 4, concerning which the Senator from Delaware has withdrawn his objection.

Mr. DOLLIVER. I notice that the paragraph is a very great departure from the provisions of the House bill. It seems to divide these articles into two classes, imposing upon one a half cent a pound, and on the other one-fourth of a cent a pound. I should like to inquire what effect, as relating to this House provision, the Senate amendment has on increasing or decreasing the rate proposed in the House bill.

Mr. ALDRICH. This amendment was suggested by the chemical examiners in the New York custom-house for the better classification of the articles included in it, which are very large in number. They undertake to define the various alums and alumina products by a definite provision, to avoid litigation and uncertainty. The general effect of the provision is to retain the rates of the present law.

Mr. BACON. I hope the Senator from Rhode Island will speak a little louder, because we desire to hear everything; and if there is the least conversation, we can not hear anything.

Mr. ALDRICH. The classification is a very great improvement on existing law or the provisions of the House bill. It defines accurately and clearly the difference between the various articles which are covered by this paragraph. The general effect of the provision is to maintain the rates as they are in the existing law or in the House provision. On some they are lower and on some a little higher, but to make them bear equitably upon the various products covered by the paragraph.

Mr. MONEY. Mr. President, before we go further with this bill I am led to believe that I do not correctly understand the agreement. I notice that several Senators have requested that certain paragraphs be passed over. Under the agreement that is not necessary. According to the agreement, as I understand it, when the bill proceeds and any Senator finds that something has been passed to which he objects, he has a right to go back, whether he has requested that it be passed over or not——

Mr. BEVERIDGE. That would be his right without any agreement.

Mr. MONEY (continuing). Even though the Senate should have considered the bill and passed it with the proposed paragraph.

Mr. ALDRICH. That is my understanding.

Mr. MONEY. If in the progress of the debate and consideration of the bill any Senator finds something has been passed to which he desires to recur, he can go back without filing a formal request.

Mr. ALDRICH. That is my understanding.

Mr. MONEY. I should like to know if I am correct?

Mr. BAILEY. I think there is no doubt that is true; but, perhaps, at the same time the other is a good practice. If a Senator does not want an amendment adopted, rather than to go back and move to reconsider it, he simply asks that no action be taken and that the paragraph be passed over. That is what the Senator from South Carolina did a moment ago.

Mr. BEVERIDGE. That is a matter of convenience.

Mr. MONEY. I understand that very well, but I want it understood that we are not foreclosed because nobody has requested that a paragraph be passed over. Of course a Senator has a right to signify a paragraph to which he will make objection hereafter.

Mr. BEVERIDGE. The request is made as a mere matter of convenience, but, as I understand, in practice it is the right of any Senator to do as the Senator has suggested without any agreement—absolutely his right, here or in the Senate.

Mr. GALLINGER. Mr. President, in that event a motion to reconsider would be necessary, while if it is passed over by consent there is no further action except to go back to it.

Mr. BEVERIDGE. It is his right.

Mr. GALLINGER. If it is passed over. But if the Senate has acted upon it, it is not his right, and a motion to reconsider is necessary.

Mr. BEVERIDGE. He can reach it at any time, either by amendment here or in the Senate.

Mr. GALLINGER. I will say to the Senator he could not reach it in that way.

Mr. DU PONT. Mr. President, as has been pointed out, it is the undoubted right of every Senator to go back to any amendment; yet it seems to me it would save a good deal of time to pass over amendments that are objected to, and then take them up in order, seriatim. It seems to me it would be economy of time.

Mr. DOLLIVER. Mr. President, I do not desire to delay the matter. The House for some good reason—the reason appeared good to them—very greatly reduced the duties on alumina and these alumina salts as compared with the existing law. The existing law is practically restored. I understand that these salts of alumina are widely used in the country in processes of dyeing and in the tanning of leather, and in other widely scattered industries. I, for one, should like to have some definite information, besides the reference to the desire of the appraiser or the expert in the custom-house to reclassify the schedule, why the rate of the House, which acted upon evidence taken from the industries interested and reduced these duties, should not be followed by the Senate. In other words, I should like to know something about the production of these articles, and the necessity for continuing the rates of the Dingley law, which, in some of the classifications, have been practically prohibitory.

Mr. ALDRICH. Paragraph 4?

Mr. DOLLIVER. Yes.

Mr. ALDRICH. I will ask that this paragraph go over. I am perfectly certain that the Senator from Iowa, when he gets the facts before him, will accept the action of the committee.

The VICE-PRESIDENT. Is there objection to passing over the item? No objection is heard.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 4, line 17, after the words "ad valorem," to strike out "tartars and lees crystals,

or partly refined argols, and tartrate of sode or potassa, or Rochelle salts, 3 cents per pound" and insert "tartars and lees crystals, or partly refined argols, containing not more than 90 per cent of bitartrate of potash, and tartrate of soda or potassa, or Rochelle salts, 3 cents per pound; containing more than 90 per cent of bitartrate of potash, 4 cents per pound," so as to make the paragraph read:

6. Argols or crude tartar or wine lees crude, 5 per cent ad valorem; tartars and lees crystals, or partly refined argols, containing not more than 90 per cent of bitartrate of potash, and tartrate of soda or potassa, or Rochelle salts, 3 cents per pound; containing more than 90 per cent of bitartrate of potash, 4 cents per pound; cream of tartar and patent tartar, 5 cents per pound.

The amendment was agreed to.

The next amendment was, on page 4, line 25, after the word "kinds," to strike out "25 per cent ad valorem" and insert "and," so as to make the paragraph read:

7. Blacking of all kinds and all creams and preparations for cleaning or polishing boots and shoes, 25 per cent ad valorem.

The amendment was agreed to.

The reading was continued to the end of paragraph 8, line 4, page 5.

Mr. BURROWS. Let paragraph 8 be passed over for the time being.

The VICE-PRESIDENT. Paragraph 8 will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 5, line 8, before the word "bone," to insert "Charcoal in any form, not specially provided for in this act;" and in the same line, before the word "char," to strike out "Bone" and insert "bone," so as to make the paragraph read:

10. Charcoal in any form, not specially provided for in this act; bone char, suitable for use in decolorizing sugars, and blood char, 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 5, line 12, after the word "section," to strike out "containing more than 36 per cent of anhydrous boracic acid, 1¼ cents per pound; borates of lime, soda, or other borate material not otherwise provided for in this section, containing not more than 36 per cent of anhydrous boracic acid, 1 cent per pound," and insert "1¼ cents per pound," so as to make the paragraph read:

11. Borax, 2 cents per pound; borates of lime, soda, or other borate material not otherwise provided for in this section, 1¼ cents per pound.

The amendment was agreed to.

The next amendment was, on page 5, line 18, after the word "refined," to strike out "or" and insert "and;" and in the same line, after the word "synthetic," to insert "camphor," so as to make the paragraph read:

12. Camphor, refined, and synthetic camphor, 6 cents per pound.

The amendment was agreed to.

The next amendment was, on page 5, line 24, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

13. Chalk, when ground, bolted, precipitated naturally or artificially, or otherwise prepared, whether in the form of cubes, blocks, sticks, or disks, or otherwise, including tailors', billiard, red, or French chalk, 1 cent per pound; manufactures of chalk not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 6, line 2, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 4, before the words "ad valorem" to strike out "thirty-five" and insert "thirty;" and in line 6, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

15. Coal-tar dyes or colors, not specially provided for in this section, 30 per cent ad valorem; all other products or preparations of coal tar, not colors or dyes and not medicinal, not specially provided for in this section, 20 per cent ad valorem.

The amendment was agreed to.

The reading was continued to the end of paragraph 16, line 8, page 6.

Mr. SMOOT. Let paragraph 16 be passed over, too.

The VICE-PRESIDENT. Paragraph 16 will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 6, line 17, before the word "cents," to strike out "fifty" and insert "sixty-five;" and in line 18, before the words "per cent," to strike out "twenty" and insert "twenty-five," so as to make the paragraph read:

17. Collodion and all compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, 40 cents per pound; if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made up into finished or partly finished articles, 45 cents per pound; if polished wholly or partly, or if in finished or partly finished articles, of which collodion or any compound of pyroxylin or of other cellulose esters is the component material of chief value, 65 cents per pound and 25 per cent ad valorem.

Mr. DOLLIVER. I should like to inquire the reason for amending the House text in this particular. I think if it is consistent with the prosperity of the industry we should follow the House reduction which has been suggested, it would be a good thing.

Mr. ALDRICH. The Senator from Iowa will not object to stating what he knows about it.

Mr. DOLLIVER. I know nothing about it; but I know the House committee took testimony upon it, and I desire to find out something if I can.

Mr. SMOOT. I will answer briefly. The present law is 40 cents a pound. On the manufactured article we restore the present Dingley rate, for this reason: At the present time in Japan they are establishing two large factories. They have come over here and taken the very best men we had in the United States to go into Japan for the purpose of manufacturing these celluloid articles, and the evidence presented to the committee convinced it beyond a doubt that it was absolutely necessary to restore the Dingley rates in order to protect that industry. I believe that was the proper thing to do, and I have no hesitation in saying that if the rates were left as the House reported them, with the cheap labor in Japan, this business would be transferred from the United States to Japan. That is the reason why we restored the House rates on the manufactured articles.

Mr. ALDRICH. The present rate is 65 cents a pound and 25 per cent ad valorem. Under that law the importations in 1906 were $207,000; in 1907, $870,000; in 1908, $1,868,000.

Now, here are a few of the reasons why the manufacturers of these goods ask to have the intervention of Congress:

Eighty per cent of all camphor imported is used in this industry.
Japan controls the camphor production of the world, save about 10 per cent, which is produced in China.
All users of camphor are obliged to purchase from the Camphor Monopoly Bureau of Japan, through its selling agents for the world, Mitsui & Co.
Mitsui & Co. are building one of the pyroxylin factories at Sakai, Japan.

Two others are now approaching completion in Japan.

Japan's policy is to foster home industries.
The pyroxylin manufacturers of Japan will undoubtedly be given an advantage over all the world in the price of camphor.

Unless the duty is restored this industry will be destroyed in the United States. Those are the reasons given.

Mr. BACON. The Senator from Rhode Island has stated the amount of the imports. Can the Senator tell us what is the domestic product?

Mr. ALDRICH. The value of the total production in the United States in 1905 was $2,600,000, as against $870,000 imports in 1907. If there could be a stronger case for the protection of any article than this, I do not know where it is.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BRIGGS. I ask that it may go over.

The VICE-PRESIDENT. It will go over, at the request of the Senator from New Jersey.

Mr. ALDRICH. I assume the Senator from New Jersey wants a higher rate. I suggest he make his amendment later on, and that he let this be adopted.

Mr. KEAN. Let this amendment be agreed to.

The VICE-PRESIDENT. Does the Senator from New Jersey withdraw his objection?

Mr. BRIGGS. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Committee on Finance.

The amendment was agreed to.

The next amendment was, on page 6, after line 20, to strike out:

18½. Copperas, or sulphate of iron, fifteen hundredths of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 6, line 24, after the word "roots," to strike out "excrescence" and "excrescences;" on page 7, line 6, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 8, after the word "by," to strike out "refining, grinding, crushing, rasping, bleaching, steaming, or;" and in line 9, after the word "treatment," to insert "whatever," so as to make the paragraph read:

19. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by any process or treatment whatever

beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, one-fourth of 1 cent per pound, and in addition thereto 10 per cent ad valorem: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be classified for duty under this paragraph.

The amendment was agreed to.

The next amendment was, on page 7, line 17, after the word "ethers," to strike out "oils;" and in line 19, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

20. Ethers: Sulphuric, 8 cents per pound; spirits of nitrous ether, 20 cents per pound; fruit ethers, or essences, $1 per pound; ethers of all kinds not specially provided for in this section, 50 cents per pound; ethyl chloride, 30 per cent ad valorem: *Provided*, That no article of this paragraph shall pay a less rate of duty than 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 8, line 1, after the word "nutgalls," to insert "aqueous;" in line 4, after the word "quebracho," to strike out "not exceeding in density 28° Baumé, one-half of 1 cent per pound; exceeding in density 28° Baumé, seven-eighths" and insert "one-half;" in line 8, after the word "bark," to insert "and of mangrove bark;" in line 10, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 14, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

21. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, seven-eighths of 1 cent per pound; extract of nutgalls, aqueous, one-fourth of 1 cent per pound and 10 per cent ad valorem; extract of Persian berries, 20 per cent ad valorem; chlorophyll, 20 per cent ad valorem; extracts of quebracho, one-half of 1 cent per pound; extracts of hemlock bark and of mangrove bark, one-half of 1 cent per pound; extracts of sumac, and of woods other than dyewoods, not specially provided for in this section, five-eighths of 1 cent per pound; all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, not containing alcohol and not medicinal, and not specially provided for in this section, 15 per cent ad valorem.

Mr. BRANDEGEE. I ask that the whole paragraph be passed over without action.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 8, line 22, before the words "per cent," to strike out "twenty-five" and insert "2½ cents per pound and fifteen;" in line 25, after the word "sheets," to strike out "or otherwise, but not made up into articles, and manufactures of gelatin," and insert "emulsions, or any other form, and all manufactures of gelatin, or of which gelatin is the component material of chief value;" and on page 9, line 4, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

22. Gelatin, edible, and glue, isinglass or fish glue, including agar-agar or Japanese isinglass, and all fish bladders and fish sounds other than crude or dried or salted for preservation only, valued at not above 10 cents per pound, 2½ cents per pound; valued at above 10 cents per pound and not above 35 cents per pound, 2½ cents per pound and 15 per cent ad valorem; valued above 35 cents per pound, 15 cents per pound and 20 per cent ad valorem; other gelatin in sheets, emulsions, or any other form, and all manufactures of gelatin, or of which gelatin is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem; glue size, 25 per cent ad valorem.

Mr. ALDRICH. I ask that the first amendment be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

Mr. KEAN. Let the whole paragraph be passed over.

The VICE-PRESIDENT. Shall the paragraph or simply the amendment be passed over?

Mr. ALDRICH. The whole paragraph, perhaps, had best be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 9, line 17, after the words "per pound" where they occur the second time, to insert "carbonate of magnesia, technical, not medicinal, 25 per cent ad valorem," so as to make the paragraph read:

29. Magnesia and carbonate of, medicinal, 3 cents per pound; calcined, medicinal, 7 cents per pound; carbonate of magnesia, technical, not medicinal, 25 per cent ad valorem; sulphate of, or Epsom salts, one-fifth of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 10, line 5, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

30. Alizarin assistant, sulpho-ricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, in the manufacture of which 50 per cent or more of castor oil is used, 30 cents per gallon; in the manufacture of which less than 50 per cent of castor oil is used, 15 cents per gallon; all other alizarin assistants and all soluble greases used in processes of softening, dyeing, or finishing, not specially provided for in this section, 30 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 10, after line 15, to insert as a new paragraph the following:

35½. Nut oil or oil of nuts, 8 cents per gallon.

Mr. KEAN. Let this paragraph go over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 10, line 17, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

36. Olive oil, not specially provided for in this section, 40 cents per gallon; in bottles, jars, kegs, tins, or other packages, containing less than 5 gallons each, 50 cents per gallon.

The amendment was agreed to.

The next amendment was, on page 10, line 23, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

38. Seal, herring, whale, and other fish oil, not specially provided for in this section, 8 cents per gallon.

The amendment was agreed to.

The next amendment was, on page 11, line 3, after the word "composition," to insert "dried, powdered, or otherwise;" in line 6, after the word "alkaloids," to strike out "or salts of opium" and insert "of opium, and salts and esters thereof;" and in line 8, before the words "per ounce," to insert "and fifty cents," so as to read:

39. Opium, crude or unmanufactured, and not adulterated, containing 9 per cent and over of morphia, $1.50 per pound; opium of the same composition, dried, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, $2 per pound; morphia or morphine, sulphate of, and all alkaloids of opium, and salts and esters thereof, $1.50 per ounce; aqueous extract of opium, for medicinal uses, and tincture of, as laudanum, and other liquid preparations of opium, not specially provided for in this section, 40 per cent ad valorem; opium containing less than 9 per cent of morphia, $6 per pound; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded.

The amendment was agreed to.

The next amendment was, on page 11, after line 20, to strike out the subhead "Paints, colors, and varnishes."

The amendment was agreed to.

The next amendment was, on page 11, line 23, before the word "cents," to strike out "one dollar and fifty" and insert "seventy-five," so as to make the paragraph read:

40. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, 75 cents per ton; manufactured, $5.25 per ton.

Mr. CLAY. I ask the Senator from Rhode Island to allow this paragraph to go over. I have some facts which I desire to present regarding it.

The VICE-PRESIDENT. This paragraph will be passed over.

The next amendment was, on page 12, line 5, after the word "white," to strike out "or" and insert "and;" and in the same line, after the word "lime," to strike out "three-eighths" and insert "one-half," so as to make the paragraph read:

42. Blanc-fixe, or artificial sulphate of barytes, and satin white, and artificial sulphate of lime, one-half of 1 cent per pound.

Mr. BRANDEGEE. I ask that the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 12, line 14, before the word "cents," to insert "and one-half," so as to make the paragraph read:

44. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, 4½ cents per pound.

The amendment was agreed to.

The next amendment was, on page 12, line 16, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

45. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for in this section, when crude or not powdered, washed, or pulverized, one-eighth of 1 cent per pound; if powdered, washed, or pulverized, three-eighths of 1 cent per pound; if ground in oil or water, 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 12, line 23, before the word "cents," to strike out "two and seven-eighths" and insert "three and three-eighths," so as to make the paragraph read:

46. Orange mineral, 3¾ cents per pound.

Mr. DOLLIVER. I will ask that the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 12, line 24, before the word "cents," to strike out "three-eighths" and insert "seven-eighths," so as to make the paragraph read:

47. Red lead, 2¾ cents per pound.

Mr. DOLLIVER. I make the same request as to this paragraph.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 13, line 3, before the word "cents," to strike out "and three-fourths," so as to make the paragraph read:

48. Ultramarine blue, whether dry, in pulp, or mixed with water, and wash blue containing ultramarine, 3 cents per pound.

The amendment was agreed to.

The next amendment was, on page 13, line 4, after the word "japan," to strike out "25 per cent ad valorem;" and in line 5, after the word "varnishes," to strike out "25 per cent ad valorem" and insert "and," so as to make the paragraph read:

49. Varnishes, including so-called gold size or japan, spirit varnishes, and enamel paints made with varnish, 35 per cent ad valorem.

Mr. BURROWS. Let the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 13, line 11, before the word "cents," to strike out "four and one-half" and insert "five," so as to make the paragraph read:

50. Vermilion reds, containing quicksilver, dry or ground in oil or water, 10 cents per pound; when not containing quicksilver but made of lead or containing lead, 5 cents per pound.

Mr. DOLLIVER. I make the same request as to this paragraph.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 13, line 14, before the word "cents," to strike out "three-eighths" and insert "seven-eighths," so as to make the paragraph read:

51. White lead, and white pigment containing lead, dry or in pulp, or ground or mixed with oil, 2¾ cents per pound.

Mr. LA FOLLETTE. I ask that paragraph 51 be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 13, line 15, after the word "dry," to strike out "one-eighth" and insert "one-fourth;" and in line 16, after the word "putty," to strike out "one-half" and insert "three-fourths," so as to make the paragraph read:

52. Whiting and Paris white, dry, one-fourth of 1 cent per pound; ground in oil, or putty, three-fourths of 1 cent per pound.

Mr. BEVERIDGE. I wish to ask any member of the committee why it was that the Senate committee changed the rates in paragraph 52?

Mr. ALDRICH. Because the committee had the very best evidence for thinking that the House rates are too low.

Mr. BEVERIDGE. I ask that the paragraph be passed over for the present.

The VICE-PRESIDENT. Paragraph 52 will be passed over.

The Secretary read the next paragraph, as follows:

53. Zinc, oxide of, and white pigment containing zinc, but not containing lead, dry, 1 cent per pound; ground in oil, 1½ cents per pound; sulfid of zinc white, or white sulphide of zinc, 1½ cents per pound; chloride of zinc and sulphate of zinc, 1 cent per pound.

Mr. CULLOM. Let paragraph 53 also be passed over.

Mr. KEAN. Yes; let paragraph 53 be passed over.

The VICE-PRESIDENT. Paragraph 53 will be passed over.

The next amendment was, on page 13, line 25, after the word "powder," to insert "dryers for paint;" on page 14, line 4, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 5, after the words "ad valorem," to insert "all glazes, fluxes, enamels, and colors used only in the manufacture of ceramic, enameled, and glass articles, 30 per cent ad valorem," so as to make the paragraph read:

54. All paints, colors, pigments, including oxide of iron pigment and oxide of iron polishing powder, dryers for paint, stains, lakes, crayons, including charcoal crayons or fusains, smalts and frostings, whether crude or dry or mixed, or ground with water or oil or with solutions other than oil, not otherwise specially provided for in this section, 30 per cent ad valorem; all glazes, fluxes, enamels, and colors used only in the manufacture of ceramic, enameled, and glass articles, 30 per cent ad valorem; all paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes or other forms, 30 per cent ad valorem.

The amendment was agreed to.

Mr. BACON. I am well aware of the fact, of course, that by reference to the Statistical Abstract and all that one can get the desired information, but I should like to inquire of the chairman of the committee whether the committee has had put in convenient form such information as will enable us to judge as we go on of the propriety of these changes. For instance, I should like to know, when a particular article is under consideration, what has been the amount of the importation, and what has been the fact with reference to the revenue which has been derived from it. We have nothing in the world to guide us, and must just take it on faith. Of course those of us who are not on the committee have had no opportunity to acquaint ourselves with this detail; and it is only by having some table which would show, as each article is reached, what is the amount of the product in this country, the amount of importation, and the amount of revenue derived from it, that we can judge whether or not the proposed changes are proper.

Mr. ALDRICH. What is the particular item to which the Senator refers?

Mr. BACON. To no item in particular, but I make the inquiry more with reference to my guidance in the future than with reference to any particular item.

Mr. ALDRICH. In the paragraph just passed over, the articles which are named in the paragraph are now coming in at a much less rate of duty than that imposed by this provision, and they are coming in improperly classified. Many of them contain leads and very valuable products, and it is important to have a correct classification.

As to lead, as we passed over 10 or 15 items of lead products, I ought, perhaps, to make a general explanation. The existing law puts a duty of 1½ cents a pound on lead ore. The House maintained that rate, but reduced the duty upon all products from one-half to three-fourths of a cent a pound below the existing law. The result of this legislation would be, if it should become a law, to have all the lead that is used in the United States imported in manufactured form and destroy the business of the lead producers of the United States.

Mr. BACON. I desire to say that since I made the inquiry of the Senator from Rhode Island my attention has been called to the estimated revenue, which I did not have before me at the time. It does not show, however, as suggested to me by the Senator from Nevada [Mr. NEWLANDS], the domestic products, which it is important for us to know, it seems to me.

Mr. ALDRICH. If the Senator will send for the document entitled "Imports, Exports, and Domestic Manufactures," arranged according to paragraphs of tariff law of 1897, compiled by the Director of the Census for the Committee on Ways and Means of the House of Representatives, he will get the information he desires.

Mr. NEWLANDS. The bill is being read so rapidly that it is really impossible to look over the different items in the estimate. I will state to the Senator from Georgia that the chairman of the committee has agreed to produce at an early date a table showing side by side with the importations the production of similar articles in this country.

The VICE-PRESIDENT. The Secretary will continue the reading of the bill.

The reading of the bill was continued.

The next amendment was, on page 14, line 14, before the word "cents," to strike out "two and seven-eighths" and insert "three and one-fourth;" in line 15, before the word "cents," to strike out "one and seven-eighths" and insert "two and one-fourth;" in line 16, before the word "cents," to strike out "one-eighth" and insert "one-half;" and in line 17, before the word "cents," to strike out "one-fourth" and insert "three-fourths," so as to make the paragraph read:

56. Lead: Acetate of, white, 3½ cents per pound; brown, gray, or yellow, 2½ cents per pound; nitrate of, 2½ cents per pound; litharge, 2½ cents per pound.

Mr. LA FOLLETTE. I ask that the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 14, after line 18, to strike out the subhead "Potash."

The amendment was agreed to.

The next amendment was, on page 14, line 20, after the word "of," to insert "potash;" and in line 21, before the word "cents," to strike out "one and one-half" and insert "two and one-fourth," so as to make the paragraph read:

58. Bichromate and chromate of potash, 2½ cents per pound.

Mr. DU PONT. I ask that the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 14, line 22, after the word "of," to insert "potash," so as to make the paragraph read:

59. Caustic, or hydrate of potash, refined, in sticks or rolls, 1 cent per pound; chlorate of, 2 cents per pound.

The amendment was agreed to.

The next amendment was, on page 14, line 24, after the word "of," to insert "potash," so as to make the paragraph read:

60. Hydriodate, iodide, and iodate of potash, 25 cents per pound.

The amendment was agreed to.

The next amendment was, at the top of page 15, to strike out the following paragraph:

61. Nitrate of, or saltpeter, refined, one-half of 1 cent per pound.

Mr. KEAN. Let that paragraph go over.

Mr. DOLLIVER. I observe that that article goes back to the free list. It appears to be dutiable under the existing law. I should like to inquire on what theory it goes on the free list?

Mr. ALDRICH. The Senator from New Jersey has asked to have it passed over. Otherwise I would be very glad to state the reason why.

The VICE-PRESIDENT. The paragraph will be passed over.

The Secretary read paragraph 62.

Mr. CRAWFORD. We are getting a little confused here. What was done with paragraph 61?

The VICE-PRESIDENT. It was passed over.

Mr. BACON. I should like to make an inquiry of the Senator from Rhode Island. Where there is no amendment by the Senate Committee of the House provision, and where in the House provision there has been eliminated a certain duty—in other words, it has been put on the free list—at what point in the stage of the consideration of the bill will it come up? Will it come up properly in the consideration of the paragraph from which it has been stricken, or will it come up when we come to consider the free list?

Mr. ALDRICH. When it is reached in the free list.

Mr. BACON. I will state to the Senator that my inquiry is suggested by the fact that I think certain oils, including cotton-seed oil, which are now dutiable at the rate of 4 cents a gallon, I think, have been transferred to the free list.

Mr. ALDRICH. Not by the Senate bill.

Mr. BACON. There is no such amendment proposed by the Senate committee.

Mr. ALDRICH. Not by the Senate bill.

Mr. BACON. I will call the attention of the Senator to it. I may misunderstand it. There is no amendment by the Senate committee to the House provision—in other words, the Senate takes the bill as it comes from the House—but underneath there is a note stating that these oils have been transferred to the free list.

Mr. ALDRICH. If the Senator will turn to paragraph 637 on page 212, he will find that the Senate committee struck croton oil and cotton-seed oil from the free list. They would then go under the paragraph providing for distilled oils and expressed oils on the dutiable list at 25 per cent.

Mr. BACON. They have been put in at a different place from where they are under the existing law?

Mr. ALDRICH. Yes; they have been stricken from the free list and go into the general paragraph for all distilled and expressed oils at 25 per cent ad valorem. In other words, cotton-seed oil, under the provision of the bill before the Senate, would pay a duty of 25 per cent ad valorem.

Mr. McLAURIN. What paragraph is that?

The VICE-PRESIDENT. It is on page 212.

Mr. LODGE. It is omitted from the free list of oils at page 212, paragraph 637. That throws it into the basket clause for expressed oils at a duty of 25 per cent.

Mr. ALDRICH. It is paragraph 3 of the Senate print of the bill.

Mr. McLAURIN. I have here page 212, and I find paragraph 315.

Mr. ALDRICH. Page 212, paragraph 637. Look at the top of the page.

Mr. McLAURIN. I understand it now.

Mr. ALDRICH. There is no doubt whatever but that under the Senate committee's bill cotton-seed oil will pay a duty of 25 per cent ad valorem. Under the bill as passed by the House it was on the free list.

Mr. BEVERIDGE. May I ask the Senator from Georgia a question that is pertinent right here? I understand the Senator from Rhode Island to say that the House placed cotton-seed oil on the free list.

Mr. ALDRICH. It did.

Mr. BEVERIDGE. And the Senate committee fixes a certain duty.

Mr. ALDRICH. Twenty-five per cent ad valorem.

Mr. BEVERIDGE. Which does the Senator from Georgia recommend?

Mr. BACON. I am sure I do not know. I want some information from the committee. I do not know whether there is any importation of it. I do not think there is.

Mr. BEVERIDGE. I understand the Senator does not know at this time whether he is in favor of free cotton-seed oil or not.

Mr. BACON. It depends a good deal on circumstances. There are circumstances under which I would not favor it. If there is no cotton-seed oil imported, I see no reason why it should not be on the free list.

The next amendment was, on page 15, line 3, after the word "of," to insert "potash;" and in line 5, after the words "ad valorem," to strike out "cyanide of sodium, 12½ per cent ad valorem," so as to make the paragraph read:

62. Prussiate of potash, red, 8 cents per pound; yellow, 4 cents per pound; cyanide of potassium, 12½ per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 15, after line 6, to strike out the subhead "Preparations."

The amendment was agreed to.

The next amendment was, on page 15, line 10, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 15, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 19, after the word "whether," to insert "or not;" in line 20, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 21, before the word "and," to strike out "or not," and on page 16, line 2, after the word "by," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

63. Medicinal preparations containing alcohol or in the preparation of which alcohol is used, not specially provided for in this section, 55 cents per pound, but in no case shall the same pay less than 25 per cent ad valorem; calomel and other mercurial medicinal preparations, 35 per cent ad valorem; all other medicinal preparations not specially provided for in this section, 25 per cent ad valorem: *Provided*, That all alkaloids, balsams, chemicals, drugs, extracts, medicinal substances, oils, salts, or similar substances whatever, used for medicinal purposes, whether or not specifically provided for in this section, and whether on the dutiable list or the free list, if containing alcohol, or in the preparation of which alcohol is used, or if imported in capsules, pills, tablets, lozenges, troches, or similar forms, or if ready for the use of the apothecary or the physician, or requiring only a solvent or a diluent to be ready for such use, shall be dutiable at not less than the rate or rates imposed by this section on medicinal preparations.

The amendment was agreed to.

Mr. ALDRICH. I have information now in regard to cotton-seed oil, and I think I will bring it to the attention of the Senator from Georgia.

The importations of cotton-seed oil for the year 1908 were 202 gallons, valued at $81, upon which a duty of $8.38 was collected.

Mr. BACON. I think it had better be put on the free list, then.

Mr. ALDRICH. Does the Senator suggest that it go on the free list?

Mr. BACON. I will wait until we get to it, though I see no objection to its going there.

Mr. ALDRICH. Every man in the South who produces cotton or who produces cotton-seed oil is extremely anxious that it shall not go on the free list. It was told the committee——

Mr. BEVERIDGE. How much was imported?

Mr. ALDRICH. Two hundred and two gallons.

Mr. BEVERIDGE. Will the Senator let me put a question to the Senator from Georgia?

Mr. ALDRICH. Certainly.

Mr. BEVERIDGE. The Senator from Georgia says——

Mr. BACON. I am not making any suggestion in regard to it, except from the practical standpoint of those who are interested in it.

Mr. BEVERIDGE. The Senator from Georgia said in view of the fact that there were only 202 gallons imported he was willing that it should go on the free list. I will ask him if 2,000,000 gallons were imported, would he be willing to have it go on the free list?

Mr. BACON. I would not, because we would get a revenue from it.

Mr. BEVERIDGE. And because it is produced in Georgia.

Mr. ALDRICH. It was stated to the committee that in view of the increasing production of cotton in other parts of the world producing cotton-seed oil, if the duty were removed there would be very large importations of cotton-seed oil, which would largely reduce the price in this country.

If the Senators upon the other side of the Chamber, who are better acquainted with this industry than I am, desire to have it go on the free list, I presume that they could secure the acquiescence of Senators sitting upon this side.

Mr. SIMMONS. Mr. President, I have just come into the Chamber, and I should like to inquire of the Senator from Rhode Island if it is proposed to act upon this amendment at this time?

Mr. ALDRICH. It has already been acted upon.

Mr. SIMMONS. By the Senate?

Mr. ALDRICH. Yes.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT The Senator from North Carolina [Mr SIMMONS] has the floor.

Mr. SIMMONS. I do not understand that the Senate has adopted the amendment.

Mr. ALDRICH. The Senate has adopted the third paragraph in this bill, which imposes 25 per cent ad valorem on all expressed and distilled oils not otherwise provided for. Of course, we have not yet acted upon the free list, but so far as the committee is concerned, we have already stricken it from the free list.

Mr. SIMMONS. I have just come in, and I do not understand exactly the situation of it; but I did not understand that it was proposed to act upon an amendment specifically that provides that the duty on cotton-seed oil——

Mr. ALDRICH. Yes; that has been acted upon, but not the amendment which strikes it from the free list.

Mr. BEVERIDGE. Mr. President, I think that a great deal of time can be saved, in view of the statements made by the Senator from Georgia [Mr. BACON] and the Senator from Rhode Island [Mr. ALDRICH], if it be now agreed—I am sure this side of the Chamber will agree to it—that cotton-seed oil shall go upon the free list.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from North Carolina?

Mr. BEVERIDGE. Certainly.

Mr. SIMMONS. I hope there will be no disposition to act upon that. I desire to submit some remarks on that particular item. I do not hesitate to say that, so far as I am concerned, I am not in favor of putting it on the free list.

Mr. BACON. The Senator from Rhode Island [Mr. ALDRICH] and the Senator from Indiana [Mr. BEVERIDGE] both indicate that for one to be in favor of any rate of duty would be rather a committal, I presume, to the doctrine of protection. I certainly do not admit the correctness of any such proposition; and I want to say to Senators on the other side that I am in favor generally of the imposition of proper rates of duty on almost all articles except those of prime necessity, essential to the living of those who can not afford to pay any duty.

Mr. BEVERIDGE. Especially those produced in Georgia. Human nature is everywhere the same.

Mr. BACON. There is no "especially" about it; no more "especially" in Georgia than in Indiana.

Mr. BEVERIDGE. Not at all. I am not insisting upon that; but I am rather serious; and in view of what the Senator from Rhode Island said, it seems to me we might eliminate a great deal of debate, in view of what the Senator from Georgia said, by agreeing now that cotton-seed oil go on the free list.

Mr. NEWLANDS. Mr. President——

Mr. McLAURIN. Will the Senator from Indiana allow me to ask him a question?

The VICE-PRESIDENT. The Senator from Nevada [Mr. NEWLANDS] has the floor.

Mr. NEWLANDS. I should like to ask the chairman of the Committee on Finance whether he regards this duty of 25 per cent upon cotton-seed oil as a duty for revenue or a duty for protection?

Mr. ALDRICH. A duty for protection pure and simple, and for no other purpose.

Mr. NEWLANDS. Do I understand, then, that this duty will absolutely prohibit the importation of cotton-seed oil from other countries?

Mr. ALDRICH. Did the Senator hear the statistics which I read upon the subject?

Mr. NEWLANDS. I did not. However, I understood the Senator to say that the production of cotton in other parts of the world was increasing and that some of the people of the South feared that cotton-seed oil would come into this country and be used. The question I address to the Senator, however, is whether that duty is intended to be prohibitory or whether it is intended to be productive of revenue?

Mr. ALDRICH. Mr. President, the Senator from Nevada seems to be interested at times in production in this country. There was produced in 1905 in the United States 133,817,772 gallons of cotton-seed oil, valued at $31,341,912. The present duty upon cotton-seed oil is 4 cents per gallon, which is prohibitory. The duty now suggested is 25 per cent ad valorem, which is put on this article as a protective duty to prevent the importation into the United States of cotton-seed oil produced in Egypt or in any other country that is now producing cotton, and which, so far as I am concerned, I will defend against all comers. I think it is an important American industry. It is an industry which should be protected, and, so far as I know, the producers of cotton-seed oil in the South desire to have it protected.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. After I give point to one question to the Senator from Rhode Island. I inquired of the Senator whether he regarded this duty of 25 per cent as absolutely prohibitory of importations. I understood him to state that he did. I would pursue that inquiry by asking how it is that in many cases a duty of 100 per cent is imposed, when a duty of 25 per cent in this case is absolutely prohibitory of importations? Is it the purpose of the committee to always impose such a duty as will be prohibitory of both importations and revenue?

Mr. ALDRICH. The Senator from Nevada, I assume, does not seriously expect me to follow him in the flights of his imagination as to the four or five or ten thousand articles that are included in this bill.

Mr. NEWLANDS. The Senator recognizes the fact, however, I believe, that there are duties as high as 100 per cent and some in excess of 100 per cent in this bill. Is not that a fact?

Mr. ALDRICH. I think that borax and some of the other products of Nevada are protected to that extent under the existing law. [Laughter.] We have, however, reduced the protection a little in this bill.

Mr. NEWLANDS. I will state to the Senator from Rhode Island that I will gladly cooperate with him in reducing any duty that equals 100 per cent. I simply wish to inquire how it is that any duty is 100 per cent, unless the purpose is to absolutely prohibit the importation of the article covered by the duty? Is there any such difference between the wages and the labor cost in this country as compared with other countries producing any of these articles as would warrant the imposition of a duty of 100 per cent in order to accomplish the protection of that article?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. In answer to the Senator from Nevada, I wish to say, that as to a great many articles manufactured, the difference in wages between the United States and Germany and other foreign countries would justify the imposition of a duty of 100 per cent. It is not so as to by-products, such as oil from cotton seed, because there is very little labor in that; but it is so in the case of highly manufactured articles of a cheap product, manufactured perhaps into needles, watch springs, or something of that kind, or even lithographing work. In such cases the wages in this country to-day are four times greater than those in Germany.

Mr. NEWLANDS. And the Senator——

Mr. ALDRICH. If the Senator from Nevada will permit me, I should like to correct my statement about borax. I find that I was mistaken in the rate of importations for 1908. The rate was 144.78 per cent, and the year before it was 150.76 per cent.

Mr. NEWLANDS. I will state to the Senator from Rhode Island that I regard that duty as entirely too high, and I will gladly cooperate with him in its reduction.

Mr. ALDRICH. We have reduced it in this bill.

Mr. NEWLANDS. I simply wish to get at the principle which controls the Finance Committee in the imposition of these duties. I find that in many cases the duty is placed at 25 per cent, and that that is prohibitory, and in others it is placed at 100 per cent, and it is not prohibitory.

Mr. ALDRICH. I will answer the Senator from Nevada promptly. The principle upon which the committee proceeded in the preparation of this bill was to extend a proper protection to every American industry, whether in South Carolina, in Nevada, or elsewhere.

Mr. BEVERIDGE. That needed it.

Mr. ALDRICH. That needed it.

Mr. NEWLANDS. But the intention of the Senator in some cases is to make that duty absolutely prohibitory and in other cases a producer of revenue. I should like to know the reason for the distinction upon these commodities.

Mr. ALDRICH. There is no such purpose of the committee, and no such purpose is expressed in the bill.

Mr. NEWLANDS. I understood the Senator from Rhode Island to state that the duty on cotton-seed oil was prohibitory of importations. I therefore assumed that it was the purpose of the committee to make it prohibitory.

Mr. ALDRICH. Mr. President, there are many duties imposed by this bill the effect of which has been to stop importations. The reduction of that duty, even to the extent of 10 per

cent, might bring about a state of affairs which would destroy every American industry. I do not mean to say that the cotton-seed oil industry would be destroyed if the duty were reduced below 25 per cent, but I see no reason—and I trust the Senators upon the other side see no reason—why we should make an experiment and reduce the duty on cotton-seed oil below the protective rate.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. I yield, but I should like to hold the floor.

Mr. TILLMAN. The Senator may hold the floor. I want to say that I know a little something about cotton and cotton seed and cotton-seed oil, and that any pretense that there is any protection in any duty whatever on it is a humbug and a falsehood. We produced this year over 13,000,000 bales of cotton, and the amount of seed which goes into cotton-seed oil—I am not prepared at the moment to say how much—is very great, and from this quantity of seed the oil is pressed and largely exported; but the cotton-seed oil producers do not want any protection on it.

Mr. ALDRICH. I dislike very much to repeat a private conversation; but I think that what I am about to allude to is so pertinent that the Senator from South Carolina will forgive me if I mention it.

Mr. TILLMAN. Surely.

Mr. ALDRICH. The Senator from South Carolina brought to me three gentlemen yesterday or to-day——

Mr. TILLMAN. Yes.

Mr. ALDRICH. To talk to me about the rate on some oil products.

Mr. TILLMAN. No; they wanted to talk to you about a rate on oleostearin, which is a by-product of the slaughter of beef cattle, and is used in the manufacture——

Mr. ALDRICH. It is an oil product.

Mr. TILLMAN. It is used in the manufacture of compound lard; and the cotton-seed oil people want it to go on the free list.

Mr. ALDRICH. I understand all that; but one of those gentlemen represented the largest producers of cotton-seed oil in the United States; and we have on record with the Committee on Finance the strongest possible protest from two of the gentlemen that the Senator presented to me against reducing the duty on cotton-seed oil or putting it on the free list.

Mr. TILLMAN. That may be. It is because they, along with others of the South, imagine that there is some protection to American industry—for instance, in the manufacture of cotton. We have got factories in South Carolina whose product was almost wholly exported to China until the rebellion over there several years ago, which disrupted the commercial relationship; and those people were in favor of a protective duty on cotton, but the people of the South do not want it.

Mr. ALDRICH. Mr. President, I wanted to bring to the attention of the Senator from South Carolina by witnesses of his own production the fact that the producers of cotton-seed oil in the South do object to having it put upon the free list and insist upon having a duty imposed upon it.

Mr. TILLMAN. That may be, but I do not represent any such people. [Laughter.]

Mr. NEWLANDS. Mr. President, I would ask the Senator from Rhode Island whenever it appears that under a duty imposed in the existing Dingley law there are no importations whatever of the article upon which the duty is imposed, whether he would favor a reduction of such a duty?

Mr. ALDRICH. Mr. President, I know that the Senator from Nevada is an intelligent man, and I know that he understands as well as I do that whether there were any importations in a certain year has nothing whatever to do with the question whether a rate is protective or not. Circumstances and conditions might be such that a particular rate would be prohibitive one year or one month, and another year or another month, under some other conditions, there might be large importations.

Mr. NEWLANDS. Suppose for a series of years it should appear that there were no importations.

Mr. ALDRICH. That has not appeared for a series of years, and I suggest to the Senator——

Mr. NEWLANDS. Will the Senator say that that has not appeared with reference to any of these duties?

Mr. ALDRICH. I am talking about cotton-seed oil.

Mr. NEWLANDS. I am not talking about cotton-seed oil; I am talking generally.

Mr. ALDRICH. What is the Senator talking about, if he is willing to enlighten us?

Mr. NEWLANDS. I did not hear what the Senator said.

Mr. ALDRICH. I asked the Senator what particular thing he is talking about, if it is not cotton-seed oil?

Mr. NEWLANDS. I am talking about the principle that controls regarding the adjustment of these duties.

Mr. ALDRICH. Mr. President, the Senator must be aware that what would be a fair ad valorem duty upon one article might be absolutely unfair as to another article. There is no mathematical level to be assumed in regard to these matters. On some articles rates of 10 per cent are sufficiently protective and in other cases 95 per cent might be required. The schedules are not made upon any mathematical basis, and they can not be made upon any mathematical basis at all. There is no such intention or purpose on anybody's part.

Mr. NEWLANDS. Mr. President, the Senator has not answered my inquiry, and that is, whether, if it should appear that for a given year or for a series of years there had been no importations of an article upon which a duty was imposed, he would deem it wise to make a reduction of that duty?

Mr. ALDRICH. I might be inclined to make a reduction of that duty, but I should first take into consideration all the surrounding conditions and circumstances.

Mr. NEWLANDS. Let me ask the Senator another question. If it should appear that during a series of years upon numerous articles covered by this tariff the importations had not equaled one-tenth of the total production of this country or of its consumption, and that the duty was over 100 per cent, would he not deem it wise to make a reduction in that duty? I am curious to know what principle controls. The Senator says this is not reached by any mathematical process. What process does control, except the influence of the particular interests that are affected by these duties?

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. I yield to the Senator.

Mr. CARTER. Mr. President, I desire to ask the Senator whether, if diamonds were not imported to the extent of over 10 per cent of the home production, he would regard it as important to reduce the duty on diamonds; or if, in his judgment, the importations of champagne were not quite sufficient to justify the imposition of so great a duty, would he believe it wise to reduce the duty on champagne, and thereby reduce the revenues and encourage the importation of that article?

I take it that the Senator omits to consider the suggestion, so oft repeated by the Senator from Rhode Island, to the effect that each duty must be considered with relation to all the circumstances and conditions surrounding the article imported or produced. I take it for granted that there is no pretense that this country produces a champagne which will at all compete with the French brands of champagne, and yet no man can be heard to insist upon a reduction of the duty on imported champagne. Let those with champagne appetites pay the duty imposed by the bill, and I doubt if it is high enough now.

So with diamonds, Mr. President. We produce very few diamonds in this country. A great many people insist upon wearing diamonds, but I take it that the Senator from Nevada will not undertake to encourage the importation of diamonds by reducing the duty on diamonds. The contrary might be the effect with reference to cotton-seed oil or with reference to some article of food or some article in common use amongst the people in the line of production.

I think the Senator from Rhode Island has made it clearly manifest that the duty upon each article should be considered in relation to all the facts and circumstances connected with the production and consumption of that particular article, and that therefore no general principle can be announced that will obtain with unvarying regularity with reference to all classes and conditions of importations. It appears from the question propounded by the Senator from Nevada that he would have the Senator from Rhode Island announce a certain basic principle upon which the committee would act, and ask the Senator to act, with reference to every pound or ton of merchandise imported into the country, without any reference whatever to the quality, the uses to which the article is put, the extent to which it enters into competition with American products, or the benefit or use the article might be to the country at large.

Mr. NEWLANDS. Mr. President, in answer to the Senator from Montana, I will say that he instances diamonds, a commodity which is not produced in this country; and what he says with reference to that article has no relation whatever to commodities that are produced in this country and that are also imported from foreign countries.

I quite agree with the Senator that if the principle of protection to American industries is to control, and the exclusion,

either entire or partial, of foreign products entering into competition with them, it is necessary to take into consideration the circumstances surrounding the production of each article, both abroad and at home. One of the faults that I have to find with the statistics furnished us here is that while we have a statement of the amount of each commodity imported, we have not a statement of the production in this country of each article upon which a duty is placed. That, I understand from the Senator from Rhode Island, will be remedied.

So far as a revenue duty is concerned, the task is an easy one. It is to impose a duty that will yield revenue and so to distribute and fairly apportion the duties upon the different commodities as not unduly to discriminate in favor of or against either one or the other, not to have in view a prohibitive duty upon one article and a very low duty upon another.

But, with reference to protection, my inquiry was simply made in good faith, with a view to ascertaining the principle that controls the majority of the Finance Committee in the regulation of these duties. Here we are called upon to consider in a Senate of 92 Members the duties upon I do not know how many thousand articles. We have already, within the space of two hours, considered the duties upon about 50 articles. I was anxious to know whether there was a general principle that controlled the duty upon all, or whether there was no principle whatever, and whether we must take into consideration the special circumstances surrounding the production of each article. If the latter is to control—and I am told by the Senator from Montana [Mr. CARTER] that it is to control—then we certainly are not proceeding with the deliberation and the circumspection that ought to attend a proceeding of this kind.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. I will get through my statement in a moment.

We have had no statement whatever, except when it was asked for, of the imports of a particular article, of the production of a particular article, of the labor cost in other countries, and the labor cost in this country. Here we are, claiming to have the capacity, as a business body, to act upon this matter, utterly ignoring the creation of any scientific body to sift this question and reach a conclusion, and yet passing on these schedules in this speedy way, without any inquiry into circumstances and conditions. So that, as a matter of fact, it simply means that this body is not deliberating at all upon the subject, and that the only part of this body which has deliberated upon it is the majority of the Committee on Finance, without the participation of the minority, and that the great mass of this body accept their conclusions without question and without inquiry into the conditions and circumstances that have controlled their judgment.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly.

Mr. CARTER. Mr. President, I believe I observed accurately that the Senator from Nevada finds confusion as to a principle in the one case and as to a rule in the other. He rose to inquire what rule had been controlling throughout the formation of this bill—why percentages did not obtain uniformly as to all productions, regardless of the conditions or circumstances surrounding them. I undertook merely to repeat in my own way what I understood to be the statement of the Senator from Rhode Island, that no inflexible rule could be employed where conditions were varied and constantly varying.

Now, as to a principle, the Senator from Nevada presents a different question. I understand it to be distinctly understood, and not questioned anywhere, that this bill is framed upon a principle clearly announced and well understood throughout this country, to wit, that such duties shall be imposed upon importations as will make up the difference between the cost of labor and production abroad and the cost of labor and production at home.

Mr. GALLINGER. With a reasonable profit.

Mr. CARTER. The application of that principle results in a 25 per cent imposition of duty in one case, 150 per cent in another, and no duty at all in another.

Mr. BACON. Mr. President, I do not think the Senator correctly quotes his own platform.

Mr. CARTER. The substance of it, I think.

Mr. BACON. No, sir; the platform is not simply to cover the difference in wages, but it adds "a reasonable profit" besides, which is a very elastic provision.

Mr. CARTER. O, Mr. President, a reasonable profit goes with production. No one will undertake to invest capital without compensation; and capital, the accumulated earnings of the world, is entitled to its daily and annual wage just as is the individual who works with his brawn and brain from morning until night. To undertake to conduct manufacturing operations or transportation operations or farming operations without the investment of capital is impossible, and to undertake to conduct such operations without any profit is simply Utopian. Of course, it is understood that the capital employed shall be accorded reasonable profit. That is one of the legitimate costs of production.

Mr. LODGE. Mr. President, I was called from the Senate Chamber when paragraph 17 was disposed of. I desired to have it passed over.

Several SENATORS. It has been.

Mr. LODGE. I was told it had not been.

The VICE-PRESIDENT. Paragraph 17 has not been passed over. The Senator from Massachusetts now asks that it be passed over.

Mr. LODGE. I desire to have it passed over.

Mr. PENROSE. The Senator from New Jersey asked to have it passed over.

Mr. LODGE. The Chair has just stated that it has not been passed over.

The VICE-PRESIDENT. The junior Senator from New Jersey requested that it be passed over, and afterwards withdrew the request.

Mr. LODGE. As I say, I was absent, and I desire to have it passed over. I should have asked that it go over if I had been here. Therefore, I ask that the vote by which the paragraph was agreed to be reconsidered, and that it shall then be passed over.

The VICE-PRESIDENT. Without objection, that order will be entered. No objection is heard. The paragraph is passed over.

Mr. NEWLANDS. Mr. President, the Senator from Montana [Mr. CARTER] declared that, whilst it was impossible to state the rule by which these duties were determined, it was possible to state the principle, and that is the principle of protection; and yet I venture to say that the Senator has not, during this inquiry in the Senate or at any time, with reference to any of the 46 articles considered, for himself entered into an inquiry as to whether the principle of protection justifies these duties. He must submit, as almost the entire majority must submit, and the Senate itself must ultimately submit, to the judgment of six or seven men on the Committee on Finance, with the probability that the judgment of those six or seven men is almost entirely deferential to the judgment of the chairman of the committee.

So far as I am concerned, I do not believe in free trade. I do not believe in a radical reduction of the tariff.

Mr. ALDRICH. Mr. President——

Mr. NEWLANDS. If the Senator will permit me for a few moments, I will yield to him later.

I realize the fact that we have gone a long way from the proper principle which should control, but the abuses that have sprung up have become so thoroughly interwoven with our entire industrial system that to radically change them in a moment of time would produce industrial paralysis. I realize that we can not immediately return to correct principles; that we can not return in a year; that we can not return in five years; that we may not be able to return in ten or twenty years. But I believe that the demand of the country, the demand of the Republican party itself, is that we should gradually return; and so far as any reduction in excessive duties is concerned, the Democrat who believes as a matter of principle in a tariff for revenue can join with a progressive Republican who believes in a reduction of duties in ascertaining some rule for gradual, progressive reduction in the duties of the country which, without paralysis to business, without violent readjustments, without exciting alarm or business disturbance, will gradually in a course of years bring us to normal conditions.

If we can accomplish this in ten years we will do well, for what is ten years in the life of the Nation? If we can do it in twenty years we will do well, for what is twenty years in the life of the Nation? For fifty years we have now been contending over the tariff. The Morrill tariff was the highest protective tariff that this country had produced up to that time, and it was producing so large a surplus that there was an agitation for the reduction of duties, and a commission was organized by the Republican party for the purpose of reducing those duties. A conflict of interests, however, arose in the Senate and House which prevented their acceptance of the judgment of a commission organized by the Republican party itself; and so that movement, commenced forty years ago by the Republican party for the reduction of excessive duties imposed as a matter perhaps

of war necessity, ended in the McKinley Act, the highest tariff on the statute books of the country up to that time.

The movement of the Republican party for reform and reduction thus ended in increasing existing duties and exaggerating the abuses of the protective system. There was then a revulsion of public sentiment and the Democratic party came into power; and yet I am told that the Wilson tariff, which they produced, was in excess of the duties of the Morrill tariff—the Republican tariff—which the Republicans themselves set about to reform and reduce. Why? Because these abuses had grown into and formed a part of the entire industrial system of the country, and the Democrats were obliged to recognize them; and they could not, without violent readjustment, make as big reductions as the principle to which they were devoted demanded. And then the Democratic party went out of power, having passed the Wilson bill, and the Republican party, which had started out years before upon the lines of reform and reduction, regarded the victory at the polls as a warrant from the country to increase the excessive duties of the McKinley bill; and so we had the Dingley bill, the highest bill of all.

There has been a movement recently throughout the entire country, a movement not simply upon the part of the Democratic party, but a movement upon the part, I believe, of the majority of the Republican party, demanding a return, gradual though it be, to just principles.

I am solicitous that the tariff should be taken out of politics. I do not believe it is to the advantage of the country to have so serious an economic question as this is the subject of political discussion every four years, the subject of political action every four years, with the resulting alarm, apprehension, and disturbance of business; and I believe that that is the sentiment of the Republican party, that it is the sentiment of the majority of the people of this country, that they want either a tariff commission organized, acting under a rule imposed by Congress, which will force a gradual reduction of these duties, or they want Congress itself to take such action.

I wish to join—for the Democratic party of course will find it impossible to record upon the statute books its judgment—with the progressive element of the Republican party in an honest effort to reduce these duties, and though their reduction either now or in the future may not reach the limit which I would urge, yet I am prepared to go on with them along the line of reform, in the pathway of reform, though perhaps they may not be willing to go as far as I may, and though perhaps hereafter we may be compelled to part.

So I trust that the progressive element of the Republican party, represented in this body, that progressive element so ably represented by the Senator from Wisconsin and the Senator from Iowa, will take heart and realize that though they may be in the minority on this floor so far as their own party is concerned, they have the power, by the addition of Democratic votes, to put upon the statute books that which they wish.

I would encourage them in standing against the men who for twenty years have represented not the real interests of this country, but every abuse in it, and if they are earnest in their desire for reform, I ask them to present some rule for progressive reduction which we can accept, and if they will produce it, we will put it upon the statute books and the country will sustain it.

Mr. ALDRICH. Mr. President, I have sometimes had doubts whether the Senator from Nevada [Mr. NEWLANDS] had any authority to represent either the Democratic party or any progressive element of the Republican party. He is anxious about principles. I wish he would illumine the Senate briefly, if he can, as to what are the joint principles of the gentlemen to which he has alluded. What would they do in a concrete case? For instance, take the duty on borax at 150 per cent ad valorem. What would the Senator suggest as a practical question about borax? Would he assume from the fact that there is 150 per cent ad valorem upon it, it ought to be put upon the free list? Would he suggest that the duty should be reduced so low that the mines and the borax producers in Navada should be wiped out completely and the foreigners should be given the benefit of the great market of this country? What are the joint principles of this new coalition which the Senator from Nevada is going to lead?

I hope they will be disclosed, that the Senate and the people of the country may know upon what principles this combination is to be held together.

Mr. LODGE. Mr. President, I merely wish to ask one other question, as the Senator from Nevada is speaking about the principles of this new party. What was the rule or principle adopted by the party to which the Senator now belongs, in its caucus, in regard to the reduction of duties in the schedules? What general rule did the Democratic caucus adopt? That would give us a starting point.

Mr. NEWLANDS. Mr. President, I shall not initiate the Senator from Massachusetts into the secrets of the Democratic caucus.

Mr. LODGE. There is no need to do so.

Mr. NEWLANDS. I shall content myself——

Mr. BACON. I suppose the Senator from Massachusetts, in saying it is unnecessary to initiate him, refers to a period some thirty-five years ago when he was in affiliation with them.

Mr. LODGE. No. Mr. President, I never supposed before that the Senator from Georgia was guilty of so much imagination. I never was in a Democratic caucus in my life.

Mr. BACON. I may be mistaken, but I have always understood that the Senator from Massachusetts supported Mr. Greeley.

Mr. LODGE. No, Mr. President, I voted for General Grant. But even if I had, I do not think it would alter what we are getting at now, which is the general principle of action; and when I referred to information about the Democratic caucus being unnecessary, it was because, it seemed to me, it had all been confided to the newspapers, where we could all read it.

Mr. NEWLANDS. So far as the remarks of the Senator from Rhode Island are concerned, I realize, of course, that he is endeavoring to make a personal argument against myself regarding the duty upon borax, because borax happens to be produced in my State. I wish to say that so far as the imposition of that duty is concerned, I know nothing definite. I have no definite knowledge regarding the principles which regulate that duty. If, as he says, the duty is 150 per cent, I have no hesitation in saying it ought to be radically reduced.

Mr. GALLINGER. To what point?

Mr. NEWLANDS. The Senator asks me to what point. I tell him that at this time I am unable to state to what point. I lack the same information that almost every other Senator lacks with reference to these matters.

The Senator inquires what are the principles of the coalition which I would suggest. I suggest no coalition.

Mr. ALDRICH. Will the Senator permit me? I understood the Senator to suggest that the rule and principle ought to be applied without information.

Mr. NEWLANDS. I imagine that rules are always based upon information and that principles are always based upon information, and I lack some confidence, I may say, in action which has neither a rule nor a principle which can be expressed regarding it.

The Senator inquires what are the principles of this new coalition. I suggest no coalition. I suggest that the Democratic party will aid and follow the progressive part of the Republican party in any honest effort which they will make to reduce excessive duties; and if the Senator inquires what principle shall control us, I will say the principle of a gradual and a progressive reduction of excessive duties, and men who are in favor of that can act together, whether they be protectionists, or whether they be free traders, or whether they be for a tariff for revenue, for any reduction in excessive duties meets, in part at least, the existing demands of all. The only thing we have to determine is whether the duties are excessive.

Mr. ALDRICH. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. I will be very glad to ask him a question which I fear may perhaps be rather personal. The Senator from Nevada has introduced a bill to reduce certain duties progressively for a period of years.

Mr. NEWLANDS. Yes.

Mr. ALDRICH. I should like to ask him whether that bill has the support of the Democratic party or of the progressive Republicans to any extent that he knows of?

Mr. NEWLANDS. I will state that I have not consulted the Democratic party or the progressive Republicans with reference to that measure beyond merely calling attention to its provisions in a few remarks. I simply presented it as a tentative amendment to the pending bill with a view to promoting consideration and inquiry.

I am not altogether satisfied as yet whether the principle of the amendment which I have offered is correct or not, but the amendment is before the Senate, and I trust will receive consideration. I would be very glad to hear from the Senator from Rhode Island regarding it.

I have introduced two amendments, one which provides that all duties in excess of 45 per cent, which is the general average of the protective duties imposed by this bill, should be gradually

reduced at the rate of one-tenth of the excess until 45 per cent is reached. Under that process it would take ten years to reduce what may be regarded as the excessive duties of the tariff to the average duty of 45 per cent; and I have assumed that a duty which adds to the cost of an imported article nearly 50 per cent will be sufficient to protect the production of such commodity in this country.

I have also offered an amendment which provides that whenever it shall be found and ascertained that the importations of any article do not equal one-tenth of the total consumption of the country, the duty shall be reduced at the rate of one-tenth per annum until the importations do amount to one-tenth; for I assume that no wise man wishes to shape a bill which will absolutely prohibit the importation of all foreign products, or of any, and that the importation of one-tenth only of our total consumption will be a regulator against monopoly instead of involving the destruction of any American industry.

I realize that we on the Democratic side can not have our way. I realize that in our amendments to this bill, if we expect to have them incorporated into law, we must accommodate ourselves to the protection principle in order to secure the support of such progressive Republicans as the Senator from Iowa and the Senator from Wisconsin; and therefore, as a sensible, practical thing, I do not urge here for immediate action legislation which would be regarded as seriously impairing the protective principle, but only such reasonable legislation as the progressive Republicans may themselves be willing to concur in. And these are the principles which regulate my action regarding this bill.

Mr. MONEY. Mr. President, I do not want this discussion to close without saying something in reply to what has been said about cotton-seed oil on the taxed list. I do not know who has been before the committee to advocate a tax upon cotton-seed oil. It is a very large product of my State, and the exclusive product of the Southern States. But I desire to say that there is not a single Democratic Senator that I have ever heard of who has asked for any such tax, and I have inquired to find if anyone wanted the tax put on. We have no competitor that I am aware of in the production of cotton-seed oil. I suppose about $20,000 worth came in last year. We do not want any protection on it. Why it was put on the taxed list I do not know, because there is no revenue in it, and there is no protection in it.

I heard the Senator from Rhode Island, the distinguished chairman of the committee, say, in reply to a question put by the Senator from Nevada, that the controlling principle in the making of this bill was to give protection to every American manufacturer or producer who needed it. I suppose in this case "principle" is a synonym of "purpose" or "object." He stated it very fairly and very neatly, and I am very glad he did it, so that there may be no misunderstanding about it whatever anywhere.

But I do object to having it said here or elsewhere that anybody on this side of the Chamber has ever asked for a duty of any sort on cotton-seed oil, as it can not protect anybody and it can not bring in any revenue. Why it is in the schedule at all, I do not understand. It was stricken out in one place and put in in another, among other oils, expressed, distilled, and so forth.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Rhode Island?

Mr. MONEY. Certainly.

Mr. ALDRICH. I think the Senator from Mississippi was not in the Chamber when I made the statement which I did. It was not that the Senators upon the other side of the Chamber had asked me to put a duty on cotton-seed oil, but I said the representatives of the producers of cotton-seed oil had requested that it be put upon the dutiable list and removed from the free list; and I can submit to the Senator, if he so desires, a number of briefs from the manufacturers of cotton-seed oil in the South making that request very strongly.

Mr. MONEY. Of course I have not seen these briefs, but I want to say that two gentlemen representing large cotton-seed oil producing mills were in my office this morning, and they did not ask anything of the sort. They only asked that olene and stearin should be put on the free list. Nobody said a word to me about a tax on cotton-seed oil. It is totally unnecessary, as I said, from either point of view—the protective or the revenue point.

Mr. ALDRICH. I think the Senator from Mississippi will agree that they would be more likely to speak to me about it than to him.

Mr. MONEY. I think it is quite likely they would. But I want to say now and here, and I will say it again, that no man from Mississippi need come to me for a protective duty on anything. I would no more protect an interest in Mississippi than I would one in Rhode Island or Massachusetts or anywhere else. Why? Because there is no authority in this Congress to levy a tax upon the people of the United States for the purpose or upon the principle of protecting manufacturers or any other American interest. There is not——

Mr. ALDRICH. Mr. President——

Mr. MONEY. One moment, if you please, and I will yield to you with pleasure. There is, in my opinion, no authority in this Congress to tax any citizen except to defray the expenses of the Government. When we do anything else it is ultra vires. It is not only unconstitutional, but it is immoral, because it is taking from one man and giving it to another, without any compensation whatever to the former.

I do not say you have not the power by a majority vote to do what you please with this matter, and long ago it was decided by the first Chief Justice, and one of the greatest, John Marshall, that the power to tax was the power to destroy; and I suppose the inverse of that proposition is to be received here as good public policy—that you can build up by taxation one set of private enterprises and individuals at the expense of a great many other people who are working without any such aid.

I am glad the Senator has stated the principle so plainly. It was not misunderstood, however. But a declaration of that sort clears the atmosphere a little bit, and I want to clear the atmosphere in regard to this product, which you put upon the tax list at 25 per cent. It is not wanted and it is not needed, and I do not want it charged to the South that they are being protected in this bill upon the product of cotton seed.

Mr. ALDRICH. Mr. President, I acquit the Senator from Mississippi of inconsistency. He is a survivor—I will not say the only survivor, and it is not upon the doctrine of the survival of the fittest that I make the statement—but he is a survivor of the old-fashioned Democratic doctrine of supporting a tariff for revenue only, and he has never, so far as I know, been inconsistent in the advocacy of that doctrine.

Mr. MONEY. I am very much obliged to the Senator for this tribute to my consistency and my Democracy, and my constitutionality also. I want to say that the other day, when the distinguished Senator from Rhode Island read what he said was the principle of his ancestors, of his own father, it was the straight Democratic principle which I have just announced, and I felt gratified that he had such a father, but I did not feel proud that his father had such a son. [Laughter.]

I want to say, with the greatest esteem and most kindly feeling for that Senator, distinguished as he is, that when I thought of his childish ignorance of the principles upon which a bill of this sort should be framed, of his childhood days and his full knowledge as a man, knowing that he has grown in stature but not in grace politically, I was reminded of the beautiful little poem by Tom Hood, when the old man, speaking of the scenes of his childhood, said:

I remember, I remember
The fir trees dark and high—
I used to think their slender tops
Were close against the sky:
It was a childish ignorance;
But now 'tis little joy
To know I'm farther off from heav'n
Than when I was a boy!

[Laughter.]

Mr. SCOTT. Mr. President, I wish to ask the Senator from Mississippi if I understood him to say that he is not in favor of protecting any article in the bill? I wanted the Senator to help me on lumber. I was very sorry, indeed, to hear him say that he is not in favor of protecting anything.

Mr. MONEY. Will the Senator permit me to say that I am not in favor of protecting lumber, but I will announce later that I am in favor of raising revenue. I am here representing the United States Government in a bill which ought to be framed to raise revenue, and we have no right to frame a bill for any other purpose, according to my opinion.

The Senator says it might be the survival of the fittest. But what is the survival of the fittest? The fittest for what? The fittest to join in what old Sam Cox used to call the "mutuality of rascality," as shown in all these bills? No; I am not a survival of that sort. Put one of these people of the Far East who can live upon 2 or 3 cents a day and live in a squalid manner and wear cheap, common clothes, alongside of an American citizen on the same farm, and the survival of the fittest will be the oriental; he will survive when the other man will have been in his grave for many years. The survival of the fittest is the fittest for that particular thing. He is the

fittest in a general sense; he is not the best man, not the noblest man, not the purest man, but the best man for that particular thing, whatever it may be.

I want to say to the Senator from West Virginia that he must not be discouraged because I announce this principle. I am for a tax on lumber, not for the protection of lumber, but because it produces a very handsome revenue.

Mr. SCOTT. I am obliged to the Senator for his support.

Mr. MONEY. I would tax everything that produces revenue, except those things that enter into the composition of fertilizers, because fertilizers, to speak both figuratively and literally, go to the root of all things. When the distinguished Senator took sulphate of ammonia from the free list in the Payne bill, which is one of the principal ingredients in the fertilizers of the country, it was put on the tax list, not at the request of the millions of farmers throughout the country who use it, but of the men who produce it. The man whose interest is being protected is the manufacturer. He is the man who wants protection on the blood and tankage which furnishes nitrogen, which is the principal ingredient in the fertilizers, and he does not want a competitor such as sulphate of ammonia to enter in except with a tax.

I will vote to put a duty on anything that will make a tariff revenue until I have an assurance that the point has been reached where the expenses of the Government will be properly met. Then I will stop. In the meanwhile, I would extend this burden everywhere, that it might be as lightly borne as possible. I would extend it for the general benefit to every man, because there is an incidental benefit that is to be distributed as well as the other, but I would not have a revenue bill framed for the purpose of protecting anybody on earth. Why? Because, in the first place, it has been pronounced against too often.

It is not constitutional. The Supreme Court here has said so. It has said, in substance, that whenever, under the law, you take money from a man and bestow it upon a private person doing a private business for his benefit you have committed a robbery in the form of law. That is pretty harsh language. I am not speaking except in quotations, because I would not offend the sensibilities of any Senator on the other side by using harsh language, but that is what the court said. The court goes on and says that it is not legislation, but a legislative decree.

This is not the time to discuss that. I only want to set the Senate and the country right on the fact that we have not asked for the protection of cotton seed. If any of my constituents have approached the Committee on Finance on the subject, it was not through me or by me, but for his purpose. I think myself that the Senator from Rhode Island is quite right, and he had better go to him and not to me.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The next amendment was, on page 16, line 17, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 18, before the words "per cent," to strike out "twenty" and insert "twenty-five," so as to make the paragraph read:

65. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing; if containing alcohol, or in the manufacture or preparation of which alcohol is used, 60 cents per pound and 50 per cent ad valorem; if not containing alcohol, or in the manufacture or preparation of which alcohol is not used, 60 per cent ad valorem; floral or flower waters containing no alcohol, not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 16, line 20, before the words "per pound," to strike out "50 cents" and insert "$1," so as to make the paragraph read:

66. Santonin, and all salts thereof containing 80 per cent or over of santonin, $1 per pound.

Mr. BACON. Will the Senator from Rhode Island pardon me if I ask him what is "santonin?"

Mr. ALDRICH. It is the active principle of santonica, obtained from worm seed, the seed of a species of southern wood.

Mr. BACON. And that is the reason why the duty is raised to $1?

Mr. BEVERIDGE. What is it used for?

Mr. TILLMAN. I wish to suggest to the Senator from Rhode Island that the word "south," while in the United States applies to a certain section of our country, it also geographically applies to half of the world, and that this wood is not grown down there that I know anything about. If it is one of the things the South has, I want it taken out right here.

Mr. ALDRICH. I will suggest to the Senator that it is a medicine which is used as a vermifuge.

Mr. BEVERIDGE. Let the paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 16, after line 20, to strike out the subhead "Soap."

The amendment was agreed to.

The next amendment was, on page 16, line 25, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

67. Castile soap, 1¼ cents per pound; fancy, perfumed, and all descriptions of toilet soap, including so-called medicinal or medicated soaps, 20 cents per pound; all other soaps not specially provided for in this section, 20 per cent ad valorem.

Mr. SMOOT. Let the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 17, after line 2, to strike out the subhead "Soda."

The amendment was agreed to.

The next amendment was, on page 17, line 6, after the word "soda," to strike out "three-fourths" and insert "five-eighths," so as to make the paragraph read:

68. Bicarbonate of soda, or supercarbonate of soda, or saleratus, and other alkalies containing 50 per cent or more of bicarbonate of soda, five-eighths of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 17, line 9, before the words "per pound," to strike out "1 cent" and insert "1¼ cents," so as to make the paragraph read:

69. Bichromate and chromate of soda, 1¼ cents per pound.

Mr. DU PONT. I ask that this paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 17, line 16, after the word "soda," to strike out 30 per cent ad valorem" and insert "three-eighths of 1 cent per pound," so as to make the paragraph read:

71. Hydrate of, or caustic soda, one-half of 1 cent per pound; nitrite of soda, 2 cents per pound; hyposulphite and sulphide of soda, three-eighths of 1 cent per pound.

Mr. DICK. I ask that the paragraph may go over.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. DU PONT. Was paragraph 70 passed over?

The VICE-PRESIDENT. It was not.

Mr. DU PONT. I ask that it be passed over.

The VICE-PRESIDENT. Paragraph 70 was read. It will be passed over.

The next amendment was, on page 18, line 5, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

77. Sponges, 20 per cent ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, 30 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 18, after line 9, to strike out:

79. Sulphur, refined or sublimed, or flowers of, $6 per ton.

The amendment was agreed to.

The next amendment was, on page 18, after line 11, to insert:

79. Sulphur, refined or sublimed, or flowers of sulphur; and sulphur or brimstone advanced beyond the original condition as mined, by melting, refining or any process whatever by means of which impurities or extraneous matter, wholly or in part, have been removed, $6 per ton.

Mr. ALDRICH. I ask that the amendment be disagreed to.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. BEVERIDGE. I supposed that the amendment was for purposes of classification.

Mr. ALDRICH. It is a mistaken classification, we found.

Mr. HALE. It restores the House provision.

Mr. BEVERIDGE. I understand what it is, perfectly. I was wondering why it was that the committee placed——

Mr. ALDRICH. I suppose the Senator from South Carolina wants to have the House rate restored, also.

Mr. TILLMAN. No; I want to have the article of sulphur placed on the free list. It is an important part of fertilizers.

Mr. ALDRICH. That is what would happen if the amendment is disagreed to.

Mr. TILLMAN. I thought the House placed a duty of $6 a ton on sulphur.

Mr. ALDRICH. This is refined sulphur.

Mr. TILLMAN. All right. I understood, a little while ago, that it was the policy of the Senator from Rhode Island to admit free all ingredients which are used in the manufacture of fertilizers.

Mr. ALDRICH. That is right.

Mr. TILLMAN. This is one of the principal ingredients, because sulphuric acid is absolutely essential in mixing the phosphates dug in Tennessee, Florida, and South Carolina.

Mr. ALDRICH. The Senator from South Carolina wants to vote with us in disagreeing to this amendment.

Mr. SMOOT. Mr. President——

Mr. BACON. What effect does that have upon the action of the House?

The VICE-PRESIDENT. The Senator from Utah was recognized.

Mr. BEVERIDGE. I was on the floor and had not completed my remarks.

The VICE-PRESIDENT. The Senator from Utah was recognized before the Senator from Indiana rose.

Mr. BEVERIDGE. The RECORD will show the reverse was the case, but I do not insist.

Mr. SMOOT. I will yield to the Senator from Indiana.

Mr. BEVERIDGE. Not at all.

Mr. NELSON. Will the Senator——

The VICE-PRESIDENT. The Senator from Utah is recognized by the Chair.

Mr. NELSON. Will the Senator yield to me for a minute?

Mr. SMOOT. I yield to the Senator from Minnesota.

Mr. NELSON. The amendment proposed by the Senate is in the nature of a motion to strike out and insert. If that amendment is rejected, it seems to me that the House provision remains.

Mr. SMOOT. That is true.

Mr. NELSON. You want to have the House provision remain?

Mr. ALDRICH. Yes.

Mr. SMOOT. Perhaps I had better explain how the Senate committee came to make the amendment. There has been a great deal of sulphur of late discovered in Japan. It is formed by hot water running from the mountains, coming out in crude sulphur, almost pure. That sulphur comes into this country now free. It is 99.7 per cent pure sulphur, but it comes in the shape of mats, and has been always allowed to come here free.

There are a great many sulphur mines in Wyoming and Utah that come in direct competition with this product. We thought by the wording of the amendment that we could eliminate the Japanese sulphur and still not interfere with the Sicilian sulphur that comes here in the East and is manufactured in sulphuric acid and fertilizer, used in wood pulp, and a thousand other things. But we found that it was impossible to do that.

So we are now perfectly willing to go back to the Dingley rate and let the sulphur come in as it did. It is crude sulphur that comes in mats, and it does not interfere at all with the Japanese sulphur.

Mr. BACON. If I understand the Senator correctly, the present rate of duty is only on the refined or sublimate of sulphur.

Mr. SMOOT. Yes.

Mr. BACON. It does not affect the crude sulphur?

Mr. SMOOT. It does not affect the crude sulphur.

Mr. BACON. So, if the law is permitted to stand as it is now, crude sulphur will come in free of duty.

Mr. SMOOT. Crude sulphur will come in free of duty.

Mr. TILLMAN. The Senator from Florida has just informed me that a certain portion of Louisiana is interested in this sulphur schedule, and as the Senators from Louisiana are not present, I suggest to the chairman of the Committee on Finance to let the paragraph go over until we can hear from Louisiana. Perhaps there is something down there that they would like to get a little protection for.

Mr. SMOOT. I will inform the Senator from South Carolina that Louisiana to-day is not interested in the tariff on sulphur in any way. Louisiana can produce sulphur cheaper than any country on earth.

Mr. TILLMAN. They just go and dig it out of the ground and shovel it into a sack and ship it here?

Mr. SMOOT. They do not even dig it out of the ground. They pump the hot water, and it runs out sulphur. I understand that Louisiana is in such a position to-day that they have even gone so far as to go to Sicily and tell the authorities there if they import sulphur into this country, they will flood their own markets with sulphur. I have seen the statement made that they can produce sulphur in Louisiana to-day for $3.56 a ton. Louisiana controls the sulphur market of the world.

The VICE-PRESIDENT. The Senator from South Carolina asks that the paragraph be passed over. It will be passed over.

The next amendment was, on page 18, line 18, before the word "cents," to strike out "fifteen" and insert "twenty-five," so as to make the paragraph read:

81. Vanillin, 25 cents per ounce.

The amendment was agreed to.

The next amendment was, in Schedule B, on page 18, after line 19, to strike out the subhead "Brick and tile."

The amendment was agreed to.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened, and (at 5 o'clock and 8 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 22, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 21, 1909.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

H. Percival Dodge, of Massachusetts, now envoy extraordinary and minister plenipotentiary to Salvador, to be envoy extraordinary and minister plenipotentiary of the United States of America to Morocco, vice Samuel R. Gummeré.

RECEIVER OF PUBLIC MONEYS.

William C. Blair, of Lake City, Colo., to be receiver of public moneys at Montrose, Colo., vice Gordon Kimball, term expired.

REGISTER OF THE LAND OFFICE.

William H. Batting, of Wallace, Idaho, to be register of the land office at Coeur d'Alene, Idaho, vice Robert N. Dunn, resigned.

SURVEYOR-GENERAL.

Edward P. Kingsbury, of Washington, to be surveyor-general of Washington, his term having expired March 1, 1909. (Reappointment.)

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. Elbert E. Persons, Medical Corps, to be major from January 1, 1909, vice McCaw, promoted.

Capt. William N. Bispham, Medical Corps, to be major from January 1, 1909, vice Kean, promoted.

INFANTRY ARM.

Second Lieut. Albert B. Hatfield, Eighteenth Infantry, to be first lieutenant from March 25, 1909, vice Stone, Thirtieth Infantry, promoted.

Second Lieut. Reginald H. Kelley, Fourth Infantry, to be first lieutenant from April 3, 1909, vice Kinzie, Twentieth Infantry, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 21, 1909.

MINISTER TO CHILE.

Thomas C. Dawson to be envoy extraordinary and minister plenipotentiary of the United States of America to Chile.

UNITED STATES ATTORNEY.

Cornelius D. Murane to be United States attorney, third division, district of Alaska.

POSTMASTERS.

KANSAS.

Almond P. Burdick, at Nortonville, Kans.
Henry A. Platt, at Overbrook, Kans

MAINE.

Harlan P. Dennison, at West Bethel, Me.

MASSACHUSETTS.

Charles D. Streeter, at Mount Hermon, Mass.

SENATE.

THURSDAY, *April 22, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented petitions of sundry citizens of Illinois, Missouri, Oklahoma, Minnesota, Maine, Texas, Ohio, North Carolina, New York, New Jersey, Arkansas, California, Wisconsin, Pennsylvania, Indiana, Tennessee, and Michigan, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SCOTT presented petitions of sundry citizens of Berkeley Springs, Sherry Run, and Morgan County, all in the State of West Virginia; of Illinois, Texas, Missouri, Colorado, and Connecticut, praying that a suitable memorial to James Rumsey be placed in Statuary Hall of the Capitol building, which were referred to the Committee on the Library.

Mr. FRYE presented petitions of sundry citizens of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. NELSON presented an affidavit to accompany the bill (S. 634) granting an increase of pension to Daniel W. Ingersoll, which was referred to the Committee on Pensions.

Mr. BURROWS presented a petition of Local Lodge No. 429, Benevolent and Protective Order of Elks, of Adrian, Mich., and a petition of Local Lodge No. 632, Benevolent and Protective Order of Elks, of Manistique, Mich., praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of sundry citizens of Michigan, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. OVERMAN presented petitions of sundry citizens of Red Springs, N. C., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. JONES. I present a resolution adopted by the Chamber of Commerce of Spokane, Wash., which I ask may be read and lie on the table.

There being no objection, the resolution was read and ordered to lie on the table, as follows:

SPOKANE CHAMBER OF COMMERCE.

Resolved by the board of trustees of the Spokane Chamber of Commerce, That we recommend to our Senators and Congressmen the removal of the duty on works of art from foreign countries, as advocated by the American Free Art League of Boston, Mass.

BOARD OF TRUSTEES,
By F. E. GOODALL, *President*.

Attest:
[SEAL.] L. G. MONROE, Secretary.
Adopted Tuesday, April 6, 1909.

Mr. JONES. I present a resolution adopted by the Chamber of Commerce of Spokane, Wash., which I ask may be read and referred to the Committee on Commerce.

There being no objection, the resolution was read and referred to the Committee on Commerce, as follows:

SPOKANE CHAMBER OF COMMERCE.

Resolved by the board of trustees of the Spokane Chamber of Commerce, That we would favor the establishment by the National Government of a line of steamships between the Isthmus of Panama and the Pacific coast ports of the United States similar to the line of government ships maintained on the Atlantic seaboard.

BOARD OF TRUSTEES,
F. E. GOODALL, *President*.

Attest:
[SEAL.] L. G. MONROE, Secretary.
Adopted Tuesday, April 13, 1909.

Mr. JONES presented a petition of sundry shingle manufacturers of Washington, praying for the imposition of a duty of 50 cents per thousand on shingles, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 614, American Federation of Labor, of North Yakima, Wash., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

Mr. CULLOM presented a petition of sundry citizens of Chicago, Ill., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CLAPP presented petitions of sundry citizens of Minnesota, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DOLLIVER presented petitions of sundry citizens of Iowa, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Commercial Club, of Fort Dodge, Iowa, remonstrating against an increase of the duty on asphalt, which was ordered to lie on the table.

He also presented a memorial of the Maria Mitchell Club, of Mason City, Iowa, remonstrating against an increase of the duty on leather gloves and cotton hosiery, which was ordered to lie on the table.

He also presented a petition of sundry zinc-mining operators of Iowa, Wisconsin, and Illinois, praying for the imposition of a duty of 1½ cents per pound on zinc ores, which was ordered to lie on the table.

Mr. BURNHAM presented petitions of sundry citizens of Munsonville, N. H., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BOURNE. I present resolutions adopted by the Chamber of Commerce of Portland, Oreg., relative to the establishment of a government line of steamers from the Pacific coast ports to Panama. I ask that the resolutions be read and referred to the Committee on Interoceanic Canals.

There being no objection, the resolutions were read and referred to the Committee on Interoceanic Canals, as follows:

Whereas the Government is now operating a line of steamers from New York to Colon in connection with the Panama Railroad; and

Whereas a line so operated can not be of general service or use or secure the freight necessary to its successful operation; and

Whereas the commercial necessities of the Pacific coast demand the extension of this service to all points on the Pacific coast: Now therefore be it

Resolved by the Chamber of Commerce of the City of Portland, Oreg.:

First. That we favor the extension at as early a date as possible of the service now established to Colon to all Pacific coast points, in order that relief may be afforded to the manufacturers, merchants, and producers of the Pacific coast.

Second. That we respectfully ask our Senators and Representatives in Congress to lend all the support they consistently can to the measure introduced in Congress by Congressman MCLACHLAN to create and establish a line of steamships between Atlantic and Pacific coast ports.

Third. That in the event this is found impracticable or that there will be unusual delay, then we favor the early establishment of a privately owned line, to be assisted by the department of the General Government in all lawful ways.

Fourth. That a copy of these resolutions be sent to each of our Senators and Representatives in Congress and the Secretary of War.

Passed at a meeting of the board of trustees of the Portland Chamber of Commerce, held March 13, 1909.

Mr. PERKINS presented petitions of sundry citizens of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of San Joaquin County, Cal., remonstrating against an increase of the duty on imported stockings and gloves, which was ordered to lie on the table.

Mr. HALE presented petitions of sundry citizens of Pittsfield, Madison, and Lisbon, all in the State of Maine, praying for a readjustment of the wool schedule which will remedy the inequalities detrimental to the carded woolen industry, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

THE TARIFF.

Mr. SCOTT. I present a communication, which I ask to have read. I will state that it is from one of the largest steel plants, outside of the United States Steel Corporation, in the United States. It is a corporation in my State, but the letter is addressed to me from Steubenville, Ohio, where a part of the plant is located.

There being no objection, the communication was read, as follows:

LA BELLE IRON WORKS,
Steubenville, Ohio, April 20, 1909.

MY DEAR SENATOR: Senator Whitaker has asked me to put before you certain facts regarding the proposed tariff rates on sheet products, and while he very earnestly requested me to go to Washington and see you, I have decided that I can write you and give you this data as well, probably, as I could do it in person.

I have already furnished you through the Senator copy of a brief on this subject submitted to the Ways and Means Committee some months since. By reference to this brief you will note, if you please, that we have shown the cost price of sheets made in this country and delivered to coast points, as against the English selling prices delivered at the same points, and we believe that if this comparison indicates anything it is that even under present conditions it is possible for the English manufacturer to reach some of our important ports of entry, provided he goes about it in the right way. Certainly, with any considerable reductions in present tariff rates, the encouragement to the Englishman to secure a foothold in the markets of this country, or use this market as a dumping ground for his surplus production, will be very great indeed.

The committee who prepared the brief referred to, and reflecting the impressions of at least 90 per cent of the independent sheet producers of the country, suggested certain reduction limits in the Dingley rates, but for some reason the Ways and Means Committee thought best to recommend greater reductions, and which action on their part has not only been approved by the House of Representatives, but by the Senate Finance Committee as well. As the matter stands to-day, it appears that the sheet manufacturers' interests have suffered, either through discrimination or neglect, as the reductions proposed in the sheet rates are greater proportionately than those applying to other steel articles.

In order to bring out this point, your attention is invited to the following comparisons:

	Dingley rates.	Proposed rates.	Reduction.
	Cents per pound.	*Cent per pound.*	*Per cent.*
Sheets thinner than No. 10, but not thinner than No. 20	0.7	0.5	28½
Sheets thinner than No. 20, but not thinner than No. 25	.8	.6	25
Sheets thinner than No. 25, but not thinner than No. 32	1.1	.8	27
Sheets thinner than No. 32	1.2	.9	25

This shows an average reduction of over 26 per cent, as against a reduction on tin plate of 20 per cent; beams, girders, channels, etc., of 20 per cent; and on ingots, blooms, billets, slabs, etc., of 25 per cent, notwithstanding the fact that even under the Dingley measure sheets are not accorded as much protection, relatively speaking, as these other steel articles. The inconsistency of these new rates is very apparent when you consider that the protection on the finished sheet product, with its high labor cost, has been reduced more relatively than is the case on the raw material, with its low labor cost—that is, ingots, blooms, billets, etc.—and all in face of the fact that the Republican party has always claimed that the tariff rates should provide ample protection to labor.

You will please understand that I am not contending that the protection afforded steel articles other than sheets is too much, but rather the protection on sheets is too little.

One of the principal items of cost in the manufacture of sheets is wages, and, as an illustration of what this means, we invite your attention to the following.

The hot-mill labor cost in the manufacture of a ton of sheets is approximately:

On No. 20 gauge	$10
On No. 25 gauge	14
On No. 32 gauge	20
Lighter than No. 32 gauge	20 to 24

The above amounts cover only what is termed the "hot-mill labor"—that is, the labor from the slab or bar (raw material) to the finished black sheet—and does not cover the labor involved in the mining of the coal and other indirect charges which, in the aggregate, is considerable.

It would therefore appear that if ingots, blooms, billets, slabs, etc. (the sheet maker's raw material), is accorded protection at the rate of three-tenths of 1 cent per pound, or $6 per ton, the finished product, say No. 20 gauge, should have protection of more than $10 per ton, as the labor cost on the finished article is relatively much greater than the difference in the amount of protection afforded the two materials.

Furthermore, if a large structural section, such as a beam or girder, weighing 50 to 75 pounds per linear foot and produced almost altogether by automatic machinery on mills capable of rolling 1,000 tons or more per day, is entitled to protection at the rate of $8 per ton, certainly sheets, say, No. 20 gauge, weighing 1¼ pounds per square foot and produced on a hand-operated mill capable of turning out only 5 tons per day, are entitled to more than $10 per ton protection. The fact that the Senate bill increased the protection on the structural from $6, as proposed by the Payne bill, to $8 is an indication that the Finance Committee regarded $6 as being less than was necessary to protect the home manufacturer as against foreign structural goods, and in this we quite agree with them.

It would appear that in fairness to the sheet interests and in order to accord sheet products the same relative protection as that obtaining on other steel products, section No. 125 of Schedule C of the Payne bill should be amended to read as follows:

"Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, six-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, seven-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, nine-tenths of 1 cent per pound; corrugated or crimped, nine-tenths of 1 cent per pound. All the foregoing valued at more than 3 cents per pound, 30 per cent ad valorem: *Provided*, That all sheets or plates of common or black iron or steel not thinner than No. 10 wire gauge shall pay duty as plate iron or plate steel."

In conclusion, would say that I heartily agree with you that a revision of the tariff at this time is a very grave mistake, and that no good and much harm will follow the inauguration of the new rates, the whole trouble being brought about seemingly by agitation on the part of so-called "reformers," who never have and never will be able to suggest anything for the betterment of the country at large, and had more of the influential men of our party followed your lead and refused at the proper time to even consider the question of a revision we would all now be operating our plants to full capacity and disposing of our product at prices that would show profit to the owners and render it unnecessary for employers to be constantly considering the advisability of reducing the wages of their workmen.

So far as sheets are concerned, I very much fear that the danger point has been reached, and if the rates as now proposed by the Finance Committee go through it will result in demoralization to the sheet business unless we can reduce our workmen to a point that will enable us to compete with the foreigner.

Trusting that you may see your way clear to take up the cudgel in our defense, and thanking you in advance for such assistance as you can render at this time, I am,

Respectfully, ISAAC M. SCOTT, *President*.

To Senator NATHAN B. SCOTT,
Washington, D. C.

The VICE-PRESIDENT. Does the Senator from West Virginia desire to have the communication laid on the table?

Mr. SCOTT. Let it lie on the table.

The VICE-PRESIDENT. It will lie on the table.

Mr. CULBERSON. Mr. President, I trust I may be pardoned a suggestion in view of this communication. I note that the writer of this letter expresses a fear that English manufacturers will get a foothold in the United States. I want to call attention to the fact, particularly in this connection, that the total value of the output in 1907 of the steel trust amounted to something like $757,000,000. Of like articles imported into this country in 1907 the value was only $34,000,000. So that practically——

Mr. ALDRICH. Is the Senator from Texas speaking on the communication or on the bill?

Mr. CULBERSON. I am speaking on the communication, and I am not going to speak on it except to call attention to a fact in connection and immediately in connection with the communication.

I wish to repeat that the total output of what was mined and manufactured by the steel trust in 1907 in value amounted to $757,000,000 in round numbers. The total importations of the same kind of articles in 1907 amounted to only $34,000,000, or about 4.4 per cent.

FREE TRADE WITH CUBA.

Mr. GALLINGER. I present and ask to have printed as a Senate document a letter on Cuba and Cuban sugars, written November 30, 1908, to Representative SAMUEL W. MCCALL, of Massachusetts, by Gen. James H. Wilson, of Wilmington, Del., and also an address by General Wilson, March 27, 1899, at a meeting in Philadelphia, held under the auspices of the American Academy of Political and Social Science.

I do not agree with all the opinions expressed by General Wilson, but all he may say on a subject so important is worthy of attention. These papers at this time should be made readily accessible to Congress, and I ask that they be printed as a document (S. Doc. No. 17).

The VICE-PRESIDENT. Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

FLATHEAD INDIAN RESERVATION.

Mr. DIXON. I present a compilation of the acts relating to the Flathead Indian Reservation, in the State of Montana, providing for the opening of this reservation to settlement, the construction of irrigating systems, and the disposal of the timber lands. I move that the compilation be printed as a document (S. Doc. No. 18).

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CLARK of Wyoming:

A bill (S. 1952) to amend section 486 of the Code of Law of the District of Columbia; to the Committee on the Judiciary.

By Mr. GUGGENHEIM:

A bill (S. 1953) authorizing the appointment of James Moynahan to the rank and grade of major on the retired list of the United States Army; to the Committee on Military Affairs.

By Mr. WETMORE:

A bill (S. 1954) granting an increase of pension to Van Buren Kinney; to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 1955) granting a pension to C. Augusta Shurly (with the accompanying paper); to the Committee on Pensions.

By Mr. HEYBURN:

A bill (S. 1956) granting an increase of pension to Auguste E. Bourquin (with the accompanying paper); to the Committee on Pensions.

By Mr. DU PONT:

A bill (S. 1957) granting a pension to William Robinson (with the accompanying paper); to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 1958) granting an increase of pension to Helen Lydia Ruger; to the Committee on Pensions.

By Mr. McLAURIN:

A bill (S. 1959) to correct the military record of James H. Shannon; to the Committee on Military Affairs.

By Mr. JONES:

A bill (S. 1960) granting an increase of pension to Edward R. Edmonds; to the Committee on Pensions.

By Mr. DOLLIVER:

A bill (S. 1961) granting an increase of pension to Henry H. Baldwin;

A bill (S. 1962) granting an increase of pension to Forest H. Kennedy; and

A bill (S. 1963) granting an increase of pension to William Myers (with the accompanying papers); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. FRYE submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SCOTT submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United

States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. PILES submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. BRADLEY submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed.

Mr. ALDRICH. I ask that House bill 1438 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. I ask that the reading may be proceeded with.

Mr. OVERMAN. I notice that the little book of estimates prepared by the Committee on Ways and Means in the House, when compared with the book upon our desks prepared by the Committee on Finance, causes some confusion. I notice that there is a comparison on calculations upon the ad valorem valuation payment in 1906 in the House of Representatives, when, in the Senate, it is for 1907. I should like to inquire of the chairman of the committee why that was done. Was it because the prices were lower in 1907 than they were in 1906? Why the difference? What is the reason for it? The House committee made one calculation predicated upon the prices in 1906, and the Senate committee has made a calculation predicated upon the prices in 1907.

Mr. ALDRICH. The Senator probably was not in the Senate when I made an explanation upon that subject several days ago. I am sorry the Senator is confused by these various statements. We have been trying to provide the number the Senator has asked for, and if they are confusing I am very sorry.

Mr. OVERMAN. That is a clear statement the Senator has made. I ask the Senator the reason for it, whether the calculations were so made because the prices in 1907 were lower than they were in 1906?

Mr. ALDRICH. I have no information on the subject. Perhaps the Senator from North Carolina can inform the Senate on that question.

Mr. OVERMAN. No; I am asking the Senator from Rhode Island.

Mr. BRISTOW. I should like to inquire of the Senator from Rhode Island if there has been any estimate made as to the amount of revenue that would be produced by the Senate bill, based upon the importations in 1906?

Mr. ALDRICH. The value of the importations of 1906 would be about $29,000,000 less than those based upon the importations in 1907, and if an earlier year had been taken the disproportion would have been much greater. If we had taken 1904, or 1903, or 1901, or 1900, the disproportion would have been much greater.

Mr. BAILEY. The real fact, Mr. President, is that they took 1907 in order to make as good a showing as possible agnist a deficit. The importations in 1907 were so much larger than they were in the other years that calculating the duties on those importations would reduce the deficit and make a better revenue showing for the bill.

Mr. ALDRICH. There seems to be a disposition on the other side of the Senate to know why we took the year 1907. I stated in the remarks which I submitted on Monday that we took the year 1907 because that was the last year with normal conditions in this country, and in the opinion of the committee it was the proper year to take.

Mr. BAILEY. I am not unmindful of that statement, and I am not unmindful either of the fact that a panic, which the Senator from Rhode Island once remarked on this floor was the most acute and disastrous in its effects ever witnessed by this country, occurred in 1907. But it is still true that in the ordinary progress of events those disturbances come from time to time. While our friends on the other side are in the habit of saying that they only come under Democratic administrations, the history of the country bears ample witness that that is not true, and that they come under all administrations, and frequently come without any close connection with any governmental policy.

But it still stands true that if the Senator from Rhode Island had taken the average of the importations for five years, or if he had taken them for the last year, his bill, instead of providing for the expenditures of the Government, would still have left a deficit staring the administration in the face. The only way to escape was the way the Senator from Rhode Island, with his usual sagacity, has adopted, and the only way this bill can fulfill his promise of a sufficient, not to say an abundant, revenue is that the importations in the years to come will keep pace with the importations of 1907.

Mr. BRISTOW. If the Senator from Rhode Island will pardon me, I should like to inquire whether there has been any published estimate as to the revenue that would be derived from the Senate bill, based on the importations of 1906?

Mr. ALDRICH. There has been no published statement to that effect.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

Mr. LA FOLLETTE. I ask unanimous consent to reconsider the vote by which the amendment to paragraph 58 was adopted, and that paragraph 58 be passed over.

Mr. ALDRICH. It was passed over.

The VICE-PRESIDENT. Paragraph 58 was passed over on the request of the Senator from Delaware [Mr. DU PONT.]

Mr. LA FOLLETTE. I had not so noted it. I did not hear it.

Mr. STONE. I desire to ask whether paragraph 59 was passed over?

The VICE-PRESIDENT. It was acted upon.

Mr. STONE. Is it necessary to take the course indicated by the Senator from Wisconsin and to reconsider the action of the Senate on that paragraph?

Mr. ALDRICH. If the Senator from Missouri desires to have that paragraph passed over, there is no objection to it.

Mr. STONE. I should like to have it passed over.

The VICE-PRESIDENT. The amendment to paragraph 59 having been agreed to, in the opinion of the Chair it is necessary to reconsider that vote.

Mr. ALDRICH. I ask that it may be reconsidered.

Mr. STONE. I ask unanimous consent that it may be reconsidered.

The VICE-PRESIDENT. And that the paragraph be passed over. Is there objection?

Mr. CLARKE of Arkansas. Mr. President, we might as well understand now as later what the agreement entered into yesterday meant. My understanding is that notwithstanding a certain amendment may be adopted by a vote or by a failure to interpose an objection, it still remains open for a reconsideration without a formal vote to reconsider. Is that not the understanding of the Senator in charge of the bill?

Mr. ALDRICH. I am quite willing to have that understanding.

Mr. CLARKE of Arkansas. I think it would simplify matters to have that understanding, because there might be some difficulty about getting recognition otherwise for the purpose of presenting a formal motion to reconsider. If the matter should be left open to be dealt with at the suggestion of any Senator, it would meet the same end and it would be a much simpler way. I am very glad that the Senator from Rhode Island in charge of the bill consents that that may be done. I ask unanimous consent that that may be the understanding.

The VICE-PRESIDENT. The Senator from Arkansas asks unanimous consent that the understanding be that at any time there may be a return to any paragraph.

Mr. CLAPP. I understand the Senator's proposition is that it may be returned to and acted upon without the formality of a reconsideration.

The VICE-PRESIDENT. That is the understanding of the Chair. The Chair hears no objection. Paragraph 59 is then passed over upon the request of the Senator from Missouri.

The reading of the bill was continued.

The next amendment of the Committee on Finance was, on page 19, line 1, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

82. Fire-brick, weighing not more than 10 pounds each, not glazed, enameled, ornamented, or decorated in any manner, $1.25 per ton; glazed, enameled, ornamented, or decorated, 35 per cent ad valorem; weighing more than 10 pounds each and not specially provided for in this section, not glazed, enameled, ornamented, or decorated in any manner, 30 per cent ad valorem; glazed, enameled, ornamented, or decorated, 35 per cent ad valorem; brick, other than fire-brick, not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, 25 per cent ad valorem; if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 19, line 10, after the word "Tiles," to strike out "including quarries or quarry tiles, so called;" in line 15, after the word "tiles," to insert "and tiling, by whatever name known," and in line 19, after the words "ad valorem," to insert "so-called quarries or quarry tiles, 35 per cent ad valorem; mantles, friezes, and all other articles of every description, composed wholly or in chief value of tiles or tiling, 60 per cent ad valorem," so as to make the paragraph read:

83. Tiles, plain unglazed, one color, exceeding 2 square inches in size, 4 cents per square foot; glazed, encaustic, ceramic mosaic, vitrified, semivitrified, flint, spar, embossed, enameled, ornamental, hand painted, gold decorated, and all other earthenware tiles and tiling, by whatever name known, except pill tiles, valued at not exceeding 40 cents per square foot, 8 cents per square foot; exceeding 40 cents per square foot, 10 cents per square foot and 25 per cent ad valorem; so-called quarries or quarry tiles, 35 per cent ad valorem; mantles, friezes, and all other articles of every description, composed wholly or in chief value of tiles or tiling, 60 per cent ad valorem.

Mr. PENROSE. I ask that the amendment be passed over.

The VICE-PRESIDENT. The amendment or the paragraph?

Mr. PENROSE. The amendment and also the paragraph.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 19, after line 22, to strike out the subhead "Cement, lime, and plaster."

The amendment was agreeed to.

The next amendment was, on page 20, line 3, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

84. Roman, Portland, and other hydraulic cement, in barrels, sacks, or other packages, 8 cents per 100 pounds, including weight of barrel or package; in bulk, 7 cents per 100 pounds; other cement, not otherwise specially provided for in this section, 20 per cent ad valorem.

The amendment was agreed to.

The Secretary read the next paragraph, as follows:

85. Lime, 5 cents per 100 pounds, including weight of barrel or package.

Mr. JONES. Let the paragraph be passed over.

The VICE-PRESIDENT. The Senator from Washington asks that paragraph 85 be passed over. It will be passed over.

Mr. BEVERIDGE. I was just going to ask a question. The clerks are reading very rapidly. I notice that in lines 20, 21, and 22, on page 19, "mantles, friezes, and all other articles," and so forth, are placed at 60 per cent ad valorem.

The VICE-PRESIDENT. That paragraph was passed over.

Mr. BEVERIDGE. I know, but I want to ask a question about it, if I may, because we want to understand it. I notice by looking at the schedule which has been prepared by the Finance Committee, according to the agreement yesterday, that there was no duty whatever either in the House bill or in the present law, and that a duty of 35 per cent has been placed by the Senate bill on one part and a duty of 60 per cent on the other part. I do not know whether it is true or not, but it appears on this parallel column that that was not provided for either in the present law or in the House bill.

Mr. ALDRICH. They are not provided for specifically. Tiles are imported as brick.

Mr. BEVERIDGE. This is "mantles, friezes, and all other articles of every description composed wholly or in chief value of tiles or tiling," 60 per cent ad valorem.

Mr. ALDRICH. That character of construction was heretofore supposed to have been dutiable at 60 per cent. These are very different articles, being friezes and decorations.

Mr. BEVERIDGE. It is a matter of improved classification?

Mr. ALDRICH. That is right.

Mr. BEVERIDGE. It was not specifically provided for before, but paid duty under a different classification.

Mr. ALDRICH. Some of the articles did and some did not.

Mr. FLINT. It was the endeavor to cover articles not covered in the other schedules.

Mr. BEVERIDGE. Then it is not a matter of classification, as I supposed it was. It ought to be thoroughly looked into.

Mr. FLINT. It is a matter of classification.

Mr. BEVERIDGE. Not if the Senator from California is right and a part of it did not pay duty at all.

Mr. FLINT. It did pay duty, but at a lower rate.

Mr. ALDRICH. Some things did and some things did not.

Mr. CURTIS. I ask unanimous consent that paragraph 86 be passed over.

The VICE-PRESIDENT. Paragraph 86 will be passed over. Paragraph 85 has already been passed over.

Mr. BROWN. I ask that paragraph 87 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. BURTON. I ask that paragraph 88 be passed over.

The VICE-PRESIDENT. Paragraph 88 will be passed over.

Mr. BURTON. I wish to call attention especially to that paragraph.

Mr. KEAN. Let the paragraph be read.

The VICE-PRESIDENT. The Secretary will read the paragraph, and after the paragraph is read the announcement will be made. Paragraph 86 has been passed over, and paragraph 87 has been passed over.

The next amendment was, on page 20, after line 18, to strike out the subhead "Clays or earths."

The amendment was agreed to.

The next amendment was, on page 20, line 21, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 23, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" on page 21, line 3, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 8, before the word "bauxite," to strike out fifteen one-hundredths of 1 cent per pound on the bitumen content contained therein" and insert "crude, if not dried, or otherwise advanced in any manner, $1.50 per ton; if dried or otherwise advanced in any manner, $3 per ton;" and in line 12, after the word "spar," to insert "crude, or crushed, ground, or otherwise treated or manufactured;" so as to make the paragraph read:

88. Clays or earths, unwrought or unmanufactured, not specially provided for in this section, $1 per ton; wrought or manufactured, not specially provided for in this section, $2 per ton; china clay or kaolin, $2.50 per ton; limestone rock asphalt containing not more than 15 per cent of bitumen, 50 cents per ton; asphaltum and bitumen, not specially provided for in this section, crude, if not dried, or otherwise advanced in any manner, $1.50 per ton; if dried or otherwise advanced in any manner, $3 per ton; bauxite, or beauxite, crude, not refined or otherwise advanced in condition from its natural state, $1 per ton; fuller's earth, unwrought and unmanufactured, $1.50 per ton; wrought or manufactured, $3 per ton; fluor spar, crude, or crushed, ground, or otherwise treated or manufactured, $1.50 per ton.

The VICE-PRESIDENT. The Senator from Ohio has asked consent that paragraph 88 be passed over, and it is passed over.

The next amendment was, on page 21, line 15, before the word "trimmed," to strike out "rough" and insert "thumb," so as to make the paragraph read:

89. Mica, unmanufactured, or thumb trimmed only, 5 cents per pound and 20 per cent ad valorem; mica, cut or trimmed, mica plates or built-up mica, and all manufactures of mica or of which mica is the component material of chief value, 10 cents per pound and 20 per cent ad valorem.

Mr. SCOTT. I desire to know——

Mr. PENROSE. Let the paragraph be passed over.

The VICE-PRESIDENT. At the request of the Senator from Pennsylvania the paragraph will be passed over.

Mr. SMOOT. I believe we can explain the paragraph so that it will be absolutely satisfactory to the Senator from Pennsylvania and also to the Senator from West Virginia.

Mr. KEAN. I should like to have it explained to my satisfaction.

Mr. SMOOT. And as well to the satisfaction of the Senator from New Jersey. The Senate Committee on Finance desire to recede from their amendment and allow the word "rough" to remain as in the bill as it came from the House.

Mr. PENROSE. That is entirely right.

Mr. KEAN. It is entirely satisfactory to me.

Mr. CRAWFORD. I ask that the paragraph be passed over, because I want to investigate it.

The VICE-PRESIDENT. The Senator from South Dakota asks that the paragraph be passed over.

Mr. PENROSE. Do I understand that the amendment of the committee has been disagreed to, and that the paragraph has been passed over?

The VICE-PRESIDENT. It has not been agreed to.

Mr. SMOOT. I ask that it be passed over.

The VICE-PRESIDENT. The amendment will be passed over.

The next amendment was, on page 21, after line 20, to strike out:

EARTHENWARE AND CHINA.

90. Common yellow, brown, or gray earthenware, of common clay and strictly one color; plain, embossed, or salt-glazed, strictly one color common stoneware, and crucibles, all the foregoing not decorated in any manner, 25 per cent ad valorem; Rockingham earthenware not decorated, 40 per cent ad valorem.

And to insert:

90. Common yellow, brown, or gray earthenware, plain, embossed, or salt-glazed common stoneware, and crucibles, all the foregoing not decorated in any manner, 25 per cent ad valorem; Rockingham earthenware, 40 per cent ad valorem.

Mr. SCOTT. Unless the Senate wants to have the paragraphs read, I ask that paragraphs 90, 91, and 92 be passed over. They relate to the pottery and china industry.

Mr. ALDRICH. I suggest to the Senator from Virginia we might adopt the phraseology which has been prepared, and then let the paragraph go over as to rates.

Mr. SCOTT. I will hear the amendment.

Mr. ALDRICH. I think there is no trouble about the phraseology. Everybody, I think, understands it.

The VICE-PRESIDENT. The amendment of the committee will be stated.

Mr. BAILEY. Mr. President, I doubt the wisdom of dealing with this in piecemeal. If it is to go over at all, I think it ought to go over entirely. I ask that it may go over, and that we dispose of it all at once.

The VICE-PRESIDENT. Paragraph 90 will be passed over. The Senator from West Virginia asks that paragraph 91 be passed over.

Mr. SCOTT. Paragraphs 91 and 92, all pertaining to the same subject. The chairman of the committee suggests that the wording could be changed. That is all I ask.

The VICE-PRESIDENT. The Senator from Texas asks that it be passed over without acting upon the amendments. The Secretary will state the next amendment.

The next amendment was, on page 23, line 8, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

93. Articles and wares composed wholly or in chief value of earthy or mineral substances, or carbon, not specially provided for in this section, whether susceptible of decoration or not, if not decorated in any manner, 35 per cent ad valorem; if decorated, 45 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 23, line 12, after the word "retorts," to strike out "$3 each" and insert "30 per cent ad valorem," so as to read:

94. Gas retorts, 30 per cent ad valorem.

Mr. BAILEY. I should like to know what is the difference between "$3 each," as provided in the House bill, and "30 per cent ad valorem," as provided in the Senate bill?

Mr. ALDRICH. Mr. President, gas retorts have been recently imported into the United States in several sections and completed afterwards. The specific rate of $3 is not acceptable as to those. As to the small ones, they were covered by the existing rate, which would be sufficient as to those; but a rate of $3 on a machine worth several hundred dollars is simply ridiculous.

Mr. BAILEY. That is generally true of specific rates.

Mr. ALDRICH. Oh, no.

Mr. BAILEY. An ad valorem rate of duty of $3 on an article worth $300, as compared with a duty of $3 on an article worth $30, is not more out of proportion than some of the other specific rates which find a place in nearly all tariff bills; but still, Mr. President, that does not answer my question as to the relative rate. Of course the committee has information about the value of these gas retorts, and I should like to know how much people who are compelled to use them are compelled to pay for these devices?

Mr. ALDRICH. An ad valorem duty of 10 per cent, as the Senator will see, on an article manufactured of iron and steel, as compared with the other duties imposed in the bill, would be very ridiculous.

Mr. BAILEY. Not ridiculous, but low.

Mr. ALDRICH. Not perhaps ridiculous from the Senator's standpoint, but ridiculous from the standpoint of protection.

Mr. BAILEY. Still, Mr. President, I do not get the information which I seek. I want to know what is the relative proportion as between the $3 fixed in the House bill and the 30 per cent as fixed in the Senate bill. Is it an increase?

Mr. McCUMBER. I can answer that right here. I will state to the Senator from Texas that under the old bill the duty was 10.20 per cent and under this bill it is 30 per cent.

Mr. BAILEY. In other words, it is——

Mr. McCUMBER. Nearly three times as much.

Mr. BAILEY. In other words, it multiplies the duty by three; and, of course, the Senator will not——

Mr. McCUMBER. It is equivalent to simply 30 per cent ad valorem.

Mr. BAILEY. And, of course, the Senator would not object to giving to the Senate the reason why this Republican Congress multiplies by three a duty levied by a preceding Republican Congress, and especially in a tariff bill that was to be "revised downward."

Mr. ALDRICH. It is the purpose of the bill to correct the defects in the existing law. That is one of the principal purposes. It is the purpose of the committee to impose protective duties in each case that will equalize the cost of production between this and competing countries. In carrying out this purpose, this provision was changed. If it should hereafter appear that any rate was not covered by that description, it will be the duty of this side of the Chamber to correct such error.

Mr. BAILEY. The Senator from Rhode Island then intends for the Senate and the country to understand that in each case the committee have attempted to equalize the protection, and that——

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. I want to call the attention of the Senator from Texas to what appears in this book, Notes on Tariff Revision, prepared by the House, which shows that of gas retorts during the year 1907 there were only 55 imported, at a total value of $1,619; that the duty was $165; and the ad valorem rate was 10.20. That duty seems to be absolutely prohibitive, because there were practically no imports. I can not see any reason why we should increase that duty 200 per cent, from 10.20 to 30 per cent, when the duty, as is manifest from the records and books of the Treasury Department, is shown in its practical operations to be absolutely prohibitive. Why should we increase it threefold in this bill? Is that a proper revision of the tariff? Is that the kind of a bill that the American people have a right to expect?

Mr. BAILEY. And is that the kind of a bill that the Republican party promised the country?

Mr. ALDRICH. It is, absolutely, in this case.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Pennsylvania?

Mr. BAILEY. I do.

Mr. PENROSE. Mr. President, I think I can perhaps throw a little light on this amendment, because, if I recollect aright, it was inserted at my suggestion.

The amendment has been made necessary on account of the character of gas retorts imported in recent years. When the duty was first fixed, as I understand, these retorts were but a few feet in dimensions, while now they are imported up to 20 and 30 feet in length. The duty was made at this ad valorem rate to meet that condition. I do not understand that it is practically any increase as an ad valorem proposition, but the $3 rate, which was a proper protective rate on a small retort, became a ridiculous rate on a retort reaching the dimensions of the magnitude I have mentioned.

I have not at hand the correspondence on the subject. If the Senator from Texas wants further light on the subject, however, I suggest that the matter may pass over until I can get a little more specific data; but the reason which I have stated is the reason for this change, which is not an increase in any way.

Mr. BAILEY. Mr. President, the Senator from Pennsylvania [Mr. PENROSE] and the Senator from North Dakota [Mr. McCUMBER] are each members of the Finance Committee and belong to that section of the Finance Committee which prepared this bill and which stands responsible for it. It is, therefore, somewhat singular that the Senator from North Dakota admits that this is an increase of 300 per cent, and the Senator from Pennsylvania denies that it is any increase at all.

Mr. PENROSE. It is an apparent increase, but practically not an increase at all. It is only to meet a new condition in the character of gas retorts.

Mr. BAILEY. Mr. President, that explanation, while I have no doubt it is made in all sincerity by the Senator from Pennsylvania, will scarcely satisfy the country, because the country will turn to the very enlightening statement made by the Senator from Minnesota [Mr. NELSON] and discover that even under the provision of the old law, which is one-third of the rate of duty imposed by the Senate bill, there was but a meager 65 of these gas retorts imported at a value of something like $1,600 and a revenue of less than $200. Mr. President, if a duty one-third of that now proposed was sufficient to give the American market to the manufacturers of this particular device, I will be amazed if the American people are willing to accept as a satisfactory explanation of this increase some supposed necessity of equalizing the duty. Under the old duty, none or practically none were imported; under the new duty not one can be imported, and the American people must be still further taxed for light—not such light as Senators give on the items of this bill, but for light necessary to their comfort and their convenience.

Mr. ALDRICH. Mr. President, it is very evident that the Senator from Texas has not given the attention to this item which he does usually to tariff items. One would suppose from his statement that gas retorts were used everywhere throughout

the United States for supplying gas for common consumption. I assume that the Senator from Texas has not made any inquiry as to what gas retorts are. Under the Wilson bill the rate was 20 per cent ad valorem, and figured upon the lines of the Senator from Texas, that doubles the rates which were imposed under the Dingley law. The Senator says that there were none imported. There were 640 imported in 1904, and in 1905 there were 660 imported. That is a good many gas retorts. They are for holding gas—compressed gas usually—that is used on railway trains, and has nothing to do with ordinary consumption.

Mr. BAILEY. They are used for domestic purposes?

Mr. ALDRICH. I never heard of one of these retorts being so used. They are not used at all for domestic purposes. They were formerly imported in small machines or small retorts, but now they are being imported 25 or 30 feet long. Under these circumstances $3 is a ridiculous rate.

Mr. BAILEY. Now, the Senator from Rhode Island says they are being imported, and, instead of replying to the statement in the book on the desks of Senators, prepared under his supervision, which shows that they were not imported to any extent during the last year, he returns to several years before that. What explanation does the Senator from Rhode Island offer to the Senate for the fact that they were not imported last year?

Mr. ALDRICH. I will tell the Senator very plainly why they did not appear to have been imported. They were imported last year, but they were classified, under a decision of the general appraisers in New York, as "manufactures of iron and steel not otherwise provided for." Those cases are still in court, awaiting a decision as to whether they should be classified as gas retorts or as articles of iron and steel not otherwise provided for; and while they do not appear here, the importation of gas retorts has gone on just the same. It is a better classification to take them out of a class where they certainly do not belong and put them into a class where they do belong.

Mr. BAILEY. Mr. President, with respect to the item which we are now dealing with there is absolutely no change of classification. It is a change purely and simply in rate, a change from a specific rate of $3 each on these gas retorts to an ad valorem rate of 30 per cent. So the Senator from Rhode Island has not been giving his usual exact attention to what he states.

Mr. President, there is no dispute that these gas retorts have been imported as gas retorts. The Senator from Rhode Island states that there were more than 600 imported in 1904 and 1905. They stand on the statute books as gas retorts now, and subject to a duty one-third of what it is proposed to impose by this bill. Consequently there can be no excuse, or certainly there can be no sufficient excuse, for any officer of the Government permitting them to be imported under a classification which cheats the Government, because they have been imported under the present designation in the old law. They are imported now; they were imported last year; they have been imported almost every year; and still the Senator from Rhode Island says they are being brought in under another classification or under another designation. If it be the purpose of the Senator to correct that, why change the rate? Why multiply it by three? Why not provide that gas retorts shall not be imported under the classification or description which he seeks to prevent? Oh, no; Mr. President, the fact that the Government is being defrauded by the importation of these articles under another, a different and an improper name, does not either explain or justify an increase in the duty when they are brought in under their honest name. There must be, and there should be, an amendment which would prevent their improper classification, and you ought not to impose an increased duty on the honest men who bring them in under their proper name.

Mr. ALDRICH. The gas retorts that are now imported weigh in the neighborhood of a ton each. They are made of very high-priced steel, with a great deal of labor. The existing law imposes a duty of $3 a ton on the very highest kind of steel, with the added amount of labor, which, in view of the fact that we propose to put $2.50 on pig iron, is, as I say again, a ridiculous rate. At the time this rate was imposed these retorts were not more than 5 or 6 feet in length. They have multiplied the length of them for the purpose of evading the duty, and some of them, as has been suggested, are now 30 feet long. Is the Senate precluded from rectifying a manifest error in the act of 1897, and must they retain a duty which is one-half of the rate imposed by the Wilson law? Is any such obligation as that resting upon anybody on either side of this Chamber? I think not.

Mr. DOLLIVER. Mr. President, I should like to ask the Senator from Rhode Island, if these retorts are manufactured of iron and steel, how they appear in the earthenware schedule?

Mr. SCOTT. I will say to the Senator from Iowa that they are lined with German fire clay or with English fire clay, the same material that we use in pots at the glass factories.

Mr. DOLLIVER. Is the retort made of clay, or is the clay put in afterwards?

Mr. PENROSE. As I understand, Mr. President, the retorts are composed chiefly of clay, with a binder or casing of steel.

Mr. SCOTT. That is right.

Mr. PENROSE. They are used in some of the zinc industries of the State of Colorado, as I am informed by the Senator from Colorado [Mr. GUGGENHEIM], and are 60 feet in length. This is an effort to provide for a duty on the importation of articles 60 feet in length, the original duty contemplating only a small retort a few feet in dimensions. If the bill is to be criticised for an honest effort to meet changes in commercial conditions, the sooner we resume legitimate criticism the better it will be for the American public.

Mr. BAILEY. Mr. President——

Mr. ALDRICH. I ask that the item may go over.

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Rhode Island?

Mr. BAILEY. Mr. President, none of us understand what these retorts are. I think we must get an expert to teach us. I do not pretend to know, the Senator from Rhode Island evidently does not know, and the Senator from Pennsylvania, who represents a great steel-producing State, and who is as attentive as any Senator to the interests of his particular and immediate constituents, does not seem to know, and it would be a wise thing to pass the item over.

Still, Mr. President, I do not need to know the exact character of a commodity or a device to know that when you levy a tax in this bill three times as great as the one in the old law, you have not kept your promise to the American people to revise the tariff in the interest of the consumer, or downward, or to revise it.

Mr. ALDRICH. Mr. President, where did we ever make a statement that we would revise the tariff downward?

Mr. BAILEY. I did not say that. I made three statements. I said whether you would revise it downward or revise it in the interest of the consumer or revise it. I was trying to cover the Democratic and Republican statement, too; and certainly the Senator must have perceived that, when I said it in three different forms. I will ask the Senator if his party did not pledge themselves to revise the tariff?

Mr. ALDRICH. They agreed to revise the tariff upon the basis of rates which would equal the difference in cost of production between this country and abroad, with a reasonable profit.

Mr. BAILEY. Yes; and there never was anything more absurd, Mr. President, than for a great political party to pledge itself that men engaged in any business shall have a profit. Who guarantees to the American farmer that he shall have a profit upon his land or his labor? Who guarantees to any other people in this Republic that they shall have a profit or that they shall be permitted by law to charge a price for commodities or services that insures a profit? There never was anything more absurd than that.

But that is not the particular matter which I now have in mind. The Republican party promised to revise the tariff. Now, I put the question to the Senator from Rhode Island: If they had told the American people that they intended to increase the duties imposed by the Dingley bill, does he believe they would have been given power at the other end of the Capitol to have made this bill at all?

Mr. ALDRICH. Does the Senator want an answer?

Mr. BAILEY. There is not a Senator here, there is not an intelligent man in this country, who will venture to say that if the Republican party had affirmed its belief that the present law levied duties too low and that they intended to revise it and to increase those duties—there is not a man in this Chamber who will stand up and say he believes that the American people would have elected a Republican majority to the other House of Congress.

Mr. ALDRICH. The people of the United States, if the Senator will permit me, understood very well when the recent election took place that the Republican party was a party of protection——

Mr. BAILEY. That is true.

Mr. ALDRICH (continuing). That it was bound to revise the tariff from a protective standpoint, and to make rates in every case to equalize the difference in the cost of production in this country and in competing countries abroad, plus a reasonable profit. If there is any item in this bill as reported by the Finance Com-

mittee that exceeds that rule or does not come up to it, it ought to be made to conform to the rule.

The Republican party holds the commission of the people of the United States to revise the tariff upon those lines, and upon no other; and I should consider myself recreant to my trust if I did not follow implicitly those lines, let them strike wherever they may. If there is a rate of duty in this bill that does not give to the American producer of an article which is entitled to protection a guaranty of the difference in the cost of production, I am for amending the bill whether the rate is the established rate or another.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Wisconsin?

Mr. BAILEY. Certainly.

Mr. LA FOLLETTE. I merely wish to ask the Senator from Rhode Island at this point, if he will state to the Senate what portion of the duty provided in this paragraph measures the difference in the cost of production in this and in other countries, and what portion of duty is fixed as the measure of the reasonable profit, which he states was guaranteed by the Republican platform?

Mr. ALDRICH. I shall be glad to furnish the Senate later with those precise facts. I have not them before me now, but they have been submitted to the committee. Certainly it can not be more than 30 per cent difference, as the Senator from North Dakota [Mr. MCCUMBER] suggests, because there is only a 30 per cent duty. But I will ask that this matter go over.

Mr. BAILEY. Mr. President, I do not complain that the Republican party revises the tariff on the lines of protection. I recognize that, while there were other elements entering into and determining the result, the American people at the last Presidential election not only authorized, but directed, the Republican party to revise the tariff; but, Mr. President, that commission must be read and must be interpreted in the light of the condition which was well known to exist throughout the length and breadth of this land, and that condition, well known to every Senator, was a well-nigh universal belief that under the existing tariff law duties were too high, and the demand for the revision of the tariff proceeded from that part of the American people that believed the rates of the present law too high. There was no such demand from the Senator from Rhode Island; there was no such demand from the ardent protectionists in any section of the country. The demand came from such Republicans—without making any invidious distinction—as the Senator from Wisconsin [Mr. LA FOLLETTE], the Senator from Iowa [Mr. CUMMINS], and the Republicans whom they represent and for whom they speak. That demand represented practically the entire Republican party in the West, who, while protectionists, are not extortionists; and the country understood—and the Republican party intended for the country to understand—that the promised revision of the tariff meant a revision downward.

I fully realize that if the Republican party, when coming to a revision of the tariff on protective lines, should find a particular article imported to such an extent as to exclude the domestic article, they would feel authorized, indeed they would feel commanded, to raise the tariff rate so that at least that article of domestic manufacture might fairly compete in the American markets with the foreign article; but, sir, it is neither a full nor a fair redemption of the Republican pledge to the country when they find an existing duty sufficient practically to exclude the foreign article from the American market that they shall treble the present duty.

The explanation of the Senator from Rhode Island does not explain. He says that they changed the rate in this instance from $3 each in the House bill to 30 per cent ad valorem in the Senate bill; but, sir, it was not necessary to make it an ad valorem as against a specific duty. All the Senator had to do was to provide an ad valorem duty equal to that of the existing law, and the American manufacturer would have been protected in the sole and exclusive possession of the American market.

The fact that the gas retorts formerly imported were of short length and that those now imported are longer, the fact that those formerly imported were worth $30 and those now imported are worth $300, is, I grant you, an ample reason for changing a specific duty of $3 each, because it is absurd to charge an American citizen as much for the privilege of importing $30 worth of merchandise as his neighbor pays for the privilege of importing $300 worth of merchandise of the same kind. But when you come to eliminate that injustice and to substitute an ad valorem for a specific duty, why were you not content to leave the duty as it stands in the present law, and allow these devices to be imported at that rate, which certainly is none too low, for under that rate as it stands in the law to-day the importation of these devices is practically prohibited?

While I am on this subject, Mr. President, I will make this general observation, that I will be the last Senator to complain, here or elsewhere, of the substitution of an ad valorem for a specific duty. I believe—and the party to which I have the honor to belong has always taught—that men ought to pay according to the value of that which they import, just as men ought to pay direct taxes, according to the value of their property. That is the sensible arrangement, and I will never complain of the substitution of an ad valorem for a specific duty; but I do criticise the committee, when it comes to make that sensible and proper change, that it conceals in the change an increase of the duty as compared with the present law of more than 200 per cent.

Mr. ALDRICH. Mr. President, I have before me now a statement which enables me to answer the suggestion of the Senator from Wisconsin [Mr. LA FOLLETTE]. About 30 or 40 manufacturers of gas retorts in the United States join in this statement. It says:

> The schedule embracing these products compiled by the United States Treasury Department shows an average cost of importations of about $12 per ton. American products of the same class cost about $18 per ton at seaboard.

Mr. BAILEY. Will the Senator from Rhode Island tell me from what volume that is taken?

Mr. ALDRICH. That is from the House hearings.

Mr. LA FOLLETTE. I was not able to hear at this distance. The Senator did not read loud enough.

Mr. ALDRICH. The foreign cost is $12 a ton and the domestic cost of production is $18 a ton.

Mr. LA FOLLETTE. What portion of that duty measures to the producers in this country a reasonable profit?

Mr. ALDRICH. That is not profit at all; that is the difference in the cost between this and foreign countries.

Mr. LA FOLLETTE. I understand that that is the case, but I understood the Senator from Rhode Island to say that the tariff was being revised with a view of carrying out a pledge made by the Republican party to make the duty sufficiently high to make up the difference in the cost of production and to add a reasonable profit. I wanted to know with respect to this particular duty what portion of it measured the difference in the cost of production and what portion of it was a fair measure of a reasonable profit?

Mr. ALDRICH. There was nothing said in the statement about profit on goods produced in this country. They say the cost of production abroad is $12 a ton, as against $18 in the United States.

Mr. LA FOLLETTE. Let me say to the Senator——

Mr. ALDRICH. They furnish the details. If the Senator will read the statement he will see——

Mr. LA FOLLETTE. Let me ask the Senator a question before he takes his seat. Did the Senator take the statement of these interested parties as to the difference in the cost of production between this country and the competing country without making any further investigation to ascertain whether it was a true statement or not?

Mr. ALDRICH. That is an investigation made by the Ways and Means Committee.

Mr. LA FOLLETTE. I understand; but I assume from the Senator's having quoted it that the Finance Committee acted upon that information as reliable.

Mr. ALDRICH. We acted upon that information and a great variety of other information which was submitted to us in other forms.

Mr. LA FOLLETTE. But the Senator has quoted that as the information. If he has other information upon which he acted in fixing this duty, in addition to that which he has read from the House hearings, I am sure I should like to be enlightened by it, and I believe other Senators would.

Mr. ALDRICH. I assume the Senator from Wisconsin would not expect me to rehearse here, on every item in this bill, all the information which has been presented to the committee in various forms upon any of these subjects. The Senator asks me if I took the statement of these manufacturers. I have no inclination myself to reject the statements of reputable American manufacturers, unless there is some evidence to the contrary of their statements. If the Senator from Wisconsin, or any other Senator, has any reason to suppose that these statements are untrue, the Senate undoubtedly would be very glad to hear them.

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. The Senator from Wisconsin still has the floor. Does he yield to the Senator from New York?

Mr. LA FOLLETTE. Certainly.

Mr. ROOT. Mr. President, I perceive that we are discussing this subject upon a rather disproportionate basis. It is true that, on the basis of the importations for 1907, the specific duty of $3 upon these articles amounted to but a little over 10 per cent ad valorem, but on examining the figures for the last fourteen or fifteen years I find this to be the case: In 1894 the duty of $3 was imposed, and that amounted at that time to an equivalent ad valorem duty of 20 per cent—nearly 21 per cent. The Wilson bill substituted 20 per cent ad valorem for the then equivalent specific duty. In 1898, when the $3 rate had been restored, upon the importations of that year the $3 rate was equivalent to an ad valorem duty of 20.70 per cent. So it continued in 1890—$3 was equivalent to an ad valorem duty of 20 per cent.

But that relation has been gradually changing, owing undoubtedly to the greater size and cost of the articles, as indicated by the Senator from Pennsylvania, until now, with the duty of $3 upon each retort, we have a duty equivalent to only a little over 10 per cent ad valorem.

It is perfectly plain upon this history of the importation of these articles and upon the action taken by both the Republican and the Democratic parties in regard to them that the duty ought to be put back to at least 20 per cent ad valorem. There can be no question whatever as between the two parties regarding that being a proper change, to meet the conclusions of both parties as applied to the changed conditions of importations. So the only thing we have to consider here is whether the duty shall be 20 per cent ad valorem or 30 per cent ad valorem, and upon that question the only figures of which I know are the figures that were produced upon the formal hearing before the Ways and Means Committee of the House. If any Senator who thinks the duty ought not to be more than 20 per cent has any facts to produce leading to a different conclusion from the testimony before the Ways and Means Committee, I think the facts ought to be laid before the Senate; and if no Senator has any such facts in his possession, I think we should pass on to the next paragraph in the schedule.

Mr. McCUMBER. Mr. President, I did not understand when we were considering this particular item that there was any raise over the Dingley rates as applied when the old bill was enacted. It was stated to us that the size and character of these retorts were such as to make them in reality about three to four times as valuable as they were before—at the time of the Dingley rates. Therefore, when the Dingley rates were upon a specific duty of $3, the rates to-day would not be more than about the equivalent of that upon the value. In other words, that the Dingley rates were at that time about 30 per cent. If the rate now is but 30 per cent on the ad valorem, there is no change. Of course there is a change between the Dingley rates as applied now and the article upon which those rates are applied and the present rate, but I do not believe there is in reality any addition. In connection with the fact of the only testimony which is before us, that the difference between the cost of production abroad and at home is 33 per cent, we have given a duty of 3 per cent less than full protection.

There may be other reasons why these are not imported; but, assuming that the cost of production in the old country has the same relation to the cost of labor, as it certainly has, and that the cost of production in this country has the same relation to the cost of labor, it is fair to presume that the basis upon the difference between the cost of labor in the old country and the cost of labor on this side of the ocean has been followed in fixing these duties upon the basis of an ad valorem, which is 30 per cent, and which, in fact, does not raise the duty above the Dingley duty at the time the Dingley bill was enacted.

Mr. SCOTT. Mr. President, the lining of these retorts is made of clay, and that clay, for the purpose of holding properly, has to be prepared the same as we prepare clay for building a pot to melt glass in a glass furnace. The clay has to be strictly pure—without a particle of impurity in it. It is washed, then run through pug mills, and then turned and tramped by men with their bare feet for months before the clay is in proper condition to be used for the lining.

As I understand this bill, we are trying to protect the American workman, the American laborer, as well as the other classes of our citizens. The largely increased sizes of the retorts necessarily must take a great deal more labor to prepare the clay and line the steel jackets than it did when they were only small retorts; that did not amount to anything.

Mr. President, in my opinion the increase in this item is not too much, because of the increased size and the increased amount of labor that will necessarily be given to the workmen of this country to prepare the clay for lining these retorts. I think the increased duty is a justifiable one in the interest of the laborer of this country as against the poorly paid laborer of Germany and other countries where similar clay is prepared.

Mr. BAILEY. Mr. President, I have just this answer to make to all that has been said here; and I particularly want to make it to the observation of the Senator from New York [Mr. ROOT]:

I can see no better or more potential reason against increasing this duty, even from the standpoint of a protectionist, than the fact established by the record before every Senator, that the old duty of 10 per cent was sufficient to prevent serious and hurtful competition against the American manufacturer of this article during the last year. This report establishes the fact that but 55 of these retorts were imported, that the value of those 55 aggregated something like $1,600, that the revenue collected was $165; and yet, with the American market so completely possessed by the American manufacturer, with American labor so completely supplying the demand for this device, without any reason except the greed of the men who manufacture it, appearing before the committee and declaring that the cost here as compared with the cost abroad requires this increase, the increase is made.

But I come back to the main proposition—and no man can ever escape it—that any duty which is sufficient to exclude the foreign article from the American market is high enough even for the most ardent and honest protectionist; and whenever a duty, already sufficient to exclude the foreign competitor and give the American market to the American manufacturer, is increased, it is increased not for the purpose of protecting the American workmen, but it is increased purely and only for the purpose of increasing the already enormous profit of the American manufacturer.

The VICE-PRESIDENT. The paragraph is passed over. The Secretary will resume the reading of the bill.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, on page 23, after line 18, to strike out the subhead "Glass and glassware."

Mr. LODGE. I do not understand that the whole paragraph was passed over; only the amendment.

The VICE-PRESIDENT. The Chair understood that the suggestion of the Senator from Texas was to pass the paragraph.

Mr. LODGE. There is another amendment in the paragraph which I think can be disposed of.

Mr. ALDRICH. I ask that the paragraph be read.

The VICE-PRESIDENT. It can be disposed of, but the special rule provided that where a request was made that a paragraph be passed over, it should be passed over.

Mr. ALDRICH. I ask that the paragraph be read.

The VICE-PRESIDENT. Without objection, the paragraph will be read.

The SECRETARY. On page 23, line 12, after the word "retorts," it is proposed to strike out "$3 each" and insert "30 per cent ad valorem;" and in line 14, after the word "lighting," to strike out "35 per cent ad valorem" and insert "70 cents per 100 feet," so as to read:

94. Lava tips for burners, 10 cents per gross and 15 per cent ad valorem; carbons for electric lighting, 70 cents per 100 feet; filter tubes, 35 per cent ad valorem; porous carbon pots for electric batteries, without metallic connections, 20 per cent ad valorem.

Mr. BAILEY obtained the floor.

The VICE-PRESIDENT. May the Chair inquire of the Senator from Texas whether he intended to ask that the entire paragraph be passed over or simply the amendment?

Mr. BAILEY. No, I did not; and I did not request that any of it should be passed. That request was made by the Senator from Rhode Island.

I merely want to call the attention of the Senate to the fact that in the first line they strike out a specific and substitute an ad valorem duty, and in the fourth line in the same paragraph they strike out an ad valorem and substitute a specific duty.

Mr. ALDRICH, Mr. LODGE, and Mr. SMOOT addressed the Chair.

Mr. BAILEY. That must be an easy question to answer, because this is the first time, I believe, that three Senators on the other side are eager to answer one question; and without further comment I will hear what the Senator from Massachusetts has to say about it.

Mr. LODGE. Mr. President, there is nothing mysterious about the fact that in one case it is an ad valorem duty and in another case a specific duty has been substituted. In one case—the first case—a specific duty was grossly unfair and unjust. In the second case, the specific duty, which is a better form of duty wherever it can be used, is the fair duty to impose. Under the Wilson bill there was a duty of 30 per cent imposed on carbon for electric lighting. We had at that time in this country 10 per cent of the production of the carbons used. It

did not increase under the 30 per cent ad valorem. When the Dingley bill was passed, a duty of 90 cents per hundred was imposed. It did not say "per hundred feet" or "per hundred pieces," but simply "per hundred." The intent undoubtedly was to put a duty of 9 mills on each carbon, the commercial size of which then was about 11 inches. It amounted to not quite a cent a foot. Under the Dingley duty the industry sprang up in this country; it developed very largely, and produced some 70 per cent of the total consumption, which I think, from my protectionist standpoint, was a good thing. A new industry was created, more opportunity for labor was given, an industry entered into a new field.

But there occurred this doubtful language of "90 cents per hundred," and our ingenious German competitors proceeded to bring in carbons 2 or 3 or 4 or 5 feet long as one piece, and cut them into suitable lengths in this country. That was sustained in the courts. The result under this foreign competition was the reduction of our production from 70 per cent of the total to something like 50 per cent. Last year over 8,000,000 carbons for electric lighting were imported, and there was $73,000 of revenue collected upon them.

Now, what the Senate committee has done, desiring that that industry should not be put out of existence as it is being put out under the present law, which amounts to 45 per cent ad valorem, is to give them not what the Dingley rate gave, but 70 cents per hundred feet, which makes a duty impossible of avoidance.

Mr. WARREN. May I ask the Senator what is the diameter?

Mr. LODGE. The diameter is not given.

Mr. WARREN. Was there no consideration of the diameter?

Mr. LODGE. No; and it does not figure in the calculation. The length is all that is necessary.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Massachusetts yield to the Senator from Mississippi?

Mr. LODGE. Certainly.

Mr. McLAURIN. I desire to ask a question for information. How much revenue did the Government receive when 50 per cent of the consumption was of domestic manufacture?

Mr. LODGE. Under the development of domestic manufacture the importation fell as low as two million four hundred thousand, with a revenue of $21,000. That is, when the American production had taken three-quarters of the market. After the change in the court, the next year it rose to six million; then, in 1907, it was eight million; this year, which has been a depressed year, it is seven millions and a half.

Mr. McLAURIN. As I understand, then, when the American article was at its greatest consumption in this country, the revenue derived from this article was smallest.

Mr. LODGE. It was, naturally.

Mr. McLAURIN. When the American production was the least, the revenue derived was the largest?

Mr. LODGE. When the American production was the least, the revenue was the greatest. Of course, there were fluctuations, according to the demands of business.

Mr. McLAURIN. Then the people were paying this tax to the manufacturers when 75 per cent of the consumption of this country was produced here, and were paying it to the Government when a less per cent was of domestic manufacture. Is not that true?

Mr. LODGE. Yes; the poor consumers, who in this case consist of the Westinghouse Company and the General Electric Company and the street railway companies and the street lighting companies—those poverty-stricken consumers—were paying more, undoubtedly.

Mr. McLAURIN. It may be that they were wealthy consumers, but, whoever they were, they were paying a tax to the manufacturer of this article instead of a tax to the Government.

Mr. LODGE. I do not care to enter into an economic question which has been thrashed over a great many times. Of course, I do not agree with the proposition of the Senator from Mississippi.

Mr. McLAURIN. One word. I thought the Senator did agree with me.

Mr. LODGE. I agree that the revenue was least when the American production was the highest.

Mr. McLAURIN. Yes.

Mr. LODGE. But with the deduction the Senator draws, I do not agree in the least.

Mr. McLAURIN. It follows, in my judgment, as the night follows the day.

Mr. BAILEY. I want to ask if the Senator from Massachusetts intends for us to understand that the only concerns interested are rich, prosperous companies?

Mr. LODGE. I do not think I used the words——

Mr. BAILEY. I have heard that one of them went into the hands of a receiver.

Mr. LODGE. I do not think I used the words "rich and prosperous." I said "great companies." I said "the poor consumers"——

Mr. BAILEY. But the emphasis on the word "poor" plainly indicated that the Senator from Massachusetts did not think that the consumer was entitled to any sympathy, and without intending to discuss in the Senate Chamber the private affairs of any individual or corporation, I am under the impression that one of the corporations to which he referred has passed through a receivership, even under the prosperous times of a Republican tariff.

Mr. LODGE. That is undoubtedly true of the Westinghouse Company, and if the purpose is to help them out by letting them import cheap German carbon, the argument is complete. The carbon is used in the arc lights. The carbons are used by street railway companies. They are of course manufactured exclusively here of American material. They are manufactured in great quantities, and are individually of small value. We have made a duty 20 cents less than the Dingley rate, and we have given what appears to me only a fair protection to an American industry, because it has been shown that under the Wilson rate the industry did not exist, and under the present rate it has been declining.

Mr. BAILEY. And this is another increase as compared——

Mr. LODGE. This is an increase over the House bill and a reduction on the Dingley Act.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER (Mr. SCOTT in the chair). Does the Senator from Massachusetts yield to the Senator from Texas?

Mr. BAILEY. I do not desire to interrupt the Senator from Massachusetts. I thought he was through.

Mr. LODGE. No; I have not quite finished.

This industry does not exist in my State, nor, so far as I know, in New England. My attention was drawn to it when it was taken up before the committee. It seemed to me—and I looked into it with some thoroughness—that if there ever was a case where a protective duty was reasonably justifiable, it was in this case, and where the duty asked or the duty given by the Senate committee was an entirely reasonable and proper duty. I do not think there is anything I can add to the figures, but the Senator from Ohio [Mr. BURTON], in whose State, I think, some of the principal factories in this industry are, no doubt could add to what I have given, as he knows the subject better than I do.

Mr. LA FOLLETTE. Before the Senator from Massachusetts takes his seat I should like to ask how many establishments there are engaged in producing these carbons in this country, if he has that information?

Mr. LODGE. I have it not here under my hand. There are a number of factories, I do not know how many. I was informed, but it has escaped me for the moment. There are a considerable number scattered through the country. I dare say the Senator from Ohio [Mr. BURTON] can inform the Senator from Wisconsin, and has the details before him.

Mr. BURTON. I will state that I have not the exact details. The largest establishment is in Cleveland. There are others in New Jersey, and also in Indiana and Illinois.

Mr. LA FOLLETTE. I should like to inquire if the only one is not that of Cleveland?

Mr. BURTON. Oh, no; by no means.

Mr. LODGE. As far as Cleveland goes, I should state that the manufacture of carbon is only 15 per cent of its business. I took occasion to ask the president of the company when he was here, and he said it was about 15 per cent of their business. It does not affect them very vitally, but it is much more important to many of the other factories.

Mr. BAILEY. Mr. President, a moment only. I want the Senator from Rhode Island to hear this. A moment ago we had some slight disagreement as to the meaning of the pledge which the Republican party made with respect to a revision of the tariff. I stated what I understood that pledge to mean, and I further stated that I thought the country understood it to mean what I did. I suppose the Senator could be excused for refusing to accept my interpretation of a Republican pledge, and I suppose he might be excused for doubting the accuracy with which I might determine the country's opinion with respect to it, but he will hardly question the right of the President of the United States, elected on that platform, to interpret it. On the 4th of March, standing here in this presence, he took the oath of office and delivered an address in which he placed his construction upon the pledge which the Republican

party had made the country. I desire to put it in the RECORD and submit it for the enlightenment and information of the Senator from Rhode Island. Here is it:

It is thought that there has been such a change in conditions since the enactment of the Dingley Act, drafted on a similarly protective principle, that the measure of the tariff above stated will permit the reduction of rates in certain schedules and will require the advancement of few, if any.

So, Mr. President, I was not without warrant in saying that the Republican party meant, or at least it desired the country to understand that it meant, that the tariff revision which it promised the people was a revision toward the bottom and not toward the top.

Mr. ALDRICH. Mr. President, I was a protectionist before the adoption of the Chicago platform. I expect to remain a protectionist as long as I shall live, because I believe that that policy is the only correct policy for the people of the United States to adopt and to maintain.

Mr. BAILEY. Mr. President, will the Senator permit me?

Mr. ALDRICH. Certainly.

Mr. BAILEY. Of course, I recognize the Senator's right——

Mr. ALDRICH. I should like to yield only for a question. I do not want to yield further than that.

Mr. BAILEY. I just wanted to remind the Senator that he told the Senate the other day that he remembered the time, as I understood it, when he was a Democrat.

Mr. ALDRICH. No; never.

Mr. BAILEY. Well, I thought you said you remembered when your Democratic ancestors——

Mr. ALDRICH. Democratic ancestors, but I never cast a vote prior to 1861, when I became a member of the Union Army, and from that time to this I have never ceased to be a Republican in every part of my nature, and a protectionist.

Mr. BAILEY. Membership in the Union Army did not necessarily make a man a Republican.

Mr. ALDRICH. I think it did, if he lived north of Mason and Dixon's line——

Mr. BAILEY. Mr. President, that is an affront to many thousands of brave men who were Democrats before the war and Democrats after its smoke had cleared away. Except for the northern Democrats there would have been a different story to write about that bloody conflict. When the Senator from Rhode Island——

Mr. ALDRICH. There were Democrats, many of them, thousands, hundreds of thousands, who were Democrats up to 1861, who in all the dark hours between 1861 and 1865 voted with the Republicans and forgot their party for patriotism's sake. I agree to that perfectly.

Mr. BAILEY. They did not follow the example of the Senator from Rhode Island and forever after vote the Republican ticket.

Mr. ALDRICH. Many of them did.

Mr. BAILEY. I think the Senator——

The PRESIDING OFFICER. The Chair understands that the Senator from Rhode Island yielded for a question. The stenographers are unable to take down a conversation when the two Senators are talking at the same time.

Mr. ALDRICH. I think I will ask the Senator from Texas to wait for a moment before he interrupts me further.

Mr. BAILEY. I will certainly wait, but I shall have something to say about that.

Mr. ALDRICH. The Senator has referred to the interpretation of the Chicago platform given by the President of the United States. I agree fully with that interpretation. A majority of the members of the Committee on Finance agree fully with that interpretation. The number of advances in the bill now before the Senate above the rates now in force are very few. The Senate to-day has been considering two of them in one paragraph? Why? Because conditions have been changed. To use the language of the President, conditions have changed since the act of 1897 was passed, which makes the revision in this paragraph necessary. The Senator will find very few examples in the bill of any increases of rates above the act of 1897.

The Senator asked me about the free list. We have put upon the free list several articles that were not in the act of 1897. Taken as a whole, the bill incorporates large reductions throughout its length below the existing law, and if this revision becomes a law, as I certainly hope it will, it will be an answer to the pledge of the party to which I belong and an answer to the demands, as I understand them, of the American people.

Mr. BAILEY. Mr. President, I had little thought a moment ago of giving any sectional turn to this debate. I think when the Senator from Rhode Island looks at the stenographer's notes he will regret having said that membership in the Union Army was a sufficient reason for voting the Republican ticket. We have long since passed beyond the time for that appeal, either to men in the North or to men in the South. In both those great armies, beneath whose mighty tread this continent trembled, there were men of opposing political convictions. There was scarcely a Southern State that withdrew from the Union except over the protests of many respectable Union sympathizers. There was scarcely a State that adhered to the Union that did not send among its quota of troops some as brave and as loyal Democrats as any who lived in the South or in any other section of this Union.

If it took the Republican party to qualify a man for service in the Union Army, then, sir, as I said a moment ago, the story of that conflict might be written in a different way. Your greatest general and your bravest private soldiers were Democrats before that war, and many of them have been Democrats since that time.

In this period when we of the South are being flattered with suggestions that we embrace the doctrines of the Republican party, it is a strange sound to fall from the lips of the Republican leader of the Senate to have this appeal to a sectionalism which ought to have been buried a quarter of a century ago.

Does the Senator expect to justify these departures not only from his own profession, but the professions of his party made before the country, by an appeal like that? It was no answer for the Senator from Rhode Island, in testifying to his continual error, to stigmatize the memory of the Democrats who fought, and bravely fought, in the Union Army. He had a right to say that he never voted until he entered the army, and he had a right to say that he had voted the Republican ticket from that day to this, because it is every man's individual right to begin wrong and to persevere in being wrong. I do not question that. But it comes with bad grace for him to lay upon the memory of as brave a lot of men as ever marched to battle the imputation that Republicanism and Unionism were synonymous. They were not.

Mr. President, I have supposed that in this time, instead of an appeal to prejudices which I rejoice to say no longer exist among the intelligent and patriotic people in the North, a different appeal is to be made to the South. I have heard it said and I have seen it printed that the present administration aims as one of its chief accomplishments to disrupt the solid South, and the means which they are to employ is to flatter the weak men amongst us who can be seduced from their party allegiance by the social blandishments of the White House or a seat at the patronage counter. They will appeal as vainly to the southern men on that line as the Senator from Rhode Island now appeals to the northern men upon the other line.

I freely admit that there were many men in the South opposed to secession, opposed to the war, and some of them as good, as just, as true, and as brave as others who favored secession; and I insist that there were Democrats in the North as loyal to the Union, as serviceable to it in its darkest hour, as the Senator from Rhode Island or any of his illustrious Democratic ancestors, of whom he spoke the other morning in his speech.

But the men of the South who held the Union sentiment, and some of whom refused to serve in the confederate army, are above the small temptations with which they now assail our political fidelity. This administration might as well apply itself to other questions if it supposes for a moment that either by flattery or by bribery—and by bribery, of course, I mean only appointment to public office—it can make any inroads upon the Democratic party of the South. Your only hope there, and you are not without hope, is an appeal to the intelligence and conscience of your countrymen in the Southern States. Men of brains and men of character there agree with your policies, and may organize both a respectable and a formidable Republican party; but it can never be done by the smaller men who fawn upon and flatter official power.

The President wastes his time and strength in giving heed to those men who tell him that they can disrupt the South. There is in the South, as there was before the war, a sentiment that is not Democratic. In the other time they were Whigs, and in this time they are Republicans, though some of them, I grant you, are ashamed to own it. They are not ashamed of you, but they are ashamed of some of their associates down there. Sectional and race prejudices in some places will give way to an agreement upon great public questions, but not to such treatment as you have accorded to them in this bill.

This bill, as I will proceed to show a little further on, is full of sectional discriminations. You put the western farmer's binding twine on the free list, and still you compel the southern cotton planter to pay a duty on his bagging and his ties. Do you think it right to allow the people of one section to have the material for wrapping and marketing their crops without a

duty, and yet charge the people of another section a duty upon the material with which they must prepare their crops for market? If there is any difference, or if any difference can be stated and justified, it would call for free cotton bagging and free cotton ties rather than free binding twine, because the cotton from the Southern States supplies you annually with more than 30 per cent of your exports. It is due to the cotton crop exported from the Southern States that the balance of trade for any decade is in favor of these United States. To a people as worthy and industrious as they, to a people who not only create this immense wealth which they add to the wealth of their country, but create a fabric that makes men and women comely and comfortable; to a people who produce that one article of export that accounts for the balance of trade which we enjoy, the Republican party says that when they come to market and prepare their crop they must pay a tax upon the article with which they fit it for the foreign trade. Do you believe that right? I do not. And to your conscience and in your judgment you can not justify it. It costs the cotton growers of the South each year more than a million dollars, and that burden ought to be lifted from their shoulders, even if every factory of the cotton-bagging trust should be compelled to close.

So, gentlemen, if you want to find a way to the favor and the confidence of our people, do not flatter them. They despise it. But treat them justly. They will understand that and appreciate it.

Mr. ALDRICH. Mr. President, the Senator from Texas is quite as well aware as I am that I have made no statement prejudicial to the South or to northern Democrats in the civil war. I should like to restate to him what I did say, and amplify it somewhat. I cast my first vote, in 1864, for Abraham Lincoln. I was, as a voter, confronted with a choice between Abraham Lincoln and George B. McClellan. The Democratic platform declared the war for the Union a failure. Do you think that I could have voted, under those circumstances, for anyone but Abraham Lincoln?

I did not suggest that there were no Democrats in the Union Army. The first Rhode Island soldier who fell upon the battlefield of Bull Run was Col. John S. Slocum, a Democrat. One of the leading soldiers from my State was General Burnside, my predecessor in this body. There were very few of those men, however, who voted in 1864 for McClellan and for a declaration that the war was a failure.

I have been a Republican from that day to this because I believe and have always believed in the policies of the Republican party. I believe that the supremacy of that party is necessary for the welfare and well-being of the American people.

What happened at that time in the South? The Senator from Texas, I take it, was not old enough in 1864 to have voted for President.

Mr. BAILEY. No; I belonged to the infantry then. [Laughter.]

Mr. ALDRICH. I presume so. There was a large Whig element in the South prior to the civil war. What became of them when the war broke out? They, or most of them, voted the Democratic ticket. Southern Whigs and Republicans were practically eliminated from the political field in the South. They voted the Democratic ticket because they were loyal to the South, and what they believed to be her interests, and most of them have been voting the Democratic ticket ever since. These conditions were not discreditable to southern Whigs. I made no suggestion in this connection except the fact that as a soldier in the army I could not cast my first vote for a party that declared the war to be a failure and against the greatest man our country had produced.

Mr. BAILEY. Mr. President, I simply want to invite the Senator from Rhode Island to send for the stenographer's report, and he will find that he made the mistake of saying to me that a Union soldier could not be other than a Republican. If the Senator did not mean that——

Mr. ALDRICH. I did not mean to say any thing of the kind, and do not think I did; and I appeal to the RECORD.

Mr. BAILEY. I will ask the stenographer to give me the notes of what the Senator said, and if he did not say it, then the Senator will hear my apology. If he did say it, I want him to apologize to the northern Democrats.

Mr. ALDRICH. I will apologize if I said anything of the kind, because certainly it would be impossible for me to say anything which could possibly be construed as a slur upon the memory of the men—Democrats all of them—now dead who were my associates nearly fifty years ago.

Mr. BAILEY. The Senator from Rhode Island sometimes says things he does not think, I am inclined to believe. I know he said that, because it struck me for the moment as not only such an ungracious but unfounded attack upon his own neighbors and personal friends that I was amazed; and it recalled to me the old days when men sought to answer difficult questions by an appeal to sectional prejudice.

Mr. ALDRICH. I had no purpose whatever except to express my own personal experience.

Mr. BAILEY. I recall to the Senator from Rhode Island just how the matter arose, and I think he will not need the stenographer's report. The Senator was proclaiming that he had always been a Republican and always expected to be, and I interrupted him with the suggestion that he was, perhaps, a Democrat, according to his statement the other day; at any rate, he was talking like a Democrat when he told us about his Democratic ancestors, who had taught him the virtue of economy in governmental affairs. Then it was that the Senator said he had voted his first Republican ticket when he entered the Union Army and had always been a Republican since. I suggested that the fact that he was a Union soldier did not necessarily make him a Republican. To that he replied that no one in the Union Army could be other than a Republican——

Mr. ALDRICH. Oh, no.

Mr. BAILEY. Or in substance.

Mr. ALDRICH. I could not have said that, because, as I have already said——

Mr. BAILEY. You ought not to have said it.

Mr. ALDRICH. I could not have said it, because it was not true.

Mr. BAILEY. I think it is not true myself, but the Senator said it.

I hope, Mr. President, that I am mistaken. I hope the time has passed when a Senator of his distinction and his standing would use such an expression in the Senate. I shall be more than glad if, when the stenographer's notes come to me, I find that I misunderstood him.

Mr. ALDRICH. I am sure the Senator is mistaken. I could not have said that, in view of the fact that many of my best friends in my own State were Democrats, and they were among the most loyal and patriotic citizens of that State in 1861. Many of them were the first to give their services to their country.

The VICE-PRESIDENT. The question is on agreeing to the amendment in line 15 on page 23.

Mr. LA FOLLETTE. I should like to ask that the paragraph be passed over.

The VICE-PRESIDENT. Paragraph 94 will be passed over.

The next amendment was, on page 23, to strike out the heading "Glass and glassware," in line 19.

The amendment was agreed to.

The next amendment was, on page 24, line 15, after the word "operations," to strike out the following proviso:

And provided further, That in determining and assessing the duty on bottles filled with merchandise that is free of duty or subject to specific duties only, except when such bottles are expressly exempted from duty by this act, the value of corks, caps, crown seals, capsules, labels, envelopes, packing charges and all similar incidentals shall be added to the value of the bottles, and the value thus ascertained shall be the dutiable value of the bottles.

The amendment was agreed to.

The next amendment was, at the top of page 25, to strike out:

96. Glass bottles, decanters, or other vessels or articles of glass, cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand-blasted, frosted, printed in any manner, or ground (except such grinding as is necessary for fitting stoppers), opal, porcelain, and blown glassware, and any articles of which such glass or glassware is the component material of chief value, or in which such glass or glassware is mounted with or set in metal; and articles and manufactures composed wholly or in chief value of paste not specially provided for in sections 1 or 2 of this act; all the foregoing, filled or unfilled, and whether their contents be dutiable or free, 60 per cent ad valorem.

And to insert:

96. Glass bottles, decanters, and all articles of every description composed wholly or in chief value of glass, ornamented or decorated in any manner, or cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand blasted, frosted, or printed in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), and all articles of every description, including bottles and bottle glassware, composed wholly or in chief value of glass blown either in a mold or otherwise; all of the foregoing, filled or unfilled, and whether their contents be dutiable or free, 60 per cent ad valorem.

Mr. NELSON. Let those two paragraphs be passed over.

Mr. HALE. To what paragraphs does the Senator from Minnesota refer?

Mr. NELSON. I refer to the two paragraphs marked "96." One of the paragraphs is really a substitute for the other.

The VICE-PRESIDENT. The Senator from Minnesota asks that paragraph 96 and the substitute for it be passed over.

Mr. STONE. Does that request cover paragraph 95?

The VICE-PRESIDENT. Paragraph 95 has been disposed of; at least, it has been read without any request being made that it should be passed over.

Mr. STONE. Mr. President, I rise at this time to make an inquiry of the Senator in charge of the bill. I am just in receipt of a letter from very considerable manufacturing establishments in St. Louis engaged in making bottles of different kinds, in which it is stated that during the last fiscal year something like 41,000,000 bottles containing malt liquors, mineral waters, champagne, still wines, and articles of that kind came in without paying duty in any form and were subsequently refilled and used in this country. Can the Senator tell me whether bottles containing liquors of that kind do come in without the payment of any tax?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. Mr. President, I suppose the letter which the Senator has received refers more to mineral waters than to others. That matter will be found in section 309 of the bill. It is desired that a duty be placed upon bottles. It is a long story, and if the Senator will let it rest until section 309 is reached, I shall be glad to explain it to him.

Mr. STONE. I had no idea of taking time at this point in a discussion of it. I want to know the fact simply whether bottles of that description are admitted without the payment of any duty.

Mr. SMOOT. Under the exact wording of the law you can not say how much the duty is on the mineral water and how much on the bottles containing it; but we are asked to advance the rate of $1.60 on a case of pints of mineral water to $3.60, or an increase of 92 per cent, it being stated that that is to cover the bottle. When we reach that paragraph, however, I shall be very glad to explain the matter to the Senator.

Mr. STONE. Very well.

Mr. GALLINGER. Mr. President, I suggest that the next paragraph be passed over.

The VICE-PRESIDENT. Paragraph 96 is passed over. The Senator from New Hampshire now asks that paragraph 97 be passed over. That paragraph will be passed over.

Mr. CRAWFORD. Was paragraph 95 passed over?

The VICE-PRESIDENT. Paragraph 95 has been disposed of.

Mr. CRAWFORD. Has it been agreed to?

The VICE-PRESIDENT. It has been.

Mr. HALE. What became of paragraph 96?

The VICE-PRESIDENT. It was passed over at the request of the Senator from Minnesota [Mr. NELSON].

Mr. NELSON. Mr. President, in many respects this bill reported by the Committee on Finance meets with my approval, and I think that the committee deserve great credit for many of the changes they have made in it. I realize the fact that it is no easy task to revise the tariff, and I think we Republicans are all agreed about one principle, which is, that those industries which need protection should have a reasonable amount of protection, sufficient, at all events, to enable them successfully to compete with foreign producers and to control, as far as possible, the home market. Whenever you go beyond that figure, Mr. President, you build up what is called in common parlance in this country a "trust;" you enable parties who get extraordinary protection to levy tribute upon the American people beyond the necessities of business.

To my mind—perhaps I may be a heretic on this subject—whenever we offer an industry a higher rate of protection than that industry is fairly entitled to have, we enable that industry to levy tribute upon the American people; and indirectly we do a great wrong. We are all opposed, or supposed at all events to be opposed, to trusts and monopolies levying tribute on the American people. While that is the creed of all of us, we ought in its practical application to do what we can to prevent the formation, directly or indirectly, of such trusts and monopolies; we ought to prevent any class of men, no matter in what calling or profession, from getting more than their just due and their just protection.

While I think in some respects the Committee on Finance have done exceedingly well, especially in the iron and steel schedule—and I want to congratulate them on that—let us take other schedules. I read from the Statistical Abstract of 1907, in which there is given, on pages 506, 507, 508, 509, 510, 511, and 512, the amount of imports, each class being classified and the ad valorem rate given upon the class. I read this, as it is very instructive:

On animals the ad valorem rate was 20.82 per cent; on breadstuffs, 34.54 per cent; on chemicals and drugs, 24.88 per cent; on cotton and the manufactures of cotton, 53.38 per cent; on earthen, stone, and china ware, 58.56 per cent.

Coming down, now, to fibers, textile grasses, and so forth, unmanufactured raw material, the duty is 10.67 per cent; on the manufactured goods it is 35.03 per cent; on fish it is 18.13 per cent; on fruits and nuts it is 34.09 per cent.

Mr. HALE. Is the Senator giving the rates under the Dingley law?

Mr. NELSON. I am giving the rates under the Dingley law. I am giving the ad valorem rates taken from the Statistical Abstract of 1897.

Furs and manufactures of furs, 21.36 per cent; glass and manufactures of glass, 53.22 per cent; iron and steel manufactures, 28.83 per cent.

That is really one of the lowest schedules under the existing law, taking the iron and steel schedule as an entirety, and yet the Committee on Finance have been good enough to cut down that in many respects, in some items like steel rails about 50 per cent.

Now, coming to jewelry and precious stones—and here is a curiosity—the average rate is only 11.94 per cent.

Mr. ALDRICH. The Senator must be mistaken as to that.

Mr. NELSON. No; I am not. I have the figures here, and certainly there is no mistake in them.

Mr. ALDRICH. The duty on diamonds is 10 per cent.

Mr. NELSON. This includes diamonds. It is averaged in this statement—jewelry and diamonds combined.

Mr. ALDRICH. The duty on diamonds is 10 per cent, and on jewelry 50 per cent.

Mr. NELSON. Jewelry and precious stones are all in one class, and the duty of 11.94 per cent is the average rate on those articles.

Mr. CULBERSON. Mr. President——

Mr. NELSON. The imports for 1907 amounted to $32,000,000, and the average rate was only 11.94 per cent.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Texas?

Mr. NELSON. Certainly. The Senator from Texas will pardon me. I did not know that he was asking me a question until the fact was called to my attention by the Chair.

Mr. CULBERSON. I simply rose, Mr. President, to ask the Senator from Minnesota a question for information. I understood him to be reading from the Statistical Abstract that the average ad valorem duty on cotton manufactures was 53 per cent.

Mr. NELSON. On cotton and manufactures of cotton, 53.38 per cent.

Mr. CULBERSON. There seems to be some discrepancy there.

Mr. NELSON. How?

Mr. CULBERSON. In the estimated revenues furnished us by the committee the average rate on cotton manufactures is 44.68 per cent, and the committee has increased that to 47.04 per cent.

Mr. NELSON. I am reading from the Statistical Abstract for 1907.

Mr. BEVERIDGE. The Senator is reading from the present law.

Mr. NELSON. Take the year 1907, a most prosperous year, the year which the Senator from Rhode Island [Mr. ALDRICH] has made the basis for his comparison as to rates.

Mr. CULBERSON. I was calling the attention of the Senator to the discrepancy between the figures which he reads and those furnished us by the committee.

Mr. BEVERIDGE. I think the Senator from Minnesota is reading from the present law.

Mr. NELSON. I am reading from the statement for the fiscal year 1907.

Mr. CULBERSON. I am reading from what purports to be the present law, and the average rate is 44.68 per cent on cotton manufactures under the Dingley law, and 47.04 is the duty under the proposed bill, showing an increase by the proposed bill, and not only an increase, but a discrepancy between the figures furnished us by the committee and those read by the Senator from Minnesota.

Mr. SMOOT. Mr. President——

Mr. NELSON. I read from the Statistical Abstract for 1907.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. I will after I have read this:

The average rate for the fiscal year ending 1907 on all importations of manufactures of cotton was 53.38 per cent.

The VICE-PRESIDENT. Does the Senator from Minnesota now yield to the Senator from Utah?

Mr. NELSON. Certainly. I meant to state that I was reading from the Statistical Abstract for 1907, though, perhaps, I may have misstated the year. I refer, however, to the fiscal year 1907.

Mr. SMOOT. I was just going to call the attention of the Senator to the fact that it was the year 1907, rather than the year 1897, as he stated.

Mr. NELSON. That was a mistake.

Mr. SMOOT. Yes.

Mr. NELSON. I trust the Senator will not make an argument because of a slip of the tongue.

Mr. SMOOT. No; not at all. I was simply going to call the attention of the Senator from Minnesota to the fact that the figures that were quoted by the Senator from Texas [Mr. CULBERSON] were for the fiscal year ending 1906, and those quoted by the Senator from Minnesota——

Mr. NELSON. I can give the Senator from Utah the statement of the ad valorem rates if that is what the Senator wants. They were a trifle higher because prices of goods were a little higher. The rate was 54 per cent, and in 1907 it was 53.38 per cent.

These are the statistics annually prepared by the Bureau of Statistics. Oftentimes it takes almost a year before the statements are completed. They are carefully prepared and are more reliable than the statement which has been prepared for this particular emergency on the spur of the moment.

The duty on jewelry and precious stones is 11.94 per cent; on leather and manufactures of leather, 30.93 per cent; meat and dairy products, 33.45 per cent; on malt liquors, 54.32 per cent; spirits, distilled, 121.74 per cent; wines, 51.60 per cent. Then on the combination of wines, spirits, and malt liquors, 73.14 per cent; on oils of all kinds, 30.44 per cent; on paints, pigments, and colors, 31.18 per cent; on paper and manufactures of paper, 25.46 per cent; on rice, 31.73 per cent; on silk and manufactures of silk, 52.68 per cent; on sugar, confectionery, and molasses, 65.03 per cent; on tobacco and manufactures of tobacco, 87.19 per cent; on toys, dolls, and so forth, 35 per cent; on vegetables, 34.17 per cent; on wool and manufactures of wool, ordinary duty, 14.21 per cent; on wool, unmanufactured, 40.93 per cent; on manufactures of wool, 89.42 per cent.

I will insert the entire statement, taken from the Statistical Abstract of 1907, in my remarks for convenience of reference.

The statement referred to is as follows:

Average ad valorem rate, 1907.

	Per cent.
Animals	20.82
Breadstuffs	34.54
Chemicals, drugs, etc	24.88
Cotton and manufactures	53.38
Earthen, stone, and china ware	58.56
Fibers, textile grasses, etc., unmanufactured	10.67
Fibers, textile grasses, etc., manufactured	35.03
Fish	18.13
Fruits and nuts	34.09
Furs and manufactures	21.36
Glass and manufactures	53.22
Iron and steel and manufactures	28.83
Jewelry and precious stones	11.94
Leather and manufactures	30.93
Meat and dairy products	33.45
Malt liquors	54.32
Spirits, distilled	121.74
Wines	51.60
Spirits, wines, and malt liquors, combined	73.14
Oils of all kinds	30.44
Paints, pigments, and colors	31.18
Paper and manufactures	25.46
Rice	31.73
Silk and manufactures	52.68
Sugar, confectionery, and molasses	65.03
Tobacco and manufactures	87.19
Toys, dolls, etc	35.00
Vegetables	34.17
Wool and manufactures, ordinary duty	14.21
Wool, unmanufactured	40.93
Manufactures of wool	89.42

Mr. NELSON. Mr. President, there has been practically no reduction in rates. In a few instances there have been trifling cuts; in a few other instances there have been slight increases. Take these schedules: Cotton and manufactures of cotton, 53.38 per cent; earthen, stone, and china ware, 58.56 per cent; glass and manufactures of glass, 53.22 per cent; manufactures of wool, 89.42 per cent. Of all the schedules of this bill the highest by all odds in every way, taking them in the aggregate and in detail, are these four schedules—cotton; earthen, stone, and china ware; glass; and the manufactures of wool.

I am well aware, Mr. President, that it is easier to criticise than it is to build up, but I can only say——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Nevada?

Mr. NELSON. I will yield to the Senator in a moment, when I have finished my sentence.

I can only say to the members of the Committee on Finance that I am greatly disappointed that they have made no effort in any respect to effect any particular reduction in the four schedules to which I have referred. These industries, of cotton manufacturing, woolen manufacturing, glass manufacturing, and earthen, stone, and china ware manufacturing, have been under high protection for years. The statistics show that they practically control the market. There were in 1907 twenty-two million dollars' worth of woolen goods imported into this country, practically showing that we have a complete monopoly of the home market. That is all right; but why should we continue this excessive duty? The paragraph that I have asked to have passed over provides an ad valorem rate of 60 per cent.

It seems to me, Mr. President, after all these years of protection, after all these years of a complete control and monopoly, as it were, of the home market, that some of these industries ought, by and by, to be satisfied with less protection. Why should these four industries—cotton manufactures, glass, woolen goods, and earthenware—be given an advantage over others? There are no other duties provided for in the bill that are higher or as high as the duties on these articles, unless it be those on malt liquors, distilled spirits, wines, and so forth. The duty on malt liquors is practically not any higher than that on glass, but the duties on distilled spirits and cigars are somewhat higher. But, Mr. President, with the exception of the duties on the three articles I have named, which here, as in all other countries, are considered fair objects of revenue—malt liquors, spirits, and tobacco—there are no duties that are so monstrously high as those in the four schedules to which I have referred.

I speak as a Republican. I need not come here like the Senator from Iowa [Mr. CUMMINS] and the Senator from Rhode Island [Mr. ALDRICH] and speak of my political lineage or anything of that kind. I do not know much about it. Very likely my ancestors were Norwegian pirates. [Laughter.]

I wish, however, to say to the Senator from Rhode Island that I have fought as many hard battles for the Republican party in the State of Minnesota as he has ever fought in Rhode Island or in any part of New England; and I think that a man, no matter where he may live, who stands for a higher rate of duty than is justified by the fair and just principles of protection is a greater enemy to the Republican party than any enemy you can possibly find on the other side of the Chamber. That is the reason I asked that this schedule be passed over.

I trust that some reduction will be made in the schedules I have mentioned. It is curious, Mr. President, to see how the high-protected manufacturers always crawl behind the laboring man. They forget that it is the law of supply and demand that governs the matter of labor. The laboring man is not protected. This country can be flooded with emigrants from the Old World and the labor market overcrowded. The laboring man has no protection. His wages are based upon the law of supply and demand. Have you not evidence of that fact in the panic of 1907? Before that panic occurred wages were perhaps higher than they had ever been in this country in recent years. During the past year there has been a general reduction in wages. All this occurred under the same tariff law—the Dingley law—which was in force in 1907, the same as in 1908. Why the reduction in wages? The reduction in wages came because there was a superabundance of labor and a comparative scarcity of work. You can not, however, charge that condition to any tariff legislation. The panic that came in 1907 had as its storm center Wall street, and it had no connection with our protective tariff. It arose there; the first visible spark grew out of the copper corner, and the raid upon the Heinze bank there, and then it spread like a prairie fire set by a hunter or a trapper or an Indian. I apprehend that the men who started that fire have lived to regret what they had done.

We have all had to suffer for it; but we are not suffering for the lack of protective duties. Prices in some cases have gone down slightly within the last year, but that has been because of the diminished demand.

The only way we can build up our country again, the only way we can make the American people a happy and contented people, is to give a fair and reasonable protection to every industry that needs it, but not one particle more. Give them all they fairly need; but when you step beyond that point you have no justification.

Why should the four classes of manufactures I have mentioned be protected to the extent provided in this bill? If you travel around the country, you will not find millionaire farmers; you will not find millionaire cattle raisers. Where do you find the millionaires? I do not find any fault because men become millionaires; I do not envy them; I do not criticise

them; but I call attention to the fact that it is in the protected industries more than any others that you find millionaires.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Hampshire?

Mr. NELSON. Certainly; I yield for anything.

Mr. GALLINGER. I want to ask the Senator if he has reached a conclusion as to how great a cut, for instance, should be made in the duty on wool and woolens?

Mr. NELSON. I called attention to the duty on woolens. If the Senator from New Hampshire will bear with me, I will say that I think the duty on raw wool, on scoured wool, and on washed wool could well bear a fair reduction; but just how much I do not know. What I criticise more particularly—and I call the attention of the Senator from New Hampshire to the fact—is the duty on woolen manufactures. The protection on raw wool is only 40.93 per cent, whereas the protective duty on manufactures of wool is 89.42 per cent, almost 50 per cent more duty on manufactured wool than on the raw material.

Mr. GALLINGER. Well, Mr. President, that discrepancy, I think, will be found in every schedule. I want to say to the Senator that we all remember the agitation for reduced duties on wool that occurred a few years ago. We had a very great reduction made in the woolen schedule. It was hailed with joy all over the country as an improvement in our tariff legislation, and it was claimed in Democratic circles that it would greatly redound to the benefit of the working people.

Mr. NELSON. I want to remind the Senator that that is exactly the same spirit that actuates New England now in asking for free hides. They want free raw materials.

Mr. GALLINGER. The result of that agitation and that legislation, Mr. President, was that every woolen mill in New Hampshire closed its doors, and every workingman in those mills was out of employment. I do not know that the Senator wants a reduction equal to what was made in the Wilson tariff law.

Mr. NELSON. Let me ask the Senator if he does not think that the manufactures of woolen goods can bear a reduction from the present duty of 89.42 per cent?

Mr. GALLINGER. I do not know how that may be; I have not made a very careful inquiry into it. I know, however, that the woolen industry is not very prosperous at the present time in New England, notwithstanding the Senator may think to the contrary. But I do know that we had disaster, so far as the woolen industry was concerned and so far as the sheep-raising industry was concerned, under the agitation for low duties on wool and woolen goods from 1894 to 1897, and we do not want to see that condition repeated.

Mr. NELSON. You can lay a good deal to the tariff of 1894. It was not altogether the tariff of 1894 that brought about the hard times. They came largely from the financial panic that occurred in 1893. Let us be fair and candid. While the tariff cut some figure, it was the panic in 1893 that brought stagnation, just as in the case of the panic of 1907, from which we are still suffering. Can you ascribe that suffering and what occurred in the panic of 1907 to the tariff law? The Dingley law has been in force during all that time.

Mr. GALLINGER. Mr. President, conditions were very different. The Senator himself said that the panic of 1907 was a financial panic, and I understood him to suggest that it originated in Wall street. It is a pretty well-known historical fact that the conditions that existed from 1894 to 1897 were due to the tariff law that was put on the statute book by the Democratic party.

Mr. NELSON. Not wholly. We had a panic in 1893, a monetary panic, more acute in some respects and lasting longer than the panic of 1907, growing out of the silver issue.

Mr. GALLINGER. And when that panic occurred it was well understood that we were to have a Democratic tariff law, which we had and which brought about the condition I suggested.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Let me answer the Senator from New Hampshire. While I do not justify the law of 1894, I want to be fair enough and manly enough to say that all of the stagnation that prevailed during those dreary years from 1893 to 1897 and 1898 was not altogether owing to that law. It was more owing to the vicious conditions under which our currency existed. It was on account of that as much as on account of the tariff.

Mr. GALLINGER. Mr. President——

Mr. NELSON. Let me answer the Senator from New Hampshire further. I would no more think of charging the Dingley tariff with the panic of 1907 than would the Senator from New Hampshire. You can not charge that. Would you charge the panic of 1907 to the Dingley tariff law?

Mr. GALLINGER. The Senator said it was a Wall street panic; that it had no reference to our——

Mr. NELSON. I am putting the Senator from New Hampshire on the stand.

Mr. GALLINGER. I will take the Senator's statement on that point. He probably knows what he is talking about. He says it was precipitated by Wall street—for the purpose of the millionaires of Wall street. I do not know.

Mr. NELSON. What is the Senator's opinion?

Mr. GALLINGER. I have no opinion about it.

If the Senator will permit me, I wish to call his attention to the fact that the stagnation which he admits existed from 1894 to 1897 very rapidly disappeared when we passed the Dingley tariff law and men were given employment. Then our mills were opened. Every woolen mill in New Hampshire and throughout New England began giving employment to men.

Mr. NELSON. That helped us.

Mr. GALLINGER. Yes.

Mr. NELSON. But in the meantime we disposed of the silver question by the election of McKinley.

Mr. GALLINGER. Yes.

Mr. NELSON. We had buried forever the doctrine of free silver, and that more than anything else—more than tariff legislation—restored confidence to the American people.

Now, let the Senator from New Hampshire be a little candid. The facts were that the business world in 1894, 1895, and 1896 was afraid of silver monometallism. The money of the country went into hiding—was put away in old stockings and bureaus, and not put into active use—because the men who held the money had the fear that if Bryanism and free silver prevailed, they would have to take the money back in depreciated dollars.

Mr. GALLINGER. But, Mr. President——

Mr. NELSON. But as soon as it was announced that McKinley had been elected, and that we would stamp out the silver heresy and settle upon a sound financial basis, prosperity began to come to the country, even after election day, six months before we enacted our law.

Mr. SCOTT. The Senator is surely aware that the silver question was not an issue in 1892, 1893, and 1894.

Mr. NELSON. I say in 1896.

Mr. SCOTT. We had the panic before that; that is, one panic. That disposes of your argument in that respect.

Mr. GALLINGER. If the Senator will permit me—and that is the only observation I care to make—it is to my mind a new theory which the Senator evolves, that our troubles from 1893 to 1897 were due to the agitation of silver monometallism. I think it had as much to do with it as the last eclipse of the moon.

Mr. NELSON. What about the moon? [Laughter.]

Mr. GALLINGER. I will repeat it for the Senator's benefit. I think the silver question had as much to do with the depression in business, after the enactment of the Wilson tariff bill, as the last eclipse of the moon, and nothing more.

The truth is, and history bears it out, that our rates of duty were reduced beyond the protective point. Our industries went out of existence; our workingmen were thrown out of employment; and we had disaster such as I think the Senator does not want to see repeated.

What I rose in the first place to ask the Senator—and I did ask the Senator—was whether he had made a very careful calculation as to what rate of duty on woolen goods, for instance, would be an adequate protective tariff? I am satisfied to take——

Mr. NELSON. Has the Senator from New Hampshire made up his mind that it must be 89 per cent?

Mr. GALLINGER. Will the Senator let me answer him?

Mr. NELSON. Yes; and has the Senator from New Hampshire made an exact——

Mr. GALLINGER. The Senator's impetuosity interrupts my speech. I wish to say to the Senator that I am willing to take the combined wisdom of the Republican members of the Committee on Finance. They know more about it than I do. I think they know as much about it as the Senator from Minnesota does, and I accept their conclusion, believing it just about right.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Mississippi?

Mr. NELSON. Certainly. I am ready to yield to everybody.

Mr. McLAURIN. The time has passed, but because of the statement made by the Senator from New Hampshire as to the tariff on wool in the Wilson bill in 1894, I wanted to interject

the remark that when the tariff bill of 1894 was before the Senate, the strongest advocate of free wool in the Senate was understood by me, and I think by the country generally, to be the largest sheep raiser in the United States—Senator Vest, of Missouri.

Mr. SCOTT. He got over it.

Mr. McLAURIN. Never, till he died.

Mr. SCOTT. Mr. President, the Senator from Minnesota, in attacking this bill, includes in his remarks the duties that the committee has placed upon glass. I desire to ask the Senator from Minnesota if he can remember the time when his good old mother, if living in this country, paid as much as $4 for a glass pitcher; and it was set away and brought out only on the Sabbath, to be exhibited to visitors who might be calling at the house?

Mr. NELSON. I am ready to answer the question. My mother is still living, but I doubt whether we could afford the luxury of a glass pitcher in those days.

Mr. SCOTT. I want to say that the Senator's mother and the Senator himself to-day can afford the luxury of a glass pitcher. I will show him why; and it is through the workings of a protective tariff.

When I first became interested in the glass business there was no duty upon glass. What was the result? We had men in the factories who were working from ten to twelve hours a day, and they got what? One dollar; and if we had the money, we paid them. If we did not have, we gave them an order on the store. When we got a protective tariff on glass, what did we do? We brought the price of $4 for an individual pitcher down to $1.25 for a dozen. Why? Because of the protective tariff of 60 per cent, and nothing else.

I will show you about the wage. The day for doing that same work to-day is eight hours a day. Take a man who works in my factory at home, and what does he get? He gets from $2.25 to $4 a day, as the case may be; and we have 60 per cent. Why? The Senator said we were demagogues in saying we were doing this for the workingman. I say when he makes that charge he does not know what he is talking about.

I have employed labor in the glass business ever since the civil war. If I know anything about any particular thing in the world, it is the glass business. It was the protective tariff put on in this country which enabled us to pay the man double wages for less hours and to reduce the price of glass.

The very goblet the Senator uses in his home, which probably cost him from a retail dealer a dollar a dozen, we sell at the factory for 35 cents a dozen, and before we had a tariff on it we had to sell them at $2.25.

Mr. President, what is the use of Senators talking here about something they know absolutely nothing about? The tariff is not a tax. The tariff——

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Iowa?

Mr. SCOTT. Certainly.

Mr. DOLLIVER. Recognizing that the Senator from West Virginia knows a great deal about glass, I should like to ask him what effect the improvement in machinery and the use of cheaper fuel have had on the cost of glass production in the United States?

Mr. SCOTT. I will answer the Senator that in the cheaper classes of tumblers, for putting up jellies, it has been reduced; but they are selling at 17 cents a dozen. The Senator could not want them much less than that, when the amount of labor in producing a piece of glass to-day is 85 or 90 per cent.

Mr. DOLLIVER. I do not desire to suggest—certainly not now—any change in these duties, but I have heard from the fathers in the Republican party that improved methods of production would gradually enable us to produce the articles at such a reduced price that the time might come when some reduction of the duties could be made. I have visited glass factories in the natural-gas regions of the West and in Pennsylvania, and it occurred to me that the industry was not on exactly the same basis that it was twenty years ago.

Mr. SCOTT. I should like to ask the Senator from Iowa if he wants a greater reduction?

Mr. DOLLIVER. I appreciate, as well as the Senator does, the improvements made in the glass industry, and I have given special attention to it. I admit freely that the protection of the industry has been a magnificent success in the United States.

Mr. SCOTT. One word more, and I do not propose to discuss this matter further at the present time.

In cut glass the great injustice that has been done the American manufacturer has been, of course, not in the workings of the protective tariff on that article, but by the rascally importers. For instance, take a tumbler or a pitcher or a dish—it matters not what—and you are going to make a cut article out of it. The first thing that is necessary is to blow a blank. Of course that is Dutch to some of you, at least. Then, when you want to cut it, it is put on a wheel and roughed—what we call "roughed" after the pattern is marked out. Then it is taken to another wheel, and there the sand mark of the outline of the cutting is taken out. From that it goes through another process—what we call "smoothing" or on a crag-leaf stone. From that it goes to an additional wheel, called the "smoothing wheel," which polishes it, and then it goes to the glass cutter's putty wheel.

While there was a classification of common glass at a less rate of duty, the importer in New York would have that article roughed; he would have it put on the second stone; he would have it put on the third stone. There it was, 90 per cent of the cutting done upon that article. He would bring it in as common glass, take it to a glass cutter, polish it, and have a finished article. That was the great injustice done to the manufacturers of this country; and I am glad that this provision of the bill is just as it is, and it is only right and only fair, not only to the manufacturers of glass, but to the consumer, Mr. President.

I appeal for justice to the consumer, because that enables us to produce and to give them an article at a lower rate than if we did not have that protection.

Further along, Mr. President, I shall perhaps have something else to say on this subject.

Mr. DOLLIVER. Mr. President, I do not wish to be put in the attitude of criticising the earthenware and glass schedule. Within my own lifetime those industries have been built up in the United States, and nothing has more completely illustrated the practical wisdom of our theory of protection than these industries. I have been especially glad to see them grow because of two things. In the first place they deal with a very crude and primitive material, everywhere abundant in the United States. The entire business is a labor proposition; and then again they are in a sense manual industries. I do not think very much progress has been made in the substitution of automatic machinery for the old-fashioned methods of producing glass and pottery. The industries have grown in the United States, and they ought to grow, because there is hardly a part of our country which is not filled with an abundance of this material.

Seeing that the industry has been established, seeing that it has grown up and fulfilled all the prophecies that we have made with respect to it, seeing that we make now, out of the common clay, earthenware and pottery useful and ornamental and beautiful, and seeing that this glass industry has gone into nearly every section in the United States, the only question I have had is whether we might not with wisdom and without damaging the protective doctrine remit somewhat these duties, if for no other purpose than to give an advertisement of the influence and effect of our protective system and philosophy.

I do not think the tariff doctrine gains any strength from an ironbound application, generation after generation, of the same schedules, unless it can be shown that the same conditions prevail. I have thought that within the last twenty years this industry might, in some parts of the glass schedule at least, submit to some reduction without damaging the industry in the United States at all.

Mr. SCOTT. Will the Senator allow me for a moment?

Mr. DOLLIVER. Certainly.

Mr. SCOTT. How would the Senator suggest to take care of the skilled workmen of this country, in comparison with the wages paid to the glass blower of Germany, for the glass blower in Germany gets 4 marks for working from fourteen to sixteen hours a day, when in the United States we pay for the same class of work $2.25 to a man who works eight hours a day.

Would the Senator, in his reduction of the duty, compel me to reduce the wages of the men in my factory to a parity with the wages paid by the manufacturer in Germany, who, for working longer hours, pays less than half of the price we pay?

Mr. DOLLIVER. I made no suggestion of that sort.

Mr. SCOTT. If we reduce the duty and this cheaply made article from England and Germany and Austria comes in, what will be the result?

The Senator from Minnesota talks about reduced wages. We have not reduced wages in my factory. On the contrary, some of the men have been increased. If you reduce the tariff, wage reduction is as inevitable as that water will run down hill.

Mr. DOLLIVER. I will say to the Senator from West Virginia that I would certainly regret the reduction of wages, and I would certainly regret any damage to the industry. I like these schedules on the whole, because in practically every para-

graph there appears to be a reasonable competition with other countries. I am a firm believer in the Republican doctrine that the duties ought at least to be high enough to bring the importer and the manufacturer together in our market place on terms of fair competition. That appears to be accomplished in the earthenware and glass schedule.

But I had in mind certain machinery, automatic in its character, which has been put into operation in some departments of glass manufacture in the United States, which I thought might introduce new elements into the labor problem.

I had also in mind the fact that since the Dingley law was enacted, in many sections of the country, the production of glass has been greatly reduced in cost by the introduction of cheap fuel. I was in Pennsylvania some time ago and had the opportunity of dedicating, with a good Republican speech, the largest window-glass manufactory existing, I think, in the United States; and the thing that interested me was that there was a mountain of sand, with the limestone immediately at hand, and for fuel they simply bored a hole in the ground. I have wondered whether it might not be possible, seeing the improved status of the industry in the United States, to wisely reduce these duties without affecting either the profits of the manufacturer or the wages of labor.

I do not desire to see the earthenware industry injured, and I believe that the best piece of work in this bill is the fact that existing duties on most of these schedules have been preserved, because the earthenware industry is practically a manual industry, and as long as men work with their hands, with the same material, we will have to guard the gap between wages here and in other countries; and I want to be one of those who guard it faithfully.

Mr. SUTHERLAND. I should like to ask the Senator from Iowa and the Senator from West Virginia a question with reference to new machinery in this country, and that is whether Germany and the other countries which are competing with us have not the same sort of improved machinery, so that, so far as the improvements of machinery are concerned, we still stand upon an equality?

Mr. DOLLIVER. My information is that the machinery of the American Window Glass Company is not even shared with the independent manufacturers of window glass in the United States. So I doubt very much whether the Germans have been able to get hold of it.

Mr. SUTHERLAND. I am asking information.

Mr. SCOTT. It is covered by patents.

Mr. DOLLIVER. Yes.

Mr. SCOTT. I should like to say to the Senator from Utah, if the Senator from Iowa will allow me, that a company with which I was connected twenty-five years ago shipped from fifty thousand to seventy-five thousand dollars' worth of goods to Germany and other European countries, because our appliances, such as molds and processes, were not known specially to the German people; but as soon as the shrewd Germans and other foreigners were informed of what we were able to do by these improved appliances, the shrewd Yankees who had produced these appliances were unable to export goods, and they went over to that country and sold their molds and their processes and their appliances for making glass over there. Then, as soon as the foreigners had those appliances, they could send the goods back to us if it was not for the protection given by the Republican party through the protective tariff.

Mr. DOLLIVER. I am all the less disposed to be critical about the earthenware schedules, because the rate of duty is on the basis of value and does not in many cases exceed what appears to be a reasonable protection. I do not, however, altogether agree with the chairman of the committee as to the general scheme upon which the tariff revision ought to be made. We are here in an extraordinary session of Congress. That very fact indicates that something was expected to be done. The country at large was divided into two groups of people within the Republican party what some vulgarly called the "progressive element" and the "standpatters." I have taken a certain satisfaction in my efforts to moderate all such contentions within the Republican party. I have always felt a certain pride in being a Republican of the old school.

The radical element, if they may be so called, were arduous in their efforts to secure an agitation of the tariff question. I regret very much to say that many good people who now appear to be more conservative than anybody else—good people in Massachusetts—were responsible in a larger measure than any other Republicans for the agitation of the tariff question in these recent years. I regret to say that some of them desired to admit to their factories on more attractive terms the raw materials which they use. Others desired to get cheaper food for their employees, and I believe the tariff agitation in the United States spread largely from New England, some of whose people desired to get butter and eggs and other articles of food unburdened by the Dingley tariff rates, and to secure, free, articles for their manufacturing industries upon which a duty is now laid, like the hides of certain kinds of cattle. I believe these people are more responsible than anybody else for the general dissatisfaction that gradually grew up against the old Dingley tariff act.

I was not unaware in those years of the difficulties of revising the tariff. I have been a very humble observer of that operation at least three times in the last twenty-one years, and I knew then as well as I know now that a tariff bill when once passed is not any man's bill. It is the result of compromises and inadvertencies and extraordinary skill in the adjustment of the language with which nearly everybody, either in Congress or out of it, is unfamiliar. I knew it would be a year after the tariff bill was revised before even those who were skillful students of it would know all that had been involved in the revision.

So I have not been one of those who sought to push the country, and certainly not my own party, forward to a revision of the tariff. But I can not refrain from entering an individual dissent from the proposition that it was the purpose of the President in calling this Congress, or the purpose of the party in practically ordering the Congress to be called together, in its platform of last year, either to leave the Dingley tariff act as it is or to increase its rates.

I have an opinion that the American people expect us, if it can be done, to reduce the schedules of the Dingley tariff act somewhat. I do not believe that any Republican desires to sacrifice any American industry in that particular or the wages of American labor. But there are millions of people in the United States who agree with my honored friend the Senator from Minnesota that some of these schedules ought to be revised.

I undertake to say that a careful study of the textile schedules, which have been reported by the committee, will suggest to nearly any unprejudiced mind the fact that we have the protective rates so high as to be unnecessary to the manufacturer and a perpetually bad advertisement for the Congress, and especially for the Republican party. Therefore it is my intention to ask my honored friend the chairman of the committee to see if it is not possible that some of these rates, many of them alluded to by my friend the Senator from Minnesota, should be reconstructed.

I should like at least to see them so reconstructed that the average man could understand them. I know it will be a favorite thing in the Senate in the course of the next few weeks, probably, to disparage fairly good people because they do not know about particular things. I intend to exercise my right to inquire about them, and I hope the flow of information will be a patient one and a friendly one, because I feel a certain duty to my people, twenty-five hundred thousand people, who have little or no interest in this business except that indirect interest which arises from the prosperity of the American market place.

I shall feel it my duty to inquire into these matters and to suggest amendments. I shall do it in a kindly way, in a spirit that grants to everybody the same freedom of judgment that I should like to exercise myself. But nevertheless, I propose, if the opportunity arises, to have a thorough explanation of some of these schedules, because I have it on mighty good authority that the number of people who understand them is very small.

The testimony taken before the House committee indicated that in 1897 the number of people who understood the woolen schedule was reduced so remarkably that the sickness of a single man made it almost impossible for the committee to proceed with the schedule. Testimony was produced before the committee in the House of Representatives that men like my former venerable colleague, Senator Allison, and men like Senator Platt of Connecticut, with intellects as acute as we ever had in the Senate Chamber, were not able to understand the schedule that had been presented for their indorsement by the American Wool Manufacturers' Association. In view of that I shall not regard it as a disparagement either of my industry or of my intelligence if I seek certain information in respect to these schedules.

I believe the woolen schedule ought to be reduced. I am not willing to go so far as to say that it will very materially affect the price of clothes, but I undertake to say that for twenty years it has been a bad advertisement for the Republican party; and I undertake to say that audiences which once listened with patience while we tried to explain it in a campaign are now out of patience and will want to know more details than have ever heretofore been laid before the American people.

I therefore suggest what I intend to do myself, if I have the strength and the grace, and that is to so vote as to adhere as far as possible to every reduction in the Dingley rate that was

made by the House committee, and to adhere as far as possible to every reduction that has been made by the Senate committee. Wherever I find a rate in the bill pending here that goes beyond the Dingley rate of 1897 I shall exercise the right to inquire with very great care into the question whether, after twelve years of prosperity, with every industry apparently satisfied, with every industry multiplying its output and increasing its capital and going on in an uninterrupted prosperity—whether after twelve such years of industrial progress it might not be possible, merely for the sake of the advertisement and our popular repute in the United States, to scale some of these duties, so that when we come to read the history of this extraordinary session of Congress we will not be compelled to say that it was called not to reduce the duties, but to confirm duties that had been in existence for twelve years.

I have gone through this bill with a good deal of care; and while it may be that there are only a few increases and quite a number of reductions, I venture the suggestion that when we are through with it it will be so nearly like the Dingley tariff law, unless we examine it with great care, that many men will wonder what was the extraordinary occasion which called Congress into session. It certainly was not called into session to increase the tariff. There was not a voice raised upon that proposition. It certainly was not called into existence to let the tariff stand exactly as it did, because an extraordinary session of Congress was not necessary for that purpose.

My judgment is that we ought to set our thought and purpose steadfastly to reducing the duties in the Dingley schedules, wherever it can be done without sacrificing an American industry.

The very increases that were under debate here this morning I do not know whether I can support or not; but if it can be shown that there is one industry in the United States, however small, that is fighting a hard fight with foreign competition and is being pressed to the wall by people who do not live in the United States, I will be willing to increase that duty high enough to give the business to people who live in the United States. That is as far as I will go. But I do not propose to swallow without inquiry and without criticism these schedules that have been built up during the last twenty years and have grown so complex that nobody in Congress or out can tell what the duties actually laid by the bill are to be.

Take, for example, the cotton schedule. My friend the chairman of the House committee said to the country in a report on his bill that he made no changes in the cotton schedule, and he believed it. He is not a man who would misstate the situation, either to the House or to the public. Yet hidden away in that cotton schedule was a new definition of cotton cloth, and that new definition of cotton cloth changed effectively every rate in the cotton schedule from one end of it to the other.

Governor Dingley in 1897 gave a brief and perfect definition of cotton cloth. He said it consisted of a woven fabric, composed of cotton that could be analyzed by unraveling the threads, and the duty was based upon the density of the cloth; that is to say, the number of threads to the square inch. Somebody comes to the committee room of the House of Representatives and suggests that that definition ought to be modified; and so we have a new definition of cloth, by which in counting the threads upon which all the duties are based, not only the threads are to be counted, but every filament of cotton, whether known by the name of a thread or otherwise; and not only that, but when there is more than one filament of cotton in a thread, then the thread itself should be taken apart and the pieces counted; and if there had been a little figure imposed on the cotton by clipping the thread so as to conform to the figure intended, the thread in that imposed piece of figure work should be counted. When you got through with that schedule, there was not a man living among men who could tell what any single cotton rate would be. There was not a merchant in the United States who could anticipate upon what basis he might import merchandise and conduct his business. When the chairman of the committee found it out, he just quietly dropped it out. But when the Senate committee makes a report, it is back.

Mr. ALDRICH. Mr. President——

Mr. DOLLIVER. In a mild form.

Mr. ALDRICH. It is not back in any form, and I am sorry to hear the Senator make that statement.

Mr. DOLLIVER. If my honorable friend will permit me, it is back there in this form, that in counting these threads account shall be taken of all the thread whether ordinary or other than ordinary.

Mr. ALDRICH. That is the law now.

Mr. DOLLIVER. I beg the Senator's pardon. That seems to be in italics in your bill.

Mr. ALDRICH. It is the law now.

Mr. DOLLIVER. It is a regulation of the Treasury Department possibly, and that is exactly what I complain about. It is put in a vague way so that the Treasury Department can make any regulation and any decision in respect to it that it pleases.

One of the very strongholds of abuse in the American tariff system is the fact that there is a board of appraisement, who are liable any day to make the tariff law of the United States ridiculous before the world. I have a Treasury report in which a blanket made entirely of cotton, with a woolen thread around its edges to hold the thing from unraveling, was assessed at the compound woolen-cloth duty—22 cents a pound and 30 per cent ad valorem; and that proposition is the law to-day.

I know a case where a chair larger than those we sit in, with silk cloth upon the bottom with a few woolen threads in it, was assessed by the appraisers as woolen goods—goods composed partly of wool—and assigned the duty applicable to woolen cloth.

Though I find in this bill language which nobody can understand who is not a technical expert in the business, I think it is our duty to reduce it within the common understanding of the people so that men will know what the duties are.

I hold in my hand here the report of the probable revenue that will be derived from this bill. I find in the cotton schedule, in some articles of very moderately priced cloth, the present rate of a cent and a quarter a pound has been skillfully raised without saying a word about the raising to 7 cents a pound.

Mr. ALDRICH. What are the articles?

Mr. DOLLIVER. The article is a cotton cloth. In fact, there are a great variety of articles, because the italics seem to run in as to all of Governor Dingley's schedules.

Mr. ALDRICH. I would be glad to have the Senator call my attention to it.

Mr. DOLLIVER. I will be very glad to call the Senator's attention to it, because I think we have a common interest to secure in this matter. I refer to paragraph 313, to cotton cloth, bleached. The duty at present is practically prohibitory, only $5,000 worth having come in. It is on page 72. I wish to follow this out as a curiosity. Paragraph 313, bleached cotton cloth. There were imported 31,000 yards.

Mr. ALDRICH. I thought the Senator was talking about the rates. I should be glad to have him point out the provision.

Mr. DOLLIVER. There is no provision at all in your bill as to the rates. It is an indirect provision as to the rates that I have had to calculate, and I was delighted to find that my calculation corresponded exactly with the calculation of the experts of the Finance Committee, because they say that the present law is 1¼ cents a yard, and they say that the Senate bill is 7 cents per yard. There is an increase of about 500 per cent, and my honored friend from Rhode Island puts it down as liable to produce a very substantial addition to the revenue.

Mr. ALDRICH. I suppose the Senator from Iowa knows how these tables were prepared. I have never seen a table in regard to cotton cloth.

Mr. DOLLIVER. This table is prepared correctly in this particular.

Mr. ALDRICH. I suggest to the Senator from Iowa that there is no such change. I do not intend now to undertake to defend or explain the cotton schedule, but when the schedule is before the Senate I will be able to explain it to the intelligent understanding of every man in the Senate. There is no such change as the Senator from Iowa suggests in the bill.

Mr. DOLLIVER. I would not have believed it if it had not confirmed the calculation which I myself made, with the aid of experts, on these schedules, because that is not the only raise that has been made. There is not a word in the bill indicating that any change has occurred, but a mere question of phraseology about yards and density. The present rate on 50 threads to the square inch——

Mr. BEVERIDGE. May I ask the Senator who prepared the phraseology about the density and number of threads and so forth? Where did it come from?

Mr. DOLLIVER. That phraseology was prepared in 1894.

Mr. BEVERIDGE. I mean the phraseology which results in this most extraordinary and startling rule. I have been very much interested in what the Senator has been saying, and I have been wondering how it got before the House committee.

Mr. DOLLIVER. I will give the Senator from Indiana a little history of the phraseology.

Mr. BEVERIDGE. I would be glad to hear it.

Mr. DOLLIVER. The whole scheme of assessing these cotton duties and the count of thread, at least so far as my investigation goes, is as old as 1894. I have seen in the handwriting of the late Governor Dingley a statement that it was put into the Wilson bill by the cotton manufacturers themselves; and it was

his opinion that they, having framed it in all its details, should be satisfied with it in 1897. So it was perpetuated, and it has so stood until now, when, as I will undertake to show when the time arrives when a man can more properly discuss the cotton schedule, it is all put at sea by new definitions of cloth which affect every rate that has been fixed in the Dingley law.

Mr. BEVERIDGE. Now, there is a new definition which the Senator calls attention to. Does the Senator know what was the origin of that definition, which the Senator says results in an increase of practically 600 per cent of duty?

Mr. DOLLIVER. I do not know, and I would not probably want to publish such a matter if I did. I understand that it has been customary, and a very proper custom, for the tariff committees to consult the manufacturers. Nobody else knows the details of these great textile industries except people who live in them. A man would be a very great fool who would undertake to arrange a tariff schedule without close consultation with somebody who knew the technical details. So it is not surprising that the cotton, wool, and silk, and every textile schedule has come to the committees of both Houses from experts representing the manufacturers themselves.

Mr. BEVERIDGE. That being true, does not the Senator think it necessarily follows that in addition to the committee very properly having the information coming from the experts of the manufacturers who are interested in this thing, they should also have the information of experts, equally expert and impartial, employed by the Government for that particular purpose?

Mr. ALDRICH. If the Senator will permit me just there upon that point, no manufacturer has been before the Committee on Finance in regard to this schedule. Every change that was made in it was made upon the recommendation of the government experts and nobody else; and it is now defensible and will be defended by the members of that committee whenever the schedule is reached.

Mr. BEVERIDGE. I sincerely hope so, and of course I believe that that is true.

Mr. ALDRICH. It is absolutely true.

Mr. BEVERIDGE. Nevertheless, the Senator from Iowa has called attention to a situation here which, if verified, is more or less startling; but whether so or not, it certainly does point to the fact that in addition to information derived from an ex parte and partial source, the Senate and Congress should have it verified by further information. I did not intend to take time to discuss this matter now and am much obliged to the Senator from Iowa for letting me have the floor at all; but, for instance, attention was this morning called to the fact that the committee took—and I do not blame it for taking it, it was all it could take—the statement of manufacturers as to the difference between the cost of production here and abroad.

Mr. ALDRICH. Mr. President——

Mr. BEVERIDGE. That was all right.

Mr. ALDRICH. Right there——

Mr. BEVERIDGE. But it should be properly verified. It would be in the Senator's own business. Why not in the Government's business?

Mr. ALDRICH. The Senator from Indiana is entirely mistaken about that particular item.

Mr. BEVERIDGE. I said what was stated here this morning. I listened to the debate very carefully.

Mr. ALDRICH. The change was made in those articles, as the Senator from North Dakota well said, upon the advice of the experts of the Treasury Department.

Mr. FLINT. I wish to make this statement: There is no schedule in the bill that was not placed there by the approval or at least upon information furnished by experts of the Government.

Mr. BEVERIDGE. I want again to thank the Senator from Iowa, and then I will not take any more time, because I merely want to make the point that two Senators have said this, and I want to ask the Senators what they know as a fact, whether or not the experts of the Government gave evidence before them as to the accurate cost of production here and abroad? Have they examined any witnesses? Have they put them under oath? Have they opened books? How do they know and how does the committee know what the facts are?

One Senator said that the recommendations were made by experts. Then, what knowledge did the experts have? That they might have some as to classification is clear; but when the Senator tries to conclude the whole question upon the information furnished either by interested parties or by experts who have themselves given no testimony under oath and, what is more important, taken no testimony, I think that even he would admit that that is not sufficient information upon which he can recommend a tariff bill.

Mr. ALDRICH. Every appraising officer of the Government is bound to have knowledge not only of the domestic but the foreign cost of these articles. That is his duty. It is his plain duty under the law.

Mr. BEVERIDGE. How does he get it?

Mr. ALDRICH. He gets it by information from different parties, through the consular officers of the United States; through special agents who are sent to foreign countries; through invoices which are before him every day; through evidences of all kinds; the evidence of importers in the United States; of manufacturers in the United States; of manufacturers abroad; of exporters abroad. He is bound to make, if he follows out his duties, an absolutely full and accurate investigation of the cost of production in foreign countries and in this country; and if he does not do that he is not discharging his duty.

I want to say further that we have as capable a force of experts in this country upon all those questions as there has ever been. I think there is no member of the committee who is not entirely satisfied of that fact.

Mr. BEVERIDGE. I will defer this to another time, because I have already intruded too much upon the time of the Senator from Iowa.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I suppose I would be trespassing upon the time of the Senator from Iowa to give an explanation of this paragraph and this particular class of cloth, but I want to say to the Senate that when the explanation is given, it will appear so plain to every man in the Senate that there will be no reason whatever for an objection to the increase of the rate. I will say that it applies to a class of goods in this country not known at the time of the Dingley schedules. I will content myself by making that statement.

Mr. BEVERIDGE. Is it true, as the Senator from Iowa startled me by asserting, that the change as to that one classification changes the whole rates of the entire cotton schedule?

Mr. ALDRICH. It does not.

Mr. SMOOT. It does not.

Mr. BEVERIDGE. Then the Senator from Iowa is mistaken?

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. DOLLIVER. Certainly.

Mr. ELKINS. I imagine that one of the difficulties that confronts the Senate just now is that the testimony of these experts is not accessible. The Senator from California says the expert says so and so, as I believe does the Senator from Utah. It may appear to them so and so, but if we had the expert's opinion right here before us, we could judge better for ourselves. If it is down in print or reported, that is one thing; but certainly the members of the committee, able as they are, can not carry in their heads all that the experts said about these various schedules. A member of the committee could not sit up with one of them a whole week and understand this cotton business. It is no authority to me, and it is no satisfaction to me to tell me that the experts said so and so.

Mr. ALDRICH. Will the Senator from West Virginia allow me to suggest that the glass schedule is now under consideration, and perhaps he knows more about that than the cotton schedule?

Mr. ELKINS. What schedule?

Mr. ALDRICH. Glass.

Mr. ELKINS. Well, I am just remarking, as a general proposition, that we have no expert information here except as given to us by the chairman of the committee and his colleagues. What I want to get at is a printed report of these hearings, so that we may read them for ourselves. It satisfies the Senator from California [Mr. FLINT] to remark, "This is what the experts say;" and it satisfies the Senator from Rhode Island [Mr. ALDRICH] to say, "The experts said this." That is their memory of it or their understanding of it. I do not say that they would misrepresent what the experts said, but I say it would be impossible for them to carry in their minds particularly, definitely, and carefully what the experts did say. If they have it printed or in accessible shape, let us read what the experts said. Senators' statements in such a case are not evidence, as they are merely second-hand evidence. Such statements are not real evidence when they are retailed around from two or three sources.

Mr. ALDRICH. The Senator from West Virginia has been before the committee several times, and has made a great many

statements about various articles in which he is interested. We never have had them taken down. We do not remember everything the Senator said; we can remember some things he has said, but he would not expect us to remember all that he has said, I assume.

Mr. ELKINS. I am no expert, either, Mr. President.

Mr. FLINT. We do remember the rates the Senator fixed on coal.

Mr. ELKINS. No; you do not. You have not fixed them yet.

Mr. BEVERIDGE. The Senator from California does not mean to say that the Senator from West Virginia fixed the rates on coal?

Mr. FLINT. He suggested a rate.

Mr. ALDRICH. Yes; he suggested a rate.

Mr. ELKINS. Yes; and the highest I could get, Mr. President. [Laughter.]

Mr. DOLLIVER. Mr. President, what I have been afraid of is that we are playing a part that will ultimately become a mere comedy. I have seen the course of tariff agitation once or twice, and I know some points of the performance. We have rates put forward—in themselves comparatively insignificant to attract the lightning of public wrath and opinion, to which we respectfully bow. We have controversies of all sorts to which we are expected to yield our attention. We have already been advised——

Mr. NELSON. Will the Senator yield to me for a couple of questions?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. DOLLIVER. I do.

Mr. NELSON. Does the Senator believe that we were called together in this extraordinary session to reenact the Dingley tariff law?

Mr. DOLLIVER. I have already intimated that it is hardly credible to me that that was in the mind of the President.

Mr. NELSON. Does the Senator believe that the President and the American people wanted us to meet here and increase the rates of the Dingley tariff law?

Mr. DOLLIVER. I am not familiar with the literature of that demand.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Yes.

Mr. SMOOT. In paragraph 408 there will be found an item of postal view cards, on which the rate was 5 cents a pound. Would the Senator, if we could prove to him that it was absolutely necessary to save that industry from absolute destruction to increase the rate 400 per cent, vote for such an increase?

Mr. DOLLIVER. I would investigate it with very great care.

Mr. SMOOT. I will ask the Senator, if, after he had made a full investigation, with very great care, he found that it was absolutely necessary to so increase the rate, would he then vote for it?

Mr. DOLLIVER. I would hesitate a while. [Laughter.]

Mr. BEVERIDGE. Mr. President, will the Senator from Iowa permit me to ask a question of the Senator from Utah?

Mr. DOLLIVER. Yes.

Mr. BEVERIDGE. How would the Senator from Utah prove that?

Mr. SMOOT. Mr. President, we can certainly prove it by the absolute cost of the production of postal view cards in Germany.

Mr. BEVERIDGE. And here?

Mr. SMOOT. Yes.

Mr. BEVERIDGE. How would the Senator prove the cost of such cards there and here?

Mr. SMOOT. I can bring the Senator, if he so desires, from 50 to 100 invoices of these very postal view cards of Washington City that have been made in Germany, and they are flooding this country from one end of it to the other.

Mr. BEVERIDGE. Valued where?

Mr. SMOOT. Valued in New York City.

Mr. BEVERIDGE. The point, Mr. President, of all these questions, of course—I will not pursue it further—clearly is to show that when you use the legal word "proof," you have no such proof before you. You have ex parte testimony, and that is the best you can have. I make no quarrel about it, because up to this time that is the only kind of proof we have had. That does not apply to this case more than it does to others.

Mr. SMOOT. I want to say——

Mr. BEVERIDGE. What the country wants are the facts.

Mr. SMOOT. I want to say that a manufacturer in Germany will not continue to sell the goods at a loss for a period of four or five years; and if the actual invoice of the German manufacturer and the American purchaser is not evidence as to what they sell those postal cards for, I do not know where on earth you would find it.

Mr. BEVERIDGE. Where would you find evidence as to the cost here?

Mr. DOLLIVER. If we have an industry here that requires a protection of four or five hundred per cent, I believe it would be cheaper, unless the industry is very large and involves a great multitude of people, to send some detective over there to see how they manage the thing.

Mr. SMOOT. I do not know whether the Senator desires me to answer that; but I can tell him one thing as to how they manage it. They manage it, in the first place, by paying the laboring man one-fourth of what he is paid in this country.

Mr. DOLLIVER. I have in my mind all the statistics on that subject. In other matters we do not regard it as necessary to put on a rate of four or five hundred per cent for such a reason.

Mr. ALDRICH. Will the Senator permit me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. The Senator has criticised, with more or less severity——

Mr. DOLLIVER. Not intentional severity——

Mr. ALDRICH. With mild severity, the provisions reported by the Senate committee with regard to the duties upon imported woolen goods. The Senator from Iowa was a member of the committee that prepared the schedules of the act of 1897, the Dingley Act. Did he give that schedule then his support, and did he vote for it in the House of Representatives?

Mr. DOLLIVER. Mr. President, I voted for it, after having vainly tried to get people to explain it to me. I supposed that I was dull and unfit for the business, and probably I was; and I was never encouraged on that point until I read a letter from the secretary of the American Woolen Manufacturers' Association to the president of that association about that time, when the same bill was pending in the Senate, in which he said that it was entirely impossible to explain the matter to Senator Allison and to Senator Platt of Connecticut. [Laughter.]

Mr. ALDRICH. The question then under consideration was in regard to the duty upon wool tops, and not the duty upon woolen cloths. The duty on woolen cloths in this bill is identical with the duty in the schedule on woolen cloths that was prepared by a committee of which Mr. Dingley was chairman and of which the Senator from Iowa was a member. Those schedules came to us from the House of Representatives in the form that they went into the Dingley bill and in the form in which they are now in the law, and now in the report of the Committee on Finance.

Mr. DOLLIVER. I will say to my honored friend from Rhode Island that while I do not now claim any expert knowledge on these difficult subjects, I have in the last twelve years, by casual attention as matters arose, acquired a little larger insight into those technicalities than I had at that time, although even then I wondered, and could get no satisfaction, why a man bringing woolen cloth into the United States should be assessed four times the duty upon an unwashed pound of wool on each pound of cloth when, in point of fact, there was no wool in the cloth which he was bringing in.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. I do.

Mr. SMOOT. The case of which the Senator speaks is not the case as to which we legislated. I have been a woolen manufacturer for now nearly a quarter of a century. I have taken the wool as it came from the sheep's back——

Mr. DOLLIVER. Mr. President, I thought my friend desired to ask me a question.

Mr. SMOOT. I shall not now further interrupt the Senator.

Mr. DOLLIVER. I would not want to precipitate now an explanation of the woolen schedule, because I do not want just now to involve the Senate in the mysteries which surround it. I prefer to wait until that subject is properly before the Senate.

Mr. SMOOT. There is no mystery about it.

Mr. ALDRICH. If the Senator will permit me, I will ask. Has the Senator at any time, in committee or in the House of Representatives, criticised any of these provisions?

Mr. DOLLIVER. If my friend will permit me, I was then in a position constraining me to acquiesce in what was done.

Mr. HALE. The Senator was a member of the committee?

Mr. DOLLIVER. Yes; I was a member of the committee. Every Republican member of the committee this year responded in reporting the bill and voting for it, although many voices were silent that have heretofore been eloquent upon the tariff

subject. I did join in the report. It was not then fashionable to file a minority report upon a party measure when the House had only a modest majority with which to transact business. We had a good deal of moral pressure to bear in that House before we secured that solidarity of action which enabled us to put the Dingley tariff bill through; and I have no apologies to make for that, for the case was even more acute in the Senate.

Mr. HALE. Has the Senator ever hesitated to defend that law?

Mr. DOLLIVER. Oh, no; I have defended it in almost every State of the Union. But the audiences are growing weary of the old defenses, and it is impossible now to convince the American people that the protective system in the United States requires a duty, rising in some cases to 150 per cent, upon the clothes that are worn upon their backs.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. The Senator from Iowa was a Member of the House of Representatives in 1890, as I recollect, when the McKinley bill was passed, though I think he was not then a member of the committee which framed it. The rates upon woolen cloths were substantially identical in the McKinley Act with what they are in the Dingley Act and what the rates reported by the Senate committee are.

The criticisms in which the Senator has just now indulged were heard from every Democratic Member of the House practically, and every Democratic Member of the Senate; but I have never heard that the Senator from Iowa raised his voice in accord with those criticisms, or that he had done anything else except to defend and vote for those schedules with which he has recently discovered so much fault.

Mr. DOLLIVER. On the contrary, my discovery of faults has not been recent, if my honorable friend will permit me. For many years it has been a growing conviction with me that the protective-tariff system, in order to be perpetuated in the United States, must be made more reasonable; and when I first entered the Senate, now nearly nine years ago, I ventured to express that modest conviction, although it was "a voice crying in the wilderness."

Mr. ALDRICH. May I again interrupt the Senator?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. Both the McKinley bill and the Dingley bill came to the Senate from the House of Representatives with substantially the rates in them which I have indicated.

Mr. DOLLIVER. Now, if my friend will allow me——

Mr. ALDRICH. Just a word. They were taken up here by a committee of which the former Senator from Iowa was a member. If there was any man who ever understood the woolen schedule, it was the late Senator from Iowa, Mr. Allison, and while there was an "Iowa idea" in regard to the tariff, and there were certain people in Iowa who did not agree with the former Senator from Iowa, I never classed the present Senator from Iowa in that category.

Mr. DOLLIVER. Mr. President, if my honored friend will permit me, I got into trouble here once by commenting upon the views and opinions of a man who had passed out of the noise of our controversies, but if I never in this world have any other sin to answer for than the sin of ignoring the judgment and opinions of my former colleague in this House, I shall stand acquitted on the last day. I shall not discuss his views, but I undertake to say that in the last twenty years, while he was compelled by the very situation in which he was placed to cooperate in the preparation of these tariff schedules, his opinion was that we had managed in some way to get the duties on woolen cloths on a scale entirely too high for the welfare of the protective-tariff system.

Mr. ALDRICH. Mr. President, I will put my information on that subject against that of the Senator from Iowa. I was associated with the late Senator Allison for twenty-seven years as a member of the Finance Committee of this body. I was closely associated with him in the preparation of every tariff bill which was ever reported to the Senate during that time, and no political exigency of the hour ever caused him to change his opinion upon this question.

Mr. DOLLIVER. Mr. President, even if it were true, as I shall undertake to dispute on a subsequent occasion, that Senator Allison was heartily in favor of these high rates on woolen goods, I would not regard that as binding either upon my conscience or upon my judgment. I propose here, without asperity either in heart or in speech, to state my own views and my own convictions in respect to this matter. I shall undertake when the woolen schedule is properly before us not only to criticise it but to offer the Senate an opportunity to correct what I regard as damaging inequalities that have grown into it.

Nor is it necessary to quote what happened in 1897 or in 1890. My honored friend could have gone further. The fabric of the protection of woolen merchandise was built long before 1890. I am told that it appeared here in 1861; it is certain that the exact framework of our present schedules applicable to woolen cloths appeared in 1867. So far as I can find out, although I am not an acute student of the hidden things of history, a meeting was held in the Senate between the shepherds and the woolen manufacturers, and, the shepherds being extremely anxious for substantial rates, it was after a while agreed between them that each should take what he wanted; but the public was not present in the conference, so far as the record discloses. I propose in this session of the Senate—I may fail; I do not know how that will be—but I propose to reopen that conference and introduce into it an element which was not present when the original fabric of these schedules was devised.

Mr. WARREN. I did not exactly catch all that the Senator said. In connection with what tariff and in what year was the meeting between the shepherds and the woolen manufacturers to which he refers?

Mr. DOLLIVER. I think it was in 1867.

Mr. WARREN. I have only a word to say. While it is evident that that was before my day in the Senate, it was not before my day in the sheep business or in the wool business, and it was not before my day of meeting with other shepherds. If there was an agreement of that kind, I never heard of it; and I know I was down here fighting for better protection for the woolgrowers, and that we were not satisfied with what we got.

Mr. DOLLIVER. I may have been deceived by a myth and a tradition, but if I have, it has deceived a good many other people. I will say to my friend from Wyoming that I am not here complaining about the duties on wool. I know that, while we have not succeeded in producing all the wool we need, we have succeeded in conferring a very substantial benefit upon a portion of the country somewhat unsuited to ordinary agriculture; and I have never grudged the mountain States the advantage which has come to them from our laws in respect to the tariff upon wool.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. I suppose the Senator from Iowa is aware that he is not the original investigator along these lines. The statement which he has just made has been made, iterated and reiterated over and over again in this Chamber and in the other Chamber, by every orator who has spoken against the duties on woolens or wool. It is simply reiterating to-day the Democratic claims which have been current in this country for a generation.

Mr. DOLLIVER. That may be; but it is not important. It is enough to say that the woolgrower has a certain duty, and has insisted upon it for many years, and that a large part of the duty on woolen cloth arises out of the fact that it has been thought necessary to compensate the woolen manufacturer for the loss which he sustains by reason of the advantage which the law gives to the wool producer. I am, for one, willing to compensate him. I recognize that the tariff on wool has put the American manufacturer at a disadvantage in the making of cloth.

I have read the speeches of my honored friend from Rhode Island for many years, and I assent to many of his conclusions. There is no man who has a warmer respect for him or a more generous recognition of the wisdom and the skill with which he has studied these affairs. I was convinced by him that it was necessary to compensate the woolgrower, to give him four times the duty upon an unwashed pound of wool for each pound of cloth that is brought into the country, although I must confess that I share with very able and eminent men, who are not Democrats, in certain doubts as to the mathematical accuracy of that calculation. When the Senator from Rhode Island said, as he did once in the Senate, that in order to make the chain strong at all points, to protect all interests, to guard against extreme cases, it was necessary to select four as the multiple, I consented to that. The only thing that has worried me is that that multiple is made use of through the whole woolen schedule wherever it seems to be advantageous, not only when cloth is manufactured out of wool, but whatever it is manufactured out of.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. DOLLIVER. Certainly.

Mr. HEYBURN. That is the second time the Senator from Iowa has referred to that feature of this bill. That feature is contained in the existing tariff act.

Mr. DOLLIVER. Exactly.

Mr. HEYBURN. It was not a decision of the Treasury Department or by anybody else. It was the language contained in the act which the courts have interpreted. At the end of section 391, in the existing tariff act, there is this proviso:

That all manufactures, of which wool is a component material, shall be classified and assessed for duty as manufactures of wool.

Mr. DOLLIVER. Exactly.

Mr. HEYBURN. That changed the existing law. The decision of the United States Supreme Court in the Hartranft case, involving this question, held otherwise; but it was because the law was different; and the United States court only last year, in interpreting this proviso, held that the proviso controlled the language of the section itself, which had stated in regard to it:

All manufactures of silk, or of which silk is the component material of chief value, including * * * 50 per cent ad valorem.

Then follows the proviso. The contention of the Government was that the body of the section controlled, and the decision of the court was that the proviso controlled and modified the body of the section.

Mr. DOLLIVER. I have tried to familiarize myself with the statute and with the decisions which have been made upon it. Now, what I want to inquire into is, whether it is not possible in some way to avoid a situation which renders that particular schedule open to criticism?

Mr. SCOTT. Mr. President, will the Senator allow me to interrupt him a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. DOLLIVER. Certainly.

Mr. SCOTT. Does the Senator from Iowa know how much duty he actually pays under the Dingley law on a suit of clothes composed entirely of wool?

Mr. DOLLIVER. Yes.

Mr. SCOTT. How much is the actual duty?

Mr. DOLLIVER. I do not know as to a particular suit of clothes, but I know the legal tariff rates.

Mr. SCOTT. One dollar and twenty-five cents, according to the weight of the wool it takes to make an average man a suit of clothes. Now, when the Senator pays $60 for a suit of clothes, the difference is for labor. Ninety per cent of the cost is for the labor.

Mr. DOLLIVER. That is elementary. I am not prepared to dispute it.

Mr. SCOTT. It is a fact.

Mr. DOLLIVER. I am not complaining about that. I said at the beginning that I am not sure that the suggestions I make will operate to reduce materially the cost of woolen goods or of cloth. I understand, as well as anybody else in this Chamber, that the organization of our mercantile system in the United States is such that it is very hard to find, when you go to buy a suit of clothes, either a moral or an economic relation between the value of it and the price of it. I understand that as well as anybody.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. I am sure the Senator from Iowa does not want to make a statement that is not justified by the facts. He said a few moments ago, when speaking of woolen cloths, that the duties levied upon woolen cloths are four times the duty on wool.

Mr. DOLLIVER. Not upon all. In the higher grades the multiple is 4, and in the lower grades, I believe, the multiple is 3.

Mr. ALDRICH. I did not so understand the Senator.

Mr. BEVERIDGE. If the Senator will permit me——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. DOLLIVER. Certainly.

Mr. BEVERIDGE. I am very much interested in just what the Senator did say. I understood him to say that by a change of phraseology the rates in the entire schedules would be affected. Is that correct?

Mr. DOLLIVER. I did not say that as to the woolen schedule.

Mr. BEVERIDGE. What schedule was it?

Mr. DOLLIVER. It was the cotton schedule.

Mr. BEVERIDGE. The cotton schedule. It would be perfectly immaterial whether it was the cotton schedule or any other schedule, because that is extremely important.

Mr. DOLLIVER. Mr. President, just another matter, and I will apologize for taking up the time of the Senate.

Mr. GALLINGER. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. DOLLIVER. Certainly.

Mr. GALLINGER. I understood the Senator to give it as his opinion that any reasonable reduction that might be made in the woolen schedule would probably not benefit the "ultimate consumer," about whom we hear so much.

Mr. DOLLIVER. I said I was not sure of that.

Mr. GALLINGER. Now, Mr. President, under Schedule K, wool and woolens, we imported last year $62,000,000 worth of goods that were manufactured abroad.

Mr. DOLLIVER. Wool and woolens?

Mr. GALLINGER. Wool and woolens.

Mr. DOLLIVER. My recollection is that we imported $22,500,000 worth of woolen goods.

Mr. GALLINGER. Under the entire schedule, wool and woolens, we imported $62,000,000 worth. Now, if no benefit is to come to the consumer, or if the Senator can not satisfy his mind that any benefit is to come to the consumer, who is to be advantaged by the importation of more of those goods, and will it not result in depriving the American workingman of just that much labor and the increment of his labor?

Mr. ALDRICH. On the farm.

Mr. GALLINGER. Wherever he labors.

Mr. DOLLIVER. I do not think the present schedules for common woolen cloth are such as to permit of material importations. The importations of the common grades of woolen manufactures, such as people generally consume, are only $330,000, with a total home production of $400,000,000.

Mr. GALLINGER. If the schedule is changed and larger importations result, and the Senator is not sure that the consumer will get the benefit from it, who is to get the benefit?

Mr. DOLLIVER. There is a good deal of controversy as to who gets the benefit when the duties are changed. I used to suppose that a tariff beneficially favored a man who was producing the article upon which it was levied, but I have been taught this year by eminent statesmen from New England that a tariff levied upon an agricultural product is absorbed by a trust in Chicago. I have eminent friends in New England who think that the farmers and cattle raisers of the United States are less able to protect themselves against the beef trust than the shoemakers are against the sole-leather trust.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. The Senator talks about people from New England. To whom does he refer? Is he referring to matters that have taken place in the Senate or outside?

Mr. DOLLIVER. I refer to the manufacturers of shoes.

Mr. ALDRICH. I do not know anything about the manufacturers of shoes. I supposed the Senator was talking about the New England sentiment, as represented by Senators upon this floor.

Mr. DOLLIVER. I do not know what the sentiment is; it has not been developed yet; but I should not be surprised if it were pretty generally understood in New England that a little protection of the cattle raisers in this country is of no importance to them whatever.

Mr. GALLINGER. A little while ago when the Senator was asked to correct himself, in his very delightful way he criticised New England on the ground that they wanted to get rid of the duty on agricultural products.

Mr. DOLLIVER. I would not put my friend the Senator from New Hampshire in that category.

Mr. GALLINGER. I am very happy that the Senator does not.

Mr. DOLLIVER. He stands conspicuous for absolute fidelity to the whole protective-tariff system.

Mr. ALDRICH. The Senator can not point to any vote of mine or any speech of mine against——

Mr. DOLLIVER. I would also except my honored friend the Senator from Rhode Island, who is not even suspected of infidelity. There are men wise enough to understand that the protective-tariff system requires an adequate protection of all industries in every part of the Nation, without regard to the size of the industry, and there are those who desire, so it appears to

me, to obtain the benefits of the system, while excluding from its operation large areas and large business interests.

Mr. McCUMBER. If the Senator from Iowa will yield to me as one being on the committee representing wholly an agricultural State, I possibly may enlighten him upon one sentiment of New England. Nearly every agricultural product I asked to have raised there, and New England Senators stood with me for a raise upon those agricultural products. I do not know that they will do so when it comes to the matter of free hides, but whether they do or not——

Mr. DOLLIVER. What do you think about it?

Mr. McCUMBER. I am inclined to think some of them will stay with me upon that proposition, although others may not. But I want to acquit them of anything provincial in the matter of agricultural products.

Mr. ALDRICH. If the Senator from Iowa will pardon me for a moment, as he is speaking of the duty on hides, I suppose I am responsible for the present duty on hides. After the Dingley bill had been considered by the subcommittee of which I was chairman and of which the late Senator from Iowa, Mr. Allison, was a member, the late Senator from Iowa said to me——

Mr. BORAH. We over here can not hear, and we are very much interested in the question of hides.

Mr. ALDRICH. The subcommittee had passed over the House provision, which had put hides upon the free list. After we had got through the consideration of the bill, the late Senator from Iowa, Mr. Allison, said to me: "Really, you ought to vote with me for a duty on hides. The people of my State are very much in favor of a duty on hides, and I will consider it a great personal favor if you will put it in the bill, and report it in that way."

I could not resist the argument which he made to me as a protectionist, and it was my vote that put the duty on hides in the existing law; and the bill was so reported to the Senate, and was concurred in by he House of Representatives. So I think my record is pretty clear upon the question of a duty on hides.

Mr. DOLLIVER. By some means that duty, which seems to have operated fairly well, has disappeared.

Mr. ALDRICH. It has not disappeared—not from this body and not from this bill.

Mr. DOLLIVER. But it does not come into this body indorsed by the wisdom and judgment of the committee.

Mr. ALDRICH. I have stated in the hearing, I am sure, of the Senator from Iowa—because he must have been here, I take it—that the committee will report amendments to each one of the three items; and while I am not gifted with the power of prophecy, I believe that the committee will report the present law on hides.

Mr. DOLLIVER. I beg the pardon of the Senate for having trespassed, when I did not intend to do so, upon the discussion which I intend to take up at a later time in reference to the textile schedules. I shall take it up in the broadest spirit of charity and good will toward everybody, because I certainly shall take it up with a firm confidence in our Republican doctrine, and if I go astray it will be not for the want of fidelity to our faith, but for a want of the wisdom that is necessary to apply our doctrine to practical affairs.

Mr. WARREN. Mr. President, I feel sure from what the Senator from Iowa has said that he expects to protect all interests, and certainly those of the people engaged in agriculture.

Mr. DOLLIVER. Wool raising is the sixth agricultural industry of our people, and I certainly would never be found wanting in an honest interest in its welfare. I feel the same way toward the factory, although I am sorry to say the manufacturer of woolen goods, if I have correctly interpreted his present complaint, feels that he is being ground to pieces in the intricacies of the present Dingley tariff schedules.

Mr. WARREN. I wish to say that I hope and believe the Senator wishes to protect both the grower and the manufacturer. Certainly I do. While neither the woolgrowers nor the manufacturers have been entirely satisfied with the Dingley Act and will not be with any bill at any time, naturally, because there are diverse interests in subdivisions, more particularly of the manufacturers, I think it is the duty of those engaged in growing wool to see that the duties for the manufacturer are sufficient, so that first these duties can continue for the grower and that the manufacturer can be as successful in the management of his business as other manufacturers.

I take it for granted the Senator is not going to be swayed by the individual opinions or grievances of some one class of manufacturers, but is going to consider what is said by all the manufacturers—take the carpet men, the worsted men, the woolen men, the "carpet-wool" men, so called—before he finally determines what amendment or amendments he wishes to offer.

Mr. DOLLIVER. I will do the best I can.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, beginning on page 26, line 19, paragraph 98.

Mr. NELSON. Let the paragraph be passed over.

The VICE-PRESIDENT. Paragraph 98 will be passed over.

Mr. ALDRICH. I suggest that the paragraph be read. It will have to be read at some time. Let it be read now.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read paragraphs 98 and 99.

Mr. SMITH of Michigan. Let paragraph 99 go over.

The VICE-PRESIDENT. It will be passed over at the request of the Senator from Michigan.

The Secretary proceeded to read paragraph 100.

Mr. OVERMAN. Let the paragraph go over.

Mr. KEAN. Let it be read.

Mr. SCOTT. Yes; let it be read.

The VICE-PRESIDENT. It will be read, and then the request be complied with.

The Secretary read paragraph 100.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. SMITH of Michigan. Does that go over?

The VICE-PRESIDENT. It is passed over at the request of the Senator from North Carolina.

The Secretary read paragraph 101.

Mr. KEAN. The junior Senator from Minnesota [Mr. CLAPP], who has just left the Chamber, asked me to have this paragraph go over.

The VICE-PRESIDENT. The paragraph will be passed over at the request of the Senator from New Jersey, on behalf of the junior Senator from Minnesota.

The Secretary read paragraphs 102, 103, 104, and 105.

The next amendment of the Committee on Finance was, on page 29, line 12, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

106. Opera and field glasses, telescopes, microscopes, photographic and projection lenses and optical instruments, and frames or mountings for the same; all the foregoing not specially provided for in this section, 45 per cent ad valorem.

The amendment was agreed to.

Mr. GORE. Has the paragraph relating to microscopes been reached? I intended to offer an amendment to the paragraph.

The VICE-PRESIDENT. Does the Senator ask that it be passed over?

Mr. GORE. Yes.

The VICE-PRESIDENT. The Senator from Oklahoma asks that it be passed over.

Mr. ALDRICH. What paragraph is it?

The VICE-PRESIDENT. Paragraph 106.

Mr. KEAN. In regard to microscopes.

The VICE-PRESIDENT. Paragraph 106 will be passed over, at the request of the Senator from Oklahoma.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 29, line 17, after the word "manufactures," to insert "of glass or paste or;" in the same line, after the word "glass," to insert "or paste;" and in line 19, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

107. Stained or painted glass windows, or parts thereof, and all mirrors, not exceeding in size 144 square inches, with or without frames or cases, and all glass or manufactures of glass or paste or of which glass or paste is the component material of chief value, not specially provided for in this section, 45 per cent ad valorem.

Mr. STONE. I desire to offer an amendment to the paragraph.

The VICE-PRESIDENT. Does the Senator from Missouri ask that the paragraph go over?

Mr. STONE. Yes.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Missouri.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 29, line 21, after the words "ad valorem," to insert "opal or cylinder glass tiles or tiling, 60 per cent ad valorem," so as to make the paragraph read:

108. Fusible enamel, 25 per cent ad valorem; opal or cylinder glass tiles or tiling, 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 29, after line 23, to strike out the subhead "Marble and stone, and manufactures of."

The amendment was agreed to.

Mr. PILES. I ask that paragraphs 109 and 110 be passed over.

The VICE-PRESIDENT. They will be passed over after they shall have been read.

The next amendment of the Committee on Finance was, on page 29, line 25, paragraph 109, after the word "marble," to strike out "or limestone susceptible of polish and ordinarily used for interior work" and insert "breccia, and onyx;" on page 30, line 1, after the word "foot," to strike out "onyx in block, rough or squared, $1 per cubic foot;" in line 3, after the word "marble," to insert "breccia, and;" in the same line, after the word "onyx," to strike out "or such limestone;" in line 5, after the word "marble," to insert "breccia, or;" in the same line, after the word "onyx," to strike out "or such limestone;" in line 7, after the word "thickness," to strike out "ten" and insert "eight;" in line 9, after the word "thickness," to strike out "twelve and one-half" and insert "ten;" in line 11, after the word "thickness," to strike out "fifteen" and insert "twelve and one-half;" in line 14, after the word "marble," to insert "breccia, or;" in the same line, after the word "onyx," to strike out "or stone;" in line 15, after the word "loose," to strike out "one-half" and insert "one-fourth," and in line 17, before the word "cents," to strike out "ten" and insert "five," so as to make the paragraph read:

109. Marble, breccia, and onyx, in block, rough or squared only, 65 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness, $1 per cubic foot; slabs or paving tiles of marble, breccia, or onyx, containing not less than 4 superficial inches, if not more than 1 inch in thickness, 8 cents per superficial foot; if more than 1 inch and not more than 1¼ inches in thickness, 10 cents per superficial foot; if more than 1¼ inches and not more than 2 inches in thickness, 12½ cents per superficial foot; if rubbed in whole or in part, 2 cents per superficial foot in addition; mosaic cubes of marble, breccia, or onyx, not exceeding 2 cubic inches in size, if loose, one-fourth of 1 cent per pound and 20 per cent ad valorem; if attached to paper or other material, 5 cents per superficial foot and 35 per cent ad valorem.

The next amendment was, on page 30, after line 18, to strike out:

110. Manufactures of alabaster, jet, limestone susceptible of polish, malachite, marble, or onyx, including clock cases, with or without movements, not specially provided for in sections 1 or 2 of this act, 50 per cent ad valorem.

And insert:

110. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, or of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stones, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for in this section, 50 per cent ad valorem.

The VICE-PRESIDENT. Paragraphs 109 and 110 will go over at the request of the Senator from Washington.

The Secretary resumed the reading of the bill.

The next amendment of the Committee on Finance was, on page 31, after line 8, to strike out:

112. Freestone, granite, sandstone, and other building or monumental stone, except marble, onyx, and limestone susceptible of polish and ordinarily used for interior work, unmanufactured or undressed, not specially provided for in sections 1 or 2 of this act, 6 cents per cubic foot; if hewn, dressed, or polished, 50 per cent ad valorem.

And insert:

112. Freestone, granite, sandstone, Hauteville, Istrian, and similar limestones, and all other monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, 50 per cent ad valorem; unmanufactured, or not dressed, hewn, or polished, 12 cents per cubic foot.

The amendment was agreed to.

The next amendment was, on page 31, after line 21, to strike out:

113. Monuments, basins, benches, statues, fountains, vases, and all other articles of stone, not specially provided for in sections 1 or 2 of this act, 50 per cent ad valorem.

Mr. CLAY. I should like to ask what is inserted in lieu of paragraph 113?

Mr. HALE. The previous paragraph.

Mr. ALDRICH. They all go into the previous paragraph.

Mr. CLAY. The previous paragraph?

Mr. ALDRICH. Yes.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 32, after line 2, to strike out the subhead "Slate."

The amendment was agreed to.

The next amendment was, on page 32, line 6, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

115. Slates, slate chimney pieces, mantels, slabs for tables, roofing slates, and all other manufactures of slates, not specially provided for in this section, 20 per cent ad valorem.

The amendment was agreed to.

Mr. ALDRICH. I suggest that the clerks have authority to amend the bill wherever this particular amendment or similar amendments occur. It will save considerable time.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that wherever a provision like that in lines 6 and 7, or similar amendments are encountered, they be considered agreed to. Is there objection? The Chair hears none, and it is so ordered.

Mr. LA FOLLETTE. I wish to request the Senator from Rhode Island to have a reprint of this document laid upon the table of Senators to-morrow morning, and to include in it—it will take but little trouble to make the addition—two additional columns taken from the census—the value of the manufactured articles produced in this country and the wages paid.

Mr. ALDRICH. That is impossible.

Mr. LA FOLLETTE. Those columns can be added——

Mr. ALDRICH. I think it would take six months at least to get the data.

Mr. LA FOLLETTE. It is in the document upon the Senator's table.

Mr. ALDRICH. Oh, no.

Mr. LA FOLLETTE. Oh, yes. It simply necessitates making the additions to this table as already prepared.

Mr. ALDRICH. There is not in existence the comparative wages, so far as I know anything about it.

Mr. NELSON. Is it not in the last return of the Census Office on manufactures?

Mr. ALDRICH. Oh, no.

Mr. NELSON. I think the Senator will find it there.

Mr. LA FOLLETTE. The value of the manufactured product is given in the little pamphlet which the Senator holds in his hand, and I am informed that from the tabulations made in the Census Office the wages paid in each of those industries can be furnished at once and added to this schedule, and it would be a very material and helpful addition for the information of the Senate. I hope the Senator from Rhode Island will consent that that be done.

Mr. ALDRICH. I will consent to its being done as soon as it can be. We stated on yesterday that we would have this information as soon as we could get it together. But it will be a pretty difficult task. It will be prepared as soon as possible, but I do not know how soon.

Mr. LA FOLLETTE. As the Senator was addressing the other portion of the Senate, on the other side of the Chamber, I was not able to hear whether he consented that this might be done.

Mr. ALDRICH. I do consent as soon as the information can be got together. If it is already in existence——

Mr. LA FOLLETTE. Of course if it can not be furnished, that is the end of it; but if it can be done, I ask that it be done as an addition to the table.

Mr. NEWLANDS. I wish to ask the Senator from Wisconsin whether he desires the value of the domestic production of each article or the quantity? Yesterday it was understood the chairman of the committee, at my suggestion, stated that a column would be added, giving the quantity of each.

Mr. LA FOLLETTE. I think it would be well to have both quantity and value as given in this little pamphlet from the census. It would make three additional columns to the page, each corresponding in number to the paragraph in the bill.

Mr. NEWLANDS. I should like the attention of the Senator from Minnesota [Mr. NELSON] for a moment. In stating the percentage of duty on the wool tariff, I understood him to say that the average percentage was about 87. In looking over Schedule K of wool manufactures and wool, on page 53, I find that the average is stated to be 58.19 per cent. I do not know whether the percentage stated by the Senator from Minnesota was confined simply to manufactures of wool or whether it included also raw wool. I can understand that if it did not include raw wool, the percentage might be higher than that stated in the statistics furnished to us by the chairman of the committee. Can the Senator——

Mr. NELSON. Replying to the Senator from Nevada—and I ought to have replied to him before, and I owe him an apology for not answering his question or giving him an opportunity to ask it before—I got my figures from the Statistical Abstract of 1907.

Mr. NEWLANDS. It is impossible to hear the Senator.

The VICE-PRESIDENT. The Senator from Minnesota will please speak a little bit louder.

Mr. NELSON. I got my figures from the Statistical Abstract of 1907, the annual statistical abstract, the last one published. It gives the ad valorem rate on unmanufactured wool at 40.93 for the fiscal year 1907, and for the manufactures of woolen goods it gives 89.42 per cent ad valorem. These are ad valorem rates. The Senator will find the figures on page 512 of the Statistical Abstract of 1907.

Mr. NEWLANDS. I should like to ask the Senator from Rhode Island how this average percentage is obtained. I find that on page 51 of the wool schedule there are hardly any duties below 40 per cent, and most of the duties are above 100 per cent.

Mr. ALDRICH. What page?

Mr. NEWLANDS. Page 51; and on the following page, 52, I find that all the duties are in excess of 70 per cent, and almost all in excess of 100 per cent; and on page 53 I find that none of the duties are below 60 per cent, and that most of them are above 70 per cent. I can not understand how this calculation of the average percentage of 58 is made under those conditions, for whilst I have not made the computation, it would strike me that the average would be higher than that stated at the close of the computation.

Mr. ALDRICH. I have no doubt that the computations are mathematically correct. The figures in this statement include both wool and woolens.

Mr. NEWLANDS. I understand that; but if the Senator will look over these duties, item by item, I think he will come to the conclusion that the percentage is much higher than 58 per cent.

Mr. SMOOT. If the Senator will look on page 51, he will find the revenues under the present law $9,904,985. That is on the third line. There is an average of 44.52 per cent. Then if he will turn to the next page, he will find a duty of 128 per cent on $27,390 and 71 per cent on $21,204. It is a fair average. That is the reason why the average of the whole is as reported.

Mr. NEWLANDS. I understand.

The next amendment was, in Schedule C, on page 32, after line 8, to insert:

115½. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, 25 cents per ton: *Provided*, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

Mr. DU PONT. I ask that paragraphs 115½ and 116 be passed over when read.

The VICE-PRESIDENT. The Secretary will read paragraph 116.

The next amendment was, on page 32, line 19, in paragraph 116, before the word "but," to strike out "iron in pigs, iron kentledge, and spiegeleisen, $2.50 per ton; wrought and cast scrap iron, and scrap steel, 50 cents per ton," and insert "Iron in pigs, iron kentledge, spiegeleisen, ferro-manganese, wrought and cast scrap iron, and scrap steel, $2.50 per ton," so as to make the paragraph read:

116. Iron in pigs, iron kentledge, spiegeleisen, ferro-manganese, wrought and cast scrap iron, and scrap steel, $2.50 per ton; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel in such physical form as to be fit only to be remanufactured.

The VICE-PRESIDENT. The paragraphs will be passed over, at the request of the Senator from Delaware.

Mr. SIMMONS. I wish to ask what was done with paragraph 115½?

The VICE-PRESIDENT. Paragraphs 115½ and 116 are passed over, at the request of the Senator from Delaware.

The next amendment was, on page 32, line 23, after the word "iron," to insert "muck bars;" and on page 33, line 2, after the word "diameter," to strike out "four-tenths" and insert "three-tenths," so as to make the paragraph read:

117. Bar iron, muck bars, square iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, round iron not less than seven-sixteenths of 1 inch in diameter, three-tenths of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 33, line 6, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 12, after the word "billets," to strike out "or sizes or shapes of any kind" and insert "slabs or loops;" and in line 15, before the word "dollars," to strike out "ten" and insert "eight," so as to make the paragraph read:

118. Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this section, six-tenths of 1 cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, shall be subject to duty of four-tenths of 1 cent per pound: *Provided further*, That all iron bars, blooms, billets, slabs, or loops, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of $8 per ton.

The amendment was agreed to.

The next amendment was, on page 33, line 19, after the word "steel," to strike out "whether plain or punched, or fitted for use" and insert "but not assembled, or manufactured, or advanced beyond hammering, rolling, or casting," so as to read:

119. Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, but not assembled, or manufactured, or advanced beyond hammering, rolling, or casting.

The amendment was agreed to.

The next amendment was, on page 33, line 22, paragraph 119, after the word "casting," to strike out "three-tenths" and insert "four-tenths," so as to read "four-tenths of 1 cent per pound."

Mr. CRAWFORD. I ask that the amendment be passed over.

The VICE-PRESIDENT. Without objection, the amendment will be passed over, at the request of the Senator from South Dakota. Does the Senator request that the paragraph or simply the amendment be passed over?

Mr. CRAWFORD. The amendment, in line 22.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 33, line 25, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to read:

120. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for in this section, not thinner than No. 10 wire gauge, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, three-tenths of 1 cent per pound.

Mr. PENROSE. I ask that the paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Pennsylvania.

The next amendment was, on page 34, line 16, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 17, after the words "ad valorem," to strike out "antifriction ball forgings of iron or steel, or of combined iron and steel," and insert "antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished," so as to make the paragraph read:

121. Iron or steel anchors or parts thereof, 1 cent per pound; forgings of iron or steel, or of combined iron and steel, but not machined, tooled, or otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this section, 30 per cent ad valorem; antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished, 45 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 34, line 23, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to read:

122. Hoop, band, or scroll iron or steel, not otherwise provided for in this section, valued at 3 cents per pound or less, 8 inches or less in width, at less than three-eighths of 1 inch thick and not thinner than No. 10 wire gauge, three-tenths of 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, four-tenths of 1 cent per pound; thinner than No. 20 wire gauge, six-tenths of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 35, line 10, after the word "made," to strike out "steel bands or strips, untempered, suitable for making band saws, hack saws, or butchers' saws, 1½ cents per pound and 20 per cent ad valorem; if tempered, or tempered and polished, 3 cents per pound and 20 per cent ad valorem," so as to make the proviso read:

Provided, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed, or punched, with or without buckles or fastenings, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made.

Mr. OLIVER. Let that be passed over.

The VICE-PRESIDENT. The Senator from Pennsylvania asks that the amendment be passed over. It will go over.

The Secretary read paragraph 123, as follows:

123. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, three-tenths of 1 cent per pound.

Mr. SIMMONS. I ask that paragraph 123 be passed over.

The VICE-PRESIDENT. It will be passed over.

Mr. McLAURIN. Mr. President, it was my intention to ask that that paragraph be passed over——

The VICE-PRESIDENT. The Senator from North Carolina has already made that request.

Mr. McLAURIN. I know, but I wish to make one suggestion in reference to it.

The tariff is reduced in this paragraph from five-tenths of 1 cent per pound to three-tenths of 1 cent per pound. I intend at a later day to offer an amendment to strike out the paragraph, and put this article on the free list—that is, ties and bagging.

I notice that the tax on ties has produced $3,584.10. It is estimated that under this law it will produce $2,150.46. So it can not be for the purpose of raising revenue. It can only be for the purpose of "protection," so called. It really is not protection, but it is an extortion upon the cotton producers of this country. The cotton farmers of the country have no protection in the world. They can not have any protection of their cotton, because there is no cotton of any considerable quantity raised anywhere else. They are not protected, as was stated yesterday, by a tariff on cotton-seed oil, for you may take the tariff off of cotton-seed oil and there will be no considerable amount of cotton-seed oil that can be imported into this country. So there is no competition between the producers of cotton-seed oil in this country and any foreign producers of that product.

As I have said, this duty raises no revenue. It is a tax upon the farmers who produce cotton of something like $6,000,000 a year. The tax is taken out of the pockets of those men. I see some gentleman here shaking his head. I know a little more about it, probably, than he does. I live in a section where cotton is being produced, and I do not care what the experts say about it, I know something on this question myself individually; and every Senator here from the cotton-producing States knows that it adds about 50 cents a bale to the cost of bagging and tying cotton.

There are about 12,000,000 bales of cotton produced every year. I do not think, if it is the intention to benefit the cotton producers of the South, that you can benefit them better than by taking off the tariff on bagging and ties. It can not benefit them, as I have already said, by putting a tariff on cotton-seed oil. It does not protect them.

I shall at a later day, when I introduce the amendment, make some further observations on the subject.

Mr. HALE. What would the Senator desire, then—that this be put on the free list?

Mr. McLAURIN. On the free list.

Mr. HALE. The Senator will move that?

Mr. McLAURIN. I will. I think the Senator himself ought to agree that it is not right to tax the producers of this staple something like $6,000,000 a year. And it does not go into the Treasury of the United States, because on the ties alone we get something like $3,580 and on the bagging $118,000.

Mr. KEAN. Does the Senator desire also to have cotton bagging put on the free list?

Mr. McLAURIN. I do; bagging and ties.

Mr. KEAN. If on the free list, what does the Senator think the price would be if none were manufactured here?

Mr. McLAURIN. The price of what?

Mr. KEAN. Of cotton bagging.

Mr. McLAURIN. I think it would be far less than it is. We have now to pay about 50 cents a bale on all the cotton produced in the cotton-producing States, amounting to about $6,000,000.

Mr. KEAN. In other words, if none is manufactured in the United States, you think you could buy it cheaper?

Mr. McLAURIN. There are about 156,000,000 pounds, I think, of ties manufactured in the United States.

Mr. KEAN. I refer to cotton bagging.

Mr. McLAURIN. I can give the Senator a statement of the factories that produce cotton bagging in the United States. Georgia has 4 factories, Indiana 1, Kentucky 1, Louisiana 2, Maine 2, Massachusetts 1, Michigan 1, Missouri 1, New Hampshire 1, New York 4, North Carolina 4, Pennsylvania 1, South Carolina 1, Tennessee 3, and Virginia 3. As to the cotton-bale ties, Alabama has 1 establishment manufacturing it, Connecticut 1, Illinois 3, Maine 1, and Pennsylvania 5.

Mr. KEAN. There is some cotton bagging manufactured in New Jersey also.

Mr. McLAURIN. I hope the Senator from New Jersey does not want to impose a tax upon our people to keep up factories——

Mr. KEAN. Certainly not; I want your cotton to be grown and to be marketed in the easiest manner possible.

Mr. McLAURIN. Yes; and I want it to be grown and to be marketed for the benefit of the people who labor to produce it, because it takes about thirteen months in the year to produce cotton.

Paragraph 124 was read, as follows:

124. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, seven-fortieths of 1 cent per pound; railway fish-plates or splice-bars, made of iron or steel, two-tenths of 1 cent per pound.

Mr. SCOTT. What became of paragraph 122?

The VICE-PRESIDENT. The amendment was passed over.

Mr. SCOTT. I want to have the entire paragraph passed over.

The VICE-PRESIDENT. Very good; it will be passed over.

Mr. SIMMONS. Mr. President, yesterday when the Senate had under consideration the question of a duty upon cotton-seed oil, I came into the Senate just at the conclusion of a colloquy between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Georgia [Mr. BACON]. The Senator from Rhode Island, it appears from the RECORD, had read the amount of imports of cotton-seed oil for the year 1908, showing that there was imported into this country during that year only about 200 gallons of oil, and that the duty amounted to only about $8, I think. I was not present at the time the Senator read these statistics, having entered the Chamber just in time to hear the response of the senior Senator from Georgia to an inquiry made by the Senator from Rhode Island as to whether he was willing that this article should go upon the free list.

The Senator from Georgia expressed the opinion that if the statistics of imports given by the Senator from Rhode Island, which I had not heard, were true, it would seem that it ought to go upon the free list. I interrupted the colloquy at this point and stated, as Senators will recall, that I should like to have that paragraph go over, that I wished possibly to make some remarks upon it, and that, so far as I was concerned, I was not willing that this article should be put upon the free list.

Afterwards I learned that the Senator from Rhode Island had quoted the statistics of imports for the year 1908. I had not myself examined those statistics—that is, for 1908—and I supposed at the time of my interruption that the Senator had given the statistics of 1907, with which I was familiar, because I recalled that when the Senator from Rhode Island presented the bill and made his statement to the Senate, he explained to the Senate that his bill was framed upon the basis of the imports of 1907, and the Book of Estimates prepared under the direction of the Finance Committee, and furnished each Senator for use in the consideration of this bill, is based on the imports of the year 1907 and not for 1908.

I do not know why the Senator from Rhode Island, under these circumstances, selected the imports of this article for the year 1908 instead of the year 1907, as the basis of his statement.

Mr. ALDRICH. I had before me, if the Senator desires an answer, a statement of all the importations, including 1908. The importations for 1908 are not in any printed form, but I had the statement, and I took the last year. I did not intend to make any unfair comparison.

Mr. SIMMONS. I do not mean to suggest that the Senator intended any unfair comparison. I am referring to this merely to show that I thought at the time I made the statement referred to above that the Senator had quoted the statistics for 1907, and I did not discover the contrary until afterwards. If I had known at that time that he had read the statistics for 1908, I should have brought to the attention of the Senate the imports of 1907, and have made a statement as to the probable cause of the falling off of those imports during the past year. I do not know, of course, positively what caused this decline in imports, but I imagine it was the result of market conditions of this country, brought on by the panic. It is probable that the supply was so great that the price was depressed, and there was no inducement to importation.

I wish now to call the attention of the Senate to the importations of this product during the year 1907. The amount coming in that year was not very great, but it did produce some revenue, and I have reason to believe that it is the beginning of a sharp competition in this product as soon as normal business conditions are restored which will result in constantly increasing importation and constantly increasing revenues.

Before I read the figures, however, I wish to say that I did not mean when I stated that I was opposed to this article going upon the free list that I was in favor of the 25 per cent ad valorem duty imposed in the pending bill. I think that duty entirely too high. Nor did I intend to say that I was in favor of the 15 per cent duty imposed by the Payne bill. I think that duty is too high. Nor did I mean that I was in favor of the duty of 4 cents per gallon imposed in the Dingley bill. I think that duty too high. I simply meant that I was in favor of a small duty as against putting this article upon the free list. I think for the present 2 or 3 cents per gallon would be sufficient. That amount would not interfere with importations, and if the anticipation of the cotton-seed oil manufacturers and my own are realized as to future competition in this product between our mills and those of Germany, it would bring in a reasonable amount of revenue.

Now let me give the importations for 1907. The amount of cotton-seed oil imported into this country in 1907 was 26,131 gallons, valued at $9,342.

The duty collected during that year was $1,049. It is estimated that the duty imposed by the present bill will yield a revenue of $2,325 during next fiscal year.

Mr. President, the Senator from Rhode Island stated yesterday that a number of manufacturers of cotton-seed oil had appeared before the Finance Committee and asked that a higher duty be imposed upon this article. That fact shows an apprehension on the part of manufacturers of cotton-seed oil in the South that those importations will increase in the next few years, and I think the facts justify that apprehension, though I do not think there is any need for an increase in the present duty.

We raise in this country about three-fourths of all of the cotton consumed in the world. The balance of it is raised in other countries. The people of other countries are using these seed for the purpose of making oil just as we are. Germany is at present manufacturing this oil and is preparing to greatly expand its operation and output by importing seed from this country.

A large manufacturer of this product stated to me this morning in the presence of a delegation of oil manufacturers that Germany is preparing right now to do with respect to cotton seed and cotton-seed oil exactly what Germany and certain other European states have for some time been doing with respect to wheat and flour. We all know that certain European countries are discriminating in their tariffs on wheat and flour, so as to keep out our flour and let in our wheat; that they admit wheat free; and that they impose a heavy duty upon flour in order that their own mills instead of ours may make the flour, not only to supply their domestic demand, but to be sold in the rest of the world in competiton with our flour.

I have had many letters from the owners of flour mills in my State calling my attention to this fact, and expressing serious apprehension of injury to their business on account of the lower cost at which Germany seems to be able to manufacture this product. Now, the gentleman referred to a while ago stated to me, and I am advised from other sources that the statement is true, that the German tariff discriminates between cotton seed and cotton-seed oil just as it does between wheat and flour; and with the same object in view, it admits the seed free and imposes a duty of 30 per cent on the oil.

He also stated to me that before the end of this year Germany would have completed and ready for operation cotton-seed oil mills with a capacity of 500,000 tons of cotton seed per year. This is a mere beginning. What does it mean? It means that Germany intends—and her example will probably be followed by other European countries—to become an importer of our cotton seed just as she is an importer of our raw cotton, and a manufacturer of cotton-seed oil just as she is a manufacturer of cotton goods, and that she intends to enter into the same competition with us in our own markets and the balance of the world in cotton-seed oil as in cotton goods.

It is said that because we have three-fourths of the cotton seed of the world we need not fear competition with Germany in the production of cotton-seed oil. We produce the same proportion of the total supply of cotton seed as we do of the total supply of raw cotton. Germany, France, and England buy our raw cotton, manufacture it, and sell it in competition with us, not only in the world, but in our own markets. In fact, we impose a high duty upon cotton goods to keep them from underselling us in our own markets. What is there to differentiate the case of cotton-seed oil from cotton goods? If they can buy our raw cotton and manufacture cotton goods so much cheaper than we can that they can undersell us in our own markets, why can they not do the same with respect to cotton-seed oil?

We do not make tariff bills every day, nor every year. There may have been a time when we thought we were secure against competition with European cotton goods made out of our raw cotton, but we found we were not. The same thing may occur, and I believe it will occur, with respect to our cotton-seed oil. Why not be prepared with a moderate duty and derive such revenue as that duty may produce and extend to the home industries such incidental protection as it may afford?

Mr. President, that there is a probability of large increases in importations of cotton-seed oil from abroad, and that foreign mills are now ready for competition with us, is also shown by the demand of the manufacturers of soap who use cotton seed oil in their product that this article be put upon the free list. There is printed in the hearings before the Ways and Means Committee of the House a very significant letter from the great soap-manufacturing concern of Colgate & Co. They earnestly appeal to have the duty taken off cotton-seed oil, and the reason they give is that they use it largely in the manufacture of soap, and that the American price fluctuates and is sometimes too high. They say in effect if this duty is taken off they will be able to buy this material from abroad at a lesser price, creating the impression that in that way they will be able to cheapen the price of soap. I refer to this simply to show that we may expect importations of this product, and I see no reason why we should not derive some revenue from it.

Mr. President, I repeat, I do not ask for an increase of the rate of duty upon it. I think there is absolutely no justification for the increase of the present duty. The present ad valorem duty is about 11 cents, I believe. The Payne bill as passed by the House raised it to 15 per cent, and the bill now before the Senate raises it to 25 per cent. As I stated before, I think that even the old duty might be reduced. I am opposed to putting the article absolutely on the free list.

The truth is, Mr. President, I do not take kindly to the free list as a rule. There are two lists in our tariff bills of late years which I do not fancy—one not much and the other not at all. I do not believe in a large free list. The ablest advocate of a revenue tariff this country has ever known was the great author of the Walker tariff. He was not friendly to a large free list. He believed that the best way to distribute the burdens of tariff taxation was to extend, not to contract, the dutiable list. Besides, Mr. President, the free list at this time is generally a cover for higher duties to those who enjoy the benefits of protection. It is one of the favorite ways of indirectly increasing the protection given the favored beneficiaries of that system. Having secured a large rate of protection upon his product, the manufacturer too often seeks to add to that rate by having his raw material put upon the free list. The farmer is chiefly the man who supplies the raw material, and the effect of a large free list tends to increase his tariff burdens without giving him any of its compensating benefits. It not unfrequently happens that putting the manufacturer's raw material on the free list converts a protective duty into a prohibitory duty. In a very practical sense it may be said that the free list, when used in this way, together with a prohibitory list, becomes one of the mainstays and props of the protective system.

In the States, when we tax, we tax everything, upon the theory that all property ought to bear its equal burden in raising the revenue necessary to support the Government. If anything is exempt it is exempt by reason of special considerations which must be shown in order to take it out of the general rule, which is that all property must bear its part of taxation.

Mr. President, in my judgment, in raising revenue to support the Government by import duties, we ought to apply, as far as possible, the rule of taxation of the States so as to distribute the burdens and benefits, if any, of government. The dutiable list should be the rule, the free list the exception. Everything should go on the dutiable list and bear its part of the burdens and benefits of tariff taxation, unless some good and sufficient reason can be shown, as in the case of the States, why it should be relieved of the burdens, or why it should not participate in the benefits of the system.

The Senator from Rhode Island [Mr. ALDRICH] suggests that his committee might be disposed to allow southern Senators to have their way about this schedule, and let it go on the free list if they desired. I suspect, Mr. President, that there are a great many people inside and outside this Chamber who have no objection to allowing the products of the South to enjoy the blessings of going on the free list. It is to the advantage of certain interests to have some of our products on the free list, while theirs are protected. For instance, Colgate & Co. would like free oil to make soap, but they do not want free soap. We appreciate the tentative offer of the Senator from Rhode Island to allow us to exercise our pleasure with regard to this article. I hope the Senator from Rhode Island will be equally considerate of us when we come to fix the duties upon the other products in which we may, as a section of the country, be especially interested, such as lumber, for instance.

Mr. President, I simply desire to add that my only purpose in taking the floor was to put the facts with reference to this matter before the Senate, feeling that the facts given by the Senator from Rhode Island on yesterday might lead to a misunderstanding both as to importations of this product and of my position with respect thereto.

Mr. MCLAURIN. Mr. President, I am glad the Senator from North Carolina has advised us of the fact that the Government of Germany admits free of duty cotton seed, and that probably, as I understand the Senator from North Carolina, the manufacturers of that country will take something like 500,000 tons of cotton seed.

Mr. SIMMONS. I do not know whether I understand the observation of the Senator. What I did say was that I was advised by a gentleman in the delegation that Germany was now constructing, or had partly constructed, mills for the manufacture of cotton-seed oil that would have a capacity of 500,000 tons a year.

Mr. McLAURIN. I understood the Senator to say that they would ship that amount of cotton seed from this country to Germany. That is a very gratifying statement to me, and, so far from complaining of it, I am glad of it. It opens another market for the cotton producer of the South.

Mr. SIMMONS. I wish to say to the Senator that I join with him in rejoicing over that fact; but it was not that fact to which I was specially calling attention.

Mr. McLAURIN. Then I did not understand the Senator from North Carolina, for I understood him to complain that there was another market.

Mr. SIMMONS. The Senator misunderstood me wholly if he understood me as doing that. I was endeavoring to show that there was real danger that the southern producer of cotton-seed oil would some day or other in the near future be met with competition from the oil mills of Germany. My statement in that connection was that those mills in Germany were now preparing to enter largely into the manufacture of cotton-seed oil, and that they would probably draw their cotton seed from this country and sell their oil to us in return.

Mr. McLAURIN. Mr. President, that danger carries no alarm to me. It has no terror so far as I am concerned, for it would be a benefit to the producer of cotton, and a benefit to the producer of cotton is not dangerous to my section of the country.

Mr. SIMMONS. But the Senator can see, I imagine, that that would bring the American producer of cotton-seed oil in competition with the German producer of cotton-seed oil.

Mr. McLAURIN. Mr. President, I am equally as interested in the producer of the cotton seed in the South, the farmer of the South, as I am in the producer of the cotton-seed oil from the product of the farm. The farmer who produces the cotton and produces the cotton seed appeals to me certainly as much as the man who manufactures his cotton seed into oil; and if he can get a market for 500,000 tons of his cotton seed, I am very desirous that he should do so. I apprehend no danger to the cotton-seed oil manufacturers of the South from any importations into this country, because I have an idea that the Germans could not transport from this country 500,000 tons of cotton seed, manufacture it into oil, and ship that oil back here, paying freight both ways, and compete with the cotton-seed oil manufacturers of this country.

I am glad to know that there is an opportunity to open another market for some of the cotton products of the cotton producers of this country. We have in the other branch of this Congress a Representative from a district in the State of Mississippi, Judge BYRD, who has been devoting his time ever since he has been a Member of the House of Representatives to an effort to procure markets for the cotton and the cotton products of our country. I am glad to see that his effort is fructifying, and that it is likely to produce a market that has been suggested by the Senator from North Carolina. I am glad to say that I see no danger to our people in the opening of this new market to the products of the cotton raisers of the country.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

The Secretary resumed the reading of the bill, and read paragraph 125, as follows:

125. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, five-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, six-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, eight-tenths of 1 cent per pound; thinner than No. 32 wire gauge, nine-tenths of 1 cent per pound; corrugated or crimped, eight-tenths of 1 cent per pound; all the foregoing valued at more than 3 cents per pound, 30 per cent ad valorem: *Provided*, That all sheets or plates of common or black iron or steel not thinner than No. 10 wire gauge shall pay duty as plate iron or plate steel.

Mr. SCOTT. Let that go over, Mr. President.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from West Virginia.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 36, line 23, before the words "per cent," to strike out "forty-five" and insert "forty," so as to make the paragraph read:

126. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of 1 cent per pound more duty than if the same was not so galvanized or coated; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, 40 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 37, line 1, before the word "cents," to strike out "three-fourths" and insert "one-half;" in line 7, after the word "than," to insert "is imposed by this section on;" and in line 8, after the word "steel," to strike out "of corresponding gauge or value," so as to make the paragraph read:

127. Sheets of iron or steel, polished, planished, or glanced, by whatever name designated, 1½ cents per pound: *Provided*, That plates or sheets of iron or steel, by whatever name designated, other than the polished, planished, or glanced herein provided for, which have been pickled or cleaned by acid, or by any other material or process, or which are cold-rolled, smoothed only, not polished, shall pay two-tenths of 1 cent per pound more duty than is imposed by this section on common or black sheets of iron or steel.

The amendment was agreed to.

The next amendment was, on page 37, line 17, after the word "shafting," to strike out "material;" in line 24, after the word "steel," to strike out "in all forms and shapes;" in line 25, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" on page 38, line 1, after the word "at," to strike out "eight-tenths" and insert "three-fourths;" in line 3, after the word "above," to strike out "eight-tenths" and insert "three-fourths;" in line 17, before the word "cents," to strike out "two" and insert "one and nine-tenths;" and in line 21, after the word "above," to strike out "30 cents per pound, 4.6 cents per pound; valued above 30 cents per pound, 15 per cent ad valorem" and insert "24 cents per pound, 4.6 cents per pound; valued above 24 cents and not above 32 cents per pound, 6 cents per pound; valued above 32 cents and not above 40 cents per pound, 7 cents per pound; valued above 40 cents per pound, 20 per cent ad valorem," so as to make the paragraph read:

129. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; steel saw plates wholly or partially manufactured; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel not specially provided for in this section, all of the above valued at three-fourths of 1 cent per pound or less, seven-fortieths of 1 cent per pound; valued above three-fourths of 1 cent and not above 1.3 cents per pound, three-tenths of 1 cent per pound; valued above 1.3 cents and not above 1.8 cents per pound, five-tenths of 1 cent per pound; valued above 1.8 cents and not above 2.2 cents per pound, six-tenths of 1 cent per pound; valued above 2.2 cents and not above 3 cents per pound, eight-tenths of 1 cent per pound; valued above 3 cents per pound and not above 4 cents per pound, 1.1 cents per pound; valued above 4 cents and not above 7 cents per pound, 1.2 cents per pound; valued above 7 cents and not above 10 cents per pound, 1.9 cents per pound; valued above 10 cents and not above 13 cents per pound, 2.3 cents per pound; valued above 13 cents and not above 16 cents per pound, 2.7 cents per pound; valued above 16 cents and not above 24 cents per pound, 4.6 cents per pound; valued above 24 cents and not above 32 cents per pound, 6 cents per pound; valued above 32 cents and not above 40 cents per pound, 7 cents per pound; valued above 40 cents per pound, 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 39, line 5, after the word "shavings," to strike out "40 per cent ad valorem" and insert "11 cents per pound, including the weight of wrappers and coverings," so as to make the paragraph read:

130. Steel wool or steel shavings, 11 cents per pound, including the weight of wrappers and coverings.

The amendment was agreed to.

The next amendment was, on page 39, after line 7, to strike out:

131. Diamond steel, steel grit, diamond grit, iron form, iron sand, chilled-iron sand, and similar articles by whatever name known, 45 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 39, after line 10, to strike out:

132. The terms iron plates, steel plates, plate iron, and plate steel, as used in this act, shall be restricted to such articles having plane surfaces which may, however, be checkered, corrugated, or ribbed, for use as parts of constructions, but not as tools or implements in manufacturing.

The amendment was agreed to.

The next amendment was, on page 39, after line 15, to strike out the subhead "Wire."

The amendment was agreed to.

The next amendment was, on page 39, line 20, after the word "pound," to strike out "four-tenths" and insert "three-tenths;" and in line 21, after the word "pound," to strike out "three-fourths" and insert "six-tenths," so as to read:

133. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, in coils or otherwise, valued at 4 cents or less per pound, three-

tenths of 1 cent per pound; valued over 4 cents per pound, six-tenths of 1 cent per pound: *Provided*, That all round iron or steel rods smaller than No. 6 wire gauge shall be classed and dutiable as wire: *Provided further*, That all iron or steel wire rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-half of 1 cent per pound.

Mr. McCUMBER. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from North Dakota.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 40, line 7, before the word "cents," to strike out "one-half" and insert "three-fourths;" in line 9, after the word "at," to strike out "the rate of" and insert "not less than;" in line 10, after the words "ad valorem," to strike out "all iron or steel wire" and insert "all wire composed of iron, steel, or other metal except gold or silver;" in line 14, after the word "strips," to strike out "twenty-five one-thousandths of 1 inch thick or thinner" and insert "not exceeding 10 inches in width;" in line 18, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 19, before the words "per cent," to strike out "forty-five" and insert "forty;" on page 41, line 4, after the word "that," to insert "wire cable;" in line 6, after the word "thereto," to insert "three-fourths of;" in line 8, after the word "article," to insert "made from or;" and in line 9, after the words "ad valorem," to insert "telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, 45 per cent ad valorem," so as to make the paragraph read:

134. Round iron or steel wire, not smaller than No. 13 wire gauge, 1 cent per pound; smaller than No. 13 and not smaller than No. 16 wire gauge, 1¼ cents per pound; smaller than No. 16 wire gauge, 1½ cents per pound: *Provided*, That all the foregoing valued at more than 4 cents per pound shall pay duty at not less than 40 per cent ad valorem; all wire composed of iron, steel, or other metal except gold or silver, covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel strips, strip steel, or steel in strips, not exceeding 10 inches in width, whether in long or short lengths, in coils or otherwise, and whether drawn through dies or rolls, and all other wire not specially provided for in this section, shall pay a duty of not less than 40 per cent ad valorem; on iron or steel wire coated by dipping, galvanizing, or similar process with zinc, tin, or other metal, there shall be paid two-tenths of 1 cent per pound in addition to the rate imposed on the wire of which it is made: *Provided further*, That articles manufactured wholly or in chief value of any wire or wires provided for in this paragraph shall pay the maximum rate of duty imposed in this section upon any wire used in the manufacture of such articles and in addition thereto 1¼ cents per pound, except that wire cable, wire rope, or wire strand shall pay the maximum rate of duty imposed in this section upon any wire used in the manufacture thereof and in addition thereto three-fourths of 1 cent per pound: *And provided further*, That no article made from or composed of wire shall pay a less rate of duty than 40 per cent ad valorem; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, 45 per cent ad valorem.

Mr. McCUMBER. I ask that that paragraph be also passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from North Dakota.

Mr. ALDRICH. Mr. President, paragraphs 135, 136, 137, and 138, which follow and which appear as stricken out, are merely transposed in the correction of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 41, after line 12, to strike out:

GENERAL PROVISIONS.

135. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

136. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable iron castings, shall be classed and denominated as steel.

137. No article not specially provided for in this act, which is wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

138. On all iron or steel bars or rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-eighth of 1 cent per pound in addition to the rates provided in sections 1 or 2 of this act on bars or rods of whatever section or shape which are hot rolled; and on all strips, plates, or sheets of iron or steel, of whatever shape, other than the polished, planished, or glanced sheet iron or sheet steel hereinbefore provided for, which are cold hammered, blued, brightened, tempered, polished, or treated in any way in addition to cold rolling to size, there shall be paid five-tenths of 1 cent per pound in addition to the rates provided in sections 1 or 2 of this act upon strips, plates, or sheets of iron or steel of common or black finish of corresponding gauge or value; and on steel circular saw plates there shall be paid one-half of 1 cent per pound in addition to the rates provided in this section for steel saw plates.

The amendment was agreed to.

The next amendment was, on page 43, after line 8, to insert:

135. No article not specially provided for in this section, which is wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

The amendment was agreed to.

The next amendment was, on page 43, after line 17, to insert:

136. On all iron or steel bars or rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-eighth of 1 cent per pound in addition to the rates provided in this section on bars or rods of whatever section or shape which are hot rolled; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet iron or sheet steel hereinbefore provided for, which are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only, hereinbefore provided for, there shall be paid four-tenths of 1 cent per pound in addition to the rates provided in this section upon plates, strips, or sheets of iron or steel of common or black finish; and on steel circular-saw plates there shall be paid one-fourth of 1 cent per pound in addition to the rates provided in this section for steel saw plates.

The amendment was agreed to.

The next amendment was, on page 44, after line 11, to insert:

137. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

The amendment was agreed to.

The next amendment was, on page 44, after line 16, to insert:

138. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

The amendment was agreed to.

The next amendment was, on page 45, after line 4, to strike out the subhead "Manufactures of iron and steel."

The amendment was agreed to.

The next amendment was, on page 45, line 8, before the word "cents," to strike out "seven-eighths" and insert "five-eighths," so as to make the paragraph read:

139. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, 1½ cents per pound.

The amendment was agreed to.

The next amendment was, on page 45, after line 8, to strike out:

140. Automobiles and parts thereof, bicycles and parts thereof, and motor cycles and parts thereof, 45 per cent ad valorem.

And insert:

140. Automobiles, bicycles, and motor cycles, and parts of any of the foregoing, including tires, axles, and ball bearings, 45 per cent ad valorem.

Mr. BULKELEY. I ask that the paragraph may go over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Connecticut.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 45, line 17, after the word "manufacture," to insert "not otherwise provided for in this section;" and in line 19, before the word "cent," to strike out "one" and insert "three-fourths of a," so as to make the paragraph read:

141. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this section, valued at not more than 6 cents per pound, three-fourths of a cent per pound.

The amendment was agreed to.

The next amendment was, on page 45, line 25, before the word "cents," to strike out "one-half" and insert "three-eighths," so as to make the paragraph read:

142. Blacksmith's hammers and sledges, track tools, wedges, and crowbars, whether of iron or steel, 1½ cents per pound.

The amendment was agreed to.

The next amendment was, on page 46, line 3, before the word "cents," to strike out "one-fourth" and insert "one-eighth," so as to make the paragraph read:

143. Bolts, with or without threads or nuts, or bolt blanks, and finished hinges or hinge blanks, whether of iron or steel, 1⅛ cents per pound.

The amendment was agreed to.

The next amendment was, on page 46, after line 3, to strike out:

144. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, manufactured from tempered steel wire, 45 cents per square foot; all other, 20 cents per square foot.

And insert:

144. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or steel wire, 45 cents per square foot; when manufactured with plated wire or other than round iron or steel wire or with felt face, wool face, or rubber face cloth containing wool, 45 cents per square foot.

The amendment was agreed to.

The next amendment was, on page 46, line 20, after the word "iron," to strike out "eight-tenths of 1 cent per pound" and insert "valued at not more than 2 cents per pound, one-half of 1 cent per pound; valued at more than 2 cents per pound, 35 per cent ad valorem," so as to make the paragraph read:

146. Cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, valued at not more than 2 cents per pound, one-half of 1 cent per pound; valued at more than 2 cents per pound, 35 per cent ad valorem. All castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, shall pay two-tenths of 1 cent per pound more than the rate imposed upon the castings of iron and cast-iron plates hereinbefore provided for.

The amendment was agreed to.

The next amendment was, on page 47, line 6, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 7, before the word "of," to strike out "nine-tenths" and insert "seven-tenths," so as to make the paragraph read:

147. Castings of malleable iron not specially provided for in this section, seven-tenths of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 47, line 21, after the word "steel," to strike out "boiler;" in line 25, before the word "cents," to strike out "one-half" and insert "three-fourths;" on page 48, line 3, after the word "gas," to strike out "or;" in the same line, after the word "liquids," to insert "or other material, whether full or empty;" in line 5, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 12, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

150. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays, not thinner than No. 16 wire gauge, if not less than three-eighths of an inch in diameter, 1 cent per pound; if less than three-eighths of an inch and not less than one-fourth of an inch in diameter, 1¼ cents per pound; if less than one-fourth of an inch in diameter, 2 cents per pound; cylindrical or tubular tanks or vessels, for holding gas liquids, or other material, whether full or empty, 30 per cent ad valorem; flexible metal tubing or hose, not specially provided for in this section, whether covered with wire or other material, or otherwise, including any appliances or attachments affixed thereto, 30 per cent ad valorem; welded cylindrical furnaces, tubes, or flues made from plate metal, and corrugated, ribbed, or otherwise reenforced against collapsing pressure, 2 cents per pound; all other iron or steel tubes, finished, not specially provided for in this section, 30 per cent ad valorem.

Mr. PENROSE. I ask that the paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. ALDRICH. I ask the Senator from Pennsylvania, as long as we have an understanding to go back at any time to consider the different paragraphs, if he will not allow it to go through now?

Mr. PENROSE. I think there is an error in the committee amendment, to which my attention was called, and I want it corrected.

Mr. ALDRICH. It can be rectified hereafter. I do not care, but I make that suggestion——

Mr. PENROSE. Is it the thought of the Senator that none of these paragraphs should be passed over?

Mr. ALDRICH. There is no particular reason for passing them over, because we have agreed that everybody shall have the right to go back and take them up if he wants to.

Mr. PENROSE. I was merely following the precedent. I withdraw the request, if the Senator from Rhode Island suggests it.

The VICE-PRESIDENT. The request is withdrawn.

Mr. CRAWFORD. I renew the request.

The VICE-PRESIDENT. The Senator from South Dakota asks that the paragraph be passed over.

Mr. LA FOLLETTE. I ask unanimous consent that paragraph 129 may be passed over.

The VICE-PRESIDENT. The Senator from Wisconsin asks that paragraph 129 may be passed over. Is there objection? The Chair hears none, and it is passed over.

Paragraph 150 is passed over at the request of the Senator from South Dakota. The Senator from Pennsylvania withdrew the request and the Senator from South Dakota renewed it.

Mr. SIMMONS. I wish that paragraph 149 may be passed over, also.

The VICE-PRESIDENT. The Senator from North Carolina asks that paragraph 149 be passed over.

Mr. ALDRICH. I suggest to the Senator from North Carolina that the understanding is we can go back and take up any of these paragraphs, and that no particular good is gained by having it passed over. He has the same right——

Mr. SIMMONS. It is perfectly satisfactory to me. I was simply following the custom.

Mr. ALDRICH. We have made an agreement.

Mr. SIMMONS. If it is not necessary to reserve my rights——

Mr. ALDRICH. Not at all.

Mr. SIMMONS (continuing). Of course, I will not insist upon it.

The VICE-PRESIDENT. Does the Senator from North Carolina withdraw his request?

Mr. SIMMONS. On that statement, Mr. President.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 48, after line 13, to strike out the subhead "Cutlery."

The amendment was agreed to.

The next amendment was, on page 48, line 17, before the word "and," to strike out "knives or razors for cutting corns;" in line 19, after the word "this," to strike out "act" and insert "section;" in line 20, before the word "valued," to strike out "which have folding or other than fixed blades or attachments;" in line 23, after the words "ad valorem," to strike out "all such cutlery, or parts thereof, wholly or partly manufactured;" and, on page 49, line 8, after the word "*Provided*," to strike out "That any of the foregoing knives or erasers, if imported in the condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished knives and erasers of the same material and quality: *And provided further*, That blades, handles, or other parts of either or any of the foregoing articles imported in any other manner than assembled in finished knives or erasers, shall be subject to no less rate of duty than herein provided for the knives and erasers mentioned herein valued at more than 50 cents and not more than $1.25 per dozen. Razors and razor blades, finished or unfinished, valued at less than $1.50 per dozen, 50 cents per dozen and 30 per cent ad valorem; valued at $1.50 per dozen and less than $3 per dozen, $1 per dozen and 30 per cent ad valorem; valued at $3 per dozen or more, $1.75 per dozen and 30 per cent ad valorem," and insert:

That any of the foregoing knives or erasers, if imported in the condition of assemble, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished knives and erasers valued at more than $3 per dozen: *Provided*, That blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than 50 cents per dozen and not exceeding $1.25 per dozen; razors, finished, valued at less than $1 per dozen, 45 per cent ad valorem; valued at $1 and less than $1.50 per dozen, 6 cents each and 40 per cent ad valorem; valued at $1.50 and less than $2 per dozen, 10 cents each and 40 per cent ad valorem; valued at $2 or more per dozen, 12 cents each and 50 per cent ad valorem: *Provided*, That blades, handles, and unfinished razors shall pay no less duty than that imposed on finished razors valued at $2 per dozen: *Provided further*, That all the articles specified in this paragraph shall have the name of the maker and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of each and every blade.

So as to make the paragraph read:

151. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this section, valued at not more than 40 cents per dozen, 40 per cent ad valorem; valued at more than 40 cents per dozen and not exceeding 50 cents per dozen, 1 cent per piece and 40 per cent ad valorem; valued at more than 50 cents per dozen and not exceeding $1.25 per dozen, 5 cents per piece and 40 per cent ad valorem; valued at more than $1.25 per dozen and not exceeding $3 per dozen, 10 cents per piece and 40 per cent ad valorem; valued at more than $3 per dozen, 20 cents per piece and 40 per cent ad valorem: *Provided*, That any of the foregoing knives or erasers, if imported in the condition of assemble, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished knives and erasers valued at more than $3 per dozen: *Provided*, That blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than 50 cents

per dozen and not exceeding $1.25 per dozen; razors, finished, valued at less than $1 per dozen, 45 per cent ad valorem; valued at $1 and less than $1.50 per dozen, 6 cents each and 40 per cent ad valorem; valued at $1.50 and less than $2 per dozen, 10 cents each and 40 per cent ad valorem; valued at $2 or more per dozen, 12 cents each and 50 per cent ad valorem: *Provided*, That blades, handles, and unfinished razors shall pay no less duty than that imposed on finished razors valued at $2 per dozen: *Provided further*, That all the articles specified in this paragraph shall have the name of the maker and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of each and every blade. Scissors and shears, and blades for the same, finished or unfinished, valued at not more than 50 cents per dozen, 15 cents per dozen and 15 per cent ad valorem; valued at more than 50 cents and not more than $1.75 per dozen, 50 cents per dozen and 15 per cent ad valorem; valued at more than $1.75 per dozen, 75 cents per dozen and 25 per cent ad valorem.

Mr. STONE. I observe that a part of the paragraph as it came from the House has been stricken out.

Mr. LODGE. The general provisions—135, 136, and 137.

Mr. STONE. Paragraph 151 I am speaking of.

Mr. LODGE. Oh!

Mr. STONE. It is stricken out here.

Mr. ALDRICH. There is a new description inserted in line 2, page 50.

Mr. STONE. I do not find it in the new matter.

Mr. ALDRICH. On the next page there is a new description.

Mr. STONE. I see that. Can the Senator point me to the line of the new matter which covers the article to which I allude?

Mr. KEAN. Line 18.

Mr. ALDRICH. Line 18.

Mr. KEAN. "*Provided*, That blades, handles," and so forth.

Mr. LODGE. In the amendment on page 50, line 18.

Mr. KEAN. Beginning with the words "blades, handles, and unfinished razors."

Mr. STONE. I will examine it. It does not seem, however, to be quite what I had in mind.

Mr. LA FOLLETTE. I ask that paragraph 151 be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 51, after line 7, to strike out:

152. Sword blades, and swords and side arms irrespective of quality or use, in part of metal, 50 per cent ad valorem.

And insert:

152. Swords, sword blades, and bayonets, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 52, line 1, after the word "*Provided*," to strike out "That no cutlery other than that provided for in sections 1 or 2 of this act at ad valorem rates of duty shall pay a less rate of duty than 40 per cent ad valorem," and insert "That none of the above-named articles shall pay a less rate of duty than 45 per cent ad valorem," so as to make the paragraph read:

153. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners', plumbers', painters', palette, artists', and shoe knives, forks and steels, finished or unfinished; if imported with handles of mother-of-pearl, shell, ivory, silver, nickeled silver, or other metal than iron or steel, 14 cents each; with handles of deerhorn, 10 cents each; with handles of hard rubber, solid bone, celluloid, or any pyroxyline material, 4 cents each; with handles of any other material than those above mentioned, 1 cent each, and in addition, on all the above articles, 15 per cent ad valorem; any of the knives, forks or steels enumerated in this paragraph, if imported without handles, 40 per cent ad valorem: *Provided*, That none of the above-named articles shall pay a less rate of duty than 45 per cent ad valorem.

Mr. LA FOLLETTE. I ask that the paragraph may go over.

The VICE-PRESIDENT. The Senator from Wisconsin asks that it be passed over.

Mr. BULKELEY. I ask that it may go over.

The VICE-PRESIDENT. Paragraph 153 is passed over.

The Secretary read paragraph 154.

Mr. KEAN. Let it be passed over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from New Jersey.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 52, after line 8, to strike out the subhead "Firearms."

The amendment was agreed to.

The next amendment was, on page 53, line 7, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the proviso read:

Provided, That all double-barreled sporting breech-loading shotguns and rifles imported without a lock or locks or other fittings shall be subject to a duty of $6 each and 35 per cent ad valorem; single-barreled breech-loading shotguns, or parts thereof, except as otherwise specially provided for in this section, $1 each and 35 per cent ad valorem; pistols, automatic, magazine, or revolving, or parts thereof, 75 cents each and 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 53, after line 11, to strike out:

157. Sheets, plates, wares, or articles of iron, steel, or other metal, enameled or glazed with vitreous glasses, 40 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 53, after line 14, to strike out the subhead "Nails, spikes, tacks, and needles."

The amendment was agreed to.

The next amendment was, on page 53, line 17, before the word "of," to strike out "five-tenths" and insert "four-tenths," so as to make the paragraph read:

158. Cut nails and cut spikes of iron or steel, four-tenths of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 53, line 19, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 21, after the word "pound," to insert "horseshoe calks and parts thereof, finished or unfinished, of iron or steel, $7.50 per thousand," so as to make the paragraph read:

159. Horseshoe nails, hobnails, and all other wrought iron or steel nails, not specially provided for in this section, 1¼ cents per pound; horseshoe calks and parts thereof, finished or unfinished, of iron or steel, $7.50 per thousand.

The amendment was agreed to.

The Secretary read paragraph 160.

Mr. OLIVER. Let paragraph 160 be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 54, line 5, after the word "steel," to strike out "one-half" and insert "three-fourths," so as to make the paragraph read.

161. Spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel, three-fourths of 1 cent per pound.

Mr. CRAWFORD. I ask that it be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 54, line 11, after the word "knitting," to strike out "or;" in the same line, after the word "sewing," to insert "or embroidery;" in line 12, after the word "dollar," to insert "and twenty-five cents;" and in line 18, before the word "shall," to strike out "act" and insert "section," so as to make the paragraph read:

163. Needles for knitting, sewing, or embroidery machines, including latch needles, $1.25 per thousand and 25 per cent ad valorem; crochet needles and tape needles, knitting and all other needles, not specially provided for in this section, and bodkins of metal, 25 per cent ad valorem; but no articles other than the needles which are specifically named in this section shall be dutiable as needles unless having an eye, and fitted and used for carrying a thread. Needle cases or needle books furnished with assortments of needles or combinations of needles and other articles, shall pay duty as entireties according to the component material of chief value therein.

Mr. CRAWFORD. Let it be passed over.

The VICE-PRESIDENT. Just the amendment?

Mr. CRAWFORD. Yes, sir; just the amendment.

Mr. NELSON. Let paragraph 163 be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 54, after line 23, to insert:

163½. Fishhooks, fishing rods and reels, artificial flies, artificial baits, snelled hooks, and all other fishing tackle or parts thereof, not specially provided for in this section, except fishing lines, fishing nets, and seines, 45 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 55, line 6, before the words "per centum," to strike out "twenty" and insert "twenty-five," so as to make the paragraph read:

164. Steel plates engraved, stereotype plates, electrotype plates, and plates of other materials, engraved or lithographed, for printing, 25 per cent ad valorem; plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, 25 per cent ad valorem.

Mr. CRAWFORD. I ask that it be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 55, line 11, after the word "Rivets," to strike out "or;" and in the same line, after the word "studs," to insert "and steel points," so as to make the paragraph read:

165. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, 45 per cent ad valorem; rivets of iron or steel, not specially provided for in this section, 1¼ cents per pound.

The amendment was agreed to.

The next amendment was, on page 55, after line 15, to strike out the subhead "Saws."

The amendment was agreed to.

The next amendment was, on page 55, line 25, before the word "and," to strike out "two" and insert "three;" on page 56, line 2, before the word "cents," to strike out "four" and insert "five;" in line 4, before the word "cents," to strike out "six" and insert "eight;" and in line 5, before the word "cents," to strike out "eight" and insert "twelve," so as to make the paragraph read:

167. Screws, commonly called wood screws, made of iron or steel, more than 2 inches in length, 3½ cents per pound; over 1 inch and not more than 2 inches in length, 5 cents per pound; over one-half inch and not more than 1 inch in length, 8 cents per pound; one-half inch and less in length, 12 cents per pound.

Mr. CRAWFORD. Let the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from South Dakota.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 56, line 8, after the word "otherwise," to strike out "35 per cent ad valorem" and insert "and;" and in line 9, before the words "per cent," to strike out "thirty-five" and insert "fifty," so as to make the paragraph read:

168. Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise; and tubes for umbrellas, wholly or partially finished, 50 per cent ad valorem.

Mr. DOLLIVER. I should like to make an inquiry about the paragraph. I notice that it seems to be a raise in the duty as compared with the provisions of the House bill. My attention was some time ago called to the fact that there are scattered all over the United States small manufacturers of umbrellas and parasols who use this half-made material; and an interview with one of them at a little city in Iowa not long ago led me to believe that there ought to be some relief to these scattered umbrella manufacturers, because he informed me that the manufacture of these materials, ribs and handles, out of which they are manufacturing umbrellas and parasols, had been consolidated into a single institution and that they were driven to very great loss in the rise in the price of those materials, being compelled to wind up their affairs.

It struck me as very wise that the House had made a very slight reduction in these particular articles.

Mr. SMOOT. The umbrella ribs and stretchers are sold to these very manufacturers at 7 cents apiece, and it is claimed that it would absolutely ruin the business if we reduced the duty to 35 per cent ad valorem.

Now, the difference between the 35 per cent and 50 per cent is only 15 per cent, and on 7 cents, the wholesale price, it amounts to a cent apiece. So an umbrella manufacturer could simply take the manufactured ribs and stretchers and put the cloth over them, and he could not be hurt very much.

Mr. DOLLIVER. Would it disturb the Senator from Utah if I would inquire whether my information is correct, that the distribution of these materials is now consolidated into a single hand?

Mr. SMOOT. I asked that question, and I was informed that it was not true.

Mr. PENROSE. I can answer that inquiry from personal knowledge. These industries are about 15 in number, located in Pennsylvania, New Jersey, and New York. They manufacture the frames. The manufacturer of the finished product has no complaint whatever to make concerning his relations with the manufacturer of frames. The frames are sold to the manufacturer of the umbrella for from 7 to 12 cents, and they are threatened by cheap labor from Japan. They are in no sense in any combination or trust.

Mr. DOLLIVER. I appreciate, of course, the great variety of dangers we are under from Japan. I am going to ask that the paragraph be passed over until I can examine it.

The VICE-PRESIDENT. That has already been done.

The reading of the bill was resumed.

The next amendment was, on page 56, after line 22, to strike out the subhead "Miscellaneous metals, and manufactures of."

The amendment was agreed to.

The next amendment was, on page 56, line 24, before the word "and," to insert "aluminum scrap;" and on page 57, line 2, after the word "pound," to insert "barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, 3 cents per pound and 25 per cent ad valorem," so as to make the paragraph read:

170. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, 7 cents per pound; in plates, sheets, bars, and rods, 11 cents per pound; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals are the component material of chief value, 3 cents per pound and 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 57, line 6, after the word "metal," to strike out "three-fourths of 1 cent per pound" and insert:

One and one-half cents per pound; antimony ore, stibnite and matte containing antimony, 1 cent per pound on the antimony contents therein contained: *Provided*, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishment, they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishment, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

So as to make the paragraph read:

171. Antimony, as regulus or metal, 1½ cents per pound; antimony ore, etc.

Mr. CRAWFORD. I ask that the paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 58, line 8, after the word "metallics," to insert "valued at not over 20 cents per pound, 6 cents per pound; valued at over 20 cents per pound," so as to make the paragraph read:

173. Bronze powder, brocades, flitters, and metallics, valued at not over 20 cents per pound, 6 cents per pound; valued at over 20 cents per pound, 12 cents per pound; bronze, or Dutch-metal or aluminum, in leaf, 6 cents per 100 leaves.

The amendment was agreed to.

The next amendment was, on page 58, after line 17, to strike out the subhead "Gold and silver."

The amendment was agreed to.

Mr. OVERMAN. Mr. President, are we going to stay here all night? We have got another day. I move that the Senate adjourn. It is 6 o'clock.

Mr. ALDRICH. If the Senator will be a little patient, we will finish this particular schedule very soon and then we will adjourn. I hope the Senator will withdraw his motion.

The VICE-PRESIDENT. Does the Senator from North Carolina insist on his motion?

Mr. ALDRICH. I hope the Senator from North Carolina will not insist upon it.

Mr. OVERMAN. I withdraw the motion.

The VICE-PRESIDENT. The Senator from North Carolina withdraws his motion.

The Secretary continued the reading of the bill.

The next amendment was, on page 59, line 7, after the word "threads," to insert "10 cents per pound and," so as to make the paragraph read:

177. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 10 cents per pound; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, 10 cents per pound and 30 per cent ad valorem; fabrics, laces, embroideries, braids, galloons, trimmings, ribbons, beltings, ornaments, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, 10 cents per pound and 60 per cent ad valorem.

The amendment was agreed to.

The Secretary read paragraph 178, as follows:

178. Hooks and eyes, metallic, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, 4 cents per pound and 15 per cent ad valorem.

Mr. BULKELEY. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Connecticut.

The next amendment was, on page 59, line 21, before the word "*Provided*," to strike out "Lead dross, including all dross containing lead, lead bullion or base bullion, lead in pigs or bars, old refuse lead run into blocks or bars, and old scrap lead fit only to be remanufactured, lead in any form not specially provided for in sections 1 or 2 of this act, and the lead contents contained in lead-bearing ores of all kinds; all the foregoing, 1½ cents per pound," and to insert "lead-bearing ore of all kinds, 1½ cents per pound on the lead contained therein," so as to read:

179. Lead-bearing ore of all kinds, 1½ cents per pound on the lead contained therein.

Mr. DOLLIVER. I ask that the paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Iowa.

The next amendment was, on page 60, after line 14, to strike out "180. Lead in sheets, pipe, shot, glaziers' lead, and lead wire, 1½ cents per pound," and to insert:

180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 2½ cents per pound; lead in sheets, pipe, shot, glaziers' lead, and lead wire, 2½ cents per pound.

Mr. CARTER. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Montana.

Mr. STONE. I ask what is the present tariff on pig lead? Is it a cent and a half a pound?

Mr. ALDRICH. No; paragraph 180 is the present tariff.

Mr. STONE. On pig lead?

Mr. ALDRICH. Yes; 2½ cents per pound.

The next amendment was, on page 61, line 1, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

181. Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for in this section, 20 per cent ad valorem; monazite sand and thorite, 4 cents per pound.

The amendment was agreed to.

The next amendment was, on page 61, after line 3, to strike out:

182. Chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrosilicon containing more than 15 per cent of silica, ferrovanadium, manganese metal, molybdenum, titanium, tantalum, tungsten, or wolfram metal, 15 per cent ad valorem; ferrosilicon containing not more than 15 per cent of silica, and ferromanganese, $4 per ton.

And insert:

182. Chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrosilicon containing more than 15 per cent of silicon, ferrovanadium, molybdenum, titanium, tantalum, tungsten, or wolfram metal, valued at $200 per ton or less, 25 per cent ad valorem; valued at more than $200 per ton, 20 per cent ad valorem; ferrosilicon containing not more than 15 per cent of silicon, $4 per ton.

Mr. BURTON. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Ohio.

The Secretary read paragraph 183, as follows:

183. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, plates, sheets, and strips cut from sheets, but not rolled or drawn, 6 cents per pound.

Mr. BRANDEGEE. I ask that paragraph 183 be passed over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Connecticut.

The next amendment was, on page 62, after line 2, to strike out:

185. Penholder tips, penholders or parts thereof, and gold pens, 25 per cent ad valorem; fountain pens, stylographic pens, and ink pencils, or parts of any of them, 30 per cent ad valorem: *Provided*, That pens and penholders shall continue to be classified separately for duty purposes, but so-called combination penholders, comprising, besides a penholder, a pencil, rubber eraser, automatic stamp, or similar attachments, shall be assessed for duty as entireties according to the component material of chief value therein.

And insert:

185. Penholder tips, penholders and parts thereof, 25 cents per gross and 25 per cent ad valorem; gold pens, 25 per cent ad valorem; fountain pens, stylographic pens, 30 per cent ad valorem; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, 45 per cent ad valorem: *Provided*, That pens and penholders shall be assessed for duty separately.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, at the top of page 64, to strike out:

189. Watch movements, whether imported in cases or not, if having not more than 7 jewels, 70 cents each; if having more than 7 jewels and not more than 11 jewels, $1.35 each; if having more than 11 jewels and not more than 15 jewels, $1.85 each; if having more than 15 jewels and not more than 17 jewels, $1.25 each and 25 per cent ad valorem; if having more than 17 jewels, $3 each and 25 per cent ad valorem; watch cases and parts of watches, including watch dials, chronometers, box or ship, and parts thereof, clocks and parts thereof, not otherwise provided for in this section, whether separately packed or otherwise, not composed wholly or in part of china, porcelain, parian, bisque, or earthenware, 40 per cent ad valorem; all jewels for use in the manufacture of watches or clocks, 10 per cent ad valorem: *Provided*, That all watch movements and cases of foreign manufacture shall have the name of the manufacturer and of the city, town, or village, and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

And insert:

189. Watch movements, whether imported in cases or not, if having more than 7 jewels, 65 cents each; if having more than 7 jewels and not more than 11 jewels, $1.35 each; if having more than 11 jewels and not more than 15 jewels, $1.85 each; if having more than 15 and not more than 17 jewels, $1.25 each and 25 per cent ad valorem; if having more than 17 jewels, $3 each and 25 per cent ad valorem; watch cases and parts of watches, chronometers, box or ship, and parts thereof, 40 per cent ad valorem; clock movements having jewels in the escapement, and clocks containing such movements, $1 each and 40 per cent ad valorem; all other clocks and parts thereof not otherwise provided for in this section, whether separately packed or otherwise, not composed wholly or in part of china, porcelain, parian, bisque, or earthenware, 40 per cent ad valorem; all jewels for use in the manufacture of watches or clocks, 10 per cent ad valorem; enameled dials for watches or other instruments, 60 per cent ad valorem: *Provided*, That all watch and clock dials shall have indelibly painted or printed thereon the country of origin, and, if attached to movements, in addition to the country of origin shall have the name of the maker or makers of such watch or clock movements indelibly painted or printed thereon, and that all watch movements, lever clock movements with jewels in the escapement, and cases of foreign manufacture shall have the name of the manufacturer and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

Mr. LODGE. I merely want to correct a typographical error. In line 4, after the word "having," there should be inserted the word "not," so as to read: "having not more than seven jewels."

The VICE-PRESIDENT. Without objection, the amendment will be agreed to.

Mr. LA FOLLETTE. I ask that the paragraph may go over.

The VICE-PRESIDENT. It will be passed over.

The next amendment was, on page 66, line 15, after the word "zinc," to strike out "content," so as to make the paragraph read:

190. Zinc ore and calamine, 1 cent per pound on the zinc contained therein: *Provided*, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

Mr. BURTON. I ask that paragraph 190 be passed over, and also paragraph 191.

The VICE-PRESIDENT. Paragraph 190 will be passed over.

The Secretary read paragraph 191.

The VICE-PRESIDENT. This paragraph will be passed over, at the request of the Senator from Ohio.

The reading of the bill was resumed.

The next amendment was, on page 67, after line 14, to strike out:

192. Alloys and other mixed metals in lumps, pigs, blocks, bars, cakes, sheets, or powder, not specially provided for, 20 per cent ad valorem.

And insert:

192. Cans, boxes, packages, containers, trays, signs, and similar articles, composed wholly or in chief value of tin plate, terne plate, or iron or steel sheets, if lacquered, enameled, or printed by any process of lithography whatever, all the foregoing, filled or unfilled, and whether their contents be dutiable or free, 4 cents per pound and 35 per cent ad valorem: *Provided*, That none of the foregoing articles shall pay a less rate of duty than 55 per cent ad valorem.

The amendment was agreed to.

The next amendment was, at the top of page 68, to strike out:

193. Bottle caps, if not colored or embossed in color, 45 per cent ad valorem; if lacquered, enameled, lithographed, or embossed in color, 55 per cent ad valorem.

And insert:

193. Bottle caps, if not colored, waxed, lacquered, enameled, lithographed, or embossed in color, 45 per cent ad valorem; if colored, waxed, lacquered, enameled, lithographed, or embossed in color, 55 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 68, line 10, after the word "registers," to strike out "electrical machinery, jute manufacturing machinery;" and in line 16, after the word "all," to strike out "embroidery machines and lace-making" and insert "Lever or Goughrough lace," so as to make the paragraph read:

194. Cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and all steam engines, 30 per cent ad valorem; embroidery machines and lace-making machines, including machines for making lace curtains, nets, or nettings, 45 per cent ad valorem: *Provided, however*, That all Lever or Goughrough lace machines, including machines for making lace curtains, nets, or nettings, imported prior to July 1, 1911, shall be admitted free of duty.

Mr. ALDRICH. In line 15, after the word "curtains," I move to strike out "nets, or nettings"; in line 17 to strike out "Lever or Goughrough" and insert "levers or gothrough"; and in line 18, after the word "machines" to strike out the words "including machines for making lace curtains, nets, or nettings".

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, on page 68, line 21, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

195. Articles or wares not specially provided for in this section, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, 45 per cent ad valorem.

The amendment was agreed to.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 6 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 23, 1909, at 12 o'clock meridian.

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 22, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of Monday, April 19, 1909, was read and approved.

CREDENTIALS AND SWEARING IN OF A MEMBER.

The Speaker laid before the House the following credentials. The Clerk read as follows:

UNITED STATES OF AMERICA,
STATE OF LOUISIANA.

Be it remembered, That on this day, we, the undersigned, Jared Young Sanders, governor of the State of Louisiana, Walter Guion, attorney-general of the State of Louisiana, and John T. Michel, secretary of state of the State of Louisiana, by virtue of and in obedience to act No. 152 of the general assembly of the State of Louisiana, approved July 14, 1898, and act No. 132, of 1900, approved July 11, 1900, providing for the time and manner of holding elections in the State of Louisiana, and providing for the compilation of returns of election of Representatives in Congress, did proceed to the executive office, in the State capitol, in the city of Baton Rouge, the seat of government of the State of Louisiana, in order to ascertain the number of votes cast for each candidate for Representative in Congress from the Second Congressional District of the State of Louisiana, composed of the parishes of Orleans (wards 1, 2, 10, 11, 12, 13, 14, 16, and 17), Jefferson, St. Charles, St. James, and St. John the Baptist, to the Sixty-first Congress of the United States of America (to fill vacancy caused by the death of the Hon. Robert C. Davey), as shown by the returns of the said election held therein on Tuesday, the 30th day of March, 1909, agreeably to the constitution and laws of this State, and pursuant to the proclamation of the governor of this State, dated the 4th day of January, 1909, which returns are on file and of record in the office of secretary of state for the State of Louisiana, and from which it appears that the following was the result of the vote cast at said election in each parish of said congressional district, and which we do hereby officially declare and announce to be as follows, to wit:

Congressional vote, March 30, 1909, second district.

SAMUEL L. GILMORE, DEMOCRAT.

Orleans:	
Ward 1	623
Ward 2	1,028
Ward 10	962
Ward 11	864
Ward 12	314
Ward 13	491
Ward 14	347
Ward 16	155
Ward 17	181
Jefferson	233
St. Charles	38
St. James	91
St. John the Baptist	208
Total	5,535

Witness our official signatures at the city of Baton Rouge this 15th day of April, A. D. 1909.

J. Y. SANDERS,
Governor of Louisiana.
WALTER GUION,
Attorney-General of Louisiana.
[SEAL.]
JOHN T. MICHEL,
Secretary of State.

STATE OF LOUISIANA,
Baton Rouge.

I, Jared Young Sanders, governor of the State of Louisiana, do hereby certify that the foregoing is a true and correct copy of the compilation of the vote cast in the Second Congressional District of Louisiana for one Representative in the Sixty-first Congress of the United States of America, to fill the vacancy caused by the death of the Hon. Robert C. Davey for the term expiring March 4, 1911; and I further certify that the Hon. SAMUEL L. GILMORE was duly and legally elected to represent the said Second Congressional District of Louisiana in the said Sixty-first Congress of the United States for the term expiring March 4, 1911. All of which appears from the certificate on file and of record in the office of the secretary of state of the State of Louisiana, and of which certificate the foregoing is a true and correct copy.

Witness our official signatures at the city of Baton Rouge this 15th day of April, 1909.

J. Y. SANDERS,
Governor of the State of Louisiana.

By the governor:
[SEAL.]
EUGENE J. MCGEVNEY,
Assistant Secretary of State.

Thereupon Mr. GILMORE, accompanied by his colleague, Mr. PUJO, appeared at the bar of the House and the oath of office was administered by the Speaker.

ENROLLED BILLS SIGNED.

The SPEAKER. The Chair lays before the House the following bills, which have been signed by the Speaker. These bills are certified to by the Clerk of the House as truly enrolled instead of by the Committee on Enrolled Bills. The Speaker has signed the same and now lays them before the House.

The Clerk read as follows:

House joint resolution 38.

Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909.

House joint resolution 45.

Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Crockett, one of its clerks, announced that the Senate had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses, and had further insisted upon its amendments, disagreed to by the House of Representatives, had asked a further conference with the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. LA FOLLETTE, Mr. HALE, and Mr. TALIAFERRO as the conferees on the part of the Senate.

COMMITTEE ON ENROLLED BILLS.

The SPEAKER announced the following appointment of the Committee on Enrolled Bills.

The Clerk read as follows:

WILLIAM W. WILSON, of Illinois; J. HAMPTON MOORE, of Pennsylvania; DANIEL R. ANTHONY, of Kansas; POLITTE ELVINS, of Missouri; HENRY T. RAINEY, of Illinois; LINCOLN DIXON, of Indiana; and WILLIAM WILLETT, Jr., of New York.

CELEBRATION OF FIRST INAUGURATION OF GEORGE WASHINGTON AS PRESIDENT OF THE UNITED STATES.

The SPEAKER laid before the House the following communication.

The Clerk read as follows:

WASHINGTON MONUMENT ASSOCIATION OF ALEXANDRIA, VA.

Speaker CANNON AND MEMBERS OF
THE HOUSE OF REPRESENTATIVES,
Washington, D. C.

Mr. SPEAKER AND GENTLEMEN: You are cordially invited to Alexandria, Va., on the afternoon of April 30, to participate in the celebration of the one hundred and twentieth anniversary of the first inauguration of Gen. George Washington as President of the United States.

Very respectfully,

WASHINGTON MONUMENT ASSOCIATION,
By J. Y. WILLIAMS, *Acting Secretary.*

APRIL 15, 1909.

Mr. CARLIN. Mr. Speaker, on the 30th of April, 1789, Gen. George Washington was inaugurated in New York President of the United States. It is the purpose of the citizens of Alexandria, Va., to celebrate the one hundred and twentieth anniversary of that event on the 30th of the present month by appropriate public ceremonies, and they have commissioned me to deliver the invitation which has just been laid before the House by the Speaker.

It is peculiarly appropriate that Alexandria should celebrate this occasion. Alexandria was the headquarters of Washington's business operations. His home at Mount Vernon was only a few miles away. His office, which he designated his workshop, was in that city, and the busiest hours of his life were spent there. He was master of the Masonic lodge, was the civil engineer who laid off the streets of the city, and the principal residence street bears his name. The church in which he worshiped is there, and the pew he occupied is still preserved. It was in this churchyard that the American Republic was born. If history be true, one Sabbath morning, after services in that little church, Washington and his associates held a conference and determined upon revolution. That meeting shook the British throne and established this Republic, now numbering 90,000,000 souls. The greatest boon that God has given to man—namely, human liberty—was breathed into existence that Sunday morning. [Applause.] History has recorded, with some degree of certainty, the subsequent events in the career of

Washington, but I do not believe that any event, either in his history or the history of this country, could have been fraught with more good, more hope, and yet more uncertainty, than his first inauguration.

The city of New York, in which he took the oath of office, then numbered less than 30,000 people. It was a great city even at that date. Washington's journey from Mount Vernon to New York, with the quaint method of travel which was in vogue at that time, was fraught with scenes and incidents showing the real depth of affection of the American people for this man, which scenes have never been excelled in the civilized world. The ancient city of Alexandria has every year since the death of Washington celebrated the anniversary of his birth, and the 22d day of each succeeding February since 1799 has witnessed in that city some appropriate celebration in honor of his birth. These occasions, like the one to which you are invited on the 30th of this month, have been free from commercial and industrial associations, and have been designed not only to do honor to the first citizen of America, whose home was in their midst, but for the purpose of inspiring in the youth of the land a patriotic devotion to country and to home. I have hoped to live to see the day when the ideals of Washington shall be realized and our people will be cemented together, with no thought of any foe, save from other lands. That there may be no North, no South, no East, nor West, but one grand, glorious America for us all. [Loud applause.] There are no people with a higher conception of duty, with higher ideals of manhood, nor more splendid womanhood, than the people of the city of Alexandria, all their ambitions and hopes being based upon a splendid and a patriotic past.

This invitation is extended to you as the Representatives of the people of America, and in effect invites you to come and join in doing honor to the foremost citizen of the world—the man whose magic sword brought into life human liberty and human rights, the man whose character furnishes an example and inspiration for the youth of the ages which are to follow, and whose performances are matchless, and whose memories are immortal. [Applause.] I hope it will be the pleasure of this House to accept the invitation. [Applause.]

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, this is a welcome invitation and comes at an opportune time, when we are waiting and counting the days until the Senate concludes its preliminary consideration of the tariff bill. We are not at present overworked and have a little leisure for relaxation and entertainment. The weather is delightful, and by the 30th of this month Alexandria, Mount Vernon, and the surrounding country will be fully enrobed in the freshness of spring beauty; and a visit to that old and historic city, with the privilege of participating in the anniversary exercises of President Washington's first inauguration, will be an entertaining and enjoyable occasion.

The first inauguration of the Father of His Country took place in the city of New York, but the Empire State gracefully yields to the Old Dominion the honor of celebrating the one hundred and twentieth anniversary of that great event. I trust this invitation will be unanimously accepted.

Mr. Speaker, I offer the following resolution, and move its adoption:

The Clerk read as follows:

House resolution 62.

Resolved, That the Speaker and the House of Representatives accept with cordial thanks the invitation so graciously extended to them by the Washington Monument Association, of Alexandria, Va.

The SPEAKER. The question is upon the resolution.

Mr. PAYNE. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. PAYNE. Is that an acceptance of an invitation to attend officially, as the House of Representatives, this function, or simply that the individual Members of the House accept the invitation?

The SPEAKER. The Chair does not know. That is hardly a parliamentary inquiry.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, the invitation is extended to the Members, and the purpose of the resolution of acceptance is that the Members shall attend as individuals.

Mr. LIVINGSTON. Then why does not the gentleman say so?

Mr. MICHAEL E. DRISCOLL. I understand that the invitation is extended to the Speaker and to the Members of the House of Representatives.

The SPEAKER. The question of the gentleman from New York [Mr. PAYNE] is whether that invitation and acceptance of the same would take the House as an organized body, or is the acceptance by the Speaker of the House and the Members of the House individually.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I take it to be an invitation to the Speaker and to the Members individually, and the acceptance will be by the Speaker and by the Members individually.

Mr. KEIFER. Mr. Speaker, then I suggest that the gentleman modify his resolution so as to make the acceptance that of the Speaker and of the Members of the House.

Mr. MICHAEL E. DRISCOLL. Mr. Speaker, I am willing to make that correction.

The SPEAKER. Without objection, the Clerk will report the amendment and the resolution as amended.

The Clerk read as follows:

Amend by inserting after the word "and" the words "the Members of the," so as to read:

Resolved, That the Speaker and the Members of the House of Representatives accept with cordial thanks the invitation so graciously extended to them by the Washington Monument Association of Alexandria, Va.

The SPEAKER. The question is on the amendment.

The question was taken, and the amendment was agreed to.

The SPEAKER. The question now is on agreeing to the resolution as amended.

The question was taken, and the resolution was agreed to.

MAJ. PIERRE CHARLES L'ENFANT.

The SPEAKER laid before the House the following communication:

EXECUTIVE OFFICE,
COMMISSIONERS OF THE DISTRICT OF COLUMBIA,
Washington, April 17, 1909.

To the House of Representatives of the United States:

The Commissioners of the District of Columbia have the honor to invite the Members of the House of Representatives to attend the ceremonies in honor of Maj. Pierre Charles L'Enfant in the Rotunda of the United States Capitol at 10.30 o'clock on the morning of April 28, 1909, in connection with the transfer of his remains from Green Hill, Maryland, to the Arlington Cemetery. The Vice-President of the United States and the ambassador of France will make addresses.

Very respectfully,

HENRY B. F. MACFARLAND,
President of the Board of Commissioners of the District of Columbia.

Mr. OLCOTT. Mr. Speaker, I move that the invitation be accepted, with thanks to the Commissioners for so graciously extending it to us.

Mr. PAYNE. Is that accepting it by the Members of the House as individuals?

Mr. OLCOTT. The invitation is given to the Members of the House.

The SPEAKER. The question is on the motion of the gentleman from New York.

The question was taken, and the motion was agreed to.

PANAMA CANAL.

Mr. WANGER. Mr. Speaker, by permission of the House, two editorials from the Engineering News were printed as House Document No. 10. They related to the lock type of the canal at Panama. The Engineering News of April 1 has an article which is really a complement, or a supplement and conclusion, to the former articles, and I ask unanimous consent that it, with the illustrations, be printed as a supplement (part 2) to House Document No. 10.

The SPEAKER. Is there objection?

Mr. GARRETT. What is that, pictures?

Mr. WANGER. There are two or three pictures in it, besides a number of plates showing the lines, contours, elevations, and depressions.

Mr. GARRETT. The request of the gentleman is to print it in the RECORD?

Mr. WANGER. No; it is to print it as a House document, a supplement to House Document No. 10.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

THE TARIFF.

Mr. MURPHY. I only desire to insert in the RECORD an editorial which appeared in the Irish World of April 17, 1909, as follows:

THROWS UP THE SPONGE.

The London Times, in an article dealing with the new tariff bill now before Congress, virtually acknowledges that the fight between free trade and protection has gone against the policy which England has so stoutly championed ever since she set herself to the task of capturing the markets of the world. The London Times tells its readers that England's present fiscal policy, compared with that adopted by protectionist countries, is about equal to the advantages Nelson's fleet would have against a squadron of *Dreadnoughts*. "Other nations," the London Times bewails, "are clearly determined not to interfere with our one monopoly of Cobdenite theory."

The result is that whilst the United States, Germany, and other protectionist countries are prosperous, free-trade England is sinking deeper and deeper into the slough of despondency. We are told that English free traders can not understand the situation. They refuse to abandon their theories, which they insist should bring increase of wealth to any country adopting them. And this they do despite the ugly facts, like

the steady growth of English pauperism, which stare them in the face. The London Times, in describing the attitude of these unconverted Cobdenites, says that antifree trade countries "are all very prosperous; they are all increasing in wealth, and none of them has such a burden of pauperism to carry as that which afflicts ourselves. It really looks as if they knew something of business and the sources of the wealth of nations. But we are still asked to believe that they know nothing at all about the matter, and are wandering in the mazes of economic superstition, happily dissipated for us by the science that illuminated our path some sixty years ago. In these days of ironclads we are expected to go to battle in unprotected ships, because somebody once proved at great length that when no other nation had ironclad ships our wooden ones did extremely well, and that they are cheaper to build and to maintain than monsters encumbered with thousands of tons of iron."

In this way does the London Times throw up the sponge. In times past free trade had no more noisy and hectoring champion than the English organ from which we have quoted the above confession of the defeat of Cobdenism. Protection has stood the test of experience; free trade has not, and consequently it has become discredited even in the land of its origin.

ANNEXATION OF CUBA.

Mr. HELM. Mr. Speaker, on last Monday I introduced House concurrent resolution No. 15. I have received a great many inquiries as to the import of that resolution, and I now ask unanimous consent to have the resolution printed in the RECORD.

The SPEAKER. The gentleman asks unanimous consent to print in the RECORD the resolution, the title of which the Clerk will report.

The Clerk read as follows:

House concurrent resolution No. 15, relating to the annexation of Cuba.

Mr. PAYNE. I object to that, Mr. Speaker.

The SPEAKER. Objection is heard.

CENSUS BILL.

Mr. CRUMPACKER. Mr. Speaker, I move that the House further insist on its disagreement to the Senate amendments to House bill No. 1033, and agree to the conference asked.

The SPEAKER. The gentleman from Indiana moves that the House do further insist upon its disagreement to the Senate amendments to the bill indicated, the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 1033) to provide for the Thirteenth and subsequent decennial censuses.

The SPEAKER. And to assent to the request of the Senate for a conference.

Mr. LANGLEY. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LANGLEY. Is not the parliamentary status of this bill, now that the Senate has disagreed to the conference report, the same as it was when the bill was originally reported from the Senate with amendments?

The SPEAKER. The Chair understands that the conference report was rejected by the Senate, from the message that has been received from the Senate, which leaves the House bill pending now in the House with the Senate amendments thereto.

Mr. LANGLEY. Mr. Speaker, at the proper time I desire to make a motion for instructions to the conferees to insist on disagreement to certain Senate amendments to which the former House conferees agreed, and I desire to ask whether that is in order now?

The SPEAKER. Instructions to the conferees would come after the motion of the gentleman from Indiana is disposed of.

Mr. LANGLEY. All right. I simply desire to make that motion at the proper time, and to give notice now that I am going to do so.

Mr. SIMS. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. SIMS. Does the motion to concur in a particular amendment take precedence over a motion to send to conference?

The SPEAKER. It does.

Mr. SIMS. Well, Mr. Speaker, I happened to be present and heard the discussion in the Senate of this conference report, which was rejected almost altogether upon the question of an amendment by the Senate requiring the appointment of clerks and other employees from the respective States with reference to the requirement of actual residence in the several States for a period of twelve months prior to examination for appointment. I heard the discussion in the Senate on both sides, and I think, in order that the sense of the House may be taken on that question, we ought to have a vote upon that particular amendment, in order that the Senate may be informed just how the House stands on this matter.

Mr. HAY. There is no quorum here now.

Mr. SIMS. That question has not been discussed in the House; we sent it to conference heretofore without any discussion upon that particular feature of it, and, Mr. Speaker, in order to have this matter brought up, I will move that the House agree to that Senate amendment, in order that we may have the voice of the House on it.

Mr. HULL of Iowa. Is that the amendment in regard to the appointment of clerks?

The SPEAKER. Does the Chair understand that the gentleman from Tennessee [Mr. SIMS] demands a separate vote on certain Senate amendments—one or two? The Clerk will report the amendments.

The Clerk read as follows:

Page 5, line 9, after "rating" insert:

"*Provided*, That hereafter all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examinations."

Mr. SIMS. Mr. Speaker, I move to concur in the Senate amendment.

The SPEAKER. The Chair calls the attention of the gentleman to the fact that there is another amendment following, in section 7, that apparently has reference to the one that has just been read. However, the Chair is not sure about it.

Mr. SIMS. If it does have reference to it, of course I move to concur in all amendments that carry out the idea suggested in amendment 15.

Mr. HAY. Will the gentleman from Tennessee yield for a moment?

Mr. SIMS. Certainly.

The SPEAKER. Does the gentleman from Indiana [Mr. CRUMPACKER], who controls the time, yield to the gentleman from Virginia [Mr. HAY]?

Mr. CRUMPACKER. I yield.

Mr. HAY. I desire to say to the gentleman from Tennessee [Mr. SIMS] that if his motion prevails, to concur in Senate amendment No. 15, a motion ought also to be made to concur in the other amendment. The other two amendments relating to amendment 15 are not so shaped as that they will cover the appointees under amendment 15, and in order that that shall be done it is necessary that the other two amendments shall be amended so that they shall apply to all positions in the civil service. As they are now drawn they will only apply to those to be appointed under this bill, whereas the positions under amendment 15 apply to all positions in the civil service.

The SPEAKER. Does the gentleman demand a separate vote on the three amendments?

Mr. HAY. I do not demand a separate vote at all, Mr. Speaker, because there is no quorum here, and it will just defeat the whole thing.

Mr. CRUMPACKER. I hope the gentleman from Tennessee [Mr. SIMS] will not make the motion. I would much rather have it come in the form of an instruction to the conferees later on, because this amendment is palpably ill considered and imperfect. Senators admitted in the discussion of the conference report that it would not do to incorporate the amendment in the bill as it is written, and if the gentleman's motion prevails it will be a part of the law. I know the attitude of the conferees. I know the amendment that it is proposed to offer to perfect the provision. The gentleman said, it is true, that there has been no discussion of this question in the House. There has been no intelligent discussion of this question anywhere. There has been no such consideration of this important amendment as to justify its adoption. It is not confined to the Census Bureau at all; in fact, it does not apply to the temporary census service, but is a general amendment of the civil-service law. It has not been considered by any committee, and it is too important to be adopted at random.

I read all of the debate of the Senate and, of course, I feel that it would be a grave mistake for the House now to concur in the amendment, which is confessedly imperfect, and might possibly result in the ultimate defeat of the bill.

Mr. KEIFER. I want to call attention to the fact that it seems that this amendment, if adopted, would not only be applicable to the taking of the census, but it would be an amendment to the general law with reference to civil-service examinations.

Mr. CRUMPACKER. It will not apply to the census force at all, but it will apply to the Railway Mail Service and to all other departmental service. It is simply injecting into the bowels of the census bill a proposition to amend the general civil-service law without any sort of thought or consideration. That is what it is. It does not apply to the decennial census service, because that service is temporary, and under the rules and regulations of the Civil Service Commission the rule of geographical apportionment does not apply to the temporary service.

But the House put a provision in this bill, and it is still in the bill, and it will remain there, requiring the rule of geographical apportionment to apply to the force in the Census Office for the temporary service. This proposition has no relation to the census service; it was not intended to affect the census service, but was intended to reach the general departmental service, intended as a vital amendment to the civil-service law.

Mr. HULL of Iowa. Will the gentleman yield for a question?

Mr. GAINES. I wish to ask the gentleman whether this amendment relates to the residence of the applicant for appointment, or merely to the place where the examinations are to be held?

Mr. CRUMPACKER. It relates to both. The amendment requires the examination to be had in the States from which the applicants apply. If the applicant for an appointment is a resident of the State of West Virginia, he must be examined in the State of West Virginia.

The applicant must also, in addition to his legal residence, have been actually domiciled in the State for at least a year prior to the examination. That may be a good amendment to the civil-service law. I do not know. I am not familiar with the civil-service law. It never has been considered by the Civil Service Commission or by the Committee on Reform in the Civil Service in either House. Nobody knows what effect it would have upon the service. It applies to charwomen, to messengers, to watchmen, and unskilled laborers. Now I yield to the gentleman from Iowa.

Mr. HULL of Iowa. Mr. Speaker, I would like to ask the gentleman from Indiana if the bill providing for taking the census does not contain the provision he referred to, that the appointments shall be of applicants from the States, as provided for civil-service employees?

Mr. CRUMPACKER. Yes.

Mr. HULL of Iowa. Now, the gentleman says this provision would not apply to the census. If the rule of the Civil Service Commission is now to permit anybody in Washington to be accredited to any State he may desire to claim to be from, would not the same rule apply to the census employees, and would not the same difficulty come up by allowing those that live in Washington the first chance for the examination and appointment? In other words, is it not a good time now for the Congress of the United States to try to preserve as much of the rights of the States to fill these offices as it possibly can? Because the States are being constantly edged out. I would like to ask the gentleman to explain why it is not a good time for us to take care of that evil.

Mr. CRUMPACKER. I understood the gentleman was merely going to ask me a question. The gentleman's plea that this peculiar service should be under the rule of the geographical apportionment is void of business judgment. Of course, if we are providing for the decennial census chiefly for the purpose of creating jobs, then the geographical apportionment is the proper thing.

Now, the attitude of the House in incorporating in the bill the provision the gentleman referred to, the one that he advocated very strongly, has already required an amendment increasing the minimum pay of these employees from $600 to $720, or a total of $350,000. If that is legislation in the interest of the public service, in behalf of the people of the country, the House did a wise thing in providing geographical apportionment.

Mr. HULL of Iowa. Just one more question.

Mr. CRUMPACKER. When I get through with this statement. We were required to increase the minimum of pay allowed to these clerks from $600 to $720, in order to make it some inducement for the constituents of the gentleman from Iowa and others to come here and accept service if they take the examination.

Mr. HULL of Iowa. Just one more question. The old census was taken by apportionment of the appointees among the different districts in the country, and that, according to the statement of the Director of the Census, was as economically taken as any census has ever been taken, and the work was as well done as it ever had formerly been done.

Why not have the same rule apply, except, possibly, that the applicants must be selected under the civil-service law? They would be apportioned to the various districts, and every district would get its full share, instead of having these appointments limited to the city of Washington and certain States near, which now get four-fifths of the appointments. It is not a job. It is for the benefit of the public service. Certainly a man should not be disqualified because he does not live in the District of Columbia.

The SPEAKER. To whom does the gentleman yield? Does the gentleman yield to the gentleman from Ohio?

Mr. CRUMPACKER. I yield to the gentleman from Georgia, who first addressed me.

Mr. LIVINGSTON. The gentleman objects to the Senate ingrafting into the bill an amendment that is not germane and not important to the census bill. Will the gentleman please tell us when this House or the Senate has ever had an opportunity to amend the civil-service law?

Mr. CRUMPACKER. I do not know that it has had an opportunity, but that is no reason for incorporating this extraneous matter in the census bill.

Mr. LIVINGSTON. It has never had and never will have.

Mr. CRUMPACKER. That is possible.

Mr. LIVINGSTON. I hope the House will take this opportunity now, while we have it, to put this provision in.

Mr. CRUMPACKER. We might as well put an income-tax provision in the bill.

Mr. LIVINGSTON. That is all right.

Mr. BURLESON. I wish we could do that.

Mr. CRUMPACKER. There is just as much reason for it. Now I will yield to the gentleman from Ohio [Mr. DOUGLAS].

Mr. DOUGLAS. Mr. Speaker, I want to ask the gentleman from Indiana——

Mr. WALLACE. Mr. Speaker, I make the point that there is no quorum present in the House.

The SPEAKER. The gentleman from Arkansas makes the point that no quorum is present. The Chair will count. [After counting.] One hundred and forty-three Members present; not a quorum.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

Mr. LANGLEY. Pending that motion, Mr. Speaker, I want to ask unanimous consent——

Mr. PAYNE. There is no quorum present, and the unanimous consent can not be given.

The SPEAKER. Nothing can be done. Even personal requests on the Speaker's desk can not be submitted.

The motion of Mr. PAYNE was agreed to.

Accordingly (at 12 o'clock and 41 minutes p. m.) the House adjourned until Monday, April 26, 1909.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. OLCOTT: A bill (H. R. 8229) for the relief of officers of the navy retired for disability incident to the service, employed on active duty—to the Committee on Naval Affairs.

By Mr. CLARK of Missouri: A bill (H. R. 8230) to incorporate the Cult of the Aryans—to the Committee on the District of Columbia.

By Mr. MACON: A bill (H. R. 8231) to prevent the use of the mails, the telegraph or telephone lines, and the railroads, by any company, corporation, etc., for purposes of interstate or foreign commerce where the aggregate value represented by their stocks, bonds, etc., exceeds the aggregate physical value of the property, or the reasonable value of the business, privilege, or franchise that they are issued to represent the value of, and for other purposes—to the Committee on the Judiciary.

By Mr. ALEXANDER of Missouri: A bill (H. R. 8232) granting pensions to the teamsters who served the Government of the United States in the war with Mexico, and for other purposes—to the Committee on Pensions.

Also, a bill (H. R. 8233) authorizing the Secretary of War to furnish two condemned bronze or brass cannon or fieldpieces and cannon balls to the city of Gallatin, in the State of Missouri—to the Committee on Military Affairs.

By Mr. CAMERON: A bill (H. R. 8234) amending an act to create a customs district of the Territory of Arizona, approved April 29, 1890—to the Committee on Ways and Means.

By Mr. ANDREWS: A bill (H. R. 8235) for the purchase of a site and the erection of an electrical power plant for irrigation purposes in Deming, N. Mex., or vicinity—to the Committee on Irrigation of Arid Lands.

By Mr. NEEDHAM: A bill (H. R. 8236) to create a United States Court of Customs Appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 8237) to amend an act entitled "An act for the relief of certain settlers on the public lands, and to provide for the repayment of certain fees, purchase money, and commissions paid on void entries of public lands"—to the Committee on the Public Lands.

Also, a bill (H. R. 8238) to provide for continuation of investigations of the rivers and water resources of the United States—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 8239) to amend section 6 of an act entitled "An act to regulate commerce," approved February 4, 1887, and acts amendatory thereof—to the Committee on Interstate and Foreign Commerce.

By Mr. RICHARDSON: A bill (H. R. 8240) to increase the appropriation for a public building at Florence, Ala.—to the Committee on Public Buildings and Grounds.

By Mr. KENNEDY of Ohio: A bill (H. R. 8241) for the erection of a public building at the city of Salem, in the State of Ohio—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 8242) for the enlargement of the post-office building at Canton, Ohio—to the Committee on Public Buildings and Grounds.

By Mr. WILSON of Illinois: A bill (H. R. 8243) to authorize the Indiana Harbor Belt Railroad Company to construct a bridge across the Little Calumet River, in Thornton Township, in the county of Cook and State of Illinois—to the Committee on Interstate and Foreign Commerce.

By Mr. HAY: Resolution (H. Res. 63) as to number of employees in the classified civil service—to the Committee on Reform in the Civil Service.

By Mr. SHEFFIELD: Memorial of the general assembly of the State of Rhode Island, urging uniform recognition of American passports—to the Committee on Foreign Affairs.

By Mr. ROBERTS: Memorial of the legislature of Massachusetts relative to rolls of Revolutionary regiments and companies and to statements regarding Revolutionary pensioners—to the Committee on Pensions.

Also, memorial of the legislature of Massachusetts, protesting against the imposition by the Federal Government of a tax on inheritances—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 8244) granting a pension to Martha J. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8245) granting a pension to Phillip Gentry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8246) to correct the military record of Harrison R. Crecelius—to the Committee on Military Affairs.

Also, a bill (H. R. 8247) to correct the military record of Anderson Creason—to the Committee on Military Affairs.

Also, a bill (H. R. 8248) for the relief of Robert Griffin—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: A bill (H. R. 8249) granting an increase of pension to Oliver Brewer—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 8250) granting an increase of pension to James S. Yarnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8251) granting an increase of pension to Gilbert Zachary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8252) granting an increase of pension to Celina Wilhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8253) granting an increase of pension to George R. West—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8254) granting an increase of pension to Celina Wilhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8255) granting an increase of pension to Lewis M. Wester—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8256) granting an increase of pension to David U. Weagley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8257) granting an increase of pension to William H. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8258) granting an increase of pension to James Vandergriff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8259) granting an increase of pension to Albert Varnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8260) granting an increase of pension to William P. Tutterow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8261) granting an increase of pension to James W. Taylor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8262) granting an increase of pension to Alex B. Tadlock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8263) granting an increase of pension to Samuel M. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8264) granting an increase of pension to Nancy Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8265) granting an increase of pension to William Roach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8266) granting an increase of pension to James Richey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8267) granting an increase of pension to Lewis M. Medlin—to the Committee on Pensions.

Also, a bill (H. R. 8268) granting an increase of pension to William McLane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8269) granting an increase of pension to Luther Lively—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8270) granting an increase of pension to John M. Letsinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8271) granting an increase of pension to Robert N. Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8272) granting an increase of pension to Benjamin F. Houston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8273) granting an increase of pension to Cyrena M. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8274) granting an increase of pension to Prior P. Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8275) granting an increase of pension to Alford Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8276) granting an increase of pension to Charles S. Ashton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8277) granting an increase of pension to Absalom P. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8278) granting an increase of pension to Thomas Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8279) granting an increase of pension to Benjamin St. Clair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8280) granting an increase of pension to Caswell Seamore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8281) granting an increase of pension to John A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8282) granting an increase of pension to David C. Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8283) granting an increase of pension to Joseph M. Squibb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8284) granting an increase of pension to Andrew T. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8285) granting an increase of pension to William N. Sexton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8286) granting an increase of pension to Joseph Shields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8287) granting an increase of pension to Christian Shores—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8288) granting an increase of pension to Thomas Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8289) granting an increase of pension to William G. Selvidge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8290) granting an increase of pension to Mary E. Spangle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8291) granting an increase of pension to William T. Sims—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8292) granting an increase of pension to Levi Summay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8293) granting an increase of pension to John B. Schroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8294) granting an increase of pension to Joseph M. Squibb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8295) granting an increase of pension to Theodore S. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8296) granting an increase of pension to Malinda C. Summers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8297) granting an increase of pension to Joseph Simmons—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8298) granting an increase of pension to Jesse J. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8299) granting an increase of pension to Henry Rigsby—to the Committee on Pensions.

Also, a bill (H. R. 8300) granting an increase of pension to Thomas M. Rankin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8301) granting an increase of pension to Joseph J. Ricketts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8302) granting an increase of pension to Alga S. Roach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8303) granting an increase of pension to Thomas M. Rankin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8304) granting an increase of pension to Thurman H. Rodeheaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8305) granting an increase of pension to John Ridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8306) granting an increase of pension to Benjamin R. Ricketts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8307) granting an increase of pension to William G. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8308) granting an increase of pension to George W. Qualls—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8309) granting an increase of pension to Calvin Patterson—to the Committee on Pensions.

Also, a bill (H. R. 8310) granting an increase of pension to Robert A. Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8311) granting an increase of pension to John Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8312) granting an increase of pension to Lycurgus Peltier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8313) granting an increase of pension to John A. Prosise—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8314) granting an increase of pension to Thomas G. Pardue—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8315) granting an increase of pension to A. J. Pedigo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8316) granting an increase of pension to James A. Ogg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8317) granting an increase of pension to Robert Osborn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8318) granting an increase of pension to Delos Odell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8319) granting an increase of pension to Robert Orr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8320) granting an increase of pension to Wesley Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8321) granting an increase of pension to William L. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8322) granting an increase of pension to Emanuel Netherway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8323) granting an increase of pension to Adam R. Northern—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8324) granting an increase of pension to Luvernia Newport—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8325) granting an increase of pension to John Marney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8326) granting an increase of pension to Lewis M. Moses—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8327) granting an increase of pension to Eli B. Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8328) granting an increase of pension to George H. S. Messer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8329) granting an increase of pension to Lemuel Main—to the Committee on Pensions.

Also, a bill (H. R. 8330) granting an increase of pension to William M. Murrin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8331) granting an increase of pension to William Mooney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8332) granting an increase of pension to Josiah D. Mater—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8333) granting an increase of pension to William N. Mabry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8334) granting an increase of pension to Louise Meyers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8335) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8336) granting an increase of pension to Barzilla T. Monday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8337) granting an increase of pension to Annie Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8338) granting an increase of pension to William A. McClure—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8339) granting an increase of pension to Henry McMahan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8340) granting an increase of pension to James C. McConnell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8341) granting an increase of pension to James McCulley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8342) granting an increase of pension to John A. McKelvey, alias Jackson Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8343) granting an increase of pension to James M. Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8344) granting an increase of pension to John Lobach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8345) granting an increase of pension to Fletcher Lawson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8346) granting an increase of pension to John M. Letsinger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8347) granting an increase of pension to Charlotte J. Triplett Lewis—to the Committee on Pensions.

Also, a bill (H. R. 8348) granting an increase of pension to Alexander R. Long—to the Committee on Pensions.

Also, a bill (H. R. 8349) granting an increase of pension to Joseph Livsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8350) granting an increase of pension to James Key—to the Committee on Invalid Pensions.

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Also, a bill (H. R. 8358) granting an increase of pension to Andrew G. Kitts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8359) granting an increase of pension to Andrew J. King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8360) granting an increase of pension to Elizabeth Hughett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8361) granting an increase of Pension to Samuel Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8362) granting an increase of pension to Hugh Hubbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8363) granting an increase of pension to William A. Hutcheson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8364) granting an increase of pension to John A. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8365) granting an increase of pension to William H. Hubble—to the Committee on Pensions.

Also, a bill (H. R. 8366) granting an increase of pension to Spencer H. Henry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8367) granting an increase of pension to Thomas W. Hall—to the Committee on Invalid Pensions.

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Also, a bill (H. R. 8371) granting an increase of pension to James A. Hickman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8372) granting an increase of pension to John Hayden—to the Committee on Pensions.

Also, a bill (H. R. 8373) granting an increase of pension to Joseph Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8374) granting an increase of pension to Jerome B. Hendricks—to the Committee on Pensions.

Also, a bill (H. R. 8375) granting an increase of pension to Andrew Goddard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8376) granting an increase of pension to Nathaniel T. Gourley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8377) granting an increase of pension to Charles Gentry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8378) granting an increase of pension to Robert H. Gray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8379) granting an increase of pension to Robert W. Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8380) granting an increase of pension to James M. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8381) granting an increase of pension to John W. Fielden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8382) granting an increase of pension to Linsey H. Fields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8383) granting an increase of pension to Henry Finger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8384) granting an increase of pension to James F. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8385) granting an increase of pension to William G. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8386) granting an increase of pension to John W. Fielden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8387) granting an increase of pension to John N. Fagan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8388) granting an increase of pension to John Farmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8389) granting an increase of pension to John A. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8390) granting an increase of pension to Ferguson Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8391) granting an increase of pension to Mary A. Edington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8392) granting an increase of pension to Alexander Eckel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8393) granting an increase of pension to James Eldridge—to the Committee on Invalid Pensions.

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Also, a bill (H. R. 8395) granting an increase of pension to Barnard J. Irwin—to the Committee on Pensions.

Also, a bill (H. R. 8396) granting an increase of pension to Andrew J. Dupes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8397) granting an increase of pension to John Daly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8398) granting an increase of pension to William W. Dunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8399) granting an increase of pension to John Daugherty, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8400) granting an increase of pension to John J. Duff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8401) granting an increase of pension to George C. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8402) granting an increase of pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8403) granting an increase of pension to Joel Dotson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8404) granting an increase of pension to Thomas L. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8405) granting an increase of pension to Samuel Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8406) granting an increase of pension to J. R. Doty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8407) granting an increase of pension to Thomas W. Devaney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8408) granting an increase of pension to Alfred M. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R 8409) granting an increase of pension to Richard Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8410) granting an increase of pension to Andrew Covington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8411) granting an increase of pension to John A. Collier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8412) granting an increase of pension to John C. Carroll—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8413) granting an increase of pension to Sylvester Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8414) granting an increase of pension to John W. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8415) granting an increase of pension to Robert Crudgington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8416) granting an increase of pension to John Coppock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8417) granting an increase of pension to John B. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8418) granting an increase of pension to John W. Cheatham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8419) granting an increase of pension to Elijah Cates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8420) granting an increase of pension to George W. Carney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8421) granting an increase of pension to John T. Chiles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8422) granting an increase of pension to Hugh L. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8423) granting an increase of pension to Sarah S. Conway—to the Committee on Pensions.

Also, a bill (H. R. 8424) granting an increase of pension to John H. Cross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8425) granting an increase of pension to Richard Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8426) granting an increase of pension to Adam T. Cottrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8427) granting an increase of pension to Thomas C. Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8428) granting an increase of pension to Henry Blevens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8429) granting an increase of pension to Stephen Banks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8430) granting an increase of pension to Matthew Bunch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8431) granting an increase of pension to Isaac B. Beals—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8432) granting an increase of pension to Alexander Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8433) granting an increase of pension to Thomas W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8434) granting an increase of pension to Julian Barger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8435) granting an increase of pension to Peter O. Benham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8436) granting an increase of pension to Thomas J. Bales—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8437) granting an increase of pension to William M. Boles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8438) granting an increase of pension to Alexander Bright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8439) granting an increase of pension to Thomas C. Blevins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8440) granting an increase of pension to Joseph A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8441) granting an increase of pension to Hazlewood A. C. Bradfute—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8442) granting an increase of pension to Julia E. Angel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8443) granting an increase of pension to Alexander Arnold—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8444) granting an increase of pension to George W. Aldridge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8445) granting an increase of pension to James Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8446) granting an increase of pension to George W. Arms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8447) granting a pension to George Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8448) granting a pension to Mary E. Witt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8449) granting a pension to Elihu Wilburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8450) granting a pension to Benjamin Wardell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8451) granting a pension to George A. Walker—to the Committee on Pensions.

Also, a bill (H. R. 8452) granting a pension to E. L. Watkins—to the Committee on Pensions.

Also, a bill (H. R. 8453) granting a pension to George A. Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8454) granting a pension to Robert G. Tindle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8455) granting a pension to Jane Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8456) granting a pension to Martha Talley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8457) granting a pension to William H. Shillings—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8458) granting a pension to Martha Smithers—to the Committee on Pensions.

Also, a bill (H. R. 8459) granting a pension to Sarah J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8460) granting a pension to Elizabeth Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8461) granting a pension to Sabra Shootman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8462) granting a pension to Mary A. Sharp—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8463) granting a pension to Alonzo Shootman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8464) granting a pension to Annie Roseboro—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8465) granting a pension to Nancy A. Robbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8466) granting a pension to George W. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8467) granting a pension to Jane Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8468) granting a pension to Jesse L. Riggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8469) granting a pension to Alice Robertson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8470) granting a pension to Martha C. Rayfield—to the Committee on Pensions.

Also, a bill (H. R. 8471) granting a pension to Nancy Ann Ray—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8472) granting a pension to Frank Romines—to the Committee on Pensions.

Also, a bill (H. R. 8473) granting a pension to Isaac B. Price—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8474) granting a pension to John W. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8475) granting a pension to Martha Patterson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8476) granting a pension to Francis M. Oglesby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8477) granting a pension to Polly Nelson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8478) granting a pension to James W. Mitchell—to the Committee on Pensions.

Also, a bill (H. R. 8479) granting a pension to John T. Mockabee—to the Committee on Pensions.

Also, a bill (H. R. 8480) granting a pension to Frank Medlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8481) granting a pension to Alfred McCarter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8482) granting a pension to Sampson McGee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8483) granting a pension to Nancy Lay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8484) granting a pension to Thomas P. A. Leonard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8485) granting a pension to Harriet J. Knight—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8486) granting a pension to Thomas Kehoe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8487) granting a pension to Swanzy N. Kennedy—to the Committee on Pensions.

Also, a bill (H. R. 8488) granting a pension to John L. Johnson—to the Committee on Pensions.

Also, a bill (H. R. 8489) granting a pension to Addie Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8490) granting a pension to Mallissa C. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8491) granting a pension to Tirza E. B. Hendricks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8492) granting a pension to Joshua Good—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8493) granting a pension to J. S. Grubb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8494) granting a pension to Frank C. Griffith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8495) granting a pension to Helen Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8496) granting a pension to Serelda Day—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8497) granting a pension to Henrietta E. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8498) granting a pension to Thomas E. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8499) granting pensions to the minor heirs of Elisha Darity—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8500) granting a pension to Sarah Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8501) granting a pension to William Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8502) granting a pension to James C. Claxton—to the Committee on Pensions.

Also, a bill (H. R. 8503) granting a pension to J. T. Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8504) granting a pension to Daniel Cahill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8505) granting a pension to Daniel Best—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8506) granting a pension to Sarah Brimer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8507) granting a pension to Andrew Baird—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8508) granting a pension to Sarah J. Blair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8509) granting a pension to Thomas Baker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8510) granting a pension to Daniel Burkett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8511) granting a pension to Joseph A. Bray—to the Committee on Pensions.

Also, a bill (H. R. 8512) granting a pension to Victoria Blanton—to the Committee on Pensions.

Also, a bill (H. R. 8513) granting a pension to Othello T. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8514) granting a pension to Zack Amis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8515) granting a pension to Samuel H. Thacker—to the Committee on Pensions.

Also, a bill (H. R. 8516) granting a pension to Rachel M. McNeilly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8517) granting a pension to Catherine Hartly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8518) granting a pension to Cleopatra Henshaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8519) granting a pension to John Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8520) granting a pension to William G. Blanton—to the Committee on Pensions.

Also, a bill (H. R. 8521) for the relief of Mrs. Martha V. Jones—to the Committee on War Claims.

Also, a bill (H. R. 8522) for the relief of Susan J. Jones—to the Committee on War Claims.

Also, a bill (H. R. 8523) for the relief of T. J. Wear—to the Committee on War Claims.

Also, a bill (H. R. 8524) for the relief of Mrs. Clarissa H. Tipton—to the Committee on War Claims.

Also, a bill (H. R. 8525) for the relief of J. J. Starnes—to the Committee on War Claims.

Also, a bill (H. R. 8526) for the relief of William Spears—to the Committee on Claims.

Also, a bill (H. R. 8527) for the relief of Joe S. Shipe—to the Committee on War Claims.

Also, a bill (H. R. 8528) for the relief of Eli Sharp—to the Committee on War Claims.

Also, a bill (H. R. 8529) for the relief of James J. Sellers—to the Committee on War Claims.

Also, a bill (H. R. 8530) for the relief of F. A. R. Scott—to the Committee on War Claims.

Also, a bill (H. R. 8531) for the relief of Mrs. Lucy Mynatt—to the Committee on War Claims.

Also, a bill (H. R. 8532) for the relief of Mary A. Mynatt—to the Committee on War Claims.

Also, a bill (H. R. 8533) for the relief of David H. Marney—to the Committee on War Claims.

Also, a bill (H. R. 8534) for the relief of R. M. Magill—to the Committee on Claims.

Also, a bill (H. R. 8535) for the relief of George T. Larkin—to the Committee on Claims.

Also, a bill (H. R. 8536) for the relief of Samuel Lewis—to the Committee on War Claims.

Also, a bill (H. R. 8537) for the relief of Lee T. Kitts—to the Committee on Claims.

Also, a bill (H. R. 8538) for the relief of Mrs. James Kennedy—to the Committee on War Claims.

Also, a bill (H. R. 8539) for the relief of James W. Holt—to the Committee on War Claims.

Also, a bill (H. R. 8540) for the relief of Charles J. Harvey—to the Committee on War Claims.

Also, a bill (H. R. 8541) for the relief of George Marion Gaut—to the Committee on War Claims.

Also, a bill (H. R. 8542) for the relief of George Marion Gaut—to the Committee on War Claims.

Also, a bill (H. R. 8543) for the relief of Capt. James H. Galbraith—to the Committee on Claims.

Also, a bill (H. R. 8544) for the relief of Jeremiah Campbell—to the Committee on War Claims.

Also, a bill (H. R. 8545) for the relief of Sarah E. Cox—to the Committee on War Claims.

Also, a bill (H. R. 8546) for the relief of Harry A. Claiborne—to the Committee on War Claims.

Also, a bill (H. R. 8547) for the relief of Calvin L. Childress—to the Committee on War Claims.

Also, a bill (H. R. 8548) for the relief of Mrs. Amanda M. Brown—to the Committee on War Claims.

Also, a bill (H. R. 8549) for the relief of W. L. Brown—to the Committee on War Claims.

Also, a bill (H. R. 8550) for the relief of Charles Baum—to the Committee on War Claims.

Also, a bill (H. R. 8551) for the relief of M. E. Hall and the estate of James B. Hall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8552) for the relief of the legal representatives of Jacob S. Fritts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8553) for the relief of the personal representatives of Mitchell J. Childress, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8554) for the relief of the legal representatives of Jacob G. Carmichael, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8555) for the relief of the personal representatives of Horace L. Bradley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8556) for the relief of the legal representatives of William C. Bialock, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8557) for the relief of Margaret Emma Brown, Kate D. Jarnagin, John Jacob Hubbard, and Georgia B. Teague, heirs of Mary Jane Hubbard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8558) to grant an honorable discharge to T. J. Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 8559) to correct the war record of G. W. Swanay—to the Committee on Military Affairs.

Also, a bill (H. R. 8560) to correct the war record of George Washington Pevyhouse—to the Committee on Military Affairs.

Also, a bill (H. R. 8561) to correct the war record of Samuel Braden—to the Committee on Military Affairs.

Also, a bill (H. R. 8562) to remove the charge of desertion standing against Henry Wallace—to the Committee on Military Affairs.

Also, a bill (H. R. 8563) to remove the charge of desertion against George Washington—to the Committee on Military Affairs.

Also, a bill (H. R. 8564) to remove the charge of desertion against John C. White—to the Committee on Military Affairs.

Also, a bill (H. R. 8565) to remove the charge of desertion against Elihu Wilburn—to the Committee on Military Affairs.

Also, a bill (H. R. 8566) to remove the charge of desertion standing against Hugh Washam—to the Committee on Military Affairs.

Also, a bill (H. R. 8567) to remove the charge of desertion standing against Gilbert C. Smith—to the Committee on Military Affairs.

Also, a bill (H. R. 8568) to remove the charge of desertion standing against Mark Seiber—to the Committee on Military Affairs.

Also, a bill (H. R. 8569) to remove the charge of desertion against Samuel Robbins—to the Committee on Military Affairs.

Also, a bill (H. R. 8570) to remove the charge of desertion standing against George W. Mabry—to the Committee on Military Affairs.

Also, a bill (H. R. 8571) to remove the charge of desertion against William Lawson—to the Committee on Military Affairs.

Also, a bill (H. R. 8572) to remove the charge of desertion against Ben Graves—to the Committee on Military Affairs.

Also, a bill (H. R. 8573) to remove the charge of desertion standing against Jerry Fritts—to the Committee on Military Affairs.

Also, a bill (H. R. 8574) to remove the charge of desertion standing against Samuel S. Caldwell—to the Committee on Military Affairs.

Also, a bill (H. R. 8575) to remove charge of desertion against David J. Collins—to the Committee on Military Affairs.

Also, a bill (H. R. 8576) to remove the charge of desertion standing against Derious O. Bibee—to the Committee on Military Affairs.

Also, a bill (H. R. 8577) to remove the charge of desertion standing against John W. Bennett—to the Committee on Military Affairs.

Also, a bill (H. R. 8578) to remove the charge of desertion against Pleasant M. Chapman—to the Committee on Military Affairs.

Also, a bill (H. R. 8579) for the relief of the heirs of Benjamin Prater—to the Committee on War Claims.

Also, a bill (H. R. 8580) for the relief of the heirs of John W. Harle—to the Committee on War Claims.

Also, a bill (H. R. 8581) for the relief of the heirs of John Gates, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8582) for the relief of the estate of Noah C. Wenger—to the Committee on War Claims.

Also, a bill (H. R. 8583) for the relief of the estate of William F. Sharp—to the Committee on War Claims.

Also, a bill (H. R. 8584) for the relief of the estate of David Pangle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8585) for the relief of the estate of John North, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8586) for the relief of the estate of Nelson Mynatt—to the Committee on War Claims.

Also, a bill (H. R. 8587) for the relief of the estate of William Kennedy, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8588) for the relief of the estate of William M. Goforth—to the Committee on War Claims.

Also, a bill (H. R. 8589) for the relief of the estate of Joseph Galbraith—to the Committee on War Claims.

Also, a bill (H. R. 8590) for the relief of the estate of D. Froneberger and firm of D. Froneberger & Co., of Knoxville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8591) for the relief of the estate of John Chesney, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8592) for the relief of the estate of Dr. Thomas J. Coward—to the Committee on War Claims.

Also, a bill (H. R. 8593) for the relief of the estate of Lemuel Cox, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8594) to correct the military record of William H. Shillings—to the Committee on Military Affairs.

Also, a bill (H. R. 8595) to correct the record of Roadman V. Burleson, Company H, Third Tennessee Mounted Infantry—to the Committee on Military Affairs.

Also, a bill (H. R. 8596) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Isaac Tipton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8597) to carry into effect the findings of the Court of Claims in the matter of the claim of John G. Henson, administrator, etc.—to the Committee on War Claims.

Also, a bill (H. R. 8598) to carry into effect the findings of the Court of Claims in the matter of the claim of Warham Easley—to the Committee on War Claims.

By Mr. BARCLAY: A bill (H. R. 8599) granting an increase of pension to Thaddeus C. Rumbarger—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 8600) granting a pension to Margaret A. Shaner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8601) granting an increase of pension to Elkana Tester—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: A bill (H. R. 8602) granting an increase of pension to Charles V. Richards—to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 8603) granting an increase of pension to Bert O. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8604) granting an increase of pension to Alice I. Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8605) for the relief of Dr. Warren E. Day—to the Committee on Claims.

Also, a bill (H. R. 8606) granting certain lands in the San Francisco Forest Reserve in Arizona for observatory purposes—to the Committee on the Public Lands.

By Mr. CANNON: A bill (H. R. 8607) granting an increase of pension to D. P. Hughes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8608) granting an increase of pension to Ezra R. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8609) granting an increase of pension to Alva C. Garrison—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 8610) granting a pension to H. T. C. Hough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8611) granting a pension to Joseph T. Foltz—to the Committee on Pensions.

Also, a bill (H. R. 8612) granting an increase of pension to Israel G. Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8613) granting an increase of pension to Mary A. Davis—to the Committee on Invalid Pensions.

By Mr. DOUGLAS: A bill (H. R. 8614) granting an increase of pension to William A. Harvey—to the Committee on Invalid Pensions.

By Mr. GILL of Missouri: A bill (H. R. 8615) granting an increase of pension to George B. Sheridan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8616) granting an increase of pension to Thomas Welstead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8617) granting a pension to Edward Dodsworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8618) granting a pension to Joseph Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8619) granting a pension to Mary E. Le Roy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8620) to correct the military record of Edward Dodsworth—to the Committee on Military Affairs.

Also, a bill (H. R. 8621) to remove the charge of desertion against Aaron B. Van Pelt and grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 8622) to place the name of Charles A. Coulson upon the muster-in roll of Company H, Twenty-first Regiment Missouri Volunteer Infantry—to the Committee on Military Affairs.

By Mr. GUERNSEY: A bill (H. R. 8623) granting an increase of pension to Thomas J. Calligan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8624) granting an increase of pension to Jedediah S. Cronkhite—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8625) granting an increase of pension to Thomas J. Rockwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8626) granting an increase of pension to Andrew P. Andrews—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8627) granting an increase of pension to James F. Read—to the Committee on Invalid Pensions

By Mr. HAWLEY: A bill (H. R. 8628) granting an increase of pension to Rufus Thompson—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 8629) granting an increase of pension to John G. Tally—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 8630) granting an increase of pension to John T. Whetzel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8631) granting an increase of pension to John R. Bungard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8632) granting an increase of pension to Mary A. Biggs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8633) granting an increase of pension to Willis T. Brannon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8634) granting an increase of pension to Enoch L. Waugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8635) granting an increase of pension to James H. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8636) granting an increase of pension to Calvin C. Shank—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8637) granting an increase of pension to Silas Simms—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8638) granting an increase of pension to Benjamin F. Sutton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8639) granting an increase of pension to Adeline Summerville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8640) granting an increase of pension to Mary E. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8641) granting an increase of pension to Hugh Neeper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8642) granting an increase of pension to Caleb Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8643) granting an increase of pension to Margaret E. Marple—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8644) granting an increase of pension to Josiah Monroe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8645) granting an increase of pension to Mahala C. Lydick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8646) granting an increase of pension to D. B. Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8647) granting an increase of pension to Mary E. Huey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8648) granting an increase of pension to Hugh A. Hawkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8649) granting an increase of pension to William R. Huffman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8650) granting an increase of pension to Samuel H. Gebhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8651) granting an increase of pension to Thomas L. Ford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8652) granting an increase of pension to Benjamin F. Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8653) granting an increase of pension to Wilford Drummond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8654) granting an increase of pension to George Crider—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8655) granting an increase of pension to William E. Cornwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8656) granting an increase of pension to Duncan Cunningham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8657) granting an increase of pension to James A. Chambers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8658) granting a pension to John W. Vandine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8659) granting a pension to Julia A. Smalley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8660) granting a pension to Amanda C. Swiger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8661) granting a pension to Eliza Peel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8662) granting a pension to Sarah J. Pugh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8663) granting a pension to Edgar D. Musgrave—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8664) granting a pension to Margaret Miner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8665) for the relief of J. H. Willis—to the Committee on War Claims.

Also, a bill (H. R. 8666) for the relief of W. D. Catlett—to the Committee on Claims.

Also, a bill (H. R. 8667) for the relief of Larnie Dean and James Dean—to the Committee on Claims.

Also, a bill (H. R. 8668) for the relief of J. Walter Duncan—to the Committee on the Post-Office and Post-Roads.

Also, a bill (H. R. 8669) for the relief of the estate of James H. Hardesty, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8670) for the relief of the heirs of Lucinda Muse Thomas—to the Committee on Claims.

Also, a bill (H. R. 8671) for the relief of Elizabeth Muhleman, widow, and the heirs at law of Samuel A. Muhleman, deceased—to the Committee on Claims.

Also, a bill (H. R. 8672) for the relief of the personal representatives of the late John M. Doddridge—to the Committee on War Claims.

Also, a bill (H. R. 8673) making an appropriation to reimburse the Fort Henry Club, of Wheeling, W. Va., for loss occasioned by proceedings by the United States for the condemnation of property of said club and the subsequent abandonment of such proceedings—to the Committee on Claims.

By Mr. HUFF: A bill (H. R. 8674) granting an increase of pension to Frederick Ulery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8675) granting an increase of pension to George W. Beck—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8676) granting an increase of pension to Samuel D. Aultman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8677) granting an increase of pension to Josiah E. Lyon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8678) granting an increase of pension to Jeremiah E. Williams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8679) granting a pension to Grace Olive Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8680) granting a pension to Aroline Jack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8681) to correct the military record of Henry L. Keaggy—to the Committee on Military Affairs.

By Mr. HULL of Iowa: A bill (H. R. 8682) granting an increase of pension to George W. Banickman—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 8683) granting an increase of pension to Louis Hebert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8684) granting an increase of pension to John B. Peters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8685) granting a pension to H. R. Lett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8686) granting a pension to Andrew J. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8687) granting a pension to J. K. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8688) granting a pension to George A. Womack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8689) granting a pension to George Stephens, sr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8690) granting a pension to Amos Vaughan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8691) granting a pension to Jackson W. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8692) granting a pension to John S. Draper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8693) granting a pension to William Fidler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8694) to remove the charge of desertion standing against John Downs—to the Committee on Military Affairs.

Also, a bill (H. R. 8695) to remove the charge of desertion standing against James Wilkey—to the Committee on Military Affairs.

Also, a bill (H. R. 8696) to remove the charge of desertion standing against J. T. Bandy—to the Committee on Military Affairs.

Also, a bill (H. R. 8697) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Josiah Anthony, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8698) granting arrears of pension to Newton Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8699) authorizing the Secretary of War to recognize William Mitchell, deceased, as having been a member of Company C, First Regiment Tennessee Volunteer Mounted Infantry, civil war—to the Committee on Military Affairs.

By Mr. JOYCE: A bill (H. R. 8700) granting an increase of pension to William W. Sparks—to the Committee on Pensions.

Also, a bill (H. R. 8701) granting an increase of pension to William Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8702) granting an increase of pension to George B. Erven—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8703) granting an increase of pension to Joseph Flanders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8704) granting a pension to David E. Tipple—to the Committee on Pensions.

By Mr. KEIFER: A bill (H. R. 8705) granting an increase of pension to Hiram Cook—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8706) granting an increase of pension to Frederick Markgraff—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 8707) granting an increase of pension to John A. Pinegar—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8708) granting an increase of pension to Thomas J. Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8709) granting an increase of pension to Hiram Gosnell—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 8710) granting an increase of pension to Josiah V. Dickinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8711) granting an increase of pension to Edward F. Reeves—to the Committee on Pensions.

Also, a bill (H. R. 8712) granting an increase of pension to James A. Morrow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8713) granting an increase of pension to Jefferson Milbourn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8714) granting an increase of pension to John Q. Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8715) granting an increase of pension to Thomas W. Quine—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8716) granting an increase of pension to George M. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8717) granting an increase of pension to Samuel Witter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8718) granting an increase of pension to Margaret B. Kerr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8719) granting an increase of pension to David Bash—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8720) granting an increase of pension to John W. Manning—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8721) granting an increase of pension to W. E. Lowary—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8722) granting an increase of pension to George W. Welsh—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8723) granting an increase of pension to Jacob Walker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8724) granting a pension to Lois A. Bentz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8725) granting a pension to Nellie Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8726) granting a pension to Charles Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8727) granting a pension to Alban E. Bentley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8728) granting a pension to Mary C. McCaw—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8729) granting a pension to Aaron Roderick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8730) holding and considering William Mullally to have been honorably discharged—to the Committee on Military Affairs.

Also, a bill (H. R. 8731) holding and considering James Perrott, alias James Parrott, to have been honorably discharged—to the Committee on Military Affairs.

By Mr. KINKAID of Nebraska: A bill (H. R. 8732) granting an increase of pension to Joseph Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8733) granting an increase of pension to Jonathan Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8734) granting an increase of pension to John Sears—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 8735) granting an increase of pension to William H. Stallman—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 8736) granting an increase of pension to Marion J. Green—to the Committee on Invalid Pensions.

By Mr. MILLER of Kansas: A bill (H. R. 8737) granting an increase of pension to Jacob Holden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8738) granting an increase of pension to Margaret Hamilton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8739) granting an increase of pension to Evi T. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8740) granting an increase of pension to Emerson O. Place—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8741) granting an increase of pension to Joseph Lynn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8742) granting an increase of pension to William H. Shields—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8743) granting a pension to Augusta M. Kelley—to the Committee on Invalid Pensions.

By Mr. MURDOCK: A bill (H. R. 8744) granting an increase of pension to Sarah McKee—to the Committee on Pensions.

Also, a bill (H. R. 8745) granting an increase of pension to George Berry—to the Committee on Pensions.

Also, a bill (H. R. 8746) granting an increase of pension to Albert J. Weaver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8747) granting an increase of pension to Wilber F. Sinkhorn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8748) granting an increase of pension to William Sproul—to the Committee on Invalid Pensions.

By Mr. NEEDHAM: A bill (H. R. 8749) granting an increase of pension to Isaiah Clarke Steele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8750) granting an increase of pension to Willis Blackwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8751) to correct the military record of John B. Cox—to the Committee on Military Affairs.

Also, a bill (H. R. 8752) to correct the military record of William C. Looper—to the Committee on Military Affairs.

Also, a bill (H. R. 8753) for the relief of William H. Shannon—to the Committee on Military Affairs.

Also, a bill (H. R. 8754) for the relief of Martin Jeffries—to the Committee on War Claims.

Also, a bill (H. R. 8755) for the relief of Peter Van Valer—to the Committee on Military Affairs.

Also, a bill (H. R. 8756) for the relief of John Wesley Young—to the Committee on Military Affairs.

Also, a bill (H. R. 8757) for the relief of the estate of Vicente Gomez, deceased—to the Committee on War Claims.

By Mr. PUJO: A bill (H. R. 8758) for the relief of Mrs. Octave Simoneaux, of Alexandria, parish of Rapides, La.—to the Committee on War Claims.

Also, a bill (H. R. 8759) for the relief of the heirs of Jabez Tanner, deceased—to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 8760) granting an increase of pension to John C. Langford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8761) granting an increase of pension to Edward Leahy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8762) granting an increase of pension to George W. Lucas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8763) granting an increase of pension to Alonzo M. Hannaford—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 8764) granting an increase of pension to Cyrus Carlton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8765) granting an increase of pension to Volney Mudge—to the Committee on Invalid Pensions.

By Mr. STEENERSON: A bill (H. R. 8766) granting an increase of pension to George M. Ross—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 8767) granting an increase of pension to George P. McClellan—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 8768) granting an increase of pension to Joseph R. Howe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8769) granting an increase of pension to Hezekiah R. Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8770) to remove the charge of desertion from the military record of James M. Mulcahy—to the Committee on Military Affairs.

Also, a bill (H. R. 8771) to remove the charge of desertion from the military record of Timothy Crowley—to the Committee on Military Affairs.

Also, a bill (H. R. 8772) to remove the charge of desertion from the military record of John A. Curry—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Paper to accompany bill for relief of Anderson Creason, Phillip Gentry, and John G. Hearn—to the Committee on Invalid Pensions.

By Mr. ANDERSON: Petition of R. E. Sweigard and certain citizens of Carey, Ohio, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of W. H. Frank and others, of Defiance, Ohio, against a tariff on certain necessities of life—to the Committee on Ways and Means.

Also, petition of David Lichty, of Pandora, Ohio, for removal of duty on hides—to the Committee on Ways and Means.

By Mr. BARTLETT of Georgia: Petition of J. T. Edwards & Son, of Flovilla, Ga., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Maine Woolen Manufacturers' Association, by Robert Dobson, president, in favor of changing tariff on woolens—to the Committee on Ways and Means.

By Mr. FULLER: Petition of Western Newspaper Union, against the Government printing return addresses on envelopes—to the Committee on Post-Office and Post-Roads.

Also, petition of Chicago Allied Printing Trades Council, of Chicago, Ill., against denying second-class rates on publications in towns where printed—to the Committee on the Post-Office and Post-Roads.

Also, petition of American Varnish Company, of Chicago, Ill., for placing China nut oil on free list—to the Committee on Ways and Means.

Also, petition of New York Silk Conditioning Works, of New York, relative to duty on unscoured wool—to the Committee on Ways and Means.

Also, petitions of Fred A. Sluzer, of Paxton; Arthur Buren, of Lincoln; and D. E. Travis, of Saybrook, all in the State of Illinois, against proposed duty on essential oils—to the Committee on Ways and Means.

Also, petition of La Salle (Ill.) Commercial Association, against proposed increase of duty on gloves and hosiery—to the Committee on Ways and Means.

Also, petition of Charles Prouty, of Spencer, Mass., for repeal of duty on hides—to the Committee on Ways and Means.

Also, petition of Henry P. Walker, against placing coal on the free list—to the Committee on Ways and Means.

Also, petition of citizens of Garden Prairie, Ill., favoring removal of casein and lactarene from free list—to the Committee on Ways and Means.

Also, petition of Forest City Furniture Company, of Rockford, Ill., against increase of duty on cast and polished plate glass—to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of Springfield (Ill.) Lodge, Benevolent and Protective Order of Elks, for creation of a national park for American elks—to the Committee on the Public Lands.

Also, petition of Bode, Lee, Taylor & Co., of Springfield, Ill., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of Buffalo, Ill., against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. GRIGGS: Petition of citizens of Second Congressional District of Georgia, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HAYES: Petition of the Asiatic Exclusion League, of San Francisco, Cal., favoring an effective exclusion law against all Asiatics, excepting merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of citizens of San Francisco, Cal., against duty on tea and coffee—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petition of Farmingdale Grange, No. 157, of Farmingdale, N. J., for removal of the duty on sugar—to the Committee on Ways and Means.

By Mr. HUFF: Papers to accompany bill granting an increase of pension to Jeremiah E. Williams, Samuel D. Aultman, Josiah E. Lyon, and Aroline Jack, invalid daughter of David H. Jack, deceased—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting a pension to Grace Olise Jones, Frederick Ulery, and George W. Beck—to the Committee on Invalid Pensions.

Also, papers to accompany bill to correct the military record of Henry L. Keaggy—to the Committee on Military Affairs.

By Mr. KELIHER: Petition of legislature of Massachusetts, against imposition of a federal inheritance tax—to the Committee on Ways and Means.

Also, memorial of legislature of Massachusetts, relative to rolls of Revolutionary regiments and pensions—to the Committee on Pensions.

By Mr. LOWDEN: Petition of citizens of Dakota, Ill., for a duty on casein and lactarene—to the Committee on Ways and Means.

By Mr. NEEDHAM: Petition of employers and members of the International Photo Engravers' Union of North America, for a duty on post cards—to the Committee on Ways and Means.

Also, petition of tanners, glove manufacturers, and citizens of California, asking for removal of duty on hides—to the Committee on Ways and Means.

Also, petitions of citizens of Fresno, Clovis, and other cities of the Sixth Congressional District of California, opposing any tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of grain producers of the Pacific coast, asking for removal of import duty on jute, grain bags, and burlap cloth—to the Committee on Ways and Means.

Also, petition of board of directors of State Agricultural Society, of California, opposing any modification of present tariff on wool, hides, or other items affecting the live-stock industry—to the Committee on Ways and Means.

By Mr. MACON: Petition of citizens of Greene County, Ark., against passage of the Payne tariff bill—to the Committee on Ways and Means.

By Mr. MORGAN of Missouri: Petition of citizens of the Fifth Congressional District of Missouri, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Joplin Printing Pressmen and Assistants' Union, favoring a duty on post cards—to the Committee on Ways and Means.

By Mr. RAINEY: Petition of 46 members of the Jacksonville (Ill.) Business Men's Association, against proposed duty on gloves and hosiery—to the Committee on Ways and Means.

Also, petition of J. E. Thompson and 10 other citizens of Murrayville, Ill., favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of Woman's Christian Temperance Union of Newport, R. I., against shipment of liquor into prohibition territory—to the Committee on Interstate and Foreign Commerce.

Also, petition of Rhode Island State Federation of Woman's Clubs, against increase of duty on gloves and hosiery—to the Committee on Ways and Means.

By Mr. WANGER: Petition of 55 residents of Montgomery County, Pa., for the removal of casein and lactarene from the free list and imposing a duty of 2¼ cents per pound on unground casein or lactarene and 2½ cents per pound on ground casein or lactarene—to the Committee on Ways and Means.

Also, protest of Norristown (Pa.) Union, No. 446, Cigar Makers' Union of the United States of America, against free trade to any extent in cigars made in or from tobacco grown in the Philippine Islands—to the Committee on Ways and Means.

Also, petition of 9 residents of Morrisville, Bucks County, Pa., and vicinity, for a reduction in the duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. YOUNG of Michigan: Petition of Brotherhood of Locomotive Engineers of Marquette, Mich., against free iron ore—to the Committee on Ways and Means.

Also, petition of citizens of Manistique, Mich., against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of common councils of Marquette and Norway, Mich., and citizens of fifth ward of Ishpeming, Mich., against free iron ore—to the Committee on Ways and Means.

Also, petition of citizens of Manistique, Mich., against a tariff on tea and coffee—to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 23, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FLATHEAD INDIAN RESERVATION.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting, pursuant to law, certain information relative to the reservation of all land within the Flathead Indian Reservation, in the State of Montana, valuable chiefly for power or reservoir sites, etc. (S. Doc. No. 19), which was referred to the Committee on Indian Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Lewis D. Crenshaw, administrator de bonis non of Lewis D. Crenshaw, deceased, *v.* United States (S. Doc. No. 20), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

ENROLLED JOINT RESOLUTIONS SIGNED.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the Speaker of the House had signed the following enrolled joint resolutions, and they were thereupon signed by the Vice-President:

H. J. Res. 38. Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909; and

H. J. Res. 45. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the International Brotherhood of Paper Makers of Watertown, N. Y., remonstrating against a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

Mr. FRYE presented the petition of A. H. Weymouth, of East Millimockee, Me., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New Castle, Pa., remonstrating against the retention of the proposed drawback feature in the so-called "Payne tariff bill" relative to tin plates, which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 7, American Federation of Labor, of Pittsburg, Pa., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Bradford, Pa., praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. CULLOM. I present a joint resolution of the legislature of Illinois, which I ask may be read and referred to the Committee on Finance.

There being no objection, the joint resolution was read and referred to the Committee on Finance, as follows:

STATE OF ILLINOIS,
DEPARTMENT OF STATE.

To all to whom these presents shall come, greeting:

I, James A. Rose, secretary of state of the State of Illinois, do hereby certify that the following and hereto attached is a true copy of senate joint resolution No. 16, of the forty-sixth general assembly of the State of Illinois, filed April 21, 1909, the original of which is now on file and a matter of record in this office.

In testimony whereof I hereto set my hand and cause to be affixed the great seal of state.

Done at the city of Springfield this 21st day of April, A. D. 1909.

[SEAL.] JAMES A. ROSE,
Secretary of State.

Senate joint resolution 16.

Whereas the several States are now taxing inheritances with marked success and need all the revenue that can properly be drawn from this source; and

Whereas double taxation of inheritances would be unwise, and as the Federal Government can readily raise additional revenue, when required, from other sources: Therefore be it

Resolved by the senate (the house of representatives concurring therein), That it is the sense of the general assembly of the State of Illinois that the taxation of inheritances should be reserved to the several States as a source of revenue for their exclusive use and benefit; and be it further

Resolved, That the secretary of state send a certified copy of these resolutions to the Members of the Congress of the United States from Illinois.

Adopted by the senate March 11, 1909.
Concurred in by the house April 15, 1909.

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. OWEN. I present resolutions adopted by the Commercial Club of Tulsa, Okla., relative to the improvement of inland waterways. I ask that the resolutions be printed in the RECORD for the information of the Senate, and that they be referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD as follows:

THE IMPROVEMENT OF INLAND WATERWAYS.

Resolutions adopted by the Tulsa Commercial Club, Tulsa, Okla.

Whereas the railroads of the Mississippi Valley, even under normal conditions, are unable to handle the products of this wide region without delay and congestion; and

Whereas the immediate future gives promise of even greater prosperity for the United States than has ever been known in the past; and

Whereas the completion of the Panama Canal will result in a vastly increased tonnage for the already overloaded railway lines that parallel the Mississippi River and its tributaries, particularly the Arkansas; and

Whereas the immediate improvement of our inland waterways is absolutely necessary to enable them to handle their part of the increased tonnage of this vast region: Therefore be it

Resolved by the Commercial Club of Tulsa, Okla., That we ask the President-elect to bring to the attention of Congress, in his call for a special session, the imperative need of a comprehensive inland waterways improvement plan which shall be adequate and permanent; and that we ask him to urge an appropriation of not less than $50,000,000 for carrying it into effect; and be it further

Resolved, That we ask each of our Senators and Members of Congress from Oklahoma to cooperate in this restoration of our waterways, and to do everything in his power to further the long-neglected work of making our great river, the Arkansas, again navigable, from its ancient head of navigation at the mouth of Little River, thence down across southern Kansas, through Oklahoma and Arkansas to the Mississippi and the Gulf, that the products of Oklahoma's farms, mines, and factories may be given additional outlet every way in keeping with their growing importance in the commerce of the Nation.

Adopted in regular session this February 19, 1909.

M. H. MOSIER, *President.*

Attest:
ERWIN CORBY, *Secretary.*

Mr. OWEN. I present resolutions adopted by the board of directors of the Commercial Club of Muskogee, Okla., which I ask may be printed in the RECORD for the information of the Senate and referred to the Committee on Commerce.

There being no objection, the resolutions were referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolutions.

Whereas the National Waterways Commission has announced its intention of making a personal inspection directly after the adjournment of the present Congress of various water courses of the United States with a view to recommending to the next Congress a policy looking to the improvement, for the purposes of navigation, of such streams so inspected as appear to said commission to warrant the expense of improvement; and

Whereas the Arkansas River is a navigable stream, as has been demonstrated by years of practical and profitable navigation of its waters and by the reports of the Government's engineers; and

Whereas navigation of the Arkansas River has fallen into disuse through neglect of the ordinary means of providing for and protecting it; and

Whereas by proper effort the Arkansas River may be made an asset of incalculable benefit to the State of Oklahoma and may be made the agency for solving in a large measure the question of traffic rates and freight transportation, one of the most vexatious questions now confronting the people of this Commonwealth, and may be made to promote immeasurably the common welfare of the people of Oklahoma; and

Whereas the Muskogee Packet Company is the owner of the *City of Muskogee*, a boat of 150 tons' capacity, which is available to the Commercial Club for the use hereinafter proposed, which boat is now moored near Muskogee on the Arkansas River; and

Whereas it is believed that much good in the interest of Arkansas River improvement may be accomplished by prevailing on the National Waterways Commission to inspect said river, so that it may be included in the general scheme to be reported to the next session of Congress: Be it hereby

Resolved by the board of directors for and on behalf of the Commercial Club of Muskogee, That it is earnestly desired that the National Waterways Commission inspect the Arkansas River from its mouth to the confluence of said river with the Verdigris and Grand rivers; and be it further

Resolved, That the Commercial Club offer to said commission the *City of Muskogee* to convey them from the mouth of the Arkansas River to its confluence with the Verdigris and Grand rivers and back to the mouth of the Arkansas River without cost to said commission; and be it further

Resolved, That the Oklahoma delegation in Congress be, and they hereby are, earnestly requested, for and on behalf of this club, to make said tender to the National Waterways Commission, and to request of said commission that they inspect the Arkansas River as proposed, and that they do all in their power which they may properly do to secure from said commission the acceptance of this invitation; and be it further

Resolved, That a copy of this resolution be sent to each Senator and Congressman from Oklahoma.

D. N. FINK, *President.*

Attest:
R. D. SANGSTER, *Secretary.*
MUSKOGEE, OKLA., *April 9, 1909.*

Mr. JONES presented petitions of sundry citizens of Spokane, Wash., and of Owasso, Okla., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Igloo, No. 1, Pioneers of Alaska, of Nome, Alaska, praying for the enactment of legislation to restrict the locations of mineral ground in that Territory to individual locators, which was referred to the Committee on Public Lands.

Mr. LODGE presented petitions of sundry citizens of Boston, Gloucester, Holyoke, South Hadley Falls, Chicopee Falls, South Essex, Springfield, Roxbury, and Willimansett, all in the State of Massachusetts, and of Bristol, in the State of Connecticut, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the repeal of the duty on works of art, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Spokane, Wash., praying for the enactment of legislation to establish a line of steamships between the Isthmus of Panama and the Pacific coast ports of the United States, which was referred to the Committee on Commerce.

Mr. BRANDEGEE presented petitions of sundry citizens of Winsted, Northfield, and Waterville, all in the State of Connecticut, praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

He also presented a memorial of the New England Tobacco Growers' Association of Hartford, Conn., remonstrating against the importation of tobacco free of duty from the Philippine Islands, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New Haven, Thompson, and Norwich, all in the State of Connecticut, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. ROOT presented petitions of sundry citizens of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 167, American Federation of Labor, of Schenectady, N. Y., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of the State Council of the International Reform Bureau of New York, praying for the passage of the so-called "Burkett-Foelker antigambling race bill," which was referred to the Committee on the Judiciary.

He also presented memorials of sundry citizens, of the board of supervisors of Washington County, and of the International Brotherhood of Paper Makers of Watertown, all in the State of New York, remonstrating against a reduction of the duty on print paper and wood pulp, which were ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for a protective duty on imported post cards, which were ordered to lie on the table.

He also presented a memorial of sundry members of the legislature of New York of Albany, N. Y., remonstrating against a reduction of the duty on gypsum, which was ordered to lie on the table.

He also presented the petition of John G. Bahret, of Poughkeepsie, N. Y., and a petition of Chapel Corners Grange, No. 872, Patrons of Husbandry, of Poughkeepsie, N. Y., praying for the passage of the so-called "rural parcels-post" bill, which were referred to the Committee on Post-Offices and Post-Roads.

Mr. SIMMONS presented petitions of sundry citizens of Moyock, Kenly, Bushy Fork, Bath, George, Red Springs, Rural Hall, Dillard, Lillington, Pine Hall, and Conover, all in the State of North Carolina, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented a petition of Igloo No. 1, Pioneers of Alaska, of Nome, Alaska, praying for the enactment of legislation to restrict the locations of mineral ground in that Territory to individual locators, which was referred to the Committee on Mines and Mining.

BILLS INTRODUCED.

Bills and a joint resolution were read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 1964) granting an increase of pension to Elbridge P. Wardwell; to the Committee on Pensions.

By Mr. RICHARDSON:

A bill (S. 1965) to provide for the erection of a monument to mark the location of the De Vries Dutch settlement near Lewes, Del.; to the Committee on the Library.

By Mr. OLIVER:

A bill (S. 1966) to amend section 4919 of the Revised Statutes of the United States, to provide additional protection for owners of patents of the United States, and for other purposes; to the Committee on Patents.

By Mr. OWEN:

A bill (S. 1967) to provide against the reversal of judgments in civil and criminal cases upon technicalities immaterial to the ends of substantial justice; to the Committee on the Judiciary.

A bill (S. 1968) to promote the efficiency of the Public Health and Marine-Hospital Service; to the Committee on Public Health and National Quarantine.

A bill (S. 1969) granting a pension to M. L. Williams; to the Committee on Pensions.

A bill (S. 1970) for the relief of Sabini Jones;

A bill (S. 1971) for the relief of Manuel Madril;

A bill (S. 1972) for the relief of Mrs. Candelaria L. de Lepoint, administratrix of the estate of Don Blas Lucero, deceased;

A bill (S. 1973) for the relief of Pablo Ciriaco Baca;

A bill (S. 1974) for the relief of the estate of Matias Baca, deceased, and his son, Juan Rey Baca, of Belen, N. Mex.;

A bill (S. 1975) for the relief of Joseph B. Tucker;

A bill (S. 1976) for the relief of the estate of Guadalupe Lujan de Fuentes, deceased; and

A bill (S. 1977) for the relief of the estate of Fritz Eggert, deceased; to the Committee on Claims.

A bill (S. 1978) providing for the enrollment of certain persons as members of the Osage tribe of Indians;

A bill (S. 1979) to authorize the Delaware tribe of Indians residing in Oklahoma to bring suit in the Court of Claims against the United States, and for other purposes;

A bill (S. 1980) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes;"

A bill (S. 1981) to amend section 1 of an act approved January 30, 1897, entitled "An act to prohibit the sale of intoxicating drinks to Indians, providing penalties therefor, and for other purposes" (with the accompanying paper); and

A bill (S. 1982) to authorize the Kaw tribe of Indians residing in the State of Oklahoma to bring suit in the Court of Claims, and for other purposes; to the Committee on Indian Affairs.

By Mr. WARREN:

A bill (S. 1983) to grant certain lands to the city of Cheyenne, Wyo.; to the Committee on Public Lands.

By Mr. DICK:

A bill (S. 1984) to regulate the retirement of certain veterans of the civil war; to the Committee on Military Affairs.

By Mr. DIXON:

A bill (S. 1985) for the relief of Henry Kirn (with the accompanying papers); to the Committee on Finance.

By Mr. OWEN:

A joint resolution (S. J. Res. 24) empowering the Court of Claims to ascertain the amount of the "civilization fund" paid by the Osages and applied to the benefit of other Indians, and for other purposes; to the Committee on Indian Affairs.

AMENDMENTS TO THE TARIFF BILL.

Mr. GUGGENHEIM submitted five amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. ROOT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

TARIFF STATISTICS.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 36), which was considered by unanimous consent and agreed to:

Senate resolution 36.

Resolved, That the Secretary of Commerce and Labor be, and he hereby is, directed to cause to be compiled for the information and use of the Senate a comparative table of tariff duties levied in the United States, Germany, and France on pottery, glass bottles, plate glass, iron ore, pig iron, steel rails, structural iron, cutlery, machinery, tin plate, watch movements, raw and refined sugar, wheat, corn, flour, meats, lard, wool, woolen yarn, woolen cloth, knitted articles of wool, cotton yarn, cotton thread, cotton cloth, knitted articles of cotton, ready-made clothing, corsets, plush, hosiery, print paper, writing paper, hides, leather, leather gloves, shoes, paints and colors, and where more than one rate of duty is provided for different kinds or grades of the same article the highest and lowest rates be given. That the rates may be made strictly comparable, they shall be reduced, in so far as possible, to an ad valorem basis.

STENOGRAPHER FOR CENSUS COMMITTEE.

Mr. LA FOLLETTE submitted the following resolution (S. Res. 37), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 37.

Resolved, That the Committee on the Census be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of $1,200 per annum until otherwise provided for by law.

THE TARIFF.

The VICE-PRESIDENT. The morning business is concluded.

Mr. ALDRICH. I ask that House bill 1438 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The reading of the bill will be resumed on page 69, Schedule D—Wood and manufactures of.

Mr. BRISTOW. Mr. President, I was very much interested yesterday in regard to the duty on glass, especially in the remarks of the Senator from West Virginia [Mr. SCOTT]. I should be glad to know what process resulted in the reduction of the price of glass pitchers from $4 to 12½ cents.

Mr. SCOTT. If the Senator is addressing his remarks to me, I can not hear him.

The VICE-PRESIDENT. The Senate will please be in order.

Mr. BRISTOW. I was very much interested in the remarks of the Senator from West Virginia yesterday in regard to the reduction in the price of glassware. He stated that the price of a glass pitcher had been reduced from $4 to $1.25 a dozen.

Mr. SCOTT. That is the manufacturer's price. You can buy a good pitcher for $1.25 a dozen at the factory.

Mr. BRISTOW. This result was attained, I understood the Senator to say, because a duty of 60 per cent had been imposed. I should like to know what were the various processes of the reduction in price. How did the duty apply in the manufacture? How was it that the protection resulted in the reduction?

Mr. SCOTT. Mr. President, I do not believe that I understand the Senator fully. If I should go into a discussion of the glass question in its manifold forms and shapes and varieties there would be a good many technicalities that I am sure the Senator, without being familiar with the manufacture of that article, would not understand.

I base the reduction principally upon the difference in the wages paid in Europe and the hours glass blowers are required to work in foreign countries as compared with the wages a man receives and the hours he is compelled to work in this country. The result in the glass business was brought about the same as it was brought about by the protection that was put on tin. When a glass pitcher cost $4 it was an imported pitcher, because there were scarcely none made in this country. We could not make them because of the lack of protection, on account of the wages paid here.

Mr. BRISTOW. I probably misunderstood what the Senator said yesterday. My understanding was that the cost of a glass pitcher in the United States had been reduced from $4 to $1.25 a dozen. I did not understand that all the pitchers were imported and that none were made in the United States.

Mr. SCOTT. There were scarcely any made here. They were nearly all imported and they cost anywhere from $3.50 to $4.

As I stated before, if the Senator goes to a manufacturer making pitchers he can buy a dozen of them, if he is a dealer, at $1.25 per dozen.

Mr. BRISTOW. Is that the same kind of a pitcher that was formerly imported.

Mr. SCOTT. I do not know that it would be at all enlightening to go into the quality. Some factories make a better quality of glass than others. I am speaking in a general way.

The VICE-PRESIDENT. The Secretary will resume the reading of the bill.

Mr. McCUMBER. Mr. President, I have a pending amendment proposing to place all of the articles from paragraph 196 to paragraph 204 upon the free list. I wish to discuss the subject at some time when we reach those paragraphs for final determination. In order that I may not ask specifically that each paragraph be passed over, I will ask that they be passed over as they are read.

Mr. ALDRICH. I suggest to the Senator from North Dakota that, with the understanding we have, it is not necessary to have them passed over. He can go back and make a motion at any time without having them passed over. I ask that the paragraphs may be read before any action is taken.

Mr. McCUMBER. I simply ask that they be passed over; that is all.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary read as follows:

SCHEDULE D.—WOOD AND MANUFACTURES OF.

196. Timber, hewn, sided, or squared otherwise than by sawing (not less than 8 inches square) and round timber used for spars or in building wharves, one-half of 1 cent per cubic foot.

The VICE-PRESIDENT. The Senator from North Dakota asks that this paragraph be passed over. Yesterday the Senate determined that there could be a return to any paragraph without a Senator having asked that it be passed over. Does the Senator, with that understanding, still ask that it be marked as passed over?

Mr. McCUMBER. I will not ask that paragraph 196 be passed over, but I ask that paragraphs 197 to 205, inclusive, be marked "passed over" as they are read.

The VICE-PRESIDENT. The Senator does not ask that paragraph 196 be passed over?

Mr. McCUMBER. I do not ask that it be passed over.

Mr. NELSON. I ask that paragraph 196 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Minnesota.

The next amendment was, in Schedule D, on page 69, line 9, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

197. Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, 50 cents per thousand feet board measure; sawed lumber, not specially provided for in this section, $1 per thousand feet board measure; but when lumber of any sort is planed or finished, in addition to the rates herein provided there shall be levied and paid for each side so planed or finished, 50 cents per thousand feet board measure; and if planed on one side and tongued and grooved, $1 per thousand feet board measure; and if planed on two sides and tongued and grooved, $1.50 per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tongueing, and grooving.

Mr. SIMMONS. I ask that this paragraph be passed over.

The VICE-PRESIDENT. The Senator from North Dakota [Mr. McCUMBER] has already asked that it be passed over. The paragraph will be passed over.

The next amendment was, on page 69, after line 19, to strike out:

198. Woods: Cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only; sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, India malacca joints, and other woods not specially provided for in sections 1 or 2 of this act, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes; all of the foregoing, 5 per cent ad valorem; briar root or briar wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted, 25 per cent ad valorem.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 70, line 15, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

199. Sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods not further manufactured than sawed, 15 per cent ad valorem; veneers of wood, and wood unmanufactured, not specially provided for in this section, 20 per cent ad valorem.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from North Dakota.

Mr. ALDRICH. My attention was diverted when paragraph 198 was read. The action suggested by the committee is to put those articles on the free list. I suppose that agrees with what the Senator from North Dakota has in view.

Mr. McCUMBER. I have no objection to that.

Mr. LODGE. Those woods have always been on the free list.

Mr. ALDRICH. They are not produced in this country.

The VICE-PRESIDENT. The Senator from North Dakota does not ask that paragraph 198 be passed over. The question is on agreeing to the amendment of the committee striking out that paragraph.

The amendment was agreed to.

Paragraph 200 was read, as follows:

200. Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods, 10 per cent ad valorem.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from North Dakota.

The Secretary read paragraph 201, as follows:

201. Clapboards, $1 per thousand.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. SIMMONS. My attention was diverted, but my colleague calls my attention to the fact that the Senator from North Dakota withdrew his objection to passing over the lumber schedule.

The VICE-PRESIDENT. He withdrew his objection to striking out paragraph 198, and that paragraph was stricken out. He has not withdrawn his request to have the other paragraphs passed over.

Mr. SIMMONS. I do not have in mind the number of the paragraph, but I desire to ask that the whole matter covering the lumber schedule shall go over.

Mr. LODGE. I do not think the Senator can want to have paragraph 198 passed over. It simply restores to the free list certain hard woods which are not grown in this country at all and have always been on the free list.

Mr. SIMMONS. I have no objection to that.

The VICE-PRESIDENT. That is what was done.

The next paragraph was read, as follows:

202. Hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oarblocks, heading blocks, and all like blocks or sticks, roughhewn, sawed or bored, 20 per cent ad valorem.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. RAYNER. I should like to ask if, where a Senate committee amendment is agreed to, we can recur to it?

The VICE-PRESIDENT. The Chair understands that that is the rule the Senate made yesterday, and that it can be returned to at any time.

Mr. RAYNER. Even where the Senate committee amendment has been agreed to?

The VICE-PRESIDENT. The Chair so understands.

Paragraph 203 was read, as follows:

203. Laths, 20 cents per 1,000 pieces.

The VICE-PRESIDENT. The paragraph will be passed over.

Paragraph 204 was read, as follows:

204. Pickets, palings, and staves of wood, of all kinds, 10 per cent ad valorem.

The VICE-PRESIDENT. The paragraph will be passed over.

Paragraph 205 was read, as follows:

205. Shingles, 30 cents per thousand.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 71, line 6, before the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

206. Casks, barrels, and hogsheads (empty), sugar-box shooks, and packing boxes (empty), and packing-box shooks, of wood, not specially provided for in this section, 30 per cent ad valorem.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph will be passed over.

Mr. LODGE. I understood the request of the Senator from North Dakota to be to pass over the paragraphs to paragraph 205.

The VICE-PRESIDENT. That is correct.

Mr. McCUMBER. That is correct, Mr. President.

The VICE-PRESIDENT. But the Chair understood the Senator from North Carolina [Mr. SIMMONS] to request that all these paragraphs be passed over. The Chair would be glad to be advised if that is correct.

Mr. SIMMONS. With the explanation of the Senator from Massachusetts, I withdrew that objection, so far as it applies to hard woods and these various manufactured products.

Mr. LODGE. My statement referred only to paragraph 198. We have now reached paragraph 206. I was not aware that there was any objection to that.

Mr. SIMMONS. I have none.

Mr. ALDRICH. There is no objection to that paragraph.

Mr. SIMMONS. My objection goes to paragraph 197.

The Secretary read paragraph 207, as follows:

207. Boxes, barrels, or other articles containing oranges, lemons, limes, grape fruit, shaddocks or pomelos, 30 per cent ad valorem: *Provided*, That the thin wood, so called, comprising the sides, tops, and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture; but proof of the identity of such shooks shall be made under regulations to be prescribed by the Secretary of the Treasury.

Mr. TALIAFERRO. Let that paragraph go over.

The VICE-PRESIDENT. The Senator from Florida asks that paragraph 207 be passed over. It will be passed over.

The next amendment was, on page 71, line 20, after the word "reeds," to strike out "and reeds from rattan," so as to make the paragraph read:

208. Chair cane wrought or manufactured from rattans or reeds, 10 per cent ad valorem; osier or willow, including chip of and split willow, prepared for basket makers' use, 25 per cent ad valorem; manufactures of osier or willow and willow furniture, 45 per cent ad valorem.

Mr. CLAY. Do I understand that those items are on the free list?

Mr. ALDRICH. They are on the free list now, and this proposition is to restore them to the free list.

Mr. CLAY. The bill as it passed the House took them from the free list and the bill as reported from the Senate committee restores them to the free list.

Mr. ALDRICH. Yes.

Mr. CLAY. I am in favor of the Senate committee amendment.

Mr. OVERMAN. I desire to inquire of the chairman of the committee why it is proposed to strike out "and reeds from rattan."

Mr. ALDRICH. They go on the free list.

Mr. LODGE. They go back to the free list.

The amendment was agreed to.

Mr. BURTON. I ask that paragraph 208 be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 72, line 11, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

211. House or cabinet furniture wholly or in chief value of wood, wholly or partly finished, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was continued to the end of section 213 in Schedule E—Sugar, molasses, and manufactures of.

Mr. PILES. I ask that paragraph 213 be passed over.

The VICE-PRESIDENT. It will be passed over.

The Secretary read paragraph 214, as follows:

214. Maple sugar and maple sirup, 4 cents per pound; glucose or grape sugar, 1½ cents per pound; sugar cane in its natural state, or unmanufactured, 20 per cent ad valorem.

Mr. McLAURIN. I ask that that paragraph may go over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Mississippi.

The next amendment was, in Schedule E, on page 73, line 20, before the word "cents," to strike out "fifty" and insert "seventy-five," so as to make the paragraph read:

215. Saccharine, 75 cents per pound.

Mr. BRISTOW. I should like to have paragraph 215 passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 73, line 22, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and on page 74, line 6, after the word "merchandise," to strike out "biscuits, wafers, and similar articles if filled with or coated with chocolate or sugar, 50 per cent ad valorem," so as to make the paragraph read:

216. Sugar candy and all confectionery not specially provided for in this section, valued at 15 cents per pound or less, and on sugars after being refined, when tinctured, colored, or in any way adulterated, 4 cents per pound and 15 per cent ad valorem; valued at more than 15 cents per pound, 50 per cent ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other covering, shall be included in the dutiable weight and the value of the merchandise.

Mr. McLAURIN. I should like to have paragraph 216 passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, in Schedule F, on page 74, line 16, after the word "this," to strike out "act" and insert "section;" and in line 17, after the word "pound," to strike out "*Provided*, That on filler tobacco, produced in or imported from countries that prohibit the importation of tobacco from this country, the duty on such tobacco shall be, if unstemmed, 75 cents per pound; if stemmed, $1 per pound," so as to make the paragraph read:

217. Wrapper tobacco, and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, $1.85 cents per pound; if stemmed, $2.50 per pound; filler tobacco not specially provided for in this section, if unstemmed, 35 cents per pound; if stemmed, 50 cents per pound.

Mr. PAYNTER. I ask that paragraph 217 be passed over.

The VICE-PRESIDENT. The Senator from Kentucky asks that the paragraph be passed over. It will be passed over.

The reading was continued to paragraph 218.

Mr. BEVERIDGE. Let the tobacco schedule go over.

Mr. HALE. Let it all be read.

Mr. BEVERIDGE. Very well.

The next amendment was, on page 74, line 22, after the word "this," to strike out "act" and insert "section," so as to read:

218. The term wrapper tobacco, as used in this section, means that quality of leaf tobacco which is suitable for cigar wrappers, and the term filler tobacco means all other leaf tobacco. Collectors of customs shall not permit entry to be made, except under regulations to be prescribed by the Secretary of the Treasury, of any leaf tobacco, unless the invoices of the same shall specify in detail the character of such tobacco, whether wrapper or filler, its origin and quality. In the examination for classification of any imported leaf tobacco, at least one bale, box, or package in every ten, and at least one in every invoice, shall be examined by the appraiser or person authorized by law to make such examination, and that at least ten hands shall be examined in each examined bale, box, or package.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 75, line 13, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

219. All other tobacco, manufactured or unmanufactured, not specially provided for in this section, and scrap tobacco, 55 cents per pound.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph will be passed over.

Paragraph 220 was read, as follows:

220. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, 55 cents per pound.

The VICE-PRESIDENT. The paragraph will be passed over.

Paragraph 221 was read, as follows:

221. Cigars, cigarettes, cheroots of all kinds, $4.50 per pound and 25 per cent ad valorem, and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

The VICE-PRESIDENT. The paragraph will be passed over.

The reading of the bill was continued.

The next amendment was, in Schedule G, "Agricultural products and provisions," on page 76, after line 1, to strike out the subhead "Animals, live."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 76, line 17, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 18, before the words "per cent," to strike out "twenty" and insert "twenty-five," so as to make the paragraph read:

226. All other live animals, not specially provided for in this section, 25 per cent ad valorem.

Mr. McLAURIN. I should like to have paragraph 226 go over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Mississippi.

The next amendment was, on page 76, after line 18, to strike out the subhead "Breadstuffs and farinaceous substances."

The amendment was agreed to.

The next amendment was, on page 76, line 20, before the word "cents," to strike out "twenty-four" and insert "thirty," so as to make the paragraph read:

227. Barley, 30 cents per bushel of 48 pounds.

Mr. McLAURIN. I should like to have that paragraph go over.

The VICE-PRESIDENT. It will go over.

The next amendment was, on page 76, line 22, before the word "cents," to strike out "forty" and insert "forty-five," so as to make the paragraph read:

228. Barley malt, 45 cents per bushel of 34 pounds.

Mr. McLAURIN. I should like to have that paragraph go over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was continued.

The next amendment was, on page 77, line 3, before the word "cents," to strike out "fifteen" and insert "twenty," so as to make the paragraph read:

231. Corn or maize, 20 cents per bushel of 56 pounds.

Mr. McLAURIN. I ask that that paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading was continued as follows:

232. Corn meal, 40 cents per 100 pounds.
233. Macaroni, vermicelli, and all similar preparations, 1½ cents per pound.

Mr. BURROWS. I ask that paragraph 233 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Michigan.

The next amendment was, on page 77, line 8, before the word "cents," to strike out "fifteen" and insert "twenty," so as to make the paragraph read:

234. Oats, 20 cents per bushel.

Mr. McLAURIN. I ask that paragraph 234 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

Paragraph 235 was read, as follows:

235. Oatmeal and rolled oats, 1 cent per pound; oat hulls, 10 cents per hundred pounds.

The next amendment was, on page 77, line 15, after the word "sieve," to strike out "to be" and insert "of a kind," so as to make the paragraph read:

236. Rice, cleaned, 2 cents per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, 1½ cents per pound; rice flour and rice meal, and rice broken which will pass through a No. 12 wire sieve of a kind prescribed by the Secretary of the Treasury, one-fourth of 1 cent per pound; paddy, or rice having the outer hull on, three-fourths of 1 cent per pound.

The amendment was agreed to.

Mr. ALDRICH. I should like to call the attention of the Senator from Mississippi to paragraph 236, which seeks to have omitted from his vision this morning the paragraph fixing the rates on rice.

Mr. McLAURIN. Mr. President, if the Senator from Rhode Island intends to be humorous, I want to say to him that there is nothing that requires me to interpose now, because we can return to that paragraph at any time. It was the adoption of amendments raising the tariff on articles to which I objected. We can go back at any time to this matter of rice without any trouble, but I did not want the amendments that were offered by the committee to be adopted without a protest. So there is nothing at which the Senator can allow his risibles to rise.

Mr. ALDRICH. There are no rates in any of the paragraphs to which the Senator has objected as high as the rates on rice, and I thought that that paragraph might have escaped his attention.

Mr. McLAURIN. But there is no proposition to amend anything that comes from the House, in paragraph 236.

Mr. McCUMBER. I should like to say to the Senator that we can make a proposition, if he wants, and put rice on the same line with other agricultural products.

Mr. McLAURIN. That is very humorous, but it is not as ridiculous as a great many of the tariff schedules in this bill. I propose to exercise my right as a Senator and to ask that these paragraphs be passed over, and to object to any amendment which I think improperly raises the tariff rates in the bill as it came from the House. If there is anything ridiculous, it is in the bill and not in my objection to increasing the tariff rates.

Mr. GALLINGER. I ask that paragraph 236 be passed over.

Mr. McLAURIN. I am glad of that.

The VICE-PRESIDENT. Paragraph 236 will be passed over, at the request of the Senator from New Hampshire.

The next amendment was, on page 77, line 19, before the word "cents," to strike out "10" and insert "20," so as to make the paragraph read:

237. Rye, 20 cents per bushel; rye flour, one-half of 1 cent per pound.

Mr. McLAURIN. I ask that paragraph 237 be passed over. Probably that will be gratifying to the Senator from Rhode Island and also to the Senator from North Dakota.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 77, line 21, before the word "cents," to strike out "25" and insert "30," so as to make the paragraph read:

238. Wheat, 30 cents per bushel.

Mr. McLAURIN. I ask that paragraph 238 be passed over, further to accommodate those Senators.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, at the top of page 78, to strike out the subhead "Dairy products."

The amendment was agreed to.

The reading of the bill was continued, as follows:

241. Butter, and substitutes therefor, 6 cents per pound.
242. Cheese, and substitutes therefor, 6 cents per pound.

Mr. LA FOLLETTE. Let paragraph 242 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Wisconsin.

The reading of the bill was continued.

The next amendment was, on page 78, line 9, after the word "pound," to insert "casein, 25 per cent ad valorem," so as to make the paragraph read:

244. Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, 2 cents per pound; casein, 25 per cent ad valorem; sugar of milk, 5 cents per pound.

Mr. ALDRICH. I withdraw the amendment.

The VICE-PRESIDENT. The amendment is withdrawn.

Mr. LA FOLLETTE. I ask that paragraph 244 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 78, after line 10, to strike out the subhead "Farm and field products."

The amendment was agreed to.

The next paragraph was read, as follows:

245. Beans, 45 cents per bushel of 60 pounds.

The next amendment was, on page 78, line 13, after the word "beets," to strike out "including sugar beets;" and in line 14, after the words "ad valorem," to insert "sugar beets, 10 per cent ad valorem," so as to make the paragraph read:

246. Beets, 25 per cent ad valorem; sugar beets, 10 per cent ad valorem.

The amendment was agreed to.

Mr. NELSON. May I ask the Senator from Rhode Island what became of the amendment to paragraph 244?

Mr. ALDRICH. It was withdrawn by the committee.

Mr. LODGE. It goes back to the free list.

The reading of the bill was resumed.

The next amendment was, on page 78, line 24, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

248. Vegetables, if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared in any way; any of the foregoing not specially provided for in this section, and bean stick or bean cake, miso, and similar products, 40 per cent ad valorem.

The amendment was agreed to.

Mr. JONES. I ask that paragraph 248 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Washington.

The reading of the bill was resumed.

The next amendment was, on page 79, line 4, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

249. Pickles, including pickled nuts, sauces of all kinds, not specially provided for in this section, and fish paste or sauce, 40 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 79, line 7, before the word "cents," to strike out "two" and insert "three," so as to make the paragraph read:

250. Cabbages, 3 cents each.

The amendment was agreed to.

The next amendment was, on page 79, line 9, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

252. Eggs, not specially provided for in this section, 5 cents per dozen.

The amendment was agreed to.

The next amendment was, on page 79, line 17, before the word "cents," to strike out "twelve" and insert "fifteen," so as to make the paragraph read:

256. Hops, 15 cents per pound; hop extract and lupulin, 50 per cent ad valorem.

The amendment was agreed to.

The Secretary resumed the reading of the bill, as follows:

257. Onions, 40 cents per bushel; garlic, 1 cent per pound.

258. Pease, green, in bulk or in barrels, sacks, or similar packages, 25 cents per bushel of 60 pounds; seed pease, 40 cents per bushel of 60 pounds; pease, dried, not specially provided for in this section, 30 cents per bushel; split pease, 45 cents per bushel of 60 pounds; pease in cartons, papers, or other small packages, 1 cent per pound.

Mr. BURROWS. Let paragraph 258 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Michigan.

Mr. TALIAFERRO. I ask that the Secretary may read paragraph 258 again.

The VICE-PRESIDENT. Paragraph 258 has just been read, and the Senator from Michigan has asked that it be passed over.

Mr. TALIAFERRO. Very well.

The reading of the bill was resumed.

Mr. McLAURIN. I ask to return to paragraph 216. I withdraw my request that it be passed over. I desire that the amendment in that paragraph, which I did not have time to examine, and which I have just scanned hastily, be adopted.

The VICE-PRESIDENT. Without objection, the Senate will return to paragraph 216, and the amendment to it will be stated by the Secretary.

The SECRETARY. On page 73, line 22, paragraph 216, after the word "in," it is proposed to strike out the words "sections 1 or 2 of this act" and to insert "this section;" and on page 74, line 6, after the word "merchandise," to strike out "biscuits, wafers, and similar articles if filled with or coated with chocolate or sugar, 50 per cent ad valorem."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 80, line 21, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

260. Stocks, cuttings or seedlings of Myrobolan plum, Mahaleb or Mazzard cherry, 3 years old or less, $1 per thousand plants; stocks, cuttings or seedlings of pear, apple, quince, and the St. Julien plum, 8 years old or less, $1 per thousand plants and 15 per cent ad valorem; rose plants, budded, grafted, or grown on their own roots, 2½ cents each; stocks, cuttings and seedlings of all fruit and ornamental trees, deciduous and evergreen, shrubs and vines, manetti, multiflora, and brier rose, and all trees, shrubs, plants, and vines, commonly known as nursery or greenhouse stock, not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The Secretary read paragraph 261.

The next amendment of the Committee on Finance was, on page 81, line 3, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 5, after the word "bushel," to strike out "but no drawback shall be allowed upon oil cake made from imported seed, nor shall any allowance be made for dirt or other impurities in any seed; seeds of all kinds not specially provided for in sections 1 or 2 of this act, 30 per cent ad valorem" and insert "mushroom spawn, and spinach seed, 1 cent per pound; beet, except sugar beet, carrot, parsnip, radish, turnip, and ruta-baga seed, 4 cents per pound; cabbage, collard, kale, and kohl-rabi seed, 8 cents per pound; eggplant and pepper seed, 20 cents per pound; seeds of all kinds not specially provided for in this section, 10 cents per pound," so as to make the paragraph read:

262. Seeds: Castor beans or seeds, 25 cents per bushel of 50 pounds; flaxseed or linseed and other oil seeds not specially provided for in this section, 25 cents per bushel of 56 pounds; poppy seed, 15 cents per bushel; mushroom spawn, and spinach seed, 1 cent per pound; beet, except sugar beet, carrot, parsnip, radish, turnip and ruta-baga seed, 4 cents per pound; cabbage, collard, kale and kohlrabi seed, 8 cents per pound; eggplant and pepper seed, 20 cents per pound; seeds of all kinds not specially provided for in this section, 10 cents per pound.

Mr. BURKETT and Mr. NELSON. Let that paragraph be passed over.

The VICE-PRESIDENT. It will be passed over.

Mr. BURKETT. Mr. President, in going over this bill rapidly, and I fear we shall not get back to this matter later as to paragraph 260, I should like to have some explanation as we go over it. The matter had not attracted my attention before, and as there is a considerable increase in some of the items, especially as it occurs to me that some of these articles are in the nature of seeds or nursery stock to improve the forests, I should like to know why there is such an increase as that proposed.

Mr. ALDRICH. In what item?

Mr. BURKETT. In paragraph 260. I will say to the Senator from Rhode Island that I have not sooner had my attention called to this. I do not know whether it is right or wrong, but I should like to know why the rate is increased.

Mr. ALDRICH. In which particular item?

Mr. BURKETT. In paragraph 260, which begins in line 12, on page 80. For some reason the rates there seem to be doubled, from 50 cents a thousand plants to $1 a thousand plants.

Mr. ALDRICH. This increase was made in the House and the Senate accepted it. I suppose the Senator is aware of that.

Mr. BURKETT. Yes; I understand that; but has there been any investigation on the part of the committee as to why the increase should be made?

Mr. ALDRICH. We looked into it as far as we could. We took the usual testimony; and it seemed to be a proper increase.

Mr. CULBERSON. Mr. President, we are unable to hear the Senator from Rhode Island [Mr. ALDRICH] on this side of the Chamber.

Mr. ALDRICH. The Senator from Nebraska can go back to this paragraph at any time.

Mr. BURKETT. I understand that; but it is quite likely that we shall never get back to a paragraph of this sort; and where there has been such an increase as that in the other House, it seems to me that we should have some explanation of it, some little discussion of it. I do not know that this rate is too high. I have not had time to read any of the evidence in the House investigation; in fact, I have not had the matter called to my attention, as I have already stated, as to this increase. If there are other paragraphs which are similar to this, it seems to me, in hurrying over them, we may leave some rates increased without really knowing what they are.

Mr. ALDRICH. The present rate is 50 cents a thousand and 15 per cent ad valorem, which is made $1 a thousand. There is practically no difference in the rate.

Mr. PENROSE. Mr. President, I should like to state, for the information of the Senator from Nebraska [Mr. BURKETT], that I intend to call the attention of the Senate to this paragraph later on and to suggest numerous amendments to it. I will now call the attention of the chairman of the committee to the fact that the words "three years old or less" ought to be changed so as to come after "evergreen seedlings," so as to qualify "evergreen seedlings," together with the other products mentioned in the paragraph.

Mr. ALDRICH. If the Senator will look at the bill, he will find that the words "evergreen seedlings" do not appear in the bill as it comes to us from the other House. They are on the free list. It is a typographical error which appears in the green bound volume which Senators have on their desks.

I think the Senator from Nebraska will find that the difference between the present rate of 50 cents a thousand and 15 per cent ad valorem is substantially the same as a dollar a thousand, which is in the bill now before the Senate.

Mr. NELSON. As I understand "15 per cent" is stricken out of the bill reported by the Senator from Rhode Island.

Mr. ALDRICH. Yes.

Mr. NELSON. So that it leaves it as before.

Mr. ALDRICH. Yes.

Mr. NELSON. That is about the same as the other rate.

Mr. ALDRICH. Yes.

Mr. DU PONT. Mr. President, my attention was diverted for a moment. I meant to ask that paragraph 261 be passed over. I now make that suggestion.

The VICE-PRESIDENT. Paragraph 261 will be passed over, at the request of the Senator from Delaware.

Mr. NELSON. Mr. President, I ask to have paragraph 259 marked as passed over.

The VICE-PRESIDENT. It will be so marked.

The Secretary resumed the reading of the bill and read to the end of paragraph 265.

The next amendment of the Committee on Finance was, on page 81, line 19, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

265. Vegetables in their natural state, not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 81, after line 20, to strike out the subhead "Fish."

The amendment was agreed to.

The next amendment was, on page 81, line 22, before the word "known," to insert "by whatever name;" and in the same line, after the word "known," to strike out "or labeled as anchovies, sardines, or by any other name whatever;" and on page 82, line 13, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

266. Fish (except shellfish) by whatever name known, packed in oil or otherwise, in bottles, jars, kegs, tin boxes, or cans, shall be dutiable as follows: When in packages containing 7½ cubic inches or less, 1½ cents per bottle, jar, keg, box, or can; containing more than 7½ and not more than 21 cubic inches, 2½ cents per bottle, jar, keg, box, or can; containing more than 21 and not more than 33 cubic inches, 5 cents per bottle, jar, keg, box, or can; containing more than 33 and not more than 70 cubic inches, 10 cents per bottle, jar, keg, box, or can; if in other packages, 30 per cent ad valorem; when in other tin packages, 30 per cent ad valorem; fish in packages, containing less than one-half barrel, and not specially provided for in this section, 30 per cent ad valorem; caviar, and other preserved roe of fish, 30 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 82, line 16, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

267. Fresh-water fish not specially provided for in this section, one-fourth of 1 cent per pound.

The amendment was agreed to.

The reading of the bill was resumed, and paragraph 268 was read, as follows:

268. Herrings, pickled or salted, one-half of 1 cent per pound; herrings, fresh, one-fourth of 1 cent per pound.

Mr. LODGE. In paragraph 268, page 82, line 19, after the word "salted," I move to insert the words "smoked or kippered." Under the language of the bill as it came from the House, herring of that class would be placed under a higher duty than they ought to be.

The VICE-PRESIDENT. The amendment proposed by the Senator from Massachusetts will be stated.

The Secretary. On page 82, paragraph 268, line 19, after the word "salted," it is proposed to insert the words "smoked or kippered" and a comma.

Mr. BACON. Mr. President, it is impossible as we go along, of course, for those of us not familiar with the subject to refer to the various items of the bill——

Mr. LODGE. I can explain the reason for my amendment, if the Senator from Georgia cares to have me do so.

Mr. BACON. The Senator from Massachusetts is possibly mistaken in thinking he can anticipate what I propose to address my remarks to.

Mr. LODGE. I beg the Senator's pardon. I thought he was going to ask something about the paragraph under consideration.

Mr. BACON. I was simply going to ask Senators who are familiar with the subject if they can briefly, without occupying too much time of the Senate, give us some idea of the imports of fish under this schedule and the revenue derived therefrom. Of course, I know in the matter of sardines there are very considerable importations.

Mr. ALDRICH. On pages 30 and 31 of the document which the Senator from Georgia has before him, he will find all the figures. It takes time to read them.

Mr. BACON. I only wanted the Senator to give some general idea. I am not myself informed on the subject.

Mr. ALDRICH. There were imports of this article in 1907 to the amount of about $1,950,000.

Mr. LODGE. There were $1,649,415.41 worth of the smallest size of can, yielding a duty under the present law of $495,854.57; of the next size there were imported $615,672.54 worth.

Mr. BACON. From what page does the Senator read?

Mr. LODGE. I am reading from page 30. I am giving the imports,

Containing more than 21 cubic inches and not more than 33 cubic inches, $12,991; containing more than 33 and not more than 70 cubic inches, $6,148; and of other packages, $105,452.50.

Mr. ALDRICH. The Senator from Georgia will find all this information in this volume.

Mr. BACON. I knew I could find it there, but I thought that the Senator could give it in round figures. Of course it is apparent to the Senator that it is impossible, as the reading progresses, to keep up with these matters of information.

Mr. LODGE. Of course, in all these matters in the Treasury reports the imports are given under each item; but the imports are very large under this schedule and the revenue is also very large.

Mr. BACON. That was the point I was after. I was not referring to the particular item the Senator had in mind, but I wanted Senators who are familiar with the subject to give us some idea in a general way as to the extent of these importations and the amount of revenue derived therefrom.

Mr. LODGE. They are very large; and I will give the Senator, in a moment, the revenue in detail under the fish schedule, if he desires to have it.

Mr. BACON. That is all I wanted to get at.

The VICE-PRESIDENT. Without objection, the amendment proposed by the Senator from Massachusetts [Mr. Lodge] is agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 82, line 23, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

269. Fish, fresh, smoked, dried, salted, pickled, frozen, packed in ice or otherwise prepared for preservation, not specially provided for in this section, in bulk or in undivided packages containing 100 pounds or more, three-fourths of 1 cent per pound; fish, skinned or boned, 1½ cents per pound; mackerel, halibut, or salmon, fresh, pickled, or salted, 1 cent per pound.

The amendment was agreed to.

Mr. JONES. I ask that that paragraph be passed over.

The VICE-PRESIDENT. At the request of the Senator from Washington the paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 83, after line 3, to strike out the subhead "Fruits and nuts."

The amendment was agreed to.

The next amendment was, on page 83, line 10, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 21, after the word "juice," to strike out "not having sugar, spirits, or molasses added thereto," so as to make the paragraph read:

270. Apples, peaches, quinces, cherries, plums, and pears, green or ripe, 25 cents per bushel; berries, edible, in their natural condition, 1 cent per quart; cranberries, 25 per cent ad valorem; all edible fruits, including berries, when dried, desiccated, evaporated, in brine, or prepared in any manner, not specially provided for in this section, 2 cents per pound; comfits, jellies, sweetmeats, and fruits of all kinds preserved or packed in sugar, or having sugar added thereto, or preserved or packed in molasses, spirits, or their own juices, if containing no alcohol, or containing not over 10 per cent of alcohol, 1 cent per pound and 35 per cent ad valorem; if containing over 10 per cent of alcohol and not specially provided for in this section, 35 per cent ad valorem and in addition $2.50 per proof gallon on the alcohol contained therein in excess of 10 per cent; pineapples preserved in their own juice, 25 per cent ad valorem.

Mr. TALIAFERRO. Mr. President, let that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Florida.

The reading of the bill was resumed, and paragraph 271 was read, as follows:

271. Figs, 2½ cents per pound; plums, prunes, and prunelles, 2 cents per pound; raisins and other dried grapes, 2½ cents per pound; dates, 1 cent per pound; currants, Zante or other, 2 cents per pound; olives, in bottles, jars, kegs, tins, or other packages, containing less than 5 gallons each, 25 cents per gallon; otherwise, 20 cents per gallon.

Mr. RICHARDSON. Let that paragraph be passed over, Mr. President.

The VICE-PRESIDENT. At the request of the Senator from Delaware, the paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 84, line 7, before the word "cents," to strike out "one-fourth" and insert "one-half," so as to make the paragraph read:

273. Lemons, 1½ cents per pound; oranges, limes, grape fruit, shaddocks, or pomelos, 1 cent per pound.

Mr. DEPEW. I ask that paragraph 273 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from New York.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 84, line 15, before the word "cents," to strike out "eight" and insert "seven;" and in line 16, before the word "dollars," to strike out "eight" and insert "seven," so as to make the paragraph read:

275. Pineapples, in barrels or other packages, 7 cents per cubic foot of the capacity of barrels or packages; in bulk, $7 per thousand.

Mr. TALIAFERRO. Mr. President, I ask that paragraph 275 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Florida.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 84, after line 16, to strike out the subhead "Nuts."

The amendment was agreed to.

The next amendment was, on page 85, line 2, after the word "in," to strike out "sections 1 or 2 of this act," and insert "this section," so as to make the paragraph read:

279. Nuts of all kinds, shelled or unshelled, not specially provided for in this section, 1 cent per pound; but no allowance shall be made for dirt or other impurities in nuts of any kind, shelled or unshelled.

The amendment was agreed to.

The next amendment was, on page 85, after line 4, to strike out the subhead "Meat products."

The amendment was agreed to.

The next amendment was, on page 85, line 6, before the word "cents," to strike out "four" and insert "five," so as to make the paragraph read:

280. Bacon and hams, 5 cents per pound.

The amendment was agreed to.

The next amendment was, on page 85, line 8, before the word "cents," to strike out "one and one-half" and insert "two," so as to make the paragraph read:

281. Fresh beef, veal, mutton, pork, and venison and other game, except birds, 2 cents per pound.

The amendment was agreed to.

Mr. LODGE. Mr. President, in that paragraph, after the word "mutton," I think the word "lamb" ought to be inserted. I move that amendment.

The VICE-PRESIDENT. The Secretary will state the amendment offered by the Senator from Massachusetts.

The SECRETARY. On page 85, line 7, after the word "mutton," it is proposed to insert "lamb."

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 85, line 11, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

282. Meats of all kinds, prepared or preserved, not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 85, line 13, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

283. Extract of meat, not specially provided for in this section, 35 cents per pound; fluid extract of meat, 15 cents per pound, but the dutiable weight of the extract of meat and of the fluid extract of meat shall not include the weight of the packages in which the same is imported.

The amendment was agreed to.

The next amendment was, on page 85, line 19, before the word "cents," to strike out "one and one-half" and insert "two," so as to make the paragraph read:

284. Lard, 2 cents per pound.

The amendment was agreed to.

The next amendment was, on page 85, line 23, after the word "grease," to strike out "Wool" and insert "Tallow, one-half of 1 cent per pound; wool;" and on page 86, line 2, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

286. Tallow, one-half of 1 cent per pound; wool grease, including that known commercially as degras or brown wool grease, crude and not refined, or improved in value or condition, one-fourth of 1 cent per pound; refined, or improved in value or condition, and not specially provided for in this section, one-half of 1 cent per pound.

The amendment was agreed to.

The next amendment was, on page 86, after line 3, to strike out the subhead "Miscellaneous products."

The amendment was agreed to.

The next amendment was, on page 86, after line 4, to strike out:

287. Chicory root, raw, not dried, nor ground, 2½ cents per pound; chicory root, dried, burned or roasted, ground or granulated, or in rolls, or otherwise prepared, and not specially provided for in sections 1 or 2 of this act, 5 cents per pound.

And in lieu thereof to insert:

287. Chicory root, raw, dried, or undried, but unground, 1 cent per pound; chicory root, burnt or roasted, ground or granulated, or in rolls, or otherwise prepared, and not specially provided for in this section, 2½ cents per pound.

Mr. BURROWS. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Michigan.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 86, line 15, before the word "and," to strike out "cocoa, or cacao, crude, and leaves and shells of, 3 cents per pound; chocolate" and insert "chocolate;" in line 16, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 18, before the word "and," to strike out "five" and insert "two;" in line 20, before the word "and" where it occurs the first time, to strike out "five" and insert "two;" in line 22, before the word "cents," to strike out "seven" and insert "five;" and on page 87, line 3, before the word "cents," to strike out "nine" and insert "five," so as to make the paragraph read:

Chocolate and cocoa, prepared or manufactured, not specially provided for in this section, valued at not over 15 cents per pound, 2½ cents per pound; valued above 15 and not above 24 cents per pound, 2½ cents per pound and 10 per cent ad valorem; valued above 24 and not above 35 cents per pound, 5 cents per pound and 10 per cent ad valorem; valued above 35 cents per pound, 50 per cent ad valorem. The dutiable weight of the foregoing merchandise shall include all coverings, except plain wooden, but the dutiable value shall include all coverings, including plain wooden; powdered cocoa, unsweetened, 5 cents per pound.

Mr. LA FOLLETTE. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Wisconsin.

Mr. SMOOT. Mr. President, my attention was diverted at the time we reached paragraph 256. The committee reported an amendment to that paragraph, and I promised that when it was reached I would ask that it go over. I now ask that the paragraph be passed over.

The VICE-PRESIDENT. The amendment to paragraph 256 was agreed to. The Senator from Utah now asks that it be passed over. It will be passed over with the amendment agreed to.

Mr. BACON. Mr. President, we have acted on paragraphs 280 and 281, but I wish to ask that they be passed over for further consideration.

The VICE-PRESIDENT. Paragraphs 280 and 281 will be passed over. There was an amendment in each of those paragraphs, which was agreed to. The paragraphs will be passed over with the amendments agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 87, line 5, before the word "and," to strike out "five" and insert "three," so as to make the paragraph read:

289. Cocoa butter or cocoa butterine, including all substitutes for cocoa butter, 3½ cents per pound.

The amendment was agreed to.

The next amendment was, on page 87, line 9, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 10, before the word "cents," to strike out "four" and insert "two and one-half," so as to make the paragraph read:

290. Dandelion root and acorns prepared, and articles used as coffee, or as substitutes for coffee not specially provided for in this section, 2½ cents per pound.

The amendment was agreed to.

The Secretary read paragraphs 291, 292, and 293.

Mr. GUGGENHEIM. I ask that paragraphs 292 and 293 be passed over.

The VICE-PRESIDENT. The paragraphs will be passed over, at the request of the Senator from Colorado.

Mr. BACON. I ask that paragraph 291 may be passed over.

The VICE-PRESIDENT. Paragraph 291 will be passed over, at the request of the Senator from Georgia.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 88, after line 8, to strike out:

294. Spices: Mustard or mustard seed, unground and not prepared in any manner, 30 per cent ad valorem; if ground or prepared in bottles or otherwise, 10 cents per pound and 30 per cent ad valorem; paprika, capsicum, or red pepper, or cayenne pepper, cassia, cassia vera and cassia buds; cinnamon and chips of; mace, nutmegs, pepper, black

or white, pimento, and spices not specially provided for in this section; all the foregoing when unground, 30 per cent ad valorem; if ground, 2½ cents per pound and 30 per cent ad valorem; cloves and clove stems, ground, 2½ cents per pound; ginger root, unground and not preserved or candied, 30 per cent ad valorem; if ground or otherwise prepared, 2½ cents per pound and 30 per cent ad valorem; sage, 1 cent per pound.

And in lieu thereof to insert:

294. Spices: Mustard, ground or prepared, in bottles or otherwise, 10 cents per pound; capsicum or red pepper, or cayenne pepper, 2½ cents per pound; sage, 1 cent per pound; spices not specially provided for in this section, 3 cents per pound.

Mr. JONES. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Washington.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in Schedule H, on page 89, after line 8, to strike out the subhead "Spirits."

The amendment was agreed to.

The next amendment was, on page 89, line 12, before the word "cents," to strike out "twenty-five" and insert "sixty," so as to make the paragraph read:

297. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this section, $2.60 per proof gallon.

The amendment was agreed to.

The next amendment was, on page 90, line 12, after the word "Cordials," to insert "including ginger wine or ginger cordial and vermuth;" and in line 16, before the word "cents," to strike out "twenty-five" and insert "sixty," so as to make the paragraph read:

300. Cordials, including ginger wine or ginger cordial and vermuth, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds containing spirits and not specially provided for in this section, $2.60 per proof gallon.

Mr. ALDRICH. I desire to modify that amendment by omitting the words "and vermuth."

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 90, line 12, after the word "Cordials," it is proposed to insert "including ginger wine or ginger cordial;" and in line 16, before the word "cents," to strike out "twenty-five" and insert "sixty."

The amendment as modified was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 90, line 25, before the word "cents," to strike out "fifty" and insert "seventy-five," so as to make the paragraph read:

301. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than $1.75 per gallon.

The amendment was agreed to.

The next amendment was, on page 91, line 3, before the word "cents," to strike out "fifty" and insert "seventy-five," so as to make the paragraph read:

302. Bay rum or bay water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, $1.75 per gallon.

The amendment was agreed to.

The next amendment was, on page 91, after line 4, to strike out the subhead "Wines."

The amendment was agreed to.

The next amendment was, on page 91, line 8, after the word "pint," to strike out "eight dollars" and insert "nine dollars and sixty cents;" in line 10, after the word "dollars," to insert "and 80 cents;" in line 11, after the word "dollars," to insert "and 40 cents;" in line 13, after the word "to," to strike out "eight dollars" and insert "nine dollars and sixty cents;" and in line 15, after the word "of," to strike out "two dollars and fifty cents" and insert "three dollars," so as to make the paragraph read:

303. Champagne and all other sparkling wines, in bottles containing each not more than 1 quart and more than 1 pint, $9.60 per dozen; containing not more than 1 pint each and more than one-half pint, $4.80 per dozen; containing one-half pint each or less, $2.40 per dozen; in bottles or other vessels containing more than 1 quart each, in addition to $9.60 per dozen bottles, on the quantity in excess of 1 quart, at the rate of $3 per gallon; but no separate or additional duty shall be levied on the bottles.

The amendment was agreed to.

The next amendment was, on page 91, line 18, after the word "wines," to strike out "including ginger wine or ginger cordial, vermuth;" in line 22, before the word "cents," to strike out "forty" and insert "forty-five;" in line 24, before the word "cents," to strike out "fifty" and insert "sixty;" on page 92, line 3, before the word "cents," to strike out "sixty" and insert "eighty-five;" and in line 5, before the word "cents," to strike out "five" and insert "six," so as to read:

304. Still wines and rice wine or sake, and similar beverages not specially provided for in this section, in casks or packages other than bottles or jugs, if containing 14 per cent or less of absolute alcohol, 45 cents per gallon; if containing more than 14 per cent of absolute alcohol, 60 cents per gallon. In bottles or jugs, per case of 1 dozen bottles or jugs, containing each not more than 1 quart and more than 1 pint, or 24 bottles or jugs containing each not more than 1 pint, $1.85 per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of 6 cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs.

Mr. ALDRICH. I desire to modify the amendment in line 18, page 91, to conform to the modification in paragraph 300, by omitting the word "vermuth" from the words stricken out.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 91, line 19, it is proposed to strike out the words "including ginger wine or ginger cordial."

The amendment as modified was agreed to.

The next amendment was, on page 92, line 25, before the word "cents," to strike out "forty" and insert "forty-five;" and on page 93, line 2, before the word "cents," to strike out "twenty" and insert "twenty-three," so as to make the paragraph read:

305. Ale, porter, and beer, in bottles or jugs, 45 cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, 23 cents per gallon.

The amendment was agreed to.

The next amendment was, on page 93, line 4, before the word "cents," to strike out "twenty" and insert "twenty-three;" in the same line, before the word "cents," to strike out "forty" and insert "forty-five;" and in line 5, before the words "per cent," to strike out "forty" and insert "forty-five," so as to make the paragraph read:

306. Malt extract, fluid, in casks, 23 cents per gallon; in bottles or jugs, 45 cents per gallon; solid or condensed, 45 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 93, line 10, before the word "cents," to strike out "sixty" and insert "seventy;" and in line 12, before the word "cents," to strike out "sixty" and insert "seventy," so as to make the paragraph read:

307. Cherry juice and prune juice, or prune wine, and other fruit juices, and fruit sirup, not specially provided for in this section, containing no alcohol or not more than 18 per cent of alcohol, 70 cents per gallon; if containing more than 18 per cent of alcohol, 70 cents per gallon and in addition thereto $2.07 per proof gallon on the alcohol contained therein.

The amendment was agreed to.

The next amendment was, on page 94, after line 5, to strike out:

309. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this section, in bottles or jugs containing not more than 1 pint, 20 cents per dozen bottles; if containing more than 1 pint and not more than 1 quart, 30 cents per dozen bottles; if imported in bottles or in jugs containing more than 1 quart, 24 cents per gallon; if imported otherwise than in bottles or jugs, 8 cents per gallon; and in addition thereto, on all of the foregoing, duty shall be collected upon the bottles or other containers at the same rates that would be charged thereon if imported empty or separately.

And insert:

309. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this section, in green or colored glass bottles, containing not more than 1 pint, 20 cents per dozen bottles. If containing more than 1 pint and not more than 1 quart, 30 cents per dozen bottles. But no separate duty shall be assessed upon the bottles. If imported otherwise than in plain green or colored glass bottles, or if imported in such bottles containing more than 1 quart, 24 cents per gallon, and in addition thereto duty shall be collected upon the bottles or other covering at the same rates that would be charged thereon if imported empty or separately.

Mr. BRANDEGEE. Let it be passed over.

The VICE-PRESIDENT. Paragraph 309 is passed over, at the request of the Senator from Connecticut.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in Schedule I, on page 95, line 9, after the word "cotton," to insert "crochet, darning, and embroidery cottons;" in line 10, after the word "for," to strike out "in this section;" in line 18, after the word "thirty," to insert "*Provided*, That none of the foregoing shall pay a less rate of duty than 20 per cent ad valorem;" in line 20, after the word "dyed," to strike out "mercerized;" in line 24, after the word "cotton," to insert "crochet, darning, and embroidery cottons;" in line 25, after the word "for," to strike out "in this section;" and on page 96, after the word "hundred," to strike out "cotton card laps, roping, sliver, or roving, 30 per cent ad valorem," and insert "cable-laid yarns or threads, made by grouping or twisting two or more grouped or twisted yarns or threads together, not colored, bleached, or dyed, four-tenths of 1 cent per number per

pound; colored, bleached, or dyed, nine-twentieths of 1 cent per number per pound: *Provided further*, That said threads and yarns, colored, bleached, dyed, combed, advanced beyond the condition of singles, and cable-laid yarns or threads, as hereinbefore provided, shall not pay a less rate of duty than 25 per cent ad valorem: *And provided further*, That all of the foregoing threads and yarns as hereinbefore provided, when mercerized, shall pay in addition to the foregoing specific rates of duty one-twentieth of 1 cent per number per pound; cotton card laps, roping, sliver, or roving, 35 per cent ad valorem. Cotton, cotton waste and flocks, manufactured or otherwise advanced in value, 20 per cent ad valorem," so as to make the paragraph read:

310. Cotton thread and carded yarn, warps or warp yarn, in singles, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, not colored, bleached, dyed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, 2½ cents per pound on all numbers up to and including No. 15, one-sixth of a cent per number per pound on all numbers exceeding No. 15 and up to and including No. 30, and one-fifth of a cent per number per pound on all numbers exceeding No. 30: *Provided*, That none of the foregoing shall pay a less rate of duty than 20 per cent ad valorem; colored, bleached, dyed, combed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, whether on beams, or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, 6 cents per pound on all numbers up to and including No. 24, and on all numbers exceeding No. 24 and up to No. 80, one-fourth of 1 cent per number per pound; on No. 80 and up to No. 200, three-tenths of 1 cent per number per pound; on No. 200 and above, 60 cents per pound, and one-tenth of 1 cent per number per pound additional for every number in excess of No. 200; cable-laid yarns or threads, made by grouping or twisting two or more grouped or twisted yarns or threads together, not colored, bleached, or dyed, four-tenths of 1 cent per number per pound; colored, bleached, or dyed, nine-twentieths of 1 cent per number per pound: *Provided further*, That said threads and yarns, colored, bleached, dyed, combed, advanced beyond the condition of singles, and cable-laid yarns or threads, as hereinbefore provided, shall not pay a less rate of duty than 25 per cent ad valorem: *And provided further*, That all of the foregoing threads and yarns as hereinbefore provided, when mercerized, shall pay in addition to the foregoing specific rates of duty one-twentieth of 1 cent per number per pound; cotton card laps, roping, sliver, or roving, 35 per cent ad valorem. Cotton, cotton waste and flocks, manufactured or otherwise advanced in value, 20 per cent ad valorem.

Mr. NELSON. I ask that it may be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 97, line 1, before the word "crochet," to strike out "including;" in line 2, before the word "darning," to strike out "and;" in the same line, before the word "and," to strike out "cotton;" in the same line, before the word "cottons," to insert "embroidery;" in the same line, after the word "cottons," to strike out "for embroidery;" in line 3, after the word "reels," to strike out "cones, tubes;" in line 4, after the word "reel," to strike out "cone, tube;" in line 6, after the word "reel," to strike out "cone, tube;" in line 8, after the word "reels," to strike out "cones, tubes;" in line 9, after the word "skeins," to strike out "or otherwise than on spools, reels, cones, tubes, or balls" and insert "containing less than 600 yards each;" in line 12, after the word "thereof," to strike out "or any skein or section measuring less than 100 yards;" in line 15, after the word "reels," to strike out "cones, tubes" and insert "skeins;" and in the same line, after the word "balls," to insert "*And provided further*, That none of the foregoing shall pay a less rate of duty than 25 per cent ad valorem," so as to make the paragraph read:

311. Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, containing on each spool, reel, or ball, not exceeding 100 yards of thread, 6 cents per dozen; exceeding 100 yards on each spool, reel, or ball, for every additional hundred yards or fractional part thereof in excess of 100, 6 cents per dozen spools, reels, or balls; if in skeins containing less than 600 yards each, one-half of 1 cent for each 100 yards or fractional part thereof: *Provided*, That in no case shall the duty be assessed upon a less number of yards than is marked on the spools, reels, skeins, or balls: *And provided further*, That none of the foregoing shall pay a less rate of duty than 25 per cent ad valorem.

The amendment was agreed to.

Mr. NELSON. Let the paragraph be passed over.

The VICE-PRESIDENT. The Senator from Minnesota asks that paragraph 311 be passed over. With the amendment agreed to, the paragraph is passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 97, after line 17, to strike out:

312. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, and not exceeding 50 threads to the square inch, counting the warp and filling, 1 cent per square yard; if bleached, 1¼ cents per square yard; if dyed, colored, stained, painted, or printed, 2 cents per square yard.

The amendment was agreed to.

The next amendment was, on page 97, line 25, before the word "not," to strike out "exceeding fifty and;" on page 98, line 6, after the word "yard," to insert "valued at over 7 and not over 9 cents per square yard, 2½ cents per square yard; valued at over 9 and not over 10 cents per square yard, 3 cents per square yard; valued at over 10 and not over 12½ cents per square yard, 4⅜ cents per square yard; valued at over 12½ and not over 14 cents per square yard, 5½ cents per square yard; valued at over 14 cents per square yard, 7 cents per square yard, but not less than 25 per cent ad valorem;" on page 99, line 12, after the word "yard," to strike out "*Provided*, That on all the foregoing and on all cotton cloth not exceeding 100 threads to the square inch, counting the warp and filling, not bleached, dyed, colored, stained, painted, or printed, valued at over 7 cents per square yard, 25 per cent ad valorem; bleached, valued at over 9 cents per square yard, 25 per cent ad valorem; and dyed, colored, stained, painted, or printed, valued at over 12 cents per square yard, there shall be levied, collected, and paid a duty of 80 per cent ad valorem" and insert "valued at over 12 and not over 12½ cents per square yard, 3⅜ cents per square yard; valued at over 12½ and not over 15 cents per square yard, 5¼ cents per square yard; valued at over 15 and not over 17½ cents per square yard, 7 cents per square yard; valued at over 17½ and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 30 per cent ad valorem," so as to make the paragraph read:

313. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, not exceeding 100 threads to the square inch, counting the warp and filling, and not exceeding 6 square yards to the pound, 1¼ cents per square yard; exceeding 6 and not exceeding 9 square yards to the pound, 1½ cents per square yard; exceeding 9 square yards to the pound, 1⅞ cents per square yard; valued at over 7 and not over 9 cents per square yard, 2½ cents per square yard; valued at over 9 and not over 10 cents per square yard, 3 cents per square yard; valued at over 10 and not over 12½ cents per square yard, 4⅜ cents per square yard; valued at over 12½ and not over 14 cents per square yard, 5½ cents per square yard; valued at over 14 cents per square yard, 7 cents per square yard, but not less than 25 per cent ad valorem; if bleached, and not exceeding 6 square yards to the pound, 1½ cents per square yard; exceeding 6 and not exceeding 9 square yards to the pound, 1⅞ cents per square yard; exceeding 9 square yards to the pound, 2½ cents per square yard; valued at over 9 and not over 11 cents per square yard, 2⅞ cents per square yard; valued at over 11 and not over 12 cents per square yard, 4½ cents per square yard; valued at over 12 and not over 15 cents per square yard, 5½ cents per square yard; valued at over 15 and not over 16 cents per square yard, 6½ cents per square yard; valued at over 16 cents per square yard, 8 cents per square yard, but not less than 25 per cent ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding 6 square yards to the pound, 2⅜ cents per square yard; exceeding 6 and not exceeding 9 square yards to the pound, 3¼ cents per square yard; exceeding 9 square yards to the pound, 3½ cents per square yard; valued at over 12 and not over 12½ cents per square yard, 3⅜ cents per square yard; valued at over 12½ and not over 15 cents per square yard, 5¼ cents per square yard; valued at over 15 and not over 17½ cents per square yard, 7 cents per square yard; valued at over 17½ and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 30 per cent ad valorem.

Mr. DOLLIVER. Let it be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The Secretary proceeded to read paragraph 314.

Mr. DOLLIVER. Let it be passed over.

The VICE-PRESIDENT. The paragraph will be passed over when read.

The Secretary resumed and concluded the reading of the paragraph.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 103, line 2, after the word "yard," to insert ", valued at over 10 and not over 12½ cents per square yard, 4⅜ cents per square yard; valued at over 12½ and not over 14 cents per square yard, 5½ cents per square yard; valued at over 14 and not over 16 cents per square yard, 6½ cents per square yard; valued at over 16 and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 35 per cent ad valorem;" in line 20, after the word "yard," to insert ", valued at over 12 and not over 15 cents per square yard, 5½ cents per square yard; valued at over 15 and not over 16 cents per square yard, 6½ cents per square yard; valued at over 16 and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 40 per cent ad valorem;" on page 104, line 10, after the word "yard," to strike out "*Provided*, That on all cotton cloth exceeding 150 and not exceeding 200 threads to the square inch, counting the warp and filling, not bleached, dyed,

colored, stained, painted, or printed, valued at over 10 cents per square yard, 35 per cent ad valorem; bleached, valued at over 12 cents per square yard, 35 per cent ad valorem; dyed, colored, stained, painted, or printed, valued at over 12½ cents per square yard, there shall be levied, collected, and paid a duty of 40 per cent ad valorem" and insert "; valued at over 12½ and not over 15 cents per square yard, 6 cents per square yard; valued at over 15 and not over 17½ cents per square yard, 7 cents per square yard; valued at over 17½ and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 40 per cent ad valorem," so as to make the paragraph read:

315. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding 150 and not exceeding 200 threads to the square inch, counting the warp and filling, and not exceeding 3½ square yards to the pound, 2 cents per square yard; exceeding 3½ and not exceeding 4½ square yards to the pound, 2¾ cents per square yard; exceeding 4½ and not exceeding 6 square yards to the pound, 3 cents per square yard; exceeding 6 square yards to the pound, 3½ cents per square yard; valued at over 10 and not over 12½ cents per square yard, 4½ cents per square yard; valued at over 12½ and not over 14 cents per square yard, 5½ cents per square yard; valued at over 14 and not over 16 cents per square yard, 6½ cents per square yard; valued at over 16 and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 35 per cent ad valorem; if bleached, and not exceeding 3½ square yards to the pound, 2¾ cents per square yard; exceeding 3½ and not exceeding 4½ square yards to the pound, 3½ cents per square yard; exceeding 4½ and not exceeding 6 square yards to the pound, 4 cents per square yard; exceeding 6 square yards to the pound, 4½ cents per square yard; valued at over 12 and not over 15 cents per square yard, 5½ cents per square yard; valued at over 15 and not over 16 cents per square yard, 6½ cents per square yard; valued at over 16 and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 40 per cent ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding 3½ square yards to the pound, 4½ cents per square yard; exceeding 3½ and not exceeding 4½ square yards to the pound, 4½ cents per square yard; exceeding 4½ and not exceeding 6 square yards to the pound, 4¾ cents per square yard; exceeding 6 square yards to the pound, 5 cents per square yard; valued at over 12½ and not over 15 cents per square yard, 6 cents per square yard; valued at over 15 and not over 17½ cents per square yard, 7 cents per square yard; valued at over 17½ and not over 20 cents per square yard, 8 cents per square yard; valued at over 20 cents per square yard, 10 cents per square yard, but not less than 40 per cent ad valorem.

Mr. DOLLIVER. I desire to be understood as objecting to the amendments of the Senate committee to this paragraph. I ask that the paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The Secretary read paragraph 315.

The VICE-PRESIDENT. Does the Senator from Iowa desire to have this paragraph passed over?

Mr. DOLLIVER. I do.

The VICE-PRESIDENT. It is passed over.

The Secretary read paragraph 316.

The VICE-PRESIDENT. The paragraph is passed over, at the request of the Senator from Iowa.

The Secretary read paragraph 317.

The VICE-PRESIDENT. The paragraph is passed over, at the request of the Senator from Iowa.

The Secretary read paragraph 318.

The VICE-PRESIDENT. Does the request of the Senator from Iowa include this paragraph?

Mr. DOLLIVER. It does.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Iowa.

The Secretary read paragraph 319.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Iowa.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 111, line 17, after the word "uncut," to insert "whether or not the pile covers the entire surface," so as to read:

323. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, not bleached, dyed, colored, stained, painted, or printed, 9 cents per square yard and 25 per cent ad valorem; if bleached, dyed, colored, stained, painted, or printed, 12 cents per square yard and 25 per cent ad valorem.

Mr. DOLLIVER. I should like to inquire of the chairman of the committee to what kind of fabrics this paragraph applies.

Mr. ALDRICH. It refers to a class of fabrics——

Mr. LA FOLLETTE. We are entirely unable to hear the inquiry. We should like to participate in the proceedings.

The VICE-PRESIDENT. The Senator from Iowa will repeat his inquiry, so that Senators may hear it.

Mr. DOLLIVER. I desire to inquire of the Senator from Rhode Island to what class of fabrics the amendment in line 17, paragraph 323, refers?

Mr. ALDRICH. Certain pile fabrics have been recently made with a figure stamped upon them by a press. The pile is still there, but the pile is pressed down. It simply provides that that class shall pay the same duty.

Mr. SMOOT. They used to be cut, and now they use a die and press the pile upon the velvet or plush, and it does not take near the amount of work.

Mr. DOLLIVER. Let the paragraph be passed over.

Mr. NELSON. I should like to have paragraph 321 marked "passed."

The VICE-PRESIDENT. It will be passed, at the request of the Senator from Minnesota.

The reading of the bill was resumed, and the Secretary read paragraphs 324 and 325.

Mr. JONES. Let paragraph 325 be passed over.

Mr. ALDRICH. I think the Senator from Washington must have in mind the next paragraph. I think there can be no objection to this one.

Mr. JONES. I have that in mind, too.

Mr. ALDRICH. The next one is a reduction.

Mr. JONES. I have both in mind.

Mr. ALDRICH. The Senator does not desire the reduction——

Mr. JONES. I want these two paragraphs passed over.

Mr. DOLLIVER. I would be gratified, if it would not inconvenience the chairman, to have him state the difference between the House provision that is struck out and the provision inserted by the Senate committee in paragraph 326.

Mr. ALDRICH. Paragraph 326 is the present law, and the House provision is an advance of about 20 cents a dozen pairs, on the average.

Mr. DOLLIVER. I had my attention called to the fact that the factories in the United States, especially those in the neighborhood of Philadelphia, engaged in making these cheaper grades of cotton hosiery are very hard pressed at present by competition arising from the cotton districts of Germany; that the industry is in a bad way; and the testimony taken before the House committee seemed to indicate that fact. I should like to inquire upon what theory the committee has left these people with inadequate protection?

Mr. ALDRICH. When this paragraph is reached in order, I will try to explain it to the satisfaction of the Senator from Iowa.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 112, after line 23, to strike out:

326. Stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than $1 per dozen pairs, 70 cents per dozen pairs; valued at more than $1 per dozen pairs, and not more than $1.50 per dozen pairs, 85 cents per dozen pairs; valued at more than $1.50 per dozen pairs, and not more than $2 per dozen pairs, $1 per dozen pairs; valued at more than $2 per dozen pairs, and not more than $3 per dozen pairs, $1.50 cents per dozen pairs; valued at more than $3 per dozen pairs, and not more than $5 per dozen pairs, $2 per dozen pairs; and in addition thereto, upon all the foregoing, 15 per cent ad valorem; valued at more than $5 per dozen pairs, 55 per cent ad valorem.

And insert:

326. Stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose or half-hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than $1 per dozen pairs, 50 cents per dozen pairs; valued at more than $1 per dozen pairs, and not more than $1.50 per dozen pairs, 60 cents per dozen pairs; valued at more than $1.50 per dozen pairs, and not more than $2 per dozen pairs, 70 cents per dozen pairs; valued at more than $2 per dozen pairs, and not more than $3 per dozen pairs, $1.20 per dozen pairs; valued at more than $3 per dozen pairs, and not more than $5 per dozen pairs, $2 per dozen pairs; and in addition thereto, upon all the foregoing, 15 per cent ad valorem; valued at more than $5 per dozen pairs, 55 per cent ad valorem.

The amendment was agreed to.

Mr. JONES. I ask that the paragraph be passed over.

Mr. NELSON. The paragraph was to be passed over.

The VICE-PRESIDENT. The Senator from Washington asks that it be passed over. It will be passed over.

Paragraph 327 was read, as follows:

327. Shirts and drawers, pants, vests, union suits, combination suits, tights, sweaters, corset covers, and all underwear of every description made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including stockings, hose, and half-hose, composed of cotton or other vegetable fiber, valued at not more than $1.50 per dozen, 60 cents per dozen and 15 per cent ad valorem; valued at more than $1.50 per dozen and not more than $3 per dozen, $1.10 per dozen, and in addition thereto 15 per cent ad valorem; valued at more than $3 per dozen and not more than $5 per dozen, $1.50 per dozen, and in addition thereto 25 per cent ad valorem; valued at more than $5 per dozen and not more than $7 per dozen, $1.75 per dozen, and in addition thereto 35 per cent ad valorem; valued at more than $7 per dozen and not more than $15 per dozen, $2.25 per dozen, and in addition thereto 35 per cent ad valorem; valued above $15 per dozen 50 per cent ad valorem.

Mr. NEWLANDS. I should like to inquire of the Senator from Rhode Island why it is that in the last three articles of this paragraph, which are classed as luxuries, there should be such a varying duty. On the first item it is 64 per cent, on the second item 59 per cent, and on the third item 50 per cent.

Mr. ALDRICH. What is the Senator's question?

Mr. NEWLANDS. I wish to inquire as to the items in paragraph 327. The last three items are classed as luxuries, the percentage being, in the first item 64 per cent, in the second 59 per cent, and in the third 50 per cent. What is the reason for so wide a divergence in the duties upon those three articles?

Mr. ALDRICH. The last one is an ad valorem rate, and the others are specific.

Mr. NEWLANDS. But is there any careful calculation with reference to these duties that warrants that difference, as between 50 per cent on the third item of luxury and 64 per cent on the first? Is there any such difference in the labor cost?

Mr. ALDRICH. When this paragraph is reached I shall be very glad to explain it to the Senator.

Mr. NEWLANDS. There is another inquiry I should like to make regarding it. The first three items in the paragraph are put down, I imagine, as necessaries; they are low-priced articles, and yet the duties there are as high as on the following three items, which are classed as luxuries, the duties being 50, 60, and 61 per cent, respectively. I will ask the Senator whether it is not the intention of the committee to make the duties on the necessaries of life very much less than those upon the luxuries, and why, if that is the case, the rule was departed from in this instance?

Mr. ALDRICH. The classification which the Senator is reading from is not a part of the law. It is merely an arbitrary classification.

Mr. NEWLANDS. I understand that these percentages are not a part of the law, but I understand that they are the estimates of the committee as to the percentage that will be afforded by each one of these duties.

Mr. ALDRICH. I shall be very glad to discuss this paragraph with the Senator when it is reached for real consideration.

Mr. NEWLANDS. May I inquire when it will be reached for real consideration? Is it not before the Senate for consideration now?

Mr. ALDRICH. It is now apparently being read only. I trust it will be reached for serious consideration at an early day.

Mr. LA FOLLETTE. I ask that paragraph 324 be passed over.

The PRESIDING OFFICER (Mr. KEAN in the chair). It will be passed over.

The next amendment was, on page 115, line 11, after the word "made," to insert "wholly or in part;" in line 12, after the word "and," to strike out "india rubber, or of which cotton or other vegetable fiber is the component material of chief value," and insert "whether composed in part of india rubber or otherwise;" in line 23, after the word "made," to insert "wholly or in part;" in line 24, after the word "fiber," to insert "and whether composed in part of india rubber or otherwise;" on page 116, line 3, after the word "made," to insert "wholly or in part;" and in line 4, after the word "fiber," to strike out "and india rubber, or of which cotton or other vegetable fiber is the component material of chief value," and insert "and whether composed in part of india rubber or otherwise," so as to make the paragraph read:

328. Bone casings, garters, tire fabric or fabric suitable for use in pneumatic tires, suspenders and braces, and tubing, any of the foregoing articles made wholly or in part of cotton or other vegetable fiber, and whether composed in part of india rubber or otherwise and not embroidered by hand or machinery, 45 per cent ad valorem; spindle banding, woven, braided, or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber, 10 cents per pound and 15 per cent ad valorem; loom harness, healds or coilets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, 50 cents per pound and 25 per cent ad valorem; boot, shoe, and corset lacings made wholly or in part of cotton or other vegetable fiber, and whether composed in part of india rubber otherwise, 25 cents per pound and 15 per cent ad valorem; labels, for garments or other articles, composed of cotton or other vegetable fiber, 50 cents per pound and 30 per cent ad valorem; belting for machinery made wholly or in part of cotton or other vegetable fiber, and whether composed in part of india rubber or otherwise, 30 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 116, line 11, after the words "ad valorem," to strike out "cotton duck, 35 per cent ad valorem," so as to make the paragraph read:

329. Cotton table damask, 40 per cent ad valorem; manufactures of cotton table damask or of which cotton table damask is the component material of chief value, not specially provided for in this section, 40 per cent ad valorem.

The amendment was agreed to.

Mr. LA FOLLETTE. I ask that paragraph 329 be passed over.

The PRESIDING OFFICER. It will be passed over.

The next amendment was, on page 116, line 15, before the word "manufactures," to strike out "Cotton, bleached and purified, whether medicated or not, 20 per cent ad valorem," and insert "All articles of cotton cloth, whether finished or unfinished, and all;" and in line 17, after the word "section," to insert "except such as are composed in part of flax, hemp, or ramie," so as to make the paragraph read:

330. All articles of cotton cloth, whether finished or unfinished, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for in this section, except such as are composed in part of flax, hemp, or ramie, 45 per cent ad valorem.

The amendment was agreed to.

Mr. NELSON. Let paragraph 330 be passed over.

The PRESIDING OFFICER. It will be passed over.

Mr. LA FOLLETTE. I ask that paragraph 327 be passed over.

Mr. ALDRICH. That has already been done, I think.

The PRESIDING OFFICER. Paragraph 327 goes over.

The next amendment was, in Schedule J—Flax, hemp, and jute, and manufactures of, on page 116, after line 21, to insert:

330a. Flax straw, $5 per ton.

The amendment was agreed to.

The next amendment was, on page 116, after line 22, to insert:

330b. Flax, not hackled or dressed, 1 cent per pound.

The amendment was agreed to.

Mr. ALDRICH. I wish to call the attention of the Senator from Minnesota [Mr. NELSON] to this paragraph. He is very much interested in it.

Mr. NELSON. I have noticed this part of the schedule. If the Senator will ask to have it passed over I will discuss it with him.

Mr. ALDRICH. No; I do not care to have it passed over. I only want to call the attention of the Senator to it. This is quite a large increase of rate.

Mr. GALLINGER. I will ask that it be passed over.

Mr. NELSON. Flax is given the same rate as in the Dingley Act.

Mr. ALDRICH. I think so.

Mr. GALLINGER. I ask that paragraphs 330a and 330b be passed over.

The PRESIDING OFFICER. Without objection, they will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 117, line 6, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

334. Single yarns made of jute, not finer than 5 lea or number, 1 cent per pound and 10 per cent ad valorem; if finer than 5 lea or number, 30 per cent ad valorem; yarns made of jute, not otherwise specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

Paragraph 335 was read.

Mr. PAYNTER. I ask that paragraphs 333, 334, and 335 be passed over.

The PRESIDING OFFICER. The paragraphs will be passed over.

The next amendment was, on page 117, line 18, after the word "number," to strike out "five-eighths" and insert "three-fourths," so as to make the paragraph read:

336. Threads, twines, or cords, made from yarn not finer than 5 lea or number, composed of flax, hemp, or ramie, or of which these substances or either of them is the component material of chief value, 10 cents per pound; if made from yarn finer than 5 lea or number, three-fourths of 1 cent per pound additional for each lea or number, or part of a lea or number, in excess of 5.

The amendment was agreed to.

Mr. NELSON. I should like to inquire of the chairman of the committee or the Senator from North Dakota what provision is made for binding twine? I do not find it here.

Mr. ALDRICH. It is on the free list.

The next amendment was, on page 117, line 25, after the words "ad valorem," to insert "any of the foregoing other than in the gray, 45 per cent ad valorem;" and on page 118, line 2, after the words "ad valorem," to insert "ramie sliver or roving, 35 per cent ad valorem," so as to make the paragraph read:

337. Single yarns in the gray, made of flax, hemp, or ramie, or a mixture of any of them, not finer than 8 lea or number, 6 cents per pound; finer than 8 lea or number and not finer than 80 lea or number, 40 per cent ad valorem; any of the foregoing other than in the gray, 45 per cent ad valorem; single yarns, made of flax, hemp, or ramie, or a mixture of any of them, finer than 80 lea or number, 15 per cent ad valorem; ramie sliver or roving, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 118, line 4, after the word "Flax," to insert "and cotton," so as to make the paragraph read:

338. Flax and cotton gill nettings, nets, webs, and seines shall pay the same duty per pound as is imposed in this schedule upon the thread, twine, or cord of which they are made, and in addition thereto 20 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 118, line 25, after the word "Hydraulic," to insert "or flume," so as to make the paragraph read:

341. Hydraulic or flume hose, made in whole or in part of cotton, flax, hemp, ramie, or jute, 15 cents per pound.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 119, line 8, before the word "feet," to strike out "eleven" and insert "nine;" and in line 10, before the word "feet," to strike out "eleven" and insert "nine," so as to make the paragraph read:

343. Oilcloth for floors, plain, stamped, painted, or printed only, and linoleum, corticene, and all other oilcloth (except silk oilcloth) and fabrics or coverings for floors, made in part of oil or any similar product, if under 9 feet in width, and not specially provided for herein, 8 cents per square yard and 15 per cent ad valorem; 9 feet and over in width, 12 cents per square yard and 15 per cent ad valorem; any of the foregoing of whatever width, the composition of which forms designs or patterns whether inlaid or otherwise, by whatever name known, and cork carpets, cork mats, and linoleum mats, 20 cents per square yard and 20 per cent ad valorem; waterproof cloth, composed of cotton or other vegetable fiber, whether composed in part of india rubber or otherwise, 10 cents per square yard and 20 per cent ad valorem.

Mr. CUMMINS. I ask that paragraph 343 be passed over.

Mr. ALDRICH. I will ask that the amendment may be agreed to, if there be no objection.

Mr. NELSON. I wish to have the paragraph passed over in its entirety, for the reason that there is a new provision in the last part of it. There is a change from the old law after line 10.

Mr. CUMMINS. I ask that the whole paragraph be passed over.

Mr. NELSON. We had better leave the amendment to be acted on later.

The PRESIDING OFFICER. The paragraph will be passed over.

Paragraph 344 was read, as follows:

344. Shirt collars and cuffs, composed of cotton, 45 cents per dozen pieces and 15 per cent ad valorem; composed in whole or in part of linen, 40 cents per dozen pieces and 20 per cent ad valorem.

Mr. FLINT. I ask that the paragraph may go over.

The PRESIDING OFFICER. It will be passed over.

The next amendment was, on page 120, line 9, before the word "scalloped," to insert "or;" in the same line, before the word "by," to strike out "or hemstitched;" in line 10, after the word "machinery," to strike out "or stitched in any manner for the purpose of ornamentation or embellishment;" in line 12, after the word "produce," to insert "ornamental;" in line 13, after the word "work," to insert "except hemstitching;" in line 14, after the word "in," to strike out "chief value" and insert "part;" in line 15, after the word "fiber," to strike out "or of cotton, flax, or other vegetable fiber, and india rubber, or of cotton, flax, or other vegetable fiber, india rubber, and metal" and insert "and whether composed in part of india rubber, metal, or otherwise;" in line 21, after the word "of," where it occurs the first time, to strike out "any" and insert "one or more;" in line 22, after the word "paragraph," to strike out "or of a combination of such materials or goods;" in line 23, after the word "than," to strike out "that" and insert "the highest;" in line 24, after the word "this," to strike out "paragraph" and insert "section;" in line 25, after the word "article," to strike out "of any description" and insert "or fabric of any description, composed of flax or other vegetable fiber, or of which these materials or any of them is the component material of chief value;" and in line 4, after the word "in," to strike out "any schedule of," so as to make the paragraph read:

345. Laces, lace window curtains, and all other lace articles; handkerchiefs, napkins, wearing apparel, and all other articles made wholly or in part of lace or laces, or in imitation of lace; nets, nettings, veils, veilings, neck ruffllings, ruchings, tuckings, flutings, quillings, embroideries, trimmings, braids, edgings, insertings, flouncings, galloons, gorings, bands, bandings, belts, beltings, bindings, cords, ornaments, ribbons, tapes, webs, and webbings; wearing apparel, handkerchiefs, and other articles or fabrics embroidered in any manner by hand or machinery, whether with a plain or fancy letter, initial, or monogram, or otherwise, or tamboured, appliquéed, or scalloped, by hand or machinery, or from which threads have been drawn, cut, or punched to produce ornamental openwork, excepting hemstitching; all of the foregoing, composed wholly or in part of cotton, flax, or other vegetable fiber, and whether composed in part of india rubber, metal, or otherwise, and not elsewhere specially provided for in this section, 60 per cent ad valorem: *Provided*, That no article composed wholly or in chief value of one or more of the materials or goods specified in this paragraph shall pay a less rate of duty than the highest imposed by this section upon such materials or goods: *And provided further*, That no article or fabric of any description, composed of flax or other vegetable fiber, or of which these materials or any of them is the component material of chief value, when embroidered by hand or machinery, or having hand or machinery embroidery thereon, shall pay a less rate of duty than that imposed in this section upon any embroideries of the materials of which such embroidery is composed.

The amendment was agreed to.

The next amendment was, on page 121, line 21, after the word "known," to strike out "not exceeding 60 inches in width;" and on page 122, line 2, after the words "ad valorem," to strike out "any of the foregoing exceeding 60 inches in width, 35 per cent ad valorem," so as to make the paragraph read:

347. Plain woven fabrics of single jute yarns, by whatever name known, weighing not less than 6 ounces per square yard and not exceeding 30 threads to the square inch, counting the warp and filling, five-eighths of 1 cent per pound and 15 per cent ad valorem; if exceeding 30 and not exceeding 55 threads to the square inch, counting the warp and filling, seven-eighths of 1 cent per pound and 15 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 122, line 4, after the word "fabrics," to insert "whether or not the pile covers the entire surface, composed of flax, or;" and in line 6, after the word "and," to strike out "articles and manufactures composed wholly or in chief value thereof, not specially provided for in this section" and insert "all articles and manufactures made from such fabrics, not specially provided for in this section," so as to make the paragraph read:

348. All pile fabrics, whether or not the pile covers the entire surface, composed of flax, or of which flax is the component material of chief value, and all articles and manufactures made from such fabrics, not specially provided for in this section, 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 122, line 13, after the word "bleached," to insert "(except for purposes of identification)," so as to make the paragraph read:

349. Bags or sacks made from plain woven fabrics, of single jute yarns, not dyed, colored, stained, painted, printed, or bleached (except for purposes of identification), and not exceeding 30 threads to the square inch, counting the warp and filling, seven-eighths of 1 cent per pound and 15 per cent ad valorem.

Mr. ALDRICH. I ask that the amendment be not agreed to. I withdraw the amendment. Perhaps that is the best way.

The PRESIDING OFFICER. Without objection, the amendment of the committee will be withdrawn.

Mr. SMITH of South Carolina. I should like to ask the chairman of the Committee on Finance if the whole of paragraph 350 does not relate entirely to cotton bagging?

Mr. ALDRICH. It relates to cotton bagging, and it also relates to bagging that may be used for other purposes.

Mr. SMITH of South Carolina. The point I want to make is, that in view of the use in the cotton-growing States of this material, and also in view of the fact that free twine has been given to the wheat grower, this paragraph should be stricken out if it relates entirely to cotton bagging.

Mr. ALDRICH. It does not relate entirely to cotton bagging.

Mr. SMITH of South Carolina. The preceding paragraphs seem to take in the other fabrics made of jute. In reference to this particular paragraph, I should like to state to Senators present that the importations of jute bring in very little revenue, and there is scarcely any at all that comes in on cotton ties.

I should like to have the Senate understand that we are not asking for any protection on any of the articles that people use; and in view of the tremendous revenue that comes to the Government through the exportation of raw cotton and the vast amount of money that is invested in the manufacture of cotton in my State and the other Southern States, and in the New England States, it seems to me that the bagging and ties we have to put on our cotton are entitled to be placed on the free list.

I will state another reason. The balance of trade in this country is dependent upon the exportation of raw cotton. According to statistics that lie on my desk, an average of over $400,000,000 annually comes into this country through the exportation of raw cotton.

Not only do we have to buy the bagging and ties and pay this duty upon them, but in addition to that the tare is fixed by Liverpool; and there is a system of classification which deducts the weight of the bagging and ties and the price is fixed net. So the farmer not only pays for his bagging and ties and pays the duty on them, but under the deduction of 6 per cent gross for his covering, which is deducted from the tare, he pays in addition to the legitimate price the duty price and then gives it to the man who buys his cotton. So he actually gives to the purchaser of his cotton the right to take his bagging and ties. They sell them back to him again, and

they have positively worn the old bagging and ties out by selling them to him.

I think all Senators here will agree, that in view of having produced such great wealth in the form of raw material it is the part of economy to give us our material not only for making it, but for preparing it for the markets of the world, and to give us every showing possible; for we not only produce a part of the food of the world, but we produce that article which clothes the entire world in the cheapest form.

It does seem to me that if the western wheat grower is entitled to free twine, as he makes the food, we should be entitled to a free covering for our commodity, because we produce the clothes of the world. At the proper time, when we revert to this paragraph, I shall move to strike out this clause and place bagging upon the free list. I have some statistics which I should like to offer at that time.

Mr. ALDRICH. The paragraph had better go over. The Senator from Kentucky [Mr. PAYNTER] gave notice this morning that he desired an increase of duties on the products of hemp, and I think he had better be present when it is considered.

The PRESIDING OFFICER. The paragraph will be passed over after it has been read.

Mr. JONES. I did not notice whether paragraphs 347 and 349 were passed over or not. I desire to have those paragraphs passed over.

The PRESIDING OFFICER. They were not passed over. They will be passed over.

Mr. BRISTOW. I should like to ask that paragraph 345 be passed over.

The PRESIDING OFFICER. It will be passed over.

The next amendment was, on page 122, line 20, after the word "printed," to insert "(except for purposes of identification)," so as to make the paragraph read:

350. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed (except for purposes of identification), not exceeding 16 threads to the square inch, counting the warp and filling, and weighing not less than 15 ounces per square yard, six-tenths of 1 cent per square yard.

Mr. JOHNSTON of Alabama. Did I understand that objection was made, and that the paragraph went over?

The PRESIDING OFFICER. It was asked to be passed over, but it could not be passed over until after it was read. It will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 123, line 6, after the word "fabrics," to strike out "or" and insert "and;" in line 9, after the word "value," to insert "and woven fabrics and articles composed in part of cotton and in the other part of flax, hemp, or ramie" in line 23, after the word "articles," to insert "or fabrics;" in line 24, after the words "ad valorem," to strike out "Woven" and insert "Plain woven;" in line 25, after the word "fabrics," to insert "not including articles, finished or unfinished;" and on page 124, line 4, after the word "yard," to strike out "and containing more than 100 threads to the square inch, counting the warp and filling;" and in line 6, after the words "ad valorem," strike out "; weighing less than 4½ ounces per square yard and containing not more than 100 threads to the square inch, 30 per cent ad valorem," so as to make the paragraph read:

352. Woven fabrics and articles not specially provided for in this section, composed of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, and woven fabrics and articles composed in part of cotton and in the other part of flax, hemp, or ramie, weighing 4½ ounces or more per square yard, when containing not more than 60 threads to the square inch, counting the warp and filling, 1¼ cents per square yard; containing more than 60 and not more than 120 threads to the square inch, 2½ cents per square yard; containing more than 120 and not more than 180 threads to the square inch, 6 cents per square yard; containing more than 180 threads to the square inch, 9 cents per square yard, and in addition thereto, on all the foregoing, 30 per cent ad valorem: *Provided*, That none of the foregoing articles or fabrics in this paragraph shall pay a less rate of duty than 50 per cent ad valorem. Plain woven fabrics, not including articles, finished or unfinished, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, including such as is known as shirting cloth; weighing less than 4½ ounces per square yard, 35 per cent ad valorem.

Mr. LA FOLLETTE. Let the paragraph go over.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 124, line 10, after the word "All," to insert "woven articles, finished or unfinished, and all," so as to make the paragraph read:

353. All woven articles, finished or unfinished, and all manufactures of flax, hemp, ramie, or other vegetable fiber, or of which these substances, or any of them, is the component material of chief value, not specially provided for in this section, 45 per cent ad valorem.

Mr. LA FOLLETTE. Let that go over.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 124, after line 14, to strike out:

354. Ramie sliver or roving, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 124, after line 16, to strike out:

355. Vegetable fibers, dyed, dressed, treated, or manufactured in any manner, and not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in Schedule K, on page 128, after line 11, to strike out:

366. The duty upon wools of the third class and upon camel's hair of the third class shall be as follows: If valued at not more than 10 cents per pound, 3 cents per pound; if valued at more than 10 cents per pound and not more than 16 cents per pound, 3 cents per pound and in addition thereto one-half of 1 cent per pound for each 1 cent per pound the value exceeds 10 cents; if valued at more than 16 cents per pound, 7 cents per pound.

And in lieu thereof to insert:

366. On wools of the third class and on camel's hair of the third class the value whereof shall be 12 cents or less per pound, the duty shall be 4 cents per pound. On wools of the third class, and on camel's hair of the third class, the value whereof shall exceed 12 cents per pound, the duty shall be 7 cents per pound.

The amendment was agreed to.

The next amendment was, on page 129, after line 5, to strike out:

368. Top waste and roving waste, 25 cents per pound; slubbing waste, ring waste, and garnetted waste, 20 cents per pound.

And in lieu thereof to insert:

368. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, 30 cents per pound.

Mr. LA FOLLETTE. Let that go over, Mr. President.

The PRESIDING OFFICER. The paragraph will be passed over, at the suggestion of the Senator from Wisconsin.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 129, line 11, before the word "cents," to strike out "twenty" and insert "twenty-five;" and in line 14, before the word "cents," to strike out "eighteen" and insert "twenty," so as to make the paragraph read:

369. Shoddy, 25 cents per pound; noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly or in part of wool, and not specially provided for in this section, 20 cents per pound.

Mr. BRISTOW. Let that be passed over, Mr. President.

The PRESIDING OFFICER. The paragraph will be passed over, at the request of the Senator from Kansas.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 129, line 15, before the word "cents," to strike out "six" and insert "ten," so as to make the paragraph read:

370. Woolen rags, mungo, and flocks, 10 cents per pound.

Mr. BRISTOW. I should like to have that paragraph passed over, Mr. President.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 129, after line 16, to strike out:

371. Tops shall be subject to the same duty imposed upon the scoured wool of which they are made and 6 cents per pound in addition thereto.

The amendment was agreed to.

The Secretary read paragraph 372 as follows:

372. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, shall be subject to the same duties as are imposed upon manufactures of wool not specially provided for in this section.

Mr. NELSON. Let that paragraph be passed over, Mr. President.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 130, line 2, after the word "class," to strike out "and in addition thereto 25 per cent ad valorem;" and in line 7, after the word "thereto," to insert "upon all the foregoing;" so as to make the paragraph read:

373. On yarns made wholly or in part of wool, valued at not more than 30 cents per pound, the duty per pound shall be two and one-half times the duty imposed by this section on 1 pound of unwashed wool of the first class; valued at more than 30 cents per pound, the duty per pound shall be three and one-half times the duty imposed by this section on 1 pound of unwashed wool of the first class, and in addition thereto, upon all the foregoing, 40 per cent ad valorem.

Mr. NELSON. Let that paragraph be passed over, Mr. President.

The PRESIDING OFFICER. The paragraph will be passed over.

The reading of the bill was resumed, and the Secretary read paragraph 374, as follows:

374. On cloths, knit fabrics, and all manufactures of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than 40 cents per pound, the duty per pound shall be three times the duty imposed by this section on a pound of unwashed wool of the first class; valued at above 40 cents per pound and not above 70 cents per pound, the duty per pound shall be four times the duty imposed by this section on 1 pound of unwashed wool of the first class, and in addition thereto, upon all the foregoing, 50 per cent ad valorem; valued at over 70 cents per pound, the duty per pound shall be four times the duty imposed by this section on 1 pound of unwashed wool of the first class and 55 per cent ad valorem.

Mr. JONES. I ask that that paragraph go over, Mr. President.

The PRESIDING OFFICER. The paragraph will be passed over, at the request of the Senator from Washington.

The reading of the bill was resumed, and the Secretary read paragraph 375, as follows:

375. On blankets, and flannels for underwear composed wholly or in part of wool, valued at not more than 40 cents per pound, the duty per pound shall be the same as the duty imposed by this section on 2 pounds of unwashed wool of the first class, and in addition thereto 30 per cent ad valorem; valued at more than 40 cents and not more than 50 cents per pound, the duty per pound shall be three times the duty imposed by this section on 1 pound of unwashed wool of the first class, and in addition thereto 35 per cent ad valorem. On blankets composed wholly or in part of wool, valued at more than 50 cents per pound, the duty per pound shall be three times the duty imposed by this section on 1 pound of unwashed wool of the first class, and in addition thereto 40 per cent ad valorem. Flannels composed wholly or in part of wool, valued at above 50 cents per pound, shall be classified and pay the same duty as women's and children's dress goods, coat linings, Italian cloths, and goods of similar character and description provided by this section: *Provided*, That on blankets over 3 yards in length the same duties shall be paid as on cloths.

Mr. GORE. Mr. President, I should like to have that paragraph passed over.

The PRESIDING OFFICER. The paragraph will be passed over, at the request of the Senator from Oklahoma.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 131, line 26, after the words "ad valorem," to insert "*Provided*, That on all the foregoing, weighing over 4 ounces per square yard, the duty shall be the same as imposed by this schedule on cloths," so as to make the paragraph read:

376. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar description and character of which the warp consists wholly of cotton or other vegetable material with the remainder of the fabric composed wholly or in part of wool, valued at not exceeding 15 cents per square yard, the duty shall be 7 cents per square yard; valued at more than 15 cents per square yard, the duty shall be 8 cents per square yard; and in addition thereto on all the foregoing valued at not above 70 cents per pound, 50 per cent ad valorem; valued above 70 cents per pound, 55 per cent ad valorem: *Provided*, That on all the foregoing, weighing over 4 ounces per square yard, the duty shall be the same as imposed by this schedule on cloths.

Mr. NELSON. I ask that that paragraph go over.

The PRESIDING OFFICER. The paragraph will be passed over, at the request of the Senator from Minnesota.

The reading of the bill was resumed, and the Secretary read paragraph 377, as follows:

377. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description or character composed wholly or in part of wool, and not specially provided for in this section, the duty shall be 11 cents per square yard; and in addition thereto on all the foregoing valued at not above 70 cents per pound, 50 per cent ad valorem; valued above 70 cents per pound, 55 per cent ad valorem: *Provided*, That on all the foregoing weighing over 4 ounces per square yard the duty shall be the same as imposed by this schedule on cloths.

Mr. BRISTOW. I ask that that paragraph be passed over.

The PRESIDING OFFICER. The paragraph will be passed over, at the request of the Senator from Kansas.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 132, line 15, after the word "description," to strike out "wool hats" and insert "including," so as to make the paragraph read:

378. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, composed wholly or in part of wool, the duty per pound shall be four times the duty imposed by this section on 1 pound of unwashed wool of the first class, and in addition thereto 60 per cent ad valorem.

Mr. GORE. Mr. President, I should like to have that paragraph go over.

The PRESIDING OFFICER. The paragraph will be passed over.

Mr. BRISTOW. As I understand, the request of the Senator from Oklahoma [Mr. GORE] was that all of these paragraphs be passed over.

The PRESIDING OFFICER. He did not request that paragraph 379 be passed over.

Mr. BRISTOW. I ask that paragraph 379 be passed over.

The PRESIDING OFFICER. Paragraph 379 will be passed over, at the request of the Senator from Kansas.

The reading of the bill was resumed, and the Secretary read paragraphs 380, 381, and 382.

Mr. JOHNSTON of Alabama. I ask that paragraph 382 be passed over.

The PRESIDING OFFICER. Paragraph 382 will be passed over, at the request of the Senator from Alabama.

The reading of the bill was resumed, and the Secretary read paragraphs 383, 384, 385, and 386.

Mr. JOHNSTON of Alabama. I ask that paragraphs 384, 385, and 386 be passed over.

The PRESIDING OFFICER. Paragraphs 384, 385, and 386 will be passed over, at the request of the Senator from Alabama.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 135, after line 8, to insert:

391½. Woven fabrics, and manufactures thereof, composed of animal hair combined with either cotton or other vegetable fiber, silk, or wool, shall be classified and dutiable as manufactures of wool.

Mr. NELSON. I ask that every paragraph from paragraph 368 to paragraph 391½, inclusive, be passed over in the woolen schedule.

The PRESIDING OFFICER. At the request of the Senator from Minnesota the paragraphs referred to will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, in Schedule I, on page 135, after line 13, to strike out:

392. Silk partially manufactured from cocoons or from waste silk, and not further advanced or manufactured than carded or combed silk, 35 cents per pound.

The amendment was agreed to.

The next amendment was, on page 135, after line 16, to strike out:

393. Thrown silk, not more advanced than singles, tram, organzine, sewing silk, twist, floss, and silk threads or yarns of every description, except spun silk, 30 per cent ad valorem; spun silk in skeins, cops, warps, or on beams, valued at not exceeding $1 per pound, 20 cents per pound and 15 per cent ad valorem; valued at over $1 per pound and not exceeding $1.50 per pound, 30 cents per pound and 15 per cent ad valorem; valued at over $1.50 per pound and not exceeding $2 per pound, 40 cents per pound and 15 per cent ad valorem; valued at over $2 per pound and not exceeding $2.50 per pound, 50 cents per pound and 15 per cent ad valorem; valued at over $2.50 per pound, 60 cents per pound and 15 per cent ad valorem; but in no case shall the foregoing articles pay a less rate of duty than 35 per cent ad valorem: *Provided*, That in no case shall the duty be assessed on a less number of yards than is marked on the spools, skeins or reels.

The amendment was agreed to.

The next amendment was, on page 136, after line 12, to strike out:

394. Velvets, velvet or plush ribbons, chenilles, or other pile fabrics, cut or uncut, composed of silk, or of which silk is the component material of chief value, not specially provided for in this section, $1.50 per pound and 15 per cent ad valorem; plushes composed of silk, or of which silk is the component material of chief value, $1 per pound and 15 per cent ad valorem; but in no case shall the foregoing articles pay a less rate of duty than 50 per cent ad valorem: *Provided*, That all pile fabrics of whatever material made, having a pile not exceeding one-sixth of an inch in length, shall be classified and dutiable as velvets: *Provided further*, That manufactures wholly or in chief value of any of the foregoing fabrics shall pay not less than the rate of duty herein imposed upon such fabrics and in addition 10 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 137, after line 2, to strike out:

395. Woven fabrics in the piece, not specially provided for in this section, weighing not less than 1½ ounces per square yard and not more than 8 ounces per square yard, and containing not more than 20 per cent in weight of silk, if in the gum, 50 cents per pound, and if dyed in the piece, 60 cents per pound; if containing more than 20 per cent and not more than 30 per cent in weight of silk, if in the gum, 65 cents per pound, and if dyed in the piece, 80 cents per pound; if containing more than 30 per cent and not more than 45 per cent in weight of silk, if in the gum, 90 cents per pound, and if dyed in the piece, $1.10 per pound; if dyed in the thread or yarn and containing not more than 30 per cent in weight of silk, if black (except selvedges), 75 cents per pound, and if other than black, 90 cents per pound; if containing more than 30 and not more than 45 per cent in weight of silk, if black (except selvedges), $1.10 per pound, and if other than black, $1.30 per pound; if containing more than 45 per cent in weight of silk, or if composed wholly of silk, if dyed in the thread or yarn and weighted in the dyeing so as to exceed the original weight of the raw silk, if black (except selvedges), $1.50 per pound, and if other than black, $2.25 per pound; if dyed in the thread or yarn, and the weight is not increased by dyeing beyond the original weight of the raw silk, $3 per pound; if in the gum, $2.50 per pound; if degummed wholly or in part, or dyed in the piece, or printed, $3 per pound; if weighing less than 1½ ounces and more than one-third of an ounce per square yard, if in the gum, or if dyed in the thread or yarn, $2.50 per pound; if weighing less than 1½ ounces and more than one-third of an ounce per square yard, if degummed wholly or in part, $3 per pound; if dyed or printed in the

piece, $3.25 per pound; if weighing not more than one-third of an ounce per square yard, $4.50 per pound; but in no case shall any of the foregoing fabrics in this paragraph pay a less rate of duty than 50 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 138, after line 18, to strike out:

396. Handkerchiefs or mufflers composed wholly or in part of silk, whether in the piece or otherwise, finished or unfinished, if not hemmed or hemmed only, shall pay the same rate of duty as is imposed on goods in the piece of the same description, weight, and condition as provided for in this schedule; but such handkerchiefs or mufflers shall not pay a less rate of duty than 50 per cent ad valorem; if such handkerchiefs or mufflers or hemstitched or imitation hemstitched, or revered or have drawn threads, or are embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or are tamboured, appliquéed, or are made or trimmed wholly or in part with lace, or with tucking or insertion, they shall pay a duty of 10 per cent ad valorem in addition to the duty hereinbefore prescribed, and in no case less than 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 139, after line 9, to strike out:

396½. Bandings, including hat bands, bindings, bone casings, braces, cords, cords and tassels, garters, gorings, suspenders, tubings, and webs and webbings, composed wholly or in part of silk and whether composed in part of india rubber or otherwise, if not embroidered in any manner by hand or machinery, 50 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 139, after line 15, to strike out:

397. Laces, and articles made wholly or in part of lace, edgings, insertings, galloons, flouncings, nets, nettings, veils, veilings, neck ruffings, ruchings, braids, fringes, trimmings, ornaments, belts, beltings, ribbons, embroideries, and articles embroidered by hand or machinery, or tamboured or appliquéed clothing ready made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all of the foregoing made of silk, or of silk and india rubber, or of silk, india rubber, and metal, or of which silk is the component material of chief value, not specially provided for in this section, and silk goods ornamented with beads or spangles, 60 per cent ad valorem: *Provided*, That articles composed wholly or in chief value of any of the materials or goods dutiable under this paragraph shall pay not less than the rate of duty imposed upon such materials or goods herein: *And provided further*, That tamboured or appliquéed articles or fabrics shall pay not less than the rate of duty to which they would be subject if not so tamboured or appliquéed.

The amendment was agreed to.

The next amendment was, on page 140, after line 9, to strike out:

398. Jacquard figured goods in the piece, of which silk is the component material of chief value, made on looms, dyed in the yarn, and containing two or more colors in the filling that show on the face of the fabric, and all manufactures of silk, or of silk and india rubber, or of which silk is the component material of chief value, not specially provided for in this section, and boxes or cases covered with or composed in chief value of silk or velvet, 50 per cent ad valorem: *Provided*, That all manufactures which would otherwise be dutiable under Schedule L of this act shall, if containing wool as a component material, be classified and dutiable under the appropriate provision of Schedule K of this act.

The amendment was agreed to.

The next amendment was, on page 140, after line 21, to strike out:

399. In ascertaining the weight of silk under the provisions of this schedule, the weight shall be taken in the condition in which found in the goods, without deduction therefrom for any dye, coloring matter, or other foreign substance or material.

The amendment was agreed to.

The next amendment was, on page 141, after line 2, to strike out:

400. Yarn of artificial or imitation silk, by whatever name known or process made, 30 per cent ad valorem. All articles and manufactures composed wholly or in chief value of such yarn shall be classified and dutiable under the respective provisions of Schedule L under which they would be classified and dutiable if composed wholly or in chief value of silk; but woven fabrics of artificial or imitation silk or of artificial or imitation horsehair shall pay a duty of 50 per cent ad valorem: *Provided*, That all woven fabrics composed wholly or in part of artificial or imitation silk or of artificial or imitation horsehair, imported into the United States, shall be marked at or near the edge of said fabric, at intervals not exceeding 1 yard apart, in legible English, the words "artificial silk" or "artificial horsehair," as the case may be. Said marking shall be as nearly indelible and permanent as the nature of the article will permit. Until such article is so marked, no delivery of the same shall be made to the importer. The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out this provision.

The amendment was agreed to.

The next amendment was, on page 141, after line 22, to strike out:

401. Artificial or imitation horsehair not made up into articles, 30 per cent ad valorem; manufactures of artificial or imitation horsehair, or of which artificial or imitation horsehair is the component material of chief value, not specially provided for in sections 1 or 2 of this act, 50 per cent ad valorem; braids and plaits composed wholly or in chief value of artificial or imitation horsehair, 60 per cent ad valorem; hats, bonnets, and hoods, trimmed or untrimmed, composed wholly or in chief value of horsehair, or of artificial or imitation horsehair, 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 142, after line 9, to insert:

392. Silk partially manufactured from cocoons or from waste silk, and not further advanced or manufactured than carded or combed silk, 35 cents per pound.

The amendment was agreed to.

The next amendment was, on page 142, after line 12, to insert:

393. Spun silk or schappe silk yarn, valued at not exceeding $1 per pound, whether in singles or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, 35 cents per pound. Spun silk or schappe silk yarn, valued at exceeding $1 per pound, in the gray, in skeins, warps, or cops, if in singles and not advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 45 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 45 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 50 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 50 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound. Spun silk or schappe silk yarn, valued at exceeding $1 per pound, in the gray, on bobbins, spools, or beams, if in singles and not advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 55 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 55 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 60 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 60 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound. Spun silk or schappe silk yarn, valued at exceeding $1 per pound, colored, bleached, or dyed, in skeins or warps, if in singles and not advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 55 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 55 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 60 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 60 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound. Spun silk or schappe silk yarn, valued at exceeding $1 per pound, colored, bleached, or dyed, on bobbins, cops, spools, or beams, if in singles and not advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 65 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 65 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more single yarns together, on all numbers up to and including No. 205, 70 cents per pound, and in addition thereto ten one-hundredths of a cent per number per pound; on all numbers exceeding No. 205, 70 cents per pound, and in addition thereto fifteen one-hundredths of a cent per number per pound. In assessing the duty on all spun silk or schappe silk yarn, the number shall be that indicating the size of the yarn according to the metric or French system, and shall, in all cases, refer to the size of the spun single, of which said yarn may be composed: *Provided*, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams. But in no case shall any of the goods enumerated in this paragraph pay less rate of duty than 37½ per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 145, after line 17, to insert:

394. Thrown silk in the gum, if singles, 50 cents per pound; if tram, 75 cents per pound; if organzine, $1 per pound; if ungummed, wholly or in part, or if further advanced in manufacture in any way, in addition thereto, 50 cents per pound.

Sewing silk, twist, floss, and silk threads or yarns of any description made from raw silk, not specially provided for in this act, if in the gum, $1 per pound; if ungummed, wholly or in part, or if further advanced in manufacture in any way, $1.50 per pound: *Provided*, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams.

The amendment was agreed to.

The next amendment was, on page 146, after line 5, to insert:

395. Velvets, chenilles, or other pile fabrics, not specially provided for in this act, cut or uncut, composed of silk, or of which silk is the component material of chief value, weighing not less than 5½ ounces per square yard, $1.50 per pound; if weighing less than 5½ ounces per square yard, but not less than 4 ounces, if having more than 130 picks per inch, or if all the filling is not of cotton, $3.20 per pound; if having 130 picks per inch or less, and if all the filling is of cotton, $2.50 per pound; if weighing less than 4 ounces to the square yard, $4 per pound. Plushes, cut or uncut, composed of silk, or of which silk is the component material of chief value, if weighing not less than 9½ ounces per square yard, $1 per pound; if weighing less than 9½ ounces per square yard, $2.40 per pound. Measurements to ascertain widths of goods for determining weight per square yard of the foregoing articles shall not include the selvedges, but the duty shall be levied upon total weight of goods, including the selvedges. In distinguishing between "plushes" and "velvets," the length of the pile shall be considered. Such goods, in the above classification, shall be considered as "plushes" in which the length of the pile is one-seventh of an inch or more. Such goods shall be classed as "velvets" in which the length of the pile is less than one-seventh of an inch. The distance from the bottom of the first binding pick to the extreme end of the

pile shall be considered as the length of the pile. Velvet or plush ribbons, or other pile fabrics not over 12 inches in width and not less than three-quarters of an inch in width, cut or uncut, of which silk is the component material of chief value, not specially provided for in this act, if containing no silk except that in the pile and selvedges; if black, $1.60 per pound; if other than black, $1.75 per pound; if containing silk other than that in the pile and selvedges, if black, $2 per pound; if other than black, $2.25 per pound. If less than three-quarters of an inch in width in addition to above rates for each one-quarter of an inch or fraction thereof less than three-quarters of an inch in width, 40 cents per pound: *Provided*, That manufactures wholly or in chief value of velvets, plushes, velvet or plush ribbons, shall pay not less than the rate of duty herein imposed upon such fabrics, and in addition one-fifth of such duties. Woven fabrics in the piece, composed wholly or of chief value of silk, not specially provided for in this act, if weighing not more than one-third of an ounce per square yard, $4 per pound; if weighing more than one-third of an ounce, but not more than two-thirds of an ounce per square yard, if in the gum, $3 per pound; if ungummed, wholly or in part, $3.25 per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $3.50 per pound; if weighing more than two-thirds of an ounce, but not more than 1 ounce per square yard, if in the gum, $2.65 per pound; if ungummed, wholly or in part, $3 per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $3.25 per pound; if weighing more than 1 ounce, but not more than 1¼ ounces per square yard, if in the gum, $2.50 per pound; if ungummed, wholly or in part, $2.85 per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $3.10 per pound; if weighing more than 1¼ ounces, but not more than 2 ounces, and if containing not more than 20 per cent in weight of silk, if in the gum, 70 cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, 85 cents per pound; if containing more than 20 per cent in weight of silk, but not more than 30 per cent, if in the gum, 85 cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $1.10 per pound; if containing more than 30 per cent in weight of silk, but not more than 40 per cent, if in the gum, $1.05 per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $1.25 per pound; if containing more than 40 per cent of weight in silk, but not more than 50 per cent, if in the gum, $1.25 per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $1.50 per pound; if containing more than 50 per cent in weight of silk or if wholly of silk, if in the gum, $2.50 per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $3 per pound; if weighing more than 2 ounces per square yard, but not more than 8 ounces, and if containing not more than 20 per cent in weight of silk, if in the gum, 57½ cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, 70 cents per pound; if containing more than 20 per cent in weight of silk, but not more than 30 per cent, if in the gum, 75 cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, 90 cents per pound; if containing more than 30 per cent in weight of silk, but not more than 40 per cent, if in the gum, 90 cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $1.10 per pound; if containing not more than 40 per cent in weight of silk, but not more than 50 per cent, if in the gum, $1.10 per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, $1.30 per pound; if containing more than 50 per cent in weight of silk, or if wholly of silk, if in the gum, $2.25 per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture, or otherwise, or if dyed or printed in the piece, $2.75 per pound. Woven fabrics in the piece, composed wholly or of chief value of silk, if dyed in the thread or yarn, and if weight is not increased in dyeing beyond the original weight of raw silk, if containing not more than 45 per cent in weight of silk, $1.75 per pound; if containing more than 45 per cent in weight of silk, $3 per pound; if weight is increased in dyeing beyond the original weight of raw silk, if weighing more than one-third of an ounce, but not more than 1 ounce, per square yard, if black (except selvedges), $2.25 per pound; if other than black, $3 per pound; if weighing more than 1 ounce, but not more than 1½ ounces per square yard, if black (except selvedges), $2 per pound; if other than black, $2.75 per pound; if weighing more than 1½ ounces, but not more than 1⅝ ounces per square yard, if black (except selvedges), $1.80 per pound; if other than black, $2.50 per pound; if weiging more than 1⅝ ounces, but not more than 2 ounces per square yard, if black (except selvedges), $1.65 per pound; if other than black, $2.25 per pound; if weighing more than 2 ounces, but not more than 8 ounces per square yard, and if containing not more than 30 per cent in weight of silk, if black (except selvedges), 75 cents per pound; if other than black, 90 cents per pound; if containing more than 30 per cent in weight of silk, but not more than 40 per cent, if black (except selvedges), $1.10 per pound; if other than black, $1.30 per pound; if containing more than 45 per cent in weight of silk, or if composed wholly of silk, and if having not more than 220 single threads to the inch in the warp, if black (except selvedges), $1.50 per pound; if other than black, $2 per pound; if having more than 220 single threads to the inch in the warp, but not more than 300, if black (except selvedges), 1.65 per pound; if other than black, $2.25 per pound; if having more than 300 single threads to the inch in the warp, but not more than 380, if black (except selvedges), $1.80 per pound; if other than black, $2.50 per pound; if having more than 380 single threads to the inch in the warp, but not more than 460, if black (except selvedges), $2 per pound; if other than black, $2.75 per pound; if having more than 460 single threads to the inch in the warp, if black (except selvedges), $2.25 per pound; if other than black, $3 per pound; if printed in the warp and if weighing not more than 1½ ounces per square yard, $3.50 per pound; if weighing more than 1½ ounces, but not more than 2 ounces per square yard, $3.25 per pound; if weighing more than 2 ounces per square yard, $2.75 per pound. But in no case shall any goods made on Jacquard looms, or any goods containing more than one color in the filling, including such as have india rubber as a component material, or any of the goods enumerated in this paragraph, pay a less rate of duty than 50 per cent ad valorem.

Mr. BACON. I should like to ask the Senator from Rhode Island a question of a general character. Of course no one except an expert can understand the silk schedule. I simply desire to ask the Senator from Rhode Island whether the amendment proposed by the Senate committee is calculated to increase or decrease the revenue from these imports?

Mr. ALDRICH. The rates are supposed to approximate existing rates. I think we shall receive more revenue on account of the substitution of specific for ad valorem rates.

The amendment was agreed to.

The next amendment was, on page 153, after line 14, to insert:

396. Handkerchiefs or mufflers composed wholly or in chief value of silk, finished or unfinished, if cut, not hemmed or hemmed only, shall pay 50 per cent ad valorem; if such handkerchiefs or mufflers are hemstitched or imitation hemstitched, or revered, or have drawn threads, or are embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or are tamboured, appliquéed, or with tucking or insertion, they shall pay 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 153, after line 23, to insert:

397. Ribbons, bandings, including hatbands, beltings, bindings, all of the foregoing not exceeding 12 inches in width, and if with fast edges, bone casings, braces, cords, cords and tassels, garters, gorings, suspenders, tubings, and webs and webbings, and which are composed wholly or in part of silk, and whether composed in part of india rubber or otherwise, if not embroidered in any manner, by hand or machinery, 50 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 154, after line 6, to insert:

398. Laces, edgings, insertings, galloons, flouncings, neck rufflings, ruchings, braids, fringes, trimmings, ornaments, nets or nettings, veils or veilings, and articles made wholly or in part of any of the foregoing, or of chiffons, embroideries and articles embroidered by hand or machinery, or tamboured or appliquéed, clothing ready made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all of the foregoing made of silk, or of silk and india rubber, or of silk, india rubber, and metal, or of which silk is the component material of chief value, not specially provided for in this act, and silk goods ornamented with beads or spangles, 60 per cent ad valorem: *Provided*, That articles composed wholly or in chief value of any of the materials or goods dutiable under this paragraph shall pay not less than the rate of duty imposed upon such materials or goods by this section: *Provided further*, That tamboured or appliquéed articles or fabrics shall pay no less rate of duty than that imposed upon the material if not so tamboured or appliquéed.

Mr. BACON. I should like to ask the Senator from Rhode Island a question in regard to the paragraph. Does it relate solely to silk fabrics? The reason I ask is that there is language——

Mr. ALDRICH. It does. This particular paragraph refers to silk manufactures.

Mr. BACON. Only?

Mr. ALDRICH. Only.

Mr. BACON. The reason I ask the question is that in line 12 the term "clothing ready made," between two commas, might be construed otherwise.

Mr. ALDRICH. In line 15 the Senator will find——

Mr. BACON. I am reading from this large book.

Mr. ALDRICH. "All of the foregoing."

Mr. BACON. Yes; I noticed that. That is the reason I made the inquiry. I should so construe it myself.

Mr. ALDRICH. That is the intention of the committee, certainly.

Mr. BACON. It relates solely to articles of silk?

Mr. ALDRICH. Certainly.

The amendment was agreed to.

The next amendment was, on page 155, after line 2, to insert:

399. All manufactures of silk, or of which silk is the component material of chief value, including such as have india rubber as a component material, not specified in this act, 50 per cent ad valorem: *Provided*, That all manufactures which would otherwise be dutiable under this schedule of this act shall, if containing wool as a component material, be classified and dutiable under the appropriate provision of Schedule K of this act.

The amendment was agreed to.

The next amendment was, on page 155, after line 10, to insert:

400. In ascertaining the weight of silk under the provisions of this schedule, either in the threads, yarns, or fabrics, the weight shall be taken in the condition in which found in the goods, without deductions therefrom for any dye, coloring matter, or other foreign substance or material. In ascertaining the number of single-warp threads to the inch under the provisions of this schedule, double-warp threads shall be counted as two single threads, triple-warp threads as three single threads, and so on.

The amendment was agreed to.

The next amendment was, on page 155, after line 19, to insert:

401. Yarns, threads, filaments, or imitation silk or imitation horsehair, by whatever name known, and by whatever process made, if in the form of singles, 45 cents per pound; if in the form of tram, 50 cents per pound; if in the form of organzine, 60 cents per pound: *Pro-*

vided, That in no case shall any yarns or threads of artificial silk or imitation horsehair, or any yarns or threads made from waste of such materials, pay a less rate of duty than 30 per cent ad valorem; braids, laces, embroideries, galloons, neck ruffings, ruchings, fringes, trimmings, beltings, cords, tassels, ribbons, or other articles or fabrics composed wholly or in chief value of yarns, threads, filaments, or fibers of imitation silk or imitation horsehair, by whatever name known, and by whatever process made, 45 cents per pound, and, in addition thereto, 60 per cent ad valorem.

Mr. BURTON. I ask——

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Ohio yield to the Senator from Georgia?

Mr. BURTON. I yield.

Mr. BACON. I simply wish to ask a question of the Senator from Rhode Island in regard to the schedule generally. As I said before, it is a matter which is a sealed book to any except experts. I desire to ask the Senator whether the rates of duties, generally speaking, imposed upon imports under this schedule are rates which the committee recognize as the rates which will most conduce to revenue?

I will state to the Senator that I myself do not care how high the rates of duty are on articles of this kind, provided the rates are so apportioned as to produce the greatest revenue.

Mr. ALDRICH. My own judgment is that all of the articles which have been imported, manufactures of silk, will continue to be imported, and that under this schedule, as it now stands, the revenue will be considerably increased.

Mr. BURTON. I ask that paragraph 401 be passed over.

The VICE-PRESIDENT. Paragraph 401 will be passed over.

Mr. KEAN. Has the amendment in paragraph 401 been agreed to, and was the paragraph then passed over?

The VICE-PRESIDENT. Paragraph 401 is passed over without agreeing to the amendment. All of the other amendments are agreed to.

The Secretary resumed the reading of the bill, and read paragraph 402, under the schedule "Pulp, papers, and books."

Mr. ALDRICH. The committee hope, within a very few days, to report an amendment to the paragraph.

Mr. CLAPP. Mr. President——

Mr. HALE. Let it be passed over.

Mr. BACON. Will not the Senator——

The VICE-PRESIDENT. The Senator from Maine asks that the paragraph be passed over. It is passed over.

Mr. CLAPP. I call the attention of the committee——

Mr. HALE. Let it be passed, then.

The VICE-PRESIDENT. The paragraph will be passed over, at the suggestion of the Senator from Maine.

Mr. CLAPP. I call attention to the fact, not only with reference to this item, but other items, that it strikes me we are going to get into difficulty by using the word "province." I simply call attention to it now, so that the committee may consider it.

Mr. ALDRICH. We are confronted with this condition on our northern border. The Dominion of Canada is divided into Provinces. These Provinces are essentially independent. For instance, some of them forbid the exportation of pulp wood and some do not, and we have to deal with those Provinces by themselves, I think.

Mr. CLAPP. The difficulty with that—I am not now speaking with reference to pulp wood, although that is an illustration—is that a Province which has mills may pursue one policy which would give this entire market to the little Province having the mills, while the other Provinces, pursuing a different line, would shut us out from all of the country north of us except the particular Province that had the mills and refused to place an export duty.

Mr. ALDRICH. I am not sure but that the Senator from Minnesota is right, and that we ought to provide with respect to the Dominion or any Province or portion of the Dominion and hold the Dominion government responsible always for whatever is done in any of the Provinces.

Mr. CLAPP. I do not care to discuss it now; but, in view of the fact that the Senator said the matter was under consideration by the committee, I wished to call the attention of the committee to this matter, not only with reference to wood pulp, but as to all the relations between this country and Canada.

Mr. SUTHERLAND. I should like to ask the chairman of the committee why it is necessary to use the words "dependency, province, or other subdivision of government" at all? Why would not "country" cover it all? I notice in the first section of the bill the provision as proposed by the House has been amended by striking out the words "province, dependency, or colony," so that it reads, "upon all articles when imported from any foreign country." It seems to me that would cover everything, without using the additional words.

Mr. ALDRICH. I am not sure but that the Senator is correct. We will take that up later.

Mr. BRISTOW. I regret that I could not hear what the Senator from Rhode Island said.

The VICE-PRESIDENT. Will the Senator from Rhode Island give his attention to the Senator from Kansas?

Mr. BRISTOW. I wanted to ask if the change suggested by the Senator from Rhode Island would not place a duty on the importation of wood pulp from Canada? Are there not Provinces in Canada which now have an export duty on pulp wood and wood pulp; and if the word "country" be used, would it not impose the same duty on all importations of wood pulp or pulp wood from any part of Canada the same as might be carried as the result of an export duty from a single Province?

Mr. ALDRICH. That is one of the questions involved in this whole problem which is before the committee, and the committee will try to present something later on that will cover the case as well as they can.

Mr. HALE. In the meantime, I ask after the reading of these paragraphs that they may be passed over.

Mr. ALDRICH. It has been done.

Mr. HALE. It has been done with respect to one.

The VICE-PRESIDENT. All under schedule M?

Mr. HALE. No; paragraph 402.

The VICE-PRESIDENT. Simply paragraph 402, or the other paragraphs? Four hundred and two has been read and passed over.

Mr. HALE. When paragraph 405 is reached, after being read I ask that it may be passed over.

The VICE-PRESIDENT. That will be done.

The Secretary read paragraphs 403, 404, and 405.

The VICE-PRESIDENT. Paragraph 405 will be passed over, at the request of the Senator from Maine.

Mr. NELSON. Mr. President, the chairman of the committee will pardon me a moment if I call his attention to the paragraph where it relates to other countries or provinces. I think it will be found on examination that in the Provinces of Canada lying to the north of us—New Brunswick, Nova Scotia, Quebec, Ontario, Manitoba, Saskatchewan, Alberta, and British Columbia—they have a somewhat different rule, and therefore I think the distinction you have in the bill ought to be kept up, so that in the case of any timber or pulp or paper from any Province which imposes no restriction, no duty, or anything in the shape of an export duty, there shall be no restriction. Where a Province, either of the maritime Provinces or any other, has a restriction, it is proper enough.

I will put a case. It would not do, because the Province of New Brunswick, we will say, for instance—I do not know what the conditions there are, but the Senator from Maine would know—has restrictions, that we should apply the rule to all the other Provinces of Canada. That would not be fair and just to our people, and it would not be fair and just to them.

The Provinces in Canada are akin to our States. They are separate, independent governments of the Dominion of Canada, with the exception of Newfoundland, I think; and I am not quite sure about that. The Senator from Maine would know better whether Prince Edward Island is outside. But all the other Provinces are, as it were, States. They have governments of their own, with a legislative assembly, a lieutenant-governor, and a responsible ministry, patterned after the Dominion and the British system of government.

Now, in respect to these different Provinces, we ought to retain the distinction contained in the bill. I make these remarks because of the fact that the chairman of the committee stated that the committee had these provisions under advisement. I hope the distinction between the different Provinces that is now in the bill will be maintained.

Mr. ALDRICH. I suggest to the Senator from Minnesota one consideration in this connection. The Province of Ontario forbids the exportation of wood. That is a serious matter for the paper manufacturers of Wisconsin and Minnesota.

Mr. NELSON. Will the Senator allow me? I do not intend to break in on the matter, but, as I understand, that applies to unmanufactured wood sold under the Dominion licenses or timber privileges. There is no restriction on the export of the manufactured product.

Mr. ALDRICH. No.

Mr. NELSON. The pulp; but there would be on the logs.

Mr. ALDRICH. There is a restriction of that kind, which works to the very great disadvantage of the paper manufacturers of Wisconsin and Minnesota. But if we confine the arrangement merely to the Provinces, there will be very great difficulty, probably, to get the Province of Ontario to change its laws. If it applied to the whole of the Dominion of Canada,

the Dominion having absolute control over legislation if it sees fit to exercise it, it might be easy to persuade the Province of Ontario to be not unreasonable about the matter and to remove its prohibition.

Mr. NELSON. But I want to call the attention of the Senator from Rhode Island to the fact that a large number of these timber licenses or privileges are already out, executed, with that restriction in them, and those could not very well be changed by the government. They could not very well be changed where the government has sold what they call "timber areas" under a given form of license with that restriction in it, which amounts to a contract, which could not be affected by legislation. I ask the Senator to take that fact into consideration.

Mr. HALE. Mr. President, it is rather a complicated question—when you come to deal with Canada and its diverse Provinces upon questions relating to tariffs and duties—whether the ultimate responsibility must be placed upon the entire Dominion, and whether any amendments reported by the committee should adopt as the theory that all Canada as a whole shall be responsible for the act of any Province, or whether in detail an amendment should be framed dealing with the acts of each Province.

I am bound to say that at the present time, so far as I have examined into the matter, and with a large interest in the subject on the part of my constituents, I am not yet certain how the amendment which the committee will report regulating it should be framed, but as the chairman has indicated, all of these conditions will be considered and the committee will try in framing its amendment to secure our rights against either all Canada or any Province of Canada.

Mr. PILES. Mr. President, I think the Senator from Minnesota is clearly right about the legislation in certain Provinces of Canada. They are somewhat similar in that respect to the States of the Union, but their powers are larger than those of our States. They may legislate with respect to national affairs, so to speak.

As I understand the paragraph as it reads now, if every Province in Canada except British Columbia should restrict the importation of wood pulp into this country, then it might be admitted from British Columbia. That is the point I wish to call the Senator's attention to when he considers this matter.

Mr. NELSON. I might say that my understanding is that except for the limitations, or whatever you might call them, contained in those leases, under the general tariff law of the Dominion unmanufactured timber comes in free. I have a copy of the Canadian tariff law, which I will bring up if the committee has not got it.

Mr. HALE. Rough lumber?

Mr. NELSON. No; unmanufactured, logs.

Mr. HALE. That is what I say, rough.

Mr. NELSON. No; not rough lumber, but unmanufactured.

Mr. HALE. What I mean is the original tree, the log.

Mr. NELSON. Yes; that comes in free of duty, except in cases where it is limited by those leases.

The VICE-PRESIDENT. Paragraph 405 will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 159, after line 8, to strike out:

407. Papers with coated surface or surfaces, not specially provided for in this section, 5 cents per pound; if wholly or partly covered with metal or its solutions (except as hereinafter provided), or with gelatin or flock, or if embossed or printed, 5 cents per pound and 20 per cent ad valorem; papers, including wrapping paper, with the surface decorated or covered with a design, fancy effect, pattern, or character, whether produced in the pulp or otherwise, but not by lithographic process, 4½ cents per pound; if embossed, or wholly or partly covered with metal or its solutions, or with gelatin or flock, 5 cents per pound and 20 per cent ad valorem: *Provided*, That paper wholly or partly covered with metal or its solutions, and weighing less than 15 pounds per ream of 480 sheets, on a basis of 20 by 25 inches, shall pay a duty of 5 cents per pound and 25 per cent ad valorem; parchment papers, and grease-proof and imitation parchment papers which have been supercalendered and rendered transparent, or partially so, by whatever name known, 2 cents per pound and 10 per cent ad valorem; all other grease-proof and imitation parchment papers, not specially provided for in this section, by whatever name known, 2 cents per pound and 10 per cent ad valorem; bags, envelopes, printed matter other than lithographic, and all other articles composed wholly or in chief value of any of the foregoing papers, not specially provided for in this section, and all boxes of paper or wood covered with any of the foregoing paper, 5 cents a pound and 30 per cent ad valorem; albumenized or sensitized paper, or paper otherwise surface coated for photographic purposes, 30 per cent ad valorem; plain basic papers for albumenizing, sensitizing, baryta coating, or for photographic or solar printing processes, 3 cents per pound and 10 per cent ad valorem.

And to insert:

407. Surface-coated papers not specially provided for in this section, 2½ cents per pound and 15 per cent ad valorem; if printed, or wholly or partly covered with metal or its solutions, or with gelatin or flock, 3 cents per pound and 20 per cent ad valorem; parchment papers, 2 cents per pound and 20 per cent ad valorem; plain basic photographic papers for albumenizing, sensitizing, or baryta coating, and basic papers for solar and other light printing, 3 cents per pound and 10 per cent ad valorem; albumenized or sensitized paper or paper otherwise surface coated for photographic purposes, 30 per cent ad valorem: *Provided*, That paper wholly or partly covered with metal or its solutions, and weighing less than 15 pounds per ream of 480 sheets, on a basis of 20 by 25 inches, shall pay a duty of 5 cents per pound and 30 per cent ad valorem.

Mr. BROWN. I ask to have that paragraph passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Nebraska.

Mr. BROWN. And also the proposed amendment.

The VICE-PRESIDENT. Yes; the request covers both the original paragraph and the amendment of the committee.

The next amendment was, on page 161, after line 6, to strike out:

408. Pictures, post cards, calendars, cards, labels, placards, and other articles composed wholly or in chief value of paper, lithographically printed in whole or in part from stone or metal (except music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same, not specially provided for in this section), if other than labels, flaps, and cigar bands and not exceeding eight one-thousandths of 1 inch in thickness, 25 cents per pound; exceeding eight one-thousandths of 1 inch and not exceeding twenty one-thousandths of 1 inch in thickness, and not exceeding 400 square inches cutting size in dimensions, 10 cents per pound; exceeding 400 square inches cutting size in dimensions, 35 per cent ad valorem; exceeding twenty one-thousandths of 1 inch in thickness, 8 cents per pound; any of the foregoing that are die cut or embossed shall pay one-half of 1 cent per pound in addition, but if both die cut and embossed they shall pay 1 cent per pound in addition: *Provided*, That in the case of articles hereinbefore specified in this paragraph, the thickness or the thickness and size which shall determine the rate of duty to be imposed shall be that of the thinnest material found in the article, but for the purposes of this paragraph the thickness of lithographs mounted or pasted upon paper, cardboard, or other material shall be the combined thickness of the lithograph and the piece on which it is mounted or pasted. Labels and flaps, if printed in less than eight colors (bronze printing to be counted as three colors), but not printed in whole or in part in metal leaf, 25 cents per pound; cigar bands of the same number of colors and printings, 30 cents per pound; labels and flaps printed in eight or more colors, but not printed in whole or in part in metal leaf, 35 cents per pound; cigar bands of the same number of colors and printings, 40 cents per pound; labels and flaps printed in whole or in part in metal leaf, 50 cents per pound; cigar bands printed in whole or in part in metal leaf, 55 cents per pound; labels, flaps, and cigar bands, if embossed, shall pay 5 cents per pound in addition to the foregoing rates. Decalcomanias, in ceramic colors, 80 cents per pound; if backed with metal leaf, 70 cents per pound; all other decalcomanias, 45 cents per pound. Books of paper or other material for children's use, not exceeding in weight 24 ounces each, and all booklets and fashion magazines or periodicals, any of these printed in whole or in part by lithographic process or decorated by hand, 8 cents per pound.

And to insert:

408. Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles, composed wholly or in chief value of paper lithographically printed in whole or in part from stone, metal, or material other than gelatin (except boxes, or music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same, not specially provided for in this section), shall pay duty at the following rates: Labels and flaps, printed in less than eight colors (bronze printing to be counted as three colors), but not printed in whole or in part in metal leaf, 25 cents per pound; cigar bands of the same number of colors and printings, 30 cents per pound; labels and flaps printed in eight or more colors, but not printed in whole or in part in metal leaf, 30 cents per pound; cigar bands of the same number of colors and printings, 35 cents per pound; labels and flaps, printed in whole or in part in metal leaf, 50 cents per pound; cigar bands, printed in whole or in part in metal leaf, 55 cents per pound; booklets, 7 cents per pound; books of paper or other material for children's use, not exceeding in weight 24 ounces each, 6 cents per pound; fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, 8 cents per pound; booklets, decorated in whole or in part by hand or by spraying, 15 cents per pound. Decalcomanias in ceramic colors, $1 per pound; if backed with metal leaf, 65 cents per pound; all other decalcomanias, 40 cents per pound. All other articles than those hereinbefore specifically provided for in this paragraph, not exceeding eight one-thousandths of 1 inch in thickness, 20 cents per pound; exceeding eight and not exceeding twenty one-thousandths of 1 inch in thickness, 7 cents per pound; exceeding twenty one-thousandths of 1 inch in thickness, 6 cents per pound: *Provided*, That in the case of articles hereinbefore specified the thickness which shall determine the rate of duty to be imposed shall be that of the thinnest material found in the article, but for the purposes of this paragraph the thickness of lithographs mounted or pasted upon paper, cardboard, or other material shall be the combined thickness of the lithograph and the foundation on which it is mounted or pasted.

Mr. BROWN. I ask that the same order be made in regard to that paragraph.

The VICE-PRESIDENT. The Senator from Nebraska asks that the paragraph be passed over.

Mr. DEPEW. I rose to make the same request.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 164, after line 17, to strike out:

409. Writing, letter, note, handmade, drawing, ledger, bond, record, tablet, typewriter, and onionskin and imitation onionskin paper, calendered or uncalendered, weighing 6½ pounds or over, but not exceeding 15 pounds per ream, 2 cents per pound and 10 per cent ad valorem; weighing more than 15 pounds per ream, 3½ cents per pound and 15 per cent ad valorem; but if any such paper is ruled, bordered, embossed, printed, or decorated in any manner, it shall pay 10 per cent ad valorem in addition to the foregoing rates: *Provided*, That in computing the duty on such paper every 180,000 square inches shall be taken to be a ream.

And to insert:

409. Writing, letter, note, handmade paper and paper commercially known as handmade paper and machine handmade paper, japan paper and imitation japan paper by whatever name known, and bond, record, tablet, typewriter, manifold, and onionskin and imitation onionskin papers, calendered or uncalendered, weighing 6½ pounds or over per ream, 3½ cents per pound and 15 per cent ad valorem; but if any such paper is ruled, bordered, embossed, printed, lined, or decorated in any manner, other than by lithographic process, it shall pay 10 per cent ad valorem in addition to the foregoing rates: *Provided*, That in computing the duty on such paper every 180,000 square inches shall be taken to be a ream.

Mr. BROWN. I ask the same order as to that paragraph.

The VICE-PRESIDENT. Paragraph 409 will be passed over, at the request of the Senator from Nebraska.

The next amendment was, on page 165, after line 18, to strike out the subhead "Manufactures of paper."

The amendment was agreed to.

The next amendment was, on page 165, line 21, after the word "section," to insert "folded or flat;" and in the same line, before the words "per cent," to strike out "thirty" and insert "twenty," so as to make the paragraph read:

410. Paper envelopes not specially provided for in this section, folded or flat, if plain, 20 per cent ad valorem; if bordered, embossed, printed, tinted, decorated, or lined, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 166, line 1, before the words "per cent," to strike out "fifty" and insert "thirty-five;" in line 3, before the words "per cent," to strike out "thirty" and insert "twenty-five;" in line 6, before the words "per cent," to strike out "thirty-five" and insert "twenty-five;" in the same line, after the word "That," to strike out "paper combined with other material, whether the same be known as paper or not, and;" in line 11, after the word "boxes," to insert "plain or printed but not lithographed;" and in line 12, after the word "section," to strike out "shall be dutiable at not less than the rate imposed by this section upon manufactures of the material of which they are made" and insert "35 per cent ad valorem; articles composed wholly or in chief value of paper printed by the photogelatin process and not specially provided for in this act, 3 cents per pound and 25 per cent ad valorem;" so as to make the paragraph read:

411. Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs, 35 per cent ad valorem; press boards or press paper, valued at 10 cents per pound or over, 35 per cent ad valorem; paper hangings wholly or in chief value of paper, 25 per cent ad valorem; wrapping paper not specially provided for in this section, 35 per cent ad valorem; paper not specially provided for in this section, 25 per cent ad valorem: *Provided*, That paper embossed, or cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms, or cut or shaped for boxes, plain or printed but not lithographed, and not specially provided for in this section, 35 per cent ad valorem; articles composed wholly or in chief value of paper printed by the protogelatin process and not specially provided for in this act, 3 cents per pound and 25 per cent ad valorem.

The amendment was agreed to.

Mr. BURROWS. Let paragraph 411 be passed over.

The VICE-PRESIDENT. Paragraph 411 will be passed over with the amendment agreed to.

The next amendment was, on page 166, line 24, after the words "ad valorem," to strike out "post cards not specially provided for in this section, if wholly of paper, 5 cents per pound and 25 per cent ad valorem; all other, 45 per cent ad valorem," so as to make the paragraph read:

412. Books of all kinds, bound or unbound, including blank books, slate books and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, all the foregoing wholly or in chief value of paper, and not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was continued.

The next amendment was, on page 167, after line 5, to strike out:

414. All boxes made wholly or in chief value of paper or papier mache, and all boxes (except metal), lacquered, or covered, trimmed or decorated with shells, 45 per cent ad valorem.

And insert:

414. All boxes made of paper, or of which paper is the component material of chief value, if covered with surface-coated paper, 45 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 167, line 18, before the words "per cent," to strike out "forty" and insert "thirty-five," so as to make the paragraph read:

416. Manufactures of paper, or of which paper is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in Schedule N—Sundries, on page 167, line 20, after the word "kinds," to insert "including imitation pearl beads;" in line 26, after the word "in," where it occurs the second time, to strike out "part" and insert "chief value;" on page 168, line 4, after the word "in," to strike out "part" and insert "chief value;" and in line 7, before the word "articles," to insert "such," so as to make the paragraph read:

417. Beads of all kinds, including imitation pearl beads, not threaded or strung, 35 per cent ad valorem; strung loosely on thread for facility in transportation only, 35 per cent ad valorem; fabrics, nets or nettings, laces, embroideries, galloons, wearing apparel, ornaments, trimmings, curtains, fringes, and other articles not specially provided for in this section, composed wholly or in chief value of beads or spangles made of glass or paste, gelatin, metal, or other material, but not in part of wool, 60 per cent ad valorem: *Provided*, That no article composed wholly or in chief value of beads or spangles made of glass, paste, gelatin, metal, or other material shall pay duty at a less rate than is imposed in any paragraph of this section upon such articles without such beads or spangles.

The amendment was agreed to.

The next amendment was, on page 168, line 9, before the word "composed," to strike out "if;" in line 12, after the words "ad valorem," to strike out "if bleached, dyed, colored, or stained, 20 per cent ad valorem;" in line 14, after the word "composed," to insert "wholly or in chief value;" in line 16, after the word "osier," to strike out "or;" and in the same line, after the word "rattan," to insert "cuba bark or manila hemp," so as to make the paragraph read:

418. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, 15 per cent ad valorem; hats, bonnets, and hoods composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, or manila hemp, whether wholly or partly manufactured, but not trimmed, 35 per cent ad valorem; if trimmed, 50 per cent ad valorem. But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

The amendment was agreed to.

The Secretary read the next paragraph, as follows:

419. Brushes, brooms, and feather dusters of all kinds, and hair pencils in quills or otherwise, 40 per cent ad valorem.

Mr. BURROWS. Let the paragraph be passed over.

The VICE-PRESIDENT. Paragraph 419 will be passed over, at the request of the Senator from Michigan.

The reading of the bill was resumed.

The next amendment was, on page 169, after line 8, to strike out the subhead "Buttons and button forms."

The amendment was agreed to.

The next amendment was, on page 169, after line 9, to strike out paragraph 422, in the following words:

422. Button forms: Lastings, mohair, cloth, silk, or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner as to be fit for buttons exclusively, 10 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 169, line 15, after the word "the," to strike out "rates herein specified for the respective buttons, the line-button measure being one-fortieth of 1 inch, namely" and insert "following rates, the line button being one-fortieth of 1 inch, namely;" on page 170, line 6, after the word "gross," to strike out "snap fasteners or clasps, or parts thereof, by whatever name known, 50 per cent ad valorem; buttons of metal, embossed with a design, device, pattern, or lettering, 45 per cent ad valorem;" and in line 11, after the word "studs," to insert "composed wholly of bone, mother-of-pearl, or ivory," so as to make the paragraph read:

423. Buttons or parts of buttons and button molds or blanks, finished or unfinished, shall pay duty at the following rates, the line-button measure being one-fortieth of 1 inch, namely: Buttons known commercially as agate buttons, metal trousers buttons (except steel), and nickel bar buttons, one-twelfth of 1 cent per line per gross; buttons of bone, and steel trousers buttons, one-fourth of 1 cent per line per gross; buttons of pearl or shell, 1½ cents per line per gross; buttons of horn, vegetable ivory, glass, or metal, not specially provided for in this section, three-fourths of 1 cent per line per gross, and in addition thereto, on all the foregoing articles in this paragraph, 15 per cent ad valorem; shoe buttons made of paper, board, papier-maché, pulp or other similar material, not specially provided for in this section, valued at not exceeding 3 cents per gross, 1 cent per gross; buttons not specially provided for in this section, and all collar or cuff buttons and studs composed wholly of bone, mother-of-pearl, or ivory, 50 per cent ad valorem.

The amendment was agreed to.

The Secretary read the next paragraph, as follows:

424. Coal, bituminous, and coal slack, or culm, and shale, 67 cents per ton of 28 bushels, 80 pounds to the bushel; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquettes or other form, 20 per cent ad valorem; coke, 20 per cent ad valorem: *Provided*, That any of the foregoing, when imported from any country, dependency, province, or colony which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty: *Provided further*, That on all coal imported into the United States which is afterwards used for fuel on board vessels propelled by steam and engaged in trade with foreign countries, or in trade between the Atlantic and Pacific ports of the

United States, and which are registered under the laws of the United States, a drawback shall be allowed equal to the duty imposed by law upon such coal, and shall be paid under such regulations as the Secretary of the Treasury shall prescribe.

Mr. ALDRICH. The committee will suggest an amendment to this paragraph later on.

The VICE-PRESIDENT. The Senator does not suggest that it be passed over?

Mr. CLARK of Wyoming. I suggest that it be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, on the suggestion of the Senator from Wyoming.

The next amendment was, on page 171, line 13, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 15, after the word "manufactures," to insert "wholly or in chief value;" and in line 17, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

425. Cork bark cut into squares, cubes, or quarters, 8 cents per pound; manufactured corks over three-fourths of an inch in diameter, measured at larger end, 15 cents per pound; three-fourths of an inch and less in diameter, measured at larger end, 25 cents per pound; cork, artificial, or cork substitutes, manufactured from cork waste or granulated cork, and not otherwise provided for in this section, 6 cents per pound; manufactures wholly or in chief value of cork, or of cork bark, or of artificial cork or cork substitutes, granulated or ground cork, not specially provided for in this section, 30 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 171, after line 21, to strike out:

427. Dolls, doll heads, toy marbles of whatever materials composed, and all other toys not composed of rubber, china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for in sections 1 or 2 of this act, 35 per cent ad valorem: *Provided*, That no articles shall be dutiable as toys except those made as playthings for children.

And to insert:

427. Dolls, and parts of dolls, doll heads, toy marbles of whatever materials composed, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for in this section, 35 per cent ad valorem.

Mr. BURKETT. The Senator from West Virginia [Mr. SCOTT] was called out of the Chamber, and requested me to have some of these paragraphs passed over. I ask that paragraph 427 be passed over.

Mr. ALDRICH. I think an amendment has been prepared to meet the views of the Senator from West Virginia. However, I do not object to its going over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Nebraska.

The next amendment was, on page 172, line 9, after the word "grains," to insert "and;" and in the same line, after the word "emery," to strike out "and corundum," so as to make the paragraph read:

428. Emery grains and emery, manufactured, ground, pulverized, or refined, 1 cent per pound; emery wheels, emery files, and manufactures of which emery or corundum is the component material of chief value, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 172, after line 13, to strike out:

429. Firecrackers of all kinds, bombs, rockets, Roman candles, and fireworks of all descriptions, 8 cents per pound; the weight to include all coverings, wrappings, and packing material.

And insert:

429. Firecrackers of all kinds, 8 cents per pound; bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for in this section, 12 cents per pound; the weight on all the foregoing to include all coverings, wrappings, and packing material.

Mr. DOLLIVER. I ask that the paragraph be passed over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from Iowa.

The next amendment was, on page 172, after line 22, to strike out:

430. Fulminates, fulminating powders, and like articles, not specially provided for in this section, 30 per cent ad valorem.

And insert:

430. Fulminates, fulminating powders, and like articles suitable for miners' use, 20 per cent ad valorem; all other not specially provided for in this section, 30 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 173, line 11, before the word "cents," to strike out "eight" and insert "six;" and in line 13, after the word "each," to insert "three-fourths of," so as to make the paragraph read:

432. Matches, friction or lucifer, of all descriptions, per gross of 144 boxes, containing not more than 100 matches per box, 6 cents per gross; when imported otherwise than in boxes containing not more than 100 matches each, three-fourths of 1 cent per 1,000 matches.

The amendment was agreed to.

The next amendment was, on page 173, after line 14, to strike out:

433. Percussion caps, cartridges, and cartridge shells empty, 30 per cent ad valorem; blasting caps, $2 per thousand; mining, blasting, or safety fuses of all kinds, 35 per cent ad valorem.

And insert:

433. Percussion caps and cartridges, 30 per cent ad valorem; blasting caps, $2 per thousand; mining, blasting, or safety fuses of all kinds, 30 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 174, line 1, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 8, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 11, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

434. Feathers and downs of all kinds, including bird skins or parts thereof with the feathers on, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for in this section, 20 per cent ad valorem; when dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, and also dressed and finished birds suitable for millinery ornaments, and artificial or ornamental feathers, fruits, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for in this section, 60 per cent ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for in this section, composed wholly or in chief value of any of the feathers, flowers, leaves, or other materials or articles herein mentioned, 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 175, in line 12, to strike out "Furs dressed on the skin, but not dyed, sewed, repaired, or advanced in any manner further than dressed, 20 per cent ad valorem; articles of wearing apparel of every description, made up or manufactured, wholly or in part, composed of fur or of which fur is the component material of chief value, but not in part of wool, 35 per cent ad valorem; manufactures of fur or of which fur is the component material of chief value, not composed in part of wool and not specially provided for in sections 1 or 2 of this act, 35 per cent ad valorem: *Provided*, That furs dressed on the skin, when dyed, repaired, sewed, or advanced in any manner further than dressed, shall not be classified for duty at a lower rate than that herein imposed upon manufactures of fur" and to insert "Furs dressed on the skin, but not advanced further than dyeing and repairing, 20 per cent ad valorem; manufactures of furs, further advanced than dressing, dyeing, and repairing, when prepared for use as material, including plates, linings, and crosses, 35 per cent ad valorem; articles of wearing apparel of every description, partly or wholly manufactured, composed of or of which fur is the component material of chief value, but not in part of wool, 50 per cent ad valorem," so as to make the paragraph read:

435. Furs dressed on the skin, but not advanced further than dyeing and repairing, 20 per cent ad valorem; manufactures of furs, further advanced than dressing, dyeing, and repairing, when prepared for use as material, including plates, linings, and crosses, 35 per cent ad valorem; articles of wearing apparel of every description, partly or wholly manufactured, composed of or of which fur is the component material of chief value, but not in part of wool, 50 per cent ad valorem. Furs not on the skin, prepared for hatters' use, including fur skins carroted, 20 per cent ad valorem.

Mr. DOLLIVER. I ask that the paragraph be passed over.

The VICE-PRESIDENT. The Senator from Iowa asks that the paragraph be passed over. It will be passed over.

Mr. FLINT. I ask that paragraph 433 be passed over. The Senator from Connecticut [Mr. BRANDEGEE] asked me to have it passed over.

The VICE-PRESIDENT. The amendment was agreed to. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 175, line 21, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

438. Hair, human, if clean or drawn but not manufactured, 20 per cent ad valorem; manufactures of human hair, or of which human hair is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 175, after line 22, to strike out:

439. Hair, animal, other than that directed by this act to be classed as wool; if dyed or otherwise advanced, 20 per cent ad valorem.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 176, line 5, after the word "cloth," to insert "any of the foregoing not composed of wool," so as to make the paragraph read:

441. Haircloth, known as "crinoline" cloth, 8 cents per square yard; haircloth, known as "hair seating," and hair press cloth, any of the foregoing not composed of wool, 20 cents per square yard.

The amendment was agreed to.

The next amendment was, on page 176, after line 6, to strike out:

442. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at not more than $4.50 per dozen, $1.50 per dozen; valued at more than $4.50 per dozen and not more than $9 per dozen, $3 per dozen; valued at more than $9 per dozen and not more than $18 per dozen, $5 per dozen; valued at more than $18 per dozen, $7 per dozen; and in addition thereto, on all the foregoing, 20 per cent ad valorem.

And insert:

442. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at not more than $5 per dozen, $1.25 per dozen; valued at more than $5 per dozen and not more than $10 per dozen, $2.25 per dozen; valued at more than $10 per dozen and not more than $20 per dozen, $4 per dozen; valued at more than $20 per dozen, $5.50 per dozen; and in addition thereto, on all the foregoing, 15 per cent ad valorem.

Mr. LODGE. Let that be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Massachusetts.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 177, line 9, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

443. Indurated fiber ware and manufactures of pulp, not specifically provided for in this section, printed or unprinted, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 177, line 13, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

444. Jewelry and parts thereof, finished or unfinished, and articles not specially provided for in this section, used to be worn upon the person or carried in the hand for purpose of adornment or utility, made in part of metal, including chain purses and bags, of gold or silver wire or imitations thereof, portmonnaies, watch charms and guards, precious stones and corals set, and pearls set or strung, and cameos in frames, 60 per cent ad valorem.

Mr. ALDRICH. Mr. President, the committee have under consideration an amendment to this paragraph providing for specific duties, which they will submit within a day or two.

The VICE-PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 177, after line 19, to strike out:

445. Diamonds, emeralds, rubies, and sapphires irrespective of size, and precious stones of other varieties when not exceeding 1 inch in any one dimension; any of the foregoing advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, and not set, 10 per cent ad valorem; imitations of precious stones, coral, and pearls, composed wholly of glass or paste, not exceeding 1 inch in any one dimension, and not engraved, painted, ornamented, or decorated, and not mounted or set, 20 per cent ad valorem.

And insert:

445. Pearls and parts thereof, drilled or undrilled, but not set or strung, 10 per cent ad valorem; diamonds and bort, coral, rubies, cameos, and other precious stones and semiprecious stones, cut but not set, and suitable for use in the manufacture of jewelry, 10 per cent ad valorem; imitation precious stones for use in the manufacture of jewelry, doublets, artificial, or so-called synthetic or reconstructed pearls, rubies, or other precious stones, 20 per cent ad valorem.

Mr. BACON. Mr. President, I should like to inquire of the chairman of the committee if this low rate of duty is put upon these articles because it is believed they will yield the most revenue at that rate?

Mr. ALDRICH. The experience of the country has shown that this rate is the highest point at which a duty can be fixed and practically collect any revenue at all.

Mr. BACON. I made the inquiry because that, of course, is the only thing which would justify so low a rate of duty. They are articles which ought to bear the highest rate of duty which is consistent with the desired amount of revenue from them, and I suppose that that must be the case, and that is the reason I made the inquiry of the Senator, and that the rate here proposed is deemed to be the rate at which the greatest revenue can be derived from this class of articles.

Mr. ALDRICH. We have tried, I think, twice to impose a 25 per cent ad valorem duty on such articles, and the result has been that no dutiable importations were made and no revenue raised.

Mr. BACON. I suppose the fact is that a high rate of duty is too great an inducement to smuggling an article that is easily smuggled.

The VICE-PRESIDENT. In the absence of objection, the amendment will be agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 178, after line 13, to strike out:

446. Coral, articles of, advanced in condition or value from their natural state by cutting or any other process, when not exceeding 1 inch in any one dimension, not beads and not set, 50 per cent ad valorem; articles or manufactures of coral, except jewelry and beads, not specially provided for in sections 1 or 2 of this act, 50 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 178, after line 20, to strike out:

447. Pearls; in their natural state, 10 per cent ad valorem; drilled, half, sawed, or split, or otherwise advanced, 20 per cent ad valorem; collections of pearls selected, matched, or graded shall be dutiable as jewelry.

The amendment was agreed to.

The next amendment was, on page 178, line 25, after the word "Band," to insert "bend;" in the same line, after the word "leather," to insert "rough leather;" on page 179, line 3, after the word "finished," to strike out "chamois and;" in line 5, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 6, after the words "ad valorem," to insert "chamois skins, 20 per cent ad valorem;" in line 8, after the words "ad valorem," to strike out "patent, japanned, varnished, or enameled leather, 20 per cent ad valorem" and to insert "patent, japanned, varnished, or enameled leather weighing not over 10 pounds per dozen hides or skins, 27 cents per pound and 15 per cent ad valorem; if weighing over 10 pounds and not over 25 pounds per dozen, 27 cents per pound and 8 per cent ad valorem; if weighing over 25 pounds per dozen, 20 cents per pound and 10 per cent ad valorem;" and in line 17, after the word "leather," to strike out "and glove leather," so as to make the paragraph read:

448. Band, bend, or belting leather, rough leather, and sole leather, 5 per cent ad valorem; dressed upper and all other leather, calfskins tanned or tanned and dressed, kangaroo, sheep, and goatskins (including lamb and kid skins) dressed and finished, other skins and bookbinders' calfskins, all the foregoing not specially provided for in this section, 15 per cent ad valorem; chamois skins, 20 per cent ad valorem; skins for morocco, tanned but unfinished, 5 per cent ad valorem; patent, japanned, varnished, or enameled leather weighing not over 10 pounds per dozen hides or skins, 27 cents per pound and 15 per cent ad valorem; if weighing over 10 pounds and not over 25 pounds per dozen, 27 cents per pound and 8 per cent ad valorem; if weighing over 25 pounds per dozen, 20 cents per pound and 10 per cent ad valorem; pianoforte leather and pianoforte-action leather, 20 per cent ad valorem; leather shoe laces, finished or unfinished, 50 cents per gross pairs and 10 per cent ad valorem; boots and shoes made of leather, 15 per cent ad valorem: *Provided*, That leather cut into shoe uppers or vamps or other forms, suitable for conversion into manufactured articles, and gauffre leather, shall be classified as manufactures of leather and pay duty accordingly.

Mr. DIXON. I ask that that paragraph be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 180, line 2, after the word "jewelry," to insert "and manufactures of leather, or of which leather is the component material of chief value, not specially provided for in this section;" and in line 5, after the words "ad valorem," to strike out "any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining, or luncheon and similar sets, 50 per cent ad valorem; manufactures of leather, or of which leather is the component material of chief value, not specially provided for in sections 1 or 2 of this act, 30 per cent ad valorem. Articles and manufactures of rawhide, or of which rawhide is the component material of chief value, not specially provided for in sections 1 or 2 of this act, 50 per cent ad valorem," so as to make the paragraph read:

449. Bags, baskets, belts, satchels, cardcases, pocketbooks, jewel boxes, portfolios, and other boxes and cases, made wholly of or in chief value of leather, not jewelry, and manufactures of leather, or of which leather is the component material of chief value, not specially provided for in this section, 40 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 180, after line 14, to strike out:

450. Gloves made wholly or in part of leather, whether wholly or partly manufactured, shall pay duty at the following rates, namely: On gloves not exceeding 14 inches in length, $4 per dozen pairs; on gloves exceeding 14 inches in length, $4 per dozen pairs and 35 cents per dozen pairs in addition for each inch or major portion thereof in excess of 14 inches; the length in each case being the extreme length of the glove when stretched to its full extent.

And insert:

450. Gloves made wholly or in part of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent, namely:

450a. Women's or children's "glace" finish, schmaschen (of sheep origin), not over 14 inches in length, $1.75 per dozen pairs; over 14 inches and not over 17 inches in length, $2.25 per dozen pairs; over 17 inches in length, $2.75 per dozen pairs; men's "glace" finish, schmaschen (sheep), $3 per dozen pairs.

450b. Women's or children's "glace" finish, lamb or sheep, not over 14 inches in length, $2.50 per dozen pairs; over 14 and not over 17 inches in length, $3.50 per dozen pairs; over 17 inches in length, $4.50 per dozen pairs; men's "glace" finish, lamb or sheep, $4 per dozen pairs.

450c. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin, not over 14 inches in length, $3 per dozen pairs; over 14 and not over 17 inches in length, $3.75 per dozen pairs; over 17 inches in length, $4.75 per dozen pairs; men's "glace" finish, kid, goat, or other leather than of sheep origin, $4 per dozen pairs.

450d. Women's or children's, of sheep origin, with exterior grain surface removed, by whatever name known, not over 17 inches in length, $2.50 per dozen pairs; over 17 inches in length, $3.50 per dozen pairs; men's, of sheep origin, with exterior surface removed, by whatever name known, $4 per dozen pairs.

450e. Women's or children's kid, goat, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, not over 14 inches in length, $3 per dozen pairs; over 14 inches and not over 17 inches in length, $3.75 per dozen pairs; over 17 inches in length, $4.75 per dozen pairs; men's goat, kid, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, $4 per dozen pairs.

Mr. BACON. Mr. President, I should like to inquire of the committee why there is not an ad valorem rather than a specific duty on gloves? There is certainly a very great and wide range in quality and in prices of gloves which are imported. A great many of them are high-class gloves, which are used by people of wealth, and a great many of them are inferior gloves, which are low in price and which are used by people of more moderate means.

Mr. ALDRICH. I will say to the Senator from Georgia that it is the policy of the committee to recommend specific duties wherever they can be levied. In this particular case the duties are ad valorem, and the duties contained in these paragraphs are the same as those imposed by the Dingley Act.

Mr. BACON. I understand the Senator to say that these are ad valorem duties. Take gloves on which a duty of $4.50 a dozen pairs is imposed——

Mr. ALDRICH. These are compound duties.

Mr. BACON. Compound, yes. I recognize, of course, that there are instances in which specific duties are important to prevent undervaluation and other methods by which the Government is defrauded of its revenue; but there is a very wide difference in the value of different classes of gloves. As I said before, some of them are of very high grade, very expensive, and used by people of wealth; others are very much cheaper; and yet the system of the imposition of duty in this case, while there is some little difference by reason of the element of ad valorem, which enters into it, the larger duty is a specific duty, and this makes the burden fall upon the consumers of the common class of gloves as heavily as it falls upon the consumers of the very highest and most expensive classes.

I suppose, of course, there is a good reason why there should be that distinction, and I do not, in making the inquiry, make it in the way of criticism of the committee, but I should like to know the reason for it. It seems to me, Mr. President, that this is one item where the comfort of the great masses of the people is so largely involved that, unless there is some good reason for it, the people who use the cheaper classes of gloves ought not to be required to pay as large duty as those who use expensive gloves.

Mr. ALDRICH. I think that when the paragraph is regularly reached for consideration I shall be able to explain it to the Senator satisfactorily.

Mr. BACON. I understand from what the Senator from Rhode Island has said that this part of the schedule is considered as passed over and that he intends to give an explanation of it when it comes up.

Mr. ALDRICH. I meant when it was regularly reached. It is the purpose of the committee to take up the bill on Monday for consideration by paragraphs for actual disposition. When this paragraph is reached in order I will be very glad to make the explanation.

Mr. BACON. Do I understand the chairman of the committee to mean that on Monday we will take up each paragraph of the bill, or only those which have been passed over?

Mr. ALDRICH. Those which have been passed over.

Mr. BACON. For that reason I suggested that this amendment ought to be classed among those passed over.

Mr. ALDRICH. Very well; let the amendment be passed over.

Mr. CLAY. Is it not true that this entire glove schedule is simply a reenactment of the Dingley law?

Mr. ALDRICH. It is.

Mr. CLAY. As I understand—I have taken the bill and gone through it—there has not been a change in it.

Mr. ALDRICH. None whatever.

Mr. CLAY. I understand the House raised the rates considerably and the Senate committee has fixed the rates exactly as they were in the Dingley law.

Mr. ALDRICH. The Senator accurately describes the situation.

Mr. BACON. I recognize that, of course; but if there is any defect in the law as it stands I think it ought to be corrected.

Mr. SMOOT. I call the attention of the Senator from Georgia to the fact that if he will read paragraphs 450a, 450b, and 450c, he will find the rates are different upon the same lengths of gloves. The three paragraphs describe the gloves as to their value; that is, the description of the glove is virtually the value of the glove.

Mr. BACON. That is true, so far as that value is indicated by the length of the gloves.

Mr. SMOOT. No; it is the material that is in the glove, the way the material is finished, that constitutes the value of the glove.

Mr. BACON. Mr. President, of course I am not so familiar with the matter as the Senator from Utah, because he has had opportunities from which I have been debarred; but take, for instance, paragraph 450a:

450a. Women's or children's "glace" finish, schmaschen (of sheep origin), not over 14 inches in length, $1.75 per dozen pairs.

Mr. SMOOT. "Schmaschen," which is spoken of in paragraph 450a, means a glove made from stillborn skin. They are the lowest-priced gloves. The duty provided on this quality of gloves not over 14 inches long is $1.75 per dozen pairs.

Mr. BACON. That is true; that is one class.

Mr. SMOOT. Then turn to paragraph 450c, which reads:

450c. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin, not over 14 inches in length, $3 per dozen pairs.

So the duty on one kind of gloves is $1.75 per dozen pairs and on the other is $3 per dozen pairs.

Mr. BACON. There is a difference in the classification, as indicated by the Senator, but doubtless there are great differences in gloves, even among those several classes.

Mr. SMOOT. I do not believe there is any difference as to the cost of making the glove, and that is what we are providing for here.

Mr. BACON. I will not pursue the matter now. The Senator from Rhode Island has promised that there shall be an explanation of it.

The VICE-PRESIDENT. As the Chair understands, paragraph 450 is passed over, at the request of the Senator from Georgia.

Mr. BACON. Paragraph 450 and paragraphs 450a, 450b, and 450c.

The VICE-PRESIDENT. Paragraph 450 includes the paragraphs 450, 450a, 450b, 450c, 450d, and 450e. It is all one amendment, and will be passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 182, after line 17, to strike out:

451. In addition to the foregoing rates there shall be paid the following cumulative duties: On all gloves wholly or in part of leather; On gloves lined with cotton, silk, woolen, or other textile fabric, $1 per dozen pairs; on gloves lined with fur or skin, $2.50 per dozen pairs; on pique or prix seam gloves, 40 cents per dozen pairs; on hand-sewn gloves, $1 per dozen pairs; on gloves having "crow's feet" stitched, sewn, or silked on the backs thereof, or having points stitched, sewn, embroidered, or silked on the backs thereof, each point being produced with more than a single row or line of stitching, sewing, embroidery, or silking, whether the same be continuous or otherwise, 40 cents per dozen pairs.

And insert:

451. In addition to the foregoing rates there shall be paid the following cumulative duties: On all leather gloves, when lined, $1 per dozen pairs; on all pique or prix seam gloves, 40 cents per dozen pairs; on all gloves stitched or embroidered, with more than three single strands or cords, 40 cents per dozen pairs.

Mr. NELSON. Paragraph 451 ought to be passed over with the other paragraphs of the glove schedule, because it gives coloring to the other amendments and is an addition to the rates prescribed in the other paragraphs.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Minnesota.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 183, line 15, after the word "saddlery," to strike out "and whips or parts thereof," so as to make the paragraph read:

453. Harness, saddles, saddlery, in sets or in parts, finished or unfinished, 35 per cent ad valorem.

Mr. DIXON. Let paragraph 453 be passed over.

The VICE-PRESIDENT. Paragraph 453 will be passed over, at the request of the Senator from Montana.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 183, line 21, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

454. Manufactures of amber, asbestos, bladders, catgut or whip gut or worm gut, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 183, line 26, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" on page 184, line 1, before the words "per cent," to strike out "thirty" and insert "thirty-five;" and in line 4, after the word "thereof," to strike out "sponges made of rubber, 40 per cent ad valorem; combs, composed of horn and metal, 40 per cent ad valorem," so as to make the paragraph read:

455. Manufactures of bone, chip, grass, horn, india rubber, palm leaf, straw, weeds, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, 35 per cent ad valorem; but the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

The amendment was agreed to.

The next amendment was, on page 184, line 11, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

456. Manufactures of gutta-percha, ivory, vegetable ivory, mother-of-pearl and shell, plaster of Paris, papier-maché, and vulcanized india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for in this section, and shells engraved, cut, ornamented, or otherwise manufactured, 35 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 185, after line 3, to strike out:

461. Violin rosin, in boxes or cases or otherwise, 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 185, line 7, after the word "and," to strike out "statuary" and insert "sculptures."

The amendment was agreed to.

The next amendment was, in the same paragraph, in line 8, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section;" in line 9, before the words "per cent," to strike out "twenty" and insert "fifteen;" in the same line, after the word "term," to strike out "statuary" and insert "sculptures;" in line 11, after the word "such," to strike out "statuary as is" and insert "as are;" in line 13, after the word "as," to strike out "is" and insert "are;" in line 14, before the word "sculptor," to strike out "statuary or;" and in line 17, after the word "process," to strike out "*Provided*, That any of the foregoing which are proved to the satisfaction of the Secretary of the Treasury, under rules prescribed by him, to have been in existence more than twenty years prior to their importation shall be admitted free of duty," so as to make the paragraph read:

462. Paintings in oil or water colors, pastels, pen and ink drawings, and sculptures, not specially provided for in this section, 15 per cent ad valorem; but the term "sculptures" as used in this act shall be understood to include only such as are cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as are the professional production of a sculptor only, and the term "painting" as used in this act shall be understood not to include such as are made wholly or in part by stenciling or other mechanical process.

Mr. BURKETT. I will ask to have paragraph 462 go over without adopting the amendments.

The VICE-PRESIDENT. One amendment has already been adopted.

Mr. BURKETT. I will, however, ask that it go over without the adoption of the amendment.

The VICE-PRESIDENT. Paragraph 462 will be passed over. The first amendment was agreed to.

Mr. BACON. I would suggest that whenever a paragraph is passed over, it ought to be passed over without reference to any action which has been had on any amendment before the request was made, because it is going to be extremely awkward to take up a paragraph after one or two amendments have been acted upon; and there is nothing in the documents which we have which will indicate to us that there has been such action until the time comes for final action. I supposed that that was the case when a request was made to pass a paragraph over. Is not that the understanding of the chairman of the committee?

Mr. ALDRICH. No.

The VICE-PRESIDENT. The Chair has repeatedly stated, when a request has been made, that a paragraph be passed over after amendments have been agreed to, that the paragraph is passed over with the amendments agreed to; and therefore the Chair is desirous that it shall be understood now whether the amendments shall be considered as agreed to or not agreed to.

Mr. ALDRICH. But it is also understood that the Senate can go back and make any amendments they please to the text.

Mr. CULBERSON. I was going to make the statement made by the Senator from Rhode Island.

Mr. BACON. I understand that; but I think confusion would be avoided by adopting the course I have suggested.

Mr. BURKETT. We are going along pretty rapidly here. I was trying to get up before any amendment to the paragraph was adopted to ask that the paragraph be passed over.

The VICE-PRESIDENT. Then it will be understood that the paragraph will be passed over without any of the amendments to it being agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 185, line 23, after the word "wood," to strike out "or other material not metal;" and in line 25, before the word "cents," to strike out "fifty" and insert "forty-five," so as to make the paragraph read:

464. Pencils of paper or wood, filled with lead or other material, and pencils of lead, 45 cents per gross and 25 per cent ad valorem; slate pencils, covered with wood, 35 per cent ad valorem; all other slate pencils, 3 cents per 100.

The amendment was agreed to.

The next amendment was, on page 186, line 3, after the word "wood," to strike out "10 per cent ad valorem" and insert "or other material, black, 1½ cents per ounce; colored, 2 cents per ounce; copying, 3 cents per ounce," so as to make the paragraph read:

465. Pencil leads not in wood or other material, black, 1½ cents per ounce; colored, 2 cents per ounce; copying, 3 cents per ounce.

Mr. DOLLIVER. I ask that paragraph 465 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Iowa.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 186, line 8, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

466. Photographic dry plates or films, not otherwise specially provided for in this section, 25 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 186, line 16, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

467. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, valued at not more than 40 cents per gross, 15 cents per gross; other tobacco pipes and pipe bowls of clay, 50 cents per gross and 25 per cent ad valorem; other pipes and pipe bowls of whatever material composed, and all smokers' articles whatsoever, not specially provided for in this section, including cigarette books, cigarette book covers, pouches for smoking or chewing tobacco, and cigarette paper in all forms, 60 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 186, line 23, after the words "ad valorem," to strike out "*Provided*, That any of the foregoing, when imported from any country, dependency, province, or colony which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty," so as to make the paragraph read:

468. Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, and cotton gins, 15 per cent ad valorem.

Mr. CRAWFORD. I ask that paragraph 468 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from South Dakota.

Mr. CLAY. Mr. President, with the permission of the Senator from Rhode Island, I believe that the House bill placed agricultural implements, plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horserakes, cultivators, thrashing machines, and cotton gins on the free list, and the Senate bill places a duty upon them of 15 per cent. Is that correct?

Mr. ALDRICH. No; not quite correct. This is the same as the provision of the House bill with the proviso of the House bill stricken out.

That proviso reads:

Provided, That any of the foregoing, when imported from any country, dependency, province, or colony which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty.

There is no country of that kind on the face of the globe, so far as I know.

Mr. CLAY. Then the Senate committee bill imposes a duty of 15 per cent ad valorem; is that correct?

Mr. ALDRICH. The House bill imposes a duty of 15 per cent.

Mr. CLAY. Does not the Senator think that those articles ought to be on the free list?

Mr. ALDRICH. I can see no reason for it at this moment.

Mr. CLAY. Take agricultural implements. The whole country is vitally interested in them. Let that paragraph go over, Mr. President.

The VICE-PRESIDENT. The paragraph has already gone over, at the request of the Senator from South Dakota [Mr. CRAWFORD.]

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 187, line 8, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

471. Waste, not specially provided for in this section, 10 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 187, after line 9, to insert:

471a. Upon any foreign-built yacht, pleasure boat, or vessel not used or intended to be used for trade, purchased after the passage of this act by a citizen of the United States there shall be levied and collected a duty of 35 per cent ad valorem, to be payable at the time of the first arrival of said yacht within the jurisdiction of the United States after said purchase if said yacht was purchased outside the jurisdiction of the United States, or at the time of the purchase if said yacht was purchased within the jurisdiction of the United States, but this duty shall not be levied more than once on the same yacht. Any yacht upon which the duty has been paid as above prescribed shall be entitled to all the privileges and shall be subject to all the requirements prescribed by sections 4214, 4215, 4217, and 4218 of the Revised Statutes and acts amendatory thereto in the same manner as if said yacht had been built in the United States, and shall be subject to tonnage duty and light money only in the same manner as if said yacht had been built in the United States. So much of section 5 of chapter 212 of the law of 1908, approved May 28, 1908, as relates to yachts built outside the United States and owned by citizens of the United States shall not be applied to yachts on which duty has been paid as prescribed in this section.

The amendment was agreed to.

The next amendment was, on page 188, after line 11, to insert:

471b. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not enumerated or provided for in this section, a duty of 10 per cent ad valorem, and on all articles manufactured, in whole or in part, not provided for in this section, a duty of 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, on page 188, after line 17, to insert:

471c. That each and every imported article, not enumerated in this section, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this section as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this section, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

The amendment was agreed to.

Mr. HEYBURN. I should like to ask a question of the Senator from Rhode Island with respect to paragraph 471b. Is not that language broad enough to impose a duty of 10 per cent on every possible article? It says everything not enumerated. There are a great many things which are not enumerated.

Mr. ALDRICH. Not enumerated or provided for. That is the existing law and always has been.

Mr. HEYBURN. The inclusion would take in everything.

Mr. ALDRICH. It is supposed to include everything that is not otherwise provided for either on the free list or on the dutiable list.

Mr. HEYBURN. And that every article—if they have overlooked anything and not provided for it—without consideration of the merits as to that article, must pay this duty.

Mr. ALDRICH. I think that is all right.

Mr. HEYBURN. It is pretty sweeping.

Mr. ALDRICH. It is a pretty small duty.

Mr. HEYBURN. We might overlook some pretty large articles.

Mr. ALDRICH. I think the Committee on Finance is not likely, judging from the applications which have come to it from every direction, to omit anything.

Mr. HEYBURN. I think they have not omitted much, but still it is a very sweeping proposition.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 189, after line 16, to insert a new paragraph, 471d.

Mr. FOSTER. I ask that 471d be passed over.

Mr. ALDRICH. Let it be read.

The VICE-PRESIDENT. It will be passed over after it shall have been read.

The amendment of the Committee on Finance was, after line 16, on page 189, to insert as a new section the following:

471d. There shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That all articles the growth, product, or manufacture of the Philippine Islands coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except rice, and except, in any fiscal year, sugar in excess of 300,000 gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco in excess of 300,000 pounds, filler tobacco in excess of 1,500,000 pounds, and cigars in excess of 150,000,000 cigars; and there shall be levied, collected, and paid on the excess of each of said articles in any fiscal year, the same being the growth, product, or manufacture of the Philippine Islands, which excess shall be determined by the Secretary of the Treasury under such rules and regulations as he shall prescribe, and upon rice, a rate of duty equal to the duty provided upon the importation of like articles from foreign countries other than Cuba into the United States: *And provided further*, That the aforesaid exemptions of tobacco and cigars from duty shall become effective when and continue only so long as there shall be levied, collected, and paid upon tobacco and cigars imported into the Philippine Islands from any foreign country the same duties as are required by this act to be levied, collected, and paid upon tobacco and cigars imported into the United States from any foreign country; and shall become effective when and continue only so long as duties shall be levied, collected, and paid upon sugar imported into the Philippine Islands from any foreign country, as follows: Upon sugar not above No. 16 Dutch standard in color, $1.68½ per 100 pounds, and upon sugar above No. 16 Dutch standard in color, and upon all sugar which has gone through the process of refining, $1.90 per 100 pounds: *And provided further*, That, under rules and regulations to be prescribed by the Secretary of the Treasury, preference in the right of free entry of sugar to be imported into the United States from the Philippine Islands, as provided herein, shall be given to producers of less than 500 tons in each fiscal year: *And provided further*, That all articles wholly the growth, product, or manufacture of the Philippine Islands admitted into the ports of the United States free of duty under the provisions of this act, and coming directly from said islands to the United States for use and consumption therein, shall be hereafter exempt from any export duties imposed in the Philippine Islands: *Provided, however*, That in consideration of the rates of duty aforesaid, all articles the growth, product, or manufacture of the United States, shall be admitted to the Philippine Islands from the United States free of duty: *And provided further*, That there shall be paid upon articles of merchandise of Philippine Islands manufacture coming into the United States under the provisions of this section a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal revenue stamp or stamps to be provided by the Commissioner of Internal Revenue and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles of Philippine Islands manufacture mentioned in this proviso shall be exempt from payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further*, That there shall be paid upon articles of merchandise manufactured in the United States and going into the Philippine Islands a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles of merchandise when manufactured in the Philippine Islands; such tax to be paid by internal-revenue stamps or otherwise as provided by the laws in force in the Philippine Islands upon the like articles; and such articles manufactured in the United States mentioned in this proviso and going into the Philippine Islands shall be exempt from payment of any tax imposed by the internal-revenue laws of the United States: *Provided further*, That from and after the passage of this act, all internal revenues collected in or for account of the Philippine Islands shall be paid into the insular treasury and shall only be paid out therefrom in accordance with future acts of the Philippine legislature, subject, however, to section 7 of the act of Congress approved July 1, 1902, entitled "An act for the government of the Philippine Islands."

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Louisiana.

Mr. NEWLANDS. I should like to make an inquiry of the chairman of the committee, and that is what the total of the revenue remitted to the Philippine Islands under this arrangement is likely to amount to?

Mr. ALDRICH. It is impossible to say without knowing what the importations will be. You could easily figure the maximum importations that could come in, but it is impossible to say what importations will come in under these provisions.

Mr. NEWLANDS. There is a maximum importation, I believe, only in the case of sugar and tobacco and cigars.

Mr. ALDRICH. And cigars.

Mr. LODGE. Tobacco and the manufactures of tobacco.

Mr. NEWLANDS. Is the Senator prepared to state what amount will be remitted upon tobacco and cigars?

Mr. ALDRICH. That is easy of computation, although I have not the figures before me.

Mr. LODGE. We can get it.

Mr. ALDRICH. We will have it here if the Senator desires it.

Mr. NEWLANDS. I should like it; also on sugar.

Mr. LODGE. It is a very small amount.

Mr. NEWLANDS. I believe it is easy of computation on sugar. I believe the duty amounts to $35 a ton on 300,000 tons,

which would make about $10,000,000 which would be taken out of the Federal Treasury and turned over to the producers of sugar in the Philippine Islands. Am I correct in that statement?

Mr. LODGE. No such amount of sugar as 300,000 tons has ever been imported into this country from the Philippines, or anything approaching it.

Mr. NEWLANDS. But as I understand it is expected——

Mr. LODGE. The whole crop there is only 160,000 tons.

Mr. NEWLANDS. The whole crop there is about 160,000 tons?

Mr. LODGE. Yes.

Mr. NEWLANDS. Of which, I believe, a considerable portion has been admitted to this country——

Mr. LODGE. Only a very small amount. Most of it goes to China.

Mr. NEWLANDS. I assume, however, that if this duty is remitted, it will advance the value of Philippine sugar in the American market from $40 a ton, which the Philippine planter now gets, to about $75 a ton, and that if that increased price stimulates the production of sugar in the Philippine Islands and increases it 300,000 tons, and those 300,000 tons come into the United States, as they will come under the stimulus of so radical an increase of price, the Federal Treasury will lose by that operation $35 a ton on 300,000 tons, which would amount to about $10,000,000, and that the Philippine producers of sugar will gain that $10,000,000.

Mr. LODGE. Hardly that, because they now receive the duties that we collect on Philippine sugar.

Mr. NEWLANDS. I did not catch the remark of the Senator.

Mr. LODGE. We pay to them the duties we collect on Philippine sugar.

Mr. NEWLANDS. Under the present arrangement, but as I understand, it now goes into the Philippine treasury.

Mr. LODGE. It does.

Mr. NEWLANDS. Whilst under this change it would go to the producers of sugar in the Philippine Islands and not to the Philippine treasury.

Mr. LODGE. There will not be any duty at all. If there is no duty, no revenue will go into the Philippine treasury.

Mr. GALLINGER. Or anywhere else.

Mr. LODGE. Or anywhere else.

Mr. NEWLANDS. I understand; but the increase in the value of the Philippine sugar over the world's price of $40 a ton, to the protective price in America of $75 a ton, would give the producers of sugar in the Philippine Islands $35 a ton more than they are now receiving, which on 300,000 tons would mean $10,000,000.

I assume that the 300,000 tons of sugar will be sugar which under other conditions would pay to the United States a duty of $35 a ton, and under those conditions the $10,000,000 would go into the National Treasury. The Senator says under the existing tariff law the Philippine treasury receives the duty which the United States Government imposes upon Philippine sugar, and I believe this is true. The difference, however, is that under this stipulation the planters in the Philippine Islands would get the money which now, under existing law, is turned over to the Philippine treasury for the expense of government.

Mr. HEYBURN. Mr. President, I wish to ask a question of the Senator from Rhode Island. This question is one of more importance, perhaps, to the State I represent than almost any other question. We are the third largest beet-sugar producing State in the Union. Which invoice is to be counted in making up this arrangement? Is it the order of shipment? Do the first shippers get the benefit, and after the limit has been reached will those remaining have to pay the duty?

Mr. ALDRICH. I do not see any other rule that could be adopted.

Mr. HEYBURN. I do not, but it seems to me there should be some rule stated in the bill by which the particular importer should be designated. Of course it does provide that those producing only a limited amount shall be first entitled to this exemption from duty.

Mr. DU PONT. Will the Senator permit me?

Mr. HEYBURN. Certainly.

Mr. DU PONT. Can it not be left to the Philippine government? I think they can adjust that far better than we.

Mr. HEYBURN. The difficulty is that the shipment and sale of merchandise constitute purely a personal question, and one with which government can not interfere. They can not say that one man shall be allowed to ship his sugar and not another.

As suggested by the Senator from Rhode Island, it would seem to me that the bill could only be interpreted that those who are fortunate enough first to ship their sugar will receive the benefit, and that after that those who have sugar to ship will have to submit to the duty.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. In answer to the Senator from Idaho I wish to say that at present there are 1,037 producers of sugar in the Philippine Islands, and the largest producer of sugar in those islands to-day produces a little less than 1,500 tons. So the proviso is made in the bill that the preferential right shall be given to the producers of less than 500 tons. It is to be under the regulations of the Secretary of the Treasury, and it would seem that that is as far as the regulations of shipments could go with any consistency. Other than those regulations, of course, the shipper who will first get his product into America will receive the benefit.

Mr. HEYBURN. I understand that under existing conditions the necessity of answering my question, perhaps, would not arise, but it is said that those islands are capable of producing very much more than the limited amount prescribed in this bill. That time will probably come before we again revise the tariff, and it would need some legislation to determine which of these shippers should be entitled to the preference given in the bill. I desired to point this out at the present time because it seems to me it is a business proposition.

Mr. ALDRICH. We will consider the matter and perhaps report something on the subject.

Mr. BACON. Before we pass from the slight consideration we are now giving to the matter of Philippine sugar, I do not think the chairman of the committee and those who are cooperating with him fully answered the suggestion made by the Senator from Nevada [Mr. NEWLANDS].

It is true, if I read the paragraph correctly, that no money will be directly taken out of the Treasury of the United States, as no duty is collected upon Philippine sugar. But if, as is suggested by the Senator from Nevada, the product shall be increased to 300,000 tons, the amount of duty which would be practically remitted by this provision, if the rate of duty shall remain as it is now, would amount to $10,000,000 a year.

The Senator from Massachusetts replies that nothing is taken out of the Treasury. But the situation, as I understand it, would be this: A certain amount of sugar is produced in this country, but not nearly enough for the consumption of the country. Therefore all sugar necessary to supplement that domestic production is imported. If, now, 300,000 tons are admitted free of duty from the Philippine Islands, there will necessarily be 300,000 tons less imported. Therefore there will be the duty on 300,000 tons which will not be collected, and which will not go into the Treasury, and it is exactly the same as if $10,000,000 in bounty—if 300,000 tons shall be produced—were taken out of the Treasury of the United States each year and paid to the sugar producers in the Philippine Islands.

Mr. SMOOT. Mr. President, if there was only one thing to be taken into consideration in this whole transaction, the statement made by the Senator from Georgia would, perhaps, be correct, provided there were produced in the islands 300,000 tons of sugar. But, of course, to-day there is none coming from those islands. It all goes to China.

Mr. BACON. It does not come here because there is a high duty.

Mr. SMOOT. There is not, I will say, in the whole islands more than 160,000 tons produced. It is proposed, under the provision in this bill, to let that sugar into this country free. But we must remember that all of the products of this country under the bill go into the Philippine Islands free. We are taking away from them their chance of collecting duties upon the products of this country, and so it is not all one sided. We here get the advantage from the articles produced in this country entering into the Philippine Islands free, and in return for that we allow 300,000 tons of sugar to come into this country free.

Mr. CLAY. Will the Senator allow me to ask him a question?

Mr. SMOOT. Certainly.

Mr. CLAY. If we should get 300,000 tons of raw sugar from the Philippine Islands, does the Senator think refined sugar would become any cheaper in this country by reason of those importations?

Mr. SMOOT. I would not care to express an opinion on that point; but if I were going to do so, I would say I hardly think it would.

Mr. CLAY. Then, if that be true, our sugar schedule is very defective, because under the present law, if I remember correctly, raw sugar pays a duty of $1.68½ per hundred pounds.

Mr. SMOOT. That is right.

Mr. CLAY. Since we passed the Dingley bill we have provided by a treaty that Cuban sugar coming into this country shall have a reduction in duty of 20 per cent, and my recollection is that we to-day import from Cuba 1,400,000 tons of sugar, and that reduction on raw sugar has not reduced the price of refined sugar in any way whatever. My recollection is that we get about 225,000 tons of raw sugar from Porto Rico. It comes free. It does not pay any duty. Neither has there been any reduction on granulated sugar to the American people by reason of that free sugar.

Mr. SMOOT. Mr. President——

Mr. CLAY. Just one other word. We are receiving from the Sandwich Islands over 400,000 tons of free raw sugar, and notwithstanding the fact that the sugar-refining company—for one company practically controls them all—has this sugar free, and the reduction made on Cuban sugar, it continues to sell granulated sugar in the United States at the same price; and to-day, if I understand the markets correctly, granulated, or refined, sugar is bringing $2.70 per hundred pounds in London and $4.96 per hundred pounds in New York. The English workingman pays $2.70 per hundred pounds for his sugar, and the American workingman pays nearly $5 per hundred.

Mr. President, in my judgment, with the reduction on raw sugar, with one sugar-refining company controlling the refining of sugar in the United States, you will find that the reduction on raw sugar does nothing but allow the refining company to make greater profits. It will be absolutely necessary to reduce the duty on refined sugar before any substantial benefit can come to the masses of the American people.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I will not ask the Senator to yield. I thought he was through.

Mr. CLAY. I know the Senator wants to get along the bill and get through with it.

That question occurred to me. It is true that in the United States the consumer of sugar to-day is paying a retail price of 5 cents a pound, when the retail price of the same sugar in England is not quite 3 cents per pound; and the American people are paying to-day $181,000,000 for the sugar they consume annually, when the same sugar would cost them less than $100,000,000 if it were not for the tariff duties.

You take our importations. My recollection is that only 219 tons of refined sugar came to this country during the last fiscal year. You talk about your differentials—the difference between the tariff on refined sugar and on the raw sugar, placing it at $1.68½.

Mr. President, we forget the concessions that have been made in the Sandwich Islands, that have been made in Porto Rico, that have been made in Cuba, and history teaches us that not one cent reduction has been made by the American Sugar Refining Company. If you will examine the history of that enterprise, you will find that it invested $7,000,000 the first year, and made $12,000,000.

I do not desire to discuss it now, but I will do so when the matter is taken up regularly.

Mr. ALDRICH. Mr. President, I am extremely anxious to conclude the reading of the bill to-night. If it is concluded, it is my purpose to move that the Senate take an adjournment until Monday. I ask that the reading may be proceeded with.

Mr. PERKINS. I desire to ask the chairman of the committee a question bearing upon this subject-matter. Did the committee consider the advisability or expediency of compelling this sugar to be shipped in ships of American register? The Hawaiian Islands are subject to the coastwise laws of the United States. I find nothing in this bill which provides that it shall be shipped in ships of American register.

Mr. NEWLANDS. Mr. President, I wish to take only one moment more, for the purpose of presenting some statistics to be printed in the RECORD regarding sugar production and sugar importation. I desire to state, before I offer these statistics, that the United States consumes about 3,000,000 tons of sugar per annum; that the duty on sugar is about $35 a ton; that that duty on sugar is added to the world's cost of sugar, and thus makes the sugar cost the consumers of this country $105,000,000 more per annum than if they were permitted to obtain sugar at the world's price.

Of the $105,000,000 of additional cost imposed upon the American people by the sugar duty only $50,000,000, or about $50,000,000, goes into the National Treasury. The other $55,000,000 goes as subsidy partly to our domestic producers, but largely to insular producers. Of this $55,000,000, $12,000,000 goes to the planters of Hawaii; $10,000,000, under the reciprocity treaty goes to the planters of Cuba; and if this amendment carries, $10,000,000 more will go to the planters of the Philippine Islands. So to the three islands—Cuba, Hawaii, and the Philippines—will go $30,000,000 of the $105,000,000 imposed as additional cost for sugar upon the consumers of this country by the existing duty, and that $30,000,000 will not go into the National Treasury.

I shall not at present show how this subsidy will tend to tie the Philippines for all time to the United States by building up artificially powerful American interests in those islands that will be opposed to separation.

I will content myself now with offering these statistics regarding sugar production and consumption in this country, and ask that they may be printed in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered.

The matter referred to is as follows:

Philippine statistics—Comparison of the years 1904 and 1908.

IMPORTS.

	1904.	1908.	Increase (+) and decrease (−).
From the United States	$4,633,216	$5,079,487	+ $446,271
From other countries	28,587,545	25,838,870	−2,748,675
Total imports	33,220,761	30,918,357	−2,302,404

EXPORTS.

To the United States	$11,102,775	$10,323,233	− $779,542
To other countries	19,147,852	22,493,334	+3,345,482
Total exports	30,250,627	32,816,567	+2,565,940

REVENUE AND EXPENDITURES.

Gross revenue	$15,476,233	$17,698,559	+$2,222,326
Gross expenditures	15,040,691	17,735,051	− 2,694,360
Excess of revenue	435,542		
Excess of expenditures		36,492	

EXPORTS OF SUGAR.

	1904.		1908.		Increase.	
	Tons.	Value.	Tons.	Value.	Tons.	Value.
To the United States	11,443	$354,144	48,698	$2,036,697	37,255	$1,682,553
To other countries	62,534	2,314,363	100,625	3,627,969	38,092	1,313,606
Total exports	73,977	2,668,507	149,323	5,664,666	75,347	2,996,159

Cuban statistics—Comparison of the years 1904 and 1908.

	1904.	1908.	Increase (+) and decrease (−).
Imports from the United States	$27,377,465	$47,161,306	+$19,783,841
Exports to the United States	$76,983,418	$83,284,692	+ $6,301,274
Exports of sugar to the United States (long tons)	1,258,731	1,030,888	− 227,843

Sugar statistics—Comparison of the years 1904 and 1907.

DOMESTIC PRODUCTION.

	1904.	1907.	Increase (+) and decrease (−).
Beet sugar.....long tons..	214,825	431,796	+216,971
Cane sugar.....do....	231,084	221,719	− 9,365
Total domestic	445,909	653,515	+207,606

IMPORTATIONS.

	1904.	1907.	Increase.
From Cuba.....long tons..	1,258,731	1,444,842	186,111
From the Philippines.....do....	11,443	112,320	100,877
From Porto Rico.....do....	115,727	182,209	66,482
From Hawaii.....do....	366,970		
Total sugar imported (including Cuba and the Philippines, but not Hawaii or Porto Rico).....long tons..	1,652,064	1,960,642	308,578
Total sugar consumed.....do....	2,767,162	2,993,979	226,817
Consumption per capita.....pounds..	75.3	77.2	1.9

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, under the subhead "Free list," on page 193, after line 3, to strike out:

SEC. 2. That on and after the day following the passage of this act, unless otherwise specially provided in this act, all articles mentioned in the paragraphs contained in this section, and imported into the United States or into any of its possessions (except the Philippine Islands), from any foreign country, province, dependency, or colony, whenever any such foreign country, province, dependency, or colony, respectively, is entitled under the provisions of section 4 of this act to the minimum rates of duty, shall be exempt from duty.

And insert:

That on and after the day following the passage of this act, except as otherwise specially provided for in this act, the articles mentioned in the following paragraphs shall, when imported into the United States or into any of its possessions (except the Philippine Islands), be exempt from duty.

The amendment was agreed to.

The next amendment was, on page 193, line 18, before the word "carbolic," to strike out "benzoic," so as to make the paragraph read:

472. Acids: Arsenic or arsenious, carbolic, fluoric, hydrochloric or muriatic, nitric, phosphoric, phthalic, picric or nitropicric, prussic, silicic, and valerianic.

Mr. JONES. I ask that the paragraph be passed over.

The VICE-PRESIDENT. Paragraph 472 will be passed over, at the request of the Senator from Washington.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 193, line 24, after the word "in," to strike out "section 1 of this act" and insert "this section," so as to make the paragraph read:

476. Albumen, not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 194, after line 5, to strike out:

480. Ammonia, sulphate of.

Mr. SMITH of South Carolina. I ask that the paragraph may be passed over.

Mr. LODGE. Let it be passed.

Mr. BACON. I understood this was included in the agreement to pass a preceding section relating to the same matter.

Mr. ALDRICH. Certainly.

Mr. SMITH of South Carolina. I want to have paragraph 480 passed over.

Mr. ALDRICH. It has already been passed over.

Mr. LODGE. It has been passed over.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 194, line 8, after the word "imported," to strike out "by a citizen of the United States," and in line 9, after the word "free," to strike out "whether intended to be so used by the importer himself or for sale for such purpose," so as to read:

482. Any animal imported specially for breeding purposes shall be admitted free.

Mr. DOLLIVER. Mr. President, I desire, before asking to have the paragraph passed over, to say a word about it.

The cattle people for many years tried to get a modest protection on the importation of live cattle and other animals from other countries. They succeeded in 1897 in doing so; but they seem to be beset by a good many indirect disadvantages, and among those disadvantages are provisions such as those contained in the free list, which provide that animals imported for breeding purposes shall be admitted free, and then go on to state that animals straying into a foreign country or taken there for pasturage may be returned within six months. The cattle people have found themselves confronted by a variety of the most astounding Treasury decisions that can be found as applying to any part of these schedules; and I desire to call the attention of the committee to it, because I think it ought to be corrected.

The Treasury Department holds that a herd of cattle taken into a foreign country when they are young can be kept there an indefinite period of time and brought back as articles of American production, exported abroad, and returned to the United States unimproved in their condition, no addition made to them.

Mr. KEAN. This act provides that it shall be within a period of six months.

Mr. DOLLIVER. No.

Mr. KEAN. I beg the Senator's pardon.

Mr. DOLLIVER. There is another paragraph which provides that "articles the growth, produce, and manufacture of the United States when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means," shall be admitted free.

It would amaze anybody to suppose that a herd of sheep kept in Mexico for more than a year could be reintroduced into the United States free under the provisions of that statute.

Mr. HALE. As a manufactured product?

Mr. DOLLIVER. An article the growth, produce, or manufacture of the United States.

Yet there is somebody in the Treasury Department, and it would be a good scheme for the Secretary of the Treasury to identify him, if possible, who has so construed that law that a herd of cattle taken into a foreign country when calves may be kept there three or four years and brought back free of duty, possibly without any means of identification, on the ground that they are a product of the United States and exported and returned without any addition to their value or improvement in their general condition. That is done under a Treasury decision, which I shall take the liberty to insert in the RECORD in connection with these remarks.

The matter referred to is as follows:

CATTLE STRAYING OR DRIVEN ACROSS BOUNDARY LINE.

Decisions and interpretations.—In G. A. 6759 (T. D. 28976, April 24, 1908), in the matter of 2,045 sheep from Mexico entered at the port of San Diego and assessed by the collector at the rate of $1.50 per head under the specific provision for sheep in paragraph 221 of the tariff, which sheep, it appeared from the record in the case, had been exported from San Diego and driven across the border into Mexico for pasturage purposes, on or about July 2, 1906, and returned about May 4, 1907, the board sustained the claim of the importer that the sheep were entitled to entry free of duty under paragraph 483. Said paragraph reads in part as follows:

"483. Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means."

The Government contended that paragraph 483 is not intended to cover property of this nature by reason of the following provision in paragraph 473:

"473. * * * Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury."

As to this point the opinion says:

"We think there is some force in this claim; but that paragraph 483 does apply seems to have been conceded by the board and the courts, and its application recognized by the department for a number of years before the enactment of the present law. Note T. D. 28462. It being a question as to which paragraph should apply and the interpretation above indicated having been so long accepted, we do not deem it advisable to exclude the importation in this case by reason of the provision in paragraph 473."

Comments and suggestions.—This decision is inexplicable. That as between the statutory provisions quoted above, the one known as "paragraph 473" is far more restricted and specific in the class of merchandise it covers and the conditions it imposes than is the general provision for American goods returned contained in paragraph 483 is so obvious as to require no argument.

Special provision for the free entry of animals which had strayed or been driven across the boundary line appeared for the first time in tariff law in the act of 1894, and the restriction of admission free of duty to such animals when "brought back to the United States within six months" was an amendment added by the tariff law of 1897. Consequently, the circumstance adverted to in the opinion that the application of paragraph 483 to such merchandise was "recognized by the department for a number of years before the enactment of the present law" is immaterial. Only rulings made under the provisions of the present law have any pertinence, and the printed reports of these show that the conclusion announced in the present ruling is inconsistent with those that preceded it.

In G. A. 4249 (T. D. 19984, August 29, 1898), it was specifically held that cattle driven across the boundary line from Texas into Mexico by the owner for temporary pasturage purposes must be brought back to the United States within six months from the date of exportation in order to be entitled to free entry. The ruling under discussion is in direct conflict with, overrules in effect, but does not mention, this decision. In a decision dated March 22, 1906 (abstract 10618, T. D. 27244), the board ruled that certain cattle from Canada, owned by a Montana corporation, were free of duty under paragraph 473, having first made a finding from the evidence presented that the cattle had been returned to the United States within six months from the time of exportation.

T. D. 28462, referred to in the portion of the opinion quoted above, was a letter of the Treasury Department to a special agent expressing the opinion that the natural growth of exported and reimported American cattle while in a foreign country was not an advance in value or improvement in condition within the meaning of paragraph 483. There is nothing in the letter, however, to indicate that the cattle were such as came within the purview of paragraph 473, namely, cattle that had strayed or been driven across the boundary line.

That the Treasury Department has recognized that the two paragraphs have two different fields of operation is sufficiently shown by the circumstance that the Secretary has issued regulations by virtue of the authority conferred on him in paragraph 473 (T. D. 18215; article 504, Customs Regulations of 1899; articles 655 to 658, Customs Regulations of 1908), which are entirely separate and distinct from and differ in terms and requirements from the regulations prescribed by him under paragraph 483 (article 483 et seq., Customs Regulations of 1899; article 568 et seq., Customs Regulations of 1908).

No amendment to paragraph 473 which would make it any more explicit than it is can be suggested, but if it be desired to insure continuance of the present restriction, it might be advisable, in view of G. A. 6759, supra, to insert in paragraph 483 the phrase, "not otherwise (or specially) provided for in this act." (Notes on Tariff Revision, p. 486.)

Mr. DOLLIVER. There is another thing to be taken into account while the committee has the matter under consideration. The American Cattle Growers' Association seems to be afraid that their little duty, already subject to such troubles as that, is about to be entirely destroyed, as it would undoubtedly be by the House drawback provision, the House providing that if anybody imports an article into the United States and pays the duty on it, and afterwards manufactures either that article or any other article of the same kind in the next three years and exports that product, he will get his money back, which anybody sees would immediately nullify the cattle duty for all practical purposes.

Mr. SMOOT. I suppose the Senator knows that the committee has not finally passed upon this paragraph.

Mr. DOLLIVER. I have no doubt the committee will give attention to it, so that if we are going to have the duty preserved on cattle it will not be nullified by unwarranted and most astounding decisions of the Treasury Department, or by any provisions of the drawback scheme proposed in this bill.

I ask that it go over.

The VICE-PRESIDENT. The amendment or the paragraph?

Mr. DOLLIVER. The paragraph.

The VICE-PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 195, line 24, before the word "and," to strike out "roucou, rocoa, or orleans," so as to make the paragraph read:

484. Annatto, and all extracts of.

The amendment was agreed to.

The next amendment was, at the top of page 196, to strike out:

485. Antimony ore.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. GUGGENHEIM. I ask that paragraph 488 be passed over.

The VICE-PRESIDENT. Paragraph 488 is passed over.

The reading of the bill was resumed.

The next amendment was, on page 196, after line 6, to insert:

489½. Articles in a crude state used in dyeing or tanning not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 197, line 15, to strike out "Articles when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, bottles, flasks, carboys, bags, and other vessels exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such bags as may be imported by the exporter thereof, and if any such articles are subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded" and insert "Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other vessels of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, of either domestic or foreign manufacture, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded," so as to make the paragraph read:

490. Articles the growth, produce, and manufacture of the United States, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other vessels of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, of either domestic or foreign manufacture, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates or films of American manufacture, exposed abroad, whether developed or not, and films from moving-picture machines, light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury: *Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: *And provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon.

Mr. DOLLIVER. In paragraph 490 I desire to offer an amendment, in line 23, in the second line of the paragraph, after the words "United States," to insert the words "not including animals."

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. In the committee amendment, on page 196——

Mr. CULBERSON. Are we considering amendments proposed by individual Senators?

Mr. ALDRICH. No; but this is a mere verbal amendment. I think there can be no objection to it.

The VICE-PRESIDENT. It can be done only by unanimous consent.

Mr. CULBERSON. It is not the understanding that amendments by individual Senators would be considered at this time.

The VICE-PRESIDENT. It was not the intention. It can be done by unanimous consent.

Mr. ALDRICH. If there is any objection, of course it will not be pressed.

Mr. CULBERSON. We do not know what it is. We have not had time to consider it.

Mr. CULLOM. It would be better to let it go over.

The VICE-PRESIDENT. The Secretary was about to state the proposed amendment to the amendment. Does the Senator from Texas object to having it stated?

Mr. CULBERSON. I believe, without expressing any opinion about the amendment, because I have none, it had better take the regular course.

Mr. ALDRICH. Let it go over.

Mr. BURKETT. The whole amendment ought to go over.

Mr. ALDRICH. Yes; that is right.

The VICE-PRESIDENT. The Chair supposed the Senator from Iowa was about to ask for that anyway. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 198, after line 9, to strike out:

492. Ashes, wood and beet root; lye of wood ashes.

And insert:

492. Ashes, wood and lye of, and beet-root ashes.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 198, after line 15, to insert:

495½. Baryta, carbonate of, or witherite.

The amendment was agreed to.

The reading of the bill was continued.

Mr. BACON. I shall ask that paragraph 497, relating to binding twine, may go over, in order that we may seek to amend it by adding bagging.

The VICE-PRESIDENT. Paragraph 497 will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 199, line 8, after the word "in," to strike out "section 1 of this act" and insert "this section," so as to make the paragraph read:

502. Bladders, and all integuments and intestines of animals and fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 199, line 10, after the word "in," to strike out "section 1 of this act" and insert "this section," so as to make the paragraph read:

503. Blood, dried, not specially provided for in this section.

The amendment was agreed to.

The reading of the bill was resumed.

Mr. DU PONT. I ask the Senator in charge of the bill about the word "exclusively" in paragraph 508. Do I understand that a work in German, containing a few words in English, that might make it more definite, would come within this paragraph? I can conceive a ruling that would nullify this whole provision.

Mr. ALDRICH. No; the courts have held that that did not make it dutiable.

Mr. DU PONT. I ask that paragraph 508 may be passed over, because I intend at the proper time to move an amendment striking out the word "exclusively."

The VICE-PRESIDENT. Paragraph 508 will be passed over, at the request of the Senator from Delaware.

Mr. HALE. Why does not the Senator move his amendment now?

Mr. DU PONT. I would do so, but some objection has been made on the other side of the Chamber. However, I will move that the word "exclusively" be stricken out in the first line of paragraph 508.

Mr. HALE. That is right.

The VICE-PRESIDENT. The Secretary will state the amendment if there is no objection.

Mr. CULBERSON. Mr. President, I insist on the regular order.

The VICE-PRESIDENT. The reading of the bill will be proceeded with.

The reading of the bill was resumed.

The next amendment was, on page 200, line 21, after the word "countries," to insert "or citizens of the United States returning therefrom," so as to make the paragraph read:

510. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, or citizens of the United States returning therefrom, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

The amendment was agreed to.

Mr. BACON. I desire to make an inquiry of the Senator in regard to that paragraph. Do the words "and reasonable furniture" apply to anything except furniture for libraries, or do they mean general household furniture?

Mr. LODGE. General household furniture, it has been interpreted.

Mr. BACON. The question I wish to ask is this: We know the law limits the amount which anyone coming into the United States can bring for his own use to $100 worth. Does this item enlarge that, so that in addition to that anyone may bring in furniture without limit?

Mr. LODGE. I understand it applies only to persons who have lived abroad continuously for a year. It refers to furniture. It has been in the bill for a great many years.

Mr. BACON. I say it applies to persons living abroad and returning therefrom.

Mr. LODGE. But they have to be abroad and in the use of it not less than one year.

Mr. ALDRICH. Actual use.

Mr. LODGE. It has to be in actual household use. It applies only to furniture. It does not touch wearing apparel.

Mr. BACON. The construction of the department does not limit it to wearing apparel. When a person comes in from abroad they allow him $100 worth of personal effects. They do not limit it to wearing apparel.

Mr. ALDRICH. Household effects; not personal effects.

Mr. LODGE. The wearing-apparel clause is different.

Mr. BACON. I do not know what it is in this bill; but I know that under the existing law it is so construed by the custom-house officers as to permit an incoming passenger, a citizen of the United States, to bring with him $100 worth of personal effects. It is not limited to wearing apparel. It may be that the law says wearing apparel, but I am certain that that is the construction put upon it by the custom-house officers and that there is a limitation of $100 worth.

It is true that in this particular case there could be practically no abuse of it, because it is limited to a case where it has been in use. I only mentioned the other matter because of the suggestion of a Senator that it is limited to wearing apparel.

The reading of the bill was resumed, the last paragraph read being as follows:

524. Chromate of iron or chromic ore.

Mr. GUGGENHEIM. I ask that paragraph 524 be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 201, after line 16, to strike out:

526½. Cloves and clove stems, unground.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 201, line 25, after the word "nitro-toluol," to strike out "naphtylaminsulfoacids and their sodium or potassium salts, naphtolsulfoacids and their sodium or potassium salts, amidonaphtolsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidostilbendisulfoacid, metanilic acid, paranitranilin, dimethylanilin," so as to make the paragraph read:

528. Coal tar, crude, pitch of coal tar, and products of coal tar known as dead or creosote oil, benzol, toluol, naphthalin, xylol, phenol, cresol, toluidine, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphtol, naphtylamin, diphenylamin, benzaldehyde, benzyl chloride, resorcin, nitro-benzol, and nitro-toluol, all the foregoing not medicinal and not colors or dyes.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 202, after line 9, to strike out:

532. Cocoa fiber, crude.

And to insert:

532. Cocoa, or cacao, crude, and fiber, leaves, and shells of.

The amendment was agreed to.

The next amendment was, on page 202, line 14, after the word "silver," to strike out "and;" and after the word "copper" to insert "and other metal," so as to make the paragraph read:

534. Coins, gold, silver, copper, and other metal.

The amendment was agreed to.

The next amendment was, on page 202, in line 19, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

536. Copper ore; regulus of, and black or coarse copper, and copper cement; old copper, fit only for remanufacture, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 202, line 21, after the word "the," to strike out "composition" and insert "component;" and in line 23, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

537. Composition metal of which copper is the component material of chief value, not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 202, after line 23, to insert:

538. Copperas, or sulphate of iron.

The amendment was agreed to.

The next amendment was, on page 203, in line 2, after the word "flocks," to insert "not advanced in value or condition by any process of manufacture," so as to make the paragraph read:

541. Cotton, and cotton waste or flocks, not advanced in value or condition by any process of manufacture.

Mr. BACON. I ask that paragraph 541 may be passed over.

The VICE-PRESIDENT. It will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 203, after line 8, to insert:

545½. Cutch.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 203, in line 18, after the word "broken," to strike out "and bort; any of the foregoing," so as to make the paragraph read:

549. Miners' diamonds, whether in their natural form or broken, not set, and diamond dust.

Mr. BURNHAM. I ask that paragraph 549 be passed over.

The VICE-PRESIDENT. It will be passed over.

Mr. BACON. I should like to inquire of the Senator from Rhode Island why uncut diamonds are admitted free. I understand why there is a low rate upon cut diamonds, but why should uncut diamonds come in free?

Mr. ALDRICH. For the benefit of the diamond cutters of the United States.

Mr. BACON. What amount of revenue comes to the Government from that source?

Mr. ALDRICH. None whatever. At a duty of 10 per cent they would all be cut abroad.

Mr. BACON. The amount of revenue, of course, depends upon the rate imposed. I suppose the Senator can inform me, and I should like to know, about what is the value of the importations of uncut diamonds that come in thus free. I understand that to be the law now. Is it not?

Mr. ALDRICH. I suggest that we would not get any revenue with a duty, because they would not come in that form. Of rough or uncut diamonds last year the importations were $4,000,000 worth; the year before, $10,700,000 worth.

Mr. BACON. I suppose that last year was not a fair criterion.

Mr. ALDRICH. No.

Mr. BACON. The amount was about $10,000,000 in 1907.

Mr. ALDRICH. Ten million dollars' worth were imported in 1907, $10,000,000 worth in 1906, and $10,000,000 worth in 1905.

Mr. BACON. Therefore, if there were a duty of 25 per cent upon it, it would yield two and a half million dollars of revenue to the Government.

Mr. LODGE. Twenty-five per cent would not yield any revenue at all.

Mr. BACON. That is a matter of opinion. I ask that the paragraph be passed over, at any rate.

The VICE-PRESIDENT. Paragraph 548 will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 203, after line 21, to strike out:

552. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in sections 1 or 2 of this act, and are in a crude state, not advanced in value or condition by refining, grinding, crushing, rasping, bleaching, steaming, or by any process or treatment beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be admitted free of duty under this paragraph.

And insert:

552. Drugs, such as barks, beans, berries, balsams, buds, bulbs, and bulbous roots, excrescences, fruits, flowers, dried fibers, and dried insects, grains, gums, and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, and stems, spices, vegetables, seeds aromatic, and seeds of morbid growth, weeds, and woods used expressly for dyeing; any of the foregoing which are drugs and not edible and are in a crude state, and not advanced in value or condition by refining or grinding, or by other process, and not specially provided for in this act.

The amendment was agreed to.

The next amendment was, on page 205, line 1, after the word "further," to strike out "that the Secretary of Agriculture shall have the power to authorize the importation of eggs of game birds, for purposes of propagation, and he shall prescribe all necessary rules and regulations governing the importation of eggs of said birds for such purposes" and to insert "That the importation of eggs of game birds for purposes of propagation is hereby authorized, under rules and regulations to be prescribed by the Secretary of the Treasury," so as to make the paragraph read:

553. Eggs of birds, fish, and insects (except fish roe preserved for food purposes): *Provided, however*, That the importation of eggs of game birds or eggs of birds not used for food, except specimens for scientific collections, is prohibited: *Provided further*, That the importation of eggs of game birds for purposes of propagation is hereby authorized, under rules and regulations to be prescribed by the Secretary of the Treasury.

The amendment was agreed to.

The next amendment was, on page 205, in line 9, after the word "corundum," to insert "or crude artificial abrasives," so as to make the paragraph read:

554. Emery ore and corundum, or crude artificial abrasives.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 205, after line 22, to strike out:

562. Flax, not hackled or dressed.

The amendment was agreed to.

The next amendment was, on page 205, after line 23, to strike out:

563. Flax straw.

The amendment was agreed to.

The next amendment was, on page 206, line 3, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

566. Fruits or berries, green, ripe, or dried, not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 206, line 9, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

569. Fur skins of all kinds not dressed in any manner and not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 206, after line 22, to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

573. Grasses and fibers: Istle or tampico fiber, jute, jute butts, manila, sisal grass, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for in this section.

The amendment was agreed to.

Mr. PAYNTER. At the request of my colleague [Mr. BRADLEY], who is absent, I ask that the paragraph be passed over.

The VICE-PRESIDENT. Paragraph 573 will be passed over, at the request of the Senator from Kentucky.

The reading of the bill was resumed.

The next amendment was, on page 207, line 4, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

575. Grease, and oils (excepting fish oils), such as are commonly used in soap making or in wire drawing, or for stuffing or dressing leather, and which are fit only for such uses, and not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 207, line 7, after the word "manure," to insert "including basic slag, ground or unground," so as to make the paragraph read:

576. Guano, manures, and all substances used only for manure, including basic slag, ground or unground.

Mr. BACON. I wish to inquire of the Senator from Rhode Island if I correctly understand that that paragraph, taken in connection with the action of the committee in striking out paragraph 592, is intended to restore to the free list that part of paragraph 592 which relates to basic slag. Is that the purpose of it?

Mr. ALDRICH. Yes.

Mr. BACON. That is all right.

Mr. BURKETT. At the request of the Senator from West Virginia [Mr. SCOTT], I ask that paragraph 576 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over.

The next amendment was, on page 207, line 11, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

578. Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section; and human hair, raw, uncleaned, and not drawn.

The amendment was agreed to.

The reading of the bill was resumed, the last paragraph read being as follows:

581. Hides of cattle, raw or uncured, whether dry, salted, or pickled.

Mr. DIXON. I ask that paragraph 581 be passed over.

The VICE-PRESIDENT. Paragraph 581 will be passed over.

Mr. WARREN. Let paragraphs 578, 579, 580, and 581 all go over.

The VICE-PRESIDENT. Paragraphs 578, 579, and 580 will be passed over, at the request of the Senator from Wyoming. Paragraph 581 will be passed over, at the request of the Senator from Montana.

Paragraph 582 was read as follows:

582. Hones and whetstones.

Mr. KEAN. Let that paragraph be passed over.

The VICE-PRESIDENT. It will be passed over, at the request of the Senator from New Jersey.

Mr. BACON. I wish to call the attention of the Senator from Rhode Island to paragraph 576. I shall ask that that go over for the purpose of endeavoring to get the word "only" eliminated.

The VICE-PRESIDENT. That paragraph has already gone over.

Mr. BACON. Very well. I want to eliminate the word "only," which changes the entire character of the purpose which we have in view.

Mr. ALDRICH. That is the existing law, I will say to the Senator from Georgia.

Mr. BACON. That does not make any difference. If sulphate of ammonia is used for other purposes than the making of manure, it would not be on the free list.

Mr. ALDRICH. If sulphate of ammonia is to be admitted free of duty, it ought to be put on the free list in terms, of course.

Mr. BACON. Well, if used only for manure, basic slag is on the free list.

Mr. LODGE. That is on the free list by name, specifically.

Mr. BACON. Sulphate of ammonia?

Mr. LODGE. No; basic slag; and if sulphate of ammonia goes on the free list by name, the word "only" has nothing to do with it.

Mr. BACON. I know; but the Senator will observe that paragraph 576 says:

And all substances used only for manure, including basic slag, ground or unground.

Sulphate of ammonia is used for manure, but it is also used for other purposes than for manure. It is included in the same class with basic slag.

Mr. LODGE. But if basic slag is mentioned, of course it goes on the free list.

Mr. ALDRICH. Striking out the word "only" would answer the objection made by the Senator from Georgia.

Mr. BACON. I am not sure about that; but, as the paragraph goes over, I will examine it. I understand the purpose of the committee is to put sulphate of ammonia on the free list; but I am afraid this language would not accomplish that end.

The reading of the bill was resumed.

The next amendment was, on page 208, in line 1, after the word "remanufacture," to strike out "and not ground or otherwise reduced in size," so as to make the paragraph read:

587. India rubber, crude, and milk of, and scrap or refuse india rubber, fit only for remanufacture.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment was, on page 208, after line 8, to strike out:

592. Iron ore (except such as is used chiefly in the production of pigments and colors), including manganiferous iron ore, and the dross or residuum from burnt pyrites; basic slag, ground or unground.

Mr. DU PONT. Mr. President, I should like that paragraph to go over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Delaware.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 209, line 1, after the word "Lactarene," to strike out the comma and the words "or casein," so as to make the paragraph read:

604. Lactarene.

Mr. ALDRICH. I think that amendment had better be disagreed to.

Mr. LODGE. That amendment should be disagreed to in conformity with the withdrawal of an amendment in the early part of the bill.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 209, line 5, after the word "foregoing," to strike out "not containing alcohol" and insert "containing not more than 2 per cent of alcohol," so as to make the paragraph read:

607. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than 2 per cent of alcohol.

The amendment was agreed to.

The next amendment was, on page 209, after line 6, to strike out:

608. Licorice, extracts of, in paste, rolls, or other forms.

Mr. BURROWS. Mr. President, I ask that paragraph 608 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Michigan.

The reading of the bill was resumed, and continued to the end of paragraph 618, as follows:

618. Manganese, oxide and ore of.

Mr. GUGGENHEIM. I ask that paragraph 618 be passed over, Mr. President.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Colorado.

The reading of the bill was resumed.

The next amendment was, on page 210, line 7, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

625. Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 210, line 15, after the word "arts," to strike out "including patterns for machinery, not molds," so as to make the paragraph read:

627. Models of inventions and of other improvements in the arts, including patterns for machinery, not molds, to be used exclusively as models and incapable of any other use.

The amendment was agreed to.

The next amendment was, on page 210, line 18, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

628. Moss, seaweeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 210, line 22, after the word "darning," to strike out "but the coverings of these articles other than the plain wooden outside cases shall be dutiable at the same rate as if imported empty," so as to make the paragraph read:

631. Needles, hand sewing and darning.

The amendment was agreed to.

The next amendment was, on page 211, line 8, after the word "Nuts," to strike out "Palm" and insert "Brazil nuts, cream nuts, palm," so as to make the paragraph read:

633. Nuts: Brazil nuts, cream nuts, palm nuts and palm-nut kernels; cocoanuts in the shell and broken cocoanut meat or copra, not shredded, desiccated, or prepared in any manner.

Mr. DICK. Let that paragraph be passed over, Mr. President.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Ohio.

The reading of the bill was resumed.

The next amendment was, on page 211, after line 14, to strike out:

637. Oils: Almond, amber, crude and rectified ambergris, aniline, aspic or spike lavender, cajeput, caraway, cassia, cinnamon, chamomile, civet, cocoanut, cotton seed, croton, fennel, ichthyol, juglandium, limes, mace, nut oil or oil of nuts, not otherwise specially provided for in sections 1 or 2 of this act, olive oil rendered unfit or incapable of use for food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; palm, sesame or sesamum seed or bean, thyme, origanum, red or white, valerian; spermaceti, whale, and other fish oils of American fisheries; petroleum, crude or refined.

And insert:

637. Oils: Almond, amber, crude and rectified ambergris, anise or anise seed, aniline, aspic or spike lavender, bergamot, cajeput, caraway, cassia, cinnamon, cedrat, chamomile, citronella or lemon grass, civet, cocoanut, fennel, ichthyol, jasmine or jasimine, juglandium, juniper, lavender, lemon, limes, mace, neroli or orange flower, enfleurage grease, orange oil, olive oil prepared solely for mechanical or industrial purposes by denaturing or process rendering it unfit for any edible use and valued at not more than 60 cents per gallon, attar of roses, palm, rosemary or anthoss, sesame or sesamum seed or bean, thyme, origanum, red or white, valerian; and also spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; petroleum, crude or refined.

Mr. OLIVER. I ask that that paragraph go over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Pennsylvania.

The reading of the bill was resumed, and the Secretary read paragraph 638, as follows:

638. Orange and lemon peel, not preserved, candied, or dried.

Mr. LODGE. Let that go over, Mr. President.

The VICE-PRESIDENT. The paragraph will be passed over.

The reading of the bill was resumed.

The next amendment was, on page 214, line 7, after the word "crude," to insert "or refined," so as to make the paragraph read:

652. Potash, crude, or "black salts;" carbonate of potash, crude or refined; hydrate of, or caustic potash, not including refined in sticks or rolls; nitrate of potash or saltpeter, crude or refined; sulphate of potash, crude or refined, and muriate of potash.

Mr. DU PONT. Mr. President, I ask that paragraphs 651 and 652 both be passed over.

The VICE-PRESIDENT. Those paragraphs will be passed over, at the request of the Senator from Delaware.

The reading of the bill was resumed.

The next amendment was, on page 215, line 7, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

656. Rags, not otherwise specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 216, after line 5, to strike out:

663. Sausages, bologna.

The amendment was agreed to.

The next amendment was, on page 216, in line 7, after the word "Anise," to insert "canary;" in line 9, after the word "mangel-wurzel," to insert "mustard;" in line 12, before the word "all," to strike out "sections 1 or 2 of this act" and insert "this section;" and in line 14, after the word "in," to strike out "sections 1 or 2 or this act" and insert "this section," so as to make the paragraph read:

664. Seeds: Anise, canary, caraway, cardamom, cauliflower, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangel-wurzel, mustard, rape, St. John's bread or bean, sugar beet, sorghum or sugar cane for seed; bulbs and bulbous roots, not edible and not otherwise provided for in this section; all flower and grass seeds; evergreen seedlings; all the foregoing not specially provided for in this section.

The amendment was agreed to.

The reading of the bill was continued to the end of paragraph 665, as follows:

665. Sheep dip, not including compounds or preparations that can be used for other purposes.

Mr. RAYNER. I ask that that paragraph go over, Mr. President.

The VICE-PRESIDENT. Paragraph 665 will be passed over.

The reading of the bill was resumed, and the Secretary read to the end of paragraph 667, as follows:

667. Shrimps and other shellfish.

Mr. PILES. I ask that paragraph 667 go over.

The VICE-PRESIDENT. The paragraph will go over, at the request of the Senator from Washington.

The reading of the bill was resumed.

The next amendment was, on page 216, after line 20, to strike out:

668. Silk, raw, or as reeled from the cocoon, but not doubled, twisted, or advanced in manufacture in any way.

And insert:

668. Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.

The amendment was agreed to.

The next amendment was, on page 217, in line 5, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

672. Skins of all kinds, raw (except sheepskins with the wool on), and hides not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 217, after line 10, to insert:

674½. Spices: Cassia, cassia vera, and cassia buds; cinnamon and chips of; cloves and clove stems; mace; nutmegs; pepper, black or white, and pimento; all the foregoing when unground; ginger root, unground and not preserved or candied.

Mr. TILLMAN. I should like to ask the chairman of the committee if it is understood that the articles now being enumerated on the free list are not all that will go on it? The Senate, of course, can amend the free list just as it can amend any other part of the bill.

Mr. ALDRICH. Undoubtedly.

Mr. TILLMAN. I just wanted to find out if that was the status, otherwise I wanted to propose some amendments right now.

Mr. DU PONT. I ask to have paragraph 674½ passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Delaware.

The reading of the bill was resumed.

The next amendment was, on page 218, line 2, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

678. Stone and sand: Burrstone in blocks, rough or unmanufactured; cliff stone, unmanufactured; rotten stone, tripoli, and sand, crude or manufactured, not otherwise provided for in this section.

The amendment was agreed to.

The next amendment was, on page 218, line 7, after the word "stone," to strike out "crude, in bulk, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur, and sulphur not otherwise provided for in sections 1 or 2 of this act" and insert "not specially provided for in this section, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur," so as to make the paragraph read:

681. Sulphur, lac or precipitated, and sulphur or brimstone, not specially provided for in this section, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of 25 per cent of sulphur.

Mr. ALDRICH. I ask that the Senate disagree to that amendment.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was rejected.

The reading of the bill was resumed.

The next amendment was, on page 218, after line 23, to strike out:

683. Tallow.

The amendment was agreed to.

The reading of the bill was continued to the end of paragraph 685.

Mr. BURTON. I ask that paragraph 685 be passed over.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Ohio.

The reading of the bill was resumed and continued to the end of paragraph 692.

Mr. GAMBLE. Recurring to paragraph 691, I ask that it be passed over.

The VICE-PRESIDENT. Paragraph 691 will be passed over, at the request of the Senator from South Dakota.

Mr. BACON. Mr. President, recurring to paragraph 681, I should like to ask the Senator from Rhode Island whether the limitation at the end of that paragraph, "containing in excess of 25 per cent of sulphur," is intended to refer to and include the importation of sulphur ore as pyrites?

Mr. ALDRICH. The duty on pyrites is fixed by the amount of sulphur contained in it. An iron ore not containing 25 per cent of sulphur goes on the dutiable list and this remains on the free list.

Mr. BACON. It would not, then, interfere with the importation of what is known as "crude pyrites?"

Mr. ALDRICH. Oh, no.

The reading of the bill was resumed.

The next amendment was, on page 220, after line 20, to strike out:

707. Witherite.

The amendment was agreed to.

The next amendment was, on page 221, line 1, after the word "in," to strike out "sections 1 or 2 of this act" and insert "this section," so as to make the paragraph read:

708. Wood: Logs and round unmanufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gunstocks rough hewn or sawed or planed on one side, hop poles, ship timber and ship planking; all the foregoing not specially provided for in this section.

The amendment was agreed to.

The next amendment was, on page 221, after line 2, to insert:

708½. Woods: Cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only; briar root or briar wood and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted; sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, india malacca joints, and other woods not specially provided for in this section, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.

The amendment was agreed to.

The next amendment was, on page 222, after line 22, to strike out:

711. Works of art, the production of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any state or municipal corporation, or incorporated religious society, college, or other public institution, except stained or painted window glass or stained or painted glass windows; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

And insert:

711. Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any state or municipal corporation or incorporated religious society, college, or other public institution, except stained or painted window glass or stained or painted glass windows, and except any article, in whole or in part, molded, cast, or mechanically wrought from metal within twenty years prior to importation.

The amendment was agreed to.

The next amendment was, on page 223, after line 15, to insert:

711½. Works of art, including paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches, etchings and engravings, and sculptures, which are proved to the satisfaction of the Secretary of the Treasury under rules prescribed by him to have been in existence more than twenty years prior to the date of their importation, but the term "sculptures" as herein used shall be understood to include professional productions of sculptors only, whether round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal; and the word "painting," as used in this act, shall not be understood to include any article of utility nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings" and "engravings," as used in this act, shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools, and not such as are printed from plates or blocks etched or engraved by photochemical processes. Works of art, collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than one hundred years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe.

Mr. BURKETT. Let that paragraph go over. I think it ought to have some consideration.

The VICE-PRESIDENT. The paragraph will be passed over, at the request of the Senator from Nebraska.

The reading of the bill was resumed.

The next amendment was, to strike out the remainder of the bill, beginning with section 3, page 224, line 17.

The amendment was agreed to.

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. That concludes the reading of the bill. I now move that when the Senate adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

EXECUTIVE SESSION.

Mr. LODGE. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until Monday, April 26, 1909, at 12 o'clock meridian.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 23, 1909.

MINISTER TO COLOMBIA.

Elliott Northcott to be envoy extraordinary and minister plenipotentiary of the United States of America to Colombia.

REGISTER OF THE LAND OFFICE.

William H. Batting to be register of the land office at Coeur d'Alene, Idaho.

POSTMASTERS.

CALIFORNIA.

Clarence Beckley, at Santa Paula, Cal.

FLORIDA.

Fannie Adams, at Paxton, Fla.

ILLINOIS.

G. B. Bushee, at Buda, Ill.
Clark M. Piper, at Bridgeport, Ill.

IOWA.

S. H. Carhart, at Mapleton, Iowa.
A. W. Hakes, at Rock Valley, Iowa.

KANSAS.

William J. Waterbury, at Haven, Kans.

MISSOURI.

James D. Bush, at Marceline, Mo.
Benjamin F. Guthrie, at Milan, Mo.
John W. Moore, at California, Mo.

NEBRASKA.

John A. Schleef, at Overton, Nebr.

NEW JERSEY.

Peter Hall Packer, at Sea Bright, N. J.

NEW YORK.

Albert S. Harris, at New Hartford, N. Y.
Samuel P. Poole, at Hicksville, N. Y.

NORTH DAKOTA.

Sarah A. Barry, at Hettinger, N. Dak.
Anton Berger, at Milnor, N. Dak.

OREGON.

Anna G. Baskett, at Freewater, Oreg.
Lee Rowell, at Sheridan, Oreg.
Mary E. Walker, at Bandon, Oreg.

SOUTH CAROLINA.

William M. Floyd, at Spartanburg, S. C.

WEST VIRGINIA.

A. S. Overholt, at Marlinton, W. Va.

SENATE.

MONDAY, *April 26, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a memorial of the Rome Brass and Copper Company, of Rome, N. Y., remonstrating against the proposed duty of 1 cent per pound on zinc contents of ore, which was ordered to lie on the table.

He also presented the petition of R. A. Magly, general manager of the Bessie Ferro-Silicon Company, of Columbus, Ohio, and sundry other manufactures of ferrosilicon in the United States, praying for an increase of the duty on that commodity, which was ordered to lie on the table.

He also presented a petition of the American Newspaper Publishers' Association, praying for a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table

He also presented a memorial of the American Paper and Pulp Association, remonstrating against a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation to establish a line of steamships between the Pacific coast ports and Panama, to be operated in connection with the Panama Railroad, which was referred to the Committee on Commerce.

He also presented a petition of certain citizens of Porto Rico, praying for a settlement of their claims for property taken by the United States, and remonstrating against the compulsory order from the commander of the naval station requiring them to remove or destroy their buildings on this property by the 1st of August without any indemnification or payment of damages, etc., which was referred to the Committee on Pacific Islands and Porto Rico.

He also presented a joint resolution of the legislature of Pennsylvania, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
STATE OF PENNSYLVANIA,
March 22, 1909.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

This is to certify that the following is a true and correct copy of a resolution passed the above date:

Whereas the dumping of a million immigrants into the United States annually is a fact for which world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the house of representatives of the State of Pennsylvania, That we respectfully request our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands.

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

Mr. CUMMINS presented petitions of sundry citizens of Iowa, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SCOTT presented a memorial of sundry citizens of Wheeling, W. Va., remonstrating against the retention of the proposed drawback feature of the so-called "Payne tariff bill" relative to tin plates, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Chicago Association of Commerce, of Chicago, Ill., praying for the appointment of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the Live Stock Exchange of Chicago, Ill., remonstrating against the repeal of the duty on hides and wool, which was ordered to lie on the table.

Mr. DU PONT presented a petition of Rural Grange, No. 10, Patrons of Husbandry, of Cheswold, Del., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. OLIVER presented a memorial of sundry citizens of Bradford, Pa., remonstrating against the repeal of the duty on petroleum and its by-products, which was ordered to lie on the table.

He also presented a petition of Pomona Grange, Patrons of Husbandry, and of the Farmers' Association of Franklin County, Pa., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

Mr. CLARKE of Arkansas presented petitions of sundry citizens of Arkansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. HALE presented the memorial of Mrs. Henry A. Appleton and sundry other citizens of Bangor, Me., remonstrating against the proposed increase in the duty on gloves and hosiery, which was ordered to lie on the table.

Mr. JONES presented a petition of the Chamber of Commerce and Board of Trade of Tacoma, Wash., praying for the enactment of legislation to establish a line of steamships between the Pacific coast ports and Panama, to be operated in connection with the Panama Railroad, which was referred to the Committee on Commerce.

Mr. LODGE presented petitions of sundry citizens of Webster, Whitinsville, Beverly, Salem, Merrimac, and Haverhill, all in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FLETCHER presented petitions of sundry citizens of High Springs, Fla., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented a petition of the Napanoch Knife Company, of Napanoch, N. Y., and a petition of the Elster Knife Company, of Ellenville, N. Y., praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. CURTIS presented petitions of Jennings and Plainville, in the State of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Seattle, Alderton, and Harrington, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Typographical Union No. 202, American Federation of Labor, of Seattle, Wash., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Tacoma, Wash., praying for the enactment of legislation to establish a line of steamships between the Pacific coast ports and Panama to be operated in connection with the Panama Railroad, which was referred to the Committee on Commerce.

Mr. LA FOLLETTE. I present a resolution adopted by the common council of Portage, Wis., relative to the improvement of the levee along the north bank of the Wisconsin River. I ask that the resolution be printed in the RECORD and referred to the Committee on Commerce.

There being no objection, the resolution was referred to the Committee on Commerce and ordered to be printed in the RECORD, as follows:

Resolution 72. Adopted by the common council of the city of Portage, Wis.

Whereas a part of the levee along the north bank of the Wisconsin River at Portage, to wit, about 3½ miles of the lower part of such levee, locally known as the government levee, is in urgent need of immediate repairs; and

Whereas this part of the levee was built by the General Government in 1888, and maintained by the General Government until about 1900, since which time no repairs have been made; and

Whereas it is generally understood that the General Government still holds the right of way and has the legal control of this part of the levee, preventing the state, county, or city authorities from repairing or exercising control over the same; and

Whereas said levee is a necessary protection to the government canal leading from the Wisconsin River to the Fox, as well as the improvement in the Fox River in aid of navigation, both of which works have been done by the General Government at large expense, and to protect which this levee was originally built; and

Whereas not alone the important government works above mentioned need the protection of this levee, but the safety of the residents of the upper Fox River valley, and particularly that of a large portion of the city of Portage depend upon it; and

Whereas the city of Portage is utterly unable, from a financial standpoint, to make the repairs which are immediately needed on said levee.

Resolved, That the common council of the city of Portage urgently requests that measures be promptly instituted leading to the repair, by the General Government, of that part of the government levee herein referred to, such repairs being imperative and conditions not admitting of delay; and

Resolved, That a copy of this resolution be immediately sent to each of the Wisconsin Members of Congress.

M. J. DOWNEY, *Mayor*.
FRED F. GOSS, *City Clerk*.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 1987) granting an increase of pension to Hiram W. Foss (with the accompanying paper);

A bill (S. 1988) granting an increase of pension to Rudolph Kremmling; and

A bill (S. 1989) granting a pension to Sadie M. W. Likens; to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 1990) granting an increase of pension to Junius Thomas Turner; to the Committee on Pensions.

(By request) A bill (S. 1991) for the relief of Thomas Fahey (with the accompanying paper); and

A bill (S. 1992) for the relief of the heirs of T. L. P. Cronmiller, deceased (with the accompanying paper); to the Committee on Claims.

By Mr. SMITH of Maryland:

A bill (S. 1993) granting a pension to M. Tryphena Phelps; to the Committee on Pensions.

A bill (S. 1994) to place James Clayland Mullikin on the retired list of the United States Army with the rank of colonel of infantry, to date from the 27th day of May, 1905; to the Committee on Military Affairs.

A bill (S. 1995) for the relief of John H. Cox, surviving partner of John H. Cox and John H. Ford, copartners, trading as Ford, Cox & Co.; to the Committee on Claims.

By Mr. NELSON:

A bill (S. 1996) to authorize the Secretary of War to furnish two cannons to the George McKenley Post, No. 92, Cannon Falls, Minn.; to the Committee on Military Affairs.

By Mr. PERKINS:

A bill (S. 1997) to limit and fix the compensation of certain officials in the customs service at the port of San Francisco; to the Committee on Finance.

By Mr. TALIAFERRO:

A bill (S. 1998) granting an increase of pension to Edward J. Murphy (with the accompanying paper); to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 1999) granting an increase of pension to Joseph A. Root; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2000) granting a pension to Lottie I. Brown (with the accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2001) granting an increase of pension to Lucy A. Graves; to the Committee on Pensions.

MANNING OF RAILWAY TRAINS.

Mr. BORAH introduced a bill (S. 1986) to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to properly man their trains, which was read twice by its title and referred to the Committee on Education and Labor.

Mr. KEAN. The Committee on Commerce has, I think, generally considered that matter.

The VICE-PRESIDENT. The Senator from Idaho requested that the bill be referred to the Committee on Education and Labor, and therefore the Chair made that reference.

Mr. GALLINGER. It ought to go to the Committee on Interstate Commerce.

Mr. BORAH. I think it should properly go to the Committee on Education and Labor.

Mr. KEAN. The Committee on Interstate Commerce has had charge of all the safety-appliance legislation that has ever been passed here.

Mr. BORAH. This does not refer alone to the question of safety appliances, but to the question of manning trains, and I think it very properly goes to the Committee on Education and Labor.

Mr. KEAN. I understand that the Senator from Idaho is chairman of that committee and desires to have the bill referred to it. I think it properly belongs to the Committee on Interstate Commerce, but I will make no further objection.

AMENDMENTS TO THE TARIFF BILL.

Mr. DU PONT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BURTON submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. PILES submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. PERKINS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. TALIAFERRO submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United

States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. ELKINS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

INCREASED HEAD TAX ON IMMIGRANTS.

Mr. OVERMAN. I submit an amendment intended to be proposed by me to House bill 1438, the pending tariff bill. I ask that it be read and referred to the Committee on Finance.

The amendment was read and referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. OVERMAN to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz:

Add after paragraph 11, to be numbered paragraph 11½, the following:

"There shall be levied, collected, and paid a tax of $10 for every alien entering the United States, in the manner and under the rules and regulations provided in section 1 of the act of February 20, 1907, entitled 'An act to regulate the immigration of aliens into the United States.'"

Mr. OVERMAN. Mr. President, at some future time during the course of this debate I desire to make some remarks in favor of the adoption of this amendment. I beg now to state that if it is the intention at this extra session of Congress to provide revenue and at the same time to protect American labor this amendment will go further toward the latter and toward a just provision of the former than any provision in the pending tariff bill. I estimate that under its operation there would be collected an annual revenue of at least nine or ten millions of dollars.

In 1882 there was imposed a "duty" of 50 cents upon the transportation companies for every passenger "not a citizen of the United States" brought here by water. A test case was made and it went to the Supreme Court and was held to be constitutional in the Head Money cases (112 U. S., 580). Twelve years later, in 1894, by a rider on an emergency act this "duty" of 50 cents was designated as a "head tax" and increased to $1, further increased to $2 in 1903, and still further increased in 1907 to $4.

From the annual reports of the Commissioner-General of Immigration I have had prepared a table, which I ask to have printed in the RECORD as a part of my remarks.

The table referred to is as follows:

Table showing immigration, emigration, debarred, and condition of the immigrant fund for the last ten years.

[Compiled from annual reports of Commissioner-General of Immigration.]

Year ending June 30—	Immigrant alien arrivals.[a]	Nonimmigrant alien arrivals.[a]	Total alien arrivals.[a]	Total alien departures.[b]	Debarred aliens.[a]	Head tax per capita.[a c]	Immigrant fund.[h]			
							Head-tax receipts.[a d]	Expenditures, etc.[a]	Annual surplus.[a]	Annual deficit.[a]
1899	311,715	45,000	356,715	172,837	3,798	[e] $1.00				
1900	448,572	65,635	514,207	206,351	4,246					
1901	487,918	74,950	562,868	209,318	3,516					
1902	648,743	82,055	730,798	229,103	4,974					
1903	857,046	64,269	921,315	247,559	8,769	[f] 2.00				
1904	812,870	27,844	840,714	332,019	7,994		$1,599,472.25	$1,486,211.03	$113,261.32	
1905	1,026,499	33,256	1,059,755	385,111	11,879		2,082,873.50	1,631,232.05	451,641.45	
1906	1,100,735	65,618	1,166,353	356,257	12,432		2,290,901.56	1,670,708.56	620,193.00	
1907	1,285,349	153,120	1,438,469	431,306	13,064	[g] 4.00	2,782,103.68	2,163,825.95	618,277.73	
1908	782,870	141,825	924,695	714,828	10,902		2,500,000.00	5,028,598.22		[i] $2,528,598.23
Total	7,762,317	753,572	8,515,889	3,275,589	81,574					

[a] Official government statistics.
[b] Statistics furnished to the Government by steamship companies.
[c] The first head tax was a "duty of 50 cents" levied by the immigration act of August 3, 1882, "on all passengers not citizens brought to the United States by steam or sail vessel," and was held constitutional by the United States Supreme Court in 112 U. S. 580.
[d] "Head-tax receipts" include rentals and other payments of money received for the commissary, the money changing, and the other privileges at the various immigration stations, which offset refunds of head taxes paid erroneously, drawbacks on "aliens in transit" leaving the country, etc.
[e] By rider on an emergency act of 1894.
[f] Immigration act March 3, 1903.
[g] Immigration act of February 20, 1907.
[h] The sundry civil appropriation act of March 3, 1909, abolishes the immigrant fund as a special fund July 1, 1909, and directs all receipts to be covered into the general or miscellaneous receipts of the Treasury.
[i] This deficit reduced the balance on hand at the beginning of the last fiscal year ($3,079,515.26) to $550,917.04.

This table shows some astonishing and startling facts. From this table, covering the last ten fiscal years, it will be seen that 8,515,889 aliens, immigrant and nonimmigrant, have come to this country, and nearly half that number, 3,275,589, aliens have gone back. I have here a financial statement, taken from the last annual report of the Commissioner-General, to which I beg to call the attention of the Senate.

Financial statement, immigrant fund, for fiscal year ended June 30, 1908.

DISBURSEMENTS.

Special appropriations not heretofore deducted	$1,334,529.13
Special appropriations, current year (1908)	1,718,677.14
Miscellaneous and regular expenditures (1908)	1,975,391.95
Total disbursements for 1908	5,028,598.22

ASSETS.

Receipts for 1908	2,500,000.00
Deficit for 1908	2,528,598.22
Balance in immigrant fund, July 1, 1907	3,079,515.26
Deficit for 1908	2,526,598.22
Balance on hand July 1, 1908	550,917.04

For the fiscal year ending June 30, 1908, the expenditures for the Immigration Service out of the immigrant fund exceeded the receipts from head taxes, rentals, and privileges by $2,528,598.22, the receipts being $2,500,000 and the expenditures being $5,028,598.22. Of course the actual excess of Immigration Service expenditures over Immigration Service receipts was $1,607,630.28, as the actual receipts were $3,420,967.94, only $2,500,000 of which, under the immigrant fund limitation provision contained in the act of February 20, 1907, being specially credited to the immigrant fund, the balance, $928,967.94, being converted into the miscellaneous receipts of the United States Treasury.

During the previous fiscal year (1907) the receipts ($2,782,103.68) of the immigrant fund only exceeded the expenditures ($2,163,825.95) by $618,277.63, even though that year was the banner immigration year in the history of our country, 1,438,469 aliens (immigrant and nonimmigrant) entering the United States. There is a great need of enlarging existing immigration stations, providing better hospital and other quarters for the care and treatment of detained aliens, building new stations throughout the South and West, as well as along the border, and especially for enforcing the law and detecting smuggling. Not only is additional revenue from an increased head tax needed for meeting the needs at our ports of entry, but this source of raising revenue should be utilized to help defray the General Government expenses.

Mr. President, taking the testimony of experts who appeared before the Industrial Commission a few years ago, I think I can demonstrate that the immigrants who have departed from this country in the last ten years have taken back to the countries from which they came nearly a billion dollars. Last year there left this country during the panic over 700,000 aliens, and it is estimated that they took from this country the enormous sum of from $200,000,000 to $500,000,000.

Mr. President, this tax is constitutional and it is a just tax. I say if an immigrant can not pay $10 he ought not to be allowed to come here. Such an amendment as this means not only revenue to the Treasury, but it means a more select class of immigrants, and therefore the protection of American labor and everything American.

It will go far toward equalizing the steerage rates from European points to this country and putting us on a footing of equality with other countries. At present the steerage rates to the United States are from $8 to $60 less than to other countries, consequently the present enormous everincreasing alien influx. Last year's ebb is but the harbinger of another flood tide, running much higher than the last, and has, in fact, already set in with the very first signs of industrial revival.

The present class of immigrants, in the main, come here like birds of passage, to pick up what they can find and bear it away, and will not go as did the immigrants of the olden time out into the West and onto the frontier. They share in the blessings and privileges of this great Government, often supplanting the American—native or naturalized—who has a home and family and pays taxes. They share its opportunities and benefits, undertake none of its burdens, and contribute nothing to its support. Granting that all of it falls on the newcomer, which I deny, why should not a tax of $10 be collected of them for the purposes of defraying all the Immigration Service expenses, contributing something to the support of the Federal Government, and by way of keeping out the more shiftless, less industrious and less frugal?

An increase in the head tax to $10 is needed for each and every one of these purposes. The steerage rates to this country are cheaper than to any other country, making it the cheapest country in the world for Old World emigrants to reach. It is no wonder that it is the only dumping-ground for the surplus populations of every foreign country. I have some astounding figures here. I have a table which I wish to incorporate in my remarks, showing the comparatively small number of European immigrants that go to other countries, like South America, Africa, Canada, and Australia, as follows:

Table comparing the immigration and emigration of certain other countries with that of the United States.
[Compiled from official immigration reports, consular reports, Monthly Bulletin of South American Republics, etc.]

Year.	United States.		Canada.		Australia.		Peru.	Brazil.		Argentine Republic.	
	Total alien arrivals.	Total alien departures.[c]	Alien arrivals from Old World.	Alien arrivals from United States.	Alien immigration.	Alien emigration.	Alien immigration.	Alien arrivals.	Alien departures.	Alien arrivals.	Alien departures.
1899	356,715	172,837	[a] 32,508	[a] 11,945	----------	----------	1,107	85,130	----------	21,784	25,070
1900	514,207	206,351	15,352	8,543	----------	----------	1,663	29,121	----------	29,922	22,932
1901	562,868	209,318	31,102	17,987	----------	----------	1,014	20,292	----------	30,541	29,767
1902	730,798	220,103	40,991	26,388	274,105	243,507	----------	----------	----------	21,488	28,629
1903	921,315	247,559	78,891	49,473	----------	----------	----------	18,161	36,410	21,579	24,776
1904	840,714	332,019	85,101	45,229	----------	----------	----------	27,751	32,179	35,350	23,925
1905	1,059,755	385,111	102,594	43,699	----------	----------	----------	----------	----------	50,541	25,895
1906	1,166,353	356,257	[b] 54,780	[b] 30,971	----------	----------	----------	----------	----------	----------	----------

[a] First six months of 1900; change made from calendar to fiscal year.
[b] First nine months fiscal year 1906.
[c] These particular statistics furnished voluntarily by the steamship companies, but required so to do beginning July 1, 1907, by immigration act of February 20, 1907.

An increase in the head tax will bring us a better and more desirable class of immigrants. If the steamships can not fill their steerage with the less desirable, they will fill them with the more desirable. As a general rule, the possession of some money and the willingness to pay something to get into this country is certainly some test of a man's fitness for the struggle for existence, of his ability to take care of himself, of his likeliness not to become a public charge, of his industry, frugality, sobriety, and of the probability of his adding to the wealth, industry, and further upbuilding of this great country.

The steamship companies at present, according to the testimony of their officials before the Industrial Commission, fix the steerage rates on the principle of monopoly price, charging the traffic what it will bear, being associated together in pools, and having entered into agreements for that specific purpose. Therefore I believe that the present head tax of $4 is borne entirely by these foreign transportation companies. They pay practically no taxes here. Judging from the continual construction of larger and better ocean flyers and the frequent establishment of new lines, the business must pay handsomely.

They promote this immigration. They send out their agents, like insurance and book agents, and employ subagents, all over Europe to induce any and all kinds of immigrants to make the journey here. They will pay the larger part, if not the whole, of this tax. The immigrant to-day knows nothing of the existence of the present tax, and would probably bear little, if any, of an increase of $6, or even much more.

During the past thirty years steerage rates have doubled. The steamship lines running to the United States are foreign companies, owned by foreign corporations, operated by foreigners, paying taxes abroad, and contributing practically nothing in the way of revenue, directly, to the support of this Government. It is estimated by Mr. Prescott F. Hall that the direct cost to the steamship companies of bringing an immigrant to the United States is $1.50 for food per passenger. Mr. Hermann Schulteis, a member of the United States commission which investigated the subject thoroughly abroad during the nineties, estimated the immediate cost for food, and so forth, at $1.70. Other experts have estimated the total cost at not more than $7 per steerage passenger. It is true that some of the steamship lines have not paid dividends recently, but others have paid as high as 17 per cent, according to testimony before the Industrial Commission eight years ago. An investigation into the capitalization of the International Mercantile Marine shows its total capital to be over $194,000,000, with only 132 boats of all descriptions afloat. In view of such an injection of water it is no wonder that its surplus was only $4,033,730.92 January 1, 1908.

An increase in the head tax would perhaps be divided between the alien and the foreign steamship companies, neither of which, as a rule, directly contribute anything at present to our state or national treasuries in the way of taxes. The average alien now coming in as a result of the profit-making steamship companies shifting the source of our foreign immigration recently from northwestern Europe to southeastern Europe and western Asia, comes to this country merely to stay for a while, picking up whatever he can find and carry it back to his foreign land. During the past ten years 8,515,889 aliens, "immigrant" and "nonimmigrant," have entered the United States and 3,275,589 aliens, almost one-half of the arrivals, have left this country, taking with them millions of dollars; and to my mind this exodus, with its bags of gold, the parsimonious savings of one or two years, is largely responsible for our recent financial stringency. Mr. W. H. Allen, a financial writer of Brooklyn, N. Y., in testifying before the Industrial Commission, estimated that foreigners took out of the country fully $118,000,000 in one year. Mr. John J. Quinlan, a contract-labor inspector, testified before the Industrial Commission that he had examined personally groups of Italians leaving the country and found that they had all the way from $200 to $1,000 apiece.

Mr. Adolfo Rossi, the Royal Commissioner of emigration of Italy, is reported, by Mr. Herbert F. Sherwood, special correspondent of the Liberal Immigration League, a propagandist society of New York City, who accompanied the Immigration Commission on its trip abroad two years ago, to have said, in speaking of the recent emigration from Italy to the United States:

> This large emigration is the ruin of the small land proprietors, as they can not cultivate their land. It has provided a good market for their land and made it more valuable, however, because many of the returning emigrants have had the money and the desire to buy parcels for themselves. Many emigrants come back with $2,000 or $3,000 and buy land.

Further on in his report to the Liberal League, Mr. Sherwood, who was with the Immigration Commission, says:

> From what I can gather, Austria is passive in her attitude toward emigration in view of a yearly influx of $10,000,000 a year from America because of it. On the contrary, Hungary is looking upon it with some alarm, notwithstanding an annual augmentation of her capital of more than $20,000,000 due to it.

But, further on, Mr. Sherwood says:

> For instance, one man who ought to know says that at the present time the Hungarian Government has no specific agreement with the Cunard Line. Another, who ought to be equally well informed, de-

cIared that it has. However that may be, it is evident that the authorities have a definite understanding of some sort with the English company.

Mr. Sherwood here refers to a secret contract which United States Immigrant Inspector Marcus Braun discovered on his European tour of inspection in 1904, and by which the Hungarian Government agreed to furnish, and the Cunard Line agreed to carry away, a minimum of 30,000 steerage passengers per year.

Such a scandalous condition of affairs ought to be corrected by drastic legislation, and I hope that the Immigration Commission, when it reports next session, will propose effective remedies in line with the urgent needs of the alarming situation.

Mr. President, I have resolutions here from state legislatures, farmers' unions, labor unions, patriotic societies, representative organizations, societies, and the statements of representative prominent persons clearly showing the keen, decided, universal interest in the question and great demand for legislation, some of which I ask to have printed in the RECORD at the conclusion of my remarks and to which I beg to call the attention of every Member of the Senate.

To show the outrageous way in which foreign steamship lines are making use of the United States and the urgent need of legislation along this line, I wish to read two paragraphs from the official report of a special immigrant inspector sent abroad several years ago and still in the service of the Department of Commerce and Labor, and then I am through. It is House Document No. 384, 1st session, 59th Congress. In it United States Immigrant Inspector Marcus Braun says:

> Immediately upon my arrival on the European Continent I noticed a feverish activity among the various steamship agents with reference to the business from Hungary. I saw tons of enticing literature shipped to that country, and I learned that enormous commissions were being offered to subagents.
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> * * * * * * *
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> These conditions, coupled with the arrogant and widespread assumption that this country is but an asset of a large number of Europeans, subject only to their desires and orders, is such that if universally known in this country it would drive the blood of humiliation into the face of every good American, and a description of which would defy the pen of a Macaulay.

Therefore, Mr. President, I have submitted this amendment, and I earnestly ask the committee to give it their "earnest and careful consideration." I believe it will raise at least nine or ten million dollars of revenue, from sources at present contributing comparatively nothing to the support of the Federal Government, and will certainly tend to give us, in addition, a better class of immigrants. As shown by the statistics in the first table, the vast majority of the present alien influx come here simply for the purpose of finding temporary employment, living on practically nothing, only a few years later to carry away to foreign lands their miserly savings. They pay no taxes and either take or send their money back to their native lands, intensifying financial stringencies and constantly draining our resources, undermining the standards of living of American workingmen, our cherished institutions, and our very civilization itself.

The matter ordered to be printed in the RECORD at the conclusion of the Senator's remarks is as follows:

House joint resolution 15.

Joint resolution petitioning our Senators and Representatives in Congress to enact more stringent immigration laws.

Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

Whereas a protective tariff without proper immigration regulation is a travesty on the industrial problem: Therefore be it

Resolved by the general assembly of the State of Ohio, That we respectfully ask our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native-born and naturalized, against wholesale immigration from foreign lands.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 12, 1909.

OHIO, UNITED STATES OF AMERICA,
Office of the Secretary of State:

I, Carmi A. Thompson, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office and in my official custody as secretary of state, as required by the laws of the State of Ohio, of a joint resolution adopted by the general assembly of the State of Ohio on the 12th day of March, A. D. 1909.

In witness whereof I have hereunto subscribed my name and affixed my official seal at Columbus this 15th day of April, A. D. 1909.

[SEAL.] CARMI A. THOMPSON,
Secretary of State.

HOUSE OF REPRESENTATIVES,
STATE OF PENNSYLVANIA,
March 22, 1909.

This is to certify that the following is a true and correct copy of a resolution passed the above date:

"Whereas the dumping of a million immigrants into the United States annually is a fact for which the world offers no precedent and is a menace to American institutions, the American home, and the American laborer; and

"Whereas there are now many bills before the Congress of the United States for the better regulation of immigration and the revision of the tariff; and

"Whereas the regulation of foreign immigration is a necessary supplement to the tariff, an essential element in the protection of America from ruinous competition by cheap labor at home, ruinous in our endeavor to establish an American industrial democracy; and

"Whereas a protective tariff, without proper immigration regulation, is a travesty on the industrial problem: Therefore be it

"*Resolved by the house of representatives of the State of Pennsylvania*, That we respectfully request our Senators and Representatives in Congress to enact more stringent immigration laws to protect our people, both native born and naturalized, against wholesale immigration from foreign lands."

THOMAS H. GARVIN,
Chief Clerk House of Representatives.

Joint resolution to oppose in every possible manner the influx into Virginia of immigrants from southern Europe.

Resolved by the senate of Virginia (the house of delegates concurring), That our representatives in both Houses of Congress be, and they are hereby, requested to oppose in every possible manner the influx into Virginia of immigrants from southern Europe, with their Mafia and Black Hand and murder societies, and with no characteristics to make them with us a homogeneous people, believing as we do that upon Anglo-Saxon supremacy depends the future welfare and prosperity of this Commonwealth, and we view with alarm any effort that may tend to corrupt its citizenship.

Agreed to by general assembly of Virginia February 14, 1908.

JNO. W. WILLIAMS,
Clerk House of Delegates and Keeper of Records of Virginia.

Whereas it is proposed to distribute and divert foreign immigrants to the agricultural districts of the South and West; and

Whereas a federal bureau has been established and state immigration bureaus are proposed for that purpose; and

Whereas we are unalterably opposed to such and to the present enormous alien influx as detrimental to the best interests of the farming communities and the welfare of our whole country: Therefore be it

Resolved, That the *Farmers' Educational and Cooperative Union of America* in national convention assembled, at Memphis, Tenn., this 8th day of January, 1908, and representing 2,000,000 of farmers, urge upon Congress the immediate abolition of the federal bureau of distribution and the speedy enactment of laws substantially excluding the present enormous alien influx by means of *an increased head tax*, a money requirement, the illiteracy test, and other measures; and that we call upon our public and especially our state officials to prevent the agricultural section from becoming a dumping ground for foreign immigrants.

Whereas foreign immigration is being advocated for southern and western farming communities; a United States immigration commission is investigating the subject and a federal bureau is being established for the purpose of distributing and diverting foreigners; and

Whereas the present flagrantly lax enforcement of existing laws and the urgent need of additional restrictive legislation will soon result in the agricultural sections of the South and West being made a dumping ground for undesirable southeast European and Asiatic population: Therefore be it

Resolved, That the *Farmers' Educational and Cooperative Union of America* in its third annual convention at Fort Worth, Tex., this 3d day of September, 1908, and representing over 2,000,000 of farmers, hereby adopts the immigration resolutions passed last January at the annual rally in Memphis, calling for federal and state legislation abolishing immigration bureaus and substantially excluding the present alien influx from southeast Europe and western Asia, and urge upon our federal officials the vigorous enforcement of all immigration laws in order to properly protect the country's welfare and to preserve its institutions, safeguard its citizenship, and preserve its Anglo-Saxon civilization for posterity; and be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress by the chairman of the national legislative committee, with the request that they be printed in the CONGRESSIONAL RECORD, and to the Immigration Commission with the request that they be incorporated in its report; and be it further

Resolved, That the state presidents and lecturers emphasize this one question with a view to having members take it up in conference and by letter with their Congressmen and Senators.

Whereas much of the greatness of the United States is due to the energetic, industrious, and patriotic immigration which came to this country during the past century; and

Whereas a strict execution of the present laws makes it possible to keep out the worst of the pauper and diseased elements of our present European and Asiatic immigration, but these laws admit large numbers of immigrants who are generally undesirable because unintelligent, of low vitality, of poor physique, able to perform only the cheapest kind of manual labor, tending to become a burden upon our large cities, and not available for supplying the need for agricultural laborers; and

Whereas the coming of these undesirable aliens tends not only to lower the standards of American citizenship but also to prevent the coming of immigrants who would be valuable workers in the country districts and who would readily assimilate with our population: Therefore be it

Resolved, That the *Farmers' National Congress* urges upon the Senators and Representatives of the United States the importance of further judicious regulation of immigration, and in particular demands the enactment of a law *raising the present head tax* upon immigrants to at least $10, and excluding absolutely immigrants of poor physique and those who are unable to read in some language.

Adopted September 14, 1905, at Richmond, Va., and still the attitude of the Farmers' National Congress.

GEO. W. WHITAKER,
National Secretary.

APRIL 19, 1909.

Whereas the foreign steamship companies are making this country the only dumping ground for the Old World's least desirable peoples; and

Whereas our public domain is exhausted, population has begun to recoil upon itself, congesting in the large cities and industrial centers, where hundreds of thousands are out of employment and suffering for the common necessities of life; and

Whereas the present class of immigrants is quite detrimental to the best interests of the country's welfare; and

Whereas a Federal Immigration Commission was created over two years ago to investigate the immigration problem; and

Whereas our existing utterly inadequate immigration laws have been notoriously and scandalously relaxed by the recent Secretary of Commerce and Labor's administration of them; and

Whereas a Federal Bureau of Information was created in 1907, which has developed into an advertising device for the stimulation of foreign immigration: Therefore be it

Resolved by the Maryland State Council of the Junior Order of American Mechanics in annual session at Frostburg, this 21st day of April, 1909, That we urge upon Congress the abolition of the Division of Information, the immediate report of the Immigration Commission, the vigorous enforcement of the immigration laws, and the enactment of additional legislation *increasing* the head tax to $25, fining the steamship companies $300 for bringing here any deportable or excludable alien whose condition might have been ascertained at the time of sailing, requiring the possession of visible means of support, excluding persons unable to read in a European language, as is required in South Africa, Australia, and other civilized countries, and such other requirements and tests as will substantially exclude the present undesirable alien influx, protect the country's welfare, and preserve its institutions and civilization.

Resolutions adopted by the *Patriotic Order Sons of America*, assembled at Hazelton, Pa., August 27, 1908.

Whereas the *Patriotic Order Sons of America* has labored consistently for the enactment of laws relating to the regulation of immigration of aliens to the United States. We would therefore record our pleasure at the progress already attained and herein evidence our appreciation of the services of the national committee on legislation of our order and pledge them our continued cooperation in their work.

While recognizing that at present, owing to the prevailing financial stringency, a large number of foreigners are returning to Europe, we should not relax our efforts in legislative matters, as a return of prosperity to the country will again witness the overwhelming influx of aliens to this land: Therefore be it

Resolved, That we reaffirm our belief in the need of *an increased head tax* and a properly applied educational test in the reception of the foreign born to American shores and American citizenship.

Resolved further, That we oppose any change in the steamship air-space provision of our present law, and insist that a thorough trial of said provision be made before any change be seriously considered by Congress.

C. E. REDECKER,
Secretary National Legislative Committee P. S. O. A.

At a Labor Conference on unemployed and other matters, called by and held in the office of Mr. Oscar S. Straus, the then Secretary of Commerce and Labor at Washington, D. C., February 10–11, 1909, John Mitchell, second vice-president of the American Federation of Labor, said: "What the labor organizations and the laboring men of the country have asked for is that there shall be an increase in the head tax, that there shall be an educational test, that immigrants shall be excluded because of illiteracy. We ask that there be a diminution in the number of people coming to this country, and that the decrease be brought about through the enactment of such amendments to the immigration laws as will keep out the men who are most undesirable. That is what I should like to have done; that is really fundamental to the whole question of unemployment. I make this statement so that the position of the labor unions, so far as it is to have expression through the American Federation of Labor or its affiliated unions, and I believe also through the organizations of the railway brotherhoods, may be understood. The matter of chief concern is the welfare of the men who are now here—either the man who was born in our country or who has already been admitted to our country. It is not the best thing for our country and for its future that the man born here or the man who has been here for years, shall be on the street, and the man who arrived on the ship yesterday shall have a job." (P. 67, Proceedings of the Conference with the Representatives of Labor held in the office of the Secretary of Commerce and Labor, Hon. Oscar S. Straus, February 10 and 11, 1909.)

Mr. Frank Morrison, secretary of the American Federation of Labor, at the same Labor Conference on unemployed said: "Yesterday my position was that I was opposed to the division; I gave my reasons. Now, what I have in mind is that to assist the unemployed we should recommend here to the Secretary that he should recommend certain amendments—I think the department would have that power—to the immigration law. The Federation has taken three very distinct positions. In 1905 it adopted the following, which I will read. It is not as full as what was passed upon by the executive council. It said:

"'A further check should be put upon assisted immigration,'" etc.

Secretary STRAUS. I think that is practically the fact now.

Mr. GOMPERS. That is the law now.

Mr. MORRISON. That is the law now?

Secretary STRAUS. Yes.

Mr. MORRISON. Well, that was one of the points, but in accordance with the views they recommended that there should be an educational test and an *increase in the per capita tax paid* (p. 100).

Mr. Frank P. Hawley, president of the Switchmen's Union of America, said: "I was raised in the anthracite-coal regions, and began working at 12 years of age, and have been working ever since. I recall distinctly when the miner was paid $6 or $7 a day in the anthracite-coal mines, and his helper about $3.50 or $4. But the condition related by Mr. Powderly followed—the importation of foreigners—the pushing out of the American workman. His place has been taken by those foreigners. Go with me to McKeesport, Homestead, Duquesne, Pittsburg, Youngstown, Niles, Cleveland, Lorain, Buffalo, South Chicago, or any other place where they have the Steel Corporation's institutions, and what do you find? A large population composed entirely of foreigners. Go there to-day and you may become acquainted with every one of those laborers. Go away and return five years hence, and you do not know a single one of them—but still they are foreigners. They have accumulated enough money to take them back and live in affluence. That, in my judgment, is a menace to American labor, and should be overcome; and my opinion is that in time the propositions advocated by the American Federation of Labor as explained by Mr. Mitchell this morning will have to be adopted as a protection to the American wage-earner—namely, to put a tax upon those people when they come here, and demand educational requirements. I ask, Is it just to American institutions to bring here such a class of men as that?" (P. 98.)

Whereas the agricultural class of the State of Louisiana, having thoroughly considered every phase of the problem of immigration, see in the promiscuous importation of an undesirable class of citizens in our State a deterioration in the standard of its farming element:

Resolved, That we, the Farmers' Educational and Cooperative Union of America and State of Louisiana, ask our legislators and Senators to express themselves publicly on this issue.

Resolved, That we use our influence with the powers of the State to secure the enactment of such laws as will restrict or prohibit this wholesale importation of a lower class of immigrants.

Attest: G. D. DUPREE, *Chairman*.

Adopted at Louisiana Farmers' Union state convention, July 31, 1908.

Whereas the distribution of aliens from northern cities and their diversion from abroad to the South is being agitated; and

Whereas the United States Immigration Commission is now investigating the attitude of the South toward these proposals, and there is need of the farmers of Mississippi making known their wishes: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of the State of Mississippi is irrevocably opposed to the present tide of undesirable immigration now pouring into this country from sections of Europe, Asia, and Africa which until recently sent us no immigrants, and that we urge all our officials and legislators, both state and national, to use their influence in every possible way to make clear our opposition and to secure reports and legislation that will exclude the present alien influx, which is detrimental to our best interests and to the welfare of our country: And be it further

Resolved, That a copy of these resolutions be sent to our Congressmen and Senators and to the Immigration Commission at Washington: Be it further

Resolved, That the state presidents and lecturers emphasize this one question, and that copies of this resolution be furnished the press.

Adopted at the Mississippi Farmers' Union state meeting, July 8, 1908.

Whereas foreign immigration is proposed for the agricultural sections of the South; and

Whereas the Federal Government is especially investigating the attitude of southern planters toward the distribution and diversion of the present alien influx to the South; and

Whereas the farmers of Georgia are unalterably opposed to such, and are in favor of the substantial exclusion of the classes now pouring into this country: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of the State of Georgia, representing over 100,000 farmers, in annual convention assembled in Macon, Ga., this 29th day of July, 1908, do hereby express our opposition to foreign immigration, and urge our state and national officials to use their utmost influence in every possible way to secure the substantial exclusion of the present foreign influx and to prevent Georgia being made the dumping ground for foreign immigration; and be it further

Resolved, That a copy of these resolutions be sent to the Immigration Commission and the Commissioner-General at Washington, D. C., and to the Georgia general assembly, and to our Congressmen and Senators, and that the local presidents and lecturers make a special point of this question in their own work.

Whereas foreign immigration is being advocated for the South; and

Whereas a United States Immigration Commission is investigating the attitude of the South, and particularly the attitude of the agricultural classes: Therefore be it

Resolved, That the Farmers' Educational and Cooperative Union of South Carolina make known its opposition to the inducement, distribution, and diversion of the present alien influx from southern Europe and western Asia, and urge our state and national officials, especially Congressmen and Senators, to prevent the Southland being made a dumping ground for foreign immigration; and be it further

Resolved, That the local presidents and lecturers emphasize this question; that copies of this resolution be sent to the Immigration Commission at Washington, D. C., to our Congressmen, and to the press.

Resolved, by the Farmers' Educational and Cooperative Union of America in and by the State Union of South Carolina now in session, Do hereby memorialize and demand that our next session of the general assembly abolish the state immigration bureau, and request that every candidate for the same declare himself upon the stump in the present campaign.

Adopted at Columbia, S. C., July 23, 1908.

Resolution adopted at Tampa, Fla., February 13, 1908, by the immigration convention, composed of delegates from other States representing organized labor, associations, private corporations or interests, and railroads.

Resolved, That the several States carefully consider the question of foreign immigration as a national question, and that our Representatives in Congress be asked to urge upon Congress the *enactment of such federal legislation as will effectively stem the tide of undesirable immigration now pouring into this country through the great ports of entry* and such laws as will look to the careful examination of applicants for admission at the ports of departure.

Your committee, appointed to submit resolutions relative to the questions of immigration referred to in the general master workman's address, would respectfully submit the following:

We are heartily in accord with the views expressed in the abuses of the immigration laws in turning the bureau of the Department of Commerce and Labor into an advertising agency and an employment bureau for obtaining employment for incoming immigrants, who are thus being furnished better opportunities for securing employment than citizens and residents of this country: Therefore be it

Resolved, That the General Assembly of the Knights of Labor condemn that clause of the present law known as "section 40 of the act of Congress approved February 20, 1907," entitled "An act to regu-

late the immigration of aliens into the United States," and urges upon Congress the immediate repeal of that section of the law, coupled with the abolition of the bureau of information and distribution, which is working grave injury to labor generally in this country.

Resolved, That we urge upon Congress the retention of section 42 of the said act, and the adoption of such further restrictions as will prevent this country from being made the dumping ground of hordes of foreign immigrants for commercial purposes and to the injury of American labor.

Adopted by the National General Assembly of Knights of Labor November 9, 1908.

JOHN W. HAYES,
General Master Workman.
I. D. CHAMBERLAIN,
General Secretary-Treasurer.

Whereas a movement has recently begun in Georgia and other Southern States to promote immigration to the South, and particularly to Georgia; and

Whereas as such efforts to stimulate immigration will result in the settlement in the South, and in Georgia, of a class of foreigners who are unassimilative elements, who may hereafter become citizens of our Republic, thus inevitably tending to modify and even transform social and industrial conditions, revolutionizing and transforming the laws and form of our Government: Therefore be it

Resolved by the Georgia Federation of Labor in convention assembled, That we deplore and earnestly protest against the admission of such immigrants and against the ill-advised efforts of those whose course in soliciting immigrants will, in our opinion, result in the flooding of the South and Georgia with a population composed of the scum of Europe, a people in nowise in sympathy with the spirit of our institutions and form of government, and whose presence in our midst will foment race troubles and tend to destroy the cherished ideals of every loyal Southerner, putting us on a plane with the Northeast, with its tenements crowded with unassimilative pauper labor.

Resolved further, That we call upon our governor-elect, the honorable commissioner of agriculture, the members of the state senate and house of representatives, and our Representatives in the United States Senate and the National House of Representatives, and all other of our public officials who have the interest of the State at heart to use all honorable means within their power to discourage the movement to increase immigration; and that our Representatives in Congress be requested to support such additional legislation as will further restrict immigration, such legislation, in our opinion, making for the preservation of liberties and forms of government which our forefathers fought and died for.

We urge that our Representatives in Congress support such legislation as will require American consuls to examine the records of intending immigrants, and grant certificates to those who are able to read and write their own language, are possessed of a sufficient sum of money to support themselves and their families for a period of at least six months, and whose moral character and health are such as to entitle them to citizenship; that those who reach our shores without such certificates be deported, thus barring from our country anarchists, nihilists, paupers, criminals, the illiterate, and contract laborers.

Resolved further, That we regard the unrestricted importation of labor as calculated to inevitably cause a deterioration of the standard of American citizenship and as inimical to the interests of the members of the Georgia Federation of Labor.

Resolved further, That a copy of these resolutions be forwarded by our secretary to Governor-elect Hoke Smith, the commissioner of agriculture, the Farmers' Cooperative Union, and our Senators and Representatives in Congress.

Unanimously adopted July 21, 1907.

Be it resolved by the national council, Junior Order of United American Mechanics, that:

Whereas the coming of people of anarchistic tendencies and others opposed to established government, of assisted, illiterate, and pauper immigrants, and of Chinese, Japanese, and Korean laborers, endangers the peace and good order of every locality within the United States, and is a menace to American labor, American civilization, and the American standard of living: Therefore be it

Resolved, That we request all the Members of the Senate and House of Representatives to take such measures as may seem wisest to continue and perfect the policy of the United States aiming at the exclusion of all Mongolian laborers. Be it further

Resolved, That we request our Representatives as aforesaid to enact laws to exclude the illiterate, degenerate, pauper, and assisted immigrants and to substantially reduce the number of immigrants coming to our country from European and other countries. Be it further

Resolved, That we protest against special immigration immunity being granted to state officials to foster the growth of immigration under the false plea, "scarcity of labor." Be it further

Resolved, That we request our Representatives aforesaid to enact laws to lengthen to ten years the period of probationary citizenship and to require all aliens to read, speak, and understand the English language before the issuance of final certificate of citizenship and conferring upon them the elective franchise. Be it further

Resolved, That we invite the cooperation of all labor organizations, patriotic societies, and all patriotic people, and urge them to use all honorable means to secure the votes of Senators and Congressmen who will vote for the protection of our country and its institutions against the incoming of millions of people from European and Asiatic countries by the early enactment of proper immigration, exclusion, and naturalization laws; be it further

Resolved, That the national council secretary forthwith transmit a copy of these resolutions to all Members of the Senate and House of Representatives of the United States, to the officers of the executive and legislative departments of all labor organizations and patriotic societies, and to the recording secretary of each council Junior Order United American Mechanics; be it further

Resolved, That all the officers of the national council, state councils, and councils Junior Order United American Mechanics be directed to labor in accordance with the views outlined in the foregoing resolution.

JESSE TAYLOR.
MYRON G. MCCLINTON.

Attest:
MARTIN M. WOODS,
National Secretary.

Whereas the Republican party platforms of 1896 and 1900 contained planks favoring the further restriction of immigration; and

Whereas the representatives of that party have been in complete control of the Congress of the United States for the past ten years and have failed to carry out these pledges: Therefore be it

Resolved by the Brotherhood of Railway Trainmen, in seventh biennial convention assembled, at Buffalo, N. Y., this 24th day of May, 1905, That we criticise the representatives of the Republican party in Congress for their failure to make good their pledges with regard to legislation for a further restriction of immigration.

Plank from the Republican national platform of 1900: "In the further interest of American workmen, we favor a more effective restriction of cheap labor from foreign lands."

Mr. TALIAFERRO. Mr. President——

Mr. KEAN. I should like to ask the Senator from North Carolina a question. What head tax does he propose on immigrants?

Mr. OVERMAN. Ten dollars.

Mr. KEAN. I call the attention of the Senator from North Carolina to the Constitution of the United States.

The VICE-PRESIDENT. The Senator from New Jersey will suspend for a moment. The Senator from Florida has been recognized to present the credentials of his colleague.

SENATOR FROM FLORIDA.

Mr. TALIAFERRO. I present the credentials of my colleague, Hon. DUNCAN U. FLETCHER, who has been elected a Senator from the State of Florida for the term beginning the 4th of March last. I ask that the credentials be read.

The credentials were read and ordered to be filed.

Mr. BURROWS. In view of the fact that Senator FLETCHER has already qualified as a Member of this body and a certificate of election is now presented, I feel that I ought to state the history of this matter.

At the opening of this Congress Mr. FLETCHER presented the certificate of the governor of the State of Florida designating him to supply a vacancy in the Senate from that State under that provision of the Federal Constitution which declares that—

> If vacancies happen by resignation or otherwise during the recess of the legislature of any State, the executive thereof my make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

It has recently been decided by the Senate, and I think correctly, that the executive of a State, under the general power to fill a vacancy happening during the recess of the legislature, has no power to make an appointment at the expiration of a term, but a new term must be inaugurated by the legislature itself. The federal statute of 1886 provides that the legislature last chosen before the expiration of a term shall make the choice of a successor. The case in this instance is peculiar. The legislature of Florida elected last November—I believe that was the time——

Mr. TALIAFERRO. November.

Mr. BURROWS (continuing). Did not convene before the expiration of the term and not until the present month, and therefore the legislature last chosen had no opportunity to make a choice of a Senator. In view of the fact that the primary in Florida had already indicated by a decisive vote that Mr. FLETCHER was the choice of the State, and the legislature not meeting until April—until after the expiration of the term—I thought, as chairman of the Committee on Privileges and Elections, it fair and just to allow the appointment to go without question, and trusting the action of the legislature to confirm the appointment.

I may state in this connection that the State of Florida and the State of Georgia are the only States which do not conform to the statutes of the United States by having a meeting of their legislatures some time before the expiration of a term. I thought I ought to say this much in explanation.

Mr. TALIAFERRO. My colleague is present, and I ask that the oath be administered to him.

The VICE-PRESIDENT. The Senator-elect from Florida will present himself at the desk and take the oath of office.

Mr. FLETCHER was escorted to the desk by Mr. TALIAFERRO; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY.

Mr. CLARK of Wyoming submitted the following resolution (S. Res. 38), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Senate resolution 38.

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said

committee, and to have said hearings printed for the use of the committee; that the committee may sit during the sessions of the Senate, and that the expenses thereof be paid out of the contingent fund of the Senate.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed.

Mr. ALDRICH. I ask that House bill 1438 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. BURROWS. Mr. President, I am requested by the junior Senator from West Virginia [Mr. SCOTT], who has been unexpectedly called from the Senate, to state that he would address the Senate to-morrow, after the routine morning business, upon the pending measure.

Mr. ALDRICH. I ask that the paragraphs which have been passed over may now be taken up for consideration. I ask for the reading of the first paragraph which has been passed over.

The VICE-PRESIDENT. The Senator from Rhode Island asks for the reading of the paragraphs which have been passed over in their order. The Secretary will read the first paragraph.

The SECRETARY. On page 3, line 6, paragraph 3, strike out "Alkalies, alkaloids" and insert "Alkaloids."

Mr. ALDRICH. For the committee, I withdraw the amendment offered by the committee in line 7, page 3, inserting the words "extracted resins and oleoresins."

The VICE-PRESIDENT. The Senator from Rhode Island withdraws the committee amendment.

Mr. BACON. I desire to say in the beginning that unless the buzz of conversation both on the floor and in the galleries can be suppressed it is impossible for us to hear accurately what is going on. I do not know, for instance, the number of the paragraph. I do not suppose it is important in this case, but I only make the suggestion.

Mr. ALDRICH. It is paragraph 3.

The VICE-PRESIDENT. The Chair thinks the suggestion of the Senator from Georgia is well timed. The Chair trusts that those on the floor who desire to converse will do so in as low a tone as possible, and the occupants of the galleries are requested to refrain absolutely from conversation.

Mr. BACON. What is the number, I ask, of the paragraph?

The VICE-PRESIDENT. May the Chair have the attention of the Senator from Rhode Island? The Secretary's record shows that the amendment to which he refers has been agreed to by the Senate, in which case, of course, the Senator can not withdraw the amendment.

Mr. ALDRICH. I ask that the action be reconsidered and that the committee be permitted to withdraw the amendment.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. CULBERSON. What paragraph is it?

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 3, line 6, paragraph 3, the Senate agreed to strike out the words "Alkalis, alkaloids" and to insert the word "Alkaloids."

Mr. LODGE. That was agreed to.

The VICE-PRESIDENT. It was agreed to.

Mr. LODGE. That is not the one that is withdrawn. It is the amendment inserting "extracted resins and oleoresins."

Mr. ALDRICH. I was not paying attention.

Mr. LODGE. The first amendment in the paragraph was agreed to, and of course there is no objection to that. This, as the chairman stated, is the amendment inserting "extracted resins and oleoresins."

Mr. ALDRICH. I stated clearly, I thought, the amendment which I desired to withdraw. It is the words "extracted resins and oleoresins."

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 3, line 7, paragraph 3, after the word "oils," the Committee on Finance reported to insert "extracted resins, and oleoresins."

The VICE-PRESIDENT. This amendment has not been agreed to.

Mr. ALDRICH. It was my understanding that it had not been agreed to.

The VICE-PRESIDENT. The Secretary did not hear the Senator plainly. The amendment is now withdrawn.

Mr. TALIAFERRO. I ask the Senator in charge of the bill why he proposes to withdraw this amendment?

Mr. ALDRICH. There seemed to be a disposition to discuss it the other day when the matter was before the Senate. It is simply a matter of classification, a better classification, and if there is any desire to have these words out the committee is quite willing to withdraw the amendment. These resins will take care of themselves.

Mr. TILLMAN. Will the chairman of the Finance Committee explain what oleoresin is?

Mr. ALDRICH. It is not an oleostearin.

Mr. TILLMAN. That is what I wanted to find out. I want to ask the Senator in this connection whether it would be necessary to strike out the words "expressed oils" or to insert the words "except cotton-seed oil" in order to accomplish what some of us want to accomplish here?

Mr. ALDRICH. Cotton-seed oil can be put in by itself or it can be inserted in the free list, if the Senator desires.

Mr. TILLMAN. I want it to go on the free list, and I give notice that I shall so move.

Mr. ALDRICH. When the free list is in order.

Mr. TILLMAN. When we get to that. I simply did not want "expressed oil" to go by here without knowing that it is not cotton-seed oil.

Mr. ALDRICH. There are several other expressed oils besides.

Mr. TILLMAN. I want to have cotton-seed oil excepted, or to put cotton-seed oil on the free list somewhere else.

Mr. TALIAFERRO. The committee inserted this amendment and I have not heard yet why they have decided to withdraw it, unless it be that there is some idea that it has some relation to a southern product and they wish to make sure in getting them all on the free list.

Mr. ALDRICH. These oils are used for flavoring. They are not resins of the character which the Senator from Florida is interested in at all. They are dutiable in the opinion of all the experts at 25 per cent now. It was thought desirable that they should be inserted by name, so that there should be no more litigation or question about it. But if there is any desire here to discuss it, the committee thought it more desirable that the amendment should be withdrawn, as the articles are dutiable at 25 per cent under any circumstances.

Mr. TALIAFERRO. No; Mr. President, I do not propose to discuss it. The Bureau of Chemistry, however, defines oleoresin as spirits of turpentine, and as spirits of turpentine it is placed on the free list. I wanted to inquire why the Senator having put this item supposed to be related to a southern industry in the protective list, or in the revenue-paying list, he now wishes to withdraw it?

Mr. ALDRICH. I do not know to whom the Senator refers, but the expert chemists of the Treasury Department in New York say that gingerine and capsicine are two of the articles covered by this description. They are used for flavoring and are now dutiable under one interpretation at 25 per cent, which I think is correct; but there has been some litigation and some doubt about it, and to remove those doubts and prevent litigation these experts of the Treasury Department thought that these words ought to be inserted. They pay 25 per cent anyhow, whether in here by name or not.

Mr. TALIAFERRO. It could not pay 25 per cent if it meant spirits of turpentine.

Mr. ALDRICH. They have nothing to do with spirits of turpentine.

Mr. TALIAFERRO. The Senator evidently has not examined the dictionary as to the meaning of the word.

Mr. ALDRICH. I have before me the statement of Doctor Moore, of New York, the chemical examiner at that port, who is one of the best practical chemists in the United States.

Mr. CUMMINS. Mr. President, I rise simply to make a parliamentary inquiry. As I understand it, it was the order of the Senate that any Senator might have the Senate return to any item in the bill, without specifically asking that the item be passed over at the time the bill was read for action on the committee amendments.

The VICE-PRESIDENT. That is correct.

Mr. ALDRICH. That is correct.

Mr. CUMMINS. If now the Senate takes up the paragraphs that were passed over and acts upon the committee amendments, does the order of the Senate still hold as to those paragraphs, and can they be reserved?

The VICE-PRESIDENT. The Chair so understands.

Mr. CUMMINS. In respect to a paragraph passed over and now reached, the Senate can return to the paragraph after the committee amendment has been disposed of?

The VICE-PRESIDENT. The Chair so understands.

Mr. ALDRICH. If the amendments are adopted by the Senate after consideration, then a reconsideration would be necessary. Otherwise, as to the other paragraphs, it is certainly in order to return to them at any time; but after the Senate has voted to adopt an amendment, then a reconsideration would be

necessary before any other amendments could be offered as in Committee of the Whole.

Mr. CUMMINS. I do not quite understand the Senator. When we have disposed of the paragraphs that were passed over, do they stand in exactly the same position as those paragraphs to which there was to be a recurrence?

The VICE-PRESIDENT. The Chair understands that the Senate has now determined to go through the bill and consider first those amendments which have been passed over by request, but it does not abrogate the order in reference to returning to other paragraphs of the bill.

Mr. CUMMINS. But as to those paragraphs which were passed over, if the Senate now concurs in the amendment of the committee, in order to reach them again it would be necessary to have a reconsideration.

Mr. ALDRICH. Unquestionably.

The VICE-PRESIDENT. Yes; so far as the amendment is concerned.

Mr. CULBERSON. On this side of the Chamber we were unable to hear the Senator from Rhode Island. I should be glad if the Chair would state what the rule is, because, from what little we heard, the statement of the Senator from Rhode Island did not seem to us to agree with what was actually determined by the Senate the other day.

Mr. ALDRICH. I will restate my understanding about it. I understand that any paragraph of this bill is now open to amendment by any Senator.

Mr. CULBERSON. Irrespective of what has previously been done?

Mr. ALDRICH. Irrespective of whether it was passed over formerly or not. But now we are taking up the paragraphs that have been formerly passed over, with the view of acting upon committee amendments. After those committee amendments are adopted, if they should be—of course if they are rejected, that is the end of it——

Mr. CULBERSON. At this time?

Mr. ALDRICH. At this time—so far as those amendments are concerned, it would require a reconsideration by the Senate to take any other action. I think that has always been done.

Mr. BACON. Mr. President, in that connection I desire to suggest to the honorable Senator from Rhode Island the importance, whenever he offers an amendment, that he should explain to us the reason for the amendment, without putting us to the necessity of challenging it or asking for an explanation.

Mr. ALDRICH. So far as I am concerned, I shall be very glad to do that.

Mr. BACON. I think the Senator, as each paragraph comes up where there is a change or where there is an amendment, ought to tell us the reason for it, without requiring us to interrupt to ask for an explanation.

Mr. ALDRICH. I certainly shall myself, or some member of the committee will, explain every paragraph.

Mr. BACON. I want to illustrate. I think the Senator's explanation of the paragraph now under consideration, so far as I am concerned, has not been sufficient to inform me of the reasons for the action of the committee. I understood the Senator from Rhode Island to say that he had had a communication from certain chemists in New York, in which two particular extracts were designated as those which were used in flavoring. If the language which it is proposed to change only embraces those two extracts, then the explanation of the Senator is satisfactory; but if it be true that there are multitudes of other extracts, then the simple fact that two particular extracts now may be of the class designated by him does not explain the reason for the general change. I may be entirely wrong about it. As the Senator well knows, except the majority of the committee, we have had no opportunity whatever to obtain any information in regard to these schedules and, more particularly, as to the information which has influenced the committee to make the changes; and it is only when you give us the information now that we are enabled to judge whether or not the proposed changes are such as we would approve.

Mr. ALDRICH. Mr. President——

Mr. CRAWFORD. I merely desire to make an inquiry, and that is to see if the situation is understood. As I understand from the statement of the Chair, a motion to reconsider is necessary only so far as a particular amendment is concerned.

The VICE-PRESIDENT. Certainly.

Mr. CRAWFORD. But the general paragraph may be attacked by amendment at any time afterwards.

The VICE-PRESIDENT. The Chair understands that to be the rule heretofore adopted by the Senate.

Mr. FLETCHER. Mr. President, it must be borne in mind that on the reading of the bill no objection was made to the committee amendments to this paragraph. They were adopted as offered. The only reason for reconsidering, which has been stated by the Senator from Rhode Island, is that the items mentioned in this paragraph are unnecessary to be mentioned in the bill, as they are covered by the present law. He concedes, however, as I understand, that if these articles are set forth in this particular paragraph, the paragraph becomes more certain and more definite, and, therefore, there can be no harm in leaving them just as they are. I wish to submit that there is no occasion to reconsider the action heretofore taken by the Senate, and that the paragraph ought to stand as it has been acted on.

Mr. BEVERIDGE. Mr. President, the Senator from Rhode Island stated a moment ago—at least, I so understood him—that in case any amendment is adopted by the Senate, there could be no further amendment upon that subject in Committee of the Whole.

Mr. ALDRICH. Unless on reconsideration of that particular amendment.

The VICE-PRESIDENT. As to that particular amendment, but not necessarily to that particular paragraph?

Mr. ALDRICH. No; not to the paragraph.

Mr. BEVERIDGE. But even as to a new amendment. I think that it is quite important that we should know—I did not so understand it—that after a committee amendment had been adopted by the Senate, then any Senator could not offer an amendment to that amendment in Committee of the Whole.

Mr. GALLINGER. He could do it in the Senate.

Mr. ALDRICH. Yes; he could do it in the Senate.

Mr. BEVERIDGE. It is very well that we clearly understand that now. It amounts to this: If a committee amendment is adopted by the Senate, so far as that amendment is concerned the subject is closed until we are in the Senate.

Mr. GALLINGER and Mr. ALDRICH. Except on reconsideration.

The VICE-PRESIDENT. Except on reconsideration.

Mr. ALDRICH. And there would be no objection on the part of the committee to the reconsideration of any paragraph where there is a reason for it.

Mr. BEVERIDGE. Of course the Senator from Rhode Island will be the judge of "the reason for it."

Mr. ALDRICH. Certainly.

Mr. BEVERIDGE. That amounts to a matter of judgment, and not of right.

Mr. ALDRICH. So far as these two articles are concerned, they were inserted here upon the recommendation of the Board of General Appraisers of New York and the experts and examiners of drugs in the New York custom-house for the purpose of better classification. There was a contention that some of these articles were dutiable at a quarter of a cent a pound and 10 per cent ad valorem as drugs which had been advanced in value, and, for better classification, these two words were inserted. Of course, the committee desire that they shall remain, but in order to avoid discussion I thought it better to strike them out. If the Senate desires to have them retained, I will change my motion and allow them to remain. I would ask that the Senate may vote upon the question. I make that motion.

The VICE-PRESIDENT. The Senator, therefore, withdraws the amendment?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. The Secretary will state the committee amendment.

Mr. TALIAFERRO. Mr. President, the Senator from Rhode Island will understand, of course, that I have made no request for the retention of these words in the bill. I simply wished to know why, after having considered the subject and inserted the words in the bill, the Senator had come in this morning and asked that they be stricken from the bill. I have no request whatever to make upon the subject.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 3, line 7, after the word "oils," it is proposed to insert "extracted resins and oleoresins."

The VICE-PRESIDENT. The question is on the amendment proposed by the committee.

The amendment was agreed to.

Mr. HEYBURN. Mr. President, I should like to inquire whether or not paragraph 1, Schedule A, is considered as having been passed over or adopted at the time it was read?

Mr. ALDRICH. At the time it was read.

Mr. HEYBURN. Are we going to proceed through the bill for the consideration wholly of committee amendments now?

Mr. ALDRICH. Oh, no.

Mr. HEYBURN. I desire, as to paragraph 1, to make a suggestion, and, if we are going through the bill regularly, I wish to present it now, and to raise the questions which I desire to raise. I should like to inquire why the duty on boracic acid should be reduced from 5 cents a pound to 2 cents a pound?

Mr. ALDRICH. It was the opinion of the House, evidently, that 2 cents a pound would be a sufficient duty upon boracic acid. The Senate committee had reported the House provision without giving the matter any special investigation. If the Senator from Idaho has any information upon the subject, I should be glad to hear what he has to say.

Mr. HEYBURN. Mr. President, that is the substance which has been so much criticised and so much in evidence in connection with the doctoring of spoiled meat and fish. During the consideration of the pure-food bill boracic acid was on every man's mind. Nothing should be done to encourage the importation of that article. It is not used in any quantity for legitimate purposes, and, of all things, the duty, I think, should not have been reduced upon it. Doubtless the attention of the House was not called to it.

Mr. GALLINGER (to Mr. HEYBURN). Take it up later.

Mr. HEYBURN. I would consent to have it taken up later if I could be assured that I should not be foreclosed.

Mr. ALDRICH. The junior Senator from Nevada has called our attention to the fact that this reduction is too great, and we have promised to hear him on the subject. He desires to present some arguments to the committee to show why the duty of 2 cents a pound ought to be increased.

Mr. HEYBURN. I think that rate should be increased to the extent of prohibiting the importation of that article.

Mr. OVERMAN. If the Senator from Rhode Island would raise his voice a little, perhaps we could hear what he has to say on this side of the Chamber.

Mr. ALDRICH. I think the Senator from Idaho can not be aware of the fact that boracic acid has a great many very proper uses. It is used very largely for medicinal purposes, and is used to a very great extent in a great many ways besides those suggested by him. But if the Senator will permit the matter to rest where it is now, later on we shall perhaps be able to satisfy him that this rate ought to stand, or that an increase ought to be made.

Mr. HEYBURN. I should be very glad indeed to pass the matter over so long as I am not to be considered as foreclosed on it, because I have some information that I obtained on other occasions in regard to it.

Mr. SMOOT. I should like to call the attention of the Senator to the fact that this is reducing the duty on borax. The present rate of duty on borax is 5 cents. That has been reduced to 2 cents; and therefore we should reduce the rate on boracic acid in proportion.

Mr. HEYBURN. That is a very good reason for not reducing it. When the acid is made in this country we have a record of it, we know of it, where it is used, and to what extent it is being used. What I desire is to exclude the acid entirely from import, if possible, because it has no legitimate use in this country. Of course borax is used in welding iron and for many domestic purposes, but that has no application to this product, which is brought into this country for the express purpose of being illegitimately used.

Mr. BACON. I ask the attention of the Senator from Rhode Island. The general practice in the Senate has been to take up a bill and act first on Senate committee amendments. I understood the suggestion——

Mr. ALDRICH. I should prefer to have that done now.

Mr. BACON. I should think undoubtedly that that would be the better course to pursue. Otherwise we shall have endless confusion.

Mr. ALDRICH. Then, I ask that the Senate committee amendments be first disposed of as the paragraphs are reached.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the paragraphs passed over may first be considered in their order in the bill. Is there objection?

Mr. BURTON. I did not understand that to be the request.

Mr. ALDRICH. My request was that the committee amendments be acted upon first.

The VICE-PRESIDENT. Those that have been passed over?

Mr. ALDRICH. In the paragraphs as they are reached.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. TILLMAN. Mr. President, I want to ask the Senator, for I see no way by which we can reach information otherwise, whether or not there has been a reprint of the bill showing just what amendments were adopted last week and what amendments are still in controversy, or hung up, as it were?

Mr. ALDRICH. Under the agreement the whole bill is open in every paragraph, whether amended or not.

Mr. TILLMAN. But there seems to be confusion in the minds of Senators as to the status. The Senator said, I think, a few moments ago that the committee amendments that were agreed to have to be reconsidered, while those that were suspended or passed over are still open. I want to know if there is a reprint of the bill showing us just what has been agreed to and what has not been.

Mr. ALDRICH. Mr. President, I do not think it is necessary to have a reprint. The Secretary's record shows, of course, what amendments have been agreed to.

Mr. TILLMAN. I know that; but some of us who could not pay much attention to that would perhaps be hunting up some ammunition, or, rather, getting some information, if we knew just the controverted points.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Maryland?

Mr. TILLMAN. Certainly.

Mr. RAYNER. Just a word. We did not at all understand the agreement over here in the way the Senator from South Carolina understands it. We understood, and it was so announced by the Chair, that we could return to the committee amendments that have heretofore been agreed to without a motion to reconsider, but, as to the committee amendments which were agreed to this morning, there would have to be a motion to reconsider. Is that correct?

Mr. ALDRICH. That is correct.

The VICE-PRESIDENT. That is correct.

Mr. McLAURIN. Mr. President, before leaving paragraph 3, I intended, previous to the unanimous-consent agreement to consider first the committee amendments, to offer an amendment in line 11, on page 3. Under the agreement that has just been entered into I can not now do that; but would the chairman of the committee in charge of the bill agree to an amendment in line 11, on page 3, after the word "section," to insert the words "except cotton-seed oil?"

Mr. ALDRICH. That would not put cotton-seed oil upon the free list. I suggest to the Senator that when the free list is reached, it will be easy for him to move to insert cotton-seed oil on the free list, if he so desires.

Mr. McLAURIN. I would also ask to except oleo stearin. I do not think, however, it is in this paragraph.

Mr. ALDRICH. It is not; but when the bill——

Mr. McLAURIN. I merely wanted to know if that would be agreeable to the chairman of the committee.

Mr. ALDRICH. The question can best be raised, both as to cotton-seed oil and oleo stearin, when the free list is reached.

Mr. McLAURIN. But this trouble will come up about that: Under this paragraph cotton-seed oil would be taxed at the rate of 25 per cent ad valorem.

Mr. ALDRICH. Exactly.

Mr. McLAURIN. Then, if you put it on the free list you have it in one part of the bill taxed and in another part of the bill on the free list; which could be obviated by using the words I have indicated after the word "section," in line 11, of page 3.

Mr. ALDRICH. They are not needed at all. Only those oils which are "not specially provided for in this section" are dutiable at 25 per cent ad valorem. Any oil on the free list would not be dutiable under this provision.

Mr. BACON. Mr. President, the request just made by the Senator from Mississippi [Mr. McLAURIN] brings a suggestion to my mind as to a complication that may result unless we now have an understanding about it. The agreement has been reached, as I understand, that no amendment which is now adopted can be hereafter amended unless the vote by which the amendment was agreed to be reconsidered. I will illustrate by the present case. Under that rule, if the Senator from Mississippi, after we had proceeded to the consideration of paragraphs subsequent to the paragraph which he desired to amend, had desired to insert the words which he now suggests, it would be necessary to reconsider the vote by which the amendment to that paragraph was adopted.

Mr. ALDRICH. Oh, no.

Mr. GALLINGER. It is a separate amendment.

Mr. BACON. I quite agree with the Senator that that would not be a correct mode of procedure; but if he be sure that an amendment once adopted could not thereafter be amended unless the vote had been reconsidered, the result would follow that I have suggested. Therefore, it seems to me, it ought to be understood that when we return for individual amendments offered by Senators any part of a paragraph can be amended, whether it be the original text or the amended text.

Mr. ALDRICH. Mr. President, I think the Senator is mistaken. But as to the question in point, I will say that I have already been advised by the Senator from North Carolina that when we——

Mr. BACON. I am not referring to that feature at all; I am not speaking about cotton-seed oil. I am just speaking about a general rule that we are to pursue in reference to offering amendments, not to this particular paragraph—I only used that for illustration; but the question is this: When we have agreed to a committee amendment, which, of course, amends the paragraph, and we pass to other paragraphs, and subsequently amendments to be offered by Senators are in order, will it be necessary, if an amendment adopted by the Senate on the motion of the committee is the one which is sought to be amended, to reconsider the vote by which it was agreed to before an amendment can be offered to it?

Mr. ALDRICH. Undoubtedly.

Mr. BACON. Very well. The Senator, then, will see the difficulty. I illustrate it simply by the particular question which is now before us. I am not asking that any action be now taken upon the cotton-seed oil question; I am only using it for illustration. The Senator from Mississippi [Mr. McLAURIN] sought to amend an amendment of the committee by the insertion of the words which he mentioned.

Mr. ALDRICH. No; it was an original amendment.

Mr. LODGE. Mr. President, the distinction is one that exists on every appropriation bill that we pass. When committee amendments are disposed of the whole bill is open to amendment in the Senate by every Senator. He can offer an amendment to an amended paragraph, provided it is not to the amendment itself that has been adopted. That is the rule we operate under every day in the year.

Mr. BACON. If it is an addition to the amendment itself—an amendment to it.

Mr. LODGE. But the amendment of the Senator from Mississippi was not an addition to any amendment.

Mr. ALDRICH. I will say to the Senator from Georgia, taking this very case for illustration, that if the Senate should decide by a vote subsequent to this time to put cotton-seed oil on the free list, in that particular case no modification of this paragraph would be necessary; but if they should adopt an amendment to some paragraph that necessitated the modification of an amendment which had been passed over, I would certainly ask the Senate to reconsider its action and make the modification.

Mr. BACON. I understand the Senator's proposition to be this: If the amendment of the committee is of a substantive character, and the amendment offered to it is one which destroys that amendment, then the Senator considers that a reconsideration would be required?

Mr. ALDRICH. That is right.

Mr. BACON. In that case I entirely agree with him, but if it is an addition, for instance, it would not be.

Mr. ALDRICH. Not necessarily. It would depend entirely upon the character of the amendment.

Mr. TALIAFERRO. Mr. President, there is a paragraph in the bill as it came from the House which has been amended by the Senate committee, and I want to present an amendment to both propositions. Now, if the Senate amendment is adopted without my interposing when the paragraph is taken up, what will be my course of procedure under the rule laid down?

Mr. ALDRICH. When an amendment of the committee is before the Senate it is quite competent for the Senator from Florida or any other Senator to move to amend the amendment of the committee. That is always done.

Mr. BACON. That is all right.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. On page 3, after line 17, it is proposed to strike out:

4. Alumina, hydrate of, or refined bauxite, one-half of 1 cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, and alum in crystals or ground, one-fourth of 1 cent per pound.

And insert:

4. Alumina, hydrate of, or refined bauxite, containing not more than 64 per cent of alumina, five-tenths of 1 cent per pound; containing more than 64 per cent of alumina, seven-tenths of 1 cent per pound. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing less than 15 per cent of alumina and more than three-tenths of 1 per cent of iron oxide, one-fourth of 1 cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than 15 per cent of alumina, or less than three-tenths of 1 per cent of iron oxide, one-half of 1 cent per pound. Potash alum and ammonia alum, one-half of 1 cent per pound.

Mr. ALDRICH. Mr. President, it was the purpose of this amendment to secure better classification of these articles and not to increase the rate. The amendment as reported does slightly increase the rate, and I propose to modify the amendment so that every rate shall be the same. I propose to modify the amendment in line 23 by striking out "five-tenths" and inserting "four-tenths;" in line 25, by striking out "seven-tenths" and inserting "six-tenths;" in line 5, on page 4, by striking out "one-half" and inserting "three-eighths;" and in line 6, by striking out "potash alum and ammonia alum, one-half of 1 cent per pound." That makes the average rate the same as in the House bill.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 3, line 23, at the end of the line, strike out the word "five-tenths" and insert in lieu "four-tenths;" in line 25, after the word "alumina," strike out "seven-tenths" and insert "six-tenths;" on page 4, line 5, at the end of the line, strike out "one-half" and insert "three-eighths;" and in line 6 strike out the words "potash alum and ammonia alum, one-half of 1 cent per pound."

Mr. KEAN. How about line 2, page 4? Does that remain the same—one-fourth of 1 cent per pound?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The next amendment passed over was, on page 4, after line 7, to strike out:

5. Ammonia, carbonate of, 1¼ cents per pound; muriate of, or sal ammoniac, three-fourths of 1 cent per pound; liquid anhydrous, 5 cents per pound; aqua ammonia, 10 per cent ad valorem.

And insert:

5. Ammonia, carbonate of 1¼ cents per pound; sulphate of ammonia, two-tenths of 1 cent per pound; muriate of, or sal ammoniac, three-fourths of 1 cent per pound; liquid anhydrous, 5 cents per pound.

Mr. SMITH of South Carolina. Mr. President, the only change in this amendment, as I understand, is the introduction of sulphate of ammonia, which is taken from the free list, where it appeared in the Payne bill, and put in the dutiable list in the Senate draft. This is one of the principal ingredients of fertilizer as used throughout the United States. There is no more expensive article that enters into the fertility of our soil than nitrate. The United States has exhausted every means possible to increase the importation and the home production of this necessary ingredient to renew our rapidly depleted soil. Our sources of ammonia are very limited. We have, in this country, sulphate of ammonia which comes from gas retorts, from tankage, and the packing houses. We have also the Chilean nitrate beds. Last year there were imported into this country 330,000 tons of nitrate of soda. That importation would have doubled itself had it not been that the price was almost prohibitive to the farmer. That price was made possible by the duty that is placed upon the other forms of ammonia. The combinations taking charge of the nitrate beds and taking advantage of the necessity of the agriculturists, raised the price of nitrate of soda to where it was on a parity with protected articles here at home. The result was that the price of nitrate of soda went up to such a point that it was almost prohibitive. Now, I have an article here from one of the——

Mr. BURKETT. The Senator from West Virginia [Mr. SCOTT] has been called to the White House, and he told me he was very much interested in paragraph 5; and since there is going to be some discussion, perhaps I had better prefer his request at this time. He asked me to request the Senate, when paragraph 5 was reached, that it should go over temporarily until he could be in the Chamber; and I thought perhaps the Senator from South Carolina would be willing, if the chairman of the committee would consent that the paragraph should go over, to withhold his remarks until the Senator from West Virginia may be here to listen to them. I do not know what his wishes are——

Mr. SMITH of South Carolina. I have no objection to suspending the argument on this matter and let it go over, but I would be glad to have action taken to-day, for the reason that I shall be compelled to be absent from the meetings of the Senate for two or three days, and it is of prime importance to the country at large that this essential element shall be given as free as possible or absolutely free to the agricultural interests of the country.

Mr. BURKETT. I do not know anything about what position the Senator from West Virginia takes.

Mr. SMITH of South Carolina. You do not know whether he is in favor of or against it? However, if we can have it up again to-day——

Mr. ALDRICH. Perhaps the Senator from South Carolina had better finish his remarks, and we can have an understand-

ing that the matter shall not be disposed of until the Senator from West Virginia can be present.

Mr. SMITH of South Carolina. That will be perfectly agreeable to me. With that understanding, I will suspend my remarks, and we will dispose of the pargaraph when the Senator from West Virginia is present.

Mr. BAILEY. Mr. President, from the beginning, and throughout the history of this Republic, the question of taxation has excited the deepest interest and provoked the widest differences of opinion among our people. From time to time other questions have arisen and overshadowed it, but one after another they have passed, and it has always reasserted its right to the first place in our public discussions. More than once it has seemed that all differences concerning it had been adjusted, and that an agreement had been reached with respect to its principles and their application; but none of those adjustments have ever survived a single generation of voters, and the question divides the people of this country to-day by a line of cleavage more distinct, perhaps, than any other. I am aware, of course, that certain doctors of political economy insist that all of this is true because we have allowed it to become the subject of political contention, and they assure us that if we will withdraw it from the domain of partisan politics and commit it to a board of their selection, they will give us a law so just and so perfect that we will never again be disturbed by a controversy over it. I am not convinced that these well-meaning men could accomplish half of what they promise even if we were to grant them the power which they solicit; because I know that this same question of taxation has vexed every government in the world, and although the greatest intellects of every age and of every land have applied themselves with diligence to its consideration, they have never been able to evolve a system acceptable to all nations, or acceptable to all the people of any one nation. But, sir, if they could fully perform what they are so ready to promise, they would work vastly more harm than good to our people and to this Government.

I can easily understand how much patriotic men regret that an important law made by a Congress chosen according to political preferences must unavoidably express in some of its aspects the result of a conflict between political parties; but that, sir, is an infirmity which inheres in the nature of all free governments, and it is a milder injury than that which would be inflicted upon us by eliminating any great question from popular discussion and settling it apart from the people's representatives. The question of taxation has always appealed directly to the voters of this country, thus serving to stimulate their personal interest in public affairs, and if it were withdrawn from their attention and confided to a body of men under no direct responsibility to them, the average citizen would lose one of his strongest incentives to an active participation in the politics of his country. I can not sympathize with any proposal or with any policy which will tend to abate the interest of our people in the making and administration of their laws, because what so many are pleased to call the "turbulence of politics" seems to me the very best safeguard for our free institutions. Of course, it would cost the people less time and less effort to allow these great questions to be settled by a select number of highly disinterested patriots, but if they should once become accustomed to such a course, they would soon lapse into a state of political indifference, and it would be very difficult, if not impossible, to arouse them to that "eternal vigilance" which is said to be the price of a people's freedom. I abhor as much as any man the cunning and duplicity which politicians so often practice, and I would rejoice as much as any man to see all such driven from the public service; but, sir, we will avert one evil only to bring a greater one upon us if, in order to escape the politicians, we commit the affairs of this Republic to a board of political eunuchs who are so impartial that they cherish no prejudice against what is bad and entertain no preference for what is good. I do not believe that they would make better laws than the people's representatives will make, but even if they could and would, I am not willing to pay their price. I believe that in the long flight of the years to come it will be infinitely better for the peace of this country and for the happiness of these people that we shall live under imperfect laws, made according to the best judgment of our representatives, than that we should abdicate our sovereign power and permit it to be exercised by those who esteem it a patriotic virtue to disregard the deliberate will of the American people.

The chief difficulty in dealing with that phase of the tax question presented by this bill arises out of the fact that tariff duties are imposed by the party now responsible for legislation not only for the purpose of raising revenue to support the Government, but also as a means of regulating our commerce with foreign nations, developing domestic enterprises, maintaining the wages of labor, and insuring the profits of manufacture. It would, therefore, be necessary in a thorough discussion of a measure like this to consider it in many phases—so many, indeed, that it would be utterly impossible to dispose of them all in a single afternoon. For this reason, I shall not, on this occasion, address myself to the latest Republican declaration that tariff duties shall be levied for the purpose of maintaining wages and insuring profits; but on some later day of this session, if I feel that the patience of my colleagues will indulge me that far, I may endeavor to demonstrate, as I think I can, the folly of guaranteeing profits by law and the injustice of increasing the cost of living to the millions who labor in all lines of employment in order to add a small fraction of what is taken from the whole to the wages of the part employed in particular enterprises. Nor shall I ask you to hear me at this time debate the question of free trade; because however desirable it may be, free trade is impossible in this country. I do not hesitate to declare that I believe in taxing wealth instead of consumption, and I would compel all men to contribute toward the Government's support according to what they own rather than according to what they want. I do not shrink from saying that if our Constitution would permit us to levy a direct tax in proportion to wealth instead of requiring it to be levied in proportion to population, I would favor the abolition of all customs duties, and I would support the General Government by the same system of ad valorem taxation which now prevails in our several States and in their subdivisions. This would not only be more equal and more just, but it would strongly tend, in my opinion, to insure that economy in governmental expenditures which is necessary to the strength and simplicity of a republic.

FREE TRADE IMPOSSIBLE.

But, sir, it is a waste of time for men charged with the practical duty of providing revenue for the Federal Government to talk about free trade under our Constitution as it stands to-day, and as it will stand, in all human probability, to the end of time. We can not dispense with tariff duties, because without them we could only raise sufficient revenue by resorting to direct taxation, and under the constitutional rule of apportionment that is so obviously unjust that the people will never submit to it except in a time of extraordinary emergency. I do not need to illustrate the inequality and the consequent injustice of a direct tax before the Senate, because every Senator understands it as well as I do; but in the hope that what I say may be read by some with less information than Senators possess, I venture to recite one example of how a direct federal tax would operate. If this Congress should levy a direct tax, it would be required to apportion to the State of Arkansas one-sixth of the amount apportioned to the State of New York. But while the population of New York is only six times as great as the population of Arkansas, its wealth is more than twenty times as great, and therefore a citizen of New York would be required to pay less than one-fourth as much upon every dollar's worth of his property subject to the tax as the citizen of Arkansas would be required to pay. That is such a manifest and gross inequality that no man will attempt to defend a tax which produces it.

All men admit the inequality and injustice of a direct tax under the Constitution as it reads to-day, but many of them insist that the Constitution ought to be amended so as to obviate that objection. I am not myself prepared to advocate such an amendment, because this rule apportioning representatives and direct taxes among the several States according to numbers was one of the compromises which made it possible for the convention of 1787 to agree upon a Constitution, and without that compromise the people of the original thirteen States would never have established this Republic. I have often heard it said, and I have frequently read it in books and documents which ought to have been more accurate, that this particular provision of the Constitution was adopted as a compromise between the Southern and Northern States upon the slavery question; and it is urged that as slavery has been abolished, and the reason for the rule no longer exists, the rule itself ought to be repealed. The men who advance that argument lack accurate information about the history of our early days, and even though I thus contradict what has been spoken and written so often, I declare without the slightest hesitation that it was not the slavery question which brought the members of the federal convention to the compromise under which representatives and direct taxes are apportioned according to population. That provision was a compromise, I grant you; but it was a compromise between the larger and the smaller States. The larger States insisted on a representation in both branches of Congress based on population or, as it was sometimes expressed, based on population and wealth, while the smaller States contended that sovereigns must always and everywhere be equal, and they insisted upon an equal suffrage both in the House of Representa-

tives and in the Senate. These differences were so pronounced and were asserted with such vehemence that they threatened to disrupt the convention.

The wisest and the most patriotic of the delegates were on the very verge of despair, and it was at this juncture in their proceedings that the venerable Benjamin Franklin, in a beautiful and touching address, proposed that the divine blessing should be invoked upon their deliberations, and moved that each session should thereafter be opened with prayer. The convention itself was so hopelessly divided, and each faction was so inflexible in its demand, that an adjournment seemed imminent; but under a sense of the great responsibility which rested on them and unwilling to fail without testing every expedient for success, a committee was finally appointed and the question was referred to it. It is unnecessary to follow that committee into its room, nor is it needful now to explain a second reference of the question to a smaller committee. It is sufficient to say that after mutual concessions it was finally agreed that the larger States should enjoy the advantage of their numbers in the House of Representatives, and that the smaller States should have the security which they sought through an equal representation in the Senate. I do not mean, of course, to say that the slavery question was not a perplexing one in that convention, nor do I forget that there were some intemperate speeches with reference to it; but it was adjusted without any serious difficulty, according to the rule of contribution which had existed under the Articles of Confederation. If we should now attempt to rescind the compromise of that day, we would provoke the same violent dissensions which existed in the other time. The larger States would contend as resolutely as their grandfathers did for a representation in both Houses based on numbers, and the smaller States would hazard another war before they would surrender their equal representation in this Chamber.

With Congress thus forbidden to levy direct taxes except according to the harsh rule of apportionment, we must continue to collect large sums through our custom-houses; and I perfectly understand that even a purely revenue duty affords an incidental protection. Whether that result is to be regretted or desired is purely an academic question; because whether desirable or regrettable, it is absolutely unavoidable. Not only do I recognize that Congress must levy tariff duties, but I recognize its right and its duty to arrange them in such a manner as will best serve the ends of justice and promote the general welfare. To lay the same duty upon articles of common necessity as upon luxuries would be a blind and senseless performance, and in making the one duty high while making the other low, we follow the sound and fundamental principle which requires that the highest taxes shall be laid upon those who can bear them without inconvenience, and that lightest taxes shall be laid on those whose income will permit the least subtraction.

THE ISSUE.

The practical question, therefore, between us and our adversaries, when fairly stated, is simply this: "Shall tariff duties be imposed for the purpose of raising revenue to support the Government, or shall they be imposed for the purpose of protecting certain classes of our people against foreign competition?"

The advocates of the protective system have always enjoyed a great advantage in defending it because the very terms which they have invented and employed flatter the sentiment and the patriotism of the country. Every American rejoices in the progress of each American industry, and he is more than ready to prefer his fellow-citizen in any contest against a foreigner. In this way it has happened that every man who does not examine the question readily gives his adhesion to a policy professing to limit or exclude foreign competition; and if that were the whole case, protection would command from none a more ardent support than I would give it. But when I analyze the policy, and understand its operation, I revolt against it because I readily perceive that under the guise of protecting some of our people against foreign competition, it robs the many to enrich a few. The purpose of protection is, as its firmest supporters assert, to give the American producer an advantage over his foreign competitor, but the effect of it is to tax the American consumer for the benefit of the American manufacturer; for to the dullest mind it must be self-evident that any law which enables one man to obtain more for his goods when he sells them must compel another man to pay more for those goods when he buys them, and in this fact lies the unanswerable and fatal objection to the policy of protection. It is not fair, and in the early days of this Republic nobody attempted to justify it as a matter of fairness. They justified it only upon the plea of necessity. They recognized that the tariff is a tax, but they averred that the patriots of the young Republic should be willing to bear its burden in order to insure the establishment of those enterprises which would render us independent of foreign nations. They admitted its injustice as between man and man, but said that the people ought cheerfully to submit to it for the sake of the danger from which it would deliver us in a time of war. That argument was used with great effect, and when it was no longer appropriate to our condition the selfish interests, which had grown rich and powerful under this governmental favor, invented a new one, which I shall not, as I said in the beginning, attempt to answer at this time, for I have another purpose more immediately at hand and closer to my heart.

But before I pass to that other topic, I want to ask this question: Upon what principle can you distinguish between a law which compels me to pay my neighbor more for the goods which I must buy from him and a law which would compel me to pay into the public treasury an increased tax which the Government would afterwards distribute among such industries as it might seek to foster? In other words, Mr. President, I am not able to perceive any difference in principle between a tariff and a bounty. I have endeavored to find a difference between them, but I have never been able to do so. If you summon me to the tax collector's office and compel me to make my contribution, and then take a part of what I have contributed and hand it over to my neighbor to add to the profits of his enterprise, you do me no greater injustice and I suffer no greater loss than under a law which enables my neighbor to extort from me a higher price for his goods when I buy them. The difference, and the only difference, is that one is a direct and the other is an indirect way of taking what I have earned and giving it to another man who has no honest claim upon it. Such legislation is so outrageously unjust that I marvel at the patience with which it has been endured by an intelligent and justice-loving people. To mitigate this injustice in some slight degree, and to the end that Congress may emancipate consumption from some part of the great burden which it has borne for so many years, I have prepared, and at the proper time I shall offer, an income-tax amendment to the pending bill.

I hope in this way to lift $80,000,000 annually from the stooping shoulders of those whose toil nets them only a modest return at best and to lay it upon those who can pay this tax without sacrificing a single comfort. This relief will mean much to men of moderate circumstances, and yet it will not be felt by those from whose abundant incomes we will supply the loss of revenue. I further hope to reduce the indirect bounty which consumption now pays to privilege, by more than $500,000,000 every year, and leave that vast sum with those who earn it instead of transferring it to those who have been collecting it for four decades. It will not satisfy the thoughtful men of this country, and even the reasonable protectionists will not permit you, to say that consumption can not be relieved from burdensome taxation, because a reduction in duties will close American factories and put out the fires of American furnaces, for they do not believe that these struggling infants, now grown into colossal combinations, need the high protection which this bill gives them. They understand that all of these great corporations could have prospered even beyond the dreams of avarice with lower duties; and it is this widespread belief among the people that has aroused an intense prejudice against the enormous fortunes of this day. I feel no prejudice against any man because he is rich, though I do despise the means by which many of them have acquired their riches; and I affirm that taking the money of other men through the favoritism of the law is but little less dishonest than taking it by force or fraud. The apologists of special privilege may continue to cry aloud against the dangerous and leveling doctrines of Socialism, but I tell them here and now that the best way to eradicate Socialism is to renew the people's faith in the justice of their Government. The best way to make the poor respect the rights of the rich is to make the poor understand that the rich respect their rights.

Realizing that the present political complexion of Congress renders the abandonment of the protection policy impossible, we are not asking that it shall be abandoned, and the reductions which we propose will still leave the American manufacturer in full possession of the American market, because there is hardly a highly protected industry on this continent to-day that could not realize a splendid profit under a tariff 33⅓ per cent lower than this bill proposes——

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Does the Senator from Texas recognize the difference which exists between the wages of labor in Europe and in our own country, and, if he does, would not lower

duties operate to lower wages here by stimulating the use of foreign-made goods?

Mr. BAILEY. Mr. President, of course I recognize that there is a difference in the scale of wages existing in this country and abroad, but the Senator from Michigan must know that when estimated according to the value of its product, American labor is no better compensated to-day than the labor of Germany and Great Britain; and when you take into account the increased cost of living in consequence of these tariff duties, it is not so well rewarded.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield further to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Would the Senator from Texas undertake to compare favorably the surroundings of the foreign workingman, the discomforts of his home, with the comforts and conveniences of the American workingman in his home?

Mr. BAILEY. No more than I would undertake to compare the comforts and conveniences of the average American farmer with the average foreigner who cultivates the soil of other countries. The difference is very much more one of men and natural resources than of tariff. But even if that were not true, I can not forget that there are 17,000,000 people in this country engaged in employments that are not and can not be protected; and I do not think it just and fair to tax that seventeen million in order to increase the income of the two and one-half million employed in protected industries. Do you think it right to increase the cost of living to every man under the flag in order to increase the wages of a few? That would be bad enough if it were all; but that does not state the whole case, for when you remember that the wage-earner generally expends his entire wages, then you must know that the increase in the cost of all he buys is equal to the increased wages which your protective tariff may give to those who work in protected industries. I understand perfectly well, and I understand it as well as any protectionist in the world, that if a manufacturer sells his goods for a higher price, he can afford to pay the laborer who produces them a higher wage. But will he do it? Not unless he is compelled to do it.

Mr. SMITH of Michigan. Has he not done it, Mr. President?

Mr. BAILEY. Only because he was compelled to do it.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Is he not still compelled to do it?

Mr. BAILEY. He is compelled to do it by competition and by labor organizations.

Mr. SMITH of Michigan. Does the Senator from Texas admit that the American wage-earner is better paid and will continue to be better paid, and can live better and happier and more comfortably under the principle of protection than under the principle he advocates?

Mr. BAILEY. I do not admit any such absurdity as that. [Applause in the galleries.]

Mr. SMITH of Michigan. Will the Senator indicate——

Mr. BAILEY. Here is what I admit——

The PRESIDING OFFICER. Applause is not permitted in the Senate.

Mr. SMITH of Michigan. The Senator, if I may be permitted——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. The Senator has already admitted part of the absurdity, namely——

Mr. BAILEY. It is the part I did not admit which makes the absurdity.

Mr. SMITH of Michigan. That wages are higher here. He has already admitted, I think, that the American wage-earner lives better than the foreign laborer. That is the second part of the absurdity. Now, if he does live better and does get a better wage, is it the height of absurdity to say that he is happier and more contented here? In fact, Mr. President, if the Senator from Texas will but linger around the ports of this country he will find millions of foreigners seeking this ideal wage and these ideal comforts, and he may linger long——

Mr. BAILEY. I can not yield for an oration.

Mr. SMITH of Michigan. I thank the Senator from Texas. I did not know that my remarks had attained any such height in his judgment. But, Mr. President, I will not interrupt the Senator further than to say that he may linger long around the ports of every other country in the world and he will not have the satisfaction of seeing Americans, accustomed to our mode of living, going to those countries to live.

Mr. BAILEY. That is as true of the Americans who are not employed in a protected industry as it is of those who are so employed. Therefore your protection does not explain it. Mr. President, except that I dislike to trespass upon the patience of the Senate, I would open a kindergarten for the benefit of such protectionists as the Senator from Michigan. [Laughter.]

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I will withdraw that remark if it offends the Senator.

Mr. SMITH of Michigan. It does not offend me. I was simply going to state——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. I was going to suggest that there would have to be a higher order of protection ability shown before I could be tempted into that schoo.. [Laughter.]

Mr. BAILEY. The Senator from Michigan repeats my statement that the scale of wages is higher here than in other countries, taking special care, however, to omit my other statement that according to the value of the product—and that is the principal factor in every wage scale of the world—the American laborer is not any better paid than the laborers of Germany and Great Britain. If the Senator from Michigan desires more information than I have time now to furnish, let him examine a table printed in the hearings which were held by the House Committee and he will find how little the wages of labor enter into the price of many of these protected commodities.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I will.

Mr. SMITH of Michigan. Not to interrupt the Senator, I am bound to observe that it is quite evident the Senator from Texas has been viewing the tables. Mr. President, I have viewed the laborer in his home in many countries of Europe, and there I have learned the lesson that he is not only poorly paid, poorly housed, poorly clothed, and uninterested in much of the affairs of life, but that he can not be compared from any point of view with the splendid life and character of the American citizen.

Mr. BAILEY. Mr. President, all of that is easily explained in other and better ways. This is a better country than those to which the Senator refers. The soil is more fertile, the Government is freer, men are more equal, intelligence is more generally diffused, inventive genius is more active, and labor has more skill. Do all these factors count for nothing? When an American citizen traveling abroad finds the serfs of Europe groveling in their misery and their poverty, does he not understand that there are other causes for the difference between them and us than merely that we have and they do not have a protective tariff? Mr. President, the Senator from Michigan must know that the period when every man and every industry in this Republic was most abundantly blessed was during the low tariff of 1846.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I do.

Mr. SMITH of Michigan. Mr. President, I do not want to annoy the Senator from Texas.

Mr. BAILEY. The Senator from Michigan could not annoy the Senator from Texas.

Mr. GALLINGER. Mr. President, let there be order.

The PRESIDING OFFICER. The Senator from Michigan will kindly suspend for a moment. The Chair wishes to call the attention of the occupants of the galleries to the fact that it is necessary for them to preserve order. The Chair hopes there will be no further occasion to admonish them of this fact.

Mr. SMITH of Michigan. I greatly enjoy the argument of the Senator from Texas, as I always do. I think that he and I are perhaps about the same age, and the period to which he alludes was a little back of my time.

Mr. BAILEY. The Senator from Michigan can read, however.

Mr. SMITH of Michigan. Yes; and the Senator from Texas can experience. The Senator from Texas and myself, happening to be Members of the same body at about the same time, have witnessed low-tariff legislation in this country bring the greatest disaster to the country, when the principal business of the country was the soup house. The Senator from Texas knows very well that even though we may have enjoyed luxury and comfort under low tariff, the American people have seen great distress under low tariff, with which the Senator from Texas

and myself are most familiar, and for which he was responsible more than I.

Mr. BAILEY. Mr. President, I have no thought of being drawn from the discussion upon which I was about to enter into a discussion of these other questions; but I want it to appear in the RECORD that the only answer which I now deem it necessary to make to the observation of the Senator from Michigan about the difference between the people of this country and the people of other countries is that the difference is just as great in those countries with a protective tariff as it is in those countries without a protective tariff. In other words, the wages of the American artisan and laborer are just as much greater than the wages of the German artisan and laborer as they are above those of Great Britain. In Germany they have a protection that would suit the Senator from Michigan [Mr. SMITH]; in Great Britain they have free trade. If our people are as much superior to the one as to the other, you can not account for the difference between them or either of them upon the policy of protection. In reply to the Senator's last statement, I only need to say that periods of distress and disaster have occurred under high Republican as well as under low Democratic tariffs.

Mr. SMITH of Michigan. Will the Senator yield to me now?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Michigan?

Mr. BAILEY. I will.

Mr. SMITH of Michigan. I want to be sure that I understand the Senator from Texas correctly. Surely he does not intend to compare the relative industrial strength of Germany with that of England; certainly he does not pretend to compare the condition of the workingman in England with the condition of the workingman under a protective system in Germany. Unless I very seriously misunderstood him——

Mr. BAILEY. The Senator instituted a comparison between the condition of the workingmen in the Old World and our workingmen. He can not, therefore, complain if I follow his example.

Mr. SMITH of Michigan. But the Senator from Texas was inclined to the opinion that we have a fairer land for opportunity and enterprise to assert itself.

Mr. BAILEY. Yes.

Mr. SMITH of Michigan. Mr. President, it was my privilege not many months ago to go through Ireland, as fair a land as the sun shines upon, with a soil as fertile as the soil of any country on earth, with water power competent to drive the machinery of Great Britain to a high point of industrial prosperity, where the climate is like the climate of California, where generous nature has filled the mines with ores and minerals rich as those of any other country in the world. Ireland, Mr. President, enjoys the blissful luxury of free trade, and it is about the highest exemplification of unwisdom that I know of anywhere in the world. That Ireland is not prosperous, the Senator from Texas must admit; that it is in a sad state of demoralization, people all over the world recognize. I am sure that the Senator from Texas can not, if he stops to think of it, account for our wonderful development solely by our natural location.

Mr. BAILEY. Mr. President, there are many elements which determine a nation's or a people's progress, and it is unsafe to ascribe their condition to any single influence. Wide differences exist between neighboring nations, both pursuing the same fiscal policy, and it will generally be found that wages always fall as nations descend in the scale of civilization. The Senator from Michigan does himself an injustice when he fails to take these considerations into account; and he must know—because he reads history, if he does not attempt to write it—that Ireland's condition to-day is no worse, indeed it is better, than it was before England repealed the corn laws and abolished the protection which existed there for so many years.

Mr. ELKINS. Mr. President, before the Senator from Texas leaves that point, I wish to ask if he will permit an interruption?

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. ELKINS. If I understood the Senator from Texas correctly, he stated that protection discriminated against a certain class of wage-earners in the United States. Now, I should like the Senator to state what class of wage-earners is discriminated against, if he stated that.

Mr. BAILEY. Mr. President, no Senator in this Chamber knows better than the Senator from West Virginia that protection, in the nature of things, can only protect those laborers employed in the protected industries. The Senator from West Virginia understands as well as anybody that protection can not protect the agricultural laborers in the United States, or——

Mr. ELKINS. Every farmer in this country is protected in his products, and that enables him to extend his protection to farm laborers. It is in that way that the farm laborers in this country are better paid than are the farm laborers in foreign countries, as I understand.

Mr. BAILEY. The Senator from West Virginia, with all deference to him, does not think that.

Mr. ELKINS. I do not think the Senator from Texas has met the question I asked with that candor and fairness and ability with which he has conducted debate here in the Senate. I fail yet to see where protection discriminates against particular wage-earners or against any class of wage-earners in this country. I do not think the Senator from Texas has answered me. He mentioned the farmers. I have made answer, I think, to his explanation. You may extend it into all the branches of industry, and directly or indirectly every wage-earner in the United States is protected as against foreign labor.

Mr. BAILEY. The Senator from West Virginia is so good a student of the tariff question that it is difficult for me to believe that he is serious in making that statement. I may hereafter enter upon a full and detailed discussion of that phase of the tariff question, but my purpose this afternoon is to devote myself to a proposition which is intended to alleviate the sufferings of the people under tariff duties, and I must leave such questions as the Senators from Michigan and West Virginia have raised for another occasion.

OBJECTION TO AN INCOME TAX.

The Senator from Rhode Island [Mr. ALDRICH] objects to an income tax on the ground that it will raise unnecessary revenue. That objection which the Senator from Rhode Island [Mr. ALDRICH] now makes is not the one which it was his habit formerly to make, for there was a time when he denounced an income tax as a Populistic, Socialistic, Democratic plan of redistributing fortunes. He will not repeat that during this debate, because the Senator from Rhode Island, like all the rest of us, learns something as he grows older. [Laughter.]

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. Mr. President, I have never at any time or anywhere expressed any such opinion as that which the Senator from Texas now attributes to me.

Mr. BAILEY. The Senator from Rhode Island ought to have the CONGRESSIONAL RECORD corrected if he did not say that. I will have the RECORD brought here, but before it comes I will recall the matter to the Senator's mind. I think it was during the speech of Senator Hill, of New York, or perhaps the speech of the Senator from Nebraska, Mr. Allen, that the Senator from Rhode Island made use of almost the identical expression which I have just repeated, and which he denies having uttered.

Mr. ALDRICH. Whenever the income tax proposition has appeared in this body—if this will be of any service to the Senator—it has appeared here advocated by Populists or by others who sympathized with them in a desire to redistribute the wealth of the United States by this method.

Mr. BAILEY. Was it supported only by such?

Mr. ALDRICH. At the time which I mentioned, I think I can say it was supported only by such.

Mr. BAILEY. But not now?

Mr. ALDRICH. Not now, I think.

Mr. BAILEY. Mr. President, I now have before me the CONGRESSIONAL RECORD of the 21st of June, 1894, from which I will read:

> Mr. ALDRICH. Does he not understand that the income tax is supported by the Socialist party, by the Populist party, and by the Democratic party with a few honorable exceptions, simply as a means for the redistribution of wealth?

Mr. ALDRICH. That is what I said.

Mr. BAILEY. But the Senator from Rhode Island said he did not say it.

Mr. ALDRICH. I repeated the same thing a moment ago. I said that it was supported at that time.

Mr. BAILEY. All right; I did not read the whole of it. Now, listen:

> I have heard no other argument advanced on the part of any advocate of this scheme except that it is in part a proper redistribution of the wealth of the country.

Not from Populists or Socialists or Democrats, but the Senator had never heard any other argument advanced by *any advocate of an income tax* except that it was a scheme to redistribute fortunes. Does the Senator say that now?

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. I think the statement made by me at that time was absolutely accurate as a historical statement, and I should make the same statement now as to conditions which then existed.

Mr. BAILEY. But the Senator said a moment ago that he had never, at any time or in any place, characterized an income tax as a Populistic, Socialistic, Democratic plan to redistribute fortunes. But I leave that aside to ask what the Senator thinks of the statement made by the present President of the United States, in his speech accepting the Republican nomination, in which he says he believes in an income tax? Is he a Socialist? Is he a Populist? Is he a Democrat? [Laughter.]

Mr. ALDRICH. I would be glad if the Senator would read that statement.

Mr. BAILEY. I have reread it within the last three days. I thought I had the last Republican campaign book in my desk, and I did have it here yesterday; but some one seems to have taken it away.

Mr. ALDRICH. That is a dangerous thing to have.

Mr. BAILEY. It is always dangerous to hold company with error. [Laughter.]

Mr. President, I agree, of course, with the Senator from Rhode Island, that it is worse than folly for Congress to levy and collect taxes not needed for an economical administration of the Government, although I must confess that it sounded rather novel to hear him denounce unnecessary taxation as the mother of extravagance. I sincerely regret that we have not heretofore had the benefit of his great influence in resisting the shameful waste of the public money; but I welcome him, even at this late hour, to the ranks of those who believe that a simple, frugal, economical government is the best. I can not forget, however, that the Senator from Rhode Island has never protested against this extravagance until we had reached a point where we were about to lay the burden of it on the shoulders of the rich, and then he suddenly becomes a convert to governmental economy. [Laughter.] But, Mr. President, whatever the cause of his conversion, I rejoice in it, and I cordially commend his recent speech in that respect. I will do the Senator from Rhode Island the charity to believe that a solicitude for the rich has not reversed his attitude, and I prefer to think that he believes in economy now because he perceives where extravagance is leading us and knows that it not only increases the burden of all taxpayers but that it breeds governmental vices of every kind.

The Senator from Rhode Island does not, however, answer us by saying that the bill which he has reported will raise sufficient money to support the Government and therefore the income tax amendment which I propose is unnecessary. Conceding that his bill as he has reported it will raise revenue enough to defray all public expenses—a concession which I only make for the purpose of this reply—we would then reduce the duties which his bill imposes. Always resourceful in debate, and never at a loss for an argument against doing what he does not want to do, the Senator from Rhode Island replies to that suggestion by saying, and he made an impression on the minds of many Senators by the statement, that to adopt an income tax and reduce tariff duties at the same time, would culminate in a double evil; because, he declares, that in addition to the money collected through a tax on incomes, a reduction of tariff duties would increase our revenue, thus accumulating a dangerous surplus in the National Treasury. This proposition is a paradox, for it implies that the less our people pay, the more our Government collects. But even if this statement were correct, we can easily obviate that difficulty by transferring to the free list some of the necessaries of life, thus lifting these tariff taxes from those who can ill afford to pay them and laying this income tax upon those who can well afford to pay it.

HOW LOWER DUTIES AFFECT THE REVENUE.

But, Mr. President, the Senator's doctrine that lower duties bring more revenue is not correct. I have here a book of Professor Taussig, which he calls "The Tariff History of the United States," and on page 115, referring to this very matter, he makes this statement:

> The act of 1846 remained in force till 1857, when a still further reduction of duties was made. The revenue was redundant in 1857, and this was the chief cause of the reduction of duties. The measure of that year was passed with little opposition, and was the first tariff act since 1816 that was not affected by politics. It was agreed on all hands that a reduction of the revenue was imperatively called for, and, except from Pennsylvania, there was no opposition to the reduction of duties made in it.

Mr. BAILEY. On the next page——

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I trust the Senator remembers that I made a statement following the one that he has quoted, in which I said that duties can be reduced so low, and have been reduced so low, as, for instance, in 1857, as to destroy the industries of the United States and place all of its people in a state of pauperism.

Mr. BAILEY. The Senator from Rhode Island can not now divert me to a discussion of that kind; but he understands perfectly well that there is just the same dispute about what produced the depression of 1857 as there will be twenty years from now about what produced the panic of 1907.

Mr. ALDRICH. Mr. President, the Senator from Texas will agree with me in the statement that under the tariff of 1857 the Treasury of the United States in 1860 was in a bankrupt condition, and not only was the Treasury in a bankrupt condition, but the borrowing power of the United States had been destroyed.

Mr. BAILEY. Mr. President, that was due to the great financial crisis that came in 1857, followed, as such crises are usually followed, by a period of stagnation, and aggravated by the menacing state of American politics. But whether the act of 1857 was wise or unwise is not the question that I am now discussing. I am simply attempting at this time to show that lower duties do not mean greater revenue.

In a footnote on page 117 Professor Taussig again asserts:

> No doubt high duties were one cause of the Government's surplus, and thereby aided in bringing about the crisis, so that this view, incomplete as it is, has more foundation than Carey's explanation.

Carey's explanation was the one that the Senator from Rhode Island has just offered. He was the dean of the protectionists, and he ascribed all the ills that the American people had ever suffered to the lack of protective duties.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. I think the Senator from Texas perhaps correctly characterizes Mr. Carey. The authority from which the Senator is now reading, Professor Taussig, is the authority and dean of free traders, a man who is a free trader with courage.

Mr. BAILEY. And with sense. [Laughter.] In his annual message of 1855, Franklin Pierce, then President of the United States, referring to the duties collected under the act of 1846, a Democratic low-tariff act, it is true, but still high enough to raise a surplus, said:

> The principle that all moneys not required for the current expenses of the Government should remain for active employment in the hands of the people, and the conspicuous fact that the annual revenue from all sources exceeds by many millions of dollars the amount needed for a prudent and economical administration of public affairs can not fail to suggest the propriety of an early revision and reduction of the tariff of duties on imports.

The remedy which Franklin Pierce recommended for a surplus of revenue was a reduction of tariff duties. The modern doctrine is that the remedy would be an increase of duties. It is true—and I would not attempt to conceal it—that the Committee on Ways and Means of the House, to which that message was referred, submitted a report challenging the President's view as announced in the passage I have read; but that report was prepared by the honorable Mr. Campbell, of Ohio, who was then a protectionist, though he was elected to Congress after the war as a Democrat. But, Mr. President, whether President Pierce or Congressman Campbell was right is not material in this connection, because we do not hope to approach a point when any reduction of the duties, as recommended in this bill, could possibly increase the revenues of the Government. It is perfectly true that if you reduce the duty on an article until you make it possible to sell the imported article below the cost of the domestic article, you would drive the domestic article from the market and so greatly increase the importation of the foreign article as to augment the revenue. It is also true that by reducing a prohibitory duty to a revenue or a protective rate, you would certainly increase the revenue. But there is not the remotest possibility of increasing the revenue, even if we should be able to reduce the duties of this bill by as much as 33⅓ per cent.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. ALDRICH. I do not like to disturb the thread of the Senator's argument.

Mr. BAILEY. The Senator is welcome to interrupt me.

Mr. ALDRICH. What does the Senator expect to accomplish by reducing rates of duty? Does he expect to increase importations or decrease them?

Mr. BAILEY. In my opinion, an average reduction of 33⅓ per cent in the duties imposed by the present law would not greatly increase our importations, and the chief effect of such a reduction would be to compel the American manufacturer to abate a portion of his present unconscionable profit.

Mr. ALDRICH. If it did not increase the importations, it could have no effect upon the American market, I assume.

Mr. BAILEY. Oh, yes.

Mr. ALDRICH. In what way?

Mr. BAILEY. A reduction might still leave the duty so high that the foreign article could not enter and compete.

Mr. ALDRICH. Then no change would take place.

Mr. BAILEY. A change in domestic prices would take place. That would occur in this way—under the reduced duty the imported article might be sold below the former domestic price, and it would be necessary to reduce the domestic price to prevent that.

Mr. ALDRICH. Does the Senator mean that American manufacturers and producers can reduce their prices 33⅓ per cent and still make a profit?

Mr. BAILEY. Some of them could.

Mr. ALDRICH. That is a very extravagant statement.

Mr. BAILEY. I repeat that some American manufacturers could reduce their price 33⅓ per cent and still make a fair profit on their actual investment. That, however, was not the statement which I made and to which the Senator from Rhode Island took exception. My statement was that a reduction of 33⅓ per cent in the duties imposed by the pending bill would not greatly increase our importations; and the Senator from Rhode Island understands, of course, that a reduction of 33⅓ per cent in duties does not involve, by any means, a reduction of 33⅓ per cent in price. Many of these protected industries, however, could easily prosper under a 33⅓ per cent reduction in profits. The United States Steel Corporation, for example, took properties worth less than $350,000,000 and capitalized them at more than a billion dollars, and they are netting an annual profit of about 7 per cent on that fictitious capitalization. Obviously, that corporation could reduce its profits 33⅓ per cent and still make more than a legitimate profit upon the fair value of its property.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. The United States Steel Company has perhaps, say, 40 or 45 or possibly 50 per cent of the steel production of the United States. Does the Senator from Texas think that all the other steel producers in the United States could reduce their prices 33⅓ per cent to-day and still make a profit?

Mr. BAILEY. If I may be permitted to judge by the size and velocity of their automobiles, or by the size and equipment of their yachts, or by their other thousand extravagances which they flaunt in the faces of American consumers who are taxed to pay for them, I should say they could. They might not be able to go to Europe every summer; they might be compelled to curtail their self-indulgences; but both they and the American people would be better off for that.

Mr. ALDRICH. Does the Senator think that the average profits of the people who are engaged in production in the United States—I mean to include them all, great and small—is more than 33⅓ per cent annually, regularly?

Mr. BAILEY. Of course not. The census shows that the annual increase in our wealth under the Democratic tariff of 1846 was over 10 per cent; but under Republican tariff it has never been over 8 per cent. That is the general average increase; but many specially favored industries have increased several times that much. Though not professing to be an expert, I know enough about manufacturing conditions to warrant me in declaring that the protected industries of this country could net their stockholders a fair profit and sell their goods under a tariff reduction of 33⅓ per cent.

Mr. TILLMAN. Will the Senator from Texas allow me?

Mr. BAILEY. Certainly.

Mr. TILLMAN. I misunderstood the reasoning of the Senator from Rhode Island in his speech the other day if he did not confess or mean to confess that a reduction in tariff meant an increase in revenue. I took it to mean that he acknowledged that so many duties were prohibitive that there were no imports, and therefore no revenue, whereas a reduction would mean that there would be imports and an increase in revenue.

Mr. BAILEY. The Senator from South Carolina correctly construes the statement of the Senator from Rhode Island, and he makes, in stating what he understood, a very proper criticism against this bill. The statement of the Senator from Rhode Island was undoubtedly equivalent to saying that this bill fixes the duty so high as to prevent importations, and that to reduce these duties would permit the introduction of imported articles.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. Whenever I am ready to interpret this bill and to express my opinion of the Democratic doctrine of tariff for revenue only as enunciated by the fathers, I will give my own interpretation and shall not feel bound by any interpretation made by the Senator from Texas or the Senator from South Carolina.

Mr. BAILEY. Nor by your own previous interpretations.

Mr. ALDRICH. I think I shall.

AN INCOME TAX.

Mr. BAILEY. I now come to state, and I shall state them as briefly as I can, the reasons which have induced me to believe that an income tax ought to be adopted as a settled and permanent part of our fiscal policy. The extraordinary increase in our public expenditures during the last twenty years has rendered it necessary for us to collect in every year a sum of money so great as to almost confuse the human mind; and, of course, the people must supply this money in some way. In searching for that way I could find no better plan for raising a part of this stupendous aggregate than the one which I am proposing. Under any circumstances an income tax is more equitable than a tax on consumption. It is more just as between the different classes, and it better conforms to that sound canon of taxation which enjoins upon us to lay all taxes on those who can bear them with the least inconvenience; and this general advantage is emphasized by our present condition, for the cost of living has increased so enormously during the last few years that the plainest dictates of humanity require some abatement in the taxes on articles of necessary and daily use.

I have laid this tax on no one whose income does not exceed $5,000; and certainly no truthful man can look his neighbor in the face and say that with an income of more than $5,000 he will be seriously embarrassed by the payment of a moderate tax to the General Government. Under my amendment an income of $10,000 would only be required to contribute $150 to the General Treasury.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I should like to have the Senator state, if it is not objectionable to him, by what process he arrives at $5,000 as the correct sum for which a man should be taxed, and not a lower sum? Why not $4,000 or $3,000 or $2,000?

Mr. BAILEY. That is an easy question to answer. Under the Republican policy of protection a man is taxed on almost everything he consumes, and I have fixed the exemption at $5,000 on the theory that an income of that amount is consumed, and having paid a tax to the Government, or a tribute to its favorites, in spending it, I thought it simple fairness not to tax him when he was earning it. In other words, I let him take it in without a tax because I knew he had to pay a tax when he paid it out; and assuming that a $5,000 income was a consumable one, I exempted it from the tax. But that is not all. I was following the rule of laying a tax on those who can bear it with the least inconvenience, and I fixed the exemption at $5,000 so that no man could complain that the Government is taking something from him which he needs.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BURKETT. I observe there are two rates. In some instances the minimum is $4,000.

Mr. BAILEY. The Senator is mistaken.

Mr. BURKETT. That is as I recall it. I was interested in knowing why the Senator distinguished between $5,000 and $4,000.

Mr. BAILEY. The old act fixed the exemption at $4,000 and levied a rate of 2 per cent. I have raised the exemption to $5,000 and the rate to 3 per cent, actuated in both cases by the

same general principle. I wanted to lift the burden from every man who could fairly complain that the tax subtracted from his comfort, and I wanted to lay it on those who can bear it without giving up anything that an American citizen must have.

Mr. BURKETT. But I understand as the Senator's bill is now drawn it leaves two minimums, one class with an income of $5,000, another class $4,000.

Mr. BAILEY. Oh, no. The Senator has probably been misled by the fact that when I had the administrative features of the old law copied, there was no change made in that part of it which required corporations to report the earnings of employees not below $4,000. But that is a clerical error, easily corrected and certain to be corrected. In that part of the amendment which levies the tax and which fixes the exemption, the change was properly made, because I drew that myself, whereas I instructed my secretary to copy the administrative features of the old law, and it was sent in that form to the printing office and without the proper correction.

Mr. BURKETT. It is an error?

Mr. BAILEY. Merely a clerical error in the administrative provisions.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Certainly.

Mr. ALDRICH. I understand that the Senator from Texas assumes that $5,000 is the average amount consumed by the people of the United States.

Mr. BAILEY. I assume it for the purpose of this bill.

Mr. ALDRICH. The average earnings of the wage-earners of the United States we will assume, for the purpose of this argument, is less than $1,000 a year. Of course those people do not consume $5,000, and to them a $2,000 income is the income of a privileged class, and I see no reason why those people should not pay an income tax as well as the man who has $5,000—I mean proportionately.

Mr. BAILEY. It is not easy to draw a line below which no tax should be levied, and any minimum must be an arbitrary one. I know the information which the Senator seeks. I know what he wants me to admit, and I will oblige him. I fixed this at $5,000 for the further reason that I wanted to affect as few people as possible, so that it might provoke as little opposition as possible among the people. Is the Senator satisfied?

Mr. ALDRICH. In other words, the Senator wants to enact legislation that is distinctly class in its character——

Mr. BAILEY. Oh, no.

Mr. ALDRICH. For the purpose of getting popular support or votes.

Mr. BAILEY. Oh, no. I had first fixed it according to a rule which I believe just and wise, and which the Senator from Rhode Island will not impeach. Perhaps I have no right to say he will not, but I will see if he will. Does the Senator from Rhode Island agree to the rule that all taxes ought to be laid upon those best able to bear them with the least inconvenience?

Mr. ALDRICH. Certainly.

Mr. BAILEY. Then the Senator has no right to say that I am trying to establish a class distinction, because I am levying a tax where its burden will be least felt, and in accordance with a rule which the Senator himself has just approved.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Rhode Island?

Mr. ALDRICH. But the Constitution of the United States and every code of ethics or morals that I know of proposes that taxes shall be levied with uniformity. I do not mean with exact uniformity as to all people, or according to the means of the people to pay; and I think it is doubtful whether we have any right, either constitutionally or any other way, to impose taxes upon one class of people and exempt another class.

Mr. BAILEY. That is a rather serious criticism against the Republican party, because under the leadership and during the Presidency of Abraham Lincoln they levied an income tax that exempted some people while taxing others. It is true they did not make the exemption so great as I have made it, but it is likewise true that the scale of living was not then so high as it is to-day.

I did not forget, Mr. President, that in our larger cities a man must have an income of well nigh $5,000 to live in comfort and educate his children, and I do not want any man to have a right to say that in taking this tax for the Government's support I have either taken from his wife a comfort or taken from his children the priceless blessing of an education; and no man can say either under this exemption of $5,000. The Senator from Rhode Island knows as well as I do that in a large family the education of the girls and boys costs almost half an income of $5,000. Maybe it ought not to be so, and let us hope that it will not always be so; but it is so, and I was dealing with conditions as I found them and not as I would like to have them.

Mr. ALDRICH. The great masses of the laboring people in this country are to-day competing with labor which is paid 6 cents a day, 25 cents a day, 60 cents a day, or an income of say from fifty to three or four hundred dollars a year. The average earnings of the laboring people of this country are, as I have already stated, less than a thousand dollars a year, or about $700, as I remember them. Now you are suggesting to those men that you will not tax to any extent the man who earns two, three, four, five, or ten times as much as they do, a hundred times as much as the people who compete with them in the various industries in which they are engaged, and that you propose to levy those taxes upon the higher class of earnings in the United States, for the purpose of reducing the protection which by law and by the declared policy of our party we now give them.

Mr. BAILEY. I would be glad to join the Senator from Rhode Island in a real protection to the American laborer by making it impossible, through our immigration laws, for that cheap labor about which he speaks to come here and compete with an American citizen of any condition or station in life. [Applause in the galleries.] That is the kind of protection I would give the American laborer.

The VICE-PRESIDENT. The Senator from Texas will suspend. Occupants of the galleries must not indulge in signs of approval or disapproval.

Mr. ALDRICH. As I understand the Senator from Texas, he would prohibit the importation into this country of cheap laborers of other countries, but he is only too willing to reduce the duties upon articles, so that the products of that cheap labor can come in here in competition with our own.

Mr. BAILEY. The Senator states that as his conclusion, but it is very far from being correct. Still, I will not be drawn into that discussion now.

Mr. President, the laboring man who receives only $700 a year, has no right to complain because we do not tax the man who receives seventeen hundred. If we taxed him and exempted somebody else, then he would have a full right to condemn us for that discrimination, but so long as we lay no tax on him, he has no right to complain because we do not begin to tax the others until we pass the point which the highest comfort seems to require; and the laboring men of the United States have not authorized the Senator from Rhode Island to lay any such complaint as that against my amendment. He will find small audiences in labor centers when he comes to complain to those people because I did not tax somebody else, for the intelligent laboring man will tell him that I began the taxation where it ought to begin, which is at the point where it will subtract nothing from the comfort of men and women or from the education of girls and boys. That is the line which I have followed, and that is the line which, mark my words, the American people will command all men to follow in the years to come.

Mr. OWEN and Mr. ALDRICH addressed the Chair.

The VICE-PRESIDENT. To whom does the Senator from Texas yield?

Mr. BAILEY. To the Senator from Oklahoma first, and then to the Senator from Rhode Island.

Mr. OWEN. I suggest that the sensibilities of the Senator from Rhode Island with regard to the complaint of the laboring man against the income tax that does not descend below $5,000 might be met by a further amendment of this proposed measure of the Senator from Texas by providing a rate of 5 per cent on incomes exceeding $1,000,000, which would make amends for the neglect of these smaller incomes.

Mr. ALDRICH. I am sure the Senator from Texas does not need the added ingenuity of the Senator from Oklahoma to find new methods of imposing taxes. Mr. President, what the laboring men of this country would have a right to complain about in the proposition of the Senator from Texas, stated as he does in a bold way, is this: They would have a right to complain about the imposition of an income tax when its purpose, as announced by its author and by three-quarters of its supporters, is to reduce the protection which the law affords to them in competition with the cheap labor of other countries, when the proposition has, in the words of the Senator from Texas, that avowed and distinct purpose.

Mr. BAILEY. That, of course, is apart from the particular phase of the question to which I am now addressing myself. Having explained to my own satisfaction, and I hope to the satisfaction of those who agree with me on the main question, my

purpose in exempting all incomes up to $5,000, I will now endeavor to justify the tax imposed on all above that sum.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. I do.

Mr. BURKETT. I wish to make a suggestion to the Senator right there. In connection with what was said a moment ago this brings up a point which perhaps he is going to discuss. The exemption that has been suggested here has never troubled me quite so much as several of the exemptions, for example, that the Senator in his amendment makes specifically. If there is one exemption that has impressed me more than another it is the exemption that you necessarily must make. The Senator recognizes them, and he exempts those who hold United States bonds, those who hold state bonds, and some other classes of bonds. Now, take the real estate proposition. I have not looked up the matter, I will say to the Senator, with a view of making a speech, and I have not the exact dates, but as I remember all the decisions from the beginning to the last have practically held that land taxes and capitation taxes are direct taxes. They have been decided by all, as I remember the decisions, to be direct taxes. As I remember the decisions—perhaps there are some that I do not recall—they have never disputed the proposition that when you assess the income from the land you are assessing the land.

Mr. BAILEY. There was no case in the books which held that, until the Pollock case.

Mr. BURKETT. As I said, I do not recall any decision that holds you can assess the income from land, however that may be derived. What I was going to get at is this, and this is my question. The unfairness of the law has never disturbed me, because we can make the limit. If $5,000 is too much we can reduce it. But how are you ever going to get over the unfairness in the case of the man who has his million, say, invested in county, state, municipal, district, and United States bonds? The Senator specifically excepts them. How are you ever going to make the law fair in the case of that kind of a man, who, in my opinion, contributes the least to society and the least to the Government of any other man on earth? The man who simply buys bonds and goes and hides himself away and clips his coupons is the man who contributes the least to society. Yet the Senator recognizes in his own measure that we must except that man from the provisions of the bill. That has been the phase of it, I will say to the Senator, which has given me more concern than any other feature.

Mr. BAILEY. The Senator from Nebraska ought not to allow himself to be troubled by any doubt on that point, because their exemption proceeds upon the uniform decision of the court that a tax on the income from such bonds is a tax on the operation and instrumentalities of the Government. These exemptions are made imperative by the rule that the Federal Government can not tax the instrumentalities of a State, nor can a State tax the instrumentalities of the Federal Government.

It is impossible for me to comprehend how any man with an income above $5,000 can reconcile with his patriotism an objection to the payment of this tax. If the Government could be administered without taxing anybody, then I could easily understand that a prosperous citizen would rebel against it as an effort to punish him for his prosperity; but knowing that somebody must contribute the money which the Government spends, it would seem to me that the self-respect of every man would inspire him not only to pay his part, but to insist upon paying it as a privilege of American citizenship. Will any Senator here or will any citizen elsewhere contend that it is right and just to compel the man without property and whose daily toil must supply his daily wants to bear a greater portion of the common expense than is borne by the man of fortune? And yet that is precisely what happens under our present system. Many rich men contribute nothing toward the Federal Government's support, but there is not one among all the laborers of this land who does not pay, and in many instances he is compelled to pay, much more than his proper share. I have in my mind now an instance which I am sure is familiar to many Senators. There is in the city of New York a property valued, I am told, at many million dollars owned by an expatriated American. I shall not call his name, because it would not be consistent with the dignity of this place for me to name a private person; but I can with propriety use his case to emphasize my argument. With several million dollars' worth of well-selected real estate in the city of New York, this man does not contribute a farthing to the General Government's support. He does not assist even in the emergency of war to pay the expense of raising armies and equipping navies to protect his property from the guns of a hostile fleet.

When Congress was called upon to provide for the cost of that war with Spain, I sought to reach fortunes like his, but a Republican majority denied my motion, and they raised the millions which were spent in that unfortunate and unnecessary conflict from consumption rather than from wealth. They refused to lay a tax on incomes then, but they did not hesitate to tax articles of such common use as tobacco; and the poorest laborer in Rhode Island, with nothing but his patriotism to serve, contributed more to the expenses of that Spanish war when he bought a plug of cheap tobacco than did this expatriated millionaire on his ten millions' worth of real estate. Will any Senator contend that this was right? Not only, sir, was this Rhode Island laborer, when he purchased a plug of cheap tobacco, compelled to contribute more money toward the war than this expatriated millionaire, but that Rhode Island laborer was also subject to his country's call to arms, while the millionaire was far beyond the reach of danger or privation. I denounce it as a grotesque absurdity to say that this Government can call the laborer from his shop, the farmer from his field, the merchant from his store, the lawyer from his office, the husband from the bosom of his family, and the son from his widowed mother's side and send them forth to fight the battles of our country, and yet it can not compel this expatriated millionaire to contribute one dollar toward purchasing the arms and ammunition with which our patriots must defend his property. I do not believe in any system of taxation which lays a heavy hand upon the poor and lets the rich go free, and I do not believe that our fathers limited, or intended to limit, this Government in such a manner as to compel it to perpetrate that injustice.

Mr. ALDRICH. Will the Senator permit me?

Mr. BAILEY. I will.

Mr. ALDRICH. How does the Senator expect to reach the expatriated millionaire who has $10,000,000 worth of real estate in the city of New York?

Mr. BAILEY. I would tax its income.

Mr. ALDRICH. Notwithstanding the decision of the Supreme Court of the United States?

Mr. BAILEY. There are four other decisions contrary to that one, and two of them expressly sustained a law exactly like this which I have drafted.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Utah?

Mr. BAILEY. Certainly.

Mr. SUTHERLAND. I understand the Senator from Texas to say that the decision of the Supreme Court in reference to the income on land was dissented from by four of the justices.

Mr. BAILEY. I did not say that, but it is true.

Mr. SUTHERLAND. I understood the Senator to say that four had dissented.

Mr. BAILEY. No; I did not advert to that, but it is a fact.

Mr. SUTHERLAND. That four had voted differently.

Mr. BAILEY. I said there were four other decisions.

Mr. SUTHERLAND. I misunderstood the Senator. But the Senator does say now, as I understand him, that four of the justices dissented from that holding. As I remember the decision of the Supreme Court, upon the first hearing the decision was 6 to 2, and that decision was——

Mr. BAILEY. I do not understand that to be true. It is true—and, I suppose that is the way the Senator derives the impression—that there were but two of the justices who wrote dissenting opinions; but I think nobody can read Justice Brown's dissenting opinion in the rehearing and doubt that he voted with Justice Harlan and Justice White in the original case.

Mr. SUTHERLAND. Then, the Senator from Texas must admit there were at least 5 to 3.

Mr. BAILEY. The Senator from Texas does not know that, though he thinks it is true.

Mr. SUTHERLAND. If I may remind the Senator of that decision, I think he will see that it must be true. The first decision, as I recall it, was only upon the question of the income arising from land, and the majority decision of the Supreme Court was that the income derived from land partook of the nature of the realty, and therefore was not subject to an income tax.

The court then proceeded to say that upon the other question the court was equally divided, 4 to 4. Therefore upon that question the court must have been divided, as I have stated, at least 5 to 3. So there never were four judges who dissented, as I understand the decision, upon that particular question.

Mr. BAILEY. I assume that to be true as to the first decision; but as we know nothing about the secrets of the conference room, it might be that one judge took no part in the decision. It is one of those unfortunate cases where a change of opinion on the rehearing has brought the whole matter into something of a scandal. There is no doubt, however, that on the rehearing four justices denied the correctness of that doctrine.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Will the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. If my recollection is correct, on the rehearing there were four judges dissenting, and every one of them read an opinion dissenting from the majority of the court. On the final hearing there was only one opinion, that of Chief Justice Fuller, against the law, and each of the four dissenting judges read an opinion. Judge Jackson was in poor health and read a very short opinion, but the other judges read complete opinions and three of the judges who sided with the majority never read any opinion at all from first to last.

Mr. BAILEY. That is true, Mr. President. It will be remembered by the lawyers who are familiar with the case that Mr. Justice Jackson rose from a sick bed to participate in it and went back to that sick bed, never again, as I recall it now, taking an active part in any decision. The Senator from Utah states correctly that the original decision confined the invalidity of the law to the income from real estate. But the subsequent opinion delivered upon a rehearing contradicts, as I will attempt to show, that first opinion. But, Mr. President, I am not going to begin with that case when I come to discuss the constitutionality of an income tax. I will start with the first case, in 1794.

Not only is an income tax more equal than any other as between all taxpayers, but it is more just as between every taxpayer and the Government, or at least it can be paid more conveniently.

Under the system of ad valorem taxation a citizen's property might be assessed at $100,000—it might be a magnificent building filled with tenants, at good rents and of prompt pay. That building might yield $15,000 per annum when occupied; but, if the day after the assessment became operative, a destructive fire should gather it in its hot embrace and lay it down a mass of charred and blackened ruins, under a system of ad valorem taxation the owner would be compelled to pay the same taxes on it, though it would bring him nothing that year, as he would have paid had it escaped the conflagration and yielded him a revenue of $15,000 a year. It is not so under an income tax, which rises and falls with each man's ability to pay it. If the property that last year fetched the owner $15,000 should be destroyed or be vacant the better part of this year, and the income should shrink to $3,000, the taxes would shrink with it. Under the $15,000 income, he would enjoy his $5,000 exemption and pay 3 per cent only on his $10,000 excess, which he could well afford to pay, but under a condition where it netted him only $3,000, his income from it would not reach the limit of exemption, and he would not pay a farthing toward the Government's support. An income tax is only exacted when the citizen is able to pay, and the exaction is measured by his ability to pay.

WILL MAKE A NATION OF LIARS.

But to all of this our opponents answer that the tax is inquisitorial and will make us a "nation of liars." Even if what they say in that regard is true, it is not more true of this than it is of every other law that levies taxes. Every tax law inquires closely into our financial condition, and some men will swear a lie to evade any tax; but this is chargeable against the nature of taxation and against the depravity of man, and not against this particular kind of a tax. It no more violates the privacy of your business affairs to compel you to state your income and the sources of it than it does to compel you to list every piece of your property, including the personal ornaments and jewelry of your wife, as you are now required to do in all the States. Not only are all taxes inquisitorial, but they must be so, or otherwise the honest men would pay them and the dishonest men would cheat the law. I do not like to have a tax assessor ask me for an inventory of my property, but I give it without objection, and I would state my income as freely as I would describe the property from which I derive it. I have sought in this amendment—and to that extent it is a copy of the other laws—to guard the business of every citizen against the idle curiosity of gossips, and I have made it a crime for any officer or employee of the Government to divulge, except under proper conditions, the return which a citizen must make to the internal-revenue collector. This is a protection which is not extended in all the States.

Why should an income tax make us "a nation of liars" any more than our tariff or our present internal-revenue taxes? There is nothing about an income which it is so necessary to conceal, and certainly an income tax is not more difficult to pay because it is never demanded from a citizen unless his business shows a profit. It calls none to the collector's office except those who have enjoyed a prosperous year, and surely a man whose enterprises have yielded him a profit will not commit a perjury to save a moderate tax. I feel as certain as I do of any event which is yet to come that the income tax will be paid as honestly and as promptly as other taxes are, and I repel as a libel on the American character this oft-repeated assertion that our prosperous people will perjure themselves to avoid its payment. That some of them will do so, I have no doubt, because I know that they evade their present taxes; but no honest man will swear a lie in order to keep the money which belongs in justice and in law to the Government. I hate a liar of every degree, but if one could be more despicable than another, the worst of all is the man of fortune who will commit a perjury in order to shift a burden which belongs to him to the backs and the appetites of the poor, and I would so frame the law as to double his taxes through penalties prescribed for such misconduct. Indeed, I would hunt him down, and I would take from him tenfold as much as I would require an honest man to pay, and then I would brand him forever as a perjurer and a tax dodger.

I hold no brief to defend the rich men of America, but I think better of them than some of them think of themselves, for while many of them say they will lie to escape this tax, I believe that is true of only a small portion of them. I have known some men who would defraud the Government out of a thousand dollars in taxes and then pay $5,000 for an automobile; but surely the American Congress will not be asked to desist from passing a just and equal law because some men are so low as that. There are ripe scholars who say that the history of all nations attests that after the wealth of men has reached and passed a certain point it makes them more selfish and less patriotic. I have never subscribed to that philosophy and I hope that my experience will never convince me of its truth; but if it be true that an income tax will make this "a nation of liars," then I must admit that wealth debases human nature. With every income of $5,000 or less exempt, no man can be tempted to tell a lie for the sake of giving to those he loves what they are bound to have, and it is a fearful indictment of our people to say that the most prosperous of them are so dishonest. Will any millionaire consider it a compliment to him that you refused to pass an income tax law because you thought it would make a liar out of him? Do you think that such an explanation will flatter his self-respect or increase his pride?

Mr. President, I would hate to think that wealth engenders crime, for I was taught that integrity is a virtue of the mind and not of a condition. I have always despised the men who have sought to incite class hatred and I have never felt any tolerance for the demagogue who is always declaiming against the rich. It has been enough for me to believe that a man is a man whether rich or poor, and I want to live and die in that belief. I know the poor man does his duty by his country and though he may have no property on which to pay a tax, his strong arm and his brave heart are always at his Government's command. He has no magnificent castles over which great armies and mighty navies stand in sullen guard, but he responds with eager step whenever his country calls him to its defense. He knows that a battle may cost his life, or what is worse than death, may leave him a captive of the enemy, but he does not stop to count those perils when the summons comes. The poor enjoy no favor from the Government except the protection which it affords them and for this they pay by protecting the Government in every crisis. They perform its jury service in times of peace, and fight its battles in times of war. They seldom ask to be excused from one, and never hire a substitute to perform the other service. Will the rich men of this land admit themselves so inferior to the poor that from their millions they will not give a paltry sum while the poor give freely of their blood?

The chief expense of every government is incurred in the protection of property and in the maintenance of order, in which the rich are so immediately concerned; and will they confess before their countrymen that they will not give even a small part of their incomes to a government whose protection they are so ready to invoke and which follows them in every land through which they travel, protecting them from insult and oppression? If I were counsel for the rich, the first advice

that I would tender them would be to advocate a law like this and thus testify to all their countrymen that they are more than ready to bear their part of the burden of this Government. If they would do that, it would do more to silence the envious voice of anarchy than all the benefactions and the charities which they can do. Let it be understood at once and for all time to come that the rich are willing at least to do justice to the poor by relieving them from a burden which they ought not to bear and let us hear no more of this insulting doctrine that a prosperous American citizen will perjure his soul rather than to pay his taxes.

But, Mr. President, we are told that even if the income tax is as just and as equal as we claim, and if it did not cultivate the odious vice of lying, this Congress has no power to pass such a law, because the courts have held it to be a direct tax and therefore unconstitutional unless apportioned according to population. It is to that question which, with the permission of the Senate, I shall now proceed.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield further to the Senator from Utah?

Mr. BAILEY. I do.

Mr. SUTHERLAND. Before the Senator passes to a discussion of the law of the question, I wanted to ask him a question with reference to the merits of the proposition.

Mr. BAILEY. Very well.

Mr. SUTHERLAND. I understood the Senator to eulogize somewhat extravagantly this form of taxation as being perhaps the most perfect form. I understand that this form of taxation is open to all the States of the Union as well as to the Federal Government, as claimed by the Senator, and I also understand that there is but one State in the Union, namely, Massachusetts, where this form of taxation is indulged in. Has the Senator any opinion upon the question as to why the various States of the Union have not resorted to this form of taxation if it is as perfect a form as the Senator thinks?

Mr. BAILEY. I have. It is simply because States do not readily alter their methods of taxation, and the reasons for a change are not so potential there as here.

Mr. BACON. May I suggest to the Senator from Texas that there is an additional reason? In the States taxes are levied ad valorem, and the men pay taxes in proportion to their ability, in a large degree, not as perfectly as under the income tax, but certainly much more perfectly than under the indirect tax through the medium of a tariff upon imports.

Mr. BAILEY. That is true, Mr. President, and I thank the Senator for adding it to what I have said. That is what I meant by saying that the reasons were not the same. If the States had been confined to a tax on consumption or remitted to a tax on incomes, they would have taxed incomes long ago.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nebraska?

Mr. BAILEY. I do.

Mr. BURKETT. I think the statement which seems to have been agreed on here might be somewhat corrected. There are more States than Massachusetts that have an income tax. I think Pennsylvania has one; and as I recall it, Louisiana has some sort of an income tax. Both the Carolinas, I think, have some sort of an income assessment. I think there are at least half a dozen States that have some form of an income tax.

Mr. BAILEY. My impression is that there are three States with income taxes. But I did not choose to go into that. The Senator from Utah [Mr. SUTHERLAND] stated that there is but one, and I did not challenge it, though my impression is different, because it was apart from my argument, and what I must say will occupy too much of the Senate's time.

Before entering upon an examination of the law, I desire to say that I understand as well as anybody the delicacy of discussing in the Senate a decision of the Supreme Court; and especially do I understand the delicacy of assailing its correctness. I shall observe the proprieties of my position and of this place sufficiently to govern what I say by a fair discretion, but I do not think that any American citizen or that any American Senator is precluded from a just and respectful criticism of the action of any department of this Government. I am willing, sir, to stand uncovered in the presence of the Supreme Court, but I am not willing to be silenced by its decision. I reject the slavish doctrine that because the judges have spoken, all men must receive their speech in silence. The judgment of that court will always govern me in each particular case, and I will submit to the execution of its decrees with decorum and without resistance; but the opinion of that court as to the constitutional power of Congress is no more controlling with me than would be the well-considered opinion of a Senator or a private citizen of equal character and ability.

Under the Constitution the power to decide what is the law must rest somewhere, and I believe that it has been wisely confided to that great tribunal. It ought not to rest with those who make a law to judge whether that law be consistent with the Constitution; nor should it rest with him upon whom we fix the responsibility of executing the laws after we have made them, because to vest in him the power to say whether or not a law be valid would subject the legislation of our country to judgment of a Chief Executive who might not be a lawyer. I therefore readily agree to that decision which withholds from us and withholds from the Executive the right to determine what is and what is not the law when tested by the Constitution. I freely agree that the court shall have that power and that its decision in each particular case is as supreme as the sovereignty of this Government can make it; but I utterly deny that I must concur in their opinions whenever given and to whatever effect they be. The decision of that court can no more control me when I come to exercise my function and my right as a legislator than my decision in making a law should control them in construing it. What we do here, as was well said by Justice Chase, is persuasive there, and what they say there is almost conclusive here, but not quite so, or, at least, it ought not to be, and I sincerely trust that it will never be. I intend to discuss the income-tax case respectfully, but I intend to discuss it plainly. I intend to say, and I think I am justified in saying, that there were some arguments advanced in that first opinion which would be described as pettifogging if a lawyer had addressed them to the court.

Having said this much, I want to say one thing more. I have no patience with the insinuation which I have heard whispered in many places that the decision in the Pollock case was tainted with corruption. I do not believe it; I do not believe there is a justice on that bench now, and I do not believe that one ever sat there whose judgment could be purchased at any price. I do not believe that all the gold that miners have ever dug from the bowels of the earth and all the treasures that conquering armies have laid at the feet of their royal masters could tempt the smallest of them to sell his judgment. But while I utterly repudiate the suggestion that these judges were corrupt, I do not embrace the equally unfounded notion that they are infallible. They may err as well as other men, and their errors are not made sacred against protest and discussion because they happen to be judicial. Having said this much, I shall speak with greater freedom about the court's decisions, which I shall now proceed to consider.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. I do.

Mr. CLAPP. Mr. President, I suggest that the Senator from Texas has now been speaking for some time, and I think I observe some evidence, perhaps, of weariness. I do not believe he can get through with the legal phases of his argument to-day, and I think it would be much better if the legal argument should be now postponed and concluded to-morrow by the Senator, if that meets his approval.

Mr. BAILEY. I would really prefer that course. I think myself that the legal argument should be made as distinct and as separate as possible, because I am of the opinion that the only opposition to this amendment, as it will be expressed, will be predicated upon invalidity of such a law; and, if it meets the views of the Senate, I shall be very glad to suspend now and to conclude the legal argument to-morrow, if it suits the Senate to hear me then.

EXECUTIVE SESSION.

Mr. ALDRICH. I am glad to conform to the wishes of the Senator from Texas, and I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seventeen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 17 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, April 27, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 26, 1909.

CONSULS.

Edward I. Nathan, of Pennsylvania, now consul of class 9 at Patras, to be consul of the United States of America of class 8 at Mersine, Turkey, vice A. Donaldson Smith, nominated to be consul of class 9 at Patras.

A. Donaldson Smith, of North Carolina, now consul of class 8 at Mersine, to be consul of the United States of America of class 9 at Patras, Greece, vice Edward I. Nathan, nominated to be consul of class 8 at Mersine.

UNITED STATES DISTRICT JUDGE.

Edward E. Cushman, of Washington, to be United States district judge, third division, district of Alaska, commencing July 1, 1909, under the provisions of the act of Congress approved March 3, 1909 (public, No. 322).

CIVIL SERVICE COMMISSIONER.

James Thomas Williams, jr., of North Carolina, to be a Civil Service Commissioner, vice Henry F. Greene, resigned.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants, with rank from April 22, 1909.

Dr. Arthur Freeborn Chace, of New York.
Dr. Edward Elisha Dorr, of Iowa.
Dr. John William Keefe, of Rhode Island.
Dr. John Johnson Kyle, of Indiana.
Dr. Lewis Linn McArthur, of Illinois.
Dr. Charles Mayrant Rees, of South Carolina.

To be first lieutenants, with rank from April 23, 1909.

Dr. Adolphe Manger Giffin, of South Dakota.
Dr. Samuel C. Gurney, of Michigan.
Dr. James Adams Hayne, of South Carolina.
Dr. William Seagrove Magill, of New York.
Dr. Arlington Pond, of Vermont.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade) in the navy from the 2d day of February, 1909, upon the completion of three years' service in present grade:

Nathaniel H. Wright,
Roland R. Riggs,
Edward F. Greene,
Isaac C. Johnson, jr., and
Richard P. McCullough.

The following-named lieutenants (junior grade) to be lieutenants in the navy from the 2d day of February, 1909, to fill vacancies existing in that grade on that date:

Nathaniel H. Wright,
Roland R. Riggs, and
Edward F. Greene.

Passed Asst. Surg. Charles N. Fiske to be a surgeon in the navy from the 1st day of September, 1907, vice Surg. Corbin J. Decker, retired.

Asst. Surg. Howson W. Cole to be a passed assistant surgeon in the navy from the 5th day of October, 1908, upon the completion of three years' service in present grade.

Surgs. Robert E. Ledbetter and Charles St. J. Butler to be surgeons in the navy from the 19th day of September, 1908, and the 11th day of October, 1908, respectively, to correct the dates from which they take rank caused by the failure of an officer senior to them to qualify for promotion.

Second Lieut. William L. Burchfield to be a first lieutenant in the Marine Corps to fill a vacancy made on September 28, 1908, by the appointment of First Lieut. Logan Tucker as an assistant quartermaster, and to take rank from July 16, 1908, the date of the expiration of his one year's loss of numbers on account of his failure to qualify for promotion and suspension therefrom, to correct the date from which he takes rank as confirmed on April 8, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 26, 1909.

UNITED STATES DISTRICT JUDGE.

Learned Hand to be United States district judge, southern district of New York.

UNITED STATES DISTRICT ATTORNEYS.

George H. Gordon to be United States attorney for the western district of Wisconsin.

Harold A. Ritz to be United States attorney for the southern district of West Virginia.

RECEIVER OF PUBLIC MONEYS.

William C. Blair to be receiver of public moneys at Montrose, Colo.

SURVEYOR-GENERAL.

Edward P. Kingsbury to be surveyor-general of Washington.

PROMOTIONS IN THE ARMY.

CORPS OF ENGINEERS.

Lieut. Col. Solomon W. Roessler to be colonel.
Maj. David Du B. Gaillard to be lieutenant-colonel.
Capt. William J. Barden to be major.
First Lieut. Arthur Williams to be captain.
Second Lieut. William A. Johnson to be first lieutenant.

INFANTRY ARM.

First Lieut. Albert R. Dillingham to be captain.
First Lieut. William R. Gibson to be captain.
Second Lieut. Albert B. Hatfield to be first lieutenant.
Second Lieut. Reginald H. Kelley to be first lieutenant.

CAVALRY ARM.

Lieut. Col. Cunliffe H. Murray to be colonel.
Maj. Frederick W. Sibley to be lieutenant-colonel.
Capt. John C. Waterman to be major.

COAST ARTILLERY CORPS.

Capt. Henry H. Whitney to be major.
First Lieut. Willis G. Peace to be captain.
Second Lieut. Youir M. Marks to be first lieutenant.

MEDICAL CORPS.

Capt. Elbert E. Persons to be major.
Capt. William N. Bispham to be major.

POSTMASTERS.

INDIANA.

Russell W. Addington, at Ridgeville, Ind.
Charles H. Bell, at Ossian, Ind.
Albert Boley, at National Military Home, Ind.
George Clevenger, at Parker, Ind.
Henry L. Connelly, at Rosedale, Ind.
George W. Kilmer, at Wakarusa, Ind.
James E. Leonard, at Gas City, Ind.
H. D. Moore, at Moores Hill, Ind.
Samuel Morris, at Eaton, Ind.
Henry F. Radcliff, at Pierceton, Ind.
John P. Russell, at Kewanna, Ind.

NORTH DAKOTA.

James M. Bunker, at Ellendale, N. Dak.

OHIO.

James L. McDonald, at Wellsville, Ohio.

HOUSE OF REPRESENTATIVES.

MONDAY, *April 26, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Thursday, April 22, 1909, was read and approved.

SWEARING IN OF A MEMBER.

The SPEAKER laid before the House the credentials of Mr. JAMES H. CASSIDY, a Representative-elect from the twenty-first district of Ohio, which were read.

Mr. CASSIDY appeared at the bar of the House and took the oath of office.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. HAWLEY, for eight days, beginning May 3, 1909, on account of important business.

To Mr. THOMAS of North Carolina, indefinitely, on account of sickness in family.

To Mr. COWLES, for one week, on account of important business.

To Mr. KOPP, until May 2, on account of trip to Panama.

To Mr. ADAMSON, indefinitely, on account of sickness.

ENROLLED JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT FOR HIS APPROVAL.

Mr. WILSON of Illinois, from the Committee on Enrolled Bills, reported that this day they had presented to the President of the United States, for his approval, the following joint resolutions:

H. J. Res. 45. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress; and

H. J. Res. 38. Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. RUCKER of Missouri, on behalf of Mr. BORLAND, withdrew from the files of the House, without leaving copies, the papers in the case of Charles Sells, Sixtieth Congress, no adverse report having been made thereon.

PANAMA CANAL.

Mr. WILEY. Mr. Speaker, I ask unanimous consent to have printed as a supplement to the document which the gentleman from Pennsylvania [Mr. WANGER] had leave to print an article appearing in the Outlook of this week by Hon. John R. Freeman, engineer of the Panama Canal.

The SPEAKER. Is there objection?

Mr. WANGER. Mr. Speaker, I think it will promote the general convenience if the article referred to by the gentleman from New Jersey be printed with the matter that I got leave a few days ago to print as a supplement to House Document No. 10.

Mr. WILEY. That is my request, Mr. Speaker.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

ADJOURNMENT.

Then, on motion of Mr. PAYNE (at 12 o'clock and 8 minutes p. m.), the House adjourned until Thursday, April 29, 1909.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Smithsonian Institution, transmitting a statement, with accompanying documents, relating to default in the contract for the new building for the National Museum (H. Doc. No. 16)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for payment of a judgment in favor of J. Henry Harper, trustee (H. Doc. No. 17)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for providing safe-keeping for emergency currency notes (H. Doc. No. 18)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting an estimate of appropriation for salary of the Treasurer of the United States (H. Doc. No. 19)—to the Committee on Appropriations and ordered to be printed.

A letter from the treasurer of the National Academy of Sciences, submitting inquiry as to reimbursement for certain expenses (H. Doc. No. 20)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a report as to reservations of land within the Flathead Indian Reservation, Mont. (S. Doc. No. 19)—to the Committee on Indian Affairs and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. DWIGHT: A bill (H. R. 8773) to provide for traveling expenses of the President of the United States—to the Committee on Appropriations.

By Mr. WOODS of Iowa: A bill (H. R. 8774) to amend an act relating to soldiers' and sailors' homesteads—to the Committee on the Public Lands.

By Mr. AUSTIN: A bill (H. R. 8775) requiring the flag of the United States to be displayed at educational institutions to which officers of army or navy are assigned, at agricultural colleges or experiment stations receiving government aid, and at ambassadors', ministers', consuls', and consular agents' offices—to the Committee on Military Affairs.

Also, a bill (H. R. 8776) to reimburse depositors of the late Freedman's Savings and Trust Company—to the Committee on Banking and Currency.

Also, a bill (H. R. 8777) to furnish ex-soldiers medals of honor—to the Committee on Military Affairs.

By Mr. MACON: A bill (H. R. 8778) to amend an act entitled "An act granting an increase of pension to soldiers of the Mexican war in certain cases," approved January 5, 1893—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 8779) to pension bridge builders and railroad repairers who were in actual service of the United States during the late war of the rebellion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8780) to amend the pension laws by increasing the pensions of soldiers and sailors who may have served in any war prior to 1866, and of widows and orphans of such soldiers and sailors—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8781) to provide for the purchase of a site and the erection of a public building thereon at Moundsville, W. Va.—to the Committee on Public Buildings and Grounds.

By Mr. RUCKER of Colorado: Memorial of the legislature of Colorado, protesting against a federal inheritance tax—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 8782) granting a pension to John McGhee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8783) granting a pension to Cynthia A. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8784) granting a pension to Katherine Vines—to the Committee on Pensions.

Also, a bill (H. R. 8785) granting a pension to David M. Bates—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8786) granting an increase of pension to Joseph A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8787) granting an increase of pension to Joseph A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8788) granting an increase of pension to James Smiddy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8789) to correct the war record of Calvin Fielden—to the Committee on Military Affairs.

Also, a bill (H. R. 8790) for the relief of George T. Larkin—to the Committee on Claims.

Also, a bill (H. R. 8791) granting a pension to George Graham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8792) for the relief of W. J. McGhee—to the Committee on War Claims.

Also, a bill (H. R. 8793) for the relief of estate of Henry Sessler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8794) to remove the charge of desertion against Sampson Carroll—to the Committee on Military Affairs.

Also, a bill (H. R. 8795) to remove the charge of desertion now standing against Thomas Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8796) to remove the charge of desertion standing against Samuel McKamey—to the Committee on Military Affairs.

Also, a bill (H. R. 8797) to remove the charge of desertion standing against William A. Morgan—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 8798) for the relief of the heirs of the late John W. Massey—to the Committee on Claims.

By Mr. BROWNLOW: A bill (H. R. 8799) granting an increase of pension to Silas Hopper—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 8800) to correct the military record of Levi Conright—to the Committee on Military Affairs.

By Mr. BYRNS: A bill (H. R. 8801) for the relief of James A. Tucker—to the Committee on War Claims.

Also, a bill (H. R. 8802) for the relief of Walker W. Winstead—to the Committee on War Claims.

Also, a bill (H. R. 8803) for the relief of the Fykes Grove Primitive Baptist Church, Sulphur Fork, Robertson County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 8804) granting an increase of pension to Matthew Brisbo—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 8805) granting an increase of pension to Uriah Bickers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8806) granting an increase of pension to Samuel Maxberry, alias Samuel Logan—to the Committee on Invalid Pensions.

By Mr. COLLIER: A bill (H. R. 8807) for the relief of James K. Hamblen—to the Committee on War Claims.

Also, a bill (H. R. 8808) for the relief of Martha S. Carmichael—to the Committee on War Claims.

Also, a bill (H. R. 8809) for the relief of Mattie J. and W. P. Horn, heirs of Preston A. Horn—to the Committee on War Claims.

Also, a bill (H. R. 8810) for the relief of William D. Wilson—to the Committee on War Claims.

Also, a bill (H. R. 8811) for the relief of J. E. Whittington—to the Committee on War Claims.

Also, a bill (H. R. 8812) for the relief of Charlotte Spears—to the Committee on War Claims.

Also, a bill (H. R. 8813) for the relief of Frank Harris, of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8814) for the relief of Smith Summers, administrator of John Waters, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8815) for the relief of R. R. McMullen, administratrix of Thomas J. McMullen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8816) for the relief of John L. McClendon, administrator of the estate of Joel McClendon, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8817) for the relief of the legal representatives of Benjamin Roach, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8818) for the relief of W. W. Warren, administrator of the estate of Jackson Warren, deceased, of Canton, Madison County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8819) for the relief of Frank Roberts and the heirs of Ida Roberts McNeil, deceased, of Yazoo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8820) for the relief of the heirs of Mrs. C. M. J. Williamson—to the Committee on War Claims.

Also, a bill (H. R. 8821) for the relief of the heirs of Hiram G. Robertson and Charlotte G. Robertson, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8822) for the relief of the heirs of John H. McCutchen, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8823) for the relief of the heirs of J. L. W. Bullock, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8824) for the relief of heirs of Samuel W. Lancaster, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8825) for the relief of the estate of Jesse Mabry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8826) for the relief of the estate of J. J. Galtney, deceased, late of Yazoo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8827) for the relief of the estate of J. B. Hall, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8828) for the relief of the estate of Thomas J. Gibson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8829) for the relief of the estate of Jane N. Gibson, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8830) for the relief of the estate of Wesley Crisler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8831) for the relief of the estate of R. T. Brown, deceased, late of Warren County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8832) for the relief of the estate of Thomas S. Maben, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8833) for the relief of the estate of W. T. Collins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8834) for the relief of the estate of George M. Coker, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8835) for the relief of the estate of B. V. McGuffee, deceased, late of Hinds County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8836) for the relief of the estate of Elizabeth Hemphill, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8837) for the relief of the estate of Dr. J. P. Davis, deceased, late of Yazoo County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 8838) for the relief of the estate of R. H. Hoffman—to the Committee on War Claims.

Also, a bill (H. R. 8839) for the relief of the estate of Ann M. Meehan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8840) for the relief of the estate of Calvin Tilley—to the Committee on War Claims.

Also, a bill (H. R. 8841) for the relief of the estate of Stephen Herren—to the Committee on War Claims.

Also, a bill (H. R. 8842) for the relief of the estate of Samuel D. Kelley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8843) for the relief of the estate of R. A. Myrick, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8844) for the relief of the estate of W. A. Booth, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8845) for the relief of the estate of Benjamin Magruder, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8846) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Sarah G. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8847) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of S. N. Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8848) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of James A. Foard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8849) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William Freeman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8850) to carry into effect the findings of the Court of Claims in the matter of the claim of Elizabeth Johnson—to the Committee on War Claims.

Also, a bill (H. R. 8851) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Vernon H. Johnston, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8852) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Emma S. Lewis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8853) to carry into effect the findings of the Court of Claims in the matter of the claim of Mrs. Harriett Miles—to the Committee on War Claims.

Also, a bill (H. R. 8854) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of William O. Moseley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8855) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Mary Ann Nagle, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8856) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Read, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8857) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Charles Baker, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8858) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Royall Chambers, deceased—to the Committee on War Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 8859) granting an increase of pension to Albert O. Gifford—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 8860) granting an increase of pension to Louisa Pitts—to the Committee on Invalid Pensions.

By Mr. GRAFF: A bill (H. R. 8861) granting an increase of pension to Alrena Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8862) granting an increase of pension to Anna Litz—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 8863) for the relief of Dr. J. A. Reagan—to the Committee on War Claims.

Also, a bill (H. R. 8864) for the relief of the estate of George Hodge, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8865) granting a pension to James C. Rymer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8866) granting a pension to Columbus Lankford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8867) granting a pension to James A. Anderson—to the Committee on Pensions.

Also, a bill (H. R. 8868) granting a pension to Moses F. Reese—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8869) granting a pension to Franklin B. Carland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8870) granting a pension to Francis M. Jenkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8871) granting a pension to Feemster Penland—to the Committee on Pensions.

By Mr. HAWLEY: A bill (H. R. 8872) granting an increase of pension to Edward P. Redford—to the Committee on Pensions.

Also, a bill (H. R. 8873) granting an increase of pension to George Hobbs—to the Committee on Invalid Pensions.

By Mr. HOLLINGSWORTH: A bill (H. R. 8874) granting an increase of pension to Samuel Gooding—to the Committee on Pensions.

Also, a bill (H. R. 8875) granting an increase of pension to John Seals—to the Committee on Pensions.

Also, a bill (H. R. 8876) granting an increase of pension to Joshua Dewees—to the Committee on Pensions.

Also, a bill (H. R. 8877) granting an increase of pension to John N. Hanna—to the Committee on Pensions.

By Mr. HOWLAND: A bill (H. R. 8878) granting an increase of pension to James Field—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8879) granting an increase of pension to Rodney Jameson—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 8880) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Clarksburg, W. Va.—to the Committee on War Claims.

By Mr. LINDSAY: A bill (H. R. 8881) granting an increase of pension to Robert McGuire, alias Robert W. Smith—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 8882) to carry out the findings of the Court of Claims in the case of Catharine Kelton—to the Committee on War Claims.

Also, a bill (H. R. 8883) to carry out the findings of the Court of Claims in the case of Julia A. Crusells—to the Committee on War Claims.

Also, a bill (H. R. 8884) to carry out the findings of the Court of Claims in the case of G. W. Aycock—to the Committee on War Claims.

Also, a bill (H. R. 8885) to carry out the findings of the Court of Claims in the case of Albert Godbee, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8886) to carry out the findings of the Court of Claims in the case of A. G. McDonald, administrator of the estate of Robert H. Green, deceased—to the Committee on War Claims.

Also, a bill (H. R. 8887) for the relief of the heirs of Thomas Carter, deceased—to the Committee on War Claims.

By Mr. McCALL: A bill (H. R. 8888) granting an increase of pension to George T. Butterfield—to the Committee on Invalid Pensions.

By Mr. MADISON: A bill (H. R. 8889) granting an increase of pension to Morris B. McKeever—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8890) granting an increase of pension to David A. Clowes—to the Committee on Invalid Pensions.

By Mr. MARTIN of South Dakota: A bill (H. R. 8891) granting a pension to James W. South—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8892) granting a pension to George C. Stearns—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8893) granting a pension to Charles Hotgdon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8894) granting a pension to William H. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8895) granting an increase of pension to James L. McWilliams—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 8896) granting an increase of pension to Robert Glover—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 8897) granting an increase of pension to William Corkran—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8898) granting an increase of pension to Charles B. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8899) granting an increase of pension to Abel Inman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8900) granting an increase of pension to Henry Dye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8901) granting a pension to Harriet L. Westerfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8902) granting a pension to Wilson M. Jones—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 8903) granting an increase of pension to Henry C. Sprague—to the Committee on Invalid Pensions.

By Mr. SCOTT: A bill (H. R. 8904) for the relief of John Hogan, postmaster at Wagstaff, Kans.—to the Committee on Claims.

By Mr. SIMS: A bill (H. R. 8905) for the relief of Harry T. Herring—to the Committee on Military Affairs.

By Mr. VREELAND: A bill (H. R. 8906) granting a pension to Lafayette Taylor—to the Committee on Invalid Pensions.

By Mr. WASHBURN: A bill (H. R. 8907) granting a pension to Sadie M. Lowell—to the Committee on Pensions.

Also, a bill (H. R. 8908) granting a pension to Harriet M. Beaman—to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AUSTIN: Petition of 40 men, requesting an amendment to the Constitution of the United States to permit women to vote—to the Committee on the Judiciary.

By Mr. BARTLETT of Georgia: Petitions of P. W. Ethridge, W. H. Bolton, W. H. Williams, J. J. Fisher, and L. Holmes, of Milner, Ga., and T. J. Biles, of Orchard Hill, Ga., asking a reduction of the duty on raw and refined sugar—to the Committee on Ways and Means.

By Mr. BURLEIGH: Petition of Lewiston and Auburn Merchants' Association, for removal of duty on hides—to the Committee on Ways and Means.

By Mr. GRIEST: Protest of the Lancaster Leaf Tobacco Board of Trade, against free entry of Philippine tobacco as detrimental to the interests of the tobacco growers, packers, dealers, and jobbers, and to cigar manufacturers and bench workers—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Los Angeles Chamber of Commerce, against a national consular school—to the Committee on Foreign Affairs.

By Mr. HOLLINGSWORTH: Papers to accompany bills for relief of Joshua Dewees, Francis W. Leeper, Samuel Gooding, John N. Hanna, George W. Pitner, and John Seals—to the Committee on Pensions.

Also, petition of C. W. Criss Brothers, Steubenville, Ohio, for reduction of tariff on sugar—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Paper to accompany bill for relief of heirs of Thomas Cater—to the Committee on War Claims.

By Mr. MURPHY: Petition of various farmers' unions of Texas County, Mo., for a parcels-post law—to the Committee on the Post-Offices and Post-Roads.

By Mr. NEEDHAM: Petition of Los Angeles Chamber of Commerce, against establishment of a national consular school—to the Committee on Foreign Affairs.

By Mr. ROBINSON: Paper to accompany bill for relief of heirs of Mrs. Marguerite E. Dennis—to the Committee on War Claims.

By Mr. SHEFFIELD: Petition of Joseph E. Caldwell and 90 other lithographers, of Providence, R. I., for higher duty on lithographic products—to the Committee on Ways and Means.

By Mr. SULZER: Petition of wholesale dry goods merchants of New York, against increase of duty on cotton goods—to the Committee on Ways and Means.

Also, petition of Darling & Co., of Long Island City, N. Y., against reduction of tariff on glue—to the Committee on Ways and Means.

Also, petition of National Industrial News, of New York City, for increase of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Lord & Taylor and others, against increase of duty on hosiery goods—to the Committee on Ways and Means.

Also, petition of Charles Morningstar & Co., favoring reduction of duty on potato glucose—to the Committee on Ways and Means.

Also, petition of Standard Importing Company, against increase of duty on kippered herrings—to the Committee on Ways and Means.

Also, petition of Thomas & Thompson Company, of Baltimore, Md., for a duty on sheep dip—to the Committee on Ways and Means.

Also, petition of National Tea and Coffee Association, against a tariff on tea—to the Committee on Ways and Means.

Also, petition of New York Silk Conditioning Works, favoring same duty on raw as scoured wool—to the Committee on Ways and Means.

Also, petition of Rev. H. F. Adams, of New York City, for establishment of a federal national children's bureau—to the Committee on Labor.

By Mr. WASHBURN: Paper to accompany bill for relief of Sarah M. Lowell and Hattie M. Beaman—to the Committee on Invalid Pensions.

SENATE.

TUESDAY, *April 27, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

CIVIL-SERVICE EMPLOYEES FROM NEW HAMPSHIRE.

The VICE-PRESIDENT laid before the Senate a communication from the Civil Service Commission, transmitting, in response to a resolution of the 21st instant, a list of the names of persons now in the civil service charged to the State of New Hampshire, etc. (S. Doc. No. 21), which, with the accompanying paper, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of sundry citizens of Los Angeles, Cal., praying for the adoption of an amendment to the Constitution granting the right of suffrage to women, which was referred to the Committee on Woman Suffrage.

He also presented petitions of sundry citizens of New York, Pennsylvania, Tennessee, Arizona, Missouri, Louisiana, Georgia, Indiana, Texas, North Dakota, Iowa, Washington, South Carolina, Arkansas, Kentucky, Alabama, Minnesota, Ohio, New Mexico, Maine, Oklahoma, Illinois, Nebraska, Wisconsin, West Virginia, and Maryland, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Cisne, Hoopeston, and Pocahontas, all in the State of Illinois, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of sundry manufacturers and dealers in leather goods of Chicago, Ill., and St. Louis, Mo., praying for the repeal of the duty on hides, which was ordered to lie on the table.

Mr. DU PONT. I present a petition of the Board of Trade of Wilmington, Del., relative to a change of the date of the inauguration of the President of the United States. I ask that the petition be printed in the RECORD and referred to the Committee on Privileges and Elections.

There being no objection, the petition was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

Whereas experience has shown that weather conditions are, as a rule, very unfavorable at the date set for the inauguration of the President of the United States at the beginning of the presidential term, viz, March 4, and this fact was particularly emphasized by the fierce storm that prevailed at the recent inauguration of President Taft; and

Whereas in consideration of these facts, together with the further fact that a later date in the calendar year would likely prove more propitious: Therefore be it

Resolved by the Board of Trade of the City of Wilmington, Del., That the Senators and Representatives in Congress from this State be, and they are hereby, requested to exert themselves for a change in the existing law whereby the inauguration of the President will be celebrated hereafter later in the spring.

Passed unanimously by the Wilmington Board of Trade April 6, 1909.

Attest:

[SEAL.] GEO. H. MCGOVERN, *Secretary.*

Mr. DU PONT presented petitions of sundry citizens of Delmar, Del., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Imes and Elbing, Kans., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Castle Rock, Tacoma, Tracyton, Turnwater, Barry, Sanderson, Davenport, and Startup, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Teachers' Association of Walla Walla, Columbia, and Benton counties, all in the State of Washington, praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

Mr. PILES presented petitions of sundry citizens of Buckley and Turnwater, in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BULKELEY. I present resolutions adopted at a meeting of the directors of the New England Tobacco Growers' Association, held at Hartford, Conn., April 20, relative to the duty on tobacco imported from the Philippine Islands. I ask that the resolutions lie on the table and that they be printed in the RECORD.

There being no objection, the resolutions were ordered to lie on the table and to be printed in the RECORD, as follows:

HARTFORD, CONN., *April 20, 1909.*

At a meeting of the directors of the New England Tobacco Growers' Association the following resolutions were unanimously adopted:

Whereas the present tariff measure which is now before the United States Senate, known as the "Payne bill," is a menace to the tobacco-growing industry of the New England States on account of allowing a certain portion of the product of the Philippine Islands to enter this country free of duty, thereby compelling the tobacco growers of the United States to enter into competition with the cheap labor of the Filipino;

Whereas we believe that if the present tariff measure now before Congress becomes a law that part of the bill which relates to the free entry of the Philippine tobacco will be used as an entering wedge for a greater quantity to come into this country free of duty in the near future;

Whereas we, the directors of the New England Tobacco Growers' Association and the growers of Connecticut tobacco, strongly reiterate our former action on this subject and strenuously object to any measure in the proposed tariff bill which may become a hardship to the producers of leaf tobacco in this country:

Resolved, That Mr. Marcus L. Floyd and Joseph G. Mitchelson, of Tariffville, Conn., are hereby duly appointed as delegates to represent the New England Tobacco Growers' Association at Washington, D. C., and are requested to use every honorable means in their power to defeat this proposed legislation;

Resolved, That we fully concur in any action which they may take in our behalf; be it further

Resolved, That we, the directors of the New England Tobacco Growers' Association, appreciate the efforts which have been made by our Senators and Congressmen to protect our interests, and that it is the sense of this meeting that a copy of the above resolutions be forwarded to them.

The above is a true copy.

Attest:

W. K. ACKLEY,

Secretary pro tempore New England Tobacco Growers' Association.

Mr. PERKINS presented a memorial of California Harbor, No. 15, American Association of Masters, Mates, and Pilots, of San Francisco, Cal., remonstrating against a reduction of the duty on lumber, which was ordered to lie on the table.

He also presented a memorial of the board of directors of the Chamber of Commerce of Los Angeles, Cal., remonstrating against the establishment of a national consular school, which was referred to the Committee on Commerce.

He also presented petitions of sundry citizens of San Jose and Lake City, Cal., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRANDEGEE presented a memorial of Local Union No. 407, Cigar Makers' International Union of America, of Norwich, Conn., remonstrating against the repeal of the duty on tobacco and cigars imported from the Philippine Islands, which was ordered to lie on the table.

He also presented petitions of the Challenge Cutlery Corporation, of Bridgeport; of the Thomaston Knife Company, of Thomaston; and of the Miller Brothers Cutlery Company, of Meriden, all in the State of Connecticut, praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. KEAN presented a petition of sundry citizens of Paterson, N. J., and a petition of Typographical Union No. 195, International Typographical Union, of Paterson, N. J., praying for a reduction of the duty on wood pulp and print paper, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Jersey City, N. J., praying for the appointment of a tariff commission, which was referred to the Committee on Finance.

He also presented a memorial of the executive board of the State Federation of Labor, of Hoboken, N. J., remonstrating against a reduction of the duty on steel and iron, which was ordered to lie on the table.

HEARINGS BEFORE THE COMMITTEE ON THE JUDICIARY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred Senate resolution No. 38, submitted yesterday by Mr. CLARK of Wyoming, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

Senate resolution 38.

Resolved, That the Committee on the Judiciary, or any subcommittee thereof, be authorized to send for persons and papers and to administer oaths and to employ a stenographer to report such hearings as may be had in connection with any subject which may be pending before said committee, and to have said hearings printed for the use of the committee; that the committee may sit during the sessions of the Senate, and that the expenses thereof be paid out of the contingent fund of the Senate.

BILLS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BULKELEY:

A bill (S. 2002) to establish a fish-cultural station in the State of Connecticut; to the Committee on Fisheries.

By Mr. JONES:

A bill (S. 2003) granting a pension to Jesse H. Arnold; and

A bill (S. 2004) granting a pension to Emsley P. Canutt; to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2005) granting an increase of pension to Emma M. Selmer; to the Committee on Pensions.

By Mr. PAYNTER:

A bill (S. 2006) for the relief of the county court of Allen County, Ky.; and

A bill (S. 2007) for the relief of the county court of Owen County, Ky.; to the Committee on Claims.

By Mr. BURROWS:

A bill (S. 2008) authorizing the President of the United States to select from the retired list of the army an officer not above the rank of brigadier-general, who may have distinguished himself during the civil war, throughout twenty-five years of Indian wars, through the Spanish-American war, and the insurrection in the Philippine Islands, and to appoint, by and with the advice and consent of the Senate, the officer so selected to be major-general, United States Army, with the pay and allowances established by law for officers of that grade on the retired list; to the Committee on Military Affairs.

By Mr. KEAN:

A bill (S. 2009) granting a pension to Julia Beach; to the Committee on Pensions.

By Mr. CRANE:

A bill (S. 2010) granting an increase of pension to Susan J. Tukey (with the accompanying papers); to the Committee on Pensions.

A bill (S. 2011) for the relief of Charles E. Currier; to the Committee on Claims.

By Mr. WARREN:

A bill (S. 2012) for the relief of persons who have conveyed lands to the United States under certain conditions; to the Committee on Public Lands.

By Mr. CLAPP:

A bill (S. 2013) granting an increase of pension to D. F. Gallup (with the accompanying paper); and

A bill (S. 2014) granting an increase of pension to William De Wolf Pringle (with the accompanying paper); to the Committee on Pensions.

INCOMES AND INHERITANCES.

Mr. BROWN. I introduce a joint resolution, which I ask be read at length.

The joint resolution (S. J. R. 25) to amend the Constitution relative to incomes and inheritances was read the first time by its title and the second time at length, as follows:

Senate joint resolution 25.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following section be submitted to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:

"The Congress shall have power to lay and collect taxes on incomes and inheritances."

Mr. BROWN. Mr. President, I desire to have the joint resolution printed and lie on the table.

The VICE-PRESIDENT. Without objection, that order will be made.

Mr. BROWN. I also desire to state that, with the indulgence of the Senate, to-morrow morning after the routine business I shall make a few remarks upon the subject.

AMENDMENT TO THE TARIFF BILL.

Mr. McCUMBER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed.

Mr. SCOTT rose.

Mr. LODGE. I ask that the tariff bill may be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. SCOTT. Mr. President, we are engaged, and have been for some time, considering a revision of the tariff. The so-called "Payne bill," as passed by the House of Representatives, has been seen, examined, and studied by the American people. Since then I have received letters by the score asking that this or that provision in the bill be changed, and I presume this has been the experience of every other Senator. It does not seem, from the communications I receive, at least, that there is any one schedule in the bill that is satisfactory to the people as a whole. I am glad, though, to see changes in the measure as reported by the Finance Committee. Of course, Mr. President, I have no doubt that ultimately we will pass a bill, but why, Mr. President, all this excitement and the upsetting of the business interests of the country? For, when we are through with it, we will not have nearly so good a bill, in my judgment, as the present Dingley law.

I hail from a section of the country which has profited greatly from tariff and will profit more in the future. New England, for instance, profited in the past. Now she is ready for a downward revision of the tariff and free coal, if she can get it. But the Southland sees ahead of her nothing but prosperity under a protective tariff. In the past thirty years she has made marvelous strides. She has developed more rapidly in manufactories than any other portion of our country. Right in the midst of the great raw material of the United States, notwithstanding the fact that the large majority of her statesmen have spent days and nights opposing protection, she has developed, and will soon be the great manufacturing section of this country. Despite the doctrines of free trade and tariff for revenue only; despite the fact that in the past she has accepted the fads of other localities even after they were tested and abandoned elsewhere; despite the fact that she has been used to great disadvantage by other sections, she has prospered and developed and soon will be as insistent on a tariff as New England once was. At no distant day you will find the people of the South sending to Congress Members who will be the strongest protectionists this country has ever produced.

You remember that Blaine, in his Twenty Years in Congress, referred to the fact that Webster was a free trader until conditions changed in Massachusetts. As it became evident it was going to become a manufacturing State, he then changed to a strong protectionist. On the other hand, Calhoun, believing that the South was going to be a manufacturing part of our country, was a strong protectionist; but when he found the South had turned to agriculture and New England to manufacture, he also changed his position and became a free trader. Blaine says:

> The American protectionist does not seek to evade the legitimate results of his theory. He starts with the proposition that whatever is manufactured at home gives work and wages to our own people, and that if the duty is even put so high as to prohibit the import of the foreign article, the competition of home producers will, according to the doctrine of Mr. Hamilton, rapidly reduce the price to the consumer.

Further on he says:

> Free traders do not, and apparently dare not, face the plain truth—which is that the lowest priced fabric means the lowest priced labor. On this point protectionists are more frank than their opponents; they realize that it constitutes, indeed, the most impregnable defense of their school. Free traders have at times attempted to deny the truth of the statement, but every impartial investigation thus far has conclusively proved that labor is better paid and the average condition of the laboring man more comfortable in the United States than in any European country.

Mr. President, I do not desire to discuss in detail the question of protection, free trade, or a tariff for revenue only. My position is well known. Before this honorable body some years ago I gave in full the reasons for the faith I hold. It is sufficient to say that I am a protectionist. I believe in the doctrine from the protective standpoint. I only desire on this occasion to discuss this tariff bill now before the Senate from the standpoint of its effect on the South in general and West Virginia in particular. In so doing, I desire to state that the protection I would extend to West Virginia and her products I stand ready to extend, so far as my vote is concerned, to any other State and its products. I know that protection works alike everywhere. To reach the conclusions I desire, I must refer briefly to the growth of the South under protective tariff, and of West Virginia particularly.

The growth of that entire part of the United States lying south of Mason and Dixon's line since 1880 has been most remarkable. And here I desire to have printed from the Manufacturers' Record, without reading, figures to show the wonderful development of the South as a whole since that year—a development which has come under a protective tariff, a measure which the large majority of this section opposed.

I ask that certain figures may be inserted as a part of my remarks, without reading.

The VICE-PRESIDENT. Without objection, the statement will be printed in the RECORD.

The matter referred to is as follows:

Population, from 16,369,960 to 26,834,705, or by 10,464,745, equal to 63.9 per cent.

True value of property, from $7,505,000,000 to $20,073,686,216, or by $12,568,686,216, equal to 167 per cent.

Capital in manufactures, from $257,244,564 to $2,100,000,000, or by $1,842,755,436, equal to 716.6 per cent.

Products of manufacturers, from $457,454,777 to $2,600,000,000, or by $2,142,545,223, equal to 468.9 per cent.

Capital in cotton mills, from $21,000,000 to $266,500,000, or by $245,500,000, equal to 1,169 per cent.

Active spindles in cotton mills, from 667,754 to 10,443,761, or by 9,776,007, equal to 1,646 per cent.

Active looms in cotton mills, from 14,323 to 222,539, or by 208,216, equal to 1,453 per cent.

Cotton used, from 108,694,889 pounds to 1,059,519,893 pounds, or by 950,825,004 pounds, equal to 875 per cent.

Capital in cotton-oil mills, from $3,800,000 to $90,000,000, or by $86,200,000, equal to 2,268 per cent.

Pig iron produced, from 397,301 tons to 3,445,221 tons, or by 3,047,920 tons, equal to 767 per cent.

Coke made, from 372,436 tons to 9,289,471 tons, or by 8,917,035 tons, equal to 2,394 per cent.

Value of lumber products, from $39,000,000 to $365,000,000, or by $326,000,000, equal to 836 per cent.

Lumber cut, from 3,410,294,000 feet to 19,303,983,000 feet, or by 15,893,689,000 feet, equal to 466 per cent.

Value of farm products, from $660,000,000 to $2,225,000,000, or by $1,565,000,000, equal to 237 per cent.

Bales of cotton raised, from 5,723,934 to 10,582,966, or by 4,859,032 bales, equal to 85 per cent.

Value of the cotton crop, not including seed, from $312,303,000 to $614,034,000, or by $301,731,000, equal to 96 per cent.

Corn, wheat, and oats raised, from 577,328,440 bushels to 818,318,000 bushels, or by 240,789,560 bushels, equal to 41 per cent.

Value of mineral products, from $13,817,930 to $286,818,347, or by $273,000,417, equal to 1,976 per cent.

Coal mined, from 6,037,003 tons to 94,829,835 tons, or by 88,792,832 tons, equal to 1,470 per cent.

Iron ore mined, from 842,454 tons to 6,316,027 tons, or by 5,473,573 tons, equal to 649 per cent.

Petroleum produced, from 179,000 barrels to 27,239,057 barrels, or by 27,060,057 barrels, equal to 15,118 per cent.

Phosphate mined, from 190,763 tons to 2,253,198 tons, or by 2,062,435 tons, equal to 1,081 per cent.

Railroad length, from 20,612 miles to 67,181 miles, or by 46,459 miles, equal to 221 per cent.

Exports from southern ports, from $264,905,753 to $648,098,715, or by $383,192,962, equal to 145 per cent.

Aggregate resources of national banks, from $171,464,172 to $1,100,117,838, or by $928,653,666, equal to 541 per cent.

Capital of national banks, from $46,688,930 to $162,558,230, or by $115,869,300, equal to 248 per cent.

Individual deposits in national banks, from $64,733,249 to $531,277,537, or by $466,544,288, equal to 721 per cent.

Deposits of state banks, savings banks, private banks, and loan and trust companies, from $83,444,576 to $624,752,437, or by $541,307,861, equal to 649 per cent.

Expenditures for common schools, from $9,796,040 to $37,687,615, or by $27,891,575, equal to 285 per cent.

Mr. SCOTT. Mr. President, what a marvelous record these figures show. What a wonderful future lies before the Southern States!

West Virginia, the State which I have the honor in part to represent in this Chamber, has been wiser than some of her sisters in the South. As a State, she is 46 years old this coming June. For years ignored by the eastern portion of the "Old Dominion," the western part was looked upon as a mountain wilderness. Now the world knows West Virginia.

The value of her coal can scarcely be estimated. Ten thousand miles of her territory is underlaid with this mineral. This gives only a faint idea to the general mind of the immensity of this deposit. To say that there are over 6,000,000 acres of West Virginia in coal land gives but a little better idea. When it is stated, however, that the coal of this State could supply the markets of the United States for two hundred years with bituminous coal at the present rate of production, some idea can be gained.

Her wealth in petroleum is unknown, and what the future of this product may be no one can tell. Last year the oil output was valued at over $20,000,000. She is also rich in natural gas, and the value of the production of that article last year amounted to over $8,000,000. But in these three items, each great in itself, only a portion of our wealth is known. New gas wells and new oil wells are being found every day and new coal territory is being developed.

In addition to these there is other great material wealth. Sandstone of almost any size and texture can be quarried. An abundance of good potter's and fire clay is found, and West Virginia ranks fourth in its production of pottery products and has the largest individual factory in the world. Good grits for grindstones and valuable iron ore are located in many of its hills, and one county of the State furnishes a white sand of exceptional purity, about the best found in the United States for glass making.

Our forests now standing are superior, especially as regards hard woods. By far the larger portion of the uncleared lands is still in forests. Except in California, where the redwood trees attain tremendous size, no finer timber can be found within the confines of the Union than that which grows in West Virginia. Tremendous onslaughts have been made upon these forests, but yet we still have an abundance of hard wood, and some of the largest tanneries of the country are located within our borders.

With all this great mineral wealth, we are proud of our farms, for West Virginia is an agricultural State. The blue grass of Kentucky is equaled by that of Greenbrier and adjoining counties near the center of the State, and the stock raised there brings the highest price of any meat that is brought into the New York markets. Sheep roam on a thousand hills, and their wool is among the best produced.

Thus blessed by nature, West Virginia has possessed from the beginning, and still possesses, the two great elements of success for manufacturing—cheap and abundant raw material and cheap and abundant fuel. As I have said before, nowhere else in the world are these two essentials of manufacturing life more abundantly found, and I believe, and the great majority of the people of West Virginia believe, and in fact know, that the raw material and cheap fuel would still be lying undeveloped in our mountains and valleys had it not been for a protective tariff. It would have been absolutely impossible, without our protective tariff, to have established in this State the iron and pottery industries, enabling us to make the finest wares produced anywhere. There would have been no steel manufactories, of which we are so proud; there would have been no development of iron mines, and of our oil fields and gas wells, which are pushing our State to the very front ranks. There would have been no such development of our agricultural lands or of our lumber interests. I hesitate even to try to imagine what would be the condition of West Virginia to-day were it not for a protective tariff. I do not have to guess as to what has been the result. It is before us. In West Virginia all we have to do is to look on all sides and see the actual realization of what a protective tariff has brought to us.

The census of 1870 was the first to schedule in any way the material interests of West Virginia, and all comparison as to growth must be based on that. In that year our population was 424,000; to-day it is 1,250,000. Of these 800,000 are over 10 years of age, and among them are only 80,000 illiterates. In 1870 we had only eleven millions of capital employed in manufacturing; now we have over 5,000 manufacturing establishments with upward of eighty millions of capital invested, and finished product worth one hundred and twenty-five millions. In 1870 we had only 1,527 miners, with an annual wage of $800,000. Now we have, in round numbers, a thousand mines in operation with over 60,000 wage-earners, with annual wage amounting to thirty millions. In 1870 the product of our mines was valued at only two and one-half millions, while now it is valued at over fifty millions. In 1870 the value of our farms was only one hundred millions; now it is more than double.

Compared with our conditions since we became a State, we have doubled in population, while in wealth and wage-earning capacity we have increased over fourfold. In other words, in our ability to buy, to possess the necessaries and luxuries of life, to enjoy the advantages of work in the factories and mines and on the farm, with a consequent joy of the home and fireside, we are twice as well off as we were thirty years ago. All this I believe, and a very great majority of the people of West Virginia believe, has come to us through the benefits of a protective tariff. Without it we fear we would still be the wilderness west of the Allegheny Mountains.

With such interests as these it is not to be wondered at that the Representatives of West Virginia in this Chamber have been overwhelmed with requests to see that at least the Dingley rates on most articles are retained. I had the honor during the winter just closed of addressing the legislature of my own State, and told that body that unless I received instructions from it I was a "standpatter" on tariff; that I favored the retention of the present law, and that the best interests of the country would be conserved by not tinkering with it. That great body of West Virginians indorsed my stand, and I feel that in appealing to this Senate for rates that will amply protect the industries of West Virginia, and of the entire country, I have behind me the official support of the representatives of the citizens of West Virginia. So I stand here ready, to the best of my ability, to battle for what I think is to their interests and what they have said they know is for their own interest.

COAL.

Perhaps the largest industry in our State is that of mining bituminous coal. Three great railroads have traversed our State for several years, and within the past month or so a fourth has been opened for traffic. The papers of our land have been filled with accounts of the completion of this great project, since one of the shining literary lights of our country was the guest of honor on this memorable occasion. Experts declare that the section of the State through which this new road runs will yet become the richest bituminous field known in the world. When mines along this road have been opened, and are in full working order, West Virginia's output of coal will be greatly increased. And it must be remembered that this road was built, and these coal properties were opened up, under the knowledge that there was a protective tariff on coal and with the belief that this tariff would remain. In the year 1907 the total bituminous-coal production in the United States amounted in round numbers to 395,000,000 tons. Of this enormous amount of coal West Virginia furnished in round numbers 50,000,000 tons, nearly one-seventh of the total output. With the development along the new road, which has just been opened to traffic, these figures may be swelled in the near future, if the tariff is retained, perhaps 15,000,000 tons. In mining this amount of coal over 60,000 miners are employed, and on their labors depend directly over 300,000 people. The railroads which haul it employ thousands of men, and these men, with their families, are all directly interested. These figures do not take into account the many millions of dollars invested in the operations.

In addition to the proposed change in tariff rates West Virginia is threatened with a traffic arrangement almost shutting it out of the market. Lying almost halfway between the Lakes and the seaboard, Ohio and Illinois on the north, and Pennsylvania on the east, can reach either of these shipping points with a shorter haul than can West Virginia. Several years ago when the "railroad rate bill" was before Congress I took occasion in the Senate to point out the danger that this country was drifting toward in the matter of the governmental regulation of freight rates. I suggested then that it was only a question of time, if the policy being inaugurated were followed, until a fixed charge per ton per mile would be the established rate in this country. I fear that we are rapidly approaching this condition. So with freight discrimination and tariff discriminations

can it be wondered at that my State is up in arms and that I am besieged by letters and telegrams begging for relief? I stand against discrimination and will stand against it as long as I have strength.

I do not propose, if my efforts can prevent it, if my vote counts for anything, that one section of the country shall benefit at the expense of the State which I in part represent in this honorable body. The millions of dollars invested in the coal business of West Virginia; the hundreds of thousands of men, women, and children whose livelihood, happiness, and prosperity depend on this great industry, are as dear to me as are the interests of other people in other sections to the Senators who represent them. But I believe that this great country is one, as much one as a man is a unit, and that one section can not be dwarfed or retarded in its development to help another any more than in the man, for one member can not be dwarfed at the expense of another.

Mr. President, the provision of the Payne bill placing the rate at 67 cents a ton is a small duty. That this provision includes culm and coal slack is only the barest justice. But that the ton is made the long ton, and a countervailing duty provided, is wrong—totally and forever wrong. I am utterly and absolutely opposed to a countervailing duty. I think an American Congress is able to pass an American law to govern an American industry. Further than that, this countervailing or reciprocal clause is an illusion and snare; it is in the interest of a few coal operators located near the Canadian border and the New England States; the remainder of the entire country would suffer, and very grievously. It takes no stretch of the imagination to figure what would happen to the great coal industry of this country were the tariff rates charged on imports left to the whims, the caprice, or the fancy of a Canadian cabinet minister. This is a great country of ours and it takes care of its own. When the great earthquake devastated that beautiful city of San Francisco only a short three years ago the then President of the United States courteously, but kindly, declined the offers of outside assistance by saying that we could take care of our own. That was right; we can take care of our own, and we intend to take care of our own. But I am told that during the late coal famine in some of the Western States lying along the Canadian border, when every effort was being made to get coal trains in this country through, the Canadian officials were ordered to save their coal for their own people, and not to send it over into the United States, and the Canadian railroad officials put up their rates—this when a great coal famine was on, when citizens of the United States were suffering from cold. Yet we are to give to these people the right to say when our duties shall come off or how long they shall remain on. Not while I have a voice and a vote.

The arguments which apply to West Virginia and to its relation to the coal traffic apply with equal force over the entire country.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Oklahoma?

Mr. SCOTT. I prefer that the Senator would wait until I have concluded my remarks.

The VICE-PRESIDENT. The Senator from West Virginia prefers not to yield.

Mr. SCOTT. Removing the duty on coal would render a half dozen of our Western States dependent on a foreign country for a necessity of life; would close down coal mines in many States; would depopulate many towns dependent upon this industry; would ruin numbers of American coal operators; would cut wages, and would be no benefit to the American consumer. I believe in charity which begins at home. So I stand for a tariff that will protect the coal industry of West Virginia and of the entire United States. We will aid the manufacturer, because he gets a better quality of coal; we will give to thousands of workingmen better wages; we will offer to thousands of children better opportunities for education and advancement; we will give to the merchant more customers, to the farmer more consumers, and to the railroads more tonnage.

LUMBER.

The South is rich in timber, and West Virginia is not behind any of her sister States of this section in the production of this product. In the year 1905, 900,000,000 feet b. m. of timber were cut and sawed at a value of nearly $14,000,000. From 15,000 to 20,000 wage-earners were employed and wages paid to the amount of over $5,000,000. With such forests and products, with so many wage-earners, it can readily be seen that West Virginia is vitally interested in the tariff on lumber.

Yet the tariff on lumber is cut from what it was in the Dingley bill. Why? Will it mean cheaper lumber and cheaper building? Will the Western States, which are crying for cheaper lumber, get it? These are questions which Senators may well ponder and may well study carefully before answering. I can tell them now that it will not.

Even under a protective tariff, such as we have in the Dingley law, Canada exported to the United States four times as much lumber as the United States exported to Canada. Forty-eight per cent of all the lumber manufactured in the United States annually is produced in the South. And the South is the section alone that stands half the loss, or that is affected to the extent of one-half of the cut made in lumber. On that one-half West Virginia must stand her proportionate share. Many reasons are given why West Virginia should not be thus affected. I have mentioned some of them before in the questions which I propounded as to cheaper prices. With many the cry for the reduction in the tariff on lumber, or even for it being placed on the free list, is that thereby we can conserve our forests. Why, Mr. President, that argument alone should damn the entire effort made to have lumber on the free list, or even to have a revised tariff. Of course if lumber is put on the free list Canada will come in and we open up to her a market such as she never dreamed of. Already she is preparing to take advantage of the situation, which she thinks is coming, and is reaching out for her share. Listen to what a wide-awake Canadian wood trade paper says. In a letter sent to the Everglade Cypress Lumber Company, of Parkersburg, W. Va., this paper urges our West Virginia people to immediately begin to arrange for the importation of Canadian lumber. It says:

> The Payne tariff bill now before the United States Congress will either result in free lumber or a 50 per cent reduction in the present $2 import duty. This will give a further impetus to lumber imports. If you are not now handling Canadian lumber, doubtless you will be in the near future.

Is not this alone evidence enough of what will happen should the present rate on lumber not stand or should it go on the free list? My constituents ask me to fight against such a rate, and I am here to do so.

But would our forests be conserved under the Payne bill rate or by lumber being put on the free list? Listen to what a lumberman says. I know him personally. This gentleman whom I am about to quote has been a member of our state legislature. He is a young man who has grown up in the woods of West Virginia; he has made them a study, and he talks as one having authority. He says:

> I notice that there has been some strong argument brought to bear along the line of forest preservation as to why the tariff should be removed from lumber, but as one who has been raised, as you might say, in the woods and having given a lifetime study to the lumber industry I wish to call your attention to the following brief statements of the facts as I see them:
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> First. Any reduction on the tariff schedule will tend to affect the entire lumber industry of the Southern States and also cripple the business with us.
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> Second. A reduction in the tariff will not preserve the forests any more nor as much as the present tariff rate, because the depreciation in price in the lower grades will make it, considering the advanced price of labor, cost of stocking, equipments, and material and food supplies, so that a majority of the lower grades will either be left in the woods or burned at the mill because it will not justify the cost of production.
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> Third. I notice that some are claiming that it will cheapen the price of lumber to the consumer by reducing the tariff, which in my mind is a misconstruction of the condition, because the manufacturer to-day is receiving no more profit on his lumber than he did some years ago. The cost of production at the mill has more than doubled in the past ten years. We are to-day paying $10 to get lumber taken from the stump on board a car a distance of 2 miles, while ten years ago white pine was cut from the forests here, driven on the river 60 miles, and put on board a car for $7. At that time we hired men at 75 cents and $1 per day, while we are paying to-day from $1.75 to $3 for the same class of help.
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> Now, the position resolves itself into this, that the lumberman will either be compelled to shut down his operation, leaving part of his lumber in the woods, or else cut the price of labor. Neither of the three things are consistent with the views of the lumberman or Republican policies.

You notice, Mr. President, that this young lumberman—this young man, who possessed the esteem and confidence of his fellow-citizens to a sufficient degree to be chosen to represent them in our state legislature—emphasizes two facts, first, that to-day lumbermen are paying $10 to get lumber taken from the stump on board a car a distance of 2 miles, while ten years ago white pine was cut from the forests in the same locality, driven on the river for 60 miles, and put on board a car for $7. He emphasizes the fact that at that time men were hired for 75 cents and $1 per day, while at the present time for the same class of labor $1.75 to $3 per day is being paid.

The second point that he emphasizes is that if this tariff is reduced, or placed on the free list, there is nothing left for the American lumbermen but to cut wages. Mr. President, this young man is a wage-earner himself; he sees the inevitable. Are we ready to say to the lumbermen all over the country the Republican party stands for a cut in their wages of 50 or 60 per cent?

I might extend these illustrations and examples to an extent that would become wearisome to this body. All these statements come from men who are vitally interested—the manufacturer as well as the wage-earner; men who know what they want and what a reduction means. They are men of my own State, and their expression is only the sentiment of the entire South, for to me have come resolutions expressing similar views passed by lumbermen and chambers of commerce all over the Southland. I can only say as I said on the coal tariff, and reiterate it more strongly—I can stand for no reduction in the tariff on lumber. I shall work against it and I shall vote against it.

IRON AND STEEL.

In approaching this subject I find it to be one of great interest, not only to my State, but to my home city. It must be remembered that our fuel has made it possible for West Virginia to take part in nearly every form of manufacturing known to the United States. In the matter of iron and steel, in Wheeling alone there are establishments employed in the manufacture of iron in 55 different forms. It runs from the Bessemer foundry and pig iron, steel ingots, billets, and nail plates down to hammock hooks, cotton, box, and floor hooks, and kettle bails. It is plain, then, that West Virginia feels a most vital interest in this metal schedule. When the matter of tariff was before the Committee on Ways and Means of the House, a meeting of the sheet-iron and sheet-steel manufacturers, exclusive of the United States Steel Company, was held, and a special committee on tariff appointed to present to that honorable body such information as the manufacturers had to give. Now, Mr. President, I know the gentlemen forming this association. I have seen their business enterprises grow from small beginnings until now some of them represent the largest independent plants in the world. I have met these gentlemen in business circles and socially; I know them to be men of the highest character; men whose word is as good as their bond; patriotic citizens, ready to meet the call of their country at any time. Knowing these gentlemen as I do, knowing that many of them have come up "from the ranks," started in the business as workmen where they are now part owners, I can not for one moment doubt the statements which they make and by which they stand. Such statements coming from them in a similar manner would be accepted in any court of justice, and it is not for me to question the integrity of every declaration they make, nor shall I stand idly by and permit anyone else to question them. These gentlemen represent an industry which sustains an annual pay roll of over $30,000,000, not all of it in Wheeling, but wherever their interests are located. In no branch of the manufacturing business are the workmen more intelligent and better paid. The approximate rate per day is $3, including men and boys. In their process of manufacturing, a highly skilled class of workmen is absolutely necessary, and nowhere than in the steel business is a larger percentage of English-speaking workmen employed.

I will not attempt to enter into details of the manufacturing of sheet iron and steel, of the domestic mill cost and freight, or of the foreign selling price and freight. It is sufficient for me to know that these gentlemen, whose integrity is above question, inform me that only a slight reduction in the Dingley tariff rates would be required to enable the foreign manufacturer to use our American markets for a dumping ground for his surplus production, thus displacing tonnage that otherwise would be made in this country. Should this be done, what is the result? Plain as day. It would be necessary for the domestic producer to make a reduction in his cost. What does that mean? Undoubtedly lower wages; not only of the workingmen employed directly in the mills, but those employed in the production of materials and supplies made by these sheet manufacturers. These manufacturers, concerning whom I am now speaking, are independent operators; men who are outside of the great United States Steel Corporation; one of these companies, as shown in a petition printed in the RECORD of April 22, starting as far back as 1852, and the proposed reduction in this bill seriously menaces all their interests. They have not facilities for the conversion of the raw material like the larger corporations, and it is a question of great moment whether independent operators will have an annual pay roll of over thirty-one millions of dollars or be forced into a situation involving most probably the life of their business. I insist, Mr. President, that these gentlemen know more about the cost of manufacturing sheet iron and sheet steel; know more about the profits; know more about the wages paid workmen; know more about the details of their business than any Member of this honorable body, and I stand to aid them if I can. It is better to leave well enough alone in this as well as in other things. The sheet-iron and sheet-steel business would be booming were it not for this tariff legislation. These gentlemen do not know what to do. It is true that facing a situation that may probably menace the life of the entire business they are willing to accept a reduction; they do not want it; they pray us not to give it to them; but if they must have a reduction they do not want such a reduction as the present bill gives. I have introduced an amendment, such as they are willing to take, and shall do my best to have it adopted.

But there is another feature in this metal schedule to which I desire to call attention. I am heartily thankful that the Finance Committee of the Senate has seen fit to change the duty on pig iron and scrap iron as it came to us in the House bill. It has done the only reasonable and sensible thing it could do in placing pig and scrap iron upon an equality. I do not stand for free iron ore and am glad to see a duty placed on it by the Finance Committee. Only a few furnaces would benefit from free iron ore, while the great majority would suffer. The price of pig iron is not governed by the furnaces near tidewater, but by the competition of various other furnaces in various other regions having the raw material near. We are not only interested in West Virginia because we have iron ore, but because we furnish coal to the furnaces which reduce this ore.

HIDES.

Mr. President, I have been dealing with subjects which affect the manufacturer and the workingman. I now come to one which is of exceeding importance to the farmer, not only of my State, but of the country. I stand for the farmer and for his products. He labors, and he should be rewarded; he should be protected; he is a part of the body politic and should grow as the rest of us grow. I do not want to see the cattle raisers of the United States in direct competition with South America and Mexico, where cattle and hides are produced by cheap labor on cheap land, by placing hides on the free list. So long as the tariff on leather shoes and manufactured articles of leather is retained no benefit can accrue to the consuming public by placing hides on the free list. A careful calculation of the additional cost added to the price of a pair of shoes on account of a duty on hides places it at less than 3 cents, so I am told. Suppose hides go on the free list, will this 3 cents be taken from the cost of a pair of shoes? To me the question seems preposterous. The answer is, No. As the years go by and our country is more densely settled the cost of raising cattle increases. It costs more to-day to raise cattle than it did fifty years ago, excepting, of course, where there were expenses of war times. Fifty years from now it will cost more to raise cattle than it does to-day.

I am told by conservative farmers and cattle raisers in West Virginia that should hides go on the free list it would amount anywhere from two to four dollars loss on every beef they put on the market. One cattle raiser who ships to our large home centers a great many cattle from one county alone in West Virginia advises me that if hides are put on the free list his loss alone, when shipping time comes this fall, will not be less than twelve hundred dollars.

And by the way, Mr. President, I want to digress for a moment and speak of the cattle raisers of Kanawha County. They are a most progressive class of men. One of them yearly exports to Great Britain some of the finest cattle that country receives, and I am told that such beef is considered a luxury when it is put upon the table of King Edward himself. These cattle are known throughout the British Empire and are sought in every British market.

Mr. President, is it not reasonable to suppose that such men as these know what they are talking about? With such testimony before me from such a class it is useless to argue that the farmer does not receive the benefit of a protective duty laid on hides. No one can force me to believe that the packers of the country are the only persons who benefit; no one can force me to think for one moment that the cattle raiser, the farmer, is not paid for his hides when he sells his cattle; no one can make it plain enough for me to understand that this Kanawha County man, this West Virginia cattle raiser, does not know his business, and is not right when he says that with hides on the free list he will experience a loss of $1,200 on his next shipment of cattle.

I do not suppose, Mr. President, that there is any occupation or profession in this country where more labor is exerted for a smaller net profit than in that of the occupation of agriculture. It is perfectly true that we have to pay large prices for the farmer's products in the markets in the city, but very little of this enormous price ever reaches the farmer. This is especially true of a farm State like West Virginia. We have there no great stretches of prairie land rolling for miles and miles and lifting up to the sunshine its acres ladened down with corn, wheat, and other agricultural products; we are in the mountains and we have to make the best of the advantages we have. So

I stand for the principle of protection in this as in the case of other articles, and if the duty is put back on hides I should say the duty on leather, in strict justice, should be treated with equal fairness.

WOOL.

During the last campaign it was my pleasure, as well as honor, to travel extensively through the State of West Virginia. The journeys I made were by rail, automobile, and in carriages. As I journeyed from one place to another over the hills and mountains of our great State, I was struck with the number of sheep I saw grazing on the hillsides. How different from a similar journey I took through the State in the years when Mr. Cleveland for the last time was President of this great Nation, when the so-called "Wilson tariff" was in effect. Then the hills were bare of sheep; so were the meadows. In fact, they were bare of almost everything else. In the years since the "Dingley bill" went into effect West Virginia has grown in its wool raising by leaps and bounds, and to-day one of the greatest sources of income to her farmers are the sheep literally on thousands of hills. As reported to the Senate by the Finance Committee, the "Payne bill" contains the Dingley schedule on tariff without changing "the dotting of an i or the crossing of a t." This satisfies me and satisfies my constituents. Before the measure was reported from the Senate Committee on Finance I was deluged with visits and with communications protesting against any change. The subject itself was one with which I was very familiar, and even I was surprised at the outburst of protests that came from all sections.

Three hundred woolgrowers of one county alone in West Virginia met in convention and passed resolutions urging me to vote against any reduction in wool. One hundred woolgrowers from another county petitioned to the same effect. And in similar tone from other associations in other counties, though many of the hills are covered with forests and catacombed with coal mines, came the prayer "Let the Dingley bill stand."

Should the wool schedule remain as it now is West Virginia will become one of the great wool-producing States. The wool it now produces is not of a cheap grade, but is of the best to be found anywhere. The sheep industry is now by no means what it should be, and as our forests are cut away it will be necessary to cover our hillsides with bluegrass and sheep in order to save them. We want the Dingley tariff rates. And not only is this the case with West Virginia, but it is the case with other States throughout the Union. From as far west as Wyoming has come to me, as undoubtedly to other Senators, petitions and communications asking us to leave well enough alone. We do not want another "Wilson bill" with its destructive woolen schedule; we want what we have now and want it badly.

OIL.

Mr. President, the longer I look into the schedules of this bill the more I see how closely interested West Virginia is in most of those dealing on large products. I am unable to go further without taking up the question of a duty on oil—a duty on petroleum. The people of West Virginia, and they are as intelligent as any class of citizenship in the country, think and demand that there should be a duty on oil. They do not hold that the Standard Oil Company is a great monster devouring alike the living and the dead. They see the development this corporation has brought to the State of West Virginia, and they desire that it shall be fairly treated. Look at it for a moment, Mr. President. To-day there are 13,000 oil wells in West Virginia being operated and as many wells dry, exhausted, and abandoned. These 13,000 wells are producing 25,000 barrels of oil per day at a value of $1.78 a barrel. In round numbers, that means seventeen millions come annually to West Virginians. To-day, under the assessment laws of my State, $76,000,000 worth of oil land is paying taxes; 9,000 men are directly employed in this business, and they are the liveliest, the most wide-awake, and progressive citizens we have in the State of West Virginia.

Mr. President, again I must ask whether the united testimony of 9,000 active, intelligent West Virginians, irrespective of party, is not worth more than the testimony of men who would scarcely know an oil well if they saw one? Do they not know where their oil goes, how it is handled, and who refines it? Why are these men appealing to me by letter, by telegram, and in person to help save this important industry from ruin and destruction? Are they, I repeat, Mr. President, to be given no standing in court? They know that the Standard Oil Company buys their oil. There the transaction begins and there it ends. They know that the Standard Oil Company is in the market to buy the best grade of oil at the cheapest figures wherever it can. They know that it makes but little, if any, difference to the Standard Oil Company whether there is a duty on oil or not. And they know, these independent oil operators, that the placing of crude oil on the free list means death and destruction to their business. Think of it, Mr. President! In West Virginia alone the 13,000 wells which are now in operation were drilled at an average cost of $7,500, amounting to nearly $100,000,000. Is this great investment to be swept away in the unthinking desire to punish a corporation? Remember that it is not this capital alone that is destroyed, but it is the livelihood of 9,000 men and their families which is also threatened. This, Mr. President, only in the State of West Virginia.

Sixteen States of this Union have an oil production. The Standard Oil Company is the largest factor in the oil trade. The market value of its stock to-day is $650,000,000; one-half of this, though, is absorbed in foreign plants handling American products in foreign lands; the remainder is invested in pipe lines and refineries. But remember that the Standard Oil Company produces less than 10 per cent of the crude oil of this country; the independent operators produce the remainder—the independent oil operators, a class of men made up of such individuals as I have described before. Remember that the aggregate value of the plants—the wells, if you choose to call them so—of the independent oil operators of the United States aggregate over $13,000,000,000. Remember to-day, Mr. President, that there are over 95,000,000 barrels of crude oil stored ready for use, the suplus production of the last few years, enough oil to keep the Standard Oil Company busy for over three years if not another gallon of oil was produced or another gallon of oil imported. This alone spells disaster to the independent operators of this great country. For three years their plants can be absolutely shut down. For three years not a gallon of their oil need be bought. For three years not a workman need be paid. For three years not a single cent of interest would be drawn on an invested capital. Is not this situation itself enough to cause every independent operator in West Virginia to appeal to his Senators to help save him from financial destruction and loss for three years?

But that feature, the three years of ruination, is pleasant compared to what will happen if oil is kept on the free list. To-day Mexican oil is pumped from wells drilled in cheap land, operated by cheap labor and of a quality that can be more cheaply refined. It lies right across our southern border; it is within the easy reach of water transportation. What, then, would be the result? The oil wells of West Virginia never again to flow; the hundreds of millions of capital swept out of existence; the thousands of workmen and their families forced to find the necessities of life somewhere else. Senators, this should give us pause! We should hesitate before passing a law which will bring such widespread destruction.

But the oil men alone do not suffer. All through West Virginia the banks and the business men are carrying oil securities. The ruin would be widespread. There is an old saying that it is better that "ninety-nine guilty men escape than one innocent one suffer." It may be the Standard Oil Company, the great octopus, that great corporation whose success has placed the entire land in danger, as so often claimed—it may be, I say, that it should be punished. If it has done anything wrong, if it has broken the laws, punish it; but do not ruin the independent oil operator of West Virginia and of the United States in an attempt to reach the Standard Oil Company.

Mr. President, I do not propose to let any populistic howlings influence me in what I conceive to be my duty in regard to taking care of the independent oil producers of my State. I have no way of knowing upon which side of the question the Standard Oil people stand. But I do know that the good Lord put oil under the rugged hills and valleys of West Virginia, and its production has ground, and is grinding out, good incomes for thousands of our people, enabling them to build comfortable homes, educate their children, and surround themselves with comfort. And I am for the producer, the actual producer, of oil in my State.

POTTERY.

I can not pass by another industry in my State and in the territory surrounding it, namely, pottery. The "Payne bill," as it was reported to the House, does not meet the necessities of this trade. As reported from the Finance Committee to the Senate, it has been changed for the better, but more changes are needed. The pottery manufacturers desire amendments to section 90 and a provision attached to sections 91 and 92, in Schedule B, providing that the ad valorem duty shall not be an amount less than a certain specific duty per pound. Why do they ask this and why do I most urgently second their request? Because, Mr. President, it is necessary for the very life of this great industry. Because, Mr. President, in my own home city one of the largest potteries in the country has been forced into bankruptcy on account of low duties and undervaluations on

imports. In earthenware and heavy chinaware the potters have been able, though working under very many disadvantages, to hold their own, so it is especially upon the white and decorated china that they ask for an increased duty, either specific or with such a provision as I have spoken of, added to sections 91 and 92. This has been necessary from the low labor cost of making this china abroad and the resulting low valuations at our ports of entry. The insignificant duties paid permit the importer to lay down German china, for illustration, at his warehouse in New York at about the actual cost of making American earthenware. Some special articles, such as sugar bowls, salads, and so forth, in German china, are freely marketed in this country at less than the first cost of producing to our American potteries. The two principal items of cost in all manufactured articles are labor and raw material. Between American and foreign raw material there is very little difference in the cost of same, but there is a great difference in the cost of labor. Figures which have been presented by the potters show that in a West Virginia pottery the average wages paid was $13.30 for one week, while the corresponding average wage in a German factory was $4.90. It has been shown that, taking the wages paid in America at $100, the average rates paid in England, Germany, and Austria, respectively, on the same article, were $60, $44, and $40.

In addition to this disadvantage, the potter of the United States labors under the added burden of never knowing with what he has to compete. Under an exclusively ad valorem schedule the duty on any given article will vary according to the scale of wages paid in the country where produced. For example, on a dozen cups and saucers may be paid a duty of 50 cents if made in England, while a dozen of the same identical value may pay but 40 cents if made in Germany, and only 25 cents if made in Japan. The duty is not fixed; it goes up and down as wages go up and down, and to me no other argument is needed. As to undervaluations, the Government in the past made every reasonable effort to verify values. Now the values seem to depend only on the conscientious respect the importer entertains for our tariff laws. I can do no better in this connection and on this subject than to quote the language of the president of the largest pottery in the world. It is located in the State of West Virginia. He says:

> The importer practically returns his own values for tariff taxation, and whether undervaluation is practiced to any considerable extent I am not going to positively assert. But the door is wide open; the opportunity is broad enough for a flexible conscience, and the temptation to at least evade the exact spirit of the law is probably greater than human nature is likely to resist in every case. It may be because it might be done so easily that we suspect so much. At all events, that suspicion is deeply seated and seems to be justified by the results of a good many test cases. However, it is not intended to specially accuse anyone, but rather to express the conviction that the majority of importers are conscientious in this respect. Yet we believe there are enough who are not conscientious to practically defeat the intent of the law.
>
> It is clearly desirable to reduce that opportunity and temptation to undervalue to a minimum, and that may be partly accomplished by assessing a part of the duty upon a specific basis.

So, Mr. President, I have endeavored to point out some of the changes in this bill the business interests of the country demand. The business interests of West Virginia are identical with the business interests of other States. These are anxious to go ahead. Factories must be in operation, the mills must be running full, the farmer planting or reaping his crops, in one State as in all. All these benefits would be ours now had it not been for the uncertainty regarding this tariff bill. This is why I object to any revision. It is anticipation of cuts in duties that has upset our business conditions. The question of revision came up in 1905, and the demoralization of trade soon followed. It always does follow tariff tinkering. After this measure becomes a law I fear trade conditions will be unsettled for many months. Everyone will be waiting to see the effect it will have on different commodities; how the reduction will affect steel, iron, and all the great industries I have mentioned, and until this is known we can not look for the prosperity that we otherwise would have had.

The panic of 1907, it has been claimed, was responsible for a greater number of business failures than in any one of the years 1893–1895, during the Democratic administration, when that party had all branches of the Government. True, perhaps, in one sense, but the 1907 was a rich man's panic, and they were the losers, while the 1893, 1894, and 1895 was the poor man's panic, as he could not get work or anything to eat. It was the anticipation of the fact that the Democratic party was going to pass a new tariff bill in those years that brought this condition on the country.

I can not close my remarks without saying that I fear this bill will not be as satisfactory a tariff measure as the present law. We know what the Dingley tariff has done; we do not know what this will do. If it shall do as well, business and the country can be thankful. During the operations of the Dingley tariff bill there was not one idle man in America who was not voluntarily so. Labor was employed at a wage higher than any rate ever recorded in the annals of human history. Industrial enterprise was limited alone by the ability to secure men and materials. That labor received its fair measure of reward is shown by the increase in savings-bank deposits, which increased at a ratio never before known in any nation in any epoch. Until talk of tariff revision made it seem an assured certainty in legislation, there was not an idle factory, an idle wheel, or an idle man in the United States (summer of 1907). There was not an idle freight car in the Federal Union. Traffic was congested, and the railroads cursed by shippers because of lack of cars to move the manufactured products demanded by the people.

To-day the last reports show about 240,000 idle cars on side tracks waiting the word from Congress to set them in motion.

During the operations of the Dingley tariff the increased balance of trade in favor of the United States went by leaps and bounds, until, for the six years prior to this agitation for tariff revision, the balance of trade in our favor was greater in any six months than the entire favorable balance of trade in all the years from the Declaration of Independence down to the passage of the Dingley bill added up together (viz, that is, six months of favorable balance exceeded in amount the total of all previous years).

Prior to the passage of the Dingley bill our exports were confined chiefly to the products of agriculture. Under the Dingley bill we sent from American factories to foreign lands more than $500,000,000 in a single year, until the exports of our factories rivaled the exports of our farms.

With but 5 per cent of the world's population we furnish 32 per cent of the food products of the entire world. Who shall say, viewing the advancement of our industrial progress, that the same results were not working out in manufacturing supremacy? To my mind, tariff revision can serve no useful purpose except to check and hinder national development. To be useful you must revise so low that the foreign product can come in and displace the American products. Who dares demand this? In 1890 we made no tin plate, the high tariff on McKinley tin was ridiculed. To-day American tin-plate mills use more than three-eighths of all the block tin produced on the globe. The tariff lowers in the end the cost to the ultimate consumer and eventually cheapens the cost of every necessity of life.

Mr. GORE. Mr. President, I desire to ask a question of the Senator from West Virginia. I was very much impressed with his remark that a reduction of the duty on coal would shipwreck that industry, not only in West Virginia, but in four or five States of the country. I am certain that no Senator on this side, and that no Senator on either side, desires to wreck any industry in any State or section of this country. The dominant party in their platform last summer promised to revise the tariff on the principle that the rate should cover the difference in the cost of production in this country and in the other commercial countries of the world, plus a reasonable profit to the manufacturer. I do not subscribe to that principle, nor did the Republican party ever proclaim the latter part of that principle prior to their last platform; but that was the sovereign decree of the American people, and I have been willing to cooperate in good faith with Senators on the other side in an effort to redeem that pledge.

It seems to me that the only way to proceed in accordance with their platform is to ascertain not merely the difference in the rate of wages here and abroad—for that is not the true standard—but to ascertain the difference in the labor cost of the various articles comprised in these tariff schedules.

As I remember, the prevailing duty on coal is 67 cents. As I am informed, the Pocahontas mines, in the Senator's State, are the greatest mines not only in West Virginia, but in the United States. Our navy uses the coal produced in those mines, and that coal is used as the standard for testing the heat-producing capacity of all other coals in this country. As a practical matter, I should like to know what are the prevailing rates of wages in the Pocahontas mines to-day?

Mr. SCOTT. Mr. President, I can not offhand give the information the Senator desires, but I will promise him that I will do so at a very early day.

Mr. GORE. Mr. President, I would say that I was conversing with a mine expert a few days ago who is familiar with conditions in that section and in those mines. He advised me that the rates of wages paid now in the Pocahontas section are 75 cents per car, consisting of about 3 tons, making the wages in the neighborhood of 27 cents a ton. The duty on foreign

coal is 67 cents per ton. I was merely wondering whether that was sufficient to protect the miners in the State of West Virginia.

Mr. SCOTT. Oh, Mr. President, the Senator is mistaken and his informant was entirely incorrect in making a statement of that kind. I appeal to my colleague [Mr. ELKINS], who is himself a producer of coal, in regard to the price paid for wages.

Mr. GORE. I should like very much to hear the senior Senator from West Virginia, as I have no desire to misstate the facts.

Mr. ELKINS. Mr. President, if the Senator from Oklahoma will allow me, I will say that the mining of coal is generally paid for by the ton or by the wagon, as the Senator says. I take it the mine to which he refers is the Pocahontas mine, in Virginia.

Mr. GORE. The town is in Virginia, but the mines, as I understand, are in West Virginia.

Mr. ELKINS. We have a great many mines in West Virginia in the Pocahontas region. The miner makes about 50 cents a ton, generally. In some localities, where the vein is very thick and easily mined, the rate is less. It might be as low as 40 cents a ton for digging the coal, or breaking it down in the mine. In estimating the cost of mining per ton there must be added the expense of getting the coal from the mine to the railroad car that takes it to market. This will average 30 to 35 cents per ton.

Mr. SCOTT. Where there is a 12-foot vein the rate is less than for a 1-foot vein.

Mr. GORE. That measures the wages. I understand that in certain parts of West Virginia the wages are 50 cents and even as high as 56 cents; but in the best mines—and I take it that my authority is pretty reliable, especially as the Senators from West Virginia do not remember——

Mr. ELKINS. I want to answer the Senator more definitely. I think I am familiar with the subject. The usual wages to the miner is, say, 50 cents a ton, but that is not all the cost of mining.

Mr. GORE. I understand that; but I am driving at the wage.

Mr. ELKINS. The labor of hauling and getting the coal from the mine after it is loaded on the mine car to the mouth of the mine and then dumped into the railroad car must be added to that. This is all added to the cost of mining. The cost of mining is 80 to 87½ cents per ton, and often a dollar a ton, at the mine. Usually in West Virginia the cost of mining is from 87½ cents to $1 per ton; in Pennsylvania and other States more.

Mr. GORE. I will ask the Senator from West Virginia what is Pocahontas coal selling at now?

Mr. ELKINS. It is owing to where you sell it. Does the Senator mean at the mine?

Mr. GORE. Yes, sir.

Mr. ELKINS. I think in these dull times it is bringing not more than a dollar to a dollar and 10 cents at the mine. In these hard times and general stagnation the coals of West Virginia are not bringing $1 per ton at the mines. For two years the coal operators have made nothing.

Mr. GORE. My understanding is it is less than a dollar.

Mr. ELKINS. Coal from the Pocahontas region is the best coal probably in the country or as good as any produced anywhere. The usual profit of mining to the operator is 12 to 15 cents a ton. The cost of mining in this country is almost double what it is abroad—double what it is in Great Britain and nearly three times the cost of mining in Belgium or Germany.

Mr. GORE. In this connection I should like to ask the Senator——

Mr. SCOTT. If the Senator will allow me for a minute, he can readily understand that the rate per ton for mining coal varies in different localities. For instance, where you have a 12-foot seam the rate is very much less than where you have a 4-foot seam; and then again where you have a strip of slack or fire clay dividing the veins of coal the price becomes higher. I should say that the cost of mining coal in Virginia varies anywhere from 40 cents to 90 cents.

Mr. GORE. I am perfectly aware that the rate varies, and that there are many other elements in the cost of the production of coal; but I repeat, for the present at least, that I am reliably informed that the rate of wages paid for producing the best coal in this country is much less than that paid in Nova Scotia or England, and I merely suggest that because it is the basis from which we ought to figure and upon which we ought to revise the tariff, and it is the only basis upon which we can revise the tariff and redeem the pledges made during the past campaign. I shall——

Mr. ELKINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from West Virginia?

Mr. ELKINS. I thought the Senator from Oklahoma had finished his remarks.

Mr. GORE. I will have occasion to allude to that later.

Mr. ELKINS. I wish to correct an error into which the Senator has fallen. The cost of mining in Nova Scotia is less than in West Virginia and Pennsylvania. The same is true of the cost of coal in British Columbia and Vancouver.

Mr. GORE. Does the Senator mean the rate of wages?

Mr. ELKINS. The rate of wages in British Columbia and Vancouver is less than in the United States. There it is often Chinese, Hindoo, and cooly labor.

Mr. GORE. What is the rate of wages there, and what is the rate of wages in the Pocahontas country? That is what I am alluding to.

Mr. ELKINS. They are from 30 to 50 per cent less in British Columbia and Vancouver than in the United States. In Nova Scotia the labor is nearly the same; probably 15 per cent less than in West Virginia. But to this must be added the cost of transportation to the market. The Nova Scotia mines are very near to New England and located near the sea. Their haul to the sea is only about 12 miles from many mines—the largest mines. The water freight is 40 cents per ton to Boston, while railroad freight from the mines to the sea is only about 15 cents per ton, making the total freight about 65 cents.

Mr. President, the average haul from the West Virginia mines to New England is 400 miles by rail and 600 to 700 miles by water. We have to pay $1.40 railroad freight and 70 cents water freight. This is $2.10 added to the cost of mining. Suppose the cost in Nova Scotia of mining a ton of coal were the same—80 or 90 cents, as in West Virginia. The transportation by rail and water is about 65 cents or 70 cents, as against $2.10 for West Virginia's coal. Call mining in Nova Scotia 80 cents per ton; transportation, 65 cents; and the cost of a ton of coal in Boston would be about $1.45, while West Virginia coal would be about $3 per ton in Boston. From this you can imagine what would be the result of having free coal between the United States and Canada. The removal of the 67 cents tariff would flood New England with Nova Scotia coal. Already we are importing large quantities of coal, notwithstanding the duty of 67 cents. Nova Scotia mines 5,500,000 tons of coal, and a great part of its importation, seven or eight hundred thousand tons into New England, comes in as slack and pays only 15 cents a ton.

Mr. SCOTT. The bulk of it.

Mr. ELKINS. The larger part of it. The Nova Scotia mines are not opened and developed yet. They have just recently been exploited. In ten or fifteen years the production of the Nova Scotia mines, right across the border from New England, will be fifteen or twenty million tons; and my judgment is that if the tariff is removed, owing to the difference in the cost of mining and transportation, the market for West Virginia and eastern Pennsylvania coal will be taken away from us and go to Nova Scotia. The Nova Scotia mines furnish now all the coal used in Canada east of Montreal, about 5,000,000 tons, which is all they can mine, and these mines are in their infancy. The coal is better than people think. It is used for domestic purposes, and by the railroads, factories, mills, and plants. They get all their coal from Nova Scotia mines. If this coal is good enough for Canada, why is it not for New England? Already purchasers are waiting for free coal to buy coal lands in Nova Scotia.

Mr. GORE. I merely wish to make one observation, because I do not desire to have the issue confused. I am perfectly aware of the difference in wages between this country and foreign countries. There is a great deal of coal mined in Oklahoma, and the prevailing wage there is 72 cents a ton. The rates in West Virginia, as I understand, vary from 27 cents to about 50 or 56 cents per ton. There are also many other elements to be considered. But the standard set for the revision of the tariff is the difference between wages here and abroad, plus a reasonable profit, and I am still of the opinion, until the Senator cites authoritative statistics showing the exact wage per ton in Nova Scotia and in England, that the ruling rate in the Pocahontas region is less than the ruling wage in those countries.

Mr. ELKINS. The Senator ignores the transportation feature there, and he is too low in the cost. Pocahontas coal in West Virginia costs from 75 cents to $1 a ton at the mouth of the mine. That is authentic. If the Senator desires, I will get letters from the operators to prove what I say.

Mr. GORE. You do not mean——

Mr. ELKINS. Pocahontas coal is not all the coal of West Virginia. I know of my own knowledge from every day's business that coal in West Virginia costs 90 cents to $1 per ton to mine. Under the most favorable circumstances it costs 85 cents.

Mr. GORE. You do not mean that the wages are 85 cents a ton?

Mr. ELKINS. I am talking of what enters into the cost. First is the mining, then what we call "outside labor," and the operation of the machinery, engines, tipples, etc. The cost of mining or digging the coal is from 50 to 60 cents a ton, and all the other items bring it up to 85 cents and more.

Let me tell the Senator what a miner gets in West Virginia: If he is industrious and works hard and reasonable hours only, he makes from three to four dollars a day. If he has a boy with him as an assistant, he often makes $6 a day. It is the best paid labor that I know of. When you consider it from the standpoint I have just stated, it is three times as much as the miners get in Europe and largely greater than is paid in Nova Scotia or any part of Canada.

Mr. GORE. Mr. President, that is the ordinary sophistry with which this question is discussed. The Senator suggests that the miners make from five to six dollars a day, and that is exactly why the American laborer receives higher wages than the European laborer—because he does more work and earns more pay. The superior wages paid to the laborer in this country are due to his superior intelligence, his superior skill, and his superior efficiency, and are not due to the rate of tariff tax; and it is a discredit to the American laborer to ascribe his superior wages to a protective tariff or to the Republican party when those wages and his prosperity are due to his own energy and his own intelligence. He earns more pay, and that is the reason why he receives more pay. [Applause in the galleries.]

The VICE-PRESIDENT. Occupants of the galleries are again admonished that they must indulge neither in signs of approval or disapproval of anything said on the floor of the Senate.

Mr. SIMMONS. Mr. President, I desire to give notice that at an opportune time to-morrow I wish to submit some remarks upon the wood schedule, especially on the subject of lumber.

Mr CLARK of Wyoming. Mr. President, it is not my purpose to attempt to enter into any discussion of the coal schedule. However, I can but have the reflection that a fair consideration of the schedule must not depend upon what may or may not be the prevailing rate of wage in a particular field or mine. I am unable, from my own knowledge, to state what is the rate of wages in the Pocahontas field. I have, upon the one hand, the distinct statement of men upon this floor who are closely associated with that business and who ought to know. I have, upon the other hand, the statement of government experts, which the Senator from Oklahoma well cites. But I am perfectly conscious of the fact that of all the wild guessing that is done on the cost of production in this country, the wildest guesses are made by government experts.

But I want to call the attention of the Senator from Oklahoma to the fact that in gauging the coal schedule or any other, it should depend upon the industry as a whole. I will say to the Senator from Oklahoma what I think he well knows, that in the State which I represent in part upon this floor an important product is that of coal, and in that young State we pay the highest rate of wage to the digger of coal that is paid in any State the sun shines upon, and I do not want to see those wages reduced.

I will say further to the Senator that if the Payne bill as it came to this House should become the law, it would put out of commission one-half of the mines in the State of Wyoming. I am speaking of the local situation there. I do not assume that it alone shall govern this body, but I assume that the Senator from Oklahoma and others in considering the coal schedule will judge the necessities of the case by a broader view than that of any particular field or mine.

Mr. McCUMBER. Mr. President, the Senator from Oklahoma [Mr. GORE] expatiated to a considerable extent upon the superior skill and workmanship of the American miner, and attributed the higher wages of the American miner entirely to the fact of superior workmanship. I think the facts are, and that he will find them to be, that from one-half to two-thirds of the miners are of foreign birth. When did those people become so wonderfully more expert, so wonderfully more intelligent than they were before they crossed the ocean? Is it the wonderful intelligence they got in crossing 3,000 miles from Russia, from Roumania, from Italy; or is it the conditions in this country that enable them to receive the higher wage for a given amount of expended energy?

Mr. GORE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. Certainly.

Mr. GORE. Does the Senator from North Dakota mean to intimate that under the reign of the Republican party the pauper labor of Europe, from Russia, from Roumania, have been allowed to come here and occupy our mines when the only purpose of the Republican party in politics and the only apology for its existence are to protect the American laborer against the pauper labor of the Old World? Am I to understand that?

Mr. McCUMBER. Since this became a free government our gates have always swung inward. We have never turned those gates against an honest man, against a competent man, let him come from whatsoever country he sees fit if he is of the Caucasian race. Under our laws we have allowed about a million foreigners to come here yearly. Those men come here and in a short time they become, as a rule, good American citizens. They have increased the population of the country. They have helped to develop the country. They become as good American citizens in a few years as the old stock. We welcome the good to-day, as we did forty and fifty years ago; and I do not think the Senator from Oklahoma is in favor of saying that this country shall now take the position that the Caucasian race, as well as the yellow race, shall be prohibited from entering into the citizenship of this great country. The very best of our population have come from northern Europe. We can not make one law for one country and another law for another country. We get a superior citizenship, in my belief, from the northern part of Europe than we do from the southern part of Europe, but if we had adopted any policy which said to the Scandinavian, to the German, to the Irishman, or to the Scotchman, "You are not welcome to this country," we would have retarded a great deal the development of this country.

Mr. President, the only point I desired to make in answering the proposition of the Senator from Oklahoma was that it is not the superior intelligence of the American laborer per se, but it is the superior opportunity of the American laborer to earn a good salary.

Mr. GORE. Mr. President, I am unwilling that the Senator from North Dakota should place me in the position of opposing foreign immigration of a desirable character. We are an exotic people. Our ancestors had their homes in the Old World, and they sought refuge in the New World. This country has always been and this country should always be a house of refuge for the persecuted of every creed and the oppressed of every clime. Our gates have always stood ajar to receive the foreigner who comes to our shores to identify his interests with our interests and to share the prosperity and the glory of our institutions. Such immigrants have always been and such immigrants should always be as welcome, I may say, as the flowers of springtime and as welcome as the fruits of summer. But, sir, the opening of foreign prisons and foreign brothels to sweep the offscourings of the earth into the lap of this glorious Republic should not be permitted, and for my part I would discriminate between the desirable and the undesirable immigrants. I would say to certain Europeans, as we say to certain Asiatics, and as we ought to say to all Asiatics, "Thus far shalt thou go, and no farther."

The Senator from North Dakota has stated one of the reasons for the superior wages in the United States. It does depend in great measure—and I wonder if the Senator will deny it—upon the superior skill, superior intelligence, and superior efficiency of the American laborer. Is the Senator from North Dakota willing to stand here and deny that the superior wages in this country are due to the superior fitness and efficiency of our laborers?

Mr. President, he states another reason why wages are higher in the United States than in foreign countries.

Mr. McCUMBER. Will the Senator yield to me right at this point?

Mr. GORE. Certainly.

Mr. McCUMBER. I will ask the Senator from Oklahoma if we did not have the same superiority of American labor from 1894 to 1897 that we have had since that time, and is it not a fact that notwithstanding the superiority of that labor, one-third of them were tramps upon the face of the earth and the other two-thirds were receiving only a sufficient amount to live from hand to mouth? Is not that the fact; and had the superiority of American labor anything to do with the situation at that time?

There was just one thing, and that was the Wilson-Gorman tariff bill, which immediately sent one-third of our mills down to dust and closed the doors of half of the others; that gave labor one-half the opportunity and earning power that it had before; and then American skill and American intelligence counted for nothing. They did not help labor in tramping about the country seeking labor.

Mr. GORE. Mr. President, I have listened to that inquiry from the Senator from North Dakota with mingled feelings of gratitude and disappointment. The Senator from North Dakota is one of my favorites, if I may be allowed to discriminate, in

the membership of this splendid body. I have heard much upon the stump and little in the Senate with reference to the distress and adversity that prevailed in the early nineties. Sir, I hardly expected to hear that argument from the usually candid Senator from the State of North Dakota.

Now, sir, he ascribes, as many Republican stump orators ascribe, the distress in those times to the Wilson-Gorman bill. I have never been disposed to deny that the Republican party was able to work miracles. I am willing to admit that it can repeal the law of supply and demand; nay, more, sir; that it can reverse the fundamental canons of logic and can make the effect precede the cause. Now, sir, when did the Wilson tariff bill become a law? The 28th of August, 1894. When did the panic occur? On the 12th of May, 1893, it began in this country. There is nothing astounding, Mr. President——

Mr. SCOTT. Will not the Senator admit that anticipation of the action of his party in the revision of the tariff brought it about?

Mr. GORE. I am willing to follow that Senator and all other Senators when they quit the realm of fact and speed away into the heavens of speculation. I am willing to admit that if the Senator is willing to admit that the panic of 1907 was attributable to the same cause. I am willing to admit that if the Senator from West Virginia is willing to admit that the panic of 1873 was due to the same cause, a panic which occurred under a Republican President and under a Republican protective tariff.

Mr. President, that is speculation. It is unfounded, but fortunately it can be disproved. The panic of 1893 was not local to the United States. It affected all the commercial nations of the earth at practically the same time and in varying degrees. It is not so strange that a Democratic measure passed in August, 1894, should have precipitated a panic in the United States in May, 1893; but it is passing strange that a Democratic measure passed in August, 1894, should have precipitated a panic in Australia in January, 1893. One year and eight months before the enactment of the law in this country the first climax occurred in the distant Commonwealth of Australia. It had been gathering force and strength for two or three years preceding.

Mr. President, we had a stringency in 1890 under which many millions of clearing-house certificates were issued, and during the presidency of President Harrison.

The coil was gradually tightening. It explains why, in 1890, the dominant party returned only 88 Members to the lower House in the congressional election. The coil was gradually tightening, which explains why, in 1892, such stalwart Republican States as Wisconsin and Illinois were swept into the Democratic column. Plates were prepared for the issuance of bonds, about which we have heard so much eloquence from the other side of the Chamber, during the presidency of Mr. Harrison. He was prevailed upon by his friends not to make the issue. When Harrison came into office, succeeding Cleveland, he found a surplus of something like $100,000,000. When, four years later, Harrison turned over the administration to Cleveland, we had practically an empty Treasury. The crisis had already commenced. The stringency was felt not only here, but in all the commercial nations of the earth. We shared in that depression, and it was in no measure attributable to the Wilson bill, which was to be enacted some year and a half later; and I had almost said that nobody except the Senator from West Virginia and the Senator from North Dakota would ascribe the stringency to the prospective enactment of the Wilson bill. That is the sophism with which they have enlightened the people of this country during the years gone by.

Mr. President, I had not intended to precipitate myself into this discussion, but there is one other point which I must make in this connection. I am justified, in my opinion, as to the superior wisdom of the Senator from North Dakota. He says it is the superior opportunities in the United States which are in great measure responsible for the high wages. I rejoice that he has made that admission. It explains the prosperity here. Other Senators and Republican speakers generally have ascribed all of our prosperity to the talisman of the tariff.

The Senator from North Dakota correctly ascribes it in some measure to our superior opportunities; to the fact that we are a new country, that our resources are varied, are opulent, and are undeveloped; to the fact that the demand for labor is great relatively and the supply of labor is relatively small. That law is as universal as the principle of eternal truth. Combined with our superior intelligence, the superior wages paid here, as compared with the wages paid in other countries, is thus explained.

Other Senators have indicated that resources count for nothing, that development counts for nothing, that intelligence counts for nothing, that taxes are omnipotent, and that our blessings increase with our burdens. That has been the philosophy of the Republican party.

Why does Germany, with her pauper labor, feel constrained to protect herself against the higher paid labor of the United States?

Mr. President, only about one twenty-ninth of the laborers in the United States are employed in protected industries. I make that statement not upon my own responsibility, but upon the authority of Edward Atkinson, than whom this country has known or acknowledged no greater statistician. Twenty-nine million people were engaged in gainful pursuits by the census of 1900, and one million were engaged in those pursuits which derive some benefit, direct or indirect, from a protective tariff. We tax 29 laborers to pay the higher wages, under their theory, of 1 laborer.

Mr. President, according to the official report of Carroll D. Wright, carpenters in the United States receive about twice as much wages as in England, about three times as much wages as in France, and about four times as much wages as in Germany. Is there any tariff upon carpenters? The same is true of stone masons and bricklayers. Is there any duty on stone masons or bricklayers? It is not only true in those lines, but it is true in all lines in the case of those who receive no protection, either directly or indirectly, from this glorious and beneficent protective tariff.

Our superior opportunities, our great diversified resources, our progressive and enlightened labor constitute the reasons for our superior wages; and the Republican party is not a wet nurse to the laborers of this country. Neither is the protective tariff the fountain from which all blessings flow. Ascribe the credit where it belongs.

Mr. SCOTT. Will the Senator allow me to interrupt him?

Mr. GORE. Surely.

Mr. SCOTT. I should like to ask the Senator if he has a copy of the speech he made in 1894, when he was a Populist? I would like to have him rehearse a part of it.

Mr. GORE. Mr. President, I have a copy of that speech, and I refer to it with a great deal of pride and gratification. It reminds me that with increasing years I have grown wiser. [Laughter.] And I trust it is not too late for the junior Senator from West Virginia to profit with his accumulating years.

I criticised Mr. Cleveland's administration then and, Mr. President, I criticise it now. I have never yet commended the Democratic party when that party was wrong, and I have never condemned the Republican party when that party happened to be right, and I never shall. Higher principles and loftier purposes should guide every man in his political policies and in his duties to the people of this country.

That was a good speech. In that speech I criticised the Wilson tariff measure, but not for the same reason as the Senators on the other side. They condemned it as a free-trade measure. I condemned it because the reductions were not sufficient. I was honest in my criticism then, as I am of this measure, and I reserve to myself the liberty of criticising every party when that party is wrong. I commend to the junior Senator from West Virginia the same disinterested policy.

Mr. President, as I said, I had not intended to embark upon this discussion, but I shall take occasion to allude to these subjects hereafter.

Mr. ELKINS. Mr. President, I wish to correct the Senator from Oklahoma as to a matter of fact. In the first Cleveland administration it is true that there was substantial prosperity; we had a Republican Congress, and no hostile legislation could be enacted. In fact, in the way of passing any new legislation he was entirely powerless. In the second administration of Mr. Cleveland, when bonds were sold, there was a Democratic President and a Democratic Congress. The Democratic party was in full control of the Government and both Houses of Congress, with all sorts of threats and rumors about free trade and changes of policies. It was then the Wilson free-trade bill was passed.

The charge that the Harrison administration at its close was bankrupt is not sustained by the facts. At the close of the Harrison administration business began to suffer and languish because of the fact that this country had elected a Democratic President upon a free-trade platform or with free-trade tendencies, and the Congress chosen was Democratic, on the same platform. This filled the business world with alarm, and general stagnation set in before Harrison went out of office. This alarm began to empty the Treasury even before Cleveland got in. It continued at such a pace that bonds had to be sold by Mr. Cleveland in the beginning of his administration, and I am sorry to say that United States bonds which sold in the market for 113 and 114 were sold at 104 by Mr. Cleveland under

a private contract with bankers to provide funds to pay the ordinary expenses of the Government and replenish the Treasury. In the Senate, because of a resolution introduced by myself, and passed, President Cleveland was prevented from selling another issue of $200,000,000 of bonds at private sale, but sold them, after due advertisement, at public sale, and 113 was realized for those bonds, which a short time before sold under a private contract made by Mr. Cleveland for 104, a difference of nine points, or $9, on every hundred dollars of bonds sold, the bankers making on the transaction about $6,000,000 commission. This was a great loss to the Government, and one of the great mistakes of the Cleveland administration.

I make this statement in order that the matter may be placed in history and before the country in a way that is right and absolutely true. The Harrison administration was prosperous and successful up to and until the time when it was known that Cleveland and a Democratic Congress were elected; then the trouble in the business world began and continued. Harrison never sold a bond, and no Republican President had ever sold a bond, to meet the ordinary expenses of the Government. Mr. Buchanan was the only Democratic President before Mr. Cleveland, a lapse of forty years. I have not language at my command to describe as strongly as he did the disasters, the misfortune, and the ruin that came upon the country under his administration. The great panic of 1857 occurred in the beginning of his administration and lasted until our great war.

The administration of President Harrison was one of the most successful in our history, and he was one of the wisest, purest, and ablest Presidents the country has ever known.

Mr. BAILEY and Mr. McCUMBER addressed the Chair.

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from North Dakota?

Mr. McCUMBER. Will the Senator from Texas yield to me for just a moment? I know the Senator is desirous of going on with his address, and I shall take only one moment.

Mr. BAILEY. Very well.

Mr. McCUMBER. Mr. President, I always love to hear the Senator from Oklahoma [Mr. GORE] express his views upon any subject. I know the sincerity of his nature, and I have confidence that everything he says comes entirely from his heart.

Nothing is more gratifying than to have the Senator say that he has grown wiser from year to year; that he stepped out of the Populistic party and into the Democratic ranks. I admit, Mr. President, that that was a good long step in advance. As the Senator has shown his ability to advance onward and upward, I think we can look only a few years ahead when he will take the next great advance step and come entirely into the Republican party. [Laughter.]

I wish to say only one word about the two panics. The history of this country shows that panics arise from two principal causes. One cause is the dire poverty of the people. That was the cause of the panic in 1893. The other cause comes from overspeculation, which always results from very prosperous conditions. This country has never seen in its history a condition of prosperity that would equal the years from 1897 until 1907. Under the influence of those prosperous conditions speculation ran riot, and we expanded beyond any reasonably justifiable hope of the future ever responding to the advancement and expansion during that period. In those conditions we borrowed heavily. A time of payment must come. That time of payment did come, and found us unable to meet the conditions of the wonderful expansion at that period.

The crisis of 1907 came upon us when every mill was working at its full capacity. The crisis of 1893 and up until 1897, because it was a continuous crisis, was when one-third of our mills were closed and the other two-thirds were producing only about one-half of their annual output.

The Senator says that this condition was a world-wide condition, and he says that it did not happen until 1894, after the Wilson-Gorman tariff law. Mr. President, when the polls were closed in November, 1892, the American people knew what they were coming to, and we immediately began to feel the results of that condition. We never got out of that condition until we elected a Republican Congress and the policy of the Nation was outlined in the period which preceded that election; and the moment that we adopted the new tariff bill we saw a prosperity, as I have said, that the whole world had never seen before.

Now, was the condition from 1893 to 1897 world-wide? Mr. President, Great Britain was more prosperous during those four years than she had been for the four years preceding that time. Why? Simply because in 1892, the last year of Harrison's administration, the balance of trade between Great Britain and the United States was $343,000,000 in our favor. The very next year after the Wilson-Gorman bill that was reversed and the balance in her favor was $126,000,000 in her dealings with the United States, or a difference of about $500,000,000. That $500,000,000 in the trade of Great Britain with this country in her favor made her prosperous. That $500,000,000, a half a billion dollars, against us, made our laborers paupers. That was not a world-wide condition by any means.

Now, Mr. President, I think the Senator must in all candor yield his proposition that the superior earning capacity of the American laborer depends entirely upon his superior skill and intelligence, and, I may add, to be perfectly candid with the Senator, as he expressed it, the superior opportunities in this country. There were the same mills, there were the same undeveloped resources in this country from 1892 to 1896 that there have been since that time, and yet, notwithstanding his superior intellect, if I may agree with the Senator, and his superior workmanship, the American laborer was a vagabond on the face of the earth.

Mr. President, I hope the Senator will not insist that we can make the American laborer well to do unless we give him the opportunity to develop those resources of the country, which opportunity we have given him in the last few years.

I can call the Senator's attention to another fact in my own part of the country. I can remember when upon our farms in 1893 oats were sold for 10 cents a bushel, delivered in the elevators or on the cars. The average price of our wheat was from 35 cents to 60 cents a bushel out on the farms. Our corn was worth from 25 cents to 30 cents a bushel. We did not raise, on the average, any more during those four years than we have raised upon the average during the last eleven years, and yet we have almost doubled the value of every one of those products. It is not due entirely to the question of foreign demand, because when I look over the statistics I find that from 1893 to 1896 the average consumption per capita of the American people of wheat was less than 4 bushels, and I find that in the last ten years the average has been about 6 bushels, or almost twice as much. That has had very much to do with the price of our products since that time. So I can take up every other farm article that has been produced in the United States.

The whole question is a question between prosperity and stagnation. A low tariff, a tariff that is not a sufficient protection, gives us stagnation. The other gives us a reasonable degree of prosperity. That is the only distinction there is between Democratic and Republican policies.

Mr. GORE. Mr. President, I should like to remind the Senator from North Dakota that we have had during the history of this Republic a number of intervals of high tariff and intervals of tariff for revenue only, and during each and every period the advancement of this country has been practically uninterrupted. Wages in the United States have been as much superior to European wages during our low-tariff epochs as during our high-tariff epochs.

I cite as high authority as Mr. Blaine for the statement that during the decade from 1850 to 1860, or, rather, during the ten years following the enactment of the Walker tariff law, this country enjoyed unexampled progress and prosperity. Mr. McKinley makes the same admission, and seeks to find other causes than the tariff for revenue only. I remind the Senator that from 1850 until 1860 our population increased only 35 per cent, and our national wealth increased 126 per cent during the "ruinous and disastrous free-trade policy." I believe that no decade has shown an equal measure of progress, prosperity, and increase in national wealth as the decade following the enactment of the Walker tariff law.

Now, if free trade or if a tariff for revenue only is an unfailing cause for hard times and distress, how does the Senator explain that epoch of abounding good times and prosperity? He has failed to explain the panic of 1873, and again I present it before his eyes.

Let me observe that the stringency in England did occur somewhat previous to the panic in 1893 in the United States, and I must challenge his record of her golden prosperity. The Baring Brothers failed in England, I believe, in November, 1890, and for several years following stagnation prevailed in the United Kingdom. The shock was universal; every commercial nation felt the shock resulting from the failure of the Baring Brothers. It broke out in violence, as I have already observed, in Australia in January, 1893, prior to its occurrence in the United States. Prosperity returned to the other commercial nations, but not exactly at the same moment. The prosperity which has abounded here during the last ten years has, with only occasional interruptions, abounded throughout the commercial world, and the stringency which occurred in October, 1907, had its response and its sympathy throughout all the commercial and enlightened nations of the world.

Mr. President, I would say to the Senator that wages in the United States, where wages were paid during the disastrous

times of 1893 and 1894, were superior to the wages in England, Germany, and France. That panic occurred while the McKinley tariff law was in full force and effect—the very perfection of a protective tariff. And I would say to the Senator, and to other Senators who have alluded to the topic, that the deficit in the Treasury occurring during those times in 1893 was attributable largely to the McKinley tariff law. The avowed object of the McKinley tariff law was to dispose of the accumulation of the surplus and to reduce the revenues of this country. The title of the McKinley law was "An act to reduce the revenue." It succeeded far beyond the hopes and expectations of its authors, and precipitated this country in a panic, the responsibility for which has been laid upon the doorsteps of the Democratic administration.

The Senator alludes to low prices for wheat and oats. If my recollection is right, corn sold lower in the United States in 1889 or 1890 than it ever did before or than it ever did since.

Senators on the other side allude with much pleasure to the smoke appearing from the smokestacks of this country during the prosperity under Republican administration. That smoke from the chimneys of the distressed farmers in Kansas bore the odor of burning corn, because they were unable to purchase fuel and unable to sell the products of their farms for a sufficient price to purchase the absolute necessaries of life.

The Senator says that the price of oats and wheat was low in 1893, under the McKinley tariff law. I have forgotten the figures, but I have heard the Senator say, if I remember correctly—and I have great respect for his authority upon the subject of agriculture—that the price of agricultural products in the United States is fixed by the price of the surplus sold in the markets of Europe.

Was the tariff law enacted in 1894 responsible for the state of the market in Liverpool in the fall of 1893? Shall we be held accountable for all the sins of all the earth? High prices, he says, have prevailed during the last ten years, and I rejoice in these golden prices. Has not the state of the foreign market had something to do with the higher prices? Is his party, is his tariff, responsible for high wages and high prices? Do they ascribe to themselves the bounties of nature and the generosity of Providence? Have the state of the foreign markets, foreign laws, foreign prosperity nothing to do with the condition of the people in the United States?

I am sorry, I say again, to have been drawn precipitately into this discussion.

Mr. BAILEY. Mr. President, when I yielded yesterday afternoon for a motion to adjourn, I was about to enter upon the task of vindicating, so far as I am able to do so, the constitutionality of an income tax levied without apportionment among the several States. Whether such a tax is valid or not must depend, of course, upon whether or not it is a direct tax within the meaning of the Constitution. The men who framed our Constitution perfectly understood that there was a distinction between direct and indirect taxation. Indeed, they understood it so well that the word "direct" was inserted upon a second thought and to meet an objection to which the provision would otherwise have been amenable. But, sir, I am well within the truth of history when I say that while there may have been some delegates in the convention of 1787 who could have classified the objects of direct and indirect taxation, there was not one of them who attempted to do it.

It will not do to say that the question was so plain that nobody attempted to explain it, for we know that it was a matter of doubt to at least one conspicuous member of that assembly. The Hon. Mr. King asked what was a direct tax, and we have it on the authority of Mr. Madison that no delegate attempted to answer the question. There is not one sentence in all of those debates which will distinctly aid us in deciding what is a direct tax within the meaning of the Constitution, and we must depend on such historical evidence as we can find outside of that convention and upon the conclusions of those who have gone before us. It has always seemed to me that the history of the contributions made by the Colonies and States would help us in arriving at the truth. At first the tax, or rather the contribution, of each colony was regulated according to the value of its lands and houses, but many became dissatisfied with that method, and it was abandoned. Immediately after the Declaration of Independence had been adopted and promulgated, the Congress took up the question of how supplies should be obtained and how the Colonies should vote in the Continental Congress. Both questions evoked a spirited debate, and it is one of the curiosities of history that the position of the northern and southern men with respect to the standard of contributions, so far as it touched the slavery question, was exactly reversed when they reached the constitutional convention and took up the question of representation. In the Continental Congress the northern men insisted that contributions should be apportioned according to population and that all slaves should be included in the count. John Adams supported that rule. The Madison Papers contain the following:

> Mr. Chase moved that the quotas should be paid not by the number of inhabitants of every condition, but by that of the white inhabitants. He admitted that taxation should be always in proportion to property; that this was in theory the true rule, but that from a variety of difficulties it was a rule which could never be adopted in practice.

In reply to this, Mr. Adams observes that—

> The numbers of people were taken by this article as an index of the wealth of the State and not as subjects of taxation.

And he insisted that every State should make its contribution, counting the slave precisely as it counted the white freeman.

Doctor Witherspoon participated in the debate, and expressed the opinion that—

> The value of lands and houses was the best estimate of the wealth of a nation, and that it was practicable to obtain such a valuation. This is the true barometer of wealth. The one now proposed is imperfect in itself and unequal between the States.

But in spite of the protest of Mr. Chase and the suggestion of Doctor Witherspoon, the Continental Congress adopted the rule that contributions should be made according to population, and that to the white or free population three-fifths of all the others should be added; but when they reached the constitutional convention our northern friends—and I relate it purely as a historical incident and without the slightest sectional feeling—completely reversed their position and contended that the slave should not be counted at all for the purpose of representation. But here the wise men made another compromise and counted the slave for the purpose of representation as equal to three-fifths of a freeman, just as they had done in the Continental Congress for the purpose of contribution.

Mr. President, I have recited this episode in our history for the purpose of showing that our patriot fathers at one time treated lands and houses as the correct standard of taxation or contribution for federal purposes, and it has always seemed to me that this circumstance strongly supports the view that when they were joining taxation with representation they had in their minds the character of taxation to which they had been accustomed. I am confirmed in this opinion by both the legislative and judicial construction of the Constitution as made by the men who had helped to frame it.

THE CARRIAGE TAX.

In 1794 Congress enacted what has since been known as the carriage tax. That statute levied a tax of varying amounts upon carriages of the several kinds. It did not, however, pass without a contest. James Madison was then a Member of the House, and denounced it as unconstitutional. Nor did he stop with opposing it in Congress. He followed it into the forum of the people, and even took pains to have a criticism which Edmund Pendleton had written against the law printed in the newspapers for the purpose, as he afterwards admitted in his private correspondence, of allowing the justices to have the benefit of Pendleton's argument before they decided the case. I understand the weight which attaches and which ought to attach to the opinion of Mr. Madison on any question with respect either to the history or the meaning of the Constitution. He did, perhaps, as much as any other man in framing that great instrument, and certainly he did more toward its framing and adoption than any other man, for, in addition to his work in the convention, those memorable papers which he and Hamilton published exerted a greater influence than any other agency in procuring the adoption of the Constitution. The papers written by Madison are not as strong as those by Hamilton, and, perhaps, the best work of The Federalist was done by the latter; but in the convention the influence of Madison greatly surpassed that of Hamilton. This was not due to Madison's superior ability, but it was due to the fact that Hamilton differed widely from the great body of those delegates as to the form of government which ought to be adopted. He was a royalist and believed the government of Great Britain superior to any republic which could be devised. For that reason, and notwithstanding his great ability, Hamilton had less to do with shaping the Constitution than Madison. But while that is true, Hamilton, perhaps, understood even better than Madison all the legal questions, and he believed the carriage tax was constitutional. We thus find two men who had both been conspicuous members of the convention which had framed the Constitution, and who had done more than any other two men in securing its adoption by the people, differing about the constitutionality of this carriage tax. As between the two, I would not hesitate to take the opinion of Hamilton on a question like this, because, while I utterly reject all of his theories of government, I know he was a great lawyer, and Mr. Madison was not. Fortunately, however, for us we are not left to de-

cide the question according to the view of Mr. Madison or of Mr. Hamilton, for we have an impartial and dispassionate judgment, which must be better than either.

Though Congress had passed that law over the protest of Madison, and it had been approved by Washington, it was contested in the courts, and properly enough the contest was instituted in old Virginia. A citizen of that State refused to pay the tax, and the Government proceeded to collect it. The facts were not in dispute, and upon an agreed statement it was brought to the Supreme Court. The court for the Virginia circuit had been divided and the public interest in the question was intense. In both Houses of Congress and throughout the country the subject was discussed. Alexander Hamilton had been the Secretary of the Treasury when that carriage tax law was passed, and, though he had retired from that great office to resume the practice of his profession, he appeared in behalf of the Government to defend a law passed under his administration of the Treasury Department and upon his recommendation. It was of such absorbing interest that the court room was crowded as it had never been before up to that time, and as it seldom has been since that time. Members of the House and of the Senate deserted their respective halls to attend the argument. In addition to the argument of Hamilton, the Attorney-General of the United States appeared on the Government's behalf, and opposed to them were lawyers of high standing and splendid ability. The attorney-general of Pennsylvania felt sufficient interest in the case to appear on behalf of the plaintiff in error and it is said by one of the commentators on the Constitution that John Marshall, afterwards Chief Justice, took part in the argument. It does not seem from the report of the case that Marshall appeared in the Supreme Court, though I have no doubt that Mr. Tucker was not without warrant for what he said, and I therefore have no doubt that Marshall assisted in preparing the argument. At any rate, there can be no question about the thoroughness with which that case was presented to the court; and, after a most exhaustive argument, the court unanimously decided that a tax on carriages was not a direct tax, and that the law was constitutional.

I am not unmindful that you can find those who will minimize the importance of that decision. You will hear some great lawyers say that it was not well considered, and you will hear others say that it is important only in its *obiter dicta;* but against those loose expressions I oppose the fact that from the day it was decided down to this good hour it has been respected by the courts, accepted by every text writer upon our Constitution since that day as conclusive, and even in the Pollock case the court did not expressly overrule it or say that it had been decided wrong. The opinions delivered in that case would be entitled to our respect for the strength and clearness of their reasonings, but even beyond all that is the fact that two of the men who decided it were conspicuous members of the Constitutional Convention. Nor is that all. A third member of the court, who did not deliver an opinion and who, it is true, did not participate in the decision, because he became chief justice on the very morning when that opinion was announced, was likewise a member of that Constitutional Convention, and it is not within the range of probability that Ellsworth would have permitted that decision to pass unchallenged had he disagreed with it. It is not possible to suppose that he was not familiar with the question, for he was a member of the Senate when that carriage tax bill was before it, and he knew the objections which had been urged against it. Therefore I can safely say that three of the five men who concurred in the opinion that a tax on carriages is not a direct tax had been members of the Constitutional Convention and ought to have known, if anybody could know, what the fathers meant by direct taxation. These judges delivered their opinions seriatim—Chase, Patterson, Iredell, and Wilson—Cushing taking no part, because an illness had prevented him from attending the argument, and Ellsworth taking no part for the reason which I have stated.

Mr. President, it is perfectly true that so far as the decision undertakes to say what is not within the meaning of the term "direct tax" it is in large part *obiter dicta;* and if the Supreme Court of the United States when it held the act of 1894 unconstitutional had confined its decision to the grounds announced in the first opinion the Hylton case would only be persuasive on account of what the judges said by way of illustration and argument; but when, under the reargument, the court went beyond its first decision and held that a tax on the income of personal property is, in law, a tax on the personal property itself, and that a tax on personal property is a direct tax within the Constitution, they fell under the condemnation not merely of the argument in the Hylton case, but of the decision itself. That case decided that Congress has the power to lay a tax on personal property, or, if that be preferred, I will say that it decides that Congress has the power to levy a tax on carriages. But the form of stating it does not alter the substance of the decision, for a carriage is personal property.

It has been said that the court did not decide that this was a tax on the carriage itself, but that it was a tax on the use of the carriage, and Chief Justice Fuller made that mistake in the Pollock case when in summing up the Hylton case he said the court had decided there that the tax in question was a tax on the use of the carriage. That court decided no such thing; and it intimated no such thing. It is unfortunate that the Chief Justice was not more accurate in the use of words. The only intimation in that case which could by any stretch of the imagination justify that statement was that Justice Chase said by way of argument that the tax on carriages was a tax on *expense.*

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. CLAPP. Mr. President, it has been a great many years since I have read that case. Did that law provide for an ad valorem tax or a tax upon each particular kind of carriage?

Mr. BAILEY. It provided for a specific tax of so much per carriage, with differing amounts on the different kinds.

Mr. President, Justice Chase said—and that is evidently the basis of the Chief Justice's statement that the court decided that this was a tax on the use of the carriage—that he considered it a tax on expense. But a tax on expense and a tax on the use of an article might, within the contemplation of the law, be very different things. A tax on the keeper of a livery stable according to the number of vehicles used in his business might well be held to be an excise tax upon his occupation, and that is exactly the argument that one of the attorneys made in the first case that assailed the income-tax law of 1864. He insisted that it was apparent that Hylton was engaged in the livery business, or else in the stage-line business, because he said it was not supposable that a private citizen could have one hundred and twenty-five chariots. But in the statement of the case as it appears in the opinion of the court it was agreed that all of the chariots upon which the Government had sought to levy a tax were owned by Hylton and kept by him exclusively for his personal and private use, and not for hire to other persons.

It was no more a decision when the judge said it was a tax on expense than it was a decision when he said that no tax except a tax on land or a capitation tax was subject to the constitutional rule of apportionment. But let us suppose that the court decided that the carriage tax was sustainable upon the ground that it taxed a citizen's expense. That will not militate against our position, for if a tax on expense is not a direct tax, a tax on income can not be. Is it not of necessity true that you have the same right to tax what comes in as you have to tax what goes out? That is fundamental; that is elementary. If Congress can levy a tax on expenses, then surely it can levy a tax on receipts, for the principle is essentially the same in both cases.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. If the Senator will allow me in connection with his argument, I wish here to quote the statute, so as to show that this was a direct tax. It is the act of June 5, 1794, entitled "An act laying duties upon carriages for the conveyance of persons."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there shall be levied, collected, and paid, upon all carriages for the conveyance of persons, which shall be kept by or for any person, for his or her own use, or to be let out to hire, or for the conveying of passengers, the several duties and rates following, to wit:

Then it specifies the duties, showing clearly it was a tax upon the carriage, and not a tax upon the use of the carriage.

Mr. BAILEY. I think that is too clear to need further elucidation.

Mr. BORAH. I only want to say, in connection with the reading of this statute, that it should not be forgotten that the only portion of the statute involved in the decision was the portion of the statute which levied a tax upon carriages for personal use and not the portion which levied a tax upon carriages for hire or for use to a party. And that was one of the distinctions which was made in the argument.

Mr. SUTHERLAND. Will the Senator from Texas permit me?

Mr. BAILEY. Certainly.

Mr. SUTHERLAND. Does the Senator think, under the language of the statute from which the Senator from Minnesota has now read, that the tax could have been levied and collected upon a carriage kept for sale? The language is a carriage kept for use—for his or her own use—or for hire to others.

Mr. BAILEY. I think it clear from the language that it was intended to exclude carriages kept for sale, either in a store or in a carriage factory, from the operation of the law, and, therefore, under a fair construction of the statute they could not have been taxed.

Mr. SUTHERLAND. Precisely. Therefore the tax, when we get to the last analysis, is a tax upon the use of the carriage and not upon the carriage itself.

Mr. BAILEY. That inference does not follow, and it is not true according to the history of the time. I did not care to introduce any inquiry as to the motive of Congress, but I will do so now since the Senator has made it material. We know that Madison's statement was that the opponents of luxury had joined with advocates of the principle to pass the carriage tax. In other words, Mr. Madison complained that they were trying to make prosperous people pay a tax then just as we are trying to make them pay a tax now. That was the reason they imposed the tax upon those who had the carriages for use and not upon those who had them for sale. It did not necessarily follow that a man who wanted to sell one could afford to pay the tax. Besides, there would have been no justification for a tax upon people who were engaged in the carriage business without a tax upon people who were engaged in other kinds of business. The object of the law was to reach a particular kind of property, because that particular kind of property denoted by its possession the ability of the owner to pay the tax. That was the whole of it.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Maryland?

Mr. BAILEY. Certainly.

Mr. RAYNER. Without committing myself to this income tax, either for or against, I should like to ask the Senator from Texas whether I understand him. Outside of the decisions, does the Senator think that when the constitutional convention said a "direct tax" it meant only a capitation tax, a tax on land, and a tax on slaves? Does the Senator think that completes the definition? Will he give me his own opinion?

Mr. BAILEY. I think that was all that the constitutional convention definitely intended to include; but I am not so clear in that opinion as I would like to be; and it is barely possible that they also contemplated an assessment upon all the property of the citizen, real and personal. That was Hamilton's view as expressed in his brief, the Senator will remember.

Mr. RAYNER. With the Senator's information upon that subject, I expected that answer. There is just one other question. Does the Senator think there was at that time any accurate or comprehensive definition of what a direct tax meant?

Mr. BAILEY. I am absolutely certain there was not, for if any man could have given an accurate and comprehensive answer, the question of Mr. King would have been answered.

Mr. RAYNER. I was going to call the attention of the Senator to the fact that in a convention where Madison and Wilson and Martin and others sat, Mr. King asked "What is a direct tax?" and not a man in the convention answered him; and not a man in the convention knew what it meant.

Mr. BAILEY. That is probably true, but I refer it back to the early methods of contribution, and it was their familiarity with contributions according to lands and slaves that has led me to the conclusion that lands and slaves—lands of course including all appurtenances—were the objects of direct taxation which the convention had in mind.

Mr. President, whatever might have been my doubt about it, those doubts must have disappeared under the uniform construction of the Constitution, both by Congress and by the Supreme Court.

Mr. HEYBURN. Will it interrupt the Senator if I ask him a question?

Mr. BAILEY. It will not.

Mr. HEYBURN. I should like to inquire what, in his judgment, is the significance of the fact that in section 8 of Article I the word "taxes" is not included within the limitation. Was there a special purpose to recall it?

The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties—

Mark it—"taxes" is omitted—

but all duties, imposts, and excises shall be uniform throughout the United States.

Was it intended that taxes should not come within the rule requiring uniformity?

Mr. BAILEY. That opinion was expressed in the Hylton case, and it was said that there may be taxes not direct and yet not falling within the definition of imposts, duties, and excises. The fact that the Constitution uses "taxes" followed by "imposts, excises, and duties," and then seems to divide taxes into direct and other taxes, would seem to imply that there may be taxes which are not direct and which do not fall within the terms imposts, duties, or excises.

Mr. HEYBURN. Not within the limitation?

Mr. BAILEY. Not within the limitation. And therefore, as was said in the Hylton case, governed by the will of Congress, and not subject to the rule of apportionment, as a direct tax, nor to the rule of uniformity, as excises, imposts, and duties are, nor by the rule of apportionment as direct taxes are.

Mr. HEYBURN. Did the first Congress which passed a revenue law—and it was the first act enacted by any Congress of the United States—intend to consider the exception when it provided:

On every coach, chariot, or other four-wheel carriage, and on every chaise, solo, or other two-wheel carriage, or parts thereof, fifteen per centum ad valorem.

That is the first enactment of the carriage tax law, and it was in the first bill. Now, did they not intend, or is it not a fair presumption that they intended, that that tax should be outside of the limitation contained in the provision of the Constitution?

Mr. BAILEY. Of course the Senator understands that the Hylton case arose, not under the act which he has just read, but under the act which the Senator from Minnesota read a few moments ago.

Mr. NELSON. I want to remind the Senator of the fact that that which the Senator from Idaho cited was a duty levied on imported carriages and not in the shape of the other tax which he has been discussing, and therefore it has no application.

Mr. BAILEY. I so understand.

Mr. NELSON. I wish further to add in this connection before I sit down that one of the judges of the Supreme Court—I can not now recall which one, but I am inclined to think it was Chief Justice Fuller—made a statement that there may be other taxes besides the direct tax and imposts and duties, but that so far Congress has been unable to discover such a subject of taxation.

Mr. BAILEY. Evidently the Chief Justice intended to negative that idea, because he said it had been suggested that there may be others, though Congress searching for objects of taxation through a hundred years has never found one.

Mr. HEYBURN. If the Senator will permit me, the application of my suggestion was to the argument of the Senator from Texas and not to the statute referred to by the Senator from Minnesota.

Mr. BAILEY. If the Senate rejects my income tax amendment, I shall draw a bill just like that old carriage tax, substituting automobiles for carriages and readjusting the rates; and I will see if we can not make these devotees of luxury pay some sort of tax.

THE HYLTON CASE DECIDED.

I am willing to admit that what was said about land and capitation taxes only being direct taxes was *obiter dicta*, for I can safely rest this debate on the unassailed and unassailable fact that the Supreme Court of the United States by a unanimous judgment has said that the Congress can levy a tax on personal property without apportioning it. It will, however, be instructive to read some extracts from these opinions.

Judge Chase said:

The Constitution evidently contemplated no taxes as direct taxes, but only such as Congress could lay in proportion to the census. The rule of apportionment is only to be adopted in such cases where it can reasonably apply, and the subject taxed must ever determine the application of the rule.

If it is proposed to tax any specific article by the rule of apportionment, and it would evidently create great inequality and injustice, it is unreasonable to say that the Constitution intended such tax should be laid by that rule.

I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax, simply, without regard to property, profession, or any other circumstance, and a tax on land. I doubt whether a tax, by a general assessment of personal property within the United States, is included within the term "direct tax."

Judge Patterson said:

Whether direct taxes, in the sense of the Constitution, comprehend any other tax than a capitation tax, and tax on land, is a questionable point. If Congress, for instance, should tax, in the aggregate or mass, things that generally pervade all the States in the Union, then, perhaps, the rule of apportionment would be the most proper, especially if an assessment was to intervene. This appears by the practice of some of the States to have been considered as a direct tax. Whether it be so under the Constitution of the United States is a matter of some difficulty; but as it is not before the court, it would be improper to give

any decisive opinion upon it. I never entertained a doubt that the principal, I will not say the only, objects that the framers of the Constitution contemplated as falling within the rule of apportionment were a capitation tax and a tax on land.

Justice Iredell said:

There is no necessity or propriety in determining what is or is not a direct or indirect tax in all cases.

Some difficulties may occur which we do not at present foresee. Perhaps a direct tax, in the sense of the Constitution, can mean nothing but a tax on something inseparably annexed to the soil—something capable of apportionment under all such circumstances.

A land or a poll tax may be considered of this description.

The latter is to be considered so particularly, under the present Constitution, on account of the slaves in the Southern States, who give a ratio in the representation in the proportion of 3 to 5.

Either of these is capable of apportionment.

In regard to other articles, there may possibly be considerable doubt.

It is sufficient, on the present occasion, for the court to be satisfied that this is not a direct tax contemplated by the Consitution in order to affirm the present judgment, since, if it can not be apportioned, it must necessarily be uniform.

I am clearly of opinion this is not a direct tax in the sense of the Constitution, and, therefore, that the judgment ought to be affirmed.

It thus appears that while there were some intimations of doubt in those opinions, these great and upright judges all inclined to the belief that a direct tax as contemplated by the Constitution included only a tax on land with its improvements and a capitation tax, and their opinion has been followed by all judges since then, and accepted by all text-writers of repute until the Pollock case.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Utah?

Mr. SUTHERLAND. Will the Senator permit me to ask him a question right here?

Mr. BAILEY. Certainly.

Mr. SUTHERLAND. The language of the constitutional provision, as I recall it, is that no capitation or other direct tax shall be laid, except in accordance with the rule of apportionment. As I understand the Senator's position now it is that, in using the words "direct tax," the Constitutional Convention intended to include but one form of tax, namely, a tax upon land or the improvements upon land.

Mr. BAILEY. I did not say that, because clearly, and within the very words of the Constitution, a capitation tax is a direct tax.

Mr. SUTHERLAND. I do not think I misstate it, because provision is already made for a capitation tax. The language is "no capitation or other direct tax." The capitation tax has already been covered in express terms. So I repeat that what the Senator understands, as I understand him, by the use of the words "direct tax" in the Constitution is that it was intended to include but one kind of tax, namely, a tax upon land. The question I desire to ask the Senator is this——

Mr. BAILEY. That is not a safe predicate for the Senator's question, because it does not exactly express my view. I said land and its improvements, and, of course, that leaves the question open as to whether the slave was a part of the land or not. It was held by many of the States in which slavery existed that he was part of the land. The slave, however, was clearly subject to a direct tax under the capitation clause. Now I will hear the Senator.

Mr. SUTHERLAND. The Senator has now stated the matter differently from the way I understood him originally. The question I was going to put to the Senator is this: If the Constitutional Convention intended to include but that one form of tax, namely, a tax upon land and improvements, in the Senator's opinion why was it that the Constitutional Convention did not plainly say a capitation tax and a tax upon land and improvements, which would have made it absolutely clear, instead of using an expression which seems to include a great deal?

Mr. BAILEY. They were making a constitution, and were necessarily confined to the use of general terms. The Senator does not forget the eloquent tribute which Marshall paid to the Constitution in that respect; and if these enumerations and restrictions had been used in one clause, the absence of them would have raised a doubt in other clauses, thus making our Constitution less admirable than it is.

Mr. SUTHERLAND. And yet, if the Senator will permit me, they did use the word "capitation" when, according to the Senator's contention, if I understand him, the word "capitation" is embraced in the words "direct tax." They enumerated it to that extent.

Mr. BAILEY. The Senator from Utah quotes the Constitution correctly, but he has overlooked the fact that the words "or other direct" were added without explanation or debate. It originally read, and as first agreed to by the convention it was, that "no capitation tax shall be laid except in proportion to the census or enumeration hereinbefore directed to be taken;" and upon the suggestion of some delegate the words "or other direct" were added out of an abundant caution. I think that circumstance sufficient to explain why they did not attempt a definition as the Senator suggests.

LEGISLATIVE CONSTRUCTION.

Mr. President, now let us see what has been the legislative construction of the Constitution. Of course, I understand that legislative precedents are not entitled to the same weight and do not possess the same authority as judicial ones, but they are certainly not without some value. Within two years after the opinion in the Hylton case Congress strongly indicated its full agreement with the court. On the 14th of July, 1798, Congress levied a direct tax of $2,000,000, and apportioned it among the several States. Did it treat personal property as an object of direct taxation? No, sir. That $2,000,000 of direct taxes was levied on land, houses, and slaves. It is inconceivable that if Congress had not understood and accepted the decision of the Supreme Court in the Hylton case, they would have levied that entire two million dollars of taxes—an enormous sum in that day, though it seems a mere trifle to us in this time when we spend so many millions—upon real property, the very species of property about which the people were most sensitive and would have exempted all personal property from the levy. It was only in pursuance of the well-settled opinion which then prevailed throughout the country, and in obedience to the decision in the Hylton case, which had held that personal property was not the subject of a direct tax, that Congress apportioned two millions among the several States and levied it upon lands and slaves—the slaves per capita, the land per acre.

In 1813 Congress passed a second direct tax law providing for $3,000,000; and in accordance with the doctrine of the Hylton case, which had been universally accepted by the statesmen of that generation, this tax was laid on land and slaves. James Madison was then President of the United States and though he had denounced the carriage tax of 1794 as unconstitutional he approved the act of 1813, thus evidencing his acquiescence in the court's construction of the Constitution.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Minnesota?

Mr. BAILEY. Certainly.

Mr. NELSON. I wish to call the Senator's attention to the fact, in connection with the laws which he cites, that in the law of 1798, levying a direct tax of two millions, in the law of 1813, levying an additional tax of two millions, and in the law of 1815, levying a tax of six millions, the levy was made upon the valuation of the land, and in none of them was there ever any attempt to levy upon the rent, or the income of the land.

Mr. BAILEY. That is true, and it forcibly illustrates that the rent of the land was not considered real estate in that day.

Mr. SUTHERLAND. The Senator, of course, is aware of the fact that before the first act imposing a direct tax was passed by Congress the whole matter was submitted to the Secretary of the Treasury, then Mr. Oliver Wolcott, jr., who gave an elaborate opinion to Congress upon the subject of the various plans that had been suggested; and in that opinion he discussed at great length the two propositions, first as to whether or not any direct tax should be imposed upon the various things which were the subject of taxation in the various States, or whether it should be limited to the land tax; and after discussing both propositions he gave it as his opinion that it would be more convenient for the reasons which he stated to impose it upon land.

I wish to ask the Senator whether he does not think, in view of that, that the first Congress proposed a direct tax upon land as a matter of convenience and not because it believed it to be the only subject of a direct tax.

Mr. BAILEY. I do not. The law providing that first direct tax was passed two years after the decision in the Hylton case and while it was fresh in the public mind. Under its authority they could not have laid a direct tax on personal property; or certainly they could not have laid it on all personal property, for whatever was subject to the tax imposed by the act of 1794 could not have been subjected to the tax imposed by the act of 1798; and it was not the recommendation of the Secretary of the Treasury, but it was the decision of the court in the Hylton case to the effect that personal property was not the subject of direct taxation which controlled Congress.

Mr. BEVERIDGE. Before the Senator leaves the Hylton case, will he please tell us—I have forgotten myself—how soon after that decision the carriage tax was repealed?

Mr. BAILEY. My recollection is that it was to expire by its own terms, and that it was repealed before its expiration.

Mr. BEVERIDGE. It was repealed, was it not, almost immediately after the enactment?

Mr. BAILEY. I am not sure of that, but I am sure of the general proposition that in that day they repealed every tax as soon as they could dispense with collections under it. I know that Congress repealed that tax, but I would not undertake to say without examination when it was repealed.

In 1815 Congress for a third time levied a direct tax, apportioned it among the several States, and provided for its assessment on lands with their improvements and slaves. This act called for $6,000,000 and, like the one of 1813, was approved by Mr. Madison. The fourth and the last direct tax was levied by Congress in 1861. It provided for $20,000,000, apportioned it among the several States, and directed its assessment upon lands and their improvements. There was no provision in that act for taxing slaves, because slavery did not exist in any State where that tax could be collected. The Congress of 1861 gave a most direct and positive proof that it did not consider personal property subject to a direct tax by omitting it, and it gave a still more direct and striking proof of its opinion that an income tax is not a direct tax by incorporating into that law a provision for a tax on incomes precisely in language and effect like that which I shall offer to the pending bill. It is not supposable that Congress would have separated the direct tax from an income tax if they had believed that the latter could have been included in the former. The Union then was about to engage in a desperate struggle for its life, and those charged with its preservation were seeking revenue from every source. They decided to tax, and they did tax, both real estate and incomes of every kind, but they taxed the one under the constitutional provision which governs direct taxation, and they taxed the other as an indirect tax, not requiring to be apportioned.

DECISIONS OF THE COURT.

This, Mr. President, is the legislative history of these several acts, and it makes it perfectly manifest to my mind that each of the Congresses through which they passed entertained the view for which I am contending. If this legislative history stood alone, the opponents of my proposition might affirm with some show of reason that it does not close the controversy; but, sir, fortunately for the cause of truth and justice, it does not stand alone, and the courts have repeatedly construed one of those acts. The first case which reached the Supreme Court involving the precise question of whether an income tax is a direct tax arose under the act of 1864, and is reported in Seventh Wallace, under the style of the Pacific Insurance Company *v.* Soule. The insurance company did not originally dispute the validity of the law, but made its return under it and offered to pay its tax, amounting to more than $5,000. The income of that company had been received in gold, and the tax collector demanded that it should be measured in currency, which would have made the tax $7,365 instead of $5,376. The people of California never looked with much favor on the legal-tender acts, and the notes issued under them never circulated very freely in that State. Even after the war had closed, and we described in nearly all of the other sections the difference between gold and greenbacks as a premium on gold, the people of California always described it as a discount on paper.

The insurance company tendered, as I have already stated, to the officer of the Government the amount of its tax as it claimed a right to discharge it, but the officer refused to accept it and demanded more than $1,900 above the amount which had been tendered. This was the difference which sent the disagreeing parties to court; but as it always happens when a lawyer is compelled to go into the court to defend his client, he raises every issue which offers him any hope of winning his case, and following that lawyer's habit they attacked the validity of the law itself as well as the construction of the statute. The attorneys for the insurance company filed an elaborate brief containing substantially every argument which was afterwards made in the Pollock case. But the court rejected them all without hesitation and without division.

The question presented was thus stated in the opinion:

> The sixth question is:
> Whether the taxes paid by the plaintiff, and sought to be recovered back in this action, are not direct taxes, within the meaning of the Constitution of the United States.

The court then proceeds to recapitulate the constitutional provisions relating to the subject, and after reviewing the Hylton case, concludes its opinion in these words:

> To the question under consideration it must be answered that the tax to which it relates is not a direct tax, but a duty or excise; that it was obligatory on the plaintiff to pay it.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Idaho?

Mr. BAILEY. I do.

Mr. BORAH. I simply want to suggest to the Senator from Texas that in the facts which were presented to the court in the case to which he has just referred, it was shown that the income derived in part in that case was derived from real estate, and that matter was particularly impressed upon the court at the time of the presentation of the case.

Mr. BAILEY. That is true; and I intended, without stopping to read them, to put some of those statements in the RECORD. I will, however, now take the time to read that part of the syllabus which says:

> The income tax or duties laid by sections 105 and 120 of the act of June 30, 1864, and the amendment thereto of July 13, 1866, upon the amounts insured, renewed, or continued by insurance companies upon the gross amounts of premiums received, and assessments made by them, and also upon dividends, undistributed sums, and income is not "a direct tax," but a duty or excise.

I might add that Mr. Evarts was the Attorney-General of the United States, and in arguing this case, relied entirely on the Hylton case as to the character of the tax.

The question of what is a direct tax was next presented to the court in the case of the Veazie Bank *v.* Fenno, reported in Eighth Wallace, and the court reaffirmed the Hylton and the Insurance Company cases. This case was argued for the bank, as I remember, by Reverdy Johnson, one of the great lawyers of the American bar; and it was argued on behalf of the Government by Mr. Hoar, who was the Attorney-General under Grant's administration and, as I remember it, a brother of the venerable Senator from Massachusetts who was so long an honored Member of this body.

Again, the case upon which the Government relied was the Hylton case, fortified by the Pacific Insurance Company case, which I have just cited, and in reply to the argument of the Attorney-General, Mr. Johnson declared that "the dicta of the judges made it obvious that the great question of direct taxes was crudely considered." How did the court answer that criticism of the Hylton case? Here it is, and, to save my voice, I will ask the Secretary to read from page 541, where the pencil mark begins, to the pencil mark on page 544.

The VICE-PRESIDENT. The Secretary will read as indicated.

The Secretary read as follows:

> Much diversity of opinion has always prevailed upon the question, What are direct taxes? Attempts to answer it by reference to the definitions of political economists have been frequently made, but without satisfactory results. The enumeration of the different kinds of taxes which Congress was authorized to impose was probably made with very little reference to their speculations. The great work of Adam Smith, the first comprehensive treatise on political economy in the English language, had then been recently published; but in this work, though there are passages which refer to the characteristic difference between direct and indirect taxation, there is nothing which affords any valuable light on the use of the words "direct taxes" in the Constitution.
>
> We are obliged, therefore, to resort to historical evidence, and to seek the meaning of the words in the use and in the opinion of those whose relations to the Government and means of knowledge warranted them in speaking with authority.
>
> And, considered in this light, the meaning and application of the rule as to direct taxes appears to us quite clear.
>
> It is, as we think, distinctly shown in every act of Congress on the subject.
>
> In each of these acts a gross sum was laid upon the United States, and the total amount was apportioned to the several States, according to their respective numbers of inhabitants, as ascertained by the last preceding census. Having been apportioned, provision was made for the imposition of the tax upon the subjects specified in the act, fixing its total sum.
>
> In 1798, when the first direct tax was imposed, the total amount was fixed at $2,000,000; in 1813 the amount of the second direct tax was fixed at three millions; in 1815 the amount of the third at six millions, and it was made an annual tax; in 1816 the provision making the tax annual was repealed by the repeal of the first section of the act of 1815, and the total amount was fixed for that year at $3,000,000. No other direct tax was imposed until 1861, when a direct tax of $20,000,000 was laid and made annual, but the provision making it annual was suspended, and no tax except the first laid was ever apportioned. In each instance the total sum was apportioned among the States by the constitutional rule, and was assessed at prescribed rates on the subjects of the tax. These subjects in 1798, 1813, 1815, 1816 were lands, improvements, dwelling houses, and slaves, and in 1861 were lands, improvements, and dwelling houses only. Under the act of 1798 slaves were assessed at 50 cents on each; under the other acts, according to valuation by assessors.
>
> This review shows that personal property, contracts, occupations, and the like, have never been regarded by Congress as proper subjects of direct tax. It has been supposed that slaves must be considered as an exception to this observation, but the exception is rather apparent than real. As persons, slaves were proper subjects of a capitation tax, which is described in the Constitution as a "direct tax;" as property, they were, by the laws of some, if not most, of the States, classed as real property, descendible to heirs. Under the first view, they would be subject to the tax of 1798 as a capitation tax; under the latter, they would be subject to the taxation of the other years as realty.
>
> That the latter view was that taken by the framers of the acts after 1798 becomes highly probable when it is considered that in the States where slaves were held much of the value which would otherwise have attached to land passed into the slaves. If, indeed, the land only had been valued without the slaves the land would have been subject to much heavier proportional imposition in those States than in States where there were no slaves, for the proportion of tax imposed on each State was determined by population, without reference to the subjects on which it was assessed.
>
> The fact, then, that slaves were valued, under the acts referred to, far from showing, as some have supposed, that Congress regarded personal property as a proper object of direct taxation under the Constitu-

tion, shows only that Congress after 1798 regarded slaves for the purpose of taxation as realty.

It may be rightly affirmed, therefore, that in the practical construction of the Constitution by Congress direct taxes have been limited to taxes on land and appurtenances and taxes on polls, or capitation taxes.

And this construction is entitled to great consideration, especially in the absence of anything adverse to it in the discussions of the convention which framed and of the conventions which ratified the Constitution.

Mr. BAILEY. Could anything be more directly in point than this? Let me repeat one paragraph of it:

It may be rightly affirmed, therefore, that in the practical construction of the Constitution by Congress, direct taxes have been limited to taxes on land and appurtenances and taxes on polls, or capitation taxes.

And again, beginning on page 546, the court says:

The tax under consideration is a tax on bank circulation, and may very well be classed under the head of duties. Certainly it is not, in the sense of the Constitution, a direct tax. It may be said to come within the same category of taxation as the tax on incomes of insurance companies, which this court at the last term, in the case of Pacific Insurance Company *v.* Soule, held not to be a direct tax.

I am certain that the concluding sentence of that extract has not escaped the special attention of the Senate, but it will not be amiss for me to read it again and emphasize it:

It may be said to come within the same category of taxation as the tax on incomes of insurance companies, which this court at its last term, in the case of Pacific Insurance Company *v.* Soule, held not to be a direct tax.

The next case to reach that court was that of Scholey *v.* Rew, reported in Twenty-third Wallace. It involved the tax on inheritances, which was resisted on the ground that—

It is within the prohibitions of the Constitution, which ordain that—"Direct taxes shall be apportioned among the several States * * * according to their respective numbers."

The court sums up the contention against the law and dismisses it in these words:

Whether direct taxes in the sense of the Constitution comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include the tax on income, which can not be distinguished in principle from a succession tax such as the one involved in the present controversy.

And thus this court declares that a succession tax is in principle the same as an income tax, and sustains the succession tax, which was assailed in the Scholey case, upon the same ground that it had sustained the income tax in the insurance company case.

The next case, Mr. President, that came to the court is that of Springer *v.* The United States. There are Senators here who served in the House of Representatives with the distinguished defendant in that case below. The late William M. Springer, a citizen of Illinois, and for years a Member of the House from that State, refused to pay the income tax assessed against him, declaring that the law directing the assessment was unconstitutional and void. The Government of the United States levied on his homestead in the city of Springfield, sold it, purchased it at execution sale, and brought an action of ejectment against him. It was on that action of ejectment that this case came to the Supreme Court of the United States. Here was a direct, positive, unequivocal attack upon the constitutionality of an income-tax law, just such as I am proposing now. I doubt if any brief ever filed in the Supreme Court of the United States on this question was more elaborate than the brief of Springer. It is said that he prepared it for himself, and he exhausted the learning on the subject. He called to his aid every political economist who had ever touched upon the question, and many of them have discussed it. He searched the debates of the federal convention. He searched the debates of the state conventions that ratified the Constitution. He left nothing unsaid that could be said.

The great lawyers who tried the Pollock case added nothing new to what had been said in the Springer case. It was heard by a full bench and decided unanimously, just as the other cases to which I have referred were decided, except in the case of the Veazie Bank *v.* Fenno, and the dissent of Justice Nelson and Justice Davis in that case did not touch the question which I am now discussing. They dissented upon the ground that the law involved in that was an attempt by the Federal Government to destroy an institution which the States in the exercise of their sovereign power had a full and perfect right to create. Except in that case and upon that question, irrelevant to this discussion, every one of these cases has been decided by a unanimous court. The opinion in this Springer case was delivered by Justice Swayne, and here is the way he states the question presented for the court's decision:

Was the tax here in question a direct tax? If it was, not having been laid according to the requirements of the Constitution, it must be admitted that the laws imposing it and the proceedings taken under them by the assessor and collector for its imposition and collection were all void.

He then proceeded to argue the question, and this is the conclusion of the whole matter. Hear it, Senators. It could not be more directly, more distinctly, and more unequivocally expressed:

Our conclusions are that direct taxes, within the meaning of the Constitution, are only capitation taxes, as expressed in that instrument, and taxes on real estate; and that the tax of which the plaintiff in error complains is within the category of an excise or duty.

What was the tax of which the plaintiff in error complained? It was an income tax drawn almost word for word as the amendment which I have offered; and that unanimous judgment of the court, pronouncing in favor of the validity of that law, stripped this American citizen of his homestead.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from South Dakota?

Mr. CRAWFORD. Only for a question.

Mr. BAILEY. I do.

Mr. CRAWFORD. I am very much interested in the Senator's argument. In connection with the Springer case, the distinguished Senator may develop this point, and if he has it in his mind he will pardon me for making it here.

In the opinion in the Pollock case I think Mr. Chief Justice Fuller undertakes to distinguish that case by saying that the income of Springer was to quite a large extent a professional income—he was a practicing lawyer—and therefore it was an excise, and the case could be sustained on that ground, eliminating that part of it which was derived from real estate.

Mr. BAILEY. That is one of the inconsistencies between the first and second opinions in the Pollock case which I intend to discuss at some length when I reach the second opinion. But in orderly sequence I must first consider the original opinion.

Senators will, of course, recall that on the original hearing the court decided that a tax on the income derived from real estate is, in law, a tax on the real estate itself, and therefore a direct tax, which Congress does not possess the constitutional competence to levy except by apportioning it among the several States according to their population. In other words, the court decided that an income derived from real estate is real estate, and to establish that doctrine the Chief Justice, speaking for the court, relied upon an ancient and undisputed rule of the feudal law which declares that—

If a man seized of land in fee by his deed granteth to another the profits of those lands, to have and to hold to him and his heirs, and maketh livery secundum formam chartæ, the whole land itself doth pass.

That is true, but it was not relevant to that case, because there the owner did not grant, nor did the law demand, the profits of any man's land forever. It took but a fraction of the rent, and took that only from year to year; and the exaction might have been released at any time that Congress saw fit to repeal the law. Not only was this quotation from the common law inapt and insufficient to support the decision if there had been no adjudications upon that point, but that very question has passed under review more than once in the highest courts of several States. I shall, however, leave the examination and discussion of those cases to the Senator from Idaho, who, as I happen to know, has given that subject special attention; and I leave them to him in the full confidence that he can present them to the satisfaction of the Senate.

Before dismissing this first decision, however, I desire to submit some practical arguments which seem to me both applicable and conclusive against it. If I should lease my plantation to a tenant, agreeing to take as rent one-fourth of the cotton that he might raise, will any man assert that after he had picked the cotton and delivered it to me it is real estate? As long as the cotton plant is growing, or as long as the cotton is still on the plant, it forms a part of the land, and if I should sell the plantation, the cotton in that state would pass with the land itself; but after it has been picked and ginned all connection between it and the soil upon which it was grown has been completely severed and it is personal property both in fact and in law. Let me analyze the proposition in another form: Suppose I rent my farm to a tenant for a thousand dollars per annum; he pays me the money and I place it in the bank to my credit and use it to meet my current expenses. Does any man suppose that I am spending real estate when I spend that money? Will any layman say it as a matter of fact, or will any lawyer say it as a matter of law? And yet this decision says it. When a western landowner rents his farm to be used for growing wheat and agrees to take his pay in money or in a part of the crop, does he consider that it is real estate when he has received the wheat or money and sold the one or spent the other? The learned Chief Justice when writing that opinion overlooked the fundamental and essential distinction between the right to receive rent and the proceeds of that right after reduced to possession.

It is true that the right to rent is what the law calls an "incorporeal hereditament," and when that right has been violated or denied, a real-estate action was the proper remedy at common law; but when the rent has once been delivered to the landlord it bears no relation to the land for the use of which it has been paid. But while the court ignored that distinction, the law did not, because the statute levies no tax upon any income from land until after it had been paid by the lessee and received by the lessor. And under a law so worded the income received from land can not be considered real estate in law any more than it can in fact. Let me test the soundness of the court's reasoning by one more illustration.

The distinguished Senator from Mississippi [Mr. MCLAURIN] who sits before me is a great criminal lawyer—one of the greatest in all this country. I knew him in my native State of Mississippi, where I have seen him in the courts, and if my life were at stake I would rather have him to defend me than any man I have ever known; and I put this question to him: Does he think that a conviction could be secured under an indictment, charging the theft of land, by proving that the defendant had stolen money which had been collected from a tenant as rent? And yet, Mr. President, in order to hold the law of 1894 invalid the court was compelled to decide that rent after it had been reduced to the landlord's possession and applied to the landlord's use was still real estate.

In this first decision the court held the tax on incomes from real estate invalid, but was unable to reach a decision on the other questions, because on those other questions the judges were equally divided. Those questions were—

First, Whether the void provision as to rents and income from real estate invalidated the whole act;

Second, Whether as to the income from personal property, as such, the act is unconstitutional as laying direct taxes; and

Third, Whether any part of the tax, if not considered as a direct tax, is invalid for want of uniformity on either of the grounds suggested.

With these grave questions plainly involved in the case and left undecided, it was not surprising that a motion for a rehearing was filed and granted; and upon that rehearing the court decided the second question, which had been left in doubt by the first decision, and the first question, of course, followed a decision of the second. While I think that the court was wrong in holding that the law was unconstitutional in so far as it levied a tax on the income from real estate and from personal property, I have no doubt that after so deciding they ought to have nullified the entire law, because I think it certain that Congress would never have taxed incomes derived from brain and muscle while leaving the incomes from vast accumulations of property untouched. The third question was not discussed in the second opinion, because the other two questions disposed of the case; but as nothing was said concerning it, we are left to assume that four of the judges still adhered to the opinion that the law was void for a lack of uniformity.

THE SECOND POLLOCK DECISION.

I have now reached the rehearing, and I will proceed at once to answer the suggestion of the Senator from South Dakota [Mr. CRAWFORD]. In order that I may answer it fairly both to the court and to the Senate, perhaps I ought to state it in the exact language of the opinion, which is this:

> The statement of the case in the report shows that Springer returned a certain amount as his net income for the particular year, but does not give the details of what his income, gains, and profits consisted in. The original record discloses that the income was not derived in any degree from real estate, but was in part professional as attorney at law and the rest interest on United States bonds. It would seem probable that the court did not feel called upon to advert to the distinction between the latter and the former source of income, as the validity of the tax as to either would sustain the action.

That attempt to distinguish the Springer case from the case then at bar was made in the first opinion and might be treated as possessing some merit if the second opinion had not followed. I mean to say, that as in the first opinion the court merely invalidated the tax on incomes received from real estate and left all other provisions of the law to stand, it was permissible to say that the tax in the Springer case could have been sustained as a tax on professional income. But when in the second opinion the court went further and, holding the tax on incomes from personal property also unconstitutional, declared the entire law void and of no effect, it rendered the distinction drawn in the first opinion utterly ridiculous.

The law under which Springer's home was sold and which he resisted as unconstitutional levied a tax on incomes of every kind, specifically enumerating rents, and including in a blanket provision incomes derived from every other source. If therefore the entire law under consideration in the Pollock case was unconstitutional and void, as was decided upon the reargument and stated in the second opinion, then it must necessarily follow that the law of 1864 was also void in toto and a tax on Springer's professional income could not have been sustained. In other words, and in plain words, it is simply absurd to say that a professional or any other kind of an income can be taxed under a law which is unconstitutional and void; and I am sure that if Chief Justice Fuller had known when he was writing his first opinion that the case would be reheard and decided according to the second opinion he would never have attempted the distinction to which the Senator from South Dakota has alluded. The act of 1864 was substantially identical with the act of 1894, and if the latter was unconstitutional the former could not have been a valid law, and a tax on professional incomes could not have been collected under it. Will any Senator contend that any kind of tax could have been assessed and collected under the act of 1894 after the court's second decision? Plainly it could not, for after deciding that its tax on the incomes from real estate and personal property was unconstitutional, it held the statute void from the enacting clause to the conclusion, and it could give no right to any officer nor impose any burden on a citizen.

If that decision is sound in law and logic, then certainly Springer could not have been compelled to pay any tax under the act of 1864, and this Republic despoiled him of his property without the shadow of a right and in violation of our organic law. The first decision in the Pollock case did leave, I grant you, the right to tax incomes derived from professional services as well as the incomes derived from personal property, and under that decision the distinction between the Springer and the Pollock cases might have been maintained; but it taxes our charity too much to ask us to believe that the justices who subscribed to the second decision in the Pollock case could not have been entirely candid in making the distinction between the Springer and the Pollock cases in their first opinion.

Not only is the second decision in the Pollock case in direct and irreconcilable conflict with the Springer case, but it is inconsistent with the first opinion in the Pollock case. It is true enough that the court equally divided on the question as to whether a tax on the income of personal property is a direct tax, and the four judges who voted to affirm that doctrine in the first case are not embarrassed by the decision upon the rehearing; but in the opinion, Chief Justice Fuller, speaking for his brothers who agreed with him, excused them for refusing to hold that a tax on the income from personal property was direct after they had decided that an income on real estate was a direct tax. This is his language:

> We admit that it may not unreasonably be said that logically, if taxes on the rents, issues, and profits of real estate are equivalent to taxes on real estate, and are therefore direct taxes, taxes on the income of personal property as such are equivalent to taxes on such property, and therefore direct taxes. But we are considering the rule stare decisis, and we must decline to hold ourselves bound to extend the scope of decisions—

Thus, Mr. President, the court in that first opinion conceded that the uniform decisions had been that a tax on the income of personal property is not a direct tax; but one of the justices had now changed his opinion, and these cases were to be reversed.

Mr. RAYNER. Will the Senator allow me?

Mr. BAILEY. Certainly.

Mr. RAYNER. Does not the Senator think that Justice Brown changed his views between the first and the second case? Can you read his opinion in the second case without coming to that conclusion?

Mr. BAILEY. I feel perfectly sure that it was not Justice Brown.

Mr. RAYNER. I am not talking about the second change of opinion. If the Senator recollects, in the first case there were two dissenting opinions—one by Justice Harlan, the other by Justice White. I think that is right.

Mr. BAILEY. Justice Harlan concurred in the dissenting opinion of Justice White, and added a further statement of his own.

Mr. RAYNER. And Justice Brown, according to the record, stood with the majority.

Mr. BAILEY. I think the Senator will find there is nothing in the record to that effect.

Mr. RAYNER. There is no dissenting opinion of Justice Brown in this case.

Mr. BAILEY. That is true.

Mr. RAYNER. No one can read the dissenting opinion of Justice Brown in the second case without coming to the conclusion that he changed his mind between the argument of the first case and the argument of the second case on the whole proposition, both as to real and personal property.

Mr. BAILEY. It is generally supposed, and it has been frequently said, that Justice Shiras was the justice who changed his opinion, though I have information which leads me to think otherwise.

Mr. RAYNER. If the Senator will allow me, I am not speaking of that. Of course, there is a difference of opinion there.

Mr. BAILEY. I understand now. I thought the Senator was alluding to the other change of opinion.

Mr. RAYNER. Not at all. I want to call attention to this, because it is a matter of some importance. There has been a question whether Justice Shiras or Justice Gray changed in the second case, but what I want to get at is this: In reading Justice Brown's dissenting opinion in the second case I arrive at the conclusion that he made up his mind to dissent from the majority in the first case.

Mr. BAILEY. I feel sure that if Justice Brown had so far changed his opinion that he felt it incumbent upon him to write a dissenting opinion on the rehearing he would have been candid enough to have said so. That is the reason I am not able to believe he changed his opinion. I do not say it was Justice Shiras who changed his opinion; for I have it from very reputable men who were close to him that he was not the man; and I have heard it said that it was Justice Gray. I understand the rule which forbids the judges to discuss in public or elsewhere what takes place in their conference room, and I do not propose to discuss it here. It is enough for me to know that some justice changed his opinion, because in the first opinion the court expressly stated that on the three questions which I have specified the court was equally divided. Between the first and the second argument or between the first and the second opinion Justice Jackson rose from a sick bed to take part, and if they had still been 4 and 4 Justice Jackson, coming into the case for the first time, would have given a majority in favor of the law's validity as to personal property. But notwithstanding the fact that Justice Jackson, who had been sick and absent when the court stood 4 to 4, appeared and participated, somebody changed; and the court, with Justice Jackson present, then stood 5 to 4.

Mr. RAYNER. Will the Senator allow me to read just a few lines?

Mr. BAILEY. Certainly.

Mr. RAYNER. I suppose my suggestion is understood—that Justice Brown must have changed his opinion in the first case. As I recollect it, there were two dissenting opinions, one opinion by Justice White and the other by Justice Harlan. That is correct, is it not—two dissenting opinions? That left the court ostensibly 6 to 2, Justice Jackson being sick at the time. It left six judges apparently upon the record with the majority and two with the minority. Now, Judge Brown gave no dissenting opinion, and therefore under the record stood with the majority. Let me read a few lines from his dissenting opinion in the second case, which shows beyond all question that he changed his mind if he was with the majority in the first case:

> But, however this may be, I regard it as very clear that the clause requiring direct taxes to be apportioned to the population has no application to taxes which are not capable of apportionment according to population. It can not be supposed that the convention could have contemplated a practical inhibition upon the power of Congress to tax in some way all taxable property within the jurisdiction of the Federal Government for the purposes of a national revenue. And if the proposed tax were such that in its nature it could not be apportioned according to population, it naturally follows that it could not have been considered a direct tax, within the meaning of the clause in question.

Mr. BAILEY. All of that is excellent, but it merely repeats in somewhat varying form the argument originally made by Justice Chase in the Hylton case. I do not know what justice changed. I regret that anyone did so, but I know that the wisest and the most honest men change their opinions, and I do not hesitate to say that when an honest man changes his opinion he ought to change his position, and I will never criticise him for doing so.

Mr. RAYNER. I merely want to suggest to the Senator—perhaps I have not made myself understood—that he has one more judge in his favor than the record shows. My opinion is—I may be entirely wrong—that Justice Brown was with the majority really in the first case. May I ask the Senator a question for information?

Mr. BAILEY. Certainly.

Mr. RAYNER. I wish to ask the Senator's opinion, outside of the decisions, as to the construction of the clause in the Constitution. Does the Senator think that a tax on personal property—I am not now speaking of a tax on the income of personal property—is a direct tax?

Mr. BAILEY. I do not. Under the decisions and under the legislation of Congress I think we are bound, so far as precedents and authority can bind us, to conclude that the only direct tax within the meaning of the Constitution is a capitation tax and a tax on land with its improvements. As an original matter I might, as I have said before, have found some difficulty in reaching that conclusion, but in the light of the uniform and unvarying legislation of Congress, thus expressing its opinion, and in the light of the uniform and unvarying decisions of the court up to the Pollock case, I do not think the matter is left open to a doubt.

Let me say, and perhaps it does not become a Senator to say it, that I do not undervalue what is called the "legislative construction of the Constitution." I know it will always happen that in every Congress there are many lawyers as upright and as wise as those who sit upon the Supreme Bench. They are not under the same solemn and high obligation, I grant you, to study and understand the law, but there are in every Congress a number of men exceeding the number who constitute the Supreme Court equal to them as lawyers and superior to many of them.

I stated yesterday afternoon that I have never doubted the honesty of the Supreme Court or of any justice of it, but I have doubted their wisdom very often. I know they are honest, but I do not think that they are infallible, and this legislative construction is quite as persuasive to me when acquiesced in a long time as any other interpretation. It is such as Andrew Jackson declared ought to bind the Executive's conscience and control his judgment. He said, and others have repeated it since his time, that any construction of the Constitution generally received and acquiesced in for a long time ought to be accepted, and for that reason, if for no other, I accept the construction of the Constitution, which excludes everything but a capitation tax and a real-estate tax from the operation of the rule which requires them to be apportioned.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Texas yield to the Senator from Utah?

Mr. BAILEY. Certainly.

Mr. SUTHERLAND. I will not interrupt the Senator unless he is quite willing.

Mr. BAILEY. I am perfectly willing to answer the Senator from Utah.

Mr. SUTHERLAND. The Senator has been discussing again the legislative construction of this provision of the Constitution. I understood him to say in an earlier part of his argument that the Congress of the United States, in providing for this direct tax, was following the Hylton decision. I called attention to the fact that the first imposition of a tax of this character was only a year or two after the Hylton decision. I called the Senator's attention then to the report which had been requested by Congress of the then Secretary of the Treasury, and I have now before me the language of the resolution of the House submitting these questions to the Secretary of the Treasury, as follows:

> The duty enjoined is to "report a plan for laying and collecting direct taxes by apportionment among the several States agreeably to the rule prescribed by the Constitution, adapting the same as nearly as may be to such objects of direct taxation and such modes of collection as may appear by the laws and practice of the States, respectively, to be most eligible in each."

Evidencing, as I claim, the intention on the part of Congress to submit to the Secretary of the Treasury the question whether or not the direct tax should be imposed upon the various things which were the subject of direct taxes in the various States, which included not only lands, but incomes upon lands and personal property.

Mr. BAILEY. Those of us who are familiar with methods of legislation know how unsafe it would be to draw any important inference from the form of a resolution that might be passed here and addressed to the head of any department. The Senator from Utah is himself a careful legislator and attentive, and yet how often do we pass resolutions here without his knowing even the subject-matter of them! Resolutions asking for information can do no harm, and consequently they seldom or never provoke any thorough discussion; and few, if any, Senators outside of the particular committee which reports them or the individual Senator who has proposed them ever attends closely to their phraseology. For that reason I attach little importance to that resolution. But I do attach importance to the fact that when the Congress came to raise money by a system of taxation, they adopted as a criterion the one intimated partly, and partly decided, in the Hylton case, and followed from that time until the Pollock case.

Now, let me put this question to the Senator. The first act was passed in 1798, while John Adams was President. John Adams was an illustrious character, who wrote learnedly about our institutions in every respect. That act levied a tax on land and slaves. Now, according to the northern view rather than according to the southern view, slaves were personal property, though in almost every one of the Southern States they descended the same as real property. But is it thinkable that the southern men would have consented to a tax on slaves if

other kinds of personal property had been considered subject to a direct tax?

I do not say they could have prevented it, because then, as afterwards, they were in a minority, but I do say that if the southern statesmen of that generation—and they embraced men of the highest character and the greatest ability—had supposed that all kinds of personal property were subject to that direct tax, is it to be supposed that they would have occupied their seats without a protest and allowed the personal property of their people to be taxed when no tax was levied upon the personal property of their compatriots in other sections of the Union?

Mr. SUTHERLAND. They may have considered it a capitation tax.

Mr. BAILEY. That could not have been the reason, because if it had been laid as a capitation tax Congress would have been compelled to lay it in Rhode Island and Massachusetts, the same as in Mississippi, for you must apportion a capitation tax according to the census, precisely as you must apportion any other direct tax. So that explanation does not explain.

The only conceivable explanation is that the men who occupied seats in Congress at that day believed then, as I believe now, that the only direct tax was on real property or per capita, and the reason they levied a tax on the slave was that they treated him as real property under the law of almost every State where slavery existed.

With this unbroken line of decisions, Mr. President; with this unanimous opinion in every case up to the very last, is it asking too much of the American Congress to demand, on behalf of the American people, that this matter be resubmitted to the Supreme Court? It was decided by a vote 5 to 4; and I can say, without intending any invidious comparison, that however great the men who constituted the majority were, they did not outweigh in brain and character the men who made up the minority. With the scales of justice so evenly trembling in the balance, is it too much to ask that there shall be a reconsideration? The lawyers who protested against the tax and represented private greed exercised the right of petitioning that great court for a rehearing of the case. They obtained it, and on that rehearing one justice changed his mind and gave the court's decision against the people. I do not say this to impeach the integrity of that judge, or to bring reproach upon the court; I state as a reason for my hope that on the next rehearing several upright judges may change their minds, and that the next time the change will be in behalf of justice toward all the people and not to help the greedy rich escape the law's just tribute.

Mr. President, I thank the Senate for its long and patient attention; and I am done.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 43 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, April 28, 1909, at 12 o'clock meridian.

SENATE.

WEDNESDAY, *April 28, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. NELSON presented memorials of sundry retail jewelers of St. Paul, Duluth, and Minneapolis, all in the State of Minnesota, remonstrating against an increase of the duty on imported watches, which were ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 1479) granting an increase of pension to Elizabeth Streit, which were referred to the Committee on Pensions.

Mr. CULLOM presented petitions of sundry tanners, jobbers, manufacturers, and dealers in leather goods, of Chicago, Ill., praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a petition of Local Union No. 23, International Typographical Union, of Milwaukee, Wis., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Milwaukee, Cudahy, Trade Lake, and St. Francis, all in the State of Wisconsin, praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Milwaukee, Wis., praying for the removal of the duty on hides, which was ordered to lie on the table.

Mr. BROWN presented petitions of sundry citizens of Spalding, Lebanon, and Waco, all in the State of Nebraska, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented sundry affidavits to accompany the bill (S. 989) granting a pension to Nellie A. Getchell, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 551) granting an increase of pension to Asa J. Clothier, which was referred to the Committee on Pensions.

Mr. DICK presented petitions of the Business Men's Association of Barberton; of the Chamber of Commerce of Akron, Ohio; and of the National Grange, Patrons of Husbandry, of Concord, N. H., praying that an appropriation be made for the improvement of the public highways of the country, which were referred to the Committee on Agriculture and Forestry.

He also presented the petition of George E. Hibbard, of Chicago, Ill., praying for the enactment of legislation to provide for the temporary government of the Isle of Pines, Cuba, which was referred to the Committee on Foreign Relations.

He also presented petitions of Local Lodges Nos. 668, 441, 1013, 1114, 730, 177, 68, 94, 376, 285, 477, 833, and 147, of Xenia, Massillon, Bellevue, Zanesville, Norwalk, Ironton, Canton, Tiffin, Barberton, Coshocton, Sandusky, Marietta, Troy, and Defiance, all of the Benevolent and Protective Order of Elks in the State of Ohio, praying for the enactment of legislation to create a national reserve in the State of Wyoming for the care and maintenance of the American elk, which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the Board of Trade of Niles, Ohio, and a petition of the Board of Trade of Middleport, Ohio, praying that an appropriation be made for the improvement of the national waterways of the country, which were referred to the Committee on Commerce.

He also presented petitions of the American Ceramic Society, of Columbus, Ohio, praying that an increased appropriation be made for the technological branch of the United States Geological Survey, at Pittsburg, Pa., for the purpose of testing the clay industry, which were referred to the Committee on Appropriations.

He also presented a petition of the Council of Jewish Women, of Cincinnati, Ohio, praying for the passage of the so-called "children's bureau bill," which was referred to the Committee on Education and Labor.

He also presented a memorial of the Cooperative Trades and Labor Council, of Hamilton, Ohio, remonstrating against the decision of the Supreme Court of the District of Columbia in imposing a jail sentence on Messrs. Gompers, Mitchell, and Morrison, which was referred to the Committee on the Judiciary.

He also presented a petition of the Society of Architects, of Columbus, Ohio, praying that the Lincoln Monument be erected on the site near the Union Station, Washington, D. C., as recommended by the Park Commission, which was referred to the Committee on the Library.

He also presented a memorial of sundry employees of the tin-plate mills of Martins Ferry, Ohio, remonstrating against the drawback feature contained in the so-called "Payne tariff bill" relative to tin plates, which was ordered to lie on the table.

He also presented petitions of sundry lithographers of the United States, praying for an increase of the duty on lithographic products, which were ordered to lie on the table.

He also presented a petition of sundry employees of the Novelty Cutlery Company, of Canton, Ohio, praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

He also presented a petition of Local Union No. 601, of Coshocton, Ohio, and a petition of Local Union No. 364, of Warren, Ohio, International Typographical Union, praying for a reduction of the duty on wood pulp and print paper, which were ordered to lie on the table.

He also presented a petition of sundry employees of the Williams Shoe Company, of Cincinnati, Ohio, praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented memorials of sundry importers of millinery and straw goods of Cleveland, Cincinnati, and Columbus, all in the State of Ohio, remonstrating against the repeal of the duty on millinery, which were ordered to lie on the table.

He also presented a memorial of sundry iron and steel roofing workers of Youngstown, Ohio, and a petition of the Iron and Steel Roofing Company of Youngstown, Ohio, remonstrating against a reduction of the duty on sheet iron and steel, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Defiance County, Ohio, remonstrating against the imposition of a duty on essential oils, drugs, etc., which was ordered to lie on the table.

He also presented petitions of sundry shoe and harness dealers of Piqua, Ohio, praying for the repeal of the duty on hides, which were ordered to lie on the table.

He also presented a memorial of sundry importers and jobbers of tea of Boston, Mass., remonstrating against the imposition of a duty on tea, which was ordered to lie on the table.

He also presented a joint memorial of the legislature of Wyoming, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

House joint memorial 3, relating to homestead laws.

Memorial to the Senate and House of Representatives of the United States.

Be it resolved by the house of representatives of the legislature of Wyoming (the senate concurring):

Whereas it has been demonstrated that the homestead act providing for the entry and settlement of 160 acres of public land by a qualified entryman does not cover the needs and reach all the conditions in the arid and semiarid sections of the West, owing to soil and climatic circumstances not considered when the homestead law was passed:

Whereas in the higher altitudes of the Rocky Mountain West the moisture rarely exceeds 12 inches, the seasons are short and the precipitation variable in quantity and uncertain during the growing season;

Whereas these facts render it necessary to conserve according to the most scientific methods all the moisture that falls in winter, spring, and summer, thus requiring that at least one-half of the tillable area lie fallow each alternate season; and

Whereas the farmer who undertakes to establish a home and make a living for himself and family in a region in which the greatest natural obstacles must be overcome, can not with safety depend alone on his crops, but must have some grazing land: Now, therefore, be it

Resolved, That the house and senate of the Wyoming legislature, by joint memorial, do hereby indorse and approve the 320-acre homestead bill of Hon. FRANK W. MONDELL, and urge the honorable Congress of the United States to enact the same into law at its present session.

Resolved, That a copy of this memorial be sent to each Member of the Senate and House of Representatives at Washington, D. C.

Approved February 17, 1909.

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THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I Wm. R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled house joint memorial No. 3, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.

[SEAL.] WM. R. SCHNITGER,
Secretary of State.

Mr. DICK presented a joint resolution of the legislature of Wyoming, which was referred to the Committee on the Conservation of the National Resources, and ordered to be printed in the RECORD, as follows:

House joint resolution 4, relating to creating forest reserves.

Be it resolved by the house of representatives (the senate concurring):

Whereas the people of the State of Wyoming are oppressed by the present policy of the National Government in withdrawing large areas of the State from the operation of laws enacted by Congress, thus adding to the expense of maintaining law and order and protecting life and property; and

Whereas the creation of large forest reserves has taken from the State areas which contain many other natural resources aside from timber which must be properly utilized if the State is to develop and become a prosperous Commonwealth among those of the Union; and

Whereas our people are living under a code of rules and regulations prescribed by the Forest Service rather than under acts of Congress; and

Whereas development is greatly retarded because those responsible for such rules and regulations are unacquainted with conditions; and

Whereas the Forest Service and other bureaus at Washington maintain at government expense advertising agencies which mislead the people as to the purpose and work of such bureaus; and

Whereas the people of the State of Wyoming are fully aware that the best and highest use of natural resources is not being made under the supervision of these bureaus and that great waste now occurs which might easily be prevented by a more localized control: Therefore be it

Resolved by the senate and house of representatives of the State of Wyoming in legislature assembled, That Congress be, and it is hereby, petitioned to enact such laws as may be necessary for the control of natural resources, and to provide an administration of these laws, in order that direct acts of Congress may operate rather than rules and regulations prepared and enforced by an absent landlord; and be it further

Resolved, That Congress be petitioned to take such steps as will place the control and management of natural resources in the hands of the people of States as rapidly as those States prepare for the responsibility; and be it further

Resolved, That a copy of these resolutions be sent to each Member of Congress and to the chief administrative officers of the Interior and Agricultural departments.

Approved February 17, 1909.

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THE STATE OF WYOMING,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Wyoming, ss:*

I, William R. Schnitger, secretary of state of the State of Wyoming, do hereby certify that the annexed has been carefully compared with the original enrolled house joint resolution No. 4, of the tenth state legislature of Wyoming, and is a full, true, and correct copy of same, and of the whole thereof.

In testimony whereof, I have hereunto set my hand and affixed the great seal of the State of Wyoming.

Done at Cheyenne, the capital, this 18th day of February, A. D. 1909.

[SEAL.] WM. R. SCHNITGER,
Secretary of State.

Mr. WETMORE presented a petition of the Medical Society of Newport, R. I., praying for the enactment of legislation to create a national department of public health, which was referred to the Committee on Public Health and National Quarantine.

He also presented a petition of the Rhode Island Horticultural Society, praying for the enactment of legislation to establish a quarantine against the importation and interstate traffic in infected honey and bees, which was referred to the Committee on Agriculture and Forestry.

Mr. BRANDEGEE presented a petition of sundry employees of the Humason & Beckley Manufacturing Company, of New Britain, Conn., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

Mr. PAGE presented a petition of sundry citizens of Plymouth, Vt., and a petition of sundry citizens of Waterville, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FLINT presented a memorial of sundry citizens of Los Alamitos, Cal., remonstrating against a reduction of the duty on sugar, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Pasadena, San Francisco, Riverside, Los Angeles, and San Diego, all in the State of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of sundry employees of the Case Brothers Cutlery Company, of Little Valley; of the New York Knife Company, of Walden; of the Carrier Cutlery Company, of Elmira; and of the Cattaraugus Cutlery Company, of Little Valley, all in the State of New York, praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 106, Cigar Makers' International Union, of Ogdensburg, N. Y., remonstrating against the repeal of the duty on imported cigars, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Batavia, West Winfield, and Bridgewater, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of sundry importers, manufacturers, and dealers in military supplies and equipment, of New York City, N. Y., praying for a reduction of the duty on military supplies and equipment, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 89, Cigar Makers' International Union, of Schenectady, N. Y., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was ordered to lie on the table.

ALCOHOL AND OTHER NARCOTICS.

Mr. GALLINGER. I present certain papers read at the semiannual meeting of the American Society for the Study of Alcohol and Other Narcotics, held in the city of Washington March 17, 18, and 19, 1909. I move that the papers be referred to the Committee on Printing.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PENROSE:

A bill (S. 2015) to reimburse A. J. Caufman, Girard, Erie County, Pa., in the sum of $300, together with interest thereon from October 16, 1862, for soldier furnished United States, being the amount paid by him to one Charles Morton as a substitute; and

A bill (S. 2016) for the relief of the heirs of Michael Haak, deceased; to the Committee on Claims.

A bill (S. 2017) to grant an honorable discharge to George W. Hopkins; to the Committee on Military Affairs.

A bill (S. 2018) granting an increase of pension to William O'Brien;

A bill (S. 2019) granting an increase of pension to Theodore G. Stoner;

A bill (S. 2020) granting an increase of pension to Henry Wren;

A bill (S. 2021) granting an increase of pension to John M. Rhoads;

A bill (S. 2022) granting an increase of pension to Elizabeth S. Reess;

A bill (S. 2023) granting a pension to Louisa W. Benade;

A bill (S. 2024) granting a pension to Eliza A. Miller Bradley;

A bill (S. 2025) granting an increase of pension to Frank E. Bickford;

A bill (S. 2026) granting an increase of pension to Gertrude Smith; and

A bill (S. 2027) granting a pension to John L. Penwell; to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2028) to create in the War and Navy departments, respectively, a roll to be known as the "civil-war officers' annuity honor roll," and for other purposes; to the Committee on Military Affairs.

By Mr. OWEN:

A bill (S. 2029) for the relief of the Absentee Shawnee Indians in the State of Oklahoma, and for other purposes; to the Committee on Indian Affairs.

By Mr. BURROWS:

A bill (S. 2030) granting an increase of pension to Lewis B. Moon (with the accompanying paper); to the Committee on Pensions.

By Mr. CULBERSON (by request):

A bill (S. 2031) for the relief of the heirs of Francisco Guilbeau, deceased (with the accompanying paper); to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 2032) to amend an act entitled "An act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment," approved May 30, 1908; to the Committee on Education and Labor.

By Mr. WARREN:

A bill (S. 2033) for the exchange of certain lands situated in the Fort D. A. Russell Military Reservation, in the State of Wyoming, for lands adjacent thereto, between the city of Cheyenne, a municipality organized and existing under the laws of the State of Wyoming, in the State of Wyoming, and the Government of the United States; to the Committee on Military Affairs.

A joint resolution (S. J. R. 26) to establish in the State of Wyoming a winter game reserve (with the accompanying paper); to the Committee on Forest Reservations and the Protection of Game.

AMENDMENT TO THE TARIFF BILL.

Mr. PAYNTER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

INCOMES AND INHERITANCES.

The VICE-PRESIDENT. The morning business is concluded.

Mr. BROWN rose.

Mr. ALDRICH. I ask that House bill 1438 be laid before the Senate.

The VICE-PRESIDENT. Without objection, the bill will be laid before the Senate.

Mr. ALDRICH. I am told by the Senator from Nebraska [Mr. BROWN] that he would like to have the joint resolution which he introduced yesterday laid before the Senate as a part of the morning business, and I am quite willing that that shall be done.

The VICE-PRESIDENT. The Secretary will read the joint resolution.

The Secretary read the joint resolution introduced yesterday by Mr. BROWN, as follows:

A joint resolution (S. J. R. 25) to amend the Constitution relative to incomes and inheritances.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following section be submitted to the legislatures of the several States, which, when ratified by the legislatures of three-fourths of the States, shall be valid and binding as a part of the Constitution of the United States:

"The Congress shall have power to lay and collect taxes on incomes and inheritances."

Mr. BROWN. Mr. President, I have no intention at this time to detain the Senate with a discussion on the merits of the several income-tax amendments pending before this body. It is sufficient for the purpose that I have in mind this morning to say on that subject that I am in full accord with the proposition of laying some of the burdens of taxation upon the incomes of the country; but I rise this morning for the purpose of challenging the attention of the Senate to the fact that the Constitution of our country stands to-day in need of an amendment upon this subject if we are to have an income-tax law at all about the validity of which there can be no question.

Mr. President, the history of the income-tax proposition in the United States, both as written by the economists of the country and as written and discussed by the framers of the Constitution and as interpreted by the courts of the country, has been given to the Senate during this discussion in the last two days. It occurs to me that my distinguished friend from Texas [Mr. BAILEY] undertook to keep faith with the Senators when he told us that he intended to demonstrate that under the Constitution as it stands to-day an income-tax law ought to be sustained. In other words, he undertook to demonstrate that the decision of the courts of the country as last pronounced was wrong. I want to suggest to the Senate this afternoon just briefly that if we take everything as true as stated by the Senator from Texas, and if we accept his conclusion as absolutely right, that the decision of the court in the Pollock case was wrong, I ask you, Senators, of what avail that would be to the country or with what satisfaction could it be received? Suppose it be true that we are convinced as Senators that the decision of the court was a mistake, does it help us? Does it help to place the burdens of taxation upon those who are earning the large incomes of the country?

Mr. President, we may have the satisfaction this hour of knowing that the opinion of the court, in our own minds, was not only not sustained by the law for a century, but was contrary to the law for a century. However, I call the attention of Senators to the fact that though we may be satisfied as to what the law is we are not on the bench of this country. We do not have the right to enter a judgment. We have no power to pronounce a decree. We have no power to write our opinions in the court records of the country, which may become a basis for any execution to enforce them.

But let us go a step further. Suppose we are not only convinced that the court made a mistake on its last decision, but we are so fully convinced of that fact that we undertake and succeed here at this extraordinary session of Congress to amend this proposed law by attaching an income-tax amendment, what have we accomplished? We have carried out our judgment and written into the statute our judgment, but when the law is passed and reaches the White House and is signed by the President, it yet must come to the door of that court which very recently vetoed legislation of that character. Let it be remembered, Senators, that when a veto comes from the White House we have the power, constitutionally, if we have the votes, to override it, but when a veto comes from the court, that veto overrides us—it is final.

We then have given again to the court an opportunity to adhere to its last opinion, declaring us without power to pass such a law or to declare the reverse. I want to inquire if there is a Senator in this Chamber who is willing to stand up and tell us that he has any reason to suppose that the court has changed its mind on the law of this question. I have always been taught the good old doctrine that when the courts have spoken it is the law of the land. I have always believed in that precept which the fathers had in their hearts when they wrote the Constitution, that the legislative branch of Government was vested with the power to write laws, and that another branch of Government, the courts of the country, were vested with the power to interpret them and the Constitution upon which they were based.

But suppose, Mr. President, that not only we pass the law and it is signed by the President, but it reaches the court of last resort and we get an opinion the reverse of the last one. The law is sustained. Those of us who believe in the principle of levying taxes on incomes are satisfied, are we? The country that to-day believes in the principle of taxing incomes will be satisfied, will it? Yes, Mr. President and Senators, it will for the time being; but tell me how long will that decision stand? Our courts have demonstrated a faculty to change their opinions on this question, for they have decided it at different times different ways, and while we might hope and believe that that decision would be permanent, no man can justify a conclusion with any certainty that it would be permanent.

It is for that reason, Senators, that I present to you to-day the imperative and commanding necessity for an amendment to the Constitution which will give the court a Constitution that can not be interpreted two ways. I undertake to say that the people of the United States have a right to have an opportunity to amend the Constitution and to make it so definite and so certain that no question can ever be raised again of the power of Congress to legislate on the subject.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Maryland?

Mr. BROWN. Certainly.

Mr. RAYNER. In looking at the joint resolution I see that it reads "The Congress shall have power to lay and collect taxes

on incomes." It has that power now. Congress has the power now to lay and collect taxes on incomes and on inheritances.

I will just call the Senator's attention to the fact that unless you change the clause of the Constitution which provides for apportionment the joint resolution would not repeal that clause. The two clauses would stand in pari materia together and you would still have an apportionment.

The resolution proposes to say that Congress shall have power to lay and collect taxes on incomes and inheritances. The Supreme Court has held in Noble *v.* Moore that we have the right to tax inheritances. I merely take the liberty of calling the Senator's attention to the fact that if this amendment to the Constitution were to go through, it would not affect the prior article and there would still have to be an apportionment.

Mr. BROWN. I am very glad to have the Senator shed light on this subject. I had never become so beside myself that I dreamed that my resolution in all particulars would satisfy the critical judgment of the Senator from Maryland. I want to say to the Senator that I am aware that under the law and the Constitution now Congress has the power to tax incomes, and if he had been able to possess his soul in patience long enough he would have found out that, in my judgment, when Congress was granted that power, limited, however, to apportionment according to population, it in effect denied the right of Congress to levy taxes on incomes.

On that branch of the subject I expect to be heard briefly in a moment.

Mr. President, if there can be any doubt about the language of the proposed resolution carrying into effect the purpose of it, I think the Committee on the Judiciary, to which it must go, and of which the distinguished Senator from Maryland is a member, will be able to clarify the literature of the resolution.

Now, then, to follow out my suggestion, I want to appeal first to those of us who believe in passing a law which shall reach the luxurious incomes of this country and ask them to help pass this resolution that the Constitution may have in it a section that can not be misunderstood. When we have an income-tax law passed, we want the law to be enforceable and to be operative.

Mr. PAYNTER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Nebraska yield to the Senator from Kentucky?

Mr. BROWN. Certainly.

Mr. PAYNTER. In order to give the Senator some hope that the courts will always be glad to correct an error, I will ask his permission to allow me to give an instance in which the court did do it.

Mr. BROWN. With pleasure.

Mr. PAYNTER. I was a member of the Kentucky court of appeals when the question arose as to whether the banks of Kentucky had an irrevocable contract with the State with reference to taxation. The banks claimed that they were permitted, under a contract which they alleged they had with the State, to pay a certain sum in lieu of all state, county, and municipal taxes, the effect of which was to deprive the counties and the municipalities of Kentucky of a large sum of money each year.

That court, in June, 1895, decided that the banks had that contract. In March, 1897, that court with a great deal of pleasure took back the previous opinion and held that the banks did not have an irrevocable contract. A dissenting opinion delivered in its first case was made the opinion of the court in the last named. I know of another instance in that same court where the same thing occurred. I mention it here to give the Senator hope that the Supreme Court of the United States may on this question as in other cases—including income-tax cases—change its opinion upon important questions.

Mr. BROWN. I want to say to the Senator that I am in full accord with the proposition to give the court an opportunity to correct the last judgment. I am so strongly in favor of the proposition to tax incomes that it is immaterial to me which one of the several measures now pending meets the approval of this Congress. I have my preference among those measures, but I would rather see any one of them become a law than to see them all defeated. I am anxious and willing that the court shall have an opportunity to pass again upon this proposition. But, Mr. President, the people of this country are entitled to something more than an opportunity.

They are entitled to have a Constitution, if they see fit to adopt it, as to which, when the opportunity does come to the court to pass again on this question, there will be no doubt about what the decision will be. Nothing has been illustrated more in the last two days than the examples given by my friend from Kentucky.

Mr. PAYNTER. If the Senator will allow me, I will also add to what I said, that the Supreme Court sustained the second opinion of the court of appeals, and the second opinion was simply the dissenting opinion that was delivered in the previous case.

Mr. BROWN. It illustrates that courts as well as men change their minds. It recalls the history that we heard yesterday and the day before as to Madison, one of the framers of the Constitution, one of the men who helped to write into the Constitution this very provision under which the court first held that Congress could pass an income-tax law, and later, in the Pollock case, held that it could not. Madison, one of the framers of that provision, took the stand as an American citizen when the case was before the court that it did not confer upon Congress this power, and yet afterwards, when Madison became President, he not only changed his opinion upon the subject as a man and a citizen, but as a President of this country signed a bill embodying that very principle. Courts change their minds, like men, and they have a right to do it. But when the people of this country find that courts are changing their minds on a subject in which they are interested and which they want to have settled, then I contend that it is the duty of Congress to give them an opportunity to settle it themselves by amending the Constitution.

Now, then, I want to speak one moment to those Members of this body who are opposed to any income tax at all. I want to appeal to them, standing as they do to-day ready to vote against the proposition to levy and collect taxes on incomes, that they join the friends of this measure in an effort to amend the Constitution so that if the Nation ever does require in their judgment an exercise of the power of collecting taxes from incomes, we may be permitted to do it. There is not an enemy of the income-tax law proposition on this floor who will tell the Senate that the time will never come when he would be in favor of collecting taxes upon those who earn incomes.

Let me emphasize the effect of the decision of the court in the Pollock case. Unless it is remedied by a reversal of that decision or by an amendment to the Constitution, it leaves this Republic in a position far below that of any other enlightened nation on the face of the earth.

Let me just call your attention briefly, Senators, to the words of Justice Harlan upon the effect of conceding Congress to be without power to levy a tax upon incomes. I wish to say, in passing, that I am willing to concede there are men on the floor of the Senate able to make most exhaustive and convincing and persuasive arguments showing that the decision of the court in the Pollock case was wrong. But I want also to stand on the proposition that no man upon this floor or elsewhere will ever be able to present an argument to that end as clear and as strong as was presented to that court by Justice Harlan in his dissenting opinion. Now, as to the effect, I want to read the words of Justice Harlan:

> In my judgment, to say nothing of the disregard of the former adjudications of this court and of the settled practice of the Government, this decision may well excite the gravest apprehensions. It strikes at the very foundations of national authority, in that it denies to the General Government a power which is or may become vital to the very existence—

Mark you—

> and preservation of the Union in a national emergency.

Senators, we had a national emergency in this country once. I want to call the attention of the country and of Senators to the fact that it was the tax upon incomes that equipped and helped to maintain the men engaged in that controversy. Justice Harlan may have been moved to these words by the fact that he had seen service in that crisis.

> It tends to reestablish that condition of helplessness in which Congress found itself during the period of the Articles of Confederation, when it was without authority by laws operating directly upon individuals, to lay and collect, through its own agents, taxes sufficient to pay the debts and defray the expenses of government, but was dependent, in all such matters, upon the good will of the States and their promptness in meeting requisitions made upon them by Congress.

Why—

Says the justice—

> do I say that the decision just rendered impairs or menaces the national authority? The reason is so apparent that it need only be stated. In its practical operation this decision withdraws from national taxation not only all incomes derived from real estate, but tangible personal property, "invested personal property, bonds, stocks, investments of all kinds," and the income that may be derived from such property. This results from the fact that by the decision of the court all such personal property and all incomes from real estate and personal property are placed beyond national taxation otherwise than by apportionment among the States on the basis simply of population. No such apportionment can possibly be made without doing gross injustice to the many for the benefit of the favored few in particular States. Any attempt upon the part of Congress to apportion among the States, upon

the basis simply of their population, taxation of personal property or of incomes would tend to arouse such indignation among the freemen of America that it would never be repeated.

Now, listen to the justice—

When, therefore, this court adjudges, as it does now adjudge, that Congress can not impose a duty or tax upon personal property, or upon incomes arising either from rents of real estate or from personal property, including invested personal property, bonds, stocks, and investments of all kinds, except by apportioning the sum to be so raised among the States according to population, it practically decides that, without an amendment of the Constitution—two-thirds of both Houses of Congress and three-fourths of the States concurring—such property and incomes can never be made to contribute to the support of the National Government.

This is the trouble that confronts the Nation. Unless we have a Constitution about which courts will not disagree, giving Congress the power to pass this legislation which we favor, Congress is without power to levy the taxes on this vast volume of property, even though Congress might desire to pass such a law.

Mr. President, it ought to make the blood run to our faces when we stop to think that there is not another enlightened nation on the face of the earth that does not have and exercise the power to levy taxes on this kind of property except ourselves. What is there about this Republic that it should not be clothed with all the rights and powers and prerogatives enjoyed by every other sovereign nation on the face of the earth?

Mr. President, I come now for a moment to the proposition raised by the Senator from Maryland. Upon that question I simply want to demonstrate to him, as well as to the Senate, that as construed now the power of Congress to levy taxes on incomes by apportioning them according to population amounts practically to a denial of the power of Congress to levy such taxes. In the dissenting opinion of Mr. Justice Brown this was shown conclusively. Similar illustrations were made in the arguments to the court. There was shown mathematically the practical impossibility, tested by any measure of approximate justice, to apportion those taxes, and this illustration of the learned justice has never been impeached by word or intimation by anybody disagreeing with him in his general conclusions. On page 608, the justice makes an application of the law according to population. He says:

By the census of 1890, the population of the United States was 62,622,250. Suppose Congress desired to raise by an income tax the same number of dollars, or the equivalent of $1 from each inhabitant. Under this system of apportionment, Massachusetts would pay $2,238,943. South Carolina would pay $1,151,149. Massachusetts has, however, $2,803,645,447 of property, with which to pay it, or $1,252 per capita, while South Carolina has but $400,911,303 of property, or $348 to each inhabitant. Assuming that the same amount of property in each State represents a corresponding amount of income, each inhabitant of South Carolina would pay in proportion to his means three and one-half times as much as each inhabitant of Massachusetts. By the same course of reasoning, Mississippi, with a valuation of $352 per capita, would pay four times as much as Rhode Island, with a valuation of $1,459 per capita. North Carolina, with a valuation of $361 per capita, would pay about four times as much, in proportion to her means, as New York, with a valuation of $1,430 per capita; while Maine, with a per capita valuation of $740, would pay about twice as much. Alabama, with a valuation of $412, would pay nearly three times as much as Pennsylvania, with a valuation of $1,177 per capita. In fact, there are scarcely two States that would pay the same amount in proportion to their ability to pay.

Mr. President, no man in this Chamber need have any doubt about how the apportionment proposition would work. All we need to do to be satisfied is to recall what would happen in our own States if the tax were to be distributed between the counties according to population or between the wards of the cities according to population. It is the theory of the friends of the income-tax proposition that property should be taxed and not individuals. I do not believe the fathers ever contemplated that income taxes must be apportioned according to population, but the courts have said that they did. I am here to-day presenting an amendment to the Constitution which will compel the courts to announce the contrary doctrine.

Mr. President, I ask to have the joint resolution referred to the Committee on the Judiciary.

The VICE-PRESIDENT. The joint resolution will be so referred.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the Senator from Rhode Island has asked that House bill 1438 be laid before the Senate.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. SIMMONS. Mr. President, in the remarks which I desire to submit to the Senate to-day I shall confine myself almost entirely to a discussion of the schedule with reference to woods and the manufactures of woods, especially lumber. I shall address myself particularly to the two amendments, one offered by the Senator from North Dakota [Mr. MCCUMBER], proposing to put lumber upon the free list, and one by the Senator from Washington [Mr. PILES], proposing to raise the duty specified in the bill to $2, the rate prescribed in the present law.

Mr. President, I am reminded by the Senator from Maryland [Mr. SMITH] who sits at my side that the Senator from West Virginia [Mr. ELKINS] has introduced an amendment similar to that introduced by the Senator from Washington.

The bill under consideration reduces the duty upon rough lumber—that is, sawed board—from $2 to $1 per thousand feet. The equivalent ad valorem rates are, respectively, about 11 per cent and 5½ per cent.

I am opposed to this reduction and in favor of retaining the present duty upon lumber, because the present rate is upon a revenue basis, and because the proposed reduction will probably not reduce the price of lumber to the farmer and the home builder, or, if at all, only slightly and in a comparatively limited area, while it would work great hardship to the lumber industry and the sections of the country in which this industry is conducted, by enlarging the market zone of Canada for this product.

Lumber, Mr. President, is one of the greatest industries in this country. With one exception, it is the greatest manufacturing industry in this country, iron and steel alone being greater. Lumber is the principal industry in 12 States of this Union. More than a thousand cities and towns of our country are directly dependent upon this industry for their prosperity.

The present law and the proposed bill catalogue all of the dutiable products of this country into 12 great schedules, and woods and manufactures of woods are at the bottom of those schedules with reference to the amount of duties imposed upon them. The duty imposed upon wood as a whole is 15 per cent ad valorem; that imposed upon lumber, as distinguished from woods in general, is about 4 per cent less, or 11 per cent.

The other duties comprised in these great schedules run all the way from 20 per cent ad valorem to 87 per cent. Under the present law, the average ad valorem upon all the dutiable products of the country is about 44.16 per cent, while that upon lumber is about 11 per cent, or only about one-fourth the average. In the proposed bill the average ad valorem upon all of the dutiable products of the country is substantially unchanged. It is about 44 per cent, while the ad valorem proposed upon lumber is only about 5½ per cent, or a little less than one-seventh of the general average.

Mr President, in considering the question of the removal, or the reduction of the duty on lumber, two things ought to be taken into consideration:

First, the fact that labor constitutes a larger element in the cost of producing lumber than of any other manufactured product. The raw material of lumber is the tree standing in the forest. As it stands there, where God planted it, it is worth probably less than $3 a thousand feet. When it has been converted into boards, there has been expended upon it eight or ten dollars; and nearly every item in this "bill of cost," so to speak, is represented either by labor or by labor's products. At least 75 per cent of the cost of lumber—I mean at the mill, before the element of transportation has entered into it, before it has started upon its mission of distribution—75 per cent of the cost of lumber is labor.

Another essential element that must be taken into consideration in reaching a just conclusion on this subject is the fact that almost, if not every, item in this "bill of cost" is protected under the present law, and will be protected under the proposed law, by a high rate of duty. Labor, which constitutes such a large part of the cost of production, is professedly protected by all of the schedules of the present and the proposed tariff acts. The ax and the saw which fell the tree in the forest, the log carriage that hauls the tree to the station, the locomotive, and the steel rails over which the locomotive runs in transporting it to the sawmill, the machinery, and even the belts that connect the machinery and put it in motion are protected under the present law and in this bill at an ad valorem rate ranging from 30 to 40 per cent.

By reason of these tariff duties upon the things which enter into the cost of its manufacture the cost of the production of lumber in this country is increased over 30 per cent. Not only is nearly everything that enters into the cost of manufacturing lumber protected by this high duty of over 30 per cent, but lumber itself is a competitor of some of the chief articles which add to the cost of its production. Iron, steel, and cement, all entering into the cost of manufacturing lumber, in the form of machinery and structural material, are among the chief competitors of lumber in the construction of homes and houses and for many other purposes for which both are used.

Mr. President, I submit that there can be no more cruel repression of an industry than by adding 30 per cent to the cost of its product by your tariff laws, while it is exposed to competition, on the one hand, with a foreign product which, on account of the difference in the labor, stumpage, and transportation cost, can be produced at 30 per cent less than it can and while, on the other hand, it must compete with products of our own country the price of which has been advanced 30 per cent by your tariff laws.

It is obvious if under these circumstances lumber is placed on the free list, that a double handicap will be imposed upon it.

Mr. DIXON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Montana?

Mr. SIMMONS. Certainly.

Mr. DIXON. I am very largely in sympathy with what the Senator from North Carolina is now saying regarding the equity of a duty on wood and lumber products, but I want to inquire at this time how he squares his advocacy of a tariff on lumber with the declaration of the Democratic national platform adopted at Denver a year ago, when that platform declared:

> We demand the immediate repeal of the tariff on wood pulp, print paper, lumber, timber, and logs, and that these articles be placed upon the free list.

Understand, I am in sympathy with what the Senator is now saying.

Mr. SIMMONS. Yes; I understand that. Mr. President, the Senator's question does not embarrass me. The Senator has simply read one of the declarations of the Democratic platform. There were other declarations. That was a specific declaration; but there was a general declaration in favor of a reduction of import duties upon all articles, with the ultimate end of placing the whole system of tariff taxation in this country upon a revenue basis; and this specific declaration must, of course, be taken in connection with the general declaration and interpreted as a part of the whole. That platform declared if the Democrats were given power they would so revise the tariff as to put the whole system upon a revenue basis. The declaration with reference to lumber must be construed in connection with this general purpose in regard to the tariff. If we had been successful, we would, I assume, have revised the tariff along the lines indicated. Iron and steel and such other structural materials as either directly or indirectly compete with lumber or enter as an element in its cost of manufacture would have been put upon the free list, or the duty on them have been reduced to a revenue basis. As it is impossible for us to carry out our general declaration, the conditions upon which our declaration with regard to lumber was predicated do not exist.

The proposed tariff bill, like the McKinley and Dingley tariffs, is a highly protective measure. Did the Democrats mean to promise free lumber without regard to the character of the general measure of which it was to be a part, or without regard to the discrimination that would necessarily result if that measure covered with highly protective or prohibitory duties other articles in the same general classification? I think not. To give the declaration in question that construction would be holding to the letter of that promise while disregarding its spirit. At least that is my view of the matter, and upon that interpretation and construction I am willing to stand. If I am satisfied, why should the Senator from Montana object to it, as he says he is in sympathy with my position as to lumber?

If the Senator from Montana will consent to put in operation that general declaration of the Democratic platform in favor of a revenue tariff, if he will consent to take off all of the prohibitory and protective elements of the rates prescribed in the bill which has been presented here and reduce those rates to a revenue basis from beginning to end, then he may put lumber and hides and coal and iron ore on the free list if he desires to do so.

Mr. President, returning to my argument at the point where I was interrupted by the Senator from Montana, let me ask, Why single out for discrimination this great industry, an industry which to-day is giving employment to between seven and eight hundred thousand men—not men, women, and children, but men—which to-day is feeding and clothing between three and four millions of laboring people; an industry the output of which is about equal to that of cotton; an industry the output of which is nearly $100,000,000 more than that of our wheat crop; an industry which furnishes a larger volume of the tonnage of transportation than any other, with the possible exception of one, and is of all our industries the largest consumer of farm products; which is the principal industry of 12 States of this Union, and upon which more communities are dependent for the business prosperity they are now enjoying than any other industry in our great country? I repeat, Why single out this great industry for discrimination and slaughter? Why place these high duties upon coal and iron and wool and leather, while placing lumber, the greatest product of the South and Pacific coast, upon the free list? Why place upon it these great burdens of the tariff while denying it any of its benefits?

Mr. President, this unfair and discriminatory treatment of this industry can not be justified, in my opinion, except upon grounds of extreme necessity or overwhelming urgency; and I think no such reasons exist. I have heard but three arguments, and I think but three general reasons can be assigned, in support of the proposition that the duty on lumber ought to be either reduced or removed. One of them is a political argument. It is used only by Democrats who are in favor of free trade in lumber. Their objection to the duty on lumber, either that in the present law or the small duty proposed in the pending bill, is that it is a protective duty. I want to examine and analyze that argument, because there are many Democrats who would not feel, whatever might be its effect upon an industry in their section, like supporting a proposition imposing a distinctively protective duty. I assert here—and I think, if my strength holds out and the patience of the Senate does not become exhausted, I can show—that the rate of duty which I am advocating is not in any sense a protective duty as contradistinguished from a revenue duty. On the contrary, Mr. President, I assert, and I think I can show, that the duty of $2 imposed in the present law, which I am in favor of retaining, is not only a revenue duty, but that it is a better revenue-producing duty than the rate which it is proposed to substitute for it.

The McKinley law of 1890, as Senators will recall, imposed a duty of only $1 upon lumber of hemlock and white pine. That is the kind of lumber that is imported into this country from Canada, and practically all the lumber that is imported into this country comes from Canada. There was imported into this country under the McKinley tariff of $1, during the last three years of the operation of that law, from 1891 to 1893, inclusive, 1,341,000,000 feet of lumber. The law of 1897, the Dingley Act, as we all know, imposes a duty of $2 upon lumber. The importation into this country under this tariff of $2, from 1906 to 1908, inclusive, was 2,448,892,000 feet; in other words, there has been imported into this country under the $2 rate of the Dingley law, in the last three years of its life, 1,000,000,000 feet more lumber than was imported during the last three years of the McKinley Act under the $1 rate. So that the $2 rate of the present law has proved twice as good, nay, more than twice as good, a revenue producer as the $1 rate under the McKinley Act. The amount of revenue actually derived by the Government was nearly three times as much under the $2 rate as under the $1 rate. The $2 rate is therefore a better revenue rate than the $1 rate.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER (Mr. CARTER in the chair). Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Certainly.

Mr. CLAPP. While the argument just made of course applies to the volume of revenue, yet, as bearing upon the question of the necessity for protection, it might be important to know the relative increase, and I ask the Senator if he has at hand the increase in the home production during the same time, so that we may compare with that the increased importation?

Mr. SIMMONS. I have, unfortunately, not in my possession the figures as to the increase in the home production.

Mr. CLAPP. I did not know but that the Senator had the information convenient.

Mr. SIMMONS. But I will say to the Senator, that when the Dingley Act went into operation the annual imports of lumber into this country were only about 500,000,000 feet. Last year, under the operation of that law, there was imported about 900,000,000 feet, showing—and I am arguing the point as to its revenue-producing capacity—that the $2 rate does not operate to check importations, but that importations under this very law have in seven years multiplied nearly 300 per cent.

Mr. SMITH of Maryland. Three hundred per cent in eight years.

Mr. SIMMONS. Yes, sir; 300 per cent in eight years, and that establishes the fact for which I am contending, namely, the present rate is a revenue and not a protective duty.

Mr. CLAPP. Mr. President, I understood the Senator to take the position that the present tariff was necessary as a protective measure, and that to reduce that tariff would be to imperil this industry.

Mr. SIMMONS. I did not say it was necessary as a protective measure.

Mr. CLAPP. Then I misunderstood the Senator.

Mr. SIMMONS. I did not say that; but I do say that the incidental protection which accrues to lumber as the result of this revenue duty has been very beneficial to it, and it would be very hurtful to remove from it that incidental protection. To protect lumber as this bill protects shoes and iron and steel, for instance, would require not a duty of two, but of four or five dollars per thousand feet.

Mr. President, right at this point I want to say there are two ways of raising revenue to defray the expenses of the Government by customs taxation. One of those methods is to impose duties upon articles not produced in this country. That is free trade. No protection would be afforded to any product of this country as the result of such a duty. The other method is by imposing duties upon the importation of articles produced in this country. Whether duties upon articles produced in this country are imposed primarily for protection or primarily for revenue, the effect in both cases is necessarily protective.

I am not in favor of free trade. I am not in favor of levying duties to raise revenue only upon articles not produced in this country, because that would expose the products and the industries of this country to unrestricted foreign competition, and, very frequently, ruinous foreign competition. I am not in favor of that. I am in favor, Mr. President, of raising the revenues necessary to support the Government by imposing duties upon articles produced in this country as well as upon those not produced here, and I am also in favor of so adjusting those duties as to afford the greatest incidental protection to those things which most need to be protected against unequal foreign competition, to the end that the industries and products of this country may be fostered and encouraged. That is my creed, and I think that is the creed of the Democratic party. If that is not what Jefferson and Madison and Monroe and Andrew Jackson stood for, then I have failed to understand their position upon this subject.

Mr. President, during the last hundred years we have had a great many different kinds of tariffs in this country. We have had Democratic tariffs, Whig tariffs, Republican tariffs, revenue tariffs, and protective tariffs. The duty imposed by these various tariff laws has varied; but during the last hundred years there has not been a year when the average ad valorem rate imposed upon all the dutiable products of this country was less than 18 per cent, or nearly twice the average rate imposed upon lumber in the present law, and nearly four times the rate it is proposed to impose upon lumber in the pending bill. During the eight years of Mr. Jefferson's administration I think the average ad valorem rate was about 22 per cent; during Madison's time it was about 30 per cent; during Monroe's time it was 37 per cent; and during Jackson's time it was between 37 and 43 per cent; under Cleveland, during the operation of the Wilson bill, between 35 and 40 per cent.

Does anybody contend that these Democratic tariff measures imposing duties from 22 per cent to 35 per cent were protective measures? Necessarily they afforded, when levied upon imports of articles produced in this country, a greater or less degree of protection, and I think no one will deny that in many instances they were adjusted to accomplish this end, but they were levied primarily for the purpose of raising revenue.

There has been no time during all these years when the incidental protection arising from these revenue duties did not afford the industries of this country more or less protection.

Of all these Democratic tariff laws the Walker tariff carried the lowest ad valorem rate. The average rate under that law was about 19 per cent. The bill carrying that rate was prepared by a committee of the House of Representatives of which a distinguished North Carolinian was the chairman—the Hon. J. J. McKay. One of the Democratic Senators from North Carolina—Senator Haywood—having been instructed to vote for that bill and not being willing to do so because it bore such a low rate, resigned his seat and retired from public life.

This bill, this Democratic bill, bearing the name of the greatest advocate of tariff for revenue known to our history, carried an average rate four times as great as it is proposed by this bill to place upon lumber.

More than that, Mr. President, the Walker tariff act, the most distinctly revenue-tariff act in our history, carrying a rate of duty so low that our opponents have characterized it as a free-trade measure, imposed a duty of 20 per cent ad valorem upon lumber, a little more than 1 per cent in excess of the average rate which it imposed upon all dutiable products, and about twice as much as I now advocate, and about four times as much as the pending measure provides for. And yet there are Democrats who claim that this small duty on lumber, about one-half the rate imposed by the Walker Act, and which in recent years has actually produced twice as much revenue as a still smaller duty, is not a revenue, but a protective duty. I want to say, Mr. President, that, in my opinion, Democrats who, in the face of these facts, make that contention are free traders, though they may not know it.

Mr. President, if a 20 per cent duty upon lumber in a law carrying an average of only 19 per cent was a revenue duty, how can 11 per cent, the duty I ask for lumber, be an un-Democratic duty and a protective duty in a bill carrying 44 per cent?

I can understand the reasoning of a Democrat or Republican who opposes this duty upon the broad ground that lumber is a necessity, or raw material, and ought not to be taxed for that reason; but I can not understand the reasoning of a Democrat who opposes this duty upon the ground that it is protective, as contradistinctive from a revenue duty, and therefore in conflict with the Democratic theory of the tariff.

I repeat that I can not resist the conviction that a Democrat who honestly takes that position is a free trader without knowing it. The logic of his position is that all revenues should be raised from articles not produced in this country, and that every duty upon an article produced in this country is a protective duty, because you can not impose any duty upon a product produced here without to that extent protecting it against foreign competition.

I know, Mr. President, it is said that lumber was on the free list in the Mills bill and in the Wilson bill. That is true; but it was not put on the free list in either one of those bills because 11 per cent was a protective duty, for both of those bills carried an average of over 30 per cent. It was put on the free list in those bills because at that time there was but very little competition between lumber in this country and Canada. We were still cutting our virgin forests, using only the first and second cuts and allowing the other three or four cuts to rot in the woods.

It was a class and character of lumber that did not then, as it does not now, come in competition with the kind of lumber Canada then and now imports here, and there was therefore but little, if any, necessity for a duty upon lumber at that time. To-day it is very different. In addition to our longleaf pine, the finest structural material ever grown, we are cutting our shortleaf and loblolly pines. We do not only cut, as then, the two lower cuts, but the three upper cuts, cutting away the limbs and using the trunk almost to the very top. As a result, a large part of the timber which we are now manufacturing in the South, as well as, I understand, on the Pacific coast, is low-grade timber and comes directly in competition with the class of lumber with which Canada is now more or less flooding our markets.

In the second place, Mr. President, lumber was put on the free list in those bills because the basic principle upon which they were framed was free raw materials; and an absurd—no; I will not say absurd, but a strange idea seemed to prevail then and seems to obtain in some quarters now, that lumber is a raw material. Under the dominating influence of Mr. Cleveland, who was an eastern man, imbued to a large extent with the eastern idea of fostering foreign markets for our manufactures by giving our manufacturers free raw material, the Democratic party temporarily adopted the Henry Clay theory of free raw materials, and it became the cardinal principle of those measures. Those bills, largely for that reason, not only placed lumber upon the free list, but hides and wool as well. And I might say, in this connection, as will be remembered, that Mr. Cleveland was dissatisfied with the Wilson bill because coal was not likewise put upon the free list.

It has been said in my State that the two great Senators who represented my State in this Chamber when the Mills and Wilson bills were framed stood for free lumber. If it be meant by that statement that they supported free lumber in those bills upon the idea that 11 per cent duty upon lumber was not a revenue, and therefore not a Democratic duty, my answer is that that can not be true, because these bills carried an average ad valorem rate of from 30 to 40 per cent.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Maine?

Mr. SIMMONS. Certainly.

Mr. HALE. Right in line with what the Senator is so well saying, does he not remember, as an actual fact, resulting from the provisions for free lumber in the Gorman-Wilson bill, that lumber from the Canadian eastern Provinces—New Brunswick and Nova Scotia—flooded not only the ports and market places in New England, but, extending farther south, into the ports of the Chesapeake and maybe lower than that, came in and took the place of the American product during the operation of that act?

I remember specifically the statement of the master of a coaster, a lumber schooner from Maine, that in the wharves of

Boston, Chelsea, and the other ports where lumber was imported, he waited until twenty-odd Nova Scotia and New Brunswick schooners dumped their cargo. And the result—I do not know so well what it was in the South, but the Senator will remember that; he has been interested in this matter for years—with us was the complete prostration of the lumber industry for the benefit of the Canadian producer of that article.

Mr. SIMMONS. In reply to the statement of the distinguished Senator from Maine, I wish to say that a small duty upon lumber, such as $1 or $2, has but little effect upon foreign importations when the business of the country is in a normal condition of prosperity. When the prices of lumber in this country rule high, as they did during the three or four years prior to the panic of 1907, a duty of that rate is but little, if any, impediment to importation. But when business conditions are such as now obtain, and the price of lumber rules low; when there is but little margin between the market price and cost of production, as now and as during the years to which the Senator has referred, beginning in 1893 and continuing until 1898, a duty of this amount would be effective in substantially checking foreign importations and protecting the domestic market against the disastrous effect of overproduction and congestion.

Mr. President, the second argument in favor of removing or reducing this duty is that lumber is a necessary of life and that the price is too high. In other words, the demand for a reduction of this duty or a total repeal is in the interest of cheaper lumber for the consumer.

Mr. President, that contention must, of course, be based upon the proposition that the price of lumber is too high, because the contention that the price of a product which is already reasonably low ought to be further reduced in the interest of anybody can not be sustained, certainly not under conditions such as we have in this country.

Now, Mr. President, is the price of lumber unreasonably high in this country to-day or has it been so in recent years? I know it is said that great syndicates of rich men have bought up the stumpage of the country at nominal prices and are holding it at extortionate prices, and that lumber is controlled by a trust. I submit, Mr. President, that the evidence does not sustain either of these charges. Undoubtedly there are some large holdings of timber, but the great bulk of the timbered lands in this country, not held by the Government, is to-day owned by farmers and small landowners and by the owners of small mills. For every man owning immense areas of timber lands there are 500 owning timber in small tracts. A few thousand men may own 20 per cent of the timber lands, but the other 40 per cent held in private ownership is owned largely by three or four million farmers and mill men.

I do not myself sympathize with the argument that because a few men of great foresight may have bought large holdings of timber when timber was abnormally low, and as a result have become very rich, therefore their investments should be treated differently from those of others. They should not be punished because they have made a good bargain, because they had the foresight to buy when stumpage was abnormally cheap and to hold until it advanced in value.

The assault made upon the price of stumpage on the ground that it has advanced in recent years more rapidly than other property is not justified by the facts. The increase in price of stumpage has been more apparent than real. For a long time lumber sold for less than it was worth, because there was so much of it and because there was so little demand for it. The present price of stumpage compared with its price twelve or fifteen years ago may appear to be high, but as a matter of fact it is selling to-day for no more than it is worth. Stumpage is cheaper in this country than in any other country equally as developed as ours. It is not so cheap as in Canada, but that is because Canada is an undeveloped country with only about 6,000,000 people, with forest resources almost half as great as ours; and there is, therefore, but a limited domestic demand for its lumber. But compared with any of the countries of Europe, stumpage here seems not only low, but almost ridiculously so.

But, Mr. President, you can not legislate value out of the stumpage of these rich men without legislating it at the same time out of the stumpage of these 3,000,000 farmers and small lumbermen who hold it, scattered from one end to the other of this great country of ours. And surely no Senator wants to do that.

I deny that the manufacturer's price of lumber is now or has at any time been unreasonably high in this country. I know that great fortunes have been made in buying timber at a low value and holding it, but I deny that any great fortunes have been made in manufacturing lumber, and certainly none are being made now. I know there are some bureau statistics that tend to show that during the ten years preceding the panic the per cent of increase in the price of lumber was greater than that of other things.

But that statement was issued during a political campaign just before election. It undertook to compare the increases in the cost of wages and living with certain other things, one of which was lumber, and worked it out, as these ante-election statistics generally do, in the interest of the dominant party. Senators will recall that these statements as to the comparative increases in the cost of labor and necessaries were so absurd and so thoroughly contradicted by the common experience of the employers of labor and of shop women, and of market women, that the country laughed the statistics to scorn.

I do not deny that there had been up to the time of the panic a considerable increase in the price of lumber; but, thank God, there had been a considerable increase in the price of everything else—in the price of labor, in the price of all the products of the factory, the mines, and of the farm, as well as those of the forest.

I assert that at no time in all our history would a bushel of corn or of wheat or a barrel of pork or a ton of hay purchase in the open markets of this country as many feet of lumber as to-day. The same statement is true with respect to the relative value of these products during the five years preceding the panic.

Since that time we have passed through great tribulations in this country. The prices of farm products have stood it pretty well. Wheat is selling in Chicago to-day at over $1.25 a bushel, hogs over $7.50 a hundred, and corn is so high that even the negroes in my country can hardly afford any longer to eat corn bread. The lumberman has not fared quite so well as the western farmer and as many other manufacturers have. From the very day of that panic the bottom began to fall out of lumber, and to-day lumber is selling in this country at from 30 to 35 per cent less than it was selling for eighteen months ago.

The manufacturers of lumber in my State and in the South generally—and I think that it is true of the country as a whole—are to-day selling lower grades of their lumber, that which they make out of the tops and defective parts of the log, wherever they can find a market, and they are glad if they can get the actual cost of production.

Mr. SMITH of Maryland. Will the Senator from North Carolina pardon me?

Mr. SIMMONS. Certainly.

Mr. SMITH of Maryland. I will say it does not constitute the lumber that is made out of tops.

Mr. SIMMONS. I said the defective pieces.

Mr. SMITH of Maryland. Nor the defective portions, either.

Mr. SIMMONS. The Senator is right about that. I was a little inaccurate in my statement. As a matter of fact, a part of the best log is low grade.

Mr. SMITH of Maryland. I will say to the Senator that of all the lumber manufactured in the South 80 per cent is of low grade——

Mr. SIMMONS. That is true.

Mr. SMITH of Maryland. Eighty per cent of all the lumber manufactured in the South is of low grade or box lumber; and I can say, further, that that lumber to-day, 80 per cent of the entire product of the lumber manufactured in the South, is barely bringing cost.

Mr. SIMMONS. Undoubtedly, Mr. President, that is true. Our manufacturers are making a little something upon the higher grade lumber, but it is a fact that 80 per cent of the total is low grade. Much of this low-grade stuff is actually being sold to-day in the zone of Canadian competition at less than it costs to lay it down there. The manufacturer must sell it for what he can get for it or stop his mill and incur all the losses and results which the suspension of a costly plant and equipment involves. Where 80 per cent of the timber is low grade, he can not run his mill on high-grade material alone. And so he must make this low grade and sell it at a loss or stop. The truth is, Mr. President, if it were not for the little profit the lumberman makes on his high-grade lumber, there would be to-day a general instead of a partial suspension of the sawmills of the South.

But it is said that lumber is controlled by a trust, and I think a great deal of the sentiment in this country in favor of free lumber, probably a good deal of the sentiment that stood behind that platform declaration with which the Senator from Montana confronted me a little while ago, is the result of an impression in this country that lumber is controlled by a trust. It grew out of the newspaper agitation in connection with the alleged trust in wood pulp and print paper. Probably—I do not make the charge, but there are reasons to believe that—a number of rich timber speculators in this country have gone over into Canada and, taking advantage of the lower rates of stumpage over there, have laid in a big supply of cheap Cana-

dian timber, and want free lumber in the interest of these foreign holdings. If they have organized a press bureau for this purpose, it is not the only time speculators have subsidized a part of the press to fire the country with a false sentiment in order to advance their selfish schemes.

However that may be, Mr. President, an impression more or less general that lumber was controlled by a trust has had a great deal to do with the crusade against that industry, for that is what it is—nothing more nor less. Mr. President, there is no truth in the charge that lumber is controlled by a trust. When that charge was first made to the Department of Justice, we had a trust buster in the White House eager for the plaudits of the multitude and who sought and found popularity in pursuing and prosecuting certain of the trusts. Under his inspiration, the Department of Justice dispatched its agents, inspectors, secret-service men, and spies in every direction throughout this broad land to ferret out evidence to convict the great lumber trust. What was the result, Mr. President? A pitiable failure. No sufficient evidence was found. Then, when the matter came up for investigation before the Ways and Means Committee of the other House, certain gentlemen outside of Congress, some of them very much interested it is alleged in timber holdings in Canada, for three months exerted themselves to the utmost limit to prove in the hearings before that committee that lumber was in a trust.

Yet, Mr. President, anyone who will read that testimony—I am not going to bother the Senate with it—can not resist the conclusion that a case in court never so dismally failed as did this attempt to convict the manufacturers of lumber of being in a trust. But, Mr. President, there is one fact in the situation which can not be wiped out, which proves conclusively that the lumber industry in this country is not controlled by a trust. It is the fact that in thirty days after the panic came the price of lumber dropped from 30 to 35 per cent from one end of the country to the other.

Mr. CLAPP. What per cent?

Mr. SIMMONS. About 30 or 35 per cent. It is selling for 30 or 35 per cent less to-day than it was selling when the panic came.

Mr. CLAPP. You refer to the panic of 1907?

Mr. SIMMONS. I refer to the panic of 1907. I say that since that panic 35 per cent has gone out of its value, measured by the market price in this country.

Now, a trust that can not control prices any better than that is no trust at all. Has it been that way with iron and steel?

Confessedly, iron and steel are controlled by a trust. What happened to the prices of iron and steel? While the prices of other things were dropping and falling, did they not remain as fixed as the Pyramids until, in recent months, as a matter of business policy, the steel trust decided to reduce them? So it has been with the other trust-controlled products.

Mr. President, an appeal is made for cheaper lumber in the interest of cheaper homes for the farmer, the mechanic, and the laboring man. If lumber is too high, I would welcome anything that would reduce it to a legitimate margin of profit; but when you come to reducing the prices of articles by tariff legislation because they are necessaries, then I insist that you apply the same rule to every necessary of life the price of which is enhanced by your tariff.

Lumber is a necessity in the sense that men have to have houses in which to live, and the people build houses chiefly of this material. But clothes are also necessities. The clothes of the people are made chiefly of cotton and of wool, and of course they have to have shoes made of leather. Each one of these articles, cotton, wool, leather, shoes, is taxed in this bill at a rate ranging from 15 per cent upon shoes up to about 60 per cent upon woolen and cotton goods.

There is no law that requires a man to live in a house, but in every State of this Union there is a law that requires both men and women to wear clothes. If the duty upon lumber should be reduced because it is necessary for men to have houses to live in, then I contend that the duty upon clothes should for the same reason be reduced, because it is necessary and it is commanded that the people shall wear clothes.

I want to ask our friends from the prairie and treeless States, where they raise chiefly grain and stock, where they have great ranches feeding thousands and millions of sheep, when they demand that the duty be taken off of lumber in order that its price may be reduced to them so that their people may have cheaper materials for building homes, if they are willing to apply the same rule to wool, so that the people of my section and the whole country may have cheaper clothes?

Mr. President, there have been times when men got along without either houses or clothes. There are some countries in the world to-day, they tell me, where both men and women do without houses or clothes. But there never has been a time in the history of the world when men could do without something to eat.

The chief food product of the masses is corn, wheat, and meat. These articles are taxed by the present law and in the proposed bill at an average of about 30 per cent. Are the Senators from the great corn and wheat growing and stock-raising prairie and treeless States of the West and Middle West, who are demanding that value be legislated out of the lumber of the South and the Pacific coast in the interest of cheaper homes for their people, willing that the duty shall be taken off of corn, wheat, and meat, that the people of the South and the whole country may have cheaper food?

Mr. President, the South admittedly is the greatest lumber-producing section of this country. Forty-five per cent of all the lumber produced in this country is manufactured there. The South does not produce probably more than two-thirds of what it consumes in the way of corn, wheat, meat, and hay. Where does it get it? From the Western States. It gets it from the very section of country that is demanding that value be legislated out of our products so that they may buy it cheaper from Canada. We buy their wheat and corn and meat and hay by thousands of bushels, pounds, and tons every year. Are they willing to reduce the duty on these things that our people may get them cheaper, or do they demand that the principle that the necessaries of life should be cheapened to the people shall apply only to the necessaries which we produce and sell to them and not to those which they produce and sell to us?

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. I will yield in a minute. Let me say to the West that the best purchaser in the South of its corn and its wheat and its meat is the man who labors in the sawmill. Those 800,000 men, who have to feed 3,000,000 mouths and clothe 3,000,000 backs, are the best purchasers that they have for their corn and their wheat and their meat; and if they succeed in their present assault upon lumber, if the Canadians shall as a result drive the southern lumber manufacturers out of their markets and they shall thereby secure their lumber at cheaper rates, which I do not think they will do, they will get this reduction by paralyzing the purchasing power of the best customer they have for their wheat and their corn and their hay and their meat.

I now yield to the Senator from New Hampshire.

Mr. GALLINGER. Mr. President, I am greatly interested in the discussion of this question by the Senator from North Carolina. He is following a course of thought that has occurred to me more than once. The section of country from which I come has some interest in lumber as well as the South. New England does not raise a bushel of wheat and produces very little meat. We purchase from the great West practically all our foodstuffs.

If it be true that reducing the duty on lumber, or removing it entirely, will give to a certain section of the country cheaper homes, it follows, as a matter of fact, that reducing the duty on the products of the farms, covering wheat and corn and meat, will give us in New England cheaper foodstuffs. So I think the Senator is entirely justified in making the appeal he is making to those who are demanding free lumber—that they are standing, possibly, in their light in demanding high rates of duty on their products when at the same time they are willing to strike down the industry the Senator's State is so greatly interested in and which affects very greatly some States in New England.

Mr. SIMMONS. I thank the Senator very much for aiding me in my contention with his approval and with his very strong, intelligent, and pertinent statement.

Mr. President, the only additional reason under the sun that can be assigned for treating this product differently from the other products covered by the bill is that this proposed legislation is in the interest of forest conservation. There is no man who has greater sympathy than I have with the movement now on foot and far advanced in this country in favor of conserving all our natural resources, especially our timber supply. But I can not believe that the way to conserve our timber supply is to make our forests not worth conserving.

If reducing the duty on lumber or putting it on the free list would tend to the conservation of our timber supply, I would regard that as a strong argument in that behalf, but I am convinced as a result of my studies that so far from its having that effect it would have just the contrary effect. If you want to conserve your timber the way to do it is to make it more valuable. The Government can do much in the direction of conservation, but in the end the greatest conservation work must

be done by the individual owner, and his efforts both in growing and saving timber will increase in proportion as it becomes more profitable to grow and save it.

When timber was cheap in the South, we cut it ruthlessly. We cut down a fine $2 pine tree to get a hundred fence rails; to get new fields, we cut down forests worth twice as much as the land itself, and cleared away the timber by burning it, and let our waste land out to grow up in pines. When they got up to merchantable size, supposing the land to be replenished in fertility for agriculture, we cleared them away by cutting them down and burning them.

Every summer we would set fire to the woods and burn away millions of dollars' worth of magnificent timber so as to afford a little better grazing for a few scrubby cattle. We cut it for firewood; we cut it for rails; we regarded it of no value and destroyed it as a thing not worth preserving.

Now, Mr. President, that our timber has become valuable, that every tree—pine, oak, hickory, or what not—standing in the forests represents so many dollars, every man in the South, no matter what his grade of intelligence, guards and protects that tree just to the same extent he would guard any other valuable property. We have as much litigation in my part of the country to-day with mill men because of violations of the contract in cutting timber so as to injure and not sufficiently protect the young and growing timber as we do about any other question.

There is not a State, I think, in the South to-day that has not passed laws looking toward the conservation of its forests, looking toward their protection from fires, looking toward the punishment of trespassers, looking toward the introduction of better and more intelligent cultural methods. It has come about as the result of the increased value of timber. And now the strange proposition is presented to us that in order to conserve the forests we have to make lumber less valuable and invite foreign countries to come in here and help us supply the demand.

Mr. President, would our timber supply be conserved by inviting Canada to assist us in supplying our present great demand for lumber? I think every man familiar with the lumber situation in this country will answer that question in the negative.

The zone of competition between the lumber of the South and that of Canada is largely the territory lying south of the Lakes, with New York on the east, the Ohio on the south, and the Mississippi on the west. The bulk of the lumber sold in that section by the South, and practically all of that sold by Canada, is low-grade lumber. Fully 80 per cent of all the lumber now manufactured in the South is low-grade lumber, and 60 per cent of this is sold in this zone of competition, not over 10 or 12 per cent being used at home, so to speak.

Practically the whole of the lumber imported into this country from Canada is of the same grade—Canada sells her high-grade lumber to England. This is shown by the fact that the price of the lumber sold here by Canada ranges from $11 to $20 per thousand feet; $20, I believe, being the highest price, the average ranging around $17. Canada sells her high-grade lumber to England at something over $28, making a difference between the price of the lumber she sells us and the mother country of between $11 and $12.

Now, if the great lumber-consuming markets of this section are turned over to Canada where will the South find a market for its low-grade lumber? If it can not find a market, what will it do with that class of lumber? Is it not obvious that the lumbermen of the South will have to do with it exactly what they did years ago—that is, cut only the best part of the tree and leave the balance in the woods?

Mr. President, there are great lumber plants in the South; millions of dollars are invested in them. We can not afford to let these mills remain idle; they must be operated. If we can not find a market for the lumber made from the upper cuts of the tree, then we must supply these mills with the lower cuts, and that means, of course, that we will have to cut twice as many trees in order to secure the necessary amount of timber to keep the mills going as we would have to cut if we should use the whole tree.

If this should happen—and this would inevitably happen if the South were to lose these markets for its low-grade lumber or if the price of lumber in these markets were to fall below the cost of production, and for that reason our lumbermen should be compelled to stop manufacturing these low-grade cuts—for every thousand feet of lumber contributed by Canada toward supplying our national demand for lumber there would be a waste of 10,000 feet of our own, which would otherwise be utilized. The result would be forest destruction and waste instead of forest conservation.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. Just let me finish this sentence.

Mr. CLAPP. I merely want to ask a question.

Mr. SIMMONS. Let me finish this sentence, and then I will yield.

Mr. CLAPP. All right.

Mr. SIMMONS. We will have to let it remain in the woods to rot.

Now I will hear the Senator from Minnesota.

Mr. CLAPP. What I wanted to ask was a question just for information, and not in the way of criticising the Senator's argument.

Mr. SIMMONS. Certainly. I shall be very glad to hear the Senator.

Mr. CLAPP. The Senator said the South consumes 12 per cent of the cheap lumber.

Mr. SIMMONS. I do not think it is quite that much. I think I overestimated it. It is probably not over 8 or 10 per cent.

Mr. CLAPP. What proportion of the remaining 80 or 90 per cent goes abroad, if any?

Mr. SIMMONS. We export some. I can not say how much. I am sorry I am not able right now to give the Senator the figures.

Mr. BACON. If the Senator will pardon me, while I do not profess to have accurate statistics, I have information which I deem reliable, that for the two States of Georgia and Florida, which are the principal yellow-pine producing States, very nearly two-thirds of the product goes to Northern States.

Mr. SIMMONS. That is true, I think, of North Carolina also.

Mr. BACON. Then the portion indicated by the Senator from North Carolina is consumed at home and the remainder goes abroad.

Mr. SIMMONS. Yes. We consume at home only about 8 or 10 per cent, and most of the balance we sell in other States. We ship only a small part across the water. That is what I meant by my statement.

Mr. BACON. I do not know how it is in North Carolina and Mississippi, which are also yellow-pine bearing States, and in South Carolina.

Mr. MONEY. If I may contribute something to this debate, by the permission of the Senator——

Mr. SIMMONS. I shall be delighted to have the help of the Senator from Mississippi.

Mr. MONEY. The State of Mississippi does produce a very large amount of longleaf pine.

Mr. SIMMONS. I know; it is one of the largest producers in the country.

Mr. MONEY. It is one of the largest producers, I believe. I have no knowledge of the amount that goes north, but it seems to me that we are pretty well cut off from competition, because the rate from Mississippi is about $8 a thousand to Buffalo, Cleveland, Toledo, Chicago, and so on. But from Gulfport, which is my post-office, there are exported abroad about 300,000,000 feet, perhaps a little more, and from the port of Pascagoula, 30 miles east of my place, there is probably sent as much more. Of that sent from Gulfport, somewhere between 85 and 90 per cent goes to Argentina and Banda Oriental, and some to Bremen, some to Havre, and a little to Cuba.

I do not know the proportion that goes north, but that which goes to Canada is a kind of lumber that they call "pole lumber," because it is of a character which requires some rigidity, some flexibility, and great tensile strength, with lightness. It is something for which neither hickory nor oak nor spruce nor white pine will answer at all, such as car sills, for instance, and great timbers for the building of iron bridges and other structures where they have to have tall pieces with great tensile strength and some rigidity.

Mr. CLAPP. The Senator from Mississippi said it went to Canada. Did the Senator mean that?

Mr. MONEY. Oh, yes; I do mean it. It is a kind of lumber that they do not have there. They can not produce it, because they have nothing in their forests that will make it.

Will the Senator from North Carolina allow me a moment further?

Mr. SIMMONS. Certainly.

Mr. MONEY. I do not know much about this matter. The Senator from North Carolina is making such a magnificent speech on this subject I dislike to intrude at all. He knows a hundred times more than I do about it; but as to this one item, the class of timber we send to Canada and some other parts of the world, longleaf pine, I can recall now that a good many years ago, when the Northern Pacific was in construction,

they ordered from a friend of mine six pieces of timber that were to be 75 feet long. I have forgotten how much it squared, but it was the same square all the way through. He charged $900 for those six pieces. The six pieces could not have been found elsewhere. They sent him back a check and asked him if he could furnish any quantity of it. They wanted more.

He declined to furnish more because of the difficulty of felling a tree of that length and having a bed to break the fall. He had to prepare a bed for every tree that he cut. Of course he did not lose the lumber, because he sawed it up into other things. I am sure this is a character of timber which is indispensable in some business, and it can be procured nowhere else that I know of except perhaps on the Pacific coast, with which I am not acquainted.

Mr. SIMMONS. I thank the Senator very much.

Mr. MONEY. I am very much obliged to you.

Mr. SIMMONS. I thank him for the assistance which his statement has given me.

I will state to the Senator from Minnesota that a part of the lumber which we produce in the South, in North Carolina, and I suppose in all the States of the South, is exported. The exports from this country to Canada, however, if that is what he had in his mind, are very small. I believe only about $4,000,000 worth is exported from this country into Canada.

I want to say to the Senator that the price at which that lumber is invoiced shows that it is a very high grade of lumber. It is a kind of lumber which Canada must have in her railroad construction and in the other great works that she is now fortunately developing, and she has not got it. It is a well-known fact the longleaf yellow pine has a tensile strength that no other class of pine has. I do not believe the best timber on the Pacific coast compares with it in strength. The point I wish to make in answering the Senator's inquiry is that the lumber which Canada buys from us is lumber of a kind that she does not herself produce, while the kind of lumber that we buy from Canada is of a kind that we do produce, and she produces it at a less cost than we can produce it. The export prices will, I think, show that the lumber Canada buys from us sells at an average of eight or ten dollars per thousand feet more than that which she sells us. The grade is altogether different.

Mr. CLAPP. Mr. President——

Mr. SIMMONS. I yield to the Senator.

Mr. CLAPP. No; I do not like to interrupt the Senator so much.

Mr. SIMMONS. I have no objection.

Mr. CLAPP. I know you have not.

Mr. SIMMONS. Mr. President, the most important question in connection with this branch of the subject is, What will be the effect upon the price of lumber to the consumer if the duty is removed or reduced? Will he get cheaper lumber with which to build his home? Will the appeals which have been made in behalf of cheaper schoolhouses, cheaper churches, cheaper cabins, and cheaper homes be met and answered?

There are two facts which the evidence before the Ways and Means Committee put beyond dispute.

First. The competition between Canadian and American lumber is confined, as I have before endeavored to show, to the lower grades of lumber—what is known to the trade as Nos. 3 and 4, made mostly out of the upper cuts of the tree.

Second. That this competition is confined within certain territorial limits, as I have before stated, chiefly along the coast of the Lakes.

I do not think it can be, or is, seriously contended that the reduction or removal of this duty will affect the price of lumber in this country in the immediate localities where it is produced unless as the result of overproduction and consequent congestion caused by the delimitation of our markets; and no one, I take it, will contend that cheapening this or any other product by congestion is a desirable thing.

I have here a speech delivered in another body by a distinguished North Carolinian, strenuously advocating free lumber. In this speech he expresses the confident opinion that putting lumber on the free list will not cheapen lumber at all in the South. He contends that its only effect will be to cheapen lumber in certain sections of the Middle West.

I will read one or two extracts from this speech. It was regarded as one of the greatest speeches made in the great debate upon the lumber schedule which took place in the House. I do not read the speech to criticise it, because I agree with what is said with respect to the effect upon the price of lumber to the North Carolina and southern consumer. I simply read it as an authoritative statement of the contention of the advocates of free lumber as to the effect of this legislation upon its cost to the ultimate consumer. He was asked:

Before the gentleman proceeds further, I would like to ask if the removal of the tariff on lumber will not result in reducing the price of lumber, how will that removal aid the home builders, to whom the gentleman refers, to build cheaper homes?

To this question he replied:

It is quite evident that the gentleman did not hear the first part of my talk. I said in the beginning, that while it would be a great blessing to millions of people in the West and Middle West, as I shall show later, it would not affect a single one of the southern mills.

Asked whether it would make lumber any cheaper, he replied:

It will not make lumber in the South, especially on the Atlantic seaboard, any cheaper—I wish it would—or affect us in the South, because in the section of Canada that will compete with us; that is, where the freight rates would allow competition with the southern mills—even if Canada had the timber—lumber is just as scarce as it is in the South and just as high as it is in the markets to which we ship.

After another interruption, he said:

In the great West, in the great consuming States of Illinois, Indiana, Iowa, Minnesota, Wisconsin, and Nebraska, and all out in that western section, removal of the tariff will make lumber cheaper to the consumer and will take the hand of the timber monopolists from the necks of millions of our western people, and I shall show it before concluding.

* * * * * * *

Again, Mr. President, he was asked:

If the gentleman thinks there will be no lumber imported into this country, how does he think there will be any relief to the consumer by placing lumber on the free list?

To which he replied:

I will gladly answer all questions, if my time may be extended; and I will show this House by the evidence of the tariff advocates themselves that, while it will not affect the South or any southern lumber, it will relax the grasp of the stumpage syndicates and lumber monopolists in the West from the throats of millions of our western people. While it will not help my people, I would be unworthy of my seat here if I were unwilling to help people who live out of my State.

Mr. President, in that latter sentiment I join him. I am ready, with him and with any other man on either side of this Chamber, to extend the same treatment to every article and every product embraced in this bill, I do not care in what section of the country it is located. All I ask is that there be uniform treatment; that there be no discrimination. I am willing to take a broad view of it.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. SIMMONS. In just a moment. I am willing to look beyond my State and beyond my section and cover in my vision the horizon of the whole country; but, Mr. President, I want the remainder of the country to also take into consideration the section in which I live.

Mr. PILES. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Washington?

Mr. SIMMONS. I do.

Mr. PILES. I simply want to call the Senator's attention to the fact that the argument advanced by the gentleman in the other House, from whose speech the Senator has been reading, proceeds upon this line: He was endeavoring to show to the people of the South that the removal of the duty on lumber would not injure the people of North Carolina, for instance, but that it would injure the people of the Pacific coast and the people of New England, who are also engaged in the lumber business. In other words, he was perfectly willing to convince the people of North Carolina or of Georgia or of those other sections of the southern country that they were not going to be injured, and that all the injury would fall upon the people of the Pacific coast and the other sections of country where lumber is produced in very large quantities.

Mr. SIMMONS. He contended that the removal of this duty would not injure anyone in the South; that it would not injure those engaged in that industry, or the owners of timber in the South. I think he is mistaken in that contention, but it is not to that part of his contention that I am now addressing myself. I am discussing only that part of his contention with which I agree, and that is the contention that the farmer, the mechanic, and the laborer in the South who buy lumber will get no benefit from this legislation in the way of reduced price.

Mr. President, I think it is undoubtedly true, as stated by this able advocate of free lumber from whom I have just read, that putting lumber on the free list will not reduce to the extent of a penny the price of lumber to the consumer in North Carolina or the South. In all that vast region designated as the "South," inhabited by nearly 30,000,000 of people, this legislation will afford no relief to the consumer of lumber; lumber for the schoolhouses, for the churches, and the cabin and cottage will cost the same in North Carolina and in the South

whether the duty on lumber is reduced or not. It may cripple this great industry of that section by turning over their best markets to their Canadian competitors, and it may check the growth and prosperity of many hundreds of cities and towns and small communities, but the consumer of lumber, whether rich or poor, in this section will not get his lumber any cheaper.

I think, Mr. President, it may be accepted as an admitted fact—admitted by both sides to this controversy—that the reduction or removal of the duty upon lumber will not affect the price of lumber to the consumer of lumber in any part of this country, except possibly in the prairie States lying within the area south of the Lakes and which may be designated as the "Middle West." It is contended that they will get lumber at a cheaper price if Canada is permitted unrestricted access to their markets.

Now, as to the question raised by the Senator from Washington as to the effect of this reduction of duty upon the industry in his section and in my section, I think the owners of the 28,000 sawmills scattered broadcast over the South and the Pacific coast know better about that than I do. I have met many of them from the Pacific coast as well as the South. They are all intelligent men; they understand their business. Not one of them has spoken to me upon the subject of this legislation except with apprehension. There are more than 1,400 of these mills located in my State, and they are owned by among the best and most intelligent business men of my State. I have had some sort of communication, by letter or wire, with nearly all of them since this agitation began, and I want to state that not a lumberman from my State has written or wired or spoken to me upon this subject who did not express grave apprehension as to the effect of this legislation upon his industry. Not only the lumbermen but many bankers and merchants of the lumber section of my State and the South have written me, and not a single one of them has written asking me to vote for the removal or reduction of this duty; neither has any farmer or consumer of lumber, as far as I now recall, in that section asked me to vote for it.

Now, Mr. President, let me get to the last question I wish to discuss in connection with this branch of the subject under consideration, and that is, Is it true that the consumers of lumber in the Middle West will get lumber cheaper as the result of the removal or reduction of the duty on lumber? Now, as I stated before, Canada is only selling us her low-grade stuff; she has a use and demand at home and in the mother country for all of her high-grade lumber. The kind of lumber she is now selling us, and the kind of lumber she will sell us after this bill is passed, is not the kind used in building houses for homes. No prudent farmer or mechanic or laborer will build a house out of this class of lumber. It decays rapidly and is, for that reason, unsuited for that purpose.

Some of it is used for sheeting—"double weatherboarding," as we call it—in between the laths and the outer weatherboarding, and that is used mainly by the rich, by people who live in cities, generally. The home builder does not use it—at least, only to a limited extent. The bulk of the lumber now supplied us, and which will be supplied us, by Canada is not used in building houses and barns and stables, but it is used for manufacturing boxes, crates, and that sort of stuff.

Mr. SMITH of Maryland. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Maryland?

Mr. SIMMONS. In a moment. The chief beneficiary, if there should be a reduction of the price as a result of the removal of this duty, or its reduction, would not, therefore, be the home builder nor the struggling farmer, but the great, rich box factories that are located along the Lakes.

Mr. SMITH of Maryland. If the Senator will pardon me, I will state that from 200,000,000 to 300,000,000 feet of this common lumber is used for export purposes, for boxes in which to export the products of this country. There is one concern alone, I may say, which uses 200,000,000 feet of this lumber. It does not go into the manufacture of houses, but goes into the manufacture of boxes for carrying the manufactured products of this country.

Mr. SIMMONS. I believe the Senator is a large owner of timber, he owns some in my State, and he is a practical manufacturer of lumber. I want to ask the Senator to tell the Senate whether I am not within bounds when I say that at least 80 per cent of the timber that we sell in competition with Canada is the low-grade stock which he has just said is used for manufacturing boxes.

Mr. SMITH of Maryland. If I wanted to be entirely accurate I would say that more than 80 per cent of all the lumber manufactured in the South is low grade; in fact, in some sections of the South there is not 5 per cent of some of the timber that is cut that is above what is known as "box grade," and at least 80 per cent or more of the lumber that is manufactured in the South is what is known as "box-grade" quality. I can say, for the benefit of the Senate, that to-day that lumber is barely bringing what it costs to manufacture it; in fact, I hardly think it is bringing what it costs to manufacture it. I know as a fact that in Norfolk about the lowest price that logs are bringing is $11 per thousand, and that you can buy box-edge boards at that price to-day. Of course, there is other lumber that brings a little more—stock lumber—but so far as the box-edge lumber is concerned it is not bringing what the log itself costs.

Mr. BEVERIDGE. According to that, the Senator would be in favor of increasing the tariff on lumber, would he not?

Mr. SMITH of Maryland. No, sir.

Mr. BEVERIDGE. Then in maintaining the present rates of duty?

Mr. SMITH of Maryland. I want to say to the Senator from Indiana that, so far as I am concerned, I am in favor of a proper adjustment of the tariff. I recognize the fact that we must have revenue; I recognize the fact that that revenue is to be obtained by a tariff; I recognize the fact that on account of the tariff there is incidental protection; and, so far as I am concerned, I want the people that I represent and the people of the South generally to have their share of that incidental protection.

Mr. BEVERIDGE. I thought that was the Senator's position. The Senator will therefore vote——

Mr. SMITH of Maryland. I am not asking for protection to benefit monopolies.

Mr. BEVERIDGE. Just incidental protection.

Mr. SMITH of Maryland. I say that if we have to have protection, which we must have on account of the tariff, I want the section that I represent to have their portion of it, because they pay their portion of the taxes.

We on this side represent 30,000,000 people, who pay one-fourth of the taxes of this country. Taxes, I recognize, are an evil, but a necessary evil; and if we have to pay our portion of the taxes, we want our portion of the incidental protection.

Mr. DIXON and Mr. BURKETT addressed the Chair.

The VICE-PRESIDENT. Does the Senator from North Carolina yield, and to whom?

Mr. SIMMONS. I yield to the Senator from Montana [Mr. DIXON].

Mr. DIXON. The Senator from Maryland is in favor of a tariff on lumber, as I understand his statement?

Mr. SMITH of Maryland. I am, sir, as incidental protection for the purpose of raising revenue.

Mr. DIXON. How does the Senator square his present profession and belief with the last Democratic national platform?

Mr. SMITH of Maryland. What is that?

Mr. DIXON. I ask, How does the Senator from Maryland square his present belief and assertions with the last national Democratic platform, which declared specifically that lumber should go on the free list?

Mr. SMITH of Maryland. So far as the last Democratic platform is concerned, the platform asked for the reduction of the tariff generally. If you reduce the tariff all the way along the system, then the Senator from Maryland is willing to take his portion of the reduction for the section that he represents.

Mr. DIXON. But the Democratic national platform declared specifically that lumber should immediately go on the free list.

Mr. SMITH of Maryland. But the platform went on further and declared that there were other things that should be reduced, too.

Mr. DIXON. But it mentioned specifically lumber.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Minnesota?

Mr. SIMMONS. I am very glad to yield. I am somewhat tired, but am not quite through.

Mr. CLAPP. I want to correct the Senator from Maryland. The Democratic platform does not go on further and declare that other things should be reduced; but after saying that they believed the tariff should be reduced as soon as practicable to a revenue basis, the Democratic platform then goes on and demands the immediate repeal of the lumber tariff.

Mr. SMITH of Maryland. If you want me to speak of that from an individual and personal standpoint, I will say that if we must have revenue, I think a part of the revenue might as well be gotten in that way.

Mr. BEVERIDGE. Mr. President, I may be permitted to say, in connection with what the Senator from Minnesota [Mr. CLAPP] has said, that, in view of the position of Senators upon

the other side, or some of them, it does not make very much difference what the Democratic platform said upon this question. [Laughter.]

Mr. SMITH of Maryland. That is a matter about which the Senator from Indiana can draw his own conclusions.

Mr. BEVERIDGE. I do.

Mr. SIMMONS. I said, in reply to the Senator from Montana [Mr. DIXON], in the beginning of my speech all I care to say upon the subject of the Democratic declaration about lumber.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. SIMMONS. Certainly.

Mr. BURKETT. Let me suggest to the Senator that I have sat and listened to the speeches that have been made by the Democrats, and I am getting a little nervous. In the campaign that we made out in Nebraska last year the Democrats——

Mr. SIMMONS. I presume, if the Senator will let me interrupt him, that he is very nearly as much troubled about getting that declaration of the Republican platform with reference to the postal savings bank system acted upon as we are with reference to lumber. [Laughter.]

Mr. BURKETT. I did not understand the Senator's question.

Mr. SIMMONS. I said I presumed the Senator was having about as much difficulty in getting the Republican declaration in regard to the postal savings bank system made into law as we are having over this little declaration about lumber.

Mr. BURKETT. The Senator from Nebraska admits that he has not been quite so successful in that direction as he hoped he might have been, but the Senator from North Carolina will acquit the Senator from Nebraska of any lack of effort on his part to get the postal savings bank system carried out.

Mr. SIMMONS. The Senator has been doing his best to overcome the opposition on his side of the Chamber to the declaration of his platform on this subject, but with little success.

Mr. BURKETT. But what I was about to say to the Senator was, that in the campaign last fall I recall that one of the particular planks that caused Republicans in the State of Nebraska and throughout the Mississippi Valley generally the most trouble was that which the Democrats wrote upon the lumber tariff. I think there was not a single speech made by any Democrat in our State in which he did not read that specific section of the Democratic platform and did not appeal to our people to vote for the Democratic ticket and for Democratic Congressmen, on the theory that if they would send Democrats down here they would join the Democracy of this country and give them free lumber or, at least, reduce the rates on lumber. On every single platform where we spoke we had to answer that proposition; in fact, we had to answer a good many statements that had been made with reference to various declarations in the Democratic platform.

But, finally, after a long, hard struggle, during which we promised them as Republicans that lumber should be made as cheap as possible, recognizing that it was one of the great necessaries of the American people, and that for the protection of our forests, for the protection of the home builder and all the other people to whom the Senator from North Carolina has adverted, we stated we would agree to help the Democracy of this country to reduce somewhat the tariff upon lumber. Now, I say it is rather disappointing to me, I confess, to find every Senator, so far as I have been able to observe and so far as I have followed this debate, who has arisen to speak upon the other side of the House, take a position in behalf of a protective tariff upon lumber. I said that this was very embarrassing to me, because the way the thing is going on it appears to me there will only be a few of us who live out there in the Mississippi Valley, and Republicans at that, who will try to get cheaper lumber for the people of this country.

Mr. SIMMONS. I hope the Senator will not inject a set speech into my argument.

Mr. BURKETT. I would not do that.

Mr. HEYBURN. Mr. President, will the Senator from North Carolina permit me for a moment?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Idaho?

Mr. SIMMONS. I should be glad to yield to the Senator, but I would first like to say just a word in reply to the Senator from Nebraska.

Mr. HEYBURN. I only intended to speak a word of admonition to the Senator from Nebraska.

Mr. SIMMONS. Very well.

Mr. BURKETT. Let me say to the Senator from Idaho that it is most embarrassing——

Mr. SIMMONS. I think the Senator from Idaho can admonish him better than I can, and that he will take the admonition more kindly.

Mr. BURKETT. Let me anticipate the Senator from Idaho by saying that it was as embarrassing to have to make any promise to follow the Democratic tariff ideas in a campaign as it is, I suspect, for Senators on the other side to meet the proposition of their platform at this time.

Mr. HEYBURN. I sincerely trust that the Senator from Nebraska will not be too energetic in reminding Senators on the other side of their declaration upon this question, inasmuch as the Republican platform is along the lines now being contended for by Senators upon the other side.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. HEYBURN. In a moment. Their inadvertent declaration upon the lumber schedule in their platform has evidently taken a new phase. I am very much gratified that it is so, and I would not have a word come from this side of the House which would discourage them from their reformation in that particular.

Mr. RAYNER. Mr. President, before the Senator from Idaho takes his seat I will ask him what does he mean by "Senators on this side?" I hope the Senator himself and the Senate will take the declarations of Senators as they come from them, and not consider because one particular Senator may be in favor of protection or in favor of what he calls "a revenue duty," which is equivalent to protection generally upon a proposition of this sort, that all Senators on this side are in favor of it.

I hope the Senator from Idaho will wait until each Senator on this side expresses his opinion upon this bill. So far as I am concerned, I have been waiting here for several days to make a few observations upon this subject. I want the Senator from Idaho to understand that I am in favor of a constitutional tariff for revenue and for no other purpose, and I propose to stand strictly upon the Democratic platforms that have enunciated that doctrine for the last quarter of a century. I hope the Senator will not in speaking of "Senators on this side," without criticising the Senator at all, because his view may be correct, conclude, because one Senator expresses his opinion upon one particular schedule out of 4,000, that all of the rest of the Senators agree with him upon the principles and propositions he announces.

Mr. HEYBURN. Mr. President, just a word. I used the expression "Senators upon the other side" in strict conformity with the parliamentary custom in this body. It is quite usual to refer to the Senators on that side of the Chamber as a whole when one of their number is speaking, from the party standpoint I assume, for the Senators on that side.

Mr. RAYNER. The Senators who have spoken, especially my distinguished colleague from my State, may be perfectly right about this proposition. I am not discussing that question. But let the Senator from Idaho wait until he hears from Senators on this side and not take it for granted that we all agree with any particular Senator who may be speaking upon any particular subject. I do not mean in the slightest degree to criticise anything that any Senator has said upon this subject——

Mr. ALDRICH. Will the Senator from Maryland allow me to interrupt him?

Mr. RAYNER. Yes; I will.

Mr. ALDRICH. Does not the Senator from Maryland expect that a majority of the Senators sitting upon the other side of the Chamber will vote for a lumber tariff?

Mr. RAYNER. I do not know how anyone else will vote. I know I shall not vote for it. Of course I can speak only for myself. I do not pretend to criticise the vote of any Senator who may vote that way; and he may be right, and I may be wrong; but I propose in a very brief address, when I have the opportunity, to present my views, not only on lumber, but upon everything else, to stand upon a constitutional tariff for revenue. The Senator from North Carolina and the Senator from Maryland are assuming the proposition that this is a tariff for revenue. I am not criticising that proposition.

Mr. BEVERIDGE. And incidental protection.

Mr. SMITH of Maryland. Just one moment.

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the junior Senator from Maryland?

Mr. SIMMONS. Certainly. I will yield for a brief statement, but I will yield to nobody else for a speech.

Mr. SMITH of Maryland. I will not be three minutes in what I have to say. So far as I am concerned, I am for a constitutional tariff for revenue. I did not say "constitutional," but I said a tariff for the raising of revenue for the expenses of the Government. It might be inferred from what

my colleague from Maryland has said that I go further than that. I do not believe the Senator from North Carolina made any argument contrary to that. I stand as he stands, and I did not go beyond that in anything I have said.

The Senator seems to insinuate that I or the rest of us have said something that would imply that we went beyond a constitutional tariff for revenue. I want to say to the Senator that I did not say that I went beyond that; but I did say that inasmuch as this revenue had to be raised by a tariff, and that there was incidental protection growing out of the tariff, I wanted it properly adjusted, and that all the people should share whatever might come out of it. I am not in favor of anything but a constitutional tariff for revenue.

Mr. RAYNER. Mr. President——

Mr. SIMMONS. I decline to yield, Mr. President.

Mr. RAYNER. Will the Senator allow me——

Mr. SIMMONS. I decline to yield any further. I think I have been sufficiently patient.

Mr. RAYNER. He might allow me a moment, considering that he has been speaking for two hours. I do not think the Senator will object to it.

Mr. SIMMONS. If the Senator from Maryland puts it upon that ground, of course I will not object, if is a matter of urgency.

Mr. RAYNER. I do put it upon that ground.

Mr. President, I made no criticism. I made no charge whatever. I understand the position of the Senator from Maryland, and I think it is a perfectly consistent one. He is in favor of a tariff on lumber because he believes it to be a tariff for revenue. The only reason I rose was this: I do not want the Senator from Idaho or anyone else to conclude me upon any proposition until I have the liberty and the privilege of being heard before this body. That is all. I am responsible for my own opinion. No one is bound to agree with me at all; and, while I criticise no one, I stand upon the Democratic doctrine of a constitutional tariff for revenue, enunciated in every Democratic platform for the last quarter of a century.

Mr. SIMMONS. Mr. President, I utterly decline, as I did in the early stages of my argument, to be drawn into a political controversy about this matter. I am willing to state the broad fact that I am in favor of the retention of the present duty on lumber. I am willing to rest that, as a Democratic position, upon the argument which I have made here for the purpose of showing that it is a revenue tariff, and a good revenue-producing tariff.

Now, so far as the platform is concerned, I have said just as much about that platform declaration as I intend to say about it. When we are framing a bill based upon the principle of protection—and the highest protection bill, probably, that has ever been framed in this country—I am not going to treat a particular item in such a bill as I would if we were framing a bill based upon the principle of a tariff for revenue on a low basis. I do not consider that our platform declarations, taken in good faith, require me to do so.

Mr. ALDRICH. Will the Senator from North Carolina allow me?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. Certainly.

Mr. ALDRICH. It seems to me we are in a fair way to compose all our differences. A large majority of the Senators upon this side are in favor of keeping the duty on lumber as a protective duty. A large majority, I will assume——

Mr. SIMMONS. If the Senator will permit me to interrupt him, I have not, although several Senators have referred to me as advocating this as a protective duty——

Mr. ALDRICH. Oh, no. I am speaking about this side.

Mr. SIMMONS. I have not done that. On the contrary, I have insisted that the present rate which I want retained is a better revenue-producing duty than the old rate.

Mr. BEVERIDGE. "A rose by any other name would smell as sweet." It does not make any difference whether it is called for protection or for revenue.

Mr. BACON. Mr. President——

Mr. ALDRICH. I have not finished my sentence. Will the Senator permit me to finish my sentence?

Mr. BACON. Certainly.

Mr. ALDRICH. I said a large majority of the Senators upon this side of the aisle are in favor of a duty upon lumber as a protective duty. A considerable portion, I think a majority, on that side of the aisle are in favor of a duty on lumber as a revenue duty. Now let us agree that so far as this bill is concerned we shall waive the question of names. We are both for the same thing under different names.

Mr. SIMMONS. I should like, before the Senator from Rhode Island takes his seat——

Mr. BACON. Mr. President——

Mr. SIMMONS. I will yield to the Senator from Georgia in a moment, after I address this inquiry to the Senator from Rhode Island: Is it possible to levy an import duty upon an article produced in this country, whether for revenue or for protection, which does not in effect protect it against foreign competition to the extent of that duty?

Mr. ALDRICH. It certainly is. A protective tariff and a revenue tariff are absolutely and diametrically opposed to one another.

Mr. BACON. Will the Senator permit me for just a moment? The Senator from Rhode Island made a suggestion, which is one upon which we may act practically, and that is, that we compose our differences; and the lumber tariff being the particular item which has suggested that possibility to his mind, I want to meet him and suggest that I am perfectly ready to meet the Senators on the other side of the Chamber by composing our differences upon the basis of this particular tariff. The tariff upon lumber is about 10 per cent ad valorem. It is a revenue tariff. It yielded last year nearly $4,000,000 upon Canadian lumber which was imported.

The Senator from Rhode Island, being the chief architect of the present bill, has seen fit to put knit underwear and various other articles which are very peculiar to the particular section from which he comes at a most extravagant increase over the present law. I propose that we compose the present differences by bringing knit wear and those other articles down to 10 per cent. Will the Senator agree to that?

Mr. ALDRICH. The Senator has shown that he is not acquainted with this bill, or with the provisions of the duties upon underwear.

Mr. BACON. What is the duty on underwear?

Mr. ALDRICH. He is now stating a different proposition entirely.

Mr. BACON. Oh, yes; of course it is different; but I want to make it the same. I want you to come down to 10 per cent.

Mr. ALDRICH. The Senator from Georgia does not like to be confined to the question of the duty on lumber. He wants to be able to say to the country that he is in favor of a duty on lumber as a revenue duty.

Mr. BACON. Yes.

Mr. ALDRICH. I have been in the Senate long enough to have heard that argument many, many times. Every Senator who wants to dodge behind a party platform or something else supports a revenue duty. It is the same thing whether you call it a protective or a revenue duty. It is levied for the protection of American interests.

Mr. BACON. Speaking of dodging, I want to see if the Senator will dodge his own proposition. When one speaks about composing differences, it means people getting together. I am pointing to the fact that the particular item which called forth the suggestion from the Senator was one which bears 10 per cent duty, and I called attention to the fact that that Senator in his particular section has duties which are way above 50 per cent.

Mr. ALDRICH. Will the Senator vote for 10 per cent?

Mr. BACON. I will vote to bring them down.

Mr. ALDRICH. The Senator says it is 10 per cent duty. Will he vote for a 10 per cent duty on lumber?

Mr. BACON. I will.

Mr. ALDRICH. Ten per cent ad valorem?

Mr. BACON. Absolutely. That will be the better plan on which to put it. Will the Senator vote for 10 per cent upon the New England products that I have mentioned?

Mr. ALDRICH. I am a protectionist——

Mr. BACON. Yes.

Mr. ALDRICH (continuing). And I have the courage to say I am a protectionist. I am a protectionist as much in Georgia as in New England; I am for protection all along the line; and I am willing to call it protection. I am not dodging behind a proposition of a revenue tariff or anything else. I am for protection, and whether it is 10 per cent or 20 per cent or 30 per cent or 40 per cent or 50 per cent, whatever it may be, I am for it.

Mr. BACON. Very well. I want to say this to the Senator: The Senator says he is for protection. I wish to say with equal positiveness that I believe protection to be a most vicious and unjust system of taxation, and before the session closes I hope to have the opportunity to state my reasons plainly. There will be no dodging on my part. But everybody must recognize the fact that there must be a tariff for the support of the Government.

But, without pursuing that, I am bringing the Senator back to his particular proposition. The Senator, in a most generous spirit, suggested, in view of the fact that some on this side were willing to have a duty of 10 per cent on lumber, that there was a most gratifying opportunity to compose differences. The difference I am proposing particularly to compose, in response to the suggestion of the Senator, is that the 10 per cent duty on lumber shall be composed with the 60 or 75 or 80 per cent duty upon the products of the particular section the Senator represents—underwear, clothing, and other necessary articles—by bringing those 60, 70, and 80 per cent duties down to 10 per cent. Will the Senator agree to it?

Mr. ALDRICH. My suggestion was a composition of the differences upon names.

Mr. BACON. We have the authority of the distinguished Senator from Indiana [Mr. BEVERIDGE] that names make no difference. He even went so far as to quote Shakespeare upon that subject. I am asking something more than names. I am not here to bandy words. We are here for the purpose of fixing duties. We on this side—at least I am—are in favor of a 10 per cent duty on lumber, which is a low revenue duty. The Senator himself, with a generosity which so generally characterizes him, proposed that we compose our differences, and I am calling attention now to the differences to be composed—10 per cent for a southern product, 80 per cent upon a Rhode Island product—and I am asking the Senator if he will meet me, not by going halfway, not by raising the duty on lumber, and then coming down to that point when it is raised——

Mr. ALDRICH. What about rice?

Mr. BACON (continuing). But by letting lumber stay where it is——

Mr. ALDRICH. Will the Senator agree to a duty of 10 per cent on rice?

Mr. BACON. I will say this about rice: I am in favor of reducing the tariff upon all the necessities of life. I do not know exactly what is the percentage on rice; but if the percentage on rice is high, I am in favor of reducing it.

I believe that the great need of this country is that the tariff should be reduced upon all the great necessities of life; and Senators upon that side who are in favor of keeping the tariff up to that enormous height are trying to take courage and comfort to themselves when there is the least recognition on this side of the propriety of a duty which is strictly within revenue lines, and endeavor to ascribe to Senators upon this side a desire to have the advantage of a protective tariff while they deny their allegiance to such a doctrine.

I utterly repudiate it. I say to the Senator there is not a single article produced in the South as to which I will not vote for a reduction of the tariff if you can show it is above a legitimate revenue tariff. Can the Senator desire any more plain proposition than that? I repeat it—that upon any product North or South I will vote for a reduction of the tariff duty if it can be shown that it is above a legitimate revenue basis.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Indiana?

Mr. BACON. I do.

Mr. BEVERIDGE. It is simply for a question. The Democratic platform specifically declares for free lumber. Does the Senator think that platform right or wrong in that particular?

Mr. BACON. That platform, like all platforms, is probably written by the committee at midnight, and when reported by the committee on resolutions it is scrutinized by the convention, in the main, as to the enunciation of general principles and not so particularly as to minor details. The Senator from Indiana has been in national conventions, and almost every Senator who is within hearing of my voice has been in national conventions, and we know how that is. Upon a question of the policy of the party, as to whether or not it shall be in favor of a protective duty or a revenue duty, it is binding upon us all. But when a particular article among a hundred others is picked out and it is said that it should go on the free list, that is an expression of opinion by the committee which is, perhaps, not particularly considered by the convention while its attention is engrossed by more important matters.

Mr. BURKETT. Mr. President——

The VICE-PRESIDENT. To whom does the Senator from North Carolina yield?

Mr. BACON. I am occupying the floor by the courtesy of the Senator from North Carolina.

Mr. SIMMONS. I thought I had the floor.

Mr. BURKETT. I rise to a question of privilege.

Mr. SIMMONS. I do not wish to be discourteous. I think I have been sufficiently patient and that I might be allowed to finish my speech.

Mr. BURKETT. I will say to the Senator from North Carolina that I have risen to a question of privilege. However, I will not interrupt him. Of course the time of the day or night when the platform was written, it seems to me, is somewhat a reflection upon the hours that the people in Nebraska observe. As I understand their platform, it was not made at night——

Mr. SIMMONS. The statement the Senator from Nebraska is making will lead to another statement from the Senator from Georgia [Mr. BACON], and then the Senator from Indiana [Mr. BEVERIDGE] will have a word, you know, and that will bring him to his feet——

The VICE-PRESIDENT. The Senator from North Carolina declines to yield further.

Mr. SIMMONS (continuing). And I shall not have an opportunity to finish my speech to-day.

Mr. BURKETT. I should like to tell the Senator when the platform was written, and where.

The VICE-PRESIDENT. The Senator from North Carolina indicates that he does not care to hear it now.

Mr. SIMMONS. If the Senator was addressing that remark to me, I can state that I know all about it—where it was written and when it was written.

Mr. BURKETT. I have no doubt the Senator from North Carolina does, but evidently the Senator from Georgia does not.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Oklahoma?

Mr. SIMMONS. I want to be courteous to Senators, and I think I have been, and I trust the Senator from Oklahoma will let me go on with my speech.

The VICE-PRESIDENT. The Senator from North Carolina will proceed.

Mr. SIMMONS. Mr. President, there is only one other matter in connection with the lumber schedules that I wish to bring to the attention of the Senate, and that is the final question of what will be the effect of the removal or reduction of the duty as proposed in this bill upon the industry itself and the communities in which it is located and the interests with which it is affiliated.

The question is not, in my judgment, a question of increased or decreased cost. I do not believe, as I have tried to show, that the price of lumber will be materially affected, certainly not except in a comparatively small area. It is not a question of price, but of market. The question is whether the American producer shall have the zone of his market within his own country enlarged or decreased. Whether he shall hold the markets he now has or surrender a part of them to the Canadian producer. That in turn is largely a question of transportation.

There are three great timber supplies from which the people of the United States draw their lumber. One of them is located in the South. One of them is located on the Pacific coast. The other is in Canada. There is a limited supply in Minnesota and Michigan and around the Lakes, but these are the three great sources from which the people of the United States draw their lumber supply.

It may be said in a very real sense that each one of these timber regions has what I may designate as its "natural market zone," and then along the lines which separate these zones there will be a neutral zone in which competition will be very sharp and very acute, and is very sharp and very acute.

Mr. President, I maintain that anything which gives the lumbermen of one of these sections a material advantage in the cost of production or transportation of his lumber over his competitor in the other two sections, gives him not only an advantage in his own zone, but enables him to that extent to extend his natural zone into the zone of his competitor just to the extent that that advantage, whatever it is, whether it is $1 or $2 or $3, will pay the transportation rates upon a thousand feet of lumber.

The Canadian producer of lumber has an advantage in the cost of production over the American producer both in labor and in stumpage; but he has a still greater advantage in the less cost of transportation. I am speaking especially with reference to the southern situation. I am not so familiar with the Pacific situation. The competition of our southern section is with the Georgian Bay section of Canada; that bay is an arm of the lake which enables the manufacturers of lumber along its winding course to reach by water about a dozen of the very largest consuming cities in this country.

I say he has three advantages. The first of these is in cheaper labor. I do not contend that the difference in labor cost between the Georgian Bay section, which I say competes with our southern lumber, and the labor cost on this side is very great.

I do not think it is anything like so great as it is between the American Pacific coast and British Columbia; probably not one-fifth so great as that is. But still it is a difference in labor cost that materially affects the question of competition.

I am not disposed, Mr. President, to weary the Senate or take up its time in trying to establish that proposition by the evidence in the hearing, though it is conclusive. I do not think I ought to have to make an argument to the Senate to show that the labor cost of making a thousand feet of lumber is less in Canada than it is in the United States. Certainly I ought not to be required to make an argument to any Republican. They ought all to admit that. If that is not true, what becomes of the arguments, the fervent, eloquent orations that we hear in this Chamber when a tariff is under discussion, and upon the hustings during the campaign, about the cheaper cost of the necessaries of life in other countries, and about the lower standards of wages and living in other countries?

If it be true that in Canada the necessaries of life are just as high as they are here, if it be true that in Canada wages are just as high as they are here, and the standard of living just as high as it is here, then the proud Republican boast that the wage standard and the standard of living is higher here than anywhere else in the world is a fiction and a pretense. If the standard of wage in the lumber camps and sawmills of Canada is as high as here, and the wage rates as high in this industry there as here, then I assume that the standard of wage in the other industries of Canada, whether in factory or on farm, is also as high as here; and if that be true, pray tell me why it is necessary, from a Republican standpoint, from your standpoint, for us to protect anything that is produced in Canada and imported to this country? It will not do to say——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. For a question?

Mr. SMOOT. Just for a question. I should like to ask the Senator if he has any figures in his possession showing the difference between the cost of labor in Canada and in the United States?

Mr. SIMMONS. I confess that I have not. I have read a great deal of the testimony before the House committee, which tends to show that the difference is only 15 or probably 20 per cent.

Mr. SMOOT. The Senator, then, believes there is that difference?

Mr. SIMMONS. I believe there is that difference. I say there is that difference, and it is a distinct advantage to the Canadian in this competition.

Mr. President, the Canadian has also a very great advantage over the lumberman of my section of country in the less cost of stumpage in Canada. I am not going into that question. It is said that stumpage is outrageously high in this country. If it is not lower in Canada, it must also be outrageously high there. I think the evidence before the Ways and Means Committee shows conclusively that stumpage is very materially less in Canada than it is in this country.

Mr. HALE. Is not that probably the largest factor?

Mr. SIMMONS. Except transportation. I think transportation is probably a larger factor.

Mr. HALE. That I understand; but as to the product?

Mr. SIMMONS. As to the product it is decidedly the largest.

Mr. HALE. Is not that a very marked distinction?

Mr. SIMMONS. It is a very marked distinction, I think. I am inclined to believe that there is a difference of $1 or $2 a thousand.

Mr. SMOOT. Is it not true that stumpage in Canada is not quite one-half the cost of stumpage in the United States?

Mr. SIMMONS. I think it is true. Stumpage in the South is on an average of about $3 or $3.50. But, Mr. President, if there was no difference in the actual cost of stumpage in Canada and the United States, the difference in the method of buying and holding timber in Canada would make a difference of $1.50 or $2 a thousand.

Mr. HALE. Fully that.

Mr. SIMMONS. Fully that much, I am confident.

A Canadian manufacturer of lumber buys and cuts his timber just as he needs it. He is not at any loss of interest; he does not have to pay any taxes; he takes none of the risks of storms or of fire. In this country we all very well know that no prudent man will invest the large sums that are necessary to establish these great lumber plants. No prudent business man, I say, would make an investment of that sort without being secure in his supply of timber to meet the demand of supplying his mill for many, many years in the future; and in order to do that it is necessary for him to invest large sums of money, in addition to the cost of his plant in the purchase of timber, not to be used to-day nor to-morrow, nor this year, nor next year, and probably a part of it not to be used in a quarter of a century. This necessarily entails a loss in interest, there is also a very heavy loss in taxes, and there is a loss in the way of fire and storm risk, and all that sort of thing.

But, as I said a little while ago, I think the chief difference consists largely in the difference in the cost of transportation. We can not get the lumber from my section of the country delivered at any of the points in this zone of competition at less than from $4 to $8 a thousand. Yet the Canadian, by reason of his cheap water transportation, can get his lumber to any of the 12 great distributing and consuming cities along the Lakes for an average of not over $2, making a difference in the cost of transportation in this competition in favor of the Canadian of at least $2 to $6.

Mr. President, I am satisfied that in this competition between the Canadian and the southern lumbermen there is a difference in all of these things—labor, stumpage, transportation—of between $2 and $6.

Now, what has the American to offset these disadvantages? What has the southern manufacturer of lumber to offset this manifest disadvantage? Nothing, except this $2 import duty. That does not serve him any very good purpose when lumber is very high, because the Canadian pays it and brings in his lumber, and he does not feel it. But when the price of lumber is low it tends to equalize conditions. It is the only offset, at least, that the southern lumberman has to the natural and artificial advantages which Canada has over him.

Now, what will be the effect if you remove that duty? Remove that duty and the effect will be that the Canadian will take the amount that is thus remitted to him and do one of three things with it. He will either put it in his pocket in the way of dividends or he will use it for the purpose of giving his American customer cheaper lumber, or he will use it for the purpose of extending his markets in this country just as far into the natural market zone of his competitor in the South and on the Pacific coast as that remitted money, $2, will pay the transportation upon a thousand feet of lumber.

Of course, if the Canadian takes a selfish view of it, he will either put the money in his pocket and pay it out in dividends to his stockholders, if it is a corporation, or he will use it to extend his markets. In either case, the American consumers will not get cheaper lumber. In either case, the poor farmer and the laboring man and the mechanic in the Middle West will get none of the benefits of cheap lumber that have been promised them by those who advocate the removal of the duty upon lumber.

If, however, the Canadian takes the philanthropic view of it and gives the American consumer the advantage of a lower price of lumber, what will be the effect? The effect will be that while our friends in the Middle West will get their lumber a little cheaper their southern customer will have his market restricted. His purchasing power will be restricted, and the best customer that the West has for its supplies of wheat and corn and hay and meat will be paralyzed.

Mr. President, I have detained the Senate much longer than I expected.

Mr. HALE. Mr. President, is it not a fact, precisely in the line of reasoning the Senator is pursuing, that with our industries in lumber manufacturing in the East, in the South, and in the West, we have all that we can do to maintain ourselves against the present inroad of Canadian lumber? The importations into this country to-day under the present duties on lumber from Canada amount to nearly $21,000,000, affording a revenue to the Government of nearly $4,000,000 in duties. Here is an attempt to take away, as the Senator has so well said, the only protection that his industries and ours in the East and those on the Pacific coast have of the $2 duty, leaving us entirely at the mercy of the Canadian lumbermen.

Mr. SIMMONS. As I have said before, Mr. President, and I do not think it necessary to repeat it, what the Senator says would be undoubtedly the result, and is the result, when the price of lumber is as low in this country as it is just at this time. Just at this time, if it were not for the duty of $2, it would be utterly impossible for the lumber producers of my section of the country to sell lumber in the market that they have heretofore used for their surplus, in the East and along the Lakes.

Mr. President, I do not desire to detain the Senate any longer. I regret very much that my remarks have been broken into in the manner in which they have. I have spoken in behalf of a great industry in my section, the largest industry in my State.

More towns and cities, more communities, more people are dependent upon this industry in that State than upon any other industry.

I have never known those people to be quite as much interested in any public question as they are in the fate of this particular item in the bill. If I should say I have had letters and telegrams by the hundred from the people of my State protesting against putting lumber upon the free list, I would not misstate the fact. I have had no letter to the contrary.

It is said that the farmers are demanding cheaper lumber and expecting to get it. I have had not a single letter, so far as I now recall, from a farmer of my State asking me to vote to have this duty removed or reduced. All I ask for the industry is fair treatment. All I ask is that it shall not be discriminated against.

You say I am asking for protection while professing not to be a protectionist. I say here to the Senate, Mr. President, that I am opposed to a protective tariff. It is a bad thing. I am opposed to free trade. That is a bad thing. But I regard a mixture of free trade and protection as infinitely worse than either. If you are going to frame your bill on protection lines, apply that principle honestly and fairly to all sections, and do not come and tell representatives of a section that advocates a revenue tariff that their industry is not entitled to go in this bill upon the same principle that any other industry is entitled to go into it; that as to their industries you will make the bill a free-trade measure.

If we were framing here a Democratic measure, I should insist that the principle of a tariff for revenue should apply to that bill from the top to the bottom of it. You are framing a bill based professedly upon the principle of protection. Inequality is a vice inherent in the protective system. If you mix that principle with free trade; if you frame one-third of that bill upon the protection principle and one-third upon the principle of free trade and one-third upon a different principle, then you will have a mixture that will bring about greater inequalities than a protective-tariff system, without any of the compensating benefits which a protective system carries.

All I demand, Mr. President, for this industry, is that it shall have fair treatment. I have no right to expect that you will frame your bill upon different principles than those declared in your platform, but I have a right to demand that you do not discriminate against the industries of my section or any section of the country.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from South Dakota?

Mr. SIMMONS. I am about through. I hope the Senator will let me finish.

Mr. CRAWFORD. I do not want to interrupt the Senator now, but before he sits down I should like to ask him a question or two if he has no objection. However, if the Senator is nearly through and it will interrupt him, I will wait.

Mr. SIMMONS. As the Senator has interrupted me, I will stop. I will not say anything more. I was about through, anyhow.

Mr. CRAWFORD. I would rather wait until the Senator concludes his remarks, and then ask him a question.

Mr. SIMMONS. It will suit me to have the Senator ask it now; and I will be glad to answer it if I can.

Mr. CRAWFORD. Your chief competitor, I understand, is and will be Canada. The Dominion of Canada will be your chief competitor, and is now, in the lumber business.

Mr. SIMMONS. Canada is our chief foreign competitor. We have some domestic competitors as well as foreign.

Mr. CRAWFORD. I am referring, of course, to foreign competitors. I did not hear any statistics, if the Senator gave them. I was here during all of the Senators argument, except a few moments when I was out at luncheon. I wish to ascertain whether the Senator makes the claim, and if he does whether he has any figures to sustain it, that the wages paid in Canada and the standard of living in Canada among the men engaged in this business are lower than in North Carolia?

Mr. SIMMONS. I have no statistics. I have read the hearings before the House committee. A good many witnesses who professed to be familiar with the labor conditions there and here testified that there was a difference in behalf of Canada. I confess that there are some who testified that there was not any very great difference except perhaps on the Pacific coast. But that the cost of food and clothes and the wage scale, as well as the general standard of living, is lower in Canada than in the United States I think no one will doubt.

Mr. CRAWFORD. That is, the Senator maintains that in Canada they have a lower wage.

Mr. SIMMONS. That in this country we have not only now but for years have had a different wage scale, a different standard of living, and that that wage scale and that standard of living are higher here than anywhere else under God's sun.

Mr. CRAWFORD. The Senator says that is true?

Mr. SIMMONS. I say that is the Republican contention.

Mr. CRAWFORD. Would the Senator say it as a matter of fact?

Mr. SIMMONS. I say, while I do not subscribe to it stated quite as broadly as that, in the main I believe it is true.

Mr. CRAWFORD. The Senator says it is true as a matter of fact to-day as between, for instance, North Carolina and Canada, your chief competitor?

Mr. SIMMONS. I think labor is cheaper in Canada, from what I have heard, than it is in North Carolina. I want to say to the Senator right there that there are statistics. Of course, I do not claim to be familiar with the cost of labor in Canada.

Mr. CRAWFORD. That is what I wanted to get at.

Mr. SIMMONS. I do not claim to be familiar with the cost of producing lumber in Michigan, Minnesota, or on the Pacific coast, but from reading the evidence I am disposed to think that it costs about as much to produce a thousand feet of lumber in North Carolina as it does either upon the Pacific coast or along the Lakes.

Mr. CRAWFORD. Has the Senator any statistics to show that?

Mr. SIMMONS. I have none immediately at hand. If the Senator will read the hearings before the Committee on Ways and Means in the House, he will get a good deal of light on that subject. It takes a great deal of labor to do it, but if the Senator wants light, I commend to him that he pore over those hearings, as I have done.

Mr. JONES. Will the Senator allow me to make a suggestion?

Mr. SIMMONS. Certainly.

Mr. JONES. I think there will be no trouble about showing the Senator from South Dakota that there is a difference in the cost of production on the Pacific coast anyhow, owing to the different conditions of labor there, not so much the white labor, but on account of the employment of large numbers of oriental laborers on the British side. We shall show that to be the fact when we come to consider this schedule.

THE BEET-SUGAR INDUSTRY.

Mr. ALDRICH. Mr. President, I understand that a communication from the Secretary of Agriculture is on the Vice-President's table. I suggest that it be laid before the Senate at this time.

The PRESIDING OFFICER (Mr. MCCUMBER in the chair) laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to a resolution of the Senate of the 8th instant, certain information concerning the beet-sugar industry in the United States.

Mr. SMITH of Michigan. I should like very much, if the Senate is willing, that the communication be read, and then I would ask that it be referred to the Committee on Printing with a recommendation that it be printed.

Mr. KEAN. It will be printed, as a matter of course.

The PRESIDING OFFICER. Does the Senator from Michigan ask for the reading of the communication?

Mr. SMITH of Michigan. Yes.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

THE DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., April 26, 1909.

To the President of the Senate:

In pursuance of the resolution considered and agreed to in the Senate on the 8th instant, asking for information concerning the beet-sugar industry in the United States, I have the honor to transmit herewith a report containing the data asked for so far as it has been possible to secure the same. Nearly all the information has been compiled from the records and publications of this department, the census figures being used only where this department had no authentic information.

I have the honor to be, sir,
Your obedient servant,
JAMES WILSON,
Secretary.

The PRESIDING OFFICER. The communication will be printed and referred to the Committee on Finance.

Mr. BURROWS. Let it be printed and lie on the table.

The PRESIDING OFFICER. In the absence of objection, the map will also be printed.

Mr. BURROWS. Let the communication and accompanying papers and map be printed as a document.

Mr. SMITH of Michigan. I should like to inquire how many copies will be printed without any resolution or direction of the Senate?

Mr. KEAN. The usual number.

The PRESIDING OFFICER. In answer to the Senator, the Chair would say that 1,180 copies will be printed.

Mr. SMITH of Michigan. Would it be proper to ask that the communication be referred to the Committee on Printing for the purpose of having the number increased?

Mr. KEAN. It is not necessary now.

Mr. BURROWS. An additional number can be printed at any time.

The PRESIDING OFFICER. The communication, with the accompanying papers and map, will be printed as a document (S. Doc. No. 22) and referred to the Committee on Finance.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. Mr. President, the members of the Committee on Finance have a number of amendments which they are considering to the pending bill, and perhaps it is not desirable to go on further to-night. I desire to give notice that to-morrow, after the routine morning business, I will ask for the consideration of the bill by paragraphs. I now move that the Senate——

Mr. MONEY. I did not hear the Senator. If he will pardon me, I should like to have him repeat his statement or request, whatever it was.

Mr. ALDRICH. I simply stated that it was my purpose to-morrow to ask the Senate to proceed to the consideration of the bill by paragraphs.

Mr. MONEY. As I understand, the unanimous-consent agreement does not preclude any Senator from speaking upon the general principles of this bill whenever he chooses.

Mr. ALDRICH. It does not. I had no intention of establishing any such rule.

Mr. MONEY. I wanted to have it clear, that is all.

Mr. NEWLANDS. I should like to ask the Senator from Rhode Island what progress has been made with reference to the preparation of the table showing the production and the consumption in this country of each of the articles imported?

Mr. ALDRICH. I think it will be in print to-morrow morning.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 3 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Thursday, April 29, 1909, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate April 28, 1909.

UNITED STATES DISTRICT JUDGE.

George W. Woodruff, of Pennsylvania, to be United States district judge for the Territory of Hawaii. An original vacancy created by the act approved March 3, 1909 (public, No. 322).

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Antonio Perry, of Hawaii, to be associate justice of the supreme court of the Territory of Hawaii, vice Sidney M. Ballou, resigned.

JUDGE OF THE CIRCUIT COURT OF HAWAII.

William L. Whitney, of Hawaii, to be second judge of the circuit court of the first circuit of the Territory of Hawaii, vice Alexander Lindsay, jr., resigned.

PROMOTION IN THE ARMY.

CHAPLAIN.

Chaplain John A. Randolph, Sixth Infantry, to be chaplain with the rank of major from April 22, 1909.

POSTMASTERS.

ALABAMA.

George W. McFall to be postmaster at Sheffield, Ala., in place of Charles Doud, resigned.

ARKANSAS.

B. D. Muzzy to be postmaster at Carlisle, Ark. Office became presidential January 1, 1909.

CALIFORNIA.

Mason M. Cochran to be postmaster at Dinuba, Cal., in place of Percy B. Fulton, resigned.

ILLINOIS.

Edwin A. Mead to be postmaster at Hebron, Ill. Office became presidential January 1, 1909.

William L. Tohill to be postmaster at Flat Rock, Ill. Office became presidential April 1, 1909.

MASSACHUSETTS.

Henry K. Bearse to be postmaster at Harwich, Mass., in place of David L. Small, resigned.

MICHIGAN.

John V. Wright to be postmaster at Coloma, Mich., in place of Abner B. Stevic. Incumbent's commission expired November 19, 1907.

MISSISSIPPI.

John L. McCoy to be postmaster at Richton, Miss. Office became presidential April 1, 1909.

MISSOURI.

Frank McNew to be postmaster at Bloomfield, Mo., in place of Carl Weber, resigned.

NEVADA.

Alice F. Langwith to be postmaster at Golconda, Nev., in place of Eugene L. Dutertre, resigned.

NEW JERSEY.

Edgar I. Vanderveer to be postmaster at Freehold, N. J., in place of James W. Danser, deceased.

NEW MEXICO.

Ignacio Lopez to be postmaster at Las Vegas, N. Mex., in place of Miguel A. Senecal, resigned.

NEW YORK.

George A. Case to be postmaster at Honeoye Falls, N. Y., in place of Marion O. Martin. Incumbent's commission expired January 30, 1909.

Clarence A. Stone to be postmaster at Elbridge, N. Y. Office became presidential January 1, 1909.

Catherine Wiggins to be postmaster at Cape Vincent, N. Y., in place of Clarence E. Wiggins, deceased.

OHIO.

Solomon Rousculp to be postmaster at Thornville, Ohio. Office became presidential April 1, 1909.

Peter Schatzman to be postmaster at Glendale, Ohio, in place of Peter Schatzman. Incumbent's commission expired January 14, 1907.

PENNSYLVANIA.

Clara Brown to be postmaster at Linesville, Pa., in place of William E. Brown, deceased.

SOUTH DAKOTA.

Frank E. McLaughlin to be postmaster at Geddes, S. Dak., in place of William A. Lyons, resigned.

Sumner E. Wood to be postmaster at White, S. Dak. Office became presidential January 1, 1909.

WISCONSIN.

Ernest S. Mottram to be postmaster at Markesan, Wis., in place of Ernest S. Mottram. Incumbent's commission expired December 12, 1908.

CONFIRMATIONS.

Executive nominations confirmed by the Senate April 28, 1909.

UNITED STATES DISTRICT JUDGE.

Robert S. Bean to be United States district judge for the district of Oregon.

UNITED STATES MARSHAL.

Daniel A. Sutherland to be United States marshal for the first division of the district of Alaska.

PROMOTIONS IN THE NAVY.

Lieut. Commander Joseph W. Oman to be a commander.

The following-named ensigns to be lieutenants (junior grade):

Paul E. Dampman,
Edson C. Oak,
Arthur H. Rice,
Clarence A. Richards, and
David W. Bagley.

The following-named lieutenants (junior grade) to be lieutenants:

Paul E. Dampman,
Edson C. Oak,
Arthur H. Rice,
Clarence A. Richards, and
David W. Bagley.

ENSIGN.

Midshipman Roy Le C. Stover to be an ensign.

APPOINTMENTS IN THE NAVY.

The following-named citizens to be assistant surgeons:
John G. Ziegler, a citizen of Pennsylvania;
Glenmore F. Clark, a citizen of Kentucky;
William M. Kerr, a citizen of New York;
George A. Riker, a citizen of New York; and
Tharos Harlan, a citizen of the District of Columbia.

POSTMASTERS.

FLORIDA.

Charles S. Williams, at Key West, Fla.

OHIO.

James K. Allen, at Greenwich, Ohio.
William T. Orton, at West Unity, Ohio.

TENNESSEE.

Andrew N. Brown, at Woodbury, Tenn.

SENATE.

THURSDAY, *April 29, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

STATISTICS RELATING TO SUGAR.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to Senate resolution No. 19, of the 1st instant, certain information relative to the amount of sugar consumed by the people of the United States for the fiscal year 1908, etc. (S. Doc. No. 24), which, with the accompanying paper, was ordered to lie on the table and be printed.

TARIFF STATISTICS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, in response to Senate resolution No. 36, of the 23d instant, a table of rates of duty in the United States, Germany, and France on pottery, glass bottles, plate glass, iron ore, etc. (S. Doc. No. 23), which was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented petitions of sundry citizens of Metz, Mannington, Morgantown, and Rosbys Rock, all in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Gillett, Tex., and of St. Louis, Mo., praying for the enactment of legislation providing for the erection of a suitable memorial in Statuary Hall to the memory of James Rumsey, which were referred to the Committee on the Library.

Mr. PILES presented petitions of sundry citizens of Alderton, Tumwater, Everett, and Kennewick, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Clarks Green, Uniontown, Gastonville, and Meadville, all in the State of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of 278 citizens of Pennsylvania, remonstrating against the drawback feature contained in the so-called "Payne tariff" bill, relative to tin plates, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Madeira and Wannery Hosiery Mill, of Fleetwood, Pa., praying for the retention of the proposed duty on hosiery, which was ordered to lie on the table.

He also presented a petition of Pomona Grange, No. 52, Patrons of Husbandry, of Rasselas, Pa., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Union Razor Company, of Tidioute, Pa., praying for the retention of the proposed duty on imported razors, which was ordered to lie on the table.

He also presented a petition of the Schatt & Morgan Cutlery Company, of Titusville, Pa., and a petition of sundry employees of the Schatt & Morgan Cutlery Company, of Titusville, Pa., praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. GAMBLE presented the petition of W. A. Hopkins and sundry other citizens of Hayes, S. Dak., praying for the repeal of the duty on hides, which was ordered to lie on the table.

Mr. FRYE presented a petition of White Oak Grange, Patrons of Husbandry, of Warren, Me., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Maine, remonstrating against an increase of the duty on gloves, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present a telegram from the secretary of the American Newspaper Publishers' Association and ask that it may be read for the information of the Senate.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

[Telegram.]

NEW YORK, *April 22, 1909.*

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.:

The American Newspaper Publishers' Association, at its annual meeting in New York to-day, with the largest attendance in the history of the organization, comprising representatives of 290 daily newspapers, has instructed me as its secretary to telegraph and write to you that the association, by a rising vote, with only three dissenters, earnestly urges the confirmation by the Senate of the action of the House of Representatives in the matter of pulp and paper. I am sending by mail full text of minutes adopted by association.

E. H. BAKER, *Secretary.*

Mr. ELKINS presented a memorial of the thirty-eighth legislative assembly of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY.

Certificate of comparison.

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that there was filed for record in this office, at 11.55 o'clock p. m., on the 18th day of March, A. D. 1909, council joint memorial No. 7, Mr. President; and, also, that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at the city of Santa Fe, the capital, on this 26th day of March, A. D. 1909.

[SEAL.]

NATHAN JAFFA,
Secretary of New Mexico.

Council joint memorial 7. Mr. President.

Memorializing Congress for an appropriation of money or land scrip for the purpose of relieving the counties of Santa Fe and Grant, in the Territory of New Mexico, from the burden imposed upon them respectively by former congressional statutes confirming and validating certain bonds of each of the said counties issued without lawful authority.

To the honorable Senate and House of Representatives of the United States of America in Congress assembled:

Whereas the county of Santa Fe, N. Mex., is overburdened and distressed by the weight of a bonded indebtedness now approximating in amount $1,000,000, based or illegal railroad-aid bonds, converted into illegal refunding bonds, which although such bonds could not be successfully enforced in the courts after the decision of the Supreme Court of the United States in the Pima County case, below more particularly referred to, were, in avoidance of that decision, confirmed and validated by Congress in and by an act entitled "An act approving certain acts of the legislative assembly of the Territory of New Mexico, authorizing the issue of certain bonds of said Territory, and for other purposes;" the same having become a law, without the approval of the President, January 16, 1897 (see Stat. L., vol. 29, pp. 487, 488, and 489; chap. 30).:

Whereas the said indebtedness originated in the following manner and under the following circumstances, to wit:

1. The said indebtedness results, to an amount exceeding one-half thereof, from the issue by the county of Santa Fe, in February, 1880, of bonds in the principal sum of $150,000, bearing interest at the rate of 7 per cent per annum, payable semiannually, in aid of the construction of the New Mexico and Southern Pacific Railroad (now part of the "Santa Fe route"), so far as that railroad extends in the said county, including a branch line of about 20 miles in tortuous length from Lamy Junction to the city of Santa Fe, and the remainder of the said indebtedness results from the issue by the said county, at a later date, of bonds in the principal sum of $150,000, bearing interest at the rate of 6 per cent per annum, payable semiannually, in aid of the construction of the Texas, Santa Fe and Northern Railroad (now part of the Denver and Rio Grande Railroad system), from the city of Santa Fe to Espanola, the southern termination at that time of the railroad of the late Denver and Rio Grande Railway Company.

2. The total assessed valuation of the property subject to taxation in the county of Santa Fe is about $2,200,000.

3. All the aforesaid railroad-aid bonds, with one judgment for interest on a part of the said first bond issue, were, before the rendering of the decision in the Pima County case (Oct. 29, 1894, Lewis v. Pima County, 155 U. S., 54), refunded under the provisions of a territorial refunding act (chapter 79 of the session laws of 1891, found in the compiled laws of New Mexico of 1897 as sections 340 to 348, both inclusive), which refunding act, it is evident, does not authorize the refunding of bonds void on their face.

4. Over and above the said railroad-aid indebtedness the said county has a legitimate interest-bearing bonded indebtedness of about $200,000.

5. All of the said railroad-aid bonds were issued under the supposed authority of chapter 30 of the New Mexico session laws of 1872, still found in the said compiled laws as sections 3898 to 3901, both inclusive, which statute of 1872 could, under the doctrine announced in the Pima County case, no longer legally operate after the passage of the act of Congress, approved June 8, 1878 (20 Stat. L., p. 101), which prohibited every "municipal corporation" in a Territory from incurring "any debt or obligation other than such as shall be necessary to the administration of its internal affairs."

6. The bonds in aid of the New Mexico and Southern Pacific Railroad Company were, under the belief that the said territorial act of 1872 was still in force, and pursuant to its provisions, voted for on the 4th day of October, 1879, in two concurrent elections, one upon the proposition to aid to the extent of $71,000 in the construction of the main line crossing the said county, and the other upon the proposition to aid to the extent of $79,000 in the construction of a branch line connecting the city of Santa Fe with the main line at Lamy Junction.

The votes cast on the first proposition numbered only 259, of which 192 were in the affirmative and 67 in the negative; and the total vote cast on the second proposition numbered only 266, of which 190 were in the affirmative and 76 in the negative.

8. At that time—1879—the total number of voters qualified to vote in the county of Santa Fe at general elections, including resident owners of taxable property as well as residents not such owners, exceeded 1,000, but by the terms of the said railroad-aid statute of 1872 very few of the general electors were qualified to vote at the special elections believed to be thereby authorized, because such elections were determined under that statute by the votes exclusively of "the electors of the various precincts of said county who own taxable property." (New Mexico Compiled Laws of 1897, p. 3899.)

Under the exemption statutes in force at the time of the said railroad-aid elections, respectively, every resident was immune from taxation of property to the amount of $360, not to speak of other exemptions from taxation more specific in character, and the great majority of such residents at the time of each of the said special elections had severally no property subject to taxation. This fact, taken in connection with the general ignorance then prevailing in the county of the English language and of the method of American corporate business, accounts for the apparent passivity of the great majority of its residents on the occasions of the special elections concerning the said railroad aids. Railroads were still unsolved mysteries to the great majority of the territorial population. Most of those of Mexican ancestry were characteristically simple in their habits, confiding in their nature, attentive to religious duties, and devoted to pastoral and agricultural pursuits after the ancient manner of their forefathers. The first influence of the incoming railroads was prejudicial a generation ago to the native population of New Mexico, for it diminished by eastern competition their accustomed home markets, and was subversive of old-time social conditions.

This first influence of the railroads was felt conspicuously by the county of Santa Fe. The main line of the "Santa Fe Route" did not come nearer to the city of Santa Fe than 20 miles, although from time immemorial that city had been the emporium and distributing point of New Mexico, and, under the Spanish, Mexican, and American rule, the seat of an important and money distributing military, as well as civil, government. The advent of the first railroad destroyed the "Santa Fe trail" and the commerce which over that trail had centered in Santa Fe for generations. Santa Fe's importance was temporarily impaired, her old trade distributed among other places more favored by railroad communication, and yet, as consideration for the burden of the first aid by the county bonds, voted at the two-headed election of 1879, she was, in respect of railroad transportation, accorded only the small favor of the railroad branch from Lamy Junction, and even that supposed benefit was conditioned on the county's contribution to the construction of the main line, a contribution not, it is believed, exacted of any other county since the main line was to be built, at all events.

9. In fact, it was a great detriment to the city of Santa Fe to be thus sidetracked on a branch line of railroad, and naturally her commercial residents looked forward to the advantages apparently in prospect from the incoming of the main line of the old Denver and Rio Grande Railway Company under its chartered right and duty to construct its main line into New Mexico, as far south as Santa Fe, conformably to the acts of Congress requiring such construction to be completed as early as June 10, 1882. But, although chartered and subsidized by Congress, the old Denver and Rio Grande Railway Company failed to meet that statutory requirement, and even entered into a compact with its rival, the Atchison, Topeka and Santa Fe Railroad Company—the indirect beneficiary of the said first railroad aid—by which, early in 1880, further construction of the Denver and Rio Grande Railway south of Espanola was inequitably pretermitted for the period of ten years from that date. In view of this new disappointment, and for the immediate purpose of bridging the gap in railroad communication between the city of Santa Fe and the Denver and Rio Grande Railway at Espanola—from which point that railway was in operation to the north through Pueblo, Denver, and other business centers—the Texas, Santa Fe and Northern Railroad Company was incorporated and the second county aid voted as aforesaid.

10. But notwithstanding these efforts for amelioration of the evil conditions flowing from the innovation of railroads in a community accustomed to the simple life of the old Spanish and Mexican days the property and business interests of the inhabitants of the county became almost stagnant, and so continued for a whole generation. It was absolutely impossible for the county to pay the interest on the railroad-aid bonds, still less any part of the principal. Indeed, the accumulated interest is now a heavier burden than the principal and is subject to increase by compounding under judgments and future refundings, because Congress has confirmed and validated the county's void indebtedness.

11. All these railroad-aid bonds appear to have been negotiated by the respective companies concerned and to have come into the hands of purchasers for value, and, since their conversion into refunding bonds, the county is confronted by present holders of the new bonds, who bought them in reliance on the confirmatory acts of Congress.

12. In the year 1887 the board of county commissioners of the county of Santa Fe was sued upon a large number of interest coupons clipped from the bonds issued as aid to the New Mexico and Southern Pacific Railroad Company, and there followed in that and collateral legal proceedings a most energetic litigation, finally resulting in a decision of the supreme court of New Mexico, August 12, 1891, adjudging the validity of the coupons, which decision is reported in 6 New Mexico Reports (Gild.), 88.

13. Prior to this decision, the legislative assembly of New Mexico passed said chapter 79, of the session laws of 1891, looking to the refunding of all outstanding valid indebtedness of counties and municipalities.

14. After that decision of the supreme court of New Mexico, not only the judgment in which the interest coupons involved were merged (with interest compounded on those coupons), but also the outstanding principal indebtedness evidenced by the railroad-aid bonds, and all arrears of interest, not merged in that judgment, and, furthermore, the principal and interest evidenced by the aid bonds and coupons issued to the Texas, Santa Fe and Northern Railroad Company, all coming within the doctrine so announced by the supreme court of New Mexico, were converted into refunding bonds of the county under the said chapter 79.

15. It is true that in a dissenting opinion in that case Mr. Justice Freeman took the ground that all the said railroad-aid bonds were void ab initio under a proper construction of the said act of Congress of June 8, 1878 (20 Stats., 101). But it was then the opinion of the majority of the justices, as well as of some of the leading lawyers of the Territory, that the congressional prohibition could not be extended to a county, although governed by a board of county commissioners, by any proper interpretation of the words "or other municipal corporation." Therefore the county failed to sue out a writ of error from the Supreme Court of the United States for review of the said judgment, and took it for granted that no relief could be had in the courts from the burden of the railroad-aid indebtedness.

16. However, in the year 1894 the Supreme Court of the United States, in the above-mentioned Arizona case, Lewis *v.* Pima County (155 U. S., 54), distinctly held, without any dissent, that the prohibition in the act of Congress above cited extends to railroad-aid bonds issued by counties in the Territories, although so issued strictly in conformity with the provisions of a general act of the territorial legislative assembly. For that reason the Pima County bonds involved in that case were held to be void.

17. Later, Congress, in view of the Pima County case, passed the aforesaid act of 1897, expressly validating all bonds of the county of Santa Fe which had been refunded under the terms of the above-cited chapter 79 of the New Mexico Session Laws of 1891. This confirmatory act of Congress, by its broad terms, absolutely excluded the county of Santa Fe from any relief whatever in the courts from the oppression of the said railway-aid indebtedness, no matter how great its original invalidity, and thus the present generation of Santa Fe County's inhabitants, including numerous worthy settlers recently from the East, are face to face with a demon of poverty for whose invocation they are in no respect responsible.

18. Notwithstanding the failure of the county of Santa Fe to secure, within the space of time allowed by law, a writ of error from the Supreme Court of the United States for a review of the aforesaid decision, Congress probably had, in its tutelar relation to the Territories, constitutional power, even after the promulgation of the decision in the Pima County case, to authorize a review by that high tribunal of the New Mexico judgment. At all events, that territorial decision could not debar a review by the Supreme Court of the United States of future territorial decisions affecting railroad-aid indebtedness for the principal or for later maturing interest coupons of any such railroad-aid bonds, or resulting county refunding bonds.

19. That territorial judgment could not, in any view, be deemed res judicata, except as to those privy to the litigation, and there were many outstanding bondholders, including all holders of bonds issued in aid of the Texas, Santa Fe and Northern Railroad Company, who were in no sense whatever entitled to invoke that judgment as an estoppel.

The want of power in the county to issue the railway-aid bonds, as declared in the Pima County case, was constructively imputable to every holder of such bonds, since the bonds all originated after the prohibitive act of Congress considered in that case, every purchaser of a municipal bond issued either in a State or in a Territory, being put on inquiry as to the power of the municipality to issue it, and no recital saving him from the duty of such inquiry.

20. Again, until the passage in 1897 of the confirmatory act of Congress before mentioned, every holder of a refunding bond which showed on its face that the debt funded was absolutely void in its inception and, whatever the form of the refunding bonds, every original refunder and every original purchaser of a refunding bond who knew that the indebtedness refunded by that bond was within the class of municipal indebtedness denounced by the act of Congress of 1878, discussed in the Pima County case, was powerless to enforce such bond in the courts, notwithstanding the most "binding" recitals appearing on its face.

21. But in 1897, before the county of Santa Fe was advised of its right and opportunity, under the decision of the court of last resort in the Pima County case, Congress passed the above cited confirmatory act, which operated, on the one hand, to protect every holder of the void railroad-aid bonds as refunded, and on the other hand, to deprive the county of Santa Fe of its right of defense against the bondholders, and almost of its right to exist on a political plane comportable with the civic merit of its citizens and worthy of its ancient dignity as the capital of the vast subkingdom out of which the States of Colorado, Utah, and Nevada have since in great part sprung—New Mexico and Arizona only remaining as Territories.

Whereas the county of Grant, N. Mex., is aggrieved and burdened in like manner, although not so egregiously, by the validation by the said act of Congress of her void railroad-aid indebtedness; and

Whereas it is the sense of this legislative assembly that on the eve of New Mexico's emergence out of the territorial condition into the full dignity of statehood Congress ought, on grounds of political equity, to relieve the county of Santa Fe from the hard plight in which it has been left by adverse national legislation in which the Territory of New Mexico had no representative vote: Therefore be it

Resolved by the legislative assembly of the Territory of New Mexico, That the Congress of the United States is hereby requested by an appropriation of money or assignable land script to enable the counties of Santa Fe and Grant, N. Mex., to compromise, satisfy, and discharge so much of their respective bonded indebtedness (principal, with accrued and accruing interest), validated and confirmed by the act of Congress of January 16, 1897, as was originally embraced in the refunding by the county of Santa Fe of the principal and interest of its railroad-aid

bonds issued to the New Mexico and Southern Pacific Railroad Company and in the judgment mentioned in the said act of 1897, as well as in the refunding by the county of Santa Fe of the principal and interest of its railroad-aid bonds issued to the Texas, Santa Fe and Northern Railroad Company, and also as was originally embraced in the issue by the county of Grant of its railroad-aid bonds under the supposed authority of the territorial railroad-aid act of 1872, but after its repeal by the act of Congress of 1878; and be it further

Resolved, That the secretary of the territory be, and hereby is, directed to make and transmit seven copies of this memorial to our Delegate in Congress, one for himself and the others to be transmitted by him, one to the President of the Senate, one to the Speaker of the House, one to Senator ELKINS, two to the Senators from Colorado, respectively; two to the chairmen, respectively, of the proper Senate and House committees.

CHAS. A. SPIESS,
President of the Council.

WM. F. BROGAN,
Chief Clerk Council.

E. A. MIERA,
Speaker House of Representatives.

E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 18th day of March, 1909.

GEORGE CURRY,
Governor of New Mexico.

Filed in office of secretary of New Mexico, March 18, 1909, 11.55 p. m.
NATHAN JAFFA, *Secretary.*

Mr. JONES presented petitions of sundry citizens of Okanogan, Kent, and Everett, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. STONE presented petitions of sundry citizens of Chesterfield, Trenton, Doniphan, Napier, Forest City, Richwood, Meadville, Faucett, Dickens, Taneyville, Keytesville, Milo, Cadmus, and Wesco, all in the State of Missouri, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Farmers' Union of Laclede County, Mo., praying that an appropriation be made for the maintenance of the Country Life Commission, which was referred to the Committee on Appropriations.

He also presented a memorial of the Century Club, of Monroe City, Mo., remonstrating against an increase of the duty on gloves, hosiery, and other wearing apparel, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Silex, Mo., remonstrating against the passage of the so-called "postal savings banks" bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. DEPEW presented a petition of the American Oriental Society, of New York City, N. Y., praying for the admission free of duty of imported scientific books dealing with foreign languages, which was ordered to lie on the table.

He also presented petitions of sundry employees of the Walden Knife Company, of Walden; of the Geneva Cutlery Company, of Geneva; of Foster Brothers & Chatilon, of Fulton; and of the Schrade Cutlery Company, of Walden, all in the State of New York, praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. ROOT presented petitions of sundry citizens of New York, praying for an increase of the duty on lithographic products, which were ordered to lie on the table.

He also presented a memorial of sundry wholesale merchants of New York City, N. Y., remonstrating against an increase of the duty on cotton goods, which was ordered to lie on the table.

He also presented a petition of sundry citizens of New York, praying for an increase of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Troy, Hastings-on-Hudson, Cherry Creek, Elmira, Waverly, Turin, Fish Creek, Vlossville, Flatbuck, Patterson, Brooklyn, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry employees of the Robeson Cutlery Company, of Perry; the Carrier Cutlery Company, of Elmira; the Warwick Knife Company, of Warwick; the Case Brothers Cutlery Company, of Little Valley; the George W. Korn Razor Manufacturing Company, of Little Valley; the Napanoch Knife Company, of Napanoch; the Ulster Knife Company, of Ellenville; the Cattaraugus Cutlery Company, of Little Valley; the New York Knife Company, of Walden; the Foster Brothers & Chatilon, of Fulton; the Geneva Cutlery Company of Geneva; the Schrade Cutlery Company, of Walden; the Walden Knife Company, of Walden; and of sundry merchants and citizens of Walden, all in the State of New York, praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

Mr. HALE presented petitions of sundry citizens of East Corinth, Troy, Portland, Unity, Bar Harbor, Augusta, Winthrop, Pittsfield, South Penobscot, Bangor, Lubec, Bridgewater, and Stetson, all in the State of Maine, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McLAURIN:

A bill (S. 2034) granting an increase of pension to Charles R. Knox; to the Committee on Pensions.

By Mr. SUTHERLAND:

A bill (S. 2035) granting an increase of pension to Jacob H. Wolcott; to the Committee on Pensions.

By Mr. BURROWS:

A bill (S. 2036) to authorize the city of Sturgis, Mich., to construct a dam across the St. Joseph River; to the Committee on Commerce.

By Mr. OLIVER:

A bill (S. 2037) referring the claim of Robert Munroe, surviving partner of Watson & Munroe, to the Court of Claims; to the Committee on Claims.

A bill (S. 2038) granting a pension to Isaac Wise;

A bill (S. 2039) granting a pension to Jacob B. Scheid (with the accompanying paper); to the Committee on Pensions.

By Mr. GALLINGER:

A bill (S. 2040) to amend an act entitled "An act making it a misdemeanor in the District of Columbia to abandon or willfully neglect to provide for the support and maintenance by any person of his wife or of his or her minor children in destitute or necessitous circumstances," approved March 23, 1906; to the Committee on the District of Columbia.

By Mr. BULKELEY:

A bill (S. 2041) to establish a light-house on East Reef, near Thimble Islands, Long Island Sound; to the Committee on Commerce.

By Mr. DU PONT:

A bill (S. 2042) granting an increase of pension to George W. Tilghman; to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2043) granting to the State of Wyoming 50,000 acres of land to aid in the continuation, enlargement, and maintenance of the Wyoming State Soldiers and Sailors' Home; to the Committee on Public Lands.

By Mr. BANKHEAD:

A bill (S. 2044) granting a pension to Janie Atnip; to the Committee on Pensions.

By Mr. ELKINS:

A bill (S. 2045) for the relief of John B. Lord, owner of lot 86, square 723, Washington, D. C., with regard to assessment and payment of damages on account of changes of grade due to construction of the Union Station, District of Columbia; to the Committee on the District of Columbia.

By Mr. WETMORE:

A bill (S. 2046) granting an increase of pension to Mary E. Ball (with the accompanying paper); to the Committee on Pensions.

By Mr. SMITH of Michigan:

A bill (S. 2047) amending section 5240 of the Revised Statutes of the United States; to the Committee on Finance.

A bill (S. 2048) to amend the act approved July 2, 1890, entitled "An act to protect trade and commerce against any unlawful restraints and monopolies;" and

A bill (S. 2049) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Michigan; to the Committee on the Judiciary.

A bill (S. 2050) to provide for the completion of the park surrounding the filtration plant in the District of Columbia, and for other purposes; to the Committee on the District of Columbia.

A bill (S. 2051) to provide for the erection of a public building at Agricultural College, Mich., and the establishment of a Weather Bureau station therein; to the Committee on Agriculture and Forestry.

A bill (S. 2052) to grant an honorable discharge to Cornelius De Haas; and

A bill (S. 2053) to tranfer Capt. John Clarke Wilson from the retired list to the active list of the navy; to the Committee on Naval Affairs.

A bill (S. 2054) to provide for the purchase of a site for a public building at Big Rapids, Mich.; and

A bill (S. 2055) to provide for the purchase of a site for a public building at Charlotte, Mich.; to the Committee on Public Buildings and Grounds.

A bill (S. 2056) naturalizing Charles W. Hilliker;

A bill (S. 2057) naturalizing George Drought; and

A bill (S. 2058) naturalizing Charles Walkley LaDu; to the Committee on Immigration.

A bill (S. 2059) for the relief of Sophie M. Guard;

A bill (S. 2060) for the relief of I. Winslow Ayer;

A bill (S. 2061) for the relief of Orlando B. Willcox and certain other army officers and their heirs or legal representatives;

A bill (S. 2062) for the relief of Clarence A. Rendt; and

A bill (S. 2063) for the relief of John W. McCrath; to the Committee on Claims.

A bill (S. 2064) to quiet title to certain land in Dona Ana County, N. Mex.; and

A bill (S. 2065) to authorize the sale of dead, down, and injured timber in Alpena and Roscommon counties, Mich.; to the Committee on Public Lands.

A bill (S. 2066) for the establishment of a light-house and fog signal at the easterly end of Michigan Island, Apostle Group, westerly end of Lake Superior, Wisconsin;

A bill (S. 2067) to make Holland, in the State of Michigan, a subport of entry, and for other purposes; and

A bill (S. 2068) to make Petoskey, in the State of Michigan, a subport of entry, and for other purposes; to the Committee on Commerce.

A bill (S. 2069) to correct the military record of Capt. Daniel H. Powers (with the accompanying papers);

A bill (S. 2070) authorizing and directing the Secretary of War to enter on the roll of the Third Regiment Michigan Volunteer Cavalry the name of William J. Shirley;

A bill (S. 2071) to remove the charge of desertion from the military record of William T. Lang;

A bill (S. 2072) to remove the charge of desertion from the military record of John Reed;

A bill (S. 2073) granting an honorable discharge to Benjamin W. Ehle;

A bill (S. 2074) to remove the charge of desertion from the military record of David Houk;

A bill (S. 2075) to remove the charge of desertion from the military record of Joseph Neveau;

A bill (S. 2076) granting an honorable discharge to Glenn Bennett;

A bill (S. 2077) granting an honorable discharge to Adam D. Shriner;

A bill (S. 2078) granting an honorable discharge to Henry S. Hunter;

A bill (S. 2079) to correct the military record of Clark G. Russell;

A bill (S. 2080) to regarrison Fort Mackinac and maintain the same as a military post;

A bill (S. 2081) to remove the charge of desertion from the military record of John Esseltine;

A bill (S. 2082) to remove the charge of desertion from the military record of Earl Hoisington, jr.;

A bill (S. 2083) to remove the charge of desertion from the military record of Henry Fuller;

A bill (S. 2084) to remove the charge of desertion from the military record of Andrew Martin; and

A bill (S. 2085) to remove the charge of desertion from the military record of James Malloy; to the Committee on Military Affairs.

A bill (S. 2086) granting an increase of pension to Peter Boyer;

A bill (S. 2087) granting an increase of pension to Francis G. Bourasaw;

A bill (S. 2088) granting a pension to Almira J. Sterling;

A bill (S. 2089) granting an increase of pension to Josiah M. Rice;

A bill (S. 2090) granting an increase of pension to John A. Battenfield;

A bill (S. 2091) granting a pension to Rachel F. Prince;

A bill (S. 2092) granting an increase of pension to Silas Wright;

A bill (S. 2093) granting a pension to George Seward;

A bill (S. 2094) granting an increase of pension to Martha F. Turner;

A bill (S. 2095) granting an increase of pension to Isaac R. Jameson;

A bill (S. 2096) granting a pension to W. H. Rugg;

A bill (S. 2097) granting a pension to Allen B. Be Dell;

A bill (S. 2098) granting an increase of pension to Albert L. T. Bush;

A bill (S. 2099) granting a pension to Alvena Wiggins;

A bill (S. 2100) granting a pension to Emma L. Parker;

A bill (S. 2101) granting an increase of pension to Sidney M. Smith;

A bill (S. 2102) granting an increase of pension to Martin Selak;

A bill (S. 2103) granting an increase of pension to Benjamin Morse;

A bill (S. 2104) granting a pension to Agnes Hunt (with the accompanying paper);

A bill (S. 2105) granting an increase of pension to Lewis Philbrick;

A bill (S. 2106) granting an increase of pension to Charles Moulton;

A bill (S. 2107) granting an increase of pension to George Alexander;

A bill (S. 2108) granting an increase of pension to Benjamin S. Whitman;

A bill (S. 2109) granting a pension to Lydia A. Brigham;

A bill (S. 2110) granting an increase of pension to Charles R. Moore;

A bill (S. 2111) granting an increase of pension to Elias Riegle;

A bill (S. 2112) granting a pension to William Cordes;

A bill (S. 2113) granting an increase of pension to Marshall H. Burnham;

A bill (S. 2114) granting an increase of pension to Alice M. S. Duryea;

A bill (S. 2115) granting an increase of pension to Jane A. Ecker;

A bill (S. 2116) granting an increase of pension to Charles A. Norris;

A bill (S. 2117) granting an increase of pension to John M. Randell;

A bill (S. 2118) granting an increase of pension to George M. Peaslee;

A bill (S. 2119) granting a pension to Margaret A. Barker;

A bill (S. 2120) granting a pension to George W. Derby;

A bill (S. 2121) granting a pension to Elizabeth F. Houghton;

A bill (S. 2122) granting a pension to Mary Caroline Douglas;

A bill (S. 2123) granting a pension to Emma R. Walters;

A bill (S. 2124) granting a pension to Louisa E. Lawrence;

A bill (S. 2125) granting a pension to Sarah Elsie Green;

A bill (S. 2126) granting an increase of pension to Caroline E. Sweet;

A bill (S. 2127) granting a pension to Lucinda W. Van Hyning;

A bill (S. 2128) granting an increase of pension to Renselarr B. Ransom;

A bill (S. 2129) granting an increase of pension to Gardner B. Clark;

A bill (S. 2130) granting an increase of pension to George A. Brown;

A bill (S. 2131) granting a pension to Elizabeth A. Stebbins;

A bill (S. 2132) granting an increase of pension to Frank D. Newberry;

A bill (S. 2133) granting an increase of pension to Benjamin Golding;

A bill (S. 2134) granting an increase of pension to Lyman G. Willcox;

A bill (S. 2135) granting a pension to Mary E. Smith;

A bill (S. 2136) granting a pension to Annie B. Jackson;

A bill (S. 2137) granting an increase of pension to Mary E. Gaylord;

A bill (S. 2138) granting a pension to Hiram S. Millis;

A bill (S. 2139) granting a pension to Emma J. Pride;

A bill (S. 2140) granting a pension to Anna E. Warden;

A bill (S. 2141) granting a pension to Cynthia A. Slayton;

A bill (S. 2142) granting an increase of pension to David Collins;

A bill (S. 2143) granting an increase of pension to Joseph Barton;

A bill (S. 2144) granting an increase of pension to Eunice C. Wickware;

A bill (S. 2145) granting an increase of pension to Charles W. Morrow;

A bill (S. 2146) granting an increase of pension to George W. Mulliken;

A bill (S. 2147) granting an increase of pension to Benjamin Stroup;

A bill (S. 2148) granting a pension to Archie H. Wright;

A bill (S. 2149) granting an increase of pension to William S. Dailey;

A bill (S. 2150) granting an increase of pension to Artemus Ward;

A bill (S. 2151) granting a pension to Eliza Bracelin;

A bill (S. 2152) granting an increase of pension to Jacob R. Riblet;

A bill (S. 2153) granting an increase of pension to Geraldine Tift;
A bill (S. 2154) granting an increase of pension to Henry O. Briggs;
A bill (S. 2155) granting an increase of pension to James Malloy;
A bill (S. 2156) granting a pension to Sarah J. Fitzgibbon;
A bill (S. 2157) granting a pension to Sarah J. Fix;
A bill (S. 2158) granting a pension to Jennie Dunn;
A bill (S. 2159) granting a pension to Verona H. Coon;
A bill (S. 2160) granting a pension to Lucy Ann Palmer;
A bill (S. 2161) granting a pension to Frankie Esselstyn;
A bill (S. 2162) granting an increase of pension to George M. Horton;
A bill (S. 2163) granting a pension to John C. Hurst;
A bill (S. 2164) granting a pension to Helen Mirrin;
A bill (S. 2165) granting an increase of pension to Francis M. Forman;
A bill (S. 2166) granting a pension to Samuel Limenstall;
A bill (S. 2167) granting a pension to Leonard C. Wiswell;
A bill (S. 2168) granting an increase of pension to Charles S. Vahue;
A bill (S. 2169) granting an increase of pension to Robert R. Marsh;
A bill (S. 2170) granting a pension to Emeline C. Seger;
A bill (S. 2171) granting an increase of pension to Wharton R. Marsh;
A bill (S. 2172) granting an increase of pension to Benjamin Wiggins;
A bill (S. 2173) granting a pension to Mary A. Dawes; and
A bill (S. 2174) granting an increase of pension to Charles H. Sedgwick; to the Committee on Pensions.

Mr. McCUMBER. Before we pass from those bills, I wish to ask if they were all introduced by one Senator?

The VICE-PRESIDENT. They were all introduced by the Senator from Michigan [Mr. SMITH].

Mr. McCUMBER. Then I should like to ask the Senator from Michigan, so as to guide to a certain extent the Committee on Pensions, the number of surviving soldiers in the State of Michigan, and how that number compares with the number of bills he has just introduced.

Mr. SMITH of Michigan. Mr. President, I refer the distinguished Senator to the records of the Grand Army of the Republic in the State of Michigan, and he will find his question answered.

Mr. McCUMBER. It is evidently true that the Senator knows what the records are and the number. I do not myself know, and therefore I ask him.

Mr. SMITH of Michigan. I know that these bills represent a very small proportion of the gallantry the State of Michigan furnished.

Mr. CULBERSON. I should like to know how many of these pension bills have just been introduced by the Senator from Michigan, in view of the inquiry of the Senator from North Dakota.

The VICE-PRESIDENT. The Chair has not counted them. The Secretary will count them, if the Senator desires. There are quite a number.

Mr. McCUMBER. I understand that the Senator from Michigan has not had time to count them.

Mr. CLAPP. I should like the attention of the Senate for a moment in this connection. The Senate passed a rule two or three years ago providing that pension bills, private claims bills, and other bills of that kind, may be filed with the clerks and recorded as introduced. The fact is, that either the rule has been forgotten or, in the case of those who may have come in since the rule was adopted, it has not been called to their attention, because every morning we go through the same ceremoney of the introduction of bills and gain nothing by it, when most of them might be filed with the clerks, put in the RECORD, and credited to the Senator filing them.

By Mr. TALIAFERRO:
A bill (S. 2175) granting a pension to Mollie Brantley (with the accompanying papers);
A bill (S. 2176) granting an increase of pension to Peter F. Pellicer (with an accompanying paper);
A bill (S. 2177) granting an increase of pension to Cassinovo Masters (with an accompanying paper); and
A bill (S. 2178) granting an increase of pension to Peter C. Masters (with an accompanying paper); to the Committee on Pensions.

By Mr. TILLMAN:
A bill (S. 2179) to authorize and empower J. L. Hankinson, N. B. Dial, and their associates, successors, and assigns, to construct a dam; to the Committee on Commerce.

By Mr. SMITH of Michigan:
A joint resolution (S. J. R. 27) granting condemned cannon for a statue to Gen. George A. Custer, of Michigan;
A joint resolution (S. J. R. 28) granting to the State of Michigan permission to use for its own purposes unused portions of condemned cannon granted to that State by joint resolution of June 23, 1906; to the Committee on Military Affairs.
A joint resolution (S. J. R. 29) appropriating $275,000 for immediate and necessary work on the harbor of refuge, Harbor Beach, Mich.;
A joint resolution (S. J. R. 30) providing for an examination and survey of White Lake Harbor, Michigan; and
A joint resolution (S. J. R. 31) directing an examination of Pigeon River, at Port Sheldon, Mich.; to the Committee on Commerce.

AMENDMENTS TO THE TARIFF BILL.

Mr. OLIVER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. GALLINGER submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. GAMBLE submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BURTON submitted three amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

CARE OF DEPENDENT CHILDREN.

Mr. OWEN. I submit a resolution, and ask for its present consideration.

The resolution (S. Res. 39) was read, as follows:

Senate resolution 39.

Resolved, That there be printed 6,000 copies of Report of the Conference on the Care of Dependent Children (S. Doc. 721, 60th Cong. 2d sess.), of which 1,000 copies shall be for the use of the Senate and 5,000 copies shall be for the use of the conference.

The VICE-PRESIDENT. The Senator from Oklahoma asks for the present consideration of the resolution.

Mr. GALLINGER. I ask the Senator if he has ascertained the cost of the printing?

Mr. OWEN. I was just going to state that I have ascertained the cost, and it is within the limit of $500.

Mr. GALLINGER. Mr. President, notwithstanding that, it seems to me that the resolution ought to go to the Committee on Printing. I move that it be referred to the Committee on Printing.

The motion was agreed to.

SUGAR IMPORTATIONS.

Mr. BRISTOW submitted the following resolution (S. Res. 40); which was considered by unanimous consent and agreed to:

Senate resolution 40.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate—

First. The amount of raw sugar imported into the United States during the fiscal year ending June 30, 1908, by each sugar refinery in the United States.

Second. The countries from which these refineries imported such raw sugar, the amount imported from each country, and the price at American port of the sugar imported from each country during the fiscal year ending June 30, 1908.

THE TARIFF.

Mr. ALDRICH. I ask that the Senate proceed to the consideration of House bill 1438.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. RAYNER. Mr. President, my remarks will be brief, and I will kindly ask not to be interrupted. If any of my party colleagues should disagree with me in any statement that I may make, I will ask them to wait until I have finished, because I am almost sure that they will agree with me in the conclusions that I have reached.

I have risen mainly for one purpose, and that is to try and find out where I am in this bewildering confusion upon the subject before us. I want to locate myself, if possible, in this wild night of tumult and commotion, and see if there is any light upon the horizon that will lead me to an anchorage out of the gloom.

Where am I and what am I? These are the momentous problems that are surging in upon me. I have never had the slightest difficulty before in solving them. What is there in this perplexing hour to entangle me in uncertainty and doubt? The Senator from Rhode Island proclaimed the other day that our party had practically abandoned the principles for which it contended so hard not many years ago, and that it was no longer in favor of a tariff simply for revenue, but it had become a convert to the doctrine of a tariff for protection. I respectfully deny that statement, but even if it were so, simply speaking for myself, now, where do I stand? Am I in favor of a tariff for revenue with incidental protection or of a tariff for protection with incidental revenue? Am I a Democrat, for instance, on free hides and a Republican on groundnuts? Am I a protectionist on zinc ore and pig iron and a revenue reformer on citrons and pineapples?

And where do I stand when the faith of my fathers strikes the subject of raw materials? What has become of the epic poem that we chanted during the Cleveland administration of free wool and other kindred products? At that time the air was charged with these incantations, and if my memory is not in error an entire presidential message was devoted to these beautiful melodies. Now, what is a raw material? It appears that wool, for instance, is not a raw material at all. That has been demonstrated in recent debates upon the topic. Even sheep are not a raw material. They are a manufactured product. In a great oration that was lately delivered upon this theme a gentleman asks, "Are mules raw materials? Well, if mules are not raw materials why are sheep raw materials?" In a controversy that took place here a few weeks ago, and to which I have already referred in previous remarks, the Senator from West Virginia protested against New England taking his manufactured products and calling them raw materials.

I could not at that time understand why Massachusetts should depredate upon the holdings of the Senator from West Virginia, because West Virginia had not at all invaded the possessions of the Senator from Massachusetts. Massachusetts is rich enough. Everybody is comfortable in Massachusetts except, perhaps, the operatives and laborers who make the profits for her factories and mills. It is entirely different in West Virginia. There are only a few people in West Virginia who have saved a few million dollars, say from fifteen to twenty million dollars apiece, and they are absolutely dependent upon their income for a living, and, all their investments being in raw materials, I thought at the time that it was a shame for the Senator from Massachusetts not only to take a place upon the committee himself, but practically to exclude the Senator from West Virginia from the committee, and in distributing the benefits of protection to deprive the Senator from West Virginia of his raw materials, upon which he is entirely dependent for a living. I am glad now that this controversy is on the eve of adjustment. I predicted that it would be, but I am more than gratified at the happy result. Massachusetts said to West Virginia, "We want free Nova Scotia coal," and West Virginia replied to Massachusetts, "We want cheaper Massachusetts shoes and woolens." "That will not do," said the Senators from Massachusetts, "because that is a violation of the New England doctrine of tariff reform, whose motto is 'The cheapest market in which to buy and the dearest market in which to sell.'"

Some of our friends thought when we heard the philippic of the Senator from West Virginia that he was arranging to come over to our side, and that there was a chance perhaps of nominating him for the next Democratic President upon a raw-material platform.

While he seemed to be in dead earnest, and while his invective was magnificent, I did not think at the time that it meant war. I felt that the Republican party, under the masterly leadership of the Senator from Rhode Island, would come to the conclusion that it is better to keep West Virginia in the Republican column than to give New England Canadian coal.

In this connection I want to avail myself of the opportunity to congratulate the Senator from Rhode Island upon the tremendous work that he has accomplished. I do not believe that in the whole history of tariff legislation such an amount of labor has ever devolved upon a single individual. There is not that man nor combination of men living who can frame a tariff bill to suit the conflicting interests of the United States. That conflict is growing instead of diminishing, and what the commercial interests of this country demand now is a settlement of this harassing question.

We are in a condition now that is worse than a panic, because the business community is in a state of uncertainty and suspense that is detrimental to our prosperity, and without intimating that we are hastily to conclude this legislation, if we can intelligently accelerate it to a speedy determination I am sure that such action will meet with the unstinted approbation of our constituents. Without indulging in any violent denunciation, it is simply my purpose now to enter my protest against this bill, against substantially its entire framework and against the entire process and methods that underlie its construction.

The Senator from Rhode Island, in a brief discussion that took place a few weeks ago over the practice that obtained before the Finance Committee, boldly stated in this presence that a tariff for revenue and free trade were identically one and the same thing. This is the first time that I have ever heard the proposition thus announced. I have never come across a passage upon the pages of political economy; I have never heard a practical expert or statistician treat the subject from this standpoint. I have always considered that free trade between this country and other countries meant the abolition of custom-house duties, and, if I am permitted to say so, I think that the Senator confuses fair competition with free trade.

To tell me that a government that should propose upon a revenue basis to collect about $300,000,000 a year by placing a duty upon about 4,000 articles of importation is a free-trade country is a proposition so startling that it is impossible to comprehend it. The Senator, who is always courteous and kind in his intercourse with every Member of this body, although he has had enough to make him irritable and disagreeable for the balance of his life, in the performance of this work that has so largely devolved upon him, complimented me the other day in saying that he thought I was capable of framing a tariff bill. I beg to differ with him. I tried it once. In one of my hotly contested congressional campaigns a well-intentioned friend of mine approached me and said he thought that I knew all about the tariff and that I certainly would be successful if I wrote a book upon it and distributed it through my district. In an evil hour I took his advice. I wrote the book, and it was well distributed. It was a fine work. There was a great demand for this book. It was a work of 160 pages. I was defeated just 160 votes [laughter], and I have always thought that if the book had been a thousand pages I might have been defeated a thousand votes. [Laughter.] My district at that time was evidently a protection district. This has been over twenty years ago, and I have never published a second edition of this work. It is therefore with some degree of diffidence that I even venture to make any suggestions upon this exasperating subject.

What annoys me now worse than anything else is that for years and years I have studied the perplexing details of these bewildering schedules. I accumulated volume after volume in every living language and from every author, either dead or living, upon the captivating theme of the tariff, because I then had the idea that every youthful and ambitious tariff reformer has—that Providence had endowed me with the special faculty of once and forever settling this mighty question. I was encouraged in this belief because, under the Cleveland administration, I was associated in the House of Representatives with a body of tariff reformers who were, each of them, respectively, possessed of the same conceit and laboring under the same delusion. We passed a bill. The Senator from Rhode Island knows what became of it. The Senator will recall it, because he was in the fire of that fight, and when the bill came back from the Senate it was like the counterfeit presentment of two brothers, resembling our beneficent measure about as much as this bill resembles its progenitor in the House of Representatives, and about as much as the conference bill will resemble either of these bills.

Notwithstanding all these retarding experiences which I have had, I must summon up the courage to again venture a few suggestions, and that is all at this present moment, in reference to this bill which have passed through my mind as I have studied its provisions. I do not propose now to enter upon any particular schedule. I shall do that hereafter. The moment you do that you lose sight, to some extent, of the principles that are involved. It is time enough to enter upon such a discussion when the various schedules are reached. A particular schedule is largely a matter of justice or injustice in the dis-

tribution of protection, and does not reach, to my mind, the fundamental proposition that is involved in the entire construction of this bill.

I am not criticising anyone at all in any views that he may entertain upon this bill. Everyone is entitled to his own judgment, and as we are all equally honest about it, it might be just as well for each of us, respectively, to announce his own opinion without commenting upon those who differ with him. I have not the slightest fault to find with anyone who may disagree with me. He may be right and I may be wrong. I would be an arrant coward, however, if I stood here and hesitated honestly and conscientiously to give expression to my thoughts upon this subject.

The Senator from Rhode Island, although he said it, as is always his custom, in the most urbane and courtly manner, did not terrify me the other day when he hurled against me the time-worn and tawdry epithet of "free trade." There have been free traders in this country and plenty of them. Frank Hurd, one of the most eloquent men who ever made his entry into the House of Representatives, was an out-and-out free trader. I have never believed in free trade between this country and other countries. I think from every practical standpoint it is perfectly preposterous to talk about it. I think the country would vote such a proposition down almost with practical unanimity. I believe in custom-house taxation, and I do not believe any other system will ever take its place to the satisfaction of the American people. Free trade is not the question before us, and no amount of reproach and adjectives will deter me from stating what the question really is. If there were a resolution now boldly before the Senate in favor of the entire abolition of tariff duties, I do not believe that the doctrine of free trade would receive a single vote upon our side of the Chamber. Let me now read, in this connection, several extracts, very brief, from Democratic platforms, upon one of which Mr. Tilden was nominated for President, and upon the other of which Mr. Cleveland was nominated. I only want to refresh my memory now with these declarations of party policy so as to find out exactly where I am, as I said in the beginning of these remarks.

In 1876 the platform upon which Mr. Tilden was nominated declared:

> We denounce the present tariff, levied upon nearly 4,000 articles, as a masterpiece of injustice, inequality, and false pretense.
> * * * We demand that all custom-house taxation shall be only for revenue.

In 1892 the platform upon which Mr. Cleveland was nominated proclaimed:

> We denounce Republican protection as a fraud—a robbery of the great majority of the American people for the benefit of the few. We declare it to be a fundamental principle of the Democratic party that the Federal Government has no constitutional power to impose and collect tariff duties, except for the purpose of revenue only.

As I understood at that time, these tariff planks were written, respectively, by the Democratic leaders whose names I have mentioned, and they embody, in my judgment, our party axiom, and that is that we have no constitutional power to collect tariff duties except for the purpose of revenue. That has been the battle cry of Democracy for over a quarter of a century. During the half of a century we have twice elected a Democratic President upon a platform that planted itself upon this cardinal principle of our institutions. We have never yet trailed our banner in the dust that bore the party emblem of a constitutional tariff for revenue, and, as the junior Senator from Texas proclaimed the other day, if we were in power we would undoubtedly put that doctrine into practical execution. If we abandon that issue now, I can not see what other issue there is between the parties. Of course, Mr. President, if we are wrong, let us abandon it; if with industrial development we have concluded that it is best now to change the traditions of our faith and levy a tariff for protection, let us say so. I shall find no fault with those who have arrived at this conclusion. Tempora mutantur et cum illis mutamus.

This brings me, Mr. President, to my objections to the present bill, and I shall state them concisely. In the first place, it being a bill to provide revenue, it fails to provide it. It is entitled "A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." If the title has anything to do with the subject-matter, it ought to be entitled "A bill to encourage the industries of the United States, and for no other purpose."

The chairman of the Committee on Appropriations in the House of Representatives has stated that the deficit for the fiscal year 1909 will be in the neighborhood of $150,000,000. You can study this bill by night and by day, and it is utterly impossible under this bill to make up this deficit, even if you deduct from this amount the sums that come under the head of "Permanent appropriations"—the fund for the redemption of national-bank notes and the sinking-fund provision. Taking a normal year as a basis, I doubt very much whether it will add any appreciable amount to our present collections. In all of the arguments and presentations that have been made upon the subject I have discovered no estimate, except guesswork and conjecture, that pretends to cover this amount. I have examined it carefully by comparison in this respect with the best help that I can procure upon the subject, and it is impossible for me to arrive at the results reached by the Senator from Rhode Island by any figuring or computation that I can make. With what light, therefore, that I can gather, I pronounce this bill to be an utter failure in so far as providing the necessary amount of revenue is concerned.

This brings me to the next objection, and that is that it does not provide the additional revenue simply because its main object is to furnish protection and not revenue. The whole framework of the bill is protection first and revenue afterwards, and with great deference to the Senator from Rhode Island and the committee, I think that it would have been far better to have allowed the matter to stand as it was upon the Dingley bill without attempting any revision at all. Of course the revision was promised, and some sort of a revision had to be made, and you will understand me that I do not criticise or censure the Republican party for making the attempt at least to fulfill its political obligations, but if such a promise had never been made, then, in my judgment, it would have been far better for the consuming public of America if no tariff legislation had been attempted at this session and the Dingley bill had stood intact in all of its provisions, as much as I am opposed to it.

Now, our proposition would be, if we had the power to exercise it, to frame a bill for revenue, which is the very opposite of this bill, because this bill is formulated upon the principle of protection, with incidental revenue, if you can possibly get it. Protection, and not revenue, runs through every paragraph and bracket of this measure. It was an easy task to supply revenue if you left protection for the time out of consideration. It becomes a task utterly impossible of accomplishment if, with almost every schedule outside of the free list, protection and not revenue is the objective point.

Now, the question will be asked, How could the necessary revenues have been obtained without destroying, or at least impairing, American industries? I will answer that by saying that if I had a hand in the framing of a tariff bill I would be guided by the following process: Summoning to my aid the best practical experts that I could procure, I would take the schedules and divide and apportion them in this manner: I would separate the schedules into four divisions; in the first place, I would take the necessities of life and place them in a separate column; in the next place, I would take the luxuries and do likewise; in the next place, I would take the lawful industries and enterprises that are represented in the list; and in the last column I would place the monopolies that are practically controlling the American output and are commanding their own prices in the American market. I would levy the lowest tax possible upon the necessities of life and the highest tax possible upon the luxuries, and I would make reductions so as to maintain at all times the standard of American wages. Mr. Cleveland wrote into the platform of 1884 these words upon this particular detail, and they can not be improved upon:

> From the foundation of this Government taxes collected at the custom-house have been the chief source of federal revenue. Such they must continue to be. * * *
> The necessary reduction and taxation can and must be effected without depriving American labor of the ability to compete successfully with foreign labor and without imposing lower rates of duty than will be ample to cover any increased cost of production which may exist in consequence of the higher rate of wages prevailing in this country.

Throughout the whole of the bill I would look out for the consumer. You may examine this bill, outside of the free list, and it is almost impossible to discover the consumer in any of its complicated schedules.

Analyze Schedule B and see how protection will continue to maintain its excessive prices in the furnishing and equipping of every home in the country, and then when you come to Schedule C, from iron ore up, look at what perfectly trifling changes have been made in these oppressive duties. In Schedule I a change was made from the Payne bill back again to the Dingley bill, and that only after a united protest and clamor arose from the consuming public against the iniquity of increased duties upon articles of necessary consumption. In Schedule J, in its principal provisions, instead of reducing duties they have been raised, to give unreasonable profits to a few manufacturers grouped together principally in a single State of the Union. Schedule K is an insult, as it has always been to the American people, and challenges their right to live except with the permission of the interests that have dictated their own excessive figures, and all through the unclassified sections of Schedule N we look in vain for any

relief from this system of ravenous rapacity that does not seem willing to leave open a single avenue of escape from its penalties and inflictions.

It is true that the bill makes reductions, but in the large number of reductions the duty is either still prohibitive or sufficiently protective so as to confer no benefit upon the consumer whatever. This is where the ingenuity that was at work in the composition of the bill becomes apparent. I will not use the words "artifice" or "design," because I want to be conservative in any statements that I make; but I do say this, that both in the Payne bill and in this bill, upon a critical analysis, you can easily discern the delicate touch of a fine Italian hand, or, rather, two hands, one of them reducing duties and the other still keeping them up to such a figure that the reduction will be of no actual benefit to the American consumer. That constitutes the genius of the bill. It was a difficult task to perform, to reduce duties and still not to reduce them; but God seems to have given the Republican party the brains to perform this paradoxical maneuver. Under the magic touch of the architects of this bill the American consumer will have exhibited before him a large number of reductions in the tariff, and he will be delighted pro tanto, and the industries that are furnishing the articles upon which the duties are reduced will at the same time fully realize that the reduction still enables them to command their own prices, and they will be more than delighted.

I make this prediction: That the bill will not, and it does not, in any substantial degree lower prices to the consumer; and I make another prediction, and that is that this bill will not in any substantial degree affect the inordinate profits that the protected industries are now receiving through custom-house taxation. I congratulate the chairman of the Ways and Means Committee of the House and the chairman of the Finance Committee of the Senate and their colleagues and the Republican party, and particularly the American Protective Tariff League, that they have carried out their promise in revising the tariff to suit themselves and that the American people have again been fooled, and that they will be fooled to all eternity until and unless this whole subject of federal taxation is rescued from the contaminating touch of politics and these great combinations of fabulous dimensions that to-day practically own the Government of the United States are told that the hour has come when they must dissolve and retire and make way for the people, so that legitimate American enterprise, upon the broad avenues of competition, can resume its time-honored vocation and reassert its ancient rights.

Mr. President, I am not a demagogue. I hate a demagogue. I could not be one if I wanted to. I am the friend, the ardent friend, of every lawful business enterprise in this land. My colleague and myself represent not only a farming and agricultural constituency and a constituency of intelligent mechanics and laboring men, but we represent a great city whose heart is throbbing with activity and enterprise, a metropolis with as fine facilities as any on the globe and with a line of merchants and manufacturers whose unbroken record of honor and integrity has made our business establishments and great banking and counting-houses famous at every commercial center of the world. From time immemorial we have borne this reputation, ever since the Baltimore clippers sailed the sea, the pride and the glory of the American merchant marine, until this day, when upon the bosom of our waters there is transported and imported from almost every land and clime the commerce of mankind. In the closing observations, therefore, that I am now about to make, it will be understood that I intend no reference to any lawful business pursuit conducted anywhere within the broad domain of this land. Upon a careful examination of this bill, I now assert that I can not find within any of its provisions any change that will relieve us from the exactions and oppressive tribute that have been levied upon the American people by the combinations of centralized wealth that are known under the name of "trusts."

This word "trust" is a misnomer. It means nothing, but as it conveys a certain idea to the public mind in our vernacular, I shall use it for want of a better phrase. If these combinations were a benefit to the country, I would favor the immediate withdrawal of all opposition to them and would give them the broadest latitude within which to extend their operations. If by combining the resources of capital they lowered the prices of consumption; if by creating new enterprises they enlarged the field of employment; if they increased the wages of labor; if they contributed in any manner to the prosperity or welfare of the country, I would let them advance with steady step and plant their acquisitions in every Commonwealth over the undisputed territory of the Union. But they do no one of these things. They raise prices, they limit production, they lower wages, they contract the demand for labor, they throttle competition, they monopolize the wealth of the land, they withdraw it from the channels of circulation, and when they are driven from one State they obtain their franchises in another and then return with insolence to pursue their calling in the place from which they are banished. I can look around in my own State and observe that whenever a new enterprise is started that comes in conflict with them they sweep down upon it as the cormorant does upon his prey, and that their rapacity is never appeased so long as a spark of vitality is left in any competitor that crosses their path.

I do not find within this bill a line or a sentence that weakens their grasp upon the commerce of the country. On the contrary, they show their hateful front in almost every schedule of this bill, principally in Schedule B, the glassware schedule; under the subtitle of "Manufactures of iron and steel," in the metal schedule; in the wool and woolen duties under Schedule K; in the flax, hemp, and jute schedule; in the sugar and oil schedules; and in the general provisions of the bill in the duties imposed upon the implements of husbandry and the utensils of the farm.

As against them, if I had the opportunity in the framing of a tariff bill I would open the ports of entry of this Republic. I would bring them in competition with the markets of the world. It is said that if we do this, we will interfere with other industries that are competing with them. There is hardly a word of truth in that statement, because they tolerate no rivalry and permit no interference.

One of the greatest blessings that could be conferred upon this country would take place if they could be made to resolve themselves into their constituent and component parts.

They have raised prices to such an inordinate figure that it is almost impossible for persons in moderate circumstances to procure the comforts of life; worse than this, they have deteriorated the products and supplies that they sell and have imposed upon the public articles of inferior grade and quality, and laying the whole country under tribute to their exactions and extortions, I think I voice the sentiment of the country when I say that I would follow them from schedule to schedule, and, as against them, would open up the highways of the ocean to the commerce of mankind.

The law does not seem to reach them, and I am frank to confess that I would like to see a tariff bill so constructed in its primary purpose that whenever their particular schedules are reached the duties should be so reduced that they would no longer be able to bankrupt and crush individual enterprise, and would no longer be able to dictate in commanding terms the price of almost every article of absolute necessity at the home and fireside of the American consumer, so that, compelled through free and fair competition to unclasp the fetters that enslave American commerce, the rights of their victims would thus be recognized, and the American people would be liberated and disenthralled.

Mr. NELSON. Mr. President, I shall ask the indulgence of the Senate for a short time this morning to discuss briefly some of the features of the lumber schedule of the pending bill; and, in order that I may not occupy too much of the time of the Senate, I shall be glad if I be not interrupted until the close of my remarks. Senators who have served with me here know that I do not generally object to interruptions and can, as a rule, take care of myself. So it is not on account of any fear of interruptions that I now ask this indulgence of the Senate, but rather to save time.

Mr. President, in order to know where we stand on this lumber schedule, I desire, first, to call attention to some preliminary matters. First as to paragraph 196, relating to square timber, etc., there is an apparent reduction of 50 per cent. The duty is apparently reduced from 1 cent per cubic foot to half a cent per cubic foot; but on examination it will be found to be nominal and rather an increase than a reduction in rate. When this tariff bill first saw the light in the other body it had in it what have been termed two or three "jokers." In reference to a tariff bill, I understand a "joker" to be where a provision on one hand professes to give a reduction and on the other hand undermines and destroys that reduction. I might say, before I proceed, that one of the greatest of these jokers was finally eliminated from the bill in the House. I refer to that part of the bill which contained the proviso in the provision reducing the tariff on sawed lumber from $2 a thousand to $1 a thousand, in paragraph 197. That proviso, had it not been eliminated, would have rendered the apparent reduction entirely nugatory. But there are two other minor jokers in the bill; and I want to call the attention of the Senate to these. The first one is in paragraph 196. That paragraph in the bill reads:

Timber hewn, sided, or squared, otherwise than by sawing (not less than 8 inches square), and round timber used for spars or in building wharves, one-half of 1 cent per cubic foot.

There is injected into this provision the words:

Otherwise than by sawing—

Not found in the Dingley law of 1897.

The phrase "otherwise than by sawing" practically eliminates all squared timber from paragraph 196 for, as a matter of fact, all the squared timber which is used in this country is sawed timber. I know of no case in my section of the country where anybody uses hewn squared timber, except in the case of a small farmer, where he has a bit of oak timber on his land and wants to build a barn or something of that kind, he may go out into the woods and hew some sills; otherwise all squared timber—I might say over 99 per cent of the squared timber of the country—is sawed timber.

What is the effect of injecting into this paragraph the words "otherwise than by sawing?" The effect is practically to put all sawed square timber in the class of "sawed lumber not specially provided for, and so forth," in paragraph 197, where it would be subject to a duty of $1 per thousand feet board measure.

A cubic foot of squared timber contains 12 feet board measure. At $1 a thousand that amounts to 1 cent and 2 mills; in other words, while the Dingley law placed a duty of 1 cent a cubic foot on squared timber and while the bill as it comes here professes to reduce it to one-half a cent, yet by putting those words in that paragraph the duty is made higher than it is under the Dingley Act, practically making the duty on squared timber 1 cent and 2 mills per cubic foot, an increase of 2 mills over the Dingley law. Senators can figure it out for themselves and can ascertain that the figures I have stated are absolutely correct.

There is to my mind another "joker" in the bill, in paragraph 212, to which I want to call your attention.

The first part of this paragraph reads as follows:

"Any wood *or articles or forms of wood,* except those provided for in paragraphs *two hundred and six to two hundred and eleven, inclusive,* of this section, shall, if subject to duty, *pay five per centum ad valorem in addition to such duty,* ——."

"squared timber," "sawed boards," and "sawed lumber" are "articles or forms of wood," and are not in the excepted paragraphs, and are "subject to duty," hence are liable to "pay five per centum ad valorem in *addition to such duty.*"

In other words, you have a cumulative duty of 5 per cent in addition to the duties in paragraphs 196 and 197. The residue of that paragraph, which is as follows, does not apply:

"and shall, *if otherwise free of duty,* pay a duty of five per centum ad valorem, whenever any such wood or articles or forms of wood are painted, polished, grained, stained, printed, or creosoted, or prepared or treated for fireproofing or waterproofing."

The cumulative duty of 5 per cent in the first part of paragraph 212 added to the duty in paragraphs 196 and 197 would nearly double the duties in the present bill on "squared timber," "sawed boards," and "sawed lumber," etc.

There are other provisions of this bill in reference to cumulative duties in other schedules to which I shall later call the attention of the Senate. I shall now confine myself to the lumber schedule. What are the present rates on lumber, and what are the rates proposed by the pending bill? I have already explained the present and proposed rates under paragraph 196, so shall confine myself to the classes and rates in paragraph 197. Under this paragraph the rate on unfinished "sawed boards, and so forth," is reduced from $1 to 50 cents per thousand, with the 5 per cent "joker" attached to which I have already referred, and on "sawed and unfinished lumber, and so forth," from $2 to $1 per thousand. The differential or cumulative duties of the Dingley law on planed and grooved boards and lumber are retained. The duties on planed and matched "boards," under the Dingley law and this bill, are as follows, per thousand:

	Under Dingley law.	Under bill H. R. 1438.
Boards planed one side	$1.50	$1.00
Boards planed two sides	2.00	1.50
Boards planed three sides	2.50	2.00
Boards planed four sides	3.00	2.50
Boards planed one side and grooved	2.00	1.50
Boards planed two sides and grooved	2.50	2.00
And on sawed lumber, etc., as follows:		
Sawed lumber planed one side	2.50	1.50
Sawed lumber planed two sides	3.00	2.00
Sawed lumber planed three sides	3.50	2.50
Sawed lumber planed four sides	4.00	3.00
Sawed lumber planed one side and grooved	3.00	2.00
Sawed lumber planed two sides and grooved	3.50	2.50

Over 90 per cent of the boards and lumber sold and used is planed or dressed lumber, usually dressed on two sides and often on three and four sides. In fact, in many places it is impossible to buy or secure undressed and unplaned lumber, and, of course, ceiling, flooring, and drop siding are always not only planed, but also grooved or matched.

I shall show later on, Mr. President, that the cost of planing and grooving lumber does not as a rule in well-equipped modern mills exceed 50 cents per thousand, and in none of them over 60 cents per thousand, and that the railway freight on a thousand feet of planed and dressed lumber is 15 per cent less than on the rough and unplaned lumber, and this explains why the lumbermen as a rule only ship planed and dressed lumber.

Mr. President, since my brief remarks the other day some Senators on this side have privately taken me to task and said that I am a free trader. Well, I do not mind that insinuation coming from an obdurate "standpatter." As expressive of my sentiment and as a warrant for my attitude with respect to this subject, I beg leave to quote as a text the following portions of the remarks of President Taft on December 16, 1908, in a speech delivered in New York. This is what President Taft said:

I believe that the way to stamp out trusts and monopolies is to avoid excessive rates which tempt monopolies. It would be better to have no revision at all unless we are going honestly and fairly to revise the tariff on the basis promised by our party.

Mr. President, for several years the people of the great Northwest—the upper Mississippi Valley—the very heart of this continent, have been looking forward to a revision of the tariff; and whenever they referred to a revision of the tariff, they meant a revision downward and never a revision upward. What endeared Mr. Taft to the people of the Northwest, what made him so strong among our people, was the fact that even a year before he received the nomination for President, in a speech he made somewhere in the East—I do not now recall the place—he came out squarely in favor of a revision and a reduction of the tariff. Our people in the Northwest accepted that as his gospel, and that fact, more than anything else, made Mr. Taft near and dear to the people of the upper Mississippi Valley.

Mr. President, my objection to the duties levied upon lumber rests upon the fundamental fact that it is fostering and building up one of the greatest and worst monopolies in this country. We have heard much of the Standard Oil monopoly, how it has reached out and frozen out all its competitors in this country. So it has. By unjust rebates and discriminations it has succeeded in acquiring practically a monopoly of the oil industry. But this much can be said to the credit of that great monopoly, that it has from time to time made reductions in the price of its products.

How has it been with this great timber combination which practically controls the lumber supply of this country? It is estimated—and I think it is somewhere near correct—that about 20 per cent of all the available timber supply is now in forest reserves. Pretty much all the timber of any merchantable value that the Government owns is now in forest reserves, and as a result of that all the balance of the timber supply is in the hands of private owners, and it has gravitated into the hands of great monopolies. A comparatively small number of men control the timber supply of the country. We in the Northwest know something about it. When the lumbermen in Michigan and Wisconsin and Minnesota had to a large extent despoiled the forests of those States and denuded them, destroyed the supply of timber practically, except in Minnesota, they went out to the West and to the South and secured immense holdings of timber. In Minnesota there are three or four leading firms which control millions of acres on the Pacific coast. The Weyerhaeuser syndicate, with all its numerous subsidiary and affiliated corporations, to which Mr. Hines, president of the American Lumber Association, belongs, and who has been here laboring for a high tariff on lumber. The Weyerhaeuser syndicate has secured a large body of fine timber on the Pacific coast—upward of 2,000,000 acres of some of the best timber land on the Pacific coast. Then there is Mr. Walker, of Minnesota, who has secured in the neighborhood of 600,000 acres of the finest timber land in California, known as western pine. Then there is the firm of C. A. Smith & Co., of Minnesota, which has secured another large body of timber on the Pacific coast, also the firm of Shevlin & Co., and a number of other large firms from Wisconsin, Michigan, and other points have secured large bodies of timber land on the Pacific coast, so that these comparatively few syndicates and firms practically have a monopoly of the stumpage in that western country. They own or control upward of 4,000,000 acres of valuable timber lands in that section, and it is esti-

mated by Mr. Hines that most of that land will run from twenty to fifty thousand feet board measure to the acre (see House hearings, p. 2945). How did they acquire it and at what cost? Weyerhaeuser acquired over a million acres in one lump from the Northern Pacific Railway Company at an average of 15 cents a thousand. The other concerns acquired most of their holdings at an equally low rate.

A large portion of the land Mr. Walker owns and controls he acquired by so-called forest reserve scrip, costing from $5 to $6 an acre; and a large portion he acquired by transfers from stone and timber entrymen—who paid the Government $2.50 per acre, and whose title he acquired at an average cost of not exceeding $5 per acre—so that his stumpage on the average did not cost him to exceed 15 cents per thousand feet. Nearly all of his holdings he acquired under these two methods. As with Weyerhaeuser and Walker, so with the other syndicates, corporations, and concerns. They all acquired most of their holdings in the same way as Mr. Walker and their stumpage stands them at the same low figure. These big syndicates to which I have referred own or control more than half of the timber supply on the Pacific coast not included in Government forest reserves—and they have picked out the best timber, too. Now this is not all. These great lumbermen have not only gone there and monopolized the stumpage of the Pacific coast, but they have gone into the Southern States. These same gentlemen control the bulk of the yellow pine in the South. The House hearings show this. How have they treated the American people, after getting control of all this timber, north, west and south—after getting control practically of the timber supply of the country? From 1898, the year following the enactment of the Dingley tariff law, up to 1907, they more than quadrupled the price of their stumpage, and more than doubled the price of lumber. House Hearings, Schedule D, show these facts. The price of lumber during this period increased on most grades over 100 per cent, and on some grades as high as 150 per cent. I have here a bulletin issued by the Census Office. It was printed in 1908. It gives the lumber cut for 1907. The title of it is "Forest Products, No. 2. The Lumber Cut of the United States, 1907. Compiled in cooperation with the Department of Agriculture: Forest Service." I have examined this pamphlet, and I want to call your attention to what it shows. Of the various classes of lumber I have segregated seven of the highest classes which together constitute over 80 per cent of the total cut of lumber in the country for 1907. In 1907 the total cut was 40,256,154,000 feet. Let me read the figures of the total cut of these seven classes, and the prices. Yellow pine is at the head of the list. The total cut of this class in 1906 was 11,661,077,000 feet. In 1907, 13,215,185,000 feet. Now what are the prices? I quote the mill prices from the report at the price per thousand feet, board measure. The price of this class of lumber in 1900 was $8.51 a thousand; in 1904, $10.10; in 1906, $13.02; and in 1907, $14.02, an increase from 1900 up to 1907 of the difference between $8.51 and $14.02 a thousand.

The next great class of lumber is what is known as the Douglas fir, the chief timber of the Pacific coast. The total cut in 1906 was 4,969,843,000 feet. In 1907 it was 4,748,872,000. The price at the mill in 1900 was $8.67 a thousand; in 1904, $9.51; in 1906, $14.20; and in 1907, $14.12 per thousand. So that this class of lumber has gone up from $8.67 a thousand since 1900 to $14.12 a thousand in 1907.

The next great class of lumber is white pine. The total cut in 1906 was 4,583,727,000; in 1907, 4,192,708,000. The supply is diminishing.

The average mill price of white-pine lumber in Michigan, Wisconsin, and Minnesota was, in 1900, $12.69 per thousand. In 1904, $14.93; in 1906, $18.32; and in 1907, $19.41. These figures are the average prices—the general average of mill prices.

The next great class of lumber is oak. The total cut in 1906 was 2,820,393,000 feet. In 1907 it was 3,718,760,000 feet. The price at the mill in 1900 was $13.78 a thousand; in 1904, $17.50; in 1906, $21.76; and in 1907, $21.23. Thus it appears that oak lumber advanced from $13.78 a thousand in 1900 to $21.23 a thousand feet in 1907.

Hemlock is the next great class of lumber. The total cut in 1906 was 3,537,329,000 feet and in 1907 3,373,016,000. The average mill price per thousand was, in 1900, $9.98; in 1904, $11.91; in 1906, $15.31; and in 1907, $15.53.

The next great class is spruce. The total cut in 1906 was 1,644,987,000; in 1907, 1,726,797,000. The average mill price per thousand of this lumber was, in 1900, $11.27; in 1904, $14.03; in 1906, $17.33; and in 1907, $17.26.

The next and final class of the seven referred to is western pine—the so-called sugar pine of California. The cut of this in 1906 was 1,386,777,000; in 1907, 1,527,195,000 feet. The average mill price was, in 1900, $9.70; in 1904, $11.29; in 1906, $14.01; and in 1907, $15.76.

Taking all these seven groups that I have named, the cut or output in 1907 amounts to 32,502,533,000 feet out of an aggregate cut of all kinds of 40,256,154,000, or 80 per cent. I have compiled all these figures from the report and will recapitulate them. Yellow pine in 1900, $8.51 per thousand; in 1907, $14.02 per thousand, an increase of 65 per cent. Douglas fir in 1900, $8.67 per thousand; in 1907, $14.12 per thousand, an increase of 63 per cent.

Mr. PILES. I hope the Senator from Minnesota will let me interrupt him right here, because his speech really carries a false impression. The lumber which sold for $14.20 in 1906 and 1907 is now selling for $8.

Mr. NELSON. I am not referring to that now, and the prices since the panic have no bearing on what transpired before.

White pine, in 1900, was $12.69 a thousand; in 1907, $19.41, an increase of 53 per cent. Oak lumber increased from $13.78 to $21.23, an increase of 54 per cent. Hemlock from $9.98 to $15.53, an increase of 55 per cent. Spruce from $11.27 in 1900 to $17.26 in 1907, an increase of 53 per cent. Western pine, that is the California pine, in 1900 sold at $9.76; in 1907, at $15.76. Taking these seven classes that I have recapitulated, the average of them is as follows: The average price in 1900 was $10.66 a thousand; and in 1907, $16.74 a thousand, an increase of over 57 per cent in those years—from 1900 to 1907.

I have looked over the tables of wages contained in the report of the House hearings, and compared the increase of wages as given there from 1900 to 1906, the year of highest wages in the white-pine region of Minnesota, Michigan, and Wisconsin, and find the increase in wages of mill men about 20 per cent, and of men in the woods about 11.6 per cent, or an average for both classes of about 16 per cent, as appears from the following table taken from the House hearings.

WHITE PINE.

Average price at mill per M, 1900, $12.69; average price at mill per M, 1907, $19.41. Increase, $6.72=53 per cent.
Increase in wages from 1900 to 1907, 16 per cent.

Comparative average wages paid by pine sawmills of Wisconsin, Minnesota, and Michigan.

[Sawmill employees, day rate.]

	1895.	1898.	[a] 1900.	1902.	1904.	[b] 1906.	1908.
Foremen	$3.19	$3.85	$4.50	$5.00	$6.00	$7.00	$6.50
Millwrights	2.55	2.88	3.50	3.75	3.80	4.00	3.25
Engineers	2.55	2.80	3.50	3.50	4.00	4.50	4.00
Sawyers	3.50	4.50	5.25	5.50	6.00	6.50	6.00
Setters	2.25	2.50	2.75	2.80	2.85	2.90	2.75
Edger men	2.25	2.50	2.75	2.80	2.85	2.90	2.75
Trimmer men	2.00	2.50	2.60	2.60	2.75	2.80	2.50
Graders	2.25	2.50	3.00	3.00	3.25	3.25	2.50
Tallymen	2.00	2.25	2.25	2.40	2.50	2.60	2.25
Pilers	1.55	1.75	1.90	2.00	2.15	2.25	2.15
Blacksmiths	2.00	2.50	3.00	3.00	3.00	3.25	2.75
Laborers	1.25	1.75	1.80	1.85	1.90	2.00	1.75
Sorters	1.50	1.80	1.90	2.00	2.25	2.50	1.95
Boom men	1.50	1.65	2.00	2.15	2.25	2.50	2.25

[a] Average for year 1900, $2.90.
[b] Average for year 1906, $3.49=20½ per cent increase.

Wages paid for woods work in Minnesota, Wisconsin, and Michigan.

[Monthly wage, including board.]

	1896.	1898.	1899.	[a] 1900.	1901.	1902–4.	[b] 1906–7.	1907–8.
Teamsters	$16	$20	$24	$26	$30	$35	$38	$30
Swampers	13	20	24	25	30	30	40	35
Choppers	14	20	24	26	30	30	40	35
Loaders	20	26	30	32	35	35	40	35
Sawyers	14	20	24	26	30	32	35	32
Graders	13	18	20	24	30	30	35	30
Chain tenders	16	18	20	24	30	30	35	25
Blacksmiths	35	45	50	55	60	60	65	55
Cooks	40	45	50	55	65	65	70	50

Average increase of wages in mill and woods about 16 per cent.

[a] Average for year 1900, $32.55.
[b] Average for years 1906–7, $36.33=11.3 per cent increase.

This shows as I have stated that the average increase in wages for mill men during that period was a trifle over 20 per cent, and of the men in the woods a trifle over 11 per cent; not quite 12 per cent. Taking the two together, the average of the mill men and the average of the loggers, we find the increase on the average was about 16 per cent in the white-pine industry during that period. In Bulletin 77 of the Forestry Bureau they do not claim that the increase has been over from 20 to 25 per cent, as I recall it.

I have referred to these figures for the purpose of showing that while wages have increased in round numbers about 16 per cent for all classes of labor, or, if you please, 20 per cent, which is a liberal estimate, the prices of lumber within this period—from 1900 to 1907—have increased and advanced over 57 per cent. If we go back to 1898, the year following the enactment of the Dingley law, we find that from that year up to 1907 the average rates on lumber have increased over 100 per cent; in many instances up to 150 per cent.

What is true of lumber is in a measure true of shingles. The same bulletin from which I have quoted shows that the average price of shingles of all kinds in 1900 was $1.56 a thousand. This is the mill price, Mr. President. In 1906 it was $2.04 a thousand, in 1907 $2.55 a thousand, and shingles are to some extent a by-product. And what is true of shingles is also true of laths. The same bulletin shows that while the cost of laths in 1900—and that is wholly a by-product, the refuse you may say—was $1.86 a thousand, in 1907 it had advanced to $2.85 a thousand, an increase of a trifle under a dollar a thousand.

These prices I have quoted are the mill prices. I further desire to call attention to the fact, with which we were all conversant in the Northwest, that the lumbermen had been so increasing the prices of lumber from 1898 to 1907—they had raised them so abnormally and outrageously high that even before the panic came on, in the fall of 1907, the lumber industry had become stagnant, because of overproduction and because of the excessive prices charged. This was apparent in the spring and summer of 1907. I know the farmers of Minnesota had begun to stint themselves in every way in consequence of the high prices. If a farmer had a bit of large poplar, or oak, or cherry, or any other kind of large timber on his farm which under ordinary conditions he never thought of making into lumber, he would cut down the trees, take the traction engine of his thrashing machine and a small portable sawmill into the woods and saw his own lumber from his own trees, and if he had any surplus lumber would sell it to his neighbor at reasonable rates, and thus many of them sought to evade the lumber trust. They say there is no lumber trust. Mr. President, we can not show that they have any written agreement among themselves, but we who are the consumers of lumber know that whether you seek to deal with one or another it is all the same. There is no difference in prices. They held them up as steady as the steel trust did before the panic.

A good deal is said about the difference in wages here and in Canada. What are the facts in respect of wages? Along the boundary line the loggers and millmen travel back and forth to work on whichever side they can get employment at the best wages, wholly governed by the law of supply and demand. Our lumber workers go into Canada from Minnesota and come back from Canada. The prices are practically the same. When the Canadians need our men they pay a little more, and when we need theirs we pay a little more. The prices are practically the same all throughout the country, with the exception, perhaps, of New England. In New England conditions are different. They have a different class of labor in Canada from that of Maine; but even there the law of supply and demand will no doubt govern in the lumber industry as in the wool and cotton factories.

New England gets its great supply of factory labor in the cotton and wool industry from Canada. If prices are higher in New England than in Canada the laborers will go to New England.

The expenses of logging on the Pacific coast, in Washington, it is claimed, are higher than in British Columbia. This is not so; the conditions in the woods and the cost of labor are practically the same. I have one witness here on that subject whose testimony, to my mind, is perfectly decisive on this point. I refer to Mr. Lamb. I read from the hearings in the House of Representatives, pp. 2980 and 2981. Mr. Lamb, of Washington, appeared before the Committee on Ways and Means in the interest of the retention of the present duties on lumber. He states, among other things:

I have come 3,000 miles, apparently to be sheared, and I am willing to take the medicine. I represent the Lamb Timber Company and the Washington Logging Brokerage Company. Both of those companies are engaged in logging * * *. Some ten years ago I took up a timber claim, etc. * * *. Since then I have gone into logging work * * *. On the Pacific coast logging is an entirely separate industry from sawmilling * * *. Therefore I know nothing regarding lumber, etc.

Now, what does Mr. Lamb say on the question of wages? I read from page 2981 of the hearings:

The question of wages as an item of logging cost has been gone into very fully, but I simply wish to state that, in my opinion, the difference in cost of wages between British Columbia and Washington is very small. For a good many positions we pay the same wages. For railroad construction and the cheaper labor it is possible for the British Columbians to employ alien or foreign labor, which we can not do. The cost of supplies in British Columbia—machinery and tools—as has been stated here, is somewhat higher on certain articles, as I happen to know, as I am manufacturing them for the British Columbia market. On the other supplies, such as wire rope, railroad material, etc., the British Columbians can buy cheaper than we can. So that, on the whole—

I want to call the attention of Senators to this—

So that, on the whole, so far as regards the actual cost of labor, there is very little difference.

Here we have the testimony of a man who came before the committee in favor of the retention of the present duty—a logger, a man engaged in the business of logging in the State of Washington—and who stated expressly before the committee in his sworn testimony that the cost of logging in the State of Washington was practically no higher than in British Columbia.

In this connection I will also read another statement, and call the attention of the Senate to the testimony of Mr. Lynch in these hearings, pages 2881, 2882, 2883, and 2884:

I am not well enough posted on lumber conditions on this side of the line to give much information concerning the cost of lumber here. I can tell you a good deal of the cost of production, the cost of stumpage, the cost of erecting sawmills and of operating them, and the price of labor on the other side of the line. I am now, and have been for several years past, one of the principal owners of two of the largest mills in western Canada, namely, the Red Deer Lumber Company, at Barrows, Saskatchewan, in the spruce district, and of the Elk Lumber Company, at Fernie, British Columbia, in what is known as the mountain district in British Columbia.

Each of these mills has a capacity of about 35,000,000 feet per annum. Each of these mills, with their planing mills, yards, logging equipment, and other necessary improvements, cost us about $400,000. This is exclusive of the cost of our standing timber.

I have been told by men who own similar mills on this side that their plants and equipment here cost about $250,000. The difference in cost is accounted for by the tariff charged by the Canadian government on the American machinery with which our mills are equipped.

In other words, Mr. President, those lumbermen in Canada have to come to this country and get our machinery, for they have none of their own, and when they get it there they have to pay a duty of from 20 to 30 per cent, making their plant in the first instance cost them from 25 to 40 per cent more than a plant costs on this side of the line.

Now, here is the testimony of Mr. Lynch in reference to the price of logs:

Our logs at the Red Deer mill, where we are sawing spruce exclusively, cost us at the mill $7 per thousand. Our stumpage at this mill, together with the royalties paid to the Canadian government, costs us about $3 per thousand.

I will not take up further time to read it, but will incorporate in my remarks the matter from page 2880 to the foot of page 2883.

The matter referred to is as follows:

At the Elk mill, where we saw cedar, fir, and spruce, our logs cost us $6 per thousand. Our stumpage at this mill, together with the royalties paid to the government, costs us $1.50 per thousand. Our cost of manufacturing, including the cost of surfacing, piling, loading, selling, insurance, interest, and taxes at each point is about the same, viz, $5 per thousand.

We employ no oriental labor in any capacity or place. Most of our employees are Americans. All of our highly skilled employees, including our manager and superintendents, learned their trades or business on this side of the line. They went to Canada for us because we were willing to pay them higher wages than they were receiving here. We were willing to pay these wages because these men were more efficient workmen than we could get on the other side and would do more and better work than the Canadian workmen. They were cheaper for us than Canadian workmen at lower wages, but were no more efficient than the thousands of American workmen employed on this side in American mills, and who, I believe, receive lower wages than we are paying these men.

Mr. LYNCH. I have a statement here showing the average wages paid at the mills of the Elk Lumber Company, at Fernie, British Columbia, and of the Red Deer Lumber Company, at Barrows, Saskatchewan. Perhaps you would not care to have me read this table, and if not, I will pass that and continue my statement.

The CHAIRMAN. Do you mean wages by the day, hour, or how?

Mr. LYNCH. By the day.

The CHAIRMAN. State the number of hours.

Mr. LYNCH. Based upon ten hours a day.

The CHAIRMAN. And how many days in a week?

Mr. LYNCH. Six days in a week.

The CHAIRMAN. No half holidays?

Mr. LYNCH. No half holidays.

The CHAIRMAN. You have not a statement of the wages paid in the American mills, have you?

Mr. LYNCH. I have not; no, sir. I will file this statement.

Mr. GAINES. How long is the statement?

Mr. LYNCH. It is somewhat less than a page.

The CHAIRMAN. I think perhaps you had better read it.

Mr. LYNCH (reads):

Average wages paid at the mills of the Elk Lumber Company, at Fernie, British Columbia, and of the Red Deer Lumber Company, at Barrows, Saskatchewan, for the years 1903 to 1907, inclusive.

	Per day.
Band sawyers	$7.50
Gang sawyers	4.50
Tail sawyers	2.50 to 3.00
Edger men	3.00 to 3.75
Trimmer men	3.25
Setters	3.75
Carriage riders	3.00
Helpers on trimmer	3.00
Transfer men and laborers	2.00 to 2.60
Band filer	8.50

	Per day.
Round saw and gang filer	$7.00
Millwrights	4.00
Engineer	4.00
Fireman	3.00
Blacksmith	3.75
Machinists	3.75
Boom men	3.25
Laborers	2.50
Watchmen	2.50
Grader	2.75
Sorters and transfer men	2.25
Lumber pilers	2.25 to 2.75
Laborers in yard and loading cars	2.25
Oilers in mill and planing mill	2.75
Planing mill:	
Machine feeders	2.50 to 3.50
Helpers	2.25
Teamsters	2.50
Carpenters	4.00
Helpers	2.50
Manager	[a] 4,000.00
Mill foreman	[a] 1,500.00
Yard foreman	[a] 1,500.00
Bookkeeper	[a] 1,200.00
Timekeepers and clerks	[b] 60.00 to 85.00

During the same period the same mills have paid wages to their men in the woods, they doing all of their own work and doing no logging through contractors.

	Per day.
Loaders	$2.80
Swampers	1.85
Sawyers	2.25
Teamsters	2.35
Railroad men	2.50
Stable boss	2.60
Hook men	2.25
Blacksmith	3.40
Filer	3.00
Camp tender	2.25
Railroad laborers	2.05
Cook	3.40
Cookees	2.25
River men	3.00
Clerks	3.00
Foreman	4.35
Teams without drivers	3.00

The superintendent receives $1,600 to $2,000 per annum.

All men working in the bush are paid so much per month and their board. The figures given above for their day labor is the amount which they would receive per day, figuring twenty-six working days to the month and adding the cost of their board, averaged in nine different camps, to the daily wage paid to them.

Mr. FORDNEY. How do those wages compare with the wages paid now?

Mr. LYNCH. Those are the same wages that we are paying now. Those are the figures up to July 1, 1908.

I do not think that the wages which we pay are much, if any, higher than those paid by our Canadian competitors. Our scale may be higher in some instances, but it is made up by the increased efficiency of the workmen we employ. I think these wages are higher than those paid by most American plants and are only equaled by a very few of the best inland empire mills.

In the matter of stumpage and its cost on the Canadian side, I would say that it varies greatly, as it does on this side, according to its nearness to market, the facility with which it can be logged, the character of the timber, and the danger of fire. All of the timber in Canada, however, carries a minimum royalty to the government of 50 cents per thousand, board measure (this is equal to about 70 cents per thousand, log scale), and from that up to $6 per thousand in royalty in some of the eastern provinces. In British Columbia the prevailing royalties are 50 and 60 cents per thousand. To these royalties, to find the cost of stumpage, must be added the bonus which is paid to the Dominion government when the license to cut the timber was issued by the government, and which amounts, according to the competition which prevailed when the timber was sold by the government, to from 15 cents to $2 per thousand. This bonus is paid to the government in cash when the timber is sold, while the royalty is paid to the government when the timber is sawed. We also pay a royalty to the government on all of our by-products, including laths and shingles.

The item of taxes varies in the different Provinces and on different classes of timber, but runs from $5 per square mile, which is the lowest annual rental on timber in the prairie Provinces, to $140 per square mile on the heavy timber in British Columbia, west of the Cascade Mountains. This tax or rental is paid annually and is an addition to the local or business taxes which may be paid. Most of our holdings are east of the Cascades, in British Columbia, in the mountain district, where we pay a tax of $115 per square mile per annum. On the amount of timber which we hold this tax amounts to about 6 cents per thousand per annum. This is treble the tax paid by us on our holdings on this side of the line. The fee of the land does not go with this. That is always retained by the Crown.

I do not know of any expense item which goes to make up the cost of lumber which is not as heavy or heavier upon the Canadian manufacturer than it is upon the American manufacturer. They are certainly closer to the consumer in the United States than the Canadian mill would be. This would imply lower freight rates and better service for the American mills.

It would appear to me, in view of the foregoing facts, that the American manufacturer will have little fear from the removal of the tariff, unless he raises his prices much above the present level. If his cost of manufacture advances, the cost will also advance to his competitor. If the price of the log on the stump is increased much beyond the present level, the owner of the stumpage will have to compete with the Canadian timber owner, unless he should also advance the price of his stumpage. This, I do not believe he will do. The open competition which would be brought about by the removal of the tariff would not be an evil to the general public.

Mr. NELSON. Mr. Lynch gives the figures. I have compared these figures given with the wages on this side of the line, as given in the House hearings, and I want to say that, taking the labor cost on the whole, with the exception perhaps of the State of Maine, both as regards the white-pine territory and the lumber of the Pacific coast, the wages on the Canadian side are equal to the wages on our side and the cost of production is fully as much.

When you come to the matter of labor in the yellow-pine country we all know, and the House hearings show it, that on an average labor in the Southern States, where the yellow pine is produced, is cheaper than it is in the North and in Canada. They employ a large share of colored labor there, which is very cheap, and a good deal of their white labor, except what you may call the expert labor, is cheaper than with us. So, on the whole, if you rest upon the question of wages, there is no occasion to put on a tariff duty between our country and Canada.

Now there is another matter, Mr. President. The lumbermen claim that they have not been making any money recently. They have not made money perhaps since the panic. There are many industries that have not made any money since then. I have given evidence as to the cost of logging in Washington and British Columbia, and I have equally good evidence as to the question of profits in the lumber business.

Many years ago the great transcontinental lines—the Great Northern, the Northern Pacific, and the Union Pacific—fixed a lumber rate for the shipment of lumber from the Pacific coast to the East—Mississippi and Missouri River points. They made a 40-cent rate per hundred to St. Paul, a little more to Chicago and other eastern points.

In the fall or early winter of 1907 the railway companies undertook to raise these rates. They did raise them. A controversy was brought on over it before the Interstate Commerce Commission and there was a hearing before that commission. I have here a copy of the testimony of ex-Governor Clough, formerly of Minnesota, one of the witnesses who appeared before the Interstate Commerce Commission and gave testimony as to the profits in the lumber business. He organized a company called the Clark-Nickerson Lumber Company, composed partly of Michigan men, partly of Minnesota men, to engage in the manufacture and sale of lumber at Everett, in the State of Washington, on Puget Sound. The company began its business there in the fall of 1899, I think, or in 1900, and constructed one of the finest and best lumber mills in that section of the country. There may be larger mills, but I think it is as well equipped as any mill in that section. They started in with a paid-up cash capital of $100,000, and in the course of their business from 1900 down to 1907 they borrowed $300,000. By the fall of 1907, after paying their stockholders a yearly dividend of 6 per cent right along, they had earned enough to pay up the interest and the principal of the $300,000 they had borrowed, and to reimburse the stockholders for all the money they had put into the enterprise. So that their stock at the time practically cost them nothing, and they had a fine mill and a lot of lumber on hand. I may add here that Governor Clough was the general manager of the company during all the time referred to.

Let me read you his testimony. This is his sworn testimony taken before the Interstate Commerce Commission. I have taken only a part of it. The testimony is voluminous. It is not in print, but I had a copy made by a clerk in the office of the Interstate Commerce Commission. Mr. Kerr is the attorney asking questions. He asked Governor Clough:

What have been the prices that you have paid for logs?

I want to say that this Clark-Nickerson Company owned a very little stumpage of their own, but they did not resort to that. All the logs that they manufactured into lumber they bought. They bought the logs; they did not do their own logging. The logs were brought there partly by water. Most of them were towed in, some of them Canadian logs no doubt, for they can come in free if they were not cut on Dominion or provincial land. All the logs sawed they bought, and they manufactured those logs into lumber and sold it.

Page 1250:

Mr. KERR. What have been the prices that you have paid for logs during the operations?

Mr. CLOUGH. Well, different prices; but our average price for five years, commencing January 1, 1902, up to January 1, 1907, averaged $6.72 per thousand.

"Per thousand" are my words, but that is what it means.

Mr. KERR. What has been the range of the price of logs during that period of time?

Mr. CLOUGH. Oh, when we first went there logs of course were very cheap. The first logs we ever bought in the State of Washington, number twos, we paid $4; merchantable was $6, and flooring was $7.

Mr. KERR. What has been the highest price?

Mr. CLOUGH. In the year 1906 our logs averaged us $7.78.

This is the year before the collapse. "Our logs averaged us," in the most prosperous year in the lumber trade, "$7.78."

[a] Per year. [b] Per month.

Mr. KERR. Was that the highest year?
Mr. CLOUGH. That was the highest year.

Page 1254:

Mr. KERR. What has been your cost of producing lumber from the time you commenced operations?
Mr. CLOUGH. About $3.75 a thousand.
Mr. KERR. Has that price increased or decreased, or is that about the average?
Mr. CLOUGH. Well—

Here is his answer—

we are trying to cheapen the cost a little every year, and we have, a little mite. There has been no material difference in the cost, but we are trying to cheapen it a little every year, regardless of the little increased cost of labor and material.

Mr. KERR. How have you done that, and how are you able to do it?
Mr. CLOUGH. By putting in some new improvements, improving our mill. For instance, this summer we put in $20,000 in permanent improvements. We took out a single band—

He refers to the saw—

we had and we put in a double-cut band in its place. That increased out cutting capacity about 20,000 a day, with no extra expense—the same number of men.

Mr. KERR. Has the cost or efficiency of labor been affected during these years you have been there?
Mr. CLOUGH. What is that?
Mr. KERR. Has the price of labor changed?
Mr. CLOUGH. It has increased.
Mr. KERR. The price has increased; how about the efficiency?
Mr. CLOUGH. The better the times the poorer the men seem to be. We get less work out of men when times are good than we do when they are bad.
Mr. KERR. How have you been able to offset this increase in the price of labor?
Mr. CLOUGH. As I have told you, by improving our mill in every possible way, increasing the cut of our mill.

Page 1258:

Mr. KERR. Please state to the Commission the amount of your investment and the extent of your operations, generally.
Mr. CLOUGH. Our investment we capitalized for $100,000. What other money we needed the general manager—and I am the general manager—borrowed, and paid 6 and 7 per cent interest on it; but, thank the Lord, it has all been wiped out, and it has been paid back from our profits. Would you like to know the profits?
Mr. KERR. Yes, the whole situation of the investment and the profits?
Mr. CLOUGH. Our capital stock is $100,000; that is all we ever had. That has all been paid back to the stockholders. There is no stockholder in our company who has 1 cent of money in the business. They have always received, from first to last, a dividend of from 6 to 7 per cent per annum.
Commissioner COCKRELL—

A member of the Commission—

In addition to the principal?
Mr. CLOUGH. They have always been paid their dividend of 6 per cent per annum every year, and have already been paid back their principal. No stockholder in the Clark-Nickerson Lumber Company has a cent in the business; and we owe no man a cent, except the monthly expenses. We pay off our help and our bills the 10th of every month. On the 10th of every month we pay our labor and our bills for the previous month. When I came down here I had not our profits exactly; I knew about what they were, but I did not have them exactly. I could remember about the report of the different years, but I did not have the figures exact, and so, after listening here for several days, and seeing that you are quite exact in the matter of figures, I thought I would have my figures exactly, and so I wired to our office yesterday, asking them to wire me our profits or losses for each year since we have been in business. I received a reply to my message this noon, and I can read it to you. There is no guesswork about this. We built our mill in 1900——
Mr. ABEL. Are you reading from the wire that you received to-day?
Mr. CLOUGH. No; because I copied it off here so as to have it in handy shape. I will let you see the original message, if you want to [handing witness the original telegram]. You can take that message. I took it off on a piece of paper here, but it is exactly like the original message.
Mr. ABEL. We will check it.
Mr. CLOUGH. You can check everything I have or say. We commenced to build our mill in February—February 26, 1900. We started the mill then and sawed a log September 15 of the same year. We merely started. We did the most of the sawing from that time until December 30 for ourselves, but we did ship a few cars of lumber, and that year—I have not got that off on here. What is that last figure on that telegram? [Addressing Mr. ABEL.]
Mr. ABEL. $1,634.
Mr. CLOUGH. The first year our profits were $1,634. We commenced business the best we could. Of course we went there as old lumbermen, but we were new men in the country. We found we had a great deal to learn. We had to establish ourselves in business, and we did so. Our profits were not as large as they are now.

Now, listen to this:

In 1901 our profits were $29,267, which was 29 per cent and a little over on our investment.
In 1902 our profits were $96,759, or 96 per cent and a little more on our investment.
In 1903 our profits were $55,721, or 55 per cent and a little over on our investment.
In 1904 I am ashamed to tell that, as that was a bad year. In that year we made a loss of $3,358.
In 1905 our profits were $72,186.
In 1906 our profits were $193,06.

That is the boom year, before the panic.

In 1906 our profits were $193,06.

There is evidently a mistake in punctuation; it should read $193,060.

In 1907 we do not know just exactly what they will be. We have not figured up what they will be; we do not figure up until the 1st of January; but I do know that I have sent this year to our stockholders, which I am authorized to do whenever we have any surplus money—to send it to our stockholders pro rata according to our stock—I have this year—

1907—

already distributed among stockholders $130,000. We certainly have made that $130,000, or I could not have distributed it among the stockholders. We haven't borrowed any money. We do not owe a cent of money, and the best of it is we put in $20,000 this year in permanent improvements, and they have been paid for.

Another thing that pleases me is that on January 1, 1907, we had piled in the yard about 6,600,000 feet of lumber. We were closed down for a little repairing about three weeks ago. So we took account of stock, and we had in the yard about 13,600,000 feet—and that after distributing among our stockholders $130,000.

For 1907. Then he winds up by saying:

That is about all there is to our profits. This telegram is a telegram that anyone can look at, or keep, if anyone wants it.
Mr. KERR. It may be submitted to the opposition.

Mr. McCUMBER. Mr. President——
The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from North Dakota?
Mr. NELSON. Certainly.
Mr. McCUMBER. I do not know whether the Senator intends to go further upon that line, but I especially want him to call attention to the profits upon the shingle industry in the same period.
Mr. NELSON. I am coming to that.
Mr. SCOTT. May I ask the Senator a question?
Mr. NELSON. Certainly.
Mr. SCOTT. I wish to ask the Senator if he does not think the majority of those logs were cut on the Canadian side to make these enormous profits.
Mr. NELSON. No; most of them were cut on our side. They get some logs on the Sound from British Columbia. But you must remember——
Mr. SCOTT. Without paying for them?
Mr. NELSON. Oh, no; you must remember that most of the timber in that country is held under government licenses. I have a copy of them here. Under that system, where they obtain timber in that way, they are required to manufacture it on that side of the line. It is only logs that are cut on private lands, not on the Provincial or Dominion lands, that can be shipped into our country.
Mr. PILES. Will the Senator yield to me for a moment?
Mr. NELSON. Certainly.
Mr. PILES. Did the Senator examine the testimony of any other lumbermen in the State of Washington except that of Governor Clough.
Mr. NELSON. No, I did not.
Mr. PILES. Is not he the only man in the whole State of Washington who testified along the line presented by the Senator?
Mr. NELSON. I do not know; I have not examined the other testimony in the case. I happened to know about his testimony and so took occasion to have a copy of it.
Mr. PILES. If Governor Clough's testimony is correct and that is the general rule throughout the whole lumber district, of course every man in the United States ought to go into the lumber business. But every man in the State of Washington who testified——
Mr. NELSON. The Senator is referring to what has occurred since the panic. I am talking about the time prior to the panic of 1907.
Mr. PILES. That is exactly what I am talking about. I am talking about what occurred prior to the panic. Every lumberman in the State of Washington engaged in it with the exception of Governor Clough, testified before the Interstate Commerce Commission that they could not make a profit on the rate which the railroad companies sought to increase.
Mr. NELSON. And that was only an increase of 10 cents a hundred.
Mr. PILES. Governor Clough has his mill situated on the line of two railroads—the Great Northern and the Northern Pacific—and every——
Mr. NELSON. So has Weyerhaeuser. Weyerhaeuser has his mill right there at Everett.
Mr. PILES. Every other lumberman in the State of Washington testified that he could not make a profit.
Mr. NELSON. I yielded for a question, but I do not yield for a speech. When the Senator comes to discuss the matter he can make his own speech. I say that in the utmost Christian spirit. [Laughter.] Mr. Kerr proceeds:

I understood you to say that you borrowed some $300,000 in the beginning. Has that been paid back?
Mr. CLOUGH. Yes, sir; every cent of it.
Mr. KERR. Have you ever engaged in the manufacture of shingles, and if so, when?
Mr. CLOUGH. Well, early this year——

That is, 1907—

some of my associates and myself imagined that we wanted to build another sawmill. My associates liked the business, and we talked it over, and I told them I thought we had better build a shingle mill. I wanted to see how much money there was in the shingle business. So we decided to build a shingle mill. Well, they said that they didn't know, they thought perhaps this increased rate was going to be put into effect, which was spoken of then, and "they wanted to know how much money I thought there was in the shingle business, and I told them that I thought we could get 50 per cent on the money we invested, and if the rate was increased it would make a difference of 16 cents a thousand;" there would be that much less in our profits, that is all, and we had better build a shingle mill.

So we went on and built a shingle mill, and that mill had a capacity of 600,000 a day. That is not the Clark-Nickerson Co.; that is the Clough-Hartley Co., located half a mile away from the Clark-Nickerson Co. We built a mill, and we ran it a little over two months, and while we ran it we made a profit of about 100 per cent on our capital; but of course we could not always do that. Shingles were very high this fall, as you all know—very high.

Mr. KERR. What two months were those that the mill was running?

Mr. CLOUGH. On November 1 we closed down, because there wasn't any sale for our shingles.

Mr. KERR. Are you more or less familiar with the price of logs that have been manufactured into shingles in the year past?

Mr. CLOUGH. Well, I don't know about cedar logs as I do fir logs until this fall, while we were in the——

Mr. KERR. What was the price of cedar logs while you were buying them for your shingle mill?

Mr. CLOUGH. Well, we paid all prices. We paid all the way from $11 to $18. We bought a few for $18, and all the way from $11 up to $18.

Mr. KERR. Were you at all familiar with the price of cedar logs when you came into the country?

Mr. CLOUGH. No, sir; I was not.

Mr. KERR. What was the cost of manufacturing shingles during these two months when you were operating?

Mr. CLOUGH. It cost Clough-Hartley—that is, including insurance and taxes and everything—about 70 cents a thousand to manufacture shingles, to keep up our mill.

Mr. KERR. That does not include the cost of the timber?

Mr. CLOUGH. No, sir.

Mr. KERR. You have given the price of logs. How many shingles will a thousand feet of cedar logs make?

Mr. CLOUGH. Ten.

In other words, a thousand feet of logs board measure will make 10,000 shingles.

We have in this another piece of evidence, Mr. President, of how prosperous the lumber industry is. I admit it is not prosperous now; partly on account of the panic and partly on account of the excessive price that had been charged for the lumber. But Senators must remember that we have had the same tariff law in 1908 and 1909 that we have had in 1905, 1906, and 1907.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly.

Mr. HALE. Does not the Senator think the remarkable man who has been making these statements about the inordinate profits that nobody else has made has been able to make more sums of money during the last year or two than anybody else has?

Mr. NELSON. I think within the last year he has not made any money.

Mr. HALE. Having the power and the ability to make such a remarkable scale of profits, when nobody else in his neighborhood made it, I do not see why he has not been able to continue to make an enormous profit.

Mr. NELSON. The market for lumber has slackened up and become stagnant.

Mr. HALE. Does the Senator think that the statement of this remarkable man is a fair statement of the lumbering conditions there?

Mr. NELSON. As it existed out in that country under those conditions and at that time.

Mr. HALE. In the State of Washington?

Mr. NELSON. I want to be fair. I want to say that the mill was operated under more favorable conditions than many other mills for two reasons. I have been at the mill. There are other mills there. On one side of his mill he could load into vessels and on the other side he could load into the cars. I admit that mills in the interior away from such transportation facilities could not make the profit that he did, but it serves to give color to the enormous profits and enormous prices maintained in the lumber business.

Mr. HALE. I think the statement this man has made is the most remarkable I have ever heard in relation to the lumber industry anywhere in the last half dozen years.

Mr. NELSON. Unfortunately——

Mr. HALE. I hope that the representatives of the State of Washington who know about the conditions there and about this industry will give us their light on this subject, and not such remarkable statements as are made in the testimony of this man.

Mr. NELSON. This man has lived out there in that country since 1900.

Mr. WARREN. Will the Senator yield to me for a question?

Mr. NELSON. Certainly.

Mr. WARREN. Is there anything additional in the testimony as to one point made by the witness, that when they double the sawing capacity the adding of saws added nothing to the expense, because they needed to employ no more men? What was the power? Was it steam or water?

Mr. NELSON. Steam.

Mr. WARREN. Would it not cost more to run two saws with steam than one?

Mr. NELSON. Both saws were put up into the same frame. The two were side by side, instead of one, and they could practically run both with the same power.

Mr WARREN. The power would naturally be for two saws instead of one, and it would practically be twice as much power. So I conclude that the statement that it costs no more would be subject to some qualification at least.

Mr. NELSON. Very little. The Senator knows what fuel they use at the sawmills.

Mr. WARREN. I do.

Mr. NELSON. The fuel practically costs them nothing.

Mr. WARREN. On the other hand——

Mr. NELSON. It is refuse material which they can not dispose of for any other purpose.

Mr. WARREN. It is not sufficient, and they have to buy fuel in addition.

Mr. NELSON. They do not in those great mills.

Mr. WARREN. There is another thing. I notice that in the logs purchased for shingles sometimes they paid $18 and sometimes $11. Are there any questions or answers preceding or succeeding the testimony which the Senator has read which may explain that difference?

Mr. NELSON. I suppose there were different varieties of logs and there were different prices. The highest was $18—the price ran from $11 to $18.

Mr. WARREN. Would there be a natural range in the price of cedar shingle logs from $11 to $18?

Mr. NELSON. There might be.

Mr. WARREN. Legitimate?

Mr. NELSON. They use a lot of stuff for shingles that they can not use for anything else.

Mr. WARREN. That is true; but the Senator is speaking of the purchase of logs. I want to know if the Senator has pursued that subject so as to be able to give us any explanation. Of course if this statement was in some magazine article or written in a dime novel we would understand that the promoter had put in all the good side and none of the bad.

Mr. NELSON. What does the Senator mean by a magazine article or a promoter?

Mr. WARREN. I mean a written subject.

Mr. NELSON. There is no occasion to be sarcastic. I have stated that this testimony was given under oath before the Interstate Commerce Commission.

Mr. WARREN. When a man makes a statement about his business, that in one year when the general business of the country was prosperous he loses $3,000, and another year makes one hundred and ninety-odd thousand dollars, if sarcasm is not permissible at least a question is, and I am only asking a question. I want to know, if the Senator will be kind enough to inform me, whether there is an explanation in the evidence before us, or, rather, if he can explain why in that one year, when the business of the country was usually prosperous, they lost $3,000, and the next year made one hundred and ninety-odd thousand dollars? What was there peculiar about the facts to explain the difference in results in those two years?

Mr. NELSON. The sawmill here is on the Sound. It is a steam sawmill. The fuel is the refuse. It is a big, complete mill. I am not prepared to say whether it is the biggest mill on the Sound, but I think in equipment it is as good as any other mill. I understand the Weyerhaeuser Company has a mill right close by; I think in a stone's throw, or perhaps a little farther. I have been in the Clark-Nickerson mill and I have seen it myself. It is a fully equipped mill—mill on the Sound, where vessels can be loaded on one side and cars on the other side. The one year referred to the lumber business was generally dull, the other years referred to good.

Mr. WARREN. We do not doubt that. I submit the Senator has introduced a character of evidence that we ought to observe; we ought to notice and we ought to weigh it.

Mr. President, it is often said that figures will not lie. But liars will figure, it is also said. I do not accuse this man of lying. I could not do that. He is a prosperous and no doubt a truthful and prominent man. But it is in evidence now, and when a man says in his business the first year he made a thousand dollars, that he sawed out lumber for his own work and sawed a few carloads for sale, and the next year——

Mr. NELSON. No; it was that same year he made it. He sawed only a little in the fall of the first year, most of it for his own use in the mill, sold only a few carloads.

Mr. WARREN. I understood that that was in the following year.

Mr. NELSON. Oh, no. It was the first year.

Mr. WARREN. When he says that the next year he made $29,000, the next year he made $96,000, the next year he lost $3,000, the next year he made $196,000, I agree with the Senator from Maine that it is a most remarkable statement. I should like to know if there is anything to explain it in the testimony which the Senator has before him.

Mr. NELSON. If the Senator discredits that testimony——

Mr. WARREN. I do not discredit it. I only wish, if I can get it, some explanation.

Mr. NELSON. If the Senator is prepared to discredit it, let him discredit it.

Mr. WARREN. I only discredit it by applying the rules of business that any business man would apply, and the judgment of a business man. I submit to any man in this country who is a business man that that is a remarkable statement. I do not doubt its veracity, but I should like an explanation of it, if there is any to be made.

Mr. NELSON. Will the Senator doubt the explanation?

Mr. WARREN. I have said I do not doubt it.

Mr. NELSON. I have the testimony here, and if the Senator can make an explanation that will explain it let him do it.

Mr. WARREN. It will need somebody to make an explanation, surely.

Mr. McCUMBER. May I ask the Senator from Minnesota a question?

Mr. NELSON. Certainly.

Mr. McCUMBER. I should like to ask the Senator a question. The profits were, the Senator stated, $196,000. I think that the Senator's print is in error. I have $19,306. The Senator has got the profit too large for that year.

Mr. NELSON. What year does the Senator refer to?

Mr. McCUMBER. If I may just recapitulate it, in 1901 it was $29,000. I am giving the round numbers. In 1902 it was $96,000; in 1903, $55,000; in 1904, a loss of $3,358; in 1905, a profit of $72,000; and in 1906, a profit of $19,306, or 19 per cent.

Mr. NELSON. That is wrong; it is $193,000 in my copy.

Mr. McCUMBER. I think there is some mistake in the print.

Mr. NELSON. Possibly there may be. This is the copy furnished me by a clerk of the Interstate Commerce Commission. There is probably a mistake in punctuation and that the correct reading is as the Senator from North Dakota suggests—$19,306.

Mr. HALE. I hope the Senator will not undertake to cut down his remarkable figures in this way. I think he had better take them to their whole extent.

Mr. SMITH of Michigan. I would like to ask the Senator a question. This is the testimony of Governor Clough, as I understand it.

Mr. NELSON. Yes, sir; the manager of the Clark-Nickerson Lumber Company.

Mr. SMITH of Michigan. The Clark-Nickerson Lumber Company. Mr. Clark, the president of the company, is from my State. I know him.

Mr. NELSON. I think he is—there are one or two Michigan men in the company.

Mr. SMITH of Michigan. Yes; but does the Senator know whether Mr. Hovey Clark is a member of that firm?

Mr. NELSON. I can not say. I think he is; but I am not sure.

Mr. SMITH of Michigan. Does the Senator know, or has he any data before him, to show whether a profit is derived from exports or from domestic sales?

Mr. NELSON. From both.

Mr. SMITH of Michigan. I think, as a matter of fact, that they are exporting large quantities of heavy timber to the Orient, and that they have had a very continuous demand from that source.

Mr. NELSON. Mr. President, coming to another question—and I will not dwell on it at great length—all of those mills have had a great export trade. The export trade on the Pacific coast, as appears from the following tables in the House hearings, has been immense, especially since the San Francisco disaster and that at Valparaiso, in South America. They have a big trade by water to various foreign countries, as the tables show.

House hearings, Schedule D, page 3100, Exhibit C.

Shipped from—	Foreign.							
	Australia.	South America.	China and Japan.	Mexico and Central America.	United Kingdom and Europe.	Africa.	Other foreign ports.	Total foreign.
	Feet.	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*
Washington	28,313,923	21,818,502	4,578,026	6,090,633	6,685,718	5,765,419	3,709,763	76,961,984
British Columbia	6,115,095	12,595,886	2,670,396	2,370,560	8,753,019	.....	1,767,503	34,262,549
Totals, 1894	34,429,018	34,414,388	7,248,422	8,461,193	15,438,737	5,765,419	5,467,356	111,224,533
Washington and Oregon	43,755,751	32,139,555	12,632,650	6,716,288	5,504,544	28,092,765	2,214,264	131,055,817
British Columbia	5,874,958	6,103,311	4,868,154	5,367,032	5,558,711	9,548,324	3,424,780	40,745,270
Totals, 1895	49,630,709	38,242,866	17,500,804	12,083,320	11,063,255	37,641,089	5,639,044	171,801,087
Washington and Oregon	44,821,574	34,517,203	22,499,767	13,007,364	9,485,450	11,242,086	9,579,665	145,153,109
British Columbia	17,861,699	11,002,786	15,550,324	1,523,140	9,686,917	3,834,830	3,084,216	62,543,912
Totals, 1896	62,683,273	45,519,989	38,050,091	14,530,504	19,172,367	15,076,916	12,663,881	207,697,012
Washington and Oregon	46,242,383	25,973,758	35,991,494	9,345,469	16,788,593	8,488,531	10,849,559	153,679,787
British Columbia	22,049,732	6,972,620	12,993,963	3,400,000	8,212,156	8,010,667	649,038	62,288,176
Totals, 1897	68,292,115	32,946,378	48,985,457	12,745,469	25,000,749	16,499,198	11,498,597	215,967,963
Washington and Oregon	37,147,070	19,215,654	17,940,132	7,864,463	2,265,361	9,142,345	13,318,016	106,893,041
British Columbia	24,993,799	5,928,008	7,755,827	4,890,000	4,408,800	5,886,004	1,272,165	55,134,603
Totals, 1898	62,140,869	25,143,662	25,695,959	12,754,463	6,674,161	15,028,349	14,590,181	162,027,644
Washington and Oregon	40,877,578	24,969,909	34,658,624	8,201,062	7,409,871	12,041,828	9,070,098	137,228,990
British Columbia	17,990,322	5,399,924	14,901,607	286,136	907,546	6,228,470	3,408,303	49,132,308
Totals, 1899	58,867,900	30,369,833	49,560,231	8,487,218	8,317,417	18,290,298	12,478,401	186,361,298
Washington and Oregon	56,902,139	34,556,276	33,448,227	9,488,801	8,433,967	12,284,414	4,828,839	159,942,663
British Columbia	31,783,542	8,739,125	4,092,212	105,301	24,676,937	5,117,672	466,724	74,981,513
Totals, 1900	88,685,681	43,295,401	37,540,439	9,594,102	33,110,904	17,402,086	5,295,563	234,924,176

House hearings, Schedule D, page 3100, Exhibit C—Continued.

Shipped from—	Foreign.							
	Australia.	South America.	China and Japan.	Mexico and Central America.	United Kingdom and Europe.	Africa.	Other foreign ports.	Total foreign.
	Feet.	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*	*Feet.*
Washington and Oregon	55,428,427	39,675,154	46,762,371	12,808,321	7,473,299	21,793,210	14,370,573	198,401,355
British Columbia	22,922,452	14,648,804	12,702,692	82,599	10,121,592	3,926,620	3,081,391	67,486,090
Totals, 1901	78,350,879	54,323,958	59,465,063	12,980,920	17,594,831	25,719,830	17,451,964	265,887,445
Washington	38,578,962	38,159,699	19,658,317	9,701,520	6,277,973	27,145,177	10,563,946	150,085,594
Oregon	2,089,411	2,193,265	28,613,841	3,095,625	.....	3,889,737	290,977	40,122,856
British Columbia	20,631,920	9,284,552	4,614,192	.....	9,108,616	9,830,463	2,155,265	55,685,008
Totals, 1902	61,300,293	49,637,516	52,886,350	12,797,145	15,446,589	40,815,377	13,010,188	245,893,458
Washington	72,230,804	53,972,673	34,679,762	8,522,877	14,569,040	37,069,332	2,943,777	223,989,265
Oregon	2,346,465	6,068,723	35,708,590	.....	1,792,083	7,828,145	2,083,308	55,822,314
British Columbia	5,155,175	10,118,027	6,965,831	275,345	14,668,600	22,104,484	2,966,232	62,238,694
Totals, 1903	79,732,444	70,155,423	77,354,183	8,798,222	31,014,723	67,001,961	7,993,317	342,050,273
Washington	50,946,307	11,768,443	16,930,822	6,632,564	4,602,030	10,699,800	84,565,039	186,144,995
British Columbia	7,609,076	11,373,793	5,705,361	.....	8,076,286	.....	322,728	33,177,244
Oregon	4,590,981	.....	22,031,811	.....	.....	2,638,652	2,971,292	29,172,736
Totals, 1904	63,176,364	23,142,236	44,667,994	6,632,564	12,678,306	13,338,452	87,859,059	248,494,975
Washington	40,622,367	66,797,905	47,489,889	14,830,875	17,181,161	14,108,392	3,216,706	201,030,589
British Columbia	13,910,784	11,970,963	4,838,004	.....	14,781,264	4,156,980	153,935	49,811,930
Oregon	8,838,578	4,195,477	32,796,225	.....	3,153,832	7,075,976	1,796,102	57,854,190
Totals, 1905	63,371,729	82,964,345	85,123,118	14,830,875	35,116,257	25,341,348	5,165,743	308,696,709
Washington	63,269,733	87,580,794	31,593,172	17,860,130	10,225,575	7,784,498	3,047,814	221,351,716
British Columbia	23,337,218	26,623,607	4,595,753	.....	2,413,870	8,604,204	6,002,210	a79,176,862
Oregon	23,069,027	5,556,644	69,706,171	201,866	9,533,073	.....	4,460,147	112,526,918
Totals, 1906	110,275,978	119,761,045	105,895,096	18,051,986	29,172,518	16,388,702	13,510,171	413,095,496
Washington	59,621,668	109,098,714	35,282,855	35,954,438	9,355,806	3,297,710	10,109,350	262,720,536
British Columbia	24,336,690	20,687,819	5,617,248	559,022	9,209,422	1,595,075	5,187,932	67,193,208
Oregon	31,529,600	7,482,290	56,963,238	2,295,036	2,471,328	.....	.....	100,651,592
Totals, 1907	115,487,953	137,268,823	97,863,341	38,718,556	21,036,556	4,892,785	15,297,282	430,565,296
Grand total 14 years' water shipments	996,425,205	787,185,853	747,836,548	188,466,537	280,838,370	319,191,819	227,920,753	3,547,711,155

a Panama and New York shipments included.

The idea that the lumbermen of Washington and Oregon can not compete with the lumbermen of British Columbia is extremely ridiculous when you look at these figures, which show that they have practically a monopoly of the export trade from the Pacific coast.

I have the hearings before the committee of the House of Representatives, and I desire to read from page 3100 on the lumber schedule.

Mr. PILES. The Senator from Minnesota began his speech by stating that he did not wish to be interrupted. I do not wish to interrupt him in view of that statement, but, if he desires an interruption, I think I can explain that matter entirely to his satisfaction.

Mr. NELSON. I am willing to answer any question, but if it involves an explanation on the Senator's part——

Mr. PILES. It does.

Mr. NELSON. Then the Senator had better explain it in his own time.

Mr. PILES. Very well.

Mr. SMITH of Michigan. I should like to say to the Senator from Minnesota——

The VICE-PRESIDENT. Does the Senator from Minnesota yield further?

Mr. NELSON. I will yield for a question.

Mr. SMITH of Michigan. Do I understand this is the firm of Clark-Nickerson Company?

Mr. NELSON. It is an incorporated firm—the Clark-Nickerson Lumber Company. I do not know the names of all the stockholders.

Mr. SMITH of Michigan. I think Mr. Hovey Clark, of Michigan, is the head of that concern; I feel quite sure about it; and I want to say to the Senator from Minnesota [Mr. NELSON] and for the benefit of the Senator from Wyoming [Mr. WARREN], that he is a man of the highest character, that he is not speculative nor a dreamer, and that he is a success from every point of view.

Mr. HALE. Evidently.

Mr. SMITH of Michigan. And I think it will be generally admitted that that statement is absolutely correct.

Mr. WARREN. Mr. President, the amended statement is certainly a little more practical than the one first made. I should like to ask, if the Senator is willing to answer, and if he has the information—he, I think, remarked that this firm is not making money now—did he mean that it is now making no profit at all?

Mr. NELSON. I do not know what they are making. I understood that there, as in our State, matters have been largely at a standstill in the lumber trade.

Mr. WARREN. For how long?

Mr. NELSON. Stagnation began in the lumber industry, as the Senator would have learned if had listened to me, for I am not here pettifogging——

Mr. WARREN. I understand that.

Mr. NELSON. The stagnation of the lumber industry began in the spring of 1907.

Mr. WARREN. Well.

Mr. NELSON. It began because the prices had got so abnormally high and the prosperity in 1906 had been so great that there was, as it were, an overproduction. Stagnation had set in to a limited extent before the panic in the fall of 1907. When that panic occurred matters were brought to a standstill all over the country, more or less, and especially in such industries as the lumber industry, where they had been inflating prices for a series of years.

Mr. WARREN. I will say to the Senator that I am not accusing him of pettifogging. I think perhaps I was out of the Chamber when he made the statement about stagnation, and so forth, but I wanted to get, if I could, some information; and the Senator seems abundantly able to give it. As to this dullness, what has been its extent? Has it been that the lumbermen have been losing, or have been at a standstill? The reason why I ask the question is because as to myself and many of those——

Mr. NELSON. Let me ask the Senator——

Mr. WARREN. Let me finish the sentence.

Mr. NELSON. Has the panic affected your industry out in Wyoming?

Mr. WARREN. I was just coming to that, if the Senator had waited. I want to say that as to the price of lumber—and I and those connected with me have been buyers continually—the

prices have not reflected any dullness on the part of the lumber manufacturers of late years. I am asking the question for information, not to detain the Senator, and I want him, if he can, to give some explanation why there should have been such enormous profits made at that time and no profits or perhaps losses are ensuing now, while those of us who are buying lumber seem to be paying as much, or even more for it, now than when these immense profits were being made?

Mr. NELSON. It is difficult to explain to the Senator, because I see he is in an obtuse state of mind this afternoon.

Mr. WARREN. Is the Senator able to explain it to himself? I will ask another question.

Mr. NELSON. Certainly.

Mr. WARREN. I will ask why the concerns that then made so much, under the same tariff and the same Government and under a state of business that had been fairly profitable, are losing now or making nothing?

Mr. HALE. I think the Senator from Wyoming himself misunderstands the Senator from Minnesota. The Senator from Minnesota does not mean to say that the otherwise universal prosperous condition of business has arrested the triumphal march of this wonderful man, who makes money when nobody else makes it. Has it stopped him from making money during the last two years?

Mr. NELSON. Mr. President, without intending to be personal, I want to say to the Senator from Maine, in all seriousness, that he is a master of the art of sarcasm.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. NELSON. Certainly.

Mr. McCUMBER. I think I can partially answer the question of the Senator from Wyoming [Mr. WARREN]. The Senator indicates that there has been no particular change in the price of lumber in his section of the country during the last year.

I assume the Senator speaks from the standpoint of the retailer, rather than from the standpoint of the wholesaler. If the Senator, however, had looked at the quotations of November, 1907, and then looked at the quotations of January and February, 1908, he would have seen that there was a drop of more than 30 per cent, in many cases up to 50 per cent, in the wholesale price of lumber. The retailers were already stocked up pretty well, and everybody knows that the retailers have combinations of their own. When they were stocked with lumber at a certain price, they intended to continue the sale of that lumber upon the basis of the old price just as long as it was possible, and until they could sell out the lumber that had been purchased at the price of 1907, they would continue the retail prices of 1907, and they have continued them pretty well since that time.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Oklahoma?

Mr. McCUMBER. I am speaking in the time of the Senator from Minnesota [Mr. NELSON], and not in my own time.

The VICE-PRESIDENT. Does the Senator from Oklahoma desire to question the Senator from North Dakota or the Senator from Minnesota?

Mr. GORE. I desire to question the Senator from North Dakota.

The VICE-PRESIDENT. Will the Senator from Minnesota yield to the Senator from Oklahoma for that purpose?

Mr. NELSON. Certainly.

Mr. GORE. I want to ask the Senator from North Dakota if the tariff was as high in January and February, 1908, as it was in November, 1907?

Mr. McCUMBER. I think the Senator does not need to ask that question.

Mr. GORE. I hope the Senator will answer it.

Mr. McCUMBER. Mr. President, I do not think the question needs an answer. I think the Senator well knows that there has been no change in the tariff schedules during that time.

Mr. GORE. I desire to ask this further question: If a high tariff is the cause of high wages and high profits, why was not the same high tariff a guaranty of the same high prices in wages and profits in January and February, 1908, as in November, 1907?

Mr. McCUMBER. I think the Senator from Minnesota [Mr. NELSON] has already thoroughly answered that question when he stated that there was an overstocking in the lumber business even prior to the panic of 1907, and that panic, then operating upon the lumber conditions as they were, immediately forced down the price about 30 per cent from the original wholesale price. I may go further and say that I believe even after they had lowered the price 30 per cent they were still selling at a profit and were not selling at a loss. In other words, I do not believe that during the months of January and February, when the wholesalers had dropped 30 per cent of the original wholesale price, they were doing business just for the pleasure of doing business or for the pleasure of losing money.

Mr. GORE. The point I was getting at was that general business conditions affect wages and profits; that they are not exclusively due to a high or a low tariff, and that under one administration or another prices would fall from 30 to 50 per cent without any reference to a threatened revision of the tariff.

Mr. WARREN. Will the Senator from Minnesota permit me to ask a question of the Senator from North Dakota?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. Certainly.

Mr. WARREN. I understood the Senator from North Dakota said that the price of lumber had fallen some 30 per cent as between the manufacturer and the wholesaler and as between the wholesaler and the retailer, but that in some way the retailer charged about the same. Was that correct?

Mr. McCUMBER. No.

Mr. WARREN. He charged about the same prices and retained nearly the same profit?

Mr. McCUMBER. Not as between the wholesaler and the retailer, but as between the retailer and the customer the prices remained about the same.

Mr. WARREN. Business had been dull, and there had not been as much lumber sold. Now, I want to ask the Senator how far that logic goes in our economic structure, that when business is dull and there are small sales the prices are kept up, notwithstanding the cost to the wholesaler and to the retailer is very much less? That the retailer can best keep up his prices in dull times is a new phase of trade with which I never have been acquainted. To say that when business is dull for the retailer and he buys his stock for far less than he does when business is good he continues to retail at the old price is a new proposition to me.

Mr. McCUMBER. Mr. President, the answer presupposes a stock of goods on hand by the retailer, and that was the condition. There is more or less of a close relation between the wholesaler or the manufacturer and the retailer, and in most instances the manufacturer is himself the wholesaler. There is such a relation as will justify possibly the manufacturer in assisting the retailer in disposing of the stock of goods he has on hand at the old price before he will ask him to take additional amounts at the lower price.

Mr. NELSON. Mr. President, I hardly know where I am, after all this interruption. I am almost in the position that the Senator from Maryland [Mr. RAYNER] described himself to be in this morning. No doubt, by and by, when the other side of this case is presented you will have your attention called to some pictures which have been reproduced in the House hearings, showing Japanese and Chinamen working in the mills in British Columbia. As an offset to these pictures produced in the hearings, I have some pictures here [exhibiting] of Chinamen and Japanese in the mills at Port Blakeley, in the State of Washington; so that you can offset the pictures in one case against those in the other.

Mr. PILES. Mr. President——

Mr. NELSON. These were taken on the 20th of March last.

Mr. PILES. I should like to ask the Senator——

Mr. NELSON. And they are fine-looking Japanese and Chinamen, as the Senator from Washington will see if he will come over here and examine them.

Mr. PILES. What mills are they from? I should like to say to the Senator from Minnesota that he can find but two mills in the State of Washington that employ oriental labor out of 110,000 white men that are toiling in that industry in that State to-day, and there are 14,000 men working in the shingle industry, who have their protest on file here in the Senate appealing to this body to give them relief against oriental labor, and who say that they are idle from three to six months in a year and can not make a living in the shingle industry.

Mr. NELSON. The figures say that out of 40,000 employed in British Columbia, less than 4,000 belong to the Japanese race.

Mr. PILES. What figures say that?

Mr. NELSON. They are in the hearings. I can not now turn to the exact place.

In British Columbia and in the Province of Ontario most of the timber is cut under licenses from the government. The land is not sold, simply the right to cut timber on what are

known as "crown lands." The government does not sell the land. It sells the timber at public sale. The minimum upset price is 50 to 60 cents a thousand feet. Recollect that the big lumber men on the Pacific coast acquired most of their timber at from 15 to 20 cents a thousand. The Canadian timber is put up at auction, as I have said, at an upset price of 50 cents a thousand feet. The bidders have to pay that in royalty and as much more as the highest bid may be. Whatever the bid is, over and above the royalty, they have to pay in cash immediately, and the royalty of 50 cents a thousand they pay as they cut the logs. I have here the printed form of one of those licenses. There is a time limit fixed, and in all those licenses there is a provision which I will read:

This license is issued and accepted on the understanding that no Chinese or Japanese shall be employed in connection therewith.

So that oriental labor is absolutely cut off from logging. They do employ a few in the State of Washington and a few in British Columbia in the mills, but they employ them in both cases more as a matter of necessity than because they are regarded as cheaper labor. It is true that nominally their wages are a little less; but when you consider their efficiency as laborers, they are as expensive as any set of labor; and Mr. Lamb, of the State of Washington, who is engaged in the logging business, and who came on here and appeared before the Committee on Ways and Means to give his testimony in favor of a reduction of the present tariff, in his testimony which I have quoted, was candid enough to admit that there was practically no difference in the cost of logging on our side of the line and on the British Columbia side.

The truth of the matter is—and that is the most important question involved in this whole case, although the Senator from Maine and the Senator from Wyoming sneered at the figures—that outside of a few railroad men, the wealthy men, the millionaires in Minnesota, Wisconsin, and Michigan, are the lumbermen. They are the men who have made fortunes. The Senator from Michigan well knows there are lumbermen in that State who are millionaires, and I know the State of Wisconsin has some millionaire lumbermen. You can sneer at this testimony, but it is a remarkable thing that the men who are engaged in the lumber industry in the course of a few years get to be millionaires, while in few other industries are there millionaires unless they have been engaged in stock watering in connection with some corporation. Mr. WARREN has——

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Wyoming?

Mr. NELSON. Certainly.

Mr. WARREN. Mr. President, the Senator is mistaken if he thinks that I am sneering at anything in the subject that he is discussing——

Mr. NELSON. Oh, I meant it in a polite way, not in an offensive way.

Mr. WARREN. Except that I did perhaps discredit to some extent the figures, which the Senator has already withdrawn.

Mr. NELSON. I have not withdrawn them.

Mr. WARREN. There is a difference between $196,000 profit in a year on a capital of $100,000 and $19,000 profit.

Mr. NELSON. I have not withdrawn them.

Mr. WARREN. The statement made by the Senator from North Dakota——

Mr. NELSON. That is his statement; it is not mine.

Mr. WARREN. Are they the figures the Senator wishes to stand?

Mr. NELSON. I have not withdrawn them.

Mr. WARREN. Well, then, the Senator wishes to stick to the figures and approves the statement that the profit was $196,000?

Mr. NELSON. There is no use in quibbling about this. It is a matter of record in the files of the Interstate Commerce Commission; it is not printed, but it is in typewritten shape. I went down there and read it, and asked them to furnish me a copy. The son of one of the commissioners supplied me with this copy. Whether it is absolutely exact or not I do not know. If the Senator doubts it he can go down and examine the record. It is, in fact, as I quoted it, but I am inclined to think there was a mistake in punctuation in the copy furnished, and that the correct figure is $193,000. The Senator is evidently hanging a good deal on this probable error in punctuation for want of something more substantial to attack.

Mr. WARREN. I wish to be entirely respectful about this. First, I want to say to the Senator that I represent in part here a State that buys a great deal of lumber, and, so far as I know, sells none outside of its boundary lines. I am in a position to be as easily for free lumber as for protected lumber so far as the local interests of my State are concerned, and probably I could be for free lumber more easily.

Mr. NELSON. But let me ask a question——

Mr. WARREN. Wait a moment.

Mr. NELSON. Let me ask the Senator, does he not think as to the matter of free lumber that his judgment is warped by hides and by the duty on wool? [Laughter.]

Mr. WARREN. Mr. President, neither the hide nor the wool of any animal or any man, so far as I know, has ever warped my judgment; but I want to say to the Senator that as a protectionist I am always anxious to be convinced that any commodity which has been under protection should be made free before I vote to make it free, and I have asked of the Senator in good faith the question stated.

Mr. NELSON. I have tried to answer them.

Mr. WARREN. Now, I want to say to the Senator that I do doubt that the concern to which he has referred, or any other concern, under regular business management, made $196,000 clear profit in one year on $100,000 capital, when in the year before, under the same conditions throughout the United States, they lost $3,000. I submit that to the candid judgment of the Senator.

Mr. NELSON. In the first place it was not the year before when the $3,000 loss occurred. In the next place I can account for the great profit of the years 1906 and 1907, and I will explain it. That year—1906—when they made so much was the year of the San Francisco earthquake followed by the disaster further south at Valparaiso. The result of those disasters was that there was an abnormal demand for lumber in San Francisco and at the other point. Instead of shipping the lumber eastward by rail to the Dakotas, Minnesota, and the Mississippi Valley, they shipped it to San Francisco. They could not supply the demand there fast enough and they got whatever figures they had a mind to ask. Does not the Senator know those facts?

Mr. WARREN. I understand that, but does the Senator propose to predicate his argument for free or reduced lumber tariff rates upon the occurrence of an earthquake that happens, perhaps, once in a lifetime? Does he suggest that the conditions that existed following that earthquake shall guide us in our legislation as to the future, when we do not expect, and pray to God we shall not have, earthquakes every year?

Mr. NELSON. I have never thought that even an earthquake would affect the Senator from Wyoming at all on the tariff. [Laughter.]

Mr. WARREN. I thank the Senator for his compliment.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Maine?

Mr. NELSON. Certainly.

Mr. HALE. Does the Senator think that in the year he has given for this most remarkable profit, which was paid out to the stockholders of the corporation referred to, the earthquake at San Francisco and the calamity at Valparaiso enabled any other business concerns in the Northwest to make any such inordinate profit as the Senator claims for this particular concern? Does the Senator wonder that the statement is so remarkable, as brought out by the criticism of the Senator from Wyoming, that other Senators doubt—not the sincerity of the Senator from Minnesota, because we have summered and wintered with him and know that he is always sincere—but he is under a wrong impression and he has been deluded.

Mr. NELSON. That is the way I feel about the Senator from Maine and the Senator from Wyoming. [Laughter.]

Mr. HALE. Undoubtedly the Senator feels that way.

Mr. NELSON. Yes; both of you seem so utterly deluded that you refuse to see the truth when it is presented to you.

Mr. HALE. I am not alone in this matter. The statement of the Senator from Minnesota was so remarkable, was so opposed to the experience and observation of everybody connected with this business, and disclosed what was such an apparent extravagant profit, that it discredited the entire statement. I am wrong entirely if I am not justified in saying that the impression conveyed to other Senators was that the statement made by the Senator from Minnesota could not be depended upon—not his sincerity—but he has either gotten the figures all wrong, as the Senator from North Dakota indicates, or he has been misinformed.

Mr. WARREN. Mr. President, I did not rise to contradict either the opinions of the Senator or his sincerity of statement. I did doubt, and I still doubt, whether the statement can be maintained that a business conducted, as I suppose that was, in a legitimate way, could vary from $3,000 below par to $196,000 above par in net yearly profits on a capital of $100,000.

Mr. NELSON. And $300,000 of borrowed money.

Mr. WARREN. It might vary in a number of years, but hardly to the extent the Senator suggests. I want to ask, When was the earthquake in San Francisco? When were the largest profits of that concern realized, and does the Senator connect them? If so, I wish he would tell me. I am asking in good faith, because, as I say, I have made no declaration as to how I am going to vote upon this schedule, but to a business man who has done business in dollars and cents all his life the statements of the Senator's witness seem so remarkable that I think I ought to be excused for seeking further light and asking the Senator in good faith whether he had noticed what preceded or followed in the testimony of the witness from whom he quoted, or whether the Commission put the questions which would have occurred to me, and I assume occurred to them, to ascertain the reasons for that abnormal condition which, with small capital, should enable a business concern to make that enormous profit in one year, and bring about a net loss in one year right in between two profitable years. I am asking these questions in good faith.

Mr. NELSON. I am sorry for the Senator. I want to say, in the first place, that I regard it as utterly hopeless to attempt to convert the Senator from Wyoming or the Senator from Maine. That is not the purpose of my remarks. I regard those Senators as utterly incorrigible, and I shall feel complimented if they continue to doubt. I expect nothing else.

Mr. WARREN. Is the Senator willing to put himself on record as saying that that statement is correct?

Mr. NELSON. I am ready to put myself on record that it is a copy of the testimony furnished me from the Interstate Commerce Commission.

Mr. WARREN. That is another thing.

Mr. NELSON. The Senator can go down and examine the files, and if he can find a mistake he can make the most of it.

Mr. WARREN. I thought perhaps the Senator himself might discover it.

Mr. NELSON. How do you know it is a mistake? You are assuming that.

Mr. WARREN. I do assume it, and I wish to be recorded in that way.

Mr. NELSON. All right. I can not help in what violent presumptions the Senator indulges.

Mr. WARREN. If it is a violent presumption, I am willing to submit to the judgment of the Senate and the country, which has the more abnormal judgment—the man who swallows wholly a proposition from a business concern, so abnormal and so unreal as that indicated by the figures the Senator has quoted, or the man who believes that there has been some mistake in copying, and that the Senator himself, when he reviews the case, will desire to correct himself as to those figures.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. NELSON. Certainly.

Mr. GORE. Either I misunderstood the Senator from Minnesota, or else the Senator from Wyoming misunderstood him. The Senator from Wyoming represents that he said there was a loss of $3,000,000 one year and the next year a profit of $193,000,000——

Mr. NELSON and others. Oh, no.

Mr. GORE. Thousands. A profit of $193,000 the next year. That is as I remembered the statement of the Senator from Minnesota. I merely wanted to be correct. I was in error.

Mr. DICK. Will not the Senator print, in his remarks, the form of contract?

Mr. NELSON. Certainly.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Oklahoma?

Mr. NELSON. Certainly.

Mr. GORE. I merely wish to ask the Senator from Minnesota to restate the results for the three years, including the loss of $3,000 and the two succeeding years. I think the Senator from Wyoming misunderstood him, or else I have misunderstood him. I wish the record to be correct on the proposition.

Mr. NELSON. I will read the figures again, Mr. President. It began in the fall of 1900, and most of the sawing was done for themselves.

Mr. GORE. 1904, 1905, 1906.

Mr. NELSON. I will read it:

The first year of our profits were $1,634.

* * * * * * *

In 1901 our profits were $20,267, which was 29 per cent and a little over on our investment.

In 1902 our profits were $96,759, or 96 per cent and a little more on our investment.

In 1903 our profits were $55,721, or 55 per cent and a little over on our investment.

In 1904 I am ashamed to tell that, as that was a bad year. In that year we made a loss of $3,358.

In 1905 our profits were $72,186.

In 1906 our profits were $193,06.

It should be and was meant for $193,060.

He states further that he did not know exactly what the profits were for 1907, but that he had already distributed among the stockholders $130,000.

Mr. KEAN. Will the Senator yield to me for a moment? I think if the Senator from Minnesota will look at that statement, the last one, of $193.06, he will find it is the only one that is given in cents, and I think he will find that the punctuation is wrong, and that it is nineteen thousand and odd dollars.

Mr. WARREN. I think the Senator will find there should be six figures, numerals and ciphers. However, the Senator from Minnesota is sure he is right.

Mr. NELSON. It is possible there may be a mistake as to this one year. I will show the Senator from Wyoming the original figures, as I have them here. But whether there is a mistake as to this one year or not, one fact stands out clear; the company started with a cash capital of $100,000. It borrowed $300,000, and in the course of seven years it has paid a yearly dividend of 6 per cent to the stockholders, paid up all borrowed money with interest, and repaid to the stockholders all the capital they originally invested, and after all this is left with a fine sawmill and several million feet of lumber. The quibbling over one year's profit does not destroy these hard facts or the aggregate result.

Mr. PILES. I think the Senator from Minnesota is right. I know great comment was made all over the Pacific coast at the time this matter came up. The testimony is that in 1905 they made a profit of seventy odd thousand dollars, according to his statement. In 1906, the banner year, of course they must have made more than $72,000, according to his statement. Everybody in that whole country was very much astonished when the statement came out that this one mill, the only mill upon the Pacific coast, had been able to make anything like this sort of profit. I do not think the Senator is mistaken in his figures. I think that is exactly as he will find them.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from North Dakota?

Mr. NELSON. Certainly.

Mr. McCUMBER. I think there is no question about any of the figures, except the very last item. There is evidently an error in the punctuation mark there.

Mr. HALE. A small error!

Mr. McCUMBER. It is an error.

Mr. HALE. Of how much?

Mr. McCUMBER. It is an error; that is sufficient; and of course the difference would be between thousands and hundreds of thousands.

Mr. HALE. Between nineteen thousand and a hundred and ninety thousand.

Mr. McCUMBER. That would be my conclusion, undoubtedly. Otherwise it would be $193.06, which of course was not intended.

Mr. HALE. It reduces the absurdity of the statement so much.

Mr. McCUMBER. The Senator found it equally absurd in all the prior figures of $96,000 and of seventy odd thousand for others years; and there is no mistake about that.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. NELSON. Certainly.

Mr. FLINT. I think there can be no question that on the Pacific coast during the year 1906 very large profits were made by those engaged in the lumber industry. As a matter of fact, after the earthquake in San Francisco, which took place in April, 1906, the conditions were such that they could not find enough lumber schooners or vessels to carry the lumber. Extravagant prices were charged in San Francisco and along the entire coast, and during that year the lumber men were charged with having a combination and with having charged excessive prices; and there can be no question that they did make very large profits during that year.

Mr. NELSON. That vindicates what I said a moment ago. It verifies it. That is precisely the case. Those mills on the coast took advantage of the conditions prevailing in San Francisco, when the whole city was in ruins and the people were anxious to rebuild as fast as possible, and the mills could scarcely meet the demand fast enough.

Mr. PILES. I wish to refute that statement in behalf of the mill men of the State of Washington. Taking the figures the Senator himself quoted that the price of lumber at the mills

in the State of Washington was $14.02 a thousand, how can it be said that those mill men, who sold their lumber to the intermediate men on Puget Sound, were holding up the people of San Francisco or at any other point?

Mr. NELSON. They shipped their products, and the Senator from California knows the price which was there paid. The average figures I gave from the government report was the average price for the entire country.

Mr. FLINT. I want to correct that statement, if I gave the impression that it was because of a combination of the lumber men. The Senator from Washington [Mr. PILES] has called my attention to the fact. I wish to correct it. In my opinion it was not a combination of the lumber men in the Northwest, but a combination of those engaged in the business in San Francisco, and they not only charged extravagant prices for lumber, but for all other kinds of material, so that the people were aroused there and stopped building in order to meet that condition. I am convinced that the lumber men in the Northwest did not receive those high prices. The labor situation, as is suggested to me, was just as bad as the material situation.

Mr. NELSON. At the request of the Senator from Ohio, I will ask to have the form of Canadian timber license incorporated in my remarks.

The matter referred to is as follows:

BRITISH COLUMBIA—LAND ACT AND AMENDMENTS—TIMBER LICENSE.

In consideration of ——— dollars now paid, and of other moneys to be paid under the said acts, and subject to the provisions thereof, I, W. S. Gore, deputy commissioner of lands and works, license ——— to cut, fell, and carry away timber upon all that particular tract of land described as follows:

The duration of this license is for ——— year from the ——, 190 .

The license does not authorize the entry upon an Indian reserve or settlement, and is issued and accepted subject to such prior rights of other persons as may exist by law, and on the undertaking that the government shall not be held responsible for, or in connection with, any conflict which may arise with other claimants of the same ground, and that under no circumstances will license fees be refunded.

N. B.—This license is issued and accepted on the understanding that no Chinese or Japanese shall be employed in connection therewith.

Deputy Commissioner of Lands and Works.

LAND AND WORKS DEPARTMENT,
Victoria, B. C., ——— ———, *190* .

Mr. NELSON. As bearing on the question of prices and on the question of wages, I ask to have the Secretary read the letter which I send to the desk.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SAUK RAPIDS, MINN., *April 19, 1909.*

Hon. KNUTE NELSON,
Washington, D. C.

DEAR SENATOR: Inclosed I am sending you a clipping from the Pioneer Press of the 18th inst., which states your position on the tariff on lumber. I am sure you are right on this proposition.

I am sure that every farmer and laborer of your home State thinks you are right and will back you to the finish; though the rest of your colleagues may call you an insurgent your home people will be with you. I am glad that Senator MCCUMBER is with you. Senator CLAPP ought to fall in line.

Perhaps I do not know very much about the lumber business, but I spent about fifteen years of my life driving on the river and working in the sawmills, so I have had some experience as a workman.

I have stood at my machine year after year and saw lumber advance dollar after dollar per thousand, and have never yet seen the boss come in and say, "Boys, lumber has gone up; we are going to raise your pay."

I know that our little mill here, which saws about 50,000 feet per day, is only a drop in the bucket as compared with the great lumber industry of the United States, but I do know that it is a straw that shows which way the wind blows.

I do know that Thos. Shevlin and his Co. is the owner of this mill, and that his company is one of the big companies operating in this State; and what his big mills are doing elsewhere our little mill here is following suit. I know that common laborers in 1906 here received $2 per day, and this year they are only receiving $1.65. I know that No. 1 flooring in 1903 was worth *$28 per M.* and to-day it is held at *$36 per M.*

I know the lumberman's argument, that pine stumpage is worth more to-day that it was six or eight years ago. I think they are right in this contention. The law of supply and demand must prevail, but *they* ought to understand this law thoroughly.

The men who make it possible for them to manufacture their raw material into a marketable product are also subject to the law of supply and demand; their families need just as much to-day and more than they did years ago, because has not our late President, Mr. Roosevelt, promulgated the fact that we must look out for race suicide. Our families are larger, our living expenses are greater, and our wants are as many.

We are looking to you to make the burden lighter. We do not wish to make your burden harder. We only know that we have a Senator that we all can love and obey.

Very friendly yours,

CHESTER A. COBORN.
Per C. G.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Will the Senator from Minnesota yield to his colleague?

Mr. NELSON. Certainly.

Mr. CLAPP. I expect before this discussion ends to take part in it and to advocate the reduction, if not the abolition, of the duty on lumber. In view of the reference in this letter, I would not want it at that time to seem that there had been any following in this matter. There are Senators on this floor who will recall that, almost two years ago, I urged upon them the importance of taking the duty off of lumber. I have not believed for five years that the duty on lumber bore any earthly relation to the price or production, and when I come to discuss the question I will take the position and urge it, that if Congress had done this two years ago, upon its own motion, we would not to-day be in the frenzy and hysteria of tariff revision.

Mr. NELSON. I believe in always being candid with Senators. I think the big owners of pine stumpage who have succeeded in capturing nearly all of the timber of this country, with the exception of little odd fragments here and there, are at the bottom of this whole difficulty. I know that in the State of Minnesota—and we are still the main white-pine lumber State—the only lumbermen who are insisting upon a high tariff, and the only men who have urged me to vote for it, are the men who bought these millions of acres of stumpage on the Pacific coast. A representative of the Weyerhaeuser Company called on me and wanted to spend an hour with me to discuss this question. I told him it was a useless task; that there was no use wasting any of his precious time on me. I have had letters from other gentlemen, but the only lumbermen in Minnesota who have asked me to stand by the high tariff of the Dingley Act are the men who have bought all this immense amount of pine stumpage on the Pacific coast—in Oregon, in California, and in Washington—and the yellow pine of the South. They have a monopoly of it just as the steel trust has of the iron ore of this country; and what are they after? They are marking up their stumpage, and what they want us to do—and they are here through their representatives—is to keep up a stiff tariff in order that they can hold up the stumpage prices. Are we to use the legislative power of this country to enable men to speculate in stumpage? That is the question at the root of this matter. Are you going to arm them and equip these great men, who practically monopolize the lumber supply of this country, with the power of levying tribute on the American people and with the power of making any price they see fit?

Mr. PILES. Mr. President——

Mr. NELSON. Wait until I get through. You will have time. If you examine the figures you will find—and I want to treat the mill men fairly—that the greatest increase has not come from labor or from the expenses of the mill men or their profits. The greatest increase has been brought about by the men who own the stumpage. They have been marking it up from year to year, from month to month. They have marked it up from 15 and 20 cents a thousand to a dollar, two dollars, and three dollars a thousand, and in some cases, eight and nine dollars.

These gentlemen have control of, practically, the timber supply of the country, outside of what is in Government reservations; and it is a remarkable thing that the timber men, these big men, have patted Mr. Pinchot on the back. They have been so glad that he has taken so much land into forest reserves. The more he took, the closer the corporation and the bigger the monopoly for them. Now, are we going to make ourselves the servants and creatures of such a great monopoly? Unfortunately we can not do what our Canadian friends on the North have done. I read from their tariff law. Unfortunately we can not legislate in this way, under our constitutional limitations. I read from their customs tariff act of 1897:

Whenever the governor in council deems it to be in the public interest—

The governor in council, I may say, is the governor with his cabinet. It is practically the cabinet; the ministers of that country—

Whenever the governor in council deems it to be in the public interest to inquire into any conspiracy, combination, agreement or arrangement alleged to exist among manufacturers or dealers in any article of commerce to unduly promote the advantage of the manufacturers or dealers in such article, at the expense of the consumers, the governor in council may commission or empower any judge of the supreme court, or of the exchequer court of Canada, or of any superior court or county court in Canada, to hold an inquiry in a summary way and report to the governor in council whether such conspiracy, combination, agreement or arrangement exists.

The judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the governor in council for the purpose of such inquiry.

Now, mark you! If the judge reports that such conspiracy, combination, agreement, or arrangement exists in respect of

such articles, the governor in council may admit the article free of duty, or so reduce the duty thereon as to give to the public the benefit of reasonable competition in the article if it appears to the governor in council that such disadvantage to the consumer is facilitated by the duties of customs imposed on a like article.

Unfortunately we can not engraft such a provision on our tariff law under our constitutional limitations, but we can do this: We can by our tariff legislation cease to arm and equip these men with the power to levy tribute on the American people. Think of the rise of more than a hundred per cent in the price of lumber from 1898 to 1907—a hundred to a hundred and fifty per cent! Think of the prices and then look! I have not the time and will not take the time of the Senate to read from the hearings in the House, but I ask gentlemen to look at the figures there and see how these gentlemen have been marking up their pine stumpage all over the country. Are we to make ourselves the creatures of these speculators and aid them to levy tribute upon the American people?

I desire to call the attention of the Senate to another feature of this bill—the duty on planed and grooved boards and lumber. While the bill reduces the duty on unplaned boards and lumber 50 per cent, the differential or cumulative duty on planed and grooved lumber of the Dingley law is retained. Although I am in favor of free lumber, yet by way of compromise I might bring myself to agree to a flat rate of $1 per thousand on all classes of lumber, whether planed or unplaned. There is no good reason for the high duty on planed and grooved lumber, as I shall show you beyond any doubt or peradventure. This bill provides that in addition to the $1 per thousand on unplaned lumber, where it is planed on one side it shall pay in addition 50 cents, planed on two sides an extra dollar, planed on three sides a dollar and a half extra, planed on four sides two dollars extra, and planed on one side and matched, as we call it, or grooved one dollar and a half, planed on two sides two dollars and a half.

Now, what are the facts? I desire to call your attention to them. First of all I want to show you what the cost of planing and grooving is. The old style of planing in the old obsolete mill was to put a piece of lumber through once for every side you planed. You put it through once to plane it on one side, then put it through again to be planed on the other side, and then put it through to be matched, or grooved, as it is called in the bill. I read from a letter of the Brooks-Scanlon Company, of Minneapolis, Minn., one of our large lumber concerns:

> We understand the lumber schedule will be considered in the near future by the Senate and that the Payne measure provides for a very heavy duty on finished lumber coming into this country on the presumption that it is a protection to the American laborer. This is a very erroneous idea. We are operating one large sawmill in this State that has been cutting 100,000,000 feet, and two sawmills in the State of Louisiana that have been cutting 100,000,000 feet annually. The cost of finishing lumber at the planing mill at Scanlon, Minn., for 1908 was $0.487 per thousand feet and $0.458 per thousand feet at the Kentwood, La., plants. This cost includes repairs and supplies and covers all lumber sent through the planing mill, but does not include lumber shipped in the rough. The cost at our Scanlon plant is high, as practically all of the low grades are shipped to the cargo trade via the Great Lakes in the rough. This leaves the high-grade stock to be finished at the planing mill, and the average cost per thousand feet would be very much less if we were to sell our product to the retail dealers the same as the average lumberman does. Our cost in Louisiana is very much higher than it would be in Minnesota, due to the fact that 45 per cent of the yellow pine lumber is cut up into 4-inch strips, while lumbermen in the Northern States make it a practice to saw their lumber as wide as possible because wider widths command higher prices, while the reverse is true in the South. The cost of planing narrow lumber is very much greater than it would be for wide widths, as usually only one piece is put through the machine at a time. Why the duty should be higher on lumber whether surfaced one, two, three, or four sides is a mystery to us, as it is not necessary to put a piece of lumber through a machine more than once to dress it on all four sides, and it seems ridiculous to increase the duty on that account. Many years ago, with the old style planing-mill machinery, it was necessary to put a piece of lumber through the machine as many times as you had sides to dress, but that type of machine is obsolete, and we do not think there are any in use at any of the mills in this country now.
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> * * * * * * *
>
> BROOKS-SCANLON LUMBER CO.

Thus it appears that you can run a board through the planing mill, have it planed on both sides, and grooved or matched all in one operation at a cost not exceeding 50 cents per thousand feet. There is another saving, too, in the matter of dressed lumber, and that is in the matter of transportation—the freight. Lumber is shipped by weight, at so much per hundred pounds. There is a great difference in the weight of a thousand feet of unfinished lumber and of dressed lumber. The following statement, compiled from the House hearings, illustrates the difference:

TRANSPORTATION CHARGES, ROUGH AND FINISHED LUMBER, PER THOUSAND FEET.

According to statement in brief of W. S. Dwinnell, pages 3074–3075: Rough yellow pine weighs 2,700 pounds per thousand feet. Finished yellow pine weighs 2,200 pounds per thousand feet.

According to brief of National Lumber Association, page 8071: Rough lumber weighs 2,500 to 3,000 (average 2,750) pounds per thousand. Finished lumber weighs 400 pounds per thousand less.

Accepting Mr. Dwinnell's statement and assuming a freight rate of 50 cents per hundred pounds freight rate, transportation on rough lumber costs $13.50 per thousand feet. Transportation on finished lumber costs $11 per thousand feet.

Accepting National Lumber Association figures and same rate, transportation of rough lumber costs $13.75 per thousand feet, and transportation of finished lumber costs $11.75 per thousand feet.

In consequence of the differences very little rough lumber is shipped by rail. Hence free rough lumber by itself will not help interior points much. They need free or reduced tariffs on finished lumber.

The foregoing statement shows that it costs 15 per cent less to ship 1,000 feet of dressed than undressed lumber, and hence that is the lumber that is sold and shipped, as I have already pointed out. Over 90 per cent of the lumber sold and used is dressed lumber, and undressed lumber is sold at a higher rate than dressed lumber on account of the higher cost of transportation.

Mr. HEYBURN. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Idaho?

Mr. NELSON. Certainly.

Mr. HEYBURN. Is it not a fact that lumber is not shipped by actual weight, but by estimated weight, and that the basis upon which finished lumber is shipped is entirely different from that upon which rough lumber is shipped?

Mr. NELSON. No; that is not always true. The railways may not weigh every car, but they get at an average by sample weighings. By weighing, a rule as to weight of rough and finished lumber is established at so much per thousand. To verify the statements I have made I ask the attention of Senators to page 24 of this statistical document laid on our desks. Turn to paragraph 197. You will notice that undressed lumber is $17.02. You see the figures. Seventeen dollars and two cents a thousand is the average price of undressed lumber. Planed or finished on one side the average price is $12.50 a thousand, as the figures show. Planed or finished on two sides the average price is $17.40 a thousand, a difference of only 38 cents. Planed or finished on four sides, $18.93. Planed on one side and tongued and grooved, which is flooring, $15.71, over a dollar a thousand cheaper than the undressed lumber. Planed on two sides and tongued and grooved, $17.26 a thousand. These figures, compiled by experts, verify what I have pointed out, and show there is no ground for a higher rate of duty on the dressed than the undressed lumber.

Mr. McCUMBER. I wish to call the Senator's attention to something that will corroborate his statement. In the schedules of the prices of two lumber companies——

Mr. NELSON. I have the same, and I was about to quote them.

Mr. McCUMBER. The Senator can quote them.

Mr. WARREN. If the Senator will allow me, the statement of the paragraph he read is interesting, but I did not catch it clearly. Will he tell me the number of the paragraph from which he has been reading?

Mr. NELSON. It is paragraph 197, page 24. You will find the total amount of imports; you will find the quantity, the thousand feet; you will find the price; and you will find the average value.

Mr. WARREN. I wish to ask the Senator if he has looked up the market price, so as to reach an average of the market price at different points or at some one point.

Mr. NELSON. That is furnished by the statistics.

Mr. WARREN. I agree with the Senator that dressed lumber in some markets is lower than the same lumber in the rough. I agree with him in that statement. It is owing, I suppose, to transportation.

Mr. NELSON. To transportation. Wherever the lumber has to be transported any distance, either by rail or water, that is true. Look at the figures.

Mr. WARREN. The Senator, in quoting, did not quote lumber from the Philippines.

Mr. NELSON. No; that has no relevancy, as the Senator can see; but the Senator can see the figures there and the average price, which is verified to a very large extent. I have two business circulars here which verify it further. Those who say there is no lumber trust ought to look at these to see how alike they are. One is the price list of William Buchanan, manufacturer of band and gang sawed yellow-pine lumber, Texarkana, Ark.

Mr. BEVERIDGE. Will the Senator allow me?

Mr. NELSON. I ask the Senator to wait a moment. The other is the price list on yellow pine of the W. F. Ferguson Lumber Company, of St. Louis. They are just alike in form, print, ink, and rates. The points, Texarkana and St. Louis, are over 400 miles apart. It shows how they work in harmony. Now I yield to the Senator from Indiana.

Mr. BEVERIDGE. I wish to ask about the figures which the Senator quoted from the record, rough lumber seventeen dollars and something a thousand, and lumber planed on one side twelve dollars and something a thousand. That is a remarkable statement, and I myself do not know about it. I should like to have the Senator, or some member of the Finance Committee, give an explanation of it. It seems inconceivable that lumber on which so much work has been done, planed on one side, should be $5 cheaper than the other. I do not know what the explanation is, and I should like to hear it.

Mr. NELSON. The explanation I have already given, in my blunt way. I showed, in the first place, that it costs less than 50 cents a thousand to plane and groove lumber. I have shown that there is a difference of at least $2, if not more, a thousand, in favor of finished lumber in the matter of freight. It costs $2 a thousand less to ship a thousand feet of dressed and planed lumber than it does a thousand feet of undressed lumber, any considerable distance.

Mr. WARREN. If the Senator will pardon one other question; in reading paragraph 197, I see "sycamore and basswood." I have not looked through, but I will ask the Senator if pine is given there anywhere.

Mr. NELSON. I have just taken those figures that the Committee on Finance has given us.

Mr. WARREN. Possibly I may ask the chairman of the Committee on Finance whether pine lumber is given.

Mr. NELSON. To ease the Senator's conscience, and still further to verify it, as he seems to be in a doubting mood to-day about everything I have said——

Mr. WARREN. I think the Senator is rather more sensitive than usual.

Mr. NELSON. Oh, no.

Mr. WARREN. I am in entire harmony with his statement that oftentimes dressed lumber is cheaper than rough lumber. I want to get closer. I want to agree further with the Senator if I can.

Mr. NELSON. I fear the Senator will have hard work to agree with me.

Mr. WARREN. I agree with the Senator on that point.

Mr. SCOTT. Will the Senator allow me?

Mr, WARREN. I should like to know——

Mr. NELSON. If the Senator from West Virginia will yield to me a moment I will then yield to him. I want to make it easy for a "doubting Thomas" now. [Laughter.]

Mr. WARREN. Will the Senator allow me right there?

Mr. NELSON. I ask the Senator to come here and look at these price lists in my hand, and to which I have already referred. These price lists both quote in red ink rough lumber at from $1.75 to $2.25 per thousand higher than dressed lumber. Come and examine these figures. You can see from an inspection of those two circulars sent out to the trade that they ask from $1.75 to $2.25 per thousand more for the rough and undressed lumber than they do for the dressed. Why should they not do it?

Mr. WARREN. I have admitted that.

Mr. NELSON. Why should they not do it, because they are even then ahead in the cost of transportation?

Mr. WARREN. I have admitted that, Mr. President, but I want to call the Senator's attention to this: He was good enough to invite me over a few moments ago to verify a statement that a concern had made one hundred and ninety-six thousand and some dollars in a year, and upon the statement he showed me, and I challenge him to contradict it, the typewritten figures showed $196.06.

Mr. NELSON. Mr. President, I am surprised to see the Senator still quibbling about that. Those figures put him into a state of nightmare, and he has not gotten over it yet.

Mr. WARREN. I fear along the line of the statement the Senator is making, or rather is avoiding, I may not get over it. I asked him whether that was the rate on pine and common lumber. The Senator has not answered me.

Mr. NELSON. I have the figures just as the Senator has before him. I took those figures just as they were. The Senator has the same information that I have in the statistical book before him, compiled by experts under the direction of the Committee on Finance.

Mr. SCOTT. Will the Senator allow me?

Mr. NELSON. I owe an apology to the Senator from West Virginia.

Mr. SCOTT. I owe an apology to the Senator from Minnesota for interrupting him. I want to ask the Senator whether a few years ago Minnesota did not have a great deal of lumber, and if the Senator did not in 1897 vote for a duty on lumber?

Mr. NELSON. I voted for the bill, but everybody who knows me in Minnesota and everybody here knows that I was against the duty on lumber. I believed then, as I do now, that the lumbermen were in such a dominating position and had acquired stumpage at such cheap rates, and that they had complete control of the home market, and that as against Canada the control of the foreign market too; in short, that they had such complete control of the situation that they had no need of protection. An industry that has practically become and shown itself to be a most exacting monopoly should have no tariff protection.

Mr. DU PONT. Mr. President——

The VICE-PRESIDENT. Will the Senator from Minnesota yield to the Senator from Delaware?

Mr. NELSON. Certainly.

Mr. DU PONT. I should like to ask the Senator from Minnesota whether he thinks protective duties on lumber are equally protective of American forests, and if, on the contrary, high duties on lumber do not lead to an undue devastation of our forests?

Mr. NELSON. Certainly. The Senator is right, and I am much obliged to him for calling my attention to that feature of the case.

Looking not from the standpoint of the stumpage owner and the lumber manufacturer as these selfish lumbermen do, but looking to the future welfare of our country, as a man who is interested in its future development and prosperity, I emphatically say, preserve our own forests as long as possible. We should preserve and save our timber supply as long as possible, for at the rate we are going the evil day will come before many years when the supply of timber in this country will be scarce and much less plentiful than it is to-day.

I know we are all creatures of our environment. I have lived in Minnesota among our lumbermen since 1871. I have never owned a pine tree or an acre of pine land. So far as lumber is concerned, I have been merely a lumber consumer. But I have lived in the midst of those lumbermen. Most of them got that valuable white-pine timber in Minnesota for a mere nominal price. They got for a dollar and a quarter an acre the most valuable pine stumpage in the country. A part of it was taken with agricultural college scrip that cost them less than a dollar an acre. Part of it was taken with other scrip at a very low figure. It did not average them 10 cents per thousand. But that is not the worst of it. The most lamentable part of it was the manner in which they carried on their logging operations. They were not content with proceeding in a rational way and cutting only the mature timber as they ought to have done, but they slashed and cut every tree, big and small, and left the débris scattered about, a nursery for forest fires. Had they spared the young trees these would have grown and furnished the seed for more trees. As it was, and has been, they left a barren waste in the wake of their logging operations. In short, they ruthlessly destroyed every tree within reach, and left the refuse and rubbish undisposed of, so that when fires came into the country it resulted in great destruction of property and in preventing the reforestation of the pine. The great fire that we had up in the iron range country last fall was aggravated in its dire results by the fact that the lumbermen had stripped and denuded the land and left the débris, refuse, and rubbish undisposed of and uncared for.

And what are they still doing? They still cut every tree, big or small, in reach, even trees that will make nothing but lath and pickets, and even tamarack poles and jack pine. Where logging has been carried on it is as though a tornado had passed over the ground.

But those gentlemen ought to be protected—protected by a good round duty, they say. Fellow Senators, our hearts ought to go out to those poor lumbermen who have made their millions and who have ruthlessly stripped our lands of the timber and reduced us to the conditions I have described. But, seriously, ought we not to take a broader and more patriotic view of the case and have an eye to the future welfare of our country, and not make ourselves the mere instruments of the god of Mammon of the lumbermen and the stumpage exploiters, who want our help to still further enhance and inflate the value of their holdings? It is a matter of pure speculation with them. They push a few of the mill men forward as skirmishers and wage their crusade behind this cover, with a cry about American labor. What do these big stumpage holders care for the laboring man? They care as little for him as for the American consumer. In Minnesota the men that are so insistent upon tariff protection are the men who have secured so much stumpage in the South and on the Pacific coast—the Weyerhaeusers and their affiliated companies—Walker, who has got most of the California pine, C. A. Smith & Co., and a few others. These are the men who are so clamorous for tariff protection, and who claim to be suffering for the want of a protective duty.

Why, you will send these unfortunate men to the poorhouse unless you continue the tariff on lumber.

As I said some time ago, all legislation is to some extent a compromise. If the bad amendment in paragraph 196—the words "other than sawed"—that joker, as I call it, is eliminated, and the cumulative duty is taken out of paragraph 212, I should be disposed to consent to a flat rate of $1 per thousand for finished and unfinished lumber alike.

Mr. ALDRICH. Will the Senator from Minnesota permit me?

Mr. NELSON. Certainly.

Mr. ALDRICH. As far as paragraph 196 is concerned, that paragraph, as I understand it, applies only to timber used for spars or in building wharves. It was only intended to apply to timber of that kind. The law prior to 1897 provided for sawed timber separately and for spar wood separately.

The Senate committee have under consideration an amendment to paragraph 196 to make the meaning absolutely plain. I had not expected that this schedule would come up for discussion to-day. The committee had intended, when the paragraph was reached, to suggest an amendment. I think the Senator from Minnesota is right, that it is susceptible of a double meaning, and it is the intention of the committee to suggest an amendment that will make the meaning clear.

Mr. NELSON. You mean paragraph 212?

Mr. ALDRICH. No, 196. As to paragraph 212, I think the Senator is mistaken as to the meaning of that paragraph. It only means that woods, such as hard woods, which have been put upon the free list—lignum vitæ and all those woods—coming into the United States in a polished condition, when partially manufactured, that then they shall have an additional duty of 5 per cent ad valorem. That is the whole purpose of that paragraph, and if it has any other purpose, or any other meaning, the committee have not yet been able to discover it.

Mr. NELSON. I want to say to the Senator in respect to that that I can not agree with him, but at all events it can be made clear and certain by excepting paragraphs 196 and 197.

Mr. ALDRICH. I have no objection to that.

Mr. NELSON. If that exception is made I shall be satisfied as to that paragraph.

Mr. ALDRICH. I thought it due to the committee that I should make an explanation about paragraph 196, that we intend to offer an amendment to make the meaning of that paragraph perfectly clear when it is reached in the Senate.

Mr. NELSON. Mr. President, this hue and cry about the danger of Canadian competition is utterly groundless and hysterical. The Canadians, especially in British Columbia, are in mortal terror of our competition, as the following resolutions show:

COPY OF RESOLUTION ADOPTED BY MOUNTAIN LUMBER MANUFACTURERS' ASSOCIATION, AT ANNUAL MEETING, NELSON, BRITISH COLUMBIA, JANUARY 29, 1909.

Whereas the lumber interests of British Columbia and western Canada are still suffering from the unfair competition of rough lumber coming into Canada free of duty;

Whereas railway companies are still placing orders for lumber on the American side, such railway companies having been heavily subsidized by the Canadian people, of which subsidies British Columbia has to pay her proportion;

Whereas large quantities of lumber are waiting sale and mills are idle, which lumber was produced with protected machinery and protected supplies;

Whereas the manufacturers of western Canada have to-day in stock as much lumber as they have ever marketed in the best year heretofore experienced and have increased their manufacturing capacity to such an extent that they are now able to supply at least three times greater in any one year that sold in the best year so far experienced, viz, 1906;

Whereas the Hon. Mr. Fielding assured the lumber manufacturers of this district some years ago that the dumping clause would give us ample protection from American lumber, which is not the case, for the reason that during the past eighteen months the American market has been so demoralized that their mills have been selling lumber for less than two-thirds of its cost, and consequently exporters to Canada are willing to make affidavits that the price at which they are dumping lumber into this country is the fair market value if sold for home consumption;

Whereas the mills of this district were unable to operate one-fourth of their ten-hour capacity during 1908, throwing out of work thousands of men and causing millions of dollars of invested capital to remain unproductive;

Whereas owing to our excessive capacity to produce lumber it is important to preserve to Canadian mills our entire market;

Whereas the product of the Mountain mills is from 75 to 85 per cent common lumber, the unfairness should be manifest of allowing American mills to dump into Canada their surplus low-grade material, which represents by far the largest portion of our output;

Whereas the most vital industry in the welfare of this province is the only great industry on the American Continent which is not afforded reasonable protection, and as there seems to be no just grounds to continue to sacrifice our interests:

It is therefore resolved, That the Dominion government be urged to give this matter prompt investigation for the purpose of verifying the claims advanced in this petition, and to place a duty of $2 per M on rough fir, cedar, spruce, larch, and pine lumber, and of 30 cents per M on shingles, at the earliest possible date.

OTTO LACHMUND, *President*.
W. A. ANSTIE, *Secretary*.

Mr. President, I have occupied the time of the Senate longer than I intended. That is always the case where one is subject to interruptions. I started out with a view of limiting myself by saying that I would decline to yield. But Senators feel they have a right to ask questions and I have felt that it was hardly proper for me to refuse to yield for that purpose.

I am thankful for the indulgence that has been shown me. When we afterwards come to this schedule I may perhaps go into it a little further, but I think I have satisfied every fair-minded Senator here, whether he is the most radical protectionist or otherwise, that there ought not to be a higher rate of duty on dressed and planed lumber than on the rough lumber.

Mr. ELKINS. Mr. President, I do not intend at this time to discuss the lumber schedule. I want to refer to what I consider some mistakes made by the Senator from Minnesota in the very able speech he has just made. As far as I can learn, there is no lumber trust in this country. As I am informed, the large holders of timber do not own more than 3 per cent of the timber lands of the United States. This is the result of my investigation on the subject, and I state as a fact that timber lands are no more held by a trust or combination than farm lands.

The business of lumbering is of a temporary nature, and the people who enter into it are entitled, if they can make it, to a reasonable profit. Of late years I believe that the lumber interests of the country have made some profit, and for my part I am glad they have.

But, Mr. President, there is another feature. The expenses of making lumber are much greater than in the ordinary occupations; of late timber lands have increased from $5 to $30 per acre and the item of interest is considerable. The wages are higher than in many other industries, and range from $2 up to $7 a day. There is the renewal of the mills. There is also the improved machinery which must be bought and which must be taken into account. All these and other items enter into the cost of lumber. Then, again, railroad rates on lumber have been higher in the last ten years.

The Senator from Minnesota said he took his text from a statement made by the President in New York, with which I am heartily in accord. I want to call his attention, however, to the fact that this is a bill, among other things, to "equalize duties." This is the second purpose of the bill. In his State the farmers own and enjoy not for one, two, or three years, but, I hope, for a long number of years, for hundreds of years, a soil that yields large and profitable returns; and these farmers have been highly prosperous for the past ten years under the present tariff, and I rejoice that they have, and under the present bill the duties on their products have in some cases been increased. Let me read the list of the chief products of the Senator's State and the duties on the same. Standing at the head of this list is wheat, on which there is 30 cents a bushel; on vegetables, 40 per cent ad valorem; on corn, 25 per cent ad valorem; on barley, 30 cents per bushel; on cattle, $2 a head; on meat, 25 per cent ad valorem; on beef, 2 cents a pound; on cabbage, I do not know whether the Senator's State produces cabbage, but the duty is 3 cents a head; on hay there is a duty of $4 a ton; on flax, $5 a ton; and on oats, 20 cents a bushel. These products all have a duty, some of them a high duty. I fail to find any product on the free list.

Mr. President, these are the chief articles the State of Minnesota produces, and they enjoy liberal protection. Therefore, I think, if duties are to be equalized—in other words, if there is to be a fair revision of the tariff—the duty on these products might be reduced and lumber not be made free. On the basis of equalizing duties, the great lumber industry of the country ought to receive some protection and not be made free. This would not be equalizing duties and would not be fair. As lumber stands in the bill now, the duty of $1 per thousand is equal to about 5 or 6 per cent ad valorem. Under the Dingley law it was about 12 per cent, and was reduced one-half. That is lower by one-half than the duties upon the products of the State of Minnesota. Why should the products of the State of Minnesota be favored with protection and high duties, while the products of my State are made free?

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Minnesota?

Mr. ELKINS. Certainly.

Mr. CLAPP. Has the Senator heard any insistence upon the part of the Senators from Minnesota for a tariff upon those products of that State at the rate reported by the committee? The attitude of the Senators from Minnesota will be that all these duties should be placed at a point where they will fairly, and no more than fairly, amount to a protection upon a given commodity. I think I can voice the sentiment of my colleague

when I say that we do not ask for any 30 cents a bushel upon wheat. We expect, when it is reached, that the duty upon wheat will be dealt with as we desire to deal with the duties upon other commodities, namely, put to a point where it will have only no more than reasonable protection.

I do not intend that those who are insisting upon raising the duties in the bill in other sections shall do it upon the theory that they have thrown us the proposition of 30 cents a bushel upon wheat when we know and they know that no such duty as that on wheat is needed.

Mr. ELKINS. Mr. President, I have not heard that the Senators from Minnesota have protested against the high duties reported in the bill on the products of their State. Now, I should like to ask the Senator, because I may be in error, if he advocates free lumber? I supposed his colleague favored free lumber, but I was very glad to hear him say at the end of his admirable speech that he would agree to a rate of $1 on a thousand feet, and if the mistake, as he supposed it was, on dressed lumber or finished lumber was agreed to, that would be satisfactory. This statement gave me great pleasure. Now, I ask the junior Senator if he is for free lumber or against free lumber, because I believe him to be a protectionist.

Mr. CLAPP. As a friend of the protected industries of this country, I would reduce the rate upon every article to the point of fair protection. As I understand the lumber question to-day, I have not observed for five years that the duty on lumber bore any relation whatever to its price, its protection or its reduction, and two years ago the duty could have been taken off without any serious opposition from the lumbermen. Believing that, I should vote, in the first place, to put lumber on the free list. If that could not be accomplished, I should vote to place a flat rate of $1 a thousand on lumber, on the dressed as well as the rough. If that could not be accomplished, I would then try to get some reduction on lumber and some reduction upon every other item in this bill that will bring it to a fair protective basis.

Mr. ELKINS. Mr. President, I regret that the Senator from Minnesota [Mr. CLAPP] is not as liberal toward the products of my State as is his colleague [Mr. NELSON].

Mr. FLINT. I should like to ask the Senator from Minnesota a question. I want to ask the Senator if it can be shown from the testimony that the difference in the price of labor in Canada and in the United States makes it necessary to have a duty of $2 on lumber to equalize conditions in this country with those in Canada, whether he would vote for a duty of $2?

Mr. CLAPP. Mr. President, if it cost me my seat in this Senate I would not consciously vote to strike down a single American industry. I would not limit the inquiry to whether there could be shown a difference. I believe, sir, we have a right to take into consideration our general knowledge and observation of the condition of these various industries; that we have a right to take into account the question of the relative importation as against domestic production as to whether a tariff is necessary or not necessary. If I did become convinced that a $2 duty was necessary on lumber or a $7 duty was necessary on steel rails, I would vote for that duty if it retired me to private life.

I will say the same of the products of the South and of the East. When I get to it, I propose to show, or to try to show, that in a spirit of fairness, lifting ourselves above the frenzy of this occasion, which by our own delay in initiating progressive legislation we have brought upon us, we should calmly look over this entire subject and bring to our aid our general knowledge and observation of how these various industries have prospered, how they have resisted the foreign importation with present duties, as bearing upon the practical effect of a reduction of those duties, and then, whether it be the sugar of the South, the lumber of the South, or the textiles of the Northeast, or the crops of the Northwest, try to reach a duty with reference to every one of these things that will be fair to those industries, and fair, not upon the theory that in fostering an industry we only help the men engaged in that industry, but that in giving those men remunerative wages, we are fostering and aiding all the industries and all the productive faculties of this country.

I have been obliged, sir, by the question of the Senator from West Virginia [Mr. ELKINS] to somewhat extend my remarks beyond the mere "yes" or "no" answer to a categorical question, and he must pardon me for this intrusion upon his time.

Mr. ELKINS. I will pardon the Senator this time.

Mr. President, the Senator has just stated that he was going to be just and fair, and, from his known ability and character for fairness and square dealing, I believe he will. But, Mr. President, the Senator is too general in his statement. Burke says generalities prove nothing. This is true, and when I put to the Senator the categorical question, Is he for free lumber? in his reply he does not seem to be so clear and fair. In his generalities he was very fair.

Now, I want to ask the Senator what rate of duty would he agree to on wheat?

Mr. CLAPP. I think——

Mr. ELKINS. Are you for free wheat?

Mr. CLAPP. No.

Mr. ELKINS. Are you for free barley?

Mr. CLAPP. No.

Mr. ELKINS. Are you in favor of a 50 per cent reduction on the barley rate?

Mr. CLAPP. I think a reduction of duty from 25 cents to 20 cents would be abundant upon wheat. I may differ in that respect from other Senators from wheat-raising regions of the country. I will, however, discuss my relation to each one of these schedules when we get to the individual schedule. I believe that the duties in nearly all of them ought to be reduced.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. McCUMBER. While the Senator from West Virginia is discussing and answering questions about the comparative tariffs on different articles, I ask him how the tariffs on different agricultural products measure up in percentages with the tariff on iron manufactures of different kinds in the United States?

Mr. ELKINS. I think that 30 cents a bushel on wheat is a high duty, a long way higher than free wheat.

Mr. McCUMBER. On wheat worth $1.25 a bushel?

Mr. ELKINS. It is 25 per cent.

Mr. McCUMBER. That would not be 20 per cent.

Mr. ELKINS. About 20 per cent.

Mr. McCUMBER. But you have got articles here that go up to even 40 and 50 per cent.

Mr. ELKINS. Barley is up to about 70 cents now.

Mr. McCUMBER. Let us suppose it is 25 per cent. I am asking the Senator generally how this compares with the tariffs on manufactured goods that are made in the State of West Virginia? That is, merely a general statement. I do not suppose the Senator can give particularly just what they would be.

Mr. ELKINS. Probably on the manufactured articles that we produce they might be fair, but I want to ask the Senator this question: Why is it he stands here and advocates free lumber and asks for high duties on the products of his State?

Mr. McCUMBER. I am mighty glad the Senator from West Virginia asks me that question, because I can answer it. We can raise a bushel of barley this year, we can raise it again next year, and we can raise it the year after, but you can not raise a hundred-year-old tree in a year. When you cut down that hundred-year-old tree, you can not produce it again for another hundred years. If you can establish the fact that you can produce that tree year after year, you will get as strong a protection as I am capable of giving it.

I want to say further to the Senator that a tax upon lumber to-day is a duty paid by the consuming public for the extinction of the American forests. The very principle—if the Senator will allow me to go one step further—of your protection is that we may develop the industry. Can you develop the industry of lumber in this country when, at the present rate, even the most extreme will say that you will exhaust the lumber supply in less than thirty years, and the chances are that with the development of the population in this country, with its increase, you will, in less than twenty years, denude every forest in this country that is not held by the strong arm of the Government. I can see the difference between an ear of corn that you may raise this year and a tree that it takes all the way from one hundred to two hundred years to raise.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from New Hampshire?

Mr. ELKINS. I will, provided the Senator is not going to make a speech.

Mr. GALLINGER. I never make speeches.

Mr. ELKINS. I will not trust the Northwest to ask a question any more. [Laughter.] They are given too much to oratory and speeches.

Mr. GALLINGER. I want to say, in response to a suggestion of the Senator from North Dakota [Mr. McCUMBER], that when he says that a duty on lumber is going to destroy our forests and that free lumber is going to preserve them, he puts himself in direct antagonism to the views of Mr. Pinchot, of the forester of my own State, and of the forestry experts throughout the United States.

Mr. McCUMBER. And in direct harmony with many other experts.

Mr. GALLINGER. And then, again, I want to suggest that I think the fact that they can raise a crop of wheat or a crop of barley every year in North Dakota is no reason why it should be protected as against lumber, which can not be produced every year. I think we ought to protect the industry that has got to struggle through a hundred years to produce a tree.

Mr. ELKINS. The Senator from New Hampshire has answered the Senator from North Dakota very well and properly. The contention of the Senator from North Dakota is that because the lumber industry, although valuable, one of the leading industries of the United States, and especially of the South, must disappear, in the nature of things, probably in one hundred years or two hundred years—and that is dependent on whether we plant or replant and restore our forests—that because of its temporary character and because of its infirmity in this regard it must not be taxed, but must be free. The money which is invested in timber lands and the lumber industry is just as sacred as the money which is invested in your farm and is entitled to as much consideration. Because you probably exhaust one before the other is no reason why it should be treated differently, unjustly, and unfairly. Because the forests may be exhausted is no argument why the great lumber industry of the country should not be treated as fairly as the products of other States. Let me say to the Senator, following the experience of other States—New York, Ohio, and others I might name—some day the soil of his State will be exhausted and not produce wheat and barley. Is this a good reason why wheat and barley should not be treated as liberally as other products? In time everything will fail, and therefore we should not take care of the present and provide for the future?

Mr. McCUMBER. Will the Senator permit me to ask him one question right there?

Mr. ELKINS. Is it a question?

Mr. McCUMBER. Yes; a question.

Mr. ELKINS. Very well.

Mr. McCUMBER. Does the Senator believe that with the rate of consumption, say, 5 per cent yearly of our lumber, the price is going down? If we are exhausting it at that rate, will not the price be bound to go up, tariff or no tariff?

Mr. ELKINS. Mr. President, suppose the price does go up. Does not the price of the land in his State go up every year, and will not these same lands be exhausted and fail to produce?

Mr. GALLINGER. And of wheat.

Mr. ELKINS. And wheat is going up, and going up because we are going to produce less wheat and not enough soon for our own supply. So, there is no argument in that. The argument is absurd, if the Senator will allow me to say it, that just because here is an industry which has $600,000,000 invested in it and employs 600,000 people in the United States, which may pass away soon, or within fifty years or a hundred years, or is passing away, that it must not have the benefit of protection the same as other industries and products. And yet the Senator claims to be a protectionist. Tried by his own rule, is he a sound protectionist?

Mr. GALLINGER. It employs 800,000 people.

Mr. ELKINS. Yes. That argument will not do. I am willing to extend to the Senator's State reasonable protection upon every product which they produce; but why can not the Senator be as liberal toward industries of other sections and other States as he is to his own? The Senator wants this duty of 30 cents per bushel on wheat; he wants a duty of 30 cents on barley. They are the highest kind of protected industries in his State; yet he is unwilling to grant the same protection to other States. I submit to him whether that is fair and just, and whether this is equalizing duties and a fair revision of the tariff. I am opposed to duties and protection in spots. All American industries should be treated fairly. This can not be done by protecting some and putting others on the free list. There is enough money to be raised for the needs of the Government if the duties are laid and distributed justly to protect every American industry needing protection. We can never make a tariff if we protect the industries and products of some States and put the products of others on the free list.

Mr. McCUMBER. The Senator will excuse me. We are going to vote for 60 and 70 per cent upon your iron manufactures.

Mr. ELKINS. But not upon our lumber.

Mr. McCUMBER. No.

Mr. ELKINS. We are discussing lumber now. When we come to iron we will discuss that. Why can you not agree to the 5 per cent ad valorem, if you please, which the Senator from Minnesota [Mr. NELSON] is willing to allow on lumber. I understand that his colleague is willing to allow a duty of $1 on a thousand feet.

Mr. McCUMBER. I will answer that, if the Senator asks me the question. I will never vote to give $1 to protect the lumber industry in the United States and then tax the people $10 to reforest the country. That is the reason.

Mr. ELKINS. I do not believe the Senator ever will, Mr. President. He need not argue that feature of it any further. I think he is committed to unadulterated free trade in the things which his State does not produce. That is what I believe about his attitude, and he need not argue that question with me any further.

I have, however, not quite finished with the Senator from Minnesota [Mr. CLAPP], who made a speech in my time.

Mr. McCUMBER. If the Senator will find one thing outside of those articles that I will vote for and will not vote for as strong a protection as is necessary, then I will yield that his position is correct.

Mr. ELKINS. I do not know what this everlasting prejudice that the Senator has against the lumber industry means. I do not know what the lumber industry has done to him; perhaps something which we can not understand. [Laughter.]

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from South Dakota?

Mr. ELKINS. Just for a question?

Mr. CRAWFORD. Just for a question.

Mr. ELKINS. I am not discussing this schedule at this time.

Mr. CRAWFORD. Does the Senator from West Virginia claim that the tariff in the pending bill upon rough lumber and upon finished lumber represents the difference in the cost of production, including labor in lumber in Canada, where the chief competition is, and the United States?

Mr. ELKINS. I believe it approximates it, but I believe that labor is cheaper in Canada than it is in the United States.

Mr. CRAWFORD. Has the Senator any figures or statistics to establish that claim?

Mr. ELKINS. Yes, sir; I have them in the hearings before the House; but I will not take the time of the Senate now to read them.

Mr. CRAWFORD. I should like to hear them.

Mr. ELKINS. The Senator from Minnesota, in making his speech, quoted from the House hearings the testimony of one witness. I want to call his attention and that of the Senator from North Dakota to pages 2902, 2922, 2949, 2960, 2966, and 2976 of the House hearings, all contradicting the theory of the Senator from Minnesota and many of the alleged facts stated in this debate by the free-lumber advocates.

Mr. CRAWFORD. Will the Senator permit one other question?

Mr. ELKINS. Yes, sir.

Mr. CRAWFORD. What is the minimum wage that the hearings before the House committee show to be paid anywhere in lower Canada or in British Columbia for labor?

Mr. ELKINS. Mr. President, I know that Japanese labor, cooly labor, Hindoo labor, and the labor generally of Canada is lower than that of the United States. Right here I happen to open these hearings as to the average wage paid by the mills of some lumber company. I do not know where the mills are located, but the wages in the United States are from $2 to $7 a day. Now, there may be for skilled labor in some of the mills in Canada high wages, but the wages of labor is cheaper there than here. That goes without saying.

Mr. President, I did not want to precipitate any debate upon this question at this time. We know the effects of free lumber in the United States, because we have tried it. As a fellow said once: "Honesty is the best policy." He had tried both sides. [Laughter.] If we had not tried free lumber and experienced all of its disastrous effects, I would not be so confident.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. ELKINS. I thought he was my friend and would not make a speech. [Laughter.]

Mr. McLAURIN. I certainly am a friend of the Senator from West Virginia, but there is a little matter that distresses my mind about this labor subject that I would like to have the Senator from West Virginia explain. As to the cooly labor, of which he has spoken, of course it can not come across to this country, and there can not be any great amount of such laborers in Canada. If right across the line in Canada labor is so much cheaper than it is right across the line in the United States, how is it that those Canadian laborers do not come over here and labor where they can get so much better wages? I would like to have that explained. I am not a protectionist; but I should like to understand that.

Mr. ELKINS. We get a great number of our low priced wage-earners from Canada.

Mr. McLAURIN. I did not catch the answer of the Senator.

Mr. ELKINS. We get a great many wage-earners from Canada to work in our country, especially in the lumber plants.

Mr. McLAURIN. Would not that strip the Canadian mills altogether?

Mr. ELKINS. They get American wages when they get here. We do not pay them Canadian wages. They would not take them; they know too much for that. If they were content with Canadian wages, they would not come to the United States.

Mr. McLAURIN. It would seem that some Americans are going to Canada.

Mr. ELKINS. I never heard of one going to Canada, England, Belgium, or Italy. No; the Senator knows they do not go that way.

Mr. McLAURIN. The Senator does not know that.

Mr. ELKINS. They come this way.

Mr. McLAURIN. I see in papers published up in that section of the country articles saying that there are thousands, many thousands——

Mr. ELKINS. Going to Europe?

Mr. McLAURIN. No; going into Canada from this country. They may be Republican papers and not reliable, but I have read such statements in the papers.

Mr. ELKINS. They are farmers and go to take up farms there.

Mr. McLAURIN. I have read that they go up there to work in the mills.

Mr. ELKINS. No. I should like, if the Senator can find an instance of that kind that is authentic, to refer me to it.

Mr. McLAURIN. I think I may find one of them up there without a search warrant.

Mr. GALLINGER. Mr. President, if the Senator from West Virginia will permit me, I have some knowledge on this subject. Americans are going to British Columbia to take up farms. They have gotten rich in Iowa, Minnesota, and Nebraska because they took up land at $1.25 an acre which is now worth from $75 to $100. But now they are selling it and going over to Canada, where they can buy virgin land for from $8 to $10 an acre. It is a good business proposition. Now, the Senator suggests that if labor is cheaper in Canada than in this country it is rather remarkable that Canadians do not come to this country to find work. New England is flooded with Canadian laborers in our forests, in our mills, in our brickyards, in all our industries, and they come there because they get better wages than they get in Canada. Immediately after they come across the line they demand American wages.

Mr. McLAURIN. For whom do they work when they come over from Canada?

Mr. GALLINGER. In our mills, in our forests, in our brickyards.

Mr. McLAURIN. As I understand, the tariff is for the purpose of protecting the laborers and to give them better wages. I have never heard anybody advocate a tariff to benefit the man who gets the money from the tariff. I have been here for some time and I have yet to hear any protective-tariff man advocate a protective tariff to give it to the man who gets it, but it is always for the benefit of labor. Now, do not those laborers who come across into this country and who are employed by these protected industries come in competition with labor that is already here?

Mr. GALLINGER. They do not, because we need additional labor.

Mr. McLAURIN. Well——

Mr. GALLINGER. Yes. Has the Senator grasped the idea? Does it penetrate his mind?

Mr. McLAURIN. Is it not a fact, Mr. President, that the more labor you have the cheaper the labor is?

Mr. GALLINGER. Not always.

Mr. McLAURIN. If two laborers are running after one employer, it makes labor cheaper than for——

Mr. GALLINGER. That is not true under Republican administration in New England.

Mr. McLAURIN. A Republican administration probably reverses all the rules of arithmetic and economy, but my understanding is that two laborers running after one employer make labor cheap; but if two employers run after one laborer, it makes labor high.

Mr. GALLINGER. That was under the Wilson tariff law.

Mr. McLAURIN. The Wilson tariff did not produce the panic of 1893; that was under the McKinley tariff.

Mr. ALDRICH. Oh, no.

Mr. GALLINGER. The Senator is mistaken about that.

Mr. McLAURIN. The Senator is not mistaken about that. The Senator may be mistaken about things that he reads in Republican newspapers on the borders of Canada, but he is not mistaken as to things that occur in current history that he knows something about.

Mr. GALLINGER. The Senator from New Hampshire is going to protect himself to the extent of saying that he is not deluded by what he reads in the Democratic newspapers on the borders of Canada or anywhere else.

Mr. McLAURIN. If Republicans would read Democratic papers and believe them more, it would be better for the interests of the country. [Laughter.]

Mr. ELKINS. Now, Mr. President, I want to finish.

Mr. ALDRICH. Will the Senator from West Virginia yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. I shall have to yield to the chairman of the committee.

Mr. ALDRICH. This seems to be an experience meeting. I should like to ask the Senator from Mississippi if he is still for a duty on lumber or for free lumber?

Mr. McLAURIN. I am not for any protective duty on lumber. I will state to the Senator that, so far as I am concerned, if you undertake to raise the tariff on lumber above the rate in the House bill I will vote against it, and I shall not say that I will not vote against free lumber.

Mr. ELKINS. I was going to ask the Senator that question, but I was a little afraid, because I did not want him to commit himself. I am laboring with him and trying to get him to agree to at least $1 a thousand, not that I am willing to compromise on a dollar, but I thought if we start in at that figure it would be a good thing to do. I am for the present duty of $2 a thousand feet. It is just and fair, and it is a low duty, about 12 per cent, especially when the average of duties in this bill is from 44 to 45 per cent. Why not cut down some of the high duties instead of maintaining them and putting some products on the free list? Let all products have some duties.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. ELKINS. Certainly.

Mr. McLAURIN. While I do not want to compromise with the Senator, I want to know something definite.

Mr. ELKINS. We better not compromise here in the open Senate. We will talk out in the hall. [Laughter.]

Mr. McLAURIN. Let us talk it right here, where everybody can hear it. I have been told by Senators who advocate a duty of $2 a thousand on lumber that that is only 12 per cent ad valorem. I never would consent to go above a dollar a thousand. I would not consent to give any higher duty on dressed lumber than I would on rough lumber. Mr. President, if $2 a thousand is 12 per cent ad valorem, $1 a thousand would be 6 per cent ad valorem. Now, let us agree upon a bill that will make it 6 per cent ad valorem on lumber.

Mr. ELKINS. I would not agree because it is not in my hands; and I look toward my friend, the distinguished Senator from Rhode Island, the chairman of the committee. We are not through with this question and many other questions. We have got a month to talk about this and other items.

Mr. McLAURIN. The Senator from Rhode Island does not represent West Virginia, I hope.

Mr. ELKINS. I am trying to do that.

Mr. McLAURIN. I say the Senator from Rhode Island does not.

Mr. ELKINS. No; and he does not elect me and my colleague to the Senate. [Laughter.] He does nearly everything else.

Mr. McLAURIN. Let the Senator from West Virginia and myself agree on an ad valorem duty of 6 per cent.

Mr. ELKINS. I would rather say twelve.

Mr. GALLINGER. Would the Senator make the same proposition in regard to rice?

Mr. McLAURIN. Let us cut down the duty on rice one-half, if the Senator wants.

Mr. GALLINGER. Why not 6 per cent on rice?

Mr. McLAURIN. The present and proposed tariff on rice is 2 cents a pound. Let us cut it down to 1 cent. The Senator can not strike at me on that.

Mr. ELKINS. If I could agree with the Senator on 12 per cent ad valorem, I would do so. That is just what it is in the Dingley law.

I want to conclude what I have to say. I want to cite the experience of West Virginia and sections of the country with which I am familiar when we had the Wilson bill and free lumber. I state it as a fact that free lumber under the Wilson bill closed 90 per cent of our mills and the grass grew in the roads leading up to them; and in the New York markets they took Canadian lumber to build grain elevators and supply the

general market there that West Virginia before and under the McKinley bill was furnishing. That is an actual fact.

There is another feature about this free-lumber proposition. Already alert American capitalists are buying timber lands in Mexico and getting ready to build railroads to bring lumber into the United States. They have bought lands for $2 an acre, some for a dollar and less, and are waiting for lumber to be put on the free list. They have got their friends here now working for free lumber, and there are some timber owners from Canada, too, wanting and working for free lumber. Why? Because then they can carry on the lumber business profitably in Mexico and Canada, having cheap lands and low wages. These are the dangers that surround us, the breaking down of a great and leading industry of this country by the reduction of the duty on lumber or putting it on the free list.

Mr. SCOTT. Will my colleague allow me to ask him a question?

The VICE-PRESIDENT. Does the senior Senator from West Virginia yield to the junior Senator from West Virginia?

Mr. ELKINS. Yes, sir.

Mr. SCOTT. I wanted to ask my colleague if the duty were taken off of lumber whether or not it would result in one farthing of reduction to the consumer? For my part, I do not believe it would ever reach the consumer at all. We had a great man once in this country, who said the tariff question was a local question, and from the discussion here to-day and that which we shall undoubtedly have, it strikes me it is very local. It is a little like Artemus Ward, who, when asked where was the best place to have a boil, replied on one of his wife's relations. That is the way with Senators in this Chamber. They are willing to reduce the tariff on everything that somebody else has, but they are not willing to reduce the tariff on their own manufactures or on articles produced in their own States.

Mr. ELKINS. Mr. President, I have nothing more to say at this time. When the time comes to discuss the lumber schedule, I am going to discuss it at length.

Mr. GALLINGER. Mr. President, just a word. I want to call the attention of the Senator from Minnesota [Mr. NELSON], who made a most admirable speech on the wrong side of the question, to the fact that while finished lumber can be conveyed to Minnesota perhaps for less than unfinished lumber, as I understand very little unfinished lumber does go into Nebraska, Minnesota, and other States in that region.

Mr. NELSON. If the Senator will allow me——

Mr. GALLINGER. Yes.

Mr. NELSON. I want to say that over 90 per cent of the lumber we buy is dressed lumber.

Mr. GALLINGER. Yes.

Mr. NELSON. And very little rough lumber is used.

Mr. GALLINGER. I agree to that. I presume that is so; but I wanted to call the Senator's attention to the fact that he is much farther away from the source of supply than some of the rest of us. The States of New England, New York, and other States bordering on Canada do not have to pay such high rates for transportation. It would be very unjust to us if the finished lumber was simply sent across the border and the duty on it was no more than on the unfinished lumber. So that there is a little difficulty there, but perhaps it can be adjusted.

Mr. NELSON. Does not the Senator remember the trip he took with me to the reservoir and headwaters of the Mississippi, and did not he see the pine logs and timber we had there?

Mr. GALLINGER. Oh, yes.

Mr. NELSON. We have it as near to us as you have it.

Mr. GALLINGER. You have some.

Mr. NELSON. We have a good deal.

Mr. GALLINGER. But you are more dependent, of course, upon the supply from other parts of the country than we are. I merely wanted to call attention to the fact that there would be an injustice to the States bordering on Canada if the Senator's contention, that there should be no greater duty on the finished lumber than on the unfinished lumber, should prevail. Perhaps it is a matter that can be adjusted; but there is some trouble along that line, and I wanted to put the statement in the RECORD.

Mr. ALDRICH. Mr. President, I would like to say just a word, if my friend the junior Senator from Mississippi [Mr. MCLAURIN] will permit me, in commendation of the spirit which he shows upon the lumber schedule. Now, I understand that the Senator is willing to vote for a duty of 6 per cent on lumber for the general purpose of equalizing conditions between the lumber producers in Michigan and those in Canada.

Mr. MCLAURIN. I ought to be permitted to state my own position on that.

Mr. ALDRICH. That is what I understood.

Mr. MCLAURIN. Any duty that I will vote for will be a revenue duty only. I am not a protectionist in any sense. I never have believed, I do not believe now, and I hope I never will believe that it is just or fair to take by tariff law one man's money and give it to another.

Mr. ALDRICH. But being in favor of a revenue duty on lumber, he desires, I assume, in the interest of the people of the State he represents, that the revenue duty should be equal to the difference in conditions between Canada and his own people.

Mr. MCLAURIN. I never have thought of the question about equalizing the difference between the price of an article from a foreign country and in this except for this purpose, and that is for the purpose of ascertaining how much of the commodity or article will likely be imported into this country under that particular rate of duty and how much revenue will be derived by the Government therefrom.

Mr. ALDRICH. But if the Senator thought that a pure revenue duty of 6 per cent would be fair to the lumbermen of Mississippi and would allow them to go on and do their business without hindrance, and that a duty of 5 per cent would be destructive of the interests of the lumber people of Mississippi, that it would subject them to unfair competition with the lumbermen of Canada, for instance, would he vote for 5 or for 6 per cent?

Mr. MCLAURIN. As I have just said and tried to make myself understood by the Senator from Rhode Island, it never enters into my mind when I am voting on a question of tariff what effect it will have, excepting in the production of revenue. It has never occurred to me that any tariff duty ought to be for the purpose of making any consumer pay a higher price for anything he purchases. I do not think it is right. I never have thought it was right.

Mr. ALDRICH. Mr. President——

Mr. MCLAURIN. If the Senator will allow me, before I conclude, so far as concerns the people of the State of Mississippi and the lumber mills there, I do not believe a duty of $1 or $2 a thousand on lumber would ever affect the mills or the consumers of lumber in the State of Mississippi. The railroad rates on lumber from Mississippi, and especially from the section of Mississippi where the lumber is principally produced, to Chicago is so high that you might put $2 or $2.50 or $3 a thousand on lumber and the mills of Mississippi, although our lumber is superior to almost any other lumber, could not pay the freight and compete with the Canadian lumber or with the people in that section.

The lumber from Mississippi is principally shipped to foreign countries. It is shipped to Germany, to South Africa, to South America, to Mexico, and to other foreign countries. It goes by the million from Gulfport, Pascagoula, Biloxi, Bay St. Louis, and other points on the coast of Mississippi to foreign countries for the reason that I have stated, that the rates on the railroads are so high that it can not be shipped in competition with Canada; and no amount of tariff that has ever been laid on lumber could cut the Canadian competition from our people, because if you could have free lumber, the Canadian people could not compete with the sawmills of the State of Mississippi, in the southern part of the State where pretty nearly all the sawmills are.

Mr. ALDRICH. If the Senator from Mississippi was considering revenue alone, $2 a thousand on lumber has produced $4,000,000 of revenue. One dollar a thousand, which he says he is for, will produce $2,000,000 of revenue, unless the importations should increase. It would require twice as many imports, of course, at $1 a thousand as at $2 a thousand to raise the same amount of revenue.

I imagine the Senator from Mississippi does not consider that desirable, because whatever may be done with Mississippi lumber, at some point it comes in competition with Canadian lumber, perhaps not directly, but the territory which will be reached by Mississippi's lumber would be restricted if the importations were doubled from Canada into this country. So if a pure revenue question was considered, it seems to me the Senator from Mississippi ought to be for $2 a thousand.

I said that I wanted to commend the spirit of the Senator from Mississippi. I believe the Southern States have already entered upon an era of development and prosperity which will surprise the world; and, as far as I am concerned, in every vote I give upon this bill I intend to do everything I can as a legislator to encourage and increase that degree of prosperity and development to which I have alluded.

I am glad to see that Senators upon the other side recognize this fact and are willing to cooperate with us in giving such protection—I care not what you call it—such encouragement, if you please, to this development as will make your country

what it ought to be, a country which will blossom as the rose compared with the wilderness which existed there twenty-five years ago.

Mr. McLAURIN. Mr. President, if the Senator from Rhode Island can ever convince me that the best revenue duty for lumber is 12 per cent instead of 6 per cent, I will always favor that which is the best, fairest, and just revenue-producing rate. The Senator has taught me that often a reduction of the tariff rate increases the revenue. I hope the Senator will give attention to what I am going to say now, because if he is a friend of the South—and I believe he is a friend of the South——

Mr. ALDRICH. I am.

Mr. McLAURIN. I believe it, because I believe he is a friend to the whole country, I believe he is a patriot, and I take his word when he says so. I want to say to the Senator right here, if he wants to benefit the South, he can do so by changing this bill so as to take off what he says is not only a protective duty, but is a prohibitive duty, on cotton-seed oil, for it can do us no good at all; take it off the dutiable list and put it on the free list, and then give us instead of that, not a tariff to protect any of our products, but take off of us the heavy hand of a tariff that robs one of our products; give us free bagging and ties in place of it. We will swap you the duty on cotton-seed oil, and let that be put upon the free list, for free bagging and ties.

Our cotton producers are not benefited in any particular by any tariff. You can not benefit them by a tariff on cotton-seed oil. You can not benefit them in any way by a tariff, because a tariff on cotton could not help our cotton-producing people, for the reason that there is no appreciable amount of cotton raised in any other part of the world. The cotton of the world is raised in the South. Why put upon the people who raise that cotton a tax of four, or five, or six million dollars a year in the way of a tariff upon bagging and ties? Give us free bagging and ties if you want to help the South, and that will leave in the hands of the producers of it the money they have produced; and that is all we ask with reference to cotton.

Mr. CARTER. Mr. President, the discussion of the lumber schedule has brought forth certain statements which I think should be emphasized for the special consideration of the Senators who feel that the House rates on finished lumber should be maintained as reported. I am one of those who in this Chamber voted, in 1897, for a $1 duty on lumber. I believed at that time in the forecasts then made that the white-pine lumber would be exhausted in the normal course of events, considering the consumption, within ten years. More than ten years have passed and yet the stock of white-pine lumber is not exhausted, but is apparently about as well proportioned to the needs of the country as it was at that time.

This fact has led me to view with much doubt the speculative forecasts with reference to the exhausting of the forest life of the country. In the midst of such pessimistic views we forget that the trees are always growing and that, happily, within the last few years the attention of the country has been properly directed not only to the preservation of the forests now existing, but to the expansion of forest growth.

I have been somewhat perplexed in considering the lumber schedule to reconcile the position of the Forestry Service with the interest of forest preservation. I concede that to me it is a paradox to say that we should appropriate $5,000,000 annually to protect the forests and then place a duty of $2 a thousand in the way of a premium on cutting the forests down. It may be susceptible of explanation. I only suggest that it is obscure as a proposition, in my mind, at this moment.

But I did not rise——

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Minnesota?

Mr. CARTER. I yield with pleasure. I do not intend to make extensive remarks, but only wish to emphasize one point.

Mr. CLAPP. In regard to the fact that the pine has not been exhausted so rapidly as it was anticipated, I have made a considerable study of that question in looking into the growth of trees and the size of the logs that have been cut in Minnesota in the last ten or twelve years; and I am thoroughly satisfied that perhaps 50 per cent of all the timber that has been cut in Minnesota in ten years has grown from the seeds since they commenced logging in Minnesota, which accounts for the fact that we have not depleted the forests within the time that it was some years ago anticipated they would be. Of course that will not apply in the future if they go on with the same rapidity.

I simply made that suggestion because I thought it might be of interest, having really spent a good deal of time studying the time required for the growth of the trees and the character and size of the logs cut in the last few years.

Mr. CARTER. Mr. President, the Senator from Minnesota no doubt is correct, but in conflict, I submit, with the statement made some ten or twelve years ago when discussing the white-pine schedule in the present law. It was then asserted over and over again and, so far as I know, not challenged, that white pine would not reproduce itself; but that when the white pine was cut down a species of inferior growth would supplant it and the white pine cease to be a growth on that particular soil.

Mr. NELSON. Will the Senator allow me to interrupt him?

Mr. CARTER. I will be glad to.

Mr. NELSON. The Senator is correct, but there is this qualification to it: The lumbermen, when they strip the land of timber, leave the tops and the refuse matter. A fire goes in and destroys the seed of the forests, and there being no trees to furnish seed for the future there grows up other stuff. That is true except in one little case, where the Government has a reservation and reserves 5 per cent of the standing trees for the purpose of seed, and they keep the fire out. But the lumbermen do not keep out the fire and do not leave any timber for seeding purposes.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Utah?

Mr. CARTER. I am glad to yield to the Senator.

Mr. SMOOT. I wish to call the attention of the Senator to the fact that in the last twelve years the change in the use of lumber has been very marked indeed. Twelve years ago white pine was used in almost every building from one end of this country to the other. Now, in many cases, other materials are substituted for it, and to-day they are not using white pine as they did at that time. That is one reason. There has been that change in the use of that particular class of lumber. We are using other material for which they used to take white pine.

Mr. CARTER. The explanations are instructive, but do not go directly to the point I desire very briefly to make.

Mr. LODGE. If the Senator will allow me, he states that white pine is as plentiful as ever. It is almost unobtainable in my part of the country. It has almost gone out of existence.

Mr. CARTER. It was unobtainable in New England——

Mr. LODGE. I do not mean for the purpose of cutting it; I mean, to buy it. It is not found in our market. Other woods have been forced into the market which we never had. There is no white pine to be had when one asks for it.

Mr. CARTER. It is a question of price; and let me make this suggestion on the subject——

Mr. LODGE. The price would not be higher unless it was scarcer.

Mr. CARTER. I do not know that that follows. I assert as a fact that there is no direct relation between the cost of producing a thousand feet of lumber in the State of Washington and the price at which the thousand feet of lumber is disposed of in the State of North Dakota. I do not think the lumbermen have made unconscionable profits; but for some reason, which, perchance, the Department of Justice should ascertain or, perchance, the state legislatures should reach by appropriate laws, there has been an abnormal increase in the retail price of lumber all over this country.

The Senator from Minnesota cited the case of two independent concerns, apparently, one doing business in Arkansas and the other doing business in St. Louis, 500 miles distant, and their selling prices were identical, and although the names of the companies are different and the localities supplied are different, the remoteness of each from the point of supply of rough lumber does not seem to be taken into account at all.

The lumber producer, the man who cut the saw log into lumber, is charged with the sins of those who retail the lumber in some combination to the actual consumer.

A lumberman in the western part of Montana took sufficient interest in this peculiar phase of the situation to send an observant man into North Dakota for the purpose of ascertaining, if he could, how it happened that lumber was selling at retail in North Dakota for more than double the cost at the mill and the freight added. He could not discover why it was, but he discovered that it was so, and that abnormal condition continues to this day. No tariff bill can correct any such combination as seems to have been formed by the jobbers who retail the lumber to the consumer. We can not reach that difficulty by a high tariff or a low tariff or no tariff. It is an abnormal and monstrous condition in the channels of trade, permitting individuals handling a commodity to make an unconscionable profit out of the mere handling of it.

Mr. MONEY. Will the Senator from Montana permit me?

Mr. CARTER. I yield to the Senator from Mississippi.

Mr. MONEY. I merely wish to say to the Senator right at this point that a few days ago the supreme court of Mississippi found a lumber trust, certain retail dealers in lumber in Mississippi, guilty of violating the law, and I presume that that combination extends elsewhere.

Mr. CARTER. It seems to be a disease universal over the country.

Mr. HEYBURN. I can add something perhaps to the information in regard to the reason why lumber is sold at what seems to be an abnormal price in the Dakotas. I inquired of a lumber dealer, selling there the products of the forests of Montana—because that is where he bought the lumber when the Dakota price seemed to be so much in excess of what lumber was selling for in Montana—why it was. He said:

> We do not sell enough there to justify us in holding to the narrow margin of profit that they do in that country. We are compelled because of the smallness of the sales to make a larger profit.

And that was not very long ago.

Mr. CARTER. I am inclined to think that the volume of sales is greatly diminished by the extravagance of the prices demanded.

Mr. HEYBURN. That may be.

Mr. SMOOT. I agree perfectly with the Senator from Montana where the fault lies, and I want to state here that it is not only in lumber, but applies to every business in the United States. I hope some time during the discussion of the tariff question to have the people of the United States understand that the retailer of this country is making an unreasonable profit.

For instance, I have a case before me now where a manufacturer in the United States sells at wholesale razors at $3.95 a dozen. They are wholesaled in St. Louis by the jobber at $9. They are retailed for $2 apiece. The manufacturer in this country gets only $3.95 a dozen and the consumer pays $2 apiece.

Mr. CLARK of Wyoming. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Wyoming?

Mr. CARTER. I yield to the Senator from Wyoming.

Mr. CLARK of Wyoming. The Senator from Montana just made what occurred to me to be a remarkable statement; and I want to be sure that I understand it. I understood him to say that investigation had proven to his satisfaction that Montana lumber in North Dakota was selling at a price which was more than double the total price at the mill, with freight added.

Mr. CARTER. I said the investigation had satisfied my informant, and I accept his statement as worthy of attention and belief.

But I desire to call the special attention of Senators interested in the high duty on lumber to the statements cited by the Senator from Minnesota from the letter of Mr. Scanlon, a copy of which I received. That statement was to this effect: That it does not cost more to surface lumber on four sides than it does to surface lumber on one side, and that statement is borne out by a recitation of the facts with reference to the process.

Mr. Scanlon says that in former times, with imperfect machinery, the boards passed through the planing mill once for each surface made; if it was to be surfaced on both sides, the plank must be passed through the machine twice; if it was to be surfaced on both sides and squared up on the ends or tongued and grooved, it formerly required four passages of the plank through the planer, whereas to-day, with perfected machinery, the plank is passed through the planing mill but once.

Mr. NELSON. That is true.

Mr. CARTER. And by that one passage it is surfaced on both sides, tongued and grooved, or finished, as may be desired.

If that statement conforms to or squares with the actual fact, it is obvious to my mind that the allowance of 50 cents per thousand for surfacing on one side and 50 cents for surfacing on the other and 50 cents for tonguing and grooving constitute a piling up of the rate to offset the cost of labor, when it is but a single act of pushing the plank through the mill in any one of the cases cited.

Mr. SMITH of Maryland. Will the Senator from Montana allow me just one word?

Mr. CARTER. I will be glad to.

Mr. SMITH of Maryland. I want to say to the Senator that that statement is not correct in one sense. Lumber when it is surfaced on one side is usually surfaced in the width as it comes from the tree, as it is sawed. Lumber that is surfaced on one side and plowed and grooved is usually surfaced in boards that are cut about 3 inches wide or 4 inches wide for flooring. Therefore whilst it may be true, if you surface the lumber to its full width, that you can do that, when you rip this lumber into boards and cut it into flooring widths, it takes three times as much time and labor to do it, probably, as it does to surface a board on one side as it comes from the log. I know something about it. I have had experience in the business. I have been in the business for thirty-nine years. The lumber that is surfaced on one side and plowed and grooved is lumber that is cut up into what you may say "strips," that go on floors; and it takes about three times as much labor as lumber that is surfaced on one side to the full width of the board. That is a fact which can not be gainsaid.

Mr. CARTER. The answer of the Senator from Maryland, based on his long experience, bears fruit to my endeavor to secure some light upon the statement of Mr. Scanlon.

Mr. SMITH of Maryland. If the Senator will pardon me, I will say furthermore that if you surface it on four sides, even if you do not rip it, you can not surface it as cheap as you can on one side, because you can not put it through the machine with the same rapidity as you can when you surface it on one side.

Mr. CARTER. Mr. Scanlon's letter, read by the Senator from Minnesota, seemed to apply to lumber cut into narrow strips in the South—in Louisiana. As I recall the statement, it was to the effect that the cost was somewhat greater in Louisiana, because the lumber was cut into these small strips, whereas in Minnesota broader or wider boards were surfaced. But in that relation the testimony of the Minnesota man is to the effect that the cost of tonguing and grooving in Louisiana in the narrow strips adds only about 2 cents per thousand feet to the surfacing of the raw board in the State of Minnesota.

Mr. SMITH of Maryland. If the Senator will pardon me, I will say that it increases the cost in proportion to the number of strips that you get out of the board. If you take a board that is 10 inches wide and rip it into three boards of 3 inches, you will take more than three times the labor, because you have the expense of ripping the lumber besides the expense of surfacing it and tonguing and grooving.

I make the assertion, further, that you can not run a board through a planer and tongue and groove it as fast as you can run it through a planer and surface it on one side. It is a different kind of work. The lumber that is tongued and grooved for flooring and partitions will cost three times as much as that you just run through the planer in its natural width and surface it on one side.

Mr. CARTER. This presents a direct issue between the Senator from Minnesota and the fact as stated by his correspondent and the statement made by the Senator from Maryland. The Senator from Maryland, through broad experience, alleges that the statement made by the Senator from Minnesota is inaccurate, and I am glad that the matter has reached this point of consideration.

Mr. SMITH of Maryland. I am not contradicting the Senator from Minnesota. I merely state what I know to be the fact. We all know that, as far as that goes, flooring or partitioning is in very narrow strips of from 2 to 3 inches, and we all know that when you rip that up you can put only one piece through at a time; you can not put the board through. You put it through as fast as you can on one side and tongue and groove it. We all know that if a rough board it takes three times as long to run it through the planer.

Mr. CARTER. Far be it from me to take issue with the statement of the Senator from Maryland. He has experience and I have not. I am glad, however, that this issue has been brought up for the benefit not only of the committee but of the Senate. If there is a difference of 50 cents per thousand in the process of planing on each side, of course the schedule as arranged in the House text is correct. If, however, as contended by the correspondent of the Senator from Minnesota, that statement is not correct, then of course this continual addition of 50 cents per thousand for each side planed, tongued, or grooved should be corrected.

Mr. CRAWFORD. Mr. President——

Mr. CARTER. I will yield in just a moment. I wish to have it understood with both the Senator from Maryland and the Senator from Minnesota that I do not understand that one Senator is contradicting the other. We are attempting in the course of a discussion here on a very important matter to elucidate the truth, to get at the facts; and the contribution of both Senators raises an issue that requires light on this subject.

Mr. McCUMBER. Will the Senator from Montana allow me to ask a question of the Senator from Maryland right there?

Mr. CARTER. I will yield to the Senator from North Dakota.

Mr. McCUMBER. I wish to ask the Senator from Maryland a question. Here is a plain board as it comes from the saw, neither planed on the one side nor on the other. Here is another board that comes from the saw, and we will say it is planed on

one side. I want to ask the Senator if it costs 50 cents a thousand more to plane it on one side than the rough lumber costs?

Mr. SMITH of Maryland. I will say to the Senator that I do not know what it costs other people, but in the business I have been connected with it costs more than that.

Mr. McCUMBER. The average, as I get it——

Mr. SMITH of Maryland. I do not mean just to run it through; but if you should handle the lumber, transport it to the planing mill, carry it through, and all that, it costs a good deal more than 50 cents a thousand to plane it.

Mr. McCUMBER. In all the great mills it is planed in the same mill. As it passes through the saw the same lumber is taken up and planed. It can be planed on one side or it can be planed upon two sides.

Mr. SMITH of Maryland. Does the Senator undertake to tell the Senate that you take green lumber from the saw and carry it through the planing mill at one and the same time?

Mr. McCUMBER. When I speak of its coming from the saw it is rough lumber——

Mr. SMITH of Maryland. The lumber has to be carried to dry kiln and dried.

Mr. McCUMBER. But it is the same lumber that comes from the saw. It has not changed itself in any way, shape, or manner. It is the rough lumber when it comes from the saw. I put a straight proposition, and I did not try to mislead in the slightest way. It is the rough lumber that comes from the saw. What I want to know, admitting now that it goes into the kiln and is dried and the moisture is taken out of it, is whether it costs 50 cents more to plane it upon one side. The duty here is 50 per cent higher. Then I want to know if it costs another 50 cents a thousand to plane and edge. The bill here calls for another half dollar a thousand.

Then I want to know if it costs another 50 cents a thousand to run the other edge on. The bill here asks for another 50 cents a thousand. Then I want to know if it costs still another to plane the other side, making it in all $2 a thousand more for planing.

The evidence I have is that the planing on one side will not average 15 cents a thousand more, and when you plane both sides practically at the same time the amount is still less in proportion; and when you tongue and groove it at the same time, as in this piece of lumber, the percentage is less. Of course it takes longer; it is slower perhaps as it goes through the planing mill, where you plane both sides, than if you planed one side; but the proposition I desire to make is that planing the whole four sides would not make a dollar's difference on the average, and here we are giving a difference of $2 and $2.50 and $3 upon the average.

Mr. SMITH of Maryland. I should like to say to the Senator that I am satisfied he has seen very few lumber mills.

Mr. McCUMBER. I want to say to the Senator that I have seen a great many of them and I have seen their workings.

Mr. SMITH of Maryland. I want to say to the Senator that he is not posted as to the cost of manufacturing lumber.

Mr. McCUMBER. I want to say that I take my figures as they are given here by the manufacturers of lumber themselves. A manufacturer of lumber has given me the figures upon every one of those articles.

Mr. SMITH of Maryland. When the Senator says that lumber is brought from the saw and carried through the planer, and it ought to cost only about 15 cents a thousand to plane it instead of 50 cents, I do not think that he has accurate information.

I want to say that when lumber is manufactured from the saw that lumber has to be transported to a dry kiln. It is carried there and after it is put in there and dried it is piled. The planing mills are not located in sawmills. They are located at some distance from sawmills, and necessarily so. The lumber is then taken from those piles and loaded on cars or wagons, whatever it may be, and carried to the planing mill. I am speaking in the first place of lumber, dressed and sawed. There is the expense of taking it from the pile and carrying it to the planing mill; there is the expense of running it through the machinery. After that, there is the expense of taking it out and running it back again. If the Senator asserts that you can do that for 15 cents, I do not hesitate to say that he knows nothing about the business. I do not care who he is.

Now, in regard to tonguing and grooving and dressing lumber as it comes from the log, that is one proposition, but after the lumber is tongued and grooved and dressed on one side you have got to fit it for the purpose for which it is to be used. The lumber that is tongued and grooved and dressed on one side is used for flooring or wainscoting or something of that kind and is cut up into strips, as it were. Probably you run a 10-inch board through a planer. You cut that board up into three strips and you tongue and groove it afterwards. I say it will cost three times as much to do it as to run the lumber through and dress it on one side. You have to put the lumber in a condition where it will sell, and the market requires that it shall be manipulated and manipulated in a way that costs this extra expense.

Mr. CARTER. Mr. President, I desire to ask the Senator from North Dakota if I understand he takes issue with the witness cited by the Senator from Minnesota? I understood it to be the statement of Mr. Scanlon, whose letter was read by the Senator from Minnesota, that it did not cost any more to surface lumber on two sides and size and tongue and groove it than to run it through a planer and surface it on the one side. In cutting short, narrow strips, however, as in the case of the Louisiana lumber, it costs 48 cents a thousand more; possibly 49. Now, I understand the Senator from North Dakota to admit that it costs probably 15 cents a thousand additional to plane the respective sides. Did I correctly understand the Senator?

Mr. McCUMBER. On the average, according to my information, it will cost, we will say, additional about 15 cents per thousand for the mere planing on one side; and the planing of all sides, the tonguing and grooving, at the greatest figure, would not reach above 50 cents. That 50 cents would be a very full estimate of the additional cost. The range is from 15 cents for the first to 50 cents for all the work that is done.

Mr. CARTER. That is, for planing both sides, squaring one, and tonguing and grooving the other?

Mr. McCUMBER. Yes, sir.

Mr. NELSON. If the Senator will allow me, I do not know what the conditions are in preparing lumber in the South, but I want to describe the modus operandi in our State. After the lumber is sawed, they "size" it, as they call it—they strip it up into proper sizes. Then they run it into the dryer; that is, if they want to plane it, where they dry it in order to make it easier for planing and in order to reduce the weight. Then they take it from the drier and they put it through the machine and plane it. There is an immense saving in the matter of freight by the mere drying and the operation of planing. When you come to the matter of planing the cost is not any bigger in one case than the other. There may be a little difference.

In the matter of stripping the lumber up from the size that it is originally cut in at the mill, they always size it as it is put through. They size ordinary boards when they saw them. Sometimes they can even do that in the same operation. In the most improved mills it is done in the operation of sawing. They size them and cut them up into the size they want.

Mr. CARTER. I yield to the Senator from Vermont [Mr. PAGE].

Mr. PAGE. Mr. President, I have listened with a good deal of interest to the remarks of the Senator from Maryland [Mr. SMITH] in regard to the cost of planing lumber. He is right in regard to the lumber which they have at Baltimore; but if he will go into the northern country, he will find that the cheaper grades of lumber are oftentimes sawed and run through the planer, the planer standing exactly in front of the saw, and the green lumber is surfaced for what we call "siding."

This is especially true in regard to hemlock. It is also true in regard to what we call the "stock length" of spruce. It is run through a machine which surfaces it and tongues and grooves it at the same time. It goes directly into the stack and is air dried, and that drying is sufficient for the usual New England manufacturer.

I understand that in Baltimore they use a class of lumber which is stripped into 2, 3, and 4 inch strips, and in that case the statement is absolutely correct, I think, in regard to the expense. The expense of passing lumber through a machine is very large. You can not take up a thousand feet of lumber, which weighs from two to three thousand pounds, and move it from one to another without its costing more than 15 cents. You must add, of course, to the expense of running the board through the mill the cost of transporting it from the place where it is cut up to the machinery.

In our State our lumber is largely now, I am sorry to say, No. 2 siding. The flooring, which constitutes, perhaps, one-fifteenth of our lumber, is, as the Senator from Maryland suggests, transported to the dry kiln. After being dried it is brought back to the dressing machine and there it is planed or "planed and jointed" or "planed and matched," as the terms are. I do not understand that the planing of the two sides is much more expensive than the planing on one side, because the same machine is used. The process is a little slower in feeding through the machine and the cost is really but a trifle more.

The 15 cents a thousand proposition, I would say to the Senator from Maryland, is where the planer stands immediately in front of the saw and the lumber is run through the planer.

Mr. SMITH of Maryland. If the Senator will pardon me, he is talking about something I know nothing about. I have seen a great many of the higher character of mills. I speak more particularly of the best. Of course, the Senator knows what they do at the North. I have seen mills that manufacture hundreds of thousands of feet, and I have never yet seen any mill where they had a planer following the sawing of the lumber and putting the lumber through the planer to plane. If that is done, it must be some lumber for very inferior purposes, for a purpose that probably amounts to very little. In the first place, you can not take lumber from a saw and dress it properly or with any degree of accuracy. Think of trying to put a piece of flooring through a planer right from the saw! It would be absolutely worthless. You would ruin the lumber. I have seen mills that cut hundreds of thousands of feet, but I have never seen a mill that took a board from a saw and carried it green through a planer. I have seen a great many, but I have never yet seen that. It is something I have to learn. I have no doubt it is true, if the Senator says so.

Mr. PAGE. I was not brought up in a sawmill, but I came pretty near it. I know that that is done to a very large extent.

Mr. SMITH of Maryland. I have never seen anything of that kind. It is something I have yet to learn.

Mr. PAGE. I want to say to the Senator from Maryland that the lumber in our section of the Union is now of a poorer character than it was twenty years ago, and a large per cent of that which is sawed in the State in which I live is used for the cheap class of siding and is dressed in the way described by the Senator from North Dakota.

Mr. CARTER. Mr. President, I think it is manifest to every Senator that the question of the necessity for adding 50 cents per thousand for planing on one side and 50 additional cents or a dollar for planing on two sides and $1.50 per thousand where the lumber is tongued and grooved is a debatable question. I desire to vote, when this schedule is reached, for such duty as will make up the difference in the cost of labor employed in thus finishing lumber here and in the competing country. If it costs only 50 cents per thousand to plane, tongue, and groove, I shall not vote for $1.50 per thousand for that purpose.

Mr. CRAWFORD. If the Senator will permit me, I think I might give him some help at this particular point.

Mr. CARTER. I am glad to yield to the Senator from South Dakota.

Mr. CRAWFORD. I notice from the statement on page 24, in Schedule D, that under the old tariff sawed lumber at the old rate came in and paid a duty of $1,718,679.33, and in quantity it amounted to 859,339.61 feet. When you compare that item of import with the very much smaller item, when planed on one side or on both sides, or grooved, it seems to me it is conclusive evidence of the disproportion and the unfair advantage that the old rate gives to the finished lumber, the planed lumber, and the tongued and grooved lumber, because when we come to those items, take, for instance, planed or finished on one side, the quantity imported is only 19,176.90 feet, and planed or finished on two sides, only 2,777.80 feet, and the duty is inconsequential.

The reduction seems to be on the rough lumber. The $1 per thousand is on the rough lumber, not on the finished lumber.

Mr. CARTER. The Senator's view of the subject, I think, is pertinent. I desire to have it understood that those thoroughly familiar with the processes and cost of manufacture shall be prepared when this schedule is reached, to show what it costs to surface lumber on one side or on two sides, and to tongue and groove the lumber; and they can not certainly ask us to vote a duty exceeding the total cost of performing the work, assuming that it costs nothing to perform it elsewhere.

Mr. NEWLANDS. Mr. President——

Mr. CARTER. I shall be glad to finish just a sentence here, if the Senator from Nevada will permit me.

Mr. NEWLANDS. Very well.

Mr. CARTER. There is another feature connected with the statement of the Senator from Minnesota which requires attention and which must be met. It is said that the process of planing reduces the weight of a thousand feet of lumber substantially one-seventh; or, in other words, where a thousand feet of lumber in the rough would weigh 2,800 pounds, a thousand feet of the same lumber when planed and surfaced properly will weigh 400 pounds less. The Senator avers that the freight is levied or the tariff is fixed by the pound, and that no difference is made in the charge for carrying a finished pound over the rate charged for carrying a pound in the rough.

The average cost probably of transporting lumber from the mill to the point of consumption in this country would be a little less, say, than $7 per thousand. If a thousand feet of finished lumber can be transported for $6 where it costs $7 to transport the rough lumber, it is manifestly to the interest of the individual having rough lumber to surface it, if that surfacing can be done at 50 cents per thousand feet, because he thereby would save 50 cents per thousand feet on the freight after surfacing the lumber. This proportion, if correct, would seem to make it necessary to place a higher duty on rough lumber than on the finished article at the mill, because, evidently, the expenditure of what Mr. Scanlan says is the total cost of surfacing on two sides and tonguing and grooving, less than 50 cents a thousand feet, would result in saving a dollar a thousand in freight.

I do not pretend to aver that these statements are according to the absolute facts. The discussion has led to some difference of opinion on that subject; but the difference of opinion which has arisen here indicates that before this schedule can be intelligently voted upon the exact facts with reference to the relation of weight in finished and rough lumber and the exact cost of finishing the rough lumber must be ascertained or we shall vote without sufficient information.

I repeat, that I believed in 1897, and I believe to-night, that a dollar a thousand on rough lumber is ample protection to the sawmill men of the United States, and I shall certainly be subject to a mighty change of thought, and the figures necessary to bring about that change must be presented, before I alter the position I then took after a pretty careful investigation of the subject.

Mr. GALLINGER. The Senator is doubtless aware of the fact that under the $2 rate we imported a very large quantity of rough lumber—thirty times as much as all grades of finished lumber combined. We ought not to lose sight of the fact that that rough lumber gave employment to American workingmen, while the finished lumber, of course, deprived American workingmen of just that much labor. So that I think we ought to be careful in fixing the rates, not to have them so arranged that the finished lumber can come in to the detriment of American workingmen in the sawmills of the United States. The fact I have stated, that under the $2 rate we have imported thirty times as much rough lumber as we have of all kinds of finished lumber combined, is, to my mind, very significant, and ought not to be lost sight of.

Mr. CARTER. Mr. President, I understand the rates in the House bill as to finished lumber are substantially the same as those in the Senate bill. It therefore follows that, if the foreign manufacturer of lumber is required to pay 50 cents for surfacing on each side and 50 cents per thousand for the tonguing and grooving process, he must import the lumber in the rough, because the duty on the finished article is practically prohibitive. If the whole of the work can be done in the United States for 50 cents per thousand, how could the importer pay a duty of a dollar and a half extra on the finished product?

Mr. GALLINGER. Mr. President, I have no idea that it can be done for 50 cents a thousand. I have no technical knowledge on that point; but I am not distressed over the fact that we are compelling Canada to send us unfinished lumber here to give employment to American workingmen. That does not distress me in the least.

Mr. CARTER. Mr. President, when the compulsion results in carrying in 400 pounds of waste in every 2,800 pounds of material, I doubt if we are doing very much for our workmen. The shavings, of course, are of some value to burn, but they are scarcely worth their weight in money, as we pay it out for the processes of finishing. I shall be glad to support, on both the rough lumber and on the finished lumber as well, a duty that represents the difference between the cost of producing it here and the cost of producing it beyond the Canadian border.

Mr. McCUMBER. Mr. President, I do not intend to take up the lumber schedule this evening. When we reach that point, I hope to discuss it at some length. I only rise now to say that it is gratifying to me to know that, no matter how much any one of us may know, or thinks he knows, about the lumber business, there is always something that we can learn. When the Senator from Maryland [Mr. SMITH] assumed that I had said something, at least, that I did not intend to say, and that I necessarily knew nothing about the lumber business, he found a Senator here in this room who had ascertained that lumber was often taken from the saw immediately to the plane. It was something, of course, that the Senator had never heard of before. So we are likely in the discussion of this subject to run across things that none of us has ever heard of.

When I said that a certain piece of lumber as it came from the saw went to the planing mill I did not intend to convey the idea necessarily that it came directly from the saw without the intervention of the usual machinery and without being taken over to the drying kiln and from there back to the planing mill; but I intended to express the idea that a particular piece of lumber in the form that it came from the saw went into the planing mill, and the same mill that planes on one side can also

plane upon the other side in the same process practically and can also groove, if necessary.

But, Mr. President, what I did wish to bring out in that discussion was the fact that a difference between the $1 duty upon rough lumber and the duty of $2 and $2.50 upon the finished lumber was not a difference that was based upon the actual cost of transforming the rough into the finished lumber in any of the mills that I know anything about.

I believe that in the southern mills, as a rule, it costs really more to manufacture lumber than it does in the northwestern country; that probably the mills themselves in the great Northwest are more modern, for the most part, at least, and they can handle this lumber more economically than some of the other mills. Any knowledge that I may have, although it may be imperfect, is based almost wholly upon the northern and northwestern mills.

I want to say another thing before I close. I know it is late, and I will only take a moment—in answer to a suggestion that was made by the junior Senator from Minnesota [Mr. CLAPP], stating that the mills in his section of the country were now manufacturing into lumber trees that had grown from the seeds since they had commenced to manufacture lumber in that State. That is in the neighborhood of about from forty-five to fifty years. It is true that some trees may have grown during that time, but what are they? They are nothing but saplings to-day, and why are saplings being cut to-day? Simply because the extreme price of lumber makes it profitable to cut almost anything that will make a lath, as has been suggested by the Senator from Minnesota, and convert it into lumber. That is true all over the State of Minnesota.

I want to call the Senator's attention to the fact that I have been over my native State to some extent. Only about a year ago I took a trip from Minneapolis to Duluth, going over one road and returning over another, and in all of that distance of over 100 miles, or about that number of miles, as I remember, just as far as you could see there was nothing but a wilderness of black stumps, without a pine tree and without any other kind of a tree, except little willows and the poplars that are growing up and taking the place of the majestic pines of a few years ago.

I have been over other portions of northern and central Minnesota, and I find practically the same situation there. I have driven for more than 30 miles north of the main line in a country that was once covered by majestic forests, and I could find nothing but burnt stumps, a few willows, a few poplars, and possibly, in some instances, tamaracks. Two years ago I was over in Oregon and followed along one of the great valleys there—the valley of the McKenzie, that once had been well timbered. I saw the work of destruction of the timber baron there. You can travel for mile after mile, and along the hillsides there is not even any brush left. Every vestige of timber has gone. But when you get away from there into the government reserves and see there majestic trees, whose tops seem almost to kiss the stars at night, you can not help but thank God that you live when you see nature as it is, and as it should be, protected, in this country.

Mr. President, I looked at one of those trees. I sat down upon the stump of an old cedar that was some 9 or 10 feet in diameter. It had been sawed off for several years, so that the check marks and the year rings had begun to manifest themselves. I took out my penknife and started to check off the number of those rings. I started from the center, and when I had counted up to about 500 they had become so fine that they could not be seen by the naked eye. Probably that tree had grown there for fully a thousand years; I have no doubt that it was at least a thousand years old. You can not produce such trees in forty years or fifty years.

You will never produce them again in this country. But what we can do is to preserve our forests just as long as it is possible to preserve them. We know the influence of the forests upon the navigable streams; we know their influence upon the floods of the country; we know their influence upon the farms that are adjoining which may be swept away by a flood in a single night; we know their influence upon the climate; and we know, Mr. President, if we have got any scintilla of feeling for the future and for our children's children, that it is our duty to maintain proper conditions as nearly as possible. We can not go upon the theory that we can reproduce in thirty or forty years that which it has taken the Almighty four thousand years to produce. But I intend to discuss this subject, Mr. President, when I meet it upon the schedules.

Mr. GALLINGER. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Friday, April 30, 1909, at 12 o'clock meridian

HOUSE OF REPRESENTATIVES.

THURSDAY, *April 29, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Monday, April 26, was read and approved.

THE TURKISH EMPIRE.

Mr. WANGER. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I send to the desk and ask to have read.

The Clerk read as follows:

Resolved, etc., That the grateful appreciation of the American people be, and hereby is, expressed and the President requested to convey the same to the people of the Turkish Empire that the revolution they have just effected assures to them the precious safeguards of constitutional government and freedom, and that the triumph is unmarred by the execution of the venerable Abdul Hamid or any wholesale slaughter of residents of Constantinople, and of our best wishes for their peace and prosperity and enjoyment in largest measures of all the blessings of civilization.

2. That the President be further requested to inform His Imperial Majesty Mohammed V of the friendly regard of the Government and people of these United States for him, his Government, and people, and our earnest hope and firm confidence that among the earliest achievements of his reign will be the prompt restoration of order throughout his realm and elimination of the appalling atrocities upon Christian missionaries and other non-Moslems which thrill with horror the civilized world.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object——

Mr. MACON. Mr. Speaker, this is a little too sudden; I object.

The SPEAKER. Objection is heard.

Mr. WANGER. Mr. Speaker, I assume the resolution will be printed in the CONGRESSIONAL RECORD.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

CONGRESSIONAL DIRECTORY.

Mr. RANDELL of Texas. Mr. Speaker——

Mr. PAYNE. Does the gentleman rise for the purpose of debating this resolution?

Mr. RANDELL of Texas. Mr. Speaker, I would like to ask the gentleman from New York to withhold his motion for a moment. I desire to make a correction in reference to the issuance of the Congressional Directory. It will only take a moment.

Mr. PAYNE. Mr. Speaker, I withhold the motion.

Mr. RANDELL of Texas. Mr. Speaker, there have been a number of publications made with reference to the delay in the issuance of the Congressional Directory which have been not altogether in accordance with the facts, and I wish to correct the matter. One paper, for instance, stated:

Because Mr. RANDELL of Texas was down in the new issue of the Congressional Directory as "Randell of Tennessee" that same RANDELL had 8,000 copies of the Directory thrown away. Everybody around the Capitol was wondering why the Directories were so long in coming out. A few had been issued and there was a stop. Departments made inquiries. Newspaper offices yelled with vigor. Congressmen wanted to know why—and there wasn't any information on the subject forthcoming—

And so forth.

Another paper said:

The state pride of CHOICE B. RANDELL, Representative of the fourth Texas district, has been a source of great inconvenience in the last ten days to 392 Members of the House, 90 Senators, and a large number of officials and civilians. In the first edition of the Congressional Directory of the Sixty-first Congress Mr. RANDELL was listed as being from Tennessee, and he was so aggrieved at this mistake that the entire edition had to be returned to the Government Printing Office and another edition printed. Besides causing a delay in the distribution of the directory, the error and Mr. RANDELL'S insistence that it be rectified have cost the Government a tidy sum of money—

And so forth.

I would not have paid any attention to the matter in the House, but the papers giving the statement out having failed to correct it, I wish to state here that nothing of the kind occurred, and I shall ask the Clerk to read a letter which was handed to me by Mr. A. J. Halford, the compiler of the Directory, which will set the matter straight.

The SPEAKER. Without objection, the letter will be read.

There was no objection.

The Clerk read as follows:

UNITED STATES SENATE,
JOINT COMMITTEE ON PRINTING,
CONGRESSIONAL DIRECTORY,
Washington, D. C., April 17.

Hon. C. B. RANDELL,
House of Representatives.

DEAR SIR: Recurring to our conversation of to-day, I desire to state:

1. That the distribution of the first edition of the Congressional Directory was held up in order to make some changes in the organization

of Senate committees necessitated by the appointment of new committees, clerks, and messengers.

2. The postponement was made without suggestion from you and without your knowing that it had been made.

3. These changes having been directed by the Committee on Printing, the error crediting you to the State of Tennessee instead of Texas was corrected. But no delay in the issue of the Directory was made on account of this correction, and no copies of the book were destroyed because of it. Regretting that the matter should have caused you any annoyance, I am,

Yours, sincerely, A. J. HALFORD, *Compiler.*

PANAMA CANAL.

Mr. WANGER. Mr. Speaker, on Monday the House gave leave, upon the request of the gentleman from New Jersey [Mr. WILEY], to print an article by Mr. John R. Freeman on the Panama Canal appearing in the May number of the Outlook. I see by referring to that able journal that following the article of Mr. Freeman is an article by Mr. Bunau-Varilla, and a very able editorial review of the two articles. I now ask that the other article and editorial review may also be printed as a part of the supplement to House Document No. 10.

Mr. DAWSON. Mr. Speaker, reserving the right to object, as I understand the article by Mr. Bunau-Varilla is a criticism of the present lock-dam canal?

Mr. WANGER. It is.

Mr. DAWSON. Mr. Speaker, I object.

The SPEAKER. Objection is heard.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 11 minutes p. m.) the House adjourned to meet on Monday next.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting estimates of appropriation for the Deposit Savings Association of Mobile, Ala., E. J. Reed, and J. N. Newkirk (H. Doc. 21), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HILL: A bill (H. R. 8909) to provide for the purchase of a site and the erection of a public building thereon at Stamford, in the State of Connecticut—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of Michigan: A bill (H. R. 8910) for an appropriation for enlarging the government building at Lansing, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. GOULDEN: A bill (H. R. 8911) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America—to the Committee on the Judiciary.

By Mr. TOU VELLE: A bill (H. R. 8912) granting pensions to all enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. MORGAN of Oklahoma: A bill (H. R. 8913) to provide for the time and places for holding of the regular terms of the United States circuit and district courts for the western district of the State of Oklahoma, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 8914) to open to settlement and entry under the general provisions of the homestead laws of the United States certain lands in the State of Oklahoma, and for other purposes—to the Committee on the Public Lands.

By Mr. BRADLEY: A bill (H. R. 8915) to provide for the acquisition of a site and the erection of a public building thereon at Port Jervis, N. Y.—to the Committee on Public Buildings and Grounds.

By Mr. BYRNS: A bill (H. R. 8916) to authorize the Secretary of War to procure lock and dam sites for Locks B, C, D, E, and F to be located in the Cumberland River below Nashville, State of Tennessee, and to erect and put in operation locks and dams at said sites, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. MORGAN of Missouri: A bill (H. R. 8917) to amend an act entitled "An act to create a new division in the western judicial district of the State of Missouri," approved January 24, 1901—to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 8918) for the extension of Seventeenth street NW., from Crescent place to Florida avenue—to the Committee on the District of Columbia.

By Mr. MACON: A bill (H. R. 8919) for the improvement of the navigation of the St. Francis River in Arkansas—to the Committee on Rivers and Harbors.

By Mr. STEVENS of Minnesota: A bill (H. R. 8920) to establish a subtreasury at the city of St. Paul, Minn.—to the Committee on Ways and Means.

By Mr. KINKAID of Nebraska: Joint resolution (H. J. Res. 51) to amend the Constitution relative to incomes and inheritances—to the Committee on the Judiciary.

By Mr. HILL: Memorial of the legislature of Connecticut, in relation to the inheritance-tax provision in the Payne tariff bill—to the Committee on Ways and Means.

Also, memorial of the legislature of Connecticut, regarding date of the inauguration of the President of the United States—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. McKINNEY: Memorial of the legislature of Illinois, protesting against the levying of a federal inheritance tax—to the Committee on Ways and Means.

By Mr. FULLER: Memorial of the legislature of Illinois, against proposed inheritance tax in the Payne tariff bill—to the Committee on Ways and Means.

By Mr. PRINCE: Memorial of the legislature of Illinois, against the proposed inheritance tax in the Payne tariff bill—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 8921) granting an increase of pension to William E. Gault—to the Committee on Pensions.

By Mr. AUSTIN: A bill (H. R. 8922) granting an increase of pension to Thomas W. Hall—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 8923) granting an increase of pension to Samuel Snoke—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 8924) granting an increase of pension to William Henry Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8925) granting an increase of pension to Haydon Watson—to the Committee on Invalid Pensions.

By Mr. BRADLEY: A bill (H. R. 8926) granting a pension to Christina Brown—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 8927) granting an increase of pension to William R. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8928) granting an increase of pension to Joseph C. Kimsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8929) to pay Lewis J. Blair, late lieutenant-colonel of the Eighty-eighth Regiment Indiana Volunteer Infantry, amount found due him by the Court of Claims—to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 8930) granting a pension to Lewis Chapman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8931) granting a pension to Charles W. Lovell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8932) granting a pension to Richard Hogan—to the Committee on Invalid Pensions.

By Mr. FOELKER: A bill (H. R. 8933) granting a pension to Birdie Brenock—to the Committee on Invalid Pensions.

By Mr. GARRETT: A bill (H. R. 8934) granting a pension to W. H. Elmore—to the Committee on Invalid Pensions.

By Mr. HAMMOND: A bill (H. R. 8935) granting an increase of pension to Marie Mische—to the Committee on Invalid Pensions.

By Mr. HARRISON: A bill (H. R. 8936) granting a pension to James Tucker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8937) granting an increase of pension to Joseph Nester—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 8938) to correct the military record of Daniel D. May—to the Committee on Military Affairs.

By Mr. HINSHAW: A bill (H. R. 8939) granting an increase of pension to George D. Salyer—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 8940) granting a pension to Mary C. Gillespie—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8941) granting an increase of pension to John E. Davis—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 8942) for the relief of the Bolivar Troop Chapter, United Daughters of the Confederacy, of Cleveland, Miss.—to the Committee on Claims.

By Mr. JOYCE: A bill (H. R. 8943) granting an increase of pension to William J. Scevers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8944) granting an increase of pension to Benjamin F. Mossgrove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8945) granting an increase of pension to John Moore—to the Committee on Invalid Pensions.

By Mr. LANGLEY: A bill (H. R. 8946) granting an increase of pension to Isaac Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8947) granting an increase of pension to Mary H. Atkinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8948) granting an increase of pension to Elijah Bayes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8949) granting an increase of pension to William H. Begley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8950) granting an increase of pension to Turner Branham—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8951) granting an increase of pension to Solomon Cassell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8952) granting an increase of pension to Andrew J. Charles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8953) granting an increase of pension to James H. Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8954) granting an increase of pension to Morgan Clark—to the Committee on Pensions.

Also, a bill (H. R. 8955) granting an increase of pension to Reuben Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8956) granting an increase of pension to Thomas F. Clutts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8957) granting an increase of pension to Jeremiah H. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8958) granting an increase of pension to Spencer Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8959) granting an increase of pension to Milton Cooper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8960) granting an increase of pension to William W. Daniels—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8961) granting an increase of pension to Eli R. Dials—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8962) granting an increase of pension to B. F. Dorsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8963) granting an increase of pension to Robert Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8964) granting an increase of pension to William J. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8965) granting an increase of pension to John W. Faulkner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8966) granting an increase of pension to William W. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8967) granting an increase of pension to Charles Franklin—to the Committee on Pensions.

Also, a bill (H. R. 8968) granting an increase of pension to James Gibson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8969) granting an increase of pension to George F. Gose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8970) granting an increase of pension to Lewis W. Gose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8971) granting an increase of pension to Wesley Hager—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8972) granting an increase of pension to Benjamin Hammon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8973) granting an increase of pension to William Hobbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8974) granting an increase of pension to Benjamin F. Horn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8975) granting an increase of pension to S. G. Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8976) granting an increase of pension to William Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8977) granting an increase of pension to Thomas Hutt—to the Committee on Pensions.

Also, a bill (H. R. 8978) granting an increase of pension to Peter Jagers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8979) granting an increase of pension to James Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8980) granting an increase of pension to Elijah King—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8981) granting an increase of pension to Hostin Litteral—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8982) granting an increase of pension to Morrison T. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8983) granting an increase of pension to Edwin McPherson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8984) granting an increase of pension to Samuel F. May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8985) granting an increase of pension to Decatur Maynard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8986) granting an increase of pension to John P. Mead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8987) granting an increase of pension to William Miles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8988) granting an increase of pension to James W. Mollett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8989) granting an increase of pension to Daniel Munsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8990) granting an increase of pension to W. H. Nesbitt—to the Committee on Pensions.

Also, a bill (H. R. 8991) granting an increase of pension to Henry C. Norton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8992) granting an increase of pension to John Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8993) granting an increase of pension to William H. Overly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8994) granting an increase of pension to William Pack—to the Committee on Pensions.

Also, a bill (H. R. 8995) granting an increase of pension to Ella Q. Parrish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8996) granting an increase of pension to Irvin Patrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8997) granting an increase of pension to James H. Phelps—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8998) granting an increase of pension to William Pinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 8999) granting an increase of pension to Peter Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9000) granting an increase of pension to Sanford Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9001) granting an increase of pension to John F. Sebastian—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9002) granting an increase of pension to Floyd M. Sellards—to the Committee on Pensions.

Also, a bill (H. R. 9003) granting an increase of pension to John C. Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9004) granting an increase of pension to Hurom Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9005) granting an increase of pension to Milton Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9006) granting an increase of pension to William Snowden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9007) granting an increase of pension to Henry C. Soward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9008) granting an increase of pension to James A. Stamper—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9009) granting an increase of pension to James A. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9010) granting an increase of pension to John Townsend—to the Committee on Pensions.

Also, a bill (H. R. 9011) granting an increase of pension to Dale Treadway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9012) granting an increase of pension to John P. Vaughan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9013) granting an increase of pension to John Ward—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9014) granting an increase of pension to James Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9015) granting an increase of pension to William H. Weddington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9016) granting an increase of pension to John M. Willoughby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9017) granting an increase of pension to J. D. Wyatt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9018) granting a pension to Mollie Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9019) granting a pension to Bud Adkins—to the Committee on Pensions.

Also, a bill (H. R. 9020) granting a pension to George W. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9021) granting a pension to George Amerine—to the Committee on Pensions.

Also, a bill (H. R. 9022) granting a pension to Milley Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9023) granting a pension to Clay Brandenburg—to the Committee on Pensions.

Also, a bill (H. R. 9024) granting a pension to William R. Brewer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9025) granting a pension to Georgia A. Brooks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9026) granting a pension to George W. Brown—to the Committee on Pensions.

Also, a bill (H. R. 9027) granting a pension to William Caldwell—to the Committee on Pensions.

Also, a bill (H. R. 9028) granting a pension to Caleb Chenault—to the Committee on Pensions.

Also, a bill (H. R. 9029) granting a pension to Delilah Colley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9030) granting a pension to Frank P. Collins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9031) granting a pension to John A. Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9032) granting a pension to Winston Conley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9033) granting a pension to James Crum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9034) granting a pension to Patrick Daly, jr.—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9035) granting a pension to Christopher Alonzo De Hart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9036) granting a pension to Reuben P. Dennis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9037) granting a pension to Rufus F. Diamond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9038) granting a pension to Lucy Douthett—to the Committee on Pensions.

Also, a bill (H. R. 9039) granting a pension to Louie E. Downard—to the Committee on Pensions.

Also, a bill (H. R. 9040) granting a pension to Robert Fletcher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9041) granting a pension to Thompson Farmer Frisby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9042) granting a pension to James H. Gilley—to the Committee on Pensions.

Also, a bill (H. R. 9043) granting a pension to Greenville R. Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9044) granting a pension to John Hale—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9045) granting a pension to J. M. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9046) granting a pension to John P. Hazlett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9047) granting a pension to Ellen Holbrook—to the Committee on Pensions.

Also, a bill (H. R. 9048) granting a pension to Jasper Jenkins—to the Committee on Pensions.

Also, a bill (H. R. 9049) granting a pension to Thomas Jent—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9050) granting a pension to Lemuel Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9051) granting a pension to Ursla Joseph—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9052) granting a pension to Caroline Kidd—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9053) granting a pension to David B. Kimbrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9054) granting a pension to William Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9055) granting a pension to John M. Linvell—to the Committee on Pensions.

Also, a bill (H. R. 9056) granting a pension to Lewis Lyon—to the Committee on Pensions.

Also, a bill (H. R. 9057) granting a pension to Simpson Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9058) granting a pension to Harriet Maupin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9059) granting a pension to William X. May—to the Committee on Pensions.

Also, a bill (H. R. 9060) granting a pension to George C. Middaugh—to the Committee on Pensions.

Also, a bill (H. R. 9061) granting a pension to Sylvester B. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9062) granting a pension to George W. Music—to the Committee on Pensions.

Also, a bill (H. R. 9063) granting a pension to Alex Owsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9064) granting a pension to John W. Puckett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9065) granting a pension to Frank Risner—to the Committee on Pensions.

Also, a bill (H. R. 9066) granting a pension to William T. Romes—to the Committee on Pensions.

Also, a bill (H. R. 9067) granting a pension to N. E. Rowland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9068) granting a pension to William B. Senieur—to the Committee on Pensions.

Also, a bill (H. R. 9069) granting a pension to McKinley Sewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9070) granting a pension to Laura Sowards—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9071) granting a pension to Emily Sparks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9072) granting a pension to James Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9073) granting a pension to Isaac Stephens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9074) granting a pension to James B. Strong—to the Committee on Pensions.

Also, a bill (H. R. 9075) granting a pension to Demia T. Stump—to the Committee on Pensions.

Also, a bill (H. R. 9076) granting a pension to A. H. Sympson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9077) granting a pension to Mariba Tackett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9078) granting a pension to Freelin Taylor—to the Committee on Pensions.

Also, a bill (H. R. 9079) granting a pension to Albert Thomson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9080) granting a pension to Nace Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9081) granting a pension to Frances Turner—to the Committee on Pensions.

Also, a bill (H. R. 9082) granting a pension to Morgan J. Treadway—to the Committee on Pensions.

Also, a bill (H. R. 9083) granting a pension to Susan Webb—to the Committee on Pensions.

Also, a bill (H. R. 9084) granting a pension to Palo Alto Westerfield—to the Committee on Pensions.

Also, a bill (H. R. 9085) granting a pension to Fannie Wilson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9086) restoring to the pension roll the name of Henry Blankenship—to the Committee on Pensions.

By Mr. LANGHAM: A bill (H. R. 9087) granting an increase of pension to William Wiley—to the Committee on Invalid Pensions.

By Mr. LAWRENCE: A bill (H. R. 9088) granting a pension to Sadie E. Colt—to the Committee on Pensions.

Also, a bill (H. R. 9089) for the relief of James F. Curley—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 9090) granting an increase of pension to Oscar M. Town—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 9091) granting an increase of pension to John Flanigan—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 9092) granting a pension to Antonio Feldman—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 9093) granting an increase of pension to Hiram Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9094) granting an increase of pension to Jacob Barrow—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9095) granting an increase of pension to John R. McMasters—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9096) granting an increase of pension to Joseph M. Payton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9097) granting a pension to John S. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9098) granting a pension to Charles A. Yager—to the Committee on Pensions.

Also, a bill (H. R. 9099) granting a pension to Potenciana Soriano Ziegenbein—to the Committee on Pensions.

Also, a bill (H. R. 9100) making an appropriation for Lizzie Kenamore—to the Committee on War Claims.

By Mr. NEEDHAM: A bill (H. R. 9101) to grant title to certain public land to the city of Santa Cruz, in the State of California, to be used for street purposes—to the Committee on the Public Lands.

By Mr. PATTERSON: A bill (H. R. 9102) granting an increase of pension to R. A. Sisson—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 9103) granting an increase of pension to George Perry—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: A bill (H. R. 9104) for the relief of John I. Conroy and others—to the Committee on Claims.

Also, a bill (H. R. 9105) for the relief of R. B. Whitacre & Co.—to the Committee on Claims.

Also, a bill (H. R. 9106) for the relief of Lydia Mahoney—to the Committee on Claims.

Also, a bill (H. R. 9107) for the relief of Edward H. Ozmun—to the Committee on Claims.

Also, a bill (H. R. 9108) for the relief of A. M. Darling and F. C. Darling—to the Committee on War Claims.

Also, a bill (H. R. 9109) for the relief of the heirs of Eldred Nunnally, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9110) for the relief of Lieut. Col. Edward Simonton—to the Committee on Military Affairs.

Also, a bill (H. R. 9111) granting a pension to Jacob Hinkel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9112) granting a pension to T. B. Maloney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9113) granting a pension to Regina Ebert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9114) granting a pension to Mary Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9115) granting a pension to Isaac Labissoniere—to the Committee on Pensions.

Also, a bill (H. R. 9116) granting a pension to Benjamin Brown—to the Committee on Pensions.

Also, a bill (H. R. 9117) granting an increase of pension to A. P. Noyes—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9118) granting an increase of pension to Eliza A. Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9119) granting an increase of pension to Charles F. Stark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9120) granting an increase of pension to John J. Buckley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9121) granting an increase of pension to Theophilus G. Brunson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9122) granting an increase of pension to Peter Therien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9123) granting an increase of pension to Louis Westhauser—to the Committee on Pensions.

Also, a bill (H. R. 9124) granting an increase of pension to William Willige—to the Committee on Pensions.

Also, a bill (H. R. 9125) granting an increase of pension to John G. MacNamara—to the Committee on Pensions.

Also, a bill (H. R. 9126) to correct the military record of Charles Kostohryz—to the Committee on Military Affairs.

Also, a bill (H. R. 9127) to correct the military record of Lieut. Col. James P. Walker—to the Committee on Military Affairs.

Also, a bill (H. R. 9128) to correct the military record of Frank E. Baker—to the Committee on Military Affairs.

Also, a bill (H. R. 9129) to correct the military record of Lieut. Col. Horace P. Rugg—to the Committee on Military Affairs.

Also, a bill (H. R. 9130) to correct the military record of Andrew J. Weidle—to the Committee on Military Affairs.

Also, a bill (H. R. 9131) providing for the retirement of Dr. James B. Ferguson, of the army—to the Committee on Military Affairs.

By Mr. TENER: A bill (H. R. 9132) granting an increase of pension to John Pattison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9133) to correct the military record of Patrick H. McGee—to the Committee on Military Affairs.

Also, a bill (H. R. 9134) to correct the muster of Thomas S. Vale—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of J. Harriman and others, of Marion, Ohio, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. CARY: Petition of Medford Advancement Association, against a duty on hides—to the Committee on Ways and Means.

Also, petition of common council of Portage, Wis., for appropriation to repair levee at Portage, on Wisconsin River—to the Committee on Rivers and Harbors.

By Mr. CLINE: Petition of Fort Wayne Engraving Company, for duty on post cards—to the Committee on Ways and Means.

Also, petition of Elkhart (Ind.) Carriage Company and others, for removal of duty on hides—to the Committee on Ways and Means.

By Mr. CONRY: Petition of Farm Life, of Chicago, Ill., favoring free lumber—to the Committee on Ways and Means.

Also, petition of D. Auerbach & Sons, of New York, favoring free cocoa—to the Committee on Ways and Means.

Also, petition of Hide and Leather Association of New York, favoring free hides—to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of C. Elias & Bro., of Buffalo, N. Y., favoring protective reduction duty on lumber—to the Committee on Ways and Means.

Also, petition of Hide and Leather Association of New York City, favoring reduction of duty on hides—to the Committee on Ways and Means.

Also, petition of Montgomery Brothers & Co., of Buffalo, N. Y., urging duty on lumber—to the Committee on Ways and Means.

Also, petition of East Buffalo Live Stock Association, urging changes in new tariff bill affecting cattle—to the Committee on Ways and Means.

Also, petition of National Wool Growers' Association, favoring free wool—to the Committee on Ways and Means.

Also, petition of New York City Silk Conditioning Works, favoring revision of tariff on wool—to the Committee on Ways and Means.

Also, petition of Thomas & Thompson Company, of Baltimore, Md., urging revision of tariff on disinfectants—to the Committee on Ways and Means.

Also, petition of Isaac Prouty & Co., of Spencer, Mass., favoring free hides—to the Committee on Ways and Means.

Also, petition of E. & J. Burke, of New York, favoring reduction of tariff on malted liquors—to the Committee on Ways and Means.

By Mr. FULLER: Petition of The Farmers' Review, of Chicago, against a duty on fertilizers—to the Committee on Ways and Means.

Also, petition of the Alston Lucas Paint Company, of Chicago, Ill., against a proposed duty on wood oil—to the Committee on Ways and Means.

Also, petition of the Thomas & Thompson Company, of Baltimore, Md., against a duty on sheep dip—to the Committee on Ways and Means.

Also, petition of wholesale merchants of New York, against increase of duty on hosiery—to the Committee on Ways and Means.

Also, petition of Tousey Varnish Company, of Chicago, favoring retention of duty on China wood oil—to the Committee on Ways and Means.

Also, petition of Connell Brothers, of Elgin, Ill., favoring duty on casein and lactarene—to the Committee on Ways and Means.

By Mr. GARRETT: Papers to accompany bill granting an increase of pension to W. H. Elmore—to the Committee on Invalid Pensions.

By Mr. GOULDEN: Petition of Metal Stamping Company, requesting reduction of duty on manufactured metal goods—to the Committee on Ways and Means.

Also, petition of Castle Braid Company, requesting hearings on braid tariff—to the Committee on Ways and Means.

Also, petition of Charles N. Prouty & Co., of Spencer, Mass., protesting against a duty on hides—to the Committee on Ways and Means.

Also, petition of Mr. Theo. E. Tack, of New York, against free oil—to the Committee on Ways and Means.

Also, petition of lithographers of New York City, urging protection of the industry—to the Committee on Ways and Means.

Also, petition of Phillip Storninger, of New York City, advocating repeal of duty on live cattle and dressed meats—to the Committee on Ways and Means.

Also, petition of New York Federation of Women's Clubs, opposing duty on gloves, hosiery, and linens—to the Committee on Ways and Means.

Also, petition of Braid Manufacturers' Association of the United States, urging changes in classification of braids, etc., in tariff bill—to the Committee on Ways and Means.

Also, petition of Charles S. Hopper, jr., urging tax on stocks, bonds, and financial paper—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Porto Rico, favoring a tariff on sugar and coffee—to the Committee on Ways and Means.

Also, petition of President Van Cleave, of St. Louis, favoring a tariff commission—to the Committee on Ways and Means.

Also, petition of Charles H. Schmitz, of New York City, favoring duty on lithographic supplies—to the Committee on Ways and Means.

Also, petition of Luyties Brothers, favoring amendment to the tariff bill to encourage the sale and exportation of articles of domestic manufacture—to the Committee on Ways and Means.

Also, petition of the Columbus Industrial Alliance, favoring protection along certain lines—to the Committee on Ways and Means.

Also, petition of Hawley & Hoops, protesting tax on cocoa beans—to the Committee on Ways and Means.

Also, petition of National Manufacturers' Association, protesting reduction of tariff on lumber—to the Committee on Ways and Means.

Also, petition of W. Van Lubken, favoring removal of duty on sugar—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of Porto Rico, favoring duty on coffee, sugar, and tobacco—to the Committee on Ways and Means.

Also, petition of Business Men's Association of South Norwalk, Conn., for placing paper on free list—to the Committee on Ways and Means.

Also, petition of Cattle Raisers' Association of Texas, for retention of duty on hides—to the Committee on Ways and Means.

Also, petition of Fred Gutman & Co. of New York, for reduction of duty on safety matches—to the Committee on Ways and Means.

Also, petition of Yellow Pine Exchange, favoring a bill to remove discriminations against American sailing vessels in the coasting trade—to the Committee on the Merchant Marine and Fisheries.

By Mr. HANNA: Petition of many citizens of North Dakota, favoring reduction of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. HARRISON: Paper to accompany bill for relief of Joseph Nester and James Tucker—to the Committee on Invalid Pensions.

By Mr. HAYES: Petition of American Masters, Mates, and Pilots, of California Harbor No. 15, against reduction of tariff on lumber—to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of citizens of Kensington and Howard Lake, Minn., against proposed reduction in tariff on barley—to the Committee on Ways and Means.

Also, petition of Commercial Club of Osakis, favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. MORGAN of Missouri: Petition of Samuel Miller, W. A. Joslin, L. S. Thurman, and other citizens of the Fifteenth Congressional District of Missouri, against a duty on tea and coffee—to the Committee on Ways and Means.

By Mr. MURPHY: Petition of various farmers' unions of the Sixteenth Congressional District of Missouri, favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ROBINSON: Petitions of J. P. Wait and others, of Altheimer; L. H. Morphew and others, of Stuttgart; Murphey Martin Drug Company, of Pine Bluff; Grand Rapids Transfer Company, of Hot Springs; Globe Shoe and Clothing Company, of Malvern, all in the State of Arkansas, protesting against the establishment of a parcels-post system—to the Committee on the Post-Office and Post-Roads.

By Mr. SABATH: Paper to accompany bill for relief of Charles E. Malin—to the Committee on Claims.

Also, petition of Stereotypers' Union, No. 4, of Chicago, and Chicago Mailers' Union, No. 2, favoring same postage rates on second-class mail in town where papers are printed as out of town—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Arthur Folk, of New York, against an increase of duty on tobacco and upholding action of the Senate committee—to the Committee on Ways and Means.

Also, petition of the Durbrow & Hearne Manufacturing Company, of New York, against increase of duty on embroidery machines and needles for the same—to the Committee on Ways and Means.

SENATE.

FRIDAY, *April 30, 1909.*

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Alice H. Pierce, widow of Allen W. Pierce, deceased, *v.* The United States (S. Doc. No. 25); and

In the cause of Herbert Harlan and William Beatty Harlan, administrators cum testamento annexo of the estate of David Harlan, deceased, *v.* The United States (S. Doc. No. 26).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented house joint resolution No. 9, of the general assembly of Iowa, which was referred to the Committee on Privileges and Elections and ordered to be printed in the RECORD, as follows:

STATE OF IOWA,
SECRETARY OF STATE.

I, W. C. Hayward, secretary of state of the State of Iowa, do hereby certify that the attached instrument of writing is a true and correct copy of house joint resolution No. 9, as passed by the thirty-third general assembly and approved by the governor April 12, A. D. 1909, as the same appears of record in this office.

In testimony whereof I have hereunto set my hand and affixed the seal of the secretary of state of the State of Iowa.

Done at Des Moines, the capital of the State, April 24, 1909.

[SEAL.] W. C. HAYWARD,
Secretary of State.

House joint resolution 9.

Joint resolution of the thirty-third general assembly of the State of Iowa, making application to the Congress of the United States to call a convention for proposing amendments to the Constitution of the United States.

Whereas we believe that Senators of the United States should be elected directly by the voters; and

Whereas to authorize such direct election an amendment to the Constitution of the United States is necessary; and

Whereas the failure of Congress to submit such amendment to the States has made it clear that the only practicable method of securing submission of such amendment to the States is through a constitutional convention, to be called by Congress upon the application of the legislatures of two-thirds of all the States: Therefore be it

Resolved by the general assembly of the State of Iowa:

SECTION 1. That the legislature of the State of Iowa hereby makes application to the Congress of the United States, under Article V of the Constitution of the United States, to call a constitutional convention for proposing amendments to the Constitution of the United States.

SEC. 2. That this resolution, duly authenticated, shall be delivered forthwith to the President of the Senate and Speaker of the House of Representatives of the United States, with the request that the same shall be laid before the said Senate and House.

Approved April 12, A. D. 1909.

The VICE-PRESIDENT presented a memorial of the congress of the Knights of Labor of Albany, N. Y., remonstrating against a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented a petition of sundry employees of the Case Cutlery Company, of Kane, Pa., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, Massachusetts, Georgia, Illinois, Indiana, Kentucky, Minnesota, Maryland, South Carolina, Arkansas, Michigan, Oregon, Texas, Virginia, Oklahoma, Nebraska, North Dakota, Idaho, Tennessee, West Virginia, Indiana, Maine, Ohio, Wisconsin, Washington, Idaho, Louisiana, and Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SHIVELY presented petitions of sundry citizens of Indianapolis, Boswell, Fishers, Evansville, and Fairlance, all in the State of Indiana, praying for the repeal of the duty on raw hides, which were ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of East Bethel, Newbury, West Woodstock, and Burlington, all in the State of Vermont, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Norwood, Lane, Hunter, Winfield, Ellsworth, Zurich, Caldwell, Canton, Garnett, Burns, and Argonia, all in the State of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Argyle and Riverton, Me., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of sundry citizens of Meriden, New Haven, Danbury, Stonington, New London, Watertown, Ansonia, Franklin, Hartford, and Willimantic, all in the State of Connecticut, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Local Union No. 100, International Typographical Union, of Norwich, Conn., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

Mr. PILES presented a petition of Local Union No. 202, International Typographical Union, of Seattle, Wash., and a petition of Local Union No. 65, International Stereotypers and Electrotypers' Union, of Seattle, Wash., praying for a reduction of the duty on print paper and wood pulp, which were ordered to lie on the table.

He also presented a petition of sundry coal and coke companies of Seattle, Wash., praying for the retention of the present duty of 67 cents per ton on coal, which was ordered to lie on the table.

Mr. LODGE presented petitions of sundry citizens of East Bridgewater and New Bedford, in the State of Massachusetts, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of East Bridgewater, Mass., remonstrating against the imposition of a duty on tea, which was ordered to lie on the table.

Mr. WARNER presented a joint resolution of the legislature of Missouri, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

JEFFERSON CITY, MO., *April 27, 1909.*

Senator WILLIAM WARNER,
Washington, D. C.

DEAR SIR: I have the honor to inform you that the following resolution has been introduced into and adopted by the Missouri senate and concurred in by the Missouri house of representatives:

"Joint resolution of the two houses of the general assembly of the State of Missouri memorializing Congress to authorize the United States Pension Bureau to accept the length of service of certain troops, known as the 'Missouri Home Guards,' as shown by the muster rolls in the office of the adjutant-general of Missouri instead of the service as shown by the report of the Hawkins-Taylor Commission.

"Whereas Gen. Nathaniel Lyon and his successor, Gen. John C. Fremont, acting under authority of a letter dated June 13, 1861, from the then Secretary of War Simon Cameron, granted to certain persons the right to organize regiments, battalions, and independent companies of troops, known as the 'Missouri Home Guards;' and

"Whereas it was through the loyalty and service of the Missouri Home Guards that this fair State was saved to the Union; and

"Whereas the Hawkins-Taylor Commission was appointed by the President in accordance with a joint resolution by the Senate and House of Representatives of the United States of America in Congress assembled, approved July 12, 1862, and revised by the joint resolution, approved February 16, 1863, reported on the time of 'actual military service of Missouri Home Guards in the field, as distinguished from services in organizing, drilling, recruiting, and in camp;' and

"Whereas the report of the said Hawkins-Taylor Commission in a number of cases shows a less number of days of service than is shown by the muster rolls in the office of the adjutant-general of Missouri, thereby making it impossible for many deserving and truly worthy soldiers to obtain pensions; and

"Whereas these troops were of great service to the Union cause and exhibited much gallantry when brought into contact with the enemy, were organized for continuous service, and should have credit for the time from enlistment to disbandment: Therefore be it

"*Resolved by the senate and house of representatives of Missouri in general assembly convened,* That our Senators and Representatives in Congress be requested to take such steps as may be necessary to have the Pension Bureau accept the muster rolls in the office of the adjutant-general of Missouri Home Guards in lieu of the Hawkins-Taylor Commission.

"*Resolved,* That a copy of these resolutions, duly authenticated, be forwarded by the secretary of state to each of our Senators and Representatives at Washington, D. C."

Given under my hand and the great seal of the State of Missouri this 27th day of April, A. D. 1909.

Respectfully submitted.

[SEAL.] CORNELIUS ROACH,
Secretary of State.

Mr. LA FOLLETTE presented petitions of sundry citizens of Tavera, Hewitt, Amherst, Potosi, Marshfield, Oconto, Greenleaf, Antigo, Osseo, Barton, and Excelsior, all in the State of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Milwaukee and Stanley, Wis., praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. GAMBLE presented petitions of E. Hunter and sundry other citizens of Wessington Springs, S. Dak., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CURTIS. I present a memorial adopted at a meeting of the Independent Oil Producers and Refiners, held in the city of Washington, April 21, 1909. I ask that it lie on the table and be printed in the RECORD.

There being no objection, the memorial was ordered to lie on the table, and to be printed in the RECORD, as follows:

Memorial adopted by the meeting of Independent Oil Producers and Refiners at Washington, D. C., April 21, 1909.

To the Senate and House of Representatives of the United States of America in Congress assembled:

Be it remembered that we, the undersigned representatives of the independent producers and refiners of petroleum and its products this day assembled, do most respectfully represent to your honorable bodies the following facts and conclusions, and thereby show the necessity for your action, and most respectfully request that by proper enactment you impose upon the importation of crude petroleum and products thereof an ad valorem duty of not less than 50 per cent.

The facts showing the necessity for such a duty as adequate protection to the continuance and maintenance of the present interests in the production, refining, and marketing of petroleum and its products in the United States of America are as follows:

The production of crude petroleum in the United States amounts to 600,000 barrels per day, valued at $400,000, a yearly addition to the wealth of this country of $146,000,000. Five hundred thousand men are engaged in this industry, representing a population of 2,500,000. The Dingley law, now in effect, provides a countervailing duty. The duty imposed on our exports are as follows:

Country.	Crude, per gallon.	Refined, per gallon.
	Cents.	*Cents.*
Austria (Galicia)	4.967	14.30
Germany		7
Roumania	1.14	2.84
Burma (India)	1.66	1.66
Russia	2.816	16.895
Mexico	4.86	13.27
Canada	Free.	2.083
Java (Dutch East Indies)	(a)	.37
Japan	(b)	4.785

[a] 5.19 per cent ad valorem.
[b] 20 per cent ad valorem plus 20 per cent for sundries.

The Payne bill recently passed by the House of Representatives removes all duty.

Recent developments in Mexico reported from governmental as well as private investigation point to this Republic as having the largest production of petroleum in the world. Surface indications are found on both coasts. Millions of acres have been secured by large syndicates of capital on the eastern coast from the northern border to Yucatan for immediate development. Her daily production is now 10,000 barrels, and her possibilities unmensured. A phenomenal well near Tampico, known as "Dos Bocas," is estimated to have produced 10,000,000 barrels, all of which has been destroyed by fire. This is but an indication of what may be developed at almost any point. Both high and low grades of oil are produced. Three large refineries belonging to the Waters-Pierce Oil Company are located at Mexico City, Vera Cruz, and Tampico; and a larger one at Minatitlan, near Coatzacoalcos, by an English syndicate controlled by Pearson & Son. The latter have contracted for production at 10 cents a barrel at the wells. The production lies coastwise and near tide water. Transportation by tank steamers is one of the cheapest methods of transportation, and these Mexican cities lie as near the Atlantic coast cities as Port Arthur, Tex., through which the Mid-Continent field conveys its oil to seaboard and abroad.

The possibilities of Mexico in the production of petroleum menaces the life of the older and settled production of the United States whose fields are all interior at a distance of from 400 to 500 miles from seaboard.

Monopoly controls both the price of production and consumption within the States and in the markets of the world. This monopoly can avail itself of the Mexican situation and destroy what competition has been able to survive in our domestic markets. It is impossible for independent producers and refiners to participate in the advantages presented in Mexico.

The loss from shutting down unprofitable production in the United States will fall upon the independent producers who own 89 per cent of such production. The discontinuance of production in the developed fields of the States will necessarily destroy all independent refining interests. The Standard can still operate its refineries and marketing equipment by importing the cheap Mexican crude, by transferring the same through its pipe lines which connect the seaboard with interior points. It has refineries located at New York Harbor, Baltimore, Philadelphia, Pittsburg, Franklin, Olean, Rochester, Buffalo, Cleveland, Lima, Parkersburg, Whiting, East Alton, Sugar Creek, Neodesha, Corsicana, Port Arthur, and on the Pacific coast; a system of pipe lines connecting all these refineries except Corsicana and Port Arthur and the refineries on the Pacific coast with each other.

Profits of the Standard Oil Company from 1882 to 1906 are shown in testimony in the recent action of the Government against them to be $838,783,783.16, $348,102,078.31 being earned in the last five years. It is established in testimony that in all territory where it has no competition its prices are excessively high. With the advantage to be gained from the Mexican field free of duty, its monopoly of domestic markets could be completed.

A duty of 50 per cent ad valorem will not prohibit the importation of crude from Mexico, but will be sufficient to sustain domestic competition and keep alive the large amount of property in the hands of independent investors, producers, and manufacturers, and thereby sustain what competition still exists, and will add materially to the revenue of the Government, and that without burden upon the people.

The Pearson syndicate have contracted Mexican production at 10 cents at the wells. Twenty cents at seaboard would therefore be a maximum price for Mexican production. A duty of 50 per cent would make the cost of Mexican crude only 30 cents a barrel.

The cost of Mid-Continent crude at the wells is 41 cents a barrel. The cost of transporting it to Port Arthur, its point of export, is 54 cents, making the cost at point of export 95 cents per barrel.

The cost of transportation from Port Arthur or the Mexican ports to New York is the same, giving Mexico an advantage in the harbor of New York of 65 cents a barrel, while Pennsylvania oil delivered at seaboard commands a price of $2.08 a barrel.

The Standard Oil Company in the past has deliberately sought to monopolize the petroleum interests, not by producing, leaving the burden of chance upon individual interests, but by buying established refining and merchandising interests to the extent of over 200 in the past, and at one time having reduced the number of competitive refineries to less than 10.

Under the recent enactments of Congress—the Elkins law, the anti-trust law, and the interstate-commerce law—independent competition has increased, and if protected and kept alive will continue to increase, extending advantage to the consuming public in nearly all the States similar to that now enjoyed in such States as Ohio, Pennsylvania, Kansas, and Oklahoma.

Possibility of production exists in nearly all the States of the Union, but no encouragement for further development will be found against the enormous possibilities of Mexico without adequate protection. And it will be entirely sufficient if the duty asked is limited to the crude produced upon the American Continent, as the matter of duty against oil-producing countries across the sea has heretofore been and is now a matter of indifference to American producers and refiners.

No Senator or Member of Congress should be deceived with the idea that the importation of cheap Mexican crude would ultimately decrease the price to the consuming public in the States. The Standard monopoly only are in position to bring the Mexican product into the United States, to mingle it with the better quality of crudes produced in the States, to transport it cheaply to the interior, to refine and dispose of it after it is imported; while the cost of production, transportation, manufacturing, and distributing would be less to them than possible to anyone else owing to the facilities they have of tank steamers and pipe lines for transportation, refineries located at various points in the interior for manufacture, and their complete avenues of distribution. Experience has shown that when such advantages are in the hands of monopoly their products are no longer cheap to the people. They have been charged with being a system that takes the last dollar. Investigations of the Government have shown that to be true. The Commissioner of Corporations, in his report on the petroleum industry, part 2, page 669, says:

"The conclusion is therefore irresistible that the real source of the Standard's power is not superior efficiency, but unfair and illegitimate practices. The Standard has failed to give the public any of the advantage of such superior efficiency as it does possess, but, on the contrary, by unfair methods, it has been able to extort profits over and above all the savings due to its efficiency."

It must not be forgotten that owing to the high cost of production in all of the fields of the States as compared with the production in Mexico the introduction of large quantities of Mexican crude would close down and destroy the productive fields of this country; that the Standard are interested in such production to only a small per cent of their values, and would therefore not be materially affected by the shrinkage and destruction of American production; that, on the other hand, the value of their refineries, pipe lines, tank steamers, tank cars, tank stations, and tank wagons would be of equal utility and, consequently, of unimpaired value to them, whether running the oils of the Appalachian, Illinois, or Mid-Continent fields, or the fields of Mexico, while the immediate and direct result of a suspension of production in the States would be to close every independent refinery and render their entire investments valueless.

It is this condition that joins the protest of producers and refiners in this memorial to your honorable bodies; and it is for this reason that individually and collectively we are petitioning you to give us relief by fixing a duty of not less than 50 per cent ad valorem. Such a duty will necessarily be a basis of revenue to the Government, will be the means of sustaining the only hope of lower prices by independent competition, will be a partial shield against the establishment of absolute monopoly of the oil business by the Standard Oil Company within our States.

Respectfully submitted.

Thomas W. Phillips, Newcastle, Pa., independent producer; Joseph A. Scofield, Warren, Pa., independent producer and refiner; T. B. Westgate, Titusville, Pa., independent producer and refiner, director of Pure Oil Company; C. D. Chamberlain, Cleveland, Ohio, secretary National Petroleum Association, representing 100 different independent refiners and manufacturers of oil; Lewis Emery, jr., Bradford, Pa., producer and refiner, representing 600 miles of pipe lines of his own in the fields; J. S. Scully, Pittsburg, Pa., independent producer; Thomas Gartland, Parkersburg, W. Va., independent producer; George W. Barnes, Muskogee, Okla., independent producer, member of committee from the Midcontinent Oil and Gas Producers' Association of Oklahoma, producer of oil and shipper of oil, representing personally 300 oil wells; Howard A. Foreman, Buffalo, N. Y., independent producer, vice-president and manager of the Eastern Oil Company, producing in West Virginia, Ohio, Pennsylvania, Illinois, and Oklahoma; W. R. Tulloss, Haymarket, Va., independent oil producer; O. C. Hutchinson, Haymarket, Va., independent oil producer; J. H. McEwen, Wellsville, N. Y., vice-president of the Independent Refinery and a producer; George Forbes, Olean, N. Y., independent producer, Indiana, Oklahoma, and Pennsylvania; C. A. Farnum, Wellsville, N. Y., independent producer, producing in New York and Oklahoma; Jerome B. Fischer, Jamestown, N. Y., independent producer and representing independent producers in Pennsylvania, West Virginia, Ohio, and Illinois; M. McCormick, Nowata, Okla., independent producer of Oklahoma, representing the Midcontinent Oil and Gas Producers' Association; George White, Marietta, Ohio, independent producer, representing southeastern Ohio producers; Justin Bradley, Bolivar, N. Y., independent producer; George Bradley, Bolivar, N. Y., independent producer of New York, Pennsylvania, and Oklahoma; A. J. Hastings, Olean, N. Y., independent producer and representing independent producers operating in New York, West Virginia, Ohio, Illinois, and Oklahoma; W. R. Page, Olean, N. Y., independent producer; M. G. Fitzpatrick, Olean, N. Y., representing Norfolk Oil Company, independent producers operating in Ohio, Indiana, and Oklahoma; A. C. Hawkins, Bradford, Pa., independent producer, Pennsylvania, West Virginia, and Illinois; J. W. Hampsher, Bolivar, N. Y., independent producer of New York, Pennsylvania, and director of independent refinery; W. R. Truby, Pittsburg, Pa., independent producer in Pennsylvania, Virginia, and Illinois; J. F. Guffey, Pittsburg, Pa., independent producer, Pennsylvania, West Virginia, and Illinois; Benjamin E. Phillips, Butler, Pa., independent producer; John A. Bell, Pittsburg, Pa., independent producer in Illinois, Oklahoma, and Pennsylvania; E. H. Jennings, Pittsburg, Pa., independent producer in all producing States and director of the Pure Oil Company; W. H. Mauris, Tulsa, Okla., independent producer in Pennsylvania, Illinois, and Oklahoma, representative of the Midcontinent Oil and Gas Producers' Association; J. P. Herrick, Bolivar, N. Y., independent producer in Pennsylvania, New York, and director independent refinery and independent pipe line; E. W. Moore, Pittsburg, Pa., representing Federal Oil and Gas Company of Oklahoma and independent producers of Pennsylvania; George S. Davison, Beaumont, Tex., representing the Gypsy Oil Company, independent producer in Oklahoma, J. M. Guffey Petroleum Company, independent producer in Texas, Gulf Refining Company of Louisiana, independent in Louisiana, Gulf Pipe Line Company, Gulf Refining Company of Texas, independent refiner; A. T. Fancher, Bartlesville, Okla., independent producer in Oklahoma, Illinois, Indiana, and Pennsylvania, and one of the representatives of the Midcontinent Oil and Gas Producers' Association; Franklin D. Locke, Buffalo, N. Y., representing the Eastern Oil Company of Buffalo, N. Y., operating in all the fields; H. W. Kiskaddon, Pittsburg, Pa., independent producer in Pennsylvania, representing the Crown Petroleum Company, Independent Tradesmen Oil Company, and independent interests in Oklahoma; C. A. Holton, Beaver, Pa., representing Kelly Brothers and Kepper, independent operators; Charles E. Baker, Washington, Pa., independent producer; W. W. Tarbell, Philadelphia, Pa., treasurer Pure Oil Company, representing the Pure Oil Company and its subsidiary companies, consisting of the Quaker Oil and Gas Company of Oklahoma, the Pure Oil Producing Company of Pennsylvania and West Virginia, the Pure Oil Operating Company of Illinois, the Producers' and Refiners' Oil Company (Limited), the United States Pipe Line Company, the Pure Oil Company Pipe Line Company, pipe-line systems from the eastern oil fields to the seaboard at Marcus Hook, Pa., together with refineries, bulk tank steamers, and marketing organizations, domestic and foreign; J. C. Trees, Caddo, La., large producer in Louisiana and representing the Louisiana producers; J. K. Tener, Charlerol, Pa., Member of Congress from Pennsylvania; E. V. Vreeland, Salamanca, N. Y., Member of Congress from New York; George C. Sturgiss, Member of Congress from West Virginia; H. B. Martin, Pennsylvania, independent producer, independent oil-well tool manufacturing; W. E. Ryan, Washington, D. C., geologist, examining in the prospective oil fields of Virginia; Victor Speer, Buffalo, N. Y., independent producer representing eastern oil companies; N. V. V. Franchot, Olean, N. Y., former president, now chairman, of the Washington committee of the Midcontinent Oil and Gas Producers' Association of Oklahoma and Kansas, the association representing 87½ per cent of the independent producing interests of those two States; J. A. Graham, Los Angeles, Cal., independent producer; C. P. Craig, St. Marys, W. Va., independent producer, representing independent producers; W. S. Allen, Parkersburg, W. Va., independent producer; H. C. Woodyard, Member of Congress from West Virginia; Jos. Williams, St. Marys, W. Va., independent producer; Lyman Stewart, California, president Union Oil Company; L. K. Hyde, New Jersey, vice-president Pure Oil Company; W. W. Dashiel, New York, president New York Lubricating Oil Company; W. L. Parmenter, Lima, Ohio, independent producer; L. G. Neely, Ohio, independent producer; L. Levick, Crew-Levick Company, Philadelphia, independent refiner; H. R. Worthington, Union Petroleum Company, Philadelphia, independent refiner; W. N. Fehsenfeld, Baltimore, Md., president Red "C" Oil Manufacturing Company, independent refiner; C. B. Dallam, Baltimore, Md., president Pittsburg Oil Refining Company, independent refiner; Frank B. Tetter, Cleveland, Ohio, secretary National Refining Company, independent refiner; E. O. Emerson, jr., Telasutt, Pa., independent producer; George Canfield, Cleveland, Ohio, president Canfield Oil Company, independent refiner; A. P. McBride, Independence, Kans., independent producer; Doctor Rood, Bartlesville, Okla., independent producer; Homer Preston, Bartlesville, Okla., independent producer.

WASHINGTON, D. C., *April 21, 1909.*

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 2180) to amend sections 1, 2, and 3 of chapter 3298, Thirty-fourth United States Statutes at Large, with reference to the drainage of certain Indian lands in Richardson County, Nebr.; to the Committee on Indian Affairs.

A bill (S. 2181) granting an increase of pension to John Rosswork (with the accompanying papers);

A bill (S. 2182) granting a pension to Catherine Kelly (with the accompanying papers);

A bill (S. 2183) granting an increase of pension to Maria Van Kleek;
A bill (S. 2184) granting an increase of pension to George W. Patton;
A bill (S. 2185) granting an increase of pension to Mary J. Cook;
A bill (S. 2186) granting an increase of pension to John P. Miller;
A bill (S. 2187) granting an increase of pension to Milton I. Woodard;
A bill (S. 2188) granting a pension to Lydia A. Holmes; and
A bill (S. 2189) granting an increase of pension to Thomas A. Peironet; to the Committee on Pensions.

By Mr. SHIVELY:
A bill (S. 2190) granting a pension to Libbie Gift;
A bill (S. 2191) granting an increase of pension to Simon Burris;
A bill (S. 2192) granting an increase of pension to Joshua F. Spurlin;
A bill (S. 2193) granting an increase of pension to John W. Edwards; and
A bill (S. 2194) granting an increase of pension to Daniel Dempsey; to the Committee on Pensions.

By Mr. BRISTOW:
A bill (S. 2195) to provide for the enlargement of the federal building at Salina, Kans.; to the Committee on Public Buildings and Grounds.
A bill (S. 2196) to remove the charge of desertion against George W. Collins, alias George C. Jones; to the Committee on Military Affairs.
A bill (S. 2197) granting an increase of pension to George Wolf (with accompanying papers); to the Committee on Pensions.

By Mr. BROWN:
A bill (S. 2198) to remove the charge of desertion from the military record of Samuel Goozee (with the accompanying paper); to the Committee on Military Affairs.

By Mr. PILES:
A bill (S. 2199) granting an increase of pension to Elwood D. Harold (with accompanying papers); to the Committee on Pensions.

By Mr. LODGE:
A bill (S. 2200) to refund internal-revenue taxes paid by owners of private dies; to the Committee on Claims.

By Mr. WARNER:
A bill (S. 2201) for the relief of John R. Adams;
A bill (S. 2202) for the relief of John P. Bell, treasurer of State Hospital No. 1, of Fulton, Mo.;
A bill (S. 2203) to carry into effect the findings of the Court of Claims in the matter of the claim of Nannie H. Cogswell and others;
A bill (S. 2204) for the relief of Joseph Hemmerback; and
A bill (S. 2205) for the relief of William McDaniel; to the Committee on Claims.
A bill (S. 2206) to provide for the purchase of a site and the erection of a public building thereon at Chillicothe, in the State of Missouri;
A bill (S. 2207) to provide for the purchase of a site and the erection of a public building thereon at Aurora, in the State of Missouri;
A bill (S. 2208) to provide for the purchase of a site and the erection of a public building thereon at Brookfield, in the State of Missouri;
A bill (S. 2209) to provide for the purchase of a site and the erection of a public building thereon at Trenton, in the State of Missouri; and
A bill (S. 2210) providing for the establishment of a public park in the District of Columbia; to the Committee on Public Buildings and Grounds.
A bill (S. 2211) to remove the charge of desertion from the military record of John Ziegler;
A bill (S. 2212) for the relief of John O'Connor;
A bill (S. 2213) for the relief of John N. Neal;
A bill (S. 2214) for the relief of Charles W. Howard; and
A bill (S. 2215) to change the date of commission of Col. John L. Chamberlain, Inspector-General, United States Army; to the Committee on Military Affairs.
A bill (S. 2216) granting a pension to William Whisler;
A bill (S. 2217) granting an increase of pension to James W. Coker;
A bill (S. 2218) granting an increase of pension to Pete T. Murphy;
A bill (S. 2219) granting an increase of pension to Archibald T. Stewart;
A bill (S. 2220) granting an increase of pension to N. B. Petts;
A bill (S. 2221) granting a pension to Robert D. Walkinshaw;
A bill (S. 2222) granting an increase of pension to Nathaniel E. Murphy;
A bill (S. 2223) granting an increase of pension to Archibald Goodwin;
A bill (S. 2224) granting an increase of pension to William A. Graham;
A bill (S. 2225) granting an increase of pension to Theodore M. Burge;
A bill (S. 2226) granting an increase of pension to Christine Lusk;
A bill (S. 2227) granting an increase of pension to Sophrona Watts;
A bill (S. 2228) granting an increase of pension to Thomas M. Skaggs;
A bill (S. 2229) granting a pension to Jacob Scott;
A bill (S. 2230) granting an increase of pension to Eli Fish;
A bill (S. 2231) granting an increase of pension to Peter A. Teachout;
A bill (S. 2232) granting an increase of pension to William P. Brown;
A bill (S. 2233) granting an increase of pension to Josiah Tilton;
A bill (S. 2234) granting an increase of pension to Richard H. L. Crumbaugh;
A bill (S. 2235) granting an increase of pension to Richard E. Lewis;
A bill (S. 2236) granting an increase of pension to Lucien W. Dunnington;
A bill (S. 2237) granting an increase of pension to Amanda J. Frybarger;
A bill (S. 2238) granting a pension to George Patterson;
A bill (S. 2239) granting an increase of pension to Philip C. Cooter;
A bill (S. 2240) granting an increase of pension to William P. Sparks;
A bill (S. 2241) granting an increase of pension to Joshua Oldfield;
A bill (S. 2242) granting an increase of pension to Samuel Owings;
A bill (S. 2243) granting an increase of pension to John H. Ormsby;
A bill (S. 2244) granting an increase of pension to Kate Mikel;
A bill (S. 2245) granting an increase of pension to Adam Herzinger;
A bill (S. 2246) granting an increase of pension to John Noble;
A bill (S. 2247) granting a pension to Jared E. Smith;
A bill (S. 2248) granting an increase of pension to Louise B. Angle;
A bill (S. 2249) granting an increase of pension to Agnes Hanson;
A bill (S. 2250) granting a pension to James C. Tryon;
A bill (S. 2251) granting an increase of pension to Isaac C. Temple;
A bill (S. 2252) granting an increase of pension to Michael Welsh;
A bill (S. 2253) granting an increase of pension to Marquis A. Dowd;
A bill (S. 2254) granting an increase of pension to John Schenk;
A bill (S. 2255) granting a pension to Joe B. Daniel;
A bill (S. 2256) granting a pension to William S. Judkins;
A bill (S. 2257) granting a pension to George B. Suttee;
A bill (S. 2258) granting an increase of pension to John A. Pond; and
A bill (S. 2259) granting an increase of pension to John H. Estes; to the Committee on Pensions.

By Mr. PERKINS:
A bill (S. 2260) granting an increase of pension to Margaret J. Harvey (with the accompanying paper); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. GAMBLE submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue,

equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

RAILROAD RATES IN MISSOURI, ETC.

Mr. WARNER. I submit a resolution and ask that it be read.

Mr. HALE. The resolution seems to be quite lengthy. Will it not suit the Senator's purpose if it is printed in the RECORD, instead of being read?

Mr. WARNER. I will say to the Senator from Maine that there are exhibits and evidence submitted with the resolution. The resolution comprises about a page and a half.

Mr. HALE. The reading will not include the exhibits?

Mr. WARNER. I do not ask that those be read.

The VICE-PRESIDENT. The Secretary will read the resolution.

The Secretary read the resolution (S. Res. 41), as follows:

Senate resolution 41.

Whereas under the provisions of the laws of the United States, it is the duty of railroads engaged in interstate traffic to carry freight and passengers at fair, reasonable, and equal rates, and not to charge or impose upon passengers or shippers of freight charges in excess of amounts sufficient to give to said railroad companies a reasonable return upon the value of their investments, after the payment of operating expenses and the cost of replacement and repair; and

Whereas 18 railroads, including a number of the leading trunk lines of the country, have been recently engaged in litigation with the State of Missouri, for the reasons, as claimed in said suits, that said laws are in violation of the fourteenth amendment to the Federal Constitution in that the rates thereby established do not give to said railroads a reasonable return upon the value of their property used in the conduct of such traffic; and

Whereas from the figures submitted by said railroads in said litigation, a copy of which is attached to this resolution, it is alleged that said railroads are charging, exacting, and receiving in their interstate traffic in the State of Missouri rates unfairly and unreasonably high and more than sufficient in amount to give to said railroads a reasonable return upon the value of their property used in said interstate traffic, after paying operating expenses and cost of repair and replacement; and

Whereas said rates, it is claimed, are being charged and exacted by said railroad companies in violation of the laws of the United States: Therefore be it

Resolved, That the Interstate Commerce Commission be instructed to institute an investigation as to the reasonableness of the rates now being charged by the railroads engaged in interstate traffic in the State of Missouri and in the States contiguous thereto, for the purpose of making such orders as said commission may deem to be right and proper in reference to said rates.

Mr. WARNER. Mr. President, I apprehend that there will be no objection to the resolution, and I ask for its present consideration.

Mr. CULBERSON. Unfortunately, I did not hear the resolution read, and in order that I may examine it, I object to its present consideration.

The VICE-PRESIDENT. The resolution will lie over until to-morrow.

FLAX AND HEMP.

Mr. BRADLEY. Mr. President, I desire to announce that, with the permission of the Senate, on Tuesday next, after the routine morning business, I shall submit some remarks on the flax and hemp schedule.

COMMITTEE SERVICE.

Mr. BANKHEAD was, on his own motion, excused from further service upon the Committee on Indian Affairs.

On motion of Mr. CULBERSON, and by unanimous consent, Mr. CHAMBERLAIN was assigned to service upon the Committee on Indian Affairs in the place of Mr. BANKHEAD, excused.

R. DE VALLE ZENO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 27), which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900 (31 Stat., 77), I have the honor to transmit herewith for the consideration of the Congress certified copy of a franchise granted by the executive council of Porto Rico, April 8, 1909, entitled "An ordinance granting to R. de Valle Zeno, his heirs, successors, and assigns, the right to take and use 3 liters of water per second for irrigation and domestic purposes from the brook Guaracanal, in the barrio Cupey, in the municipal district of Rio Piedras," approved April 14, 1909.

WM. H. TAFT.

THE WHITE HOUSE, *April 30, 1909.*

THE TARIFF.

Mr. ALDRICH. I ask that House bill 1438 be taken up.

There being no objection, the Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. FLETCHER. Mr. President, others have discussed with great force the pending measure as a whole. Others still will consider it in more or less detail. I only ask the indulgence of the Senate to, as briefly as possible, offer some views which seem to me ought to be urged and carefully considered in connection with a few of the subjects embraced in this measure, and what I desire to say is suggestive rather than exhaustive. It would, perhaps, save time to present the matters now rather than separately, as they are reached, when the various items are taken up.

It is of but little moment that we get our word "tariff," personifying the raising of revenue by laying charges upon importation of goods, from the word "tendriff," describing the taxing of ships 10 per cent by the pirates of Venice, who had their headquarters at a place so designated on the coast of Africa.

GENERAL PRINCIPLES.

It is doubtless true that "the tariff" presents a moral issue as well as a governmental subject. Likewise, generally speaking, that when we impose a duty on the importation of merchandise, we thereby tax all consumers of such merchandise, to the distinct benefit of only those as to whom competition has thereby been diminished or shut off, and that this tax is unjust unless it is imposed for the sole purpose of raising money for the support of the Government, protection being merely incidental. It seems to me unanswerable that the Government ought not, and indeed has no constitutional warrant, to tax the people beyond what is necessary to raise revenue required in its economical administration and for governmental purposes.

Contending for this as a principle, and an important one, we must admit that revenues must be raised, and it may be doubted if the American people would willingly submit to direct taxation, or what is called "direct taxation," sufficient for that purpose. The principle mentioned was in view in 1789, when our first tariff law was passed. The law was justified then, and so was each succeeding act until 1816, which followed the war of 1812.

We began tariff legislation on this principle. It is not profitable to trace what you are familiar with, the history of that legislation to the present. If the idea and the principle be kept ever in view, that the tariff should be imposed for the purpose of raising revenue, there remains the obligation of distributing the duties on imports among the industries of the country, so as to equalize as nearly as possible the benefits as well as the burdens. Until new sources of revenue are studied out, and this is a problem calling for the wisest statesmanship and fullest patriotism, we must depend largely on the tariff. It is likely that no scheme or device for taxation will ever meet with universal favor.

RAISING REVENUE.

Keeping these matters in mind, I am persuaded that I am justified in suggesting to the Senate to retain the duties on lumber, as provided in the Dingley Act, and impose the duty now asked on long-staple cotton and regarding the other matters I will mention. It is not a question of excluding or preventing competition. The question of aiding or promoting a trust to prey upon the people does not arise. The question presented is one of raising revenue needed for governmental purposes. Involved is the question of equalizing, distributing its advantages and disadvantages alike to important industries, even though it appears this extends to a portion of the country where alone one of these industries exists and the other to a greater extent than in any other portion of the country, and a portion which for many years has paid the tax without receiving a corresponding advantage, but in cases where the tariff asked for will greatly increase the revenues of the country. Import duties should be fairly laid, without discrimination. I would not favor, much less suggest, a duty on a single article unless that duty would produce a proper and reasonable revenue, and I would lay that duty first on luxuries. I further believe that there should be a gradual reduction, after equalization, of duties on imports toward a strictly revenue basis. With this conception of the matter, I invite the consideration of the Senate to the conditions as they exist.

LUMBER.

Without reference to the hard woods or other "lumber" producing timber found in other States, the royal yellow pine is found almost exclusively in Democratic States.

Is not inconsistency highly developed in a representative from a Republican State, by way of illustration, a Republican, in favor of highest protection as a principle, wedded to it as a policy, insisting on it for the good of the country in all other cases, who, in the same breath, advocates putting lumber on the free list?

Speaking broadly, what is your estimate of a neighbor who would require you to pay a part of his taxes, but did not propose to share in yours?

How would you prize the citizen who insists upon all laws that would benefit him or his community and opposes all that would benefit other people or other communities?

How do you consider the statesmen who, having a vote on the tariff bill, would protect all the industries his constituents are concerned in and sandbag other large and important industries in other portions of the country in order that his immediate constituents may profit both ways by getting protection prices for what they may manufacture and paying free-trade prices for their supplies?

How do you class the politician who pledges his honor and his conviction that his party platform is right and the protective principle correct, and abuses those who express a shade of difference on the question, and then proceeds to clamor for cheaper homes for the dear people and the conservation of the forests by a direct violation of all his principles in the advocacy of a thrust at one of the greatest industries of the country, in which millions of capital are invested and hundreds of thousands of employees are engaged, by demanding that lumber be placed on the free list?

It seems there can be no escape from the conclusion that such a neighbor has no clear appreciation of the injunction which has come down through the ages; that such a citizen is worse than "undesirable," he approaches a menace; such a politician is perilously near being an enemy of society; such a statesman would appear to be deficient in a proper conception of his responsibilities and lacking in breadth of vision and depth of principle. There is no possible way of reconciling his positions. He subjects himself to a suspicion of being narrow and selfish to a degree wholly intolerable in a great country of vast resources, innumerable industries, with a Government yet the wisest devised by man, founded on consent of a people, free, liberal minded, patriotic, and just in spirit.

We ought not to be relegated to a condition of society described in the Book of Judges, when—

> There was no king in Israel, and every man looked out for himself alone.

Sawed lumber, dutiable, imported, amounted in value to, in—

1900	$7,495,509
1904	8,878,470
1907	16,225,350

Total dutiable manufactures of wood imported as follows:

1900	$14,635,340
1904	18,565,180
1907	31,576,545

It will be seen the amount of dutiable lumber imported from 1904 to 1908 nearly doubled under the present law. So, the present duty does not prohibit importation. Undoubtedly the revenue derived from the present duty increases, and the present tariff is, therefore, a revenue tariff, pure and simple. There is no guess or estimate about the result. We have had actual experience and have actual knowledge upon which to base this claim.

In 1905 there were in all parts of the country 19,127 saw and planing mills in operation, with a capital of $517,224,128, employing 404,624 wage-earners, and turning out a product valued at $580,022,690.

In the logging industry, not included in the foregoing, there were 12,494 establishments, with a capital of $90,454,494, and employing 146,596 wage-earners, to whom $66,989,795 were paid.

There has been decided increase in the latter and marked increase in the former industry since 1905. The question presented is, Shall these important industries be turned over to Canada? I not only dissent, but so important is the matter to the whole country and so threatening is the situation that I feel something more than a negative vote and silence is demanded.

The best authorities show that the advance in price claimed is not chargeable to the duty and that taking off the duty would not reduce the price. The effect of the proposed change would be that our Treasury would be deprived of the duties and foreign exporters would be benefited; and our lumber manufacturers would be deprived of a market for certain low grades, and they would lose entirely certain portions of the timber which they are now able to utilize to their advantage and for which there is demand.

Logs for boards and pulp are admitted free under existing law. The notion that placing lumber on the free list would conserve the forest is a mistaken one. This has been shown quite clearly by Mr. Pinchot, who has thoroughly studied the subject and who may be regarded as high authority. Speaking from personal knowledge of conditions in Florida—and I am persuaded that similar conditions exist likewise to a great extent in South Carolina, Georgia, Alabama, and Mississippi, and perhaps Texas—the pine trees have been boxed for turpentine purposes.

In the production of naval stores (spirits of turpentine and rosin), the trees are boxed and scraped for some five years, and unless they are immediately thereafter cut and sawed by the mill man they are subject to destruction in several ways. First, the forest fires, which there appears no way of preventing, sweep over them and ignite the boxes and blazes and destroy or greatly injure the trees; second, the trees being weakened by the boxes are more liable to be blown down by high winds or storms; third, worms or borers often do deadly work after the trees are boxed. So that these trees must be utilized for sawmill purposes at once, tariff or no tariff. They can not be allowed to stand for a future day; they must be cut and taken to the mill now or never. That these forests would be saved, that the timber would be cut in less quantity if lumber is put on the free list or the duty is made lower is utterly without foundation in the very nature of things, so far, at least, as the naval-stores belt is concerned. The effect of such a reduction would be that a good portion of the trees from which low-grade lumber is made would be left in the woods because Canada will supply the markets heretofore shared. In a general way, here is an industry having existence in almost every State and Territory, its magnitude can not be questioned, it is entitled to consideration on broad, unselfish grounds. In the 16 Southern States there are 257,700,000 acres of forests, almost one-half the total forest area of the United States. These States yield more than one-half of the lumber production of the entire country. Of the total yield of 1907, yellow pine took first rank among all the species, giving 32.8 per cent of the total. Douglas fir ranked second, white pine third, and white oak fourth, and hemlock fifth, then came spruce and western pine. These seven woods yielded thirty-two and one-half billion feet of lumber in 1907, or four-fifths of the entire cut.

Yellow pine is found almost wholly in the Southern States, and from this we get naval stores. In 1907 there were 8,384 mills cutting yellow pine, and the quantity cut was 13,215,185,000 feet, valued at $185,319,595. The value differed from the lowest average value of $11.72 per thousand feet in Missouri to the highest average value of $14.98 per thousand feet in Florida. That cut in Missouri is shortleaf pine, which has a home market, while the yellow pine manufactured in Florida is longleaf pine, and a considerable proportion is exported.

Can there be any moral or other reason justifying a tariff on wool and woolens ranging from 40 to 120 per cent, or on steel ranging from 20 to 120 per cent, which would apply to and harmonize with a reduction of the duties on lumber, which range from 6 to 20 per cent?

To illustrate, the actual cost to manufacture a thousand feet of lumber (finished) is about $10. It costs about one-half this to produce a ton of steel, yet the tariff protection on a ton of steel is to be more than double what it is proposed to make it on a thousand feet of lumber. The Southern States produced in 1906 and 1907 about 45 per cent of the lumber cut of the United States. The value of the total forest products of these States for either of those years amounted to more than $350,000,000.

It will be borne in mind that in 1872 a specific tariff was for the first time placed on lumber. Canada then placed an export duty on logs. Under a tacit agreement, it is said, that this export duty would be abolished, the McKinley tariff, which went into effect in October, 1890, reduced the duty on white pine lumber from $2 to $1. This did not affect the shipments of lumber materially, but the importation of logs from Canada greatly increased. The Wilson tariff went into effect August 28, 1894, and placed rough lumber and other wood products on the same basis as logs, to wit, on the free list, and this continued until the Dingley tariff became a law, July 24, 1897.

By this act the duties of $2 per thousand feet on white pine and other species of lumber, and of $1 on sycamore, basswood, and whitewood, originally imposed in 1872, were restored.

The value of manufactured woods imported in 1905 is given as $22,047,054, as against $9,146,500 in 1871.

The value of boards, planks, deals, and so forth, imported from Canada in 1905 was $10,714,417, as against $7,804,163 in 1889.

It is remarkable how distressed Canada is about the destruction of our forests. The plea is made that the tariff should be reduced on lumber in the interest of the consumer. Two things are assumed in this argument: First, that the price of lumber would be reduced, which I am persuaded would not follow; second, that the "consumer" is the builder of houses, whereas I have no doubt much the largest "consumers" will be found to be railroads, shipbuilders, and heavy construction works.

If there was any force in the argument, the lumber people could more reasonably turn their guns on the producers of actual necessities in the way of foodstuffs and demand, in the interest of millions of consumers of food in the United States, that the tariff should be taken off cattle, swine, sheep, corn, oats, oatmeal, rice, wheat, wheat flour, butter, cheese, beans, eggs, peas, potatoes, poultry, and other foodstuffs. The farmers are not to be fooled. In 1907 we exported sawed timber to the value of $13,101,178, and boards, deals, and planks to the value of $39,861,352, and joists and scantling to the value of $752,152, making a total of exports amounting in value to $53,714,682. Great Britain was our largest buyer. The importations were 909,537.84 feet, valued at $15,604,216.92, the duties on which amounted to $1,853,158.30.

The value per unit is given at $17.16, and ad valorem $11.88. Why should we deprive our needing Treasury of this revenue, nearly $2,000,000 annually? No great burden to consumers can be shown. So far as Florida is concerned, I know of no trust and I believe there is the sharpest competition among lumber people.

The lumber industry has suffered from the recent financial depression in a marked degree. Orders are unsatisfactory, the prices of supplies are high, and the business is bordering on disaster. Any blow delivered now might mean ruin to many people. Some 400 mills in Florida, employing 15,000 workmen, having a capital invested of millions, all ask for a retention of the duty provided in the existing law.

I wish to submit some communications, among many received, from experienced and trustworthy men, thoroughly familiar with the subject, and resolutions from associations of mill men, giving expressions which ought not to be ignored, and incorporate them in my remarks. (See Appendix.)

Those who talk of cheaper homes are willing to strike at lumber, but we hear nothing about reducing the tariff on nails (p. 53), locks, and hardware generally; on blinds, sash, glass, weights, piping, gas and electric fixtures, laths, shingles, sheathing paper, roofing felt (sec. 403), tiles, cement, plaster, fire brick, brick, zinc, tin, and various other articles required in building a dwelling or other structure.

Scarcely any material of value used in building is on the free list. Why single out lumber for one-half reduction when the Government so greatly needs the revenue? This is not the kind of reduction that will answer or tend to answer the demand for lower prices for the necessities of life.

The cry is "more revenue;" the answer by this bill is higher duties on articles already overprotected, e. g., steel products and woolens and gloves and manufactures of cotton, where the excess of tariff duties, over and above what the principle of protection would justify, goes into the pockets of the manufacturers and not into the Treasury.

The demand is for increase of revenue. The answer by this bill is reduce the duty on lumber and diminish the revenue and help Canada; deny any duty on cotton and deprive the Government of several millions there and help England; retain the low rate on pineapples and deprive the Government of several hundred thousand dollars there and help Cuba.

LONG-STAPLE COTTON.

The production of cotton on an important scale began about 1790, when we produced 3,000 bales and the price was 26 cents per pound. In 1799 we produced 46,000 bales and the price was 44 cents. In 1800 production was 73,000 bales and the price 28 cents. In 1820 the production was over 300,000 bales and the price 17 cents. In the first fifty years of cotton production the price kept above 17 cents. From 1840 to 1850 it reached the low price of 5 cents per pound, and again about ten years ago. The condition of the grower when such price prevailed was deplorable. The introduction of the factory, the utilization of the seed and by-products, the use of cotton in place of wool and silk and hemp in increasing quantities have made the crop today worth more than double what it was ten years ago, and the increase in the value of the crop in one year, caused by the presence of factories at the fields, doubtless would more than pay for all the spindles in operation in the South. Even now the grower, labor and supplies having gone up, is making no tremendous profit.

The value of the exports from this crop amounts annually to $482,000,000. It is said that if Europe had stacked up all the gold and all the silver mined from the earth for the past six years and shipped it to the South she would still owe us $200,000,000 for our raw cotton alone.

The protection given to cotton yarns and cotton cloth may to some extent help the price of cotton. I question if the former is benefited thereby materially. There is but little of the short-staple cotton imported. There is produced in this country, however, the sea-island or long-staple cotton, which competes with that grown in the West Indies and in the valley of the Nile.

On the free list in the pending bill are "cotton and cotton waste or flocks." The annual crop of long-staple cotton fluctuates, but the average production may be fairly estimated as follows:

Florida, 31,000 bales; Georgia, 52,000 bales; and South Carolina, 12,000 bales—of about 400 pounds each.

The producing area begins just about Charleston and extends down the coast to the Georgia line, and then it leaves the coast and extends south through Georgia into middle Florida. About one-third of the South Carolina crop gives a staple 2 to 2½ inches long, and it is sold generally for export at from 40 to 80 cents per pound. It is the finest staple produced. The "East Florida" staple is 1¾ to 2 inches long; the "Florida" 1⅝ to 1¾ inches. The "Georgia" staple is 1⅝ inches long, but not so fine as the "Florida." Fineness is a factor with the spinner, and only the superlatively fine fiber brings the fancy price. Outside the islands of South Carolina the price is about 20 cents per pound.

The West Indies is the original home of the plant and produces about 4,000 bales annually. It was in 1786 that the plant was transplanted on the American continent from the West Indies. There is produced in the valley of the Nile a cotton which is capable of competing with our sea-island cotton. This rich region produces about 1,500,000 bales of 400 pounds each annually. It is a long-staple, fine-fiber cotton, and about 150,000 bales of it are imported by American mills every year at a price ranging around 15 cents per pound. It spins well and wastes about 8 per cent less in going through the various processes of preparation for the spindle than does the sea-island cotton. The Egyptian cotton wastes about 25 per cent, while the sea-island wastes about 33 per cent. The Egyptian staple is about 1⅝ inches long; but is preferred to the American for some purposes because of less waste and greater strength and its color.

It seems that while the Egyptian cotton is a near relation of the sea island, it can not be grown in our country. A duty of 5 cents a pound on the lint cotton would yield a revenue of $3,000,000—150,000 bales being 60,000,000 pounds.

This cotton is used in the manufacture of mercerized silks and finer goods of the highest and most expensive class, on which this bill proposes a duty of 54 per cent, while the total wage cost is about 20 per cent.

The actual cost of producing the cotton is about $21 per acre. The average yield is from 100 to 150 pounds of lint to the acre. The price now is less than 20 cents per pound.

Seventeen counties in Florida are now producing the long-staple cotton. It can be grown in more than half the counties of the State. Suitable soil, climate, and conditions exist in Georgia, South Carolina, and Florida, and, to a certain extent and degree, the Mississippi Delta, to supply the world, and as a revenue-producing item it would prove one of the best among all the schedules. It is an important industry. If I employed the language of the authors of this measure, I would say the farmers engaged in it very justly contend that they ought not to be forced to abandon it by competition with Egyptian cheap labor in the fertile Nile region. We pay from $1 to $1.25 per day for labor which in Egypt ranges about one-tenth that. The land there is very rich and does not require fertilizing like ours.

When we say the country needs the revenue which a tariff on that foreign product would yield, and such a tariff is required to help equalize the cost of production abroad with that at home, there would seem to be sufficient stated to show the propriety and justice of the claim we make from both standpoints.

In the year ending June 30, 1908, cotton was imported into this country free to the amount of 70,994,968 pounds, the value of which was $14,164,406, at 20 cents per pound. Waste or flocks imported free amounted to 10,728,268 pounds, valued at $446,264.14, at 4.2 cents per pound.

Duty should be imposed on all cotton imported, so there could be raised no question regarding proper designation at, say, 5 to 8 cents per pound. At 10 cents per pound the importation last year of cotton, not counting waste or flocks, would have yielded a revenue of $7,099,496.80.

It appears that our first tariff law provided for a duty of 3 cents per pound on unmanufactured cotton, and this continued for seventy-five or eighty years. Why it was discontinued I do not know. Why there should be a duty on raw wool and no duty on raw cotton I can not guess. Perhaps for the same reason that binding twine is free and cotton bagging and ties are taxed.

A duty at the old rate of 3 cents per pound would have placed in the Treasury for the year ending August 31, 1908, $2,152,349. The total yield last year was about 87,000 bales of 400 pounds

each. Thirty-two thousand three hundred and eighty-three bales were exported in order to make way for the Egyptian Yanovitch cotton, which directly competes with our long staple. The quantity imported from Egypt last year is given at 143,490 bales of 500 pounds each, over 71,000,000 pounds, all long staple. It is cheaper for the mills, somewhat, than the home product, but the importation would not be stopped by the imposition of the duty asked. The mills are in a position to force down the price of the domestic cotton whenever they like, and the farmer is at their mercy so long as they can lay in a supply of the foreign product free of duty.

I respectfully submit that in applying the principle of protection fairly, justly, and without discrimination, as well as in fixing a tariff for the purpose of raising revenue for the operations of the Government, under both views, there can be no reasonable objection to a duty on cotton.

England is making tremendous efforts by vast improvements and developments in the Nile region to monopolize the long-staple cotton industry of the world. Our growers have, by unions and associations, endeavored to hold and carry their cotton until the demand would produce better, living prices; but they are not capitalists, and this is their money crop, and they are obliged to let it go to meet their necessities.

ANY POLICY SHOULD BE NATIONAL IN SCOPE.

The distinguished chairman of this committee has declared that every portion of the country will be treated fairly by this bill, that there shall be no discrimination as to sections or industries, that its beneficent influence and effects shall extend to the remotest limits of the country, and shall include the worthy objects of protection wherever found. The friends of the protective principle claim that in its very nature it is national in scope, that protection can not be made sectional, that "the policy is bound to be national."

It is avowedly conceded that the industries of one portion of the country have the same claims as those of any other portion upon any policy that may be wise and advantageous.

If there be a demand for protection, is that demand for industries in Republican States, or is it for American industries? If there be objection to protection, is that objection applicable only to industries in Republican States? Is it confined to industries in Democratic States?

I submit that if there be a genuine demand for protection, worthy of respect, deserving of consideration, it must be a patriotic demand for the universal application of the principle to all the industries in all the country. If there be objection to the principle, that objection is to its application to any of the industries in any portion of the country.

It ought not to be a sectional question. The policy ought to be favored or opposed as a national policy. The principle ought to be applied to or discarded by the country at large. It ought not to be employed to punish or coerce.

Because a State casts her votes in favor of that political party which opposes protection as and for the sake of protection, whether the duty laid is needed for revenue or not, should not eliminate her from consideration in the making of this law. I believe that if the industries in any portion of this country languish the ill effects will be felt in all other portions. I believe that if the withering blight of discrimination is visited upon one portion of the country its baneful influence will be felt throughout the other portions. Likewise, I believe that if prosperity obtains in one portion of the country, it will be felt throughout the whole.

Coming from the extreme South, I am solicitous of the welfare of the American people, whether in the extreme North, East, West, or the islands in the seas. The pending measure must affect for good or ill the interest of all the people.

Whatever may be my views as to peculiar or local interests, I would not ask for provisions in this bill as applicable to Florida which I would not cheerfully grant to every other State. Knowing more of conditions in the South and loving her traditions, cherishing her memories, proud of her institutions, and glorying in her achievements, despite her political orphanage, I would not ask for her more than I would gladly grant to every other portion of the country, no matter for what party any State or number of States may cast its or their votes. My wish is that the friends of this measure may experience and may manifest the same catholic, patriotic spirit which on my conscience and honor I feel as to the whole country and all its industries and enterprises. If the spirit and soul of this bill is, as declared, the protective principle, then what would be the observance under another principle can not with justice be invoked against those who believe in the latter. If that other principle was being applied, then those who now speak for duties might be silent except on the basis of equalization.

Webster said, in April, 1824:

With me it is a fundamental axiom, it is interwoven with all my opinions, that the great interests of the country are united and inseparable; that agriculture, commerce, and manufactures will prosper together or languish together; and that all legislation is dangerous which proposes to benefit one of these without looking to consequences which may fall on the other.

He was then combating in Congress the contention of Henry Clay in favor of a protective tariff. Eighty-five years of experience have but emphasized the wisdom of this position then taken by that great statesman. We are one people, under one flag, enjoying one Government, and with a common destiny.

Physically we may be likened to the anatomy of the human body. Paralyze one member, and the man suffers. Injure one vertebra in the spinal column and you endanger the very life. Experts tell us that at the end of the spine is a sort of nerve center, so that if by accident or design or ignorance that is seriously injured the possessor becomes a nervous wreck.

Florida may be regarded as the terminus of the country's spinal column, and I warn you that harm to her will extend throughout all the ramifications of our vital system to its farthest reaches.

Is the bill in its present form fair and general in its application? Does it render to Cæsar the things that are Cæsar's, and dispose of the other things according to highest council?

To-day, within an area practically of 14 Southern States, 80 per cent of the world's supply of cotton is produced, worth every year $750,000,000. Converted into cloth the 13,000,000 bales of cotton would yield 13,000,000,000 yards, worth nearly $6,000,000,000. The remaining 20 per cent of the world's cotton is produced in South America, India, and the Far East, and it is of inferior quality. Importations are given as 99,462,105 pounds, valued at $19,752,015; Egypt furnished 78,783,913 pounds; Mexico, 10,907,947 pounds; United Kingdom, 9,091,683 pounds; Peru, 4,088,069 pounds; and Haiti, 1,048,730 pounds. We exported last year $482,000,000 worth of cotton. About one-third of our product is consumed by mills in this country. The grower is called on to pay an average of 49 per cent ad valorem on the goods made out of this very cotton. Is there any ground for denying him the same treatment accorded to others?

This very bill increases the duty on Egyptian tissue valued at 19½ cents a yard from 5.15 cents a yard to 6.75 cents a yard, an increase of 30 per cent. In paragraph 321 the words "mercerized or subjected to any similar process" are used, by which, whenever one or more threads are given any luster, or are "mercerized," the duty is to be increased from 11 per cent to 54 per cent. The manufacturers are already discounting the duty asked on Egyptian or long-staple cotton.

OTHER INDUSTRIES.

Take some other important industries: Where is the turpentine and rosin of the country produced? The output of the naval stores industry for 1908 was, in round figures, more than 36,500,000 gallons of turpentine, valued at more than $14,000,000, and 4,000,000 barrels of rosin, valued at $18,000,000. Eight Southern States furnished this, Florida leading with 17,030,300 gallons of turpentine and 1,932,114 barrels of rosin. There are 633 operating plants in that industry in Florida. Have they been considered in this bill? Only by being required to pay high-tariff prices for every article of supplies required by them in their work, from machinery and implements to hay. Last year there was imported some 40,000 barrels of rosin—mostly from France. France levies a prohibitive duty on American rosin. Mexico is now producing naval stores in considerable quantities and lays an import duty on our spirits of turpentine of 16 cents per gallon and rosin of $3.07 in gold per 280 pounds.

Here, also, is the region of the yellow pine. May we hope the fact that the general term "lumber" will include other species found in other portions of the country and assist the manufacturers of lumber in this belt to receive consideration?

Where will you find the phosphate rock and pebble required in the manufacture of commercial fertilizers increasingly needed in this country? In these Southern States—Florida mining over 2,000,000 tons annually, worth over $14,000,000. Is there any provision in this bill aiding that great industry? None; and yet everything practically the miner buys he is obliged to pay tariff prices for.

We have already seen that the long-staple cotton is produced in this country, mainly in the three States of Florida, Georgia, and South Carolina, Florida's yield being about one-third the total. I have already alluded to this important industry and the fact that the producer must compete with Egyptian cotton produced at a labor cost of about one-tenth our cost. The producer must pay tariff prices for his plows and implements and supplies; he must pay tariff prices for the very articles manufactured from his cotton, but it seems he must continue to toil

at starvation prices for his crops and an important industry is in danger of being turned over to his Egyptian competitor.

In this statement I employ the language which pleases the protectionists, but, I repeat, my contention is the duty is proper because of its revenue-producing feature.

But little over seventy-five years ago the English manufacturers of woolens, linens, and silks caused laws to be passed whereby the use of cotton goods was absolutely forbidden throughout England. Now she is lending her energies to the overthrow of the sea-island or long-staple cotton industry of this country in another way, by opening up for cultivation nearly a million acres of fertile lands in the valley of the Nile. Suppose a tariff on this product will cause a rise in the price of this cotton. Is that a different result than is accomplished for others whose product he must use? Suppose it would cause a rise, slight it could only be, in price of the product of the mills. Adopting, for the sake of the argument, the Republican idea, and applying it here, I might ask, Is that a reason for curtailing his means of living? This very bill makes him pay a tariff tax on the bagging which covers and the ties which bind his cotton into marketing form. He must pay the duty, but others who buy from him must not.

THE FARMER.

The majority argues that injury may result from neglect as well as by affirmative action; that it may be produced by omission as well as by commission. The last man to injure in this country should be the farmer. The last interest to harm should be agriculture. The last occupation to strike down should be that of the farmer. To foster, encourage, and make more profitable the country life and the country work should be the study and effort of every man.

When I approach the subjects which concern directly the farmers of the country, who by their toil produce the things without which the world would speedily perish, and when I think that in times of war these are the men who in all the past have fought the battles of their country, like the "Ironsides" of Cromwell, and the "hunting-shirt" men under Jackson, I feel the reverence and the consecration indicated by that passage of Holy Writ:

Put off thy shoes from off thy feet, for the place whereon thou standeth is holy ground.

Here is an industry which yields more than $6,000,000 annually by production from the soil. In the language of the friends of this bill and employing your own argument again, Will you destroy it or permit England to destroy it? Will you cause it to languish and gradually wither away, or will you encourage it by giving it fair treatment in the raising of revenue?

I submit that a duty of 8 cents per pound ought to be levied on unmanufactured cotton.

Being under the necessity of raising over $300,000,000 annually by this measure, if the present rate of expenditure is to continue, I do not see that we need employ much time discussing the academic questions involved in ascertaining the right or wrong, the wisdom or folly, the soundness or weakness of tariff for revenue or tariff for protection.

In no event, under present conditions, is it worth while to even refer to free trade or prohibitive tariff. We need the revenue that only a tariff which involves, incidentally, some protection can give. Not 10 per cent of the people favor free trade; no more, I believe, favor a prohibitive tariff. Our principal problem in this present situation is to equalize as nearly as possible the duties which must be laid on imports, as to commodities and industries, over the various portions of the country and avoid discriminations as to benefits and burdens and eliminate graft. Of course, our care should be to reduce expenditures when possible and reform administration if we may.

OVERPROTECTION IS GRAFT.

According to Mr. H. E. Miles, of the National Association of Manufacturers, a Republican, a protectionist, and a manufacturer:

Our tariff schedules and the methods in working them out constitute a national scandal. * * * The tariff is a moral as well as an economic question. The public must not again permit the consumer's interests to be sacrificed as they were, for instance, in the present woolen and sugar schedules.

He takes high ground when he says:

The benefits of the tariff should accrue to all the people and not to a few politicians and manufacturers only.

And again he says:

With an honestly made tariff that does not unduly burden the consumer, that permits of healthful foreign competition, that is as high, and only as high, as is required to place domestic and foreign producers on a parity, that provides for reciprocal trade agreements in the interest of a larger foreign trade, American industries will prosper by honest and equitable methods.

This doctrine of a protectionist ought to satisfy the friends of this measure. But the criticism he makes of the present law does not seem to be met by the changes proposed by this bill, and yet this same thinker and student of the subject says further:

The total unnecessary cost of the tariff to American consumers can not be estimated at less than $500,000,000 per year. It has been estimated at more than double this figure.

In other words, the duties laid on many manufactures, over and above the principle of protection, is "graft," and that "graft" of a half billion dollars yearly is taken from the pockets of the consumers by the few ultraprotected interests.

If there be truth, and I believe there is, in these statements, our first duty is to eliminate this overprotection, which outrageously burdens the consumer and brings no revenue to the Government.

SULPHATE OF AMMONIA AND POTASH.

In this connection, I would call attention to the duty which the committee proposes to levy on sulphate of ammonia. The amount imported in 1908 was 84,224 tons, duty $205,000. This duty is not necessary to protect the home manufacturer, this material being a by-product of the steel, coke, and gas concerns, which need no protection as against the farmer. Experts on the subject say this is the agricultural chemical richest in nitrogen and the duty under the present law amounts to 1½ cents per pound on the nitrogen it contains.

It appears "the South consumed in 1908 fully 1,500,000 tons of mixed and unmixed fertilizers, containing fully 60,000,000 pounds of nitrogen, worth at least $12,000,000," This chemical should be placed on the free list and this vast sum saved to the farmers. Likewise potash should be stricken out of the list of articles upon which the countervailing clause applies of 20 per cent ad valorem, as proposed in the administrative feature of the Payne bill, because if that is put in operation it would cost the cotton growers of the South a half million dollars a year and the potato growers of Maine $50,000 annually more for their potash, and the cotton, fruit, and vegetable growers of Florida over $200,000 every year.

The statements I have to submit bear the impress of sincerity and sound reasoning on this matter. The governor of Florida has sent a special message to the legislature on the subject, which I also submit and beg to place in the RECORD. This tariff on potash would mean a tax of $5 on every farm in Florida. The tariff on sulphate of ammonia, proposed, is quite as bad.

All fertilizer chemicals, as well as all mixed and unmixed fertilizers, should be admitted free of duty. I believe the man who creates, who produces, and does not merely consume, and especially the man who digs it from the soil, who depends on his strong arm and the seasons, the sun and air and land, should be considered in legislation affecting his interests; and hence my appeal is made for the producers of long-staple cotton and the pineapple growers of my State.

These priests of nature who live nearest the fountain of life in the divine economy deserve what they ask. Suppose the 5 cents per pound on cotton would increase its price for the grower that much. The price of the short staple is fixed in Liverpool. The price of the long staple, we may grant, would increase the cost to the spinner, and that in turn, perhaps, increase the price of the sateens, mercerized silk, lace curtains, automobile tires, and expensive thread made therefrom. These goods are used by people who can afford the increase, if it come, but applying again the doctrine which the majority asserts I would say the people engaged in this industry, the production of this cotton, can not afford to have it turned over to England or Egypt; neither can the other people of this country well afford that result.

PINEAPPLES.

I pass now to another subject, that of pineapples.

Florida is opening up a new territory on the east coast, along the wonderful railroad across the keys and water to Key West, built by Mr. Flagler, sufficient to supply domestic demand for pineapples. Will you turn that industry over to Cuba I would ask in the terms of your principles?

It appears from expert testimony that 7 cents per cubic foot equals 16 cents per crate (10 by 12 by 33=2.29 cubic feet). Then we must allow for a reduction of 20 per cent under the Cuban reciprocity act of December 17, 1903. This leaves the present rate, which the pending bill proposes to continue, of 12.8 cents per crate. Cuba has the advantage of American growers as follows: Transportation, 16 cents; labor, 9 cents; fertilizer, 22 cents=47 cents per cubic foot of package.

Florida produced 690,000 crates last year.

Importations from Cuba were 840,000 crates last year.

Cuba can produce pineapples for 20 cents per crate.

It costs Florida 70 to 90 cents per crate.

Cuba can deliver pineapples in New York for $1.11 per crate and pay the present duty.

Florida pineapples will cost delivered in New York $1.80 per crate.

A crate of pineapples weighs about 80 pounds, about the same as a crate of oranges. The duty on oranges is 1 cent per pound.

A barrel of pineapples weighs 160 pounds.

Cuban pineapples are on sale in March, April, and May.

At 1 cent per pound duty Cuba can deliver pineapples in New York for $1.74 per crate.

Florida can not deliver them at less than $1.80 per crate.

The duty on pineapples, as provided in this bill, is about one-sixth the duty it lays on oranges. California produces no pineapples of consequence.

These facts ought to be sufficient argument in themselves to secure fair treatment of an important American industry.

I would say a word on behalf of Porto Rico also. She asks for a duty which will enable her to compete with Cuba, which would raise revenue at the same time. I ask to lay before the Senate a statement furnished by growers in Porto Rico, which applies likewise to Florida. It will be borne in mind that the pineapple is a luxury, and that a duty of 1 cent per pound would yield a revenue of $640,000 annually.

I submit, considering the advantage given Cuba by the 20 per cent reduction, a duty of one-half of 1 cent per pound at least should be imposed on pineapples whether in bulk, barrels, or crates. I would emphasize that this fruit can not be held, like a manufactured article, at a standard price to be sold to-morrow or next week if desired price can not be obtained to-day. The consumer names the price in this case and the grower can name nothing—neither the cost of labor, fertilizer, crates, nor freight.

FURTHER OF EQUALIZATION.

Speaking of equalization further, a few illustrations may be given:

On rough lumber the present duty is equivalent to an ad valorem of 11.75 per cent. It is now proposed to make it 5.88 per cent.

On cotton goods the average is now 57.94 per cent, and the pending bill proposes to greatly increase that. On "wool and manufactures thereof" the duty will reach as high as 149 per cent.

The duty under the present law and the proposed Senate amendment on pineapples, a luxury, in crates or barrels, is 19.37 per cent, and, as to Cuba, under treaty, 14.88 per cent.

In the metal schedule the duty runs as high as 99.65 per cent, and in no case, practically, under 10 per cent.

Naval stores, free; cotton, free; and phosphate, free.

Another important industry in Florida is sponging. The crop of sponges in Florida was worth in 1906 approximately one and a half million dollars. The importation of sponges from the Bahamas and Mediterranean is given for last year at $220,707.31, which paid a duty of 20 per cent ad valorem; and from Cuba, $115,649.58, which paid a duty of 16 per cent.

On borax mined in Nevada and California the duty now is 150.76 per cent; by Senate amendment, reduced to 60.30 per cent.

IMPORTANCE OF MEASURE.

Mr. President, only by keeping in mind all the interests of all the people of all the country can we be just in this legislation; only by being just can we have it approach the hope of the country; only by having it honest and national in its scope and American in its spirit can we expect it to fulfill its purposes.

We can not overestimate the importance of this measure. It strikes the hour of dissolution or it breathes the oxygen of new life for many plans, industries, and enterprises. It falls like the sword of Samuel upon the head of Agag, or it brings forth a Pallas by its blow. Marius, one of the thirty Roman tyrants, was slain in battle by a soldier who formerly worked in his shop, and as he struck he exclaimed, "Behold the sword thyself hath forged."

If disaster follows to any material interests or oppression results, you can know your work here accomplished the ruin or brought on the distress.

Great responsibilities rest upon those who would forge this instrument in accordance with their own wishes. I appeal for your clearest vision, your broadest patriotism, your calmest judgment, your soundest wisdom, to so consider and frame it as to help powerfully "to make the future of the Republic absolutely secure, its influence boundless, its duration endless, its beneficence measureless."

FOREIGN TARIFFS.

Mr. President, to use the taxing power to benefit private interests by giving more protection than is needed against foreign competition even the friends of this measure must admit would be a violation of a public trust and a gross abuse of any economic principle.

If duties can be lowered "without ruinous invasion of the home market by the foreigners," it ought to be done. In many instances, no doubt, it can be done; and it follows that tariff reduction is the just policy.

It is important to keep in mind that many of our industries are capable of greater production than the home market demands. These industries therefore want foreign markets. To get these, lower foreign tariff must be secured. You may rest assured the foreigner will not reduce his tariffs on such products or articles unless you place your tariff duties similarly reduced on those or other commodities. We may not expect to obtain the reduction of foreign tariffs in order to give an outlet to our surplus production unless we are willing to reduce our own. It is not fair to trade off the industries of Democratic States only for lower foreign tariffs.

Our minimum tariff should be made as low as possible in order that we may be in a position to make concessions when it comes to international agreements by which, nowadays, tariffs are largely arranged. I favor provisions promoting reciprocity, assuming that every portion of the country will receive equal and just treatment.

REDUCE EXPENDITURES.

It was refreshing to hear the distinguished Senator from Rhode Island, when he laid this bill before the Senate, proclaim himself a reformer, the friend of the consumers of the country, the Horatius at the bridge over which the expenditures must go, insisting upon less burdens and greater economy.

One could but admire his candor when he declared, in effect, the Republican House, the Republican Senate, and the Republican Executive had been guilty of "unprecedented extravagance" in the years just closing. It would have been well had the Senator raised his powerful voice before the money was gone, and saved the country the necessity of facing the present deficiency of over $100,000,000.

Retrenchment is wise, but the appeal comes late. It comes, too, from those who brought on the conditions which have been for two years disturbing the country. It is a splendid tribute to the Democracy to have the Senator thus espouse a cause and advocate a doctrine which during the years past and continuously, without interruption, to this hour, the Democratic party has blazoned on every banner and urged in every contest. Is that position taken now because of the threatened income tax? Is it now the vision comes when it is preferred to tax the people of the country who eat and wear and work, indirectly by the tariff, rather than tax directly those whose income exceeds $5,000?

Does the conscience awaken to reproach for reckless extravagance only when it appears that such extravagance has come home to plague those who have heretofore prospered under the tariff laws?

"Reduce expenditures" is fine. But the Senator has not indicated where or how. Will he begin with imperialism? Economize we can, but the powers that be give us no example of that practice, and we find no encouragement in a general statement pointing toward a possible lessening of extravagance by those who have led us into that vicious habit. With boards and bureaus, commissions and departments, overlapping and duplicating, I should say we could diminish outlays. But will it be done by those who created these conditions?

THE REMEDY.

A scathing and just rebuke to the Republican party has gone forth from its highest source, and it means logically that the real hope for reform, promising relief from the evils upon which we have fallen, and to that end may these words be winged, lies in a Democratic administration!

APPENDIX.

[Copy of telegram.]

WHITE SPRINGS, FLA., *March 23.*

Hon. DUNCAN U. FLETCHER,
United States Senate:

Oppose reducing the tariff one-half on lumber and fight for the $2 duty to the last ditch. The latter is the salvation of the lumber industry in the South.

R. J. & B. F. CAMP LUMBER CO.

[Copy of telegram.]

WATERTOWN, FLA., *March 24, 1909.*

Hon. DUNCAN U. FLETCHER,
United States Senate:

We think proposed reduction of lumber tariff exceedingly disastrous to southern lumbermen.

EAST COAST LUMBER COMPANY.

[Copy of telegram.]

JACKSONVILLE, FLA., *March 24–25 1909.*

Senator DUNCAN U. FLETCHER,
Washington, D. C.:

We are counting on you to oppose reducing tariff on lumber and to fight for the $2 duty. The future of the lumber and turpentine industry depends on this.

CUMMER LBR. COMPANY.

[Copy of telegram.]

TIFTON, GA., *March 25, 1909.*

Hon. D. U. FLETCHER,
Washington, D. C.:

The Georgia-Florida Sawmill Association, in session, representing more than 1,000 manufacturers of yellow-pine lumber in Georgia and Florida, employing upward of 50,000 men, protest earnestly any reduction of the present tariff on lumber, and the effect will be disastrous to employer and employed. The agitation has been more hurtful than we can estimate.

H. H. TIFT, *President.*
E. C. HARRELL, *Secretary.*

JACKSONVILLE, FLA., *March 22, 1909.*

I was in Canada three years ago, as you remember, and, being a lumberman, I gave considerable attention to the classes of lumber being manufactured, and without exception I found nothing there that would compare with our high grades. I did not go to the Ottawa district, which is, I understand, the great lumber center of eastern Canada, but what I saw was of a very inferior quality. It would be a very hard blow to the industry in this country and, as I have seen in the statement of Professor Pinchot, it would not conserve our own forests, but would simply compel us to reduce our prices and enter into a scramble for business if the tariff is reduced even 50 per cent. It will mean a still greater reduction in the prices of lumber than that represented by the reduction in the tariff pending the adjustment of trade conditions.

It is only within the past few years that our low-grade lumber has brought us a profit above the cost of manufacture, due to the fact that the depletion of the high-grade timber in the Northwest and the consequent utilization of low grades brought into the market a large lot of low-grade lumber. It is generally understood that the forests in the Northwest even for low grades have been so far depleted now that it does not cut any important figure in low grades as it formerly did. We are to-day actually selling lumber that five or six years ago, even, we could find absolutely no market for; and if we are prevented in any way from disposing of this class of lumber, it would simply mean a loss of that per cent of our logs which will have to be cut and hauled to our mill for which we will get nothing, thus sacrificing these low grades and being able to sell only the high grades at a profit.

I have intended to write you along this line for some time. I know that you feel very deeply the conditions and that you will lend your best influence toward securing a just consideration of the tariff measure.

GEO. L. DREW.

[Copy of telegram.]

CENTURY, FLA.

Hon. D. U. FLETCHER,
United States Senate, Washington, D. C.:

The repeal of duty on lumber would be disastrous to the industry throughout the country, and we urge you to vote and do all in your power to have the present duty retained. Reduction or repeal would benefit only Canadian timber owners.

THE ALGER SULLIVAL LBR. CO.,
H. L. GLOVER, *Manager.*

JOE KING, JR., COMPANY,
EXPORTERS YELLOW PINE LUMBER,
Jacksonville, Fla., March 11, 1909.

Hon. D. U. FLETCHER,
Washington, D. C.

DEAR SIR: At a meeting held on the 10th instant, by practically all of the lumber interests in Jacksonville, the following resolution was adopted:

"*Resolved*, That the Secretary be instructed to communicate with our Representatives at Washington, requesting them to oppose the proposed bill, which provides putting lumber from foreign countries on the free list, and to oppose any reduction whatever of duty on such lumber."

Subscribed to by the following concerns:

Cummer Lumber Company, Alfred R. Sax Lumber Company, Charles S. Hirsch & Co., Star Lumber Company, Cooney-Eckstein & Co., McNair & Son, Granger & Lewis, G. S. Baxter & Co., Georgia Pine Company, Gress Manufacturing Company, E. G. Phinney & Co., George Henry & Co., D. L. Gillespie & Co., Banes-Cashen Lumber Company, R. W. McLeod, Atlantic Coast Forwarding Company, G. D. Gay, Weston Zaring Company, Eppinger & Russel Company, F. R. Clark & Co., Stephens Lumber Company, Joe King, Jr., Company, C. H. Leggett, chairman; Joe King, jr., secretary.

It is needless to comment upon the importance of the defeat of the bill referred to. You gentlemen are entirely familiar with the lumber industry in our State and the country in general, especially the South, and you realize what a great calamity the passage of such a measure would inflict upon the lumber interests, especially in our State.

With much respect,
Very truly, yours,

JOE KING, Jr., *Secretary.*

THE TARIFF ON LUMBER.

Whereas the press dispatches from Washington forecasting the probable action of the Ways and Means Committee on the various tariff schedules recite the fact that lumber is being named as one of the commodities to go on the free list or to sustain a heavy reduction; and

Whereas such action would mean serious and widespread demoralization to all business interests, in that further depression in lumber prices would permanently cripple many of the sawmill and other woodworking industries, and at the same time affect disastrously the wage-earning power of a vast army of day laborers; and

Whereas the lumber industry of the United States to-day ranks first in the consumption of farm products, third in the volume of tonnage furnished the railroad and transportation lines, and second in the employment of labor, agriculture alone employing a larger number of hands, labor constituting a larger element in the cost of production of lumber (averaging above 70 per cent) than of any other manufactured article; and

Whereas a bushel of corn or wheat, a ton of hay, a bale of cotton, or the unit of measure in any other farm product will purchase more lumber to-day than at any previous time; and

Whereas the present specific duty of $2 per thousand feet amounts to an ad valorem rate of about 11 per cent, and practically reduces the tariff on lumber to the basis of a tariff for revenue, as illustrated by the fact that the present law represents an average of about 40 per cent on all dutiable commodities; and

Whereas the repeal of the tariff on lumber, lath, and shingles would prove disastrous to the industry throughout the whole country, for the reason that lumber is produced in Canada largely by oriental labor, and would be produced in Mexico by peon labor, at a cost far below that in this country, and is cut from stumpage varying in price from one-quarter to one-half less than American timber, and subject to a vastly lower taxation; and

Whereas lumber, lath, and shingles from Canada can be delivered in the Atlantic, Pacific, and Lake state ports on a much lower freight rate in foreign and American bottoms than from the South and West, or from any other lumber-producing districts to the same ports, whence much of the American lumber is distributed or where it is consumed, and would therefore deprive American manufacturers of many of their principal markets, which in turn would seriously affect the banking, shipping, and other interests allied with lumber; and

Whereas the recent election has emphatically demonstrated that an overwhelming majority of the people are in favor of the protection of American industries; and

Whereas the class of lumber which our foreign competitors would seek to dump on the markets of the United States would prevent conservation of our forests by displacing the low-grade material now utilized, leaving it in the woods to rot and burn, and because the sawmills must be operated to at least their minimum economic capacity, lumbermen would be compelled to cut over a larger area in order to secure the quantity of logs necessary to run their mills and to secure the quantity of salable commodities necessary to meet the demands of the country, and therefore will find it necessary to cut more trees, and thus to denude a greater acreage: Therefore be it

Resolved, That the Alabama-West Florida Lumber Manufacturers' Association, in convention assembled, representing an annual output of nearly 1,000,000,000 feet of lumber, does most earnestly protest against any reduction in the present tariff on lumber: And be it further

Resolved, That the president and secretary of this association be, and they are hereby, instructed to transmit a copy of these resolutions to the Ways and Means Committee, and to furnish copies of same to the Senators and Representatives from the States of Alabama and Florida, requesting their cooperation and support in preventing any reduction of the import duty on lumber in its various forms and by-products, upon the ground that such reduction would inevitably result in great injury to the lumber industry of these and other Southern States, the greatest single industry in this section, and one which has grown to such magnitude that any injury suffered by it must no less surely work harm to the banking, transportation, manufacturing, commercial, and industrial interests generally with which it has become so closely interwoven: And be it further

Resolved, That we favor most heartily the conservation of the forest resources of this country, and are ready to cooperate with the Government in its efforts to promote this great work, but that it is our earnest conviction that the removal or material reduction of the tariff on lumber will so hamper and delay the execution of plans already under way as to give rise to grave doubt of their ultimate success. This conviction rests upon the fact that to successfully operate a sawmill plant it must be run steadily at its average capacity, which could only be accomplished through the cutting of more trees, should the price of lumber decline to a point which would render impossible the manufacture of the common trees and parts of trees, which represent 25 to 40 per cent of the forests. This decline in price would follow the opening of our ports to lumber.

The undersigned approve and subscribe to the foregoing:

Alabama and Florida Lumber Co., Noma, Fla.; Smith-McGowan Lumber Co., Magazine, Ala.; B. O. Watkins Lumber Co., Birmingham, Ala.; Hand Lumber Co., Dolive, Ala.; Henderson Lumber Co., Sanford, Ala.; Hunnicutt-Neal Lumber Co., Vick, Ala.; Lathrop Lumber Co., Birmingham, Ala.; Morris Lumber Co., Slocomb, Ala.; Oden-Elliott Lumber Co., Birmingham, Ala.; Scotch Lumber Co., Fulton Ala.; Vredenburgh Saw Mill Co., Pine Hill, Ala.; Miller-Brent Lumber Co., Poley, Ala.; Harris & Scandrett, Coffee Springs, Ala.; Allison Lumber Co., Bellamy, Ala.; Cedar Creek Mill Co., Brewton, Ala.; E. W. Gates Lumber Co., Yellow Pine, Ala.; Henderson-Boyd Lumber Co., Richburg, Ala.; Horse-Shoe Lumber Co., River Falls, Ala.; Kaul Lumber Co., Birmingham, Ala.; Marbury Lumber Co., Marbury, Ala.; T. H. Read & Co., Wilford, Ala.; Sumter Lumber Co., Sumter, Ala.; Twin Tree Lumber Co., Maplesville, Ala.; Montgomery Lumber Co., Montgomery, Ala.; Whitewater Lumber Co., Autaugaville, Ala.; Geneva Lumber Co., Eleanor, Fla.; Tatom Lumber Co., Geneva, Ala.; Empire Lumber Co., Andalusia, Ala.; Frost-Sibley Lumber Co., Lamison, Ala.; Smith Lumber Co., W. T., Chapman, Ala.; Neal & Beatty, Montgomery, Ala.; Coffee Springs Lumber Co., Coffee Springs, Ala.; Manchester Lumber Co., Manchester, Ala.; Chas. Thrower, Ozark, Ala.; J. J. McCaskill Co., Freeport, Fla.; Sandy Creek Mill Co., DeFuniak Springs, Fla.; Lovelace Lumber Co., Brewton, Ala.; Jackson Lumber Co., Lockhart, Ala.; Crimm Bros., Gordo, Ala.; W. W. Autrey, Lamison, Ala.; W. B. Mitchell Lumber Co., Newton, Ala.; J. H. Moore, Billingsley, Ala.; H. H. Simpson & Sons, Stansel, Ala.; The N. M. Rhodes Mercantile and Mill Co., Shell, Ala.; Pattillo Brothers, Billingsley, Ala.; J. W. Pickering, Plantersville, Ala.; M. J. Cliett, Chlidersburg, Ala.; A. N. Belcher, Centerville, Ala.; McMillan Mill Co., Pine Barren, Fla.; The J. W. Black Lumber Co., Mobile, Ala.; Benjamin F. Stevens, Malvern, Ala.; Beach, Rogers & Co., DeFuniak Springs, Fla.; Ohio-Pennsylvania Lumber Co., Axis, Ala., Jas. Howard & Co., Nymph, Ala.; Hurricane Lumber Co., Hurricane, Ala.; M. G. Watkins, Highland Home, Ala.; G. B. Howard, Goshen, Ala.; Britton Lumber Co., Lakewood, Fla.; Florala Saw Mill Co., Paxton, Fla.; Stearns & Culver Lumber Co., Bagdad, Fla.; Curtis-Attalla Lumber Co., Curtiston, Ala.; Mutual Lumber Co., Montgomery, Ala.; Escambia Land and Mfg. Co., Pensacola, Fla.; Cruise-Splawn Lumber Co., Vida, Ala.; Bay Point Mill Co., Pinewood, Fla.; Graves-Tatom Co., Freeport, Fla.; The King Lumber Co., Prentice, Ala.; W. J. Tinney, Sterrett, Ala.; Flat Creek Mill Co., Finchburg, Ala.; J. R. Martin,

Jemison, Ala.; Carter Lumber Co., Billingsley, Ala.; Harper & Moore, Reform, Ala.; Springfield Lumber Co., Coker, Ala.; J. H. Wright, Piedmont, Ala.; W. D. Crocker, Gordo, Ala.; Corr & Daniel, Gordo, Ala.; Brannan & Whatley, Wilmer, Ala.; C. Butler, Duncanville, Ala.; W. D. Barron, Eoline, Ala.; Union Lumber Co., Carrollton, Ala.; John C. Osborne, Prattville, Ala.; The Gulf Yellow Pine Lumber Co., Geneva, Ala.; Perdido Lumber Co., Pensacola, Fla.; C. W. Autrey, Pine Hill, Ala.; C. W. Zimmerman Mfg. Co., Jackson, Ala.; J. E. McCart, Elba, Ala.; Windham & Farris, Elba, Ala.

HOTEL SEVILLE, NEW YORK, *April 12, 1909.*

DEAR SIR: I inclose you a letter from Mr. H. S. Hubbard, formerly of Iowa, but now a prominent grower of pineapples in Porto Rico, a petition from the Horticultural Society of Porto Rico, and a detailed list of the growers of pineapples who have entered this business during its development of the past three or four years.

I wish also to call your attention to the following facts:

1. The cost of cultivating an acre of pineapples is greater than that of cultivating an acre of oranges; the yield in crates of 2½ cubic feet each is less than that of oranges of 2 cubic feet each, and the value of a crate of either one is approximately equal. Should not both be equally protected?

2. All the pineapples consumed in the United States, if their planters are assured by a reasonable protection against ruinous foreign competition at certain seasons of the year, can be raised within a few years in Florida, Hawaii, and Porto Rico (both the latter as integral a part of the United States as were California, Arizona, and New Mexico in the middle of the last century).

During May, June, and July, especially, the markets are often flooded with foreign fruits from Cuba and elsewhere, thus producing prices far below the cost of production. The consumer does not benefit by this heavy loss of the grower, but pays more or less the same from week to week the year round. Only the jobber and retailer benefit by the planters' losses during these months.

3. When the tariff act of 1897 was enacted few pineapples were grown in the United States, while now very large acreages are planted in Hawaii, Florida, and Porto Rico, and with the present extension of the Florida East Coast Railroad thousands of acres heretofore cut off by lack of transportation became available for this fruit, and Porto Rico alone could supply the entire United States if the Americans there engaged in this business are protected sufficiently to prevent heavy loss during the months of ruinously low prices, far below cost of production.

Porto Rico in 1900 shipped 2,000 crates of pineapples.
Porto Rico in 1907 shipped 7,200 crates of pineapples.
Porto Rico in 1908 shipped 74,091 crates of pineapples.
Porto Rico in 1909 will ship 400,000 to 500,000 crates of pineapples.

As will be seen by the inclosed list, practically all of this is in the hands of Americans. All the money thus paid for Porto Rican pineapples is spent, not for Spanish, but for American foods, clothes, shoes, and implements.

As coastwise laws apply to Porto Rico all must be carried in American, not foreign vessels, as may be done from Cuba.

4. The citizens of the United States generally, equally with those living in Porto Rico, would be glad to Americanize the island, as was done in the case of California, New Mexico, and the Southwest. This can not be done by a few holders of big sugar or coffee estates, but through the influence of the small American landowners and their numerous families and retainers. The only opening for the small American landowners is the fruit industry, and mainly pineapple growing. Examination of the inclosed list of those who have so invested during the three or four years of the life of this industry will indicate the power this movement will soon exert on the internal government of the island if it is fostered by a fair protection at this stage. A prohibitive tariff is not desired by the Porto Rican growers, but one that will protect them against the ruinously low prices, often ruling, especially during the months of May, June, and July, while permitting importations from abroad whenever the market covers cost of production and a reasonable profit to the growers in the States. One cent a pound would not stop foreign shipments during ten months of the year. One-half cent would certainly be a low rate, and while it would not always guarantee a profit to growers would at least stop foreign shipments when prices are ruinously low.

5. The Baltimore canners have demanded free trade in natural pineapples, but nothing is said by them requesting free trade in the canned product. One-half cent a pound on natural fruit would be less protection to the numerous small growers than the few large canners are now enjoying on their product. In their statement those gentlemen speak only of Cuba and Florida as the only source of supply for the eastern markets. They can this year at fair prices obtain from Porto Rico some 400,000 crates, and double this quantity in succeeding years.

6. At present the duty on natural pineapples is 15 per cent ad valorem; the average on food staples, 40 per cent ad valorem; citrus fruits, 65 per cent ad valorem; canned fruits, 48 per cent ad valorem.

One cent per pound on pineapples would not be excessive as compared with other foods, and one-half cent per pound on pineapples in bulk or packages would be far below the average on similar food supplies.

The Payne bill, as it is sent to the Senate, makes a package rate of 8 cents per cubic foot—a bulk rate of $8 per thousand. The average for Cuban pines is 36 fruits per cake, or, if figured by cubic feet, of 2½ feet a crate, 20 cents duty per crate. If figured by bulk, $8 per thousand, 28.8 cents duty per crate.

We therefore ask a per pound rate rather than a bulk or per thousand rate, as now in the Payne bill, for the reasons of its equitable and easy application to all shipments, both crate and bulk, and because of the fact that the number of pineapples in a crate will in no manner vary it.

Respectfully submitted.

T. P. LIPPITT,
Acting for the Horticultural Society of Porto Rico.

JACKSONVILLE BOARD OF TRADE,
Jacksonville, Fla., April 12, 1909.

Hon. D. U. FLETCHER,
Senate Annex, Washington, D. C.

DEAR SIR: I beg to acknowledge receipt of your letter of the 6th instant, and take pleasure in inclosing you herewith copy of resolutions adopted by the board of trade at its meeting held on July 8 last regarding import tax on naval stores from Mexico. I understand that the Savannah Board of Trade recently adopted resolutions regarding an import tax on naval stores from Spain and France. I have written to this organization for copy of these resolutions, and as soon as I receive them will forward them to you.

Yours, truly,

H. H. RICHARDSON, *Secretary.*

I inclose you prospectus, thinking you may want this to refresh your memory in connection with some of these points.

H. H. R.

The following resolutions were adopted by the Jacksonville Board of Trade at its meeting held on July 8, 1908:

Whereas spirits of turpentine exported from the United States into Mexico is subjected by the laws of Mexico to an import duty of 16 cents per gallon, and rosin is subjected to a duty of $3.17 gold per 280 pounds, while under the existing laws of the United States spirits of turpentine and rosin imported from Mexico to the United States are admitted free of all duties; and

Whereas the pine forests of Mexico are now producing spirits of turpentine and rosin in considerable quantities, which are being shipped into the United States and there sold in competition with the naval stores produced in Florida and other Southern States; and

Whereas the inequality of taxation is an unjust burden upon one of the principal products of this State, which should be removed by legislation or administrative action on the part of the Federal Government: Now therefore be it

Resolved by the Board of Trade of the City of Jacksonville, That the special committee on naval stores be directed to call the attention of our Senators and Representatives in Congress to this subject, and to request their prompt and active assistance in securing, if possible, the removal of such discriminative duties or else the imposition of a similar tax upon the importation of spirits of turpentine and rosin from Mexico, and such action on the part of Congress and the administrative departments of the Federal Government as will best protect the interest of the naval-stores industry of the United States.

Resolved, That the special committee on naval stores be instructed to investigate the relative freight rates on naval stores produced in Florida to ports in Florida and to ports outside of Florida, and if it is found that rates to ports in Florida are relatively higher than to ports outside of Florida, then said committee be further instructed to investigate the effect of such discrimination and the remedies therefor, and thereupon, without delay, to take such steps as may be deemed necessary to prevent such discrimination and secure fair and equal rates to Florida ports.

The above was also adopted by a unanimous vote of the members present.

STATE OF FLORIDA, EXECUTIVE OFFICE,
Tallahassee, April 12, 1909.

Gentlemen of the legislature:

Your attention is invited to the following:

There is a clause in the Payne tariff bill to the effect that "the maximum and minimum principle be adopted by which retaliatory rates averaging about 20 per cent may be levied upon the products of countries which do not grant to the commerce of the United States the most-favored-nation treatment."

Germany is the country from which comes the supply of potash salts, so necessary for successful agriculture in the cotton States. Germany does not at present grant to the United States minimum rates on all products. Consequently, if the above becomes a law and Germany persists in not granting to the United States the "most-favored-nation" treatment, a retaliatory duty of 20 per cent ad valorem will be levied on all potash salts imported.

There are some 600,000 tons of potash salts now annually imported from Germany into the United States. This is principally used for fertilizers. Their salts are now quoted in New York at from $8.50 for "kainit," to $43.60 for "sulphate," an average of $25 per ton or $15,000,000. Twenty per cent of this amount ($3,000,000) would be added to the annual cost of fertilizers, most of which is consumed in the cotton States. The average potash content of Florida fertilizers is 140 pounds per ton, representing 7 units.

The cost of one of these units is $1.10, or $7.70 per ton. An increase of 20 per cent in its cost would add an average of $1.54 per ton to the fertilizers used in this State. As Florida uses 130,000 tons annually, this would increase the cost of fertilizers used in this State $200,200. Georgia uses 800,000 tons. Other cotton States use large quantities of commercial fertilizers, one of the principal and most costly ingredients of which is potash.

The passage of a joint or concurrent resolution is recommended, advising the Senators and Representatives from this State in Congress of this threatened additional imposition upon the farmers and fruit growers of Florida and of the cotton-producing States, and requesting them to take such action as they may deem best to prevent such imposition.

Very respectfully,

ALBERT W. GILCHRIST, *Governor.*

STATE OF FLORIDA, EXECUTIVE CHAMBER,
Tallahassee, April 13, 1909.

Hon. DUNCAN U. FLETCHER,
United States Senate, Washington, D. C.

MY DEAR SIR: I am directed by the governor to hand you herewith copy of a special message which he has sent to the Florida legislature now in session.

Very truly, yours,

G. T. WHITFIELD,
Private Secretary.

Brief on the tariff in its relation to economic agriculture, with special reference to sulphate of ammonia and potash salts.

FREE NITROGEN.

It has been a wise policy of the United States, in common with other countries, to admit "guanos, manures, and all substances used only for manure" free of duty. (See Dingley bill, sec. 2, par. 569.)

Canada is the only country to levy a duty on mixed fertilizers, but she admits fertilizer chemicals duty free, including sulphate of ammonia and German potash salts.

Sulphate of ammonia, however, which, since the passage of the Dingley tariff, has come into extensive use here by farmers and by fertilizer manufacturers, and which is the agricultural chemical richest in

nitrogen, carries a duty of $6 per ton under the Dingley tariff. (Schedule A, par. 5, Dingley bill.) This is 1½ cents per pound on the nitrogen it contains.

In the Payne bill sulphate of ammonia is put on the free list where it belongs and where it should remain. (Sec. 2, par. 480, Payne bill.)

The United States produced 4,000,000,000 bushels of cereals in 1908. Each bushel contained approximately 1 pound of nitrogen. This nitrogen was worth at least $800,000,000, and no material part was returned to the soil.

In the shape of cereals and meat products the United States exported in 1908 fully $75,000,000 worth of nitrogen.

Georgia consumed approximately 800,000 tons of fertilizer in 1908, requiring 32,000,000 pounds of nitrogen, worth $6,400,000 at going market prices.

South of the Mason and Dixon line there were consumed in 1908, chiefly on cotton, fully 1,500,000 tons of mixed and unmixed fertilizers, containing fully 60,000,000 pounds of nitrogen, worth at least $12,000,000.

Maine consumed fully 50,000 tons of fertilizer to produce her potato crop last year, requiring fully 2,000,000 pounds of nitrogen, worth $800,000. Add to this the nitrogen which is required to produce the other great staple crops like hay, tobacco, and vegetables, and the nitrogen requirements become incomprehensible. The Department of Agriculture will without doubt confirm the above figures.

OPPOSITION.

The duty on sulphate of ammonia is $6 per ton. The amount imported in 1908 was 34,224 tons, duty $205,000. This duty is not necessary to protect the home manufacturer, for the material is produced as a by-product by the steel, coke, and gas interests, which need no protection, especially as against the farmer. The home producer, even without the duty, is protected to the extent of the freight and the double bagging which is required and the custom-house charges, amounting, all told, to between $3 and $4 per ton.

FREE POTASH.

German potash salts are now admitted free under the present Dingley tariff (sec. 2, par. 644, Dingley bill), likewise in the new Payne bill (sec. 2, par. 652, Payne bill), but it is proposed to apply a countervailing duty of 20 per cent ad valorem to potash under certain conditions. (Sec. 4 and sec. 3, Payne bill.)

This is wrong, because—

First. We are absolutely dependent on Germany, as she is our only source of agricultural potash.

Second. If this clause is applied to potash as a club to keep Germany from unduly taxing our meat and grain products, she can afford to ignore it, for we can not go elsewhere for our potash. It is a boomerang, therefore, which will react upon our own country.

Third. If the countervailing duty is made to apply to potash, in order to protect the western cattle raiser and packer against Germany, it is protecting them at the expense of all general farmers East and West, and particularly the tobacco, cotton, and potato growers.

Fourth. If the countervailing duty should be put into operation, it would cost the cotton growers of the South fully $500,000 a year more for the potash which they use on cotton, and the potato growers of Maine fully $50,000 more annually.

Potash, therefore, should be stricken out of the list of items upon which the countervailing clause applies.

FINALLY.

The fertilizer business has been built up on a free-trade basis. It asks for no protection, and it should have none. But it is inconsistent, if not unfair, to admit mixed fertilizer free and tax chemicals when brought in separately.

Fertilizer chemicals, whether mixed or unmixed, are the farmers' raw materials, and in the interest of economic agriculture they should be admitted free of duty. There should be no hampering clauses to prevent the free international exchange of fertility.

This country annually is sending more than a million tons of mineral phosphates to Europe, besides millions of dollars' worth of agricultural products. It is a wise policy to take some part of it back in the shape of fertility, as nitrogen and potash.

If agriculture is the foundation of our prosperity, then fertility is its corner stone. We should therefore encourage the gathering and importation of plant food from all sources, both foreign and domestic.

Respectfully submitted.

WILLIAM H. BOWKER,
Representing American Agricultural Chemical Company.

Mr. McCUMBER. Mr. President, my colleague [Mr. JOHNSON] has indicated a desire to speak for a few minutes upon an important feature of this subject, and as my address may take a little longer than I really anticipate, if my colleague desires, he can go on now, I yielding to him for that purpose.

The VICE-PRESIDENT. The Senator from North Dakota yields to his colleague.

Mr. JOHNSON of North Dakota. Mr. President, I had a conversation with my colleague, but I hardly expected this courtesy of him. I expected to speak only after my colleague. But I thank him for this opportunity. I do not wish to discuss the underlying principles. I only want to touch upon one small point, to pick up the small crumbs that fall from the table, and only one crumb.

One thing that makes it a little irksome to us in the "Cherokee strip" is that Senators refer to Senators sitting upon the other side as if they were not of their household of political faith. We are a pretty respectable aggregation, and they need us and can have us and they can count on us. As long as such men as the junior Senator from New York [Mr. ROOT] occupies a front seat in this section, we shall not go very far astray. Neither shall we very much lose our way in the dark with such a tried and true Republican as the junior Senator from Kentucky [Mr. BRADLEY]. But enough of that.

It is a little difficult to speak from this corner. I like the "Cherokee strip;" I was raised in it. My first experience in Congress was at the time when the Democrats had all but 88 seats out of 346.

The Democrats not only filled their own side, but more than half of our side, and we all sat among Democrats. Afterwards, when we got control of the House, it was my fortune to draw seats usually on the Democratic side of the Chamber; and I feel at home among these brethren. I have lived among them, boarded with them, and it has been my fortune to meet them in this southern city. I knew nothing of them until I came here. I have learned to know them. I have learned to like them.

Yesterday, I think it was, or the day before, one of the Senators of our household of faith spoke of admonishing a colleague. I would not like to use such a term as admonishing a fellow-Senator, even on this side. But the reason why I wish to speak to-day is on account of a word that was used by the Senator from Maryland [Mr. RAYNER] yesterday, which grated rather harshly on my ear as a Republican. I will read this from his speech, and while I do not accuse him of lack of originality, I will say he was fully justified in using that word by the peerless leader of his party, as I heard him, both in this Capitol and in campaign speeches. This was the expression——

Mr. RAYNER. Who was the leader?

Mr. JOHNSON of North Dakota. I am not authorized to appoint leaders for your party, but in the literature of our country the peerless leader of the Democracy is generally identified closely enough. I dare say the Senator from Maryland would be a better leader, and either of the Senators from Texas would, I think, be a better leader. But they are not familiarly known to us out West as the "peerless one."

The American people have again been fooled, and they will be fooled to all eternity until and unless this whole subject of federal taxation is rescued from the contaminating touch of politics.

That expression, with reference to fooling the American people, was used in the campaign last fall by the "peerless leader" in the State which I partly represent, and I sat in front of him and heard the speech. There were 5,000 Democrats there and a few straggling Republicans. He used that very expression, speaking of the present tariff law and a certain paragraph in it, to which I wish to call your attention.

He said "they fooled you." "Why," he said, "they fooled me"—the peerless one. Of course, I did not have a right to the floor. I had no right to stand up there and call him to order, as I have here. I had to sit still and listen to it. But the editors of the city—that was in Fargo—I think, were all there, and they learned these ideas from the leader of the Democratic party in the last campaign, and here is a paragraph I wish to read from the last issue of the Searchlight. This comes from Fargo, in North Dakota. It says:

When the Dingley bill was passed the protection to oil was so skillfully hidden under what was known as a "countervailing duty" that few of the Congressmen knew it was there.

He took up that topic and treated it in this way. He said ostensibly on the free list is petroleum, crude or refined, but if you take the law itself and read it carefully, you will find a proviso that kerosene oil, petroleum, or its products, coming from any country that levies a duty upon American oil, shall bear the same duty that is charged in that country against American oil. Now, he said, the fact is in Russia they charge 120 per cent on American oil, and the result is that the Dingley law hedges about this most wicked of all monstrous monopolies and trusts a tariff of 120 per cent, impossible to surmount.

Then he used the expression, "They fooled you; they fooled me." It was pretty hard for me to sit there and see 5,000 Democrats hurrah and clap their hands and applaud, when I and my party were responsible for this kind of policy that he held up to scorn and characterized its framers as dishonest men, or men who fool their fellow-citizens in making laws. I had to sit and take it. But to-day is my inning. I wish to answer that.

The first time there appeared in the legislation of this country any proviso as to kerosene was in 1894. Up to that time we had had no fine print; no proviso. We had the straight figures. The figures had been enormously and ridiculously high sometimes. We had had some very unscientific tariff laws as to petroleum. For instance, in 1866 there was a duty of 40 cents a gallon on kerosene oil—$20 a barrel. To us in this generation, when crude oil can be bought for 25 cents a barrel, it seems pretty ridiculous to impose a duty of $20 a barrel. Anyhow, it is so plain that he who runs may read. In 1894 they got this proviso in.

When that law was passed the "peerless leader" of the Democratic party was on the Ways and Means Committee. He was not only a member of the committee, but he was the leader of that committee. He was not the chairman, for, as

many of you gentlemen who served in that House or lived in that day remember, Mr. Wilson was the chairman of the committee. He was a scholar and a Christian gentleman. He was a man of great intellectuality, but he was in poor health at the time and he had certain delicacies and refinements which did not so well fit him for the forum as the "peerless leader" of the Democratic party, one of the greatest living orators of our time. Mr. Bryan was a strong man, and the fighter on that committee. He dominated that committee as he has dominated his party from that day to this.

I sat among those Democrats. The Senator from Maryland was there, the Senator from Texas was there, and the senior Senator from Kentucky was there. The "peerless leader" of the Democratic party was there. I was in a helpless minority of only eighty-eight out of that great House. What could I do—helpless? I looked on and watched the proceedings. I saw these men fix that "dope." I could not stir it. I could smell it. It smelled bad, I thought, politically speaking. I could look at it, but I was not allowed to touch it. They did not fool me, not at all, when they brought that proviso in. They did not try to fool the country; not at all. Instead of holding these men up to scorn as uncandid and dishonest men, as men who fooled the American people when they were seriously charged with the responsibility of making their laws, I bear testimony to their integrity and to their faithfulness, so far as their ability went.

They found this situation: Russia at that time levied 40 per cent duty on American oil. It did not do it in those terms, but it was 29 cents a hundred pounds on crude oil and $1.43 a hundred pounds on refined oil. That would amount to about 10 cents a gallon. So for all practical purposes it was 40 per cent on refined oil. Crude oil may be dismissed, because practically there was no importation of it.

That was the situation they had to meet. They saw, as I did, that it was unjust to admit Russian oil free when the Russians levied a duty of 40 per cent against American oil. How did they meet that responsibility? They met it with a proviso, the first time that a proviso ever appeared in our schedule of duties on this matter of kerosene oil. They put in this proviso:

Provided, That petroleum coming from any country that levies a duty on American oil shall bear a duty of 40 per cent.

That was the first proviso. I am not here to say that it was unjust. I say it was just. They did not try to fool the American people, and they did not. They brought in that proviso from the Ways and Means Committee, of which the "peerless one" I speak of was a member. It was stricken out in the House. Nobody was fooled. But it was put in again in the Senate, and it went into the laws of our country; and I for one, even at this distant day, bear testimony that it was just and it was right as far as it went.

That applies to duties between us and Russia. But how did it work out in actual practice? You know that in this country it takes us years and years to revise a tariff. The Senator from Maryland, the Senator from Texas, the Senator from Iowa, and the Senator from Rhode Island, the men who served on those committees, knew, and I knew, that six years ago we had outgrown the Dingley law. I was one of the first men in the West to raise my voice for a revision. We knew long before the people generally knew that conditions had so far changed that a revision was past due. But we have inherited this Government and its traditions and its policies from our fathers. We can not change it very much. We ought not, in my judgment, to try to change it very much. It is a pretty good thing to leave alone.

How can you go to work to revise a tariff on articles? Five or six years ago Democrats, and Republicans, too, commenced to agitate for a revision, when we knew it was necessary. We first had to interest the people by speeches and in the newspapers, and then we had to get a majority of the national conventions in sympathy with that movement, and we had to adopt a plank in our platforms. That took years. Then we had to elect Members of Congress on those platforms.

Last year we were all agreed—both parties were agreed—on a revision of the tariff, but after the election, even, it took months before we assembled in this Capitol. Then, again, it will take months before we can agree upon this tariff bill. The people of the country think that we can come here, like a state convention or like the Daughters of the American Revolution, and scrap it out in three days or a week and then adjourn and go home. They have no appreciation of the faithful work and the hard work that my colleagues are doing here. In 1897 we commenced on the 15th of March, as we did this year. We made record time, better than ever had been done before in the whole history of the country in work of this kind. We got through on the 24th of July. That was pretty nearly a year after we were elected.

How do they do those things in Russia? I am a little backward about saying that they do it better. I would hesitate to admit that any country in any respect is better than ours. But I will call your attention to the undisputed fact that they do it quicker. When it is necessary to change tariff laws in Russia, they do not require five or six years' agitation among the people in speeches on the rostrum and editorials in the papers to convince the people, and then call a national convention and put it in the platform, and then make a campaign before the people and elect their members to the Douma, and then thirteen months after they are elected meet, as we would have met but for this extraordinary session, and then labor here months and months to agree on a tariff law.

I will tell you how they do it in Russia. The law was written upon our statute books the 28th of August, I think, in 1894. On the afternoon of that day the laws as between Russia and America on that one point were equalized, and instead of taking six years to change that tariff law, there was a telegram sent from St. Petersburg to Odessa, where most of this petroleum is landed, short and plain, which raised the duty on American oil to 120 per cent. They not only got around the 40 per cent that the Democrats thought they had met, but they raised it 80 per cent more, and that could be done in ten minutes, you know. We could not change that inside of years of agitation.

When in 1897 the wheel of political fortune had turned until we had charge of these schedules, and we were charged with the responsibility, we found this situation: The Russians were charging 120 per cent on American oil. Now, I think, they are charging about 300 per cent. I will take Mr. Bryan's figures on that. It was 120 per cent. Did we simply strike out 40 and put in 120? That would not help. They could send another telegram from St. Petersburg and raise it 80 per cent more. So we changed this proviso. Instead of putting in 40 per cent we wrote it as it is now in the laws of our country:

Provided, That petroleum, crude or refined, coming from any country that levies a duty on American oil, shall bear the same duty that that country levies against our oil.

That is the law now.

Now, who was wicked and deceitful in writing the provisos into our law? None of us. I claim that we were honest. I admit that the committee on which Mr. Bryan served, of which he was the dominant member, were honest. I know they were honest, but they bungled.

Mr. Dingley acted the part of a statesman. That is the point. I want to protest against the discourtesy of saying that public men have fooled the American people. I do not like the word. I have been a voter and a politician for some years. I remember watching them as they were voting for Fremont and Buchanan in 1856, although I was not then a voter. I have watched them very carefully ever since, and I have seen them throwing their ballots like snowflakes into the ballot boxes. I have never seen an ordinary voter who acted in such a manner in that supreme moment as to leave the impression on my mind that he was acting from impure motives. So far as I have been able to observe, I have thought that every voter has voted with the idea that he loved his country, that he wished well of his country, that his fortunes were bound up with the fortunes of his fellow-citizens, and that let it go up or down he had to go with it, like the crew or the passengers on a ship.

I will not say men are honest in all their dealings, but in political matters I say they are, and it is the political life of men only that I am talking about now. I have never seen a common voter in the half century that I have watched them who has acted in such a manner as to leave the impression on my mind that he was trying to vote so as to bring mischief and wrong and injury on his country.

Then, let us go a step further, from the common voters to the county or state officers and Members of the Senate. Do you not think that we measure up in that respect to the ordinary standard that we find almost universal among the voters? We ought and we do. In watching these Democrats, of whom I confess I was a little suspicious before I learned to know them, I employ three tests in public life. In two of those tests I could pass them at the 100 mark, if I were a school teacher using examination papers. I would give them 100 on two tests. My tests are these: First, I ask is the man honest; is he sincere? If he fails in that test I have no further use for him in business or in politics. Life is short; and there is such an abundance of honest men to deal with that any man who fails when weighed in that balance and leaves an impression on my mind that he is not honest, that is the last I care to talk with him or think about him.

The next test is courage. That is a little harder. A man will sometimes fail in courage, but not many do. It is wonderful the courage that men will display in public life, it being equal to what is displayed on the battlefield. As I have watched the Democrats for nearly twenty years, I can not think of an instance where they have failed in that respect. They are brave men. It takes more courage to assume the position some of them do, a good deal more than to take our position on this question. I have not the courage to say what some of these men say on the floor. So, then, I give them a certificate of character that they are perfect in these two respects, so far as I know, because they are as brave as men can be.

But there is another test, much more important, much more severe; and right there is where public men fail, if they fail at all. Take, for instance, the pilot of a ship. He will pass the examination on the first two points easily. Here we are in a storm, in a gloom of midnight such as bewildered the Senator from Maryland [Mr. RAYNER] at the opening of his speech yesterday. The pilot stands there at the wheel. His life as well as mine, if I am a passenger, is at stake. The lives of the passengers, the safety of the crew are at stake. I have no fear of his honesty. There never was a pilot, I think, but what if steering a ship in case of danger would be honest.

Another thing is the question whether he is brave. Most of those men are brave. I do not thank the pilot for being honest and for being brave. I expect that as a matter of course.

But the pilot may fail in the third and the supreme test. Is he right? That is the supreme test. If the pilot is wrong and steers that vessel upon the rocks or into the surf and loses the cargo and ship, and I am hurt as a passenger, it is nothing to me that he was honest, it is nothing to me that he was brave; the fact that he was wrong is the one supreme test.

Now, it is just the same way in statesmanship. Few men like Dingley pass this last test of which I speak. There was a Christian statesman, if we ever had one in the history of our country. Let us revere his memory. It grated upon my ears to hear some Senator here say that in the legislation of the country he fooled the American people. I know he did not. I know he was honest and brave, and I believe that he was right.

This country is watching and waiting impatiently. Their business, their opportunity for making a living, largely depends upon our work. Do not let us send out statements from here unless we know that they are true. Let us not send out speeches to undermine the confidence the people ought to have, and that they do have, lest they be deprived of that greatest of all boons, confidence in their Government, love of their country, confidence in the men they have trusted again and again to come here and make our laws.

Mr. TILLMAN. Before the Senator takes his seat, I should like to ask him a question. The Senator said that there was an agitation for revision and that both parties put it in their platforms. As I recollect it, both the presidential candidates declared before the election that if they were successful an extra session of Congress would be called to revise the tariff. President Taft said it and Mr. Bryan said it. The Senator seemed to be very much hurt because the Senator from Maryland [Mr. RAYNER] said yesterday that we had fooled the people or that somebody was going to fool the people. Anyhow, something was said about being fooled, and the Senator from North Dakota took umbrage at that. Does the Senator understand that the tariff was to be revised up or down?

Mr. JOHNSON of North Dakota. I will try and answer that. I am not an authority on a Democratic tariff.

Mr. TILLMAN. It is not a question of a Democratic tariff. It is a Republican tariff that we are discussing now, and I want a categorical answer. Is it the understanding of the Senator in reference to revision that it was the purpose of the people that the tariff should be revised down or up?

Mr. JOHNSON of North Dakota. If you will just be a little bit patient——

Mr. TILLMAN. Surely.

Mr. JOHNSON of North Dakota (continuing). I will answer that. As you know on this floor it is not customary to answer "yes" or "no."

Mr. TILLMAN. I do not ask the Senator to answer "yes" or "no." Let him answer in his own way, just so he answers. Do not dodge.

Mr. JOHNSON of North Dakota. Just so. We had two platforms. The Democratic party were unequivocal. They stood on a platform in favor of revision and revision downward in every case, and commencing with the necessaries of life.

Mr. TILLMAN. We take that as a fact. Go ahead.

Mr. JOHNSON of North Dakota. Now, see how it would work. For instance, we laid a tariff on barley.

The nicest barley I ever saw in my life I saw a man who is now a Member of Congress buy in Dakota. The farmers shoveled it into a car and delivered it on board the car, and he paid 11 cents a bushel for the nicest barley I ever saw.

I was on the committee where I had it in my power to have part of the say as to what should be the duty on barley. I felt like this. The highest price of barley I had ever known was 45 cents a bushel. My colleagues on that committee were very kind and said: "JOHNSON, you are a farmer; you know what the farmers want; can we by our legislation help the farmers? Make the duty on barley just where it ought to be. Put it at 30 cents if it needs that." My idea was to erect a tariff wall of 30 cents a bushel. That was 300 per cent duty on barley. My idea was that no man then living would ever live to see the day when one bushel of barley would be imported over that high wall. That committee made certain peaks stick away up. If I had a profile map of the tariff, the highest peak on the profile map would be barley at 300 per cent.

The Democrats in tearing down this wall would hit barley first. Then they would hit wool and hit potatoes and hay and such things as that.

In our platform we promised that if the American people trusted us with power we would revise the tariff not universally down, not blindly ignorant, without any sense of right or rhyme or reason, whether it ought to go down or not, but we made the rule that any manufacturer and jobber himself could apply as well as we could. All these men want to know is what is the rate to be. They say that is a matter we want settled. Just let us know and we will arrange this matter without the everlasting waiting and uncertainty; we want something to guide us in this business.

We favored this rule: That we would revise the tariff in such a way that we would compensate the home industry the difference between the cost of production at home and abroad. That does not say whether it is up or down. In some cases it will be up and in some cases it will be down.

I heard Mr. Taft, the candidate of the Republican party, make a speech at Fargo during the same campaign, and he explained that, and he told us there, and he told us on the rostrum here, when he was inaugurated, that he thought this would mean in most instances a revision downward, but in some cases it might be upward, and either in a speech made in that same week, I either heard it or read it in a newspaper, he said we might have to revise upward in some instances, and that glassware and crockery might come under that head.

We adopted a platform that laid down our rule, and it is our duty as brave men to carry out that rule on the floor of this House, if it requires us to slightly raise the tariff in some few instances where the foreigner has taken away our market. That is the rule under which we are working, and we acquit ourselves entirely of the trust that is laid in our hands if we go back to our people and say that we have faithfully and conscientiously enacted into law the platform on which we were elected; and according to our convictions we did our duty.

Mr. McCUMBER obtained the floor.

Mr. TILLMAN. Mr. President——

Mr. McCUMBER. I yield to the Senator from South Carolina for a question.

Mr. TILLMAN. The Senate of the United States has sometimes been charged, and I myself have indulged in that criticism, that we can play the game of "how not to do it" with very great skill here. I want to congratulate the Senate upon getting worthy recruits. He is one of the most skillful men in not answering questions who has ever come into this body.

Mr. McCUMBER. Mr. President, that is always a question, of course, of opinion. I would beg possibly to differ with my friend from South Carolina upon that proposition, but I do not care about going into that question at the present time.

The VICE-PRESIDENT. The Senator from North Dakota is entitled to the floor.

Mr. McCUMBER. Mr. President, I stated that I would discuss to some extent the lumber schedule. But when a protectionist gives his vote against the protection of any particular article it is very proper that he should indulge a little in the discussion of the principles which justify him in taking that stand.

A great many of my protection friends upon this floor have scarcely been able to see how we could ask a protection along one line without granting it along every other line. But there is not a Senator here who will not vote, and some have perhaps voted many times, for a free list. He has some standard that guides him in determining what ought to be and what ought not to be upon the protected list of industries.

The most ardent protectionist believes that some articles should be on the free list. He may believe that the greatest good to the greatest number demands that certain raw material should not be compelled to pay a duty. I may believe that the interest of all the American people, present and future, demands that certain of our great resources, now being rapidly exhausted, should be conserved as long as possible by allowing free importations of like products.

Mr. President, purely from a revenue standpoint we possibly could have selected no more inopportune time to revise our tariffs than during the year 1909. Our expenses in the last year have probably been greater than in any other year of the history of the country. Our income has been less than it has been for several years last past.

We have appropriated for this year on the basis of the income of 1907 from our tariff schedules. So we see the difficulties that arise in fixing proper rates.

Tariff revision this year is universally understood to mean revision downward. The public expect, and have a right to expect, from every public address made in the last political campaign, that there will be a general reduction in our tariff duties. Why? Because they understood and believed, as a rule, that the Dingley tariff was altogether too high and that rates could be reduced on many articles without serious injury to the protected business. So the public, I think, reasonably expected from all of the arguments that were made during the last campaign that, generally, the revision would be downward.

Congress in responding to the duty that is imposed upon it by the American public is charged with three particular things. What are they? First, and superior to every other question, is the question of protection. That stands preeminently far above the idea of revising downward or on a horizontal scale or revising upward. The first duty that is imposed upon the American Congress, if I understand the voice of the American people, is that this country shall still go forward under the banner of protection.

The second proposition, and that is subservient to the first, notwithstanding that our Democratic friends seem to think that it should be first, is that we should revise downward, but always maintaining a sufficient wall against foreign importations to protect the American manufacturer, the American farmer, and the American laborer.

The third duty that is imposed upon this Congress is to raise sufficient revenue to conduct the affairs of the Government when economically and properly administered.

So, Mr. President, you will naturally see that the duty is somewhat difficult and complex to meet all these particular requirements. If freed from any other proposition except that of revising the tariff downward, we would have a very simple proposition which we could dispose of in a very short time.

That simple method of disposing of the tariff schedules was indulged in in 1894. We simply revised downward, and the result was instantaneous. Every industry in the United States immediately went downward. One-third of them went into the dust never to revive again until we changed that law. The other two-thirds worried along in a crippled condition during the existence of that law and until a Republican administration was voted in by the American people in 1896. That same simple method of voting everything downward left its wake of destitution from the Gulf to boundary line and from ocean to ocean. Every industry in the country felt the depressing influence.

Mr. President, while I do not believe that this bill is a perfect bill and while I believe that some of the schedules are still too high and while I shall do my very best to lower some of them, I do believe that for the most part we have reduced the rates as far as we can reduce them with safety.

I may be mistaken upon any of those schedules, and although a member of this committee, I am perfectly free to say that if any Senator here can convince me that any one of the schedules is so high that it is prohibitive or so high that it allows the manufacturer to enforce an exorbitant price for his product upon the American people, I will be ready to vote that duty down to a simple and proper protective basis.

Mr. President, I have been much impressed in many respects in the matter of the revision of these tariffs. I have never had any experience heretofore in working along that line, but what has impressed me most and has been brought home to me most vividly is the fact that there are so many ardent, strong, forceful protectionists throughout the entire Southern States, when I had always believed that they were either free traders or advocates of a tariff for revenue. I find in fact a stronger spirit for protection pervading the Southern States than I find in my own strong Republican State of North Dakota.

Mr. President, our friends on the other side have discussed the lumber schedule and some few other schedules considerably more than they have been discussed on this side, and in their discussion they have asked for the highest kind of protective duties, and yet they declare that all they are asking is a tariff for revenue only. But in every argument that has been made on the other side of the aisle there has been placed before the Senate the one great proposition overshadowing all others—that of protecting our laborers, our industry. My friend from Mississippi [Mr. McLAURIN], my friend from Florida [Mr. FLETCHER], who spoke this morning upon the cotton and other schedules, and every Senator who has spoken upon the lumber schedule on the other side, have declared that if we lower these duties we necessarily will close up some of their mills and that we will drive their laborers out of employment. Mr. President, if that is not protective doctrine, then I confess I have never learned what protection means, though I have discussed it pro and con for many years. If the tariff operates to protect any industry against foreign competition, no matter whether the duty is 5 per cent ad valorem or 500 per cent ad valorem, it is a protective duty; and there is no use of our hiding behind terms and calling it a tariff for revenue only. Every tariff is a tariff for revenue. Every tariff which protects—I care not to what extent it protects—against foreign importation is a protective tariff.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. In one moment. My Southern friends agree with me upon that principle and can make a better Republican protective-tariff speech than I am able to make myself.

The PRESIDING OFFICER. Does the Senator from North Dakota now yield to the Senator from South Carolina?

Mr. McCUMBER. Always, with pleasure.

Mr. TILLMAN. Mr. President, I am bound to say that the criticism of the Senator from North Dakota [Mr. McCUMBER] is in a great degree just. It simply illustrates what we have learned to call "the zeal of new converts;" but I want to say to him also that a tariff for revenue with incidental protection is good Democratic doctrine. Does the Senator not acknowledge that? We have got very badly mixed here.

Mr. McCUMBER. But the moment that it is protection, incidental or otherwise, it is a protective tariff.

Mr. TILLMAN. It can not be if it brings in revenue and is designed——

Mr. McCUMBER. All protective tariffs bring in revenue.

Mr. TILLMAN (continuing). And is designed specifically for revenue. But I started out to say that we are getting very badly mixed here, and it is pretty hard to tell the sheep from the goats. [Laughter.] I heard yesterday a very admirable speech on the lumber schedule, which was a Democratic speech, from the Senator from Minnesota [Mr. NELSON].

Mr. McCUMBER. I think the reason for this condition is that on the Senator's side they are all getting to be sheep.

Mr. TILLMAN. I do not know. If the Senator wants to assume that he is a sheep and I am a goat, he is welcome to distinguish us in that way.

Mr. McCUMBER. I will not designate the Senator a goat, but as a real sheep; certainly not a lamb.

Mr. TILLMAN. I was just saying that the Senator from Minnesota gave us a very fine Democratic speech yesterday on the lumber schedule, and the Senator from North Carolina [Mr. SIMMONS] I thought gave us a very good Republican speech on the same schedule; and we have listened to the Senator from Florida [Mr. FLETCHER] this morning, wanting everything that Florida produces protected, and it was a very thorough Republican speech, from my standpoint.

Mr. McCUMBER. A splendid Republican speech.

Mr. TILLMAN. As I have said, we are getting very badly mixed; and I am afraid, before we get through, there will not be trough enough for all the hogs to get their snouts into it. [Laughter.]

Mr. McCUMBER. There is one thing of which the Senator from South Carolina can feel certain, and that is, that his State will have an opportunity to reach the trough.

Mr. TILLMAN. I have observed that it is the desire and ambition of his life, on the part of the Senator from Rhode Island [Mr. ALDRICH], to inveigle or bamboozle or wheedle or persuade, or whatever other instrumentality he may use, enough Southern Democrats, so-called or actual, to clamor for protection on some little item in the bill which will give them some little part of this swill. [Laughter.] I am reminded of

a scene which I have witnessed in the past, when I was on the farm and was feeding pigs. The pretense of a protective tariff is that we must have our "infant industries" protected against foreign pauper labor. All of us who are acquainted with farms and farming know that young pigs do need a little help about weaning time, and a good farmer will provide a trough apart from the herd of hogs, a kind of pen, for instance, with a little trough in it, in which he will feed these youngsters just when the mother has ceased to care for them. That is protecting an infant industry. If he is a good farmer, he will continue to feed those pigs along until they have reached a period when the greatest profit in the food going into the meat will have arrived, and then he will slaughter them. But his trough will have to grow in length and in depth and in width and otherwise. He will have to provide an increase of food, but the good farmer will always stop feeding as soon as he has reached a point where the food is merely turned into them to maintain them without increase, leaving no profit.

Will the Senator from North Dakota contend that it is wise policy and statesmanship for us, as Americans, to continue to feed the hogs just because they are hogs? [Laughter.] In other words, to protect these fellows with tusks as long as my arm, like Carnegie and Schwab and that crowd?

Is there any honest pretense or excuse that in the iron schedule the manufacturers of iron and steel rails, for instance, now need any protection? Can we not prove by facts and figures that we can manufacture steel cheaper than it can be manufactured in France or in England? Was it not proved in the bidding by the British Government for the construction of a bridge at Atbara, some 10 or 12 years ago, that American manufacturers of structural steel got the contract because they could beat the German, the Frenchman, and the Englishman? Yet Carnegie, and Schwab and Corey and Gary, and that bunch, have such control and influence, that the iron schedule is maintained at the maximum, away up yonder, far above any reasonable and decent revision. What are these people but hogs with their snouts in the troughs of the American taxpayer and consumer? I say that we want a decent tariff; we want a tariff which will levy enough on those things which can pay something like an equal proportion of the burden, judging by the consumers, to give us what we need to support the Government administered economically. That is my idea of a tariff, and, if it protects anybody, let him get it. I will even go further. I believe it is for the best interests of the people of this country that we should produce everything that we can in America. But there are certain things we can not produce, and why should we pretend to levy tribute upon one-half or two-thirds or three-fourths or nine-tenths of the people of the country to benefit a few? That is your doctrine, and that is the difference between genuine Democracy and Republicanism.

Mr. McCUMBER. Mr. President, it would be a pleasure to follow up each line of argument that has been made by the Senator from South Carolina; but if I did that it would take considerable time that I desire to give to the particular subject under discussion. The Senator's illustrations are generally apt. I think, however, they are a little off when he accuses all of his colleagues on that side, or the great majority of them, of being bamboozled or wheedled over into the Republican ranks. I will admit with the Senator that they are jumping over each other in order to get upon the great American band wagon of protection, but I believe they are doing it because they think that it is for the best interests of the American people. When I apply the policy of protection I try to apply it to all the American people, because we are all producers and we are all consumers, and a policy of protection which is properly levied would help the producer on the one side who becomes the consumer upon the other side. I know that the doctrine of Democracy has been opposed to that. I know that your people have declared again and again that the protective policy always made some men rich, who are always the other people, and always made your own people poor. I have not found that to be the case. I have never found a policy which helped one class of the American people that did not help the other classes of the American people.

We may divide this country practically into two great classes—those whom we will call the agricultural class, who produce things to eat, and the manufacturing class, who produce things to wear and to shelter us. The $40,000,000,000, or thereabouts, of American internal commerce is the trade of one thing for another, the trading of things to eat for things to wear and shelter.

The value of any product, as every thinking man must know, is fixed by the demand in the field of consumption and not the value in the field of production. If you have nothing but destitution and poverty at the place of consumption, you will not secure very high prices for your goods at the place of production. If the farmers of this country raise 600,000,000 bushels of wheat for a home consumption that will take up every bushel of it they are far better off than they would be if they had to force their product into foreign countries against the production of the entire world, and I hope the time is not far distant, Mr. President, when we will not export one bushel of grain or flour. I believe that time is very near at hand. If the farmer's crop fails or if he gets poor prices for his crop, he is just that much crippled in buying the manufacturer's products and the manufacturer suffers accordingly. If, on the other hand, by the adoption of a policy which takes away protection to our manufacturing industries, we close our mills and factories and pauperize half of our population, the natural consumers of the farmer's products, the farmer will suffer just to the extent of the injury that is inflicted upon the manufacturing class.

I want a policy that will help both sides. I deny that any political policy can make one-half of the American people rich and the other half poor at the same time. Why, my friend, returning to your hog proposition, that Democratic fallacy is no more of a fallacy than the declaration that the farmer can feed his grown pig in such a manner that he will grow fat on one side and lean on the other side at the same time. [Laughter.] The one is a physical, the other an industrial impossibility. Any just policy that will hold for higher prices to the American people throughout is a policy that we are bound to follow.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. I should like to call the Senator's attention to this phase of the hog proposition, and ask him a question. Does a hog ever get grown? Does he ever quit putting on flesh and fat?

Mr. McCUMBER. Mr. President, the American people have not reached their ultimate growth.

Mr. TILLMAN. No, but some of our industries have.

Mr. McCUMBER. The American people do need to be protected as long as they are growing. One industry alone does not make up all of the industries of the American people. There may be a duty upon the steel industry to-day that is too high, and if the Senator will show me wherein one single schedule is beyond a reasonable protective point when we come to the discussion of those schedules, then I certainly will vote with him. I have not time to take up each schedule now, and I purpose to speak of only one proposition.

Mr. TILLMAN. I want to ask again, Does a hog ever get grown?

Mr. McCUMBER. The American people, if you want to apply the hog proposition to them, have not attained their full growth yet.

Mr. TILLMAN. I understand that; but that is a neat dodge of the Senator so as not to answer the direct question.

Mr. McCUMBER. Mr. President, everybody dodges anything that the Senator from South Carolina wants to get hold of.

Mr. TILLMAN. Sometimes a good many of you have dodged.

Mr. McCUMBER. The only simon-pure honest man in the whole world is the Senator from South Carolina. I have discussed, and other Senators have discussed, this question very often with the Senator from South Carolina, and again and again he has spoken from his seat challenging the integrity of every Senator who may possibly disagree with him upon any possible subject. I do wish that for once in his life the Senator would get it out of his mind that the Lord Almighty has tied up all of the sincerity and honesty in the world in his hide. It is not true. There are other men that can be sincere, Mr. President, who disagree with the Senator from South Carolina.

Mr. TILLMAN. Now, Mr. President, will the Senator permit me?

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure, always.

Mr. TILLMAN. I leave it to my colleagues here whether or not the criticism which has just been passed upon me of being egotistical and having self-idolatry and vanity enough to assume that I am the only honest man is true or not. I asked the Senator the plain question, Did he know whether a hog ever gets grown or not, and he ought to be man enough to say "yes" or "no."

Mr. McCUMBER. If the Senator, a cornfield lawyer, does not know to-day when a hog gets its growth, I shall not try to instruct him.

Mr. TILLMAN. Yes, but if the Senator from North Dakota, who is not a cornfield lawyer, but another kind of lawyer, has not got courage enough or honesty enough to answer a plain question "yes" or "no," we all know what he means by it.

Mr. McCUMBER. Oh, Mr. President, the reason I do not answer is that I am not going to tell the Senator that h-o-g spells hog. I presume that he has gone through his primer long ago and does not need to ask of intelligent men questions of that kind that are as unworthy of answer as his last declaration is unworthy of the Senator that utters it.

Now, Mr. President, I will return to another matter that has been suggested by the Senator from South Carolina; and that is, that these men from the South are new converts and, like all new converts, always go to extremes. They have been new converts, and they do go to extremes. I can not imagine how any one of them who lived in the United States from 1893 to 1897 could help being a convert to any kind of a new political faith; and, being converts, I will excuse them for their excessive zeal, because, like all converts to any new political faith or to any new creed or ism, they always carry their doctrines beyond those of the old school. They are going to vote and preach for policies of protection that even Republicans would blush to urge.

Mr. President, with the breaking up of the old party lines upon the principal question that has heretofore divided the two great political parties—the principle of protection—and with the force and energy of the Democracy bearing in favor of high tariff, it seems to me that it is most pertinent and proper that we should return to first principles to guide us in our future action in the fixing of any particular rate upon any particular article.

What are the principles that constitute the foundation of our Republican doctrine of protection? We seem to have forgotten them on both sides of this Chamber. Those principles have been reiterated again and again in almost every political campaign wherein that question has been raised. What are they? They are, first, the development of an industry that is capable of development. There is the first proposition. If an industry is incapable of development, if it is incapable of expansion, then there is no reason in the world for having a protective duty applied to that particular industry. I may go further and agree with my friend from South Carolina that if an industry, having been protected during a number of years, has reached the limit of expansion and, by reason of the exhaustion of the raw material, is bound to reach a state of extinction in a very short time, then the principle of protection has no further application whatever to that particular industry.

The second principle is that by expansion and development there will ultimately follow decreased cost to the consumer. We can not allow ourselves to forget that the consumers of any one article must necessarily vastly exceed in number the producers of such article, and the system which will continually compel the greater number to pay a tribute to the few without a corresponding benefit must be inequitable and unjust. In other words, the compensation to the consumer for the payment of an extra price to the producer to-day is that he shall be called upon to pay a less price than he otherwise would to-morrow.

So far, nearly every article on which a duty has been levied has responded to that idea, has resulted in such diminished cost to the consumer that to-day all the comforts and nearly all of the luxuries are within the grasp of men and women of moderate earning capacity.

Or, placing it in another form, a given amount of expended labor produces more comforts and more luxuries to-day than ever before in the history of the world; and to the principle of protection is due the credit for these blessings.

I shall not stop to discuss here the reason for it now. The truth will be brought home to us most vividly by the immediate enhancement of values whenever a single industry is crowded out of existence.

But whenever, by reason of the exhaustion of the raw material out of which any article is manufactured, the price must become more and more to the customer, the reason for the protection falls, and with it should fall the duty which is given that protection.

The third principle is that protection gives employment to our own people. But here again it can only be justified when such employment can either be increased by the protection or at least remain stationary.

There is no economic gain which decreases the opportunity for future employment in an exact ratio to the increase of present employment. There is no principle of protection which will sacrifice the immediate future to the present.

From each and all of these principles follow a deduction that is as mathematically correct as that 3 and 2 make 5. That deduction expressed in a simple proposition is this: No resources of the country which when once utilized can not be reproduced, and which are certain of exhaustion in a comparatively few years, should be protected against importations. No tariff should be levied upon iron, coal, oil, or timber where a duty upon any one of these articles contravenes every principle of the protective policy of the Nation.

First, because production is incapable of expansion without corresponding exhaustion.

Second, because, as we near exhaustion, the values necessarily increase and can not decrease.

Third, because, instead of increasing employment of labor, the final result is to discontinue employment of labor entirely.

Mr. President, if it is true that we are certain to exhaust our timber supply in a very few years, then there can be no justification for a protective policy applied to that timber for the purpose of expanding the industry. The proposition that we will have cheaper lumber by greater expansion and development of business gives way to the economic principle that we will have higher lumber by reason of exhaustion of the raw material of which it is composed. There are other reasons for placing lumber upon the free list.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. With pleasure.

Mr. PILES. I want to see if I understood the Senator correctly. I take it from his argument that he believes the removal of the duty on lumber would conserve the forests. Is that the Senator's position?

Mr. McCUMBER. I certainly do. I will touch on that point a little further on. I have heard the arguments on the other side, and I will balance what I have to say on my side against the proposition which I know the Senator has in his mind, that cheap lumber means the waste of a great portion of every tree that is cut.

Mr. PILES. As I understand, the Senator argues—and I heard him say yesterday—that the timber supply would be exhausted within thirty years. I understand him to argue to-day that it would be better for the present generation to work at reduced wage in the mills and the woods for the next thirty years, just to continue our lumber business.

Mr. McCUMBER. Oh, no; Mr. President. I have never thought for one moment, nor do I believe now, with the consumption of a raw product which is becoming absolutely extinguished at the rate, at least in my opinion—the increase of population considered—of 5 per cent per year, that it can ever go down to such a price that it will not give reasonable employment to labor so long as it lasts.

Mr. PILES. But does not the Senator admit——

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. To whom does the Senator from North Dakota yield?

Mr. McCUMBER. I yield to either. I do not care which is first.

Mr. SCOTT. I wish to ask the Senator from North Dakota if he could not find something else that we have in West Virginia which he thinks should not be protected? The good Lord made it possible for us to find oil and coal and iron ore and lumber in my State. It was His great privilege to give the Dakotas a great soil—6 or 8 feet thick—on which they can raise grain for a great many years. The Senator, I suppose, thinks the Lord discriminated in his favor and against us, because we happen to be a mountainous State filled with minerals, with oil, with coal, lumber, and that therefore we should have no protection; that he should have 70 per cent on barley and an additional protection on grain, and of course we are not to be considered in any revision, except merely to put us out of business. I suppose the Senator thinks that the Lord did not intend for anybody to live in West Virginia.

He wants free nails, free iron and steel products of all kinds, free lumber, free coal, free oil out in North Dakota, and at the same time pleads that the products of his State must be placed on the dutiable list. Mr. President, I believe in protection that protects everywhere. As I said at length in the Senate, on Tuesday, I would extend to the products of every State, agricultural or manufactured, the same protection I ask to be given to the products of the State of West Virginia—agricultural or manufactured. I can not understand why a Senator in favor of protection desires the products of his own State taken care of and the products of another State placed on the free list. I

believe that protection should protect the American people as a whole and not the citizens of one State at the expense of the citizens of another.

Mr. McCUMBER. The Senator's excessive duty on barley, 70 per cent, and the like, agrees entirely with the excessive idea he has concerning the condition of the State of West Virginia. I listened to an argument from the Senator himself the other day about those bleak hills in West Virginia. He had them covered with sheep and with cattle, some of the best cattle in the world, whose excellent meat was to supply the plate of King Edward, and sheep that excelled anything else in the United States.

Mr. SCOTT. That is true.

Mr. McCUMBER. And other agricultural products—and now he says they have not anything but coal and wood and a little oil.

Mr. SCOTT. Mr. President, the Senator must not misquote me. I did not say we had nothing else.

Mr. McCUMBER. That was the conclusion I rather drew——

Mr. SCOTT. Yes; that you drew.

Mr. McCUMBER (continuing). From the Senator's argument. Now let us see. I did not intend to reach that point just at this moment, but I may as well take it up right now, because my friends on the other side have again and again asked us why we who are asking for protection on our agricultural products are not willing to give them protection for timber and coal and oil and iron. I have already given the fundamental reasons—because, I answer, protection upon any one of those articles, when they are about to be exhausted, contravenes every principle of the Republican doctrine of protection. That is an answer in itself.

But, Mr. President, I want to take up the Senator's challenge along another line. His people probably manufacture wire nails there. They probably manufacture iron products. They probably manufacture cutlery and a thousand other iron products, and we have given protection higher upon those products than upon any agricultural products in the United States. We are giving upon some of those things protection whereby the domestic manufacturers have not only the entire trade of the United States on wire nails, but we have in addition enabled them to sell the product abroad year in and year out cheaper than they are selling it to us, and if the Senator wants any more of a sacrifice than that on the part of the great agricultural community, I do not know what it can be.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. In just one moment. I want to say we stand for protection upon every article which can be produced and reproduced again and again, but, as I stated yesterday, you can reproduce your nails, your wire, your fabrics, many times a year; and I will protect them. We can produce our crops but once during that time, and we ask protection upon them; but I want to tell the Senator that if it took us a hundred years to raise an ear of corn, as it takes a hundred years to produce that tree you cut this year, we would not ask for protection against importations.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. With pleasure, Mr. President.

Mr. HEYBURN. I should like to inquire of the Senator from North Dakota if he has estimated the decrease in the amount of timber that would be cut here had we free timber in this country?

Mr. McCUMBER. Yes; I have to a certain extent.

Mr. HEYBURN. What would it be?

Mr. McCUMBER. We are using now for lumber about forty and one quarter billion board feet. We are at present importing about nine hundred million feet from Canada. I am not certain that with a reduction of the tariff we would import more from Canada——

Mr. HEYBURN. Then——

Mr. McCUMBER. One moment. If removing the duty does not increase the importations from Canada, then it will not injure the American trade. If it does increase the importations from Canada, then we would save just to the extent that we increase the importations, assuming we would use about the same proportion of lumber each year per capita.

Mr. HEYBURN. I should like to ask the Senator if in his judgment the wages paid in this country to the people engaged in the lumbering business would be decreased by free lumber?

Mr. McCUMBER. If we increased the importations from Canada 20 per cent, we would naturally decrease the production here 20 per cent, and if we decrease the production we would naturally affect labor to that extent.

Mr. HEYBURN. I will ask the Senator if this proposition has occurred to him: Does it decrease the forests of this country any more rapidly if men work for a dollar a day less than if they received the standard wages? Would it affect the question of the exhaustion of the timber?

Mr. McCUMBER. Yes; it would affect the question of the exhaustion of the timber, because the greater the price for the timber in this country, naturally the greater would be the inclination to produce it, and as you increased the production you would naturally devastate our forests at the same ratio.

Mr. HEYBURN. I should like to ask another question, if the Senator will pardon me.

Mr. McCUMBER. I am always glad to get suggestions.

Mr. HEYBURN. Does the Senator contemplate that under free lumber the amount of lumber coming into this country would be greater than under existing conditions?

Mr. McCUMBER. I have already answered that.

Mr. HEYBURN. The quantity of lumber?

Mr. McCUMBER. I have already answered that. I believe that the quantity of lumber coming into this country would be slightly increased.

Mr. HEYBURN. Would the decreased production in this country tend to diminish profits and diminish the rates of labor?

Mr. McCUMBER. If we had inexhaustible forests, that reason would be a good and valid one, but inasmuch as we have not inexhaustible forests, there are other things more important to the American people to-day than the little price added as a compensation to those engaged in slaughtering our forests.

Mr. HEYBURN. I should like to ask another question. Would the forests be more rapidly exhausted, in the judgment of the Senator, at a wage rate of $2 a day than at $3 a day?

Mr. McCUMBER. I think I have answered that. I have answered it twice, I think. I can answer it a third time. The higher the price of lumber in this country the more rapidly, other things being equal, will be the exhaustion of the forests of this country, to reap the higher price.

Mr. HEYBURN. I will ask the Senator only one other question. Is this country producing more lumber than it needs to maintain existing conditions of prosperity?

Mr. McCUMBER. This country is not only producing practically all we use in the United States, except less than 1,000,000,000 feet, but it is also shipping abroad and out of this country a great many million feet.

Mr. SCOTT. Before the Senator returns to his set speech, may I ask him a question?

Mr. McCUMBER. I will say to the Senator I have no set speech.

Mr. SCOTT. I hoped the Senator had. Does the Senator think if the duty were taken off lumber entirely it would cheapen it to the consumer?

Mr. McCUMBER. I intended to come to that as I go along, but I may just as well answer it now.

Mr. SCOTT. There is another question I wish to ask. I will put them both in one.

Mr. McCUMBER. Very well.

Mr. SCOTT. When, some years ago, we took the duty off of coal, did it lessen the price to the consumer in North Dakota?

Mr. GALLINGER. Or in New England?

Mr. SCOTT. Yes.

Mr. McCUMBER. Preceding that condition we had a tie-up in our mines, which made coal extremely scarce for a while, and naturally while those conditions prevailed we would hardly expect coal to go down, either in the Dakotas or anywhere else, to an appreciable extent.

Mr. PILES and Mr. ELKINS addressed the Chair.

The PRESIDING OFFICER. To whom does the Senator from North Dakota yield?

Mr. McCUMBER. I will yield first to the Senator from Washington.

Mr. PILES. Before you get away from that subject, I want to get the Senator's attention to this point. The Senator said a moment ago that substantially whatever the importations from Canada were would save that much of the forests of the United States, and that would conserve our timber. I desire to ask the Senator if he does not know that the real struggle here is, on the part of Canada, to invade the American market with her low-grade material? Does he not know that in 1894 Canada issued a campaign document in which she showed to the people of the Canadian provinces that by reason of the reduction of the duty

on white pine to $1 Canada saved from 30 to 50 per cent of her common lumber, which she admitted through her government officials they had wasted in the forests; and if, as a matter of fact, the removal of the duty on lumber does not mean wasting from 30 to 50 per cent of the lumber that the American people own in American forests, because it simply gives to Canada the market for that rough lumber which we would have?

Mr. McCUMBER. During all the time of our tariff upon lumber, we have increased our exportations into Canada at a greater per cent than the importations from Canada have increased.

Mr. PILES. Yes, but——

Mr. McCUMBER. A moment. Canada still exports more into this country than we export into her country. But we are gaining over her exports to this country year by year under the present conditions, and we are outstripping her three to one in all the foreign markets of the world.

Mr. PILES. In the first place, the Senator from North Dakota, who has evidently investigated this question, knows that it is the higher grades of lumber produced in this country and not in existence in Canada that Canada takes from us. Let me give you an illustration right there.

Mr. McCUMBER. Shingles.

Mr. PILES. He is endeavoring to put shingles on the free list, for instance. Canada sold to us more than $2,000,000 worth last year, and we sold her $8,073 worth.

Mr. McCUMBER. I am very glad to have the Senator call my attention to that subject. Canada is giving the Americans a better grade of shingles than our producers are giving us.

Mr. PILES. I will reach the shingle question——

Mr. McCUMBER. I will reach it now.

Mr. PILES. All right.

Mr. McCUMBER. She is giving us a better grade than we are producing at home, a higher-priced grade, and we have been paying a higher price for them. Why? Because she has taken greater care in the selection and in the making of the grades than our American mills do.

Let me tell the Senator what happened a short time ago out in his own State. The shingle makers got together and discussed the tariff question, and they solemnly resolved that if we lowered the duties upon the shingle schedule in the United States they would do what? They would make better shingles. That is all.

Mr. PILES. Let me ask the Senator——

Mr. McCUMBER. That is all they will have to do—separate those shingles, give them the same care that is given at the Canadian mills in keeping the high grades together, and my belief is that you will be able to hold the high grades as against the Canadian importer.

Mr. PILES. But does not the Senator know that the shingles in Canada—and I speak now particularly of British Columbia—are made of the very highest grade of cedar.

Mr. McCUMBER. Yes.

Mr. PILES. Whereas upon the very line of forest conservation of which the Senator has been speaking we go into our logged-off land and cut down old stumps and make them into a shingle that is just as good as the British Columbia shingle, but not probably so good looking. We are conserving the forests, extending the timber supply of the people of this country for many years yet to come, while the Senator would want us to destroy it in order to give our markets to Canada.

Mr. McCUMBER. Anyway, the American buys British Columbia shingles at a higher price, I think, than he pays for American shingles, because he regards them as a better selected shingle.

There are three counties in the Senator's own State, as I understand, that have practically as good cedar as there is in British Columbia. I am not certain it is just as good, but I understand it is just as good timber for the manufacture of shingles, and they will be able to manufacture them——

Mr. PILES. I should like to explain that to the Senator.

Mr. McCUMBER. I will say to the Senator I will take that up logically in just a moment.

Mr. BEVERIDGE. Mr. President——

Mr. McCUMBER. I yield to the Senator from Indiana.

Mr. BEVERIDGE. Is it the Senator's conclusion that if the tariff was taken off Canadian shingles the American people would get at a cheaper price those superior shingles, which they must buy anyhow?

Mr. McCUMBER. Without discussing the question whether the price would be cheaper or higher, because I believe lumber is going to the skies anyway, no matter what we may do, I believe that we would get a better class of shingles probably for the same price.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from West Virginia?

Mr. McCUMBER. Certainly.

Mr. ELKINS. I wish to ask the Senator a question. I believe it is his theory that because when you cut down a tree it is destroyed forever, therefore lumber should be put on the free list; that the tree is utterly destroyed and extinguished and can not be reproduced; that any article or product that by use is extinguished or destroyed, such as coal, oil, and lumber, should not be protected, but its existence prolonged by bringing in such articles and products from foreign countries.

Mr. McCUMBER. The tree can not be reproduced in any reasonable length of time, and can only be reproduced at enormous expense.

Mr. ELKINS. With the Senator's consent——

Mr. PILES. I should like——

Mr. ELKINS. Wait.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I can yield to only one at a time.

Mr. ELKINS. And the Senator declares as the reason for putting a duty on barley and wheat is that they can be reproduced every year.

Mr. McCUMBER. The same as upon wire nails and a thousand other articles.

Mr. ELKINS. Wait. You can not eat wire and nails.

Mr. McCUMBER. You consume them. You can not eat lumber.

Mr. ELKINS. How does the Senator reconcile this situation or condition: The soil that produces wheat, barley, and oats gives out. Forty or fifty years ago New York was a wheat-producing country. Now you can not get wheat out of the soil of New York and not out of Ohio, West Virginia, or the older States. Does it not occur to the Senator that the very soil in his State which produces barley and wheat so wonderfully now may give out, and it is certain to give out if the rule holds good in his State as it has in others. And if it does, why should we not apply to it his rule of not levying a duty? Why should not barley, oats, wheat, and other farm products for the same reason be put upon the free list, because the soil in his State will give out ultimately? Its fertility is not assured, but is temporary in its richness as in the other States.

Mr. McCUMBER. There are some pretty old countries in this world which have had their soil cultivated for thousands of years and yet the soil has not given out; and I maintain that whenever the American people protect their soil as the soil is protected in Germany, Holland, France, and Italy, and in the little kingdom of Japan, we will never exhaust it. If it is properly taken care of, as it is in Great Britain, it will become better soil year after year instead of becoming exhausted.

The second proposition is that even though we have to change from wheat we will change to some other crop. But these great mountain sides are fitted for no other purpose than to grow timber for the purpose of conserving our waters; for the purpose of maintaining our streams at the present flow? for the purpose of checking floods; and for the purpose of protecting the mills that are run by those streams.

Mr. ELKINS. The Senator has admitted that the soil will give out.

Mr. McCUMBER. No, I have not admitted anything of the kind.

Mr. ELKINS. He has said they would change from barley and wheat to something else; and he cites Great Britain. Great Britain can not raise enough wheat to supply herself, nor can any of the countries of Europe.

Mr. McCUMBER. Great Britain raises a great deal more wheat to the acre than we do.

Mr. ELKINS. But she does not raise enough, and, as I understand, her soil is exhausted, and restoring it is so expensive that raising wheat and grain is not profitable.

Mr. McCUMBER. It is because she has too many people for her little territory that she does not raise sufficient.

Mr. ELKINS. I want to submit to the Senator this proposition: Just because the timber industry is an expiring one, a disappearing one, and can not last forever—although I do not know what is in his mind as to the length of time, whether a hundred or two hundred years—the investor in timber lands and the lumber industry is not to enjoy any protection. I think the case is parallel with the soil giving out, and that barley and

wheat will not last, and therefore every product in his State, if you please, will pass away, and therefore should not be protected. In the wreck of matter and the crash of worlds this earth and even the stars will give way and become dust, and therefore we must not impose a duty upon anything not permanent. Nothing is permanent; nothing will endure forever. So your rule would apply to any article produced, because all articles or products must pass away. How long must a product last to be entitled to protection? What number of years—fifty years, a hundred years, or two hundred years? If it is going out in five years, then it must not be protected and be open, free to the world and foreign labor, and there must be no duty on it—no protection. What is to become of the capitalists who have invested in timber lands and sawmills and the people who depend on the lumber industry? Are they not to be considered in taking account of American industries? Take the capitalist who invests his money and is ready to carry on the business. Must he be stricken down because timber will some day give out and is a disappearing industry?

Mr. MCCUMBER. I can see a little bit of difference; possibly it is very slight to the Senator from West Virginia, but I can see a considerable difference between thirty years from to-day and that future time when the sun shall burn itself to ashes. I can see a reason for applying a principle to conditions as they exist to-day and to conditions as they are bound to exist within a very few years, and applying it to some far-off period beyond our imagination.

I am now going to hold to my text a little while. I want to answer any question, but I do not want this address to consist of questions and answers.

Recapitulating, I said that I object to a tariff duty on any of those articles which once utilized become forever exhausted to the American people, where the exhaustion is clearly within the immediate future. Why? Because the iron, coal, timber, and oil are bound to be exhausted in this country within a very short time; because the industry is incapable of expansion without a corresponding exhaustion; because the values increase instead of diminish as we reach the period of exhaustion; and finally because the ultimate result will be to discontinue labor upon those articles entirely, and that within a very short time.

Mr. President, when will this become exhausted? One of the greatest speeches that I have ever read in my life, one full of meat, one replete with warning to the American people, is the address given by Mr. James J. Hill on the 3d day of September, 1906, upon the squandered resources of the American people. In that address, in which he went very clearly and fully into the subject, referring to very many treatises upon the question of the exhaustion of these national resources, he announced that coal could not last over one hundred years, even at the present rate of consumption; that available iron ore, at the present rate of consumption, could not last more than fifty years. I do not think that this comes from his address, but, from the best information I can get, at the present rate of consumption the lumber supply of this country will be exhausted in about thirty years and the oil fields will be exhausted in anywhere from twenty to fifty years, depending upon the new fields that may possibly be found in other sections of the country.

Mr. President, from my view point I am forced, therefore, to vote against a duty upon those particular articles unless I am convinced that the duty will not check importations. I am a little inclined to think that a small duty upon iron ore will not check importations whatever. I know that no country upon the face of the earth can compete with the United States Steel Corporation in the production of iron ore along the shores of Lake Superior. There may be certain points where there would be some competition between the home production and the foreign production, but my conviction is that at those points the importation would come in whether we put a small duty upon it or not, and therefore I shall not object seriously to a small duty upon iron ore. Such duty would be a revenue and not a protective duty. I only want the duties to be so low that exorbitant prices can not be charged.

Mr. President, I think with the exception of those four articles I stand as strong a protectionist as any Member upon this floor. If I differ in any way from those upon the Finance Committee on the question of duties, it is a difference upon the application of what is the proper duty and not a difference upon the question of protection itself.

There should be some rule, it seems to me, that should guide us in the levying of a duty, and we seem to have forgotten that rule entirely. What is it? It has been declared again and again by the present occupant of the White House in his addresses before the American public. It is that every duty should measure the difference between the cost of the foreign product and the cost of the same product in this country, which, of course, will include a reasonable return upon the investment, and I may add that it ought to be enough more to justify the risk in the trade. We can not expect capital to invest in any business if we simply say, "We will not let you make more than 6 or 8 or 10 per cent." If we were to state the exact amount which they should receive as a reasonable profit under favorable conditions, then we would be equally bound to declare that we would make good those prices under unfavorable conditions; and so that element should always be kept sight of in the fixing of any tariff schedules.

This probably can better be illustrated than defined. We will say that the raw material and labor upon an article produced in a foreign country amounts to 90 cents. A reasonable return upon the money invested and risk of investment we will say would be 10 cents. That would make the foreign cost of the article $1. Now we find that the cost of the raw material plus the cost of labor in this country for the production of the same article is $1.40, and that a reasonable return upon the investment and risk is 10 cents. That would make the cost of the article in this country $1.50. Eliminating the cost of transportation, this would put the foreigner and the American upon the same footing in the markets of our country. The tariff, therefore, ought to be a sufficient amount above that to give the American a preference in his home field. Ordinarily the difference in the cost of transportation will give him that preference.

A tariff based upon this principle never could become oppressive to the consumer. The American in the case cited could make a reasonable profit by selling his article for $1.50. Now the effect of a tariff just sufficent to be a protection will always be to keep the purchase price of an article in this country on a reasonable basis by a self-acting adjustment. If the American should sell this article for $1.60 which he can sell at a good profit at $1.50, the foreign merchant can then afford to pay the tariff and make a reasonable profit. And if such prices should be kept up for any length of time, the influx of foreign goods would drive the price downward, thus compelling the American manufacturer at all times to sell for a reasonable price in order to hold the American field. Of course if we make the tariff in the case cited 75 cents or $1 instead of 50 cents, the exorbitant prices could still be charged without danger of importations. This condition we should avoid.

Therefore, as a foundation for a perfect protective system in this country, we ought to be armed with full information as to comparative cost of production of every article without and within this country. For the most part we have not such facts before us. I presume if one would go through the eight or ten thousand pages of House hearings he could pick up considerable along that line. But nothing is presented to us in an orderly, logical, or accurate manner upon this most important subject. As I am forced to act without the information which I would like to have to aid me in the duty of fixing rates, I feel more than ever the necessity of some commission or bureau whose duty it shall be to ascertain these facts every year and keep Congress informed upon them. I do not think we need a commission to pass judgment on what we should do. Congress is charged with the duty of exercising the judgment. We should have a commission or bureau to furnish the facts upon which the judgment could be based.

We are not, however, wholly without information along this line. Assuming that the selling price of an article in any country has some proper relation to the cost of production in such country, we probably have information that might be called a substitute for that bearing upon cost. A large portion of our duties are ad valorem and we have, therefore, the selling price at home and abroad which has been utilized in making up these schedules.

If we can find any instance in which the spread between the cost of production at home and abroad is more than enough to measure what would be a reasonable protection, I stand with any Democrat or any Republican to reduce it down to what is reasonable, but never below the protective principle upon the basis of the present prices of wages.

I wish now to consider the duties imposed upon lumber, coal, iron, and natural resources which, by use, become lost to the country. Under my theory the protection of every article which comes from the soil directly or indirectly and can be reproduced again and again ought to be under good and sufficient protection. Every article of manufacture from our looms, every fabric, every one of the thousands upon thousands of manufac-

tured articles should be amply protected. We pay at least double the amount of wages to every laborer in the United States that is paid in any other country in the world. That higher priced labor necessarily places all articles which come from labor upon a higher plane of value. In order to maintain the higher price for the labor it is absolutely necessary to maintain the higher price of the products. If the laborers of this country as a whole produce no more than is consumed in the country, very little gain would be had by reason of remaining upon this plane of higher values for everything. But whenever as a whole the laborer produces much more than he purchases, the high-priced value of the articles and his labor which produced them must necessarily inure to his advantage. I want to show that these rules have no application to those articles which I have mentioned.

Mr. President, the first great sovereign duty, a duty transcending all political fealty or partisan affiliation, is the duty of the Government to subserve the interests of the people.

As the first duty of the head of a family is to safeguard the interest of the generation that is to succeed him, so also the highest and most sacred duty of government is to conserve, not alone for the next generation, but for all future generations undiminished, except so far as may be necessary for the present, the great resources of the country.

I have no patience with the doctrine so often preached that we owe nothing to the future; that the future must take care of itself, and that it will undoubtedly find means to do so.

This is not alone our country. It belongs to our children's children. We have the right to use it, but not the right to so use it as to destroy its use to them. I know people still scoff at the idea of conserving our great resources for the future and call it "pessimism."

Great Britain long supposed that with her coal and iron she would be able to rule the markets of the world. To-day her mills are empty, her almshouses are filled to overflowing. Destitution settles like an ominous cloud over that great Empire. I read that an advertisement for a butler at $4.50 per week brought 4,500 answers. What is the trouble? Why is she so unprosperous at a time when her German competitor has been forging ahead at a most rapid pace? The answer is the exhaustion of her available coal and iron. She must now go so deep into the bowels of the earth that the added expense of those two great products so necessary to her vast manufacturing purposes renders it impossible for her to produce at her old rates, and her markets have left her. Here is an answer to those who say: "Let each generation take care of itself."

Great Britain is in the condition where we will be the moment we have exhausted all of our supplies, our natural resources, and are depending entirely upon the foreign product. For my part, Mr. President, I want to prolong that day just as long as it is possible for me to do so.

Mr. President, prosperity makes us so optimistic that we take no cognizance whatever of our destructive tendencies. There is not a Senator here who can not remember the song—

Uncle Sam is rich enough
To buy us all a farm.

We kept that old song ringing in our ears until Uncle Sam was compelled to pay millions upon millions of dollars to dig irrigating ditches to make farms for his land-hungry people.

I have heard this idea about our inexhaustible natural resources advanced ever since I can remember. It has been preached up to the very present time. Then it suddenly dawned upon us that all those resources could last but a few years. Those people who were interested directly in the particular resources were the first to discover that there was a shortage. While the old songs were floating through the atmosphere these men were working night and day to get hold of all the available coal and oil fields, all the iron fields, and all the great forests of the country. When too late, we find that our resources are about exhausted, and the little left is in the hands of the few. After we had denuded the old White Mountains of their forests, after we had destroyed the timber upon the Appalachians, after the farms were being washed away and destroyed and fires had made a desert over this section, we comprehended our extravagance. Then the Senator from New York [Mr. DEPEW] introduces a bill that will cost this Government not millions, but billions of dollars to reforest the Appalachian chain of mountains and to produce the old conditions.

A herd of hungry steers in a cornfield destroying twice as much as they consume but faintly illustrates the devastation of the timber resources of this country for the past forty years. And yet we are asked to continue the same policy unchecked until the last tree is felled.

This, Mr. President, ought to be a vivid picture to those people who say that there is no other duty the American people owe to future generations except making higher prices for the laborers engaged in the manufacture of lumber.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. With pleasure.

Mr. GALLINGER. The Senator has figured out that unless we have free lumber our lumber supply is to disappear in twenty years.

Mr. McCUMBER. In thirty years.

Mr. GALLINGER. The Senator said it was disappearing at the rate of 5 per cent per year, and that would take twenty years. Can the Senator tell us how large the lumber supply of Canada is?

Mr. McCUMBER. I will before I get through. I have the figures here and I will give them.

Mr. GALLINGER. Is it correct that Canada has less than half as much lumber as the United States?

Mr. McCUMBER. I think it is 14 per cent upon the mountainous district of the West.

Mr. GALLINGER. If that is the supply we are to draw from, how many years is it going to extend the time when the United States will have lost its lumber product?

Again, if we have free lumber and we draw from Canada, how long is Canada going to let us have any of her lumber? She is going to protect herself. She is a wise country.

It seems to me that the Senator is not going to put the evil day away very many years by his free-lumber proposition, but is going to put out of employment, on the basis of 20 per cent reduction, 160,000 American workingmen, and the capital they represent.

Mr. McCUMBER. Oh, Mr. President, we gave employment to the American laborers when lumber was 50 per cent cheaper than it is to-day, only about seven years ago. We will probably give reasonable employment to the laborers in the future. I am not for one moment supposing that if we have free lumber we are going to close up our mills. I am not supposing that we are going to close a single mill, but I do believe that we will retard, in the future, the growing rapidity of the destruction of our American forests.

Mr. GALLINGER. Mr. President, if the Senator will permit me, he has said that we will import 20 per cent from Canada. If that be so, it must put out of commission 20 per cent of the 800,000 men who are now working in the lumber industry. It seems to me that is a mathematical conclusion that the Senator's oratory can not get rid of. If that be so, then I do not see where the gain is to be.

Then as to the reduced price of lumber; if the Senator will take the statement of Mr. Charlton, a very eminent Canadian, he will see that Mr. Charlton says that they do not expect that there will be any reduction in the price of lumber. He says that they want free trade to get their product into the United States and get the American price for it. So our people will not get any benefit from that, but we will lose labor for one-fifth of the men who are now engaged in our lumber industry, and Canada, that has only 14 or 15 per cent as much timber as we have, will not allow us to take all her timber before she puts an embargo upon it.

I do not see how the Senator's scheme is going to greatly extend the time when the timber product of the United States is going to be destroyed.

I do not personally take any stock in either the twenty or thirty year period that the Senator fixes as a time when we are going to see the last tree felled in the United States. It is not going to happen, whether we have free lumber or not.

Mr. McCUMBER. I will tell you why it will not happen, if it does not happen. It will only be checked by such exorbitant prices for lumber as will compel the American people to have a substitute for lumber for building material and for the other purposes for which our lumber is to be used. That is the only thing in the world I can conceive of that will prevent the lumber prices from going to the skies, and the consequent exhaustion of our lumber districts as the prices go up. There is a limit beyond which we can not go even in the prices that we put upon lumber, and that is the limit of the ability of the people to purchase lumber.

Mr. President, since human civilization began, lumber has been used in the construction of homes. I have reason to believe that lumber will still continue to be the chief article, not only for furniture, but for vehicles, for transportation, and in the American home. I want that lumber to be just as cheap as

it can be, because I believe in the good home as an American civilizer. I believe in it, because I believe that the larger and the more elegant the home the better civilization, the higher American refinement, and I, for one, want to put off just as long as I can the time of compelling the American people to live in stalls.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I yield to the Senator.

Mr. PILES. I wish to ask the Senator if free lumber would reduce the price to the consumer?

Mr. McCUMBER. I have been answering that question over and over again.

Mr. PILES. I did not hear it.

Mr. McCUMBER. My belief is that with the exhaustion of the timber lands of this country the price of lumber is bound to go up, tariff or no tariff. Now, that is my answer, and I hope it will be remembered by the Senator.

Mr. PILES. Then I understand the Senator to say that the removal of this duty and the admission of the Canadian product into our country will not reduce the price to the consumer?

Mr. McCUMBER. I do not believe that lumber is going down materially at any future stage. I do believe that if we have free lumber we will check a too rapid rise of the product, and for that purpose it will be beneficial, because the exhaustion is going on in British Columbia, in Canada, almost as much in percentage to the amount of lumber that she has as it is going on in the United States.

Mr. President, nothing in the whole schedule of articles used by the American people has ascended the ladder of exorbitant prices so high and so rapidly as the price of lumber. There has been no other article, necessity or luxury, in the United States that has increased so rapidly in the last fifteen years as has the price of lumber; and when I speak of the price of lumber I mean the wholesale price and not the retail price. I will give a table along that line after a while. To-day it is out of proportion to practically every other article of necessity upon the market.

Here is a table showing the wholesale prices f. o. b., the mill prices, at Marinette, Wis. I am giving the prices now at the mill in 1892 and in 1907.

Mr. PILES. What is the character of the lumber?

Mr. McCUMBER. I will give the character of the lumber.

Mr. PILES. What is the year?

Mr. McCUMBER. I take the year 1892, the last year of Harrison's administration, and 1907, just before the panic.

Fencing, 4-inch No. 1, in 1892, $12. This was the price per 1,000 feet. In 1907, $30.

Six-inch No. 1, 1892, $15; 1907, $32.

Common boards, 8-inch No. 1 stock, $12.50 and $30.

Flooring No. 1, $16.50 and $33.

Piece stuff, 2 by 4, $11.50 and $23.

Three by 12 of the same, $11.50 and $31.50.

I will make this table a part of my remarks.

The table referred to is as follows:

	1892.	1907.
Fencing:		
4-inch No. 1	$12.00	$30.00
6-inch No. 1	15.00	32.00
Common boards:		
8-inch No. 1	12.50	30.00
12-inch No. 1	14.00	37.00
Flooring:		
No. 1	16.50	33.00
Piece stuff:		
2 x 4	11.50	23.00
3 x 12	11.50	31.50

Mr. PILES. Where does the Senator get these figures?

Mr. McCUMBER. You will find them in the tariff hearings, page 3132.

Mr. PILES. I understand the Senator to take the two years 1892 and 1907.

Mr. McCUMBER. 1892 and 1907.

Mr. PILES. The Senator takes the year in which lumber was the highest throughout the United States.

Mr. McCUMBER. I will correct that statement. It was not the highest. It was higher in 1905 and 1906 on an average than in 1907.

Mr. PILES. It was not higher in 1905.

Mr. McCUMBER. Authorities differ. I take my statement from Mr. Wells, a Michigan lumberman, who says that the highest prices for lumber were in 1905 and 1906. He produced it and sold it. I of course can not go into a controversy over that question with the Senator, because we must both rely upon the figures that are given.

Mr. PILES. May I ask the Senator further, does he think it fair to make an estimate of the increase in price of lumber from 1892 and jump the intervening years and come to 1907, when lumber had reached practically its highest figure? It has now dropped off from 30 to 40 per cent.

Mr. McCUMBER. Mr. President, I certainly would think 1908 a very improper year to include in an estimate, following the panic of 1907, with a great fall in price. I am leaving disagreeable periods out of the computation entirely. I can not imagine any worse condition than from 1893 to 1897. I am leaving that abnormal Democratic period out of consideration entirely, and I will leave this rather abnormal Republican period out of consideration, that of 1908. Upon the whole, however, there has been a gradual rise in the price all along from 1892, under normal conditions, to 1907, under equally normal conditions.

Mr. PILES. But, if the Senator will pardon me right there——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I do.

Mr. PILES. The Senator has no table for any year that can embarrass me as to the wholesale price of lumber at the mill. I have a table here from one of the mills in the State of Washington, from 1895 down to 1909, covering a period of thirteen years, which shows the wholesale price to have been during that period $9.38½ a thousand. It will not do to say that in 1892 the price of lumber was so much, and that in 1907 it had reached a certain price, for the Senator knows that the price of lumber in 1907 was abnormal, and it is possible that it never will go to that price again in the history of this country. The Senator knows as well as I do that the Valparaiso disaster, the San Francisco disaster, and the constant, abnormal demand for lumber throughout this country produced the unusual and unreasonable price at that particular time.

Mr. McCUMBER. Mr. President, earthquakes did not affect us during all of those years. The abnormal condition in the city of San Francisco did not affect us during all of 1905, 1906, and 1907, and I candidly believe that if we return to what I regard as a normal condition—the condition of 1907—we shall return to the normal price of lumber during that period; and especially am I justified in that assertion when I see the increasing cost of stumpage in the United States, which will probably keep on increasing for the next few years.

Mr. President, what valid reason is there for such an enormous increase in the price of lumber during that period? It bears no relation—that is what I want to show——

Mr. DIXON. Mr. President——

Mr. McCUMBER. I will yield to the Senator in a moment.

It bears no relation whatever to the cost of production during that same period, as I shall show hereafter. The only valid reason, therefore, must be in the rapidly diminishing stock of timber in the United States; and upon that assumption I base the argument as to future prices; and nearly every one of the lumbermen and the lumber journals that have discussed this subject claim the same ratio of increase in the future as the raw material is diminished.

The PRESIDING OFFICER. Does the Senator from North Dakota now yield to the Senator from Montana?

Mr. McCUMBER. Certainly.

Mr. DIXON. What I understand the Senator to say is, that the wholesale price, f. o. b. at the point of manufacture, was $30 per thousand for common fencing lumber.

Mr. McCUMBER. That is as given here. I take this from the hearings. If the Senator will look on page 3132 of the House hearings——

Mr. DIXON. From what kind of trees was that $30 per thousand common fencing obtained?

Mr. McCUMBER. I presume from the ordinary pine, such as we get from Marinette, Wis. I gave the name of the particular mill.

Mr. DIXON. Is the Senator sure that the price he is now giving was not for mahogany? I never heard of $30 a thousand for common fencing lumber. I am sure the highest price ever obtained in my State was $15 a thousand at the mill.

Mr. McCUMBER. The producer of lumber who gave this testimony in the House hearings may have falsified the facts. I am not prepared to say that he did so. I am taking the statement that is given by him. I will follow it by other statements directly from the American Lumberman, showing equal advances in prices.

Mr. DIXON. But the Senator from North Dakota will remember that no timber in Minnesota or Wisconsin sells for over $15 a thousand on the stump. The logging and the milling do not cost over a dollar and a half or two dollars. I think surely there must be some misstatement in the figures which the Senator quoted, for you can buy flooring in Minneapolis, in the wholesale market, for $30 a thousand, and you can buy the best hard maple flooring in Minneapolis for $50 a thousand, dressed, tongued, and grooved.

Mr. McCUMBER. Yes. Now, Mr. President, I do not believe that the gentleman who gave this testimony and who, as I remember, was a lumber producer himself, gave a wrong statement, especially as he was asking for a tariff on lumber. I will follow that up with another table that is given in the tariff hearings. It is on page 3137 of the tariff hearings. The price of fencing in 1892—it does not give the month here—was $12, in 1907 it was $30, being an increase of 150 per cent. The price of common boards was then $12.50, in 1907 it was $30, being an increase of 140 per cent. The price of flooring was $16.50 in 1892 and in 1907 it rose to $33, an increase of 100 per cent. Piece stock—that is, two by fours, etc.—was increased from $11.50 to $23, or 100 per cent. Those prices are also given in the tariff hearings.

What other commodity in the whole United States which is used by the common people can show such an enormous or exorbitant rise during that period? I can not recall a single one, Mr. President.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from New Hampshire?

Mr. McCUMBER. I should like to finish this statement, but I will yield to the Senator from New Hampshire for a question.

Mr. GALLINGER. If the Senator will go to the last Yearbook of the Department of Agriculture, he will find that for the past five years there has been an increase of 41 per cent in wheat, 44 per cent in corn, 71 per cent in oats, 100 per cent on horses, 109 per cent on mules, 45 per cent on potatoes, and 45 per cent on cotton. I also find from a table that is before me that for the last five years there has been approximately an increase of 60 per cent on lumber, a much lower increase than has occurred in some of our agricultural products. I put the Yearbook of the Department of Agriculture against the tables that the Senator presents.

Mr. McCUMBER. The Senator will find that the increase in agricultural products possibly for the last few years has been quite considerable. He will also find, however, that taking a number of years, ten years or fifteen years, there is nothing upon the face of the earth that has increased at the same ratio as has lumber.

Mr. GALLINGER. My figures will go into the RECORD, Mr. President, and they will speak for themselves.

Mr. McCUMBER. My figures will go into the RECORD also, and they will speak for themselves. I am giving the record that was given in the House hearings.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Vermont?

Mr. McCUMBER. Certainly.

Mr. PAGE. I should like to ask the Senator from North Dakota if the conditions attaching to the testimony which he quotes are, in his opinion, those which obtain in other sections of the country?

Mr. McCUMBER. I do not know that I thoroughly understand the Senator's question.

Mr. PAGE. The Senator says that the proof in regard to the price of lumber in Wisconsin shows that it advanced from $12 to $30. I have been conversant with the price of lumber in New England for many years, and I know that the class of lumber which goes into fencing, the ordinary inch hemlock, has only advanced from about $14 to $19 at the mill. That is the extreme.

Mr. McCUMBER. Between what periods?

Mr. PAGE. Oh, in the last ten or fifteen years; I do not recall exactly.

Mr. McCUMBER. Let us take 1892. Then we shall have the same basis.

Mr. PAGE. There may have been some abnormal depression; but I am now speaking of the general trend of the prices of lumber.

I now recall another fact, and that is that it has been many years since spruce logs were sold by the farmer or the owner of stumpage at less than $5 per thousand. The price this year, delivered at the mill, within a reasonable distance of the railroad, is from $10 to $13. The variation is more than formerly, because fifteen years ago the general quality of our lumber was better. Now we have many wood lots that have been cut over, and we get a poorer quality. So the price varies from $10 to $13, whereas formerly it sold at a uniform price. But I do not know of any place in New England where the advance in lumber has been at all commensurate with that stated in the testimony which the Senator gives from this part of the country. I think there must be something peculiar about the nature or the quality of the lumber or in the surrounding conditions.

Mr. McCUMBER. Mr. President, the figures that I have so far given, I think, have all been taken from the House hearings upon the lumber schedule. I speak only from the figures that have been given in those hearings, or those that are taken from some other record; and I will give the record. I know that the retail price of lumber in my section of the country has advanced along the same proportions and lines that are given in these tables upon the wholesale price. So, while I am not prepared to speak as to any particular mill in the Senator's State, I am speaking of a particular mill in Wisconsin, and as to the other mills, I am reading from the testimony of the owners of those mills.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield further to the Senator from Vermont?

Mr. McCUMBER. I do.

Mr. PAGE. I confess that, so far as retail prices are concerned, I am a great deal in doubt since hearing the remarks made by the Senator yesterday. He said that the price at which lumber was retailed was 100 per cent, or double the cost of lumber at the mill, plus the freight. He must know that this country is made up of an aggregation of very bright business men, and I do not know but that I might resign my seat in the Senate and go into the lumber business if I thought that was the profit obtained in the West. There is something abnormal about that business. It is not natural; it is not legitimate. The ordinary profits of the lumber industry to-day, as I think I know so far as New England is concerned, are small. They are not what our friends of the West are inclined to say they are.

The reason that the price of lumber has advanced in my State is not because the manufacturer has been getting a larger profit, but because the owners of the stumpage—and many of them are farmers, I am pleased to say—have been able to get, by the natural increase which has come in almost everything, two or three dollars per thousand more.

Now, one thing more and I shall not interrupt the Senator further——

Mr. McCUMBER. I am always pleased to hear the Senator.

Mr. PAGE. We have been talking about conditions which attach to the workingman, and I think the Senator from North Dakota said that he did not think a lowering of the duty would change matters very much. We have built up in the northern part of Vermont, especially at Burlington, a large industry which employs hundreds of thousands of dollars of capital and thousands of men. To us the Canadian lumber is a raw material. We bring it to our northern ports, where it is made not only into dressed lumber to be reshipped, but it is made into screens and into box boards. Much of it goes into box boards, the lower grades especially. It goes into every conceivable article that can be made of boards. If the schedules were changed, as is designed and desired by our friend from North Dakota, that interest there would be paralyzed; at least, it seems to me so. They must have advantage by reason of bringing that lumber out or the same work can be done across the line in Canada, and the men who own the mills in Burlington must remove those mills to Canada and their employees must go with them or they must enter some other line of business. I hope, in view of the fact that Senators from the South have come here and been so kind as to say to us that they were protectionists as well as we, that the people of Vermont may not altogether feel that because North Dakota may have no iron, may have no oil, may have no coal, and may have no lumber she is going to insist that we have all got to accept those things as free, while she asks protection upon whatever she produces.

Mr. McCUMBER. Ah, Mr. President, let me ask the Senator, in all sincerity, is not New England asking that some articles be placed upon the free list? How about the dyes from Germany that you wish to come in free as against the product of the American dye producers in order that you may color your fabrics? There is not a protectionist representing any manufacturing section who is not overdesirous of getting everything upon the free list that is used in his factories in that section. And so those who represent other than manufacturing districts ask for their benefit that we place some articles upon the free list. And, where it is beneficial for the entire American people, I would stand with them to put those articles upon the free list,

because I think that we must take into consideration every condition and interest of the country in determining whether to put an article upon the free list or place it upon the protected list. We are giving you protection. You are producing your fabrics, and we protect them; we do not produce any, but we stand ready to say to you: "Year in and year out you shall have all the protection that is necessary for you to control the American market, and we will stand with you." So it is not a proposition of our asking that our articles be protected and that your articles shall not be protected, but it is a fundamental proposition of whether or not it is beneficial to the American people to deforest every hill upon the American Continent, and then tax the American people ten times over to reforest those hills.

There is something more than the mere question as to what will benefit us to-day in the matter of the tariff upon particular articles. I will give the Senator protection on everything that he produces again and again, but, as I have said more than once, I would not ask for protection upon a single article which, once destroyed, can only be reproduced in from half a century to a century of time.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Vermont?

Mr. McCUMBER. If the Senator wants to ask a question, I will yield to him; but it is nearly 4 o'clock, and I want to get through. I think I have been generous in allowing more than half of my time to be taken up by interruptions.

Mr. PAGE. I do not care to interrupt the Senator further if he wants to proceed.

Mr. McCUMBER. I do not want to be discourteous, and I hope the Senator does not think I am.

Mr. PAGE. No; I do not.

Mr. McCUMBER. I thank the Senator.

Mr. DIXON. I hope the Senator from North Dakota will yield to me for a question, because I have been astonished at the figures which he has quoted. I have sent and got a copy of the tariff hearings before the House committee on the prices of common fencing in 1907 in Wisconsin, and I want to ask one or two questions. I desire to ask the Senator whether there is not some great discrepancy in this matter? I find, on reference to the table from which the Senator is reading, that he is quoting the price of No. 1 fancy clear fencing, which is never used by anybody that I ever heard of in building ordinary fences. It is the stuff that flooring is made of. I find also, and I want to ask the Senator——

Mr. McCUMBER. Does the Senator not find that there was that much of an advance?

Mr. DIXON. I find that there was in that particular grade; but I want to ask the Senator from North Dakota if it is not a fair proposition to say that the man who submitted that table to the House Ways and Means Committee is the secretary of a big Canadian timber outfit in British Columbia, with a capital of $6,000,000, owning a billion and a half feet of timber, which they want to get into the American market?

Mr. McCUMBER. Mr. President, I do not know a single man who appeared upon either side in connection with the tariff on lumber who came here for the benefit of the consumer. I do not care whether he represented one side or the other side; he was looking after his interests. As I read over the hearings, I do not find any man who testified who was not interested in the proposition. We have two classes of people—Americans who own lumber upon this side and want the highest price for that lumber, and those who own lumber on the Canadian side and want to get it here as cheaply as possible. Each of them will furnish figures so far as it is possible to establish his side of the proposition. I do not know that any of them furnished figures, however, that are incorrect. Assuming that each of these persons is interested, so long as their figures are correct, it does not seem to me that the question of interest cuts much figure.

Mr. DIXON. But, Mr. President, if the Senator will be patient with me for one moment, in quoting fencing timber at $30 a thousand the Senator quotes No. 1 fancy clear fencing, a quality that has never been used for fencing purposes in the history of any agricultural community that I know of; and he based his statement upon the testimony before the Ways and Means Committee of this man Knappen, who is the secretary of a British Columbia lumber company, with $6,000,000 capital and a billion feet of Canadian timber, which wants to get into the western market.

Mr. McCUMBER. Let us admit that that it true.

Mr. DIXON. Is there not a question in the Senator's own mind that this man has colored largely the statement as to the relative cost of lumber between 1892 and 1907? Coming from such a source, would it not be open to suspicion?

Mr. McCUMBER. Mr. President, when any witness gives the wholesale price f. o. b. at any particular lumber manufacturing point, I assume that he has given it honestly, and I will not assume that it is all imaginary. I can show from another standpoint that it is not imaginary. We have a great lumber trade journal known as the "American Lumberman," which believes in good protection to the lumber industry, and I will take a table from that particular journal.

Mr. PAGE. Mr. President, if the Senator from North Dakota will allow me for just a moment, I think I can harmonize the two ideas. I will take but a moment.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Vermont?

Mr. McCUMBER. Certainly.

Mr. PAGE. It is a fact, as perhaps the Senator may remember from his own experience, that in almost all the Northern States we were prodigal of our lumber and our stumpage a few years ago. We cut everything. I can in my own years remember when we went into and slashed forests, cut down the finest logs, and burned them to get them out of the way. We have exhausted the better quality of our stumpage, and to-day the price of a clear board, such as has been described here, it must be confessed, has been advanced abnormally. I think I may say that more than 85 per cent of the lumber of the northern part of New England to-day is not No. 1, is not clear, but is rather a cheap or lower grade of lumber, which has not made any such advance in price. Therefore it seems to me unfair to make the comparison with the grades which have gone to a very high figure, rather than with the grades which constitute the great bulk of the lumber used.

Mr. McCUMBER. Let me ask the Senator what would be a fair grade to take from his standpoint—No. 2 boards?

Mr. PAGE. No. 2 boards are what we produce.

Mr. McCUMBER. All right, Mr. President, we will take No. 2, or I will take No. 3, so as to be absolutely fair. I will ask that this table, which is printed and compiled by the American Lumberman, be also inserted in the RECORD. I quote a few of the figures. Four-inch No. 2 fencing, increased in price from $9 in 1892 to $26 in 1907, an increase of 188 per cent; during the same period 6-inch No. 2 increased from $12 to $29, or 141 per cent. I will take common boards. The price of 8-inch No. 2 advanced from $11 to $28 in that period, or 154 per cent. I will take 8-inch and 10-inch No. 3. They advanced from $10 to $25, or 150 per cent gain. I will take 12-inch No. 2, which advanced from $12.50 to $31, or 148 per cent gain. I will take fancy flooring, and, to show you that the higher grades of lumber have not increased in price anywhere near as much as common boards, I quote No. 1 fancy flooring, which advanced from $16.50 to $33, or only 100 per cent. C fancy flooring advanced from $25 to $47, or only 88 per cent, as compared with the enormous increases in the other grades. I might cite now a number of others, but I will have them inserted in my address.

The table referred to, compiled by the American Lumberman, is as follows:

	1892.	1907.	Percentage of increase.
Fencing:			
6-inch No. 1	$15.00	$32.00	113.33
4-inch No. 1	12.00	30.00	150.00
4-inch No. 2	9.00	26.00	188.88
4-inch No.—	7.00	19.00	171.42
6-inch No. 2	12.00	29.00	141.66
6-inch No. 3	9.00	21.50	138.88
Common boards:			
8-inch No. 1	12.50	30.00	140.00
8-inch No. 2	11.00	28.00	154.54
8-inch No. 3	10.00	25.00	150.00
10-inch No. 1	12.50	31.50	160.00
10-inch No. 2	11.00	28.00	154.54
10-inch No. 3	10.00	25.00	150.00
12-inch No. 1	14.00	37.00	164.28
12-inch No. 2	12.50	31.00	148.00
12-inch No. 3	9.50	26.00	173.68
Flooring:			
No. 1 fancy	16.50	33.00	100.00
C fancy	25.00	47.00	88.00

Mr. McCUMBER. In commenting upon this great change in the price the American Lumberman says—and it follows out my argument:

As any commodity in common use and needed by the community becomes scarce the pressure of competition is felt and prices advance.

That is the statement following the table which they present. Why have these prices gone up? They have gone up because we are exhausting the timber supply of the country at a rapid rate.

Mr. DIXON rose.

Mr. McCUMBER. Now, Mr. President, I am going to ask that I be allowed to finish, and if I get through in reasonable time the Senator can make notes and I will try to answer any question that he may ask.

If the price of lumber has advanced to this extent in the last fifteen years, due to the exhaustion of the supply of timber in the United States, what may we reasonably expect in the next fifteen years with the exhaustion increasing from day to day in a ratio with the increase of population?

Here is another statement in a report from the Department of Commerce and Labor, which shows that from 1899 to 1906—a period of only 7 years and coming down closer to the present day—yellow-pine timber increased in price 77 per cent; Douglas fir 63 per cent, white pine 54 per cent, cedar 66 per cent, western pine 44 per cent, and tamarack 80 per cent. The report further declares that in some cases the price of lumber has increased 200 per cent.

Mr. PILES. Now, will the Senator yield to me for a moment?

Mr. McCUMBER. Mr. President, I can not yield any more just at present, because I probably will startle the Senator with figures right along that will keep him on his feet continuously if he objects to these, and much time would be taken in this address by those who take the opposing view.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. PILES. The Senator will not startle me at all if he will just take a fair average; but when he takes the finest timber in the world, Michigan white pine, for instance, and comments upon that, instead of taking the average common timber, I think it is hardly fair.

Mr. McCUMBER. I thought I was giving a fair average. It is the one given by the American Lumberman, which I have just read. If it is not a fair average, there are those here who can show that it is an error.

Mr. PILES. The Senator takes fancy lumber at fancy prices.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. McCUMBER. If common pine boards, which increased in price 188 per cent, is "fancy," I do not know what the Senator would mean by the word "common." Now I will take Mr. Scanlon's statement. Mr. Scanlon is a lumberman in Minneapolis. He says:

> For a number of years our concern produced from 200,000,000 to 250,000,000 feet annually in the State of Minnesota. This year our production will be only about 40 per cent of our former cut and will cease entirely in 1909.

In 1901, Mr. President, Minneapolis was the largest lumber-producing city in the world, her output for that year being about 700,000,000 feet, while the output for 1908 was only about 300,000,000 feet.

Now I want to take another late publication. I do not want to be wearisome upon this one single proposition, but I do desire to show that the exhaustion of our forests means enormously increased prices, and that is what is responsible for the exorbitant prices to-day. But a few persons, even regular buyers of lumber, fully realize how greatly lumber has increased in price in recent years. According to a lumber trade publication white pine has ascended in the wholesale list price all the way from 88 to 189 per cent in fifteen years. As the cost of labor and other items entering into the cost of production has not, at the outside, increased more than 25 per cent, this tremendous increase largely reflects the diminishing supply of white pine and represents the profits either for the manufacturer or the owner of the timber.

Mr. President, that diminishing supply is going to reflect the advance for every other grade that is used in the United States. During this time laths have increased from $2.25 per thousand in 1901 to $6 per thousand in 1907. The man, the farmer, the mechanic, who in 1892 could build a reasonably good house for $3,600 would have to pay in 1907 at least double that sum, and probably he would have to pay $8,000 for one of the same character. If he were to build a house which would have cost $5,000 in 1900, he would have to pay at least $7,500 to build it in 1907, and if we keep on at these enormous increases what is going to be the cost of our homes in the next few years?

As I have stated, there has been but slight change in the cost of production during this period as compared with the cost of the material to the consumer. I am convinced that there has been a combination, not only between the retailers of lumber, but that there is also a gentleman's understanding or combination between the great manufacturers of this country.

Mr. President, the cost of production, as I understand, has increased about 25 per cent during the last five or ten years. I do not mean that the price of labor has not increased beyond that, but I mean the cost of producing lumber at the mill, including labor, irrespective of the cost of stumpage, has increased only about 25 per cent.

Suppose that in 1890 a mill could sell lumber at a profit at $10 per thousand. The cost of production has added, we will say, $2 per thousand to it. That would make the selling price, we will say, at a reasonable profit of $12 per thousand. The mill could afford to sell at $12 a thousand, with the increased cost of production, that which it sold in 1900 at $10 a thousand. In other words, the lumber the mill man could sell in 1900 for $10 he could sell with the increased cost of production at $12 in 1907 and make the same profit. But how do the facts correspond with that? In fact, he is selling that lumber which he could sell at the same profit for $12 a thousand, as high as $18 and $20 a thousand. If the effect of free lumber should be to reduce it $2 a thousand—just the amount of the duty on lumber—he would still sell at $16 or $18 a thousand, and he would make three to four times as much as he made when he was selling it at a reasonable profit, on the basis of $10 per thousand.

Ex-Governor Clough, of Minnesota, has been quoted here upon this subject by the Senator from Minnesota [Mr. NELSON]. I do not want to add to what he has said, but I do want to call attention to practically the same facts in possibly a more epitomized form. Mr. Clough declared in the case mentioned that the cost of producing at his mill in Washington was $3.75 a thousand. That meant, of course, independent of the cost of the logs or the stumpage.

> Mr. KEAN. Has that price increased or decreased, or is that about the average?
>
> Mr. CLOUGH. Well, we are trying to cheapen the cost a little every year, and we have, a little mite. There has been no material difference in the cost, but we are trying to cheapen it a little every year, regardless of the little increased cost of labor and material.

Mr. Clough then goes on to say that while lumber has gone up some, they have met this increase by improving the mill and increasing the cut. It may be added that as labor has advanced, the manufacturers have found new means to economize, such as the using of sawdust for their fuel, such as using the cheaper material for shingles and laths which at one time was destroyed or thrown away or sold for fuel only.

Now, I want to take another table, and that is by Mr. D. E. Skinner—I believe he is from San Francisco, president of the Park Blakley Mills Company, on Puget Sound—in a brief presented to the Committee on Ways and Means. He shows an increase in wages from 1896 to 1907, inclusive, and the increase since 1900. This increase averages 39 per cent.

Comparing the prices paid from 1900 to 1907 we have the following table, which I will ask to have inserted:

		1900.	1907.
Teamsters	per month	$26.00	$38.00
Swampers	do	25.00	40.00
Choppers	do	26.00	40.00
Loaders	do	32.00	40.00
Sawyers	do	26.00	35.00
Graders	do	24.00	35.00
Chain men	do	24.00	35.00
Blacksmiths	do	55.00	65.00
Cooks	do	55.00	70.00

Another table, giving the average for Minnesota, Wisconsin, and Michigan, shows a general increase in the cost of production of about 19 per cent.

Take the difference between these two, and call it, say, 25 or 30 per cent, and while therefore the average cost of production has increased, we will say, 25 to 30 per cent, the cost at the mills has increased from 50 to nearly 200 per cent.

I know of no business in the whole United States that has produced more millionaires and multimillionaires, with a given amount of investment, than the lumber business of the United States. The enormous palaces, the mansions that are shown to me in the cities of Minneapolis, St. Paul, Detroit, Mich., in Madison, Wis., in Milwaukee, in Chicago, in all the sections bordering upon the lumber States, in California and in Oregon and in Washington, are all pointed to with pride as the residences of some great lumber baron in that State, and while they are pointing with this spirit of exultation to what has been accomplished by these people in their States, they are coming here and crying that the business is on a starvation basis.

Mr. President, these mansions to which they point with such pride when they are showing us the wonders of their country, ill comport with the plea of poverty that they are giving to the American people. I believe there is no industry in the United States which has produced as much wealth, as I say, for a given

amount of investment as the lumber industry of the United States; and I do not see that it has been growing less profitable in the slightest degree.

It is conceded that there are only two or three points in the United States where the Canadian lumber comes in competition with the American lumber; a little of the unfinished lumber on the west coast; a little on the Lakes; possibly some portions across the St. John's River. They can not put the finished material into this country in competition with the American mills wherever they have to ship any considerable distance by rail. They can put the raw material, the unfinished product, in competition with some sections of the country, but while they are competing with some lines here at these few places we are competing with them by putting our products into Manitoba, into the Saskatchewan country, and along the border line for a thousand miles.

We hear complaints from the Canadian manufacturers that the Americans are dumping their lumber upon the Canadian market cheaper than they are selling at home. I do not know to what extent that is carried on, but I know there is a strong complaint on the part of lumber dealers in Canada against the importation of American products.

I believe that the closing of these mills is more a matter of anticipation than anything else. In all of my life I have never known of a mill closing its doors until the lumber in the immediate vicinity was exhausted, except during that disagreeable period which I have mentioned, and to which I do not like to allude too often—from 1892 to 1897. As a rule they make money, and wherever they have not made it, it is because there has been a neglect of the business. I have been almost compelled to believe that where there is capital enough back of it it is sufficiently profitable so that it will run itself.

Mr. President, I have no reason to believe that Mr. Clough, the ex-governor of Minnesota, could manufacture so very much cheaper than the other manufacturers in the States of Washington and Oregon. I have visited some of those great mills, and they have always prided themselves upon their wonderful output and what they can do, and they have told me over and over again of their enormous profits since they have been engaged in business, and it is only this year, when a tariff revision is on, that I find that they have been losing all of these years.

Mr. Clough says they started with $100,000 of actual money invested in the enterprise. That was in 1900. He states further:

In 1901 our profits were $29,267, which was 29 per cent and a little over on our investment.
In 1902 our profits were $96,759, or 96 per cent and a little more on our investment.
In 1903 our profits were $55,721, or 55 per cent and a little over on our investment.
In 1904 I am ashamed to tell that, as that was a bad year. In that year we made a loss of $3,358.

I do not know what was the cause of that loss. I have an idea though from reading over the balance of the testimony that they were not selling much of their output for that year, and had piled it up in the yard, and therefore did not count the value until they had it sold, and then put that enormous profit into the last year of which he speaks.

In 1905 our profits were $72,186, or 72 per cent on our investment.
In 1906 our profits were $19,306, or 19 per cent on our investment.

I know there was considerable quibbling here as to whether this was intended to be $193,000 or $19,000. As I read it there was a mistake in the punctuation, a mistake in the placing of the comma. But I think it was clearly intended to be $19,000, or 19 per cent.

That which is more startling, however——

Mr. PILES. The Senator is wrong.

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. For a question.

Mr. PILES. Do you claim there was $19,000 profit in 1906?

Mr. McCUMBER. Nineteen thousand dollars.

Mr. PILES. It was $193,000. I had it looked up. That is what my secretary tells me he found at the Interstate Commerce Commission's office.

Mr. McCUMBER. I will show they made more than $193,000. Whatever the error is about the figures, the copy I have shows $19,000.

Mr. WARREN. Mr. President——

Mr. McCUMBER. I do not want to quibble any more about the error, as to where the comma should go, because it is immaterial, and it was discussed for so long a time yesterday that it seems to me needless to take up further time with it.

Mr. WARREN. It is probably an error, but the print which the Senator from Minnesota had was $193.06 plainly, as I think the Senator knows.

Mr. McCUMBER. Yes; but the Senator will see that in all of the preceding figures he does not mention cents at all, and it is evident that was not intended; that it is an error due to the misplacing of the comma.

Let us take 1907. The profits for that year were more than 200 per cent, according to his own statement. Let us see.

In 1907 we do not know just exactly what they will be. We have not figured up what they will be. We do not figure up until the 1st of January. But I do know that I have sent this year to our stockholders, which I am authorized to do whenever we have any surplus money—to send it to our stockholders pro rata according to our stock—I have this year already distributed among stockholders $130,000.

That is on a hundred thousand capital stock, which has already been paid for.

We certainly have made that $130,000, or I could not have distributed it among the stockholders. We haven't borrowed any money. We do not owe a cent of money, and the best of it is we put in $20,000 this year in permanent improvements, and they have been paid for.

A hundred and thirty thousand dollars and $20,000 amount to $150,000, but that is not all.

Another thing that pleases me is that on January 1, 1907, we had piled in the yard about 6,600,000 feet of lumber. We were closed down for a little repairing about three weeks ago. So we took account of stock, and we had in the yard about 13,600,000 feet, and that after the distribution among our stockholders of $130,000. That is about all there is to our profits.

It is not all there is when you come to follow it down. Thirteen million feet of lumber means thirteen thousand thousand feet, does it not? And thirteen thousand thousand feet, at $10 per thousand feet, means another $130,000, does it not? And say it is about $10 a thousand. There you have $260,000, and you have $20,000 on top of it. That may account for some of the profits they failed to make in 1904.

Mr. PILES. Will the Senator pardon me right here? That is in line with his argument from the beginning to the end. He says so many thousand feet in the yard, worth on the average $10 a thousand, and he gives it all as profit.

Mr. McCUMBER. He says he owes nothing, that he has paid for everything, that he has that much left. Then it is profit, is it not? Of course it is all profit. He just now said he did not owe a cent, and I assume therefore he has paid for that lumber, and I am taking the average price of about $10 per thousand.

I want to come now to the shingle business, as my friend the Senator from Washington seems more tender upon the shingle proposition than upon any other. Mr. Clough says upon this that his associates—

wanted to know how much money I thought there was in the shingle business, and I told them that I thought we could get 50 per cent on the money we invested, and if the rate was increased it would make a difference of 16 cents a thousand.

I suppose he means not the tariff, but the rate of transportation.

There would be that much less in our profits, that is all, and we had better build a shingle mill.
So we went on and built a shingle mill and that mill had a capacity of 600,000 a day. That is not the Clark-Nickerson Company; that is the Clough-Hartley Company, located half a mile away from the Clark-Nickerson Company. We built a mill and we ran it a little over two months, and while we ran it we made a profit of about 100 per cent on our capital; but of course we could not always do that. Shingles were very high this fall, as you all know—very high.

I am told there is more real profit in the shingle business than in anything else in the lumber line. I admit I have not technical knowledge along that subject, and I can only take as the basis of my statement statements that are made to me by practical lumbermen and manufacturers of lumber. I may be in error——

Mr. PILES. Mr. President——

Mr. McCUMBER. I may be in error, but I do not care to discuss it.

Mr. PILES. The Senator says he thinks there is more profit in shingles than in any other line of lumbering. I want to ask him if that is true why it is that 14,000 men who are engaged in that work in my State have appealed to Congress, stating that they are idle three to six months in the year; that they are losing a million dollars a year on account of Canadian competition, and that Chinese labor and Japanese labor and Hindoo labor are driving the white man out of the shingle mills in the State of Washington? Those men are not timber barons. Why are those 14,000 of the toiling masses coming before Congress and telling them they are losing a million dollars a year and that they are out of work three to five months in the year if a profit of $10,000 can be made in two months?

Mr. McCUMBER. We have gone over an exceedingly dull period that followed more or less of a financial crash.

Mr. PILES. This is not one year, but ten years.

Mr. McCUMBER. My own belief is that as soon as we return to normal conditions we will find about the same profit being made in the shingle business.

The same people who are making the 150 per cent are also declaring that they are not making enough, that they have closed their mills, and that they must be protected against this Canadian cheap labor. I will discuss the Canadian cheap labor when I reach it and compare it with some other labor. But these people say if we lower the tariff, the shingle industry, which made 600 per cent, or at the rate of 600 per cent a year, will be absolutely destroyed. As I stated before, these people who are representing the shingle industry in the State of Washington got together but a very short time ago and they solemnly resolved that if we took the tariff off shingles they would be compelled to make better shingles. When they make better shingles I think they will gain the very market which the Canadians are taking away, because the Canadians are taking away the market on the higher-priced shingles.

Mr. PILES. Mr. President——

Mr. McCUMBER. It is nearly 5 o'clock.

Mr. PILES. I will not interrupt you any more.

Mr. McCUMBER. Very well.

Mr. PILES. You are refuting your own argument. You are here advocating the removal of the duty on shingles, and you are in favor of the conservation of our forests. Those men are going around gathering up stumps and broken limbs and thus conserving the forests and saving them from fire. Do you want to stop them from doing that?

Mr. McCUMBER. Let us see the logic of that argument. The Senator says that these men—meaning those in Washington—are going around and gathering the stumps and the dead limbs and making shingles out of them. Anyone who has gone into a forest knows something about the quality of the stumps and these dead limbs that are converted into shingles. When they propose to sell rotten shingles to the American people they will probably find that the Canadian shingle will compete with them, but when they make the shingles out of good material I do not think there will be exactly the same competition. I have heard a great many complaints from the consumer about the character of those shingles. I will have to admit that if you can get the people to take rotten limbs and stumps for shingles and use them, it will conserve the American forests, at least until the shingles have rotted on the roofs instead of rotting in the forests.

Mr. PILES. They are not made of rotten timber, if the Senator will pardon me. It is just as good timber as there is on earth, except fire has gone through the forest and scorched it, and it is not fit, therefore, to be put on the market in other shapes. But these men save it——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota.

Mr. McCUMBER. I yield for a question.

Mr. NELSON. I want to say, as to the shingles we get from the west coast, that there is a great difference in the kinds. We have one kind of shingle that is made of what is called "dead timber," and then another that is made from live timber. There is no fault to find with the latter, but when they send us the other kind of shingle, they must not expect the same price that they get for a good shingle.

Mr. PILES. Let me explain to the Senator——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I will yield for a short colloquy.

Mr. PILES. We do not have any dead shingles. When we manufacture our shingles, we give you two grades. British Columbia gives you but one grade, and that is made of clear cedar lumber. In British Columbia they pay so much a cord for the clear timber, and leave the common part of the tree in the forest, and it is wasted. But it is the Government's waste and not his. The Canadian therefore makes but one grade of shingle. We make two grades, one called the "clear," and then the "A-star," which we sell at a lower price.

Mr. NELSON. What you expect is that we will buy the dead shingle and pay you the same price that we do for the live shingle from British Columbia.

Mr. PILES. I beg pardon. We give you two grades of shingles. One sells for less money than the clear shingle.

Mr. McCUMBER. I think the resolution of those shingle makers in the State of Washington answers the proposition, because they say in their own declaration that if we take off this tariff they will be compelled to make good shingles. That is their only answer to the proposition.

Mr. President, in addition to these enormous profits from the manufacture of lumber alone, we must also take into account the profits of the great lumber interest in the stumpage. In a brief prepared by Mr. Knappen for the Ways and Means Committee, this same man, who is the secretary of the Canadian lumber interests and wants to get Canadian lumber into the United States just as cheaply as he can, makes a statement which I will ask the Secretary to read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

We may say that the 50 millionaires of the Weyerhaeuser group owe their fortunes rather to the acquirement and holding of stumpage than to the profit arising from the manufacture of lumber. To illustrate the enormous profits that are thus possible it is worth while to call attention to the fact that the Weyerhaeusers some eight years ago purchased from the Northern Pacific Railroad vast tracts of timber on the Pacific coast at a price fixed by rumor at about 15 cents per thousand feet, and to-day this same timber is held by the owners at not less than $3 per thousand. Here is a profit of 2,000 per cent, and yet these interests will probably think themselves aggrieved if the tariff is removed from forest products.

A well-known western lumberman has in recent years acquired 650,000 acres of sugar and yellow pine in northern California estimated to carry 15,000,000,000 feet of timber. Most of this timber can be manufactured within ten years at a profit of $10 per thousand, and some of it can be manufactured at that profit now. The timber and the land on which it stands has been acquired at a cost probably not exceeding $4,000,000, and the property is now, or soon will be, worth $150,000,000. This gentleman is opposed to the repeal of the tariff on forest products and identifying his individual interests with those of the forests, he opposes the repeal of the tariff in order to protect the forests.

Mr. McCUMBER. Mr. President, how were these forests obtained? Most of them, I will assume, were obtained in a wholly legitimate manner. I am equally satisfied, however, that a large percentage of them were obtained in defiance of the land laws of the United States. I can remember, but a few years ago, when nearly every train going through my State had more or less emigrants upon it going to the lumber districts of Washington and Oregon to take up homesteads. It was freely talked among them that somebody would furnish them a living and pay them six or seven hundred dollars per quarter section and their expenses during the time they had to live upon the land. A great number of proofs were made in this way, and the land was immediately sold to these great lumber interests. I have had, when I was practicing law, a great many people come to me and call my attention to what other people were making, and asking me if they could not go out there and make a few hundred dollars that way by remaining a few months upon a piece of land. None of them ever went through my advice, but I believe that that was carried on for a few years to a great extent, and these lumber interests reaped the benefit of that method of acquiring titles from government lands.

Mr. President, here is another statement that is made concerning the increase in the value of stumpage not only by Mr. Knappen, but by Mr. M. J. Scanlon, a well-known lumberman of Minneapolis, as it is published in the American Lumberman in November, 1907. I will ask the Secretary to read the portion that is marked.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

The increase in the value of stumpage in the Western and Southern States has been even more marked. In 1898 my people purchased a block of timber in Oregon at a cost of about 17½ cents per thousand. To-day a conservative estimate of the value of that timber would be $1.75 per thousand. For years billions of feet of timber of equally as good quality and as favorably located for logging purposes in that same district could have been acquired at the same price as we paid for ours. In 1890 I was interested in the purchase of a large tract of cypress timber in Louisiana that cost us less than 40 cents per thousand. Unfortunately for me, I parted with my interests in that timber before it became very valuable, but I am informed by cypress manufacturers in that territory that cypress timber of that quality and accessibility would sell readily at $6 per thousand or upward. In 1892 I looked at a tract of longleaf yellow pine timber in Louisiana that could be acquired at that time for about $1.25 per acre. My people purchased that same identical tract of timber in 1905 at a cost of $22 per acre

Mr. Thomas H. Shevlin, a well-known lumberman of Minneapolis, stated in the American Lumberman in November, 1907, that—

the lumbermen had made money so fast in the last few years that their heads had been turned. Manufacturing profits of 100 per cent were not uncommon. Added to these profits in the case of those manufacturers who own timber were the enormous profits arising from the increase in value of timber in the period between 1896 and 1907.

Mr. McCUMBER. Mr. President, it is evident, therefore, that a reduction of an average, say, of $2.50 per thousand on Canadian lumber and a consequent reduction of that amount upon the selling price of the American lumber would measure less than one-half of 1 per cent of their enormous profits in both the manufacturing and in the increased value of their stumpage.

I wish now, Mr. President, to consider for a moment the conservation of our forests. I want to consider, first, the disastrous effects of the denudation of our forests upon our farm lands, our factories, our navigation, and our climate. Those matters have been vividly brought to our attention within the past few years,

and enormous sums of money have been expended to make good as far as possible the destruction of those forests.

The forests of the world were made by nature and not by man, and, in my humble judgment, the law which governed in the creation must also govern in the re-creation. Our little efforts, though taxed to their utmost to create what we are destroying, can never accomplish very much. The only way on earth to keep our forests growing is to use no more than that which has really attained its growth and protect the balance against the ravages of fire and the still more fierce and persistent ravages of the lumber barons and the lumber interests.

So intense is our natural inclination to meet what we assume to be our present needs and to add to our wealth that all the lessons of history of every country in the world seem to be of no avail whatever. Great portions of Africa, once wooded, are now desert wastes. The same thing is happening in China and in India to-day. As the forests are denuded, the floods are let loose, the earth is denuded of its soil, and waste—eternal waste—is the penalty of that denudation.

Coming nearer home, the destruction of the timber lands of the Adirondacks, the White Mountains, and the Appalachians has carried with it the destruction of millions of acres of what otherwise might be rich farming lands in the country. The Kansas River floods of 1903 destroyed $20,000,000 worth of property and a hundred lives. One of the most fertile valleys of the continent, a hundred and twenty miles long, was partly destroyed. Out of 250,000 acres of wonderfully fertile soil 10,000 were completely destroyed, and 10,000 more lost 50 per cent of their value, and the uncertainty depreciated the value of the whole.

Mr. President, I wish to insert here an extract from an address by Mr. Frank Vrooman, a magazine writer. I will not stop to read it because I do not want to take the time. It is along the same line.

The matter referred to is as follows:

> The forests have a direct and tremendous influence upon agriculture. The forests are nature's reservoirs. Wherever they have been cut away disastrous floods have followed as annual visitations. The exhaustion of the forests in New England seriously threaten the streams which have furnished the motor power for thousands of industries upon which the prosperity of that section depends. It is estimated that the New England States in 1900 had a total capital invested of $1,409,000,000, and a yearly output of product worth $1,690,000,000, and that 75 per cent of these industries is dependent upon a continued water supply, and now, remembering that the water supply is in turn dependent upon conserved forests, we can begin to understand the importance of conservation.

Mr. McCUMBER. I want to call attention to another fact. Professor Shaler states that in 1896 3,000 square miles of highland south of Pennsylvania had been destroyed for human use and its soil carried down to the lowlands and the sea, and that arable and forestable lands were then being lost at the rate of 100 square miles a year. Where the lands have not been entirely destroyed they have been more subject to droughts which have destroyed crops year after year.

Mr. President, we must use 40,000,000,000 feet of lumber in this country with the present population, and every year we must add to that as our population increases. Every foot of lumber brought from Canada into this country means a foot of lumber saved from a tree in the forests of the American Continent.

I call attention to the statement made by Mr. J. W. Wells, one of the important lumbermen of Michigan. Speaking on this subject, he says:

> Free lumber will help by preventing exorbitant prices which induces cutting up of small trees. There never was so much deforestation as was practiced during the high prices of 1906 and 1907. Millions of young pine, spruce, jack pine, etc., were cut for lumber and lath that at normal prices would be left to grow to fair size.

Now, what is the amount of consumption in the United States and the amount of timber and how long will it last?

Mr. President, while authorities may differ as to the amount of timber in the United States, they all agree that its life at the present rate of consumption will be extremely short. No one claims the forever-and-ever idea can be any longer applied to the American forests. They all agree that within the life of people now living, at the present rate of consumption, not a tree will be left standing upon the American Continent, and yet in the face of this danger we seek to encourage the devastation, thereby not only wronging the present by exorbitant prices, but robbing the future of its birthright of forests.

Mr. Kellogg, chief of the office of wood utilization in the United States Department of Agriculture, states that our present consumption of wood in all forms is equivalent to 100,000,000,000 board feet annually; it has been estimated as high as 150,000,000,000 board feet, and this without taking into account the destruction of timber by fire. The total consumption of timber for lumber alone in 1907 was 40,256,154,000 feet. The estimate of the present forest area of the United States is from 500,000,000 to 700,000,000 acres. The supply of standing timber, roughly estimated from 1,400,000,000,000 to 2,000,000,000,000 feet, with 100,000,000,000 feet consumption, would last fourteen years, assuming there was no growth. Assuming the same use and stand, with an annual growth of 40,000,000,000 feet, we would have a supply for twenty-three years. Assuming an annual use of 150,000,000,000 feet, it would last but nine years. Assuming a stand of 2,000,000,000,000 feet, the use of 100,000,000,000 feet would exhaust the supply in twenty years. Assuming the same stand with an annual growth of 40,000,000,000 feet, we have thirty-three years' supply.

Even supposing that we should do something in the line of reforesting, it possibly would not make any appreciable inroad as against this enormous devastation of the country.

The advocates of a high tariff have sprung another theory upon the American public. They say that if you have a low tariff it means a low price for lumber; that if you have a low price for lumber it means that you will consume only the more valuable part of the trunk of the tree and the rest will go to waste, and therefore it will take more trees for a given amount of production than it would if we had the higher priced lumber. That hardly accords with the statement of Mr. Wells, that the greatest waste in this country was during 1905 and 1906, the time of the highest price of our lumber.

The gentlemen who speak from that standpoint, Mr. President, also forget another equally great truth. The higher the price of lumber the more value in cutting the sapling. As was stated by the Senator from Minnesota [Mr. NELSON] in his address yesterday, when the lumber price goes up then you can cut the small tree that has only reached a few years' growth, and which ought to grow from ten to fifteen or twenty years before it is converted into lumber. As was suggested by the Senator from Minnesota [Mr. CLAPP], in his State, after going over the timber the first year and denuding a great portion of the forest, they are now going over it the second time and taking the saplings, anything big enough to make a lath, and converting that into lumber.

So, Mr. President, whatever we would lose under this theory by not converting the top of a tree into lumber we would also lose as against the future, the number of small trees that would be cut instead of allowing them to run. Then the Senator must not forget, as is the case especially with our spruce in the East, that all of these tops are used, that they go to the mills and are converted into wood pulp. So there will be no waste along that line.

Mr. President, we can not escape the proposition that if we need in this country next year only 40,000,000,000 feet of lumber, and Canada can furnish 8,000,000,000, or one-fifth of that lumber, necessarily there would be 20 per cent less cut; and if there would be 20 per cent less cut, the forests of this country would last just exactly so much longer.

Mr. HEYBURN. How much longer?

Mr. McCUMBER. I say it would last in proportion to the horizontal scale of the price. If you run the prices up and there is a demand at those prices, of course you will rapidly increase the consumption. If the prices remain down, you will not increase to the same extent.

Now, Mr. President, I want to consider the cost and the selling price. As I have stated before, the Weyerhaeuser interest purchased lands of the Northern Pacific at 15 cents per thousand a very few years ago, and to-day those same lumber districts are worth about $3 per thousand, or an increase of some 2,000 per cent. What prices they paid to the hundreds of people who took these lands and then sold them I am not prepared to say. Probably they did not cost them a great deal more than they paid for the Northern Pacific lands.

There are a few manufacturers who do not own their own timber and they are, of course, asking for cheaper logs. They do not want any tariff. They, perhaps, are just as much interested as the other class are. The one wants a high protective tariff until he can get rid of his American product, and then he wants a low protective tariff when he has devastated our country and wants to get in what he owns upon the Canadian side.

Now, I want to consider a little the cost of production. I am going to hurry along so as to close in a very few minutes.

The lumber companies who are seeking a tariff on lumber are not seeking it, I repeat, for the purpose of protection. No protection on earth is needed. There can be but one purpose, and that is to secure exorbitant prices through combinations as long as the supply lasts in this country. As a matter of fact, the cost of producing lumber is just as great and even greater in some sections in Canada than it is in the United States.

Mr. F. B. Lynch, a lumberman of St. Paul, Minn., and owner of two of the largest mills in western Canada, the Red Deer Lumber Company at Barrows, Saskatchewan, in the spruce district, and the Elk Lumber Company at Fernie, British Columbia, in the mountain district. Each of his mills has a capacity of 35,000,000 feet per annum. The mills themselves, with improvements, cost $400,000. He states that mills on this side of the line of equal capacity and character will cost only $250,000, the difference being in the higher-priced machinery and the higher freight rates on the Canadian side.

That is a pretty wide spread. He accounts for it upon the matter of transportation, 30 per cent higher, and also for the material on account of the Canadian tariff.

The following table will show comparative wages paid per day to certain kinds of employees in sawmills in Ontario, Saskatchewan, British Columbia, averaged, as compared with wages in Oregon, Washington, and Minnesota, averaged. I will call attention to only a few of the items and then have it printed:

	Canada.	United States.
Foreman	$143.33	$127.50
Band sawyer	6.19	5.20
Filer	7.35	6.83
Engineers (chief)	4.25	3.79
Graders	2.99	2.44
Firemen	2.54	2.78
Millwright	3.99	3.56
Setter	3.38	3.12
Edgerman	3.62	2.20
Trimmer	2.54	2.48
Common laborers (white)	2.30	2.05

Here is another table from the International Timber Company, British Columbia, comparing this company with the Simpson Logging Company, Shelton, Wash.:

	International Timber Company, Campbell River, British Columbia.	Simpson Logging Company, Shelton, Wash.
Fireman ..... per day	$2.50	$2.00
Flunkey ..... per month	35.00	30.00
Hook tender ..... per day	4.00	3.75
Line horseman ..... do	2.50	2.25
Rigging slinger ..... do	3.00	2.75
Signal man ..... do	2.50	2.25
Skidder, head ..... do	3.00	3.25
Skid road man ..... do	2.25	2.00
Sniper ..... do	2.75	2.50
Swamper ..... do	2.50 to 2.75	2.25
Undercutter ..... do	3.50	3.00
Wood cutter, behind donkey ..... do		2.00

Mr. PILES. Where is the Canadian mill located?

Mr. McCUMBER. It is in the Campbell River Valley, British Columbia.

Mr. PILES. Back in the interior of the country.

Mr. McCUMBER. Yes, back in the interior; and certainly some of the prices that are made in the Washington districts are made at mills back in the interior of Washington.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. McCUMBER. I wish to finish as quickly as possible.

Mr. PILES. I merely wanted to put this statement in, if the Senator from North Dakota will permit me:

The Senator is talking about mills in British Columbia that are back in the interior of the country, where they do not allow Chinamen or Japanese to work; but I defy him to give me the name of a mill on the coast of British Columbia, and compare it with a mill on the coast of Washington or Oregon, and say that we are not paying from $2 to $2.50 a day for common labor where they pay from 80 cents to $1.25.

Mr. McCUMBER. Mr. President, I want to be perfectly fair with the Senator. I was going to give him another table where the prices showed higher upon the American side. I will follow this with another table, giving the actual cost in 1908 of lumber on the Inland Empire district, of Spokane. That is in the interior, and the mountain mills of British Columbia are in the interior. The table shows that a price considerably higher is paid for the same character of lumber on the American side; that is, not the price of labor, but the price of the lumber itself. I will have the table printed in my remarks.

The table referred to is as follows:

Western pine, fir, and larch—Comparison of base prices, 1908.

Sizes.	Inland Empire, Spokane.	Mountain Mills, British Columbia.
2 x 4 to 2 x 8—12 to 16 feet	$15.50	$15.25
2 x 10—12 to 16 feet	15.50	15.75
2 x 12—12 to 16 feet	17.50	15.75
3 x 6 to 3 x 10—12 to 16 feet	18.50	15.25
4 x 4 to 8 x 8—12 to 16 feet	18.50	15.25
3 x 12—12 to 16 feet	20.50	15.25
No. 3 common boards	18.00	(Mt.Com.) 14.00
No. 2 common ship laps	20.00	(Mt.Com.) 15.50
"C" and better white pine	38.00	(Mt. 1) 26.00
No. 1 lath	3.55	3.25

Mr. McCUMBER. This table does not mean that the cost of American lumber was any more, but higher prices were charged upon the American side. The preponderance of evidence given before the Ways and Means Committee is that the cost of manufacturing lumber in Canada is, on the whole, higher than it is in the United States when you take into consideration the cost of the mill. That is not limited to the mountain districts, but applies even to districts bordering upon the Lakes. Mr. J. W. Wells, a Michigan lumberman, who has interests on both sides of the line states as follows:

Logging in Ontario is at least $2 per thousand more than in Wisconsin and Michigan, caused mostly by the roughness of the ground, labor and supplies also being somewhat higher.

This is a man, as I have said, who has mills on both sides of the line.

Mr. PILES. Who is that?

Mr. McCUMBER. That is Mr. Wells. He also states:

The cost of sawing at our Georgian Bay mills is at least 20 per cent more than in our Michigan and Wisconsin mills, caused mostly by higher wages paid mill men and higher tariff on mill supplies and machinery. We pay a duty of 30 per cent on machinery and supplies, and the Canadian manufacturers take the value out of it by adding the duty to the cost price.

A large number of witnesses, either orally or by letter or by brief, testify that the general cost of commodities entering into the erection and equipment of a sawmill on the Canadian side, with its outfit, is considerably more than upon the American side.

Now, I want to take a statement of Mr. D. N. Winton, a stockholder in two mills, one on the American side, in Minnesota, and one in Saskatchewan. He makes a statement in regard to the cost of manufacturing lumber at his mills at Thief River Falls, Minn., and at Prince Albert, in Saskatchewan, At the Minnesota mill it is $3.41 per thousand, and at the Canadian mill it is $4.18 per thousand.

These figures, of course you will understand, are for the actual cost of manufacturing, and do not include the cost of logs, which are somewhat cheaper on the Canadian side. They must be admitted to be cheaper.

Here is another statement upon the comparative cost, including the cost of logs in Washington and in Enderby, British Columbia, and all the expense of manufacturing and administration of an American mill and a Canadian mill. In the American mill in 1908 it was $10.79 per thousand, and in the Canadian mill in 1907 it was $13.71, and in 1908 it was $12.59.

Mr. PILES. Where was the Canadian mill located?

Mr. McCUMBER. I can not say just where it was located.

Mr. PILES. It must have been in the mountains.

Mr. McCUMBER. As a rule, it must be said that logs are a trifle higher on the American side at Puget Sound, although I am informed that at the present time they are a trifle higher on the opposite side. If my information is incorrect, of course the Senator, who lives there, can correct the statement.

Mr. PILES. If the Senator wants any information, I will be glad to give it to him now.

Mr. McCUMBER. I understand the Senator does not agree with that statement.

Mr. PILES. I say there never has been a day in the history of Washington and British Columbia when logs were not at least a dollar a thousand cheaper in British Columbia than they were in the State of Washington.

Mr. McCUMBER. The information which I had yesterday was to the contrary.

Mr. PILES. I have lived there for twenty-six years, Mr. President, and I know something of this thing.

Mr. McCUMBER. I have stated it generally; but just at the immediate time—which means that it was a very short time ago—it was a trifle higher on the other side.

I want to call attention to Mr. Rogers's testimony. He is also one of the greatest lumbermen, and he is interested on both sides of the line.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. Yes.

Mr. NELSON. I want to call the Senator's attention to the fact that logs can be imported free of duty from British Columbia into the State of Washington.

Mr. PILES. Certainly they can be so imported.

Mr. McCUMBER. Certainly. Mr. Rogers, in his testimony before the House Committee Hearings, Schedule D, page 2869, says:

> We have purchased a large quantity of lumber in the United States and shipped it into Canada because we could buy that lumber in the United States for a less price per thousand feet than we could afford to deliver it from our own mill in British Columbia, because the cost of production in British Columbia is higher than in the United States.

Of course, Mr. President, this can not be the case for any length of time, and it can only cover certain tracts. We can put the American lumber into Manitoba, in those prairie districts to-day, cheaper, I think, than the Canadians can put their own lumber into their own country; but they are supplying a considerable demand in that country.

Considerable argument has been made on behalf of the great lumber concerns against free lumber for the reason that a much higher rate of taxes is paid in this country than in Canada. This, however, depends upon local conditions. Some portions of Canada that are wholly unsettled, with no schools and practically no township or county governments to support, have of course light taxes. I think, however, there is little difference between the Ontario and the American side in respect to amount of taxation.

Mr. Lynch, speaking of the question of taxes, says:

> The item of taxes varies in the different Provinces and on different classes of timber, but runs from $5 per square mile, which is the lowest annual rental on timber in the prairie Provinces, to $140 per square mile on the heavy timber in British Columbia, west of the Cascade Mountains. This tax or rental is paid annually, and is an addition to the local or business taxes which may be paid. Most of our holdings are east of the Cascades, in British Columbia, in the mountain district, where we pay a tax of $115 per square mile per annum. On the amount of timber which we hold this tax amounts to about 6 cents per thousand per annum. This is treble the tax paid by us on our holdings on this side of the line. The fee of the land does not go with this.
>
> All of the timber in Canada, however, carries a minimum royalty to the government of 50 cents per thousand board measure and from that up to $6 per thousand in royalty in some of the eastern Provinces. To these royalties, to find the stumpage, must be added the bonus which is paid to the Dominion government when the license to cut the timber was issued by the government, and which amounts, according to the competition which prevailed when the timber was sold by the government, to from 15 cents to $2 per thousand. This bonus is paid to the government in cash when the timber is sold, while the royalty is paid to the government when the timber is sawed. Royalty is also paid on all of the by-products, including laths and shingles.

Mr. Hines, representing the Weyerhaeuser interests, asserted that his taxes on a certain timber tract in Wisconsin amounted to $3 a thousand on the cut of the mill. Against this put the statement of Mr. J. W. Wells, who says he is interested in 320,000 acres of timber land in 14 different counties in Wisconsin and Michigan, and that his taxes amount to only 50 cents per thousand on the amount of lumber produced. Then compare this with the royalty taxes in Ontario and the annual rental charged and add the local tax whenever it is located in a settled district. We know that in British Columbia there is a royalty of from 50 to 60 cents per thousand feet of product and in addition to that a lease charge of $115 to $140 per square mile. Mr. Dwinnell says that M. J. Scanlon pays on his British Columbia timber the equivalent to a tax of nearly 22 cents; in Louisiana 10 cents; in Oregon 8 cents.

Mr. Hines seems to forget also that the taxes which he pays are utilized in such a way that they tend to enhance the value of his property. The British Columbia taxes go to the provincial government, and no part is used in improving the lumber districts.

Mr. Bowman says that the taxes in Louisiana amount to 1 cent per thousand; in British Columbia 2 cents. The Rogers Lumber Company states that taxes on their lands are less than 1 cent in Oregon; in British Columbia 2.57 cents per thousand.

Of one thing, Mr. President, we can be morally certain, and that is that no lumber company is continually, day in and day out, selling its produce for less than it costs. We can be equally certain that no American lumber company is putting its product close at the doors of the Canadian mills, unless it can afford to do so. When we find that such is the case it is pretty good evidence that the American can compete with the Canadian right at his own doors.

Mr. President, the Grand Trunk Pacific Railroad passes through the great lumber districts of British Columbia, a part of Saskatchewan, and of Alberta, and yet in a competitive bid, within a year, for lumber to be used in the construction of that railroad, out in the wooded country of Canada, a Puget Sound American lumber company outbid the Canadian company, took the lumber from the American side, and built the Canadian railroad.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. PILES. Does the Senator want me to explain that to him?

Mr. FLINT. Mr. President——

The PRESIDING OFFICER. Does the Senator yield to the Senator from California?

Mr. McCUMBER. I have not time to yield much longer unless I continue to speak at too great length. I want to get through just as quickly as I can.

Mr. FLINT. Very well; I will wait.

The PRESIDING OFFICER. The Senator from North Dakota declines to yield.

Mr. McCUMBER. I do not decline to yield; but I have not the time to submit to further interruptions now.

Mr. President, I want to call some facts to the attention of our southern friends, who have been very fearful that the Canadians would run their oak lumber down South and come in competition with southern lumber.

Why, Mr. President, the Canadian Pacific Railroad Company purchases all of its material, as I understand, for the construction of its cars from our southern mills and takes it up into Canada. If the American lumber industry needs protection it would not be shipping its own products into a foreign country, and the fact that they are shipping into a foreign country year in and year out is pretty conclusive evidence to me that they do not need the protection that they are asking for against that foreign country.

I want to call attention now to the exportation from the United States to Canada. All of the western country bordering upon the Pacific is able to compete with Canada in all of the lumber markets of the world. I want any man to tell me how it is possible that year after year we are shipping three or four times as much lumber abroad as the Canadians are shipping abroad unless we can sell it as low as the Canadians can sell it. The very fact that we are holding the markets of Australia and of the Orient as against the Canadians is pretty conclusive evidence to me that we can afford to hold it against the Canadians, and we can afford to hold it only because we can manufacture lumber just as cheaply as they can manufacture it.

Our total exports of forest products now exceed in value $126,000,000. A large portion of this is in competition with Canadian products. The United States is in fact the leading lumber exporting nation of the world. The mills in Washington and Oregon increased their exports from 131,000,000 feet in 1905 to 363,000,000 feet in 1907—more than double in two years—while those of British Columbia increased their exports in the same period from 41,000,000 to 67,000,000 feet. The increase in American lumber exports was 200 per cent, while in the case of British Columbia the increase was only about 55 per cent. If our Washington and Oregon mills can compete in the foreign markets against Canadian lumber, why do we need protection in those markets, or in the home markets either, as against Canadian lumber?

The Pacific Lumber Trade Journal estimates the stumpage of British Columbia to be 150,000,000,000 feet; of Oregon 225,000,000,000 feet; of Washington 196,000,000,000 feet; of California 180,000,000,000 feet; and of Idaho 100,000,000,000 feet. With that supply and with the prices that we are paying, compared with the Canadian prices in the mountain districts, I think it is manifest that we are able to compete with them.

Pine stumpage in Minnesota is sold as high as $12 to $13. Late sales of government timber in Ontario have been on a basis of $11.50 to $12 per thousand feet. On the western coast of British Columbia stumpage is considerably cheaper than Washington and Oregon stumpage, but the difference is not so great as has been alleged by the high tariff proponents.

According to Bulletin 27, issued by the Forestry Service, stumpage values have increased from 1899 to 1907 as follows:

> White pine, from $3.66 per thousand to $8.09 per thousand; yellow pine, from $1.12 to $3.16; Douglas fir, from 72 cents to $1.44; cedar, from $1.32 to $4.64; hemlock, from $2.56 to $4.51; spruce, from $2.26 to $5.49.

All of these increases have operated for the benefit of the large lumber interests.

I want to take up now the very last proposition, and that is the matter of the finished lumber. I have heard a great deal about "jokers" being in our tariff bills. The only provision

that I know of in this bill that is really a joker in the sense that it operates as a practical joke upon the American people is the proposed reduction of $1 in the rate on undressed lumber and the maintenance of the higher rates upon finished lumber. Of what benefit to the great consuming public, where the lumber has to be imported over railways, is the $1 reduction upon the unfinished product? Of what benefit to the American consumer of lumber is a reduction of the duty on that which he never uses? The American consumer will get just as much benefit out of the reduction upon rough lumber as he would get out of the reduction upon a rough diamond, and no more. Ninety per cent of all the lumber we use is in a finished state. What do we use it for? For building homes, building barns, and so forth. What man would think of buying rough lumber and sawing it with a handsaw to make his door frames or his window frames or to tongue and groove his floor? If we are going to have any substantial reduction, it must necessarily be upon the finished product.

I want to show, Mr. President, that there is no reason on earth for maintaining the sliding upward scale, the differentials, in the lumber schedule. They were placed there possibly years ago, when it took a separate operation upon every piece of lumber as it was changed from one condition to another. I do not want to conduct a kindergarten, but I do want to call attention to some extent to the manufacture of lumber. I know that I labor under some disadvantage in not being myself a manufacturer of lumber. The Senator from Maryland [Mr. SMITH], who says he is a manufacturer of lumber of thirty years' experience, intimated yesterday, because of a statement I had made, that I had not the slightest idea about the lumber business, or possibly that I had never seen a sawmill; and he declared that it was the height of folly to say that you could ever take a rough board directly from the saw and plane it; that it was an impossibility, and that anybody who made a statement of that kind did not know anything about the lumber business. These remarks go out over the country, and this morning there commenced to pile in telegrams, letters, and communications to me from a great many manufacturing lumbermen in the country, every one of them declaring that that is just the process by which they convert the rough lumber into the finished state. They even deny that they ever send it to the drying kiln first, but state that they send it directly from the saw to the planing mill, and they plane it on both sides, top and bottom and side and groove and tongue it all at one operation. The Senator from Maryland said that nobody ever heard of a proposition of that kind; and yet, Mr. President, men who have been engaged in the lumber business for years say that that is their method. I know that there is a considerable portion of the lumber that does not go directly from the saw to the planing mill. Some of it first goes to the drier, and is afterwards planed. Some of it goes into the general stock, is piled up in the yards, and is not planed until an order comes in, and then it is put through the planing mill. Why? Not because they could not do it before, but simply because it would become weather-beaten, as they say, and they want it to go fresh-looking from the mills.

Here is a board [exhibiting] as it comes from the saw. The expense of manufacturing this board, as I am told, exclusive of the cost of the log, is less than $4 per thousand. The Dingley law protects it by a duty of $2, or 50 per cent of the cost of production; the Payne bill protects it by a duty of $1, or 25 per cent of the cost of production. It costs more, as I am reliably informed, taking Canada as a whole, to manufacture this board in Canada than it costs to manufacture it in the United States.

Here is another board [exhibiting]. It is planed on only one side. It is a sample of shiplap, and is surfaced on one side. If it goes direct from the saw, as I understand, to the planer, it costs 15 cents on the average to do the surfacing; otherwise 50 cents is a generous allowance. So says my informant. This lumber surfaced on one side is protected in both the Dingley law and the Payne bill 50 cents more than the other piece of lumber without the surfacing. When surfaced on two sides the cost is about the same as for one side, but the protection, with no added cost, is a dollar in addition to the duty on rough lumber, making a total rate of protection of $2 upon that piece of board. The cost of surfacing in Canada is practically the same as it is in this country. If it is surfaced on three sides, although it may be only the edge, another 50 cents is added to the duty, making the duty $1.50.

Mr. President, I have here another board [exhibiting]. Here is a board finished on four sides. The cost of finishing that board in no instance, I am informed, exceeds a dollar a thousand, and is probably not more than 50 cents a thousand on the average, and yet the additional duty over the rate on rough lumber is $2. The outside cost would not exceed $1, and the average cost would be about 50 cents, but the duty over that on rough lumber is $2, making a total duty of $3. This might be surfaced for about the same cost on both sides.

I have some data here to show the cost of surfacing and how it is done, but I will not bother the Senate with it now.

Here is another board [exhibiting], a two-by-four scantling, or a two by four, as it is called. It is finished on four sides. The cost of finishing does not exceed a dollar, and it may not be more than 50 cents, averaging about 50 cents, but the additional duty under the pending bill over the duty on rough lumber, on lumber of this character, is $2, or a $3 duty altogether. Fifty cents added to the duty on rough lumber would be a sufficient amount for the planing of this piece of lumber.

Here [exhibiting] is a board planed upon one side and grooved and tongued upon two other sides. This is flooring. The cost of finishing is not to exceed 50 cents a thousand, and the additional cost on that is a dollar a thousand, or a total of $2 duty on that piece of lumber.

I take this one that is finished on four sides, and I insist that that is changed from the rough piece of lumber that I have described into that finished article by one movement. I admit it does not go through the mill so rapidly, as I am informed, as it would if it were planed upon one side. But they have the planing mill so arranged that they can run on both sides and groove and tongue it at the same time.

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Dakota yield to the Senator from Washington?

Mr. PILES. Just for a question?

Mr. McCUMBER. Certainly.

Mr. PILES. I wish to ask from whom the Senator gets his information as to the cost of planing lumber on both sides and tonguing and grooving?

Mr. McCUMBER. I get it from somebody who is interested in getting it in——

Mr. PILES. Is it not Mr. Lynch?

Mr. McCUMBER (continuing). Just the same as the Senator gets his information from somebody who is interested in keeping it out. I think this is a correct statement, because I have it from several different companies.

Mr. PILES. I should like to know who they are.

Mr. McCUMBER. I probably have the names right here. If I have them in my desk I will give them now, and if I have not, I will certainly give the Senator the names of these people.

Mr. PILES. All right.

Mr. McCUMBER. Here is flooring surfaced on two sides, tongued and grooved. The cost of finishing is not to exceed 50 cents per thousand. The additional protection over rough lumber is $1.50 a thousand, or a total of $2.50.

I desire to say to my southern friends, who say that they want to vote for a tariff on lumber, but they want to vote for it as a tariff for revenue only and not protection, you have your opportunity to do so in reducing the schedule upon the finished lumber to 50 cents, because everything above that is protection to the American finisher.

Now here is drop siding, surfaced on one side, tongued and grooved. The cost of finishing is not to exceed 50 cents a thousand. The additional duty over rough lumber, $1 a thousand, or an entire duty of $2 per thousand.

Here is another piece of drop siding. That is $2.50 a thousand. It is made upon the same basis, although all the work is done in passing that on its travels without stopping in its onward movement, from the rough lumber into the finished lumber.

Mr. President, we all understand why the finished lumber can be shipped so very much cheaper than the rough lumber. It has already been explained why it is, and I do not care about going over the same thing again. But I desire to call attention to a statement that is given here from one of these southern mills. It was referred to by the Senator from Minnesota [Mr. NELSON]. I am going to ask the Clerk to read some of these before closing, but I want to call attention to two schedules or price lists, one from Texarkana, Ark., and the other from St. Louis, Mo. Those schedules were printed from the same press, with exactly the same ink, the only difference being the companies mentioned on the outside. Every item is exactly the same, although these mills are about 400 miles apart. This price list establishes, first, that rough lumber costs about $2.25 to $2.50 per thousand more than finished lumber, and it shows almost as conclusively that there is a combination on the part of lumber producers to hold up the consumer.

But what I wanted especially to bring to the attention of the Senate is the fact that the cost of rough lumber is $2.25, as a rule, more than the finished product. And even with a reduction of $1 per thousand, it would still be higher than the finished product.

Before closing I want to get at the real secret, the reason which actuates those lumbermen who are in favor of the higher

tariff on lumber. As has already been shown, a large portion of the Canadian lumber resources are owned to-day by American lumbermen. They make no secret of their proposition. They know that lumber is bound to go up, as every American citizen knows it is bound to go up, as it is rapidly being exhausted. They know about how long it will take to exhaust the present American supply, and they want to hold up the American consuming public to exorbitant prices until they have exhausted the American supply, during which time their Canadian property will enhance in value as our own supply is being exhausted, and when they have practically exhausted that then they will come before the same American public and will cry for free lumber. While now they are shedding tears for the poor American laborer, they will then be weeping for the American consumer.

Let us see if I am borne out in these facts. I want to call attention to a position taken by one of the large lumbermen, as contained in a recent publication, in which he says:

Another interesting phase of the situation is that many, perhaps most, of the Americans who own timber in British Columbia, and also in the States, are opposed to the repeal of the American tariff. One of these men explained his position the other day in the following language:

"The way I figure it out is that the best policy for those of us who own timber on both sides of the line is to do our best to keep up the American tariff at the present time. That will help us to get top prices for the products of our American timber as long as it lasts. The faster we cut that timber the more valuable the Canadian timber will be when the time comes for us to use it.

"If the tariff were to come off now our Canadian timber would gain nothing, but by keeping up the tariff as long as there is any timber left in the United States we win heavily both ways; first, on our American timber, and second, eventually on our Canadian timber; and the chances are that the American people, with their delusions about a high protective tariff, will 'fall' to this idea."

I am told that one of the greatest lumber manufacturers in the United States a short time ago remarked that, while he would prefer to have the tariff stay where it is, he did not have the nerve publicly to commit himself in opposition to the repeal of the lumber tariff.

Mr. President, how will the removal of the lumber tariff keep down prices? It will not keep them down to any great extent. The diminishing supply is bound to send lumber upward. All it can possibly do is to prevent extortionate charges being made for the lumber upon this side. It can operate as a regulator of the 100 to 188 per cent profits upon the manufactures of lumber. That is about all it possibly can do.

Mr. President, in closing, in answer to the charges iterated and reiterated against our people of the prairie States, that we are asking for protection and are not granting protection, I want to say that for forty years the safety of the Republican doctrine of protection has rested in those agricultural States. We got the least direct benefit. We sacrificed more than any manufacturing State in the Union for the cause of protection. We believed in building up your factories. We were patriotic enough to say that we would pay higher prices if it gave your people higher prices and higher wages. And I want to say to the Senator from North Carolina [Mr. SIMMONS], who spoke here the other day along that line, that when the Democrats were voting a Democratic ballot in every Southern State and praying to God that it might not be effective—while they were holding Democratic ballots in their hands and Republican policies in their hearts, these farmers about whom you are complaining were steadily putting in their ballots, two and three to one, to protect you against yourselves. Whenever the great question of protection is in the balance, on the eve of any great national election, every eye is centered upon the pivotal State of New York. We first get your Democratic vote in that manufacturing State. We first get that, as a rule, enormous majority in favor of free trade, and then we look to get the returns from the agricultural sections of the country to overturn it; and when any of your States that preach your free-trade doctrine are voting at the polls even you in those States are looking to the Northwest, to this farmer, to protect you against that policy.

All of our friends here from the Southern States are preaching protection to-day on everything in which they are interested. We are giving protection to the manufacturers; we are giving every one of them a higher protection than we have ever asked for ourselves; but we believe that there are principles underlying the philosophy of protection that we can never get away from. We feel that we can apply those principles, and applying them to lumber, to iron ore, to coal, and to oil, we can find no basis for their application, because a duty upon every article which must necessarily be exhausted just in proportion to that increase is a contravention of the underlying principles of protection. We will give protection wherever it is needed, but, as I have said before, more important than all other questions to the American people is that of the conservation of our forests.

I deny that we own in fee the territory constituting our country. It belongs to our children's children. We have a life interest in these great resources, a right to use them, but I deny that we have a right to so use them as to seriously diminish their value to future generations.

The man who takes a life lease of land can not excuse himself to those who take after him if he exhausts the soil and so destroys it that it is practically of no use to those who follow him. Neither can the American people to-day justify themselves in the deforestation of the American Continent, changing our climate, causing floods, washing away the soil from our farms, thereby not only depriving future generations of these resources, but, in addition to that, placing upon them the burden of taxation to reforest and resoil that which we have destroyed.

That is the view, Mr. President, that I have upon the lumber question. It is a bigger question than that of merely giving employment to laborers to-day. It is a question of the future, in which the whole American people have an interest of which we have no just right to deprive them.

Mr. President, I agreed to say something before closing about the prices of labor in Canada and the United States. I just want to call attention to the fact that from a late statement I have this laborer that you are complaining about in Canada, this oriental laborer, receives on an average $1.68 a day, and that is 43 cents higher than the average laborer in the southern mills. In other words, the oriental laborer in Canada is receiving a higher price than the colored laborer in this country.

Mr. BACON. Will the Senator pardon me? What did he say about the rate of labor in the South?

Mr. McCUMBER. The table which I believe was given in testimony before the House committee showed that the average price per day of oriental labor in Canada was $1.68, and that the average price of the daily wage for the colored labor in the southern mills was about 90 cents; that is, less than $1, although some were paid $1 a day.

Mr. BACON. I do not know the precise wages of such labor in the South, and I am not prepared to give the Senator accurate figures, but I am sure it is very much higher than that. I do not mean by that to enter into any controversy. I was simply attracted by the statement of the Senator. I confess I was surprised to hear that the oriental labor is so high. I thought it was very much lower. That is the reason I interrupted him. However, I am not well informed about it.

Mr. McCUMBER. I will ask the Senator if colored labor in the mills in the South, so far as he knows, will average a dollar a day?

Mr. BACON. I can not state with absolute certainty, but I think——

Mr. McCUMBER. I have to take the figures as I can get them.

Mr. BACON. But I think it is more. However, I am not certain.

During the delivery of Mr. McCUMBER's speech,

Mr. ALDRICH. Will the Senator from North Dakota yield to me for a moment?

Mr. McCUMBER. Certainly.

Mr. ALDRICH. I ask leave out of order to report from the Finance Committee sundry amendments to the pending bill, which I ask may be printed. I make the report now in order that the amendments may be printed by to-morrow morning.

The PRESIDING OFFICER (Mr. SMITH of Michigan in the chair). The Senator from Rhode Island reports numerous amendments to the pending bill, which he asks to have printed. That order will be made, unless there is objection.

At the conclusion of Mr. McCUMBER's speech,

Mr. ALDRICH. I will be glad, Mr. President, if the amendments which I offered to the bill to-day can now be read. I do not, of course, expect to have them acted upon at this time, but I should be very glad to have them read.

The PRESIDING OFFICER. The Secretary will read, as requested.

The SECRETARY: On page 224, after line 16, at the end of section 1, insert:

The provisions of the dutiable list and the free list of this section shall constitute the minimum tariff of the United States.

After section 1 insert as a new section the following:

SEC. 2. That from and after the 31st day of March, 1910, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section 1 of this act, and in addition thereto 25 per cent ad valorem; and there shall also be levied, collected, and paid the following rates of duty on articles upon the free list in said section 1, namely: On coffee, 5 cents per pound; on tea, 10 cents per pound; which rates shall constitute the general tariff of the United States: *Provided*, That whenever and so long as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the govern-

ment of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country imposes no export bounty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, then, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and thereupon and thereafter the provisions of the general tariff shall be applied to the importation of articles from such country. Whenever the provisions of the general tariff of the United States shall be applicable to articles imported from any foreign country, they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and information which will be useful to Congress in tariff legislation and to the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required to make thorough investigations and examinations into the production, commerce, and trade of the United States and foreign countries, and all conditions affecting the same.

Add as a new section the following:

SEC. 3. That the act entitled "An act to simplify the laws in relation to the collection of the revenues," approved June 10, 1890, as amended, be further amended to read as follows:

"SEC. 1. That all merchandise imported into the United States shall, for the purpose of this act, be deemed and held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof; and in case of the abandonment of any merchandise to the underwriters the latter may recognized as the consignee.

"SEC. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or, if purchased, in the currency actually paid therefor, shall contain a correct description of such merchandise, and shall be made in triplicate or quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or by the manufacturer or owner thereof if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, seller, manufacturer, or owner.

"SEC. 3. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased, as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, seller, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true, and was made at the place from which the merchandise is to be exported to the United States; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof, and of all charges thereon, as provided by this act; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it includes all charges thereon as provided by this act, and the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser.

"SEC. 4. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding $100 in value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer, or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or, if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from which the same has been imported; which statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath touching the sources of his knowledge, information or belief in the premises, and to require him to produce any letter, paper, or statement of account in his possession or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof, and in default of such production when so requested, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such letter, papers, or statement for the purpose of avoiding any additional duty, penalty, or forfeiture incurred under this act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee, or agent thereof: *Provided*, That the Secretary of the Treasury may make regulations by which books, magazines, and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series. And when entry of merchandise exceeding $100 in value is made by a statement in the form of an invoice, the collector shall require a bond for the production of a duly certified invoice.

"SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port at the time of entry by the owner, importer, consignee, or agent, which declaration so filed shall be duly signed by the owner, importer, consignee, or agent before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel which should otherwise be embraced in said entry have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise, of which the invoices or bills of lading are not produced, shall not be included in such entry, but may be entered subsequently.

"DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the consignee, importer, or agent of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— is master, from ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been on my part, nor to my knowledge on the part of any other person, concealed or suppressed whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purport to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief (insert the name and residence of the owner or owners) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the consignee, importer, or agent of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of ——— are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the ———, whereof ——— is master, from ———, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purport to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief (insert the name and residence of the owner or owners) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual market value or wholesale price at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition,

packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solemnly and truly declare that I am the owner by purchase of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the ———, whereof ——— is master, from ———; that the invoice and entry, which I now produce, contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, and include and specify the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made, and that if at any time hereafter I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

"DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

"I, ——— ———, do solmenly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same, at their actual market value or wholesale price, at the time of exportation to the United States, in the principal markets of the country from whence imported for my account (or for account of myself or partners); that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff act, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchadise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the accounts now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

"SEC. 6. That any person who shall knowingly make any false statement in the declarations provided for in the preceding section, or shall aid or procure the making of any such false statement as to any matter material thereto, shall, on conviction thereof, be punished by a fine not exceeding $5,000, or by imprisonment at hard labor not more than two years, or both, in the discretion of the court: *Provided*, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law.

"SEC. 7. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to or such deduction from the cost or value given in the invoice or pro forma invoice or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of 1 per cent of the total appraised value thereof for each 1 per cent that such appraised value exceeds the value declared in the entry; but the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to 50 per cent of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted nor payment thereof in any way avoided except in cases arising from a manifest clerical error, and whenever additional duties have been imposed upon merchandise the same shall not be refunded in case of exportation of the merchandise, nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than 50 per cent, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *Provided further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or statement in the form of an invoice, and no forfeiture or disability of any kind incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

"SEC. 8. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section 11 of this act. When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same: *Provided*, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

"SEC. 9. That if any consignor, seller, owner, importer, consignee, agent, or other person or persons, shall enter or introduce, or attempt to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall be guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or effected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particuinr article or articles of merchandise to which such fraud or false paper or statement relates; and such person or persons shall, upon conviction, be fined for each offense a sum not exceeding $5,000, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court.

"SEC. 10. That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

"SEC. 11. That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture, such cost of production to include the cost of materials and of fabrication, and all general expenses, to be estimated at not less than 10 per cent, covering every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of not less than 8 nor more than 50 per cent upon the total cost as thus ascertained; and in no case shall such merchandise be appraised upon original appraisal or reappraisement at less than the total cost of production as thus ascertained. The actual market value or wholesale price, as defined by law, of any imported merchandise which is consigned for sale in the United States, or which is sold for exportation to the United States, and which is not actually sold or freely offered for sale in usual wholesale quantities in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar imported merchandise is actually sold or freely offered for sale in usual wholesale quantities in the United States in the open market, due allowance by deduction being made for estimated duties thereon, cost of transportation, insurance, and other necessary expenses from the place of shipment to the place of delivery, and a commission not exceeding 6 per cent, if any has been paid or contracted to be paid.

"SEC. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, 9 general appraisers of merchandise. Not more than 5 of such general appraisers shall be appointed from the same political party. They shall not be engaged in any other business, avocation, or employment.

"All of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

"That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of $9,000 per annum.

"That the said boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt.

"All notices in writing to collectors of dissatisfaction of any decision thereof, as to the rate or amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), with the invoice and all papers and exhibits, shall be forwarded to the board of nine general appraisers of merchandise at New York to be by rule thereof assigned for hearing or determination, or both. The President of the United States shall designate one of the board of nine general appraisers of merchandise as president of said board and others in order to act in his absence. Said general appraisers of merchandise shall be divided into three boards of three members each, to be denominated respectively Board 1, Board 2, and Board 3. The president of the board shall assign three general appraisers to each of said boards and shall designate one member of each of said boards as chairman thereof, and such assignment or designation may be by him changed from time to time, and he may assign or designate all boards of three general appraisers where it is now or heretofore was provided by law that such might be assigned or designated by the Secretary of the Treasury. The president of the board shall be competent to sit as a member of any board, or assign one or two other members thereto, in the absence or inability of any one or two members of such board. Each of the boards of three general appraisers, or a majority thereof, shall have full power to hear and determine all cases and questions arising therein or assigned thereto; and the general board of nine general appraisers, and each of the general appraisers of merchandise, shall have all the jurisdiction and powers and proceed as now, heretofore, and herein provided. The said board of nine general appraisers shall have power to establish from time to time such rules of evidence, practice, and procedure, not inconsistent with the statutes, as may be deemed necessary for the conduct and uniformity of its proceedings and decisions and the proceedings and decisions of the boards of three thereof; and for the production, care, and custody of samples and records of said board. The president of the board shall have control of the fiscal affairs and the clerical force of the board, make all recommendations for appointment, promotion, and otherwise affecting said clerical force; he may at any time before trial under the rules of said board assign or reassign any case for hearing, determination, or both, and shall designate a general appraiser or a board of general appraisers to proceed to any port within the jurisdiction of the United States for the purpose of hearing, or determining if authorized by law, causes assigned for hearing at such port, and shall cause to be prepared and duly promulgated dockets therefor. No member of any of said boards shall sit to hear or decide any case on appeal in the decision of which he may have previously participated. The board of three general appraisers, or a majority of them, who decided the case, may, upon motion of either party made within thirty days next after their decision, grant a rehearing or retrial of said case when in their opinion the ends of justice may require it.

"SEC. 13. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised. At ports where there is no appraiser the certificate of the customs officer to whom is committed the estimating and collection of duties, of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise. If the collector shall deem the appraisement of any imported merchandise too low, he may, within sixty days thereafter, appeal to reappraisement, which shall be made by one of the general appraisers, or if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisement thereof, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise, he may within ten days thereafter give notice to the collector, in writing, of such dissatisfaction. The decision of the general appraiser in cases of reappraisement shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall be dissatisfied with such decision, and shall, within ten days thereafter, give notice to the collector, in writing, of such dissatisfaction, or unless the collector shall deem the reappraisement of the merchandise too low, and shall within ten days thereafter appeal to re-reappraisement; in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of nine general appraisers, to be by rule thereof duly assigned for determination. In such cases the general appraiser and boards of general appraisers shall proceed by all reasonable ways and means in their power to ascertain, estimate, and determine the dutiable value of the imported merchandise, and in so doing may exercise both judicial and inquisitorial functions. In such cases hearings may in the discretion of the General Appraiser or Board of General Appraisers before whom the case is pending be open and in the presence of the importer or his attorney and any duly authorized representative of the Government, who may in like discretion examine and cross-examine all witnesses produced. The decision of the appraiser, or single general appraiser in case of no appeal, and of the board of three general appraisers in all reappraisement cases, shall be final and conclusive against all parties and shall not be subject to review in any manner for any cause in any tribunal or court, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of the duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law.

"SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of nine general appraisers, for due assignment and determination as hereinbefore provided, such determination shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the United States court of customs appeals within the time and in the manner provided for in this act.

"SEC. 15. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

"SEC. 16. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a Board of General Appraisers, or a local appraisers or a collector, he shall be liable to a penalty of $100; and if such person be the owner, importer, or consignee, the appraisement which the general appraiser, or Board of General Appraisers, or local appraiser or collector, where there is no appraiser, may make of the merchandise shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or Board of General Appraisers, or local appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited.

"SEC. 17. That all decisions of the general appraisers and of the boards of general appraisers respecting values and rates of duty shall be preserved and filed and shall be open to inspection under proper regulations to be prescribed by the Secretary of the Treasury. All decisions of the general appraisers shall be reported forthwith to the Secretary of the Treasury and to the Board of General Appraisers on duty at the port of New York, and the report to the board shall be accompanied, whenever practicable, by samples of the merchandise in question, and it shall be the duty of the said board, under the direction of the Secretary of the Treasury, to cause an abstract to be made and published of such decisions of the appraisers as they may deem important and of the decisions of each of the general appraisers and boards of general appraisers, which abstract shall contain a general description of the merchandise in question and of the value and rate of duty fixed in each case, with reference, whenever practicable, by number or other designation, to samples deposited in the place of samples at New York, and such abstract shall be issued from time to time at least once in each week for the information of customs officers and the public.

"SEC. 18. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value is the price at which such merchandise is freely offered for sale to all purchasers in said markets, and is the price which the manufacturer or owner would have received, and was willing to receive, for such merchandise when sold in the ordinary course of trade in the usual wholesale quantities, including the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff act, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subjected if separately imported. That the words "value," or "actual market value," or "wholesale price," whenever used in this act, or in any law relating to the appraisement of imported merchandise, shall be construed to be the actual market value or wholesale price of such, or similar merchandise comparable in value therewith, as defined in this act.

"SEC. 19. Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles.

"SEC. 20. That in all suits or informations brought, where any seizure has been made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

"SEC. 21. That all fees exacted and oaths administered by officers of the customs, except as provided in this act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon all entries of domestic goods, wares, and merchandise for exportation, be, and the same are hereby, abolished; and in case of entry of merchandise for exportation, a declaration, in lieu of an oath, shall be filed, in such form and under such regulations as may be prescribed by the Secretary of the Treasury; and the penalties provided in the sixth section of this

act for false statements in such declaration shall be applicable to declarations made under this section: *Provided*, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

"SEC. 22. That no allowance for damage to goods, wares, and merchandise imported into the United States, including decay, injury, or destruction by rot of fruits or any other merchandise, shall hereafter be made in the estimation and liquidation of duties thereon, except in cases where such goods may have been seized and destroyed under orders issued by any lawfully constituted board of health, but the importer thereof may, within ten days after entry, abandon to the United States all or any portion of goods, wares, and merchandise included in any invoice and be relieved from the payment of the duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to 10 per cent or over of the total value or quantity of the invoice, and the property so abandoned, if of any value, shall be sold by public auction or otherwise disposed of for the account and credit of the United States under such regulations as the Secretary of the Treasury may prescribe. The right of abandonment herein provided for may be exercised whether the thing abandoned has any market value or not.

"SEC. 23. That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties, or payments made upon appeal, more money has been paid to or deposited with a collector of customs than, as has been ascertained by final liquidation thereof, the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated. The necessary moneys therefor are hereby appropriated, and this appropriation shall be deemed a permanent indefinite appropriation; and the Secretary of the Treasury is hereby authorized to correct manifest clerical errors in any entry or liquidation, for or against the United States, at any time within one year of the date of such entry, but not afterwards: *Provided*, That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this act or of any other act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

"SEC. 24. That from and after the taking effect of this act, no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, or any other person, for or on account of any rulings or decisions as to the classification of said merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent of such merchandise might, under this act, be entitled to appeal from the decision of said collector or other officer, or from any board of appraisers provided for in this act.

"SEC. 25. That any person who shall give, or offer to give, or promise to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission contrary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or of the liquidation of the entry thereof, or shall by threats or demands or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding $2,000, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court; and evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not done with an unlawful intention.

"SEC. 26. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or liquidation of the entry thereof, on conviction thereof shall be fined not exceeding $5,000 or be imprisoned at hard labor not more than two years, or both, in the discretion of the court; and evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

"SEC. 27. That any baggage or personal effects arriving in the United States in transit to any foreign country may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained, without the payment or exaction of any import duty, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe.

"SEC. 28. That sections 2608, 2838, 2839, 2841, 2843, 2845, 2853, 2854, 2856, 2858, 2860, 2900, 2902, 2905, 2907, 2908, 2909, 2922, 2923, 2924, 2927, 2929, 2930, 2931, 2932, 2943, 2945, 2952, 3011, 3012, 3012½, 3013 of the Revised Statutes of the United States, be, and the same are hereby, repealed, and sections 9, 10, 11, 12, 14, and 16 of an act entitled 'An act to amend the customs-revenue laws and to repeal moieties,' approved June 22, 1874, and sections 7, 8, and 9 of the act entitled 'An act to reduce internal-revenue taxation, and for other purposes,' approved March 3, 1883, and all other acts and parts of acts inconsistent with the provisions of this act, are hereby repealed, but the repeal of existing laws or modifications thereof embraced in this act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications; but all rights and liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. Any offenses committed, and all penalties or forfeitures or liabilities incurred prior to the passage of this act under any statute embraced in or changed, modified, or repealed by this act may be prosecuted and punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes or proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this act, shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this act, may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed: *And provided further*, That nothing in this act shall be construed to repeal the provisions of section 3058 of the Revised Statutes as amended by the act approved February 23, 1887, in respect to the abandonment of merchandise to underwriters or the salvors of property, and the ascertainment of duties thereon.

"SEC. 29. That a United States court of customs appeals is hereby created, and said court shall consist of a presiding judge and four associate judges appointed by the President, by and with the advice and consent of the Senate, each of whom shall receive a salary of $10,000 per annum. It shall be a court of record, with jurisdiction as hereinafter established and limited.

"Said court shall prescribe the form and style of its seal and the form of its writs and other process and procedure and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have the services of a marshal, with the same duties and powers, under the regulations of the court, as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable, said services to be performed by the United States marshals in and for the districts where sessions of said court may be held, and to this end said marshals shall be the marshals of said court of customs appeals. The court shall appoint a clerk, whose office shall be in the city of New York, and who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said court as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the clerk shall be $4,000 per annum, which sum shall be in full payment for all service rendered by such clerk, and all fees of any kind whatever, and all costs shall be by him turned into the United States Treasury. Said clerk shall not be appointed by the court or any judge thereof as a commissioner, master, receiver, or referee. The costs and fees in the said court shall be fixed and established by said court in a table of fees to be adopted and approved by the Supreme Court of the United States within three months after the organization of said court: *Provided*, That the costs and fees so fixed shall not, with respect to any item, exceed the costs and fees charged in the Supreme Court of the United States; and the same shall be expended, accounted for, and paid over to the Treasury of the United States. The court shall have power to establish all rules and regulations for the conduct of the business of the court and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law.

"The said United States court of customs appeals shall always be open for the transaction of business, and sessions thereof may be held annually, or oftener, by the said court, in the several judicial circuits, at the following places: In the first circuit, in the city of Boston; in the second circuit, in the city of New York; in the third and fourth circuits, in the cities of Philadelphia and Baltimore; in the fifth circuit, in the cities of New Orleans and Galveston; in the sixth, seventh, and eighth circuits, in the city of Chicago; in the ninth circuit, in the cities of Seattle, Portland, and San Francisco; and in such other places in each of the above circuits as said court may from time to time designate.

"The presiding judge of said court shall be so designated in order of appointment and in the commission issued him by the President, and the associate judges shall have precedence according to the date of their commissions. Any three of the members of said court shall constitute a quorum.

"The said court shall organize and open for the transaction of business in the city of New York within ninety days after the judges, or a majority of them, shall have qualified.

"After the organization of said court no appeal shall hereafter be taken or allowed from any board of United States general appraisers to any other court, and no appellate jurisdiction shall hereafter be exercised or allowed by any other courts in cases decided by said Board of United States General Appraisers; but all appeals allowed by law from such Board of General Appraisers shall be subject to review only in the United States court of customs apppeals hereby established according to the provisions of this act.

"The court of customs appeals established by this act shall exercise exclusive appellate jurisdiction to review by appeal, as provided by this act, final decisions by a board of general appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgment or decrees of said court of customs appeals shall be final in all such cases.

"Any judge who, in pursuance of the provisions of this act, shall attend a session of the court of customs appeals held at any place other than the city of New York shall be paid, upon his written and itemized certificate, by the marshal of the district in which the court shall be held, his actual and necessary expenses incurred for travel and attendance, and the actual and necessary expenses of one stenographic clerk who may accompany him, and such payments shall be allowed the marshal in the statement of his accounts with the United States.

"The marshals of the several districts in which said court of customs appeals may be held shall, under the direction of the Attorney-General of the United States and with his approval, provide such rooms in the public buildings of the United States as may be necessary for said court: *Provided, however*, That in case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney-General of the United States, may, from time to time, lease such rooms as may be necessary for said court. The bailiffs and messengers of said court shall be allowed the same compensation for their respective services as are allowed for similar services in the existing circuit courts; and in no case shall said marshals secure other rooms than those regularly occupied by existing circuit courts of appeals, circuit courts, or district courts, or other public officers, except where such can not, by reason of actual occupancy or use, be occupied by said court of customs appeals.

"If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of said board, they, or either of them, may, within sixty days next after the entry of such decree or judgment, and not afterwards, apply to the United States court of customs appeals for a review of the questions of law and fact involved in such decision: *Provided*, That in Alaska and in

the insular and other outside possessions of the United States ninety days shall be allowed for making such application to the United States court of customs appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of, and a copy of said statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the Board of General Appraisers to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decisions thereon; and all the evidence taken by and before said board shall be competent evidence before said court of customs appeals. The decision of said court of customs appeals shall be final, and such cause shall be remanded to said Board of General Appraisers for further proceedings to be taken in pursuance of such determination.

"Immediately upon the organization of the United States court of customs appeals all cases within the jurisdiction of that court now pending and not submitted for decision in any of the United States circuit courts of appeals, United States circuit, territorial, or district courts, shall, with the record and samples therein, be certified by said courts to said United States court of customs appeals for further proceedings in accordance herewith: *Provided*, That where orders for the taking of further testimony before a referee have been made in any of such cases, the taking of such testimony shall be completed before such certification.

"That in case of a vacancy or the temporary inability or disqualification for any reason of one or two judges of said court of customs appeals, the President of the United States may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place, and such United States judge or judges shall be duly qualified to so act.

"Said United States court of customs appeals shall have power to review any decision or matter within its jurisdiction and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

"Immediately upon receipt of any record transmitted to said court for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every sixty days.

"In addition to the clerk of said court the court may appoint an assistant clerk at a salary of $2,000 per annum, three stenographic clerks at a salary of $2,400 per annum each, and one stenographic reporter at a salary of $2,500 per annum, and a messenger at a salary of $900 per annum, all payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct. The United States marshal for the southern district of New York is hereby authorized to purchase, under the direction of the presiding judge, such books, periodicals, and stationery as may be necessary for the use of said court, and such expenditures shall be allowed the marshal in the statement of his accounts with the United States.

"SEC. 30. That there shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney-General, who shall exercise the functions of his office under the supervision and control of the Attorney-General of the United States, and who shall be paid a salary of $10,000 per annum; and there shall also be appointed by the Attorney-General of the United States a Deputy Assistant Attorney-General, who shall be paid a salary of $7,500 per annum, and four attorneys, who shall be paid salaries, one of $6,000, and the other three of $5,000 per annum each. Said attorneys shall act under the immediate direction of said Assistant Attorney-General, or, in case of his absence or a vacancy in his office, under the direction of said Deputy Assistant Attorney-General, and said Assistant Attorney-General, Deputy Assistant Attorney-General, and attorneys shall have charge of the interests of the Government in all matters of reappraisement and classification of imported goods and of all litigation incident thereto, and shall represent the Government in all the courts wherein the interests of the Government require such representation."

ADJOURNMENT TO MONDAY.

Mr. ALDRICH. I move that when the Senate adjourns today, it adjourn to meet on Monday next.

The motion was agreed to.

HOUR OF MEETING.

Mr. ALDRICH. I move that the daily sessions of the Senate on and after Monday next, until further ordered, shall begin at 11 o'clock a. m.

Mr. HEYBURN. I should like to inquire about that. There is a very slim attendance at this time.

Mr. ALDRICH. I think everybody understands it is to be done.

Mr. HEYBURN. They may understand it is to be done——

Mr. ALDRICH. If the Senator raises the point, of course——

Mr. HEYBURN. I shall not be obdurate about it at all. I merely desired to know if it was something that met with general approval. I do not believe in varying the rules of this body. It detracts from its dignity and traditions.

Mr. ALDRICH. It is very evident that if we are to dispose of the tariff bill we must have earlier hours of meeting and later sessions.

Mr. HEYBURN. We have seldom been able to get a quorum here before 12 o'clock when we have met at an earlier hour than that.

Mr. ALDRICH. I shall make the motion Monday.

Mr. HEYBURN. I shall not make any objection.

Mr. ALDRICH. I think Senators understood about the motion.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to, and (at 6 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, May 3, 1909, at 11 o'clock a. m.

SENATE.

MONDAY, *May 3, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

The Journal of the proceedings of Friday last was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of certain persons, claiming to be American citizens, imprisoned at Habana, Cuba, praying that certain relief be granted them, which was referred to the Committee on Foreign Relations.

Mr. BRADLEY presented petitions of sundry citizens of Covington, Falmouth, Salt Lick, Neola, Center Point, Gifford, Cleaton, Faubush, Jonesville, Cold Valley, Burgin, Indian Fields, Mount Sterling, Hampton, Newport, and Burnside, all in the State of Kentucky, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Addison, Pa., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. GALLINGER presented telegrams in the nature of petitions from Mrs. Rose M. Vontobel, of Lebanon; Mrs. Dwight Hall, of Dover; Mrs. Laura E. Benton, of Manchester; Mabelle Hill True, of Laconia; Jennie T. Gingras, of Laconia; Bessie M. Houghton, of Laconia; and Mrs. George H. Tilton, of Laconia, all in the State of New Hampshire, praying for an increase of the duty on imported hosiery, which were ordered to lie on the table.

Mr. PERKINS presented a joint resolution of the legislature of California, which was referred to the Committee on Pensions and ordered to be printed in the RECORD, as follows:

Senate joint resolution 20.

Adopted in senate March 16, A. D. 1909.

LEWIS A. HILBORN,
Secretary of the Senate.

Adopted in assembly March 18, A. D. 1909.

CLIO LLOYD,
Chief Clerk of the Assembly.

This resolution was received by the governor this 20th day of March, A. D. 1909.

E. C. COOPER,
Private Secretary of the Governor.

STATE OF CALIFORNIA,
DEPARTMENT OF STATE.

I, C. F. Curry, secretary of the State of California, do hereby certify that I have carefully compared the annexed copy of senate joint resolution No. 20, chapter 37, laws of 1909, with the original now on file in my office, and that the same is a correct transcript therefrom and of the whole thereof. Also, that this authentication is in due form and by the proper officer.

Witness my hand and the great seal of state, at office in Sacramento, Cal., the 26th day of April, A. D. 1909.

[SEAL.]

C. F. CURRY,
Secretary of State.
By J. HOESCH, *Deputy.*

Chapter 37.

Senate joint resolution No. 20, relating to a bill in Congress extending pension laws to include the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion.

Whereas the officers and privates of the First Battalion Mountaineers, California Volunteers, served during the war of the rebellion against the Indians of the frontier counties; and

Whereas under the provisions of the general pension laws and the several special pension acts said volunteers have always been held entitled to the benefit of said pension laws and have for many years received pensions from the Government for said service during the rebellion, which pensions have been in most cases the only means of support of these old volunteer soldiers; and

Whereas under a recent ruling of the Department of the Interior it has been held that the pension laws do not include the volunteer soldiers who fought during the war of the rebellion against the Indians; and

Whereas there is now pending in the Congress of the United States a bill introduced in the Senate and House of Representatives to extend the provisions of the pension laws to include the officers and privates of the First Battalion Mountaineers, California Volunteers, who served during the late war of the rebellion and were honorably discharged, and to the widows and minor children of such volunteer soldiers: Therefore be it

Resolved by the senate (the assembly concurring), That our Senators in Congress be instructed and our Members in Congress be requested to use all honorable means to secure the prompt passage by Congress of the bill referred to in the preamble of this resolution.

W. R. PORTER,
President of the Senate.
P. A. STANTON,
Speaker of the Assembly.

Attest:
C. F. CURRY,
Secretary of State.

Indorsed: Filed in the office of the secretary of state the 29th day of March, A. D. 1909, at 4 o'clock p. m. C. F. Curry, secretary of state; by J. Hoesch, deputy.

Mr. PERKINS presented petitions of sundry citizens of Stockton, Forest Hill, and Rio Dell, all in the State of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Fresno, Cal., remonstrating against a reduction of the duty on petroleum, which was ordered to lie on the table.

Mr. SMITH of Michigan. I present resolutions adopted at a meeting of the Chamber of Commerce of Jackson, Mich., which I ask may be read for the information of the Senate and referred to the Committee on Finance.

There being no objection, the resolutions were read and referred to the Committee on Finance, as follows:

JACKSON CHAMBER OF COMMERCE,
Jackson, Mich., April 28, 1909.

Hon. WILLIAM ALDEN SMITH,
United States Senate, Washington, D. C.

DEAR SIR: At a meeting of the Jackson Chamber of Commerce, held April 27, the following resolution was unanimously adopted:

Resolved, That this organization heartily favors the conclusions of the conference, held at Detroit, April 23–24, for the betterment of trade relations between this country and Canada, and especially are we committed to the institution of a tariff commission, whose recommendations shall be subject to the sanction or disapproval of Congress, and whose work along nonpartisan and unselfish lines will go far, as we believe, to insure stable business conditions.

Resolved, That the secretary be instructed to send a copy of these resolutions to the United States Senators from Michigan, to the chairman of the Finance Committee of the Senate, and the chairman of the Ways and Means Committee of the House.

Conforming with the instructions of the chamber, I have the honor to submit the above resolutions for your consideration, information, and approval.

Yours, truly, CHARLES E. WHEELER,
Secretary.

Mr. CULLOM presented a petition of sundry citizens of Bureau County, Ill., praying for the retention of the proposed duty of 1 cent per pound on zinc ore, which was ordered to lie on the table.

Mr. DEPEW presented a petition of sundry merchants and citizens of Walden, N. Y., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

Mr. CURTIS presented petitions of sundry citizens of Lehigh, Downs, Wellsville, and Admire, all in the State of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Downs and Ritzville, in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented the petition of Jacob G. Winckenbaugh, of Waldoboro, Me., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Clinton, Me., praying for a protective duty on carded wool, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SUTHERLAND:

A bill (S. 2261) for the relief of Frederick Blake (with the accompanying papers); to the Committee on Claims.

By Mr. WARREN:

A bill (S. 2262) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal; to the Committee on Claims.

By Mr. MONEY:

A bill (S. 2263) for the relief of James H. Shannon; to the Committee on Military Affairs.

By Mr. CRANE:

A bill (S. 2264) for the relief of Paul Butler; to the Committee on Claims.

ALEXANDER HAMILTON MEMORIAL.

Mr. JOHNSON of North Dakota. I introduce a joint resolution. I ask that it be read and referred to the Committee to Investigate Trespassers upon Indian Lands.

The joint resolution (S. J. R. 32) repealing joint resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., was read the first time by its title and the second time at length, as follows:

Senate joint resolution 32.

Resolved, etc., That public resolution No. 59, being a resolution authorizing the selection of a site and the erection of a pedestal for the Alexander Hamilton memorial in Washington, D. C., approved March 4, 1909, be, and the same hereby is, repealed.

The PRESIDENT pro tempore. What is the request of the Senator from North Dakota?

Mr. JOHNSON of North Dakota. I ask that the joint resolution be referred to the Committee to Investigate Trespassers upon Indian Lands.

The PRESIDENT pro tempore. Without objection, it will be so referred.

Mr. SCOTT. If I heard the reading correctly, I should think that that is the wrong committee.

The PRESIDENT pro tempore. It really ought to go to the Committee on the Library.

Mr. JOHNSON of North Dakota. I hope the Senator from West Virginia will hear me a moment on that point. The joint resolution which it is proposed to repeal came from the Committee on the Library. It passed from the committee, but I find no report from that committee.

This is in the nature of an appeal from that decision. It is in the nature of an attempt to get a change of venue to some other committee. If necessary, I will file some affidavits of prejudice against the previous court in this hearing. I ask that the joint resolution may go to the Committee to Investigate Trespassers upon Indian Lands.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from North Dakota?

Mr. SCOTT. Let the joint resolution be read.

Mr. GALLINGER. Let it be read again.

The PRESIDENT pro tempore. It will be again read.

The Secretary again read the joint resolution.

Mr. HALE. Such resolutions generally go to the Committee on the Library.

Mr. GALLINGER. That is where it belongs, of course.

The PRESIDENT pro tempore. The Senator from North Dakota asks unanimous consent that it may be referred to the Committee to Investigate Trespassers upon Indian Lands.

Mr. ALDRICH. I suggest to the Senator from North Dakota that the resolution lie on the table. I suppose that he would like to address the Senate on the subject later.

Mr. JOHNSON of North Dakota. I have no objection to that course.

The PRESIDENT pro tempore. The joint resolution will lie on the table.

AMENDMENTS TO THE TARIFF BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. CULBERSON submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

FOREIGN IMPORTS.

Mr. CRAWFORD. I submit a resolution, and ask that it be considered immediately by the Senate.

The resolution (S. Res. 42) was read, as follows:

Senate resolution 42.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to furnish for the information of the Senate at the earliest practicable moment a list of foreign countries, and any political subdivision of either of such foreign countries (except the Philippine Islands), that impose a tariff or other duty or tax against any of the products of the United States, or that lay an export bounty or any other prohibition upon the exportation of any article to the United States, together with the rate of such tariff or other duty or tax so imposed, the rate of any such export bounty, and the nature or rate of any other prohibition so laid against such exportations, with a list of those countries or dependencies which unduly discriminate against the United States or the products thereof.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. ALDRICH. It involves the examination provided to be made by the President of the maximum and minimum provisions reported from the Committee on Finance. It is safe to say that nine months, which is allowed to the President to make this investigation, or I should say ten months, are none too long for it. It would be absolutely impossible for the Sec-

retary of the Treasury at any time within the next year, or certainly within ten months, to make the investigation suggested by the resolution of the Senator from South Dakota. I ask that it may be referred to the Committee on Finance.

Mr. CRAWFORD. Mr. President, do I understand that the information here called for could not be procured, so as to give the information for the benefit of the Senate in considering the administrative features of the tariff bill?

Mr. ALDRICH. I simply suggest to the Senator from South Dakota that it would be a physical impossibility for the Secretary of the Treasury to answer the resolution certainly within nine months.

The PRESIDENT pro tempore. The Senator from Rhode Island moves that the resolution be referred to the Committee on Finance.

The motion was agreed to.

RAILROAD RATES IN MISSOURI, ETC.

Mr. WARNER. If the morning business is concluded, I wish to call up Senate resolution 41, which went over.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read Senate resolution 41, submitted by Mr. WARNER on the 30th ultimo, as follows:

Senate resolution 41.

Whereas under the provisions of the laws of the United States, it is the duty of railroads engaged in interstate traffic to carry freight and passengers at fair, reasonable, and equal rates, and not to charge or impose upon passengers or shippers of freight charges in excess of amounts sufficient to give to said railroad companies a reasonable return upon the value of their investments, after the payment of operating expenses and the cost of replacement and repair; and

Whereas 18 railroads, including a number of the leading trunk lines of the country, have been recently engaged in litigation with the State of Missouri, for the reasons, as claimed in said suits, that said laws are in violation of the fourteenth amendment to the Federal Constitution in that the rates thereby established do not give to said railroads a reasonable return upon the value of their property used in the conduct of such traffic; and

Whereas from the figures submitted by said railroads in said litigation, a copy of which is attached to this resolution, it is alleged that said railroads are charging, exacting, and receiving in their interstate traffic in the State of Missouri rates unfairly and unreasonably high and more than sufficient in amount to give to said railroads a reasonable return upon the value of their property used in said interstate traffic, after paying operating expenses and cost of repair and replacement; and

Whereas said rates, it is claimed, are being charged and exacted by said railroad companies in violation of the laws of the United States: Therefore be it

Resolved, That the Interstate Commerce Commission be instructed to institute an investigation as to the reasonableness of the rates now being charged by the railroads engaged in interstate traffic in the State of Missouri and in the States contiguous thereto, for the purpose of making such orders as said commission may deem to be right and proper in reference to said rates.

Mr. STONE. Mr. President, I do not know that the passage of the resolution would do any harm to anybody or to any interest, but since its introduction on Friday I have not been able sufficiently to look into the subject to determine what its scope and effect would be; and this for the reason that all of us are greatly occupied with the tariff bill.

Mr. President, some weeks ago I received a letter from the Governor of Missouri, inclosing me a considerable amount of data, which I presume he also sent to my colleague [Mr. WARNER], and upon which, I suppose, this resolution was predicated, with a request that I would present to the Senate some such resolution or proposition as the one pending. I examined as well as I could under the circumstances the tabulations inclosed to me by the governor, made up by experts, as he said, employed in the course of a protracted litigation between the state officials and the railroad companies in the federal court at Kansas City. I found that it would require a good while and very careful study to understand those complicated tabulations and determine what the effect of a movement of this kind would be. I did not feel like bringing in a thing of this kind without understanding its meaning, scope, and effect.

Again, I remembered that, on the motion of the Senator from Maine [Mr. HALE] in the first week of the present session, a special order was entered, which, I think is still standing, to the effect that no business should be transacted at this session except the ordinary routine morning business and business relating to the census and the tariff bills.

And so, when I received the governor's communication, it occurred to me that here was a proposition of considerable magnitude, involving large interests, and that the proposition ought to be well thought out and understood before advancing it. Moreover, I was of the opinion that under the operation of the special order alluded to that even if I should propose a resolution of the character suggested it could not be acted upon at this session. Hence I wrote the governor that in due time I would take up the subject and look into it, and possibly during the summer would have an opportunity to confer with him regarding it; and that, after looking into it, if it struck me as being a proper thing to do I would take pleasure in taking such steps as the public interests and the rights of all might require at the beginning of the regular session in December.

Mr. President, since the introduction of this resolution—that is, on yesterday and this morning—I have received a large number of communications, in the form of telegrams and otherwise, from important business interests scattered throughout the State regarding this resolution. I hold three telegrams in my hand now, received here in the Senate within this hour. I have had communications from prominent business men connected with the St. Louis Merchants' Exchange and from the president of the Business Men's League of St. Louis, two of the greatest commercial bodies in the State, and from similar bodies in other cities and towns in the State, and from important individual business men scattered all over the State, protesting that the adoption of this resolution would be mischievous and hurtful to business. Most of these communications are in my office rooms, but I have here these three just received at my desk. One is from Pleasant Hill, Mo., and is as follows:

PLEASANT HILL, MO., *May 3, 1909.*

Hon. W. J. STONE,
Senate Chamber, Washington, D. C.:

Most urgently protest against further disturbing Missouri railway rate matters. Undoubtedly same will be of great harm to business interests.

McDONALD BROS. PIT SCALE MANUFACTURERS CO.

Here is one from Bunceton:

BUNCETON, MO., *May 3, 1909.*

Hon. WILLIAM J. STONE,
United States Senate, Washington, D. C.:

Continued harassing of railroads of Missouri is especially detrimental to business and stock industry of this section. We earnestly protest against passage of resolution to have Interstate Commerce Commission investigate Missouri rates. Let Supreme Court decide the case.

A. B. KERNS,
President Commercial Club.

Another is to this effect:

BUNCETON, MO., *May 3, 1909.*

Hon. W. J. STONE,
United States Senate, Washington, D. C.:

Warner resolution to have Interstate Commission investigate Missouri rates will be detrimental to business interests of Missouri. We earnestly protest against passage.

W. B. KERNS.
O. H. CRAMER.
W. E. COLEMAN.
L. O. NELSON.
JOSEPH POPPER.

I have had, as I say, a large number of such communications. I doubt if the apprehensions expressed in these dispatches are fully justified.

Still, in view of this situation, Mr. President, I would like to have a little longer time and opportunity to look into the resolution to see whether, in my judgment, it ought to be adopted. The senior Senator from Texas [Mr. CULBERSON] on Friday asked that the resolution might go over, as he desired to look into it. He is not present in the Chamber now. Whatever may be his disposition with regard to it, however, I ask my colleague to allow the resolution to lie on the table for the present. We can take it up, if permissible under the rule, a little later on. I wish a little time to look further into it.

Mr. WARNER. If my colleague will wait a moment, it is true that the senior Senator from Texas did object on Friday, because he was not present when the resolution was read. I submitted the resolution to him, and he advised me that he had no objection, or I should not have called up the resolution in his absence this morning.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Maine?

Mr. STONE. I do.

Mr. ELKINS. I should like to say a word about the resolution.

Mr. STONE. I ask that it may lie on the table.

Mr. HALE. The resolution is clearly against the order of business that was established by the Senate. I hope the Senator from Missouri will consent that it may go to the Committee on Interstate Commerce. That will give an opportunity for full examination on the part of the Senator from Missouri [Mr. STONE] and other Senators. I shall be glad myself to have an opportunity to examine it. Under the order established by the Senate all resolutions calling for any action should go to a committee; but until that order is changed no committee, except on the census and on the tariff business, can report any legislation. I ask that the resolution be referred, or, if necessary, I

will move that it be referred to the Committee on Interstate Commerce.

Mr. WARNER. If the Senator from Maine will pardon me a moment, my colleague has asked that it may lie on the table for the present.

Mr. HALE. It will never be in any better condition, but will come up to pester us whenever it is reached. Until the tariff bill is disposed of and the census business disposed of, unless the Senate changes or repeals its order of business, the resolution ought not to be continually appearing here in the morning hour, because it is contrary to the rule established by the Senate. I think I must move that it be referred to the Committee on Interstate Commerce.

Mr. ELKINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Maine yield to the Senator from West Virginia?

Mr. ELKINS. I thought he had concluded. I quite agree with the Senator from Maine. I take it that the resolution is clearly against the order of the Senate. It ought to go directly to the committee, and it ought not to be reappearing here. It was up on Friday, and it is up again to-day. Otherwise a number of us on that committee would feel that we ought to be here all the time in the morning hour to look after the resolution. I think it is quite out of order, and it ought to go to the Committee on Interstate Commerce.

Mr. HALE. I make that motion.

The PRESIDENT pro tempore. The Senator from Maine moves that the resolution be referred to the Committee on Interstate Commerce.

Mr. WARNER. The Senator says it ought to be placed where it will not be continually reappearing. I apprehend when it gets to the Committee on Interstate Commerce there will be no danger of its reappearing.

Mr. HALE. It undoubtedly will not appear at this session.

Mr. ELKINS. That is precisely what I mean. It ought not to be reappearing here during the session unless we change the order of the Senate.

The PRESIDENT pro tempore. The Senator from Maine moves the reference of the resolution to the Committee on Interstate Commerce.

The motion was agreed to.

THE TARIFF.

The PRESIDENT pro tempore. The morning business being closed, the calendar is in order. The Chair lays before the Senate the first bill on the calendar.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was announced as first in order on the calendar, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. CUMMINS. Mr. President, I desire to give notice that on Thursday, immediately following the routine morning business, I will address the Senate upon the pending bill.

Mr. PILES. Mr. President, it is not my purpose this morning to make any extended argument on the lumber schedule, but there are a few facts that I desire to bring to the attention of the Senate——

Mr. STONE. Mr. President, will the Senator from Washington allow me a moment?

Mr. PILES. I yield to the Senator from Missouri.

Mr. STONE. I desire before the Senator proceeds, if he will grant me the courtesy, to say just a word, not occupying more than four or five minutes.

Mr. President, the Senator from Washington is about to address the Senate on the lumber schedule, as I understand, and because of his experience and knowledge of the subject I have no doubt, and I feel quite confident of the fact, that he will deliver an enlightening address.

There are one or two things that have puzzled and confused me somewhat in regard to this matter, as I know they have other Senators whom I have heard speak in regard to it. Not wishing to unduly interrupt the Senator in the course of his address, for I think such things often break the thread and to some extent weaken the force of an argument, I have prepared four questions in writing which I wish to read and deliver to the Senator at his desk with the hope that at some point in the course of his remarks he will give answer to them, as I am sure he can if any Senator on the floor can do so. The questions are as follows:

Under the existing (Dingley) law the tariff on all grades of imported lumber—rough, partly finished, and finished, but not including manufactures of wood—produces a revenue of about $1,812,033.12. To produce that revenue let us assume, what is approximately correct, that the present average duty on these imports is about $2 per thousand feet. If that duty should be cut in two—that is, reduced to $1 per thousand feet—manifestly the importations would have to be doubled to produce the same amount of revenue. Now, I ask—

First. To what extent, in the opinion of the Senator from Washington, would imports of Canadian or foreign lumber be increased if the import duty on lumber *should be reduced to $1 flat per thousand feet* on all grades, unfinished, partly finished, and finished? and

Second. To what extent, in the opinion of the Senator, would imports of Canadian or foreign lumber be increased if lumber of all these grades or classes should be *put on the free list?*

Third. *If a flat rate of $1 per thousand feet* should be placed on all these grades of imported lumber, what effect would that have on the price of lumber to Americans buying for their own consumption?

Fourth. If all these grades of lumber *should be put on the free list*, what effect would that have on the price of lumber sold in the States for individual domestic use?

Fifth. The Senator from Minnesota [Mr. NELSON] and the Senator from North Dakota [Mr. MCCUMBER] stated, or substantially stated, in their speeches last week that numerous contracts for lumber to be used in Canada had been filled by shipping lumber from the United States into the Dominion, because it could be delivered at given points over there cheaper than Canadian lumber; and the Senator from North Dakota gave a specific case where a firm or corporation in the State of Washington had successfully competed on bids for a contract with the Canadian Pacific Railroad Company for a large amount of lumber needed by that company in railroad construction, and had shipped American-made lumber across the line into British Columbia, over on the Pacific coast, to fill that contract. Moreover, these Senators stated that the Pacific States and British Columbia were sharp rivals and competitors for the lumber export trade to the Orient and to the west coast markets of Central and South America, and that in those foreign markets, where the conditions of trade were absolutely equal, the Americans in 1905 sold 131,000,000 feet as against 41,000,000 feet by the Canadians, and in 1907 the Americans sold 363,000,000 feet as against 67,000,000 feet by the Canadians. Now, I wish to know whether the Senator from Washington admits or denies the accuracy of these statements of fact, and if he admits them to be accurate, then I ask: (a) How is it that the American lumberman can undersell the Canadian in these foreign markets when both compete on equal terms; and (b) how can the American underbid the Canadian on contracts to be filled in Canada itself?

Again, if the American lumberman can do these things, as these distinguished and orthodox Republican Senators say he can and does, then why does he need a protective tariff to shield him against Canadian competition at home?

I will hand this paper to the Senator.

Mr. PILES. Mr. President, permit me to give to the Senators a general understanding of the great industry centering in the forests of the Pacific coast. And while I shall direct my remarks principally to the forests and the lumber industry of the State of Washington, what I say in respect thereto has application also to the States of Oregon, California, and Idaho.

Indeed, while my facts and figures may seem to localize the application of my subject, it has a broader significance than the concerns of those four States; it goes to the interests of vastly more people, living long distances from the Pacific Ocean—the citizens of every State in the Union; of the manufacturing States, which find among our Pacific coast lumber employees a rich market for their products; of the agricultural States, which sell annually millions of dollars' worth of their produce to us; in fact, by reason of the interdependence of one region with another in these days of complex social development, I assert that no citizen of this Nation should view with less than alarm the attempt to strike a blow at one of our national industries, which has become so vital and so large a part in our national prosperity.

But, lest to some these arguments of money and articles of commerce appear as sordid, permit me to say that larger, more important, farther-reaching considerations move me to speak to-day—the desire to lay a basis for honest, real conservation of our forests, by preserving conditions which make possible the only kind of conservation which is practicable. The principle of conservation has grasped the imagination of the American people. I shall undertake in the course of my remarks to set forth a certain means to further the establishment of that principle.

The lumber schedule of the pending bill is as important to the State of Washington as any schedule therein contained can possibly be to the greatest manufacturing State in the Union, because it vitally affects our principal industry. If lumber is

placed on the free list or the duty thereon is reduced, as proposed by this bill, the growth and prosperity of Washington will be retarded to such an extent that I am unwilling to let the subject pass without calling the attention of the Senate to the injustice that threatens my State. I feel that a fair and impartial consideration of the facts will induce the Senate to maintain the existing tariff on lumber, and to increase the duty on shingles from 30 cents to at least 50 cents per thousand.

If the proposed reduction would result in material benefit to the people of the country, an entirely different question would be presented; but, instead of being beneficial, the reduction would be injurious, not alone to those engaged in the business but to the people of the United States as a whole.

It has been urged, first, that by placing lumber on the free list, or by reducing the duty thereon, our forests will be greatly conserved. This is illogical. Let us look at the question in its relation to the forests of Washington. Between the forty-ninth parallel on the north and the Columbia River on the south, the Pacific Ocean on the west and the Cascade range of mountains on the east, stand the giant trees of western Washington, out of one of which it is possible to secure sufficient lumber to construct a comfortable home for an ordinary family.

We have about 200,000,000,000 feet of standing timber in our State, consisting principally of fir, cedar, spruce, hemlock, and western pine. The Douglas fir, ranging from 2 feet to 10 feet in diameter and from 100 to 250 feet in height, is the chief product of the western Washington forests. It is estimated that we have still standing of this timber something like 125,000,000,000 feet.

Our red cedar, ranging from 2½ feet to 20 feet in diameter, is next in importance.

On the east side of the Cascade Range we have about 10,000,000,000 feet of yellow or western pine.

The value of the lumber and shingle industry of the State for the year 1906 was, according to the commissioner of statistics, $82,000,000.

Accepting the Government's estimates of the value of the forests in the State of Washington at $1.44 per thousand feet, our standing trees are worth $300,000,000.

At an average manufacturing price of, say, $10 per thousand feet, the product of our trees is worth to our people approximately $2,000,000,000—no mean sum for one of the youngest and most progressive States in the Union.

It is estimated that about 110,000 persons are employed in the lumber business in the State of Washington, receiving wages which aggregate approximately $60,000,000 a year.

We shall not lightly engage in legislative changes to cut off any portion of this magnificent share of labor in this great industry without reducing by that much the sum total of our American laboring man's ability to uphold our social system and maintain himself as our self-respecting workers should be maintained.

CONSERVATION OF A GREAT NATIONAL RESOURCE.

Lumber, Mr. President, is our chief product. The forests to which I have referred are ours, and we are more deeply interested in their conservation than are those who own timber in the Canadian Provinces and who are anxious to ship their foreign manufactured product into our markets free of duty. They seek this privilege upon the theory of conserving our forests. No one of them contends that it will reduce the price of lumber to the consumer.

The forests of Washington should be conserved, but we are of the opinion that we understand their preservation better than those who, for commercial reasons, have worked out a theory of their own for the alleged protection of our forests while they harvest theirs.

It will be conceded by all that in order to conserve a forest the timber in it should be utilized to the greatest possible extent compatible with healthy life and growth. Can this be done with lumber on the free list, or in view of the reduction proposed in this bill? Those who have spent the greater part of their lives in the business, and who have made a careful study of trade conditions, say positively that it can not. I know of none more competent to speak intelligently upon the subject than those who have the lamp of experience to guide them.

To reach an intelligent understanding of forest conservation we must take all factors into consideration. Those who urge the removal or the reduction of the duty in order to cheapen the price of lumber are advocating a policy which would result in a tremendous waste of one of our great natural resources.

Nature did not see fit in her distribution of gold in the mountains to separate it from other metals. She embedded it in quartz, in which are intermingled the baser metals. From these the gold must be separated before it becomes serviceable; and if in the separating process the baser metals are saved, that much which otherwise would have been lost has been added to our wealth and comfort. Indeed, it is often necessary to save what are called "by-products" in order to make gold mining profitable.

This principle of economics applies with peculiar force to the conservation of our forests, for nature was not more generous when she set the trees to grow than she was in her distribution of gold in the mountainous regions of the country. Seventy per cent of our trees produce low-grade lumber, while only 30 per cent of the product is clear. Unless, therefore, we find a market for our common grades we waste at least 50 per cent of our timber and take that much out of the pockets of our people, and at the same time reduce our timber supply about one-half. This is not only unjust to ourselves, but unfair to the millions who must of necessity use lumber.

While 70 per cent of our product is low grade, it is nevertheless first-class material for the purposes for which it is used. It is for this low-grade product that we must find a market.

INCONSISTENCY IN DISCOURAGEMENT OF AMERICAN LABOR.

A great deal has been said by the Senator from North Dakota [Mr. McCUMBER] and the Senator from Minnesota [Mr. NELSON] in respect to the difference in the cost of producing this material in Washington and in British Columbia. I think that I can convince any fair-minded man that it is impossible for the lumbermen in Washington to compete with the British Columbia manufacturers on even terms. There are two principal reasons for this—the lower cost of stumpage across the line in Canada, and the employment there of the cheapest grade of Asiatic laborers. Of the lower cost of stumpage I shall speak later. As to the oriental labor, which free-lumber advocates would bring into direct competition with our American workingmen, permit me to call attention to the policy of this Government in preventing the Orientals from coming here to vitiate the home labor market and inject their peculiar racial characteristics into our body social.

If that policy be sound—and I assume that it is conceded to be sound—then upon what economic theory or according to what doctrine of sociology would Senators justify the bringing here of the essence of that cheap oriental labor, the concrete product of their handiwork, to be thrown into competition with the output of our own citizens?

I desire to emphasize this point, to impress it upon the comprehension of Senators, to advance it as essential in this discussion. The cardinal principle of the Republican doctrine of protection has been to conserve the interests of the man who works with his hands as well as with his head—the laboring man. And I ask again, by what processes of logic shall you justify the bringing into this country of the labor product of a class of people whom our Government in its wisdom has seen fit to exclude, the while we say to the individuals in that class: "You yourselves may not come. You may come in the form of your finished effort; you may compete with our people; you may lower the wage of our workingman; you may compel our laborers to accept less than that which our concept of civilization accords to the producers of our national wealth, but you yourselves may not come."

Again, I would call the attention of Senators to the vitality of this matter; and if anyone questions that the oriental laborer is the mainstay of the British Columbian lumber mills, let him go there and see for himself.

CHAMPIONSHIP OF THE CONSUMER A FALLACY.

Much has been said about the high price of lumber to the consumer; but if we stop to analyze this question we shall find that he has no reasonable cause for complaint against the manufacturer of lumber.

I do not contend that the wholesale dealers will not be able to purchase rough lumber cheaper, for a while at least, from the Canadian manufacturers, but I do believe that, in the end, those manufacturing in the Canadian Provinces, and especially after they have disrupted our market, will absorb a considerable portion of whatever difference there may be in the duty; or the Dominion Government or its Provinces may do it themselves. It is easy to understand what this means to one of the principal industries in the United States. It means the loss of several millions of dollars in revenue, the waste of possibly 50 per cent of our forests, restricted labor for our people, lower wages, and stagnation in numerous lines of business, while the price of lumber remains practically the same to the consumer.

Our low grades are now selling at the mills for $8 per thousand feet. The selling price for the last ten or twelve years, with the exception of 1906 and 1907, has ranged between $7 and $9 per thousand feet. The increase in the price during these years was due to the San Francisco and the Valparaiso disasters and the consequent abnormal demand for lumber.

The Senator from Minnesota [Mr. NELSON] or the Senator from North Dakota [Mr. MCCUMBER] submitted a table a few days ago showing the prices of white pine lumber in 1902 and 1907 in Michigan and near-by States to be $30 per thousand. I am not familiar with the prices of lumber in that locality or with that character of lumber, but I do know that no such prices are asked for common lumber on the Pacific coast. I then called attention to the fact that I had a table of prices of one of the Washington mills covering a period of thirteen years—from 1895 to 1909—which showed the average price of all our lumber during the period mentioned to be $9.38 per thousand. No one can say, in view of mill prices on the north Pacific coast, that our manufacturers have been asking more than a fair return for their product.

The consumer complains of the price of the lumber delivered to him, and he lays all his woes at the door of the manufacturer, but he forgets that the freight charge from Puget Sound to Omaha, for instance, on our heavy common lumber is approximately $15 per thousand feet, making lumber which we are now selling for $8 per thousand cost him $23 plus the profit of the retail dealer. He overlooks the fact that our product has to be transported more than 2,000 miles across the continent and over two ranges of mountains at a freight rate which the Interstate Commerce Commission has found to be fair and reasonable for the service rendered.

It may be unfortunate that our product is so far removed from his market, but he should not forget that we have to pay similar freight rates for the long haul westward on heavy machinery and all products of either farm or factory which we purchase in his market, and which are protected by a tariff duty sufficient to prevent foreign-manufactured products from interfering with his trade. We might buy hay and many other Canadian products if it were not for the duty imposed for the protection of the farmer, but we prefer to patronize the farmers of our own country. We buy vastly more of the products of the Central Western States than we sell to them, and the advantage is therefore with them and against us.

It is said that the combined Provinces of Canada produce no more sawed lumber per year than does the State of Washington; that if their total yearly product should be placed upon our markets it would increase our supply less than 10 per cent, and that such increase would not seriously affect our manufacturers.

PLAYING INTO THE HANDS OF THE CANADIANS.

Does anyone believe that if this bill should become a law Canadian production would not increase?

Who was it that came here advocating the removal of the duty on lumber? The men who, confessedly, own timber in the Canadian Provinces. It is well known that a large number of Americans have purchased timber in Canada and that they have been holding it awaiting the removal of the duty that they might construct modern mills and commence the manufacture of lumber on an extensive scale. No one familiar with conditions will seriously contend that the removal of or the reduction in the duty will not greatly stimulate the lumber industry in Canada, and that by augmenting the output there we but play into the hands of the very men denounced as "timber barons." They can not at present afford to construct large mills and engage in extensive operations because they have no market for their low grades. That our market is practically the only one they have for such lumber they admit themselves; that admission is shown in circular 10, which I shall read to the Senate later.

By leaving in the forests those portions of the tree which produce low-grade lumber we involuntarily, but none the less surely, waste about one-half of our product most valuable for the present generation. This, if continued, will result in an increase in the price to the next generation of from 100 to 200 per cent. But waste it we must unless we can find a market for it, for we know that by the law of trade no one can afford to, or will for a considerable period of time, remove a commodity at a loss. We have already discovered that we can best conserve our forests by finding a market for our low-grade lumber, and that we can hasten their waste by destroying or curtailing our market.

ELIMINATION OF WASTE; LOGGERS' DISABILITIES.

Our lumbermen contend that the avoidance of waste has been and still is one of the most serious problems with which they have had to deal, but since they have been able to dispose of the low-grade product they have reduced the waste to a minimum.

Up to a few years ago we took from the forest only that portion of its product which could be disposed of profitably. A considerable portion of our timber is thoroughly ripe, and the sooner it is harvested the greater, of course, will be the yield, as ripe timber deteriorates like other products.

Our experienced lumbermen say that the first step in the deterioration of overripe timber begins in the ground in what is known as the "butt cut" of the tree. This cut, in a sound tree, produces the very highest grade of lumber. In trees which have long reached maturity will be found rot, shakes, deposits of pitch, and other defects. I am told that in some instances these defects are very marked; in fact, that the deterioration is so great that frequently it is necessary to leave in the woods what ordinarily is the best cut of the tree, where it becomes a prey to fires, as do the upper cuts when the markets will not justify their removal. We suffer in this respect probably more than any other section of the country, and by reason of a system which is peculiar to the Pacific Northwest.

We have two distinct classes of operators: First, the mill owners, who, to a large extent, own their own timber, and, second, loggers, who operate independent of, and who dispose of their logs to, the mills. The logger relies altogether upon the mills for his market. Therefore in order to make his operation successful he must take from the woods only such logs as have a market value. Where it might be commercially practicable for the sawmill owner to remove a defective "butt cut" from the woods, and, in many cases, the upper cuts, the uncertainties of the marketable lumber to be derived from such cuts make it altogether too expensive for the logger to take them to market and assume the risk of finding a purchaser at a fair price. Under these circumstances the logger is frequently compelled to leave in the woods a large proportion of forest products, and in this respect our forests are subjected to a waste which ordinarily does not obtain in other sections of the country.

When the lumber market weakens and the price is lower for the product, these loggers must procure their entire revenue from sales to a buyer of logs, who, in turn, must procure his revenue from the lumber-consuming public. Immediately, then, when the market for cheaper grades is lowered, the logger begins to safeguard himself—necessarily, too—by producing in his market the choicer portions of the fallen trees, and this operates to produce waste of the less valuable parts of the trees; and this, as I have before observed, causes waste of forest resources by leaving in the woods these cheaper portions of the trees.

We have also scattered throughout our timbered areas a tree which is large in size and of beautiful proportions, known as the "western hemlock." This tree, unfortunately, produces low-grade lumber, and for a number of years it was rarely taken from the woods. We removed the fir, cedar, and spruce, but left the hemlock standing, a prey to storms and forest fires, because it did not pay to remove it.

We have about 25,000,000,000 feet of hemlock still standing in our State, but in the absence of a market for our common grades this stately and beautiful tree, which ranges from 18 inches to 40 inches in diameter, and which grows to a great altitude, must be abandoned to fire and storms. We have so far lost millions of feet of this timber by being compelled to leave it in the woods for lack of a market. It is scantily rooted in the earth, and when deprived of protection from the cedar, fir, and spruce with which it is intermingled it falls an easy victim to the high winds which prevail in the winter season along the North Pacific coast.

MARKETING SEVEN-TENTHS OF FOREST PRODUCTS.

The market which we have had in recent years for our low-grade product has been the greatest conservator our forests ever had. Let me give you an apt illustration: We used to cut on an average of two logs from a tree, those that produced the greatest percentage of clear lumber, but with a market for our low grades we cut from four to five—sometimes six—32-foot logs from a tree from which formerly we took but two logs, which made from 2,000 to 2,500 feet of lumber, while, with a market for common grades, we manufacture from 4,000 to 5,000 feet from a tree similar to those which formerly yielded from 2,000 to 2,500 feet of lumber. In other words, instead of getting 30,000 feet per acre, as we formerly did, we are now getting 60,000 feet per acre.

If our market for low-grade lumber is impaired, we shall be forced to leave our hemlock and upper cuts of fir, cedar, and spruce in the woods while the Canadian timber holders usurp the markets which our native woods now supply.

This is what free lumber means. This is what a reduction in tariff means when applied to the conservation of our forests.

I have briefly pointed out the extent and value of our timber areas. British Columbia has practically the same kind of forests, but conditions there are much more favorable to loggers, sawmill men, and manufacturers than they are in the States of the Pacific slope.

If the present duty be removed or reduced, we shall have to meet the British Columbia manufacturer not only in the foreign

markets, where we now successfully compete with him with our high-grade product, but in our domestic markets with our low-grade material. This we shall be unable to do successfully because of more favorable conditions on the Canadian side.

A removal or reduction in the duty would greatly stimulate the output of lumber in all the Canadian Provinces, and especially in British Columbia. Modern mills would be constructed as rapidly as possible, millions of dollars would be invested in enterprises on that side of the line, because they would then have an inviting market in the United States for a class of lumber which they can not now dispose of. This, while working to the advantage of the Dominion, would seriously affect the industries of the United States.

Those familiar with every detail of the business on both sides of the line have given us food for serious thought. They are not theorists, but business men of high standing and of long practical experience. Their testimony is therefore of material value in aiding Congress to solve correctly this much-discussed and much-misunderstood problem.

When I first settled in the State of Washington, about twenty-six years ago, the sound of the ax could be heard along the shores of Puget Sound and the banks of the numerous streams flowing into it. All of that has disappeared. Cities, towns, and villages, mills, factories, farms, and homes have taken the place of trees. Civilization has broken the solitude of the wilderness. And now, owing to the removal of the timber near the shores of the rivers and tidal waters, we are compelled to go back on an average of from 5 to 6 miles from the waterways and railways for our logs. We have in the State of Washington about 1,100 miles of railways devoted exclusively to logging purposes. We have our fleets of steam schooners carrying the product of our mills to California, around the Horn to the Atlantic seaboard, and to practically every maritime nation in the world. We have over $200,000,000 invested in sawmills, shingle mills, logging railroads, and logging camps, with an army of people looking to them for daily support, and upon the successful conduct of which whole communities are dependent.

The British Columbia manufacturers can ship their product into our domestic markets over the Canadian Pacific and its connecting lines at as low a rate as we can ship from Pacific coast points to interior markets, where 50 per cent of our product is consumed. They can ship by water to California, where 1,200,000,000 feet of Washington and Oregon lumber is annually consumed, for $1 per thousand less than we can under normal conditions.

I wish to emphasize the fact that the only market of any consequence that Canada has for low-grade lumber is the United States. Owners of timber in Canada are exceedingly anxious to invade this market, because without it their low grades are being wasted in their forests, as ours will be wasted if lumber is placed on the free list or the reduction made in this bill is adhered to.

This is the view of all who are well informed in respect to this question. This is the view of the Canadians themselves, as I shall show a little later.

And yet Senators have seriously proposed to conserve the forests by bringing into existence an economic system which would absolutely insure the waste of at least one-half of the trees which are cut and by turning over to Canadian mill men the market for low-grade lumber.

Mr. BURKETT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. I do.

Mr. BURKETT. Before the Senator leaves that point, I want him to pursue it a little further. What is going to prevent this low-grade lumber being manufactured? Is it the competition in the same grade from Canada or the reduction of the price of what is produced in the United States?

Mr. PILES. Everyone, so far as I have yet heard, has admitted that there will be no reduction in the price to the consumer, so it must be, and will be, from competition with the low-grade lumber of British Columbia and other Canadian Provinces.

Mr. BURKETT. Will the Senator, then, explain how it can be profitable for the Canadian lumber producer to take that out of his forests, manufacture it, and send it over here, more than it would be for the American producer?

Mr. PILES. I am going to explain that. That is just the point at issue.

Mr. BURKETT. I thought the Senator had discontinued the subject.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. PILES. I do.

Mr. CUMMINS. The Senator from Washington says that the timber in Washington is worth $2 per thousand in the woods?

Mr. PILES. Yes.

Mr. CUMMINS. What makes it worth $2 a thousand?

Mr. PILES. I shall discuss that question later on.

Mr. CUMMINS. If there was less profit, would it not be possible that it would not be worth quite so much in the forests?

Mr. PILES. I will reach that question a little later on.

CANADIAN ADVANTAGES; AMERICAN DISADVANTAGES.

In the State of Washington, one entering the sawmill business in the interior must buy sufficient standing timber to supply his mills for from ten to fifteen years ahead; he can not go into the open market and buy his logs as some mills do at tidewater. In addition he must invest something like $100,000 in building and equipping his mills. He will buy, probably, from $250,000 to $500,000 worth of timber, and when he is prepared to begin operations he will have put into his enterprise a very large sum of money, and acquired property carrying, without possible insurance, very high risk of destruction.

On the Canadian side, however, he need only build his mills. He need buy no timber lands. He need only sign leases of a duration of twenty-one years and renewable, paying the small sum of $140 per annum for each 640 acres. That will be his tax.

In Washington, the mill man owning his lands, or anyone owning them, if they are accessible, will pay $1 per acre per year, or a total of $640 for 640 acres—$640 tax in the State of Washington against $140 in Canada.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. PILES. I do.

Mr. CARTER. Mr. President, the Senator's proposition, as stated, would imply that by paying $140 per section as an annual price for the lease, the owner of a mill in Canada could thereupon cut the timber without additional charge; and I think it is due to him to say that, in addition to the amount paid for the lease, he is required to pay so much for stumpage as the timber is cut.

Mr. PILES. I intend going into that in detail later.

Mr. NELSON. The Canadian mill owner has to pay 50 cents a thousand, in addition, for stumpage.

Mr. PILES. I am going to get to that. He may hold that timber lease for twenty-one years by paying the paltry sum of $140 per annum for 640 acres of land.

Mr. President, we now come to the next proposition. When we go into our forests and buy our timber we must pay for it outright; we must pay the full purchase price, or secure that price and pay interest upon it, and we must pay for everything that stands in the forest, whereas in British Columbia, if the lessee from the government concludes that it is prudent to undertake the manufacture of his lumber or the sale of his logs, he cuts his logs, transports them to market, and pays the government 50 cents per thousand feet, board measure, for only that portion of the tree which he takes out of the forest. We must pay for it all, whether we take it or not. He may take the butt cut and leave every other cut in the forest, for it does not cost him a penny to leave it there. I ask any fair-minded Senator whether or not, under those conditions, we are meeting the manufacturer of British Columbia on equal terms.

LIFE SPAN OF A LUMBERING ENTERPRISE.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I understood the Senator from Washington to say a moment ago that when a lumberman in Washington went into the lumber business he had to buy enough timber land to last him for fifteen years. Is that correct?

Mr. PILES. In an interior mill, but not in a mill situated on Puget Sound, for instance.

Mr. BEVERIDGE. But as to that interior mill, that is correct?

Mr. PILES. That is correct.

Mr. BEVERIDGE. I wondered what the Senator meant by the expression "enough to last him for fifteen years." What does he mean by that?

Mr. PILES. I mean enough to keep his mill running for ten or fifteen years.

Mr. BEVERIDGE. That is to say that when the mill has been running for fifteen years it will have cut down, destroyed, and finished up all of the timber the mill owner had bought. Is that correct?

Mr. PILES. I did not say he would cut down and destroy any timber.

Mr. BEVERIDGE. I meant to say "disposed of." The Senator said "at the end of fifteen years." So that at the end of fifteen years that forest would be exhausted?

Mr. PILES. Exactly.

Mr. BEVERIDGE. Then I do not see how the forests would be conserved.

Mr. PILES. Of course, if the Senator wants those trees to stand out there, beckoning the stars, for a thousand years, we can not conserve the forests according to his ideas.

Mr. BEVERIDGE. I am not at all anxious to have the trees beckoning to the stars; but I understood the Senator from Washington to be demonstrating that we would conserve our forests; and I supposed he was going on to say that we would cut down such trees as could be from time to time properly cut. That was the reason I was struck by his statement that the lumberman who went into business had to buy stumpage enough to last him for fifteen years; but now the Senator says that that means what I thought perhaps it did not mean—that at the end of fifteen years that forest is exhausted.

Mr. FLINT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. PILES. Certainly.

Mr. FLINT. I simply want to state to the Senator from Indiana, in answer to his question, that, as I understand lumbering in the mountains, before one can expend the money necessary to put up a mill he must have timber sufficient for ten or fifteen years, and the very thing that the Senator speaks of is done in the mountains of the West. All of the timber is not cut, and that is why they require such an amount of timber. They simply cut the timber that is ripe and suitable for lumber, leaving the young trees and the trees that will grow to make a future supply of timber standing in the mountains.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I want to answer the Senator before we get too far, but I will yield.

Mr. BEVERIDGE. I will say, while it is on my mind, in comment upon what the Senator from California [Mr. FLINT] has said, that it did not work that way in the State of Wisconsin, where I have seen hundreds of square miles of land, formerly covered by magnificent forests, burned and disfigured by stumps and brush. It did not work that way in Colorado, where about six years ago I saw two mountains—and I referred to that two years ago upon this floor—once covered with splendid forests, but now stripped bare as the walls of the Senate Chamber. It did not work that way in the State of California in my limited observation, where I saw trees being cut down that had taken a thousand years to grow, and all of them cut down in a particular place. It did not work that way in certain sections of Michigan where I have been.

The Senator from Minnesota [Mr. NELSON] says that it did not work that way in Minnesota, where the splendid growth of trees has now been swept from the face of the earth; and according to the statement of the Senator from Washington, that the forest tracts at the end of fifteen years would be exhausted, and the owner of a sawmill has to buy enough to last him that long, it does not work that way. I do not understand that lumbering, as now practiced in this country, involves scientific forest conservation such as exists in Germany. I have never been able to see—and I have listened with a great deal of interest—any demonstration or even the foundation of a demonstration that unrestricted lumbering conserves the growth of trees. I think the theory that cutting down trees would make them grow faster is not altogether safe.

Mr. PILES. The Senator evidently misunderstands me.

Mr. BEVERIDGE. I hope I do.

Mr. PILES. I have not yet said that cutting down trees is conserving the forests. It is perfectly clear to me that when the Senator talks about cutting down a certain portion of the trees and preserving another portion he does not understand the forests of the Pacific coast, and I am satisfied that many other Senators do not understand them. To say that one could go into the forests of the Pacific coast and cut down and remove ripe trees, for instance, and leave the other trees standing uninjured is simply an absurdity. It is impossible for us to adopt the German system or any system by which a tree may be removed here and there. Our trees grow to too great proportions and too close together for that, and besides the logging cost would be prohibitive.

Mr. President, a man might conceal himself in the forests of Washington for a lifetime, if he had food enough to sustain himself, and no man on earth could find him. The officers of the law have attempted to find escaped criminals out in the forests of Washington and absolutely failed. The only recourse is to starve them out.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I yield.

Mr. BEVERIDGE. I think the Senator has very clearly demonstrated that he was correct when he said that at the end of fifteen years the product of the forest would be practically exhausted. I did not suppose, of course, that in the giant forests of the West scientific forestry as practiced in Germany, where they do conserve the forests by cutting down a ripe tree and planting another in its place, could be practiced; and the Senator shows clearly that that is true. Thus, it seems to me—I am sorry that it is true—but it seems to me the theory falls to the ground; and it has always seemed to me purely a theory that the cutting of the forest conserves the forest.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. PILES. I should like to answer the Senator's question.

REFORESTATION AND PRICES TO CONSUMERS.

Mr. SMOOT. I will take but a moment. In answer to the question of the Senator from Indiana, I will say that in the past, where Wisconsin, Indiana, and the States mentioned by the Senator have been stripped of their forests, it was on account of timber itself being very low in price, and consequently a great deal of the timber never was taken care of. Not only that, but the price of it did not justify the people in reforesting the land. But to-day it seems to me that conditions are entirely different. The price of timber is to-day so high that it would justify a man in commencing to reforest his land. That is one reason why I think that with the holdings of timber to-day by the great private corporations the price of it will be so high, or is so high, that in the future the timber in these holdings will be conserved as much as possible; and when cut they will reforest, and new timber will grow. That is the policy of reforestation here in this country.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I do.

Mr. BEVERIDGE. Then the Senator admits—of course he must logically admit—that the retention of the tariff upon lumber does keep up its price to the consumer, and that the keeping up of the price is the only reason why the forests can be conserved by this process?

Mr. SMOOT. There is another question to be taken into consideration there. If our timber goes on being cut as it has been in the past and being destroyed as rapidly as it has been in the past, then when it is destroyed the price of timber will not be as it is to-day, a moderate price, but it will be a price greater, perhaps, than in any other country in the world. That is one reason why I say that the price of lumber should be maintained at such a figure as that it will at least allow reforestation to be possible.

Mr. BEVERIDGE. Then the Senator must follow his own logic one step further, and declare that when the time comes that we have exhausted all our forests in the West, as we have in the Northwestern States, and have no more to sell, the price of lumber will go higher than ever and we will be paying that price to Canada or some other producer.

Mr. PILES. I hope the Senator will allow me to proceed.

Mr. BEVERIDGE. I beg the Senator's pardon.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. PILES. I yield to the Senator.

Mr. SIMMONS. I desire to say to the Senator from Washington that the situation seems to be very different in the South from what he has described it as being on the Pacific coast. In the South we have a splendid reproducing land.

Mr. PILES. So have we.

Mr. SIMMONS. We sell our pine timber under a contract by which the lumberman agrees that he will not cut below 12 inches in diameter. If he cuts according to that contract with any degree of care—and the owners of timber require now that he cut with great care—in fifteen or twenty years you can get almost as good a cutting on that land as you did originally; and that process will go on indefinitely.

Mr. PILES. Mr. President, in Washington we do not think of cutting down little trees, little saplings, such as the Senator from Minnesota [Mr. NELSON] spoke of the other day. The

trees that are brought to our mills are very large. If we do not manufacture them into lumber our business will be greatly depressed and thousands of men thrown out of employment. Why should this privilege be denied to us? Why should all the burdens of future generations be thrown upon the people living in the timbered areas? Why should it be said that farm products may be removed every year, but those who pioneered the western coast, those who made it what it is, shall not participate in the general prosperity which comes to our people when manufacturing and disposing of the greatest product we have on the coast?

MENACE TO LABOR AND CAPITAL.

Upon what theory of right does the Senator contend that the million people in the State of Washington, for instance, should stand idly by and watch the forests grow, not for their benefit, but for the benefit of future generations, while they suffer themselves?

Why should 110,000 men in that State be thrown out of employment, to walk the streets, instead of being permitted to work? Why should the commerce and the business of the people of the Pacific coast be crippled or destroyed that trees may grow for future generations? How would the Senator from North Dakota [Mr. McCUMBER] feel if I should say to him that the agricultural lands of his State are not yielding quite so much per acre in wheat as they formerly yielded; that his lands should remain idle for a number of years so that they might have rest and produce more wheat per acre later on, and in the meantime we should remove the tariff on wheat, oats, and barley, and let Canada dispose of her cereals on the American markets now tributary to Minnesota and North and South Dakota? What would the Senator say to that? Would he say that I should vote for a law that would force such a proposition upon the farmers of North Dakota while Canada pours her wheat and oats into our markets? Certainly not. But he in effect asserts that the people of the State of Washington should let their forests stand, when we have $200,000,000 invested in our mills, and that those mills should remain idle or that their output should be reduced, while Canada comes into this country and usurps our markets.

EXHAUSTION OF CANADIAN TIMBER.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from New Hampshire?

Mr. PILES. I do.

Mr. GALLINGER. The Senator from North Dakota in his speech the other day stated, and to-day he has repeated it, that lumber will not be reproduced under a hundred years, and possibly a thousand years. Is it not a fact that if the forests are reasonably conserved, allowing the smallest trees to remain—say of the circumference of 12 inches—they will be reproduced in twenty-five or thirty years?

Mr. PILES. There is no doubt of that.

Mr. McCUMBER. Does the Senator mean to say that those trees, which will average probably over a hundred years old—and I think they will average nearly five hundred years in age—which they are cutting to-day in the State of Washington can be reproduced in twenty-five years?

Mr. PILES. Not at all; I have not said that. I say this, however——

Mr. McCUMBER. You can reproduce something in twenty-five years, of course?

Mr. PILES. I have seen in the forests of Washington trees from 2 to 3 feet in diameter which men who had lived there for fifty years told me they had seen grow up in the forests.

Mr. GALLINGER. Of course the Senator will understand that I did not mean to say that the great trees of California or the great trees of the Puget Sound can be reproduced in twenty-five years.

Mr. PILES. Certainly not.

Mr. GALLINGER. But that marketable timber can be reproduced, and that then, conserving the smaller trees again, we will have a continuance of the forests and of the lumber supply.

Mr. President, the Senator will permit me just one other word.

Mr. PILES. Certainly.

Mr. GALLINGER. A good deal has been said and will be said about reducing the price to the American consumer if we have free lumber. The Senator from North Dakota admitted the other day that Canada had only 14 or 15 per cent as much timber as there is in the United States.

Mr. McCUMBER. The Senator was in error. I made the correction right there. I referred to her proportion of the western section, as compared with the western section of this country. It is about a third to a half, I think.

Mr. GALLINGER. It is a fact that she probably has not more than a third as much timber as there is in the United States. So we could not expect to have our timber supply conserved a great many years if we took all the timber Canada has, and Canada will not allow us to do that.

As to the decrease in price, Mr. Charlton, whom some of us know, is a very distinguished man in Canada, but a New Yorker by birth, who has been a member of the Canadian parliament for a great many years, having become a naturalized Canadian, in a speech a while ago said this, and I want to call attention to this utterance of a very distinguished Canadian; it is very brief. He said:

> What do you suppose the Canadian farmer and miner and lumberman desire free trade with the United States for? In order to sell in the American market for the Canadian price? Not at all. That wouldn't do them any good, would it? What they want is the privilege of selling in the American market for the American price, and putting the difference in their own pockets.

That is precisely what will result. There will be no decrease in the price of lumber if we get free trade with Canada. The minute she gets an opportunity she will put an export duty on her lumber or take possession of our markets and increase the price, and the consumer will not be any better off; and the Canadians understand that perfectly well. I have talked with some of their foremost men, and what they want is to come into our market with their products and sell them at the American price and put the money in their own pockets.

TARIFF APPLICATION AND CONSERVATION.

Mr. BEVERIDGE. I wish to ask the Senator from New Hampshire a question. If the price remains the same in any event, why have any tariff at all?

Mr. GALLINGER. Oh, I think that explains itself.

Mr. PILES. I will explain that later.

Mr. FLINT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. PILES. Certainly.

Mr. FLINT. The Senator from Washington has stated that in Washington—and it is true in the northern part of California and, I think, in Oregon in a great many places—when they cut their logs in those mountains—the large trees—they cut off practically all the timber. The Senator from Indiana then went on to say that there was no conservation of the forests such as there is in Germany. But, as a matter of fact, in many of the ranges in California and, I think, in other parts of the West they are now cutting the timber on private ownership the same as it is done under the regulations within the forest reserves, and, as I stated a minute ago, the forests in those mountains will be continuous forests, and each year they will cut from those forests, and it will not be the cutting of all the timber in any one year or at any one time.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Indiana?

Mr. PILES. I yield to the Senator from Indiana.

Mr. BEVERIDGE. If that is true—and of course I must believe it is, since the Senator says so—the tariff has nothing to do with the conservation of these particular forests one way or the other.

Mr. FLINT. The Senator is very much mistaken.

Mr. BEVERIDGE. Why?

Mr. FLINT. The Senator from Washington made that clear. What they are cutting in and what are coming from Canada are the very low grades of timber, and it will be impossible for our people to market or cut the low grades of timber in the mountains of California, Washington, and Oregon if the cheap lumber comes in from Canada.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Michigan?

Mr. PILES. Certainly.

Mr. SMITH of Michigan. Apropos of the discussion regarding the length of the lives of trees, it may be interesting to give the view of the Forestry Department upon the subject. It is stated by an expert in the Forestry Department that a pine tree attains 700 years as a maximum length of life; 425 years were the allotted span of the silver fir; the larch lived 275 years; the red beech, 245; the aspen, 210; the birch, 200; the ash, 170; the elder, 145; and the elm, 130. The heart of the oak begins to rot at about the age of 300 years. Of the holly, it is said that there is a specimen 410 years old near Aschaffenburg, Germany.

I think at this point, when there is so much discussion about the life of the tree, that that expert knowledge may be of interest.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Utah?

Mr. PILES. Certainly.

Mr. SMOOT. The Senator from Michigan has spoken of the life of certain trees. But that does not answer the question as to what is the proper time for cutting the trees.

Mr. SMITH of Michigan. No; I did not pretend to go into that.

Mr. SMOOT. Because a tree that goes over a hundred years old—I mean any kind of a tree—from that time on the growth is very, very small, indeed.

Mr. SMITH of Michigan. I did not pretend to cover that question. I am well aware that trees are cut whenever they are ready and at almost any age and time.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Vermont?

Mr. PILES. I do.

STUMPAGE PRICES AND TIMBER PRESERVATION.

Mr. PAGE. I should like to ask the Senator from Washington if it is not true that where the trees are as close together as he has explained they are in Washington, the growth is very slow. For instance, I think it is true that a tree may be only 10 or 12 inches in diameter, and still be fifty, or sixty, or seventy, or perhaps a hundred years old, but when you cut out, thin off, the trees the growth becomes several times as fast. I know it is a fact that in my State our lumbermen are coming to cut out the larger trees, knowing that the trees they leave will, within twenty or twenty-five years, become large enough so that the lumberman goes over the ground the second time.

Mr. PILES. There is no question about it.

Mr. PAGE. That conservation has begun only within the last twenty to twenty-five years, and because of the high price of stumpage. My judgment is that if the price of stumpage was reduced to what it was ten years ago they would continue to slaughter the trees ruthlessly as they used to do.

But in our State they are now going into the matter of conservation very closely. Our State at the last session of its legislature appointed a forestry commissioner, who looks after these matters, and we are beginning to reforest by planting the smaller pines, and I know that the whole practice in our State has changed. Now, we are looking after the conservation of the forests in a manner that we did not at all ten years ago, and now our best lumbermen are all doing it.

Mr. PERKINS. Mr. President, one word.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from California?

Mr. PILES. I do.

Mr. PERKINS. To the literature of the lives of trees which the Senator from Michigan has just read to the Senate I may add that the *gigantea sequoia* of California is 6,000 years old; but nevertheless, in the very forests adjoining the *gigantea sequoia*, private parties are setting out and cultivating the Australian gum tree, the eucalyptus tree, which reaches 3 feet in diameter in fifteen years. That would be 9 feet in circumference. Private parties are cultivating those trees for profit alone, and within ten or fifteen years they are in the market as timber.

Mr. PILES. Mr. President, I tried to make plain to the Senator from Indiana what I meant by conserving the forests in removing our timber. It is true that a man to open up an interior mill must buy timber enough to last ten or fifteen years in order to justify the mill investment. Whether he buys that timber for his mill or not makes little difference, as some one will bring it to market, or a portion of it, and waste another portion if there be no market for the low grades. We do not waste our timber by cutting it. We manufacture it to answer the needs of men. But if there be no market for our low-grade lumber, the man who has timber enough to last him ten or fifteen years of demand for all grades will cut it in from five to seven years. That is the difference, because in getting the higher grades he will go over the same area and he will leave the low-grade cuts or logs in the forests. That is all there is about it. Our forests are best conserved when we have a market for the low grades, and that is true conservation.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. PILES. Certainly.

Mr. CUMMINS. Before you pass to the question of labor, I should like to know the total output of lumber in the State of Washington last year.

Mr. PILES. Something over 3,000,000,000 feet.

Mr. CUMMINS. Where was it marketed?

Mr. PILES. I am going to get to that later on, if the Senator will pardon me.

Mr. CUMMINS. Very well.

Mr. PILES. I think I have shown conclusively——

Mr. CRAWFORD. Before you go to another point, will you permit me?

Mr. PILES. Certainly. I yield to the Senator.

Mr. CRAWFORD. In your talk, and I noticed in that of those who pursue the same line of argument, you claim that the removal of the tariff would cause a waste in the cheaper grades of lumber.

Mr. PILES. It would undoubtedly.

Mr. CRAWFORD. Upon what do you base the claim—upon the experience during the period when the tariff was off lumber, or is it simply prophecy that you make?

Mr. PILES. I base that upon the testimony of men who have been engaged in this business all their lives and on my own personal observation. Twenty-six years of my life have been spent on the Pacific coast. I have had occasion many times to wander through those forests and into our logging camps, and I have seen log after log left in the forests, which we could not remove, because we had no market for them.

Mr. CRAWFORD. What I am getting at is, upon what do you base your claim that the removal of the tariff would have that effect?

WATER FREIGHTS AND OUR MERCHANT MARINE.

Mr. PILES. I think I have shown conclusively that the British Columbia manufacturer has an advantage over the people on the Pacific coast in the price of stumpage. I come now to another proposition, and that is the difference in freight on the forest products of British Columbia and those of the Pacific coast States, which is to become a vital factor in the contest that is to be waged between the manufacturers of British Columbia and those in the States of the Pacific slope when the Panama Canal shall be completed. Washington and Oregon sell in the California market, for instance, about 1,200,000,000 feet of lumber every year. A manufacturer in British Columbia can ship by water into the California market at $1 a thousand cheaper than we can under ordinary conditions. Why is this? It is because we are prohibited by law from using foreign ships in the coastwise trade, while foreign vessels can be chartered to carry lumber from British Columbia to California for a dollar less per thousand than we can charter an American vessel to carry it to California ports.

There are, Mr. President, over 500 American vessels on the Pacific coast prepared to carry lumber. Do the advocates of free lumber realize that they are urging a policy which strikes not only at the laboring masses in the mills and forests, but also at our ships and sailors on the sea?

We pay our American seamen $40 per month, and board, in the coastwise trade, which amounts to about $55 per month. Chinese seamen are paid from $8 to $10 per month and board themselves. Japanese get about the same. Seamen on British craft get from $15 to $18 per month. It is well to know that it costs 33⅓ per cent more to construct a ship here than in foreign countries.

Water competition is not serious now, because the tariff of $2 per thousand protects us very largely in the California market, but upon the completion of the canal we shall have a serious problem to solve. We hope, upon the opening of the canal, to place our lumber in the markets of the Atlantic seaboard at a much less rate than that paid for the rail haul across the mountains, and thereby reduce the cost to the consumer. All hope in that respect would be dispelled with lumber on the free list or the duty reduced to $1 per thousand. Instead of employing our 500 ships and our 11,000 sailors in carrying American products to American markets through an American canal, Orientals will manufacture a foreign product, Orientals will man foreign ships, and those ships will carry this foreign product to our markets, to the detriment of our labor, our mills, and our merchant marine.

We have long known the necessity of strengthening our merchant marine. Members of Congress have made efforts to encourage it, but failed. It has been left to take care of itself in competition with subsidized ships. It has made some progress, but it is now proposed not only to arrest that progress but to strike it a blow, in an indirect way, from which it will take it many years to recover. This question is too serious to be passed over lightly. It is worthy of profound consideration.

Now I come to the Senator's statement that the difference in cost of production between British Columbia and Washington is not material. The Senator from North Dakota offered a table here the other day, submitted by a manufacturer in the

mountainous regions of British Columbia, found on page 3097 of the tariff hearings, whereby he undertook to show that the cost of production there is greater than it is in the State of Washington.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. PILES. I yield to my colleague.

CANADA'S PATERNALISM CANADIANS' GAIN.

Mr. JONES. Before he goes to another point, I suggest one other proposition with reference to the difference of conditions on this side and on the Canadian side, with reference to the expense our people are put to, showing that it is greater here than on the Canadian side. The man who owns the timber on our side runs the risk of having it destroyed by fire, while on the Canadian side the government owns the land, and of course if fire goes through it, it is the government's loss.

Mr. PILES. We have seen that the British Columbia royalty is 50 cents a thousand; that the American manufacturer in the interior must buy his timber; he can not depend upon the log market for his supply. Therefore, in addition to investing from $250,000 to $500,000 in his timber, he must also pay the taxes upon that timber. He must also take the risk of fire and storm loss; and the fire loss at times has been exceedingly great.

I have myself seen the time on Puget Sound when the forest fires were raging fiercely and the atmosphere was so charged with smoke that it was difficult for a vessel to navigate safely that great inland sea. I have seen smoke so dense in the streets of Seattle that it was hard for one to recognize another across the street. So this element of fire which we must assume on the American side constitutes no risk upon the part of the manufacturer or the license holder in British Columbia, because the government carries it for him. All he does is to pay $140 a year. If the timber is destroyed, he pays nothing additional.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Dakota?

Mr. PILES. I do.

Mr. McCUMBER. I wish to ask the Senator if the $140 which is paid in addition in British Columbia is not an equivalent to what the Senator would think would be a fair price for protection on this side?

Mr. PILES. The price he pays for what? I did not understand the Senator.

Mr. McCUMBER. For fire protection on this side. Would the risk amount to more than $140 a section a year?

Mr. PILES. Certainly; that would not cover it. Millions of feet of timber have been lost in our State. One hundred and forty dollars per annum for 640 acres of land would be nothing in comparison with the loss sustained.

Mr. BURKETT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. Certainly.

LOG PURCHASES NOT TYPICAL OF PRICES.

Mr. BURKETT. There is one question which the Senator debated several times upon—the question of the stumpage of 50 cents. What is the Senator going to do with this statement in the House Hearings, page 3070?

> In the month of August I visited a mill at Kewatin, on Lake of the Woods, in the Province of Ontario, which was operating upon logs upon which the royalty to the provincial government was from $6 to $7.50 per thousand, and so has it been for many years.

The other statement, on page 2880, is in the evidence of a man with reference to his own mill. He says:

> Our logs at the Red Deer mill, where we are sawing spruce exclusively, cost us at the mill $7 per thousand. Our stumpage at this mill, together with the royalties paid to the Canadian government, costs us about $3 per thousand. At the Elk mill, where we saw cedar, fir, and spruce, our logs cost us $6 per thousand. Our stumpage at this mill, together with the royalties paid to the government, costs us $1.50 per thousand. Our cost of manufacturing, including the cost of surfacing, piling, loading, selling, insurance, interest, and taxes, at each point is about the same, viz, $5 per thousand.

Mr. PILES. He is talking about the price of logs. That is not the question of stumpage alone, the way the Senator read it. I am not familiar, of course, with that section of Canada.

Mr. BURKETT. These are his very words—that the royalty and finishing run it up to $6 and $7.50 per thousand.

Mr. PILES. It may be that in that section of the country they would pay from $6 to $6.50—whatever the figure is; but it is not for stumpage. There is no contention that stumpage in Canada, unless it be white pine, could be $6 or $7 a thousand. But the royalty that the witness referred to pays the Canadian government is only 50 cents per thousand.

Mr. BURKETT. You can call it stumpage, or you can call it royalty, or you can call it whatever you have a mind to; it costs them that much money. The Senator's side of the question has been repeating constantly that all it costs a man is to go there and pay his $140.

Mr. PILES. In British Columbia.

Mr. BURKETT. And that he pays 50 cents a thousand for logs. Here is a statement where he says that it costs him from $6 to $7.50 a thousand.

Mr. PILES. I said nothing about logs selling for 50 cents a thousand. I said stumpage in British Columbia sells for 50 cents a thousand. The Senator does not contend that that is in the Province of British Columbia. That has relation to eastern Canada. I am directing my remarks as to the conditions on the Pacific coast. British Columbia is our competitor. British Columbia wants to get into our markets.

Let us consider that statement for a moment. Here is eastern Canada, for instance the Georgian Bay district, whose manufactures can enter the markets of the Lakes at a freight rate of $1.75 a thousand. They can enter Cleveland, Buffalo, all the distributing centers on the Great Lakes, at $1.75 a thousand. Add to this the duty of $2, and it costs the Georgian Bay manufacturer $3.75 per thousand feet to get into the markets on the Great Lakes.

And yet some one has said that this does not affect the South, because the South can not enter those markets on account of freight rates. But the South does enter those markets in competition with Canadian lumber. It costs the South, however, from $5 to $7.50 per thousand freight to enter the markets of the Lakes against a combined freight and duty rate of $3.75 in favor of Canada.

If the $2 duty be taken off, it makes it only the harder for the South to contend with her competitor, for then the Canadian manufacturer can enter his lumber in those markets for $1.75 per thousand. Is this fair to an American product, to American labor, whether it be white or black? But that is not all. You make the Canadian manufacturer a present of the $2 duty on every thousand feet of lumber he ships into those markets. If this is not true, what becomes of the $2 remitted?

ARGUMENT NOT IN THE OPEN.

Mr. BURKETT. Will the Senator let me read one more paragraph from Victoria, in British Columbia?

Mr. PILES. I shall be glad to have the Senator read it.

Mr. BURKETT. This is the report of a lumberman, found on page 3090 of the hearings. In answer to the question as to the approximate difference between the prices of logs in British Columbia and Puget Sound points, he answers, "about the same at all times."

Mr. PILES. I will come to that man's testimony. That is a British Columbia mill, is it not?

Mr. BURKETT. Mr. B. F. Graham.

Mr. PILES. Of the Victoria Lumber Company. I intend to reach that statement. I wish to direct the attention of the Senate to the table which the Senator from North Dakota submitted here a few days ago, showing that a mill in the intermountain region of British Columbia was paying more to produce a thousand feet of lumber than a mill in the State of Washington. He does not name the mill. This is one of those instances of the British Columbia manufacturer undertaking to show that he is producing lumber on his side at a greater cost than a Washington mill, and he declines to give the name of the Washington mill. Look at the statement on page 3097 of the House record, and you will find that the difference is made up principally in the cost of administration. He says, for instance, that it cost him $3.17 to administer and it cost us $1.73 in the particular mill the name of which he would not give. What does he know of the cost of administration in an unknown mill? I presume he guessed at it. He might as well have said it cost him $10 per thousand to administer and the unnamed mill $2.

AMERICAN LABOR'S REASONABLE PROTEST.

Now, I come to the question of oriental labor—the difference in the cost of labor in the States of the Pacific slope and in British Columbia. In this connection I will ask the Secretary to read a telegram which I received a few days ago. A great deal has been said about the "timber barons" wanting to retain the duty on lumber; that the laboring people have no interest in it. Here is a telegram from the secretary of the Washington Federation of Labor. We shall see what the laboring people think about it.

The PRESIDENT pro tempore. The Secretary will read as requested.

The Secretary read as follows:

TACOMA, WASH., *April 27, 1909.*

Senator SAMUEL H. PILES,
Washington, D. C.:

Twenty-five thousand organized workmen in State of Washington vigorously protest against reduction of tariff on lumber. We do not want our wages reduced.

CHAS. PERRY TAYLOR,
Secretary Washington Federation of Labor.

Mr. PILES. That, Mr. President, expresses the opinion of those who work in the woods and in the mills. That telegram, Mr. President, voices the view of the men who toil in competition with a product made in a foreign land with cheap labor. They have been protesting against that, not only with their voices but with their votes, for many years, and that protest will not cease until every vestige of such competition shall be removed from this country.

Now, what is the difference in the wages? Let me ask the Senator who denies that there is a difference in the cost of oriental labor in British Columbia and white labor in the State of Washington, why did Congress pass a law excluding the Chinese from our shores? It was not because we had any prejudice against them as a people or their country. We had no personal grievance against them. It was because they work in our own country for less than our people can or will. It was because they do not live as our people live. It was because the greedy employed them in place of white labor at a less wage. And yet British Columbia manufacturers have been here endeavoring to convince this Congress that while they employ Asiatics, there is no practical difference in the wage or the result.

Why is it, Mr. President, that we now protest against Japanese laborers coming into this country? Why is it that the two Governments are endeavoring to arrange amicably to keep Japanese laborers out of this country? It is not because we have any feeling against them. It is because they work for less than the wage for which our own people can work. If they do not work in British Columbia cheaper than the white men work, and if it is not more economical to use their labor, why is it that British Columbia manufacturers employ them in the face of the protests of the white men of their own country?

I turn now to some of the statements submitted by British Columbia manufacturers to the Ways and Means Committee of the House. That committee propounded certain interrogatories to the different manufacturers in British Columbia. Here is one of their statements—I am reading from paragraph 5, on page 3092. The question propounded was this:

Considering results, how does oriental compare with white labor? Is it cheaper or more expensive?—Oriental labor is better than the tramp white labor, but good, steady white men will do a good deal more than Orientals. In our experience, while wages to Orientals are cheaper, the final results do not show a gain by employing Orientals.

Note the skillful manner in which that statement is worded. They are compelled to admit that Oriental labor is cheaper, but they say "in our experience the final results do not show a gain by employing Orientals." Neither do they show a loss. If they do, why do not they say so?

BRITISH COLUMBIAN VERSUS AMERICAN LOGS.

I proceed to the next paragraph:

VII. If you can, give the approximate difference between prices of cedar and fir logs in British Columbia and Puget Sound points at the present time and also in normal times.

They answer:

Prices of logs depend largely upon local conditions, but should say the average for a year would show the cost of logs on this side about 10 per cent cheaper than on Puget Sound, but if demand for lumber is heavy in British Columbia, price is nearly equal.

They dare not say, in view of well-known facts, that it is equal, but they admit, putting it in the most conservative form, that logs can be bought 10 per cent cheaper on the British Columbia side than on the Washington side. That is to say, if logs cost us $10 a thousand in Washington or Oregon we can buy them in British Columbia for $9 a thousand. Here, then, is a difference of $1 a thousand, according to their own showing. Mr. President, why should there not be that difference when one buys his timber for 50 cents a thousand and pays for only that portion of the tree that he takes out of the forest? Why should there not be 10 per cent difference? Will any one contend, in view of this showing and of the facts, that there is not a natural and material difference in the price of logs in British Columbia as compared with Washington, Oregon, and Idaho?

Mr. BURKETT. I suggest to the Senator that he read paragraph 8 of the same testimony before he concludes. The witness states that that condition is passing away very rapidly.

Mr. PILES. Yes; he says the condition is passing away; but, mark you, that is the statement of a man who is interested in getting into the American market with foreign labor against the American laborer and the American product.

Mr. BURKETT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. I do.

Mr. BURKETT. I have been wanting the Senator to arraign some of these witnesses along that line. I call his attention now to Mr. Lamb's evidence, who came down here to argue for the retention of the present tariff. He certainly would not be a prejudiced witness, as the Senator suggests.

Mr. PILES. Not at all. I accept Mr. Lamb as a good witness. He is a splendid man. I know him personally. He is a man of the highest character.

Mr. BURKETT. Let me read what he says. He said:

The difference in cost of wages between British Columbia and Washington is very small. For a good many positions we pay the same wages. For railroad construction and the cheaper labor it is possible for the British Columbians to employ alien or foreign labor, which we can not do. The cost of supplies in British Columbia, machinery and tools, as has been stated here, is somewhat higher on certain articles, as I happen to know, as I am manufacturing them for the British Columbia market. On other supplies, such as wire rope, railroad material, etc., the British Columbians can buy cheaper than we can.

So on the whole, so far as regards the actual cost of labor, there is very little difference. That is from a witness who came here to argue for the Senator's side of this proposition.

WOODS WAGES ON BOTH SIDES OF THE LINE.

Mr. PILES. I accept every word Mr. Lamb says as gospel truth. The Senator from Nebraska has fallen into the same error into which the Senator from Minnesota fell. The Senator from Nebraska, I presume, has not carefully considered Mr. Lamb's testimony. If he had, he would not have commented upon it as he has. There is no dispute between Mr. Lamb and me on this subject; there is no dispute between Mr. Lamb and any man who manufactures lumber in the State of Washington. Now, let us see what Mr. Lamb said he came here for. First, take his statement in the last paragraph on page 2981:

You will understand that on the Pacific coast logging is an entirely separate industry from sawmilling, and it concerns the material from which lumber is made only from the forest to the log. Therefore I know nothing regarding lumber and shall not be able to answer any questions along that line. But the point that I wish to make is that on the Pacific coast, from which a very large part of our timber supply for the future must come, there is a differential in the cost of logs as compared with Puget Sound conditions and British Columbia conditions of from $1 to $3.50 per thousand in the open market.

Proceeding, he says:

The stumpage of British Columbia is obtained from the government, as has already been stated to you.

I need not read that. He proceeded further:

The question of wages, as an item of logging cost—

Mark you, it is an item of logging cost, not manufacturing—

has been gone into very fully; but I simply wish to state that, in my opinion, the difference in cost of wages—

What wages?

between British Columbia and Washington is very small.

In what? In logging, in bringing logs out of the woods, not in manufacturing them into lumber. That is what Mr. Lamb is speaking about. He says:

For railroad construction—

That is, constructing railroads into the woods, the logging railroads. I have already shown that we have 1,100 miles of logging railroads in the State of Washington. He says for this kind of construction—

and the cheaper labor it is possible for the British Columbians to employ alien or foreign labor, which we can not do. The cost of supplies in British Columbia, machinery, and tools, as has been stated here, is somewhat higher on certain articles.

So, on the whole, as regards the actual cost of labor—labor in the woods—there is very little difference. Now, why is that? In presenting that question the Senator has overstated his case. Why is there no difference between the wages paid to men in the forests of Washington and those paid to the woodsmen in British Columbia? I will tell the Senator why there is no difference, and why there is a difference in the mills that manufacture those logs into lumber. The timber is owned by the Dominion of Canada, or the Province of British Columbia; it is owned by the people. The white people appealed to their government for protection against oriental labor. They said: "This timber belongs to the people. It is true that the government can not prevent the employment of Orientals in private mills, but it can prevent their employment upon public lands."

And so the white laborers of Canada, protesting against cheap labor, induced their government to prohibit the employment of

Orientals in the woods that they might work there themselves; and the Canadian government, in the issuance of licenses, absolutely prohibits the employment of oriental labor in woods work. And yet we are told that the mill men of British Columbia employ Asiatics because they can not get white men to do the work. If the mills, like the forests, belonged to the government, plenty of white labor could be found.

Do you wonder, then, that there is no difference in the cost of labor in the woods in British Columbia and in the forests of Washington? White men on both sides of the line demand the same wages and receive the same pay.

Mr. President, I have here a table showing the wages paid in Japan. The highest wage paid for common labor in Japan is 20 cents a day. The highest wage paid mechanics is to bricklayers; they receive 37 cents a day and board themselves.

I make no effort to belittle them. They were born under different conditions; they were reared in a different school of domestic economy. It may be to their credit that they can toil for 20 cents and 37 cents a day in their own country and board themselves. Working for such wages at home, are you amazed to find that when the Japanese reaches the American continent he is willing to work for 80 cents or a dollar, a dollar and a quarter, or a dollar and a half a day and board himself?

We pay white men performing common labor in our mills at least 60 per cent more than the mills of British Columbia pay Orientals for similar labor. I notice, in the statement filed by the Victoria Lumber and Manufacturing Company with the Ways and Means Committee, that the reason why they employ Orientals is because they can not get white men. Both Vancouver and Victoria are as near to the labor markets of Puget Sound, Seattle, and Tacoma, as Bellingham. Steamers ply between the cities of Washington and British Columbia every few hours. They could get plenty of white men if they paid white men's wages. The round trip could be made between Victoria and Seattle last summer for 25 or 50 cents.

Mr. BURKETT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. I yield to the Senator.

Mr. BURKETT. I have gone through the volume on the lumber schedule pretty thoroughly, and I have not found anyone on either side of the controversy who has combated the proposition made by the gentleman, to which the Senator has just referred; at least none of these manufacturers has said anything to the contrary. They have not used the same expression the gentleman did the Senator referred to; but there seems to be no disputing the fact that they would all rather have white labor if they could get it than have the other labor, and they are using it only as a matter of compulsion. There is not any disputing the fact; there is not any considerable difference between the wages that I can find in this book. If the Senator can refer me to anybody who testifies differently, I would be glad to have it.

Mr. PILES. Every affidavit you find in that book from men who went into the mills of British Columbia from Washington and Oregon to investigate conditions testifies to the fact that they do pay less wages. In the affidavits filed with the Ways and Means Committee they state that from 75 to 80 per cent of the labor employed in British Columbia mills is oriental and that the wages range from 80 cents to $1.50 a day. I find some places where they have been paying $1.65 per day for Japanese; that is, a few Japanese who, I assume, are able to act as subforemen.

TESTIMONY OF PREJUDICED WITNESSES.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. I yield.

Mr. BURKETT. Here is one whose evidence I can turn to quite readily, on page 2880. He says:

We employ no oriental laborer in any capacity or place.

Mr. PILES. Who is that?

Mr. BURKETT. It is Mr. Lynch.

Mr. PILES. Mr. Lynch's mill is up in eastern Canada. Mr. Lynch's mill is not on the Pacific coast, is it? Has he a mill in British Columbia?

Mr. NELSON. He has; at Fernie.

Mr. BURKETT. At Fernie.

Mr. PILES. It may be that he does not employ any Orientals there. I am not contending that there are no mills in British Columbia that do not employ Orientals. Back in the intermountain region there are some mills that do not employ them. There are, I am told, some places in British Columbia where the white miners in the mining camps will not allow Orientals, but I believe that in the mills of British Columbia oriental labor predominates.

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. PILES. I yield.

Mr. CRAWFORD. Is it not a fact that the general result and conclusion of all those witnesses is that the difference is not sufficient to make up for the difference in efficiency—that the Oriental, the Hindoo, is not worth comparatively what they pay him as compared with the service of a white man—but it is a question of being able to secure the white labor that is needed?

Mr. PILES. No one admits that on the American side. I know that assertion is made by the British Columbia manufacturer. He makes that assertion, but the fact is just the reverse. But, Mr. President, the Japanese are athletic, strong, healthy, quick in both mind and body. Is there any reason why a Japanese can not pile as much lumber as any other man? Can there be any reason shown why he should be deficient there? Is there any reason why a Japanese could not take as much lumber away from a saw or a planer as a white man?

Mr. CRAWFORD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield further to the Senator from South Dakota?

Mr. PILES. I do.

Mr. CRAWFORD. I may be mistaken, but I read that testimony pretty carefully, and my recollection is the wage paid to the Hindoo was 80 cents and up to $1.25, and that the Japanese uniformly got a higher wage. They have practically no Chinese labor there, except occasionally a cook in the camp.

Mr. PILES. The Senator from South Dakota is misinformed, I think. There are many, many Chinese. The Chinese and Japanese predominate over the Hindoos, as I understand it.

Now, these are facts. They are not mere surmises; they are submitted by men who went into those mills for the purpose of examining the conditions. If you take the statement of the manager of the Victoria Lumber Company, to which I just referred, he puts down Orientals at from $1.25 to $1.50 a day, while I believe that a majority of them receive $1.25 or less a day, instead of $1.50 a day.

Mr. BURKETT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. I yield to the Senator.

Mr. BURKETT. No one whose testimony I have been able to find makes such a statement in regard to this matter. Here is, on page 2889, the evidence of another witness, Mr. Scanlon, who says with reference to Orientals:

There is some oriental labor used in the British Columbia mills, ranging in price from $1.25 to $1.75 per day, depending on the class of work they perform. Considering the efficiency of this oriental labor, they are more expensive than white, and they would not be employed at all if white labor could be obtained.

Then, again, on page 3055, I find this statement in the evidence of Mr. Knappen:

What Orientals are employed are almost entirely in the tidewater mills. The mountain mills of British Columbia use few, if any, oriental laborers. Of four mountain mills on which we have drawn for data, two do not employ any Orientals, and the whole four only employ 20 Orientals in their entire forces, and these are practically all as common laborers.

Mr. PILES. Mr. Scanlon may be right in respect to those mills in the intermountain country—I will not deny that—but where would the Senator expect to find great mills? Would he not expect to find them on tidewater, where they can ship by rail or by water to every part of the country? The great mills are located on the coast. Why take an isolated mill back in the mountains? Why not, for instance, take a mill in Victoria, one in Bellingham, one in Vancouver, one in Seattle, and one in Everett or Tacoma? Why not take the men working in those localities and compare their wages?

Mr. BURKETT. I will say to the Senator that, of course, he is more familiar with the geography of Canada than I am; and it does embarrass me a little, because when I read the evidence of some witness the Senator has commented upon, he says the witness is not properly located geographically. I am going through the testimony and getting as many of the witnesses as I can; and I have not been able to find any witness who has testified that the oriental-labor question is of any great consequence as between Canada and this country; that while there are a few oriental laborers used up there, the universal testimony is that they are inefficient; that while they may not be paid so much in wages, they do not do quite so much work; that there is not any better result from them; and the witnesses

testified that they would rather pay larger wages for white labor than to use the cheaper oriental labor.

In some localities they testified they did not use such labor. I have not found a mill owner who wants to use them, or who says that he can economically use them, or who says that lumber can be produced any cheaper by reason of the fact that they do use them. I ask the Senator to point out some witness who uses such laborers, who wants to use them, and who says they are more economical than white laborers.

THE AMERICANS' OBJECTION TO ORIENTAL LABOR.

Mr. PILES. I do not expect that. They do not admit that they want to use oriental labor. I do not think there is any man in that country who admits that he employs oriental labor simply because he gets it cheaper. He is not willing to go on record in that respect. But we must reason from cause to effect. Why do they employ Orientals? Because they can get them at a less wage. Why did the white men in Vancouver, British Columbia, rise up against the Japanese a short while ago? Do you think that they had no complaint—that they endeavored to tear down the Japanese houses and attempted to drive them out of the city of Vancouver simply because they disliked them, or was it because they were working for a less wage than that for which the white men could afford to work?

Mr. President, I do not care what a man may put down in evasion. I take conditions as they stand upon the Pacific coast; and I ask myself the question, Why were these men prohibited from working in the woods? Why is a tax of $500 a head placed upon immigrant Orientals in British Columbia? It is because they work for less wages than does the white man. Why is it that they are the only people on earth against which this tax is directed?

Let Senators construe the statements made before the Ways and Means Committee in any way they see fit, but they can not avoid the facts. Why are these uprisings? Why these exclusion laws? Why such a head tax? Why such vigorous protests, constant and unending, from the people of the Pacific coast? You may deceive yourselves, but no man on the Pacific coast can be deceived. He knows the facts.

I do not need to find in the record an admission by any British Columbia manufacturer that he wants to employ oriental labor. I am not looking for an admission from him that he employs them because he can get them for a less wage; but I know, without being told, why he employs them.

The telegram from the labor organization which was read a few moments ago shows that they know why Orientals are employed in British Columbia. Why do these organized laborers say they do not want their wages reduced? If Orientals working on the other side do not receive less pay, why do our people complain?

I read from Mr. Housley's statement contained in the record. He made an examination into labor conditions in British Columbia. Here is an extract from his affidavit:

Hastings mill, No. 1, being one of a number of mills owned by the British Columbia Mills, Timber and Trading Company, is a mill of about 250,000 feet capacity in ten hours. The total number of men approximate 300, of whom probably not less than 50 are whites and 250 Orientals, mostly Japanese and Chinese. I actually counted 62 men on the mill floor, 12 of whom were white men and 50 Chinese. I also counted 40 men in the mill yard, of whom 5 were white men and 35 Japanese. The wages paid for Chinese are from 80 cents to $1.10 a day, for Japanese from $1 to $1.50 per day, and for Hindoos from 80 cents to $1 per day.

There is no use, Mr. President, to attempt to disguise well-known and well-understood facts. A man who has lived in that section of the country as long as I have absorbs some things. He knows the conditions which prevail in the country, and he hears the complaints. No one need argue to me that Orientals are employed because the mill owners can not get white men, and that they receive substantially the same wage as white men get in Washington, Oregon, or Idaho. No one need tell me that the Oriental is inefficient. When a Japanese or a Chinese is put at a machine he must keep the pace of the machine. If only one man can work at the machine, he must do one man's work, whether he be a white man or a yellow man. He must attend to and take away the output of the machine.

COMPETITION IN FOREIGN EXPORTS.

I shall now answer the question of the Senator from Missouri [Mr. STONE] in respect to competition in the foreign markets. The Senator wants to know why it is that British Columbia increased her exports only from 41,000,000 feet in 1905 to 67,000,000 feet in 1907, and why it is that our mills can compete in the foreign markets with those of British Columbia.

The output of Washington and Oregon for 1907 was 5,413,169,000 feet, of which 430,565,000 went abroad. We ship only about 7 per cent of the product of our mills to foreign markets. That 7 per cent is made up mostly of selected timber—that is to say, timber sawed in sizes 10 by 12, for instance, 16, 20, or 30 feet long, or any length that may be desired. When the timber is put aboard ship and transported to Australia, for instance, it is discharged at port and sawed into flooring, finishing, and such material as may be desired for that market.

The failure of British Columbia to increase her exportations beyond the figures mentioned in the years indicated is due to two facts: First, probably not to exceed six mills in that Province are prepared to compete in the foreign market; second, because she practically has no market for the 70 per cent of her low-grade lumber. Having no considerable market for her low grades she must of necessity limit her output of the upper grades, as about 70 per cent of the best cut in the tree produces low-grade lumber. Owing to the lack of a market for the low grades the manufacture of lumber has not been developed there to the extent it has in Washington or other States on the Pacific. British Columbia has a population of about 250,000 people, of whom, I am told, about 60,000 are Orientals. Eastern Canada takes but a small portion of her low grades, hence her market for this class of lumber is very limited. She must therefore find a market for her low grades before she can materially increase her output for export purposes. That market is the United States. It is owing to this fact that those owning timber over there want lumber put on the free list. If lumber shall be placed on the free list or reduced to $1 per thousand many new and modern mills will be constructed in the western Canadian Province and her output for the foreign trade greatly increased, for she will then have the United States as a dumping ground for her low grades, which are now largely wasted by being left in the woods.

Mr. BURKETT. Mr. President, I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. Yes.

Mr. BURKETT. One of the first questions I asked the Senator was to explain why we could compete, here at home, with our second-grade lumber, as he calls it, with the Canadian second-grade lumber. Why can they take out their second-grade lumber, send it down here, compete with us, and drive our second-grade lumber out of the market?

Mr. PILES. I thought I had made that point clear to the Senator. The reasons why free lumber would impair, if not destroy, our domestic market for low-grade lumber are these: First, our accessible stumpage costs us $2 per thousand, while they get theirs for 50 cents per thousand; second, it costs us $1 per thousand feet more to manufacture than it costs them, because they employ cheaper labor in their mills; third, the water freight rate from British Columbia to California ports (among our best markets) is $1 per thousand cheaper than from Oregon or Washington when conditions are normal; the difference at times is much greater. There are other elements, but the ones I have mentioned ought to be enough to show the Senator how our market would be destroyed.

Mr. BURKETT. Let me get this thing straight.

The PRESIDENT pro tempore. Does the Senator from Washington yield further?

Mr. PILES. I yield.

FREE-TRADE ARGUMENTS EXTRAORDINARY.

Mr. BURKETT. The Senator complained a moment ago that in the case of our stumpage the American paid for the whole tree, while the Canadian, as I understood, paid only for what he used. He now says that the Canadian has the advantage because the second-grade lumber will be made out of timber that only cost him 50 cents a thousand, while the American pays $2 a thousand. But if I understood the Senator a moment ago, he said that the American in buying stumpage bought the whole tree, and therefore must have the second-grade lumber for nothing.

Mr. PILES. Have it for nothing? He pays $2 a thousand for the tree as it stands.

Mr. BURKETT. As between using it, and leaving it to waste, he certainly has it for nothing.

The Senator's argument as to this second-grade lumber is now that the stumpage costs the American $2, whereas it costs the Canadian 50 cents; but compare this with his statement a moment ago, in which he said the American had paid for the whole tree, whether he used it or not. If that is so, if he throws it away, as between throwing it away and using it it is costing him nothing.

Mr. PILES. If the Senator thinks the American is getting the common grades for nothing, let him go into the mill business on the coast, and he will soon see the error of his judg-

ment. Does the Senator think it is going to pay to manufacture that kind of lumber in competition with Canada, if the duty on lumber is lowered?

Mr. BURKETT. I do not know whether it would or not, but I am very certain that the Senator's argument that the American's stumpage is costing him $2 and the Canadian's stumpage but 50 cents does not hold true with the statement he made a moment ago, when he said that the American had to pay for it whether he used it or not, whereas the Canadian only paid for what he used. The American had to pay for the whole tree whether he cut it up or not; but the Canadian paid 50 cents a thousand for such parts as he used; yet the American can not compete with the Canadian in the manufacture of this low-grade lumber without a high duty.

Mr. PILES. Is not that an element going to show that lumber may be manufactured cheaper in British Columbia than in Washington, Oregon, or Idaho?

If the Senator does not understand that proposition, I am unable to make it any plainer to him. But I shall attempt once more to make the Senator understand. I will use an illustration which will come home to Senators from agricultural States.

Assume that a farmer in such a State were to be confronted with a proposal to legislate so that one-half his corn crop must be left in the field to rot because there was no market for that one-half. Would not the Senator from his State argue that the economic cost of the marketable half of that corn crop was equal to the total cost of the production of the whole crop divided by the number of bushels of corn which he could market? Would it be difficult to understand the dictum of political economy whereby such a farmer would establish the cost of his marketable corn? Would it be argued that the farmer cited could compete with Canadian farmers, if they raised corn extensively, when the American farmer was denied a market for one-half his crop, while the Canadian farmer, producing, let us say, the same number of bushels per acre, was given a market for every bushel he raised and going to the same market in which to sell his corn?

If the Senator will substitute low-grade lumber for corn he will find that the parallel between the two hypothetical cases is exact, with this added disadvantage, however, to the American lumberman, that in producing his lumber he must pay more for labor and more for stumpage.

Mr. SIMMONS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from North Carolina?

Mr. PILES. I yield to the Senator.

Mr. SIMMONS. I should like to inquire of the Senator if, as a matter of fact, it does not cost as much to manufacture the cheaper grades of lumber as it does to manufacture the higher grades of lumber.

Mr. PILES. Certainly it does.

Mr. SIMMONS. If it costs the manufacturer more to cut and haul and manufacture the cheap grade than he can sell it for, is it not to his interest to let it stay in the woods and rot?

Mr. PILES. It is, of course.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. PILES. Certainly.

STUMPAGE MEASUREMENT AND TIMBER PURCHASE.

Mr. CARTER. It has been stated time and again that there is a different rule in Canada for the measurement of stumpage from that which obtains in this country. It has been asserted that stumpage embraces the entire tree in the United States, whereas according to the Canadian method of measurement only that portion of the tree which is sawed into lumber is measured, and therefore what is known as the "butt," or clear lumber, could be cut from a tree in Canada, the balance of it treated as waste, and the stumpage rate paid only upon the quantity of lumber embraced in the clear logs.

Mr. PILES. Yes.

Mr. CARTER. Now, Mr. President, I should like to have very specific information on that point, because my understanding is that the rule of stumpage measurement is identical on both sides of the line; that a given tree, said to contain by the rule a specified amount of lumber, will contain that amount of lumber measured under the rule on either side of the line; and if a given acre or a given quarter section of land is said to contain a million feet board measure on the stump, it would contain a million feet whether in British Columbia or in Washington, if the same number of trees of the same dimensions are grown. I can not understand or readily accede, at least, to the proposition that the person purchasing the timber on the stumpage estimate would be left to determine in payment the portion of the tree to be taken away, and to pay only on that portion. A tree contains a certain number of feet board measure, and the whole tree is measured, according to my view, under exactly the same rule, whether measured in British Columbia or in the United States. If a contrary rule obtains, I should like to be advised of it.

Mr. PILES. The purchaser in British Columbia does not buy the trees standing in the forests as our mill men and loggers are compelled to do. He secures a lease on the timber lands of that Province for twenty-one years, under the terms of which he agrees to pay 50 cents per thousand for the timber which he uses. He therefore takes to market or to the mill such portion of the tree as he sees fit. For the logs removed he pays 50 cents per thousand feet, according to the scale at the mill or in the water. We are compelled to purchase outright from the owners and pay for accessible timber $2 per thousand feet for all of the merchantable timber standing in the forest, and this includes the low as well as the high grade lumber in the trees. No private owner would sell under any other conditions. While British Columbia is wasting about 50 per cent of her timber in the forests, we, with a fair market, are saving the greater portion of ours; but with free lumber we would be compelled to waste ours while British Columbia saves hers.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. PILES. Certainly I yield.

Mr. CARTER. I fully agree with the Senator that rational public policy requires that all parts of the tree that can be utilized should be utilized, and that the cutting should be conducted in such a manner as to avoid needless waste. I submit to the Senator that following out the logic of the rule with reference to measurement there would be no second-class lumber cut in Canada at all, because the man who cut the logs, being left to determine only that portion which would pay him best to take away from the forest, would take only first-class material. He would never move a log out of the woods which would make only second-class lumber, because he could just as well take out the first-class logs or the first cut, leaving the balance to waste.

Mr. PILES. The Senator is mistaken, and I will prove it by the Canadians themselves. Why should Canada or the Province of British Columbia permit its lessees of timber lands to waste 50 per cent of the trees by leaving the upper cuts in the woods when they have a market for the low grades? Certainly this would not be tolerated. The government would undoubtedly compel a removal of the upper cuts of the tree as soon as it was discovered that they had a market for that product in the United States.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Montana?

Mr. PILES. Certainly.

Mr. CARTER. The fault I find with the rule alleged to obtain there is that the British Columbia government will have nothing whatever to say about it.

Mr. PILES. Why will it not?

Mr. CARTER. They merely tax the individual for the logs that he takes away——

Mr. PILES. I beg the Senator's pardon.

Mr. CARTER (continuing). And leave him to say what part of the tree he will put into the log.

Mr. PILES. I beg the Senator's pardon. If he will permit me to proceed, I will give him a full answer to his question. The government does not lose control of its timber lands under the terms of the lease. It may increase the price of the stumpage, if it is thought wise to do so; and I would not be astonished if this were one of the first things the government did, if the duty should be removed in whole or in part.

But, Mr. President, that is not all. It is to the advantage of the mill men to manufacture the upper cuts into lumber when there is a market for low-grade lumber. In no other way can they increase their output of high-class lumber. The lack of a market for the low grades necessarily limits the output of the upper grades. I explained that when I showed why British Columbia had but slightly increased her trade in the foreign markets. Another thing I wish to call to your attention in this connection is this: The "butt cut" of the tree, the log that produces the finest lumber, contains 70 per cent of the common grades. A market must therefore be found for the low-grade lumber in these cuts before one would be justified in opening up the forests of British Columbia on an extensive scale.

But I said that I would prove by the Canadians themselves that they saved their common grades when they had a market in this country and wasted them when denied this market.

AMERICAN MARKETS CANADA'S COMMERCIAL SALVATION.

In 1890 the duty on white pine was reduced to $1 per 1,000. In 1894 a political campaign seems to have been going on in Canada. The Canadians were greatly elated over the prosperous conditions prevailing throughout the Dominion, and they issued a circular or pamphlet, called "Pamphlet No. 10," setting forth their achievements. Here is what they said:

The lumber trade is of Dominion concern and perhaps ranks second in importance in Canada. All the Provinces are more or less affected by the prices obtained and the markets available for sawed lumber, but to Ontario, Quebec, New Brunswick, and British Columbia—all large exporters of sawed lumber—the prosperity of the trade is of vital importance. The United States is practically our *only market for sawed lumber and shingles*, and its value may be judged from the fact that Canada sent there last year 1,031,000,000 feet of sawed lumber, valued at $8,900,000, and 357,000,000 shingles, valued at $734,000, or a total value of $9,634,000. *The rougher grades of lumber were now capable of being marketed there at a profit*, and it has been estimated by Colonel O'Brien, member of Parliament for Muskoka, and corroborated by reports from the Crown timber agents, *that from 30 to 50 per cent more white pine is cut and marketed from the same area of licensed territory than was formerly the case. This means a large increase in the revenue of the Provinces for material which had formerly gone to waste. It also means a large increase in the employment of labor and markets for produce.*

Analyze this pamphlet, if you please, and you will find that it calls attention to the following important facts: First, that the United States is practically their only market for sawed lumber and shingles; second, that they were able to sell their rough lumber in our markets at a profit in 1893, when the duty on white pine was only $1 per thousand, and that by reason of this fact they cut and marketed from 30 to 50 per cent more timber from the same area of licensed territory than formerly; third, that there was a large increase in their revenue derived from the sale in this country of material which had formerly gone to waste in the Canadian Provinces; fourth, that their labor had been better employed and that their produce had found more stable local markets.

Canada had reason to congratulate her people, for, according to her own showing, the reduction of the duty on white pine in 1890 to $1 per thousand gave her a profitable market in this country and an opportunity to save from 30 to 50 per cent of her timber which formerly had gone to waste.

Can anyone, Mr. President, doubt the effects of a $1 duty upon the lumber industry of this country in view of this admission and these well-known facts?

No one claims that the removal of the duty will reduce the price of lumber to the consumer. I asked the Senator from North Dakota the direct question, and he said that it would not; that he thought lumber would advance, and that the removal of the duty would have a tendency to check the rapid rise in price.

But who is it that asks for the removal of the duty? Canadian timber holders; those who will profit most by the reduction. Does any sane man doubt that their holdings will increase in value if this bill shall be enacted into law? Why should they not? They would then have access to our markets for the lumber which they manufacture in both eastern and western Canada. What is it that gives value to a product? It is a profitable market; and that market they demand at the expense of the American laborer and the American manufacturer. This means the impairment of our market for a home product, the output of home people. We shall not see the American consumer reap any benefit from the reduction. We shall see him paying the same price for his lumber that he pays now. We shall see him contributing to the employment, not of the American wage-earner who contributes to the consumer's welfare by buying some of everything the consumer has to sell, but to the Canadian wage-earner who buys practically nothing of what the consumer has to sell.

The reduction of the duty on rough lumber would undoubtedly lessen the price at our mills, especially on the Pacific coast, where the manufacturers would have to contend with cheaper labor, cheaper stumpage, and cheaper water freight rates; but it would not, in my judgment, lower the price to the consumer.

If the Canadian Parliament were sitting here, with authority to legislate for the benefit of its people, it would do exactly what we are asked by holders of Canadian timber to do—put lumber on the free list.

INFLUENCE OF CANADIAN TIMBER OWNERSHIP.

Those persons referred to the other day by the Senator from Minnesota [Mr. NELSON] and the Senator from North Dakota [Mr. MCCUMBER]—Mr. Scanlon, Mr. Lynch, and others—admit that they have in Canada either mills or timber, or both. It is natural that they should be here advocating free lumber. They seek a market for their low-grade lumber. They have no satisfactory market in the Dominion. They want the American market, because it would be profitable for them. I do not censure them for this; they are doing the best they can to find a market for their products. This is to be expected.

But, Mr. President, in defense of the 800,000 workmen in the woods and mills of this country, in defense of the 28,000 or 30,000 mills in this country that employ these men and manufacture our forest products, I must oppose them.

Mr. SIMMONS. I wish to ask the Senator from Washington if it is not a fact that a good many of the Canadian mills also are owned by rich American citizens?

Mr. PILES. They are; and I will come now to that proposition.

The Senator from Minnesota [Mr. NELSON] said, as I understood him, that the most of the millionaires in Minnesota, Michigan, and Wisconsin were "timber barons;" that they had made their millions out of the timber areas of those States. I do not doubt the correctness of that statement. But I think, Mr. President, they should be content with what they have made, but they are not.

Having made vast fortunes in Minnesota, Michigan, and Wisconsin, they are not yet satisfied. They have gone over into Canada and secured large tracts of timber lands, and they now demand free trade in lumber. Is it conceivable as a commercial proposition that they would have made this demand when their forests were dense and their mills operating to their utmost capacity in the States mentioned? Oh, no; they are not yet satisfied. Not content with being millionaires here, they want to become multimillionaires in Canada. I am sorry to disturb the pleasing concord of these gentlemen, but I must oppose them. They may become multimillionaires if they can, but, if I can prevent it, not at the expense of the people of the Pacific Northwest, who pioneered the western country and saved those great timbered areas to the people of the United States.

I have found nothing in the record from any of these gentlemen saying that they will reduce the price of lumber if it be placed on the free list.

PROSPECTIVE PRICES FOR THE MANUFACTURER.

Mr. BROWN rose.

Mr. PILES. Just one moment. They ought to know whether they will reduce it or not. They own timber, or mills, or both, in Canada. Ought not Mr. Lynch and Mr. Scanlon know whether they will reduce the price to the American consumer? I now yield to the Senator from Nebraska.

Mr. BROWN. I desire to ask the Senator from Washington a question. Conceding the point that it would not reduce the price of lumber to the consumer, how would it harm the man who had it to sell—the manufacturer?

Mr. PILES. I thought I had made that perfectly plain, but if I have not I shall try to do so.

If lumber can be manufactured in British Columbia cheaper than in this country, the manufacturer can well afford to sell to the wholesaler in the United States cheaper than our mills can sell him. The wholesaler can sell to the retailer a little cheaper than he formerly sold him and still keep up the same price to the consumer, and at the same time keep us out of the market.

Mr. BROWN. But the position of the Senator is that the manufacturer will get the same price for his product with lumber on the free list that he gets now, because the price will not be reduced to the consumer. If he sells it at the same price with lumber on the free list that he does with lumber on the protective list, his profit must be the same. The Canadian might make more profit with lumber on the free list, but the American manufacturer would make the same profit, according to the Senator's own statement.

Mr. PILES. The Senator from Nebraska [Mr. BROWN] misunderstands my position.

Why does the Senator from North Dakota ask to have the duty on wheat, oats, and barley increased?

Mr. BROWN. The Senator must ask that question of the Senator from North Dakota.

Mr. PILES. I am not propounding the question to the Senator from Nebraska. I am stating it in the form of an argument. The Senator asks the increase undoubtedly for the purpose of keeping Canadian products out of his markets. I do not imagine that he believes that the Canadian farmer can produce wheat any cheaper than the North Dakota farmer produces it, but he wants to protect the market that by right belongs to the American farmer. Now, I want to protect the market that by right belongs to the American laborer and manufacturer; but I present a different case from that of the Senator from North Dakota. Our product must come into competition in our own markets—as must our labor—with a product that can be pro-

duced in a foreign country at less than we can produce it, and which can be sold for less than we can afford to sell it, unless we reduce our wage scale to the level of that paid to Orientals. This I wish to avoid because it is not just, and for the further reason that our people can not and will not work for any such wages. No one so far has advanced the idea that free lumber will reduce the price to the consumer. In my judgment the remitted duty, whatever it may be, would be largely absorbed in Canada.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Iowa?

Mr. PILES. Certainly.

Mr. CUMMINS. I think it is only fair to say that presently I hope to make a few observations upon this subject, and when I do I shall favor the reduction of the duty on lumber, or the free importation of lumber, solely because I believe the consumer will get his lumber for that much less. So do not in your argument assume that no one at least will contend that a reduction in the duty on lumber will benefit the consumer. If I did not believe that the man who buys and uses the lumber would under free importation get it for less than he would otherwise get it, I would not care if you put up the duty on lumber to a hundred dollars a thousand.

Mr. PILES. The Senator from Iowa is the only one whom I know of who contends that the consumer will receive any benefit by the removal of the duty.

Mr. BEVERIDGE. Mr. President——

Mr. PILES. But now let me answer the Senator from Iowa. He asked me a question, and I want to answer it here.

Mr. BEVERIDGE. This is a kind of experience meeting. I have a faint opinion, or feeling, of the same kind.

Mr. PILES. The Senator may have an opinion, but I think he has no real hope in his heart that such a result will be achieved.

Mr. BEVERIDGE. I have not any doubt of it.

Mr. PILES. The conditions are such that such a result will not be achieved.

Mr. BROWN. I desire to call the attention of the Senator from Washington to the fact that just a few minutes ago he himself admitted that possibly the price might be reduced by the manufacturer.

Mr. PILES. Yes; the American manufacturer.

Mr. BROWN. But the middleman would corral all the profit.

Mr. PILES. Possibly.

Mr. BROWN. That is purely a matter of opinion, and an assumption.

Mr. PILES. I know it is; but it is based on well-understood facts.

Mr. BROWN. If it is conceded that the manufacturer will not reduce the price, there must be an assumption that there will be a conspiracy which will continue the present price to the consumer.

Mr. PILES. I charge no conspiracy.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. PILES. Certainly.

Mr. CRAWFORD. Is it not your theory that conservation will be promoted by retaining the tariff?

Mr. PILES. It is.

Mr. CRAWFORD. Based upon the theory that the removal of the tariff would reduce the price of lumber and consequently you would be wasteful and would not try to utilize the cheaper grades?

Mr. PILES. Not to the consumer.

Mr. CRAWFORD. Then I have not understood a large part of your argument. I gathered that the contention was that the upper cuts would be allowed to remain in the woods, because if the tariff were removed the market price of upper cuts would be so low that you would not be able to ship them out of the woods.

Mr. PILES. That is correct. If the tariff be removed, we shall be compelled to leave our upper cuts of the tree in the woods—at least a large portion of them—because our market for the low-grade lumber will in a little while be largely taken from us by British Columbia. But that does not mean that the consumer will get lumber at a reduced price. The mills do not sell to the consumer; they sell to the wholesaler, who, in turn, sells to the retailer.

Why does not British Columbia undersell us in the foreign markets, where there is free trade? She manufactures cheaper than we can, yet she asks and receives from the foreign wholesaler as much as we get for our lumber. Does anyone think she will do better by us than she does by the foreigner? She may for a while, until she gets control of our markets, and then the same old story will be repeated.

Mr. CRAWFORD. Mr. President——

Mr. PILES. Will the Senator permit me to go on for a moment?

Mr. CRAWFORD. I will not interrupt the Senator, if he so desires.

Mr. BURKETT rose.

EVOLUTION AND INFLUENCE OF STUMPAGE PRICES.

Mr. PILES. I hope the Senator will wait for a moment.

The Senator from Iowa [Mr. CUMMINS] asked me why our stumpage is worth $2 per thousand, and I wish now to explain that to him.

Our general prosperity, the increase of our population, and the enlargement of our markets for our timber products have contributed to the advance in the price of timber lands. These factors have played an important part in the enhancement of lands and commodities of every variety in all parts of the country.

We had no market in the East for our lumber until the latter part of 1893 or the fore part of 1894. At the time indicated we secured a freight rate which enabled us to reach the markets of the Central West. These markets were worth but little to us from 1894 to 1897, inclusive, owing to the disastrous effects of the Wilson-Gorman Act upon the country; but with the revival of trade conditions under the Dingley Act they have become of very great importance.

When I went to Washington in 1883 it was a Territory. Our local and domestic markets were restricted, our population sparse, and the means of transportation limited. The Northern Pacific Railroad Company had not then tunneled the Cascade Mountains. It had ascended and descended that range by means of what is called a "switch back." The Great Northern was then practically unknown on the Pacific coast. No one at that time thought of its building across the continent and making Puget Sound its western terminus. Neither the Union Pacific, the Southern Pacific, nor the Canadian Pacific then reached us. The Milwaukee and the Burlington were not then considered. But times have changed; our State is interlaced with railways; our ships traverse every sea.

Our chief cities of to-day were little better than villages in 1883. Seattle had a population of about 5,000 persons. It has since grown into a modern city with a population of, approximately, 300,000. The spot which marks the site of Tacoma, a city of over 100,000, was then a wilderness. Spokane, with a population of more than 100,000, was little better than an outpost on the plains. Her immense water power had not then been harnessed, and few foresaw its wonderful possibilities. These and many other prosperous cities in the State have grown into great commercial and manufacturing importance, creating a demand for our forest products.

The plains—the "desert," so-called—and the highlands of eastern Washington, which once were thought to be largely unproductive, have been converted by a hardy and vigorous race into fields of waving grain, meadows, and orchards.

It was quite natural that timber should have been low under adverse conditions and higher under more favorable conditions. All of our other products increased with the expansion of our markets, and it would have been somewhat singular if, under improved conditions, the price of lumber had not increased. Had it not, little would have been left after figuring interest and taxes.

Some contend that we should remove the tariff in order to reduce the price of stumpage, as no one will be affected thereby except the "timber barons." Those who thus reason ignore the facts that west of the summit of the Rocky Mountains are 800,000,000,000 feet of timber, practically one-half of which is owned by the Federal Government; that the lands upon which it stands are withdrawn from private entry in order to conserve the forests for future generations.

CONCRETE EXAMPLES OF PRICE PROGRESS.

Congress has appropriated millions of dollars to this end, with the expectation that the reservations would shortly become self-sustaining. These forests are a large asset of the people of the United States. There is no way of making them self-sustaining except by the sale of timber. Any reduction in stumpage values on government reservations means taking that much out of the pockets of the people. The Government sells stumpage from the reserves at as high, if not a higher, figure than that for which the same class of timber can be bought from private owners. In corroboration of this statement I sub-

mit an article which appeared in the Bellingham Herald on the 3d day of April last:

BIG SALE OF NATIONAL TIMBER MADE—HUNDRED MILLION FEET SOLD IN NORTHERN PORTION OF SNOQUALMIE RESERVE.

[Special to the Herald.]

SEATTLE, *April 2.*

One of the largest timber sales ever made by the United States Government in the Pacific Northwest will be consummated in about thirty days, when formal contract will be executed allowing the cutting of nearly 100,000,000 feet stumpage from the valley of the Whitechuck River in the northern part of the Snoqualmie National Forest. This sale will be made according to the usual terms of the Forest Service, which require that operations shall begin soon after the signing of the contract and that all timber must be cut within a specified time. The timber is to be paid for in advance payments of $10,000 each, from time to time, as cutting progresses. While the exact stumpage price obtained by the Government will not be known until bids are opened on April 27, it will not be less than $2.25 per thousand feet for all saw timber cut prior to April 1, 1910, with an increase in the stumpage price of 25 cents per thousand feet for each succeeding year during the period of the sale, as the Forest Service already has an application for the timber on these terms. The deal was negotiated through the office of the supervisor of the Snoqualmie National Forest in Seattle.

I am informed that the amount of timber sold is not 100,000,000 feet, but about 29,000,000 feet; that the purchase price, $2.25 per thousand, is correctly stated in the news item.

It is a mistake to assume that the timber barons have acquired practically all the timber in Washington. The Government owns about one-half of all the timber in that State; the State itself owns about 37,000,000,000 feet.

The commissioner of public lands of the State of Washington informs me that a conservative estimate shows that the timber on the common-school lands of that State is not less than 25,000,000,000 feet, worth not less than $40,000,000 to the common-school fund; that the selected granted lands contain 12,000,000,000 feet, valued at not less than $18,000,000. This is exclusive of the land and applies to the standing timber only. This makes $58,000,000 worth of timber owned by the common-school and other public funds in the State of Washington.

We can not strike the timber barons without striking the Government itself and the school and other public funds of the country derived from the sale of timber.

I imagine that those who advocate free lumber upon the theory that the stumpage values would be cut in half would be loud in their protest if their school lands were threatened with a similar decrease for the benefit, not, after all, of the consuming public in this country, but for the advantage of timber holders in a foreign land.

I am satisfied that the state land commissioner has placed the value upon the school and other state lands in Washington at a very conservative figure.

I have here an article which appeared recently in the Seattle Post Intelligencer, one of the leading newspapers on the Pacific coast, concerning a sale of school and granted lands in King County, Wash. The article is based upon the report of a deputy county auditor on a sale of timber on three different quarter sections of school lands granted to the State for school purposes. They brought $71,338.56. The timber on one quarter section of the land, according to the newspaper article, was appraised by the state officials at $14,166. It sold after strong competitive bidding for $38,000.

The timber on another quarter section in the same township was appraised at $9,267, and was bid off at $13,341.

The timber on the third quarter section in the same township was appraised at $11,338, and sold for $18,000.

My attention has been called to a statement made to the effect that for three years, from 1906 to 1908, inclusive, Canada exported into the United States 400,000,000 feet more lumber than she did under the Wilson-Gorman Act, and that forty years ago, under a high tariff, the Dominion shipped more lumber into this country than she did under free trade. This is not at all astonishing. It is a strong argument in favor of a protective duty on lumber and the general protective system. It aptly illustrates the oft-repeated and oft-demonstrated doctrine of the protective tariff system—that the people of this country can afford to, and do, buy more under protection than they can afford to, or do, buy under free trade. If this is not true, what intelligent reason can be assigned for the shipment of less lumber from Canada under the Wilson-Gorman Act than was shipped under the Dingley Act? Surely the mere payment of the $2 duty for the privilege of entering our markets did not increase Canadian importations.

LABOR'S VITAL INTEREST IN REASONABLE PROTECTION.

In round numbers, the lumber industry of the United States employs 800,000 persons; 190,000 on the Pacific coast, 110,000 in the State which I have the honor in part to represent—counting five persons to a family, 500,000 people, one-half of the population of the State of Washington are dependent upon the lumber industry for what they eat and wear. Do you wonder that we are vitally interested in this question? Do you wish to take the approximately $60,000,000, or any part of it, that we pay in wages and transfer it to the pockets of the Orientals in British Columbia? Do you wish to paralyze the principal industry of the young States of the Pacific? I am sure no Senator here would knowingly do this.

Mr. President, I protest against the amendment submitted placing lumber on the free list and the reduction proposed in this bill in the name of the 800,000 men employed in the lumber and shingle industries of the United States.

I was born, Mr. President, in the South. My people are buried in her soil. I did not become a Republican when I cast my first vote because I loved the South less, but because I loved her more. As I grew old enough to realize conditions I saw that her fields were devastated, her homes either in ruins or in ashes. As I read history I came to the conclusion that the South was wrong in the great conflict which bathed our land in blood. I concluded that she was wrong upon the doctrine of free trade or a tariff for revenue only. I felt that no nation could become really great that produced raw material for others to manufacture and sell to those who produced it. Having become a protectionist contrary to the environment in which I was reared, I can not abandon the doctrine which converted me in my youth.

But, Mr. President, I am not a protectionist "in spots." I am not one of those who believe that the tariff is a local issue; I believe it to be national in its scope and character, a system that promotes the happiness, prosperity, and welfare of all when properly understood and intelligently applied.

There is another industry on the Pacific coast—the shingle industry—to which I wish to direct the attention of the Senate, then I am done. Before proceeding to the discussion of the necessity of raising the duty on shingles from 30 cents to 50 cents per thousand I ask that the Secretary read the telegram, letter, and resolutions which I send to the desk.

The PRESIDENT pro tempore. The Secretary will read, as requested.

The Secretary read as follows:

SEATTLE, WASH., *April 26, 1909.*

Hon. S. H. PILES,
United States Senate, Washington, D. C.:

Having in mind the welfare of the wage-earners of the shingle industry, whose standard of living and morals are seriously impaired by competition with Asiatic labor, we most earnestly appeal to you to use every honorable method to secure additional tariff on shingles that our industry may be saved to white workmen.

INTERNATIONAL SHINGLE WEAVERS' UNION,
C. J. FOLSOM, *President.*
W. E. WILLIS, *Secretary.*

INTERNATIONAL SHINGLE WEAVERS' UNION OF AMERICA,
Seattle, Wash., January 15, 1909.

Hon. SAMUEL PILES,
United States Senate, Washington, D. C.

DEAR SIR: I am sending you herewith a copy of a set of resolutions which were passed at the recent convention of the International Shingle Weavers' Union of America. I am sure that you will do all that is possible to see that the facts recounted therein are presented where the most good will result.

With best wishes,
Very truly, yours, J. G. BROWN, *President.*

Resolutions adopted by the International Shingle Weavers' Union of America in convention at Olympia, Wash., January 4, 5, 6, 1909.

Whereas during the past ten years there has been a tariff of 30 cents per thousand on shingles imported by the United States;

Whereas during all this time the imports of Canadian shingles into the United States have steadily increased, have doubled in the last few years, and in the years 1906 and 1907 reached the large total of 8,909 carloads, through which the wage loss to the white workmen in the Washington shingle industry amounted to approximately $1,000,000, or practically $40,000 per month;

Whereas the shingle manufacturers in British Columbia are able to inflict this enormous loss on the wage-earners in the Washington shingle industry through the employment of Asiatics, who compose 80 per cent of the working forces in the British Columbia shingle mills, and who accept a very much lower wage compensation and a very much lower standard of living than can the all-white labor of the Washington shingle industry;

Whereas the white wage-workers in the Washington shingle industry have better and higher conceptions of industrial, social, hygienic, and moral well-being, and, realizing the ideals of their race and Nation, have trained themselves to conform to a standard of living in accordance with American ideas of American civilization;

Whereas the increasing imports by the United States of Asiatic-made shingles of British Columbia constitute a menace to American institutions by driving white workmen out of the Washington shingle mills, depriving these workmen of the means to maintain themselves and families, thus lessening the amount of money available to farmers, merchants, and other business men of the United States; and

Whereas the wage-earners in the Washington shingle industry have been enforcedly idle nearly twelve months during the past twenty-four months;

Whereas they are to a great extent engaged in producing shingles from fallen, fire-blackened, and other cedar that would be otherwise wasted and be a dead loss to the State and to the Nation;

Whereas the first consideration of the United States Government should be the welfare of its own citizens;

Whereas it is understood that some misinformed people now advocate the reduction of the present tariff of 30 cents per thousand, which is, even now, an inadequate protection against Asiatic shingles made in British Columbia; wherefore, for these reasons, we respectfully and firmly protest against any reduction of the present tariff, and we do earnestly and strongly urge all legislators to save the industry and to protect our necessary wage interest by fixing an adequate protective tariff against Asiatic-made shingles, a tariff of preferably 50 cents per thousand:

Voted, That a copy of these resolutions be sent to each member of the Washington state legislature, with the request that they memorialize Congress to grant the Washington shingle industry an adequate protective tariff of preferably 50 cents per thousand.

Voted, That the Ways and Means Committee of the House of Representatives, United States Congressmen from shingle-manufacturing districts covered by the International Shingle Weavers' Union of America, be furnished with copies of these general resolutions.

LOG PRICES ON BOTH SIDES OF THE LINE.

Mr. GALLINGER. Mr. President——

Mr. PILES. I yield to the Senator from New Hampshire.

Mr. GALLINGER. Before the Senator takes up this phase of the discussion, there is one matter that I think he overlooked to which I wish he would address himself briefly.

The Senator from North Dakota [Mr. McCUMBER] called attention to the fact that American lumbermen had sold lumber to the Canadian Pacific Railroad at a price below that of the Canadian producers of lumber. If I am correctly of opinion, the Senator from Missouri [Mr. STONE] this morning, in his questions, called attention to that fact, and likewise, I think, made some inquiry about this matter. I think there is a complete answer to it, which I presume the Senator from Washington is familiar with, and I wish he would give us the benefit of it.

Mr. PILES. That is, the shipment to the Canadian Pacific Railroad?

Mr. GALLINGER. To the Canadian Pacific.

Mr. PILES. I have no knowledge, of course, with respect to that particular transaction, but the only way that I can——

Mr. McCUMBER. I will state to the Senator, so that there may be no mistake, that the shipment, I think, was to the Grand Trunk Railway, building up in the Northwest and in Canada. So he can meet the particular case.

Mr. PILES. As I understand you, this railroad company had asked for bids, and it accepted a Pacific coast bid.

Mr. McCUMBER. A Washington bid.

Mr. PILES. Do you know what mill it was?

Mr. McCUMBER. I do not know.

Mr. PILES. As I said, I know nothing of that particular transaction, and I can account for it only upon the theory that it must have been very large bridge timbers which the railroad company desired in the construction of its line, and our mills, being better equipped than the British Columbia mills to furnish material of that character, secured the contract.

Mr. McCUMBER. Mr. President, I do not like to disturb the Senator, if he wants to complete his address, but I think on that same subject I may ask him a question that he might also elucidate. I stated in my remarks the other day that at the present time, or near the present time, logs were probably a little higher on the British Columbia side than on the Washington side. The Senator declared, if I remember rightly, that there was never a time in which the logs were less upon the British Columbia side of the Sound than on the American side.

Mr. PILES. Never, that I heard of in my twenty-odd years' residence in Washington.

Mr. McCUMBER. I want to call the Senator's attention, so that he may give any explanation he sees fit, to an article which, whether true or untrue, is from the Vancouver Province, printed in Vancouver, I suppose, April 10, 1909. I find the following item with reference to the Fraser River mills. Will the Senator tell me where those mills are?

Mr. PILES. They are on the Fraser River, I presume, but I do not know their location.

Mr. McCUMBER. Near the Sound, is it not?

Mr. PILES. Yes.

Mr. McCUMBER. That is not in what the Senator calls the "mountainous district."

Mr. PILES. The conditions on Fraser River and on Puget Sound may be greatly different.

Mr. McCUMBER. Fraser River empties into Puget Sound, does it not?

Mr. PILES. Fraser River at the point the Senator is speaking of may be 150 miles or more from Puget Sound.

Mr. McCUMBER. In either case it discharges its waters into Puget Sound?

Mr. PILES. Into the Gulf of Georgia.

Mr. McCUMBER. I wish to call the Senator's attention to this article, which reads as follows:

Taking advantage of the dullness prevailing in the log market across the line, the Fraser River Mills Lumber Company has just purchased two and one-half million feet of fir logs at Bellingham, Wash. The price is considered quite satisfactory, being in the vicinity of $9 per thousand.

The logs will be towed to the company's big plant at Milliside, on the Fraser River, near New Westminster. Confirmation of the report was made to-day by Mr. A. D. McRae, of Winnipeg, president of the company.

I am well acquainted with Mr. McRae and know about his company, and I know that they own a large tract of a good many thousand acres' stumpage where their mill is located.

I assume that Mr. McRae, who has a mill upon that river and has his stumpage surrounding the mill, did not come over into Washington and buy American logs and tow them up to the mill to saw them unless he could get those logs cheaper on the American side than he could get them around his own mill.

Mr. PILES. It might be that there were no logs available near the mill at that time.

Mr. McCUMBER. I want to ask the Senator if it is not fair to presume that if Mr. McRae came over to the American side—and we know there are logs being sold around in that vicinity at all times—and purchased at that rate on the American side to take to his mill, he probably purchased them cheaper than he could get them on the Canadian side?

Mr. PILES. I will say to the Senator that that is probable, but not being acquainted with the facts I am not able to say that such was the case.

Of course, Mr. President, it will not do to take an isolated case and apply it to a principle or to a general market. It is probably true that the Fraser River manufacturer may have been able to buy at Bellingham in the depressed condition of the lumber trade cheaper than elsewhere. There may have been other conditions controlling in this transaction of which I know nothing, and I can not, therefore, discuss it without knowledge of the facts.

I may say in this connection that a number of our mills have shut down, while others are running on half time, because of the tariff agitation. This would, of course, depress the log market. And I may say, further, that if lumber goes to the free list British Columbia manufacturers will undoubtedly buy large quantities of logs from us and manufacture them into lumber, while our mills and our labor remain idle.

Mr. McCUMBER. I will say to the Senator that the reason why I call his attention to this fact is that in my address I stated that, as a rule, logs were more expensive upon the American side; but I stated also that I had been informed that at the present time or near the present time they were slightly higher upon the Canadian side, and the Senator at that time denied that they were ever higher upon the Canadian side than upon the American side. I called his attention to this fact to show that at least in all probability the price is higher at this time upon the British side than upon the American side. I did not go into the causes. I admit that the lumber business is dull at the present time.

Mr. PILES. Mr. President, it may be that the logs referred to were sold at the price mentioned, but that proves nothing. Isolated sales can not be taken as an indicator of a general market. I have never known of logs selling cheaper in Washington than in British Columbia, and I know that they do not. I spoke, of course, of a normal market. I had no reference to conditions as they exist to-day. Our manufacturers do not know what will be done here or what they may be able to do in the future. It is altogether a different situation. The advantage is now all on the other side. This is a fair index of what would happen with free lumber.

INTERESTS INVOLVED AND CHARACTER OF TESTIMONY.

Mr. BURKETT. May I ask a question right there? Is not this whole controversy between the men who have stumpage? The Senator has referred to the fact that the men who appeared here in favor of free lumber have owned stumpage in Canada. I have gone through this book——

Mr. PILES. Let us concede that, but——

Mr. BURKETT. I find that the men who have been here against free lumber are stumpage men.

Mr. PILES. Mill men; all classes of men.

Mr. BURKETT. Practically all of them are men who own large quantities of stumpage, and the more stumpage they have the more important this matter of a tariff to them.

Mr. PILES. All classes of men are protesting against the removal of the tariff.

Mr. BURKETT. They are men who have stumpage. It is a question of stumpage. It is not so much a question of lumber as it is of the man who owns stumpage. He realizes that

his stumpage may go up or down the way this bill comes out, and perhaps he has land over in Canada, and he is anxious about this matter. So far as the question of labor is concerned, as I have read this whole volume of hearings it does not appear anywhere that the question of labor is greatly concerned in this matter, but the men concerned are those who have the stumpage.

Mr. PILES. The Senator could not have heard the reading of the telegram that I received only a day or two ago from the secretary of the state federation of labor in the State of Washington, protesting in the name of 25,000 labor-union men against the reduction of the duty. He evidently did not hear the protest from the 14,000 laboring men who work in the shingle mills of Washington which I had read at the desk. Then let me go one step further——

Mr. BURKETT. Let me say to the Senator right there—because I do not want to be put in the position of not having heard those matters read—that I did hear them read, but it seemed to me so tardy in getting into this matter that it almost lost the evidence of being voluntary. I could not help but think that very likely they had been gotten together a good deal like a great many letters and telegrams we receive here are gotten together.

For example, let me illustrate: As one of the Senators here knows, he came to me the other day when I was contending against a proposition. I said, "My people are for this." The Senator said, "I can get the leading men of your State to send telegrams on the other side," and in ten hours he had half a dozen leading men of my State telegraphing on the other side.

Mr. PILES. Perhaps the Senator misunderstood the protests. The telegram is from the state federation of labor. The protest from the shingle weavers' union has been in the Senate files since last January. It has also been presented to the Committee on Finance for consideration. They made their protest early. No one can go to a labor union, a great organization of 25,000 men, and get telegrams and resolutions of the character submitted unless the facts justify the action, and the Senator from Nebraska knows it. Does the Senator think that the 25,000 men who have submitted their statements to Congress were induced to do so at the behest of stumpage owners? He will not say that the labor organizations have gone into such business as that.

Mr. BURKETT. No; I did not say that it had been wrung out of those men, but I did say that they were so tardy in getting their ideas before us that it almost makes us believe that they did not see the importance of it.

Mr. PILES. If the Senator had searched the record, he would have found them there months ago.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to his colleague?

Mr. PILES. I do.

Mr. JONES. I should like to state, in reference to the proposition of the Senator from Nebraska, that before I entered this body, while a Member of the other House, I received petitions in great numbers protesting against the removal of the tariff on lumber. So they have not been tardy in presenting their views in reference to it.

Mr. PILES. Not at all. I have not had time to call the attention of the Senate to all the telegrams, letters, and resolutions from different organizations in the State protesting against the removal of the duty on lumber and asking for an increase of the duty on shingles. Last January the legislature of Washington memorialized Congress on the subject.

Mr. BURKETT. But the Senator only a few moments ago admitted that his State was the second largest stumpage owner on the Pacific coast and perhaps in the country, as the Senator from Minnesota [Mr. NELSON] has just suggested to me. I say after all it is a question of stumpage in which they seem to be more concerned.

Mr. PILES. Such is far from the fact. But suppose it is a question between the owners of stumpage in Canada and the United States; where does the Senator from Nebraska stand? I stand with my countrymen against all the world. I know, and everyone who studies this question must know, that the removal or reduction of the duty must in the nature of things add value to Canadian stumpage.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from South Dakota?

Mr. PILES. I do.

Mr. CRAWFORD. Just a word on that point. I happen to be one of the Members from the State of South Dakota, and I am not willing to admit that the only issue here is between the owners of stumpage in Washington and British Columbia.

Mr. PILES. Neither am I, Mr. President. I will say to the Senator——

Mr. CRAWFORD. Now, if the Senator will permit me, I simply want to make in a word or two a statement of the situation which I think explains the reason why the Senators from South Dakota and Nebraska and Kansas and North Dakota and Minnesota and the upper Mississippi States are so earnest in protesting against the existing rate upon lumber, and particularly finished lumber. We are between the upper and nether millstones.

The stumpage is growing narrower and narrower every year in its area. Consequently, in the very nature of things it is becoming more valuable and the greater the scramble to secure it. The farmers are building barns in South Dakota and putting up houses over these prairies. The men from whom they are buying this lumber have divided all that territory up into districts.

Now, there can be no dispute about this matter. I may not be able to establish with specific concrete testimony that it is a trust and that they have articles in writing by which they are bound together, but it is a fact that they have divided up that territory and they have fixed one price. I do not care whether we inquire for prices from a dealer in Minneapolis, St. Paul, Duluth, in Wyoming, or at St. Louis, it is one price. There is one price list on the same day, and by individuals just so far apart as any shown in the statement of the Senator from North Dakota [Mr. MCCUMBER] in connection with his remarks.

Now, can you expect that the great mass of the people who are buying this material, so absolutely necessary to them, are not going to protest when at both ends of the lines your stumpage, with an area growing narrower all the time, and the retail dealers in that commodity absolutely necessary, are united for the purpose of maintaining a higher price for the product?

I contend that there is something more here than a mere scramble between owners of stumpage. It is a condition by which the men out on the prairies are suffering, and it is not an idle protest that is uttered here. It is a protest from representatives who are trying to represent what is vital to their constituency that lies back of this protest.

Mr. PILES. I understand that, Mr. President, and yet if the Senator studies this question he must come to the conclusion that by putting lumber on the free list he is still narrowing the stumpage.

Mr. CRAWFORD. Mr. President——

Mr. PILES. I hope the Senator will pardon me; I must proceed.

Mr. CRAWFORD. Very well.

Mr. PILES. The Senator must see that if British Columbia deprives us of our market for our low-grade lumber we must waste it by leaving in the woods from 30 to 50 per cent of our timber and thus narrow our stumpage, for the more timber we cut from a given area the longer our timber supply will last. I prefer to see British Columbia waste her timber and her forests rather than to see our timber wasted by the loss of our market in whole or in part.

Mr. CRAWFORD. Mr. President, will the Senator yield to me?

Mr. PILES. I yield for a question.

Mr. CRAWFORD. My statement was in the nature of an interrogatory.

Mr. PILES. It was an argumentative inquiry, not a question.

Mr. CRAWFORD. I do not want to interrupt the Senator. He has been a long time on the floor.

Mr. PILES. I will yield to the Senator if he wants to make an explanation.

Mr. CRAWFORD. What I do not yet understand is how you are conserving your forests and how you are placing an inducement before your timber owners in Oregon to preserve their second-grade lumber, when you say the removal of the tariff will not make their commodity any cheaper than it is now or bring in less money.

Mr. PILES. Mr. President, I have explained that proposition thoroughly two or three times, and as I have been so long on the floor now I hope the Senator will pardon me from going into it again; as he will, if he does me the honor to read my remarks when they appear in the RECORD, find my views on this subject fully expressed.

CANADIAN ASSUMPTION OF THE TREND OF THE TARIFF.

Canadian manufacturers can easily drive us out of our domestic markets for low-grade lumber by reducing the price to the wholesale dealer in this country, and yet maintain the present price to the consumer.

I do not believe that the consumer will be benefited one penny if lumber is placed on the free list. I am of the opinion that the Canadian manufacturer and the wholesaler, and possibly

the retailer, will absorb the amount of duty removed, and it is not improbable that the Canadian government would itself after a while absorb a part of the duty.

As an evidence of the fact that the Canadian manufacturer will absorb at least a part of it, I submit a proposed contract for the sale by a Canadian mill to an American wholesaler of certain lumber to be delivered at a later date in the United States. The proposed contract is as follows:

B. W. Arnold, president, Albany, N. Y.; W. J. Bell, vice-president and general manager, Sudbury, Ontario; J. O. Smith, superintendent, Spanish Mills, Ontario.

THE SPANISH MILLS COMPANY (LIMITED), MANUFACTURERS OF LUMBER AND LATHS.

SPANISH MILLS, ONTARIO, *November 11, 1908.*

EDWARD HINES LUMBER COMPANY, *Chicago, Ill.*

GENTLEMEN: We will sell you our 12 by 4 and 4 by 4 early cut Norway at Little Current, estimated at about 130 M 12 by 4 and 25 M 4 by 4, at $14 pile run, with a mill culls tally at $9; terms cash, less 1½ per cent if paid within ten days of date of shipment this fall. If lumber is not shipped this fall, it is to be paid for as cash without discount February 15, and you are to pay us pro rata insurance after that date; George D. Jackson to measure as long as satisfactory to both of us, we each paying half his measurement. The 12 by 4 to be measured on a piece tally and the 4 by 4 on the give-and-take basis. Final settlement at date of final shipment with interest either way, at 6 per cent per annum. In the event that this lumber shall remain on dock over winter and that all or any part of the duty now charged by the United States Government being taken off, you are to pay us an extra amount per thousand feet equal to half the amount of duty which was taken off; that is, if $1 per thousand is taken off you are to pay us 50 cents per thousand additional to the above prices, etc.

Yours, truly,

SPANISH RIVER LUMBER CO. (LTD.),
Per B. W. ARNOLD, *President.*

Accepted.

Mr. Hines declined to accept the contract and divide the duty, as the lumber market was very stagnant last November. This shows, however, whether the consumer or the manufacturer in Canada and the wholesaler will receive the amount of the duty removed or reduced. It is perfectly clear to me that by the removal of the duty on lumber we are presenting Canadian timber holders and manufacturers with the amount of whatever reduction we make, and thereby giving them the absolute control of our markets for a product manufactured very largely by oriental labor. I can not see how anyone who believes in the doctrine of protection to American labor can vote for a proposition which must inevitably bring about this result.

CRITICISM OF INTEGRITY OF TESTIMONY.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Minnesota?

Mr. PILES. I yield to the Senator from Minnesota.

Mr. CLAPP. I should like to ask the Senator what company or firm it was which offered that contract?

Mr. PILES. The Spanish Mills Company (Limited), of Ontario, November 11, 1908. B. W. Arnold is the president of the company, J. O. Smith is superintendent of mills, and W. J. Bell is vice-president and general manager.

Mr. CLAPP. Is the Senator from Washington acquainted with those gentlemen?

Mr. PILES. I am not; but I have their original letter, and I also have the correspondence and telegrams passing between the parties.

Mr. CLAPP. Mr. President, at the proper time, or at least at some time—it may not be the proper time—I intend to submit some remarks on this question, and a portion of my time will be devoted to an analysis of the evidence and the methods by which evidence has been manufactured pro and con in this controversy. I do not think it would be amiss to suggest, in the absence of the Senator's knowledge of these men, that that evidence may be on a par with much of the evidence which we have unmistakable proof is simply manufactured for the purpose of this discussion.

Mr. PILES. Does the Senator say that this evidence is manufactured?

Mr. CLAPP. I do not know; but I do know, and the Senator knows, that the Cuban sugar schedule people are circulating, at their own expense, regardless of the interests of the consumer, petitions throughout this country for a reduction of the duty on sugar. It is none the less important, perhaps, that the sugar tariff should be reduced. We know that other people interested in other products are doing the same thing. I simply offer the suggestion that, in the absence of knowledge on the part of the Senator, possibly this evidence is entitled to no more credit than much of the evidence that comes to the desks of Senators and into this Chamber.

Mr. PILES. I submit the original correspondence to the Senator from Minnesota for his personal inspection and examination. I am satisfied that this is not manufactured testimony on the part of those who oppose the removal of the duty on lumber. I have heard nothing of any testimony being manufactured on this or any other schedule in the bill, except the statement of the Senator from Minnesota. This correspondence took place in November, 1908. It appears to be a regular and ordinary business transaction. I submit the papers to the Senator for his careful examination.

Mr. CLAPP. As late as last November this proposed tentative tariff revision was in the minds of people pro and con.

Mr. PILES. Certainly.

Mr. CLAPP. And the fact that this comes down as late as that is no evidence whatever that it is not a part and parcel of this programme.

Mr. PILES. I am not one of those who believe that men with an established reputation for fair business dealings would be infamous enough to submit a fraudulent contract for the consideration of the Senate. If I thought that anything of that kind had been done, I would denounce in unmeasured terms the man who submitted this proposed contract for the consideration of the Finance Committee and of the Senate itself. I have no doubt in my mind but that this is a genuine document, and proposed in good faith.

Mr. CLAPP. I would not for one moment suggest that the Senator would knowingly use evidence of that character.

Mr. PILES. I understand that, and, knowing the Senator as well as I do, it is unnecessary for him to give me the assurance which he has.

Mr. CLAPP. Nor do I say that this evidence is of that character; but, in the absence of knowledge on the part of the Senator as to the high character of these men, I do suggest when we know day by day that we pick up letters in one envelope of some firm asking for a reduction upon one thing and inadvertently inclosing in that envelope a request for an increase of duty upon some other thing; when we see the action of the sugar interest, when we see the action of the tea interest, when we see these various efforts, so plain and palpable before us, of manufacturing evidence and manufacturing sentiment in this controversy—I do say that, as to a contract of that kind, we may ask, and well ask, if it is not a part and parcel of this general scheme.

Mr. PILES. Does the Senator from Minnesota know these gentlemen of the Canadian Spanish Mills Company?

Mr. CLAPP. I do not, and the Senator says he does not.

Mr. PILES. I do not know anything about them.

Mr. JONES. Mr. President——

The PRESIDENT pro tempore. Does the senior Senator from Washington yield to the junior Senator from Washington?

Mr. PILES. I do.

Mr. JONES. The Senator may intend to do what I desire to suggest; that is, put all the papers relative to that proposal in the RECORD.

Mr. PILES. I shall be very glad to do that at the proper time. I wish the Senator from Minnesota [Mr. CLAPP], however, would examine into this matter, telegraph these people, and find out whether they did make this proposal. At any rate, Mr. Hines declined to enter into the contract.

Mr. CLAPP. If this had been prepared by the men who are combating this reduction they would not have entered into it; but it would have come as an offer to them without you or me knowing it, and it would have been used on this floor.

Mr. PILES. I imagine that no man in Canada will combat the removal of the duty on lumber in this country.

Mr. CLAPP. Not unless he has a large interest as an owner of American stumpage.

Mr. PILES. Mr. Hines is combating the removal of the duty on lumber. He is doing all he can against it.

Mr. CLAPP. Unquestionably.

THE DUTY ON SHINGLES.

Mr. PILES. Now, I wish to return to the subject of the duty on shingles, from which I was diverted some time ago.

All that I have said in respect to the difference in the cost of labor, price of stumpage, and the manufacture of lumber in the State of Washington and in British Columbia applies with equal force to the shingle industry.

About 438 mills in the State of Washington manufacture nothing but shingles. These mills cost from $5,000 to $15,000 each and employ from 10 to 30 men each. About 60 sawmills manufacture shingles as a by-product, out of that portion of the cedar log which is not suitable for lumber.

About 14,000 white men are employed in our shingle mills, with an annual wage of from $10,000,000 to $13,000,000, according to the output.

Our greatest output was in 1906, when it reached the value of $17,000,000. From 75 to 80 per cent of this sum was paid to labor.

The Washington mills produce about 60 per cent of the red cedar shingles consumed in the United States. Approximately 70 per cent of the entire shingle consumption of this country is red cedar shingles.

When the Dingley Act was passed, in 1897, 30 cents per thousand pieces was considered ample protection.

The industry in 1897 was partially developed in the State of Washington, but undeveloped in British Columbia, our principal competitor. Canada at that time exported shingles, but her product came almost entirely from New Brunswick and Quebec. Since then great strides have been made in the manufacture of shingles in British Columbia on account of the large supply of cedar timber in that province.

On account of the lack of a market in this country, importations of shingles from eastern Canada declined from 1894 to 1897, inclusive, notwithstanding they were admitted free of duty under the Wilson bill. With the revival of business under the Dingley Act Canadian importations increased.

The total importations of shingles from Canada in 1898 amounted to 435,421,000, or 2,177 cars.

In 1908 our shingle importations from that country had increased to 987,266,000, or 4,936 cars. Of this number it is estimated that 4,000 cars came from British Columbia alone; 1,350 cars from British Columbia were entered at points on the Pacific coast and at North Portal, N. Dak.; the others, or 2,685 cars, went into New York State and other Atlantic points of distribution.

The fact that British Columbia shipped only about 6 cars of shingles into this country in 1898 and about 4,000 cars in 1908 shows how rapidly she is invading our shingle markets.

Our output increased from 1888 to 1905, when the product reached its maximum of 52,550 carloads. Since that year our output has declined materially.

The output for the State of Washington in 1905 was 52,550 cars of shingles; in 1906, 36,433 cars; in 1907, 34,443 cars; and in 1908, estimated at 36,000 cars.

Mr. BURKETT. Mr. President, if the Senator will yield——

The PRESIDENT pro tempore. Does the Senator from Washington yield to the Senator from Nebraska?

Mr. PILES. Certainly.

Mr. BURKETT. It is contended that the reason of that is that Washington makes no shingles except in a small corner of the State, consisting, I believe, of three counties. It is contended that you use your timber for lumber; that the Canadians make better shingles; and that is why they get in. You make your shingles out of stumps, as the Senator explained the other day. To get good shingles we must get them from Canada. Let me ask the Senator this question before I sit down: Are not shingles all made by piecework?

Mr. PILES. No; they are in Canada mostly, but not with us.

Mr. BURKETT. I just wanted to ask that question.

CONTRASTS IN PRODUCTS AND PRODUCERS.

Mr. PILE. For the last three years our shingle manufacturers have kept a fairly accurate record of the percentage of idle time of the mills and of the employees, which record shows in 1906, 50 per cent idle time; in 1907, 54 per cent idle time; in 1908, 49.3 per cent idle time.

Chinese are used very largely in the shingle mills in British Columbia, as they become expert packers. Hindoos and Japanese are used for common labor. In many of the mills the only white labor employed is the filer, the engineer, and the foreman—all skilled labor.

The oriental labor receives less than one-half the wages paid in the United States, from 80 cents to $1.25 per day, while we pay white labor in our mills from $2 to $2.50 per day.

Why did Congress pass the Chinese exclusion act? To protect white labor; yet the spirit of that law is being violated every day by the increasing importations from British Columbia of shingles made by the labor of Asiatics.

Senators who come from the agricultural States and who say that they believe in protection to American labor never had a better opportunity than now to vote for what they voice.

I have submitted irrefragable proof that Orientals can and do make lumber and shingles cheaper than white labor can or will make them.

I ask Senators to remember the resolutions of the shingle weavers' union adopted at the state capital last January. They call attention to the facts that a 30-cent duty is totally inadequate to protect them in their labor, or to permit the manufacturer to proceed with his business; that the steady increase in Canadian importations has meant a loss to the white workmen in the Washington mills of approximately $1,000,000 per annum; that the shingle manufacturers in British Columbia are able to inflict this enormous loss on the wage-earners in the Washington mills by the employment of Asiatics, who compose 80 per cent of the working force in the British Columbia mills and who accept a much lower wage as compensation for their labor than American workmen can afford to accept for theirs; that the increase in the importations to the United States from British Columbia of Asiatic-made shingles is driving white workmen out of the Washington mills, and depriving them of the means of maintaining themselves and their families.

They show that they are idle a great portion of the time; that they are to a considerable extent engaged in producing shingles from fallen, fire-blackened, and other cedar that otherwise would be wasted; they maintain that the first consideration of the United States should be the welfare of its own people, and to this end they appeal to Congress to assist them in saving the shingle industry of the United States and to protect them in their wages by fixing a tariff of at least 50 cents per thousand on shingles.

It matters not, Mr. President, what others may say in an effort to refute the fact that from 75 to 80 per cent of the labor employed in the mills of British Columbia is Asiatic, and that they are paid a much smaller wage per day for the same character of work performed by white men in the State of Washington; the shingle weavers are acquainted with conditions on the coast, and with the wages paid in Washington and British Columbia. They have been compelled by reason of the depressed condition of the shingle industry to seek employment from mill to mill, and they know, from personal observation, the facts set forth in their resolution.

REASONABLE PLEAS FOR GOVERNMENT AID.

The shingle weavers are not "timber barons." They are plain, unassuming men engaged in a hazardous employment at a fair wage for only a part of the year. Their enforced idleness is due, not to any fault of theirs, but because our Government has not given adequate protection to the labor employed in this industry.

These men are not appealing for an opportunity to make a fortune, but for the mere privilege of working steadily in a branch of labor which they understand; and it would ill become us to deny their request in view of the showing that they make.

They appeal to Congress to give them that protection which they have voted for and for which we have proclaimed, from one end of the country to the other, that we stand.

Most of our shingle mills are in the country districts. Of the 100 in Whatcom County but 12 are located in the cities. The country mills are of small capacity and have to struggle for an existence. That the Senate may understand the character of them I submit herewith two pictures typical of the small mills in Washington.

Permit me to explain to the Senator from Nebraska wherein he is wrong in respect to the character of our shingles. I understood him to say we were manufacturing worthless shingles.

Mr. BURKETT. I took the Senator's own word for that.

Mr. PILES. The Senator is mistaken.

Mr. BURKETT. If I recollect aright, the Senator in the course of a discussion with the Senator from North Dakota said they made their shingles out of stumps, and admitted that they did not look as well, though really they were as good as Canadian shingles.

Mr. PILES. That is true.

Mr. BURKETT. I asked the Senator if there was not a demand for better looking shingles, and whether this demand for better looking shingles had not resulted in bringing in these 4,000 or 5,000 carloads of Canadian shingles.

Mr. PILES. Yes, their shingles are better looking than our second grades. They use Chinamen as packers. They are careful workers and put up a very neat package, but they make no better shingle than we do.

Mr. BURKETT. Then, I think what Washington needs is a little training in packing more than it needs a tariff.

Mr. PILES. No. We manufacture two grades of shingles, and thereby conserve our forests, while British Columbia manufactures but one grade. Fires have run through our forests to a very great extent. They have burnt and scorched a great deal of fine cedar timber. Much of this timber is not merchantable as logs, but we manufacture it into what we call second grade or "Star A Star" shingles. These shingles are sold on the market for less than our clear shingles, and in giving the purchaser a choice between the two grades we are conserving our forests; for if we manufacture annually 4,000,000,000 shingles out of the character of cedar I have described have we not saved that much timber which would have gone to waste? Does the Senator from Nebraska wish to discourage us in pursuing this plan of conservation? Our second-grade shingles will last just as long, but they are not quite so good looking as the clear shingles of British Columbia. Our shingles are made by white men while British Columbia shingles are manufactured by cheaply paid Orientals.

Mr. BURKETT. That is why I asked of the Senator a while ago if the shingle business was not a piecework business. To be sure, the Orientals earn less in British Columbia because they do less work. The Senator stated a moment ago that so far as Canadian work was concerned it was piecework. That is my information. I am also informed that is largely so in the State of Washington.

Mr. PILES. The man who does the piecework is a packer, as I understand it. That, however, is but a small part of the work. The packers are paid by the thousand, but the men who do the general work are paid by the day. Work of this character is performed by Orientals in British Columbia at from 80 cents to $1.50 per day, which costs us from $2 to $2.50 per day.

It is evident to those familiar with the conditions concerning the shingle industry that unless the duty is increased we shall within a very short time lose our principal market for red cedar shingles.

FARMERS' INTERESTS; A PHASE OF CONSERVATION.

It is estimated that the small mills located throughout the country furnish a market to 2,000 farmers in my State for the shingle bolts which they cut in clearing and preparing their lands for cultivation. This market is of prime importance to them, as it costs from $50 to $100 per acre to clear logged-off lands in western Washington.

Some years ago, when our timber was wasted to the extent already referred to, our cedar trees were cut a considerable distance from the ground. The farmers, shingle-mill owners, and others engaged in supplying shingle bolts to the mills have gone over the logged-off lands in recent years, cut the cedar stumps down close to the ground, and split them into shingle bolts. They have also gathered up broken limbs and burnt and discarded portions of the cedar trees and converted them into shingle bolts. In this respect the shingle mills are a great aid to the farmers in clearing up their lands. If they do not operate, the farmer will be compelled to burn up his timber which he now converts into shingle bolts, and lose the money which he now receives from their sale.

Our shingle mills are the greatest conservators of our forests that we have. They conserve them in two ways: First, they afford a market for a waste product; and, secondly, they induce the removal of the material from logged-off lands which, if permitted to remain, becomes a constant fire menace to our standing forests.

Canada buys practically no shingles from us, but she continues year by year to increase her exportations into this country, while we are compelled by reason thereof to decrease our output, to the injury not only of our shingle manufacturers but to the detriment of the wage-earners in this particular industry.

PRESENT DUTY INSUFFICIENT PROTECTION.

In 1908 Canada sold $2,376,394 worth of shingles in our markets, while she purchased from us in that year $8,873 worth of shingles. During the last five years she sold in our markets $9,353,074 worth of shingles, while she took from us during the same period $56,913 worth of shingles. Seventy-five per cent of $9,353,074 is $7,014,805.50. Had we had reasonable protection on shingles this sum would have gone into the pockets of the shingle weavers of this country. Here, then, is an approximate loss of over $7,000,000 to the shingle weavers in this country in the last five years.

Will any fair-minded man say, in view of the facts which I have submitted, that the duty on shingles should not be increased?

No one who is acquainted with the facts will deny that our mills are closed down from three to five months each year, and no one who is acquainted with the facts will deny that the men employed in this business were conservative when they stated, in the resolutions which I have submitted to the Senate, that Canadian importations are taking a million dollars a year out of their pockets.

My friend, the senior Senator from North Dakota, has asked that the duty on wheat be increased from 25 cents to 30 cents a bushel in order to protect the farmer. I have no objection to this. I am glad to see the farmer get such protection on his products as is necessary to protect him in his enterprise, but I do object to the effort that is being made here to reduce the duty on lumber and shingles, to the detriment of the wage-earners and manufacturers not only of the State of Washington but in all the lumber-producing States in the Union.

I find, from the tables which the Finance Committee has submitted showing rates and duties collected under the law of 1897, for the year ended June 30, 1907, that there were imported in the latter year for consumption 19,142.93 bushels of wheat, of the value of $16,586.10, while for the same year there were imported for consumption in the United States 883,767,830 shingles, of the value of $1,940,892.77. Of the two commodities it would seem that shingles stand in greater need of protection.

COMMERCIAL AND LABOR SIGNIFICANCE OF SHINGLE MANUFACTURE.

Our output of lumber and shingles for 1906 was of greater value than the combined wheat, oat, and barley crops of either Kansas, Iowa, Nebraska, or Illinois for 1908. In 1906 we paid out in wages in the lumber and shingle industry a sum greater than the value of the combined wheat, oat, and barley crops of either Iowa, Nebraska, Indiana, Wisconsin, or Ohio for 1908, and greater than the value of the wheat crop of either North Dakota, South Dakota, or Minnesota for 1908.

Mr. President, the facts in this case call for relief. I have shown that British Columbia can manufacture both lumber and shingles cheaper than we can. She has the advantage in the price of labor, in the price of stumpage, in the water freight rate. It must be plain to all that if the duty be removed our California market is doomed.

There are, as I have said, over 500 American vessels on the Pacific Ocean, employing 11,000 men, prepared to transport lumber. Remove the duty from lumber and what do you do by way of encouragement to them? If upon the completion of the Panama Canal you do not put them off the sea, and the seamen off the ships, you greatly cripple their business. This question is entitled to serious consideration. It involves a great deal more than a mere contest between stumpage owners, as the Senator from Nebraska [Mr. BURKETT] seems to think. It involves the welfare of the 800,000 men employed in the lumber and shingle industries of the United States, as well as that of their wives and children. It involves our commerce on the sea. It touches the homes of half a million people in the State which I have the honor in part to represent.

In this view do you wonder that I press the subject upon the attention of the Senate?

Mr. President, I am done. I have imposed upon the indulgence of the Senate much longer than I intended to when I began this discussion. The importance of a correct solution of the question at issue, to the States of the Pacific slope in particular and to the country at large, is the only justification I have to offer for the consumption of so much of your valuable time.

Washington, Mr. President, is yet young. She will not reach her twentieth birthday until the 11th day of next November. It was my pleasure to see her grow from a Territory to a State. I have watched her progress with affectionate and, I trust, pardonable pride, since the days of early manhood.

I have seen her in the throes of a terrible panic, and in the midst of universal prosperity. Her people have at all times and under all conditions—whether favorable or adverse—maintained their faith in her future.

You may obstruct her onward march for a time by striking her principal industry a terrible blow; you may give her an army of idle or underpaid men; you may inflict upon her people an unreasonable and unjust loss, but you can not prevent the fruition of their hopes. Her future is secure. Nature has blessed her beyond compare, given her forests that can not be approximated elsewhere on the globe save in the States of the Pacific. She gave Washington the most picturesque of land-locked seas, which reaches back from the ocean into the very heart of the State. She gave her the greatest rivers of the West. Her soil is underlaid with coal and in her mountains are stored iron, copper, lead, and tin and all the precious metals. The water power of her rivers is rivaled only by the falls of Niagara. Her fields are burdened with grain and her orchards are bending with fruit. Her shores are washed by the waves of the greatest of oceans and her ports will become the principal transshipping points of the Occident and the Orient.

It is not the fault of her people that British Columbia, with her immense timber area, is not a part of the Republic, for the pioneers of the old Oregon country extended their settlements to the forty-ninth parallel of north latitude under very adverse conditions. They saved the timbered areas of Oregon, Washington, and Idaho as the heritage of all. Had it not been for their heroic efforts Canada would now own it all. It would ill become Congress to cripple or destroy our greatest industry, now that it has acquired value in the commercial life of our States.

We ask but for little—the protection of our property and our laboring masses against the unfair and unjust competition of Asiatic labor on both land and sea.

Mr. OWEN. Mr. President, I desire to offer an amendment, which I shall propose at the proper time, to the woolen schedule, paragraph 375, and to every other schedule where the duty is shown by our records to be prohibitive; and at the convenience of the Senate I desire to address it with regard to that subject-matter.

I should like to have the amendment entered on the face of the RECORD, so that it may be seen by the Members of the Senate.

The PRESIDENT pro tempore. The Senator from Oklahoma asks that the amendment be printed in the RECORD. Is there objection? The Chair hears none, and the order is made.

The amendment is as follows:

After the last line of paragraph 375 insert:

"That the rate fixed on all articles enumerated in this paragraph shall be reduced 5 per cent per annum of the rate fixed in this act, annually on June 30, for each of the next ensuing ten fiscal years: *Provided*, That if such graduated reduction shall cause a diminution of the annual revenue from any one or more of the above-enumerated articles, the President is authorized and directed to fix the rate on any such article or articles at the point at which such article or articles severally are found to have the greatest normal revenue-producing power, but not at a rate higher than the rate fixed in this act: *Provided further*, That the rate shall not be reduced or fixed below the point at which it would produce an amount equal to the difference in the cost of the production of any such article in the United States and abroad."

Mr. CULBERSON. I offer two amendments to the pending bill, and ask that they be printed and lie on the table. They are intended to put bagging and ties on the free list.

The PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table.

Mr. BORAH. Mr. President, those who are members of the majority party in this Chamber and who are advocating an income tax do not concede that they are outside of party lines or that they are advocating policies or principles which are new or radical. We believe we are advocating policies and principles that are well accepted as a part of the faith to which we subscribe, and that we are advocating principles as old as the revenue laws of the United States. We advocate an income tax not as a temporary measure for the purpose of securing revenue for temporary purposes, but because we believe it should be a permanent part and portion of the revenue system of the United States.

I have reread within the last few weeks the cultured and faithful biography of John Sherman, written by one of the honored Members of this body. Although read with that object in view, I did not find that that great leader in his day was given to radicalism, socialism, or that he was often swung from his moorings as a conservative statesman. He was one of the steadfast and sturdy councilors of this country in a very trying hour. Long after the war had closed and after we had had the experience of an income tax for some several years, after we had known its benefits and its defects, its failures and its virtues, and after the necessity of maintaining it as a war tax had passed, this distinguished leader of his party, in 1871, said:

They have declared it to be invidious. Well, sir, all taxes are invidious. They say it is inquisitorial. Well, sir, there never was a tax in the world that was not inquisitorial; the least inquisitorial of all is the income tax. * * * There never was so just a tax levied as the income tax. There is no objection that can be urged against the income tax that I can not point to in every tax. * * * Writers on political economy as well as our own sentiments of what is just and right teach us that a man ought to pay taxes according to his income. * * * The income tax is the cheapest tax levied except one.

Referring at that time to the bank tax.

Again he said:

It is the only tax levied in the United States that falls upon property or office or on brains that yield property, and in this respect is distinguished from all other taxes levied by the United States, all of which are levied upon consumption, the consumption of the rich and the poor, the old and the young.

Mr. Sherman at the same time declared in favor of the constitutionality of the tax and defended it against the assaults which are usually made against the income tax, because at that time the same arguments were used against the tax that are used to-day. You will not see even in the discussion now anything that was not foremost in the arguments against the tax at the time it was in existence.

Many years afterwards, and long after this tax had been repealed by the narrow vote of 1 in Congress, and upon an occasion when he was discussing in a general way the revenue system of the United States, he used this language:

The public mind is not yet prepared to apply the code of a genuine revenue reform. But years of further experience will convince the whole body of our people that a system of national taxes which rests the whole burden of taxation upon consumption and not one cent on property or income is intrinsically unjust. While the expenses of National Government are largely caused by the protection of property, it is but right to require property to contribute to their payment. It will not do to say that each person consumes in proportion to his means. That is not true. Everyone can see that the consumption of the rich does not bear the same relation to the consumption of the poor that the income of the one does to the wages of the other. * * * As wealth accumulates this injustice in the fundamental basis of our system will be felt and forced upon the attention of Congress.

It would be useless to amplify upon that statement of this great statesman and distinguished party leader. It states in a brief paragraph the whole contention of those who are to-day advocating an income tax, not, as has been suggested here, for the purpose of raising revenue for temporary purposes alone, but that it may become engrafted in and a part of—an inseparable part of—the general revenue system of the United States, in order that we may arrive as nearly as we can, as human ingenuity can make it, at a tax which is levied upon a man's ability to pay and in accordance with what he derives as a measure of benefit from his Government.

I am aware it will be said that Mr. Sherman voted against the income tax of 1894, but I have reread within the last few days the debate which occurred at that time, and especially the speech of Mr. Sherman, and he was careful to say that he himself had reread the speech which he had made in 1871, and that there was nothing in that speech which he desired to modify or in any way change; that he voted against the income tax at that time because of the details of the bill, and especially with reference to its exemptions, and also for the reason that he thought that at that time there was no necessity for it.

Senator Morton, one of the safe and conservative counselors of his party and his Nation, said upon one occasion:

State taxation in Indiana, and I undertake to say in every other State in the Union, has in it every inquisitorial feature that the income tax has. The income tax of all others is the most equitable because it is the truest measure that has been found of the productive property of the country.

And another great leader of that era used this language:

There is not a tax on the books so little felt, so absolutely unfelt in the payment of it as this income tax by the possessors of great fortunes upon whom it falls. There is not a poor man in this country, not a laborer in this country but who contributes more than 3, more than 10, more than 20 per cent of all his earnings to the Treasury of the United States, under those very laws against which I am objecting, and now we are invited to increase their contributions and to release those trifling contributions which we have been receiving from incomes heretofore.

In this connection I call attention to a later Republican leader. While he was not at the time specifically discussing the income tax, he was discussing the basic principles upon which that tax is based, and that is the obligation of property and wealth to the Government, which protects property and wealth. This is the language of Mr. Harrison, after he had retired from the presidency:

We live in a time of great agitation, of a war of clashing thoughts and interests. There is a feeling that some men are handicapped; that the race is sold; that the old and much vaunted equality of opportunity and of right has been submerged. More bitter and threatening things are being said and written against accumulated property and corporate power than ever before. It is said that, more and more, small men, small stores, and small factories are being thrown upon the shore as financial drift; that the pursuit of cheapness has reached a stage where only enormous combinations of capital, doing an enormous business, are sure of returns.

Again he says:

The great middle class of our people has never failed to respond to the fire alarm, though they have only small properties at risk, and these not immediately threatened. But there is danger that they will lose their zeal as firemen if those in whose apartments the fire has been kindled do not pay their proportionate share of the cost of the fire department.

The people who consider themselves as conservative upon the question of making revenue laws ought not to forget that this principle spoken of by the ex-President inheres in the discussion of all these matters, and that is that unless there is a corresponding obligation faithfully met there may arise that condition in the public mind which will unsettle not only the property interests, but the stability of the Government under which the property exists.

Again he says:

The plea of business privacy has been driven too hard. If for mere statistical purposes we may ask the head of the family whether there are any idiots in his household and enforce an answer by court process, we may surely, for revenue purposes, require a detailed list of his securities. The men who have wealth must not hide it from the tax-gatherer and flaunt it on the street. Such things breed a great discontent. All other men are hurt. They bear a disproportionate burden. A strong soldier will carry the knapsack of a crippled comrade, but he will not permit a robust shirk to add so much as as his tin cup to the burden.

Again he says:

I want to emphasize, if I can, the thought that the preservation of this principle of a proportionate contribution, according to the true value of what each man has, to the public expenditures is essential to the maintenance of our free institutions and of peace and good order in our communities.

Mr. BEVERIDGE. I wish to ask the Senator if that is not General Harrison's speech at Chicago? Is it not the Chicago speech?

Mr. BORAH. It is a Chicago speech, but I apprehend that it does not take anything from it because it was delivered in Chicago.

Mr. BEVERIDGE. It might add something to it. I will ask the Senator if that speech was not devoted solely to the evils of all taxation—of people making false returns of their property? It was addressed to state taxation. It did not have anything to do, except as the Senator might draw inferences, with the income tax. Is that correct?

Mr. BORAH. I stated before I read the remarks that the ex-President was not discussing, specifically, the income tax; but I stated that he was discussing that which is the basis of the income tax, and that is the obligation of property and wealth to the State and to the Government. And the entire argument of the ex-President is as applicable to the income tax and its relations to the General Government as it is to the state government, to which he was specifically addressing his remarks.

Mr. BEVERIDGE. I have no quarrel with the Senator's inference from the speech, but I wanted it fixed upon the attention that that speech was specifically directed to what President Harrison thought were the evils in this country in all taxes, state and municipal, of men making false returns of their property, scaling it down, and so forth. I did not understand that ex-President Harrison was in favor of an income tax. I may be wrong about that.

Mr. BORAH. Mr. President, I would not be misunderstood, of course, in what I said as quoting the ex-President specifically in favor of an income tax, and I was only quoting him to the extent of the matter to which he was addressing himself.

But we are now asked, as an American Congress, to connive at the attempt of wealth to relieve itself from its obligation to government and the obligation which wealth owes to government.

As we contend—those who favor this measure—and as General Harrison said, it is but proper that wealth bear its fair proportion of the burden of government. It takes nothing from the argument of General Harrison to say that he had before him at the time the particular matter of state government or the obligation of property within a State, because he enlarged his address and included before he concluded the National Government and the obligation of property and wealth throughout the Nation both to the State and to the National Government. There can be no reason why the income tax should not become a law other than the reasons which were answered by General Harrison in his address before the Chicago Club.

Coming closer home, ex-President Roosevelt, in his message of December 3, 1906, which I read again for fear that it is not remembered, said:

> The National Government has long derived its chief revenue from a tariff on imports and from an internal or excise tax. In addition to these there is every reason why, when next our system of taxation is revised, the National Government should impose a graduated inheritance tax and, if possible, a graduated income tax. The man of great wealth owes a peculiar obligation to the state, because he derives special advantages from the mere existence of government. Not only should he recognize this obligation in the way he leads his daily life and in the way he earns and spends his money, but it should also be recognized by the way in which he pays for the protection the state gives him. On the one hand, it is desirable that he should assume his full and proper share of the burden of taxation; on the other hand, it is quite as necessary that in this kind of taxation, where the men who vote the tax pay but little of it, there should be clear recognition of the danger of inaugurating any such system save in a spirit of entire justice and moderation. Whenever we, as a people, undertake to remodel our taxation system along the lines suggested, we must make it clear beyond peradventure that our aim is to distribute the burden of supporting the Government more equitably than at present; that we intend to treat rich man and poor man on a basis of absolute equality; and that we regard it as equally fatal to true democracy to do or permit injustice to the one as to do or permit injustice to the other.
> * * * The question in its essence is the question of the proper adjustment of the burden to the tax. As the law now stands it is undoubtedly difficult to devise an income tax which will be constitutional. But whether it is absolutely impossible is another question; and if possible, it is most certainly desirable.

I will read further from the ex-President's message of 1907:

> When our tax laws are revised the question of an income tax and an inheritance tax should receive the careful attention of our legislators. In my judgment both of these taxes should be part of our system of federal taxation. I speak diffidently about the income tax because one scheme for an income tax was declared unconstitutional by the Supreme Court, while, in addition, it is a difficult tax to administer. In its practical workings great care would have to be exercised to see that it is not evaded by the very men whom it was most desirable to have taxed, for if so evaded, it would, of course, be worse than no tax at all, as the least desirable of taxes is the tax which bears heavily upon the honest as compared with the dishonest man. Nevertheless, the graduated income tax of the proper type would be a desirable feature of federal taxation, and it is to be hoped that one may be devised which the Supreme Court will declare constitutional.

I may say, I presume, without offense, here that the ex-President was and is a Republican, and that he shaped the destiny, molded the policy, and stood sponsor for the faith of his party for at least seven years; and, in my judgment, without the policies which he advocated, the masterly leadership which was his, his party would have gone out of power ere this. And without continual adherence to those policies and a faithful husbanding of them the party will go out of power. No man is politically so shortsighted or politically so blind as the man who thinks that the steamer *Hamburg* carried away the policies and principles, the public interests, the aroused public conscience, and the searching inquisitive public concern which this remarkable man bequeathed to his countrymen.

Our present President, in his speech of acceptance, said:

> The Democratic platform demands two constitutional amendments, one providing for an income tax and the other for the election of Senators by the people. In my judgment an amendment to the Constitution for an income tax is not necessary—

Whatever differences of opinion might possibly exist among men as to the President, very few will doubt his ability as a lawyer or his greatness as a judge—

> In my judgment an amendment to the Constitution for an income tax is not necessary. I believe that an income tax, when the protective system of customs and the internal-revenue tax shall not furnish income enough for governmental needs, can and should be devised, which, under the decisions of the Supreme Court, will conform to the Constitution.

The junior Senator from West Virginia [Mr. SCOTT] was quoted a few days ago as saying:

> I favor a tax on incomes and also on the dividends of corporations. In my opinion, this is a just and equitable method of raising revenue for the support of the Government. The tax on individual incomes should be graduated. I would not tax an income as low as $2,000 or $3,000, or even $5,000. I think the minimum income against which a levy is made should be $8,000 or $10,000, preferably the latter. To tax incomes of $2,000 would be to assess clerks, small farmers, and mechanics, who now have a hard enough time to make ends meet.

Mr. SCOTT. Will the Senator allow me? If he is quoting me, that is partly true and partly not. I said if it became necessary in order to raise revenue, if this bill was not sufficient without putting a duty on tea and coffee and other necessaries of life, first I would put it on the net incomes of corporations, and then, if it became necessary, on the incomes of individuals.

Mr. BORAH. Mr. President, I am very sorry the Senator corrected it, because it seems to me much better the way the newspaper got it.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER (Mr. DIXON in the chair). Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Certainly.

Mr. SUTHERLAND. The Senator read a moment ago an extract from a statement which had been made by the present President of the United States. Does the Senator understand from that that Mr. Taft believes in the constitutionality of a general income-tax law; in other words, that Mr. Taft believes that the law which the Supreme Court of the United States in the Pollock case condemned as unconstitutional is constitutional?

Mr. BORAH. Mr. President, of course I am not authorized to speak for the President. I only know what he said to the American people when he was a candidate for President of the United States, and that is that he was in favor of an income tax which would be drawn, as he said, in accordance with the decision of the Supreme Court of the United States. If we are correct in our interpretation of that—I do not know what his interpretation is—all we would need is the income-tax amendment which we now have before the Senate.

I am not willing to believe, however, that the President of the United States believes in drawing an income-tax law which would correspond to the decision in the Pollock case. I am not willing to believe that the President of the United States would advocate the proposition of putting an income tax upon men who toil in their profession, and of a limited number, and then say that the vast accumulated wealth of this Nation shall go without its burden of government.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana.

Mr. BORAH. Certainly.

Mr. BEVERIDGE. Just for a moment. Referring to the opinion of ex-President Harrison on this subject, I thought I recognized, when the Senator read from his speech at first, that it was the Chicago speech; but I thought I remembered that in President Harrison's great speech, perhaps the greatest public address he ever made, which was the Carnegie Hall address in the campaign of 1896, he had referred to the income tax, and perhaps on some other occasion. Merely that his view may be known on this specific subject, I will read this one sentence, with the Senator's permission.

Mr. BORAH. Very well.

Mr. BEVERIDGE. Ex-President Harrison said:

So eager were our Democratic friends to put directly upon our people according to the English system taxes to support our Government that they passed an unconstitutional act in order to levy internal taxes and help out a tariff bill which had reduced the duties upon imports.

I have a general impression, though I do not know, that General Harrison was not favorable to an income tax as a system of taxation, except in case of an emergency; and that he agreed with the Supreme Court as to its unconstitutionality. His statement in his Carnegie Hall speech is not favorable to the tax. I merely pointed this out, without indicating my own position on this question, that the quotation might be perfected.

Mr. BORAH. Mr. President, I am sure I did not intend to do so.

Mr. BEVERIDGE. Surely not.

Mr. BORAH. I am satisfied that anyone who was listening could not conceive that there was any misrepresentation, because I said distinctly, and I state again, that Mr. Harrison was not discussing specifically the income tax. What I read was in support of the principle of the obligation of wealth and property to the Government, which we reach by an income tax.

Now, let us go back a little further, Mr. President. I have quoted some late authorities, because I am a little anxious that those of us who advocate an income tax shall not be considered in the light of advocating radical or new principles, not for the reason that I am opposed to a new principle, if I find it once in a while, but for the reason that it sometimes retards its movement through this body.

The man who was the father of the protective tariff system, who formulated it, in whose great mind it really originated in all its fullness, was the man who first gave to us the argument and the basic principles for an income tax. The first law of 1794, which brought up the question of what was a direct tax, was suggested, if not actually written, by Alexander Hamilton. While he was not in Congress, he was in a position where he had much to do with what was submitted to Congress by his party at that time, and he was its great adviser at all times. He advocated this tax for the same reason and upon the same principle that we advocate an income tax to-day, and that is, that there should be a tax upon property and upon wealth in connection with the tax upon consumption, and that it should all be one general revenue system. Though ill and broken in health when this question was presented to the Supreme Court, Mr. Hamilton nevertheless presented it upon the part of the Government, advocating not only the tax from the standpoint of its validity, but for the reason that it was right and proper.

He furnished the argument and submitted the legal proposition upon which the Supreme Court sustained that tax for a hundred years.

I am one of those, Mr. President, and there are thousands of them, who look upon Alexander Hamilton, all things considered, as the greatest intellectual force that ever dealt with the science of government. There was in all that he did that fascinating air of mysterious power, that indescribable force which moved with triumphant ease to its immeasurable purpose. His career was the most sudden, the most startling, the most brilliant, and the most masterly of all of his compatriots. And he was never greater, never more of a statesman and a patriot, than when he advocated the policy as a part of his general-revenue policy of laying a portion of the burdens of government upon property and upon wealth, along with consumption. He was charged in his day with being the special advocate of property and of property interests and of wealth, the minion of power, the advocate of royalty. He was in favor of a government strong enough and stable enough to protect the vested rights and the gathered fortunes of men against the passions and the prejudices of a day, but he did not belong to that shortsighted class of statesmen who, believing in protecting property and property interests, believe also in relieving property and wealth from its corresponding obligation to government. You will search in vain through the works of Alexander Hamilton to find any help or any argument which would enable you to relieve property and wealth from the obligation of meeting a portion of the burdens of government.

The first "income tax," so called, bore the name of Abraham Lincoln, and was supported by the great men who surrounded him upon that occasion.

I am not willing, Mr. President, for one, to concede that the policy which fixes the burdens of government upon property and wealth is not a Republican principle. I am not willing to concede, above all things, that there has been engrafted upon our constitutional power that which is an absolute exemption of property and wealth from the burdens of government. I am not willing to have it admitted that the Constitution, as made and framed by the fathers, was such as to exempt the great property interests of this country from the taxing power of the Government even in the hour when the very exigencies of government may involve the life of the Government itself. Yet I say to you that if the Pollock case be the correct interpretation of the law, there is no exigency by which this Government can call upon the great property and wealth of this Nation to meet a portion of its burdens, even if it involves the very life of the Nation itself.

Those who believe that to be a policy of my party are welcome to the belief. I will not accept it.

I know that there are those who say that it is un-Republican and that it tends to incite men to perjury. I read an interview the other day by that distinguished American, always interesting and sometimes amusing, Mr. Carnegie. He said that it was not Republican, that its only result was to incite men to perjury. Well, Mr. Carnegie did not make the Republican party. I wish I was just as sure that the Republican party did not make Mr. Carnegie. I have read a thousand times, more or less, his protection utterances.

My first conception of politics was when I used to read the speeches of Mr. Blaine and Mr. Carnegie on protecting American industries. Mr. Carnegie told us time out of mind that he could not run his mills or manufacturing plants without the protection which he demanded. In view of the fact that he did run his mills after the protection was given, and accumulated wealth which he will not live long enough to distribute, it seems to me that the Republican party did make Mr. Carnegie.

I never have much use for a man who turns his back upon his own creator, which it seemed to me he did before the Ways and Means Committee. The only trouble about these deathbed confessions, Mr. President, is that "they seldom reach to restitution."

I favor an income tax not for the purpose of putting all the burdens of government upon property or all the burdens of government upon wealth, but that it may bear its just and fair proportion of the burdens of this Government.

We believe that every tax system based upon consumption should be supplemented by a system which taxes property and the wealth of the country; not for the purpose of inciting class feeling, but simply calling upon the great interests of the Nation to share that part of the burden of government for which they receive an unquestioned benefit.

I am aware it is often said that we will not be able to enforce the law. That is not the basis upon which we legislate or upon which we make laws with reference to taxation. In one of the great States of this Union I noticed some time ago that out of 107 estates which were then in the course of probating, those 107 estates had property to the value of $215,000,000, and that they had never paid taxes at any time upon over $3,000,000.

In another one of the States of the East the assessed valuation of the real estate is counted at $2,000,000,000. The assessed valuation in that State of stocks, bonds, personal property, choses in action, and franchises is $500,000,000. It is conceded that we do not reach over 20 per cent of the property of this country, so far as personal property is concerned. Yet I apprehend that it will not be urged and it will not be argued that we should repeal our laws with reference to the taxation of personal property upon the basis that those who should pay escape, for the logical result of that kind of programme would be that we would finally rest all the taxes upon the people who are honest enough to pay.

But I advocate it for another reason—and this will seem strange, I have no doubt, to some—and that is as a teacher of economy in public expenditures. For more than a hundred years we have been making speeches in favor of retrenchment and curtailing public expenditures, and as consistently and persistently voted the other way. It is a notorious fact in our political history that the Congresses at which the voice of retrenchment has been the loudest have been followed invariably by Congresses in which the appropriation was largest.

We knew when we met here last fall that we were facing a deficit. We knew that there was the cry going up all over the country that there should be a revision of the tariff downward, and we know that in the midst of universal peace and of prosperity we were actually contemplating putting a tax upon the necessaries of life which we do not produce in this country.

If there was ever a time in the world when the voice of retrenchment should have been heard and heeded, it was at the beginning of that Congress; and yet we are told by the leader on the Republican side that Congress appropriated $50,000,000 which we could just as well have left in the Treasury and without embarrassing the Government one particle. If that be true, what a fearful indictment of this Congress, and how futile it makes all the promises with reference to retrenchment.

I do not wish to be misunderstood. I have no kind of doubt but what the Senator from Rhode Island is entirely in earnest

and wholly sincere when he says that there should be and shall be retrenchment or the curtailing of public expenditure. If he shall succeed in that matter, he will be entitled to a vast amount of credit from the American people, and he will come very near demonstrating that the age of miracles has not passed. If he shall succeed in keeping the expenditures of this Government down to the present figure, he will still be entitled and still be accredited a great deal of honor for his work.

Even while he was speaking there wafted in from Boston the voice of our Secretary of the Navy, who told us that we must have another navy as large as the one we have. This sounds to me like discord. He must have spoken with authority. I am not about to discuss the question of the necessity of these ships; that is for another day; but I do say that if we are to build new ships and to continue to compete with the naval building of the world that expense should be visited to some extent at least upon the property and the wealth of this Nation.

If this is the part of retrenchment, if these expenses are to be met, can anyone contend that we should continue to impose that burden upon consumption? It may be necessary to continue to build these ships. It may be necessary to go on until we will be able to overawe the nations of the earth, and until, like the father of Frederick the Great, we are lonesome without the music of the sentry's tread. But if it be true that we must continue to do so, upon what basis and upon what theory can men say that the whole burden should rest upon the men who pay practically as much when worth $500 as the man who is worth $500,000,000? Take a part of the burdens off the backs and appetites of men and put it upon the purses of those who will never miss it, those who enjoy the pomp and circumstances of glorious war—without the war.

Mr. President, has the constitutionality of this tax been foreclosed? Is it an open subject for discussion, and is a fair presentation of the matter admissible?

Mr. LODGE. Before the Senator takes up that legal aspect of the question will he yield to me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Massachusetts?

Mr. BORAH. I do, very gladly.

Mr. LODGE. It seems to me that in speaking of taxation falling exclusively on the consumer, the Senator does not appear to recognize the fact that the municipal and state taxation, which is very heavy—especially the municipal taxation—falls practically exclusively upon property.

Mr. BORAH. I was speaking, of course, with reference to the policy of the National Government.

Mr. LODGE. Certainly; but I am speaking of taxes paid by the American people as a whole, of all the taxes they have to pay; and under our system of States and Nation, direct taxes have been left in practice usually to the States and cities to local taxation. That taxation, which is extremely heavy in many cases, especially the municipal taxation, falls exclusively on property. I merely wish to suggest that I think that is one reason for the general policy, that has been pursued by the General Government from the beginning, of leaving the direct taxes and the taxes on property as much as possible to the States. That is the objection made to this form of inheritance tax, and I think soundly, because there are 32 States that impose an inheritance tax.

Mr. BORAH. Very well, Mr. President. I will only say at this time, in reply to that suggestion, that, of course, the general proposition which the Senator from Massachusetts [Mr. LODGE] states is true and correct; but we ought not to overlook the fact that while the taxgatherer for the municipality or the county is gathering his taxes, statistics show beyond a question that the man who has his farm or who has his property in sight pays a vastly greater per cent of even that heavy tax than the man who has money in the form of bonds, stocks, and so forth, which you would be unable to reach, which statistics show you are unable to reach, and it falls in the same way upon the man of limited means.

The tariff tax—and I am a believer in the American protective policy—reaches at last most heavily the man of limited means. It is passed from the importer to the general merchant, from him to the retail merchant, and from the retail merchant to the consumer. When you are taxing personal property, every cow, every horse, every animal, every piece of property that the man of limited means has is found, but the undiscovered millions locked in safe-deposit boxes never pay their proportion of taxes. I favor a system that will get them coming and going, if you can, for that is the only way you can get them at all.

I was going on to say, Mr. President, that, discussing the constitutional feature of this question——

Mr. BACON. Will the Senator permit me to make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do.

Mr. BACON. I wish merely to suggest that it is also true that a very large part of the wealth of those whose property the Senator is now seeking to reach, or which this bill proposes to reach, is invested in securities which are not liable to taxation—bonds of the United States and things of that kind.

Mr. BORAH. That is true.

Mr. LODGE. Mr. President——

Mr. BACON. I mean under state laws.

Mr. LODGE. I will not interrupt the Senator if he objects.

Mr. BORAH. Not at all.

Mr. LODGE. It is undoubtedly perfectly true that a great deal of property escapes taxation; but I think the Senator is mistaken in saying—I judge only from my own State—that the state and city taxes fall on the poor man. In the city of Boston, which, I think, has about 110,000 or 120,000 registered voters, the taxes are paid by 18,000 persons.

Mr. BORAH. Mr. President, speaking with reference to the Senator's own State, I know that in one year not very far back the assessed valuation of real estate in that State was $2,000,000,000, and of the personal property which was owned, all the stocks, bonds, notes, and everything else, only amounted to $500,000,000.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. BORAH. I do.

Mr. NELSON. I want to call the Senator's attention to a fact in connection with the question suggested by the Senator from Georgia [Mr. BACON], and that is that while there seems to be an apparent inequity in the fact that you can not tax government bonds and state bonds, yet there is another side to the question that we ought to take into consideration, and that is that because such securities are exempt from taxation the Federal Government, the state governments, the county governments, and the municipalities borrow their money at a lower rate of interest than could be done upon any other securities. Take our government bonds, for instance, paying only 2 or 3 per cent interest. One of the reasons why those bonds can be sold drawing such a low rate of interest is the fact that they escape taxation.

Mr. LODGE. I did not suppose for a moment that all the property was reached. My proposition simply was that the taxes of the State and the city fall almost exclusively on property. I know that is the case in my own State, and the illustration I have given of Boston is indicative of the rest of the State. Such taxation falls almost exclusively on property. Of course the tax on real estate is the most direct kind of tax, and in Massachusetts we have an income tax as well as an inheritance tax.

Mr. BORAH. It is estimated that in Massachusetts they pay a tax upon 20 per cent of their personal property. That is the estimate of the tax commission for Massachusetts.

Mr. LODGE. But property bears it all, although some of it escapes; it is not fairly distributed, I quite admit. It does not fall on the poor man, but it falls on property in the State exclusively.

Mr. BORAH. The property, however, which escapes there would be reached by an income tax.

Mr. LODGE. We find great difficulty in reaching it with the state income tax, and I am inclined to think that it would be very difficult to reach it by a national income tax. I think a great deal would escape, and that which would escape would be the property of the dishonest who would be willing to make false oaths.

Mr. ROOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from New York?

Mr. BORAH. I do, very gladly.

Mr. ROOT. Mr. President, I wish to ask the Senator from Idaho whether it is not a fact that the personal property which escapes taxation—for example, the surplus of personal property in Massachusetts over and above $500,000,000—does not escape, for the most part, because it consists of the stocks of corporations which themselves pay the taxes on their own property, so that to tax that description of personal property which consists of corporate stock would be to tax the same property twice? I know that is the case in New York, where we have a tax upon real estate and a tax at the same rate upon personal property; but we exempt from the tax upon personal property the stocks of corporations which themselves pay the tax. Of course, that is not really an escape from taxation, but is merely imposing upon the property which is represented by the stocks taxes in

the most convenient manner, because there is no property which is so certain not to escape taxation as the property of corporations. That kind of property is absolutely certain to be taxed and to be taxed to the full extent.

Mr. LODGE. If the Senator will allow me, that is certainly the case in Massachusetts, for under our laws the corporations are all taxed directly on their property of every kind, franchises and everything else, so that nothing which the corporation has escapes. They have to make an absolute return; they are taxed on everything; and they pay their tax direct to the State. That tax is subsequently distributed proportionately to the towns where the stock of the corporation is held; but the people who hold certificates of indebtedness and stock certificates of Massachusetts corporations are not taxed on those, because the tax is paid by the corporation direct to the State.

Mr. PAGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Vermont?

Mr. BORAH. Certainly.

Mr. PAGE. I should like to ask the Senator from Massachusetts if it is not also true that the national banks pay the tax as banks as well as do manufacturing corporations?

Mr. LODGE. Yes; banks all pay. A banking corporation tax is collected by the State and distributed to the towns in proportion to the stockholders in the town.

Mr. BORAH. I am aware, Mr. President, that that has always been the argument of New York and Massachusetts. It was the argument which was presented and which Senator Sherman answered so fully in 1871. Mr. Conkling, who was in the Senate, I believe, and Mr. Sumner, from Massachusetts, contended that it was in effect taxing their property twice; that the great corporations in those States paid taxes upon their property, and thereby an income tax in effect would be double taxation.

Mr. HEYBURN. Mr. President, before leaving that subject——

The PRESIDENT pro tempore. Does the junior Senator from Idaho yield to the senior Senator from Idaho?

Mr. BORAH. Certainly.

Mr. HEYBURN. The Senator from Idaho must also remember that in Idaho we have an income tax on the net income of mines, and in the county in which I live we pay a tax on between three and four million dollars of income; and there has been no difficulty in getting at the income.

Mr. KEAN. Because it came from corporations?

Mr. HEYBURN. Oh, not at all.

Mr. BORAH. With reference to the question of double taxation, I submit these figures, and perhaps we can ascertain whether it was double taxation or not in the case of the 170 estates in the State of New York, to which I referred a few moments ago. They amounted to $215,000,000 when they came to be probated, but they had paid taxes for a number of years preceding only upon $3,000,000. I think, with their ability to conceal the property upon which they should pay taxes, they would be able to escape entirely double taxation.

Mr. LODGE. The Senator, of course, understands that the statement I have made applies only to Massachusetts corporations, since the stock of all other corporations—that is, those outside of the State, called, technically, "foreign corporations"—is taxed in the hands of the owner, no matter whether the corporations are taxed in other States as corporations or not.

Mr. BORAH. The argument against the income tax seems to be based largely upon the proposition that you can not enforce it; that you can not get at the proceeds, and so forth; and that it amounts in some instances to double taxation.

But, Mr. President, leaving that, if I may, I want to call attention to some legal questions in regard to this matter. We do not believe that the constitutionality of this tax has been finally and fully settled. I would not for myself trespass upon the patience of the Senate to discuss what I conceive to be a final adjudication of a constitutional question by the Supreme Court. I might differ in my views in my humble way; but I should not certainly undertake to discuss it if I believed, upon all the authorities, that it was in any sense a settled question in the Supreme Court. I am led to the conclusion that it is not settled by the record which is before us upon that proposition.

In the first place, we must bear in mind that during the hundred years which preceded the Pollock case 21 judges occupying places upon that high tribunal had decided in favor of an income tax and of its constitutionality or had given such definition to the phrase "direct tax" as would sustain an income tax. Against those 21 judges, in the whole history of the court, there have been but 5 judges during that entire period who dissented. In other words, 5 judges alone in the whole history of the Supreme Court, from its organization to the present hour, have decided that an income tax was unconstitutional, while 21 judges have written opinions or joined in opinions to the contrary. Amongst those who have taken the view that an income tax is constitutional and that a direct tax relates only to land, capitation taxes, and taxes on improvements upon land, are the elder Chase, Patterson, Iredell, Wilson, Chief Justice Chase, Nelson, Grier, Clifford, Swayne, Miller, Davis, Waite, Hunt, Strong, Bradley, Jackson, Brown, Harlan, White, and Ellsworth. Perhaps I should say, in passing, as was said by the Senator from Texas [Mr. BAILEY] the other day, that Chief Justice Ellsworth did not actually participate in the opinion. He was only sworn in upon the day that the decision was rendered; but as a Senator from Connecticut he had advocated the exact law which the court was called upon to pass, and his views are known from his public record to be in accordance with its constitutionality; and I doubt not, knowing the law as he did and being familiar with it, that had he entertained a different view it would have been expressed upon that occasion.

Since the organization of that court every single writer upon constitutional law in America has adopted the view that a direct tax related alone to land and capitation taxes.

It is said sometimes that the Hylton case was dicta; that it was not really decided that a direct tax related to land alone and to a capitation tax, and yet it seems remarkably strange that one hundred years of constitutional literature, given to us by Sergeant and Rawle and Kent and Story and Cooley and Pomeroy and all the others whom I might name, never discovered in all that time that that decision did not settle that proposition. These students, in their rooms, analyzing the case, unmoved by expressions which might control their judgment, interested alone in finding out what the true meaning and intent of the Constitution was, have for a hundred years, without a dissenting voice, declared in favor of the validity of an income tax. I read from these authorities:

Cooley, in his Constitutional Limitation, says:

> Direct taxes when laid by Congress must be apportioned among the several States according to the representative population. The term "direct taxes" as employed in the Constitution has a technical meaning and embraces capitation and land taxes only.

Mr. Justice Miller, who was long one of the ablest men who ever sat upon the supreme bench, says in his lectures upon the Constitution:

> Under the provisions already quoted the question came up as to what is a direct tax and also upon what property it is to be levied as distinguished from any other tax. In regard to this it is sufficient to say that it is believed that no other than a capitation tax of so much per head and a land tax is a direct tax within the meaning of the Constitution of the United States. All other taxes except imposts are properly called excise taxes. Direct taxes within the meaning of the Constitution are only capitation taxes as expressed in that instrument and taxes on real estate.

Mr. Pomeroy, in his valuable work on constitutional law, says:

> The court decided that this tax was not direct. The reasons given for the decisions are unanswerable and would seem to cover all the provisions of the internal-revenue law.

Mr. Hare says:

> According to section 9 of article 1, paragraph 4, no capitation or other direct tax shall be laid except in proportion to the census of enumeration herein directed to be taken, while section 3 of the same article requires that representation and direct taxes shall be apportioned among the several States * * * according to their respective numbers. Direct taxes in the sense of the Constitution are poll taxes and taxes on land.

Burroughs, in his work on taxation, under the head of direct taxes, said:

> The construction given to the expression "direct taxes" is that it includes only a tax on land and a poll tax.

Ordroneaux, in his work on constitutional limitation, says:

> The two rules prescribed for the government of Congress in laying taxes are those of apportionment for direct taxes and uniformity for indirect. In the first class are to be found capitation or poll taxes and taxes on land. In the second, duties, imposts, and excises.

Black, in his constitutional law, says:

> The Supreme Court has ruled that only land taxes and capitation taxes are direct, and no others. In 1794 Congress levied a tax of $10 on all carriages kept for use, and it was held that this was not a direct tax, and so also an income tax was not to be considered direct. Neither is a tax on the circulation of state banks, nor a succession tax imposed upon their devolution or title to real estate.

Mr. Kent and Mr. Story fully ratify and fully indorse the doctrine of the Hylton case, but their suggestions are too long to be inserted here. No standard writer of constitutional law that I have any knowledge of has ever expressed a view at variance with the above principles.

When we come to the debate in 1894, we find that there were in the Senate at that time, as there always are, some lawyers of exceptional ability. During that entire debate there was no suggestion upon the part of any Senator that the Supreme Court of the United States had not time and again settled that question. There was no contention upon the part of anyone that

the law was not settled by the Supreme Court. The farthest anyone went was the then Senator from New York, Mr. Hill, who suggested that, while the court had decided it, the court might be induced to change its mind. It was considered at that time just as thoroughly settled and just as thoroughly embedded as a part of the constitutional law of this country as the doctrine of implied power under the Constitution. There was not before the people a suggestion at the time that law passed that it was not in conformity with the great charter.

When the matter was tested the first suit that was brought to test the constitutionality of the income tax was brought here in the District of Columbia. Ex-Senator Edmunds appeared upon the part of those testing the validity of the law. I learned from one of the attorneys who argued the case in favor of the law that, upon the first presentation of the case, ex-Senator Edmunds, one of the greatest constitutional lawyers in the country, admitted by his brief that the question had been settled by the Supreme Court, and that the only question open for discussion was that of its uniformity. After he had made an investigation in the interest of his client, seeking for whatever ground he could find to attack the law, he admitted by his brief that the authority which they now say was dicta followed by other cases had settled the question, so that it was not a debatable question in the Supreme Court. The real case in which there was a real controversy was dismissed, and then there was brought what, in my opinion, if I may be permitted to say so, was a moot case, and when I say "a moot case," I mean a case which both sides wanted decided in the same way. The stockholders in the New York corporation brought suit against the corporation to restrain it from paying the tax which was charged against it, and the corporation was just as anxious not to pay as the stockholders were to have them not pay. In that way this case was presented to the Supreme Court of the United States; and I undertake to say that there is not a lawyer in the Senate who would argue to-day that, as a matter of law, the Supreme Court had jurisdiction of that case. Why? Because it was an action to restrain the collection of a tax, indirectly it is true, but still within the statute.

It is a remarkable thing to my mind that a matter of such great importance, not only as a matter of settling the particular interests of litigants in that case, but of settling a great constitutional question, should have been presented to that court under the conditions it was. At least it is fair to presume that it might have been just as well presented had there been some one primarily concerned in sustaining the Constitution of the United States. I do not forget that the matter was finally argued by the Government.

Mr. BEVERIDGE. Is it not also true, though, that it was argued on behalf of the constitutionality of the law not only by Mr. Richard Olney for the Government, but by the man who at that time and for years before his death was called the king of the American bar, Mr. James C. Carter, of New York? The Senator has read his speech. It was a model argument.

Mr. BORAH. The Senator said "a model." A model of what?

Mr. BEVERIDGE. Model of lucidity, simplicity, and reasoning. I thought that the court should have decided it that way. But as the Senator has suggested, or was on the verge of suggesting—perhaps he did not mean it—that the case was collusive, I desired to point out to him that it was argued on behalf of the constitutionality of the law both by Richard Olney and the man who at that time, and I believe until his death, was regarded as the master lawyer of the American bar, Mr. Carter. I think those men would not lend themselves to anything of that kind.

They argued it very exhaustively. Mr. Carter made a most impressive argument in favor of the constitutionality of the law. I think that his argument was as powerful as that of Mr. Potter in the legal-tender cases. The point is that the lawyers argued it with great earnestness on both sides. Mr. Edmunds and Mr. Choate were the chief men against and Mr. Olney and Mr. Carter the principal lawyers for the constitutionality of the law. They were almost equal in ability and standing, but if anyone might be said to be greater than the other in legal reputation, it was Mr. Carter.

Mr. BORAH. Of course Mr. Carter needs no encomium from me. He was recognized as one of the greatest lawyers at the American bar for a great many years, and undoubtedly was, and in that connection I would ask the Senator to read his argument against the jurisdiction of the court. It reveals his adroitness in presenting a matter without committing himself as a lawyer.

Mr. BEVERIDGE. I have read it, and very carefully. No argument of Mr. Carter was ever printed of which I could get a copy that I did not read. He made the argument for the constitutionality of the law. I said then that it seemed to me that that was the correct view to take.

I thought it proper to call the attention of the Senator to these points, that he might modify or soften his statement that the case was a collusive one. He will agree that men like Richard Olney and Mr. Carter would not lend themselves and their great reputations and their professional honor to a course of that kind.

Mr. BORAH. Mr. President, I do not desire to modify anything I have said. I am stating that which is a fact disclosed by the records of the Supreme Court, and that is that a case between actual contestants, after it was presented, was dismissed, and a case presented in the second place in which I think it will be conceded, at least, that the corporation was not overanxious to pay the tax. Now, as to why it was done, I do not know. I do not think the fact that it was done reflects upon Mr. Carter or Mr. Choate or any of them. They were counsel looking after the private interests of their clients. They undoubtedly thought they could present the case in a better way after the dismissal of the real case and the presentation of the other. I do not suppose it is regarded as an imputation upon a lawyer's standing at the bar to present a case in that way; he is looking solely after the interests of his client.

But I think it would be better for the American people, who are primarily concerned in retaining the great taxing power of this Government, if it were presented by those who are primarily concerned and determined to uphold not private interests or corporate interests, but the interests of the American people.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Very gladly.

Mr. SUTHERLAND. If the original case to which the Senator referred as being the real case had been presented to the court, who would have presented the argument in favor of the validity of the tax? Would it not have been the Attorney-General or his assistants?

Mr. BORAH. Possibly so.

Mr. SUTHERLAND. I think I am correct in suggesting that. The case which the Senator seems to think was a fictitious case was presented, so far as concerns the question of the constitutionality of the tax, by the same officers. Why was not the Government in as good a situation in the last case as it was in the first, if the same counsel who would have presented it in the first case did actually present it in the second?

Mr. BORAH. I learn from one of the counsel who presented the case upon the part of the Government in the second case that they did not in the first place deem it necessary to do more than call the attention of the court to the fact that it did not have jurisdiction of the case; that they supposed it would be practically a self-evident proposition.

I will say that I am not speaking without some facts to support the position which I take, and some more facts that I have not presented and which I do not propose to present.

Mr. BEVERIDGE. I merely want to ask the Senator a question for information, because it has been some time since I read Mr. Carter's argument. Is it not true that the argument made by Mr. Carter in the Pollock case was made as the counsel for an intervener? He was not counsel in the Pollock case, but he intervened for another party, which I believe was a trust company in New York; and if that is true, did not Mr. Carter use some such language as this—that he stood there representing one party who not only believed the tax was constitutional, but also that it was the best public policy to pay it? A large part of that very remarkable argument was based upon the proposition the Senator is now so eloquently advancing, that it was sound policy of government to measure the burden of taxation according to the ability to pay.

If that is true, if he was an intervener for such a trust company, and if he did state upon his professional honor that he represented a party which believed not only in the constitutionality of the law, but in the sound public policy of the payment of the tax, it might do something to remove the imputation of collusion. It is not necessary to my own mind, so far as concerns my own judgment upon the tax, to which I incline favorably under certain circumstances, to throw upon a great leading case the suspicion of collusion. I merely cite these facts.

Mr. BORAH. I am perfectly willing to concede that Mr. Carter made a far better argument in favor of the constitutionality of the tax than I could have made, or than possibly the Senator from Indiana could have made.

Mr. BEVERIDGE. Far better.

Mr. BORAH. Or anybody else.

Mr. BEVERIDGE. I desire to say with reference to that, that there are many eminent lawyers, especially Mr. Carter and

Mr. Edwards, to whom it would have been an honor to me to have been permitted to approach the footstool of their learning and to have sat like Saul at the feet of Gamaliel.

Mr. CLAY. I may have misunderstood the Senator from Indiana, but I thought I understood the Senator from Indiana to say that he was in favor of an income tax. Did I understand him correctly?

Mr. BEVERIDGE. I said I was inclined when that case was being argued, and at the time even when it was decided, to think it was constitutional. But when the Supreme Court decides a case it is sufficient for me, unless there exists a great emergency to call again upon the court to pass upon that question. I do not intend now to discuss the question, and I do not intend to interrupt the Senator from Idaho or to take his time. I stated when I called attention to a correction with respect to General Harrison's speech that I was not indicating my own views. At the proper time I shall do so.

Mr. CLAY. Do I understand the Senator from Indiana to say now that he is against an amendment to the tariff bill providing for an income tax. I understood the Senator to say——

Mr. BEVERIDGE. The Senator will find out how I stand when I vote upon that question. I do not know that I am called upon any more to be for such an amendment now, when a tariff bill is being made, than his own party was in 1897, when the Dingley bill was being made.

Mr. CLAY. Mr. President——

Mr. BEVERIDGE. I did not observe at that time that there was any particular heat upon the part of the Senator or his party for an income tax. I am for an income tax and an inheritance tax when there is a proper necessity. I am like the junior Senator from Iowa [Mr. CUMMINS], and I will quote him, although I do not quite go as far as he did, for his language was fervid, in saying that it is a crime to put upon the people an emergency tax if the present bill will supply sufficient revenue.

Mr. CUMMINS. I assume that the Senator from Indiana has not recently read what I said.

Mr. BEVERIDGE. No; but I heard what the Senator said, and if I have not quoted him correctly, I will be glad to be corrected, and will withdraw my quotation.

Mr. CUMMINS. He does not remember it correctly. I said it was an economic crime to collect money not necessary for the expenditures of the Government.

Mr. BEVERIDGE. The Senator said that when presenting his income amendment——

Mr. CUMMINS. Yes; I did.

Mr. BEVERIDGE (continuing). And he followed it immediately by saying that he would undertake to demonstrate, as a reason for his income-tax amendment, that the present bill did not afford sufficient revenue; and he preceded that statement by saying that if it did afford sufficient revenue—if the Senator from Rhode Island was correct in stating that the present bill supplied sufficient revenue—he thought it would be a crime to impose a tax where the revenues did not require it.

Mr. CUMMINS. The Senator from Indiana is still incorrect. What I said was—and I repeated it a moment ago—that if I had the rearrangement of these schedules, even though as reported now they would bring sufficient revenue for the Government, they would not, after such rearrangement, furnish that revenue, and that a portion of the revenue needed for public expenditures should be raised upon the wealth and the property of the country.

Mr. CLAY. Just a word.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. CLAY. I just wish to try to find out how the Senator from Indiana stands on an income tax.

Mr. BORAH. I do not want to wait that long. [Laughter.]

Mr. CLAY. Just one minute. I saw in the public prints two or three weeks ago that the Senator from Indiana was one of the Senators on the other side of the Chamber who would probably vote in favor of an income tax, and that the Senator was in favor of a tariff commission. I wanted to know if it was true that the Senator was not only in favor of a tariff commission, but was also in favor of an income tax.

Mr. BEVERIDGE. I will say that if by any poor efforts of mine I succeed in getting a tariff commission or any body of experts created, a great deal of light will be thrown on this question in this Chamber which neither the Senator, myself, nor any other Senator, including the Senators on the committee, are capable of presenting. I was impressed with the statement——

Mr. CLAY. Mr. President——

Mr. BEVERIDGE. No. The question has been asked and I have answered it twice. I think I have the habit, when I have a position upon any question, of making it reasonably clear, and also of studying the question, and not being influenced in my judgment, especially in my legal judgment, by any other consideration at all than the merits of the question. I think this about this question offhand: When a necessity is shown I am in favor of both an income tax and an inheritance tax, and I am for neither unless the necessity exists. If such necessity exists, then I am for an inheritance tax in preference to an income tax; and I am only in favor of putting an income tax up again to the Supreme Court, as to whether it shall reverse itself, when the necessity is manifest.

The Senator must remember that it is no light thing to overturn the rule stare decisis. For sixteen years there has been an increasing distrust of the courts.

Nothing could be done that would more increase the present suspicion of the courts than to call upon them to reverse themselves, immediately after two hearings, without a necessity shown for that course. Yes; and when, after perhaps the most thorough argument ever made in the Supreme Court of the United States, or in any other court, they have decided a question with reiterated emphasis. Everybody here who is familiar with those cases knows that, perhaps with the exception of the Legal Tender cases, never have any cases been so thoroughly argued. I think there were eight days of argument—eight days of argument by masters of the law, by the admitted leaders of the American bar and the bar of the world.

The Senator from Georgia proposes very lightly, without showing a necessity—I do not know why, but probably because of his devotion to the tax—to imperil the rule of stare decisis, and to put this question up to the Supreme Court when he has not yet shown that such necessity exists. I think, in view of what the Senator has said, I will do what I did not intend to do. I think that, later on, I will probably make a few remarks on this subject. [Laughter.]

Mr. CLAY. With the permission of the Senator from Idaho, the Senator from Indiana says that if a tariff commission is created by the House and the Senate and if it is provided for by the law of the land, it will give a great deal of light upon this subject. If it does not give any more light on this subject than the Senator has given the Senate as to how he will vote on an income tax, we will certainly be left in darkness.

Mr. BEVERIDGE. I do not expect by any——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. BORAH. I yield for a moment.

Mr. BEVERIDGE. It will be sufficient. I do not expect by any possible process to take the Senator from Georgia out of darkness upon this question. The Senator heard the remarks, the startling remarks, this afternoon of the Senator from Minnesota, who spoke, and spoke seriously, about "manufactured evidence" as to a certain schedule in this bill. A tariff commission would have settled the question as to whether it was "manufactured evidence" or not. I have stated to the Senator twice precisely how my mind is at present upon this question. I have done it twice. After I had done it once I did it again. That was twice. That is sufficient.

Mr. CLAY. Mr. President, if the remarks——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. I do. I want this matter settled to-day. [Laughter.]

Mr. CLAY. If the Senator's remarks are not more definite when he speaks upon the income tax than they are to-day, I am fearful I shall not get much light.

Mr. BORAH. Recurring to the subject which was under discussion, it seemed to be inferred that when I said that this was a moot case that I was charging that there was collusion. I have only called attention to the record, which is disclosed by tracing the contest against the income tax until it was finally decided. I have not been content with that, however. I have gone to those who were participants in that matter and have secured some information which I do not see fit to use, because it is not a matter of record. But I do not wish to be placed in the position of modifying what I have said or of apologizing for what I have said, because as a lawyer I am not afraid to say it—that no case has ever been entertained before upon the allegations which were contained in that petition, and none ever has been entertained since in the matter of thus questioning the validity of a tax. Every lawyer knows that the atmosphere in which a case is presented is sometimes worth something.

It was one of the peculiar things connected with this case, which involved a vital power of government, that before the Government of the United States could get in it had to ask to come in after the case had been made up by private interests. Whatever inferences may be drawn from that may be drawn here or there. All I intend to say and all I propose to say, and the only inference which I would have drawn or which I seek

to have drawn, is the fact that the case was presented under these peculiar and extraordinary conditions.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Maine?

Mr. BORAH. Certainly.

Mr. HALE. The Senate has been in session for about six hours. I desire to ask the Senator upon the floor whether he desires to go on further to-night or would he prefer to wait until to-morrow?

Mr. BORAH. Personally, I would prefer to wait until to-morrow, but of course I yield to whatever the Senator suggests in regard to it. It is obvious we can not close at any reasonable hour to-night.

Mr. HALE. The Senator does not expect to close to-night?

Mr. BORAH. No; I hardly think I can at this late hour.

Mr. HALE. Will he yield for a motion?

Mr. BORAH. Certainly.

Mr. HALE. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 52 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 4, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 3, 1909.*

The House met at 12 o'clock noon.

Prayer by Rev. Frederick William Hamilton, D. D., LL. D., president of Tufts College, Massachusetts.

The Journal of the proceedings of Thursday, April 29, was read and approved.

WITHDRAWAL OF PAPERS.

Mr. SOUTHWICK, by unanimous consent, was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of George Hallenbeck, Sixtieth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

Mr. STURGISS, by unanimous consent, was granted leave of absence for one week on account of important business.

THE CIVIL SERVICE.

Mr. HAY. Mr. Speaker, I desire to call up a privileged resolution.

The SPEAKER. I will ask the gentleman to withhold it for a moment.

ALASKA-YUKON-PACIFIC EXPOSITION.

Mr. HUMPHREY of Washington. Mr. Speaker, I ask unanimous consent to have read the following invitation to the Speaker and the Members of the House of Representatives to attend the Alaska-Yukon-Pacific Exposition.

The SPEAKER. Without objection, it will be read and printed in the RECORD.

There was no objection.

The Clerk read as follows:

SEATTLE, *April 27, 1909.*

Hon. W. E. HUMPHREY,
House of Representatives, Washington, D. C.

DEAR MR. HUMPHREY: On behalf of the officers and directors of the Alaska-Yukon-Pacific Exposition, I desire to extend, through you, to the Speaker and the Sixty-first Congress a most cordial invitation to attend the opening ceremonies of the Alaska-Yukon-Pacific Exposition, on June 1 next.

If, owing to Congress being in session at that particular time, it is impossible for it to attend the opening, we would earnestly request the honor of its presence, individually or collectively, at the earliest date possible thereafter.

Very truly, yours, J. E. CHILBERG, *President.*

SULPHATE OF AMMONIA.

Mr. CLAYTON. Mr. Speaker, I desire to ask unanimous consent to have printed in the RECORD a letter from Mr. J. W. Huger, of Montgomery, Ala., relative to the duty on sulphate of ammonia, which is used largely in the composition of commercial fertilizers. Under the bill as it passed the House sulphate of ammonia was put on the free list, unless the countervailing provision of the bill operated to the contrary.

The duty on this article was $6 per ton under the Dingley bill. The Payne bill put it on the free list, as I have said, while it is proposed now, as I understand it, to put a tariff tax of $4 per ton on it. The reasons why this should not be done are stated fully in the letter of Mr. Huger, which is in the following words:

ALABAMA CHEMICAL COMPANY,
Montgomery, Ala., April 27, 1909.

Hon. HENRY D. CLAYTON,
House of Representatives, Washington, D. C.

DEAR SIR: We see that under the Dingley bill the duty on sulphate of ammonia is $6 per ton, and that it was put on the free list by the Payne bill, but, however, was restored to the dutiable list under the Senate bill, the amount being $4 per ton.

Sulphate of ammonia is largely used by the farmers as a source of plant food, and is imported into this country, and is only made by a few steel works and coke manufacturers. It strikes us that the steel, coke, and gas people already have sufficient protection, while the farmer needs it badly. However, you can doubtless get all the information necessary as to the amount of sulphate of ammonia produced in this country, which is not an "infant industry," as the great big steel companies that own coke ovens generally make it as a by-product. It would just fix the price higher to the farmer in this country by putting a duty on it, and would permit the packers in the West, that make blood and tankage, and the nitrate of soda manufacturers in Chile to place a higher price on nitrate of soda, as all these materials enter into competition.

In 1907 there was imported 32,638 tons of sulphate of ammonia at a duty of $195,000, and in 1908 there was imported 34,224 tons of sulphate at a duty of $205,000. There is no reliable statistical record of the amount produced in this country, but it is estimated at from 30,000 to 40,000 tons. In 1908 Great Britain without protection produced 314,000 tons of sulphate of ammonia, exporting three-fourths of it, and what Great Britain can do in the production of sulphate of ammonia without tariff this country certainly should be able to do, for little or no skilled labor enters into its production.

Georgia, as you know, consumed approximately 800,000 tons of fertilizer in 1908, requiring 32,000,000 pounds of nitrogen, worth $6,400,000, at going market prices. Alabama consumed about one-third of this quantity, so you can readily see that it is very essential that our people should have as cheap ammonia or nitrogen from every source as is possible.

We also advise that the committee is thinking of putting a duty of 50 cents per ton on pyrites ore, which is usually imported from Spain. This ore is used by the fertilizer manufacturer to make sulphuric acid, which is then treated with phosphate rock, the resultant being acid phosphate. There are only two or three deposits of pyrites in this country that we know of, some small deposits in Clay County, Ala., where the ore runs very low, and some up in Virginia, where it is also very low. If the deposits in Alabama were worked to their full extent, where you put $2 per ton on imported pyrites they would be developed to such an extent that they would probably mine enough ore to furnish a half dozen fertilizer factories, while all the other factories would have to suffer, and hence charge a higher price for their fertilizers. Therefore we wish that you would also use your influence to see that this duty is not placed on pyrites ore, which is generally imported from Spain.

With personal regards,
Yours, truly,

ALABAMA CHEMICAL CO.,
J. W. HUGER, *President.*

THE TURKISH EMPIRE.

Mr. WANGER. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Pennsylvana rise?

Mr. WANGER. I ask unanimous consent for the present consideration of the joint resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for the present consideration of the following joint resolution, which the Clerk will report.

The Clerk read as follows:

House joint resolution 53.

Resolved, etc., That the grateful appreciation of the American people be, and hereby is, expressed and the President requested to convey information of the same to the people of the Turkish Empire that the revolution they have just effected assures to them the precious safeguards of constitutional government and freedom, and that the triumph is unmarred by the execution without due process of law of the venerable Abdul Hamid or by any wholesale slaughter of residents of Constantinople, and of our best wishes for their peace and prosperity and enjoyment in largest measures of all the blessings of civilization.

2. That the President be further requested to inform His Imperial Majesty Mohammed V of the friendly regard of the Government and people of these United States for him, his Government, and people, and our earnest hope and firm confidence that among the earliest achievements of his reign will be the complete restoration of order throughout his realm and elimination of the appalling atrocities upon Christian missionaries and other non-Moslems which thrill with horror the civilized world.

Mr. PAYNE. I think such a resolution ought to go to a committee. I am not exactly satisfied in my mind whether the recitals are all true, and therefore I shall have to object.

THE CIVIL SERVICE.

Mr. HAY. Mr Speaker, I call up the privileged resolution which I sent to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 63.

Resolved, That the President of the United States be requested to direct the United States Civil Service Commission to furnish to this House the following information:

The number of employees and officers of the United States now employed in the different departments of the Government appointed through and subject to the civil-service law and regulations.

The number of employees and officers of the United States now employed in the different departments of the Government who are in the classified civil service by virtue of executive order.

The number of persons now in the classified civil service from each State and Territory and the District of Columbia, taking care to show the number from each State and Territory and the District of Columbia now actually employed as differentiated from the number of such persons who have been appointed.

The SPEAKER. Does the gentleman call it up as a privileged matter?

Mr. HAY. I do; yes, sir.

Mr. PAYNE. How can it be a privileged matter? I make a point of order against it.

Mr. HAY. Mr. Speaker, the resolution was introduced on April 22 and referred to the Committee on Reform in the Civil Service. More than a week has passed since that time and the——

Mr. PAYNE. There is no such committee.

Mr. HAY. That is not my fault or the fault of the House.

Mr. PAYNE. That is the misfortune of the gentleman, and not his fault.

Mr. HAY. It may be a misfortune. The rule does not say whether a committee shall have been appointed or not.

Mr. GILLETT. The rule says it shall be referred. It has not been referred.

Mr. HAY. It has been referred.

Mr. GILLETT. Where is the evidence of that?

Mr. HAY. On the resolution. It says, "Referred to the Committee on Reform in the Civil Service and ordered to be printed."

Mr. GILLETT. Did the Speaker refer it?

Mr. HAY. On the 22d day of April. I may say that the gentleman from Massachusetts [Mr. GILLETT] can have no objection to our getting the information asked for.

Mr. GILLETT. I suspect the gentleman can get the information by simply writing to the Civil Service Commission, without asking the President for it.

Mr. HAY. I do not know about that. I understand the statement was made on the floor of the Senate that the Civil Service Commission will tell you how many people have been appointed from any State or Territory, but will not say who have been dismissed from the service, so that it is impossible for any Member to know how many people there are in the civil service from a State or district. The apportionment comes up constantly, and it is important for us to know how many employees there are from each State.

Mr. KEIFER. Mr. Speaker, I would like to ask the gentleman a question.

Mr. HAY. Certainly.

Mr. KEIFER. Is it contemplated by this resolution that the names of those who are accredited to the States or districts shall be reported?

Mr. HAY. No, sir.

Mr. KEIFER. I think the resolution would not furnish us very much information. My understanding is that a great many men and women are accredited to States and districts that were never in them at all.

Mr. HAY. I understand that also.

Mr. KEIFER. I would like to have the names.

Mr. HAY. Well, if the gentleman wishes to amend the resolution, I have no objection.

Mr. KEIFER. I would not object if you would require them to furnish us the names.

Mr. HAY. Well, if the gentleman wishes to offer an amendment, I shall not object.

Mr. KEIFER. I do not want to offer the amendment.

Mr. HAY. What we want to get at is the number of employees from each State.

Mr. KEIFER. I think the number would do us no good.

Mr. HAY. I think it would.

Mr. KEIFER. We ought to have the names.

Mr. HAY. It would show whether we have above our quota or not.

The SPEAKER. The Chair will hear the gentleman from New York, if he desires to be heard on the point of order.

Mr. PAYNE. Well, Mr. Speaker, as I have always understood when we are acting under such an order as this, these resolutions are referred to committees, when appointed; and there being no committee, of course——

The SPEAKER. The gentleman will suspend for a message.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries, who also informed the House of Representatives that the President had, on April 23, 1909, approved and signed joint resolutions of the following titles:

H. J. Res. 38. Joint resolution repealing joint resolution to provide for the distribution by Members of the Sixtieth Congress of documents, reports, and other publications, approved March 2, 1909.

H. J. Res. 45. Joint resolution making appropriations for the payment of certain expenses incident to the first session of the Sixty-first Congress.

The SPEAKER. Without objection from the gentleman from Virginia or other Members, the message, which is a short one, will be read.

PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Insular Affairs, and ordered to be printed (S. Doc. No. 27).

To the Senate and House of Representatives:

In accordance with section 32 of an act of Congress entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900 (31 Stat., 77), I have the honor to transmit herewith for the consideration of the Congress certified copy of a franchise granted by the executive council of Porto Rico, April 8, 1909, entitled "An ordinance granting to R. del Valle Zeno, his heirs, successors, and assigns, the right to take and use three liters of water per second for irrigation and domestic purposes from the brook 'Guaracanal,' in the barrio Cupey, in the municipal district of Rio Piedras," approved April 14, 1909.

WM. H. TAFT.

THE WHITE HOUSE, *April 30, 1909.*

THE CIVIL SERVICE.

Mr. PAYNE. Now, Mr. Speaker, the reference can only be to the committee, when appointed. There is no Committee on Reform in the Civil Service now. The rules provide for such committee, but the Speaker has not yet appointed any such committee. Now, the reason under the rule for resolutions becoming privileged is that the committee may consider the resolutions first; and if the committee does not consider them, or if the committee does not report them to the House, still the House will have jurisdiction of the matter after the week has expired. But it contemplates an opportunity for the committee to consider the resolution and report it to the House. There is no such committee; it can not be considered by the committee. It has not been referred to any committee of the House, because there is no committee of the House.

Mr. FITZGERALD. Will the gentleman yield to a question?

Mr. HAY. The Speaker has just referred a message of the President to the Committee on Insular Affairs.

Mr. PAYNE. Yes.

Mr. HAY. But there is no such committee appointed.

Mr. PAYNE. That is true; when the committee is appointed the reference takes effect.

Mr. FITZGERALD. I wish to submit that if there be no committees, then this resolution can not be in a committee. It must be in the House. If it is in the House, no other business now interfering, the gentleman has the right to call it up. It can not be in the committee, and under the rule itself then the gentleman can move to discharge the committee from its consideration.

It seems to make little difference whether the committee be appointed or not. The resolution must either be in the House or in the committee. If the gentleman makes the point that there is no committee and that the resolution can not be in the committee, then it must be in the House, and the order of business being exhausted the gentleman would have a right to call it up.

Mr. PAYNE. It can not be considered in the House, because it has not been referred to a committee; and the committee not being appointed, of course it negatives that rule and all action under it.

The SPEAKER. The Chair is prepared to rule. The Clerk will read from volume 3 of the Precedents of the House, giving a history of this rule and of the prior practice of the House, and the reasons for the rule.

The Clerk read as follows:

From its earliest days the House has exercised the right to call on the President and heads of departments for information. On December 12, 1820, a rule was proposed that "a proposition requesting information from the President of the United States, or directing it to be furnished by the head of either of the executive departments or by the Postmaster-General, shall lie on the table one day."

The object of this was to cause greater care and deliberation in making demands. This proposition was adopted, and on January 22, 1822, the rule was amended to give them consideration after reports of committees, and providing that the Clerk should cause the same to be delivered. Before this time the House had appointed a committee to present resolutions of inquiry to the President.

The rule of 1820 with reference to resolutions of inquiry existed until May 1, 1879, when Mr. Samuel J. Randall, of Pennsylvania, from the Committee on Rules, presented a resolution providing that in the call for resolutions every Monday resolutions of inquiry might be introduced and referred, and that the committee should be privileged to report them at any time. Mr. John H. Baker, of Indiana, proposed an amendment providing that the committee should report on the resolution within one week. With this amendment, the resolution was agreed to. Mr. Randall stated that the new rule was intended to give greater facility to Members who had, under the old arrangement, been forced to seek unanimous consent to get resolutions adopted. The reference to a committee would prevent abuse of the privilege. Mr. Alexander H. Stephens, of Georgia, recalled that when he entered Congress in 1843 such resolutions were introduced in large numbers and

sometimes, without information, the House imposed great labors on the executive departments. The reference to committee would obviate that. When the rules were revised in 1880 this rule, which was Rule No. 130 in the old system, became section 1 of Rule XXIV. Section 1 then referred to the call of the States and Territories each Monday for the introduction of bills and resolutions, and when that call was abolished in 1890 the portion relating to resolutions of inquiry became a new section of Rule XXII, which is the present form.

The SPEAKER. The Chair will state that in the absence of the appointment of a committee on Reform in the Civil Service, to which committee this resolution was referred, the House in the present condition might well desire to consider a resolution of inquiry, and the Chair would be inclined to hold that under existing conditions the House ought to have an opportunity to express its will in the premises; but is inclined to accept the suggestion of the gentleman from New York [Mr. PAYNE] that perhaps this should be called up at the end of the regular order, which would be, first, the clearing of the Speaker's table, and, second, a call of the committees. It would be in the power of the House to reach it in that way, and the Chair sustains the point of order. The regular order will be the call of committees.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

LEAVE OF ABSENCE.

The SPEAKER. Pending the motion, the Chair will submit a personal request.

By unanimous consent, leave of absence was granted to Mr. PEARRE, for the remainder of this week, on account of important business.

ADJOURNMENT.

The SPEAKER. The gentleman from New York moves that the House do now adjourn.

The question being taken, on a division (demanded by Mr. EDWARDS of Georgia), there were—ayes 90, noes 63.

Accordingly (at 12 o'clock and 20 minutes p. m.) the House, under the order heretofore adopted, adjourned until Thursday, May 6, 1909.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting estimates of appropriation for relief of the Deposit Savings Association of Mobile, Ala., E. J. Reed, and J. N. Newkirk (H. Doc. No. 21)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a statement as to an error in the act granting a pension to Robert McGuire (H. Doc. No. 22)—to the Committee on Invalid Pension and ordered to be printed (letter of transmittal only to be printed).

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. PAYNE: A bill (H. R. 9135) to revise and amend the tariff laws of the Philippine Islands, and for other purposes—to the Committee on Ways and Means.

By Mr. MURPHY: A bill (H. R. 9136) to provide for the appointment of an additional judge of the district court of the United States for the eastern district of Missouri—to the Committee on the Judiciary.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9137) to appropriate the sum of $30,000 as a part contribution toward the erection of a monument at Germantown, Pa., in commemoration of the founding of the first permanent German settlement in America—to the Committee on the Library.

Also, a bill (H. R. 9138) to provide for payment of interest on judgments rendered against the United States—to the Committee on the Judiciary.

By Mr. EDWARDS of Georgia: A bill (H. R. 9139) requiring statistics from cotton manufacturers—to the Committee on the Census.

By Mr. GRIEST: A bill (H. R. 9140) to provide for the erection of a memorial to Robert Fulton—to the Committee on the Library.

By Mr. GOULDEN: A bill (H. R. 9141) fixing the age of soldiers, sailors, and marines entitled to pensions under the provisions of the act approved February 6, 1907—to the Committee on Invalid Pensions.

By Mr. WEEKS: A bill (H. R. 9142) authorizing the appointment of an additional assistant appraiser at the port of Boston, Mass.—to the Committee on Ways and Means.

By Mr. MURPHY: A bill (H. R. 9143) directing the Secretary of the Interior to accept the muster rolls in the office of the adjutant-general of the State of Missouri as and for the service of the Missouri Home Guards, war of the rebellion—to the Committee on Military Affairs.

By Mr. HUGHES of Georgia: A bill (H. R. 9144) to amend section 1 of public act No. 164, Statutes at Large, chapter 1431, volume 33—to the Committee on the Judiciary.

By Mr. HULL of Tennessee: A bill (H. R. 9145) for removing obstructions, etc., from Obed River—to the Committee on Rivers and Harbors.

By Mr. UNDERWOOD: A bill (H. R. 9146) authorizing the President to negotiate trade contracts—to the Committee on Ways and Means.

Also, a bill (H. R. 9147) to establish a subtreasury at Birmingham, Ala.—to the Committee on Ways and Means.

Also, a bill (H. R. 9148) for the better protection of depositors and creditors of national banks—to the Committee on Banking and Currency.

By Mr. MORRISON: A bill (H. R. 9149) to provide for the erection of a public building at Frankfort, Ind.—to the Committee on Public Buildings and Grounds.

By Mr. HOLLINGSWORTH: Resolution (H. Res. 64) requesting information from the Secretary of the Navy as to proposed gift of silver service, with portrait decoration of Jefferson Davis, for use on the battle ship *Mississippi*—to the Committee on Naval Affairs.

By Mr. MURPHY: Resolution (H. Res. 65) directing the Speaker to appoint a committee to investigate conduct of Judges Smith McPherson and John F. Phillips in freight and passenger rate litigation in Missouri, and to investigate generally conduct of John F. Phillips as a federal judge—to the Committee on Rules.

By Mr. UNDERWOOD: Joint resolution (H. J. Res. 52) proposing an amendment to the Constitution providing for the repeal of the fifteenth amendment—to the Committee on the Judiciary.

By Mr. CAPRON: Memorial of the general assembly of the State of Rhode Island, urging uniform recognition of American passports—to the Committee on Foreign Affairs.

By Mr. GOULDEN: Memorial of the legislature of Wyoming, relative to reclamation of public lands—to the Committee on the Public Lands.

Also, memorial of the legislature of Wyoming, in opposition to free hides or any reduction from Dingley rates on hides, and wools—to the Committee on Ways and Means.

By Mr. NEEDHAM: Memorial of the legislature of California, relative to a bill in Congress extending pension laws to include the First Battalion, Mountaineers, California Volunteers, who served during the late war of the rebellion—to the Committee on Invalid Pensions.

By Mr. CARY (by request): Memorial of the legislature of Wisconsin, relating to coolie and Mongolian labor—to the Committee on Foreign Affairs.

Also (by request), memorial of the legislature of Wisconsin, indorsing United States Senate bill No. 8323 (60th Cong., 2d sess.)—to the Committee on Expenditures in the Department of the Interior.

By Mr. COOPER of Wisconsin: Memorial of the legislature of Wisconsin, indorsing Senate bill 8323 (60th Cong., 2d sess.)—to the Committee on Expenditures in the Department of the Interior.

Also, memorial of the legislature of Wisconsin, memorializing Congress to extend the present Chinese exclusion laws so as to apply to all Asiatics of Mongolian origin—to the Committee on Foreign Affairs.

By Mr. MURPHY: Memorial of the legislature of Missouri, memorializing Congress to authorize the Pension Bureau to accept service of Missouri Home Guards as shown by the muster rolls of the adjutant-general of Missouri instead of the Hawkins-Taylor Commission—to the Committee on Invalid Pensions.

By Mr. McKINNEY: Memorial of the legislature of Illinois, favoring the appropriation of $50,000 for the Lincoln Farm Association—to the Committee on Appropriations.

By Mr. MANN: Memorial of the legislature of Illinois, favoring taxing inheritances, etc.—to the Committee on Ways and Means.

Also, memorial of the legislature of Illinois, favoring passage of H. R. 21848 (60th Cong., 1st sess.)—to the Committee on Appropriations.

Also, memorial of the legislature of Illinois, favoring adoption of resolution to appoint committee to investigate systems of old-age insurance, etc.—to the Committee on Ways and Means.

By Mr. McKINNEY: Memorial of the legislature of Illinois, favoring an investigation to establish a system of old-age insurance—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9150) to remove the charge of desertion standing against H. B. Jones—to the Committee on Military Affairs.

By Mr. BARCHFELD: A bill (H. R. 9151) granting an increase of pension to Robert Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9152) for the relief of Francis B. Jones—to the Committee on Claims.

By Mr. BOEHNE: A bill (H. R. 9153) granting a pension to Jonathan F. Titus—to the Committee on Pensions.

Also, a bill (H. R. 9154) granting a pension to Harry A. Benedict—to the Committee on Pensions.

By Mr. BROWNLOW: A bill (H. R. 9155) granting an increase of pension to Charles R. Cross—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 9156) for the relief of Allen Edward O'Toole and others, who sustained damage by reason of accident at Rock Island Arsenal—to the Committee on Claims.

By Mr. BURLEIGH (by request): A bill (H. R. 9157) authorizing the Secretary of War to place the name of George D. Arnold on the rolls of Company E, Fifteenth Maine Volunteers, and issue him an honorable discharge—to the Committee on Military Affairs.

By Mr. CAPRON: A bill (H. R. 9158) granting an increase of pension to William H. Follett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9159) granting an increase of pension to Thomas K. Pimer—to the Committee on Invalid Pensions.

By Mr. CLINE: A bill (H. R. 9160) granting an increase of pension to Charles N. Fisher—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 9161) granting an increase of pension to Thomas J. Elder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9162) granting a pension to Frederick L. Killion—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9163) granting a pension to John McIndoo—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9164) granting a pension to Thomas C. Wisenand—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9165) granting a pension to Theodore F. Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9166) granting a pension to James C. Risher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9167) granting a pension to Irvin McGuire—to the Committee on Invalid Pensions.

By Mr. DENBY: A bill (H. R. 9168) granting an increase of pension to John B. Hanna—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9169) granting an increase of pension to John La More—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9170) granting an increase of pension to Seth E. Engle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9171) granting an increase of pension to Gerrit C. Wynkoop—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9172) granting a pension to C. Augusta Shurly—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9173) granting a pension to Albert B. Mosinsky—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: A bill (H. R. 9174) for the relief of the estate of Col. William B. Gaulden, late of Liberty County, Ga.—to the Committee on War Claims.

By Mr. FLOYD of Arkansas: A bill (H. R. 9175) granting a pension to John A. Cockrum—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9176) granting a pension to Sarah L. Volz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9177) granting a pension to Henry F. Watkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9178) granting a pension to Ellen Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9179) granting a pension to Robert Lane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9180) granting a pension to N. P. Hudson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9181) granting a pension to Alfred Hulsey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9182) granting a pension to William Craft—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9183) granting a pension to Thomas B. Hall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9184) granting a pension to Martin V. Dignan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9185) granting an increase of pension to John Cavin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9186) granting an increase of pension to Elijah Loback—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9187) to correct the military record of Andrew J. Wilhoit—to the Committee on Military Affairs.

Also, a bill (H. R. 9188) to correct the military record of James Red—to the Committee on Military Affairs.

Also, a bill (H. R. 9189) to correct the military record of William Pearson—to the Committee on Military Affairs.

Also, a bill (H. R. 9190) to correct the military record of James M. Morrow—to the Committee on Military Affairs.

Also, a bill (H. R. 9191) to correct the military record of James H. Murphy—to the Committee on Military Affairs.

Also, a bill (H. R. 9192) to correct the military record of Joseph S. Alexander—to the Committee on Military Affairs.

Also, a bill (H. R. 9193) to correct the military record of George W. Boling—to the Committee on Military Affairs.

Also, a bill (H. R. 9194) for the relief of and to correct the military record of G. W. Glenn—to the Committee on Military Affairs.

Also, a bill (H. R. 9195) to correct the military record of and grant to John B. Curtis an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 9196) granting a pension to Isam Dennis and to correct his military record so as to show his true name—to the Committee on Military Affairs.

By Mr. GOULDEN: A bill (H. R. 9197) for the relief of Reed B. Granger—to the Committee on Military Affairs.

By Mr. HAYES: A bill (H. R. 9198) granting a pension to Joseph Hazelton—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 9199) granting a pension to A. C. Stafford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9200) granting a pension to Elmore G. Tatom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9201) granting a pension to William Bloodworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9202) granting a pension to Ann M. Bart—to the Committee on Pensions.

Also, a bill (H. R. 9203) granting a pension to Sallie Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9204) granting a pension to William K. Pierce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9205) granting an increase of pension to Jay Lane—to the Committee on Pensions.

Also, a bill (H. R. 9206) for the relief of James W. Turner—to the Committee on Military Affairs.

Also, a bill (H. R. 9207) to remove the charge of desertion standing against Clifton Callahan—to the Committee on Military Affairs.

Also, a bill (H. R. 9208) authorizing the Secretary of War to recognize John R. McDonald as having been a member of Company H, Fifth Regiment Kentucky Volunteer Cavalry, civil war, and to grant him an honorable discharge—to the Committee on Military Affairs.

By Mr. KENNEDY of Ohio: A bill (H. R. 9209) granting an increase of pension to Daniel H. Shorpnack—to the Committee on Invalid Pensions.

By Mr. KENDALL: A bill (H. R. 9210) granting an increase of pension to Alester D. Sly—to the Committee on Invalid Pensions.

By Mr. KELIHER: A bill (H. R. 9211) granting a pension to Mary Hughes—to the Committee on Invalid Pensions.

By Mr. KINKEAD of New Jersey: A bill (H. R. 9212) for the relief of Edward Korp and Anna Korp, parents of Edward Korp, deceased—to the Committee on Claims.

By Mr. LANGHAM: A bill (H. R. 9213) granting an increase of pension to Thomas G. Rowe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9214) granting a pension to Hannah M. Young—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 9215) to carry into effect the findings of the Court of Claims in the matter of the claim of the heirs of Allen J. Polk, deceased—to the Committee on War Claims.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9216) for the relief of Charles Seiser—to the Committee on Military Affairs.

Also, a bill (H. R. 9217) for the relief of the legal representatives of William H. Hays, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9218) to correct the military record of Christopher P. Rhodes—to the Committee on Military Affairs.

Also, a bill (H. R. 9219) to correct the military record of Charles Knause, alias Dell—to the Committee on Military Affairs.

Also, a bill (H. R. 9220) to correct the military record of William S. Russell—to the Committee on Military Affairs.

Also, a bill (H. R. 9221) to correct the military record of James Jones—to the Committee on Military Affairs.

By Mr. MORGAN of Missouri: A bill (H. R. 9222) granting an increase of pension to Michael Getz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9223) granting an increase of pension to Jacob Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9224) granting an increase of pension to William T. Adkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9225) granting an increase of pension to Jasper N. Dodson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9226) granting an increase of pension to R. C. Charles, alias Robert C. Downey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9227) granting an increase of pension to Henry Musgrove—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9228) granting an increase of pension to John S. Mosier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9229) granting an increase of pension to Isaac Pecare—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9230) granting an increase of pension to Julius Demele—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9231) granting an increase of pension to Thomas B. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9232) granting an increase of pension to Frederick Munch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9233) granting an increase of pension to William Baber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9234) granting an increase of pension to Samuel Pollard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9235) granting an increase of pension to Allen Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9236) granting an increase of pension to Almas Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9237) granting an increase of pension to George W. Tilman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9238) granting an increase of pension to Peter A. Teachout—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9239) granting an increase of pension to James A. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9240) granting an increase of pension to James E. Leftwich—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9241) granting an increase of pension to Daniel E. Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9242) granting an increase of pension to Wilson D. Monett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9243) granting an increase of pension to Alonzo W. Harrington—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9244) granting an increase of pension to Thomas J. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9245) granting an increase of pension to William H. H. Rose—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9246) granting a pension to Bridget Fennessey—to the Committee on Invalid Pensions.

By Mr. PAYNE: A bill (H. R. 9247) granting a pension to Catherine E. Tainter—to the Committee on Invalid Pensions.

By Mr. PARSONS: A bill (H. R. 9248) granting a pension to George Archbold—to the Committee on Pensions.

Also, a bill (H. R. 9249) to complete the military record of William M. Burrows—to the Committee on Military Affairs.

Also, a bill (H. R. 9250) to authorize the restoration of Edward P. Bigelow to the retired list of the army and his appointment as a captain thereon—to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 9251) granting relief to Thomas E. Osborn—to the Committee on War Claims.

Also, a bill (H. R. 9252) granting a pension to Sarah Goff Beach—to the Committee on Pensions.

Also, a bill (H. R. 9253) granting a pension to Estella M. Manville—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9254) granting a pension to Julia A. Karr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9255) granting an increase of pension to Llewellyn W. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9256) granting an increase of pension to William Dick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9257) granting an increase of pension to T. S. Dexter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9258) granting an increase of pension to John M. Oliver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9259) granting an increase of pension to Benjamin Rail—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9260) granting an increase of pension to William Rech—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9261) granting an increase of pension to Amos T. Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9262) granting an increase of pension to Milton Parks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9263) to place Johnathan J. McClarren on the retired list with the rank of captain—to the Committee on Military Affairs.

Also, a bill (H. R. 9264) to place William Welsh on the retired list with the rank of captain—to the Committee on Military Affairs.

By Mr. SHEFFIELD: A bill (H. R. 9265) granting an increase of pension to William H. Durfee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9266) granting an increase of pension to John McLane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9267) granting a pension to William H. McGunigle—to the Committee on Invalid Pensions.

By Mr. SNAPP: A bill (H. R. 9268) granting an increase of pension to Hamilton A. Anderson—to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 9269) granting a pension to Thad Parrish—to the Committee on Pensions.

Also, a bill (H. R. 9270) for the relief of James A. Ray or his heirs—to the Committee on War Claims.

By Mr. CRUMPACKER: A bill (H. R. 9271) granting a pension to Phoebe Miller—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 9272) granting an increase of pension to Thomas Moore—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 9273) granting an increase of pension to H. Dudley Rogers—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. AIKEN: Petition of Farmers' Union of Liberty, S. C., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. ALLEN: Petition of H. A. Kittridge and 12 others, of Wells, Me., favoring a system of parcels post and postal savings banks—to the Committee on the Post-Office and Post-Roads.

By Mr. BARCHFELD: Paper to accompany bill for relief of Robert Jones—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of Charles M. Bailey, of Winthrop, Me., relative to the tariff on burlaps—to the Committee on Ways and Means.

Also, petition of the Skowhegan (Me.) Pulp Company, against placing wood pulp on the free list—to the Committee on Ways and Means.

By Mr. CAPRON: Papers to accompany bills for relief of Charles Oscar Arnold, William H. Tollett, and Thomas K. Pimer—to the Committee on Invalid Pensions.

Also, petition of Rhode Island State Federation of Woman's Clubs, against increase of duty on hosiery and gloves—to the Committee on Ways and Means.

Also, petition of Rhode Island Horticultural Society, for legislation relative to the importation and interstate traffic in infected honey and bees—to the Committee on Interstate and Foreign Commerce.

By Mr. MICHAEL E. DRISCOLL: Petition of J. H. Cook, overseer of Eaton Grange, No. 811, Eaton, N. Y., favoring repeal of duty on raw and refined sugars—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Luyties Brothers, of New York, favoring H. R. 28170 (60th Cong., 2d sess.), relative to taxation of distilled spirits—to the Committee on Ways and Means.

Also, petition of S. C. Gillespie & Sons, of New York, against a tariff on Chinese nut oil—to the Committee on Ways and Means.

Also, petition of Lithographers International Lithographing, Printing, and Binding Association of New York, against reduction of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Hugo J. Mischo, of New York, against change in fur schedule of the Dingley bill—to the Committee on Ways and Means.

Also, petition of post-card manufacturers, for protection of post cards—to the Committee on Ways and Means.

Also, petition of Bellevue and allied hospitals, favoring amendment of paragraph 638 of the Payne tariff bill—to the Committee on Ways and Means.

Also, petition of Lithographers' Union of New York, favoring protection of home industries—to the Committee on Ways and Means.

Also, petition of Edward and John Burke, of New York, urging drawback on containers when of American manufacture—to the Committee on Ways and Means.

Also, petitions of Michael Bruling and Henry Hild, of New York, urging protection for lithographic trade—to the Committee on Ways and Means.

Also, petition of Jed Frye & Co., of New York, regarding reduction of duty on certain kinds of fish—to the Committee on Ways and Means.

Also, petition of post-card manufacturers of New York, favoring a duty on post cards—to the Committee on Ways and Means.

Also, petition of S. M. Flickinger Company, of Buffalo, N. Y., against a duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of the Roessler & Hasslacher Chemical Company, of New York, favoring 25 per cent duty on cyanide of sodium—to the Committee on Ways and Means.

Also, petition of the Paul Taylor Brown Company, of New York, against increase of duty on canned pineapple—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of cigar makers, against the free entry of cigars and tobacco from the Philippine Islands—to the Committee on Ways and Means.

By Mr. HAMLIN: Paper to accompany bill for relief of James J. Davidson—to the Committee on Invalid Pensions.

By Mr. HENRY of Texas: Petition from various citizens of Gatesville, Tex., protesting against the enactment of the so-called "parcels-post measure"—to the Committee on the Post-Office and Post-Roads.

By Mr. LOVERING: Petition of Charles A. Van Evera and others, of the Tenth Congressional District of Massachusetts, favoring certain passage in tariff bill relative to post cards—to the Committee on Ways and Means.

By Mr. MARTIN of South Dakota: Petition of Cigar Makers' Union of Bridgewater, S. Dak., against admission of cigars free of duty from the Philippine Islands—to the Committee on Ways and Means.

By Mr. NORRIS: Petition of residents of Wood River, Nebr., against the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. PAYNE: Petition of Pomona Grange, of Ontario, N. Y., favoring a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. SHEFFIELD: Petition of E. A. Johnson & Co. and 30 other printing concerns of Providence, R. I., opposing the free printing of return cards on envelopes sold by the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

By Mr. SULZER: Petition of Isaac Prouty & Co., of Spencer, Mass., for removal of the duty on hides—to the Committee on Ways and Means.

Also, petition of National Association of Hosiery and Underwear Manufacturers, relative to duty on hosiery—to the Committee on Ways and Means.

Also, petition of Hall & Ruckel, of New York, favoring a reduction of duty on soda ash—to the Committee on Ways and Means.

Also, petition of Chelsea Fiber Mills, of New York, against certain changes in tariff bill (H. R. 1438)—to the Committee on Ways and Means.

SENATE.

TUESDAY, *May 4, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. FLINT and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. Without objection, the Journal stands approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the State of Oregon *v.* United States (S. Doc. No. 28) which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Joint resolution 8 A.

Joint resolution relating to coolie and Mongolian labor.

Whereas the overpopulation of the Asiatic nations of Mongolian origin has caused the overflow of those people into other countries; and

Whereas the conditions in this country peculiarly favor the immigration of those people to our shores; and

Whereas the immigration of those people, by their lower standards of living and of society, has resulted and does result in the lowering of wages and of the standard of living of the American laborers; and

Whereas such people are unfit to become citizens of this Republic and have no intention or desire to fit themselves to become such, but rather to return after a few years to their native lands, thus resulting in an economic loss to this country; and

Whereas the exclusion of the Chinese has tended to preserve the economic and social welfare of this country: Therefore, be it

Resolved by the assembly (the senate concurring), That we memorialize Congress to extend the present Chinese-exclusion laws so as to apply to all Asiatics of Mongolian origin; and

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.

C. F. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

The PRESIDENT pro tempore presented the memorial of S. J. G. Heinberge and sundry other citizens of Jackson, Mo., remonstrating against the adoption of the resolution relative to railroad rates in Missouri, etc., which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the Parker Improvement Association of Parker, Ariz., remonstrating against the construction of a dam across the Colorado River above that city, which was referred to the Committee on Commerce.

Mr. FLINT. I present a memorial, in the nature of a telegram, from the Chamber of Commerce of Fresno, Cal., which I ask may be read and lie on the table.

There being no objection, the memorial was read and ordered to lie on the table, as follows:

[Telegram.]

FRESNO, CAL., *April 29, 1909.*

Senator F. P. FLINT,
Washington, D. C.:

Following resolutions passed at meeting Chamber of Commerce last evening:

Whereas the proposition to reduce to a minimum the duty on crude petroleum is now before the Senate of the United States, while ostensibly aimed as a blow at the Standard Oil trust, is, in fact, a much less serious menace to that monopoly than it is to that portion of the domestic industry composed of many thousands of independent producers; for

Whereas the Standard Oil trust, with its untold millions of capital, can under free trade in crude petroleum easily transfer its base of operations to the oil fields of Mexico, and by the employment of peon labor force the independent producers of the United States out of business, and thereby largely increase the power of its monopoly: Therefore be it

Resolved, That the Fresno County Chamber of Commerce is determinedly opposed to such proposed reduction of duty as a serious menace to an important and growing domestic industry and in no wise calculated to curb the power or limit the profits of any monopoly.

FRESNO COUNTY CHAMBER OF COMMERCE,
By WILLIAM ROBERTSON, *Secretary.*

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., and a petition of the Board of Trade of Kern County, Cal., praying for an increase of the duty on asphalt, which were ordered to lie on the table.

He also presented petitions of the Chamber of Mines of Los Angeles, of the Chamber of Commerce of Los Angeles, and of the Merchants and Manufacturers' Association of Los Angeles, all in the State of California, praying for the retention of the present countervailing duty on petroleum, which were ordered to lie on the table.

Mr. GAMBLE presented the petition of Joseph Hebal, of Goodwin, S. Dak., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Ramona and Oldham, S. Dak., praying for the repeal of the duty on hides, which was ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Steubenville, Stoutsville, Painesville, Brecksville, Hubbard, Miller, Lorain, Salesville, Dayton, Howard, Mount Vernon, Waverly, New Carlisle, Washington, Sylvania, and Cincinnati, all in the State of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Argonia, Kans., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. RAYNER presented petitions of sundry citizens of Baltimore, Chesapeake City, Swanton, and Westminster, all in the State of Maryland, and of sundry citizens of Washington, D. C., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Education and Labor and ordered to be printed in the RECORD, as follows:

Joint resolution indorsing United States Senate bill 8323.

Resolved by the assembly (the senate concurring), That we heartily indorse Senate bill No. 8323, introduced into the United States Senate and referred to the Committee on Education and Labor, creating a national children's bureau, and request our United States Senators and Members of Congress to support the same. That a copy of this resolution be transmitted to each of our United States Senators, Members of Congress, and to the chairman of the Senate Committee on Education and Labor.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Immigration and ordered to be printed in the RECORD, as follows:

Joint resolution 8 A.

Joint resolution relating to coolie and Mongolian labor.

Whereas the overpopulation of the Asiatic nations of Mongolian origin has caused the overflow of those people into other countries; and

Whereas the conditions in this country peculiarly favor the immigration of those people to our shores; and

Whereas the immigration of those people, by their lower standards of living and of society, has resulted and does result in the lowering of wages and of the standard of living of the American laborers; and

Whereas such people are unfit to become citizens of this Republic and have no intention or desire to fit themselves to become such, but rather to return after a few years to their native lands, thus resulting in an economic loss to this country; and

Whereas the exclusion of the Chinese has tended to preserve the economic and social welfare of this country: Therefore, be it

Resolved by the assembly (the senate concurring), That we memorialize Congress to extend the present Chinese-exclusion laws so as to apply to all Asiatics of Mongolian origin; and

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate, and Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a memorial of the Medford Advancement Association, of Medford, Wis., remonstrating against the imposition of a duty on hides, which was ordered to lie on the table.

He also presented a petition of the Wisconsin Retail Lumber Dealers' Association, praying for the removal of the duty on Canadian lumber, and also for the appointment of a tariff commission, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Ableman, Appleton, Ashland, Hertel, Hortonville, Melrose, Malone, Neosho, New London, Pleasant Prairie, Plymouth, Port Washington, Randolph, and Stevens Point, all in the State of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Chamber of Commerce of Milwaukee, Wis., remonstrating against a reduction of the duty on barley and malt, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Florence County, Wis., praying for a reduction of the duty on iron ore and lumber, which was ordered to lie on the table.

He also presented a memorial of the Y. T. and F. Club, of Menasha and Neenah, Wis., remonstrating against the proposed increase of the duty on cotton, woolen and silk goods, hosiery, gloves, and sugar, which was ordered to lie on the table.

He also presented a petition of Typographical Union No. 23, Allied Printers' Union, of Milwaukee, Wis., praying for a reduction of the duty on wood pulp and paper, which was ordered to lie on the table.

He also presented a petition of the Common Council of Portage, Wis., praying for the improvement of the levee along the north bank of the Wisconsin River at that city, which was referred to the Committee on Commerce.

He also presented a resolution adopted by the Commercial Club of Mineral Point, Wis., relative to the duty on zinc ore, which was ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Stetson, Me., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills and joint resolutions were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RICHARDSON:

A bill (S. 2265) to provide for the purchase of a site and the erection of a public building thereon in the city of Smyrna, Del.; to the Committee on Public Buildings and Grounds.

By Mr. STEPHENSON:

A bill (S. 2266) granting a pension to Maria Shannon; and

A bill (S. 2267) granting a pension to Cassius W. Andrew; to the Committee on Pensions.

By Mr. BURTON:

A joint resolution (S. J. R. 33) relating to the provisions of section 10 of the sundry civil act of March 4, 1909; to the Committee on Commerce.

By Mr. BEVERIDGE:

A joint resolution (S. J. R. 34) disapproving a certain law enacted by the legislative assembly of the Territory of New Mexico (with the accompanying papers); to the Committee on the Judiciary.

AMENDMENT TO THE TARIFF BILL.

Mr. NELSON submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The PRESIDENT pro tempore. The morning business is closed. The calendar is in order. The Secretary will announce the first bill on the calendar.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. BORAH. Mr. President, recurring briefly to the particular subject which was under discussion last evening, I referred to the manner in which the "Pollock case," so called, was presented to the court. I went no further than to state at the time that it was in the nature of an agreed case between the stockholders and the corporation, and that it seemed conclusive that the Supreme Court, as a matter of fact, had not jurisdiction of it. I desire to call attention very briefly to an excerpt or two from the opinion and from the statement of counsel for the purpose of putting myself correctly in the RECORD with reference to that matter before going to the other subject. I quote first from Mr. Carter's brief. It says:

It admits by its demurrer to the bill that, unless restrained by the process of injunction, it will, in accordance with the requirements of the law, make the prescribed returns and pay the tax. Outside of this bill it admits, and indeed asserts, this determination; and if those circumstances constitute any reason why a court of equity should take jurisdiction of the case and listen to argument upon the questions which are raised, then there is some support for the equity jurisdiction invoked by the complainant.

This argument was referred to yesterday as a model, and no one would contend for a moment that the learned counsel who made it was not capable of making a powerful argument. But I call attention to the fact that the counsel in his statement does not commit himself as a lawyer to the proposition that the court had jurisdiction of the controversy. He says:

And if those circumstances constitute any reason why a court of equity should take jurisdiction of the case and listen to argument upon the questions which are raised, then there is some support for the equity jurisdiction invoked by the complainant.

The court in passing upon the matter at page 554 of the opinion says:

The objection of adequate remedy at law was not raised below—

where the case was presented entirely by counsel representing the corporation and the stockholders—

nor is it now raised by appellees, if it could be entertained at all at this stage of the proceedings; and, so far as it was within the power of the Government to do so, the question of jurisdiction, for the purposes of the case, was explicitly waived on the argument.

Mr. Justice White, in referring to this matter at page 609 of the opinion, says:

The act of 1867 forbids the maintenance of any suit "for the purpose of restraining the assessment or collection of any tax." The provisions of this act are now found in Revised Statutes, section 3224.

The complainant is seeking to do the very thing which, according to the statute and the decisions above referred to, may not be done. If

the corporator can not have the collection of the tax enjoined, it seems obvious that he can not have the corporation enjoined from paying it, and thus do by indirection what he can not do directly.

* * * * * * *

The rule which forbids the granting of an injunction to restrain the collection of a tax is founded on broad reasons of public policy and should not be ignored. In Cheatham *v.* United States (92 U. S., 85, 89), which involved the validity of an income tax levied under an act of Congress prior to the one here in issue, this court, through Mr. Justice Miller, said:

"If there existed in the courts, state or national, any general power of impeding or controlling the collection of taxes or relieving the hardship incident to taxation, the very existence of the Government might be placed in the power of a hostile judiciary. (Dows *v.* The City of Chicago, 11 Wall., 108.) While a free course of remonstrance and appeal is allowed within the departments before the money is finally exacted, the General Government has wisely made the payment of the tax claimed, whether of customs or of internal revenue, a condition precedent to a resort to the courts by the party against whom the tax is assessed. In the internal-revenue branch it has further prescribed that no such suit shall be brought until the remedy by appeal has been tried; and, if brought after this, it must be within six months after the decision on the appeal. We regard this as a condition on which alone the Government consents to litigate the lawfulness of the original tax. It is not a hard condition. Few governments have conceded such a right on any condition. If the compliance with this condition requires the party aggrieved to pay the money, he must do it.

It will be observed from the reading of the record in this case, as I said, that there was an attempt on the part of those interested in the controversy to do what they could toward waiving the jurisdiction of the court. The court refers to it in the opinion as having been waived so far as it could be and the dissenting opinion calls attention to the fact that it is the first time in the history of the court that they have ever entertained an injunction suit to restrain the Government in the collection of a tax. I call attention to that for the purpose of extending it in the RECORD.

Mr. President, the sole arguments against an income tax have consisted of two propositions, first, those who contend that the economic definition of an income tax is the proper definition, and, second, those who contend that the language of the Constitution itself, taken in connection with the history of the times, discloses that the framers intended to extend the phrase "direct taxes" to all property, personal and real, and the income therefrom.

The economic definition, or the definition given of direct taxes by the economic writers, was a tax which could not be shifted, a tax which must be paid by those against whom it is laid, a tax which must be responded to by the property upon which the charge is made, and which could not be shifted to property or to someone else other than the party against whom the tax was laid. This was illustrated in the Hylton case in the particular statute which was involved. There the tax was laid in one clause of the statutes against the carriage which was used personally by the proper party owning it, and, secondly, carriages used for hire. In one instance the owner must necessarily pay it. In the other instance the owner might transfer the charge to the party who paid for the use of the carriage. That illustrates the difference between a direct tax and an indirect tax as defined by the economic writers.

This is one of the contentions which has been made in regard to an income tax or the definition of a direct tax from the beginning of the discussion of this matter. It was presented in the first place in the Hylton case. It was re-presented in Seventh Wallace in the Pacific Insurance case. It was re-presented in Eighth Wallace in the Veazie Bank case. It was re-presented in Scholey *v.* Rew in Twenty-third Wallace, and re-presented again in the Springer case. In all these different briefs, which were filed by able counsel, this particular proposition was amplified and urged. It was contended that the framers of the Constitution being familiar with Smith and Turgot and the other economic writers as to what they considered an income tax or a direct tax had followed the definition given by those writers.

This proposition was specifically answered by Chief Justice Chase in the Veazie Bank case. Chief Justice Chase, in passing upon the income tax in that decision, took up specifically the proposition of an economic definition and answered it, and contended that the framers of the Constitution were not controlled by that definition.

It was, therefore, a proposition which had been presented from the beginning. It was not new to the court in the Pollock case. It was as old as the argument upon this question from the start. But it was revived in the Pollock case and re-presented to the court with much ability, and unquestionably was taken and accepted by the court as a controlling factor in the determination of the proposition.

It has been said, since the Supreme Court has come to pass upon other questions in connection with taxation, that it was not a direct and controlling factor in the income-tax decision. And therefore I beg the indulgence of the Senate for a moment while I call attention to the opinion of the court—both the opinion of the court and the dissenting opinion—to show that the Supreme Court accepted, to a considerable extent at least, that proposition which had been rejected for a hundred years, reaching a conclusion at last that it was the economic definition which controlled the framers in the making of the Constitution to some considerable extent at least.

Mr. RAYNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Maryland?

Mr. BORAH. I do.

Mr. RAYNER. Has the Senator observed the language of Chief Justice Chase in Veazie Bank *v.* Fenno, that he just referred to? Let me read a few lines:

Much diversity of opinion has always prevailed upon the question, What are direct taxes? Attempts to answer it by reference to the definitions of political economists have been frequently made, but without satisfactory results. The enumeration of the different kinds of taxes which Congress was authorized to impose was probably made with very little reference to their speculations. The great work of Adam Smith, the first comprehensive treatise on political economy in the English language, had then been recently published; but in this work, though there are passages which refer to the characteristic difference between direct and indirect taxation, there is nothing which affords any valuable light on the use of the words "direct taxes" in the Constitution.

Then he goes on to say:

What does appear in those discussions, on the contrary, supports the construction. Mr. Madison informs us that Mr. King asked what was the precise meaning of direct taxation, and no one answered.

That was Rufus King, in speaking of a definition of a direct tax. Rufus King rose in the convention and asked what direct taxes were. There sat Madison and Hamilton and Martin and Pinckney and all the rest of the great lawyers of that day, and no one answered him.

What I want to ask the Senator is this: Does the Senator think that at the time that provision was put in the Constitution there was any accurate definition of what direct taxes were? I am just asking the question, not to interrupt the Senator or by way of any opposition to what the Senator says.

Mr. BORAH. I am aware, Mr. President, that there are those who believe that the framers of the Constitution did not know the meaning of the language that they were using in the great charter which they were making. I am not of that faith. I believe that the fathers, when the history of the surrounding circumstances is closely studied, will be found to have known and understood precisely the definition of the phrase "direct taxes," and that especially would the careful makers of that great instrument have refrained from putting into the Constitution a phrase which was ambiguous after their attention had been called to the fact that it was ambiguous.

I believe, on the other hand, the mere fact that the question of Mr. King was not answered was a mere incident in the discussion. It does not indicate for a moment that those who used the phrase did not, as a general rule, understand precisely how it was being used.

I think I will show before I go very much further that Mr. Hamilton, to whom reference was made, did understand and had a direct and definite idea of the meaning of direct taxes; that he explained at the time in his own proposition which he submitted to the convention; that while there might have been those in the convention who did not have a definite or specific idea sufficient to express it, yet as a consensus of opinion in the convention it was very well and very thoroughly understood.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. The statement is made in the Madison papers, to which the Senator from Maryland has called attention, that Rufus King asked the question, What is a direct tax? I think the question, though, was What is direct taxation? Perhaps there is no difference. Evidently the question challenged the attention of the convention, because Madison goes on to say that no one answered it, and he seems to attach some importance to that fact. If I understand the position of the Senator from Idaho, it is that direct taxes are of two kinds, and two only, namely, a capitation tax and a land tax.

Mr. BORAH. And the improvements of land.

Mr. SUTHERLAND. Well, that amounts to the same thing—a capitation tax and a land tax. The question I desire to submit to the Senator is this: If that was within the intention of the framers of the Constitution, and if the answer to the question "What is a direct tax?" was so simple as the Senator from Idaho now seems to think it is—namely, that it was only a capitation tax and a tax upon land—is it not a little remarkable that somebody did not answer him?

Mr. BORAH. I do not look at it in that way. I think the simplicity of the thing makes it more plain as to why they did not answer it—because of the fact that it might not have been

regarded as a matter of serious contention and of debate. I might ask the question here as to what is an excise tax. A man would know in a moment what the general idea was, but it would take him three hours to tell what it was, in view of all the decisions of the courts upon the matter. It might be true, with reference to that situation, that they had a general and even a definite idea as to what they understood the definition to be, but no one considered it essential to define it precisely; or it might have been due entirely to the exigencies of debate, the matter being asked in a casual way and urged aside by other matters.

Another thing: The framers of the Constitution did not spend any time in making precise definitions of the exact terms which they used. It has been commented upon by such men as Marshall and other writers on the Constitution time and time again that they were not there making a dictionary of political science or political words or law terms; that they were framing a general law for a general government, which they expected to be construed in a general way to meet the conditions and emergencies which should arise in the future, and never in a technical way.

I will come more directly, however, to that in a few moments, when I come to discuss the actual debate which took place with reference to this precise clause.

When I come to that debate we will find out that a definition was given in a general way and that the facts and circumstances surrounding the discussion point without any question to the exact understanding of the framers. It has been said time and time again that very little took place in that convention. Not a great deal did take place, but enough took place to show precisely what they understood by direct taxation.

I was saying that this idea of a shiftableness of the tax had been presented many times to the court and was re-presented in the Pollock case. I further stated that since the Pollock decision it has been said, in view of the necessity of leaning away from it again, that it was not controlling in that case. I want to call attention to the language of the court in the Pollock case:

> The first question to be considered is whether a tax on the rents or income of real estate is a direct tax within the meaning of the Constitution. Ordinarily all taxes paid primarily by persons who can shift the burden upon some one else or who are under no legal compulsion to pay them are considered indirect taxes; but a tax upon property holders in respect of their estates, whether real or personal, or of the incomes yielded by said estates, and the payment of which can not be avoided, are direct taxes. Nevertheless it may be admitted that although this definition of indirect taxes is prima facie correct and to be applied in consideration of the question before us, yet that the Constitution may bear a different meaning and that such meaning must be recognized.

They proceed to discuss the other feature of it. Again the court said, in the majority opinion:

> The Federalist demonstrates the value attached by Hamilton, Madison, and Jay to historical experience and shows they made a careful study of many forms of government. Many of the framers were particularly versed in the literature of the period—Franklin, Wilson, and Hamilton, for example. Turgot had published, in 1764, his work on taxation and in 1776 his essay on the formation and distribution of wealth, while Adam Smith's Wealth of Nations was published in 1776.

All leading up to the final conclusion that this was uppermost in the minds of the framers of the Constitution. Again the court quotes approvingly from Mr. Gallatin's works:

> The most generally received opinion, however, is that by direct taxes in the Constitution those are meant which are raised on capital or revenue of the people; by indirect, such as are raised on their expense. As that opinion is in itself rational and conformable to decision which has taken place on the subject of the carriage tax, and as it appears important for the sake of preventing future controversies which may be not more fatal to the revenue than the tranquillity of the Union that a fixed interpretation should be generally adopted it will not be improper to corroborate it by quoting the author from whom the idea seems to have been borrowed. He then quotes from Smith's Wealth of Nations, and continues: "The remarkable coincidence of the clause of the Constitution with this passage in using the word 'capitation' as a generic expression including the different species of direct taxes—an acceptation of the word peculiar, it is believed, to Doctor Smith—leaves little doubt that the framers of the one had the other in view at the time and that they as well as he, by direct taxes, meant those paid directly from and falling immediately on the revenue, and by indirect those which are paid indirectly out of the revenue falling immediately upon the expense."

The court was evidently relying, as the court had always refused to do before, upon this indirect-tax definition as given by the economic writers.

Mr. Justice White, in his dissenting opinion, specifically refers to this fact. He says:

> Now, after a hundred years, after long-continued action by other departments of Government, and after repeated adjudications of this court, this interpretation is overthrown and Congress is declared not to have the power of taxation, which may at some time, as it has in the past, prove necessary to the very existence of the Government. By what process of reasoning is this to be done? By resort to theories in order to construe the word "direct" in its economic sense instead of in accordance with its meaning in the Constitution, when the very result of the history which I have thus briefly recounted is to show that the economic construction of the word was repudiated by the framers themselves and has been time and time again rejected by the court.

Again Mr. Justice White says:

> It seems evident that the framers, who well understood the meaning of this word, have thus declared in the most positive way that it shall not be so construed in the sense of Smith and Turgot.
>
> The argument, then, it seems to me, reduces itself to this: That the framers well knew the meaning of the word "direct;" that so well understanding it, they practically interpreted it in such a way as to plainly indicate that it had a sense contrary to that now given to it in the view adopted by the court; although they thus comprehended the meaning of the word and interpreted it at an early date, their interpretation is now to be overthrown by resorting to the economists whose construction was repudiated by them.

Mr. Justice Brown says in his dissenting opinion in regard to the shiftableness of the tax:

> By resurrecting an argument that was exploded in the Hylton case, and has lain practically dormant for a hundred years, it is made to do duty in nullifying not this law alone, but every similar law that is not based upon an impossible theory of apportionment.

Mr. Justice Harlan also, in his dissenting opinion, calls attention to the fact that this economic definition which had been urged upon the court for so many years and rejected had been called into life for the purpose of overturning the decisions of the court of a hundred years, and I think we may reasonably conclude that whatever may be said, in view of the later decisions, the Supreme Court of the United States interwove into the argument and into the decision as an elementary fact in the decision the economic definition of a direct tax.

Now, Mr. President, what has become of that definition since the income-tax decision? I think I will show in a few moments—and I do not propose to take up the time of the Senate to read authorities—that that definition, strong as it was in that case, controlling as it was in reaching a conclusion, has, by the unanimous opinion of the Supreme Court, so far as this particular point is concerned, been swept entirely away and rejected in toto, as it had been for a hundred years before the Pollock case.

The first inheritance-tax case which went to the Supreme Court for consideration was the case of the United States *v.* Perkins. It came up from the State of New York. It involved the constitutionality of the inheritance-tax law of the State of New York.

A citizen of the State of New York, having died, left a part of his property to the Government of the United States. The question was raised that it was not within the power of the State to tax property belonging to the Government, which is true, and that it was not within the power of the State to tax the right of the Government to take property, which is true.

Therefore the Supreme Court was confronted with the proposition of meeting that which had been settled so long, that you could not tax the property of one sovereignty by the action of another, and that the instrumentality of one government can not be embarrassed and taxed by another. This property which had been left to the Government was to be subjected to the tax, or at most the right to take the property was to be subjected to the tax. The Supreme Court said that it was not a tax upon the legacy itself after it had become the property of the United States, but it was a tax upon the property before it was distributed to the United States. That it, the property, came to the Government diminished of the tax.

If that is true, Mr. President, what becomes of the economic definition of the shifting of the tax to some one else? Was if not a direct tax upon the property itself? Could the tax on the property be shifted? Could it be transplanted to some other party to be made to pay the tax? That seems to be conclusive.

Again, in the case of Knowlton *v.* Moore, in One hundred and seventy-eighth United States, the national inheritance tax of 1898, which was a part of the war-revenue act of 1898, came before the court for consideration. Those who accepted the income-tax decision and were at the same time contending against the constitutionality of the inheritance tax presented to the court this proposition:

That the income-tax decision rested upon the proposition that that was a direct tax which could not be shifted, and that that was an indirect tax which could be. If that was true, the inheritance-tax law of 1898 must necessarily go out. But the Supreme Court in that case, by a unanimous opinion of the court so far as this particular point is concerned, took up the proposition of this economic definition of a direct tax and rejected it, as it had consistently and without a dissenting voice done for a hundred years before the Pollock case.

So far as this proposition, which had such an important bearing in the Pollock case, is concerned, there can be no possible doubt but what it has been swept away entirely by the unanimous opinion of the Supreme Court of the United States. They have said once and for all that that argument which was presented in the Hylton case, which was presented in the Pacific Insurance case, and the Springer case, and which was rejected,

is by this court rejected again, although no man can read the income-tax decision and not conclude that it was a controlling and elementary proposition in the determination of that case.

In my opinion the presentation of this matter on that one fact alone to the Supreme Court of the United States is warranted in view of the subsequent decisions.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Does not the Supreme Court in the Knowlton case distinguish that case from the Pollock case and say in the Knowlton case that an inheritance tax was not a tax upon the property but a tax upon the devolution of property? Let me ask the Senator whether or not he sees any difference between a tax of that character, upon the devolution of property, and a stamp duty upon a deed? The Senator will concede that we have no power under the Constitution to impose a tax upon land unless by the rule of apportionment. Yet I take it the Senator will also concede that we have power to impose a stamp duty on the deed by which the title was presented.

Mr. BORAH. Mr. President, I am aware the Supreme Court distinguished the Knowlton case from the income-tax case, but that was on another subject entirely. That was not with reference to the economic definition of the tax. They did not distinguish upon that proposition. They took that up bodily, met it, and rejected it. The distinction came when they came to deal with the question whether the tax was upon the property or upon the right to take property, which I will come to later. I may say in passing that I am not discouraged when I find the court distinguishing a case, because it seldom overrules and quite often distinguishes. It distinguished the Hylton case; it distinguished the Pacific Insurance case, the Scholey case, and the Springer case. Yet I think there is no doubt in the mind of any man in the world but what it specifically overruled all those cases in the Pollock case; it was called "distinguishing."

Now, I propose to show briefly, Mr. President, with reference to the historical definition of the tax, having passed from the economic definition, that, in the first place, it had no basis as to historic fact; in the second place, that it also was rejected by numerous decisions of the Supreme Court of the United States; and thirdly, that while it was controlling in the Pollock case, it also has been, in my judgment, although not specifically, I am frank to admit, rejected by the Supreme Court since the Pollock case. The historic definition, as I said a few moments ago, is based upon the proposition that the direct-tax phrase of the Constitution, taken in connection with the historic circumstances and facts which surround it, show that the framers of the Constitution understood by a direct tax a tax upon all kinds of property—personal, real, and the income therefrom. Those who oppose that view contend that the historic definition shows that they had in mind alone the tax upon persons, or a capitation tax, and a tax upon land.

I desire to call attention to the language of the Constitution, in order that we may have it before us for the purposes of the discussion:

> SEC. 8. The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defence and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.
>
> * * * * * * * * *
>
> No capitation, or other direct, tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.
>
> * * * * * * * * *
>
> No tax or duty shall be laid on articles exported from any State.

It is conceded, looking at the language alone for a few moments, by all commentators upon the Constitution, and it has been stated by the Supreme Court of the United States time and time again, that it was in the purpose of the makers of the Constitution to grant full and plenary power to the National Government to lay taxes. It was intended that the National Government should have complete power to tax every person and every species of property within its wide and broad domain. There can be no question about that.

It is true that the convention provided two rules by which it should be done, by the manner in which the tax should be laid; but the power to lay taxes was complete and full, and intended to cover all persons and property within the wide domain, wherever they might be found. Those men who had had experience with the Articles of Confederation, who had had experience with drawing upon the States for their sustenance, did not propose to have the National Government shorn of any of its power to lay taxes upon all the property which it had within its control or in its dominion. And yet they say to us, Mr. President, that the makers of the Constitution, who intended to give to the National Government the power to lay taxes fully and completely, then prescribed a rule which destroys the power which they intended to grant, because it is conceded that if you can not lay taxes upon the income from real estate and personal property, except by apportionment, it is a practical impossibility, and that they have prescribed a rule which destroys the power that they fully intended to grant to the General Government.

That of itself upon the face discloses that the framers of the Constitution did not intend by direct taxes that which could not be apportioned. They said direct taxes should be apportioned. They intended to give a full power to tax. They intended to give a practical power to tax, and to give a tax which would be equitable and just, and yet in the next breath you say to us that they have prescribed a rule which makes it impracticable, impossible; in fact, unjust and incapable of apportionment.

Mr. Chief Justice Marshall said many times that we should give to the language contained in that great instrument a reasonable and practical construction.

The English statutes and the English law for a hundred years prior to the adoption of the Constitution of the United States had made the distinction in their statutes and in their laws which is made to a very large extent in the Constitution of the United States. We use the word "duty" to-day in common parlance as applying to a charge laid upon goods which are brought into this country, but for a hundred years in the old ancient statutes and in the English law the word "duty" covered every kind of charge or tax which was laid upon property other than that charge which was laid upon real estate. If you will recur to your old Blackstone you will find that Blackstone in defining taxes refers to the charge which was laid upon land, and when he refers to the other charges upon property, personal property, houses, incomes, salaries, offices, windows, and every species of personal property which was taxed, it is referred to invariably as a duty.

It is much more reasonable to assume that the framers of the Constitution, thirty-one of whom were lawyers, were controlled and influenced by this usage of a hundred years than that they were controlled by an economic definition of a new writer upon a dismal subject, which was at that time receiving very little consideration at the hands of the general public.

You remember that Edmund Burke, in his great speech upon conciliation with America, said that some of the most profound lawyers of the English-speaking tongue were found at that time in the English colonies of America. He said, furthermore, that it was disclosed by the bookstores of London that more copies of Blackstone were sold in America at that time than were sold in London or in England. Governor Gage, the governor of Massachusetts, said in one of his messages across the water: "I have a government of lawyers; the people are lawyers; they are familiar with your statutes; they know your laws better than you know them yourself."

And he complained that they had found technicalities by which they had evaded the laws which were drawn by the best English lawyers. These men were entirely familiar—not only the makers of the Constitution, but their constituents and the people generally—with the English statutes. They knew the phrases which had been used and were in common use.

Let me call your attention to a few extracts on that subject, and I might call your attention to more. Blackstone referred to taxes and duties as follows, not using his exact language, but speaking from memory:

Taxes charge on land, duty, everything else—houses, windows, improvements on real estate, and all kinds of personal property, on servants, coaches, horses, offices, and salaries.

These taxes were incorporated in the act of 1867, which referred to them as "taxes" and duties.

The title of the act of 1703 was as follows: "An act granting aid to Her Majesty by land tax, etc." This was made perpetual in 1798, and was still called a "land tax." The other form of taxes which were assessed were invariably referred to in the statutes as "duties." Thus in 1696 we have an act for granting to His Majesty several rates or duties upon houses. In 1796 we have the terminology for repealing the several duties upon houses, windows, and lights, and another for establishing a uniform duty on dwelling houses. We have also a statute referring to duties on coal, cinders, and so forth. Then we have the tax law of the elder Pitt in 1758 "for granting to His Majesty several rates or duties upon offices, pensions, houses, etc."

These words had well-defined meaning in the English law and were familiar to the framers of the Constitution.

Lands were the only basis of direct taxes in the States at the time of the adoption of the Constitution.

In that connection, too, and as a part of the historic facts leading up to the adoption of the Constitution, we ought to look for a moment at the Articles of Confederation.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. I do.

Mr. SUTHERLAND. Before the Senator leaves the question of the discussion of English writers, I understand he is referring to those authorities for the purpose of attempting to establish that an income tax is not a direct tax. Am I correct in that?

Mr. BORAH. I was referring to those authorities to show that when the fathers referred to taxes, they referred to taxes upon land; and when they referred to duties, they referred to taxes upon all personal property.

Mr. SUTHERLAND. For what purpose does the Senator refer to the English writers—for the purpose of showing that an income tax is not a direct tax, or for some other purpose?

Mr. BORAH. I was referring to the English writers for the purpose of showing that they made the distinction in this way: That when they referred to charges imposed by the Government upon land, they called it a tax; and when they referred to a charge imposed by the Government upon all personal property and income and such things, they called it a duty. Therefore the fathers might very aptly have used the word "duty" in the Constitution as covering the same class of taxes which the English writers have covered.

Mr. SUTHERLAND. Does the Senator think that these English writers bear out his contention that an income tax is not a direct tax?

Mr. BORAH. I think that the English authorities bear out specifically what I have said—that they referred to a charge upon all kinds of property except real estate as a duty.

Mr. SUTHERLAND. The Senator does not answer my question.

Mr. BORAH. I answer your question precisely.

Mr. SUTHERLAND. Let me put it again. Does the Senator think that the English authorities to which he has referred bear out his contention that an income tax is not a direct tax?

Mr. BORAH. Mr. President, I have not cited these authorities with reference to that proposition specifically, and I am not citing them with reference to that proposition. If the Senator will understand me, I will state again that the framers of the Constitution used the word "duty" and the word "tax" in the sense of the English statutes and English law. In the sense they used those words "duty" covered everything except taxes upon land, and "taxes" covered land.

Mr. SUTHERLAND. Let me put the question in a different way, then. Does the Senator think that the position of the English writers prior to the adoption of the Constitution was that an income tax was not a direct tax?

Mr. BORAH. I never ascertained that prior to that time they had that imposition on them. I have ascertained that after that time somewhat, pretty nearly seventy years, they referred to it as a direct tax.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. I do.

Mr. BAILEY. Permit me to say that the English income tax was first levied after our Constitution had been adopted.

Mr. SUTHERLAND. I am quite aware of that fact, and was just about to refer to it. The income tax was levied in England after our Constitution was adopted, and it was called by the English Parliament and by the English courts a direct tax.

Mr. BORAH. Yes; that was after our Constitution was adopted.

Mr. SUTHERLAND. The point to which I desire to call the Senator's attention is that the English Parliament and the English courts, with all of these English authorities before them, held that the income tax was a direct tax.

Mr. BAILEY. Will the Senator from Idaho permit me?

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Texas?

Mr. BORAH. Certainly.

Mr. BAILEY. The Senator from Utah must know that the practical construction, however, of that income tax was that a tax on the income upon a security was not a tax on the security itself; in other words, the government obligations had been issued to be free of taxes, and when the younger Pitt came to raise revenue he contended that a tax on an income was not a tax on the obligation itself, and he levied it accordingly in the face of the exemption of the obligation from that tax.

Mr. SUTHERLAND. But what the Senator from Texas [Mr. BAILEY] has stated does not alter what I have said, namely, that the English Parliament and the English courts have uniformly held that an income tax was a direct tax.

Mr. BAILEY. I understand, Mr. President; but I made the rejoinder to the Senator for the purpose of showing that the authorities he has quoted still sustain the Senator from Idaho [Mr. BORAH], because they hold that the tax on the income of a subject is not a tax on the subject itself, and, if they are right, then a tax on the income of land is not equivalent to a tax on the land itself.

Mr. BORAH. Mr. President, I shall now refer to the Articles of Confederation. We find in the eighth article of confederation this statement:

> All charges of war and all other expenses that shall be incurred for the common defense or general welfare and allowed by the United States in Congress assembled shall be defrayed out of the Common Treasury, which shall be supplied out of the several States in proportion to the value of all lands within each State granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated according to such mode as the United States in Congress assembled shall from time to time direct and appoint.

The Articles of Confederation, of course, can play very little part in our conception of that situation as we view it to-day; but they were an important matter in the minds of those men met for the purpose of framing the Constitution. There were many men met in that convention who believed that it would be sufficient to rearrange the Articles of Confederation, granting more power, and let the matter stand precisely as it was. In these articles we find the same expression of sentiment with reference to the manner in which they should collect taxes, which they deemed at that time a levy upon the States, and that was by a levy upon land. It is not, of course, conclusive, but one of the incidents, the facts, and the circumstances surrounding the situation. Mr. Hamilton, in his constitutional plan which he submitted to the convention, said:

> Taxes on lands, houses, and real estate and capitation taxes shall be apportioned in each State upon the whole number of free persons, except Indians, etc. (Art. 7, sec. 4.)

Here is certainly a very clear statement of what one of the leading spirits of that convention understood by the phrase "direct taxes." "Taxes on lands, houses, and real estate and capitation taxes" should be apportioned, in the view of Mr. Hamilton.

Mr. SUTHERLAND. But the convention rejected that.

Mr. BORAH. I maintain, Mr. President, that that convention did not reject it. The language was changed, but the principle which was therein enunciated was the exact principle which the convention adopted, although, I repeat, they changed the language. In the Federalist Mr. Hamilton says, referring to taxes:

> Those of direct kind (referring to taxes), which principally relate to land and buildings, may admit of a rule of apportionment. Either the value of the land or the number of the people may serve as a standard.

Now, Mr. President, this leads us up to the convention. What happened in the convention? Upon the 3d of July, 1787, the convention took up in earnest the question of representation. The grand committee accepted as a basis of compromise Doctor Franklin's proposition, that they should have one representative for every 40,000 people; that each State should have an equal vote in the Senate; and that all bills for revenue and appropriation should originate in the House of Representatives. The discussion ranged from the 3d of July until the 12th. Some were in favor of apportionment upon the basis of numbers; some upon the basis of property or wealth. Finally there arose in the convention this discussion, coming particularly from South Carolina and Georgia, that they desired sufficient representation to prevent an unnecessary burden being placed upon their slaves in the way of taxes and upon the vacant and unoccupied lands of the South. More than one thing entered into this question of representation, but one of the controlling propositions in the convention, and one which disturbed it, was upon the part of the South endeavoring to protect their slaves against an unnecessary burden of taxation by reason of the sentiment of the North, and of laying an arbitrary value upon land which would be unfair to the vacant and unoccupied lands of the South.

There is one thing that we ought not to forget here in this discussion, and that is that the agitation upon the slavery question at the time of the meeting of the convention was the most severe that occurred at any time until the abolition movement began, years after the Constitution was framed. It is said that the English, who had for a time stopped in New York and other portions of the country, had started a propaganda, which led to the agitation throughout the colonies with reference to the freedom of the slaves. An antislavery society had just been organized in New York, of which Alexander Hamilton had been made secretary and of which Jay and Livingston were active members; and Doctor Franklin had just been made president of an antislavery society in Pennsylvania. And it will be remembered

that the good old Quakers of Pennsylvania appeared before Congress from 1783 to 1787, petitioning Congress to abolish slavery, and upon the very day and in the very week that the convention met in Philadelphia for the purpose of framing the Constitution the Presbyterian synod met and were discussing the question of abolishing slavery, and they passed a resolution to that effect, and the people of Pennsylvania sent a petition to the Constitutional Convention itself asking for the abolishment of slavery; which petition, however, was not presented.

Mr. BACON. Mr. President, I should like to ask the Senator a question.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. BORAH. Certainly.

Mr. BACON. How many States at that time had the institution of slavery?

Mr. BORAH. Practically all.

Mr. BACON. That is the fact; but I think Massachusetts was probably an exception.

Mr. BORAH. It is true as to practically all, but I think the Senator will agree with me, from reading the debates of the convention, that the discussion with reference to the matter was from the States of South Carolina and Georgia.

Mr. BACON. That is true. I did not mean to take issue with the Senator. I simply wished to supplement the very important information which he is giving.

Mr. BORAH. Yes; I agree with the Senator that practically at that time slavery very generally extended throughout the States, but it was known that the agitation against it was much stronger in the certain Northern States than in the South.

Mr. BACON. It was anticipated even at that time that the climatic conditions would make a difference in the maintenance of the institution.

Mr. BORAH. Yes. Finally, Mr. President, after the discussion had ranged over the different fields of compromise for several days, upon the 10th day of July, 1787, an incident occurred in the convention which ought not to be overlooked. That was the last day that Lansing and Yates, of New York, appeared upon the floor of the convention. Upon the 10th day of July, 1787, Mr. Lansing and Mr. Yates left the convention floor at the request of the governor of their State, Mr. Hamilton alone remaining, without a vote, however, in the convention. This left the convention solely in control of what, in the minds of the convention, were the Southern States. At last it was suggested—and I think the suggestion came from Mr. Williamson, of North Carolina—that in estimating the slaves three-fifths of a slave should be equal to his master; and Old Virginia, although considered a Southern State, with a united delegation voted in favor of that proposition. It was at that time that South Carolina and Georgia, through their representatives in the convention, stated to the convention that they would not be satisfied with that situation; that, in their opinion, in order to protect their slaves from unjust taxation and their vacant land in the South from arbitrary valuation they should have a representation equal to the Northern States, and in order to have that representation they must necessarily have equal representation for their slaves. Upon the night of the 11th of July, 1787, a debate, heated during the day, was closed by Gouverneur Morris, a delegate from Pennsylvania. He said—I can not quote his exact language, but very nearly: "I am placed in the dilemma of either doing an injury to the Southern States or an injury to humanity, and I prefer to do injury to the Southern States. I am not willing," he said, "to give encouragement to the slave trade by giving them equal representation for the negro." That suggestion at that time was answered by the representatives of South Carolina and Georgia stating that what they desired was equal representation, and that was the only way by which it could be had.

Mind you, up to this time, Senators, there had been no suggestion in that convention as to the apportionment of taxes. And so the night of the 11th of July came and went, and it is conceded to be one of the tragic and eventful nights in the history of that convention. Mr. Mason, of Virginia, said that he could ill be spared from his home, but he was willing to bury his bones in that city before going home without some result. Others lamented the unfortunate situation in which they were placed. Upon the morning of the 12th of July, 1787, Gouverneur Morris came into the convention, and for the first time moved the convention to apportion taxes and representation upon the basis of numbers. This gave protection to the people who were uneasy about the taxation of their slaves and their vacant lands.

Mr. President, what was the obstacle that they were trying to avoid? What was the bone of contention of the southern representatives? The southern representatives were asking for sufficient representation to protect that which they deemed necessary to their interests and prevent excessive taxation on their slaves and arbitrary taxation of lands which were not as valuable as those in the North. When we take into consideration what they were seeking to avoid, is it not reasonable to conclude that when Mr. Morris suggested this he was suggesting relief in regard to those specific matters?

I want to call your attention to a witness who was there and who ought to know, and the language of this prominent member of that convention is borne out in full and complete by the records of that convention.

The provision—

Referring to a direct tax—

The provision was made in favor of the Southern States; they possessed a large number of slaves; they had extensive tracts of territory, thinly settled, and not very productive. A majority of the States had but few slaves, and several of them a limited territory, well settled, and in a high state of cultivation. The Southern States, if no provision had been introduced in the Constitution, would have been wholly at the mercy of the other States. Congress in such case might tax slaves, at discretion or arbitrarily, and land in every part of the Union, after the same rate or measure—so much a head in the first instance, and so much an acre in the second. To guard them against imposition in these particulars was the reason of introducing the clause in the Constitution which directs that Representatives and direct taxes shall be apportioned among the States according to their respective numbers.

That is the language of Mr. Patterson in the Hylton case. He was not only an active member of the convention, as the debate shows, but a participant in this particular debate from day to day from the 3d of July to the 12th of July, when it was finally settled. Will men living a hundred years after those who participated in the debates in that convention, and who knew the point of controversy and the obstacle to be avoided, undertake to pass judgment upon what the framers of the Constitution meant by direct taxes when the participants in the convention have given their own interpretation of the charter?

I speak at all times, Mr. President, with due respect and regard for the great tribunal whose judgments we are reviewing, but I can not understand, in the light of the history which surrounds this phrase and the language of the men who made it and interpreted it, how it could ever have been misinterpreted or misconstrued or how there could be misunderstanding as to what the framers understood direct taxes to mean when they put those words in the Constitution.

Suppose, as the Senator from Utah [Mr. SUTHERLAND] has said, somebody had risen to answer Mr. Rufus King, and had stated that the term "direct taxes" means so and so, would it have been more positive, more conclusive, more binding than the facts of the convention and the language of Justice Patterson, who construed it before the ink was hardly dry with which they wrote the parchment?

Now, Mr. President, suppose we pass the Hylton case for a moment as a decision, and review it as an historic fact only, and very briefly, because it has been enlarged upon by the Senator from Texas [Mr. BAILEY], and I will not undertake to glean where he has harvested. As an historic fact alone, here is a decision rendered a very short time after the Constitution was made, and rendered by some of the men who made the Constitution, because Wilson and Patterson were both active in that debate and participated in this particular debate. Does it not seem that they would have had a clear conception of the purposes and objects of the convention, and can it be conceived that those men knowingly would have given a loose construction to the language or one which was not sustained by the facts in the convention? So, if we view it not as a decision, or quarrel about its being dicta, but simply as an historic fact, it is conclusive to the minds of reasonable men that these men understood precisely what they were doing when they put that phrase into the Constitution—that it was put there to overcome a particular obstacle, and that obstacle was to secure the protection of the slaves from a burden of taxation and arbitrary taxation upon land.

Mr. President, I will now briefly refer to some of the decisions since that time——

Mr. SUTHERLAND. Mr. President, before the Senator leaves the Hylton case, I should like to ask him a question.

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. BORAH. Certainly.

Mr. SUTHERLAND. In the opinion rendered by Mr. Justice Chase in the Hylton case, this language occurs:

The Constitution evidently contemplated no taxes as direct taxes, but only such as Congress could lay in proportion to the census. The rule of apportionment is only to be adopted in such cases where it can reasonably apply, and the subject taxed must ever determine the application of the rule.

If the Senator will follow on the language that succeeds, he will see that, in the opinion of that justice, the test of what was a direct tax was whether or not it could be fairly apportioned.

Mr. BORAH. Yes.

Mr. SUTHERLAND. Justice Chase says nothing about the reasons which the Senator gives, but puts his conclusion upon what I have stated. I want to ask the Senator whether he agrees with that reasoning of the justice?

Mr. BORAH. I do.

Mr. SUTHERLAND. Then, the Senator thinks that the test of a direct tax is whether or not it can be fairly apportioned?

Mr. BORAH. I think that is one test.

Mr. SUTHERLAND. One of the tests. Let me put this question——

Mr. BORAH. That would be the test if we were viewing it aside from any historic fact surrounding it.

Mr. SUTHERLAND. That, as I understand, is one reason why the Senator thinks a tax upon incomes is not a direct tax, because it can not be fairly apportioned. Let me put this case to the Senator: The Senator agrees that a tax on houses and buildings is a direct tax under the Constitution——

Mr. BORAH. Yes; if they are part of the real estate.

Mr. SUTHERLAND. Suppose that Congress should pass a law providing that all buildings 12 stories in height should pay a tax; would the Senator regard that as a direct tax or an indirect tax?

Mr. BORAH. All buildings over 12 stories high?

Mr. SUTHERLAND. All buildings over 12 stories in height. Would the Senator regard that as a direct tax or an indirect tax?

Mr. BORAH. If they were part of the real estate, I would regard it as a direct tax.

Mr. SUTHERLAND. And yet the Senator must concede that that tax could not be as fairly apportioned as a tax on carriages, because there are comparatively few States in the Union that have many buildings of that character, and some that have none at all. If the Senator concedes that, what becomes of the rule laid down by the court that a direct tax is only a tax which can be fairly apportioned?

Mr. BORAH. Well, Mr. President, I may be dull of comprehension, but, if I am not excessively so, the position of the Senator proves conclusively the contention which I am making here. I may have misunderstood the Senator.

Mr. SUTHERLAND. What did the Senator say?

Mr. BORAH. I apprehend that its impossibility makes it pretty hard to answer.

Mr. SUTHERLAND. I think the Senator intended to use the word "inexpedient." It may not be expedient to lay a tax of that kind, but it is not impossible.

Mr. BORAH. I think it is impossible as a practical fact.

Mr. SUTHERLAND. It is inexpedient to do it.

Mr. BORAH. No; I do not agree with the Senator.

Mr. SUTHERLAND. What I am asking the Senator is, suppose Congress did lay a tax of that character?

Mr. BORAH. Suppose there was a railroad to the moon—I do not know how the engine would get up there—but suppose there was, how would it get up there? [Laughter.]

Mr. SUTHERLAND. The Senator is asking a question that does not seem to have very much application to the case I am putting to him. The Senator thinks that sort of a tax is impossible. Let me put this case: Suppose that Congress should lay a tax upon all buildings with a value exceeding $5,000,000. The Senator, in view of his position that wealth ought to pay the burden of taxation, can not regard that as an impossible case.

Mr. BORAH. I regard it——

Mr. SUTHERLAND. Suppose Congress should levy a tax upon buildings exceeding in value $5,000,000. Such a tax could not be fairly apportioned.

Mr. BORAH. Suppose. I ask the Senator how you would frame a law to do that? Then you get to the practical proposition of it, and that illustrates my position exactly, that the framers of the Constitution intended that a direct tax should be such as could be apportioned, and that which could not be apportioned should be an indirect tax.

Mr. SUTHERLAND. Then, if I understand the Senator's answer, it is that a tax upon buildings exceeding in value $5,000,000 would not be a direct tax?

Mr. BORAH. I do not understand that that would be a practical proposition or apportionable under the provisions of the Constitution.

Mr. SUTHERLAND. If the Senator is satisfied with that answer, I am.

Mr. BORAH. I am exceedingly gratified that I have satisfied the Senator at last.

Mr. President, after the Pollock case was decided, the Supreme Court was called upon a number of times to meet the reasoning of that case in different tax cases. I do not, of course, wish to be understood as saying that the Supreme Court has expressly overruled the income-tax case; but I want to call attention to some matters in connection with later decisions which are worthy of some consideration. Before doing so, however, I want to read a rule which has since been laid down by the Supreme Court with reference to the levy of taxes, which is the right rule and ought to have been laid down before the income-tax decision was rendered. It is found in One hundred and seventy-third United States, where the principles of the income tax were presented to the court in a contest against the validity of a certain tax which it was claimed was a direct tax. The court said:

> The whole power to tax is the one great power upon which the whole national fabric is based. It is as necessary to the existence and prosperity of a nation as is the air he breathes to the natural man. It is not only the power to destroy, but it is also the power to keep alive. * * * The commands of the Constitution in this, as in all other respects, must be obeyed; direct taxes must be apportioned, while indirect taxes must be uniform throughout the United States. But while yielding obedience to these constitutional requirements, it is no part of the duty of this court to lessen, impede, or obstruct the exercise of the taxing power by merely abstruse and subtle distinctions as to the particular nature of a specific tax, where such distinction rests more upon the differing theories of political economists than upon the practical nature of a specific tax, where such distinctions rest more upon the differing theories of political economists than upon the practical nature of the tax itself. In deciding on a tax with reference to these requirements no microscopic examination as to the purely economic or theoretical nature of the tax should be indulged for the purpose of placing it in a category which would invalidate the tax. As a mere abstract, scientific, or economic problem a particular tax might possibly be regarded as a direct tax, when as a practical tax it might quite plainly appear to be indirect. Under such circumstances, and while following a disputable theory might be indulged as to the real nature of the tax, a court would not be justified, for the purpose of invalidating the tax, in placing it in a class different from that to which its practical results would consign it. Taxation is eminently practical, and is, in fact, brought to every man's door; and for the purpose of deciding upon its validity a tax should be regarded in its actual, practical results rather than with reference to those theoretical or abstract ideas whose correctness is the subject of dispute and contradiction among those who are experts in the science of political economy.

I think I need hardly say to lawyers that that rule would have made impossible the decision in the income-tax case, because the income-tax decision at last rests upon the technical proposition that a tax upon incomes is a tax upon the real estate, which is technical in the most technical sense, and which has been, so far as it has ever been considered by other courts, rejected as an unsubstantial technicality.

The inheritance-tax cases proceeded upon two propositions: First, that it is a tax upon the property, or, secondly, it is a tax upon the right to inherit or to take property. I do not care for the purpose of this case whether you consider it as a tax upon the property or a tax upon the right to take property. It is irreconcilable with the proposition laid down in the income-tax decision. If it is a tax upon property, it is a direct tax in view of the income-tax decision. If it is a tax upon the right to take property, it indirectly affects real estate just the same as a tax upon incomes indirectly affects real estate.

For instance, a number of state authorities and the Supreme Court of the United States in Seventeenth Howard said that an inheritance tax was a tax upon the property. Of course if that be true, Mr. President, then it must necessarily, in sustaining that tax, overthrow the reasoning of the income-tax decision, because they are laying a tax directly upon the property itself and it is not shiftable.

Mr. HEYBURN. I should like to suggest, without interrupting the Senator, that the principle of an inheritance tax is a fee for the waiver of the Government to the property. In the absence of law the property would all go to the Government, and it is merely the fee that the Government charges for waiving its right.

Mr. BORAH. The question occurs to me——

Mr. BACON. That could not be the reason in the case of the Federal Government.

Mr. BORAH. No.

Mr. HEYBURN. I beg pardon.

Mr. BACON. I say that could not be the reason in the case of the Federal Government, because the Federal Government could not possibly have any right of escheat.

Mr. HEYBURN. I think it would be the case in regard to the lord of the fee, whomsoever it might be. The principle would not be changed by the fact that it was the Federal Government.

Mr. BACON. If the Senator will pardon me, what I mean is that the principle can not apply in the case of the enactment of a law imposing an inheritance tax by the Federal Government, because the fee does not rest in the Federal Government and

can not rest there, and no power of escheat can possibly reside in the Federal Government.

Mr. HEYBURN. In the absence of law it would rest there.

Mr. BACON. Oh, no; never.

Mr. BORAH. I think my colleague is correct with reference to the state decisions. I think he is incorrect when you come to sustain any national inheritance tax. If there is anything well settled by the decisions of the Supreme Court of the United States, if anything may be considered settled by the precedents of years and years, it is that the Federal Government can not tax the powers of the State or the incidents of that power. When you can not tax the thing, you can not tax the incidents of that thing; and when you can not tax the powers of the State to regulate inheritances, you can not tax the incidents of that power, and we are driven to the position either of overturning that long line of authorities or sustaining the inheritance-tax law upon the proposition that it is a tax upon property.

Mr. HEYBURN. I will merely say, with the permission of the Senator, that it is a tax upon the right to inherit property.

Mr. BORAH. And that is a right which rests alone within the power of the States to regulate, and an incident of that power can not be taxed any more than the right itself.

Mr. HEYBURN. I did not intend to go into the question of the difference of the rule as pertaining to the State and the Federal Government. I merely felt impelled to point out what, in my mind, was the difference between a tax upon property and a tax upon the right to take property.

Mr. BORAH. I understand fully the position of my colleague. But, Mr. President, let us examine that for a moment in the light of the national inheritance tax. I am perfectly aware that the state courts have held, time out of mind, that an inheritance tax is a tax upon the right to take property or the right to transmit property. They have varied as to whether it was the right to take or the right to transmit. But, as said by Mr. Justice White, the right to regulate the inheritance of property is a thing solely within the control of the State, and over which the National Government has no control whatever, and that you can not tax the incidents of that right any more than you can tax the right itself.

For instance, way back in the case of McCulloch *v.* State of Maryland, the Supreme Court of the United States held that you could not tax the stock of a corporation organized for the purpose of performing the functions of government. It said in the case of The Collector *v.* Day that the National Government could not tax the salary of a state officer—not the office, not the right to hold the office, but it could not tax the emoluments of the office; and they held in the case of Dobbins *v.* The Commissioners of Erie County, vice versa, that the state government could not tax the salary of a federal officer. They held in the case of Weston et al. *v.* City Council of Charleston that you could not tax the stock of the Government, for the reason that it was taxing the power of the Government to borrow money. In other words, it is well settled and well established that where you can not tax the thing, you can not tax the incidents or the emoluments or the fruits or the functions of that thing. I say, if it is a power of the State to regulate the right of inheritance, you can not tax that right and you can not tax the incidents of it. You can only tax the property.

I wish to call attention to the language of the Supreme Court upon that to show I am entirely correct. For instance, in sustaining the inheritance-tax law they use this language, by way of illustration, because it was contended there that the tax was unconstitutional, and they said:

> These imports—
>
> Referring to imports—
>
> These imports are exclusively within the power of Congress. Can it be said that the property when imported and commingled with the goods of the state can not be taxed because it had been at some prior time a subject of exclusive regulation by Congress?

Certainly not, and what are you taxing? Can it be said, says the justice, that the property which has been subject to regulation of interstate commerce can not be taxed? Unquestionably it can, but you are taxing the property. You can not tax the right to import goods. You can not tax the right to engage in interstate commerce. You can only tax the property after it has passed beyond interstate commerce.

And again he says:

> Interstate commerce is often within the exclusive regulating power of Congress. Can it be asserted that the property of all persons or corporations engaged in interstate commerce is not subject to taxation by the several States because the Congress may regulate interstate commerce.

Certainly not, but again I say we are not taxing the right to engage in interstate commerce or intrastate commerce, but we are taxing the property which has been subject to it, and when you come to examine that authority in the light of the previous decision you will find that the Supreme Court is sustaining a tax which is laid upon the property itself.

But suppose we pass from that for a moment. Suppose we take the Supreme Court and the decisions upon the proposition that it is the right to lay a tax upon the right to transmit property or the right to inherit property. Is it not a tax indirectly affecting all the property a man inherits? The tax in the income case was not upon the rent. It was upon the income, and yet they said that being upon the income it indirectly affected the real estate. No one contended that it was a direct tax upon real estate, but that it simply indirectly affected the real estate. You take, then, and lay a tax upon inheritances. We will assume for the sake of the argument that it is a tax upon the right to inherit, but it indirectly affects the real estate just as it did in the income-tax decision.

Furthermore, the tax law of 1898, which was sustained, provided that the tax should be laid upon the property and that the tax should be a lien upon the property until it was paid, and yet it was sustained.

But, again, that same law had in it a clause which provided that transfers inter vivos should be taxed. In other words, if I, in contemplation of death, should transfer my property to the Senator from Arkansas, has the state granted any right to do so? Has the state any power over that matter? And yet the Supreme Court has said that that is subject to an inheritance tax, and it can only be sustained upon the theory that it is a tax either upon property or a tax upon permission to die.

But let us view this in another way. We remember the case of Scholey *v.* Rew (23 Wallace). That was an inheritance-tax case. It was sustained in the Supreme Court, and I desire to quote the language of the Supreme Court:

> Whether direct taxes, in the sense of the Constitution, comprehend any other tax than a capitation tax and a tax on land is a question not absolutely decided, nor is it necessary to determine it in the present case, as it is expressly decided that the term does not include tax on income, which can not be distinguished in principle from a succession tax, such as the one involved in the present controversy.

They decided in Twenty-third Wallace that an income tax could not be distinguished in principle from an inheritance tax, and Mr. Justice White, in commenting upon that, says:

> Again in the case of Scholey *v.* Rew, the tax in question was laid directly on the right to take real estate by inheritance, a right which the United States had no power to control. The case could not have been decided in any point of view without holding a tax upon that right was not direct, and that therefore it could be levied without apportionment. It is manifest that the court could not have overlooked the question whether this was a direct tax on land or not, because in the argument of counsel it was said that if there was any tax in the world that was a tax on real estate which was a direct tax that was the one. The court said it was not, and sustained the law. I repeat that the tax there was put directly upon the right to inherit, which Congress had no power to regulate and control. The case was therefore greatly stronger than that here presented, for Congress has a right to tax real estate directly with apportionment. That decision can not be explained away by saying that the court overlooked the fact that Congress had no power to tax the devolution of real estate and treat it as a tax upon such devolution. Will it be said of the distinguished men who then adorned this bench that although the argument was pressed upon them, that this tax was levied directly upon the real estate, they ignored the elementary principle that the control of the inheritance of realty is a state and not a federal function? But even if the case proceeded upon the theory that the tax was on the devolution of the real estate and was therefore not direct, is it not absolutely decisive in this controversy? If to put a burden of taxation on the right to real estate by inheritance reaches only by indirection, how can it be said that a tax on the income, the result of all sources of revenue, including rentals after deducting losses and expenses which thus reaches rentals indirectly and real estate indirectly through the rentals is a direct tax on the real estate itself.

This was the case of Scholey *v.* Rew, decided in 23 Wallace, and the same doctrine was upheld again in the inheritance cases since the Pollock case was decided.

Mr. President, just a word with reference to one phase of this matter, and I will close.

The Supreme Court said in the income-tax case that a tax upon rent was a tax upon real esate. I want to submit a few propositions for the consideration of the Senate upon that matter to see whether or not they are correct.

It will be remembered that this tax was not upon real estate, that the tax was not upon the rent, but it was upon the income which might have come from it, and therefore it was twice removed from the real estate, and it could only be considered after the rent had been earned and collected.

I undertake to say it is well established by the authorities that the transfer of earned rent does not transfer the real estate or any interest in real estate.

That the transfer of real estate does not transfer either the earned and uncollected or the collected rents of real estate.

That the transfers of the rents or incomes from real estate for any limited period of time does not transfer any interest in the real estate.

That the earned but uncollected rent is personal property and has always been so considered and held by the courts.

That collected rent is personal property and has always been so considered and held by the court.

That the earned rents and collected rents have been and are considered and treated and taxed where taken at all in the different States of the Union as personal property.

That in the States where the wife owns her separate property and where community interests arise and are recognized that the rents from real estate, which real estate is her separate property and not liable for the debts of her husband, is held to be personal property and community property and liable for the husband's debts.

That there is no other case to be found in the history of American jurisprudence or in the history of English jurisprudence in which it has been held that a tax upon collected rents is a tax upon real estate.

I challenge successful contradiction to that proposition. The income-tax decision is the Alpha and the Omega upon that proposition. I ask the lawyers of the Senate to present from American jurisprudence or from English jurisprudence a single case which has ever held that a tax upon collected rents is a tax upon real estate. All the authorities which are to be found are the other way, and that is when rents are earned they become personal property, separated and treated as personal property. They do not go to the estate as real estate, and they are not considered in any sense as related to or connected with the real estate. (4 Tex. Civ. App., 483; Tiffany, 778–779; Washburn, sec. 1520; Burden *v.* Thayer, 3 Met., 76; Ball *v.* Co., 80 Ky., 503; Condit *v.* Neighbor, 13 N. J. Law, 83; Earl *v.* Grim, 1 Johns Ch., 494; Fonereau *v.* Fonereau, 3 Atk., 315; Robinson *v.* County, 7 Penn. St., 61; Van Rensellar *v.* Dennison, 8 Barber, 23.)

In concluding, Mr. President, I only wish to say that, in my opinion, this matter could very well be resubmitted to the Supreme Court of the United States upon two propositions, and with all due respect and consideration for that high tribunal: First, upon the facts of history, which have been revealed as to the intent and purposes of the framers of the Constitution, which did not appear to be presented to the court at that time; and, secondly, in the light of the decisions which have been rendered by the court since the income-tax decision. We know one thing conclusively—that one of the controlling factors in the income-tax decision has been, by the unanimous court, rejected. We know another thing as lawyers, and that is that the principles laid down in the income-tax cases are irreconcilable with the principles in the inheritance-tax cases; and it is no challenge to that tribunal for men who are engaged in another department of government, seeking to find their way in the discharge of their solemn duties, to ask that this great question, which involves one of the great national powers, be again submitted to that court for consideration.

I place my advocacy of the income-tax proposition upon a higher plane than that of raising a little revenue for the Government for the next few years. I believe it involves a great constitutional power, one of the great powers which in many instances might be absolutely necessary for the preservation of the Government itself. I believe that the Constitution as construed is the same as granting an exemption to the vast accumulated wealth of the country and saying that it shall be relieved from the great burden of taxation. I do not believe that the great framers of the Constitution, the men who were framing a government for the people, of the people, and by the people, intended that all the taxes of this Government should be placed upon the backs of those who toil, upon consumption, while the accumulated wealth of the Nation should stand exempt, even in an exigency which might involve the very life of the Nation itself. This can not be true; it was never so intended; it was a republic they were building, where all men were to be equal and bear equally the burdens of government, and not an oligarchy, for that must a government be, in the end, which exempts property and wealth from all taxes.

Mr. BRADLEY. Mr. President, the Senator from New York [Mr. ROOT] has asked me to allow him to file some figures with the Senate at this time, and I have agreed to do so.

Mr. ROOT. Mr. President, I wish to put upon the record in immediate juxtaposition with the very admirable and able argument of the Senator from Idaho [Mr. BORAH] some figures, and but a few, which bear upon a subject discussed in a few words here yesterday.

Senators who have had long experience in the courts are sometimes led by the habit of advocacy to state the special propositions upon which they rely a little strongly, a little out of drawing with the facts which should accompany them, and I should be sorry to have go to the country the impression that would be derived from some of the statements made by the Senator from Idaho, standing alone, with regard to the present burden of taxation.

It is not a fact that in this Republic property does not now bear a very great proportion of the burden of taxation. I find, in looking at the precise figures since the little colloquy that took place here yesterday, that in 1902, which is the last year as to which I find complete figures available for comparison, the property in the United States upon which the ad valorem taxes for the support of the Government, county, municipal, and other local governments, were levied amounted at a true value to $97,810,000,000; that ad valorem taxes were levied upon that property at the rate of seventy-four one-hundredths of 1 per cent; that is, in round numbers, three-fourths of 1 per cent; and that would amount in round numbers to the equivalent of an income tax of 15 per cent upon all the property in the United States, assuming an income of 5 per cent, which is a high figure to place upon the income from property. It is a very high figure, because as a matter of fact the owners of real estate generally throughout the eastern States do not expect to receive and do not receive any such income.

In the State of New York, which contains substantially one-seventh of the entire taxable property of the United States, the holders of real estate do not expect to realize more than from 3½ to 4 per cent net. And if you assume those figures for the income, this rate of taxation would mount up to the equivalent of an income tax of between 20 and 30 per cent.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from New York yield to the Senator from Idaho?

Mr. ROOT. I do.

Mr. BORAH. May I ask the Senator from New York who at last pays the large portion of the real-estate tax in this country, the real-estate owner or the renter?

Mr. ROOT. That is a question of the shifting of taxes, which can be put regarding every tax. The tax is imposed upon the property. It is paid by the owner of the property. Where the final imposition of the tax is, in the ultimate shifting and distribution, is an entirely different question.

Mr. BORAH. But if an income tax was in existence it would tax a part of the income of the man who had shifted it to the renter, would it not?

Mr. ROOT. Oh, yes; there is no doubt about it. But that is not all the tax that is imposed upon property. There are also a great variety of taxes other than ad valorem taxes—taxes upon corporations, taxes in the nature of licenses, taxes for the right to carry on business of various kinds, income taxes, inheritance taxes. The amount of revenue derived from taxes of that kind falling upon the property owners amounts to so great a sum that in the State of New York no taxes levied directly upon real or personal property are any longer necessary for defraying the expenses of the State. I observe that the appropriations of the state legislature in the State of New York at the session which has recently concluded were about $37,000,000.

All of that, Mr. President, will be paid from taxes of the character I have now described other than ad valorem taxes levied upon real or personal property, and the addition of such taxes brings up the revenues of the local divisions of the country to a substantial equality with the expenditures, which I find for the year 1902—that is, the receipts of the States, counties, and municipalities, and other local subdivisions of the country—were $1,156,447,000. That billion one hundred and fifty-six million and more was all raised by taxes levied in the different ways that I have described upon property in the United States, and making the allowance of 5 per cent income, these exactions from property would amount to the equivalent of an income tax of 23 per cent.

So, while my friend the Senator from Texas [Mr. BAILEY] proposes to levy an income tax of 3 per cent, and my friend the Senator from Iowa [Mr. CUMMINS] proposes to levy an income tax beginning at 2 per cent and graded along up to 6 per cent, and while I am not now arguing against the imposition of an income tax, I beg the Senators to remember in their arguments that property in the United States does now bear a tax for the support of government in the United States equal to nearly eight times the income tax that they are proposing to assess upon it.

I submit to the candor of the Senators who have spoken upon this subject and to those who may speak hereafter that it is an erroneous view, and I think a mischievous view, to present to the people of the country, who have not the ready access to statistical data that we have, that the property owners of the United States do not now bear a substantial part of the burdens of government.

Mr. BRADLEY obtained the floor.

Mr. BAILEY rose.

Mr. BRADLEY. I yield to the Senator from Texas, if he desires to say anything.

Mr. BAILEY. A moment only. I will trespass upon the courtesy of the Senator from Kentucky to say this much in reply to what the Senator from New York [Mr. ROOT] has said.

He will not find any statement of mine to the effect that the property of this country does not pay a tax. He will, however, find in more than one place where I have asserted that the property does not contribute to the support of the Federal Government.

The Senator from New York [Mr. ROOT] and the Senator from Massachusetts [Mr. LODGE] both interrupted the Senator from Idaho [Mr. BORAH] yesterday afternoon with this same suggestion. Instead of constituting an argument against an income tax, the statements which they made constitute, to my mind, a strong argument in favor of it. In other words, they have both asserted that in these counties and in these States which are so close to us, and which the people so completely govern, the tax has been laid on property and not on consumption. I perfectly understand that in many States those property taxes have been supplemented, as the Senator from New York now says, by taxes upon corporate franchises and by taxes upon various occupations.

Although it is not pertinent to this discussion, I have no hesitation in declaring that a tax on any useful occupation can not be defended in any forum of conscience or of common sense. To tax a man for trying to make a living for his family is such a patent and gross injustice that it should deter any legislature from perpetrating it.

I do not hesitate to say that every occupation tax in America ought to be repealed, because it is a tribute exacted by sovereignty from a man because of his effort to make a living for himself and his family. I do, however, heartily subscribe to the tax upon corporate franchises, because they are the creations of the State and often possess a tremendous value. A franchise of any corporation is valuable. If it were not, the incorporators would not seek it. The value of many has never yet been measured in dollars. Therefore, when the State creates a corporation and endows it with faculties that are so valuable, it should be taxed. It possesses almost every faculty the citizen possesses with respect to property, and it possesses a faculty not possessed by the citizen and the value of which can not be computed. I mean by this to say that the corporation knows exactly the day that has been appointed for it to die, and it can extend its life indefinitely. It not only possesses that valuable faculty, but most of the States exempt those who own its stock from loss beyond a certain extent. The individual who engages in any business embarks his whole fortune in the enterprise. He is responsible for every dollar of debt contracted, and yet he can only earn what his business nets. On the other hand, the corporation can earn, just as the citizen can, the entire net profits of the business, but it does not stand the same risk of loss; it does not incur the same hazard that the man of flesh and blood incurs. A corporation is permitted to make all that is possible, and yet has a limitation on its losses. That is such a valuable advantage that it is small wonder that States have learned to tax them, and the wonder is that they have not learned it sooner and have not exercised it to a larger extent.

But laying aside these taxes on corporations and corporate franchises and laying aside these taxes upon occupations, the States support themselves almost exclusively by a tax on property and not by a tax on consumption.

Now, why is this? The States were older than the Union, because without them the Union could not have been formed. They antedated it. The people who compose the States must at last be the same people who compose the Union. The States are the elementary condition. In that elementary condition the States deemed it just and wise to lay their taxes on property and not on the appetites and the backs of the American people.

The States take the toll from the people for protection; for the protection given in the cities for fire and police protection; in the States for the protection of the property and personal rights, including the great rights of inheritance, accumulation, and descent. It is for those rights that the State compels the citizen to return a portion of his property, the whole of which the State protects. It compels a portion of it to be returned because it is necessary for the State to spend it in protecting these great, fundamental, and natural rights of every man.

But, sir, does the Federal Government protect no right? A costlier one than any State safeguards. The very men with these colossal fortunes are the ones who travel over the world, and about them they carry the American flag, always for their protection. Go and consult the expenditures of the Government. What does this army and what does this mighty navy, whose ships now vex the waters of every sea, cost the American people? More than $200,000,000 a year to maintain them. This vast sum is spent to protect the rights of American citizens at home and abroad. How few of the men who pay this tax on consumption ever invoke the Government's great power to protect them while they travel in a foreign land! Not one of them in ten thousand, because their lean purses do not permit them to indulge in the luxury of foreign travel. It is the rich and prosperous for whose protection these ships and these battalions are sometimes needed.

But if you do not need them for the rich and powerful who travel in idleness abroad, then you need them to protect the Republic; to protect it from foreign invasion, to protect it from foreign insult. I do not think you need as many ships as you build, nor do I think you need as many soldiers as you enlist. But still you need the nucleus of an army and a navy, and they constitute an enormous expense.

The rights protected by the Federal Government are as essential, and I might almost say as sacred, as those protected by the States. If the States lay the cost of the protection which they afford upon the property of men, why should not the Federal Government do likewise? Why is it more just to compel men to contribute according to their wealth to support the state administration than it is to compel them to support the federal administration?

I go further than the Senator from Idaho has gone. I believe not that wealth ought to supplement the tax which consumption pays, but I believe wealth ought to bear it all. I think it is a monstrous injustice for the law to compel any man to wear a suit of clothes and then tax him for buying it. I think it is not right, when God made us hungry, and in obedience to His law we are compelled to appease our appetite, to charge us because we must keep soul and body together by taking food. I believe that the Government ought no more to tax a man on what he is compelled to eat and wear than it ought to tax him on the water he drinks or upon the air he breathes. I believe that all taxes ought to be laid on property and none of it should be laid upon consumption.

Mr. President, there is one addition to the property tax that I would make. I would compel a man whose earning power from brain exercised in one of the professions or from inventive genius is great to pay on his income beyond a certain point. When a lawyer like the Senator from New York can earn at the bar, of which I am glad to say he is the honored head, $150,000 every year, I think he ought to be made to pay the Government a tax on that earning power, because in taking from him the small tribute which the law exacts we subtract no comfort from his home. I believe that any man in law or medicine or any other employment in life who exhibits an earning capacity far beyond the necessities of his home ought to be compelled to pay the Government which protects him in the exercise of his talents and in the accumulation of this wealth. He ought to be willing to pay, and I am willing that he should be made to pay. But save and except only this earning capacity of talent or of genius, I would lay every dollar's worth of the Government tax upon the property of men and not upon the wants of men.

None of us, except the simple Democrat of the old-fashioned school, have all we want, but many of us have all we need. After we have satisfied our needs, then the Government has a right to take its toll.

But what shall our friends on the Republican side say to us? Did they not ask in the bill as it came from the House that we lay a tax on inheritance? That is worse than laying a tax on income, because it may often happen that even under the inheritance provision as it came from the House, an orphan's education would depend upon the moderate bequest that had been made to him or her.

More than that, the attempt to tax an inheritance is an interference not only with the rights, but with the established policy of the States. Thirty-odd of them, and among them the State of New York, levy an inheritance tax, and many of them derive a handsome revenue from its collection. I think an inheritance

tax is a wise provision of state policy, and I would grade them. But, Mr. President, I forget that the Senator from Kentucky has so courteously yielded to me and I must not trespass further on his time. I will return to the subject perhaps again.

Mr. BRADLEY. I suppose the Senator from Texas, like myself, was so much impressed with the good things he was saying that he forgot he was trespassing on my time.

Mr. President, considering all that has been said upon the income tax this morning, I feel just a little lost in calling the attention of the Senate to another matter foreign to the discussion we have listened to with so much pleasure.

The distinguished chairman of the Finance Committee told us in his opening remarks that the bill which is before us was drawn along the lines of the protective policy. This is true in some respects, while in others the statement is incorrect.

We were told further by the distinguished chairman during this debate when questions were asked as to why given duties had been placed upon certain articles, that it was done to prevent their annihilation. To-day I desire for a short while to call the attention of the Senate to an industry which, situated as it is, is threatened with destruction.

As I understand, in order to carry out the doctrine of protection such a duty should be levied on foreign products, raw and manufactured, which compete with ours as will maintain the wages of American laborers against the cheap, and in some instances degraded, labor of foreign countries and afford a reasonable profit to the American producer or manufacturer. That such a policy in the end cheapens the manufactured article by reason of increased manufacture, increased consumption, improved methods and machinery, and increased home competition has been too often demonstrated to require at this late day any argument.

I am a protectionist in every sense of the word, and would give its benefits to every interest which demands it in order that it may live.

With this well-defined Republican doctrine in view, I desire to call attention to the hemp industry, in which almost every State in the Union is interested if a fair degree of protection is provided.

In order to provide such protection, I propose to amend the present bill by placing a tariff duty of 1½ cents per pound on jute, or "India hemp," as it is sometimes called, and strike it from the free list, where it appears in the present bill.

It has been demonstrated by actual experience in the last five years that hemp may be successfully grown in Pennsylvania, Indiana, Wisconsin, Michigan, Minnesota, Kansas, and we are informed by high and unquestioned authority that it may be successfully grown in limestone soils anywhere in the Mississippi Valley, as well as at many points along the Pacific coast; in fact, in almost every State in the Union.

I exhibit for the information of the Senate photographs of hemp fields in Kentucky, Wisconsin, Indiana, and Pennsylvania, so that those who know comparatively little of the industry may be enabled to see the character of the crop.

Formerly hemp was largely grown commercially in Virginia, Kentucky, and Missouri, but for the last ten years it has been grown commercially only in Kentucky, Nebraska, and California, the greater part of it having been grown in Kentucky.

Jute is an inferior article called "India hemp," and is recommended alone by its cheapness. The articles manufactured from it have no strength or lasting qualities.

The uses of American hemp are many; it may be used in the manufacture of fine twine of great strength—sometimes commingled with flax—up to and including heavy cordage, which is being manufactured at the Charlestown Navy-Yard for use of the navy. For the last two years the Navy Department has consumed nearly 20 per cent of the entire production of double-dressed hemp. The cheapness of the foreign fiber confines the market in hemp to the manufacture of high-grade products, the entire tonnage of which is comparatively small, and hence the outlet for hemp is narrowed to a very small compass. Hence the production of hemp in small quantities is profitable, because of the limited demand for such purposes as no other fiber will supply. But, owing to this fact, the production must be confined to a very contracted limit, for when that market is supplied it can not be used as a competitor of jute in the general market. In order to increase the area of production and make it a great industry a tariff on jute should be levied, so that when the production is increased it will find a ready sale in the general market. My desire is not only to increase production in Kentucky, but in every State in the Union where it may be successfully grown.

There are many manufactured articles for which hemp is especially suited, and if it were produced in sufficient quantities there would be ready demand for it if protected from jute. It makes the best and most durable warp, canvas, and webbing, and is especially fitted for any article where durability and strength are desired.

For the past ten years the area devoted to the cultivation of hemp, owing to existing conditions, has ranged from 12,000 to 20,000 acres. Jute is delivered in the American market at from 1½ to 3½ cents per pound, or at about one-half the price at which imported hemp is delivered. Therefore jute competes with American hemp more directly than genuine hemp fiber imported from other countries.

The cultivation of hemp should be encouraged not only because it benefits the farmer, but the farm as well. It shades the soil, preventing it from the baking effects of the sun, prevents the growth of weeds, loosens the soil, and leaves it in a splendid condition for the succeeding crops. Besides it removes less fertilizing elements from the soil than almost any other farm crop.

In the days of slavery in this country it was an industry of large proportions, but after slavery ceased to exist the price of labor advanced, which caused an injury to the growing of the crop, and since jute in 1890 was allowed to come into this country free of duty the production of hemp has declined in importance and dwindled into insignificant proportions. Indeed, it is not raised now in any considerable quantity except in Kentucky, where, owing to the indomitable energy of the farmer and the great superiority of hemp over jute, its strength compared to that of jute being as 100 to 60, which opens a limited market where jute can not be used, the industry has been enabled to eke out a precarious existence.

At one time there was in the United States $3,341,500 invested in hemp manufacture, more than 6,000 hands employed at a yearly wage of nearly $1,200,000, and 417 mills in operation, 159 of which were in Kentucky, 50 in New York, and 208 more throughout the country. There were then from 75,000 to 80,000 tons raised each year, which, if now raised, would be worth more than $10,000,000. But now there are only 28 mills in the United States, 2 of which are in Kentucky, all of which, to a large extent, are manufacturing foreign fiber, and the present production of hemp is only 8,000 tons, and those who once found remunerative labor from that source have been compelled to seek less remunerative employment elsewhere.

The mills have rotted down so that in most instances there is not even a vestige remaining to point to their former prosperity. It is true that at one period the uncertainty and great cost of labor contributed to the serious injury of this industry, for it must be remembered that our laborers have been paid an average wage of $1.50 per day, while those in India have received but 5 cents per day.

The spirit that has prevailed in the Republican party in protecting other branches of industry from pauper labor seems not to have prevailed to any great extent in so far as the protection of hemp is concerned; however, the American farmer has struggled manfully against great odds, but for which the hemp industry would to-day be extinct in the United States. In the last ten years labor-saving machines have been invented, one of which cuts and another of which breaks; and on this account, but for the free importation of jute, the hemp industry would now be in a flourishing condition in many of the States of the Union. Doubtless could such prosperity be established, inventive genius would be quickened, and the comparatively primitive machines of to-day would rapidly undergo such evolutions as would increase manifold their effectiveness.

But while Congress has been thus unmindful of the producer, it has carefully guarded the interest of the manufacturer, and that class has been protected from the manufacture of jute abroad. I am frank to say, however, in this connection, that I do not believe the present bill gives to these manufacturers the protection to which they are entitled.

I do not seek to injure them; I do not seek to injure any industry of this country; I only ask for equality of protection as to hemp, for protection against foreign labor, not only as it appears in the field, but foreign labor as it appears in the workshops abroad. And in this connection I present to such Members of the Senate as may desire to look at them some photographs showing the character of labor employed abroad in the manufacture of jute. [Exhibiting.] A single glance at them constitutes an argument more forceful than any words that might be uttered.

I append and ask to have printed in the RECORD a table showing the average weekly wages in the jute mills of Calcutta as compared to those in New York.

The PRESIDING OFFICER (Mr. CRAWFORD in the chair). In the absence of objection, permission is granted.

The table referred to is as follows:

Average weekly wages Calcutta and Brooklyn (N. Y.) jute mills compared.

Calcutta.			Brooklyn, N. Y.	
Employment.	Sex.	Wages.	Workers—Equivalent labor.	Wages.
Jute carrier	Men	$1.42	Warehousemen	$10.00
Jute selectors	do	.48	Laborers (men)	7.00
Jute cutters	do	.77	do	9.00
Jute softeners	do	.69	do	9.00
Coolies	do	.65	do	9.00
Dust shakers	do	.51	do	9.00
Batching	Women	.50	Men	7.25
Preparing	do	.61	Women	6.15
	Men	.61	Men	9.00
Winding	Women	.47	Women	9.50
Card feeders	do	.48	do	6.15
Card receivers	do	.48	Card doffers (women)	6.15
Spinning:				
Roving feeders	Men	.63	Women	8.75
Warp rovers	Women	.69	do	8.75
Weft rovers	do	.73	do	8.75
Doffers	Children	.33	do	5.50
Shifters	Boys	.54	Can boys	8.00
Breaker feeders	Men	.52	Men	9.00
Breaker receivers	do	.49	do	6.15
Double drawing	do	.60	Single drawing (men)	6.15
Weaving	do	1.54	Women	10.50
	Women	1.30		
General labor	Men	.64	Men	10.00
Foremen	do	2.10	Foremen	25.00
			Assistant foremen	14.50
Machinists	do	1.32	Men	21.00
Average mill labor (1908)		.60		8.11

NOTE.—The actual average weekly wages paid to the mill hands in a Calcutta mill, running over 3,000 people in January, 1909, was 70 cents per individual.

Mr. BRADLEY. Mr. President, the general average of this table shows that, including all the departments, the average weekly wage in Calcutta is 60 cents, while in New York it is $8.11. It seems to me, in view of largely increased importation to which I shall hereafter refer, that the manufacturers of jute in this country have not been given that degree of protection to which they are entitled. But disproportionate as these prices for labor are, they are much larger to the foreign labor employed in the mills than they are to the foreign labor employed in the fields.

It occurs to me, Mr. President, that the giving of protection to the American manufacturer of jute and at the same time denying protection to the producer of hemp, who is brought directly into competition with the producer of jute, is a travesty on the doctrine of protection. It is, indeed, a shameful injustice to protect one interest while another is permitted to languish and die, and is not only un-Republican but un-American. Let us have protection to both classes or protection to neither. If an attempt should be made to allow the manufactures of jute to come into this country free of duty, there would be a howl go up from the East which would shake the country from one end to the other.

One of the difficulties growing out of the manufacture of jute is that articles such as carpets, the warp of which was formerly made of hemp, are now either made entirely of jute or a mixture of jute and hemp. By reason of the short life of jute, such carpets last but a short while and are a notorious fraud on the consumer. Illustrating conditions, it may be remarked that 60 per cent of jute and its manufactures has been imported into this country for the last four years, and largely, if not entirely, consumed in the United States. The value of jute and jute manufactures imported in 1904 was $20,000,000, in round numbers, and in 1908 it increased to $34,000,000. In other words, in four years these importations increased at the alarming rate of 70 per cent. Thus it is that $34,000,000 that should have been kept at home, invested in home products, affording employment to American laborers, has been sent to foreign lands, most of which has gone into the pockets of foreign manufacturers or producers who live by treating those who labor for them more unkindly than they treat the beasts of the field.

But we are told that no tariff should be placed on jute because it would increase the price of sacks, bags, burlaps, and bagging necessary to the cotton growers of the South and the wool and grain producers of the country. If this be true, then to cheapen them further we should admit jute manufactures free also, for then these people would get their sacks and bagging cheaper than they get them to-day. But it is not true. In the first place, it may be said, in the language of Mr. Dewey, a most eminent authority in charge of fiber plants of the Agricultural Department, that there are thousands of bales of low-grade cotton not suitable for standard goods, but reckoned in market statements as "cotton in sight," or "visible supply," and recognized by all as constituting a serious menace to cotton by decreasing the price of better grades, which could be manufactured into bagging, thereby increasing the price of the better grades of cotton so as to compensate any increase in the cost of bagging, and, besides, with a reasonable incentive, such as would result from a tariff on jute, could and would be profitably made into grain bags and coverings for cotton bales.

In this way a new industry could be developed in the South which would furnish labor for many of its people. The pretense that any increased cost of cotton bagging would fall upon the farmer is absolutely ridiculous, because if such increase should result the farmer would protect himself in the sale of his cotton, and would in this way at any rate reimburse himself for any additional expense. But this additional expense would be slight and more than compensated in the creation of a new industry and the increase in the value of the best grades of cotton, for no longer would the cheap grade of cotton remain an incubus upon that article.

But even if that were not true, if hemp and flax should be protected as they ought to be, the time would come in this country when, by reason of increased competition, increased manufacture, and increased consumption, all these articles would be furnished absolutely more cheaply than they are furnished to-day, our American laborers rewarded, our American producers protected, and our money kept in this country rather than sent abroad.

The same incentive arising from a fair tariff duty on jute would result in increased production of hemp and flax, as well as in their increased manufacture. The lower grades of flax and hemp, known as "tow," could be made into bags, burlap, and bagging.

The flax industry of America should have more protection, and is now seriously suffering by reason of the importation of free jute.

In the great States of the Northwest and West, chiefly the Dakotas, Minnesota, Kansas, Wisconsin, Montana, Michigan, Missouri, Iowa, and Nebraska, more than 2,800,000 acres of flax are grown annually. Mr. Dewey estimates that more than 5,000,000 tons of straw are produced. This straw, if protected against jute, properly prepared and cleansed for spinning, would yield 1,000,000 tons of fiber of the value of $250,000,000, and would of itself more than supply the necessary fiber for America. As it is, of these 5,000,000 tons of straw, less than 300,000 tons are now used for fiber. The lowest grade of jute comes to the Atlantic ports at a gross cost that would be little in excess of freight charges from the Dakotas to the Atlantic seaboard. This valuable product in the States named, which would otherwise furnish employment to hungry thousands and retain the vast sum mentioned at home instead of sending it abroad, is under present conditions considered mere rubbish and is consumed by fire. With proper protection to flax and hemp, the flax and hemp growers of the country, in connection with the manila fiber brought here from our own possessions, could furnish all the fiber for America and have enough remaining to supply the demands of every nation on the globe.

To change from the manufacture of jute to the manufacture of hemp and flax would not necessitate any alteration of machinery, for the same machinery makes all sorts of soft fibers equally well; and I do not think there is any American who would not hail with delight the day when every pound of rope, every pound of twine, every pound of carpet yarn, every yard of burlap, and every yard of bagging is manufactured from products grown on American soil, raised by American labor, and manufactured by American mills.

Aside from the reasons already given, in order to produce more revenue, it may be said that the tariff asked on jute to protect flax and hemp would produce between three and four million dollars annually, whereas not one cent of revenue is now derived from that source, and this could be done without any hardship on the manufacturer, and when the finished product reached the actual consumer the duty would represent such a small part of the actual selling price that it would be of small consequence.

Another consideration: The foreign fiber held in America probably at no time represents more than thirty or forty days' supply, while the amount produced here represents such a small percentage of the amount used it would be difficult to figure how long it would last—probably not more than two or three days—if it were practicable to start every mill in America at work on it at the same time. Such is the estimate made by

Mr. Dewey. In case of war with any first-class power the foreign product would be immediately cut off and we would be left without remedy. Is it not, therefore, from this standpoint the part of wisdom to make ourselves thoroughly independent in every possible respect of every foreign nation?

We have a variety of soil and climate; ours are the best and grandest people on earth, and all that is necessary is to give America a fair chance to enable us to bid defiance to the rest of the world. But as matters now stand, these great industries are being weakened and the hemp industry will eventually be destroyed by importations from abroad, and this can be prevented alone by the patriotism, the wisdom, and the Americanism of the United States Senate.

Mr. President, having called attention briefly to these matters, I trust that the Senate will excuse me for taking to some extent a view of the political side of this matter. I remind you, Mr. President, of the fact that after the cessation of the civil war, by reason of which Kentucky had lost many millions of dollars by the freedom of slaves, the Democratic majority at one time was 75,000, and at one time there were less than 40,000 Republican voters in the State.

Our brethren of the North kindly left the Kentucky Republicans to work out their own salvation. We were compelled to confront such intellectual giants as Marshall, Helm, Stevenson, Carlisle, Beck, Watterson, Lindsay, Breckinridge, and a host of others; and not only so, but to confront the prejudice growing out of the freedom of the slaves and their elevation to suffrage. Unfortunately, our greatest leader in the earlier days, Gen. John M. Harlan, was appointed justice of the Supreme Court, and those who were left in Kentucky to make this fight were in the main comparatively young men. There was nothing to encourage Republicans in those days, nothing to inspire them but devotion to principles they conscientiously believed to be eternally right. We were confronted with Kuklux and other similar organizations, political ostracism was common, and in many instances in the darker days of that period Republicans carried their lives in their hands. On one side were wealth, experience, prejudice, and a trained army led by illustrious leaders. On the other was comparative poverty, a disorganized body commanded by comparatively young and inexperienced men, who were, however, endowed with indomitable energy and brilliant intellect. For years the struggle went on, but slowly and surely the clouds began to fade, more and more light illuminated the darkness, until in 1895 the gloom was dispelled by the full sunlight of a glorious Republican victory. The following year Kentucky for the first time gave its electoral vote, with a single exception, to the Republican candidate for President. Since that time, save 1899, by reason of Republican mistakes, we were defeated, until 1907, when the boys in the trenches again took control, and another victory was the result.

Mr. McLAURIN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield to the Senator from Mississippi?

Mr. BRADLEY. With pleasure.

Mr. McLAURIN. About how many were the negro voters in the State of Kentucky in the last election of which the Senator spoke?

Mr. BRADLEY. About 60,000, and about one-third of them voted your ticket and the others ours.

Mr. McLAURIN. That answers two questions. I was going to ask the other question.

Mr. BRADLEY. But I will show you a little further along on that question——

Mr. McLAURIN. If the Senator will allow me——

The PRESIDENT pro tempore. Does the Senator from Kentucky yield further to the Senator from Mississippi?

Mr. BRADLEY. With pleasure.

Mr. McLAURIN. If the Senator will allow me, this question was suggested to me by the statement of the Senator that the Republicans in that State were coming out of the darkness, and I just wanted to know how much of that darkness was still with the Republican party. [Laughter.]

Mr. BRADLEY. I simply meant to say that we were coming out of the Democratic darkness, and so far as the negroes are concerned, we transferred one-third of them to your party. [Laughter.]

Mr. McLAURIN. I did not know that the Republicans could transfer the negroes wherever they desired.

Mr. BRADLEY. I do not know that we can either, but I find that there are a lot of them that the Democrats can do what they please with.

Mr. McLAURIN. They are the intelligent negroes.

Mr. BRADLEY. I did not say intelligent ones.

Now, in answering more fully that question the Senator has asked, I will say that last fall, by reason of Republican mistakes, and in some instances the basest treachery, the State went Democratic by a little over 8,000 majority, but from less than 40,000 votes following the war we increased to 236,000.

I want to show you, therefore, that the coming out of darkness has not been confined entirely to the negroes, but that a large number of white men have come also, and we would have won a victory last year but for Republican mistakes, and in some instances the meanest character of treachery. [Laughter.]

Now, during all these struggles the Republicans of Kentucky have received comparatively little aid or comfort from their brethren in the North. We complain not of that fact to-day, but we do complain because our people have not been given that justice in legislation to which they were entitled. And, I may say in this connection, that not only the people of my State, but the people of nearly all the old slaveholding States have been denied the justice to which they are entitled.

I plead for Kentucky in the name of the great "Harry of the West," who did as much to engraft the doctrine of protection among the national policies as any other American statesman.

I plead for Kentucky in the name of that greatest and best of all her sons, and of all Americans, whose kindness of heart and gentleness of nature, combined with splendid courage and unequaled statesmanship, won for him the most exalted place in all the rolling years of time—the immortal Lincoln.

And I plead not only for Kentucky, but for the entire South.

Nearly half a century has passed since the echo of the last hostile cannon died in silence. Nearly half a century has elapsed since the soldiers of both armies returned to their homes and mingled back into civil life, the one elated with victory and hope, the other almost in despair, having lost all save the proud consciousness that they had shown their willingness to bleed and die in a cause which they believed to be right.

Despite carpetbag rule, which was a disgrace, and which, thank Heaven, never prevailed in Kentucky; despite the devastation of war, the slaveholding section of the country has developed rapidly, and is now more rapidly developing, possibly, than any other section of the land. Every loyal American on either side of the struggle has forgotten the bitterness of the past, and we are not worthy the name of American if we do not to-day cherish in common the glories of that great conflict which made all men free and retained every star on the Nation's flag.

I plead to-day for the blotting out of all lines in legislation, for the harmonizing of all sections, for the cementing together by the ties of commercial interest, brotherly love, and affection, all the people.

Our great and good President is patriotically engaged in an honest effort to recognize and do equal justice to every section of the Union. His example should be emulated and followed by all.

The South needs protection on her lumber, coal, iron, rosin, turpentine, fluor spar, hemp, tobacco, and other interests. If we desire to be just, let us protect all these interests. And if we desire to build up the Republican party in the South, let us show that we are willing to build up the interests of that section.

Let the North, the South, the East, the West each and all be protected as they are entitled to be protected, and the Nation which is now the grandest on earth will move forward with increased energy, attaining a degree of prosperity and power of which we have not even dreamed.

Mr. President, one more word and I am done. Give to Kentucky fair protection of her interests and I guarantee you it will be but a short time until Kentucky is as certainly a Republican State as the great State of Massachusetts.

Mr. DOLLIVER obtained the floor.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Hale	Perkins
Beveridge	Cummins	Heyburn	Piles
Borah	Curtis	Hughes	Richardson
Bradley	Depew	Johnson, N. Dak.	Root
Brandegee	Dick	Johnston, Ala.	Scott
Briggs	Dixon	Jones	Simmons
Bristow	Dolliver	Kean	Smith, Mich.
Brown	du Pont	La Follette	Smith, S. C.
Burkett	Elkins	McCumber	Smoot
Burrows	Fletcher	McLaurin	Stephenson
Carter	Flint	Martin	Sutherland
Chamberlain	Foster	Nelson	Taliaferro
Clarke, Ark.	Frazier	Nixon	Warner
Crane	Frye	Page	Warren
Crawford	Gamble	Paynter	Wetmore
Culberson	Guggenheim	Penrose	

The PRESIDENT pro tempore. Sixty-three Senators have answered to the roll call. There is a quorum present.

Mr. CHAMBERLAIN. I should like to say that my colleague [Mr. BOURNE] has been called away by the illness of his mother.

Mr. DOLLIVER. Mr. President, it is very seldom that a public duty is imposed upon a Senator under circumstances that ought to involve personal references; yet the tone and attitude of some of my most distinguished colleagues here suggest that what I am engaged in trying to do represents merely a cowardly acquiescence in a temporary political opinion at home, a suggestion echoed by the press of some colors, as, for example, in a recent issue of the Washington Post, in which this very kindly reference to me is made. I would not read it if it were not an authentic echo from the Senate Chamber itself:

Senator DOLLIVER, of Iowa, was a Member of the House during many years, and a member of the Ways and Means Committee during the preparation and passage of the present Dingley tariff law twelve years ago. Mr. DOLLIVER is a candidate for reelection, and those who disagree with his present criticism of the high rates of the Aldrich bill assert that he is a convert to lower duties because he thinks the idea is popular in Iowa.

The fact is, Mr. President, that I am no recent convert to moderate duties for any reason, of any sort. If it were necessary here for a Senator to make a personal explanation of his motives, I would say that I am here in fulfillment of a public contract with the people of Iowa after I had been elected to the Senate, now nearing nine years ago. In order that this may appear in the RECORD, I intend to read a brief extract from remarks which I felt constrained to make to the legislature on the occasion of my election—remarks that were written in the bedchamber of my former colleague and approved by him as words fit to be spoken on that occasion, when we both stood before the legislature, Members-elect of the Senate; I for the first time, he for the last. I said:

The design of protective tariff laws is to prevent our home industries from being overborne by the competition of foreign producers, and it may be safely said that no American factory making an unequal or even precarious fight with its foreign rivals will ever look in vain for help and defense to the people of Iowa. But we are not blind to the fact that in many lines of industry tariff rates which in 1897 were reasonable have already become unnecessary and in many cases even absurd. They remain on the statute books, not as a shield for the safety of domestic labor, but as a weapon of offense against the American market place itself. Without overlooking the evils and dangers of a general tariff agitation I can not believe that a correction of obvious defects in the present schedules made by friends of the law in an open and business-like way could be disastrous to any legitimate interest of the people, unless, indeed, we admit the claim put forward by some that Congress is impotent and helpless in the presence of these questions.

And now at the first opportunity, I am here in a very modest relation to this controversy, not for the purpose of winning the favor of the men and women of Iowa, for I enjoy that now, but for the purpose of fulfilling my agreement made on the occasion of my election to the Senate.

In the earlier stages of this discussion I ventured to speak of some things connected with the progress of this bill through the two Houses of Congress which appeared to me to require attention and invite criticism. I feel at liberty to speak freely in this Chamber, because the customs and traditions of the Senate not only tolerate but welcome the free expression of the opinion of its members. In resuming the discussion of this measure, I desire to avoid, as far as my present state of grace will admit, all dogmatism, and especially those prejudices which so often vitiate our judgment. It may be taken for granted that I would be glad to agree, without controversy, with the views of other Senators, and especially with the honored chairman of the Committee on Finance and his associates, through whose arduous labors this bill in its present form has been brought before us. It is only from a sense of duty, which I can not shake off, that I am constrained to point out some of the shortcomings of this measure, with a view of securing the further attention of the committee to some of its most important schedules. In doing this I feel that I shall be rendering a service to the public and especially to the party which has honored me with its good will for nearly a quarter of a century. If I speak the truth, if I deal with things as they are, I suggest to the Senator from Rhode Island that it will not be an adequate answer to reproach me with the errors of my youth or to disparage me because in other years I followed, without question, in the footsteps of our party leaders.

If in times past I took, without disturbing the peace, every fact of the party, it was because I loved it; because the young man of that day found it a good deal easier to idealize it than they sometimes find it now. I speak here because I still love the old Republican party and would have its leadership rise to the full stature of its opportunity and its responsibility. If it is a reproach that I have felt it incumbent upon me to reexamine, with a judgment, I trust, somewhat more mature, the tariff act of 1890, for which I voted, or the act of seven years later, which bears the name of dear old Governor Dingley, under whom I served on the Committee on Ways and Means of the House, I shall try to carry the reproach as cheerfully as possible. If it is thought proper to subject me to criticism because I follow a course which would not be approved, if he were living, by my former colleague, the venerable Senator Allison, I refuse to discuss the question or to debate with my friend from Rhode Island as to whether he has been in a better position than I have to bear witness upon such matter. For even if it were true that these schedules of which I am complaining had in their time Senator Allison's approbation, it does not follow that in the situation in which we are now placed, sitting in an extraordinary session of Congress called for no other purpose than to reexamine these laws, that far-sighted statesman would have dismissed the matter as we are expected to dismiss it, as a thing too sacred for public discussion. It is no encomium upon Senator Allison to suggest that he was indifferent to the approbation of the State which he served all his lifetime. If the Senator from Rhode Island intended to humiliate me by the intimation that my course in these matters is dictated by political conditions at home, he unintentionally pays me a compliment which I sincerely appreciate, because this Nation has entered upon a new era of direct responsibility on the part of Presidents and Congresses alike to that enlightened public opinion which ought to be the real Government of the United States.

The protective-tariff system has nothing to fear from the fireside of the Iowa homestead. On the other hand, it finds there its most disinterested advocates and its most impartial judges. For half a century our people have defended it with their votes on every election day, with no direct concern of any large significance in any of its schedules, and no purpose to serve except the general prosperity of the American people. What I have said of Iowa is true, in an improtant sense, of the upper Mississippi Valley, and I can not help thinking that there is a radical defect in that party leadership which dismisses the voice of that great community, fearlessly expressed in both Houses of Congress, with a cynical sneer about the weakness of public men who are governed by temporary political exigencies. For it ought not to be forgotten that what we are doing here must be submitted to the American people—a jury of unnumbered millions, already empaneled, with this case under consideration. It is not the same jury which passed upon the tariff act of 1897; it is the most momentous fact in our national life, as the late Senator Hoar suggests in his "Autobiography of seventy years," that within this period the whole field of American industry has undergone a revolution. The independent workshops of American labor stand no longer as they appeared in the magnificent vision of Alexander Hamilton, when he laid down the doctrine that the competition of domestic producers would guard the community against all the evils of extortion. The inspiring retrospect of Mr. Blaine in his "Twenty years of Congress," in which he recounted the triumphs of the protective doctrine in the perfect fulfillment of Hamilton's prediction already needs a good deal of revision to bring the narrative up to date.

In 1897, when the Dingley tariff law was enacted, the consolidation of our industrial system into great corporations had not fairly begun. The business men who appeared before the Ways and Means Committee of the House were an anxious company; they spoke for silent factories and the dead ashes of furnaces without fire and chimneys without smoke. They represented unemployed labor and idle capital; they belonged to the old industrial régime, now almost obsolete in nearly all great departments of production, and they received the treatment which they would receive now freely at my hands if I had the power to give it to them. It is a grim failure to comprehend what old Doctor Johnson used to call "the sad vicissitude of things," when the leaders of a political party summon their followers to practically reenact the tariff of 1897 under the conditions which prevail to-day, and when men are derided because, having helped to frame that law, they seek to have it reexamined in the light of present-day experience. Is it possible that a man, because he voted for the Allison tin-plate rate of 1889 and heard poor McKinley dedicate the first tin-plate mill in America, can be convicted in this Chamber of treachery to the protective-tariff system, if he desires that schedule reexamined, after seeing the feeble enterprise of 1890 grown within a single decade to the full measure of this market place, organized into great corporations, overcapitalized into a speculative trust, and at length unloaded on the United States Steel Company, with a rake off to the promoters sufficient to buy the Rock Island system? If a transaction like that has made no impression upon the mind of Congress, I expose no secret in saying that it has made a very profound impression on the thought and purposes of the American people.

I repeat, therefore, what I said the other day, that the duty of this Congress is to reduce the margin of protection provided in the Dingley rates wherever it can be done without substantial injury to the productive enterprises of this market place. It is our special duty to take up those schedules which represent the largest investments of protected capital and, at least, take out of them the rates that are now everywhere known to be extravagant and unnecessary, which rise so far above the level of our real industrial needs as to bring the policy of protection into ridicule without doing anybody any sort of good. I recognize the peculiar preparation of the Senator from Rhode Island for that work. He has already successfully applied sound principles to some of the excesses of the iron and steel schedule. I do not know that he has gone far enough, but he certainly has gone in the right direction. He has failed, in my judgment, in those schedules which relate to the textile industries, and it becomes the duty of somebody not helplessly preoccupied with local interests to bring this failure to the attention of the Senate and of the American people. I need not add that in doing so I shall speak with perfect good will for those who differ from me and with perfect charity to those whose unconscious political bigotry makes it hard for them to recognize, even in the Senate Chamber, those rights of free opinion without which our deliberations are a humbug and a fraud.

There is, of course, a kind of embarrassment in the work which I have undertaken, arising from the fact that many think, and some, more hardened than others by the reciprocal amenities of statesmanship, do not refrain from saying that it is an unseemly and presumptuous thing for anybody, certainly for anybody like me, to sit in judgment upon the wisdom of McKinley and Dingley and the other statesmen of the past, who joined in placing upon the statute books those provisions of law which are now brought in question. And the authority of great names, everywhere revered, is cited to silence all voices of dissatisfaction. There are some who regard it as inappropriate for anyone here to be in doubt as to the wisdom of proposals brought in for our approval by the honorable chairman of the Committee on Finance. Respect for great public service and hearty recognition of talents, sharpened by a long experience, would surely have forbidden me to make the plea I am about to make if I were not able to convince the Senate that even a humble opinion can be intruded into these matters without discrediting the wisdom of any American statesman, living or dead. All men bow naturally before the Divine wisdom, even when they do not understand; all men regard with reverence the wisdom of Solomon or Franklin or Lincoln; but it is another matter for men, full grown, sitting in this Chamber, to put their individual judgment into servitude, not to the great and good men who adorn the deliberations of Congress, but to persons on the outside whose very names are unknown to us. It is not necessary to comment harshly upon the work of Governor Dingley or William McKinley; much less is it necessary to appear wanting in consideration for my honored friend from Rhode Island.

I leave them all, the living as well as the dead, upon such pedestals as their just fame and renown have earned. If I thought that the conscientious hand of Nelson Dingley had written with painful research the cotton schedule in the act of 1897, I would hesitate a good while before I got the consent of my own mind to look upon it with the eye of suspicion. But I have in my possession a letter of Governor Dingley's, found among the papers of one of my oldest friends, who assisted him in the work of the Ways and Means Committee of 1897, in which the governor deprecates any increases in the cotton schedule because in his judgment the tendency of the rates ought to be down instead of up, and because the cotton manufacturers were in no position to complain of the rates established by the Wilson law in view of the fact that they had written the schedule themselves. It is even possible to comment adversely upon the cotton schedule as contained in the Senate bill without impeaching the abilities of the Senator from Rhode Island, because he has himself stated upon this floor that the amendments offered to the Senate by the committee were not the work of the committee, but every one of them made by persons connected with the Treasury Department.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. The Senator certainly does not want to make a misstatement. I made no such statement to the Senate.

Mr. DOLLIVER. These are matters of record. It is not necessary to take my recollection that the Senator stated that these changes were made by expert custom-house people in New York; and, as if to verify it, the Senator from California [Mr. FLINT] rose with much evident embarrassment and stated that all the changes from the House bill had been suggested in the same quarter.

Mr. ALDRICH. The memory of the Senator from Iowa is at great fault. If he will read the RECORD, he will find that I have made no statement of that kind.

Mr. DOLLIVER. I will go to the RECORD.

Mr. FLINT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from California?

Mr. DOLLIVER. Certainly.

Mr. FLINT. I think the Senator will find, on examining the RECORD, that what I said was that in all these schedules we had consulted the officers of the Government.

Mr. DOLLIVER. Mr. President, I will not debate that. The RECORD is here. I certainly do not desire to say a word that will not be verified by a reference to it. It must have been a rather cruel revelation to the languid disciples of the Senator from Rhode Island to learn from his own lips that these changes were made in New York by people who have not yet been elected to the Senate of the United States.

Mr. ALDRICH. Mr. President, I protest against a continuation of a statement which is absolutely false.

Mr. DOLLIVER. Mr. President, I refer to the RECORD; and if the Senator desires to present the RECORD to the Senate, I yield for the purpose of having it done. I certainly desire to do no injustice to the Senator.

Mr. ALDRICH. The Senator is making a statement, and I am not. If there is a RECORD showing anything of that kind, I will be very glad to see it.

Mr. DOLLIVER. It must have made a queer feeling in the minds of these good friends to find that this schedule was not the product of the genius of the man who has been reputed in the mythology of our public life as the greatest living expert on the technicalities of cotton manufacture, but that when the Senator from Rhode Island was confronted by the task set before him by his constituents of raising the table of these rates, without touching them, he turned the matter over to the general appraisers' office in New York. A very curious proceeding this, and unless we can look at it without fear and trembling, the time may come when we will have to rewrite the Constitution of the United States in order to legalize this power of the appraisers in New York to regulate the foreign commerce of the United States.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. Mr. President, I do not object to criticism either of myself or of the schedules of the bill, but I do object, so far as I am able, to having the Senator make and repeat and reiterate a statement which has no foundation in fact whatever.

What I said and what the fact is, was that the committee, having decided what to do, they turned the matter of regulating the schedules, as to the amount of specific duties that would be imposed in place of ad valorems, to the experts of the Government, and never to any manufacturer at any time.

Mr. DOLLIVER. Mr. President, I am now able, without doubt, to state exactly what the Senator said:

> Mr. ALDRICH. If the Senator will permit me just there upon that point, no manufacturer has been before the Committee on Finance in regard to this schedule. Every change that was made in it was made upon the recommendation of the government experts and nobody else; and it is now defensible and will be defended by the members of that committee whenever the schedule is reached.

And my friend from California [Mr. FLINT], fearing that the Senator from Rhode Island possibly needed corroborating witnesses, rose and said:

> Mr. FLINT. I wish to make this statement: There is no schedule in the bill that was not placed there by the approval or at least upon information furnished by experts of the Government.

Mr. ALDRICH. The Senator has said and reiterated that I had said we turned this matter over to somebody in New York.

Mr. DOLLIVER. I leave it to the unprejudiced judgment of men whether the statement actually made by the Senator would not warrant a man somewhat irritated in his feelings to draw that conclusion from it.

Mr. ALDRICH. I understand the Senator from Iowa is irritated in his feelings. I know the cause of it. I do not intend now to allude to it, and I trust I may never have any occasion to do so.

Mr. DOLLIVER. Nor is the origin of the woolen schedule any more mysterious, although it is more ancient. I think it has left more "footprints on the sands of time," possibly because of the wider distribution of the interests involved. I do not

accuse the Senator from Rhode Island. That schedule antedates the entrance of any man now living into the Senate of the United States. It was undoubtedly handed to the Senator from Rhode Island exactly as it was handed to me, and the main difference between us is that I have become a little more curious than he has to see what is in the package.

He says that I am engaged in circulating Democratic slanders against the action of the Republican Congress in speaking of rumors——

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. The Senator from Iowa must be speaking from a guilty conscience. I have never made any such statement.

Mr. DOLLIVER. I am not speaking from a guilty conscience; I may be speaking from a fallible memory, though I was satisfied at the time that the Senator's remarks were making a deeper impression upon me than they did on anybody else. I will ask the Senator from Nebraska [Mr. BURKETT] to be kind enough to find the debate where the Senator from Rhode Island [Mr. ALDRICH] rebuked me in a mild way and said I was circulating remarks that properly belonged to a Democratic speech. It may be true that in times past I have heard some Democrats complaining about those rates; and, if I did, I have no doubt that I answered them.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. What I said was this, and I repeat it: During my service in the Senate and upon the Committee on Finance, in every discussion which has ever taken place upon the tariff some Member of the Senate, in several cases many Members of the Senate, have appeared here with samples of goods, with statements in regard to ad valorem rates furnished by importers——

Mr. DOLLIVER. Mr. President, I do not yield to a speech for any such purpose.

Mr. ALDRICH. I hope——

The PRESIDENT pro tempore. The Senator from Iowa declines further to yield.

Mr. DOLLIVER. I do not yield the floor for any such——

Mr. ALDRICH. I hope we are not having an exhibition of that kind of Democratic policy or any other policy to-day.

Mr. DOLLIVER. If the Senator will be patient with me, he will have an exhibition of the bottom facts in both these schedules. I do not yield to him to discredit what I am about to say in advance of my argument in relation to it. I have been in the Congress of the United States long enough now to claim the right to conduct debate as, in my judgment, appears to be right and proper. I am willing to have my arguments answered, but I do not propose to have them sneeringly discredited in my own time.

My friend from Nebraska [Mr. BURKETT] hands me what the Senator from Rhode Island said on that subject. He said:

> Mr. ALDRICH. I suppose the Senator from Iowa is aware that he is not the original investigator along these lines. The statement which he has just made has been made, iterated and reiterated over and over again in this Chamber and in the other Chamber, by every orator who has spoken against the duties on woolens or wool. It is simply reiterating to-day the Democratic claims which have been current in this country for a generation.

Now, then, if the claims were correct, there is no reason why they should not be current.

Mr. ALDRICH. That is as true now as when I stated it.

Mr. DOLLIVER. If they tell the truth, why should they not be current? If they were not true, why does the Senator complain when I represent him as charging me with circulating Democratic false rumors in respect to the tariff laws of the United States?

Mr. President, I may have heard that from Democratic sources; and if I did, I have no doubt, as the Senator from Maine [Mr. HALE] so kindly suggested the other day, that I defended the law with old-fashioned weapons, now mostly played out, by calling the attention of the audience to what awfully hard times we had in 1893. I certainly never went very far into the arithmetic of the subject, and that is the trouble with our present situation. The fact is that a good many Republicans have got to talking about these rates, and in these later years our Bureau of Statistics has been perniciously active and a lot of editors have got hold of the documents, and the time is at hand when the whole country is as familiar with these abuses as we are here in the Senate Chamber of the United States. The Senator also seems to think that it is proper to rebuke me for circulating a threadbare story about a reunion of shepherds and weavers of cloth, held in this town for the purpose of harmonizing their contradictory interests in Schedule K.

I was interested in the mild resentment of tone and manner with which the Senator from Rhode Island saddled that migratory legend of American history on to evil-minded persons of Democratic antecedents whose occupation is to misrepresent the work of Congress. I was glad to hear the Senator say what he did, because it enables me to acquit him of any guilty knowledge of the origin and early achievements of Schedule K. It put the Senator in the same class with me, as it were, an innocent-minded protectionist of the old school receiving the sacred scriptures of the political faith once delivered to the saints. If he had been at that ceremony when the shepherd's crook and the weaver's distaff were joined together in the joyous wedlock, which no man has been able to put asunder, I would not be able now to say what I am about to say without at least appearing to disparage a wisdom which we all applaud. But the Senator was not there; he does not even seem to have heard of it from authentic sources. If he ever heard of it from a Democratic orator he probably refuted the slander by a discreet reference to the panic of 1857. Of course, if our Democratic friends ever spoke lightly of such a meeting they were grievously in the wrong, because have not even shepherds and weavers a constitutional right to peaceably assemble and dovetail their plans of the future?

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I should like to ask the Senator from Iowa what his idea is as to the origin of Schedule K?

Mr. DOLLIVER. I hope the Senator from Utah will not allow his impatience to disturb the serenity of the situation. He must have a very shortsighted view of the general course of my remarks if he was not able to see that I was gradually approaching that interesting episode.

Mr. SMOOT. In his last remarks I took it for granted that the Senator thought there was a conspiracy at that time.

Mr. DOLLIVER. No; I said there was a wedding feast, and I do not think people ought to blame the Democratic party so much about it.

Mr. ALDRICH. Will the Senator allow me to ask him in what year that meeting was held?

Mr. DOLLIVER. I am very much surprised that the Senator from Rhode Island seems even more impatient than his colleague on the committee.

Mr. ALDRICH. I hope the Senator, before he gets through, will give the year.

Mr. DOLLIVER. I hope the Senator does not so far distrust my ability to so conduct this discourse as to imagine that I will not get to that point within a reasonable length of time.

Curiously enough they did assemble just prior to the act of 1867, and nobody can understand the accumulation of political economy which lies hidden in Schedule K unless he has access to the minutes of that meeting. I was not there; the Senator from Rhode Island evidently was not present; but there was a reputable witness in the neighborhood. Fortunately—I say fortunately, because it enables me to scrutinize these transactions in wool and woolens without attacking the memory of statesmen, living or dead—fortunately, there is preserved in a speech delivered in the Senate on the 23d day of January, 1867, a rather picturesque account of the origin of the wool tariff. The Senator is speaking of the conflicting interests of the woolgrower and the manufacturer of woolens. On page 135 of a book called "Speeches and Reports on Finances and Taxation," by John Sherman, I find this interesting tradition recorded. I am glad to read it because it may soften the irritation of the Senator from Rhode Island to perceive that I am not framing an indictment against him nor against the great statesmen with whom he has been associated in the last thirty years in the medication of tariff schedules, but rather against a little scheme devised long ago by harmless shepherds and thrifty weavers, none of whom up to that time had ever made their way into Congress:

> When these two rival interests met together in a convention called by the manufacturers themselves and the whole matter was there discussed, it was agreed between them, after full discussion, that the rates of duty reported by the Senate bill should be given them, and they were satisfied with them and have never called them in question. The manufacturers then made the claim that if the duty was put on wool, they ought to have a corresponding duty on the cloth. That was freely yielded. The principle is proper—that is, if a duty is levied on the raw article an equivalent amount should be added on the product, in order to enable the American manufacturer who converts that wool into cloth to compete with the foreign manufacturer. I trust that in the present tariff the arrangement between the woolgrowers and the wool manufacturers will be carried out. I would prefer myself to take it in the

very words they have given us, so that if they are not satisfied hereafter they can not complain of the proper committees of Congres for any mistakes. I would take them at their word; I think their demand is a reasonable one, and I would be willing to give it to them as they ask it, so that if there is anything wrong in the practical working of their scheme they themselves may have the responsibility of it. It is said, I know, that there was a very important class of people not consulted when this arrangement was made. That is true; the consumers were not consulted, and the consumers have to pay the increased cost.

Mr. WARREN. Mr. President, I should like to ask the Senator a question right there.

Mr. DOLLIVER. Certainly.

Mr. WARREN. Was not the date given there by Mr. Sherman a later one than the date on which the commission was provided by Congress to take up the tariff matter?

Mr. DOLLIVER. Oh, no; this speech was made in 1867, and referred to the meeting which had been held here shortly before.

Mr. WARREN. That is very true, but in 1865 and 1866, as doubtless the Senator knows, there was a commission authorized by Congress to take up revenue matters, and they summoned both the manufacturers and growers of wool, and upon the finding and report of that commission a general bill was made up and adopted.

Mr. DOLLIVER. I went into the matter only for the purpose of protecting my own reputation against the charge of circulating a Democratic campaign yarn. Mr. Sherman distinctly says that this old settlers' reunion was called by the manufacturers themselves.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I should like to read from the revenue commissioner's report.

Mr. WARREN. If the Senator will permit me——

Mr. DOLLIVER. I do not regard the matter as important. I have spent days and nights trying to get what I have to say in an orderly form, in order to spare the Senate the waste of their time occasioned by speaking by the day, and I do not desire to go any further into that matter.

Mr. WARREN. I will make only one statement. I wish to absolve the woolgrowers from a position in which the Senator might have left them, unintentionally, of course, because as a matter of fact they were here in response to the summons of a commission appointed by the Congress of the United States.

Mr. DOLLIVER. I do not desire to speak with discourtesy of my friend from Utah, but the matter is not a part of my argument except for the purpose of protecting me from the repute of being a disseminator of false reports originating in Democratic sources.

Mr. SMOOT. I simply wanted to call attention——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. The Senator wants to read a book, Mr. President. I decline to yield for that purpose.

Mr. ALDRICH. Mr. President——

Mr. DOLLIVER. I will yield for a question.

The PRESIDENT pro tempore. The Senator from Iowa declines to yield to the Senator from Utah. Does the Senator yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. I wish to say right here that there is no man who is at all familiar with the economic history of this country, who is at all familiar with the tariff question, who does not know about the agreement, and also knows about the agreement made in 1867.

Mr. DOLLIVER. If that is so, the Senator from Rhode Island unconsciously did me an injustice.

Mr. ALDRICH. I certainly withdraw any imputation upon the Senator's ignorance, if I made any.

Mr. DOLLIVER. I knew, and everybody else was familiar with it, and I surely felt that the Senator would not have undertaken to put the badge of ignorance upon me if he had had information on the subject himself.

Mr. SMOOT. Mr. President, I simply want to suggest to the Senator——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SMOOT. For a question.

Mr. DOLLIVER. Well, I did not intend to yield.

Mr. SMOOT. I only want to ask a question.

Mr. DOLLIVER. I do not desire to yield except for a question.

Mr. SMOOT. I do not ask the Senator to yield at all.

Mr. DOLLIVER. Then, I will proceed with my discourse.

If that was the only meeting of this mutual aid society that has ever been held in the vicinity of Washington, I might better understand how the Senator from Rhode Island could dispose of me as a retailer of ancient Democratic libels against acts of a Republican Congress. But I hold in my hand a letter written last December to the former secretary of the Wool Manufacturers' Association by Mr. Theodore Justice, of Philadelphia, that ancient mariner upon the high seas of tariff legislation, in which he gives a rather vivid description of how poor McKinley, bewildered by the intricacies of the wool schedule, turned the whole matter over to the parties in interest to fix it up between themselves. Mr. Justice says:

After that the interests of growing wool and manufacturing wool were so conflicting that Mr. McKinley proposed that we call a convention in Washington and frame Schedule K so that it would be just and fair both to the woolgrower and the manufacturer and the consumer as well. Schedule K of the McKinley Act was the result of that convention in which you and I took an active part, and, as you know, the McKinley Act was succeeded by the Wilson Act, which in turn again was succeeded by the Dingley Act, and Schedule K of the Dingley Act is the Schedule K of the McKinley Act revised and improved.

If I voted for that arrangement, it was under the impression that I was being guided by the wisdom of William McKinley; and if I acquiesced in it in 1897, it was because of my confidence in the character of Nelson Dingley. I might possibly even at this late day be able to vote for it if I could identify it with the wisdom of anybody connected with the tariff committees of either House.

Having thus sketched briefly the origin and gradual ossification of the tariff on woolen goods, I propose now to consider the theory upon which it has been habitually framed, and then to point out the excesses into which Congress has been led in adjusting these rates. I propose, also, to examine in a sort of statistical summary, the effect of this schedule in operation, and to suggest a basis for the amendment of the law.

There is nobody in the Senate that I would regret so much to disturb as my honored friend from Wyoming [Mr. WARREN]; and to save him any anxiety or any sudden purpose to rise to any point of order as I proceed, I desire to repeat what I have already said in the Senate, that I do not intend to try to modify the existing rates upon wool, although I believe that the time is at hand when the National Wool Growers' Association might well reconsider the attitude which they have maintained for more than a generation as to the effect from their standpoint of the present rates upon wool, based not upon its value but upon the breed of the sheep and the geographical origin of the imports. It can not be doubted that the existing system has unequally distributed among those who use wool in their manufacturing enterprises the burden arising from the tariff, and particularly the burdens arising from excessive and prohibitory rates on wool wastes and the by-products of worsted manufactories.

It would seem to be feasible to extend to those manufacturers of woolen goods like carpets, who are not able to use any home-grown material at all in their business, the privilege of buying such wool with nominal tariff rates, or none at all. The old fear of our own woolgrowers that such a concession to a great American industry would introduce a clandestine competition with clothing wool has become more and more imaginary, in the light of experience under efficient Treasury regulations. But it is not my intention to discuss the wool side of this schedule, since I am not prepared at this time to offer suggestions in a practical form. There is, however, at least one feature in the wool paragraph to which I wish to direct attention, and that is the proposed classification of combed or carded wool for the use of the yarn maker, with finished cloth. That is a singular scheme by which wool or hair advanced beyond the condition of scouring is put into the same classification as woolen cloth and assessed at a rate four times the specific rate on raw wool and from 50 to 55 per cent ad valorem.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. I do.

Mr. ALDRICH. I know the Senator wants to be correct.

Mr. DOLLIVER. Yes.

Mr. ALDRICH. The Senator is not correct in that statement. The rate assessed is three times as much.

Mr. DOLLIVER. I beg the Senator's pardon. It is not an offense of ignorance, but simply a confusion which arises from talking in the presence of experts. It is three times in case of tops valued at less than 40 cents a pound and four times if valued over 40 cents.

Mr. ALDRICH. I trust that confusion will not lead the Senator too far astray from the truth.

Mr. DOLLIVER. If my friend will permit me, I intend to have my remarks thoroughly revised before they are printed, and I will not deceive anybody in the Senate who has a technical familiarity with the subject.

Mr. WARREN. Mr. President, let me suggest to the Senator that those rates which he speaks of as being three or four times as much are based upon wool in the dirt.

Mr. DOLLIVER. I hope the Senator will not become elementary with me. I have spent weeks in studying every subject relating to the production of wool, from the birth of lambs to the manufacture of cloth, and I will not ask anybody to instruct me on details. [Laughter.]

Mr. WARREN. I hope the Senator will excuse me, in view of his greater knowledge of sheep growing than I possess.

Mr. DOLLIVER. No; the same knowledge—a common knowledge.

Mr. WARREN. And I hope we may have the benefit of that knowledge during the latter part of the Senator's speech. [Laughter.]

Mr. DOLLIVER. I intend to give the public the benefit of such knowledge as I have acquired, and I intend to discuss that question, although I do not intend to have it rehashed by others in the midst of my discourse.

This whole top duty was put in our tariff laws by a gentleman from Boston, who has filled the greater bulk of the volume of our tariff hearings here in Congress for twenty years.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. That duty was put in the tariff by William McKinley. Whether he did it upon the advice of somebody else or not, I do not know; but it was put into the bill by William McKinley.

Mr. DOLLIVER. Mr. President, it is a disagreeable duty to embarrass so old a friend upon the history of wool legislation in the United States, but I hold in my hand the tariff testimony taken in the Fiftieth Congress by the committee of which the honored Senator was a member, and I find that in the Senate substitute for the Mills bill it was put in. That does not agree with what my honored friend has just told me.

Mr. ALDRICH. I have said it was put into the law by William McKinley.

Mr. DOLLIVER. And I say it was put into the law by William Whitman. I find in this hearing in 1888 that Mr. Whitman appeared before the committee, giving the committee in exact language, and handing it to them, the very provisions of that law.

Mr. ALDRICH. Mr. President, the act of 1888 was prepared by a committee of which the late Senator from Iowa [Mr. Allison] was chairman and of which I was a member. For that bill the then Senator from Iowa was responsible. I do not know what was the language used by Mr. Whitman, of Boston, but I do know that the duty on tops, which appeared in the act of 1897, which appeared in the act of 1890, and which appeared in the act of 1888, was at the demand of the woolgrowers of the United States. Whether Mr. Whitman agreed with them or not I do not know, but that duty was inserted at the demand of the woolgrowers.

Mr. DOLLIVER. I desire to know by whom the duty on tops, as it now appears in the Dingley law, was asked for?

Mr. WARREN. Mr. President, I suppose that question is addressed to me. I will say, regarding the duty on tops, as it now appears in the Dingley bill, it is as it was asked for by Judge Lawrence, of Ohio, who was then the chairman of the National Association of Wool Growers. He asked that it be changed from the language used in the laws which had preceded, because he thought there had been some avoidance in the collection of proper customs duty.

Mr. DOLLIVER. I desire only to debate one thing at a time. I said the duty was put in our tariff laws by William Whitman. My friend from Rhode Island said that it first appeared in the McKinley bill. I replied that it first appeared in the bill which he himself reported to the Senate in 1888.

Mr. ALDRICH. The then Senator from Iowa, Mr. Allison, reported that bill.

Mr. DOLLIVER. I beg your pardon.

Mr. ALDRICH. Oh, no; I did not report it.

Mr. DOLLIVER. But, Mr. President——

Mr. ALDRICH. I am entirely familiar with the subject, and I assure the Senator from Iowa that Senator Allison reported the bill, while I made the report.

Mr. DOLLIVER. That is just exactly what I say.

Mr. ALDRICH. But I did not report the bill.

Mr. DOLLIVER. If you did not report the bill, how does it come that this Senate document says, "Mr. ALDRICH, from the Committee on Finance, submitted the following report?"

Mr. ALDRICH. I made the report on the bill, but the late Senator from Iowa was chairman of the subcommittee and himself reported the bill and defended it on the floor of the Senate.

Mr. DOLLIVER. Mr. President, I was just interested in showing that this curious top question did not originate in the McKinley bill; but that Mr. Whitman came before the committee of which my friend from Rhode Island was a member, and submitted in language what he desired to have done on tops. For instance, he proposed the following:

All wool and hair of the goat—

This is a schedule of duties proposed by the National Woolen Manufacturers, not by Judge Lawrence—

All wool, hair of the goat, alpaca, and other animals, including wool or worsted tops and hair tops, which have been advanced by any process of manufacture beyond the washed or scoured condition, not otherwise enumerated or provided for in this act, shall be subject to the same duties as are imposed upon manufactures of wool not specially enumerated or provided for in this act.

Mr. ALDRICH. If the Senator will read——

Mr. DOLLIVER. Does it surprise the Senator from Rhode Island that that was put into the bill in 1888?

Mr. ALDRICH. If the Senator will read the act of 1890, he will find that that language is not in it.

Mr. DOLLIVER. The only difference in the language is that the act of 1890, instead of saying "including wool and worsted tops or hair and hair tops" omits those lines and says "in the form of roping, roving, or tops." The Senate bill of 1888 omits a reference by name to tops. Why? Because the meaning of the paragraph is exactly the same whether the name is there or not; and the only reason they were omitted was to throw confusion and uncertainty over what was meant by the language. But when you say "wool and hair advanced beyond the scoured condition," you do not have to say "tops," because it is unnecessary always to expose the details of a proceeding when you are manufacturing a tariff schedule outside of Congress.

Mr. ALDRICH. Mr. President——

Mr. DOLLIVER. I do not desire to debate that question further.

Mr. ALDRICH. Does the Senator from Iowa think it is fair to our late associate to say that every item in the bill of 1888 that was suggested by somebody outside of the committee was an item put there by outside parties? Does the Senator from Iowa think that our late associate was in the habit of having any man anywhere dictate to him what should go into tariff legislation?

Mr. DOLLIVER. Mr. President, that is a favorite strain of suggestion from my honored friend from Rhode Island. I have already suggested that I did not intend to debate those matters. I simply say that it did go in at the request of Mr. Whitman; and I am not surprised that my former colleague acquiesced in it, because eight years later a lament went up from the secretary of the American Wool Association, nicely ensconced in a confidential relation with the Finance Committee of the Senate, that in the sickness of the Senator from Rhode Island he found it impossible to explain this matter to Senator Allison and Senator Platt, and he longed for the return and help of the Senator from Rhode Island, so that there might be one man on the committee, at least, who would understand the matter. [Laughter.]

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. The Senator from Iowa, if he is at all familiar with the subject, knows that the matter then in controversy, or in correspondence, had nothing whatever to do with the duty upon tops.

Mr. DOLLIVER. Why, Mr. President——

Mr. ALDRICH. Mr. Whitman, who is alluded to, was opposed to the Senate provision on tops. The House bill fixed a duty on tops, which was reduced by the Senate. The House committee, of which the Senator from Iowa was a member, put a compound duty upon a compound duty upon tops. It was higher than the provision of the bill as it was reported from the Senate Committee on Finance in 1897, and the subject in controversy was not as to what the proper duty on tops should be.

Mr. DOLLIVER. The other day when I was, with some diffidence, trying to make a speech here and called attention to the fact that the secretary of the American Woolen Manufac-

turers' Association had written to his employers in Boston that he could not explain this woolen schedule to Senator Allison and Senator Platt, my friend from Rhode Island [Mr. ALDRICH] was instantly on his feet to say that it was not the wool schedule, but the question of tops that had baffled the perceptive faculties of Allison and Platt.

Mr. ALDRICH. Mr. President, I was associated with the late Senator from Iowa, Mr. Allison, for twenty-seven years, and with the late Senator from Connecticut, Mr. Platt, for twenty-four years in this body. No man can truthfully say anywhere in the world that those men, or either of them, did not understand fully everything in connection with any piece of legislation which they indorsed or which they presented.

Mr. DOLLIVER. I have heard that remark now for the third time, and——

Mr. ALDRICH. It is true.

Mr. DOLLIVER. And I notify the Senator from Rhode Island that if he desires to pronounce eulogies upon my friend, with whom I served also, not twenty-seven, but more than twenty years, and whom I loved as I loved my father, I desire the eulogies placed where they will be more appropriate than in this running discussion of the wool tariff.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. Does the Senator hold that his late colleague was ignorant of the details of the tariff duties upon wool and woolens?

Mr. DOLLIVER. The secretary of the American Woolen Manufacturers' Association, employed in a confidential capacity, without salary, except such salary and perquisites as were paid him by his employers in Boston, wrote to his employers that it was not possible to get Senator Allison and Senator Platt to understand this matter; that the only man on the committee that knew anything about it was sick; and he also said that he found it impossible to explain it, because Senator Allison and Senator Platt did not know of Whitman's agreement with Senator ALDRICH, but that they trusted him.

Mr. ALDRICH. Does the Senator from Iowa think that that statement was true? Does he think that the late Senator Allison did not know about the details of the wool and woolen schedule?

Mr. DOLLIVER. Mr. President, I have had so many troubles in finding my way through it myself, when giving my entire attention to it, that I do not think I would impeach the moral character of my former colleague if I said that I thought maybe he was bewildered also.

What is the object of the duty on tops? Tops are wool prepared for the worsted-yarn makers. They are combed, and men make a living, I understand, selling them to other people.

Mr. ALDRICH. I am sure the Senator does not want to get even into this first brief statement of his, subject to revision as it is, a statement which is not accurate.

Mr. DOLLIVER. Certainly not.

Mr. ALDRICH. The Senator from Iowa was a member of the Ways and Means Committee in 1897; and I remember, in the course of a conversation with some wool people, they asked him the question whether he knew what tops were, and he was obliged to answer "no."

Mr. DOLLIVER. I was very candid about it.

Mr. ALDRICH. I think the Senator is now displaying the same amount of knowledge.

Mr. DOLLIVER. Well, let me give a definition of tops. Tops are scoured wool advanced beyond that condition.

Mr. ALDRICH. Yes.

Mr. DOLLIVER. They are the raw material of the yarn maker.

Mr. ALDRICH. Yes.

Mr. DOLLIVER. They result from combing worsted wool for the purpose of manufacturing worsted cloth. They produce a by-product called "noils;" and in the manufacture of yarns there are certain wastes, called "slubbing" and "roving" waste. A peculiarity about the bill is that these tops, which have a market value everywhere in the world, are assessed at the rate provided for woolen cloth; and the noils, which are to be sold to others, are assessed at a prohibitory rate—I think 20 cents a pound—and the other minor wastes are assessed at prohibitory rates.

The manufacturer of worsted goods sells all these by-products to his competitors on his own terms. I have made up my mind that there is something wrong about that, and I am not without support among the great carded woolen manufacturers of the United States. So that, if nobody else does it, I intend to propose a little amendment to the duty on tops, reducing their dignity not much, but just beneath the dignity of the yarn, of which they are the raw material. Beyond that I do not think I will go, except that I should like to suggest to the Senator from Wyoming that, if he has leisure during some of the long summer nights, it might be a good idea for him to reflect upon the phenomenon now everywhere apparent—and becoming, I think, very portentous—the progressive elimination of wool from the clothing, the bedding, and the furnishings of the modern household.

Turning now to the duties on yarns and woven and knit fabrics of wool, I desire to call the attention of the Senate to the abuses which have grown into the schedules, many of them without the knowledge or consent of the Finance Committee of the Senate. I spoke the other day about the difficulty of understanding these schedules, and alluded to evidence now at everybody's hand that they were so complex and unintelligible that only one man on the committee was able to comprehend them. My friend from Rhode Island rose immediately to say that it was not the woolen schedule but the duty on tops that bewildered the late Senator Allison and the late Senator Platt of Connecticut, two trained and alert students of our practical affairs, whose names do not suffer by comparison with the greatest statesmen who have illustrated the intellectual dignity of American public life. In the name of sense, if these men could not understand the top question, what excuse is there for seeking to belittle the efforts of others who in trying to serve their own day and generation are engaged in exposing the trickeries that in the course of a half century have found hiding places throughout the woolen schedules?

The chief fault to be found with this schedule of the pending bill lies in the fact that it adopts a scale of duties 20 years old without the slightest effort to readjust them so as to mitigate the inequalities which they have imposed upon more than one department of the woolen industry in the United States.

And if I understand the committee's work correctly, they just gathered around this old law, which has passed from one generation to another, and said: "This is a hard subject and a fighting subject and a tiresome subject; we have got the woolgrowers and the wool manufacturers so that they are not going to raise any row about it, and the best thing for our comfort and convenience is just to let it alone." Am I not correct about that?

Mr. WARREN. As the Senator seems to be propounding that question to me, I will say that he has already stated that he gets his information and the suggestion of an ad valorem tax very largely from the wool manufacturers. Is not that so?

Mr. DOLLIVER. No; I thought of that myself. [Laughter.]

Mr. WARREN. What about the carded-wool manufacturers, from one of whom you have just quoted? Are they not satisfied?

Mr. DOLLIVER. Not very.

Mr. WARREN. I know how true the Senator wishes to be to the farming interests and to the farmers and stock growers; and I know that in any amendment he may offer he will not desire to put a duty on manufactured articles low enough, so that instead of the wool coming in in its raw state it will come in manufactured, wholly or in part.

Mr. DOLLIVER. No, sir; but I will tell you what I will do. If I could enjoy for two hours the undisturbed society of the Senator from Wyoming, I would show him that these gentlemen have fixed up a wool proposition with him, in which the man who buys 100 pounds of high-shrinkage wool, which shrinks to 30 pounds in the washing and scouring, has to pay duty upon that wool of 36¼ cents per pound, whereas the worsted people, who are importing English wool and Canadian washed wool, find themselves in this measure confronted by a very beautiful situation of their own arrangement. The woolen cloth manufacturer, if he imports wool washed, pays not 11 cents, but 22 cents for it; but the worsted importer of wool imports wool at 12 cents, whether it is washed or not.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. I do not want to take but one into the class. [Laughter.]

Mr. SMOOT. I do not think the Senator wants to make any statement here that is not correct. I want simply to say this——

Mr. DOLLIVER. The Senator from Utah will have ample time. There is going to be no hurry about this; and I want at least to get the privilege of stating my own conclusions in respect to it.

Mr. SMOOT. If the Senator——

The PRESIDENT pro tempore. The Senator from Iowa declines to yield.

Mr. SMOOT. If the Senator from Iowa wants to make a statement here that is not correct——

Mr. DOLLIVER. What statement does the Senator wish to correct?

Mr. SMOOT. The Senator was speaking as to the worsted people using coarse wool——

Mr. DOLLIVER. I did not say "coarse wool." I said English wool and Canadian washed wool.

Mr. SMOOT. Instead of that, the people of this Nation use 90 per cent of western wool——

Mr. DOLLIVER. They use a good deal of the Utah wool.

Mr. SMOOT. They use nearly all of the Iowa wool.

Mr. DOLLIVER. This scheme has nearly destroyed the wool industry in Iowa.

Mr. SMOOT. So far as that is concerned, I do not want to discuss it. If the Senator does not want any interruptions, I shall not attempt to further interrupt him.

Mr. ALDRICH. Mr. President, I would suggest to the Senator, in view of the language he has been using in describing these articles, that it might be well for him to secure the services of some practical man to revise his speech before he publishes it.

Mr. DOLLIVER. This speech is not made without the advice of practical men. I have undertaken to put myself in the society of men who understand these matters, or I would not be here forcing my views on the Senate of the United States.

Mr. ALDRICH. The Senator stated that the duty on washed wool was 36½ cents. It is of no consequence, but it is not correct.

Mr. DOLLIVER. I said on wool of a certain shrinkage scoured after importation.

Mr. ALDRICH. Thirty-six and two-thirds cents.

Mr. DOLLIVER. Yes, on wools that shrink 70 per cent.

Mr. ALDRICH. The duty on scoured wool is three times the duty on washed wool.

Mr. DOLLIVER. I am not talking about the duty on scoured wool. That is not imported. I am talking about wool which shrinks 70 per cent in scouring after it gets here.

Mr. ALDRICH. It does not make any difference whether it shrinks 70 or 700 per cent. The duty is all the same.

Mr. DOLLIVER. Let me show that it does. If a man imports a hundred pounds of wool that shrinks to 30 pounds, he pays a duty of 11 cents a pound upon the raw wool. Eleven times a hundred is $11, and when his wool shrinks from 100 pounds to 30 pounds, and you divide $11 by 30, what do you get per pound as the duty actually paid?

Mr. ALDRICH. But the Senator said the duty on the scoured was 36⅔ cents, whereas in the case he cites it would be 33 cents and not 36⅔.

Mr. DOLLIVER. Mr. President, I wish to point out another folly in the woolen schedule. It is not only too old for our use now, but in addition to that, the readoption of these old rates disappoints a reasonable public expectation that the people should be allowed to participate in those economies of production which have everywhere appeared in the business world, and have a share in that steady progress of the industrial arts which we have been led to think is characteristic of our country and our times. In other words, if these rates were high enough twenty years ago, they are too high now, unless we admit that the weaver's craft is at a standstill in America—a thing which nobody believes for a moment.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Montana?

Mr. DOLLIVER. Certainly.

Mr. CARTER. If the Senator will permit me, I desire, before he passes from worsted manufacture, to inquire whether I correctly understood him as stating that worsted goods were chiefly manufactured out of what is known as "second-class wool," which is admitted at 12 cents per pound?

Mr. DOLLIVER. I said—and tried to show, at least—that second-class wool, admitted at 12 cents a pound, whether washed or unwashed, is manufactured into worsted goods.

Mr. CARTER. I desire the Senator to answer the question, if he will, whether I am to understand his statement to be that worsted goods are chiefly manufactured from second-class wool.

Mr. DOLLIVER. I have no statistics at hand that would enable me to make an intelligent statement about that——

Mr. WARREN rose.

Mr. DOLLIVER (continuing). And I do not want any. [Laughter.]

Mr. SMOOT. I do not blame the Senator.

Mr. WARREN. I congratulate my good-natured friend on the happy state of mind he is in. I have always maintained that a man to make a really good and popular speech does not want any statistics and not very much knowledge on the subject. Now, I want to ask a question.

Mr. DOLLIVER. A wiser man than either of us—old Thomas Carlyle—has said that the chief practical use of statistics was to keep the other fellow from lying to you. [Laughter.]

Mr. WARREN. In order to follow that line, I want to ask the Senator a question, since he has devoted some portion of his speech to me. The Senator from Montana has asked whether second-class wools go into worsteds, and whether all the worsteds are made of second-class wool.

Mr. DOLLIVER. I replied that second-class wools did go into worsteds, and I do not know how much of other kinds of material.

Mr. WARREN. Only about 7 per cent of all the wools imported are second class wools. For the last sixteen years——

Mr. DOLLIVER. I notice that they are arriving at the rate of a million pounds a month now.

Mr. WARREN. And therefore worsted, being the cloth now most generally worn, must naturally be made largely from first-class wool and not exclusively from second class. Second-class wools are used for luster goods, but furnish only a small part of the whole stock consumed in the manufacture of worsteds; and 7 per cent is all the second-class wool imported, out of a total 100 per cent imported wool of the three grades—first, second, and third class.

Mr. DOLLIVER. Mr. President, when I say that the natural progress of the art of weaving ought to have suggested a gradual reduction of these rates I am not guilty of any heresy. I got the idea in 1897 when Governor Dingley reported to the House of Representatives the great bill which bears his name. He seemed to take pride in saying that we had reduced nearly all rates below the level of the McKinley bill, leaving them, however, still amply protective.

I have in my possession a letter over the governor's signature in which he said: "We expect to cut nearly all our duties considerably below the act of 1890." That was his view of a sound public policy, even when the committee was holding its deliberations in the midst of a universal wreck of American business. Not only did the act itself, except as to wool and woolens, considerably reduce the scale of the McKinley rates, leaving it, however, still amply protective, but there was embodied in the Dingley law what appeared to be a prospect of still further reducing the entire dutiable list through diplomatic negotiations for the more favorable admission of our export merchandise. It was no credit to either House of Congress, however justified it may have been by the exigencies of party politics, that Schedule K survived that honest effort to reduce duties which was effective in nearly all the other tariff schedules.

But to say that that failure of the Dingley Act represented the wisdom of any American statesman or any disinterested expert on our tariff problems is simply to take advantage of those whose sources of information are limited.

I had in those days a daily association with one of the most extraordinary students of our customs tariff system who has ever been connected with the Treasury Department. He was a famous and honored citizen of my own State, and, having been requested by the historical society connected with our state government to prepare a brief sketch of his remarkable career, I have had access to his papers, letters, notes, and memoranda, not only on the tariff act of 1897, which he helped the committees in both Houses to prepare, but as far back as 1888, when he was closely associated with Senator Allison in the preparation of the Senate substitute for the Mills bill, upon the popularity of which General Harrison was elected President of the United States. I refer to Col. George C. Tichenor, who rose in the service of the Treasury Department to be Assistant Secretary, with the customs service under his charge, and afterwards to be chairman of the Board of General Appraisers under the administrative customs act which he helped Senator Allison to prepare. He was honored with the confidence of Democrats and Republicans alike. He qualified as an expert on the wool question by lifelong studies on the farm and in the factory, and from the custom-house to the port of invoice, spending five years in Europe searching out every secret of our foreign commerce. I call the Senator from Rhode Island to bear witness, for he was his friend, to the unrivaled mastery which he acquired over all the questions with which we have to do here, and especially this wool question, which we have, with a sort of hereditary cowardice, turned over to the parties who are selfishly interested in the rates.

I find among Colonel Tichenor's papers a letter, dated June 24, 1897, in which he gives an unbiased opinion of the wool

schedule which it is now proposed to reenact without even the stale formality of debate. I read an extract, as follows:

The manner in which the so-called "wool compensatory duty" is expressed in the different paragraphs of the Senate bill relating to manufactures of wool is *cumbersome, confusing,* and *deceptive.* It was employed for the first time in the tariff act of 1890, and, it was hoped, for the last time. The method of expressing the specific duty is lacking in *symmetry, simplicity,* and *honesty.* It is intended to convey the impression that the article contains a certain number of pounds of "unwashed wool of the first class," which, in fact, is *not really accurate in any case* and is *wide of the truth in most instances.* For example, it is known to everybody that the coarser and cheaper cloths, blankets, and flannels, contain very little, if any, wool of the *"first class,"* unless it be the "aged and infirm" conditions of shoddy, mungo, or flocks. A good deal of the "wool of the first class" in these goods is *cow hide* or *common goat hair* or *cotton.* Furthermore, there are but few woven cloths or knit fabrics imported in the manufacture of a pound of which as much as 3½, much less 4, pounds of wool of the "first class" is used. In the case of ready-made clothing and articles of wearing apparel, provided for in paragraph 368, it is well known that neither 4 pounds nor 4½ pounds of wool of the "first class" is actually consumed in the manufacture of a pound of such goods. On the contrary, the quantity of wool thus used is probably not more than 3 pounds, upon an average. The paddings, linings, buckram, buttons, and so forth, go largely toward making up the weight of all such goods.

I will not stop to add a word to this blunt and fearless description of the scheme of the McKinley bill as to woolen goods. Colonel Tichenor tried faithfully to serve the people of the United States while he lived, and I do not regard it outside of my duty here in the Senate to try to perpetuate the influence of his words, now that he is dead.

It is my purpose now to examine somewhat closely the state of our foreign trade in woolen goods, in order to verify what I had occasion to say the other day as to the excessive and prohibitive character of these tariff rates, for it ought not to be forgotten that while a proportion of the aggregate assessments may be properly said to reimburse the manufacturer on account of increased cost of his material, it is nevertheless at the same time and to its full amount the barrier over which all imported goods must pass. According to the Bureau of Statistics, in its report for 1907, the actual importation of manufactures of woolens and worsteds were as follows:

Women's and children's dress goods, coat linings, etc., cotton and part wool, chiefly cotton, 13 to 23 cents per square yard		$9,526,752
High-grade woolen and worsted cloth, average value, $1.12 per pound		5,369,487
Carpets and rugs		4,420,145
Clothing and wearing apparel		1,852,563
Webbings, gorings, suspenders, laces, etc		293,000
Shoddy, mungo, waste, etc		288,180
Felts		111,405
Yarns		133,937
Plushes and pile fabrics		19,548
Blankets	$42,200	
Knit fabrics	10,216	
Flannels	60,548	
Cheap woolens and worsteds	216,614	
		329,578
Total		22,344,595

It will be seen, therefore, that the entire importations of 1907 of these cheaper woolen goods amounted to $330,000, producing a revenue of $370,000, the total importation being insignificant in comparison with our production. I ask you to observe how these imports fare at the custom-house. Of the total amount, $216,610 were woolen and worsted cloths, as follows:

Average value 39 cents per pound, dutiable at 33 cents per pound and 50 per cent ad valorem, or 135 per cent	$27,693
Average value 64 cents per pound, dutiable at 44 cents per pound and 50 per cent ad valorem, or 119 per cent	188,917

The well-ascertained value of foreign wools, printed in our own books of statistics, indicates conclusively that such goods as these, valued at less than 70 cents a pound, could not contain 3, much less 4, pounds of wool of the first class, and that fact makes the so-called "compensatory duty" a mere device for totally excluding foreign competition.

Of cloths valued at over 70 cents a pound, being the higher grades of English woolens, over $5,000,000 worth were brought in in 1907, paying a duty approximating 94 per cent on an average valuation of $1.12 per pound. Whatever my doubts about it, I am not able to successfully dispute that it might require 4 pounds of wool of the first class to produce a pound of such goods; and I will not deny that a man making such goods in the United States, if the old wool tariff is preserved, may properly ask his fellow-citizens to reimburse him to the full amount of the 4 pounds of unwashed wool to the pound of cloth, not because the wool he uses has a uniform shrinkage like that, but because his competitor on the other side has access to wools which are very cheap on account of this extreme shrinkage. I make this concession somewhat reluctantly. The reasoning is not my own; I got it years ago listening to a speech by the honorable Senator from Rhode Island, but if I make it no clearer to you than it is to me, we are all in the dark together. [Laughter.]

Let me call your attention to the statistical circumstances which attend the introduction of blankets and flannels into the United States. In 1907 we brought in $42,000 worth, as follows:

BLANKETS.

Average price, 28 cents per pound; duty, 22 cents per pound and 30 per cent ad valorem; average duty, 107 per cent	$316
Average price, 46 cents per pound; duty, 33 cents per pound and 33 per cent ad valorem; average duty, 106 per cent	219
Average price, 28½ cents per pound; duty, 33 cents per pound and 50 per cent ad valorem; average duty, 165 per cent	40
Average price, 62 cents per pound; duty, 44 cents per pound and 50 per cent ad valorem; average duty, 121 per cent	3,668
Price, 89 cents per pound; duty, 44 cents per pound and 55 per cent ad valorem; average duty, 105 per cent	8,217
Price, $1.05 per pound; duty, 33 cents a pound and 40 per cent ad valorem; average duty, 71 per cent	29,737

FLANNELS.

Valued under 40 cents per pound; price, 19 cents per pound; duty 22 cents a pound and 30 per cent ad valorem; average duty, 143 per cent	24
Valued over 40 cents a pound and under 50 cents a pound; price, 49 cents; duty, 33 cents a pound and 35 per cent ad valorem; average duty, 101 per cent	128

In addition, imports amounting to $50,000 of flannels, valued above 70 cents a pound, were brought in in 1907, at an average ad valorem of 106 per cent.

I now approach somewhat timidly paragraphs 376 and 377, and it will help me along amazingly, if you have the books handy, if you will turn your eye upon those two paragraphs, because I want to say something definite in respect to them.

A glance at the first paragraph shows clearly that it does not belong in the schedule of woolen goods, for it refers only to cloths in which the warp consists entirely of cotton and the rest of it wholly or in part of wool. The experts from the Department of Commerce and Labor, who testified before the House committee, showed distinctly that the filling of such goods could not possibly be all of wool owing to the structure of the cloth. It is not probable that there could be more than two-thirds of the filling wool, and the fact is that it contains actually very much less in most instances. Therefore it ought to be classed as cotton goods, with a compensatory rate attached in addition to the cotton rate applicable to the wool contained therein. It will be observed that these rates advance, both the specific rate and the ad valorem rate, with the price of the goods, until you come to goods weighing over 4 ounces to the yard. At that point you reach a proviso, which the House committee very properly omitted, for it transfers all goods above that weight in a cloud of language unintelligible, so far as its vital effect is concerned, outside of the analytical bureau of the appraiser's office in New York, to a classification intended originally for goods manufactured out of wool of the first class. If I were called upon to guess what it was that mystified Senator Allison and Senator Platt in 1897 and drew from the secretary of the Woolen Manufacturers' Association that sad lament that the only man on the committee to whom it could be explained was unfortunately sick, I would not select the plain and open-faced duty on tops even when concealed under the description of wool or hair advanced beyond the washed or scoured condition, but would pick out some such provision as this, and attribute their discomfiture to that.

The following section is another good illustration of the blind-bridle attachments that have been put onto the working harness of Schedule K. You would naturally think that it dealt with a different kind of goods, but neither the appraisers at New York nor the statisticians here seem to think so. The only difference is that in the first section the goods must be mostly cotton, and under the second they are just as likely to be cotton as not; and when you come to understand that the lifelong promoters of this bungling legislation are just as deeply interested in cotton as they are in wool manufactures, you can the more easily understand the situation. If I had my way about it I would reduce some of these rates, and I would certainly in view of the fact that the combined imports under both these provisions indicate only a small and precarious entry of such merchandise compared to its domestic production, I would at least strike out these mischief-making provisos; or, if I left them in, I would see to it that the goods, when they landed in the classification of cloths made out of wool of the first class, would encounter a "joker" put in on behalf of the public, confining their compensatory specific to the weight of the wool contained in a pound of the cloth.

I desire now to speak of some of the morbid and abnormal influences which have gone out from Schedule K to vitiate the tariff system of the United States. The high rates imposed

throughout the schedule have been peculiarly attractive to laborers in other departments of the textile vineyard, and it is easy to trace the movements of greed in more than one schedule framed to protect these industries. Manufacturers in other textile departments have been persistent in their efforts to get the advantage of the rates on woolen goods. Makers of silks, of cottons, and of furs, not satisfied with their own rates, have sought shelter among the slippery provisions of the wool tariff. We have already seen how hospitably the manufacturers of cotton have been received. It takes only a slight investigation of the silk schedules to see how easily that product puts itself into partnership with the enterprise.

The manufacturers of fur garments, not content to gratefully accept the modest 35 per cent accorded them by the present law, have been able to secure here the increase of their rate to 50 per cent, provided they contain no wool. I do not know whether they are entitled to that or not, but I do know that they ought not to be allowed on account of the presence of wool in the lining or elsewhere in the garment to pass over to the wool schedule, where, in addition to the 60 per cent ad valorem, they will enjoy a bogus compensatory of 44 cents per pound on the weight of the whole garment. The root of this abuse lies in Schedule K, where all sorts of manufactures, whether cloths or clothings or anything else containing a trace of wool, must be weighed up under its benign provisions. If it operated merely to affix excessive rates to articles not entitled to them, it would be bad enough; but it operates also to bring our protective-tariff system into ridicule and contempt. Why should a fur coat, with a cotton lining or no lining at all, be assessed 50 per cent ad valorem, while with $2 worth of wool lining it takes 44 cents per pound and 60 per cent ad valorem? But that is not an extreme case. I spoke the other day of a cotton blanket, with a fringe of wool to prevent unraveling, received hospitably at the custom-house and solemnly charged up with the specific compensatory calculated a generation ago for woolen goods, but that is not an extreme case.

Mr. ALDRICH. Will the Senator allow me?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. Has the Senator ever seen a cotton blanket with wool fringe or wool selvage? Does the Senator think it is possible to make a blanket with a woolen selvage?

Mr. DOLLIVER. I heard of this case from reputable people.

Mr. ALDRICH. Possibly reputable people, but——

Mr. DOLLIVER. I think I can bring in the blanket.

Mr. ALDRICH. I think you can not.

Mr. DOLLIVER. But I do not want to cover up the subject. [Laughter.]

Mr. ALDRICH. I do not think you can bring in such a blanket.

Mr. SMOOT. It can not be made.

Mr. DOLLIVER. That is not an extreme case. I have in my hand the brief——

Mr. ALDRICH. While the Senator is looking——

Mr. DOLLIVER. I have quit looking.

Mr. ALDRICH. Permit me to say it would be physically impossible to make an article of the character he has mentioned.

Mr. DOLLIVER. I will discuss that question when we come to that schedule. It is fully described in a decision of the Board of Appraisers in General Appraisers, 4313. I have in my hand a brief for the petitioners in the case of A. J. Woodruff & Co. *v.* The United States, in the circuit court for the southern district of New York, in which they were trying to escape paying duties under Schedule K on a sofa and a set of chairs in the upholstery of which traces of wool appeared.

I will read a short extract from it, for it takes us into the Cretan labyrinth of the wool tariff, with nothing to guide the footsteps of our return unless we hold fast to the trusty clew of worsted yarn provided for the exploit by outside friends. Now listen to this:

> The appraiser first examines the furniture, finds that the covering of the sofa and chairs is tapestry, of which the chief value is silk, and that the silk is the highest valued component in the furniture. Construing the provisions for furniture of wood as being limited to furniture in chief value of wood, he places the articles in the provisions for manufactures in chief value of silk in paragraph 391. But paragraph 391 has a proviso which says that manufactures of silk in part of wool must pay the wool duty. He therefore turns to paragraph 356, finds that the rate of the wool duty depends upon the value per pound of the cloths, knit fabrics, and all manufactures of every description there provided for, and proceeds to ascertain the weight, not of the fabric, but of the furniture. He finds that the furniture weighs 200 pounds and is worth $1,592. He divides 200 pounds of furniture into $1,592 and finds that a pound of sofa or a pound of chair is worth over 70 cents. He now consults paragraph 366 again and finds that when a pound of chair is valued over 70 cents it must pay four times the duty of 1 pound of unwashed wool of the first class and 55 per cent ad valorem. He turns to paragraph 357, where he finds that the duty upon all wool of the first class is 11 cents a pound. He multiplies this by 4, gets 44 cents, then multiplies by the pounds of wood, tapestry, padding, springs, nails, tacks, etc., and gets the specific duty, to which he adds 55 per cent of the invoice value.

Mr. ALDRICH. What is the Senator reading from?

Mr. DOLLIVER. I am reading from a brief by a great lawyer in New York presenting a case to the circuit court of the United States.

Mr. ALDRICH. What was the decision of the court in that case?

Mr. DOLLIVER. The appraisers decided that the law required the collection of the wool duty.

Mr. ALDRICH. What did the court decide?

Mr. DOLLIVER. The court decided that it was an intolerable absurdity. Both the tribunals were right [laughter]; and we have now in the United States the funny spectacle of this Government, 90,000,000 and more of fairly sensible people, solemnly pursuing that preposterous thing in the circuit court of appeals.

Mr. ALDRICH. What preposterous thing?

Mr. DOLLIVER. The preposterous thing to which I have been referring. If it does not impress the mind of the Senator, I would despair of being able to allude to it any more distinctly.

Mr. WARREN. Is the case now in court?

Mr. DOLLIVER. Yes. But that is not an extreme case. We have in the United States an interesting institution engaged in the manufacture of rubber goods, advertising in the Boston newspapers that it absolutely controls the business, as a sign of good credit, so that people in dealing with it will have confidence, and persons who are purchasing stock will not be without faith in the enterprise. I notice that in this bill they have enjoyed a slight accretion of duty from 30 per cent to 35 per cent. But I am not going to complain about that, because I have not gone into the practical aspects of the subject. However, the curious thing about it is that throughout a large list of their merchandise they enjoy a protection which Congress in its simplicity thought it was extending to clothing made of wool.

It will interest most people to know that the gum boots with which the farmers of America are wading around in in the snows of winter are lined usually with wool, and that when a box of them appears at a port of the United States they are not troubled by the 30 per cent duty on manufactures of rubber. Why? Because they are otherwise provided for. How? This law which we refuse to even look at with a view of correcting errors and absurdities transfers this merchandise bodily to paragraphs intended to protect woolen clothing, and we see the fine vaudeville sketch of a pair of rubber boots being solemnly weighed up in the custom-houses of the United States and assessed at 44 cents a pound and 60 per cent ad valorem as wearing apparel composed in whole or in part of wool.

Mr. ALDRICH. Mr. President, does the Senator mean to state that any such importations have ever been made, and that any such duties have ever been charged?

Mr. DOLLIVER. Certainly no such importations have ever been made. This is now, I take it, for the purpose of making that everlastingly certain. Certainly nobody would ever start on an enterprise like that.

Mr. ALDRICH. Mr. President, rubber boots are cheaper in the United States than in any other country in the world.

Mr. DOLLIVER. Then why is there an increase from 30 to 35 per cent on manufactures of rubber?

Mr. ALDRICH. Because manufactures of rubber include——

Mr. DOLLIVER. If they are cheaper in the United States than anywhere else, I intend to move to put them on the free list.

Mr. ALDRICH. There are many other manufactures of rubber besides rubber boots.

Mr. DOLLIVER. I will single out the boots and move to put them on the free list. I am on the side of the citizens who sometimes have to walk in the mud to the polls to vote the Republican ticket in Iowa.

Mr. ALDRICH. We have automobile tires made of rubber—a great quantity of them.

Mr. DOLLIVER. It would not require very much sagacity to separate an automobile tire from an ordinary gum boot. Besides, automobile tires seem to be down in this bill in the metal schedule at 45 per cent.

Mr. ALDRICH. There is no rate of duty of that kind or form put in by any decision of any court or by anybody else.

Mr. DOLLIVER. "Manufactures of rubber." Did not the Senate committee, in providing for the duty——

Mr. ALDRICH. The Senate committee on the woolen schedule followed precisely the act of 1897 in every word; they have not changed it.

Mr. DOLLIVER. That is exactly what I am complaining about.

Mr. ALDRICH. Well, that is all right.

Mr. DOLLIVER. Because no rubber boots would be brought into a port so inhospitable as to charge them 44 cents a pound and 60 per cent ad valorem.

They do make rubber boots on the other side of the water, and in making those rubber boots there is a little scrap left over like that [exhibiting]. It is rubber with a little wool fused into it by heat, I reckon. There was a fellow out in Boston, one of the constituents of my honored friend here, who thought he would make an honest penny by going over the border and buying some of this rubber scrap. He looked at the Dingley law and found that old rubber that had finished its earthly pilgrimage was on the free list. But that did not satisfy him. He hired a lawyer, and was told that new rubber, or rubber not entirely gone up from a worldly point of view, was dutiable under the basket clause for wastes not otherwise provided for at 10 per cent.

He thought he could stand that, and so he brought in the stuff at Rouses Point, N. Y. They valued it at the custom-house at $400 and presented him a bill for duties of $1,600. He had encountered the wool tariff that goes on from one generation to another in the United States. He had got up against a proposition that this was subject to the duties provided for noils, wool extract, yarn waste, thread waste, and all other waste composed wholly or in part of wool. When he came to [laughter] he hired a lawyer, and they finally induced the Secretary of the Treasury to give him leave, although it was regarded as a strain on the administrative customs law, to pay the duty, recover all of it back except 1 per cent, and send the goods back under the drawback clause. [Laughter.] Yet there is no way to recover rubber from such waste without entirely destroying the fiber.

I might go on until dark exhibiting these absurdities. I say to you, gentlemen, that you can take the bill and dig more of them out in one night's careful investigation with the advice of skilled persons——

Mr. ALDRICH. You have got them.

Mr. DOLLIVER (continuing). Than I have given you or than you would have time to receive in the Senate Chamber of the United States.

Mr. ALDRICH. There are plenty of skilled persons of that kind in this country and in our competitors abroad studying this tariff question every day for the purpose of evading the law and destroying the protective system.

Mr. DOLLIVER. Do you dispute the truth of what I say about these things?

Mr. ALDRICH. I do not.

Mr. DOLLIVER. Then you ought not to attack men of character who have been sitting up nights with me.

Mr. ALDRICH. I do not intend to do that; but I intend to put in the RECORD, and I would be glad to do so now, if it would not interrupt the Senator——

Mr. DOLLIVER. It would seriously disturb the continuity of my discourse.

Mr. ALDRICH. When the Senator gets through, I will put in the RECORD statements made in the debate upon the act of 1897 by the late Senator from Arkansas, Mr. Jones, and the late Senator from Missouri, Mr. Vest, precisely along the lines of the statements the Senator is now making. They could be taken word for word and read by the Senator from Iowa and would produce the same effect.

Mr. DOLLIVER. I said at the beginning that if I speak the truth, if I confine myself to facts, I will not be diverted by the circumstance that some wayfarer in this wilderness in a former generation happened to strike the same things that have occurred to me.

Mr. ALDRICH. I only made that observation for the purpose of showing that the men who are trying to destroy this tariff are still "doing business at the old stand."

Mr. DOLLIVER. Mr. President, I resent that statement. I am not trying to destroy this tariff. I wish to leave it a Republican tariff that can be defended in the United States; and before I conclude I shall show the Senate that I stand not upon what Senator Jones, of Arkansas, said, but upon what Senator ALDRICH, of Rhode Island, did in 1888.

I propose now, Mr. President, by the kindness of the attention of the Senate, to point out not what I think ought to be done, but what I think it is feasible to do in order to remove from these schedules some of the absurdities and excesses of which I have been complaining. If I had my own way about it, the first thing I did would be to strike out the fictitious distinction between wools of the first class and wools of the second class. Without giving my own views about it, I intend to read a conversation which I had with a wool expert, an elderly gentleman who acted for the United States in the standardizing of the wool samples in the custom-houses of the United States, who happened to be in this city at the invitation of the Tri-State Wool Growers' Association of Ohio, Pennsylvania, and West Virginia in an advisory capacity.

The House of Representatives tried in vain to find out what was the origin of the unequal duty between clothing wools and combing wools. They could find nobody to answer the question. I found clothing wools there assessed at 11 cents and called "first-class" which by the time they got into the hands of the manufacturer were charged up at least 22 cents a clean pound, while the duty on combing wool, called "second-class" was 12 cents a pound, whether it was washed or unwashed. I wanted to know how such a curious thing ever got into a tariff law. I became all the more curious because I had to read it four or five times before I could notice the joint where the proposition emerged. I handed it to intelligent men and asked them if they saw any distinction in that language between clothing wools and combing wools, and one after another bright men said "I can not see any distinction." If you will get the paragraph and read it yourselves, you will notice with what delicacy of phrase, worthy of poets and artists, this distinction has been wrought into the very foundation of the wool tariff by which washed combing wools of Class II, shrinking 20 per cent, come here practically at 15 cents a pound, while wools of Class I, shrinking 65 per cent, pay 31 cents a pound, owing to shrinkage in cleaning, or in cases of an extreme shrinkage, as I tried to show a moment ago, at 36¾ cents a scoured pound.

So I was interested when this venerable saint of Israel came into my room and said that he had heard that I was interested in the wool schedule. He talked with such intelligence and such interest that I asked him if it would be disagreeable if I took down his conversation in writing. He said he would offer no objection, and so——

Mr. WARREN. If the Senator does not mind, I should like to make an observation there as to wools of the first and second class and worsted wools.

The PRESIDING OFFICER (Mr. BRISTOW in the chair). Does the Senator from Iowa yield to the Senator from Wyoming?

Mr. DOLLIVER. Certainly.

Mr. WARREN. In the present handling of wools and with French combs, and so forth, now in use, a very large proportion of wool of the first class becomes worsted stock. I want to say that, as the Senator has said, scoured wools are not imported to any great extent, and that the first-class wools that are imported unwashed and unscoured are "skirted." So they come in at a shrinkage of about 50 per cent on an average.

Mr. DOLLIVER. I beg the Senator's pardon, I am so anxious to condense this discourse that instead of putting my own words in this speech I have taken the words of another, and I beg him not to extend the matter, as that is the very question my old friend Edward A. Greene is about to discuss.

Mr. WARREN. I know to whom the Senator refers.

Mr. DOLLIVER. I want to read the conversation.

Mr. WARREN. I will not take the Senator's time now, but I want to say that his statement regarding the shrinkage of the first-class wools imported is wide of the truth, if the average of importations is considered.

Mr. DOLLIVER. Here are the questions and answers. It is not strictly a platonic dialogue, but in these commercial times it may pass.

Mr. Greene stated that he had been in the wool business since 1855, and then the conversation proceeded as follows:

Q. Have you ever given any attention to the phraseology of the wool tariff?—A. I have.

Q. There is one thing in this wool tariff that I have not been able to understand—a good many things, in fact, but this one particularly. Why has the language been so arranged as to double the rate on wools of the first class which are washed and at the same time leave the original rate on wools of the second class whether they are washed or not?—A. In 1867 the only wools that were imported into this country of the first class were from the Cape of Good Hope and from South America, the latter called "mestizo." The Cape wool shrank from 60 to 70 per cent; the mestizo shrank from 65 to 75 per cent. That was practically two-thirds. Washed wool was taken then at 20 cents and unwashed wool at 10 cents.

Q. You refer to the high shrinkage of wools. Now, in the case of the other wools of low shrinkage, the law seems to have made no distinction as to whether they were washed or unwashed?—A. Mr. Edmunds, who was treasurer of the Pacific Mills, at that time the largest worsted mills in the country, said: "This will not do for me. I must use either English or Canadian wools." They are all washed; and while he had a compensatory duty based on unwashed, he succeeded in getting the duty on washed wool the same as had been put on unwashed. His mills were, and are now, located at Lawrence, Mass.

Q. Do you think Mr. Edmunds helped to put these washed and English wools into the tariff bill with a view to the prosperity of the business that he was in?—A. He naturally was looking out for his own interests.

Q. Has that provision of the law operated to create any inequalities as between the worsted manufacturers and the carded woolen people, and how has it affected the woolgrower?—A. The worsted manufacturers have had the big end of the horn from that day to this. They get the same compensatory duty. They have injured the carded woolen manufacturers and the woolgrowers. The carded woolen people and knit-goods makers have to buy a good part of their materials from the other fellows—their tops and the noils which are the by-product of top making, besides the other wastes which enter into cloth and knit goods. The sheep people also are beginning to see where they come in. With class 2 wools, shrinking only slightly in the scour, entering at 12 cents a pound after being partly cleaned by washing, the husbandman finds not 24 or even 22 cents a washed pound between him and his foreign rivals, as he has supposed, but only 12 cents, much of which the importer gets back by selling in competition with native wool the noils and wastes of the worsted mills now protected in the tariff by rates wholly prohibitory. Here is the automatic retarder of domestic wool prices working all the time.

I think it is time to have that inequality corrected, although it may be to do so would require other changes in the law which I have not yet had time to explore.

I have already called attention to the advisability of amending the provisions in this bill applicable to wool not otherwise provided for when advanced beyond the scoured condition. That absurdity, which everybody seems willing to cast off now, had its origin also in the fertile brain of the president of the most important worsted mill in America. Its modification, with a view to putting the duty on tops at least below the duty on yarn, will tend to remove inequalities, or, at least, to cut excrescences.

I think that error ought to be corrected, and I hope the committee will see to it that in the adjustment of those rates the duty is not made excessive on tops and that it is sufficiently reduced on noils and other wastes of worsted manufacture; in fact, on all wool wastes, so as to prevent it, at least, from being totally prohibitory in its operation.

As to yarns and all kinds of cloth, whether made in whole or in part of wool, it is proposed by amendments which I will have the opportunity to offer later to effect a small reduction in the higher ranges of the woolen rates by making the compensatory duty applicable not to the weight of the cloth, but to the weight of the wool contents of the cloth. It is intended by this change not only to scale down in a moderate way these high duties, but to remove the temptation of persons vaguely groping about in search of a higher rate, yet unwilling to publicly avow their purpose to grasp the glad hand extended through the cracks in the paragraphs of Schedule K. A still more radical reform is proposed in striking out provisions however harmless in their original purpose which are drawn in such comprehensive language as to add confusion to our tariff classifications and to covertly increase the rates on a great variety of articles that ought to stand in the light of day on their own merits.

Finally, it is proposed to resolve the uncertainties which surround this schedule in nearly all its paragraphs by a general provision in the nature of a duty beyond which no rates can be lawfully assessed. The literature of this discussion is so full of finespun theories about the deceptiveness of rates which, when expressed in ad valorem equivalents, seem alarmingly high, while in point of fact they are just and reasonable, and the argument is so persuasive about the general effect of our tariff in giving the people a cheap and serviceable cloth and it is so fashionable for gentlemen to appear before the committee of Congress sporting a brand-new $10 suit of clothes, that I have concluded to take them all at their word by offering a proviso that the rates levied in this schedule, specific and ad valorem, simple and compound, when taken together, as applied to any article, shall in no case exceed 100 per cent.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. I will put into the RECORD also several amendments of the precise class which the Senator is now offering, which were offered to the act of 1897, and also the objections which were made to those amendments by Senator Allison.

Mr. DOLLIVER. I trust the Senator may have the privilege of doing that; but I would be greatly obliged to him if he would not disturb my remarks by a premature announcement of all his masterly strategic purposes.

I have caused an expert calculation to be made of the effect on rates of all the changes which I have suggested, and it has gratified me to find that the proposals work out in moderate reductions, especially upon those articles the like of which enter into general use and consumption throughout our country, which is a matter worth consideration. The great industries of the United States have no better friend than I am now and have been all the days of my life. I desire to see the wages of American labor maintained; I desire to see the investments of American capital attended with success; but at times like the present, with half of the worsted interests of the country already absorbed by two great corporations, and a third now forming, with a proposed speculative capital of $25,000,000, I stand here to defend the people against the exactions of avarice and to defend the good name of protective tariff against those who are using it as a mere asset in the operation of financing conspiracies in restraint of trade. In the effort I have made to state the woolen rates in more moderate terms, I have been of course compelled to ignore the authority of the McKinley Act, however great it may be, and to reexamine the framework of the Dingley law, notwithstanding my reverence for the memory of that good man.

I confess, Mr. President, that I was hurt somewhat a few days ago, although I do not seem to show it much now, by what looked to me at the moment as an unkind allusion to me personally by the Senator from Rhode Island.

Mr. ALDRICH. That is not possible.

Mr. DOLLIVER. The Senator from Rhode Island desires even now, apparently, to put me outside of the breastworks, where so many good people have perished for the want of ventilation. [Laughter.]

I confess that my sensibilities were not untouched by the Senator from Rhode Island, who when speaking in the Senate the other day referred to my late colleague, using words intended apparently to represent me to the country, in contrast to him, as a weakling, tossed about by every wind of doctrine. Yet, the Senator himself, in 1888, in reporting the Senate substitute, denounced the Mills bill because it bore with hardship upon the great mass of the people, by making the rates upon common dress goods and clothing oppressive and prohibitory, and whoever will study carefully the rates throughout the woolen schedule, prepared with painstaking care, by a subcommittee of which Senator Allison was chairman, will see how far we have departed from the good sense and moderation of other years. That bill, which afterwards commanded every Republican vote in the Senate, and won the presidential campaign of 1888, reduced the woolen schedule more radically than I propose to do now. So that, instead of despising the counsel of Senator Allison, or treating with indifference the sober judgment of the Senator from Rhode Island, I am standing upon the greatest act of constructive statesmanship which enters into their fame as leaders of the Republican party. What I ask to-day of party leaders, is to take us back, not to 1890, when McKinley in despair turned the making of the wool tariff over to a mass meeting of its beneficiaries; not to 1897, when Governor Dingley's avowed purpose to reduce the McKinley rates was vetoed by the threats and clamor of outside interests; but to 1888, when the Senator from Rhode Island labored month after month, day and night, with William B. Allison in the preparation of the only schedule of wool and woolens in forty years in which either the public interest or the welfare of the Republican party was made paramount over sordid private considerations.

I take the liberty, accorded to me by the Senate, of following what I have had to say upon the woolen schedule, with an exact record, which will reveal, at least in part, the kind of instruction I have had in preparing to submit my views on this question to the Senate. I have been pestered by repeated suggestions that I am presenting opinions originating in quarters hostile to the protective tariff, and while the Senator from Rhode Island is filling the daily RECORD with old Democratic opinions about the wool tariff, suggesting that I am following them, I take the liberty to print in the body of the speech which I am making a verbatim transcript of a conversation that I have had within the last few weeks with Mr. Samuel S. Dale, famous everywhere as a defender of the protective-tariff system, and in his capacity of editor of the Textile World Record, of Boston, recognized everywhere as a conscientious expert upon the subjects I have tried to discuss:

Q. Mr. Dale, you have here two samples of wool. Will you kindly describe them?—A. One is a sample of Cape wool received a few days ago from London, by way of Bradford. The estimated shrinkage in scouring is 70 per cent, yielding 30 pounds of scoured wool from every 100 pounds of grease wool. The other is a sample of English wool washed on the sheep's back, the estimated shrinkage being 20 per cent, yielding 80 pounds of scoured wool from every 100 pounds of grease wool. The duty on the wool like the first sample is 11 cents a grease pound, or 36¾ a scoured pound. The duty on the wool like the second sample, of English wool, is 12 cents a grease pound or 15 cents a scoured pound. Equally wide variations in shrinkage occur in wools of the first class, it being possible to find wools of class 1 shrinking as high as 80 per cent and as low as 20 per cent. In one case, the buyer gets 20 pounds of scoured wool from 100 pounds grease wool; in the other case, he gets 80 pounds scoured wool from 100 grease wool. And yet the Dingley law imposes a duty of 11 cents a grease pound ($11 a hundred pounds) in each case. Thus the user of the first lot pays a duty of $11 on 20 pounds clean wool, while the user of the second lot pays the same duty, $11, on 80 pounds clean wool. I have, however, selected samples of both classes—1 and 2—in order to

illustrate the inequality in the present tariff on washed and unwashed wools. A duty on wool should be judged by the amount per scoured pound. The Dingley law fixes the duty on scoured wool at 33 cents a pound, which is supposed to be the protection granted to the American wool grower. As a matter of fact, however, practically no wool is imported in the scoured condition, while none of the imported grease wool, on which the duty is 11 cents a pound, shrinks in scouring over 55 per cent, the bulk of it shrinking much less than that. As a result, the duty on the first and second class wool imported into the United States, varies from 14 cents to 24 cents per scoured pound, and nearly all of it is used in the worsted branch of the industry.

Q. Is this sample of English wool unwashed or washed?—A. It is washed on the sheep's back.

Q. Is there any peculiarity about the tariff on these wools which bears unequally on these two classes?—A. Yes; there are two causes of inequality. First, there is the inequality resulting from the difference in shrinkage just explained. The other is found in the provision of Schedule K, paragraph 362, by which the duty is doubled on wool of class 1 if washed on the sheep's back, while wool of class 2, if so washed, is admitted at a single duty. If the Cape wool had been washed on the sheep's back, the duty would have been 22 cents a pound. The English wool has been so washed, but the duty is the same, 12 cents, as if it had not been washed.

Q. What reason is there for any such discrimination between the wools of the first class and of the second class?—A. There is no good reason for it. In the early days of the industry the long luster wools of the second class, washed on the sheep's back, were practically the only wools used for the manufacture of worsted, the bulk of them coming from Canada. Under the reciprocity treaty Canadian wools were admitted free of duty. When that treaty was terminated these wools of the second class, washed on the sheep's back, were admitted at the single duty in order that the worsted industry might not be deprived of raw material by a double duty. At the same time it was provided that wools of the first class, if washed on the sheep's back, should be subject to a double duty, at 22 cents a pound. This difference in the tariff on washed wools of the first and second classes is special privilege to the users of wools of the second class or it is discrimination against users of wool of the first class. In either case it is unjustifiable and should be abolished.

Q. Will you state how this inequality, which doubles the duty upon wools of the first class when they are washed, but leaves it undisturbed in the case of wools of the second class when they are washed, has operated as applied to the various departments of wool manufactures?—A. It has given the users of second-class wools access to foreign sources of raw material at a much lower rate of duty than is imposed on heavy shrinking wools of the first class. This difference is so great that users of the second-class wools are able to import their raw material at a rate of duty which is much less than that contemplated as protection to the woolgrowers by the Dingley Act. On the other hand, the duty on heavy shrinking wools of the first class is so high that would-be users of this kind of wool find it impossible to import any of it. The users of light shrinking wool are able to import their wool at a very low duty; the users of heavy shrinking wool are shut out of foreign sources of supply.

Q. Will you kindly tell me how much of this light shrinking washed wool of the second class, which you say is imported at the 12 cents a pound rate, was brought in, and who imports it, and for what purpose?—A. The imports last year of second-class wools amounted to 9,807,000 pounds. They are used by worsted mills for luster worsteds, braids, and similar goods.

Q. Will you state what the present condition of the woolen manufacturing industry is in the United States at present?—A. The worsted business is very prosperous and developing rapidly, while the carded woolen industry is very much depressed. This depression is due to two causes: First, the greater popularity of smooth, hard-faced finish for which worsteds are adapted; second, the fact that the carded woolen mills are excluded from access to the foreign wools adapted to their goods, while the worsted mills have a comparatively easy access to such sources of supply. These conditions have forced the carded woolen mills into idleness or to the use of wool substitutes and have stimulated the manufacture of inferior fabrics known as "cotton worsteds," made principally of cotton yarn with a small amount of worsted. These cotton worsteds are attractive to the eye before being worn, but they do not protect the body against cold and damp and make a generally unsatisfactory garment.

Q. What materials are open to the manufacturer of carded woolen cloth beside new wool?—A. There are noils and the wastes from the manufacture of wool, and the material commonly known as "shoddy," which is made by tearing into a loose, fluffy, fibrous mass suitable for reworking into cloth the tailors' clippings and the woolen rags that are collected around the country. The use of these materials is essential, because the supply of new wool is entirely inadequate to clothe the people. As careful an estimate as I have been able to make from the best statistics available shows that if all the wool grown in the world were converted into cloth, without the admixture of any other material, and distributed pro rata among the people who inhabit the globe outside the Tropics, where very little wool cloth is required, the annual per capita share would be 14 ounces of pure wool cloth. The production of wool in the United States, if divided among the people of the United States, would amount to practically the same quantity—14 ounces—of pure wool cloth for each person. This is little more than enough for a breechcloth. The ordinary light-weight cloth weighs about 14 ounces per yard, 55 inches wide. A suit of clothes requires 3½ yards. A man's share of the wool clip is, therefore, enough cloth to make a light-weight suit every three and one-half years.

Q. What effect on the clothing, bedding, and household furnishings of the people has this situation which you describe produced, and what would be its ultimate effect upon the woolgrowing industry?—A. It has deprived the people of an adequate supply of wool clothing, blankets, and other articles of wool. It has compelled the use of inferior substitutes for wool, which do not give the protection against dampness and changes in temperature that is afforded by wool. It has forced manufacturers to reduce the weight of all-wool cloths, so that these goods, although made of wool only, fail to give proper protection to the wearer. The prohibitory duties on wool wastes, noils, and similar materials restrict the mills to the comparatively limited domestic supply of these materials, so that the goods made of wool substitutes are much inferior to what they would be if a supply of the better grades of wool substitutes were made available by an equitable duty on these materials. The prohibitory duty on the heavy shrinking wools and on wool substitutes suited for the lower-priced goods and the low duties on the light shrinking wools suited for the higher-priced goods make it difficult to produce warm and durable wool garments at a low cost, and at the same time facilitate the production of the high-priced cloths. My judgment is that these conditions will ultimately bring the tariff on wool and wool goods into such popular disfavor as may result in the violent removal of all duties on wool and its substitutes, as was the case in 1894, and that, therefore, the ultimate effect of these conditions is likely to be very injurious to the domestic woolgrowing industry.

Q. You spoke of the manufacturers of carded woolens being driven to the use of certain waste and by-products; you mentioned particularly noils. Taking the sample of English wool which we have here, and which you say enters at 12 cents a pound washed, and pays a duty of only 15 cents on the contents of the scoured pound owing to its light shrinkage, I will ask you to trace that wool from the condition in which we have it here to the cloth or dress goods for which it is adapted, stating as you go along what waste arises in the various processes of manufacture.—A. The first process is scouring. The waste from scouring wool runs almost invariably to waste in the stream, so that it need not be taken into consideration. The next process is carding; the waste here is a very small percentage of the weight of the wool, and its value is low owing to the dirt and grease clinging to it. The next process is combing, which divides the wool into two parts, the long fiber called "tops" and the short fiber called "noils." The noils can not be used by the worsted mills and are, therefore, sold as a raw material for the carded woolen mills. The tops are converted into worsted, the process after combing being drawing; a comparatively small quantity of slubbing waste is produced in this process. The drawing process converts the tops into roving, and in the last operation of drawing a small quantity of roving waste is made. The roving is spun and twisted into yarn. During this process and in the subsequent operations of spooling, warping, and weaving a quantity of yarn waste is made. This is run through a garnett machine which converts it into a loose fibrous mass known as "garnetted waste."

Q. These wastes are, therefore, a sort of by-product in the manufacture of worsteds, and do not arise in the conversion of wool into woolen goods?—A. Wastes are made in the carded woolen manufacture, but they are of a different quality and character entirely.

Q. What becomes of these latter wastes?—A. They are used over again by the carded woolen manufacturers.

Q. Now, if I understand you, these wastes, noils, slubbing wastes, roving wastes, and garnetted wastes are sold by the worsted factories to the carded wool people?—A. Yes, sir.

Q. What are noils worth now a pound?—A. Prices vary widely with the quality and state of the market. They vary from 15 to 50 cents per pound, and some perhaps higher.

Q. What are these noils worth abroad?—A. I recently received a large number of samples of noils and worsted waste from Bradford, England. Following is a list of them, with prices, at Bradford.

Memorandum of prices of foreign noils, waste, and shoddy.

		d.	Cts.
2540.	Crossbred 40s noils	6¼	=12½
2541.	Crossbred 40s noils	7	=14
2537.	Crossbred 40s noils	7½	=15
2534.	Crossbred 44s noils	8¼	=16½
2536.	Slipped New Zealand noils	8½	=17
2535.	Crossbred 46s noils	* 8¾	=17½
2539.	50s noils	9¾	=19½
2533.	Lister-combed English noils	10	=20
2532.	Lister-combed English noils	10¼	=20½
26.	Australian crossbred 56/58s noils	11½	=23½
27.	Australian Botany noils	15¾	=31½
28.	Cape Holden's dry combed noils	16½	=33
25.	Australian 80s noils	17½	=35
3155.	Carded light waste	11	=22
2880.	Medium olive, medium shoddy	7½	=15
2990.	Wd. carb. light shoddy	11	=22
2785.	Wd. medium black shoddy	11	=22
2469.	Fine fancy comforters, shoddy	8	=16
2.	Dyed black-brown mungo	4¼	= 8½
3.	Dyed green mungo	4¼	= 8½
6.	Green cheviots, shoddy	3¼	= 6½
4.	Dyed black-brown cheviots, shoddy	3¼	= 6½
1.	Dyed green medium worsteds, shoddy	4	= 8
5.	Dyed light green medium worsteds, shoddy	4½	= 9
7.	White merino noils	14½	=29
8.	English blanket noils	10	=20
9.	English noils	8¼	=16½
10.	English noils	8	=16
11.	English noils	7½	=15
12.	English Down noils	10½	=21½
13.	Pulled white hosiery waste	10½	=21
14.	Colored hosiery waste	11½	=23
15.	Gray hosiery waste	10¼	=20½
16.	Colored waste, carded	6½	=13
17.	White waste	10¼	=20½
18.	Gray waste, carded	7½	=15
19.	White Botany waste	17½	=35
20.	Colored crossbred	9½	=19
21.	Colored Botany	19½	=39
22.	Carbonized black serge, pulled	3½	= 7
23.	Carbonized black worsted	4½	= 9
24.	New black worsted, carded	5¼	=10½

NOTE.—The trade discount on noils, 7 to 12, inclusive, is 1¼ per cent, payment one month; also on tops, from 13 to 21, inclusive, terms net.

Q. Is the rate of duty, provided in the Senate bill of 20 cents per pound on noils, for practical purposes prohibitory?—A. It is. There may be a small quantity of very high-grade noils, suited for the production of special grades of goods, that can be and are imported, but the quantity is insignificant.

Q. The Bureau of Statistics indicates an importation of about 400,000 pounds, valued at 40 cents a pound. So that the manufacturers of carded woolens are left by this provision of law practically in the position of buying their materials of their competitors, who are already displacing their goods? The tops that you speak of, are they used also by the carded woolen manufacturers?—A. Not at all. They are a worsted product in process of manufacture.

Q. The Senate bill seems to classify this product and the product still more advanced toward the finished yarn, which you have referred to as "roving," with woolen cloth, which applies the cloth duty to

* Last week's prices, 1¼ per cent discount.

these intermediate materials. What is the reason for such a rate on tops and roving?—A. There is no good reason for such a rate, and the supposed beneficiaries do not attempt to defend it. They are ready to give it up. It is a glaring inconsistency. It is a prohibitory duty on the product of worsted-top mills, so that the term "supposed beneficiary" refers to any producer of tops for sale.

Q. You think, then, that this top duty will not be insisted upon by anybody?—A. I do not think anyone brought face to face with the facts would insist upon the Dingley duty on tops. It originated in 1889, I think. I find the first record of this present duty on tops in a tariff hearing on the textile schedules before the Senate Finance Committee of 1889.

Q. It will possibly be an advantage to these worsted mills, which are not in a position to manufacture their own tops, to have this duty reduced somewhat below the duties on yarn, will it not?—A. That would depend upon the extent of the reduction. A mountain-high tariff like the present one on tops can be cut considerably without changing its prohibitory character. It would certainly be reasonable to have a product that is less advanced than yarn bear a lower duty.

Q. I wish to talk with you a little about the framework of Schedule K, as it relates to the specific duties applicable to the weight of cloths and dress goods manufactured here. Have you ever studied the question of whether the multiples of 3 and 4 by which this compensatory duty on cloth as related to the duties on wools of the first class has been calculated for so many years?—A. Yes; I have.

Q. I would like to know what conclusions you have reached about that?—A. You will find my conclusions in this article, "How much wool to make a pound of cloth?" No tariff on wool goods should be based on a ratio between grease wool and finished cloth. As well might one attempt to fix a ratio between iron ore and watch springs. No wool manufacturer attempts to estimate the cost of his finished fabrics from the cost of the grease wool. Such a basis would result in gross errors and ultimate bankruptcy. In buying grease wool, the first considerations are the amount of scoured wool that the grease wool will yield, and the intrinsic worth of the scoured fiber. About twenty years ago I made an extensive test to determine the shrinkage in manufacturing all-wool cloth, and the result was that 1.54 pounds of scoured wool was required for 1 pound of cloth. The ratio between the grease wool and the finished cloth varies widely because of the difference in the shrinkage of wool in scouring. During the four years I was making the test referred to, I used many different lots of wool which varied widely in shrinkage. This variation of shrinkage is illustrated by 6 lots of grease wool, which in scouring shrunk 76, 69, 62, 47, 35, and 16 per cent, respectively. Calculating the ratio between these lots of grease wool and the finished cloth from the ratio of 1.54 between the scoured wool and the finished cloth, we find the following ratios between the grease wool and the finished cloth: 6½, 5, 4, 3, 2½, and 1½. This shows plainly that no single ratio can be true of all kinds of wool.

Q. What do you say, then, of the scheme of fixing these compensatory duties as this bill does, on the ratio of 4 to 1, and in the lower grades of 3 to 1? How does that work out?—A. It causes great inequalities in the tariff especially because the ratios named are applied not only to goods made of all wool, but to goods made of mixtures of wool and other materials.

Q. What reason is there for compensating the manufacturer of cloth on account of the wool duty, when in point of fact little or no wool appears in the cloth which he makes?—A. There is, of course, no reason for compensating a manufacturer for duties paid on wool that is not used in the manufacture of the cloth. The 4 to 1 ratio between grease wool and cloth is correct only for all-wool cloth made of wool shrinking 60 to 65 per cent. As a matter of fact, no wool shrinking as much as that is imported into the United States. The specific duty of 11 or 12 cents a pound on grease wool, forces manufacturers to confine their purchases of foreign wool to the light-shrinking lots. Consequently, the Dingley and Payne bills compensate the manufacturer for wool duties which he has never paid. The defenders of the 4 to 1 ratio sometimes seek to justify it by referring to or paraphrasing Senator ALDRICH's defense of it twelve years ago. Thus one of them recently said to me: "We need compensation at the rate of 4 to 1 because our foreign competitors use these heavy wools." The large amount of grease and dirt in the heavy-shrinking wools is no advantage to the foreign manufacturer. Wool cloth is made from the wool fiber, not from wool grease and dirt. There can be no justification for compensating for wool duties that have not been paid.

Q. I have no purpose to expose any branch of the woolen manufacturing business of this country to injurious foreign competition, nor any purpose to take away from the woolgrower a fairly advantageous protective tariff; but I have been wondering whether a more equitable basis for the assessment of compensatory duties can not be found, and the result of my reflections upon it has led me to prepare some amendments to the Senate bill running through the schedules of cloths and women's and children's goods, so far as they can be made applicable, by which it is proposed to preserve the ratio of 4 to 1 between grease wool and cloth, and 3 to 1 where that ratio appears, and make the compensatory duty applicable, not to the weight of the cloth, but to the weight of the wool contents of the cloth, which, I am informed, can be accurately determined by the analytical bureau connected with the appraiser's office. Have you ever reached a conclusion upon that subject?—A. I have, and was going to suggest that very thing to you; that it is easy to distinguish wool from vegetable materials, and that if that were done it would go far toward correcting the inequality resulting from the 4 and 3 to 1 ratios. It, however, would still leave the inequalities resulting from the wide difference in the shrinkage of wool in scouring and also from the different shrinkages in the conversion of the scoured wool into cloth. The shrinkage from the scoured wool to the finished cloth is by no means uniform, but varies somewhat on different fabrics.

Q. I have caused several calculations to be made of the effect of that change in the law. I find no case in which it appears to increase the existing rates of duty; but, on the other hand, it materially reduces the rates of duty, particularly upon the ordinary grades consumed by the masses of the people, both of woolen cloths and dress goods. It eliminates from the woolen schedule rates of duty which are apparently inordinately high, rising sometimes to 150 per cent, and brings all duties on manufactured woolens substantially below the present rates. What effect, in your judgment, would such slight reductions as I have indicated have upon the rates from the standpoint of adequate protection? In other words, what, in your judgment, should be the maximum rates provided for the finished products of Schedule K?—A. The extremely high rates on wool goods which you mention are due largely to the excess of the compensatory duty over the compensation actually required to cover the duty on the raw material consumed in the manufacture of the goods. Such excess is not needed to protect the manufacturer, and consequently the removal of that excess could not injure the manufacturer. The injury to him would result from a continuance of this excess due to protection concealed in the compensatory duties, as the high rates invite attack on the protective system. Limiting the compensatory duties to the wool contents of the cloth, as you propose, would reduce the excess, and therefore would be a step in the right direction. It would, however, still leave an excess of compensation due to the use of light shrinking wools of which less than 4 pounds is required for 1 pound of cloth, and to the use of wool substitutes, such as noils, waste, shoddy, and so forth. These wool substitutes can not be distinguished from new wool in the finished cloth, and consequently would be returned as part of the wool contents of the cloth, on which the 4 to 1 compensatory rate would apply. But your plan would reduce the excess of compensatory duties and could not increase it in any case, and for that reason should be adopted if a better and more thorough method is not adopted.

Q. Do you know how we purchase wools in London?—A. They are purchased at auctions held every three months.

Q. I have concluded that these difficulties, although they undoubtedly exist, are not insuperable, and the variations that would result from them are as nothing compared with the very great variation which exists now between a low duty at one end of the line and the prohibitory duty at the other. If we apply the specific rate to the wool contents of the cloth, it will reduce the duties where vegetable or other than wool fibers are mixed in it, will it not?—A. It will.

Q. It can not increase the duties, even if the entire contents of the cloth is some form of shoddy and waste, can it?—A. No, sir. The chemical test, which we are now discussing, will not affect mixtures of shoddy. It will report them as wool.

Q. But an article composed altogether of shoddy would under such circumstances bear the same rate of duty that it does now, a duty so high as to exclude such an article?—A. Yes.

Q. Coming now to blankets and flannels, it appears from our books that a small amount of blankets is imported, running from an average price of 28 cents to over a dollar a pound, and bearing rates of duty which run from 165 per cent down to 71 per cent for the highest priced. What is the reason for maintaining these extraordinary rates upon the cheaper varieties of blankets?—A. These rates are caused by the excess of the legal compensatory duty over the actual compensatory duty required, and, of course, there is no reason for framing a law which shall be deceptive in this way. The theoretically sound tariff law would be one in which the compensatory rate would be equal to the compensatory rate actually required. For that reason I should answer your question by saying that there is no sound reason why the excessively high rates should continue.

Q. What hardship could it work upon the domestic industry if this compensatory specific was applied only to the wool contents of these blankets?—A. I do not know of any.

Q. Paragraphs 376 and 377 are aplicable to the partly cotton fabrics, described as women's and children's dress goods. The first paragraph describes articles in which the warp consists entirely of vegetable materials. The filling may be either in whole or in part of wool. What excuse is there for applying the 4 to 1 compensatory duty on such goods?—A. There is none. The object of a compensatory duty is to compensate the manufacturer for the increase in the cost of raw material resulting from the duty on wool. To allow this 4 to 1 compensatory duty on the weight of cotton in the cloth is a self-evident absurdity. Its effect is to give the manufacturer a large amount of concealed protection which he does not need. Take, for example, a sample of cotton warp cashmere which I have analyzed. The total duty is equivalent to 108.3 per cent ad valorem, consisting under the law of a compensatory duty of 58.3 per cent and a protective duty of 50 per cent. The duty on the wool actually used in the goods amounts to only 36.7 per cent, so that the actual protection is increased from 50 per cent to 71.6 per cent.

Q. Do you regard that as an exorbitant duty upon a cloth composed so nearly of cotton?—A. If, as is generally conceded, the legal protective rate of 50 per cent affords sufficient protection, then all over that is unnecessary.

Q. The next section seems to differ from section 376 only in the fact that whereas in section 376 the cloth must be at least half cotton, in section 377 it may be any proportion of cotton desired. Is there any good reason for having two schedules applicable to goods thus substantially the same?—A. I do not know of any.

Q. You will notice at the end of both sections a proviso which carries the goods mentioned therein when they reach a rate of 4 ounces to the yard back into the schedule for woolens and worsteds. I would like to know if there is any reason for such an increase in the duty on the goods referred to?—A. No reason that I can see, other than that the framers of the law wanted to have 376 and 377 apply only to the very light goods, and all other classified as cloths.

Q. Is there any reason in the present state of the trade to suggest that these rates can not be reduced without injury to the business?—A. Nothing but good can result from the elimination of unnecessary protection from the tariff law. The excess carries with it a danger to true protection. Here, for example, is a cotton-warp cloth weighing more than 4 ounces per square yard. The tariff law provides for a protective rate at 50 per cent and a so-called "compensatory rate" of 73.7 per cent, making a total duty of 123.7 per cent. As a matter of fact, the manufacturer required only 19.9 per cent to compensate him for the duty on the raw wool. As a result the actual protection is 103.8 per cent, instead of the 50 per cent named in the bill. If, as is generally admitted, 50 per cent is ample for protection, the total duty can be reduced from 123.7 per cent to 69.9 per cent without depriving the manufacturer of the adequate protection of 50 per cent.

Q. Would it injure the manufacturer if he desired such an article transferred to the wool and worsted classification to find there that the usual specific compensatory duty had fallen to the basis of the wool contained in the goods?—A. It would not, provided the protective ad valorem rate was ample, and the general opinion is that 50 per cent is ample.

Q. I omitted, in asking you these questions, to inquire whether these yarns out of which finished cloth is made are ever adulterated with cotton or cheaper materials?—A. Worsteds are adulterated by mixing worsted yarn with yarn made of cotton and other inferior materials in the cloth. Carded woolen yarn may be adulterated by mixing wool with cotton and other inferior fibers in the yarn. The adulteration of worsted is illustrated by this sample of cotton worsted A 220, which consists chiefly of cotton yarn along with a small proportion of worsted yarn. The 4 to 1 compensatory rate applies, under the Dingley law, to both cotton and worsted. As a result, the total Dingley duty is equal to 127 per cent ad valorem, of which 77 per cent is the compensatory duty and 50 per cent the protective. As a matter of fact, the manufacturer needed but 6.8 per cent to compensate him for the duty

on the wool required for the small amount of worsted in the cloth. Thus the actual protective duty is 120.2 per cent instead of the nominal 50 per cent. Removing the concealed protection would reduce the total duty from 127 per cent to 56.8 per cent without touching the protection of 50 per cent under the law.

The adulteration of cloth, by mixing wool and other fibers in the raw stock, is illustrated by this cotton warp beaver E 382. The carded woolen yarn is made of a mixture of wool, raw cotton, and shoddy. The 4 to 1 compensatory rate is applied to all of these materials, and the total duty, 152.7 per cent, consists of a compensatory rate of 102.7 per cent and a protective rate of 50 per cent. Owing to the comparatively small amount of pure wool in the cloth, the compensatory duty actually required to cover the duty on the wool is only 23.6 per cent instead of 102.7 per cent. As a result the actual protection is 129.1 per cent instead of the nominal 50 per cent. If the unnecessary protection concealed by the 4 to 1 compensatory rate were removed, the total duty would drop from 152.7 per cent to 73.6 per cent.

Q. I have been studying whether the compensatory duty proposed in the Senate bill for yarns ought not to follow the same principle of being made applicable to the wool that is contained in them.—A. The same principle applies. It would be a step in the right direction.

Q. The Dingley rates you have named are a little high?—A. Yes; they are excessive, unnecessary, and a danger to true protection.

Q. I wish you would state a little more fully what is the state of business in the carded woolen industry throughout the country, so far as your information extends.—A. The industry is adapted for being economically carried on in small establishments, and does not require as much capital, either fixed or active, as is required in the worsted business. For that reason it is a more inviting field for small manufacturers of moderate means. It follows that the carded woolen industry is the natural antidote for the evils that result from the growth of large combinations in other branches of the industry.

Q. These woolen mills which you think have suffered under the Dingley schedules are scattered very widely throughout the country?—A. Fare more widely than the worsted mills, although there is considerable concentration of them in New England and around Philadelphia.

Q. What attitude do these carded woolen people take toward the proposition to continue the rates under the Dingley law?—A. Their attitude is that they do not want to rip things wide open by any radical upsetting of the protective system. They concede the right of the woolgrower to ample protection, as they claim it for themselves, but they ask that the duty on the raw material of wool manufacturing shall be made uniform for all branches of the business, their own as well as worsted spinning. I do not think they have expressed any opinion generally regarding the duty on goods. There have been individual cases where carded wool manufacturers have conceded that the excessively high rates on goods could be reduced without injury.

Q. What sort of man is Mr. Moir, who appeared before the House committee?—A. He is a very successful carded woolen manufacturer, who in 1882 started a five set mill in the manufacture of woolen goods at Marcellus, N. Y. He has developed the business until now he operates 20 sets, and is generally considered to be an exceptionally skillful manufacturer.

Q. Is there any reason why the worsted people should have a larger aggregate protection than the carded wool people; a combined duty higher in the aggregate than the carded woolen people?—A. I do not think so. The tariff law gives protection in the form of an ad valorem duty, so that it adjusts itself automatically to any increase in values resulting from increased cost of production.

Q. Is there any reason for our going back to the McKinley law which would not apply to going back to earlier years; that is to say, had any changes occurred in any branch of the woolen business between 1889 and 1890 which would make the latter year the more desirable basis than the previous one for the calculation of this wool duty?—A. I do not know of any. Business conditions were uniform during the period named.

Q. So that rates on which Senator Allison and Senator ALDRICH united in 1888 as being just and fair to all parties concerned, would be likely to be as applicable to our present conditions as the undisturbed rates of the McKinley Act?—A. I would put it this way: If their judgment was sound in 1888, the bill which they framed then would be equally well adapted for 1890.

But now, Mr. President, I desire to turn my attention, if the patience of the Senate is not exhausted, to the cotton schedule. I do that also with a great deal of timidity, because how can I know that the virtues of my former colleague will not be cast as a stumbling block in my path by the Senator from Rhode Island? I was so afraid of that that I made a little research into his biography, and with the view of finding out what the attitude of such a man toward the cotton schedule actually was, and in order to prevent anybody from putting me in an attitude of bringing discredit upon the memory of a great name, I intend to start out by reading what Senator Allison said on this floor of a cotton schedule very much less objectionable than this. It was on the 3d day of February, 1883, and he spoke these words, which are recorded in the RECORD of that date, on page 2030:

> Now I want to say one word in regard to the tariff commission report upon the cotton schedule. The truth is that the tariff commission did not examine this cotton matter at all; it may as well be said on the floor of the Senate; nor did they make this schedule that is called the "tariff commission report schedule." It was made by a cotton manufacturer from Boston with an expert appraiser in New York, and the tariff commission accepted it. When the knowledge of that fact came to me, I had no particular faith in the tariff commission report on this cotton schedule, and therefore I examined it as best I could for myself, hearing the witnesses reading the testimony, and hearing people who I supposed knew something about it, and in whom I had faith.

In order to save the Senator from Rhode Island from any fear that I am trampling on the memory of Senator Allison, I will confide to him the fact that I have taken the same course in respect to this cotton schedule. I will say also to the Senator that I think we ought to preserve intact, or with only a very insignificant amendment, the Dingley schedules on cotton goods, and if that puts a man outside of the Republican faith and fold, I shall have to accept the penalties.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. I do.

Mr. ALDRICH. I understood the Senator the other day to say that he thought the House rates on hosiery should be maintained.

Mr. DOLLIVER. I did not say so. I asked the Senator from Rhode Island on what theory they had not been raised.

Mr. ALDRICH. Then I misunderstood the Senator.

Mr. DOLLIVER. But I will say that it has become quite a burden to me, receiving at my always hospitable door pilgrims returning from the Finance Committee room with the statement that the rates are not to be raised because I have objected to raising any rates. So people with good cases for an increased rate on some humble article of merchandise which they are making are turned away on the theory that no rates are to be raised. I take the position that if it can be shown——

Mr. ALDRICH. I would suggest to the Senator that he get some more authentic means of communication with the chairman of the committee.

Mr. DOLLIVER. Well, I do not suppose that it was the chairman of the committee; I think it was the colored brother at the door, probably, or possibly some of the experts who have surrounded the Senator from Rhode Island in the midst of his labors. [Laughter.] I stated my position with a reasonable measure of accuracy. I am an old-fashioned Republican, as I supposed the Senator from Rhode Island was. So, when a man like my friend from California [Mr. FLINT] has come to me and said that it was absolutely necessary for the prosperity of California to increase the rate on lemons I have not been disposed to dispute that it ought to be done.

Mr. FLINT. I should like to ask the Senator from Iowa whether he did not say to the people of southern California that he was in favor of that?

Mr. DOLLIVER. I told them that we had put the pound rate of 1 cent on lemons. I was then and am now in favor of keeping the rate high enough to adequately protect every man in California who is engaged in that business and every man in Florida who is engaged in it.

Mr. FLINT. And the Senator was enthusiastically received when he made that statement.

Mr. DOLLIVER. That was owing to the favorable introduction I had by the Senator who has just taken his seat. [Laughter.] So, if somebody would come to me, if my honored friend from Rhode Island would come to me, and say, "I have been up all night on this schedule; I think this industry of cheap hosiery is about to be destroyed by German competition," and that a given rate was necessary to preserve it, I would not ask another question; but if he sent a Treasury expert to me I would have to sit up all night on the subject myself. [Laughter.] I have said that I would like to see the Dingley rates preserved, and I say that because the cotton manufacturers of the United States have no better friend than I am. I have been in practically every cotton mill in America. I never go to a community which has a great and thriving industry without spending much of my time in investigating it, inquiring into its history, its progress, and its prospects. I am no agitator seeking to disturb any man's labor or any man's investment. I am for the Dingley cotton schedules because there is not a line of evidence before Congress that there is any necessity to change any one of them.

I will ask the Senator from Rhode Island to say whether, when the cotton manufacturers were notified to come before the House committee on a given day, they did not appear there and say that they were satisfied with the cotton rates and that there were no changes needed excepting in very minor matters that could be attended to in detail, but asked the committee to retain the rates, stating distinctly that they did not desire to have them advanced? Do I not speak the truth?

Mr. ALDRICH. Mr. President, I have no knowledge whatever of anything that transpired before the Committee on Ways and Means. I have never read the hearings before that body. I have no knowledge or idea about any statement that was made before that committee.

Mr. DOLLIVER. I will say that, if the Senator from Rhode Island has not read the hearings——

Mr. ALDRICH. I have not.

Mr. DOLLIVER (continuing). He is not in a position to belittle the honest efforts that I have made to get at the truth of these matters, for I have thought it my duty to read those hearings. Mr. H. F. Lippitt, of Providence, R. I., a member of the Arkwright Club, of Boston, representing a large number of cot-

ton spinners of New England, came before the committee on the 1st of December and stated as follows—this is from page 4528 of the hearings:

> We ask that the present cotton-cloth schedule shall not be reduced, because when it was enacted it was the result of a careful inquiry into the conditions of the cotton-manufacturing industry. We ask, therefore, that the present schedule shall not be materially changed. (P. 4532.)
>
> I am not here to ask for an increase in the duties on the cloth clauses of the cotton schedule. I think that while there are importations going on under them it is reasonably regulative of the cotton trade. The importations are not so large that we feel justified in asking that the duties be increased. (P. 4538.)

Now, notwithstanding that statement, Mr. Lippitt and James R. MacColl, for the Arkwright Club, on January 15, 1909, addressed a letter to the Committee on Ways and Means asking for provisions substantially identical with those that appeared in paragraphs 318 and 321 of this bill as originally reported from the House Ways and Means Committee. Upon discovering to what extent they had been misled by following these suggestions, Mr. PAYNE, one of the wisest practical students in the United States on the cotton business or any other business of our people, and a man who, in my judgment, knew more about it in 1890 than William McKinley did, and more definitely about it in 1897 than even Governor Dingley himself—when Mr. PAYNE found what had been put into the bill by adopting the suggestions made in writing by James R. MacColl and Mr. Lippitt, he said to them in plain language, somewhat exaggerated by impiety, that he would have nothing to do with it. In other words, he and his associates on the committee felt that these two amiable gentlemen, who came there stating that they desired no increase to be made in the cotton schedule, had perpetrated an act of bad faith in inducing them to report an amendment which, in the judgment of the committee, could not be defended in the Congress of the United States.

I will say another thing. These very amendments, with the omission of one or two, which were cast out in wrath by the House committee, come back with great rejoicing in the report of the Senate committee on the cotton schedule.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. DOLLIVER. Certainly.

Mr. ALDRICH. When this statement was made on a similar occasion by the Senator from Iowa the other day, I entered a denial as flat and as emphatic as was possible of the accuracy of the statement. The facts are these: The House bill provided that in counting the threads every filament—that is, a double thread or a treble thread or a quadruple thread—should be counted. That was the subject of the criticism of the Members of the House, and that was the reason why the chairman of the Committee on Ways and Means objected to the provision of that particular paragraph. That provision does not appear in the Senate bill in any form.

Mr. DOLLIVER. Mr. President, in order to avoid controversy—and I am at a great disadvantage in a personal collision with so distinguished a statesman and so good a friend as the Senator from Rhode Island—I intend to print in the CONGRESSIONAL RECORD in parallel columns the Lippitt and MacColl provisions, the House report provisions, the House bill provisions, and the provisions in the Senate bill.

Mr. ALDRICH. Will the Senator let me look at the statement he has?

Mr. DOLLIVER. Just as soon as I gaze for a moment at it myself. [Laughter.]

The Senator from Rhode Island told the Senate the other day that this bill represented the expert knowledge of the people in the custom-house.

Mr. ALDRICH. I did not use the term "custom-house," but the Senator can use it if he wants to.

Mr. DOLLIVER. He left the impression upon me that we have people in our custom-house in New York that know better how to write tariff bills than even our honored friend from Rhode Island. [Laughter.]

Mr. ALDRICH. I admit that.

Mr. DOLLIVER. I thought so, too, until I traced the very language of this bill past the custom-house to the two honorable gentlemen who wrote to Mr. PAYNE a letter, which does not appear in the cotton hearings in the House of Representatives, although it has an obscure resting place in the appendix of that interesting series of volumes.

I find that the language which they prepared for Mr. PAYNE was handed in to the custom-house by Mr. Lippitt and Mr. MacColl, and was approved by the experts who, we have supposed, were engaged out of the abundance of their wisdom and knowledge in writing the whole thing up by themselves. I confess it leaves a very ugly impression upon my mind.

What did those people impose upon the custom-house experts and upon the House committee? They stood before the committee saying that they wanted no increase, but they made a new definition of cotton cloth in which the filaments of cotton were to be counted; the threads were to be taken apart, which would have so raised the count of threads throughout the cotton schedule as to multiply all these rates in a measure that no human mind could anticipate.

When Mr. PAYNE found that he had been swindled, he dropped the enterprise, and with it practically all the other suggestions of these amiable gentlemen. I want to say now that they perpetrated even a greater swindle upon the Senator from Rhode Island.

Mr. ALDRICH. I shall be glad to learn of it.

Mr. DOLLIVER. They induced the Senator from Rhode Island to include in the paragraph that relates to curtains, upholsteries, hangings, and coverings all Jacquard woven goods suitable for such purposes, did they not?

Mr. ALDRICH. No; they did not.

Mr. DOLLIVER. In the advance edition of the Senate bill, sent out to friends and newspapers on the 10th day of April, the Senate committee had deliberately struck out from the curtain clause in Governor Dingley's bill the phrase "dyed in the yarn." What was the effect of striking that out? Practically to transfer to that clause the whole range of ordinary women's dress goods upon which threads woven by a Jacquard attachment to a loom appear. When the Senator's attention was called to that, on the 12th day of April, the expression "dyed in the yarn" was restored.

Mr. ALDRICH. That is right.

Mr. DOLLIVER. Who struck those words out?

Mr. ALDRICH. The committee.

Mr. DOLLIVER. And who put them back?

Mr. ALDRICH. The committee.

Mr. DOLLIVER. Upon whose counsel did the committee strike them out?

Mr. ALDRICH. The counsel of the customs experts. Upon the discovery that they were wrong, we put them back again.

Mr. DOLLIVER. Well, that destroys my faith in both the Senator's committee and in the customs experts.

Mr. ALDRICH. Those are the facts, however.

Mr. DOLLIVER. Now, as I said, I intend to put into the RECORD these statements in parallel columns, to show that what we have here we do not owe to the genius of the Senator from Rhode Island.

Mr. ALDRICH. I have made no claims about it.

Mr. DOLLIVER. We do not owe it even to the genius that is sheltered in the new custom-house at New York. We owe it to the two amiable gentlemen who, in a public hearing before the committee, stated that they desired the rates of the Dingley law maintained and no changes made.

Now, if the Senate will pardon me for a moment, I intend to show just exactly what this committee has done.

Mr. ALDRICH. Mr. President, to go back to the other point which was raised the other day, and again to-day, I will state that in the House bill as originally reported there appeared this language:

> The term "thread" or "threads" as used in the paragraphs of this schedule with reference to cotton cloth shall be held to include all filaments of cotton, whether known as "threads" or "yarns" or by any other name.

That paragraph was in the House bill; it was taken out of the House bill, and is not now and never has been in the Senate bill, as stated by the Senator from Iowa.

Mr. DOLLIVER. Mr. President, if my friend will permit me, I want to show to the Senate how smooth these transactions are when they are not under the eye of a man like my friend from Rhode Island, who understands them, when you turn matters like this over to custom-house officers, who have already in advance certified bills prepared in the counting-houses of these great corporations. Here we have a proposition in the Senate bill that—

> In determining the count of threads to the square inch in cotton cloth, all the warp and filling threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted.

Mr. ALDRICH. That is right. Does the Senator object to that?

Mr. DOLLIVER. I object to it when it is used for the purpose of increasing the rates.

Mr. ALDRICH. It does not increase them.

Mr. DOLLIVER. The Dingley law provides that finished goods that have clipped or unclipped threads in them shall pay 2 cents a yard more than the ad valorem that would be fixed by the density of the cloth upon which these spots appear. The Senator from Rhode Island, I am afraid, even without

perceiving it, has given to those dots and spots upon a piece of cloth the right to raise the density of the cloth to a higher classification.

Mr. NELSON. Will the Senator from Iowa yield to me for a moment?

Mr. DOLLIVER. Certainly.

Mr. NELSON. I want to call his attention to the fact that from paragraphs 313 to 318—the words in italics—the bill provides a set of cumulative duties.

Mr. DOLLIVER. I will come to that in a moment.

Mr. NELSON. To make it clear that it means that, I wish to call his attention——

Mr. DOLLIVER. I will say to my honored friend the Senator from Minnesota that I am about to discuss that.

Mr. NELSON. Very well; then I will not say anything.

I wish to say simply that a system of cumulative duties is provided. In the original bill it is based upon threads and weight, and a cumulative duty based upon value is added to it, which practically more than duplicates the rate.

Mr. ALDRICH. I will answer both Senators.

Mr. DOLLIVER. I am inclined to object. It is nearly dark, and I desire to finish what I have to say.

Mr. ALDRICH. I call attention to the fact that the provisions in regard to cumulative duties have not been changed by the crossing of a "t" or the dotting of an "i" as they came from the House of Representatives.

Mr. DOLLIVER. The other day when I raised suggestions of this sort I was met by a statement that the matter would be fully discussed and defended when the schedules were reached.

Mr. ALDRICH. That is what I intend to do; and I will not interrupt the Senator further.

Mr. DOLLIVER. And so I do not desire this discussion, which would only disfigure remarks that are already bad enough.

Mr. ALDRICH. I beg the Senator's pardon; and I will not interrupt him any further.

Mr. DOLLIVER. I have here a piece of cotton goods counting 100 to 150 threads to the inch, 27 inches wide, cost 8¼ pence; value per square yard, 22½ cents. It has 35 per cent under the Dingley law at this time, on account of its value and on account of its density, and it has 2 cents per square yard because it contains clipped threads, in addition to the warp and woof of the goods.

Now, what has the Senator from Rhode Island done to that little piece of goods? He has a new duty to start with in paragraph 314 of 10 cents per square yard for cloth of this kind. He has in addition provided, under paragraph 321, a "cumulative" duty of 2 cents per yard on account of these figures, of superimposed threads, and has in addition to that, under the same paragraph 321, 1 cent per yard if mercerized.

In addition to all that, if that piece of goods should be held by the experts at the custom-house to be suitable for covers or upholsteries or draperies under paragraph 324, the duty would be still further increased to 50 per cent.

So that the present duty per running yard is 7.36 cents, the new duty 9.75 cents, the increase 2.39 cents, or 32½ per cent; and if paragraph 324 should apply, as a Jacquard piece of cloth dyed in the yarn, suitable for covering or upholstery or drapery, we would have the singular experience of the rate on that goods increased 3.26 cents, or altogether 43 per cent.

Mr. ALDRICH. I am tempted to ask the Senator if he does not know, from having read the paragraphs, that the last paragraph he mentioned could not possibly apply to these goods?

Mr. DOLLIVER. I do not know. If it had said "curtains"——

Mr. ALDRICH. I will demonstrate that to the satisfaction of the Senate before we get through.

Mr. DOLLIVER. If the paragraph had said curtains or table covers, as Governor Dingley had it, I would say the Senator was correct, but I notice that it now does not say curtains, but suitable for draperies, suitable for covers, or for upholstery; and I can produce a line of goods that are suitable for draperies, because they are now hanging in my own house as curtains, although they might just as well be used for dresses to clothe my children.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. SMOOT. I was about to call the attention of the Senator to a piece of cloth——

Mr. DOLLIVER. I am sorry to say I can not yield. I desire to proceed with as little rambling on the highway as possible.

Mr. SMOOT. Just let me ask one question. Is that a piece of white cloth or colored cloth? [Exhibiting cloth.]

Mr. DOLLIVER. I think, under the recent decision of the court, it is decided to be governed by the color of the warp and woof.

Mr. ALDRICH. It has been decided to be white cloth.

Mr. DOLLIVER. If it is bleached, it is white cloth.

Mr. SMOOT. It is a piece of white cloth. We will tell you what the bill provides for just that article.

Mr. DOLLIVER. If the Senator from Utah will pardon me, there will come a time when it will be regarded as interesting and appropriate for him to tell us what he thinks about this, but I have incautiously taken the floor this afternoon to tell what I think about it myself.

Mr. SMOOT. I wanted the Senator to see what it was.

Mr. DOLLIVER. Now, I want to state what the committee have done. They have retained the present Dingley rates upon cotton yarns and threads in 45 classifications; they have raised them in 31 cases and lowered them in 20. Am I not correct about that?

Mr. ALDRICH. I think you are.

Mr. DOLLIVER. In the paragraph covering cotton cloths counting less than 50 threads per inch the present Dingley rates have been increased in some instances over four times. Am I correct about that?

Mr. ALDRICH. You are not.

Mr. DOLLIVER. Then the book of estimates of the Finance Committee is not correct; and if the book of estimates of the Finance Committee is not correct, what becomes of the statement, heralded all over the world, with nothing on earth behind it except these estimates, by which the Senator from Rhode Island undertook to predict the revenues of the United States during the next two or three years?

Mr. ALDRICH. That had nothing to do with rates.

Mr. DOLLIVER. I know it had nothing to do with rates; but what confidence can a man from the rural districts have in an estimate of revenues that is based upon calculations which when attention is called to them the Senator from Rhode Island rises and says "It was made by others and is not correct?"

Mr. ALDRICH. I will explain that fully when I have an opportunity.

Mr. DOLLIVER. This has been accomplished by striking out the present provision for cloths counting under 50 threads per square inch, which lifts them into the next higher classification along with cloths counting as high as 100 threads, and by the adoption of a new scheme of increased rates based on dividing lines of value. This scheme to conceal advances of duty has been applied throughout the succeeding classifications of cotton cloth, with the result that the duties on the majority of the goods have been raised above the present law. For example, in each of these classifications certain items will carry a duty equal to 49 per cent ad valorem under the proposed scheme instead of the present ad valorem rates of 25 per cent, 30 per cent, 35 per cent, and 40 per cent.

Notwithstanding the increased rates thus provided for under this proposed scheme new definitions and classifications have been adopted for counting threads "other than ordinary threads," "clipped or unclipped threads," and applying extra duties for such cloths as may be "subjected to mercerization or other similar process" or which are "suitable for upholstery, draperies, and covers," through the interpretation or misinterpretation of which provisions the duties will be further increased, to what extent no man can say.

It is also proposed to increase the duty on bandings, beltings, bindings, cords, ribbons, tapes, webs, or webbings from 45 per cent, the Dingley rate, to 60 per cent. The McKinley tariff of 1890 placed them at 40 per cent.

Mr. ALDRICH. Is that done by the Senate amendments or the House provisions?

Mr. DOLLIVER. It is certainly approved by the Senate committee or it would have been amended when the bill was reported to the Senate.

Mr. ALDRICH. I think the Senator, in fairness, ought to state that all the changes of which he is now speaking were made by the House of Representatives.

Mr. DOLLIVER. I do not care now particularly who made them. What I care about is that they are in the bill, for which we are asked to vote in this revision of the tariff.

There are some very funny things about it. There are some articles in that paragraph about embroidery which possibly ought to have a higher rate. I show the Senator an article of cotton embroidery that ought to have more than 60 per cent.

Mr. ALDRICH. I think likely.

Mr. DOLLIVER. And I will be glad to join with the Senator in giving it any rate necessary to establish that industry

in the United States, but what I want to know is, why that plain cotton tape, this blue tape, now dutiable, I think, at 45 per cent, was bodily taken out of the paragraph where the Dingley Act put it at 45 per cent, and transferred to the other paragraph at 60 per cent?

Mr. ALDRICH. I imagine that the Senator's friend, Mr. PAYNE, whom he has extolled so highly, can probably tell him why he did it, if he would ask him.

Mr. DOLLIVER. I have no doubt he did it on the same request of the custom-house officials in New York, who have been duly advised in the premises by somebody else—the exact people who surrounded the Finance Committee of the Senate.

So here we have webbing, out of which a man's suspenders are made, transferred bodily——

Mr. ALDRICH. You had better ask Mr. PAYNE about it.

Mr. DOLLIVER. But my honored friend ought to see that it was his business not only to provide amendments of his own, but to correct the errors that came in the bill from the House.

Mr. ALDRICH. I shall be able, I think, to show even the Senator from Iowa why it was done, and I have no doubt he will approve of it.

Mr. DOLLIVER. I will be greatly obliged to the Senator——

Mr. ALDRICH. I expect to do it.

Mr. DOLLIVER. If he will show why a common web, such as suspenders and ladies' garters are made out of, should be transferred to the list of embroideries, while the garter itself and the suspender itself are left dutiable at a lower rate, I will be very much obliged to my honored friend if he will do that.

Mr. ALDRICH. I expect before we are through with the consideration of this schedule to satisfy the Senator from Iowa himself that these changes were all made in the interest of the American producer, and that there is no increase in the rates upon cotton cloths.

Mr. DOLLIVER. In each of the succeeding paragraphs, 313 to 317, straight ad valorem rates of the present law applied to the medium-priced goods have been struck out and a scheme of progressive increased rates, based upon values, has been substituted therefor. While the seemingly plausible excuse for these changes will probably be that this scheme has been adopted of substituting specific rates about equal to the present ad valorem rates, for the purpose of preventing or minimizing undervaluation, there is no man familiar with our tariff system who does not know there is more danger of undervaluation in these dividing lines based upon values than there is upon straight ad valorems themselves. I shall insert in my remarks the statement of Col. George C. Tichenor that infinitely worse than a straight ad valorem is a specific based upon a given value, because the temptation to put the goods below the level of a given value is so much greater, as it nets a man four or five times as much as he could make by any ordinary undervaluation under a straight ad valorem.

I used to think I knew something about the general theory upon which a tariff ought to be adopted. I studied under good masters. They told me that when a variety of the same merchandise was about equal in value, as, for example, bushels of wheat, the specific rate was just the thing. They told me when articles differed widely in value an ad valorem rate was unavoidable; and they told me that when articles differed widely in value a specific duty assessed upon successive dividing lines of value was worse from the standpoint of undervaluation than straight ad valorems themselves. That was the way I was taught.

But here we have in this schedule pretended efforts to make specific statements of ad valorem duties, and if you study the schedules of cutlery you will find that the application of specific rates without regard to values has produced rates which approach 1,000 per cent.

If you will turn to the little schedule of lead pencils you will find that a group of lead pencil manufacturers, annoyed by some young German boys who are trying to make lead pencils by importing the pencil leads from foreign countries under the present rate of duty, have had their present ad valorem converted into a specific which when stated in plain terms amounts to an increase of 700 per cent or more on the merchandise and totally wipes out of existence independent manufacturers of cheap lead pencils who are selling them to school children of the United States for a cent apiece in our market place.

So my theory is that if you desire to avoid undervaluations, keep clear of many lines of value accompanied by a specific rate, because you have to find the value applicable to every line just as thoroughly in that case as you have to find it when you undertake to apply an ordinary ad valorem.

Mr. President, to illustrate the effect of these dividing lines, based upon value, on the probable undervaluation of these goods, let me call your attention to the case of a bleached-cotton cloth, 100 to 150 threads to the square inch.

Under the proposed scheme, in some instances, an undervaluation of 25 cents on a piece of 100 yards would save the importer $1.25, while the same undervaluation, with the present ad valorem duty of 35 per cent, would save the importer only 8¾ cents.

This refers to paragraph 314, a bleached-cotton cloth, 100 to 150 threads per square inch, on which the proposed duty is as follows: If valued at 15¼ cents per square yard, 6½ cents per square yard; if valued at 15 cents per square yard, 5¼ cents per square yard. For 100 yards, this works out as follows:

Value per 100 yards	$15.25	Duty per 100 yards	$6.50
Value per 100 yards	15.00	Duty per 100 yards	5.25
Difference in value	.25	Saving in duty	1.25

Under the present ad valorem rates the following is the result:

Value per 100 yards	$15.25	Duty per 100 yards	$5.33⅓
Value per 100 yards	15.00	Duty per 100 yards	5.25
Difference in value	.25	Saving in duty	.08⅓

Similar results would occur by reason of slight undervaluations under all of the proposed progressive rates which have been attached to all of these cotton cloth paragraphs, and much more accurate appraisement would be necessary than under the present system of straight ad valorem rates.

Why are these dividing lines placed just where they are? In one instance it has been deemed necessary to provide a separate duty for cloths valued over 12 and not over 12½ cents per square yard (p. 99, lines 22, 23, par. 313). This is the only instance where less than a difference of 1 cent in value has been allowed to one rate of duty.

The effect of these hybrid rates of duty is to leave certain cloths—if valued with exactness, and if the value happens to coincide with the dividing lines—at the present rates and to advance all that fall between the dividing lines of value in an unequal and irregular manner by leaps and bounds. In each of these paragraphs there are items which it is proposed to assess at 49 per cent, some of which are dutiable under the Dingley law at 25 per cent; others at 30 per cent, 35 per cent, and 40 per cent. Let me illustrate:

Paragraph 313, unbleached cloths "valued at over 14 cents per square yard, 7 cents per square yard." This shows on its face that it imposes a duty of 7 cents on a value of 14¼ cents, which is 49 per cent. The Dingley rate on the same cloth is 25 per cent ad valorem (p. 98, line 1).

Paragraph 314 in the same way provides for cloth valued at over 16 cents, 8 cents (p. 100, line 24). Dingley rate, 30 per cent.

Paragraph 315, valued over 20 cents, 10 cents (p. 103, line 10). Dingley rate, 35 per cent.

Paragraph 316, valued over 20 cents, 10 cents (p. 105, line 18). Dingley rate, 40 per cent.

Paragraph 317, valued over 25 cents, 12½ cents (p. 107, line 15). Dingley rate, 40 per cent.

If the Senate deliberately decides to increase the duties on cotton cloth, let us not cover the increases in a flood of intricate and misleading language. The cotton schedule in the Dingley law is certainly sufficiently complex and obscure.

In paragraph 318 the Senate committee has proposed a provision, which, after careful investigation, I believe to be unworkable. I refer to the following language:

> In determining the count of threads to the square inch in cotton cloth all the warp and filling threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted.

These "clipped" threads appear in the cloth in short and long pieces, forming flowers, leaves, geometric figures, and all sorts of designs of great irregularity. In many of these it is impossible to count the "threads per square inch." It is for this reason that only the plain part of the fabric is counted under the present law.

I have here a specimen of clipped threads; and it is interesting to know not only the present status of that piece of cloth, but the change that has been adroitly effected in this bill. That piece of cloth counts under the present law 100 to 150 threads, and it pays 2 cents per square yard in addition to the ad valorem rate because of the existence of those threads.

Mr. ALDRICH. Does the Senator call that a piece of cotton cloth?

Mr. DOLLIVER. Yes.

Mr. ALDRICH. I am glad he is showing it to the Senate as a piece of cotton cloth.

Mr. DOLLIVER. I think I am not mistaken about it.

Mr. ALDRICH. I am glad to know the Senator thinks it is a piece of cotton cloth.

Mr. SMOOT. Will the Senator give me a sample of it?

Mr. DOLLIVER. I would not like to do that after you have passed such a severe judgment upon it.

Now, how can the clipped threads be counted under paragraph 218? What will the count be to the square inch? This cloth has 2 cents a yard of duty in addition to a high ad valorem because of the existence of those threads. Why should they be counted in determining the density of that cloth?

I will tell you. If counted, the threads in this cloth rise into a higher density and receive a higher duty than they receive now. And what I complain about in connection with that scheme is that these threads, now requiring an assessment of 2 cents a yard more on that cloth because of their existence than would be required if they were not there, ought to be estimated for the purpose of increasing the count of threads which determine the density of all cloths and their proper place in the tariff schedules.

Mr. TILLMAN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. I and, I suppose, other Senators are deeply interested in this exposition of the intricacies of tariff reform and revision. We have been in session now about six hours and the Senator has been speaking for three. I want to ask whether the Senator feels that he can complete his speech to-night, or would he not rather wait until to-morrow. I would myself rather that he would wait until to-morrow; not that I am at all fatigued or tired of the Senator's talk; I have never enjoyed anything more in my life; but I feel that we ought to have some consideration for him, and other Senators ought to have consideration, too.

Mr. DOLLIVER. If it is the desire and convenience of the Senate, it would not disturb me to quit until to-morrow.

Mr. ALDRICH. I shall be very glad if the Senator would prefer to go on to-morrow morning; but I feel bound to ask the Senate to stay here and go on with the bill, if the Senator does not desire to speak further to-day. The country is waiting very anxiously for the action of the Senate; and unless the Senate sees fit to decide to prolong this discussion indefinitely, then I think we ought to pass to a vote.

Mr. BAILEY. I think we ought at least to take time to thrash out the differences between the Rhode Island and the Iowa idea on this tariff.

Mr. ALDRICH. Undoubtedly; but it is not necessary that the consideration of the bill should be suspended in the meantime.

Mr. TILLMAN. The Senator from Rhode Island must recognize, however, that it is very hard to untangle these threads unless it is done at the expense of time. There have been so many clashes between the Senator from Rhode Island and the Senator from Iowa and the Senator from Utah that we have not been allowed to get at the actual status, and I hope we will be permitted to adjourn.

Mr. ALDRICH. When the statement of the Senator from Iowa is revised and appears——

Mr. TILLMAN. The Senator, as I understand him, does not expect to revise anything out of his speech he has said. I have known that Senator for a great number of years, and I never caught him at that kind of trick.

Mr. ALDRICH. No; I do not intend to revise anything.

Mr. TILLMAN. I said the Senator from Iowa. The Senator from Iowa is incapable of anything of that kind.

Mr. ALDRICH. I did not say that the Senator from Iowa was. He himself said he was going to look over his remarks.

Mr. DOLLIVER. I missed one figure, and said if I found such an error in my remarks, I would be happy to correct it.

Mr. TILLMAN. At all events, I appeal to the Senator from Rhode Island to let us adjourn.

Mr. ALDRICH. I feel bound myself to press the consideration of the bill to the greatest extent I can. So far, certainly, there has been no disposition on my part to ask the Senate to stay here unusual hours or to do anything except to let Senators consult their own comfort and convenience, but the Senator from South Carolina knows as well as I do that all through the country there is a strong desire to have the bill disposed of.

Mr. TILLMAN. But if there are things concealed in this bill, such as we have been learning about this afternoon for the first time, I leave it to the Senator from Rhode Island to decide whether or not it is worth his while and everybody's else while to try to get around the subject and not let us get at the actual status.

Mr. ALDRICH. My disposition is not to prevent any discussion by the Senator from South Carolina or anybody else.

Mr. DOLLIVER. If it is not disagreeable to the Senator, I will state that, owing to a little fatigue, I desire to quit the floor for the present and resume to-morrow morning.

Mr. ALDRICH. I have no objection to that at all. I was not making any suggestion of that kind.

Mr. TILLMAN. Then, what are the rest of us going to do? Are we going to have our minds distracted by having somebody come in here and, it may be, tear another schedule to pieces?

If it were not out of all rule or regulation for one on this side to make the motion, I myself would move an adjournment. I appeal to the Senator from Rhode Island to do it.

Mr. ALDRICH. I will relieve the Senator's apprehension by putting into the RECORD a statement made by the late Senator from Arkansas, Mr. Jones, upon the woolen schedule, in which——

Mr. TILLMAN. The Senator from Arkansas labored under the disability at that time of being in the minority and not worth noticing; but when it comes from the Sanhedrin of the Republican party that we are having schedules either manufactured by experts or those who are not experts, who are interested, and that we have a time-honored rule of inheriting schedules and transmitting them like the laws of the Medes and the Persians, without change, I submit it is time for us to get some light from some source.

I know the people of the country, in the South as well, I think, as in the West and the North, will thank the Senator from Iowa for having given us some insight into this scheme of tariff revision.

Mr. ALDRICH. Mr. President, I simply want to put into the RECORD the statement of two Senators, made in 1897, as to the character of the woolen schedule in the act of 1897. I want to do it for the purpose of showing not anything that is disagreeable either to the memory of the Senator from Arkansas or the memory of the Senator from Missouri, or to the Senator from Iowa; but I know so well that Senators are liable to be misled in matters of this kind, to make exaggerated statements, and to misrepresent the facts. They are liable to be misled by the importers of these articles into this country—the men whose interest it is to break down this and every other schedule in the bill.

I expect to show, when I take the floor, that there are no increases in the cotton schedule of the bill at all. It is merely a substitution of rates which are absolutely equivalent—the specific rates for the ad valorems of the existing law. The ad valorems of the existing law are upon the average 38 per cent. In the bill they are not increased at all, and I will prove that to the satisfaction of the Senate. I will show that the articles which have been produced here are furnished by importers who have destroyed the cotton schedules through decisions in the past—decisions of the Board of Appraisers and of the courts—by which they have reduced the duties upon certain articles imposed by the Dingley Act at 60 per cent until they are 4, 5, and 6 per cent. Those are the men who have produced these samples.

Mr. DOLLIVER. Mr. President, I do not intend to conceal from the Senate those who have been kind enough to help me in my investigations.

Mr. ALDRICH. I did not suppose the Senator would.

Mr. DOLLIVER. I have consulted with great merchants East and West. I have consulted with cotton manufacturers and with men engaged both in the foreign and in the domestic trade in cotton. The sample which I showed a moment ago was given to me by as bright a merchant as there is in America, who is none the less entitled to my respect because he marched at the head of a column 19,000 strong through the streets of New York the day before the election in support of the candidacy of President Taft in that great campaign.

Mr. ALDRICH. I have no doubt that he is most respectable. But the point I was making is that these good men, these respectable men, have interests in this matter which are entirely antagonistic to the great interests of the people of this country. I do not blame them for appearing here or anywhere else in defense of their interests and in securing for themselves any support which they can get.

Mr. TILLMAN. Does the Senator move an adjournment?

Mr. ALDRICH. I want to ask that this statement of the late Senator from Arkansas, Mr. Jones, and others be printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Rhode Island asks that the statement of the late Senator from Arkansas, Mr. Jones, and others which he sends to the desk may be printed in the RECORD.

Mr. ALDRICH. I will yield to the wish of Senators about me and move an executive session, but I desire to give notice that it will be necessary that we shall have longer sessions and more persistent attempts, anyhow, to secure action upon the bill.

Mr. BAILEY. Would it be objectionable to the Senator from Rhode Island to also print the statements of the late Senator Jones and the late Senator Vest in document form, so that we may have them convenient for comparison?

Mr. ALDRICH. I do not see any reason for printing them as a document. They can be printed in the RECORD. I would not have the slightest objection to printing them in parallel columns, because the coincidence is certainly remarkable. I could put into the RECORD, also, similar statements about ad valorem duties and extreme rates in the act of 1890 and the act of 1883. If the Senator desires it, I will try to have some of those things put in parallel columns.

Mr. DOLLIVER. I understand the suggestion of the Senator from Rhode Island very well. I have had no access to the matters referred to, although I have been familiar with the statistics of this Government for some years. But I have tried to give such information as I had at first hand. I have not reached out under the desk for a memorandum to answer the questions of Senators without disclosing to the Senate the author of the memorandum and all the information contained in it.

Mr. ALDRICH. I have not——

Mr. BAILEY. I simply want to say that it is a little unusual now, but in the course of ten or fifteen years it will not be at all unusual to see Republicans repeat Democratic arguments on the tariff question, and we might as well get used to it now.

Mr. GALLINGER. Or a Democrat repeating Republican arguments.

Mr. BAILEY. The world progresses. When it goes back we will be repeating the Republican arguments. With progress it will be the other way.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and the order is made.

Mr. BAILEY. Before the order is entered I would myself like to have the statements as they are printed in the RECORD reprinted in document form.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Texas?

Mr. ALDRICH. I have no objection.

The PRESIDENT pro tempore. The Chair hears no objection, and the order is made.

The matter referred to is as follows (S. Doc. No. 29):

[From the CONGRESSIONAL RECORD of June 24, 1897, pp. 1976–1981.)

Mr. JONES of Arkansas. The immediate amendment under consideration is the proposition to insert, in line 13, the words "or of which wool is the component material of chief value," in paragraph 364; and after the word "wholly," in the same line, to strike out the words "or in part."

Mr. President, attention was called to the fact on yesterday that when the flax schedule was constructed, in every instance it was said as to certain fabrics of flax, hemp, or ramie, where the material of chief value in the mixed fabric of flax and cotton was cotton, that it should pay as a cotton fabric, and should not have the tariff that was intended to be put on the flax fabric. That is also the case in the silk schedule. Where there is a mixture of silk and cotton or other material, in every instance the paragraph provides that where a fabric is composed of silk or partly of silk, in which silk is the component material of chief value, then the rate of taxation put on the silk fabric shall stand; but if the component material of chief value is cotton, the material is not treated as a silk fabric at all, and the rates are put upon it as a cotton fabric.

In this wool schedule it seems to me that there is a singular disregard of the facts that enter into this schedule. When an American manufacturer manufactures a piece of cloth which weighs 10 pounds, Congress fixes a rate of protection on that, and this law proposes to give the manufacturer a tariff of 50 per cent to protect him in the manufacture of these woolen cloths. Fifty per cent goes into the manufacturer's tariff as the manufacturer's protection clear through this bill. If an American manufacturer manufactures a piece of cloth which weighs 10 pounds, he is satisfied, as we understand this bill, and its friends are satisfied, that he shall have a manufacturer's protection of 50 per cent; but when he has manufactured 10 pounds of cloth he says, "I manufactured this cloth, and while I am content with the 50 per cent protection I get as a manufacturer, yet I have been handicapped by being compelled to pay a tariff on my raw material, which I ought to be indemnified for."

Then you go about ascertaining what he is entitled to. His statement is that it requires 3 pounds of wool in the grease to make 1 pound of wool scoured or in the cloth, and that for every 10 pounds of cloth the manufacturer requires he has to buy 30 pounds of wool in the grease. That is under the paragraph as you propose it. If that be true, there must be 10 cents a pound paid upon the wool in the grease, and the manufacturer must have paid tariff on the amount of wool used in the manufacture of 10 pounds of cloth at 10 cents per pound on 30 pounds of wool, making $3, which he has paid as the tariff on his raw material. If these 10 pounds of goods are worth $10, 50 cents' protection will be a protection of $5 as the manufacturer's protection. But he says he must have that without having it decreased by the $3 taken to pay the tariff on the raw wool. Hence he must have, in addition to the tariff, an ad valorem equivalent to the amount of tariff he has been compelled to pay on his raw material.

You say that, having used 30 pounds of wool in the grease to make 10 pounds of cloth, the 10 cents a pound paid by the manufacturer as a tariff on the wool in the grease must be allowed him. So we fix the tariff that for every pound of cloth in the manufacture there shall be a tariff amounting to three times the amount of the tariff that was paid upon a pound of raw wool. So there is a tariff of 30 cents a pound on the cloth, 10 pounds making $3, and the tariff is $3 specific, in addition to the 50 per cent tariff to compensate for the $3 paid on the raw wool when the manufacturer buys his wool.

Mr. President, if this were true, if the manufacturer actually used 30 pounds of raw wool in making 10 pounds of woven wool, the argument would be all right, and, from the standpoint of Senators on the other side, be just and fair; but suppose, as a matter of fact, that in that 10 pounds of cloth, instead of having 10 pounds of wool he only has 5 pounds of wool and 5 pounds of cotton, where, then, can be the justification of giving him $3 protection for a tariff when he pays but $1.50, all he has used being 5 pounds of wool in his manufacture of cloth—one-half wool and one-half cotton. There are 5 pounds of wool and 5 pounds of cotton in that 10 pounds of cloth, and the tariff he paid for the material he used in making the 5 pounds of cotton cloth and that he used in making 5 pounds of woolen cloth, one-half of the woolen fabric, would take, instead of 30 pounds of wool in the grease, but 15 pounds of wool in the grease; and when you propose to give him a compensation of $3 where he has paid but $1.50, you are treating the American public unjustly and unfairly, and increasing his protective tariff beyond what he himself says is necessary for him to have.

The argument is stronger still if there is but one-tenth of wool, and yet under the terms of this bill you propose that if there is one-tenth wool you shall pay the full amount as if the whole of it was composed of wool.

Mr. President, I submit that in a fabric where there is but one-tenth wool it is not fair that it should be treated in the same way as if it were composed wholly of wool; and that where wool is the material of least value, that that fabric should be considered as a cotton fabric and treated as such, and these wool tariffs ought not to go on it. Take the 50 per cent, if you choose; but you have no right to give him a compensation for ten times as much wool as he puts into his fabric, or four times as much, or twice as much.

I respectfully submit that these facts can not be gainsaid or denied, and you can not get away from them. You are under the guise, under the pretense, of giving a compensatory duty to the manufacturer to compensate him for the wool he puts in his material, giving him ten times the amount of wool in some cases on which a tariff has been paid to the Government. In this particular case to-day you are passing this bill; and whenever it becomes a law the American manufacturer takes his 30 pounds of wool, upon which he has not paid one cent of duty, and yet you propose to put a tariff upon the fabric in addition to the 50 per cent that he says is all he wants, in addition to the 50 per cent which is all that the manufacturers claim they are entitled to.

In addition to that, you propose to put a specific duty, under the pretense of compensating him for the tariff he has paid upon wool, which he has not paid, and which you know he has not paid, and which you have admitted on the floor of the Senate that he has not paid, and yet you levy this tax upon the people to make woolen manufacture more profitable, and instead of giving him 50 per cent, you propose to give him 80 or 90 per cent.

The plain matter of fact in this case can not be evaded; it can not be dodged. If the words I have proposed, "or of which wool is the material of chief value," be inserted, and then these rates go into effect, they will be much less unjust and unfair than the terms of the bill as proposed by the committee.

The PRESIDING OFFICER (Mr. CARTER in the chair). The yeas and nays having been ordered on the amendment proposed by the Senator from Arkansas [Mr. Jones], the Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Oregon [Mr. McBride].

Mr. HAWLEY (when his name was called). I am paired with the Senator from Tennessee [Mr. Bate]. I believe he is still absent, and so I shall not vote. If he were here, I should vote "nay."

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. Hanna].

Mr. WELLINGTON (when his name was called). I inquire if the Senator from North Carolina [Mr. Butler] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. WELLINGTON. Then I withhold my vote, as I am paired with that Senator.

The roll call was concluded.

Mr. JONES of Arkansas. My colleague [Mr. Berry] is detained from the Senate Chamber by public business. If he were present, he would vote "yea." He is paired with the Senator from Illinois [Mr. Mason].

Mr. GEAR. I inquire if the senior Senator from New Jersey [Mr. Smith] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. GEAR. Then I withhold my vote, as I am paired with that Senator. If he were present, I should vote "nay."

Mr. MURPHY. I am paired with the Senator from New Hampshire [Mr. Chandler], and therefore withhold my vote.

Mr. MORRILL. I am paired with the senior Senator from Tennessee [Mr. Harris], and therefore withhold my vote.

Mr. HANSBROUGH. I transfer my pair with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Nevada [Mr. Jones], and vote "nay."

Mr. PASCO. I wish to announce that the Senator from Kentucky [Mr. Lindsay] is necessarily absent from the city. He is paired with the senior Senator from Michigan [Mr. McMillan].

Mr. SEWELL (after having voted in the negative). I inquire if the Senator from Wisconsin [Mr. Mitchell] has voted?

The PRESIDING OFFICER. He has not voted.

Mr. SEWELL. Then I withdraw my vote, as I am paired with that Senator.

The result was announced—yeas 23, nays 32, as follows:

YEAS—23.

Allen	Gorman	Martin	Tillman
Bacon	Harris, Kans.	Mills	Turpie
Caffery	Jones, Ark.	Morgan	Vest
Clay	Kenney	Pasco	Walthall
Cockrell	McLaurin	Pettus	White
Faulkner	Mallory	Roach	

NAYS—32.

Allison	Foraker	Nelson	Shoup
Burrows	Frye	Penrose	Spooner
Carter	Gallinger	Perkins	Teller
Clark	Hale	Platt, Conn.	Thurston
Davis	Hansbrough	Platt, N. Y.	Turner
Deboe	Hoar	Pritchard	Warren
Elkins	Lodge	Proctor	Wetmore
Fairbanks	Mantle	Quay	Wilson

NOT VOTING—34.

Aldrich	Daniel	Kyle	Pettigrew
Baker	Gear	Lindsay	Rawlins
Bate	George	McBride	Sewell
Berry	Gray	McEnery	Smith
Butler	Hanna	McMillan	Stewart
Cannon	Harris, Tenn.	Mason	Wellington
Chandler	Hawley	Mitchell	Wolcott
Chilton	Heitfeld	Morrill	
Cullom	Jones, Nev.	Murphy	

So the amendment of Mr. Jones of Arkansas was rejected.

The PRESIDING OFFICER. The question recurs on the adoption of the amendment of the committee.

Mr. JONES of Arkansas. I move to amend the amendment, in line 17, after the word "class," by inserting "for each pound of wool contained in said fabric;" after the word "class," in line 20, by inserting the same words; and after the word "class," in line 24, by inserting the same words.

The PRESIDING OFFICER. The amendment proposed by the Senator from Arkansas will be stated.

The SECRETARY. In paragraph 364, page 122, line 17, after the word "class," it is proposed to insert "for each pound of wool contained in said fabric;" in line 20, after the word "class," to insert "for each pound of wool contained in said fabric;" and in line 24, after the word "class, to insert "for each pound of wool contained in said fabric."

Mr. JONES of Arkansas. Mr. President, the first paragraph will read, if my amendment is adopted, as follows:

"364. On cloths, knit fabrics, and all manufactures of every description made wholly or in part of wool, not specially provided for in this act, valued at not more than 40 cents per pound, the duty per pound shall be three times the duty imposed by this act on a pound of unwashed wool of the first class for each pound of wool contained in said fabric."

I feel absolutely confident the Senator from Iowa [Mr. Allison] is so perfectly fair and just that he will accept this amendment. He does not want to give the manufacturers compensation for tariffs on wool which they do not pay. I am sure he is too fair a man to desire any such thing. When a fabric is made wholly of wool, then in 3 pounds of it there will be compensation for three times the tariff on a pound of unwashed wool; but if a fabric is made one-half of wool and one-half of cotton, then they will have a tariff on a pound of the mixed fabric for three times the amount of wool that is in the fabric; and the public will then pay the compensatory duty of 3 for 1 on every ounce of wool that goes into the fabric, and will pay a compensatory duty on wool for cotton that goes into the fabric, which would be 6 to 1 if it was half-and-half, and which would be 10 to 1 if it were nine-tenths cotton and only one-tenth wool under the bill as it stands at this time.

Mr. President, as I have pointed out already, and it was admitted by Senators upon the other side, it only takes 2 pounds of unwashed wool to make a pound of scoured wool; and nobody denies it. The wool that is imported in the largest quantity and which is consumed by the manufacturers does not take 3 pounds to make 1 pound of scoured wool; it only takes 2 pounds to make 1 pound of scoured wool, and the manufacturer pays a tariff on only 2 pounds of wool—that is, when he gets all wool in the fabric. This proposition will not even get rid of that evil, and it will let the manufacturer get 3 for 1, although he only pays 2 for 1 for every ounce of wool or for every pound of wool that enters into his fabric; and certainly nothing more ought to be asked.

Mr. ALLISON. How do you ascertain that?

Mr. JONES of Arkansas. You ascertain it like you ascertain anything else. There is not the slightest difficulty in figuring out the proportion of wool in the fabric. There is no trouble in ascertaining the amount of wool and the amount of cotton that is contained in the fabric, and the experienced custom-house officers can tell without difficulty the proportion of each.

The idea runs through the bill in numberless other instances, and the provision appears again and again. How can you determine about the value unless by weight? You put in the silk schedule everywhere and the flax schedule everywhere that if flax or silk is the component material of chief value—which is a question that is much more difficult to determine than to determine the question of weight—then the tax shall be governed by that. In this case you have only to determine as to the weight to determine the tax, which is a less complicated and difficult question than to determine the value. If in mixtures of flax or silk with other materials their values can be ascertained, how much easier would it be to ascertain the weight of wool that goes into a fabric.

Mr. ALLISON. Mr. President, I wish to say but a word respecting the amendments proposed by the Senator from Arkansas. The Senator from Arkansas calls attention to the amendment which has just been defeated, because he says the woolen manufacturer will receive an unjust compensatory duty, as we have provided here for three times the duty, although nine-tenths or three-fourths of the material may be of cotton. I do not intend to go into that this morning, having spoken briefly on the question last night; but the difficulty of dealing with that method as respects woolen fabrics lies in the fact that if wool is not the chief component or measure of value these fabrics, if they contain a greater value of cotton, will be thrown over into the cotton schedule.

Mr. JONES of Arkansas. That, as the Senator suggests, has been disposed of, but the question now is one of weight and not of value.

Mr. ALLISON. Very well; and I am disposing of this question now. That was objectionable for the reason that then it would be a cotton fabric and come in at 45 per cent ad valorem, and those who manufacture such goods abroad would bring in in the form of free wool under the cotton classification and under the cotton schedule probably half the fabrics that are used, because all they would have to do would be to provide for 50½ per cent of cotton as the component material of chief value, and then they would bring in 49½ per cent of wool free of duty, and in that way use the foreign wool that we are trying in this bill to protect our farmers against.

It so happens that in this schedule at least the manufacturers and the farmers are united in interest, for the reason that unless our farmers who produce wool can find a market for it with our own manufacturers they will have practically no market at all. Therefore, if they are to produce wool in this country under the protective system, they must have it practically manufactured in this country under the protective system as against free wool abroad. I know that is not the purpose of our friends upon the other side. If we are to have a duty upon wool and woolens, we must correlate those duties so that our woolen manufacturers will be protected against the inundation of free wools from abroad under the guise of cotton fabrics.

Mr. JONES of Arkansas. I merely want to suggest that, admitting for the sake of argument—which I do not—the Senator's position to be exactly correct, then he can have no objection to this proposition, because this proposition is to make the compensation on the wool actually contained in the goods, whether it be much or little.

Mr. ALLISON. The Senator proposes that this compensatory duty shall be upon the wool in a mixed fabric, and upon the weight of the wool. I should like to know by what method any expert or any appraiser can take a piece of goods with cotton warp, if you please, and know how much the wool in the fabric will weigh, and how much the cotton will weigh, unless he unravels it all. So it seems to me here is another indirect method whereby it is attempted to evade or avoid the very question in which our wool producers and woolen manufacturers are interested in common as respects these duties.

Mr. JONES of Arkansas. Will the Senator from Iowa permit me to ask him a question at this point? Paragraph 344 says:

"Woven fabrics or articles not specially provided for in this act, composed of flax, hemp, or ramie, or of which these substances or either of them is the component material of chief value, weighing 4 ounces, etc."

How is the custom-house officer to determine which is the component material of chief value? Say, for instance, the warp is cotton, the filling linen, or the warp half cotton and the filling mixed linen and cotton. How is the custom-house officer to tell which is the component material of chief value? If he can not tell how the woolen fabric is made, he can not tell how the flax fabric is made, and he can not tell how the silk fabric is made; and yet the Senator has brought propositions here which require him to do that in the silk schedule, and in the flax schedule; and if he is competent to do that in those cases, what is to prevent him from doing it in the woolen schedule? I should be glad to have the Senator explain how he can do it in the one and not in the other.

Mr. ALLISON. The Senator is mistaken wholly as to what is to be done. It is one thing to ascertain the component material of chief value, and another thing to ascertain how much the wool in a fabric weighs. The component material of chief value can easily be ascertained; but suppose he was required to ascertain whether 10 threads of cotton in the fabric weighed an ounce or the fraction of an ounce, and the other material three-quarters or a whole ounce.

Mr. JONES of Arkansas. Must he not first ascertain how much flax there is in the fabric before he determines what is the component material of chief value?

Mr. ALLISON. No, sir; certainly not.

Mr. JONES of Arkansas. How does he find the value?

Mr. ALLISON. Because the flax is worth a great deal more than a cotton fabric.

Mr. JONES of Arkansas. But if it is a question of the component material of chief value and not the fabric, it is the component material that makes the value.

Mr. ALLISON. Certainly; which is flax.

Mr. JONES of Arkansas. The flax thread. Then he has to find how many flax threads there are in the material and measure their value by the value of the flax and determine whether it is the component material of chief value. So in silks. You are bound to analyze it. You must first find the weight, and then compare it with the whole, and it is easier to get the weight than the value, because the question of value is to be determined after you find the weight, and it is more a matter of opinion than is the weight. The weight can be determined by scales. The value is a matter of opinion, to some extent, and in a constantly fluctuating market it is much more difficult to determine what is the value of a thing after you find the weight than it is to find the weight. But you can not find the value until you first find the weight, either in flax or silk.

Mr. ALLISON. The Senator from Arkansas differs with all other experts on the subject. That is all I have to say.

Mr. JONES of Arkansas. I am not an expert. I think that is the plain common-sense view of the situation.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Arkansas to the amendment of the committee.

Mr. JONES of Arkansas. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Oregon [Mr. McBride].

Mr. CLARK (when his name was called). I am paired with the Senator from Kansas [Mr. Harris]. I do not see him in the Chamber, and therefore withhold my vote.

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. Smith].

Mr. HANSBROUGH (when his name was called). I again announce the transfer of my pair with the senior Senator from Virginia [Mr. DANIEL] to the Senator from Nevada [Mr. Jones], and I will vote. I vote "nay."

Mr. HAWLEY (when his name was called). I announce for the day my pair with the Senator from Tennessee [Mr. Bate].

Mr. MURPHY (when his name was called). I am paired with the Senator from New Hampshire [Mr. Chandler].

Mr. RAWLINS (when his name was called). I am paired with the junior Senator from Ohio [Mr. Hanna].

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. Turner]. If he were present, I should vote "nay."

Mr. WELLINGTON (when his name was called). I have a general pair with the Senator from North Carolina [Mr. Butler]. As he is absent, I withhold my vote.

The roll call was concluded.

Mr. KENNEY. I inquire whether the junior Senator from Pennsylvania [Mr. PENROSE] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. KENNEY. Being paired with that Senator, I withhold my vote.

Mr. JONES of Arkansas. I again announce the pair of my colleague [Mr. Berry] with the Senator from Illinois [Mr. Mason]. If my colleague were present, he would vote "yea."

The result was announced—yeas 22, nays 28, as follows:

YEAS—22.

Allen	Heitfeld	Mitchell	Turpie
Bacon	Jones, Ark.	Morgan	Vest
Caffery	McLaurin	Pasco	Walthall
Clay	Mallory	Pettus	White
Cockrell	Martin	Roach	
Faulkner	Mills	Tillman	

NAYS—28.

Allison	Frye	Mantle	Sewell
Burrows	Gallinger	Perkins	Shoup
Carter	Hale	Platt, Conn.	Spooner
Davis	Hansbrough	Platt, N. Y.	Teller
Elkins	Hoar	Pritchard	Thurston
Fairbanks	Lodge	Proctor	Wetmore
Foraker	McEnery	Quay	Wilson

NOT VOTING—39.

Aldrich	Daniel	Jones, Nev.	Penrose
Baker	Deboe	Kenney	Pettigrew
Bate	Gear	Kyle	Rawlins
Berry	George	Lindsay	Smith
Butler	Gorman	McBride	Stewart
Cannon	Gray	McMillan	Turner
Chandler	Hanna	Mason	Warren
Chilton	Harris, Kans.	Morrill	Wellington
Clark	Harris, Tenn.	Murphy	Wolcott
Cullom	Hawley	Nelson	

So the amendment of Mr. Jones of Arkansas to the amendment of the committee was rejected.

Mr. JONES of Arkansas. I now offer, to come in at the end of the paragraph, the following proviso:

"Provided, That the specific duties provided for in this paragraph shall not become operative until twelve months after the passage of this act."

I shall ask for the yeas and nays on the amendment, and I hope the Senate will adopt it.

The Senator from Iowa has this morning distinctly admitted to the Senate that there is a twelve months' supply of wool now in the country; that it has been imported, and no tariff has been paid upon it. The specific duties provided for in this paragraph are intended, or it is pretended that they are intended, as compensatory to the manufacturers for the tariff they pay on the wool they import.

Whenever, after this bill becomes operative, the manufacturer imports wool, he must pay the tariff of 10 cents a pound. When he imports enough to make a pound of cloth, upon the assumption on the other side, he must pay 30 cents, or 10 cents on each of the 3 pounds of wool out of which to make 1 pound of cloth. In addition, the 50 per cent—25 per cent more than has been the law since the Wilson bill was passed—which has been considered ample to protect the manufacturers, is already provided for in the bill, and it is not right that compensation should be allowed to them for tariff they have not paid. When a twelve-months' supply, by the admission of the Senator from Iowa, has been imported into the country without paying any duty, there is no justice, there is no fairness, in allowing a compensation of 30 cents on every pound of manufactured cloth made out of this wool as compensation for tariff they have not paid.

As the Senator from Iowa has admitted that there is a year's supply of wool in the country, and as the manufacturers will use raw wool for twelve months upon which they have paid no duty, the amendment ought to be adopted, so that the people will not be compelled to pay the manufacturers an increased price because of duties they have not paid. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. COCKRELL. Let the amendment be stated.

The SECRETARY. At the end of paragraph 364 it is proposed to insert the following proviso:

"Provided, That the duties provided for in this paragraph shall not become operative until twelve months after the passage of this act."

Mr. WHITE. I simply desire to call attention to the fact that the ad valorem duty in the paragraph is higher than under the McKinley Act.

Mr. VEST. In paragraph 364 the duties upon goods valued at not above 50 cents per pound amount to 154.30 per cent, and upon goods above 50 cents per pound, 94.45 per cent. It always happens that the higher duty is upon the cheap goods and the smaller duty upon the dear goods.

The statements of my colleague, the Senator from Arkansas, in regard to the injustice of this paragraph are unanswerable, absolutely so. We were told by the Senator from Rhode Island [Mr. ALDRICH], when he made his opening speech in this debate, that on account of the immense amount of wool which would be brought into this country, especially under free wool—to use his expression, which would be rushed into the country before the bill became a law—it would be absolutely necessary to find revenue for the immediate wants of the Government somewhere else, and for that reason our Republican friends propose to put a duty on beer and on tea, abandoning as to tea the time-honored arguments of the Republican party against any such duty, because that is a simple revenue duty, all of which goes into the Treasury without any protection to the individual manufacturer at all.

Yet with that very argument made here, it is now proposed, besides these enormous duties which I have named, to give to the manufacturers a simple, naked gratuity, out of the tax money of the people. It is nothing else. There is no pretense that they are entitled to the duties which are now proposed on the ground that they use this taxed wool. They have already got the wool. I saw a statement in a woolen journal yesterday that they had a two-year supply. Even if they have a one-year supply, what is it but naked robbery, under the forms of law, to give them this enormous duty, when there is no basis in the world for it?

Mr. PLATT of Connecticut. What is the contention; that there is a year's supply of wool in the hands of the manufacturers?

Mr. JONES of Arkansas. There has been a year's supply of wool imported into this country, according to the statements of all wool men. It amounts to a full year's consumption. The Senator from Iowa admitted awhile ago that such is the fact. Now they have that wool without paying any tariff on it, and yet you propose to put compensatory duties in this paragraph to compensate them for tariffs never paid.

Mr. PLATT of Connecticut. Not that the manufacturers have got it. If it is in the hands of speculators, being held to charge the manufacturers the price to which it will be raised by the duty, then the manufacturers derive no advantage from it.

Mr. JONES of Arkansas. I presume the men who want the wool imported it, and the Senator from Rhode Island stated in his opening speech, as referred to by the Senator from Missouri, that this was being done and that the practical effect of it was to deprive the Treasury of the revenue, and to compensate for that failure and so that the Treasury might get the revenue that ought to have come from it, you propose to put a tax on beer and tea.

Mr. PLATT of Connecticut. I merely rose for the purpose of saying that as I understand the situation a very small proportion of this wool has been imported by the manufacturers, but it has been imported largely by people with the idea of speculating upon it. I do not like that, but at the same time I do not think their sins ought to be visited upon the manufacturers.

Mr. JONES of Arkansas. When the Wilson bill was being framed, the manufacturers came here and insisted that as they had paid tariff on the raw materials which they used in manufacturing their goods it was not right for them to be compelled to sell their fabrics in open market in competition with fabrics made from free wool, as we proposed to make it free. Recognizing the justice of that claim, the Wilson Act provided that the wool tariff should not go into effect as to woolen fabrics until January, 1895, to give them a market in which to sell the goods which they had made out of taxed wool, to compensate them for what they had done.

Now the same men are here, and they propose to manufacture goods out of free wool, and when we propose that they shall not be allowed to saddle the people with an expense they have not incurred, they forget the sense of duty which animated us then, and I am ashamed to say that the Senate seems not to appreciate the gravity of the situation.

Mr. WHITE. I merely desire to say that if the manufacturers of woolen goods have not imported the wool, and do not now possess it, they have displayed in that regard far less ability and attention to their business than has been manifested with reference to the preparation of the proposed act.

Mr. CAFFERY. I call the attention of the Senator from Connecticut to the fact that the Senator from Rhode Island, in his opening speech, stated that no considerable revenue could be expected for two years from the duty on wool, and he made his calculations of a surplus something over $2,000,000 only for the next two years, and limited the duration of the tea tax and the tax on beer to that period. Under any circumstances this tax is utterly indefensible, for if the wool has been imported by importers and not by manufacturers, and they ask a high price for it, the manufacturers can import wool without the payment of duty. It occurs to me, however, that it is an evasion to say that the parties interested in the importations were mere speculators, who might be crushed by the failure of the manufacturers to buy their imported articles.

Mr. PLATT of Connecticut. I did not say and do not say that there have not been, perhaps, unusual importations of wool by manufacturers, but the great bulk of it is in the hands of the wool merchants. The manufacturers buy in advance, of course.

Mr. CAFFERY. Who are the wool merchants?

Mr. PLATT of Connecticut. There may have been importations. I am only speaking of what I have been advised. I do not know how it may be.

Mr. JONES of Arkansas. They buy on commission, as a rule?

Mr. PLATT of Connecticut. I presume so.

Mr. JONES of Arkansas. When they buy on commission, they buy for their principals. Seventy million pounds of wool came in month before last.

Mr. WHITE. It is wholly unlikely that these people have not attended to their interests, and it is not at all probable that they are walking around, not knowing what to do, while other people are importing wool. I suppose the wool manufacturers have a vague idea that a wool schedule will probably be adopted some day, and they doubtless had such an idea soon after the last election.

Mr. PLATT of Connecticut. Senators on the other side seem to suppose—and I know that nothing I can say will change their opinion about it—that every wool manufacturer in the United States is a very rich man, who can buy a year's stock of wool in advance and carry it. The contrary is the fact. Most of the woolen manufacturers of the United States are not wealthy, and have no surplus cash on hand to invest in a year's supply of wool.

Mr. RAWLINS. Will the Senator from Connecticut yield to me for a question? I will ask the Senator if it is not the theory of the Republican party, frequently expressed by its leaders, including the President of the United States, that the foreigner pays the import duty, the tax; and if that is true, upon what theory does the Republican party justify the imposition of compensatory duties to make good the domestic manufacturer on account of the supposed increased cost of his raw material?

Mr. PLATT of Connecticut. I must ask to be excused from entering into a discussion of the principles upon which the protective system is based. Unfortunately, the Senators who would like to explain it fully and at great length, and answer the very remarkable and wonderful statements which have been made on the other side for the last three or four weeks are compelled to sit silent in order to secure the passage of the pending bill within any time that will satisfy the country.

Mr. MILLS. I think it is a creation of fancy on the part of the Senator from Connecticut that wool is imported into this country by speculators and then sold to the woolen manufacturers. The woolen manufacturers could not carry on their business in that way. They have to have experts to buy their wool. The wool is bought for a particular purpose, and a particular kind of wool is bought and a particularly skillful person is appointed to do the work. I remember a few years ago being in New England and in one of the largest woolen manufacturing establishments, and they pointed me to a gentleman whom they said they paid $10,000 a year to purchase their wool for them, and they said he could shut his eyes and stick his hand into a bag of wool and tell what sort of wool it was. They have to have a high-priced man to do that business. They are importing wool for themselves.

Mr. ALLEN. Mr. President, I have been very highly edified for the last three days in listening to the discussion of the question whether there is 1 pound of pure wool in 3 pounds of wool in the grease, or whether there is 1 pound of pure wool in 4 pounds of wool in the grease. I think that is a subject which has been discussed largely and extensively here during the entire week.

This question assumes a greater range than the mere discussion of schedules or the arrangement of details. It involves the discussion of principles, it involves the discussion of consequences, and it occurs to me that the thing which ought to present itself most strongly to the mind of every Senator is whether the seventy-odd million people in the

United States are to bear the burden of an enormous taxation upon woolen articles necessary to their life and their comfort.

I do not suppose there is a sheep in the United States to every inhabitant, and yet the question of wool, the question of sheep, has occupied the attention of the Senate now for the last week. It is a mere spectacular performance before the country. There is nothing else to it. Upon the one hand stand a few sheep growers and a few wool owners who have contributed largely to the campaign funds in the past and who are now demanding their compensation in the form of a prohibitory statute, and on the other hand stand the millions of lambs in this country to be shorn by the tax.

What difference does it make so far as the particular item now under discussion is concerned? The whole purpose and scope of the bill are not only to lay upon the backs of the people of this country additional burdens in the form of taxation, but it has a deeper significance, as expressed by the chairman of the Ways and Means Committee of the House of Representatives, and therein lies one of its secret and hidden purposes, and that is to create a fund so great, a surplus so great, that it can be used as a means of retiring the greenbacks and the legal-tender notes and the other forms of money which have been issued by this Government.

It is the first step in that direction. If the bill passes and produces, as I believe it will not, a surplus revenue, then the jackals and the cormorants who profit by it will hold up their hands and elevate their sanctified noses and demand at the hands of Congress legislation that will retire the greenbacks and legal-tender notes. Then, when that is accomplished, as doubtless it will be accomplished if things are to go on in the future as they have gone in the past few years, we will be informed that we have not sufficient money, which we all now know. We will have committed then the suicidal policy of retiring the greenbacks and legal-tender notes that are so dear and sacred to the common people of this country, and then we will be informed that the only remedy the people have, the only relief we can give them, will be relief in the form of an extension of the powers of national banks.

Then this country will have passed into the hands of the manufacturers, the national banks, and the great railway transportation lines of the country, and the people will be absolutely and unqualifiedly at their mercy. These consequences can not be escaped. Yet dignified Senators stand here and argue like boys at school upon the grave and solemn question whether there are 2 pounds of grease to 1 pound of pure wool or whether there are 3.

Mr. President, I want to see the bill pass. I want to see it pass as speedily as possible. In my judgment it will be the gigantic failure of the age. It will fall short of producing revenue. Although its purpose is as I said, I want to see the great body of honest American citizens who believe there is something in the tariff issue to learn by bitter experience, if they can not learn otherwise, that the tariff is a delusion and a snare, and that the only question for the American people to decide—the great question which they must decide correctly if the Government is to survive—is the question of the volume and character of our money.

I am perfectly willing, so far as I am concerned, to walk into this Chamber occasionally and vote upon these schedules. I do not say that I will or will not vote upon the measure as a whole when it is submitted. I do not know what course I shall pursue then; but I believe, and I believe the American people are becoming daily convinced, that the bill will be a failure the moment it is adopted. But if they want tariff, if nothing but tariff will do, if our Republican friends say the settlement of the tariff question will settle the question of prosperity, then let us have tariff, and let us have it speedily, and let it be high, Mr. President.

Let it be as high as it is possible for our friends on the other side to make it. Let it prohibit the importation of hundreds of articles. Then what will be the result? Where will prosperity come from? Oh, the mills will open, so say our friends; men will be set at work in the different departments of industry and in manufacturing. But there must be a market for the articles that are manufactured before you can set your mills to work. Where is that market to be found? It can not be found in the United States, because the people are too poor to purchase the articles manufactured. No man is going to manufacture an article without first knowing he is going to have a market for it. It is rot and nonsense to sit here day after day and discuss this simple question.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Arkansas [Mr. Jones] to the amendment of the committee.

The Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Oregon [Mr. McBride].

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. Smith].

Mr. KENNEY (when his name was called). I announce my pair with the junior Senator from Pennsylvania [Mr. PENROSE], and withhold my vote.

Mr. MCLAURIN (when his name was called). I announce my pair with the Senator from North Carolina [Mr. Pritchard].

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. Hanna].

Mr. WARREN (when his name was called). I again announce my pair with the junior Senator from Washington [Mr. Turner].

Mr. WELLINGTON (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. Butler], and in his absence withhold my vote.

The roll call was concluded.

Mr. TILLMAN. Has the Senator from Nebraska [Mr. Thurston] voted?

The VICE-PRESIDENT. He has not voted.

Mr. TILLMAN. I am paired with that Senator, and therefore withhold my vote.

Mr. MALLORY. I am paired with the Senator from Vermont [Mr. Proctor]. If he were here, I should vote "yea."

Mr. JONES of Arkansas. I again announce the absence of my colleague [Mr. Berry]. If he were present, he would vote "yea." He is paired with the Senator from Illinois [Mr. Mason].

Mr. HARRIS of Kansas. I am paired with the junior Senator from Wyoming [Mr. CLARK]. If he were present, I should vote "yea."

Mr. MARTIN. I am paired with the senior Senator from Montana [Mr. Mantle]. I should vote "yea" if he were present.

Mr. GRAY. I ask if the senior Senator from Illinois [Mr. CULLOM] has voted?

The VICE-PRESIDENT. He has not voted.

Mr. GRAY. I am paired with that Senator, and withhold my vote.

Mr. WARREN. By an arrangement with the Senator from Kansas [Mr. Harris], I transfer my pair with the Senator from Washington [Mr. Turner] to my colleague [Mr. CLARK], so that the Senator from Kansas and myself can vote. I vote "nay."

Mr. HARRIS of Kansas. I vote "yea."

The result was announced—yeas 18, nays 27; as follows:

YEAS—18.

Allen	Faulkner	Morgan	Vest
Bacon	Harris, Kans.	Murphy	Walthall
Caffery	Jones, Ark.	Pasco	White
Clay	Mills	Pettus	
Cockrell	Mitchell	Roach	

NAYS—27.

Allison	Foraker	Nelson	Spooner
Burrows	Frye	Perkins	Stewart
Carter	Gallinger	Platt, Conn.	Teller
Chandler	Hale	Platt, N. Y.	Warren
Deboe	Hoar	Quay	Wetmore
Elkins	Lodge	Sewell	Wilson
Fairbanks	McEnery	Shoup	

NOT VOTING—44.

Aldrich	Gear	Kyle	Pettigrew
Baker	George	Lindsay	Pritchard
Bate	Gorman	McBride	Proctor
Berry	Gray	McLaurin	Rawlins
Butler	Hanna	McMillan	Smith
Cannon	Hansbrough	Mallory	Thurston
Chilton	Harris, Tenn.	Mantle	Tillman
Clark	Hawley	Martin	Turner
Cullom	Heitfeld	Mason	Turpie
Daniel	Jones, Nev.	Morrill	Wellington
Davis	Kenney	Penrose	Wolcott

So the amendment to the amendment was rejected.

Mr. JONES of Arkansas. I move, in line 15, paragraph 364, to strike out the words "three times" and insert "twice;" so that the compensatory duty upon the manufactured material, instead of being three times the cost of a pound of unwashed wool, shall be twice the cost of a pound of unwashed wool. It was admitted yesterday in debate a number of times that Port Phillip wool, which, as nobody will deny, is the wool mainly imported and used by the manufacturers, shrinks at the rate of about 50 per cent, or that 2 pounds of unwashed wool will make a pound of scoured wool. There is no reason for making larger the increases in favor of manufactures. They go exactly in the line of the other outrages we have been speaking about. I hope the Senate will adopt this amendment.

The VICE-PRESIDENT. The question is on the amendment of the Senator from Arkansas [Mr. Jones] to the amendment of the committee.

Mr. JONES of Arkansas. I ask for the yeas and nays on the amendment to the amendment.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. CHILTON (when his name was called). I am paired with the Senator from Oregon [Mr. McBride].

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. Smith].

Mr. GRAY (when his name was called). I am paired with the Senator from Illinois [Mr. CULLOM] on this question. If he were present, I should vote "yea."

Mr. KENNEY (when his name was called). I am paired with the Senator from Pennsylvania [Mr. PENROSE].

Mr. MCLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. Pritchard].

Mr. MALLORY (when his name was called). I am paired with the Senator from Vermont [Mr. Proctor]. If he were present, I should vote "yea."

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. Hanna].

Mr. WARREN (when his name was called). By the same arrangement that was heretofore made I transfer my pair with the junior Senator from Washington [Mr. Turner] to my colleague [Mr. CLARK], so that the Senator from Wyoming [Mr. CLARK] will stand paired with the Senator from Washington [Mr. Turner], and thus relieve the Senator from Kansas [Mr. Harris] and myself. I vote "nay."

Mr. WELLINGTON (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. Butler].

The roll call was concluded.

Mr. HARRIS of Kansas. Under the arrangement stated by the Senator from Wyoming [Mr. WARREN] I am at liberty to vote. I vote "yea."

Mr. MARTIN. I desire to announce my pair with the senior Senator from Montana [Mr. Mantle]. I should vote "yea" if he were present.

Mr. JONES of Arkansas. I announce for the day the pair between my colleague [Mr. Berry], who is detained from the Chamber by public duties, and the Senator from Illinois [Mr. Mason]. If my colleague were present, he would vote "yea."

The result was announced—yeas 19, nays 26; as follows:

YEAS—19.

Allen	Faulkner	Morgan	Tillman
Bacon	Harris, Kans.	Murphy	Vest
Caffery	Jones, Ark.	Pasco	Walthall
Clay	Mills	Pettigrew	White
Cockrell	Mitchell	Pettus	

NAYS—26.

Allison	Foraker	Perkins	Teller
Burrows	Frye	Platt, Conn.	Thurston
Carter	Gallinger	Platt, N. Y.	Warren
Chandler	Hale	Quay	Wetmore
Deboe	Hoar	Sewell	Wilson
Elkins	Lodge	Shoup	
Fairbanks	McEnery	Spooner	

NOT VOTING—44.

Aldrich	Gear	Kyle	Penrose
Baker	George	Lindsay	Pritchard
Bate	Gorman	McBride	Proctor
Berry	Gray	McLaurin	Rawlins
Butler	Hanna	McMillan	Roach
Cannon	Hansbrough	Mallory	Smith
Chilton	Harris, Tenn.	Mantle	Stewart
Clark	Hawley	Martin	Turner
Cullom	Heitfeld	Mason	Turpie
Daniel	Jones, Nev.	Morrill	Wellington
Davis	Kenney	Nelson	Wolcott

So the amendment to the amendment was rejected.

[From the CONGRESSIONAL RECORD of June 24, 1897, pp. 1989–1993.]

Mr. JONES of Arkansas. Mr. President, I was very much interested in the part of the remarks of the Senator from Delaware relating to the cost of goods and the illustrations which he gave to the Senate. I have a number of similar samples. I have in my hand a fabric, "cotton warp worsted," the cost of which abroad is 32 cents a yard. Under the Wilson law the tariff on this article would be 12.8 per yard—less than 13 cents a yard. The tariff under the present proposed measure would be 25 cents specific and 50 per cent ad valorem, which would be equivalent to 16 cents. The foreign cost is 32 cents, and 50 per cent, the manufacturer's tariff provided in this bill, would be 16 cents, and the compensatory tariff for the next twelve months, to be given to the manufacturer for no consideration whatever, will be 25 cents on an article costing 32 cents.

I have already pointed out to the Senate that there is no tariff paid upon the wool out of which these goods will be manufactured and that we are giving a compensatory tariff for tariffs which are not paid and will not be paid for the next twelve months on this article costing 32 cents. We are paying 25 cents compensatory tariff, together with an ad valorem equivalent to 16 cents, to the manufacturers to protect them in their manufacture. This illustrates the outrage of giving a compensation, against which we have protested and against which we have again and again to-day voted. It shows the wrong in this matter, and it is not by any means a small matter.

I have here samples of another fabric, costing 21 cents abroad, on which the tariff under the present law is 8.4 cents per yard. The tariff under this bill would be 50 per cent ad valorem, equivalent to 10½ cents on a cost of 21 cents; and the compensatory specific tax intended to compensate for the tariff upon wool which was not paid is 21.6 cents a yard on an article that cost 21 cents. The specific compensatory tax paid on that fabric is more than 100 per cent of the foreign cost; and in addition to that there is a tariff of 50 per cent that is given to the manufacturer for protection.

This manifestly shows how this compensatory tax for a tariff never paid operates on the people of this country. When we buy abroad $100 worth of this article, we must pay not only the $50 for the manufacturer's protection, but we must pay more than $100 as a tax to compensate the manufacturers for tariffs they have not paid—a plain, naked robbery. There can be no more polite or civil word used in connection with such legislation.

I have another sample here of wool and cotton suitings, which cost 66 cents a yard abroad. The tariff under the present law is 26.4 cents. The ad valorem tariff of 50 per cent under the pending bill would be, of course, 33 cents a yard, and the compensatory tariff paid for the imaginary wool tariff is 54 cents. But it is scarcely necessary to multiply examples of this kind. I have here samples of another and lighter character of goods which cost 22 cents a yard abroad. Under the present law the duty is 40 per cent, which would be 8.8 cents, a little less than 9 cents. Under the Senate bill there is a duty of 50 per cent ad valorem, which, of course, would be 11 cents, the foreign cost being 22 cents; and the compensatory tax, the specific tax placed on the fabric to pay the manufacturer for the tariff that he has not paid on this article costing 22 cents, is 24 cents—more than 100 per cent, in addition to the entire 50 per cent, which the manufacturers claim is all the protection they ask.

The manufacturers have lived under the general tax of 40 per cent in the Wilson law when they have had free wool; and now when you propose to tax the wool by a protective tariff of 50 per cent ad valorem, a rise of 25 per cent on the tariff theretofore existing, and in addition to that a specific tax of 24 cents a pound, under the false pretense of indemnifying them for tariffs that they have paid on the raw wool, when they have never paid one cent, you are putting a tax of more than 100 per cent on the goods which are used by our people. What is the use of saying that the purpose of this thing is not to raise the price of these articles to the people? If it does not mean that, why do you want this protection? Why would these people come here asking for these taxes if they did not believe that they would increase the cost?

It is a matter well known to all of us that it does increase and raise these prices by these amounts; and if they do not, the men who are asking for the passage of this bill will be worse fooled than anybody else.

Mr. President, I had not intended to detain the Senate longer, but my associates around me say, "Give us another sample." I have laid aside a number of these. Here [exhibiting] is a sample of heavy, coarse cloth used for the purpose of making coarse, cheap overcoats. It costs 31 cents a yard, and the duty on this under the present law is 12.4 cents a yard, making it cost 43.4 cents when brought in here. Under the present tariff it would be 15½ cents a yard. The compensatory tariff paid upon this article for wool upon which no tariff has ever been paid, while the fabric costs 31 cents, is 42 cents a yard, more than 125 per cent tariff upon this fabric to protect the manufacturers for a tariff not one solitary cent of which they have ever paid, but the whole of which is paid by the people.

I have a number of pieces of these goods on my desk, and I shall not go over all of them. They include ladies' dress goods and goods for men's wear. I shall insert in the RECORD the statements accompanying these samples, so that Senators who are interested in the subject may examine them.

The statements referred to are as follows:

27-inch black luster orlean for men's summer coats, cotton warp and worsted weft, costing 3¾ pence per running yard, weighing under 4 ounces to the square yard:

	Cents.
Present duty, 40 per cent	2.70
Under Senate bill the duty will be—	
5½ cents per square yard	4.13
And 50 per cent	3.37
Total	7.50

which, if entirely ad valorem, would be 111 per cent duty.

27-inch black luster orlean for men's summer coats, cotton warp and worsted weft, costing 4½ pence per running yard, weighing under 4 ounces to the square yard:

	Cents.
Present duty, 50 per cent	4.13
Under Senate bill the duty will be—	
5½ cents per square yard	4.13
And 50 per cent	4.13
Total	8.26

which, if entirely ad valorem, would be 100 per cent duty.

27-inch black luster sicilian for men's summer coats, cotton warp and worsted weft, costing 3¾ pence per running yard, weighing under 4 ounces to the square yard:

	Cents.
Present duty, 40 per cent	3.10
Under Senate bill the duty will be—	
5½ cents per square yard	4.13
And 50 per cent	3.87
Total	8.00

which, if entirely ad valorem, would be 103 per cent duty.

32-inch colored italian lining, cotton warp and wool weft, costing 6½ pence per running yard, weighing under 4 ounces per square yard:

	Cents.
Present duty, 50 per cent	6.50
Under Senate bill the duty will be—	
5½ cents per square yard	4.88
And 50 per cent	6.50
Total	11.38

which, if entirely ad valorem, would be 87 per cent duty.

32-inch black italian lining, cotton warp and wool weft, costing 7⅛ pence per running yard, weighing 4½ ounces per square yard:

	Cents.
Present duty, 50 per cent	7.62
Under Senate bill the duty will be—	
32 cents per pound	7.56
And 50 per cent	7.62
Total	15.18

which, if entirely ad valorem, would be 99 per cent duty.

27-inch black cashmere for men's summer coats, cotton warp and wool weft, costing 7 pence per running yard, weighing under 4 ounces per square yard:

	Cents.
Present duty, 50 per cent	7.00
Under Senate bill the duty will be—	
6½ cents per square yard	4.87
And 50 per cent	7.00
Total	11.87

which, if entirely ad valorem, would be 84 per cent duty.

27-inch black cashmere for men's summer coats, cotton warp and wool weft, costing 8¾ pence per running yard, weighing 4½ ounces per square yard:

	Cents.
Present duty, 50 per cent	8.75
Under Senate bill the duty will be—	
32 cents per pound	6.37
And 50 per cent	8.75
Total	15.12

which, if entirely ad valorem, would be 86 per cent duty.

38-inch black mohair brilliantine dress goods, for women's wear, cotton warp and mohair weft, costing 9 pence per running yard, weighing under 4 ounces per square yard:

	Cents.
Present duty, 50 per cent	9.00
Under Senate bill the duty will be—	
6½ cents per square yard	6.86
And 50 per cent	9.00
Total	15.86

which, if entirely ad valorem, would be 88 per cent duty.

Cotton and wool (shoddy) melton, 54 inches wide, 14½ ounces weight; value, 11 pence; dutiable value, 21 cents:

	Cents.
Present duty, 40 per cent	8.4
Under Senate bill the duty will be—	
24 cents per pound	21.6
And 50 per cent ad valorem	10.5
Total	32.0

which, if entirely ad valorem, would be 150 per cent.

Union twill, cotton, wool, and shoddy, 56 inches wide, 16 ounces weight; value, 11 pence; dutiable value, 22 cents:

	Cents.
Present duty, 40 per cent	8.8
Under Senate bill the duty will be—	
24 cents per pound	24.0
And 50 per cent ad valorem	11.0
Total	35.0

which, if entirely ad valorem, would be 159 per cent.

56-inch mixture worsted coating for men's suits, worsted warp and weft, costing 27 pence per running yard, weighing 12 ounces per running yard:

	Cents.
Present duty, 50 per cent	27.0
Under Senate bill the duty will be—	
32 cents per pound	24.0
And 50 per cent ad valorem	27.0
Total	51.0

which, if entirely ad valorem, would be 94 per cent.

Cloakings, cotton warp, wool and shoddy filling, 54 inches wide, 28½ ounces weight; value, 1s. 4d.; dutiable value, 31 cents:

	Cents.
Present duty, 40 per cent	12.4
Under Senate bill the duty will be—	
24 cents per pound	42.0
And 50 per cent ad valorem	15.5
Total	57.5

which, if entirely ad valorem, would be 185 per cent.

Cotton warp worsted, 56 inches wide, 11 ounces weight; value, 1s. 4½d.; dutiable value, 32 cents:

	Cents.
Present duty, 40 per cent	1.28
Under Senate bill the duty will be—	
36 cents per pound	25.00
And 50 per cent ad valorem	16.00
Total	41.00

which, if entirely ad valorem, would be 128 per cent.

German cloaking, cotton and wool, 50 inches wide, 10½ ounces weight; value, 1.50 marks; dutiable value, 34.5 cents:

	Cents.
Present duty, 50 per cent	17.3
Under Senate bill the duty will be—	
36 cents per pound	24.0
And 55 per cent ad valorem	19.0
Total	43.0

which, if entirely ad valorem, would be 125 per cent.

Fancy worsteds, 29 inches wide, 12½ ounces weight; value, 2 shillings; dutiable value, 46 cents:

	Cents.
Present duty, 50 per cent	23.0
Under Senate bill the duty will be—	
36 cents per pound	28.0
And 50 per cent ad valorem	23.0
Total	51.0

which, if entirely ad valorem, would be 111 per cent.

Worsted trousering, 29 inches wide, 8 ounces weight; value, 2 shillings; dutiable value, 46.5 cents:

	Cents.
Present duty, 50 per cent	23.3
Under Senate bill the duty would be—	
36 cents per pound	18.0
And 55 per cent ad valorem	25.6
Total	43.6

which, if entirely ad valorem, would be 94 per cent.

German cloakings, cotton and wool, 50 inches wide, 14 ounces weight; value, 2.25 marks; dutiable value, 52 cents:

	Cents.
Present duty, 50 per cent	26.0
Under Senate bill the duty will be—	
36 cents per pound	31.5
And 50 per cent ad valorem	26.0
Total	57.5

which, if entirely ad valorem, would be 110 per cent.

Wool and cotton suiting, 27 inches wide, 12 ounces weight; value, 2s. 6d.; dutiable value, 59 cents:

	Cents.
Present duty, 50 per cent	29.5
Under Senate bill the duty will be—	
36 cents per pound	27.0
And 50 per cent ad valorem	29.5
Total	56.5

which, if entirely ad valorem, would be 95 per cent.

Wool and cotton suitings, 54 inches wide, 24 ounces weight; value, 2s. 10d.; dutiable value, 66 cents:

	Cents.
Present duty, 40 per cent	26.4
Under Senate bill the duty will be—	
36 cents per pound	54.0
And 50 per cent ad valorem	33.0
Total	87.0

which, if entirely ad valorem, would be 132 per cent.

Cheviot, all wool, 58 inches wide, 30 ounces weight; value, 4s. 6d.; dutiable value, $1:

Present duty, 50 per cent	$0.50
Under Senate bill the duty will be—	
36 cents per pound	.675
And 50 per cent ad valorem	.50
Total	1.175

which, if entirely ad valorem, would be 117½ per cent.

Covert cloth, 54 inches wide, 32 ounces weight; value, 9 shillings; dutiable value, $2.08:

Present duty, 50 per cent	$1.04
Under Senate bill the duty will be—	
36 cents per pound	.72
And 55 per cent ad valorem	1.14
Total	1.86

which, if entirely ad valorem, would be 89½ per cent.

Wool suitings, 56 inches wide, 18–19 ounces weight; value, 10s. 3d.; dutiable value, $2.36:

Present duty, 50 per cent	$1.18
Under Senate bill the duty will be—	
36 cents per pound	$0.41
And 55 per cent ad valorem	1.30
Total	1.71

which, if entirely ad valorem, would be 72 per cent.

Clay worsted coatings, 56 inches wide, 26 ounces weight; value, 12s. 6d.; dutiable value, $2.90:

Present duty, 50 per cent	$1.45
Under Senate bill the duty will be—	
36 cents per pound	.585
And 55 per cent ad valorem	1.595
Total	2.18

which, if entirely ad valorem, would be 75 per cent.

Mr. JONES of Arkansas. We have by our votes to-day undertaken again and again to remove this proposition to tax goods to compensate manufacturers for tariffs which they have not paid, but we have been met by a solid vote on the other side without regard to the facts, without regard to right. You have insisted on imposing these enormous taxes on the people to compel the masses of the people to pay this compensation for money that has not been invested in raw material by the manufacturers. We are powerless; we can not help ourselves.

Mr. President, the development of the United States in an industrial way is something remarkable. I presented some tables here the other day which showed that the people of this country consume to-day more raw cotton in manufactures than any other country on the globe; that we use more raw wool than any country in the world; that we are the largest producers of pig iron on the earth, and, indeed, in this great manufacture we have taken the lead of all the nations of the earth. There is no longer any room for the pretense that we are an infant; there is no longer any excuse for asking for the benefactions of the Government or to be asking Congress for protection against competition with the balance of the world.

I will put into the RECORD a statement which I have had made up by a very competent man, Jacob Schoenhof, a careful, painstaking, patriotic, intelligent man, a man who has no prejudices for or against any of these questions, and who looks at them, I believe, with absolute impartiality. The statement shows the industrial progress of the United States for the last ten years as compared with Great Britain and Germany. I will insert it as a part of my remarks, and I commend it to the attention of Senators.

The PRESIDING OFFICER. Without objection, the paper referred to by the Senator from Arkansas will be printed in the RECORD.

The paper referred to is as follows:

"INDUSTRIAL PROGRESS OF THE UNITED STATES FOR THE TEN YEARS PAST COMPARED WITH THE PROGRESS MADE IN GERMANY AND GREAT BRITAIN.

"I start my comparison with a showing of the exports of manufactures of metals, chiefly those whereof iron and steel are the component materials, and articles in which the labor cost is vastly in excess of the cost of the material, even if we take the material as advanced in manufacture to the state of finished iron and steel. The totals of these highest finished articles of manufacture, chiefly machinery, implements, and apparatus, exported in 1886 amounted to $22,618,000; in 1891 to $40,618,000, and in 1896 to $63,516,000. This is an increase of eighteen millions, or 79.6 per cent, in the five years closing with 1891, and of $22,898,000, or fully 25 per cent, over the increase of the five years preceding the five years closing with 1896.

I.—*Value of exports of finished articles of manufactures of iron and steel progressed above the crude and half-manufactured state, and of other manufactures of similar character where metals are the component material of chief value, in 1886, 1891, and 1896.*

Article.	Fiscal year— 1886.	Fiscal year— 1891.	Calendar year 1896.
Agricultural implements:			
Mowers and reapers	$1,288,000	$1,567,000	$2,889,000
Plows and cultivators	322,000	597,000	680,000
All other, and parts of	757,000	1,035,000	1,075,000
Total	2,367,000	3,219,000	4,644,000
Brass, and manufactures of	150,000	297,000	1,026,000
Carriages, cars, and parts	1,928,000	4,911,000	2,747,000
Clocks and watches	1,366,000	1,580,000	1,659,000
Copper manufactures	100,000	190,000	819,000
Cycles, and parts of			3,796,000
Instruments and apparatus for scientific purposes	480,000	1,576,000	2,717,000
Iron and steel manufactures:			
Cutlery	112,000	146,000	188,000
Firearms	1,779,000	859,000	734,000
Builders' hardware, etc	2,466,000	3,858,000	6,140,000
Sewing machinery	2,585,000	2,869,000	3,061,000
Other machinery	4,469,000	13,426,000	22,513,000
Nails	294,000	440,000	821,000
Scales and balances	281,000	318,000	377,000
Stoves and ranges	196,000	248,000	304,000
Wire	335,000	860,000	1,788,000
All other	2,284,000	3,987,000	8,193,000
Total	14,801,000	27,010,000	44,109,000
Lamps, chandeliers, etc	546,000	509,000	730,000
Musical instruments	871,000	1,326,000	1,209,000
Total	22,618,000	40,618,000	63,516,000

"The wages paid in the census year in the principal industries contributing to these exports amounted to $189,646,000, which was distributed among 326,500 hands, making an average for each employee in these industries of $580. If we divide the year into 50 working weeks, which is certainly a liberal allowance in view of the idle time that runs in

under the name of holidays or other causes of stoppage in the working year, this is equal to nearly $13 a week wages.

"Counting German wages, at a liberal allowance, as 20 marks per week in these trades on the same computation of time for all employed in similar industries, which takes in minors and adults all at the same rate of pay, this gives near three times as high a rate of wages in the United States as is paid in Germany in the same occupations, if we take wages by the time.

"It will be interesting to see now what one of the modern, progressive countries of Europe, availing itself of the scientific inventions of the time, and, besides, being benefited by a low rate of wages in these industries, as of 1 to 3 against the United States, has to show in progress and development when it comes to compete in the neutral markets of the world with the product of the mills of America, paying, under all considerations, the highest wages in existence.

"I exclude from this comparison all articles of crude manufacture, such as common castings, bar iron, steel rails, wire, etc.

"Exports of the special trade of Germany in manufactures of metals other than crude articles mentioned above as exempted from the tables relating to American exports, but other than machinery, instruments, and apparatus: 1886, $36,199,000; 1891, $48,218,800; 1895, $48,575,800.

"Against this we set the following articles of American manufacture, taken out of the list of Table I:

Article.	Fiscal year—		Calendar year 1896.
	1886.	1891.	
Brass and manufactures of	$150,000	$297,000	$1,026,000
Copper manufactures	100,000	190,000	819,000
Iron and steel manufactures:			
Cutlery	112,000	146,000	188,000
Firearms	1,779,000	859,000	734,000
Builders' hardware, etc	2,466,000	3,858,000	6,140,000
Nails	298,000	440,000	821,000
Stoves and ranges	196,000	248,000	304,000
All other	2,284,000	3,987,000	8,193,000
Lamps, chandeliers, etc	546,000	509,000	730,000
Total	7,940,000	10,534,000	18,955,000
Increase over preceding figures		2,694,000	8,421,000
Increase per cent		33.93	80

"It will be seen that in these manufactures the German increase in the five years closing with 1895 was very small. Based on the average of the five years from 1886 to 1890, inclusive, they show smaller progress yet. The total increase of the average of 1891 to 1895 over the increase of the five years of 1886 to 1891 is but 7,000,000 marks, or $1,666,000, an increase of barely 3 per cent. The American increase in the exports of these manufactures has been prodigious. It is an increase of 82 per cent over 1891, i. e., $18,955,000 in 1896 against $10,534,000 in the former year. Germany shows no advance over the figures of the year 1891.

"The German exports of clocks and watches and parts of watches, gold, silver, or any other material, amounted in 1886 to $1,808,800, in 1891 to $2,689,000, and in 1895 to $1,737,000.

"The American exports in these, while lower in 1891 by $1,000,000 than those of Germany, in 1896 were but about $100,000 behind the exports of Germany for 1895, the last year accessible for full information upon German trade. America shows a progressive export, while Germany falls behind the exports of 1891 by nearly $1,000,000.

"Carriages and cars and parts of cars have gone back from the figures of 1891 by over $2,000,000, but are still considerably ahead of the exports of Germany.

"Eliminating these here-named articles from the general list counted up in Table I, we have machinery of all kinds, agricultural implements, instruments, and apparatus of all kinds left to set against German exportations classified under the heading of machines, instruments, and apparatus of all kinds. The amount for these exported in 1886 is $27,203,000; for 1891, $36,509,000; for 1895, $47,147,000.

"The American exports in the same lines present the following figures:

Article.	Fiscal year—		
	1886.	1891.	1896.
Agricultural implements	$2,367,000	$3,219,000	$4,644,000
Cycles, and parts of			3,796,000
Instruments and apparatus for scientific purposes	430,000	1,576,000	2,717,000
Sewing machines	2,505,000	2,869,000	3,051,000
Other machinery	4,469,000	13,425,000	22,513,000
Scales and balances	261,000	319,000	377,000
Musical instruments	871,000	1,326,000	1,269,000
Total	11,053,000	22,733,000	38,367,000
Increase over figures of preceding five years		11,680,000	14,634,000
Increase per cent		105	64.4

"While 1891 shows yet a difference of $14,000,000 and of 38 per cent below the exports of Germany, the year 1896, but five years later, shows only $9,000,000 and 18½ per cent below the export figures of Germany, considerable as has been the increase in exports in Germany in these lines of goods. We have certainly reached in 1896 beyond the exports of Germany for 1891, and even for 1894, when they were only 4,000,000 marks more than in 1891, as a great increase over any of the preceding figures has taken place in German exports of this class in 1896.

"An equal showing of industrial progress of the decade for the closing of which, to wit, 1895, comparative data are at hand from the United Kingdom and Germany, can be made by reference to the output of coal and pig iron.

II.—*Number of tons of coal and of pig iron produced in the United States, the United Kingdom, and Germany in the ten years from 1886 to 1895, inclusive.*

[2,240 pounds for the United States and United Kingdom, and metric tons of 2,200 pounds for Germany.]

Year.	United States.				United Kingdom.				Germany.			
	Coal.		Pig iron.		Coal.		Pig iron.		Coal.		Pig iron.	
	Tons.	Per cent.	Tons.	Per cent.	Tons.	Per cent.	Tons.	Per cent.	Tons.	Per cent.	Tons.	Per cent.
1885			4,044,526		159,351,418		7,415,469		73,675,500		3,687,400	
1886	90,144,829		5,683,329	40	157,518,482	−1.2	7,009,754	5.5	73,682,600	0.01	3,528,700	−4.3
1887	110,727,906	15	6,417,148	13	162,119,812	2.9	7,559,518	7.8	76,232,600	3.4	4,024,000	14
1888	126,819,406	14	6,489,738	1	169,935,219	.5	7,998,969	5.8	81,960,100	7.5	4,337,100	7.8
1889	126,097,780	−.6	7,603,642	17	176,916,724	4.1	8,322,824	4	84,973,200	3.6	4,524,000	4.3
1890	140,882,729	11.7	9,202,703	21	181,614,288	2.6	7,904,214	5	89,290,800	5	4,658,500	3
1891	150,505,954	6.8	8,279,870	−10	185,479,126	2.1	7,406,064	−6.3	94,232,300	5.5	4,641,200	−4
1892	160,115,242	6.3	9,157,000	10.6	181,786,871	−2	6,709,255	−9.4	92,544,100	−2	4,937,500	6.4
1893	162,814,977	1.7	7,124,502	−22.1	164,325,795	−9.6	6,976,990	4	95,426,100	3	4,986,000	1
1894	152,447,791	−6.4	6,657,388	−6.5	188,277,525	14	7,427,343	6.5	98,805,700	3.5	5,380,000	7.9
1895	172,426,366	13	9,446,308	42	189,661,362	.7	7,703,459	3.7				
1886–1895		79		[a] 133		[a] 19		[a] 3.9		[b] 34		[b] 45.8

[a] 1885–1895. [b] 1885–1894.

"For Germany the output of coal takes in coal proper and lignites, a species of coal not made use of in the United States or the United Kingdom as extensively as in Germany, so far as I know.

"A somewhat more marked and steady progress is shown from the German accounts from 1888 on, but still the progress is left away behind by the progress made by the United States.

"A similar result do we get by a comparison of the quantities of raw material consumed by the three countries in those textile industries which give the most employment to human labor—the cotton and wool industries.

"I submit comparative tables of the number of pounds of cotton consumed in the mills of the United States, the United Kingdom, and Germany. This takes in all the cottons consumed for the United States, whether of American growth of foreign.

III.—*Quantity of cotton consumed in the United States, the United Kingdom, and Germany in each of the ten years from 1886 to 1895.*

Year.	United States.	Increase.	United Kingdom.	Increase.	Germany.	Increase.
	Pounds.	Per ct.	Pounds.	Per ct.	Pounds.	Per ct.
1886	1,128,063,588		1,517,186,720		354,127,400	
1887	991,129,273	−12	1,498,822,304	−1.2	434,981,200	22.8
1888	1,180,345,185	11.8	1,456,915,936	−2.8	398,888,000	8.5
1889	1,062,908,210	−9	1,659,859,936	14	498,904,400	25.3
1890	1,163,924,275	9.5	1,578,853,360	−5	498,605,800	.9
1891	1,429,146,210	23	1,812,877,248	14.8	522,141,400	4.6
1892	1,599,887,165	11.8	1,542,332,400	−14.4	481,914,400	7.7
1893	1,183,550,452	−26	1,192,158,576	22.7	498,401,200	3.4
1894	1,112,775,166	−6	1,548,221,808	30	559,528,200	12.3
1895	1,567,991,708	40	1,555,758,080	.3	567,534,200	4.9
Increase for decade	439,928,120	39	38,571,360	2.4	223,406,800	63.9

III.—*Quantity of cotton consumed in the United States, etc.*—Continued.

"The comparison, starting with 1886, shows for the United States an increase of 39 per cent over 1886, Great Britain of only 2.4 per cent, and Germany of 63.9 per cent. But as Germany's start was from a base of 354,000,000 pounds, that of England from 1,517,000,000 pounds, and of the United States from 1,128,000,000 pounds, it is natural that a percentage increase is very much larger for Germany, although the increase in the pounds is not much over one-half of that of the United States.

"Equally impressive are the figures relating to the number of pounds of wool produced and retained for home consumption and the pounds of imported wools retained for home consumption by the three countries.

IV.—*Number of pounds of wool produced and retained for home consumption and number of pounds of wool imported and retained for home consumption by the United States, the United Kingdom, and Germany in each of the ten years from 1885 to 1896, inclusive.*

Year.	United States.			United Kingdom.			Germany.		
	Wool produced and retained for consumption.	Net imports and retained for consumption.	Total retained for consumption.	Wool produced and retained.	Wool imports retained for consumption.	Total retained for consumption.	Wool produced and retained for consumption.	Net imports.	Total retained for consumption.
1886	301,853,000	129,084,000	424,404,000	151,505,000	284,464,000	435,969,000	102,000,000	246,312,000	348,312,000
1887	284,742,000	114,038,000	392,051,000	156,825,000	258,721,000	415,546,000	99,000,000	252,804,000	351,804,000
1888	268,977,000	113,558,000	378,176,000	150,040,000	300,192,000	450,232,000	96,000,000	295,024,000	391,024,000
1889	264,858,000	126,487,000	388,063,000	155,142,000	337,256,000	492,398,000	93,000,000	319,761,000	412,761,000
1890	275,768,000	105,431,000	377,911,000	170,507,000	292,315,000	462,622,000	90,000,000	269,500,000	359,500,000
1891	284,708,000	129,306,000	411,373,000	184,471,000	335,789,000	520,260,000	87,000,000	311,130,000	398,130,000
1892	293,797,000	148,670,000	480,460,000	183,924,000	312,217,000	496,141,000	84,000,000	333,566,000	437,306,000
1893	303,061,000	172,433,000	471,276,000	174,601,000	331,578,000	506,179,000	81,000,000	291,604,000	372,604,000
1894	297,353,000	55,152,000	346,712,000	167,274,000	359,541,000	526,815,000	80,000,000	349,905,000	429,905,000
1895	305,468,000	206,083,000	509,159,000						
1895 *	290,000,000	248,989,000	538,989,000	156,977,000	370,443,000	527,420,000	80,000,000	397,647,000	477,647,000

* Calendar year.

"The data for this and the preceding comparative table I have taken for the United States from the Statistical Abstract of the United States for the year 1896, for the United Kingdom from the Statistical Abstract for the United Kingdom for the year 1896, and for Germany from Statistisches Jahrbuch für das Deutsche Reich für 1896. For the United Kingdom and Germany I could not take the pounds of wool produced and retained for home consumption that were of domestic growth. The figures are not given in these compilations. But I took the nearest approach to correctness, by taking the number of sheep which is published in the abstracts for Great Britain for each year, and multiplied the number by 6, which is about the average of wool per sheep. This is not absolutely correct, and may be somewhere above the actual yield. It is below the yield for the United States per sheep, but it must be borne in mind that while in Great Britain the wool is washed on the sheep's back before shearing, American wool is mostly sold in the grease.

"From these figures I deducted the number of pounds of wool of domestic growth exported, and so got the net result of wool retained at home for manufacturing purposes.

"For Germany I had to make a similar estimate. Here, however, I had not the years specially given. The census of sheep and of all live stock is taken every ten years only. Now, it is not at all peculiar, though it is noteworthy, that though all other live stock has increased from the days of the sixties in Germany, sheep have decreased by more than 50 per cent. The sheep in the sixties for the territory that now comprises the German Empire were 28,000,000; in 1873 the first census of live stock shows sheep numbered 25,000,000, or, strictly speaking, 24,999,400. By 1883 they had fallen to 19,189,700, and by 1893, the census having been taken on December 1, 1892, the number showed 13,589,600.

"Now, taking 1892 as my base, I found in the ten years a decline of 5,600,000, and figuring backward, I reduced for each year following 1892 the number by 500,000, and increased the number for the years back of 1892 to that extent.

"For Germany I also included the net amount of wool tops imported, making due allowance for the difference in weight for tops to make them equal to the greasy wool that has been consumed in their production. For the United Kingdom this was not necessary, as the wool tops imported would be nearly balanced by the exports, and the United States do not figure in exports or imports of tops to any extent.

"For the United States I have given the fiscal year ending with June 30, while in the United Kingdom and Germany the year ends with December 31. For 1895 I have taken, besides the fiscal year for the United States, an account of the calendar year ending December 31 in the wool tables. This, besides making the year equal to that of the two countries named, is necessary for another reason, because 1895 was the full year of twelve months within which the tariff of 1894 was operative in woolen goods and free wool.

"I have the account of the wool produced and retained for consumption for the fiscal year in the Statistical Abstract, but for the calendar year I had no account, and I took into consideration the decrease of sheep reported for the year 1896 below that of 1895; and as that decrease was about 10 per cent, I reduced the wool produced and retained for consumption about 5 per cent, as 5 per cent would cover the six months that are not part of the fiscal year 1895.

"It is shown from the tabulation that 1895, the calendar year, consumed more wool in the United States than was consumed in the United Kingdom or Germany, although the prosperity of the woolen trade in the United Kingdom in 1895 was of such a nature as had rarely been seen within the memory of this generation in the Yorkshire district.

"The saving clause has, however, to be borne in mind all the time, that these wool statements are all for the wools as marketed, and not as they yield in manufacturing. It is therefore impossible to make the comparison as correct as in cotton. A safer base would be, perhaps, to add to the domestic wool retained for home consumption for Germany and England a proportionate amount per sheep to bring the comparison to the American wool, but if we were to add, to bring it to that ratio, say, 1 pound per sheep, this would give an addition of 30,000,000, and allowing for the exports of domestic wools, an addition of about 25,000,000 to the amount would perhaps cover that difference. Even then the approach of the United States to the wool consumption of Great Britain is very close, making the excess of consumption of wool of the United Kingdom but 15,000,000 pounds over that of the United States."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Missouri [Mr. Vest], to strike out paragraphs 366 and 367 and insert paragraph 283 of the existing law, which has been heretofore read.

Mr. VEST. On that I call for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DEBOE (when his name was called). I am paired with the Senator from Nebraska [Mr. Allen].

Mr. GEAR (when his name was called). I am paired with the Senator from New Jersey [Mr. Smith]. If he were present, I should vote "nay."

Mr. HAWLEY (when his name was called). I am paired with the Senator from Tennessee [Mr. Bate].

Mr. MCLAURIN (when his name was called). I am paired with the Senator from North Carolina [Mr. Pritchard].

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. Hanna], and therefore withhold my vote.

Mr. TILLMAN (when his name was called). I again announce my pair with the Senator from Nebraska [Mr. Thurston].

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. Turner]. I see he is not in the Chamber, and I therefore withhold my vote.

Mr. WELLINGTON (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. Butler].

The roll call was concluded.

Mr. HAWLEY. The Senator from South Carolina [Mr. McLaurin] and I have agreed to transfer our pairs. He is paired with the Senator from North Carolina [Mr. Pritchard], and I am paired with the Senator from Tennessee [Mr. Bate]. This leaves the Senator from South Carolina and me at liberty to vote. I vote "nay."

Mr. MCLAURIN. Under that arrangement I am at liberty to vote, and vote "yea."

Mr. PASCO (after having voted in the affirmative). I notice that the Senator from Washington [Mr. Wilson], with whom I am paired, has not voted, and I therefore withdraw my vote.

The result was announced—yeas 22, nays 30, as follows:

YEAS—22.

Bacon	Gorman	Mallory	Turpie
Caffery	Gray	Martin	Vest
Chilton	Harris, Kans.	Mills	Walthall
Clay	Jones, Ark.	Morgan	White
Cockrell	Kenney	Pettus	
Faulkner	McLaurin	Roach	

NAYS—30.

Allison	Foraker	McEnery	Sewell
Burrows	Frye	Mantle	Shoup
Carter	Gallinger	Penrose	Spooner
Chandler	Hale	Perkins	Stewart
Clark	Hawley	Platt, Conn.	Teller
Davis	Hoar	Platt, N. Y.	Wetmore
Elkins	Lodge	Proctor	
Fairbanks	McBride	Quay	

NOT VOTING—37.

Aldrich	Gear	Mason	Thurston
Allen	George	Mitchell	Tillman
Baker	Hanna	Morrill	Turner
Bate	Hansbrough	Murphy	Warren
Berry	Harris, Tenn.	Nelson	Wellington
Butler	Heitfeld	Pasco	Wilson
Cannon	Jones, Nev.	Pettigrew	Wolcott
Cullom	Kyle	Pritchard	
Daniel	Lindsay	Rawlins	
Deboe	McMillan	Smith	

So the amendment of Mr. Vest was rejected.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on Page 126, paragraph 368, line 5, after the word "shawls," to strike out the comma; and in line 6, after the word "knitted," to strike out "underwear" and insert "articles," so as to read:

"368. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description, made up or manufactured wholly or in part, etc."

The amendment was agreed to.

The next amendment was, on page 126, paragraph 368, line 7, after the word "part," to strike out "felts not woven and not specially provided for in this act."

Mr. ALLISON. I ask that that amendment may be disagreed to.

Mr. JONES of Arkansas. What will be the effect of that?

Mr. ALLISON. To put those articles in the basket clause.

Mr. JONES of Arkansas. At what rate? Forty-five per cent?

Mr. ALLISON. At 45 per cent, I think.

The PRESIDING OFFICER. Without objection, the amendment will be disagreed to. The Chair hears none, and it is disagreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Finance was, on page 126, paragraph 368, line 11, before the word "pound," to strike out "a"

and insert "one;" and in line 12, before the words "per centum," to strike out "sixty" and insert "fifty-five," so as to make the paragraph read:

"368. On clothing, ready made, and articles of wearing apparel of every description, including shawls, whether knitted or woven, and knitted articles of every description, made up or manufactured wholly or in part, felts not woven and not specially provided for in this act, composed wholly or in part of wool, the duty per pound shall be four and one-half times the duty imposed by this act on 1 pound of unwashed wool of the first class, and in addition thereto 55 per cent ad valorem."

The amendment was agreed to.

Mr. VEST. Mr. President, I want to call attention to the effect of this amendment in paragraph 368. In the first classification on clothing, ready made, and articles of wearing apparel of every description, valued at not over 40 cents per pound, the duty is 171.15 per cent; on the next classification, of knit fabrics, valued at not over 40 cents per pound, the duty is 140 per cent; and upon the last specification, upon hats, valued at not over 30 cents per pound, the duty is 203.48 per cent; in other words, if a hat costs $2 abroad and comes into this country, it is taxed $4.50, making it cost the American citizen, who wants to cover his head from the weather, $6.50 on a foreign article worth $2. It is 203.48 per cent upon an ordinary, common hat which can be bought abroad at $2, and that is a very good hat abroad. The duty would be within 2 cents of $4.50. I move to strike out the paragraph and to insert paragraph 284 of the existing law.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out paragraph 368 and to insert in lieu thereof:

"On clothing, ready-made, and articles of wearing apparel of every description, made up or manufactured wholly or in part, not specially provided for in this act, felts not specially provided for in this act, all the foregoing composed wholly or in part of wool, worsted, the hair of the camel, goat, alpaca, or other animals, including those having india rubber as a component material, valued at above $1.50 per pound, 50 per cent ad valorem; valued at less than $1.50 per pound, 45 per cent ad valorem."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Missouri.

Mr. VEST. On that I ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. DEBOE (when his name was called). I am paired with the Senator from Nebraska [Mr. Allen].

Mr. GRAY (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM].

Mr. PASCO (when his name was called). I again announce my pair with the Senator from Washington [Mr. Wilson]. If he were present I should vote "yea."

Mr. RAWLINS (when his name was called). The Senator from Iowa [Mr. Gear] will transfer his pair with the Senator from New Jersey [Mr. Smith] to the Senator from Ohio [Mr. Hanna], with whom I am paired, and the Senator from Iowa and I will vote. I vote "yea."

Mr. TILLMAN (when his name was called). I am paired with the Senator from Nebraska [Mr. Thurston].

Mr. WARREN (when his name was called). I again announce my pair with the junior Senator from Washington [Mr. Turner].

Mr. WELLINGTON (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. Butler].

The roll call was concluded.

Mr. DAVIS. I desire to inquire if the Senator from Indiana [Mr. Turpie] has voted?

The PRESIDING OFFICER. He has not voted, the Chair is informed.

Mr. DAVIS. Being paired with that Senator, I withhold my vote.

Mr. GEAR. I transfer my pair with the Senator from New Jersey [Mr. Smith] to the Senator from Ohio [Mr. Hanna], and will vote. I vote "nay."

The result was announced—yeas 20, nays 28, as follows:

YEAS—20.

Bacon	Faulkner	McLaurin	Rawlins
Caffery	Harris, Kans.	Mallory	Roach
Chilton	Heitfeld	Martin	Vest
Clay	Jones, Ark.	Mills	Walthall
Cockrell	Kenney	Pettus	White

NAYS—28.

Allison	Foraker	McEnery	Quay
Burrows	Frye	Mantle	Sewell
Carter	Gallinger	Penrose	Shoup
Chandler	Gear	Perkins	Spooner
Clark	Hawley	Platt, Conn.	Stewart
Elkins	Lodge	Platt, N. Y.	Teller
Fairbanks	McBride	Proctor	Wetmore

NOT VOTING—41.

Aldrich	George	McMillan	Thurston
Allen	Gorman	Mason	Tillman
Baker	Gray	Mitchell	Turner
Bate	Hale	Morgan	Turpie
Berry	Hanna	Morrill	Warren
Butler	Hansbrough	Murphy	Wellington
Cannon	Harris, Tenn.	Nelson	Wilson
Cullom	Hoar	Pasco	Wolcott
Daniel	Jones, Nev.	Pettigrew	
Davis	Kyle	Pritchard	
Deboe	Lindsay	Smith	

So Mr. Vest's amendment was rejected.

The reading of the bill was resumed. The next amendment of the Committee on Finance was, in paragraph 369, page 126, line 23, before the word "cents," to strike out "sixty" and insert "forty," so as to make the paragraph read:

"369. Webbings, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, laces and other trimmings and articles made wholly or in part of lace, embroideries and articles embroidered by hand or machinery, head nets, netting, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is a component material, whether composed in part of india rubber or otherwise, 40 cents per pound and 60 per cent ad valorem."

Mr. ALLISON. In line 23 I move to amend the committee amendment by striking out "forty" and inserting "fifty;" and in line 24 by striking out "sixty" and inserting "fifty-five," so as to read:

"Fifty cents per pound and 55 per cent ad valorem."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. VEST. Without the amendment just adopted, as proposed by the Senator from Iowa, the duty upon the articles named in paragraph 369 is 80 per cent ad valorem. With the addition he has made of 10 cents it would be 100 per cent.

Mr. ALLISON. The committee reduced the ad valorem in line 24 to 55 per cent. The Senator from Missouri should take that into account.

Mr. VEST. I did not notice that. I did not catch the last amendment. The ad valorem is reduced from 60 to 55 per cent.

For the sake of argument I will take it at the rate of 80 per cent ad valorem, which it unquestionably is. What is the practical result of this sort of taxation? This paragraph includes suspenders. I will take that because it is an article of ordinary use by the male sex. For a pair of suspenders appraised at 50 cents the price is increased to 90 cents at 80 per cent. It would cost a poor man who wants to buy a pair of suspenders worth 50 cents 90 cents instead of 50. Of course the American manufacturer, because this is a protective duty—and unless it increases the price, there is no protection in the paragraph—goes just inside the tariff line and charges 85 cents, so that at the very lowest calculation the consumer pays 35 cents more by reason of the proposed legislation upon this article of ordinary and prime necessity.

I move to strike out paragraph 369 and insert paragraph 286 of the existing law; and upon that I call for the yeas and nays.

The PRESIDING OFFICER. The amendment proposed by the Senator from Missouri will be stated.

The SECRETARY. It is proposed to strike out paragraph 369 and insert in lieu thereof the following:

"On webbings, gorings, suspenders, braces, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress trimmings, laces, embroideries, head nets, nettings and veilings, buttons, or barrel buttons, or buttons of other forms, for tassels or ornaments, any of the foregoing which are elastic or nonelastic, made of wool, worsted, the hair of the camel, goat, alpaca, or other animals, or of which wool, worsted, the hair of the camel, goat, alpaca, or other animals is a component material, 50 per cent ad valorem."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Missouri, on which the yeas and nays have been demanded.

The yeas and nays were ordered; and the Secretary proceeded to call the roll.

Mr. GEAR (when his name was called). I again transfer my pair with the Senator from New Jersey [Mr. Smith] to the Senator from Ohio [Mr. Hanna], and will vote. I vote "nay."

Mr. GRAY (when his name was called). I am paired with the senior Senator from Illinois [Mr. CULLOM]. If he were present, I should vote "yea."

Mr. PLATT of New York (when his name was called). I am paired with the senior Senator from New York [Mr. Murphy], and therefore withhold my vote.

Mr. RAWLINS (when his name was called). I am paired with the Senator from Ohio [Mr. Hanna], but my pair has been transferred to the Senator from New Jersey [Mr. Smith], and I will vote. I vote "yea."

Mr. SEWELL (when his name was called). I am paired with the Senator from Wisconsin [Mr. Mitchell].

Mr. WARREN (when his name was called). I am paired with the junior Senator from Washington [Mr. Turner].

Mr. WELLINGTON (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. Butler]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. TILLMAN. I have a pair with the Senator from Nebraska [Mr. Thurston].

Mr. JONES of Arkansas. I am paired with the Senator from Maine [Mr. HALE], and therefore withhold my vote.

The result was announced—yeas 23, nays 27, as follows:

YEAS—23.

Bacon	Gorman	Martin	Roach
Caffery	Harris, Kans.	Mills	Turpie
Chilton	Heitfeld	Morgan	Vest
Clay	Kenney	Pasco	Walthall
Cockrell	McLaurin	Pettus	White
Faulkner	Mallory	Rawlins	

NAYS—27.

Allison	Foraker	McBride	Shoup
Burrows	Frye	McEnery	Spooner
Carter	Gallinger	Penrose	Stewart
Chandler	Gear	Perkins	Teller
Davis	Hawley	Platt, Conn.	Wetmore
Elkins	Hoar	Proctor	Wilson
Fairbanks	Lodge	Quay	

NOT VOTING—39.

Aldrich	Deboe	Lindsay	Pritchard
Allen	George	McMillan	Sewell
Baker	Gray	Mantle	Smith
Bate	Hale	Mason	Thurston
Berry	Hanna	Mitchell	Tillman
Butler	Hansbrough	Morrill	Turner
Cannon	Harris, Tenn.	Murphy	Warren
Clark	Jones, Ark.	Nelson	Wellington
Cullom	Jones, Nev.	Pettigrew	Wolcott
Daniel	Kyle	Platt, N. Y.	

So Mr. Vest's amendment was rejected.

EXECUTIVE SESSION.

Mr. KEAN. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 5, 1909, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 4, 1909.

ASSOCIATE JUSTICE OF SUPREME COURT OF ARIZONA.

Ernest W. Lewis, of Arizona, to be associate justice of the supreme court of the Territory of Arizona, vice Richard E. Sloan, resigned.

ASSOCIATE JUSTICES OF SUPREME COURT OF NEW MEXICO.

Alford W. Cooley, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico, vice Edward A. Mann, term expired.

Merritt C. Mechem, of New Mexico, to be associate justice of the supreme court of the Territory of New Mexico (commencing July 1, 1909). An original vacancy provided by the act approved March 3, 1909. (Public, No. 322.)

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Cornelius C. Billings, of Brattleboro, Vt., now Assistant Commissioner of Patents, to be First Assistant Commissioner of Patents, to take effect July 1, 1909, to fill a new office created by act of Congress approved March 4, 1909. (Public, No. 326.)

ASSISTANT COMMISSIONER OF PATENTS.

Frederick A. Tennant, of Ripley, N. Y., now a law examiner in the Patent Office, to be Assistant Commissioner of Patents, to take effect July 1, 1909, vice Cornelius C. Billings, promoted.

UNITED STATES ATTORNEYS.

John I. Worthington, of Arkansas, to be United States attorney, western district of Arkansas, vice James K. Barnes, deceased.

William G. Whipple, of Arkansas, to be United States attorney, eastern district of Arkansas. A reappointment, his term having expired on February 22, 1909.

INDIAN INSPECTOR.

Ernest P. Holcombe, of Salt Lake City, Utah, now a special inspector of the Department of the Interior, to be an Indian inspector, vice Arthur M. Tinker, resigned.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. Edward F. Geddings, Medical Corps, to be major from January 15, 1909, vice Raymond, promoted.

Capt. Arthur W. Morse, Medical Corps, to be major from February 26, 1909, vice Morris, retired from active service.

Capt. Frank C. Baker, Medical Corps, to be major from February 26, 1909, vice Harris, promoted.

PROMOTIONS IN THE NAVY.

Surg. Philip Leach to be a medical inspector in the navy from the 1st day of April, 1909, vice Medical Inspector Henry T. Percy, deceased.

First Lieut. Thomas H. Brown to be a captain in the United States Marine Corps from the 13th day of May, 1908, vice Capt. Smedley D. Butler, promoted.

Lester E. Wass, a citizen of Massachusetts, to be a second lieutenant in the United States Marine Corps from the 23d day of April, 1909, to fill a vacancy existing in that grade on that date.

Lieut. (Junior Grade) Austin S. Kibbee to be a lieutenant in the navy from the 3d day of February, 1908, to fill a vacancy existing in that grade on that date.

POSTMASTERS.

ARKANSAS.

Richard P. Chitwood to be postmaster at Magazine, Ark. Office became presidential April 1, 1909.

IDAHO.

Alfred J. Dunn to be postmaster at Wallace, Idaho, in place of Alfred J. Dunn. Incumbent's commissison expired December 14, 1908.

ILLINOIS.

A. C. Doyle to be postmaster at Cerro Gordo, Ill., in place of Thomas J. Wimmer. Incumbent's commission expired February 23, 1909.

George W. Gaultney to be postmaster at Patoka, Ill. Office became presidential April 1, 1909.

Noble S. Songer to be postmaster at Iuka, Ill. Office became presidential April 1, 1909.

IOWA.

Delbert W. Duncan to be postmaster at Sioux Center, Iowa. Office became presidential January 1, 1909.

MICHIGAN.

Alfred S. Follansbee to be postmaster at Ontonagon, Mich., in place of Alfred S. Follansbee. Incumbent's commission expired March 1, 1909.

OKLAHOMA.

Thomas Fennell to be postmaster at Fort Towson, Okla. Office became presidential April 1, 1909.

Walter E. Rathbun to be postmaster at Coalgate, Okla., in place of George S. Gray. Incumbent's commission expired February 27, 1909.

PENNSYLVANIA.

Mary J. Russell to be postmaster at Vilas, Pa., in place of Mary J. Russell. Incumbent's commission expired January 10, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 4, 1909.

UNITED STATES JUDGE.

Thomas R. Lyons to be United States district judge, first division, district of Alaska.

CIVIL SERVICE COMMISSIONER.

James Thomas Williams, jr., to be a civil service commissioner.

CONSUL.

Edward I. Nathan to be consul at Mersine, Turkey.

POSTMASTER.

OREGON.

C. B. Wilson, at Newberg, Oreg.

SENATE.

WEDNESDAY, *May 5, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The PRESIDENT pro tempore laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Richard T. Gott and Benjamin N. Gott, executors of Thomas N. Gott, deceased, *v.* United States (S. Doc. No. 32);

In the cause of William T. McKimmy, administrator of John McKimmy, deceased, *v.* United States (S. Doc. No. 31);

In the cause of the Rector, Wardens, and Vestry of St. Paul's Episcopal Church, of Sharpsburg, Antietam Parish, Washington County, Md., *v.* United States (S. Doc. No. 36);

In the cause of the Trustees of Roper Church, of New Kent County, Va., *v.* United States (S. Doc. No. 35);

In the cause of Lorenzo D. Corrick, administrator of William Corrick, deceased, *v.* United States (S. Doc. No. 33); and

In the cause of the Old School Baptist Church, of Upperville, Va., *v.* United States (S. Doc. No. 34).

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the memorial of Granville Lisherness, of North New Portland, Me., remonstrating against the imposition of a duty on nitrogen, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Minnesota, Illinois, Virginia, Ohio, Alabama, North Dakota, California, Massachusetts, Montana, Pennsylvania, Wisconsin, Kentucky, Louisiana, Nebraska, West Virginia, Maryland, Tennessee, Iowa, Texas, New York, Idaho, North Carolina, Michigan, and of the Territory of Alaska, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURNHAM presented a petition of sundry employees of the Wardwell Needle Company, of Lakeport, N. H., praying for the retention of the proposed duty on hosiery, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Effingham Falls, Mill Village, Newport, and Boscawen, all in the State of New Hampshire, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the International Brotherhood of Paper Makers, of Watertown, N. Y., praying for the retention of the proposed duty on wood pulp and print paper, which was ordered to lie on the table.

Mr. GAMBLE presented petitions of sundry citizens of South Dakota, praying for the removal of the duty on hides, which were ordered to lie on the table.

Mr. PAYNTER presented petitions of sundry citizens of Kentucky, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Lexington, Ky., remonstrating against the proposed increase of the duty on imported gloves, which was ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Ill., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Mattoon, Carlyle, Olney, Rockford, Chicago, Louisville, Bible Grove, Clay City, Freeport, and Leaf River, all in the State of Illinois, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. PILES presented the memorial of Mrs. G. F. Rowe and sundry other citizens of Seattle, Wash., remonstrating against an increase of the proposed duty on leather gloves and cotton hosiery, which was ordered to lie on the table.

Mr. JONES presented petitions of sundry citizens of Arcadia and Chehalis, in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURROWS:

A bill (S. 2268) granting an increase of pension to Edwin M. Raymond; to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 2269) granting an increase of pension to Melvin L. Colman; to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2270) granting increase of pensions to survivors of the Indian wars under the acts of July 27, 1892, and June 27, 1902; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 2271) to amend an act entitled "An act to increase the limit of cost of certain public buildings, to authorize the enlargement, extension, remodeling, or improvement of certain public buildings, to authorize the erection and completion of public buildings, to authorize the purchase of sites for public buildings, and for other purposes," approved May 30, 1908; to the Committee on Public Buildings and Grounds.

By Mr. BRISTOW:

A bill (S. 2272) granting an increase of pension to Andrew C. Reed (with the accompanying papers); and

A bill (S. 2273) granting an increase of pension to James B. Andrews (with the accompanying papers); to the Committee on Pensions.

By Mr. McENERY:

A bill (S. 2274) granting a pension to Anna K. Lederer; to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes; which was ordered to lie on the table and be printed.

THE TARIFF.

The PRESIDENT pro tempore. The morning business is closed and the calendar is in order. The first bill on the calendar will be announced.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. DOLLIVER. Mr. President——

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Bulkeley	Chamberlain	Crawford
Beveridge	Burkett	Clapp	Culberson
Brandegee	Burnham	Clark, Wyo.	Cullom
Bristow	Burrows	Clay	Cummins
Brown	Carter	Crane	Curtis
Dick	Johnson, N. Dak.	Page	Stephenson
Dillingham	Johnston, Ala.	Paynter	Stone
Dolliver	Jones	Perkins	Sutherland
Elkins	Lodge	Piles	Taliaferro
Fletcher	Martin	Richardson	Tillman
Frazier	Money	Root	Warner
Frye	Nelson	Scott	Warren
Gamble	Newlands	Smith, Md.	
Hale	Oliver	Smith, Mich.	
Hughes	Overman	Smith, S. C.	

The PRESIDENT pro tempore. Fifty-seven Senators have responded to their names. There is a quorum present. The Senator from Iowa will proceed.

Mr. CLAPP. Will the Senator pardon me a minute before he resumes?

Mr. DOLLIVER. Certainly.

Mr. CLAPP. I shall desire on Friday morning, at the conclusion of the usual routine morning business, to submit some remarks upon the pending bill and amendments.

Mr. DOLLIVER. Mr. President, on yesterday when the Senate adjourned I had begun to speak of certain features of the cotton schedule as they appear in the bill now pending before the Senate. I was making such progress as I could under the circumstances toward proving that substantial, and, as I believe, unknown, and in some cases unknowable, advances had been made by certain Senate amendments in this schedule, when my remarks were interrupted by a suggestion for the adjournment of the Senate; and the day closed with a somewhat hurried and excited statement of my honored friend from Rhode Island [Mr. ALDRICH] that it would be shown to the Senate that no changes increasing the cotton duties had been made.

If this is not correct, it arises from the inaccuracy with which I heard the Senator's statement. If that statement is true, I expect the Senate by a unanimous vote to dispense with the Senate committee's italics in this bill. But I shall undertake to show, if I may be indulged by the kindness of the Senate, that the phraseology and framework of this cotton schedule are so made as to effect very serious changes in existing rates, many of them in the wrong direction.

I tried on yesterday to defend myself as well as I could against the charge of any sympathy with any doctrine not substantiated by the historic faith of the Republican party. Yet I found myself subject to an indirect disparagement by an offer of the Senator from Rhode Island to print in the RECORD speeches made here years ago by Democratic brethren for the purpose of showing that I was in the position which they occupied at that time. If my friend from Rhode Island were thoroughly acquainted with me, he would know that that makes no difference in the world.

I am debating this proposition upon the facts that are disclosed in the printed bill before the Senate; and if men like George G. Vest, men of intellectual acuteness and power, twelve years ago were able to detect in the wool tariff of that year the defects that I have found out by patient study of my own, instead of being humbled and disparaged by it, I should feel complimented, for few men have ever sat in this Chamber better equipped intellectually to fathom all the mysteries of either language or politics.

I object to the Senate amendments in this bill because they do not originate in the Senate or in any of its committees. I called the attention yesterday of the Senate to the fact that the Senator from Rhode Island had stated on this floor that the changes which had been made had been made by officers of the Government at the custom-house in New York. If that were true, it would be a very sad commentary on the lawmaking power of the Congress of the United States. But that is not true. These schedules were prepared before the House committee held a meeting, and months before the Senate Finance Committee was appointed.

I have here hidden away in an appendix to the House hearings a letter from two amiable gentlemen who handed in these Senate changes, the most of them in form, to the Committee on Ways and Means of the House of Representatives, and they said in their letter that they had already been submitted to officers of the appraising board in the city of New York and approved by them. Before the House committee began its hearings, before the Senate committee had been appointed, these gentlemen were sitting up nights with officers of the Government of the United States arranging schedules which I shall undertake to say in a covert way not only disturbed the existing tariff rates, but, I can not tell you in how many cases, raised them substantially above the level of the Dingley rates of 1897.

I said yesterday that I should print in parallel columns these very interesting vestiges of the origin and progress of these propositions through the Congress of the United States, and I now present them for your attention.

Suggested by Henry F. Lippitt and James R. MacColl, for the Arkwright Club.—Ways and Means Committee Hearings, Appendix, page 8187:	*Payne bill as reported by committee (order of provisions changed):*	*Payne bill as passed by the House:*	*Bill as reported by Senate committee (order of provisions changed):*
310. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided, shall be held to include all woven fabrics of cotton in the piece, or cut in lengths, whether figured, fancy, or plain, the threads of which can be counted by unraveling or other practical means, and shall not include any article, finished or unfinished, made from cotton cloth.	318. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece, or cut into lengths, whether figured, fancy, or plain, the warp and filling threads of which can be counted by unraveling or other practicable means.	318. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece, or otherwise, whether figured, fancy, or plain, the warp and filling threads of which can be counted by unraveling or other practicable means.	318. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece, or cut in lengths, whether figured, fancy, or plain, the warp and filling threads of which can be counted by unraveling or other practicable means, and shall not include any article, finished or unfinished, made from cotton cloth.
The terms bleached, dyed, colored, stained, painted, printed, or mercerized, wherever used in the paragraphs of this schedule, shall be held to include all cotton cloth having bleached, dyed, colored, stained, painted, printed, or mercerized thread, threads, yarn, or yarns in any part of the fabric, and all fabrics which have, wholly or in part, prior, during, or subsequent to fabrication, been bleached, dyed, colored, stained, painted, printed, or mercerized.	The terms dyed, colored, stained, mercerized, lustered, painted, or printed, wherever used in the paragraphs of this schedule, shall be taken to mean all cotton cloth which has been subjected to any of these processes, or which has any dyed, colored, stained, mercerized, lustered, painted, or printed thread or threads in any part of the fabric, and the term bleached, wherever used in the paragraphs of this schedule, shall be taken to mean all cotton cloth not included in the provisions for cotton cloth dyed, colored, stained, mercerized, lustered, painted, or printed, which has been subjected to a bleaching process or has any bleached thread or threads in any part of the fabric.		The terms bleached, dyed, colored, stained, mercerized, painted, or printed, wherever used in the paragraphs of this schedule, shall be taken to mean all cotton cloth which has been subjected to any of these processes, or which has any bleached, dyed, colored, stained, mercerized, painted, or printed thread or threads in any part of the fabric.
The term thread or threads, as used in the paragraphs of this schedule with reference to cotton cloth, shall be held to include all filaments of cotton, whether known as threads or yarns or by any other name, whether in the warp or filling or otherwise. In determining the count of threads to the square inch in cotton cloth, all the threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted and each ply of two or more ply thread shall be counted as a thread. In the ascertainment of the particulars of measurement, weight, and value, upon which duties, *cumulative* or other, imposed upon cotton cloth are hereby made to depend, the entire fabric shall be included.	The term thread or threads, as used in the paragraphs of this schedule with reference to cotton cloth, shall be held to include all filaments of cotton, whether known as threads or yarns or by any other name. In determining the count of threads to the square inch in cotton cloth, all the threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted, and each ply of two or more ply thread shall be counted as a thread. In the ascertainment of all the particulars, including weight and value, upon which the duties, *cumulative* or other, imposed upon cotton cloth are herein made to depend, the entire fabric shall be included.		In determining the count of threads to the square inch in cotton cloth, all the warp and filling threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted. In the ascertainment of all the particulars, including weight and value, upon which the duties, *cumulative* or other, imposed upon cotton cloth are herein made to depend, the entire fabric shall be included.
If the count of threads varies in different parts of the fabric, a full repeat of the pattern or design or varying weaves shall be counted, and the average count thereof shall be taken to be the count of threads to the square inch.			
313. Cotton cloth in which other than the ordinary warp and filling threads have been introduced in the process of weaving to form a figure, whether known as "lappets" or otherwise, and whether unbleached, bleached, dyed, colored, stained, painted, printed, or mercerized, shall pay, in addition to the duty herein provided for other cotton cloth of the same description or condition, weight, count of threads to the square inch, and value, 1 cent per square yard if valued at more than 7 cents per square yard, and 2 cents per square yard if valued at more than 7 cents per square yard. Cotton cloth, mercerized, or subjected to any other similar process, shall pay 1 cent per square yard additional cumulative duty to that herein imposed upon such cotton cloth were the same not so mercerized or subjected to other similar process.	321. In addition to the duty or duties imposed upon cotton cloth by the various provisions of this section, there shall be paid the following cumulative duties, the intent of this paragraph being to add such duty or duties to those to which the cotton cloth would be liable if the provisions of this paragraph did not exist, namely: On all cotton cloth in which other than the ordinary warp and filling threads are used to form a figure or fancy effect, whether known as "lappets" or otherwise, 1 cent per square yard if valued at not more than 7 cents per square yard, and 2 cents per square yard if valued at more than 7 cents per square yard; on all cotton cloth mercerised or subjected to any similar process, 1 cent per square yard.	321. Same as reported to House.	321. Same as House bill.

I now propose to take up the sections of this cotton schedule and show that my honorable friend from Rhode Island is not well advised by the appraisers in New York when he says that no changes in the direction of higher rates will be found in the Senate amendments to the House bill.

My friend seemed yesterday to sneer at me, because I had undertaken to seek the advice of persons familiar with this matter in the preparation of what I have to say to the Senate. In my judgment, such a comment was not only uncalled for, but it is little short of ridiculous, when the Senator himself sits here and in answer to questions reads from manuscript prepared for him by a host of experts, that fill a whole corridor of the marble palace yonder where we pass our leisure moments. He is in no position to complain of me, if I sought the counsel of wise and good men, in order to prepare myself to address this body and the people of the United States on this question.

Let anybody go to the corridor there. Here are the appraising officers, here are experts, and as I walked in a scared way through the building the other day I saw Major Lord's name on a Honduras mahogany door. So my friend from Rhode Island has drawn not only on the Treasury, but he has taken a paymaster out of the Army of the United States, who has not given

any attention to this question for twelve years, simply because he has a good memory and could recall the various matters that had been disposed of in the Dingley tariff law of 1897. Yet there the Major sits in all the glory of military pomp except the epaulettes, advising the committee, filtrating his knowledge of the subject, after being diluted by an absence of twelve years, upon the Senate of the United States for their guidance.

It is true that I have had some little help about this matter, because if I had not I would have been in the same position I was in in 1890, and the same position I was in in 1897, and in a position which upon my conscience I can no longer afford to maintain as a representative of a great State in the Senate of the United States.

I have had the advice of great American merchants, but they are the same American merchants to whom the Board of Appraisers in the city of New York are accustomed to refer every disputed question of quality or value of the merchandise about the classification of which they are in doubt. They are the same merchants who are qualified as witnesses in the United States courts and continually called by the Government itself when questions of value arise or when questions are up affecting the classification of these schedules. The time will come in this Government when it will not be necessary for a Senator of the United States to apologize for having talked with merchants and manufacturers and persons expert in knowledge of these technical questions lest he might be subjected to the criticism of not giving out his own knowledge but the knowledge of somebody else acquired in some questionable way.

But there are features of this measure which do not require any expert knowledge. Arithmetic is not a mysterious science. Yet I solemnly believe there are Members of this Senate—I will not mention any names—who if certain of our great leaders would arise here and state that, after mature deliberation and advising with experts, they had come to the opinion that two times two make five and not four, there would be at least a temporary acquiescence in that rather dubious statement.

Arithmetic is not a mystery; and I want to ask the Members of this body to turn to paragraph 313 of the Senate bill, which was 305 of the good old Dingley Act. I want you to notice what has been done to cotton cloth not over 100 threads to the square inch. You will observe that the Dingley law assessed such cloth, if valued over 7 cents per yard, at 25 per cent ad valorem.

My friend, the honored Senator from Rhode Island, said that these ad valorems are a bad thing. Well, they are a bad thing in some departments of our commerce, but I reckon that cotton cloth is about as stable a proposition as the Treasury Department has to deal with. I think there is a man in the custom-house at New York who has not been honored with an invitation here until recently, who in the last twenty years has appraised at least $10,000,000 a year of cotton cloths, passing upon their value, their density, and all those other things that would enable him to levy the assessment of the tariff required by law.

I want to stop long enough now to say what I started to say last night. There has been an immense amount of humbug in these debates about these equivalent specifics. I do not know whether I am correct about it or not, but I believe I am, that the agitation in many cases against ad valorem assessments of the tariff arose not particularly from the fear of undervaluation, but rather from the ease with which rates could be increased without anybody knowing it by putting on an equivalent specific and making dividing lines that nobody could understand. I want to lay down a sound principle, based on experience, that these dividing lines are the worst form of ad valorem assessments of the tariff, because of the disposition and temptation to fall below the dividing line is so much greater and the profit of fraud so much more than in the case of a mere undervaluation of the merchandise that it seems hardly credible that a man with a practical turn of mind should turn away from an ad valorem duty and hand the Senate a list of specifics based upon imaginary dividing lines. In order to show that I am not alone in that opinion, I desire to read from a letter of Col. George Tichenor to Governor Dingley in 1897:

> As to dress goods, woolen cloths, knit goods, ready-made clothing, and wearing apparel generally, and the "small wares," I can see no way now other than to make the rates compound, to wit, per pound and ad valorem, but we must make them as simple as possible, avoiding if we can, the system of progressive ad valorems, that is to say, specific and ad valorem based on different values. The simpler the rates can be made the better, for these progressive rates really furnish more opportunity for undervaluation than straight ad valorems, and the Lord knows the latter are intolerably bad.

I desire also to call attention to Colonel Tichenor's sage advice contained in his report on the tariff and customs administration act long years ago, to show with what folly the Government of the United States has permitted manufacturers to convert these ad valorem duties into specifics with a lot of bewildering dividing lines and no accurate knowledge anywhere as to the effects of the change. Colonel Tichenor says:

> I do not hesitate to say that I am entirely convinced that the only safe and sure remedy for undervaluation in all its forms is specific duties; and I believe that, after careful consideration and preparation on the part of those charged with the revision of our tariff, the same will be found applicable to most articles of import. In order, however, to obtain the data and information necessary to perfect a tariff according to such system considerable time and preparation would be required. It would, I apprehend, be necessary to have all the classes of merchandise now subject to ad valorem duties, and to which it was contemplated to apply the specific system, carefully weighed or measured, as the case may be, and accounts kept of such weights or measure and of the value of the merchandise, for such length of time as would safely determine the relations of weight or measure to the value. I have been told—

Says Colonel Tichenor—

> that the French experimented in this way for some years before the promulgation of the uniform specific system of general tariff, which they but recently adopted.

In other words, a scheme of specific duties based upon the dividing lines of value, in order to be worth anything, must be preceded by years of scientific and efficient study and experiment upon the relation of value to the specific standards upon which the duties are assessed. But in this bill we have a hop, skip, and jump by which Governor Dingley's ad valorems of 1897 are converted into specifics, and we are told that it is to prevent undervaluation. Though I do not accuse the Senator from Rhode Island or any member of his committee—I am now directing my remarks to those outside of this Chamber—I hold that the object of it is to raise the duties under the pretense of avoiding undervaluation.

Turning now to paragraph 313 of the Senate bill, I ask you to note that on all these articles, valued at 8 cents, 9 cents, 10 cents, 11 cents, 12 cents, 13 cents, 14 cents, and 15 cents, the Dingley rate is 25 per cent ad valorem. You do not have any trouble to see that 25 per cent of 8 cents is 2 cents; that 25 per cent of 9 cents is 2¼ cents; and so on down to 15 cents, where you notice that 25 per cent of 15 is 3¾ cents.

Now, what does the Senate bill do? Upon these very same goods, marked by these dividing lines, where the ad valorem is equal to 2 cents a square yard the Senate bill assesses 2½. Mind you, these are the ordinary goods, at 8 cents a yard. The Senate bill assesses all goods worth 9 cents now, bearing 2½ cents, the same rate. It assesses 3 cents on goods valued at 10 cents, now bearing 2½ cents; it assesses 4⅜ cents on goods worth 11 cents, bearing 2¾ cents now; it assesses 4⅜ cents on goods worth 12 cents, bearing 3 now; and when you come down to goods worth 15 cents, now bearing an ad valorem of 25 per cent, equivalent of which is 3¾ cents, it assesses 7 cents. I submit the table for the information of my honored friend.

The table referred to is as follows:

Comparison of Dingley rates with Senate bill rates on cotton cloth not over 100 threads per square inch, paragraph 313 of Senate bill, 305 of Dingley Act.

	Value (per square yard).	Dingley rate (ad valorem).	Equal to (per square yard).	Senate bill (per square yard).	Equal to (ad valorem).	Page.	Line.
Not bleached, dyed, colored, etc	*Cents.* 8	*Per ct.* 25	*Cents.* 2	*Cents.* 2¼	*Per ct.* 28	98	7
Do	9	25	2¼	2¼	25	98	7
Do	10	25	2½	3	30	98	9
Do	11	25	2¾	4⅜	39	98	11
Do	12	25	3	4⅜	37	98	11
Do	13	25	3¼	5½	42	98	13
Do	14	25	3½	5½	39	98	13
Do	15	25	3¾	7	46	98	14
Bleached	10	25	2½	2¾	27	98	22
Do	11	25	2¾	2¾	25	98	22
Do	12	25	3	4⅜	35	98	24
Do	13	25	3¼	5½	40	99	1
Do	14	25	3½	5½	37	99	1
Do	15	25	3¾	5½	35	99	1
Do	16	25	4	6¼	40	99	8
Do	17	25	4¼	8	47	99	5
Colored, etc	13	30	3 9/10	5½	40	99	25
Do	14	30	4 1/10	5½	37	99	25
Do	15	30	4½	5½	35	99	25
Do	16	30	4⅘	7	43	100	2
Do	17	30	5 1/10	7	41	100	2
Do	18	30	5⅖	8	44	100	4
Do	19	30	5 7/10	8	42	100	4
Do	20	30	6	8	40	100	4
Do	21	30	6 3/10	10	47	100	5

Mr. DOLLIVER. So these rates which the Senator from Rhode Island said he would demonstrate to the Senate had not been increased, are shown in the case of this humble merchandise, described in paragraph 313, to advance the ad valorem until, finally, when the goods are worth 15 cents, the ad valorem is equal to 46, where Governor Dingley in his innocence and simplicity thought it was wise to leave it at 25.

Now, if you will turn to the subject of bleached goods, you will find the same thing, the ad valorems advancing, only one of them being left at the equivalent of 25 per cent, while the rest range from 27 per cent to 47 per cent. Every one of them has advanced; and yet my honored friend from Rhode Island says they were not making any advances. There is no earthly way to account for it except the fact that this great committee of ours has been pressed with so great a variety of cares that they have not been able to give that careful examination to what was sent in from the outside that the importance of this question to the American people seems to require, for when you turn to colored goods you find the same thing.

The Dingley ad valorem was 30 per cent uniformly as the goods advanced in value. I will say that the values are as well understood in London and New York as the values of wheat, and as it advances in value of course the rate is increased, because the 30 per cent was assessed upon the value of the goods and not upon any arbitrary weight or measure of the goods.

Yet when these humble goods are colored, the rates remain in no single case as low as Governor Dingley put them, but they advance by leaps and bounds and starts and advances and retreats until finally they range between an ad valorem of 40 per cent and 47 per cent. And yet we are to be told that this bill provides no changes in these rates.

Now, I want to make another proposition. I did not hire an expert to make that calculation. I made it myself, and I claim to be absolutely good in figures until they become too badly mixed up with vulgar fractions.

I have been able to handle these fractions, and I ask any man in this Chamber to sit down and take that little paragraph in italics, which reappears with almost rhythmic periodicity in every succeeding paragraph, and calculate for yourselves that there is not one of these paragraphs and hardly any description of this cloth that has not been touched by this scheme of restating Governor Dingley's ad valorems in equivalent specific rates.

I want, now, to go a step further. When Mr. PAYNE, the honored chairman of the House committee, made his report to the House of Representatives, he said that no advances had been made. He found out afterwards that he was not only mistaken, but he had been up against a very peculiar kind of experience, somewhat common in cities where people travel who are comparative strangers.

And so without waiting for explanations, he dropped out of the bill as far as he could these deceptive modifications of the rate which had been put in there without the knowledge or understanding of any member of his committee. I supposed that everything was all right and congratulated myself that the public opinion had won a very substantial victory until I noticed in the Boston Herald the report made to his own constituents by my honored friend the senior Senator from Massachusetts [Mr. LODGE]. The Committee on Finance has never deigned to give to the Senate any formal report of their affairs, either the testimony which they took or the changes which they made, but before the bill was dry on our desks the Senator from Massachusetts had made a report to his people, and I want to read it. After my honored friend from Rhode Island gets the Senate thoroughly satisfied that no raises have been made in these rates, I want him to explain and have his colleague explain how it happens that one of our wisest men, who mixes in one character all the graces of the student and the scholar and all the skill of the American statesman—that the first thing he did was to send for the reporter of the Boston Herald to tell the people of New England in a dictated interview what great victories had been won and what a splendid showing had been made for the cotton manufacturers.

I do not read this from the Boston Herald; I read it from the New York Evening Post, because it appeared simultaneously in both papers, and I prefer to read it from the Evening Post, because for twenty years that journal has had charge of the spiritual side of the Senator in his great career. Said the Senator from Massachusetts:

> The cotton schedule, as amended by the Senate committee, is of great value to Massachusetts industries.

How did it get to be of great value to Massachusetts? It certainly did not get that great value by being left as Dingley left it, because it had that value to start with. A great value it is true, and a value which Mr. Lippitt and his colleagues standing before the Ways and Means Committee of the House of Representatives said was adequate, all they needed, all they desired; that all they asked was that they let it alone.

Yet after these deliberations in the Senate committee comes now the Senator from Massachusetts, before making any report or any remarks even in the Senate, before Senators had the bill which we are now considering in their hands, and makes his report to the citizens of Massachusetts. He said:

> The ad valorem rate on cotton has been increased, but the specific duties have been extended to new classes.

The ad valorem duties have been taken out of paragraph 305 of Governor Dingley's bill and specific rates based on values have been extended to all classes, as the reading of the bill will show, as a result. Now, listen to the reason:

> The reason for this is that the Dingley schedules were framed on a basis of 6-cent cotton, and cotton is now 12 cents.

Is not cotton as high in any other section of the world as it is here? Who ever before suggested to an intelligent American student of our tariff system that our rates were efficient or inefficient on the basis of the cost or value of cotton either here or anywhere else? The Senator proceeds:

> As a result, fancies and novelties, the new and most expensive grades, were coming in at the lowest rates, and there was no protection on mercerized goods which involved new processes. To obviate these injustices the Senate committee has increased the number of classes carrying specific duties, and there can be no doubt that if this arrangement is accepted by the House it will be of enormous value to our great textile industries.

I propose when the Senator from Rhode Island rises to demonstrate that the rates in this bill are not raised that he hold his altercation with his colleague and not with me.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Massachusetts?

Mr. DOLLIVER. Certainly.

Mr. LODGE. Is the Senator reading something that I said?

Mr. DOLLIVER. I think it is.

Mr. LODGE. Did I say there that the duties had been raised?

Mr. DOLLIVER (reading)—

> The ad valorem rate on cotton has been increased.

Mr. LODGE. Did I say the average ad valorem rate had been increased?

Mr. DOLLIVER. You did.

Mr. LODGE. Then, I must have been misquoted. I distinctly said the average ad valorem.

Mr. DOLLIVER. The Senator seems to have been quoted the same way in the Boston newspapers and the Evening Post.

Mr. LODGE. I said the average ad valorem rate had not been increased.

Mr. DOLLIVER. Then you were mistaken in stating that, as I have just demonstrated to the Senate?

Mr. LODGE. I think not.

Mr. DOLLIVER. The ad valorems had only hit Governor Dingley's ad valorems in two cases, and outside of those two cases, where the equivalent ad valorem is 25 per cent in one case and 30 in another, every ad valorem has been increased. If the Senator did not state that to the Boston newspapers, he omitted a very important part of his duty. [Laughter.]

Mr. LODGE. I did not state it to the Boston newspapers, for it was not true. The average ad valorem has not been increased.

Mr. DOLLIVER. The Senator was not in when I made the mathematical demonstration on that.

Mr. LODGE. But I have grave doubts of your mathematical demonstrations.

Mr. DOLLIVER. I have very grave anxiety about some infirmities of yours.

Mr. LODGE. Very likely.

Mr. DOLLIVER. Mr. President, not only do these step-ladder specifics increase all these rates, but there are other methods of increasing them that are so adroit that I shall beg the indulgence of the Senate while I turn a little calcium light upon them. In the old Dingley bill there was a harmless section, which we used to call "the curtain section" for short. It fixed a rate on curtain goods and table coverings, and other things. It was confined to goods that were dyed in the yarn. I am free to say, after the court's decision to the effect that threads added to these goods other than ordinary did not affect the basis upon which the duty was calculated, that there might

have been a scientific reason for raising the rates on those finely colored curtain goods where the color does not appear in the warp and woof of the cloth, but in the weave of the superimposed threads that lie on the surface of the cloth, and if a proposition had been brought in here, properly supported by expert statements that that kind of goods needed higher rates, I should not be the man to object to having them properly assessed in this bill.

But what has been done with this poor little curtain section, which originally applied only to goods commonly called by the women "chenille," and kindred makes? The first thing they did was to say—if you will kindly turn to the measure, you will notice the exact language—that it should not only apply to chenille, but to all Jacquard woven goods. The Jacquard is a little attachment operating in connection with the loom that produces a certain eccentricity in the vein of the threads, and wherever such a thread appears in the goods, it is known the world over as "Jacquard weave." As I said yesterday, the Senate committee originally struck out the words "dyed in the yarn." I then said, and I repeat it now, that when they did that they opened up for hospitable reception into this curtain paragraph the whole range of women's Jacquard dress goods. Every kind of goods that we put on our children at Sunday-school picnics all over the United States is solemnly put down in the estimates here of revenue as luxuries.

Before the bill came to the Senate, somebody on the committee I presume, was smart enough to see, or his attention was called to it from the outside, that if they did not leave the words "dyed in the yarn" in the paragraph, it would be rather a serious thing for the American people to put them into the curtain class, because every arrangement seems to have been made for getting them in. Governor Dingley said "curtains, or table covers." These people, in these very documents I have exhibited here, say not curtains, but "goods suitable for use as upholstery goods, or as draperies, or covers;" and when you come to consider that tastes differ and that the habits of people differ somewhat, you can easily imagine what our experts at the New York custom-house, who, when the toga of their authority is properly stripped from them, seem to be nobody but a few ancient Congressmen who failed to get reelected—when these facts are known, you can see with what skill this matter has been manipulated.

I want to illustrate exactly what I mean. There [exhibiting] is a nice, little piece of goods. I exhibited a piece of goods here last night; but my friend from Rhode Island [Mr. ALDRICH] and my friend from Utah [Mr. SMOOT] both seemed to be in doubt whether it was cotton cloth.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. Perhaps I had better wait until the Senator makes his statement in relation to this piece of cloth here, but I judge that he is going to try to show that that comes under paragraph 324 of this bill, and I shall show that——

Mr. DOLLIVER. Your anticipations have a strangely prophetic sound.

Mr. SMOOT. Mr. President, I thought so. Right here I want to state to the Senator that there is no intention whatever of having that class of goods come under paragraph 324, and I think the time will come when we can demonstrate it.

Mr. DOLLIVER. Mr. President, I am not going to debate with people about what cotton cloth is. It was enough for me last night to say that Governor Dingley's definition of cotton cloth contained in a paragraph of the Dingley act was good enough for me. Under that definition I held up a piece of cotton cloth last night with little white figures imposed upon it by the cutting of threads other than ordinary, and I now have in my hand a very pretty piece of cotton cloth. [Exhibiting.] You will notice that it is dyed, and you will also notice it has mercerized threads in it, if you are as skillful on that subject as I have become in the last few weeks. [Laughter.] The name of it in the dry-goods stores is fancy colored cotton cloth. That piece is called "gauze." It has from 150 to 200 threads. A piece of it is 27 inches wide. Its import cost is 9 pence.

While I am sure, I expect to have a good deal of trouble, because gentlemen have intimated their purpose to claim that these are not the kind of cloths and have not the history that I think they have. I know the history of this cloth. It is imported, and its valuation is as well understood in the custom-house at New York and in the dry goods stores of New York as any ordinary fact of commerce can be. What is true of that piece of cloth is true of the others which I intend to exhibit here. Its value per square yard is 24.36 cents, and the present duty is 35 per cent ad valorem and, in addition to that, 2 cents per square yard. It gets 2 cents per square yard, because a paragraph appeared in the Dingley bill stating that where other than ordinary threads, whether clipped or unclipped, appeared on these cloths they should bear an additional specific duty of 2 cents a square yard. So under the present law the duty is 35 per cent ad valorem and 2 cents a square yard, which is equivalent—it is a mere question of arithmetic—to 7.89 cents per running yard.

What is the new duty on that piece of cloth? It is valued at 24.36 cents. Therefore, under paragraph 315, it has a specific assessment of 10 cents per square yard. Under paragraph 321, the paragraph to which I just a moment ago alluded, it has a specific assessment of 2 cents a square yard on account of the superimposition of these threads upon the warp and woof of the cloth. In addition to that, it has a specific assessment of 1 cent a square yard, not because it is mercerized, but because some of these minute threads, affecting its value or its price in no sense whatever, bear marks of having been mercerized in the yarn. So we have another 1 cent put upon that cloth. When you add it all up, you have a new duty of 9.75 cents a running yard, an increase of 1.86 cents, or 23.5 per cent; and yet my honored friend from Rhode Island says they never touched it. I acquit every member of the committee——

Mr. SMOOT. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. Is that piece of goods the weave of the Jacquard loom?

Mr. BEVERIDGE. I did not hear the question of the Senator from Utah.

Mr. SMOOT. I asked the Senator from Iowa if that piece of goods was woven on the Jacquard loom.

Mr. DOLLIVER. Yes; these novelty effects were produced by the Jacquard weaving.

Mr. BEVERIDGE. May I ask what is the significance of that?

Mr. DOLLIVER. I will show the Senator in a minute what is the significance of it.

Mr. BEVERIDGE. What is the significance of the Senator's question to most of us as to whether it is one kind of a loom or another, when we are in ignorance of the subject? The Senator from Iowa must answer the question of the Senator from Utah.

Mr. SMOOT. In answer to the Senator from Indiana, I will say that the only intention was that it should apply to tapestries.

Mr. DOLLIVER. I beg the Senator's pardon.

Mr. SMOOT. Of course, I will yield. I have not the floor; but I will tell the Senator from Indiana after a while.

Mr. DOLLIVER. My friend from Utah asks me whether this cloth is woven on the Jacquard loom attachment, and I tell him that it is; that these novelty effects are produced by the Jacquard movement.

So, in view of the fact that it is colored, in view of the fact that it is a Jacquard cloth, and in view of the fact that almost anybody could see that it would be suitable for either a curtain or a covering for a table or a piano or a box, such as we get every session of Congress here and have no place for in our houses when we go home, I will admit that it is not a curtain or an upholstery piece of goods or a covering; but the bill says suitable for these various purposes, and it leaves it to this interesting group of experts in New York, or Chicago, or wherever these goods may come into the country, to say for what purpose the women folks of the United States may regard them as suitable goods. It looks good to me for a curtain. [Laughter.] Therefore I propose to show the Senate what would happen to this piece of goods if by some mischance some of these profound experts who come here and tell us what to do and then spend the Government's money telegraphing all over the country for information as to what has been done—I want to show to the Senate exactly what effect paragraph 324 has on this cloth.

Mr. BEVERIDGE. Mr. President, I just want to ask the Senator from Iowa a question. We are all listening very intently to the Senator. The Senator from Utah [Mr. SMOOT] asked the Senator from Iowa whether this piece of cloth was made on the Jacquard loom. The Senator understands what significance that has, and we do not. Will he tell us what it is?

Mr. DOLLIVER. I am going to tell you. Being a Jacquard weave, and being dyed in the yarn, and being "suitable" for upholstery, or coverings, or draperies, or curtains, it is dutiable under section 324, and pays, in addition to the rates which I have already stated, 50 per cent ad valorem.

Mr. SMOOT. Fifty per cent ad valorem?

Mr. DOLLIVER. Yes; 50 per cent ad valorem; and these phrases are so cunningly drawn that these duties are made cumulative; that is, all of them will be collected; they will be added up; and, when they are added up, the increase on these goods is not 1.86 cents, as it is on the face of this bill, but it is 3.50 cents, or 44½ per cent.

Mr. BEVERIDGE. Where does the Jacquard loom come in—what does that mean?

Mr. DOLLIVER. These novelty effects that appear on this cloth——

Mr. BEVERIDGE. How would that affect it?

Mr. DOLLIVER. It could not get into this paragraph about curtains and upholstery without being——

Mr. BEVERIDGE. Made on a Jacquard loom?

Mr. DOLLIVER. Without being made on a Jacquard loom.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I am aware the Senator does not wish to state anything but what is the absolute truth of the matter, as he understands it; but all goods under paragraph 324 only carry a duty of 50 per cent ad valorem. There is no cumulative duty in paragraph 324, and I would like to say——

Mr. DOLLIVER. No; they are not in paragraph 324.

Mr. SMOOT. It is the goods made under paragraph 324 that the Senator is talking about.

Mr. DOLLIVER. Mr. President, I am not yet through with my complaints about the Senate committee amendments, for you will find in paragraphs 318 and 321 provisions for a cumulative duty on cotton cloth mercerized or subjected to any similar processes of 1 cent a yard, to be added to all the other advanced rates imposed thereon, including the extra 1 or 2 cents per yard for other than ordinary threads. I desire for a few moments to exhibit what is concealed beneath that little pile of brush.

For ten years I have heard about the mercerization of cloth, but I never understood it until very recently, although it has been a known process in cotton weaving for one hundred and seven years. It is not a very costly process. It consists in bathing the cloth after it is made in a bath of caustic soda dissolved in water.

That is the process. It operates to give a certain gloss to the yarn or to the goods, and it operates also to force the fibers or threads together closely and to increase the tension of the twist of the thread, so that they bear permanently a certain luster, easily recognized by the eye, although not easily identified, because there are a variety of processes very much like it that sometimes fade gently into it.

That provision for a duty of 1 cent a yard more for mercerization is not the work of our honored committee; it is not the work of our honored appraisers—those eminent retired statesmen that are now sheltered in the custom-house at New York waiting for future promotion to justices and supreme justices of the court of customs appeals in that great building. [Laughter.] That proposition was put in there by two amiable gentlemen from New England, who know more about this cotton business than all the rest of us put together.

Did they tell the custom-house appraisers what this process cost? Not a word. Did anybody make any inquiry as to what the process cost? Did any human being weigh the relative cost here and abroad and put a rate on it that would about cover it, with a little profit to enterprising and good people? Not a word of it. How do I know that? Because day before yesterday the appraisers were wildly telegraphing all over the United States to try to find some evidence of what this mercerizing process cost; and I have in my possession here a letter in response to one of their telegrams giving me a little statement about it. It is from a firm called "A. L. Reid & Co.," of New York—bad men when I seek information from them, but good and sufficient when the experts of the Finance Committee are looking around for facts and for figures. In point of fact, they buy large quantities of domestic cloth and import some foreign cloth and then make almost weekly contracts with bleaching and mercerizing houses to have the cloth mercerized before they sell it.

Therefore it was natural for them to telegraph such a man, although it may seem unnatural to members of the committee that the man should have given his answer both to me and to the experts from the custom-house.

NEW YORK, *May 3, 1907.*

Hon. MARION DE VRIES,
Senate Finance Committee, Washington, D. C.,
Senate Building, Room 311B.

DEAR SIR: In reply to your telegram requesting the general prices paid to bleachers, dyers, and finishers for mercerizing, we give you as follows:

36-inch brocades, madras, etc., similar, three-fourths of a cent.
40-inch sheer fabrics, average, five-eighths of a cent.

And yet these amiable gentlemen have handed us in a proposition to put a duty of 1 cent a yard extra on the process of mercerizing, when, according to this man's statement, it costs less than a cent to do it.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. I should like to ask the Senator if it is possible to mercerize a single yarn; that is, of cloth made out of single-thread yarn?

Mr. DOLLIVER. I will have to consult the custom-house on that. [Laughter.]

Mr. SMOOT. Let me ask the Senator another question. Is it possible to mercerize a piece of goods made of common cotton?

Mr. DOLLIVER. It is not, because common yarn will not force the yarn together with sufficient vigor to give the gloss, and common cotton is not mercerized—I mean the lowest grades of cotton—but all the cotton that is used in the United States among fairly well-to-do people is mercerized, or practically all of it, so the dry-goods people inform me, and I have loafed around the dry-goods stores a good deal, coming and going, so as to find out something about this business.

Mr. SMOOT. I want to say to the Senator that, so far as mercerization is concerned, it is absolutely impossible to mercerize a single yarn, because it is not stout enough, and the greater cost in this whole matter comes from the very fact that you have got to use sea-island cotton or Egyptian cotton, or the very highest-price cotton in the world, before you can mercerize a piece of goods.

Mr. DOLLIVER I refer the Senator to any dry-goods store of standing in this city. Let him go and see whether cotton goods exhibited there are all manufactured out of Egyptian cotton. If they are, I will join with my friend from South Carolina [Mr. TILLMAN] in the brave effort he is making in the Senate to get a duty on that article. [Laughter.]

Mr. TILLMAN. Mr. President, I have enjoyed so much the throwing of rocks——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. I say I have enjoyed so much the throwing of rocks and the keen thrusts which the distinguished Senator from Iowa is giving his own colleagues that I must protest against his throwing any my way when they are undeserved. I have not made any effort, and I do not intend to make any effort, to get any duty on sea-island cotton or any other cotton, because it is not worth anything to us. So I suggest that the Senator keep his bouquets for his Republican colleagues of the Finance Committee. [Laughter.]

Mr. DOLLIVER. I was just going to say that my friend from South Carolina had mistaken for a rock what in reality was intended to be a bouquet. [Laughter.]

Mr. President, there are ways of finding out exactly what it costs to mercerize cloth, and if our board of appraisers at New York were worth the salt, which we have converted into a specific equivalent of, I think, $9,000 salary, instead of O. K.'ing this scheming proposition when presented there last fall, they would have made the inquiry then that they are now frantically making from this Capitol as to the cost of the mercerizing process.

I have a friend in New York—a great merchant, now dealing entirely in domestic cloth, although at one time he was interested as an importer—who is an expert in all these matters. I know that, because again and again the Government has used him in cases against the importers in the city of New York. I know that because again and again, when an uncertainty arises about the classification of merchandise, they send for this man and rely upon the integrity of his heart and upon the accuracy of his judgment in disposing of these questions. He gets many goods mercerized and, curiously enough, he gets them mercerized at Pawtucket, R. I. I have asked him to send me a statement of what he pays for the mercerization of cotton cloth.

I intend to print it in my remarks, although I think it might prove interesting to those who are engaged in a bona fide study of these matters to have this little sidelight on the situation. Here are the standard prices for mercerizing cloth: New York Mills Bleachery, New York, whites, bleaching, eight-tenths of a cent; if mercerized and bleached or dyed, a cent and a half, showing that the cost of mercerization is seven-tenths of a cent; colors, dyeing, if bleached or dyed only, 1¼ cents; if bleached or dyed or mercerized, 1¾ cents, showing the mercerization is one-half of a cent and for dark colors one-half a cent.

Here is the United States Finishing Company of Pawtucket, R. I.—and these are transactions not from anybody's imagination but from the books of a merchant who began studying the art of bookkeeping before he went into the business of keeping store—here is the Rhode Island range of prices: Whites, bleaching and mercerizing, 1¾ cents; bleaching or dyeing only, 1 cent; cost of mercerizing, three-fourths of a cent; colors, cost of mercerizing, seven-eighths of a cent; very dark colors, cost of mercerizing, 1 cent.

Mr. SMOOT. Mr. President, is it not——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. DOLLIVER. Certainly.

Mr. SMOOT. Is it not true that any piece of cloth that is mercerized loses in weight by having the caustic soda eat every vegetable fiber out of the cloth that may be there?

Mr. DOLLIVER. The process of mercerization is exactly like washing your hands—of course, you lose a little in weight. [Laughter.]

Now, I want somebody—I do not care who—to stand on this floor and tell me upon whose expert knowledge a protective tariff of 1 cent, which in many of these cases amounts to 200 per cent and in all of them amounts to 100 per cent, was put on this simple process of mercerizing cloth. I want to see again whose expert knowledge of weaving and finishing cotton is behind that proposition. I think I know him; but I have resolved to bring no more personalities into this controversy. If, however, these people had contented themselves with charging a cent on the mercerization of cloth, I am not certain that I would have been wearying the Senate with this recital here to-day.

But mark the sagacity of these brethren, not of the committee; I do not lay these things to their charge. They are engaged, by the aid of hired experts, in having their own bill explained to them in and around the Capitol of the United States. [Laughter.] They propose to charge a cent for the mercerization of this cloth, but they want the cent applied to the whole cloth, wherever a single mercerized thread appears in it. Now, it is a fact that very many cloths, whether they are mercerized or not, have mercerized threads in them. For instance, here is a specimen, the vest I have on. Those little red spots are mercerized threads, although they have lost a good deal of their luster by reason of the flight of time.

There [exhibiting] is a very beautiful piece of cloth, if held properly up before the eyes of the ladies. You will notice it has in it some dyed yarns. You will notice that it is bleached. It has in it some dyed and mercerized bleached yarns, and the filling is of mercerized bleached yarns. So it has a good deal of mercerized yarn in it, although not by any means all of it. Yet that piece of cloth catches the same 1 cent for mercerization. But that is not an extreme case.

I have a half a dozen specimens duly imported into this country and correctly valued at the custom-house, the value corresponding to what I have given here, where only a single thread in the entire fabric is mercerized. That is true of ordinary shirtings and the material out of which white vests are made by the million and for the million, and yet these eager gentlemen, in their anxiety to get an additional cent, have put the same amount on the single thread which was mercerized before it was put into the cloth. It was woven into the cloth with the other threads by the same loom machinery.

The cost of mercerizing it is infinitesimal. It adds nothing to the cost of the goods and nothing to its value, and is only worth considering because it adds a certain style and luster to the finished article. If it adds value, the regular ad valorem catches it. And yet these quiet gentlemen who are handing in these cotton schedules to our committee and the Senate of the United States regard that single mercerized thread, the cost of which is negligible, the value of which in the cloth is nothing, and have put, as a new and mysterious process, their greed for more money, into this bill, and I wish to find some scheme if I can to get it out. I hope the committee, now being deluged with information on the subject, will revise it; and if they do, I will feel that I have been justified in the effort I have been making to secure a detailed examination of these matters.

Now, I intended, although I have abandoned the intention, to exhibit on this floor a large range of these cotton cloths.

The object I have in view is to show that a man can go into any dry-goods store in America and find a range of cotton cloths so large as to astonish him, every one of which has been subjected to these additional assessments, and that by gentlemen who publicly stated before the Ways and Means Committee that they did not expect any duties in addition to the duties provided in the Dingley bill; and they told the exact truth, because I shall put in the RECORD a statement that these great cotton mills in the last ten years have paid dividends fat and prosperous.

I am not as much interested in the rate of dividends as I used to be. I used to think that a dividend stated the business. But I got to studying the question of capitalization, and I found that people were sometimes led astray by paying too much attention to dividends.

Before a man can know whether a dividend is a correct statement of the business, he must know whether the capital of the business represents actual money or whether it is a mere speculative organization, to be listed upon the stock exchanges, and to be kicked hither and thither about the market places of the world. So I am not emphasizing the question of dividends as I might, except to say to the Senate that when these brethren publicly spoke before the House committee, they told the truth, that the business was prosperous, and they needed no further rates to be provided in this bill; and I was interested to know that many of the old members of the Arkwright Club, of Boston, were sleeping peacefully under the impression, when their committee had convinced the Ways and Means Committee of the House that no reductions should be made in the cotton schedule, that the revision of the tariff was not aimed at their growing and prosperous business.

And so, Mr. President, I intend, for the present, to leave this matter, promising, however, that as time goes on and as particular questions arise I will not be without an active interest in such discussion as may be thought proper in the Senate Chamber.

So far as my present purpose is concerned, I will have accomplished it if I can get the Senate to do exactly what the representatives of the cotton industry asked the Ways and Means Committee to do—to leave the Dingley bill unchanged in this respect. So, therefore, without seeking to anticipate the activity of anybody else, I shall move at the proper time to strike out the italics from the Senate bill and to strike out such changes as were made in the process of leading the schedules upward, until at last I can say to my own people and to our inquiring friends that we did what, under all the circumstances, would appear to be a wise and reasonable thing in leaving these ad valorem tariff rates where they were left in the act of 1897. I certainly do not want to see these reckless and unintelligent increases made in this bill.

It requires a little study to see how easy it is even for wise men to make mistakes. Here are two pieces of cotton cloth [exhibiting]. They are Jacquard-figured table damask. The duty under the present law is 40 per cent ad valorem, whether they are colored or white, or Jacquard figured, or mercerized; and a straight ad valorem duty on such goods without any "cumulative" duties for mercerization, or extra threads, is the proper kind of duty, as it is based on the total cost of the cloth when finished, and therefore fully and equally covers all the costs of fabrication, whether it contains 2 or 200 mercerized threads. But under the Senate bill such a Jacquard-figured table cover, if white, would remain at 40 per cent ad valorem, and if of this cheap red variety will catch a duty first of 50 per cent ad valorem, under paragraph 324, and a cumulative duty of 1 cent per yard if it has 1 or 100 mercerized threads, or has been subjected to any process similar to mercerization; and in addition thereto would receive another "cumulative" duty of 1 or 2 cents per yard, according to value, on account of any superimposed threads, if there are any, in its weave. The curious thing about that is that it is not mercerized, and yet to my unpracticed eye it looks very much as if there was an artificial luster added to it; and so there is, because there are three or four processes that are not called mercerization, but which are a similar process; and if you will notice the language of this bill, it does not confine this assessment to mercerized goods, but to goods that are mercerized or subjected to any similar process. What processes are referred to, I will ask my honored friend, the Senator from Utah. The bill provides that the 1 cent shall be levied when the goods are mercerized or subjected to similar processes. To what processes is reference made?

Mr. SMOOT. In answer to the Senator I will say that there may be a process of mercerization that would not be called

mercerization, in order to catch all mercerizing, and when it is so treated it is to be subjected to the duty applying to any process that mercerizes the cloth.

Mr. DOLLIVER. Let me give the Senator a more accurate definition of that process than he has given. There is no process not mercerization that could be mistaken for it, but there are processes of ironing and of calendering and of beadling which are similar to mercerization somewhat, and to which these goods have been subjected, giving them a luster very like to mercerized goods.

Mr. SMOOT. If it was not mercerized, it would not take the extra cent a pound.

Mr. DOLLIVER. The extra cent a pound is not confined to mercerized goods. It includes goods that are "mercerized or subjected to any similar process."

Mr. SMOOT. The Senator is right in reading what he is reading.

Mr. DOLLIVER. Does my friend deny that the Senate amendment provides that it may be mercerized or subjected to a similar process?

Mr. SMOOT. If it is subjected to a similar process.

Mr. DOLLIVER. I want to know whether the Senate bill provides for mercerization only or for mercerization or any similar process.

Mr. SMOOT. It provides for bleaching. It provides for all the processes other than mercerization.

Mr. DOLLIVER. That throws very little light on my question.

Mr. SMOOT. That is simply because the Senator does not know all of the subject.

Mr. DOLLIVER. Man has limitations of knowledge. I know mine, although I am afraid my friend, the Senator from Utah, has a hallucination that makes him fail to understand his. [Laughter.]

But there are some things I do know about this. I know that this bill is so drawn that that bit of red tablecloth with mercerized yarns in it and with a Jacquard movement in it, is put into the paragraph at 60 per cent.

Mr. SMOOT. Fifty per cent.

Mr. DOLLIVER. Fifty per cent as a curtain or covering for a table, while white tablecloth, which has no dyed yarns in it, is left dutiable at the old rate.

Mr. SMOOT. I should like to say to the Senator that the committee has no desire whatever to catch any goods in paragraph 324 that are not tapestries. Before this is through I have no hesitation in saying that the words "Jacquard-woven goods" will be confined to tapestry goods.

Mr. DOLLIVER. I hope that will be done, and it enables me to indulge another hope—while the committee are at that they will make some other needed changes which are required.

I want to say a word or two in a general way. The time is passed in the United States when these questions can be subjected to a trivial partisan controversy. It has always been a misfortune that American business has been in politics. The time is coming, in my judgment, when such a controversy as is raging here now will be transferred by law to a tribunal where it can be passed upon with more wisdom than a person is liable to meet with about the corridors of this Capitol.

Every day struggling little industries are coming to me, saying that they can not get their duties even considered, because it is regarded as bad policy to raise existing rates. I do not belong to that group.

Mr. SMOOT. I do not, either.

Mr. DOLLIVER. I have welcomed to my humble quarters every man who had definite information that the industry in which he was engaged was being destroyed or prejudiced or put to the bad by foreign competition; and I stand on this floor ready to vote for, and, if necessary, to move the amendment myself that will adequately protect every American industry North and South, from one ocean to the other; and yet I am likely to be read out of the party as wanting in my fidelity to the Republican principle of protection. I do not go even so far as some of my honored colleagues go in their animosity against the present-day organization of American business into great corporations.

I spoke years ago in the Senate Chamber on the subject of the protective-tariff system and the speculative trusts. Very few listened to what I said, and I never have met anybody since who appeared to have had any familiarity with the literature which that speech created. And yet it is some satisfaction for me to know it laid down some broad principles and some sound principles, and among them this, that no trust can master this market place in the present state of American enterprise and the present abundance of American capital without first monopolizing the raw material with which business must be transacted. I have felt that it is not a wise thing to put trust-made goods on the free list, a remedy which would fall equally upon the just and the unjust, and instead of killing the trust would be more likely to kill its struggling competitors and turn the entire domestic business over to the trust, or, if not, would at least sacrifice American labor, which is entitled to our consideration, whatever may be the offenses of American capital against our policy and our laws.

Therefore I think we ought to take these great materials that lie at the basis of our productive industries, which are monopolized by corporations organized for that purpose, and give to the young men of the United States in the next generation a free access in these matters. It is not possible that all our iron and steel is to be made by one corporation. It is not fair to the next generation, and it is no improvement on the business methods of the past. It is not right that any great department of industry should be brought into one hand, whether individual or corporate, and therefore I should like to have the Senate study the question of putting within reach of the young men of the United States these great resources, and say to them "go into these enterprises, and wherever you find yourselves constrained in the purchase of your material we will give you relief," so that in no generation shall it be said that a single corporation owns and controls the basic materials that underlie the industries of the American people.

I do not expect, however, to get such a philosophy of life as that into this bill. In fact, I might as well confess it, I do not expect to be able to do more than to state the case; but I warn these men who are among those responsible for the policy of the Republican party that if they desire an agitation in the United States to begin the day the bill passes and to be carried on until these wrongs and injuries are rectified, there is no shorter course to that end than that which has been pursued in connection with the measure now before us.

I have come to the conclusion slowly and regretfully, because I had to change well-settled views and prejudices, that the tariff question in the United States belongs to a commission of real experts.

I notice there is an infant commission included in the Senate amendments with respect to the administration of some features of the present law. It is all right as far as it goes, but it is one thing to have a group of public employees advising the President about the application of retaliatory provisions in our laws, and quite another thing to have a great tribunal of wise and experienced men telling Congress about the state of business and the foundation upon which our tariff legislation should proceed.

I intend, therefore, if a vote can be had upon the measure introduced by the Senator from Indiana [Mr. BEVERIDGE], to vote for it. But I do not expect it to pass. I will then take the privilege of voting for the proposition introduced here by my honored friend the Senator from Wisconsin [Mr. LA FOLLETTE]. But I do not expect it to pass. After both of these measures have been disposed of, I intend to offer a tariff-commission proposition of my own, but I will not do it with any arrogance of spirit as the discoverer or inventor of it.

I have been mousing around in American history, and I have found a tariff bill which contains full grown the most elaborate and perfect scheme for the scientific adjustment of our tariff schedules ever presented to any department of the Government of the United States. It has great officials on the commission. It does not make the mistake that was made in 1883 in the appointment of a tariff commission. That commission was of no account, because it was simply the official recognition of the right of the industries to write the tariff schedules. Its report was neglected, because instead of being great students of great questions, they were great operators in various lines of industry. A great business man from Pennsylvania, a brother, I think, of our honored Senator from Pennsylvania [Mr. OLIVER], represented the iron and the steel interests. The wool industry was represented by a great shepherd.

The woolen-cloth industry was represented by the secretary of the American woolen manufacturers. The silk people had a man on the board, and so about the only man on the commission who was not directly identified with an industry affected was Robert P. Porter. These are no new scenes enacted here now. They do not depress us any more than they depressed our predecessors.

There never was a man connected with either House of Congress who could help looking almost with disgust upon the representatives of great American enterprises and American business hustling about these corridors buttonholing Members of Congress, frantic in their desire to know what was done with

a particular article, first put in one schedule and then in another, subjected to embarrassments without number.

Other generations have seen the folly and even the wickedness of that. It was impressed upon two of the great statesmen of the last generation. One of them has gone to his reward and the other is still living and still entitled to the respect and good will of all his associates, the honored chairman of the Finance Committee, the Senator from Rhode Island.

At that time, when they were preparing a great scheme of legislation to take the place of the Mills bill, after it had passed the House of Representatives, they took not weeks telegraphing for people to come here and tell them what was going on, they took months, day and night, working, both of them in the maturity of their power and of their wisdom; and after they got the schedules of a great tariff bill made, with as many mistakes omitted as was consistent with their means of getting at the facts, they said to one another, "this method of treating the business community of America ought to cease."

So, without a dissenting voice on the Republican side of the Chamber, they put into the tariff bill of 1888 an elaborate provision for the appointment of a tariff commission, the commissioners to be well paid, none of them to be connected with the business of importing or of manufacturing. They were to be men of affairs, without the bias that always accompanies personal interests. They were provided with adequate resources and facilities to carry on their work. They were to study the markets of the United States and the markets of the Old World. They were to study the conditions of labor here and everywhere. They were to study the new opportunities for American business that have been absolutely ignored by the committees of both Houses of Congress in the present revision of the tariff law. All these things they were to study all the time, and every December they were to lay the facts that came within the range of their investigation and knowledge before both Houses of Congress.

I shall introduce that bill in the exact language in which Senator Allison and Senator ALDRICH prepared it and presented it to the Senate and persuaded the Senate to pass without a dissenting voice. I want an end to the scandals that have already corrupted American politics incident to the management of great industrial and financial questions as a mere adjunct of political agitation in the United States.

I am not surprised to see Democrats change their views about the protective tariff. The foundation of it is secure. It met the judgment of the wisest men we have ever had in the United States. Hamilton and Benjamin Franklin and Abraham Lincoln believed in it in their day. It is no invention of modern times for the robbery of the many for the benefit of the few. It is a great industrial doctrine, lying at the foundation of our institutions, because our institutions would perish if we allowed the industrial level of the United States to fall to the industrial level of many of the old countries of the world who are our competitors in productive enterprises.

The protective-tariff doctrine is sound. It fails only through the inequality with which it is applied to our affairs. It fails only when avarice and greed, anxious to make more money, have such influence with Congress as to rewrite our tariff laws, not in the interest of the public, not in the interest of the unnumbered millions of our people, but in the narrow, naked, personal interest of a few men scattered here and there in various sections of our beloved country.

So, thanking the Senate for the kindness with which they have listened to me and apologizing because I have not been able to so condense what I have to say as to bring it within the reasonable limits of a discourse in the Senate, I leave this subject now, promising to return to it from time to time as the various schedules are read from the Clerk's desk and the amendments are analyzed which the Finance Committee has laid before us.

Mr. BEVERIDGE. Mr. President, as one who is friendly to the committee—and I suppose all of us are—I want to ask a question of the committee. I am glad the chairman is coming in. It is in the interest of saving time and in the interest of concluding the consideration of the pending bill. In saying what I say, I know that I voice the desires of a great many Senators on both sides of the Chamber and of varying intentions as to their voting on the bill. It is this:

We are all oppressed with work in looking into the bill itself. The Senator from Rhode Island on the 1st day of April truthfully stated that without the aid of an expert no Senator, however intelligent, could hope to understand the metal schedule alone short of a month. The Senator from Minnesota [Mr. CLAPP] the other day, when the Senator from Washington [Mr. PILES] was making his most thorough and forcible speech, made the startling statement that in that debate "manufactured evidence" was being presented to influence the minds of Senators.

Last week, within fifteen minutes, there were placed in my hands by men equally credible two briefs covering the same item of the same schedule of the pending bill. Those briefs confined themselves to figures in that item. When I came to glance at them I found that they were diametrically opposed. I suppose that I, in common with every other Senator, have received not less than three or four hundred briefs from reputable business houses, with letters begging us to read them, that we may know how to vote intelligently. Some of them ask for an increase; some of them ask that the schedules of the present bill shall be supported by us; some of them ask for a decrease in the rate on raw materials. There is no time even to examine them.

The Senator from Rhode Island on the 1st day of April, in the same speech to which I a moment ago referred, said that he himself was getting more briefs and letters upon this subject than he could consider in a long time.

More important than all this, we must search through such impartial and authentic records and reports as are to be found in our government departments on each schedule of this bill—if any such are to be found. We must discover our own information for ourselves and sift and weigh it. It is a tremendous task; yet we must do it somehow if we are to vote intelligently.

I think, Mr. President, and I submit it to the Senator from Rhode Island and to the committee, that it would save time and hasten the end of this bill if instead of meeting at 11 o'clock we were to meet at 12 o'clock for at least a week. Senators who are trying to study this question out ought to have a clear forenoon and a clear night for their work, and spend five or six hours in the afternoon listening to these most instructive debates.

I, for one, do not propose to miss, if I can help it, one minute of this debate. The Senators from Minnesota [Mr. NELSON] and from North Dakota [Mr. MCCUMBER] and the Senator from Washington [Mr. PILES], and others, on opposite sides of the same question, delivered speeches that no Senator who expects to vote upon the lumber schedule ought to have missed. The Senator from Iowa [Mr. DOLLIVER] has made a speech full of the most extraordinary and important statements, and I may as well say here that unless the Senator's statements are shown to be incorrect, the cotton and woolen schedules are in a precarious condition. They must be looked into.

I am sure that nearly every Senator here sincerely hopes that the committee will be able to make such a showing that we will all be able to vote for every schedule it reports; and yet I was astonished at the end of the remarks of the Senator from Iowa to see the Senator from Utah get up and say that the committee propose to so change one section of the bill as to meet the views of the Senator from Iowa. If it is true that a mistake has been made in that one particular, should not every Senator here have time to study out the facts as to other and more serious criticisms of these schedules?

Therefore I suggest, purely in the interest of saving time—if it was necessary, I would implore—that we be given a chance, for at least a week's time, to have our forenoons for study and our nights for study, and that the customary order of the Senate to meet at 12 o'clock, instead of 11 o'clock, shall be restored. It would help things along, I am satisfied.

I know the Senator from Rhode Island will say, and truthfully say, that the country is anxious that the bill shall be passed speedily. No one is more anxious for that than I am, for a great many reasons; but I am sure, too, that the country demands that when it is passed it shall be passed as nearly right as possible. We all follow committees in ordinary legislation; but this is not the committee's bill; it is not the Senate's bill; when enacted it will be the law of 90,000,000 American people, and each one of us here, on or off the committee, is equally responsible to our constituents for it. We are not responsible to the committee; we are responsible to the people, who sent us here to do their work. We have a right to know the facts. We have a right to have time to look into those facts. It had better be given us, for the facts are going to be looked into.

Every lawyer here will tell the Senator from Rhode Island what he already knows—that in the trial of a lawsuit it can be done in a third of the time if the lawyer has had time to look into his testimony and make himself familiar with the law than would be taken by a man who has not had such time.

Therefore I am suggesting to the Senator from Rhode Island the feasibility of hastening the bill and saving time by restoring for only one week the customary order of meeting at 12 o'clock.

I have not mentioned one thing that every Senator has been confronted with. Not only from our own States, but from other States, we are visited every day by business men who earnestly and politely ask us to listen to them for a few minutes.

Frequently Senators bring gentlemen to us who want a hearing on different items of different schedules, and these Senators ask us, their fellow-Senators, as a matter of friendship, to give our time hearing the gentlemen they introduce.

If you keep us here in debate—necessary debate—where will we get the time to get the facts?

Is it not fair that we should have this? It is only a concession of a week. The meeting at 11 o'clock breaks into the forenoon. We ought to have a clear morning's work from 6 o'clock, when we get up, until 12. We ought then to hear every word of this debate. The Senator from Iowa has made a profound impression. His statements will have to be answered. We ought to have the mornings for investigation. We ought to have the evenings for investigation. Then we can come here, understand what we are going to vote upon, and be prepared to take some intelligent part in the debate—not wholly understand or very intelligently debate, but we at least can do better than if we do no investigating at all.

I suggest to the Senator from Rhode Island this request, which is the earnest desire of a large number of the Senators on both sides of the Chamber, regardless of their attitude upon any schedule of the bill. I hope the Senator will make that motion.

Mr. ALDRICH. Mr. President, the Senate has for the last week, or since Monday, been giving six hours a day or over six hours a day to the discussion of this question, leaving eighteen hours for work upon the bill and for other purposes. If the Senator rises at 6 o'clock of course he has certainly five hours in the morning, and he has seven or eight hours in the evening that he can devote to this question.

Mr. BEVERIDGE. Will the Senator permit me right there?

Mr. ALDRICH. I would rather the Senator would let me go on.

Mr. BEVERIDGE. Very well; but I was just going to ask him to calculate how much time would be required to meet the men other Senators bring to him and ask, as a matter of personal friendship, that he should hear them.

Mr. ALDRICH. If the Senator from Indiana, with his acute mind, should undertake to hear or to read all the briefs that have been presented to him in connection with this matter, and all those that will be presented to him and to digest them, and we are to wait until he has digested them all, we will not pass a tariff bill in this year of our Lord. I know that from practical experience, and, of course, we all want to be practical now on this question. In 1890, when I had charge in the Senate of the McKinley bill, after one week we met every day at 10 o'clock and remained in session until 6, and all the latter part of the time we had evening sessions.

I do not think there has been any discomfort so far from meeting at 11 o'clock and adjourning at 5. I have not seen evidence of any so far shown. I think that there has been no occasion for shortening the hours. If we do not get along faster than we are doing I shall feel obliged at a not distant day to ask to have the hours lengthened rather than shortened, because I believe the country is extremely anxious that we shall dispose of this question. There certainly is no disposition on my part, or on the part of any member of the committee, to stop the discussion in the broadest possible manner; but I do feel that in the public interest we should continue to meet at 11 o'clock. Senators are not destroying their own peace or comfort to any very great extent when they remain here six hours a day for the consideration of this question.

Mr. President, I expect when the cotton and woolen schedules are reached to make a clear statement of what has been done or suggested by the committee with reference to these two schedules. So far as cotton is concerned, the only important changes that are made from the House bill are the changes made in the cotton-yarn schedule to give more symmetry to that schedule, and a substitution of specific for ad valorem rates in certain articles in the cloth schedule, and nowhere else. The specific rates suggested are not higher than the rates imposed by existing law; and I will demonstrate that to a certainty to the Senate when I have occasion to explain that subject. The existing law has by a series of undervaluations on the part of the importers and of erroneous construction on the part of the general appraisers and the courts been so emasculated that the interests of the cotton manufacturers of the United States have been largely destroyed in some lines. This is shown by the fact that the importations of cotton manufactures increased from $23,000,000 in 1898 to $73,000,000 in 1907, an increase of $50,000,000 in the importation of manufactures of cotton during those ten years.

I will not undertake at this moment to answer the importers' briefs which have been read in the presence of the Senate, but I will answer those, and I will satisfy every reasonable man in this body that the rates suggested by the Senate committee not only do not increase the rates, but that the imposition is absolutely necessary for the saving of that industry from fraudulent undervaluations and from erroneous decisions of the courts. So much for that.

Mr. CULBERSON. Before the Senator from Rhode Island passes from the question of undervaluation I will ask him the distinct question whether he believes the remedy is in increasing the rates or in providing such legislation as will guard against undervaluation?

Mr. ALDRICH. The first and best remedy for undervaluation is the imposition of specific duties always when it is possible. I believe that the scheme presented by the committee in changes in the customs administrative act will make undervaluations much more difficult, and will cure, so far as legislation can, the habit of undervaluation.

Mr. CULBERSON. I understood the Senator to suggest that in this particular the rates had been increased because of undervaluation.

Mr. ALDRICH. No; I said that they had not been increased, but they had been made practically what they are under the existing law, if properly construed.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER (Mr. PAGE in the chair). Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I hope the Senator will pardon me, unless he wants to ask a question.

Mr. TILLMAN. I want to ask the Senator a question on that particular point. Do I understand the Senator to charge that the officials of the Government whose duty it is to pass upon the valuation have been derelict, or are the schedules drawn with such ambiguity and so much elasticity that the Philadelphia lawyer of whom we have all heard could not tell exactly what they do mean? If so, why do we not go to simple, direct, positive language in levying duties, so that nobody can misunderstand it?

Mr. ALDRICH. The language in the cotton schedule is as simple as it is possible to make it.

In answer to the first question of the Senator from South Carolina, I will say that I will submit to the Senate a series of decisions by the court upon this question that I am sure will amaze the Senate.

Mr. TILLMAN. Does the Senator also impute wrong motives to the judges? After having attacked the appraisers, does he also attack the courts?

Mr. ALDRICH. I am not attacking anybody. I am stating facts.

Mr. TILLMAN. The Senator's words are attacking somebody, whatever may be his purpose. I am only speaking about the result.

Mr. ALDRICH. I am stating the fact that courts have by a series of decisions so changed the purpose of Congress that articles which were dutiable at 60 per cent, or supposed to be dutiable at 60 per cent, under the Dingley Act are now dutiable at from 6 to 7 per cent.

Mr. TILLMAN. Is that due to the ambiguity of the wording of the schedules or is it due to a dereliction of the court, or are our judges idiots? Had we not better begin to investigate them?

Mr. ALDRICH. My impression is that the courts were imposed upon by the character of testimony that has been submitted to the Senate.

Mr. TILLMAN. The testimony has nothing to do with the plain letter of the law. The facts, of course, must be found for the judges to pass upon.

Mr. ALDRICH. Has the Senator ever read a foreign tariff? Has he ever read the French tariff?

Mr. TILLMAN. No; I have never read one. If it is any more ambiguous than this, God have mercy on us!

Mr. ALDRICH. It may be less ambiguous, but it is more complicated. I will say that to the Senator.

The contention of the Senator from Iowa in regard to the wool and woolen schedule of the bill raises questions that are vital and fundamental. If it shall be shown that the woolgrowers of the United States and the woolen manufacturers of the United States in 1867 entered into a conspiracy to deceive and to defraud the people of this country by the suggestion of

a formula to be used for tariff legislation, then the protective policy should be abandoned and the party which supports it should be disbanded. If the men who have had charge of the various tariff bills and are responsible for their preparation from 1867 down to the present time were parties to that deceit and fraud, then they deserve all the execration that can be heaped upon them here or elsewhere.

Now, who were those men? In this respect it was not possible that any of those men should have been ignorant of the provisions of the woolen schedule of the various acts which have been adopted from 1867 down to the present time. Every one of the difficulties that has been alluded to in the course of this debate was brought before the country and before the Senate in every discussion which has taken place within forty-two years. So I say if those men have been guilty of deceit and fraud in this particular schedule they should be held up to the execration of the American people. Who were they? John Sherman, Justin S. Morrill——

Mr. BAILEY rose.

Mr. ALDRICH. I hope the Senator will excuse me for a minute. They were John Sherman, Justin S. Morrill, Benjamin Harrison, William McKinley, Nelson Dingley, and Mr. PAYNE. Those men have heretofore stood well, I think, before the American people. They certainly have had the confidence of the people belonging to the party I represent.

Now, if it is possible to show that this combination of woolen manufacturers and of woolgrowers that the Senator from Iowa contemptuously alludes to as the shepherds and weavers of this country have been instrumental in imposing upon the people of this country in the wool and woolen schedules, it is time that the people of this country knew it.

There is no Senator sitting upon this side of the Chamber, there is no person who is acquainted with the tariffs of this or of any other country, who does not know that an assault upon the wool and woolen schedule of this bill is an attack upon the very citadel of protection and the lines of defense for American industries and American labor. If the Senate destroys the relations in that schedule or destroys the schedule itself, you demoralize the whole protective system; and you destroy every line of defense which the people of this country have who believe in the protective policy.

I will listen to the Senator now.

Mr. BAILEY. Mr. President, I understood the Senator from Rhode Island to say, or at least to suggest, that the briefs of the importers had been read in the presence of the Senate for the purpose of misleading the Senate, and it occurred to me that——

Mr. ALDRICH. The Senator makes the statement a little broader than I made it. I made no application of it. The Senator can make his own application.

Mr. BAILEY. I am going to make the application.

Mr. ALDRICH. The Senator can make it.

Mr. BAILEY. If the Senator made the statement, of course the application is——

Mr. ALDRICH. I will ask the Senator to excuse me until I finish what I was going to say upon another subject.

Mr. BAILEY. I thought the Senator had finished.

Mr. ALDRICH. No.

Mr. BAILEY. It may be, then, that the Senator would like to reply to the suggestion I was going to make, which simply is this. It will require but a moment.

If the importers would try to mislead the Senate in their interest, I can see no reason why the shepherds and the weavers might not also try to mislead the Senate. In other words, whenever Congress comes to legislate touching particular interests, I do not know any class that are not apt to mislead us if they can.

Mr. ALDRICH. Mr. President, I myself make a distinction—perhaps the Senator from Texas does not—between the men who represent in this country American interests and who are trying to develop its industries and its prosperity and those men whose interest it is, whatever else they may be, to build up the industries of their own countries and give employment to the labor of their own countries as contradistinguished from ours. If I am called upon to take the word of any man upon this subject, I prefer to take the word of an American citizen who is patriotic and truthful rather than the word of any importer, however intelligent he may be.

I desire to make this statement, that so far as the majority members of the Committee on Finance are concerned they have heard everybody, so far as time would permit, who had an interest upon this question upon one side or the other, and therefore I can recognize an importer's brief when I see it.

Mr. BAILEY. Of course the Senator recognizes the argument relating to the tariff question; but that aside, I do not understand that all the importers of this country are foreigners by any means.

Mr. ALDRICH. Oh, no.

Mr. BAILEY. I think when the Senator examines his language he will find that it is a little broader than he intended.

Mr. ALDRICH. There are, of course, men who are importing goods into the United States who are desirous to continue a profitable trade in imported articles, whose interests are identical with those of foreigners, but who are American citizens, valuable American citizens many of them.

Mr. BAILEY. Of course the importer is precisely like the manufacturer. If permitted to write the schedules relating to his trade or occupation, he would write them in his own favor, just as the woolen manufacturers wrote them in their favor when they wrote them in the McKinley bill.

Mr. ALDRICH. Mr. President, I am more familiar with the history of the woolen schedules of the McKinley bill and of the bill of 1888 than is the Senator from Texas.

Mr. BAILEY. I am simply taking the statement of one of the most distinguished Republicans in the country to the effect that the manufacturers did write that schedule in the McKinley bill.

Mr. ALDRICH. I will say to the Senator from Texas, from my own knowledge, that that statement is very far from the truth, and that it does very grave injustice to the memory of the late President McKinley.

Again, I say to the Senator, that this wool and woolen schedule is the crucial schedule in this bill. That has been known to be a fact by the Senator from Texas and by other Democrats. The Senator understands very well that, if by insidious or any other means, he can induce the Senate to break down this schedule, that is the end of protection, for the present anyway, in this country. I will say further to the Senator from Texas, that every attempt which is made to break down the provisions of this schedule and to discredit it is hailed with joy by the woolen manufacturers of Bradford and their employees and by the woolen manufacturers of every country in the world who are trying to compete for this, the greatest market not only now existing, but which ever existed. There is not a hamlet in the world where woolen manufacturing is carried on whose inhabitants will not read with joy any statement which looks to the abandonment of the protection which has been accorded to the woolen manufacturers and to the woolgrowers of the United States. There is not a ranch in Australia or in any other country that is growing wool where the shepherds who are engaged in that work are not congratulating themselves that at last the day for them has arrived. There is not in this country a manufacturing establishment employing men, there is not a farmer raising sheep who would not hear the tidings that this woolen schedule was to be destroyed and that their protection was to vanish with feelings of sorrow and depression.

Mr. BAILEY. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. I do.

Mr. BAILEY. Mr. President, the Senator from Rhode Island is entirely accurate in saying that the woolen schedule is the keystone of the protection arch. I simply want to add that no schedule in the tariff bill better exemplifies the fraud and injustice of the whole system than does this same woolen schedule. I am quite willing to judge the cause of protection by the woolen schedule.

Mr. ALDRICH. I am quite aware of the opinion of the Senator from Texas upon that subject. I think he has expressed it on numerous occasions, and with great distinctness and with great eloquence. There is no question whatever but that there are gentlemen in the United States belonging to his political party, not all of them, for there are a great many men in Texas who do not agree with my friend who in part represents that State, I think the Senator from Texas realizes that, but there are men all over the country who, realizing as they do that that schedule is the key to the arch, are doing their utmost and using every means at their command to destroy that schedule, and they have the sympathy of the men whose interest it is to have it destroyed.

That argument upon this question does not appeal to me; the suggestions of the Senator from Texas do not appeal to me, and I do not think they appeal to many other Republicans.

Mr. MONEY. Mr. President, may I interrupt the Senator from Rhode Island, with his permission?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Mississippi?

Mr. ALDRICH. I do.

Mr. MONEY. I do not want to interrupt the Senator's remarks, but I want to understand him. Did I understand the Senator from Rhode Island to say only a few minutes ago that if this woolen schedule were destroyed or attacked, it would be the overthrow of protection in this country?

Mr. ALDRICH. I said if it were destroyed. Of course it has been attacked. There is no schedule in this bill which has been attacked more vehemently and more persistently than that schedule; but I do not think the attacks so far have injured the protective principle of the schedule.

Mr. MONEY. I want to understand the Senator. Does he think, if the schedule is successfully attacked and destroyed, that will be the end of protection in this country?

Mr. ALDRICH. Yes; for the time being.

Mr. MONEY. For the time being?

Mr. ALDRICH. Yes, sir; until the people of the United States shall do what they did in 1896—come to their senses and put the seal of disapproval upon attempts of that kind.

Mr. MONEY. Mr. President, I dislike very much to disagree with the Senator on that question. I can not believe that the supporters of this protection policy, which is claiming to be the peculiar patron saint of husbandry, of commerce, of the manufacturing interests, and of every other industry, would lose heart and fail in protecting all the other great interests of the country because the woolen schedule should be attacked and destroyed. What would become of the cotton schedule, the steel schedule, the iron schedule, and the other schedules?

Mr. ALDRICH. What I meant to say was that if this schedule should be destroyed, the same spirit and the same men would go through all the tariff schedules and destroy them all seriatim. That is what I meant to say.

Mr. MONEY. I will submit to the Senator if he thinks that the same opposition will be developed to every part of the schedule that there is to the woolen schedule?

Mr. ALDRICH. I am not talking about this particular situation at all. I realize, as the Senator himself does, the truth of the old fable about the nose of the camel. I am not talking about the present situation at all, I repeat. I am only calling to the attention of the people of this country, who elected a Republican President upon a protective platform, that the destruction of this schedule means a violation of their principles and of their promises. That is what I am trying to suggest.

Mr. MONEY. As I understood the Senator from Rhode Island, he said protection would fail for the time being. That means now—not in the future, but now. The Senator says that the country would come to its senses. I do not feel sanguine about this country coming to its senses. I have been waiting here for thirty years to see one lucid interval, and I have not yet found it on this question.

Mr. ALDRICH. We had a "lucid interval," in the opinion of the Senator from Mississippi, in 1894. We then had free wool and we had very low duties on almost everything. We had, I suppose, the ideas of the Senator to some extent carried into that law, and I take it for granted that that was the time that my friend from Mississippi refers to. You have never controlled the country since, and unless we are recreant to the trust which is imposed upon us, you will not have the country again. I make this prophecy that within twenty years the South, through representatives who are now here or through representatives who will then be here, will join with us in guarding and protecting the interests of the United States as against all comers.

Mr. MONEY. I do not want to disturb the Senator, but I think perhaps that when he indulges in that prophecy he has an idea as to whom he can buy up in this little business.

Mr. ALDRICH. I do not know what the Senator means by "buying up." Does the Senator mean that there are Senators sitting on that side of the Chamber who at this time and in the future will vote for the interests of the people they represent, or what they believe to be the interests of the people they represent here, and does the Senator mean that is bribery?

Mr. MONEY. Oh, no; I do not mean anything of that sort; but I do mean that some men in this Senate on both sides will vote for a bad bill if they have in it what they want for their section. Even the Senator from Rhode Island will not deny that. I do not reflect upon men's motives in this Chamber—not at all.

Mr. ALDRICH. The Senator is talking about——

Mr. MONEY. I do not desire to take up too much of the Senator's time, but so far as holding the country under protection is concerned, it does not mean anything particularly. Nothing is so unexpected as that which happens in politics. England was very much more protective than we are to-day, and it took twenty years from the time John Erskine began the fight on the hustings until Robert Peel put a quietus on protection. It was the hardest economic fight ever waged in any country in the world. Protection was better intrenched and better fortified there than is the protective system in America, and it crumbled to pieces at last because the people became instructed. I do not, however, want to take up so much of the Senator's time, and I apologize for having taken so much of it.

Mr. ALDRICH. Mr. President, it is my confident belief that a very large majority of the people of this country, I may say an overwhelming majority of the people of this country, are in favor of the protective principle. I do not care by what name you call it. I mean the principle of taking care of your own industries and of your own interests as against those of other countries. I think a great majority of the people of this country are in favor of that. You may call it one thing in one section and another thing in another section; but we are all together upon that question. That is the fundamental theory of protection.

What I understand to be protection is the framing of legislation in this country so that it will aid and support American interests and American labor and American industries as against those of every other country. That is all there is of it. I do not care for names at all; I do not care what you call it. The Senator from Texas, I know, has old-fashioned notions as to what the Democratic party desires and proposes, but he must realize the fact as well as I, that in this twentieth century the world is not governed in that way. Take Great Britain. Does any Senator on this floor believe that if they have a change in the government of Great Britain and the Conservative party comes into power, they will not adopt some kind of a protective policy? Undoubtedly they will. Take the legislation of continental countries. Every day there are more and more looking out for their own interests by every possible process; they are trying by every scheme that ingenuity can devise to keep American goods out of their borders and to take care of their own people. Self-interest requires that we should do the same thing in this country, and I expect before many years that there will be a party that will be so comprehensive and so all-embracing that there will be no chance for anybody else who has different views; who will consider, if you please, what effect it would have on Great Britain if this rate were raised or that rate were raised, or what effect it would have on Germany if this thing were done or that thing were done. We are here to legislate for the American people and for their interests, and, so far as I am concerned, I shall try to legislate in every paragraph of this bill for the benefit of the people of every section of our country, and I intend to maintain that policy.

Mr. CARTER. Mr. President, I fully agree with the Senator from Texas [Mr. BAILEY] and the Senator from Rhode Island [Mr. ALDRICH] in their joint and harmonious conclusion that the wool schedule is the keystone of the protective-tariff system. No one expected in the beginning that this session of Congress, or any considerable portion of it, would be consumed in debating the fundamental principles underlying free trade and the protective-tariff policy. In considering the question suggested, the relation of the country to its neighbors, its geographical area, and its natural resources must all be taken into account in determining the wisdom or unwisdom of a given national policy. As applied to the United States, I have heretofore assumed that it had been for the time being conceded that the protective policy was, in the judgment of an overwhelming majority, accepted as a wise policy for this country to continue. I concede at once that a country differently situated from this, densely populated, of small geographical area, and limited natural resources might well stand for the freest kind of free trade.

A country which is chiefly devoted to improving the commercial value of articles received from one market, which it passes on in an improved condition to another market is, of course, interested in the admission of the raw materials, so called, without any considerable restraint; but in a country such as ours, of 3,000,000 square miles of territory, with States many of which are possessed of greater natural resources than the United Kingdom of Great Britain and Ireland—which, after all, is but a workshop and a clearing house—may have a policy tending to develop the natural resources and to promote its commercial as well as its political independence, for it is true that no country can be in the truest sense politically independent which is industrially and commercially dependent.

This country of ours has pursued the protective tariff policy until we are prepared to furnish actual demonstration of its

wisdom; and in no case is the wisdom of the policy more clearly exemplified or better sustained than in connection with the protective tariff policy as applied to wool and woolens.

Mr. President, there are two purposes underlying the encouragement of any industry. First, and of primary importance, is the need for the production of the necessities of life within the limits of the realm; second, and of less relative importance, the production of the comforts and the luxuries of life.

I assert as a fact which no man will contradict that the country which can not raise within its own borders an adequate supply of bread and meat and cotton and wool to feed and to clothe the people is a dependent country, whereas that country which can produce its own bread and meat and clothing in ample abundance is capable of resisting any measure of outside pressure for an indefinite period of time.

This country of ours is happily situated. We produce an excess of breadstuffs; we produce a surplus of meat; we produce a surplus of cotton; and we have been endeavoring to produce a sufficient supply of wool. After the tariff bill, so often referred to here this morning, was passed in 1867, the woolen industry of the country began to develop. It developed steadily until 1883. Adverse tariff legislation in that year suddenly checked the increase and marked the beginning of a diminishing source of supply. In 1889, with the prospect of amendment of the law in the interest of the woolgrowers and, of course, of the local manufacturers, another increase began; so that from 160,000,000 pounds of wool produced here in 1867, we are now producing 311,000,000 of the 400,000,000 pounds necessary to clothe our people every year. If the present rate of increase is continued for the next nine years, the people of the United States will be in the happy condition of growing upon their ranches and ranges a sufficient number of sheep to produce an adequate supply of wool to clothe every man, woman, and child within the jurisdiction of the United States. If, on the other hand, it is thought wise to discontinue the policy which has heretofore prevailed, we will begin that rapid decrease which has ever marked adverse legislation on this subject.

The tariff of 1894 which has been referred to here furnishes an apt illustration of just what evil influences bad legislation can produce. Mr. President, in the State from which I come sheep were worth about $3 per head when the shadow of the Wilson-Gorman tariff bill appeared on the horizon. We lived to see the day in that State when less than 60 cents a head was realized for fat mutton sheep. Wool, which can not be produced under the conditions in this country for less than 16 cents a pound, was forced into the market at from 6 to 8 cents per pound. This loss could only eventuate in one result—the butchery of the flocks. They were driven to slaughter at any price, because they could not be kept at a loss. The supply of wool decreased with a rapidity very remarkable to note. When, in 1897, "a lucid interval" overtook the country again and the Dingley bill was passed, we observed an immediate response in the increase of the wool-growing industry. From that time to this we have continued to mark with almost unvarying regularity the most remarkable increase that has been enjoyed by any industry connected with agriculture in this country from the first settlement to this blessed hour. Senators on the other side of the Chamber can not—and I am sure no Senator on this side of the Chamber will—desire to register a vote calculated to send us on the downward grade in this line of production.

But, Mr. President, objection is made to the woolen schedule; and that, let me say, is the equivalent of assailing the duty on wool, for I ask you what avail a duty of 11 cents a pound on unwashed wool would be if the wool must be sold in the foreign markets instead of to the home mills? It is this market our friends abroad desire; the opportunity to sell the goods in this country is what they seek. That would result in the sale of our wool in foreign markets, where, I submit, no one would insist upon an intelligent American being asked to engage in competition on the unequal terms. In the Argentine and in South Africa, according to figures furnished by the Consular Service, shepherds, or, as we call them in common parlance, "sheep herders," are paid from $3 to $15 a month, and they are fed on the mutton cut out of the flock, in addition to a small contribution of a cereal of some sort. We, in turn, pay $40 per month to the sheep herders of our country, and you can not keep a sheep herder with the flock unless you supply him with canned fruit and an up-to-date bill of fare such as you find in the average hotel of the country. It costs in the neighborhood of $10 to $15 a month to feed a sheep herder, notwithstanding he does his own cooking and keeps his own tent in order. Who doubts if the $3 and the $15 man is put in competition with the $40 man in herding sheep that the $40 man must either come down to the $3 standard or go out of business?

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Georgia?

Mr. CARTER. I am glad to.

Mr. BACON. The Senator is stating the extremes of the proposition. I want to ask the Senator, with his permission, what, in his opinion, would be a necessary rate of duty in order to maintain the woolen industry in this country? I will put it in a more concrete form. Does not the Senator think, if the wool industry had a duty of 50 per cent on an average upon imported articles similar to those produced in the United States, that that would give them the American market in sufficient degree to keep up those industries?

Mr. CARTER. Mr. President, from the view point of the wages paid, 300 per cent would not be adequate to-day. As it is, however, we will admit that our people are more competent and more intelligent, and can, man for man, perform more and better service than that performed by the people of South America or any other part of the world engaged in sheep husbandry. Mr. President, I would state to the Senator from Georgia that upon this wool schedule I expect the Senate to vote for the rate that will make up the difference between the cost of production here and the cost in competing countries, and not one farthing more.

I will undertake to present to the Senate, when that schedule is reached, what to my mind will amount to a mathematical demonstration of just what we need in order to prosecute this business; and I shall expect the vote of the Senator from Georgia, of course, because it will be a reasonable proposition.

Mr. BACON. The Senator will be very greatly disappointed, I assure him.

Mr. CARTER. I regret to hear that.

Mr. BACON. I desire to state to the Senator that the reason he will be disappointed is that I believe the great necessity for the revision of the tariff grows out of the great importance of lowering the cost of living to the general masses of the people, and it was with that idea in my mind that I made the inquiry of the Senator.

I find, for instance, that upon certain classes of woolen goods here the ad valorem—the specific duty being reduced to its equivalent in the document which has been furnished to us—is as high as 141 per cent; that is, upon the class of goods worn by women and children in this country—their outer garments, woolen garments or mixed with wool—a hundred and forty and odd per cent. I want to ask the Senator if he has made an investigation of this matter which will enable him to give us definite information, whether he has investigated to see how much the ordinary woolen garments which are worn by the general masses of the people, the women and the children, the outer garments, will be increased in price to the general consumers of the country by reason of this one hundred and forty-odd per cent?

Mr. CARTER. Mr. President, the Senator from Georgia falls into an error which is very common in connection with the tariff question. By the simplest form of mathematics they proceed to figure the total amount of the duty on a given article, add that duty to the cost, and assume that to be the price, whereas in truth and in fact it is only rare indeed that an article sold in the American market is sold for the cost plus the duty.

Now, I will cite a case. I noticed in the morning papers advertisements of woolen suits—I think six or seven of advertisements of different stores in the city. It is coming along toward warm weather, and the wise merchant knows we will all be driven down town to buy a suit one of these days and is throwing out his advertisement in the most attractive form possible. I find advertised for $10 a suit of clothes made exclusively of wool, and well made, too. I took occasion to inquire as to the manufacturer's charge for that suit of clothes, and I found that the cost of the suit of clothes to the retail merchant amounted to about $4, including the duty on the wool, the compensatory duty to the manufacturer, the protective duty to the manufacturer. The whole of the business, from start to finish, amounted to a little less than $4 for a suit of clothes.

There is another suit at $7.20, cost not in duty on wool, not in duty on the cloth, but cost in the aggregate. The duty on the wool, the manufacturer's compensatory duty, the protective duty to the manufacturer, the wages to the tailor, and all the profits added on, a $7.20 suit just cost the trade $2.80.

Mr. TILLMAN. Will the Senator allow me to ask him a question?

Mr. CARTER. Certainly.

Mr. TILLMAN. What about the great boast that you are protecting American labor when that sort of story can come out here?

Mr. CARTER. American labor, competing in the steady market of the United States—a market which the Senator has well said is the best market in this world—will produce and sell the finished article as cheaply as it can be produced and sold on our scale of living without reference to the amount of duty which protects the market. The common error and fallacy which has been spread broadcast over this country and is believed by many credulous people has been that upon which the Senator from Georgia figures to-day. He says the duty on the wool is 11 cents a pound. It takes 4 pounds of wool to make a yard of cloth. That makes 44 cents of duty in the cloth; then 60 per cent protective duty, with 44 of compensatory duty to offset the duty on the wool, and he puts them on top of the other and says the American manufacturer adds all of these to his actual cost and his profit, and that we are paying it all. In order to see that that is a fallacy pure and simple it is only necessary to go to the next store and price the goods.

Mr. BACON. The Senator assumes to state my position in regard to the matter, and does not state it correctly.

Mr. CARTER. I am sorry. I will be glad to have the Senator state it.

Mr. BACON. I had not made any statement on that subject. So when the Senator says I assume it, it was an assumption of his own. I had not made any such statement, and I do not contend for anything of the kind. I know it is not true that the price of the domestic article is to be ascertained by adding the entire cost to the rate of duty. I do not contend for anything of that kind.

Mr. CARTER. I am very glad to hear it.

Mr. BACON. There is no doubt about the fact that it very largely increases the price. If it did not, those who are to be benefited thereby would not be so eager and insistent upon the tariff duty.

As the Senator has raised the question, and possibly intends to give us more definite figures in the future, I hope he will address himself to this proposition. Of course the cost to the consumer as a consequence of the tariff is not measured in the way he suggests, but it has been the matter of investigation and it has been the matter of estimate. It is estimated variously by those who have made these investigations as to the increased cost laid upon the consumers of this country by reason of the protective tariff upon the importation of articles such as are manufactured in this country.

Mr. CARTER. Mr. President——

Mr. BACON. One moment, now. The estimates vary, if my information is correct, from 5 to 10 per cent. But it is not correctly as a per cent. I will state it otherwise. It is estimated that for every dollar of tariff raised under a protective tariff bill from $5 to $10 are required in increased prices from the consumers in the country of similar articles upon which protective tariffs are thus placed. So it is a little under the average if we state that for every dollar of revenue raised under a tariff bill $7 are exacted from the consumers in the increased prices.

Mr. CARTER. That consumer is the individual who insists on wearing the foreign article.

Mr. BACON. Not at all. I am speaking of the consumer of the domestic article. The consumer of the foreign article, if we may illustrate by the tariff in our country, pays to the Government only some $300,000,000, speaking generally; but it is estimated that the consumers of corresponding domestic articles pay to the American producers of the domestic article seven times that amount, not on the foreign article, but upon the domestic article which is thus protected.

So if that estimate is correct—and there are some who put it as high as ten, and the lowest put it as high as five—taking seven, which is below the average, when there is a protective-tariff bill under which $300,000,000 of revenue a year is raised, the people of the United States, the consumers of the country, under that estimate would pay $2,000,000,000 a year as a tribute to the domestic producers; in other words, $2,000,000,000 every year in increased prices paid for domestic articles.

I say, Mr. President, that the people of the United States—whatever the Senator may find in the advertisement of a newspaper at the conclusion of a season—well know the fact that to-day living is a matter of difficulty to those who have to depend upon small salaries in order to support themselves and their families, not in luxury, but in ordinary comfort, and it is that fact which has called for the revision of the tariff.

Now, does this tariff propose in any manner to lessen the burden upon the common American consumer? Does it lessen the cost of living to those who to-day find it so difficult to live? I will not trespass upon the time of the Senator, but I want to suggest this to him, in order that, if not now, at some other time, he may direct his attention to it; not simply as to what may be the benefit to those who are the particular beneficiaries of the protective tariff, but to those who must necessarily pay the money which gives the benefit to those beneficiaries. Somebody pays annually this $2,000,000,000. It is paid by the people of the United States. It is paid by the consumers, and, unfortunately, it is true, as stated to-day by the Senator from Rhode Island, that it is a defect in the protective-tariff system that the burden of the protective tariff can not be equally laid upon all, and the benefits which result from it are not enjoyed in equal proportion by all.

Mr. CARTER. The figures of the Senator with reference to the contribution of the people to the manufacturing and producing interests are subject to so many modifications and variations that I doubt if the whole day were devoted to an attempt to reconcile his view on that subject with the actual facts in the case, any progress would be made at all. For instance, the only duty and the total duty we pay on all imported wools is less than $10,000,000 a year, and the $2,000,000,000 to which he refers must be a mythical proposition.

Mr. BACON. I beg the Senator's pardon, I did not hear the statement he made.

Mr. CARTER. The total receipts under the present law—and the Senate bill on this subject is merely a reproduction of the present law——

Mr. BACON. Yes.

Mr. CARTER (continuing). Are less than ten millions.

Mr. BACON. That is on the wool alone. The Senator did not understand me as using the figures I did as true only of the wool schedule. I am speaking of the entire protective tariff duties that we have in this country, with the consumption of over thirteen thousand million dollars of domestic products, manufactured products. It is to that I am referring, and not simply wool. That is only a part.

Mr. CARTER. The theory of the Senator—and it is only a theory——

Mr. BACON. No.

Mr. CARTER (continuing). Is based upon this assumed state of facts, as I understand it, to wit, that the amount of duty, placed at a certain rate, fixes a measure of assessment on the entire community within the assessment zone, to wit, within the entire jurisdiction. I think the Senator may go over the price lists of the country with much profit and find that scarcely in any instance does the price of the article sold in the market amount to the actual and conceded cost plus the duty. So there is an inherent fallacy in the Senator's proposition as applied to the facts.

Mr. BACON. I have disclaimed that. I do not say that it is the cost and the duty added, and that calculation is not based upon any such assumption.

Mr. CARTER. If the Senator does not make that claim, then he has only shifting sand upon which to base a calculation of any kind.

Mr. BACON. No.

Mr. CARTER. It is guesswork, pure and simple.

Mr. BACON. Not by any means.

Mr. CARTER. But I will be glad to debate it with the Senator with actual figures here present whenever we reach a schedule where that can be properly taken up.

At this moment I wish to devote some slight attention to the suggestion of the Senator from Iowa [Mr. DOLLIVER]; and I regret he is not present, for my remarks will be somewhat limited by reason of his absence.

Mr. BACON. Without interrupting the Senator further, in order that I may not be misunderstood I want simply to add this in one minute: While I do not say that in all instances the cost of the domestic article in this country is the cost of production with the tariff added, I do claim that it is so in the very large majority of such domestic articles, and I believe it is very largely so in the woolen schedule.

Mr. CARTER. In reference to the woolen schedule it is only necessary to look about and see how well people are clothed in this country to observe the difference between now and the time when the country had free wool and free woolens. When I was a boy, growing up in the State of Ohio, we had free wool and free woolens, and I remember in those blessed old days that six young men living in my neighborhood were married in the same suit of store clothes, loaned out from one to another. The people had to make their own clothes. They relied on a foreign market. There was no labor or employment at home with which to make the money to buy anything;

and if the theories of the Senator from Georgia could be put upon the statute books, crystallized into law, we would return to those good old days again.

But the Senator from Iowa [Mr. DOLLIVER] took occasion to remark that the shepherds and the weavers had joined together in what may be termed, if that odious language were imported, a "conspiracy" for the purpose apparently of perpetually robbing the American people. The Senator did not mean to carry out that idea to its full natural consequence. The shepherds of the country are made up of the farmers of the United States, and the farmers of the United States, the men who have paid the taxes and fought the battles of this Republic from the beginning, can only conspire against the American people when they conclude to conspire against themselves.

It is true there is a community of interest between the woolen manufacturer and the woolgrower, and where common interest prevails it is a stretch of imagination indeed to assume that a conference regarding the common interest amounts to a conspiracy against the community. As I said before, protection on the wool is of no avail to the woolgrower unless you protect the woolen manufacturer, so as to give the grower a market at the home mill. If the market is in England, what avail will be the protective duty to the woolgrower in the United States, for in that distant market he must meet the $3 sheep herder from South America, the woolgrower from Cape Colony, the woolgrower from Australia, and, indeed, the competing wools of all the world.

In that competition he can not engage, but instead will send the sheep to the slaughter pen, have them chopped up on the block and sold by the pound, and then, unhappily, when the flocks are gone, we will be dependent for our clothing, wholly and solely, upon the woolgrowers of distant climes and upon the manufacturers of other countries.

In case of war or disturbance in the channels of commerce and trade on the ocean, we would be compelled to pay excessive prices for our woolen goods, brought in through the perils of war, or else resort to cotton clothing.

The loss would not be the loss solely of the individual who owns the sheep and sends them to the slaughterhouse, but it would be in the nature of a great national loss, because we can not sacrifice the woolgrowing flocks of the country without striking down one of the pillars upon which rests the commercial and the industrial independence of these United States.

There was no conspiracy when conference and mutual exchanges of views occurred in 1867, because that conference occurred between the employers of labor in the great manufacturing centers and those representing millions of farmers in every State in the Union engaged in growing sheep and selling wool. Those schedules of 1867 have been departed from twice in the intervening years—once in 1883, when Congress undertook to deprive the manufacturer of the compensatory duty and made certain mistakes with reference to the waste or so-called "waste," which admitted competing wools at a lower rate than that contemplated by the law. Immediately the industry began to wane.

Again there was a change when the Wilson-Gorman bill was passed in 1894. Of course there was a change in the McKinley bill, but that was only for the time, although during its temporary life the McKinley bill caused a remarkable revival of the wool industry.

But in 1894 they crystallized into law the theory of the Senator from Georgia, and if that law had continued a few years longer there would not have been a sheep left on this continent within our jurisdiction, for the reason that sheep could only be raised at a loss to the owner. There was no conspiracy in adjusting matters so as to correct this unfortunate downward tendency in an industry of predominating importance to the American people.

So there were conferences in connection with the Dingley bill between the woolen men and the woolgrowers, and no one sought to conceal the fact that conferences were in progress, and no one ever before was heard to complain that these conferences were improper or pernicious in their influence. They resulted in a poise of these schedules based upon what seemed to be a reasonable basic duty for the wool and just compensation to the woolen manufacturer above the duty on the wool, and then a protective schedule for the manufacturer to protect him against the cheap labor engaged in manufacturing abroad.

That law, wise in its construction, has by its fruits justified the men who drafted it and the wisdom of the Congress that passed it, for there is not, as I will undertake to show when these schedules are reached, a single line of human endeavor in this great Republic of ours that has been more prosperous nor that has shed a wider range of blessing upon the American people than this single industry of woolgrowing.

And what is better still, if the House bill, as reported from the Senate committee with amendments, should be passed—as I hope and confidently believe it will be, and the sooner the better—this happy condition will continue until the American people will be able to say to the world that we not only have battle ships sufficient to protect us against surprise or insult, but if worst comes to worst, and you sweep the battle ships from the waters and sink them in the depths, the people of the United States for an indefinite period of time can feed and clothe themselves without depending upon any part of the world for a contribution.

In that, Mr. President, rests a source of strength not vouchsafed by battle ships nor perishable armament of any kind at all. The people who can live within themselves indefinitely can defend themselves indefinitely. We are under no danger from foreign invasion of our shores. The combined fleets of the world can not protect convoys sufficient in number to bring an invading army to these shores to rest or abide here. Such an army would be buried here or live as our prisoners. Our public policy, of course, impels us always to provide for the redress of wrongs by the strong arm, to guard against needless insult or offense, but in the last analysis that which is to make us permanently powerful and great in this world's economy is the supplementing of our political independence by the largest possible measure of industrial independence.

Let me say to Senators here who have been following the old Republican flag for years that there never was a time in the history of the party or its efforts to sustain a policy when fidelity to party principles was of more concern than upon this day. I am one of those who believe that the Dingley law, now upon the statute books, was the wisest and best-balanced tariff law that this country ever knew. Take the unlimited measure of our prosperity in every walk of life as my witness for this allegation. The farmer, whose mortgages have been paid off, has a bank account to-day. The people all over the country have found employment and millions of laborers have changed from the condition of tramps into the happy attitude of sturdy, independent workmen.

It is true that some schedules were too high, possibly, just as some were too low, precisely as it will occur that some schedules in this bill will be too high and others too low. Infinite wisdom alone could avoid such inequalities in the midst of the thousands of interwoven items to be dealt with in this bill. But taken all in all, the Dingley bill, framed by as capable a body of men as ever dealt with a tariff bill in this country, was a splendid piece of legislation. I would that we had resorted to a series of joint resolutions of Congress to reduce somewhat the steel schedule and the iron schedule and a few other schedules so as to make them comport with changed conditions and the general policy and purpose of the law. But that was not done. We are engaged now in the task of closing up this Pandora's box, which in a thoughtless moment we opened; and the task is a most difficult one.

I concede that it is a most difficult matter to explain why this phrase or that phrase has been used in the bill, but it must ever be remembered that the premium on evasion of a tariff law is a powerful incentive to the genius of a very acute body of men seeking to evade the law. Many of these provisions, apparently meaningless in themselves, were employed for the purpose of forestalling evasion of the law, which in common practice has been made possible through construction either by courts or by boards of appraisers. No doubt as we proceed some amendments will be found necessary. They will be made. I trust that the woolen schedule may be debated upon its merits, and as the keystone to the system I have no doubt that every Republican who feels that there is anything left in the protective-tariff policy to attract him will give it his cordial support.

I for one, as representing a State in part which has a very large interest in the wool schedule, say that nothing will be claimed here save that which can be shown by a mathematical demonstration to be just and equitable under the protective-tariff policy, and if all the schedules in this bill are found to rest upon as solid a foundation as the woolen schedule we may congratulate ourselves on improving even the Dingley law.

Mr. BEVERIDGE. Mr. President, recurring again to my previous suggestion to the chairman of the Committee on Finance that, in order to give the morning for the convenience of all Senators to examine the bill and find out the facts, we restore the order of meeting at 12 o'clock for a week at least, I would ask the Senator whether it would not be convenient for him, as it would be satisfactory for us, to agree to adjourn each day at 5 o'clock? It would accomplish the same purpose, but not

quite, perhaps, so conveniently as the other arrangement. I should like to know whether that would suit the convenience of the Senator?

Mr. ALDRICH. I have no objection to having an understanding that we shall adjourn at 5 o'clock, unless, of course, there is something——

Mr. BEVERIDGE. Some emergency.

Mr. ALDRICH. Some unusual reason for continuing the session—that is, for a week.

Mr. BEVERIDGE. I am sure that will relieve the great majority of Senators on both sides and of all views. It is satisfactory for the present.

Mr. SCOTT. Mr. President, I hope that rule will not be made. For my part, I think the thing we should do in the present emergency and in the condition of the country is to meet here at night and hold night sessions in addition to day sessions. We do not want to keep the country hanging by the eyelids, as it were, for months and months. We want to give the manufacturers of the country and the business men an opportunity to go ahead. As it is, they do not know what we are going to do and what they can depend upon. I think putting off the meetings until 12 o'clock, and, as the Senator said, to quit at 5, is ridiculous under present conditions and the stress the business people of the country are under to-day.

Mr. BEVERIDGE. Mr. President, the anxiety of the Senator from West Virginia to conclude this bill is shared by every Senator upon this floor, and by no one more than by myself. At the same time, as I remarked this morning, when the bill becomes a law, it is supposed to be, and of course is, the law of the entire American people. I hope that it will be such a law that it will not be disturbed again for ten years. I mean to do what I can to make it such a law.

While I have no doubt that the business community of the country are anxious that it should be passed and settled, I am also sure that they are equally anxious, as the whole people of the country are, that when it is passed it will be in as perfect a shape as possible. It is important to pass it speedily, but infinitely more important to see that it is right when we do pass it.

As I said this morning, it is our custom to follow committees in ordinary legislation; but this is no ordinary legislation; it is a great business measure, affecting every man, woman, and child in the Republic, and each Senator here, whether on or off the committee, is responsible to his constituents—yes, to the Nation.

The bill is going to be looked into; let that be distinctly understood right now. It would be discreditable to any Senator if he did not look into it. It is better, if necessary, to take a few days or a few weeks more, that the people may be satisfied and that we ourselves may be satisfied when we come to vote upon it instead of voting upon a bill as to which, to quote the language of the Senator from North Dakota [Mr. McCUMBER] in his remarkable speech the other day, "we are now without sufficient facts," and remember that he is a member of the committee that framed the bill. It is pretty significant to hear such a statement from such a source.

The Senator might as well understand—in all possible kindness I say it—that we are not going to meet at night until we have studied these schedules. The Senator from Rhode Island in having agreed for a week at least, unless an extraordinary emergency should arise, to adjourn at 5 o'clock, is very, very wise. No time will be saved—it will be wasted—if an attempt is made to crowd the bill.

The speech made by the Senator from Iowa [Mr. DOLLIVER] has raised questions about which the vast majority of us know nothing. He has made serious charges—they could not well be more serious. They have been made in such a manner that we must know something about them. They must be answered. I think that is conceded by the committee. I think it is the intention of the committee to try to show that the Senator has not been entirely accurate. They bordered on the verge of a reflection upon personal honor. That is of concern to us; but the thing that is of deepest concern to us is that we must know the facts, and we will know the facts not only about this, but about every schedule. All the facts about the items of any tariff bill never can be known without a tariff commission; but we mean to know all the facts that questioning and hurried research can elicit.

I am satisfied that the committee itself is anxious that all Senators should be thoroughly informed upon the bill before being called on to vote upon it. I think the conclusion of the Senator from Rhode Island will actually save time; and that a disposition to railroad the bill through will lose time and lose a very great deal of time.

Mr. HEYBURN. Mr. President, in arriving at the conclusions which I have already reached and those I expect to reach, I am proceeding by the process of elimination; and we will bring this discussion to an end much sooner if we devote our attention to that consideration rather than to the elaboration of it. At first, in the early days of the discussion, the bill seemed much wider to me than it seems to-day. By devoting a reasonable amount of time to the investigation of the arguments that have been presented and the questions that are obviously to be considered, so far as my mind is concerned, I have eliminated a very large percentage of that which I formerly thought would be absolutely necessary to consider in reaching a wise conclusion in regard to this matter.

I suggested my objection when the Senator from Rhode Island asked that we should meet at 11 o'clock. I presented the objection merely by way of suggestion. I find that the ordinary business which devolves upon a Senator requires a great deal of his time, whether we are in session or not in session. If we have the morning in which to dispose of the current business of a Senator and devote attention to that which has transpired during the consideration of the bill, I think we will be very much aided in the process of elimination.

I understand from the suggestion of the Senator from Indiana that an arrangement satisfactory to that Senator has been made by which we will adjourn each day at a certain time, at least for a week. I am not inclined to make any further objection to the early meeting, provided we have time in the latter part of the day. So I will waive the objections I did urge against the early meeting.

Mr. ALDRICH. I ask that the first paragraph passed over be now read.

Mr. CULBERSON. Mr. President, let me understand the situation. I understood the Senator from Rhode Island to propose an adjournment at 5 o'clock each day, but I understood the Senator from West Virginia to object.

Mr. ALDRICH. I will try to accommodate the desires of Senators in that respect.

Mr. SCOTT. I withdraw my objection.

The PRESIDENT pro tempore. The Secretary will read the first amendment passed over.

The SECRETARY. On page 4, paragraph 5, the Committee on Finance propose to strike out lines 8, 9, and 10 and to substitute the following——

Mr. ALDRICH. I ask that that paragraph be passed over, to accommodate some Senators who are not present now.

The SECRETARY. The next paragraph passed over is paragraph 8, page 5.

Mr. LA FOLLETTE. I was not able to hear what disposition was made of paragraph 5, on page 4.

Mr. LODGE. It was passed over, at the request of a number of Senators.

Mr. ALDRICH. Several Senators who are interested in sulphate of ammonia are not present now, and I asked that it might be passed over.

Mr. LA FOLLETTE. I did not hear that, and I wanted to know.

The SECRETARY. The next paragraph passed over is paragraph 8, on page 5. The House text reads as follows:

Bleaching powder, or chloride of lime, one-fifth of 1 cent per pound.

Mr. ALDRICH. I think the Senator who asked that that be passed over is now willing that it should be adopted.

The PRESIDENT pro tempore. The Secretary will read the next.

Mr. BEVERIDGE. Mr. President, a parliamentary inquiry. After the Senate committee amendments are adopted as in Committee of the Whole, is any amendment to the bill itself in order before we go into the Senate?

Mr. ALDRICH. Undoubtedly.

The PRESIDENT pro tempore. It is.

Mr. BEVERIDGE. So when the committee amendments are adopted, which we are now going over, while we are still in Committee of the Whole, any Senator may offer an amendment not only to that but to any other part of the paragraph.

The PRESIDENT pro tempore. Unfortunately the Chair thinks the agreement was made——

Mr. ALDRICH. When an amendment is agreed to as in Committee of the Whole it can only be amended by unanimous consent or by a reconsideration.

Mr. BEVERIDGE. I know; but my question goes further than that. For instance, take paragraph 39. That has, I see, one or two amendments. I am taking it as an illustration. Those amendments are adopted; we are now at that work. After those amendments are adopted as in Committee of the

Whole they can not be amended as in Committee of the Whole, but the question is whether while we are still as in Committee of the Whole any Senator may offer an amendment to any other portion of that paragraph.

Mr. ALDRICH. Unquestionably. That is the ordinary parliamentary law.

Mr. BEVERIDGE. Not to the part which is a committee amendment, but to the other portion of the paragraph we can offer an amendment as in Committee of the Whole.

Mr. GALLINGER. Undoubtedly.

The PRESIDENT pro tempore. Undoubtedly.

Mr. ALDRICH. The committee amendment to paragraph 9 is to strike out "one-half" and insert "one-fourth."

The PRESIDENT pro tempore. The Senator from Rhode Island offers an amendment which will be stated.

Mr. BRISTOW. I should like to inquire what was done with paragraph 8?

Mr. ALDRICH. It has been agreed to.

The PRESIDENT pro tempore. The paragraph was agreed to. The amendment to paragraph 9 will be stated.

The SECRETARY. In paragraph 9, line 5, page 5, strike out "one-half" and insert "one-fourth," so that if amended it will read:

Blue vitriol or sulphate of copper, one-fourth of 1 cent per pound.

The amendment was agreed to.

Mr. CLAPP. Mr. President, I rise to a parliamentary inquiry. I notice the Secretary now is simply noting the paragraphs that were marked "passed over," but I do not understand that they were passed over any more than all the amendments were passed over.

Mr. ALDRICH. They were passed over for future consideration. The amendments of the committee are all now in order. Any Senator can move, after these amendments are disposed of, to go back and move any amendment he sees fit to any part of the bill.

Mr. CLAPP. But the failure to note the other amendments which were noted by the Chair as the bill was read, and which were adopted, does not give them any more standing than they obtained from that reading of the bill.

Mr. ALDRICH. It gives them no more standing than when adopted now.

Mr. CLAPP. Do we adopt them now? That is the question.

Mr. ALDRICH. Oh, yes; we adopt them as we go along.

Mr. CLAPP. We adopt those now that were passed over?

Mr. ALDRICH. We are considering the committee amendments which were passed over.

Mr. LODGE. Those which have been passed over and upon which no action has been taken.

Mr. CLAPP. I do not think I have made myself clear. As I understood the agreement the other day, nothing was gained at all by asking that an amendment be passed over.

Mr. LODGE. Certainly; no action was taken on them. In the first reading a number of amendments that were unobjected to were agreed to.

Mr. CLAPP. That was merely pro forma.

Mr. LODGE. No.

Mr. CLAPP. Wait until I get through. As I understood the agreement, it was that while they were noted as agreed to, yet they were still subject to——

Mr. ALDRICH. Amendment.

Mr. CLAPP. Not to amendment, but to opposition or reversal, without distinctly moving to reconsider them. In other words, we lost nothing as to amendments by not noting that they were passed over at that time.

Mr. LODGE. Certainly; if any Senator chooses to call attention to one of those and to bring it up again, it can be done.

Mr. CLAPP. Now, when acting upon those which were marked "passed over," we are not precluded from reaching the other amendments without a motion to reconsider under the original agreement. That is what I want to have made plain.

The PRESIDENT pro tempore. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is on page 6, paragraph 16, as follows:

Cobalt, oxide of, 25 cents per pound.

Mr. BURTON. Mr. President, an amendment to that paragraph was offered by my colleague [Mr. DICK], but I think it belongs more properly in another portion of the bill.

Mr. ALDRICH. Unquestionably. I think there is no objection to this paragraph.

The PRESIDENT pro tempore. The Secretary will proceed with the reading.

The SECRETARY. In paragraph 17, the committee amendment was agreed to.

Mr. LODGE. I desire to offer, on behalf of the committee, one other amendment in addition to those agreed to. In line 17, after the words "chief value," I move to insert "by whatever name known."

Mr. ALDRICH. The amendment is offered on the part of the committee.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment which will be stated.

The SECRETARY. On page 6, line 17, in paragraph 17, after the words "chief value," insert the words "by whatever name known."

Mr. LODGE. And a comma.

Mr. CULBERSON. I observe, Mr. President, that the rate in this paragraph on collodion, and so forth, is increased from 50 cents to 65 cents per pound and from 20 per cent to 25 per cent ad valorem. I should like to have the Senator from Massachusetts explain the reason for this unusual increase or the necessity for any increase.

Mr. LODGE. I will explain it.

Mr. ALDRICH. If the Senator from Massachusetts will permit me, when this item was before the Senate it was explained fully, and this particular amendment raising the rate to 65 cents and 25 per cent was adopted by the Senate. I have no objection to its being explained over again.

Mr. CULBERSON. It can be explained now without a motion to reconsider, under the agreement.

Mr. ALDRICH. It is the Dingley rate. The Senator from Massachusetts has the figures.

Mr. CULBERSON. The statement that it is the Dingley rate does not appeal to me, Mr. President.

The PRESIDENT pro tempore. What was the observation of the Senator from Texas?

Mr. CULBERSON. My request was that some one explain the necessity for the increase over the House bill in this paragraph.

Mr. LODGE. I shall be very glad to explain the paragraph to the Senator, so far as I can.

These manufactures of collodion and all compounds of pyroxylin are commonly known as "celluloid," a process invented and developed in this country, and it is now widely manufactured elsewhere. There was made by the House, as will be seen by a comparison of the rates, a very heavy reduction on all the rates on these articles.

I think myself the reduction was altogether too severe. I think, personally, that the protection, even with the Senate amendments, is insufficient. The duties collected are $293,000. One hundred and seventeen thousand pounds were imported, of a value of $872,000.

Mr. ALDRICH. If the Senator will permit me, in 1908 the importations were one million eight hundred and some odd thousand dollars, and the production in this country under the existing law was only $2,600,000. So the importations, even under this rate, have been constantly increasing, and unless something is done in some other way the industry will be destroyed here.

Mr. LODGE. I was going to point to the figures to which the chairman of the committee has called the attention of the Senate. This industry has been taken up very largely by Japan. One-third of the material used in the manufacture of celluloid is camphor. Camphor is a Japanese product and a government monopoly. The sale of camphor is in the hands of a man named Mitsui. Our people have to buy their camphor from him and from the Japanese Government monopoly. They have started and have in successful operation large celluloid factories in Japan.

Our people are confronted with what they did not have in the beginning—this Eastern competition at very low rates. The duties proposed by the Senate committee are anything but prohibitive. I submitted to the wishes of the committee, but my own personal judgment is that they ought to have 35 per cent ad valorem instead of 25. If not, the industry will be entirely destroyed. It is an industry that exists in a number of States. The factories are individually small. There is nothing resembling a trust or combination in the industry. In my own State there are 35 of these establishments, with something over three millions of capital, employing 3,100 hands.

That is merely an example of the condition of the industry in New Jersey and elsewhere. I do not think there is a more deserving industry in this country, and, unless we desire to see it destroyed, I do not think that the rates proposed by the committee should be changed.

Mr. PENROSE. I merely want to add to what the Senator from Massachusetts [Mr. LODGE] has said, that this particular industry has heretofore had difficulty enough in keeping pace with European competition; but it has recently been affected by competition from Japan, where, in the official report of the Japanese Government for 1908, it is shown that the Japanese wages in this industry are one-tenth of the American wages. The rate allowed by the Senate Finance Committee is substantially that of the Dingley law. It is not by any means as high a rate of duty as is thought necessary by the people engaged in this business.

Mr. NEWLANDS. Mr. President, I understood the Senator from Pennsylvania to say that the rate of wages in Japan was about one-tenth of that which prevails in this country.

Mr. PENROSE. I make that statement, and I refer the Senator from Nevada to the official report of the department of finance of the Japanese Government for the year 1908, which I do not have at hand, but which I suppose is available.

Mr. NEWLANDS. I should like to ask the Senator whether he regards the Japanese labor as efficient as the American labor?

Mr. PENROSE. I do not suppose it is as efficient, Mr. President, but the enormous discrepancy in the wages is sufficient evidence to my mind that this measure of protection is not much out of the way.

Mr. NEWLANDS. Mr. President, I wish to say, in that connection, that the mere percentage in the wages in the different countries does not give any proper conception of the relative labor cost.

I was surprised when I was in the Philippine Islands to find the measurement of efficiency of laboring men varied exceedingly. In the Philippine Islands they employ Filipinos, who are perhaps the most efficient laborers; Chinese, who are more efficient; Japanese, who are less efficient than the Chinese, and American labor; and I was told that in those islands an American laborer is equal to 5 Chinese and to about 10 Filipinos. So, when you compare a day's wages, you do not at all furnish any idea of the relative efficiency of the laborers.

Mr. FLINT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from California?

Mr. NEWLANDS. Certainly.

Mr. FLINT. I would like to ask the Senator from Nevada if he thinks that is true as to the manufacture of light goods and the manufacture of cigars?

Mr. NEWLANDS. Mr. President, I can not say; I am not informed. But it does seem to me that it would be very much more instructive if, instead of getting the daily wage of the laborers in the various countries which are in rivalry with the United States, we should get the total labor cost for a certain number of units of production. In that way we would be able to make some comparison between labor cost in this country and the labor cost in other countries. But it is entirely misleading to rely at all upon the disproportion between the wages here and the wages in other countries, where the laborers may work for a wage one-half or one-tenth of that paid to the American laborer, and yet whose efficiency in production daily may not be equal to one-half or one-tenth of that of the American laborer. I do not pretend to be able to go into these things with any accuracy, but my attention has been called again and again to the difference between the wage schedules in these various countries; and I call attention to this as an entirely inaccurate method of measurement.

Mr. LODGE. Mr. President, according to a late financial and economic report of Japan, the average daily wage in 44 trades is: For males over 14 years, 23 cents a day; females over 14 years, 10½ cents; males under 14 years, 8½ cents; and females under 14 years, 6 cents.

I do not suppose, Mr. President, that there exists in the world a comparison of the effective production by units on all possible trades; but it is idle to say that with an intelligent, bright, efficient people like the Japanese such a difference in wages has not an immense effect on the cost of the article; and when you add to that that the principal ingredient of camphor is a Japanese monopoly and that they control practically the supply, you can see the difficulties with which this industry is confronted.

Mr. BRIGGS. Mr. President, the celluloid industry was originally a New Jersey industry. It has grown and multiplied, and the various factories in the country are the outgrowth of the original New Jersey factories. In its early stages it was protected by patents, but those patents have expired; and in the last few years competition has sprung up in European countries, so that, as the chairman of the Finance Committee has stated, the value of the imports of that article for the year ending June 30, 1906, was $270,000, and for the eight months ending February 28, 1909, it was $615,000. The difference in the wages between Germany, where the foreign product is principally manufactured, and those paid in this country, has caused this enormous development and this enormous importation into this country.

The industry is particularly unfortunate from the fact that the manufacture of these goods is now being taken up in Japan. As the Senator from Massachusetts [Mr. LODGE] has stated, one of the principal components of this article is camphor, which is controlled by a Japanese government monopoly. The agents for that monopoly are the Mitsui Company. The Mitsui Company have come to this country, have employed the chief chemist of the Celluloid Company of New Jersey, and have purchased duplicates of their machines. Their factory was supposed to open some time in April. You find particular mention of it in the daily consular trade reports of November 4, 1908, and November 16, 1908.

Under present conditions; with the Dingley duty it is extremely difficult for our people engaged in this industry to get along. Any reduction of the duty would be ruinous to them. As was suggested by the Senator from Massachusetts, it is a question whether the duty should not be increased. The German wages in these factories are about one-third of those paid in this country, and we are now to have the competition of the Japanese, who are skillful, as the Senator from Massachusetts has said, in these lighter industries, and at a rate of wages one-tenth that which is paid in this country.

Mr. ALDRICH. These amendments were adopted by the Senate as in Committee of the Whole.

The PRESIDENT pro tempore. The amendments were adopted as in Committee of the Whole, the Chair understands.

Mr. ALDRICH. Yes.

Mr. LODGE. The pending amendment is the one which I offered.

The PRESIDENT pro tempore. The amendment offered by the Senator from Massachusetts, without objection, is agreed to.

Mr. NEWLANDS. Mr. President, I wish to again make an inquiry of the Senator from New Jersey regarding collodion. What country is our main competitor in the production of collodion?

Mr. BRIGGS. Up to the present it has been Germany, but now we are facing a new condition. As I said, Mitsui & Co., who are the sales agents of the Japanese Government for camphor, are the men who are putting up the factory in Japan.

Mr. NEWLANDS. Has that factory as yet made any exports?

Mr. BRIGGS. Not as yet.

Mr. LODGE. Not that factory, but there has been Japanese celluloid imported into this country.

Mr. BRIGGS. Yes; there have been importations from Japanese factories, and as the factory of Mitsui & Co. is about completed I suppose it is manufacturing at the present time.

Mr. NEWLANDS. Can the Senator inform me what proportion of the whole amount of collodion in this country comes from domestic production and what proportion comes from importations?

Mr. BRIGGS. I think that for 1909 about one-fourth will come from foreign countries.

Mr. ALDRICH. In the year 1908 there were $1,800,000 worth imported and $2,600,000 worth were produced in the United States.

Mr. NEWLANDS. There were $1,800,000 worth imported and $2,600,000 worth produced in the United States. Then, according to the Republican theory of protection, that would justify a protective rate where so large a proportion of the consumption consists of importations.

But I want to call the attention of the Senate to the fact that we have heretofore been basing our duty upon the wages prevailing in Germany; which, confessedly, are five or six times the wages of our threatened competitor, Japan; for I believe it is contended by the other side that the wages in Germany are about 60 per cent of our wages. If our wages are ten times as great as those of Japan, the wages of Germany must be five or six times as great as those of Japan. If we are to go on raising this rate of protection in proportion as the wages of competitive countries are less than our own, it will necessarily follow that the rate which has thus far been protective as to Germany will, according to the contention of the gentlemen on the other side, not be protective as to Japanese competition. And if you insist upon it that the difference in wage demonstrates the difference in the cost of production, then, according to your own theory, whenever a new competitor comes in, like

Japan, with a wage scale only one-sixth of that which prevails in Germany, it will justify you in raising your protective duty, not the small percentage called for by this amendment, but by doubling it, trebling it, and quadrupling it.

Are we always to take a competitor which comes into the field with the lowest wage scale, and in that way constantly keep on increasing these duties in order to meet the competition of such a competitor? If so, these duties will become mountain high.

I wish to again emphasize what I said when I commenced my remarks—that the difference in the wage scale does not at all demonstrate the difference in the cost of production, because there is the widest difference in the efficiency of the labor itself, in the output of an individual laborer in Japan or in the Philippine Islands or in China, as compared with the output of an individual laborer in Germany or in France or in the United States.

The other day I was conversing with an enterprising mining man, who has had large mining enterprises in every country in the world of any mining importance. He has mined in Australia; he has mined in South Africa; he has mined in the different countries of South America and of Central America, in Mexico, in Russia, in Korea, and in this country. He has been conducting at the same time mining enterprises in all these different countries. He informed me that, so far as the cost of production of the unit was concerned, the discrepancy in the wage scale made no difference; that he would rather operate under a high wage scale than under a low wage scale, because wherever the high wage scale prevailed, it demonstrated the efficiency and the productive power of the laborer. He went so far as to say that in Korea, per unit of production, the labor cost was as great as in this country, although miners receive in Korea 10 or 15 or 20 cents a day, and in this country they receive $4 a day.

As an illustration of this, he said that when he was in Korea he called up his superintendent to invite his attention to the fact that they were employing miners to go down into the mines and bring up water upon their backs, instead of using the modern pumping appliances such as would be used in America, and he commented on this stupid management as he regarded it. The superintendent demonstrated to him that the labor cost was so low that as between the investment of capital and the operation of pumps and the utilization of human labor, the utilization of human labor was the cheaper. So he says that everywhere they go in the cheap-labor countries they fail to resort to those devices which are intended to economize human labor and to cheapen production.

I imagine that this illustration would apply to most of the industries that we have under consideration, and it strikes me that it would be very much more instructive to the Senate if the committee would present to us, not the wage scale of the various countries, but the cost of producing each unit of the thing with reference to which we propose to fix our duties.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Massachusetts?

Mr. NEWLANDS. Certainly.

Mr. LODGE. Mr. President, the State of the Senator from Nevada, if my memory serves me, expressed its feelings pretty strongly in regard to the introduction of Japanese or other Asiatic labor of any kind into this country. I think that is the general feeling as I have seen it manifested on the Pacific coast. I do not believe in admitting Asiatic immigration or Asiatic labor into the United States; but, economically, there is not a particle of difference on a question of competition between admitting the Asiatic labor in the form of the human being and in admitting it in the concrete form of a manufactured article. If you let in the celluloid brush made at the factories in Japan, you are admitting your Japanese labor into competition with your American labor and with your American standards just as much as if you admit unrestricted Asiatic immigration into the port of San Francisco. I am a protectionist, but I am a protectionist on both sides. I can not see how it is wise to exclude Japanese or Chinese labor from the Pacific coast on the ground of its presenting an impossible competition in modes of life and standards of living with our people, and saying that their products, which embody their labor in a concrete form, may come in without any tariff protection.

Mr. BRIGGS. Mr. President, the Senator from Nevada has instanced mining operations as bearing on this question. I will say in reply that celluloid will not be made by hauling the materials for its manufacture on the backs of the Japanese. They have imported the most improved machinery, machinery selected carefully by the principal chemist of the largest celluloid plant in this country. I think the question of wages does enter into the question as largely as has been stated by the Senator from Massachusetts and by others who have spoken on this point.

The Senator from Nevada further raises the question that it will be necessary to increase these duties in order to give us proper protection. That will not be necessary. There is the other alternative, which seems to be one that the Senator leans to, and that is to wipe out the industry in this country and send it to Japan.

Mr. GORE. Mr. President, I desire to ask the Senator from New Jersey a question.

The PRESIDENT pro tempore. Does the Senator from New Jersey yield to the Senator from Oklahoma?

Mr. BRIGGS. Certainly.

Mr. GORE. I have been informed, and I desire to know whether or not it is true, that a New Jersey concern has established silk factories in Japan with a view to availing itself of the cheap labor of that country.

Mr. BRIGGS. Mr. President, I can not answer the Senator on that point; but that is the alternative that the gentlemen on the other side will force the manufacturers in this country to if they succeed in putting us in competition with Japanese labor.

Mr. GORE. Then, I desire to ask the Senator if it is not a fact that within the last six months the concern came back to Paterson, N. J., because the experiment was a failure?

Mr. BRIGGS. I am not aware that that is the case. It may be, however. But even that is not a parallel case to this, because this industry is being established by the men who have control of the raw material, Mitsui & Co., the agents of the Japanese camphor monopoly.

Mr. GORE. I should like to know how any sort of protection would shield us against the Japanese monopoly of raw material? It only aggravates the evil in this country, it seems to me, because they have got the monopoly, protection or no protection.

Mr. NEWLANDS. Mr. President, I merely wish to say one word in reply to the Senator from Massachusetts [Mr. LODGE]. I am not, of course, prepared to say that with reference to any of these items there is not a difference in the labor cost between this country and other countries. I simply address myself to the proposition that the arguments presented by the gentlemen on the other side were absolutely unreliable when they referred to the difference in the wage scale as a justification for increasing duties. I have no doubt that in some countries the labor cost per unit of production is very much less than in our own; but I should like to get it accurately, and the only way to get it accurately is through properly ascertained statistics as to the cost of production of each unit, and not as to the wage of the particular laborers employed in that industry.

The Senator from Massachusetts says that the people of the State of Nevada are opposed to Chinese immigration. That is true. The people of the entire Pacific coast are opposed to Chinese immigration. We do not contend for a moment that Japanese labor is as efficient upon our own soil as is American labor. It is, however, more efficient probably than it is upon Japanese soil, for the reason that our manufacturing industries here employing Japanese would also probably employ all the labor-saving devices that are employed in the enterprises that employ entirely American laborers. But I think the contention can be safely made that in every country where the very low wage scale prevails the labor-saving devices, the economic devices, that are resorted to in countries of high wages to save human labor and to promote the efficiency of the natural forces are not availed of to the extent that they are in this country; and necessarily so, because the economic necessity does not drive them to that resort.

The PRESIDENT pro tempore. The next paragraph passed over will be read.

Mr. GALLINGER. I ask if the other amendments have been agreed to?

The PRESIDENT pro tempore. They have been agreed to.

Mr. CULBERSON. I respectfully submit to the Chair that we ought to be allowed a vote on the amendments as they are reached, so that Senators who desire to vote against them may be allowed to do so.

The PRESIDENT pro tempore. The Senator from Massachusetts [Mr. LODGE] has offered an amendment, which will be stated.

The SECRETARY. On page 6, line 17, after the word "value," it is proposed to insert the words "by whatever name known."

The amendment was agreed to.

Mr. CULBERSON. Now, Mr. President, on the other amendments in paragraph 17 I ask for a vote.

The PRESIDENT pro tempore. The other amendments were agreed to as in Committee of the Whole.

Mr. CULBERSON. We are still in Committee of the Whole, and the understanding was that the amendments should be again submitted, if desired.

The PRESIDENT pro tempore. The Chair wishes to know if there was an understanding——

Several SENATORS. Oh, no.

Mr. ALDRICH. There was no understanding of that kind where an amendment had been agreed to as in Committee of the Whole. The amendments to this paragraph have been agreed to by a vote of the Senate, as in Committee of the Whole.

Mr. CULBERSON. It was distinctly understood that, notwithstanding amendments were agreed to, at the request of any Senator they would be open to reconsideration without a formal motion to that effect.

Mr. SIMMONS. Mr. President, I want to call the attention of the Senator from Rhode Island to the fact that I asked that a certain paragraph be passed over. The Senator from Rhode Island rose and said that was not necessary, because at any time, whether an entry of that sort was made or not, it could be called up.

Mr. ALDRICH. That is undoubtedly true; but when the Senate has already adopted amendments by vote, I think the Senator must realize that, if we are ever going to get through with the bill, it will be necessary to have in a case of that kind a reconsideration.

Mr. CULBERSON. I am sure I can not be mistaken as to the agreement; and I insist upon its enforcement.

Mr. CLARKE of Arkansas. I think the Senator from Texas is mistaken as to the agreement.

Mr. ALDRICH. Of course he is.

Mr. CLARKE of Arkansas. When the bill was read the first time it was agreed that certain paragraphs might be objected to and laid aside temporarily on request, and that the reading of the bill might be proceeded with by paragraphs until the reading was completed, and that then we should go back to the consideration of the objected paragraphs, but that the adoption by the Senate of a paragraph would be deemed final unless there was a motion to reconsider. The statement of the Senator from Texas [Mr. CULBERSON] and of the Senator from North Carolina [Mr. SIMMONS] I think had reference to the first reading of the bill and did not contemplate the consideration of the objected paragraphs at all. I think the RECORD will disclose that I raised an objection, but the ruling and understanding of the Senate at the time was as I have stated.

Mr. RAYNER. Mr. President, the Chair made the ruling not once, but on three different occasions, that there was no necessity of reconsidering any Senate amendment.

Mr. ALDRICH and Mr. GALLINGER. Oh, no.

Mr. RAYNER. One moment. The Senator from Rhode Island agreed to it not once, but upon several occasions——

Mr. ALDRICH. The Senator is mistaken.

Mr. RAYNER. And the RECORD shows it. I asked the Chair and others asked the Chair for a ruling, and the point was made that we could return to the committee amendments and have them taken up again without a motion to reconsider; but when an amendment is adopted now it will be necessary to make a motion to reconsider if it be desired to open it to discussion. That ruling was made upon three different occasions by the Chair; and there is not a man upon this side of the Chamber who did not so understand it. The Senator from Rhode Island acquiesced in it, and if I had the time I would point him to the RECORD where he consented to the proposition that without a motion to reconsider we could take up any of the amendments, whether they had been voted on by the Senate or not. I do not think there is any difference of opinion on this side of the Chamber as to the understanding upon that proposition.

Mr. ALDRICH. I have no objection in this case, if the Senator from Texas desires to have a vote taken——

Mr. RAYNER. We want a ruling; we want an understanding where we are in this case.

Mr. ALDRICH. My understanding is very distinct that if the Senate now adopts an amendment it then must be reconsidered in order to be again open for discussion.

Mr. CLARKE of Arkansas. That is right.

Mr. ALDRICH. Otherwise, we never would get through with the consideration of this bill.

Mr. RAYNER. Does the Senator from Rhode Island refer to the amendments adopted now?

Mr. ALDRICH. Yes, sir.

Mr. RAYNER. There is no trouble about that. If we adopt an amendment now, and afterwards desire to review it, of course a motion must be made to reconsider; but as to amendments heretofore adopted, we can take them up without a motion to reconsider. So there is no difference of opinion between us, if that is the Senator's view now.

Mr. ALDRICH. I have no objection to allowing a vote to be taken upon this proposition.

The PRESIDENT pro tempore. Shall the Chair understand that any one of the amendments heretofore agreed to as in Committee of the Whole is open to amendment now without a motion to reconsider?

Mr. ALDRICH. Certainly not. On the other hand, any amendment now adopted or hereafter adopted as in Committee of the Whole must be reconsidered by the Senate if it is desired to discuss it again.

The PRESIDENT pro tempore. The Chair understands that perfectly. The question is on amendments which have hitherto been agreed to as in Committee of the Whole, whether the Chair shall be instructed to entertain a motion to amend such amendments.

Mr. ALDRICH. I think that question is not likely to arise.

Mr. BACON. It has been the universal custom of the Senate in dealing with bills of this kind to permit a Senator to return, for the purpose of amendment, to any paragraph or section which has been adopted. I am sure the Senator will recognize that that has been the universal custom heretofore in connection with appropriation bills and other bills of length.

Mr. ALDRICH. I have no objection to that. I am willing to agree to almost anything in order to get ahead with the bill.

Mr. CULBERSON. I understand we can have a vote on this amendment.

Mr. ALDRICH. Certainly.

Mr. CULBERSON. I will undertake to find in the RECORD the exact agreement I have stated.

The PRESIDENT pro tempore. The next amendment passed over will be stated.

The SECRETARY. On page 6, line 17, the committee proposes to strike out "fifty" and insert "sixty-five;" and in line 18, before the words "per cent," to strike out "twenty" and insert "twenty-five," so as to read:

17. Collodion and all compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, 40 cents per pound; if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made up into finished or partly finished articles, 45 cents per pound; if polished, wholly or partly, or if finished or partly finished articles, of which collodion or any compound of pyroxylin or of other cellulose esters is the component material of chief value, by whatever name known, 65 cents per pound and 25 per cent ad valorem.

The amendment was agreed to.

The SECRETARY. The next paragraph passed over is paragraph 21, at the bottom of page 7. The first committee amendment was agreed to at the previous reading. The next committee amendment is, in line 5, after the word "quebracho," to strike out "not exceeding in density 28° B., one-half of 1 cent per pound; exceeding in density 28° B., seven-eighths," and insert the word "one-half," so as to read: "extracts of quebracho, one-half of 1 cent per pound."

Mr. STONE. What is the paragraph?

The PRESIDENT pro tempore. Paragraph 21, commencing on page 7.

Mr. LODGE. It is on page 8.

The PRESIDENT pro tempore. It commences on page 7 and is concluded on page 8.

Mr. LA FOLLETTE. I should like to have the amendment restated.

The PRESIDENT pro tempore. The amendment will be restated.

The Secretary again stated the amendment.

Mr. LA FOLLETTE. I should like to inquire the reason for the increase in duty.

Mr. LODGE. It is a decrease.

Mr. BEVERIDGE. Of course.

Mr. LODGE. Seven-eighths is more than a half.

Mr. LA FOLLETTE. If it is proper, I should like to offer an amendment to the pending amendment—to make the duty on extract of quebracho one-quarter of 1 cent instead of the duty proposed by the amendment.

Mr. HALE. That amendment is first in order.

Mr. LA FOLLETTE. That is the amendment I propose to the amendment.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Wisconsin will be stated.

The SECRETARY. In lieu of the committee amendment inserting "one half" insert "one-fourth."

Mr. BEVERIDGE. Why does the Senator offer that amendment?

Mr. LA FOLLETTE. I was about to state that extract of quebracho, as I understand, is imported into this country and is used to tan leather. We produce in this country a product used for the same purpose, called "chestnut extract." It is not commercially practicable, however, as I am informed, to tan leather with chestnut extract solely and make it salable. It discolors the leather in such a way that it is not acceptable to the trade. Besides, it lacks a certain pliability which is given to leather when tanned in part by the extract mentioned in the paragraph to which I have referred—quebracho. About 70 per cent of quebracho, united with 30 per cent of chestnut extract, makes the best tanning solution that can possibly be found, to produce the best results in leather. Since we have begun importing extract of quebracho it has increased very materially the use of chestnut extract, which we produce in this country. So it promotes an industry in this country to import this product upon which the duty is proposed to be raised.

Furthermore, I am informed that there are only two factories producing extract of quebracho in this country, and only one of those factories is seeking this increase in duty. The other has invested in the quebracho wood in Argentina, where it grows, and is building a factory there.

I do not believe there is any sound, economic reason or any good protective tariff argument that can be urged for the increase in this duty. On the contrary, I think the duty should be reduced to one-fourth of a cent per pound.

Mr. BEVERIDGE. Before the Senator takes his seat I will say that I agree with everything he has said except on this point, which is revealed by looking at the comparative tables. It brings in a revenue of $382,399.24, and I assume it is a revenue measure. I should vote with the Senator for the reduction unless the reduction would decrease that.

Mr. LA FOLLETTE. I think the reduction will very materially increase the revenue. Nobody can state positively about anything of that sort, but I can refer the Senator from Indiana to the experience of Canada in that respect. Canada has put quebracho and chestnut extract upon her free list, and she is importing great quantities into that country and building up her tanning industries, to the detriment of the tanning industries of this country; and we will, if we raise the duties upon this product, tend to drive the tanning industry from this country into Canada. It is a very great mistake, I am certain, from every standpoint, to increase this duty, and I am confident, from the way the importations have increased, that a greater revenue would be received from a lessened duty.

Mr. SCOTT. I should like to amend the amendment of the Senator from Wisconsin, and put the duty back to seven-eighths.

Mr. GALLINGER. You can not do that.

Mr. LA FOLLETTE. As I understand, that can not be done.

Mr. BEVERIDGE. I raise the point of order that an amendment to the amendment is not in order.

Mr. SCOTT. If the Senator will allow me, I will make a few remarks, if I may be permitted.

Mr. BEVERIDGE. Certainly.

Mr. SCOTT. Mr. President, we have in my State an industry which makes this extract from chestnut trees. There are a great many hundreds of people engaged in the business. I have letters and communications, which I do not intend to take the time of the Senate to read, insisting upon the rates of the original Dingley Act, because they say this extract is made out of small trees, chestnut trees, worth nothing, where the main body of the tree has been used, and it is ground up into a pulp, and this extract is made from that pulp. They say that a reduction to the point which the present Senate bill provides, of a half a cent, will put them out of business. For that reason I should like to make a motion to increase rather than to decrease the rate.

Mr. LA FOLLETTE. The information which I have given the Senate upon the subject completely meets the argument of the Senator from West Virginia. Increased importation of quebracho at a lower duty will increase the use of chestnut extract and make a larger market for the product of the factories to which the Senator from West Virginia refers.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Wisconsin to the amendment of the committee. [Putting the question.] By the sound the "noes" seem to have it.

Mr. LA FOLLETTE. I do not like to interrupt the course of business, but I think I will have to ask for the yeas and nays.

The yeas and nays were ordered; and the Secretary proceeded to call the roll, and called the name of Mr. ALDRICH.

Mr. PILES. I should like to make an observation. I am in receipt of a letter on this subject from a tanner in my city, and he is in favor of the reduction to one-half of 1 cent, complaining against the increase made in the House bill to seven-eighths of 1 cent. He asks that it go to one-half cent. He argues that the duty on leather is to be reduced, and that this duty ought to go to one-half. He refers to the duty on hides and so forth. The hide question is yet to be considered, and I take it from the letter which the company has written me that it is in favor of the old rate on this article.

Mr. BEVERIDGE. I am going to vote with the Senator from Wisconsin. I am only going to say one sentence. Unless some person answers the statement of the Senator from Wisconsin and shows it is incorrect, I shall vote with him, because he has demonstrated, if his statement goes without challenge, several things: First, that his amendment will greatly increase the revenue; second, that it will conserve a business in this country, the tanning industry in this country, which would otherwise be driven to Canada; and, third, that it will actually increase the business of producing the tannic substance. Until that statement is contradicted, I can not see how anybody, taking the Senator's uncontradicted statement, can vote against his amendment. The people who know about the matter must explain it.

Mr. GALLINGER. The Dingley Act rate is seven-eighths, and it is here proposed to reduce it to one-half.

Mr. LODGE. Will the Senator point out where the Dingley rate is one-half?

Extracts of quebracho and of hemlock bark, one-half of 1 cent per pound.

Mr. GALLINGER. Then I was misinformed by a Senator who I thought understood the matter. Under the Dingley rate 62,593,671 pounds of the extract were imported in 1908. If it is true that we are establishing factories in this country and making this extract from woods that are very common and very cheap, it seems to me we ought to be content to let the matter rest where it is.

Mr. LA FOLLETTE. Mr. President——

Mr. GALLINGER. I yield to the Senator, certainly.

Mr. LA FOLLETTE. We do not make an ounce of this extract in this country except from the quebracho wood, which has to be imported from Argentina.

Mr. GALLINGER. Then the Senator from West Virginia——

Mr. LA FOLLETTE. No; I beg pardon. The Senator from New Hampshire misunderstood the Senator from West Virginia. The product that is being made in the State of the Senator from West Virginia is chestnut extract, which can not be used commercially as a substitute for quebracho extract at all, but only in conjunction with it; and this quebracho extract must be brought into this country in order to maintain and promote the industry for which the Senator from West Virginia speaks.

Mr. GALLINGER. If it be true that it is necessary to combine the two, and we can make the extract from American wood and we are importing 62,593,671 pounds per year of quebracho extract, it seems to me we ought to let the matter rest where it is.

Mr. CULBERSON. Mr. President, the agreement which I undertook to state from memory a while ago was made on several occasions in the open Senate, but I have been able to find only one, and I will read that now, so that there will be no further misunderstanding on the subject.

On page 1496 of the RECORD, Mr. CLARKE of Arkansas said:

Mr. President, we might as well understand now, as later, what the agreement entered into yesterday meant. My understanding is that notwithstanding a certain amendment may be adopted by a vote or by a failure to interpose an objection, it still remains open for a reconsideration without a formal vote to reconsider. Is that not the understanding of the Senator in charge of the bill?

Mr. ALDRICH. I am quite willing to have that understanding.

And subsequently the Chair said:

The Senator from Arkansas asks unanimous consent that the understanding be that at any time there may be a return to any paragraph.

Mr. CLAPP. I understand the Senator's proposition is that it may be returned to and acted upon without the formality of a reconsideration.

The VICE-PRESIDENT. That is the understanding of the Chair. The Chair hears no objection.

Mr. BURKETT. I call the attention of the Senator to the top of page 1552, where this statement occurs in the RECORD:

Mr. MCCUMBER. Mr. President, I have a pending amendment proposing to place all of the articles from paragraph 196 to paragraph 204 upon the free list. I wish to discuss the subject at some time when we reach those paragraphs for final determination. In order that I may not ask specifically that each paragraph be passed over, I will ask that they be passed over as they are read.

Mr. ALDRICH. I suggest to the Senator from North Dakota that, with the understanding we have, it is not necessary to have them passed over. He can go back and make a motion at any time without having them passed over. I ask that the paragraphs may be read before any action is taken.

Mr. DU PONT. Returning to quebracho extract——

Mr. CLARKE of Arkansas. Before we pass over this particular matter of order, I ask the Senator to yield to me until I can make a statement in connection with what the Senator from Texas has just read, he having referred to what I said on a former occasion.

Mr. DU PONT. Certainly.

Mr. CLARKE of Arkansas. At the time that inquiry was made with respect to the rules to govern the consideration of the paragraphs of the bill, the bill was being read the first time in a formal way. The point was raised for the purpose of obviating the necessity of objecting to a paragraph under pain of being met later on with the proposition that it would be necessary to enter a formal motion to reconsider before it could be passed on by the Senate. It never was intended to preclude or dispense with the rule that after a paragraph was considered a second time and formally adopted by a vote of the Senate it would not be open without a motion to reconsider.

Mr. ALDRICH. No such suggestion was ever made.

Mr. CLARKE of Arkansas. I did not make any such inquiry, and I did not intend to establish any such rule.

Mr. ALDRICH. No.

Mr. CLARKE of Arkansas. I think it was the fair understanding, found in the RECORD, that after a paragraph has been read a second time, and either objected to or gone back to on the request of any Senator, its adoption then would subject it to the rule which obtains in the Senate in all other cases—that it could not again be considered without a formal motion to reconsider.

Mr. CULBERSON. I desire to add simply that there is no disagreement between the Senator from Arkansas and myself with reference to his second statement. This paragraph has never been reached and adopted the second time, as I understand.

Mr. ALDRICH. No.

Mr. DU PONT. If the Senator from Rhode Island wishes further to discuss this question, I will be glad to yield, because I was going to speak on the quebracho question.

Mr. ALDRICH. I was only about to say that 12 or 15 manufacturers of extracts appeared before the committee with reference to this matter, and they asked to have the rate increased above the House bill. The Senate committee thought it was fairer for all industries concerned, the tanning industry and every other, that it should be made one-half of a cent a pound. Many gentlemen who appeared before the committee, outside of the 12 or 15 manufacturers in this country, notably the Senator from Virginia [Mr. DANIEL], a member of the committee, objected to the low rate which the committee proposed to put upon quebracho extract, saying that Virginia and a great many other Southern States were interested in hemlock bark and chestnut bark and extracts of hemlock and chestnut bark, and that those various extracts would come in immediate competition with their own products.

The Senator from Virginia [Mr. MARTIN], I suppose, is familiar with the fact, and I think other Senators are, that if we increase the importation of quebracho extract we will be driving out of existence an industry in a number of Southern States.

Mr. MARTIN. Mr. President, I am in full accord with the opinion entertained by my colleague [Mr. DANIEL], who is on the Finance Committee, in reference to this duty. I feel it had better be seven-eighths, as the House fixed it, than one-half, as the Senate committee reported it. The quebracho extract comes in competition with an extract made from chestnut wood and other woods. There are factories of that sort in Virginia and in other places in this country, and I see no wisdom, when the present duty is a revenue-producing duty, in singling out——

Mr. CLAPP. Will the Senator pardon me?

The PRESIDENT pro tempore. Will the Senator from Virginia yield to the Senator from Minnesota?

Mr. MARTIN. I will.

Mr. CLAPP. It seems to me the issue narrows down to the statement of the Senator from Wisconsin and the statement of the Senator from Virginia. The Senator from Wisconsin states positively that this particular extract does not and can not come in competition with our home products and is only used in connection with our home production. Now, what is the information of the Senator from Virginia as to that particular question? If the Senator from Wisconsin is correct in his statement, it seems to me he is correct in his contention for a reduction. If the Senator from Virginia is right, however, then we would be justified in retaining the rate proposed.

Mr. ALDRICH. I feel bound, in the absence of the senior Senator from Virginia, who has expressed his opinion to me upon the subject on several occasions, and who is a member of the committee, to ask that this matter may go over until he can be present.

Mr. SCOTT. I rise to a parliamentary inquiry. I want to have some information, which will probably guide us hereafter. When the roll call has been ordered and a name has been called, is there any other business in order until the roll call has been concluded?

The PRESIDENT pro tempore. There is nothing in order, after a response has been made to the roll call, until the call shall have been concluded.

Mr. BEVERIDGE. Mr. President, I think, in view of that statement, it is rather important that all of us should understand one thing here, because it will save time in the end. When a Senator is on his feet addressing the Chair, and the Clerk, while the Senator is on his feet and addressing the Chair and has not yet been recognized by the Chair, begins to call the roll, even if there has been a response, it will not take the Senator off his feet. Precisely that thing occurred when the roll was started. A roll call had been asked for; and, so far as my vote is concerned, I felt bound, and shall feel bound, to vote in accordance with the statement of the Senator from Wisconsin, unless it is controverted. The roll call was started while a Senator was on his feet and before the Chair recognized him. On a call of the roll, even if there is a response, it is well to understand at this stage of the game that it does not preclude discussion. That will save a great deal of time and discussion.

Mr. GALLINGER. Let the reading proceed.

Mr. ALDRICH. In paragraph 22 the committee have certain amendments.

Mr. LA FOLLETTE. I should like to know what has happened to this paragraph? We over here can not hear very well.

The PRESIDENT pro tempore. The Senator from Rhode Island asked that it be passed over for the present.

Mr. LA FOLLETTE. I have no objection to that.

Mr. ALDRICH. In paragraph 22, line 20, I move to strike out "and one-half," so as to reduce the duty from 2½ cents to 2.

The PRESIDENT pro tempore. The Senator from Rhode Island offers a committee amendment, which will be stated.

The SECRETARY. On page 8, line 20, strike out, before the word "cents" in line 20, the words "and one-half," so as to read:

22. Gelatin, edible, and glue, isinglass or fish glue, including agar-agar or Japanese isinglass, and all fish bladders and fish sounds other than crude or dried or salted for preservation only, valued at not above 10 cents per pound, 2 cents per pound.

The amendment was agreed to.

Mr. ALDRICH. In line 22 I move to strike out "2½ cents per pound and 15"—that is, to disagree to the committee amendment; or perhaps I had better withdraw the committee amendment. I withdraw the amendment.

The PRESIDENT pro tempore. The Senator from Rhode Island withdraws an amendment, which will be stated.

The SECRETARY. In lines 21 and 22, page 8, it is proposed to strike out "twenty-five" and insert "2½ cents per pound and 15," so as to read:

Valued at above 10 cents per pound and not above 35 cents per pound, 2½ cents per pound and 15 per cent ad valorem.

The PRESIDENT pro tempore. The amendment is withdrawn by the chairman of the committee.

The SECRETARY. The next passed-over amendment is on page 10——

Mr. BEVERIDGE. No; on page 9.

Mr. NELSON. The last amendment withdrawn was an amendment in the nature of striking out and inserting. Does the 25 per cent ad valorem remain?

Mr. ALDRICH. It does.

Mr. NELSON. Is that the purpose?

Mr. ALDRICH. That is the purpose.

Mr. LODGE. That is the purpose.

Mr. NELSON. All right.

Mr. BEVERIDGE. The clerk is incorrect. The next amendment is on page 9, at the top of the page.

Mr. GALLINGER. That was agreed to.

Mr. BEVERIDGE. It was not even read.

Mr. GALLINGER. It was read the other day.

Mr. BEVERIDGE. I asked that it be passed over. I do not think I will object to it.

The SECRETARY. On page 8, line 25, after the word "sheets," it is proposed to strike out "or otherwise, but not made up into articles, and manufactures of gelatin," and insert "emulsions, or any other form, and all manufactures of gelatin, or of which gelatin is the component material of chief value."

Mr. BEVERIDGE. I wish to ask merely one question about the paragraph, about a matter which is disclosed on the face of this comparative statement. This does not appear in the House bill or the present law. There is no note of any manufactures here or any importations, and yet a duty of 35 per cent is imposed, although no revenue is estimated. I merely ask an explanation of the proposed duty.

Mr. ALDRICH. The new phraseology inserted here simply makes definite the duty upon certain articles which were not specially enumerated before, the rate remaining the same.

Mr. BEVERIDGE. It is a question, I take it, of classification.

Mr. ALDRICH. It is, of course.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Committee on Finance.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 10, to insert after line 15 the following:

35½. Nut oil or oils of nuts, 8 cents per gallon.

Mr. ALDRICH. I withdraw the amendment.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. McCUMBER. Before the Senator withdraws the amendment, I think a proper explanation should be made.

The amendment was put in at my suggestion, and I received the suggestion of putting it in from people engaged in the manufacture of flaxseed oil. They regarded it as a competitive article, taking the place as a substitute for flaxseed oil, and therefore that it ought not to come in free. My investigation has convinced me that it is not a substitute for flaxseed oil, but that this oil is used in place of a certain gum which has heretofore been used in the manufacture of certain paints and varnishes, and that the same amount of oil is necessary whether you use the gum as a mixture or whether you use the nut oil. With that explanation I can see no reason for a duty being placed upon that particular article.

The PRESIDENT pro tempore. The amendment is withdrawn.

Mr. ALDRICH. The committee withdraws its amendment to paragraph 29.

Mr. CRAWFORD. On what page is it?

The PRESIDENT pro tempore. Page 9, paragraph 29. The amendment is disagreed to and withdrawn.

The SECRETARY. The next amendment passed over is paragraph 40, at the bottom of page 11. The committee amendment proposed——

Mr. BEVERIDGE. The next paragraph is 39.

Mr. LODGE. There is a committee amendment to paragraph 38, where it reads "Seal, herring, whale, and other fish oil," to insert after "fish oil," before the comma, the words "including sod oil." Sod oil is a fish oil which has been used in fulling leather, in preparing leather, and it is subsequently pressed out of the leather. It is sold as an oil product. It is a fish oil.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed from the committee by the Senator from Massachusetts.

The amendment was agreed to.

The SECRETARY. The next paragraph passed over is paragraph 40, at the bottom of page 11.

Mr. CLAY. That paragraph was inserted in the bill by a Member of the House representing the district where I live. He has certain facts and figures which I desire to get. I can reach him to-night. I hope the Senator will let the paragraph go over until to-morrow.

Mr. ALDRICH. I have no objection.

Mr. WARNER. I was about to ask that it might go over.

Mr. CLAY. Unless the Senator from Rhode Island is willing to restore the rate fixed in the House.

Mr. ALDRICH. Not yet.

Mr. CLAY. The Senator says "not yet." I presume that means that at the present time the Senator is not willing to consent to that, but a little later on he will do so.

Mr. ALDRICH. That may be rather an extravagant assumption on the part of the Senator from Georgia.

The PRESIDENT pro tempore. The Secretary will read the next paragraph passed over.

The SECRETARY. On page 12, paragraph 42 was passed over. The first committee amendment proposes, in line 5, after the word "white," to strike out the word "or" and to insert the word "and."

The amendment was agreed to.

Mr. CLAY. Does not that have reference to paragraph 40? If one is passed over ought not the other to be passed over?

Mr. ALDRICH. Paragraph 42 has nothing to do with that. If we go up to a dollar and a half a ton it will be absolutely necessary to make this one-half of 1 cent per pound.

Mr. CLAY. I think it had better be passed over.

Mr. ALDRICH. I do not think it makes any difference.

Mr. CLAY. I would rather look into it.

Mr. ALDRICH. All right.

The PRESIDENT pro tempore. The paragraph will be passed over, the Chair understands. The next will be stated.

The SECRETARY. The next paragraph passed over is paragraph 46, on the bottom of page 12. The committee amendment is, in line 22, after the word "mineral," to strike out "two and seven-eighths" and insert "three and three-eighths," so as to make the paragraph read:

46. Orange mineral, 3⅜ cents per pound.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. BRISTOW. That is an increase on an item that enters into the making of paints. Why was the increase made, I should like to inquire?

Mr. ALDRICH. The increase was made for this purpose. The duty at the present time is 1½ cents a pound on lead contents. The House restored the existing rate on lead ore, but left the duty on lead products half a cent a pound below the proper equivalent for the manufactured article. In order to stop the importations of lead in the form of products and to make the rate consistent it is necessary to return to the Dingley duty on all the lead products.

Mr. BRISTOW. Mr. President, the duty was not increased on lead ore. Then would this increase be necessary?

Mr. ALDRICH. If the rate on lead ore remains as in the present law and as it is in the House bill——

Mr. BRISTOW. We have not yet reached the paragraph relating to lead ore.

Mr. ALDRICH. No; but the Senate committee have agreed to recommend 1¼ cents a pound. We might as well, I think, understand that it will certainly be kept at 1¼ cents a pound.

Mr. BRISTOW. Then had we not better wait until we vote on that? There may be a majority of the Senate not in favor of increasing the tariff on imported lead.

Mr. ALDRICH. It is the existing duty.

Mr. BRISTOW. Would it not be well to pass it over?

Mr. ALDRICH. I do not see anything to be gained by passing it over. We might as well decide that question at one time as another. If this increase is made, it is practically a vote of the Senate to place one and a half cents on lead ore.

Mr. BRISTOW. Will not the result of the increase on lead ore be to increase the price of all the paint that is used in the United States?

Mr. ALDRICH. I think not. That is my judgment about it. I do not know what the Senator thinks.

Mr. BRISTOW. It will mean that the price of white lead and red lead and all other kinds of paint will be increased. For one, I want to have an opportunity to vote against such an increase, because I do not think it is justified.

Mr. BEVERIDGE. I hope the Senator from Rhode Island will agree to pass over the paragraph. It is a pretty important question, and before I vote on it I intend to know more about it.

Mr. ALDRICH. I have stated all there is that anybody can know about it. This is to restore the Dingley rates, the Dingley rates upon lead itself being just what is proposed. It is simply a question of a symmetrical scale to be imposed in the duties on lead. If the Senator desires to vote against duties on lead, he will vote against this paragraph.

Mr. BEVERIDGE. I do not know whether I desire to vote against them or for them until we can have further information. It is precisely for this that I asked and the Senator agreed to give more time to work these questions out. I can not vote one way or the other just now. I will have to reserve it for action in the Senate unless the Senator will agree to pass it over.

Mr. ALDRICH. No; I can not agree to pass it over.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the committee.

Mr. NELSON. Mr. President, we do not want to rush things here. We want to take a little time. I wish to call the attention of Senators for just a moment to these two paragraphs, paragraph 46 and paragraph 47.

Mr. ALDRICH. I suggest to the Senator that there are several other paragraphs which involve the same question.

Mr. NELSON. I do not want to take up the time of the Senate. I simply wish to call the attention of Senators to these paints. It is something that enters into the daily use and consumption of all the farmers of this country. I call attention to the fact that the ad valorem rate on these two items is 58.47 per cent on orange mineral and 56.97 per cent on mineral red. The farmers have to use a good deal of this red paint in painting their barns, granaries, and outbuildings. It seems to me that this article would bear a reduction, and I would rather put it at a lower rate than 58 per cent. There is no reason why the rates should be retained except for the mere sacredness that they have been in the Dingley law.

Mr. ALDRICH. It has been for many years the policy of the United States to protect the lead producers of this country. The duty of 1½ cents a pound on lead contained in the ores and the duty of 2½ cents on pig lead is equivalent to from 75 to 100 per cent ad valorem.

Lead is produced in seven States. It is one of their principal products, and the policy of protecting lead is one which was adopted after full consideration in both Houses. This is simply to continue that policy. The rate imposed by the Dingley law is not excessive, as is shown by the fact just stated by the Senator from Minnesota, that the rates upon these products are only about 48 to 50 per cent.

Mr. BRISTOW. Mr. President, I want to say a few words in regard to the amendment. In my judgment it would increase the price of every pound of paint that is used by mechanics and farmers in this country in painting their houses and barns. I do not think the Senate ought to vote to increase that price. I call the attention of the Senate to that fact, and I ask for a roll call on agreeing to the amendment.

Mr. ALDRICH. Mr. President, the question whether it would increase the price or not has been carefully gone into in the past and the present, and I disagree entirely with the suggestion made by the Senator from Kansas that this rate will increase the price.

Mr. PENROSE. Mr. President, I want to call the attention of the Senate to a fact which I do not feel the chairman of the committee has perhaps forcibly enough impressed upon the Senate, and if I am incorrect I would be glad if he would set me straight. The House Committee on Ways and Means did not determine to impose this duty until the day before the bill was reported, as I remember, to the House of Representatives. It was agreed on at a meeting of the committee and put in the bill; but either for lack of time or by an oversight or some reason of inattention, the compensating duty on lead products was not corrected in the measure. Consequently the Senate is not indulging in any increase of duty, but is simply restoring the Dingley rates on lead products in the chemical schedule, which admittedly should have been put on in the House of Representatives.

The PRESIDENT pro tempore. The Senator from Kansas demands the yeas and nays on agreeing to the amendment in paragraph 46.

The yeas and nays were ordered.

Mr. BURKETT. Mr. President, I want to ask the attention of the Senator from Rhode Island to this matter. Probably the Senator can straighten it out in another way which would be easier than to keep telling us that it is the Dingley rate. I do not know whether the Dingley rate is too high or too low or just right, and I have not any way of knowing unless I read all the volumes of the hearings before the House committee. I confess I have not been through all those 15 volumes. I have been through about half of them. I have worked a good deal of the time on them since they were published, but I have not been through them all.

I know that we hear a good deal of complaint about the price of paint, and it is a proposition that especially the people in our section of the country complain of considerably. I do not like to vote to reduce this rate when I do not know whether it is low enough now or not, and I do not like to vote to increase it. Instead of telling us that it is the Dingley rate, I would rather have somebody who knows something about it tell us whether it is too much or too little or just right.

As I look at all the figures we have here, we did not import much of this product. I would say, from these figures, that this rate is practically prohibitive. Yet I do not know what the conditions are under which it is produced in other countries. I do not know enough about the conditions under which it is produced in this country. It may not be that this rate is prohibitive. There may be conditions that concern the production of this article both here and abroad that account for the small amount of importations. As I look at it, it is a prohibitive rate.

Understanding, as I do, the feeling of the people in general that there ought to be some legitimate competition, I confess I am at a loss to know how I ought to vote on this matter.

Therefore, it goes back to the proposition I made in the beginning, that on these important questions it would be a good deal better if some Senator who does know about it would explain it, instead of simply saying that it is the Dingley rate, because, as somebody else said, the Dingley rates are not essentially sacred at this time. They have been very good in times past. They were thought to be the best by the men who framed that bill. But conditions have changed, and the very fact that we are here making a new tariff bill indicates that the people as a whole were not altogether satisfied with the Dingley rates. That is what we are here for, and it does not convince me that it is right simply by saying that it is the Dingley rate.

Yet I will say, if the committee have investigated it, I do not want to vote against the judgment of the committee. I do not want to vote against the judgment of the House. But the judgment of the House, it seems, so far as the record is concerned, although the Senator from Pennsylvania has explained it, was to reduce it. Their first idea was to reduce all the lead schedule, as the Senator said, and he explained why they afterwards concluded it would be advisable to leave it at the old Dingley rate, and this was simply an inadvertence; but that does not explain to us why the Dingley rate is the proper rate.

Mr. SMOOT. Mr. President, I should like to call the Senator's attention to the fact that in 1907 the importations of pig and bar and bullion lead were 24,276,855 pounds, to the value of $1,043,166. We collected duty on that one item alone to the amount of $515,883.18. Over and above that pig lead there was of the ore imported into this country 80,638,497 pounds, valued at $1,910,577. This item is only a by-product of lead. The importations of this small item should be considered in connection with the whole interest of lead and lead ore.

Mr. DU PONT. Mr. President, this is a question that, rightly or wrongly, seems to appeal to the great farming interest in the view that this reduction will cheapen the price of their paints. I dislike to oppose the judgment of the committee, but, as it is sometimes said, nothing is absolutely sacred in the rates imposed by the Dingley law. I should like to see it made 2½ instead of 3½. That would be a reduction which, though not as high as the Dingley law, would at the same time be nearer the views of the committee.

The PRESIDING OFFICER (Mr. GALLINGER in the chair). The yeas and nays have been ordered on the pending amendment.

Mr. BRISTOW. Mr. President, before the vote is taken I want to call attention to the importations of this item. I can not agree with the Senator from Utah [Mr. SMOOT] when he says that we should consider in this connection the importations of lead ore and pig lead. There are a great many products of lead ore and pig lead. There was but $42,000 worth of this product imported last year, while there was more than $4,000,000 worth of it made in this country. Yet there is a proposition now in this amendment to tax the users of this red paint 3½ cents a pound. It does not need any argument to convince anyone who is acquainted with that article of commerce that it is an excessive duty. I hope the Senate will refuse to agree to the amendment.

The PRESIDING OFFICER. The Secretary will call the roll.

The Secretary proceeded to call the roll, and Mr. ALDRICH answered "yea."

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. The call having been begun and responded to, nothing is in order except to proceed with it.

Mr. PENROSE. I hope the vote will be withdrawn.

Mr. HEYBURN. It had better be withdrawn, because if we start in with that spirit here there will be trouble.

Mr. ALDRICH. I withdraw my vote.

The PRESIDING OFFICER. The Senator from Idaho is recognized.

Mr. HEYBURN. Mr. President, I think we will make more progress in these matters by confronting the questions fairly and candidly as they arise. Any attempt to head off debate will only result in a loss of time in the end.

I had not intended to discuss the lead schedule under consideration of this item, but inasmuch as you can not separate the

consideration of the principle here from the principle involved in the lead schedule we might as well meet it now.

The reduction proposed by the House bill was probably along the line suggested a number of times, that there was some pledge of the party for a downward revision. I have on several occasions felt tempted to put into the RECORD the pledge of the party, and I will take advantage of the opportunity to do so at this time, because it has been stated that the Republican party was pledged to a revision downward. I will read the declaration of the national Republican party at the last Chicago convention:

> The Republican party declares unequivocally for a revision of the tariff by a special session of the Congress immediately following the inauguration of the next President and commends the steps already taken to this end in the work assigned to the appropriate committees of Congress which are now investigating the operation and effect of these schedules. In all tariff legislation the true principle of protection is best maintained by the imposition of such duties as will equal the difference between cost of production at home and abroad, together with a reasonable profit to American industries. We favor the establishment of maximum and minimum rates, to be administered by the President under limitations fixed by the law, the maximum to be available to meet discrimination by foreign countries against American goods entering our markets and the minimum representing the normal measure of protection at home, the aim and the purpose of Republican policy being not only to preserve, without excessive duties, the security against foreign competition to which American manufacturers, farmers, and producers are entitled, but also to maintain the high standard of living of the wage-workers of this country, who are the most direct beneficiaries of the protective system.

Mr. President, it was intimated at the beginning of this discussion that we might be open to a charge of bad faith if we did not recognize that as a pledge for downward revision. I know not with certainty what may have been spoken or promised in other States, but I desire, in connection with the declaration in the national platform, to advise the Senate of the promises that were made in the State which I in part represent in this body. I will read it:

> The Republican party stands, as it has always stood, for the principle of protection to American industries. Tariff schedules, as all other legislation, need revision from time to time as new conditions arise. We believe this revision should be made by the friends of this legislation, and not by its enemies. We contrast Democratic revision of the tariff with Republican changes. Democratic revision has always been followed by disaster; Republican revision by prosperity. Idaho is essentially a producer of raw material, and comes in competition with all the world in that direction. We believe that raw material should have protection, as well as the manufactured products, to the end that the laborer who produces both should be properly protected against his competitor in other lands.

That is the political doctrine upon which we went before the people of the State of Idaho and asked their support to the Republican party. They responded with a majority of almost 17,000 votes in favor of those declarations. There is no promise in either of those platforms for a downward revision. Participating, as I did, in the campaign of that State, at no time did I concede that the Republican party was pledged to a revision downward, but on all occasions I told the people to whom I spoke that the Republican party was pledged to an intelligent exercise of its judgment, untrammeled by any ulterior purpose or any outside promises.

I merely desired to make plain the standpoint from which I shall discuss or participate in the discussion of any feature of the pending measure.

Idaho is the producer of more than one-third of all the lead produced in the United States. Idaho employs in this productive enterprise 6,500 men. The employment of those men and the wages paid to those men are not the only consideration in estimating the importance of this industry. There are employed in the United States in the mining of lead ores more than 50,000 men—50,700 men. Their pay roll is $50,700,000 annually.

Mr. BEVERIDGE. How much is the pay roll?

Mr. HEYBURN. It is $50,700,000 paid in wages to men who work in the mining of lead ores in the United States. We produce, in round figures, 300,000 tons of lead ore in the United States annually. We export about 13,000 tons, or something like that, of ore. That goes out in the natural interchange of trade, and not because we have not a use for it here.

In addition to the $50,700,000 of pay roll, we pay transportation charges of $34,300,000, which goes to employees engaged in transportation by transportation companies. That is another item of wages that owes its existence and depends for its existence upon this enterprise of the mining of lead ores.

Mr. President, the aggregate items of mining and transportation of ores in the United States is upward of $80,000,000. In addition to that we must consider the immense investment in the smelters and the concentrators erected for the manufacture and treatment of these ores, which amounts to a sum greater than the transportation charges. We must, in addition to that, consider the effect upon the prosperity of the merchant who supplies these people with the things that they consume and the effect upon the farmer who grows the crops, the vegetables, and other commodities consumed by them. When we have done that we have represented the prosperity of an entire country. When you reduce the duty upon lead to that point where lead will not be mined or where it can not be profitably mined, then this vast sum of money must find some other market, and the men engaged in mining and transporting this product must find some other field for their energy.

It is not my purpose upon this occasion to speak more fully than is necessary for the consideration of this one item, but when the lead schedule is reached, if there should be developed here a disposition to reduce existing duties and retire this industry, then we shall doubtless feel compelled to go more fully into the question whether or not we shall maintain the industry represented by the products of lead, or whether we shall leave it stagnate, as I saw it do under the Wilson-Gorman bill, when the mines were compelled to close and the men who had worked in them were compelled to seek the then overcrowded market for labor. This is comparatively a small item, but it represents the principle that we shall contend for wherever lead or lead products are presented in this bill.

The farmer is not clamoring for the reduction of the duty on lead. Farmers sell us millions of dollars' worth of their products to maintain these mines. The mines are not owned by the men who work in them. The capital invested in these mines is the capital from Maine to California; it is the capital of the farmers as well as of the bankers. Thousands and thousands of our farmers own interests in these mines, and if you destroy the industry, you destroy the prosperity of the farmers.

Mr. BEVERIDGE. I want to ask the Senator from Idaho, before he takes his seat, whether or not the industry would be destroyed if the amendment of the Senator from Delaware were accepted?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. It reduces the duty but a small fraction of 1 per cent.

Mr. HEYBURN. Mr. President, the duty on leaded ores and on bullion and other forms of ore is absolutely necessary in order to enable us to compete in the markets of the world with that product, which is more than three times our product; and there is no margin for reduction. There is no reason for paring it, because if you do—if you cut 10 per cent off of it—you cut it off the wages of the workmen, with all the discomforts and disorders that come from it. When we were compelled to submit to a small duty upon leaded ores and lead bullion under the Wilson-Gorman bill, more than three-fourths of our mines producing lead closed, because they could not pay the scale of wages, and we had riots and war and disorder as a result of the conditions that had been forced upon us.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. I do.

Mr. BEVERIDGE. I thought the Senator was through. I want to suggest to the Senator from Kansas [Mr. BRISTOW], that in view of the fact that we are voting as in Committee of the Whole, and that all this matter can hereafter be considered in the Senate, he withdraw his request for a roll call. The roll call is a waste of time.

Mr. ALDRICH. No; no.

Mr. BEVERIDGE. I have the floor, I believe. I, for one, want more information upon this question. I do not desire to vote against the lead industry in particular. On the other hand, I want to have more information upon this question; and I do not care to vote upon it upon a yea-and-nay vote now, when we can get it just as well in the Senate. So I suggest that the Senator withdraw his call for the yeas and nays.

Mr. ALDRICH. Let us have the yeas and nays, Mr. President.

Mr. GALLINGER and Mr. HALE. Regular order!

Mr. WARNER. Mr. President——

Mr. ALDRICH. Let us have a vote. The Senator from Missouri [Mr. WARNER] will have an opportunity to speak on the next item.

Mr. WARNER. Mr. President, the Senator from Missouri is not waiting for a chance to speak on any item; and if it is the wish to take a vote, I certainly do not desire to delay a minute. I have not so desired during the session, and do not now; but I wish to say simply a word, for whatever it may amount to.

I represent in part a State that produces a little more than one-third of the output of lead in the United States, Idaho being next. From my information this great industry, when the tariff was placed upon it, was the cause of the building up of a portion

of our State, and if you wish to now strike it down in my State, you will reduce the tariff. I do not wish to take any further time.

Mr. CLAPP. On what question is the vote to be taken, Mr. President?

Mr. BRISTOW. Mr. President——

Mr. ALDRICH and others. Regular order, Mr. President.

Mr. NELSON. I think the question ought to be stated. I am not myself clear whether the question is on paragraph 46 or paragraph 47.

Mr. ALDRICH. It is on paragraph 46.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. CLAPP (when his name was called). On this vote I am paired with the Senator from Oregon [Mr. BOURNE]. So I withhold my vote.

Mr. FRYE (when his name was called). I have a general pair with the senior Senator from Virginia [Mr. DANIEL]. I transfer that pair to the junior Senator from Wyoming [Mr. CLARK] and vote. I vote "yea."

Mr. STONE (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. CLARK]. I am advised by the senior Senator from Montana [Mr. CARTER] that, if present, the Senator from Wyoming would vote "yea." I see that the present occupant of the chair [Mr. FRYE] has transferred his pair with the senior Senator from Virginia [Mr. DANIEL] to the junior Senator from Wyoming [Mr. CLARK]. That complicates matters a little bit for me; but it will accomplish the same end so far as the Senator from Wyoming is concerned. I do not know how the senior Senator from Virginia would vote if present; but, if I can do so without violating in any respect the obligations of my pair, I am ready to vote.

Mr. GALLINGER. The Senator is free to vote, if he wishes to do so.

Mr. WARREN. The Senator from Wyoming [Mr. CLARK], if here, would vote "yea."

Mr. CARTER. I informed the Senator from Missouri of my understanding that the Senator from Wyoming [Mr. CLARK] would vote "yea." Subsequently the occupant of the chair for the time being [Mr. FRYE] transferred his pair to the Senator from Wyoming, thus releasing the Senator from Missouri.

Mr. STONE. If I am at full liberty to vote, I vote "nay."

The roll call was concluded.

Mr. BAILEY. I desire to say that the Senator from Indiana [Mr. SHIVELY] is detained from the sessions of the Senate by illness.

Mr. CLARKE of Arkansas. I take advantage of this occasion to say that my colleague [Mr. DAVIS] is detained at home in consequence of the death of his wife, and he will probably not be present during the remainder of this session.

Mr. CULLOM (after having voted in the affirmative). When I voted I did not notice that my pair, the Senator from Virginia [Mr. MARTIN], was not present. I observe that he is not present now; so I will transfer my pair to the Senator from New York [Mr. DEPEW] and let my vote stand.

Mr. MCENERY. I am paired with the Senator from New York [Mr. DEPEW]. Under the arrangement made by the Senator from Illinois [Mr. CULLOM], the Senator from New York [Mr. DEPEW] will stand paired with the Senator from Virginia [Mr. MARTIN], which leaves me at liberty to vote. I vote "nay."

Mr. GAMBLE. I have a general pair with the senior Senator from Nevada [Mr. NEWLANDS], and will therefore withhold my vote.

Mr. CURTIS. The Senator from New Jersey (Mr. KEAN) is paired with the Senator from Indiana (Mr. SHIVELY).

The result was announced—yeas 41, nays 35, as follows:

YEAS—41.

Aldrich	Cullom	Jones	Scott
Borah	Dillingham	Lodge	Smith, Mich.
Bradley	Dixon	McCumber	Smoot
Brandegee	du Pont	Nixon	Stephenson
Briggs	Elkins	Oliver	Sutherland
Bulkeley	Flint	Page	Warner
Burnham	Frye	Penrose	Warren
Burrows	Gallinger	Perkins	Wetmore
Burton	Guggenheim	Piles	
Carter	Hale	Richardson	
Crane	Heyburn	Root	

NAYS—35.

Bacon	Crawford	Hughes	Paynter
Bailey	Culberson	Johnson, N. Dak.	Rayner
Bankhead	Cummins	Johnston, Ala.	Simmons
Bristow	Curtis	La Follette	Smith, Md.
Brown	Dolliver	McEnery	Smith, S. C.
Burkett	Fletcher	McLaurin	Stone
Chamberlain	Foster	Money	Taliaferro
Clarke, Ark.	Frazier	Nelson	Tillman
Clay	Gore	Overman	

NOT VOTING—15.

Beveridge	Daniel	Gamble	Owen
Bourne	Davis	Kean	Shively
Clapp	Depew	Martin	Taylor
Clark, Wyo.	Dick	Newlands	

So the amendment was agreed to.

The SECRETARY. The next amendment passed over was in paragraph 47, at the bottom of page 12, before the word "cents" in line 24, to strike out "three-eighths" and insert "seven-eighths," so as to read:

47. Red lead, 2⅞ cents per pound.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, in paragraph 49, at the top of page 13, line 4, after the word "japan," to strike out "25 per cent ad valorem," and in line 5, after the word "varnishes," to strike out "25 per cent ad valorem" and insert "and," so as to make the paragraph read:

49. Varnishes, including so-called gold size or japan, spirit varnishes, and enamel paints made with varnish, 35 per cent ad valorem.

Mr. BEVERIDGE. Mr. President, I wish to ask merely a question. According to the comparative statement the estimate is that the revenue on spirit varnishes under this increase will be reduced considerably more than 100 per cent.

Mr. ALDRICH. How much is the duty increased?

Mr. BEVERIDGE. From 25 per cent to 35 per cent.

Mr. ALDRICH. The present rate on spirit varnishes is $1.32 a gallon and 35 per cent ad valorem. It is reduced by this amendment to 35 per cent ad valorem.

Mr. BEVERIDGE. It is an increase over the House bill.

Mr. ALDRICH. It is an increase over the House bill, but an increase which is absolutely necessary if we are to continue to make spirit varnishes in this country.

Mr. BEVERIDGE. If that be true, then, Mr. President, the House, reducing the rate and fixing it at 25 per cent, must have intended to destroy the varnish industry.

Mr. ALDRICH. No; they make a mistake probably.

Mr. BEVERIDGE. Of course we can take the statement of the chairman, and no one objects to that; but it appears, then, that the House and Senate committees had entirely different information upon this subject.

Mr. ALDRICH. I am not sure about that, of course; but the reduction in this one item is one of the largest reductions in this bill. The present duty is $1.32 a gallon and 35 per cent ad valorem.

Mr. BEVERIDGE. It is a reduction over the present law, but it is an increase over the House bill; and I merely wanted an explanation as to why the increase is made.

Mr. ALDRICH. The manufacturers of spirit varnishes in Michigan and in 20 other States, I think, came to us and said that it was not possible for them to go on making spirit varnishes with that enormous reduction in the rate.

Mr. BEVERIDGE. The House did not think so.

Mr. SMOOT. Mr. President, spirit varnishes, when manufactured with pure grain alcohol, are always better than when manufactured with denatured alcohol. The House did not take this into consideration. In Germany to-day pure grain alcohol can be bought at about one-quarter of the price we can buy denatured alcohol for, and in Germany they allow the alcohol to be denatured by shellac, whereas in this country they will not allow that; but about 5 per cent of wood alcohol has to be put in, which interferes with the manufacturing of certain grades of varnishes.

Mr. BEVERIDGE. If the Senator is sure that the fact he has just stated was not taken into consideration by the House committee, I think his explanation is entirely satisfactory.

Mr. SMOOT. I believe that to be so, and not only that, but I do feel, and almost know from my investigation, that if the duty is not put at 35 per cent the varnish makers of this country can not compete, and their business will be destroyed.

Mr. BEVERIDGE. That is all right.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, in paragraph 50, page 13, line 11, to strike out the words "four and one-half" and insert "five," so as to read:

50. Vermilion reds, containing quicksilver, dry or ground in oil or water, 10 cents per pound; when not containing quicksilver but made of lead or containing lead, 5 cents per pound.

The amendment was agreed to.

The SECRETARY. The next amendment passed over was, on page 13, line 13, to strike out the words "three-eighths" and insert "seven-eighths," so as to read:

51. White lead, and white pigment containing lead, dry or in pulp, or ground or mixed with oil, 2¾ cents per pound.

Mr. BRISTOW. Mr. President, I wish to make the same protest against this amendment that I made against the other. It will increase the cost of paints which are used in this country in every household and by every family. I do not think it is just. I desire to enter my protest against it. I should like to have an opportunity to vote against it, and I will ask for a vote when we consider the bill in the Senate.

Mr. SMITH of Michigan. The Senator from Kansas says this will add to the cost of paint to every householder and farmer. It is not an increase; it is the present law. On the roll call I did not vote to add a single penny to the cost of painting a house or barn, but to retain the present law, which farmers are accustomed to, and against which we have heard no protest; and if the same course is to be taken on all these other items in the same general class, I propose to vote the same way.

Mr. BAILEY. I do not understand the parliamentary situation if the Senator from Michigan has correctly stated it. My understanding is that the question now is on agreeing to the Senate amendment, which does make an increase.

Mr. ALDRICH. Oh, no.

Mr. BAILEY. But the Senate amendment strikes out the House provision, and the House provision reduces the existing law. Therefore an affirmative vote on this amendment does increase the cost.

Several SENATORS. Oh, no.

Mr. BAILEY. It may not increase the cost, as compared to the cost under the existing law, but the Senate amendment does increase the cost as compared with the House provision.

Mr. LODGE. There never has been any cost under the House provision, because the House rate does not make the law.

Mr. BAILEY. I understand that, but the question is on agreeing to the Senate amendment.

Mr. LODGE. Certainly.

Mr. BAILEY. And the Senate amendment does fix a higher rate than the provision which it proposes to amend; therefore the Senator from Kansas is correct.

Mr. BRISTOW. Mr. President, in reply to the remarks of the Senator from Michigan, I will say that it appears to me, from the limited experience I have had here, that the men who are interested in increased duties and in sustaining duties that are already high are here to be heard, while the men who are paying the bills are at home at work and not here; and that is the reason I voted against the increase over the House rate. I am going to vote against this amendment, because I believe it is an injustice to the men who use this product in their every-day life.

Mr. PENROSE. I should like to ask the Senator from Kansas whether he can state to the Senate what difference to the consumer in money amount this duty will make? How much will it increase the cost of painting a barn or a fence, or the cost of a gallon of paint?

Mr. BRISTOW. I will answer the Senator from Pennsylvania by inquiring what proportion of this increase depends upon increased wages? What is the per cent of increased wages represented by this increase in duty?

Mr. PENROSE. I understand it almost entirely depends upon the difference in wages and the fact that we do not have the raw material in this country; that it has to be imported.

Mr. BRISTOW. You understand that it almost entirely depends. Those are not definite statistics.

Mr. PENROSE. The difference is entirely in the difference in wages between this country and abroad, and the fact that we do not have the material in the United States.

Mr. BRISTOW. What are the wages abroad and here?

Mr. PENROSE. I have all that information and I can give the Senator the figures. I have it on my desk, if he desires to have it.

Mr. BRISTOW. I should like very much to have it.

Mr. PENROSE. All right. If the Senator will go on with his remarks I will examine it and give it to him later.

Mr. BRISTOW. A book has been handed to me and I have been requested to read a paragraph:

In purchasing dry white lead, which carries a 40 per cent duty, there is a practical monopoly on the article in this country.

There is, practically speaking, but one place to purchase, and yet a protection of 40 per cent. We do not think this is fair and right.

We see statements in the paper that those who have anything to say should appear before the commission at Washington. A good many in the trade, having but the one place to purchase, feel cowed.

Yours, very respectfully,

THE HANNA PAINT MANUFACTURING COMPANY,
By J. B. HANNA, *President.*

That letter is addressed to Hon. William H. Taft, and is from Columbus, Ohio, dated December 4, 1908, and is printed in the House hearings.

Mr. CRAWFORD. Mr. President, I voted against the proposed increase in the rate fixed by the House on orange mineral, and I feel disposed, from what light I have here, to vote against this proposed amendment; and I simply desire to be sufficiently frank here to state my reasons.

I do not personally feel satisfied that I have the information I ought to have to enable me to vote intelligently upon this item. That being true, I am compelled to choose here between the decision rendered by the Senate Committee on Finance, which proposes to increase the duty, and the decision of the Committee on Ways and Means of the House, which proposed materially to reduce it; and it is difficult with two conclusions from two different committees, diametrically opposed to each other, to come to a very satisfactory judgment.

I for one can not ignore the fact that for weeks and weeks the House committee sat and listened to witnesses who appeared personally and subjected themselves not only to open public examinations, that were recorded, but submitted themselves to exhaustive cross-examinations, that were recorded, and the result of whose testimony was printed, and I have had the opportunity to read it somewhat, unsatisfactory as in many cases it is; and that committee, as the result of its long recent weeks of patient toil and labor, resulting, as it did, from open public examinations and cross-examinations, comes here with a proposal to reduce this duty. The Senate committee comes here with a proposal to increase it. What shall I do under such circumstances?

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Rhode Island?

Mr. CRAWFORD. I do.

Mr. ALDRICH. The Senator may not be aware of the fact that the House committee, up to the night before the bill was reported, had a duty upon lead ore of 1 cent a pound. At the last minute they increased it to one and a half, and did not change the rates on the product, for lack of time or for some other reason. I have no doubt that if the committee had had the time it would have put back the other products to the same point where they were in the Dingley law, as it itself at the last minute put back the duty on lead ore.

Mr. BEVERIDGE. Why did they not take the time?

Mr. ALDRICH. I do not know.

Mr. BEVERIDGE. That was their duty; that was their business.

Mr. CRAWFORD. Each Senator here must answer personally to his conscience and to his constituents for his vote, and I shall record mine, no matter whether it is with the majority on this side, in a case like this, where I believe we came here with the expectation on the part of the people of the country that we would generally revise these schedules downward, in favor of a revision of the schedules downward, unless good reason is shown why they should be increased; and the burden of proof will be on those who propose to increase them.

Now, the rule by which we are governed has been prescribed in our national platform, and that is the difference in the cost of production at home and abroad, allowing a reasonable profit to the American producer. I am willing to be guided by it. But what evidence of that sort have we here which shall be our light in deciding which of these two committees we shall follow? Did not the House undertake to do it——

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from South Dakota yield to the Senator from Utah?

Mr. CRAWFORD. I do.

Mr. SMOOT. I desire to call the Senator's attention to the fact that the rate on lead ore is 1½ cents a pound, as reported by the House. Does the Senator believe there ought to be a differential between ore itself and the bullion or pig lead?

Mr. CRAWFORD. I can see where there may be a difference between a mere by-product and the production of the ore itself, but I will say this to the Senator——

Mr. SMOOT. Wait just a moment. I should like to say that I believe the Senator will readily see that that differential ought to be maintained. The differential in the past has been five-eighths of 1 cent a pound. The House reported lead bullion at 1½ cents, just the same as it reported the lead itself, and there is no differential between the ore and the lead; and this increase here upon the duty reported by the House on white lead is entirely in that differential. There is no increase in the Senate bill, if you or any other Senator here thinks there ought to be a differential between the ore and the pig lead itself.

Mr. CRAWFORD. I am not prepared to discuss as a proposition by itself the question whether we should have a duty upon

lead. I will say, however, not only as a matter of sentiment, but as a matter of wise policy on the part of the Republic, I believe, just as the Senator from North Dakota so well put it the other day, that oil, coal, iron, and lumber ought to be conserved by taking the duty off and drawing from the stock that has been supplied everywhere in the universe rather than to encourage the consumption of our own.

But upon this particular point I simply say that, acting within the limit of knowledge as presented here, I for one shall put the burden upon those who propose an increase of duty to show affirmatively and by satisfactory evidence that it should be increased.

Mr. HEYBURN. I suggest to the Senator that the duty on the lead in ore before it is smelted being 1½ cents, it reasonably follows that the duty upon the lead after it is extracted from the ore should bear an increased rate, because there are between these two points the wages and the labor and the investment of capital connected with the smelting of the ore. We want that investment of capital in the smelters of this country; we want the wages paid to the thousands of men engaged in operating smelters paid in this country; and for that reason we want a corresponding duty upon the product of lead ore after it is extracted. It is the rule that runs all through the tariff legislation.

It may be interesting to Senators to know that in the first tariff bill ever passed by the Congress of the United States there was a duty of 1 cent a pound; that it has always been considered a proper subject for protection, in view of the fact that it is all the product of some man's labor. That is the principle which lies behind it.

Mr. BURKETT. I am not very much disturbed about taking lead out of this country and smelting it in some other country. I am going to say a word about this paragraph, and I hope the chairman of the committee will pardon me if I take some exceptions to the way it is presented.

I took occasion to say on the other paragraph that I thought a lot of trouble could be saved if some reason could be given for raising the tariff. So far as I am concerned, I am not going to vote for a reduction of the tariff on anything that is going to injure any American industry. I believe in keeping American men at work, and I believe in the protective tariff policy and in keeping American money at home.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Utah?

Mr. BURKETT. I am not an expert, I will say; but I will yield, although I may not be able to answer the Senator's question.

Mr. SMOOT. In answer to the Senator, I will say there is not a question, so far as the State of Utah is concerned, that if lead or pig lead is reduced 10 per cent there will not be a mine, with the exception of one or two, running in the whole State; and that applies to nearly every mining district in the United States. If we take 10 per cent off to-day, it means that all the lead-producing mines in that State will be closed, and then we will be compelled to get our ores from Mexico, and we do not know where the price would go.

Mr. HEYBURN. I thought the Senator from Nebraska would be glad to know, inasmuch as I understood him to say that he was not concerned about the smelting of ores outside of this country and the bringing of ores in——

Mr. BURKETT. No; I said I was not afraid they would take any of our ores outside and smelt them.

Mr. HEYBURN. Now, will the Senator——

Mr. BURKETT. Let the Senator ask that when I get through.

Mr. HEYBURN. Certainly, if the Senator does not desire to be interrupted.

Mr. BURKETT. That has nothing to do with this matter, anyway.

Mr. HEYBURN. Perhaps I could give the Senator some figures that would have something to do with it.

Mr. BURKETT. Do it afterwards, please.

Mr. HEYBURN. Certainly.

Mr. BURKETT. It does not have anything to do with this point.

Let me say to the Senator from Utah that, hastily as I have been trying to read here and inform myself on this matter, I find we do not produce enough lead in this country to supply our needs. We have to import it from abroad, although——

Mr. SMOOT. Yes. I want to say to the Senator, however, that if the protection is reduced from what it is to-day, we will have to import all of it. Not only would the lead mines be closed, but there is not a silver mine in the State of Utah which would not have to close.

Mr. BURKETT. Of course we would produce some, because a good deal of lead is a by-product of other ores. We would certainly produce some. But what I wanted to get at is this particular paragraph.

In Nebraska there is one large lead manufacturer. This duty was reduced in the House; and as the Senator, who is in charge of the bill stated, they did not start out with any duty on lead.

Mr. ALDRICH. Oh, no; I beg the Senator's pardon.

Mr. BURKETT. That is the way I understood him.

Mr. ALDRICH. Oh, no. They started out with a lead duty of a cent a pound on the lead contents of ore, and they raised it the night before the bill was reported from 1 to 1½ cents a pound and did not change the corresponding products of lead in the bill.

Mr. BURKETT. That just accentuates what I was about to say. During all that time——

Mr. NELSON. Mr. President——

Mr. BURKETT. Let me get through with this. During all that time, when this rate was down, certainly that factory manufacturing the very article referred to in this paragraph must have known of it, and yet, as a Senator from that State, acquainted with those people, they never wrote me a line or sent me a word with reference to that rate being too low.

Now, it must impress itself upon anyone in that position that that lead factory was satisfied with the rate as the House made it, and therefore, unless the Senator or somebody else can show why the rate should be increased, it seems to me, at least, that I am justified in leaving it at the rate with which the factory there seemed to be satisfied.

Mr. BEVERIDGE. I thought the Senator from Nebraska was through. I do not desire to interrupt the Senator at all.

Mr. BURKETT. I would have been through——

Mr. GUGGENHEIM. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nebraska yield to the Senator from Colorado?

Mr. BURKETT. Certainly.

Mr. GUGGENHEIM. It is true, Mr. President, there is a white-lead plant in Omaha. I think it is known as the "Carter White Lead Company." I presume the people in charge of that plant imagined that a Senator from that State would see that that industry was protected, and they thought it was not necessary to write him.

I wish to say there are a great many white lead plants in this country, from the Atlantic to the Pacific, and it is one of the most important industries that we have in this country. White lead is a product made from lead ores or pig lead, mined in the West and the Middle West. If it were not for the duty, the foreign lead which would compete with us in this country would come from the mines in Spain, where it is mined on a very cheap basis. It is therefore very important to see that a duty is imposed upon white lead to keep out the cheap Spanish lead, and also the Australian lead, which would come in competition with our lead produced by this very important industry.

Mr. BURKETT. All this goes to accentuate what I said, that, with this rate reduced as it was in the House below the Dingley rate, as a matter of fact at one time starting out with a basis even lower than it is at this time, we never heard anything about it, even those who represent States that have such factories.

Not only that, but unfortunately we have not the reports of the hearings before the Senate committee. I do not know that they gave any hearings upon this matter, but so far as I can gather all the information is what individuals in some way or other have gathered together as they have gone through the world, from their own personal experience or interest. I should like to know if the Senate committee did have hearings on this matter, and if there is any information that they as a committee, a disinterested body, as they should be, have; and what information from the hearings they can give to the Senate.

Mr. ALDRICH. The Senate committee had no hearings, as the Senator knows very well, but we have received a great deal of information upon this and other subjects. I have had a great deal of information on this subject for a good many years. I have examined, I think pretty carefully, these questions of the difference in duties on lead, and we have been trying always to get a systematic and harmonious duty upon lead, commencing with lead ore and ending with the best products of lead, and that is absolutely necessary. The question of the relation of rates, I think, as the Senator from Nebraska understands as well as I do, is much more important than whether one particular rate is high or low.

Mr. BURKETT. I rather doubt that with reference to lead in the ore, I will say, because I do not think there is any danger of taking lead ore out to some other country and smelting it there.

Mr. ALDRICH. The Senator is very much mistaken on that particular point. If the Senator will look at the importations of lead ore into this country, he will find that there is a great deal of danger. If he were in the lead-producing business in any one of these States, he would be very well satisfied that there is very great danger of the importation of lead ore.

Mr. BURKETT. The Senator does not understand me. They are not going to take ore, I fancy, that is in some State, and——

Mr. ALDRICH. They are not going to take it out. They are not going to mine it, because they can not afford to mine it. They are not going to take it out of the earth. They would not take it out of the earth at a loss.

Mr. BURKETT. That is where we ought to have a statement about this matter.

Mr. ALDRICH. You have my statement.

Mr. BURKETT. The House committee have gone through it?

Mr. ALDRICH. The House committee went through it.

Mr. BURKETT. And the change was made without any reason given.

Mr. ALDRICH. The House committee went through it and at last became satisfied that they made a mistake.

Mr. OVERMAN. Did the House committee ask the Senator to put it back?

Mr. ALDRICH. The House committee have not been before the Senate committee at all.

Mr. OVERMAN. Has any member of the Committee on Ways and Means asked the Senator to put it back?

Mr. ALDRICH. No; but a member of the Ways and Means Committee told me they did not put it in because they did not have time.

Mr. BEVERIDGE. Why did they not have time, Mr. President?

Mr. NELSON. Mr. President——

Mr. BURKETT. After listening to the chairman of the committee, I think, as far as the importations are concerned, there have not been any. The Senator has had some knowledge for a long time, and some other Senators have gotten their information by reason of having come in contact with this business, or otherwise, but so far as any proper investigation to warrant them in asking the Senate to raise these rates over the judgment of the House is concerned, I am satisfied that that committee has not shown it.

Mr. ALDRICH. I do not know what the Senator from Nebraska has in his mind as a proper investigation. We did not have the advice of the Senator from Nebraska. I am willing to admit that to start with. But what he considers a proper investigation, I do not know. I do know that the members of the committee talked with the men who are conversant with this subject, the men who are miners of lead, the men who are producers of lead, the men who are manufacturing these lead products.

Mr. BURKETT. Mr. President——

Mr. ALDRICH. If the Senator will pardon me a moment, I want to put in a statement before 5 o'clock, and then make a motion to adjourn.

Mr. BEVERIDGE. I was just going to call the Senator's attention to the fact that it is 5 o'clock, or nearly so.

Mr. ALDRICH. I desire to present from the Committee on Finance, and have printed in the RECORD, a statement of reductions in the bill which is now pending before the Senate as reported from the Finance Committee as compared with the existing law. This statement shows 379 reductions from the existing law. I think it is important that this statement should be printed in the RECORD, in order that Senators who are troubled about the character of the revision may investigate that question for themselves.

Mr. BEVERIDGE. Will not the Senator have it printed as a document likewise?

Mr. ALDRICH. There seems to be a great spirit of inquiry abroad in the Senate, and I hope that Senators will look at this tabulation. Then I desire to make a statement in this connection of the increases in the Senate bill above existing law, as there seems to be also a good deal of misapprehension——

Mr. OVERMAN. Does the Senator include the increases over the House bill?

Mr. ALDRICH. The increases over the House bill are published in one of the documents which the Senator has before him.

Mr. OVERMAN. Would it not be better to have it in the same document, so as to have it all together?

Mr. ALDRICH. It is not necessary to have that statement appear here, because it is already on the desk of the Senator.

Mr. CLAY. Mr. President——

Mr. ALDRICH. If the Senator will excuse me a moment, the only increase in rates in Schedule A (chemicals) are morphia or morphine, and similar preparations of opium; alcoholic perfumery, and preparations used for the mouth and teeth; and fancy, perfumed soaps. These increases are made for revenue purposes.

The increases in Schedule B (earthenware) are on gas retorts, to cure defective construction of the language of the present law; and the smaller sizes of plate glass, the latter increase being contained in the House bill.

In the metal schedule (Schedule C) a new scale is made upon new classes of high-priced steel valued above 24 cents per pound. There is also an advance on latch needles, on laces, embroideries, and other manufactures of tinsel wire and gold and silver threads. Some classes of watch movements are increased over the present law, but are reduced from the House bill. Zinc and antimony ore are taken from the free list and put upon the dutiable list, and products of zinc are increased in proportion.

In Schedule G there is an increase in duties on the following agricultural products: Buckwheat flour, corn, oats, rye, wheat, hops, split pease, plants, and so forth; figs, dates, olives, grapes, and lemons.

In Schedule I (cotton and cotton goods), the only changes from the House bill are amendments for the purpose of securing a more symmetrical classification for cotton yarns, and a substitution of specific for ad valorem rates on certain classes of cotton cloths. These specific rates are the equivalent of from 25 to 45 per cent ad valorem, and do not increase the average rates intended to be imposed by existing law.

In Schedule J, novelties and the finer fancy fabrics of linen are increased for revenue purposes.

In the paper schedule (Schedule M) there are increases upon some of the light-weight paper and in some articles in the lithograph paragraph.

In Schedule N (sundries), rates are increased on ostrich and other feathers, artificial feathers, articles manufactured from feathers, and down quilts, all these increases having been made by the House for revenue purposes. Articles of wearing apparel composed of fur are increased 15 per cent; fancy manufactures of leather are increased 5 per cent; manufactures of coral are increased 10 per cent; and miscellaneous manufactures of cork, straw, and so forth, are increased 5 per cent for revenue purposes.

The increases in rates in Schedules H (wines and spirits) and L (silks) are for revenue purposes.

There are no increases in rates over the present law in Schedules D (lumber), E (sugar), F (tobacco), and K (wool).

Mr. BEVERIDGE. I call the Senator's attention to the fact that 5 o'clock has passed.

Mr. ALDRICH. Yes; and I will ask that the suggested amendments of reductions and increases be printed not only in the RECORD but as a document.

The PRESIDENT pro tempore. The Chair hears no objection, and the order will be made.

The matter referred to is as follows (S. Doc. No. 30):

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate, compared with the present tariff law, showing percentages of decrease.

[Prepared under direction of the Senate Committee on Finance, Sixty-first Congress, first session.]

SCHEDULE A—CHEMICALS, OILS, AND PAINTS.

Paragraph of Senate bill.	Article.	Rates of duty—		Percentage of reduction.
		Present law.	Senate bill.	
1	Acids:			
	Boracic	5 cents per pound	2 cents per pound	60.00
	Chromic	3 cents per pound	do	33.33
	Gallic	10 cents per pound	8 cents per pound	20.00
	Lactic, containing not over 40 per cent of actual lactic acid	3 cents per pound	2 cents per pound	33.33
	Salicylic	10 cents per pound	5 cents per pound	50.00
	Tannic, or tannin	50 cents per pound	35 cents per pound	30.00
	Tartaric	7 cents per pound	5 cents per pound	28.57

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate—Continued.

SCHEDULE A—CHEMICALS, OILS, AND PAINTS—continued.

Paragraph of Senate bill.	Article.	Rates of duty— Present law.	Rates of duty— Senate bill.	Percentage of reduction.
2	Alcoholic compounds	60 cents per pound and 45 per cent.	60 cents per pound and 25 per cent.	20.09
4	Alumina, hydrate of, containing not more than 64 per cent of alumina	$\frac{5}{10}$ cent per pound	$\frac{4}{10}$ cent per pound[a]	33.33
	Alum, alum cake, etc.:			
	Containing less than 15 per cent of alumina and more than $\frac{1}{10}$ of 1 per cent of iron oxide.	¼ cent per pound	⅛ cent per pound	50.00
	Containing more than 15 per cent of alumina or less than $\frac{1}{10}$ of 1 per cent of iron oxide.	do	⅜ cent per pound	25.00
5	Ammonia, sulphate of	$\frac{3}{10}$ cent per pound	$\frac{2}{10}$ cent per pound	33.33
6	Argols, crude:			
	Containing not more than 40 per cent of bitartrate of potash	1 cent per pound	5 per cent	85.26
	Containing more than 40 per cent of bitartrate of potash	1½ cents per pound	do	65.59
	Argols, partly refined:			
	Containing not more than 90 per cent of bitartrate of potash	4 cents per pound	3 cents per pound	25.00
	Containing more than 90 per cent of bitartrate of potash	5 cents per pound	4 cents per pound	20.00
	Tartrate of soda, or potassa, or Rochelle salts	4 cents per pound	3 cents per pound	25.00
	Cream of tartar, and patent tartar	6 cents per pound	5 cents per pound	16.67
9	Blue vitriol	¼ cent per pound	⅛ cent per pound[a]	50.00
11	Borax	5 cents per pound	2 cents per pound	60.00
	Borates of lime or soda:			
	Containing not more than 36 per cent of anhydrous boracic acid	3 cents per pound	1¼ cents per pound	58.33
	Containing more than 36 per cent of anhydrous boracic acid	4 cents per pound	do	68.75
14	Chloroform	20 cents per pound	10 cents per pound	50.00
17	Collodion, etc.:			
	Collodion and all compounds of pyroxylin	50 cents per pound	40 cents per pound	20.00
	Rolled, or in sheets, unpolished and not made up into articles	60 cents per pound	45 cents per pound	25.00
538	Copperas, or sulphate of iron	¼ cent per pound	Free of duty	100.00
20	Ethers:			
	Sulphuric	40 cents per pound	8 cents per pound	80.00
	Nitrous, spirits of	25 cents per pound	20 cents per pound	20.00
	Fruit ethers, oils, or essences	$2 per pound	$1 per pound	50.00
	Other, n. s. p. f.	$1 per pound	50 cents per pound	50.00
21	Extracts of mangrove bark	$\frac{3}{10}$ cent per pound	⅛ cent per pound	37.50
22	Gelatin, fish glue, or isinglass, prepared fish bladders and fish sounds, valued not above 10 cents.	2½ cents per pound	2 cents[a]	20.00
27	Iodoform	$1 per pound	75 cents per pound	25.00
	Licorice, extracts of	4½ cents per pound	20 per cent	49.77
3	Croton oil	20 cents per pound	25 per cent	22.88
	Cotton-seed oil	4 cents per gallon	3 cents per gallon[a]	25.00
33	Flaxseed or linseed oil	20 cents per gallon	15 cents per gallon	25.00
	Poppy-seed oil	do	do	25.00
37	Peppermint oil	50 cents per pound	25 cents per pound	50.00
45	Ocher and ochery earths, ground in oil or water	1½ cents per pound	1 cent per pound	33.33
	Sienna and sienna earths, ground in oil or water	do	do	33.33
	Umber and umber earths, ground in oil or water	do	do	33.33
48	Ultramarine, dry, in pulp, or mixed with water	3½ cents per pound	3 cents per pound	20.00
	Wash blue containing ultramarine	do	do	20.00
49	Varnishes, spirit	$1.32 per gallon and 35 per cent.	35 per cent	66.38
52	Whiting, ground in oil (putty)	1 cent per pound	¾ cent per pound	25.00
58	Potash:			
	Bichromate and chromate of	3 cents per pound	2¼ cents per pound	25.00
59	Chlorate of	2½ cents per pound	2 cents per pound	20.00
61	Nitrate of, or saltpeter, refined	½ cent per pound	Free of duty	100.00
64	Plasters, healing or curative, and court-plaster	35 per cent	25 per cent	28.57
68	Soda:			
	Bicarbonate of, or supercarbonate of, or saleratus, etc	¾ cent per pound	⅝ cent per pound	16.67
	Bichromate and chromate of	2 cents per pound	1¾ cents per pound	12.50
70	Crystal carbonate of, etc	$\frac{3}{10}$ cent per pound	¼ cent per pound	16.67
	Chlorate of	2 cents per pound	1½ cents per pound	25.00
71	Hydrate of, or caustic	¾ cent per pound	½ cent per pound	33.33
	Nitrite of	2½ cents per pound	2 cents per pound	20.00
	Hyposulphite of	½ cent per pound	⅜ cent per pound	25.00
	Sulphide of	do	do	25.00
72	Sal, or soda crystals	$\frac{3}{10}$ cent per pound	¼ cent per pound	16.67
73	Soda ash	¾ cent per pound	½ cent per pound	33.33
	Arseniate of	1½ cents per pound	1 cent per pound	20.00
74	Silicate of	½ cent per pound	⅜ cent per pound	25.00
75	Sulphate of—			
	Glauber salts	$1.25 per ton	$1 per ton	20.00
	Salt cake, or niter cake	do	do	20.00
76	Moss, sea	10 per cent	Free of duty	100.00
	Prepared	20 per cent	10 per cent	50.00
77	Sponges, manufactures of, n. s. p. f.	40 per cent	30 per cent	25.00
78	Strychnia, or strychnine, and salts of	30 cents per ounce	15 cents per ounce	50.00
79	Sulphur:			
	Refined	$8 per ton	$6 per ton	25.00
	Sublimed	do	do	25.00
81	Vanillin	80 cents per ounce	25 cents per ounce	68.75

SCHEDULE B—EARTHS, EARTHENWARE, AND GLASSWARE.

82	Brick, fire, not more than 10 pounds each: Glazed, enameled, etc	45 per cent	35 per cent	22.22
	Weighing more than 10 pounds each, not glazed	35 per cent	30 per cent	14.28
	Weighing more than 10 pounds each, glazed	45 per cent	35 per cent	22.22
	Brick, other than fire: Glazed, enameled, etc	do	do	22.22
86	Plaster rock or gypsum:			
	Crude	50 cents per ton	20 cents per ton	60.00
	Ground or calcined	$2.25 per ton	$1.75 per ton	22.22
89	Mica:			
	Unmanufactured or rough trimmed only	6 cents per pound and 20 per cent.	5 cents per pound and 20 per cent.	7.58
	Cut or trimmed	12 cents per pound and 20 per cent.	10 cents per pound and 20 per cent.	7.47
90	Rockingham ware, decorated	60 per cent	40 per cent	33.33
94	Carbons for electric lighting	90 cents per 100	70 cents per 100 feet	b22.22
	Filter tubs	45 per cent	35 per cent	22.22

[a] Amendment to be submitted by committee. [b] Estimated.

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate—Continued.

SCHEDULE B—EARTHS, EARTHENWARE, AND GLASSWARE—continued.

Paragraph of Senate bill.	Article.	Rates of duty— Present law.	Rates of duty— Senate bill.	Percentage of reduction.
97	Cylinder, crown, and common window glass, unpolished:			
	Above 24 by 30 and not exceeding 24 by 36 inches	2½ cents per pound	2⅜ cents per pound	4.00
	Above 24 by 36 and not exceeding 30 by 40 inches	3¼ cents per pound	3⅛ cents per pound	3.70
	Above 30 by 40 and not exceeding 40 by 60 inches	3½ cents per pound	3⅜ cents per pound	3.23
	Above 40 by 60 inches	4¼ cents per pound	4⅛ cents per pound	2.86
98	Cylinder and crown glass, polished, unsilvered:			
	Above 24 by 30 and not exceeding 24 by 60 inches	15 cents per square foot	12 cents per square foot	20.00
	Above 24 by 60 inches	20 cents per square foot	15 cents per square foot	25.00
99	Plate glass, fluted, rolled, etc.: Above 24 by 60 inches	35 cents per square foot	22½ cents per square foot	35.71
100	Plate glass, cast, polished, unsilvered: Above 24 by 60 inches	....do	....do	35.71
101	Plate glass, cast, polished, silvered, and looking-glass plates: Above 24 by 60 inches	38 cents per square foot	25 cents per square foot	34.21
	Cylinder and crown glass, polished, silvered, and looking-glass plates: Above 24 by 60 inches.	....do	....do	34.21
102	Plate glass, cast, polished, silvered, when bent, etc., above 24 by 60 inches	38 cents per square foot and 5 per cent.	25 cents per square foot and 5 per cent.	31.26
	Plate glass, cast, polished, unsilvered, when bent, etc., above 24 by 60 inches	35 cents per square foot and 5 per cent.	22½ cents per square foot and 5 per cent.	33.65
	Cylinder, crown, and common window glass, unpolished, when bent, etc.:			
	Above 24 by 30 and not exceeding 24 by 36 inches	2½ cents per pound and 5 per cent.	2⅜ cents per pound and 5 per cent.	4.04
	Above 24 by 36 and not exceeding 30 by 40 inches	3¼ cents per pound and 5 per cent.	3⅛ cents per pound and 5 per cent.	3.38
	Above 30 by 40 and not exceeding 40 by 60 inches	3½ cents per pound and 5 per cent.	3⅜ cents per pound and 5 per cent.	3.05
	Above 40 by 60 inches	4¼ cents per pound and 5 per cent.	4⅛ cents per pound and 5 per cent.	a3.00
	Cylinder and crown glass, polished, silvered, when ground, bent, etc., above 24 by 60 inches.	38 cents per square foot and 5 per cent.	25 cents per square foot and 5 per cent.	30.64
	Cylinder and crown glass, polished, unsilvered, when ground, bent, etc., above 24 by 30 and not exceeding 24 by 60 inches.	15 cents per square foot and 5 per cent.	12 cents per square foot and 5 per cent.	18.18
109	Marble:			
	Sawed or dressed, over 2 inches in thickness	$1.10 per cubic foot	$1 per cubic foot	9.09
	Slabs or paving tiles—			
	Not more than 1 inch in thickness—			
	Unrubbed	12 cents per superficial foot.	8 cents per superficial foot.	33.30
	Rubbed	15 cents per superficial foot.	10 cents per superficial foot.	33.33
	More than 1 inch and not more than 1½ inches thick—			
	Unrubbed	15 cents per superficial foot.	10 cents per superficial foot.	20.00
	Rubbed	18 cents per superficial foot.	12 cents per superficial foot.	33.33
	More than 1½ inches and not more than 2 inches thick—			
	Unrubbed	....do	12½ cents per superficial foot.	30.55
	Rubbed	21 cents per superficial foot.	14½ cents per superficial foot.	30.91
	Onyx:			
	In block, rough or squared	$1.50 per cubic foot	65 cents per cubic foot	56.67
	Sawed or dressed, over 2 inches in thickness	$1.10 per cubic foot	$1 per cubic foot	9.09
	Mosaic cubes of marble, onyx, or stone, not exceeding 2 inches in size, loose	1 cent per pound and 20 per cent.	½ cent per pound and 20 per cent.	58.59
	Attached to paper or other material	20 cents per superficial foot and 35 per cent.	5 cents per superficial foot and 35 per cent.	a7.08

SCHEDULE C—METALS, AND MANUFACTURES OF.

115½	Iron ore	40 cents per ton	25 cents per ton	37.50
576	Basic slag	$1 per ton	Free of duty	100.00
116	Iron in pigs:			
	Ferromanganese	$4 per ton	$2.50 per ton	37.50
	Spiegeleisen	....do	....do	37.50
	All other (except ferrosilicon)	....do	....do	37.50
	Scrap iron and steel:			
	Iron, wrought and cast	....do	....do	37.50
	Steel	....do	....do	37.50
117	Bar iron:			
	Rolled or hammered, comprising—			
	Flats not less than 1 inch wide nor less than ⅛ of 1 inch thick	⅛ cent per pound	⅛ cent per pound	50.00
	Round iron not less than ⅜ of 1 inch in diameter	....do	....do	50.00
	Square iron	....do	....do	50.00
118	Bars or shapes of rolled or hammered iron n. s. p. f., and round iron in coils or rods, less than ⅜ of 1 inch in diameter.	⅛ cent per pound	⅛ cent per pound	25.00
	Slabs, blooms, loops, or other forms less finished than iron in bars and more advanced than pig, except castings.	⅛ cent per pound	⅛ cent per pound	20.00
	Bars, blooms, billets, slabs, or loops in the manufacture of which charcoal is used as fuel.	$12 per ton	$8 per ton	33.33
119	Beams, girders, joists, etc., and all other structural shapes of iron or steel	⅛ cent per pound	⅛ cent per pound	20.00
120	Boiler or other plate iron or steel (except crucible plate steel and saw plates), etc.			
	Valued 1 cent per pound or less	....do	⅛ cent per pound	40.00
	Valued above 1 cent and not above 2 cents per pound	⅛ cent per pound	⅛ cent per pound	33.33
	Valued above 2 cents and not above 4 cents per pound	1 cent per pound	⅛ cent per pound	30.00
	Valued above 4 cents per pound	25 per cent	20 per cent	20.00
	Cold rolled, smoothed only, valued above 2 cents and not above 4 cents per pound	1⅜ cents per pound	⅛ cent per pound	25.00
121	Anchors, or parts of	1½ cents per pound	1 cent per pound	33.33
	Forgings of iron or steel or combined iron or steel	35 per cent	30 per pound	14.28
122	Hoop, band, or scroll iron or steel n. o. p. f., etc.:			
	Not thinner than No. 10 wire gauge	⅛ cent per pound	⅛ cent per pound	40.00
	Thinner than No. 10 and not thinner than No. 20 wire gauge	⅛ cent per pound	⅛ cent per pound	33.33
	Thinner than No. 20 wire gauge	⅛ cent per pound	⅛ cent per pound	25.00
	Hoop or band iron, or hoop or band steel, flared, splayed, or punched, etc.:			
	Not thinner than No. 10 wire gauge	⅛ cent per pound	⅛ cent per pound	33.33
	Thinner than No. 10 and not thinner than No. 20 wire gauge	⅛ cent per pound	⅛ cent per pound	28.57
	Bands or strips of steel, suitable for making band saws: b			
	Untempered	3 cents per pound and 20 per cent.	1 11/16 cents per pound a	63.06
	Tempered, or tempered and polished	6 cents per pound and 20 per cent.	3 1/16 cents per pound a	64.77
123	Hoop or band iron, or hoop or band steel, cut to lengths, wholly or partly manufactured into hoops or ties, etc.	⅛ cent per pound	⅛ cent per pound	40.00
124	Bars or rails for railways:			
	Iron	$7.84 per ton	$3.92 per ton	50.00
	Steel	....do	....do	50.00
	Railway fish plates or splice bars of iron or steel	⅛ cent per pound	⅛ cent per pound	50.00

a Estimated. b Not enumerated in Senate bill.

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate—Continued.

SCHEDULE C—METALS, AND MANUFACTURES OF—continued.

Paragraph of Senate bill.	Article.	Rates of duty— Present law.	Rates of duty— Senate bill.	Percentage of reduction.
125	Sheets of iron or steel, common or black, and skelp iron or steel, etc.:			
	Thinner than No. 10 and not thinner than No. 20 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	28.57
	Thinner than No. 20 and not thinner than No. 25 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	25.00
	Thinner than No. 25 and not thinner than No. 32 wire gauge	$1\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	27.27
	Thinner than No. 32 wire gauge	$1\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	25.00
	Sheet iron or sheet steel, corrugated or crimped	$1\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	27.27
126	Hoop, band, or scroll, iron or steel (excepting tin plates, etc.), galvanized or coated, etc.:			
	Not thinner than No. 10 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	28.57
	Thinner than No. 10 and not thinner than No. 20 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	25.00
	Thinner than No. 20 wire gauge	1 cent per pound	$\frac{1}{10}$ cent per pound	20.00
	Sheets or plates of iron or steel (except tin plates, etc.), galvanized or coated, etc.:			
	Thinner than No. 10 and not thinner than No. 20 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	22.22
	Thinner than No. 20 and not thinner than No. 25 wire gauge	1 cent per pound	$\frac{1}{10}$ cent per pound	20.00
	Thinner than No. 25 and not thinner than No. 32 wire gauge	$1\frac{1}{10}$ cents per pound	1 cent per pound	23.08
	Thinner than No. 32 wire gauge	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	21.43
	Sheet iron or sheet steel, corrugated or crimped, galvanized, etc.	$1\frac{1}{10}$ cents per pound	1 cent per pound	23.08
	Sheets or plates composed of iron, steel, copper, nickel, or other metal, with layers of other metal imposed by forging, etc.	45 per cent	40 per cent	11.11
127	Sheet iron or sheet steel, polished, planished, or glanced	2 cents per pound	$1\frac{1}{2}$ cents per pound	25.00
	Sheets or plates, pickled or cleaned by acid, etc.:			
	Thinner than No. 10 and not thinner than No. 20 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	22.22
	Thinner than No. 20 and not thinner than No. 25 wire gauge	1 cent per pound	$\frac{1}{10}$ cent per pound	20.00
	Thinner than No. 25 and not thinner than No. 32 wire gauge	$1\frac{1}{10}$ cents per pound	1 cent per pound	23.08
	Sheets of iron or steel, common or black, etc., cold rolled, smoothed only, not polished:			
	Thinner than No. 10 and not thinner than No. 20 wire gauge	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	22.22
	Thinner than No. 20 and not thinner than No. 25 wire gauge	1 cent per pound	$\frac{1}{10}$ cent per pound	20.00
	Thinner than No. 25 and not thinner than No. 32 wire gauge	$1\frac{1}{10}$ cents per pound	1 cent per pound	23.08
128	Tin plates, etc.:			
	Lighter than 63 pounds per 100 square feet	$1\frac{1}{2}$ cents per pound	$1\frac{1}{10}$ cents per pound	20.00
	All other	do	do	20.00
129	Steel ingots, cogged ingots, blooms and slabs, etc.:			
	Valued above $\frac{1}{2}$ and not above $1\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	25.00
	Valued above $1\frac{1}{10}$ and not above $1\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	16.67
	Valued above $1\frac{1}{10}$ and not above $2\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	14.28
	Valued above $2\frac{1}{10}$ and not above 3 cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	11.11
	Valued above 3 and not above 4 cents per pound	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	8.33
	Valued above 4 and not above 7 cents per pound	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	7.69
	Valued above 7 and not above 10 cents per pound	2 cents per pound	$1\frac{1}{10}$ cents per pound	5.00
	Valued above 10 and not above 13 cents per pound	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	4.17
	Valued above 13 and not above 16 cents per pound	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	3.57
	Sheets and plates n. s. p. f., and saw plates of steel wholly or partially manufactured:			
	Valued $\frac{1}{2}$ cent per pound or less	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	41.66
	Valued above $1\frac{1}{10}$ and not above $2\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	14.28
	Valued above $2\frac{1}{10}$ and not above 3 cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	11.11
	Valued above 3 and not above 4 cents per pound	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	8.33
	Valued above 4 and not above 7 cents per pound	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	7.69
	Valued above 7 and not above 10 cents per pound	2 cents per pound	$1\frac{1}{10}$ cents per pound	5.00
	Valued above 10 and not above 13 cents per pound	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	4.17
	Valued above 13 and not above 16 cents per pound	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	3.57
	Sheets and plates n. s. p. f. and saw plates of steel, cold rolled, smoothed only, not polished:			
	Valued above $1\frac{1}{10}$ and not above $2\frac{1}{10}$ cents per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	11.11
	Valued above 3 and not above 4 cents per pound	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	7.14
	Valued above 4 and not above 7 cents per pound	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	6.67
	Valued above 7 and not above 10 cents per pound	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	4.54
	Valued above 10 and not above 13 cents per pound	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	3.85
	Valued above 13 and not above 16 cents per pound	3 cents per pound	$2\frac{1}{10}$ cents per pound	3.33
	Valued above 16 and not above 24 cents per pound	$4\frac{1}{10}$ cents per pound	$4\frac{1}{10}$ cents per pound	2.04
133	Wire rods, etc.:			
	Untempered or untreated—			
	Valued 4 cents or less per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	25.00
	Valued over 4 cents per pound	$\frac{1}{2}$ cent per pound	$\frac{1}{10}$ cent per pound	20.00
	Tempered or treated or partly manufactured—			
	Valued 4 cents or less per pound	$\frac{1}{10}$ cent per pound	$\frac{1}{10}$ cent per pound	11.11
	Manufactures of, valued over 4 cents per pound	$2\frac{1}{2}$ cents per pound	$2\frac{1}{10}$ cents per pound	6.00
134	Round iron or steel wire:			
	Valued 4 cents per pound or less—			
	Not smaller than No. 13 wire gauge	$1\frac{1}{2}$ cents per pound	1 cent per pound	20.00
	Smaller than No. 13 and not smaller than No. 16 wire gauge	$1\frac{1}{2}$ cents per pound	$1\frac{1}{2}$ cents per pound	16.67
	Smaller than No. 16 wire gauge	2 cents per pound	$1\frac{1}{2}$ cents per pound	12.50
	Manufactures of—			
	Not smaller than No. 13 wire gauge	$2\frac{1}{2}$ cents per pound	$2\frac{1}{2}$ cents per pound	10.00
	Smaller than No. 13 and not smaller than No. 16 wire gauge	$2\frac{1}{2}$ cents per pound	$2\frac{1}{2}$ cents per pound	9.09
	Smaller than No. 16 wire gauge	$3\frac{1}{2}$ cents per pound	3 cents per pound	7.69
	Cold rolled, etc., blued, brightened, tempered, etc., manufactures of, smaller than No. 13 and not smaller than No. 16 wire gauge	$3\frac{1}{2}$ cents per pound	$2\frac{1}{10}$ cents per pound	22.67
	Hat, bonnet, crinoline, etc., and all wire n. s. p. f., valued more than 4 cents per pound	45 per cent	40 per cent	11.11
	Do. (manufactures of)	45 per cent plus $1\frac{1}{2}$ cents per pound.	40 per cent plus $1\frac{1}{2}$ cents per pound.	10.60
	Do. (coated with zinc or tin, etc.)	45 per cent plus $\frac{1}{10}$ cent per pound.	40 per cent plus $\frac{1}{10}$ cent per pound.	10.60
	Do. (coated with zinc, etc., manufactures of)	45 per cent and $1\frac{1}{10}$ cents per pound.	40 per cent plus $1\frac{1}{10}$ cents per pound.	9.34
	Brass wire, manufactures of	45 per cent plus $1\frac{1}{2}$ cents per pound.	40 per cent plus $1\frac{1}{2}$ cents per pound.	10.74
	Copper wire, manufactures of	45 per cent plus $1\frac{1}{2}$ cents per pound.	40 per cent plus $1\frac{1}{2}$ cents per pound.	10.34
	Corset clasps, corset steels, and sheet steel in strips, etc	45 per cent	40 per cent	11.11
	Do. (manufactures of)	45 per cent plus $1\frac{1}{2}$ cents per pound.	40 per cent plus $1\frac{1}{2}$ cents per pound.	10.63
	Do. (cold rolled, etc., blued, brightened, tempered, etc.)	45 per cent plus 1 cent per pound.	40 per cent plus $\frac{1}{10}$ cent per pound.	16.67
	Wire of iron or steel, coated with zinc, etc.:			
	Not smaller than No. 13 wire gauge	$1\frac{1}{10}$ cents per pound	$1\frac{1}{10}$ cents per pound	17.24
	Smaller than No. 16 wire gauge	$2\frac{1}{10}$ cents per pound	$1\frac{1}{2}\frac{1}{2}$ cents per pound	11.36
	Manufactures of—			
	Not smaller than No. 13 wire gauge	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	9.26
	Smaller than No. 13 and not smaller than No. 16 wire gauge	$2\frac{1}{10}$ cents per pound	$2\frac{1}{10}$ cents per pound	8.47
	Smaller than No. 16 wire gauge	$3\frac{1}{10}$ cents per pound	$3\frac{1}{10}$ cents per pound	7.25

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate—Continued.

SCHEDULE C—METALS, AND MANUFACTURES OF—continued.

Paragraph of Senate bill.	Article.	Rates of duty— Present law.	Rates of duty— Senate bill.	Percentage of reduction.
	Wire rope and wire strand:			
	Made of iron and steel wire—			
	Not smaller than No. 13 wire gauge	2½ cents per pound	1¾ cents per pound	22.22
	Smaller than No. 13 and not smaller than No. 16 wire gauge	2½ cents per pound	2 cents per pound	20.00
	Smaller than No. 16 wire gauge	3 cents per pound	2½ cents per pound	16.67
	All valued more than 4 cents per pound	40 per cent plus 1 cent per pound.	40 per cent plus ⅜ cent per pound.	6.10
	All valued more than 4 cents per pound, n. s. p. f.	45 per cent plus 1 cent per pound.	....do	13.64
	Made of iron or steel wire, coated with zinc, etc.—			
	Not smaller than No. 13 wire gauge	2⅝ cents per pound	1⅝ cents per pound	20.41
	Smaller than No. 13 and not smaller than No. 16 wire gauge	2⅞ cents per pound	2⅛ cents per pound	18.52
	Smaller than No. 16 wire gauge	3⅞ cents per pound	2⅞ cents per pound	15.62
	All valued more than 4 cents per pound	40 per cent plus 1⅜ cents per pound.	40 per cent plus ⅛ cent per pound.	5.28
136	Steel ingots, cogged ingots, blooms and slabs, etc., cold rolled, etc., galvanized or coated with zinc, etc., valued above 7 and not above 10 cents per pound.	2⅜ cents per pound	2⅛ cents per pound	4.54
	Sheets and plates, n. s. p. f., and saw plates of steel, etc., cold rolled, cold hammered, blued, brightened, tempered, etc.:			
	Valued above 2⅜ and not above 3 cents per pound	1⅝ cents per pound	1⅜ cents per pound	36.84
	Valued above 3 and not above 4 cents per pound	2⅛ cents per pound	1⅞ cents per pound	31.81
	Valued above 4 and not above 7 cents per pound	2⅛ cents per pound	1⅞ cents per pound	30.43
	Valued above 7 and not above 10 cents per pound	3 cents per pound	2⅛ cents per pound	23.33
	Valued above 10 and not above 13 cents per pound	3⅜ cents per pound	2⅞ cents per pound	20.59
	Valued above 13 and not above 16 cents per pound	3⅞ cents per pound	3⅛ cents per pound	18.42
	Steel circular saw plates:			
	Valued above 4 and not above 7 cents per pound	1⅝ cents per pound	1⅜ cents per pound	19.44
	Valued above 7 and not above 10 cents per pound	2¼ cents per pound	2⅛ cents per pound	14.00
	Valued above 10 and not above 13 cents per pound	2⅞ cents per pound	2½ cents per pound	12.07
139	Anvils	1½ cents per pound	1½ cents per pound	13.33
141	Axles, or parts of, axle bars, etc	1 cent per pound	¾ cent per pound	25.00
142	Hammers and sledges, etc	1½ cents per pound	1½ cents per pound	8.33
143	Bolts, etc	....do	1½ cents per pound	25.00
	Castings:			
145	Cast-iron pipe of every description	⅛ cent per pound	¼ cent per pound	37.50
146	Cast-iron vessels, not above 2 cents per pound	⅛ cent per pound	⅛ cent per pound	37.50
	Chiseled, drilled, machined, or otherwise advanced	....do	⅛ cent per pound	12.50
147	Malleable-iron castings, n. s. p. f	⅛ cent per pound	....do	22.22
148	Hollow ware, coated, glazed, or tinned	2 cents per pound	1½ cents per pound	25.00
	Chain or chains, made of iron or steel:			
149	Not less than ¾ inch in diameter	1½ cents per pound	¾ cent per pound	22.22
	Less than ¾ inch and not less than ⅝ inch in diameter	1⅝ cents per pound	1⅓ cents per pound	18.18
	Less than ⅝ inch and not less than ⅜ inch in diameter	1½ cents per pound	1⅜ cents per pound	6.67
150	Boiler tubes, pipes, flues, or stays, etc.:			
	Not less than ¾ inch in diameter	2 cents per pound	1 cent per pound	50.00
	Less than ¾ inch and not less than ½ inch in diameter	....do	1¾ cents per pound	12.50
	Cylindrical or tubular tanks, etc	45 per cent per pound	30 per cent	33.33
	Flexible metal tubing or hose, n. s. p. f	35 per cent per pound	....do	14.29
	Welded cylindrical furnaces, made from plate metal	2½ cents per pound	2 cents per pound	20.00
	Tubes and tubing for cycles	35 per cent	30 per cent	14.29
	Tubes, finished, n. s. p. f	....do	....do	14.29
153	Table, carving, cooks', etc., knives, forks, and steels, etc.:			
	With handles of mother-of-pearl, shell, or ivory (silver, etc.)	16 cents per piece and 15 per cent.	14 cents each and 15 per cent.	9.30
	With handles of deerhorn	12 cents per piece and 15 per cent.	10 cents each and 15 per cent.	12.67
	With handles of hard rubber, solid bone, celluloid, or any pyroxylin material	5 cents per piece and 15 per cent.	4 cents each and 15 per cent.	14.31
	With handles of any other material	1½ cents per piece and 15 per cent.	1 cent each and 15 per cent.	26.14
	Butchers', hunting, plumbers', painters', etc., knives, etc.:			
	With handles of mother-of-pearl, shell, or ivory (silver, etc.)	16 cents per piece and 15 per cent.	14 cents each and 15 per cent.	8.91
	With handles of deerhorn	12 cents per piece and 15 per cent.	10 cents each and 15 per cent.	14.11
	With handles of hard rubber, solid bone, celluloid, or any pyroxylin material	5 cents per piece and 15 per cent.	4 cents each and 15 per cent.	15.41
	With handles of any other material	1½ cents per piece and 15 per cent.	1 cent each and 15 per cent.	25.25
154	Files, file blanks, rasps, and floats:			
	2½ inches in length and under	30 cents per dozen	40 per cent	50.79
	Over 2½ and not over 4½ inches in length	50 cents per dozen	....do	52.32
	Over 4½ and under 7 inches in length	75 cents per dozen	....do	54.27
	Nails, spikes, and tacks:			
158	Nails and spikes, cut, of iron and steel	⅙ cent per pound	⅓ cent per pound	33.33
159	Nails, horseshoe, hob, and all other wrought-iron or steel nails, n. s. p. f	2¼ cents per pound	1½ cents per pound	33.33
160	Nails, wire, made of wrought iron or steel—			
	Not less than 1 inch in length and not lighter than No. 16 wire gauge	½ cent per pound	¼ cent per pound	50.00
161	Spikes of wrought iron or steel	1 cent per pound	¾ cent per pound	25.00
	Nuts and washers, of wrought iron or steel	....do	....do	25.00
	Horse, mule, or ox shoes, of wrought iron or steel	....do	....do	25.00
162	Tacks, brads, or sprigs, cut—			
	Not exceeding 16 ounces to the thousand	1½ cents per pound	¾ cent per pound	50.00
	Exceeding 16 ounces to the thousand	1½ cents per pound	¾ cent per pound	50.00
165	Rivets, of iron or steel	2 cents per pound	1¼ cents per pound	37.50
166	Saws:			
	Circular saws	25 per cent	20 per cent	20.00
	Crosscut saws	6 cents per linear foot	5 cents per linear foot	16.67
	Hand, back, and other saws, n. s. p. f	30 per cent	25 per cent	16.67
	Mill saws	10 cents per linear foot	8 cents per linear foot	20.00
	Pit and drag saws	8 cents per linear foot	6 cents per linear foot	25.00
	Steel band saws, etc	10 cents per pound and 20 per cent.	5 cents per pound and 20 per cent.	23.22
167	Screws, wood:			
	Over ¼ inch and not more than 1 inch in length	8½ cents per pound	8 cents per pound	5.88
	Over 1 inch and not more than 2 inches in length	6 cents per pound	5 cents per pound	16.67
	More than 2 inches in length	4 cents per pound	3½ cents per pound	12.50
169	Wheels, or parts of, etc	1½ cents per pound	1¼ cents per pound	16.67
	Ingots, etc., for railway wheels or tires, etc	1½ cents per pound	1 cent per pound	20.00
170	Aluminum:			
	In crude form, etc	8 cents per pound	7 cents per pound	12.50
	Plates, sheets, etc	13 cents per pound	11 cents per pound	15.38
176	Silver leaf in packs of 500 leaves	75 cents per pack	50 cents per pack	33.33

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate—Continued.

SCHEDULE C—METALS, AND MANUFACTURES OF—continued.

Paragraph of Senate bill.	Article.	Rates of duty. Present law.	Rates of duty. Senate bill.	Percentage of reduction.
178	Hooks and eyes, metallic, etc	5½ cents per pound and 15 per cent.	4 cents per pound and 15 per cent.	17.55
181	Monazite sand and thorite	6 cents per pound	4 cents per pound	33.33
186	Agraffes, barettes, bars, etc., not jewelry	45 per cent	40 per cent	11.11
191	Zinc:			
	In blocks or pigs	1½ cents per pound	1 cent per pound	33.33
	In sheets	2 cents per pound	1¼ cents per pound	37.50
194	Cash registers, linotype and all typesetting machines	45 per cent	30 per cent	33.33
195	Aluminum rope (made from aluminum wire)	45 per cent plus 1 cent per pound.	40 per cent plus ¼ cent per pound.	11.98

SCHEDULE D—WOOD, AND MANUFACTURES OF.

196	Timber:			
	Round, used for spars, etc	1 cent per cubic foot	½ cent per cubic foot	50.00
	Hewn, squared, or sided, etc	do	do	50.00
197	Lumber:			
	Boards, planks, etc., whitewood, etc.—			
	Not planed or finished	$1 per M feet	50 cents per M feet	50.00
	Planed or finished on two sides	$2 per M feet	$1.50 per M feet	25.00
	Planed on one side and tongued and grooved	do	do	25.00
	Planed on two sides and tongued and grooved	$2.50 per M feet	$2 per M feet	20.00
	Sawed lumber n. o. p. f.—			
	Not planed or finished	$2 per M feet	$1 per M feet	50.00
	Planed or finished on one side	$2.50 per M feet	$1.50 per M feet	40.00
	Planed or finished on two sides	$3 per M feet	$2 per M feet	33.33
	Planed or finished on three sides	$3.50 per M feet	$2.50 per M feet	28.57
	Planed or finished on four sides	$4 per M feet	$3 per M feet	25.00
	Planed on one side and tongued and grooved	$3 per M feet	$2 per M feet	33.33
	Planed on two sides and tongued and grooved	$3.50 per M feet	$2.50 per M feet	28.57
200	Paving posts, railroad ties, etc	20 per cent	10 per cent	50.00
201	Clapboards:			
	Pine	$1.50 per thousand	$1 per thousand	33.33
	Spruce	do	do	33.33
558	Fence posts	10 per cent	Free	100.00
203	Laths	25 cents per thousand	20 cents per thousand	20.00

SCHEDULE E—SUGAR, MOLASSES, AND MANUFACTURES OF.

213	Sugar, Dutch standard in color, above No. 16, etc	1.95 cents per pound	1.90 cents per pound	2.56
215	Saccharine	1.50 per pound and 10 per cent.	75 cents per pound	52.32

SCHEDULE G—AGRICULTURAL PRODUCTS AND PROVISIONS.

232	Corn meal	20 cents per bu. of 48 lbs	40 cents per 100 pounds	4.00
258	Pease, green, in bulk, etc	40 cents per bushel	25 cents per bushel	37.50
262	Seeds: Celery	30 per cent	10 cents per pound	41.07
	Canary	do	Free of duty	100.00
266	Fish: Anchovies, etc., in other packages	40 per cent	30 per cent	25.00
286	Tallow	½ cent per pound	¼ cent per pound	33.33
	Wool grease, etc., crude and not refined	½ cent per pound	¼ cent per pound	50.00
292	Starch, all other than potato	1½ cents per pound	1 cent per pound	33.33
293	Dextrine, etc	2 cents per pound	1½ cents per pound	25.00

SCHEDULE H—SPIRITS, WINES, AND OTHER BEVERAGES.

300	Ginger wine or ginger cordial:			
	In casks or packages other than bottles or jugs—			
	Containing 14 per cent or less of absolute alcohol	40 cents per gallon [a]	$2.60 per proof gallon	35.00
	Do. (reciprocity)	35 cents per gallon [b]	do	25.71
	In bottles or jugs, containing each more than 1 pint and not more than 1 quart	$1.60 per dozen [c]	do	2.38

SCHEDULE J—FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

334	Yarns, of jute, single, finer than 5 lea or number	35 per cent	30 per cent	14.28
335	Cables and cordage composed of istle or tampico fiber, etc	1 cent per pound	¾ cent per pound	25.00
336	Threads, twines, etc.:			
	Made from yarn not finer than—			
	5 lea or number	13 cents per pound	10 cents per pound	23.08
	10 lea or number	16¼ cents per pound	13¼ cents per pound	17.91
	[Senate rate on these threads is 3 cents per pound less than present rate for each corresponding lea or number.]			
337	Yarns of flax, hemp, or ramie, etc., single in the gray, not finer than 8 lea or number	7 cents per pound	6 cents per pound	14.28
338	Gill netting, etc.:			
	Made of thread, twines, etc., not finer than—			
	5 lea or number	13 cents per pound and 25 per cent.	10 cents per pound and 20 per cent.	22.44
	6 lea or number	13¾ cents per pound and 25 per cent.	10¾ cents per pound and 20 per cent.	21.01
	[Senate rate on this gill netting is 3 cents per pound and 5 per cent less than the present rate for each corresponding lea or number of the thread from which made.]			
340	Carpets, etc., of flax, etc.:			
	Value not exceeding 15 cents per square yard	5 cents per square yard and 35 per cent.	4 cents per square yard and 30 per cent.	17.42
	Valued over 15 cents per square yard	10 cents per square yard and 35 per cent.	8 cents per square yard and 30 per cent.	16.43
341	Hose, hydraulic, etc	20 cents per pound	15 cents per pound	25.00
343	Oilcloths, etc., 12 feet and over in width	20 cents per square yard and 20 per cent.	12 cents per square yard and 15 per cent.	34.65

[a] Estimated at $4 per proof gallon. [b] Estimated at $3.50 per proof gallon. [c] Estimated at $2.66⅔ per proof gallon.

Estimate of reductions in duties of H. R. 1438 as reported from the Committee on Finance, United States Senate—Continued.

SCHEDULE L—SILKS AND SILK GOODS.

Paragraph of Senate bill.	Article.	Rates of duty— Present law.	Rates of duty— Senate bill.	Percentage of reduction.
392	Silk partly manufactured from cocoons, etc	40 cents per pound	35 cents per pound	12.50
395	Plushes on which ordinary duty does not amount to 50 per cent	50 per cent	$1.85 per pound [a]	.90
	Other, on which ordinary duty does not amount to 50 per cent	do	$2.50 per pound [a]	40.64
	Fabrics weighing not over ¼ ounce per square yard	$4.50 per pound	$4 per pound	11.11
396	Handkerchiefs:			
	Not hemmed or hemmed only—			
	Weighing ¼ ounce to 1½ ounces per square yard—			
	Boiled off	$3 per pound	50 per cent	15.25
	Dyed or printed in the piece	$3.25 per pound	do	18.41
	Weighing 1½ ounces to 8 ounces—			
	Dyed in the piece, etc., containing over 45 per cent in weight of silk	$3 per pound	do	32.83
	Dyed in the thread, etc., containing 30 per cent to 45 per cent in weight of silk.	$1.30 per pound	do	10.71
	Hemstitched, etc.—			
	Weighing ¼ ounce to 1½ ounces per square yard, boiled off	$3 per pound and 10 per cent.	60 per cent	5.50
	Weighing 1½ ounces to 8 ounces per square yard, dyed in the piece, etc., containing over 45 per cent in weight of silk	do	do	23.28

SCHEDULE M—PULP, PAPERS, AND BOOKS.

405	Printing paper, book paper, etc.:			
	Valued 2 to 2½ cents per pound	⅛ cent per pound	⅛ cent per pound	25.00
	Valued above 3 and not above 4 cents per pound	⅙ cent per pound	⅙ cent per pound [b]	16.67
408	Lithographic prints, etc.:			
	On paper, etc.—			
	Exceeding $\frac{3}{1000}$ to $\frac{12}{1000}$ inch in thickness—			
	Exceeding 35 to 400 square inches	8 cents per pound	7 cents per pound	12.50
	Exceeding 400 square inches	35 per cent	do	52.17

SCHEDULE N—SUNDRIES.

431	Gunpowder, etc.:			
	Valued 20 cents or less per pound	4 cents per pound	2 cents per pound	50.00
	Valued over 20 cents per pound	6 cents per pound	4 cents per pound	33.33
432	Matches:			
	In boxes	8 cents per gross	6 cents per gross	25.00
	Otherwise	1 cent per thousand	¾ cent per thousand	25.00
433	Blasting caps	$2.36 per thousand	$2 per thousand	15.25
	Cartridges	35 per cent	30 per cent	14.28
	Mining and blasting fuse	do	do	14.28
441	Haircloth, known as crinoline	10 cents per square yard	8 cents per square yard	20.00
442	Hats, bonnets, etc., of fur, etc.:			
	Valued not over $5 per dozen	$2 per dozen and 20 per cent.	$1.25 per dozen and 15 per cent.	34.92
	Valued $5 to $10 per dozen	$3 per dozen and 20 per cent.	$2.25 per dozen and 15 per cent.	25.00
	Valued $10 to $20 per dozen	$5 per dozen and 20 per cent.	$4 per dozen and 15 per cent.	21.76
	Valued over $20 per dozen	$7 per dozen and 20 per cent.	$5.50 per dozen and 15 per cent.	22.92
448	Leather band or belting	20 per cent	5 per cent	75.00
	Upper, dressed	do	15 per cent	25.00
	All other	do	do	25.00
	Calfskins, tanned, etc	do	do	25.00
	Skins dressed and finished other than chamois	do	do	25.00
	Skins for morocco—			
	Finished	do	do	25.00
	Tanned	10 per cent	5 per cent	50.00
	Patent leather, etc.—			
	Weighing not over 10 pounds per dozen skins	30 cents per pound and 20 per cent.	27 cents per pound and 15 per cent.	18.31
	Weighing 10 pounds to 25 pounds per dozen skins	30 cents per pound and 10 per cent.	27 cents per pound and 8 per cent.	13.07
	Pianoforte leather	35 per cent	20 per cent	42.86
	Boots and shoes	25 per cent	15 per cent	40.00
	Shoe laces	50 cents per gross and 20 per cent.	50 cents per gross and 10 per cent.	25.20
453	Harnesses, etc	45 per cent	35 per cent	22.22
462	Paintings, etc	20 per cent	15 per cent	25.00
	Statuary	do	do	25.00
468	Agricultural implements, etc	do	do	25.00

[a] Estimated.

[b] Amendment to be submitted by committee.

Mr. ALDRICH. I move that the Senate——

Mr. CULBERSON. Before the Senator makes a motion to adjourn, I ask leave to print in the RECORD a statement of instances in which duties have been lowered and raised and where the same duties are maintained. It is a succinct statement, and was made by an expert competent to do the work. The statement shows that out of total articles, 1,943, duties lowered, 356; duties increased, 316——

Mr. ALDRICH. Increased above the present law?

Mr. CULBERSON. Increased above the present law. And it shows that the items in which the duties are maintained amount to 1,271.

Mr. ALDRICH. Who is the expert who made that statement?

Mr. CULBERSON. I stated to the Senator that he is competent to make it.

Mr. ALDRICH. I would be glad to have his name, because he must be a wonderful man.

Mr. CULBERSON. The statement is made, among others, by a man from the Treasury Department. That ought to be sufficient to convince the Senator that he is thoroughly competent. I have not asked the Senator who made his.

Mr. ALDRICH. I myself am responsible for that.

Mr. CULBERSON. So am I for this.

Mr. ALDRICH. The Senator is responsible without knowledge, then.

Mr. CULBERSON. I am responsible because, Mr. President, I have faith in the figures made, and I have attempted to verify them the best I can.

Mr. ALDRICH. Does the Senator present a list of articles upon which he says reductions have been made?

Mr. CULBERSON. I present the schedules, the increases, the lowered duties, and the instances in which duties are maintained in each schedule, but I have not gone into details.

Mr. ALDRICH. I have gone into details.

Mr. CULBERSON. I will say to the Senator that probably he will be accommodated in that respect, also.

Mr. ALDRICH. I think it very important that should be done, if there is to be any credence given to it.

Mr. OVERMAN. Did the Senator from Rhode Island make his statement himself, or did he have an expert make it?

Mr. ALDRICH. It was made under my direction.

Mr. OVERMAN. Of course. Who was the expert?

Mr. ALDRICH. Major Lord.

Mr. OVERMAN. Is he a man from the Treasury Department?

Mr. ALDRICH. No, sir; he is not.

Mr. OVERMAN. He is a major in the army, I believe.

Mr. ALDRICH. He is a major in the army, but he has more knowledge on this subject than almost any other man I know. He was Mr. Dingley's clerk in the preparation by the Ways and Means Committee of the existing law; and I think he is better qualified to make a statement of this kind than any other man within my knowledge.

The PRESIDENT pro tempore. The Chair hears no objection to the request of the Senator from Texas that the statement he presents be printed in the RECORD.

The matter referred to is as follows:

Articles, as shown in the United States Statistics of Imports, affected by the Senate bill.

Schedule—	Lower duties.	Higher duties.	Same duties.
A	58	15	145
B	31	4	126
C	167	29	92
D	15	3	26
E	2		49
F			15
G	8	23	198
H		105	14
I	20	70	168
J	*14	10	58
K			87
L	8	31	24
M	4	9	42
N	29	17	227
Total	356	316	1,271
Total articles			1,943
Per cent	18.3	16.3	65.4

* Paragraph 336 covers threads of fibers, and includes 159 different "lea" or sizes.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 5 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 6, 1909, at 11 o'clock a. m.

SENATE.

THURSDAY, *May 6, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of Hinchman, Vezin & Co., of New York City, N. Y., praying for the retention of the proposed duty on hosiery, which was ordered to lie on the table.

He also presented a petition of the Jewelers' Board of Trade, of New York City, N. Y., praying for the creation of a nonpartisan tariff commission, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Kentucky, Oklahoma, Indiana, New York, and West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of New York City, N. Y., and of New Haven and Meriden, in the State of Connecticut, remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

Mr. SHIVELY presented petitions of sundry citizens of Russiaville, Newcastle, South Manchester, Sandborn, Carmel, New Albany, Kempton, Williamsburg, New Richmond, Madison, Evansville, Richmond, Columbus, Frankfort, Worthington, Hebron, Auburn, Logansport, Pierceton, Kokomo, Dana, Carrollton, and Delphi, all in the State of Indiana, praying for the removal of the duty on raw hides, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Tell City, Hazelton, Scotland, New Augusta, Indianapolis, Haughville, Clearmont, Rome City, Wawaka, Greensburg, Troy, Columbus, Story, Elwood, Balbec, Hammond, Spencer, College Corner, Vincennes, Fort Wayne, Connersville, and Odon, all in the State of Indiana, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Mansfield, Millersburg, Cincinnati, Akron, Columbus, Worthington, Glouster, Mount Vernon, Fairport Harbor, and Cleveland, all in the State of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SIMMONS presented petitions of sundry citizens of Dublin, White Oak, Kenston, Lumberton, Richardson, and Elizabethtown, all in the State of North Carolina, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PERKINS presented petitions of sundry citizens of Placerville and Exeter, in the State of California, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Independent Oil Producers' Agency, of Bakersville, Cal., remonstrating against the removal of the countervailing duty on petroleum and its products, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Los Angeles, Cal., employed in the lithographic industry, praying for an increase of the duty on lithographic products, which was ordered to lie on the table.

Mr. DICK presented a petition of sundry citizens of Brecksville, Ohio, praying for the passage of the so-called "rural parcels post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a petition of sundry petroleum producers of Spencerville, Ohio, praying for the imposition of a duty of 50 per cent ad valorem on crude petroleum, which was ordered to lie on the table.

Mr. HALE presented petitions of sundry citizens of Bangor, Bridgeton, Dexter, Newport, North Berwick, and Old Town, all in the State of Maine, praying for a readjustment of the wool schedule to remedy the inequalities detrimental to the carded woolen industry, which were ordered to lie on the table.

He also presented a petition of Winn Grange, Patrons of Husbandry, of Winn, Me., praying for the passage of the so-called "parcels post bill," which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of Winn Grange, Patrons of Husbandry, of Winn, Me., remonstrating against the duty on sulphate of ammonia and potash, which was ordered to lie on the table.

He also presented a memorial of B. L. Glover and sundry other citizens of Maine, remonstrating against the proposed increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Bangor, Bowerbank, Presque Isle, and Sebec, all in the State of Maine, praying for the reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of sundry citizens of King Ferry, Poplar Ridge, Sherwood, Aurora, Ludlowville, Hadley, and Luzerne, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented memorials of sundry citizens of New York City, N. Y., remonstrating against an increase of the duty on imported razors, which were ordered to lie on the table.

He also presented a petition of J. F. Bingham Lodge, No. 155, Brotherhood of Locomotive Firemen, of New York City, N. Y., praying for the enactment of legislation providing for the inspection of locomotive boilers and their necessary equipment for the safety of the men employed upon them, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of Local Union No. 68, Cigarmakers' International Union of America, of Albany, N. Y., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was ordered to lie on the table.

He also presented a petition of the board of managers of the New York Produce Exchange, praying for a reduction of the duty on wheat, corn, and oats, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, praying for an increase of the duty on lithographic products, which were ordered to lie on the table.

He also presented a memorial of Austerlitz Grange, No. 819, Patrons of Husbandry, of Spencertown, N. Y., remonstrating

against an increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented a petition of the International Gem Company and of the A. & S. Espositor Company, of New York City, N. Y., praying for an increase of the duty on precious stones, which was ordered to lie on the table.

Mr. BRANDEGEE presented petitions of sundry citizens of New Haven, Cromwell, Branford, South Windham, and Plymouth, all in the State of Connecticut, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Spokane, Elbe, Minerva, and Falls City, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FRYE presented a petition of sundry citizens of Sebattus, Me., praying that a protective duty be placed on carded wool, which was referred to the Committee on Finance.

BILLS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 2275) for the relief of Hyland C. Kirk and others, assignees of Addison C. Fletcher; to the Committee on Claims.

By Mr. NEWLANDS:

A bill (S. 2276) granting a pension to Paul De Chaine; to the Committee on Pensions.

By Mr. GORE:

(By request) A bill (S. 2277) permitting officers, soldiers, seamen, and marines who served in the United States Army for ninety days during the civil war, and who were honorably discharged, to acquire title to certain public lands of the United States, and for other purposes; to the Committee on Public Lands.

A bill (S. 2278) granting a pension to James Young; and

A bill (S. 2279) granting an increase of pension to Basil McClain; to the Committee on Pensions.

By Mr. NIXON:

A joint resolution (S. J. R. 35) providing for the erection of a statue of the late Hon. William M. Stewart, United States Senator from Nevada; to the Committee on the Library.

INTERSTATE-COMMERCE COMMODITIES CLAUSE.

Mr. BAILEY. Mr. President, I desire to introduce a bill to amend what is known as the "commodities clause" of the interstate-commerce act. I have not seen the full text of the recent opinion of the Supreme Court, but I have seen enough to know that it sustains the principle upon which that commodities clause is based, though the decision seems, from what I have seen of it, to hold that the act does not cover all of the cases which I know the author of it intended that it should cover.

It appears from the newspaper reports which I have seen that the court has held that the act does not include the case where a railroad company owns the stock of a corporation which mines or manufactures or produces these articles. The amendment which I now propose is intended to remedy that defect. When drawing that provision of the law I thought that the words "directly or indirectly" covered every possible contingency, and I still think so; but in view of the decision of the court it seems necessary, if the purpose of Congress is to be made effective, that a further amendment to the law shall be proposed and adopted.

The PRESIDENT pro tempore. The bill will be read by title.

The SECRETARY. A bill to amend "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, as approved June 29, 1906," and so forth.

Mr. BAILEY. I simply want to call attention to the fact that the act as it would be amended will read precisely as the existing law now reads, with the addition of the words "or by any corporation or joint stock company in which it owns or controls, directly or indirectly, any stock or interest."

Mr. CULBERSON. Mr. President, I happen to have a copy of the opinion just alluded to by my colleague, and I ask that the opinion may be printed in the RECORD in connection with the bill he has introduced.

Mr. KEAN. I ask also that it be printed as a document.

Mr. CULBERSON. I have no objection to that.

Mr. BAILEY. Mr. President, as the full text of the court's opinion is now available, I will, with the permission of the Senate, withdraw the bill which I have just introduced until I can carefully read exactly and completely what has been said and thus make it certain that I meet the requirements of the law as well as of industrial conditions.

The PRESIDENT pro tempore. Does the Senator from Texas withdraw his bill?

Mr. BAILEY. I desire to withdraw it until I can have the opportunity to examine the opinion.

The PRESIDENT pro tempore. No objection being heard, the bill is withdrawn.

Mr. CULBERSON. It is the understanding, then, that the opinion will be printed in the RECORD and as a document?

The PRESIDENT pro tempore. The Senator from Texas asks that the opinion may be printed in the RECORD and also as a Senate document. The Chair hears no objection, and the order is made.

The matter referred to is as follows:

[Senate Document No. 37. Sixty-first Congress, first session.]

RAILROAD RATE LAW.

Supreme Court of the United States. October term, 1908. Nos. 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, and 570.

In error to the circuit court of the United States for the eastern district of Pennsylvania: 559. The United States ex rel. The Attorney-General of the United States, Plaintiff in Error, *v.* The Delaware and Hudson Company. 560. Same *v.* Erie Railroad Company. 561. Same *v.* The Central Railroad Company of New Jersey. 562. Same *v.* Delaware, Lackawanna and Western Railroad Company. 563. Same *v.* The Pennsylvania Railroad Company. 564. Same *v.* Lehigh Valley Railroad Company.

Appeals from the circuit court of the United States for the eastern district of Pennsylvania: 565. The United States, Appellant, *v.* The Delaware and Hudson Company. 566. Same *v.* Erie Railroad Company. 567. Same *v.* The Central Railroad Company of New Jersey. 568. Same *v.* Delaware, Lackawanna and Western Railroad Company. 569. Same *v.* The Pennsylvania Railroad Company. 570. Same *v.* Lehigh Valley Railroad Company.

(May 3, 1909.)

Mr. Justice White delivered the opinion of the court.

We dismiss for the present a contention made by one of the corporations that it is not a railroad company within the meaning of that term as used in the statute, which we shall have occasion to consider, because it is merely a coal company whose transporting operations are but incidental to its mining operations. With this contention put aside, it is true to say, speaking in a general sense, that the corporations, parties to this record, by means of railroads owned and operated by them, were engaged in transporting coal from the anthracite coal fields in Pennsylvania to points of market for ultimate delivery in other States. With much of the coal so transported, the corporations had been or were connected by some relation distinct from the association which was necessarily engendered by the transportation of the commodity by the corporations as common carriers in interstate commerce. While the business of the corporations, generally speaking, had these characteristics, there were differences between them. Some of the corporations owned and worked mines and transported over their own rails in interstate commerce the coal so mined, either for their own account or for the account of those who had acquired title to the coal prior to the beginning of the transportation. Others, while operating railroads, not only owned, but also leased and operated coal mines, and carried the coal produced from such mines in the same way. Again, others of the railroad companies, although not operating mines, were the owners of stock in corporations engaged in mining coal, the coal so produced by such corporations being carried in interstate commerce by the railroad companies holding the stock in the producing coal companies, either for account of the producing corporations or for persons to whom the coal had been sold at the point of production prior to the beginning of interstate commerce. This, moreover, was, additionally, the case as to some of the railroad companies who, as we have previously stated, were engaged both in the production of coal from mines owned by them and in interstate transportation of such product. All the attributes thus enjoyed by the corporations had been possessed by them for a long time, and were expressly conferred by the laws of Pennsylvania, and, in some instances, also by the laws of other States, in which the companies likewise, in part, carried on their business. We insert in the margin a summary which the court below made concerning the situation of the respective corporations, taken from the answer or return made by each corporation:

"It is admitted, generally, by the defendants that the allegations in the bills and petitions, as to their corporate existence, are true, and that they own or operate railroads engaged in the interstate transportation of coal from the anthracite region of Pennsylvania. They also admit that this transportation has been carried on by the several defendants long prior to the 8th day of May, 1906, and in the case of some of them for a period varying from a quarter to more than half a century prior thereto. In addition to these general admissions, detailed statements are made by the defendants, respectively, of the character and extent of the ownership or other interests possessed by them in the coal so transported, or in the lands or mines from which it is produced. It is only necessary to briefly summarize these statements:

"(1) The Delaware and Hudson Company alleges that it directly owns its coal lands as it does its railroad; that it was incorporated by an act of the legislature of the State of New York, April 23, 1823, and was 'authorized to construct a canal or water navigation from the anthracite-coal district in Pennsylvania to the Hudson River in New York; to purchase lands in Pennsylvania containing stone or anthracite coal; and to employ its capital in the business of transporting to market coal mined from such lands.' That this authority was also expressly conferred by acts of the legislature of the State of Pennsylvania between the years 1823 and 1871, and that these acts of the State of Pennsylvania resulted from the desire and policy of said State to create and foster the industry of mining such coal and developing the transportation thereof; that under the authority of these statutes of Pennsylvania and of New York the said defendant, beginning as early as the year 1825, invested its capital in the purchase of a large quantity of coal lands in the State of Pennsylvania and in the construction of canal navigation in Pennsylvania from the Delaware River to the Hudson River; that later, under statutes of both States, it invested additional capital in the construction of railroads in the State of Pennsylvania, and in the construction and acquisition of railroads and leasehold estates in the State of

New York, for the same general purpose of transporting coal from the coal lands owned by it; that it has invested large sums of money, not only in the acquisition of coal property, but in the erection of structures for mining and terminal facilities; that some of its coal properties were acquired under leases upon royalties payable to the lessors for each ton of coal mined, the leases fixing large minimum amounts by way of rent; that large fixed rentals are required to be paid, not only for those mining lands, but for railroads acquired for the purpose of transporting coal; that there are three coal companies whose shares are practically all owned by it, viz, the Northern Coal and Iron Company, the Jackson Coal Company, and the Hudson Coal Company; that its mining lands thus owned and acquired are located upon or contiguous to the railroads of defendant; that said railroads are the only reasonable, practical, and conveniently available avenues of transportation whereby the coal by it produced can be transported in interstate commerce, and the coal mined by the defendant and by said coal companies upon its lines of railroad amounts approximately to 70 per cent of the entire transportation by it, or to about 4,300,000 gross tons, its daily shipments averaging about 12 trains of 37 coal cars each; that the coal lands so acquired by the defendant and by said three coal companies would have little, if any, value except for the mining of coal therefrom and its sale as a commercial commodity, and that if it is deprived, by virtue of the said act of Congress, of the right to transport said coal, it will be deprived of the only possible enjoyment of its property. It further avers that it is not a 'railroad company' within the meaning of the act of Congress, but that it is a coal company, and that since the year 1870 it has become, incidentally to its business as a coal-mining company, a common carrier by railroad of passengers and property.

"It is further averred, as a special ground of defense by the said Delaware and Hudson Company, that this said 'commodities clause' does not apply to it because all the coal mined by it upon its own lands and upon the lands of the said three coal companies (except as to steam sizes, as thereafter stated) 'is sold before transportation thereof begins by said company to third persons at the mines in Pennsylvania from which such coal has been produced, and that said company does not, at the time when the same is so transported by it in interstate commerce, own the same nor any interest therein, direct or indirect, apart from its obligation and rights as a common carrier in the transportation thereof, and that it carries said coal for the account of the purchaser thereof, who is the consignor and owner of said coal.'

"(2) The answer of the Erie Railroad Company states that it was originally organized under the laws of the State of New York in 1832; that it has been reorganized from time to time under mortgage foreclosure; and finally, in November, 1895, under a foreclosure sale, it was reorganized under the statutes of New York, whereby it 'became the lawful owner of the property, rights, privileges, immunities, and franchises of all its predecessors aforesaid, including the shares of capital stock of coal companies and of railroad companies, as well as the railroads theretofore held and possessed by said predecessor companies, the railroads so owned by it and its said subsidiary companies, having an aggregate mileage of over 2,100 miles in the States of New York, Pennsylvania, New Jersey, Ohio, Indiana, and Illinois;' that the Pennsylvania Coal Company was created a corporation by the laws of Pennsylvania in 1838, its charter giving it the right of 'transacting the usual business of companies engaged in mining, transporting to market, and selling coal and the other products of coal mined;' and for that purpose it was given the power to purchase or lease coal lands in Pennsylvania; also the power to construct railroads with one or more tracks. In 1853 the said Pennsylvania Coal Company was authorized to extend its railroad to connect with the New York and Erie Railroad. The right of said Pennsylvania Coal Company to buy coal lands and build railroad connections was continued by acts of the legislature of Pennsylvania in 1857, 1864, 1867, and 1868; that in pursuance of these various acts of the legislature the Pennsylvania Coal Company obtained capital, issued stock therefor, acquired coal lands, developed coal mines, produced, transported to markets, and sold coal; built and operated railroads, made railway connections as authorized, and did other like acts to promote the business of supplying all persons needing the same with anthracite coal. The Hillside Coal and Iron Company was organized by an act of the legislature of the State of Pennsylvania in 1869 for the purposes and with powers similar to those of the Pennsylvania Coal Company. Under authority of acts of the legislature of Pennsylvania the said Erie Railroad Company, long prior to the passage of said amendment to the interstate-commerce act, acquired substantially all the capital stock of said Pennsylvania Coal Company, the Hillside Coal and Iron Company, the Jefferson Railroad Company, and Erie and Wyoming Railroad Company, and a small minority of the stock of the Temple Iron Company, and has pledged the same under various mortgages, pursuant to which have been issued and are now outstanding bonds for large sums, aggregating many millions of dollars, which bonds are held by purchasers in good faith and for value throughout the world; that for many years prior to May 1, 1908, it has been engaged in transporting the coal of said corporations to markets outside the State of Pennsylvania, many of which can only be reached from the railroad lines of this defendant; that the coal so transported amounts annually to several millions of tons and constitutes 22 per cent of the entire freight tonnage of this defendant, the Erie Company. It also denies that it is, by reason of the ownership of said stock in said companies, the owner, in whole or in part, of the coal transported by it in interstate commerce, or that it has or had any interest, direct or indirect, therein, and therefore has not violated or failed to comply with the so-called 'commodities clause' of the interstate-commerce act.

"(3) The Central Railroad Company of New Jersey avers that it was organized under the laws of the State of New Jersey, and by these laws was authorized to purchase and hold the stock or securities of any other corporation, of New Jersey or elsewhere, and that it was also so authorized by two acts of assembly of the State of Pennsylvania, one of which, approved April 15, 1869, was entitled 'An act to authorize railroad and canal companies to aid in the development of coal, iron, lumber, and other material interests of this Commonwealth;' that pursuant to the authority of these several acts, it had long prior to the said act of Congress become the owner of a majority of the shares of the capital stock of the Honeybrook Coal Company and of the Wilkesbarre Coal and Iron Company, both companies now being merged into the Lehigh and Wilkesbarre Company, a large majority of whose shares are owned by it; that it also owns a minority of the shares of the Temple Iron Company; that in 1871 it became the lessee of the Lehigh and Susequehanna Railroad, a Pennsylvania corporation, which it has ever since operated under an obligation to pay a yearly rental of not less than $1,414,400, and not to exceed $2,043,300 per annum; that its gross earnings from the transportation of coal amounted, for the year ending June 7, 1907, to $9,312,268.04, being 48 per cent of its entire freight receipts; and that a large part of its earnings from freight and miscellaneous passenger traffic is incident to and dependent upon the operation of the mines and collieries of said coal companies; and that the greater part of its earnings from transportation of coal comes from its carriage of the coal mined by the Lehigh and Wilkesbarre Coal Company; and that large sums of money have been expended by it in extending its lines and in constructions to enable it to transport said coal in interstate commerce.

"(4) The Delaware, Lackawanna and Western Railroad Company, like the Delaware and Hudson Company, admits that it is the owner of coal lands and mines coal, which it sells; that it was organized under an act of the legislature of Pennsylvania in 1849; that all the lines of railroad owned by it are wholly within the State of Pennsylvania, extending from the Delaware River, at the boundary line of the State of New Jersey, in a northwesterly direction across the State of Pennsylvania to the boundary line between the State of Pennsylvania and the State of New York, with a branch line extending from Scranton, in the State of Pennsylvania, to Northumberland, in said State. Said defendant also admits and alleges that, under express authority of acts of the legislature of the States of Pennsylvania, New Jersey, and New York, it, as lessee, now operates, and long prior to May 1, 1908, has operated, various lines of railroad in the two last-mentioned States, by which it has direct traffic connection with the city of Buffalo and other cities in the said States. Defendant also admits that for many years it has owned in fee extensive tracts of coal land in the State of Pennsylvania; that it has also leased large tracts of coal land in the said State, and is now engaged, and for many years last past has been engaged, in mining coal from the lands so owned and leased by it; that the holding of said lands, whether in fee or by lease, and the mining, manufacture, and interstate transportation of the coal therefrom has been and continues to be under and by virtue of the authority of the laws of the State of Pennsylvania.

"That, in addition to the foregoing, certain coal companies, organized from time to time under acts of assembly of the said State of Pennsylvania, have been merged into said defendant corporation; that by an act of the general assembly of the State of Pennsylvania approved April 15, 1869, entitled 'An act to authorize railroad and canal companies to aid in the development of the coal, iron, lumber, and other material interests of this Commonwealth,' the defendant was authorized to aid corporations authorized by law to develop coal, iron, lumber, and other material interests of Pennsylvania, by the purchase of their capital stock or bonds, or either of them. The answer of said defendant also alleges that, by reason of its ownership of said coal lands and coal, and the revenues derived from the transportation of the same to market, it has been enabled to expend millions in the betterment of its general transportation facilities for both goods and passengers, and give to the public the benefits of a well constructed and equipped modern railroad.

"That by virtue of leases of railroads, to enable it to transport coal in interstate commerce, it has become bound to pay yearly, in interest charges, the sum of $5,155,697, and for taxes $1,163,916. That out of a total of about 8,700,000 tons of coal produced by it in the year 1907 from its lands owned in fee and leased, upward of 6,700,000 tons were transported over its lines of railroad in interstate commerce; that from 40 per cent to 60 per cent of its annual transportation earnings, from the operation of leased lines, has been derived from the carriage of its own coal thereover.

"That it uses, in the conduct of its business as a common carrier, approximately 1,700,000 tons of anthracite coal, of pea size or smaller, annually, and will require more for such use in the future; that to obtain this coal in these economic sizes it is necessary to break up coal, leaving the larger sizes, which must be disposed of otherwise; that great waste would result if it were forbidden to transport to market in interstate commerce these larger sizes thus resulting.

"That defendant's rights to acquire its holding of coal land, its rights to own and mine coal and to transport the same to market in other States as well as in Pennsylvania and its leases of other railroads, were acquired many years prior to the enactment of the so-called 'interstate-commerce act,' and of the said amendment thereto known as the 'commodities clause.'

"(5) The answer of the Pennsylvania Railroad Company avers that it was incorporated under the laws of the State of Pennsylvania April 13, 1846; that as early as 1871, under authority of two general statutes of the State of Pennsylvania, it became the owner of all the shares of the Susquehanna Coal Company, of all the shares of the Summit Branch Mining Company, and of one-third of the shares of the Mineral Railroad Mining Company, corporations of the State of Pennsylvania; that since the last-mentioned year, and up to the present time, it has carried the coal produced from the mines of the said coal companies, at lawfully established schedule rates, over its lines of railroad; that approximately 65 per cent of the coal so mined has been carried to destinations outside the State of Pennsylvania; that it mines no coal, but that the coal it carries is mined by the said coal companies, and that it has no interest therein within the meaning of the said act of Congress, either direct or indirect; that the most largely producing of the properties belonging to these coal companies are located either directly upon, or so contiguous to the system of railroads operated by said defendant as to render transportation by any other railroads not reasonably practicable.

"(6) The answer of the Lehigh Valley Railroad Company states that it was originally incorporated September 20, 1847, under the laws of the State of Pennsylvania. Under the authority of various acts of assembly of the said State, other railroad and coal companies, prior to the year 1874, have been merged into it, some of which railroads were expressly authorized to construct railroads and to carry on the business of mining, transporting, and vending coal. It is also the lessee of railroads in Pennsylvania; that by means of its own and of said leased lines of railroad it conducts, and for many years has conducted, an interstate transportation of coal; that since 1872, pursuant to authority conferred by the laws of Pennsylvania, it has also owned the majority of the capital stock of the New York and Middle Coal Field Railroad and Coal Company, a corporation of the State of Pennsylvania; also the entire capital stock of Coxe Brothers & Co., a corporation of said State; a minority interest in the capital stock of the Highland Coal Company; a majority of the stock of the Locust Mountain Coal and Iron Company; a minority interest in the capital stock of the Packer Coal Company and of the Temple Iron Company, all corporations of the State of Pennsylvania, organized for the purpose of mining coal, some of them more than a half century ago; that it has constructed lines of railroad and branch railroads and terminal facilities for the purpose of transporting to market, in interstate commerce, the coal of the companies whose shares it owns, and this business has been conducted by it for many years; that practically said coal can be transported to market only by its railroads; that the capital stock of two of the coal com-

panies owned by said defendant has been transferred to a trustee, to hold under a general mortgage executed by defendant, under which mortgage bonds to the amount of $23,539,000 have been issued by said defendant and are now outstanding in the hands of the public; that the capital stock of Coxe Brothers & Co. (Incorporated), owned by this defendant as aforesaid, has been transferred and assigned to, and is now held by a trustee under a collateral trust agreement executed by said defendant, dated November 1, 1905, for the purpose and upon the terms expressed in said agreement, a copy of which is annexed to said answer, and that bonds to the amount of $18,000,000 have been issued under said agreement and are now outstanding in the hands of the public; that said defendant transports annually, in interstate commerce, upward of 7,600,000 tons of anthracite coal, shipped by the said coal companies whose stock is owned by said defendant, in whole or in part as aforesaid, and transports annually for said coal companies, wholly within the State of Pennsylvania, upward of 1,500,000 tons; that nearly 42 per cent of its gross annual earnings of $36,068,431 for the last fiscal year, or $15,010,899, were derived from coal freights, which represented over 51 per cent of its entire freight tonnage; that the greater part of its gross earnings from coal transportation was received from the coal companies whose shares are by it owned; that the mines and collieries of said coal companies are all so located in the portions of the coal fields tributary to its lines of railroad that no means of transporting their product can be made available, except by defendant's railroads; that the railroad lines of this defendant have been from time to time extended, the control of other railroads acquired, and its facilities and equipment increased at enormous expense, in reliance upon the rights and franchises conferred by the statutes of Pennsylvania aforesaid; that a very large part of defendant's earnings is derived from the freight and passenger traffic incidental to and dependent upon the operation of the mines and collieries of said coal companies, and that if said defendant were deprived of the earnings derived from the transportation of the coal of said coal companies its business could not be continued, except at a net loss of many millions of dollars per annum."

After the 1st day of May, 1908, the Government of the United States commenced these proceedings by bill in equity against each of the corporations, to enjoin each from carrying in interstate commerce any coal produced under the circumstances which we have stated. At the same time a petition in mandamus was filed against each corporation, seeking to accomplish the same result. Both the equity causes and the mandamus proceedings were based upon the assumption that the first section of the act to regulate commerce, as amended and reenacted by the law usually referred to as the "Hepburn Act," approved June 29, 1906 (34 Stat., 584), contained a provision, generally known as the "commodities clause," which caused it to be illegal for the corporations after May 1, 1908, to transport in interstate commerce coal with which the railroad companies were or had been connected or associated in any of the modes above stated. Except as we have said, in the particular that one of the corporations claimed that it was not a railroad company within the meaning of the commodities clause, they all defended substantially upon the ground that when correctly interpreted the commodities clause did not forbid the interstate-commerce traffic in coal by them carried on. If it did, the clause was assailed as inherently repugnant to the Constitution, because the right to enact it was not embraced within the authority conferred upon Congress to regulate commerce. In addition, it was contended that, even if, abstractly considered, the clause might be embraced within the grant of power to regulate commerce, nevertheless its provisions were in conflict with the due-process clause of the fifth amendment to the Constitution, because of the destructive effect which the enforcement of its provisions would produce on the rights of property which the corporations possessed and had long enjoyed under the sanction of valid state laws. It was, besides, insisted that in any event the clause was repugnant to the Constitution, because of the discrimination caused by the exception as to timber and the manufactured products thereof. The cases were submitted on the pleadings, and were heard and decided at one and the same time. Treating the clause as having the meaning which the Government contended for, the court came to consider the alleged repugnancy of the enactment to the Constitution. In the principal opinion the subject was at least formally approached, not for the purpose of deciding whether, inherently, the commodities clause was within the competency of Congress to enact as a regulation of commerce, but whether the provisions of that clause were repugnant to the Constitution because of the destructive effect of its prohibitions upon the vast sum of property rights which the corporations were found to enjoy as a result of valid state laws. In this aspect the issue which the court deemed it was called upon to determine was thus by it epitomized:

"The fundamental and underlying question, however, which presents itself at the threshold of all the cases for our consideration is whether the so-called 'commodities clause' amendatory to the act to regulate commerce, passed January 29, 1906, so far as its scope applies by the universality of its language to the cases here presented, is in excess of the legislative authority granted to Congress by the Constitution. This question must be considered with reference to the Constitution as a whole and in relation to the agreed facts of the several cases. It is therefore necessary to keep in mind the situation as presented by these defendants, the facts set forth in their individual answers as above briefly summarized, and the relevant industrial conditions which being matters of common knowledge may be judicially noticed."

The situation which it was considered should be kept in mind for the purpose of passing upon the constitutional question was thus stated:

"The general situation is that for half a century or more it has been the policy of the State of Pennsylvania, as evidenced by her legislative acts, to promote the development of her natural resources, especially as regards coal, by encouraging railroad companies and canal companies to invest their funds in coal lands, so that the product of her mines might be conveniently and profitably conveyed to market in Pennsylvania and other States. Two of the defendant corporations, as appears from their answers, were created by the legislature of Pennsylvania, one of them three-quarters of a century ago and the other half a century ago, for the expressed purpose that its coal lands might be developed and that coal might be transported to the people of Pennsylvania and of other States. It is not questioned that pursuant to this general policy investments were made by all the defendant companies in coal lands and mines and in the stock of coal-producing companies, and that coal production was enormously increased and its economies promoted by the facilities of transportation thus brought about. As appears from the answers filed, the entire distribution of anthracite coal in and into the different States of the Union and Canada for the year 1905 (the last year for which there is authoritative statistics) was 61,410,201 tons; that approximately four-fifths of this entire production of anthracite coal was transported in interstate commerce over the defendant railroads, from Pennsylvania to markets in other States and Canada, and of this four-fifths, from 70 to 75 per cent, was produced either directly by the defendant companies or through the agency of their subsidiary coal companies.

"It also appears from the answers filed that enormous sums of money have been expended by these defendants to enable them to mine and prepare their coal and to transport it to any point where there may be a market for it. It is not denied that the situation thus generally described is not a new one, created since the passage of the act in question, but has existed for a long period of years prior thereto, and that the rights and property interests acquired by the said defendants in the premises have been acquired in conformity to the constitution and laws of the State of Pennsylvania, and that their right to enjoyment of the same has never been doubted or questioned by the courts or people of that Commonwealth, but has been fully recognized and protected by both."

It was decided that, as applied to the defendants, the commodities clause was not within the power of Congress to enact as a regulation of commerce (164 Fed., 215). A member of the court dissented and expressed his reasons in a written opinion. Without adverting to all the reasoning expounded in that opinion, we think it accurate to say that in a large and ultimate sense it proceeded upon the assumption that, as the commodities clause provided, to quote the summing up of the opinion, for "the divorce of the dual relation of public carrier and private transporter," it was a regulation of commerce, and as such was within the power of Congress to enact, and when enacted was operative upon the defendants, and therefore required them to conform to the regulation, even although to do so might in some way indirectly affect valid rights derived from prior state legislation.

Judgments and decrees were entered denying the applications for mandamus and dismissing the bills of complaint.

The text of the commodities clause upon which the cases depend is as follows:

"From and after May 1, 1908, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole or in part, or in which it may have any interest, direct or indirect, except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier."

The Government insists that this provision prohibits railroad companies from transporting in interstate commerce articles or commodities other than the excepted class, which have been manufactured, mined, or produced by them or under their authority, or which they own or may have owned in whole or in part, or in which they have or may have had any interest, direct or indirect. These prohibitions, it is further insisted, apply to the transportation by a railroad company in interstate commerce of a commodity which has been manufactured, mined, or produced by a corporation in which the transporting railroad company is a stockholder, irrespective of the extent of such stock ownership. This construction of the provision rests not only upon the meaning which the Government insists should be given to its text, but on the significance of the text, as illumined by what it is insisted was the result intended to be accomplished by the enactment of the clause. The purpose, it is contended, was not merely to compel railroad companies to dissociate themselves before transportation from articles or commodities manufactured, mined, produced, or owned by them, etc., but, moreover, to divorce the business of transporting commodities in interstate commerce from their manufacture, mining, production, ownership, etc., and thus to avoid the tendency to discrimination forbidden by the act to regulate commerce, which, it is insisted, necessarily inheres in the carrying on by a railroad company of the business of manufacturing, mining, producing, or owning, in whole or in part, etc., commodities which are by it transported in interstate commerce.

The construction relied on is thus summed up in the argument of the Government: "It (the clause) forbids the carrier, who owns the mines and sells coal, to transport that coal in interstate commerce. * * * This is not trifling with the question. It states the exact fact and the reality." And, in accordance with this principle, the insistence in argument is that it was the duty of the carrier who owned and worked coal mines, or who had stock in such mines, or who owned coal, in order to bring themselves within the law, to dispose absolutely of all their interest in coal-producing property, in whatever form enjoyed, and to cease absolutely from acquiring like rights in the future. It was, doubtless, because of the far-reaching effect of this construction upon the enormous property interests involved which caused the result of the provision to be thus stated in the argument for the Government: "This is undoubtedly a searching and radical law, and was meant to be so." True, the Government, in argument, suggests that the radical result of the statute may be assuaged, without violating its spirit, by limiting its prohibitions so as to cause them to apply only so long as the commodities to which it applies are in the hands of a carrier or its first vendee. But no such limitation is expressed in the statute, and to engraft it would be an act of pure judicial legislation. Besides, to do so would be repugnant to the asserted spirit and purpose of the statute which lies at the foundation of the construction upon which the Government relies.

Let us as a prelude to an analysis of the clause, for the purpose of fixing its true construction and determining the constitutional power to enact it when its significance shall have been rightly defined, point out the questions of constitutional power which will require to be decided if the construction relied upon by the Government is a correct one.

We at once summarily dismiss all the elaborate suggestions made in argument as to the alleged wrong to result from the enforcement of the clause, if it be susceptible of the construction which the Government has placed upon it. We do this because obviously mere suggestions of inconvenience or harm are wholly irrelevant, as they can not be allowed to influence us in determining the question of the constitutional power of Congress to enact the clause.

Let it be conceded at once that the power to regulate commerce possessed by Congress is in the nature of things ever enduring, and therefore the right to exert it to-day, to-morrow, and at all times in its plenitude must remain free from restrictions and limitations arising or asserted to arise by state laws, whether enacted before or after Congress has chosen to exert and apply its lawful power to regulate. For our present purposes, moreover, although we may have occasion to examine the subject hereafter, we entirely put out of view all the contentions based upon the assumption that even, although the provisions of the clause be in and of themselves lawful regulations of commerce, if prospectively applied, nevertheless they can not be so considered, because of their retroactive effect upon the rights of the defendants alleged to have been secured by valid state laws. We further concede for the purpose of the inquiry we are at present making,

although we may also have occasion to examine the subject hereafter, that the power of Congress to regulate commerce can be constitutionally so exerted as to compel a railroad company engaged in interstate commerce to dissociate itself in interest from the commodities which it transports in interstate commerce, even although by existing state laws the railroad company may have a lawful right of ownership or association with the commodity upon which the regulation operates.

With these concessions in mind, and despite their far-reaching effect, if the contentions of the Government as to the meaning of the commodity clause be well founded, at least a majority of the court are of the opinion that we may not avoid determining the following grave constitutional questions: (1) Whether the power of Congress to regulate commerce embraces the authority to control or prohibit the mining, manufacturing, production, or ownership of an article or commodity, not because of some inherent quality of the commodity, but simply because it may become the subject of interstate commerce. (2) If the right to regulate commerce does not thus extend, can it be impliedly made to embrace subjects which it does not control, by forbidding a railroad company engaged in interstate commerce from carrying lawful articles or commodities because, at some time prior to the transportation, it had manufactured, mined, produced, or owned them, etc. And involved in the determination of the foregoing questions we shall necessarily be called upon to decide (a) Did the adoption of the Constitution and the grant of power to Congress to regulate commerce have the effect of depriving the States of the authority to endow a carrier with the attribute of producing as well as transporting particular commodities, a power which the States from the beginning have freely exercised, and by the exertion of which governmental power the resources of the several States have been developed, their enterprises fostered, and vast investments of capital have been made possible? (b) Although the Government of the United States, both within its spheres of national and local legislative power, has in the past for public purposes, either expressly or impliedly, authorized the manufacture, mining, production, and carriage of commodities by one and the same railway corporation, was the exertion of such power beyond the scope of the authority of Congress, or, what is equivalent thereto, was its exercise but a mere license, subject at any time to be revoked and completely destroyed by means of a regulation of commerce?

While the grave questions thus stated must necessarily, as we have said, arise for decision, if the contention of the Government, as to the meaning of the commodity clause be correct, we do not intend, by stating them, to decide them or even in the slightest degree to presently intimate, in any respect whatever, an opinion upon them. It will be time enough to approach their consideration if we are compelled to do so hereafter, as the result of the further analysis, which we propose to make in order to ascertain the meaning of the commodities clause.

It is elementary when the constitutionality of a statute is assailed, if the statute be reasonably susceptible of two interpretations, by one of which it would be unconstitutional and by the other valid, it is our plain duty to adopt that construction which will save the statute from constitutional infirmity. (Knights Templars Indemnity Company *v.* Jarman, 187 U. S., 197, 205.) And unless this rule be considered as meaning that our duty is to first decide that a statute is unconstitutional and then proceed to hold that such ruling was unnecessary because the statute is susceptible of a meaning, which causes it not to be repugnant to the Constitution, the rule plainly must mean that where a statute is susceptible of two constructions, by one of which grave and doubtful constitutional questions arise and by the other of which such questions are avoided, our duty is to adopt the latter. (Harriman *v.* Interstate Commerce Commission, 211 U. S., 407.)

Recurring to the text of the commodities clause, it is apparent that it disjunctively applies four generic prohibitions; that is, it forbids a railroad carrier from transporting in interstate commerce articles or commodities; (1) which it has manufactured, mined, or produced; (2) which have been so mined, manufactured, or produced under its authority; (3) which it owns in whole or in part; and (4) in which it has an interest, direct or indirect.

It is clear that the two prohibitions which relate to manufacturing, mining, etc., and the ownership resulting therefrom, are, if literally construed, not confined to the time when a carrier transports the commodities with which the prohibitions are concerned, and hence the prohibitions attach and operate upon the right to transport the commodity because of the antecedent acts of manufacture, mining, or production. Certain also is it that the two prohibitions concerning ownership, in whole or in part, and interest, direct or indirect, speak in the present and not in the past—that is, they refer to the time of the transportation of the commodities. These last prohibitions, therefore, differing from the first two, do not control the commodities if at the time of the transportation they are not owned in whole or in part by the transporting carrier, or if it then has no interest, direct or indirect, in them. From this it follows that the construction which the Government places upon the clause as a whole is in direct conflict with the literal meaning of the prohibitions as to ownership and interest, direct or indirect. If the first two classes of prohibitions as to manufacturing, mining, or production be given their literal meaning, and therefore be held to prohibit, irrespective of the relation of the carrier to the commodity at the time of transportation, and a literal interpretation be applied to the remaining prohibitions as to ownership and interest, thus causing them only to apply if such ownership and interest exist at the time of transportation, the result would be to give to the statute a self-annihilative meaning. This is the case since in practical execution it would come to pass that where a carrier had manufactured, mined, and produced commodities, and had sold them in good faith, it could not transport them; but, on the other hand, if the carrier had owned commodities and sold them it could carry them without violating the law. The consequence, therefore, would be that the statute, because of an immaterial distinction between the sources from which ownership arose, would prohibit transportation in one case and would permit it in another like case. An illustration will make this deduction quite clear: A carrier mines and produces and owns coal as a result thereof. It sells the coal to A. The carrier is impotent to move it for account of A in interstate commerce because of the prohibition of the statute. The same carrier at the same time becomes a dealer in coal and buys and sells the coal thus bought to the same person, A. This coal the carrier would be competent to carry in interstate commerce. And this illustration not only serves to show the incongruity and conflict which would result from the statute if the rule of literal interpretation be applied to all its provisions, but also serves to point out that as thus construed it would lead to the conclusion that it was the intention, in the enactment of the statute, to prohibit manufacturing and production by a carrier and at the same time to offer an incentive to a carrier to become the buyer and seller of commodities which it transported.

But it is said, on behalf of the Government, in view of the purpose of Congress to prohibit railroad companies engaged in interstate commerce from being at the same time manufacturers, producers, owners, etc., of commodities which they carry, despite the literal sense of some of the prohibitions they should all be construed so as to accomplish the result intended, and, therefore, their apparent divergence and conflict should be removed by construing them all as prohibiting the transportation because of the causes stated, irrespective of the particular relation of the railroad company to the commodities at the time of transportation. This suggestion, however, simply invites us, under the assumption that Congress had a particular intention in enacting the clause, to so construe the clause as to cause it to be essential to decide the grave constitutional questions which we have hitherto pointed out. On the contrary, as the prohibitions concerning ownership in whole or in part, and interest, direct or indirect, are susceptible only of the construction that the dissociation of the carrier with the products which it transports was contemplated, our duty is, if possible, to treat the other and apparently conflicting prohibitions as embracing a like purpose, and thus harmonize the provisions of the clause and prevent the necessity of approaching and passing upon the grave constitutional questions which would necessarily arise from pursuing the contrary course. This, it is urged, can not be done, since to do so would be in effect to expunge the prohibitions against manufacturing, mining, and production from the clause, as ownership in whole or in part or interest, direct or indirect, would embrace everything which could possibly have been intended to be expressed by the terms "manufacturing," "mining," and "production," if the proposed reconciliation of the conflict between the prohibitions be brought about. We think, however, that a brief reference to a ruling of this court concerning the effect of the interstate-commerce law, prior to its amendment by the Hepburn Act, will serve to make clear the unsoundness of the proposition. The case referred to is that of the New Haven Railroad *v.* Interstate Commerce Commission (200 U. S., 361). In that case, after much consideration, it was held that the prohibitions of the interstate-commerce act as to uniformity of rates and against rebates operated to prevent a carrier engaged in interstate commerce from buying and selling a commodity which it carried in such a way as to frustrate the provisions of the act, even if the effect of applying the act would be substantially to render buying and selling by an interstate carrier of a commodity which it transported practically impossible. In thus deciding, however, it became necessary (pp. 399, 400) to refer to rulings of the Interstate Commerce Commission construing the act to regulate commerce, made not long after the enactment of the statute, in which it was held that where interstate-commerce carriers were engaged in manufacturing, mining, producing, and carrying commodities in virtue of state charters authorizing them so to do, granted prior to the enactment of the act to regulate commerce, that act could not be applied without confiscation, except in so far as the requirement of reasonableness of rates was concerned. While referring to those administrative rulings, and declaring that in view of their long standing the construction which had been thus given to the act should not be departed from, "at least until Congress has legislated on the subject" (p. 401), it was nevertheless plainly intimated that legislation which compelled a carrier, even although authorized by its charter before the passage of the act to regulate commerce to engage in the production as well as transportation of commodities, to dissociate itself before transportation from the products which it manufactured, mined, or produced, would not, when enforced by proper rules and regulations, amount to confiscation. When, therefore, the subject of ownership, in whole or in part, or the interest of a carrier, direct or indirect, in the product which it transported, came to be considered, and the duty to dissociate before transportation came to be legislatively imposed, it is quite natural, in view of the prior administrative rulings and the intimations of this court, conveyed in the opinion in the New Haven case, to assume that the provisions as to manufacturing, mining, and production, while they may be somewhat redundant, were nevertheless expressed for the purpose of leaving no possible room for the implication that it was not the intention to include ownership resulting from manufacture, mining, production, etc., even although the right to manufacture, mine, and produce was sanctioned by state charters prior to the enactment of the act to regulate commerce. Looking at the statute from another point of view the same result is compelled. Certain it is that we could not construe the statute literally without bringing about the irreconcilable conflict between its provisions which we had previously pointed out, and therefore some rule of construction is essential to be adopted in order that the statute may have a harmonious operation. Under these circumstances, in view of the far-reaching effect to arise from giving to the first two prohibitions a meaning wholly antagonistic to the remaining ones, we think our duty requires that we should treat the prohibitions as having a common purpose—that is, the dissociation of railroad companies prior to transportation from articles or commodities, whether the association resulted from manufacturing, mining, production, or ownership, or interest, direct or indirect. In other words, in view of the ambiguity and confusion in the statute we think the duty of interpreting should not be so exerted as to cause one portion of the statute which, as conceded by the Government, is radical and far-reaching in its operation if literally construed, to extend and enlarge another portion of the statute which seems reasonable and free from doubt if also literally interpreted. Rather it seems to us our duty is to restrain the wider, and, as we think, doubtful, prohibitions so as to make them accord with the narrow and more reasonable provisions, and thus harmonize the statute.

Nor is there force in the contention that because the going into effect of the clause was postponed for a period of nearly two years, therefore the far-reaching and radical effects which the Government attributes to the clause must have been contemplated by Congress. We think, on the contrary, it is reasonable to infer, in view of the facts disclosed in the statement which we have previously excerpted, that the delay accorded is entirely consistent with the assumption that it was so granted to afford the time essential to make the changes which would be required to conform to the commands of the clause as we have interpreted it, such as providing the facilities for dissociation by sale at the point of production before transportation or segregation by means of the organization of bona fide manufacturing, mining, or producing corporations.

It remains to determine the nature and character of the interest embraced in the words "in which it is interested directly or indirectly." The contention of the Government that the clause forbids a railroad company to transport any commodity manufactured, mined, or produced, or owned in whole or in part, etc., by a bona fide corporation in which the transporting carrier holds a stock interest, however small, is based upon the assumption that such prohibition is embraced in the words we are considering. The opposing contention, however, is that interest, direct or indirect, includes only commodities in which a carrier has a legal interest, and therefore does not exclude the right to carry commodities which have been manufactured, mined, produced, or owned by a separate and distinct corporation, simply because the transporting

carrier may be interested in the producing, etc., corporation as an owner of stock therein. If the words in question are to be taken as embracing only a legal or equitable interest in the commodities to which they refer, they can not be held to include commodities manufactured, mined, produced, or owned, etc., by a distinct corporation merely because of a stock ownership of the carrier. (Pullman Palace Car Co. *v.* Missouri Pacific R. R., 115 U. S., 588; Coniey *v.* Mathieson Alkali Works, 190 U. S., 406.) And that this is well settled also in the law of Pennsylvania is not questioned. It is unnecessary to pursue the subject in more detail, since it is conceded in the argument for the Government that if the clause embraces only a legal interest in an article or commodity it can not be held to include a prohibition against carrying a commodity simply because it had been manufactured, mined, or produced, or is owned by a corporation in which the carrier is a stockholder. The contention of the Government substantially rests upon the assumption that unless the words be given the meaning contended for they are without significance. That this is clearly not the case is well illustrated by the New Haven case, supra. In that case the Chesapeake and Ohio Railway Company it was shown at one time not only directly engaged in buying, selling, and transporting coal, but subsequently, when a statute was passed in West Virginia prohibiting such dealings, it resorted to indirect methods for the continuance of its previous practice. It may well be that the very object of the provision was to reach and render impossible the successful employment of methods of the character referred to. Certain it is, however, that in the legislative progress of the clause in the Senate, where the clause originated, an amendment in specific terms, causing the clause to embrace stock ownership, was rejected; and immediately upon such rejection an amendment, expressly declaring that interest, direct or indirect, was intended, among other things, to embrace the prohibition of carrying a commodity manufactured, mined, produced, or owned by a corporation in which a railroad company was interested as a stockholder, was also rejected. (40 Cong. Rec., pt. 7, pp. 7012–7014.) And the considerations just stated we think completely dispose of the contention that stock ownership must have been in the mind of Congress, and therefore must be treated as though embraced within the evil intended to be remedied, since it can not in reason be assumed that there is a duty to extend the meaning of a statute beyond its legal sense upon the theory that a provision which was expressly excluded was intended to be included. If it be that the mind of Congress was fixed on the transportation by a carrier of any commodity produced by a corporation in which the carrier held stock, then we think the failure to provide for such a contingency in express language gives rise to the implication that it was not the purpose to include it. At all events, in view of the far-reaching consequences of giving the statute such a construction as that contended for, as indicated by the statement taken from the answers and returns which we have previously inserted in the margin, and of the questions of constitutional power which would arise if that construction was adopted, we hold the contention of the Government not well founded.

We then construe the statute as prohibiting a railroad company engaged in interstate commerce from transporting in such commerce articles or commodities under the following circumstances and conditions: *a*. When the article or commodity has been manufactured, mined, or produced by a carrier or under its authority, and at the time of transportation the carrier has not in good faith before the act of transportation dissociated itself from such article or commodity; *b*. When the carrier owns the article or commodity to be transported in whole or in part; *c*. When the carrier at the time of transportation has an interest, direct or indirect, in a legal or equitable sense, in the article or commodity, not including, therefore, articles or commodities manufactured, mined, produced, or owned, etc., by a bona fide corporation in which the railroad company is a stockholder.

The question then arises whether, as thus construed, the statute was inherently within the power of Congress to enact as a regulation of commerce. That it was, we think is apparent, and if reference to authority to so demonstrate is necessary it is afforded by a consideration of the ruling in the New Haven case, to which we have previously referred. We do not say this upon the assumption that by the grant of power to regulate commerce the authority of the Government of the United States has been unduly limited on the one hand and inordinately extended on the other, nor do we rest it upon the hypothesis that the power conferred embraces the right to absolutely prohibit the movement between the States of lawful commodities or to destroy the governmental power of the States as to subjects within their jurisdiction, however remotely and indirectly the exercise of such powers may touch interstate commerce. On the contrary, putting these considerations entirely out of mind, the conclusion just previously stated rests upon what we deem to be the obvious result of the statute as we have interpreted it; that it merely and unequivocally is confined to a regulation which Congress had the power to adopt and to which all preexisting rights of the railroad companies were subordinated. (Armour Packing Co. *v.* United States, 209 U. S., 56.)

We think it unnecessary to consider at length the contentions based upon the due process clause of the fifth amendment. In form of statement those contentions apparently rest upon the ruinous consequences which it is assumed would be operated upon the property rights of the carriers by the enforcement of the clause interpreted as the Government construed it. For the purpose of our consideration of the subject it may be conceded, as insisted on behalf of the United States, that these contentions proceed upon the mistaken and baleful conception that inconvenience, not power, is the criterion by which to test the constitutionality of legislation. When, however, mere forms of statement are put aside and the real scope of the argument at bar is grasped, we think it becomes clear that in substance and effect the argument really asserts that the clause as constructed by the Government is not a regulation of commerce, since it transcends the limits of regulation and embraces absolute prohibition, which, it is insisted, could not be exerted in virtue of the authority to regulate. The whole support upon which the propositions and the arguments rest hence disappears as a result of the construction which we have given the statute. Through abundance of caution we repeat that our ruling here made is confined to the question before us. Because, therefore, in pointing out and applying to the statute the true rule of construction, we have indicated the grave constitutional questions which would be presented if we departed from that rule, we must not be considered as having decided those questions. We have not entered into their consideration, as it was unnecessary for us to do so.

Without elaborating, we hold the contention that the clause under consideration is void because of the exception as to timber, and the manufactured products thereof, is without merit. Deciding, as we do, that the clause, as construed, was a lawful exercise by Congress of the power to regulate commerce, we know of no constitutional limitation requiring that such a regulation when adopted should be applied to all commodities alike. It follows that even if we gave heed to the many reasons of expedience which have been suggested in argument against the exception and the injustice and favoritism which it is asserted will be operated thereby, that fact can have no weight in passing upon the question of power. And the same reasons also dispose of the contention that the clause is void as a discrimination between carriers.

With reference to the contention that the commodities clause is void because of the nature and character of the penalties which it imposes for violations of its provisions, within the ruling in Ex parte Young, (209, U. S., 123), we think it also suffices to say that even if the delay which the clause provided should elapse between its enactment and the going into effect of the same does not absolutely exclude the clause from the ruling in Ex parte Young, a question which we do not feel called upon to decide, nevertheless the proposition is without merit, because (*a*) no penalties are sought to be recovered in these cases, and (*b*) the question of the constitutionality of the clause relating to penalties is wholly separable from the remainder of the clause, and, therefore, may be left to be determined should an effort to enforce such penalties be made.

There is a contention as to one of the defendants, the Delaware and Hudson Company, to which we, at the outset, referred, which requires to be particularly noticed. Under the charters granted to the company by the States of New York and Pennsylvania it was authorized to secure coal lands and mine coal, and, without going into detail, was originally authorized to construct a canal, and, ultimately, a railroad for the purpose of transporting, for its own account, the products of its mines, and, undoubtedly, vast sums of money have been invested in carrying out these purposes. It is true also that the company is the owner of stock in various coal corporations. The claim now to be disposed of is that by the true construction of its charters the Delaware and Hudson Company is not a railroad company within the meaning of the term as used in the commodities clause, but is really a coal company. The contention, we think, is without merit. The facts stated in the excerpts from the answer and returns of the company, which we have previously placed in the margin, leave no doubt that the corporation was engaged as a common carrier by rail in the transportation of coal in the channels of interstate commerce, and as such we think it was a railroad company within the purview of the clause and subject to the regulations which are embodied therein as we have interpreted them.

As the court below held the statute wholly void for repugnancy to the Constitution, it follows from the views which we have expressed that the judgments and the decrees entered below must be reversed. As, however, it was conceded in the discussion at bar that in view of the public and private interests which were concerned the United States did not seek to enforce the penalties of the statute, but commenced these proceedings with the object and purpose of settling the differences between it and the defendants concerning the meaning of the commodities clause and the power of Congress to enact it as correctly interpreted, and upon this view the proceedings were heard below by submission upon the pleadings, we are of opinion that the ends of justice will be subserved not by reversing and remanding with particular directions as to each of the defendants, but by reversing and remanding with directions for such further proceedings as may be necessary to apply and enforce the statute as we have interpreted it.

And it is so ordered.

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Mr. Justice Harlan dissenting.

As these cases have been determined wholly on the construction of those parts of the Hepburn Act which are here in question, and as Congress, if it sees fit, may meet that construction by additional legislation, I deem it unnecessary to enter upon an extended discussion of the various questions arising upon the record, and will content myself simply with an expression of my nonconcurrence in the view taken by the court as to the meaning and scope of certain provisions of the act. In my judgment, the act, reasonably and properly construed, according to its language, includes within its prohibitions a railroad company transporting coal, if, at the time, it is the owner, legally or equitably, of stock—certainly, if it owns a majority or all the stock—in the company which mined, manufactured, or produced, and then owns, the coal which is being transported by such railroad company. Any other view of the act will enable the transporting railroad company, by one device or another, to defeat altogether the purpose which Congress had in view, which was to divorce, in a real, substantial sense, production and transportation, and thereby to prevent the transporting company from doing injustice to other owners of coal.

AMENDMENTS TO THE TARIFF BILL.

Mr. DICK submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. BRIGGS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SCOTT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. ROOT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

He also submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BURKETT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United

States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. SIMMONS submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. DIXON submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

OCCUPATIONS AND THEIR RELATION TO THE TARIFF.

Mr. CULBERSON. Mr. President, I ask to have printed as a Senate document an article in the Quarterly Journal of Economics, by Edward Atkinson, entitled "Occupations and their relation to the tariff." It is intended to show, according to this writer, how many people employed would be affected by a reduction of the tariff. It is based upon the census of 1900. I ask that this article be printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Texas asks that the matter which he sends to the desk be printed as a document.

Mr. ALDRICH. What is the request?

The PRESIDENT pro tempore. The Senator from Texas requests that the following article——

Mr. CULBERSON. It is an article written in 1902 by the late Edward Atkinson, of Boston, showing how the people engaged in occupations will be affected by the tariff. It is based upon the census of 1900.

Mr. ALDRICH. I do not like to interpose an objection to a matter of this kind, but I think the Senator from Texas must be aware that if we commence reprinting in the form of documents all the tariff articles or documents that have been published, it may involve the Government in very great expense before we get through.

Mr. CULBERSON. I do not contemplate at this time making any other similar request.

Mr. ALDRICH. The Senator from Texas may not, but there are a great many other Members of the Senate who may have articles or arguments on various subjects which they would like to have printed. It is entering upon a field which I think no man can see the limits of at present.

Mr. CULBERSON. I hope the Senator will not interpose at this time an objection.

Mr. ALDRICH. I will ask the Senator to let his request go over until to-morrow, and I will make an examination of the character of the document.

Mr. CULBERSON. Very well.

Mr. ALDRICH. I want to see it.

Mr. CULBERSON. It is written by a great statistician, the greatest this country has ever known.

Mr. ALDRICH. Mr. Edward Atkinson was quite a free-trade authority in his day; there is no doubt about that; but he was a great controversialist, and there are a great many people who think he was entirely wrong in his ideas, and certainly in his conclusions.

Mr. CULBERSON. This is not a discussion, Mr. President, of free trade. It is simply a statement by Mr. Atkinson as to how the number of people engaged in protected industries will be affected by a reduction of the tariff, based upon the census of 1900. But I have no objection to its going over until to-morrow, as requested.

The order was reduced to writing as a resolution (S. Res. 43), as follows:

Senate resolution 43.

Resolved, That there be printed as a document an article by the late Edward Atkinson, contained in the Quarterly Journal of Economics for the month of February, 1903, pages 280 to 292.

The PRESIDENT pro tempore. The resolution will lie over and be printed.

WOOL AND MANUFACTURES OF WOOL.

Mr. DOLLIVER. Mr. President, I desire to ask unanimous consent to do what I neglected to do yesterday, to print in connection with my remarks on the tariff a series of questions and answers involving criticisms and opinions upon the wool question, by Mr. Dale, the editor of the Textile World. I desire also to have the matter printed as a Senate document.

The PRESIDENT pro tempore. The Senator from Iowa asks that he may insert as a part of his speech certain matter which he has stated to the Senate. Is there objection? The Chair hears none. He also asks that the matter referred to be printed as a Senate document. Is there objection? The Chair hears none, and the order is made.

NATIONAL WATERWAYS COMMISSION.

Mr. BURTON submitted the following concurrent resolution (S. Con. Res. 4), which was referred to the Committee on Printing:

Senate concurrent resolution 4.

Resolved by the Senate (the House of Representatives concurring), That authority be, and the same is hereby, granted to print and bind, for the use of the National Waterways Commission, such papers, documents, and reports of hearings as may be deemed necessary in connection with the subject-matter to be considered by said commission.

THE TARIFF.

The PRESIDENT pro tempore. The calendar is in order. The Secretary will announce the first bill on the calendar.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

Mr. CUMMINS. Mr. President, when, a few mornings ago, I suggested that I would address the Senate at this time upon the pending bill, I had it in mind to limit my remarks to a brief discussion of the iron and steel paragraphs of the bill. Since, however, certain things have occurred and certain things have been said which lead me to broaden a trifle the scope of my observations.

I want, if possible, before we begin the real debate upon these paragraphs, to have a clear understanding with regard to the political attitude of certain Republican Senators. My colleague [Mr. DOLLIVER] has just closed a speech great in its thought, great in its analysis, great in its influence upon the opinions of men. As I understood that speech in so far as it related to the woolen schedules, it consisted of a history of the schedule as it now appears in the Senate bill. It was intended to suggest that what we are now asked to adopt had its origin forty years ago or more; that the relation which is now sought to be established again between wool and woolens was established more than a quarter of a century ago; and that, in view of the developments of the period intervening, it was worth while to examine and to discover whether that relation should be preserved; and he exhibited to the Senate an overwhelming abundance of evidence tending to show that the time had come when the relation should be reexamined.

Thereupon the distinguished chairman of the Finance Committee arose and asked the Senate to print in the RECORD—in parallel columns he would have had it, if that had been possible—the remarks of my colleague upon that subject and the remarks of certain renowned Democratic Senators upon the same subject at a former time.

When the remarkable speech of my colleague had been finally concluded, the chairman of the Finance Committee arose and said that the woolen schedule was the very citadel of Republican protection; that the man who challenged it was unfaithful to the Republican faith; and that if it were successfully challenged the whole structure of Republican protection would be overthrown. This to me was one of the most astonishing and intolerant statements I have ever heard delivered in any political or deliberative body.

Is it possible that a Senator who believes profoundly in the doctrine of protection can not suggest that duties upon woolens are too high when they are compared with the duties upon wool? Have we arrived at that slavish state of public opinion in which it becomes a political crime to question the correctness, not of a former Congress, but the correctness of certain schedules as they are applied to existing conditions? I marvel that we were permitted to hear a doctrine of that sort. I have the most kindly feelings for every member of the Finance Committee. Every member holds my respect, and I have no question whatsoever that the bill as reported to the Senate represents the honest opinion of a majority of the members of this high committee.

What then? Is it to be tolerated that a Republican, coming from the ranks, one who has for years borne a part of the burdens of our campaigns, can not differ from the judgment of the Finance Committee without incurring the penalty of having his Republicanism challenged time and again? This is a spirit which I hope will be banished from the debate from this time on.

While I do not arrogate to myself any high position in the Senate—I recognize that I am its humblest Member—I believe I have a better title to speak for those who have favored a reduction of the Dingley schedules than any man in this Senate Chamber. I am one of the few Republicans, if you please, who, for seven years, have insisted that the schedules of the law of 1897 ought to be revised. I have fought for my faith in every campaign during these years. I am in this high tribunal simply because I did fight for that faith, and I intend to defend it with all the vigor and the earnestness of which I am capable.

The Finance Committee, composed of honorable, intelligent, broad-minded, experienced men, is still not the Ark of the Covenant of Republican doctrine. It is not the only repository of Republican faith. Inasmuch as the revision of the tariff as demanded in the Republican platform last year came from a demand upon the part of these same people whose courage I helped to sustain and whose energies I helped to direct, I have a right to stand here and assert that these schedules do not represent the only Republican doctrine known among men.

I do not disparage the Finance Committee in any respect when I say that in so far as I am advised there is not a single member of that committee who ever advocated a revision of the Dingley schedules. They are not to be criticised for that. They did not believe that it was necessary that the duties of the law of 1897 should be lowered, and I accord to them the same honesty of judgment that I claim for myself. But is it to be wondered at that a committee, no one of whom, so far as I know, was in favor of the revision of this law, driven to it under the command of a Republican platform, should enter upon their work with a belief that the schedules should not be reduced, but should rather be raised? I honestly think that most of the members of this committee felt that the Dingley schedules should be lifted up instead of taken down.

Is it any wonder that their report, in trying to keep the promise to the ear, has broken it to the hope, for there is no substantial reduction of the duties of 1897 in the report of this committee? I am not unmindful of the fact that upon many things duties have been lowered, but in so far as my examination has gone, I assert that, with the exception of the duties on lumber and the duties on hides, there has been no reduction in any important article known to the commerce of America that will affect its price to the consumer one whit. If this demand for a revision of the tariff schedules did not arise from a desire on the part of the people to buy the things they were buying at a less price, out of what desire did it arise?

Now, I am not challenging the opinion of the gentlemen who believe that prices ought to be higher. They announce that they so believe, but the men who brought about this declaration of the platform in Chicago did not so believe. They wanted a reduction of the duties upon articles and commodities, so that the reduction would result in a lessened price to the consumer or the user.

With this explanation I intend to examine some parts of the pending bill. I am just as fond of the Republican party as is the Finance Committee. Unlike its distinguished chairman, I was born in the Republican party. I came of a race of Abolitionists, who were Republicans not because they thought a Republican management of the industries and of the commerce and of the finances of the country was more capable than a Democratic administration, but because they believed the Republican party was more firmly and deeply devoted to the cause of humanity.

I have lived many years in the atmosphere of protection. I was born and raised upon the Monongahela River, in a community and in an air that would have stifled the first breath of a free trader. I came to my man's estate with the earnest conviction that protection was not only the best policy for a great people like our own, but that it was the only policy under which our people could prosper and achieve the destiny that the Almighty has intended for the American Nation.

Let no man, therefore, impeach my Republicanism because I question the duties that are attached to the various articles and commodities found in the pending bill. I resent in the beginning, and I shall resent at every step of this bill through the Senate, any such insinuation or intimation, whether directed to me or whether directed to any of my colleagues who hold the same general views that I do.

I do not intend to hunt for a "joker." My time has been otherwise employed in the examination of this bill. I am not searching for any hidden or obscure meaning in the language of the bill. We have come to a sad estate if we must begin the examination of a great measure like this with the understanding or even the suspicion that lying away obscured in the vague language of the bill there may be a penalty imposed that is not as open and clear as the sunlight, and which we may not all observe.

I do not hunt for these obscure things. The things that I do not like in this bill are plain and obvious. The things that I do not like are so clear that the man who runs may read, and I have sometimes thought that they were so atrocious that the man who reads will run as well.

When I say "atrocious," I want there to say a word. I have expected to vote for this bill. I intend, unless something develops that has not yet made its appearance, to vote for the bill. But if I do vote for it, I will vote for it because I believe it to be some improvement upon the duties of 1897 as tested by the conditions of the present moment. I shall not vote for it because I believe that it is a substantial revision of the tariff duties or a fair compliance with the Republican platform of 1908. I desire that my position with respect to it shall be everywhere known.

I have received some intimations from home since this bill was reported. The very first intimation that I had was an inquiry about crockery, and this correspondent said, "Of course you will reduce the duties on common earthenware." There is not a home in my State or in any other that is not supplied with this article. Its value is not so great as the value of some things in the tariff, but I supposed that if we were going to reduce the tariff, one of the first things the committee would do would be to reduce the duty upon pottery, not upon all kinds of pottery; I am not particularly concerned in china, in bisque, in parian, or in many other things out of which some articles called "crockery" can be made; but I am interested in having the homes of Iowa, if I can, the humble homes, the homes out of which the real patriotism of the country arises like incense, considered in a reduced duty on crockery. And yet, in the wisdom of this committee, the old duties are preserved; and what are they? I will not stop now to refer to the papers I have on my desk. I have here the proof of every statement that I shall make. The duties on plain crockery, the ordinary white earthenware that you see on every table that is not spread in a palace, are 55 per cent.

Mr. FLINT. Mr. President, I should like to ask the Senator from Iowa a question. In making this examination, and I have no doubt he has given it careful study, his desire being to ascertain whether the consumer, the farmer in Iowa, is paying too high a price for these articles, has he ascertained the amount paid the manufacturer for these articles, at what price the manufacturer has sold to the wholesale dealer, and in turn at what price the wholesale dealer has sold to the retail dealer? Has he tried to ascertain whether the tariff is a factor in fixing the price to the consumer or whether it is the extravagant prices charged by the wholesalers and the retailers? I would be glad if the Senator would put those figures in the RECORD, so that we can ascertain whether the farmers are paying an excessive price by reason of this tariff.

Mr. CUMMINS. Mr. President, in order to remove the very question which my friend from California has suggested, I have here the invoices of the wholesalers, the invoices at which the wholesalers bought their goods, and I might as well pause now to examine the real spirit of that inquiry. It came honestly. It has been put in this Chamber a score of times since we began this discussion, and I have not yet heard it answered as it ought to be answered. When we ask for free lumber we are told that the duty on lumber does not increase the price to the consumer, and that a removal of the duty would not lessen the price to the consumer. When we ask for a reduction of the duty on crockery we are told that somewhere between the factory and the user there are interposed such unlawful combinations and criminal conspiracies as will result in destroying the ordinary force of competition in business, and that therefore it makes no difference what the cost abroad may be; it makes no difference what the cost of production may be, the consumer is sacrificed and crucified just the same.

I can not so believe. I still have some hope of my country. I still have profound confidence in the justice of its laws and in the ultimate triumph of fair dealing between its people. I know that the tendency of the last few years has been to destroy the competition which does give to the consumer the benefit of the reductions which I ask in this bill. I am aware of that.

There is nobody who knows better than I do that all over the land, especially in the larger industries, there are combinations, concentrations, and conspiracies which do attempt to rob, and which have for their avowed object the purpose of robbing, the consumer or the user of the benefits and advantages of fair and successful competition. Thank God, these conspiracies have not yet enslaved the American people. Thank God, there is yet a little virtue and conscience left in our men that will induce them to struggle against such conspiracies and combinations; and if the Senate is true to its traditions, true to the teachings of the fathers, it will do something, and it can do something, within a short while, as the lives of nations go, to remove this intervention, this unlawful intervention, which, it is said, prevents the man who uses or the man who must ultimately pay from acquiring and enjoying the advantages of free and fair and complete competition. So that it is no answer to me to suggest that, even if this duty were somewhat lowered, the consumer would not have the benefit of it. But I have not yet told you the full enormity of it, and I take this just as an example.

Mr. FLINT. Will the Senator permit me to give him an example?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from California?

Mr. CUMMINS. With pleasure.

Mr. FLINT. Mr President, my attention has been called—and I will address myself some few days later to the subject, if I have an opportunity—to one article of crockery which has been imported at the rate of 60 per cent. The article costs, landed here, 5 cents or less. That same article is sold in the department stores throughout this country at 25 cents. I ask the Senator—if that statement is correct, and I believe it is—what relation the 60 per cent duty had on that article which cost 5 cents, when the consumer was paying 25 cents in a department store for it?

Mr. CUMMINS. None whatever. But the Senator from California, with his keen mind, must understand that there is no more relation between the case he puts and the case I am arguing than there was between the duty and the price in the case he suggests. When you extend that observation to a commodity that is on every table and which fills every store, you can not ask the Senate to believe that the duty imposed upon such an article has the same relation to it, or has the same effect upon it, that it does upon some gimcrack or toy that is sold for an artificial price and surrounding which there is no relation, as you may well say, between the cost of production and the price of sale.

But now answer me this question while you are on your feet: Are you prepared to say to the Senate that the price paid by the American people for the great, important things which they use and consume is not affected in any way by the cost of production? Answer me whether that is true.

Mr. FLINT. The question of the cost of production and the rate?

Mr. CUMMINS. That is just what I mean.

Mr. FLINT. I think I can show the Senator before we finish with this table that the illustration which I have given can be duplicated many times over. This illustration was merely the matter of a toy. I will now call the Senator's attention to another article which has been brought to my attention that is in everyday use. The manufacturers of razors in Connecticut sell those razors to the jobbing houses for $3.95 a dozen. The jobbing house sells those razors for $5 a dozen to the retailer, and the retailer charges $2 to the consumer for such razors, or $24 a dozen. Was the rate of 25 or 50 per cent on the $3.95 that this article has been manufactured for in this country a factor in the selling price to the consumer?

Mr. CUMMINS. I do not know whether it is or not. It depends entirely upon the cost to the retailer selling the product. But I will not permit the Senator from California to divert the attention of the Senate from commodities that are in universal use, in which the consumption is large, and upon which there is an established price in every market; I will not permit him to divert the attention of the Senate from such things to toys or razors. Tell me whether, in the absence of any combination or conspiracy or in the absence of any duty, you think the price of steel rails in the market would be governed somewhat by the cost of producing steel rails?

Mr. FLINT. I will answer the question which the Senator has asked me. I think that where the manufacturer deals directly with the consumer it may be affected by a tariff; but I say that there are only a few articles of that kind. Going through these tariff laws from one end to the other, you will find that the tariff is not a material factor in the selling price to the consumer; but the high price which the consumer pays for an article is caused by reason of the exorbitant prices charged, not only in department stores, but stores throughout the country, in large cities and in small towns. Their profit is from 50 to 100 per cent on these articles, and I think I can establish that to the satisfaction of the Senate and the people.

Mr. CUMMINS. Mr. President, the retailer may be a very bad man, but it has not been my observation that there are many retailers who become millionaires. There may be a few in department stores—and I see my friend from California [Mr. FLINT] is eager to rise again—there may be a few of these great department stores, which are subject to the very same criticism that I shall hereafter impose upon the United States Steel Corporation, who grow rich; but the greater part of the retailers in the United States, in view of the sharp, keen, everlasting competition among them, do not make more than a fair and reasonable livelihood. I say again that when I am talking about crockery, a thing that is just as staple as steel rails or as iron rods or as steel wire, the Senator from California must admit that the cost has something to do with the price at which it is sold. And the enormity of this schedule is that not only is a duty of 55 per cent imposed upon it, but when you take into account the restrictions and the cost which the importer must suffer in order to compete with the domestic manufacturer, the substantial duty or advantage rises to 95 per cent. I say it is an excessive duty. I say it is one of the things which the Finance Committee ought to have carefully considered, and if their judgment hung in the balance it ought to have determined that controversy in favor of the great mass of the American people. But I must hasten on.

Mr. TILLMAN. Will the Senator allow me to interrupt him for a moment?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. CUMMINS. Certainly.

Mr. TILLMAN. I want to ask the Senator from California [Mr. FLINT], if these tariff duties cut no figure in this controversy, why are the mails flooded and why are the lobbies crowded here with people clamoring for an increase of duties or for the maintenance of existing duties? Are those fellows fools that they come around or hang around and haunt Congressmen and burden the mails if the duties are of no use to them?

Mr. CUMMINS. I have the greatest regard for the Senator from South Carolina, but I can not permit an interruption which will speedily develop into a colloquy or an argument between him and the Senator from California [Mr. FLINT].

Mr. FLINT. Before the Senator from Iowa resumes, he asked me one question, and I think I have answered it very fairly and frankly. I should like now to ask him one question, and see if he will answer it as fairly and frankly as I have answered on my part.

Coffee and tea are both on the free list. Is the Senator from Iowa of the opinion that, by reason of the fact that they are on the free list, the consumer is buying tea and coffee any cheaper than he would if we had a small tariff upon those articles?

Mr. CUMMINS. Yes, sir.

Mr. FLINT. How does the Senator account for the price on tea and coffee, or we will say tea, that costs about 18 cents and is selling for 65 cents a pound?

Mr. CUMMINS. Does the Senator want a sort of elemental discourse on political economy and trade?

Mr. FLINT. No; but the Senator asked me a question which I answered fairly and frankly, and I ask just as frank an answer from him. As to the article of tea, which is on the free list and now sells for 65 cents a pound while it costs wholesale about 18 cents a pound, I ask what effect would a tariff have on that article to the consumer?

Mr. CUMMINS. It would add just that much to the cost to the consumer, unless there is between the importer and the consumer some unlawful combination that distorts the ordinary and usual law of trade. I am astonished to find a man so intelligent and so thoughtful as the Senator from California, making the broad assertion that it does not make any difference in the price to the consumer what the article costs. Suppose you should levy a duty of $5 a pound on tea, what do you think would be the result then?

Mr. FLINT. I think it would make a difference.

Mr. CUMMINS. So do I.

Mr. FLINT. But I say that the tariff on the articles in the bill does not make a difference to the consumer, for the reason that the profit to the retailer, the jobber, and the wholesaler is so great in this country that the small tariff charged on the articles named in the bill is not a factor to the consumer.

Mr. CUMMINS. You have not placed a duty on tea in this bill.

Mr. FLINT. I am talking about articles which are in the bill, and which do pay a duty.

Mr. CUMMINS. That is one of the things you did not dare to do.

Mr. FLINT. I said, so far as tea and coffee are concerned, they are both on the free list.

Mr. CUMMINS. Certainly.

Mr. FLINT. And while tea is on the free list and is costing 18 cents a pound, it is selling to the consumer for 65 cents. In the mail to-day every Senator received a communication from a tea merchant or importer which contained acknowledged affidavits to the fact that Salada tea was selling in this country in the open market for 60 cents a pound under free trade, and that the same tea was selling in Canada for 40 cents with free trade. How does free trade benefit the consumer?

Mr. CUMMINS. I have no doubt the Senator from California has such communications; but I will ask him whether he has had any communication from a consumer of tea, one who drinks

tea, asking him to put a duty of 10 cents a pound on tea? If you can produce a single man who has asked you to do that, then I will agree that you have had your mind open not only to the great, but to the small as well.

I pass on to another subject, and I want the Committee on Finance to understand that I am inquiring as to some things. I have mentioned one thing that you will always find upon every man's table; but there is another thing that you will find in every poor man's home. It is a little piece of oilcloth.

Now, I ask the Senator from California, who represents on this floor this morning—I was going to say the entire Finance Committee, but I have observed that that is not strictly accurate—but I would like at some time during the course of this debate for some member of the Finance Committee to explain why the duty on oilcloth, already 100 per cent, was increased by this bill? There is very little, I suppose none of it, imported, simply because of the duty under the Dingley Act upon oilcloth. This [exhibiting] is table oilcloth. The duty on it now is 115 per cent; and if this bill becomes a law, the duty on it after that will, so far as this piece of oilcloth is concerned, be 270 per cent.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I do.

Mr. BEVERIDGE. I see three members of the Finance Committee here, and, since the Senator has asked the question, I myself would like to know from the Finance Committee why any such increase of duty on oilcloth as that was made, if they are prepared to give the reason.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I will simply say that, so far as the sample of oilcloth is concerned which the Senator submits, I would have to examine it and find out just what paragraph it comes under. Then I could find out whether the statement of the Senator is correct.

Mr. CUMMINS. I will show you the paragraph I refer to.

Mr. BEVERIDGE. The Senator said that there was oilcloth used in the common homes of this country, the duty on which had been increased 200 per cent.

Mr. CUMMINS. I did not say that.

Mr. BEVERIDGE. That the present tariff is one hundred and some per cent, and the pending bill provides for two hundred and some per cent. That was the statement.

Mr. CUMMINS. That was the statement.

Mr. BEVERIDGE. Now, the members of the Finance Committee ought to know the reason right now for such an increase as that upon any article that is used in the common homes of the country.

Mr. FLINT. If some of us had the ability of the Senator from Indiana to carry this entire tariff bill in our heads, I have no doubt we could answer in a moment.

Mr. BEVERIDGE. There will have to be a better answer than that to an inquiry for facts.

Mr. SMOOT. We will give a better answer, but we can not do so in a moment.

Mr. BEVERIDGE. The bill is not going to be hurried nor are votes for committee amendments going to be won except upon a fair answer to a courteous request for a reason for an astounding increase.

Mr. DICK. Mr. President——

Mr. BEVERIDGE. There are three members of the Finance Committee here now. The Senator from Iowa had stated that on common oilcloth—which ought to be very conspicuously in the mind of every member of the Finance Committee, because it is a thing universally consumed—there has been an increase, if I caught the Senator correctly, of about 100 per cent. Every Senator has a right to know from the Finance Committee right now why that increase was made.

Mr. NELSON and Mr. DICK addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Iowa yield?

Mr. CUMMINS. I yield to the Senator from Minnesota [Mr. NELSON], who, I think, rose first.

Mr. NELSON. I want to call the attention of the Senators from Utah, California, and Indiana to the fact that the duty on chloroform has been reduced 50 per cent. [Laughter.]

Mr. BEVERIDGE. That may explain the reason why the committee increased this duty.

Mr. FLINT. Certainly the reduction of the duty on chloroform has not had any effect upon the Senate.

Mr. SMOOT. Further, I should like to say to the Senator that many other articles are reduced a great deal more than 50 per cent.

Mr. CUMMINS. It is very fortunate that the duty on chloroform was not reduced prior to the consideration of these matters by the Finance Committee, else its increasing quantity might have led to an increase on oilcloth of 500 per cent instead of 100.

Mr. DICK. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. I do.

Mr. DICK. I only desire to interrupt for a moment to make a suggestion responding to the request of the Senator from Indiana for information on the great variety of subjects in the various schedules of the bill. The Senator from Iowa——

Mr. BEVERIDGE. My request was for information upon a specific item.

Mr. DICK. Precisely.

Mr. BEVERIDGE. Conspicuously called to the attention of the Senate, and not as to a variety of subjects.

The PRESIDENT pro tempore. Senators must address the Chair and be recognized by the Chair before interruptions of the Senator having the floor can be allowed. The Senator from Ohio.

Mr. DICK. It would seem that while the Senator from Iowa is making a speech upon the general subject of the bill, Senators might possess themselves in patience for explanations of the various schedules when the schedules themselves are reached.

Mr. BEVERIDGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Indiana?

Mr. CUMMINS. I yield for a single remark. I desire to pass on as rapidly as possible.

Mr. BEVERIDGE. I want to say this: The Senator from Iowa looked around and saw at that time only one member of the Finance Committee on the floor of the Senate. I observed there were three. Then the Senator from Iowa made the statement about this conspicuous item of the bill, and asked the Finance Committee here to explain it, but it was not done. I then asked for an explanation of it, but the explanation was not given. I will say to the Senator from Ohio that the Senator from Iowa specifically requested an answer to his question; and it is not interrupting him that we shall insist that the question shall be answered.

Mr. SMOOT. Mr. President, I ask the Senator——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield to the Senator from Utah. I want information upon this matter; and if my advices are incorrect, I shall frankly admit my mistake.

Mr. SMOOT. I ask the Senator to say under what paragraphs the particular oilcloth of which he speaks falls?

Mr. CUMMINS. There is but one paragraph relating to oilcloth.

Mr. SMOOT. Then that paragraph is 343.

Mr. CUMMINS. There is only one paragraph in the bill under which oilcloth falls, and if the Senator will resume his seat for a moment I will open the matter up to him so that he will have no trouble in seeing exactly the point I am making. I desire to develop for a moment, inasmuch as it has been challenged, the history of the tariff on oilcloth and linoleum.

Mr. SMOOT. I want to call the attention of the Senator to the fact that the House bill provided a duty on oilcloth under 11 feet. We simply made it under 9 feet.

Mr. CUMMINS. Yes; and that is the way you raised the duty without anybody knowing anything about it.

Mr. SMOOT. Mr. President, that statement would take too long to answer right here and now, but I think it can be answered all right.

Mr. CUMMINS. I make the charge that when you reduced the width you raised the duty, without specifically suggesting a raise of duty.

Mr. SMOOT. I want to say to the Senate here to-day that there is an absolute reason for it, and that reason will be given to the Senate beyond question. I am perfectly aware of the fact that the manufacturers on the other side have examined our schedules, and by manufacturing within one-half an inch of the specified width have brought in their products under a lower rate of duty. Now, because we are trying to protect the American people against the half-inch——

Mr. CUMMINS. I did not yield to the Senator from Utah for a speech and he abuses the privilege that I extended to him.

Mr. SMOOT. I will never ask the privilege again, Mr. President. I was simply giving the Senator the reason.

Mr. CUMMINS. I yielded to the Senator for a question.
Mr. GALLINGER. The Senator yielded for an explanation.
Mr. CUMMINS I did not yield to the Senator for a speech.
Mr. SMOOT. You asked for an explanation.
Mr. CUMMINS. In 1890——
Mr. BURROWS. Mr. President——
The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Michigan?
Mr. CUMMINS. I do.
Mr. BURROWS. I think the Senator from Iowa is hardly fair to the Senator from Utah, especially as his request was seconded by the Senator from Indiana, who desires an explanation, and insists that the explanation should be made, and made now. The Senator from Utah was about to make such an explanation, and I am afraid the Senator from Iowa was not quite courteous to him in not allowing him to make the explanation.
Mr. CUMMINS. Mr. President, from so venerable a friend I accept this rebuke, but I may commit the offense immediately again. I yielded to the Senator from Utah for an explanation; I did not yield to him for the purpose of repeating that old and familiar argument that it was necessary to protect the producers of America against the producers of another country. I recognize that just as thoroughly as does the Senator from Michigan or the Senator from Utah; and the explanation for which I yielded could not possibly have embraced an attempt to answer my general argument. I did not intend to be discourteous; and I hope the Senator from Utah, whenever he has an explanation to offer, will interrupt, because I shall be glad to yield to him.
Mr. BURROWS. I know how courteous the Senator from Iowa always is, and I assure him that what I said was not intended as a rebuke to him by any means, but to plead with him, rather, to allow the Senator from Utah to answer his question, especially in view of the fact that the Senator from Indiana is so insistent that it shall be answered now, and the Senator from Utah commenced his answer, when he was cut off. I ask the Senator now to allow the Senator from Utah to explain why it was.
Mr. CUMMINS. Very well; I yield to the Senator from Michigan, and if the Senator from Utah has anything further to say I will yield to him and be glad to listen to him.
Mr. SMOOT. Mr. President——
Mr. BEVERIDGE (to Mr. SMOOT). Make the explanation.
Mr. SMOOT. No; I do not think it is proper for me to make an explanation on this matter any further. I started to state the reasons for the increase. I do not care especially to say any more upon that subject at this particular time.
Mr. CUMMINS. Mr. President, I rather assumed, when I said what seemed to the Senator from Michigan discourteous, that the Senator from Utah had really reached the end of his explanation, and was delighted when I interrupted him.
I will call attention, now that the matter has been raised, in detail to the origin and the development of this duty on oilcloth—possibly not the origin, but its recent evolution. In 1890 there was a Republican revision of the tariff, and it was conducted, so far as the House was concerned, by masters of the principle we all espouse. This is the provision made in 1890:

369. Oilcloth for floors, stamped, painted, or printed, including linoleum, corticene, cork carpets, figured or plain, and all other oilcloth (except silk oilcloth), and waterproof cloth, not specially provided for in this act, valued at 25 cents or less per square yard, 40 per cent ad valorem; valued above 25 cents per square yard, 15 cents per square yard and 30 per cent ad valorem.

It will thus be seen that the man who knew probably more about this subject than any other man living attached a duty upon everything valued under 25 cents per square yard of 40 per cent ad valorem. That provision became a law, and, historically speaking, the oilcloth factories and the linoleum factories prospered; but in 1897 there came another master to rewrite the law upon this subject, and he rewrote it thus:

337. Oilcloth for floors, stamped, painted, or printed, including linoleum or corticene, figured or plain, and all other oilcloth (except silk oilcloth) under 12 feet in width—

Here for the first time was a criterion as to the width or size injected into the law—

not specially provided for herein, 8 cents per square yard and 15 per cent ad valorem; oilcloth for floors and linoleum or corticene, 12 feet and over in width, inlaid linoleum or corticene, and cork carpets, 20 cents per square yard and 20 per cent ad valorem.

Mr. PAYNE came to consider the subject, and the House reduced the width to 11 feet; that is, provided that all oilcloth and linoleum not exceeding 11 feet in width should bear a duty of 8 cents per square yard, and the same material in excess of 11 feet should pay 20 cents per square yard and 20 per cent ad valorem. Thus it came into the Senate, and the Senate committee reduced the width from 11 to 9 feet, and attached a duty of 8 cents per square yard with an ad valorem on all widths under 9 feet, and a duty of 12 cents per square yard upon all over 9 feet with 20 per cent ad valorem, and in that way increased the duty, nearly doubled the duty, upon the widths between 9 and 12 feet. This is the way in which this matter has been handled.
But I beg now to call the attention of the Senate to linoleum. Here [exhibiting] is an ordinary bit of linoleum. That is the kind the common man buys for his kitchen or for his dining room or for any other part of his dwelling or office. There [exhibiting] is the kind of linoleum that the rich corporations or rich associations buy in order to carpet the halls of their marble and bronze offices. I want you to hold those two in your mind while I speak of the effect of the tariff upon them. One would think that a committee, if it had not been overwhelmed with graver and more important work, would have given the advantage to the linoleum in common use; that everybody used. But let us see how it was done. This is one of the complaints that my people make of the tariff bill, not alone the importers. My information in part came from men who import linoleum, but my information also came in part from the men who buy and use linoleum.
Mr. FLINT. Has the Senator the figures, so as to put them in the RECORD, to show what the manufacturer receives for the linoleum and what the wholesaler and the retailer receive and what the consumer pays for it, to show to the consumer of the country whether it is the tariff that affects the price or whether it is the excessive price made by the storekeepers of the country?
Mr. CUMMINS. I have not prepared any table of that kind, and I never will. I tell the Senator from California again, that if I ever reach the conclusion that the business of the United States is so criminal; is so interwoven with vicious combinations and conspiracies that the ordinary laws of trade have lost their force and effect, I shall cease to have any interest in this subject at all, and I shall despair of the welfare of the country whose interests we are all now serving. I have not prepared any such tables, nor shall I. But here is the situation:
This [exhibiting] is common linoleum. It costs no more per pound to make common linoleum than it costs to make high-priced linoleum. There is no perceptible difference between the cost of linoleum per pound. The difference in cost lies in the difference in weight, because this bit of linoleum [indicating] is made of exactly the same material as is this linoleum [exhibiting]. I am speaking, of course, of the plain linoleum, not the inlaid or patterned linoleum. Instead of using a specific or compound duty based on size, it seems to me you ought to have chosen a specific duty based on weight; or, if you have not the information necessary to impose a specific duty on weight, then an ad valorem duty upon the whole.
This is the way it figures out: That piece of linoleum [indicating] weighs 2¼ pounds to the square yard. This is an imported piece. Its value abroad is 16½ cents per square yard, coming in if it is under 9 feet in width. There is no reason why it should be under 9 feet in width. There is no substantial difference between making linoleum 9 feet in width and 12 feet in width. It is simply a difference in the size of the roller and in the beds upon which it is rolled. But if it is less than 9 feet in width, the duty on that piece would be 65 per cent ad valorem. I am reducing them now to ad valorems. If it was 9 feet or over, the duty would be 89 per cent, and if it had the least semblance of print, or of marbleizing like that [exhibiting] the duty upon it would be 142 per cent.
These are not fanciful figures that I am giving now. I know the history of these two pieces of linoleum. One is called "granite" and the other is made to represent the grain of wood, and it practically costs no more to make it in that form than it does to make it plain.
Now, do not smile; I hope I will not provoke a smile from any member of the Finance Committee. I may be mistaken. I know the legal history of these pieces of linoleum. The customs appraisers and finally the court held that these two pieces of linoleum, the "grained" piece and the "marbleized" piece, so called, were not inlaid, and therefore assessed duties upon them as they would have assessed duties upon these pieces [indicating]; and now in order to increase the duty on these pieces of linoleum, in order to overcome the decision of the court in construing the act of 1897, we find introduced into the bill these words:

Any of the foregoing of whatever width, the composition of which forms designs or patterns whether inlaid or otherwise, by whatever name known, and cork carpets, cork mats, and linoleum mats, 20 cents per square yard and 20 per cent ad valorem.

So that on this piece, as I say, the duty would be 142 per cent.

Now I come to the larger piece. If this large or heavy piece comes in less than 9 feet in width, the duty equals 25 per cent, against 65 per cent on the kind that is ordinarily used by the poorer people of the country. If it comes in over 9 feet in width, the duty upon this is 30 per cent, against 89 per cent when of the lighter quality. I am not asking you to explain the disparity now, but some time before this schedule is submitted to the Senate I hope, in the name of fairness and in the name of justice to the American people, you will tell why you preserve—I do not say you created it—the difference between an article in common use and an article less commonly used. But if you put designs or patterns upon that piece of linoleum, then the duty becomes 45 per cent ad valorem, against 142 per cent on the common kind.

I have here also two specimens of inlaid linoleum. They are the same; not so great differences in weight, but, after all, they present the cheapest form of inlaid linoleum and the better form of inlaid linoleum. Let me now suggest to the Senate what the application of this bill produces with respect to these articles. This one is 4 pounds to the square yard, and its value abroad is 36 cents a square yard. It does not make any difference what its width is, whether 1 inch or 120 feet; the duty is just the same. But this piece of linoleum has a duty of 20 cents a square yard and 20 per cent ad valorem, and that equals 74 per cent. That is the kind of inlaid linoleum which the common people use. That is the kind they buy; and if there is any discrimination whatsoever, it ought to be in favor of that linoleum. I am not suggesting that there should be any such reduction in these duties as will cripple the home producer, the home manufacturer. I am not asking that. But I am asking that those things which we use and that the people generally use shall not be taxed more excessively than the things that the more fortunate people of the country use.

Let us refer to this other linoleum. This [indicating] is the better, heavier kind, and it weighs 10 pounds to the square yard. Its value is 66 cents a square yard, and its duty is 50 per cent. Tell the Senate sometime why you put a duty on this kind of 74 per cent and a duty upon the other of 50 per cent.

But, Mr. President, if I should continue these reviews of what I regard as the inaccuracies of these schedules, I would never reach that subject upon which I primarily rose to speak, and I now intend to turn my attention to a broader phase of the tariff law.

Mr. President, the bill now before us, which it may be presumed presents the views of the Finance Committee respecting the revision of the tariff, will not be accepted by those who have favored a revision of the tariff as either a fulfillment of the party pledge or as a settlement of the controversy. I make that statement with the full consciousness of the gravity that attends it. As I said in the beginning, I am one of those who favored the revision of the tariff, and I have some right to speak for those whose agitation brought about the declaration in the party platform, and therefore I say that this bill or anything substantially like it will not be accepted as a settlement of the dispute or as the fulfillment of the party platform. If this bill or anything substantially like it becomes a law, I predict that a campaign for lower duties will begin the moment the extraordinary session of Congress adjourns, and will continue with increasing zeal until the judgment entered in the court of the public conscience is also entered in the journals of Congress. It gives me no pleasure to utter this prophecy, for I have earnestly hoped that the revision now in progress would end the dispute for years to come, and that the business of the country would enjoy the peace and tranquillity which is impossible during the existence of a movement to materially change duties upon imports.

It is idle, worse than idle, to speculate upon the technical meaning of the words and phrases employed in the last Republican platform upon this subject. The declaration there found has a history, and that history is familiar to every Member of the Senate.

Who insisted upon tariff revision? It was not the manufacturer; it was not the lumberman; it was not the coal man; it was not the iron and steel man; it was not the glass man; it was not the cotton or the woolen man; it was not the oil man. During the whole agitation I never heard—you never heard—a demand from these people that the tariff must be revised. The demand came from those who believed—whether they were right or wrong I will consider presently—that the duties upon many articles and commodities were too high; from those who believed that they were paying too much for the things they had to buy, and that excessive import duties, coupled with other conditions, were enabling a favored few to reap inordinate profits; and therefore they wanted, as one of the steps leading to the remedy which they sought, a substantial reduction of these duties. It is not necessary at this moment to inquire how many people so believed or in what part of the country they lived. It is not necessary to ask whether they were right or wrong in order to understand what the platform means. It is sufficient to say that it was under this demand from these people, whether they were many or whether they were few, that the party in its organized capacity promised a revision of the tariff; and the Senator who imagines that he can satisfy these people by saying that a revision with higher duties or with substantially the same duties is a compliance with the platform little understands the relation between people and platforms. I do not say that a Senator has not a perfect right to carry into effect his own views; I do not say that he has not a perfect right to repudiate the platform. In a contest between conscience and a party declaration conscience ought always to win. But a Senator who honestly believes that there should be no substantial reduction ought not to delude himself with the idea that he can answer the calls of his conscience and his platform at the same time.

I have heard it said over and over again since we began this discussion—not, of course, in public debate, but in private conversation—that there are but few people comparatively who were interested in a reduction of duties. I know, Mr. President, that the voices of those who are clamoring for an increase of custom-house taxation are more distinctly heard in the corridors and committee rooms; but there will come a time presently when the clamor of the millions who want some relief will sound like the roar of a thousand Niagaras from one ocean to the other. I have heard it said many times that those people who were insisting on tariff revision were not familiar with the subject and had no opportunity to know whether duties were too high or too low. This distrust or skepticism of the judgment of the common man is a fundamental mistake often made and always atoned for in sackcloth and ashes. The people, it is true, have not the advantage of hearing the specific statements of the army of interested beneficiaries and witnesses who have filled and overfilled the capital during these months in which the subject has been under consideration.

They reason upon broad lines, but they have better evidence than the testimony which is submitted to congressional committees or which has buried us under an avalanche of briefs and special pleading. They know in a comprehensive and absolutely accurate way of the development in the United States. They know how wealth is distributed and the source from which it comes. They know what industries breed millionaires and what industries do not, and their conclusions are only less infallible than the conclusions of the Almighty himself. There is not a man among you who does not know what they have been thinking in the last few years; there is not a man among you who does not know the judgment which they have entered; and I for one believe that their judgment is altogether just and righteous and that in the end it must prevail. I think I can summarize the process of their reasoning so that you will all recognize its unerring logic. They have witnessed the gradual weakening of the forces of competition in the larger fields of industry through concentrations, combinations, agreements, and all the other modern mechanism which an ingenious age has discovered. They have seen competition shut out of some of these fields by the intervention of excessive import duties. They have felt the injustice of the discriminations which the vast power of our transportation systems can inflict. They knew that these things were wrong, and after bearing the burden until it became intolerable they began to move with irresistible strength along the pathway of reform. They have made some progress toward the regulation of transportation and the repression of corporate evils. The last administration will be remembered so long as the history of our country is preserved for its victories in the struggle for rate regulation and for corporate fair dealing. The work has just begun, and I sincerely hope that the present administration will be no less distinguished than the last one for its energy in dealing with these perplexing problems. One part, however, of the programme was assigned, by common consent, to this administration, and its conspicuous leader assumed without hesitation the task of tariff revision. The people know what they want with respect to revision just as well as they knew what they wanted with respect to railways and to industrial combinations; and their intelligent, educated, patriotic instinct is just as certain with respect to the tariff as it was with respect to transportation or monopolies. If we fail now to substantially reduce the duties upon the important schedules, we but postpone the justice due to the people, a justice which, thanks to the genius of our institutions, they have the power to enforce, and which in the fullness of time they will enforce.

The scenes through which I have been passing during the last few weeks are most depressing. Optimism has turned into utter dejection. Pride in what I had fondly believed was the greatest nation upon the face of the earth gives way to the shame and humiliation which attends a confession that the United States is a weakling; that instead of accumulating wealth at an unparalleled rate, as we have been taught to believe, it is rapidly becoming bankrupt; that its manufacturers are on their way to the poorhouse; that its resources are meager, refractory, and inaccessible; and that, contrary to the notion that we were marching on toward the capture of the world commercially, we are, in fact, in grave danger of utter extinction unless we raise the tariff walls still higher, to guard us against the attacks of more competent business men, more energetic and more efficient workingmen, and more prodigal bounties of nature.

If I believed a tithe of what I have read and heard respecting the manufactures and business of the United States since this extraordinary session convened, I would expatriate myself and seek some country that had a chance in the struggles of civilization, and not continue a profitless life upon this barren, deserted field with the nerveless descendants of a heroic race. Happily, however, I do not believe any part of these tales of misery, woe, poverty, and failure, but am still proudly confident that there is no land so rich as ours, no people so strong and progressive as ours, no future so bright and hopeful as ours, and no destiny so secure and brilliant as ours.

What I have said does not mean, and must not be understood to mean, that I have abandoned one jot or tittle of my faith in the doctrine of protection; but I am as little able to discern the true spirit of this beneficent policy in many of the discussions I have heard from Republican Senators as I have been able to discern the true meaning of a tariff for revenue only in some of the discussions that I have heard from Democratic Senators. I am somewhat bewildered when I hear it gravely announced that protection requires a duty on everything that can by any possibility and in quantity, however limited, be produced in the United States, that will enable the home producer to carry on his business without risk or hazard; just as I am bewildered when I hear a Senator upon the other side of the Chamber declare that a duty upon a competitive product high enough to practically exclude importations is a duty for revenue only.

I have held an altogether different view with respect to protection. Sitting at the feet of the fathers and leaders of the Republican party, I have learned that protection is a policy which imposes upon those products which we are naturally fitted to produce in quantity that will largely supply our home demand, but which it costs more to produce on account of our better paid labor, duties that will enable our producers to make a successful fight with fair profits in our own markets. I have been taught by these fathers and leaders that protection when thus applied will bring the price of the article or commodity affected by it to the American level, and that the stimulus thus administered would speedily enlarge the production, so that we need not look abroad for our supply, and the competition among American producers would prevent the price from rising above the line of reasonable profit.

These are general considerations, Senators, but they lead me at once——

Mr. CLAPP. Mr. President, a matter occurred which prevented me from hearing the Senator when he announced the first of those three propositions, and as his speech will probably not be printed for some days, I would appreciate it if the Senator would repeat the first.

Mr. CUMMINS. I will very gladly read again to the Senator that proposition. It really is but one, I submit to the Senator from Minnesota.

Protection is a policy which imposes upon those products which we are naturally fitted to produce in quantity that will largely supply our home demand, but which it costs more to produce on account of our better-paid labor, duties that will enable our producers to make a successful fight with fair profits in our own markets. I have been taught by these fathers and leaders that protection, when thus applied, will bring the price of the article or commodity affected by it to the American level, and that the stimulus thus administered would speedily enlarge the production, so that we need not look abroad for our supply, and the competition among American producers would prevent the price from rising above the line of reasonable profit.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire?

Mr. CUMMINS. I do.

Mr. GALLINGER. I am interested in the Senator's discussion. I notice that he is in favor of protecting Americans who can largely produce what is consumed in this country.

Mr. CUMMINS. That is the way I put it.

Mr. GALLINGER. Does the Senator mean by that to imply that if a concern can produce, for instance, only 25 per cent of the consumption, he would give that concern no protection? In other words, would not the Senator's theory, if it is carried out, wipe out the small concerns of the country and permit only the large concerns to receive the benefits of protection? I ask it in all sincerity.

Mr. CUMMINS. I will try to answer it just as candidly. The precise line to be drawn between those enterprises which should be fostered by protection and those which should not it is impossible to draw abstractly.

Mr. GALLINGER. I agree with the Senator on that point.

Mr. CUMMINS. I will put you an illustration which will convey the idea of one extreme. Suppose that we had in the United States 100 acres of land capable of producing sugar cane, and had no hope whatsoever of enlarging our production of sugar beyond the material produced by the hundred acres to which I have referred. I do not believe that the doctrine of protection would require us to raise the price on the $110,000,000 or more of sugar that we consume some 2 cents a pound in order to enable the owner of the hundred acres of land to live and prosper in that business. Now, on that I am sure the Senator from New Hampshire will agree with me perfectly.

Mr. GALLINGER. I do agree with the Senator.

Mr. CUMMINS. Now, when we rise from that illustration which represents an extreme to an illustration which would be fairly within the doctrine of protection, I can not draw abstractly the line, nor do I believe any other person can.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I quite agree with him in his illustration, which is a very extreme one; but I will suggest to the Senator that if we had 100 acres producing sugar and had reason to believe that there were millions of acres that could produce sugar if it was properly protected, then we might well impose a duty upon the introduction of foreign sugar until the experiment was tried.

Mr. CUMMINS. I agree with the Senator entirely, and I intend to vote for a duty on sugar for just that reason, and no other.

Mr. GALLINGER. The difficulty with the Senator's statement, as it struck me, was that the word "largely" is one very difficult of interpretation. We have scattered all over this country thousands and thousands of small manufacturing concerns that are giving employment to American labor which would be absolutely wiped out if they did not have some protection. For that reason I think the Senator's statement is possibly subject to a double interpretation, or at least it is very difficult to interpret it so that it will not do injustice to some American interests. I think on the broad proposition that it is sound, and yet it is very difficult to apply it so as not to do harm.

Mr. CUMMINS. Mr. President, it is not so difficult to apply the doctrine in a specific case as it is to render a definition of the doctrine that will be accurate in every case. I believe that the Senate, broadly speaking, recognizes the distinction I am endeavoring to enforce. I can easily mention illustrations that will be beyond the pale of protection. I can easily mention illustrations that are plainly within the doctrine of protection. But when we come to the borderland, that twilight zone, if I may use the expression of a great master of words, then it requires calm, conservative, sane judgment to assign the particular enterprise to the one field or the other.

I have no difference with the distinguished Senator from New Hampshire with respect to what he has said upon the doctrine, but I am about to treat of a subject that is within the doctrine of protection, and everybody recognizes it to be within the doctrine of protection. I intend now to take up the iron and steel paragraphs, or some of them. I intend to give some consideration to the cruder and the commoner forms of iron and steel.

There is no man who recognizes the doctrine of protection at all who does not at the same time realize that if it has won a distinct victory in any field, it is in the production of iron and steel. If there is one thing which can be imputed to the doctrine of protection that stands high above any other thing it is the development in the United States of our iron industry. Therefore, I want all of you to understand that I am speaking of it as one who acknowledges that the protective duties have built up or greatly aided in building up this industry, of which every American citizen must be proud.

We have, with respect to the iron and steel business, a safer guide than we have with regard to any other business which has been submitted to the committee or which will be submitted

to the Senate. We have more satisfactory evidence respecting the facts which must determine what the duties ought to be than upon any other commodities with which I am familiar. Therefore I approach that subject with a little more confidence than I approach any others in these schedules.

We have one institution, one company, that commands practically one-half of the entire iron and steel industry of the United States. Remember all the while that I am limiting my remarks to the common forms and the cruder forms of iron and steel and not to their highly or specialized forms of manufacture. This company does what no other company in the United States does. It has either the strength or the audacity, I know not which, it has that supervailing confidence, to expose its affairs to the people, and it annually publishes a report which enables every man, even the wayfaring man, though a fool, to understand just what it is doing.

I have in my hand its last report, and I propose to prove, just exactly as I used to prove when I tried a lawsuit, to the satisfaction of a jury, and with competent evidence the material facts which ought to control your conclusions with regard to this schedule. If I do not prove it, then I do not ask for my argument any effect or any weight whatsoever.

When this company began in 1901 it had property which was worth at the most optimistic estimate $600,000,000. No reasonable man has ever put a higher value upon it who knows anything about the subject than the one I suggest. It had property which did not exceed in value $600,000,000. It represented that property with stocks and bonds issued by it and its subsidiary companies which it adopted, in round numbers, $1,400,000,000.

Remember I assert that when the United States Steel Corporation was organized in 1901 the entire property upon which it had a right to receive returns, its whole capital upon which it had a lawful privilege to declare dividends or pay interest, did not exceed $600,000,000, although its stocks and bonds exceeded a trifle over $1,400,000,000. Some of you may ask how I know that.

Mr. KEAN. What was the market value?

Mr. CUMMINS. I will tell you. Let me give you a little history. I do not intend to disclose professional secrets, but I know something about the organization of the United States Steel Corporation. I know something about the organization of some of the companies which entered into it. I will take one of them. The American Steel and Wire Company was organized in 1898. I know as much with respect to its organization, I think, as any other living man. It was organized with a capital stock of $90,000,000, $50,000,000 common and $40,000,000 preferred. It employed a syndicate manager. I will not disclose his name; it is not material; but it is sufficient to say that the subscription agreement provided that every man who subscribed for one share of preferred stock and paid par for it received one share and a fifth of common stock without any payment whatsoever. I know of the negotiations which led to the purchase of the plants which entered into and became a part of the American Steel and Wire Company, and I know that the aggregate value of all those plants, the most roseate view which could be put upon the value of those plants, did not exceed $32,000,000.

If any Senator presses me hard enough, he will discover how I know that it was the opinion of those who were interested in the promotion of this company that all the property which was gathered together under its organization did not exceed in value $32,000,000. This was represented by $90,000,000 of stock; no bonds. Ninety million dollars of stock of the American Steel and Wire Company represented property that was not worth from any standpoint, whether that of cost of reproduction or that of actual investment of capital, more than $32,000,000.

What is the materiality of that statement? I will go one step further. When the United States Steel Corporation was organized in 1901, the American Steel and Wire Company was merged into it and became a part of it, and its $90,000,000 of stock, both common and preferred, entered the capitalization of the United States Steel Corporation at more than par. So $90,000,000 at least, yes, $100,000,000, when you add the premium, of the capitalization of the United States Steel Corporation represented property taken from the American Steel and Wire Company, which no man could assert was worth more than $32,000,000. I assume, and you will believe, that all the remaining property that passed into the United States steel organization passed there upon substantially the same basis.

I know something of the value, too, of the famous Carnegie plant which went into the United States Steel Corporation, I think, at a little more than $500,000,000. I know that its value was even less proportionately than the value of the property of the American Steel and Wire Company. I know something about the appraisement, the physical appraisement, of the Carnegie plant that went on between the years 1898 and 1901; and I know, and you all know, that when the United States Steel Corporation finally absorbed the Carnegie plant it absorbed it upon a basis that represented the capitalization of its enormous and extraordinary earnings, and, as the Senator from California would doubtless now agree with me, it had no relation whatever to the original cost or that of reproduction of this mighty plant.

So, when I tell you that the original property of the United States Steel Corporation was not worth more than $600,000,000, I am speaking of something that I know. I am speaking of something through which I passed, or through a part of which I passed, and I make these observations, therefore, with more confidence than I would about some other businesses, for whose statistics I must take the word of interested importers or interested manufacturers. I agree that the property of the United States Steel Corporation is now worth more than $600,000,000, because in the meantime that company has added to the property, but it has not added a single penny that it did not add from its unlawful and excessive profits, profits that the United States at least is under no obligation to defend or protect.

Do not imagine that I am insisting that the United States should limit the reward upon capital in a manufacturing enterprise. Far from it. If it be done in an honest and lawful and fair way, I am perfectly willing that its capital shall make any amount of money. I like success. I like to see men become great and prominent and strong in business. But my proposition is that the people of the United States at least are under no obligation to so adjust their tariff law that such a company shall be required to make more than a reasonable profit upon the capital actually invested in its enterprise.

Let me pass on now to the next step. I will take this report that I hold in my hands. It is the report of the year 1908. It is the poorest year, the most unprofitable year, that the United States Steel Corporation has ever had. Its business was stricken with that same paralysis in October, 1907, that fell upon all the business of the United States, and it has suffered in just the same way. But I intend to take this report for that year, and I will rest my conclusions upon the deductions from that report.

Mr. DIXON. Will the Senator from Iowa permit me?

The PRESIDING OFFICER (Mr. OVERMAN in the chair). Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. I do.

Mr. DIXON. To follow the story, for what amount did the United States Steel Corporation organize, its bonds and preferred and common stock? Was the figure $1,400,000,000?

Mr. CUMMINS. Its authorized capital was much more, and it did not issue $1,400,000,000 of stock of its own. I can not recall the exact amount, but it issued its bonds, for instance, to Mr. Carnegie, and I think possibly that was about all it issued in the purchase of plants. It then guaranteed or underwrote certain bonds of the subsidiary companies, whose technical legal existence still continued and still continues. It purchased certain stocks of its subsidiary companies, which are still held by the United States Steel Corporation. What I meant to say was that the capital of stocks and bonds, issued either by the United States Steel Corporation or remaining in existence on the part of the subsidiary companies, aggregated $1,400,000,000. That was the capital upon which it at that time sought to earn a profit.

Mr. OWEN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I do.

Mr. OWEN. I should like to be informed, and I am sure the Senate would, as to what intimacy of knowledge the statement of the Senator from Iowa is based. He suggested a moment ago that he did have the most intimate personal knowledge, and I should like to know what means of knowledge he has with regard to it.

Mr. CUMMINS. Yes, sir; I have no hesitation in answering that question. In 1898 when the American Steel and Wire Company was organized, I was one of the attorneys who brought that company into existence, and therefore I know something with regard to its affairs.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I have not, however, disclosed any information, nor can any persistence on the part of Senators lead me to a disclosure of any information, that I received in my capacity as attorney for the company.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. SCOTT. I want to ask the Senator two questions. First, I will ask him a question which, if it is impertinent, I do not want him to answer: Was it a portion of the stock of the company that the Senator got as attorney for his fees, or was it a cash consideration? I know that when a good many attorneys in my city put these corporations together they get a portion in stock. The next question——

Mr. CUMMINS. Hold on; wait until I answer that question. If I had lived in West Virginia and had been surrounded with the influences prevalent there, I fear that I would be ashamed to answer that question in this presence. But inasmuch as I live in Iowa, with its honest and its upright atmosphere, I can answer that question and tell the Senator that my pay was in cash, and I had nothing whatsoever to do with any part of the capital stock issued by that company or any other. [Applause in the galleries.]

The PRESIDING OFFICER. The occupants of the galleries must refrain from manifestations of applause.

Mr. SCOTT. I presume the Senator does not mean to intimate——

The PRESIDING OFFICER. There must be better order in the galleries.

Mr. GALLINGER. Mr. President, I trust the rules of the Senate will be insisted upon so far as the galleries are concerned.

The PRESIDING OFFICER. The Chair admonishes the occupants of the galleries that they must not indulge in any applause.

Mr. SCOTT. I take it the Senator does not want to intimate that the people of West Virginia are not honest.

Mr. CUMMINS. No. I intended it to be understood that we are creatures of environment.

Mr. SCOTT. The other question I want to ask the Senator is this: As he has stated to us that he was very familiar with this company, I ask him whether he remembers that the preferred stock of the United States Steel Corporation, 7 per cent stock, sold as low as 56 cents, or $56 on the hundred, in the years 1903 and 1904?

Mr. CUMMINS. Yes, I do; and I wonder that it sold for anything. Why ought it to sell for par? What is the value of it now, however? Answer me that.

Mr. SCOTT. I believe it was quoted yesterday at 119.

Mr. CUMMINS. Yes; its preferred stock has risen to 119, and why? Simply because the United States Steel Corporation is exacting from the American people profits unlawfully—unlawfully from the moral standpoint, at least—and dividing a portion of those profits among the preferred stockholders. Its stock naturally rises to 119.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield further to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. SCOTT. Will not the Senator admit that by the combination, and perhaps by the betterment and by better management, a part of these profits could have been made without making them dishonestly?

Mr. CUMMINS. I withdraw the word "dishonestly" so far as the profits are concerned. They are dishonest from the moral standpoint, but they are not dishonest from the legal standpoint, and I want to be absolutely accurate. But, answering the question of the Senator from West Virginia, I say, after the mature reflection of many years, after all the study that I have been able to give to this subject, I can not believe that the United States Steel Corporation, taken as a whole, produces a single ton of steel more cheaply than its constituent companies or more cheaply than the so-called "independent" companies, concerning which there is so much solicitude in this bill.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. SCOTT. I wish the Senator, while making his speech, would suggest to the Senate that the United States Steel Corporation is a profit-sharing concern; that they share their profits with any of their employees who desire to participate in the profits. Is not that true?

Mr. CUMMINS. Not at all, in the sense in which your words would ordinarily be understood. It is true that the United States Steel Corporation has given to its employees, as it has given to the whole world, the opportunity to buy its capital stock, if that is an advantage.

Mr. SCOTT. At a less figure and on a time payment?

Mr. CUMMINS. I am not prepared to speak with regard to prices, because I have not compared the prices at which stock was offered to employees with the price which at that moment it brought upon the market; but I do say that I agree to the policy of interesting employees in the enterprise in which they are engaged, and I commend this policy on the part of the United States Steel Corporation. I am not, however, able to agree to the proposition that it therefore becomes a mutual company, or that it admits its employees to its profits in any other sense than it admits anybody else who may buy its stock. I could go on the market now and buy any quantity of its stock which I cared to buy if I had the money with which to buy it. So can its employees. The company has just made it possible for the employees to buy now and then some of its stock, and they have bought how much? Does the Senator from West Virginia remember? If he does not, I will refresh his memory. They have bought up to this time something like $20,000,000 worth of common stock of the company.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do.

Mr. SCOTT. I only know that a great many industrious and sober men who are working for the United States Steel Company have been given time within which to buy its stock, and thereby accumulate something for old age and for their families, which possibly they never would have been able to have done under any other circumstances.

Mr. CUMMINS. I do not at all censure, I assure the Senator from West Virginia, that policy. I think it is a very wise one, and I believe that in some appropriate way every great industrial enterprise ought to enlist the sympathy and attach, if you please, the affections of its employees by some such provision; but that does not alter the statement that I made a few moments ago.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Is it not also true that the United States Steel Company guarantees to all of its employees that they will not lose any money on the purchase of stock from the company?

Mr. CUMMINS. I think so.

Mr. SCOTT. That is correct.

Mr. CUMMINS. Mr. President——

Mr. SMOOT. One other thing. My attention has been occupied from morning until night at all times when I have not been in the Senate Chamber with men who are interested in the manufacturing of steel and iron. They have not been from the United States Steel Company, but from the independent manufacturers of this country. Does the Senator from Iowa feel that we ought to have a duty so low as to chastise, as it were, the United States Steel Company, and, by so doing, drive all of the independents out?

Mr. CUMMINS. Mr. President, I hope the Senator from Utah will not impute to me any desire to chastise. I do not desire to chastise the United States Steel Corporation.

But, coming to the Senator's other suggestion, I will say that I intend to vote—although I believe that the United States Steel Corporation is making its product cheaper than it is made at any other place on the face of the earth—I intend to vote for a duty that will protect these so-called "independent institutions," although they are not independent, and although I believe they produce their product as cheaply as the United States Steel Corporation produces its product. Do not misunderstand me when I say I do not believe they are independent; I do not mean they are in association with the United States Steel Corporation, but what I do mean is that the commanding power of the United States Steel Corporation in the trade robs these institutions of their independence, however much they might like to be free and to follow their own course. So long as the United States Steel Company will hold the prices up these independent companies gladly follow; but whenever the United States Steel Company forces the prices down, these independent companies must necessarily follow. Therefore they are not independent in any proper sense of the word, because their will does not fix the price of this commodity in the United States.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. The independent steel manufacturers in the United States are manufacturing now about 60 per cent of the product of this country.

Mr. CUMMINS. A little less than that, I think.

Mr. SMOOT. That is near enough, anyway.

Mr. CUMMINS. They manufacture about 8 per cent less than that, I believe, although the Senator's information may be better upon that point than mine.

Mr. SMOOT. Then we will grant 52 per cent, although my information is that it is about 60 per cent. There has not been an independent steel manufacturer before the committee or in my office who has not frankly admitted that the independent companies can not make steel and iron as cheaply as can the United States Steel Company. The question arises as to how far we should reduce these rates and whether they should be reduced so low that all of the independent steel manufacturers in this country can not live. So far as I am concerned, I want a rate which will protect the independent steel and iron manufacturers of this country so that they can live. I want the rate no higher and no lower than that.

Mr. CUMMINS. Mr. President, I have the same purpose in view, but I will convince the Senator before I have finished that we ought to cut these duties exactly in two, and that would be a high protection even for the independent companies. Of course, I am not speaking about iron ore, which I think ought to come in free.

Mr. CRAWFORD. Mr. President, if the Senator will permit me——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. I shall be glad to yield to the Senator.

Mr. CRAWFORD. There is a point which has troubled me very much in examining the testimony, particularly that of Judge Gary and Mr. Schwab, given before the House committee, and I should like to call the Senator's attention particularly to it. The point is, how any tariff can be of any help upon these more important items to any so-called "independent producer?" For instance, Judge Gary says that the United States Steel Corporation owns its ores, that it owns its water-transportation facilities, that it owns its railway-transportation facilities, that it can produce pig iron at least $2 cheaper a ton than can any competitor anywhere, and that it has no competitors except those who are allowed to exist by sufferance. He makes that statement frankly, and I do not understand that it is anywhere questioned.

Now, if the United States Steel Corporation can produce pig iron at least $2 cheaper a ton than can any competitor anywhere, and if it has no competitors in the United States, except those whom it simply tolerates because it thinks that it would create too much resentment on the part of the public if it put them out of business, then how can a tariff, for instance upon steel rails and pig iron, help these so-called "independent producers?" They exist by the sufferance of the United States Steel Corporation, and it being able to produce pig iron lower than they can, the United States Steel Corporation absolutely controls competition and prices. So how can this tariff help them? That is the point that I desire to have explained.

Mr. SCOTT. Will the Senator from Iowa permit me to answer that question of the Senator from South Dakota?

Mr. CUMMINS. I would rather answer it myself.

Mr. SCOTT. Just a moment.

Mr. CUMMINS. The question was directed to me.

Mr. SCOTT. I only want to say that there are independent companies——

Mr. CUMMINS. I propose, Mr. President, to answer the question myself, although I have no desire to prevent the Senator from West Virginia from answering it at the proper time.

Mr. BEVERIDGE. I hope the Senator from Iowa will permit the Senator from West Virginia to make his statement now. We are all, on both sides, interested in the question.

Mr. CUMMINS. That is very true; but I prefer to close, if I can, speedily what I have to say on this subject. I have already taken hours more than I proposed to take; but I will answer now the question of the Senator from South Dakota [Mr. CRAWFORD], and I will show to him in a few moments how the duties might help the independent manufacturer.

Mr. SMOOT. Let me suggest this to the Senator——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Then the Senator can answer this suggestion at the same time: The United States Steel Company are not sellers of pig iron, but purchasers of it.

Mr. CUMMINS. I understand.

Mr. SMOOT. I just make that suggestion.

Mr. CUMMINS. I understand that.

Mr. SCOTT. I am very sorry——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. I do, for a question.

Mr. SCOTT. I desire the Senator to yield for a reply.

Mr. CUMMINS. I do not desire——

Mr. SCOTT. The Senator from Iowa made an assertion, and the Senator quoted Judge Gary. I want to disabuse the minds of both Senators and to say that the statement was not correct. That was all. But if I am not to be allowed to make the statement, of course——

Mr. CUMMINS. Whether the statement is correct or not, it makes no difference to me. My answer to the question arises from information received in an entirely different way. I answer the question of the Senator from South Dakota directly. If the United States Steel Corporation would sell its product at a fair price, for a reasonable profit, then the duty could be of no avail, either to it or to any independent company; but if the United States Steel Company, sheltered by a duty, raises its price beyond a fair level, then the independent companies share in the protection that is afforded this company by the tariff law. In other words, they are not then compelled to compete with producers across the sea. That is the way in which a reasonable tariff might possibly help the independents. I want to be absolutely frank with regard to this matter, because I intend to vote for a reasonable duty upon iron and steel.

But I will return now to the analysis of the United States Steel Corporation. Possibly many of you have read it; but I want to give you the profits of this company for the last year. I wonder if there is a single Senator here who has analyzed this report. I will not stop to give you in detail the figures, but the profit; that is, the amount of earnings after paying all expenses of maintenance and of operation, and which, if the company did not desire to create a sinking fund for the retirement of its capital and did not desire to enlarge its plant, would be available for dividends upon its stock and for interest upon its bonds—the total net income, without considering the reward of capital—amounted to $99,358,585.69.

Mr. McCUMBER. Upon what real investment?

Mr. CUMMINS. Upon a real investment of less than $600,000,000. Ninety-nine million dollars—remember that—$99,000,000 was the income of this company last year, available for a reward upon capital or upon any retirement of capital or for an enlargement of property.

Now, I am willing, as I said before, that this company shall make any profit that it can, but I think you will all agree with me that if the Government does not interfere further than to permit it to earn 6 per cent upon its capital it may well submit the remainder of its profit to the ordinary risk and hazard of business.

We shuddered last year when it was proposed that the Government should guarantee bank deposits, and many of us recoiled from that proposal, because we believed it to be full of menace and disaster to our financial system; and yet the duties which are now presented to us in effect guarantee the business of this company not only 6 per cent, not only 10 per cent, but more than 16 per cent.

I will give them an advantage of $100,000,000, because I think their property has increased in value that much, although increased out of the earnings. Take $700,000,000, reimburse it with a 6 per cent dividend, and what have you? Forty-two million dollars. Deduct that from $99,000,000, and what remains as the excessive, unlawful profit of the United States Steel Corporation? There remains $57,358,585.69.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Hampshire.

Mr. CUMMINS. I do.

Mr. GALLINGER. I think the Senator must use the word "unlawfully" inadvertently. The Senator does not mean to say that an individual or a corporation may not lawfully receive more than 6 per cent upon an investment?

Mr. CUMMINS. Mr. President, I endeavored to explain that a few moments ago. That word comes easily to the tongue, and because I can not entirely shut out of my consideration the moral aspects of the affair, therefore the word "unlawful" creeps in; but I agree with the Senator from New Hampshire that the profits are not unlawful, viewed from the legal standpoint.

Mr. GALLINGER. They may be excessive, but not unlawful.

Mr. CUMMINS. Well, whenever my moral notions overcome me in the heat of debate, the word "unlawful" may unwittingly appear upon my tongue.

Mr. SCOTT. May I ask the Senator a question?

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. Certainly.

Mr. SCOTT. Does the Senator think that 6 per cent is sufficient for a man who engages in the manufacture of any article, when the majority of men who have money can loan it out at 6

per cent on first mortgage? Ought not a manufacturer, who takes the risk and employs labor, have a greater return than simple interest?

Mr. CUMMINS. He should. I answer the question categorically and affirmatively; but that is quite a different proposition from admitting that it is the duty of the Government to interfere in order to permit him to earn more than 6 per cent or to insure him a reward of more than 6 per cent. If the United States Steel Coporation can, in competition with the world, make 20 per cent, I for one shall not stay its hand. I am only saying, in behalf of those who are affected by the price of this product, that we ought not to interfere in order to insure more than 6 per cent upon its capital.

Mr. BRIGGS. I should like to ask the Senator from Iowa one question.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New Jersey?

Mr. CUMMINS. I am glad to yield.

Mr. BRIGGS. Does that $99,000,000 profit include the depreciation? Was that calculated before any charge for depreciation was taken off?

Mr. CUMMINS. It was not. It is a little difficult to ascertain just what is meant by some of the items. The net profit, as given in the report, is $91,000,000, but that excludes the interest that has been paid upon the bonds of subsidiary companies, and it excludes the sinking fund, because it is the policy of the United States Steel Corporation to accumulate every year a sinking fund that in ten or fifteen years will retire all of its bonded capital. You and I have paid enough for its products, aside from ordinary rewards upon capital, to retire in about fifteen or twenty years every dollar of its bonded debt.

Mr. BRIGGS. One question further. I should like to ask the Senator what he thinks is a reasonable depreciation charge in the steel or iron business?

Mr. CUMMINS. Nothing whatsoever if the property is properly cared for, properly repaired, and if proper replacements are made. The depreciation percentage depends entirely on the manner in which the company takes care of its property.

Mr. BRIGGS. Mr. Abram S. Hewitt once made the statement that every sensible or practical manufacturer of iron and steel products should allow for the complete rebuilding of his plant once in every seven years, or, in other words, one-seventh of the cost should be allowed for depreciation.

Mr. CUMMINS. And that is just what the United States Steel Corporation is doing; and for that expense I have made allowance.

Mr. DEPEW. Mr. President, I should like to ask a question of the Senator from Iowa.

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. DEPEW. If the profits of the United States Steel Corporation are so exaggerated as the figures which the Senator presents would seem to show, why is it that the independent companies, which are not overcapitalized a dollar, are unable to pay dividends upon their capital? I know one company in particular, in which friends of mine are interested, which has something like thirty-odd million dollars paid in in stock and more than thirty-odd million dollars have been borrowed upon mortgages; there is not a penny of water in it; it is all honest money; and yet, though they are doing a large business in competition with the United States Steel Corporation, they have not since they started been able to pay a penny of dividend upon their stock.

Mr. CUMMINS. I do not know why it is. I do not know anything about the affairs of that company. It would be impossible to answer the question intelligently without having information with respect to its management, its location, and the circumstances under which it does business. I hope that we will get rid of the idea, which I have heard uttered more than once in the Senate, that because some business man or business concern does not prosper, or because he or it fails, therefore it is our duty to enlarge or enhance the tariff upon the things he manufactures or it manufactures or sells. I can not tell why it is so in the case put by the Senator from New York. I am willing to accept implicitly his word for the fact; but I am not able to explain it. I am dealing just now with the United States Steel Corporation, whose report is before me.

Mr. DEPEW. One further question. I ask for information, and I do not desire to embarrass the Senator in any way.

Mr. CUMMINS. It is impossible. [Laughter.]

Mr. DEPEW. I understand that perfectly.

Mr. CUMMINS. That is, so long as I have the truth on my side.

Mr. DEPEW. I presume you have, and that is the reason I am asking, because I desire truthful information. The testimony, as I understand, before the House committee showed that the United States Steel Corporation can make all classes of steel products $2 a ton cheaper than the independent concerns in the country, which have about 60 per cent of the business. If you take the tariff off in order to hit the United States Steel Corporation, the independent concerns believe it would wipe them out of existence and give the United States Steel Corporation the command of the market, and then that corporation could combine with the foreign companies, and we would be at the mercy of a gigantic international combine. How would you get over that?

Mr. CUMMINS. Sufficient unto the evil is the day thereof.

Mr. BEVERIDGE. You have put the cart before the horse.

Mr. GALLINGER. "Sufficient unto the day is the evil thereof."

Mr. CUMMINS. I reversed the quotation intentionally. I, however, have not ventured to look forward to that disastrous day on which all the industries of the United States and all the industries of the world shall be concentrated in a single hand or a single board of directors. I suppose that when that day dawns, when a single mind directs the energies of the earth and controls the fortunes of mankind, so far as manufactures are concerned, there would still remain the lamp-post for the common people. I know of no other remedy for that kind of slavery. I can not believe that it ever will be imposed upon either the people of the United States or the people of the earth; but if it ever is, you may be sure that the millions will find some way to shake those shackles from their wrists, just as they have found a way of emancipation in every other emergency in the history of the earth. Such is my answer to the last inquiry.

Now, first, I do not believe it to be true, even though it is so testified before the House committee, that the independent companies make steel products at a cost of $2 a ton more than the United States Steel Corporation. I do not believe that, but, if it be true, then I say give to the steel business, as I intend to give to it, a sufficient duty to cover that difference between the cost of manufacture by them and the cost of manufacture by the United States Steel Corporation, and you can still give them that duty, which will protect them against foreign competitors, and reduce by 50 per cent the duties that are reported in this bill.

There is a reduction in this schedule. I omitted to say that; but I want to pay a tribute to the Finance Committee. I omitted to say that this is one of the schedules in which there is seen a reduction, but they might just as well have left it where it was. I do not believe that there is a single member of the Finance Committee who believes that the buyer or user of iron or steel will receive the product for one cent less than he would have done had the duties remained as they were. Why? Because they are not sufficiently reduced to touch the United States Steel Corporation by the fear of foreign competition.

Mr. DEPEW. Will the Senator allow me to say just one word on the lamp-post question—not a speech?

Mr. CUMMINS. I know what the Senator would say.

Mr. DEPEW. I do not intend to make a speech.

Mr. CUMMINS. Mark you, I am not advising the lamp-post remedy; but it has been applied in times past, and it sometimes is the only relief from the slavery that the Senator suggested, the slavery that would come to the American people.

Mr. DEPEW. I simply want to state something that occurred in my own experience. There was a controversy in reference to a matter of investment when I was the counsel for the late Mr. Vanderbilt. A leader of the opposition got so bitter about it that he said to me personally that when any man became so rich and could accomplish so much by his own individual wealth as could Mr. Vanderbilt, he should, for the safety of the community, be hung to a lamp-post by the people.

I said to him, "Do you think a man worth $10,000,000 should be hanged to a lamp-post?" He said, "No. I think that amount is absolutely necessary for the conduct of legitimate business." I knew that was the exact amount he was worth. [Laughter.]

Mr. CUMMINS. The Senator from New York, I think, will agree that tested by my own condition I shall never draw the line at that point.

Mr. DEPEW. In other words, that everybody under that doctrine wants to hang the man who has a little more than he has.

Mr. CUMMINS. I know that is the New York view. [Laughter.] I have heard it expressed so often that it has become very familiar to me; and the Senator from New York, in his charming and agreeable way, would leave the impression that I suggested there would come a time when the man of wealth, as distinguished from the man of poverty, would find his last resting or hanging place on a lamp-post. You did not understand me so to suggest.

Mr. DEPEW. No.

Mr. CUMMINS. You understood me to say that if the event that you predict should come to pass, namely, that these men not for legitimate profits, but for the purpose of coercing the whole world to their will, should monopolize an essential fundamental interest or enterprise of this sort and exact from a defenseless people whatsoever their avarice or greed might suggest, then to rid themselves of such a master—an impossible master because he never will arise—if the law should fail, the lamp-post might furnish an efficient remedy. But I pass on.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. I have not been able to hear the whole of the Senator's argument. He made a suggestion a few minutes ago about the character of reduction, saying that the reductions in the steel schedule, for instance, would not be effective. To what extent does the Senator think reductions should be made in order to be effective—that we give the American market to the foreign manufacturer, or what? Where does the Senator draw the line, if it will not embarrass him to answer?

Mr. CUMMINS. The Senator from Iowa is not embarrassed by answering. If the duties of the Senator from Rhode Island had not demanded his absence from the Senate Chamber during the early hours of the day he would have heard a confession of faith upon my part that would have answered that question. I do not believe in lowering the duties to the point that will enable the foreign producer to take our market. I am arguing with respect to the degree of duties that will enable our producers to hold fairly our markets, but will prevent our producers from raising their prices above the fair American level. And I will answer the question specifically, inasmuch as it is asked, although I intended to answer it as the closing paragraph of my speech.

From the information which I have, and a part of which I am about to give to the Senator, and a part of which I have already given the Senate, I think if you would cut these duties on iron and steel—I am now talking about the cruder and commoner forms of iron and steel; pig iron, although it might well go upon the free list for other reasons, but not for protective reasons, I agree; pig iron, billets, ingots, steel rails, wire rods, slabs, structural iron, and wire, and such like—I think if you cut those duties in two in the bill you have now reported, and after all the reductions made by the House, you might give to the American people some assurance that the products would not be raised above a fair and reasonable price and not one pound more of iron or steel could be imported into the United States than now is imported, provided the prices were reduced to the point that I am about to show you they ought to reach and still give this company full, complete profit in their business.

I have said that this company made last year, in round numbers, $57,000,000 more than it ought to have made. What did it do? It produced—I will not count its by-products—in its business steel of various kinds, in round numbers, to the extent of 6,250,000 tons. That is the product of this company, with its expense of more than $400,000,000. That is the product which, being sold, resulted in the profit of $99,000,000 and more. That is the product which created this excessive profit of more than $57,000,000.

You have no right, I have no right, to sit here and insure a profit more than I have suggested. As I said before, if in the great struggle the company can make more, well and good; but you and I will be traitors to our duty and our obligation—not only to our constituencies, but to the whole country—if we frame a tariff bill that will insure a profit of the kind I have suggested. What are they? Divide the profits by the entire tonnage of this company, which now puts out more than one-half of the entire product, and it means $9.24 a ton of excessive profit upon the average. This company last year sold its entire product upon an average of $9.24 a ton more than it should have sold it for, so far as we are concerned.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. Certainly.

Mr. ALDRICH. Does the Senator think that a duty of $7.84 a ton enables the United States Steel Company to make a profit of more than $9 a ton?

Mr. CUMMINS. I am glad you asked that. I will read a letter on that subject.

Mr. ALDRICH. Why have any duty? Why not pay a bounty on foreign exportations for the purpose of still further reducing the profits of the steel company?

Mr. CUMMINS. I suppose, if the Senator from Rhode Island means to exercise his wit——

Mr. ALDRICH. Not at all. The Senator said we ought to reduce the profits.

Mr. CUMMINS. I supposed we were engaged in a serious debate.

Mr. ALDRICH. This is a serious debate. The Senator says we ought to reduce the profits of the United States Steel Company to a normal point. That is what I understood. He says it made a profit of nine dollars and some odd cents a ton more than it ought to have made.

Mr. CUMMINS. Yes; I said $9.24 more than was necessary to enable that company to pay 6 per cent upon its capital; and that, so far as the Government of the United States was concerned, our full duty would be done when we so adjusted our schedules as to enable that company or any other to earn 6 per cent upon its capital. That is my proposition—not as stated by the Senator from Rhode Island.

Mr. ALDRICH. The Senator will see, as a mathematical proposition, that if steel rails were put upon the free list, the company would still be earning a dollar and some odd cents a ton more than they should have, according to the Senator's contention.

Mr. CUMMINS. I am not concerned in that. I do not care; I do care, but——

Mr. ALDRICH. I thought the Senator was engaged in a discussion to show us how we ought to adjust the rates upon iron and steel so as to take away from this company its inordinate profits. I thought that was the point.

Mr. CUMMINS. It is not so.

Mr. ALDRICH. Then, I misunderstood the Senator.

Mr. CUMMINS. It seems to me the Senator from Rhode Island easily misunderstands me. I said if the company had sold its products for $9.24 a ton upon an average less than it did, it would still have made 6 per cent upon its lawful capital, if the Senator from New Hampshire will permit me again to use that term.

Mr. GALLINGER. I am sorry the Senator uses it.

Mr. CUMMINS. I am not concerned with regard to the amount of its capital or the return upon it, except to show that much less duty than you have put upon these products would be sufficient to protect the iron industry, if it would reduce its prices to a fair American level.

Mr. DIXON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Montana?

Mr. CUMMINS. Certainly.

Mr. DIXON. Will the Senator yield to me for just one question?

Mr. CUMMINS. Certainly.

Mr. DIXON. As I understand, the Senator has given the figures for 1908. Does the Senator have the earnings of the United States Steel Company for 1907? I ask for it as a matter of curiosity.

Mr. CUMMINS. I have not the exact figures before me, but I know in a general way what they were. The net income for 1908 was $99,000,000, and a corresponding statement for 1907 would be, in round numbers, $170,000,000.

Mr. DIXON. As against $99,000,000?

Mr. CUMMINS. As against $99,000,000. As I remember it, the net profits that were acknowledged in 1907 were $160,000,000.

Now, pursuing this one step further—and I know I can show at least the point I am endeavoring to make clear to Senators——

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I do.

Mr. GORE. Before the Senator passes from this point, I merely wish to observe that, as I understand, the principal object of a high tariff is to guarantee high wages; that the manufacturers insist upon high rates in order that they can pay high wages.

Mr. CUMMINS. Mr. President, I decline to yield for a speech. I am nearing the conclusion I desire to reach.

Mr. GORE. I beg pardon.

Mr. CUMMINS. And I can not yield to the Senator from Oklahoma for a speech, however much he may desire to help me.

Mr. GORE. Then, I will propound a question.

Mr. CUMMINS. If he has any question to ask me, I will be delighted to answer it.

Mr. GORE. You say that the net profits last year were $99,000,000; that the net profits in 1907 were a hundred and sixty-odd million dollars. I merely wish, if the Senator has them at hand, that he will state the total amount of wages paid.

Mr. CUMMINS. I have them at hand, and if the Senator will be patient, I will give them to him before I take my seat.

Mr. GORE. I thank you.

Mr. CUMMINS. I repeat my conclusion, that this company could with great prosperity have sold its product for $9 a ton less last year.

Now I ask some member of the Finance Committee or some other man in the Senate some time during the progress of the debate and before we dispose of the iron and steel schedule, to answer this question: Was there upon an average a difference of $9.24 between the selling price of these forms of steel abroad and at home? Do you not know that the $9.24 I have suggested represents a great deal more than the difference between the market price of iron or steel in London, or Liverpool, or Brussels, or Paris, and the United States? So that—you know it as well as I—the United States Steel Company could have sold every pound of its products at the market prices of those products in the markets of the world and still have paid 9 per cent upon its capital, computed in the way I have suggested.

With such facts, that can neither be gainsaid nor ignored, will any man tell me that in order to protect the United States Steel Corporation, which last year could have sold its products at less than such products were being sold anywhere in the world and still have made a high profit on its capital, an average duty of $12 or $14 a ton is necessary? I am sure that the mere statement of that proposition will drive home this one conclusion, and that is, so far as this corporation is concerned, it needs no protection whatsoever. It can go into the world and hold its own and make immense profits, even upon its inflated capital, and yet it produces 52, 53, 54 per cent of all the iron and steel of the United States, and it absolutely fixes the prices of every pound of iron and steel, notwithstanding these independents of whom mention has been made. Now, nevertheless, I am willing——

Mr. GALLINGER. The Senator did not mean 54 per cent, did he?

Mr. CUMMINS. I did.

Mr. GALLINGER. I think the Senator admitted a little while ago that the independents produced nearly 60 per cent.

Mr. CUMMINS. Oh, no, sir.

Mr. GALLINGER. It ought to be 42 per cent.

Mr. CUMMINS. I was not including the Tennessee Coal and Iron Company. I did not desire to bring that into contention here. It is a sore spot in Republican politics, and I did not desire to raise the ghost of the Tennessee Coal and Iron Company. Therefore I admitted a few moments ago that the independents produced 52 per cent; something in that neighborhood.

But at any rate, the United States Steel Corporation produces enough to command the situation. When it raises prices the independents are glad to follow, and when it depresses the market the independents must submit, and for their sake I am willing to put a fair duty upon iron and steel. For their sakes, I am willing to put upon these commodities a duty which, in my opinion, measures and more than measures the difference between their cost and the cost abroad, and that will be accomplished by dividing the duties in the bill, and thus you will be able to fulfill not only the obligation to the people of this country, whose voices have risen for a substantial reduction of duties, but we upon this side can fulfill the obligations which we have assumed as members of our political party.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CUMMINS. Certainly.

Mr. ALDRICH. As I understand the Senator from Iowa, he is proposing a new method for computing specific duties. He suggests that, in the first instance, we should ascertain what ought to be the capital of a company engaged in the production of any of these articles, and then determine what rate of interest or dividends should be paid by that company, and fix the rates according to the results which are ascertained by this method.

I supposed that we were proceeding upon the theory of taking into consideration the difference in the cost of production in our country and in competing countries. That is the rule which I supposed was to apply in the consideration and preparation of these schedules. If the Senator from Iowa is correct, and if we are now to take into consideration the valuation of all the property in the United States, with a view of ascertaining as to what companies are overcapitalized and as to what dividends shall be paid, we are to be led wide astray in the consideration of this question from any proposition which I have heretofore heard suggested.

Mr. CUMMINS. If the Lord had endowed me with that simple ingenuity of which the Senator from Rhode Island is such a master, I might be able to retort in kind, but I do not know any way in debate but to go straight at the truth. That is a fashion I have taken on. It is a custom which has gradually grown on me, and therefore I will have to come to the Senator from Rhode Island with just a plain statement of the fallacy of his remark. I do not suppose I am teaching the Senator from Rhode Island anything. I am not exposing to him the want of candor of which he has just been guilty, but I am answering the statement just as plainly as I can.

I passed through this statement and made this argument for the very purpose of proving how much it cost the United States Steel Corporation to put out its products, and if I have not proved that it costs that company less than it costs any other company in the world to produce iron and steel, then I have failed in my conclusion.

I care nothing about the profits of companies except to show the cost of production, and when I have established, as I know I have in the minds of all impartial men, that the United States Steel Corporation is producing its products at less cost, as determined by market prices, than any other company, whether in the United States or elsewhere, then I have at least reached a consideration of the duties that ought to be put upon these articles in order to protect those companies that are said to work under greater disadvantage.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. By the process which the Senator has employed, is he able to state to the Senate definitely the relative cost of making steel rails, for instance, in the United States and in Germany?

Mr. CUMMINS. No more than you. You do not know, and no man knows.

Mr. ALDRICH. I am asking the Senator whether he is able——

Mr. CUMMINS. I am not——

Mr. ALDRICH. To arrive at any such conclusion from the statement which he has made.

Mr. CUMMINS. I do not know.

Mr. SCOTT. Will the Senator from Iowa allow me to ask him a question?

Mr. CUMMINS. I yield.

Mr. SCOTT. Do I understand the Senator to say that the United States Steel Corporation turns out its products cheaper than any other concern in this country or in the world?

Mr. CUMMINS. Yes; as determined by their profits.

Mr. SCOTT. I ask the Senator if he has investigated the cost of the products of the La Belle Iron Works, of Wheeling, W. Va., a corporation of $12,500,000, owning their own ore lands, their own coal lands, with all the advantages that the United States Steel Corporation has? I should like to know if he can tell us what it costs that company to make its products?

Mr. CUMMINS. I can not.

Mr. SCOTT. Then why should the Senator make the positive statement that the United States Steel Corporation can make its products at $2 a ton less than anybody else in the world?

Mr. CUMMINS. I did not say so.

Mr. SCOTT. You said it could make it for less than any concern in the world.

Mr. CUMMINS. I do. I say that the profits of the United States Steel Corporation upon its product are greater than the profits of any other company in like business on the face of the world, and if that does not show that they make their products or their output at less price than any other company, I fail to appreciate the force of reasoning.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do. I have a letter from Mr. Schwab, if I could find it—it was on my desk—that would answer the inquiry of the Senator from Rhode Island. It shows what it costs to make steel rails.

Mr. ALDRICH. Not the inquiry which I am about to make.

Mr. CUMMINS. I proposed to answer the first, and then I would turn to this.

Mr. ALDRICH. I should like to have an answer to this question. As I understand the Senator, the statement he now makes is based upon the idea of profits alone, as to the comparative cost of production in this country and abroad. The Senator suggests no item of actual experience, no item of ascertainment as to the actual condition or the actual cost, as to any one single item of the products of the United States Steel Company and companies abroad.

Mr. CUMMINS. No. I accept evidence which I regard as vastly better and more persuasive. What I say is, that the

United States Steel Corporation makes 6,000,000 tons of iron and steel; and if, after paying all the expense incident to the operation of its factories and incident to the output, the company has $99,000,000 left—if that does not indicate to you something about its cost of production, it does seem to me that you have shut your ears to the conclusive force of testimony.

Mr. DEPEW. I should like——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. Certainly.

Mr. DEPEW. I should like to ask the Senator from Iowa whether there is not a fallacy in basing the cost of production upon the profits as between different manufacturing concerns or competition in any business? It is a well-known fact that the larger the sales, the less price——

Mr. CUMMINS. I beg your pardon. Will the Senator kindly restate his inquiry? I was guilty of unpardonable neglect in being diverted for a moment.

Mr. DEPEW. What I wanted to ask the Senator is, Whether he would not admit that there is a fallacy in the foundation of his argument, which is that the cost of production can be ascertained by the profits? Can not a concern doing a business a thousand times greater than another make money, and large money, and put the other out of business when the cost of production is exactly the same?

Mr. CUMMINS. Yes, sir.

Mr. DEPEW. Then, it is not a proper basis.

Mr. CUMMINS. I think it is. If you could conceive of a manufacturer who made just one steel rail in a year and would sell it at the rate of $28 a ton and out of it would have to pay for his own time, his own bookkeeping, and whatsoever other incidental expenses might be added, he would soon go out of business. But whenever a company is so enlarged that it fully employs the unit of production, the entire energy of any given unit, whatever the unit may be, then that company, granting the same opportunities to purchase the raw material and the same privileges of transportation, can make its product just as cheaply as the other company.

But, however, I have not descended into those finer questions. I want to give to the steel companies or the iron companies an average duty, we will say, of $8 a ton on all these products, adjusted according to the scale that has been recognized in all time. But I do not want an average duty of $12 or $14 a ton when I know that it simply means to add so much to the burden of those who use or buy these products.

Mr. ALDRICH. If the Senator from Iowa will permit me, has he any statistics or figures which show the capitalization and the profits of foreign manufacturers of iron and steel?

Mr. CUMMINS. I have not.

Mr. ALDRICH. Has the Senator any knowledge of the range of production——

Mr. CUMMINS. I want to qualify that last answer a little. I have that evidence upon which all men act in their lives, namely, the information that comes to us from every quarter in newspapers, in pamphlets, in reports, and in general commercial affairs. That is the information upon which I base the statement I made a few moments ago.

Mr. ALDRICH. Has the Senator from Iowa any information as to the number of articles made by the United States Steel Corporation, the range of their productions, and the profits which are derived from each class of the articles made by them?

Mr. CUMMINS. I have not. I take it that if I have convinced you that these duties are too high, as a whole, you will not allow any pride of opinion to stand against a reformation of these schedules. I take it for granted that if I have convinced you that the duties are too high you will reject this schedule and apply that superior information which relates to these niceties of details and will return to the Senate a schedule properly adjusted that will fairly but not excessively protect this industry.

Now, I have but another word to say. I do not mean to say that when I have finished this address you are through with me for all time, for I expect to be heard as these schedules are discussed. But there were some general considerations that I felt I ought to submit before we reach the distinct paragraphs.

I have had in mind to speak in regard to the iron ore. I shall wait, however, until the moment that we reach the paragraph.

The Senator from Oklahoma suggested a few moments ago a very interesting topic, and, inasmuch as the Senator from West Virginia also commented upon the munificence of the United States Steel Corporation, I beg that you will bear with me until I quote you just what that company did last year. In all its salaries, from the two $100,000 presidents—I believe there are two, possibly more—from the shining head to the lowest messenger boy upon the pay roll, the company paid out $120,510,829, just $20,000,000 more than its net income for the same year. All its salaries, however high, or its wages, however low, aggregated $120,000,000. It had as the result of their labor $100,000,000, in round numbers, of income. There were 165,211 of those people, and that meant that they got on an average $730 a year. That includes Mr. Gary; it includes Mr. Corey; it includes every other of these employees whose capacities and whose energies and whose experience entitled them to large salaries, just as it includes the man who works in the iron mine at Lake Superior.

Mr. BEVERIDGE. Will the Senator permit me a question?

Mr. CUMMINS. I will.

Mr. BEVERIDGE. Taking the salaries of the officers, the presidents and other large salaried officers, how much is the average wage?

Mr. CUMMINS. I do not know. I have not that information at hand. This report does not separate them in that way, and I have not perused it.

Mr. BEVERIDGE. Does the report give the amount of salaries to the principal officers?

Mr. CUMMINS. No; it includes them all in one single item.

Mr. BEVERIDGE. That is, officers and employees?

Mr. CUMMINS. I read:

> The average number of employees in the service of all companies during the fiscal year of 1908, in comparison with the fiscal year of 1907, was as follows.

Then it gives the number of employees in manufacturing properties—coal and coke properties, iron-ore properties, transportation properties, miscellaneous properties—the total numbering 165,211. Then, for the average number of employees in the service of all companies, the total annual salaries and wages, $120,510,829. The average of them all is the sum I have given, $730 per year.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do.

Mr. NEWLANDS. Mr. President, I call the attention of the Senator from Iowa to the fact that the census report gives the total number of wage-earners employed under the schedules of metals and manufactures of metals; it gives the total number of wage-earners at a little over 1,000,000; the total wages at a little over $600,000,000; and the average annual wage at $556 per annum.

Mr. CUMMINS. I am simply quoting from the report of the company made for the year 1908.

Mr. NEWLANDS. As I understand it, it includes salaries as well as wages.

Mr. CUMMINS. It does.

Mr. NEWLANDS. The census report covers simply the question of wages. The Senator will observe that the average wage ascertained by the census report is about $200 less than the average wage he gives.

Mr. CUMMINS. I leave every Senator to make his own deduction with respect to that, nor do I think it is material. I do not suggest low wages with any pleasure. I would be glad to see the company expend a very much larger part of this vast net income in the payment of wages. I only brought to the attention of the Senate what we universally see, namely, that when a company has the power to take, it takes.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Rhode Island?

Mr. CUMMINS. I do.

Mr. ALDRICH. Has the Senator any estimate or figures showing the average rate of wages of the people engaged in iron and steel production in Germany?

Mr. CUMMINS. No; not on my table, but I have seen those estimates or those statements so often that I have not thought it necessary to reproduce them. Every desk here is loaded with statements of that sort, and I neglected that. I am not here arguing against the protective duty upon iron and steel. I am simply arguing against what I believe to have been a mistake of the Finance Committee in attaching to iron and steel duties that are inordinately high.

Mr. ALDRICH. Does the Senator contend that the wages paid in the iron and steel industry in this country are below the average of that of all the people engaged in useful occupations in the United States?

Mr. CUMMINS. I do not know. I know that the wages paid to the miners in Lake Superior are very low. I know that the wages paid to the skilled men in the furnaces and rolling mills and the like are very high, as they ought to be, and as I hope they always will be.

Mr. KEAN. What are the wages paid?

Mr. CUMMINS. In Lake Superior, I think, about $1.25 a day.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Iowa yield to the Senator from Nevada?

Mr. CUMMINS. I do for a question.

Mr. NEWLANDS. I understood that the Senator had yielded the floor.

Mr. CUMMINS. I thought you were asking me a question.

Mr. President, I do yield the floor with a heart full of gratitude to the Senate for giving me the attention that has been given and being sorry that I can not promise them that I will not return to this subject later. But I have about reached the limit of my own strength, and as I know I have passed beyond the limit of patience upon the part of the Senate, I yield the floor.

Mr. NEWLANDS. Mr. President, I should like to ask the Senator from Iowa whether the Members of his party in the Senate who are for a revision and a reduction of the excessive duties of the tariff have formulated their views in such a way as that they can present them for the consideration of the Democrats of this body, with a view to securing their support in carrying such reductions through the Senate?

Let me say to the Senator, the Republicans are about 60 in number and the Democrats about 30. As I understand it, there are about 20 progressives on the Republican side——

Mr. CUMMINS. The Senator has counted more than I have.

Mr. NEWLANDS (continuing). Who are for the reduction of excessive duties. While the Democrats may differ with the Senator from Iowa as to the principle which should control the formation of this bill——

Mr. CUMMINS. I rose to answer a question. What is it?

Mr. NEWLANDS. The Senator must remember that I am now speaking in my own time and not in his.

Mr. CUMMINS. Oh, I beg pardon.

Mr. NEWLANDS. I wish to ask a question, and I would be glad to have it answered, unless the Senator is unwilling——

Mr. CUMMINS. I am not at all unwilling.

Mr. NEWLANDS. In that case I would not press it.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. ALDRICH. I should like to ask the Senator from Nevada whether he is making an official statement or whether he is merely making a suggestion?

Mr. NEWLANDS. Mr. President, I must decline to yield, as I am pursuing an inquiry with the Senator from Iowa.

The PRESIDENT pro tempore. The Senator from Nevada declines to yield.

Mr. NEWLANDS. I wish to call the attention of the Senator from Iowa to the fact, or the supposed fact, that there are 20 progressives on the Republican side in favor of a reduction of excessive duties, and that there are 30 Democrats on this side who also favor a reduction of excessive duties, though they may differ with the Senator from Iowa as to the principle which should control the formation of a tariff bill. There is, therefore, a possibility of our uniting regardless of the question of the principle upon which the bill shall be framed, upon the practical question of a reduction of duties. I would ask the Senator—and I ask him in all sincerity, for if the Senator knew me well he would realize that I do not play politics—whether he and the men who believe with him on that side have formulated their views in such way as that they can present them to the Democrats for consideration, or whether they contemplate formulating them in such a way as to present them to the Democracy for their support? I yield to the Senator for an answer to that question, if he is willing to make it.

Mr. CUMMINS. Mr. President, there never was a question put to me that I was more willing to answer than the one that has just come from the Senator from Nevada. May I ask, though, fairly, is the Senator from Nevada authorized to speak for the 31 Democrats?

Mr. NEWLANDS. Mr. President, I will answer frankly, no. I have not consulted my associates regarding it. The minority here are powerless. They can accomplish something, not by taking the lead, but by following the progressives on the Republican side.

I take it for granted that if the progressive Republicans make a reasonable proposal that would appeal to the reason and the conscience of the Democratic side, looking toward a reduction of duties, the Democracy will respond favorably to that proposal. If they do not, they will stand on record before the country as derelict in their duty.

Mr. CUMMINS. Mr. President, I have little doubt that many of them will stand before the country as delinquents, and I have not the faith or the confidence that is expressed by the Senator from Nevada in believing that he could lead his associates toward any common object.

Mr. NEWLANDS. I beg the Senator not to call me a leader.

Mr. CUMMINS. I have stood here, or sat here, and heard the most eloquent and the highest protective speeches made come from that side of the Chamber. What have we progressives to hope for in the midst of that discord upon the part of our Democratic friends?

Answering the Senator further, I will say that I do not speak for anyone save myself. There has been no concert of action. Every man of the progressives—and I hope all Republicans are progressive—is speaking for himself day after day, and he is speaking in the hope that he will be able not only to convince his Republican brethren, but that he can convince his Democratic hearers as well.

Mr. NEWLANDS. Mr. President, this is the entire answer, as I understand it, of the Senator from Iowa. I will not criticise it.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. NEWLANDS. I beg the Senator not to interrupt me. I wish to respond to the Senator from Iowa without being diverted from my purpose.

The PRESIDENT pro tempore. The Senator from Nevada declines to yield.

Mr. NEWLANDS. I will not criticise the response of the Senator from Iowa, for I shall hope that upon reflection the Senator will take better counsel with himself and with his associates. I would not, by word of criticism or taunt, create any division between the progressives on that side and the progressives on this side that would prevent legislation that will be beneficial to the entire country.

The Senator despairs of the Democratic party. He despairs of receiving aid from the Democratic party in the course of progress and reform which he has mapped out for himself and his progressive associates. Let me suggest to the Senator from Iowa that that despair is not warranted by the history of the Democratic party as to the progressive measures that have been put upon the statute books within the last three or four years of Republican administration. Let me call the Senator's attention to the fact that upon every substantial reform urged by President Roosevelt and supported by the Senator from Iowa the Democratic party has stood with the President and with the Senator from Iowa for progressive action.

The Senator referred in his speech to the rate legislation. That was the burning question of the hour a session or two ago. Where did the Democratic party stand then upon the recommendation made by a reform President to a party which he desired, but failed, to reform? His recommendation was that, upon complaint to the Interstate Commerce Commission regarding the reasonableness of a rate, a hearing should be had and power should be given to the Interstate Commerce Commission to condemn the rate and to substitute a reasonable rate. The Committee on Interstate Commerce of the Senate, composed of eight Republicans and five Democrats, deliberated upon that question for weeks, and it was impossible to secure the report of a bill from that committee.

What did the progressive Republicans upon that committee, three in number, standing with the President and standing with the Senator from Iowa, suggest then? They suggested to the minority of that committee, through myself as the intermediary, that the bill should be forced out of committee into the Senate, realizing the fact that public sentiment operating powerfully upon a reactionary Senate would force the bill through to triumphant passage; and that bill was reported from the Interstate Commerce Committee by a vote of 3 Republicans and 5 Democrats.

Did the Senator from Iowa despair of Democracy then, when the bill for which he stood, and when the bill for which the President, whom he supported, stood, was brought out of committee and before the Senate for its consideration? The Democratic party acted patriotically on that measure. They will act patriotically upon this.

I could recall numerous instances during the past four years where progressive, reformative action has been absolutely forced by the Democratic party, both in the House and in the Senate. I can call the attention of the Senator to numerous instances where the powerful support of the Democratic party to a progressive minority of the Republican party has placed upon the statute books reform measures.

It is true that in the final analysis the vote was pretty nearly unanimous, as it was upon the rate bill, there being, I believe, only one vote against it; but the men in this body who are familiar with legislation know that the rate bill and other reform measures were opposed by the majority of the Republican party, though supported by a minority of that party until the

bitter end, and that they only joined in a record vote with a view to letting it appear to the country that a measure whose passage was inevitable and which had the support of the entire country had the unanimous approval and verdict of the Republican party in the Senate. So, Mr. President, whilst the Senator from Iowa [Mr. CUMMINS] despairs of the Democratic party, permit me to remark that I do not despair of the progressive element of the Republican party, and I do not despair of the Senator from Iowa himself. I believe, before this debate is closed, they will be convinced that the great interests of the country have dominated this tariff, that the great interests of the country are powerful here in the maintenance of these excessive duties, and that, dismissing all partisanship and yielding to patriotic purposes, the progressive Republicans will join with the patriotic Democracy in placing upon the statute book needed reforms.

Mr. ALDRICH. I should like to ask the Senator from Nevada, if he would not consider it intrusive, upon what platform he proposes that this union shall be carried out?

Mr. NEWLANDS. Upon the platform, Mr. President, of faithful service to the people.

Mr. ALDRICH. The Republican party is committed, so far as it can be, to a protective tariff, the rates of which shall equalize conditions between this country and competing countries. Would the Senator from Nevada be willing to adopt that plan to secure this patriotic union that he is advocating?

Mr. NEWLANDS. Mr. President, the Senator from Rhode Island can not divert me into a consideration now of the principles that should control in the regulation of a tariff bill.

Mr. ALDRICH. That is a minor detail, I suppose.

Mr. NEWLANDS. I am disposed to dismiss those considerations just now, as the Senator some days since was disposed to evade any declaration of the principles that controlled him in the framing of the present tariff bill.

Mr. ALDRICH. I did not know that I had done so.

Mr. NEWLANDS. The only practical question before this body is, not whether the protective system shall endure or whether the system of a tariff for revenue shall be substituted for it—that is not the practical question; but the practical question is whether excessive duties shall be reduced; and both Republicans and Democrats, believing, respectively, in the principles of their parties regarding the tariff, can vote for such reductions. I call for patriotic and not for partisan action.

Mr. ALDRICH. As I understand this novel proposition, which certainly has the characteristic of boldness, if no other, it is that Senators sitting upon either side of the Chamber shall form a coalition, in which each side shall abandon all of their promises in the past and all of their political obligations for the purpose of securing a union of action upon this question.

Mr. NEWLANDS. Mr. President, the Senator may call this a "coalition." I am aware that the Senator is very skillful in forming phrases that are likely to bring any movement into disrepute. The Senator knows the value of a brand. There are many people in this country who think by the brand and not according to principle, and if you can only give a thing a detested name, they will avoid it, even though the movement so branded may be a beneficial movement. I have suggested no coalition. I have simply suggested to the progressive element of the Republican party that they should formulate their views, in order that the Democracy may consider them. I suggest simply that they may lead, and that the Democracy may follow. That is all.

Mr. ALDRICH. Do I understand the Senator to say that the Democracy have no principles involved in this matter at all?

Mr. NEWLANDS. I did not understand the question of the Senator.

Mr. ALDRICH. Well, it seemed perfectly plain.

Mr. NEWLANDS. I mean I did not hear it.

Mr. ALDRICH. Does the Senator contend that the Democratic Members of this body have no principles at all involved in this tariff discussion or no ideas except to succeed in destroying the Republican party?

Mr. NEWLANDS. Mr. President, I have not suggested for a moment that the Democracy should be regardless of principle. The Democracy stands for a tariff for revenue; though I admit there have been certain modifications and variations of that doctrine [laughter] in the platforms that have been enunciated during many years; but they have not been substantial variations. Therefore, I think I correctly state their principle when I say that they stand for a tariff for revenue. Necessarily, therefore, they must stand against prohibitory duties. The excessive duties of this bill are largely prohibitive. The duties of which the progressive men of the Republican party complain are largely prohibitive. Do they not, then, stand for the same thing? They wish to reduce excessive and prohibitive duties. We also wish it. They may not be willing to go as far as we are willing to go. We necessarily must go as far as they are willing to go. Therefore the proposal must come from them. We can not expect them, when we propose to go ultimately further than they are willing to go, to subscribe to our declaration of what we propose to do; but when they propose to go upon the same line that we do, stopping short though of what we hope ultimately to accomplish, we can certainly proceed along the path with them until the point of divergence is reached. Does the Senator from Rhode Island call that an abandonment of principle by the progressive Republicans? Does he call it an abandonment of principle by the Democracy?

The Senator suggests that by doing that we abandon all the promises made by our respective parties. What promises were given? What promises were urged by the Republican party? They promised a revision of the tariff. It is true the expression was a dubious one; it is true that it was so framed as purposely to mislead; it is true that it was so framed as to give the "standpatters" the impression that the tariff might be revised upward, and to give the reformers and progressives the impression that it would be revised downward; but, so far as public expression upon the platform was concerned, it was the universal declaration of the Republican party, through its chosen leader, Mr. Taft, and through its speakers throughout the entire country, that the Republican party promised a reduction of excessive duties.

Did not the Democratic party promise the same thing? Did it not promise a gradual and progressive reduction in excessive duties until a fair revenue basis was attained? How can the Senator from Rhode Island, therefore, declare that either the progressive Republicans or the minority Democrats are untrue and recreant to promises which were given to the country by both parties through chosen leaders by taking the action which I have suggested?

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Nevada yield to the Senator from Rhode Island?

Mr. NEWLANDS. Certainly.

Mr. ALDRICH. If this union, so mildly suggested by the Senator from Nevada, should be consummated, would the result be a Democratic tariff bill or a Republican tariff bill?

Mr. NEWLANDS. The result, Mr. President, would be a reduction in excessive duties to the relief of the people from——

Mr. ALDRICH. Who would claim the credit for it?

Mr. NEWLANDS (continuing). An intolerable burden——

Mr. ALDRICH. Who would claim the credit for it?

Mr. NEWLANDS (continuing). And the minimizing of the great problems that now confront us regarding the regulation and control of trusts——

Mr. ALDRICH. Would not this——

Mr. NEWLANDS (continuing). And would tend to fairer prices throughout the country——

Mr. ALDRICH. Then, the combination certainly would be a combination in restraint of trade.

Mr. NEWLANDS (continuing). And the equalization of opportunity.

Mr. ALDRICH. It would certainly be a combination in restraint of American trade.

Mr. NEWLANDS. Now, as the Senator from Rhode Island has interrupted me whilst I was speaking without my consent, I will, having finished my sentence, yield to the Senator and be glad to answer any question he wishes to ask. I trust that the Reporter, during this duet which has taken place between the Senator from Rhode Island and myself, will be able to distinguish the prevailing note of the speaker who is now addressing the Senate. [Laughter.]

Mr. ALDRICH. I ask that the next question be stated.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. The next item is on page 13, paragraph 51.

Mr. BRISTOW. I should like to inquire of the Committee on Finance why it is necessary to fix the duty on white lead higher than the duty on lead?

Mr. ALDRICH. It seems to me that question answers itself. White lead is a product of lead, and it is an expensive product of lead. Large amounts of labor are employed in the production of white lead. It is a large industry in the United States. Lead is the raw material. It seems to me it is not necessary to elaborate the reasons why a higher duty should be imposed on white lead than upon pig lead.

Mr. BRISTOW. There is a duty here of 2¼ cents a pound on white lead, or 1¼ cents more than the duty on lead.

Mr. ALDRICH. I beg the Senator's pardon. The duty upon pig lead in the present law and as proposed by the Committee on Finance is 2½ cents, and not 1¼ cents.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. In further answer to the Senator from Kansas, I wish to say that whiting——

Mr. BRISTOW. Excuse me. I desire to say that it is a long way from Utah to the remote end of the "Cherokee strip," and I should like to ask the Senator from Utah to speak a little louder.

Mr. BACON. I should like to say a word in this connection. I do not live as far away as the Senator from Kansas [Mr. BRISTOW], but it is very embarrassing for Senators on this side to have to repeatedly ask Senators on the other side to speak a little more loudly, and yet we can not hear one-half what the Senator from Rhode Island says. I presume it is due to the fact that there are so many differences among themselves that most of the Senator's remarks are addressed to Senators upon his side of the Chamber, and he does not bear in mind the fact that we should like to hear what he says.

Mr. ALDRICH. I shall try hereafter to obviate that difficulty.

Mr. BRISTOW. I should be pleased to hear from the Senator from Utah. I could not hear a word he said.

Mr. SMOOT. I thought the Senator from Kansas was speaking of whiting, under paragraph 52, but I am told that he had reference to white lead, instead of whiting. I believe that is the case.

Mr. BRISTOW. Yes; this duty on white lead is 2¼ cents a pound.

Mr. OVERMAN. That is paragraph 51.

Mr. BRISTOW. Yes; paragraph 51. We heard a great deal yesterday about the condition of the lead industry in the United States. For one, I can not see why there should be a higher duty on white lead than on any other kind of lead. The ingredient that goes into it has a lower duty, if I understand what the ingredient is.

Mr. KEAN. May I interrupt the Senator from Kansas for a moment?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. I do.

Mr. KEAN. Has the Senator from Kansas ever studied the process by which white lead is made?

Mr. BRISTOW. I have not.

Mr. KEAN. I have sent for the encyclopedia, and when I receive it I will hand it to the Senator, so that he may inform himself.

Mr. BRISTOW. I do not care for an encyclopedia. I think the Committee on Finance should be able to give those of us who have not had the opportunity to obtain the information necessary for voting intelligently upon this bill the information for which we ask, if we have any right to ask questions. It is my desire to vote intelligently, if I can, and so I should like to know why it is necessary to have a higher duty on white lead than on any other kind of lead. I should like to know whether the ingredient that goes into white lead is the reason for this advanced duty, or whether it is labor in the preparation of white lead; and, if so, what is the difference in the scale of wages here and the scale of wages abroad?

Mr. HEYBURN. Mr. President, I am in some doubt as to whether or not the Senator from Kansas has taken the floor for the purpose of discussing this item. I propose in my own time to give such information as I have upon this subject, but it is not a subject that can be discussed by the answering of a question.

Mr. ALDRICH. I think I can answer the question intelligently; at least I hope I can. I have already said that white lead is a product of pig lead and that the manufacture of it involves a great deal of labor and a very expensive process.

Mr. HEYBURN. And a great deal of time also.

Mr. ALDRICH. And a great deal of time. So the duty proposed by the committee upon pig lead is 2¼ cents per pound.

Mr. BACON. In what paragraph is pig lead found?

Mr. BEVERIDGE. Paragraph 52.

Mr. BACON. No; that is white lead.

Mr. ALDRICH. It is in paragraph 179 of the present law and paragraph 180 of the pending bill.

Mr. BEVERIDGE. They are separate from paragraph 51?

Mr. ALDRICH. Yes. The Senator from Kansas [Mr. BRISTOW] has asked me why this lead should pay more than pig lead. The average price of pig lead is about 2½ cents a pound and the average price of white lead is about 6½ cents a pound, showing that it costs 4 cents a pound more to produce white lead than it does pig lead.

Mr. BRISTOW. I should like to inquire if the Senator from Idaho desires to discuss this question in full now?

Mr. HEYBURN. Mr. President, when I may have the floor it is my intention to submit some remarks upon this question.

Mr. BRISTOW. I shall be very glad to yield the floor to the Senator from Idaho and hear him before I proceed with any further remarks, because he may relieve my mind from some difficulties that are now disturbing it; and probably after he is through I will make a few observations, unless I am entirely satisfied with his explanation.

Mr. HEYBURN. Mr. President, while this is not the main question, yet it seems to me that we are in duty bound in the consideration of this item to go to some extent into the lead question. White lead is the result of corroding pig lead. The transformation of pig lead into white lead involves the construction of separate factories, expensive appliances, and a considerable interval of time. Were we to open the door to the admission of white lead, we would find a scant market for our own pig lead. For instance, Mexico, on our border, could swamp the American market by corroding lead on the Mexican side of the line and sending it over, thus destroying the market for our lead in our own country. It is not a question as between our country and another; it is a question where they can invade our market to the utter extermination of the pig-lead industry in this country.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. Will the Senator explain, for the information of many Senators, why a difference of four-eighths of 1 cent a pound on white lead would destroy the lead industry of this country? The reason of the question is that the House fixed the rate at 2⅜ cents and the Senate at 2¼ cents per pound.

Mr. HEYBURN. That goes directly to the question of our production of lead, what we shall receive for it, and whether we shall maintain the industry.

Mr. BEVERIDGE. The question is——

Mr. HEYBURN. I will answer it.

Mr. BEVERIDGE. Very well. Did the House intend to destroy the lead industry by this duty?

Mr. HEYBURN. I shall neither attempt to be the judge nor the guarantor of the conscience of anybody, here or elsewhere. We do not need to consider that. We may give due respect to the judgment of the House, but we are not bound by it in any way. We stand here with individual and collective responsibility that rests upon nothing but our own intelligence and our own conscience. So that, while, as I say, I will give a due meed of respect to their action, I shall not be governed by what some one else has done elsewhere.

As I was saying, it goes to the question of maintaining our lead industry in this country. The United States produces one-third of the lead of the world. It maintains the price of lead in the world. Settlements in this country are made daily upon what are known as Western Union quotations in the city of New York, which represent the market price upon which you can obtain a settlement for your lead at a moment's notice at any smelter or at any refinery in the United States. They settle upon the quotation of that day.

Now, as to the process of corroding lead. First, you must obtain the lead in the market——

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. I do not want to undertake to say what the order of the Senator's argument shall be, but this consideration appeals to me: The Senate has raised the duty on lead itself above the duty provided in the House bill.

Mr. HEYBURN. "Proposed" in the House bill.

Mr. CLAPP. "Proposed." Now the argument is being made, not by the Senator, but it has been urged by others, that we should now fix the duty upon white lead in view of the proposed action of the Senate on lead itself.

Mr. HEYBURN. You can not separate them.

Mr. CLAPP. If that is true, it does seem to me that while the lead item comes later it would be much more instructive to take up, first, the discussion as to the necessity for the proposed Senate increase over the House bill on lead itself. I merely make the suggestion.

Mr. HEYBURN. Well, Mr. President, I have no objection to taking up the lead schedule at this time out of its order in connection with the consideration of this item. I shall be very glad to do it, and thus avoid what may necessarily be a repetition of the consideration.

Mr. CLAPP. It seems to me that that would be a very proper thing to do.

Mr. HEYBURN. If the chairman of the committee will make the appropriate motion, I should be very glad then to proceed.

Mr. ALDRICH. It does not require a motion. I am myself quite willing to have the lead schedule taken up first, and I ask unanimous consent to take up paragraph 180 out of order.

Mr. SUTHERLAND. I suggest to the chairman of the committee that it would be better to take up, first, the duty on lead ore. That is first in order.

Mr. ALDRICH. Paragraph 179 is the one relating to lead ore.

Mr. HEYBURN. I should like to take up paragraphs 179 and 180, because the two are inseparable.

Mr. ALDRICH. Very well. I ask that that be done.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island to go forward and take up paragraphs 179 and 180? Without objection, it is so ordered. The Secretary will state the paragraphs.

The SECRETARY. On page 59, paragraph 179, the Committee on Finance propose to strike out all after the numerals down to and including the word "pound" in line 19 and insert "Lead-bearing ore of all kinds, 1½ cents per pound on the lead contained therein," so as to read:

179. Lead-bearing ore of all kinds, 1½ cents per pound on the lead contained therein: *Provided*, That on all importations of lead-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

The PRESIDING OFFICER. Does the Senator desire to have the next paragraph read also?

Mr. ALDRICH. Yes; we might also have paragraph 180 read.

The PRESIDING OFFICER. The paragraph will be read, in the absence of objection.

The SECRETARY. In paragraph 180, page 60, the Senate committee propose to strike out all of the paragraph as printed in the House bill and to insert a new paragraph 180, as follows:

180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 2½ cents per pound; lead in sheets, pipe, shot, glaziers' lead and lead wire, 2½ cents per pound.

Mr. ALDRICH. The question is on paragraph 179.

The PRESIDING OFFICER. The question is on agreeing to the amendment of paragraph 179.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. On this side of the Chamber we understood that paragraphs 179 and 180, in connection with paragraph 51, would be taken up in order that the Senator from Idaho might discuss the three. I may be mistaken about it.

Mr. ALDRICH. No; paragraphs 179 and 180 have been taken up out of regular order at the suggestion of the Senator from Minnesota [Mr. CLAPP] that we may act upon them, so that we may be able to determine what ought to be done with paragraph 51.

Mr. CULBERSON. I think they were taken up out of order by unanimous consent of the Senate.

Mr. ALDRICH. They were; yes.

The PRESIDING OFFICER. They were taken up out of order by unanimous consent of the Senate and are to be first considered.

Mr. CULBERSON. Certainly; and I understood that the Senator from Idaho would explain the necessity for the increase both in paragraph 180 and in paragraph 51.

Mr. HEYBURN. I understand that they are taken up together for the purpose of consideration, that the vote may be had on each one separately.

Mr. STONE. I understand that no change has been made in paragraph 179. Is that correct?

Mr. BEVERIDGE. That is right.

Mr. CULBERSON. But there has been a change made in paragraph 180 and in paragraph 51.

Mr. BEVERIDGE. Paragraph 180 is changed, but paragraph 179 is not changed.

Mr. CULBERSON. Paragraph 180 is changed.

Mr. HEYBURN. I think I can make it plain. A change was made in the proposed duty on white lead and the duty on bullion, but it was not made in the duty on the lead content of the ores. For the convenience of consideration, however, I think it will be agreed that the three sections had best be considered together, so that we may discuss the entire lead question. Behind it all is the question of the duty on lead bullion, not the lead in ore before extraction, but the result of the extraction. That is the basic principle upon which the price of lead is determined and the products of lead.

White lead is a product of what we term "bullion," the metallic lead that has been extracted from the ores. A very large percentage of lead bullion is converted into white lead, which enters into paint and is used largely for painting. The process of conversion is by corrosion of the lead bullion, which is a separate and distinct process from any other connected with the extraction of the metal. An additional and an entirely new expense must be incurred in order to transform bullion into white lead when it is ready to be mixed for use as a paint or for other purposes.

Mr. BRISTOW. Mr. President——

Mr. HEYBURN. In a moment. Now, each of these processes involves an entirely new and additional expense, and that determines the question of the relative value of the several lead commodities.

I now yield to the Senator from Kansas.

Mr. BRISTOW. As I understand this paragraph, the Senate committee has increased the duty on lead bullion from one and a half, what it was in the Dingley bill, to 2½.

Mr. HEYBURN and other Senators. No.

Mr. BRISTOW. Is that not true?

Mr. HEYBURN. If the Senator will turn to page 21 of the large exhibit, paragraphs 178, 179, and 180, he will find the classification of the items and a statement of the existing duties, the duty proposed in the House bill, and of the action or suggestion of the Senate committee. Lead bullion is lead that has been extracted from the ore.

Mr. STONE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Missouri?

Mr. HEYBURN. I do.

Mr. STONE. I should like to ask the Senator if he understands the matter as I do? I understood the Senator from Rhode Island to say that there was no change in paragraph 179; that there were a change and an increase in paragraph 180. As I read both, it seems to me that paragraph 179, pig lead——

Mr. HEYBURN. No.

Mr. STONE. Lead bullion——

Mr. HEYBURN. No; that is lead-bearing ores.

Mr. STONE. One and one-half cents a pound——

Mr. HEYBURN. Lead-bearing ore is in paragraph 179.

Mr. STONE (reading):

179. Lead dross, including all dross containing lead, lead bullion or base bullion, lead in pigs or bars.

Mr. ALDRICH. If the Senator will permit me, the House bill put a cent and a half a pound on lead ore or the lead contents of ore and also a cent and a half on pig lead, and the Senate has separated the two.

Mr. STONE. And put a higher duty on pig lead?

Mr. ALDRICH. Certainly.

Mr. STONE. Then I understand it.

Mr. HEYBURN. The wisdom and necessity of that must be obvious. The lead contents in the ore represent a very much less expenditure of time and labor than the bullion, because the lead ore must be treated for the extraction of the bullion from it. So that product is entitled to an entirely different classification, and as was suggested yesterday, I believe it was, it is evident, or it seemed to be evident, that the House, for some reason with which it is not necessary for us to deal, neglected to make a corresponding raise in the duty on the bullion, overlooking it.

The general schedules are made upon the basis of a difference between articles upon which there is a different expenditure made necessary.

Mr. BACON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. I do not know that I understand the matter entirely, and therefore I call the attention of the Senator to the fact that, as I read it, the House did not make a difference. The House put upon lead dross, which, I presume, would include lead-bearing ore——

Mr. HEYBURN. No; it would not.

Mr. BACON. Then, there is no provision for lead-bearing ore.

Mr. HEYBURN. Lead-bearing ore is provided for.

Mr. BACON. In an amendment?

Mr. HEYBURN. In paragraph 179.

Mr. BACON. That is the paragraph I have before me. In the text as it came from the House there are the words "lead dross, including all dross containing lead, lead bullion, or base bullion," and so forth, and it put the rate at one and a half.

Mr. LODGE. The Senator has not read the whole of what was stricken out.

Mr. BACON. Of course not.

Mr. LODGE. Line 17 says, "and the lead contents contained in lead-bearing ore."

Mr. BACON. Very well.

Mr. LODGE. We took lead-bearing ore and put 1½ cents on the contents of lead-bearing ore, instead of at what the House put it.

Mr. BACON. The Senator misunderstands me entirely. I was not directing my remarks to that point. I was simply asking the Senator from Idaho whether or not I was correct in the reading which I made of the two paragraphs, 179 and 180. As the bill came from the House in the one case the duty was fixed at 1½ cents and in the other, which is paragraph 180, the duty is fixed at 1¼ cents. I was inquiring simply whether the Senator was correct in stating that there had been no differentiation made in the House as to this class of articles.

Mr. HEYBURN. That is another portion of the item. That is a different product.

Mr. BACON. I will make this inquiry of the Senator, then. The Senator will find in lines 19, 20, and 21 the amendment proposed by the Senate committee, and the Senate committee in their proposed amendment use the words "lead-bearing ore of all kinds." Now, what I desire to know of the Senator from Idaho is whether or not he understands that phrase to mean the same as the various descriptions of lead ore or lead dross which are contained in the House provision which has been stricken out, immediately preceding it; whether it is the same or whether it is different.

Mr. SMOOT. If the Senator from Idaho has not the bill there——

Mr. HEYBURN. I have the bill.

Mr. SMOOT (continuing). I can call attention to it.

Mr. HEYBURN. It is paragraph 179. The Senate committee struck out down to line 19——

Mr. BACON. Yes.

Mr. HEYBURN (continuing). And eliminated certain enumerations of lead products, and then substituted for it "lead-bearing ore of all kinds." That is lines 19 and 20—"lead-bearing ore of all kinds 1½ cents per pound on the lead contained therein." The items to which the Senator is directing my attention are in a different classification entirely.

Mr. BACON. No. I am directing the Senator's attention to exactly what he has read. What I desire to know—and possibly the Senator from Utah can tell me; I am asking for information—is whether the language used by the Senate committee's amendment embraces the same thing as the different language which is used in paragraph 179 by the House, and which is stricken out?

Mr. HEYBURN. I can answer that. It does not.

Mr. BACON. That is what I want to know.

Mr. HEYBURN. It embraces a part of it. They divide the enumeration. The rest of it will be found in paragraph 180——

Mr. BACON. I understand that.

Mr. HEYBURN (continuing). Which is rewritten on the page following. That, in the judgment of the committee, was a necessary or proper distribution of the item. That was all.

Now, the items which have been set forth in paragraph 180, that bear the duty suggested by the Senator, 1¼, are entirely different. Under existing law and under the Senate amendment they carry a duty of 2½. The House reduced them to 1¼.

I think we will have no difficulty in understanding as to what paragraphs are affected by what I may say. I am speaking first of the primary article upon which all that we do must be based, and that is lead bullion, because it is the lead bullion that is paid for. The lead in the ore that is not extracted is without value. It is only valuable when converted into lead bullion. Then it comes under a different rate. The reason it is necessary to fix a rate upon the lead contents of ore is that very large quantities of ore are shipped into the United States from Mexico, British Columbia, and elsewhere, with the lead contents in the ore to be smelted or treated in this country. That is one class of lead importations. It is imported in its original condition as it came from the mine, or having been concentrated for the purpose of eliminating a certain amount of waste that is naturally contained in it.

Mr. President, having reduced the ore to bullion, we have lead pure and simple—lead bullion.

Mr. BEVERIDGE. Pig lead?

Mr. HEYBURN. Whether it is pig or sheets, or what it is, the foreign substances have been eliminated, and it is lead bullion. Upon that article, under existing law, the duty is 2½ cents a pound. The House proposes to reduce it to 1¼ cents a pound, thus placing it on an exact equality with lead contents of ore. There is a large item of expense lying between the lead in ore and the lead in bullion.

Mr. HALE. It advances the value of it.

Mr. HEYBURN. It advances the value to the extent that you are compelled to expend money in bringing about the change in its condition.

Mr. BACON. If the Senator will permit me to ask him a question right here——

Mr. HEYBURN. Certainly.

Mr. BACON. I wish to ask if it is not a fact that the duty upon lead ore is higher than the duty on pig lead?

Mr. HEYBURN. No. One is one and one-half and the other—it is stated in the item——

Mr. BACON. I understand that. I did not ask that question idly or without reason. I find in the document which has been furnished to us for our guidance and information that lead ore when reduced to its equivalent is stated to be 78.80 per cent ad valorem, whereas upon pig it is 49.45. So that while the rate per pound appears to be less, the ad valorem is, in fact, 50 or 60 per cent higher.

Mr. HEYBURN. That is according to the House bill.

Mr. BACON. Even according to the Senate bill.

Mr. HEYBURN. I think not according to the Senate bill.

Mr. BACON. I am reading from the document furnished to us, and even according to the Senate bill, with the duty raised upon pig lead to the rate which is proposed by the Senate amendment, the ad valorem duty on pig lead will still be less than the ad valorem duty on lead ore, according to the document before us.

Mr. HEYBURN. I think if the Senator will resort to a mathematical calculation, taking into consideration the ad valorem duty and the specific duty, he will find he is mistaken. I will leave that, a mere matter of detail, to be figured out.

Mr. BACON. I will assure the Senator——

Mr. HEYBURN. I have it before me.

Mr. BACON. This is stated on page 21, and the head of the column is "Equivalent ad valorems," and the duty on lead ore is stated as the equivalent ad valorem percentage of 78.80.

Mr. HEYBURN. The bullion is worth a great deal more than the contents of the ore. The value being greater, the Senator will readily see that it would result in a higher ad valorem duty. But the relation is not disturbed. It is because the article has become much more valuable that it results in such an ad valorem duty. It is a mere question of proportion.

Mr. BACON. I understand that; but I was addressing myself to the explanation the Senator was giving, why it was that there was a higher rate of duty upon pig lead than there was upon the lead ore; and I am calling his attention to the fact that while it is true that the lead ore has to undergo a certain process in order that the pig lead may be derived therefrom, nevertheless, estimating it according to its valuation, according to lead contents, according to the language of the table before us, the lead ore had an ad valorem duty put upon it of 50 to 60 per cent higher than the duty upon pig lead. Of course after the lead has been extracted from the lead ore it is pig lead, I presume, and the duty is assessed not upon the ore, but upon the lead contents, and is 50 or 60 per cent higher. I can not make the calculation; it is a mere guess; but it is the difference between 78.80 and 49.45.

Mr. SMOOT. The difference is 28 per cent.

Mr. HEYBURN. I do not think it important at this time, if at all, to enter into a mathematical calculation as to whether the ad valorem duty here is consistent with the specific duty, but I was requested by the Senator from Kansas to shed some light, if I may, upon why white lead should bear the duty proposed in this bill; and in order to do that I thought it necessary and proper to enter to some extent—not very great—into the relation which the lead bullion bears to the product with reference to which the Senator from Kansas has spoken, and to give a reason why the product of the bullion should bear the rate proposed by the Senate committee; and I will state it briefly again. It is because the white lead is a higher grade and a more expensive product than the lead bullion from which it is made. It must be evident from that that it is proper the duty

should be commensurate with the increased value of the product when that increase represents investment of labor or capital. It is a rule that runs through all these schedules.

White lead is used for painting purposes largely; and it was said here yesterday, I believe, that it was the demand of the farmers of the country that white lead should bear a reduced duty or no duty at all. I propose to show briefly that white lead is the bulwark that stands between our bullion produced in this country and the bullion of other countries that may be sent into this country. Why would any man corrode American bullion in making white lead, if by going across the line into Mexico he could take up the 177,000,000 pounds of lead that they have on hand and corrode it over there, if he could get it in here without a duty, and why would any lead in this country be used until the cheaper product of Mexico had been absolutely absorbed?

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I should like to inquire if there are any other ingredients than lead bullion in white lead, and what the percentage is?

Mr. HEYBURN. Nothing that forms any component part of the lead. It is a chemical change in lead. It is simply corroded. The difference of value represents the expense of corroding it.

Mr. PENROSE. It takes three or four months to do that.

Mr. HEYBURN. Yes; more than that. It takes several months to produce white lead. The property is idle during that time; that is to say, it is not on the market. It is suspended capital, and the expenditure for the machinery, the plant necessary to perform this chemical process, and the labor involved in it make it a higher priced article; that is all.

I do not think the Senator from Kansas will find that the difference proposed by the Senate committee is any more than is fairly represented by the increased value of the product.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. If I understood the Senator correctly yesterday, he said that upward of 50,000 men were employed in the lead mines of this country, and that the wages aggregated between fifty and sixty million dollars a year. Is that correct?

Mr. HEYBURN. I can give the Senator the figures very accurately. I have them from the mine inspector of every lead-producing State.

Mr. SMITH of Michigan. I should like to ask the Senator whether he knows the relative wage paid in the lead mines of Spain and Germany?

Mr. HEYBURN. Yes; I can tell the Senator something of it. Without going into fractions, the element of wages in Spain may be fairly put at just one-half the element of wages in this country.

Mr. SMOOT. That is altogether too high.

Mr. HEYBURN. I am giving the foreigner the benefit of the doubt. I have the exact figures.

Mr. SMOOT. I have the figures here exactly, if the Senator wants them.

Mr. HEYBURN. And in Mexico one-third.

Mr. SMITH of Michigan. And in Germany?

Mr. HEYBURN. And in Germany about 65 per cent.

Mr. SMITH of Michigan. As I understand it——

Mr. SMOOT. That is too much.

Mr. HEYBURN. It is too much; but I want to state the figures, so that I will not be criticised for having strained them.

Mr. SMITH of Michigan. Just one more question. What is our relative position as a lead producer?

Mr. HEYBURN. We produce one-third of the lead of the world.

Mr. WARNER. We are the first lead-producing nation.

Mr. SMITH of Michigan. And then Spain and Germany?

Mr. HEYBURN. No; Spain, Mexico, and Australia.

Mr. SMITH of Michigan. I should like to ask the Senator from Idaho if it is not a fact that the Idaho lead-mining companies are independent companies, operating upon their own footing, and in antagonism to whatever organizations there may be which control that business?

Mr. HEYBURN. I saw an article in a New York paper of this morning—I have it on my desk—asserting that there was a combination of lead interests being formed or that it had been formed in London. The article was purely sensational. There is no foundation for it, and if such a combination were attempted it would fail, because the mines that are producing the lead to-day are, comparatively speaking, new mines. When a few years ago the lead dealers thought they had the whole thing in their grasp, they woke up one morning and found a few new mines that overshadowed all that went before.

Mr. SMITH of Michigan. It is a fact that the lead mines of Idaho are independent?

Mr. HEYBURN. They are independent.

Mr. SMITH of Michigan. And does the Senator from Idaho believe that the rates of duty which have been in force under the Dingley law are only sufficient to protect them in their operation?

Mr. HEYBURN. Let me tell the Senator something about that from practical experience.

Mines are of varying grades. The ore in some of our mines will concentrate 10 tons into 1, giving a product of 65 per cent lead and 30 ounces of silver. Other mines, and very large mines, will concentrate four or five into one, giving the same product.

A very small proportion of these ores are rich enough to ship in the condition in which they are taken from the ground. We have to pay the expense of mining 10 tons of ore in many cases in order to get what will result in 1 ton of concentrates, and that ton of concentrates will represent about 65 per cent lead and about 30 ounces of silver.

So, in counting the expenses of mining a ton of ore, you must figure first that you have had to mine 10 tons, that you have had to transport it to the concentrator, that you have had to concentrate 10 tons of ore in order to get 1 ton of lead. The additional expense is evident. I need not go into any figures to show that. A man may mine 4 tons of ore a day, at a wage of $4, but he would have only a part of a ton of real lead ore when he was through, and that seems to be not generally understood. That is true in Colorado; it is true in Idaho.

Mr. SMITH of Michigan. I should like to ask the Senator what the average wage is in a lead mine?

Mr. HEYBURN. They place it at $4. We pay four or a very little less than four, but $4 for eight hours will apply to the wages in this country in lead mines.

Mr. WARNER. I should like to ask the Senator if it is not a fact that the labor of lead miners is not the highest paid labor in the country?

Mr. HEYBURN. Yes; I think they are. We employ in the lead industry in this country more than 50,000 men directly in mining—that is, the men who actually dig out the ore. We employ in concentrating these ores or smelting about 35,000 in addition to that. We employ in and about mining another 15,000 men incidental to the mine.

Mr. SUTHERLAND. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I do.

Mr. SUTHERLAND. I wish to ask the Senator from Idaho whether, notwithstanding the fact that the duty has been retained for the past twelve years at 1½ cents a pound on lead contained in the ores, not to exceed one-third of the lead-producing mines in his own State and—if he is familiar with the fact—not to exceed one-third of the lead-producing mines in the State which I in part represent pay dividends to their owners?

Mr. HEYBURN. Our mines in Idaho, my attention having been called especially to them, make a profit as a rule, but all things that are called mines are not mines. There are engaged in prospecting for mines in this country at least 15,000 men, and as a result of the labor of those 15,000 men we have this constant agitation. The existing mines in the country are to be counted also.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. I observe that the duty on lead in the ore is 1½ cents per pound, and that the duty on the base bullion is 2½ cents per pound, a difference of five-eighths of a cent or a little over $10 per ton. As I understand the Senator to state, the process of changing it from lead in the ore to base bullion is accompanied by labor of course, and that means, I presume, the work of the smelter. The only question in my mind is as to whether this five-eighths of a cent per pound additional duty upon the base bullion, as above the lead in ore, is not an excessive allowance. Eleven dollars a ton seems to me to be a very large allowance for turning lead in the ore into base bullion through the process of smelting.

Mr. BEVERIDGE. In other words, does not that difference represent a protection to the smelter rather than a protection to the miner?

Mr. HEYBURN. No; it does not. The smelter is in no way employed in that.

Mr. SMOOT. Let me suggest to the Senator that in the recovery of the lead we get only 88 per cent. The smelters lose 12 per cent in recovery of the lead, and that is to be taken out of the differential between 1¼ cents on lead ore and 2¼ cents on pig lead.

Mr. NEWLANDS. Twelve per cent taken from $11, the extra allowance per ton, would amount to less than $2. I question whether $9 is not too large an allowance for the process of smelting necessary to change lead in the ore into base bullion.

Mr. HEYBURN. Mr. President, in the first place, I think the Senator has failed to grasp the importance of the statement I made, that in order to get 1 ton of lead you must mine from 6 to 10 tons of ore. Then you only get a concentrate that is from 64 to 65 per cent lead, and you have to pay the freight and pay for handling on the waste represented by the difference between 64 and 65 per cent lead and 100 per cent. Then in smelting, the Senator from Utah puts it too low. The average loss in the handling of lead ore below the assay that is made for the purpose of determining the lead in the ore will average 20 per cent. That is an absolute loss. It goes into the rivers and ravines or wherever the slime is sent. It is never recovered. So that must be charged up against the production of this ore.

But, Mr. President, behind it all there is a greater question than that of the interest of the mine owner. Unless the mines can be operated at a profit, it is safe to say that they will not be operated at all. You can take a camp such as that of the Coeur d'Alene country, with 20 or 30 big mines in it, and you will find that, with the exception of three or four of them, they are mining very low-grade ore, and that the margin of profit is very small. When the duty upon ore was cut in two by the Wilson-Gorman bill, the big mines of our country shut down, because there was no longer any profit. That loss was not alone upon the mine owners. They could let the mines lie there, notwithstanding the large investment they had in the mines originally. But it turned loose a horde of miners. A high class of labor was turned loose upon that country. There were three or four thousand men out of employment, and they invaded other fields of industry. It resulted in congested employment all over that country. Those people were idle. Not only was the owner of the mine suspended in his profits, but the men who worked in the mines and the men who worked for the men who worked in the mines—the men who farmed and raised the produce and kept the mercantile establishments and kept the clothing stores and built homes—were also idle, because those men were out of employment. That condition lasted just so long as that tariff law was in force. When the present tariff law was enacted, those mines could go to work, because the profit, and the only profit that they had, lay between that bill and the one pending. If you were to cut the rate in two, these low-grade mines would be compelled to close, because they could not pay their bills. The product of the ore would not be sufficient to keep them going.

If those mines must close down because of the reduction in the value of the product of their ore, how is the country going to be benefited? How is the farmer, who wants his white lead, going to be benefited? He would be buying foreign lead, and the price would be put up to the very limit.

Mr. BEVERIDGE. What was the rate under the Wilson-Gorman law?

Mr. HEYBURN. Just one-half what it is under existing law.

Mr. BEVERIDGE. Three-fourths of a cent. Then the House rate in the present bill is about twice as much as in the Wilson-Gorman bill.

Mr. BACON. I think the inquiry made by the Senator from Indiana——

Mr. BEVERIDGE. The Senator was describing the condition of their mines under the Wilson law. I asked what the duty was under the Wilson law.

Mr. BACON. I think the Senator was mistaken in his reply, and that is the reason why I made the inquiry. If I recollect aright, it was a cent and a half a pound.

Mr. BEVERIDGE. No; the Senator from Idaho said the Wilson law rate, which closed up the mines, was three-fourths of a cent.

Mr. BACON. That is exactly the point to which I am directing the attention of the Senator.

Mr. ALDRICH. The rate under the Wilson law was three-fourths of a cent a pound.

Mr. BACON. I was mistaken, I see. The rate on pig lead was 1¼ cents a pound.

Mr. BEVERIDGE. Under the House bill the rate is 1½ cents. So I ask the Senator whether or not his remarks would apply to the House bill, because the rate is very much higher than the Wilson law, which closed his mines.

Mr. ALDRICH. The House bill rates are just 1½ cents a pound.

Mr. STONE. I will say to the Senator from Indiana, if I may be permitted, that the rate under the Dingley law was 1½ cents a pound, and under the McKinley law 1½ cents a pound.

Mr. BEVERIDGE. Not on base bullion, I will say to the Senator from Rhode Island. There is a good deal of an increase on base bullion.

Mr. ALDRICH. I am not talking about base bullion. I was simply stating that the rate on lead ore under the Wilson law was three-fourths of a cent a pound. Under the House bill it is 1½ cents, and under the Senate committee's proposition it is 1½ cents.

Mr. BEVERIDGE. But base bullion under the House bill is 1½ cents a pound.

The PRESIDENT pro tempore. Does the Senator from Idaho have the floor?

Mr. HEYBURN. I have the floor.

Mr. BACON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. I yield to the Senator.

Mr. BACON. I have read the paragraph and see the Senator is correct. I was mistaken.

Mr. NEWLANDS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. The Senator from Idaho has stated that as a result of the passage of the Wilson law the lead mines were closed. I will ask him whether that closing of the mines was not more due to the fall in the price of silver, as the result of legislation about that time, silver and lead being often produced in the same ore?

Mr. HEYBURN. I will answer the question in this way: The question of the production of silver, of course, is closely wedded to the question of the production of lead, because they are found in the same ores. But I am not going into a discussion of the effect of this measure upon silver nor into a consideration of the silver question.

Mr. NEWLANDS. I am asking the Senator——

Mr. HEYBURN. I should like to say to the Senator that I started to reply to the Senator from Kansas and I have been interrupted so that I have not finished my reply.

Mr. NEWLANDS. I beg the Senator's pardon.

Mr. HEYBURN. I would say to the Senator from Kansas, who would seem to base his objection to the item, at least to some extent, upon an inquiry as to whether it was fairly harmonious with the duties on lead, I know that Senator would not want to strike down a great industry like the lead-producing industry merely because it might have some slight effect upon the price of the paint that is used on the buildings in his State. The lead industry is too great an industry.

It represents hundreds of millions of dollars in this country. I am quite sure that the effect on the price of the paint that may be used, or may not be used, according to the prosperity that surrounds the country, would not be a sufficient inducement to actuate the Senator from Kansas in opposing so great a protective measure as this.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I certainly am not in favor of a protection that will strike down any industry.

Mr. HEYBURN. I felt quite sure of that.

Mr. BRISTOW. I should like to ask the Senator from Idaho a question. He has just stated that the wages paid by the lead miners and smelters in this country aggregate $50,000,000 a year. Am I right in that?

Mr. HEYBURN. More than that.

Mr. BRISTOW. More than $50,000,000 a year. In the Statistical Abstract for 1907 it appears that the total value of the lead production of the United States in 1906 was $39,000,000. How can you expend $50,000,000 in getting out $39,000,000 worth of lead?

Mr. HEYBURN. Mr. President, in connection with this lead product we produce practically all of the silver that is produced in the country in the mining of lead. If we were to stop mining lead we would not produce any silver in this country. It applies to the production of everything that comes in contact with the lead. There is the lead in copper. I have one mine in my mind that produces ores that carry 8 per cent lead, 9 per cent copper, and about $3.50 in gold. If you shut

that mine down, of course you affect the lead product and the gold product and the copper product.

I have in mind another mine that produces about 12 or 13 per cent lead and a pretty high value in silver; I think about 30 ounces of silver to the ton. If you strike down the lead industry, you strike down the production of silver also or any other ore commodity. All the value that results from this mining is not in the lead contained. In some cases the lead is a by-product; in other cases the silver is a by-product; and in other cases the gold or copper would be a by-product, just as they predominate. The value of all these ores or all contents of them must be taken into consideration.

I am speaking from actual facts when I speak of the number of men employed and the wages. We employ in our camp alone, where I live, something over 3,000 men, and we produce more than $20,000,000 a year in lead and silver in that camp. We have an income tax, too, that we pay on the net proceeds of those mines. We have been doing it for years and years, and will continue to do it. Idaho has been the treasure chest of this country. I do not suppose the Senator ever had his attention called to the fact that during the war of the rebellion Idaho produced some $200,000,000 in gold—gold ready for use without coining—and sent it out into the arteries of trade and commerce to help to save this Nation and to bring prosperity to the generations that followed. That product was from mines some of which are still working in Idaho.

The mining industry is a very great one. It produces something that never existed before. It is not merely the turning of merchandise over from one to another at an increased price or profit. We ought to be very careful that we do not strike down any mining industry, and especially that of gold or silver or lead. If you stop the production of lead, as you would stop it by the proposed reduction in the duty on bullion, you will stop the production of the other metals that are mined with it, because they are by-products in the great lead-producing centers.

Mr. BRISTOW. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. Do I understand that the $50,000,000 that is paid for wages includes the wages paid in the gold mines, the silver mines, and all mines where lead is a by-product?

Mr. HEYBURN. Mr. President, it covers the wages that are paid in mines that are not producing, as well as mines that are producing. There is no mining camp in the United States in which the great majority of the mines are not in process of development; and every day, or two days, just as fruit drops from a tree, a mine will drop from the prospect to the actual fact. All camps are bringing new producing mines into the field. I undertake to say that a fourth of the mining industry in our State is working upon mines that are not actually producing, because it costs a great deal of money and time to develop a mine. Mines are not found easy of access. We have mines which I can recall that were years and years in developing. I know of one mine upon which more than $300,000 was spent before it ever produced a dollar, but it has rolled out millions since. That is true of every camp.

Now, you must not apply the pay roll of $50,000,000 to the producing mines alone, because quite a large portion are working upon mines that are not producing, but that will produce. We pay, in the county in which I live, railroad transportation on our mines every year something over $6,700,000. That is another great field of employment; we provide for the men who are engaged in transportation. The farmers who are supplying our camps occupy and represent a territory that was developed because the mines were there. The great city of Spokane would not have existed as it is known to-day except for the mines of the Coeur d'Alene country. It furnished the millions and millions that have built those blocks which have no superior in this country. A beautiful and prosperous city was builded out of the millions that have been taken out of our mines. Can the Senator just make a mental calculation? For the last twelve years, at least, the mines in that one county have produced not less than $20,000,000, and that is only representative of the great mining interests of the country.

Now, unless the Senator has some other question to ask me, I am content to leave the lead question upon this statement.

Mr. ALDRICH. I ask that a vote may be taken on paragraph 179.

Mr. BRISTOW. I understood that we are going to have deliberation upon these paragraphs. The Senator from Rhode Island is in a great hurry.

Mr. BEVERIDGE. I understand, by looking at this comparative statement, that there is no change or amendment in paragraph 179 at all. It is 1½ cents in the law, 1½ cents in the House bill, and 1½ cents in the Senate bill.

Mr. ALDRICH. There is a very important change in the paragraph.

Mr. BEVERIDGE. In paragraphs 180 and 181?

Mr. ALDRICH. There is a very important change in the paragraph.

Mr. BEVERIDGE. I should like to have the change in the paragraph explained. I understood there was no change in it.

Mr. KEAN. Read the next paragraph.

Mr. ALDRICH. It is a new paragraph entirely.

Mr. HEYBURN. Paragraph 180 is a new one.

Several SENATORS. "Vote!" "Vote!"

Mr. BEVERIDGE. Mr. President, I am trying to understand the bill. I heard yesterday and I have heard again to-day the request for a vote when Senators were trying to understand the bill. I see precisely the source from which it came.

The gentlemen who make that request do not have to fight any battles of their party when the bill comes up for consideration before the people. A great number of us have to do it, and we want to understand this bill. When Senators here are merely asking the chairman of the committee what the change is, I think it is not the wisest thing for Senators to call for a vote. We are trying to understand it.

Mr. ALDRICH. Let me say that there has been a considerable change in the language of paragraph 179.

Mr. BEVERIDGE. In view of what has occurred, I want to call the attention of the Senate to the statement made last evening that the change in the bill was made by the House "at the last minute," and that the reason why certain other changes were not made was because the House "did not have time."

Mr. ALDRICH. Oh, no.

Mr. GALLINGER. Or it was overlooked.

Mr. BEVERIDGE. Here is the statement of the Senator from Rhode Island in the RECORD. I read:

> The Senator may not be aware of the fact that the House committee, up to the night before the bill was reported, had a duty upon lead ore of 1 cent a pound. *At the last minute they increased it to one and a half*, and did not change the rates on the product, *for lack of time*, or for some other reason.

Mr. GALLINGER. They overlooked it.

Mr. BEVERIDGE. I said, "Why did they not take the time?" They were making a bill for the American people. Why did they not send it here in a correct form? At a later stage the Senator made the same statement. There was no constitutional provision requiring that the House should pass the House bill in a hurry on the 10th day of April. It was reported to the Senate by the Senate committee two days later; and yet, although it is stated on record that the House did not make the necessary changes, because they had no time——

Mr. GALLINGER. "Or for some other reason."

Mr. BEVERIDGE. "Or for some other reason," pardon me.

Mr. GALLINGER. That is right.

Mr. BEVERIDGE. Although the Senate committee reported this very bill back with its thousands of items only two days later, yet when the change in the paragraph upon which we are voting is asked to be explained in the simplest way, the Senators who ask it are confronted with a call from the seats for a vote.

Now, that is not the way to enact a bill that must stand for the next ten years. That is not the way to satisfy Senators who must be responsible for their votes to the people, and not to the Senators who are in such a hurry.

Such a method will not speed the bill to a conclusion. It is not a Republican method, either. I myself have been listening to the Senator from Idaho [Mr. HEYBURN] with the keenest possible interest. He was making an excellent statement. I think he was making an impression upon Senators here who want nothing but the light, and who intend to vote as they may think right. We all want to follow the committees on any bill they report; but upon a bill which is the great business measure that affects every one of the 90,000,000 of our fellow-citizens for whom we are working here, we not only have the right, but it is the duty of every Senator to demand a full explanation, and especially is that true in view of the statement made by the Senator from Rhode Island last evening, that the House, which had no limitation of time upon its action, made a mistake, because it passed it "at the last minute."

Mr. ALDRICH. Mr. President, the Senator from Indiana, I suppose, must be aware, historically, of the fact that at the time the change was made the House had agreed to vote at a certain time.

Mr. BEVERIDGE. But why were they compelled to vote at a certain time?

Mr. ALDRICH. Because they agreed to do it. They had voted to do so.

Mr. BEVERIDGE. And why did they have to vote to do so? They were not bound to. Why did they not take time and complete their work?

Mr. HALE. They did not choose to do so.

Mr. BEVERIDGE. They did not choose, then, according to the statement of the Senator from Maine, to do the right thing. Perhaps they did do the right thing after all. But suppose they hurried so fast that they did not do the right thing. Let us not make the same mistake. Suppose we should conclude to vote, and suppose it should be found after we had so concluded that we had made the mistake that Senators say the House has made. The House did not intend to make the mistake. It is not to be supposed that the great popular branch of the Government intended to make the mistake. They made it inadvertently, if they made any mistake at all; they made it because of haste, as the Senator from Rhode Island says. Shall we make the same error here? Suppose the bill should be passed and we were to find that we also had been imprudent, that we also had voted too early, that we also had made a mistake, upon whose shoulders would that burden fall? It would not fall upon the shoulders of the Senators who, a moment ago, when the Senator from Kansas [Mr. BRISTOW] arose, asked from their chairs for a vote, thus trying to take him off his feet. Those Senators in the next campaign will not be on the battlefield.

Mr. GALLINGER. They may be.

Mr. BEVERIDGE. Some of them.

Mr. GALLINGER. The Senator from Indiana is not the only Senator who is on the battlefield.

Mr. BEVERIDGE. He is not. He is only an humble soldier in the ranks.

Mr. GALLINGER. But he never fails to advertise his wares.

Mr. BEVERIDGE. And they are Republican wares. What I do in advertising those wares is wearing out the best of my life for the success of my party, because I believe it stands for the welfare of the Nation; and I mean that it shall continue to stand for that.

Mr. GALLINGER. Yes; and some other lives were partly worn out before you appeared.

Mr. BEVERIDGE. That is quite true. I give them credit for it, but it is the day in which we live that is important. I expect, as other men expect, to be defending and advocating this bill in the thick of the political fight before the people; and, in view of that fact, we have a right to know, and we are going to know, the explanations for the changes. Looking at the comparative statement, I had supposed there was no change. The Senator from Rhode Island very properly said there was a change, not in the rate, but in the language. The Senator from Kansas was going to ask a question, and then the Senator from Rhode Island was asked, as chairman of the committee, what the language was which constituted the change, and yet we were met by a call from two or three Senators for a vote, when nobody excepting the members of the committee or those who had specially studied the question understood what we were voting about. I submit that that is not fair, and I am sure it is not prudent. I do not know how others stand, but I assume that we all stand just alike, that we wish to do merely this—that we wish to vote for the right thing as we see it. I concede that every Senator here is going to do that, and they must concede that all the rest of us want to do that. We are going to find out, if possible, what we are voting about, and no vote calling will prevent it. And above all, you are not going to take a Senator off his feet, as it was attempted to take the Senator from Kansas off his feet, by calling for a vote.

Now, unless the Senator from Kansas wishes to pursue his inquiry, I ask the chairman of the Committee on Finance to explain what the change is, because I did not know that there was any change.

Mr. ALDRICH. Mr. President, the Senate Committee on Finance recommend the striking out of all the lines of paragraph 179, from line 13 to line 19, and to insert the words:

> Lead-bearing ore of all kinds, 1¼ cents per pound on the lead contained therein.

Mr. HALE. Let us have a vote, Mr. President.

Mr. ALDRICH. That is the question now before the Senate.

Mr. BRISTOW. Mr. President, this is the third time that a vote has been called for on these paragraphs while I have been on my feet asking to get the recognition of the Chair. I am a new Member here, and possibly I have no right to be heard in this body; but I am here by the same constitutional authority as any man who has served here for thirty years; I have the same right to be heard on any paragraph in this bill as any man who occupies a seat upon this floor; and, with the help of what physical strength I have, I intend to be heard, unless I am out of order according to the rules of this body which govern its deliberations.

I was going to inquire, if I am in order, Mr. President, if the Senator from Idaho believes that the reduction of a small per cent in the duty on lead, which is a by-product of a great many of the ores, would destroy the mining business of Utah?

Mr. SMOOT. Mr. President——

Mr. BRISTOW. Or of Idaho, I should say.

Mr. SMOOT. Mr. President, I can answer the question, as far as Utah is concerned.

Mr. BRISTOW. I have no objection to the Senator from Utah or anybody else answering the question.

Mr. WARNER. Mr. President, may I answer the Senator from Kansas?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. Certainly.

Mr. WARNER. Passing over from Idaho to the State in the Union that produces the greatest quantity of lead, the State of Missouri, I will say that in talking with men who know, men who are interested in this question more than they are interested as to who shall go into the thick of the political battle in the next campaign or who were in the thick of the battle of the last campaign, men who are home builders, men of intelligence, the universal expression comes from those men that if you strike down this rate of duty, you strike at that great industry. I think the honorable Senator from the State of Kansas will bear in mind that there is a portion of his own State across the border from Missouri that would be likewise affected.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. I should like to say to the Senator from Kansas that if we reduce this rate upon ore to a cent and a half a pound, it means the closing of the mines in the State of Utah. It means a loss to that State of 60,000 tons of lead yearly, at $86 per ton, or $5,160,000; 12,000,000 ounces of silver, at 50 cents, which would be $6,000,000; 100,000 ounces of gold, at $20 per ounce, or $2,000,000; 12,000,000 pounds of copper, at 13 cents, or $1,500,000, or a total of $14,720,000.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. HEYBURN. I should like to read to the Senator from Kansas a telegram from Topeka, Kans., which will shed some light upon this subject, in reply to one which I sent to the commissioner of mines of that State, asking for the number of men employed in lead mining, in which he advises me that there are employed in that State 10,000 coal miners, 2,000 lead and zinc miners, 300 salt and gypsum miners, and so forth. This telegram is signed by Frank Gilday, the mining inspector of the State. Therefore you have 2,000 lead miners in the State of Kansas depending upon this industry, with all that is dependent upon them.

Mr. BRISTOW. Mr. President, I am perfectly aware of the interest of the lead-mining business in Kansas, and I am not taking my position in regard to this bill without full knowledge of the interests involved in the State that I in part represent; but I wanted to get a few facts before the Senate, not bearing so much upon the duty on lead as upon the duty on white lead.

Mr. BEVERIDGE. We are not voting on that now.

Mr. BRISTOW. What interested me in the discussion of this schedule was the increase from the House bill of the duty on white lead and paints. I do not agree with the Senator that the duty on white lead should necessarily be increased over the provision of the House bill, because the provision in the House bill in regard to pig lead remains as it was. There is some confusion here. It seems that you have got either to attack the House provision on pig lead or lead ore, or vote for the Senate increase on white lead and paint.

Mr. BEVERIDGE. Not at all.

Mr. BRISTOW. We can sustain the House provision on lead ore and also sustain the House provision on white lead without doing any violence, in my judgment, to the lead industries of the United States.

It has not been my purpose to object to the provisions of the House in regard to the duty on lead ore and pig lead. The objection that I have offered here is to the increases which the Senate bill has made over the House bill in regard to these lead products or paint. I think, if the Senator from Idaho will examine carefully, he will find that lead is not the sole component of white lead, but that there are other ingredients in the commodity which we know as "white lead."

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. If there are other ingredients, they are adulterations. White leads are adulterated, and there has been an effort made to secure legislation to prevent the adulteration of white lead, which has not yet been acted upon. White lead, commercially speaking, should be pure lead. Whenever it is not pure lead, it is because of adulterations that are put into it. There is nothing else that belongs there but lead.

Mr. BRISTOW. Now, I want to submit——

Mr. BEVERIDGE. Will the Senator let me at this point, so that we can get this thing cleared up, make a suggestion?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. Certainly.

Mr. BEVERIDGE. Permit me to ask the Senator from Rhode Island a question. I understand from the conversation which we had that the amendment in paragraph 179 is merely taking that one particular item there out of several items that were placed in one paragraph in the House bill, and then fixing the same rate of duty that the House bill fixed and as it is in the present law?

Mr. ALDRICH. That is correct.

Mr. BEVERIDGE. That being true, there is absolutely no change from the House bill in the Senate committee bill—no increase or anything else?

Mr. ALDRICH. That is so.

Mr. BEVERIDGE. That is correct; and the other items were then put into paragraph 180.

Mr. ALDRICH. Yes.

Mr. BRISTOW. We do not produce as much lead in this country as we consume. We use our entire production. The Statistical Abstract, which I have here on my desk, states that we produced lead in the United States in 1904 aggregating 614,000,000 pounds.

Mr. CLAPP. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. CLAPP. The Senator is now upon a question that I am waiting to ask some one about. It may be a fad of mine, but I have an idea that the relative production here and what is imported is important in determining whether an industry requires protection. Does the statement that the Senator makes apply to lead ore or to lead bullion?

Mr. BRISTOW. To both.

Mr. CLAPP. Is there any separation in the figures?

Mr. LODGE. Yes; they are separated.

Mr. BRISTOW. You will find on page 146 of the Statistical Abstract a statement as to the amount of lead we produce. Of course it must be bullion in the end.

Mr. CLAPP. Yes.

Mr. BRISTOW. It is the sum total of our production of lead in the United States.

Mr. CLAPP. Will the Senator please give that?

Mr. BRISTOW. It is on page 146 of the Statistical Abstract.

Mr. CLAPP. No; the amount.

Mr. BRISTOW. I will give it to you for four years. In 1904 the amount was 614,000,000 pounds; in 1905 it was 604,000,000 pounds; in 1906——

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. BORAH. Mr. President, I do not understand what particular kind of lead the Senator from Kansas is referring to.

Mr. BRISTOW. The production of lead—all the lead that we produce in the United States.

Mr. BORAH. I thought the Senator was speaking of importations of lead.

Mr. BRISTOW. No; the production of lead. I will repeat. In 1904 the amount was 614,000,000 pounds; in 1905 it was 604,000,000 pounds; in 1906 it was 700,000,000 pounds; and in 1907 it was 730,000,000 pounds. That is the lead production of the United States for those years.

Mr. ALDRICH. Is that lead ore or lead bullion?

Mr. BRISTOW. Lead bullion—the entire production of lead—showing a progressive increase in the amount of lead which we produce per annum.

Mr. CLAPP. Will the Senator pardon an interruption?

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. CLAPP. It seems to me that that fails to establish the essential facts upon which to base a comparison. The table which we have shows a large importation of lead-bearing ores. If there are any figures that show how much lead we mine in this country, bearing upon the question of the maintenance of these mines under the old tariff and the probability of their being destroyed, that is a question about which I should like to ask the Senator from Kansas or some other Senator.

Mr. BRISTOW. If the Senator will bear with me, I will give him the exact facts before I get through.

We mined and produced last year in the United States 730,000,000 pounds of lead. I have given the amount produced in the United States mines for four years. Now I will give the amount imported into the United States for the same period of time as shown by the same authority, the Statistical Abstract, page 436. We imported in 1904 222,000,000 pounds of lead; in 1905, 217,000,000 pounds; in 1906, 185,000,000 pounds; and in 1907, 150,000,000 pounds, showing a progressive decrease in the amount of lead that we import each year.

Mr. CLAPP. Mr. President, if the Senator will pardon me, those figures are materially different from the figures in the estimate on our desks as I read them. This table does not show what might have been imported and again exported. Do I understand the chairman of the committee in regard to that to say——

Mr. ALDRICH. What were the importations given by the Senator from Kansas?

Mr. BRISTOW. The importations for what year?

Mr. ALDRICH. The exportations.

Mr. BRISTOW. We do not export lead.

Mr. ALDRICH. What?

Mr. BRISTOW. We do not export lead, except some articles that are manufactured. We do not export raw lead. We only exported $11,000 worth last year.

Mr. ALDRICH. We exported in 1906, 101,351,951 pounds.

Mr. BRISTOW. Of pig lead?

Mr. ALDRICH. Lead in ore. The importations of lead into the United States are for smelting in this country. The lead is then exported and the drawback secured.

Mr. BRISTOW. Well, you may import and have the drawback——

Mr. ALDRICH. That is what these imports are. Our imports of lead ore are smelted in New Jersey and other States on the coast and exported, and the drawback is paid on them.

Mr. KEAN. They are imported in bond.

Mr. ALDRICH. Imported in bond.

Mr. LODGE. The figures do not appear here in this table.

Mr. BRISTOW. The figures which the committee have given the Senate show that for 1907 the exports of "pigs and bars (dross), bullion, molten and old refuse lead, run into blocks and bars, and old scrap lead fit only to be remanufactured, and dross," amounted to $11,054.

That is the value of the exports of this product which the figures of the committee state for 1907, and I made the statement which I did upon the authority of this table.

Mr. LODGE. Where does the Senator find the exports given?

Mr. BRISTOW. The exports are given in the fourth column.

Mr. LODGE. I have not the same statement as the Senator has.

Mr. WARNER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. Certainly.

Mr. WARNER. I invite the Senator's attention to the report of the United States Geological Survey for 1907, showing the exportation of leads, as follows:

Lead and manufactures of lead of domestic production exported: 1900, $459,571; 1901, $624,534; 1902, $696,010; 1903, $491,362; 1904, $616,126; 1905, $667,861; 1906, $775,776; 1907, $956,078.

Mr. BRISTOW. I do not contend that manufactured lead is not exported in the shape of articles of which it composes a part. I am speaking of the lead itself from which the articles are made.

Mr. HEYBURN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. HEYBURN. I can give the Senator the figures on the question of the imports and exports of lead for the year 1907. We imported lead in ore and furnace production, to be smelted and refined in bond, 70,538 tons. That came in in bond. We exported from that same product the same year 51,000 tons, and we kept in the country of that which we had imported 28,333 tons. We returned from bond nearly two-thirds of it, and kept about one-third of that which had come in under the pledge of the bond for the payment of the duty. That is the way it has

been running year after year. Ore is sent to this country to be smelted in bond, and it is ostensibly intended to take the bullion out again, but more or less of it stays here.

The Senator was speaking about the consumption of lead produced in this country in 1907. In 1907 we consumed in this country 230,000 tons of lead of our own production.

Mr. BRISTOW. I have no contention with the Senator from Idaho. It simply goes to establish the fact and to confirm the declaration I made that we use more lead here than we mine.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. NELSON. I desire to read here a brief paragraph from Notes on Tariff Revision, compiled by the House of Representatives. It contains this statement on page 226:

> The principal lead-bearing ores are galena, copper ore, nonargentiferous lead and zinc ores, and gold and silver ores. Galena, the principal ore employed for the production of lead, is found extensively, more or less associated with other ores, in various parts of the United States, Great Britain, Germany, Spain, and other European countries. In this country the production of lead has become a very important feature of the world's industries. Lead production in the United States in 1905 amounted to about 300,000 short tons, which is about the average yearly output. Notwithstanding this large product, it is not enough lead to supply the home demand, the lack being supplied by importations of the ore and Mexican base bullion. This country also exports lead ore, in 1907 the exportations of lead ore and base bullion (par. 182) reaching the total of 80,638,497 pounds, valued at $1,970,577. Of this exportation the United Kingdom took 37,649,720 pounds, Germany coming next with 17,872,543 pounds, and Japan next with 6,390,874 pounds.
>
> Importations: Quantity, 29,738,375 pounds lead contents; value, $566,057.15; duties, $446,075.70; equivalent ad valorem, 78.80.
>
> We imported 127,196,540 pounds of lead in ore and base bullion (par. 182) in 1907, valued at $3,352,534. Of this total Mexico furnished 105,453,896 pounds and Canada 21,205,023 pounds.

While I am on my feet—I do not intend to delay this matter longer than necessary—I desire to call attention, if the Senator will permit me——

Mr. BRISTOW. Certainly.

Mr. NELSON (continuing). To one matter in paragraph 180. I think the most inveterate standpatter concedes that in all events we ought to adjust the inequalities of the tariff. I call your attention to the words beginning in line 19, on page 60:

> And old scrap lead, fit only to be remanufactured.

Now, why should that which has to be remelted and remanufactured be put in the same class as lead bullion or lead in pig? Why does not that fairly and in equity belong in the preceding paragraph, 179?

Mr. ALDRICH. It is lead in another form. It is in exactly the terms of the present law.

Mr. NELSON. I concede it is in the present law.

Mr. HEYBURN. I can answer the Senator.

Mr. NELSON. It speaks of scrap lead fit only to be remanufactured, and that is put in the same class as pig lead or lead bullion. It is an inequality and is unfair.

Mr. LODGE. It is exactly the same.

Mr. NELSON. It has to be melted over again; worked over again.

Mr. LODGE. So has pig lead for industrial use.

Mr. HEYBURN. I can explain that. It is not an unfamiliar subject. As suggested by the Senator from Massachusetts——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. HEYBURN. I beg pardon of the Senator from Kansas; I should have asked his consent.

As suggested by the Senator from Massachusetts, it has to be worked over, just as bullion has to be worked over, to apply it to any use. Bullion in pigs is not in shape to be used; neither is scrap lead. There is nothing but lead in it, but it has to be worked over, just as bullion has to be worked into the shape in which you are going to use it.

Mr. NELSON. Lead in pig and bars is in the paragraph.

Mr. HEYBURN. They are lead.

Mr. NELSON. But this is put in the same paragraph.

Mr. HEYBURN. If you want to make lead pipe, you work over the bullion for that purpose. If you want to make lead troughs or anything of usable shape, you have to work it over.

Mr. BRISTOW. I have not the slightest desire to suggest any changes in this schedule or any changes in any of these paragraphs that would work a hardship on any legitimate American industry or deprive any American laborer of just and reasonable and liberal compensation for his work.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. Certainly.

Mr. McCUMBER. I wish to ask the Senator from Kansas if he does not think the figures he has given upon the production and importation are themselves evidence of this being a reasonable tariff? I assume that the Senator will agree with me that the American mills and factories and mines should have, as near as possible, without injustice to the consumer, the American field of production. If the foreigner exports to this country nearly one-third—and that is about what it would be, if I correctly understood the Senator's figures——

Mr. BRISTOW. About one-fifth.

Mr. McCUMBER (continuing). Is not that one-third or one-quarter a sufficient regulator and a sufficient amount to indicate that the tariff is not too high? Because if the price to the American consumer was too high, there is lead enough produced in the world to immediately stock all the markets. The very fact that one-third of it is coming into this country seems to me to be almost conclusive evidence that the tariff is not so high that an exorbitant price can be charged in this country, or a prohibitive price, because if it were exorbitant—and it can only be exorbitant when it is prohibitive—the importations would immediately go up to the full extent of the consumption in this country, because, as I state again, there is lead enough produced in the world to meet our demands.

Mr. BACON. Will the Senator from Kansas permit me for a minute while I correct the figures of the Senator from North Dakota?

Mr. BRISTOW. Certainly.

Mr. BACON. I have before me the Statistical Abstract of 1907, which gives the importations for 1906. The document furnished by the Finance Committee, I presume, gives the figures for last year. Although they are not exactly accurate in comparison, they are approximately so. Upon page 146 of the Statistical Abstract the Senator will find that in 1906 there were produced in the United States 350,153 tons of lead, and according to the document furnished to us by the committee the importations were only a little over 27,000 tons. So instead of there being a third, it is nearer one-fifteenth.

Mr. McCUMBER. I took the figures given by the Senator from Kansas himself, and I think they amount to nearly that. But right along that line——

Mr. BACON. I have them right here.

Mr. McCUMBER. It is not a question exactly whether it is a third or a quarter or a tenth or what it may be. The question to my mind is whether or not, under all the conditions, the tariff is low enough to still allow importations; because, if it does allow any importations, it shows us a source of supply that will immediately come in and grow enormously if the domestic price is raised above what is reasonable and just. It is not a question so much of how much the importation is as it is a question whether they can import profitably under the present system; and if they can, that importation is a sufficient regulator of our home prices, and will at all times keep the price down to a reasonable compensation.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. All I ask is to get at it after a while. I am glad to hear the gentleman.

Mr. BAILEY. If I understand the statement of the Senator from North Dakota—and I think I do, and I attach the proper weight to it, because he is a member of the Finance Committee, which has prepared this bill—that statement, in essence, is that whenever there is any of a given article imported the duty ought to be raised, which is only another way of saying that every duty ought to be prohibitory.

Mr. McCUMBER. That is just the reverse of my statement. My statement is that where there is a considerable importation, such a percentage as will indicate that the product can be sold in this country under ordinary circumstances at reasonable compensation, it is pretty strong evidence that the rate is sufficiently low, because if the rate were excessive, it would keep it out entirely; and as long as it can flow into this country—not under extraordinary conditions, but generally—it is pretty good evidence, to me at least, that our rates are not prohibitive and that they are not too high.

Mr. BACON. I should like to ask the Senator——

Mr. McCUMBER. I want to say here, taking the price of lead, that a little difference of a quarter of a cent a pound or an eighth of a cent a pound might make that which is not very profitable for importation to-day exceedingly profitable under the new rule. Then it could come in and could drive out our own product. I am willing—I can say in closing, for I do not want to take too much of the time of the Senator from Kansas—to take the word of the Senator from Idaho and the Senator from Utah as to lead conditions in their country, in addition

to this evidence, showing to my mind that a reduction will injure our industries in this country.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Texas?

Mr. BRISTOW. Certainly.

Mr. BAILEY. According to the statement which the Senator from North Dakota now makes, I did misunderstand the statement which he first made. As I understood it then, he was seeking to justify an increase of duty upon the ground that importations had occurred under the existing duty, whereas as I now understand the Senator he simply uses the fact that importations have occurred under the existing duty as an argument for its maintenance and not as an argument for its increase. Am I right?

Mr. McCUMBER. The Senator is right—not as an argument for its increase, as it might be, if there were practically no importations, an argument for its decrease. But there are enough importations to indicate it is not too high.

Mr. BAILEY. I very cheerfully withdraw the criticism I first made.

Mr. ALDRICH. Mr. President, I am exceedingly anxious to get a vote on this first proposition, and there is a desire to have a short executive session; and if it would not inconvenience the Senator from Kansas, I should like to have a vote on paragraph 179, leaving paragraph 180 to go over until to-morrow, to be open for general discussion.

Mr. BRISTOW. I should like to complete my remarks. I was in the middle of my observations. I will get through in a little while, if I am not interrupted, so far as this paragraph goes.

Mr. STONE. If the Senator will pardon me, we can not finish this item by 5 o'clock. If the Senator from Rhode Island expects the Senate to adjourn then, he may as well understand now that the paragraph will have to go over until to-morrow.

Mr. ALDRICH. Then the Senator from Kansas perhaps can go on until 5 o'clock, and we can then have a short executive session.

Mr. BRISTOW. Referring to the suggestion of the Senator from Georgia as to the figures, I secured these figures from the Statistical Abstract. It is given there in tons. I have reduced it to pounds in order that it may be more easily compared. The Statistical Abstract gives it only down to the year 1906. I telephoned to the Geological Survey and secured the figures from it for 1907 on the production. The importations are given in the Statistical Abstract, but the production for 1907 is not given in the Statistical Abstract. It is given in the Statistical Abstract only up to 1906.

Mr. BACON. In those figures, as I stated, are, in tons, 350.153.

Mr. BRISTOW. That is right.

Mr. BACON. And the importations as shown in pounds by this document, furnished us by the Finance Committee, reduced to tons, make 27,235 tons.

Mr. BRISTOW. Probably; I did not reduce it.

Mr. BACON. Three hundred and fifty thousand one hundred and fifty-three tons produced and 27,235 tons imported.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. In answer to the Senator from Georgia I wish to say that the importations for 1907 are given in two classes.

Mr. BACON. I have added them all up together.

Mr. SMOOT. If it is 27,000 tons, it is not correct, because the importations of lead contents were 29,738,375 pounds, which is about 15,000 tons, and the importations of lead in ore and base bullion were 127,196,540 pounds, which, in round numbers, would be 63,000 tons, making a total for both of 78,000 tons.

Mr. BACON. Without detaining the Senate, I will state that I added up the figures found on page 21 under paragraphs 179 and 180. They amount to 54,470,773 pounds. That reduced to tons makes 27,235.

Mr. SMOOT. I obtained the figures from the Treasury Department, showing absolutely the amount received and the importations.

Mr. BRISTOW. Referring to the inquiry of the Senator from North Dakota, I will say that I am in hearty accord with the views which he expressed here the other day that a tariff should not be levied on any of our great natural resources that are capable of exhaustion in any reasonable length of time; but since it appears that the lead-mining industry has been nurtured by a protective-tariff duty of 1½ cents, and since the House committee thought it was necessary in the interest of that industry to keep that duty where it was, it has not been my purpose to offer an amendment to the bill reducing it below the rate agreed upon by the House committee and the Committee on Finance as far as lead bullion or lead ore goes, but the thing I have objected to is the duty on paints being increased over the House provision.

Mr. LODGE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. Certainly.

Mr. LODGE. I merely wish to ask the Senator a question just at this point. A duty is placed on the raw material of paints—that is, on the lead ore. If you do not give a sufficient differential on the higher grade, the more advanced manufacture, whether it is bullion or whether it is white lead, the result is that lead comes in in the more advanced form. It not only drives out its competitor of white lead or bullion, but it drives out the use of the less advanced form. If you put a duty on lead ore and make white lead free, you will close every lead mine in the United States.

Mr. BRISTOW. I did not suggest that lead bullion should be put on the free list. The Senator misunderstood me.

Mr. LODGE. I was only using that as an illustration of my meaning. If you put the duty below a certain rate, you run the risk of bringing lead in in the more advanced form of manufacture. You must have the rates on the higher form of manufacture higher than the rate on the raw material.

Mr. BRISTOW. Every cent that is put upon a ton of lead in the form of duty increases the cost of lead products to the American people, because we have to import it. That is true.

Mr. President, the duty on a product of lead, however, need not be any higher than is necessary to protect the labor employed in the manufacture of that product of lead, whatever it is. The price of white lead in the United States is a great deal higher than it is in Canada. There is no importation practically of white lead. Only about one twenty-fifth per cent of the white lead that we use is imported, while one-fifth of the lead bullion that we use is imported.

So it is clearly apparent that a reduction in the duty on white lead will not encourage importations of lead as white lead. It is not necessary. The conclusions that the Committee on Finance have come to—if I may be permitted to disagree with them—are not warranted. The House committee had the proper conception of what the duty on white lead should be. If the importations of white lead were equivalent in per cent to the importations of lead bullion, then the suggestion of the Senator from Massachusetts might have weight. But they are not. We import one-fifth of the lead bullion we use; we import only one twenty-fifth of the white lead we use.

Mr. BRIGGS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. Certainly.

Mr. BRIGGS. I should like to ask if a great deal of the bullion that is imported is not manufactured into white lead in this country, which accounts for the smaller relative percentage of imports?

Mr. BRISTOW. That may be; but when white lead is selling for 6½ cents a pound in Kansas and 4 cents a pound across the line in Canada, it makes a difference of 2½ cents a pound in the amount the American consumer is paying as compared with the amount the Canadian is paying.

I want the differential rates made to the very minimum that will protect the legitimate wages of the men who are employed in the manufacture of white lead. I do not conceal the fact that I am standing here trying, in my feeble way, to represent the interests of the people who sent me here to represent them. If I can remove a part of the taxes that are not necessary on a commodity that every family in my State uses, I think it is my duty to do it. That is the reason why I have trespassed on the patience of the Senate this afternoon. I am willing to yield the floor, except that I want to have something more to say to-morrow in regard to white lead.

Mr. ALDRICH. I ask unanimous consent that we may take a vote on paragraph 179 at this time.

Mr. BEVERIDGE. At what time?

Mr. ALDRICH. Now; at this moment.

Mr. BEVERIDGE. If we are going to take a vote on it now, then I have, perhaps, about ten minutes' remarks to make or perhaps longer, because if we have got to vote on this subject right now, then I have to vote on the showing that has been made up to this hour. I am ready to do that, but I have got to explain my vote. I think we can vote within twenty minutes to-morrow.

Mr. ALDRICH. The trouble is that if this question is reopened to-morrow, it will probably go on for half the day. The

next paragraph will give an opportunity for all the speeches that can be made on the subject. I would be glad to have the vote taken on the first paragraph to-night.

Mr. BEVERIDGE. I have found on examination that the first paragraph—that is, paragraph 179—and paragraph 180 involve precisely the same thing.

Mr. ALDRICH. I hope the Senator from Indiana will let a vote be taken on paragraph 179.

Mr. BEVERIDGE. Certainly; and I thought it would be done by unanimous consent, and there would not even be a vote against paragraph 179, until I examined and found that paragraphs 179 and 180 involve precisely the same issue. At least that is the way I look at it now.

For example, in answer to my question as to what the change in paragraph 179 meant, the Senator said that it simply removed one item that the House put in and fixed it at 1¼ cents a pound; that it was to be satisfactory, because there was no change; but if we were to vote to sustain it, as I had intended to do, that would leave out all the rest, and we would come to-morrow to vote on paragraph 180. If we voted not to sustain paragraph 180, which is my present inclination without further light, then the whole schedule is disarranged, and the only thing we fix any duty at all on is lead-bearing ore of all kinds, 1½ cents per pound on lead contained therein.

In view of the fact that the whole issue is contained in a vote upon paragraph 179, I should vote instantly to sustain paragraph 179, if it did not also involve paragraph 180, for paragraph 179 does not raise the House rates and paragraph 180 does raise the House rates. They are both combined. That is the trouble.

Mr. ALDRICH. I am anxious that every Member of the Senate shall have adequate information upon this subject.

Mr. BACON. I can not hear what the Senator says.

Mr. ALDRICH. I am very anxious that every Senator interested in this question should have adequate information upon this subject.

I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 5 o'clock and 13 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 7, 1909, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 6, 1909.

COLLECTOR OF CUSTOMS.

Edward T. Marvel, of Massachusetts, to be collector of customs for the district of Fall River, in the State of Massachusetts, in place of James Brady, deceased.

SURGEONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Ezra K. Sprague to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 1, 1909. To fill an original vacancy.

Passed Asst. Surg. Rupert Blue to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 1, 1909. To fill an original vacancy.

Passed Asst. Surg. Charles H. Gardner to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 1, 1909. To fill an original vacancy.

Passed Asst. Surg. James H. Oakley to be surgeon in the Public Health and Marine-Hospital Service of the United States, to rank as such from May 1, 1909. To fill an original vacancy.

UNITED STATES CIRCUIT JUDGE.

William M. Lanning, of New Jersey, to be United States circuit judge for the third judicial circuit, vice George M. Dallas, resigned.

UNITED STATES DISTRICT JUDGE.

John Rellstab, of New Jersey, to be United States district judge for the district of New Jersey, vice William M. Lanning, nominated for appointment as United States circuit judge for the third judicial circuit.

UNITED STATES MARSHAL.

Harry J. Humphreys, of Nevada, to be United States marshal for the district of Nevada, vice Robert Grimmon, whose term expired December 12, 1908.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Allison B. Deans, jr., Coast Artillery Corps, to be first lieutenant from May 4, 1909, vice Jones, dismissed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 6, 1909.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF HAWAII.

Antonio Perry to be associate justice of the supreme court of the Territory of Hawaii.

CIRCUIT JUDGE OF HAWAII.

William L. Whitney to be second judge of the circuit court of the first circuit of the Territory of Hawaii.

POSTMASTERS.

MASSACHUSETTS.

Henry K. Bearse, at Harwich, Mass.

SOUTH DAKOTA.

Frank E. McLaughlin, at Geddes, S. Dak.
Sumner E. Wood, at White, S. Dak.

TEXAS.

W. K. Davis, at Gonzales, Tex.

INJUNCTION OF SECRECY REMOVED.

The injunction of secrecy was removed on May 6, 1909, from an agreement between the United States and Russia, to regulate the position of corporations or stock companies and other commercial associations, signed at St. Petersburg on June 25, 1904. (Ex. D, 58th Cong., 3d sess.)

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 6, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Monday, May 3, was read and approved.

QUESTION OF PERSONAL PRIVILEGE.

Mr. MURPHY. Mr. Speaker, I rise to a question of personal privilege.

The SPEAKER. The gentleman will state it.

Mr. MURPHY. Mr. Speaker, there appeared in the papers of my State yesterday morning, and also in the papers here in Washington, a telegram from Frank Hagerman, attorney for 18 railroads in the State of Missouri, which I will ask the Clerk to read. I will state in this connection, in order to verify whether that telegram was sent or not, as stated in the article, that I called at the Department of Justice yesterday and asked whether it had been received, and they said that it had.

The Clerk read as follows:

KANSAS CITY, MO., *May 4, 1909.*

Frank Hagerman, attorney for the 18 roads interested in the Missouri rate fight, sent this message to George W. Wickersham, Attorney-General of the United States, to-day:

"Representative MURPHY'S resolution about the Missouri Rate case is an outrageous tissue of misrepresentation by one who has no knowledge of the facts. The national character and reputation of these judges and their standing here refute the charges, but as the newspapers say the matter has been presented to you, I want you and the President to be assured that the record clearly so shows.

"Every preliminary injunction relative to freight rates was made with the State's consent. The injunction against passenger rates was only granted at final hearing.

"The State had every facility accorded and every courtesy extended. I am glad to say that the state officers publicly repudiate responsibility of the unwarranted attack."

Mr. MURPHY. Mr. Speaker, on May 3 I introduced into this House a resolution asking for an investigation of the conduct of Judges McPherson and Phillips in regard to the 2-cent passenger-fare litigation in Missouri and the maximum freight-rate law of that State. I also asked that the conduct of Judge Phillips generally, as judge of the western district of Missouri, be investigated. That resolution, by my direction, was referred to the Committee on Rules, and it empowers the Speaker to appoint a committee to make that investigation.

I do not intend to make any criticism of the Committee on Rules. Since I introduced that resolution upon investigation I have doubts as to whether it has authority to pass upon that matter, and whether or not a point of order would lie to their report when it came in. I shall investigate this further and present it in my own way and good time. But this resolution, Mr. Speaker, in the preamble reviews the rate situation in that State. In the first part of the year 1905 the general assembly of Missouri passed what was known as the "maximum freight-rate law," which reduced freight rates on commodities in that State.

Without notice, the railroad companies, represented by Frank Hagerman and their general counsel, went into the federal court at Kansas City and procured an injunction against their putting

in force that law. The attorney-general at that time, at present the governor of our State, and the board of railroad and warehouse commissioners were made defendants, and shippers along the line of these railroads, as representatives of all the shippers, were made defendants in that case.

Demurrers were filed to these petitions by the defendants. The court refused, and as I charge, arbitrarily, to hear these demurrers, and instead of proceeding with the case adjourned the court for the summer until fall. The demurrers were then overruled. The State's attorney-general filed answers to the plaintiff's petition in that case, and insisted that the railroad companies should file their replies, which they did not do; but, sir, the people of the State of Missouri have been wondering why it was that these judges, instead of insisting upon the filing of the replies—what sudden impulse moved them to take a fishing trip, and they are still wondering why they should go at the expense of the plaintiff railroad companies in a private car to Tampico and be the guests of the same attorneys that represent these railroads in that State concerned in this litigation and remain there two or three weeks.

Now, all this is contained in the resolution which I have introduced. Upon their return from the fishing trip replies were filed, and then the matter dragged along. Recognising certain technicalities in the act of 1905, with which these judges could have nothing to do, the Missouri legislature in 1907 passed a new rate law, and in addition they passed a passenger-rate law making 2 cents the maximum that the railroads should charge the people of that State for carrying its passengers within its borders.

The attorney-general of the State, upon the railroad companies refusing to comply with that order or stating that they would not comply with that law, went into the state courts and asked an injunction to compel them to comply with the law of the State. Thereafter Mr. Hagerman, the attorney for these 18 carrying roads, went into the United States court at Kansas City, and by presenting a rough draft of a supplemental bill, without filing the bill itself, procured an injunction, thereby destroying the jurisdiction of the state courts previously obtained. This case originally, in the United States court, had relation only to the maximum freight law, and had no relation whatever to the 2-cent passenger law in the State of Missouri; but they maintained jurisdiction of that, and they issued their injunction, and the injunction has been made final upon that.

After that, Mr. Speaker, on the 10th day of April, 1909, as this resolution shows, these 18 roads met in Chicago and made an agreement that they would charge the people of the State of Missouri, parallel and competing lines, a certain class of the people, 3 cents a mile, another class 2½ cents a mile, another class 2¼ cents a mile, and another class 2 cents a mile. By direction of the governor, the circuit attorney of the city of St. Louis procured an injunction in the state courts of Missouri, which is in the eastern district of Missouri and not in the western, restraining these 18 roads from putting into effect that agreement, which was plainly in violation of other laws of the State of Missouri, in regard to discriminatory rates. Mr. Hagerman went into the federal courts in Kansas City—in the western district—and asked Judge McPherson to, in the maximum freight-rate case, enjoin them from carrying out that injunction, which had been previously obtained in the state courts, and Judge McPherson ordered the state courts to keep their hands off. Not content with that, Judge Phillips afterwards issued an order dissolving the temporary injunction that had been issued by Judge Williams in the courts at St. Louis, and said that any official or state court which issued a further injunction would be considered in contempt of the federal court; and Mr. Hagerman gave out an interview after that, which appeared in his own papers in Kansas City, which said that the federal courts——

Mr. CLAYTON. Mr. Speaker——

The SPEAKER. Will the gentleman yield?

Mr. MURPHY. I yield.

Mr. CLAYTON. Mr. Speaker, I make the point that what the gentleman is now saying is not a question of privilege. I have listened very patiently to the gentleman, and it seems to me that his whole remarks are in the nature of charges upon which to predicate an impeachment proceeding against certain judges.

Now, the gentleman can bring that before the House if he will rise in his place and impeach those judges, and he can get action, and we can go into the merits of this whole controversy. I make the point of order against his proceeding in the way he is at this time. It is not a question of personal privilege.

Mr. MURPHY. Mr. Speaker, on that point I am arguing this resolution and putting the facts as they appear in the resolution which I have introduced into this House, and giving an explanation of that to this House in reply to the telegram which was sent by Mr. Frank Hagerman here, which said that was a tissue of outrageous misrepresentation.

The SPEAKER. The gentleman introduced a resolution in the House, being a Member of the House, touching certain matters alleged against certain judges. Now, as the Chair understands, a communication comes that the gentleman from Missouri alleges reflects upon him as a Member of the House in his representative capacity, touching this resolution. The gentleman, in the opinion of the Chair, should confine himself in his remarks to the resolution and to the matter complained of which reflects upon or criticises him in connection with that resolution and in his representative capacity. The gentleman will proceed in order.

Mr. MURPHY. Mr. Speaker, as this resolution goes on and recites, by these orders they destroyed the jurisdiction of the state courts there. Even if the legislature should pass another act in relation to railroad rates, freight or passenger, in order to go into their state courts and proceed as the people, through their representatives, ought to have a right to do, they would first have to go to the federal court at Kansas City, to Judges McPherson and Phillips, or to one of the two, and ask permission that they might proceed in order to put into effect their own laws enacted by their legislature.

Going on further, in that resolution, Mr. Speaker, I ask for an investigation of the conduct of Mr. John F. Phillips personally. I charge him with being a tyrant upon the bench, with being insulting in the highest degree to the lawyers there; and, Mr. Speaker, that is also said to be a tissue of misrepresentation. I want to ask if that is a tissue of misrepresentation in the light of the following facts, which can be substantiated by a Member of this House, which occurred in respect to the conduct of a certain respectable gentleman as a juror, who hailed from the northwestern section of the State. After the evidence was all in and the judge had charged the jury and counsel had made their argument, the jury disagreed. Judge Phillips sent out and asked how the jury stood. The marshal said that the jury stood 11 to 1. He told the marshal to bring the jury in. The jury was brought in, and the judge then said, substantially: "I understand that you can not agree. How do you stand?" A juror said: "We stand 11 to 1." The judge then asked how, and the juror replied, 11 for conviction and 1 for acquittal.

Judge Phillips asked this man who disagreed and was for acquittal to rise, and this man, from Saline County, I believe, rose, and he asked him if he could not agree with his fellow-jurors, and he said he could not. He then asked him if he intended to violate his oath as a juror; he answered that he did not. Whereupon the judge discharged the jury from further consideration of that case, and directed the clerk to make an order of record discharging this juror from further serving upon the regular panel of that court, and further directed the clerk to make an order forever disbarring him from sitting as a juror in his court again.

Mr. HENRY of Texas. Will the gentleman yield?

Mr. MURPHY. Yes.

Mr. HENRY of Texas. I would ask the gentleman if he has drawn this resolution with a view of instituting impeachment proceedings; that if these facts he states are true, he intends to introduce a resolution later on demanding impeachment proceedings?

Mr. MURPHY. This resolution I have introduced is for impeachment proceedings and follows the precedents.

Mr. HENRY of Texas. The gentleman's resolution does not strictly follow the precedents. The usual course is for a Member to rise in his place and impeach a judge and ask that the Committee on the Judiciary investigate the conduct of that judge as to whether impeachment proceedings are requisite or not. And the gentleman's resolution is unusual. If he intends to impeach these judges, I suggest he draw it in conformity with the usual precedents and introduce it; and if these charges are true, the House will undoubtedly instruct the Committee on the Judiciary to investigate the conduct of the judges.

Mr. MURPHY. Mr. Speaker, I investigated the precedents, and I thought I was drawing this resolution in conformity with the precedents by the memorial being presented in the shape it is here, although it has not gone to the Committee on the Judiciary.

Mr. HENRY of Texas. If the gentleman will permit, I will call his attention to the resolution in the Swayne impeachment proceedings, where the gentleman from Florida, Mr. Lamar, rose and impeached Judge Swayne, of Florida, and asked that the Committee on Judiciary be instructed to investigate his conduct.

Mr. PAYNE. Mr. Speaker, I submit this debate is not in order. The gentleman has a right to make a statement as a question of personal privilege, but debate with him is not in order.

Mr. HENRY of Texas. Mr. Speaker, I think I know my rights. The gentleman has yielded to me to make a suggestion——

Mr. PAYNE. The gentleman was——

Mr. HENRY of Texas. The gentleman has yielded to me, and I am endeavoring to give some information.

The SPEAKER. The Chair will state the Chair is not familiar with the resolution, but the Chair is aware that such a resolution has been introduced, and the gentleman from Missouri arises to a question of personal privilege reflecting upon him in his representative capacity. The Chair has the resolution and has glanced at it, and the gentleman is aware of what is contained in the resolution, so that the question of personal privilege——

Mr. HENRY of Texas. The gentleman has yielded to me. I have his resolution and the Swayne case before me, and wanted simply to make a suggestion, the gentleman having yielded to me for that purpose. Now, I will state that in the Swayne case——

The SPEAKER. A discussion of the method of procedure in case of impeachment, if the gentleman from New York did make the point that it was not in order, it occurs to the Chair that that point is well taken. The gentleman will proceed in order.

Mr. MURPHY. I do not want to be discourteous.

Mr. HENRY of Texas. If the gentleman does not want to yield, it is all right. But inasmuch as he had yielded, I was making a statement.

Mr. MURPHY. But Mr. Speaker, that can be substantiated, I think, by responsible men, and I appeal to a gentleman from Missouri, who I think is here on the floor, as to whether I have substantially stated the truth or not. I refer to the gentleman from Missouri, Mr. RUCKER.

Mr. RUCKER of Missouri rose.

The SPEAKER. Does the gentleman from Missouri [Mr. MURPHY] yield to his colleague [Mr. RUCKER]?

Mr. RUCKER of Missouri. I did not expect to be called on to testify in this proceeding, but since the gentleman has appealed to me, I want to say that while I have had little personal knowledge of any of the matters set forth in this resolution or its preamble, I do believe that current rumors sustain every particle of it.

Mr. PAYNE. Mr. Speaker, I make the point of order that the gentleman from Missouri who is addressing the Chair on the question of privilege can not yield for debate.

Mr. MURPHY. I will not yield for debate.

Mr. RUCKER of Missouri. I am not debating anything at all.

Mr. PAYNE. The gentleman from Missouri [Mr. MURPHY] has the right, of course, to contradict the telegram and assert the truth of what is in this resolution.

Mr. RUCKER of Missouri. I supposed that that was what he wanted me to do. I think these statements are true, even if all the railroad attorneys in the State of Missouri say that they are not true.

Mr. MURPHY. Mr. Speaker, I want to go further and say that in his federal courts, in instructing or charging the jury, he frequently winds up his charge by saying to them, in effect:

> Of course, if you have a reasonable doubt as to the defendant's guilt, you should find the defendant not guilty.

But he goes further and says:

> I can not see (in effect, at least) how there can be any doubt in the mind of any sensible man as to the guilt of this defendant.

And he directs the jury to retire and make their verdict.

These are only some of the things, Mr. Speaker, that I want to ask whether they are untrue or not, that I will present to this House; and in that resolution I make a charge of his conduct toward the lawyers that appear before him that can be substantiated, sir, by a Member of Congress on this floor, where, when they are proceeding in a lawful and orderly manner in examining witnesses, this judge from the bench denounced the conduct as infamous.

Mr. PAYNE. If there is any such thing as the gentleman states in his resolution, I fail to find it. I think I have read it pretty nearly through.

Mr. GARRETT. Mr. Speaker, I make the point of order that the gentleman from Missouri [Mr. MURPHY] can not yield.

Mr. PAYNE. I am making a point of order.

The SPEAKER. The gentleman from New York [Mr. PAYNE] makes a point of order, which the gentleman will state.

Mr. PAYNE. That he is traveling outside here of the issue raised by the telegram or by the preamble to his resolution. If there is anything in the resolution, of course the gentleman can call attention to it.

Mr. MURPHY. It is there.

Mr. PAYNE. Then, call attention to it.

The SPEAKER. The Chair has not read the resolution, but has rapidly glanced over it and finds a number of allegations in the preamble. Will the gentleman from Missouri [Mr. MURPHY], who is familiar with the resolution, state for the information of the Chair as to whether it contains matter in connection with the telegram which the gentleman has read.

Mr. MURPHY. It occurs on page 4. It says:

> He has destroyed the right to a fair and impartial trial by jury, guaranteed by the Constitution, by frequently directing juries to return verdicts of guilty; that jurors who have refused to follow his direction have been insulted, and so forth.

The SPEAKER. Will the gentleman kindly send the telegram to the Chair?

Mr. MURPHY. Mr. Speaker, I will not proceed further along that line, because I believe the House understands fully the things I want to present to it.

Mr. HENRY of Texas. Will the gentleman yield for a question?

Mr. MURPHY. The Speaker has ruled I can not yield.

Mr. HENRY of Texas. Just for a question.

Mr. MURPHY. I do not want to be discourteous, but I do not wish to be taken off the floor by yielding.

Mr. HENRY of Texas. I will not take the gentleman off the floor. I only want to ask a question.

Mr. MURPHY. I am liable to lose the floor if I yield any further.

Mr. HENRY of Texas. I want to ask the gentleman if he will not amend his resolution so as to include all these questions.

Mr. PAYNE. Let us have the point of order decided and find out whether you are in order.

Mr. HENRY of Texas. I thought that it had been decided.

The SPEAKER. The Chair understands the gentleman from New York to make the point of order that the remarks of the gentleman from Missouri are not to the question of privilege that arises from his resolution, and would not arise were it not for the telegram which the Chair now holds in his hand. The Chair has hastily glanced at the resolution, and will read the telegram.

> Representative MURPHY'S resolution about the Missouri Rate cases is an outrageous tissue of misrepresentation by one who has no knowledge of the facts. The national character and reputation of these judges and their standing here refute the charges, but as the newspapers say the matter has been presented to you, I want you and the President to be assured that the record clearly so shows.
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> Every preliminary injunction relative to freight rates was made with the State's consent. The injunction against passenger rates was only granted at final hearing.
>
> The State had every facility accorded and every courtesy extended. I am glad to say that the state officers publicly repudiate the responsibility of the unwarranted attack.

This is a telegram to the Attorney-General.

The telegram is very broad:

> Representative MURPHY'S resolution about the Missouri Rate case is an outrageous tissue of misrepresentation by one who has no knowledge of the facts.

Mr. PAYNE. But, Mr. Speaker, that telegram relates to their action in a single case. I understand the gentleman is going into a general review of the action of these judges.

The SPEAKER. It clearly refers to that part of the resolution touching the rate cases. The resolution is broader than the rate cases, somewhat general in its terms. But the telegram is also broad:

> Representative MURPHY'S resolution about the Missouri Rate cases is an outrageous tissue of misrepresentation by one who has no knowledge of the facts. The national character and reputation of these judges and their standing here refute the charges.

The gentleman's resolution is broad; the telegram is broad. The gentleman is familiar with his resolution and with the telegram. The gentleman will proceed in order.

Mr. MURPHY. Mr. Speaker, I shall not proceed further by citing specific cases, for I think the House understands now whether I am making misrepresentations or not when I call particular attention to particular cases, and any number of them could be called to the attention of the House of Representatives.

Now, the gentleman stated in his telegram that the State had been accorded every courtesy in these rate cases, and after notice of them. I want to say that they not only had no notice, but no knowledge of this first injunction which was issued in the rate case until after it was issued; and the governor of the State of Missouri, formerly attorney-general of the State, has given answer to that effect in a statement issued yesterday replying to Mr. Hagerman's telegram.

But, Mr. Speaker, I want in conclusion to say that I care not as to what these railroad representatives say, so far as this

matter is concerned, or so far as I am concerned; but I do say, sir, that they have no right to attack other men, and this attorney for the 18 railroads has no right to attack other men's statements until they shall clear their own records in the federal court of the State of Missouri. I have no antagonism for the railroads, as charged in the newspapers, it being alleged that Mr. L. F. Parker, deceased, who was the general counsel for the San Francisco and St. Louis Railroad, was responsible for my defeat to the Sixtieth Congress. That is untrue, because Mr. Parker and I were personal friends, and remained so until his death, and I am now engaged in raising money to build a memorial for him at my home town, which was his home.

But, Mr. Speaker, I ask for nothing wrong. I am not making a misrepresentation; I am only asking the Congress of the United States to investigate and give back to us that government which you handed to us when you admitted Missouri as a State into the Union by requiring the federal judiciary of the western district of Missouri to proceed along orderly, decent, and lawful lines under the law and in the enforcement of the law, and that is all I do ask.

Mr. Speaker, I see that Judge McPherson has seen fit to issue a reply to my resolution, and the papers have given it out in the Associated Press. Now, I ask unanimous consent that I may incorporate my resolution in the RECORD, and, in order to be fair, with it the reply of Judge McPherson, which has been given to me by the press, and my reply to him, in which I state there is nothing personal in this resolution which I have introduced.

The SPEAKER. Is there objection to the request of the gentleman?

There was no objection.

The documents referred to are as follows:

House resolution 65.

Whereas the general assembly of the State of Missouri passed a maximum freight law, making a reduction of 25 per cent in freight rates upon various commodities of traffic, amounting to about one-fifth of the entire freight traffic of the State, and that on June 14, 1905, the date which said act of the legislature was to take effect, the railroads of and doing business in the State of Missouri secured, without notice, from John F. Phillips, United States district judge, sitting as judge of the United States circuit court for the western division of the western district of Missouri, a temporary injunction or restraining order, restraining the attorney-general of the State and the board of railroad and warehouse commissioners, and a number of shippers along the lines of each road, joined in the suit as defendants, as representatives of the entire class of shippers, from taking any action to enforce the aforesaid law; that thereafter the application for a temporary injunction was heard by the said Judge Phillips and Judge Smith McPherson, a United States judge sitting with the said Phillips, who, without argument, granted the same; that shortly thereafter the defendants filed demurers to plaintiffs' bill, but the said judges, arbitrarily, refused to hear the same, but adjourned the court for the summer, then overruling the same in the fall, whereupon the defendants filed their answers to plaintiffs' said bill and sought to secure the filing of replies upon the part of the railroad companies; that, instead of the said court proceeding with the case without unnecessary delay, a number of the leading attorneys for the railroad companies in said litigation, including Gardiner Lathrop, of the Santa Fe system, O. M. Spencer, of the Burlington system, and Sam W. Moore, of the Kansas City Southern, took the said Judges Phillips and McPherson upon a fishing trip to Tampico in a private car belonging to the railroad companies, the facts in reference to said trip being made apparent by the action of the state game warden in arresting members of the party for having in their possession game in violation of the laws of the State of Missouri; that upon the return of said party from their fishing trip the replies of the railroad companies to defendants' answer were filed, and a motion was made to appoint a referee to hear the testimony, which was at first denied by Phillips, but afterwards granted; that on account of the application for delay on the part of the railroads, the taking of testimony was not begun until the spring of 1906; that, recognizing there were certain technical inaccuracies in the freight law, these defects were cured by the legislature of Missouri, which convened in January, 1907, in the passing of a new act, and which said general assembly at the same session passed a 2-cent passenger law, an entirely new act and the first ever passed by the said legislature; that the said railroads having announced that they intended to enjoin, in the suit then pending having relation to the maximum freight law only, by a supplemental bill, both the freight and passenger rate law, the attorney-general proceeded in the state courts, upon the 13th day of June, 1907, the day before the last act of the general assembly became a law, to enjoin the railroads from disobeying said laws; that thereafter the said McPherson, arbitrarily and without notice to the State, made an order, without the filing of the supplemental bill, but on the presentation to him of a rough draft of the same, enjoining the railroads from obeying the 2-cent passenger law or the freight-rate law, although said railroads had never intended or threatened in any way to obey either of said laws, thereby, by an extraordinary proceeding, destroying the jurisdiction of the courts of the State of Missouri previously obtained; that in the month of February, 1909, the said McPherson granted an injunction enjoining the enforcement of the 2-cent passenger law, stating in his opinion that he thought 2½ cents per mile was as much as the railroads should charge, thereby attempting to usurp the functions of the legislative power of the State of Missouri in the fixing of passenger rates on the railroads of said State; that upon a rendition of the decision by Judge McPherson, the railroads of Missouri held a conference in Chicago, whereby and wherein parallel and competing lines in said State of Missouri agreed with each other that they would on April 10, 1909, charge a certain class of the citizens of said State 3 cents per mile, another class 2½, another 2¼, and another 2 cents per mile; that said agreement was in violation of other laws of Missouri preventing agreements in restraint of competition and the fixing of discriminatory rates; that upon the announcement of such agreement, by direction of the governor, the circuit attorney of the city of St. Louis, on April 7, 1909, instituted a suit in the state courts in said city of St. Louis, enjoining the said railroads from putting into effect such unlawful agreement so entered into; that on April 17, 1909, the said McPherson, in an amended decree, instructed the state courts, in effect, not to interfere with the railroads in their further and continued violations of the laws of the State or the making of such unlawful agreements; that, not content with such arbitrary action on the part of McPherson, Judge Phillips, on April 24, 1909, issued an order dissolving the injunction granted at the instance of the circuit attorney, on the grounds that the state officials were filing suits to embarrass the Missouri railroads, and ruled further that any state official or state court that issued any further injunctions against the railroads would be held in contempt of the federal courts; and

Whereas the said John F. Phillips is, when on the bench, tyrannical in the extreme; insulting in the highest degree to the attorneys who must practice before him; that he has destroyed the right to a fair and impartial trial by jury, guaranteed by the Constitution, by frequently directing juries to return verdicts of guilty; that jurors who have refused to follow his directions have been insulted, humiliated, and accused of violating their oaths as such, and by an order of court so directed to be made by him forever barred from acting or sitting as jurors in his said court; that he vacates the bench for long periods, his place being supplied by other judges, and when he does see fit to hold court it is only for four hours per day, putting litigants to great and unnecessary expense: Therefore be it

Resolved, That the Speaker be, and he is hereby, directed to appoint three Members of the House of Representatives as a committee to investigate the conduct of the said Judges McPherson and Phillips in respect to their action in the litigation over the maximum freight law and the 2-cent passenger law in the State of Missouri, and to investigate the said John F. Phillips and his actions and conduct as a district judge of the United States court for the western district of Missouri; that said committee shall have power to issue subpœnas for witnesses and compel the attendance thereof, to send for books, papers, or records and to compel the production thereof, and to report to the House of Representatives not later than December 14, 1909, its findings, as well as its recommendations, as to what action should be taken with reference to said judges, or either of them, if anything.

JUDGE M'PHERSON'S STATEMENTS.

ST. LOUIS, *May 4*.

Judge Smith McPherson, who, with Judge Phillips, was made the subject of charges before Congress yesterday, arrived here to-day. He said that he was not yet prepared to discuss the Murphy resolution, but intimated that he might prepare a statement later.

"Anything that a Congressman does can not be called to account if it is done in open session," he said. "This, too, regardless of the slanders that he may utter.

"What I did in the Missouri Rate case was done in open court with my conclusions reduced to writing and filed with the United States circuit court clerk in Kansas City. I do not intend to lose sleep over Mr. MURPHY'S resolution."

The statement of Judge McPherson follows:

"I know nothing about Congressman MURPHY, of Missouri, never heard of him until late last night, know nothing of his motives or purposes, and they are of no concern to me except that of course I do not like to be held up in an unfavorable light in public. His many 'whereases' preceding his resolution are notable principally on account of the mistakes, both as to what he says and what he either omits or conceals. He, or some one for him, ought to have gone to the courthouse in Kansas City and obtained a memorandum of the orders which are on record and state the truth.

"The legislature of Missouri in the winter of 1905, passed a maximum freight law, pertaining to certain commodities. Governor Folk in signing that measure sent a message to the legislature to the effect that he signed it with reluctance, and practically saying that he doubted its validity.

"About the time that the statute took effect—in June, 1905—when I was holding court at Kansas City, the application was made to me for a restraining order against the enforcement of the law. I set the case down for hearing within one or two weeks with a temporary writ of injunction. Judge Phillips and I sat together in that matter and granted the temporary injunction.

"I filed no opinion, but I think Judge Phillips did—of this I am not certain. I had nothing more to do with that case, directly or indirectly, for about one year. Late in 1906 or early in 1907, the railway companies filed a motion to have the cases tried in open court. Attorney-General Hadley and his associates filed a motion to refer the case to a master in chancery.

"Judge Phillips overruled the railway companies and sustained the attorney-general and referred the case to Mr. Schofield, of Hannibal, Mo., who, as I understand it, was selected by agreement of both parties. My understanding is that Mr. Schofield is a gentleman of the highest character and attainments in his profession.

"In the winter of 1907, Attorney-General Hadley, in an official report, either to the governor or to the legislature, I have forgotten which, said that in view of the evidence already taken before the master in chancery that the statute of 1905 should be repealed and a substitute enacted therefor. The legislature did so. In 1907, when I was holding court in Kansas City, supplemental bills in equity of these 18 cases brought years before were filed, and I granted restraining orders, restraining the state officers from proceeding in the state courts.

"In the application for a temporary injunction, the matter was most elaborately and thoroughly argued, and after argument, both the attorney-general and his associates and the railway attorneys agreed that a temporary injunction might be issued as to the freight rate statute.

"I made an order denying the order as to the 2-cent passenger fare, insisting that the matter have a practical test for some months. Thus the matter stood until about June, 1908, when the attorney-general and his associates and the railway attorneys appeared before me at Kansas City and by written agreement filed an application that Judge Phillips's order sending the case to the master in chancery should be vacated and set aside; that the master should report the evidence as already taken; that balance of testimony should be taken in open court in Kansas City, commencing October 5, 1908.

"On that date I went to Kansas City, pursuant to agreement, and by mutual agreement the cases were put off until the Monday following election, namely, November 9. In the meantime I had had correspondence with Judge Phillips and with Judge Sanborn, senior circuit judge of this circuit, as to the trial of the cases and who should try them. Still later on I had a personal conference in St. Louis with the four circuit judges as to who should try the cases and whether single or associated with some other district judge or one or more of the circuit judges. What that correspondence and the discussion at the conference

of the four circuit judges was I must, in due respect to the others, decline to say, but the result of it all was that I was to proceed with the hearing of the cases, giving many weeks to the most arduous work. After the cases were submitted I requested that the two experts for the State and the two for the railway companies should remain with me for consultation, which they did for about ten days, resulting in an agreement by these four experts. These four experts reduced their agreement to writing, all four signing, and this is on file with the clerk of the circuit court at Kansas City.

"There has never been an order made by way of injunction as to the freight-rate statute, except as by agreement of attorneys on both sides, except, of course, the final decree made March 8, 1909, by me. I denied the temporary injunction as to passenger rates, and there has been no injunction as to them as to the final decree. As to the fishing trip of three years ago this winter I have but little to say. I was invited by Mr. Gardner Lathrop, now general solicitor for the Santa Fe system, a warm personal friend of mine, to go with the party to Tampico, Mexico, and was gone two or three weeks as his guest. I was then glad to be his guest, as I always am. Everybody who knows him knows that he is a perfect gentleman and a man of the highest character, as was his father before—the long-time president of the Missouri State University.

"In my opinion filed March 8, 1909, I said in substance that the fixing of rates was a legislative act, subject only to being reviewed by the courts as to whether such rates were sufficiently remunerative. I used language which we lawyers call 'dictum.' I said that the courts had no powers to fix rates, but that if I did have the power, I would fix the passenger rates at 2½ cents per mile for the stronger roads and 3 cents for the weaker roads.

"My understanding is that Governor Hadley was most delighted with that dictum, but I may be mistaken in that, and you will have to confer with Governor Hadley as to that. At all events, the railroads, through some of their counsel, were indignant at this expression, and recently filed a motion before me to eliminate that expression, which last week I denied by a written opinion now on file with the clerk of the court of Kansas City.

"The railways likewise moved that all the costs be taxed against the state officers, which in fact would be against the State of Missouri. The taxable court costs, entirely separate from counsel and expert fees, amounts to the enormous sum of $18,000. I thought the equities of the situation were such as to warrant me in dividing the costs and compelling the railroads to pay $9,000 and the State of Missouri $9,000. The railroad companies have complained most earnestly and in some instances bitterly of this.

"As before stated, Judge Phillips has practically nothing whatever to do with these Missouri rate cases, and Mr. MURPHY has done him a great wrong by using his name in the way he has. Judge Phillips had a most brilliant reputation as a colonel of a Missouri regiment during the war. He commanded a brigade at the battle of Westport, and but few of the younger officers of the Union Army during the civil war have as fine a reputation as that earned by Judge Phillips. He is a most brilliant and capable man, and as pure as a good woman.

"Mr. MURPHY says in his resolution that he wants a committee appointed to make an investigation. I very much doubt whether he wants such a committee, because if he knows anything about the cases he knows that he can not substantiate one word or recital of his resolution. The records of the United States court at Kansas City are an absolute refutation of every disparaging recital he makes, but, of course, I shall not object to a committee, and if any one Member of Congress, aside from Mr. MURPHY, thinks there should be such a committee, I will gladly see it appointed.

"In my first decree, filed March 8, 1909, there were a number of mistakes made as to the names of parties and the omission to include parties and confusing parties to these 18 cases. There was a supplementary order made correcting these mistakes. My recollection is that is all there is to the order of April 17.

"As to the order of April 24, 1909, the railroad companies, by wire and long-distance telephone, wanted me to go to Kansas City, which I was unable to do, because of official engagements, but stated I would be in Kansas City May 5 to close up other matters in bankruptcy and of minor importance. Thereupon, as I understand it, Judge Phillips issued a restraining order against the parties from proceeding in the state court of St. Louis, and set the matter down for hearing in Kansas City, when and where I will be present.

"You ask me as to the so-called "conflict" of jurisdiction between the State and the United States courts. No one on either side of the cases questions the fact but that the cases were first brought in the United States courts at Kansas City in the summer of 1905. Right or wrong, I believe right, I held, in June, 1907, that the entire subject-matter was still pending in the United States courts at Kansas City, whereupon I allowed supplemental bills to be filed carrying forward the statutes of 1907, both as to freight and passenger rates.

"It is an elementary rule of law that the court which has taken jurisdiction of a subject-matter retains that jurisdiction until the final end, and that other courts can not intervene."

MR. MURPHY'S REPLY TO JUDGE M'PHERSON.

There is nothing personal or political in my action in introducing this resolution for an investigation of Judges Phillips and McPherson. I never saw the latter, but knew Judge Phillips on the bench and by reputation. A controversy at this stage of the proceedings can result in no good and will only serve to add fuel to the flames of an already indignant people in Missouri, over what they believe to be railroad domination through the federal courts to the destruction of their state courts.

These gentlemen have not been called upon for a defense, and whatever they might say will not clear the atmosphere in my State. The investigation ought to be had for two reasons: First, if our people are wrong in their belief and expressions, it can only be demonstrated by a fair and impartial investigation by Congress; secondly, it ought to be had in justice to the judges to clear them of unjust imputations, if such they are.

REQUEST FOR LEAVE TO PRINT.

Mr. SULZER. Mr. Speaker, I ask unanimous consent to print in the RECORD the proclamation of the governor of Maryland for the National Good Roads Convention, to be held in the city of Baltimore on May 18, 19, 20, and 21, and a few words of mine in connection therewith.

The SPEAKER. The gentleman from New York asks unanimous consent to print in the RECORD his remarks on the subject of the National Good Roads Convention.

Mr. PAYNE. O Mr. Speaker, I regret very much to make an objection, but I am compelled to,

The SPEAKER. The gentleman from New York objects.

Mr. SULZER. Mr. Speaker, I trust the gentleman from New York will not object. This is an important matter of much interest to all the people of the country. I simply want to print, in connection with a few remarks of mine on the subject of national aid to good roads, the proclamation of the governor of Maryland calling this National Good Roads Convention.

Mr. PAYNE. Mr. Speaker, I think I shall have to object to my friend's request.

The SPEAKER. The gentleman from New York objects.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly the House (at 12 o'clock and 35 minutes p. m.), in accordance with the order heretofore agreed to, adjourned until Monday, May 10, 1909.

EXECUTIVE COMMUNICATION.

Under clause 2 of Rule XXIV, the message and accompanying papers, transmitting a copy of a franchise granted by the executive council of Porto Rico, April 8, 1909 (S. Doc. No. 27), was taken from the Speaker's table, referred to the Committee on Insular Affairs, and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. ANDREWS: A bill (H. R. 9274) for the purchase of a site and the erection of a federal building at Las Cruces, N. Mex.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9275) for the purchase of a site and the erection of a federal building at Las Vegas, N. Mex.—to the Committee on Public Buildings and Grounds.

By Mr. SCOTT: A bill (H. R. 9276) to provide for the purchase of a site and the erection of a public building thereon at Ottawa, in the State of Kansas—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9277) to erect a monument in memory of the Union soldiers who are interred in the national cemetery at Fort Scott, Kans.—to the Committee on Military Affairs.

Also, a bill (H. R. 9278) granting pensions to widows of certain enlisted men, soldiers and officers, who served in the civil war and the war with Mexico—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9279) to provide for the purchase of a site and the erection of a public building thereon at Mishawaka, in the State of Indiana—to the Committee on Public Buildings and Grounds.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9280) to authorize and require the Philadelphia, Baltimore and Washington Railroad Company to maintain and operate a track connection with the United States navy-yard in the city of Washington, D. C.—to the Committee on the District of Columbia.

Also, a bill (H. R. 9281) providing for the adjustment and payment of the accounts of letter carriers arising under the eight-hour law—to the Committee on Claims.

Also, a bill (H. R. 9282) to make October 12 of each and every year a public holiday, to be known as "Columbus Day"—to the Committee on the Judiciary.

By Mr. CARY: A bill (H. R. 9283) authorizing the purchase of grounds for the accommodation of public buildings for the use of the Government of the United States in the District of Columbia, and for other purposes—to the Committee on Public Buildings and Grounds.

By Mr. WANGER: A bill (H. R. 9284) to prevent the transportation of commodities in interstate commerce under certain conditions—to the Committee on Interstate and Foreign Commerce.

Also, joint resolution (H. J. Res. 53) relating to certain events in Turkey—to the Committee on Foreign Affairs.

By Mr. MADDEN: Memorial of the legislature of Illinois, reserving the rights of the States to impose a tax on inheritances—to the Committee on Ways and Means.

Also, a memorial of the legislature of Illinois, urging the passage of House bill 21848 (60th Cong., 1st sess.), providing for the preservation of the Lincoln farm—to the Committee on Appropriations.

Also, memorial of the legislature of Illinois, relating to old-age insurance—to the Committee on Ways and Means.

By Mr. FULLER: Memorial of the legislature of Illinois, in favor of proposed appropriation of $50,000 for work of Lincoln Farm Association—to the Committee on Appropriations.

By Mr. SABATH: Memorial of the legislature of Illinois, in favor of appropriation for work of the Lincoln Farm Association—to the Committee on Appropriations.

Also, memorial of the legislature of Illinois, concerning a system of old-age insurance—to the Committee on Ways and Means.

By Mr. ALEXANDER of Missouri: Memorial of the legislature of Missouri, concerning the service of the Missouri Home Guards—to the Committee on Invalid Pensions.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 9285) for the relief of Allen Place—to the Committee on Military Affairs.

By Mr. ALEXANDER of New York: A bill (H. R. 9286) granting an increase of pension to Gustave R. Waldo—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 9287) for the relief of Isaac A. Duncan—to the Committee on War Claims.

Also, a bill (H. R. 9288) for the relief of Carrick W. Crozier—to the Committee on War Claims.

Also, a bill (H. R. 9289) granting a pension to James C. Neil—to the Committee on Pensions.

Also, a bill (H. R. 9290) granting a pension to James Perkins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9291) granting a pension to Harrison Henny—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9292) granting a pension to Henry Dillard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9293) granting a pension to John Metler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9294) granting a pension to Nancy J. St. Clair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9295) granting an increase of pension to Andrew L. Cassady—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9296) granting an increase of pension to W. A. Herrell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9297) granting an increase of pension to Morgan C. Hackworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9298) to remove the charge of desertion standing against Gideon Taylor—to the Committee on Military Affairs.

Also, a bill (H. R. 9299) to remove the charge of desertion standing against Ranson Fritts—to the Committee on Military Affairs.

By Mr. BARNHART: A bill (H. R. 9300) granting an increase of pension to Nelson E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9301) granting an increase of pension to Leonidas C. Kilgore—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 9302) to remove the charge of desertion against Jackson Harris—to the Committee on Military Affairs.

Also, a bill (H. R. 9303) to remove the charge of desertion against Andrew Sells—to the Committee on Military Affairs.

By Mr. CAMERON: A bill (H. R. 9304) granting certain lands in the Coconino National Forest in Arizona for observatory purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9305) granting an increase of pension to Alice I. Simpson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9306) granting a pension to Mary Jane Tillman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9307) granting a pension to Lola Gallego—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9308) granting an increase of pension to Madison A. Smith—to the Committee on Invalid Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 9309) granting an increase of pension to Thomas L. Fielder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9310) granting an increase of pension to William L. Carr—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9311) granting an increase of pension to Charles Clarenbach—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9312) granting an increase of pension to Archibald F. Bottoms—to the Committee on Invalid Pensions.

By Mr. COCKS of New York: A bill (H. R. 9313) granting a pension to Phoebe Ann Wells—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9314) granting an increase of pension to William Schallenberg—to the Committee on Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9315) for the relief of James Easson—to the Committee on War Claims.

By Mr. CULLOP: A bill (H. R. 9316) granting an increase of pension to Samuel J. Little—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9317) granting an increase of pension to Herman Schmidt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9318) granting an increase of pension to Jacob Walters—to the Committee on Invalid Pensions.

By Mr. CURRIER: A bill (H. R. 9319) granting an increase of pension to John W. Philbrick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9320) granting an increase of pension to Imogene B. Tappan—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9321) granting a pension to George Mahood—to the Committee on Pensions.

Also, a bill (H. R. 9322) granting a pension to John B. Buckley—to the Committee on Pensions.

Also, a bill (H. R. 9323) granting a pension to Esther M. Stanley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9324) granting an increase of pension to Emma Winslow—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9325) granting an increase of pension to William Kimball—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9326) granting an increase of pension to Robert Lyman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9327) granting an increase of pension to James M. Huff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9328) granting an increase of pension to Oscar V. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9329) granting an increase of pension to Alonzo Fradenburg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9330) granting an increase of pension to John Cole—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9331) granting an increase of pension to Lawrence Byrne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9332) granting an increase of pension to Henry H. Warner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9333) granting an increase of pension to William R. Fontaine—to the Committee on Pensions.

Also, a bill (H. R. 9334) granting an increase of pension to Emmett L. Warren, alias Alonson Warren—to the Committee on Pensions.

By Mr. DUREY: A bill (H. R. 9335) granting a pension to James Sullivan—to the Committee on Pensions.

Also, a bill (H. R. 9336) granting an increase of pension to Hiram Babcock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9337) granting an increase of pension to Abram Mussey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9338) granting an increase of pension to Leander Snell—to the Committee on Invalid Pensions.

By Mr. FISH: A bill (H. R. 9339) granting a pension to Ruth E. Dietz—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 9340) granting an increase of pension to John J. Nolan—to the Committee on Invalid Pensions.

By Mr. HAMILTON: A bill (H. R. 9341) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army and place him on the retired list—to the Committee on Military Affairs.

By Mr. HAY: A bill (H. R. 9342) for the relief of the estate of Frank Stine, deceased—to the Committee on War Claims.

By Mr. HULL of Tennessee: A bill (H. R. 9343) granting an increase of pension to William R. Pruette—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9344) granting an increase of pension to Robert F. Boles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9345) granting an increase of pension to Joseph Stonecipher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9346) granting an increase of pension to Henry L. Whittenburg—to the Committee on Pensions.

Also, a bill (H. R. 9347) granting an increase of pension to Barzilla T. Monday—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9348) granting an increase of pension to John Reader—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9349) granting a pension to Buford McCampbell Collins—to the Committee on Invalid Pensions.

By Mr. LAFEAN: A bill (H. R. 9350) to correct the military record of Joseph R. Scott—to the Committee on Military Affairs.

By Mr. LOWDEN: A bill (H. R. 9351) for the relief of Earl E. White—to the Committee on Claims.

Also, a bill (H. R. 9352) granting an increase of pension to Henry King—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 9353) for the relief of Henry P. Grant, of Phillips County, Ark.—to the Committee on Claims.

By Mr. MADISON: A bill (H. R. 9354) granting an increase of pension to Hiram Wing—to the Committee on Invalid Pensions.

By Mr. MANN: A bill (H. R. 9355) granting an increase of pension to Elizabeth Woodman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9356) granting an increase of pension to John J. Kane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9357) authorizing appointment of Hugh T. Reed upon retired list of the army, with rank of captain with twenty years' service—to the Committee on Military Affairs.

By Mr. McCALL: A bill (H. R. 9358) granting a pension to Lucy A. Deering—to the Committee on Invalid Pensions.

By Mr. McHENRY: A bill (H. R. 9359) granting an increase of pension to Michael O'Brien—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9360) granting an increase of pension to Daniel Oyster—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 9361) granting an increase of pension to Greenberry Clayton—to the Committee on Invalid Pensions.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9362) granting a pension to Thomas J. Parker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9363) for the relief of Mrs. Charles F. Kulicke—to the Committee on Claims.

Also, a bill (H. R. 9364) to amend the record and grant an honorable discharge to David Griffin—to the Committee on Military Affairs.

By Mr. PARSONS: A bill (H. R. 9365) making an appropriation to pay a certain judgment—to the Committee on Appropriations.

By Mr. RAUCH: A bill (H. R. 9366) granting an increase of pension to William Delvin—to the Committee on Invalid Pensions.

By Mr. ROBINSON: A bill (H. R. 9367) granting a pension to John B. Clarke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9368) for the relief of the estate of James Scull—to the Committee on War Claims.

Also, a bill (H. R. 9369) for the relief of the firm of Bertrand & Scull, late of Arkansas—to the Committee on War Claims.

By Mr. RUCKER of Colorado: A bill (H. R. 9370) granting a pension to Mary Nolan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9371) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army, and place him on the retired list—to the Committee on Military Affairs.

By Mr. SCOTT: A bill (H. R. 9372) granting a pension to Margaret Dickson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9373) granting a pension to Clara J. Kiser—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9374) granting an increase of pension to Samuel H. Bawden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9375) granting an increase of pension to Richard Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9376) granting an increase of pension to George W. Cox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9377) granting an increase of pension to Ulrich Levenberger—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9378) granting an increase of pension to David Detty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9379) granting an increase of pension to Floyd Cornwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9380) granting an increase of pension to Benjamin F. Green—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9381) granting an increase of pension to Amanda Blake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9382) granting an increase of pension to Michael Stagg—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9383) granting an increase of pension to George W. Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9384) granting an increase of pension to James M. Stanley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9385) granting an increase of pension to Darwin S. Curtis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9386) granting an increase of pension to Henry Carbon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9387) granting an increase of pension to William A. Drew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9388) granting an increase of pension to John Hiet—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9389) granting an increase of pension to Mary Adams—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9390) granting an increase of pension to Estella M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9391) granting an increase of pension to John E. Herriott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9392) granting an increase of pension to Jesse D. Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9393) for the relief of Albert H. Campbell—to the Committee on Military Affairs.

Also, a bill (H. R. 9394) for the relief of the legal representatives of Sarah D. Bookout, late of Jackson County, Mo.—to the Committee on War Claims.

Also, a bill (H. R. 9395) for the relief of Elizabeth A. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9396) for the relief of Benjamin P. Head—to the Committee on Military Affairs.

Also, a bill (H. R. 9397) for the relief of George W. Johnson—to the Committee on Military Affairs.

Also, a bill (H. R. 9398) for the relief of J. M. Johnston—to the Committee on War Claims.

Also, a bill (H. R. 9399) for the relief of Charles Flanders—to the Committee on War Claims.

Also, a bill (H. R. 9400) for the relief of Franklin S. Cowan—to the Committee on Military Affairs.

Also, a bill (H. R. 9401) for the relief of Harry Hume Ainsworth—to the Committee on Military Affairs.

By Mr. SHARP: A bill (H. R. 9402) granting an increase of pension to Gilbert E. Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9403) granting an increase of pension to Frederick B. Nevin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9404) granting an increase of pension to Samuel Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9405) granting an increase of pension to John Rexford—to the Committee on Invalid Pensions.

By Mr. SULLOWAY: A bill (H. R. 9406) granting an increase of pension to John B. Welcome, alias John Gendron—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9407) granting an increase of pension to Joseph G. Marsh, alias Joseph Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9408) granting an increase of pension to A. Wesley Eastman—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 9409) granting an increase of pension to John W. Howland—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: A bill (H. R. 9410) granting an increase of pension to John Campbell—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9411) granting a pension to Frances T. Goldsmith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9412) granting an increase of pension to George Hoyte—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ALEXANDER of Missouri: Papers to accompany bill for the relief of Allen Place—to the Committee on Military Affairs.

Also, papers to accompany H. R. 2772, granting an increase of pension to Martin V. Hilton—to the Committee on Invalid Pensions.

By Mr. AUSTIN: Petition of citizens of Lenoir City, Tenn., in favor of parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Loudon and Rockwood, Tenn., favoring parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. CARY: Petition of citizens of Milwaukee, Wis., opposing advance of duty on gloves—to the Committee on Ways and Means.

Also, petition of National Association of Employing Lithographers, urging an increase of duty on post cards and other lithographic products—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petition of citizens of Carmi, Ill., urging suppression of the liquor traffic between the States—to the Committee on the Judiciary.

By Mr. DANIEL A. DRISCOLL: Petition of Kirtland Brothers & Co., of New York City, favoring putting empty rifle shells on free list—to the Committee on Ways and Means.

Also, petition of glue manufacturers of the United States, favoring tax on glue—to the Committee on Ways and Means.

Also, petition of J. H. Arnholt and 16 others of Buffalo, N. Y., opposing tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of M. J. Bernhard, of Buffalo, N. Y., favoring reduction of tariff on glass—to the Committee on Ways and Means.

Also, petition of John Karn and 4 others, of Buffalo, N. Y., opposing tax on tea or coffee—to the Committee on Ways and Means.

Also, petition of A. J. Thompson and 49 other members of Local No. 4, International Photo Lithographers' Union, of Buffalo, N. Y., asking additional protection on lithographic products—to the Committee on Ways and Means.

By Mr. DUREY: Papers to accompany bill granting an increase of pension to Abram Mussey—to the Committee on Invalid Pensions.

Also, papers to accompany bill granting an increase of pension to Hiram Babcock—to the Committee on Invalid Pensions.

By Mr. FORNES: Petition of W. J. Butterfield, of New York City, favoring duty on tea—to the Committee on Ways and Means.

Also, petition of Hawley & Hoops, of New York City, favoring reduction of tariff on crude cocoa—to the Committee on Ways and Means.

By Mr. FULLER: Petition of George Staber, of New York City, against increase of duty on print paper—to the Committee on Ways and Means.

Also, petition of Stereotypers' Union of Chicago, Ill., for modification of postal regulations about second-class matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edward & John Burke (Limited), of Chicago, Ill., against increase of duty on stout and ginger ale—to the Committee on Ways and Means.

Also, petition of Rosenthal, King & Hirschl, of Chicago, Ill., for duty as follows: Iron ore, 25 cents per ton; pig iron, $3 per ton; scrap iron, $3 per ton—to the Committee on Ways and Means.

Also, petition of Isaac Prouty & Co., of Spencer, Mass., favoring free hides—to the Committee on Ways and Means.

Also, petition of J. Schmitt & Son and others, of New York City, favoring a fair protection on precious stones—to the Committee on Ways and Means.

Also, petition of Jobst Bethard Company, of Peoria, Ill., for a reduction of proposed duty on olives in bulk—to the Committee on Ways and Means.

By Mr. GARNER of Texas: Petition of citizens of Caldwell, Tex., opposing duties on essential oils—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of New York Produce Exchange of New York City, favoring reduction of tariff—to the Committee on Ways and Means.

Also, petition of citizens of New York City, at mass meeting, urging the termination of convention with Russia for the extradition of criminals—to the Committee on Foreign Affairs.

Also, petition of Charles F. Biele, of New York City, urging reduction of tariff on glass—to the Committee on Ways and Means.

Also, petition of Farm Life, favoring free lumber—to the Committee on Ways and Means.

Also, resolutions of Kitchen Post, No. 60, Grand Army of the Republic, of Yonkers, N. Y., favoring raising U. S. battle ship *Maine* in Cuban waters—to the Committee on Appropriations.

By Mr. HANNA: Petition of citizens of Mandan, N. Dak., opposing establishment of parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MAGUIRE of Nebraska: Petition of Commercial Club of Omaha, Nebr., for large appropriations for rivers and harbors—to the Committee on Rivers and Harbors.

By Mr. MOORE of Pennsylvania: Petition of various users of aniline colors and coal-tar products, approving of duties imposed on the manufactured colors and products and the free admission of raw materials, as set forth in the Payne tariff bill—to the Committee on Ways and Means.

Also, petitions of United Italy Humbert Legion Association; the Society Consodella M. S. S. di Monte Carmello; the Society of San Giuseppe di M. S. Cattolica; the Society Italian di M. S. dello Santissimo Sacramento; the Society of Italian Shoemakers; the Society Italian di M. S. Stacia E. Maria S. S. della Neve; the Society Venafrana di M. S. San Nicandro; the Society di M. S. della Immacolata Concezione; the Society S. Francisco di Paola e Maria S. S. di Constantinople; the Society Maria S. S. del Carmini Italiana di M. S.; United Garment Workers of America, Local Union No. 66, Italian tailors; Society Maria S. S. di Avigliano; Italian Hatmakers' Beneficial Association; Giuseppe Verdi Building and Loan Association; Society Gian Vincenzo Gravina, etc.; Society Maria S. S. del Succarso; Society San Gannario P. di M. N.; First Reggimento Genio ad Artiglieria; Society Agata di Gota pro Benevento; Society Chietina Italia di M. S.; Holy Mary Mercy Italia Mutual Benefit Association; First Italiana-America Building Association; Society Italia di M. S. Campagnesi; Society La Crinacria I. di M. S.; Unione e Fratellanza Italiana; Society Italia di M. S. S. Filomena di Casalgun P. Benevento; Society Italia di M. S. Basilicata; Society S. Biagia; Society Maria S. S. Assunta del Pilento; Italian Federation; Court Dante, No. 280, Foresters of America; Society Stella di Italia; Society First Reggimento Artiglieria di Campagna Italiana di M. S.; Court Giosui Carducci, No. 332, Foresters of America; Society Italiana di M. S. Michele Arcanngelo; Court Americus Vespucci, No. 234, Foresters of America; Society Italiana di M. S. Castle Nubulano; Society S. Rinaldo; Italiana di M. S. S. Antonio di Padova; Society M. S. Maria S. S. della Libera; Society M. S. Italiana San Nicola; Dante Circle, No. 774, Foresters of America; Society Consodella Regina; and Society Giuseppe Corbi, all of Philadelphia, Pa., each and all favoring adoption of October 12 as a legal holiday to be called "Columbus Day"—to the Committee on the Judiciary.

By Mr. NORRIS: Petition of citizens of Grand Island, Nebr., opposing parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. PATTERSON: Paper to accompany bill for relief of R. A. Sisson—to the Committee on Invalid Pensions.

By Mr. SHEFFIELD: Petition of Newport (R. I.) Medical Society, in favor of national department of public health—to the Committee on Interstate and Foreign Commerce.

By Mr. SULZER: Petition of National Child Labor Commission, for a national children's bureau—to the Committee on Expenditures in the Interior Department.

Also, petition of Jewelers' Board of Trade, for creation of a permanent nonpartisan tariff commission—to the Committee on Ways and Means.

Also, petition of New York Produce Exchange, favoring reduction of duty on agricultural products—to the Committee on Ways and Means.

Also, petition of Farm Life, New York City, for repeal of duty on lumber—to the Committee on Ways and Means.

Also, petition of National Association of Employing Lithographers, for increase of duty on lithographic products—to the Committee on Ways and Means.

Also, petition of Keasbey & Mattison Company, relative to duty on carbonate of magnesia—to the Committee on Ways and Means.

Also, petition of J. Schmidt & Son and others, of New York City, favoring moderate duty on precious stones—to the Committee on Ways and Means.

Also, petition of John E. Brodsky, against increase of duty on beer—to the Committee on Ways and Means.

Also, petition of Eugene F. Clemens, of Palmer, N. Y., favoring H. R. 16880 (60th Cong., 1st sess.)—to the Committee on the District of Columbia.

Also, petition of George Staber, of New York City, against increase of duty on print paper—to the Committee on Ways and Means.

Also, petition of Myer S. Franklin, for abrogation of present extradition treaty with Russia—to the Committee on Foreign Affairs.

Also, petition of William English Walling, favoring termination of the convention for the extradition of criminals—to the Committee on Foreign Affairs.

By Mr. TAYLOR of Ohio: Petition of Terry Engraving Company, J. C. Spangler, and other citizens of Columbus, Ohio, asking increase of duty on post cards—to the Committee on Ways and Means.

Also, petition of W. A. Marzle and other citizens of Columbus, Ohio, opposing duty on tea or coffee—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 7, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. FRYE presented a memorial of sundry citizens of Maine, remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

Mr. BRISTOW presented petitions of sundry citizens of Osawatomie, Gridley, Lawrence, Le Roy, Westphalia, and Garnett, all in the State of Kansas, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. BRIGGS presented a petition of Local Union No. 3, National Print Cutters' Association, of New Brunswick, N. J., praying for an increase of the duty on wall paper, which was ordered to lie on the table.

He also presented a petition of the Board of Trade of Newark, N. J., praying for the erection of a walled island about the

wreck of the U. S. battle ship *Maine* in Habana Harbor, which was referred to the Committee on Naval Affairs.

He also presented a petition of sundry shoe manufacturers of Newark, N. J., praying for the retention of hides on the free list, which was ordered to lie on the table.

He also presented a petition of Pride of Amboy Lodge, No. 755, Brotherhood of Locomotive Firemen, of Perth Amboy, N. J., praying for the enactment of legislation providing for the inspection of boilers on railroad trains, which was referred to the Committee on Interstate Commerce.

He also presented a memorial of the New Jersey State Federation of Labor, remonstrating against any reduction of the duty on iron and steel, which was ordered to lie on the table.

He also presented a petition of Local Lodge No. 742, Benevolent and Protective Order of Elks, of Long Branch, N. J., praying for the enactment of legislation to create a reserve in the State of Wyoming for the care and maintenance of the American elk, which was referred to the Committee on Forest Reservations and the Protection of Game.

Mr. SCOTT presented a petition of the Board of Trade of Martinsburg, W. Va., which was ordered to lie on the table and be printed in the RECORD, as follows:

OFFICE OF THE BOARD OF TRADE OF MARTINSBURG,
Martinsburg, W. Va.

Whereas the Kilbourn Knitting Machine Company have located and are operating in this city two large hosiery mills, which employ 700 hands, who are residents living in this city; and

Whereas 95 per cent of the product of both of these mills consists of men's half hose, retailing at 25 cents per pair, and come into direct competition with foreign-made goods; and

Whereas we are satisfied, from the details of said business known to us, that said mills can not run to their full capacity, paying the present scale of wages and market their product in competition with the price at which foreign-made hosiery is being sold in the United States; and

Whereas we believe that the hosiery schedule, as provided in the Payne tariff bill, will enable the Kilbourn Knitting Machine Company to operate both of their mills at the present rate of wages at their full capacity, and without adding one cent to the cost of its product to the consumer: Now, therefore, be it

Resolved, That the executive officers of this board of trade be, and they are hereby, authorized by this committee to respectfully request Hon. NELSON W. ALDRICH, chairman of the Finance Committee of the United States Senate, and the Finance Committee of the United States Senate, to put into the Senate tariff bill the hosiery schedule as contained in the Payne tariff bill as passed by the House of Representatives; and be it further

Resolved, That the executive officers of this board of trade do present with their request a certified copy of these resolutions, and that a copy of these resolutions be sent to each of the Senators from this State.

Mr. LA FOLLETTE presented a memorial of sundry brewers and maltsters of Wisconsin, which was ordered to lie on the table and be printed in the RECORD, as follows:

PROTEST AGAINST THE REDUCTION OF DUTY ON BARLEY.

MILWAUKEE, WIS., *March 30, 1909.*

Hon. ROBERT M. LA FOLLETTE,
United States Senate, Washington, D. C.:

We, the undersigned brewers and maltsters of Wisconsin, respectfully protest against the reduction of the import duty on barley from 30 cents to 15 cents, such as is proposed in the new tariff bill.

Looking at the proposed reduction in a broad way, it must be apparent that the same is likely not made for revenue purposes, but is seemingly a compromise with certain eastern maltsters, who have been advocating putting barley on the free list in order to secure advantages over their western competitors. Their plants being located adjacent to good Canadian barley fields—which are known to produce a superior quality of barley—a low rate of duty, combined with a low rate of freight, will make possible for them to secure at a low price this barley which by nature of conditions could not be obtained by their western competitors; hence it would result in their practically monopolizing same.

That the northwestern farmer has been greatly benefited by the protective duty of 30 cents, effective since the Dingley bill became a law in 1897, is amply proven by the increase in the barley production in the United States, i. e., from 50,000,000 to 70,000,000 at that time to an average of 150,000,000 to 170,000,000 in the last five years. Under the Dingley tariff the Detroit, Buffalo, and other eastern maltsters have been on the same basis with the western manufacturers, and it is therefore apparent that the appeal of the eastern maltsters is not to put themselves on an equality with the western maltsters, but they are trying to secure an unfair advantage. That the western maltster is at present on an equal basis with his western competitor is proven conclusively by the numerous malting plants, including one of the largest in the country, that have been erected in recent years at Buffalo. This clearly proves that the eastern maltster is not in need of the Canadian barley.

The large percentage of malt consumers are not asking for any reduction. Their interests generally are with the farmer. In every convention of these interests resolutions have been passed urging the United States farmers to improve the quality of the barley, for which they are willing to pay an advanced price. Furthermore, brewers and distillers do not advocate free barley, for in the prohibition fight the brewers' and farmers' interests are mutual. The brewer needs the farmer's barley and the farmer's vote. The farmer needs the brewers to consume his barley and other farm products. The eastern maltster asks Congress to destroy the production of a farm product that brought the farmers of the United States in the last ten years $800,000,000 and the railroads upward of $80,000,000 freight, hauling the barley to market.

A feature not generally known is that land in western Canada can be procured for practically nothing. Comparing this with the average farm value in Wisconsin and Minnesota, namely, $75 to $100 per acre, it is apparent that the northwestern farmer would be at a disadvantage to the extent of the interest on his investment, amounting to $4 to $5 per acre per annum, and is at a further disadvantage on account of the lower freight rates to eastern points, due to the Canadian railroads being subsidized.

Will this Government enact a measure which will destroy a farm revenue of over $100,000,000 per annum? The framers of the McKinley, Wilson, and Dingley tariffs saw the necessity of placing a prohibitive tariff on both barley and malt. They saw that barley growing added wealth, both to the United States and to the American farmer; hence they put up a wall over which no barley came.

Immediately prior to the time the 30-cent duty went into effect the importations from Canada under a 10-cent protective duty amounted to over 11,000,000 bushels. Considering that at that time the brewing industry amounted to approximately only 50 per cent of its present capacity, the immense loss through a reduction of the tariff to the northwestern barley-growing farmer must be apparent.

That the northwestern farmer should be protected is proven by government statistics showing the barley production in the various States during 1908, which was as follows:

	Bushels.	Acres.
Wisconsin	24,750,000	825,000
Minnesota	22,500,000	1,300,000
Iowa	13,500,000	500,000
North Dakota	18,330,000	940,000
South Dakota	24,592,000	928,000
Kansas	4,400,000	275,000
Nebraska	2,773,000	118,000
Michigan	1,785,000	70,000
Other Middle-Western States	8,632,000	262,000
California	25,427,000	1,082,000
Washington	5,185,000	170,000
Oregon	1,798,000	62,000
New York and all other Eastern States	3,084,000	114,000
Total	166,756,000	6,646,000

That the eastern maltster represents only a small percentage of the entire malt industry is shown by the following:

MALT PRODUCTION.

	Bushels.
West of Buffalo	56,000,000
Buffalo and east thereof	14,000,000
Total	70,000,000

From the foregoing it is apparent that the northwestern farmer under a 15-cent tariff could not possibly compete with his barley in the eastern market where a large portion of the malt is used. A lower and insufficient duty can do no possible general good to the American farmer, manufacturer, or consumer, and can only redound to the benefit of the Canadian barley grower and a few eastern maltsters.

For aforementioned reasons the undersigned most earnestly protest against any reduction of the present tariff on barley, and urge you to do all within your power and use your influence to defeat the proposed reduction.

Milwaukee-Western Malt Company, Milwaukee, per Albert Zinn, president; The Maur Tonic Malting Company, Manitowoc, by William Rahr, president; Milwaukee Malting Company, Milwaukee, by Runo E. Lyons, secretary; West Bend Brewing Company, West Bend, Wis., Andrew Peck, secretary; Pabst Brewing Company, Milwaukee, by Gustave Pabst, president; Cream City Brewing Company, Milwaukee, Gavolf Meyer, vice-president; Val Blatz Brewing Company, Albert C. Blatz, president; Jung Brewing Company, Gustaff Jung, president; Milwaukee Brewery Company, G. Besherer, president and treasurer; The Wm. Raler Sons Company, maltsters, Manitowoc, Wis.; The Chilton Malting Company, Chilton, Wis., per F. J. Egun; L. Rosenheim Manufacturing Company, Kewaskum, Wis., per L. P. Rosenheim; The Lytle-Hoppenbach Company, Jefferson, Wis., H. H. Gadish, secretary and treasurer; A. G. Laubenstein., Hartford, Wis., per A. G. Laubenstein; Rubicon Malting and Grain Company, Rubicon, Wis., per B. A. Hauser; Froedtut Brothers, grain and malting, Milwaukee; Portz Brothers, Hartford, Wis.; Wisconsin Malt and Grain Company, Appleton, Wis.; The Badger State Malt Company, Waterloo, Wis.; and The Konrad-Schreier Company, Sheboygan, Wis.

Mr. DEPEW presented a petition of sundry manufacturers of cutlery in the State of New York, praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

Mr. LODGE presented a memorial of sundry citizens of Northboro and Berlin, Mass., remonstrating against an increase of the duty on the necessaries of life, which was ordered to lie on the table.

Mr. ROOT presented a memorial of sundry retail jewelers of New York City, N. Y., remonstrating against the repeal of the duty on imported watches, which was ordered to lie on the table.

He also presented a petition of the board of managers of the Produce Exchange of New York, praying for a reduction of the duty on wheat, corn, and oats, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of New York, remonstrating against a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

He also presented petitions of sundry employees of lumber manufacturers of North Tonawanda, N. Y., praying for the retention of the present duty on dressed lumber, which were ordered to lie on the table.

He also presented memorials of sundry owners and operatives of planing mills and lumber handlers of North Tonawanda, N. Y., remonstrating against the removal of the duty on dressed lumber imported from foreign markets and praying that the present duty be maintained, which were ordered to lie on the table.

Mr. PAGE presented petitions of sundry citizens of St. Johnsbury, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of sundry manufacturers of Meriden, Hotchkissville, Winsted, Lakeville, New Britain, Thomaston, Waterville, and Northfield, all in the State of Connecticut, praying for the retention of the proposed duty on imported knives and erasers, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 72, Patrons of Husbandry, of Plymouth, Conn., remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Middletown, Conn., remonstrating against the repeal of the duty on tobacco imported from the Philippine Islands, which was ordered to lie on the table.

Mr. SIMMONS presented petitions of F. A. Harrington and sundry other citizens of Clarkton, N. C., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CRANE presented the petition of A. Hidalgo Rizal and sundry other natives of the Philippine Islands, temporarily residing in Massachusetts, praying that all reference to the duty on products imported from or exported to those islands be omitted from the proposed tariff bill, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. RICHARDSON:

A bill (S. 2280) for the relief of Charles W. Johnston, and of Harry C. Maull and Charles S. Morris, administrator of Elihu J. Morris, his sureties; to the Committee on Claims.

By Mr. CLARK of Wyoming:

A bill (S. 2281) granting an increase of pension to Lucius A. Hancock; to the Committee on Pensions.

By Mr. BRIGGS:

A bill (S. 2282) for the relief of Allan L. Briggs; to the Committee on Claims.

A bill (S. 2283) granting a pension to Sarah Frances Barriger;

A bill (S. 2284) granting an increase of pension to S. Louise Perry; and

A bill (S. 2285) granting an increase of pension to George S. Connor; to the Committee on Pensions.

OCCUPATIONS AND THEIR RELATION TO THE TARIFF.

The VICE-PRESIDENT. The morning business is closed. The Chair lays before the Senate a resolution coming over from yesterday, which will be read.

The Secretary read resolution No. 43, submitted yesterday by Mr. CULBERSON, as follows:

Senate resolution 43.

Resolved, That there be printed as a document an article by the late Edward Atkinson, contained in the Quarterly Journal of Economics for the month of February, 1903, pages 280 to 292.

Mr. ALDRICH. The Senator from Texas [Mr. CULBERSON] does not seem to be in his seat. I have not had an opportunity yet to examine the publication.

The VICE-PRESIDENT. Without objection, the resolution will go over until to-morrow. It goes over.

AMENDMENT TO THE TARIFF BILL.

Mr. JONES submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The calendar is in order. The Secretary will announce the bill on the calendar.

The SECRETARY. A bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. HALE. Mr. President, I think probably there is not a quorum present, as there ought to be.

The VICE-PRESIDENT. The Senator from Maine suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clark, Wyo.	Hale	Rayner
Bacon	Clarke, Ark.	Heyburn	Richardson
Bankhead	Clay	Hughes	Root
Borah	Crawford	Johnson, N. Dak.	Scott
Bradley	Culiom	Johnston, Ala.	Shively
Brandegee	Cummins	Jones	Smith, Md.
Briggs	Curtis	Kean	Smith, Mich.
Bristow	Dick	La Follette	Smith, S. C.
Brown	Dillingham	Lodge	Stone
Bulkeley	Dolliver	McCumber	Sutherland
Burkett	Fletcher	McLaurin	Taliaferro
Burnham	Flint	Nelson	Tillman
Burrows	Frazier	Newlands	Warner
Burton	Frye	Oliver	Warren
Carter	Gamble	Overman	Wetmore
Chamberlain	Gore	Page	
Clapp	Guggenheim	Perkins	

Mr. McLAURIN. My colleague [Mr. MONEY] is in the State of Florida, in response to an invitation to address the legislature of that State.

The VICE-PRESIDENT. Sixty-six Senators have answered the roll call. A quorum of the Senate is present.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. CLAPP. Mr. President, a few mornings since, the senior Senator from Maryland [Mr. RAYNER], speaking of himself in reference to the pending bill, asked the question, Where am I? It has occurred to me that related to this matter in the concrete we might well inquire where are we, for during the last few days I have heard some propositions announced in the Senate very much at variance with the traditions that so long have prevailed in this country with reference to the tariff. I shall not devote any time to advocating the advantage of a protective tariff. What might have been the result if years ago at the dawn of our growth we had adopted the policy of depending only upon that development which would come to us by reason of geographical and natural conditions, it is useless to say. While we might under that condition have been to-day but a small people numerically, it may be that in the average of American life we would have been as well off as we are under the highly stimulated condition which pertains to the industrial life of this country. But it is too late to go back and retrace our steps. To-day, commercially and industrially, we are engaged in a struggle that is world-wide.

The Senator from Texas [Mr. BAILEY] stated the other morning that, in his judgment, a bounty upon exports rested upon the same principle as a protective tariff. I not only agree to that, but, Mr. President, I go one step further. Startling as it may seem to some, I undertake to say that the employment of legislation and governmental policy along any line designed to stimulate industrial activity rests upon the same principle as a protective tariff. When a government will sacrifice one interest to the building up of another, when a government through legislative policy will cheapen the food of its people to enable the manufacturer to get cheaper labor, to the end that the manufacturer may prosper, it is as absolutely the employment and invoking of a governmental adjunct to industrial life, inequitable as it may be, as the establishment of a protective tariff. Measured by that test, every great nation to-day upon this earth invokes this principle in one or more of these systems. That being true, it would be idle to talk of this great Nation reversing its policy.

Before I go any further, I want to point out what, to my mind, has been lost sight of in this debate, and that is the distinction between a tariff for revenue and a protective policy. By common acceptation to-day a tariff for revenue upon noncompetitive articles is called a "free-trade policy." England gathers through her custom-houses a small percentage more, I believe, per capita than we do; yet no one would object to the phrase, "Free-trade England." So, in dealing with that phase of the tariff which relates solely to revenue, I shall refer to it as a free-trade revenue tariff.

Now, there are two certain peculiarities that attach to that kind of a tariff, it is perhaps true that in rare instances a tariff levied upon a noncompetitive article may be absorbed in the manufacture of another article and sold in competition with an article that does not contain that particular element, and thus not to be added to the cost, and again, a tariff for revenue may be so slight upon a specific object that it is lost in the transmission. But, as a rule, I undertake to say

that a purely revenue tariff upon noncompetitive articles in the end rests upon the consumption, and is properly called a "tax."

Another peculiarity of a distinctive revenue tariff is that unless you raise it high enough to deter consumption by the increased cost, the higher you raise that tariff the more revenue you obtain from it. So the man who stands solely and squarely for a revenue tariff must recognize that he stands for a tax, in the last analysis falling upon the consumer, and stands for a system that the higher the tax the more revenue.

Turning for a moment, now, to a distinctive protective tariff, a tariff upon imported articles in competition with our own production, the differences are exactly reversed. It is true that in some instances a protective tariff finally rests and finds its last analysis in an added cost to the consumer, but that is not the rule. There are Senators in this Chamber, perhaps, who have been engaged in the hardware business. If there are, they can recall the day when steel wire nails were selling so close to the figure of the tariff itself as to render it absolutely impossible that that tariff could be added to the productive cost of the home product in making the price of those nails. The Senators from Massachusetts will recall the time when cotton cloth at the factory sold so close to the tariff itself as to absolutely preclude the idea that that tariff was added to the home manufacturer's cost in the price. The Senators from Michigan will recall the time when a barrel of salt, barrel and all, sold so close to the tariff itself as to preclude the tariff being added to the cost of the home salt in the final price.

It is difficult to analyze this phase of the question, because it is difficult to find conditions alike at different periods. But in 1890, after the passage of the McKinley bill, the Finance Committee of the Senate investigated that subject from a nonpartisan standpoint. If there was ever a normal period in the life of this Nation, it was the year following the passage of that bill. During that year examination showed that instead of the tariff having been added to the price, in fact, under the stimulus of competition and production, the price had fallen upon some 215 articles something like four and a fraction per cent. Clearly that was not due to any depression, because during that same period the wage scale had increased slightly, and the wage scale never increases in a period of depression.

Even the Senator from Georgia [Mr. BACON] admitted the other day that a distinctive protective duty is not always added to the cost, and the Senator from North Carolina [Mr. SIMMONS], with his usual frankness, admitted in relation to the tariff that he was discussing that that tariff did not go to the price, but it went to the master of the market.

Now, another peculiarity of the protective tariff is that unless that tariff is at a prohibitive point, to reduce the tariff increases imports, and if that reduction is not too marked in the relation of increased imports to the reduction of rates, you get an increased production of revenue. So plain is this proposition that the Democratic platform in 1868, I think it was, challenged the protective policy of the Republican party on the ground that the high protective duties lessened the revenues of the country.

Yesterday the Senator from Nevada [Mr. NEWLANDS] suggested that the friends of revision on this side and the friends of revision on the other side, along the line of the reduction of the rates, might well unite upon some plan. While there may be here and there a point where one on the one side and another upon the other wishing a given tariff could vote together, the difficulty is that you can not reconcile these conflicting principles. The man who plants himself squarely upon a tariff for revenue recognizes the fact, and he must recognize the fact, that the higher that tariff the more revenue, unless it gets so high as to bar the importations. On the other hand, he must recognize, with reference to protection, that the reduction of the duty within any reasonable limit increases importations, and within proper limits will actually increase the revenue itself.

Now, the difficulty with the man who attempts that is that, in the forum of his own conscience, when he meets a commodity from his own State that requires protection he has got to balance between two opposite principles, and he is obliged to sacrifice one of those principles to the other, while the man who stands squarely upon the proposition of a protective tariff, but to reduce that tariff to a reasonable limit, measuring the difference of cost in production, is confronted by no such embarrassment at any point along the line.

A great deal has been said during this debate about labor and about the labor unions being more responsible for the scale of wages in this country than any tariff provision or tariff policy. While organization has affected wages, organization is powerless to supply labor, as has been seen in every great depression. In relation to labor, it has been suggested that only a small percentage of the labor of America is under protected industries. Mr. President, that to me is a very narrow and superficial view of the benefits of protection. Some years ago General Hancock declared that the tariff was a local issue. If we measure the tariff question by the greed and fear which prompt a man with one industry in his locality to demand tariff with reference alone to that production, then it is a local issue; but if we recognize it with reference to the entire people, it rises above a local issue. Take a great factory in Ohio, where there are a thousand men employed, and we will assume that that factory requires a certain degree of protection. I want to ask the tariff-for-revenue advocate if he believes the only people in this country interested in that factory are the thousand men thus employed? If that is the limit, then there is doubtful warrant for that tariff. But I ask, Is not the shoemaker who makes shoes for that thousand men, is not the farmer who feeds that thousand men, interested in the question whether they shall be idle or whether they shall receive remunerative wages? Multiply that industry by the multiplied activities of this Nation, and you have a policy that reaches from one ocean to the other, with the welfare of a people interwoven at every point.

But it is said that while we protect the article we do not protect the laborer, and that the laborer comes here and comes in competition with the laborer who originally was here. Mr. President, this, too, is narrow and superficial. To illustrate: Here is a man in Geneva engaged in making watches. Here is another man in Elgin engaged in making watches. I know no way save one, too brutal to suggest, by which the Elgin watchmaker can get rid of the personal competition somewhere of the Geneva watchmaker. In the world's wide equation of prices and production, he has got to meet that personal competition.

But we will assume that there is a difference in the wage scale between Geneva and Elgin and we put that difference in a tariff law. The Geneva watchmaker comes to Elgin. Then the tariff-for-revenue-only man exclaims, "You have done no good; you have given no protection, because the Geneva workman has come to Elgin."

Mr. President, does it make no difference to the Elgin watchmaker whether he must compete with the Geneva man in Geneva on the Geneva scale of prices or compete at Elgin on the Elgin scale of prices? Does it make no difference to the American shoemaker whether, when he furnishes the shoes for the Geneva watchmaker, he must furnish them on the Geneva scale of prices or furnish them on the Elgin scale of prices? Does it make no difference to the American farmer, if he is to feed the Geneva watchmaker, whether he shall feed that watchmaker upon the Geneva scale of prices and pay the freight, as he must upon the article which goes out of his land into world-wide competition, or whether he saves that freight and feeds the Geneva watchmaker on the Elgin scale of prices?

It seems to me that that argument is simply unanswerable, and yet in this discussion we seem to have lost sight of both these points.

By this time, if anyone, in looking through the RECORD to find something that he really wants, should happen to stumble upon these remarks, he may conclude that I am in favor of protection; before he finishes reading he will conclude that I am in favor of a fair protection in the spirit of our promise. We stand now at the threshold of revision; and, Mr. President, I can discuss this question of revision with a good deal of freedom. Unlike the junior Senator from Iowa [Mr. CUMMINS], I am not responsible for this conditon. I have believed for years that the wise policy for Congress to pursue, instead of plunging this country into the hysteria of a general revision, was from time to time to take this article or that, which was no longer necessary, and deal with this question from that standpoint.

But it was said we could not do that. Two years ago I proposed to men who have a large share in molding the policy of the Senate that we proceed to take the duty off of lumber. I had known for years that the lumbermen, if the lumber duty could be removed, outside of the wild, exaggerated fear born of this hysterical condition would not lift a hand to oppose it. I had known for years that the duty on lumber bore no earthly relation to the price, production, or market protection. But, no; it was said we could not do that. I want to submit to the Senate that if we could not remove the duty or lower the duty upon one article, how could we expect to succeed when we had all the combined industries united in an opposition born of a common fear?

It is every day's experience that if we have opposition to deal with, we ought to reach that opposition before the opposition is solidified. So long as Napoleon could meet the armies of Europe one by one, he could baffle all the armies of Europe. It was only when the armies were combined and he could no longer spring

upon a detachment here and a detachment there that he fell a prey to that condition.

I repeat that it is in the power of Congress to do these things, if Congress would only recognize the importance of the initiative. But when these things are suggested it is said, "There is no demand for this." Mr. President, I believe that when it comes to legislation bearing upon the morals of a people, legislation should not be pioneer work, but it should be rather crystallizing into concrete form of a widespread and deep-seated purpose. When it comes to shaping the policy of a great and growing nation, growing and expanding materially and growing and expanding as free government ever must grow and expand under a process of governmental development, it is the province of Congress to initiate movements and not wait until it seems to be forced to do it by executive demand accentuated by popular demand.

No wonder Congress has fallen somewhat under a distrust. There is not a Member of Congress but who in his own district or State has very generally the confidence and esteem of his people, and yet as a body we have come under this cloud, not because we did not do things, but because we waited until it seems as though we do it at the dictation of one man who stands as the centralization of a widespread and universal demand. Not only do we lose in public confidence by this, but we make it that much more difficult to exercise a wise and calm judgment.

I am going to illustrate this by an incident that occurred within the memory and experience of most of us. In 1903 the Interstate Commerce Committee of its own motion, not waiting for somebody to dictate to it, proceeded to formulate the most drastic legislation that ever passed this Congress. It was a law designed not only to prohibit, but calculated to prevent discrimination in rates and rebates. We evolved that law in calm deliberation, a law that has withstood every assault. It was my province one morning to pass that bill through the Senate, while the late Senator from Pennsylvania was speaking upon the territory question. There was no clamor; there were no crowded galleries; there was no trumpet blare, but we calmly passed a law, the most drastic in the history of this Congress. The railroad companies were not alarmed, because they were not suffering from that exaggerated fright which always comes in the face of a widespread and popular demand for legislation against them.

About two years later we reached the rate law. I implored when we passed the Elkins law that we take up the rate law in the same calm, quiet way. But no, we must wait; and we waited until when it was passed these galleries were packed and the country pro and con wrought into a state of undue excitement.

That law simply provided this simple matter: Under the law, as interpreted by the court, the Interstate Commerce Commission, while it could order a rate lowered, yet it had not authority to name the new rate. Having the power to condemn the new rate if it did not meet their approval within the limit of what a court would call a reasonable rate, the Commission could attack the new rate and so practically make the rate. I showed on the hearing that in all but two cases where they had successfully attacked the rate the railroads had adopted the new rate. It was now proposed to simply give the legal authority to do what they were doing by force; and the representatives of the railroads gathered here, men whose genius had achieved wonderful triumphs, whose judgment, it would seem, as though it was ridiculous and egotistical for us to challenge, declared that if that bill passed it meant their ruin. On the other hand, if you had heard the other side you would have thought that the passage of that law would have cured every evil in our Republic.

We passed the law. It was a good law. It was doubtless not as perfect as it might have been, if we had taken it up on our own initiative as we did the Elkins law, but I refer to it to show how the judgment of even great men, men whose transcendent genius seems to make it a mockery for a poor man like me to challenge, were mistaken. It neither cured all the evils, nor did it stop the railroad wheels. It did reduce rates from 1907 to 1908 from 2.04 to 1.91, a small reduction, to be sure, but vast in its aggregate.

I emphasize this to show that it is even possible to-day that the judgment of the men, whose judgment is warped, in my opinion, in the hysteria and excitement of this hour, is not to be a safe guide for us to proceed upon in analyzing these schedules and in dealing with this revision.

As I said, I am not responsible for this general revision. I am going to take issue with some of my associates as to what this promise for a revision meant. If it means that we shall stand by the Dingley rates, then we are confronted with the ridiculous farce of the Chief Executive of this Government calling this Congress in extraordinary session to reform something that would stand to the end of time unless attacked and modified. The Dingley rates required no reaffirmation and no reenactment. Then, what was this demand? When the tariff was revised in 1897, it meant a revision upward, because then the industries of this country were prostrate and revision was appealed to to revive those industries. But last year the industries of this country were not prostrate. There was no suggestion abroad that they needed higher rates of protection than that which they had, and the demand upon this issue ranged itself under two standards—one, "Let well enough alone," and the other, "Revise the tariff." Will any man tell me, with that issue so clearly defined, "Let well enough alone," on the part of protective industries, a revision of tariff, on the part of those who were outside the pale did not mean a revision downward?

There can be no other answer to that question. If it did not mean that, it was mere boy's play and we are indulging in a farce now.

If I believed that this revision simply meant the reaffirmation of the Dingley law, I would pack my grip and go home; for, under my oath as a Senator, I am not required to sit here in the participation in such an affair as that. We are called here for a purpose, and that purpose is to revise this tariff, and, in the main, in the spirit, at least, of revision downward. The people understood that; we all understood it; the men who wrote it in the platform understood it. It was the plain inference from every speech made upon the rostrum. I think our presidential candidate often spoke upon the subject, and there was not a suggestion that the spirit of the revision should be upward; but, ever pointing to the burdens that the people bore, the suggestion was of a downward revision. No amount of sophistry can argue away the plain, practical truth that one side demanded to let good enough alone, the other demanded a change from existing conditions, and that demand not being made by those who were under this system and its more direct benefaction, was a demand for a revision downward.

Now, Mr. President, I have spoken of the hysteria that prevailed in the railroad-rate legislation as illustrating the condition we are confronted with to-day. The very men who, two years ago, would not have raised a finger against the modification of their particular schedule, to-day throw their hands up in fright at the mere suggestion of interfering with that schedule. That schedule, in the prosperity of the last ten years, notwithstanding the slight depression that commenced in the fall of 1907, has demonstrated that, in the main, it needs no addition of rates to maintain the marvelous growth of these industries. The startling invasions by those industries of the foreign market proves that we do not need as much as we already have in the Dingley law.

Now, you ask how we can determine this question. I can only answer for myself. Neither the exaggerated idea of a benefit to the man who believes he is going to get an advantage by striking down some article that goes into his own manufactured article nor the exaggerated fear of the man who feels that he will suffer by the revision of this tariff can avail, at least with me. We have great, broad principles upon which we can base our judgment. We can measure the relative growth of our own production against importation; we can measure the growth of the great surplus that may have been piled up behind some of these industries; we can measure the advancing prices of others; we can measure the disappearing sources of others; and in that way we can arrive at the truth.

No man can know it all. The great men who framed this Government, wise in their day, did not know it all. What would the constitutional convention have said if some one had risen then, and, with prophetic vision, pointed to a time when the word "nation," which they had torn from their draft, should be reinstated to a degree where scarce the skeleton of state sovereignty remains, save as a reminiscence? What would that great body of men have thought if some one could have convinced them then that the time would ever come when that secondary function, in their minds, the judiciary, should sit in solemn judgment upon the acts of the great popular branch of the Government—the legislative?

What would Hamilton, arch-Federalist of them all, have thought if he could have foreseen the day when a federal officeholder could send to a meat packer, 2,000 miles distant, and command that meat packer to raise the temperature in his cutting room, not because the meat required a higher temperature, not because the poor workingmen required a higher temperature, but, forsooth, because the temperature was too low for the government inspector! While they did not foresee these things, yet

they held the great basic principles, and on these principles they reared an edifice that has withstood all the storms of time, and which is destined, I believe, to endure through the ages.

We can not avoid some mistakes; with all the ingenuity employed, some errors will be made; but if we approach this question upon the broad principle that the spirit of this promise is a revision downward, we shall make but few mistakes. In the light of the marvelous strength that has come to these industries in the last ten years, if there is danger of making a mistake, I believe with the Senator who spoke the other day, that in the light of this demand coming in a time of industrial prosperity, in a time when these industries have grown as they have, the burden now is upon them to make good their claim that they need these present duties retained or, if they ask for them, that they need increased tariff schedules for their protection. The burden of proof is upon them to show the necessity.

Mr. President, one word more, and I am through, because I realize that we are anxious to proceed with this bill. It is being whispered around that the men who believe in this approximately uniform reduction, this revision in the spirit of the promises made last fall, will not be able to carry out their promises; that the great industries of this country are combining in this fear, into which they have been thrown, perhaps largely by our own procrastination; and that, combining this industry with that industry, they will defeat this revision.

I do not believe it. I believe when this revision is done with that it will be a somewhat fair compliance with that promise. I want to say to the representatives of these great industries, if they should perchance hear these words, that the enemy of protection is not the man who advocates free trade, but the enemy of protection to-day in the spirit of the American people is the man who, having the power, abuses the policy of protection. The friend of protection is the man who stands here for the faithful carrying out of that promise. You may postpone this two years, but the American people have determined upon this kind of revision, and anything short of that will be more than disappointing. I do not want to indulge in any threat, but I am simply giving this warning note to those within and without this Chamber who believe in protection, who want a reasonable protection, that it is in your power now, uniting with us upon this policy, to give the Republic a tariff bill that will stand for years to come, strong in the hearts and sympathy of the people. On the other hand, it may be in your power to do the contrary. But just so sure as you do, two years from now this tariff will be revised, not by the friends of protection, but by the enemies of protection, sent here on account of the wrathful disappointment on the part of the people.

I do not care to state it stronger than that. We all know what that promise meant. We all know what our duty is. The blow will not fall upon those of us who plead for a fair revision; but it will fall elsewhere. It will fall in an industrial sense with the force of the chaos that came from revision when once before the tariff was revised by the enemies of protection. Our people said to us last fall: "We want the tariff revised; we want it revised by its friends; we want it revised within the limit of a fair protection, measuring the difference of cost between this country and other countries," and they are waiting for such revision to-day. No representatives of theirs throng the corridors and the hotels of this city, but silently, quietly, they are waiting and trusting that we will redeem that promise. If Congress shall fail to do so, the people, in their wrathful disappointment, will for a time strike down, regardless of consequences, the very principle of protection itself.

The VICE-PRESIDENT. The Secretary will state the pending amendment.

The SECRETARY. On page 59, paragraph 179, the Committee on Finance propose to strike out all after the numerals down to and including the word "pound," in line 19, and insert "Lead-bearing ore of all kinds, 1½ cents per pound on the lead contained therein."

Mr. ALDRICH. Mr. President, I ask that the vote be taken upon this amendment by yeas and nays.

The VICE-PRESIDENT. Is the request that the vote be taken by the yeas and nays seconded?

Mr. BACON. Before the vote is taken, I wish to state that the Senator from Missouri [Mr. STONE] intended to be heard upon this schedule. It went over last night at his request. I myself have a few words to say on the schedule; but I do not desire to take the place which the Senator from Missouri expected to occupy this morning.

Mr. ALDRICH. My own understanding was that the Senator from Missouri was uncertain whether he cared to speak upon this particular amendment or not.

Mr. BACON. I saw the Senator only last night.

Mr. ALDRICH. Very well. The Senator has been here this morning, however, I think.

Mr. TILLMAN. The Senator from Missouri told me this morning that he desired to speak on the schedule. So I think there is no doubt about it.

Mr. BACON. I suppose the Senator from Missouri expected that the Senator from Minnesota [Mr. CLAPP] would occupy more time than he has done.

Mr. OVERMAN. I want to inquire what has become of paragraph 51 in relation to white lead?

Mr. BEVERIDGE. That is being considered in connection with paragraph 179.

Mr. BACON. The Senator from Missouri is now in the Chamber.

Mr. STONE. Mr. President, I do not rise at this time with any thought of afflicting the Senate with a protracted speech. My purpose is to occupy but a short time on this occasion. However, as the lead industry is an important one in Missouri, I feel that I ought to say something to make clear the reasons which will influence my vote on the various paragraphs embraced in the lead schedule; and especially so since the makers of this bill have tinkered with the rates relating to all forms of lead production, from the crude ores to the refined manufactures.

Missouri, I believe, ranks as the first State in lead production.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. Certainly.

Mr. HEYBURN. Missouri was the first State in the production of lead by a small excess in 1906 and 1907, but Idaho exceeded Missouri in 1908. They run close together.

Mr. STONE. That is not important.

Mr. HEYBURN. No.

Mr. STONE. I was not seeking to disparage Idaho or to unduly extol Missouri.

Mr. HEYBURN. I did not so understand the Senator.

Mr. STONE. The fact is, however, I think, that there was a considerable falling off in the production of lead in Idaho in 1907 over that of 1906.

Mr. HEYBURN. It was regained in 1908.

Mr. STONE. At all events, Mr. President, a large investment is represented in lead mining and lead manufacture in Missouri. How many millions are invested I am not prepared at this moment to state, but the investment is large. I know also that thousands of men are employed in the various lines of this industry in Missouri. The men representing these investments and the men they employ are well entitled to every proper consideration. They are engaged in a great work, in which the State and the country are greatly interested, and they should receive every proper care and attention.

But, Mr. President, there are others equally deserving. In every city, town, and hamlet in Missouri, and on every farm, there are people who are also deeply interested in these schedules. Brick masons, stone masons, and carpenters, merchants, professional men of all kinds, and farmers, the housebuilders of the State, are all interested; and then there is an army of mechanics who paint houses, vehicles, machinery, bridges, and all manner of things—the first purchasers and users of paints—who are vitally interested in the refined manufactures of lead. I think these people are also entitled to our thoughtful consideration, the one class as much as the other, and in adjusting a tariff the interests of all should have equal attention.

Mr. President, in the southeastern part of Missouri an enormous amount of lead is mined. There are mills of different kinds located there, representing a large capital, engaged in making lead bullion and in producing other higher and more refined lead manufactures. From the point where these mines are actively operated, which is practically along the Mississippi River and on the eastern border of the State, if a line should be extended westward across the southern central part of the State to the famous Joplin district in southwest Missouri, almost every mile of that line would pass over a large lead-bearing area, although for the most part this area has not been developed. When we reach the Joplin district we find a high and extensive condition of development, but zinc is the metal of chief value produced in those mines. The ores, however, that come from what are called the zinc mines of the Joplin district are compound or mixed ores, and a large amount of lead is produced in connection with zinc mining.

Therefore, under the circumstances, no one can be more solicitous than I as to the prosperity of these great industries.

No man can be more desirous than I of having them prosper, both as respects the capital invested and the men employed; but to promote or to safeguard that prosperity I do not believe that the increased rates fixed in the Senate amendments over the rates fixed in the House bill are necessary. I have said there are others to be considered, and keeping that in mind and taking the whole field under view and being regardful of every interest involved, I think the rates fixed by the House for lead ore and its refinements in the bill passed by that body are ample even when considered from the standpoint of a protective revenue measure.

Mr. CLAPP. Mr. President, will the Senator pardon an interruption?

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. STONE. Certainly.

Mr. CLAPP. I should like to ask the Senator if he does not think that the labor phase of this question was properly recognized by the House in fixing the rates upon lead ore, instead of assuming or trying to argue that the labor proposition is met by putting this higher duty upon the pig lead? I would like to hear some one who is familiar with the subject discuss that.

Mr. STONE. Mr. President, of course I am not nor have I ever been in the confidence of the Republican members of the House Committee on Ways and Means, and I have no information as to what they had under consideration or what particular things influenced their judgment, but I assume that the wage question, as well as every other element that should be considered in fixing a tariff rate upon a given article, was brought under review and thought out by that committee before they reached a conclusion.

The Senator from Rhode Island [Mr. ALDRICH] stated on yesterday, as on the day before, that the House committee at the last moment, or at a very late moment, changed their views as to the rates that should be fixed in this schedule upon this basic metal, and that they changed the rate first agreed upon as to ores to a higher rate, but that in the hurry and press of reporting and considering the bill they neglected to change the rates on manufactures of lead so as to make them correspond with the change made on ores.

Mr. President, the explanation is not satisfactory to me, any more than it was to the Senator from Indiana [Mr. BEVERIDGE]. That Senator asked—and the question has not been answered—that inasmuch as it was the duty of the Ways and Means Committee to make this bill, and as that was a grave and important duty, why they did not take the time to revamp the whole schedule, if they deemed it necessary, since they did take time to amend it in part. Was it so important that the bill should be presented on a given day? Would the delay of a few hours have imperiled the measure? Why was it so important that they should press along with the consideration of the bill, and to proceed with such speed and rapidity that they could not pause for a moment to consider the whole subject? The members of the Ways and Means Committee are experienced in legislation; they were as well informed as the Senator from Rhode Island as to everything connected with this schedule; and they knew as well as he knows what effect a given rate upon the basic metal might have upon the refined products of that metal.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. Certainly.

Mr. ALDRICH. Do I understand it to be the contention of the Senator from Missouri that we are bound by the action of the House to follow whatever rates they may see fit to adopt?

Mr. STONE. The Senator from Rhode Island does not seem to be bound by it, and I know of no reason why he should be.

Mr. ALDRICH. I know of no reason; I do not know whether the Senator from Missouri knows of any or not.

Mr. STONE. No; I do not. I do not feel bound by the action of the House. I do not feel obliged to follow what the Ways and Means Committee of the House or the House of Representatives itself may have done.

Mr. HEYBURN and Mr. DU PONT addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Missouri yield, and to whom?

Mr. STONE. But I do say that the explanation given by the Senator from Rhode Island for the action of the House does not explain.

Mr. ALDRICH. I am willing to withdraw it, if that will accommodate the Senator.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Idaho?

Mr. STONE. With pleasure. I yield to any Senator.

Mr. HEYBURN. I should like to inquire of the Senator whether, in his judgment, any more sanctity is to be attributed to the House bill than to the existing law? As between the two, where is the presumption of right?

Mr. STONE. Mr. President, I do not think there is any sanctity attaching to either the House bill or the Aldrich bill or the Dingley law. None of them appear to me as being so sacred that one can not put his finger upon them without an act of desecration; but as the Senator from Rhode Island undertook to tell us that the House committee and the House itself had failed to make the changes he contends for because of the lack of time I deemed it not out of the way to refer to the insufficiency of his explanation.

Mr. ALDRICH. I said "for the lack of time"—I suppose the Senator wants to quote me accurately—"or for other reasons."

Mr. STONE. The Senator says "or for other reasons." What were the other reasons, if the Senator feels at liberty to give them?

Mr. ALDRICH. They had agreed to vote at a certain time by a vote of the House. That is one reason, possibly. But it seems to me it is absolutely inconsequential what the action of the House is or why it was taken. The question before the Senate is the rate which is now proposed by the pending amendment——

Mr. STONE. I am as fully aware of that——

Mr. ALDRICH. Whether it is a proper and adequate rate.

Mr. STONE. I am as well aware as is the Senator from Rhode Island that that is the question before the Senate. Nevertheless, I not only have the right, but it is a logical and proper thing to inquire as to the judgment of the Ways and Means Committee and of the House of Representatives upon this very question, and it seems to me that if the action of the House stands as the judgment of the House—and it came here with the seal of approval stamped upon it by the House committee and the House itself—that action and that judgment should have great weight on the minds of Senators who are seeking to have these rates adjusted on a basis as equitable as is possible under the circumstances.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Yes.

Mr. SMOOT. Do I understand the Senator to take the position that he is in favor of a duty upon lead ore at 1½ cents and also upon the lead product at the same rate?

Mr. STONE. If the Senator will curb his impatience. I will in due time touch upon that question.

Mr. SMOOT. I thought the Senator would simply answer "yes" or "no," and then I would lead up to another question.

Mr. STONE. I do not like to object to interruptions, but it has become a habit in this Chamber, a custom, to use an old phrase, which would be more honored in the breach than in the observance, of interrupting a Senator who is addressing the Senate with questions that break in upon his line of thought and force him to digress and consider points out of order that he intended in due time to discuss. I think Senators ought to be a little more patient and considerate. The thoughts of one man are not always his exclusively; it is probable they also occur to others.

Mr. SMOOT. In answer I will merely say I have been following the Senator pretty closely; I know he is interested, of course, in the question of lead ore, and if he is interested——

Mr. STONE. Very well. I will take up your suggestion now.

Mr. SMOOT. If he is interested in the question of lead ores, he must certainly be interested in the question of bullion, and I was going to ask him a question upon that line.

Mr. STONE. You have asked it. Now, I will take it up.

Paragraph 179, both in the House bill and the Senate amendment, fixes the rate on lead ore at a cent and a half a pound. As that paragraph came from the House it fixed the same rate on bullion or pig lead. I have always thought that if a given rate was placed upon a crude or basic material there ought to be some increase in the rates fixed upon the refined products of that material. I think that is a proper rule, no matter whether a bill is being constructed as a revenue or as a protective measure. If Democrats were in control, as the Republicans are, and we were making a tariff bill from our point of view, so far as I might have a voice in shaping it, I would favor the observance of that rule. I do not think it was unusual or improper, therefore, for the committee to separate ores from bullion, which

they did by taking bullion and similar substances out of paragraph 179 and putting them in a separate paragraph. The differential, however, should have been made by a reduction on ores instead of a raise on bullion, although I do not, in fact, regard a differential in this particular instance as important.

Mr. President, in my opinion a cent and a half a pound on lead ore is more than necessary, even from the standpoint of the Republican protection members of this body; I mean from the standpoint of framing a revenue bill with the protective idea predominant; and yet, since it is in the bill, I am not going to interpose an objection to leaving lead ore undisturbed at that rate. If it is satisfactory to others I will not move to change it, although I would not be unwilling to vote to put it at a cent a pound.

And, Mr. President, I think a cent and a half a pound is enough for bullion.

Mr. BEVERIDGE. For bullion?

Mr. STONE. For bullion.

Mr. BEVERIDGE. May I ask the Senator a question?

Mr. STONE. Certainly.

Mr. BEVERIDGE. I wish to ask the Senator whether from his examination of these two paragraphs——

Mr. WARNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to his colleague?

Mr. STONE. The Senator from Indiana has the floor at the moment.

Mr. WARNER. I should like to hear what is being said. I am interested in this question.

Mr. BEVERIDGE. I asked the Senator if he thought a cent and a half was sufficient on lead bullion. He said "yes." I was going to ask him whether, from his examination of the provisions of paragraphs 179 and 180, he thought the whole issue arising under both sections would not be involved in a vote on 179, because, as the Senator has just said, 179 strikes out all of the specifications of lead ore and bullion and so forth, and merely makes a cent and a half on lead-bearing ore; and they take out the rest of that paragraph and put it in 180. So if 179 was sustained by a vote of the Senate and 180 was rejected by a vote of the Senate, the whole schedule would be disturbed and destroyed and we should have remaining only a cent and a half on lead ore. So I ask the Senator whether the whole issue he is talking about will not arise on a vote on paragraph 179.

Mr. STONE. That may be so. If the Senate should disagree to the amendment proposed in paragraph 179——

Mr. ALDRICH. What would happen then?

Mr. STONE. It would leave the ore and the bullion at a cent and a half a pound.

Mr. ALDRICH. I beg the Senator's pardon. Then the question would recur on what should be done with paragraph 180. What rate should be imposed by that paragraph?

Mr. STONE. That is another amendment.

Mr. ALDRICH. That is another amendment, but there is no connection absolutely between the two.

Mr. STONE. There is a connection between the two, and a very close connection between the two.

Mr, ALDRICH. Perhaps the Senator from Missouri can explain it. I can not.

Mr. STONE. I can very easily understand it. I am surprised that the astute and distinguished Senator from Rhode Island is confused about it.

Mr. ALDRICH. I am not confused at all. The effect of the adoption of paragraph 179 as suggested by the Senate committee would be simply to fix the duty on lead ore at 1½ cents a pound——

Mr. STONE. Yes.

Mr. ALDRICH. Without regard to anything else?

Mr. STONE. But if it should be rejected——

Mr. ALDRICH. Then the question would come up on some other amendment or upon adopting the House provision without amendment. Then the question would come, according to the understanding reached by the Senate, upon paragraph 180, if paragraph 179 should be agreed to, and then the question would be as to what rates should be imposed upon pig lead and lead bullion. It is perfectly simple.

Mr. STONE. It is perfectly plain.

Mr. ALDRICH. I am surprised that the morning vigil of the Senator has not permitted him to arrive at that conclusion.

Mr. BEVERIDGE. Will the Senator allow me to ask a question upon that point?

Mr. STONE. Certainly.

Mr. BEVERIDGE. Suppose we were to sustain 179 and suppose we were to reject 180. What would be the condition of the bill?

Mr. ALDRICH. The condition of the bill then would be to reject it entirely.

Mr. BEVERIDGE. Suppose we sustain the Senate committee's amendment to 179 and reject the Senate committee's amendment to 180. What would be the condition of the bill?

Mr. ALDRICH. You mean——

Mr. STONE. Then there would not be any specific rate at all on bullion.

Mr. ALDRICH. Will the Senator from Missouri pardon me for a moment? If the Senate should refuse to fix any rate whatever upon lead bullion or the products of lead, of course they would come in as unenumerated articles at 20 per cent ad valorem. But it is incredible almost to suppose that the Senate is not going to fix some rate upon lead bullion, and when paragraph 179 is adopted, the whole question as to what rate shall be put upon pig lead and lead bullion is open for consideration in the Senate. If it is not fixed by 180, it will surely be fixed by some paragraph to be suggested by somebody.

Mr. STONE. I think so.

Mr. BEVERIDGE. With the Senator's permission——

Mr. STONE. Certainly.

Mr. BEVERIDGE. The Senator from Rhode Island is not as clear as he usually is in saying it is inconceivable that the Senate would not fix some duty. Therefore we see that if we adopt 179 and reject 180, we have by those two votes provided for nothing at all but a cent and a half on lead ore, whereas if both are rejected it leaves the lines from 13 to 19 in 179; in other words, the House provision standing, and thus fixes 1½ cents not only on lead ore, but lead bullion and scrap lead. That is the reason that the whole issue is involved in 179.

Mr. ALDRICH. It is absolutely incredible that the Senate should refuse to fix some rate upon lead ore or lead bullion and pig iron, and if it is not fixed by the rates now in paragraph 180 they will fix some other rate. No man who is now in the Senate or who ever has been here——

Mr. STONE. That is perfectly plain.

Mr. ALDRICH. Will think differently.

Mr. STONE. It is so plain that it is useless to discuss it. It is perfectly clear that if the amendment which the Senate committee proposes to paragraph 179 shall be disagreed to, it would restore the House provision and put lead ore, and pig lead or lead bullion on a parity; that is, all would bear a cent and a half a pound.

Mr. ALDRICH. Undoubtedly.

Mr. BEVERIDGE. If both were rejected——

Mr. STONE. Now, the Finance Committee have left lead ore in 179 at 1½ cents a pound, and they have taken lead bullion and transferred it to 180 at a higher rate of duty. That is perfectly clear from the most casual reading of the bill.

While I think that if the naturally expected symmetry of this character of legislation is to be preserved, there should be a gradual increase on manufactured articles, starting from the same base—the rate keeping some kind of step with the refinements in manufactures—yet it must always be difficult to make practical application of the rule and secure proper adjustments; and I do not think it is always of prime importance that the rule should be observed. I believe that lead ore should bear less than a cent and a half a pound, and that bullion should not bear more than that; and, while if both should be left at the same rate, the proper level as between the two would not be maintained, in my opinion, no serious harm and no great commercial disturbance would result.

Lead ores have had this duty of a cent and a half a pound for twelve years, and both the Senate and House committees have recommended a continuance of the same rate, and the House put ore and bullion on a par. I am willing to leave it at that. A cent and a half a pound on ore may be, as I think it is, somewhat too high, but a cent and a half is enough for bullion. I am satisfied to leave the House bill as it is, even though there may be some apparent disproportion in the rates.

Mr. President, why do I think that a cent a pound on lead ore would be ample, even for a reasonable protection?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Certainly.

Mr. SMOOT. If the lead bullion value carried a cent and a half a pound, it would necessarily mean that the lead-bearing ore certainly would not receive the benefit of a cent and a half a pound, even though the bill carried it. Does the Senator agree to that?

Mr. STONE. I do not know. I do not think I quite understand the Senator.

Mr. SMOOT. Let me explain it in this way: When a miner brings his ore to the market and it is assayed, when the day of

settlement comes upon the assayed value of the ore he is paid whatever is the market price on that day of lead bullion. And so the relative advantage that may come to the miner of the ore is affected one way or the other by the price of the bullion, and therefore it would cut no figure whatever. As far as the miner is concerned, if the ore was a cent and a half and the bullion was a cent and a half he would get no advantage whatever by it.

Mr. STONE. The Senator is not so clear as he usually is. But I pass that.

Mr. SMOOT. But is not that——

Mr. STONE. If the Senator will let me proceed in my own way——

Mr. SMOOT. I certainly do not want to interrupt the Senator. I thought the Senator would see that point.

Mr. STONE. I have said that I thought bullion, in the natural course of such legislation, ought to bear a higher rate than the ore. I have said that.

Mr. SMOOT. And if it does not it will affect the ore.

Mr. STONE. Affect the ore?

Mr. SMOOT. The price of the ore.

Mr. STONE. I do not see how it would, of necessity, materially affect the ore. I suppose the thought the Senator has is that if the tariff on the bullion is not sufficient, as compared to ore, that bullion will come in from abroad in larger quantities, and that the price of ore would be reduced in consequence.

Mr. SMOOT. Certainly it will be reduced.

Mr. STONE. I do not assent to the full measure of the Senator's statement. I said I thought a cent a pound on ore would be sufficient. The rate fixed in the McKinley Act for lead ore was a cent and a half a pound. The rate fixed in the Wilson Act on lead ore was three-fourths of a cent a pound, or one-half of what it was in the McKinley Act. In the Dingley Act the McKinley rate of a cent and a half a pound was restored——

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Michigan?

Mr. STONE. Certainly.

Mr. SMITH of Michigan. What was the effect of the duty under the Wilson law on the lead industry?

Mr. STONE. I have the imports of the last full year under the McKinley Act—1893—and the imports of the last year under the Wilson Act—1896—and for the year 1907, under the Dingley Act.

Under the McKinley Act there were imported in 1893 $1,190,639.31 of lead. A cent and a half a pound duty was paid. In 1896 the imports in money value under a duty of three-fourths of 1 cent per pound were $335,023.66, and under the Dingley rate of 1½ cents a pound there were imported in 1907 $566,057. There were less importations under the lower than under the higher rates.

Mr. SMITH of Michigan. Mr. President——

Mr. STONE. I know of course that in 1896 there was a widespread industrial depression which did not prevail in 1907. No doubt that may account in large measure——

Mr. SMITH of Michigan. The figures given by the Senator from Missouri would tend to destroy completely the argument that to lower the duty is to increase the revenue.

Mr. STONE. If lower duties do not encourage imports, nor result in expanding their volume, then we had better have lower duties, even to free trade, for the better protection of our industries.

Mr. President, 1 cent per pound on lead ore is equal to $20 a short ton. The imported ores come chiefly from Mexico. That is the chief competing productive point.

Mr. SMOOT. The Senator does not certainly mean that 1 cent on ore amounts to $20 a ton on the ore. He certainly means it amounts to a cent a pound on——

Mr. STONE. On the contents.

Mr. SMOOT. On the lead contents?

Mr. STONE. Yes.

Mr. SMOOT. That is not $20 a ton.

Mr. STONE. But the proportion runs in that degree.

Mr. SMOOT. That is correct. Then you are correct.

Mr. STONE. Not only do ores have a tariff protection, but also a freight protection. The imported ores in 1907 were valued at about $38 a short ton. The Missouri ores run higher than that in value. I think it is safe to say that the average of the Missouri lead ores will be possibly as high as $50 per ton. Assuming that to be true, then a ton of Missouri ore worth $50 would, at 1 cent per pound on the lead, have a tariff protection of $20 per ton of lead. It will cost approximately $10 a ton to transport ore from Mexico to a central point, such as St. Louis, and that would be an additional protection. Leaving the duty as now fixed by law and as proposed in the bill at 1½ cents per pound, the tariff would be $30 per ton, and that added to the higher transportation charge strikes me as unnecessarily high on a product valued at $50.

Pig lead under the McKinley Act bore 2 cents a pound, under the Wilson Act 1 cent; under the Dingley Act 2½ cents per pound. Taking the money value of bullion imports for the years 1893, 1896, and 1907, I find they amounted in 1893 to $161,833; in 1896, under the Wilson Act, to $661,316; in 1907 to $1,047,166. The lower rate of the Wilson law did not flood the country with foreign bullion, although our friends over there are wont to say that it was a bill designed to encourage foreign industries and imports.

Mr. President, a cent and a half duty upon bullion would amount to between 40 and 50 per cent ad valorem on every ton of lead bullion brought into the country.

Mr. ALDRICH. What? Will the Senator tell us what the ad valorem rate is upon lead ore and what it has been for the last five or six years?

Mr. STONE. Yes. The ad valorem rate is over 40 per cent.

Mr. ALDRICH. On lead ores?

Mr. STONE. No, lead bullion. On lead ore the rate is more.

Mr. ALDRICH. How much?

Mr. STONE. There is a difference in the tables furnished by the House committee and the Senate committee on that subject. The Senate committee put it at seventy something and the House committee at ninety something.

Mr. ALDRICH. That is a different year.

Mr. STONE. Yes, a different year. One was 1906 and the other 1907.

Mr. ALDRICH. In 1907 it was 78.80; in 1906, 95.74; in 1905, 88.18; and in 1903, 80.26.

Mr. STONE. That is substantially what I said. I was not speaking of ores, however, when interrupted.

Mr. ALDRICH. You were showing that the duty upon lead bullion, figured by the average ad valorem, was less than half at 2½ cents what it is upon lead ore.

Mr. STONE. Well, I say that 80 per cent ad valorem on lead ore is more than necessary, and I think 40 odd per cent on lead bullion——

Mr. ALDRICH. But the Senator was showing conclusively that 2½ cents, which is the present rate upon pig lead, was only about 40 per cent ad valorem, while the duty upon lead ore, the basic substance, was 78.80 per cent.

Mr. STONE. I beg pardon, but I was not showing that nor even discussing that when the Senator interrupted me, but what he says as to the ad valorems is the fact.

Mr. BACON. Will the Senator permit me to ask the Senator from Rhode Island a question?

Mr. STONE. Certainly.

Mr. BACON. I wish to ask the Senator a question for information about something that I do not understand. I alluded to it yesterday. I do not know whether I understood the Senator correctly this morning or not, but I find that pig bars are put down at 49.45 ad valorem. Is that correct?

Mr. ALDRICH. Two and one-eighth cents is the present rate.

Mr. BACON. And the amount I state is the ad valorem at that rate.

Mr. ALDRICH. That is right.

Mr. BACON. The point I can not understand is this: Of course I know that percentage varies. The ad valorem will vary when there is a specific duty as the value of the article varies. But in the matter of the ore, the duty is specified as being the duty on the lead contents. I can not understand how at 1½ cents the lead contents will be 50 or 60 per cent greater. The Senator said it was only 28 cents. That is a great mistake. There is a difference of 28 cents, but 28 cents is 50 or 60 per cent. So it is 50 or 60 per cent, without speaking exactly accurate, of course. In other words, the 24½ advance would be 50 per cent, because it is 50 per cent of 49.

Mr. SMOOT. They are both percentages. They are not changed. One is a per cent of 76 per cent and the other is 49 per cent.

Mr. BACON. Very well, each of them is a per cent.

Mr. SMOOT. If you speak of an advance on the per cent that is another matter.

Mr. BACON. I say that 78.80 is 50 or 60 per cent greater than 49.45; in other words, it is that much in advance of the rate on the bullion.

Mr. SMOOT. That is a different proposition entirely.

Mr. BACON. I mean to say this——

Mr. ALDRICH. I will explain the matter to the Senator if the Senator from Missouri will allow me.

Mr. BACON. I really wish to have it explained. I do not understand it.

Mr. STONE. Mr. President——

Mr. BACON. I will not trespass upon the time of the Senator from Missouri now.

Mr. STONE. Mr. President, the Senator from Rhode Island can explain it. It seems to me to be easy of explanation. As the Senator from Utah says, it is a matter of per cent. To illustrate, the per cent or ad valorem equivalent of 1½ cents per pound on a ton of ore weighing 2,000 pounds and valued at $45 would be considerably greater than the equivalent of 2½ cents a pound upon a ton of bullion valued at $85 a ton. It is the difference in value that affects the difference in per cent.

But, Mr. President, although the ad valorem equivalent on bullion is only about half that on ore, it is still sufficient. A 49 per cent ad valorem tax upon a metal production ought to be enough to satisfy any industry of that kind. At all events, it is enough to satisfy me, having, as I do, some due regard to the rights of other people, the consumers of the various productions.

Now, Mr. President, respecting white lead, I wish to say a word. Under the McKinley law the rate fixed was 3 cents a pound; under the Wilson law 1¼ cents a pound, or one-half of that imposed by the McKinley law; and under the Dingley law it was raised to 2¾ cents per pound. The imports of white lead for 1893 in money value was $41,319.50; in 1896, $24,421,34; and in 1907, $38,481.50. Manifestly, the Wilson law did not flood the country with foreign white lead. Altogether, of the different kinds of lead, reckoning from ores up, imported in 1893, the money value was $1,351,472.31; in 1896, $986,341.67; and in 1907, $1,609,223.15. So, no matter what the form of the production, the lower tariff of the Wilson law did not swell the tide of importations.

The domestic production of lead in 1893 was $11,839,590 against $1,351,472 of imports, and in 1896 the domestic production was $10,528,000 as against $986,341.67 of imports. The falling off in importations in 1896 as compared to 1893 was relatively much greater than the falling off in domestic production. In 1907 the domestic production was $38,707,596 as against $1,609,223.15 of imports. It will be observed that there was a large increase both in production and imports. So, Mr. President, whether under the lower or the higher tariff it is clear that the lead mining and manufacturing industry has not been menaced by any overflow of foreign production, nor is there any reason to apprehend that danger now.

Mr. ALDRICH. Will the Senator permit me?

Mr. STONE. I will permit the Senator, of course.

Mr. ALDRICH. Is the Senator aware that during the two years that the Wilson law was in operation there were imported into the United States the first year 82,000,000 pounds of pig lead, valued at $1,823,000, and the second year 66,131,000 pounds, valued at $1,200,000, and that the largest importations under the present law in any year were 24,000,000 pounds in 1907? Does the Senator consider that the result of the Wilson law was an invasion of the markets of the United States or not?

Mr. STONE. How much did the Senator say the importation was in value in 1907?

Mr. ALDRICH. Twenty-four million pounds, valued at $1,000,000.

Mr. STONE. I was giving the money value, not the weight or measurement of the importations.

Mr. ALDRICH. I am speaking about the lead that came into this country in competition with the American producers.

Mr. STONE. I am doing the same thing.

Mr. ALDRICH. Not exactly. The Senator is doing it in a round-about way.

Mr. STONE. I was doing it in a direct way. I was giving the money value of the importations, and that is better than to give the weight in pounds.

Mr. ALDRICH. Let me give another. In 1908 the importations were 4,000,000 pounds, and the value $176,000, against a valuation of $1,823,000 under the Wilson law.

Mr. STONE. What year of the Wilson law?

Mr. ALDRICH. In 1895 and 1896, the only two years, thank heaven, that it was in existence.

Mr. BACON. Will the Senator please state what was the revenue derived from it?

Mr. STONE. The Senator from Rhode Island has a right to thank heaven, I suppose, for anything he pleases; I do not know just what he pleases to do it for at this time.

Mr. ALDRICH. I think the Senator from Missouri can comprehend that suggestion.

Mr. STONE. I can not.

Mr. ALDRICH. I think the country comprehends it.

Mr. STONE. No.

Mr. ALDRICH. I think so.

Mr. STONE. Well, the Senator and others like him have undertaken to mislead the country with regard to the Wilson law, and have met with a large degree of success.

Mr. ALDRICH. In 1895 the value of duties collected—this is what the Senator from Georgia desired—amounted to $826,000 and in 1896 to $661,000.

Mr. BACON. How much was the revenue in 1908?

Mr. ALDRICH. Ninety-four thousand dollars. So if the revenue is the only thing to be considered, of course the lower rate is more important.

Mr. STONE. Mr. President, the statistics I have examined, and from which I took the figures I have given to the Senate, are statistical tabulations prepared by Mr. Evans for and at the instance of the House committee, and from the Mineral Resources of the United States, prepared by the Geological Bureau in 1907. I assume they are approximately correct, although I observed in looking at different tables that have been furnished that they do not always exactly agree. The tables from which I quote do not accord with those from which the Senator from Rhode Island quotes.

Mr. ALDRICH. There is always a discrepancy between the reports on mineral resources by the Geological Survey and the Bureau of Statistics. One applies to the calendar year and the other to the fiscal year. So there would be a slight difference in the figures.

Mr. STONE. I think the Senator is correct about that. Still, whether from one source or the other, the data is supposed to be approximately correct. The small variations that may appear should not be material. At least, the tables furnished by the House and Senate committees should have some semblance of accord.

Now, Mr. President, I do not care to detain the Senate by prolonging these observations. I desire to remark by way of conclusion that I will not even in my own State yield to a pressure if brought or attempted upon me to impose tariff duties that I believe to be unnecessary and unjust. The Republicans in Congress are making this bill and are making it on protective lines. I recognize that fact. But as one of the representatives from a State employing thousands of men in the various departments of this particular industry, and which represents enormous investments of capital, I will not consent to cast a vote at the behest of anyone to impose an exorbitant and unnecessary tax upon the consumers of the commodities they create.

Observing the line you are pursuing in the construction of this measure, I shall not protest or complain when duties are not exorbitant but are fairly reasonable, from the standpoint of a protective-revenue measure. I will not approve what you do, but it would be vain to protest. I wish it understood that I do not approve the Republican policy, and will not indorse it even as to given products because my State may happen to be especially interested in them, and hence I have said what I have with regard to this schedule. Whatever my view as to the wisdom of your policy, I shall not wail out my protest whenever you fix a protective duty within the bounds of reason. But whenever you go beyond reason into excess and keep pressing a heavier and heavier hand upon the thousands who consume the products of any industry I will not give to it the sanction of my vote, but I will protest against it, even though some of my constituents may be among the favored beneficiaries.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I do.

Mr. SUTHERLAND. Perhaps the Senator may have stated—if so, I did not hear it—but what amount of duty does the Senator think could be imposed upon the lead contents of ore?

Mr. STONE. I have already stated, Mr. President, that I think 1 cent per pound would be ample even from the standpoint of a reasonable protectionist. I do not speak of a prohibitive duty, but a duty that would be amply protective from the Senator's point of view and yet produce a fair proportion of revenue.

Mr. SUTHERLAND. As I understand the Senator, he thinks——

Mr. STONE. I beg the Senator to let me conclude. As I have said, inasmuch as a cent and a half a pound has been imposed upon the importations of lead ores for a decade and more, and inasmuch as the Senate committee and the House committee have reported that rate, I will make no motion to change it, but am content to leave it as it is, if that should be the pleasure of the Senate.

Mr. SUTHERLAND. If the Senator will permit me, I wish to call his attention to a fact which came under my own observation in my own State. Under the Wilson law the duty on

lead contained in lead-bearing ores was three-fourths of a cent a pound. While that law was in operation lead brought in the markets of this country prices ranging from 2½ to 3½ cents a pound. A part of the time it was as high as 3½ cents. But during that entire period of time, when lead was selling as high as 3½ cents a pound, at least three-fourths of the lead-producing mines in my State were closed, because the lead producers in that State could not afford to produce lead from their mines at 3½ cents a pound.

Under the operation of the Dingley law fixing the rate at 1½ cents a pound the prices have ranged from 4 cents to 6 cents a pound. In a short length of time lead brought as high as 5 or 6 cents, but on an average it has been less than 5 cents a pound. During the last few months the price of lead has fallen to about 4 cents a pound, and to my personal knowledge some of the lead-producing mines in my State have been compelled to close operations, because they could not afford to produce lead at 4 cents a pound. However, when the price of lead has risen to about 4.30 or 4½ cents they have been able to resume operations.

It seems to me that goes to establish that it is necessary the duty should be 1½ cents, as it has been during the last twelve years, in order to enable at least a very large proportion of the mines throughout the Rocky Mountain region to operate at all. If we cut the duty down to 1 cent, my judgment is, from the observation I have given the subject, that perhaps more than one-half of the lead-producing mines in my State will be compelled to close their operations; and that, of course, means throwing out of employment the thousands of men employed in the mines and in the smelting industries and other industries that are associated with the mining industry.

Mr. STONE. Mr. President, the apprehensions of the Senator do not impress me as well founded. He says that during the operation of the Wilson law the price of ores ranged around 3½ cents, or about that per pound; that later, under the operation of the Dingley law, the prices advanced to over 4 and sometimes to 5 cents a pound. More recently, while this Dingley law is still in force, the ores raised from Utah mines, so the Senator says, have gone down to 4 cents per pound, and that mines have been closed because they could not operate them at that price with profit, just as they were closed under the Wilson Act. This seems to me to show one thing at least—that the value of ore is not determined by a tariff duty. The Dingley law is still in force, and there is no threat of legislation here to reduce the rates, and yet the value of the ore has been sinking, and the Senator says it has gone so low that mines have been and are being closed in his State.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. Yes, sir.

Mr. SUTHERLAND. The Senator says there was no threat to reduce the duty. The Senator will remember that not only was there a threat to reduce the duty to 1 cent, but the House committee actually reported a duty at 1 cent in the first instance, and afterwards, at the last moment, as has been explained here, increased it to 1½ cents. But the threat that the duty would be reduced to 1 cent was in operation for many months.

Mr. STONE. There may have been some vague threat, but I have not until now heard of it, and it certainly has not taken shape or form in this legislation. It certainly can not be that mines were closed and men thrown out of employment because of a mere apprehension that the ore duty might be reduced. It is hardly within reason to attribute that effect to that cause.

Mr. President, the fact is the value of the product at any given time is not so much dependent upon the tariff rate as it is upon the industrial condition of the country at that time; price is chiefly regulated by the old rule of supply and demand.

Now, Mr. President, when last interrupted I was upon the closing sentence of what I wished to say, and that had reference to the particular item in this bill to which the Senator from Kansas [Mr. BRISTOW] addressed himself on yesterday—white lead, which is a form of lead that goes into the manufacture of paints. We have more people who use paints than are engaged in making them, and these consumers are as much entitled, I do not say more, but as much entitled to consideration as those who produce them. Equal regard should be had for both classes, those who make and those who consume. I believe with the Senator from Kansas [Mr. BRISTOW] that the rate fixed upon white lead by the House committee and sent over here after a full hearing and a careful examination is sufficient. The Senator from Rhode Island smiles at this and turns away, but that does not decide the question. It may decide the issue in the Senate, but not the right of the proposition. It seems to me that when that great Republican committee which framed this bill in the first instance over in the House of Representatives determined upon that rate as affording ample protection it would be well not to exceed it here, lest you do injustice and perpetrate a great wrong against the millions who consume this article—an article that may be easily classified as one of common necessity; and so, Mr. President, I shall vote against the increases proposed in this schedule by the Senate committee.

Mr. WARNER obtained the floor.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Texas?

Mr. WARNER. Certainly.

Mr. CULBERSON. Before the Senator from Missouri begins, would he allow me to ask the chairman of the committee a general question on this subject?

Mr. WARNER. Certainly.

Mr. CULBERSON. I should like to ask the chairman of the committee whether it is true that, taking paragraph 51 and paragraphs 179 and 180 into consideration, the changes made by the Senate committee do not amount to a reassertion of the Dingley rate?

Mr. ALDRICH. They do.

Mr. WARNER. Mr. President, yesterday there was some confusion as to the process of making white lead, and I thought it would be of importance at this time to have it made clear to the Senate. I send to the Secretary's desk the Century Dictionary and Encyclopedia giving a description of the process, and I ask that it be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

White lead, a mixture of the carbonate and the hydrated oxide of lead in somewhat varying proportions, approximating to 75 per cent of the former and 25 per cent of the latter. It is prepared as follows: Metallic lead is cast into perforated disks 7 inches in diameter and one-eighth inch thick, technically called "buckles." These are packed into earthenware pots 15 inches high, and to each pot is added a small amount of acetic acid. The pots are then piled into bins 40 feet square, and the whole covered with spent tan bark and left alone for nearly three months. During this time the temperature rises, steam is given off, and a rather complex chemical decomposition takes place, by which the metallic-lead buckles become converted into the white carbonate. But the quantity of lead converted into white lead seldom amounts to more than 65 per cent. The bins are unloaded and the contents of the pots thrown into a revolving screen, which separates the white lead from the unconverted metallic lead, this latter being remelted and put through the process again. The white lead is ground to a fine powder, and then made into a paste with 10 per cent of linseed oil, forming the paint known as "white lead in oil." This method of converting metallic lead into white lead is known as the "Dutch process." Other methods tending toward greater quickness and economy have also been used.

Mr. WARNER. Mr. President, my only purpose in rising was to have that extract read. I may, however, say in a word that while I understand my colleague [Mr. STONE] and I will agree ultimately in the vote upon paragraph 179, I hardly agree with him on another proposition, and that is that a low rate of duty would not increase importations. I hardly think that persons familiar with the lead-mining industry in Missouri in 1895 and 1896 would attribute the small importations at that time to a low rate of duty. I am not able to say as to the effect upon the lead mines in other States of this Union, but I think I am fully authorized in saying that the lead mines in the Joplin district and in other districts of Missouri were paralyzed; they were shut down; the miners were thrown out of work, and that condition existed until the increase of the duty. As to what effect the lowering of the duties may have had or what effect the increase of the duties may have had, in the face of the condition, I enter into no discussion with anyone. It seems to me to be self-evident.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Minnesota?

Mr. WARNER. With pleasure.

Mr. CLAPP. Mr. President, in view of the fact that the price of this article has fluctuated, and is fluctuating to-day under a continued tariff, might it not be true that the depression or the lowering of the price from 1893 to 1897 was due to the general depression then existing rather than to the particular lowering of this duty on lead? I think we lose sight of that in this comparison of conditions.

Mr. WARNER. Not at all. I thought that that fact was so evident that I did not refer to it. I have no doubt that it entered into the consideration.

Mr. President, I have taken some interest in this schedule and in the zinc schedule, first, because I believe it is in the interest of the American people, carrying out the doctrine of giving protection to American labor, and, I am free to confess, in part because it is a great industry in my State, affecting thousands upon thousands of laboring men.

In this connection I desire to send to the Secretary's desk to be read the words of a great Senator, spoken in this Chamber in 1883, while, I think, the Morrison tariff bill was under discussion. I ask that the extract from Senator Vest's speech may be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

As I said the other day, I have never risen myself to that solar region, that high philosophical lunar altitude, where I could overlook the people who sent me here and the State which did me the honor to give me a place on this floor. While I am a Senator of the United States, I am not here to take care especially of Massachusetts or Pennsylvania, when they have Senators upon this floor who, more ably than I can possibly do, look to those interests. I believe, as a Democrat, that the ligament which binds these States together to a common prosperity and in a glorious Union is the ligament based upon state interests, local interests, and the fact that every local interest is represented upon this floor and in the Chamber of the other House.

Mr. WARNER. Mr. President, a Senator has just asked me from whose speech the extract which has just been read was quoted. I will say it was quoted from the speech of a distinguished Senator who has been referred to many times in recent debates upon this floor as an old-time Democrat; a Senator whose fervid eloquence had given a charm for twenty-four years to the debates in this Chamber; a Senator whose pathos has moved his colleagues to tears, whether in pronouncing a eulogy upon a dead Member or paying a tribute to man's best friend, the dog.

Mr. STONE. If my colleague will permit me, I should like to observe that I think that is the only expression which ever fell from the eloquent lips of my distinguished predecessor, so much beloved in Missouri, that my colleague has ever applauded.

Mr. CARTER. Mr. President, the discussion on the lead schedule seems to have reached a point where the only question remaining to be determined is as to the adequate rate of duty to be fixed. I do not by that remark desire to have it understood that I allege that every Senator in the Chamber will support a duty on lead or any of the products of lead, but I do think that a decided majority of the Senate is in accord with the policy which has prevailed with reference to the lead industry for a long time. I shall not, therefore, detain the Senate in any description of the vast industries, not alone of lead mining and the manufacture of lead products, but the vast interests involved in the complex commercial and industrial life of certain States in the Union where this lead production is of great local importance.

The subject is not a new one, and we are not, therefore, required to speculate as to the duty which may be deemed adequate. Under the tariff law of 1883 lead ore was made dutiable. In 1889 the Treasury Department held that lead ore was an ore in which the lead value predominated over the value of any other metallic substance contained in the ore. Lead ore as mined in Mexico and also in Colorado, Idaho, and other States of this Union is generally accompanied or found in union with silver, gold, and sometimes copper. This Treasury construction, that ore predominating in silver value was silver ore rather than lead ore where the silver value predominated or exceeded the lead value, led to vast importations of lead from Mexico under the classification of silver ore, free of duty, and that line of importations from Mexico closed down the silver-lead mines of Colorado, Idaho, Utah, and the entire Rocky Mountain country, besides introducing into the commerce of the country a surplus of free lead, which put the Missouri lead miners out of business. An attempt was made to have that Treasury ruling reversed, but without success.

When the McKinley bill came forward for consideration, the language now employed in the pending measure was used to prevent or preclude such construction as has led to mischievous results; so that this phraseology is now employed in fixing the article on which the duty is to be levied at 1½ cents per pound, to wit:

Lead-bearing ore of all kinds, 1½ cents per pound on the lead contained therein.

Under this phraseology the amount of gold or silver in the ore is of no avail as a means of evading the duty intended to be imposed on the lead imported with the ore. Notwithstanding the duty was 1½ cents a pound at the time this evasion to which I have referred occurred, the evasion was sufficient to reduce the price of lead in the United States to a point where Missouri, with its splendid measures, Colorado, with its great deposits, and Idaho, with its superb mines, were all forced to yield to the production in Mexico, upon a law that has never been enacted and never can be repealed—the law relating to the cost of labor as a factor in production. Miners were paid from 50 to 75 cents per day in Mexico to mine this ore. They could not be induced to work in the United States for less than from $2 to $3.50 per day, working eight hours per day, as the Senator from Missouri [Mr. WARNER] suggests to me. Very naturally the 75-cent man put the $3.50 a day man out of business.

A little later on, the phraseology being retained, the duty on lead ore was reduced to three-quarters of a cent per pound. That reduction was tantamount to placing the lead in the ore on the free list. This is not a matter of speculation; it is a matter of history. One of the most lusty and vigorous of the brigades in Coxey's army came in from the lead mines of the Coeur d'Alene country.

Mr. President, the fact that production has been increasing in but a meager way under the 1½ cents per pound duty, the fact that a slight evasion of the duty at that rate will prostrate this lead industry, the fact that it has been shown that a duty of three-fourths of a cent a pound is no better than free trade in lead or lead ore or the contents of lead ore, amounts, it seems to me, in our current experience to a demonstration of the fact that, as to this schedule at least, we have secured that which is adequate and not excessive as a rate of duty.

It is difficult to go into an analysis of the comparative efficiency as to miners or any other class of workmen. Mathematically considered, many questions are to be taken into consideration in determining just what is an adequate and efficient compensatory duty on the labor side of the question; but when we have an experience extending over a quarter of a century to guide us, it is not necessary to indulge in excursions through a maze or labyrinth of figures to reach correct conclusions.

The Senator from Missouri [Mr. STONE] thinks $1 per hundred, or 1 cent per pound, would be an adequate duty on lead. I submit to him that three-fourths of a cent a pound was ruinous, and the meager advance he suggests might not be any better. We do know that this duty would result in keeping our miners at work and all the activities connected with the mining operations of the country in a healthy state of progress.

The Senator from Missouri said that while he would stand with his colleague for a duty of $1 per hundred, or 1 cent per pound, on lead, he thinks that on the products of lead the duty ought to be very radically reduced.

Mr. President, the principle applicable to this schedule will run through all of the schedules we may be called upon to consider in connection with this bill. It is of no avail to the grower of wool to have a duty on the wool imported into this country if he is bound by conditions to ship his wool to foreign markets for sale. The duty is of avail to him only with the American market place to sell in. I should like to have the Senator from Missouri explain how 1 cent or 10 cents a pound duty on lead would be of any use whatever to lead producers in Missouri, if those lead producers are deprived of the American markets in which to sell their lead; and the American market for the sale of lead is dependent upon the continuance of the manufacture of lead into the various forms in which it is useful to commerce and to the consumer. Put white lead on the free list, or reduce the duty on white lead so that it can not be successfully manufactured in this country, and a duty of 10 cents a pound on the lead contained in Missouri ore is no better than a duty of one-tenth of 1 cent per pound, because, in either event, the lead of Missouri must be sold in the open markets of the world, instead of in the protected market of the United States. The logic of the situation drives the Senator from Missouri either to abandon his position for any duty upon lead or constrains him to support by a reasonable compensatory duty the American manufacturer of lead products, so that he may have a market at home for that which is produced in Missouri.

It seems to me these propositions are elemental. A producer of so-called "raw material" in the United States can in no case be benefited by a protective duty on his so-called "raw material" if all the compensatory and protective duties are taken off the finished product.

Mr. NELSON. Mr. President, without intending to take up the time of the Senate or delay a vote, I desire to give a brief citation from that standard work entitled "Imports and Duties, 1894 to 1907, House Document 1504, second session, Sixtieth Congress." Looking at the statistics furnished in that book, it does not appear that the tariff has had exactly the effect on lead ore for which the Senator from Montana [Mr. CARTER] contends. I find on page 579 that in 1896, under the tariff law of 1894, when there was a duty of three-fourths of a cent per pound on lead, there were 42,973,425 pounds of lead imported, and that the average import price was 1.6 cents per pound. I find that, under the Dingley law, in 1906, ten years later, we imported 70,720,321 pounds, almost twice as much as in 1896, and that the import price was exactly the same—1.6 cents per pound.

Mr. ALDRICH. But if the Senator will look at the import prices for the other years, he will find that the year he has selected was the only one under the act of 1897 when the price was 1.6 cents.

Mr. NELSON. We imported 70,702,321 pounds in 1906. In 1907 we imported 29,738,375 pounds.

Mr. ALDRICH. And the unit of value in that case was 1.9 cents. In 1908 it was 2.6 cents. The year selected by the Senator from Minnesota is the only year of the eleven years in which the value reached the point suggested by him.

Mr. NELSON. The statistics show that under the Dingley law and under the Democratic tariff law of 1894 lead-bearing ore is put in two classes. There is, first, lead contained in silver ore. The import of that was, as I have said, 42,973,425 pounds. The import price was 1.6 cents per pound. Now, of lead contained in other ores and dross during that same year there were imported only 363,163 pounds, and the price was 3.9 cents per pound. I have looked through this book, and in many instances it will be found that, even where you increase the tariff, you do not diminish the importations. By increasing the tariff you simply enable the producer to levy a greater tribute.

I understood the Senator from Utah [Mr. SUTHERLAND] to say that the price of lead was 4 cents, or 3½ cents. I should be glad if the Senator would state it again.

Mr. SUTHERLAND. I said that during the period that the Wilson law was in operation——

Mr. NELSON. I mean now—the last two or three years; the year of 1907, for instance.

Mr. SUTHERLAND. The price has ranged through the last twelve years from 4 to 6 cents. I do not recall that it has fallen below 4 cents, although it may have done so.

Mr. NELSON. That shows that it has been sold for the import rate plus the duty.

Mr. SUTHERLAND. It reached the price of 6 cents only at one time for a very short period. The average price has been somewhere between 4 and 5 cents. Upon one occasion it did reach as high as 6 cents.

Mr. OWEN. Mr. President, I trust that I will not be interrupting the debate if at this time I ask the indulgence of the Senate for a few minutes that I may place upon the record a brief comment upon the constitutionality of the income tax.

I believe in the policy of the income tax not only because it is justified on the principle of the more equitable distribution of the proceeds of human labor and that those with great incomes should contribute more to the support of government, but because, also, it will excite the interest of the wealthier classes in a more economical administration of government and in a purer form of government.

I favor an income tax broadly and without any limitations to adjust it to the opinion of the Supreme Court recently rendered (1894) in the Pollock case.

I shall not take the time of the Senate to discuss the advisability of the income tax from the standpoint that it is justified because it falls upon those more easily able to conveniently meet the expense of the Government; since this consideration, while of interest, would be of little avail if the income tax were unconstitutional.

In view of the arguments submitted before the Supreme Court, its opinions in favor of an income tax for one hundred and eight years and its change of view by the narrow margin of one vote in 1894, I agree with the Senator from Texas [Mr. BAILEY] that we are justified in asking that there shall be a reconsideration of this question, and I shall agree, moreover, to the proposition of the Senator from Nebraska [Mr. BROWN], if, upon reconsideration, the Supreme Court still adheres to its opinion, that we shall propose an amendment to the Constitution of the United States for the purpose of writing permanently in the policy of this country this method of raising revenues for the conduct of government.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Oklahoma yield to the Senator from Nebraska?

Mr. OWEN. With pleasure.

Mr. BROWN. I do not like to have the Senator from Oklahoma misunderstand my position. I am not in favor of waiting until the Supreme Court of the United States has reviewed its former decision in this matter before proposing an amendment to the Constitution. My proposition is to submit the amendment now, and at the same time adopt an amendment to the bill providing for an income tax.

Mr. OWEN. Mr. President, I will agree with the Senator from Nebraska as to the immediate consideration and submission of the proposed constitutional amendment. I was only intending to suggest that I believe the Supreme Court itself would, upon a reconsideration of this matter if again submitted by the Congress and in the light of what I shall now submit to the Senate, change its opinion, because I think I can demonstrate to the Senate that the Supreme Court ought to change its opinion, and that the defense of the income tax before the court was fatally defective.

The controversy as to whether or not the income tax is constitutional turns upon the interpretation of the meaning of the words "direct tax," as used in clause 4, section 9, Article I, of the Constitution.

I have considered the decisions and the arguments made and the history of this clause, and think it my duty, as a Member of this body, to make record of my conclusions with regard to the true meaning of this term as used in the fourth clause of section 9. I do not agree with those who hold that the direct tax here referred to, and which is inhibited unless apportioned, means a tax on real property or on the individual at all; its real meaning is *a direct tax on the United States*, to be apportioned upon said States severally, in accordance to their population under the constitutional plan of apportioning representation, and does not mean *a direct tax on the citizen in any sense.*

In the Hylton case, decided by the Supreme Court in the February term of 1796, the court decided that a tax on carriages was not a "direct tax," under clause 4, because not capable of apportionment. It was a correct conclusion. But the reasoning premises were erroneous, because Justice Iredell said (3 Dallas, 181) to support the conclusion it was not a *direct tax*, under clause 4, that "a tax on carriages is a tax on expense or consumption," and in effect *an indirect* tax.

He should have said, "Congress has a right, under section 8, to impose *on the citizen a direct tax.* The 'direct tax' of clause 4, section 9, requiring apportionment, exclusively refers to a direct tax on the United States apportioned severally."

Justice Patterson, conceding, *erroneously*, that a direct tax on the citizen required apportionment, erroneously argued that a tax on carriages was indirect and therefore permissible.

He said because it was in the nature of a duty or a tax on expense and an *indirect* tax, he supported it. But he was justified in supporting it as a direct tax under section 8, and it could not be described as falling within the meaning of a *"direct tax"* in any contingency *under clause 4 of section 9.* He said he supported it because it was "in the nature of a duty or a tax on expense and an indirect tax."

And Justice Chase likewise said (ibid., 175):

> It seems to me that a tax on expense is an *indirect* tax.

The decision of the court was sound in sustaining the tax, but it was decided upon the erroneous theory that a tax on carriages was not a direct tax, and that if it had been and was not capable of apportionment, it could not be laid by Congress.

Justice Iredell also said:

> *Perhaps a direct tax* in the sense of the Constitution can mean nothing but a tax on something *inseparably annexed to the soil; something capable of apportionment under all such circumstances. A land or a poll tax may be considered of this description.*

And throughout the entire decision there runs an apologetic vein—the idea that the United States did not have the right to lay taxes directly on the citizen; but if a *direct tax were laid upon the citizen*, it must be apportioned.

And this erroneous conception of this phrase, used in clause 4, section 9, by the influence of the weight of the doctrine of *stare decisis*, has perpetuated this error from 1796, when the court decided correctly upon erroneous reasoning, down to 1904, when the Supreme Court, upon this erroneous reasoning of previous decisions decided against the income tax erroneously, but logically enough having accepted this false premise. The false premise was that a "direct tax," within the meaning of clause 4, section 9, Article I, meant *a direct tax on the citizen* and not *a direct tax on the United States.* The exact contrary was true. This question has been discussed with wonderful learning and vast research, but in all of this discussion the learned bar and bench has faithfully bowed down to the influence of *stare decisis* and learnedly perpetuated the original error. Both the friends and the foes of the income tax have acquiesced in the original and fatal error.

The clauses relating to this matter are as follows:

> Article I, section 8, clause 1. The Congress shall have power *to lay and collect taxes*, duties, imposts, and excises, to pay the debts and provide for the common defense and the general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.
>
> Article I, section 9, clause 5: No tax or duty shall be laid on articles exported from any State.
>
> Article I, section 9, paragraph 4: No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

The enumeration referred to is found in Article I, section 2, clause 3, to wit:

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union according to their respective numbers, which shall be determined by the adding to the whole number of free persons, including those bound to service for a term of years and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct.

Direct taxes may have either of two meanings:

First, direct taxes imposed by the State, county, or municipality directly on the citizen.

Second, direct taxes imposed on the United States, as sovereign separate entities, by the Congress, to be apportioned according to population under the same rule as determined the representation of such States.

To arrive at the true meaning of the "direct taxes" referred to in these two latter clauses it is necessary to consider the history of this phrase.

Obviously, a "direct tax" might have been imposed by Congress *on the United States* by making direct requisition on them for $100,000 apiece for the common expense, and as each of them were sovereign powers, claiming equal right of representation, this would not have been altogether unreasonable, and it was to avoid this direct tax and uniform direct tax on the States which led to clause 4, section 9, requiring its apportionment. No such reason obtains as far as the direct tax on the citizen is concerned.

But the phrase "direct tax" might also be used within the State to mean the direct tax levied on the citizen by his State, by his county, or by his municipality. And here is where the confusion has occurred, for both bench and bar have failed to perceive that the terms "direct taxes" and "direct tax" in the above two clauses exclusively meant "direct taxes" and "direct tax" to be laid *on the United States* as *States* and *therefore* to be apportioned, and did not mean "direct taxes" or "direct tax" on the citizen, the apportionment of which among the States was meaningless, illogical, absurd, and impracticable.

The word "tax" is a very comprehensive word, and possibly includes all burdens and impositions by virtue of the taxing power with the object of raising money for public purposes, and are direct or indirect according to the manner of imposition. Ordinarily we regard as indirect taxes duties, imposts, and excises which are paid by the importer or the manufacturer and charged to the ultimate consumer by an increased price, but the Constitution authorized Congress (sec. 8) to lay and collect taxes on the citizen as well as duties, imposts, and excises. The latter three are both direct and indirect taxes and were required to be made uniform; but the authority under the Constitution that Congress should lay and collect taxes involves broadly all kinds of taxes which fall upon the individual, and this right has been exercised on the individual without question until 1894, when the Supreme Court of the United States held the income tax invalid because it was a *direct tax* and not apportioned among the States according to population, as required by the two clauses last named.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from South Dakota?

Mr. OWEN. With pleasure.

Mr. CRAWFORD. It occurs to me that the proposition the Senator is now developing is rather an original and novel one. I may be mistaken about it, however. Do I understand him to say that the Government of the United States, within the provisions of the Constitution, can levy a tax as a direct tax upon a State as a sovereignty?

Mr. OWEN. I do.

Mr. CRAWFORD. Where do you get the authority for that proposition?

Mr. OWEN. I am going to explain that at length. I find the authority in the proceedings of the Constitutional Convention. I find the authority in the Articles of Confederation and in the Constitution of the United States (clause 4, sec. 9, Art. I). I find the authority in the acts of Congress of 1798, of 1813, and of 1815, in which the Congress, in express words by acts of Congress, laid a tax of so many million dollars, not upon the citizen, but upon the United States, to be apportioned among the several States under the constitutional rule.

The defense of the income tax that it was an indirect tax was found fatally weak by a majority of the Supreme Court of the United States in the Pollock case. Their reasoning was logically correct; their premises and conclusion erroneous.

With that logical reasoning I agree. But I do not agree with the conclusion, because the United States had a right under section 8 to lay a direct tax upon the citizens and upon the States, but if it did lay a "direct tax" within the meaning of clause 4 of section 9, then it was exclusively a direct tax upon the United States as States, to be apportioned among the States severally according to the rule of population and apportionment laid down in the Constitution, Article I, section 2, clause 3.

Congress was given the broad authority to lay and collect taxes on individuals by section 8; but in laying a (gross) capitation or other "direct tax" on the United States, Congress was required to apportion the same under section 9, clause 4, and did so in the acts of 1798, 1813, 1815, and so forth.

THE HISTORY EXPLAINS THE MEANING OF THE TERM "DIRECT TAX" AS USED.

The history of clause 4, section 9, and of clause 3, section 2, explains clearly that the term "direct tax" meant neither more nor less than a direct tax on the United States, and that it did not mean a direct tax *on the citizen*.

This construction makes the Constitution harmonious with itself, and perfectly coherent and sensible and practicable.

It makes it consistent with the history immediately preceding the formation of the Constitution.

Chief Justice Fuller well said:

Under the Articles of Confederation the Government of the United States was limited in the exercise of this power *to requisitions upon the States*, while *the whole power of direct or indirect* taxation of persons and property, whether by taxes on polls or duties on imports, or duties on internal production, manufacture, or use, was acknowledged to belong exclusively to the States, without any other limitation than that of noninterference with certain treaties made by Congress. (157 U. S., 561.)

The practice of Congress prior to the Constitution was to make requisition on the States and thus impose *a direct tax* on the *United States* of the Confederation.

On the 12th of July, 1777, a draft of the Articles of the Confederation was submitted to Congress: Article 2 provides as follows:

All charges of war and all other expenses which shall be incurred for the common defense or general welfare, and allowed by the United States assembled, shall be defrayed out of a common treasury, *which shall be supplied by the several Colonies in proportion to the number of inhabitants* of every age, sex, and quality, except Indians not paying taxes, in each Colony. (1 Ell. Deb., 70–73.)

By the provisions of these articles the Colonies were required to defray the expenses of the Confederated States and Congress was denied the power to levy taxes for its needs *directly upon the States*, their property, or their inhabitants. (1 Ell. Deb., 81.)

On Friday, the 18th of April, 1783, the Articles of Confederation were amended. (Ibid., 94.)

And thenceforth—

The taxation necessary for federal purposes was to be apportioned in proportion to the whole number of white and other free citizens and inhabitants, including those bound to servitude for a term of years, and three-fifths of all other persons, except Indians not paying taxes.

The words "land, buildings, and improvements thereon" were *struck out of the domain of federal taxation* at this time prior to adoption of the Constitution. (2 Ell. Deb., 36, 56; 1 Ell. Deb., 484.)

This *apportionment* of taxation was not limited to *direct taxes or to indirect* taxes; but all the property and citizens of the several States *which each of the States was then taxing* was made liable *for the proportion of that State*, according to its population. (2 Ell. Deb., 36, 56.)

The words—

"land, buildings, and improvements thereon" were rejected by the Confederated Congress *as not being a convenient source of revenue for the Federal Government*. (1 Ell. Deb., 484.)

This amendment to the Articles of Confederation was sent forth by Congress to the people, accompanied by an address prepared by Messrs. Madison, Ellsworth, and Hamilton.

In this address, speaking of population as the rule of taxation, they said:

This rule, although not free from objection, is liable to fewer than any other that could be devised.

From the time of their adoption by the confederate congress until the decision in the Hylton case, land, building, and improvements thereon were *never thereafter regarded as the source of revenue for the Federal Government*. It results, therefore, that after "land, buildings, and improvements thereon" were withdrawn as a subject of federal taxation, *the requisitions of Congress were met by the States by their own system of taxation*. (Ely Taxn., 109; C. A. Seward.)

The various States had their own system of collecting taxes, and did collect such taxes for the benefit of the States themselves and *for the benefit of the General Government*.

In the Massachusetts convention, Mr. Dawes said:

Congress had it not in their power to draw a revenue from commerce, and therefore multiplied their requisitions on the States, and our *only course was to a direct taxation*. (2 Ell. Deb., 41.)

A direct taxation of what? A direct taxation of the several States, and not of the citizens of the State.

On the 16th of July, 1787, the following resolution was adopted:

Representation ought to be proportioned according to *direct taxation*—

Direct taxation of what? Of the citizen? That construction is absurd. Direct taxation of the several States, and nothing but that could have been intended. It is not material (turning to Mr. Crawford) that this explanation has not heretofore been expounded, if the record and the history justify this argument, which they do most abundantly.

And in order to ascertain the alteration in the *direct taxation* which may be required from time to time by changes in the relative circumstances *of the States:*

Resolved, That a census be taken * * * and that the legislature *proportion the direct taxation* accordingly.

Proportion the direct taxation of what? Of the citizen? Impossible. No such interpretation can be put upon this language with regard to the direct taxation referred to, which was to be apportioned among the States severally, represented then by the gentlemen who were then writing the Constitution of the United States.

ONLY THE DIRECT TAXATION OF THE STATE IS BEING HERE CONSIDERED.

There was again a debate over this suggestion, which culminated in the draft of a constitution which apportioned direct taxation according to the number of the representatives. This was remodeled, and on the 12th of September, 1787, a revised draft of the Constitution was introduced, which provided that *"representatives"* and *direct taxes* shall be apportioned on the basis of population and under the rule prescribed by the Articles of Confederation. On this same 12th of September, 1787, the revised draft of the Constitution contained these words: "That no capitation tax shall be laid unless in proportion to the census hereinbefore directed to be taken."

The capitation tax in clause 4 to be laid in proportion to the census, was in like manner, *a gross sum to be laid on the States*, according to population, counting three-fifths of the slaves in making such enumeration of the population. There was nothing curious or unreasonable about this; it was understood that the slaves had not the productive quality or the worth of free men, and that in taxing the States the slave should not be counted above three-fifths of their number for purposes of taxation or for purposes of representation.

This lessened the capitation *tax on the States* having slaves, but it was *a tax* on the States nevertheless and not a tax on the citizen that was being considered.

It is clear that a capitation tax levied direct on the citizen would not and could not be apportioned under the constitutional rule, which was *based on a fixed census* of freemen counting three-fifths of the slaves.

Undoubtedly the Constitutional Convention believed that the Congress should have the power of assessing and levying *direct taxes on the States* and to apportion such taxes according to the rule of population.

Mr. King said:

It is a principle of this Constitution that representation and taxation should go hand in hand. * * * By this rule are *representation and taxation to be apportioned.* (2 Ell. Deb., 36.)

Representation of what? Of the States. Taxation of what? Of the States. Why was there a diminished tax placed upon the population of the slaveholding States, and what was its purpose? It was to apportion it among the several States, and the direct tax and the capitation tax were to be diminished to three-fifths of the number of slaves by the operation of this constitutional rule.

Mr. Dawes said:

The rule laid down in the paragraph is the best that can be obtained *for the apportionment of the little direct taxes* which Congress will want. (Ibid., 42.)

Mr. Pendleton said:

The *apportionment of representation and taxation* by the same scale is just. (3 Ell. Deb., 41.)

Representation of what? Of the States. Taxation of what? Of the States.

Mr. Nicholas said:

The amount of the sums to be raised of the people is the same, *whether the state legislatures lay the taxes for themselves or for the General Government.* (3 Ell. Deb., 99.)

Did not this mean that the direct tax on the State should be collected by the State?

Mr. Nicholas said:

The proportion of taxes are fixed by the number of inhabitants. Each State will know from its population *its proportion of any general tax.* (3 Ell. Deb., 243.)

Does not this mean that the *tax levied on the State* by a general tax on the States would be known to the State under the rule?

Mr. Randolph said:

When *any sum is necessary* for the General Government, every State will immediately *know its exact proportion of it* from the number of the people and Representatives. (3 Ell. Deb., 122.)

The phrase:

No capitation tax shall be laid *unless in proportion to the census* hereinbefore directed to be taken—

And this necessarily meant laid *on the States* by Congress and *not on the citizen*, because to levy a capitation tax on the citizen under the apportionment rule is unreasonable, while to apportion a capitation tax on the States under the apportionment rule is reasonable—

was amended, on the motion of Mr. Read, to insert after "capitation" the words "or other direct taxes." (5 Ell. Deb., 545.)

Mr. King asked, August 20, 1787 (5 Ell. Deb., 451), what was meant by direct taxation. And he was not answered, but he might well have been answered, as far as clause 4, section 9, was concerned. It is a direct taxation on the United States, to be laid upon them severally in proportion to the rule of population by which the right of representation is fixed.

Mr. Gerry (5 Ell. Deb., 451) moved that—

From the first meeting of the Legislature of the United States, until a census shall be taken, all moneys for supplying the Public Treasury *by direct taxation shall be raised from the several States* according to the number of Representatives, respectively, in the first branch.

Does not this mean direct taxation on the States as such?

In the Secret Proceedings and Debates of the Convention, Charles Pinkney submitted a draft (S. Doc. 728, 60th Cong., 2d sess., p. 146), and provided that in fixing the power of the Congress, that:

The proportion of *direct taxation* shall be regulated by the whole number of the inhabitants of every description, etc.

And Mr. Patterson, June 15, 1787 (ibid., 150), proposed a resolution, as follows:

3. *Resolved*, That whenever requisitions shall be necessary, instead of the present rule, *the United States in Congress be authorized to make such requisitions* in proportion to the whole number of white and other free citizens, etc.

That *if such requisitions be not complied with in the time to be specified therein, to direct collection thereof in the noncomplying States;* and for that purpose to devise and pass acts directing and authorizing the same, etc.

Does not this mean a "direct tax" on the States, and not on the citizen, to be proportioned to population?

Mr. Luther Martin, in his report to the legislature of Maryland, said (ibid., 39) that he did not think the General Government ought to have been given the right to lay *"direct taxes"* in any case, and by this expression he meant *"direct taxes on the citizen,"* and that he introduced the following proposition:

And whenever the legislature of the United States shall find it necessary that revenue should be raised by direct taxation, having apportioned the same by the above rule—

Here by "direct taxation" he means taxation of the States—

requisitions shall be made of the respective States to pay into the Continental Treasury their respective quotas, within a time in the said requisition to be specified, and in case of any of the States failing to comply with such requisition then, and then only, to have power to devise and pass acts directing the mode and authorizing the collection of the same [by direct levy on the citizen, is the alternate].

He said:

Had this proposition been acceded to, the dangerous and oppressive power in the General Government of imposing direct *taxes on inhabitants which it now enjoys in all cases*, would have been only vested in it, in case of noncompliance of a State, as a punishment for its delinquency, and would have ceased the moment that the State complied with the requisition.

He uses the words "direct taxes" in that one expression in two different ways, objecting to Congress having the right to levy taxes directly on the citizen, which he enlarges upon in his report to the Maryland legislature, but being willing that they might lay *direct taxes on the State*, and that if the States did not contribute the quota of taxes directly levied on them, Congress might in that contingency exercise the right of direct taxes on the citizen; and he bitterly complained in his report to the Maryland legislature that the Constitutional Convention did not regard his views in this matter, but that they gave to Congress a complete right *"in all cases"* to levy *direct taxes upon the citizen.*

These various quotations show clearly that the direct tax intended to be apportioned was understood by the Constitutional Convention of the United States as a direct tax on the States, and on the States alone, as entities, to be apportioned among the several States as entities, to be collected by requisitions, and that clause 4 of section 9 did not mean a direct tax on citizens, which was otherwise provided for in section 8, *clause 1*, but a direct tax on the United States, to be apportioned and paid on requisitions. And this impression is confirmed, notwithstanding the Hylton decision of 1796, by the act of Congress of July 14, 1798 (1 Stat., 597).

Here Congress declares this meaning in the plainest, most emphatic terms, to wit:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a *direct tax* of $2,000,000 shall be, and *is hereby, laid*—"

On whom?

"upon the United States—"

And not on the citizen—

"and apportioned to the States, respectively, in the manner following:

"State of New Hampshire $77,705.362

"State of Massachusetts ..... 260,435.312"

It is true that Congress immediately proceeded in section 2 (1 Stats., 597) to provide for the collection of such a tax by its own officers, assessing the same on dwelling houses, lands, and slaves, according to valuation otherwise provided for. But this does not make *the direct tax* of clause 4, section 9, any the less *a direct tax on the State*, which tax was duly apportioned as contemplated by the Constitution as a *tax laid on the States directly* and *not a tax directly on the citizen*. The collection of the tax from the individuals within the States was an exercise of the power of laying taxes under section 8, unequivocally given to Congress, notwithstanding this proviso of clause 4, section 9, that the direct tax on the States should be apportioned, and this interpretation of the two clauses is perfectly consistent, perfectly rational, and makes the several parts of the Constitution harmonious with each other.

Congress in this act exercised both its power of direct taxation on the States (Sec. 9., cl. 4) and its right of direct taxation on the citizen (sec. 8. cl. 1) which was illogical but not unlawful and which was a mathematical misfit, the revenue making a different sum in every case from the mathematical constitutional apportionment.

It is a matter of vast importance to the people of the United States, and it is of great importance to the Senate of the United States, to consider the meaning of the Constitution in the light of the Constitutional Convention and in the light of these acts of Congress.

The act of 1813 in like manner demonstrates that the direct tax referred to in clause 4 of section 9 was intended solely to be a *direct tax upon the United States;* and the law of 1813 says in the most unequivocal language (3 Stat., 53) that the direct tax is laid "*on the United States,*" and the conclusion follows that Congress understood such direct tax requiring apportionment to be a direct tax on the States and not on the citizen.

Everything depends upon that construction. If it is only the *direct tax* upon the United States that must be apportioned, then the pleading before the Supreme Court in the Pollock case was absolutely wrong from beginning to end, and upon a fatally weak defense it is no great wonder the court decided against it.

Listen to the language of the act of 1813, Third Statutes, 1853:

"That a direct tax of $3,000,000 shall be, and is hereby, laid *upon the United States—*"

Not upon the citizen. The act of Congress followed the meaning of section 9, clause 4, in levying the direct tax referred to directly upon the States, and immediately making the apportionment as contemplated alone by section 9, clause 4. Congress had the right otherwise to levy a direct tax upon the citizen, and has exercised it ever since the foundation of the Government.

What sense was there in forbidding the United States Government from taxing directly the citizen by uniform laws? And what does section 8, clause 1, mean in authorizing Congress "to lay and collect taxes" as well as imposts, duties, and excises if it does not mean what it plainly says?

May the United States directly tax a sovereign State and not be permitted to directly tax the citizen of the United States, whose votes established the United States?

The act of 1813 imposed the direct tax on the United States, and under clause 4, section 9, the tax was apportioned to the States, respectively, in the manner following:

"New Hampshire $96,793.37

"Massachusetts ..... 316,270.98"

and so forth. And the collection of the same was provided by federal officers, but with the express provision, section 7:

That *each State may pay its quota into the Treasury of the United States, and thereon shall be entitled to a deduction of 15 per cent* if paid before the 10th day of February next, and 10 per cent if paid before the 1st day of May in the same year.

It cost something to collect this tax. It was only reasonable that if a State should pay directly, the cost of collection should be taken out of it.

These acts demonstrate conclusively that the direct tax referred to in clause 4 of section 9 was a direct tax to be laid *"upon the United States,"* and not upon citizens, and apportioned according to population, and that it was not a direct tax on individuals in any sense that was referred to in clause 4, section 9.

The act of 1815 is in the same identical language, incapable of misinterpretation, it seems to me.

The attorneys argued in the Hylton case (1796), that the tax on carriages was a direct tax not apportioned, and hence invalid. The attorneys defending said it was an *indirect* tax on the *use*, and so forth.

The error was in conceding that a direct tax on carriages or on the citizen could not be laid without apportionment under clause 4, section 9. This was nonsense. The direct tax requiring apportionment was a direct tax on the United States following the previous plan of the Confederation of direct requisitions on the States proportioned to population.

It is perfectly obvious that you could not apportion a direct tax upon individuals according to the constitutional rule of population, but you could apportion a tax on the United States severally according to such rule.

Observe the confusion which would follow the attempt to apportion a direct tax upon the citizen according to the constitutional rule:

First, you must levy the tax directly on the citizen, upon his real estate, and so forth, at so much ad valorem; what the gross amount would be for each State could not be known until it should have been collected, and after it was collected, then, when an attempt is made to apportion it—the gross amount—under the constitutional rule, it would be found that the gross amount collected would be too much in some cases, and too small in other cases, and thereupon a rebate would have to be allowed to the individuals who paid too much and a further tax imposed on the individuals who paid too little.

The administration of such a plan is impossible. The mere suggestion of *apportioning a direct tax on the citizen* is grotesque, and can not be seriously maintained.

In my judgment Congress itself erred in collecting the *direct tax imposed on the States* within the meaning of this particular clause of the Constitution, although it had the right, under section 8, to lay taxes direct on the citizen, but it would have been more orderly in laying the tax *directly on the States* to have permitted the State to respond by requisition before enforcing payment under the direct tax authorized by *section* 8, as it did provide in the act of 1813, for example.

In my judgment it is utterly immaterial whether the income tax be regarded as a direct or indirect tax because Congress has the complete right "to lay and collect taxes" (sec. 8) on the individual, direct or indirect, and is not restrained by clause 4, section 9, which only imposes the apportionment rule on Congress in laying direct taxes on the States.

The defense of the income tax on the ground that it is indirect has been *the fatal error of its advocates* from the beginning of the controversy.

Since the entire controversy has turned on the meaning of the phrase "direct tax," as used in clause 4 of section 9, I have felt impelled to submit to the Senate my interpretation of the Constitution and the meaning of this phrase in the light of its history.

This interpretation, which I have the honor to submit, would relieve the Constitution of ambiguity, make sections 8 and 9 of Article I perfectly harmonious, and would make the income tax constitutional beyond a doubt and justifies the resubmission of this question to the Supreme Court of the United States for whose perfect integrity, for whose great ability and vast learning, I entertain the deepest respect and reverence.

Mr. BRISTOW. Mr. President, I should like to make an inquiry, but first, before I ask the question, I wish to make a statement as to the status of these amendments to the pending bill as I understand it. If the Senate committee amendment to paragraph 179 is adopted, it puts a duty of 1½ cents a pound on the lead in lead ore. Then it would be necessary to amend paragraph 180 in order to fix the same duty of 1½ cents a pound on pig lead. If the Senate committee amendment to paragraph 179 is rejected and the Senate committee amendment to paragraph 180 is rejected, then the duty is the same on the lead in lead ore as it is on pig lead and bullion.

Mr. ALDRICH. If the amendment to pargraph 180 should be rejected, it would leave the matter open for further consideration. That would not make the duty 1½ cents a pound on pig lead. It would be necessary, then, if the Senate desired to have a duty of 1½ cents on pig lead, to provide it by a new paragraph. But it is a simple matter for the Senator from Kansas or any other Senator when paragraph 180 is under consideration to move to amend the Senate committee amendment, which provides for 2½ cents, making it 1½ cents.

Mr. STONE. Will the Senator permit me? Would not the same end be accomplished by voting down the Senate committee amendment to paragraph 179 and the amendment to paragraph 180?

Mr. ALDRICH. Of course if the Senate thinks that there ought to be the same rate of duty on lead ore and pig lead, I take it for granted it will vote against the committee amendment to paragraph 179. I take it for granted that all those who think there should be no difference at all between the finished product and the raw material will vote against the amendment to paragraph 179. I assume that to be so.

Mr. BRISTOW. And also against the amendment to paragraph 180, would they not?

Mr. ALDRICH. That would not be necessary. If they vote down the amendment to paragraph 179, paragraph 180 would be of no use; it would drop out. I would withdraw the amendment to paragraph 180, of course, if the amendment to paragraph 179 should be voted down.

Mr. BRISTOW. That is what I wanted to get clearly before the Senate.

Now, I should like to inquire why a difference of five-eighths of a cent per pound is put on pig lead and the scrap lead, as I will call it?

Mr. ALDRICH. I should be very glad if the Senator would postpone the discussion of that until after we have decided this question. It seems to me that that is a question which ought to come up upon paragraph 180.

Mr. BRISTOW. But, Mr. President, we can not separate these questions, because if we vote down the amendment to paragraph 179, then we fix the duty the same on both these products.

Mr. ALDRICH. I do not know whether the Senator from Kansas listened to the very clear statement of the Senator from Idaho [Mr. HEYBURN] upon that subject yesterday. I have never heard a clearer statement made in this body than that Senator made upon that very question. If the Senator would read the RECORD this morning, I am sure he would find it satisfactorily explained to him.

Mr. BRISTOW. Mr. President, I desire to say that I heard every word the Senator from Idaho said yesterday, and I read in the RECORD this morning every word that he said. Still I do not know why it is necessary to put five-eighths of a cent a pound additional on pig lead above that on the lead in lead ore. I should like to know the reason why that was done.

Mr. HEYBURN. Mr. President, I do not know that I can make it clearer, but perhaps the demonstration by the figures that would result from it may be of some assistance. The difference of duty, perhaps, is $12.50 a ton on the bullion. All these other designations may be included in bullion, because that is what it amounts to; it is bullion; in other words, it is lead as distinguished from the lead contents in the ores. Twelve dollars and fifty cents a ton only meagerly represents the cost of converting lead in ore to lead in bullion. It is merely a question of wages and the cost of taking the lead out of the ore and making it bullion. The difference of the duty proposed is $12.50 a ton. That is wages and the investment necessary in machinery to convert the lead in ore to lead in bullion; that is all.

Mr. NELSON. Will the Senator from Idaho yield to me for a question?

Mr. HEYBURN. I am speaking in the time of the Senator from Kansas.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. NELSON. I wish to ask a question for information. As I understand it, most of this lead ore comes mixed with other ore, gold or silver or copper.

Mr. HEYBURN. No; not most of it.

Mr. NELSON. Well, a good share of it. But that ore is reduced into bullion or base bullion, is it not?

Mr. HEYBURN. The term "bullion" covers it.

Mr. NELSON. Yes; bullion. You get a rate of 1½ cents a pound on that. Then by the next process you separate your bullion, you separate the lead from the silver or the other parts, and you get a rate of 2½ cents more. So for the whole process, from the time you take the ore out of the ground until you have separated the lead from the other metals, you get 1½ cents plus 2½ cents.

Mr. ALDRICH. Oh, no.

Mr. NELSON. The aggregate duty?

Mr. HEYBURN. I think the Senator is mistaken in his conclusion.

Mr. WARNER. Mr. President, we get no silver out of the lead ore.

Mr. ALDRICH. This is not an accumulating duty.

Mr. HEYBURN. Not at all.

Mr. BRISTOW. I should like to inquire what it costs a ton to refine lead ore?

Mr. HEYBURN. It is not termed longer "lead ore." It is an extraction of lead from the ore.

I can, perhaps, make it plainer to the Senator from Kansas. The lead contents of ore may represent 8 per cent, or it may represent more or less. Now, in the larger fields of production, or rather I will say, out of regard to the State of Missouri, in the field of production outside of the State of Missouri, it is necessary, first, to concentrate that ore and extract what you would call the "native rock," in which it is contained, to as large an extent as possible. You take 8 or 10 tons of the ore as it is mined, and by a process of concentration you eliminate from it the silica, the slate, and the granite, or whatever it may be contained in, until you have the concentrated product. That still is not bullion. Your expense in doing that, at a reasonable estimate, involves an investment of probably $150,000,000 in concentrating mills in the United States and a labor account of about 25,000 men in the United States, at a wage of about $4 a day. After the expense of mining the ore has been disposed of, that account stands between the ore and the bullion. It does not become bullion until it is smelted. It goes through two processes—concentration for the elimination of the great mass of waste, and then smelting in order to extract the lead from the concentrated product.

That represents close to $40,000,000 in wages and the incidents of labor in addition to the investment in the works necessary to perform that extraction. That is added to the cost of the finished product in comparison with the cost of the lead in the ore. It represents that value.

Now, if you are going to allow lead ore to be mined abroad and shipped in as ore, and then put no additional duty on the bullion, they will extract lead from the ore abroad and ship it into this country as bullion at this lower rate of duty, and, consequently, they will diminish our mining to the extent that they substitute it for theirs. The wages of this vast expenditure that represents the conversion of the lead in ore to lead in bullion and the cost would be paid abroad. It will not be paid in this country. The machinery for doing it will be constructed abroad, not in this country.

I would suggest to the Senator that the machinery and the appliances necessary to perform that extraction can be made abroad for one-third of the cost in this country. In other words, great concentrating works and smelters can be built in Germany or in Mexico for a third of the amount at which they can be built in this country. We therefore lose the wages represented by the construction of these works to the laborers of this country and give it to those abroad.

That is one of the very largest items that enters into this proposition. We want the wages for mining the ore paid to American miners. We want the wages and the expenditures incident to the extraction of the lead from the ore paid to the laborers of this country. In our State we purchase something like $2,000,000 worth of machinery in our country for the purpose of converting lead ore into lead bullion or into concentrates.

That machinery and those works are produced by American labor out of American material. Would you substitute the foreign labor and the foreign material for that? I think not, when the Senator comes to think of it. The whole principle of protection is that we may draw the benefits of labor and investment to ourselves, so that the money may stay in this country and be distributed according to the enterprise.

Mr. ALDRICH. Perhaps I can add a word that may enlighten the Senator from Kansas, although I am not an expert in lead producing. The average value of lead in the ore that is imported is 2 cents a pound. The average value of pig lead that is imported is 4 cents a pound, showing a difference in the cost of production of 2 cents a pound from the lead ore to the finished product or to the lead in the bullion or in bar or pig lead. I am using these figures as an average to show the approximate difference between the two.

Now, the difference in the tariff between the two is the difference between 1½ cents and 2⅛ cents, or five-eighths of 1 cent a pound, which is about 30 per cent on the cost of taking the lead ore and putting it into lead bullion abroad. I believe that if the facts should be submitted to the Senate they would show that that does not equal the cost between abroad and this country of changing lead ore into lead bullion.

Mr. BRISTOW. As I understand from the remarks of the Senator from Idaho, it costs about $12.50 a ton to take the lead out of the lead ore and make pig or bullion of it.

Mr. HEYBURN. It costs fully that.

Mr. BRISTOW. Now, this five-eighths of a cent per pound is for the purpose of making up the difference in the cost in this country and abroad, as I understand it.

Mr. HEYBURN. That is $12.50. That is what it amounts to—$12.50 a ton.

Mr. BRISTOW. A ton?

Mr. HEYBURN. Yes.

Mr. BRISTOW. What does it cost abroad to reduce this ore to bullion?

Mr. HEYBURN. It costs a difference of more than $12.50 a ton.

Mr. BRISTOW. Has the Senator or has any member of the Committee on Finance any statistics showing what the cost of the labor is abroad and here, and of the different classes?

Mr. HEYBURN. Those of us who are familiar with the lead product and the producing of lead have the statistics of experience. I do not like to refer to myself, but I have been for thirty years connected with lead production in the United States, and I have means of knowing something about it. Statistics are as a rule reliable, but oftentimes we find that the balance sheet of the mine is a better criterion than the statistics, although I am not out of accord with the statistics.

Mr. BRISTOW. But the Senator must admit that the balance sheet of the mine might be affected by many other causes than the cost of labor employed.

Mr. HEYBURN. The great item is labor. It runs about this way in producing, say, 100,000 tons of lead: The wage account will be practically $5,000,000—I am using round figures, and they are accurate; the freight and treatment will be about $4,500,000; the investment necessary to this production will be about seven or eight million dollars. Now, I think I have covered the mining—that is, the wages. I have covered the investment and the machinery. The freight and treatment are about $4,500,000 upon that product. The Senator can take that as a basis in estimating the business of producing lead bullion.

Now, in between that is the concentrating process, which would, for producing 100,000 tons of lead, represent about two and a quarter million dollars. Then the wages incident to the concentrating of the ore may be based upon a statement that 7,500 men are employed at an average wage of $4 a day. There is a basis of the business from which conclusions may be drawn.

Mr. BRISTOW. Mr. President, I have been informed by an authority, that to me is very satisfactory, that you can smelt lead in the United States as cheaply as it can be smelted in any country on the face of the earth.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. BORAH. Of course I am not informed as to the source of the authority of the Senator from Kansas, but I do not believe there is any foundation in fact for that conclusion. I have been listening for the last day or two to the colloquies and the figures upon this proposition; but there is one thing that is certain, that the practical facts with reference to the production of lead from the time it is found in the mine until the time it is finally usable by the consumer are all against those conclusions.

We have been in close touch with the situation and know something of the effect of tampering with the lead schedule, so far as the employment of labor and the production of lead in this country are concerned; and, unless the man who has given the Senator from Kansas the information which he has has been in touch with that situation, unless he knows its practical working and knows the effect of the reduction of duty upon the production of lead, I should be inclined to doubt the information.

You can take figures and prove almost anything; but we know, for we have tried it. We have seen our mines closed; we have seen men who are laborers, law-abiding citizens, made tramps and put upon the highways for years at a time by reason of tampering with this schedule.

Now, if you are going to protect the product of the mine as it comes from the mine, or the bullion, it must necessarily follow that you must protect the final product of that product, otherwise they will not purchase the bullion nor purchase the ore from us. If the Mexican producer, the Canadian producer, and the Spanish producer can put the finished product in here without protection, he will certainly not buy that ore or the bullion from the mines of the West, and neither will our own people do so. So, if we concede, Mr. President——

Mr. BRISTOW rose.

Mr. BORAH. Just a moment. So, if we concede that it is necessary to protect the ore, that it is necessary to protect the bullion, the other follows as a logical sequence from that proposition.

Mr. BRISTOW. Mr. President, I regret very much that I can not agree with the Senator from Idaho. This bill as it came from the other House provides for a duty of 1½ cents a pound on lead ore or the lead in lead ore. That is supposed to protect the American producer of lead. It was said here yesterday that because of that 1½ cents a pound duty there had been lead mines opened in Utah and in other States of this Union that could not be profitably worked unless such a duty was maintained; and that if the duty on lead ore were taken off or reduced, a number of those mines would be closed; that is, that this duty has enabled men to mine lead where otherwise it would not pay to mine it. We are therefore taxing the American people in order to enable these mines to be worked.

Mr. President, those of us who are contending against the Senate amendment are not contending for a reduction of the duty on lead ore. We are willing——

Mr. BORAH. Mr. President——

Mr. BRISTOW. Just a moment. We are willing to leave the duty where the House left it, believing it ample protection to the men who have been induced by our protective system to go into these mines and mine this lead. We do that, not because we believe that it is justifiable to put a cent and a half duty on any of the great natural products that we have that may be susceptible to exhaustion, but we do that because a condition confronts us which the Senator yesterday convinced me would result in closing mines if the duty were reduced to where, in justice and equity to the American people, it ought to be.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. BORAH. I ask the Senator from Kansas what benefit it would be to the western miner or to the producers of the West if we have protection upon a raw product and other people are still permitted to bring in the finished product from other countries?

Mr. BRISTOW. Mr. President, the finished product will pay the same duty—1½ cents a pound. That duty will be imposed on lead, whether it is in ore, in pig, or in bullion.

Mr. BORAH. What protection, then, would there be in that process to the labor that transforms the original product into the finished product in this country? It would necessarily transfer the labor to other countries and cause that finished product to be made in other countries.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. The Senator from Kansas, when he answers the question of the Senator from Idaho [Mr. BORAH], may answer this also: How would we provide for the bullion which is lost in the reduction of ores? Take the ore itself; and the pig lead that you get is only about 85 per cent; and if it were reduced in a foreign country it would come in here as bullion. Of course, no ore would come in, but bullion would come in; and it would be the same thing as closing down everything in this country.

Mr. BRISTOW. Does the ore lose any more in dross in this country than it does in any other? Is not there the same loss incurred whether the ore is smelted in Germany or in America? Do you expect to charge the loss by dross and have the American people make up that loss by tariff charges, when the same loss would occur whether the ore were smelted in Mexico or any other place?

Mr. SMOOT. If the lead ores were of the same value as bullion, then it would make no difference; but the Senator must know that there is a difference between the value of ore and the value of bullion.

Mr. BRISTOW. I know that.

Mr. SMOOT. Then, it would make a difference.

Mr. BRISTOW. But in the reduction abroad of the ore to bullion it goes through exactly the same process that it goes through here.

Mr. SMOOT. Certainly; and the labor cost is not one-third of what it is in this country.

Mr. BRISTOW. Mr. President, if there is anybody on the Finance Committee who can show what the labor cost per unit is in Germany, in Mexico, and in America, I should like to know it.

Mr. HEYBURN. With the Senator's permission, I know the difference, and can state it.

Mr. ALDRICH. The Senator from Idaho knows the difference, but the value of the imported product shows it very plainly. It is 2 cents a pound abroad, and it is more than 3 cents a pound, in my judgment, here.

Mr. BRISTOW. Mr. President, the value of the product after it is reduced as compared with its value in the ore shows the

cost of the reduction, but it does not show the difference between the cost of reduction in this country and some other country.

Mr. ALDRICH. Does the Senator from Kansas believe that the reduction process, or the transmuting process from ore to the bullion, can be done as cheaply in Kansas as it can be done in Germany or in Mexico?

Mr. BRISTOW. I have been informed that lead ore can be reduced as cheaply in this country because of our efficiency in smelting and because of the facilities that have been acquired here by the smelting industries——

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. When I get through this sentence I shall be very glad to do so.

Mr. HEYBURN. I shall wait until the Senator finishes his sentence.

Mr. BRISTOW. That because of the efficiency that has been attained in this country by reason of the improved facilities there is no more reason for a duty to-day on pig lead than there is on steel, and as was so clearly demonstrated by the Senator from Iowa [Mr. CUMMINS] yesterday, that such duty was not necessary.

This efficiency has been attained by the gigantic smelting interests in our country, resulting in greatly reducing the cost, the same as has been done in the manufacture of steel, and no other country on the face of the earth can equal us in the efficiency of this class of labor and the cheapness of the reduction of this metal. Now I will yield to the Senator from Idaho.

Mr. HEYBURN. Mr. President, I would suggest practical experience against theory in regard to that matter as a better criterion. Lead ore can be mined in Mexico for one-third of what it costs to mine it at any point in the United States. The machinery for the purpose of converting it from ore to bullion can be constructed for one-third of what it can be constructed for in the United States. The wages paid in the stage of transformation of ore in the ground to bullion on the floor is three times as much in this country as it is in Mexico or in Germany. It costs here a third more in wages either to mine or to mill or to smelt. In Germany they take the ore from foreign countries; they ship it from Australia to Germany; they convert it into bullion there; and they will send it to this country either as lead bullion or as white lead or as some other manufactured product of that bullion. They have at all times 33½ cents the best over us after paying the expenses of bringing it from Australia to the Rhine, and from there to the seaboard of the United States. Those are the figures. They are not theories.

Mr. NELSON. Will the Senator from Kansas yield to me?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. NELSON. I want to read from the tariff hearings for the purpose of showing that in Utah the miners practically get as much of the precious metals from a ton of lead ore as they do of lead.

Mr. KEAN. That is in Utah.

Mr. NELSON. In Utah; and the amount of the precious metals, of gold and silver, they get out of a ton of lead ore more than compensates for the extra cost of labor. Let me read from the Tariff Hearings, Schedule C, page 2323, the statement of Mr. C. E. Allen, of Salt Lake City:

> In the year 1906, upon which I have based my figures, because those are more complete, we produced 125,342,836 pounds of lead, or 164 pounds of lead per ton of ore; and this contained 68,340 ounces of gold, or 0.089 ounce of gold per ton. This lead also carried with it 9,406,758 ounces of silver, or 12.27 ounces of silver per ton. That is, 82 per cent of the silver produced in Utah came from lead ores. Between 26 and 27 per cent of the gold produced in the State came from the same source. The average value of the metals produced in lead ores in that year from this State was as follows: Lead, 5.7 cents per pound; gold, $20.67 per ounce; silver, 67 cents per ounce.
>
> The value of—

I call the attention of Senators to this statement—

> The value of the contents per ton—
>
> That is, of the ore—
>
> The value of the contents per ton was: Lead, $9.32; gold, $1.84; and silver, $8.22, making a total value of each ton of lead ore produced of $19.38.

Showing that they get nearly as much gold and silver in value out of a ton of ore as they do from the whole amount of lead. In that respect those ores are unlike the foreign ores, and, practically, they get more than enough out of that to cover the labor cost.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Rhode Island?

Mr. BRISTOW. I yield to the Senator.

Mr. ALDRICH. If the Senator from Minnesota were at all familiar with this subject, he would know that there is more gold and more silver in Mexican ore than there is in the ores we produce in this country.

Mr. SMOOT. That is exactly the statement that I wanted to make in relation to the comparison between the ores of Mexico and the ores of Utah. The ores of Mexico are always richer in silver than the ores of Utah or of any other State in this Union.

Mr. GALLINGER. Or of any country in the world.

Mr. BRISTOW. There has been a great deal said here during the debate on the tariff schedules in regard to the wages here and abroad, but it has been opinion or general assertion; there has not been a single schedule brought before this body in reference to which there has been any reliable statistical information presented by the Committee on Finance as to the cost of wages abroad and here. But the senior Senator from Iowa [Mr. DOLLIVER], in that remarkable speech he delivered the other day, in my humble judgment one of the greatest that was ever delivered in this Chamber, conclusively demonstrated that there was a duty of 1 cent a yard put on for the mercerization of cotton cloth, although by submitting bills of lading he showed that it cost, all told, but five-eighths of a cent a yard to take it through that process. Yet, under the pretense that you were providing for the difference in the wages paid abroad and here, you have put on a duty almost double the entire cost of mercerization in this country.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Yes.

Mr. SMOOT. I desire to say to the Senator in connection with the statement as to the cost of mercerization being five-eighths of a cent, that he must remember that here were letters read by the Senator from Iowa showing that it cost more than that in some places. He did not, however, take into consideration the question of boxing the goods, the freight to the place where they are mercerized, the reboxing of the goods and shipping them back to the manufacturer who sent the goods to be mercerized.

Mr. BRISTOW. The Senator thinks that the freight and boxing would amount to three or four tenths of a cent a pound, does he?

Mr. ALDRICH. I trust the Senator from Kansas is more familiar with the lead-producing interests of this country than he is with the cost of mercerization. I will demonstrate to the Senate that the cost of preparation for mercerization and the cost of mercerizing in this country is over a cent a pound more than it is in any other country of the world. But that is not the question here now. The question here now is whether we shall put a duty of a cent and a half a pound on lead ore.

I understand that the Senator from Kansas is willing to put a cent and a half a pound duty, which is equivalent to 95 per cent, upon lead ore, but that he is not willing to put an additional fraction of a cent upon the pig lead. Does the Senator from Kansas suppose that any man in his senses would pay a cent and a half a pound duty on lead ore, or the lead contained in lead ore, when he could introduce into this country pig lead, which is worth twice as much, at the same rate of duty?

Mr. BRISTOW. Mr. President, that would depend entirely——

Mr. NELSON. Will the Senator yield to me for a moment?

Mr. BRISTOW. Just as soon as I can answer the question of the Senator from Rhode Island. It would depend wholly upon what the purchaser in this country wanted to do with the lead. If he wanted to smelt lead ore, he would buy the lead ore for the purpose of smelting it and changing it into bullion for the profit there was in it.

Mr. ALDRICH. Why should he want to smelt it if he could introduce the finished product for the same rate as the raw material?

Mr. BRISTOW. Because the smelting of the raw material is worth more in this country than the raw material, and the smelter wants the profit between the price of the raw material before it is smelted and of the finished product after he has smelted it. He wants that profit himself, instead of letting the man abroad have it. So he buys the ore and brings it here for smelting, and sells it to the American people after it is smelted. He would do that because it is a profitable business.

Mr. ALDRICH. It certainly would not be worth any more in this country if the rate of duty were the same upon lead ore and upon the finished product.

Mr. BRISTOW. It would be worth just as much more as the cost of smelting in the foreign country——

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. NELSON. Mr. President, fortunately we are not obliged to take the figures as to the profits advanced by the senior Senator from Idaho [Mr. HEYBURN]. The same witness from whose testimony I read a moment ago—Mr. Allen, of Utah—gives us the exact figures. He says on page 2323, Hearings on Schedule C:

> The total cost, then, to the miner was $15.93, and he received $19.38 per ton, which would leave an apparent profit of $3.45 per ton. From this should be taken at least 10 per cent for writing off the property.

If you take those figures, you will see that the miner makes over 20 per cent profit on a ton of ore. This is from the sworn hearings, and is not a visionary picture of conditions abroad and here.

Mr. BRISTOW. Mr. President, from Census Bulletin No. 86, page 9, it appears that there were, in 1905, 7,573 men engaged in the smelting of lead. It appears also on the same page that that was a less number than were engaged five years previous to that, in 1900. It appears on the same page that the total wages paid to these men was $5,374,691, an increase in five years of 5.6 per cent in the amount of money paid, although there were fewer men employed, showing that better wages were paid them. On page 8 it appears that there were smelted in 1905, in round numbers, 613,000,000 pounds of lead.

In 1900, five years previous, there were smelted 497,000,000 pounds of lead, an increase in the amount of lead smelted of 23.3 per cent; that is, an increase in the production of the smelters of 23.3 per cent, while there was an increase in wages of only 5.6 per cent; which goes to demonstrate the statement which this friend of mine makes to me that, by virtue of the modern improvements in this country and our mechanical devices, we are reducing the cost of smelting lead every year.

Senators, I do not believe, with due respect to the members of the Finance Committee and the Senator from Idaho, that a duty is needed on pig lead in order to protect the wages of American workmen; but I believe that this five-eighths of a cent should be taken off to protect the consumers of that product in this country of ours from extortionate charges.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. The Senator from Kansas speaks of the better facilities which we have in this country for the smelting of lead. Does the Senator not know that the smelters of Mexico are precisely of the same type that we have in this country; that they are managed in the main by American owners, American smelter men, who are just as capable of managing a smelter in Mexico as they are in the United States; and that the difference between the cost of producing in this country and in Mexico is the difference in wages? The methods are just as good in Mexico as they are here, and the labor is cheaper.

Mr. BRISTOW. Mr. President——

Mr. SUTHERLAND. Now, let me ask the Senator——

Mr. BRISTOW. Wait until I answer your question, and I shall then be very glad to hear another question. I do know, from information that comes through the public press and otherwise, in a general way, that American machinery goes to Mexico, and that the smelter in Mexico pays more for the machinery that goes in his smelter than does the American——

Mr. SUTHERLAND. Where does the Senator get that information?

Mr. BRISTOW. Because the foreigner buys his smelter machinery from this country, and pays the transportation charges from here to Mexico, and it costs him more unless your duty on that machinery is holding up the price to the American people and making them pay more than has to be paid in a country across the line for identically the same thing.

Mr. President, I will admit that there are Americans employed by the smelters of Mexico and in the mines also; but they are paid just as much or more in Mexico than they can get here. If they were not, they would not go there to work; they would prefer to stay at home. Furthermore, the Senator knows, if he has read the hearings before the House committee, that the Mexican labor that is employed there is cheap because it is inefficient, and that cheap Mexican labor comes across the line, and is employed in the mines of this country as well. Now, I shall be very glad to hear the Senator's other question.

Mr. SUTHERLAND. I will say to the Senator that in the State of Utah—and I am pretty familiar with the various mining districts of that State—I do not believe that there are 10 Mexicans employed in all the mines of that State. They do not come there. The miners employed in Utah are Americans, as a usual thing, or miners who have come from Wales or from other European countries. They do not come from Mexico.

Mr. BRISTOW. Why do you employ Americans instead of Mexicans?

Mr. SUTHERLAND. I doubt very much whether there is a single Mexican in the State to employ.

Mr. BRISTOW. That can not be said of Arizona, New Mexico, and some States. Why is it that Americans are employed in the smelters in preference to Mexicans, although there are a great many Mexicans in that part of the country?

Mr. SUTHERLAND. Where does the Senator mean—in Mexico or in this country?

Mr. BRISTOW. In this country, along the border.

Mr. SUTHERLAND. The Senator asked why Americans are employed in preference?

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. One reason is because there are no Mexicans in that country. Mexicans do not come into Utah.

Mr. BRISTOW. Perhaps not in the immediate community of which the Senator speaks, but they are in other States and Territories in great numbers.

Mr. SUTHERLAND. I am not undertaking to speak about any other State; I am speaking of Utah. I know what the conditions are there, and I know that there are no Mexicans employed in the mines of that State. I doubt whether there are any in Idaho.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. I hope the Senator from Idaho will permit me to conclude. I want to put a question to the Senator from Kansas. Does the Senator from Kansas believe there should be any differential at all upon lead in paints?

Mr. BRISTOW. No; not a bit.

Mr. SUTHERLAND. The Senator thinks the duty on pig lead should be the same as on lead in the ore?

Mr. BRISTOW. I am glad to say that I agree with the House committee exactly in regard to that proposition, and I think the committee was very wise in refusing to put a differential on pig lead over and above a cent and a half a pound on the lead in the ore, which is ample protection against the lead that is imported into this country in whatever form it may come.

Mr. SUTHERLAND. Does not the Senator from Kansas see that if there is the same duty upon pig lead that there is upon the lead in ore, the lead will come into this country in the shape of pig lead, because the pig lead can be shipped at a less freight rate than the lead in the ore? There may be in a ton of ore only 25 per cent of lead or 50 per cent of lead, and if you put it at 50 per cent, in a ton of ore there will be only a thousand pounds of lead. The importer would be obliged to pay his freight upon the ton of ore, while if he ships it in the shape of lead bullion he would pay his freight upon a ton of lead, which would be 100 per cent instead of 50 per cent in the other case.

Mr. BRISTOW. I beg to inquire of the Senator if he maintains that the freight on lead ore is the same as the freight on bullion and pig lead per ton per mile?

Mr. SUTHERLAND. I do not know that it is precisely the same.

Mr. BRISTOW. Does not the Senator know that when it is reduced to pig lead the rate is very much advanced, as it is on every other kind of metal?

Mr. SUTHERLAND. I do not think that necessarily follows at all.

Mr. BRISTOW. It does as a matter of fact, does it not?

Mr. SUTHERLAND. The Senator seems to think so. I do not. What is the Senator's information about it?

Mr. BRISTOW. My information is that the freight on ore is very much cheaper; and if you will examine the tariff sheets of the railroad companies in the West, you will find that my information is correct.

Mr. SUTHERLAND. What is the difference?

Mr. BRISTOW. I can not give the exact figures because I have not them at hand.

Mr. SUTHERLAND. It would occur to me that a railroad company could afford to haul a ton of lead cheaper than a ton of lead ore, because a ton of lead is not so bulky as a ton of lead ore and does not require the same space in the car.

Mr. BRISTOW. In this the Senator is very much mistaken. Mr. President, I do not know that I have anything further to say except to make the declaration that I believe it is our duty

as Senators representing the people of this country to vote against any increase in the duty on pig lead and to have the same duty on one as the other. I concur in the cent and a half a pound on lead ore, fixed by the House, because of the condition that confronts us and for no other reason, as I have explained heretofore. I do not think that it ever ought to have been imposed.

Mr. BEVERIDGE. Let us have a vote, Mr. President.

Mr. BACON. Mr. President, I desire to say a few words somewhat of a general character, without going into the intricacies of the scientific features in the discussion of this particular lead duty. I have no greater interest in the reduction of this particular schedule, or the duty imposed on this particular item in this schedule, than I have in any general question of the reduction of duties upon articles of general, common use in the country. I believe it was the necessity for such reduction which created the public sentiment that demanded that Congress should again deal with the question of what should be the rates of duty prescribed in the tariff law. So far as concerns articles not of general use and consumption, which do not enter into the everyday needs of the people, it is not so important; and even if the duties on such articles are, in the existing law, onerous, there would not be such a demand for the reduction as there is in the case of other articles. But there is properly, naturally, a demand throughout the country by people of all political parties and of all sections that there shall be a reduction in the tariff duties in such way that there may be a reduction in the cost of ordinary, comfortable living.

I speak in regard to this particular item only from the fact that the article of paint is one of the most universal use, one which enters into the every-day life of all the people of all the country, one which is of the utmost importance to them from both a utilitarian and an esthetic point of view.

I think the entire duty upon the lead product, both the ore and the more finished article, is entirely too high. Paint is very costly, as anyone knows who has any necessity to use it, and therefore I would be glad to see not only the duty kept down so far as it might be affected by rejecting the Senate amendments to the two items—because I speak of them together; paragraphs 179 and 180—but I would be glad to see it still further reduced by having a less duty upon the ore and a corresponding less duty upon the finished article. Upon the ore there is now a duty of nearly 80 per cent and upon the finished article of nearly 50 per cent.

Mr. President, whenever there is a discussion here as to whether or not a rate of duty should or should not be maintained, it seems to be a sufficient reply, in the opinion of a good many Senators, that it is the Dingley rate; as if it should be satisfactory that no advance is made upon the Dingley rate. Frequently when matters are being discussed and a Senator asks whether a given rate is the Dingley rate, and there is a response in the affirmative from Senators in charge of the bill, it seems to end the matter, and that that fact is alone necessary to make that rate satisfactory.

Now, as very clearly and forcibly pointed out to-day by the junior Senator from Minnesota [Mr. CLAPP] there can be nothing more illogical than such an attitude. To put the mildest term upon it, it is certainly a most preposterous proposition that Congress should be called into session and kept in session simply to reiterate and reaffirm the law now found upon the statute books, or to enact another law substantially the same as the present law in the grievous burdens which it imposes on the American people.

But, Mr. President, aside from that general proposition, I wish to read something which I read to the Senate a year ago in the hearing of the chairman of the committee, the Senator from Rhode Island [Mr. ALDRICH], and to which his attention was then particularly attracted, because he made an inquiry of me when I read it. I think his particular inquiry then made was from what Democratic stump speech I was reading. I wish to read it again, in order that Senators may have the advantage of the estimate which was then put upon the inequalities and the injustices of the Dingley law, the present tariff law, not in a Democratic stump speech, but by a Republican holding high office among those interested in some of the principal manufacturing industries in the country.

Mr. ALDRICH. Who is the gentleman?

Mr. BACON. I am going to give the Senator the name. He asked the same question before, and the Senator shall have the same information now that I gave him then.

I will state that about a year ago, or more than a year ago, in February of last year, when the learned and distinguished Senator from Indiana [Mr. BEVERIDGE] was to make his much-heralded speech on the subject of a tariff commission, there assembled in the city of Washington a large number of prominent manufacturers of the country, men who were not only engaged in the business of manufacturing, but men who hold high official position in the organization of the parties thus interested in manufacturing. They had a convention here, and while here they gave out public utterances of various kinds and in various ways. On the 3d day of February of last year, while that convention was in session, there appeared in the Washington Herald a series of interviews with those officials. One of them was Mr. Van Cleave, with whom I am sure the Senator from Rhode Island is well acquainted. Another was Mr. H. E. Miles, who designated himself as the chairman of the tariff committee of the Manufacturers' Association and president of the National Association of Agricultural Implement and Vehicle Manufacturers.

In that interview, which was published in the Washington Herald and which I read to the Senate on the 13th of March, in the hearing of the Senator from Rhode Island, as well as other Senators, Mr. Miles, who in the course of his interview avowed himself to be a Republican, used this language:

> The annual output of the manufacturers of the United States, as shown in the last census, is valued at $14,800,000,000. The tariff which covers the prices—

I hope Senators will listen to this language, because we are now dealing with that tariff. We are now dealing with the question whether the tariff shall be changed. This is the estimate which was put upon the tariff we are now engaged in revising by this prominent Republican manufacturer.

> The tariff which covers the prices—
>
> That is, the prices of the $14,800,000,000 of manufactures—
>
> is inexact, antiquated, and inapplicable at the present time. Scarcely a single schedule has any honest and direct application at this time to the principle of protection. Under present conditions the tariff is not a protective tariff in any sense. It is a tariff—

Listen to this language—

> It is a tariff of graft and discrimination, hurtful in a thousand ways. From one-half to two-thirds of the stuff made under this tariff bears to the consumer an unjust and unreasonable price because of the tariff. It is estimated by competent authorities that the graft, overcharge, and wrong done the American public because of the present tariff reaches $3,000,000 a working day. We have the facts, schedule by schedule, and are prepared to make the details public should we receive opposition to our demand for a permanent tariff commission, through the appointment of which a proper adjustment of the tariff can be procured. We are not agitators or reformers. We are mostly Republicans, and all protectionists.

Mr. President, with that indictment of the tariff law made by this prominent Republican, this prominent official of the manufacturing industries, we are met by the suggestion time and again, whenever dissatisfaction is suggested as to any paragraph of the bill, "Well, that is the Dingley rate," and they pass it by without further opposition. Therefore it is that it is not sufficient for me to have it said that a rate of duty is found in the Dingley law.

Mr. President, Senators here in the discussion of this particular item have iterated and reiterated the statement of the amount that is paid in the way of wages to those who are employed in this industry. But we have heard nothing as to other items in connection with it. One is the much-needed information as to what proportion of this vast amount of money that it is proposed to give as a bonus—because that is what it is and nothing else—to this industry or that industry is received by these much-vaunted laborers, and what proportion of it is held by those who own the property and who take the profits?

If we are going to engage in the Socialistic business of protecting and caring for other men's private industries, if we are going to engage in the worst of all social propaganda, that the general public shall be taxed for the purpose of benefiting not the whole community but a part of the community, then we ought to go further and say how that money shall be distributed among those engaged in different capacities in the various industries thus taken, at the public expense, under the fostering care and guardianship of the Government. If the Government undertakes either by paying money directly out of the Treasury as a bonus, or by enforced contributions from the individual citizens aggregating the whole American people, to contribute thousands of millions of dollars to sustain certain private personal enterprises, it is the worst and most pernicious form of socialism. It is not to be defended logically except upon the recognition and acceptance of the principles and arguments upon which the general policy of Socialism is advocated and defended. But if entered upon, the fundamental principle of Socialism must be logically administered, and that is that there must be an equal enjoyment of the general fund. Particularly is this true when the great proprietors shelter themselves in the background, and base their demand for money to sustain their personal enterprises upon their extreme solicitude that American labor shall be properly compensated. That issue awaits them in the near future.

But there is another matter very much more important than the question as to how much of this vast sum, this enforced contribution from the general public, is taken by the proprietors for their own enrichment, and how much is doled out by them to the employees. That important matter relates to the question, Who pays these untold millions as a gratuitous support to other men's private business? Senators stand here and say that such and such an industry can not get along unless it has a certain amount of assistance, and Senators talk about the amount of money that is needed in order that the business may be carried along successfully. What does that mean, except that people who are unable to carry on their business successfully, or who wish to make still larger profits in their business, shall have the great general public taxed and the money realized by such taxation paid to them to help out a business which, as they allege, otherwise could not succeed to the desired extent? Their desire and purpose is to get more money out of other people than they are able to make in a natural and legitimate way out of their own business. If they did not get more money by it they would not be insisting upon a protective tariff in their favor.

In this connection what I immediately propose to ask is this: Who pays the money thus to be contributed to support the private business of others? It comes out of somebody's pocket. It does not drop from the skies and is not found upon the highway. It is paid directly by the American public, and every man pays his part of it, whether he wishes to do so or not.

In the former day of arbitrary rule, some centuries ago, the men in authority then undisguisedly despoiled the people of their property and gave it to a few favorites. In this day the protective system, through the thinly veiled forms of law, does the same thing. In that day, and at a still later period, one of the most odious forms of oppression, through which the people were plundered, was in granting to a few favorites monopolies in the necessaries of life, thus giving to those favorites the opportunity and the power to wring from the people the payment of extortionate prices for those things without which they could not exist. In our boasted free government, with our much vaunted equality of right, our protective tariff law in greater or less degree, practically places within the power of comparatively a few men, so far as conditions make it possible, the monopolistic control of all the things required for the business, the comfort, and the sustenance of the people, thus enabling them to exact and collect extortionate prices for those necessary articles.

Mr. President, it is a most interesting inquiry as to how much money the American people have to pay to sustain and enrich these favorites, these private personal enterprises, by reason of high protective duties which are imposed for that purpose and not to raise revenue for the Government. I referred to that question the other day in a short colloquy which I had with the Senator from Montana. It has been a matter of some investigation, a matter of inquiry, a matter of careful estimate. It is estimated that in the case of a protective tariff, one framed along protective lines, which is designed to keep out of the country much the larger proportion of the goods such as those consumed in the country, much of which would come from abroad if it were not for the artificial barrier, the purpose and effect being to give a monopoly in the American market to the American producer, so that he may have no competition and thus be able to extort as high prices for his goods as the necessities of the American consumer may compel him to pay—it is conservatively estimated, I should say, because there are estimates very much higher than this, that for every dollar raised by duties paid at the custom-houses under such a protective tariff and which goes into the Public Treasury, the public pays $7 to the domestic producer of similar articles consumed in the country, not a dollar of which goes into the Public Treasury, but every dollar of which goes into the private coffers of those who produce these protected domestic articles.

If that is the case, if we have a protective tariff bill, as this is avowed to be, as the present law is avowed and known to be, as this law is intended to be, as avowed by the Senator from Rhode Island and other Senators who have spoken—if this protective tariff is to raise $300,000,000—then by this conservative estimate the people of the United States will pay more than two thousand million dollars, not for one time, but every year so long as the law stands upon the statute books—$2,000,000,000 a year in increased prices, which goes into the coffers of these producers.

Now that may sound like a most extravagant estimate, and yet there are those who estimate it as high as $10, instead of $7, upon which this conclusion is based. It does not sound extravagant when we come to consider the fact that there are over thirteen thousand million dollars of domestic manufactures annually consumed in this country, and that upon most of similar articles imported a tariff duty is laid of from about 40 per cent to more than 100 per cent ad valorem.

It is not necessary to take the position that the original cost of the goods and the tariff must be added together to find out what is the cost to the domestic consumer, because if that were the case, it would be, instead of $2,000,000,000, over six thousand million dollars a year. So it is not an extravagant estimate when you say that in the consumption of the country at least $2,000,000,000 are paid by the consumers of the country in the increased prices enforced by the protective tariff, and turned over to those who are the protected producers of the domestic articles practically as a bonus.

Mr. President, we have had the spectacle, which is to my mind a most wonderful one, of the Senate engaged in the consideration of these schedules and not a word said, except in a general way and as a matter of incident, as to whether any particular item is to raise revenue and what it will raise, and not a word said by Senators in charge of this bill, Senators who favor it in its form as reported from the Republican members of the Finance Committee, Senators who propose to pass it without substantial change, as to how the consumers are interested in this matter, and how it will affect them. Not a word as to the interests of the Government in raising a revenue through any schedule, not a word as to the mountain load of burden which this duty or that duty will lay upon the American consumer who must buy these articles whether he will or not. The only question which concerns these Senators is how much of this money thus coerced from other people through their necessities shall be given to this man to help enrich him in his private business, and how much to this other man to swell his bank account, which represents the gains from his private business. The title of the bill should be changed. In expressing frankly the truth the title should be, "A bill to be entitled an act to collect annually $2,000,000,000 from the people of the United States and pay the same over to the favored proprietors of the protected industries herein named."

When this industry appears and that industry appears and asks that it may have this prohibitive rate of duty or that prohibitive rate of duty, it is simply a question how much will we, out of this $2,000,000,000 thus extorted from other people, allow to those engaged in the lead industry; how much of this $2,000,000,000 will we allow to some other parties engaged in another industry? And then how much to still another and another party, and so on to the end until the whole $2,000,000,000 is divided among these greedy, insatiate interests to enrich them in their several private businesses at the coerced expense of the general American public.

Suppose it was piled up in that area in front of the Vice-President's desk. What would be the difference between doing that and effecting the same result through the passage of this bill? Suppose that 2,000,000,000 gold dollars were piled up in that area and we sat around here determining how it should be distributed. Would it be any different from what it is in practical effect? A Senator on my right suggests that we would go into executive session. I think we would do something to hide from the American people and the world the fact that we were engaged in—I will not use a harsh term—such an improper occupation.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. Supposing the Senator's theory——

Mr. BACON. It is not mine.

Mr. GALLINGER (continuing). That we ought to break down the protective system and be dependent upon foreign nations for our products were to obtain, where then would the consuming public come in when foreign nations could fix their own prices?

Mr. BACON. I will endeavor to answer the honorable Senator. I well appreciate and recognize the fact that Senators have lost sight of a tariff designed to raise a revenue for the Government since they have become intent upon this matter of exacting this tremendous tribute from the American people and dividing it out among their favorites. I speak thus because it is impossible that it can be otherwise than a division among favorites. Who knows, when Senators get up here and say that such and such an industry requires such and such assistance, whether or not that estimate is a correct estimate? It is impossible. At last even the Senators, the Republican members of the Finance Committee, who were immured within the walls of the great marble palace across the way where, in the daily bosom talks of several weeks' duration with the confidential representatives of these protected private enterprises, they carried on their secret conclaves from which Democratic

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Senators with their embarrassing questions were rigidly excluded, must have taken to a large extent the estimates of those who came here and demanded, and who are still here demanding that the American public shall be taxed and money be taken out of their pockets to be given to them to swell their private fortunes. It was impossible that the Senators could have had the opportunity or the time to verify their statements by an examination into their books or the details of their business. It was impossible for these Senators to do otherwise than to act upon the faith of the statements made to them in the degree in which they gave credit to those statements. Under such circumstances the personal element necessarily influences and controls, however honestly Senators may endeavor to be impartial.

I am well aware of the fact that Senators have become so engrossed with the idea of dividing the spoils to be extorted from the American people—because that is what it is; nothing but dividing the spoils thus to be extorted—that they have forgotten the fact that a revenue is to be raised for the Government; and if any Senator stands here in his place——

Mr. ALDRICH. Mr. President——

Mr. BACON. I will not yield to the Senator now, as I am replying to the Senator from New Hampshire. I will later. The honorable Senator will please pardon me for the present. If any Senator stands in his place and suggests that a certain rate of duty is the proper revenue rate, he is met with jeers and laughter and sneers by Senators on the other side who recognize that a tariff law is nothing but the means by which to despoil the public and distribute the spoils among favorites. They have become so absolutely wedded to the idea that the chief and only function of a tariff bill is a means to gather spoils from the people and distribute them among the protected industries carried on by private personal enterprise, which it is sought to thus enrich at the public expense, that they fail to realize or remember that there can be any such thing as a tariff framed to raise the revenue required by the Government. They forget that the needs of the Government make such a tariff for revenue necessary, and that, under such necessity, even a tariff strictly and solely for revenue would be a high tariff, however much we might wish to make it a low tariff.

Therefore I reply to the Senator from New Hampshire that it is not necessary to take either extreme. It is not necessary to ask what would be the condition of affairs if there were no artificial barriers. The protective tariff can be removed and there would still be unavoidably a high barrier remaining as the necessary effect of a revenue tariff.

Mr. GALLINGER. Mr. President——

Mr. BACON. I hope the Senator will let me finish my reply before he rejoins.

Mr. GALLINGER. Certainly.

Mr. BACON. It is not necessary to take the extreme of saying that there would be free trade. This is a Government of immense means. This is a Government requiring a vast revenue. I suppose there is not a Senator within the sound of my voice who does not know the fact that if we were to assemble here and take the Walker rule as to what was necessary in the raising of a revenue and apply it, it would take somewhere between 20 and 40 per cent in order to raise the necessary amount. It is not practicable to estimate this with accuracy, but I presume the average would be between these limits. Therefore, we could never be brought to the condition the Senator speaks of, where there would be no artificial barrier.

Mr. ALDRICH. Mr. President——

Mr. BACON. I will yield to the Senator from Rhode Island.

Mr. ALDRICH. The Senator stated the amount of money it costs the American people to maintain the act of 1897. For the last year, for instance, how much does the Senator say it has cost? I understood him to say three or four thousand million dollars.

Mr. BACON. No, I did not say that.

Mr. ALDRICH. What does the Senator think it costs, that the Senator says we are extracting from the people of the country?

Mr. BACON. I am permitting the Senator to interrupt me to ask a question, but I shall insist when he asks the question that he shall permit me to answer, and not immediately, before I can answer it, propound another.

Mr. ALDRICH. How much does it cost the American people to maintain the protective tariff?

Mr. BACON. I have stated the fact——

Mr. ALDRICH. How much?

Mr. BACON. I have stated the fact that it is variously estimated by different people, by some as low as five times and by others as high as ten times the amount realized from the protective tariff at the custom-houses. Some estimate it as high as ten times that received at the custom-houses under the same protective tariff.

Mr. ALDRICH. Mr. President——

Mr. BACON. Pardon me a minute. I have not finished my answer. The Senator will certainly permit me to do that.

Mr. ALDRICH. Certainly.

Mr. BACON. It is estimated by some as low as five times the amount, but I do not know of anyone who estimates it at less than that. Therefore, I say it is a conservative estimate to take seven, because the highest is about ten and the lowest about five. If we take seven it would be $2,000,000,000, taken out of the pockets of the consumers of the country in the increased cost of articles, which increased prices go into the coffers of the producers in whose interest the protective tariff is made. This estimate would necessarily vary with the degree in which the tariff law should prove to be prohibitive, and the particular class of articles upon which such prohibition would operate. If the prohibitive duty is laid upon articles of most general use, then the proportion would be higher than 7 to 1 and would probably justify the estimate of 10 to 1.

Mr. ALDRICH. Does the Senator from Georgia think that $2,000,000,000 is a low estimate or a high one?

Mr. BACON. I say I think it is a conservative estimate. That is the fourth time I have stated that.

Mr. ALDRICH. It is probably four or five thousand million dollars a year?

Mr. BACON. No; I did not say that.

Mr. ALDRICH. Say $3,000,000,000.

Mr. BACON. I will not.

Mr. ALDRICH. Does the Senator say it is anything over two?

Mr. BACON. I will say two, more or less, if that will satisfy the Senator.

Mr. ALDRICH. Two thousand million dollars for eleven years is $22,000,000,000 that the protective system, according to the Senator from Georgia, costs the United States.

Mr. BACON. I have not any doubt of it in the world—not a particle.

Mr. GORE. Mr. President——

Mr. BACON. Pardon me a minute. The Senator propounded that question as though I meant that the money was paid into coffers, in gold into chests, to be locked up and remain there during the eleven years, and he may also say that there was not that much money in the world. That is true. But that is not what is done with it. Of course it goes back into trade, and is used over and over again in similar transactions. It goes back, some of it, to the same people in different ways, it is true; but if the Senator were to take the same line of argument I could prove to him that cotton in the last forty years had taken vastly more money out of the pockets of the purchasers than all the money in the world. But a large part of the money that is spent one year in the purchase of cotton returns through the channels of trade and is again spent the next year in the purchase of the same kind of cotton.

Mr. ALDRICH. I suppose the Senator from Georgia would agree with me that the purchases and sales of cotton have been a benefit to the people of the United States.

Mr. BACON. Oh, yes——

Mr. ALDRICH. So that is——

Mr. BACON. Because when men raise and sell cotton they get the value of cotton in the money they receive for it, and the men who purchase the cotton get the value of their money in return.

Mr. ALDRICH. Is the Senator willing to concede that this $22,000,000,000 might have been a benefit——

Mr. BACON. The Senator must know that I am not so much of a doctrinaire as to say that there are no advantages to any one in the protective system.

Mr. ALDRICH. Does the benefit exceed $22,000,000,000 in the view of the Senator?

Mr. BACON. I think not, except to the protected parties who receive that stupendous tribute for their private benefit. The fatal defect in this instance, as it is in the general operation of the protective tariff, is that this vast sum is annually exacted from the many, and with partial hand it is bestowed on the few. It does not come, in the main, out of the men who get the benefit. It can not be equally distributed. It is a tax not equally distributed. If you could by a protective tariff have a system in which there should be the same amount of money laid as a burden in the way of paying for that tariff upon each man, and then in which, so far as any resulting benefit was concerned, it would be equally distributed in its benefits throughout the country, there could be no criticism upon the protective-tariff system so far as the question of policy is concerned. What

each man suffered in the way of a burden would be equally compensated for in the corresponding benefit he would receive.

Mr. ALDRICH rose.

Mr. BACON. The Senator will pardon me for a moment. I well know the advantage of breaking in before a Senator has expressed his thought. I will yield to the Senator at the proper time, and I will not in any manner evade what he may see fit to present on this question.

I repeat, if under the protective tariff an equal burden were laid upon every man by the operation of that tariff——

Mr. GORE. Mr. President——

Mr. BACON. I did not see the Senator standing, or I would have yielded to him before. I just want to finish this sentence and then I will yield to the Senator. I want to express more fully this thought. If the protective tariff in the burden which it lays upon the country, laid that burden equally upon every man, and if on the other hand the resulting benefits, because there are resulting benefits—everybody knows that who is not an abstract doctrinaire—if, on the other hand, the resulting benefits could be bestowed with equal impartiality upon every man in the country, there could be no possible criticism upon the protective tariff as a matter of public policy, although there would still be the constitutional objection to it. But the misery of it is that it is neither equal in the one nor in the other. It is not equal in the burdens it lays. It is extremely unequal and partial in whatever benefits result from it.

Now, I yield to the Senator from Oklahoma, but I will resume this line.

Mr. GORE. I merely desire to suggest to the Senator from Georgia that he might be able to give the Senator from Rhode Island a concrete example of what the protective tariff costs the American people. The lead ore schedule is now under consideration. The price of foreign ore——

Mr. BACON. I hope the Senator will allow me. I yielded to the Senator for a question or a suggestion. Evidently he is starting upon a line which would require some time to pursue. I will be through in a little while and then I will be more than glad to yield him the floor.

Mr. GORE. All right.

Mr. BACON. Mr. President, I will illustrate that by my own section. I well know the argument of the protectionists. It has been illustrated here by various suggestions which have been made as to the effect which would result from the paralysis of any particular industry, that it would not simply affect that industry, but all kindred industries, like knocking down the first of a row of bricks, and away they would all go. That is a very strong argument in so far as the argument can be made to apply, but unfortunately in this country with its diversified industries, with its varied conditions, it is an impossibility that it can be made to apply with equality.

Now, take my own section. I am speaking now of the States which grow cotton. The leading industry is the growing of cotton. I suppose that nine-tenths of the people in my State are either directly or closely connected through business connections and interests or otherwise with the growing of cotton. We make annually over 2,000,000 bales of cotton in Georgia. The State of the Senator from Texas, who sits on my left, makes nearly 4,000,000 bales of cotton.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Georgia yield to the Senator from New Jersey?

Mr. BACON. I do, for a question.

Mr. KEAN. Only a question. I was going to ask the Senator from Georgia how many spindles he has there.

Mr. BACON. I will tell all about that. There is no trouble on that subject at all, not a particle. I will come to that. I say to the Senator that the manufacturing interest in my State is a great and growing interest, and I am proud of it.

Mr. KEAN. So am I, Mr. President.

Mr. BACON. The honorable Senator need not give assurance of that. I assume that to be true, and I know it is true. The Senator is a patriot. We are all proud of the development, not only in our own States, but in other States.

Except the States of Louisiana and Kentucky, the manufacturing product of Georgia is larger than that of any other State south of the Ohio River, south of the Potomac River, and south of the State of Missouri. If I am not incorrectly informed, in the States of Kentucky and Louisiana the increased amount of manufactures with which those States are credited is made up by including as among their manufactures their work of preparation of their agricultural products to make them marketable; I mean in the changing of conditions of the agricultural products of sugar and tobacco to make them merchantable. The work of ginning and baling cotton might, it seems, with equal propriety, be classed as manufactures. But outside of work expended on preparation of agricultural products for market, so far as textile manufactures are concerned, and the manufactures of wood or iron or stone or anything of that kind, the State of Georgia is, in the value of manufactured product, ahead of any other State south of the boundaries named. Therefore, I am not indifferent to those things. The Senator need not think that I am overlooking those matters. I am not. But they do not lead me to the support of a protective tariff. It would be difficult for me to express the limits of my pride and gratification in this splendid development of the manufacturing industries in my State. I confidently expect them to be steadily and largely increased. Cotton growing is the basic industry of Georgia. Out of the success of this unprotected industry of cotton growing has grown and developed, directly or indirectly, the successes of all other industries in the State. According to my view these extensive manufacturing industries will not find it necessary, in order to maintain themselves, to prey upon the business of the cotton growers through the means of a prohibitory protective tariff. A revenue tariff, the rate of which must be, generally speaking, somewhere between 20 and 40 per cent, is in my opinion all that any enterprise is entitled to. A legitimate revenue rate of duty can be properly supported by any Senator, even if it only affects interests outside of his State. On the other hand, a prohibitory protective tariff can not be properly supported by a Senator even though it specially affects an interest in his own State. That, so far as it concerns a rate of duty, is my tariff creed. In determining whether I shall support any given rate of duty, I will be guided by the same rule which would control me if I were assisting in framing a Democratic tariff. I will support proper revenue duties, and I will not support any prohibitory or protective rate of duty. The test whether any proposed rate will materially bar importations or whether it will yield a proper revenue is easily applied.

But, returning to the more immediate discussion of the influence of the protective tariff upon the business of the cotton grower, I say that the overwhelming majority of the people of my State are interested directly or closely connected with the growing of cotton. There are two kinds of cotton. There is the general staple, which is known to the markets of the world and controls the markets of the world. There is what is known as the sea-island cotton or long-staple cotton, of which only between one and two hundred thousand bales are made in the whole of North America, and of that the State of Georgia makes almost if not quite as much as all other States put together in the United States. There are only two other States which produce it, and they are Florida and South Carolina. Georgia raises the larger amount of sea-island cotton. It is the second of all the States in the production of the general class of cotton. It stands next to the imperial State of Texas, with her more than four times the greater area. Last year we made over 2,000,000 bales of cotton. Yet I affirm that outside of between fifty and one hundred thousand bales of long-staple cotton which the State of Georgia makes you might pile tariff on tariff, like "Pelion on Ossa," and it could not benefit the cotton industry to the amount of a dollar. Why? Because we are exporters of cotton. The cotton-growing States send eight or nine million bales of cotton out of the country, and it is an impossibility that there can be any tariff put upon it which will be a benefit to those engaged in this immense industry. And yet the millions of people concerned in making this, which is the largest single export of all other exports, whether agricultural, mineral, or manufactured, have to pay on account of the protective tariff from 50 to 100 per cent in increased prices of nearly if not quite all the articles used and consumed by themselves, in their business, and in their families, food raised by themselves alone excepted.

Can I furnish any stronger illustration of the proposition that the protective tariff law is one necessarily unjust, because necessarily impossible to be impartial? Therefore, I answer the Senator's question when he asked me what would happen to this country in the absence of a protective tariff.

Mr. GALLINGER. Mr. President——

Mr. BACON. Unless the Senator desires to ask me a question——

Mr. GALLINGER. I was interested in what the Senator said about cotton. We all agree to that. But what about the manufacture of cotton, which the Senator's State is interested in?

Mr. BACON. I say this about the manufactures of my State——

Mr. GALLINGER. I have just glanced at a book here, and I will detain the Senate but a moment. I find that of one class of cotton, 15,000,000 yards were imported last year, of another,

6,000,000 yards, and of another, 7,000,000 yards. I do not know but that 100,000,000 yards of cotton were imported into this country. If we should reduce the duty below the protective point the Senator knows what would happen.

Mr. BACON. I do not want any duty that is up to the protective point. Now, what do you mean by a duty that is a protective point? This lead schedule here is a protective duty, because with 350,000 tons produced in the United States only 17,000 are imported, about one-fifteenth. A protective tariff is one which in the main practically excludes from the country articles which can be competed with by articles produced in this country by placing the rates of duty so high as to discourage and materially prevent importations.

Mr. GALLINGER. Does not the Senator call the cotton duty a protective duty?

Mr. BACON. If the Senator has asked the question——

Mr. GALLINGER. I am asking the Senator the question.

Mr. BACON. And I am going to answer it.

Mr. GALLINGER. Does the Senator call the cotton duty a protective duty, when now about 100,000,000 yards come in from foreign countries?

Mr. BACON. The Senator asked the question once and I will proceed to answer it.

Mr. GALLINGER. I would be glad to have an answer.

Mr. BACON. I myself avoid, when I am very much interested in what a Senator says, very frequent interruptions, because I know that the breaking of a Senator's line of thought makes it almost impossible to answer a question.

Mr. GALLINGER. I beg the Senator's pardon.

Mr. SUTHERLAND. Mr. President——

Mr. BACON. I can not yield now, but will be at the Senator's disposition later on.

Mr. SUTHERLAND. I wish to correct the statement made about the importation of lead. The Senator, I understood, said——

Mr. BACON. The Senator will have ample opportunity to do that. I desire to go on with the argument, and I will not yield the floor until I give every opportunity to every Senator who desires to ask any question.

Mr. SUTHERLAND. I suppose the Senator desires to state the statistics accurately.

Mr. BACON. I can be corrected later, and I hope the Senator will wait.

Mr. President, what I desire to say with reference to the manufacturing industries of my State is that I would not favor what I understand to be a protective duty, as I have just defined it, upon any article in my State or in any other State. If I can be shown that any proposed duty exceeds a proper and legitimate limit as a revenue duty I will certainly vote for a lower duty, I care not what the article is or where it may be produced.

So far as the cotton industry is concerned, I said that I presumed there was no Senator within the sound of my voice but who would admit that in order to raise the revenue required for this country there would have to be an average duty of somewhere between 20 and 40 per cent; and, Mr. President, I am utterly, irrevocably opposed to the imposition of any duty upon any article which will exceed that limit, unless perhaps it may be necessary to make some successive steps downward in the effort to rid ourselves of the present exorbitant rates. I say that limit of rates of duty is one which we can not get rid of, and it answers the Senator's question as to what will become of us if we abandon the protective tariff. It is not necessary to have a protective tariff in order that our industries shall have the advantage in regard to the business of this country.

Mr. President, I beg to say that I had no expectation, when I began, to go into a general discussion of this question of a protective tariff, but I have been led into it, and as I am launched I will proceed, unless I weary the Senate.

In considering the protective tariff Senators lose sight of two great questions. One is: What is best in order to raise revenue for the Government? The other is: Who pays this money? The great cotton industry of the South, making 13,000,000 bales of cotton, which preserves the balance of trade between this country and Europe, brings into this country every year in gold, or keeps gold from going out of the country through bills of exchange, more money nearly twice over than all the gold that is mined in all the mines of all the world each year. What possible excuse can be given that this immense industry shall be required to pile up here in this Chamber, not only for once but for every year, its great proportion of this two thousand million dollars of tariff tax, and say that it shall be distributed without return as a bonus to other parties, who are either unable to live upon the profits of their own business or who are not satisfied with the profits of their own business, and who demand that the public shall contribute out of their pockets that which is necessary thus either to preserve them or to still further enrich them?

Mr. President, suppose that instead of this indirect way of collecting money and paying it over to the favored industries, we, here sitting in our sovereign law-making capacity were to determine, so far as it could be done under Constitutional limitations, that a tax gatherer should be appointed by the law of Congress, and that he should proceed through the country to levy and collect this two thousand million dollars, and have it said by this tax gatherer, as he took this tribute from men toiling with brain and muscle, "this is not for the Government; not a dollar of that will go to the Public Treasury; it is to be carried to Washington and piled up in front of the Secretary's desk in the Senate Chamber, to be distributed by the Senate to private parties to aid them in their private personal business." And after it has been thus collected from the people by the tax-gatherer and piled up in a great heap in this Chamber, suppose that we should then be surrounded in all these lobbies and hotels with men engaged in other branches of industry, and that they should importune us that this money should be given to them for their private gain, that we should listen to them and to their demands, that the Republican Senators should hear them in bosom talks in the secret conclave in that marble palace of which I have spoken, and to which the Senator from Iowa [Mr. DOLLIVER] alluded day before yesterday, and according as this one might have political influence, or that one might have power, or that one might excite pity, and thus secure the recommendation of the Republican members of the Finance Committee in favor of this one, that and the other, this two thousand millions of dollars, gold dollars, thus gathered out of the toil of the American people, should be put in bags and handed out to them at the door of the Senate Chamber, and they should walk away with it—each one of them taking in his hand his bag of ill-gotten gold. How long, Mr. President, would the Federal Government stand? How long would it be before the people of the United States would rise up in revolution and overthrow it? Yet, Mr. President, that is not an overdrawn picture. It is the God's truth as to what in practical effect is being done under the operation of a protective tariff.

Mr. President, the most unwelcome visitor in the world is the taxgatherer. We have in the United States two kinds of taxgatherers outside of the internal revenue officers. We have taxgatherers who are at the ports and who gather through duties on imports the taxes that are necessary for the support of the Government. Who gathers the other taxes? Who gathers the $2,000,000,000, that men and women and the industries of all kinds in this country are required to bring here and pile up in gold dollars before that desk? Who are the taxgatherers? Why, Mr. President, there is not a corner grocery store that sells a pound of sugar to a poor widow but what at the time it sells that sugar gets the value of the sugar and then collects from that widow between 1 and 2 cents, I think it is approximately 2 cents, from that purchaser, not for the benefit of the Government, but for the benefit of the Sugar trust.

If you pass this lead schedule, there is not a man who will go and buy a gallon of paint to put on his house but what he will pay, in addition to the value of the paint, the additional cost that is represented in 78 per cent on the ore, or 49 per cent upon the article; and every man who sells that sugar or paint, every clerk who stands behind the counter, is an involuntary tax collector, who is there for the purpose of collecting this money out of the poor widow for the sugar or out of the poor farmer who wants a gallon of paint to put upon his front porch.

Not only so, Mr. President, but look through this bill with its vast multitude of articles covering every article of consumption. There is not a single thing that anybody can buy, speaking generally, but what, in making a purchase of it, a part of this tax has to be paid. It is not only in the corner grocery, it is not only at the paint shop, but there is not a store in the whole United States, there is not a store in New York, or in Chicago, or in Washington, or in any other city or village in the United States, but every clerk who stands behind the counter and sells a yard of cloth, or a bolt of ribbon or a hair comb, or a pair of shoes, or anything else, a plate to eat out of, a garment to wear, or a pot to cook in, but who, when he sells that article or any one of these enumerated articles, is the involuntary tax collector of the United States to collect this tribute from these people and pay it over to those who are the protected producers.

Mr. President, I have wandered far from what I started out to say. But what I have said is the truth, and no argument, unless Senators can show a mistake in the fact, can controvert

what I have suggested. I repeat, so far as the lead schedule is concerned, I am opposed to it upon the same ground I am opposed to other schedules. As to articles of common use there must be a tariff upon almost all of them. Some of them for particular reasons perhaps might be free. That is a difference of opinion, and not a difference upon the general question of protection. When it comes to a matter of principle, of course, I stand upon the proposition that no tariff which exceeds legitimate revenue should be imposed.

Mr. President, the Senator from Utah desired to ask me a question, and I shall now be more than glad to respond to it.

Mr. SUTHERLAND. I simply desired to call the attention of the Senator to the fact that he stated that the imports of lead in 1907, as I understood him, were only 17,000 pounds.

Mr. BACON. Mr. President, possibly in the brevity of my statement I did not fully cover the whole case. I have before me the Statistical Abstract and also this document, which is furnished here by the Finance Committee for our guidance. I well understand, as I have been informed since I made those figures, that they do not include the part of the lead import which was smelted and exported; but, with that exception, the figures which I have given are correct, and I will read them to the Senate. I will admit, as I have been told to-day by the Senator from Rhode Island [Mr. ALDRICH], that this table does not include possibly fifty or sixty thousand tons—I do not know how many—of lead which has been imported into this country, not for use in this country, but for smelting purposes, to be exported, and that no revenue was taken for that, and that, therefore, there is no mention made of it in this book. But the importations into this country and which are to be used in this country, and upon which revenue is paid at the ports, are in accord with the figures stated by me. Am I incorrect to a greater extent than that?

Mr. SUTHERLAND. I have not the figures at hand showing exactly what the exports were.

Mr. BACON. I have them here in this book. Is my statement now correct?

Mr. SUTHERLAND. But the imports of lead to the United States in 1907, in round numbers, were 160,000,000 pounds, which would be 80,000 tons.

Mr. BACON. Very well. That comes down to what I said, about 50,000 tons, which had been brought into this country for smelting and exported, which is not to be used in this country, from which no revenue was received, and which really had nothing to do with the industries of this country, except to give to smelters what I consider to be a very undue advantage, a very high tariff on what they do import for domestic uses, and then permitting them to have the benefit of our superior methods of production and of our superior capacity of workmanship and of workmen—letting them have the benefit of that, and then to ship it out of the country, without paying the Government anything for it. I have stated it, not from rumor, not from information gained from outside sources, but my statement has been predicated and limited to the information gathered from the official Statistical Abstract and to the documents before us which the Committee on Finance has given to us. I have made no mistake in the figures and have not misstated them. The matter of imports of lead ore which are for export after smelting, and upon which no import duties are required, presents another instance where our law gives to the smelter the opportunity to sell to foreigners at a price cheaper than that at which it is sold to our own people.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. BACON. I do, with pleasure.

Mr. NELSON. I simply desire to state, Mr. President, that the book I have here, called "Notes on Tariff Revision," shows that we exported from this country of lead ore and base bullion in 1907 over 80,000,000 pounds.

Mr. BACON. That includes the part I was speaking about. Here are the figures which have been furnished us [exhibiting], and I will read them to the Senate. In paragraphs 179 and 180 there are four different classes of importations of lead products. They aggregate 54,773,000 pounds, which, reduced to tons, makes 27,235 tons as the import of this country. That does not include the imports for the purposes of smelting and exportation; but, with that exception, the statement which I have made has been absolutely correct, and the figures show that this rate of duty on lead is prohibitory and puts the farmers and other users of lead at the mercy of the lead trust to charge them any prices it may see fit to impose upon them.

Mr. President, I want to call attention just in passing—for I do not propose to discuss this lead schedule in detail; that has been sufficiently done by others—I want to call attention to the fact that the difference between the rate on pig lead in the House bill and the Senate amendment is five-eighths. That makes an advance over the House rate of 33 per cent, covered up, it is true—I will not say that offensively——

Mr. ALDRICH. Oh, no; it is not covered up at all.

Mr. BACON. It is disguised, and it takes a calculation to find it. I do not mean that it is covertly done, but it is covered up. It requires a mathematical calculation of fractions to discover it; and when the mathematical calculation is made, there is 33 per cent difference between the rate as it comes from the other House and the rate which the Senate committee amendment proposes.

Now, upon the matter of revenue. We have heard a great deal about the rate under the Wilson bill, and I should be glad to see a return to that——

Mr. SCOTT. Before the Senator begins on another branch of the subject may I ask him a question?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from West Virginia?

Mr. BACON. Certainly. I am glad to answer any question.

Mr. SCOTT. I am asking for information. I see that under the McKinley Act there was imported into this country about $3,000,000 worth of cotton, and under the first year of the Wilson law there was imported $5,000,000 worth of cotton. What was the cause of that? I really do not know.

Mr. BACON. That is almost entirely long-staple cotton. That is the only kind of cotton which can possibly come into competition with the cotton produced in this country. Of course, there is little cotton of the ordinary kind imported, unless it be incidentally, and perhaps along the Mexican border. I, myself, once came across the Pacific upon a ship which had five bales of Chinese cotton on it, but that does not affect anything, of course. That was brought over for a specific purpose, but the only importation of cotton—I am speaking generally—is Egyptian cotton or cotton of that class. It is used in the higher grade of cotton manufactures, which are principally carried on in the States of Massachusetts and Rhode Island, and, very strange to say, while Senators who are so influential in that committee put no duty on long-staple cotton, which they need for their New England factories, not even an ordinary revenue duty of 20 per cent, which would yield a revenue to the Government of $2,000,000 annually, they have proposed, on the contrary, that upon raw wool—I have forgotten what the duty is; is it 100 per cent upon raw wool? What is the duty, I will ask the Senator from Rhode Island, on raw wool?

Mr. ALDRICH. The duty varies.

Mr. WARREN. The Senator from Georgia certainly does not assert that the duty on raw wool is 100 per cent?

Mr. BACON. I am asking for information. I do not know. What is it—50, 60, or what per cent?

Mr. WARREN. It is 11 cents a pound.

Mr. BACON. But what is the ad valorem—about how much is the ad valorem? I think that is forty-odd per cent.

Mr. WARREN. The last time I looked the matter over and compared the figures, it was between 35 and 45 per cent.

Mr. BACON. The Senator is correct. The Senator can not possibly accuse me of wishing to mislead anybody on that subject.

Mr. BURTON. I think I can give the Senator from Georgia the exact figures.

Mr. BACON. Very well.

Mr. BURTON. On first-class wools the average ad valorem duty on the largest importations is 44.52 per cent; on second-class wool it is 41.11 per cent; and on third-class wool it is 35.18 per cent.

Mr. BACON. I will state, Mr. President, not in justification—for justification is not needed—but merely in the way of explanation as to the extravagant figure which I gave, that this woolen schedule does in such a general way run clear above 100 per cent on many woolen articles, that it was very natural that for the moment I should have been misled as to the duty on raw wool. As soon as I made the statement I was satisfied I was wrong, and therefore I asked the Senator from Rhode Island [Mr. ALDRICH] what the duty on raw wool was.

Mr. WARREN. The Senator, of course, will understand that the percentage varies, as all specific taxes do, as the market goes up or down.

Mr. BACON. That is necessarily true. Still it is quite high; and for that matter my suggestion of 100 per cent duty was not so far out of the way, if scoured wool ready for the loom is considered, when we are comparing it with the imports of long-staple cotton in a condition also ready for the loom.

Mr. President, I was probably not as considerate of interruptions as I should have been, and as I would like to be, in

the ardor of such remarks as I was submitting; and I did not answer the inquiries of Senators. I am now at their disposal and shall be very glad to the extent of my ability to answer anything they may ask.

Mr. GALLINGER. Mr. President, did I understand the Senator from Georgia to estimate that under the existing tariff law the added cost to the consumer was two thousand million dollars?

Mr. BACON. Yes, sir.

Mr. GALLINGER. Would the Senator venture an opinion as to how much that would be reduced if we had a revenue tariff in place of what we call a protective tariff? In other words, is it fair to have it go out to the country that our tariff system is costing the consumer two thousand million dollars?

Mr. BACON. The Senator is absolutely correct in his criticism, so far as the responsibility of the protective tariff, considered by itself, is concerned, and I meet it with the utmost frankness. Of course, two thousand million dollars does not represent an amount improperly taken alone through the protective tariff, because if there were a revenue tariff, there would necessarily be an incidental protection—that is an inevitable consequence—and the two thousand million dollars, so far as it relates to any excess over that which is properly due, must be diminished by what would be the amount under a revenue tariff. Nevertheless, that does not change the fact that under this estimate the protected interests get the full amount of the $2,000,000,000 under the operation of the protective tariff. The only modification of the statement is that even under a revenue tariff these protected interests would get a part of the amount. My complaint of them is that they are not satisfied to receive the large amount that even a revenue tariff would give to them.

Mr. GALLINGER. Mr. President——

Mr. BACON. If the Senator will pardon me a moment——

Mr. GALLINGER. Certainly.

Mr. BACON. And estimating, as I do, I think that a revenue tariff would require between 20 and 40 per cent. This would not only be sufficient to protect every legitimate industry in the country, but would fall, if not equally, at least in such a manner that so far as any man did not receive his equal part of whatever resulting benefit there might be from such a tariff, he would say, "I am making that sacrifice for the benefit of the Government and not for the benefit of the private individual."

Mr. GALLINGER. Would the Senator take the Wilson tariff law as an example of a revenue tariff law?

Mr. BACON. No. I was not in Congress when the Wilson tariff law was passed, and I am not so familiar with it as is the Senator from New Hampshire; but I think there are many schedules of the Wilson tariff law which are entirely too high. I think the woolen schedule of the Wilson tariff law is too high, and I could go through some others, though as I say to the Senator I should have to take them and go through them with some care, for I have never had placed upon me the obligation to give any special study to it.

Mr. GALLINGER. I think the Senator ought to permit me to ask him the question, for I think it is but fair——

Mr. BACON. I think so, too.

Mr. GALLINGER. That it shall go out to the country that, even if the Senator's figures are right—which I do not agree to at all—that a very large proportion of that will be obliterated when we take into consideration the fact that, under a revenue law, we must of course provide for a very considerable portion of that two thousand million dollars of which the Senator has spoken.

Mr. BACON. That is correct only in so far as it indicates for what proportion of the total amount the protective tariff, as such, shall be solely responsible. I want to state in that connection that the statement made by me as to $2,000,000,000 is only to be modified to the extent of about one-fourth. I will say that, instead of $2,000,000,000, which are exacted from the people of the country and paid to people to whom they do not owe it, and received by people who have given nothing for it, the amount is fourteen or fifteen thousand million dollars, to be charged against the protective tariff alone, which of itself is quite a neat little sum. It is a question of bookkeeping as to which column it shall be charged up in. That, however, does not change the fact that under the protective tariff these industries get the full $2,000,000,000. It is only pertinent to show that they would get a part of it even under a revenue tariff. Nevertheless, under the protective tariff these industries get the entire $2,000,000,000 when the protective law is in force. They do not give up any part of it on the ground that such part represents what they would get anyway under a revenue tariff. They take the whole of the amount covered by the tariff duties either way. But even with that consideration, even if there were a reduction under the suggestion made by the Senator, the amount taken in excessive prices through the protective tariff may exceed the amount first stated by me. As I have said, the amount thus taken from the consumer is estimated by some to be as high as ten times the amount collected at the ports under that tariff. In that case it would be $3,000,000,000 instead of $2,000,000,000. It depends largely upon the extent to which a prohibitory duty is placed on articles of general consumption.

Furthermore, the fact is not to be overlooked in making this estimate, the increased prices paid by the consumers, under a revenue-tariff law, are not as great in their proportion as are the increased prices paid under a protective tariff. The protective tariff bars out the foreign importation and leaves the domestic producers without competition, to combine and charge as high prices as they can extort from the domestic consumers. Therefore it is that the increased prices under the protective tariff increase much more largely and in greater proportion than the increase in the rates of duty.

Mr. GALLINGER. This is my final question——

Mr. BACON. I have no objection to as many as the Senator desires to ask.

Mr. GALLINGER. Does the Senator say, in all seriousness, that the present rates ought to be reduced 75 per cent?

Mr. BACON. As an average?

Mr. GALLINGER. As an average.

Mr. BACON. I do most undoubtedly—well, I will not say "75 per cent." I did state an ad valorem from 25 to 30 per cent. Of course, the Senator recognizes the fact, and I presume he recognizes that I probably know the fact, that what is a revenue duty on one article is not a revenue duty on another. It depends on the grade of the article, the conditions, and everything of that kind. And the average of the duties laid may be very different from the average of the duties collected. This is especially true if the highest duties are upon the articles of general consumption.

Mr. GALLINGER. Certainly; but——

Mr. BACON. Of course I am not guided in that opinion by having sat down with pencil and paper and having made distinct calculations; but I am guided by general expressions of opinion of people who have familiarity with such subjects, and by putting them together I am guided to the conclusion that from 25 to 30 per cent, as an average, although on many articles the rate ought to be less.

Mr. GALLINGER. Twenty-five or 30 per cent of the existing rate?

Mr. BACON. No; I do not mean that at all. I mean 25 or 30 per cent ad valorem on the goods. If I made the reply to the question of the Senator in the way he put it last I did not so understand it. I am speaking of the ad valorem percentage.

Mr. GALLINGER. The average ad valorem percentage now, I think, is estimated at 42 per cent.

Mr. BACON. No, no; more than that.

Mr. GALLINGER. Not much more than that.

Mr. BACON. The statisticians and experts are all of them given to great misrepresentation if it is not more than that.

Mr. ALDRICH. The average ad valorem on all importations is 28 per cent. The Senator would, according to his figures, put up the average ad valorem.

Mr. BACON. I am not speaking of the average rate on importations; I am speaking of the average rate in the tariff law. That is what I am speaking about. The average rate in the tariff law is said to be about 45 per cent; and I have seen estimates of late that the average rate of the proposed law is over 46 per cent. A prohibitory rate of duty will prevent importations under the higher rates and thus bring down the average rate paid on actual importations. That is very simple.

Mr. GALLINGER. So that, if the Senator agreed to a 30 per cent ad valorem instead of a 45 per cent, he would get rid of a very considerable part of the two thousand million dollars.

Mr. BACON. Waiving the contention I have already stated that no part of the $2,000,000,000 would, in fact, be gotten rid of, the last suggestion of the Senator would depend for its soundness a great deal upon what were the classes of articles upon which the high or low duties were imposed. For instance, I will take the matter of common woolens in the woolen schedule suitable for woolen garments, outer garments such as the women and children of the country wear. There is a duty of 140 per cent on them. So that when the Senator talks about what the amount would be it is an impossibility to state as to the average duty, because the average duty may be made up in such a way that the consumption of articles of one class would be small and the consumption of articles under changed conditions would be very large. To complete the illustration, what is the effect on women's coats, talmas, and outer coverings? The fact is that the rate of duty is prohibitory and no revenue to speak of is

derived therefrom. While the duty is much lower upon the higher grades of goods because we have not in this country as many factories that compete in the higher grades as in the lower grades, we put this exorbitant and prohibitive tariff upon woolen articles in common use; they are absolutely excluded from the country, and no appreciable revenue is derived from them, whereas if, on the contrary, the duty were lowered upon these articles the revenue derived from them would be much larger. So that all those things have to enter into the calculation. When the rate of duty is prohibitory, there are no importations. The domestic producer is thereby given a monopoly in that class of goods. The Government derives no revenue. The consumers have to pay these largely increased prices upon the domestic articles, and these increased prices all go to the American protected producers.

Mr. WARREN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Wyoming?

Mr. WARREN. I want to ask the Senator a question.

Mr. BACON. I yield to the Senator.

Mr. WARREN. I have been very much interested in the Senator's remarks about a revenue tariff and what would be a proper rate. Has the Senator carefully estimated what would be a satisfactory rate to him and what would be a successful one to the country when he states it at 25 or 30 per cent? I will say to the Senator the reason I ask that question is that when the Dingley bill was before the Senate a distinguished Senator on the other side, who, I think, occupied the very seat that is occupied now by the Senator from Georgia——

Mr. BACON. No; he was next to me. The Senator refers to Senator Vest, of Missouri, of course.

Mr. WARREN. I am speaking of former Senator Lindsay, of Kentucky.

Mr. BACON. No; Senator Lindsay, of Kentucky, sat about where the Senator from Iowa is now sitting.

Mr. WARREN. That is of no importance. Speaking from about where the Senator is now standing, the Senator to whom I have referred stated that if we were to have a revenue tariff he would consent to make the average rate fom 40 to 45 per cent. He finally said that he would not object to an average ad valorem of 45 per cent. That is my remembrance of his statement, though, of course, I speak from memory, as I have not looked it up lately. I recall with some interest that on the same afternoon a Senator who had been chairman of the Finance Committee when the Wilson-Gorman tariff measure was under consideration, made a statement something like that which the Senator from Georgia has made, that wool and woolens bore a tariff of from 100 to 150 per cent; but his remarks the next day showed that, upon investigation, he withdrew that estimate as being too high. I think the Senator from Georgia, if he will go carefully into Schedule K, will find that his estimate is about as much too high in regard to the duty upon woolen fabrics as it was in the first place in regard to the duty upon raw wool, the average rate being about 58 per cent ad valorem on Schedule K, taken as a whole.

Mr. BACON. I will turn to the figures to see whether I am or not. Will the Senator kindly give me the number of the woolen paragraph?

Mr. WARREN. I think it is on page 52. I have not it before me; but I am reminded that that is the page.

Mr. ALDRICH. It is on page 53, and the average ad valorem on the wool schedule is 58.19 per cent.

Mr. BACON. Mr. President, I have something here that is better than the average.

Mr. ALDRICH. Undoubtedly; else there would not be so high an average.

Mr. BACON. I have, for instance, the item on the top of page 52, from which I read that the equivalent ad valorem on "wool and hair advanced in any manner or by any process of manufacture, beyond the washed or scoured condition, not specially provided for" is 140.55 per cent. On the next item, which is a variation of the first one, "all other manufactures wholly or in part of wool," the equivalent ad valorem is 128.11 per cent. On cloths, woolen, or worsteds, valued at not more than 40 cents per pound, it is 134.97 per cent ad valorem; valued at more than 40 cents per pound and less than 70 cents per pound, 118.89 per cent; and so on through the column.

Mr. WARREN. True, but the Senator has skipped a few figures there.

Mr. BACON. I am glad the Senator has called my attention to that, because it is exactly on the point I have just stated, and that is, that the higher duty is on the common articles that the common people of the country wear—I will read now, and see if I am not correct about that—whereas on the more expensive articles which the richer people wear the duty is put at much lower rates. I will read the figures and see. I am glad the Senator called my attention to it, because the figures which I have inadvertently skipped——

Mr. WARREN. The Senator will admit there is nothing in the figures, or nothing in the description that he has given, that warrants the inference that he has drawn.

Mr. BACON. I am going to read it, and there will be no inference or anything else. On wool, hair of the camel, etc., advanced by any process of manufacture beyond washed or scoured condition, valued at not more than 40 cents per pound, the duty is 140.55 per cent; valued at more than 40 and not more than 70 cents per pound, it is 128.11. I will skip the statement in regard to the Philippine Islands, as it is not necessary to read that.

Now, mark you, on the same articles, valued at more than 70 cents a pound, the duty is 79.47 per cent. In other words, for the articles that the common people of the country wear the duty is almost 100 per cent more than on articles of a higher grade that the richer people wear. Those are the items that the learned and honorable Senator from Wyoming said I had omitted. I am under great obligation to him for calling my attention to them.

Mr. WARREN. The Senator overlooks the difference between articles partly manufactured and articles that are fully manufactured. Although the tariff is, of course, a larger percentage upon an item that is partly manufactured of wool and but little advanced, it does not cost as much, even if the percentage is higher, as where it is fully manufactured.

Mr. BACON. If the Senator is through, I shall make my reply. I say, Mr. President, that the items which I have read do not in any particular make any distinction between articles wholly or partly manufactured. I have read the entire language. I skipped not a word of it. It reads:

> Wool and hair advanced in any manner, or by any process of manufacture, beyond the washed or scoured condition, not specially provided for—

And then:

> All other manufactures wholly or in part of wool—

Not wholly or in part manufactured, "but wholly or in part of wool"—

> Valued at not more than forty cents per pound, 140.55 per cent.

The increase on the grade below that——

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. BACON. In a moment. On the next grade below—and when I say "below" I mean below in position on this page, but above the previous class in grade, finer, and more costly—valued at more than 40 and under 70 cents a pound, is less than the average rate on the cheaper, being 128.11 per cent.

Then as we go on down the next grade below it in the position on the page, but above it in grade, in quality, in value, and in price, is 79.47 per cent, all of it under the same designation of "all other manufactures wholly or in part of wool." No distinction is made between manufactured in whole or in part.

I want to go on because it is most instructive. The next is "cloths, woolen or worsted, valued not more than 40 cents per pound," 134.97 per cent, and those are the cloths of which the articles are made that the common people of this country wear, and they are put at the very highest notch—134 per cent. Then if they are a little more valuable than that the duty is less; "valued more than 40 and not more than 70 cents per pound," 118.89 per cent; "valued above 70 cents per pound" 94.32 per cent. That is the highest grade of that class, more expensive, not so generally used by the common people, and yet there is a difference there between 94 and 134.

The next one is Cuban reciprocity, which of course does not count.

Now, we come to blankets—blankets so necessary to the comfort and health of the common people as well as the rich people.

Mr. BURKETT. I should like to ask the Senator a question before he leaves that point.

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nebraska?

Mr. BACON. I do.

Mr. BURKETT. What is the Senator advocating—that we raise one or lower the other?

Mr. BACON. I would lower all of them.

Mr. BURKETT. What is the schedule the Senator proposes to substitute for it?

Mr. BACON. I will say to the Senator that I will prepare, as Senators have shown curiosity upon that subject, and introduce an amendment to the entire woolen schedule—K.

Mr. BURKETT. Is the Senator going to lower them, as was stated yesterday, to a certain flat rate, a certain percentage?

Mr. BACON. If the Senator will abide in patience I will try to introduce it early enough to keep him from being unhappy over the delay.

Mr. BURKETT. I have been listening very intently to the Senator, and I have been trying to find out what the Senator is complaining about.

Mr. BACON. What I am complaining of, and what I think the Senator from Nebraska ought to complain of, and every other Senator who represents a constituency in my judgment ought to complain of, is that woolen goods, so essential to the comfort and the health and the decency of the great masses of the people, are put at the exorbitant rates of over 100 per cent, running from that up to 134 per cent.

Mr. BURKETT. The Senator does not understand me. That may be true. When we get to that schedule, if they are too high, we ought to reduce them. But the Senator complains here because the percentage of tariff on one is higher than on the other.

Mr. BACON. Of course. My complaint——

Mr. BURKETT. The Senator wants to equalize them. How does he want to equalize them—by bringing one down or putting the other up?

Mr. BACON. I will say if I made any discrimination whatever I would make it in favor of the cheaper articles of goods.

Mr. BURKETT. And would raise the tariff on the cheaper articles?

Mr. BACON. I would not raise the tariff. I would lower it.

Mr. BURKETT. You would lower it?

Mr. BACON. Yes; I would lower the tariff on the others, too.

Mr. BURKETT. There is a difference of 34 per cent between the two articles which he was comparing, although the rate of difference is not material. Suppose when the Senator lowered the duty he found that it did not protect?

Mr. BACON. The Senator now has reached a point where he and I do not travel on the same line.

Mr. BURKETT. I understand that, but the country, as I understand and I think the Senator understands, does not want this bill made in accordance with the ideas of the Senator from Georgia.

Mr. BACON. That is the question.

Mr. BURKETT. But in accordance with the protective policy. The majority over here are charged with making this law along protective lines and not according to the lines of the Senator from Georgia, and if he is going to advise us he must advise us along the lines that the people by their votes for forty or fifty years have indicated that they want a tariff bill made. What I want to get at is what is the Senator complaining of. He says on the cheaper grades the rate is too high. Suppose he reduces it and it would not be protective; or how does he know that it would be protective if he reduced it below what the rate is now. That is the question I am trying to get at—real information.

Mr. BACON. The Senator asks a question?

Mr. BURKETT. Yes.

Mr. BACON. If the Senator is content that the people of Nebraska shall pay 134 per cent upon the common articles in use among his people——

Mr. BURKETT. The Senator from Nebraska does not admit that on account of the tariff they do pay 134 per cent on the articles they buy.

Mr. BACON. Very well.

Mr. BURKETT. I do not admit that, to start out with.

Mr. BACON. That is what you give the producer of the article—the opportunity to charge the consumers. But I do not agree with the Senator from Nebraska as to the sentiment of the people of this country.

Mr. ALDRICH. Mr. President——

Mr. BACON. I hope the Senator will let me answer the Senator from Nebraska first.

Mr. ALDRICH. I want to make an appeal to the Senator from Georgia. We have been discussing the lead schedule for two days. The woolen schedule is not here. I appeal to the Senator from Georgia to postpone at least a part of his discussion of that schedule until that question is before the Senate.

Mr. BACON. The Senator will do me the justice to say I did not introduce the woolen schedule into this discussion.

Mr. ALDRICH. I do not know who introduced it.

Mr. BACON. Senators introduced it by asking me questions.

Mr. ALDRICH. I would be glad if the Senator would permit us to vote upon the two schedules.

Mr. BACON. I will in a very few moments. I hope I may be permitted to reply to the Senator from Nebraska.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. Then I will yield with pleasure to the Senator from Indiana.

Mr. BEVERIDGE. All right.

Mr. BACON. Mr. President, I do not agree with the Senator from Nebraska that the people of this country are in favor of the protective system. I know that the party which favors the protective system is in power and has been in almost undisputed power for almost forty years, but in my judgment there never has been a time when there was not a very large proportion of the Republican party which was not in favor of the protective tariff. A great many other questions entered into the political campaigns which have determined the alignment of the voters. A great many men are Republicans by inheritance, because their fathers before them were Republicans, as the Senator from Iowa stated the other day was his case.

Mr. BURKETT. Does the Senator deny that a proportion——

Mr. BACON. I can not yield until I get through answering.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. BACON. A great many, I repeat, are Republicans by inheritance. The vast number, more numerous than can be counted or estimated, have been induced to that alignment because they differed with the Democrats upon the money question and because the business element of the country favored what they believed to be the financial policy of the Republican party, which that party had the good sense to assume in advance of the Democrats. The time was when the leaders on the subject of free silver were Republicans, but they are a very wise set of men and they saw what was coming, and they allied themselves with the business interests of the country, and the number is beyond counting of the men who are in alignment with the Republican party under that influence who do not believe in the doctrine of protection.

There are Senators here voting with your party, not included among those who are regarded or are sometimes called insurgents, who in their hearts are not protectionists. They may believe in the general proposition that this country should have the advantage of its own commerce, but they are not in favor of a protective tariff which shall be prohibitory. And when a tariff is not practically prohibitory it is the question of degree which determines whether it is a protective tariff or a revenue tariff. And there are many who desire that American industries shall have an advantage over foreign industries in using the American markets who are strongly of the opinion that a revenue tariff will accomplish all that is desirable for that purpose. So I might go on and enumerate. There is a very vast number of men in this country who are with the Republican party because of race and color, and they hold the balance of power in a number of States in the North, who know nothing and care nothing about the question of a protective tariff.

Mr. President, when the people of the United States come to fully understand, as I now believe they are coming to understand, that under the protective tariff this immense tribute is wrung from them, and that the great masses of the people under that system not only pay this tribute to the producers, but that under a system which effects the double purpose of erecting a barrier and at the same time yielding a large part of the revenue, they are paying entirely the revenue of this Government, so far as it is raised by a tariff, and that there is no corresponding burden laid in support of the Federal Government upon the wealth of the country—when they come to learn, as I believe they are learning it to-day, Senators will wake up to a knowledge of a different public sentiment on this question.

They have not learned it in the past because of the favorable condition of affairs in the United States, because it has been easy for men to live here. It has been easy for them to pay their expenses, but conditions have changed. It is now a question almost of life and death with a large element of the people of this country. Not only is it a question of life and death among those in straitened circumstances, but a question of a more moderate character of ease and comfort, not simply among those who are straitened in circumstances, but those who have moderate incomes, salaried men, men living upon the proceeds of small business, and men who have to count carefully their dollars in order to see how they may be able to meet the expenses which are necessary not only for their comfort but for their decency of appearance. So I am not alarmed by the question propounded to me by the Senator from Nebraska.

Mr. President, I thank the Senate for its attention, and yield the floor.

Mr. NEWLANDS. Mr. President——

Mr. BEVERIDGE. I hope the Senator will permit me——

Mr. BACON. I want to say to the Senator from Nevada that I should like to yield to the Senator from Oklahoma [Mr. GORE].

Mr. ALDRICH. I hope the Senator will let us vote on this proposition.

Mr. NEWLANDS. I wish to call attention to one proposition. The Senator from New Hampshire asked the Senator from Georgia what percentage he thought would yield a fair revenue, and the answer, as I recollect it, was about 30 per cent. The Senator from New Hampshire then commented upon the smallness of the difference between the average which the Senator regarded as fair and the average duty collected under this bill—45 per cent.

I wish to call the Senator's attention to the fact that the 45 per cent is the percentage of duty collected, not the percentage imposed. The Senator does not realize that whenever a prohibitory rate is imposed, a duty of 70 or 100 or 150 per cent, that duty does not count as a factor in ascertaining the 45 per cent. The entire dutiable imports of this country amount to a little over $600,000,000. The total duties amount to about $280,000,000, and $280,000,000 is about 45 per cent of $600,000,000. That is the percentage of duty collected.

Now, we will assume that there are large and heavy duties under which there are no importations. It is perfectly clear, then, that the 45 per cent does not apply to them; and if the Senator will go through these schedules, he will find item after item where the percentage ranges way above 45 per cent, where the importations amount to almost nothing, and where the imposition of a high duty does not operate at all as a factor in determining the percentage of duties absolutely collected.

I claim that the duties imposed by this act are way in excess of 45 per cent, although the duties collected under this act amount to only 45 per cent.

The VICE-PRESIDENT. The question is on agreeing to the amendment reported from the Committee on Finance.

Mr. ALDRICH. On that the yeas and nays have been ordered.

The VICE-PRESIDENT. The yeas and nays have been demanded, but not seconded.

Mr. CUMMINS. Mr. President, I have a single word to say with respect to the paragraph under consideration. It has been stated by those who ought to know that unless the duty of a cent and a half a pound upon the lead in the ore is imposed our mines will be closed. I am willing to accept that statement, and I shall vote for the duty suggested by the Senator from Idaho and for the amendment proposed by the Senate committee. But I understood the Senator from Idaho to say also that it costs $12.50 per ton to turn the lead in the ore into the finished product. If that be true, then the differential which is found in paragraph 180 is too great and should not exceed three-eighths of a cent per pound, instead of five-eighths, as it is.

Therefore if the amendment proposed by the committee to paragraph 179 be adopted, I shall propose an amendment reducing the duty proposed in paragraph 180, under the first part of it, to 1⅛ cents per pound instead of 2½.

Mr. GORE. Mr. President, I desire to ask if the vote will occur on paragraph 179—the duty to be imposed on the lead contents of the ore?

The VICE-PRESIDENT. That is the question now pending.

Mr. GORE. I merely desire, partly suggested by the remarks of the Senator from Iowa, to suggest a verbal change in this paragraph, which will probably be acceded to by the senior Senator from Rhode Island [Mr. ALDRICH]. I believe it was either Talleyrand or Pitt who observed that the object of language was to conceal thought. I do not think the Finance Committee has proceeded upon that theory, and yet I think the language employed in the paragraph does not express in the clearest possible way the true purpose and object of the provision.

This lays a tax of one and a half cents a pound on the lead contents in the ore. That, sir, is a duty of $30 per ton. The theory of the committee is that the foreigner can produce lead for $30 a ton less than we can produce it in this country, and the object of this provision is to cover that difference; is to tax the 90,000,000 American consumers $30 a ton in order to pension the producers of lead in this country to that amount.

Mr. President, the price of imported lead in the ore in 1906 was $32 a ton; the price of imported lead in 1907 was $38 per ton. The current price of lead ore in the United States is $86 per ton.

Now, sir, I conceive it to be a very modest and a very reasonable proposal to ask the American consumers to tax themselves to pay this difference of from $30 to $40 between domestic and imported lead. It would certainly be an act of shortsighted statesmanship to permit the American people to purchase foreign lead at from $32 to $38 per ton when with a modest tariff tax of $30 we can produce it in this country for only $86 per ton.

It would certainly be unfortunate to strike down—and I am unwilling to strike down—so vigorous, so prosperous, and so promising an industry by merely withholding a tariff duty to the amount of $30 per ton. I think it fair that we should tax the consumers to pay this difference, and I should regret to see any industry so thriving and whose beneficence is so universal stricken down by withholding a moderate tax of $30 per ton.

I merely suggest that we substitute the words "$30 per ton" for "1½ cents per pound."

The VICE-PRESIDENT. Is the demand for the yeas and nays sustained?

Mr. GALLINGER. The yeas and nays were ordered.

The VICE-PRESIDENT. They have not been ordered.

The yeas and nays were ordered.

Mr. LA FOLLETTE. Mr. President, I desire to say just a word before the vote is taken on the proposed amendment.

Personally I do not believe that it is possible under existing conditions in the lead industry to affect materially by any duty imposed the wages paid to miners employed in mining lead in this country, because I believe the lead-producing properties in this country are controlled by a combination which regulates prices in every branch of that industry.

I had my attention called to a dispatch in the New York Herald of yesterday, from which I quote the following:

[Special dispatch to the Herald via Commercial Cable Company's system].

LONDON, *Wednesday*.

Seventy per cent of the entire world's lead supply is to be brought under the absolute control of one group of separate corporations, working together in harmony. Prices are to advance from $68.75 a ton, as at present, to $95 or $100 a ton.

The immense interests concerned comprise the Guggenheims and other large American producers, the Spanish Association of Producers, the Broken Hill interests of Australia, and the German lead trust. These interests have combined to control 70 per cent of the world's lead supply, and their position in the world's markets will enable them to make what prices they please.

I believe that the testimony furnished to the Ways and Means Committee established very conclusively the control by combination of production in this country prior to the formation of this combination for world control, as stated in the Herald.

However that may be, Mr. President, I am myself placed in a position where I shall withhold my vote upon this amendment, and for this reason: Some years ago, when I was not in official life, I acquired an interest in land in Wisconsin which was believed to be, and which has proven to be, in part, lead-bearing property. Some development has taken place upon it, and one portion of it is at this time producing lead ore in small quantities, and zinc ore as well. I make this statement now as covering both those products.

If maintaining duties or increasing duties affects the price of those products, I can not consistently and conscientiously vote upon this question as a Member of this body, and therefore upon this roll call I shall, for the reason stated, withhold my vote.

With respect to a tariff upon zinc ore, when that question comes before this body I shall consider it my duty to lay before the Senate certain facts bearing upon the cost of mining zinc in Wisconsin and in Mexico. Three counties in the southwestern part of the State have zinc deposits, and a large number of mines have been developed and operated. The owners of these mines and the men working in them have a right to a fair and full presentation of the facts of their case, and, as representing them here, I shall endeavor to discharge that duty. In doing so I shall remind the Senate of my personal interest in and relation to the industry.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the committee to paragraph 179.

Mr. BACON. While the request for the yeas and nays was made, I do not think they have been ordered.

The VICE-PRESIDENT. They have been ordered.

Mr. BACON. I beg pardon; I was not aware of it. I know they were called at a time when they were not ordered. They were probably ordered at another time.

Mr. BRISTOW. I understand we are now voting on paragraph 179?

The VICE-PRESIDENT. The Senator is correct.

Mr. BRISTOW. Which provides for a duty of 1½ cents a pound on the lead in lead-bearing ores.

Mr. BEVERIDGE. The same as the House provided.

Mr. LODGE. We are voting on the amendment to paragraph 179.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the committee to paragraph 179.

The Secretary proceeded to call the roll.

Mr. BRIGGS (when his name was called). The senior Senator from South Dakota [Mr. GAMBLE] is paired with the junior Senator from Tennessee [Mr. TAYLOR], my pair with the junior Senator from Tennessee having been transferred to the senior Senator from South Dakota. I vote "yea."

Mr. CLAY (when his name was called). I am paired with the senior Senator from Utah [Mr. SMOOT]. If he were present, I would vote "nay."

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from Virginia [Mr. MARTIN]. For the present I will withhold my vote, hoping that he may come in before the roll call is concluded.

Mr. LA FOLLETTE (when his name was called). For the reason stated, I beg leave to withhold my vote.

Mr. NEWLANDS (when his name was called). I was paired with the senior Senator from South Dakota [Mr. GAMBLE], but by an arrangement that pair was transferred to the junior Senator from Tennessee [Mr. TAYLOR]. I vote "nay."

Mr. SMITH of Maryland (when Mr. RAYNER's name was called). I will state that my colleague [Mr. RAYNER] is paired with the Senator from Delaware [Mr. RICHARDSON]. If my colleague were present, he would vote "nay."

Mr. DU PONT (when Mr. RICHARDSON's name was called). I will state that my colleague [Mr. RICHARDSON] is paired with the senior Senator from Maryland [Mr. RAYNER]. If my colleague were present, he would vote "yea."

Mr. SUTHERLAND (when Mr. SMOOT's name was called). My colleague [Mr. SMOOT] is necessarily absent. If he were present, he would vote "yea."

Mr. WARREN (when his name was called). I am paired with the senior Senator from Mississippi [Mr. MONEY]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. ELKINS (after having voted in the affirmative). I notice that the Senator from Texas [Mr. BAILEY] is not present. I am paired with him, and I will withdraw my vote. If he were present, I would vote "yea."

Mr. CULBERSON. I will state that my colleague [Mr. BAILEY] is necessarily absent from the Chamber this afternoon. He is paired with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "nay."

Mr. CULLOM. As the Senator from Virginia [Mr. MARTIN] has not come in, I will withhold my vote. If I had a right to vote, I would vote "yea."

The result was announced—yeas 53, nays 19, as follows:

YEAS—53.

Aldrich	Clapp	Gallinger	Page
Beveridge	Clark, Wyo.	Guggenheim	Penrose
Borah	Crane	Hale	Perkins
Bradley	Crawford	Heyburn	Piles
Brandegee	Cummins	Hughes	Root
Briggs	Curtis	Johnson, N. Dak.	Scott
Bristow	Depew	Jones	Smith, Mich.
Brown	Dick	Kean	Stephenson
Bulkeley	Dillingham	Lodge	Sutherland
Burkett	Dixon	McCumber	Warner
Burnham	Dolliver	McEnery	Wetmore
Burrows	du Pont	Nelson	
Burton	Flint	Nixon	
Carter	Frye	Oliver	

NAYS—19.

Bacon	Foster	Newlands	Smith, S. C.
Bankhead	Frazier	Overman	Stone
Culberson	Gore	Shively	Taliaferro
Daniel	Johnston, Ala.	Simmons	Tillman
Fletcher	McLaurin	Smith, Md.	

NOT VOTING—19.

Bailey	Cullom	Martin	Richardson
Bourne	Davis	Money	Smoot
Chamberlain	Elkins	Owen	Taylor
Clarke, Ark.	Gamble	Paynter	Warren
Clay	La Follette	Rayner	

So the amendment was agreed to.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 10 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 8, 1909, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 7, 1909.

SECRETARIES OF EMBASSIES.

A. Campbell Turner, of Missouri, now third secretary of the embassy at Constantinople, to be second secretary of the embassy of the United States of America at Constantinople, Turkey, vice William Blumenthal.

Charles B. Curtis, of New York, to be third secretary of the embassy of the United States of America at Constantinople, Turkey, vice A. Campbell Turner, nominated to be second secretary of the embassy at Constantinople.

SECRETARY OF LEGATION.

Gustavus L. Monroe, jr., of Mississippi, now secretary of the legation at La Paz, to be secretary of the legation of the United States of America at San José, Costa Rica, to fill an original vacancy.

POSTMASTERS.

GEORGIA.

Isaac A. Smith to be postmaster at Tennille, Ga., in place of Isaac A. Smith. Incumbent's commission expired December 12, 1908.

Leon P. Wimberly to be postmaster at Abbeville, Ga., in place of Leon P. Wimberly. Incumbent's commission expired February 10, 1909.

ILLINOIS.

John F. Ahrens to be postmaster at Gillespie, Ill., in place of John F. Ahrens. Incumbent's commission expired December 12, 1908.

IOWA.

Andrew F. Newquist to be postmaster at Stanton, Iowa. Office became presidential January 1, 1909.

OHIO.

George T. Baughman to be postmaster at Larue, Ohio. Office became presidential April 1, 1908.

Charles Doll to be postmaster at Lorain, Ohio, in place of Seward L. Bowman, deceased.

Adolphus D. Haney to be postmaster at Morrow, Ohio, in place of Adolphus D. Haney. Incumbent's commission expired February 10, 1909.

Vernie E. Humphrey to be postmaster at Fayette, Ohio, in place of Vernie E. Humphrey. Incumbent's commission expired January 5, 1908.

Howard B. Jameson to be postmaster at Dalton, Ohio. Office became presidential January 1, 1909.

John A. Kneisley to be postmaster at Osborn, Ohio, in place of John A. Kneisley. Incumbent's commission expired March 17, 1909.

Thomas C. Lichty to be postmaster at Antwerp, Ohio, in place of Oliver S. Applegate. Incumbent's commission expired November 19, 1907.

Ward B. Petty to be postmaster at Sycamore, Ohio, in place of Ward B. Petty. Incumbent's commission expired December 13, 1908.

W. A. Ritter to be postmaster at Napoleon, Ohio, in place of Elmer A. Palmer. Incumbent's commission expired March 8, 1908.

Charles E. Samuels to be postmaster at New Paris, Ohio. Office became presidential April 1, 1909.

George H. Willis to be postmaster at Bethel, Ohio. Office became presidential October 1, 1906.

OREGON.

Benjamin P. Cornelius to be postmaster at Hillsboro, Oreg., in place of Benjamin P. Cornelius. Incumbent's commission expired February 23, 1909.

SOUTH DAKOTA.

William Lester to be postmaster at Lake Andes, S. Dak. Office became presidential January 1, 1909.

Abram E. Van Camp to be postmaster at Highmore, S. Dak., in place of Abram E. Van Camp. Incumbent's commission expired February 1, 1908.

WISCONSIN.

Alvin P. Colby to be postmaster at Union Grove, Wis. Office became presidential January 1, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 7, 1909.

CONSUL.

A. Donaldson Smith to be consul at Patras, Greece.

APPOINTMENTS IN THE ARMY.

MEDICAL RESERVE CORPS.

To be first lieutenants.

Drs. Arthur Freeborn Chace, Edward Elisha Dorr, John William Keefe, John Johnson Kyle, Lewis Linn McArthur, Charles Mayrant Rees, Adolphe Manger Giffin, Samuel C. Gurney, James Adams Hayne, William Seagrove Magill, and Arlington Pond.

PROMOTIONS IN THE ARMY.

MEDICAL CORPS.

Capt. Edward F. Geddings to be major.
Capt. Arthur W. Morse to be major.
Capt. Frank C. Baker to be major.

CHAPLAIN.

Chaplain John A. Randolph to be chaplain with the rank of major.

PROMOTIONS IN THE NAVY.

The following-named ensigns to be lieutenants (junior grade):

Nathaniel H. Wright,
Roland R. Riggs,
Edward F. Greene,
Isaac C. Johnson, jr., and
Richard P. McCullough.

The following-named lieutenants (junior grade) to be lieutenants:

Nathaniel H. Wright,
Austin S. Kibbee,
Roland R. Riggs, and
Edward F. Greene.

Passed Asst. Surg. Charles N. Fiske to be a surgeon.

Asst. Surg. Howson W. Cole to be a passed assistant surgeon.

Surgs. Robert E. Ledbetter and Charles St. J. Butler to be surgeons in the navy.

Second Lieut. William L. Burchfield to be a first lieutenant in the Marine Corps.

Surg. Philip Leach to be a medical inspector.

First Lieut. Thomas H. Brown to be a captain in the Marine Corps.

APPOINTMENT IN THE NAVY.

Lester E. Wass, a citizen of Massachusetts, to be a second lieutenant in the Marine Corps.

POSTMASTERS.

MICHIGAN.

Alfred S. Follansbee, at Ontonagon, Mich.
John V. Wright, at Coloma, Mich.

MISSOURI.

Frank McNew, at Bloomfield, Mo.

NEVADA.

Alice F. Langwith, at Golconda, Nev.

NEW JERSEY.

Edgar I. Vanderveer, at Freehold, N. J.

NEW MEXICO.

Ignacio Lopez, at Las Vegas, N. Mex.

NEW YORK.

George A. Case, at Honeoye Falls, N. Y.
Clarence A. Stone, at Elbridge, N. Y.
Catherine Wiggins, at Cape Vincent, N. Y.

OKLAHOMA.

Thomas Fennell at Fort Towson, Okla.
Walter E. Rathbun at Coalgate, Okla.

PENNSYLVANIA.

Clara Brown at Linesville, Pa.
Mary J. Russell at Vilas, Pa.

WISCONSIN.

Ernest S. Mottram at Markesan, Wis.

SENATE.

SATURDAY, *May 8, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented a petition of sundry employees of the American Cutlery Company, of Chicago, Ill., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Winthrop, Me., praying for a readjustment of the wool schedule to remedy the inequalities detrimental to the carded woolen industry, which was ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Typographical Union, No. 329, American Federation of Labor, of Waterbury, Conn., praying for a reduction of the duty on wood pulp and print paper, which was ordered to lie on the table.

Mr. NELSON presented a petition of Typographical Union No. 136, of Duluth, Minn., praying for the adoption of certain changes in the duty on wood pulp and paper, which was ordered to lie on the table.

Mr. GALLINGER presented a petition of the Board of Trade of Rochester, N. H., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

TARIFF ON DRESSED LUMBER.

Mr. GALLINGER. I present a letter from the Amalgamated Woodworkers' International Union of America relative to the wood schedule. I ask unanimous consent to have it read from the desk.

There being no objection, the letter was read and ordered to lie on the table, as follows:

AMALGAMATED WOODWORKERS'
INTERNATIONAL UNION OF AMERICA,
Chicago, May 5, 1909.

Hon. JACOB H. GALLINGER,
Washington, D. C.

DEAR SIR: On reading the Chicago papers I am very much surprised to note the agitation and discussion in Washington by some Republican Senators advising and arguing for the taking off that portion of the duty on lumber which is assessed on account of it being dressed or worked.

Representing, as I do, as secretary of the Amalgamated Woodworkers' Association of the United States, having 7,000 employees, all of whom are employed in the planing mills and obtain their livelihood through lumber being dressed in this country, I most earnestly protest against any reduction of the tariff on dressed lumber.

During the past ten years, in meeting the various lumbermen, planing mill men, sash and door factories, and others who employ our members, in discussing the question of advance in wages and betterment of our conditions, I have become reasonably conversant with the cost of dressing lumber in this country, and the proportion of cash paid out to labor, to the members of our organizations, of the actual amount these firms obtain for dressing stock. Compared with the present schedule of duty on dressed lumber, I am reasonably conservative in stating that 90 per cent of the extra tariff, as shown in the schedule in the duty on dressed lumber, is for actual cash paid out for labor, not over 10 per cent being retained by the owners of the planing mills for their gross margin, out of which should come a reasonable proportion each year for depreciation of their plant, for keeping up of repairs, etc., leaving them but a small percentage of the actual amount obtained for dressing as a net profit, almost the entire amount being for labor.

Further, the present high cost of living, which you, as well as everyone, must thoroughly appreciate, brought about by the high cost of all kinds of articles we must eat; for instance, take the cost to-day of flour, meats, all kinds of provisions, the entire production of the farmer, you can appreciate how impossible it is for us to consider taking any lower wages; in fact, at the present time many of the mills at which our members are employed for some time have not been running full time, working only six or seven hours a day, and in some cases not every day in the week, in many instances during this winter running only half time, thus netting us a very small sum of wages per week, not sufficient to live upon in a reasonable way.

On the 1st of last January, when a number of our contracts had expired and in bringing up the question of new contracts for our employees for the year, after a thorough discussion of conditions, the employers showed us they could not possibly make us any further advances under present conditions. We are thoroughly familiar with the fact that if the extra duty which is added for dressed lumber is taken off, as practically all of the lumber shipped in here from Canada comes in the rough, allowing it to come in here dressed would necessarily take from our members just that amount of work; if the tariff on dressed lumber is retained, the lumber will continue to come here in the rough, giving to the members of our association the work of dressing it here.

Owing to the fact that in most cases the cost of living and cost of supplies is much less in Canada than in this country, also that the planing mills in Canada are located largely in small towns, where the cost of house rent would be materially less than it is in the large cities of the United States, like Milwaukee, Chicago, Detroit, Cleveland, Buffalo, and North Tonawanda, where at least 80 per cent of the planing mills are located at which Canadian lumber is dressed when shipped into this country, naturally Canada can dress lumber for some less cost than in this country; and in addition to that, in shipping lumber by cars from Canada she would get a great advantage, for the reason that by dressing lumber the weight is materially reduced. For instance, on a 6-inch strip in the rough would weigh 2,500 pounds per thousand feet; if worked to flooring, would weigh not to exceed 1,700 pounds per thousand feet, or a saving of 800 pounds per thousand feet. Take as a reasonable basis a freight rate of 15 cents per hundredweight from Canadian manufacturing points to Chicago, Detroit, or Buffalo, the Canadian operator would save in the weight of the lumber, as lumber is shipped by weight, 800 pounds, at 15 cents, or $1.20 per thousand feet, in addition to the present extra duty he is obliged to pay on dressed lumber, making a material extra profit for the Canadian operator, and taking away from our men a means of livelihood, transferring entirely to Canada all of this work which is now being done in this country, throwing thousands of our men out of employment, further, practically making useless and of no value the immense amount of money invested in planing mills in all the large cities of the United States. In Chicago there are some 20 planing mills; in Milwaukee, about 10; in Detroit, about 15; in Cleveland, about 15; in Buffalo and Tonawanda, about 30. Considering the above, you must appreciate how unjust it would be to the members of our association, and we fail to see any reason why any such proposition can be advocated. We most earnestly enter our protest against any such action and feel, after a reasonable investigation of the facts, that in place of advocating any such move you will be glad to enter a strong, earnest protest against it.

Respectfully submitted.

AMALGAMATED WOODWORKERS'
INTERNATIONAL UNION OF AMERICA,
Per JOHN G. MEILER.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 2286) to grant to John Rivett privilege to make commutation of his homestead entry; to the Committee on Public Lands.

By Mr. CULLOM:

A bill (S. 2287) authorizing appointment of Hugh T. Reed upon retired list of the army, with rank of captain with twenty years' service; to the Committee on Military Affairs.

By Mr. BRISTOW:

A bill (S. 2288) for the relief of John A. Boutell; to the Committee on Claims.

By Mr. HALE:

A bill (S. 2289) granting an increase of pension to Thomas B. Pulsifer (with accompanying papers); to the Committee on Pensions.

By Mr. BANKHEAD:

A bill (S. 2290) to authorize the Alabama, Tennessee and Northern Railroad Company to construct a bridge across Noxubee River; to the Committee on Commerce.

By Mr. DICK:

A bill (S. 2291) to reimburse depositors of the late Freedman's Savings and Trust Company; to the Committee on Education and Labor.

By Mr. NELSON:

A bill (S. 2292) granting a pension to Elizabeth Ellingson; to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 2293) granting an increase of pension to William S. Edgerton, 2d (with accompanying papers);

A bill (S. 2294) granting an increase of pension to Stephen W. Glenney (with accompanying papers);

A bill (S. 2295) granting an increase of pension to William H. Johnson, jr. (with accompanying papers); and

A bill (S. 2296) granting an increase of pension to Napoleon B. Neal (with accompanying papers); to the Committee on Pensions.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the calendar will be taken up. The Secretary will state the first bill on the calendar.

The bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, was announced as first in order, and the Senate, as in Committee of the Whole, resumed its consideration.

The VICE-PRESIDENT. The pending amendment will be stated.

The SECRETARY. The pending amendment is on page 60, paragraph 180. The committee proposes to strike out paragraph 180 in the following words: "180. Lead in sheets, pipe, shot, glaziers' lead, and lead wire, 1½ cents per pound," and to insert a new paragraph 180, as follows:

180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 2½ cents per pound; lead in sheets, pipe, shot, glaziers' lead, and lead wire, 2½ cents per pound.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. BRISTOW. Mr. President, this amendment fixes the duty upon lead dross, lead bullion, base bullion, pigs, and so forth, at the same rate as the Dingley law. In this discussion yesterday I contended that there was no necessity for any differential between the duty on lead in lead-bearing ore and pig lead. I maintain the same position to-day.

In this connection I wish to refer to some of the testimony that was taken by the House committee relating to pig lead. On page 408 of the hearings, Mr. Peter Zucker, of New York City, says, in discussing the matter of the duty on paints or dry colors:

We ask that this duty be retained as at present, but in the event of a reduction, we ask for a reduction in bichromate and chromate of potash, under paragraph 62, which carries a duty now of 3 cents per pound; also of bichromate of soda, under paragraph 74, dutiable at 2 cents per pound; also of pig lead, under paragraph 182, carrying a duty of 2½ cents per pound, on the ground that both bichromates and the lead form the chief constituent parts of all chrome colors included in paragraph 48.

The duty on pig lead is so far in excess of the relative duty on chrome colors that an injustice is being done to the American manufacturers at the present time, and any reduction in the duty on chrome colors included in paragraph 48 would demand a reduction in the duty of each of the three items above referred to.

I read this to show that this excessive duty on pig lead necessitates, according to the manufacturer, a duty on other articles of common use that is not necessary if the duty on pig lead is reduced.

Mr. Lissberger, on page 2357 of the hearings, under Schedule C, said:

In the first place, I want to say this in regard to this conference: It was unanimously agreed that the present tariff was not a protective tariff—

This is referring to the tariff on pig lead—

but was an absolutely prohibitive one, and that the only protection the manufacturers could find was to the refining companies, protecting them from any opposition whatsoever in their ability to do pretty much as they pleased with both the miners and the consumers. And I must say, gentlemen, that that impression has grown very much stronger in my own mind since I have listened to-night to the miners. I believe that what they want is not so much protection from foreign ore as it is protection from the smelter and refiner. I think they have demonstrated that very clearly here.

That is from the testimony of Milton L. Lissberger, of Long Island City, N. Y. On page 2358, continuing, Mr. Lissberger said:

The first question that came up was that this duty of 2½ cents was prohibitive. It did not protect the workmen; they did not come into the question. We asked for a very material reduction, because that is inordinately high. It amounts to actually, at the present time, 75 per cent. The price of lead in England to-day is about 2.8 cents. A duty of 2½ cents is a little above 75 per cent.

Mr. BEVERIDGE. The Senator——

The VICE-PRESIDENT. Will the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. Certainly.

Mr. BEVERIDGE. The Senator is reading from the hearings before the House Ways and Means Committee?

Mr. BRISTOW. The hearings before the House committee, Schedule C, page 2358.

Mr. BEVERIDGE. Then it does appear that the House did have the very question of this differential particularly before them, and they had that information before they acted.

Mr. BRISTOW. Certainly, and I intend to show before I get through with this hearing that, from a reasonable deduction that can be drawn from what has been said before that committee in these hearings, the House left this as it was because they thought it ought to be left that way, and not because they did not have time to change it. I should like to have some evidence that it was left in this bungling condition, as is alleged by the Committee on Finance, because the House did not have time to change it.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. Is it not true that the House committee reported a duty of 1 cent on the lead contained in ores and a duty of 1½ cents on pig lead?

Mr. BRISTOW. I do not know——

Mr. SUTHERLAND. I presumed the Senator was familiar with the history of this matter. I want to be——

Mr. BRISTOW. I will answer the Senator's question. I do not know what they reported, except as it appears in the bill which they sent from the House to this body, and which we have under consideration.

Mr. SUTHERLAND. My understanding is that the House committee reported the bill providing for a duty of 1 cent on ore and 1½ cents upon pig lead, making a differential of one-half cent upon the pig lead. The point I desire to make to the Senator from Kansas is that the Ways and Means Committee of the House, having deliberately considered the whole subject, concluded that half a cent differential was necessary, and there is nothing in the proceedings of the House to indicate that the House itself had changed its mind about it.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Will the Senator from Kansas yield to the Senator from Rhode Island?

Mr. BRISTOW. I should like to answer the Senator from Utah, and then I will be glad to yield. What the Senator's impression may be I do not know except as he declares it, but what we do know is that the House in passing this bill fixed a duty of 1½ cents a pound on the lead in lead ore and laid a duty of 1½ cents a pound upon pig lead, and I take it for granted that that was the deliberate judgment of that body.

The VICE-PRESIDENT. Does the Senator from Rhode Island now desire to interrogate the Senator from Kansas?

Mr. ALDRICH. I should like to suggest to the Senator from Kansas that I made a remark incidentally stating certain facts, but I tried to say to the Senator then, as I say now, that it makes not the slightest difference to this question what the House have done from time to time in fixing their schedules. We are here to do right, to do justice upon the merits and facts in this case.

Mr. BRISTOW. Mr. President, I am delighted to hear the Senator from Rhode Island make that remark; and I hope that all Senators here will listen to some testimony which he evidently has not read, and which I intend to read for the benefit of the Senate.

Mr. ALDRICH. I have read all this testimony. I know perfectly well that the smelters are interested in bringing lead into this country as cheaply as they can, because they own smelting interests in Mexico, and they are desirous of breaking down this differential. Nobody knows it better than I do.

Mr. BRISTOW. Continuing, Mr. Lissberger said, on page 2359:

If you mean to give us ore at a cent and a half, in the first place, you learn that while they get $8 a ton for smelting ore—

I should like to call the attention of the Senate to this statement—

you learn that while they get $8 a ton for smelting ore, yet they ask a protection between the ore and the metal of five-eighths of a cent a pound, or $12.50 a short ton.

Mr. BEVERIDGE. I wish the Senator would repeat that.

Mr. BRISTOW. I will read it again, for I think every Senator ought to hear it.

Mr. ALDRICH. Whose testimony is the Senator reading from?

Mr. BRISTOW. I am reading from Mr. Lissberger.

Mr. ALDRICH. Mr. Lissberger, I understand, is a man who is here representing, as he says, certain independent smelters, to try to break down the whole lead schedule.

Mr. BRISTOW. From this testimony I infer that he is a manufacturer of lead products, not in the smelting business.

Mr. ALDRICH. Certainly he told me that he represented the independent smelters of the United States. I do not know who they are. But he is trying to break down this whole lead schedule. Not only did he say he was representing the independent smelters, but he is a purchaser of lead, and he would——

Mr. BRISTOW. The purchaser of lead has some rights in this country, as well as the man who smelts it and sells to the purchaser, and I think he should receive some consideration in this body, as well as the men who have lead to sell.

Mr. SMOOT. I should like to ask whether the Senator from Kansas would like to take the same position that Mr. Lissberger does. His position is that there should not be a particle of duty on lead or lead ore.

Mr. BRISTOW. I beg to inform the Senator from Utah that he is mistaken as to the attitude of Mr. Lissberger. His testimony——

Mr. SMOOT. Mr. Lissberger has told me himself that he thought it ought to be free.

Mr. BRISTOW. He does not seem to have stated it to the committee under oath. I will continue to read——

Mr. BEVERIDGE. It seems to me the question is not what Mr. Lissberger's intentions were, but the question is, so far as we Senators are concerned, whether his testimony before the Committee on Ways and Means of the House was the truth or not.

Mr. BRISTOW. I will start in to read the paragraph again.

Mr. ALDRICH. The Senator from Indiana is troubled about this gentleman——

Mr. BEVERIDGE. No; I am not troubled about the gentleman. It seems that the Senator from Rhode Island is, because the Senator from Rhode Island said his intention was to break down the lead schedule. The question is whether the statements that he made are the truth or not. We all agree with the Senator's statement a moment ago. What we are trying to do here is exactly the right thing.

Mr. ALDRICH. But the Senator from Indiana rushes to the defense of a gentleman who, according to the statement of the Senator from Utah, wants to put these lead products on the free list.

Mr. BEVERIDGE. Mr. President, I neither defend nor traduce. The Senator from Kansas is reading testimony given before the House committee, to which the House committee evidently gave credence, that is not to be overcome by the statement of the Senator from Utah, whom I esteem as highly as anybody in the world. Though this man is a free trader or a protectionist or an aeroplane balloonist, that has nothing to do with the credibility of his testimony.

Mr. BRISTOW. Mr. President, I will read the paragraph again:

The CHAIRMAN. Pig lead, you mean?

Mr. LISSBERGER. Pig lead. If you mean to give us ore at a cent and a half, in the first place, you learn that while they get $8 a ton for smelting ore, yet they ask a protection between the ore and the metal of five-eighths of a cent a pound, or $12.50 a short ton. And the language of your clause is so drawn in regard to the bringing in of lead ores that only two smelters can comply with it. The small smelter can not bring in ore. He can not come within the requirements of the Government.

That is the testimony of Mr. Lissberger, on page 2359. On page 2360 he says, referring to a meeting of the lead manufacturers:

But I want to say that every one of the lead manufacturers there said: "We will be very glad, if the duty on lead is removed or partially removed, to have just as much and just as big a percentage removed from our manufactured goods."

Is not that fair? This man does not come here to testify for high duties or low ones.

"We do not feel that we need very much protection on manufactured lead."

Mr. BONYNGE. If you take the duty altogether off of lead in the ore, would the lead manufacturers be willing to have free trade on their articles?

Mr. LISSBERGER. Yes, sir.

Mr. BONYNGE. Absolutely free trade?

Mr. LISSBERGER. Absolutely free trade, if you take it off of pig lead. They do not advise it. They believe in protection, but they say that if you will give them free lead they are willing to take it off their manufactured goods. That is because they have the best workmen in the world, and they can turn out more per dollar day than any other; and even as it is, with all the expense added of bringing over foreign lead, they can and do sell their goods in foreign countries.

Mr. President, this gentleman whose testimony I am reading does not advocate free trade and he does not believe in it, but he does ask that as an American manufacturer, whom the protective tariff is supposed to protect, he be given a fair showing in the purchase of the material out of which he makes his goods, and that the refiners be not given a protective duty of $12.50 a ton on pig lead when it costs them only $8 a ton to refine the ore and turn it into pig lead.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Will the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. Did I understand the Senator was reading from the House Hearings, on page 2365?

Mr. BRISTOW. The House Hearings, Schedule C, page 2360.

Mr. SMOOT. Page 2360?

Mr. BRISTOW. Yes, sir; that was the last I read.

Mr. SMOOT. That is followed, is it not, on page 2361, by the testimony of J. N. M. Shimer?

Mr. BRISTOW. Yes, sir.

Mr. SMOOT. Of Philadelphia. What position does he take?

Mr. BRISTOW. I am not discussing Mr. Shimer now. I will leave that for the Senator from Utah.

Mr. SMOOT. I simply wanted to say to the Senator that both of them are interested exactly in the same thing, and in starting out it is stated in the hearings of the committee:

J. N. M. Shimer, Philadelphia, Pa., advocates the removal of all duty from lead.

They are in the same line of business; they are working together; their object is the same. I know what I say when I say that.

Mr. BRISTOW. Let me ask the Senator from Utah to please state whether or not the testimony of Mr. Lissberger, in regard to the cost of smelting lead, is true or false?

Mr. SMOOT. I say that it is absolutely false.

Mr. BRISTOW. All right, sir; that is your statement against his. Now, I will proceed.

Mr. SMOOT. Another thing I will state. Mr. Lissberger knows nothing about smelting whatever.

Mr. BRISTOW. Nothing about what?

Mr. SMOOT. The smelting of ore or the cost of it.

Mr. BRISTOW. I will read from somebody who does, which will probably satisfy the Senator.

Mr. SMOOT. There are many things to take into consideration in the cost of smelting. You can not smelt ore carrying 10 per cent lead as cheaply as you can smelt ore carrying 60 per cent. You can not smelt siliceous ore as cheaply as you can smelt wet ore. When a purchaser of lead comes here and tells the committee, not under oath, that it costs so much——

Mr. BRISTOW. I beg your pardon. He is testifying under oath before the Ways and Means Committee of the House of Representatives.

Mr. SMOOT. I was there in the committee when he made these very remarks, and he was not sworn.

Mr. FLINT. I should like to ask the Senator to read in the record where he was sworn.

Mr. BRISTOW. I can not turn to just the place, but he was sworn. When testimony is taken before a committee, of course you do not swear a witness every time he goes on the stand to testify in a case where he has been sworn. When he went upon the stand he was sworn, I suppose, as this was the rule.

Mr. SMOOT. I was in the Committee on Ways and Means of the House when Mr. Lissberger was there testifying. I heard every word of this testimony, and I tell the Senator now that he was not sworn.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. Certainly.

Mr. STONE. Let me offer another witness who was not sworn in that hearing, but is under the sanctity of the same oath of the Senator from Utah. I read from yesterday's RECORD:

Mr. BRISTOW. As I understand from the remarks of the Senator from Idaho, it costs about $12.50 a ton to take the lead out of the lead ore and make pig or bullion of it.

Mr. HEYBURN. It costs fully that.

Mr. BRISTOW. Now, this five-eighths of a cent per pound is for the purpose of making up the difference in the cost in this country and abroad, as I understand it.

Mr. HEYBURN. That is $12.50. That is what it amounts to—$12.50 a ton.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. HEYBURN. A reading of the entire paragraph would convey some information as to what I really did say. I used the term that $12.50 a ton only meagerly represents the cost. I did not undertake to say what it was. I have the figures as to the cost, and I will at the proper time give them. I did not confine it to that. I was speaking by reference and not directly.

Mr. STONE. I started to read all there was that I found on the subject.

Mr. HEYBURN. On page 1884, at the bottom of the second column, is the statement in the RECORD to which I refer.

Mr. BRISTOW. I will now read from a statement of Mr. Edward Brush, of No. 165 Broadway, New York City, representing the American Smelting and Refining Company. I should think his testimony would be accepted. On page 2388——

Mr. SMOOT. I should like to ask——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. I want to say that Mr. Brush, or the company that Mr. Brush represents, owns more lead mines in Mexico than any other company in the United States. He not only owns the mines, but he owns the smelters, and they control the situation there. What difference would it make to Mr. Brush or his company if he made his money in Mexico or made it in the United States?

Mr. BRISTOW. Well, wait until I have read Mr. Brush's testimony before you become alarmed at what it may contain.

Mr. SMOOT. I know what Mr. Brush's testimony is.

Mr. BRISTOW. On page 2388, I read as follows:

The CHAIRMAN. Before you get to that, and still speaking of the Silver King mine, how much does it cost per ton for the process of smelting and refining? Can you take it for some year, say 1906?

Mr. BRUSH. I haven't any particular year made up. I simply picked out this statement, which covers three months only—it must be this year, three months of this year. There is virtually no difference in the character of the ore. These are fair averages. Those happen to be the figures I have before me.

The CHAIRMAN. What was the cost?

Mr. BRUSH. The cost we have figured here, that we had to charge up against ourselves, averages $7.25 per ton of ore. Our charge against the mine, what we call our margin against the mine, was a little less than $10, showing a profit of less than $3 a ton on that ore.

A cost to the smelting company of $7.25, yet this amendment which is under consideration now provides for giving that smelter a protection of $12.50 a ton. The chairman then asked him for the items, and this was his testimony:

What we call our margin is—

That makes up the $10, of course—

we take the value of the metals at the New York quotation. All the metal contains the ore at the New York quotation. Deduct from that the freight to New York, what we have to pay the refiner for refining, and from this deduct the amount of money that we pay to the miner, and the difference is the margin, the money we have left to do our work with, provided we are able to sell those metals in New York at the price we pay for them. We pay the miner for all the metals in the ore by sight draft when he ships the ore to the smelter, against the weights and assay, which is checked by his own representative; but we do not get the metal to the market on an average of four months after that period, and we always assume that we will be able to sell our metals for what we pay for them, but at times that has been hard work.

That is the $3 profit which he gets for smelting and carrying this investment for three or four months, and the necessary profit he must have on doing the business.

The CHAIRMAN. What do you charge for smelting that?

Mr. BRUSH. I have not the particulars of what we charge them for smelting, because the contract as it is made pays for a certain amount of lead, pays for a certain amount of silver, and pays for all the gold at the New York quotation, and then makes a deduction which we call a working charge, and that, in the case of these lead ores, is usually about $8 a ton.

That is the statement of Mr. Brush. That is on page 2389.

Now, again, on page 2394, Mr. Brush discussed this question. He says:

The total amount of freight paid—

In speaking of the handling—

was $25.50—

A ton—

The cost to the smelter was $5.55—

Per ton. Now, I should like Senators to note this carefully:

The cost to the smelter was $5.55; the cost to the refiner was $4.50, making a total cost of $83.90—

Per ton, all told, for freight, and so forth, but making the cost of smelting and refining, as subdivided here, $10.05 per ton.

The silver in it was worth $16.21. If you deduct that and throw all the cost upon the lead—

Now, note—

which is certainly not a fair way of figuring costs, you will bring out the cost of 1 ton of lead at $67.69, or $3.38 a hundred pounds. Now, at 4 cents New York, there was a profit of 62 cents a hundred pounds. That profit was divided, 31 cents to the mine, 15 cents to the smelter, and 16 cents to the refiner.

That ought to be good testimony.

Mr. SMOOT. Well, Mr. President——

The VICE-PRESIDENT. Will the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. Mr. Brush says here that that is "not a fair way of figuring costs." Does the Senator think that it is a fair way?

Mr. BRISTOW. He says, if you put all of the cost on the lead.

Mr. SMOOT. Yes; but does the Senator think that all the cost ought to go on the lead?

Mr. BRISTOW. I do not; and if the cost is taken off the lead, it will reduce the cost of smelting just that much and make it less than the figures given here, $10.05.

Mr. SMOOT. That is just what I wanted the Senator to say, because now I want to tell him something about the mining that is not mentioned here at all.

Mr. BRISTOW. I would prefer that the Senator would tell the Senate that in his own time.

Mr. SMOOT. That is all right. I do not want to trespass on the time of the Senator, but I wanted to state——

The VICE-PRESIDENT. The Senator from Kansas prefers not to yield.

Mr. BRISTOW. I would be glad to answer any question, if I can; but I prefer that the Senator, in making extended remarks, should make them in his own time.

Mr. SMOOT. I did not intend to make any extended remarks. I just wanted to say something on that very point.

Mr. BRISTOW. On page 2397, Mr. Brush, of the American Smelting and Refining Company, proceeds:

The refiner—

This is an interesting thing, and I should like to have all Senators hear it, for it is exceedingly important in the consideration of this item—

The refiner is not protected at all—

Now, note the difference—

The refiner is not protected at all under the present tariff. The tariff on lead bullion, which is imported from Mexico, is 2½ cents. Although I appear as representing the smelting company, I thought I should make that clear. The tariff at the present time is 2½ cents on lead bullion, which is the production that is exported from Mexico very largely to our refinery and other refineries in this country, to be refined here by American labor in American works, and the duty on pig lead is exactly the same, 2½ cents.

So this process, which costs $4.50 between the smelting and the refined product, has no protection whatever under this bill or under the old law.

This $12.50, which is added to the cost of the lead bullion, is to represent a cost to the smelters of $5.50; yet they are contending before this body that the refiners need a differential over the duty on lead ore.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. I think the Senator ought to be perfectly fair in this matter.

Mr. BRISTOW. I certainly am trying to be.

Mr. SMOOT. But he is quoting from one particular mine. Let me call attention to what Mr. Brush says on that point:

That was one mine. If you care to have some other mines, I will show you something quite different. We have to get an average profit out of all the ore that goes into the furnaces, and any one charge into a furnace may mean, and probably does mean, ores from 30 to 50 different mines, all mixed together in a body to get the proper metallurgical formula. We get our average cost and average margin, the difference being the average profit at those works. That is the only way we can do business.

Mr. BRISTOW. What does he say the average cost was?

Mr. SMOOT. On this——

Mr. BRISTOW. I do not know what part of the volume of the testimony the Senator is reading from.

Mr. SMOOT. I am reading from page 2391.

Mr. BRISTOW. The last paragraph that I read did not refer to the Silver King mine.

Mr. SMOOT. I am not referring to that at all.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Nevada?

Mr. BRISTOW. Certainly.

Mr. NEWLANDS. I wish to ask the Senator from Utah what is the average price for smelting ore?

Mr. SMOOT. The average price, I should judge, for smelting ores, taking ores in all kinds of industries, is something between $10 and $11 a ton. It depends on how much we are penalized for sulphur, how much we are penalized for zinc, and what amount of silica the ore may carry. All these things come into the consideration of the cost of smelting.

Mr. NEWLANDS. I wish to ask the Senator a further question. If the total cost of reducing the ore on the average is, as he says, $11, is it not unfair, even upon the protective principle, to allow in this tariff bill $12.50 per ton?

Mr. SMOOT. Mr. President, I want to say to the Senator, if I may, that there is no doubt in the world that $11 per ton would take care of high-grade lead ore; but the bulk of ore, the great quantity from which leads come, is low-grade ore; and to fix a duty of one-eighth of a cent, if that means $2.50 a ton, would be absolute ruin to the low-grade proposition.

Mr. NEWLANDS. The Senator from Utah speaks of the average. Then, I presume that means that in some ores it costs very much more than $11 a ton and in others very much less?

Mr. SMOOT. I have known to be paid, and have paid many times, as high as $16 and $17 a ton for smelting the ore. The Senator certainly must know that, because I know some of the siliceous ore in Nevada costs more than that.

Mr. NEWLANDS. I believe that; but I wish to submit this consideration to the Senator: That, on the average, according to his statement, the total cost is about $11 per ton. The protective theory simply warrants, not the imposing of a duty equal to the total cost of the work by the domestic manufacturer, but the difference between the cost to the domestic manufacturer and to the foreign manufacturer. It must cost the foreign manufacturer something to reduce this ore. If it costs us here an average of from $10 to $11, it must cost the foreign manufacturer at least from $8 to $9 a ton, even if the wages are less.

Mr. SMOOT. The difference between the concentrating alone in Mexico and the United States is the difference between $6.75 and $12.

Mr. NEWLANDS. Very well. But it must cost something. Let us get at the average cost, then, in the outside reducing of these ores. I assume that I am very liberal when I say that it is one-half. The difference, then, between the outside cost of reduction of $6 per ton and the inside production of $11 per ton is only $5 per ton; and yet this bill seeks to impose as a duty more than double that amount—$12.50 a ton.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the junior Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. My colleague [Mr. SMOOT] and the Senator from Nevada [Mr. NEWLANDS] are talking about the cost of smelting a ton of ore, not a ton of lead. The ore may only contain 25 per cent lead or 10 per cent lead, and it will cost anywhere from $8 to $11 per ton to smelt that ton of ore, not a ton of lead. Suppose that we take an extreme case of ore which contains 50 per cent lead, and suppose they recover every particle of it—which they do not; they recover only about 88 per cent—but suppose they recover every particle of it, then it costs to smelt a ton of ore containing 50 per cent of lead $10, we will say, but it costs to get a ton of lead from the 50 per cent ore $20; and if it is 25 per cent lead, it costs more.

Mr. NEWLANDS. Mr. President, I recognize the force of what the Senator from Utah says regarding the distinction between ore and lead; but I will ask the senior Senator from Utah what is the cost in this country per ton of lead, on the average?

Mr. SMOOT. If you mean the New York quotations to-day, I think about 4.3——

Mr. NEWLANDS. I refer to the cost of refining—the cost of reducing and getting out 1 ton of pig lead. It does seem to me that this thing has been reduced to such a science by the great smelters that the Committee on Finance ought to be able to produce here exact figures regarding this matter and not rely upon mere conjecture.

Mr. SMOOT. It would be impossible to do what the Senator asks. The nearest thing which we can come at is an average, and that, I think, I have given.

Mr. BRISTOW. Mr. President, I will continue reading from the testimony of Mr. Brush, of the American Smelting and Refining Company:

Mr. CRUMPACKER. It is safe to say, then, Mr. Brush, that it does not cost more than $8 a ton for the lead for smelting, calculating that the concentrates run about 50 per cent of lead?

Mr. BRUSH. In this example I give I used $3 per ton of concentrates as the cost of smelting.

Mr. CRUMPACKER. Three dollars per ton of concentrates?

Mr. BRUSH. Yes.

Mr. CRUMPACKER. And at 50 per cent it would amount to $6, but suppose we fix it at $8. Eight dollars will amply pay the cost of smelting, will it not?

Mr. BRUSH. I should say so.

Mr. CRUMPACKER. And we have a differential to protect this smelter of $4.50 more than the entire cost of the smelting process?

Mr. BRUSH. Yes.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. Does Mr. Brush anywhere in that testimony state that he only recovers about 85 per cent of the lead; and does the Senator think that in recovering only 85 per cent that that is not a loss?

Mr. BRISTOW. I was discussing the cost of smelting, and Mr. Brush says that $8 a ton will cover it; and that covers everything, according to his testimony.

Mr. SMOOT. O Mr. President, he says that that covers the cost of the smelter; but it does not cover the loss of 15 per cent.

Mr. BRISTOW. I do not so understand it. A suggestion has been made to me which is very pertinent to the point. Does not every other smelter on the face of the earth have the same loss?

Mr. SMOOT. I answered the Senator from Kansas yesterday on that point, and I supposed that he remembers what I then said.

Mr. BRISTOW. The Senator's answer was not at all satisfactory. I could not comprehend that it was an answer to the question at all. The testimony continues:

Mr. CRUMPACKER. You think that is too high?

Mr. BRUSH. Yes, sir.

Now, Senators, I want you to listen attentively to this testimony of Mr. Brush, who came here as the representative of the American Smelting and Refining Company, which the Senator from Utah [Mr. SMOOT] says is the largest institution of that kind in America.

Mr. SMOOT. Or in Mexico as well.

Mr. BRISTOW. Speaking of the duty of $4.50 per ton more than the entire cost of the process, Mr. CRUMPACKER said:

Mr. CRUMPACKER. You think that is too high?

Mr. BRUSH. Yes, sir.

Mr. CRUMPACKER. Do you think we need any at all, any duty for smelting?

Mr. BRUSH. I think there should be some. It costs very much more to smelt in this country than in Mexico.

Since the Senator says that Mr. Brush has refineries in both countries, his testimony certainly ought to be good. This is his statement under oath.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. Mr. President, I want to suggest to the Senator from Kansas [Mr. BRISTOW] that the fact that Mr. Brush has interests both in Mexico and the United States is probably one of the best reasons in the world why his testimony should not be accepted as final. He is in a better position almost than any other person to profit by a lead duty if we make it too low.

Mr. SMOOT. He would profit either way.

Mr. SMITH of Michigan. Yes.

Mr. BEVERIDGE. If he would profit——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Indiana?

Mr. BRISTOW. Yes.

Mr. BEVERIDGE. If he would profit either way, as the Senator from Utah [Mr. SMOOT] says, then certainly he has no motive for committing falsehood under oath, because this statement was given under oath. There could not be any more impartial testimony than that of a man who would win either way.

Mr. SMOOT. That all depends on how much he profits in Mexico and how much he would profit in the United States, and I have no hesitancy in saying that he would profit more in Mexico.

Mr. BRISTOW. I will continue to read the testimony. These continuous interruptions break the thread of the testimony somewhat.

Mr. SMOOT. From what page is the Senator reading?

Mr. BRISTOW. From page 2415. I will go back to where I started a few moments ago.

Mr. ROOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from New York?

Mr. BRISTOW. I do.

Mr. ROOT. I do not like to let the comments on Mr. Brush pass without saying that I have known him for many years, and I have very great confidence in anything he says, because I believe him to be a man of high character and thoroughly entitled to be trusted. Of course he is liable to be affected in his views and opinions by his interests, as all men are; but whatever he says, whether under oath or not under oath, I am certain is what he honestly believes.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. I hope the Senator from New York did not understand me to cast any reflection upon the witness. That was very far from my purpose. But, conceding that he is a man of the highest integrity, I question whether or not, having interests in a foreign country and interests here, he is the best judge of the interests here. For instance, take the testimony of a large owner of Canadian stumpage as affecting the domestic lumber market. I would regard it as very questionable whether he was the best judge.

Now, while I am on my feet, if I do not annoy the Senator from Kansas, I am very anxious to see the lead ore converted into pig in this country. I am very anxious that the American people shall have the benefit of the wage necessary to make that conversion. I do not care to have it exorbitant; but I do want to retain that as a domestic enterprise; and whatever will do that, it seems to me, is right. The Senator from Kansas says that it costs about $8 to convert a ton of ore into pig. Is that right?

Mr. BRISTOW. I was reading from the testimony of Mr. Brush.

Mr. SMITH of Michigan. I understood from very excellent authority that it could not be done for less than $12 a ton. If there is that discrepancy among men who know practically what it does cost, I want to be sure to be on the safe side. I want to retain this industry as a domestic industry.

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. CLAPP. I fully agree with the Senator from Michigan [Mr. SMITH] that, without impugning a man's motives, we should weigh his testimony in this case in the light of his relation to the interest concerned; and, with that criticism applied to the witness from whom the Senator from Kansas is quoting, I would suggest that we can take with a grain of caution the alarming statements of all the men who are vitally interested in the various industries, and that, too, without in any sense impugning their honesty.

Mr. BEVERIDGE. On both sides.

Mr. CLAPP. Yes, sir.

Mr. BRISTOW. I want to inject a remark before the matter passes from my mind. There is no evidence here whatever that Mr. Brush has the slightest interest in having this smelting done in Mexico any more than in the United States. He appears to be discussing the question with absolute fairness, without any personal bias whatever, and to be giving us the result of his experience and his judgment, as the testimony which I propose to read hereafter will clearly demonstrate.

Mr. CLAPP. Mr. President, I think that is true. I was only suggesting that the criticism of the Senator from Michigan might well apply generally in this discussion. On every item we reach the same assertion is made—that while there should be some modification somewhere, yet the particular interest involved can not stand the slightest modification. If we are to accept such statements without any allowance, we might as well, in my judgment, offer an amendment striking out all after the enacting clause and substituting the provisions of the Dingley Act. We have simply got to lift ourselves above that kind of testimony, not in any spirit that impugns the honesty of the witness, but recognizing that judgment is warped where interest is at stake.

Mr. BRISTOW. Now, Mr. President——

Mr. NELSON. Mr. President, will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. With pleasure.

Mr. NELSON. The Senator from Utah [Mr. SMOOT] a moment ago called attention in a very serious manner to the fact that Mr. Brush was interested in Mexico. I want to read from the hearings, on page 2386:

> The CHAIRMAN. Where are your works located?
> Mr. BRUSH. Throughout the West at the most convenient points for the receival of the ore from the Rocky Mountains. We also have some smelters in Mexico. Our refineries are at Omaha, Chicago, and Perth Amboy, on the harbor of New York.

Mr. KEAN. Perth Amboy is in the State of New Jersey.

Mr. NELSON. Yes; in the State of New Jersey; and I am greatly obliged to the Senator from New Jersey for the correction. Then, on page 2391, he states:

> We refined 216,000 tons of lead, including Mexican lead, which was refined in bond.

So it seems that even the Mexican base bullion is sent here to the United States to be refined. It is shipped over in bond and sold in competition after it is refined in Europe, and the smelters get a rebate of the duty paid less 1 per cent. I am a little surprised, I want to say in this connection, at the excessive eagerness and zeal of the Senator from Utah, who seems to assume an attitude as though he were angry at any man who did not agree with him and who had anything to say in regard to the lead schedule.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. Of course I do not wish to reply to the last remark of the Senator from Minnesota; but I want to say to the Senator from Minnesota that I am just as much interested in the industries of my State as he is in the industries of his State. If he will turn back to the RECORD, he will not find a word in any statement I have made that Mr. Brush is interested in refining in Mexico. I said "in smelting." That is where the great cost is. There are in the United States only about three refineries. You can not build refineries in every mining camp or in every State that produces ore.

Mr. NELSON. Let me ask the Senator a question: Is it not at the refineries where the base bullion is refined and the lead separated from the precious metals?

Mr. SMOOT. Mr. President, anyone who knows anything about mining knows that to be the case; and not only that, everyone knows there are very few men or companies of men who have ever tried to build refineries in this country or any other. No miner of ore ever thinks of building a refinery. The miners in my own State time and time again have thought perhaps they would build a refinery, but they found it impossible for them to do so, as it costs too much money, and there is too much money involved in carrying the necessary amount of metal and in carrying the great quantity of lead and the precious metals contained in the bullion.

Mr. BURKETT. I should like to ask the Senator a question.

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Nebraska?

Mr. BRISTOW. Certainly; I should like to get all possible light on this question.

Mr. BURKETT. I should like to ask if the committee heard anybody that was in favor of reducing the duty on lead or the products of lead?

Mr. SMOOT. Mr. President, I do not think there is a member of the committee who has not met the purchasers of lead time and time again and heard them ask for free lead.

Mr. BURKETT. There was no hearing, then, granted before the committee?

Mr. SMOOT. We had no hearings before the committee.

Mr. BURKETT. I understand it to be true that, while the manufacturers and those who use lead and lead products did seek for hearings before the committee, they were not granted that opportunity; and so they had to do like a good many others—buttonhole Senators in the corridors or wherever they could catch them, and inform those Senators who did not have

some special information on the subject as best they could. I would rather have that information from the committee.

Mr. SMOOT. I will say to the Senator that they have all filed their briefs, the same as a thousand other different interests in this country have done; and I do not believe there has been a Senator on that committee who has not read some of the briefs. There is not a member of the committee who has not been visited by representatives of this industry in the same way that the representatives of a great many other interests of the country have visited members of the committee.

Mr. BURKETT. I would say, in that connection, since the Senator has referred to it, that that is one of the things about which I have something of a quarrel with the Committee on Finance.

It has occurred to me that in bringing this great bill before the Senate the committee is subject to some criticism for not giving more information than they have given to the Senate. Here is a great bill, the most important that ever comes before the Senate. On all other legislation we know the committees of the Senate have hearings, and what people say who know about the questions involved is reported and is brought in before us, so that we can inform ourselves; but here in this great bill we have not a single syllable of reported testimony. Take the lead schedule, for example, or the iron and steel schedule that was before us in a debate a day or two ago. It would not have taken long; it would not have been impossible; it certainly would not have been improper for the committee to have found out and brought before us evidence to show beyond peradventure whether or not some statements that have been made are true or whether they are false; for example, the statement that certain great combinations control certain portions of the output.

The committee ought to have that information in detail, it seems to me. I have had handed to me by a Senator this morning some matter that disproves certain statements made here the other day. It would have been very easy for the committee to have had that testimony presented to it.

We have been four days debating this one schedule—the lead schedule—and I think every Senator will agree that the reason for this prolonged debate has been largely that Senators have not known about the subject. I recall that the first evening the matter came up there was not even a Senator on the committee, apparently, who was prepared at that time to stand up and give us very much information.

I remember a few days ago when a certain schedule came up during the first reading of the bill Senators of the committee admitted that perhaps it had better be delayed a little while, as there was some information to be had upon that matter. There is nothing furnished us here to give information upon these subjects; and so I asked the Senator from Utah whether or not a hearing had been had.

I understand, of course, that Senators who live in particular States, where these particular industries are conducted, have certain information; but it does seem to me that the committee ought to have acted as a sort of judicial tribunal or referee, as it is in fact, for the Senate, and have taken evidence and put it in shape so that we might have it to consider when we come to vote upon the different schedules. Instead of that we are left absolutely helpless. If it were not for the House having spent some time in holding hearings, which have been printed, we would be absolutely without any evidence. We are now groping around in the dark, gathering evidence wherever we can.

It is very embarrassing to Senators, and let me say that embarrassment is shared by business men also. For example, there have been business men here buttonholing us morning, noon, and night trying to give us information. The president of one of the greatest industries in this country spoke to me last night upon a particular schedule of this bill, and it seemed to me, as he demonstrated the matter to me, that perhaps the committee had made a mistake. That, however, is not to be considered now, as the schedule is not before us; but I use it as an illustration. He told me, while those he represented had not had a hearing before the committee, that by seeing members of the committee individually he had convinced every one of them that his contention was right that one certain part of the schedule should be raised, and perhaps another part decreased.

I say that business men have been embarrassed by that condition. They have to come here every day and chase Senators up and down these corridors to get the facts before them. They ought not to be compelled to do it. There was a great enterprise contending that the duty on a part of its product should be reduced and that it should be increased on another part of it in order to meet foreign competition. The committee did not bring the schedule in in that way, but the president of that organization told me he had persuaded every man on the Finance Committee that the contention of his corporation was right and that the committee report was wrong. He also said that there were 42 Senators who had agreed that his contention was right in this particular matter.

We know that in two or three days after this bill came over from the House it was hurried into the Senate with no hearings. I submit that it is not giving the Senate a fair chance to consider this matter properly.

The country is interested in this bill. Senators may think it is not, but the country is watching this bill; the people are reading the newspapers; the newspapers are publishing what we are doing here, and you can not fool the people, for example, on the schedule on lumber; you can not fool the people as to the wire and nails schedule and the steel and iron schedule. They know about these schedules.

If we are to go out and defend them, it does seem to me that we ought to have in printed form, taken down under oath, the evidence of men who know about these things, and we ought not to be left to grope about in darkness, as we have been obliged to do. It does seem to me, without any reflection upon the committee—for I know they are well informed, or some of them are, at least—but I have regretted to observe that while this matter has been up for discussion here there has not been, as it seemed to me, quite the attention from the members of the committee that there ought to have been. Sometimes there has not been a quorum of that committee here on the floor.

There are only two or three Senators of that great committee who have volunteered, to say the least, to give us information upon this question, showing, as it does to me, that they themselves have not given to this subject the consideration which they ought to have given to it.

I have listened here to the discussion which has been going on. I have not said much. I do not know that I shall. This is the first experience I have had in making a tariff bill. I confess it is about the hardest job I ever had in the few years that I have been in Congress. I am a protectionist, and, as I said yesterday to the Senator from Georgia [Mr. BACON], I do not propose to vote with respect to any single schedule for a rate which, in my judgment, is unjust to the American producer, but whenever I think a schedule ought to be reduced, in justice and fairness to the American people, I am going to exercise the privilege and the liberty, representing the people I do, elected as a Republican and a protectionist, to vote for that reduction. And if, perchance, the evidence shows that any schedule should be raised, I shall not hesitate to vote for that also.

But, as I have said, so far as I could learn, there has not been anybody heard before the committee to reduce rates, although the Senator now has even extended that; and, as I understand, there has not been anybody heard, except to file a written statement. I have tried to learn if on any of these schedules anybody was permitted to be heard who was in favor of a reduction of the rates.

There are people interested in the reduction of the rates on lead. I confess that after hearing the evidence for two days I was persuaded that the rate in paragraph 179 was right, and I voted for it. But there are people interested in the products of lead, going clear through; I know some of them have been to me and have said that all the manufacturers of lead and its products had organized and presented a solid front, and sent three or four persons to appear before the committee, so that they might unify the work and not come in great numbers to annoy the committee. Yet they were denied a hearing.

The man who builds a house and uses lead pipe in plumbing is interested in the price of lead. The man who builds a house and paints it is interested in the price of the products of lead. We ought to know about these things, and we ought to hear from the plumbers, for example, and the paint manufacturers, the men who use the lead and use the products of lead, in order to find out whether or not it is a just schedule.

Mr. GALLINGER. I will say to the Senator that we frequently hear from the plumbers. I hope he is not pleading their cause.

Mr. BURKETT. That is very true. I accept the pleasantry of the Senator from New Hampshire, and it is perhaps very well to throw it in here.

I am not criticising, because I know the wisdom of the chairman of the committee; and I suspect, because he has gone through these bills—four or five of them—that he does know about this schedule.

It seems old to him. But everybody else ought to know as much about it as he does. Yet here are four or five thousand schedules, and those who have not been through these bills time and time again do want to know something about them.

I rose the other day to ask a question. It seemed to create a little impatience. I watched and discovered a little impatience on the part of the committee in disclosing the information. There ought not to be. We must have it. I appreciate the fact that the business interests are in a hurry about this bill, but let me say that the whole people of the country are a whole lot more concerned in having this bill right when it passes than the business interests ought to be in having it passed quickly. For one I would rather stay here until Congress convenes in December and get information enough to make the bill absolutely right than to be able to adjourn in three or four weeks and have to go out and explain it and apologize for it for the next five or six or seven or eight or ten years.

I did not rise, I will say, Mr. President, with the expectation of saying that much, and I apologize to the Senator from Kansas, but it does seem to me that we, at least those of us who do not know about these schedules, ought to be treated patiently. The committee should have investigated these matters and made a report on them. If that is not done, I am going to join with those other Senators who are determined to get those facts here. It was not done in the committee. I think the more appropriate place would have been to have collated the evidence in the committee. They acted as a referee to gather it, and they should present it as it should be. But when it has not been done, I am one of those Senators who are willing to stay here all summer, if necessary, to get the evidence so that we can frame the bill properly.

Mr. ALDRICH. Mr. President, if the Senate stay here until every Member of the body has a chance to satisfy himself as to every detail of the tariff bill and every industry in the United States and to hear and weigh the conflicting statements that are made on one side and the other of these propositions—the statements of domestic manufacturers, of the men interested in the industries of the United States, of the men who are interested in breaking down the interests of the United States and the industries of the United States to build up industries and interests in other parts of the world—if they stay here, even with the infallible judgment of the Senator from Nebraska, until every Senator is convinced upon this bill, they will not only stay here during this summer and until the first of the approaching December, but they will be here ten years from now.

The Senator from Nebraska suggests, What have the committee done? They have given sixteen or eighteen hours a day out of twenty-four hours—every Republican member of that committee has—to the consideration of this question. They have not only heard the men who wanted to reduce duties, not formally, not to put their testimony down, but they have been trying to inform themselves as best they could as to the industries of the United States and the effect which the changes in rates would have upon them.

I have no doubt we could have done better if we had had the services of the Senator from Nebraska; it is undoubtedly a great misfortune to the public that he is not a member of that committee; but we have done the best we could.

The members of the committee are not lacking, I hope, in intelligence or in patriotism. They have given to this work every hour and every minute of their time, and so far as their intelligence and their ability went—and I am not claiming for any member of the committee any unusual intelligence—they have presented to the Senate a result which, in their judgment, should be accomplished.

The committee is hearing people all the time. This town is full of people like the president of the organization which the Senator from Nebraska mentioned, but did not specifically name. The hotels in this city are crowded with people, with representatives of industries, of laboring men, of people who are engaged in all these various industries. There is not a day passing but that some deputation of people is here asking the committee to make changes in these schedules. Nine hundred and ninety-nine out of one thousand are people who are asking us to increase the rates contained in the Senate bill.

The Senator from Nebraska talks about the consumers and the interests of the consumers not having been represented before the committee. Who are the consumers in the United States? Is there any class of people in this country, except a very limited number, who are consumers and not producers? Are they better entitled to consideration than anybody else? The consumers of Nebraska are more interested in the preservation of the protective-tariff system than they are in any other public policy which is involved in this bill or before Congress. Their prosperity, if you please, which I have witnessed with pleasure, has been derived from the fact that they had in the United States a market for all their products. I have seen the products of Nebraska and of the other agricultural States mount year by year, month by month, day by day, until the increase in the cost of everything in this country is owing almost entirely to-day to the increase in the price and the value of agricultural products. Those people have not been here, except as they are here by their representatives, demanding a reduction of duties.

I had a conversation this morning with a gentleman from North Dakota, the chairman or the president of a committee of an organization, the Society of Equity in the United States. What did he ask for? He said he represented the farmers in the West. He is a very intelligent man. What did he say? Was he seeking evidence to destroy the industries of the United States? No. He was asking for agricultural products a proper protection, and he said that what he wanted for himself he was willing to give to others.

The question which is now before the Senate is purely a local one. Only three or four States in this country are largely interested as to what the duties on lead shall be. The part of the country that I represent contains the great consumers of lead, because I take it for granted that three-fourths or nine-tenths of the lead produced in the world is consumed by the manufacturers of this country or any other country.

The Senator talks about painting a house. How much pig lead, which is now the question under consideration, goes into the painting of a house? I know, and the Senator from Nebraska ought to know by his own experience that white lead is largely composed of barytes, or some other adulterant. The ordinary white lead sold is composed of barytes or some other adulterant. But that is not the question. Take the question of lead. Whom are you to believe? I should like to ask the Senator from Nebraska whom he is to believe in these matters. There are contradictory statements made, as the Senator from Kansas has said.

The State of Idaho is immensely interested in the duty on lead. It is a vital question to those people. The State of Missouri is greatly interested in the lead question. The State of Colorado is largely interested in this question. The State of Utah is largely interested in this question. Is the Senator from Nebraska ready to accept the statements of the Senators from those States as to what the interests of their people are? I am; and I intend to vote here, representing as I do a constituency that, if they consulted their own interests alone, would be for free lead ores and free pig lead, in accordance with the judgment and the opinions and the knowledge of the Senators from Idaho and from Utah and from Colorado and from Missouri. I am not asking the Senator from Nebraska to consider the evidence of men whose sole interest in this question is to destroy the producing of lead in the United States in order that they may get profits from that destruction.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Kansas yield further to the Senator from Nebraska?

Mr. BRISTOW. Certainly.

Mr. BURKETT. The Senator from Rhode Island must not misunderstand my attitude with reference to this matter. So far as concerns being a protectionist, I will say that that has been measured by having been able to make protection speeches, even in New England, which satisfied the Republicans and the protectionists of New England. I am a protectionist. In my opinion, the people of this country are protectionists. I am certain that the people of Nebraska are protectionists. I have not any doubt of it. But, in my opinion, the people of Nebraska do expect us who represent those million and a quarter people to inform ourselves upon the schedules before we vote upon them.

The Senator from Rhode Island complains, perhaps, because I suggested that they did not have information such as they might have. Let me use one illustration, to which I am sure the Senator will not except, because he has very gladly accepted changed conditions.

Take the rates on wire, for example. As the bill is, it is $2.70 a hundred on fence wire. After conferring with the Senator from Rhode Island——

Mr. BRISTOW. I should like to ask if it would be agreeable to the Senator from Nebraska to direct his remarks to the immediate schedule we have in hand, and let us discuss the wire schedule when we get to it.

Mr. BURKETT. I will not continue my remarks at all if the Senator objects; only I want to finish the sentence.

Wire carries $2.70 a hundred. I had some conversation with the Senator from Rhode Island. He investigated the matter further, and I think he is—I will not say he is ready to agree, because I do not want to say that—but, as I understood it, after talking with the Senators from Pennsylvania and other Senators closely interested in those schedules, he has consented that that rate shall be reduced.

I simply use that as a little illustration to show that it is a schedule which could very easily have been inquired into and brought here properly and in a way that would have satisfied the Senate and not have provoked all this discussion.

Mr. ALDRICH. Will the Senator from Kansas yield to me? I do not want any misapprehension to exist as to the attitude of the committee upon any of these propositions. As I said before, we are making no claim to infallibility, and whenever it can be shown to the committee or to members of the committee that the rates which we have reported are wrong—that they are not properly adjusted, or too high or too low—the committee will gladly take whatever information is presented and make such changes in their recommendations as they may think desirable.

Mr. BURKETT. I have gone even further than the Senator has. He is too modest. I have agreed that the members of this committee are the best posted men in this body on this subject. The Senator, by reason of his long service and acquaintance with this particular subject, is absolutely, and should be, and necessarily is, the best posted man. I have said, through charity for him more than in complaint, that it is because he does understand these propositions so well that he fails to realize the importance of getting the evidence before us, that the rest of us may have the information he knows intuitively and from experience.

Mr. ALDRICH. If I have shown any indisposition to accommodate the desire of Senators to secure information, I am quite willing to apologize, because I have no such purpose. I am extremely anxious, as I think the country is, that this question shall be disposed of as quickly as possible, and I intend, having that in view, to impress upon the Senate the desirability of early action. But I do not have the desire to have any action taken in ignorance of all the problems that are raised by this legislation.

But I realize, as the Senator from Nebraska must, that it would be impossible for us to delay the consideration of this bill until every Senator can get all the information that is possible upon every one of the 4,000 or 5,000 or 6,000 items covered by this legislation.

Mr. BURKETT. Take the illustration the Senator used. I will get down now to the subject under consideration. Take white lead.

Mr. BRISTOW. Mr. President——

Mr. BURKETT. The Senator from Rhode Island says that the white lead we use is adulterated, mostly made out of iron products.

Mr. BRISTOW. Mr. President, I have been standing here for thirty-five minutes listening to this debate.

The PRESIDING OFFICER. The Senator from Kansas declines to yield further.

Mr. BURKETT. I will not keep the floor any longer from the Senator from Kansas.

Mr. BRISTOW. I should like to get through, and then I will yield the floor gladly.

Mr. President, these interruptions have detracted from the line of thought. If I remember right, we were discussing the merits of paragraph 180, with respect to the duty on pig lead. Referring to the attitude of the Committee on Finance, it seems to me that whenever the statements of any man are quoted which seem to disagree with the Committee on Finance, or whenever any evidence is submitted here that seems to bring in question the wisdom of their conclusion, it is not an answer to the facts submitted to attack the character of the man, and the controversy which has been going on for the last half hour does not touch the point at issue.

The question here is, Is the duty of $12.50 a ton on pig lead too much when it costs only $8 to change it from lead ore to pig lead? I should like to read further from the testimony of Mr. Brush in regard to this matter, who, according to the junior Senator from New York, seems to be a very competent and a very reliable gentleman.

In order to get the connection before the interruption, I will go back and begin in this paragraph a little before where I quit:

Mr. CRUMPACKER. And we have a differential to protect this smelter of $4.50 more than the entire cost of the smelting process?
Mr. BRUSH. Yes.
Mr. CRUMPACKER. Do you think that is too high?
Mr. BRUSH. Yes, sir.
Mr. CRUMPACKER. Do you think we need any at all—any duty for smelting?

I should like, if I can, to secure the attention of every Senator to this statement made by Mr. Brush. I should like an opportunity to read this in full, because I want the Senate to get the full force and weight of the testimony, under oath, of a man who knows:

Mr. CRUMPACKER. You think that is too high?
Mr. BRUSH. Yes, sir.
Mr. CRUMPACKER. Do you think we need any at all; any duty for smelting?
Mr. BRUSH. I think there should be some. It costs very much more to smelt in this country than in Mexico. Why should there not be a protection?

That is the testimony of Mr. Brush. On page 2416, continuing, he says that he is a protectionist. He is a protectionist and seems to be interested in the welfare of the American people, and for one, if I may be permitted, I want mildly to resent the insinuation that any man who does not agree with the Finance Committee is not interested in the welfare of his country or the prosperity of the American people. The rest of us here may not be endowed with sufficient wisdom, and for one I know I am not——

Mr. ALDRICH. I have made no such suggestion or insinuation whatever. I was not alluding to the Senator from Kansas, but to the men who appear here and in their own interest demand reductions in this bill below the protective point. Those are the men I am referring to.

Mr. BRISTOW. I should like to ask the Senator from Rhode Island if he thinks Mr. Brush is that kind of a man. He is the man whose testimony I am now reading.

Mr. ALDRICH. I know Mr. Brush. He is the representative of a very large organization interested in the production of lead. The interests of that concern are perhaps equally divided between the United States and Mexico. If the American Smelting and Refining Company had the same rate upon lead ore and upon pig lead, they would control the lead production of the world, and they would be able to fix the price of lead for the lead producers of the Western States; and the Senator from Kansas, if he has any knowledge whatever of the subject, must know that.

Mr. BRISTOW. If therefore Mr. Brush is here as an interested witness, and free lead would give him authority to fix the price of lead in the United States and elsewhere, and he were consulting his private interests, he would want free lead, would he not?

Mr. ALDRICH. If he was looking after his own interests alone, possibly yes, as the State I represent and the people of all the eastern part of the country, and all the great manufacturing States and communities would be glad, if they were looking solely to their own interest, to have free pig lead.

Mr. BRISTOW. But Mr. Brush says he is not in favor of free pig lead. This is his language:

I think there should be—

Referring to Mr. CRUMPACKER'S question—

I think there should be some. It costs very much more to smelt in this country than in Mexico. Why should there not be a protection?

Then continuing at the bottom of page 2415——

Mr. LODGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Massachusetts?

Mr. BRISTOW. Very gladly.

Mr. LODGE. Do I understand the Senator to say that Mr. Brush, whom he is quoting with so much approval, stated that it costs more to smelt in the United States than in Mexico?

Mr. BRISTOW. Certainly.

Mr. LODGE. Yesterday the Senator was telling us with great energy that we smelted cheaper than anybody else in the world.

Mr. BRISTOW. I beg the Senator's pardon. I did not state that we were smelting in this country, or could, cheaper than in any other place in the world, upon my own authority. I stated that I had been advised that we could.

Mr. LODGE. The Senator stated yesterday that he had been so advised, whether properly advised or ill advised, and he was pressing that view on us. Now, he trots out his pet witness, and it appears that Mr. Brush says it costs more to smelt here than in Mexico.

Mr. BRISTOW. I beg to inform the Senator from Massachusetts that Mr. Brush is no pet witness of mine. He was a witness who was given a very elaborate hearing by the Committee on Ways and Means. I want to say that, in my opinion—which is not worth a great deal, I know, and I do not ask that it be given much weight on this question—we can smelt as cheaply in the United States as any place else, possibly—possibly, I will say—with the exception of some places in Mexico.

Mr. ALDRICH. Will the Senator permit me?

Mr. BRISTOW. Certainly.

Mr. ALDRICH. Yesterday the Senator was very much in favor of a cent and a half a pound on lead ore and a cent and a half a pound on pig lead.

Mr. BRISTOW. Yes, sir.

Mr. ALDRICH. To-day he produces testimony, which he says is reliable, saying that it costs more to smelt in this country

than in Mexico. What is the effect, then, of his suggestion? To destroy the smelting industry and the lead-producing industry in the United States and turn the business over to Mexico? That can be the only effect of his own suggestion made yesterday.

Mr. BRISTOW. Mr. President, I do not agree with the conclusions of the Senator from Rhode Island. I maintain, in my humble opinion, that the smelting industry, the industry which Mr. Brush represents, which the Senator from Rhode Island says can dominate the prices of the lead of the world, could smelt in the United States as cheaply as they could elsewhere. But I am quoting here the evidence of a man who knows what it costs to smelt lead, and I will continue reading.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. For a question, but not for a long discourse or argument.

Mr. SMOOT. Just for a correction. In my remarks to the Senator from Minnesota I stated that in Mexico lead was not refined, but I find here from Mr. Brush a statement that shows they have already started refineries in Mexico. That I was not aware of. On page 2416 of the hearings Mr. Brush said:

> We thought that when the duty was placed on it by the Dingley bill that it was not necessary to make any difference between the duty on bullion and the duty on pig lead, but now we find that is not the case, because they have started to refine in Mexico, and they are refining lead in Mexico, and that refined lead is being marketed in New York at a price so that the American Smelting and Refining Company can sell their lead that is refined.

I simply rose to make that correction, because I was not aware that they had even started to refine in Mexico.

Mr. BRISTOW. The Senator from Massachusetts seems to be animated by the same spirit that has been manifest from the beginning of this discussion. He seems to be irritated if anyone suggests a possible change that might be wiser than that submitted by the committee.

Mr. LODGE. The Senator does me an injustice. I am not in the least irritated, and I am sorry that I annoyed the Senator by pointing out that yesterday he said we are smelting here at the same price and to-day he is producing a witness to show that it is cheaper in Mexico.

Mr. BRISTOW. I should like the Senator from Massachusetts to be as ready to agree with any evidence that may be presented by this witness that the duty which he helps fix at five-eighths of a cent on lead is too much.

Mr. LODGE. I do not take my opinions on this question from any one witness. I make up my mind as best I may on the whole evidence.

Mr. BRISTOW. That is a very good condition of mind to be in, and I think every Senator on this floor should imitate the Senator's attitude. I hope he will not close his mind to arguments that may hereafter be made, believing that up to this time he has absorbed all the information and wisdom that is available.

Now, Mr. President, I will read from page 2416, continuing the evidence of Mr. Brush. Mr. CRUMPACKER said:

> What I am anxious to know—

And by way of interlineation here I may say that that ought to be, and I hope is, the attitude of every Senator here—

> What I am anxious to know about is whether this $30 a ton—
>
> The duty on lead in lead ore—
>
> levied for whatever purpose, no matter for whose protection it may have been imposed, is not sufficient to practically secure to the American refiner the control of the American market, and incidentally the American refiner and smelter.

Mr. CRUMPACKER, who has served an honorable career in the House of Representatives, asks the very question which has been in the minds of a number of us in studying this question—whether the protection on lead is not sufficient to protect the refiner, the smelter, and every other man engaged in the production of lead in our country.

I will read that again——

Mr. SCOTT. Will the Senator allow me to ask him a question?

Mr. BRISTOW. Certainly.

Mr. SCOTT. I should like to ask the Senator from Kansas a question. He voted for 1½ cents on lead yesterday, did he not?

Mr. BRISTOW. I did.

Mr. SCOTT. Now, will he allow me just a minute to illustrate my idea? I wish to know whether I am right or not. We will say that this is a sheet of iron, and there is a duty on it. Then we cut it into nails. It takes 1,900,000 of them to make a ton. Ought there not to be more duty on the nails than there is on the sheet of iron? Then, if we put a cent and a half on the lead ore, when it is put into a refined condition for use, ought not the duty to be greater? Ought not the difference to be as near as we can suppose it should be—as it is fixed by the committee?

Mr. BRISTOW. I gladly give the Senator my view upon that point. I am a protectionist. I believe a duty that would make the difference in the cost of wages in the cutting of that piece of steel or iron into nails over and above what the cost is abroad should be made up by the protective tariff. If the Committee on Finance will submit statistics here that will be accessible and reliable throughout as to what the difference in wages is here and abroad, I will sustain the duty they place on every one of these schedules, if it can be measured by that standard.

Mr. SCOTT. As I understand the Senator, he thinks the difference between a cent and a half a pound provided here and the duty on the finished product is too great. Is that the Senator's contention?

Mr. BRISTOW. Certainly it is.

Mr. SCOTT. Has the Senator arrived at that conclusion by comparing the wages abroad with the wages in this country?

Mr. BRISTOW. The only testimony which Congress has before it to consider shows that this five-eighths of a cent a pound is $4.50 a ton more than the entire cost of smelting in this country.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. Certainly.

Mr. JONES. Does the Senator take the position that there should be no differential at all between the rate on the ore and on the bullion?

Mr. BRISTOW. I have taken that position up to this time.

Mr. JONES. It seems to me that there should be some differential, and the question is how much it should be.

Mr. BRISTOW. I am free to say that I am trying to get at this matter, not from the standpoint of a partisan. It is additional information which I am trying to acquire. I might interject here that I think I am putting in as many hours in a day on studying this bill as any member of the Committee on Finance, under great disadvantages, I know, because of my limited experience and feeble capacity; but I am doing the best I can, and my mind is open to suggestion. If I made a statement on this floor yesterday which, after considering additional evidence between now and that time, I find was not justified I will not hesitate to change it. I will not arbitrarily stand here and defend a position of mine against what seems to be reasonable and conclusive evidence. I do hope before this discussion closes that the attitude of the members of the Committee on Finance will be the same.

Now, I should like to finish reading Mr. Brush's testimony, for it is very interesting.

> Mr. CRUMPACKER. What I am anxious to know about is whether this $30 a ton, levied for whatever purpose, no matter for whose protection it may have been imposed, is not sufficient to practically secure to the American refiner the control of the American market, and, incidentally, the American refiner and smelter.

I am coming to a part of this testimony which will be applicable to the question of the Senator from Washington.

> Mr. BRUSH. Well——
>
> Mr. CRUMPACKER. Would it not operate that way?

That is, would not the duty on lead ore be ample protection? That is the question that was in my mind yesterday.

> Mr. BRUSH. It possibly might; but, as I say, the illustration is right here now that the lead that is being refined in Mexico is being sold in New York in competition with our American refined lead from Mexican bullion that is refined there in bond.
>
> Mr. CRUMPACKER. How much differential do you think would be safe to remove?

That is, from the five-eighths of a cent.

> Mr. BRUSH. I think that there should be a differential of one-eighth of a cent between the ore and the bullion.

The Committee on Finance has five-eighths of a cent. Mr. Brush says that there should be one-eighth of a cent between the bullion and pig lead.

Mr. ALDRICH. Will the Senator permit me?

Mr. BRISTOW. Certainly.

Mr. ALDRICH. The Committee on Finance did not take the judgment and opinion of Mr. Brush——

Mr. BRISTOW. I see that.

Mr. ALDRICH (continuing). But took the opinion of lead producers in Kansas, Utah, Idaho, and Colorado.

Mr. BRISTOW. It is quite evident that the Committee on Finance did not take the judgment of Mr. Brush.

Mr. ALDRICH. We thought that the lead producers of the State of Idaho and the other States I have mentioned furnished better testimony, and it was more important that the Govern-

ment of the United States should adopt it than that of the witness the Senator is now reading.

Mr. BRISTOW. The lead producers in the States have one controlling interest, have they not, and that is in the production and sale of lead ore?

Mr. ALDRICH. Undoubtedly.

Mr. BRISTOW. And their testimony would not be as good as that of a man whose sole interest is not the production and sale of lead?

Mr. ALDRICH. That depends upon the man as a judge. For me, yes; for the Senator from Kansas, apparently, no.

Mr. BRISTOW. No. We agree on one thing, I am very glad to say.

Mr. BEVERIDGE. May I ask a question?

Mr. BRISTOW. Certainly

Mr. BEVERIDGE. I wish to ask whether the lead producers, whom the Senator from Rhode Island says he heard and whose judgment was accepted, did not also appear before the House committee?

Mr. BRISTOW. Certainly. Now, I will continue.

Mr. BEVERIDGE. And the action of the House was the result, after having heard both.

Mr. JONES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. Certainly.

Mr. JONES. I wish to ask the Senator from Rhode Island a question something along the line of the question of the Senator from Indiana. If these producers from Idaho appeared before the House committee—I have not had time, of course, to read all the testimony—I should like to know where the testimony can be found that there should be a greater differential than that fixed by the House.

Mr. ALDRICH. If the Senator will read the matter contained under Schedule C, he will find that not only the lead producers from the States I have mentioned, but that the chambers of commerce of five or six of the large cities in his own State, protested vigorously against any reduction of the present differential.

Mr. JONES. That may be true, but I have no doubt that the chambers of commerce did not look into the details on this matter very closely.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. BEVERIDGE. And it was after hearing all those, most of them lead producers, that the House took its action.

Mr. SMOOT. Oh, no.

Mr. BEVERIDGE. Yes; as shown by the hearing.

Mr. SMOOT. I would also call the attention of the Senator from Washington to the fact that some three weeks ago or more there was a convention of all the lead producers of all the Western States held at Salt Lake City, and a fair statement as to the cost of production, and so forth, of lead in all the lead-producing States was made and sent here to Congress. I presented it and had it printed in the RECORD. The Senator can find it in the RECORD.

Mr. JONES. Does it go into detail and analyze the subject?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Washington?

Mr. BRISTOW. I yield to the Senator.

Mr. JONES. This is the testimony of one of the great corporations having practically full control over this industry. This gentleman goes into details and evidently knows his business. He says the only differential needed is about two-eighths of a cent. That is entitled, of course, to great consideration, and we ought to have some testimony of somebody who is equally acquainted with the business to controvert it. That is all I am trying to get at. I do not yet know how I am going to vote on this proposition, but I want to know what the differential ought to be. I want to protect the American laborer. I do not care anything about who owns this lead or these smelters and all that sort of thing. There is no question about a great difference in cost of smelting in Mexico and this country, and if five-eighths differential is necessary to maintain our wages, I want five-eighths cent put on. If it is not necessary, I do not want to have it put on.

Mr. SMOOT. Under Schedule C the Senator will find the testimony from C. E. Allen, of Utah, and quite a number of other people in relation to the cost of production and the differentials. I would refer the Senator to those statements.

Mr. JONES. I will look at it.

Mr. BRISTOW. I might say that from the very rapid examination I have been compelled to make, the testimony taken was very largely in favor of a duty on lead ore. There was not nearly so much attention given to the differential as there was to the original duty on ore and the difference in the cost of mining in this country and Mexico. That is the burden of the testimony contained in this volume, as far as I have been able to examine it.

Mr. CLAY. Will the Senator from Kansas yield to me just a moment?

Mr. BRISTOW. Certainly.

Mr. CLAY. Mr. President, I heard something fall from the lips of the Senator from Rhode Island a few minutes ago that surprised me very much, and I hope that it does not apply to any other schedule in this tariff bill.

The Senator from Rhode Island said that in fixing the rates on lead the Finance Committee was governed by the lead producers. If the same rule was applied, the Finance Committee undoubtedly was governed by the refiners of sugar in fixing the duties on sugar; and if the same rule was applied, the Finance Committee was governed by the wishes of those manufacturing wool in fixing the tariff duties on wool. If we have reached the point——

Mr. ALDRICH. Mr. President——

Mr. CLAY. In one moment. If we have reached the point in this country where we are to listen simply to those interested in a particular schedule involved and to be governed entirely by the views entertained by a special interest in fixing a tariff bill, then the masses of the American people are not to be consulted.

I had presumed that the Committee on Finance, in fixing these different schedules, had listened to the testimony of every interest and had been governed by the testimony as a whole in fixing duties upon particular schedules.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Rhode Island?

Mr. BRISTOW. Gladly.

Mr. ALDRICH. What I said was this, and I reiterate it with all the emphasis possible for me to give the statement: That in considering conflicting testimony in this case between men who are mining and producing lead in this country, as to the relative cost of smelting or transmuting lead ore into lead bullion or pig lead, the committee have taken the judgment and the opinion and the facts of the men who are producing this article in the three or four or five Western States as against the testimony of men who are importing the lead and who are desirous for their own interest of breaking down this tariff.

That rule will be followed, so far as I am concerned, throughout this bill. If I am to consider the testimony and the conflicting testimony of various people, I shall take the testimony, if I believe it to be correct, as I do in this instance, of the American producer and his interest as against the testimony of the foreigner and his interest.

Mr. CLAY. If the Senator from Kansas will permit me just a word, I did not desire to criticise the schedule now under consideration. I am hardly able to understand how we can fix a duty of one and a half cents on lead ore and fix the same duty on the refined product.

But, Mr. President, I do not agree with the Senator from Rhode Island that in fixing a tariff bill we are to give particular force to the testimony of those who are deeply and vitally interested in advancing their own interests.

Mr. President, when we fix a tariff schedule, in my opinion, we ought to consider the needs of the Government first—how much revenue do we need to support the Government, the importations that come into this country, what would be a fair rate—and under no circumstances ought we to be governed by the individual views of simply those deeply interested in advancing their own fortunes.

Mr. ALDRICH. Now, let me make an application of the question. If the Senator from Georgia, having some interest that was vital to the people of his State, comes to me and says as a Senator: It is vitally important for the people of my State and all of its interests that certain rates should be placed upon certain articles—if there were cases of that kind, does the Senator expect that I would not believe him and believe the reputable witnesses whom he could produce as against somebody else who had an antagonistic interest?

Mr. CLAY. Mr. President, the two Senators from each State are presumed to represent every interest of that State. They are presumed to consider what is just and fair to every interest in that State. The Senator from Rhode Island ought to give great weight to what a Senator says about a particular schedule relating to his State. A Senator does not represent the lumber interests solely of his State. He does not represent

the textile interests simply of his State. He represents the agricultural interests, the textile interests, the lumber interests, and every other interest, and he is responsible to his constituents. There is quite a difference when a Senator makes a request in regard to a schedule relating to his State and a particular person representing a particular business. There is quite a difference in the two propositions. In the one case the Senator represents the entire interests of his people and is presumed to be impartial. In the other instance the party appearing represents his own interest; he is trying to advance his own financial interest and is not responsible to a constituency. He represents no one except himself.

Mr. BRISTOW. Mr. President, if Senators will now let me continue to read this paragraph until I am through, I will be greatly obliged, because then you will get the full weight of Mr. Brush's testimony in regard to this important matter. Then I will listen to any interruptions.

Mr. SMOOT. Before the Senator starts, I should like to read——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. I wish to call the attention of the Senator from Washington [Mr. JONES] to page 2444, where the question of what the American miner was paying is answered. It is the testimony of Mr. Brush. He was speaking of the Mexican miner. Then Mr. Randell asked him, What is the price to the American miner?

Mr. BRISTOW. Mr. President, I beg to state that we are not discussing the duty that should go on the mine product.

Mr. SMOOT. It is not the mine product.

Mr. BRISTOW. We settled yesterday that a duty of 1½ cents should go on lead ore.

Mr. SMOOT. Right in this connection I want to say this is not the mine product. Mr. Brush says:

> The price to the American miner is whatever the New York price is. At the present time it is 4.30.

That is lead. It is not ore. So whatever the New York price is of lead it is paid to the American miner, no matter what it may be.

Mr. BRISTOW. I wish he did get his part of it, but I very much doubt if he does.

Mr. SMOOT. That is right.

Mr. BRISTOW. Mr. CRUMPACKER continues:

> Would it not operate that way?

He is referring to whether there should be any differential whatever in favor of pig lead. Mr. CRUMPACKER's suggestion was that $20 per ton ought to cover all protection, and he asked that question of Mr. Brush, and Mr. Brush said:

> Mr. BRUSH. It possibly might; but, as I say, the illustration is right here now that the lead that is being refined in Mexico is being sold in New York in competition with our American refined lead from Mexican bullion that is refined there in bond.
>
> Mr. CRUMPACKER. How much differential do you think would be safe to remove?
>
> Mr. BRUSH. I think that there should be a differential of one-eighth of a cent between the ore and the bullion, and one-eighth of a cent between the bullion and the pig lead.
>
> Mr. CRUMPACKER. It is now 1½ cents on the ore?
>
> Mr. BRUSH. Yes, sir.
>
> Mr. CRUMPACKER. And you would add one-quarter of a cent; that is, one-eighth for smelting and one-eighth——
>
> Mr. BRUSH. For refining.
>
> Mr. CRUMPACKER. Making the total duty on the refined product one and three-fourths, instead of two and one-eighth?
>
> Mr. BRUSH. Yes, sir; I think that that could be done without any complaint on the part of the smelters.
>
> Mr. UNDERWOOD. You say you are in favor of increasing the duty on refined lead?
>
> Mr. BRUSH. No, sir; I said I thought the duty on refined lead could be reduced three-eighths of a cent.
>
> * * * * * * *
>
> They both now carry the same duty. So by that means there would be a preferential between the bullion and the pig lead of one-eighth, whereas now there is not any.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. I do.

Mr. SUTHERLAND. The Senator from Kansas has been very patient in submitting to interruptions. I desire to submit a proposition to him right in connection with what he is now reading. Mr. Brush says, as I understand his testimony, that he thinks a differential of from one-eighth to two-eighths per cent would be sufficient between the lead in the ore and the pig lead.

Mr. BRISTOW. Yes.

Mr. SUTHERLAND. Now, I want to ask the Senator from Kansas whether he is aware of the fact that the ores extracted from the mines in Mexico are of an entirely different quality from those extracted from the ores in the United States in this respect: The Mexican ores are oxidized ores, coming from above the water level, while the ores in this country in the main are sulphide ores, coming from below the water level. That being so, it is necessary for the smelters in this country to roast the sulphur and things of that sort out of the ore before the American ores have reached the same stage as the Mexican ores. In other words, in the Mexican mines the heat of the earth and of the sun accomplish for those ores what the smelters in this country must do by the roasting process. The difference is that in the United States it costs from $2 to $3 per ton to roast those ores. That process is not necessary in the main in Mexico.

So right there, without taking into consideration the difference in the cost of labor at all, we have a difference between the cost of producing lead from the ores in Mexico and the United States of from $2 to $3 per ton. That does not mean $2 or $3 per ton upon the lead, or $2 or $3 per ton upon the ore. Let us suppose that the ore carries 50 per cent, as I did a little while ago, which is a very high estimate. The cost, therefore, of taking the lead from a ton of ore or from 2 tons of ore to get the 2,000 pounds of lead would be from $4 to $6. Put it at $5 a ton. That advantage of $5 the Mexican producer has in the beginning over the American producer. That $5 per ton amounts of itself to two-eighths of a cent.

So Mr. Brush must be in error when he says that the utmost differential which is needed would be two-eighths of a cent, because two-eighths of a cent upon the highest grade ores treated under the most favorable circumstances would only account for this one difference, a difference in the quality of the ore in the two countries, while we must add to that the difference between the cost of labor in the United States and in Mexico; and everybody agrees that the cost of labor in Mexico is not to exceed one-fourth what it is in the United States, and it is less in Spain than it is in Mexico.

Mr. BRISTOW. Mr. Brush in his testimony has gone carefully into details, a large part of which I have read, in which he shows conclusively, in my judgment, to the mind of any fair and unbiased man, that it does not cost more than $8 a ton to refine and smelt lead ore in the United States. What may be the cost in Mexico, I do not know.

Mr. KEAN. Let me ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from New Jersey?

Mr. BRISTOW. Certainly.

Mr. KEAN. Did not Mr. Brush also say that that depended upon what was in the ore?

Mr. BRISTOW. Mr. Brush gave the details, and in his conclusion stated that $8 would cover all the expense.

Mr. KEAN. But did he not also say that if it contains silver, it costs more to smelt it then?

Mr. BRISTOW. He did not say that.

Mr. KEAN. He did not?

Mr. BRISTOW. Not in this part which I have read.

Mr. KEAN. I am afraid the Senator from Kansas has not read all of Mr. Brush's testimony.

Mr. BRISTOW. In the part I read Mr. Brush did not make that statement; but in discussing this subject he added all the items of expense, and then said it was not exactly fair to add all of that to the cost of the lead.

Mr. WARNER. I wish to ask the Senator from Kansas a question as a matter of information, for if I gather correctly the position of the Senator from Kansas there could be but very little difference or question of a duty on lead ore; but does he assume the smelting cost of lead ore to be $8 per ton, the cost given by Mr. Brush?

Mr. BRISTOW. But that covers all of the expense.

Mr. WARNER. For smelting, it is all?

Mr. BRISTOW. Yes.

Mr. WARNER. That would be a fair differential, would it not?

Mr. BRISTOW. Eight dollars? Certainly not. The entire cost of the operation. The differential, and the only differential, that can possibly be claimed is the difference in the cost in other countries and here; and if $8 is the total cost here, there must be some cost abroad. Mr. Brush says two-eighths of a cent a pound will cover that difference.

Mr. WARNER. That is, one-quarter of a cent?

Mr. BRISTOW. It is one-fourth of a cent.

Mr. WARNER. In that the Senator from Kansas and I agree.

Mr. BRISTOW. I will declare my position on that later.

Mr. WARNER. I do not wish to improperly interrogate the Senator from Kansas.

Mr. BRISTOW. It is not done improperly at all; but I want to explain my position.

Mr. WARNER. Has the Senator looked into the question of the wages in Mexico in comparison with the wages received by wage-earners in his State and mine?

Mr. BRISTOW. Oh, yes.

Mr. WARNER. I understand, of course, and the Senator knows, that in his State there are lead mines and zinc mines, particularly zinc mines now.

Mr. BRISTOW. And smelters.

Mr. WARNER. There are also such mines in my State, and smelters.

Mr. BRISTOW. I want to say here——

Mr. WARNER. And the Senator is more familiar——

Mr. BRISTOW. If the Senator will permit me to make a statement in regard to that matter just now, I wish to say it has been referred to here that in my State there are lead mines and smelters. I am glad to say that there are; and there is no Senator in this Chamber who will listen more attentively and more earnestly than will I to their requests or guard more carefully their interests, but I can not consider them wholly. I must take into some consideration the people who live in that State who consume their products; and, in the end, come to some conclusion that will be just and equitable to both. That is the purpose I have. I do not assume the attitude here, as does the Senator from Rhode Island [Mr. ALDRICH], to listen only to men who produce these products and want to sell them to the consuming public in this country.

Mr. WARNER. I trust the Senator from Kansas did not conceive, as his remarks would seem to imply, that I was questioning the motives of the Senator. I certainly have said nothing that would justify such a conclusion.

Mr. BRISTOW. I should say here that my remarks were directed more to other remarks that have been thrown out than to the remarks of the Senator from Missouri.

Mr. WARNER. I should prefer if the remarks were not shot through me at some one else.

This morning I called upon the Census Bureau to ascertain something, if I could, with reference to wages paid in Mexico. I have had various statements, and I find this paper which seems to be admitted and regarded as authority by the Census Bureau.

Mr. BRISTOW. What bulletin is the Senator going to read from?

Mr. WARNER. I will read to the Senator what the Census Bureau says.

Mr. BRISTOW. But I asked what bulletin it was.

Mr. WARNER. It is not in a bulletin. I will give the Senator this paper and all the information I have. It is from the Report on the Transactions of the American Institute of Mining Engineers, volume 38—contains a description of the mining industries in Durango, Mexico, and states that the wages per day in 1906 were as follows, in Mexican currency:

Miners, 75 cents.

I think the Senator from Kansas will say that miners in his State and miners in my State get four times that sum.

Mr. BRISTOW. I hope so.

Mr. WARNER. I think we will agree on that.

Laborers, 37½ to 75 cents.

The Senator, I know, will agree with me in expressing his sympathy for any laborer in the lead mines in his State or in mine who should be compelled to work for even double the wages paid the peon in Mexico.

Machine drillers, $1.25.

My information is—I do not state it as absolutely correct—that machine drillers, the skilled laborers in this country, get from $4 to $5 a day.

Shift bosses, $1 to $1.25.

I just give this information at this time because I understood the Senator was through.

Mr. BRISTOW. No; I am not yet through.

Mr. WARNER. I am glad the Senator is not through. I wish to hear from him further.

Timbermen and carpenters, 87½ cents; hoistmen, $1.25; engineers, $1; firemen, 62½ cents.

I have merely wished to suggest these figures to the Senator personally. I think that the smelter is possibly better able to take care of himself than the miner; but I fully agree with the Senator that I am here, first, for the fellow-citizen who delves down into the earth. It is, however, of little benefit to him to give a protection on the crude metal coming in here unless you protect the market in which the metal itself when refined is to be sold. Therefore it has occurred to me that these differentials here were substantially correct. I am not an expert on the question, and have no interest other than that of the Senator in seeing that absolute justice is done.

I thank the Senator.

Mr. BRISTOW. Mr. President, the statistics which the Senator from Missouri has read relate to mining, and not to smelting. We settled the mining question yesterday by giving a duty of a cent and a half a pound, which, according to the judgment of the Committee on Finance and the Committee on Ways and Means of the House, was ample protection, and, in my judgment, it is ample protection. I voted for it, not because I felt that it was not excessive, but because I wanted to be on the safe side, so as to protect the wages of the men who work under the ground and who handle this ore against the competition about which the Senator from Missouri has just read to us.

Mr. WARNER. I fully agree with the Senator from Kansas, if he will pardon me——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Missouri?

Mr. BRISTOW. I do.

Mr. WARNER. I fully agree with the Senator from Kansas when he says that, if there is any question about the matter, he solves that question in favor of the laboring man in the mines.

Mr. BRISTOW. Certainly. Mr. President, this is a different question. I have been inclined to believe, and I may say I came here this morning with the intention of advocating a flat duty of 1½ cents on bullion, pig lead, the same as on ore, and of agreeing with the House committee. I am not wholly clear in my mind now that that is not the wisest and best thing for us to do. But I must admit that the testimony of Mr. Brush, supplemented, as it has been by the statement of the junior Senator from New York [Mr. ROOT] as to his character, has made an impression upon my mind; and possibly, to be on the safe side, we might give a slight differential. Here is a man, according to the testimony of the Senator from Utah and others, who owns smelters on both sides of the line, who knows; and being an honorable gentleman and a truthful man, as we are told, having the experience which enables him to judge wisely, having no interests as against one position or the other, who says that, in his judgment, there ought to be in fairness and justice one-eighth of a cent more on lead bullion than on lead ore and one-eighth of a cent more on refined lead than on crude bullion. I am free to say that that has made an impression on my mind.

Further, in the consideration of this subject, I want to say that my purpose is as nearly as I can to get at what is just. There are other witnesses here from whom I might read who confirm this statement, but I do not want to weary the Senate or take up its time. I simply say that, in my judgment, to sustain the committee and vote for five-eighths of a cent, or four dollars and a half a ton more than the entire cost of smelting here, is in the interest of the smelters of this country wholly, and against the interests of the consumers. So I can not vote for it, and will not.

I want to refer to a remark which the junior Senator from Iowa [Mr. CUMMINS] made the other day. I do not like to disagree with him, for I have more confidence in his judgment on many things than I have in my own; but if this bill does not fulfill the pledges of the Republican party in the last campaign after it comes from the conference committee I, for one, do not intend to vote for it. Rather than have a bill that does not keep good faith with the American people, I would send the tariff question back to them and fight it out for two years longer. Then there would be a House of Representatives and a Senate here which would give the consumers justice and at the same time do justice to those who consume the products that are produced.

Mr. CARTER. Mr. President, from the day this debate commenced, up to this hour, or within the hour, we have constantly heard very severe criticism of the alleged failure of the Senate Committee on Finance to furnish us with specific information. It has been alleged that that committee was derelict in its duty in that it failed to hold open hearings, take testimony, examine, cross-examine witnesses, and have the record published for the benefit of all Senators. I am not an apologist for the Committee on Finance, but I can not permit this criticism to go further without expressing my sincere thanks to the committee for having saved the Senate from the infliction of an extended record of public hearings.

A stranger in these premises or a citizen reading the RECORD in a remote part of the country would infer from statements made here every day that the Senators who are called upon to vote for this or that schedule are expected to blindly follow the committee without any means at all of informing themselves at first hand with reference to the merits or the facts. For the benefit of this distant citizen, I think it important that the facts should be known.

In the wisdom of the founders of the Government it was thought proper to vest in the House of Representatives the right

to initiate all legislation intended to raise revenue. The taxing power can not be invoked by the Senate in the first instance. Having jealous regard for the people of all the country, without reference to the autonomy of the States, the framers of the Constitution wisely, I think, provided that all revenue legislation should originate in the House of Representatives. That being the court, then, of primary jurisdiction, this tariff bill was framed there.

Anticipating an extraordinary session of Congress and knowing that the changes in the Ways and Means Committee of the House would be slight, that body, with rare devotion to duty, undertook in the Congress preceding this to do a portion of the work of this Congress. Last December the Committee on Ways and Means assembled with regularity from day to day in their offices in the new building of the House of Representatives. The committee was then, as it is now, composed of Representatives of all sections of the country and every shade of thought represented in that great body. But four changes in all have occurred, as I understand, in the committee from the time it took testimony up to the present: Mr. Watson, of Indiana, and Mr. Bonynge, of Colorado, were replaced by Mr. CRUMPACKER, of Indiana, and Mr. CUSHMAN, of Washington, on the Republican side, and Mr. Granger, of Rhode Island, and Mr. Cockran, of New York, were replaced by Mr. BROUSSARD, of Louisiana, and Mr. HARRISON, of New York, on the Democratic side. The committee that reported the bill was therefore substantially the committee that conducted the hearings.

That committee was one of very remarkable ability. I was present on many occasions while the hearings were in progress, and I can, as can most Senators here, bear witness to the presence on all occasions of the full membership representing both the Democratic and Republican sides. Witnesses were cross-examined as I have never observed witnesses cross-examined before in any congressional inquiry conducted in this Capitol. There was no collusion between the Democratic and Republican membership on that committee. This subject was thrashed out with an intelligence and a zeal quite remarkable to behold.

The hearings are recorded in 12 large volumes such as this [exhibiting]. These 12 volumes have over 10,000 pages all told, there being 8,425 pages of closely printed matter, without any reference to the index or any side matter at all. On the subject now under consideration any Senator may obtain the full measure of light given out by the hearings on the subject of lead.

The first volume, which is known as "Schedule A," relates to chemicals, oils, and paints, and that subject is covered in 579 printed pages. If there is anything relating to chemicals, oils, and paints as to which that volume does not give sufficient light, I will be glad to have the Senator who is sitting in darkness disclose the particular point of ignorance from which he suffers.

The next volume is Schedule B, which relates to earths, earthenware, and glassware. All these volumes, I may say parenthetically, are well indexed. This volume [indicating] on what is commonly called "the crockery subject" has 1,310 closely printed pages, explaining pro and con the reasons for a duty on crockery and the reasons why there should not be a duty on crockery. Every fact and circumstance relating to crockery that could occur to the mind of any man interested for or against a duty may be found in these 1,310 pages. Yet Senators are in darkness on the subject of crockery! Volume C relates to metals and manufactures of metal.

Mr. KEAN. That is a little thicker volume.

Mr. CARTER. It is a little thicker than the others; and the Senator from Minnesota [Mr. NELSON] advises me that there are two volumes dealing with that subject, and I observe that he is correct. There is part 1 and part 2 of Volume C. This book seems to contain pages extending—and the volumes seem to be consecutively paged—from page 1313 to page 2170. The second part extends from page 2171 to page 2834. As the volumes are of nearly the same size, I will not hereafter undertake to give the number of pages in each particular volume.

But these two volumes deal with metals and manufactures of metals; and I want to say to the Senators who have no information on the subject of metals or the manufactures of metals that they may with profit read these two volumes, and if they are still in darkness, then call on the Finance Committee for more light, or they can get the desired light by going back over a series of government publications known as "Mineral Resources of the United States," published every year for the last twenty-five years by the Government, which deals with all classes of mineral production in this country, giving the market price, the volume of production, the places of sale, the consumption, and so forth. The lead question is dealt with in the current volume of the Mineral Resources in quite a number of pages, giving all the facts that seem to be essential to a very clear and distinct understanding of that matter.

Mr. President, the next volume to which I refer deals with Schedules D and E.

Mr. BEVERIDGE. What is Schedule C?

Mr. CARTER. Schedule C, as I have suggested, is embraced in two volumes, and deals with metals and the manufactures of metals.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. It is in one of those volumes that the testimony given before the House committee on the subject now under discussion is contained, is it not?

Mr. CARTER. Yes, sir.

Mr. BEVERIDGE. I understood the point to be that the House, having, as the Senator says, so exhaustively considered this thing, anticipating it, indeed, by taking testimony long in the past and having that testimony printed, which, the Senator said, was all that could be had upon the subject, then, it being its constitutional duty, as the Senator pointed out, to originate this legislation, fixed the provisions that are found in the House bill.

It came to the Senate on the 10th of April, and was referred to the Finance Committee, who reported it back to this body, after one day's consideration, on the 12th of April, with the differential enormously increased, and without any further information laid before the Senate except that which the House already had.

Mr. CARTER. I am now engaged in advising the inquiring minds of the country and of the Senate, if there are any here, where information can be procured. But since the Senator has elected to bring up that particular point, I merely desire to make this observation.

As I understand, the House committee originally fixed the duty on lead in ore at 1 cent per pound. Subsequently, upon the very eve of reporting the bill, they changed the duty on lead in the ore to 1½ cents per pound.

Mr. BEVERIDGE. I know. I wish to ask the Senator from Montana a question right here.

Mr. CARTER. I understand the contention to be——

Mr. BEVERIDGE. I want to ask the Senator a question right here. Where does the Senator get that information? Does it appear in the House bill? Does it appear in the debates? Where does he get it?

Mr. CARTER. I get it from the luminous sources of information upon this floor. I have heard it often stated.

Mr. BEVERIDGE. I have heard it stated. But, further, if the Senate committee has more information than the House committee had, why is it not produced? That is fair, since there has been an enormous change.

Mr. BORAH. Mr. President——

Mr. CARTER. I yield to the Senator from Idaho.

Mr. BORAH. I was going to suggest whether it is not a fact that the report of the House committee shows the reasons for maintaining the schedule at 1 cent, while, as a matter of fact, the bill puts it at a cent and a half. That would show that the change must have been sudden.

Mr. BEVERIDGE. I do not know what the House committee report shows. The House committee fixed it at one and at the last minute changed it to one and one-half.

Mr. BORAH. But the report shows the reason why it should be at 1 cent, while, as a matter of fact, it came out at one and a half.

Mr. BEVERIDGE. So we have not information, but merely inference. But the question which has disturbed me from the start is that with the information before the House and what we have had here, with the House committee considering the subject for weeks and, as the Senator from Montana has said, for months, when the Senate committee got the House bill it in one day increased the differential enormously, and no additional information upon which the Senate committee acted has yet been presented to the Senate. That disturbs men who are——

Mr. HALE. Will the Senator from Montana allow me for a moment?

Mr. CARTER. Certainly.

Mr. HALE. The action of the Committee on Finance of the Senate was not of the precipitate kind that the Senator from Indiana indicates. The Committee on Finance in the Senate was at work day and night and Sundays upon the House bill as reported to that body, getting information of the different schedules, and spending days and weeks getting ready for its

report when the nominal and formal report of the bill should come from the House as the action of that body.

The Senator is entirely and absolutely wrong and without any conception of the situation when he says that in twenty-four or twelve hours after receiving the bill from the House the Senate committee concluded and reported it as though the whole thing was a subject of a few hours' consideration.

There is not a member of the committee here who does not know that our time was all engrossed, confiscated, everything else abandoned, while we considered the propositions, the schedules of the House bill, for weeks before the formal bill was presented, and there was no inconsiderate action on the part of the committee in twelve hours in reporting.

Mr. President, upon the other point, that nobody knows why it was on this schedule that the House changed at the last, if anybody will read the record of the House as shown in the CONGRESSIONAL RECORD it will be seen plainly and clearly how it was upon this schedule that at last the fundamental proposition of lead was changed and adopted by the House. The Senator from Indiana is impatient, because it is said the House did not have time to make the adaptation of the advanced processes of lead before it reported the bill. But that is true. The record shows that, and the Senator need not be impatient because the House did not take more time. It had that discretion and right, and there was a spur upon it to report so soon as possible, and the Senate committee has tried in the rates it reports and urges here to adapt the scale to the advanced industries of lead; so every proposition, beginning with the raw material, the manufacture, the labor bestowed afterwards upon the advanced processes, shall be met by an increased rate of duty. And that is all there is in this whole question.

Mr. BEVERIDGE. Will the Senator permit me just a moment further?

Mr. CARTER. Certainly.

Mr. BEVERIDGE. I think the statement of the Senator from Maine as to the Senate committee having been at work upon this matter for a long time, instead of for the day and a half that I indicated, is entirely fair. I was speaking of what the record shows. Of course, that would occur; but the committee was not appointed until about the 22d of March, and the bill came to the Senate formally on the 10th of April. So there could not possibly have been——

Mr. HALE. Twenty days.

Mr. BEVERIDGE. There could not possibly have been twenty days. That being true, this is the point which has interested me. The Senator from Montana has pointed out that all the information that could be collected upon this subject was collected by the House committee in its formal hearings. The Senate committee, whether it was considering the bill formally a day, or in reality for twenty days, made an enormous change in the differential. Of course I assume that they did that upon a larger consideration of the facts. The point is that thus far in this debate—and I have been amazed at it—there has not been one single additional fact shown to have been before the Senate committee that was not before the House committee. In other words, no new information upon the subject has been given to the Senate to justify the enormous difference in the differential. That is the point; and I think the Senator will concede that that is fair, as I conceded that the statement of the Senator from Maine is entirely fair. It is merely an effort to get at the facts.

Mr. CARTER. On that phase of the subject I have only one remark to offer. The Senate committee has repeatedly stated that in the exercise of its discretion in reviewing the testimony and the bill, light was sought wherever needed and facts were acted upon when they seemed to be sufficient to warrant action.

But I come now to Schedule E, relating to molasses and sugar. The fact is this volume contains two schedules, D and E. The first, known as "D," "wood, and manufactures of," takes up about one-half of the volume, and then comes Schedule E, dealing with sugar, molasses, and manufactures of. This immense volume not only contains printed matter calculated to elucidate the subjects treated of, but the photographic art has been invoked for the purpose of more clearly setting forth the points.

Schedule F, a very large volume, closely printed, deals with tobacco and manufactures of tobacco, and also embraces Schedule G, which deals with agricultural products and provisions.

The next volume, Schedule H, deals with spirits, wines, and other beverages. Schedule I deals with cotton and manufactures of cotton. I imagine that every fact deemed essential to a full knowledge of the relations of these articles to the revenue may be found in these volumes. They embrace, as you will perceive, illustrations for the purpose of showing the comparisons between the cost of different articles which are to be made subject to duty or placed on the free list, as the case may be.

The next volume contains all important facts relating to Schedule K—"wool, and manufactures of wool." Schedule L, "silks and silk goods." This is a very large volume, and I have no doubt whatever covers everything relating to the subjects named. I have read over that portion of it dealing with the subject of wool and woolens, and can bear witness to the fact that it contains much information that I never dreamed of before, and it contains everything I ever knew anything about on the wool question.

This volume "M," relates to "pulp, papers, and books." This I have perused to some extent and with much profit, and I have no doubt the Senators desiring information on this phase of the tariff may find it of record in this volume.

Schedule N covers sundries. It takes up the things that are not embraced in the great subdivisions. It is a large volume, dealing, I observe, according to the heading, with hides, diamonds and pearls, jewelry of different kinds, furs, the Fur Skin Dressers' Union, safety fuse, Coast Manufacturing and Supply Company, ammunition of different kinds, matches—Diamond Match Company, its relation to the trade; corundum ore is likewise disposed of; dressed dolls, toy steam engines, ivory articles—dolls and toys, billiard balls and piano ivory; cork of different kinds—manufactures of cork, natural cork; bituminous coal, and indeed all subjects not embraced under the general heads.

But still comes a book, dealing expressly with the free list, another volume, covering all items on the free list, containing the reasons, no doubt sufficient in every case, for placing the article on the free list.

Now, in order that everything might be covered, they prepared an appendix. Finally, this lead question, which has been argued here by many Senators who have not referred to the appendix, is treated in this volume. If Senators will turn to page 7962 of this appendix, they will find lead and lead products treated of extensively in a brief submitted on behalf of a committee of independent manufacturers of lead products, located in New York City. That is quite an extensive brief, and doubtless a very able one.

Mr. President, in these 10,000 pages contained in these numerous volumes to which I have referred will be found more information on the tariff than any Senator in this body will ever read. I ask any Senator to state what good purpose would have been subserved by a duplication of these volumes? These volumes were prepared by the branch of the Congress charged with the duty of initiating tariff legislation, and, of course, the House is a part of the Congress. The Senate is not to make the tariff bill. It is the Congress which is charged with the duty of passing a bill, and is it possible that because information was gained at the south end of the Capitol and reduced to writing it may not be used at the north end of the Capitol by persons engaged in work here? By what process did the information lose its efficacy as a source of enlightenment coming through the splendid Rotunda intervening between this and the other Chamber of the legislative body?

Mr. President, the plaintive cry for hearings is simply a ridiculous proposition, and I hope we will hear no more of it. The House of Representatives did not contend——

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. CARTER. I should like very much to close. I do not intend to detain the Senate very long on this subject, and I will be glad if the Senator will wait until I am through.

Mr. BEVERIDGE. Very well; but I wanted to ask the Senator whether in eighteen days the Finance Committee could have read 10 volumes, containing 10,000 pages.

Mr. CARTER. As I stated in the beginning, I am not an apologist for the Finance Committee, but I think every Senator ought to be fair in dealing with all Members of the Senate and with the members of all of the committees of the Senate. I know, as the Senator from Indiana knows, that from the very day the House of Representatives began to take this testimony, he became a constant and careful reader of the reports as they were printed. They came daily to every Senator. They were available at all times. Every Senator who intended to cast a vote on the tariff question evidently took pains to inform himself, particularly on those items which were of vital concern to his constituents. The members of the Finance Committee could not be confined to the needs of their immediate constituents, because duty led to the consideration of the whole subject and the balancing up of the tariff bill.

Mr. BEVERIDGE. I do not criticise the Senate committee for anything it has done, except we want information where

there has been an enormous increase. But assuming that every Senator read every one of those 10,000 pages in their sections, the point is where a differential has been vastly raised, so far as has yet been shown merely upon the testimony before the House committee, what further facts were there to justify that raise; and that I think is the only question in various forms that Senators have put. That is a fair question; is it not?

Mr. CARTER. That is a fair question; and upon that question I am in entire agreement with the Senator from Indiana—that where a change has been made it is entirely proper for a Senator, who is without information, to inquire of the committee having the bill in charge as to why the change was made, for the committee and the Senate are but reviewing the work of the House.

Mr. BEVERIDGE. No; the question is broader than that. Here there has been a very great change, of which I do not complain at all if it is right, and I am sure the committee thought it was right. It is based upon information, but it has not been shown whether the committee had any different information from that which the House committee had. That is the only point.

Mr. CARTER. I intend to show sources of information which I think will be ample support for the statement of the Senator from Maine.

The House of Representatives, in preparing this bill for consideration there and here, because the information is equally available at both ends of the Capitol, not only printed these large volumes to which I have referred, but also a comparison of the House bill and the present law.

Any Senator is enabled by turning to any paragraph in the bill quickly to ascertain the state of the law at present, the proposed changes, if any, offered by the House and the proposed changes, if any, offered by the Senate committee, and for purpose of convenience blank pages are left so that Senators may make notes in order to refresh their own memory in the future consideration of the subject.

We have also this volume—Notes on Tariff Revision, House of Representatives. I think it is due that dignified and honorable body that fair credit should be given for the remarkable industry and intelligence manifested in presenting all the facts to the Congress and the country on this great question now pending.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Maine?

Mr. CARTER. Certainly.

Mr. HALE. Is it not a fact in the observation of the Senator from Montana and every other Senator here that whenever a suggestion has been made that the Committee on Finance should furnish to the Senate in documentary form information as to schedules, as to the relation to the present law, information as to importations, as to the product of the United States of different items covered, the committee has made haste, without objection and without demur, to furnish in the readiest, most clearly to be understood form to the Senate every item called for by this natural thirst for knowledge upon the subject that possesses the Senator from Indiana and every other Senator here?

Mr. BEVERIDGE. Will the Senator from Maine permit me?

Mr. HALE. The action of the committee has not been in any way the action of a committee dealing with a subject in a hole, in a corner, or in a private way. I have seen five or six revisions of the tariff in my service, and I have never seen, and no Senator has ever seen, so much information brought to the service of the Senate as the Committee on Finance has brought to the service of the Senate in the discussion and consideration of this subject.

Mr. CARTER. I never have known, I will state to the Senator from Maine, an instance where the committee has resisted any resolution calling for information calculated to throw light on any point whatsoever——

Mr. BEVERIDGE. That is correct.

Mr. CARTER (continuing). Or any matter of detail connected with it.

Mr. BEVERIDGE. That is true of any committee.

Mr. CARTER. That is true, it goes without saying, of any committee.

Mr. BEVERIDGE. It is its spirit.

Mr. CARTER. The committees of the Senate are but convenient arms of the Senate appointed for doing work that the Senate, as a large body, can not do as effectively acting as a whole.

Mr. HALE. But the Senator forgets that in this vast subject the Committee on Finance has a much larger burden, and its furnishing of information to the Senate is a great deal wider realm than any other committee has to deal with. I stand here for the committee as saying that in every case where any information has been sought by the Senate or by any single Member of the Senate, the Committee on Finance at once, without complaint and without hindrance and without delay, has proceeded to place upon the desks of Senators the information sought for.

Mr. CARTER. There is no question about that, and I think no Senator will raise any question as to the correctness of the Senator's statement.

Mr. President, to resume, the House of Representatives, desiring to have this subject presented in the most lucid and convenient form, not only had these great volumes prepared, containing the testimony of witnesses, the briefs of lawyers, the statements of manufacturers and of consumers, statements of different persons who sought a hearing in that open forum, recorded here in an available way, open to every Senator and, indeed, any citizen who desires to call for a copy in order to inform himself on any branch of the subject or on every branch of the subject. This volume to which I refer, known as "Notes on Tariff Revision, Prepared for the Use of the Committee on Ways and Means, House of Representatives," has been printed and given to the country for its use. Of course it was printed with special reference to the needs of Congress.

In addition to the 10,000 pages embraced in the hearings, this volume, replete with useful information, put in most terse and effective form, contains 953 pages.

Thus substantially 11,000 pages of printed matter came to the Senate. The Senate committee is blamed for not having duplicated 10,000 of these pages. These pages are the product of a series of hearings which commenced early in December and continued with unremitting zeal throughout the whole winter and well into the spring. The expense of the hearings need not be mentioned, because the subject is so great that any sort of expense which would be approved would be inconsequential.

But it is safe to say that these hearings cost the United States no less than a quarter million dollars, and probably when the printing bills and all bills are paid in connection with the hearings a half million dollars will not meet the total expense connected with the work.

The Senate committee is criticised here daily for not having duplicated this work, calling the same witnesses to say the same things, and at a point only 1,000 feet distant from the place where they were examined and for the use of the same parliamentary body, because it is for the use of Congress that these examinations were conducted.

Before this bill came over here, it is only fair to say that the Representatives of the people had it in charge, and I have here the first volume of the RECORD containing the debate in the House of Representatives and showing the various steps in the consideration of the bill.

The first volume contains 359 pages. The next volume contains arguments, and speeches on the question of the tariff as wise and as strong as have ever been made in the halls of Congress. These debates run along to the extent of 1,249 pages. In the 1,249 pages there is naught else to speak of save a discussion of the tariff, so that when you add the pages together the Senator in quest of information, or the citizen desiring to be informed, must read 12,000 pages before blaming anybody for lack of material.

But, Mr. President, that is not all. We have here, printed at the cost of the Government, "presented by Mr. ALDRICH and referred to the Committee on Finance, Senate and House tariff Reports of 1888, 1890, 1894, and 1897 on the Customs Tariffs," a volume containing 482 pages. We have here "Imports and Duties, 1894 to 1907," a volume of statistics containing just 1,000 pages, all dealing with imports and duties, containing a comparative statement of imported merchandise entered for consumption in the United States, by articles, naming the different things, with the quantity, the value, the duty collected, and average price, the rate of duty, and the equivalent ad valorem rate of duty on each article.

Mr. HALE. That is a very embracing volume to the searcher for knowledge. What is the date when it was presented to the Senate?

Mr. CARTER. It ends up with the fiscal year 1907. It was printed at the close of the last Congress. It is up-to-date material, of course.

Mr. HALE. So it has been before the Senate the entire time, not only of this session but of the previous session?

Mr. CARTER. Oh, yes.

Mr. HALE. And open to the inspection of every ardent seeker for information?

Mr. CARTER. The volume has been accessible to everyone, and any Senator can procure a copy of the volume and send

it to any constituent whom he may deem better able to analyze it than himself.

Mr. HALE. Or possibly read some of the pages himself. I am glad the Senator is showing that there has been no lack of information here. There has been too much information.

Mr. CARTER. It has been bewildering.

Mr. HALE. Yes; a little bewildering.

Mr. CARTER. In 1909 we had compiled by the Director of the Census for the Committee on Ways and Means of the House of Representatives as a part of the literature on this subject a book entitled "Imports, Exports, and Domestic Manufactures, Arranged According to Paragraphs of the Tariff Law of 1897." It was printed at the Government Printing Office in the year 1909. It contains information with reference to practically every paragraph in the tariff law standing on the books at the present day.

Mr. HALE. That is not a bulky and unusable volume, but a pamphlet that any Senator ardently searching for information could put in his overcoat pocket and carry home and study at night at home.

Mr. CARTER. Undoubtedly a Senator could do that. It was probably intended to facilitate reading on the street cars, between his home and the Senate.

But, Mr. President, that is not all. We have here, in order to enlighten a Senator, a book containing 131 large and closely printed pages on the estimated revenues of the Government, a comparison of House bill 1438 with the present tariff law, and tables showing the rates and the duties collected under the law of 1897 for the year ending June 30, 1907, and also rates and estimated revenues under the proposed bill as reported from the Committee on Finance of the Senate, with possible amendments. This was printed April 12, 1909. It was prepared under the direction of the Committee on Finance of the Sixty-first Congress, and it has been available since the 12th of April, and is now available.

Mr. HALE. It was printed four weeks ago.

Mr. CARTER. Mr. President, in 1908 it was known throughout the country that this tariff legislation would be a predominant issue, regardless of the party which might be successful in the election of 1908. Both parties had agreed that the tariff schedules should be revised, and preparatory to this great and serious work upon which we are now engaged the Secretary of the Treasury caused to be compiled what is known technically as a "Compilation of the Customs Laws and Digest of Decisions Thereunder Rendered by the Courts and Boards of United States General Appraisers." This volume contains 1,383 closely printed pages, and I am now inclined to think that many a Senator has called for information here who never heard of that book before I read its title.

The Senator from Maine has aptly suggested that every call for information has been cheerfully met. I will not take time to read the message of the President of the United States on the subject, but some one desired to know something about iron ore produced and manufactured in the United States. A resolution was presented, and here is the report of the Secretary of the Interior in response to the inquiry, containing the estimates made by the Geological Survey. The Amounts and Values of Certain Imports is a response by the Secretary of the Treasury to a resolution of the Senate for information, and that contains the information disclosed by the books of the Treasury Department. Some other Senators desired to secure information respecting manufactured products which were sold in foreign markets at lower rates than in America. All that that Senator had to do was to present a resolution. It was passed by unanimous consent, no one objecting, and the resolution was forwarded to the Department of Commerce and Labor, and here is the response of that office, in a letter dated April 12, 1909.

Then some Senator desired to know something about the duties, taxes, and concessions on sugar in certain foreign countries. He presented a resolution at the desk, the matter was forwarded to the Secretary having the subject in charge—this happened to be the Secretary of State—and immediately comes back a complete answer to the resolution as presented by the Senator.

But I will not go over the various inquiries that have been made from time to time. They are too numerous. But unhappily, Mr. President, I fear that a Senator is too often satisfied with a response, and rarely ever pays much attention to the subject after the response comes. I have not heard any of these matters referred to since the resolutions of inquiry were adopted. Possibly we may in the course of the discussion as the Senators reach the paragraphs find use for the information furnished by the departments. Here it is by the hundreds of pages all relating to this tariff bill.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from New Hampshire?

Mr. CARTER. I do.

Mr. GALLINGER. Just a word, Mr. President. I want to say to the Senator that, in response to a resolution I submitted, which the Senate passed, calling for information as to export prices as compared with domestic prices in foreign countries, a voluminous reply has been received from our representatives abroad, every word of which I have read with great gratification, because it shows that the custom that is to a slight extent prevalent in this country of selling goods abroad at less than at home is universal throughout the world, as Senators will discover if they read that document.

Mr. HALE. By other nations.

Mr. GALLINGER. By other nations.

Mr. CARTER. The trick of selling shop-worn goods at any price obtainable is current all over the world.

Mr. NEWLANDS. Mr. President——

Mr. CARTER. I will conclude in a moment, and will then yield the floor to the Senator from Nevada.

Mr. NEWLANDS. I should like to make a suggestion just now.

The VICE-PRESIDENT. Does the Senator from Montana yield?

Mr. CARTER. I yield for a question. I will not occupy the time of the Senate much longer. I have already occupied the time of the Senate much longer than I anticipated.

Mr. NEWLANDS. I observed that the Senator was very ready to yield to interruptions upon the other side.

Mr. CARTER. I yield readily now, after the suggestion of the Senator.

Mr. NEWLANDS. I wish to make a pertinent suggestion. The Senator has called attention to these tomes of information that are available regarding the tariff—reports and bills and testimony, and matters of that kind. I wish to ask the Senator whether he has ever considered the question as to whether a body organized as the Senate is and a body organized as the House is, with 92 Members in the one and about 400 Members in the other, are so organized as to be able to enter into the exhaustive inquiry concerning the production and the importation of over 4,000 articles and to arrive at a conclusion regarding questions involving almost every phase of economics concerning each particular article?

Can not the Senator or the party which he represents suggest some machinery, some sifting process, by which a capable body—a board, a commission, or the Executive himself—can sift all these matters and either act upon a rule fixed by Congress, that rule expressing, when the Republican party is in power, the policy of that party, and when the Democratic party is in power that rule expressing the Democratic policy, in such a way that by a mere inquiry and a computation proceeding according to the rule they can record their judgment, which will have the effect of law?

It seems to me that the statement of the Senator regarding all these sources of information and this vast mass of information as being available to each one of 92 judges here and over 400 judges in the House does not meet the question at issue at all.

Mr. HALE. Will the Senator from Montana let me ask the Senator from Nevada a question?

Mr. CARTER. I yield to the Senator from Maine.

Mr. HALE. The Senator from Nevada has disclosed now another source of embarrassment. The committee has been blamed, business has been interrupted, votes have been delayed, because it is alleged that we have not enough information and the committee should furnish more. But the Senator from Nevada has found, as he thinks, an unanswerable objection in the fact that the Senate has too much information, that it all ought to be sifted through another tribunal——

Mr. NEWLANDS. Mr. President——

Mr. HALE (continuing). And that the information is so vast, so wide-reaching, so inexhaustible, so embracing, that it confuses the minds of Senators. The Senator wants an intermediate process and an intermediate tribunal that shall take this embarrassment away from the Senate and sift the information and analyze it and boil it down and report it to the Senate.

Mr. President, the two objections answer each the other. The Senate is trying to do business. The committee is trying to do business. We are now only in the early stages of the first schedule of this great tariff-revision bill. We have been three weeks listening to complaints because information enough has not been furnished. Now the Senator says there is too much information.

My impression is that the Senate will not be disturbed in the end by either of these suggestions. I am sure the committee will not be disturbed. There never was at the beginning of a revision of the tariff so vast a field of information reported and disclosed for the information of the Senate as is furnished to-day in the early stages of our consideration of this bill. I am very glad that the opportunity has been given to show that there is no lack of information.

Mr. President, it has taken two hours here to-day to furnish a list of the documents and papers and embodied information that the committee has furnished to the Senate for its information. The mere list which the Senator from Montana has grappled with, and for which I thank him, shows that this complaint that the committee is going on in a rough shod way without furnising information has no foundation whatever.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Indiana?

Mr. BEVERIDGE. I wish to ask one question, if I may.

Mr. CARTER. The questions have become so involved that I fear the Chair will forget that I have the floor, and I will therefore ask Senators to permit me to conclude, as I shall occupy only a few moments more.

I will not go further, Mr. President, in naming books and documents, and specifying the number of pages each contains. I could make exhibit here throughout the afternoon of the stores of information available for every Senator, for every editor, for every writer, and every business man and consumer with reference to this tariff. We have here large sheets containing the items of each schedule, the duty existing, the duty proposed by the House bill, the duty proposed by the Senate amendments, the amount of revenue now collected, the prospective amount of revenue, the amount of imports, and the estimates of home consumption. One document alone constitutes a liberal education on the subject of the tariff for anyone desiring to get information direct and effective.

As the Senator from Minnesota [Mr. NELSON] wisely suggested to me, here is the Duty on Imports—a volume replete with information, and I could pick up volumes on tariff like a prestidigitator in all directions, until a dray load of books gotten out for the enlightenment of the Senate and House could be put on exhibition here in this Chamber.

Mr. SCOTT. Will the Senator let me ask him a question? How long does the Senator think it would take, reading eight hours a day, for a Senator to read all those volumes?

Mr. CARTER. Any Senator in the Chamber would strike before the job was completed, regardless of pay. [Laughter.]

Mr. President, in addition to the volumes here marshaled, it must be borne in mind that we have in every considerable commercial port of the civilized world consular agents and officers engaged day in and day out in acquiring, tabulating, and transmitting information on these questions to the Government of the United States through the Department of Commerce and Labor.

Every fact collected and transmitted to that department is at the call of any Senator desiring to avail himself of the mighty stores of information there collected. Ignorance of the subject can not be pleaded in the presence of such extensive facilities for acquiring accurate information.

I have made these observations, Mr. President, not because I have felt that they were needed here, but to the end that in remote sections of the country persons may not be misled by the oftrepeated charge that a tariff bill is being considered in darkness and ignorance, and that nobody can get any information with reference to it at all. How can any Senator repeat that suggestion in the presence of these mute volumes available to give forth their treasure stores of information?

Mr. President, the Senator from Nevada suggests that we are too numerous to think [laughter], and that we ought to delegate the task to a commission. That Senator seems to believe that if we think at all we think inaccurately and reach conclusions that are ill advised and little justified.

Mr. President, undoubtedly the Senator is correct in saying that there should be a commission to digest the matter in these books; but we have a commission. I will put the Ways and Means Committee of the House of Representatives and the Finance Committee of the Senate of the United States against any equal number of men on this earth as experts to digest information and place it before the Congress in convenient form. Where will you get a body of experts superior in judgment, possessed of more accurate knowledge or equal experience? The Senate and the House, through their committee organizations, undertake, and wisely, too, to boil down these various elements of knowledge into definite form for ready use in the discussion of matters upon this floor.

The reports of the committees of the Senate and House are concise and clear. If they are wrong, we must suffer from one of the infirmities of our system of government and let experience, which may be costly, correct our erring judgment. We will do the best we can.

It has been frequently suggested here with reference to all kinds of questions that commissions be appointed. I must say that, on general principles, I do not fancy the policy of delegating congressional power or abdicating congressional functions. I have an abiding faith, sir, in the wisdom of the founders of this Government of ours, and let it be understood that they did not intend that the American people should be governed by commissions.

They intended that the people should be governed by law; and they designated in the organic law itself the machinery by which laws could be placed upon the statute books and kept there and construed while they remained. Every departure from the intention of the fathers as written in the Constitution will weaken this Government of ours in the minds of the people, where it should be strong; it will weaken it in the confidence of the world, where it should be respected.

I have great faith in a commission made up of the picked men from 391 districts in the United States. I think the House of Representatives is a splendid commission. Some 14,000,000 electors in 391 districts "pick the best man in each district and send him down to the Council Chamber, the House of Representatives, to constitute a commission." We call them "Representatives."

The Senator from Nevada [Mr. NEWLANDS] would call them a "commission." That is the greatest commission the world has ever known representing any body of people, and it is selected in such a manner that its selection guarantees, with unerring certainty, a representation as good as the people, and no better. As the people improve, the Congress will improve.

Then the legislatures of the respective States are called upon to select representatives for the States in this Chamber, where it is contemplated that state equality should always be preserved, just as numerical representation is preserved on an equal basis at the other end of the Capitol. I have faith that these representatives of the States, large and small, whether in wealth or geographical area, will always be as good as any commission that can be picked by the President of the United States or by anybody else.

We are beginning to suffer in this country from a bureaucratic reign. There is a germ which quickly lodges in every bureau and creates a consuming thirst for power. Every bureau you create begins at once to spread its tendrils out, seeking additional jurisdiction, until it absorbs everything in sight, and then quarrels for more. We witnessed here within a few years a meager appropriation of $5,000 to start a bureau, and within five years we appropriated $5,000,000 to keep it going for one year, and that is only the beginning.

Mr. President, I believe in this Government being maintained, as nearly as may be, in its original simplicity; and I have no sympathy with, nor respect for, the new doctrine of duplicating Congress eternally in the form of commissions. From another point of view, the appointment of commissions to do our work is an abdication, which, according to current view, absolves Congress from responsibility.

The Congressman returns to his district, responsible in truth for what some commission did that he approved, but he says: "I could not help that; the commission did it." Thus that direct accountability to a constituency will be avoided by the side-stepping scheme putting it over to a commission. The Government will do that through a commission which Representatives would not dare to do in the open light of day, if put in direct responsibility to the people for their action. We have witnessed acts of tyranny that I thought Congress was responsible for, but disclaimed the responsibility, things done by somebody authorized by Congress to make rules and regulations, rules and regulations to-day applicable to the American people, which would be, if read in this Congress in the form of a bill, abhorrent to the sense of decency of the people of these United States.

But I am stepping apart from the purpose I had in the beginning, being drawn off by the suggestion of the Senator from Nevada for a commission.

Whenever the Congress of the United States proves faithless, whenever the Government as conceived by the fathers proves inadequate to the purposes they intended to accomplish, then let us call for a receiver or appoint a commission or do what we can to change the system into one more efficient. Until that day does come I believe it is proper and wise to hold every Senator and Representative up to a full, clear, and unmistakable

accountability to the country and to his constituency for each and every legislative act.

But, apart from that, Mr. President, I now leave this pile of books, which might be raised to that ceiling if I had but an hour to collect the documents, as mute witnesses to bear testimony to the sources of information which are available to every Senator and to every inquirer who desires to be informed on the tariff.

Mr. LODGE. Mr. President, the House bill came here to the Finance Committee after the members of that committee, for some four months, had had the opportunity day by day of passing through the large mass of information and misinformation which was presented at the hearings of the Ways and Means Committee. The committee took the bill up as soon as it was reported to the House and worked on it for three weeks. Literally night and day they labored on the paragraphs as to which they were already somewhat informed, and they tried to give due consideration to each one of them. If any paragraph was of exceptional difficulty, it was referred to a subcommittee. After they had considered the information before the House and such information as they had themselves gathered, they formulated the result in the bill now before the Senate.

Judging from this debate, Mr. President, there seems to be some misconception about the powers of the Senate. The Constitution gives to the House of Representatives the power to originate bills to raise revenue, but the Senate has the right of review. Yet it has been said here, over and over again, that the House, with this information before it, decided so and so, and why have you decided otherwise, as if our only privilege was to affirm the House action. We have decided otherwise in some cases because our judgment was otherwise, just as we do on an appropriation bill. We have differed, with every deference to the wisdom of the other House, and no one feels it more than I or has greater gratitude for their labors than I. On the same evidence the Senate might well decide that a paragraph was faulty or that a rate was too high or too low. We have the same power of revision that they have of original judgment.

I will take as an example this precise paragraph which is under consideration. It is obvious on a first reading of paragraph 179 that the classification is a mistake. It is a mistake to put the article in its lowest form on the same rate of duty as the same article advanced a stage in manufacture. Therefore it became the duty of the committee to change the classification, and they did so.

The classification being settled, the next question was the question of rates. The House, starting originally with the duty of 1 cent on the ore, based its differential on that amount. At the last moment they changed it to a cent and a half, but changed none of the differentials. The Senate committee merely restored the differential which existed when the rate was a cent and a half on ore. The committee did not increase the differential. The differential based on 1 cent and the differential based on a cent and a half are very different things. We did not increase the differential on a cent rate, but we made the differential correspond to the rate of a cent and a half. It may be that the original rate is too high or too low, and that, therefore, the differential is too high or too low, according to the rate on the original material, but the Senate have just decided that the rate on the original material is correct. They have just voted in favor of the old rate. We do not propose to change or increase the differential. We keep the differential which was established for a cent and a half rate in the act of 1897 after long consideration, because we think that is the proper differential.

Mr. President, yesterday the Senator from Georgia [Mr. BACON] said that when anybody on the other side referred to the question of what revenue would be produced by a duty, he was met with laughter and jeers on this side. The Senate Finance Committee considered the revenue aspect of all the duties which were imposed. What we smile at is not the bringing forward of the question of how much revenue a given duty will yield. That which excites our mirth is the ease and regularity with which a protective duty becomes a revenue duty when it crosses the borders of certain States.

There is one other point, Mr. President, that I want to make, which was alluded to by the Senator from Rhode Island [Mr. ALDRICH] this morning, and in regard to which the Senator from Georgia yesterday spoke—the oppression that is being visited on the consumer. I am not going to waste any of our much-wasted time on that old worn-out, exploded fallacy that the tariff duty is added to every article of domestic products which is bought or sold. I merely wish to touch upon this myth of a consuming public which is being oppressed for the benefit of a few manufacturers and operatives. Where is this separate and isolated public of consumers? The people who are consumers only, who neither toil nor spin, are so few in this country that they are negligible and ought to be neglected. This is a Nation of producers. The Senator from Georgia referred to the manufacturing and mechanical pursuits as if those were the ones especially nurtured at the expense of this mythical public of consumers.

Mr. President, I am afraid he forgot that according to the census of 1900, the last census, now nearly 10 years old, there were 7,085,000 persons earning wages in mechanical and manufacturing pursuits and industries which are all covered by the duties of the tariff law. That indicates a population supported by these industries of from thirty to thirty-five million. Who took those 35,000,000 people out of the ranks of American citizenship? Who separated them from the rest of the American public? They are a pretty large portion, Mr. President, of the citizenship of the United States. When did they cease to be consumers?

According to the same census, there were 10,000,000 people engaged in agriculture, 1,200,000 in professional pursuits, 5,500,000 in domestic and personal service, 4,778,000 in trade and transportation, and 7,000,000 in manufacturing and mechanical pursuits; in all, 29,000,000 people in gainful trades and occupations earning money. Take the people they support, the mouths that those 29,000,000 workers feed, and you have practically the whole population of the United States.

I come from a great manufacturing region—the region of New England and New York and Pennsylvania and New Jersey and Delaware. We are full of manufacturing industries, built up under the system of protection. It is too late in the day now to talk about whether that system was wisely or unwisely adopted. It has been practically the policy of the United States, with some fluctuations, some ups and downs in rates, since 1816. Under this system great industries have been built up. If you undertake to wreck that system at a blow, if you deal harshly with all this complicated machinery of business and production, you will throw that vast manufacturing population into distress and misery. Ten years ago more than 30,000,000 people were dependent on those engaged in manufacturing and mechanical pursuits. They are your market, I say to the wheat-growing States of the West; they are your best market, a market that can not be taken from you, for a large part of all that you raise and all that you produce.

This debate has arisen upon the question of the production of lead. My State has no lead mines and no smelters; it is not interested in lead production. If I were to be guided solely by a narrow, local, selfish interest, I should say, cut these duties down or make lead free, if you please, so that those engaged in the mechanical industries can buy these products a little lower; but in my belief, Mr. President, nothing could be worse for my people than to indulge in any such plan as that. The prosperity of Idaho and Utah and Missouri and Colorado is part of the prosperity of my people. I want to see them have the same protection which I demand and which my constituents demand wherever protection is needed for our industries. The great mechanical and manufacturing industries of this country can take no other position; and those who attempt to break them down run the risk of bringing on a business disaster to which nothing that we have ever had would be comparable. You can not shift a system like this in a minute. Why, Mr. President, at the bottom of this system lies the industrial independence of the United States.

The Senator from Georgia [Mr. BACON] talked to us about the cotton growers, and he said there was no protection on cotton. The prosperity of the cotton grower, the prosperity of the South, is probably more keenly desired by the State I represent in part than that of any other portion of the country, because upon the South's great staple our greatest industry depends.

But, Mr. President, the economic system which the Senator from Georgia was advocating yesterday, was tried in the South. They always resisted the protective tariff in the old times; and although they could not prevent the adoption or the continuance of the policy, they refused to take advantage of it. They left their rivers unused and their mines unopened. That great and splendid country was devoted to the production of a single staple. The dark hour of trial came upon them. Never was greater valor, greater military skill, greater self-sacrifice, greater devotion shown to any cause than the southern people showed to their cause; but when the lines of the blockade drawn around their ports were tightened and the foreign trade, on which they had depended, and on which they would have had the whole country depend if they had had their way, was cut off, they could not clothe or supply their armies; they

could not get medicine; they could not make paper or iron or steel or pottery. They were in a state of helpless industrial dependence. The worst enemy that the South had to meet in that great struggle was their own economic weakness.

Mr. President, we have built up under this policy of protection the industrial independence of the United States. It was the dream of Alexander Hamilton. It has been fulfilled. We have built it up and to-day the South, thank heaven, is taking advantage of it and is beginning, at least, to get her share of the great riches which nature has given to her. But to go to work and tear it wildly down on an idea of general reduction, for the sake of reduction here and there, would be disastrous. The only way to deal with this question is to move cautiously and carefully, to deal with each paragraph as it comes up and on the merits of each case as it is presented to us.

The pending bill, as a matter of fact, is full of reductions from end to end, but nobody ever pledged me to a revision downward any more than to a revision upward. What the Republican party pledged itself to, and so far pledged me, was to a tariff revision made on protective lines. I supposed that we would come here in this body and in the other House and revise the tariff for the best interests of the whole country—agricultural, industrial, and every other; that if it were wise to reduce a duty we would reduce it; if it were wiser to keep it the same we would keep it the same; if an industry needed, and the facts showed that further protection was needed, we would give it that further protection. As a matter of fact the revision generally is downward. That, Mr. President, has been the attitude of the Finance Committee. They make no claim to infallibility; they may easily be wrong on many points, but that which I have stated is the line of action that they have followed, and they believe that what the country most wants is action on the bill—intelligent action, of course, and right action, so far as it is given us to act rightly. The worst thing that could happen would be to have the bill fail in chaos and confusion. That would bring on continued agitation, continued suspense, business stagnation, and financial disaster. We want an intelligent measure of revision. I believe it is contained in this bill, and will be finally embodied in it as it comes out of its last stage, the conference between the Houses.

Mr. NEWLANDS. Mr. President, the Senator from Montana [Mr. CARTER] has piled upon his desk testimony, hearings, tables, and reports as evidence that there were sources of information within reach of this body that would enable each Member, if he pursued such sources, to vote intelligently. I wish to state that there is a great difference between having information within reach and information in our heads. There is no subject upon which we can not get information. The world is full of information. The essential thing is to obtain that information in such digested and intelligible form as to enable men acting in a deliberative body of this kind quickly to absorb it and act upon it. What I contend is that whilst the sources of information are available, whilst it is possible that each Member of this body could, by individual study covering a year, two years, five years, or ten years, master the details connected with the production, the importation, and the duties upon every article covered by this tariff, it is utterly impossible for a body of this kind, distracted by its other duties, to give the time and the attention that will enable it to act intelligently upon this question.

I do not underrate the capacity of this body. If you were to organize a board for the purpose of inquiring into all the economic questions connected with the tariff question, I would say that you could not better fill that board than by the selection of men who have had the training and experience that the men in this body have had; but I insist that it would require the absolute absorption of their lives in that work, and they would not have time for the various occupations which engage the attention of every legislator.

Mr. President, I am not so dissatisfied as to the information as I am regarding the methods which are pursued in gaining that information, which, it seems to me, are entirely faulty. The Senator from Montana declaims against turning over legislative functions to a commission and calls it an abandonment of legislative functions by those to whom they are intrusted. Well, the power to regulate commerce is a legislative function. Included in that power is the power of fixing rates of transportation. Has the Congress of the United States taken upon itself the duty of fixing those rates, of obtaining all the information that is essential in order to enable it to fix rates, of having hearings before it of parties complaining of unreasonable rates, and of acting upon each individual rate? We can imagine how this body would be absolutely swamped with accumulated business if it attempted to exercise the function directly of regulating the rates in interstate commerce.

What legislative function is this Congress now pursuing? It is pursuing the legislative function of establishing the revenue; and in connection with that, under the policy of the Republican party, it is carrying out the function of regulating foreign commerce, for it seeks not only to pass a revenue act, but also, in connection with it and as a part of it, to pass an act limiting foreign importations, and in many cases prohibiting them. So it is at the same time exercising two functions—one the power of establishing revenue, the other the power of regulating foreign commerce. Why, then, if Congress in its wisdom has seen fit to turn over to a special tribunal the power upon complaint to determine whether a transportation rate is unreasonable, to condemn that rate after a hearing, and to substitute a reasonable rate for it, prescribing the rule for the action of that tribunal, I ask why it can not organize a tribunal also that shall inquire into the reasonableness of an existing duty imposed by this Congress as a matter of regulation of foreign commerce intended to limit or to prohibit foreign importations?

Why can it not and why should it not give such tribunal the power to inquire into the reasonableness of the duty and make its report to Congress for its action, and why should it not even go further, as it has done in the case of the regulation of interstate commerce, and give it power to condemn an unreasonable duty which upon the evidence presented before it is clearly unreasonable under the rule laid down by Congress itself?

So far as I am concerned, I believe that the sole issue before this Congress is not the question whether we shall have a protective tariff, is not the question whether we shall have a purely revenue system of tariff, but the question is the reduction of excessive duties. That is what the Republican party stands committed to and that is what the Democratic party stands committed to. That is all that the Democratic party can hope to accomplish, organized as Congress is to-day, and that question involves inquiry; it involves hearings; it involves testimony; it involves complaint by some party injuriously affected, just as every proceeding before the Interstate Commerce Commission involves, first, a complaint on the part of the shipper; second, a hearing of the facts; and, third, a determination of the facts by a tribunal organized by Congress for that purpose.

Did Congress abdicate its functions when it organized the Interstate Commerce Commission? If it did, then you must admit that the power of Congress can only be properly exercised by doing the work that the Interstate Commerce Commission does. What would that involve? It would involve a system here under which every shipper could complain of the rate charged and in which every community could complain before this body of discriminations against its trade and its business and its commerce. It would involve oral hearings before this body and testimony in these complicated cases, and it would involve a decision in each case fixing by law the rate to be charged in interstate commerce.

Were you prepared to enter upon the exercise of this function? Would you have believed that you were discharging your legislative duties had you done so? Congress acted wisely and sensibly and with a due regard for the economy of its own time when it organized the interstate commerce tribunal, fixed the rule for its procedure, gave the parties complaining the right to appear and to be heard, gave the commission the right to put witnesses under oath and take their testimony, and gave them the power to condemn a rate that was oppressive and to substitute a reasonable rate for it, that rate following the rule laid down by Congress that the rate should be reasonable.

Has not the creation of that tribunal, has not the turning over of that function of fixing the rate to that tribunal, been sanctioned by the highest court in the land? Does the Supreme Court call it an abdication of the legislative functions for us to turn over to the Interstate Commerce Commission the inquiry regarding a rate alleged to be unreasonable or oppressive, and the condemnation of such rate? And here upon this bill we are proposing to act with relation to foreign commerce, just as the Interstate Commerce Commission does act with reference to interstate commerce. You claim the right under the Constitution either to limit foreign importations or to prevent foreign importations, with a view to protecting the home market against the competition of foreigners and with a view of preserving to your own people the home markets of the country, and the question has arisen whether or not the duties so fixed are not oppressive—oppressive to the importers, oppressive to the users and consumers of the goods in this country; and I ask whether it is not the wise and the judicious thing for this Congress to organize some tribunal, preferably, I should say, a department of the Interstate Commerce Commission itself, enlarging its functions so as to make it cover not only interstate but foreign commerce; so that in each department these great questions can be considered—the question of interstate commerce in the one, and the

question of foreign commerce in the other—and giving the foreign-commerce commission either all the powers over duties now possessed by the Interstate Commerce Commission over transportation rates or, at all events, giving it the power of hearing a complaint as to an oppressive or prohibitory duty, the power of giving a decision as to the reasonableness of the duty, and then leaving to Congress the final action, which either will or will not make its decision operative in law.

Mr. President, I know that commissions are unpopular in this body. I know that they are unpopular in the House of Representatives. As I said the other day in reply to the Senator from Rhode Island, he is an adept in inventing phrases that will bring a movement into disrepute; and to-day, if you want to bring a movement into disrepute, you have only to refer to government by commission. So I prefer not to use that term. Organize a board. Do not call it a commission, for I would not raise the prejudice of those who think by the brand instead of according to principle.

These commissions have become unpopular here because the late President of the United States became unpopular with Congress; because the President, realizing that Congress was inert and apathetic in the pursuit of reform of existing abuses, in the exercise of his power of recommendation regarding legislation organized commissions, purely voluntary commissions, without statutory authority, for the purpose of advising him as to his recommendations.

Whilst we may not all agree with the conclusions which he reached, based upon the recommendations of those commissions, I have the temerity to say that in the main the work done by those commissions was good work, that the men selected for their functions were able men, that the conclusions which Mr. Roosevelt presented in messages to Congress will ultimately be recorded in the statutory law of the country, and that this unpopularity of the term "commission" has arisen from the unfortunate antagonism that arose between the President and Congress, for much of which, perhaps, the temperament of the President was responsible.

Mr. President, I beg the Members of this body not to be carried away by this prejudice against government by commission. Let them realize to-day that there is one commission organized by Congress that is acting progressively and wisely and conservatively in the interest of reform. There is not a man in this body, whether opposed to the Interstate Commerce Commission at the start or not, who does not realize that that tribunal is one of character and dignity; that its decisions are received with approval throughout the country; that the railroad managers themselves are beginning to realize that it is an important thing to them that they should have a quasi judicial tribunal of character and dignity between them and the great public, who may at any time be moved by passion or revenge; that the surest protection against legislative violence and spoliation is the organization of a tribunal of high character and dignity, acting under the sanction of an oath, with all the traditions belonging to it, between the public upon the one hand and these great corporate interests upon the other.

If we constitute a tribunal of that kind, with jurisdiction over foreign commerce, just as the present commission has over interstate commerce, and with power to determine, or at all events to inquire into the reasonableness of these duties, then you will have scientific inquiry substituted for the sporadic investigation of Congress upon this subject, necessarily sporadic, occurring in spots here and there, and only in times of excitement and of tumult.

Mr. President, so far as I am personally concerned——

Mr. CLAPP. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. NEWLANDS. Certainly.

Mr. CLAPP. If the Senator does not object, I should like, not to ask one question, for perhaps it may require a number of questions to develop to its last analysis the suggestion. If the Senator does not care to be interrupted, I will take it up at some other time.

Mr. NEWLANDS. I am very glad to listen to any suggestion.

Mr. CLAPP. Would the Senator contend for a tribunal—call it what we may—that should in itself determine the rate of duties to be imposed?

Mr. NEWLANDS. I will say as to that, that I would go as far as Congress has the constitutional power to go in that direction.

Mr. CLAPP. That is the question. Now, with reference to the Interstate Commerce Commission——

Mr. NEWLANDS. But I wish to add to that, what I stated before, that the practical question is the reduction of excessive duties. That is the question I want to submit to that tribunal. I do not wish them to go into a general discussion of the tariff at all.

Mr. CLAPP. No.

Mr. NEWLANDS. But simply upon complaint as to the excessiveness of a particular duty——

Mr. CLAPP. Exactly.

Mr. NEWLANDS. Under the policy of the party, whether it is the Republican or the Democratic party, to determine whether a duty is excessive under the rule established by law.

Mr. CLAPP. And without opposition to the plan or thought, but rather to see where we could go, I am asking these questions.

Mr. NEWLANDS. Yes.

Mr. CLAPP. In the case of the Interstate Commerce Commission, Congress can first lay down a rule that rates must be reasonable. Then it can authorize the commission, not primarily to make the standard of a rate, which must be made by Congress, namely, that it must be reasonable, but to ascertain the fact whether or not a given rate comes within that rule. While it is finally complicated when it gets to the court as to what under that policy would be a reasonable rate, still there is something of a guide to go by. Now, that guide rests upon an absolute prohibition found in the spirit of our Constitution, that we can not require the carrier to carry for less than a reasonable rate.

When we come to the question of importing goods from a foreign country, there is no such limitation on the power of Congress. Congress can absolutely prohibit the importation. The importer can not be heard in any court to say that a rate of duty is too high, because back of it all lies the arbitrary power of Congress.

Now, Congress would be obliged to fix some rule, and that rule would either have to be, it seems to me, with reference to a revenue or a protective system. Either Congress would first have to enact a maximum and minimum tariff, which I think would be comparatively free from difficulty, so far as any legal complication arises, or it would have to try to lay down a rule as the legislative declaration, leaving it to the commission to ascertain whether given facts came within that rule or not. They could not lay down a rule as to revenue except they fixed a limit absolute in itself, because so far as the reasonableness of the revenue rate went there is no limitation on the power of Congress. If they undertook to lay down in advance a rule as to the reasonableness of a tariff rate based upon the proposition of its being a protective tariff, it seems to me it would lead to a question that no commission and no court could ever settle by any preannounced rule.

We can do it here because we have the power to do it. We may err. We may go beyond the mark of wisdom. There is no appeal to any tribunal from that. But it does seem to me that the Senator meets this condition, that he has either got to relegate this to a preannounced tariff for revenue, where there would be no limitation except such as Congress in a percentage rate would establish, or if it leaves it to the limit of protection, it is involved in an uncertainty, where no court, which finally would have to review the action, could determine the reasonableness of that duty.

If the Senator's idea is that the commission should fix the rate, subject to review by the court, it seems to me he would be involved in that difficulty. I say that in all candor and friendliness, for I certainly am interested in the subject-matter of the Senator's discussion.

Mr. NEWLANDS. I will say, in reply to the Senator from Minnesota, that of course it would be absolutely unnecessary to have such a tribunal if the Democratic policy of a tariff for revenue only should prevail. The creation of a revenue law is a very simple matter. You have only to refer to the Walker tariff to see how simple it is—schedules, some five or six in number—the first schedule fixing a duty of, say, 50 per cent, the second of 40 per cent, the third of 30 per cent, the fourth of 20 per cent, the fifth of 10 per cent, and then a free list, with enumerations of the various classes of articles under each schedule.

That is a very simple matter. It is purely the exercise of our legislative function of establishing taxes. But the Republican party is in power and is likely to be in power for some time, and even if the Democratic party should be successful four years hence in electing a President, it would be in the power of the Republican party, through its control of the Senate for a long period of time, to prevent it from passing a tariff bill based upon the principles of that party. So that in all probability we have a period of eight, possibly twelve, years under the protective system.

Now, then, both parties agree that all we can do is to reduce excessive duties. That is all; and the question is whether this legislative body is going to perform the work of inquiry inefficiently or whether it is going to do it efficiently, through servants created by law passed by Congress, and as to the extent of the powers that are to be given to such servants.

The Senator will agree with me, I think, that if Congress can frame the rule for action and can empower a tribunal to inquire into these excessive rates, condemn an excessive rate and substitute a reasonable rate, following the rule fixed by Congress, it would be desirable. I am not sure myself as to whether we could create a rule. I suggest, however, that the Republican party has in its platform declared its rule of action, the rule of action which governs the members of that party in the consideration of this tariff measure, and I do not see why they could not incorporate their rule in the statute. What is that rule?

That rule is that no duty shall be regarded as excessive which takes into consideration the difference in labor cost between the two countries, including a fair profit, on the average, to the American producer. It is claimed that, judged by that rule, hundreds of these duties are excessive, and you wish to make an inquiry into the fact whether they are excessive or not. Can you not declare in the statute the rule which you have fixed in your platform and which guides you in your legislative action, and can you not give that commission the power, pursuing that rule, to determine that a duty is excessive, and to reduce the duty to the amount called for by the rule?

But it is not necessary to my contention that we should go so far, and I do not believe you will go so far. All I can say is that, so far as I am individually concerned, I would go as far in this direction as we have the constitutional power to do. But I insist upon it that it would be a great aid to Congress if you should simply make this commission a commission of inquiry, a commission with power to ascertain and find the facts, a commission with power to make recommendations to Congress; and if their power is confined to deliberations upon a particular duty, concerning which a complaint is made, you will find that public opinion will be invoked; that the hearings will be published all over the country; that public opinion will be formed; and that Congress will in the main pursue the recommendations of such a commission if they are founded in reason. It is true that there was a commission organized some forty years or more ago when the Republican party realized that the Morrill tariff was producing too much revenue, and when there was a movement in the Republican party itself for the reduction of the duties, with a view to diminishing the surplus in the Treasury. But that commission was not such a commission as I have suggested, not a commission acting upon complaint, not a commission acting in a hearing upon a given case and a given duty and rendering its judgment, but merely a general commission of inquiry.

It seems to me that such a system would facilitate the work of Congress. No stronger indictment of the present system of making this inquiry has been presented than that presented by the Senator from Rhode Island when he assured us that if we looked into the details of every item in this tariff we would be here, if my recollection is right, ten years before the task was concluded.

Mr. ALDRICH rose.

Mr. NEWLANDS. I may be mistaken as to the time.

Mr. ALDRICH. I said if every Member of this body was to be accurately informed about every industry and every item of the bill, it would take probably ten years.

Mr. NEWLANDS. I say no stronger indictment of the present system can be presented than that statement, coming with authority from the chairman of the committee having jurisdiction over this subject. Let me say that if this work were intrusted to the Finance Committee, with the understanding that their conclusions would be accepted by this body, and if that committee were to enter upon the work and familiarize itself with all the details of production both here and abroad connected with each one of its items, it would take that committee ten years; and by the time they got through they would be a first-rate tariff commission, but a very poor Senate committee, so far as other legislative duties are concerned.

Now, I ask the Senator from Rhode Island, does he not wish the body that is to inquire into and determine these questions to be fully informed?

Mr. ALDRICH. Mr. President, I would be glad if the Senator from Nevada and every other Senator was fully informed upon this question. I think if they were we should have a unanimous vote in this body for the protection of American industries.

Mr. NEWLANDS. The Senator therefore agrees with me that it is desirable that the body which inquires into and acts upon this matter should be fully informed. He also says that it would take ten years for us to become fully informed.

Mr. ALDRICH. I perhaps should modify that somewhat. I made that statement with a view of all the Senators in the body. I think perhaps there might be less time required by Senators to arrive at the state of information which I think, as the Senator thinks, is desirable.

Mr. NEWLANDS. At all events, I assume the Senator realizes that it would take a long time. So I say that when that is admitted, Congress best performs its legislative function when it creates a tribunal that can give all of its time to these questions, and then it can inquire into every detail connected with production and importation, and can act upon information and not upon guess and conjecture.

Mr. President, we have thus far covered, I believe, only two or three items of this bill. Have we yet exhausted information upon the subject? What does this inquiry involve? First, an inquiry into foreign production, its cost; not merely the determination of wages, but the determination of the cost of each unit of production, for labor may be so inefficient as to make the cheapest labor most costly and labor may be so efficient as to make the highest labor the most economical. So, when you propose to enter upon the framing of a tariff that is intended to protect every American production against every similar foreign production and propose to inquire into the difference between the costs of production of two countries, you are entering upon an inquiry that involves the closest examination of the production of all competitive countries, and you must also enter into an inquiry of the cost of production in your own. You must cover the question of domestic consumption and you must cover the question of foreign importations. You must cover the question of rivalry in the future as well as in the present; the increasing powers in competition of other countries. Is this a work that can be entered upon by a legislative body of 92 Members and a legislative body of nearly 400 Members?

The Senator from Montana [Mr. CARTER] says we have all the information within our reach. I admit that a vast deal of information is within our reach. I believe that, so far as these tables are concerned, they probably are in better form than they have been at any other tariff inquiry by Congress, partly as the result of the action of the committee and partly of the suggestions of Members upon the floor, through which tables have been added. But even with the table before us, we have simply a statement, first, of the quantity of the imports for consumption; second, their value; third, the exports; fourth, the production in this country in amount; and let me say that such information is entirely inadequate. The committee has been unable, with all the statistics of the country within its reach, to put opposite two-thirds of the items of this table the value of our domestic production, and yet it is important that we should have some knowledge of the relation of imports to local production.

Do you wish to make your duties absolutely prohibitory so as to keep out foreign imports? It is important to know whether they are so. Do you wish that the imports shall bear a certain relation to our domestic production? It is important, therefore, that you should know both, and yet you do not know what the domestic production is of these articles, except a very few.

Mr. HEYBURN. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. I have a message from Nevada that may be interesting at this period of the discussion, from the state mining inspector. I will read that portion of it which relates to the lead subject——

Mr. NEWLANDS. I prefer that the Senator should read that later on. It has no pertinency to the remarks I am making.

Mr. HEYBURN. I will defer it if the Senator would prefer. I will have the floor directly.

Mr. NEWLANDS. I shall be glad if the Senator will present it later on.

Then we have the rates of duty under the present law—the rates of the House bill and of the Senate bill. Then, we have the revenues, and then we have the equivalent ad valorem. But there is no attempt in this table to go into the details of production here or abroad. We do not know what the labor cost is. Statements are presented here of wages in competitive countries. Statements are made regarding wages here, but there is no accuracy of statement and there is no indication whatever of the efficiency of that labor, so far as the production of units is concerned. As I said before, the highest priced labor in the production of a number of units may be much more economical than the lowest wages in the world.

Mr. President, so far as I am concerned, I have entered into this inquiry in no partisan spirit, with no disposition to put anybody in a hole or any party in a hole. I have no dispositon to contend unduly, by long speeches and contentions, for the policy of the Democratic party, which can not by any possibility be incorporated into the statutes at present. I should like to see the frequent disturbances of business resulting from tariff agitation and tariff discussion disappear.

I believe they can be made to disappear, not in one year, not in ten years, but in a generation or two; and what is that in the lifetime of a nation? As it is, whenever the tariff matter is discussed in the campaign, there is some depression in business, and whenever it comes up for legislation the importers diminish their importations, the manufacturers diminish their productions, and the result is, in a greater or less degree, a diminution or paralysis of trade.

I do not think it is wise to have these great economic questions, that could be wisely looked into and determined by capable men acting under the direction of Congress, entering always into our business relations and disturbing our business life. If I had the power to-day, I would not at one leap change the policy of the country from the protective policy to the revenue policy. The Democratic platform does not demand it. It demands evolution, not revolution; a gradual and progressive reduction of duties in the line of a revenue tariff. Hence I am extremely solicitous that Congress should organize the machinery through which there can be a scientific adjustment of simply the excess duties. That is all it can accomplish now. If we can create a tribunal of that kind, either to act decisively upon the subject or in a way simply of inquiry and recommendation, in my judgment we will have accomplished much in the final solution of this economic question and the creation of stable conditions of domestic production and foreign commerce.

Mr. HEYBURN. Mr. President, we have just heard a most interesting message from the State of Nevada. I will supplement it by a message which I have received within a few days from the state mining inspector of that State, who, by the way, if I am correctly informed, is of the same political faith as that professed by the Senator from Nevada. He says:

> Lead is one of the principal mineral resources of Nevada. This mineral is found principally in Eureka, Whitepine, Lincoln, Washoe, Elko, Esmeralda, Humboldt, and Nye counties. This covers more than three-fourths of the area of Nevada. At present about 1,500 men are working in the lead and base-metal mines of Eureka County. With an assured tariff on lead the number would be five times as great. In all portions of the State about 5,000 miners are employed in the lead properties. The Commonwealth, one of the largest lead properties in Nevada, located here, has everything in readiness to begin operation, but not a wheel is turning pending the outcome of the proposed legislation. A tariff on lead means the opening of this property and others surrounding it, giving employment to many hundreds of miners at good wages and adding thousands of dollars to the wealth of Washoe County. Two districts in Lincoln County, employing hundreds of men in the lead properties now, will construct railroads and employ thousands with a tariff on lead. Whitepine County, with 5,000 men at work, would double this number. With an adequate protective lead tariff, Eureka County, just on the eve of a revival, is paralyzed, because of fear that the lead tariff may be removed or even lowered. There is no doubt that a tariff on lead will lead to an immense increase in the mineral output of this State during the present year. Lead is the principal value contained in nearly every property in the counties of this State already named.

Mr. KEAN. Mr. President, I should like to ask the Senator a question.

The PRESIDING OFFICER (Mr. McCUMBER in the chair). Does the Senator from Idaho yield to the Senator from New Jersey?

Mr. HEYBURN. I do.

Mr. KEAN. Does the Senator recall what the present population of Nevada is?

Mr. HEYBURN. I leave that for the census that is to be taken so shortly. This telegram is signed by J. F. Haley, whom I addressed for information as the state mining inspector of the State.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I had not quite finished reading the telegram.

Mr. NEWLANDS. Oh, I beg pardon.

Mr. HEYBURN (continuing):

> Gold and silver are practically by-products. It is to the lead that the mine owners look for their profits. In Mexico, for instance, lead is a by-product of the gold and silver mines, and the mine owners there could afford to give this metal away and yet make an immense profit with a wage scale of 35 cents gold per day. The throwing down of a tariff barrier would result in pouring this Mexican product into this country at prices which could not be met by American labor. Irrespective of politics, the people of Nevada hope Congress will not remove the tariff on lead.

Mr. NEWLANDS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. I do.

Mr. NEWLANDS. The Senator is correct in stating that the mining inspector referred to is a member of the same political party as myself. I hope that all the mining inspector's predictions regarding the future of Nevada and its mineral wealth will be realized, and I certainly join with him in every comment that he has to make upon the richness of the natural resources of our State.

Mr. HEYBURN. I sincerely hope the Senator will also vote the same way.

Mr. NEWLANDS. With reference to my vote, I have to say that I shall not permit my vote to be controlled by the considerations referred to in that telegram as the Senator interprets them. That telegram was based upon the assumption that the duty upon foreign lead might be repealed. My belief is that a fair revenue duty can be imposed, and as a matter of fact it has been imposed by this bill upon lead in the ore, a duty of 1½ cents a pound. My own belief is that a fair revenue duty would be about 1 cent per pound.

So far as the differential to the smelter is concerned, which is now under discussion, I have to say that the differential is entirely too high, in my judgment. We impose, in the first instance, a duty of 1½ cents a pound upon lead in the ore and then upon lead in bullion we impose a duty of five-eighths of a cent more, making 2⅛ cents in all upon lead bullion. I believe that, even following the rule laid down by the Republican party in fixing a duty, and having in view the difference in labor cost between the two competing countries and a fair profit for the domestic producer—even pursuing that rule, the duty should not exceed three-eighths, and possibly two-eighths, of a cent. It could be cut down, in my judgment, at least one-half.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Minnesota?

Mr. HEYBURN. I yield with the consent of the Senator from Nevada, to whom I have already yielded.

Mr. NELSON. Will the Senator yield to me?

Mr. NEWLANDS. I wish to say that I have the floor by the indulgence of the Senator from Idaho, and I should like to hold it for a few moments in order to complete my statement.

Mr. NELSON. I wish to bring some evidence to show that the Senator from Nevada is right.

The Senator from Montana [Mr. CARTER] a while ago admonished us to examine these reports, and I find much valuable information. He made a good suggestion. I read from the statement of Mr. C. E. Allen, of Utah, who states the cost of extracting lead ore in that State. He gives the figures as follows:

> It cost the miner to produce this ore as follows: Ten per cent deduction from the price of lead cost him 93 cents, and 5 per cent deduction from the price of gold cost him 9 cents per ton; 5 per cent deduction from the price of silver cost him 41 cents; average wagon and railway haul cost him $2.50 per ton; sampling, 50 cents a ton; smelting, $8 a ton; and mining, $3.50 a ton.

The total cost, then, is $15.93 a ton to reduce the ore into lead. That is Mr. Allen, of Utah. Now, they sell that ore for $19.38 per ton. What tariff do we give them? We give them almost twice that—a cent and a half a pound. A cent and a half a pound amounts to $30 a ton.

Mr. ALDRICH and Mr. SMOOT. No.

Mr. NELSON. A cent and a half a pound amounts to $30 a ton.

Mr. LODGE. No; the average is about $8 duty on lead contents, not on the whole ore.

Mr. NELSON. It amounts to that much.

Mr. SMOOT. I should like to say——

Mr. HEYBURN. Mr. President, I wish to make a statement in regard to the floor.

Mr. NEWLANDS. I beg the Senator from Idaho to permit me to conclude my answer to the telegram so that it can all be presented at one time.

The PRESIDING OFFICER. Does the Senator from Idaho further yield to the Senator from Nevada?

Mr. HEYBURN. I will make a statement that will answer the inquiry of the Chair. I will yield to the Senator from Nevada, because I deferred the reading of the telegram until he had finished his remarks. I do not care to yield to a reopening of the discussion of the testimony that was taken before the House committee. I yield further to the Senator from Nevada.

Mr. NEWLANDS. I was simply commenting upon this differential of five-eighths of a cent. The testimony presented by

Mr. Brush, who is connected with one of the smelting companies, shows that about $12 a ton is differential, and he says that the total cost of changing that bullion from its condition as lead in the ore to bullion is $8 per ton. Now, it has never occurred even to the Republican party——

Mr. HEYBURN. I can not yield to reopen that question. I only yielded to the Senator to reply to the telegram.

Mr. NEWLANDS. I stated that I would not allow myself to be controlled by the considerations advanced by that telegram, and I am now giving my reasons. It seems to me entirely reasonable that the Senator should yield to me for that purpose.

Mr. HEYBURN. I would prefer that the Senator from Nevada should enter into any general discussion of the question, whatever his motive may be, in his own time. I shall not speak at great length.

Mr. NEWLANDS. I will state to the Senator that I intend to be very brief. I assume that fairness would lead him to permit me to have my statement go out with the telegram.

Mr. HEYBURN. I have no objection at all, and the rules of the Senate enable the Senator to send it out, but I naturally do not desire, inasmuch, I repeat, as I am only going to speak briefly, to have a general discussion of any principle involved interjected into my remarks.

Mr. President, I desire to read another telegram from Kansas. This is from Topeka, Kans., addressed to me:

> Ten thousand coal miners, 2,000 lead and zinc, 300 salt and gypsum compound.

There is a statement that the number of men in Kansas employed in lead mining is 2,000. Having that information, I merely give it to the RECORD.

Mr. President, we seem to have lost sight of the title of this bill, in which its purpose is expressed. The McKinley bill stated that it was for the purpose of decreasing the revenue of the country, because we were collecting more than we needed. The Wilson-Gorman bill stated that it was for the purpose of reducing taxation. The title of this bill states that it is "A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes." So we see that we must keep in view the purpose of the legislation.

My mind was recalled to a curious coincidence. The first act that was ever passed by the Congress of the United States, the first bill to which President Washington ever attached his signature, was a protective-tariff bill pursuant to the purpose that the convention had in view when it made the Constitution. The title of the first tariff bill declares in express terms that it is, among other things, for protection. That act was signed on July 4, 1789, the first Fourth of July after the formation of this Government, and section 1 provides:

> SECTION 1. Whereas it is necessary for the support of the Government, for the discharge of the debts of the United States, and the encouragement and protection of manufactures, that duties be laid on goods, wares, and merchandise imported—

Then follows the text of the bill. I find in this first tariff bill, in section 1, a provision for a duty on bar and other lead of 1 cent per pound. So this is not a new question. I thought it might be interesting and perhaps useful to put that in the RECORD.

Mr. President, I have taken some pains to bring together the information in regard to the relative cost of producing lead and lead ores in this country as compared with rival producers. In the first place, if I am not mistaken, no Senator has included all of the items in enumerating the cost of production. You must first acquire a mine. You can not go out and mine a ton of ore or produce a ton of lead without the preliminary expenditure occasioned by the purchasing or the acquiring of the mine. If the man producing the ore discovered the mine, then, of course, he would be relieved of the expense of purchasing it. I know of no such instance in the history of this country.

Mr. ALDRICH. Would the Senator from Idaho prefer to proceed with his remarks on Monday?

Mr. HEYBURN. That would be entirely agreeable to me, if the Senator from Rhode Island desires to have an adjournment at this time. I am ready either to go on or to yield to an adjournment, as may suit the pleasure of the Senate.

Mr. ALDRICH. I thought perhaps the Senator might prefer to have an adjournment and resume on next Monday.

Mr. BACON. Mr. President——

Mr. BEVERIDGE. Is it not possible for us to have a vote this afternoon?

Mr. ALDRICH. I think not.

Mr. BACON. I will state to the Senator that, if it is now proposed to have an adjournment, I shall certainly ask that I may be allowed to occupy five or six minutes of the time of the Senate before adjournment.

Mr. ALDRICH. I have no objection to that.

Mr. HEYBURN. Then I would necessarily proceed.

Mr. BACON. Yes.

Mr. ALDRICH. Does the Senator from Georgia intend to speak at length to-night?

Mr. BACON. No; but probably for five or six minutes.

Mr. ALDRICH. Many Senators have asked me to move an adjournment.

Mr. BACON. I will remark very frankly that I think I ought to say something in reference to what the Senator from Massachusetts [Mr. LODGE] has said, which I was entitled to say immediately after he took his seat, but I have not been able to get the floor.

Mr. ALDRICH. If the Senator from Idaho is willing to postpone his speech until Monday——

Mr. HEYBURN. That will be entirely agreeable to me, with the understanding that this speech and the preceding speeches will end the discussion.

Mr. BEVERIDGE. Is it not possible to get a vote to-night?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. Merely for a suggestion in reference to the proposition to adjourn. In view of the fact that the Senator from Idaho [Mr. HEYBURN] said a moment ago that his remarks would not be very long, and, as I understand from the Senator from Iowa [Mr. CUMMINS] that his will not be, it struck me that the Senator from Rhode Island might be willing to have a vote taken on this matter this afternoon.

Mr. ALDRICH. Mr. President, eight or nine Senators have left the Chamber with the idea that there would be no vote taken to-night, as it was very evident that the discussion would not be completed. Personally I should be delighted to vote at this minute, but I have some obligation to other Senators who desire to be heard on this question. So I do not think I should be doing right to urge a vote at this time.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. I could not quite hear the remarks of the Senator from Rhode Island, or his suggestion in regard to postponing the discussion. I feared that possibly there was an arrangement for a vote at a particular time.

Mr. ALDRICH. There is no disposition to do that. I simply said that eight or ten Senators had left the Chamber with the idea that there was to be no vote taken to-night. I personally would prefer to have a vote immediately; but I know that several Senators desire to speak on this question, notably the Senator from Iowa himself, and for that reason I am perfectly willing to have a present adjournment rather than to keep the Senate here for three-quarters of an hour longer.

Mr. CUMMINS. I am quite willing to see the matter go over; but I have an amendment to offer to the paragraph, and I want an opportunity to offer it at the proper time.

Mr. ALDRICH. We all understand that, of course.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. I want to say to the Senator from Iowa merely this: I think the point in his mind arose, perhaps, from a suggestion of mine. The Senator from Rhode Island suggested an adjournment. I had heard the Senator from Idaho say that his remarks were going to be brief. I knew the Senator from Iowa was going to present an amendment and make some remarks, which I also understood would be brief. I therefore suggested to the Senator from Rhode Island the feasibility of having a vote to-night, but he said it was not feasible.

Mr. ALDRICH. The anxiety of the Senator from Indiana to get a vote is extremely gratifying to me, and, so far as my personal desires are concerned, I should be glad to have a vote at this moment; but it is very evident that a vote could not be reached between now and 5 o'clock, and I personally am ready now to move to adjourn, unless some Senator desires to go on.

Mr. BEVERIDGE. I merely made my last statement so as to explain to the Senator from Iowa what had previously transpired.

Mr. HEYBURN. Mr. President, the suggestion to adjourn meets with my hearty concurrence. It is late in the day and late in the week, and we are all, of course, suffering from much fatigue. I would very cheerfully yield to a motion to adjourn.

Mr. BACON. Mr. President, I will ask that I may have the opportunity——

Mr. ALDRICH. I will not make the motion to adjourn until the Senator from Georgia concludes.

Mr. BACON. If the Senator from Idaho yields the floor——

Mr. HEYBURN. I yield the floor, then, with the understanding that we are going to adjourn very soon. Of course, if we were to remain in session, I would proceed. I now yield to the Senator from Georgia.

Mr. BACON. Mr. President, the Senator from Massachusetts [Mr. LODGE], in the address which he made to the Senate this afternoon, had some things to say in response to the remarks which I made to the Senate yesterday, which possibly call for some reply from me. This is the more particularly appropriate as the Senator not only alluded to myself a number of times in the course of his address, but sought to make an application of the particular contention which he then presented to the Senate by reference to the section of the country from which I come. I should have been very glad, Mr. President, to have replied immediately, but I have been unable to obtain the floor. There are some things that a man can say, and say better dum fervet opus, when the time is opportune and when the minds of those who are to hear him are occupied with the subject-matter. It is somewhat more difficult when even half an hour has elapsed and other business has intervened, and therefore I may not go as fully into a reply as I otherwise would do; in fact, if I were to reply at length to the Senator, it would be necessary, in large degree, to repeat what I said on yesterday, which, of course, I have no disposition to do, and if I should attempt it I am sure the Senate would not feel entirely patient.

Therefore, Mr. President, so far as the general contention of the Senator is concerned in the remarks submitted by him, I shall leave what I said on yesterday, which will be in the RECORD, to be judged of by those who may have sufficient interest in the matter to investigate it in opposition and in reply, if you please, to what the Senator from Massachusetts has said to-day.

There are one or two things which occurred to me while the Senator was addressing the Senate to which I will make allusion. The Senator did not reply to the part of the argument which pointed out the injustice necessarily found in every high protective tariff, in the fact of its inequality, and in the impossibility that whatever burdens there might be should be equally distributed, and whatever benefits there might result should be equally enjoyed. I have pointed out in the debate on yesterday that the large industry of the particular section from which I come is the growing of cotton, with an annual product of 13,000,000 bales, valued, with its important side products, at some $800,000,000 a year; that in that gigantic industry a large majority of the people in my section are engaged and most intimately interested.

I had shown that, by reason of the fact that from two-thirds to three-fourths of that product is exported and is sold in the free markets of the world, this vast population, engaged in this most important industry, sending forth the largest of all single exports which are sent from the United States, whether agricultural, mineral, or manufactured—this large industry, with this vast multitude of people connected with it, bore all the burdens and shared not one dollar of the benefits of the protective tariff, and could not share it in the nature of things. To that the Senator was careful to make no response. He was careful to make no response to the fact that, when the immense spoil, of which I have spoken, to be gathered under the protective-tariff law, was divided among the protected favorites, a very large part of it was exacted as a tribute from this vast multitude of people engaged in the production of cotton, and that industries which claimed that they could not live unless they had artificial assistance were allowed to exact this tribute from this large section of our country in the payment to them of that which nobody owed them, and to receive that for which they gave no equivalent. That part of the argument the Senator avoided.

I might have extended it, Mr. President, to the agricultural sections of the West, where it is attempted to make the corn growers of the West believe that the tariff put upon corn is of benefit to those engaged in that important industry, from the tariff upon which they can in truth receive no benefit.

But I pass from that. I did not intend to say that much on the general subject; but one thought I want to express, and that is this: The Senator was magnanimous in the expression of the desire on his part for equality of benefit to all sections of the country; he wanted them all prosperous, and he particularly wanted the South prosperous; that his section was interested in the prosperity of the South. Mr. President, it brought to my mind this fact: On the continent of Europe there is scarcely a hilltop but what is crowned by the ruins of some old feudal castle. In the days when might was the law and had the full exercise of its will, those castles were occupied by feudal lords, who themselves produced nothing, but who at certain seasons made their forays in the country round, and gathered from those who had digged and toiled, the fruits of their fields, and carried them to their castles for their enjoyment.

Those feudal lords were not indifferent to the prosperity of the countryside; those feudal lords knew that it was necessary that the fields should be fruitful in order that they should gather from them their spoil. So it is with the section from which the Senator comes. It has grown rich in making these forays into other sections of the country, including the South, through the forms of law; it has every year gathered an enormous tribute which has flowed in a golden tide from this section which contributes it, and which, so far as concerns those engaged in cotton growing, its principal industry, receives nothing in return.

And, Mr. President, this suggests the further thought that, when those feudal lords gathered the spoil and with their men at arms stood around for its division, they were not more indifferent to the question from whom the spoil had been derived, than is the contemplation of the protective-tariff law, when Senators gather around the spoil to be distributed, in considering the question of to whom these unnumbered millions of dollars belonged, or from whom it had been unjustly taken.

The Senator from Massachusetts spoke of the overthrow of the South in the civil war, and while he paid tribute to the valor of the South, he sought to show that there was an inherent weakness, on account of which there could have been nothing else but disaster and defeat when it met the North in deadly struggle. The four years' unequal struggle is the best answer to that. He said, Mr. President, that they could make no food; that as soon as the North gathered its circle around it, the South perished because of innate weakness.

Mr. LODGE. I did not say they could make no food, Mr. President. I did not say anything so absurd.

Mr. BACON. If the Senator will look at his remarks, he will certainly see that he said the South could never make food to feed her armies.

Mr. LODGE. Never. I will refer to the stenographer's notes and to Senators around me, who heard what I said. I said clothing, medicines, and things of that kind.

Mr. BACON. The Senator may think so now, but, as I recollect, he is mistaken. I will not, however, stop to discuss that. It makes no difference now whether he said food or something else. The truth is this, that the South lost, not by reason of inherent weakness, but because of the fact of a disparity in numbers. It had a contest upon its hands of 5 to 1 in fighting men. It is true that the blockade had a great deal to do with it; but it was because the blockade prevented the South having access to the remainder of the world for the utilization of its resources. If the ports had been open, if this much-despised cotton had been available for interchange with the balance of the world, there would have been no paucity of resources. But, Mr. President, after four long years of bitter, relentless, merciless war, there was an absolute destruction and exhaustion of the resources of the South. I myself saw a broad line of cinders and ashes across my State 300 miles long and from 30 to 60 miles in width—not a pillar of cloud, but a vast sky full of clouds by day, and a lurid glare from zenith to horizon by night.

The South, Mr. President, will have no cause, either now or hereafter, to be in any manner apologetic either for its valor or for the application and production of resources which, under any normal conditions, would have been ample for them in their struggle.

I wish to say further, Mr. President, that while I have a pride which I believe, if not now shared, will in the near future be shared by every American in the valor of the southern men in that conflict, the valor of the men in the field was not the highest exhibition of virtue and of courage made by that people; that that highest exhibition was in the utilization and devotion to the last limit of their resources, in the maintenance through the long years of a stout heart in the face of a hostile world, in the sacrifice without stint of every interest, so that, with every household a house of mourning, with their women not wailing, but clad in black, with a chair vacant at every table and at every hearthstone, when the flower of her manhood lay dead on a hundred victorious fields, it was only when physical power failed from exhaustion, when stout heart could no longer of itself maintain the struggle, however stout that heart might remain, because physical resources were gone, it was only then that this unequal struggle ended.

And, Mr. President, as one who bore an humble part in that mighty struggle, I desire to say that I consider that the women of the South, in the midst of that day of desolation and mourning, of sacrifice beyond estimate or realization, not only bore the greatest of the burdens, but in them were found the greatest of courage and of fortitude.

Mr. President, it is not pleasant for me to recur to that day, and I have never in this place or anywhere else, especially since I have borne a commission as a Senator of the United States, sought to intrude controversially these questions upon either this body or upon any other gathering. That day, with its woes, belongs to the past, which I have no pleasure in reviving. It is now a memory which can not be put away. It belongs not to the present nor the future. But, Mr. President, I can not sit still and hear the suggestion made that because we did not have a system by which one section was plundered for the benefit of another, therefore we failed in that great struggle, for that is the argument of the Senator from Massachusetts, and that alone is his argument.

Sir, it was a remarkable struggle. The history of it will never be written within even the twentieth century, but the time will come when in song and story the heroism and the devotion and the fortitude and the prowess of that people in that mighty struggle will take their rank with anything known to recorded history.

Mr. President, another thing which is going to be remarked, and which is more to the point of the particular issue which the Senator from Massachusetts has raised, is that in the midst of that desolation and ruin that people did not lose its courage, and that out of ashes and desolation, spread from the Potomac River to the Rio Grande, there has arisen a prosperity and a development of material wealth as to which no man can pass through that country without giving expression to his wonder and his surprise.

I remember, sir, that a year ago I had the fortune to ride through a large part of that country with my friend the junior Senator from Minnesota [Mr. CLAPP], whom I now see sitting before me, and when he saw our prosperous cities, our thriving villages, our industries of every kind in almost incredible profusion, our smiling fields, our bursting barns, our active, industrious people, the Senator from Minnesota, sitting by my side, looking out of the car window, said:

"My God, who could have believed that a people who came up out of such a desolation could in such a time have accomplished what they have?"

I was glad as I sat by his side to hear that expression from him.

Mr. President, I can not give the precise figures, but I believe that the recognized valuation of property in the Southern States, not including Missouri, is $20,000,000,000, and every dollar of it, speaking generally, except the value of the land, is the creation of the energy and the industry and the indomitable courage of a people who stood neck deep in the ashes of their overthrow and addressed themselves manfully and courageously to the restoration of their fortunes.

Sir, to achieve this stupendous success we did not have a high protective tariff in our interest, or a body like the Senate of the United States to which we could come and appeal and say, "We can not succeed in our industries unless you give us help; we can not build up our waste places unless you tax the balance of the United States and pour a golden flood upon us."

Mr. LODGE. What tariff have you had since the war?

Mr. BACON. We have had the same tariff there. But that tariff has not built up the wealth of the South. On the contrary, that protective tariff has during almost the whole of that time imposed a most grievous burden on the South, for which it has had no benefit in return. The wealth of the South is the product of the agricultural industry of the South. Of course there are exceptions, but, speaking generally, the factories which have been built and the enterprises of all kinds which have been gone into and developed, have been built and developed directly or indirectly out of the money from these agricultural enterprises which have had no benefit from the protective tariff, but which, on the contrary, have had to pour a continuous golden stream of yearly tribute to enrich the section from which the Senator from Massachusetts comes. And these industries need no greater protection than is found in the rates of duty required to raise the revenue of the Government.

Mr. GALLINGER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from New Hampshire?

Mr. BACON. I do.

Mr. GALLINGER. I do not want to get into a controversy with the Senator from Georgia——

Mr. BACON. I am not inviting one.

Mr. GALLINGER. But is it not true that, to a very large extent, your development has come from capital sent from the North to the South?

Mr. BACON. No, sir; it is not true.

Mr. GALLINGER. It is not true?

Mr. BACON. It is not true.

Mr. GALLINGER. Then I have——

Mr. BACON. There never has been a greater and wider misapprehension than that.

Mr. GALLINGER. I am not speaking of the Senator's State, but I am speaking of the South at large.

Mr. BACON. I am speaking generally.

Mr. GALLINGER. I know to the contrary, to a considerable extent.

Mr. BACON. If a man has before his eyes a speck, it will obscure the horizon from his view, and where the Senator knows of a few hundred thousand or a million dollars——

Mr. KEAN. Ten million.

Mr. BACON. Or ten million or hundreds of millions—and there is no such figure or anything like it—where the Senator may know of a few investments of capital of that kind which have stood between the Senator's vision and the large horoscope, it is an infinitesimal fraction compared to the wealth which has been produced by our people through their own muscle and their own brain, their own courage and their own perseverance.

Mr. GALLINGER. Of course we all acknowledge that, and we are all gratified to know it is the fact; but, notwithstanding that fact, the North has liberally contributed toward the prosperity of the South, and they have been glad to do it.

Mr. BACON. I am not finding any fault with that. I have no doubt it has been. But when the Senator talks about the thousands of millions of southern development being the product in any material degree of any contribution from any other section of the country, he is vastly mistaken.

Now, I wish to say to the Senator that there is no man in this Chamber for whom I have a higher personal regard than for him, and there is no man in this Chamber who, I believe, has a kinder heart for the section from which I come, and therefore my reply, though it may be somewhat heated, must not be misunderstood by him.

I know conditions there very much better than he possibly can, and it is perfectly natural that a Senator living in a remote section, one most highly favored, upon which there has never been the tread of a hostile foot or the echo of a hostile gun since the days of the Revolution, where there has been no destruction of property, where all the increases of wealth have gone on from year to year to pile up that which now constitutes the wealth of his section, and not only of his State, but of New England—it is perfectly natural that he should not realize the magnitude of the accomplishment of the people of the South in the restoration of their prosperity. And it is perfectly natural that while he may know here and there of the contribution of a comparatively small amount in the development of some industry here or one there, he should regard that as an important element in the development of the wealth of the South.

Let me assure the Senator that while there are a great many people who think as he does, there never was a greater mistake than to suppose that in any material degree the vast, almost incredible, development of wealth in the South has been due to the assistance received by it from any other section.

Mr. President, take my own State. The wealth of the State at the conclusion of the war was in desolated land alone. They did not yield the contest until everything destructible had been destroyed. There was no personal property left. There was not even clothing for the people. They were in rags, with no agricultural implements, with no stock for the cultivation of crops; and yet in forty years it has come so that the assessed valuation of property in my State amounts to about $800,000,000; and I want to say that that does not represent much more than half the wealth of the State, from the fact that, not by evasion, but in accordance with the custom recognized as proper and which is not injurious, so long as it is observed by all, real estate is generally given in at a valuation of from 40 to 50 per cent of what its market value really is. So I have not the slightest shadow of doubt that in my State the value of property is between twelve and fifteen hundred million dollars, at least four-fifths, or more probably five-sixths, of which has been the product of the unaided industry and the unfailing energy and perseverance of the people of Georgia, and of them alone.

I know in a general way where money has come into the State. I know what railroads have been built there by foreign capital, and I know what have been built by our own people. I know what is the proportion, in some considerable degree, of the investment in factories by outside capital. While taken by itself, it would amount to a very considerable sum, in comparison to the twelve or fifteen hundred million dollars of value of property in that State it is an insignificant fraction compared to the grand total. The North has bought our bonds, but money realized from the sale of our bonds, based on our own securities, becomes our own money, and is not money invested

by the North for our development. It is the loan of money upon satisfactory security.

Mr. President, we are apt to be led away when something which touches us very closely and comes close to the heart commands our utterance, and I have said a good deal which I had not the slightest idea of saying when I rose. But it is a tremendous, a grievous burden of taxation to enrich others under which our people rest. When the Senator from Idaho gets up and reads a telegram that the miners in his State must have certain protection or they can not do business, what does it mean? It means that they want more money than their business, left to itself, will produce, and that money has to be paid by somebody. Who pays it? It means that the people of Georgia shall out of the fruits of their toil be required to pay money to go to Idaho to assist in paying wages to the miners of Idaho, although they owe them nothing. That is what it means. And the illustrations might be multiplied a thousandfold.

The framing of a protective tariff is not a question of revenue. As I said yesterday, the title of this bill ought to be changed. It is not a bill to raise revenue. It is a bill to settle the sum which shall be extorted from the people of the United States engaged in certain vocations other than those most directly interested, and which shall be given to them without consideration to sustain them in their private business which they come here and say they can not maintain unless somebody is compelled to come forward and to contribute money to help their support.

As I said yesterday, the monstrosity of this is not realized by the people of the United States. The Senator from Massachusetts [Mr. LODGE] says there are thirty-odd million people either directly themselves engaged or dependent upon the business of manufactures concerned in the protective tariff. In round numbers, that is one-third of the people of the United States.

Mr. LODGE. Those are the figures for 1900.

Mr. BACON. Very well; we will accept them. Relatively, they are the same. There have been increases in other departments in the same proportion. So it makes no difference about that.

Mr. LODGE. But they were more than a third of the total.

Mr. BACON. A little over a third. I will call it a half, if you want—if the Senator desires.

Mr. LODGE. I do not want you to call it anything.

Mr. BACON. I say, if the Senator desires.

Mr. LODGE. I want the Senator to be accurate.

Mr. BACON. Suppose it is a half, or anything like it. Upon what possible grounds can it be defended that those engaged in an industry embracing only one-half of the people shall have a tax levied upon the other half, in order that the product of their labor may be supplemented by subtracting from the profit of other men's labors?

As I said——

Mr. ALDRICH rose.

Mr. BACON. If the Senator will pardon me for a moment, I will be through directly.

Mr. ALDRICH. I want to ask the Senator a question.

Mr. BACON. Not now. I understand the tactics of the honorable Senator from Rhode Island very well. I have seen them all through this debate, and I decline to yield to him now. But I shall not dodge it. I will stand on the floor, and the Senator can ask me anything he wants when I get through.

I said that the monstrosity of this proposition can scarcely be realized and is not realized by the people of the United States, but I thank God the time is coming when the people of the United States will realize it and appreciate it and know it. As I said yesterday, we have two classes of taxes to be gathered under the protective policy, one of them the class of taxes gathered at the ports by the officers of the Government, and the money there gathered goes into the Treasury of the United States, and we all get the benefit of it. The other class of tax collectors is found in every store in the United States. Every clerk in every city, in every village in the United States, is a tax collector to gather up these $2,000,000,000 of which I spoke yesterday, this annual tribute; and I want to say that that was an underestimate. It is an estimate which can not be uniform, because it depends upon the class and rate of tariff and the particular articles which may be the more heavily taxed.

But, as I was saying when I was diverted, in every store in the United States, in every great department store, in every lesser store, in every shop, behind every counter, stands a clerk—10,000,000 clerks, I suppose; certainly millions, if not 10,000,000—and every time a clerk sells an article across the counter he receives the value of the goods, and an additional amount to be sent as a gratuitous contribution to those who are the beneficiaries of the protective tariff. The purchaser pays the value of the article, and then, in every instance, pays an additional amount to be sent to the protected producer of the article.

I say, sir, when the monstrosity of that fact is well understood by the people of the United States, when the hardness of the times, which makes it difficult for men to make enough to support themselves in comfort, brings them to a realization of it, then I do not believe they will tolerate it.

Mr. President, think of it for a minute. A man goes forth from his home in the morning to toil, to make that which is to support his wife and his children—whether it be the toil of muscle or of brain, or whether it be in the country or city, makes no difference. He comes back at night with a consciousness of what he has done in his capacity as husband and father for the support and comfort of those who are dependent upon him. When he looks around and thinks, "I have done my duty to-day, and I have by my toil made so much," there must come to him the distressing reflection that of that which he has thus made, all shall not go to those whom he loves, but that a large portion of it has to go in this tax, paid through these innumerable and involuntary tax collectors, these merchants and clerks in stores, for the benefit of men whom he never saw, for the benefit of men to whom he owes nothing, and for the benefit of men who have no claim upon him.

But, Mr. President, that is, of course, clear beyond what I rose to say. The Senator from Massachusetts particularly addressed himself to me and to what I had said. If he had stopped there, I should have said nothing, but when the Senator went on to speak of the South, and to exploit his views of the causes which lead to its great disaster, I may be excused if I fail to sit silent and say nothing.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. FRYE. Can we not have an executive session?

Mr. ALDRICH. Certainly; if the Senator desires one.

Mr. FRYE. I should like to have one for a few moments.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After three minutes spent in executive session the doors were reopened, and (at 4 o'clock and 55 minutes p. m.) the Senate adjourned until Monday, May 10, 1909, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 8, 1909.

ASSOCIATE JUSTICES OF THE SUPREME COURT OF ARIZONA.

Ernest W. Lewis, of Arizona, to be associate justice of the supreme court of the Territory of Arizona, vice Frederick S. Nave, resigned.

Edward M. Doe, of Arizona, to be associate justice of the supreme court of the Territory of Arizona, vice Richard E. Sloan, resigned.

UNITED STATES DISTRICT JUDGES.

William I. Grubb, of Alabama, to be United States district judge for the northern district of Alabama, vice Oscar R. Hundley, now serving under a recess appointment.

Charles A. Willard, of Minnesota, to be United States district judge for the district of Minnesota, vice William Lochren, resigned.

George Donworth, of Washington, to be United States district judge for the western district of Washington. An original vacancy provided by the act approved March 2, 1909 (Public, No. 300).

PROMOTIONS IN THE NAVY.

Second Lieut. William F. Bevan to be a first lieutenant in the United States Marine Corps from the 16th day of January, 1909, vice First Lieut. Daniel W. B. Blake, promoted.

Second Lieut. John Potts to be a first lieutenant in the United States Marine Corps from the 31st day of January, 1909, vice First Lieut. Russell B. Putnam, appointed a captain and assistant quartermaster in the Marine Corps.

POSTMASTER.

Thomas J. Akins to be postmaster at St. Louis, in the State of Missouri, in place of Frank Wyman. Incumbent's commission expired November 17, 1907.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 8, 1909.

FIRST ASSISTANT COMMISSIONER OF PATENTS.

Cornelius C. Billings to be First Assistant Commissioner of Patents.

ASSISTANT COMMISSIONER OF PATENTS.

Frederick A. Tennant to be Assistant Commissioner of Patents.

POSTMASTERS.

IDAHO.

Alfred J. Dunn, at Wallace, Idaho.

OHIO.

William D. Archer, at Pleasant City, Ohio.

WITHDRAWAL.

Executive nomination withdrawn from the Senate May 8, 1909.

Ernest W. Lewis, of Arizona, to be associate justice of the supreme court of the Territory of Arizona, vice Richard E. Sloan, resigned.

SENATE.

MONDAY, *May 10, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

DISCRIMINATIONS AND MONOPOLIES IN COAL AND OIL.

The VICE-PRESIDENT laid before the Senate a communication from the Interstate Commerce Commission, transmitting, pursuant to law, a report of the investigation by the Interstate Commerce Commission into the subject of railroad discriminations and monopolies in coal and oil (S. Doc. No. 39), which, with the accompanying paper, was referred to the Committee on Interstate Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress in regard to international peace.

Whereas the progress of industry and the happiness and prosperity of the people of all countries depends upon the maintenance of peace among the nations of the world; and

Whereas international wars have resulted usually from jealousies due in a large degree to mutual misunderstandings which could have been made clear by conferences and investigations; and

Whereas it would promote the progress of peace in international relations to have a parliamentary union at stated intervals, composed of delegates from all nations; and

Whereas the friendly relations existing between the United States and all nations make it peculiarly fitting that the proposal should come from this country: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize the Congress of the United States to initiate proceedings to invite the nations of the world to send delegates to an interparliamentary union for the purpose of discussing and establishing a system of international arbitration and investigation of disputes between nations and to arrange for a permanent interparliamentary union at stated intervals; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.
JOHN STRANGE,
President of the Senate.
C. B. SHAFFER,
Chief Clerk of the Assembly.
F. E. ANDREWS,
Chief Clerk of the Senate.

The VICE-PRESIDENT presented a petition of sundry citizens of Chicago, Ill., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of the Commercial Exchange of Philadelphia, Pa., praying for the ratification of a reciprocity treaty with Canada by which all the products of that country shall be given entry into the United States upon payment of tariff duties not exceeding the duties charged by the government of the Dominion of Canada upon similar articles that are the products of the United States, which was ordered to lie on the table.

He also presented petitions of sundry citizens of New York, Ohio, Pennsylvania, New Mexico, Wyoming, Delaware, South Carolina, North Dakota, Kentucky, and Missouri, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. KEAN presented a petition of sundry manufacturers of pen and pocket knives, of Sussex and Newark, N. J., praying for the retention of the proposed duty on imported knives or erasers, which was ordered to lie on the table.

He also presented a petition of sundry shoe manufacturers, of Newark, N. J., praying for the repeal of the duty on hides, which was ordered to lie on the table.

He also presented a petition of Mickleton Grange, No. 111, Patrons of Husbandry, of Swedesboro, N. J., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 3, Cigar Makers' International Union of America, of Paterson, N. J., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 2297) amending sections 2307 and 2308, Revised Statutes, United States—additional homestead; to the Committee on Public Lands.

A bill (S. 2298) granting an increase of pension to Wesley Coppock; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 2299) authorizing the appointment of M. J. Hogarty, captain, United States Army, retired, to the rank and grade of brigadier-general on the retired list of the army (with the accompanying papers); to the Committee on Military Affairs.

A bill (S. 2300) granting an increase of pension to Franklin Stauter;

A bill (S. 2301) granting a pension to Mary Bell;

A bill (S. 2302) granting an increase of pension to Cassius B. Kimball;

A bill (S. 2303) to increase the pensions of certain persons now on the pension rolls under the general laws; and

A bill (S. 2304) granting an increase of pension to Charles W. Eaton (with the accompanying papers); to the Committee on Pensions.

By Mr. KEAN:

A bill (S. 2305) granting an increase of pension to George B. Van Pelt (with the accompanying papers); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

AFFAIRS IN PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States (S. Doc. No. 40), which was read, and, with the accompanying papers, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed.

To the Senate and House of Representatives:

An emergency has arisen in Porto Rico which makes it necessary for me to invite the attention of the Congress to the affairs of that island and to recommend legislation at the present extra session amending the act under which the island is governed.

The regular session of the legislative assembly of Porto Rico adjourned March 11 last without passing the usual appropriation bills. A special session of the assembly was at once convened by the governor, but after three days, on March 16, it again adjourned without making the appropriations. This leaves the island government without provision for its support after June 30 next. The situation presented is therefore of unusual gravity.

The present government of Porto Rico was established by what is known as the Foraker Act, passed April 12, 1900, and taking effect May 1, 1900. Under that act the chief executive is a governor appointed by the President and confirmed by the Senate. A secretary, attorney-general, treasurer, auditor, commissioner of the interior, and commissioner of education, together with five other appointees of the President, constitute the executive council. The executive council must have in its membership not less than five native Porto Ricans. The legislative power is vested in the legislative assembly, which has two coordinate branches. The first of these is the executive council just described, and the second is the house of delegates, a popular and representative body with members elected by the qualified electors of the seven districts into which the island is divided.

The statute directing how the expenses of government are to be provided leaves some doubt whether this function is not com-

mitted solely to the executive council; but in practice the legislative assembly has made appropriations for all the expenses other than for salaries fixed by Congress; and it is too late to reverse that construction.

Ever since the institution of the present assembly, the house of delegates has uniformly held up the appropriation bills until the last minute of the regular session, and has sought to use the power to do so as a means of compelling the concurrence of the executive council in legislation which the house desired.

In the last regular legislative assembly the house of delegates passed a bill dividing the island into several counties and providing county governments; a bill to establish manual-training schools, a bill for the establishment of an agricultural bank, a bill providing that vacancies in the offices of mayors and councilmen be filled by a vote of the municipal councils instead of by the governor, and a bill putting in the control of the largest taxpayers in each municipal district the selection in great part of the assessors of property.

The executive council declined to concur in these bills; it objected to the agricultural bank bill on the ground that the revenues of the island were not sufficient to carry out the plan proposed, and to the manual training school bill because in plain violation of the Foraker Act. It objected to the change in the law concerning the appraisement of property on the ground that the law was intended to put too much power in respect of the appraisement of property for taxation in the hands of those having the most property to tax. The chief issue was a bill making all the judges in municipalities elective. Under previous legislation there are 26 municipal judges who are elected to office. By this bill it was proposed to increase the elective judges from 26 to 66 in number and at the same time to abolish the justices of the peace. The change was objected to on the ground that the election of municipal judges had already interfered with the efficient and impartial administration of justice, had made the judges all of one political faith, and a mere political instrument in the hands of the central committee of the Unionist or dominant party. The attitude of the executive council in refusing to pass these bills led the house of delegates to refuse to pass the necessary appropriation bills.

The facts recited demonstrate the willingness of the representatives of the people in the house of delegates to subvert the government in order to secure the passage of certain legislation. The question whether the proposed legislation should be enacted into law was left by the fundamental act to the joint action of the executive council and the house of delegates as the legislative assembly. The house of delegates proposes itself to secure this legislation without respect to the opposition of the executive council, or else to pull down the whole government. This spirit, which has been growing from year to year in Porto Rico, shows that too great power has been vested in the house of delegates and that its members are not sufficiently alive to their oath-taken responsibility for the maintenance of the government to justify Congress in further reposing in them absolute power to withhold appropriations necessary for the government's life.

For these reasons I recommend an amendment to the Foraker Act, providing that whenever the legislative assembly shall adjourn without making the appropriations necessary to carry on the government sums equal to the appropriations made in the previous year for the respective purposes shall be available from the current revenues and shall be drawn by the warrant of the auditor on the treasurer and countersigned by the governor. Such a provision applies to the legislatures of the Philippines and Hawaii, and it has prevented in those two countries any misuse of the power of appropriation.

The house of delegates sent a committee of three to Washington, while the executive council was represented by the secretary and a committee consisting of the attorney-general and the auditor. I referred both committees to the Secretary of the Interior, whose report, with a letter from Governor Post and the written statements of both committees, accompanies this message.

I have had one personal interview with the committee representing the house of delegates and suggested to them that if the house of delegates would pass the appropriation bill without insisting upon the passage of the other bills by the executive council I would send a representative of the Government to Porto Rico to make an investigation and report in respect to the proposed legislation. Their answer, which shows them not to be in a compromising mood, was as follows:

If the legislative assembly of Porto Rico would be called to an extraordinary session exclusively to pass an appropriation bill, taking into consideration the state of affairs down the island and the high dissatisfaction produced by the intolerant attitude of the executive council, and also taking into consideration the absolute resistance of the house to do any act against its own dignity and the dignity of the country, it is the opinion of these commissioners that no agreement would be attained unless the council feel disposed to accept the amendments of the house of delegates.

However, if in the proclamation calling for an extraordinary session the judicial and municipal reforms would be mentioned, and if the executive council would accept that the present justices of the peace be abolished and municipal judges created in every municipality, and that vacancies occurring in mayorships and judgeships be filled by the municipal councils, as provided in the so-called "municipal bills" passed by the house in its last session, then the commissioners believe that the appropriation bills will be passed in the house as introduced in the council without delay.

Porto Rico has been the favored daughter of the United States. The sovereignty of the island in 1899 passed to the United States with the full consent of the people of the island.

Under the law all the customs and internal-revenue taxes are turned into the treasury of Porto Rico for the maintenance of the island government, while the United States pays out of its own Treasury the cost of the local army, i. e., a full Porto Rican regiment, the revenue vessels, the light-house service, the coast surveys, the harbor improvements, the marine-hospital support, the post-office deficit, the weather bureau, and the upkeep of the agricultural experiment stations.

Very soon after the change of sovereignty a cyclone destroyed a large part of Porto Rican coffee culture; $200,000 was expended from the United States Treasury to buy rations for those left in distress. The island is policed by 700 men and complete tranquillity reigns.

Before American control 87 per cent of the Porto Ricans were unable to read or write, and there was not in this island, containing a million people, a single building constructed for public instruction, while the enrollment of pupils in such schools as there were—551 in number—was but 21,000. To-day in the island there are 160 such buildings, and the enrollment of pupils in 2,400 schools has reached the number of 87,000. The year before American sovereignty there was expended $35,000 in gold for public education. Under the present government there is expended for this purpose a total of a million dollars a year.

When the Americans took control there were 172 miles of macadamized road. Since then there have been constructed 452 miles more, mostly in the mountains, making in all now a total of 624 miles of finely planned and admirably constructed macadamized roads—as good roads as there are in the world.

In the course of the administration of this island, the United States medical authorities discovered a disease of tropical anæmia which was epidemic and was produced by a microbe called the "hook worm." It so much impaired the energy of those who suffered from it, and so often led to complete prostration and death, that it became necessary to undertake its cure by widespread governmental effort. I am glad to say that 250,000 natives, or one-fourth of the entire population, have been treated at government expense, and the effect has been much to reduce the extent and severity of the disease, and to bring it under control. Substantially every person in the island has been vaccinated, and smallpox has practically disapppeared.

There is complete free trade between Porto Rico and the United States, and all customs duties collected in the United States on Porto Rican products subsequent to the date of Spanish evacuation, amounting to nearly $3,000,000, have been refunded to the island treasury. The loss to the revenues of the United States from the free admission of Porto Rican products is $15,000,000 annually. The wealth of the island is directly dependent upon the cultivation of the soil to cane, tobacco, coffee, and fruit, for which we in America provide the market. Without our fostering benevolence the business of Porto Rico would be as prostrate as are some of the neighboring West Indian Islands. Before American control, the trade balance against the island was over $12,500,000, while the present balance of trade in favor of the island is $2,500,000. The total of exports and imports has increased from about $22,000,000 before American sovereignty to $56,000,000 at the present day. At the date of the American occupation the estimated value of all agricultural land was about $30,000,000. Now the appraised value of the real property in the island reaches $100,000,000. The expenses of government before American control were $2,969,000, while the receipts were $3,644,000. For the year 1906 the receipts were $4,250,000, and the expenditure was $4,084,000. Of the civil servants in the central government, 343 are Americans and 2,548 are native Porto Ricans. There never was a time in the history of the island when the average prosperity of the Porto Rican has been higher, when his opportunity has been greater, when his liberty of thought and action was more secure.

Representatives of the house of delegates insist in their appeals to Congress and to the public that, from the standpoint of a free people, the Porto Ricans are now subjected under American control to political oppression and to a much less liberal government than under that of Spain. To prove this

they refer to the provisions of a royal decree of 1897, promulgated in November of that year. The decree related to the government of Porto Rico and Cuba and was undoubtedly a great step forward in granting a certain sort of autonomy to the people of the two islands. The war followed within a few months after its promulgation, and it is impossible to say what its practical operation would have been. It was a tentative arrangement, revocable at the pleasure of the Crown, and had in its provisions authority for the governor-general to suspend all of the laws of the legislature of the islands until approved or disapproved at home, and to suspend at will all constitutional guaranties of life, liberty, and property supposed to be the basis of civil liberty and free institutions. The insular legislature had no power to enact new laws or to amend existing laws governing property rights or the life and liberty of the people. The jurisdiction to pass these remained in the hands of the National Cortes and included the mass of code laws governing the descent and distribution and transfer of property and contracts and torts, land laws, notarial laws, laws of waters and mines, penal statutes, civil, criminal, and administrative procedure, organic laws of the municipalities, election laws, the code of commerce, and so forth. In contrast with this, under its present form of government, the island legislature possesses practically all the powers of an American commonwealth, and the constitutional guaranties of its inhabitants, instead of being subject to suspension by executive discretion, are absolutely guaranteed by act of Congress. The great body of substantive law now in force in the island, political, civil, and criminal code, codes of political, civil, and criminal procedure, the revenue, municipal, electoral, franchise, educational, police and public works laws, and the like, has been enacted by the people of the island themselves, as no law can be put upon the statute books unless it has received the approval of the representative lower house of the legislature. In no single case has the Congress of the United States intervened to annul or control acts of the legislative assembly. For the first time in the history of Porto Rico the island is living under laws enacted by its own legislature.

It is idle, however, to compare political power of the Porto Ricans under the royal decree of 1897, when their capacity to exercise it with benefit to themselves was never, in fact, tested, with that which they have under the Foraker Act. The question we have before us is whether their course since the adoption of the Foraker Act does not show the necessity for withholding from them the absolute power given by that act to the legislative assembly over appropriations, when the house of delegates as a coordinate branch of that assembly shows itself willing and anxious to use such absolute power, not to support and maintain the government, but to render it helpless. If the Porto Ricans desire a change in the form of the Foraker Act, this is a matter for congressional consideration dependent on the effect of such a change on the real political progress in the island. Such a change should be sought in an orderly way, and not brought to the attention of Congress by paralyzing the arm of the existing government. I do not doubt that the terms of the existing fundamental act might be improved, certainly in qualifying some of its provisions as to the respective jurisdictions of the executive council and the legislative assembly; and I suggest to Congress the wisdom of submitting to the appropriate committees this question of revision. But no action of this kind should be begun until after, by special amendment of the Foraker Act, the absolute power of appropriation is taken away from those who have shown themselves too irresponsible to enjoy it.

In the desire of certain of their leaders for political power, Porto Ricans have forgotten the generosity of the United States in its dealings with them. This should not be an occasion for surprise, nor in dealing with a whole people can it be made the basis of a charge of ingratitude. When we, with the consent of the people of Porto Rico, assumed guardianship over them and the guidance of their destinies, we must have been conscious that a people that had enjoyed so little opportunity for education could not be expected safely for themselves to exercise the full power of self-government; and the present development is only an indication that we have gone somewhat too fast in the extension of political power to them for their own good.

The change recommended may not immediately convince those controlling the house of delegates of the mistake they have made in the extremity to which they have been willing to resort for political purposes, but in the long run it will secure more careful and responsible exercise of the power they have.

There is not the slightest evidence that there has been on the part of the governor or of any member of the executive council a disposition to usurp authority, or to withhold approval of such legislation as was for the best interests of the island, or a lack of sympathy with the best aspirations of the Porto Rican people.

WM. H. TAFT.

THE WHITE HOUSE, *May 10, 1909.*

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed and the bill on the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. HALE. I think, as there may be important votes taken, we should have a quorum present.

The VICE-PRESIDENT. The Senator from Maine suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll and the following Senators answered to their names:

Bacon	Clay	Hale	Piles
Beveridge	Crane	Heyburn	Rayner
Bradley	Crawford	Hughes	Root
Briggs	Cullom	Johnston, Ala.	Scott
Bristow	Cummins	Jones	Shively
Brown	Curtis	Kean	Smith, S. C.
Bulkeley	Depew	La Follette	Smoot
Burkett	Dick	Lodge	Stephenson
Burnham	Dolliver	McLaurin	Stone
Burrows	Fletcher	Nelson	Sutherland
Burton	Flint	Oliver	Taliaferro
Chamberlain	Frye	Page	Taylor
Clapp	Gallinger	Paynter	Warner
Clark, Wyo.	Gamble	Penrose	
Clarke, Ark.	Guggenheim	Perkins	

The VICE-PRESIDENT. Fifty-eight Senators have answered to the roll call. A quorum is present. The Secretary will state the pending amendment

The SECRETARY. The pending amendment is on page 60, paragraph 180. The committee proposes to strike out paragraph 180 in the following words: "180. Lead in sheets, pipe, shot, glaziers' lead, and lead wire, 1¼ cents per pound," and to insert a new paragraph 180, as follows:

180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 2¼ cents per pound; lead in sheets, pipe, shot, glaziers' lead, and lead wire, 2½ cents per pound.

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE Will the Senator yield to me?

Mr. HEYBURN. I yield to the Senator from Indiana.

Mr. BEVERIDGE On Saturday the Senator from Montana [Mr CARTER] submitted some observations to the Senate on the vast extent of information which the Senate has. Of course the Senate understood the speech very well. It did not have any misapprehension, I think; but that the country may not, I send to the clerk's desk and ask to have read the following paragraph.

The VICE-PRESIDENT. Without objection, the paragraph will be read.

The SECRETARY. CONGRESSIONAL RECORD, April 30, page 1640:

As a foundation for a perfect protective system in this country, we ought to be armed with full information as to comparative cost of production of every article without and within this country. For the most part we have not such facts before us. I presume if one would go through the eight or ten thousand pages of House hearings he could pick up considerable along that line. But nothing is presented to us in an orderly, logical, or accurate manner upon this most important subject. As I am forced to act without the information which I would like to have to aid me in the duty of fixing rates, I feel more than ever the necessity of some commission or bureau whose duty it shall be to ascertain these facts every year and keep Congress informed upon them. I do not think we need a commission to pass judgment on what we should do. Congress is charged with the duty of exercising the judgment. We should have a commission or bureau to furnish the facts upon which the judgment could be based.

Mr. HALE. What is the Secretary reading from?

Mr. BEVERIDGE. I am going to explain to the Senate what the Secretary is reading from.

The VICE-PRESIDENT. From the CONGRESSIONAL RECORD——

Mr. HALE. I desire before the explanation to know what the Secretary is reading from.

Mr. BEVERIDGE. From the speech of Hon. PORTER J. MCCUMBER, Senator from North Dakota, a member of the Finance Committee.

Mr. HALE. It had not yet been stated.

Mr. BEVERIDGE. It was a speech made on this floor, and when I hear the statement made here——

Mr. HALE. I wanted to have it stated where the Secretary was reading from. The Senator does not need to state it to me, because it has been stated.

Mr. BEVERIDGE. I do state it again.

Mr. President, this utterance, and I do not intend to comment at all upon it, is the deliberate expression of a member of the Finance Committee.

But with the indulgence of the Senator from Idaho I send to the desk to have read one sentence——

Mr. HALE. From whom?

Mr. BEVERIDGE. This excerpt is the statement of the chairman of the Finance Committee of the Senate, and it contains two sentences.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

Mr. BEVERIDGE. I shall be glad to have it read.

The VICE-PRESIDENT. The Secretary will state the page.

The SECRETARY. CONGRESSIONAL RECORD, May 4, 1909, page 1719:

> Mr. President, I have no knowledge whatever of anything that transpired before the Committee on Ways and Means. I have never read the hearings before that body. I have no knowledge or idea about any statement that was made before that committee.

Mr. ALDRICH. Mr. President——

Mr. HEYBURN. Mr. President, I will have to let comment be reserved for some future time.

Mr. ALDRICH. That special remark which the Secretary has read was in regard to the duty on orange mineral, which I had not read. I had no idea of making any such statement, because I have——

Mr. BEVERIDGE. I will state to the Senator the only object I had was to quote statements from members of the Finance Committee a paragraph long, so that the country may understand, as I think the Senate does, the very eloquent speech of the Senator from Montana. I merely submit this and ask that it may go to the country; that is all.

Mr. ALDRICH. If the Senator means to intimate to the country that I am not familiar with this subject, that is all right. I have given thirty years' study to it. I, of course, have not brought to that study the ability of the Senator from Indiana, but such as I have I have brought to the consideration of this question. If the Senator will give a fraction of time and attention to this business that I have, he will serve his country and his constituents much better than he will by declaiming against everybody for lack of information.

Mr. BEVERIDGE. Mr. President, there was no criticism of the Senator from Rhode Island——

Mr. HEYBURN. Mr. President, I think Senators must defer——

Mr. BEVERIDGE. In order to answer the Senator from Montana——

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. BEVERIDGE. At least I have submitted sufficient for this morning.

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. The Senator from Idaho declines to yield further.

Mr. HEYBURN. I think, it being largely a question of personal statement, it should be deferred.

The VICE-PRESIDENT. The Senator declines to yield further.

Mr. HEYBURN. Mr. President, I think we, perhaps, sometimes enact legislation that does not completely meet the requirements of the occasion for want of accurate information. That is perhaps the fault of no one, and yet the fault of all who participate in it. I have listened with very much interest to the discussion of this lead question by certain Senators, and I have been impressed with the idea that if they knew more of the subject in its details they would perhaps have arrived at other conclusions than those which they expressed. I do not say that as a reflection upon either the industry or the intelligence of any Senator. It is a condition that is frequently applicable in all walks of life, public and private.

The question has been discussed from the supposititious standpoint that ore is lying loose in or on the ground, and that you go out and the cost of mining consists in picking it up and putting it in sacks or transporting it to the mill. I think it might be practicable to give some specific facts in regard to this matter. There are not two mines in the United States that are similar in all particulars. There are not two mines in the United States from which ore may be uniformly extracted at a uniform price. There are not two months in the year when any mine in the United States represents the same condition of expense as to the extraction or as to the quantity extracted or the terms and conditions under which it is extracted. It changes with every day in the year.

Bear in mind that when we speak of these mines no one man is interested in or profits by the conditions in his neighbor's mine, and because the conditions at a certain mine may be such that a very large and inordinate profit is reached from the conditions under which the ore is mined to-day or at any time, yet the neighboring mine is the victim or the subject of a differing condition that has no application and derives no benefit whatever from the first mine.

A few mines in the world have commenced to pay from the time of discovery, but so few that they are scarcely worth taking into consideration. Ordinarily it requires the expenditure—and I am now speaking of lead mines—of a large amount of money before any returns come to the party mining. Hundreds of thousands of dollars are necessary, and then when you find the ore it is not a mining proposition at once. You must put it in such a shape that it can be mined to advantage—that is, at a profit. To sink a shaft down in the earth and strike solid galena ore does not mean that you have a mine ready for production. In the first place, you must sink the shaft down or run a drift for mining works of some kind until you have the ore in such a shape that you can take it out to advantage. Then, when you take it out, it is not all ore.

The greater part of the substance extracted from the mines is waste. It costs just as much to break a ton of waste and take it out as it does to break a ton of ore and take it out. The wages and the expense of breaking the ton of waste must be charged against the total ore output.

Then again, you strike a rich body of ore and extract it and you find you have exhausted the ore immediately available. You go to work to find another ore bank and you extend all you took out of the first one and perhaps more before you find another one.

Ore does not ever lie solid in veins. Ore is found in veins, but it does not constitute all the veins. Ordinarily it lies in pipes within the veins or in the shape of bonanzas within the veins. Sometimes there is nothing to connect these ore bodies of value except little stringers, sometimes nothing at all. I have known many mines where after having exhausted one ore body they would run hundreds or thousands of feet to find another. Nobody ever mines ore by lifting it up. Ore must be stoped down. You must get under it and then break it down, and then raise it or haul it to the surface.

I thought it might be instructive to bring a piece of ore or two into the Hall this morning, in order that those not familiar with it may know something of it. There is a piece of lead ore [exhibiting] from one of the prominent mines in Idaho. It looks very rich. It is a very enticing piece of galena. But that ore could not be smelted in the condition in which it is here presented. It must be concentrated. That piece of ore will concentrate 3 tons of crude ore into 1 ton of ore ready for the smelter. It contains about 40 per cent lead. It happens to be rich in silver. It contains about 55 ounces in silver to the ton. If any Senator desires to see it more closely, I will send it by a page or he can send a page for it, but it illustrates the proposition I have made—that what is mined is not ore, and that when you say the wages of two men amount to $8 a day, and if they mine 2 tons then it costs only $4 a ton to mine it, your calculation is wrong, because the thing they have mined was not the ore ready for the smelter, but it was crude ore.

Now, that is an exceptionally high-grade piece of ore. The majority of the ore in the camp is in such a shape that it takes from 8 to 10 tons of ore to concentrate into 1 ton of ore. We call that product "concentrate." It varies in every mine and in every stope of every mine and in every day's work in every mine.

So you can not make a hard and fast rule, such as that demonstrated by the figures of the Senator from Kansas the other day in determining the exact cost of producing ore, and you can not take up the question as one of averages of all the ore, because, as I said, one man may prosper and another starve to death. I have in mind a mine in our own camp that produces a million dollars and does not concentrate a ton of it. It comes out of the ground rich enough to ship and make a profit of perhaps a million or a million and a quarter of dollars a year to the owner. There is no such mine elsewhere in the world that I have ever heard of.

You can not estimate the equities of this case upon the basis of that mine. I know of another mine close by it where the profit to the owner is only $1.80 a ton. I know of a mine in which one stope shipped clean ore that needed no concentrating, and the next stope required 7 tons to be concentrated into 1.

I have here another piece of ore [exhibiting] of a different character, a very much richer ore than the other one, although perhaps no one would suspect it by looking at it. It contains about 120 ounces of silver to the ton, about 8 per cent lead, and about $9 in copper. But that ore could not be treated by any known process without concentrating. The base of it is gangue, as we call it—I mean carbonate of iron—which is by far the greater proportion of it. It is an interesting specimen of ore, but it would not do to legislate upon the basis of that piece of ore, because right near that property is one that had to close down during the time when the duty on lead and ore was just half what it is now; it could not work at all because it did not make money enough to pay the running expenses.

That is the way it is all through that country, and that which is true of that country is true of other mineral countries. So we must not be led away by the idea that we can average and balance all these things, to do which is to starve one man to death while another man may perhaps live and make money.

A little practical experience demonstrates the truth of this statement. At the time the duty on lead was cut in two that which is now the second largest mine in Idaho closed down because it reduced the price of lead from 4½ to 2½, and the mine could not work at 2½. Yet under the present duties that mine works and produces perhaps from two million to two million and a quarter in value of ore in a year. It can do it only because lead is 4 cents or upward. It will close when lead goes below $3.75—they say below $4, but I will be liberal in my estimate. Now, if you close that mine down, you will throw a thousand or twelve hundred men out of employment at the mine. That is what they did. I do not have to guess or prophesy about it.

We do not have to guess or prophesy as to the effect of reducing the tariff on lead or lead ore. We know from experience what the result will be. The great Morning mine, with its great concentrator, stopped and stood still during the time when lead bore the duty of one-half of that which it bears to-day, and if you reduce it the same condition will result naturally. There is no use in presenting theory and argument against conditions of this kind.

If all the ore that was mined was ready for shipment, you could see that so many men working so many hours produce a ton of ore and that the ore is worth so much. In the first place, you have got to prepare for extracting this ore. Take the great Bunker Hill mine. It run a tunnel that was 7 feet high, if my recollection is accurate, and I think it is, and 8½ feet wide for 2 miles, and it spent a couple of million dollars in doing it.

It was absolutely necessary, because they had reached a depth beyond or below which they could not go with shafts, and they had to go down 2 miles away and start a tunnel. That is chargeable properly against the ore that comes out of the mine.

A mine when it is worked out is no longer of any value. Worked-out mines, having all the ore that would be available taken out of them, are of no value. They are not like a wheat field, they are not like an ordinary commodity, because the working of them is the exhaustion of them. The profits that you derive from them from year to year is merely a partial payment on the mine.

When this ore is taken out of the mine, the average, I may say, is 7 tons of crude ore to 1 ton of concentrates. In other words, it cost $7.71 a ton to produce the crude ore in the Coeur d'Alene camp last year; and I use that because the Coeur d'Alene camp produces practically one-third of the lead of the United States, and it is all within one county—the county in which I live. I took the gross product of tons, and I took the wages paid actually—not theoretically or speculatively—and I divided them for the purpose of determining how much wages it required to produce a ton of crude ore. I find that the result is $7.71 a ton.

Now, if you have to mine 7 tons of crude ore to get 1 ton of concentrates, you have got to multiply $7.71 by 7. Who, in the discussion of this question, has taken that fact into consideration? The witnesses who gave evidence before the House committee seem to have referred always to a ton of ore that needed no concentration.

They took into account nothing of the preliminary expense of preparing the mine and preparing the ore for extraction, and it made a comparatively favorable showing to their contention. But I want to show it up in its true light. You have mined 7 tons of crude ore in order to get one of concentrates, and you have 7 times $7.71, in round figures, $50 for mining, for producing, I may say, 1 ton of what? Concentrates. It is not ore yet; it is concentrates, containing 1,200 pounds of lead to the ton, provided they are 60 per cent, and that is about the average.

So you have 800 pounds of waste in the concentrates which you have to pay freight on, which you have to accept as a basis for deduction, and which you have to pass through all the expensive treatment incident to the treatment of the ore. You send those concentrates to the smelter.

The cost of ore quits with the production of the concentrates. It is the first time you can call it a ton of ore, when it is in the shape of concentrates, and for that the cost made for mining is $50 a ton. When you take it to the smelter you commence a new series of charges. You have the ore in the ore, in the bin, or on the dump, the result of this concentration. Now, what next? It must be taken to the smelter for the purpose of extracting the waste and reducing the ore to something else, which is the bullion, the thing we are dealing with in this schedule.

The first expense that we know on our settlement sheets is one item—it is not separated—freight and treatment, $19 a ton. That is $19 a ton on this product, which is only 1,200 pounds lead and 800 pounds waste. You have to pay freight on the waste.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I did not understand what the $19 represented.

Mr. HEYBURN. Freight and treatment by the smelter. That is the language in which you will find it on the settlement sheets. Had I thought of it a little earlier I would have brought in a few sample settlement sheets to illustrate perhaps more accurately exactly how these settlements are made.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I should like to ask the Senator from Idaho this question: The $19 a ton to which the Senator has just referred includes the freight from the mine to the smelter?

Mr. HEYBURN. To the smelter or concentrator.

Mr. CUMMINS. And includes also the freight upon the bullion or pig lead from the smelter to New York?

Mr. HEYBURN. No; I will explain that. I know what the Senator refers to. The smelter deducts, first, 10 per cent from the value of the lead that is shown to be in the concentrates after they are smelted. They do that as tare, just as the old merchants deducted for tare—that is, for the accidents of business. Men claim and charge that it is to pay the freight on the bullion to the refining works, but that is a theory. They deduct it; and if they refined it in their own building where they smelt it, they would still deduct it. So it is only a theory that they deduct it for the purpose of paying freight on the bullion to the refining works. I am speaking from practical experience and not from the testimony of anybody, because I have gone through this testimony, and it is in every instance imperfect. It only tells a part of the story, and I am going to tell you all, I hope, briefly.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Iowa?

Mr. CUMMINS. If I do not interrupt the Senator from Idaho, I should like to ask him another question.

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I have been guided only by the showing made before the Ways and Means Committee of the House. Is it not true that when a mine owner takes his concentrate to the smelter he receives pay at once for all the mining or all his concentrates?

Mr. HEYBURN. I can tell the process exactly.

Mr. CUMMINS. Let me ask another question.

Mr. HEYBURN. Certainly.

Mr. CUMMINS. And in arriving at the amount that the smelter pays the miner does he not deduct the freight on the finished product to New York?

Mr. HEYBURN. No; there is no such item.

Mr. CUMMINS. Does he not also deduct the freight upon the concentrates from the point of origin to the smelter?

Mr. HEYBURN. The first proposition is not correct. The second one, as I understand it, is correct. He deducts first freight and treatment, because he makes the contract with the railroad company for the traffic rate itself, and he adds it in one item, freight and treatment, $19 a ton.

Now, when he makes a settlement he simply says contents of ore, so many ounces in silver, so much per cent lead, so much gold perhaps, if it happens to carry gold or copper. Then he says less 10 per cent on lead. He does not say what it

is for, and if you will ask him he will generally answer you with some levity. I have had them to say it was to feed the mules. No man ever said in a serious business transaction that it was to pay the freight on bullion to the refining works.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. I do.

Mr. CUMMINS. Do not understand me to suggest that a deduction of 10 per cent is to cover the freight. That deduction is supposed to cover the loss, as I gather it, of the precious metals, 10 per cent upon lead, 5 per cent upon silver and gold, that takes place in smelting or concentrating, and in reaching the bullion proper.

Mr. HEYBURN. Yes; that is another way that it is stated. It is immaterial how it is stated. The mere fact is the important question because that represents the dollars and cents which the man receives.

Mr. CUMMINS. Just one more question. In what way does the smelter ascertain the price of lead, so that he may know how much to pay the miner?

Mr. HEYBURN. For years we have been settling on what is known as the Western Union quotations. In other words, the Western Union Company in the city of New York gathers up the quotations from the market from actual sales. They must be based upon actual sales, and can not be based upon anything but actual sales. That goes out and establishes uniformity in prices. It is a good thing, of course.

There is another item, and a large one, which comes in between the mining and smelting, and that is the loss in concentrating. According to testimony which I participated in taking a few years ago, when the conditions were the same as now—they do not vary—we lose 20 per cent of the lead in the process of concentration. Every once in a while some man comes forward with a new invention, by which he can save all of that, or save a part of it; but the old story goes on. We find that as between the assayed value of the ore and the results which we get there is a loss of about 20 per cent. Some concentrating machinery is a little more perfect than other, and might reduce it a little, but that is the estimate, and it is a safe one. It is the one upon which men do business when they do it upon their own responsibility. So there is that loss.

This ton of ore that we have started to keep an account of is subject to these charges. The ton of ore with which the Senator from Kansas kept an account was net profit. I have shown some of the things that are charges against it in a business transaction.

Now, after you have charged these things you still have the uncertainties of mining, the question whether to-day you will have the class of ore shown by this piece of galena ore or whether you will have a piece such as I now exhibit. The difference in value between those two pieces of ore is about four to one, and you may run out of one into the other any day.

Now, I think I have said enough at least to give a general idea of the process of obtaining ore. We have got it to the smelter. The smelter is charged, say, the freight and treatment $19 a ton. I take that as an average. I have known it to be $17; I have drawn contracts for it higher; but I take that as a safe and conservative basis to estimate it.

Now, we have it at the smelter. Of course, in the expense, in addition to fuel and plant, that the smelter is obliged to incur, is to be included the supply of those materials that make the flux. It depends upon the character——

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Just a moment, and I will yield.

That expense depends upon the character of the ore. I have a piece of ore here [exhibiting], the smelting of which is done without any charge for flux, because it contains more than a certain per cent of carbonate of iron, which is necessary in the smelting of ore. You must have silica, you must have lime, and you must have iron to smelt these ores, according to the character of the ore. Those materials are all lost to the smelter. There is nothing of value which results from them at all. They are used necessarily to bring about that chemical combination that will fuse the ore; and after that, it is a question of specific gravity. Now, I will yield to the Senator from Kansas.

Mr. BRISTOW. I should like to inquire if the ore is not reduced with the concentrates before it is imported for smelting from Mexico?

Mr. HEYBURN. The record before us here on our desks shows that some of the ore is concentrated and some of it is shipped crude. We ship a great deal of crude ore. I have given you the average figures of crude ores—that is, ores that require concentration and ores that do not. We have one mine, as I say, that pays over a million dollars a year, and that has always shipped its ores as it takes them out of the ground. It is a phenomenal mine.

Mr. BRISTOW. But the ore that is mined in Mexico requires the same kind of smelting and concentration as that which is mined in the United States, does it not?

Mr. HEYBURN. I admit that it does; but I will give the Senator some figures on that ore in Mexico. You can mine a ton of ore there for $17.99, as against $53.97 in this country. That is the difference between Mexico and this country; and I have an actual instance of figures. In the United States we mine crude ore that will produce by reduction 7 tons into 1, that will produce a ton of concentrates. The cost in the United States is $53.97, as against $17.99 in Mexico.

As to concentrating and hauling, I will give actual figures. A ton of ore in Mexico costs $4.75 to give it the treatment which in this country costs $14. You see there is less difference in that product, because, as a matter of fact, some Americans are employed at the high grade of labor connected with it.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I should like to know what the $14 expense to which the Senator referred represents in this country?

Mr. HEYBURN. It represents transportation and concentrating. I have taken the actual expenses for this. Of course you would find some below that and some above; but I have attempted fairly to get at the average that would represent a fair condition. I can give the Senator a little further information, perhaps, in regard to that.

Mr. BRISTOW. Just a moment, before the Senator does that. This $4 expense in Mexico is for concentrating, is it? What is the $14 for?

Mr. HEYBURN. For hauling it from the mine to the concentrator.

Mr. BRISTOW. The hauling from the mine to the concentrator aggregates $4 in Mexico and $14 in the United States

Mr. HEYBURN. Yes. In the first place, there is, of course, a vast expense in the erection of the concentrators. We have concentrators costing more than a million dollars. In one gulch, at the mouth of which the city in which I live is situated, there are five concentrating plants which represent a cost of over two and a half million dollars. Those concentrating plants are being worn out and have to be continually renewed. That expense must be charged against the product resulting from them.

Take the same condition in Mexico. The character of labor employed in concentrating the ore and in transporting it from the mine to the concentrator represents the difference in the expense. That is a necessary expense. Some mines can take the ore and concentrate it for a trifling sum; other mines can take it there, and take it there only by building expensive railways. The first ores that were taken from the Coeur d'Alene country were hauled 35 miles on wagons to the head of navigation on the Coeur d'Alene River, then conveyed 35 miles by boat, and then again placed upon cars and hauled 450 miles before they could be treated at all.

Of course the result was that we left in that mine or on the dump large quantities of ore that ought to have been treated and which they are now treating. I say it, without being invidious in any sense, that in our country to-day and in all other mining countries we are working over Democratic dumps of the Wilson-Gorman tariff. Ores that were not rich enough to carry away from the mine during that period are to-day being transported and worked at a profit because of the fact that there is a difference in the tariff and a difference in the prices. Lead was 2 cents a pound during those dark days, and only such mines as had a character of ore that could be worked very cheaply or that was of very high grade were operated at all. The other mines lay idle; and the rich mine could not help the idle mine, because they were owned by different persons. You will shut off labor and you will shut off the disbursement of money for this purpose just to the extent that you reduce the duty on lead, which is the product.

It has been suggested to me, "Can you stand an eighth; can you stand a sixteenth; can you stand a little reduction?" I say we can stand it at the expense of reducing the number of men employed; we can stand it at the expense of dumping hundreds of thousands of tons of ore into the waste pile that can be marketed at a profit under existing conditions, but that could not be marketed at all if you should reduce the tariff. Every reduction of a cent—I do not care how small it is—puts somebody out of employment, and it puts some ore over the dump

that ought to go into the market and add to this commodity for which some are so solicitous.

Mr. President, that is the business side of it; and I say the testimony that was introduced before the House committee was fragmentary, and there was no complete story.

The wages paid in the lead mines in the United States in the year 1907 were $18,548,248. You can take the number of tons of ore—I do not mean the crude ore that has to be concentrated—and divide it, and you will readily see how much it costs to mine a ton of ore. The wages paid in Mexico to produce the same quantity of ore in 1907 would be $6,182,749. There is a comparison between the cost in Mexico and the cost in the United States that certainly must make an impression upon the inquiring mind. The same ore, for which wages amounting to $18,548,248 were paid in this country, would have been produced in Mexico for $6,182,749. Who would benefit by it being produced in Mexico? What wage-earner is it that we ought to take into consideration? Who would be benefited by the paying of $6,182,749 out for wages in Mexico when we ought to have paid $18,548,248 to American miners? I will give you Spain, for instance. The same product in Spain could have been mined for $9,274,124, as against the $18,548,248 paid in this country.

The object of this legislation is to keep the American laborer busy—to keep him employed. When he is idle he is not only unfruitful, but he is expensive. The law that will keep employed the largest percentage of the labor in the United States is the best law, and it is the only law that we should consider. The law that puts out of employment a single man in the United States who ought to be employed is bad to that extent. The law that would put out of employment 500,000 men can not certainly commend itself to anybody.

I will now say a word in reference to the suggestions of the Senator from Kansas [Mr. BRISTOW]. The bullion, which is the result of this labor and industry and investment and enterprise, is to be converted into paint, and a certain portion of it to be used by whom? Does the Senator from Kansas dream that it is to be used only by the farmers? There is no Senator in this body who will go further than I to shape this bill in the interest of the farmers, but I know something of the facts in regard to that matter.

The paint used upon ordinary farm buildings, in the first place, has no white lead in it. It is mineral paint. The paint used on the houses and buildings of the better class is all, or a part of it, white lead; but the farmer is perhaps to a less extent than anybody else interested in the price of white lead. If he is wise enough to use one coat of it on a building, it would last as long as five coats of mineral paint; but it is a mistaken idea to bring in a sentiment in favor of the farming community in determining so great a question as is involved in this schedule. In the first place, it is not the farmers who are clamoring for this; but it is the touters for the farmers who are wanting to make a noise, which sounds like popularity with the farmers. I naturally know something of the use of paint and the application of the paint principle to this proposition. It will not make a difference at all in the cost of paint to the farmer. There is nothing lost in transforming bullion into white lead; on the contrary, there is a slight gain. That may sound paradoxical, but it is true. It is one of those subtle laws of chemistry that has not been accurately figured out. A ton of pure pig lead will make more than a ton of white lead by the process of corroding.

Mr. President, we want to deal with this question along lines of actual experience, rather than upon some man's theory. There is always somebody ready to come in with a theory about everything that is proposed, accepting wrong premises and arriving naturally at wrong conclusions. I have been astonished at the testimony that was given before the committee of the House, but I have been more astonished at the fact that some one did not ask a few questions that would have developed the entire story.

If you reduce the duty on the result of the ores, you might just as well have left it off the ores. Of what advantage is it to bring ores into this country from foreign lands and corrode them here if you are going to throw the market wide open to the pig-lead industry from the outside? Why would a man pay duty on ore to bring it in if he could reduce it to bullion and bring it in for a much lesser duty?

We used in this country last year 245,000 tons of our own lead; we used of the lead of other countries less than 80,000 tons. The table from which the Senator from Kansas read—and I think the Senator from Georgia [Mr. BACON] used the same table a few days ago—was the table of ores imported into this country in bond. You must give credit always for that which goes out again and charge yourself with that which stays here. Forty-one thousand tons were imported in bond; 30,000 tons of it remained here in competition with our market and paid the duty; the remainder goes back again and receives the credit of the drawback. That cuts practically no figure in determining this question.

Mr. BACON. Mr. President, that, I think, is exactly the statement which I myself made when the Senator from Utah called my attention to the fact that there were larger importations than had been indicated in the figures submitted by me. The figures which I read were of ore which was imported into this country for domestic use, and the excess to which the Senator alluded represented the part of the ore which had been imported in bond for smelting with a view to exportation, upon which no duty was paid.

Mr. HEYBURN. Mr. President, I mentioned it in order to follow it with the suggestion that it is of small consequence in determining the right and the wrong of this matter.

Mr. BACON. Right on that point for information, not for controversy, I desire to ask the Senator a question. The contention, as I understand, is that the smelting can be more economically and cheaply done in other countries than here. I desire to know, for information from the Senator, who is familiar with the entire subject, why it is, if the smelting can be done more cheaply and economically in other countries, that there should be this very large importation of ore with a view to smelting it for exportation?

Mr. HEYBURN. Mr. President, it is in nearly every case a question of convenience. There are immense tracts in this country in which there is no smelter; there are great mining camps that have no smelter in their vicinity or within any reasonable distance of them; there are mines along our borders, both north and south, that have no smelters on their own side, while we have smelters on this side. The ores from the great Le Roy mine, in Rossland, are brought across to our side of the line and smelted at the Northport smelter. So the ores from Mexico that are not convenient to any possible means of reduction there come to Kansas City, and very often go to Leadville, or wherever there are any facilities for treating them. It is not every mine that has a convenient concentrator or smelter. As I have suggested, we built 35 miles of railroad to get to our first lead mine in the Coeur d'Alene country, and that had to be done by the patriotic and prophetic faith of two men. They looked at the mines—they were accustomed to estimating them—and they said, "We will try it," and they built those smelters. It turned out that the mines were profitable; so the country grew, and they were amply repaid for their faith.

Mr. BACON. The Senator will see that my inquiry was naturally suggested by the contention, which has been made with so much earnestness by Senators, that the smelting could be done more cheaply in foreign countries than it could be done here, and therefore it was necessary that there should be a differential.

Mr. HEYBURN. Of course it can be done more cheaply if you employ foreign labor.

Mr. BACON. I can not understand why some 50,000 tons of ore should be brought into this country for smelting purposes if it could be smelted more cheaply in the country from which it came.

Mr. HEYBURN. Fifty thousand tons is not much ore.

Mr. BACON. No; but still it comes in to be smelted.

Mr. HEYBURN. That is what we would call "a little jag of ore" coming in from British Columbia.

Mr. BACON. If it could be smelted more cheaply in the foreign country, it seems to me, even as to a small quantity, they would take advantage of it.

Mr. HEYBURN. It comes in because there are no facilities of treating it any nearer.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SUTHERLAND. I will say to the Senator from Georgia [Mr. BACON] that one reason why some ore is imported from Mexico and smelted in this country is because the people who are the owners of smelters in this country also own some mines in Mexico and also own some smelters in Mexico. In the past their smelters would not absorb the entire quantity of ore that was taken from their mines, and they shipped into this country the surplus for smelting. That was because they did not have sufficient smelting facilities in Mexico. But that is being remedied; the smelting industry is being extended in Mexico; and it is only a question of a little time until the smelters which those people own in Mexico will be able to smelt all the ore which they produce in their mines.

Mr. HEYBURN. And send it in here as bullion under a low tariff.

Mr. BACON. The Senators are both of them experts; I am not; but it appears to me to be a remarkable situation. If the ore can be smelted more cheaply in the foreign country than it can in this country, it seems to me, even though some of our own people may have ore property in those foreign countries, that they could utilize the same methods by which the smelting could be done more cheaply there than here.

Mr. HEYBURN. Then we stop them with a duty; that is where the duty on bullion comes in.

Mr. SUTHERLAND. The American investor is beginning to recognize the fact that the ore can be smelted more cheaply in Mexico, and therefore he is extending his investment in smelter properties in Mexico.

Mr. BACON. It is not a fact, then, that is so patent and prominent that it has been heretofore recognized; it is only beginning to dawn upon them?

Mr. HEYBURN. That question is an old one. When we were considering the lead schedule in framing the McKinley bill and in framing the Dingley bill, all those questions were up.

Mr. President, there [exhibiting] is an ore that can not be smelted without lead. You have to get it to where lead is, or bring the lead to the ore in Mexico. There is a great deal of that character of ore, great copper ore, carrying high values in silver, but with not enough lead to make a flux. They must have lead to smelt that ore and make pig and bullion, and so it is necessary either to send that ore where the lead is, or to send the lead to where the ore is. We ship lead ore from the Coeur d'Alene country to Leadville because many of their ores do not contain a sufficient percentage of lead to smelt them. That is true all over the country. The little job lots of lead ore that come into this country under the conditions suggested by the Senator from Georgia cut no figure in the determination of this question. The ore that comes in from some section of country where perhaps the only concentrator or smelter is over on the other side of a big range of mountains and must come up on a line of railroad into this country has to submit to the terms we put upon it; that is, it must come in in bond, and if it stays here it has got to pay its rent, its duty.

Now, Mr. President, I want to keep before Senators the fact this is a question of whether or not the money we pay for mining these ores shall be paid in our country or paid somewhere else. If we pay it abroad, it never comes back. I want to keep before them the question as to whether or not the millions and millions of dollars expended in these mining plants shall be expended in this country or in a foreign country. If that money is expended abroad, as I have said, it never comes back. I also want it kept in mind that the men who own these mines are not making an exorbitant profit, because they have got to keep their development work ahead of their extraction all the time. We have miles of underground work in our mines, that would reach from here to the city of Baltimore, that have been constructed in an attempt, not to take out ore, but largely to demonstrate its existence or nonexistence; and, just as often as not, its nonexistence. That great expense must be charged against the profits of mining. Because you are taking out rich ore to-day, you must not forget what it costs to find that rich ore. Our State, of which we are proud—it may seem of lesser importance to those of you who represent older States—but the State of Idaho owes its existence to the mines that were found in it. I said the other day that in the darkest hours of this Nation's history, when gold meant almost as much as muskets, because it took gold to carry them and support the armies, we sent you more than $200,000,000 in pure gold, ready for use, ready for the counter—in four years we sent more than $200,000,000 of it, and we are still sending it into the arteries of commerce and trade; and we are doing it because we have this great lead mining industry to support the gold and silver mines. That may sound paradoxical. There are many instances in which there is a loss in the lead that is only compensated by the profit resulting from the gold and silver in it. Stop lead mining, and you will stop the production of $6,000,000 worth of silver in our State, because you can not mine it for the silver, and you will stop the production of four or five million dollars of gold every year, for you can not mine it for the gold. The lead is "the grubstake," as we say in our country, that keeps the mines of gold and silver going. Therefore, the consequences of such legislation as would impede lead mining are more far-reaching than the coffers of the lead miners.

What would a country be from which you would withdraw with a stroke of the pen $18,000,000 in wages from one county?

Mr. SMITH of Michigan. In one county in a year?

Mr. HEYBURN. The annual wages in just a single camp near which I live are more than $5,675,000. Where would the merchants be and where would your cotton and woolen factories be that supply those merchants with the goods they sell? Where would the $6,000,000 worth of machinery used in the mines be? Where would the men be who mine the ore and forge it and convert it into machinery? It is like a card house; you strike down the miners' wages and you have nothing left but the ashes. It passes out of existence. It is like the stopping of the sunlight. Where would be the market for the commodities that come up to us from Kansas, if you please, that we buy, and buy because we have the money resulting from this great enterprise, and could not buy if we had not the money?

I know one of the big farmers in Kansas who came up to our camp in 1884, and right under my office window took out the fortune with which he went back to Kansas, where he lives to-day, and bought a vast tract of land and built a beautiful home. Do not think for a moment that this question is local to the prosperity of our community any more than yours is local. It is true we produce other things. We produced 16,000,000 bushels of wheat in Idaho this year, but had it not been for these mines the people would not have been there producing wheat. We produce one-third of the sugar-beet product in the United States, but had it not been for the mines that took the people there we would not be doing it.

All these industries are welded together and constitute the prosperity of the people. Senators, unless you are so sure of your facts that there can not be a doubt and could not be one created in your minds, do not dare to strike down an industry of this Republic, important not alone to the people of the State, but to the people of the whole country. Do not do it because of any imaginary promise that somebody is supposed to have made that you would reduce the tariff on all articles, without regard to sense or reason. There is no such pledge resting upon us, and there is no such duty resting anywhere. Merely because you feel yourselves sliding downward on the scale of prosperity, do not reach everything within your grasp and drag it down with you.

I have made a table that it was my intention to put into the RECORD, and I may before the dog days are over. As we are still considering this question, I may do it yet. But I suggest its purport. It is a table showing from what class of American people the reduction in expenses and revenue came during the last year. That was the year of the panic. Every dollar of it came from the rich. It was the rich who curtailed their expenses. If you look to the imports, where there was a falling off of revenue, you will find it was not upon those things used by what are called the "poor" or the "working classes." You will find you can account for every loss of revenue by the articles used by the rich. I mean by that the liberal spenders. I am not attempting to develop that idea now. I have the figures taken from the table of imports to sustain it. I throw out the suggestion in order that other Senators, if they should feel interested, can pursue the investigation along those lines.

If we were to sit here, blindly following an imaginary promise to reduce the tariff and reduce everything without rhyme or reason, we would defeat the very purpose for which we were called in extra session. We were called together to restore confidence in the business world. Had there been no special session of Congress called for the purpose of revising the tariff, had there been no promise or threat of revision, there would be no deficit in the Treasury between the income and the outgo of the Government.

I may later desire further to discuss this question. A sliding scale of law is worse than no law, because it gives power limited only as against the people. Say what it shall be: "This is the law, and no man may change it, except authorized by the power that makes it."

Mr. President, I do not feel that it ought to be necessary to take up further the various technical objections which have been raised to this schedule. I only want to warn you that the prosperity, not only of four or five States depends upon it, but that prosperity is so far-reaching that it may reach the homes of those who think it is to them a foreign question.

Mr. JONES. Before the Senator from Idaho sits down I should like to call his attention to one fact.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Washington?

Mr. HEYBURN. Certainly.

Mr. JONES. The Senator has brought out very clearly, it seems to me, the very great difference in the cost of the production of ore in this country and abroad. That is a proposition which appeals to me very strongly. I assume that, from his

knowledge, he can state whether the same proportion exists in the cost of smelting in this country and abroad.

Mr. HEYBURN. The difference between the cost of smelting in this country and in Mexico is nearly one-half. In fact, it amounts to nearly two-thirds.

The difference in smelting between this country and Spain is that it costs about one-half in Spain that it does in this country, because the machinery there is cheaper. In Mexico the machinery is very much cheaper than in this country. In Spain they can do it at very much less cost than we can, and the cost in wages in that country you may place at one-half; and in Germany they can smelt the ore from Australia or any other country for very little more than one-half of what it costs in this country, because they produce the machinery cheaper and the labor is cheaper, and they get the ores for a small fraction of what our ores cost us. They come in as ballast.

Mr. JONES. I will ask what is the daily wage for smelting in Mexico and in this country, and the wage for miners in this country compared with the wages of miners in Mexico?

Mr. HEYBURN. There are some very high-class men connected with the mining industry, and, in smelting, the wage here is not less than $3 or $3.50 a day.

Mr. JONES. In this country?

Mr. HEYBURN. In this country. In Mexico the same class of men gets 40 or 50 cents a day. In this country they get $7 or $8 a day.

Mr. JONES. Those are facts which appeal to me, and the testimony of Mr. C. E. Allen before the Ways and Means Committee as to the per diem wage paid in this country and in Mexico, showing vast difference, it seems to me, indicates pretty conclusively that we run considerable risk in reducing the rate.

Mr. HEYBURN. It is the wage item that counts.

Mr. JONES. The owner of the smelter will not suffer.

Mr. HEYBURN. The owner of the smelter will shut it down or cut down wages. He does not fix the price of his product.

Mr. JONES. He will reduce the wages of the smelter employees.

Mr. HEYBURN. Yes.

Mr. JONES. I want to read from page 2321—the testimony of Mr. Allen:

> Mr. ALLEN. The question of the comparative wages paid in Mexico (from which our chief imports come) and the wages in the West, in the United States, is very interesting. I can not speak of the wages of Missouri. The scale of wages which I will give applies to the intermountain States. The miners in Mexico receive from 75 cents to $1 Mexican. That is 37½ cents to 50 cents in United States money. The mine bosses receive from $1.25 to $1.50—62½ cents to 75 cents American money. Hoister runners and pump men receive from $1.25 to $2 Mexican—half as much American money. The common mine laborer receives 50 cents a day Mexican, or 25 cents a day American money.

He goes on to state that this was the showing in 1897 before the Dingley committee, but it is also shown that there has been no substantial change in miners' wages from that time to this. He says:

> The comparative wages of the American miners and other men about the mines are as follows: Shaft men get from $4 to $5 per day—

That is not Mexican money, either—

> According to whether it is a wet or a dry shaft.

On page 2322 he says:

> Blacksmiths and carpenters receive from $4 to $5 per day. Engineers receive from $3.50 to $5 per day. Miners receive from $2.75 to $4 per day. Laborers receive from $2.50 to $3 per day.

When you contrast that with 50 cents a day for Mexican labor, Mexican money, it seems to me it shows the necessity of a considerable differential. I would not cast my vote for any differential about which there was any doubt as being sufficient to cover the difference in the cost of production in this country and abroad. I would rather it would be a little bit too high than too low.

Mr. CRAWFORD. I wish to inquire whether the labor employed in Mexico are Mexicans, natives, as against Americans for smelting in this country?

Mr. JONES. I understand they are Mexicans. I think Mr. Allen answered that proposition on page 2324.

Mr. NELSON. Will the Senator allow me for a moment?

Mr. JONES. In just a moment, when I read this in answer to the Senator from South Dakota:

> Now, one word upon the subject of Mexican labor. It is sometimes called incompetent. In some branches it is the most competent mining labor in the world. There is no man who knows ore as well as the Mexican. There are no set of men in the world that will sort ore equally with the Mexicans. They will not, under their own leadership, do as much work in a day as the American miner, but under the leadership of American bosses, and through the introduction of American machinery and American methods, the Mexican miner to-day is approaching nearer to the ability of the American miner than he did ten years ago; and his wages have not increased.

That is the statement of a gentleman who is certainly familiar with mining, and it seems to me it is borne out by our own knowledge with reference to the handling of machinery.

For instance, to drive an ox team or a horse; that class of labor is just as competent and efficient as American labor.

Mr. NELSON. In view of the quotations made from Mr. Allen, I think it is well that the Senate should know what his recent experience has been in lead mining. I call attention to page 2330 of the House Hearings, part 2, schedule C, where the following question was put to him:

> The CHAIRMAN. Do you own or do you have any control of any mine whatever, or are you interested in any mine? [Laughter.]
> Mr. ALLEN. Yes, sir.
> The CHAIRMAN. Any mine that has been in operation for ten years?
> Mr. ALLEN. Not a lead mine.
> The CHAIRMAN. How long has the oldest of them been in operation—of your lead mines? Is there any reason why you should conceal this? Why do you not answer up?
> Mr. ALLEN. I am not concealing anything, and I do not wish to have it assumed that I am. I say we have not any property that has been running that length of time.
> The CHAIRMAN. How long is the longest time any of your property has been running?
> Mr. ALLEN. As I stated to the committee, we have been prospecting in our lead mine in Utah.
> The CHAIRMAN. In all five of them?
> Mr. ALLEN. There is only one of them that is a lead mine.
> The CHAIRMAN. I thought you said you had five or six that you were the superintendent of.
> Mr. BONYNGE. They are not all lead mines.
> The CHAIRMAN. You were talking about lead mines. Well, then, there is only one lead mine, and that you have been prospecting in?
> Mr. ALLEN. That is what I have stated.

That is all there is to Mr. Allen. He has not been carrying on mining operations. He has been prospecting.

Mr. SMOOT. I know Mr. Allen——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. NELSON. I have no time to yield. The time belongs to the Senator from Washington.

Mr. JONES. I desire to suggest to the Senator that he read this:

> The CHAIRMAN. Have you ever had any actual experience with a lead mine?
> Mr. ALLEN. Yes; I have.

Mr. SMOOT. I have known Mr. Allen for many years. There is no more experienced miner in the United States. There is no wonder that Mr. Allen answered just as he did, because the question was about any mine that had been in operation for ten years. I want to call attention to the fact that there are very few lead mines that exist for ten years. They are worked out before that time, and Mr. Allen answered exactly according to the truth of the matter. I can count all of the lead mines in Utah, and but two ever existed longer than ten years.

Mr. CUMMINS. Mr. President, I offer an amendment to the paragraph under consideration.

The VICE-PRESIDENT. The Secretary will state the amendment to the amendment.

The SECRETARY. On page 60, line 21, in the committee amendment, strike out the words "two and one-eighth" and insert the words "one and seven-eighths," so as to make the paragraph read:

> 180. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, 1⅞ cents per pound; lead in sheets, pipe, shot, glaziers' lead and lead wire, 2½ cents per pound.

Mr. CUMMINS. Mr. President, unless I am diverted, I intend to be very brief and to direct my observations to the exact issue. I assume that it is agreed among us that we want the lead used by the people of the United States taken from our own mines. We want the ore converted into the finished product in our own smelters and in our own refineries, and we want to preserve the existing standard of compensation among our men. Upon these propositions I am sure that all Senators upon both sides of the Chamber will agree. Let us see, then, just what we must decide at the present time.

The other day we adopted the Senate committee amendment providing for a duty of 1½ cents per pound upon lead in the ore. My friend the Senator from Idaho [Mr. HEYBURN] directed his remarks this morning, as it seemed to me, to that part of the legislation, rather than the part now under consideration. If we have acted intelligently and wisely, we have compensated the American miner for the difference between the cost of mining lead-bearing ores in this country and those countries with which we must compete.

Now, let us put aside that proposition as one already decided. I repeat it. We have determined that a cent and a half a pound upon the lead content of lead-bearing ore will enable the American miner to put his ore at the door of the smelter upon even terms with his competitor. I agree, however, that the American miner is not completely protected unless the American smelter can take the ore and convert it into the finished product and sell it at an American price in the American market. Therefore

what we have now to consider is what compensation we must give the American smelter in order that he may compete on even or a little more than even terms with the smelter in another country.

I put you this illustration to make it absolutely plain. Suppose we have a smelter built on the Mexican side and another smelter side by side erected upon the American territory. We have already provided that the American miner can bring his ore to the American smelter with as much profit as the Mexican miner can bring his ore to the Mexican smelter, and we are now concerned in the inquiry, What protection must we give to the American smelter in order that he may take this product of the American mine which we have already cared for and convert it into the product which we use? That is the only question involved in this amendment.

Now, I intend to do what is well known in the practice of law and is familiar to all those who are members of that profession here. I intend to file a demurrer to the evidence and ask the judgment of the Senate upon the evidence submitted by those who insist upon a differential of five-eighths of a cent per pound. What evidence have you here that the smelter needs five-eighths of a cent per pound? There is not one particle of testimony. I have read every word contained in this volume with relation to the cost of smelting ore. There is but little. This great exposition here—and I am glad we have it—relates almost wholly to the mining of ore and not to the smelting of ore. I assert after this careful inquiry that there is not one word of evidence in this volume which even tends to show that it costs more than $10 per ton to the smelter, and that includes his profit, in order to reach the market upon even terms, if you please, with his competitor across the border.

But let us assume that it is $12.50. Take the extreme estimate given by the Senator from Idaho, that it costs the American smelter $12.50 to reduce his product. Let us assume further that it costs him twice as much to reduce his product as it does that of his competitor across the line. Then it costs the man in Mexico $6.25 a ton. What then must we do? We must protect the American smelter by a duty of at least $6.25 per ton. Now, this is assuming the very basis adopted by those who insist upon the duty of 2½ cents per pound.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SUTHERLAND. The Senator is discussing a duty of $12.50 a ton as though it were a duty of $12.50 upon a ton of ore.

Mr. CUMMINS. No, sir.

Mr. SUTHERLAND. It is $12.50 upon a ton of lead.

Mr. CUMMINS. Mr. President, I beg the Senator's pardon. The Senator from Idaho stated that it was $12.50 a ton upon a ton of lead. It is not $12 a ton of ore. This volume shows beyond any controversy whatsoever that the average cost of refining a ton of ore or a ton of concentrates does not exceed $3 a ton.

Mr. SUTHERLAND. I wish the Senator would call our attention to any testimony bearing upon that point.

Mr. CUMMINS. I will do it with the utmost pleasure.

Mr. NELSON. Will the Senator yield to me?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. Mr. President, the other day when the quotation was made in the Senate from the testimony of Mr. Brush, the Senator from Utah [Mr. SMOOT], with a great deal of vehemence, got up and stated that he had never been sworn. Am I quoting the Senator correctly?

Mr. SMOOT. No, sir; the Senator is not quoting me at all. I said Mr. Lissberger had never been sworn.

Mr. NELSON. I was going to show that Mr. Brush had been sworn.

Mr. SMOOT. I did not in the least deny that he had been sworn. I said Mr. Lissberger had not been sworn.

Mr. NELSON. Here, if the Senator from Iowa will pardon me——

Mr. CUMMINS. Certainly.

Mr. NELSON. We have finally struck pretty good bed rock in this testimony, and it relates to a mine in Idaho. I read from page 2394:

The CHAIRMAN. The smelter will take it at his price, which is the market price, and when that gets down below the point where it pleases them they shut down?

Here is what Mr. Brush said:

That is what they do. I only referred to 4 cents because that was the point that was fixed upon by a number of mines, and I selected a mine in the Coeur d'Alene which was able to make money at 4 cents, although that mining company owned three other mines, all of which closed down. Now, in working out that ore—the ore ran 8 per cent lead when it was mined and 3½ ounces of silver to the ton of ore as it was mined—when it was concentrated 7.8 tons of ore made 1 ton of concentrate. In the process of concentration the mine lost 13 per cent of lead and 33 per cent of silver in the ore, and the concentrates were shipped to our smelters in Colorado. Now, without going through all of the calculations that are before me, I will say that it came down to this: The 1 ton of lead cost the mine—I am speaking now of actual cost—$48.35 to mine it and to concentrate it, and two-thirds of that cost was labor, while the other third was very largely timber. The amount paid for freight on 1 ton of lead was $25.50; that was freight on the concentrates to the smelter and freight from the smelter to the refiner of the bullion, getting it to the New York basis.

Mr. HILL. How much was that?

Mr. BRUSH. The total amount of freight—

Now, listen to this—

Mr. BRUSH. The total amount of freight paid was $25.50. The cost to the smelter was $5.55; the cost to the refiner was $4.50, making a total cost of $83.90. The silver in it was worth $16.21. If you deduct that and throw all the cost upon the lead, which is certainly not a fair way of figuring costs, you will bring out the cost of 1 ton of lead at $67.69, or $3.38 a hundred pounds. Now, at 4 cents New York, there was a profit of 62 cents a hundred pounds. That profit was divided, 31 cents to the mine, 15 cents to the smelter, and 16 cents to the refiner.

In other words, taking these figures, it costs $5.55 at the smelter per ton of lead and $4.50 at the refinery just to reduce the base bullion. That makes a total for smelting and refining of $10.05 per ton of lead. There we have the exact figures, and it is the first time we have found them in this report.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I wish to ask the Senator when you cease computing the cost, at the smelter or at the market?

Mr. NELSON. At the market. The man whom I have quoted here is engaged in smelting and refining. He has a good many smelters and refineries in this country, in Colorado. It shows that smelting and refining, the two processes combined, cost only $10.05 a ton of lead, not of the ore.

Mr. CUMMINS. Mr. President, I fear that the question asked by the Senator from Utah will have been forgotten before I have an opportunity to answer it. The Senate will remember that he asked me where, in this testimony, it was found that it costs but $3 a ton for smelting concentrates. I refer him to page 2415, in the evidence of Mr. Brush. The question was by Mr. CRUMPACKER:

Mr. CRUMPACKER. It is safe to say, then, Mr. Brush, that it does not cost more than $8 a ton for the lead for smelting, calculating that the concentrates run about 50 per cent of lead?

Mr. BRUSH. In the example I gave I used $3 per ton of concentrates as the cost of smelting.

Mr. CRUMPACKER. Three dollars per ton of concentrates?

Mr. BRUSH. Yes.

Mr. CRUMPACKER. And at 50 per cent it would amount to $6; but suppose we fix it at $8. Eight dollars will amply pay the cost of smelting, will it not?

Mr. BRUSH. I should say so.

Now, Mr. President, Mr. Brush is the only man before the Ways and Means Committee of the House who attempted to give the cost of smelting, and if we can not rely upon his evidence, then there is no evidence before the Senate upon that point.

Mr. SUTHERLAND. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. The Senator from Iowa is in error, if he will permit me to say so, in stating that Mr. Brush's testimony is the only testimony upon that question. Mr. Allen testified, and gave an example to the committee. He showed that the cost of smelting a ton of ore was $8 in the example which he gave. I know, because——

Mr. CUMMINS. If there is any such evidence in this volume I have been unable to find it.

Mr. SUTHERLAND. I will call the Senator's attention to it.

Mr. CUMMINS. But in the latitude that I allowed myself, taking the statement of the Senator from Utah, I assumed that Mr. Brush had understated the cost of smelting, and I allowed $12.50 a ton as the cost of smelting and refining and in producing pig lead. If I may be permitted to say so to the Senator from Utah, I do not believe that you can furnish from all the mines you have in Utah or all the mines there are in Idaho a single statement in which the smelter has charged more than $10 a ton for smelting ore. If you have any such statement, I would be delighted to see it. I have groped through this testimony as best I could. I would like to see some of the statements that have been made where the smelters have purchased ore, because the miner is not interested in this matter except as to the price of ore. The smelter pays him for the lead that he brings in his ore, and he pays him upon the spot.

Now, how much does the smelter deduct from the actual lead in the ore for smelting?

Mr. SUTHERLAND. The smelters in Utah deduct all the way from $8 to $12 per ton of ore. Let me call the attention of the Senator to the testimony of Mr. Allen.

Mr. CUMMINS. I will assume that that is so. Suppose they deduct $8 a ton on ore. That is a deduction of $16 for lead.

Mr. SUTHERLAND. Sometimes it may be, if the ore is rich, as high as 50 per cent.

Mr. CUMMINS. Suppose the ore reaches 50 per cent. It means a charge of $16 for lead. Out of that the smelter gets his $10 a ton on pig lead from Utah to New York. That is the deduction he makes, and that means that the smelter charges $6 a ton for his lead, and out of that must not only come the cost but the profit as well.

Mr. SUTHERLAND. The Senator from Iowa does not understand me. What I undertake to say is that the smelters in Utah charge the miner all the way from $8 to $12 per ton of ore, and sometimes the ore carries as low as 8 per cent lead, sometimes it carries as much as 60 per cent lead, sometimes it carries 50 per cent lead. When a ton of ore carries 50 per cent—and we assume that the smelter recovers every particle of it, which he does not—if his charge per ton is $8 for the ore, that would be $16 for the lead. But if it carries 25 per cent lead, you would have to double that amount, making $32 for the ton of lead.

Mr. CUMMINS. We will very soon get far beyond the price of lead.

Mr. SUTHERLAND. If the Senator will allow me, I wish to call attention to the testimony of Mr. Allen upon this precise point.

Mr. CUMMINS. On what page?

Mr. SUTHERLAND. In the edition of the hearings which I have the testimony is found at page 2323, but I think in the edition which the Senator has it appears a page or two after that. Mr. Allen says:

> In the year 1906, upon which I have based my figures because those are more complete, we produced 125,342,836 pounds of lead, or 164 pounds of lead per ton of ore, and this contained 68,340 ounces of gold, or 0.089 ounces of gold per ton. This lead also carried with it 9,406,758 ounces of silver, or 12.27 ounces of silver per ton; that is, 82 per cent of the silver produced in Utah came from lead ores. Between 26 and 27 per cent of the gold produced in the State came from the same source. The average value of the metals produced in lead ores in that year from this State were as follows: Lead, 5.7 cents per pound; gold, $20.67 per ounce; silver, 67 cents per ounce.

I may stop there to say that lead reached in 1906 a higher price than it had reached at any time previous for a quarter of a century. Lead now is selling in New York for about $4.25, from that to $4.30. Silver is now a little over 50 cents an ounce.

> The value of the contents per ton was: Lead, $9.32—

That was upon the basis of 8 per cent lead in the ore—

> gold, $1.84; and silver, $8.22, making a total value of each ton of lead ore produced of $19.38.
>
> It costs the miner to produce this ore as follows: Ten per cent deduction from the price of lead cost him 93 cents, and 5 per cent deduction from the price of gold cost him 9 cents, per ton; 5 per cent deduction from the price of silver cost him 41 cents; average wagon and railway haul cost him $2.50 per ton; sampling, 50 cents a ton; smelting, $8 a ton, and mining, $3.50 a ton.

Mr. Allen is talking about the cost of smelting a ton of ore—not a ton of lead, but a ton of ore carrying 8 per cent lead.

Mr. NELSON. Will the Senator from Utah yield to me?

Mr. SUTHERLAND. In just a moment.

> Some of those figures are estimates of my own, but they are well within the facts and the sum total is conservative. The total cost, then, to the miner was $15.93, and he received $19.38 per ton, which would leave an apparent profit of $3.45 per ton.

I will stop there to say, in answer to the suggestion made by the Senator from Minnesota the other day——

Mr. NELSON. Will the Senator allow me to make a statement here?

THE PRESIDING OFFICER (Mr. CURTIS in the chair). Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I desire to reply in just a moment.

Mr. SUTHERLAND. The Senator from Minnesota [Mr. NELSON] the other day, reading this same testimony and commenting upon it, said that upon a ton of ore the miner would make a profit of $3.45. That was true in the particular illustration which Mr. Allen was giving; but it must be remembered that that profit was based upon a price of 5.7 cents per pound for lead. As I have already said, that is the highest price.

I think it ranged as high as 6 cents for a short period during the year, but in 1906 lead reached the highest price that it had ever reached for a quarter of a century in this country. Lead now normally is worth from 4¼ to 4½ cents. If we put it at 4.3 cents, it would reduce the profit to the miner to 2.41 cents, because he must take off 1½ cents a pound from that; and if you deduct 2.41 from 3.45, you find that now, under the operation of these schedules, 1½ cents a pound on lead means 2½ cents per pound on pig lead, and that the profit which the miner is making is $1.05 a ton.

Mr. CUMMINS. I am sure the Senator from Utah does not desire to continue extensively on this question——

Mr. SUTHERLAND. I beg the Senator's pardon.

Mr. CUMMINS. Or upon my time.

Mr. SUTHERLAND. I realize that the Senator from Iowa has a perfect right to the floor.

Mr. CUMMINS. I do not complain, but I should prefer that, when the Senator from Utah comes to present the case at large, he would present it in his own way and in his own time.

Mr. SUTHERLAND. I may say this by way of excuse, that I was reading to the Senator from Iowa the statement of Mr. Allen with reference to the cost of producing a ton of ore; and I was simply diverted from it. In answer to the Senator from Minnesota——

Mr. STONE. I desire to ask the Senator from Utah a question.

Mr. CUMMINS. I yield to the Senator from Missouri for a question.

Mr. STONE. I ask the Senator from Utah to tell me what is the date when lead reached its highest price?

Mr. SUTHERLAND. It was in 1906.

Mr. STONE. What was that price?

Mr. SUTHERLAND. Mr. Allen gives it at 5$\frac{7}{10}$ cents a pound.

Mr. STONE. That was in 1906?

Mr. SUTHERLAND. In 1906. Under the Wilson bill in 1896 it was very much less.

Mr. CUMMINS. I can not yield to the Senators for the purpose of going into a discussion of the Wilson bill at this time; and I care nothing about the price of lead in 1906. The cost to the miner has nothing whatever to do with the question which we are discussing.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Oklahoma?

Mr. CUMMINS. I do.

Mr. GORE. I merely wish to ask the Senator from Utah what the wages paid to the miners per ton were? I did not quite understand.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah, for the purpose of answering the question?

Mr. CUMMINS. I yield to the Senator from Utah to answer the question.

The PRESIDING OFFICER. Will the Senator from Oklahoma please again state his question?

Mr. GORE. I desire to know what were the wages per ton paid to the miners for mining lead? I did not quite understand the rate when it was read by the Senator from Utah a moment ago.

Mr. SUTHERLAND. It comes to about $3.50 per ton.

Mr. GORE. That is for the lead ore?

Mr. SUTHERLAND. For lead ore carrying 8 per cent.

Mr. GORE. How much would it be for ore carrying 50 per cent?

Mr SUTHERLAND. It might be a great deal more than that, because the ore might not be in great quantities.

Mr. GORE. But might it not be less?

Mr. SUTHERLAND. I can hardly conceive of a case where it would be less than that.

Mr. GORE. What is the average?

Mr. SUTHERLAND. I am not able to tell the Senator, and I doubt very much whether anybody is able to tell him.

Mr. CUMMINS. I take up for a moment the analysis of the paragraph of the testimony of Mr. Allen read by the Senator from Utah. I take it, now, that the Senator from Utah will agree with me that this was intended to inform the public as to the profit to the miner in his work. That is true, is it not?

Mr. SUTHERLAND. That was one of the things.

Mr. CUMMINS. That was one of the things to be ascertained. I take it that the lead mentioned in the paragraph as being contained in a ton of ore was reckoned at the New York price, that being the basis of prices in the West with respect to this ore. That is true, is it not?

Mr. SUTHERLAND. Yes.

Mr. CUMMINS. That being true, I fancy the Senator will not deny that when the item of smelting, $8 a ton, is given, that that includes the transportation upon the pig lead from Utah to New York.

It must be so; otherwise there is no charge in this specification for the reduction that must take place from the price of the lead, inasmuch as it has to be transported from Utah to New York. It appears that the transportation rate is about $9 or $10 a ton on lead, is it not?

Mr. ALDRICH. It is $25.50 a ton.

Mr. CUMMINS. If that be true, this testimony again is wrong and is absolutely unreliable; but I doubt, however, the information of the chairman of the Committee on Finance. I would have to be receiving a great deal of assurance to be able to assert that it costs $25 a ton to transport pig lead from Utah to New York.

Mr. SMOOT. I have no definite information on that; but I can assure the Senator that in the settlement with the miner for lead ore there is a deduction of one and a quarter cents per pound from the price of the lead for the expense of freight from the State of Utah to New York.

Mr. CUMMINS. It may be that the avarice of the smelter is beyond even my comprehension.

Mr. SMOOT. It is not the avarice of the smelter, but it is a question of the railroad rate.

Mr. CUMMINS. I can not believe that the ordinary railway rate upon lead from Salt Lake City to New York is $25 a ton. If that is so, then how much would the freight be on a carload of pig lead from Salt Lake City to New York if it is a dollar and a quarter a hundred?

Mr. SMOOT. I can very easily figure it, Mr. President. To transport 40,000 pounds at a cent and a quarter, it would be $500 a car. That is what the amount would be.

Mr. CUMMINS. Is the railway rate on pig lead from Salt Lake City to New York $500 a car?

Mr. SMOOT. It would not surprise me at all if it were.

Mr. CUMMINS. The Senator lives in Utah; and does he say that the railway rate is $500 a car on pig lead, or a half of it, or a quarter of it?

Mr. SMOOT. There is no doubt about it, in my mind.

Mr. ALDRICH. I think the Senator from Idaho [Mr. BORAH] has the figures.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. BORAH. I have tried to secure some accurate information with reference to this very matter, because it is the controlling point with reference to this subject; and I am going to give what I believe to be, and what I believe will be found to be, the correct figures with reference to it:

Another factor in which the Mexican lead producers have a great advantage is in the matter of transportation. From the principal Mexican lead mines to the Mexican smelters the freight on ore is $3 per ton, and as the ore contains about 50 per cent lead, the freight is equal to $6 per ton of pig lead. And from the smelter to New York the freight on pig lead is $4 per ton, making the total cost of transportation from the mines to the New York market only $10 per ton of pig lead.

Mr. CUMMINS. From what point?

Mr. BORAH. The Mexican lead mines.

Mr. SMOOT. That is a water route.

Mr. BORAH. That is a water route; and that is the advantage which they get.

The Idaho mines pay $8 per ton for freight on their ore to the smelters in Colorado, equal to $16 per ton of pig lead; and from the smelter to New York the latter costs $7 per ton.

Mr. CUMMINS. Does the Senator from Utah assert that it costs a dollar and a quarter a hundred to transport pig lead from Salt Lake City to New York?

Mr. SMOOT. Wait until the Senator from Idaho gets through, and I will answer.

Mr. BORAH. The statement continues:

The total cost for freight is therefore $23 per ton of pig lead—

From the Idaho mines—

as against $10 per ton from the Mexican mines, a handicap for us of $13 per ton.

Mr. SMOOT. I will say, in answer to the Senator from Iowa [Mr. CUMMINS], that from the State of Utah to New York the freight is about $25 a ton.

Mr. CUMMINS. Very well. I am very glad to hear the Senator from Utah reassert so extravagant and impossible a proposition.

Mr. SMOOT. It is $23 from Idaho, and I think it would be $25 from the State of Utah.

Mr. CUMMINS. Now, just mark the disingenuousness of that statement. The freight on the ore from the Colorado smelter is included in the statement made by the Senator from Idaho [Mr. BORAH]. He stated that the freight upon pig lead from Salt Lake City to New York was not more than $10 a ton; but you stated it was a dollar and a quarter per hundred.

Mr. SMOOT. I still say it is a dollar and a quarter a hundred.

Mr. CUMMINS. I say it does not exceed $10 a ton.

Mr. SMOOT. That is 50 cents a hundred.

Mr. CUMMINS. And we will allow it to remain right there.

Mr. SMOOT. I am perfectly willing for it to remain right there.

Mr. CUMMINS. Further investigation may determine who is correct and who is not. If the freight on pig lead from Colorado to New York is but $7 per ton, it is impossible that the freight on pig lead from Salt Lake City to New York shall be $25 a ton.

Mr. SMOOT. Mr. President, the rate on ore is always less than the rate on pig lead, and the rate as given by the Senator from Idaho [Mr. BORAH] from the mines in his State to Colorado was $8 on the ore—not on pig lead—and 50 per cent ore would make it $16; and from Colorado to New York, $7, which would make it $23. I do know that in the settlement with the miners for lead ore by the smelters in Salt Lake City they deduct 1¼ cents per pound for freight.

Mr. CUMMINS. A statement that I have not denied; a statement that I myself made a few moments ago to the Senator from Utah. In his impatience, and in the apparent endeavor to discredit what I have said, he denied that the rate on pig lead from Utah to New York was substantially $10 a ton. You deny that yet, do you?

Mr. SMOOT. I do.

Mr. CUMMINS. You insist now that it is $25 a ton. I will allow your knowledge of this subject as compared with my own to be tested by examination of that one subject. Mark you, I am saying nothing about the freight on the ore from the mines to the smelter; that is a cost to be borne by the miner.

Mr. ALDRICH. Is the Senator from Iowa willing to admit that it costs the producer of lead in Idaho and in Utah $25 a ton to transport that lead from the mines to New York?

Mr. CUMMINS. I have not a doubt of it, Mr. President.

Mr. ALDRICH. That is the whole question involved in this controversy.

Mr. CUMMINS. No; it is not the whole question involved in this controversy, if I may be permitted to differ with the chairman of the Committee on Finance.

Mr. ALDRICH. Will the Senator tell me how much it costs the Mexican producer to transport the lead products of his mine to New York?

Mr. CUMMINS. I have no doubt that the Senator from Idaho [Mr. BORAH] stated it correctly.

Mr. ALDRICH. That is a differential of $13.50 a ton on the cost of lead between the Utah producer and the Mexican producer; and the total amount of the differential provided in this paragraph is $12.50 a ton. The transportation rate is more than the whole differential proposition of this provision.

Mr. CUMMINS. Now, Mr. President, we are perceiving the real purpose. It has not yet been disclosed. It has been admitted here all the while that it costs $12.50 a ton more for the American smelter to convert his ore into lead than it costs the Mexican smelter, and therefore he needed a compensating duty. I know that it costs more to transport lead from Utah and Idaho to New York than it does from the Mexican mines; but what you are really doing—and I am glad to have it avowed now—is to equalize, not the difference between the labor in the United States and in Mexico, but to equalize the difference between the rates in transportation. That is one of the serious evils that I think lies in this tariff bill. Are you intending, is it your purpose, to equalize freight rates? If it is——

Mr. ALDRICH. Mr. President, I will say this: So far as I am concerned, I propose, in the first instance, to equalize the cost of production, so far as I can, which I think is only fairly covered by the differential in this case. Then I propose to give the miners of our Western States a chance to live and to breathe when they are situated, as they are, farther from the markets of this country, which are upon the Atlantic coast, than their competitors in Mexico. Does the Senator from Iowa propose to deny that to them? Does he propose to open up the markets of the United States to all their competitors throughout the world if the product happens to be located in Iowa, or in Utah, or in any of the Western States? Are they to be deprived by our legislation of an opportunity to compete in the markets of the United States? I think not. That is not what my understanding is of the protective policy.

Mr. CUMMINS. Mr. President, it has happened more than once——

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. In just a moment. I want to answer the suggestion of the Senator from Rhode Island [Mr. ALDRICH]. More than once the Senator from Rhode Island has appeared at a late stage in my observations, and without having oppor-

tunity to know what the proposition is that I am attempting to support, upbraids and reproaches me as an enemy to American labor. Mr. President, I began my remarks by stating that I wanted to so adjust the schedule as to enable our people to take lead ore from our ground, to convert it into lead at our smelters, and to pay to American laborers not only the full measure of compensation which they now receive, but more as time goes on.

I was attempting to say—and I will repeat it for the benefit of those who were not here when I began—that we do put a duty of 1½ cents a pound upon lead to enable the mine owner, or the laboring man, if you please—for I will substitute the one for the other—to bring his ore to the smelter. If this 1½ cents a pound, or $30 a ton, is not for that purpose, what is it for? It is to enable the American mine owner or the American producer to take his ore from the ground and bring it to the smelter in order that it may be converted into commodities fit for use. I have not complained about that. I voted for the propositon to impose 1½ cents a pound upon the lead in ore, but now we are dealing with the smelter.

We have compensated for a large part of the difference in the cost of transportation in the 1½ cents a pound that we have imposed upon lead ore. That has already been done, and now we are trying to discover the terms upon which an American owner can take this ore and convert it into the finished product.

There, I say, our inquiry must be, How much more does it cost the American smelter to do that work than it does his rival across the border? I was trying in a very feeble and inadequate way to ascertain from testimony how much it cost the American smelter to do that work. I accepted the statement of the Senator from Idaho [Mr. BORAH], although I think it is probably 25 per cent beyond the conclusion that would be reached from an examination of the testimony.

It may be assumed that it costs $12.50 for the smelter to convert his ore into lead bullion. If it does, and the efficiency of Mexican labor is twice as great as the efficiency of American labor—that is to say, if we do not get from our workmen for the money paid them more than one-half the efficiency which the Mexican smelter gets for the money he pays to his workmen—then the cost abroad is $6.25. The amendment that I have proposed to this paragraph provides for a differential of $7.50 a ton. I do not believe that any loyal citizen of the United States will declare that the efficiency of the American workman is less than one-half the efficiency of the foreign workman, as compared with the money paid to each. I have never heard it so asserted. I have never heard it declared that it was necessary to protect any commodity that comes from the American hand more than 100 per cent. I am willing here to attach to this process of converting the ore into bullion more than 100 per cent, according to the estimates of the Senator from Idaho himself.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. At 2½ cents a ton the differential amounts to $42.50 a ton. Mr. Brush in his testimony—and he is very fair—approximates the figures that the Senator from Rhode Island gave:

The amount paid for freight on 1 ton of lead was $25.50—

The figures the Senator from Rhode Island gave—

that was freight on the concentrates to the smelter and freight from the smelter to the refiner of the bullion, getting it to the New York basis.

Mr. Brush further states:

The total amount of freight paid—

He takes a ton from a specific mine. Mr. Allen is general in his statement, but Mr. Brush takes a specific mine in Idaho. He says:

The total amount of freight paid was $25.50. The cost to the smelter was $5.55; the cost to the refiner was $4.50.

That makes $10.05 for the process of smelting and refining that ore. That ore was of exactly the same grade as that which the Senator from Utah described.

As I have said, that makes $10.05 a ton for smelting and refining. If you take even the figures the Senator from Idaho gave, of a differential of $13 a ton in freight on the transportation of the ore from Mexico and from Idaho, you have a difference of $9 a ton. Nine dollars and the $10.05 which go in smelting and refining, and $13—taking the Senator's figures—make nearly $33. Deduct that from $42 and you have a difference of $9 a ton, even with these extravagant freight figures. I think the rates the Senator has given from the data he has are probably correct, but I think the rates Mr. Brush gives, which are $25.50, is a fair statement. He cites a specific case. Mr. Brush was under oath, and you have, even taking the extreme figures, the cost of refining and smelting at $10.05 a ton; and counting your differential in freights from Mexico to New York at $13 a ton, you can see the vast difference between it and $42.50 a ton, which you allow in the bill.

Mr. ALDRICH. The Senator from Minnesota leaves out of the calculation entirely the $40 a ton that is imposed upon the contents of lead ore for the protection of the miner.

Mr. NELSON. It is included in the cent and a half a pound on lead ore.

Mr. ALDRICH. Of course it is, and that is the protection of the miner before the ore goes to the smelter at all.

Mr. NELSON. There are two processes: First, reducing the ore to base bullion or bullion. There is a cent and a half to protect that process; and then 2½ cents for reducing the base bullion and separating the lead from the silver.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I yield for a question; but I desire to finish the remarks that I rose to make.

Mr. SUTHERLAND. I dislike to trespass upon the Senator's time, yet I want to say just a word in response to the testimony which the Senator from Minnesota has read. I have not read the testimony all through, at least I have not read it recently; but I undertake to say that when Mr. Brush testified that the cost of extracting a ton of pig lead was only $5.50 he talked arrant nonsense, because I know—I am not guessing about it at all, for I come from a mining State—I know that the miners in my State pay all the way from $8 to $12 a ton of ore for extracting the lead. That I know.

Mr. CUMMINS. And silver, I suppose?

Mr. SUTHERLAND. And no ton of ore that has ever been made in the State carries as much as a ton of lead.

Mr. CUMMINS. I desire, if I can, to resume the thread of my argument, and to give to the Senate the authority for my statement that the freight on pig lead from Utah to New York City was $10 a ton. It is from the testimony of Mr. Brush; and inasmuch as his company smelts about one-half of all the lead in the United States, and inasmuch as his company operates very largely in Utah, as I am told, I think that his evidence is very competent. This is what he said:

The CHAIRMAN. What do you charge them for freight—

Speaking, now, of the Silver King mine and the Daily-West mine——

Mr. BRISTOW. From what page does the Senator read?

Mr. CUMMINS. Page 2389 of the hearings.

The CHAIRMAN. What do you charge them for freight?

Mr. BRUSH. Well, whatever we have to pay. From Utah the charge to New York is, on the bullion, I believe, $10 a ton. From Colorado it is $7. Unfortunately, I have not the figures before me from Utah, but I know that from Colorado it is $7 a ton.

The CHAIRMAN. You think it is $10 from Utah?

Mr. BRUSH. I think it is; but I am not sure.

The CHAIRMAN. Our recollection is that Mr. Allen said that it was $1.25 per hundred. I think that was the statement, but I have not located it.

Mr. BRUSH. That could not be, because that would be $25 a ton; would it not?

The CHAIRMAN. Yes.

Mr. BRUSH. Of course freight rates are open to inspection; they are all published.

The CHAIRMAN. But from your recollection, it is $10 per ton?

Mr. BRUSH. Certainly not more than $10 a ton, and it may not be more than $9.

The CHAIRMAN. And from Colorado, $7.

Mr. BRUSH. Yes, sir.

The CHAIRMAN. You are positive about that?

Mr. BRUSH. Yes. We have four or five smelters in the State of Colorado, and we only have one in Utah.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. I should like to ask the Senator if he is willing to give the same credence to all the other testimony of Mr. Brush that he gives to his testimony on freight rates? I have telegraphed to New York, and I will have the rates in a very few minutes.

Mr. CUMMINS. I am very glad the Senator has been diligent about it.

Mr. SMOOT. I want to know if the Senator would take the testimony of Mr. Brush in this book upon the statement of the freight rates from Utah to New York on bullion.

Mr. CUMMINS. I do not accept in that way the statement of any man. I always give any testimony that is submitted to me the test of my own common sense and what little I know with respect to commercial and industrial affairs. I believe the freight rate upon pig lead from Utah to New York can not be

$25 a ton. It would be so disproportionate, so absurd with respect to other things with which I have some familiarity, that I can not believe it. I believe the Senator will be candid—I know he will be—when you put that freight rate upon lead from Utah to New York you had in your mind the freight rate from the mine to the smelter as well as the freight rate from the smelter to New York. Why not openly and candidly avow that? There is no humiliation about it.

Mr. SMOOT. I want to say to the Senator as positively as I can and as positive as words can put it that I have no such thought in my mind. I know what the smelters charge from the mine to the smelter, and I can bring you settlements by the thousand by the smelting companies with different mines in Utah, and I tell you now that they charge 1¼ cents for freight from Utah to New York, or they deduct it in the settlement from the lead. I will have in a very little while here what the actual freight rate is. It may be a little less than $25. I doubt whether it is very much less. But I want the Senate to know just exactly what they do charge.

Mr. CUMMINS. I am very glad, because if there is any railroad that charges $25 a ton for carrying merchandise of this kind from Salt Lake to New York City, then I believe the Congress of the United States ought to turn aside for a few moments from the consideration of the tariff and deal with any such railway.

I am quite aware that the very company of which Mr. Brush is one of the vice-presidents may oppress the people of the country. I am not here as his defender. I suppose he or his company takes from you whatever he can, and that seems to be the habit in these days. But if he takes from you, or if his company takes from you, $25 a ton, based upon the actual transportation from Salt Lake City to New York City, then I believe that the people of Utah ought quickly to awaken to some sense of the slavery under which they are held and try to emancipate themselves.

Resuming again at the point at which I was interrupted, I said that the maximum cost of producing pig lead was, as far as the smelter is concerned, $12.50 per ton. If that be so, and the efficiency of our workmen is equal to the efficiency of the Mexican workmen—I mean, as compared with the wages paid—then the difference in cost can not exceed $6.25; and when we put upon this product or upon this process a duty of $7.50 a ton, if we have failed in our duty at all, it is to the consumer of this product rather than to those who produce it.

Mr. NELSON. I wish to call the attention of the Senator before he sits down to the fact that this testimony shows that the cost of mining ore is only $3.50 a ton.

Mr. CUMMINS. They show that over and over again.

Mr. BORAH. Mr. President, I am not going to trespass upon the time of the Senate to discuss the details of this matter, but as it is one of vital concern to the people of my State, I desire to say a word in passing before the vote is taken.

Idaho, I think, produces about 33.7 per cent of the lead produced in the United States. I am interested alone in maintaining and making effective the tariff which we have already fixed upon the ore. If I could be satisfied that the rate either as suggested by the committee or as the amendments provide will do that, I should be satisfied with either. I am primarily concerned and concerned alone as a representative of my State in making effective the tariff upon ore, and to that end alone am I addressing my remarks.

There is one thing certain, and that is that by no form of legislation here can you hurt the trust. It is idle to say there is no lead trust, and it is equally idle to say there is no smelter trust. Both of them are in existence, and one does not have to live long in the Western States until he knows it. But you can not by this legislation affect the lead trust or the smelter trust, because they own their lead mines and smelters upon both sides of the line, and anything you can do here in the way of legislation will not affect them, in my judgment, one way or the other. They can transfer their base of operations from one side of the line to another in the time a telegram goes from here announcing any change.

I want to be fair, and I want the Senators from the Middle States to appreciate that the western miners, the men engaged in that great industry in our State, are paying their States more to-day for that upon which they have to live than they ever paid in the history of the mining regions of the West. A steer standing upon the hoof in the State of Nebraska or Iowa or Minnesota, notwithstanding all the argument here, will buy more lead than ever before. There is not a product which comes from your farm in the State of Kansas or Iowa or Minnesota that will not procure more paint for a house than at any time in the history of the lead legislation of this country, and not a single one of those products is injuriously affected by this tariff legislation, nor do you propose to do so.

If we should take up to-day the question of trade relations and trade balances between the great States which produce the farming products of this country and the mining regions of the country, you would find the balance of trade in favor of the agricultural States. While the price of lead may have risen, or may have to some extent gone up, you must remember in the meantime that that for which we have been paying you all the time has been going up 20 per cent above the lead rise. If you will look over the farm products, you will find that within the last ten years the rise has been from 30 to 250 per cent on everything we in the mining regions buy. Can you calculate any such rise in the price of the products of the mining region of the West?

I do not represent here the smelter trust or the lead trust, either. If we can settle the question of trusts by enacting provisions in this bill, I am perfectly willing to join in that kind of a programme. But, as I said a moment ago, that is impossible. But, Mr. President, I know there are a large class of producers in the State of Idaho wholly disconnected from either one of these organizations. There is the independent producer, the independent mine owner, and he is the man whom you affect the moment you change the schedules in this bill.

You will not take one dollar out of the pockets of the lead trust or the smelter trust by any change you may make. I say without fear of successful contradiction that by reducing the rate you will close down more than one independent mine in the States of Utah and Idaho. Consider for a moment what the independent mine producer is up against with this product. First, he is up against the lead trust; second, he is up against the smelter trust; and third, he is up against these exorbitant railroad charges, which are so great as to startle Senators when they are called out upon the floor of the Senate. He is the man you strike at when you change the differentials in this bill, for I undertake to say upon his own testimony that it is impossible to live without them and do business. He is the man who above all others in the West keeps up the rate of wages to the laboring man in the West. Turn over the production of lead to the lead trust and the smelter trust, and they will fix not only the price of lead but the rate of wages.

The controlling power for the benefit of the development of the mine and the keeping up of wages is the independent mine producer. He is the one you should consider in framing this bill. Senators have been reading testimony from day to day. Testimony by whom? I am willing to concede that these men are reputable in their professions and business, but you have been reading the testimony of men who are engaged in what kind of business? In the business of shipping lead into this country, and the men who own smelters across the line and are willing to employ peon laborers at 75 cents rather than to pay $3.75 to American workmen—men so primarily concerned in, so exercised with, their own interest that they can not relieve themselves of their personal bias. But I am not willing to have the rate of the wage-earner in the West or the price of lead fixed upon the testimony of a man who wants to get lead into this country as cheaply as he can and to employ labor at as low a wage as possible.

How much more does it cost the farmer in Kansas and Iowa and Minnesota to paint his house at the price of lead in this country as compared with Canada? It costs him the exorbitant sum of $2.76 more upon a five-room house than it does in Canada; and we pay that back in four days in the beefsteaks which we purchase from Kansas and Iowa and those States.

Take any product you will and compare it with this one product alone, and we are paying you back, day by day, a hundred per cent more than you are contributing to American labor in the mines of the great West.

If we are going to legislate in spots, it is all right. If Senators are going to stand here on this floor and advocate their interests and decry all others, that is one rule of conduct; but if you believe in the doctrine of protection, there is no place where you can embark upon it more successfully and more pointedly than in the great mines of the West employing American labor in competition with peons in Mexico. Some one said there is no evidence as to what peon labor costs in Mexico, but it is so well settled, so universally accepted, that it would not be asked for except in the Senate of the United States.

I have here a table which shows something of the rise of the products in the States of my friends from Kansas and Iowa and Nebraska—the people who are so earnest for a revision of the tariff. For instance, flour which we buy has gone up 30 per cent during the last seven years; pork, of which we consume thousands of dollars' worth a year, has gone up 70 per cent;

lard, which we buy, has gone up 200 per cent; beans, which we buy, have gone up 200 per cent; green peas, 160 per cent; dried apples have gone up 250 per cent; ham has gone up 50 per cent; bacon, 50 per cent; raisins—entirely too great a luxury for us—have gone up 100 per cent.

It is, in my judgment, worth while, if we believe in the policy of protection, to compare the figures of this situation, and see whether, or not, we can successfully attack this great policy upon the theory and principle and the basis upon which it has been attacked. There are some of us here who do not have to go and examine statistics and examine railroad tables to find out what freights are, because it is a matter of such common information that we have it at hand. But we do know this: We have to pay them. We have the lead trust and the smelter trust with which to contend, and if they get perpetual control it will stop the opening of the mines in the West, because no mines will be opened, except what they themselves own.

We are primarily concerned in this matter. There is no reason why my colleagues or the Senators representing the West should be interested in this other than as it brings prosperity to their States, and there would not be any benefit to us if it should appear that this differential was such as to impose an extra burden, because we would not get the benefit of it beyond that which is legitimate anyway.

Mr. NELSON. Mr. President, I do not want to make any extended reply to the Senator from Idaho [Mr. BORAH], but I desire to tell him in what a different attitude the people of the Mississippi Valley are with respect to this matter. I come from a State which produces more than half the iron ore of the country, and yet our people are not standpatters on that question. We are content with a reduction of 25 cents per ton from 67 cents, and we would be content even if ore was put on the free list.

Mr. ALDRICH. Forty cents a ton is the present rate.

Mr. NELSON. Forty cents. I made a mistake. We are content with a reduction from 40 cents to 25 cents a ton, and we would be content even with putting it on the free list.

The same is true in the matter of lumber. We are still one of the great lumber-producing States of the Union—Minnesota is—and we are quite willing to have lumber put on the free list.

Mr. BORAH. Of course the Senator is willing to have lumber put on the free list. For years and years, when lumber was the principal production of his State, it had protection, and now when their chief products come from the soil, they seek duties upon those products instead of lumber, and they wish to transfer the free trade farther west.

Mr. NELSON. The Senator is mistaken. We were always in favor of a reduced duty. I labored ten years ago with our people to get them to put the duty at $1 a thousand. I did not think we needed any duty at all at that time, and labored for it. We never needed a duty on lumber.

Mr. BORAH. I am aware, as the Senator says, that ten years ago he labored for that proposition, but I am also aware that his people did not respond to his labors. They differed with him.

Mr. NELSON. They agreed with me. It was the Committee on Finance of the Senate, or the Senate, that did not respond to the demand of the people.

The big States in the Mississippi Valley which furnish the bulk of the Republican vote are not standing here as obstructionists to a revision of the tariff or the reduction of it to any perceptible degree. We are willing to stand a reduction and to bear our share of it, but when we come to this question the people from the Pacific coast and the mountain States insist on having everything just as it is—the same duty on lumber, the same duty on coal, the same duty on iron ore and lead ore, the same duty on hides, and everything. We are not so hidebound as that. We are willing to stand a reduction all along the line for the good of the country.

I was very much amused the other day when my good friend the Senator from Montana called attention to the valuable documents we have here and held up the fact that there was no excuse for any ignorance here, and that we who questioned the tariff schedules were guilty of ignorance. I was very sorry the Senator from Montana did not supplement a little further the information we have in this Chamber.

We have a little information in this Chamber that reaches beyond these volumes. When it comes to lumber, we have the junior Senator from Maryland [Mr. SMITH] and the junior Senator from Wisconsin [Mr. STEPHENSON]. When it comes to the matter of lead ore and when it comes to the matter of wool and woolen goods, we have our good friend the Senator from Utah [Mr. SMOOT] to instruct us, and when it comes to the matter of glass, we have my good friend here, the Senator from West Virginia [Mr. SCOTT], whom I do not see. And so I could go all around the Chamber and call the attention of the Senator from Montana to the fact that we have far more original information than is contained in these volumes piled up on the desk.

But these men who are possessed of that information are not cranks like the Senator from Wisconsin [Mr. LA FOLLETTE]. He is a crank not to vote on a schedule that affects his own purse or affects his own interest.

Mr. President, I am tired of being lectured about these schedules and about the orthodoxy of the Republican party. Let us recognize the fact that with a tariff bill it is just as it is with the river and harbor bill. There is no use disguising it. You tickle me and I tickle you. You give us what we on the Pacific coast want for our lead ore and for our citrus fruit, and we will tickle you people of New England and give you what you want on your cotton goods.

That is all I desire to say in reply to the eloquence of the Senator from Massachusetts the other day. How patriotic he was! When you boil down the patriotism you come to the same basis as that of the river and harbor bill. You vote for my creeks, you vote for my harbors, you vote for my rivers, and I will vote for yours, and shut my eyes, and it is all right.

So it is with the tariff bill. The people that stand between these two elements—the New England element and the Mountain States—are ground between the upper and the lower millstone. We are willing to accept a reasonable reduction on our products. How is it with the rest of you?

Mr. BORAH. How much wheat does your State produce?

Mr. NELSON. I do not recall the millions of bushels produced in the State of Minnesota, but I desire to tell the Senator that the tariff on wheat which is on the statute books has not done us a particle of good. It would be like a tariff on cotton, because up to this time we have been exporting from one hundred and fifty to two hundred and fifty million bushels of wheat a year. The price of our wheat is fixed by the Liverpool price, the export price, and no duty up to this time has helped us. It may be possible that in the future it may help us, when the great Provinces to the north of us have greater development. Then we may need protection against it, but we will not go to the consumer and say, "We want protection against Canadian wheat, because it costs us more to raise our wheat than it does over across the line in Canada." We are not going to put it on any such petty ground as you put everything that you set up in connection with the tariff bill. It is all put on the shoulders of the poor laboring man. The poor laboring man has to bear the iniquities of the refining trust. He is compared with the peons of Mexico. I wish they would take the Senators who are so interested in the smelting and mining trusts and compare them with the peons of Mexico. If I want information about smelting and mining, I would not think of going to the books which the Senator from Montana piled up. I would look right in front of me to that seat [indicating] for information.

Mr. BORAH. The duty on wheat has been increased 5 cents.

Mr. NELSON. That was not with my consent. But I want to remind the Senator, to ease his conscience, that they have reduced the duty, as I said the other day, on chloroform 50 per cent.

Mr. BORAH. It is quite evident that the duty on chloroform has not had any effect.

Mr. NELSON. I think the cheapness of the duty on chloroform has evidently affected the Senator from Idaho.

Mr. BORAH. There is not a product which is produced in the State of Minnesota, so ably and well represented by the Senator from Minnesota——

Mr. NELSON. Leave that part out.

Mr. BORAH. I can not leave that out, because I am sworn to tell the truth, the whole truth, and nothing but the truth.

Mr. NELSON. You may see it with biased eyes.

Mr. BORAH. But its products are all fully protected. There has not been any reduction. There has not been any change in the Dingley Act so far as its interests are concerned.

Mr. ALDRICH. And increased.

Mr. BORAH. There has always been an increase where there has been any change at all.

Mr. NELSON. We are quite willing to have a reduction, even on cabbages and potatoes and lettuce and all garden "sass," and even dried apples, to which the Senator referred a moment ago. We in Minnesota do not, I may say, raise any dried apples, but still we are willing to have the rates reduced on those apples. We use them, and in the interest of the consumer I favor a reduction.

Mr. BRISTOW. Mr. President, there has been a great deal of interesting discussion here, but it has mostly been directed to the excessive cost of mining lead in the United States as compared with the cost in Mexico. This amendment relates to

a duty on the smelting of pig lead of five-eighths of a cent per pound.

The weight of the argument here has been advanced in behalf of the miner, and he, as was said by the Senator from Iowa, was protected when we put a duty of 1½ cents per pound on the lead in lead ore. The question now is, Is a duty of five-eighths of a cent per pound ample protection or too much for the smelter, who takes the ore after it has come from the mine and reduces it to pig lead? This duty should represent the difference between the cost of such reduction in foreign countries and here, and whatever that increased cost is in the United States as against Mexico should be protected by a duty on pig lead in excess of that on lead ore.

The cost of smelting has been fully discussed. The junior Senator from Utah [Mr. SUTHERLAND] has declared that it averages from $8 to $10 per ton of ore as it comes from the mine. I want you to remember that. I think the junior Senator from Utah has emphasized, with all the emphasis he can give it, that it costs, we will say, $8 a ton, the lowest figure given, for smelting ore as it comes from the mine. He read the testimony of a Mr. Allen, who appeared before the committee and stated that it cost $8 a ton, and added that $8 into the cost that was attached to the lead that comes from a ton of crude ore. Let us look at that a minute. First, we will take Mr. Allen's testimony, so that we can not be mistaken. On page 2323 of the House hearings Mr. Allen said:

It cost the miner to produce this ore as follows: Ten per cent deduction from the price of lead cost him 93 cents, and 5 per cent deduction from the price of gold cost him 9 cents per ton; 5 per cent deduction from the price of silver cost him 41 cents; average wagon and railway haul cost him $2.50 per ton; sampling, 50 cents a ton; smelting, $8 a ton; and mining, $3.50 a ton. Some of those figures are estimates of my own, but they are well within the facts, and the sum total is conservative. The total cost, then, to the miner was $15.93, and he received $19.38 per ton, which would leave an apparent profit of $3.45 per ton.

He states that the cost of smelting that ore was $8 per ton as it came from the mine. That was Mr. Allen's statement, which the junior Senator from Utah read. But that was not the only statement Mr. Allen made. Turning to the same volume, beginning on page 2329, at the bottom of the page, Mr. Allen was interrogated by Representative HILL, of the Ways and Means Committee, and this is what he said:

Mr. HILL. You said the rate was $8 a ton in Utah. Did you mean a ton of ore or a ton of lead?

Mr. ALLEN. A ton of ore.

Mr. CLARK. And you said you got 160 pounds of lead from a ton of ore?

Mr. ALLEN. On the average, in 1906, we got 164 pounds of lead from each ton of ore.

Senators, I want you to follow this calculation. I should like to have the attention of the chairman of the Committee on Finance.

Mr. HILL. Do you mean to tell the committee that the smelting companies charge $100 a ton for smelting the lead?

Mr. ALLEN. No.

Mr. HILL. If there are only 164 pounds of lead in a ton of ore, and they pay $8 a ton for the ore, it would make twelve and one-half times $8, or $100, for a ton of lead, or $96.32, say, and the smelter would take all the lead and part of the silver and part of the gold.

Because the entire product, the value of a ton of pig lead, is only $86 in New York, while Mr. Allen has testified that it cost the miner $96.32 to get it out of the ore for smelting.

Mr. SUTHERLAND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. The Senator from Kansas will certainly not overlook the fact that in addition to the lead which is recovered from that ton of ore the miner also gets $1.84 in gold from each ton and $8.22 in silver from each ton.

Mr. BRISTOW. Just add that. I have not got the figures and the Senator has them. How much was it?

Mr. SUTHERLAND. One dollar and eighty-four cents in gold and $8.22 in silver that the miner receives in addition to the lead. In other words, if the Senator will permit me——

Mr. BRISTOW. Certainly.

Mr. SUTHERLAND. Mr. Allen says that in this ton of ore there is first of all 8 per cent lead. Then there is $1.84 in gold, and then there is $8.22 in silver. After making the deductions for the loss of percentages in the smelting, the net profit of the ore is $19.38, which includes the lead and the silver and the gold; and this $96.32 for smelting includes not only the lead but the silver and gold.

Mr. BRISTOW. Suppose there had been no silver and gold and the ore had borne only 8 per cent of lead, and he had paid $8 per ton for smelting, where would he have been?

Mr. SUTHERLAND. In that event the cost of smelting would have been too great to admit of the ore being smelted at all.

Mr. BRISTOW. Please remember your statement until I get through.

Now, we will turn again to the statement of Mr. Brush, which is found on page 2437, wherein Mr. HILL called the attention of Mr. Brush to the testimony of Mr. Allen. Mr. Allen, mind you, had testified that it cost $8 a ton to reduce the crude ore that comes from the ground to lead.

Mr. HILL. Were you present last week when Mr. Allen, of Utah, was testifying?

Mr. BRUSH. No, sir.

Mr. HILL. There is one fact there which I think, in justice to your own company, ought to be explained, and if it is wrong it ought not to continue in the record as it is. He stated that they were compelled in Utah to pay $8 a ton on ore for smelting; that that ton of ore averaged and produced 164 pounds of lead.

Mr. BRUSH. Yes.

Mr. HILL. Figuring the lead at 4.3 a pound, I asked this question: If there are only 164 pounds of lead in a ton of ore, and they pay $8 a ton for the ore, it would make 12½ times $8, or $100 for smelting a ton of lead, which, at 4.3 a pound, would amount to $96.32, and the smelter would take all the lead and part of the silver and part of the gold. Now, is that true?

Mr. BRUSH. It does not look like an economical possibility on the face of it, does it, Mr. HILL?

* * * * * * *

Mr. HILL. It seems absolutely marvelous to me that that is the situation.

Mr. BRUSH. It is not the situation. That is the reason why I endeavored to give you figures this morning in my testimony with reference to the 8 per cent lead ore as to what actually took place, where the cost came in, and who would pay it, and who would receive the profits.

Now, what was the testimony that Mr. Brush referred to in this statement? It is found on page 2394, in which he explained wherein Mr. Allen was mistaken. Mr. Brush said, in answering a question of the chairman, which I shall read:

The CHAIRMAN. The smelter will take it at his price, which is the market price, and when that gets down below the point where it pleases them they shut down?

Mr. BRUSH. That is what they do. I only referred to 4 cents because that was the point that was fixed upon by a number of mines, and I selected a mine in the Coeur d'Alene which was able to make money at 4 cents, although that mining company owned three other mines, all of which closed down. Now, in working out that ore, the ore ran 8 per cent lead—

The same as the ore in Utah—

and 3½ ounces of silver to the ton of ore. When it was concentrated it required 7.8 tons of ore to make 1 ton of concentrate.

In the process of concentration the mine lost 13 per cent of lead and 33 per cent of silver in the ore, and the concentrates were shipped to our smelters in Colorado. Now, without going through all of the calculations that are before me, I will say that it came down to this: The 1 ton of lead cost the mine—I am speaking now of actual cost—

Of a ton of lead, not a ton of ore, but a ton of lead—

cost $48.35 to mine it and to concentrate it, and two-thirds of that cost was labor, while the other third was very largely timber. The amount paid for freight on 1 ton of lead was $25.50; that was freight on the concentrates to the smelter and freight from the smelter to the refiner of the bullion, getting it to the New York basis.

The freight, which has been discussed so much here this morning, represents a shipment of concentrates from the mine in Utah to the smelter in Colorado, and the concentrates are about 50 per cent lead. So rather than smelt in Utah or Idaho they ship it to Colorado and it is smelted there, and they pay freight on half of it that is dead waste from the mine to the smelter in Colorado. Now, what has this ton of lead cost?

The amount of freight paid was $25.50.

That is from the time it left the mine until it reached New York as pig lead.

The cost to the smelter was $5.55.

That was the cost of smelting the concentrates in Colorado—$5.55 a ton—and that is all it cost, and that is the duty we are providing for now. We are not providing a duty for concentrates. The ore taken from the ground in Mexico is concentrated in Mexico before it is shipped to the United States for smelting. All of the expense that represents this $48 here is borne in Mexico before it crosses the line or before it is considered by the custom-house. What we are to consider here in fixing this duty is the cost of the labor in reducing concentrates to pig lead, and Mr. Brush, whose smelters last year reduced, I believe, about 3,000,000 tons of ore, says that it cost $5.55 a ton. Now, continuing, he says:

The cost to the refiner was $4.50, making a total cost of $83.90.

That was the entire cost for a ton of pig lead, all told, including the silver that was contained in the ore from which the lead was taken.

The silver in it was worth $16.21. If you deduct that, and throw all the cost upon the lead, which is certainly not a fair way of figuring costs, you will bring out the cost of 1 ton of lead—

This ton of lead, remember, was taken from 14 tons of ore, and the total cost of that ton of lead, which represents the product of 14 tons of ore, was $67.69, while the Senator from Utah says that it cost fourteen times $8 to smelt it alone. Mr.

Brush says it cost $67.69, or $3.38 a hundred pounds. He claims that it ought to be worth 4 cents a pound in order to pay, and he goes on and tells how this profit of 62 cents is divided:

That profit was divided—31 cents to the mine, 15 cents to the smelter, and 16 cents to the refiner.

Senators, if there is any inequity in the dealings between the smelter and miner, it is in the amount of profit that goes to the miner. It seems to be a partnership affair, and this 62 cents profit is divided between the miner and the smelter and refiner. The miner gets half and the refiner the other half. Whether that is equitable and just I do not know, but in reducing this rate of duty from five-eighths of a cent to three-eighths of a cent, as has been suggested by the amendment of the Senator from Iowa, it will simply take off a part of the profits of this 62 cents. The division that might occur should come either from the smelter, the refiner, or from the producer, wherever the equity lies. The duty of $30 per ton of producing this lead is imposed to protect the miner. If the miner is not protected in this country by a duty of $30 per ton, then there is something wrong, and that wrong ought to be corrected, but it ought not to be corrected by imposing an additional burden upon the American people.

Again, Mr. Edward Brush, on page 2390, speaks in referring to the cost of smelting from a particular mine. The chairman of the Committee on Ways and Means asked:

I think you gave me the total cost of smelting and refining, both, at $7.

The total cost of refining and smelting, both, at $7.

Mr. BRUSH. That is the charge made by the smelter, and the smelter has to pay the freight to the refinery out of that.

The CHAIRMAN. Something over $7 for that mine, the Silver King?

Mr. BRUSH. About; I will give it to you exact—

Now, this is what Mr. Brush said:

One month it was $6.91; the next month, $6.78; the next month, $7.86. It varies in accordance with the percentage of sulphur and the percentage of zinc in the ore.

Giving the exact cost month by month in specific figures, dollars and cents.

Again, I will take the testimony of Mr. Thomas L. Wood, of Colorado, as found in the hearings on page 2385. Some criticism has been made of Mr. Brush here. I do not know anything about Mr. Brush, except that he seems to know something about the smelting business and the cost of it. Mr. Wood in the paragraph which I will read is giving a statement of the charges made. I will not read the first. It is in technical terms, showing what the net profits were on so many tons of ore that were sent to the smelter; but in referring to the concentrates he says:

To produce 27,170 pounds of concentrates we crushed about ten times the amount of crude ore—

I will read that again. I want every one to hear it.

To produce 27,170 pounds of concentrates we crushed about ten times the amount of crude ore—say, 136 tons—making proceeds at mine about $3 per ton for the crude ore, against which must be charged costs of mining, milling, management, insurance, taxes, etc., which, on a 75-ton daily capacity, are not less than $2 per ton—

Now, what does that $2 cover? It covers mining, milling, management, insurance, taxes, and so forth—

and this does not cover mine development nor interest on investment.

He contended that that was not too much. It gave them a net profit of a dollar a ton on, we might say, the raw ore as taken from the ground, but $2 a ton covered in that case the expense of mining, crushing, and reducing to concentrates.

A good deal has been said here about the silver and the gold that is taken from the Utah and Idaho mines. Let us apply the declarations of the Senator from Utah as applied to the lead that is mined in the State of Missouri, where there is no silver and no gold, but simply lead, and see if it is a reasonable statement and if the cost of $8 a ton to smelt the ore is borne out by the facts. We will take the statement made by Edward A. Rozier, of Missouri, in the hearings, page 2341. If Mr. Rozier is not a credible witness, I would be glad to have one of the Senators representing the State of Missouri say so now, because I am going to read from his testimony. Mr. Rozier, from Missouri, on page 2341, says in regard to the cost of pig lead:

I will say, in a general way, that it costs in the St. Francois district about 3.5 to 3.6 cents a pound to produce pig lead. Most of the companies mine the ore and produce the lead into pigs. That is about the cost.

As to the amount of lead in a ton of ore, Mr. Rozier said, on page 2343:

The disseminated lead ore is a low-grade ore ranging from 4 per cent to 10 per cent, and it may be safe to state that practically the entire output of southeastern Missouri may be called a 5 per cent ore, considered on a metallic basis.

That is, there is 5 per cent of lead on the average in a ton of ore that is mined in southeast Missouri.

This ore is found at depths of not less than 300 feet up to 575 feet. It must therefore be apparent that the ore of St. Francois County can at best produce only about 100 pounds of pig lead to each ton of ore mined, and this 100 pounds of pig lead at the present average market price for 1908 of $4.35 per hundred would only produce $4.35 gross.

There is 100 pounds of lead taken from a ton of ore—20 tons of ore is necessary to secure 1 ton of lead—throughout the lead mines of Missouri, which produce more than one-fourth of the lead that is used in this country. If the statement of the junior Senator from Utah is correct, it costs $160 to smelt that ore alone, or $8 a ton for 20 tons. This shows the danger of Senators standing upon this floor and making statements when they are not thoroughly advised as to the facts.

Again, Mr. Marshall D. Smith, on page 2368, testifies. Mr. Marshall D. Smith is from Georgetown, Colo., and if Mr. Marshall D. Smith's testimony is not reliable, I should be glad to have a Senator from Colorado challenge it now and state why it is not. He testifies as follows:

During that period we (as well as the other large lead producers of that district) estimated that the quotation of lead needed to be in the near neighborhood of $4 per 100 pounds, and that the grade of ore mined could not fall below 4 per cent in lead, or, in other words, contain less than 80 pounds of lead to the ton of ore in order to break even and something better than this to operate to a profit.

That is, they must get 80 pounds in order to break even, and more than 80 pounds in order to have a profit.

In other words, 80 pounds of lead times $4 per hundred equals $3.20 per 80 pounds, or $80 per ton, was what it then cost to produce lead from that grade of ore in that district. Furthermore, it was estimated by engineers thoroughly familiar with that district, among whom I may name such men as Frank L. Nason, of New Haven, Conn., and Arthur M. Winslow, state geologist of Missouri, that the average grade of the commercial bodies of ore in the Fat River district of southeastern Missouri was not above 7 per cent.

Now, this ore which was mined was bearing lead at 4 per cent; and if it did not bear more than 4 per cent of lead of native ore, it did not pay to mine it; if it did bear more than 4 per cent, it could be mined at a profit; or if they could get a ton of lead out of 25 tons of crude ore, then they could mine it at a profit; but if they had to pay what the junior Senator from Utah says has to be paid for the smelting of the crude ore, it would cost eight times twenty-five to smelt it alone, or $200 per ton for the lead when it sells in the market for $86.

Senators, I want to know if we are expected to fix duties in this bill upon statements of that kind. I guess it is not worth while for me to read any more of this evidence. I want to confirm the declaration of the Senator from Iowa [Mr. CUMMINS], and to invite any Senator in this body to go through that stack of literature which was piled upon the desk of the Senator from Montana [Mr. CARTER] the other day, and which is brought here in such great abundance for our guidance, to point to a single line of testimony there to show it costs more than $8 a ton to smelt ore and reduce it to pig lead.

I am not talking here at random, and I am not giving information that comes from experience. I am standing here protesting against this, not because I have any personal interest in it. I resent the insinuation made by the Senator from Idaho recently against the sincerity of purpose of the men who are standing here protesting against this exorbitant and, in my humble judgment, outrageous differential. If a Senator can not stand here on this floor and defend what he believes in his conscience is just and right to his constituents without having his motives impugned by Senators who hold different views, I think it is time that there was a higher grade of men sitting in this Chamber.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. I do.

Mr. BORAH. Did the Senator from Kansas intend to refer to the junior Senator from Idaho?

Mr. BRISTOW. No; I beg the junior Senator's pardon; I did not. I referred to the senior Senator, when he stated that the men who were complaining of this excessive duty had not received any complaints from their constitutents, but were doing so to carry popularity with them. That is the remark that I am now resenting, not in my own behalf, because it seemed to be directed to every Senator on this floor who appeared to take issue with the senior Senator from Idaho in regard to this matter.

If it does not cost to exceed from five to eight dollars a ton to smelt lead ore and reduce the lead from its state in the ore to pig lead, why should there be placed a duty of twelve dollars and a half to represent the difference in cost here and in a foreign country? Concede that it does not cost half as much

or 40 per cent as much to smelt the ore in Mexico as it does in the United States, it costs only $8 in the United States. I challenge any Senator to show a line of testimony before Congress that shows it to cost more. This challenge stands open; and I should be glad to have such testimony pointed out. If it costs, then, but $8, there can be no reason for fixing the duty or differential at $12.50.

The amendment offered by the Senator from Iowa [Mr. CUMMINS] reduces it from $12.50 to $7.50—50 cents less than the maximum cost as shown by the testimony. Of course, I do not think that is a sufficient reduction in duty. Two-eighths would be abundant. I am, however, willing to accept the judgment of the Senators who are as earnestly desirous of these reductions as I am. I think the rate ought to be less. I am willing, however, to yield to the judgment of the Senators who are in favor of this reduction, and support the proposition which they agree covers every possible contingency in protecting the wages of the American miner.

It was said on Saturday in this discussion that there are lead miners in Kansas. I am glad there are, and I wish there were more. It was for the protection of the American miner that I voted the other day for a cent and a half duty on lead ore, and for no other reason. I do not believe that the duty of a cent and a half on lead ore ought to have been imposed, but it was imposed in the wisdom of a past Congress. Under that stimulus, that subsidy, if you please, there have been opened up mines throughout the Mountain States which, if you reduce the duty below a cent and a half now, would doubtless be closed, because they are barren and do not produce a great deal of lead per ton of crude ore. Rather than close those mines and start men out seeking employment, I supported the measure, which I did not think was justified for any other reason; but to say that you have got to give the smelting industries of this country a protection of four dollars and a half a ton more than it costs them to smelt their product in order to protect the wages of the miner, seems to me, is a very extravagant and farfetched conclusion.

If you take this $4.50 a ton off the profits of these smelters, they in turn have the power to take it out of the pockets of the miner, it is said, and this they have no right to do. That may be; but to correct that evil and injustice requires different legislation than can be had in a tariff bill. If there is a smelter trust in this country that has so intrenched itself that it can crush the miners in order to gratify its insatiable greed, then the thing to do is to legislate against that trust, so as to take from it that power, and not to impose an additional burden upon the people of the United States that it may reap all of the profits that its greed may demand.

There is no Senator on this floor who will stand more earnestly in favor of measures to curb the power of these great combinations of capital than I; but you can not do it by imposing additional burdens upon the American people in the shape of tariff taxes. Every cent of duty that is placed upon lead bullion or white lead increases the cost of lead bullion and white lead to the people of the United States, for we do not produce as much lead as we consume; and for that which we have to buy in foreign countries we pay the cost in the foreign countries plus the duty that is levied at the ports of the United States. I stand here and am pleading to you as earnestly as I know how to fix this rate at a figure that will be just, not only to the smelter and to the miner, but to the people who buy their products. I hope, in considering this matter, Senators will cast aside the consideration which seems to weigh upon the minds of many—that is, that they fear a reduction of this duty will be a rebuke to the Committee on Finance. I have not the slightest desire to rebuke or to differ in opinion from the Committee on Finance; I had rather a hundred times agree with them than to disagree with them; but I can not consent to vote a duty upon a product which is $4.50 per ton more than the entire cost of the labor in this country.

Mr. BRADLEY. Mr. President, as one of the junior Members of this body, I want to say that while I have listened to this discussion with a great deal of pleasure, it has been absolutely confusing. One Senator will address this body and refer to certain testimony, another to yet other testimony, and one will make assertions that are promptly contradicted by another. I must confess that, so far as I am concerned, I have been more confused than enlightened by this discussion. I am somewhat in the condition of an old Kentucky friend who was describing to me on one occasion the extent of a great crowd he had seen assembled in New York City. He described it by saying that there was such a crowd that when he went to scratch his own arm he found out he was scratching another man's arm. [Laughter.]

The question that occurs to my mind is: What are we to do? We have a Finance Committee, which has heard all the testimony in this case. That committee, in arriving at its conclusions, doubtless weighed all the testimony that was heard, while we in this body are listening here and there to excerpts from the testimony of various witnesses. I take it, sir, that the committee which heard all this testimony, and which weighed all this testimony, is in a much better condition to pass upon what is right and what is wrong than any individual Senator in this body. I have confidence in the ability of that committee; I have confidence in the honor of that committee; I have confidence in the honor and ability of the Senators who come here from the lead States, who are more interested by far than are the rest of us; and it occurs to me, sir, that the most sensible thing for the Senate to do is at as early a moment as possible to suspend this debate, and before we are entirely lost in the fog to vote to sustain the report of the committee.

Mr. STONE. Mr. President, I desire to make a brief statement, not to debate the question before the Senate further than I have already done; but I am anxious that the exact situation should be distinctly understood, to the end that there may be no misunderstanding now or hereafter regarding it.

Paragraph 179 of the bill, as it came from the House of Representatives, provided that—

> Lead dross, including all dross containing lead, lead bullion or base bullion, lead in pigs or bars, old refuse lead run into blocks or bars, and old scrap lead fit only to be remanufactured, lead in any form not specially provided for in sections 1 or 2 of this act, and the lead contents contained in lead-bearing ores of all kinds; all the foregoing, 1½ cents per pound.

That is the form in which the House of Representatives sent that paragraph to the Senate. It laid a duty of 1½ cents per pound upon the lead contents of lead-bearing ore, and 1½ cents per pound upon pig lead or bullion. The Senate Finance Committee amended that paragraph so as to provide a duty on the contents of lead-bearing ore of 1½ cents per pound, but took out lead bullion, pig lead, and so forth, from that paragraph, transferred those articles to paragraph 180, and raised the duty to 2½ cents per pound.

Mr. President, when I read paragraph 179, as it passed the House and came to the Senate, I felt that the House had not wisely determined the rate as between lead ore and lead bullion. It seemed to me then, and does now, that, considering all things, with a view to a symmetrical and scientific arrangement of the schedule, a somewhat higher rate should have been imposed upon the bullion than upon the ore. If I could have framed the House provision, I would have fixed the duty on the lead contents of ore at not less than 1 cent and not more than 1½ cents per pound, and would have fixed the rate on lead bullion at about 1½ cents per pound. I mean to say that, upon the theory on which the bill was constructed, those rates of duty would have been laid in about the right proportion; but, as the House, after full deliberation and after a thorough hearing of all the interests concerned, thought proper to fix rates between the ore and the metal as they did, I felt inclined to accept them, although it was not as I myself would have constructed the paragraph.

The Senate committee has established a differential between the ore and the bullion. I think that was the proper thing to do, only, in my judgment, they did it in the wrong way. I think it would have been better and more wisely done if the Senate committee had reduced the rate on the lead contents of ore somewhat and left the duty as fixed by the House on the bullion; or, if they raised it at all, to have done so by a very slight fraction.

So, Mr. President, the other day, when the question before the Senate was upon agreeing to the amendment proposed by the Senate committee to paragraph 179, I voted against it. I voted against it because I believed then, as I do now, that the rate fixed by the House bill upon the more refined products of the ore, pig lead or bullion, at a cent and a half a pound, was as high as it ought to be. I believed then, as I do now, that the rate on the lead contents of the bullion should have been somewhat lower; but I was unable then, and still am, to see that any particular harm or serious commercial disturbance would occur by leaving both at the same rate in this instance. So I voted against the Senate amendment to paragraph 179, with the understanding—which was a correct understanding—that if it should be rejected by the Senate, it would restore the House provision and leave both ore and bullion at the rate of 1½ cents per pound. I preferred that, in the interest of the entire constituency of my State and of the Union, to agreeing to the amendment proposed to paragraph 179 by the Senate committee, as that would lead inevitably, or, at least, in the

ordinary and natural course of making rates, it would lead to a higher rate on pig lead or bullion. I prefer the House provision to the Senate amendments, as they are presented in paragraphs 179 and 180.

Mr. SMOOT. Mr. President, I do not rise to make any extended remarks on this question, for I consider that it has been pretty thoroughly discussed, but at the request of a number of Senators I desire to make a concise statement of just what the results have been in the State of Utah not only in the mining of lead, but of silver and gold as well. I have carefully gone over the statistics of the State for the year 1906, and I wish in a few brief words to present to the Senate the results with respect to mining in that State for 1906. I think it will be a fair average of lead mining, for we produce in Utah some 65,000 tons of lead each year, and we are the third State in the Union so far as production goes.

In 1906 we produced 125,342,836 pounds of lead or 164 pounds of lead for each ton of ore mined. But in that ore mined and smelted were 68,340 ounces of gold, or an average of 0.089 ounce of gold in each ton of ore. It also contained 9,406,758 ounces of silver, or an average of 12.27 ounces of silver to each ton. Eighty-two per cent of all the silver produced in Utah came from lead ores. Twenty-six or 27 per cent of all the gold produced in that State came from lead ores.

The price of lead ore in 1906 was $5.70 per hundred. The price of gold was $20.67 per ounce. The price of silver was 67 cents per ounce. Therefore the value of the contents of the average ton of ore in our State was, lead, $9.32; gold, $1.84; silver, $8.22, or an average to the miner of $19.38 per ton.

It cost the miner to produce this ore the following amounts: There was 10 per cent deduction for the loss of lead in smelting, which amounted to 93 cents; 5 per cent deduction for the loss of gold, 9 cents; 5 per cent on silver, which is 41 cents. The average wagon and railway haul costs the miner $2.50 per ton. The sampling per ton of that ore was 50 cents. The average smelting per ton of that ore was $8, and the mining of that ore averaged $3.50.

And, mind you, Mr. President, that mining means the mining of ore produced by mines paying—that is, by mines upon a paying basis. It does not take into consideration the hundreds of thousands of dollars that are paid every year for the prospecting and development of nonproducing mines in trying to make them producers. The total of all the cost to the miner was $15.93. The miner receiving $19.38 per ton, with this cost deducted, shows what would appear to be a profit of $3.45, and was for that year. But a mine is not like a farm. A dividend from a mine is not like a dividend from a mercantile establishment or a bank. A dividend from a mine is the capital of the mine, because no ore that you take from it can ever be replaced.

And note the difference in the prices of lead and silver during 1906 and to-day. To-day lead is worth $4.30. In 1906 it was worth $5.70, which would show a difference of $2.29 for every ton produced. Silver in 1906 was worth 67 cents an ounce. To-day it is worth 50 cents an ounce. That means a difference in every ton of $2.09, making $4.38 which to-day it would fall short of what it was in 1906, or the apparent gain in 1906 of $3.45 is entirely lost. That simply means, then, that there are a number of low-grade mines that have had to suspend; and I could name now a number of producing mines in 1906 which have been compelled to suspend.

The trouble in this whole matter has been that some Senators have mixed up the cost of smelting a ton of ore with the cost of smelting a ton of pig lead, and then have tried to figure the differential of five-eighths of a cent on the cost of smelting a ton of ore in one case and the cost of producing a ton of pig lead in another; and these figures, based upon two distinct and separate propositions, never will instruct Senators as to what the differential should be. Let us figure on 2,000 pounds of pig lead. During the year 1906 the average lead in a ton of ore in the State of Utah was 164 pounds. That means it took 12¼ tons of ore to produce 1 ton of pig lead. The differential we are talking about here is five-eighths of a cent on pig lead or $12.50 on 2,000 pounds. The mistake of the Senator from Kansas is that he says that that differential is $12.50, and as it costs only $8 to smelt a ton of ore there is a differential of $4.50 per ton of pig lead too much. That is the trouble here.

I desire to call the attention of Senators to the fact that it costs $8 to smelt. Let us assume that there is only a difference between the cost in Mexico and the cost in the United States of smelting a ton of ore, not pig lead, of $1; and there is not a Senator here who will not say there is more than $1 difference between the cost in Mexico and the cost here. Then, on 12¼ tons of ore required to make a ton of pig lead, means $12.20, as every Senator here can figure.

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Kansas?

Mr. SMOOT. Certainly.

Mr. BRISTOW. I should like to inquire how the $12.20 is expended; in what way; how; what different processes does the ore go through? Do you count the concentration as well as the smelting?

Mr. SMOOT. I have counted nothing but $8 for smelting, and I take the testimony of the very man whom the Senator quoted. I have not assumed there would be 40 per cent between the smelting charges of the two countries, but I simply take $1 a ton difference; and in the lead ore of our State, of which it took 12½ tons of ore to make a ton of pig lead, $1 difference means $12.20, and the differential of five-eighths of 1 cent we are asking here on 2,000 pounds of pig lead means $12.50; and that is within 30 cents on 1 ton of pig lead.

Mr. BRISTOW. I may be dull, but I do not exactly understand how, if it costs only $8, the Senator gets $12.20.

Mr. SMOOT. Let me explain it again to the Senator. The Senator will admit that it costs $8 a ton to smelt here, on the average.

Mr. BRISTOW. I will admit this: That that is the maximum rate given by anyone who appeared before the House committee.

Mr. SMOOT. I beg pardon of the Senator. That is not the maximum of anyone who has appeared, but that is the price which the Senator himself has been quoting here to-day; and what I ask the Senator is, Do you admit that the average ore costs $8 a ton to smelt in this country?

Mr. BRISTOW. I will say, so far as I have been able to examine, it costs from $5 to $8 to smelt a ton of pig lead, to reduce it from the ore to pig lead.

Mr. SMOOT. That is so absurd that there is no need of my explaining further to the Senator, because there is no such testimony, and there could not be, and no man living can smelt enough average lead ore to make a ton of pig lead for $5 or $8. A ton of pig lead is entirely different from a ton of ore.

Therefore I call the attention of the Senate to the fact that all I ask is $1 a ton on the 12½ tons of ore which during the year 1906 it took to make a ton of pig lead in my State, and that means $12.20; and the differential asked here between the contents of ore in lead ore and the duty upon pig lead is five-eighths of 1 cent per pound, and five-eighths on 2,000 pounds is $12.50.

It seems to me it is so plain that anyone can see without a question that we have no more than is required under the conditions existing, at least in my own State.

Mr. BRISTOW. I should like to inquire where in the hearings the evidence is which states that it costs more than $8 a ton to smelt alone.

Mr. SMOOT. Mr. Brush himself said it cost more.

Mr. BRISTOW. Where?

Mr. SMOOT. The Senator from Minnesota read it here this afternoon, where it cost $10 and something.

Mr. BRISTOW. I beg your pardon. That quotation stated that it cost $5.55 to smelt and $4.50 to refine. There is no duty on the refining. The duty is on the smelting.

Mr. SMOOT. So far as that is concerned, the bill itself will tell you what the duties are. It covers pig lead and bullion.

I do not think there is any use of my taking any further time on the subject. It seems to me the statement is so plain that any man here who will sit down and figure for one moment can see how simple it is when he will get it out of his mind that a ton of pig lead is the same as a ton of ore.

Mr. NEWLANDS. Mr. President, the senior Senator from Idaho [Mr. HEYBURN] read last Saturday a telegram from the bullion inspector of my State, calling attention to the importance to that State of the lead-mining industry, the number of mines of that kind in the State, the number of men employed in the industry, contrasting the wages which prevail there with the competitive wages in Mexico. I stated at the time that whilst I concurred with the sender of that telegram in the optimistic view which he had regarding the mining industry of that State, I could not be controlled by the considerations presented as to my vote on this question.

I should regret, of course, to cast a vote which any citizen of the State of Nevada would regard as prejudicial to the interests of that State. Whilst I believe that the general sentiment of that State is that the present tariff duties are excessive and should be reduced, I am aware that there is considerable sentiment among the people of that view that so long as the protective-tariff system continues to exist each State should insist upon receiving its fair proportion of the protection afforded.

But, Mr. President, if this consideration is to control each and every one of us who believe in the reduction of excessive duties, it will mean, of course, that no duties will be reduced, for there is not a section, there is not a State in this country in which some industry that pertains to that section or State is not protected by this tariff and oftentimes by excessive duties. If it is necessary for us to unite the vote of the revisionists upon this question, it is apparent that a defection by the representatives of the several States interested in a particular industry may prevent a favorable vote regarding the reduction of excessive duties, and the result will be that whilst in the end all will vote for some reduction of duty, they will never be able to unite their votes upon the same reduction, and will be unable to accomplish anything.

Mr. President, regarding this particular industry, I have to say that so far as lead in ore is concerned the average protective duty is over 70 per cent, and that as to lead which has reached a stage beyond that of ore the average duty is about 50 per cent. I regard those duties as excessive. I do not believe that such a duty as 70 per cent should be imposed on any commodity, except, perhaps, spirits and tobacco. I do not believe that so high a duty should be imposed even upon the luxuries of life. Under this bill duties of 100 and 150 per cent are imposed upon so-called "luxuries." I regard such duties as absolutely unreasonable, unjust to the producers in other countries, unfair when you consider fair reciprocity of trade throughout the world, and the comity which nations should bear to each other.

But so far as the necessaries are concerned, such as lead may be regarded to be, I consider a duty of 70 per cent, or even 50 per cent, as excessive. Under this tariff we find that this duty can be sustained as a revenue duty, for about $1,000,000 in duties is collected annually upon lead in its various forms, nearly one three-hundredths of the entire revenue obtained from customs duties. If we were looking to revenue alone, and without reference to the fairness of the apportionment of the taxes as between the various commodities covered by the tariff, that duty could be justified as a revenue-producing duty; but it is so high as to be unfairly protective, and to involve a price for lead to our domestic consumers higher than that which should be exacted.

Now, what is that price? To-day lead stands in the London market at 3 cents per pound and in New York it stands at about 4½ cents per pound. We can therefore safely assume that the difference in price is due to the duty imposed by the United States—an average duty of about 2 cents. The entire duty is not imposed as an additional price, but a very large proportion of it is. Under this duty we collect $1,000,000 in revenue. But how much have the producers of lead collected from the consumers under this system of protection? We look over the statistics furnished us by the Committee on Finance and we find that the total production of lead in this country was in value $30,000,000, at 4½ cents a pound, the cost imposed on the consumer. If that price was 3 cents—the London price—the American consumers, instead of paying, as they do now, $30,000,000 annually to the domestic producers, would pay only $20,000,000, or one-third less.

So the American producers collected from the American consumers this tax to the extent of $10,000,000, whilst the Government collected from the outside producers only $1,000,000. It may be safely assumed throughout our entire tariff system that the consumers of the country pay ten times as much to the domestic producers for the commodities produced by them as is collected by the Treasury in the shape of duties upon the similar products of foreign producers.

The total duties collected upon foreign products amount to $300,000,000. So it is safe to assume that the domestic producers in America collected from domestic consumers ten times $300,000,000—$3,000,000,000—annually as taxes through this protective system, and that the Government itself receives only one-tenth of the entire burden placed upon the American people.

Mr. President, with reference to this particular industry, the Senate has already determined that the basic duty upon lead in ore shall be 1½ cents per pound, which is the present duty, and that is the duty which protects the American miners, for if you will look into the statistics you will find that almost the entire importation of lead into the United States is in the shape of lead in ore.

We are now considering simply the differential, the additional duty that is to be imposed upon the lead which has reached a higher stage of production, namely, pig lead as contrasted with lead in ore. There you have to consider not the wages of the miners, but simply the wages of those engaged in the smelter and the profit of the smelter and possibly the service and the profit of the railroad.

Now, what differential should be imposed? I admit that some differential should be imposed, for if you were to impose an ad valorem duty instead of a specific duty, the pig lead being more valuable than the lead in ore would produce a higher duty. What evidence have we regarding it? The best evidence that has been presented to my consideration in these hearings is that of Mr. Brush, of the American Smelting and Refining Company, a protectionist, who insists upon it that the basic duty on lead in ore should be 1½ cents a pound, and who simply presents his views as to the differential in case the duty were put at 1 cent a pound, as he understood the committee of the House intended to do.

He declares that a differential of one-eighth for smelting and an additional differential of one-eighth for refining is sufficient, two-eighths in all. As I understand it, there is no distinction here between the smelting and the refining. They are both in one item and are covered by the term "pig lead." The junior Senator from Iowa has presented an amendment reducing the differential from that called for by the committee, five-eighths of 1 cent, to three-eighths of 1 cent, one-eighth of 1 cent higher than Mr. Brush declares is necessary to cover both processes of smelting and refining. It seems to me that that is a liberal allowance for smelting and refining.

It is true that some effort has been made to discredit Mr. Brush upon the ground that the great trust organization in which he is interested also owns smelters in Mexico. It seems to me the very fact that this company owns smelters in both countries would add to the impartiality of the witness and would increase our confidence in his credibility. We have upon this floor the most substantial indorsement of the character and the integrity of Mr. Brush, and no one can question his knowledge. He did not appear voluntarily before the Ways and Means Committee. He was brought there by a subpœna and he was brought there by the committee as an expert in these matters, having full knowledge and information.

So far as my mountain friends are concerned, I can realize how those who stand for a general revision of the tariff, who regard many of the duties of this tariff as excessive and who wish them reduced, should regard with solicitude any change which will affect materially the industrial conditions of the States in which they live. But I wish to urge upon them, and I wish to urge particularly upon the junior Senator from Idaho, if he will give me his attention, the importance of this vote. I understand that he is one of the progressive Senators upon the Republican side who is disposed to accept the assurances given by Mr. Taft in the campaign, who is disposed to interpret the dubious Republican platform in the interest of the people, and who believes that there are excessive duties which should be reduced.

If the men from the mountain States who believe that these excessive duties should be reduced refuse to give the progressionists their votes at this critical stage of the proceedings, may they not be responsible for an entire defeat of the movement for tariff reduction and reform? For if they lead in the exclusion of the particular industry in which their State or section is interested from the general scheme of reform it will justify Senators of similar views from the Middle West, it will justify Senators of similar views from the South, in taking similar action; and, if we lack three or four votes upon each of the proposed reductions essential to carry out needed reforms in the aggregate, the entire movement for reform will fail. I urge, therefore, that every Senator, regardless of party, who believes that tariff reduction is necessary to support the reasonable reduction proposed by the junior Senator from Iowa.

I submit that a grave responsibility rests upon each one of us, and it is important, if we would be true to our convictions, to take some little personal risk regarding the State or the section from which we come, and to be willing to indulge in some sacrifice at home as well as to require sacrifices abroad. It is this consideration above every other that leads me to take the view I have taken against the protests of many in my own State, and possibly with serious consequences to my political future in that State.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. BRISTOW. I ask for a roll call.

The yeas and nays were ordered.

Mr. GORE. Mr. President, before the roll call begins I wish to say that there has been considerable conflict of opinion in regard to the freight rate on pig lead from Salt Lake City to New York. I think it material to this debate that the record should disclose the rate. I have obtained what I regard as exact and reliable information. The combination rate from

Salt Lake City to New York by way of Kansas City is 70 cents a hundred pounds, which of course means $14 per ton, or $280 per carload lot.

Mr. CUMMINS. I ask that the amendment I offered to the amendment of the committee be read.

The PRESIDING OFFICER. The Secretary will read the amendment to the amendment.

The SECRETARY. On page 60, line 21, in paragraph 180, it is proposed to amend the committee amendment by striking out the words "two and one-eighth" and inserting in lieu thereof the words "one and seven-eighths," so that if amended it will read:

All the foregoing, 1⅞ cents per pound.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment to the amendment.

The Secretary proceeded to call the roll.

Mr. CULBERSON (when Mr. BAILEY's name was called). I will state for all the roll calls to-day that my colleague [Mr. BAILEY] is necessarily absent. He is paired generally with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present he would vote "yea."

Mr. BANKHEAD (when his name was called). I have just come into the Chamber. What is the question?

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Iowa [Mr. CUMMINS] to the amendment of the committee.

Mr. KEAN and others. Let the roll be called.

The Secretary resumed the calling of the roll.

Mr. TILLMAN (when his name was called). I have a general pair with the Senator from Vermont [Mr. DILLINGHAM]. I will transfer that pair to the Senator from Oklahoma [Mr. OWEN] and will vote. I vote "yea."

Mr. WARREN (when his name was called). I have a general pair with the senior Senator from Mississippi [Mr. MONEY]. I do not know how that Senator would vote were he here. If I were at liberty to vote, I should vote "nay," but I respect the pair.

Mr. McLAURIN. If the senior Senator from Mississippi [Mr. MONEY] were here he would vote "yea."

The roll call was concluded.

Mr. ELKINS. I am paired with the Senator from Texas [Mr. BAILEY]. If he were present and voting I should vote "nay."

Mr. CULLOM (after having voted in the negative). I have a general pair with the junior Senator from Virginia [Mr. MARTIN]. I voted, supposing that he would come in before the vote would be closed; but I do not see him here. So I will withdraw my vote.

The VICE-PRESIDENT. The vote will be withdrawn.

Mr. FRYE. The senior Senator from Oregon [Mr. BOURNE] is detained from the Chamber by the serious illness of his mother.

The result was announced—yeas 35, nays 44, as follows:

YEAS—35.

Bacon	Clay	Gore	Shively
Bankhead	Crawford	Johnston, Ala.	Simmons
Beveridge	Culberson	La Follette	Smith, Md.
Bristow	Cummins	McLaurin	Smith, S. C.
Brown	Daniel	Nelson	Stone
Burkett	Dolliver	Newlands	Taliaferro
Chamberlain	Fletcher	Overman	Taylor
Clapp	Frazier	Paynter	Tillman
Clarke, Ark.	Gamble	Rayner	

NAYS—44.

Aldrich	Crane	Heyburn	Perkins
Borah	Curtis	Hughes	Piles
Bradley	Depew	Johnson, N. Dak.	Richardson
Brandegee	Dick	Jones	Root
Briggs	Dixon	Kean	Scott
Bulkeley	du Pont	Lodge	Smith, Mich.
Burnham	Flint	McEnery	Smoot
Burrows	Frye	Nixon	Stephenson
Burton	Gallinger	Oliver	Sutherland
Carter	Guggenheim	Page	Warner
Clark, Wyo.	Hale	Penrose	Wetmore

NOT VOTING—12.

Bailey	Davis	Foster	Money
Bourne	Dillingham	McCumber	Owen
Cullom	Elkins	Martin	Warren

So Mr. CUMMINS's amendment to the amendment of the committee was rejected.

The VICE-PRESIDENT. The question recurs on agreeing to the amendment of the committee.

Mr. BEVERIDGE. I move to amend the committee's amendment by striking out, in line 21, the words "and one-eighth" so as to read "2 cents per pound."

The VICE-PRESIDENT. The Secretary will state the amendment proposed to the amendment.

The SECRETARY. In the amendment of the committee, on page 60, line 21, strike out the word "one-eighth," so as to read:

All the foregoing, 2 cents per pound.

Mr. BEVERIDGE. Mr. President, before the vote is taken, I wish to make one or two observations as to why I shall cast my vote as I do upon this amendment.

I have before me the speech of the chairman of the House Committee on Ways and Means, who explains at great length—and I shall not read it for that reason—the very exhaustive hearings and inquiry which the House made into this and all matters. I suppose it is true that that inquiry and consideration were the most extensive of any tariff bill ever passed. That is the first point.

The second one is this: The majority of the House were and are protectionists. The majority of those protectionists are high protectionists. The majority of the Ways and Means Committee of the House was made up of what are familiarly known as "standpatters." And yet, Mr. President, after these months of consideration, after what the chairman of the House committee says was his patient hearings, after their protectionist leanings, which are no greater than my own, they fixed the rate as we find it in the House bill. That is the second consideration.

The third consideration is that that great body is presided over by that extraordinary man, the Speaker of the House, who, perhaps, is the highest protectionist from conviction in all the country, a man of dominant personality, and whose great influence with the House is accentuated by the affection felt for him there. Yet, in spite of all these facts, in spite of all these influences, the House fixed the rate as we find it in the bill.

The Senate committee then took it, and we find it reported back with an enormous differential. I make no criticism whatever of the committee for that, and yet it must be said here, Mr. President, that up to this moment there have been no new facts presented, more than the House had, why the differential was increased. A discussion which, I think, has been too long—but nevertheless it has been very fruitful—has occurred, in which, it seems to me, it is demonstrated that the differential is too high.

So far as I am concerned, on this and each schedule I mean to vote for what appears to me to be right, and I assume that every other Senator means to do precisely the same thing.

Now that it has appeared to a majority of the Senate that we should not reduce the differential as fixed by the Senate committee two-eighths, it has occurred to me that not even the most earnest advocate of a higher differential can object to a reduction of one-eighth of 1 per cent—only two dollars and a half a ton.

Something was said the other day by the eloquent senior Senator from Idaho [Mr. HEYBURN] about the ruin of this business in his State under the Wilson law. But the rates under the Wilson law were three-fourths of a cent for ore and 1 cent for bullion, greatly lower rates than are here proposed; and, in addition to that, the failure of those mines in those days was not only on account of the extraordinarily low rates, but because of the prostration of business throughout the entire country that used the products of those mines. I do not think that Senators who have been working for this advance will say that they can not get along with 2 cents.

Mr. President, I was impressed with the statement of the Senator from Kentucky [Mr. BRADLEY]. He said that the Senate committee, having investigated this matter, had much better judgment upon it than any of the rest of us—and that is probably true—and that therefore it was our duty to accept immediately what the committee had reported. That, of course, would make the Senate the instrument of the committee instead of the committee being the instrument of the Senate. I think there is no more strenuous advocate on the floor than I of the general rule of following committee reports in ordinary legislation, because we can not ourselves examine every bill. But a tariff bill is the great business measure of 90,000,000 people. When it is passed it ought to stand for at least ten years, and it becomes the duty of every Senator to inquire into it and to place his vote according to his judgment. If the Senator from Kentucky, who is voicing a sentiment which is being circulated in the Senate, is correct, it becomes the duty of every Senator here to vote immediately for a resolution which will pass the bill to the House with instructions to our conferees to stand by the provisions of the Senate. It reverses the whole theory of legislation. Instead of a committee being the servant of the Senate, the Senate becomes the servant of the committee.

Only one word more, Mr. President. We decreed for a revision of the tariff. That decree was for a revision downward. I

do not think there is any use in trying to dispute that that is what was in the minds of the people. I agree with the Senator from North Dakota [Mr. McCUMBER], one of the ablest members of the Finance Committee, who the other day, in his most earnest speech, declared—and I will not stop to quote it—that beyond all doubt the people understood that the revision was to be downward. If it was not, will anyone say it was to be upward? And if it was to be neither upward nor downward, why were we called in special session?

As I caught the drift of the campaign, as I understood the meaning of the issues, it was that, wherever possible, we should reduce these rates which are now something over eleven years old. And yet, Mr. President, whenever an attempt is made to reduce those rates, we are confronted with the statement that those who in mere justice wish to reduce them are attacking the system of protection. I think that those who are attacking the system of protection are those who would keep rates at a fixed place if they could, and I think the greatest defenders of that system are those who insist that rates shall be fixed by justice, and that wherever the will of the people decrees that some rates shall be moved downward, then we should register their decree.

I think that wherever you say "protection," the American people will march forward with you; but the only thing that ever will break down the protective system is that the people shall believe that it is weighted down with a single ounce of injustice.

It is not my intention, Mr. President, to speak more; it had hardly been my intention to speak this much; but I think that here is an amendment fixing a differential which can not possibly hurt anybody. I would not offer it if it had been shown to the Senate that one single new fact was in the possession of the Finance Committee which had not also been in the possession of the House; if one single new reason had been given to the Senate that was not also before the House.

On several occasions statements have been made upon the floor as to what Senators had learned in private conversations; and it is for this reason only that I refer to this fact.

We have been told what the House committee's opinion was—that they made a mistake at the last minute, and much of that must have come from private conversations—and of that I make no complaint. But on that account I call the Senate's attention to the fact that only within the last three or four days I talked with a Republican member of the Ways and Means Committee of the House, and he said that they did not then think they had fixed the rates too low and did not now think they had fixed the rates too low. If that had been lightly done, if we did not have the word of the chairman of the Ways and Means Committee of the House that every schedule had had months spent upon it, or if a new fact had been shown here, I should not complain of the differential; but in view of these facts it seems to me that Senators who earnestly want to do the right thing, and if they make an error, to err on the side of a higher differential than justice would fix, can vote, and vote conscientiously, for a reduction of one-eighth of a cent.

Mr. ALDRICH. Mr. President, I have no intention of undertaking to make any response to the general observations submitted by the Senator from Indiana [Mr. BEVERIDGE]. I shall be very glad to do that on a subsequent occasion.

This matter has been discussed for three days, practically. A duty to be imposed by this bill is either protective, or it is not. If five-eighths of a cent differential is necessary, as has been the universal impression of all the Senators in this body who seem to have any information upon the subject, then four-eighths of a cent is not protective, and four-eighths of a cent is no better than three-eighths or two-eighths or one-eighth. If the proposition is not to turn this industry over to foreign competitors, the suggestion made by the Senator from Indiana is no better than the suggestion made by his fellow-progressive, the Senator from Iowa [Mr. CUMMINS]. There is no use of juggling about terms in this matter. Either this differential is needed, or it is not. If it is needed, then I expect every protectionist in this body to vote for it. I am not talking about terms at all. The duty is either needed or it is not. If it is needed, it should be sustained.

Mr. BEVERIDGE. Mr. President——

Mr. ALDRICH. I meant to call for the yeas and nays, Mr. President.

Mr. BEVERIDGE. Mr. President, every time the lowering of a duty is asked, every time the action of a Republican House in reducing a duty seems to be wise to any Senator, the only argument with which we are met is the obsolete argument that we have heard from our childhood, that we propose "to turn the industry over to foreigners." Did the other House intend to turn this industry over to foreigners? The Senator says that their action did just that. Were the great majority in the other House men who came directly from the people, from the homes of the people, knowing the sentiment of the people, earnest, everyday fighting protectionists, were they not true protectionists? Did they mean to "destroy this industry?"

Did the Speaker of the House, who campaigned in a lead district and made certain promises, want to destroy the industry? Did the chairman of the Ways and Means Committee of the House want to "turn this industry over to foreigners?" Did the majority of the Ways and Means Committee, who were Republicans of as long standing as any Senator in this honorable body, and whose devotion to the principle of protection has been proved by their conflicts in every campaign for years and years—did any one of that House committee want to "destroy this industry" or "turn it over to foreigners?" The Senator from Rhode Island will have to invent a new argument. That one is outworn, threadbare, and moth-eaten. It is more—it is monotonous.

Why, Mr. President, the Senator seems to think that there is something sacred about the figures one-eighth. The Senator says this particular duty "is needed or it is not needed." Is it not all a matter of calculation? Is it not a matter of business, after all? Is there any particular halo about the figures one-eighth?

Mr. GALLINGER. There is, if it makes the protection sufficient.

Mr. BEVERIDGE. Yes; but there has been demonstration here that 35 Senators believe that five-eighths is too high a differential. I have been inclined to think that myself, and I am satisfied——

Mr. ALDRICH. Forty-four Senators, however, voted the other way.

Mr. BEVERIDGE. Yes; 44 Senators did vote the other way. I understand that perfectly well; but did that make your one-eighth sacred? What the Senator from Rhode Island is quarreling about now, what the Senator is now declaring is that, if we strike down the one-eighth rate, we "strike down the industry" and "turn it over to foreigners." It comes like the sound of a phonograph from an ancient campaign. I ask whether it is true that the Republican House have deliberately proposed to "strike this industry down?"

The Senator from Rhode Island speaks about "juggling." Well, I never applied that word to any of the mysterious figures in the Senate bill. I would almost be willing to put this question up to certain Senators on this floor who do know about this industry, and myself vote as those particular Senators would say, as to whether or not 2 cents would be enough.

I want to repeat what I said a moment ago about the danger to the protective system. There are Senators here who have done much more work for it by far—older Senators, who have fought more bravely and more ably for it than ever I have. I have not done much, but I can see before me years of a strenuous devotion to the system of protection in the future, as older and veteran Senators have given it in the past; and if I see anything clearly, it is that the peril of that system does not come from the earnest wish of those who hope to take any excess out of it, but from the fervent insistence of those who have clothed it with a sacredness which no human law can possibly possess. I think, so long as we go forward upon a protective system based upon justice, the American people will follow us to victory in the future, as they have in the past; but I think their sentiment to-day, Mr. President, is the same that ran in their blood upon another historic occasion which I might now paraphrase. They once said: "Millions for defense, but not a cent for tribute." They now say: "Millions for protection, but not one cent for extortion."

Mr. McCUMBER. Mr. President, I have taken no part in the discussion of this particular schedule, for the reason that I wanted to get all the information I could from the arguments that have been given here for several days, and for the further reason that I knew there were many here in the Senate Chamber who were better qualified to express an opinion upon that subject than I.

The mass of figures that have been produced in argument here are somewhat bewildering, and I do not believe that many of us, unless we are experts in the particular line of business, can say absolutely whether we should agree to the one-eighth cent extra or cut it down. But every Senator who has spoken upon the subject from the Republican side has declared—I do not care whether you call him a "stalwart" or a "progressive," or anything else—that he is in favor of a sufficient duty adequately to protect American industry.

That is all there is to it. Every Republican is a believer in that, and there is no necessity of attempting to divide us upon that line. We may differ as to what may be a reasonable protection and what may not be a reasonable protection, but I do not believe that there is one of us who does not believe in the protective policy. The only question now is whether or not the proposed rate of 2½ cents per pound is necessary for adequate protection. I know some Senators claim that that rate is not necessary, while others claim that even more than that is needed. As I understood the Senator from Indiana, he said that no one had shown that 2½ cents per pound was necessary for adequate protection.

Mr. BEVERIDGE. I said that there was nothing sacred about the figure one-eighth. I said——

Mr. McCUMBER. Mr. President——

Mr. BEVERIDGE. The Senator referred to what I said, so he will let me correct him. I said further that I would be willing to put it to Senators upon this floor who do know about it—but I will not go into that—as to whether 2 cents would not be sufficient protection.

I do not wish to disturb the Senator, but while I am up I wish to ask the Senator this question: Did not the Senator declare the other day, on May 3, in the Senate, that our promise was for a revision downward, in more forcible language than I have used?

Mr. McCUMBER. Oh, I could state again what I said then. I stated then positively how the different sections of this country understood revision. I understood, first, that it was to be on the lines of protection. That was written in the platform first. Every argument was that we would reduce downward, within the lines of protection.

Mr. BEVERIDGE. Certainly.

Mr. McCUMBER. But protection first. And I want to be dead certain that we are staying within the protective lines upon every product that I believe ought to be protected.

Mr. BEVERIDGE. Yes; so do I.

Mr. McCUMBER. I want to ask the Senator from Idaho [Mr. HEYBURN], who certainly does know something about this matter and who has made a special study of it, whether or not this 2½ cents per pound is a necessary protection? If he would ask me anything about any industry in my State that I am acquainted with, I could give him the figures, and I believe that the figures I would give ought to have some weight in the Senate. So, when the Senator from Idaho, the Senator from Missouri, and the Senator from Utah—from three great lead-bearing States—express their opinion from the protective standpoint upon the proposition that the duty of 2½ cents per pound is necessary, and that without it many of their mines that are to-day profitable would be closed down, I am going to give great weight to what they say, and I am going to ask the Senator from Idaho——

Mr. BEVERIDGE. Mr. President——

Mr. McCUMBER. Just one moment. Let me finish the sentence. I am going to ask the Senator from Idaho to state directly, whether, in his candid judgment, the duty of 2½ cents per pound is necessary; and I know that the Senator will give me his best judgment; and I shall rely upon that judgment.

Mr. BEVERIDGE. I have not the slightest doubt upon that, but would not the Senator think that the Senator from Idaho would be inclined, in the enthusiasm of his cause, to get the highest protection he could for this industry?

Mr. McCUMBER. No.

Mr. BEVERIDGE. For example, the other day the Senator from West Virginia [Mr. ELKINS], a Senator whom we all very highly esteem, because we have that habit among ourselves, in answer to a question put, I think, by the Senator from California [Mr. FLINT], said that when he tried to get a rate of duty on coal, he would get it just as high as he could. Now, while the Senator from North Dakota is on his feet——

Mr. McCUMBER. I am not asking the Senator whether he wants it as high as that, but the question I am putting to him is whether 2½ cents per pound on this article is absolutely necessary for protection? That is the question that I put to him.

Mr. BEVERIDGE. I have no objection to the Senator putting that question to him, but I want to ask a question after he answers. We want to get the right of this thing.

Mr. HEYBURN. Mr. President, I do not belong to the school of statesmen that will make a statement as to the necessity of a rate of protection merely because it is the highest they can get. We have adjusted the business of our country for the last eleven years to the existing rate, and it affords a reasonable protection. Two cents would not afford any protection. There is no difference between the safety which lies behind a door that is open an inch and behind a door that is thrown back on its hinges. It does not follow that you can whittle off the element of protection.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. Certainly.

Mr. NEWLANDS. Let me inquire of the Senator whether the view which he has expressed regarding the particular duties that the business of his State has adjusted itself to in this particular would not apply to every other duty?

Mr. HEYBURN. It would.

Mr. NEWLANDS. And the industries related to it, and thus prevent the reduction of any of the duties fixed by the Dingley law?

Mr. HEYBURN. I did not intend to confine my statement to a single State. I undertook to say that this great industry, in the element of the investment, in the development of the properties, in all the attributes that go to build up and maintain a business at a certain standard of prosperity as measured against the business of the outside world, has been afforded the element of protection, and the duty proposed by the committee, which is the existing law and has been for eleven years, ought not to be disturbed. I speak in conscience, and not for personal gain.

Mr. BEVERIDGE. The Senator from Idaho has given the first new reason that I have heard in listening to these debates—a reason not given to the House—for this duty; and the reason that he has given should be, in our judgment as Senators, its death. He said the one-eighth ought to be retained not because it was a just differential, but because their "business was adjusted to it."

Mr. HEYBURN. Pardon me, I did not——

Mr. BEVERIDGE. Was adjusted to it, and had been adjusted to it for eleven years.

Mr. HEYBURN. I made no such statement.

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Idaho?

Mr. BEVERIDGE. Certainly.

Mr. HEYBURN. I made no such statement——

Mr. BEVERIDGE. Did the Senator not suggest that the "business was adjusted to it?" Did not the Senator say that "business was adjusted to it," and they could not change it now? He said, furthermore, that you might as well throw the door wide open as to open it an eighth of an inch? I will say to the Senator that I understood him to say three different times in his very lucid statement that "the business was adjusted to it," and therefore the duty should not be changed even the eighth of a cent.

Mr. HEYBURN. Mr. President, what I just said is to be taken in connection with what I have heretofore said in the discussion of this question.

Mr. BEVERIDGE. I take it that way.

Mr. HEYBURN. And the Senator will not contend for a moment that, in answering the question that was submitted to me, I was under the necessity of rearguing or re-presenting that which I had already presented. It was merely an application of the principle that was suggested in the question of the Senator from North Dakota [Mr. McCUMBER]. Had the Senate nothing else to do I might be willing to enter or reenter upon the consideration of the question; but the Senator must take what I have said in the preceding argument, and he will not be able to draw any such conclusion from what I have said recently as he is proceeding to draw.

Mr. BEVERIDGE. I always take anything the Senator from Idaho says, as he well knows, not only in good conscience, but at 100 cents on the dollar; but I must call his attention to the fact that the Senator from North Dakota, voicing exactly my position, that I always want to do the right thing with reference to protection and no more than that, asked the Senator from Idaho to state, as he knew more about it than we, whether the proposed duty was necessary for protection.

Mr. HEYBURN. I said it was.

Mr. BEVERIDGE. The platform states that protection is to be measured by the difference in the cost of production here and abroad. In answer to that question, the Senator said three times that it, even the one-eighth of a cent, ought to be retained, because "business was adjusted to it." Now, Mr. President, taking that statement in connection with the rest of the statement of the Senator and applying it to every schedule in the bill, it would be a business crime for us to disturb a single schedule in the whole bill or a single item of a single schedule.

Mr. HEYBURN. Mr. President——

Mr. BEVERIDGE. Pardon me; I can not yield now. Not only according to that could we not do that now, but we never could do it, because "business was adjusted to it." One of the great reasons for tariff revision is that the tariff may be adjusted to the changed conditions of business. Now, I ask the Senator from Idaho and the Senator from North Dakota—neither of whom, I think, differs very much with me, if at all, upon our general principles and policies—I ask them if they do not think that the Republican Members of the House, which passed this bill after months of study and consideration of all these schedules, are not protectionists? Is not Speaker CANNON a protectionist? Has it come to the time when JOSEPH G. CANNON, the high priest of the most ultra, ultimate, die-in-the-last-ditch protectionists, is considered as wanting ruthlessly to "destroy an industry" and "turn it over to foreigners?"

Mr. HEYBURN. Mr. President, this morning, at considerable length, I compared the figures representing the difference of wages between the miners and producers of this country and those of foreign countries. I want the attention of the Senator from Indiana—I evidently did not have it this morning when I compared the difference in wages between our country and Mexico and our country and Spain and other countries, and it was not necessary for me to repeat that argument in answering the question of the Senator from North Dakota.

Mr. BEVERIDGE. That is quite right.

Mr. McCUMBER. Answering the Senator from Indiana most briefly, the question with me is not whether Speaker CANNON is a protectionist or is not a protectionist. The sole and only question is whether a duty of 2½ cents affords necessary protection to this lead business.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him right there?

Mr. McCUMBER. If that rate is necessary, it does not make any difference to me whether the House made a mistake or whether it did not.

Mr. BEVERIDGE. Certainly.

Mr. McCUMBER. I am considering it as a Senator, and not from the opinion of any Member of the House.

Mr. BEVERIDGE. That is exactly right; and the only reason I referred to the House, or referred to that eminent man, Speaker CANNON, was because the Senator from Rhode Island rose and, in reply to my very mild remarks, asked: "Do you want to turn this industry over to foreigners? Do you want to ruin it?" So it just occurred to me to inquire as to whether Mr. CANNON and the Republican members of the Ways and Means Committee of the House, and that great body of Republicans fresh from the people, actually had wanted to "destroy an industry" and "turn it over to foreigners."

Mr. McCUMBER. I hope, also, that we will not hurry a vote upon this matter so rapidly that we can not have the conclusion in definite words from the Senators from Utah, who have spoken on this question, whether or not in their opinion 2½ cents is necessary. It is not necessary for me to say that I am putting them upon their honor on this question, because they are always upon that, and I know they will give it according to their best judgment, but I want their judgment in the one clean-cut statement whether or not the 2½ cents is necessary.

Mr. SUTHERLAND obtained the floor.

Mr. BURKETT. I wish to ask the Senator a question.

The VICE-PRESIDENT. The Chair has recognized the Senator from Utah.

Mr. BURKETT. I desire to ask the Senator from North Dakota a question.

Mr. SUTHERLAND. Have I the floor?

The VICE-PRESIDENT. The Senator from Utah rose first.

Mr. SUTHERLAND. I want to ask the Senator from Indiana a question. I endeavored to do it while he was on his feet. Does the Senator think there should be any differential between the duty on lead ore and lead bullion?

Mr. BEVERIDGE. Certainly, I do. I think there should be a differential wherever there is a difference in the cost of production between the raw material and the finished product.

Mr. SUTHERLAND. Then——

Mr. BEVERIDGE. I want to say right now——

Mr. SUTHERLAND. Then——

Mr. BEVERIDGE. The Senator will pardon me. I want to say right now that I am not going into the argument that we have listened to here for three days on that subject. I am very much inclined to think that what the Senator from Rhode Island has told us as to the original action of the House, after months of consideration—a cent on ore and a cent and a half or less on bullion—was plenty, and this extra Senate differential seems to me excessive.

Mr. SUTHERLAND. If the Senator from Indiana thinks there should be any differential between the duties on lead ore and lead bullion, it follows, as a necessary consequence, that he does not believe the House action was right——

Mr. BEVERIDGE. Oh, no.

Mr. SUTHERLAND. Because the House declared there should be no differential at all.

Mr. BEVERIDGE. I do not want to prolong the discussion, but the Senator is wrong there. If the Senator will read the hearings before the House committee he will find that the whole point was put by Judge CRUMPACKER, a member of the Ways and Means Committee, when they were arguing for 1 cent, just 1 cent, on ore, and perhaps a differential, and he said, Would not 1½ cents cover not only the ore, but the other thing, too? And they thought it would. I understand from a member of the Ways and Means Committee of the House, a Republican in pretty good standing, that they still think so. I do not want to argue the question with the Senator, because we have taken three days on it.

Mr. SUTHERLAND. The Senator does not agree with the action of the House?

Mr. BEVERIDGE. I think we ought to stand by the action of the House, but we can not do that.

Mr. BURKETT. I should like to ask the Senator from North Dakota, in line with his turning over to the Senator from Idaho his judgment on lead, whether he is going to turn his judgment over to the Senator from Washington on lumber and the Senators from other States on other items. If he is, is there any good reason for North Dakota having a Senator here in this body? Why not let the Senators who are interested in each particular schedule and from the States affected meet and put in what, in their judgment, is right, and the rest of it go out, and ratify it after it is done?

Mr. McCUMBER. Whenever the Senator from Nebraska thinks that I will yield my judgment to him upon a matter of this kind, he had better come around to me and see how easily I will yield that judgment. I have an idea that upon some matters I may be as thoroughly acquainted with conditions as is the Senator from Nebraska. I have an idea that I know about as much concerning the lead schedule as does the Senator from Nebraska. I have an idea that I have given it as much consideration as he has, and while I am willing to accept information from the Senators from those mining States upon a product that I know very little about, I think the Senator is hardly justified in assuming that I will submit my judgment to him or to anyone else upon matters concerning which I have full and adequate information.

Whenever Senators give me a fact to go on, I will act upon that fact. I may act upon their conclusions when I know they are fully acquainted with the facts or have a better knowledge of the facts upon which that conclusion is based than I have. I have read the testimony of the witnesses given upon the lead schedule; I have heard the testimony of the Senators upon the same proposition, and I am willing to abide by the information and the conclusions that come from those Senators who have peculiar knowledge about a certain business in their own particular States.

I submit that the Senator has little justification for assuming that because upon that subject I am willing to take their opinion, based upon the arguments they have given, that I must necessarily yield my judgment upon every proposition. I do not even yield it upon the evidence that is given, but I do think that the Senators from those States, upon an article produced in their own State, Senators who have carefully studied the business, are as well prepared to speak on that subject as is either the Senator from Nebraska or I.

Mr. BURKETT. The Senator would not question the ability of the Senator from Washington, for example, to speak with equal authority upon the lumber schedule, would he?

Mr. McCUMBER. Possibly the Senator may think that I am not informed about the lumber business.

Mr. BURKETT. No; the Senator——

Mr. McCUMBER. I spoke for about three and a half hours the other day, and if I did not demonstrate to the Senator that I at least knew something of the subject, then I failed in a very good intent on my part.

Mr. BURKETT. I will say the Senator could speak for three and a half hours on the lead schedule. The Senator does not understand my question.

Mr. McCUMBER. The Senator from North Dakota could not speak that long on the lead schedule, because he has not the information. I might speak on it as others have spoken on it—without giving a great deal of definite information. I would

not attempt to speak on it for any length of time with the limited amount of personal knowledge I have of the subject.

Mr. BURKETT. I will say that the Senator took this thing entirely too seriously. But it only shows how very——

Mr. McCUMBER. I beg the Senator's pardon. I did not take him seriously at all.

Mr. BURKETT. It merely shows how sensitive the members of this committee are when a question is asked as to the matter of their investigation. The Senator started out with the statement, in asking the Senator from Idaho for his judgment, with the proposition that he had come here to listen to those who have the information, and that he was going to vote on this matter, as I understood it, according to the judgment of the Senator from Idaho.

Mr. McCUMBER. Oh, the Senator had no cause whatever for such understanding.

Mr. BURKETT. Let me quote what he said. He said in case the Senator from Idaho had information that 2 cents was not a proper rate, he would not vote for it; or he left that impression, certainly. Then I asked why, if the judgment of the Senator from Idaho should govern in this matter, the judgment of the Senator from Washington should not also go upon the question of lumber, and why the judgment of other Senators should not go as to other items. It all demonstrates——

Mr. ALDRICH. Mr. President——

Mr. BURKETT. Let me finish the sentence. It all demonstrates that in these matters the Senators from the States that are particularly concerned are interested in these schedules, but it also demonstrates that we ought to come here and listen not only to their statements, but the evidence as given, and try to make up our own judgment instead of voting according to the judgment of the Senator from Idaho or the judgment of other Senators.

As I stated yesterday, on the lead schedule, paragraph 179, I sat here and was persuaded that that was needed. I have listened to the rest of this discussion as to the differential, and I will confess that in my opinion three-eighths is enough differential to protect this interest. If I had not thought it would be, I would not have voted for three-eighths. I will vote for this amendment. I will vote for as low a rate as I can get now, but I have not taken altogether the statement of any other man or the judgment of any other man.

Mr. NELSON. Will the Senator yield to me for a moment?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota.

Mr. BURKETT. I have the floor.

The VICE-PRESIDENT. No; the Senator from North Dakota has the floor.

Mr. NELSON. Will the Senator from North Dakota yield to me for a moment?

Mr. McCUMBER. I yield.

Mr. NELSON. I simply wish to say that this discussion illustrates what I contended for a moment ago, that all these books which the Senator from Montana [Mr. CARTER] piled up on his desk are of little value. We have a higher and better source to go by.

Mr. McCUMBER. The Senator from Nebraska evidently did not follow the line of argument that brought forth my question asking for the conclusions of expert witnesses. The Senator has practiced law for some years. He understands that whenever we have an expert witness we not only ask him for the facts, but we are also justified in asking for his conclusions. We have in the Senate at least three or four Senators who are certainly experts upon the lead schedule. The Senator from Indiana had indicated, as I understood it, that no one had shown or possibly had even stated that 2½ cents per pound was necessary for protection of the lead industry. In order to see whether that was correct or not, and not necessarily for my own judgment, because I understood that they had stated it, I put the question directly to those Senators, to arrive at their conclusions from their expert knowledge as to whether 2½ cents was necessary. I did this so that there should be no question as to whether or not there was any direct evidence bearing upon that point.

Mr. BURKETT. Did not the Senator say in advance that he would accept his conclusions?

Mr. McCUMBER. No; not necessarily as conclusive.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the junior Senator from Idaho?

Mr. McCUMBER. I yield. I shall be glad to hear from the Senator.

The VICE-PRESIDENT. Does the Senator from North Dakota yield the floor?

Mr. McCUMBER. I do.

Mr. BORAH. Mr. President, the proportion of the differential under the present proposed tariff bill and that under the Wilson Act is practically the same. If you take the figures of the Wilson Act and the proposed figures of this bill you will find the differential in proportion is about the same. We know that under the Wilson Act it closed our mines. That is a historic fact, a fact that is known to all throughout that country. If under that proportional differential it did close our mines, are those Senators who believe in protection desirous of speculating upon the effects of one-eighth of 1 per cent and as to whether or not it will close our mines?

This is no new question in the State of Idaho or in the intermountain country. If there is any one proposition which was submitted to the people last fall throughout the intermountain country it was the lead schedule. The distinguished Senator from Indiana [Mr. BEVERIDGE] passed through our region of country last fall and we yet can hear the cadence of song and poetry in the mountains, but he never mentioned reducing the rate upon lead, and no Democratic orator and no Republican orator broached that subject in the campaign when they were talking to the men working down in the mines.

It was submitted to the intermountain people. They knew what they were passing upon, and it was not passed upon by the experts who come here to testify for the trust, either the lead trust or the smelter trust. It was before the people who cast votes, and I call the attention of the Senator from Indiana to the fact that my colleague and I went through our State discussing our idea of revision, and it was based upon protection to American labor and American industries. I call his attention to the further fact that Idaho returned a greater majority by far for Mr. Taft on that interpretation than Indiana did upon the interpretation which the Senator from Indiana seems to have given the platform.

Mr. ALDRICH. I appeal to the Senate to take a vote upon this proposition.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Indiana to the amendment of the committee, on which the yeas and nays have been demanded.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CULLOM (when his name was called). I have a pair with the junior Senator from Virginia [Mr. MARTIN]. If he were present, I should vote "nay."

Mr. WARREN (when his name was called). I again announce my pair with the senior Senator from Mississippi [Mr. MONEY]. If he were present, and I were at liberty to vote, I should vote "nay."

The roll call was concluded.

Mr. CULLOM. I transfer my pair with the junior Senator from Virginia [Mr. MARTIN] to the Senator from Louisiana [Mr. MCENERY], and will vote. I vote "nay."

Mr. NELSON. I again announce my pair with the junior Senator from Texas [Mr. BAILEY]. If he were present, I should vote "nay."

Mr. BEVERIDGE (to Mr. CULLOM). The Senator from Louisiana would vote "nay."

Mr. ALDRICH. And the Senator from Virginia would vote "yea."

Mr. BEVERIDGE. But that is not the pair. The pair is between the Senator from Illinois and the Senator from Louisiana. Is not that the standing pair? The Senator from Illinois announced it twice.

Mr. CULLOM. I transferred my pair with the Senator from Virginia [Mr. MARTIN] to the Senator from Louisiana [Mr. MCENERY], who would vote as I have voted. I think that is entirely right.

Mr. CULBERSON. I understand the Senator from Louisiana is paired with the Senator from New York [Mr. DEPEW].

Mr. ALDRICH. Not on this question.

Mr. CULBERSON. He has a general pair with him, and the Senator from New York was authorized to vote by the Senator from Louisiana. If the Senator——

Mr. DEPEW. I was informed that for the purposes of this vote the Senator from Louisiana released me from the pair.

Mr. CULBERSON. That is what I was stating, but that will not allow the Senator from Illinois to transfer his pair to the Senator from Louisiana and vote.

Mr. BEVERIDGE. You can not pair two Senators with one Senator.

Mr. ALDRICH. I think there is no question about this. I suppose the Senator from Texas is willing to admit that if the Senator from Louisiana were present he would vote "nay"

and the Senator from Virginia would vote "yea." So it is a good pair.

Mr. CULBERSON. I understand the Senator from Louisiana would vote with his pair, the Senator from New York. That is all right. But the Senator from Illinois now transfers his pair to the Senator from Louisiana and leaves the Senator from Virginia unpaired.

Mr. ALDRICH. Oh, no. He leaves the Senator from Virginia paired with the Senator from Louisiana, which is a perfectly proper pair.

Mr. CULBERSON. I do not think so.

Mr. ALDRICH. Of course it is.

Mr. McLAURIN. Of course I have nothing to do with what the Senator from Illinois does with his pair; but I do not think it is fair to presume that because the Senator from Louisiana voted a certain way on the last vote, previous to this, he would vote against this amendment.

Mr. ALDRICH. Undoubtedly he would.

Mr. McLAURIN. I do not know about that. Has the Senator from Rhode Island any authority from the Senator from Louisiana to make that statement?

Mr. ALDRICH. I feel as though I have full authority.

Mr. CULLOM. Suppose the Senator were not paired. We would have a right to pair him.

Mr. McLAURIN. You have not a right to pair one Democrat with another.

Mr. CULLOM. I am not a Democrat, or, at least, have never been so considered.

Mr. McLAURIN. So much the worse for the Senator from Illinois that he is not a Democrat; so much the worse for the country that he is not a Democrat. But, as I understand the Senator, he proposes now to pair the junior Senator from Virginia with the senior Senator from Louisiana. That is pairing one Democrat with another.

Mr. CULLOM. The theory of the Senate is that every man here has the right to vote.

Mr. McLAURIN. Of course; that is what I said.

Mr. CULLOM. And if a Senator is absent he has the right to a pair. So far as I am concerned, I do not care anything about it, except that I understood the senior Senator from Louisiana was not paired and that I could transfer my pair to him. I did so, but if there is any question about it I will withdraw my vote. I do not care anything about the matter. I simply want to vote when it is my right to vote.

Mr. ALDRICH. Then, the Senator from Louisiana is without a vote.

The VICE-PRESIDENT. The Chair understands the Senator from Illinois to withdraw his vote.

Mr. CULLOM. I withdraw my vote, if there is any question about it.

The result was announced—yeas 37, nays 45, as follows:

YEAS—37.

Bacon	Crawford	Johnston, Ala.	Simmons
Bankhead	Culberson	La Follette	Smith, Md.
Beveridge	Cummins	McLaurin	Smith, S. C.
Bristow	Daniel	Nelson	Stone
Brown	Dolliver	Newlands	Taliaferro
Burkett	Fletcher	Overman	Taylor
Chamberlain	Foster	Owen	Tillman
Clapp	Frazier	Paynter	
Clarke, Ark.	Gamble	Rayner	
Clay	Gore	Shively	

NAYS—45.

Aldrich	Curtis	Hughes	Richardson
Borah	Depew	Johnson, N. Dak.	Root
Bradley	Dick	Jones	Scott
Brandegee	Dillingham	Kean	Smith, Mich.
Briggs	Dixon	Lodge	Smoot
Bulkeley	du Pont	McCumber	Stephenson
Burnham	Flint	Nixon	Sutherland
Burrows	Frye	Oliver	Warner
Burton	Gallinger	Page	Wetmore
Carter	Guggenheim	Penrose	
Clark, Wyo.	Hale	Perkins	
Crane	Heyburn	Piles	

NOT VOTING—9.

Bailey	Davis	McEnery	Money
Bourne	Elkins	Martin	Warren
Cullom			

So Mr. BEVERIDGE'S amendment to the amendment of the committee was rejected.

The VICE-PRESIDENT. The question now is on the amendment of the committee, striking out paragraph 180 and inserting a new paragraph 180.

The amendment was agreed to.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 4 o'clock and 56 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 11, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 10, 1909.*

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Thursday, May 6, was read and approved.

PHILIPPINE TARIFF.

Mr. PAYNE, by direction of the Committee on Ways and Means, reported with amendments the bill (H. R. 9135) to revise and amend the tariff laws of the Philippine Islands, and for other purposes, which was read a first and second time, referred to the Committee of the Whole House on the state of the Union, and, with the accompanying report (H. Rept. No. 7), ordered to be printed.

Mr. PAYNE. I give notice that I desire to call this bill up for consideration on Thursday at the meeting of the House.

Mr. CLARK of Missouri. I should like to ask the chairman of the committee what suggestion he has about general debate?

Mr. PAYNE. I had not thought about it. I do not know who wants to speak upon the subject. As far as I am concerned, I want to speak very briefly.

Mr. CLARK of Missouri. How long will you speak?

Mr. PAYNE. I should say fifteen minutes.

Mr. CLARK of Missouri. I have had only one application, for three-quarters of an hour.

Mr. PAYNE. I think we can arrange that. For the present, we had better let it rest until Thursday. There may be more applications.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. Latta, one of his secretaries.

PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States:

To the Senate and House of Representatives:

An emergency has arisen in Porto Rico which makes it necessary for me to invite the attention of the Congress to the affairs of that island and to recommend legislation at the present extra session amending the act under which the island is governed.

The regular session of the legislative assembly of Porto Rico adjourned March 11 last without passing the usual appropriation bills. A special session of the assembly was at once convened by the governor, but after three days, on March 16, it again adjourned without making the appropriations. This leaves the island government without provision for its support after June 30 next. The situation presented is therefore of unusual gravity.

The present government of Porto Rico was established by what is known as the Foraker Act, passed April 12, 1900, and taking effect May 1, 1900. Under that act the chief executive is a governor appointed by the President and confirmed by the Senate. A secretary, attorney-general, treasurer, auditor, commissioner of the interior, and commissioner of education, together with five other appointees of the President, constitute the executive council. The executive council must have in its membership not less than five native Porto Ricans. The legislative power is vested in the legislative assembly, which has two coordinate branches. The first of these is the executive council just described, and the second is the house of delegates, a popular and representative body with members elected by the qualified electors of the seven districts into which the island is divided.

The statute directing how the expenses of government are to be provided leaves some doubt whether this function is not committed solely to the executive council; but in practice the legislative assembly has made appropriations for all the expenses other than for salaries fixed by Congress; and it is too late to reverse that construction.

Ever since the institution of the present assembly the house of delegates has uniformly held up the appropriation bills until the last minute of the regular session, and has sought to use the power to do so as a means of compelling the concurrence of the executive council in legislation which the house desired.

In the last regular legislative assembly the house of delegates passed a bill dividing the island into several counties and providing county governments; a bill to establish manual training schools; a bill for the establishment of an agricultural bank; a bill providing that vacancies in the offices of mayors and councilmen be filled by a vote of the municipal councils instead of by the governor; and a bill putting in the control of the largest

taxpayers in each municipal district the selection in great part of the assessors of property.

The executive council declined to concur in these bills; it objected to the agricultural-bank bill on the ground that the revenues of the island were not sufficient to carry out the plan proposed, and to the manual training school bill because in plain violation of the Foraker Act. It objected to the change in the law concerning the appraisement of property on the ground that the law was intended to put too much power in respect of the appraisement of property for taxation in the hands of those having the most property to tax. The chief issue was a bill making all the judges in municipalities elective. Under previous legislation there are 26 municipal judges who are elected to office. By this bill it was proposed to increase the elective judges from 26 to 66 in number and at the same time to abolish the justices of the peace. The change was objected to on the ground that the election of municipal judges had already interfered with the efficient and impartial administration of justice, had made the judges all of one political faith, and a mere political instrument in the hands of the central committee of the Unionist or dominant party. The attitude of the executive council in refusing to pass these bills led the house of delegates to refuse to pass the necessary appropriation bills.

The facts recited demonstrate the willingness of the representatives of the people in the house of delegates to subvert the government in order to secure the passage of certain legislation. The question whether the proposed legislation should be enacted into law was left by the fundamental act to the joint action of the executive council and the house of delegates as the legislative assembly. The house of delegates proposes itself to secure this legislation without respect to the opposition of the executive council, or else to pull down the whole government. This spirit, which has been growing from year to year in Porto Rico, shows that too great power has been vested in the house of delegates and that its members are not sufficiently alive to their oath-taken responsibility for the maintenance of the government to justify Congress in further reposing in them absolute power to withhold appropriations necessary for the government's life.

For these reasons I recommend an amendment to the Foraker Act providing that whenever the legislative assembly shall adjourn without making the appropriations necessary to carry on the government, sums equal to the appropriations made in the previous year for the respective purposes shall be available from the current revenues and shall be drawn by the warrant of the auditor on the treasurer and countersigned by the governor. Such a provision applies to the legislatures of the Philippines and Hawaii, and it has prevented in those two countries any misuse of the power of appropriation.

The house of delegates sent a committee of three to Washington, while the executive council was represented by the secretary and a committee consisting of the attorney-general and the auditor. I referred both committees to the Secretary of the Interior, whose report, with a letter from Governor Post and the written statements of both committees, accompanies this message.

I have had one personal interview with the committee representing the house of delegates, and suggested to them that if the house of delegates would pass the appropriation bill without insisting upon the passage of the other bills by the executive council, I would send a representative of the Government to Porto Rico to make an investigation and report in respect to the proposed legislation. Their answer, which shows them not to be in a compromising mood, was as follows:

> If the legislative assembly of Porto Rico would be called to an extraordinary session exclusively to pass an appropriation bill, taking into consideration the state of affairs down the island and the high dissatisfaction produced by the intolerant attitude of the executive council, and also taking into consideration the absolute resistance of the house to do any act against its own dignity and the dignity of the country, it is the opinion of these commissioners that no agreement would be attained, unless the council feel disposed to accept the amendments of the house of delegates.
>
> However, if in the proclamation calling for an extraordinary session the judicial and municipal reforms would be mentioned, and if the executive council would accept that the present justices of the peace be abolished and municipal judges created in every municipality, and that vacancies occurring in mayorships and judgeships be filled by the municipal councils, as provided in the so-called "municipal bills" passed by the house in its last session, then the commissioners believe that the appropriation bills will be passed in the house as introduced in the council without delay.

Porto Rico has been the favored daughter of the United States. The sovereignty of the Island in 1899 passed to the United States with the full consent of the people of the island.

Under the law all the customs and internal-revenue taxes are turned into the treasury of Porto Rico for the maintenance of the island government, while the United States pays out of its own Treasury the cost of the local army; that is, a full Porto Rican regiment, the revenue vessels, the light-house service, the coast surveys, the harbor improvements, the marine-hospital support, the post-office deficit, the weather bureau, and the upkeep of the agricultural experiment stations.

Very soon after the change of sovereignty a cyclone destroyed a large part of Porto Rican coffee culture; $200,000 was expended from the United States Treasury to buy rations for those left in distress. The island is policed by 700 men, and complete tranquillity reigns.

Before American control 87 per cent of the Porto Ricans were unable to read or write, and there was not in this island, containing a million people, a single building constructed for public instruction, while the enrollment of pupils in such schools as there were, 551 in number, was but 21,000. To-day in the island there are 160 such buildings and the enrollment of pupils in 2,400 schools has reached the number of 87,000. The year before American sovereignty there was expended $35,000 in gold for public education. Under the present government there is expended for this purpose a total of $1,000,000 a year.

When the Americans took control there were 172 miles of macadamized road. Since then there have been constructed 452 miles more, mostly in the mountains, making in all now a total of 624 miles of finely planned and admirably constructed macadamized roads—as good roads as there are in the world.

In the course of the administration of this island the United States medical authorities discovered a disease of tropical anæmia which was epidemic and was produced by a microbe called the "hook worm." It so much impaired the energy of those who suffered from it and so often led to complete prostration and death that it became necessary to undertake its cure by widespread governmental effort. I am glad to say that 225,000 natives, or one-fourth of the entire population, have been treated at government expense, and the effect has been much to reduce the extent and severity of the disease and to bring it under control. Substantially every person in the island has been vaccinated, and smallpox has practically disappeared.

There is complete free trade between Porto Rico and the United States, and all customs duties collected in the United States on Porto Rican products subsequent to the date of Spanish evacuation, amounting to nearly $3,000,000, have been refunded to the island treasury. The loss to the revenues of the United States from the free admission of Porto Rican products is $15,000,000 annually. The wealth of the island is directly dependent upon the cultivation of the soil, to cane, tobacco, coffee, and fruit, for which we in America provide the market. Without our fostering benevolence the business of Porto Rico would be as prostrate as are some of the neighboring West Indian islands. Before American control the trade balance against the island was over $12,500,000, while the present balance of trade in favor of the island is $2,500,000. The total of exports and imports has increased from about $22,000,000 before American sovereignty to $56,000,000 at the present day. At the date of the American occupation the estimated value of all agricultural land was about $30,000,000. Now the appraised value of the real property in the island reaches $100,000,000. The expenses of government before American control were $2,969,000, while the receipts were $3,644,000. For the year 1906 the receipts were $4,250,000, and the expenditure was $4,084,000. Of the civil servants in the central government, 343 are Americans, and 2,548 are native Porto Ricans. There never was a time in the history of the island when the average prosperity of the Porto Rican has been higher, when his opportunity has been greater, when his liberty of thought and action was more secure.

Representatives of the house of delegates insist in their appeals to Congress and to the public that, from the standpoint of a free people, the Porto Ricans are now subjected under American control to political oppression and to a much less liberal government than under that of Spain. To prove this they refer to the provisions of a royal decree of 1897, promulgated in November of that year. The decree related to the government of Porto Rico and Cuba and was undoubtedly a great step forward in granting a certain sort of autonomy to the people of the two islands. The war followed within a few months after its promulgation and it is impossible to say what its practical operation would have been. It was a tentative arrangement, revocable at the pleasure of the Crown, and had, in its provisions, authority for the governor-general to suspend all of the laws of the legislature of the islands until approved or disapproved at home and to suspend at will all constitutional guaranties of life, liberty, and property, supposed to be the basis of civil liberty and free institutions. The insular legislature had no power to enact new laws or to amend existing laws governing property rights or the life and liberty of the people. The jurisdiction to pass these remained in the hands of the National Cortes and included the mass of code laws governing

the descent and distribution and transfer of property and contracts, and torts, land laws, notarial laws, laws of waters and mines, penal statutes, civil, criminal, and administrative procedure, organic laws of the municipalities, election laws, the code of commerce, and so forth. In contrast with this, under its present form of government, the island legislature possesses practically all the powers of an American commonwealth, and the constitutional guaranties of its inhabitants, instead of being subject to suspension by executive discretion, are absolutely guaranteed by act of Congress. The great body of substantive law now in force in the island, political, civil, and criminal code, codes of political, civil and criminal procedure, the revenue, municipal, electoral, franchise, educational, police, and public works laws, and the like, has been enacted by the people of the island themselves, as no law can be put upon the statute books unless it has received the approval of the representative lower house of the legislature. In no single case has the Congress of the United States intervened to annul or control acts of the legislative assembly. For the first time in the history of Porto Rico the island is living under laws enacted by its own legislature.

It is idle, however, to compare political power of the Porto Ricans under the royal decree of 1897, when their capacity to exercise it with benefit to themselves was never in fact tested, with that which they have under the Foraker Act. The question we have before us is whether their course since the adoption of the Foraker Act does not show the necessity for withholding from them the absolute power given by that act to the legislative assembly over appropriations, when the house of delegates as a coordinate branch of that assembly shows itself willing and anxious to use such absolute power, not to support and maintain the government, but to render it helpless. If the Porto Ricans desire a change in the form of the Foraker Act, this is a matter for congressional consideration dependent on the effect of such a change on the real political progress in the island.

Such a change should be sought in an orderly way, and not brought to the attention of Congress by paralyzing the arm of the existing government. I do not doubt that the terms of the existing fundamental act might be improved, certainly in qualifying some of its provisions as to the respective jurisdictions of the executive council and the legislative assembly; and I suggest to Congress the wisdom of submitting to the appropriate committees this question of revision. But no action of this kind should be begun until after, by special amendment of the Foraker Act, the absolute power of appropriation is taken away from those who have shown themselves too irresponsible to enjoy it.

In the desire of certain of their leaders for political power, Porto Ricans have forgotten the generosity of the United States in its dealings with them. This should not be an occasion for surprise, nor in dealing with a whole people can it be made the basis of a charge of ingratitude. When we, with the consent of the people of Porto Rico, assumed guardianship over them and the guidance of their destinies, we must have been conscious that a people that had enjoyed so little opportunity for education could not be expected, safely for themselves, to exercise the full power of self-government; and the present development is only an indication that we have gone somewhat too fast in the extension of political power to them for their own good.

The change recommended may not immediately convince those controlling the house of delegates of the mistake they have made in the extremity to which they have been willing to resort for political purposes, but in the long run it will secure more careful and responsible exercise of the power they have.

There is not the slightest evidence that there has been on the part of the governor or of any member of the executive council a disposition to usurp authority, or to withhold approval of such legislation as was for the best interests of the island, or a lack of sympathy with the best aspirations of the Porto Rican people.

WM. H. TAFT.

THE WHITE HOUSE, *May 10, 1909.*

The SPEAKER. If there be no objection, this message will be referred to the Committee on Ways and Means and printed.

Mr. GARRETT. Mr. Speaker, I object. Would not that go to the Committee on Insular Affairs under the regular order?

The SPEAKER. The Chair took into consideration the present condition of the House when he made the statement that he did. The House, so far as committees are concerned, with the exception of the Committees on Ways and Means, on Rules, on Enrolled Bills, and on Mileage, is not organized. In view of the existing conditions, the Chair made the statement that without objection he would refer the message to the Committee on Ways and Means.

If there be objection, it would be for the House to determine what should be done with the message. Is there objection?

Mr. GARRETT. I object.

The SPEAKER. The gentleman from Tennessee objects.

Mr. PAYNE. Mr. Speaker, while I am not anxious to get jurisdiction for anything more for the Committee on Ways and Means, under the circumstances, I move that the message be referred to the Committee on Ways and Means.

Mr. JONES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. JONES. What vote, under the rules of the House, is necessary to refer this message to the Committee on Ways and Means?

The SPEAKER. A majority vote.

Mr. JONES. In order to thus refer the message is it not necessary to suspend the rules of the House?

The SPEAKER. No; this comes in under the rule relating to the order of business.

Mr. JONES. Will not this proposed reference change the rules adopted by the House and to that extent will it not suspend the rules of the House?

The SPEAKER. The Chair does not so understand. This is a message from the President of the United States, and is subject to the control of the House as to its reference.

Mr. JONES. The rules of the House prescribe what matters shall be referred to the Committee on Ways and Means and what shall be referred to the Committee on Insular Affairs, and this is a proposition to refer to the Committee on Ways and Means a subject which, under the rules of this House, properly belongs to the Committee on Insular Affairs. A subject of which that committee under the rules clearly has jurisdiction.

The SPEAKER (reading):

The general principle is established that it is in order for the House to refer a bill to any committee, though such committee under Rule XI might not have original jurisdiction of the bill.

The rule the gentleman refers to governs the ordinary reference of bills, because the bills when introduced are introduced through the box and the Speaker refers them under the rule. But it is provided that by direction of a committee it shall be in order to move to change the reference of a bill on any day after the Journal is read. This message is somewhat different from a bill. It is not referred through the box, but comes directly before the House, and the House having always exercised the right, either in the first instance or in the second, to make such reference of bills as it should please, the Chair is of opinion that it is within the power of the House to refer this message as it may see proper.

Mr. CLARK of Missouri. A parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. The case that the Chair has just stated arises where there is a squabble between two committees as to which has the proper jurisdiction?

The SPEAKER. It is the case under the rule as to change of reference. Suppose this was a bill introduced through the box and under the rule the Chair had referred it, in his judgment, to either the Appropriation Committee or the Committee on Insular Affairs or the Committee on Ways and Means. Now, it would be in the power of the House, under the rule, on motion properly made, to send it to some other committee. Thus, the oleomargarine bill was taken from the Committee on Ways and Means and sent to the Committee on Agriculture, and so with many other bills which the Chair might cite.

Formerly all bills were introduced in open House, and then the Speaker designated the reference of a bill, and his suggestion ordinarily was received by the House, because the House practically concurred with the suggestion. But it was in order under the former practice and under the former rules to have raised the question in the first instance, if any Member desired not to take the suggestion of the Speaker as to the proper reference; the House had an absolutely free hand.

Now, that power has not been given up by the House under the rules that have been adopted whenever the House has a bill before it and sees fit to express itself.

This message can not, under the rules, be referred through the box, but it must be read in open House; and being read in open House, is subject, in the opinion of the Chair, in conformity with the parliamentary practice of the House, to such reference as the House may see proper to make of the same.

Mr. CLARK of Missouri. Another parliamentary inquiry, Mr. Speaker.

The SPEAKER. The gentleman will state it.

Mr. CLARK of Missouri. If that is true, then what good comes of the rule that divides the business up among the various committees?

The SPEAKER. The rule that the gentleman refers to is undoubtedly directory as to the House and governs the Speaker in making reference of bills, petitions, and memorials that are introduced through the box. But when the House has a bill in its own possession, it is manifest that it will make reference according to its own will.

Mr. CLARK of Missouri. Suppose one of these gentlemen who was on the Committee on Insular Affairs at the last Congress should reintroduce one of the bills of the last Congress making a Territory out of Porto Rico and giving to its people the rights of citizenship; would the Chair, or the House either, have any right to refer that bill to the Committee on Mileage or the Committee on Accounts?

The SPEAKER. If a bill were introduced through the box, such a bill as the gentleman speaks of, to make a Territory of Porto Rico, the Chair, exercising his best judgment in examining the bill, would determine in the first instance whether the Committee on Territories would be the proper committee, or the Committee on Insular Affairs or some other committee, to which to refer it. But such action under the rule, as the rules provide, might be passed upon by the House, under appropriate motion, as the rules provide, on the next day or any other day.

Mr. CLARK of Missouri. Is not the proper motion for the gentleman from New York [Mr. PAYNE] to make to suspend the rules of the House and refer this message to the Committee on Ways and Means—that is, if he wants to get possession of it?

The SPEAKER. Why, the gentleman must recollect that in the case of the oleomargarine bill, which was purely a revenue measure and which went under the rule to the Committee on Ways and Means, the gentleman's former colleague, Representative Hatch, by direction of the Committee on Agriculture, over which he presided, moved, after the reading of the Journal, to change the reference from the Committee on Ways and Means to the Committee on Agriculture, and the House by a majority, the House having that power, changed the reference to the Committee on Agriculture.

Mr. CLARK of Missouri. If the Chair will bear with me a moment, I desire to state that that performance of Colonel Hatch grew out of two facts: In the first place, Mr. Hatch believed that the majority of the House would vote with him to refer that bill to a committee that would act favorably upon it. and he did not believe that the Committee on Appropriations or the Committee on Ways and Means would act favorably upon it. He had votes enough to overrule the previous reference of the bill. That was a squabble between committees about jurisdiction.

The SPEAKER. Yet it shows the power of the House, acting through a majority, to do what it chooses touching the reference of bills; and now, of this message.

Mr. CLARK of Missouri. I am not disputing the power of the House to do as it pleases, but I am suggesting that the only way to get rid of that rule which parcels out the jurisdiction among the various committees is for the gentleman from New York [Mr. PAYNE] or somebody else to move that the rules of the House be suspended and that this message be referred to the Committee on Ways and Means.

Mr. PAYNE. Mr. Speaker, I want to make a single suggestion as to why this message may appropriately be referred to the Committee on Ways and Means. The rule appointing the Committee on Insular Affairs, or providing for one, also provided that any bill relating to the revenue should be excepted from their jurisdiction and the jurisdiction should go to the Committee on Ways and Means. The President, in his message, alludes to what is popularly known as the "Foraker Act." There are very few people in the United States to-day who know that the Foraker Act originated in the House of Representatives, and I had the honor myself to introduce the bill. That bill was referred to the Committee on Ways and Means and was reported to the House from that committee and passed the House. It is true that the bill as it went from the House was almost entirely a revenue measure. We did not take jurisdiction of the governmental features of legislation in regard to those islands, because the Committee on Insular Affairs had already taken up that subject and had reported to the House a bill providing for a government for the Philippine Islands before the revenue bill passed the House. After the revenue bill passed the House it was amended somewhat in regard to its revenue features, and there was added to it a plan for civil government, which was largely, if not entirely, the House bill which had been reported by the chairman of the Committee on Insular Affairs, the gentleman from Wisconsin [Mr. COOPER]. There were some amendments made to that, and that civil-government bill, as I say, was attached to it. In that shape it came back to the House, and my recollection is that the bill as amended went to the Committee on Ways and Means. There was a conference between the two Houses finally and the bill was passed.

Now, after the Supreme Court had decided, contrary to the judges who sit in newspaper offices, that the bill was constitutional, suddenly it became known as the "Foraker Act." The gentlemen in the House who had been instrumental in passing the original bill had incurred all the obloquy and all of the criticisms from the newspapers of the United States. That act is now known as the "Foraker Act," was so named by the Supreme Court in its decisions, and, of course, the President, following that custom, properly calls it the "Foraker Act." But this act to which the President's message refers was a bill that originated in the House, and was reported from the Committee on Ways and Means.

Mr. JONES. Mr. Speaker, does the gentleman mean to intimate that the revenue referred to in this message is a United States revenue, or in any way related to the revenues of the United States?

Mr. PAYNE. Oh, no; not at all. The act which the President desires to have amended was an act that came from the Committee on Ways and Means of this House, Mr. Speaker.

The SPEAKER. The Clerk will read paragraph 4375 from Parliamentary Precedents, covering a ruling of Speaker Carlisle, and there are many rulings made subsequent to that time.

The Clerk read as follows:

4375. The House may by vote refer a bill to any committee, without regard to the rules of jurisdiction.

To a bill to place an officer on the retired list of the army an amendment proposing to give him a pension was held not germane.

On February 29, 1884, the House having under consideration the bill to retire General Pleasonton, and the previous question having been moved on the passage of the bill, Mr. Thomas M. Browne, of Indiana, moved that the bill be recommitted to the Committee on Military Affairs with instructions to report the same with an amendment to put General Pleasonton's name on the pension roll at $100 per month.

Mr. Thomas M. Bayne, of Pennsylvania, made the point of order that it was not in order to refer a bill to a committee which did not have jurisdiction of the subject, and also the further point of order that the proposition was not germane to the subject-matter of the bill.

The Speaker overruled the first point of order on the ground that it was competent for the House to refer a bill to any committee it pleased, and sustained the second point of order on the ground that the pending bill was proposed to restore General Pleasonton to the Army of the United States and give him rank and pay as a retired officer, while the proposition submitted by Mr. Browne merely gave him a pension while he still remained out of the military service of the Government.

Mr. GARRETT. Mr. Speaker, I desire to offer a motion as a substitute for the motion offered by the gentleman from New York [Mr. PAYNE].

The SPEAKER. The gentleman will offer his motion.

Mr. GARRETT. Mr. Speaker, I move that the Speaker be instructed to forthwith comply with Rule X as regards the Committee on Insular Affairs, and that the message of the President be referred to the Committee on Insular Affairs.

The SPEAKER. If the Chair understands the motion of the gentleman from Tennessee, he moves to amend the motion of the gentleman from New York to refer the message to the Committee on Ways and Means in substance as follows, by way of a substitute, that the Speaker be instructed to forthwith appoint the Committee on Insular Affairs——

Mr. PAYNE. Mr. Speaker, I make the point of order against that; it is not germane to the original motion.

The SPEAKER. The Chair sustains the point of order. As many as favor the motion——

Mr. GARRETT. Mr. Speaker, I should like——

The SPEAKER. The Chair is prepared to rule and has ruled. As many as favor the motion of the gentleman will say "aye."

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. GARRETT and Mr. HAY. Division, Mr. Speaker.

The House divided; and there were—ayes 90, noes 77.

Mr. CLARK of Missouri. Mr. Speaker, tellers.

Mr. GARRETT. Mr. Speaker, I make the point that no quorum is present.

The SPEAKER. The gentleman from Tennessee makes the point that no quorum is present—— [Cries of "Tellers!"]

The SPEAKER. The Chair will count. [After counting.] The Chair finds after counting that there are 165 Members present; not a quorum.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, hoping that there will be a quorum here on Thursday, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 46 minutes p. m.) the House adjourned to meet on Thursday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the chairman of the Interstate Commerce Commission, submitting a report of investigations as to railroads operating in Ohio and West Virginia (S. Doc. No. 39)—to the Committee on Interstate and Foreign Commerce and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Guy M. Claflin *v.* The United States (H. Doc. No. 23)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Myron G. Bond *v.* The United States (H. Doc. No. 24)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Edwin A. Wells *v.* The United States (H. Doc. No. 25)—to the Committee on War Claims and ordered to be printed.

A letter from the president of the Board of Commissioners of the District of Columbia, transmitting a copy of a letter from the judges of the municipal court relating to clerical assistance (H. Doc. No. 26)—to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. COLLIER: A bill (H. R. 9413) appropriating $150,000 to erect a building as an addition to the government building at Vicksburg, Miss.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9414) appropriating $100,000 to purchase a site and erect a government building thereon at Canton, Miss.—to the Committee on Public Buildings and Grounds.

By Mr. WALLACE: A bill (H. R. 9415) authorizing survey of Saline River, Arkansas—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9416) to repeal the duties on wood pulp and printing paper—to the Committee on Ways and Means.

By Mr. HULL of Iowa: A bill (H. R. 9417) to increase the efficiency of the United States Military Academy, and for other purposes—to the Committee on Military Affairs.

By Mr. CARY: A bill (H. R. 9418) to promote the production of domestic industrial alcohol, increase the productive value of the land, and maintain its fertile qualities through the establishment of small and scattered distilleries—to the Committee on Ways and Means.

By Mr. SULZER: A bill (H. R. 9419) for the relief of volunteer officers of civil-war record—to the Committee on Military Affairs.

By Mr. CAMPBELL: A bill (H. R. 9420) prohibiting fraud upon the public by manufacturers by placing any other than their own name upon a manufactured article—to the Committee on Interstate and Foreign Commerce.

By Mr. GRANT: A bill (H. R. 9421) for the establishment of a national tubercular sanitarium in the State of North Carolina for persons afflicted with tuberculosis—to the Committee on Interstate and Foreign Commerce.

By Mr. KENDALL: A bill (H. R. 9422) to amend section 3244, chapter 3, title 35, of the Revised Statutes of the United States—to the Committee on Ways and Means.

By Mr. WEBB: A bill (H. R. 9423) to provide for the enlarging and improving of the United States building at Charlotte, N. C.—to the Committee on Public Buildings and Grounds.

By Mr. CARY: A bill (H. R. 9424) for the erection of a public building at Milwaukee, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. ANDREWS: A bill (H. R. 9425) for the purchase of a site and the erection of a federal building at Santa Fe, N. Mex.—to the Committee on Public Buildings and Grounds.

By Mr. STEENERSON: Resolution (H. Res. 66) requesting the Secretary of the Department of Commerce and Labor to furnish certain information in reference to the pure food and drugs act—to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 67) requesting the Secretary of Agriculture to furnish certain information in reference to the pure food and drugs act—to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 68) requesting the Secretary of the Treasury to furnish certain information in reference to the pure food and drugs act—to the Committee on Interstate and Foreign Commerce.

Also, resolution (H. Res. 69) requesting the Attorney-General of the United States to furnish certain information in reference to the pure food and drugs act—to the Committee on Interstate and Foreign Commerce.

By Mr. COOPER of Wisconsin: Memorial of the legislature of Wisconsin, asking Congress to enact into law H. R. 39—to the Committee on Military Affairs.

Also, memorial of the legislature of Wisconsin, memorializing Congress in regard to international peace—to the Committee on Foreign Affairs.

By Mr. HAYES: Memorial of the legislature of California, concerning California Mountaineer Volunteers—to the Committee on Invalid Pensions.

By Mr. CARY: Memorial of the legislature of Wisconsin, in regard to international peace—to the Committee on Foreign Affairs.

By Mr. FOSTER of Illinois: Memorial of the legislature of Illinois, concerning old-age insurance, etc.—to the Committee on Ways and Means.

Also, memorial of the legislature of Illinois, in favor of memorial to Abraham Lincoln—to the Committee on Appropriations.

Also, memorial of the legislature of Illinois, against the inheritance tax—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of Missouri: A bill (H. R. 9426) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians—to the Committee on Indian Affairs.

By Mr. AUSTIN: A bill (H. R. 9427) granting a pension to William Hutcheson, alias William King—to the Committee on Pensions.

Also, a bill (H. R. 9428) for the relief of the heirs of George Turner—to the Committee on War Claims.

Also, a bill (H. R. 9429) for the relief of the heirs of Charles Frances—to the Committee on War Claims.

Also, a bill (H. R. 9430) for the relief of Lewis Turner, for carrying dispatches, and other services—to the Committee on War Claims.

By Mr. BORLAND: A bill (H. R. 9431) for the relief of the Barse Live Stock Commission Company—to the Committee on Claims.

By Mr. BRADLEY: A bill (H. R. 9432) granting an increase of pension to George Beamus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9433) granting an increase of pension to Ira F. Hitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9434) granting an increase of pension to Monroe Kniffin—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 9435) granting a pension to John B. Waddill—to the Committee on Pensions.

Also, a bill (H. R. 9436) granting an increase of pension to Charles B. Sanford—to the Committee on Invalid Pensions.

By Mr. BURKE of South Dakota: A bill (H. R. 9437) granting a pension to James H. Slater—to the Committee on Invalid Pensions.

By Mr. CALDERHEAD: A bill (H. R. 9438) granting an increase of pension to Andrew A. Burk—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9439) granting an increase of pension to Henry Swaner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9440) granting an increase of pension to H. Clay Harman—to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 9441) granting a pension to James C. Shackleford—to the Committee on Pensions.

Also, a bill (H. R. 9442) granting a pension to Elbert W. McLaughlin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9443) granting a pension to Saul A. Hagerty—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9444) granting a pension to Mary I. B. Pettee—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 9445) granting a pension to Benjamin B. Spears—to the Committee on Invalid Pensions.

By Mr. COOPER of Wisconsin: A bill (H. R. 9446) granting an increase of pension to Phoebe W. Peters—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 9447) for the relief of J. A. Denny—to the Committee on Claims.

Also, a bill (H. R. 9448) for the relief of J. B. Johnson, administrator of John D. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 9449) granting a pension to James W. Culler—to the Committee on Pensions.

Also, a bill (H. R. 9450) granting an increase of pension to John Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9451) to correct the military record of Dolphus A. Wiles—to the Committee on Military Affairs.

Also, a bill (H. R. 9452) to correct the military record of Gilomiel L. Smoot—to the Committee on Military Affairs.

Also, a bill (H. R. 9453) to correct the military record of Abraham C. Bryan—to the Committee on Military Affairs.

Also, a bill (H. R. 9454) to correct the military record of Hezekiah A. Wood—to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 9455) granting a pension to Louisa J. Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9456) granting a pension to Robert Owens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9457) granting an increase of pension to William H. Grant—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9458) to correct the military record of John W. Parsons—to the Committee on Military Affairs.

By Mr. CUSHMAN: A bill (H. R. 9459) granting an increase of pension to Walter P. Davis—to the Committee on Invalid Pensions.

By Mr. FORNES: A bill (H. R. 9460) for the relief of James Welch, his heirs or representatives—to the Committee on Claims.

By Mr. FOSTER of Illinois: A bill (H. R. 9461) for the relief of Mrs. Lou. Clemmons—to the Committee on War Claims.

Also, a bill (H. R. 9462) granting an increase of pension to James C. Maxey—to the Committee on Invalid Pensions.

By Mr. GRANT: A bill (H. R. 9463) granting an increase of pension to Mary Ann Hill—to the Committee on Pensions.

Also, a bill (H. R. 9464) granting a pension to James H. Arwood—to the Committee on Pensions.

By Mr. HUGHES of Georgia: A bill (H. R. 9465) granting an increase of pension to John S. Lewis—to the Committee on Pensions.

By Mr. HULL of Iowa: A bill (H. R. 9466) removing charge of desertion from George J. Dennis, Company C, Thirty-third New Jersey Infantry—to the Committee on Military Affairs.

By Mr. KENDALL: A bill (H. R. 9467) granting an increase of pension to Michael Russell—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Ohio: A bill (H. R. 9468) granting a pension to Mary E. Davis—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 9469) to grant to John Rivett privilege to make commutation of his homestead entry—to the Committee on Private Land Claims.

By Mr. LAWRENCE: A bill (H. R. 9470) granting a pension to Sarah Ann Emmons—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 9471) granting an increase of pension to Edward D. Mattson—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 9472) to carry out the findings of the Court of Claims in the case of Richard D. Lamb and Ira M. Lamb, heirs of Caroline Lamb, deceased—to the Committee on War Claims.

By Mr. McKINNEY: A bill (H. R. 9473) granting an increase of pension to Elias Pleukharp—to the Committee on Invalid Pensions.

By Mr. MORGAN of Missouri: A bill (H. R. 9474) granting an increase of pension to C. R. Allen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9475) granting an increase of pension to William Higginbottom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9476) granting an increase of pension to Samuel J. Freye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9477) granting an increase of pension to James A. Love—to the Committee on Invalid Pensions.

By Mr. MORRISON: A bill (H. R. 9478) granting an increase of pension to Ira Shafer—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 9479) for the relief of Polly Jackson—to the Committee on War Claims.

Also, a bill (H. R. 9480) for the relief of Agnes Berry Crawford, sole heir of Otho Williams, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9481) for the relief of the estate of Jacob Reichard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9482) for the relief of the heirs of Jasper M. and Ann D. Jackson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9483) for the relief of the heirs of Isaac R. Maus, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9484) for the relief of the heirs of T. L. P. Cronmiller, deceased—to the Committee on Military Affairs.

By Mr. SPERRY: A bill (H. R. 9485) granting a pension to Helen A. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9486) granting a pension to Charlotte B. W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9487) granting an increase of pension to John A. Malona—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9488) granting an increase of pension to Ann E. Parmelee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9489) granting an increase of pension to Harriet Hull—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9490) granting an increase of pension to Jane D. Peyton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9491) granting an increase of pension to Mary McMahon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9492) granting an increase of pension to Etheldra H. Saunders—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9493) granting an increase of pension to Bridget Mullens—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9494) granting an increase of pension to Jennette E. Royce—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9495) granting an increase of pension to Mary E. Davis—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 9496) granting an increase of pension to Rachel M. Parrish—to the Committee on Invalid Pensions.

By Mr. WALLACE: A bill (H. R. 9497) granting a pension to George C. Rimes—to the Committee on Invalid Pensions.

By Mr. WOODS of Iowa: A bill (H. R. 9498) granting an increase of pension to Howard Haworth—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9499) granting an increase of pension to Henry G. Brough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9500) granting an increase of pension to George Buzby—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9501) to remove the charge of desertion from the military record of John G. Riley—to the Committee on Military Affairs.

Also, a bill (H. R. 9502) to remove the charge of desertion from the military record of Henry J. Bolander—to the Committee on Military Affairs.

Also, a bill (H. R. 9503) to remove the charge of desertion from the military record of Thomas J. Shropshire—to the Committee on Military Affairs.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ANDERSON: Petition of Claus Shear Company, of Fremont, Ohio, asking an increase of duty on cutlery—to the Committee on Ways and Means.

By Mr. CARY: Petition of certain trade organizations of Philadelphia, Pa., against Philippine tobacco duty free—to the Committee on Ways and Means.

Also, petition of Wisconsin National Historical Society, favoring free lumber—to the Committee on Ways and Means.

By Mr. COOK: Petition of the Commercial Exchange of Philadelphia, Pa., favoring reciprocity with the government of Canada—to the Committee on Ways and Means.

By Mr. HAYES: Petition of Anna Ella Carroll Circle, No. 1, Ladies of the Grand Army of the Republic, Department of California, of Nevada, for an appropriation to build a cottage at Sawtelle, Cal., for two veterans and their wives—to the Committee on Appropriations.

Also, petition of Thomas H. Williams and 36 other citizens of San Jose and Campbell, Cal., against all Asiatics coming into the United States save merchants, students, and travelers—to the Committee on Foreign Affairs.

By Mr. HOUSTON: Paper to accompany bill for relief of Edmund Judkins—to the Committee on Military Affairs.

By Mr. JOYCE: Petition of Benevolent and Protective Order of Elks, No. 448, of Cambridge, and Marietta Lodge, No. 477,

both of Ohio, for creation of a park for care of the American elk—to the Committee on the Public Lands.

By Mr. KINKEAD of New Jersey: Petition of Post Card Manufacturers and Allied Trades' Protective Association of United States, favoring tariff on post cards—to the Committee on Ways and Means.

By Mr. LOWDEN: Petitions of citizens of Lee, Galena, Shannon, Pawpaw, Pearl City, Elizabeth, Hanover, Apple River, Leaf River, Mount Morris, Forreston, Stockton, Byron, Dakota, and Warren, all in the State of Illinois, opposing parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. MARTIN of South Dakota: Petition of Bee Hive Company, of Sioux Falls, S. Dak., opposing any increase of duty on gloves—to the Committee on Ways and Means.

By Mr. McCALL: Petition of natives of Philippine Islands, favoring striking out all reference to Philippines in pending tariff bill—to the Committee on Ways and Means.

By Mr. O'CONNELL: Memorial of legislature of Massachusetts, against an inheritance-tax system—to the Committee on Ways and Means.

Also, memorial of legislature of Massachusetts, relative to rolls of Revolutionary regiments and companies and to statements regarding Revolutionary prisoners—to the Committee on Pensions.

Also, petition of Taylor Brothers and the Boston Retail Grocers' Association, of Boston, for reduction of tariff on wheat to 10 cents—to the Committee on Ways and Means.

By Mr. PEARRE: Petition of A. Rosa Bevans, praying for reference of war claim to the Court of Claims under the Bowman Act—to the Committee on War Claims.

By Mr. STEPHENS of Texas: Petition of citizens and merchants of Amarillo, Tex., against a parcels-post bill—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Caldwell, Tex., against the 25 per cent duty proposed on oils, spices, etc.—to the Committee on Ways and Means.

By Mr. TOU VELLE: Petitions of D. W. Stoner, of Union City, Ind.; Hoffman Leaf Tobacco Company, of Pennsylvania, Ohio, and Wisconsin; and Corwin & Baker, and C. H. Cain, of Greenville, Ohio, against Philippine tobacco coming in duty free—to the Committee on Ways and Means.

Also, petition of 12 citizens of the Fourth Congressional District of Ohio, against duty on tea and coffee—to the Committee on Ways and Means.

Also, petition of president of the Ohio Baking Company, favoring prohibition by law of all gambling in food supplies, a reduction of the tariff on foodstuffs, and free Canadian grain—to the Committee on Ways and Means.

SENATE.

TUESDAY, *May 11, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

Mr. JONES presented petitions of sundry citizens of Pateros, Spokane, Ritzville, and Eltopia, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. OLIVER presented petitions of sundry citizens of Homestead and Brookville, in the State of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Chicago, Pontiac, Bloomington, Decatur, Stonington, Carbondale, Johnson City, Benton, Aurora, and Mount Vernon, all in the State of Illinois, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. CURTIS presented a petition of 170 citizens of the State of Kansas, praying for the repeal of the duty on hides, which was ordered to lie on the table.

Mr. LA FOLLETTE presented memorials of the mayor and common council of De Pere, of the mayor and common council of Stevens Point, and of the mayor and common council of Neenah, all in the State of Wisconsin, remonstrating against a reduction of the present duty on print paper and wood pulp, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Pubies, Malone, and Oshkosh, all in the State of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of the Putney Brothers Company, of Waukesha, Wis., remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented a petition of the Wisconsin Natural History Society, praying for the repeal of the duty on lumber, which was ordered to lie on the table.

Mr. PILES presented a petition of Washington Grange, No. 82, Patrons of Husbandry, of Vancouver, Wash., praying for the passage of the so-called "rural parcels-post" and "postal savings banks" bills, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. FRYE presented a petition of sundry citizens of Sangerville, Me., and a petition of sundry citizens of Camden, Me., praying for the protection of the carded-wool industry, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Presque Isle, Me., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. RAYNER presented petitions of sundry citizens of Baltimore, Gaithersburg, and Rockville, all in the State of Maryland, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on Foreign Relations and ordered to be printed in the RECORD, as follows:

Joint resolution memorializing Congress in regard to international peace.

Whereas the progress of industry and the happiness and prosperity of the people of all countries depends upon the maintenance of peace among the nations of the world; and

Whereas international wars have resulted usually from jealousies due in a large degree to mutual misunderstandings which could have been made clear by conferences and investigations; and

Whereas it would promote the progress of peace in international relations to have a parliamentary union at stated intervals, composed of delegates from all nations; and

Whereas the friendly relations existing between the United States and all nations make it peculiarly fitting that the proposal should come from this country: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize the Congress of the United States to initiate proceedings to invite the nations of the world to send delegates to an interparliamentary union for the purpose of discussing and establishing a system of international arbitration and investigation of disputes between nations and to arrange for a permanent interparliamentary union at stated intervals; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.
JOHN STRANGE,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. STEPHENSON presented petitions of the mayor and common council of De Pere, of the mayor and common council of Neenah, of the mayor and common council of Stevens Point, and of the mayor and common council of Eau Claire, all in the State of Wisconsin, praying for a reduction of the present duty on print paper and wood pulp, which were ordered to lie on the table.

He also presented a memorial of the Cambridge Local, of the American Society of Equity of Rockdale, Wis., remonstrating against the repeal of the duty on imported tobacco, which was ordered to lie on the table.

He also presented a petition of Charles McCumber, of Burlington, Wis., and a petition of the Federated Trades Council of Milwaukee, Wis., praying for the repeal of the duty on hides, which were ordered to lie on the table.

He also presented a petition of the Wisconsin Natural History Society, praying for the repeal of the duty on lumber, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 2306) granting a pension to Etta B. Stewart;

A bill (S. 2307) granting an increase of pension to David S. Green;

A bill (S. 2308) granting an increase of pension to Sara B. C. Stephenson (with the accompanying papers);

A bill (S. 2309) granting an increase of pension to Charles Critchell (with the accompanying papers);

A bill (S. 2310) granting an increase of pension to George H. Burnett (with the accompanying papers); and

A bill (S. 2311) granting an increase of pension to Matthew B. Noel (with the accompanying papers); to the Committee on Pensions.

By Mr. JONES:

A bill (S. 2312) granting an increase of pension to James Strong;

A bill (S. 2313) granting an increase of pension to Harvey W. Cory;

A bill (S. 2314) granting an increase of pension to William K. Griffiths; and

A bill (S. 2315) granting an increase of pension to James Olds; to the Committee on Pensions.

By Mr. CULLOM:

A bill (S. 2316) granting a pension to Laura Troxel (with the accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 2317) granting an increase of pension to Mary Carpenter (with the accompanying papers); to the Committee on Pensions.

A bill (S. 2318) to remove the charge of desertion from the military record of James H. Nowlin, alias James M. Hendley; to the Committee on Military Affairs.

A bill (S. 2319) for the relief of Bernard W. Murray; to the Committee on Claims.

By Mr. BEVERIDGE:

A bill (S. 2320) granting an increase of pension to William Dollman; to the Committee on Pensions.

By Mr. DEPEW:

A bill (S. 2321) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900; to the Committee on Pacific Islands and Porto Rico.

By Mr. NELSON:

A bill (S. 2322) granting an increase of pension to Carrie Engberg; to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. SMOOT submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed. The first bill on the calendar will now be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. ALDRICH. Paragraph 51 refers to white lead and white pigment containing lead. Paragraph 53 refers to white pigment containing zinc. The committee have under consideration a different scale of duties in reference to zinc ore and the products of zinc. I therefore ask that paragraphs 51 and 53 may go over without action, and I ask that paragraph 54 be passed over. Then paragraph 56 involves the same question, white acetate of lead, which is made from white lead, and I ask that it may go over also.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island?

Mr. BRISTOW. I understand that paragraph 51 then goes over for the present?

Mr. ALDRICH. It does.

Mr. BRISTOW. I should like to say that when it is taken up I shall want to be heard on that paragraph.

Mr. ALDRICH. The Senator will undoubtedly have an opportunity.

The VICE-PRESIDENT. The Chair understands that paragraphs 51 and 53 are covered by the request.

Mr. ALDRICH. Paragraph 52 may go over also.

The VICE-PRESIDENT. The Senator includes paragraph 52 in his request?

Mr. ALDRICH. I do.

The VICE-PRESIDENT. Without objection, that will be included, and the paragraphs will be passed over. The next paragraph passed over will be stated by the Secretary.

The SECRETARY. Paragraph 58——

Mr. ALDRICH. I ask that that may go over also.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island? The Chair hears none, and the paragraph will be passed over. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 59.

Mr. ALDRICH. I ask that the committee amendment to that paragraph may be agreed to.

The VICE-PRESIDENT. The committee amendment to this paragraph was agreed to, and the paragraph was passed over after the committee amendment was agreed to.

Mr. ALDRICH. I ask that the paragraph as amended be agreed to.

The VICE-PRESIDENT. Without objection, the paragraph will be agreed to.

Mr. ALDRICH. What is the next one passed over?

The VICE-PRESIDENT. The Secretary will state the next.

The SECRETARY. Paragraph 61 was passed over. The committee propose to strike out paragraph 61 in the following words:

61. Nitrate of, or saltpeter, refined, one-half of 1 cent per pound.

The amendment was agreed to.

Mr. OVERMAN. I do not know why that amendment was objected to before. There is a very small attendance here. It seems that it was objected to. There may be some one on our side who wishes to be present when it is considered.

Mr. ALDRICH. No; it was the Senator from New Jersey who asked that it might go over. He wanted to save a part of it from the free list. What is the next one?

The SECRETARY. The next paragraph passed over is paragraph 66, on page 16. After the word "santonin," in line 20, on page 16, the Committee on Finance report to strike out the words "fifty cents" and insert the words "one dollar," so as to make the paragraph read:

66. Santonin, and all salts thereof containing 80 per cent or over of santonin, $1 per pound.

The VICE-PRESIDENT. Is there objection to agreeing to the committee amendment?

Mr. BRISTOW. I should like to have a vote on it.

Mr. OVERMAN. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from North Carolina suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clay	Hughes	Perkins
Bacon	Crane	Johnson, N. Dak.	Piles
Beveridge	Crawford	Johnston, Ala.	Richardson
Borah	Cullom	Jones	Root
Bradley	Cummins	Kean	Scott
Brandegee	Curtis	La Follette	Smith, Md.
Bristow	Depew	Lodge	Smith, Mich.
Brown	Dillingham	McEnery	Smoot
Bulkeley	Flint	McLaurin	Stephenson
Burkett	Foster	Martin	Stone
Burnham	Frye	Nelson	Sutherland
Burrows	Gallinger	Oliver	Taliaferro
Carter	Gamble	Overman	Warner
Clapp	Guggenheim	Page	Warren
Clark, Wyo.	Hale	Paynter	
Clarke, Ark.	Heyburn	Penrose	

The VICE-PRESIDENT. Sixty-two Senators have answered to their names. A quorum of the Senate is present. The question is on agreeing to the amendment of the committee to paragraph 66, striking out "50 cents" and inserting "$1."

Mr. BEVERIDGE. It increases the House rate 100 per cent. I merely want to know why?

Mr. ALDRICH. The duty on santonin by the act of 1883 was $3 a pound, and by the act of 1890, $2.50 a pound. It was reduced in 1894 by the Wilson-Gorman Act to $1 a pound, and it has remained there ever since. The importations of 1907 were valued at $65,000. The unit of value was $7.90 a pound, or about $8 a pound, and the ad valorem rate was $12.66. Under the present law there is a duty of only 12 per cent.

Mr. OVERMAN. What was the rate under the Dingley law?

Mr. ALDRICH. Under the Dingley law it was $1, under the Gorman law it was $1, and the present rate is $1, and that is only 12 per cent on the product.

Mr. OVERMAN. The House made it 50 cents.

Mr. ALDRICH. The House made it 50 cents, unadvisedly, I think.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

Mr. ALDRICH. I should like to go back to paragraph 63, where the committee will propose certain amendments.

The VICE-PRESIDENT. Without objection, the Senate will return to paragraph 63.

Mr. ALDRICH. On page 15, line 12, after the word "calomel," I move to insert the words "corrosive sublimate."

The amendment was agreed to.

Mr. ALDRICH. I move to strike out the proviso beginning in line 16, after the words "ad valorem," and including the rest of the paragraph.

The amendment was agreed to.

Mr. STONE. I should like to inquire of the Senator from Rhode Island as to the amendment in paragraph 59. Was it agreed to?

Mr. ALDRICH. Yes; it has been agreed to.

Mr. STONE. I desire to suggest an amendment to that paragraph. I do not know whether to do it now or to do it later.

Mr. ALDRICH. I think the Senator had better do it later in the Senate.

Mr. STONE. Very well.

Mr. DOLLIVER. I beg to inquire of the chairman of the committee to what articles the words in paragraph 63, "in the preparation of which alcohol is used," refer.

Mr. ALDRICH. That language has been stricken out.

Mr. DOLLIVER. It has been suggested that the operation might be to transfer from the free list certain articles in the manufacture of which alcohol is used, although alcohol does not appear in the finished product in any tangible form.

Mr. ALDRICH. The Senator probably has been informed about the products mentioned in lines 19, 20, and 21, which have been stricken out. That would not be true of the part of the paragraph which remains.

Mr. DOLLIVER. I notice the same phraseology in the main body of the paragraph.

Mr. ALDRICH. It is not the same phraseology at all, if the Senator will look at it:

Medicinal preparations containing alcohol or in the preparation of which alcohol is used not specially provided for in this section.

The words "that all alkaloids, balsams, chemicals, drugs, extracts, medicinal substances, oils, salts, or similar substances whatever used for medicinal purposes, whether or not specifically provided for in this section, and whether on the dutiable list or the free list," have been stricken out on the suggestion of the committee.

Mr. DOLLIVER. I understand that the similar phraseology in the second line of the paragraph could not be construed to refer to articles now on the free list in the manufacture of which alcohol is used.

Mr. ALDRICH. Not possibly.

The VICE-PRESIDENT. The Secretary will state the next amendment passed over.

The SECRETARY. The next paragraph passed over is paragraph 67, at the bottom of page 16, castile soap, etc.

The VICE-PRESIDENT. The committee amendment to this paragraph has been agreed to.

Mr. ALDRICH. The committee have an amendment to propose to the paragraph, which I ask may be read.

The VICE-PRESIDENT. The Secretary will read the amendment proposed by the Senator from Rhode Island from the committee.

The SECRETARY. It is proposed to insert a new paragraph 67, as follows:

67. Castile soap, 1¼ cents per pound; medicinal or medicated soaps, 20 cents per pound; perfumed toilet soaps, 50 per cent ad valorem; all other soaps not specially provided for in this section, 20 per cent ad valorem.

The VICE-PRESIDENT. The question is on agreeing to the substitute which the Secretary has read.

Mr. CULBERSON. Inasmuch as this amendment is presented by the Senator from Rhode Island on the floor, and not printed, I wish he would explain the changes made by it.

Mr. ALDRICH. The only change is to increase the rate on fancy perfumed soap, for revenue purposes. It does not change the rate upon anything else at all in the paragraph.

The amendment was agreed to.

The VICE-PRESIDENT. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over was paragraph 69, on page 17.

Mr. ALDRICH. I ask that that paragraph may be passed over.

The VICE-PRESIDENT. Without objection, it will be passed over. The next paragraph passed over will be stated.

The SECRETARY. Paragraph 70. Crystal carbonate of soda, and so forth.

The VICE-PRESIDENT. There is no amendment to this paragraph. The next paragraph passed over will be read.

The SECRETARY. Paragraph 71. Hydrate of, or caustic, soda, and so forth.

Mr. ALDRICH. The Senator from Ohio [Mr. BURTON] is not now in his seat. He asked to have this paragraph go over. I ask that it may still be passed over, until the Senator from Ohio is present.

The VICE-PRESIDENT. Without objection, the paragraph will be passed over. The Secretary will state the next paragraph passed over.

The SECRETARY. The next paragraph passed over is paragraph 79, on page 18. The committee reported to strike out the paragraph in the following words:

79. Sulphur, refined or sublimed, or flowers of, $6 per ton.

And in lieu thereof to insert:

79. Sulphur, refined or sublimed, or flowers of sulphur; and sulphur or brimstone advanced beyond the original condition as mined, by melting, refining, or any process whatever by means of which impurities or extraneous matter, wholly or in part, have been removed, $6 per ton.

Mr. ALDRICH. The committee withdraw their amendment to paragraph 79, and ask to have the House provision amended by striking out "six" and inserting "four," so as to read:

Sulphur, refined or sublimed, or flowers of, $4 per ton.

The VICE-PRESIDENT. The committee amendment to paragraph 79 is withdrawn. The Senator from Rhode Island now offers an amendment to the paragraph, which will be read by the Secretary.

The SECRETARY. On page 18, line 10, before the word "dollars," strike out "six" and insert "four," so as to read:

79. Sulphur, refined or sublimed, or flowers of, $4 per ton.

The VICE-PRESIDENT. When the Senate was considering the bill some days ago the amendment striking out paragraph 79 was agreed to, and the paragraph was stricken out.

Mr. ALDRICH. I now ask that the paragraph be agreed to with an amendment striking out "six" and inserting "four."

The VICE-PRESIDENT. Without objection, the Senate committee amendment is withdrawn.

Mr. TILLMAN. Will the Senator explain the effect of the amendment he now proposes?

Mr. ALDRICH. It puts all crude sulphur on the free list and reduces the duty on refined sulphur from $6 a ton to $4 a ton.

Mr. SMOOT. The present rate is $8, the committee reported $6, and we now recommend a reduction to $4.

The VICE-PRESIDENT. The question is on agreeing to the amendment striking out "six" and inserting "four," so as to read "$4 per ton."

The amendment was agreed to.

The VICE-PRESIDENT. The next paragraph passed over will be read.

The SECRETARY. Paragraph 83, page 19, Tiles: After the first word "Tiles," the committee reported to strike out the words "including quarries or quarry tiles, so called."

The amendment was agreed to.

The SECRETARY. In line 15, after the word "tiles," the committee reported to insert the words "and tiling, by whatever name known."

The amendment was agreed to.

The SECRETARY. In line 19, after the words "ad valorem," the committee reported to insert:

So-called quarries or quarry tiles, 35 per cent ad valorem; mantles, friezes, and all other articles of every description, composed wholly or in chief value of tiles or tiling, 60 per cent ad valorem.

Mr. BEVERIDGE. I take it that is merely an improved classification.

Mr. ALDRICH. Yes; there are some other amendments to be offered.

The amendment was agreed to.

Mr. ALDRICH. I send several amendments to the paragraph to the desk, which I ask may be read.

The SECRETARY. In line 14, strike out the word "ornamental" and insert in lieu thereof the word "ornamented."

The amendment was agreed to.

The SECRETARY. In line 16, after the word "tiles" and before the comma, insert the words "and so-called quarries or quarry tiles."

The amendment was agreed to.

The SECRETARY. In line 20, in the committee amendment, change the spelling of the word "mantles" so as to read "mantels."

The amendment was agreed to.

The SECRETARY. In the same line, strike out the words "all other."

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 85, page 20:

85. Lime, 5 cents per 100 pounds, including weight of barrel or package.

Mr. JONES. I ask that the paragraph be further passed over.

The VICE-PRESIDENT. Without objection, the paragraph will be further passed over.

The SECRETARY. Paragraph 86. Plaster rock or gypsum——

Mr. ALDRICH. I ask that the paragraph may be passed over. The committee have under consideration specific rates on a part of the articles.

The SECRETARY. Paragraph 87. Pumice stone——

Mr. KEAN. I wish to ask whether the committee did not propose a reduction from $6 a ton on pumice stone? That seems to be very high.

Mr. FLINT. I ask that the paragraph may go over.

Mr. ALDRICH. What is the suggestion of the Senator from New Jersey?

Mr. KEAN. I suggest that the duty be reduced.

Mr. ALDRICH. How much?

The VICE-PRESIDENT. The Senator from California asks that the paragraph be passed over.

Mr. KEAN. To $5 a ton, instead of $6.

Mr. ALDRICH. It has gone over.

The VICE-PRESIDENT. The paragraph has been passed over. The next paragraph will be read.

The SECRETARY. In paragraph 88, page 21, line 4, the committee propose to strike out "fifteen one-hundredths of 1 cent per pound on the bitumen content contained therein," and to insert:

Crude, if not dried, or otherwise advanced in any manner, $1.50 per ton; if dried or otherwise advanced in any manner, $3 per ton.

So as to read:

Asphaltum and bitumen, not specially provided for in this section, crude, if not dried, or otherwise advanced in any manner, $1.50 per ton; if dried or otherwise advanced in any manner, $3 per ton.

The amendment was agreed to.

The SECRETARY. In paragraph 88, line 12, after the word "spar," the committee report to insert "crude, or crushed, ground, or otherwise treated or manufactured," so as to read:

Fluor spar, crude, or crushed, ground, or otherwise treated or manufactured, $1.50 per ton.

Mr. BRADLEY. Mr. President——

Mr. ALDRICH. The Senator from Kentucky desires to have this paragraph go over—that is, the part of the paragraph relating to the duty on fluor spar.

Mr. BRADLEY. Yes; that part of it.

The VICE-PRESIDENT. Without objection, it will be passed over.

Mr. ALDRICH. The committee suggest an amendment striking out, on page 20, line 25, after the word "asphalt," the words "containing not more than 15 per cent of bitumen."

The amendment was agreed to.

Mr. ROOT. Does not the word "asphalt" go out also?

The VICE-PRESIDENT. The Chair understood not. The Chair asks the attention of the Senator from Rhode Island. The Senator from New York inquires whether the amendment striking out intended to include the word "asphalt."

Mr. ALDRICH. Oh, no.

The VICE-PRESIDENT. The Chair understood not.

Mr. BEVERIDGE. My attention was attracted away. I simply wish to ask the Senator from Rhode Island whether this affects asphalt used in paving and for roads in any way? If it does, I ask that it be passed over for the present. I do not know that I shall have any objection to it, but I want to look into the matter.

Mr. ALDRICH. This particular asphalt is not imported. It is lime-rock asphalt. It is not of very great importance in any event, but the committee thought that the clause ought not to be in the bill, and I think the Senator will find——

Mr. BEVERIDGE. I merely asked if it does affect asphalt used for pavement and roads.

Mr. ALDRICH. It does, and the amendments in lines 5, 6, and 7, on page 21, reduced the duty levied by the House about 50 per cent or more.

Mr. BEVERIDGE. It does affect asphalt for roads.

Mr. ALDRICH. It reduces the duty largely.

Mr. BEVERIDGE. Does the Senator think that the duty might be reduced still further?

Mr. ALDRICH. If the Senator asks my personal opinion, perhaps I would say that it should be on the free list.

Mr. BEVERIDGE. I suggest that it be passed over for the present.

Mr. ALDRICH. A great many desire that the rate shall be much higher than the rate suggested by the committee.

The VICE-PRESIDENT. It will be passed over for the present.

Mr. GALLINGER. I wish to call the attention of the Senate——

The VICE-PRESIDENT. The Senator from New Hampshire will permit the Chair to inform the Senator from Indiana, so that there may be no misunderstanding, that this amendment was agreed to and there has been business subsequent. So the Chair thinks the request should be to reconsider, if the paragraph is to be passed over. Several matters have intervened since it was agreed to.

Mr. ALDRICH. The Senator can bring it up in the Senate.

Mr. BEVERIDGE. In view of the fact that we are passing over these paragraphs again, I suggest that we pass it over. I do not know that I shall have any objection to it; I think I agree with the Senator that it ought to be on the free list, but let it be passed over with the rest.

Mr. ALDRICH. There is no reason why it should not be passed on now.

Mr. GALLINGER. Before it is passed over I wish to call attention to an excerpt from the New York Evening Post, which is a low-tariff newspaper, concerning asphalt. It says:

For many years prior to July 24, 1897, asphalt was on the free list, and the price of asphalt was steadily maintained at $35 per ton and paving at from $3 to $4 per yard. Under the Dingley Act $1.50 per ton duty has been paid on crude and $3 per ton on refined. The market price of asphalt has fallen to about $22 per ton and paving prices to $1.50 to $2 per yard. The Barber Paving Company, of Philadelphia, controlling the inexhaustible asphalt deposits of Trinidad and Venezuela, is practically the only importer of this material. It can produce, transport, refine, and deliver asphalt at New York for $12 per ton, including payment of the present duty or the rate proposed in the Payne bill. It can pay four times the rate proposed in the Payne bill without advancing its selling price.

If this is correct there is one instance on record where taking an article from the free list and putting it on the dutiable list has resulted in a very remarkable reduction in the price.

Mr. BEVERIDGE. That may be. We will consider it when it is taken up.

The VICE-PRESIDENT. Without objection, the amendment on lines 4 to 8, on page 21, in paragraph 88, will be passed over, having been already agreed to. The Secretary will report the next paragraph passed over.

The SECRETARY. Paragraph 89. Mica——

Mr. CRAWFORD. I ask that paragraph 89 be passed over for the present.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota?

Mr. ALDRICH. I hope it will be passed over, because there is a great conflict of interest and of opinion upon this subject. A very large number of important people are anxious to have mica put on the free list, and some others want to have the rates increased even higher than the present law.

The VICE-PRESIDENT. Without objection, the paragraph will be passed over.

Mr. ALDRICH. I think it is desirable, in view of the conflict of opinion, that the committee reexamine this case and see if it ought to go on the free list or whether it ought to be dutiable.

The VICE-PRESIDENT. No objection being made, the paragraph will be passed over.

Mr. CRAWFORD. I should like to ask the Senator from Rhode Island for information. I simply request that if an additional amendment, different from those already proposed, is to be considered it may be offered so that we will have an opportunity to examine it. I understood that there was in contemplation another amendment to that paragraph, and if the committee are contemplating to do so by reporting it they would give us an opportunity to examine it.

Mr. ALDRICH. The committee are still undecided, but whenever they reach a conclusion on the subject, as to which of these conflicting interests is correct, or approximately correct, they will report an amendment. What the nature of the amendment will be no man can tell at this moment.

Mr. ROOT. Mr. President, I will say, for the information of the Senator from South Dakota, that whenever this paragraph comes to be considered by the Senate I shall endeavor to show that the word "rough" used in the bill as sent to us by the House rather than the word "thumb," which the committee proposed to substitute, will result in a more equitable assessment of the duty upon the article mica.

Mr. ALDRICH. The committee themselves are satisfied of that. They acted upon erroneous information in making the suggested change. As to what rate should be finally fixed, that is another question.

Mr. KEAN. I should like to ask the chairman if he could not make that change now?

Mr. ALDRICH. No.

Mr. GAMBLE. The House committee had a very full hearing on this paragraph, and it occurs to me that the House

draft is preferable to the amendment made by the Senate committee. I understood that the Finance Committee had an amendment to present to correct it, and I would be glad to hear it.

Mr. ALDRICH. Mr. President, the producers of mica in the United States persuaded the committee to make the amendment which was suggested. They are now satisfied that they should not have made the change. Just what rate should finally be fixed upon mica is a subject about which I must confess we are very much at sea at this moment, and whether it should go on the free list or be made dutiable at any rate.

Mr. LA FOLLETTE. Mr. President, I should like to have paragraph 58 passed over.

The VICE-PRESIDENT. Paragraph 58 has been passed over.

Mr. LA FOLLETTE. Has it been passed over? I wanted to make the inquiry. I supposed it had been adopted.

Mr. ALDRICH. It was passed over.

The VICE-PRESIDENT. It was passed over the second time.

Mr. LA FOLLETTE. It was passed over the second time?

The VICE-PRESIDENT. Yes.

Mr. LA FOLLETTE. I was detained for two or three minutes in my committee room giving a hearing to some manufacturers and was not on the floor when that particular paragraph was reached. I supposed it had been adopted, and I wanted to return to it if that was true. If it was passed over, that is exactly the request that I desired to make. I understand, then, that paragraph 58, page 14, is passed over the second time.

The VICE-PRESIDENT. The Chair so stated.

The SECRETARY. The next paragraph passed over is paragraph 90——

Mr. DICK. I request that the paragraph dealing with earthenware and china be passed over.

Mr. ALDRICH. Oh, no; we have to get ahead, and we might as well decide the question now as at any other time.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. The committee propose to strike out, on page 21, paragraph 90, as printed in the House text, and to insert a new paragraph 90, as follows:

90. Common yellow, brown, or gray earthenware, plain, embossed, or salt-glazed common stoneware, and crucibles, all the foregoing not decorated in any manner, 25 per cent ad valorem; Rockingham earthenware, 40 per cent ad valorem.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. ALDRICH. I will modify that amendment by inserting the words which I send to the desk.

The VICE-PRESIDENT. The amendment to the amendment will be stated.

The SECRETARY. On page 22, line 4, in the committee amendment, after the word "and" and before the word "crucibles," insert the words "earthenware or stoneware," so as to read:

90. Common yellow, brown, or gray earthenware, plain, embossed, or salt-glazed common stoneware, and earthenware or stoneware crucibles, all the foregoing not decorated in any manner, 25 per cent ad valorem; Rockingham earthenware, 40 per cent ad valorem.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The VICE-PRESIDENT. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 91. China, porcelain, parian, bisque, earthen, stone, and crockery ware. The committee propose after the word "ware," in line 9, to strike out "ornamented, decorated, painted, colored, tinted, stained, enameled, gilded, brown white lined, or printed, and" and to insert the word "including."

Mr. BACON. I was endeavoring when the last amendment acted on was before the Senate to ascertain what relation the duty proposed in that amendment bears to the present law. I see from a reference that it is an increase, is it not?

Mr. ALDRICH. No, sir.

Mr. BACON. I was mistaken, then, in looking at the wrong line. I had the wrong line.

Mr. ALDRICH. It is a reduction on both items below the House bill, and a large reduction in some cases.

Mr. LA FOLLETTE. In this connection I should like to ask the chairman whether it is a reduction upon the products included in the amendment which the Senator from Rhode Island proposed this morning to that paragraph, immediately preceding the word "crucibles?"

Mr. ALDRICH. That only describes the crucibles and the character of crucibles that are to be included in the paragraph.

Mr. LA FOLLETTE. Is it a reduction?

Mr. ALDRICH. No; it is the same rate on crucibles.

Mr. LA FOLLETTE. And that is the rate——

Mr. ALDRICH. Of the existing law.

Mr. LA FOLLETTE. Of the existing law?

Mr. ALDRICH. Yes.

Mr. BACON. Mr. President, of course I am satisfied that the Senator is correct, because he has given careful study to it. At the same time, so far as I can identify the present rate, it seems to be the same as that in the amendment.

Mr. ALDRICH. The House provisions, if the Senator will read them, fix a rate on common yellow, brown, or gray earthenware, of common clay and strictly one color, at 25 per cent. If they had two colors, they would pay 60 per cent.

Mr. BACON. That is the present law?

Mr. ALDRICH. No; that is the House provision. It makes all common earthenware that contains more than one color 60 per cent ad valorem. The committee amendment reduces that rate from 60 to 40 per cent.

Mr. LODGE. It brings it back to the Dingley rate.

Mr. ALDRICH. It is a reduction of 20 per cent ad valorem. The House provision makes a reduction on Rockingham earthenware not decorated of 40 per cent ad valorem, but makes decorated Rockingham earthenware dutiable at 60 per cent. The amendment of the committee make it all dutiable at 40 per cent.

Mr. BACON. So the change is——

Mr. ALDRICH. A reduction, so far as those varieties are concerned.

Mr. BACON. So far as those two articles are concerned.

Mr. BURTON. Do I understand that paragraph 91 has been passed over?

The VICE-PRESIDENT. The pending question is on the amendment to paragraph 91.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment reported by the committee is in paragraph 91, which the Secretary will state.

The SECRETARY. On page 22, line 13, after the word "lamps," insert "all the foregoing."

The amendment was agreed to.

Mr. BACON. I beg pardon. I do not wish to unduly delay the proceeding in any manner, but the paragraph which we rapidly passed over a moment ago relates to a very large part of the commonly used crockery, does it not?

Mr. ALDRICH. Oh, no; it does not. Paragraph 92 refers to that class of articles. Paragraph 90 refers to a very small and relatively unimportant amount of common yellow, brown, or gray earthenware which the Senator, I suppose, has never seen. Perhaps he saw it in his boyhood days in some of the cabins of the South, but I imagine he never sees it now, and probably he has not seen it for fifteen or twenty years.

Mr. BACON. I am not interested in what may not be of general use. I interrupted, thinking this might relate to something in general use.

Mr. ALDRICH. Paragraph 92 is the paragraph that refers to matters in general use.

Mr. CUMMINS. Mr. President, I should like to ask a question of the chairman of the committee. Do you not think that there ought to be some difference between the ad valorem duty upon china ware and the duty upon earthenware, in view of the history of those kinds of business in the United States? As I understand these two paragraphs, 91 and 92, they attach the same duty to earthenware as to china ware—55 per cent ad valorem if undecorated and 60 per cent ad valorem if decorated in any way. My own observation, which is corroborated by some evidence I have read, is that the china-ware industry of the United States very much needs all the protection we have given it, and possibly more. Substantially all of the china ware—I modify that a trifle, and will say that I believe that two-thirds of the china ware used in the United States is imported, whereas I understand that about 80 per cent or more of all the earthenware used in the United States is of domestic manufacture. It would seem to me that the history of the development of our business in china ware and in earthenware ought to indicate that either the duty on china ware should be somewhat increased, or the duty on earthenware should be somewhat diminished. I am inclined to the latter view.

I have in preparation an amendment which I expect to offer to these two paragraphs, separating them in classification; but I have not been able to complete the preparation of the amendment. I am not ready to offer it at this time, but I shall do so when the paragraphs are under consideration by the Senate. I shall be very glad to have the knowledge or the opinion of the chairman of the Finance Committee as to the propriety of making a difference between the duty on china ware and the duty on earthenware.

Mr. DICK. Will the Senator yield to me for a question?

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Ohio?

Mr. CUMMINS. Certainly.

Mr. DICK. Does the Senator intend by his proposed amendment to increase the rate on either of these articles?

Mr. CUMMINS. I do not.

Mr. DICK. Is it the intention of the amendment to reduce the rate on one of the articles?

Mr. CUMMINS. It will reduce the rate on earthenware, but it will not reduce the rate on chinaware. I thought this was an appropriate time to get the opinion of the committee with regard to the comparative necessity of duties upon one or the other of these classes of commodities.

Mr. ALDRICH. Mr. President, earthenware is made dutiable by the paragraph which we have just concluded at 40 per cent ad valorem. Earthenware which is decorated may not be at all distinguishable from china which is decorated. The intention of the law is, and has been, to make any of these products that are decorated pay the same rate of duty. There is no other way, in my judgment, in which the duty can be collected except by making them all dutiable at the same rate, whether they are made of earthenware or of china or of whatever they are made. All these are interchangeable names, and I imagine there is no man who can tell the difference practically between a great many of these articles. It is almost impossible to tell whether an article that is decorated is made from earthenware or from china. It is simply a great mass of materials, of different weights usually, it is true, but all of similar values, and they all should be dutiable at the same rate. That has been the experience in the past; and, in my judgment, there should be no change whatever in that respect.

Mr. CUMMINS. I do not understand the subject exactly as described by the chairman of the committee. There is a very marked difference, I believe, between earthenware, stoneware, and chinaware. I will not, however, attempt to give the technical difference. I think, however, that it is easily appreciated; and paragraph 90 does not carry at all the common white earthenware. You will observe that it provides:

Common yellow, brown, or gray earthenware, etc.

Paragraph 91 provides:

China, porcelain, parian, bisque, earthen, stone, and crockery ware.

Classifying them all together. It is true that that provides for those various classes, if decorated, paying a duty of 60 per cent; but paragraph 92 has the same classification, which embraces common white earthenware not decorated, paying a duty of 55 per cent ad valorem.

Mr. ALDRICH. Will the Senator permit me for a moment?

Mr. CUMMINS. Certainly.

Mr. ALDRICH. Mr. President, from time immemorial—I do not know how far back—this classification has been unchanged. In 1883 the same language was used.

China, porcelain, parian, bisque, earthen, stone, and crockery ware, including clock cases, etc.

And the rate was the same. In 1890 the same classification was adopted; in 1894, under the Wilson bill in the House, the exactly same classification was adopted, and it was also in the act of 1897. So, for twenty-six years, in five different tariff revisions there has been no change whatever in the classification.

Mr. CUMMINS. That is precisely why I am now making the inquiry. I know there has been no change in the classification. What has been the result?

Mr. ALDRICH. Under the Wilson bill we reduced the rates, of course, but under the act of 1883 the rates were 60 per cent and 55 per cent, the same as now. In 1890, and also in 1897, the rates were the same.

Mr. BEVERIDGE. But the classification was fixed in 1883.

Mr. ALDRICH. The classification was fixed in 1883, and has remained without change from that time to this. I have never heretofore heard any criticism from anybody whatever to the effect that the classification ought to be changed.

Mr. BACON. What was the rate under the Wilson bill, I ask the Senator? I have sent for the book, but I have it not before me here.

Mr. ALDRICH. The rate was 35 per cent ad valorem.

Mr. CUMMINS. I should like to hear the Senator from Georgia, but I can not quite do so at this distance.

Mr. BACON. I inquired of the Senator from Rhode Island [Mr. ALDRICH], as he had the figures before him, what was the rate on this article under the Wilson bill, and I understood him to reply that it was 35 per cent.

Mr. ALDRICH. On decorated, and 30 per cent on the plain.

Mr. CUMMINS. I again suggest that the classification is a very old one; but the experience or the history of the business to which these paragraphs relate shows that the classification is not the right one, because under it the china-ware industry has not prospered, while under it the earthenware industry has very greatly prospered. I therefore reiterate the conclusion that the duty on china ware is too low or the duty on earthenware is too high. I am not, however, at this time ready to offer the amendment which I should like to propose, but I shall do so when the bill reaches the Senate.

Mr. BEVERIDGE. Does the Senator ask that the paragraph go over?

Mr. CUMMINS. The Senator from Ohio [Mr. DICK] has asked that it go over.

Mr. DICK. I withdrew the request.

Mr. ALDRICH. I wish merely to suggest that the Senator from Iowa can easily offer his amendment in the Senate. I desire that this paragraph be now acted upon.

Mr. CUMMINS. That is, that these two paragraphs be adopted. I renew the request heretofore made by the Senator from Ohio [Mr. DICK]. I should be very glad to have the opportunity to offer my amendment later; and I will try to get it. It may be that when I have investigated the source of information which I now understand exists, I may not ask that any amendment be made; but, as at present advised, I shall do so.

Mr. BURROWS. Mr. President——

The VICE-PRESIDENT. The Senator from Iowa [Mr. CUMMINS] has the floor. Does the Senator yield?

Mr. CUMMINS. I do.

Mr. BURROWS. I desire to ask the Senator if he understands, as I suppose he does, that he will have the opportunity of offering his amendment in the Senate? So he will lose nothing and gain nothing by having it adopted now.

Mr. CUMMINS. I understand that. I have no particular desire to have the amendment passed here; but I thought it was only fair——

Mr. CULBERSON. With reference to the suggestion of the Senator from Michigan [Mr. BURROWS], with the permission of the Senator from Iowa [Mr. CUMMINS] I rise to a parliamentary inquiry. I understand this bill is now being considered with reference to committee amendments.

Mr. ALDRICH. It is also being considered with reference to agreeing to the House provisions.

Mr. CULBERSON. When we conclude the consideration of the committee amendments, I understand that individual Senators not connected with the committee may offer amendments anywhere in the bill while it is being considered as in Committee of the Whole.

Mr. BEVERIDGE. Not to a committee amendment if it has been adopted by the Senate, except on a reconsideration.

Mr. CULBERSON. I ask, if that is not the case, when can a Senator offer an amendment?

The VICE-PRESIDENT. When the consideration of committee amendments has been concluded any Senator may offer an amendment to any portion of the bill——

Mr. CULBERSON. In Committee of the Whole?

The VICE-PRESIDENT. In Committee of the Whole. But if a Senator proposes an amendment to an amendment which has been agreed to, it can only be accomplished by a reconsideration.

Mr. BEVERIDGE. And an amendment can then be offered——

The VICE-PRESIDENT. To any other portion of the bill an amendment can then be offered.

Mr. ALDRICH. It is still in order for any Senator to offer any amendment he wishes to paragraph 91.

Mr. CUMMINS. Does that mean that before the bill passes into the Senate a Senator may not offer an amendment to this paragraph——

Mr. ALDRICH. Except——

Mr. CUMMINS. Just a moment—which does not involve the amendment of the Committee on Finance which has been adopted by the Committee of the Whole?

The VICE-PRESIDENT. It means that any Senator may offer such an amendment.

Mr. CUMMINS. Precisely.

Mr. ALDRICH. But he may not, after the Senate has agreed to a House provision as amended by the Senate, except upon a reconsideration.

The VICE-PRESIDENT. That is correct.

Mr. BEVERIDGE. The only time a Senator would then have an opportunity to offer an amendment to that committee amendment would be when it gets into the Senate; but he

may in Committee of the Whole offer an amendment to any other portion of the bill except the adopted committee amendments.

Mr. ALDRICH. I ask that this paragraph be agreed to.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Georgia?

Mr. BACON. I thought that the Senator had finished. I will wait until he does so.

Mr. CUMMINS. Mr. President, I have already stated that I shall offer an amendment of the character I have suggested, if, upon further investigation, I find my present impressions are verified by the facts.

Mr. BACON. I wish to recall to the Senate that a few days ago, when this very question was under consideration in the Senate, I suggested that the universal custom of the Senate had been, in the consideration of appropriation bills and other lengthy bills, to have the committee in charge of the bill go through the bill and have their amendments acted upon; and that, under a very liberal practice, though not according to strict parliamentary usage, it had always been the custom after that had been done to go back and have Senators offer any amendments they desired to any part of the bill, whether amendments had been agreed to or not. That was consented to; and I am sure I can turn to the RECORD and show it. Still I do not care what is done, so that we understand what is to be relied upon.

Mr. ALDRICH. If this paragraph is now agreed to by the Senate as amended, it will only then be in order to offer an amendment when the bill reaches the Senate or upon a motion to reconsider. It seems to me that ought to be perfectly plain to everybody.

Mr. BACON. That is not the way in which we usually act.

Mr. ALDRICH. It is the way we always act.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Mississippi?

Mr. BACON. I yield to the Senator if he wishes to suggest an inquiry to me.

Mr. McLAURIN. I want to make a suggestion in reference to what was suggested by the Senator from Rhode Island. I do not claim to be a parliamentarian, but I want to understand if we are to adopt this bill paragraph by paragraph?

Mr. ALDRICH. Undoubtedly, as they are reached.

Mr. McLAURIN. I understood that we were reading the bill——

Mr. ALDRICH. The bill has been read at length.

Mr. McLAURIN. I understood then that we were to adopt the amendments to the paragraphs, but not to adopt paragraph by paragraph. That has not been my understanding of the agreement all along. I understood that we would first adopt the committee amendments, and then Senators would be allowed to offer any amendments to the bill which suggested themselves to them.

Mr. ALDRICH. We would never get through the bill under such an arrangement.

Mr. HALE. If the Senator will allow me, my recollection is very clear——

Mr. McLAURIN. I am on the floor by the courtesy of the Senator from Georgia [Mr. BACON].

Mr. HALE. We went through the entire bill, but passed over certain paragraphs, acting upon some committee amendments and passing over others. That exhausted the agreement. Then we went back, and the chairman of the committee is now bringing before the Senate the entire bill, not simply committee amendments, for we have been over that stage once.

Undoubtedly when a provision is adopted we make that much progress. When we vote upon an amendment and agree to it, and thereby incorporate it as a part of the bill, it can only be reached in the Senate, where every Senator's right is plenary, or by a reconsideration; otherwise we would never make any progress. I hope the chairman will insist upon that course. We are now considering the whole bill, not simply committee amendments.

Mr. McLAURIN. There are others who will insist, but let me give my understanding of the status of this matter. We went through the bill and read it for committee amendments.

Mr. ALDRICH. No——

Mr. McLAURIN. That is what was stated; and I understood it to be for committee amendments. Many committee amendments were adopted; but no amendment could be offered by any individual Senator——

Mr. HALE. Mr. President——

Mr. McLAURIN. Just a word. Let me finish now, and then I will hear the Senator from Maine. When the committee amendments were being adopted, it was understood that no Senator could offer any amendment, except an amendment to the committee amendment. I think that is correct. That is my understanding; and I think that is parliamentary usage. During the first reading of the bill a great many paragraphs were passed over, and we have now gone back——

Mr. HALE. And are taking them up.

Mr. McLAURIN. To take those paragraphs up; and they are taken up as upon the first reading of the bill, and not the second reading of the bill.

Mr. ALDRICH. Oh, no.

Mr. McLAURIN. It is bound to be so. It can not be otherwise, because the paragraphs were not all read.

Mr. BEVERIDGE. The Senator can offer an amendment now.

Mr. ALDRICH. The paragraphs were all read.

Mr. HALE. Every line of the bill was read in order that we might not have to read it afterwards.

Mr. McLAURIN. The paragraphs were passed over for the very purpose of allowing committee amendments.

Mr. LODGE. All passed-over paragraphs were read; every one of them.

Mr. McLAURIN. Well, they were passed over for the purpose of allowing committee amendments.

Mr. ALDRICH. Oh, no.

Mr. LODGE. Amendments were in order.

Mr. McLAURIN. But not any amendments except to the committee amendments.

Mr. ALDRICH. The Senator is entirely mistaken.

Mr. McLAURIN. I am not mistaken about what was stated at the time. I may be mistaken about what Senators intended to state; but I am not mistaken about what was actually stated, because it was stated that when we got through with the committee amendments we could then offer amendments to the bill and offer amendments to the paragraphs. We have passed a good many paragraphs to which I intended to offer amendments.

Mr. ALDRICH. We voted last night on two different amendments to committee amendments.

Mr. McLAURIN. Certainly; amendments to committee amendments is what I say.

Mr. ALDRICH. But an amendment to a paragraph outside of the committee amendment is just as much in order.

Mr. McLAURIN. I have not so understood; and I have permitted a number of paragraphs to go by to which I wanted to offer amendments.

Mr. ALDRICH. The Senator will not lose any of his rights. No Senator will lose any right, because he can offer amendments to the bill in the Senate or can ask to have a reconsideration.

Mr. McLAURIN. But I do lose my right if I have to have an amendment reconsidered before I can offer an amendment to it.

Mr. ALDRICH. We are now proceeding under the ordinary rules which control parliamentary proceedings in the Senate.

The VICE-PRESIDENT. As modified by the agreement of the Senate.

Mr. ALDRICH. That is as to the first reading, but not as to any present reading.

The VICE-PRESIDENT. The first reading has been concluded. This is a subsequent reading.

Mr. ALDRICH. That agreement has exhausted itself by limitation of time.

Mr. McLAURIN. That is not my understanding. The paragraphs passed over were passed over as if the committee amendments were to be offered afterwards and first acted upon. We could not act upon the paragraphs until the committee amendments were acted upon; and that settles the question.

Mr. BACON. I understand, then, according to the statement of the Senator in charge of the bill, that if any Senator desires to offer an amendment to a rate of duty he must do so now.

Mr. ALDRICH. Certainly.

Mr. BACON. And not wait and expect to get it up afterwards, unless he wishes to ask for the committee's amendment to be considered.

Mr. ALDRICH. Undoubtedly; and to the paragraph now under consideration I think any Member of the Senate has a right to offer any amendment he sees fit.

Mr. BACON. Very well. Then we are not expected to wait until the committee amendments have been acted upon before offering amendments to amendments?

Mr. ALDRICH. No. The only suggestion that I am making is that the committee amendments should be acted upon first; but they are always, of course, susceptible to amendment.

Mr. BACON. Susceptible to amendment at the time?

Mr. ALDRICH. At the time, yes; but not after the Senate has adopted them, unless on reconsideration.

Mr. BACON. But if a paragraph as thus amended is adopted, subsequent to that time, as I understand, any Senator may offer an amendment to the paragraph, so that he does not propose to amend an amendment already adopted.

Mr. ALDRICH. Unless it has been adopted by the Senate. If it has been, it is necessary to move a reconsideration.

Mr. BACON. I can not turn to it now, but I will turn to the RECORD and show that that is not the agreement which we made last week; but I will, so far as I am concerned, act upon that for the present at least. I do not, however, wish to be foreclosed from the liberty and opportunity of reading what has heretofore been agreed to on that subject; but, not to delay the Senate now, I will pass on and observe the rule for the present; and I am going to offer an amendment to the amendment of the committee.

The VICE-PRESIDENT. Paragraph 91 is pending, but no amendment to it has yet been stated.

Mr. BEVERIDGE. There is a slight misapprehension here. I thought there was none until this moment. It was my understanding that we were now acting upon committee amendments, to which any Senator might offer an amendment, and if the committee amendment was adopted it could not thereafter be amended until the bill gets into the Senate; but I did not understand that we were also acting upon the paragraphs.

Mr. ALDRICH. Unquestionably we are.

Mr. BEVERIDGE. Now, it appears that the Senator is asking not only that the committee amendments be adopted, but also that the entire paragraph shall be acted upon at this time. Therefore, the Senate is in this situation—I merely state it so that the matter may be understood, for I know some Senators, including myself, have become somewhat confused—the Senate is in this situation: Hereafter, after a paragraph is adopted, not only can the committee amendments not be amended until the bill gets into the Senate, except upon a reconsideration, but the same is true of the entire paragraph as well as of the committee amendments. So that, if a Senator has anything he wants to offer, it should be presented now or he should wait until the bill gets into the Senate.

Mr. OVERMAN. Do I understand the adoption of a committee amendment adopts the whole paragraph?

Mr. ALDRICH. Not at all. I asked that the paragraph as amended be agreed to, and that is the pending question, subject, of course, to amendment by any Senator. That is perfectly plain, it seems to me.

Mr. STONE. I should like to ask the Senator from Rhode Island whether in the consideration of the bill the paragraphs now before the Senate have all been agreed to?

Mr. BEVERIDGE. Except those passed over.

Mr. ALDRICH. Except those passed over. Where they have been read, and no amendment of any kind has been suggested, they have been adopted and stand, unless the Senate agrees by a vote to reconsider those paragraphs. Of course, that makes a different question. I assume that they have all been agreed to; but whether they have been agreed to or not, if there is any Senator who feels that he is losing any right or who wants to offer any amendment, even after we get through, there will be no trouble, I take it, in securing either a reconsideration or an opportunity to go into it when the bill gets into the Senate. I am not trying to foreclose Senators from offering amendments, but I realize that, if we finish this bill ever, we must go on and close everything up unless it is to be opened hereafter by a vote of the Senate.

Mr. McLAURIN. There has not been, so far as I have heard, a single paragraph that has been submitted to the Senate. Amendment after amendment has been submitted, and amendment after amendment has been agreed to, but there has not been a proposition to agree to a paragraph or to adopt a paragraph, so far as I have heard, since this bill has been read.

Mr. ALDRICH. That is the very course——

Mr. BEVERIDGE. That is the understanding now.

Mr. McLAURIN. It may be hereafter, but the paragraphs heretofore read have never been adopted.

Mr. ALDRICH. I will say that all the rights of the Senator from Mississippi and of any other Senator are reserved. There is no disposition to foreclose any Senator, but the Senator from Mississippi must realize that we have got to make progress with this bill if we ever expect to finish it.

Mr. McLAURIN. I am just as desirous of expediting this bill as is the Senator from Rhode Island. I should like to get a vote on it to-morrow, if I could do so; but I do not want to be precluded from offering amendments to paragraphs that have been read and passed over and that have not been adopted. If we are served with notice that hereafter we must present our amendments at the time when a paragraph is under consideration, that is all right; but there have been no paragraphs adopted to this time, up to paragraph 91.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. The Senator from Mississippi has the floor. Does he yield to the Senator from Massachusetts?

Mr. McLAURIN. Certainly.

Mr. LODGE. I was merely going to suggest to the Senator from Mississippi that it is the universal parliamentary practice that in reading a bill a paragraph or section is adopted on the reading, unless an amendment is offered or objection made.

Mr. McLAURIN. Adopted by the fact of reading?

Mr. LODGE. Certainly; the reading is sufficient.

Mr. McLAURIN. I have never heard of that before.

Mr. LODGE. In the case of every appropriation bill that goes from that desk and passes the Senate, as a paragraph or section is read, if there is no amendment and no objection to it, the reading carries that paragraph, and nothing remains but the final question on the passage of the bill.

Mr. McLAURIN. It never has been so that I have ever heard.

Mr. LODGE. I think that is the universal rule of parliamentary bodies.

Mr. McLAURIN. It has never been so since I have had a place in this body.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. McLAURIN. With pleasure.

Mr. GALLINGER. I do not want to prolong this discussion—I think it is very inconsequential—but I want to suggest to the Senator that those of us——

Mr. McLAURIN. I suggest to the Senator that he ought not to get into an "inconsequential" discussion.

Mr. GALLINGER. I will take but a moment. Of course I will not interrupt the Senator if he does not wish to be interrupted.

Mr. McLAURIN. Oh, certainly.

Mr. GALLINGER. I was merely about to remark, Mr. President, that in dealing with appropriation bills we have pursued precisely the course that we ought to adopt in connection with this bill; that is to say, the bill is read; the amendments then are acted upon——

Mr. BULKELEY. It is impossible to hear the debate. There is too much noise in the Senate.

The VICE-PRESIDENT. The Senate will be in order.

Mr. GALLINGER. I will talk a little louder. The bill is read; amendments are afterwards acted upon; they can be amended from the floor when they are being acted upon; but after that they are only open again by motion to reconsider or when the bill gets into the Senate. The Senator will perceive that, if we never settle one of these items, we will never get through the bill. That is the universal rule in dealing with appropriation bills, and this bill is similar to an appropriation bill. Any Senator can offer an amendment to a committee amendment, or he can offer an amendment to a paragraph. If a paragraph is amended, then the Chair ought to put the question upon agreeing to that paragraph as amended. If the Chair has failed to do that, it has been an oversight.

Mr. ALDRICH and Mr. BEVERIDGE. The Chair has done that.

Mr. GALLINGER. I presume the Chair has done that.

Mr. McLAURIN. I take the liberty to dissent from that. The Chair has not submitted anything so far except the amendments.

Mr. GALLINGER. If we will pursue the course I have indicated, I am sure we shall have no trouble.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN. With pleasure.

Mr. TILLMAN. Last week I asked for a reprint of this bill, in order to be able to get some light. When I got the bill on my desk and wanted to know what had been done and what was being proposed to be done, I found there was nothing done in that particular except to furnish me with a bill with some pencil marks on it. Now I notice that we are passing over paragraphs again. We have passed over paragraphs once, and we are going back and passing them over again. Why do we not commence to build from the ground and finish this bill? What is the use of fooling around here? We have fooled around for three weeks, passing over paragraphs and then going back and passing them again. I want to get away from here. [Laughter.]

Mr. SCOTT. I want to ask the Senator——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. McLAURIN. With pleasure.

Mr. SCOTT. What is the object of the roll calls that we have had if we have not adopted these paragraphs?

Mr. McLAURIN. The object of the roll calls was to pass on amendments. They were not to pass on the paragraphs. The Senator ought to know that.

Mr. SCOTT. After the amendments were adopted, the Chair announced that the paragraph was adopted.

Mr. McLAURIN. No, sir; the Chair never has announced that. The Chair announced that the particular amendment was adopted, but the Chair would not have been authorized to announce the adoption of a paragraph merely because there was a vote adopting an amendment to it.

Mr. ALDRICH. I hope the Senator will let us go on with the consideration of the bill.

Mr. McLAURIN. I have not disturbed its consideration much. The Senator will give me credit for having been very brief in what I have had to say here.

I have let a great many go by where I should have liked to put in my oar. But I wanted to expedite matters. I think the Senator will bear me out that I have been pretty patient. I have not said much. I have not delayed the bill at all.

What I wanted to say was that in 1894, when we adopted the Wilson bill, it was read, and the committee amendments were adopted. It was read for committee amendments, and after the committee amendments were adopted Senators were permitted to offer amendments anywhere they pleased to the bill; and after they were voted upon, either adopted or rejected, we voted upon the whole bill, and it was carried into the Senate, and certain amendments were reserved on which Senators desired a special vote. I think that is the proper course here, but if the Senate prefers to adopt paragraph by paragraph, that is perfectly satisfactory to me. However, I want to know what we are doing as we are going on.

While I am on my feet I propose to say——

Mr. CULBERSON. Will the Senator permit me to read a paragraph from the RECORD?

Mr. McLAURIN. Certainly.

Mr. CULBERSON. It shows our understanding that the Senate might go back and consider amendments to the whole bill offered by individual Senators in Committee of the Whole. I read a brief extract from page 1512 of the RECORD, April 23. The Vice-President said:

> The Chair has repeatedly stated, when a request has been made that a paragraph be passed over after amendments have been agreed to, that the paragraph is passed over with the amendments agreed to; and therefore the Chair is desirous that it shall be understood now whether the amendments shall be considered as agreed to or not agreed to.
>
> Mr. ALDRICH. But it is also understood that the Senate can go back and make any amendments they please to the text.
>
> Mr. CULBERSON. I was going to make the statement made by the Senator from Rhode Island.

Mr. ALDRICH. That is what we are doing now.

Mr. LODGE. That is precisely what we are doing now.

Mr. CULBERSON. We are considering amendments of the committee——

Mr. ALDRICH. Oh, no——

Mr. LODGE. Every paragraph as reached is open to amendment.

Mr. CULBERSON. A great many Senators who have amendments to offer have not offered them at all. They were going on the understanding that individual Senators could offer amendments later on, when the committee had perfected the bill.

Mr. ALDRICH. They can offer them now if they want to, and if there is any amendment about which any Senator thinks he has lost any rights, I am perfectly willing that a motion to reconsider shall be entertained. But we must make some progress, and the interminable discussion over what we ought to do or agreed to do last week or last month——

Mr. TILLMAN. Let us agree to do something now.

Mr. ALDRICH. Let us agree to do something now, as the Senator from South Carolina says, and if the Senate adopts this provision it will be open for reconsideration or open for amendment in the Senate.

Mr. McLAURIN. While I am on my feet I want to make one suggestion in reference to what was said by the junior Senator from Iowa [Mr. DOLLIVER]. It seems that that Senator is exclusively interested in the question how this will affect the china manufacturers and the earthenware manufacturers. My idea is we ought to give some little consideration to the people who purchase these wares, and have them classified differently, because the men who use china ware are a great deal better able to pay a high price for it than are the people who use earthenware. The people who use earthenware are the people who are generally what we call the "plain people," of whom I am one, the laboring people of the country, and they use this earthenware, and they ought not to be taxed as high as the man who uses china ware. The consumer is the man to be considered, and not the man who makes china ware or earthenware.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. If the Chair may have the attention of the Senate for a moment, the Chair would like to ask if there is any objection to its now being understood that the agreement is as very clearly stated by the Senator from Indiana? In the absence of objection——

Mr. BACON. I have no objection to its being considered as in force from now on, but as to the part of the bill which has been passed over, without that understanding, clearly Senators ought to have the opportunity to offer such amendments as they see fit.

Mr. ALDRICH. I tried to state as clearly as I could that if any amendment had been agreed to I will myself make the motion to reconsider, if any Senator desires it.

The VICE-PRESIDENT. The Chair hears no objection, then?

Mr. BEVERIDGE. I suggest that the Chair make the statement, so that there may be no confusion about it hereafter.

The VICE-PRESIDENT. The Senator from Indiana has stated it very clearly.

Mr. LODGE. We are proceeding under general parliamentary law and the rules of the Senate.

Mr. TILLMAN. In order to clarify the situation, as we have passed over 19 pages, let it be understood that any Senator may put in any amendment he desires, and we will vote on it.

Mr. ALDRICH. I have asked, for the committee, that certain paragraphs be passed over, because the committee is still seeking information. There are some of these questions——

Mr. TILLMAN. I do not suppose that the committee will not have the right to amend the bill whenever it sees fit. But I want to get the others straight here. I should like to get this thing started on some kind of a gait that will get us through.

Mr. ALDRICH. There can be no possible misunderstanding as to the future. As to items passed over, I agree again that if any Senator thinks he has been precluded by the understanding from offering an amendment, I will see he has an opportunity to offer his amendment.

Mr. LODGE obtained the floor.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. The Senator from Massachusetts asked for recognition before the Senator from Wisconsin.

Mr. LA FOLLETTE. I want to submit a request——

Mr. LODGE. I yield for that purpose.

Mr. LA FOLLETTE (continuing). If I may be permitted to do so. I simply want to request that the Senate Committee on Finance, in so far as possible, should submit proposed amendments to the Senate in advance and let them be printed, so the Senate may have an opportunity to see in what respect they modify the report of the bill as made by the committee.

Mr. ALDRICH. I shall be very glad to do that in cases where there is any possibility of misunderstanding what we suggest. As to these verbal amendments, where there is no question about what they mean, I suppose no Senator will ask that.

Mr. LA FOLLETTE. No; I do not intend that. But it is difficult when an amendment is sent up and read from the desk to determine exactly what its effect may be upon a given paragraph without a little study.

Mr. ALDRICH. In any case where they are important, or where any Senator thinks they are important, we will certainly do it.

Mr. LODGE. I simply wanted to say a word on the question of classification.

The VICE-PRESIDENT. If the Senator will permit, the Chair will again put the proposition: Does the Senate now agree with the mode of procedure suggested by the Senator from Indiana? The Chair hears no——

Mr. BACON. I do not want it to be put in the shape of a unanimous-consent agreement.

Mr. LODGE. I think we had better not have any agreement.

Mr. BACON. So long as it is understood without any unanimous consent, I think it is sufficient.

The VICE-PRESIDENT. An agreement was once reached, and there seems to be some misunderstanding as to what that agreement was.

Mr. BACON. The Chair misunderstands me. I am not taking issue on that, but there is a custom of making what we call "unanimous-consent agreements"——

Mr. LODGE. There is none here.

Mr. BACON (continuing). Which are very rigidly adhered to and which are not open to subsequent change in any particular. I simply wish to guard against what the Chair is now suggesting as being construed into a unanimous-consent agreement. I have no objection to having it understood as a mere agreement. That is very different from a unanimous-consent agreement.

Mr. FRYE. Why should not the proceedings under this bill be governed now by the parliamentary law and the rules of the Senate?

Mr. LODGE. That is what I suggest.

Mr. FRYE. No other agreement is necessary. Those are well settled and well understood.

The VICE-PRESIDENT. As long as that is understood, it is very easy to proceed with the consideration of the bill, and the Chair understands that is now understood, what heretofore may have been understood.

Mr. LODGE. There is no agreement or understanding beyond that.

Mr. BEVERIDGE. There has been one heretofore.

Mr. LODGE. I object to any unanimous consent on this matter. Let us proceed under the rules and the parliamentary law.

Mr. BEVERIDGE. No one is asking for unanimous consent. When this bill was first taken up everybody knows what occurred, and there was an understanding, not a unanimous consent agreement. That has been changed.

Mr. LODGE. It is not necessary to discuss that.

Mr. BEVERIDGE. Senators are not going to take suggestions from the Senator from Massachusetts as to what they see fit to discuss.

The VICE-PRESIDENT. The understanding is, then, that we proceed under the rules of the Senate.

Mr. NELSON. Mr. President——

Mr. LODGE. I believe I have the floor.

The VICE-PRESIDENT. The Senator from Massachusetts has the floor, and has had it.

Mr. NELSON. Will the Senator from Massachusetts yield to me for a moment?

Mr. LODGE. Certainly.

Mr. NELSON. It seems to me the situation is very simple. After a paragraph has been amended and agreed to, then I think the Chair should put the question "Shall the paragraph as amended be agreed to?" And if no objection is heard, the Chair can state that the paragraph is agreed to.

Mr. LODGE. That has been done this morning on every paragraph, I think.

I desire to say a word simply on the question of classification raised by the Senator from Iowa and the Senator from Mississippi. The fact that a classification is old, running through a series of acts passed by different parties, is not an objection to the classification. It is a strong presumption in its favor, because all of these classifications have been the subject of regulation. They have been the subject of decision by the courts, and they are established classifications. Unless they lead to evasions and litigation, they ought to remain.

This classification is an old, established, and understood one, understood by the trade, understood by the manufacturer, understood by the courts, and thoroughly settled. The common earthenwares in paragraph 90 are those of the cheapest kinds. The duties on them have been reduced by the Senate committee, omitting the words "one color" from the first description, and the words "not decorated" from Rockingham china. The earthenware and the stoneware referred to by the Senator from Iowa in paragraphs 91 and 92 are the decorated or the glossed. They are carried to a point where they are indistinguishable in many instances; where the stoneware is absolutely indistinguishable from what is ordinarily called "china." There is a difference, no doubt, but those fine stonewares pass as china; and the only practicable classification that has been possible in justice both to the manufacturer and the importer, who both agree on the classification, is to maintain the existing classification. The differential between decorated and plain white has been maintained at 5 per cent in this bill, as well as all the others.

Whether the duty should be 60 and 65 is another question, or whether it should be 30 and 35. But that the difference is correctly stated and that the classification is the best that can be arrived at on these articles are proved by experience and by the testimony of all the experts and the appraisers of the custom-house.

Mr. CUMMINS. Mr. President, I intend to defer such suggestions as I have to make with regard to classification until I am permitted to introduce an amendment that I shall present, but I simply desire to say that the matter of classification was first brought to my attention by a very well-known merchant of Boston, who insists that the classification is unscientific and does great injustice to the trade.

Mr. KEAN. What did he suggest?

Mr. CUMMINS. At the proper time I will offer an amendment.

Mr. LODGE. The representatives of the great importers of china, including one of the largest in Boston, appeared before the committee and found no fault with the classification, although they did find fault with the rate.

Mr. BACON. Paragraph 90 is now under consideration?

The VICE-PRESIDENT. Paragraph 90 is now under consideration.

Mr. BACON. Mr. President, I am not going to do anything more than to offer an amendment to these several paragraphs.

Mr. SMITH of South Carolina. If the Senator from Georgia will permit, I should like to ask the chairman of the Committee on Finance, so as to be clearly informed, whether if we agree on paragraph 91 its adoption is final, and it can not be recurred to without a motion to reconsider? I should like to have the attention of the chairman of the committee.

Mr. ALDRICH. Very well.

Mr. SMITH of South Carolina. I want to ask the chairman of the Finance Committee whether from now on we will consider the bill by paragraphs, and if a paragraph is adopted, it will be final, and we can not recur to that paragraph without a motion to reconsider?

Mr. ALDRICH. Or in the Senate.

Mr. SMITH of South Carolina. Very good. What about the paragraphs we have passed upon up to this time? On that there is a misunderstanding.

Mr. ALDRICH. I have tried to state it several times. If passed over on the request of the committee, they will be taken up some time in the future. If passed over at the request of a Senator, they will be taken up later. No Senator will lose any right.

Mr. SMITH of South Carolina. Those that have been passed over can be taken up again?

Mr. BEVERIDGE. The Senator from Rhode Island has stated that in case any Senator feels that his right is in jeopardy in any way, he will agree to a reconsideration.

The VICE-PRESIDENT. The Senator from Georgia was about to present an amendment.

Mr. BACON. The articles which are specified in paragraph 91, as stated by the Senator from Rhode Island, are articles embracing a very small number——

Mr. ALDRICH. In 90.

Mr. BACON. I misunderstood the Senator, and that is the reason I rose. I think that the articles specified in paragraphs 91 and 92 ought to pay but a low rate of duty. They are the articles which are used in every household in the United States, from the very poorest people up to those in moderate circumstances. It may not include in any great degree china of a very expensive kind, but there is no doubt about the fact, if I read it correctly, that the articles specified in paragraphs 91 and 92 are the articles used in every household, down to the very poorest people, and from them up to people in good circumstances. I think the duties specified on the articles in those two paragraphs should be very materially reduced. I find by looking at the imports that they are comparatively small.

Mr. LODGE. They are very large, indeed.

Mr. ALDRICH. The Senator must have looked at the wrong place.

Mr. BACON. I may be wrong, but on page 11 of this document, "Comparative estimated revenues," I find that——

Mr. LODGE. On the most expensive the revenue is over $5,000,000.

Mr. BACON. Paragraph 92 is what I had. The revenue under paragraph 91, on the most expensive china, is over $5,000,000.

Mr. ALDRICH. The importations averaged——

Mr. BACON. I refer to the next page, under paragraph 92, where of the first class the entire importation is only $300,000. Under paragraph 91 the importation of plain white is put down at $1,000,000; not revenue, but importations.

Mr. ALDRICH. That is 92.

Mr. BACON. Ninety-one is put down at $1,049,218.43.

Mr. LODGE. That comes under 92 in the present bill. That is the present classification.

Mr. BACON. I understood the classification was the same.

Mr. LODGE. Importations were a million, and under that the revenue was $577,070.15.

Mr. BACON. Exactly. I say it is a very small importation as against what must be a very large production in this country.

Mr. LODGE. Expensive chinas are those that yield the revenue; they are the proper subjects. They are the most expensive.

Mr. BACON. I do not know; that may be. Some of it is expensive. A large majority is not china, but common crockery. I move to amend that paragraph as follows——

Mr. LODGE. This is 91.

Mr. BACON. Ninety-one. That includes china, porcelain——

Mr. LODGE. That is, the decorated china.

Mr. BACON (continuing). And crockery ware, and so forth, painted, tinted, stained, enameled, printed, gilded, or otherwise decorated in any manner. The plainest and simplest of crockery ware having the slightest decoration is under this provision put at a duty of 60 per cent ad valorem. I move to strike out "sixty" and insert "thirty-five."

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. On page 22, line 18, before the words "per cent," it is proposed to strike out "sixty" and insert "thirty-five."

Mr. BEVERIDGE. Now, just what does that affect?

Mr. BACON. I did not understand the question.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Georgia.

Mr. BACON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. TILLMAN. I ask that the question be again stated.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 22, in paragraph 91, line 18, before the words "per cent," it is proposed to strike out "sixty" and insert "thirty-five."

Mr. BACON. I desire to state that the next paragraph is the one which relates to the perfectly plain proposition, and upon that I propose to offer an amendment, after this is acted upon, which will put that in at thirty, making a distinction between plain and decorated.

Mr. BEVERIDGE. Before we take a vote on the amendment, I wish some one familiar with the earthenware schedule would make a statement on the subject.

Mr. ALDRICH. The amendment which the Senator from Georgia proposes is on decorated ware, of which, in 1907, there were $9,000,000 imported and $5,000,000 of duty collected. The importation in 1907——

Mr. NELSON. I wish the Senator from Rhode Island would speak a little louder.

Mr. ALDRICH. I said that the paragraph which the Senator proposes to reduce from 60 to 35 per cent is the paragraph pertaining to painted, tinted, stained, enameled, and ornamented earthenware, of which in 1907 there was imported about $9,000,000 worth, and the importations of that year were about the average for the last six years.

Mr. BEVERIDGE. Very expensive articles?

Mr. ALDRICH. Very expensive.

Mr. BEVERIDGE. They are used by the rich?

Mr. ALDRICH. They are used by the rich. The revenue was $5,420,000 one year; $5,082,000 in another; $5,210,000 in another.

Mr. BACON. I want to suggest to the Senator that I recognize that there are various kinds of china and porcelain and earthenware combined in these paragraphs, and that there ought to be a distinction, and some of them ought to bear a higher rate of duty. There is a large class of it, however, that ought to have a low rate of duty, and I ask that these paragraphs may be passed over, that I may offer an amendment which will make the distinction. I have no disposition to ask that upon the higher class of china there should be this low rate of duty, but I think upon the cheaper class there should be a lower rate. I ask that the paragraphs may be passed over.

Mr. LODGE. It is an ad valorem and not a specific rate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Georgia, that the paragraph be passed over?

Mr. LODGE. I object.

Mr. BEVERIDGE. Before the vote is taken——

The VICE-PRESIDENT. Objection is made.

Mr. BEVERIDGE. It should be made clear to all that this paragraph provides a duty on an exceedingly expensive class of earthenware, used, of course, by those who can well afford to pay for it.

Mr. BACON. I will withdraw the amendment and offer another. It may accomplish the same purpose. I want to say, however, that in my limited experience in the Senate this is the first time, without exception, I have ever known a case where a Senator rose in his place and said he desired that a paragraph should be passed over in order that he might perfect an amendment that there was objection made to it by anybody.

Mr. ALDRICH. The Senator, if he desires to take earthenware out of this paragraph——

Mr. BACON. That is exactly the amendment I was going to offer.

Mr. ALDRICH. It is easy enough for him to accomplish it.

Mr. BACON. I will put it in that way. That is the reason I said I would withdraw the amendment and offer it in another shape.

Mr. ALDRICH. If the Senator wants to do that, he may move to add at the end of the paragraph, "any of the foregoing articles composed of earthenware shall pay a duty of 40 per cent."

Mr. BACON. Thirty-five per cent. I will put it in that shape.

Mr. ALDRICH. That is easy enough.

The VICE-PRESIDENT. Without objection, the Senator's amendment is withdrawn, which, of course, vacates the order for the yeas and nays heretofore made. The Secretary will report the next amendment.

Mr. BACON. I do not understand that this has been disposed of.

Mr. ALDRICH. Oh, no; I think the Senators had better have an opportunity to vote upon his amendment.

The VICE-PRESIDENT. But the Senator desired to withdraw his amendment.

Mr. BACON. And to offer another.

Mr. ALDRICH. And to offer another.

The VICE-PRESIDENT. The Chair misunderstood the Senator. The Senator from Georgia still has the floor.

Mr. DOLLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia desire to offer another amendment? The Senator from Georgia has the floor.

Mr. BACON. I offer the amendment to come in at the close of the paragraph. I have proposed to strike out the words "earthen, stone, and crockery ware," so that it would read "china, porcelain, parian, bisque, and earthenware;" but, as suggested by the Senator from Rhode Island, it would possibly be better to put it in the shape of a proviso at the end.

Mr. ALDRICH. "That none of the foregoing articles composed of earthen or stone ware shall pay a duty of more than 35 per cent."

Mr. BACON. Does the term "earthen" include white plates?

Mr. ALDRICH. No; white plates are included in the next paragraph.

Mr. BACON. They would also be included in this paragraph, would they not?

Mr. ALDRICH. Oh, no; no white plates at all.

Mr. BACON. Then it is understood that the question of white plates will come up on the next paragraph.

Mr. ALDRICH. On the next paragraph.

Mr. BACON. All that is necessary is to insert the words which the Senator proposes in the way of a proviso, and I will ask him to repeat them.

Mr. ALDRICH (reading):

Provided, That none of the foregoing articles composed of earthen or stone ware shall pay a higher rate of duty than 35 per cent.

Mr. BACON. I offer that as an amendment, and ask for the yeas and nays upon it.

The VICE-PRESIDENT. The yeas and nays were ordered on the Senator's previous amendment; and if there be no objection, they will be regarded as ordered on this amendment.

Mr. DOLLIVER. Before the vote is taken, I desire to say a word or two.

Mr. SCOTT. Will the Senator from Iowa let the amendment be reported?

Mr. DOLLIVER. Certainly.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. It is proposed to add, at the end of paragraph 91, after the words "ad valorem," the following proviso:

Provided, That none of the foregoing articles, composed entirely of earthen or stone ware, shall pay a higher rate of duty than 35 per cent ad valorem.

Mr. DOLLIVER. Mr. President, I spoke the other day in an informal way of the earthenware schedule. I stated at the time that, so far as my investigations had enabled me to go, there was no schedule in the tariff law that had more perfectly illustrated the wisdom of the protective doctrine.

I have always felt a special interest in it, because it is one of the few remaining handicrafts of the country and of the

world. From almost the beginning of time it has been the industry of every people attaining even a very moderate civilization. We had a great deal of difficulty to start the earthenware industry in the United States, notwithstanding the evident fact that Providence intended us to make our own dishes and our own earthenware, having put the material as a natural resource under nearly every section of the United States.

I have studied with great care this earthenware schedule, and there are several things about it that differentiate it from many other schedules in the tariff law. One of them is that the rates are ad valorem and not on their face excessive. The other is that in operation they have fully justified the most orthodox definition of the protective-tariff doctrine. Many years ago a great Democratic Secretary of the Treasury defined protection in a way that, it seems to me, has never been improved upon. He said that the rates ought to be high enough to enable the home producer to meet the importer of foreign goods in the American market place on terms of fair competition.

That ideal of protection is very seldom realized in our tariff schedules. If I have seen the correct statistics, it has been almost perfectly realized in the earthenware schedule. There is not an item where the producer is not face to face with an active, vigorous, and sometimes damaging foreign competition.

If you will examine the table of imports you will find that from the common earthenware up to the highest priced china our home manufacturers are every day face to face with a lively competition. We have never even decreased the competition that has come in for nearly a generation from England, although our own people have been able to hold their own against that. The German competition has risen steadily in practically every department of earthenware production, and especially in the higher grades of china, until it is to-day larger than it ever was before, and is productive of one of the most substantial revenues that the Government derives from any source.

Our friends on the Pacific side of the world, with very great skill, starting in with native potteries, illustrating their national art, have accurately copied all the finer wares that are produced in the United States and in Germany and in Austria and France. That kind of importation is rising steadily every year.

For one, I desire to see the earthenware industry not only preserved intact in the United States, but I should like to see it extended to every State in the Union. I find that in my own State, underlying nearly all our coal measures, is a variety of clay corresponding with the finest varieties known anywhere in the United States, and some, we think, as fine as can be found in the world. I know that is true of nearly every Southern State.

I think it is a very modest expectation of the friends of the protective doctrine that we should make our own dishes and the ordinary utensils of the kitchen and of the dining room in the United States, and it is because I believe so radical a reduction in those forms of earthenware that are already pressing our own home production would be damaging to that great industrial interest in the United States that I shall feel constrained to vote against the amendment of the Senator from Georgia.

Mr. RAYNER. I wish to ask the Senator a question just for information. Does his observation apply to parian and bisque ware as well as to the other?

Mr. DOLLIVER. I am not so much acquainted with the higher grade of goods referred to. They are all on an ad valorem duty, and of course that falls with more weight upon the wares that are of the highest value.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Georgia [Mr. BACON], upon which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. FRYE (when his name was called). I am paired with the senior Senator from Virginia [Mr. DANIEL].

Mr. STONE (when his name was called). I am paired with the junior Senator from Wyoming [Mr. CLARK].

Mr. WARREN (when his name was called). I have a pair with the senior Senator from Mississippi [Mr. MONEY], who is absent. I will suggest to the Senator from Missouri [Mr. STONE] that as he is paired with my colleague [Mr. CLARK] we transfer our pairs, so that the Senator from Mississippi [Mr. MONEY] will stand paired with my colleague. This arrangement would permit the Senator from Missouri and myself to vote.

Mr. STONE. I have no objection.

Mr. WARREN. Very well. I will make that announcement, and I will vote. I vote "nay."

The roll call was concluded.

Mr. STONE. I suppose, on account of the transfer, I can vote. I vote "yea."

Mr. ELKINS. I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present, I would vote "nay."

Mr. CULBERSON. I will state for the day that my colleague [Mr. BAILEY] is necessarily absent. He has a general pair with the Senator from West Virginia [Mr. ELKINS]. If my colleague were present, he would vote "yea."

The result was announced—yeas 25, nays 54, as follows:

YEAS—25.

Bacon	Frazier	Newlands	Stone
Bankhead	Gore	Overman	Taliaferro
Clarke, Ark.	Hughes	Paynter	Taylor
Clay	Johnston, Ala.	Rayner	Tillman
Culberson	La Follette	Simmons	
Fletcher	McLaurin	Smith, Md.	
Foster	Martin	Smith, S. C.	

NAYS—54.

Aldrich	Chamberlain	Gamble	Perkins
Beveridge	Crane	Guggenheim	Piles
Borah	Crawford	Hale	Richardson
Bradley	Cullom	Heyburn	Root
Brandegee	Cummins	Johnson, N. Dak.	Scott
Briggs	Curtis	Jones	Smith, Mich.
Bristow	Depew	Kean	Smoot
Brown	Dick	Lodge	Stephenson
Bulkeley	Dillingham	McCumber	Sutherland
Burkett	Dixon	Nelson	Warner
Burnham	Dolliver	Nixon	Warren
Burrows	du Pont	Oliver	Wetmore
Burton	Flint	Page	
Carter	Gallinger	Penrose	

NOT VOTING—12.

Bailey	Clark, Wyo.	Elkins	Money
Bourne	Daniel	Frye	Owen
Clapp	Davis	McEnery	Shively

So Mr. BACON's amendment was rejected.

The VICE-PRESIDENT. The Secretary will report the next committee amendment.

The SECRETARY. On page 22, line 14, in paragraph 91, after the words "or in part" insert "in chief value."

Mr. BACON. I propose to offer an amendment as to the rate in this paragraph, but I do not wish to interfere with the consideration of the amendment.

Mr. ALDRICH. I suggest that the committee amendments might be adopted first, and then the Senator can offer his amendment.

Mr. BACON. Very well.

The amendment was agreed to.

The VICE-PRESIDENT. The next amendment will be stated.

The SECRETARY. In line 14, after the words "such ware," insert "painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner."

The amendment was agreed to.

The VICE-PRESIDENT. That completes the paragraph as amended. The Senator from Georgia desires to offer an amendment to the paragraph.

Mr. BACON. I offer a proviso to the paragraph.

Mr. ALDRICH. We are still on paragraph 91.

Mr. BACON. Oh, I beg pardon; I thought it was paragraph 92.

The VICE-PRESIDENT. It is paragraph 91.

Mr. ALDRICH. Paragraph 91 is not yet agreed to.

The VICE-PRESIDENT. Without objection, the paragraph as amended is agreed to, and the Secretary will state the first amendment in paragraph 92.

The SECRETARY. In paragraph 92, page 22, line 21, after the word "brown," the committee propose to strike out "not subjected to any decorative process, and" and to insert the word "including," so as to read:

92. China, porcelain, parian, bisque, earthen, stone, and crockery ware, plain white, plain brown, including clock cases with or without movements.

The amendment was agreed to.

The SECRETARY. After the word "lamps," in line 25, the committee propose to insert the words "all the foregoing."

The amendment was agreed to.

The SECRETARY. In line 25 the committee propose to strike out the word "part" and insert the words "chief value."

The amendment was agreed to.

The SECRETARY. On page 23, line 1, after the words "such ware," insert "not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner."

The amendment was agreed to.

The VICE-PRESIDENT. The question is on agreeing to the paragraph as amended.

Mr. BACON. Mr. President, I am going to offer an amendment to the paragraph in the shape of a proviso, which shall limit the rate of duty upon earthen, stone, and crockery ware, plain white or plain brown, not painted, colored, tinted,

stained, enameled, gilded, printed, or ornamented or decorated in any manner, and that the rate shall be 40 per cent.

I want to state that I put the rate at 40 per cent not because I think it ought to be that high, for I think it ought to be 30 per cent, but I am anxious, if possible, to accomplish results and to relieve the burden of this heavy duty upon the class of ware which is most commonly used throughout the whole United States. Therefore I offer the amendment in this shape. I move, at the end of paragraph 92 as it has been amended, to insert the following proviso:

Provided, That earthen, stone, and crockery ware, plain white or plain brown, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner, 40 per cent ad valorem.

Mr. ALDRICH. That would be a large increase on a large part of the articles the Senator is mentioning which are fixed by the bill at 25 per cent. He proposes to increase it to 40 per cent.

Mr. BACON. It is not so in this paragraph.

Mr. ALDRICH. In paragraph 90 a large part of the articles the Senator mentions are now dutiable at 25 per cent.

Mr. BACON. I want to change it, of course, so as to cover that. I should like to have the Senator point it out.

Mr. ALDRICH. If the Senator will read paragraph 90 he will find that a large part of this earthenware not ornamented or decorated is dutiable at 25 per cent ad valorem.

Mr. BACON. Then certainly there has been some very unsatisfactory way of classifying it, because the paragraph as I read it, the one which is now under consideration, does include all earthen, stone, and crockery ware, plain white and plain brown, not colored or tinted. I have copied the language of the paragraph. I should like to have the Senator explain to me how there can be a raise when I copied the language of the paragraph in which the duty is put at 55 per cent and I propose to put it at 40 per cent.

Mr. ALDRICH. I ask the Senator to look on page 23, lines 3 and 4, "not specially provided for in this section." The others are specially provided for in this section, and therefore there is a duty of 25 per cent.

Mr. BACON. But it says "this section."

Mr. ALDRICH. "This section" includes the whole bill, not this paragraph. The section includes the whole bill.

Mr. BACON. I ask the Senator if that does not illustrate the hardship and, I may say, the impropriety in Senators insisting that we shall proceed with the consideration of this paragraph without giving the opportunity to fix an amendment whch shall accomplish the purpose I have in view? Everybody knows the purpose I have in view.

Mr. ALDRICH. The Senator's purpose can be easily accomplished by moving to strike out "fifty-five" and inserting "forty." That covers the whole proposition.

Mr. BACON. No; for the reason that there are certain articles, as I understand it, which are more expensive. If I am wrong about that, then, of course, the suggestion of the Senator is a proper one.

Mr. BEVERIDGE. I understand the Senator from Rhode Island to have said a moment ago that if the committee amendment is adopted now and a Senator, after examination, believes that he wants to frame another amendment, the Senator from Rhode Island will agree to a reconsideration. He said a moment ago if any Senator felt that he had not had an opportunity to propose an amendment it could be reconsidered.

Mr. BACON. I understood that to apply to a paragraph we had passed over.

Mr. ALDRICH. That is right.

Mr. BACON. Not to this?

Mr ALDRICH. Not to this.

Mr. BEVERIDGE I am glad to know it.

Mr. BACON. I want to ask the Senator from Rhode Island one question, with his permission. The words "china, porcelain, parian," and so forth, relate to a very different class of articles from those which are embraced in the words "earthen, stone, and crockery ware, plain white, plain brown," do they not?

Mr. ALDRICH. No; not necessarily at all.

Mr. BACON. I understand, then, that the words "china, porcelain, parian, and bisque" in that paragraph relate only to the common articles?

Mr. ALDRICH. I take it for granted that the Senator from Georgia would never be able to distinguish between an English earthenware dinner set, for instance, and a French china dinner set. He might in the material, but not in any other way. They are practically indistinguishable to an ordinary man. I suppose an expert could tell the difference between English earthenware and French china at sight, but I assume that no one but an expert could tell the difference. If the Senator wants to reduce the rate on these articles, the best plan is to try to reduce it on them all.

Mr. BACON. Very well; but I want the Senator to give me information before I make the motion.

Mr. ALDRICH. I am trying the best I can.

Mr. BACON. I know; I am not complaining. I want to find out from the Senator whether I was mistaken in my supposition that the words "china, porcelain, parian, and bisque" in that paragraph relate to a higher class of goods than those which are described by the words "earthen, stone, and crockery ware," or whether they all relate to the same class of goods.

Mr. ALDRICH. They practically all relate to the same class of goods, the plain white goods used by everybody in the United States.

Mr. BACON. I am very much obliged to the Senator for his suggestion, because what I desire is to put a low rate of duty upon that class of goods. The only reason why I made any distinction was that I supposed in this paragraph, as in the preceding one, those words related to an expensive class of goods.

Mr. ALDRICH. They do not.

Mr. BACON. As they do not, I will, after I yield to the Senator from Maryland, offer the amendment suggested by the Senator from Rhode Island.

Mr. RAYNER. I desire to ask the Senator from Rhode Island whether he is not entirely mistaken. Is not bisque the very finest quality of French ware, entirely different even from parian and entirely different from the ordinary crockery?

Mr. ALDRICH. That is a very unimportant item. The difference between china and porcelain and earthen and stone ware is entirely immaterial. That is not the class used by all the people of the United States.

Mr. BACON. I am drawing an amendment to follow the explanation made by the Senator from Rhode Island as to the class of goods covered by this paragraph—that is, the common class of crockery used generally throughout the country by people of all classes.

Mr. ALDRICH. That is right.

Mr. BACON. I move to amend by striking out "fifty-five" and inserting "forty" in lieu thereof.

The VICE-PRESIDENT. The Secretary will state the amendment.

Mr. BACON. I beg the Chair's pardon, but I repeat that I move the amendment not because I desire as high a rate as 40 per cent, as I would, if I had my way, put it at 30, but I desire to put it at a rate which may be acceptable to those who might be willing to put it at 30.

Mr. BEVERIDGE. Why would the Senator put it at 30 rather than 40?

Mr. BACON. Because I wish to make this article of common consumption one which shall be within easy reach of the people who have to use it.

Mr. BEVERIDGE. Why not make it 15, then?

Mr. BACON. If the Senator from Rhode Island would say that that would be a revenue duty and bring more than 30 per cent, I would be willing to put it at 15. But, Mr. President, I do not understand that that is probably the case. I understand that possibly a rate of 30 per cent would be a better revenue rate than 15. Am I not correct in this, I will ask the Senator from Rhode Island?

Mr. ALDRICH. I think so, unquestionably.

Mr. BEVERIDGE. Then, why does not the Senator make his amendment "thirty" instead of "forty?"

Mr. BACON. I have offered it at 40 per cent for the reason I have stated. I will ask the Senator from Rhode Island whether 40 per cent would not be, in his opinion, a revenue rate?

Mr. ALDRICH. I think 30 would be a better revenue rate. I think that would absolutely extinguish the industry in the United States.

Mr. BACON. Very well; then I will offer it at thirty instead of forty. I wish to call attention to the fact that under the present rate there is no revenue to speak of. There are importations amounting to only $300,000.

Mr. ALDRICH. Oh, no; the Senator is mistaken about that. It is about a million dollars.

Mr. BACON. It is on page 11:

Not ornamented or decorated, $300,265.25 imported.

Mr. ALDRICH. The Senator is mistaken.

Mr. BACON. It is practically a prohibitive duty.

Mr. ALDRICH. The Senator is mistaken about that. The products of this paragraph are in three or four different items.

Mr. BACON. What does the Senator say?

Mr. ALDRICH. The Senator will find it in three or four different items. For instance, "plain white, without superadded ornamentation of any kind,"

Mr. BACON. The Senator does not state how much.

Mr. ALDRICH. In 1907 there was $1,000,000 of plain white; in 1908, $981,000; in 1905, $1,000,000; and in addition to that there was, under another head, $300,000 imported. It is about $1,300,000 worth that was imported in 1907. The revenue is a little over half a million dollars.

Mr. BACON. The Senator is evidently including in that the importations of articles which are included in paragraph 90. What I have before me is the document which the Finance Committee has given us for our guidance.

Mr. ALDRICH. Then the document is wrong.

Mr. BACON. I will read it. It is put down as the information in reference to paragraph 92, the very one which we are now considering, and it says:

Not ornamented or decorated, $300,265.25.

That is the total of importations, upon which there is a revenue of only $165,145.89, even at the high rate of duty, which, I say, is practically prohibitory, in view of what must be the immense production in this country of this class of ware. I have looked diligently to try to find in this Statistical Abstract the amount of the product, but I can not find in the index the title either of "crockery" or "earthenware." So I am unable to give the information.

Mr. ALDRICH. I find that the table the Senator refers to is inaccurate in this respect. It is the only inaccuracy I have detected; but in the way in which these tables were prepared, it is not at all strange that there are inaccuracies. It is strange to me that there are not more. I will read the importations for the Senator. I am reading now from the official statement of imports and exports. They show about $1,300,000 of importations, with a revenue of a little over $700,000. The Senator can rely upon those figures.

Mr. BACON. The statement I have made is made on the faith of the document the Senator refers to.

Mr. LA FOLLETTE. I simply wish to inquire from what the Senator from Rhode Island is reading?

Mr. ALDRICH. I am reading from the official statement of the Bureau of Statistics.

Mr. LA FOLLETTE. Will the Senator from Rhode Island please inform the Senate where that information can be obtained, so that we can have access to it?

Mr. ALDRICH. In the book entitled "Imports and Duties."

Mr. LA FOLLETTE. For what year?

Mr. ALDRICH. For a series of years.

Mr. LA FOLLETTE. What year were the importations which the Senator states were $700,000, if he will please give the Senate the information?

Mr. ALDRICH. The revenue?

Mr. LA FOLLETTE. I mean the revenue.

Mr. ALDRICH. 1907.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Rhode Island yield to the Senator from New York?

Mr. ALDRICH. I do.

Mr. ROOT. It is on page 295 of the volume of Imports and Duties.

Mr. ALDRICH. That is the book to which I refer.

Mr. ROOT. If the Senator will turn to 1907, he will find the import duties upon plain white china, porcelain, and so forth, the articles included in paragraph 92 of the pending bill, and not including the common yellow or Rockingham ware of paragraph 90. It appears that in 1904 the imports were $1,186,949 and the duty $652,822; in 1905 the imports were $1,058,000 and the duties $582,000; in 1906 the imports were $908,000 and the duties $499,000; in 1907 the imports were $1,049,000 and the duties were $577,000.

Mr. BACON. From what page is the Senator reading?

Mr. ROOT. From page 295 of the volume of Imports and Duties.

Mr. ALDRICH. Then, if the Senator will look at the table numbered 1287, he will find that of other china, porcelain not specially provided for, or ornamented or decorated, there were also importations to the extent of $300,000 and duties collected to the amount of $165,000. That is in addition to the other tables.

Mr. ROOT. Mr. President, I call the attention of the Senator from Georgia [Mr. BACON] to the fact that in 1895 and 1896, when we had a duty of 30 per cent on these articles included in paragraph 192, the revenue was not substantially different from the revenue which is now derived from the present duty of 55 per cent. In 1895 the revenue from these articles, when the rate was 30 per cent, was $597,126; and in 1896, under the 30 per cent duty, it was $565,844.

Mr. BACON. Mr. President——

Mr. ROOT. One moment, until I finish this statement. In the year 1907 the duty was $577,000.

Mr. BACON. Mr. President, the Senator from New York will probably recognize the fact that that peculiar state of affairs, resulting in a corresponding or a similar revenue under a low duty and a high duty, is explained by what is so lucidly set forth in some of the books—I happened to read it yesterday in Tucker's Commentaries on the Constitution—that where a duty is below the best revenue-bearing point, although the importations increase, the decrease of the rate of duty necessarily results in a decrease of the revenue. On the contrary, if you pass the point where there is the best revenue-producing rate, you have a decrease of imports, which, with a corresponding increase of duty, brings in about the same revenue in the one case as in the other. That is the explanation of that.

Mr. ROOT. May I suggest another explanation to the Senator from Georgia; and that is, that in the years 1895 and 1896, under the Wilson tariff act, although the duties on imported merchandise were greatly reduced, so that people could buy this plain china ware at a lower price from abroad, nevertheless the general effect upon the business and prosperity of the country and on the rates of duty included in that act was such that our people had not the money with which to buy china ware from abroad or anywhere else, and, therefore, no greater revenue was produced by the revenue duty of 30 per cent than is produced by the protective duty of 55 per cent.

Mr. BACON. And, Mr. President, I would suggest to the learned and distinguished Senator from New York that, according to the same reasoning, the revenue obtained in 1907 under the paralyzing influence of the Dingley tariff act must have been correspondingly small, although we have no statistics upon that subject.

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Georgia [Mr. BACON].

Mr. BACON. I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CULBERSON. I call the attention of the Senator from Rhode Island [Mr. ALDRICH] to the pamphlet issued by the Finance Committee, entitled "Estimated Revenues," at page 11, where it says:

All other china, porcelain, parian, bisque, earthen, stone, and crockery ware, and manufactures thereof, or of which the same is the component material of chief value, not specially provided for—

The total value of the imports as given there for the year 1907 is $300,265.25, and the total revenue $165,145.89. That is, under the present law.

The duty in the pending bill is 55 per cent ad valorem, and it is fixed at the same figure as in the existing law. What I desire to know—and we might as well understand whether these figures are reliable or not—is, does the Senator from Rhode Island suggest that the figures as presented in this Estimate of Revenues are incorrect on this particular item?

Mr. ALDRICH. There is plainly an inaccuracy in that statement, and I am surprised that more have not been discovered. These tables were prepared——

Mr. BEVERIDGE. Overnight.

Mr. ALDRICH. They were prepared overnight, almost, and it is not at all strange that there should be some inaccuracies; but the official figures are available to Senators, as stated by the Senator from New York [Mr. ROOT], who has just read from them.

Mr. CULBERSON. Well, Mr. President, I recall that what the Senator from New York read—though I do not recollect all he read—contained a reference to porcelain, china, and so forth, which was painted, ornamented, and decorated, whereas paragraph 92, which we are now considering, and to which the Senator from Georgia [Mr. BACON] addressed himself, is confined to similar articles not painted or decorated, of which the entire importation was only about $300,000 and the revenue $165,000, as I have shown.

Mr. ALDRICH. Mr. President, the Senator from Texas could not have listened either to my statement or to the statement read by the Senator from New York. If he will turn to the volume entitled "Imports and Duties," he will find, in table 1285, that the importations of "plain white, without superadded ornamentation of any kind," amounted to one million five hundred and some odd thousand dollars, and, in table 1287, articles not ornamented or decorated amounted to about $300,000 more, with a revenue of $165,000.

Mr. JONES. I would suggest that these same figures are found in this book [exhibiting] on pages 10 and 11. On page 10, under Subdivision L, "plain white, without superadded ornamentation of any kind," $1,049,000——

Mr. CULBERSON. I had not yielded the floor. I am now on the floor in order to gain some information.

Mr. ALDRICH. The Senator from Washington [Mr. JONES] has read that item, which had escaped my attention.

Mr. LODGE. I called attention to that earlier in the debate.

Mr. CULBERSON. I believe I am entitled to the floor, Mr. President.

The PRESIDING OFFICER. The Senator from Texas is entitled to the floor; and Senators will please address the Chair and get permission to interrupt the Senator.

Mr. CULBERSON. The Senator from South Carolina [Mr. SMITH] has handed me the volume entitled "Imports and Duties," from 1894 to 1907. On page 296 the figures to which I have referred are verified. In Table No. 1287 I find in 1907 the total imports of "all other china, porcelain," and so forth, "not ornamented or decorated," were $300,265.25, and the total revenue $165,145.89, with an ad valorem tariff duty of 55 per cent—the identical figures which are reported by the Senate committee in the pamphlet entitled "Estimated Revenues"—on the articles covered by paragraph 92, to which the Senator from Georgia [Mr. BACON] has proposed his amendment.

The PRESIDING OFFICER. The Secretary will call the roll.

Mr. BRISTOW. I want to say, before the vote is taken, that I regret that the Senator from Georgia [Mr. BACON] changed his reduction of the duty from 40 per cent to 30 per cent. I should gladly vote for a reduction from 55 per cent to 40 per cent; but I think a reduction from 55 per cent to 30 per cent would be dangerous to some enterprises which have been established.

Mr. BACON. Then, I will, with the permission of the Senate——

Mr. DU PONT. I should like to say——

The PRESIDING OFFICER. The Senator from Georgia [Mr. BACON] is recognized.

Mr. BACON. I will modify the amendment and make the reduction from 55 to 40 per cent.

Mr. DU PONT. I should like to have the amendment read. I do not exactly understand it.

The PRESIDING OFFICER. The amendment proposed by the Senator from Georgia will be stated.

The SECRETARY. In paragraph 92, page 23, line 5, it is proposed to strike out "fifty-five" and insert "forty."

Mr. BEVERIDGE. Before the vote is taken, it should be stated of record that it appears that the reduction of this duty would absolutely extinguish the industry, and there has been no contention to the contrary.

The Secretary proceeded to call the roll.

Mr. ELKINS (when his name was called). I am paired with the junior Senator from Texas [Mr. BAILEY]. If he were present and voting, I should vote "nay."

Mr. STONE (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. CLARK]. I transfer the pair to the senior Senator from Mississippi [Mr. MONEY], who is paired with the senior Senator from Wyoming [Mr. WARREN]. This will leave the senior Senator from Wyoming and myself at liberty to vote. I vote "nay."

Mr. WARREN (when his name was called). Under the transfer of pairs just announced by the Senator from Missouri [Mr. STONE], I vote "nay."

The roll call was concluded.

Mr. BACON. I desire to state that my colleague [Mr. CLAY] is necessarily absent from the Chamber at this time. He has a general pair with the senior Senator from Massachusetts [Mr. LODGE]. I think they are both absent. I will inquire if the senior Senator from Massachusetts has voted?

The PRESIDING OFFICER. The Senator from Massachusetts has voted, the Chair is informed.

Mr. BACON. I wanted to call his attention to the fact that my colleague has not voted, and I know they have a general pair.

Mr. ALDRICH. I think the senior Senator from Massachusetts has not voted.

Mr. BACON. That is the very question I asked, and I understood the Chair to say that he had voted.

The PRESIDING OFFICER. The Chair is informed that the senior Senator from Massachusetts has voted.

Mr. ALDRICH. Then I will take the liberty of withdrawing his vote for him.

Mr. BACON. I am sure if the Senator from Massachusetts were present he would do so.

Mr. ALDRICH. Perhaps I had better withdraw my own vote, and stand paired with the Senator from Georgia [Mr. CLAY].

Mr. BACON. Very well.

Mr. ALDRICH (after having voted in the negative). I ask to do that; and will therefore withdraw my vote.

Mr. MCLAURIN. My colleague [Mr. MONEY] is paired with the senior Senator from Wyoming [Mr. WARREN], who, I believe, has transferred the pair to the Senator from Wyoming [Mr. CLARK].

The result was announced—yeas 27, nays 50, as follows:

YEAS—27.

Bacon	Fletcher	McLaurin	Smith, Md.
Bankhead	Foster	Martin	Smith, S. C.
Bristow	Frazier	Newlands	Stone
Chamberlain	Gore	Overman	Taliaferro
Clarke, Ark.	Hughes	Paynter	Taylor
Crawford	Johnston, Ala.	Rayner	Tillman
Culberson	La Follette	Simmons	

NAYS—50.

Beveridge	Cullom	Hale	Piles
Borah	Cummins	Heyburn	Richardson
Bradley	Curtis	Johnson, N. Dak.	Root
Brandegee	Depew	Jones	Scott
Briggs	Dick	Kean	Smith, Mich.
Brown	Dillingham	Lodge	Smoot
Bulkeley	Dixon	McCumber	Stephenson
Burkett	Dolliver	Nelson	Sutherland
Burnham	du Pont	Nixon	Warner
Burrows	Flint	Oliver	Warren
Burton	Gallinger	Page	Wetmore
Carter	Gamble	Penrose	
Crane	Guggenheim	Perkins	

NOT VOTING—14.

Aldrich	Clark, Wyo.	Elkins	Owen
Bailey	Clay	Frye	Shively
Bourne	Daniel	McEnery	
Clapp	Davis	Money	

So Mr. BACON's amendment was rejected.

The PRESIDING OFFICER. The question is now upon agreeing to the paragraph as amended.

The paragraph as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next paragraph which was passed over.

The SECRETARY. The next paragraph passed over is paragraph 94—gas retorts.

Mr. LA FOLLETTE. Mr. President, I will ask that that paragraph be passed over. The junior Senator from Texas [Mr. BAILEY] desires to be present when it is considered. He spoke to me about it. So I ask that it be passed over.

The PRESIDING OFFICER. Is there objection to the paragraph being passed over?

Mr. ALDRICH. The committee have an amendment to that paragraph.

Mr. SMOOT. Mr. President, before passing over the paragraph, I desire to offer an amendment, not in relation to gas retorts, but relating to electric carbons. I send the amendment to the desk.

Mr. LA FOLLETTE. I hope the amendment will be offered and printed in the RECORD, so that it may be examined.

Mr. BEVERIDGE. Let the amendment be stated.

Mr. OVERMAN. Yes; let the amendment be read.

Mr. ALDRICH. Mr. President, the Senator from Texas, for whom the Senator from Wisconsin speaks, is absent and is a member of the committee. If he desires to have anything go over——

Mr. LA FOLLETTE. I understand that he is a member of the committee; but he spoke to me about this paragraph just before going away. I am interested in it also, and would like to have it passed over.

The PRESIDING OFFICER. The amendment submitted by the Senator from Utah will be read.

Mr. SMOOT. The amendment should come in after the words "ad valorem," in line 14, on page 23, relating to electric carbons.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. On page 23, line 14, after the words "ad valorem" and the semicolon at that place, it is proposed to insert:

Carbons for electric lighting made entirely from petroleum coke, 35 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 65 cents per hundred feet.

The PRESIDING OFFICER. The amendment will be printed and lie on the table.

Mr. SMOOT. If there is no objection, could we not adopt the amendment at this time?

Mr. OVERMAN. No; I should like to examine it before it is adopted.

The PRESIDING OFFICER. The next paragraph passed over will be stated.

Mr. BEVERIDGE. At this point, may I ask the Senator from Utah whether the amendment he has offered is a reduction?

Mr. SMOOT. It is a great reduction over the House report and also the report that we have already made.

Mr. BEVERIDGE. I am very glad to hear that. I think that we are getting so that we can make progress.

Mr. OVERMAN. I will ask the Senator from Utah if the amendment as reported by the committee, which purports to be a reduction, is not really a 40 per cent increase?

Mr. SMOOT. I did not quite understand the Senator.

Mr. OVERMAN. I asked the Senator if the amendment that is reported by the committee, which purports to be a reduction, is not really an increase of 40 per cent.

Mr. SMOOT. It certainly is not. The amendment I have just submitted on all low-price carbon reduces the duty from 90 cents to 35 cents a hundred feet, and on the higher grade carbon it reduces the duty from 90 cents to 65 cents per hundred feet.

Mr. OVERMAN. That is under the amendment?

Mr. SMOOT. That is under the amendment I have offered.

The PRESIDING OFFICER. Paragraph 94 will be passed over. The Secretary will read the next paragraph passed over.

The SECRETARY. The next paragraph passed over is at the top of page 25, paragraph 96. The committee propose to strike out all of the paragraph as printed in the House bill.

Mr. ALDRICH. Was paragraph 95 agreed to?

The PRESIDING OFFICER. The Chair is informed that paragraph 95 was heretofore agreed to.

Mr. BEVERIDGE. Nothing has been done with it now.

Mr. ALDRICH. The committee have an amendment to offer to paragraph 95. I move to strike out the proviso, beginning in line 23, on page 24, and transfer it to the next paragraph. It was misplaced in the print of the bill. The proviso reads:

And provided further, That, for the purposes of this act, bottles with cut-glass stoppers shall, with the stoppers, be deemed entireties.

I move to insert that proviso after the words "ad valorem," in line 24, page 25.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. The committee proposes to strike out all of paragraph 96 as printed in the House bill, and to insert a new paragraph 96, as follows:

96. Glass bottles, decanters, and all articles of every description composed wholly or in chief value of glass, ornamented or decorated in any manner, or cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand blasted, frosted, or printed in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), and all articles of every description, including bottles and bottle glassware, composed wholly or in chief value of glass blown either in a mold or otherwise; all of the foregoing, filled or unfilled, and whether their contents be dutiable or free, 60 per cent ad valorem: *Provided*, That, for the purposes of this act, bottles with cut-glass stoppers shall, with the stoppers, be deemed entireties.

Mr. ALDRICH. In line 22, after the word "foregoing," the words "not specially provided for in this section" should be inserted.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

The SECRETARY. Paragraph 96, page 25, line 22, after the word "foregoing," it is proposed to amend the amendment of the committee by inserting "not specially provided for in this section."

The amendment to the amendment was agreed to.

Mr. BEVERIDGE. The substitute paragraph, I see, makes no change in the duty, and I assume that this amendment is purely a reclassification and a better classification than that proposed by the House?

Mr. ALDRICH. That is right.

The PRESIDING OFFICER. The question is on the amendment as amended.

The amendment as amended was agreed to.

Mr. NEWLANDS. I should like to ask the Senator from Rhode Island whether it has been impossible to secure the statistics as to the value of the products under the glass schedule, beginning with paragraph No. 95? In looking over this schedule which has been prepared by the committee, I find a blank space under the head of value of products opposite the most of these items. I regard that information as of great value, because it is only by a comparison of the imports of a particular commodity with the actual production in this country that we are able to determine whether or not a rate of duty is unduly prohibitory of importations or unduly promotive of trusts and combinations inside the tariff wall.

Mr. ALDRICH. Mr. President, the statistics to which the Senator refers were prepared by the Census Office and not by the committee. But they were the best statistics we had upon the subject. The entire production of glass, window glass, all kinds of glass, mostly window glass, in the United States was about $32,000,000 in value. As classified in the book I have it is $21,000,000 of building glass, whatever that may be, and $11,000,000 of window glass.

Mr. NEWLANDS. That is the total production of the country?

Mr. ALDRICH. That is the total production of the country.

Mr. NEWLANDS. About $32,000,000. Has the Senator the total value of the imports of glass?

Mr. ALDRICH. Oh, yes. They are, of course, under different provisions of the statistical statement. About what particular kind of glass does the Senator want information?

Mr. NEWLANDS. I did not wish them by items. The Senator made a general statement of the total production of the country, and I wish to compare the total production with the total importations.

Mr. ALDRICH. That is a matter of mathematical computation. We can take these items and add them up. I will do that later on, if the Senator desires it.

Mr. NEWLANDS. I thought perhaps the Senator had it in convenient form.

Now, as to these schedules, I observe that the duties range all the way from 40 to 60 per cent.

Mr. ALDRICH. All the duties upon this particular item now under consideration are 60 per cent. There is no change in them. They are all 60 per cent.

Mr. NEWLANDS. What is that—item 96?

Mr. ALDRICH. Yes; 96. That is the one now under consideration.

Mr. NEWLANDS. Those are 60 per cent?

Mr. ALDRICH. Yes, sir.

The PRESIDING OFFICER. The Chair will suggest that paragraph 96 has been agreed to. It is the next paragraph——

Mr. ALDRICH. I beg pardon of the Chair.

Mr. STONE. Paragraph 95 has not been agreed to.

Mr. ALDRICH. Paragraph 95 has been agreed to.

Mr. STONE. Paragraph 95 is the very paragraph we have been considering

Mr. ALDRICH. Paragraph 95 has been agreed to.

The PRESIDING OFFICER. Both paragraphs 95 and 96 have been agreed to.

Mr. ALDRICH. If the Senator has an amendment to offer, I will——

Mr. STONE. I wish to make an inquiry, possibly from the Senator from Utah, who engaged in a short colloquy with me about it the other day.

I have in my hand a letter from a large establishment in St. Louis engaged, among other things, in the manufacture of bottles. The president of that company writes me that during the last year there were 41,000,000 bottles imported, filled with malt liquors, mineral waters, champagne, and still wines, upon which he says no duty was paid, and that after being emptied they entered largely into use in this country. It is a very large free importation, and he asked me to call the attention of the committee of the Senate to it, and to inquire whether the expression in paragraph 303 and the following paragraph relates to still wines, ale, and so forth: "But no separate or additional duty shall be levied on the bottles."

Mr. ALDRICH. That is plain.

Mr. STONE. Perfectly plain.

Mr. ALDRICH. It is not changed by the Senate provision or by the House provision. Does the Senator desire a duty upon beer bottles?

Mr. STONE. I am asking for information whether it is a fact that forty-odd million bottles filled with these contents came in free?

Mr. ALDRICH. They do. They do not pay any separate duty.

Mr. STONE. Are they calculated——

Mr. SMOOT. They do not pay any specific duty on the bottle, but on mineral water they pay on the case. In other words, taking a case of mineral water containing a hundred pint bottles, it pays $1.66 a case. That is not upon the water; but there is $1.66 upon the case.

Mr. ALDRICH. But the Senator asked especially about bottles in the spirit schedule.

Mr. STONE. Yes.

Mr. ALDRICH. And there is no duty, and there never has been, on the bottle separately.

Mr. STONE. Is the value of the bottle estimated in fixing the duty on the contents?

Mr. ALDRICH. No; the duties are all specific, and there are no extra duties. You asked whether the bottle was taken into consideration. That is a question which anybody can de-

termine for himself. But there is no separate duty upon bottles.

Mr. SMOOT. I am fully aware of what the bottle manufacturers want in this particular, and they suggested that an amendment be made to paragraph 95, requiring that there be blown into the bottle the name of the contents, the name of the manufacturer, and the country where made. But the Committee on Finance has not yet agreed to that provision. As it is now, those bottles do not directly pay a duty; but, as I was saying to the Senator, if you take, for instance, the duty on mineral water, they pay it indirectly at least, because every case of pints coming into this country pays a duty of $1.66. The House did provide, in paragraph 309 of the bill, touching mineral waters, that there should be an additional duty of 90 cents a case for the bottles. The committee could not agree to that provision and took it out of the bill and allowed the Dingley Act to remain as it is, carrying a duty upon the case of pints of $1.66.

Mr. STONE. I should like for the Senator, if he can speak for the committee, to state whether there ought not to be some separate duty imposed upon the bottles?

Mr. SMOOT. The way the glass manufacturers want us to arrive at that is this——

Mr. ALDRICH. The Senator from Missouri is not speaking for the glass manufacturers. He is speaking for the brewers, as I understood him. He said——

Mr. STONE. I am not speaking for the brewers. I did not mention the brewers.

Mr. ALDRICH. I thought the Senator said his correspondent was a brewer.

Mr. STONE. My correspondent is the Obear-Nestor Glass Company, manufacturers of glass bottles, among other things.

Mr. SMOOT. That is what I understood.

Mr. ALDRICH. The brewers are the people who have protested to me.

Mr. STONE. They have not to me.

Mr. ALDRICH. They have to me. But this manufacturer protests that there ought to be a separate duty levied upon the imported bottles carrying wine or water.

Mr. SMOOT. It is true that these bottles imported here, such as mineral-water bottles, are purchased again and refilled, and the American manufacturer does not want the mineral-water bottles of Germany imported here filled with water and then as soon as emptied sold again to be refilled with something else. That is the contention of the glass manufacturers.

Mr. STONE. That is the contention exactly. Does the Senator agree to that?

Mr. SMOOT. I want to say to the Senator here that I am rather inclined to think it should be required that the names be blown upon the bottle, but I have not as yet come to the definite conclusion whether that ought to be put in this bill or not. The committee has not yet decided that.

Mr. FLINT. I desire to call the attention of the Senate to the fact that the committee has not yet disposed of the matter.

Mr. STONE. Does the Senator from Utah agree or disagree in the wish of the bottle manufacturers, that a duty should be placed upon the bottles?

Mr. SMOOT. I disagree to that—that there should be a duty put upon the bottles—but I have not yet decided whether it would not be best to have the name blown on the bottles.

Mr. ALDRICH. Will the Senator from Missouri give us his judgment?

Mr. STONE. I think there ought to be.

Mr ALDRICH. The Senator can get at that easily by making a motion to take these articles from the free list and make them dutiable.

Mr. STONE. I suppose probably the time to make a motion of that kind would be when we reach the later provision. But my purpose at this time was to ask whether the committee itself had considered the question.

Mr. ALDRICH. The committee has considered it at great length, and is unanimously of the opinion that these articles ought not to be taken from the free list and put on the dutiable list.

Mr. NEWLANDS. Mr. President, I observe that the duties collected from china ware aggregate about $7,000,000, and that the duties on glassware do not amount to nearly that sum, although I have not been able to compute it, because there are so many items. I will ask the Senator from Rhode Island which of these industries is in the more prosperous condition in this country—the china ware or the glassware—as shown by the domestic production and as compared with importations?

Mr. ALDRICH. The Senator from West Virginia [Mr. SCOTT] can answer the question better than I can.

Mr. SCOTT. If the Senator from Nevada and the Senate will have patience with me for a few minutes, I think I can show to the Senate, and possibly to the country, the greatest object lesson in the policy of protection of any that has been or possibly will be cited upon this floor. But I do not know whether the Senator wants me to go into that subject or not.

Mr. NEWLANDS. All I asked was as to the relative condition of these two industries. I observe, for instance, that on china ware, common china ware—earthenware—the duty is comparatively low, and upon the articles of luxury it ranges from 50 to 60 per cent; and I also observe that glassware is not put down as an article of luxury, and there the duty seems to range as high as 69 per cent in some instances.

Mr. SCOTT. If the Senator will allow me, if he will refer to the hearings on "Schedule B" from pages 949 to 960, he will probably get the information he wants in regard to the china proposition; and I can say personally with regard to the glass business that it has been fairly remunerative in the last few years—nothing more than a man should have upon his investment when he takes the risk of going into manufacturing in place of loaning his money upon first mortgages. But there has been no great money made in it at all, and we are now progressing in a way. The home competition, in addition to foreign competition, holds us down to a very close margin, and we are very well satisfied if we can make 7 to 8 per cent upon our investment. Sometimes, if we are very fortunate, we possibly can reach a 10 per cent dividend during the year, but more often we are compelled to be contented with 6 or 7 per cent.

Mr. NEWLANDS. Have any of the duties on glassware been increased in the Senate bill?

Mr. SCOTT. Not in the line in which I am interested, and that I know of, particularly.

Mr. NEWLANDS. How is it with china ware? Have any of the duties been increased?

Mr. SCOTT. I think not.

Mr. ALDRICH. The duties upon china are maintained at the Dingley rate. The duties upon glass, with few exceptions, have been reduced. I will say that I think in a majority of cases the Dingley rates are maintained. In a few instances certain glass was lowered, and in two instances, plate glass, the rates were raised above the Dingley rate.

Mr. NEWLANDS. The plate-glass industry is a very important one. The production of plate glass is very large, I believe.

Mr. ALDRICH. Both; all kinds of glass.

Mr. NEWLANDS. I wish to ask the Senator whether he made any inquiry into these two schedules with a view to determining whether or not the high duties hitherto imposed, in excess of 50 per cent, we will say, ought to be maintained, in view of the fact that those industries are no longer infant industries, but seem to be thoroughly well established?

Mr. ALDRICH. I think the average duties in the glass schedule are over 50 per cent; I think some of them are greatly above 50 per cent; but if any article manufactured in the United States needs protection and should have it it is glass. It is almost entirely a question of labor. They take the crude materials from the earth and expend a great deal of time and labor upon them up to the finished product; and the present rates of duty have been but fairly protective. The importations are very large of all descriptions of glass and always have been. I think we are gaining a little upon the foreign production, but very little, and this industry is one of the industries which deserves our care and should have it to the extent of the protection it needs.

Mr. HALE. The competition is intense.

Mr. ALDRICH. The competition is intense, in Belgium and in every other part of the world.

Mr. NEWLANDS. I have observed that in the framing of this bill the committee have put low duties upon the necessaries and much higher duties upon so-called "luxuries." Almost all these articles under the glass schedule are ranked as necessaries. I wondered why it was that the excessive duties which, as a rule, pertain only to luxuries in these schedules, were retained as against that class of products.

Mr. ALDRICH. It was the intention of the committee in every schedule and in every paragraph to make higher rates of duty upon articles of luxury and to make lower rates of duties, as low as consistent with the system of protection, upon the lower class of articles.

Mr. NEWLANDS. And the Senator is of the opinion that no lower duty than 50 per cent can be imposed upon glassware?

Mr. ALDRICH. My own feeling is that the rates proposed in this bill are fair and proper, and perhaps generous to the glass manufacturers.

Mr. SCOTT. Mr. President, I dislike to delay the Senate, but I made a statement a week or ten days ago, in which I said that before there was any duty on glassware, pitchers cost anywhere from three to four dollars, and that now they could be bought for $1.25 a dozen. Here [exhibiting] is a pitcher, a half-gallon pitcher, which can be bought at the factory for 90 cents a dozen—not apiece, but a dozen. I want to say furthermore, when I was first in the glass business, before there was a duty, a tumbler like this [exhibiting] we sold readily for $2.50 a dozen. Now it is selling for 11 cents a dozen—less than 1 cent apiece—all owing to the protection that the Republican party has given us on glassware.

There [exhibiting] is a dish that you can buy in any store for 10 cents. It sells for 70 cents a dozen. If we keep on at the rate we are going with glassware and if you will continue to give us this protection, I have not much doubt that in a few years we will be paying the consumer something to carry this glassware home.

There [exhibiting] is a goblet which sold for from $2.50 to $3 a dozen when we had no protection. Now it is selling for 25 cents a dozen to the wholesaler.

The trouble is not with the manufacturers. In a great many instances of these goods the trouble is with the retailer and with the jobber. I have here a picture of an 11-story building in the city of New York, owned by a man who twenty-eight years ago had limited credit. He was on the third story on a side street in New York, and in twenty-eight years he has made enough money to build that 11-story building, covering over 300,000 square feet. He has made more money, if he owns that building in fee simple, in twenty-eight years than all the glass manufacturers in the United States in the same length of time, for in the last nine years 59 per cent of the flint-glass factories have failed.

He is a retailer of glass and a wholesaler of glass, and he advertises very largely in Canada. This [exhibiting] is a sheet from a Canadian trade journal advertising his wares in Canada.

The duty that you are giving us to-day in paragraph 96 is the same that we have had. This reduction in price has been brought about by improved machinery and improved conditions, by all of us working together, taking out patents, doing all we can to reduce the cost to the consumer, and to keep the man and his family at work in the factory. It is not like the case referred to by my friend the Senator from Nebraska [Mr. BURKETT] the other day. When duties were not high enough to keep the factories going, from 1891 to 1896, two young men went out to Iowa on a farm adjoining his father's, and they became farmers, raising corn and wheat in competition with the Senator from Nebraska and his father.

It took them away from the class of consumers. When they were consumers, they were buying what the Senator from Nebraska and his father raised. But owing to the depression, they were sent away from the factory, because we shut down, and they went out on the prairie and broke up the prairie land and became producers, and came in competition with the men who had been supplying them as consumers.

All we ask—and we have got it, and I thank the Senate for it—is to give us this duty, and we will reduce the cost to the consumer if there is any way to control the two middlemen.

Mr. JONES. I should like to ask the Senator a question. It has been stated on this side of the Chamber time and again in this debate that the tariff is practically all added to the cost and that the consumer has to pay that in addition to the cost of manufacturing. I am very much interested in the example the Senator has put out here, and I wonder if the manufacturer has not been selling those articles at less than the duty itself.

Mr. SCOTT. The selling price almost corresponds to the ad valorem duty.

Mr. NEWLANDS. I suggest that then there is hardly any need of a duty. But I wish to make an inquiry. The Senator made a reference to middlemen and to retailers which is very interesting. I understood him to say the trouble was not with the manufacturer, but with the retailers. Now, take the pitcher which he has just instanced and which is produced at a very low cost. I forget the price, but the Senator can state it.

Mr. SCOTT. Ninety cents a dozen.

Mr. NEWLANDS. Ninety cents a dozen?

Mr. SCOTT. And the labor on that article is from 85 to 90 per cent.

Mr. NEWLANDS. Let me ask the Senator, now, at what price does the retailer sell that pitcher?

Mr. SCOTT. I can not answer the Senator on that point. I could possibly go down the street and ascertain. But I presume the consumer would have to pay from 40 to 50 cents for the pitcher.

Mr. NEWLANDS. For each pitcher? That would be $4.80 a dozen.

Mr. SCOTT. In all probability, because the retailer buys it from the jobber. The prices I am quoting here are the prices from the manufacturer to the wholesale dealer.

Mr. NEWLANDS. To the wholesaler?

Mr. SCOTT. Then the wholesaler sells it to the retailer, and he in turn sells it to the consumer.

Mr. NEWLANDS. The Senator gives the price of the manufacturer as 90 cents a dozen, and the price of the retailer as $4.80 a dozen.

Mr. SCOTT. Not positively. He must not quote me positively. If I should make inquiry on Pennsylvania avenue, I should probably find the exact price.

Mr. NEWLANDS. Approximately.

Mr. SCOTT. Approximately.

Mr NEWLANDS. I understood the Senator to say it would be $4.80 a dozen.

Mr. SCOTT. Forty to 50 cents apiece.

Mr. NEWLANDS. Can the Senator give us the price of the jobber?

Mr. SCOTT. No; I can not. The jobber, counting his expenses, would add 10 or 15 per cent or more. There is probably 8 to 10 per cent in breakage in shipping the goods. That would have to be taken into consideration.

Mr. SMOOT. If the Senator from Nevada wants a concrete case of even greater discrepancy than that, I can give it to him, and not only one instance, but a great many, as to the profits made by the retailer.

Mr. NEWLANDS. What struck me was the discrepancy in price between that at which the jobber bought and the price charged by the retailer to the consumer. It seems to me that if the difference is so enormous, it is about time we were looking into the action of the retailers, unless it can be accounted for in some rational way.

Mr. HALE. Let me ask the Senator a question before he takes his seat.

The VICE-PRESIDENT. Does the Senator from West Virginia yield to the Senator from Maine?

Mr. SCOTT. Yes.

Mr. HALE. Let me ask the Senator from Nevada before he sits down what he proposes as a remedy by action of Congress for this remarkable disproportion between the prices of the manufacturers, with which we deal in a tariff bill, and the prices that are afforded to the consumer by the jobber and at last by the retailer? One of the things that Congress is finding out—and in the end the people, the consumers, will find out—is that the burden of prices paid by them at their houses, in their families, for consumption have little relation to the system, which some of us mean to maintain, of protection to the manufacturer. The immediate result of the protective theory as applied to legislation is the protection to the manufacturer in competition with foreign manufacturers. There is no schedule that shows this condition in so marked a degree, I think, as the glass schedule. Under it we manufacture by American labor, as American products, all the articles furnished to the people, which is illustrated by what the Senator from West Virginia has shown here.

When Congress has done that and has reared in different parts of the country this manufacture and sustained it against foreign competition it has very little to do, and this Congress is finding out—I know that I am—as never before, that the prices which are paid by the consumer at his door, at his home, have very little to do with the rates that we establish. I do not know, and I can not by any process of which I am capable reach how much that little is.

The Senator has said that Congress ought in some way to deal with this question of the amazing advance of prices, not with the manufacturer whom we sustain, but the middlemen, the jobber, the retailer. Does the Senator believe that Congress can take that matter in charge and can prescribe rates at which articles shall be sold in the wholesale market by the jobber, and in the retail market by the retailer? Where is the remedy that the Senator would suggest? It is one of the points of enlightenment that is coming from this Congress that people will understand that, while the great system of protection will build up these manufactures and protect us from inundation by foreign labor, it has very little to do with the prices that are paid by the consumer at his fireside.

Mr. NEWLANDS and Mr. SMOOT addressed the Chair.

The VICE-PRESIDENT. To whom does the Senator from West Virginia yield?

Mr. SCOTT. I yield to both Senators.

Mr. NEWLANDS. I wish to answer the question put by the Senator from Maine.

Mr. SMOOT. Will the Senator from Nevada allow me?

Mr. NEWLANDS. In just one moment. Please let me answer.

Mr. SMOOT. The Senator can answer this at the same time——

Mr. NEWLANDS. I beg pardon; I wish to answer the question put to me by the Senator from Maine. I will yield to the Senator later.

Mr. SCOTT. I believe I have the floor. I will yield to the Senator from Nevada first and then I will yield to the Senator from Utah.

Mr. SMOOT. I merely wanted to give a concrete case.

Mr. NEWLANDS. Mr. President, the Senator from Maine has asked me a very difficult question, one which I am unprepared to answer at this moment. He asks me how I would have Congress deal with the apparently extortionate prices that are charged not by the manufacturers but by the retailers to the consumer.

Mr. HALE. And by the jobbers.

Mr. NEWLANDS. I am not prepared to answer that question. I am not prepared to say that Congress has any power to deal with that question. It may be a matter of such purely domestic commerce as to be entirely without the domain of congressional action, and it may be at all times unwise to enter upon any attempt to regulate the prices even in domestic commerce, though it has been attempted in the legislation of civilized peoples before.

But I do think Congress can go this far. It can furnish the machinery by which the country will be informed as to the difference between the cost of production by the manufacturer here and the cost of production by the manufacturer abroad, and the difference between the price charged by the manufacturer here and the price charged by the manufacturer abroad. It can also, through some board or commission or by charging the Executive with the duty, enter into an inquiry as to the respective prices that are charged by the manufacturer to the jobber, and by the jobber to the retailer, and by the retailer to the consumer, with a view to fixing the responsibility for the high prices which now prevail. If these high prices are due to the extortion of the manufacturer——

Mr. SCOTT. Will not the Senator let me finish? I will yield the floor to him in a few minutes. I thought the Senator wanted to ask a question.

Mr. NEWLANDS. I am answering the Senator from Maine. Of course I do not wish to interfere with the Senator from West Virginia.

Mr. SCOTT. Go ahead.

Mr. NEWLANDS. I was remarking that Congress can organize some kind of a tribunal that will make the inquiry and fix the responsibility for high prices either upon the manufacturer, the jobber, or the retailer, or apportion it between them. We who are interested in the revision and the reduction of the tariff wish to know whether these high prices are chargeable to the manufacturer and to the fact that he is protected against foreign competition by a high-tariff law. If that is not the case, we want to know it. We wish to know whether the fault is the fault of the jobber; we wish to know if the fault is the fault of the retailer; we wish to fix the responsibility for the high prices that prevail in this country, which, admittedly, are above the general level of the world's prices in most articles.

We will assume, then, that a commission is organized for that purpose—a commission having jurisdiction of foreign commerce, we will say, just as we now have one of interstate commerce, a branch of the same commission, one engaged in interstate commerce and the other engaged in an inquiry of foreign commerce. What would be the result? We would accumulate within five or ten years a mass of statistics, arranged in tabulated form, just as the transportation statistics have been presented, and then the country would have the information upon which to proceed. Public opinion would be instructed as to the source of these high prices and public sentiment would be instructed as to the method of meeting that difficulty.

I am very glad that I made this inquiry of the Senator from West Virginia. It is a revelation to me that a pitcher which he exhibits can be purchased for 70 cents a dozen. I would not have thought it possible——

Mr. SCOTT. Ninety cents.

Mr. NEWLANDS. I would not have thought it possible that the retailer can take a dozen of those pitchers, costing only 90 cents originally, and retail them for $4.80 a dozen. It is a revelation to me. We will assume, however, that these two facts exist at the same time. The inquiry would still remain as to whether a high tariff does not protect the retailer in this act of extortion. That would be one inquiry. It seems to me that we ought to have some organized body or some individual whose special duty it would be to arrange in tables under the various schedules of this bill, covering about 400 items, and in tabulated form, year after year, statistics regarding these matters, so that public opinion can be instructed in this country and so that we can then frame legislation that will meet these difficulties.

Mr. HALE. Let me ask the Senator——

Mr. SCOTT. I am afraid my speech——

Mr. NEWLANDS. I am through.

Mr. SCOTT. I am afraid my speech will be smothered under the very eloquent remarks of the Senator from Nevada and my other friends. I will yield to the Senator from California [Mr. FLINT], if the Senator will allow me.

Mr. HALE. Just one moment.

Mr. SCOTT. The Senator from California will yield to the Senator from Maine?

Mr. FLINT. Certainly.

Mr. HALE. I should like to ask the Senator from Nevada whether he or whether the wit of man can devise a better system or operation of a tariff schedule than that which produces as its result the illustration afforded by the Senator from West Virginia? A dozen pitchers of the kind which he presents here under this system of tariff protection are brought out and put upon the market at the rate of 90 cents a dozen.

Mr. NEWLANDS. Does the Senator put an inquiry to me regarding that?

Mr. HALE. Can he or can anybody devise a better system that operates better than what the Senator from West Virginia has shown here, when a dozen pitchers of that kind, however much the price may be enhanced to the consumer, are produced and sent out by dozens and thousands, it may be tens of thousands, to market at 90 cents per dozen? I can not conceive any system or any plan of a tariff that can produce anything more beneficent to the people than what the Senator has shown in his illustration.

Mr. SCOTT. I will yield to the Senator from California [Mr. FLINT].

Mr. FLINT. Mr. President, I am very glad the Senator from Nevada [Mr. NEWLANDS] recognizes the truth of the claim of the Republicans that the rate of duty paid under this tariff bill is not a material factor in the cost to the consumer of these articles. I desire to call his attention to one or two illustrations. I have a great many of them, and this is a very good time to put in one or two.

I call his attention to the cost of a 100-piece dinner set of Haviland & Co.'s make. It was invoiced to their New York house at $5.77; packing charges, 46 cents; customs-house advance to make value, 58 cents; total $6.81. The duty at 60 per cent is $4.08, making a total cost of $10.89. That set of Haviland china is selling in the city of Washington for $36. There is a profit of about $26 on those articles.

I call the attention of Senators to these articles to ascertain whether they think that a duty of $4.08 on these articles is a factor in the price that is charged the consumer. There is $25 profit difference in the price of that article over the price or cost to land in this country.

I call the attention of Senators to a number of other small articles. I take Japanese china ware. Blueprint cups and saucers pay a duty on a valuation of 3¾ cents per pair, including packing charges, paying a duty of 60 per cent or 2¼ cents per pair. These goods sell in Washington at 35 cents a pair, or almost 1,000 per cent over the value at which they pay duty. The consumer pays 2¼ cents duty on a 35-cent purchase, or 6⅞ per cent.

The same proportion holds good on the following items: Plates, dutiable price, 3¾ cents; retail price, 35 cents each. Egg cups, dutiable price, 1⅝ cents, sell for 15 cents each. A tea set, composed of teapot, sugar, cream, and six cups and saucers, cost 41 cents, with duty paid, and is selling in the stores in Washington for $3.50. An article costing 41 cents is selling at retail for $3.50, and these are the prices charged by the large department stores throughout the country. When you come to small places in Iowa, Kansas, Nebraska, and the Dakotas, the prices are from 20 to 30 per cent in addition to that.

Mr. HALE. And 50 per cent sometimes.

Mr. FLINT. And 50 per cent, as the Senator from Maine says.

I say, and I repeat, there is not an article in this china schedule where the duty is a factor in fixing the selling price to the consumer. If the Senator from Nevada, as suggested by the Senator from Maine, can find some way by which we can control the selling price of these articles after they leave the manufacturer, then there may be some solution of the prob-

lem; but we find the manufacturer making but a fair and honest profit under the protective-tariff system, and yet the consumer is complaining of excessive charges, not by reason of the profit made by the manufacturer, but by reason of the excessive prices charged by the jobbing houses and the retail stores.

Mr. SMOOT and Mr. NEWLANDS addressed the Chair.

Mr. SCOTT. I yield now to the Senator from Utah.

Mr. SMOOT. Mr. President, I also call the attention of the Senator from Nevada to the fact that it does not only apply to the glass and china schedule; it applies to almost every schedule that there is in this bill.

For instance, take the manufacture of razors. I have an invoice in my office now where the manufacturer charges $3.95 a dozen for razors. The jobber in St. Louis secures a 2 per cent discount for cash in ten days upon that article. He jobs the article that costs him $3.95, with 2 per cent discount in ten days, for $9 a dozen. That is the transaction between the jobber and the retailer. The retailer sells every one of those razors for $2 apiece. In other words, the manufacturer in Connecticut sells one dozen of those razors for $3.95, less 2 per cent for cash in ten days, and the consumer pays $2 apiece for them, or $24 a dozen.

Again, there is a great deal said in this country in relation to gloves. I can walk down here to any store in Washington and go in and ask the retail price of a pair of gloves, and for a glove that costs $7.40 a dozen the ladies of this country are paying $2 a pair.

So, Mr. President, it does not apply only to the china schedule or the glass schedule. The country, it seems to me, ought to be made to understand that this is not due to the manufacturer.

Mr. NEWLANDS. Mr. President——

Mr. SCOTT. I will be through in a minute, if Senators will allow me. I wish to correct one statement that might be misleading. I was asked the question if the duty was not more than the article. Of course that could not be, because it is ad valorem. I want to correct that.

Now, Mr. President, I hold in my hand here a tumbler [exhibiting]. It is finished as you see it there. A dealer wants a tumbler of a certain pattern. We call that the diamond-and-fan pattern.

The first process is to mark off just as many of these squares as will go around that diameter. Then the next process is roughing it, as Senators can see who will come close to it. It is that process there [indicating]. The next process is where it is put on another wheel, a crag-leaf stone, which leaves it blind; in other words, it is not bright. That is imported as cheap common glass from Europe, and comes into this country against our high-price glass cutters, because the glass cutter earns anywhere from $3.50 to $5.50 a day. All the importer has to do is to put that on a brush wheel with glass cutter's putty on it and polish it and make it a finished cut article. Consequently he evades the duty on the article and brings in an article that costs him in labor in Europe probably not more than a dollar or a dollar and a quarter for ten or twelve hours work, when we pay anywhere, as I said, from $3.50 to $5.50 a day.

These undervaluations are a great hardship both to the glass manufacturers and glass cutters of this country and to the earthenware and pottery and china people.

Now, Mr. President, I have to apologize to the Senate for detaining it so long.

Mr. BURKETT. Let me ask the Senator a question. Is there not a differential between glass in blank and the finished product and between the different steps to the finished product?

Mr. SCOTT. It is the difference between 40 and 60.

Mr. BURKETT. Then the statement would not be exactly true that the article was brought in in a mostly finished shape as a cheaper article.

Mr. SCOTT. Yes; it is a different glass, that is brought in at a lower rate of duty.

Mr. BURKETT. I understand that, but that is what the differential is for.

Mr. SCOTT. Certainly; that is what the differential is for.

Mr. FLETCHER. I desire to ask the Senator from West Virginia and also the Senator from Utah whether the great disparity in prices between the manufacturer's price and the retail merchant's price to the consumer is not due in a large measure to two causes; first, that the manufacturer will not sell the manufactured article to the jobber until the jobber agrees with the manufacturer that he will not sell it under a given price to the retailer; and, second, that the retailer must agree with the jobber, before the jobber will let him have the goods, that he shall demand a certain price from the consumer. Is not that the situation?

Mr. SCOTT. No, sir; not at all. I will say to the Senator I have been forty years in the manufacture of glass, and I never in my life knew of any such contract or agreement—absolutely none.

Mr. FLETCHER. It may be possible, as the Senator from West Virginia states, but it seems to me that is the only way to account for the enormous profit which the retailer must make under the conditions which have been shown here to-day, because we know, as a matter of common knowledge, that there is competition among the retail merchants in every community, in every city, town, and village in the country, and it does not stand to reason that one retailer will permit another retailer in close competition with him to make three and four dollars profit on a dozen pitchers, when he could get enormously rich at a profit much less than that.

Mr. McLAURIN. Mr. President, I was glad to hear the Senator from West Virginia correct his assent to the proposition that had been made by the junior Senator from Washington, that the Senator from West Virginia did sell at less than the duty, because, until the Senator from West Virginia corrected the assent he had given to the statement of the Senator from Washington, I was very much troubled to know how it could be necessary to have any protective duty for glass if the factories were selling glass at less than 60 per cent of the price at which the foreign manufacturer could land it in this country.

I am not troubled about any legislation on the question as to how it comes about that the price the jobbers and the retail merchants sell their goods is so much greater than that which they pay the manufacturer. That, like everything else, must be controlled by supply and demand. If there are a dozen jobbers wanting to sell to one man, they are going to sell him at a very much less price than if there was one jobber selling to a dozen purchasers. So it is with the retail merchants. The jobber buys from the manufacturer and other jobbers buy from the manufacturer. It is supposed that they all buy at the same price. They are all wanting to sell their goods to customers. The customers come and apply to the jobbers for the sale to them of the goods which they desire to purchase. If one jobber attempts extortion upon the retailer, he goes to another jobber, and if that one offers to extort, he goes to another, and so on; and each one will underbid the other, unless there be a trust among the jobbers.

Mr. SCOTT. Will the Senator allow me a minute?

Mr. McLAURIN. Certainly.

Mr. SCOTT. We ought not to be too hard on the jobber or the retailer there.

Mr. McLAURIN. I am trying to defend the jobber and the retailer from the charges that have been made against them by Senators on the other side. They are not to blame.

Mr SCOTT. You must take into consideration that the manufacturer ships out in large packages and, as I tried to make it plain, there is a certain percentage of breakage. Five to 15 per cent is the breakage in handling. The jobber unpacks that and sends it in what we would call "assorted packages" to the retailer; in other words, possibly he will send for three pitchers in a barrel, a dozen plates, a dozen cups and saucers, and so forth. Now he has to pack and repack that. He must have his help; he must have straw; he must pay his rent. He ships the goods. Again there is the breakage against the retailer. So that the price at which I showed the manufacturer made these articles ought not to be used in a ridiculous form to make it seem as though the retailer and the jobber were robbers, for there is a certain amount of expense which must be incurred for handling and doing the business.

Mr. McLAURIN. That is just exactly what I rose to defend the jobber and retailer against. It seems from what was said by the Senator from Utah [Mr. SMOOT] and what was said by the Senator from California [Mr. FLINT] that they have the idea that jobbers and retailers in this country are extortionists. I do not believe that.

There is only one way that the jobbers and the retailers can get the goods to the consumer at last at above a reasonable profit, and that is by a combination which amounts to a trust. Now, if anybody is willing to say—if the Senator from California or the Senator from Utah, or any other Senator, is willing to say—that those men are engaged in a trust, then we ought to, if we have not legislation sufficient to break up trusts, enact legislation that will break up trusts. But if there is no trust in the jobbing business and no trust in the retail business—and I do not believe there is, because I do not believe that these men would involve themselves in the danger of prosecution—then there is no reason to make any assailment of the jobber and the retailer. The goods will not get to the con-

sumer at last at any extortionate price if there is no trust among these people; and I do not charge nor believe there is.

Mr. HALE. Let me ask the Senator, in the instance reported here, of the manufacture of glass at the remarkably low price which the Senator from West Virginia [Mr. SCOTT] has stated and demonstrated, whether he does not think that the price at last at which it is furnished to the consumer represents an extraordinary and inordinate profit?

Mr. McLAURIN. I do not. I did not understand the Senator from West Virginia—I may not have understood what he said—but I did not understand from the Senator from West Virginia that the articles of which he was speaking were held at any particular price by the retailer. I understood the Senator from West Virginia to say that certain articles which were sold at $4.50 a dozen——

Mr. HALE. Sold for 90 cents a dozen by the manufacturer.

Mr. McLAURIN. Which were sold for $4.50 a dozen, as I understood him to say, when there was no tariff or no protective tariff, are now selling under a protective tariff at 90 cents a dozen.

Mr. SCOTT. No. I must correct the Senator. I said when there was no competition in this country, when there were no manufactures, and we had no duty, a half-gallon glass pitcher sold for $3—not $3 a dozen.

Mr. McLAURIN. Then, if competition relieves that, it is competition which we want.

Mr. SCOTT. It is protection.

Mr. McLAURIN. Protection, or what is called "protection," prevents competition. That is what protection is for.

Mr. SCOTT. No.

Mr. HALE. If the Senator will bear in mind, it is protection which has enabled the manufacturer to produce his article and send it out to the public at a remarkably, I may say an amazingly, low price. There is no exaction; there is no undue contribution levied upon the public by the manufacturer. It is in the other stages—by the jobber and the retailer.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from California?

Mr. McLAURIN. Certainly.

Mr. FLINT. Mr. President, I am not prepared to say that there is any combination among the retailers of this country, but I am prepared to say that, in my opinion, the retail merchants of this country make a greater percentage of profit on their investment than is made in any other line of business in the country. It appears to me, when an article costs 41 cents to manufacture, and the retailer charges $3.60 for that article, there is something wrong; and it is not the protective tariff system.

As I have said, there are a number of articles to which I have called the attention of the Senate as to which the duty is not a factor in the price of the article. It is either the expensive way of conducting the store, the enormous sums spent for newspaper advertisements, the high salaries paid to the clerks and managers of the business, or whatever it may be; but, nevertheless, the more excessive prices charged to the consumer are not based on the price of the articles on leaving the factories.

The cost is added after that point. If we had in this country absolutely free trade on articles like Haviland china, the price would not be materially reduced, in my opinion, but it would be just as it is to-day, charged with $25 profit on a set where the article costs about $11 a set.

If the Senator believes there is a combination of the retail stores throughout the country——

Mr. McLAURIN. I have denied that.

Mr. FLINT. I am not prepared to say whether or not it is true; but the Senator can find out whether it is so by going to any store in his own State and buying an article such as glassware, crockery ware, gloves, or cutlery. If he will bring that article to me, I will show there is upon it a profit of from 70 to 100 per cent between the cost at the port of New York and the price at which it is sold to the consumer.

Mr. McLAURIN. Mr. President, I rose to deny the very proposition that there was a trust or combination between those people; but there can be no way in the world to account for any opportunity they have for extortion except upon the assumption that there is a trust, because otherwise these people could not extort. If you have a dozen merchants in a little town like the one in which I live, and they are all retailing, unless they have some combination or understanding amongst themselves they can not afford to sell at any extortionate price for the reason that if A goes into B's store and B does not sell him at a reasonable profit, he will go into some other store, until he finds a merchant who will sell to him at a reasonable profit. I do not believe, as the Senator from California has said, that there is any excessive profit made by the retail dealer. There are some cases where the profit is high. You take, for instance, ready-made clothing. The retail merchant buys a stock of ready-made clothing, and he must retail it. If he sells, out of a dozen suits of ready-made clothing that he has bought, four or five of them and has the others left on his hands, it takes off the profit on the balance of them.

He has to raise the price of them higher; he has to find a man whom that particular suit of clothing will fit. So with other articles of apparel. But that is not so with reference to calico or to worsted, nor is it so with reference to groceries. A man has 50 or 100 barrels of flour. When he sells to a customer a barrel of flour he does not have to fit him. He has the flour there, and the customer goes and buys the flour, and the balance left is just like it. There is no hard stock on his hands with reference to flour, meat, lard, or groceries, as there is with reference to clothing. So the retail merchant does not practice extortion upon the people. The retail merchant buys from the jobber, and the jobber buys from the manufacturer. The manufacturer, if he is allowed to raise the price of his goods 60 per cent by reason of the tariff on them, when he sells $100 worth he is going to sell them for $160. The jobber has to pay him not only the profit on the $100 which he has invested, but he has to pay him the profit on the $60 as well. So that that $60 enters into the amount as well as the $100. Then when the article comes to the retail dealer from the jobber, it comes in the proportion of 100 to 60 that he paid in the way of the tariff duty. It is like a ball of snow. You take a ball of snow and roll it, and every flake catches another flake, and that flake catches another, and so on ad infinitum, until you have a ball of snow as high as your head.

So it is when the overflow comes in the streams and you float down the trash. Every piece of trash catches another piece of trash, and it is accumulated in arithmetical progression. That is the trouble about this matter. These people do not practice extortion, but the tariff does enter into the price which the consumer pays at his door, and it cuts a considerable figure if it is a considerable tariff, and a small figure if it is a small tariff.

Mr. HALE. Let me ask the Senator a question. Take the item of tea, which has no tariff and the cost of which is not increased to an extortionate rate by a "robber protective-tariff system," but which is free.

Mr. McLAURIN. Fortunately for tea.

Mr. GALLINGER. No; fortunately for the consumer of tea.

Mr. HALE. But does the Senator know, or does he not know, that when tea is sold by the retailer in his State or in my State or in any other State, that it is advanced three and four and five hundred per cent beyond its cost when brought in here?

Mr. McLAURIN. I do not know that.

Mr. HALE. Well, but——

Mr. LODGE. There is no question about it.

Mr. McLAURIN. I take the Senator's word for it.

Mr. HALE. At what price does the Senator buy tea in his own town?

Mr. McLAURIN. I do not buy tea.

Mr. HALE. But somebody does.

Mr. McLAURIN. I buy coffee.

Mr. HALE. The same thing is true as to coffee.

Mr. LODGE. Tea that costs in New York 16 cents a pound landed and everything paid, is retailed for 60 cents a pound.

Mr. McLAURIN. That is nearly 400 per cent.

Mr. LODGE. It is about that; and there is no duty on tea.

Mr. McLAURIN. If you put a duty of 10 cents a pound on tea, then you will put tea up to a dollar, because they will put the same extortionate advance on the price. They will put on the duty.

Mr. LODGE. If you put a duty of 10 cents a pound on tea, you would find tea was selling at a dollar, instead of at 60 cents a pound; and the additional of 40 cents would be attributed to the tariff.

Mr. McLAURIN. Of course, that is what it would be. The tariff is the foundation of it. If you set a fire up in the hedge and it burns——

Mr. LODGE. The Senator was speaking of the profits of the retailer. It is a public fact, which has been shown over and over again, that tea landed in New York at 16 cents a pound is retailed at 60 cents a pound in this country, with no tariff duty upon it.

Mr. TILLMAN. Mr. President, I am very glad that the Senator from Maine [Mr. HALE] has introduced the subject of tea here, because I realize from what he has said that he has

been having interviews with some of the importers. I, too, have had one interview with them. I have also had some letters from one tea producer.

Mr. HALE. I want to say to the Senator——

Mr. TILLMAN. Now, just wait one minute—and as it is acknowledged by the Senator that we could obtain $10,000,000 by a duty of 10 cents a pound on tea, and it would not increase the cost of tea at all—so these importers tell me—why do we not pick up that $10,000,000 and give protection to this infant industry down in South Carolina, where there is one tea producer? There is a poor, little puling infant industry out in the piney woods at Summerville begging the United States for help and saying if tea can get a protection of 10 cents a pound it will be the pioneer in introducing into that southern country a great industry.

Mr. HALE. Let me say to the Senator——

Mr. TILLMAN. Will the Senator vote for it or will he have his committee report it favorably? I want to introduce the amendment. Now, I will join you. I want protection for that puling infant in South Carolina—the tea industry—and we shall get $10,000,000 by it, too.

Mr. HALE. Will the Senator yield to me?

Mr. TILLMAN. Certainly.

Mr. HALE. I have seen no importer of tea. I am merely using my everyday observation of what I see going on. No importer has knocked at my door and asked me for an interview.

Mr. TILLMAN. I thought the importers had been before the committee making their statements, copies of which they have sent to me, that if we would put 10 cents a pound on tea, the American people would get a better article of tea, instead of getting the refuse of the Chinese and other tea-producing countries, and there would be no increase in the price whatever.

Mr. HALE. If the Senator will be a little less boisterous——

Mr. TILLMAN. Mr. President, I do not see why the Senator complains of my boisterousness, when some other Senators have been cavorting around here and high horsing about as though they were in the circus which is in the city. [Laughter.]

Mr. HALE. I am not complaining about the Senator from South Carolina; I am not arguing the case of the importer; I am simply showing—and the Senator from Massachusetts [Mr. LODGE] has shown it more clearly than I—that the cost of this article, upon which there is no tariff, when it percolates through the country and is bought by the consumer at his fireside is 400 per cent larger than the cost at the port of importation, with no tariff duty, showing, as an unanswerable illustration, that the tariff duty which the Republican party is bound to put on, and will keep on, for the protection of the American manufacturer against foreign competition—and that competition has never invaded this country as it does now and will do for the next ten years—has nothing of account to do with the price that is paid by the consumer.

Mr. TILLMAN. Now, will the Senator from Mississippi allow me?

Mr. McLAURIN. Certainly.

Mr. TILLMAN. It has been one of the boasts—I will try to let my voice down just a little, because I do not want to interfere with the comfort of the Senator from Maine——

Mr. HALE. The Senator does sometimes almost stun me. [Laughter.]

Mr. TILLMAN. The only objection that I find to the Senator's complaint is that others who have been much louder than I have not stunned him at all. [Laughter.]

Mr. HALE. Perhaps I did not pay to them the attention which I am bound, from my long association with the Senator and the force of his remarks, to pay to him.

Mr. TILLMAN. I thank the Senator for the implied compliment, but I just want to ask him this: Is it not one of the boasts of the Republican party that they are the purveyors of the free breakfast table, and that you could not afford to put a duty on tea because it would increase the burdens of the people who drink it? Did not the Senator from Iowa the other day taunt the Committee on Finance with not daring to touch it?

Mr. HALE. Quite likely.

Mr. TILLMAN. And yet you did not find any fault with his loud voice. [Laughter.] Now, I ask the Senator again, Why not give me protection for this industry in South Carolina?

Mr. HALE. I think the Republican party, if the Senator believes that he has got a real industry——

Mr. TILLMAN. I have got a real industry. One man down there produces 15,000 pounds of tea.

Mr. HALE. If that can become a prosperous and leading contributor to the industries of the United States as against foreign competition—never so dangerous as now and as it will be in the next ten years—then the Republican party will adopt his bantling. I have no doubt of it.

Mr. TILLMAN. I can only assure you that this gentleman, Doctor Shepherd, who has been experimenting with tea culture for twenty years, has reached that point where, like all the others in this country who are seeking to increase their profits, wants enough protection to increase his price. He knows that as soon as he would get 10 cents per pound additional, it would raise the value of his tea. I do not believe in the doctrine which the Senator from West Virginia [Mr. SCOTT] and the Senator from California [Mr. FLINT] have promulgated that the tariff has nothing to do with the price, else why are these protected industries so clamorous, why are they burdening us with their petitions through the mails, and why were their committees and lobbyists in the House when this bill was pending there, and why are they in the Senate now, begging with tears in their eyes not to "touch mine?"

Mr. GALLINGER. They want to save their lives.

Mr. HALE. We do not want them driven out of business.

Mr. TILLMAN. Do not want them driven out of business?

Mr. HALE. And we do not mean that they shall be driven out of business.

Mr. TILLMAN. Nobody wants them driven out of business; but is anybody fooled by the proposition that the tariff does not increase the price?

Mr. FLINT and Mr. SMOOT addressed the Chair.

The VICE-PRESIDENT. To whom does the Senator from Mississippi yield?

Mr. McLAURIN. I was yielding to the dialogue between the Senator from Maine and the Senator from South Carolina.

The VICE-PRESIDENT. That seems to be concluded. Now, to whom does the Senator yield?

Mr. McLAURIN. The Senator from California [Mr. FLINT] first rose, and I yield to him. Afterwards I will yield to the Senator from Utah [Mr. SMOOT].

Mr. FLINT. Mr. President, the Senator from Mississippi [Mr. McLAURIN] a moment ago called attention to clothing. I have an illustration as to clothing, to which I thought I would call his attention, which shows, as I contend, that even with woolen goods the duty is not a factor in increasing the price to the consumer. I understand that the cost of the cloth, bindings, and finishings of all kinds of a $10 suit is about $2.25. Everything else in connection with it is labor. I will give as an illustration the very highest class of goods. I am told by the Senator from Utah [Mr. SMOOT], who is an expert on woolens and the woolen schedule, that there is probably not a Senator in this room who wears a piece of goods that has cost as much as this. I want to call the Senator's attention to what the cost of the very highest class English goods would amount to. A full suit takes about 3½ yards. At a cost of $2 a yard for the cloth, that would be about $7.50. The duty on that cloth would be $5.39. The total cost would be $12.89. I am advised that there is not a tailor in the city of Washington of high class who makes a suit to order of the character of goods referred to in this illustration——

Mr. McLAURIN. The Senator must have understood that I was not speaking about a suit made to order, because then every suit would fit. I was talking about "hand-me-downs."

Mr. FLINT. I will refer to "hand-me-downs," too, if the Senator will permit me to finish the illustration.

Mr. McLAURIN. Every suit would fit the man, so that there would have been no hard stock. The Senator can not illustrate my proposition by referring to the people who wear tailor-made suits.

Mr. FLINT. I realize that the Senator from Mississippi and myself do not indulge in tailor-made suits. The materials in a high-priced tailor-made suit that costs $12.89 to them would sell for $50 to $75 a suit. This same class of goods in the "hand-me-downs" to which the Senator refers costs from $30 to $40. Is the $5.39 duty that is charged on that piece of cloth to protect the American manufacturer a factor in the $30 or $35 that is paid to the clothing merchant for that suit of clothes, made from the very highest class of goods that is sold on the market?

Mr. McLAURIN. Will the Senator answer this question: How much is the tariff on the ready-made clothing when it is brought in here ready-made? That is the way to get at that; not what the cloth costs, but how much is the price of the goods when they come in or the price of the goods when they are sent to the retail merchant.

Mr. FLINT. The cost of the class of goods to which I refer is $12.89.

Mr. McLAURIN. That is, sold by the manufacturer?

Mr. FLINT. That is the cost of the cloth landed in this country.

Mr. McLAURIN. How much is the tariff on it?

Mr. FLINT. The tariff duty is $5.39 and the goods cost $7.50. It is the very highest class of goods put upon the market.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Georgia?

Mr. McLAURIN. I promised to yield to the Senator from Utah [Mr. SMOOT] next.

Mr. BACON. I want to give the Senator the figures.

Mr. McLAURIN. Very well.

Mr. BACON. On page 53, of this document furnished to us, the Senator will find the following:

Wearing apparel—Clothing, ready-made, and articles of wearing apparel, made up or manufactured, wholly or in part, not specially provided for—86.61 per cent.

The Senator wanted to know the ad valorem. It is 86.61.

Mr. McLAURIN. I am much obliged to the Senator from Georgia. Now I yield to the Senator from Utah.

Mr. SMOOT. I was going to refer to the question of why we want a duty if things are so very cheap here, as suggested by the Senator from South Carolina [Mr. TILLMAN]. Let me give one particular case that I know of; and I know of many such cases. Take oxalic acid. It has been manufactured in Germany for years and years. It was formerly sold to the American consumer here at 9 cents a pound. A few years ago some gentlemen thought that they could manufacture oxalic acid in this country and sell it for at least 9 cents a pound. It was free of duty at that time. A manufactory was established. They began the manufacture of oxalic acid, but just so soon as the American manufacturer placed oxalic acid on the market the Germans cut the price to 8 cents. The Americans still manufactured it; so the Germans cut the price to 7 cents, and then the manufacturers here commenced to struggle, and did not know how long they could last. The Germans then cut the price to 6 cents, and the manufactories of oxalic acid in this country were closed. Just as soon as they closed up the American manufactories and had the American market, the Germans advanced the price to 8 cents and to 8½ cents; and when the Americans again started to manufacture oxalic acid, the Germans ran the price down to 5¼ cents a pound until they closed them up. That is why in this bill we propose a duty on oxalic acid to protect the American manufacturer from the German manufacturer. I can see now from past experience in the manufacture of this one article that if a sufficient duty is not placed upon that article the Germans will produce it and charge the American people just as much as the American manufacturer could make it for and sell it in this country. That is only one case; but I can point to plenty, if you want them, right now.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN. Yes, sir; I yield for a question, but after that I should like to get back and go over the field and take up these interruptions.

Mr. TILLMAN. I will stick a peg or two here, if the Senator will stand by it. I want to say to the Senator from Utah that it is not on a little article like that where the trouble comes; it is not from that source that the complaints come. I agree that if there was a monopoly of the American market and the Europeans had no competition here whatsoever, they could practice extortion on us, but the theory of protection, when it began away back yonder, was that as soon as a duty was levied, enough to give the American manufacturers an opportunity to compete so that they would grow strong enough and the profit of the business due to protection would be such after a while as to promote competition and bring the price down, the competition in America would relieve us from oppression at home and abroad; but have we found that to be the case?

Do we not see that as soon as the American manufacturers have reached the point where they feel the competition of each other they combine and form a trust and then fix the price, because we have got a local monopoly protected by the tariff wall, and hence we have the steel trust and every other trust in America, almost, except the Standard Oil, which is not a trust in any way, but a monopoly, created by the genius and money and unscrupulous methods and railroad discrimination and all that kind of thing? The American consumer wants to get protection at home from the trusts, and so long as you keep this tariff wall between him and competition somewhere he is at the mercy of men like Carnegie and Schwab.

Mr. SMOOT. Mr. President——

Mr. McLAURIN. Will the Senator allow me just a few words? In a moment I will yield to him.

Mr. SMOOT. Very well; go right along.

Mr. McLAURIN. Just let me ask to make an interruption in my own speech. [Laughter.]

Mr. SMOOT. I beg the Senator's pardon. I do not want to interrupt.

Mr. McLAURIN. I will yield to the Senator in a moment.

Now, Mr. President, I will get back to where I was when this dialogue between the Senator from Maine and the Senator from South Carolina started. The Senator from South Carolina has said so many things in reference to this matter so much better than I could say them that it relieves me of a great deal that I was going to try to say.

As I said, I am not familiar with tea. Jocularly, I said a while ago that I did not buy tea. We use very little tea, and we use very little tea in our section, and I am not so familiar with it as I am with coffee, and if a tariff of 10 cents a pound on tea will not raise the price of tea to the consumer, I think it ought to be put on, because it will give us considerable revenue and thus relieve the Treasury.

While I am on my feet I am going to say that there is an amendment, as I recollect, introduced the other day by the chairman of the committee, putting a tariff of 5 cents a pound, I think it was, on coffee. Am I right about that?

Mr. TILLMAN. That is the maximum and the minimum, in the event of some other country discriminating against us.

Mr. McLAURIN. There is a tariff proposed on coffee of 5 cents a pound.

Mr. HALE. No; not to any schedule.

Mr. McLAURIN. I do not know whether it is to any schedule.

Mr. TILLMAN. It is permissible by the proclamation of the President.

Mr. HALE. That is another proposition.

Mr. TILLMAN. It is a double-barreled proposition.

Mr. McLAURIN. If I have any proper conception of its constitutional power, Congress can not delegate such power to the President.

Mr. HALE. That raises another question. There has been no amendment offered putting this article on the schedule at the rate of duty suggested.

Mr. McLAURIN. But there is a proposition to let the President put it on.

Mr. HALE. Oh, no.

Mr. McLAURIN. What is the amendment?

Mr. HALE. Let the Senator read it. It will tell its own story.

Mr. McLAURIN. I read it hurriedly the other day. What is the amount—5 cents a pound?

Mr. HALE. Five cents a pound.

Mr. McLAURIN. On what is that 5 cents? Is it not on coffee?

Mr. HALE. It is on coffee.

Mr. McLAURIN. Ten cents on tea and 5 cents on coffee?

Mr. HALE. That is only in relation to the maximum and minimum, affected by discriminations which foreign countries may put upon our products.

Mr. McLAURIN. But it may be put on coffee under this bill?

Mr. HALE. It may——

Mr. McLAURIN. By whom?

Mr. HALE (continuing). If there are discriminations made against us.

Mr. McLAURIN. By whom will it be put on?

Mr. HALE. By Congress.

Mr. McLAURIN. By an act passed here?

Mr. HALE. Certainly.

Mr. McLAURIN. Who declares whether it becomes effective and operative or not?

Mr. HALE. Congress.

Mr. ALDRICH. The President.

Mr. HALE. Congress declares it and leaves it to the President to settle the question of fact. That is all.

Mr. McLAURIN. There are two Senators answering. One Senator says the President, and the other Senator says Congress. The Senator from Maine says Congress, and the Senator from Rhode Island says the President.

Mr. ALDRICH. The President is the agent of Congress.

Mr. McLAURIN. I do not know of any constitutional power in Congress to appoint any agent to fix any tariff under any circumstances. But if that is so, the proposition is to put a tariff of 5 cents a pound on coffee under certain contingencies. Is not that true?

Mr. ALDRICH. I hope the Senator will not go into the maximum and minimum matter now.

Mr. TILLMAN. Do not raise the constitutional question.

Mr. McLAURIN. I am going to raise it.

Mr. ALDRICH. When we get to that, I will be glad to discuss it.

Mr. McLAURIN. Will the Senator deny that under certain contingencies, with that amendment a part of the bill, there can be and will be a tariff of 5 cents a pound on coffee?

Mr. ALDRICH. Unquestionably there will be. If any country producing coffee discriminates against us to an extent which in the opinion of the President creates a discrimination, then the Congress imposes a duty.

Mr. McLAURIN. That is what I was saying—that under certain contingencies there will be a tax of 5 cents a pound on coffee. When you put that 5 cents a pound on coffee—I have gotten that far, and I will proceed with my argument—which costs 8 cents a pound, do you tell me that it will not get to the consumer at a higher price than if the 5 cents a pound were off?

Mr. LODGE. It now costs 35 cents to the consumer, and it costs 8 cents to import it.

Mr. McLAURIN. Some kind which some people drink may cost 35 cents a pound, but the coffee that some others drink costs much less than that.

Mr. LODGE. No; I am speaking of the ordinary coffee. There is that margin of profit on the coffee sold.

Mr. HALE. It is a great question, whether it will impose upon the consumer a single cent of added cost to him.

Mr. DU PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Delaware?

Mr. McLAURIN. I do.

Mr. DU PONT. I merely want to say that the Senator forgets that the duty on coffee would not apply generally to all coffees, but only to the coffees that come from certain countries.

Mr. McLAURIN. It does not make any difference where it comes from, if a man has to pay it.

What I was going to say is that I have not looked at the price of coffee lately, but it has been but a little while since there was a certain brand of coffee that was selling to the people who are in such circumstances that they could not buy the highest grade of coffee, at 9 cents a pound by the retailer.

Mr. GALLINGER. That is not coffee at all.

Mr. McLAURIN. I know it was selling in my town at 9 cents a pound. I can not state exactly the time when it was selling at that figure, but it was some time ago.

Mr. ALDRICH. There would not be over 5 per cent of coffee in that mixture.

Mr. McLAURIN. I do not know the per cent of coffee, but it was coffee that people were compelled to use by reason of their inability to buy the finer qualities of coffee. A great many people were compelled to use it.

Mr. HALE. I do not think the Senator ever drank a cup of that mixture.

Mr. McLAURIN. I reckon I have. I have drunk all sorts of coffee.

Mr. TILLMAN. I desire to state to the Senator from Mississippi and the Senators from New England that any market report—for instance, the New York Commercial or the New York Sun—shows what coffee is sold for by the importers in the original bags as they come from Rio Janeiro or any other coffee-producing country. It is 6 to 8 cents a pound green, and, of course, when it is parched it loses, we will say, 25 per cent, which would add that much to its cost when it is parched. If it is ground——

Mr. McLAURIN. I am not talking about parched coffee. I am talking about coffee when it comes in.

Mr. TILLMAN. You were talking about green coffee, such as you and I have been buying all our lives, out of the original sacks as they come from Brazil. It costs 6 to 8 cents.

Mr. McLAURIN. I do not suppose that this bill proposes to put the duty on parched coffee, but on the coffee as it comes from a foreign country and is imported into this country. That is where the 5 cents comes in. I know the fact—I think I do, and if I am mistaken in it I will take great pleasure in correcting it, but I am pretty sure my recollection is not at fault in that—that coffee was selling at 9 cents a pound.

Now, do you tell me that if you put 5 cents on the coffee when it comes into this country it will not raise the price of the coffee, or if you put it at 12 cents or 15 cents a pound that it will not raise the price of coffee? I know I am within the limits when I say I have seen coffee sold at 11 cents a pound. Do you tell me that if you put 5 cents on that coffee it will not raise the price to the consumer? It is bound to do it.

Then, another thing. Nearly everybody in the country uses coffee. It has gotten to be so that it is not a luxury, but the poorest people in the country are compelled to have their cup of coffee for breakfast. Are you going to put a tax on that poor individual, who has to work from early morn to dewy eve, and then deny yourselves the luxury of paying an income tax?

Mr. ALDRICH rose.

Mr. McLAURIN. The Senator, I suppose, rose to interrupt me?

Mr. ALDRICH. I rose simply for the purpose of recalling the Senator, if I could, to the discussion of the paragraph now under consideration.

Mr. McLAURIN. I was drawn off from that by the Senator from Maine, who is always interesting, and I like to follow him in any discussion, wherever he may go. Then I was drawn off again by the Senator from California, and I believe I will take him up right now. That Senator says that the wholesale price of a suit of clothes is $12.

Mr. FLINT. Twelve dollars and eighty-nine cents.

Mr. McLAURIN. Twelve dollars and eighty-nine cents; and by the time it gets to the consumer it is $30.

Mr. FLINT. The ready-made suit is $30; the very lowest.

Mr. McLAURIN. Does the Senator undertake to say that in two jumps, first to the jobber and then to the retailer, it has gone up to the consumer from $12 to $30?

Mr. FLINT. The difference in it represents the profits and the wages paid to American workingmen.

Mr. McLAURIN. There are no wages paid to American workingmen in selling it, except to the clerks.

Mr. FLINT. The manufacture of the cloth into the suit.

Mr. McLAURIN. The wholesale price for this suit of clothes, I understand, at which the manufacturer sells it to the jobber, is $12.89.

Mr. FLINT. The cost of the cloth in the suit is $12.89.

Mr. McLAURIN. Oh! I want to know what is the cost of the suit of clothes when it goes from the manufacturer to the jobber. What is the cost of the suit of clothes?

Mr. FLINT. From whom?

Mr. McLAURIN. From the manufacturer to the jobber.

Mr. FLINT. The difference in the cost of manufacture is simply a question of the amount paid for wages to American workingmen and the difference in the amount of labor and the character of the manufacture of each suit. In the ready-made suit it is a matter of making 100 or 200 of the same kind, and with the suit made to order it is a matter of one suit, and it is all represented in the question of labor.

Mr. McLAURIN. There is no labor in the sale to the retailer by the jobber or in the sale by the retailer to the consumer. The Senator, instead of taking the suit of clothes that is sold by the manufacturer to the jobber and basing his profit on that, goes back and takes the cloth that is put in it and estimates the amount of labor put in it. That is not the way to get at the profit made by the jobber and by the retailer. It does not measure the profit that is made by the retailer and the jobber. The Senator was talking about the amount of profit that the retailer and the jobber make. That is not taken into account in the amount of profit made by the retailer and the jobber. The Senator is entirely off on that.

Now, it is utterly impossible to conceive how it can be that the protectionist wants for his factory a tariff that will allow him to raise the price of his goods to the jobber, or to the retail merchant, or to whoever buys it, and yet that does not come out of the consumer. It is utterly impossible to believe that. It used to be the doctrine of the protectionists that the foreigner paid the tax in this country. They have abandoned that now. You never hear from any intelligent protectionist now that the foreigners pay the tax in this country. They have all left that, and say there is not any trouble; that the consumer does not pay it, that the foreigner does not pay it. Does the jobber pay it? Does the retail merchant pay it? Somebody is bound to pay the tariff. It does not drop from the sky, and besides if you are going to raise your extortionate tariff so high as to prohibit the importation of foreign goods into this country, what is the use of talking about a tariff for revenue? You cut off all communicaton with foreign countries; you cut off all importations into this country. You get no revenue. Where are you going to get your revenue?

But I have taken up more time than I intended when I took the floor, and I would have been through with what I intended to say long ago had it not been that I was diverted by these interruptions, which have taken me, as the Senator has well said, far off from the schedule which we were discussing.

Mr. LODGE. Mr. President, I merely want to call attention——

Mr. TILLMAN. Will the Senator allow me?

Mr. LODGE. It is not in reference to this matter. I merely wish to call attention to an example as to where the duty is al-

ways added to the cost of the article. One example is as good as a dozen. This happens to be a clear one.

The article saccharine, which is a coal-tar product, cost, in 1895, $47.06 a pound. Owing to improved methods of manufacture and discoveries, it fell in 1896 to $6.02 a pound, in 1897 to $5.05, in 1898, after the Dingley rate was imposed, to $3.72. Up to the time of the Dingley tariff the duty was 25 per cent ad valorem. Under the Dingley tariff a specific duty of $1.50 a pound and 10 per cent ad valorem were put upon it. The price then was $3.72; then $3.83 in 1898.

Mr. McLAURIN. What commodity is that?

Mr. LODGE. Saccharine. It has fallen steadily from that time until to-day it is selling at 72 cents a pound. The specific duty alone is $1.50; it has not been changed; but the article has gone steadily down until it is now selling at 72 cents a pound. As I have said, the specific duty alone is $1.50, and where is it added?

Mr. McLAURIN. What is the necessity of a specific duty of $1.50 a pound if it is selling for 72 cents a pound?

Mr. LODGE. We have reduced it, of course.

I merely want to call the Senator's attention to the fact that under the protective tariff that article has decreased steadily in price, and it is now 72 cents a pound. When the duty was put on, it was $5.05 a pound. It has fallen to 72 cents a pound under the operation of the duty and the development of home competition. If you develop an industry in this country, you add to the world's competition. If you extinguish an industry in this country, the world's competition is just so much less.

Domestic competition has reduced that article of saccharine from $5.05 a pound to 72 cents per pound. Of course the duty, being specific and ad valorem, has increased enormously, owing to the reduction of price. But the fact remains that the duty has not only not been added, but that we are getting for 72 cents what we paid $5.05 a pound for when the duty was put on.

Mr. McLAURIN. The argument of the Senator from Massachusetts has the fallacy of all protective arguments, and that is that it proceeds upon the idea of post hoc, propter hoc, a logic that is not worth anything in the world.

Mr. LODGE. That is all right, but it does not get rid of the facts.

Mr. McLAURIN. The facts have nothing to do in a thousand instances. The facts are that whenever you have competition you have a low price for an article.

Mr. LODGE. But the price was higher under the low duty than under the high duty. Where does the consumer suffer?

Mr. McLAURIN. If that be true, then there is no necessity for the high duty, unless the Senator from Massachusetts wants to break down all the industries, because their idea is to put up a high tariff in order to protect the industry. Now, if a lower——

Mr. LODGE. The duty is needed to develop the industry.

Mr. McLAURIN. But if a lower duty will develop it better than a higher duty——

Mr. LODGE. It has developed it. The result is that instead of the consumer paying $5 to the foreigner he now pays 72 cents. What difference does the duty make? You can make it anything you want. The importer can not pay $1.50 specific duty per pound when it costs only 72 cents.

Mr. McLAURIN. Here is the woolen schedule. Let us take the facts on that.

Mr. LODGE. I am glad the Senator goes off on the woolen schedule.

Mr. McLAURIN. I am as much entitled to go off on the woolen schedule as the Senator is to go off on saccharine.

Mr. LODGE. That is all right. It is an easier one to deal with.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. McLAURIN. Certainly.

Mr. GORE. I want to ask the Senator from Mississippi not to direct the attention of the Senator from Massachusetts to the woolen schedule until the Senator from Massachusetts states how high the duty would have to be on the article to which he has referred until the consumer would get it for nothing. That seems to be the tendency of his argument.

Mr. McLAURIN. I thank the Senator from Oklahoma for the suggestion. I should like to hear the Senator from Massachusetts answer it.

Mr. LODGE. I did not hear the question.

Mr. McLAURIN. The question of the Senator from Oklahoma to the Senator from Massachusetts was, How high would the duty on saccharine have to be before the consumer could get it for nothing, if the higher the duty the cheaper the article?

Mr. LODGE. The height of the duty has nothing to do with it at present, because the duty is twice the value of the article, the duty having been established when it was $5.05 a pound. I can predict exactly what would occur if the duty were taken off and domestic competition destroyed.

Mr. McLAURIN. What is the duty now?

Mr. LODGE. The duty now is $1.50, and it was in 1897.

Mr. McLAURIN. What is the duty as proposed in the bill as it comes from the Senate committee?

Mr. LODGE. I was going to turn to it and tell the Senator just what the duty is on saccharine.

Mr. CULBERSON. Seventy-five cents.

Mr. McLAURIN. Seventy-five cents, the Senator from Texas says.

Mr. LODGE. It has been cut in two.

Mr. McLAURIN. If it is being sold here for 70 cents, what is the necessity for a duty of 75 cents?

Mr. LODGE. It is being sold for 72 cents.

Mr. McLAURIN. Seventy-two cents. Then a duty of 75 cents is absolutely prohibitory. I should like to ask the Senator from Massachusetts if he supposes that a duty of 5 cents a pound on coffee would ever reduce the price of coffee below what it is now?

Mr. LODGE. I certainly do not, because we grow no coffee in the United States. Therefore there can be no domestic competition.

Mr. McLAURIN. Then there can be but one result—to raise the price of coffee to every coffee drinker in all this country, and as the poorer class of people—the laboring people—drink about as much coffee as the wealthiest—the millionaires—they will pay nearly all of the tax that we raise from coffee.

Mr. LODGE. The country which follows the Democratic doctrine and has a strict revenue tariff imposes a duty both on tea and coffee. That is England.

Mr. McLAURIN. This country does not impose——

Mr. LODGE. I say England does, with free trade.

Mr. McLAURIN. The Democratic party never imposed any tariff on coffee, and as for England, I do not think the Democratic party can be accused of following the course of England half as much as the Republican party, and especially the Senator from Massachusetts. And on tobacco, are you going to reduce the price of tobacco by a tariff on it? Nearly all the laboring men of this country use tobacco, and you put a high tariff on that. Are you going to reduce the price of tobacco by a duty on it?

Mr. LODGE. Tobacco and spirits have always been considered in every country a proper subject of excise and taxation, because no man need use them unless he wants to.

Mr. McLAURIN. I do not use tobacco, fortunately for me.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from South Carolina?

Mr. McLAURIN. I do.

Mr. TILLMAN. I have here the amendment to which the Senator from Mississippi alluded, providing for a tax on coffee unless the President shall by proclamation declare there is no undue discrimination.

I also have the prices of coffee to the jobbers in New York. Rio, which is the coffee most generally used, sells at from 6 to 9 cents; Java, Mocha, and the other finer grades range from 13 to 20 cents. If the Senator wants to insert them——

Mr. LODGE. What do they retail for?

Mr. McLAURIN. I will ask that they be inserted in the RECORD without taking the time to read them.

The PRESIDING OFFICER. Without objection, it is so ordered.

The matter referred to is as follows:

After section 1 insert a new section, as follows:

"SEC. 2. That from and after the 31st day of March, 1910, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section 1 of this act, and in addition thereto 25 per cent ad valorem; and there shall also be levied, collected, and paid the following rates of duty on articles upon the free list in said section 1, viz: On coffee, 5 cents per pound; on tea, 10 cents per pound; which rates shall constitute the general tariff of the United States: *Provided*, That whenever and so long as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products

thereof, and that such foreign country imposes no export bounty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, then, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section 1 of this act."

Brazil grades.

[Quotations are for invoice lines.]

RIO.

	Cents.
3s	9
4s	8½
5s	8½
6s	8¼
7s	8
8s	7½

SANTOS.

3s	9¼
4s	9
5s	8½
6s	8⅜
7s	8
8s	7½

Roasted Brazil package coffee.

	Cents.
Ariosa brand, net	16½
Lion brand	13
Cordova and Eagle brand, net	13½

Mild grades.

EAST INDIA.

	Cents.
Mocha	14@16

LIBERIAN.

Java	13@14½

Mr. McLAURIN. I wish to say one word in reference to what the Senator from Massachusetts said, that nobody needs to use tobacco. Nobody needs to use bacon, or beef, or venison, or any particular edible. But tobacco has become a necessity with probably three-fifths and maybe four-fifths of the people, of the men of this country, and they are the people who do the work and who develop the country.

Mr. ALDRICH. I should like to ask what is the pending question. I think paragraph 97 has been agreed to.

The PRESIDING OFFICER. Paragraph 97 was passed over.

Mr. CUMMINS. We have not reached paragraph 97.

Mr. ALDRICH. I think so.

Mr. CUMMINS. I have been watching pretty carefully. The discussion hitherto has been about paragraphs 95 and 96.

Mr. ALDRICH. I think 96 has been agreed to.

The PRESIDING OFFICER. Paragraph 96 has been agreed to.

Mr. CUMMINS. I have an amendment to offer to paragraph 97.

Mr. KEAN. Let it be read.

Mr. LODGE. Paragraph 97?

The PRESIDING OFFICER. The Senator from Iowa offers an amendment, which will be stated.

The SECRETARY. In line 3, page 26, strike out the words "one and three-eighths cents" and insert "one and one-eighth cents;" in line 5 strike out the word "seven-eighths" and insert in lieu "one-half;" in lines 6 and 7 strike out the words "two and three-eighths" and insert "two;" in line 9 strike out the word "six-eighths" and insert "two-eighths;" in lines 10 and 11 strike out the words "three and two-eighths" and insert "two and seven-eighths;" in line 12 strike out the words "six-eighths" and insert "one-eighth;" and in line 13 strike out the words "four and two-eighths" and insert "three and one-half."

Mr. CUMMINS. Mr. President, this paragraph, as all Senators know, relates to the ordinary common window glass of the country. I desire to admit at the outset that the price of American-made window glass in the United States is very low. I do not believe the users of window glass are paying any more for it than they ought to pay. In other words, I do not believe that the manufacturers of common window glass are making more than they ought to make. There is at the present time the keenest and the most general competition among the manufacturers of window glass, and that competition has reduced the price of glass to the lowest profitable point, as I understand the subject. Nevertheless, I believe that the duties now imposed upon window glass, and which are reenacted in the bill as reported by the Senate committee, are altogether too high, and are easily beyond any future result in imposing upon the consumers of this commodity an unwarranted price for it.

I desire to call the attention of the Senate to a table I have in my hand, and which I have verified and have reason to believe states the case accurately. Upon glass of the smaller size, namely, not exceeding 10 by 15, the duty as proposed by this bill, which I understand is the duty of the Dingley law, is 72 cents per box. I have reduced these duties to boxes in order that the subject might be more easily understood. We all know that there are substantially 50 pounds in a box. The duty is 72 cents upon the smaller size. The selling price in the United States at this time is $1.14. The foreign cost at this time is 89 cents. If the duty were added to the foreign cost the box would be worth in this country, without taking into consideration the difference in freight, $1.61, whereas it is being sold at $1.14.

Upon the next size the duty is 98 cents. It is being sold everywhere now at $1.20. If the duty were added to the foreign cost it would be $1.93; and so on through this table, which I will ask leave to have inserted in my observations upon this subject.

The table referred to is as follows:

All prices per box of 50 square feet.

	Foreign cost at Antwerp (without duty).	Duty at proposed Payne-Aldrich rates.	Foreign price and duties.	Selling price, American-made glass.
SINGLE THICK.				
Not exceeding 10 by 15	$0.89	$0.72	$1.61	$1.14
Exceeding 10 by 15, not exceeding 14 by 20	.95	.98	1.93	1.20
Exceeding 14 by 20, not exceeding 16 by 24	.95	.98	1.93	1.26
Exceeding 16 by 24, not exceeding 20 by 30	1.23	1.24	2.47	1.32
Exceeding 20 by 30, not exceeding 24 by 30	1.32	1.24	2.56	1.35
Exceeding 24 by 30, not exceeding 24 by 36	1.32	1.44	2.76	1.40
Exceeding 24 by 36, not exceeding 30 by 40	1.40	1.70	3.10	1.51
Exceeding 30 by 40, not exceeding 30 by 50	1.53	1.96	3.49	1.73
Exceeding 30 by 50, not exceeding 30 by 54	1.65	1.90	3.61	1.88
DOUBLE THICK.				
Not exceeding 10 by 15	1.24	1.10	2.34	1.51
Exceeding 10 by 15, not exceeding 14 by 20	1.33	1.50	2.83	1.65
Exceeding 14 by 20, not exceeding 16 by 24	1.33	1.50	2.83	1.77
Exceeding 16 by 24, not exceeding 20 by 30	1.85	1.99	3.75	1.97
Exceeding 20 by 30, not exceeding 24 by 30	1.78	1.90	3.68	1.99
Exceeding 24 by 30, not exceeding 24 by 36	1.78	2.20	3.98	2.02
Exceeding 24 by 36, not exceeding 30 by 40	1.91	2.60	4.51	2.17
Exceeding 30 by 40, not exceeding 30 by 54	2.10	3.00	5.10	2.37
Exceeding 30 by 54, not exceeding 30 by 60	2.28	3.00	5.28	2.42
Exceeding 30 by 60, not exceeding 30 by 64	2.77	3.00	5.77	2.62
Exceeding 30 by 64, not exceeding 30 by 70	3.24	3.00	6.24	2.68
Exceeding 30 by 70	3.87	3.00	6.87	3.19

Mr. CUMMINS. The conclusion that I reach from it is that, generally speaking, the duties are almost as great as the selling price. I take it for granted that the selling price at the present time is not below cost, with at least a small profit added. It seems to me that we ought not to give this industry the opportunity to combine and raise the prices to an unreasonable point by interposing duties that are excessive as compared with the foreign cost and the home cost.

I notice in the hearings before the House committee one of the first bits of evidence is a letter from the W. R. Jones Glass Company, of Morgantown, W. Va. I do not know this company; I do not know Mr. Jones; but I take it for granted that he knows something about the subject of which he speaks. Although he is a manufacturer of window glass, he suggested to the Ways and Means Committee of the House a reduction of these duties below the point I have asked in the amendment I have just offered. I will take the liberty of reading that portion of his communication to the House committee. He says:

MORGANTOWN, W. VA., *November 30, 1908.*

HON. SERENO E. PAYNE,
Chairman Ways and Means Committee,
Washington, D. C.

DEAR SIR: In your favor of the 26th, a reply to my letter of the 24th, you infer that the committee would be glad if I would send them a statement showing the cost of manufacturing window glass in this country and Europe, and especially the labor cost, and also the relative freight rates.

As to the actual cost of labor in Europe, we are unable to give you the exact figures. We can only give it to you as we understand and learn it from workmen that have worked in Belgium and other countries and are now working for us.

Mr. SCOTT. What volume is the Senator reading from?

Mr. CUMMINS. I am reading from the tariff hearings on earthenware and glassware, Schedule B, page 1123.

Mr. SCOTT. Thank you.

Mr. CUMMINS. Mr. Jones continues:

A former manufacturer, who carefully investigated the costs some years ago in Europe, informed me that the cost of raw material and fuel for the manufacture of window glass is as cheap in this country as in Europe, and in that respect foreign manufacturers have no ad-

vantage over us. But their system of manufacturing is very different from ours, and their cost of labor much less than the hand blowing in this country.

We learn from intelligent Belgian workmen now employed by us the labor cost in their country, and we figure that the labor cost of the average-size 50-foot box of window glass, 24 by 30, in Belgium would be about 44 cents. The labor cost for the same size, single, at the present skilled scale now in force in this country would be $1.06. The larger the size of glass the greater the cost in this country.

As to freight rates, we are informed that window glass is used largely as ballast in ships, and can be put on the docks at New York and Boston at a lower freight rate than manufacturers in this country can do.

These are his premises, and I certainly think that they must be adopted by those who are in favor of equalizing the cost abroad and the cost at home. It states the case as strongly for the manufacturer as I think it can fairly be stated. Now, mark what this manufacturer suggests to the Ways and Means Committee of the House. I continue to read:

In reference to lowering the tariff rate on common window glass, I would suggest——

Mr. ALDRICH. From what page is the Senator reading?

Mr. CUMMINS. I am reading from page 1123 of the House committee hearings upon Schedule B:

In reference to lowering the tariff rate on common window glass, I would suggest in the reduction of the rate that is known as the "Dingley" tariff—Schedule B, section 101, as follows:

Sizes not to exceed 10 by 15, reduce from 1¾ cents per pound to 1 cent.

I have not asked so great a reduction in my amendment—

Sizes not to exceed 16 by 24, reduce from 1¾ cents per pound to 1¼ cents.

Again, I have not asked so great a reduction as this manufacturer says can and ought to be made. I will not read the various prices or sizes, because in each instance I have added something to the duty which this manufacturer insists should be imposed upon glass. He then continues:

The duty to be computed according to the actual weight of glass; every invoice of glass to be put on the scales and weighed, and the weight of the boxes to be deducted therefrom. We find the weight of the empty boxes to be as follows:

Then he recites the weight of the empty boxes.

Yours, very truly, W. R. Jones Glass Company, W. R. Jones, President.

I assume that this manufacturer has not understated the difference between the cost of manufacture at home and abroad. I assume that he has not consented to or suggested a greater reduction in duties than can well be sustained by this industry. This conclusion of the manufacturer from Morgantown is corroborated by the fact I originally called to the attention of the Senate, namely, that the selling price of glass, as compared with the duty on glass, must prove conclusively to any person that this duty is greatly in excess of the amount necessary to compensate the manufacturer.

Now, so long as there is competition at home—keen, effectual competition—it makes no difference what the duty is. I agree to that. I do not think it would make any difference at the present moment if there was a duty of a dollar upon glass instead of the amount that is named in this bill. Why? Because the competition among our own producers would reduce the price of the commodity to a fair American level, and that is all that we desire.

Why, then, should there be any attempt to reduce the duty? I answer my own question thus: If this industry should combine, as many industries have, and eliminate or extinguish the force of competition, then the price would be raised to an unduly high point, without any opportunity for foreign competition to operate upon this field of business.

That is the only reason why we ought to be careful with regard to the extent of duty imposed upon any article. If we have an abundance of raw material, and if we can preserve competition at home, I am perfectly willing always to take the American price, and my insistence at this time, just as it has been at former times, just as it will be throughout these entire schedules, is to see to it that the duty shall not be unreasonably high, lest, competition having been eliminated from the business, the article can be raised high above a fair American price.

There is no man here who can look at the table I have presented and reach any other conclusion. Allow me to supplement what I have said as to some of the conclusions from this table. If Belgian glass were selling in this country for the American cost——

Mr. ALDRICH. Will the Senator permit me to ask him what he is reading from?

Mr. CUMMINS. This table.

Mr. ALDRICH. No; the statement the Senator is reading—from what book?

Mr. CUMMINS. I am reading from a pamphlet; that is, the table is from a pamphlet.

Mr. ALDRICH. What is the pamphlet?

Mr. CUMMINS. It is entitled "The Tariff on Glass."

Mr. ALDRICH. It is by whom?

Mr. CUMMINS. I am unable to say. It is signed by Semon Bache & Co.

Mr. ALDRICH. Those are New York importers?

Mr. CUMMINS. I think they are partially importers. They are not, therefore, to be discredited, I hope. The table I have read is either true or false. Does the Senator from Rhode Island say that glass not exceeding 10 by 15 is not now being sold in the American market at $1.14 cents?

Mr. ALDRICH. I will say to the Senator that in 1907 there were 16,000,000 pounds of glass of this particular kind imported into the United States, which paid 1¾ cents a pound duty.

Mr. CUMMINS. I will reach that phase of the matter before I shall have concluded. The statement made by the Senator is precisely right, save in one respect. I say there has not been a pound of glass imported precisely like the glass I am now considering, and the Senator can very easily verify what I say by referring to the foreign value of the glass imported, a greater value than window glass, as common, ordinary stock, glazing window glass, has been selling in this country for three years.

Mr. ALDRICH. It is barely possible there are some grades of window glass that might be selling for one-quarter of the cost. That does not change the fact as to this particular clause in this particular paragraph, covering glass 10 by 15. Under the provisions of that clause there were imported in 1907, 16,000,000 pounds, which paid 1¾ cents duty.

Mr. CUMMINS. I will come to that phase of the question presently.

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Wisconsin?

Mr. CUMMINS. With pleasure.

Mr. LA FOLLETTE. Not to interrupt the Senator, but right on that point, I notice what appears to be a discrepancy between the table furnished by the committee and the book of Imports and Duties. The figures the Senator from Rhode Island has quoted, are quoted correctly from that table; but I notice what appears to be a discrepancy between that table and the table given in Imports and Duties, on page 447.

Mr. ALDRICH. What is the number of the table? Nineteen hundred and nineteen is the number of the table.

Mr. LA FOLLETTE. Nineteen hundred and twenty-seven is the number of the table that I thought applied.

Mr. ALDRICH. Oh, no; 1919 is the one that covers this paragraph.

Mr. LA FOLLETTE. What does 1927 cover, if it does not cover this paragraph?

Mr. SMOOT. Cylinder, crown, and common window glass, unpolished.

Mr. LA FOLLETTE. It covers "cylinder, crown, and common window glass, unpolished"——

Mr. ALDRICH. "When bent, ground, obscured, frosted," and so forth.

Mr. LA FOLLETTE. That is right. I had overlooked that.

Mr. CUMMINS. I will reach in a very few minutes the suggestion made by the Senator from Rhode Island with regard to the imports of glass. I want to deal with this question in an absolutely fair spirit. I am not here for the purpose of giving the importer of glass or the foreign manufacturer of glass any advantage over our own. I marvel that in every question that is propounded to me from that quarter there is the suggestion that I want to overthrow an American industry. There is no such object in my mind, no such purpose in my heart.

Mr. ALDRICH. I want, then, to call the attention of the Senator from Iowa to the fact that he overlooked the statements in the House hearings that suggested an increase of these rates by the window-glass workers, and he took the only statement contained in any of the hearings I have ever seen of somebody who wanted a reduction.

Mr. CUMMINS. The statement that I read was made by a manufacturer of window glass.

Mr. ALDRICH. And if the Senator had looked on the same page——

Mr. CUMMINS. I understand that.

Mr. ALDRICH (continuing). Of the same hearing he would have found that the National Window Glass Workers, the men engaged in this business, not only object to a decrease, but ask strenuously for an increase. I will have their testimony read after the Senator is through with his remarks.

Mr. CUMMINS. I shall be very glad to have their testimony read. It is touching and delightful to find everybody in this Chamber at this time so solicitous for the welfare of our work-

ingman. That is one point, at least, upon which we have no difference of opinion now. I trust that as we will in the coming session pass to other subjects that relate to the welfare of the laboring men we can unite in the same way and with the same concord we are now uniting.

I return to this proposition, and ask, not only the Senator from Rhode Island, but any other Senator here, whether it be or be not true that common, ordinary, neither better nor worse than usual window glass of a size not exceeding 10 by 15 inches is now selling in the markets of this country at $1.14 a box? I take it that is true. I have taken some pains to verify generally this table.

Mr. ALDRICH. Does the Senator say that is the price in the foreign port?

Mr. CUMMINS. I do not. I read the foreign cost.

Mr. ALDRICH. I was going to ask——

Mr. CUMMINS. The foreign cost of that same box of glass is 89 cents. That is the cost abroad, not including freight or other transportation charges. But if you add the duty——

Mr. ALDRICH. How much does the Senator say the duty is?

Mr. CUMMINS. Eighty-nine cents.

Mr. ALDRICH. No; what is the amount of duty?

Mr. CUMMINS. I am speaking about the duty that would be paid on a single box of that glass.

Mr. ALDRICH. How much would the Senator say it is?

Mr. CUMMINS. I beg pardon; it is 72 cents.

Mr. ALDRICH. Then, the cost of importation is 89 cents?

Mr. CUMMINS. The foreign cost is 89 cents.

Mr. ALDRICH. The duty is 72 cents.

Mr. CUMMINS. The duty is 72 cents; so that, without counting in the freight or other transportation charges, the cost of that foreign box of glass laid down on the wharves at New York would be $1.61.

Mr. ALDRICH. And the same glass sells in the United States for $1.14?

Mr. CUMMINS. For $1.14.

Mr. ALDRICH. Will the Senator tell me who could import 16,000,000 pounds of that precise glass and pay 72 cents duty and sell it in this country in competition with glass at $1.14?

Mr. CUMMINS. No one has.

Mr. ALDRICH. What is this glass that is imported?

Mr. CUMMINS. It is a different kind of glass.

Mr. ALDRICH. It is covered by this same clause?

Mr. CUMMINS. It is covered by the same schedule.

Mr. ALDRICH. It is covered by the same clause the Senator proposes to reduce, is it not?

Mr. CUMMINS. I propose to reduce the duty on common window glass.

Mr. ALDRICH. It includes the specific article the Senator is now talking about, does it not?

Mr. CUMMINS. It would include every article I am talking about.

Mr. ALDRICH. Undoubtedly; and the importation, instead of being 16,000,000 pounds, would be how much, would the Senator conjecture?

Mr. CUMMINS. The importations would be no more than at the present time, as I will show you definitely and conclusively in a very few minutes.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Do I understand the Senator to say that there were not 16,000,000 pounds of common window glass, 10 by 15 inches square, imported in the year 1907?

Mr. CUMMINS. There were substantially the number of pounds mentioned by the Senator from Utah, as shown by this schedule, imported under this paragraph. What I have endeavored to say more than once is that the glass so imported is not in competition with the ordinary window glass used generally throughout the United States for the building of moderate homes. It is a superior quality and kind of glass which the manufacturers of this country have not attempted to make or supply the demand for.

Mr. SMOOT. And still it is ordinary, common window glass?

Mr. CUMMINS. It is sold as window glass, but sold at a very much higher price than the market price for the window glass manufactured generally in the United States.

Mr. SMOOT. I notice the value of it here given is 3.3 cents a pound.

Mr. CUMMINS. Precisely. The value of that glass abroad is almost twice as much as the average price of glass sold in the United States, I mean of domestic manufacture.

Mr. SMOOT. How many pounds of glass are there in a box?

Mr. CUMMINS. There are about 50 pounds in a box of single thick, and about 82 pounds, I think, in a box of double thick.

Mr. SMOOT. We are talking about common glass.

Mr. CUMMINS. I am talking about single thick.

Mr. SMOOT. The average value of that glass, of the whole 16,000,000 pounds, was only 2 cents a pound, and 50 pounds would be $1.50 a box.

Mr. CUMMINS. What of the smaller size, if we turn to that part of it? I have endeavored very solicitously to make this presentation in a somewhat logical order; but I have no objection to going over this table with the Senator from Utah. I find that of the glass imported under the classification of cylinder, crown, and common window glass, unpolished, not exceeding 10 by 15 inches, the average value abroad was 3.3 cents per pound. That, as you will observe, would be before it reached the American wharf. That would be double the price at which common window glass of that size has been and is being sold in the United States. You can not say, I am sure, that under those conditions the glass from abroad came into competition with the glass manufactured at home.

Mr. SMOOT. Let me ask the Senator if this would not be the result of his amendment: He has asked that the present rate of duty, 42 cents, be reduced. Would not the result be that not only this higher price glass, which he claims comes under this clause, would come in, but would it not also let the common window glass in at the same time that the Senator says is now not imported?

Mr. CUMMINS. Not at all, because it is still sufficiently high to prevent the importation of the common sort of window glass until the American price should be increased 30 or 40 per cent above the price at which it is now being sold.

Mr. SMOOT. Does not the Senator believe that to-day the manufacturers of common window glass are virtually selling their product at cost, and in some instances below cost?

Mr. CUMMINS. Mr. President, I began what I had to say, if I may be permitted to remind the Senator from Utah, with the statement that I believed that the price was as low, if not lower, than it ought to be. I do not believe that the manufacturers of window glass are making a great profit in their business at the present time.

Mr. SMOOT. Mr. President, I desire further to say as to the glass manufacturers that not only for the years 1907 and 1908, but for the last ten years, I have noticed that on all of the smaller sizes, not only of common window glass, but of plate glass as well, the statements from the companies—and I have examined their books—were that they had absolutely lost money on the small sizes.

Mr. CUMMINS. Mr. President, I fancy that the same argument which would apply to plate glass would not probably apply with its full force to common window glass. We have not reached the plate-glass paragraph, and I will defer any observations which I have to make upon that subject until we reach that paragraph.

Mr. SCOTT. Will the Senator yield to me for just a moment?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. Certainly.

Mr. SCOTT. In reference to the quotation of my friend Jones, of Morgantown, you must remember that in West Virginia we have advantages which they have nowhere else. Jones has the sand right there at Morgantown. We have natural gas in West Virginia for fuel, which they do not have in other portions of the country. When you blow a cylinder of window glass, and it is split in the center and flattened out, a great many of the sheets drop and are picked up in small pieces. That is the reason why they lose money on the small sizes.

Mr. CUMMINS. I know the Senator from West Virginia is very familiar with this subject, and I shall be glad to yield to him to describe the process of the manufacture of this article to Senators generally. So far as I am concerned, I, too, am rather familiar with it, inasmuch as I was born and raised in the shadow of a window-glass factory, and, therefore, know something about how such glass is made.

It is true, as the Senator has said, that the institution at Morgantown may have some advantage over other factories less fortunately situated; but, in order to compensate for any such advantage, whether it be real or imaginary, I have not, in my amendment, sought to bring down the duty to a point at which this manufacturer said his product could be profitably manufactured in competition with the world.

I have added something on account of the very condition to which the Senator from West Virginia has referred; but I am sure it can not be the purpose of the Senator to add such a

duty to this every-day commodity, this commodity which every man who owns a house must buy, as will unduly and unnecessarily protect the interest. When I have cited the fact that window glass is selling in this country, and that it has been selling in this country for some years past, at a price that absolutely prohibits any importation of that kind of glass, although it may be classified under the same paragraph, I can not imagine that we shall perpetuate this unreasonable duty, which, although not now harmful, may become the instrument of very great injustice in the near future. To show that it may so become, I desire to read and have inserted in my remarks just a little paragraph from a paper which came into my hands the other day, called "Commoner and Glassworker." It is a paper published at Pittsburg, and the issue of the paper from which I read is under date of April 3, 1907:

IMPERIAL GLASS COMPANY FORMED—BIG MEETING HELD AT COLUMBUS LAST THURSDAY—MATTER HAS AT LAST BEEN BROUGHT TO A FOCUS—DISTRICT MEETINGS NEXT TUESDAY—GENERAL WINDOW-GLASS NEWS.

After many months of hard work the movement to organize the window-glass manufacturers of the United States was practically brought to a focus last Thursday at Columbus, Ohio, when the plans of the Imperial Glass Company were given favorable consideration at an enthusiastic meeting at which 1,500 pots were represented. It has been announced that headquarters will be established in Pittsburg.

A committee of seven was appointed to arrange details of incorporation, capitalization, method of stock issue, and nomination of officers. It will report at a general meeting to be held in Pittsburg or Columbus within the next two weeks. District meetings will be held next Tuesday for the purpose of selecting permanent directors. A charter will be secured at once, and the success of the project now seems assured.

This particular project did not meet with success.

Mr. KEAN. That was two years ago.

Mr. CUMMINS. Yes, sir; two years ago last April. It had become in the meanwhile somewhat unpopular to organize combinations or corporations of this kind; and, although I have not attempted to become familiar with the details of the failure of this particular effort to combine the window-glass manufacturers of the United States, I know that it did temporarily fail; and I read this extract only to show what is so constantly in the minds of all the manufacturers in this country. The very fact that I have admitted—namely, the low price of window glass in the United States at the present time—furnishes the motive for just such combinations or concentrations as are here suggested.

If we permit this duty, which I believe to be excessive, to remain upon this product, then this experiment may be followed by another more successful; and when the window-glass manufacturers of the United States can combine themselves, they can raise the price to any point which they may think reasonable or which they may think profitable for themselves, until they meet the danger of foreign competition.

It is because such combinations have been made, and because such combinations can be made that I have asked that a full protective duty be imposed upon this commodity, but not more than an adequate protective duty. If the selling price of this commodity at the present time and for some months in the past furnishes any evidence as to the cost of producing the article, then there can be no difference of opinion that the duty imposed is more than is necessary to prevent foreign competition.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. Certainly.

Mr. SMITH of Michigan. I would like to ask the Senator from Iowa how he accounts for the low price of glass which he has just described?

Mr. CUMMINS. I account for it by reason of the fact which I wish were always true. Competition, fair, reasonable, and effective competition, always reduces the price of any commodity to a reasonable profit. That is the hope and salvation of the business of this country or of any other; and if there was in the United States that competition in every field of industry, and if we could be sure that that competition would continue in full vigor, I would not be at all solicitous with respect to the duty that might be put upon any product which we could produce in sufficient quantities to supply our own demand. It is only because we are gradually extinguishing competition that it becomes so imperative that we restrain these duties to a point that will give full protection, but will give nothing more than full protection.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Utah?

Mr. CUMMINS. I do.

Mr. SMOOT. Does the Senator from Iowa understand that these importations of glass of the smaller sizes, 10 by 15, are used for window glass? I may put another question at the same time. Is it not a fact that these importations are almost solely for the purpose of framing pictures?

Mr. CUMMINS. I have been so informed, and I believe my information to be accurate. That is why I stated to the Senator from Rhode Island that these importations were not of the precise commodity I had attempted to describe as common ordinary window glass. I am perfectly willing, if the committee has ingenuity enough to reclassify it—and I think the committee could reclassify it—I am perfectly willing that a duty shall be put upon this higher priced and this superior article commensurate, if you please, with its value, although I think the duty I have named is a full and complete protection, even for that kind of an article.

Mr. SMOOT. Mr. President, the duty they have now of 1⅛ certainly has not been prohibitive in the past, and if it is lowered it certainly will not be prohibitive in the future.

Mr. CUMMINS. Mr. President, I may not have been correctly informed, but my investigation into this subject has led to the conclusion that there has been no effort upon the part of the American window-glass manufacturers to supply the article which has been imported largely for use in picture framing.

Mr. SMOOT. Mr. President, my information is that it is absolutely impossible for them to do it with the present duty of 1⅛, and to lower it would only mean that they never can do it.

Mr. CUMMINS. So that, Mr. President, in order to protect the people from an importation of glass of a superior quality or kind—I do not know whether it can be technically described as "window glass" or not, but, at any rate, it has been imported under that paragraph—in order to protect the American manufacturer in his production of that kind of glass you ask the Senate to impose a duty upon common stock glazing window glass that will enable the manufacturers, if they are so inclined, to lift up the price to a point that you will admit would permit extortion upon the users of this commodity. Why do you not so classify these articles as to give adequate protection upon the one without permitting the manufacturer of the other to impose upon the people of the United States?

Mr. PILES. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Washington?

Mr. CUMMINS. Certainly.

Mr. PILES. I have a letter here from a furniture company at Tacoma, Wash., favoring a reduction of the rate under paragraphs 97 and 100. In this connection, if the Senator will permit me, I should like to ask the chairman or some member of the committee in respect to the facts set forth in this letter.

Mr. CUMMINS. I shall be very glad to have the Senator do so.

Mr. PILES. The writer of the letter says:

On window glass, the Payne bill makes no reduction on small sizes, and on the large sizes the reduction is a mere pittance. As an illustration, the duty on size 30 by 48 "is reduced" one-eighth of 1 cent per pound—less than 3 per cent—leaving still a protection considerably in excess of 100 per cent. At the "reduction" the duty on the above-named size (30 by 48) figures just $3 for a 50-foot box of double-thick glass, such as is ordinarily used for windows. The American manufacturers are selling this same size glass to-day for $2.49—that is, they are selling the American-made glass for 51 cents less than the duty alone on the imported article.

Mr. CUMMINS. I think I can explain.

Mr. PILES. Just let me go on and take up another statement in the letter.

Mr. CUMMINS. The matter your correspondent is there writing of is not plate glass, but the common cylinder or ground window glass.

Mr. PILES. I know; but he shows that on that glass the American manufacturer sells it for less than the tariff duty in our own market.

Mr. CUMMINS. That is true, and I will prove that by abundant evidence when we reach that paragraph.

Mr. PILES. Then he speaks of the reduction made by the Payne bill in the large sizes, which he thinks amounts to practically nothing. He says further:

On plate glass the Payne bill reduces rates on large sizes and advances them on small sizes. Practically nothing is imported in large sizes. Nearly all the importations are in the small sizes, on which the duty is advanced 25 per cent by the Payne bill. During the greater part of the year 1908 the American factories sold stock-sheet plate glass in the grade used for stores, dwellings, etc., at a range of prices which for a plate 30 by 48 inches in size was 22½ cents per square foot. The Payne bill on this size preserves the Dingley rate of 22½ cents per square foot—that is, the duty alone on the imported article is as much as the selling price of the American article.

Then he goes on to show the cost of production in this country and in foreign countries, and that there is practically none of this glass of the small sizes imported; in fact, that there is none of it imported. I find here that some 16,000,000 pounds, I think it was——

Mr. ALDRICH. That is common window glass.

Mr. PILES. That is an altogether different proposition. I wanted to get the information.

Mr. STONE. May I ask the Senator a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Missouri?

Mr. CUMMINS. The Senator from Missouri is not asking me to yield to him.

Mr. STONE. I should like to ask the Senator from Washington from whom was that letter?

Mr. PILES. From furniture dealers, F. S. Harmon & Co., of Tacoma, Wash.

Mr. CUMMINS. Inasmuch as I have the floor, I should be glad to hear the colloquy that is going on between the Senator from Missouri and the Senator from Washington.

Mr. STONE. I was simply curious, for, as I listened to that letter, I happened to hold one in my hand, and found that it was in exactly the same language. [Laughter.]

Mr. PILES. The letter is from F. S. Harmon & Co., manufacturers of chairs, furniture, and window shades, of Tacoma, Wash.

Mr. STONE. Well, the one I have is from St. Louis. [Laughter.]

Mr. PAGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Vermont?

Mr. CUMMINS. With pleasure.

Mr. PAGE. I desire light, Mr. President. I think the Senator said he was brought up in the vicinity of a glass factory.

Mr. CUMMINS. That was a long time ago.

Mr. PAGE. I should like to know what the materials are which are used in the making of glass.

Mr. CUMMINS. Mainly sand.

Mr. PAGE. Well, is it a quality of sand that is easily obtainable in different parts of the country?

Mr. CUMMINS. No; it can not be obtained everywhere. We have no glass sand in our State. We have other sorts of sand, but not glass sand.

Mr. PAGE. Is it a commodity which is controlled by any combination, so far as the Senator knows?

Mr. CUMMINS. So far as I know, it is not.

Mr. PAGE. Could it be controlled?

Mr. CUMMINS. Oh, I refuse to put any limit on the power of combinations to control anything. I do not think it would be easily controlled.

Mr. PAGE. The reason I ask the question is, that in the remarkable speech by the Senator's colleague [Mr. DOLLIVER] the other day, I think he laid down the general proposition that there was no fear of any combination or any trust controlling any article manufactured in this country where the combination could not control the raw material. I should like to ask the Senator whether he agrees with his colleague in that respect?

Mr. CUMMINS. I do not.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. In a moment. I desire, first, to answer the Senator from Vermont. I will explain what limitation I think ought to be put upon my colleague's statement, if the Senator from Vermont correctly repeats it, and I have no doubt he does. For instance, the cornstarch works of the country use the commonest sort of raw materials, prevalent plentifully everywhere, and yet it is as completely organized in a trust as any industry in the United States. I give that instance simply to show that there must be some modification of the statement of my colleague.

Mr. PAGE. I confess, Mr. President, that I was in doubt about that myself; but we have heard a great deal about the "Iowa idea," and I wondered whether it had penetrated both sides of the Senate or simply one side.

Mr. NELSON. Mr. President——

Mr. CUMMINS. Just a moment, until I answer about the "Iowa idea." That is a sentiment in which I have some pride. I only pause to remark that I did not know that it had ever penetrated the recesses of this Chamber.

Mr. ELKINS. Mr. President, if the Senator will allow me——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from West Virginia?

Mr. CUMMINS. With pleasure.

Mr. ELKINS. I believe the Senator read a letter from the president of the W. R. Jones Glass Company, at Morgantown, W. Va. I have some knowledge of that city and of the company of which Mr. W. R. Jones is president. Mr. Jones is one of my honored constituents, but he did not come here in person and give his testimony, if the Senator will allow me to inform him, but he wrote in reply to a letter directed to him by the Ways and Means Committee of the House. Mr. Jones says in his letter:

Mr. CUMMINS. Did he tell the truth?

Mr. ELKINS. That is the question; but let me get through.

Mr. CUMMINS. As he was an honored constituent, I assume that the Senator will be willing to affirm his veracity right on the spot.

Mr. ELKINS. Mr. Jones wrote a letter to the House committee, in which he said, among other things:

> As to the actual cost of labor in Europe, we are unable to give you the exact figures. We can only give it to you as we understand and learn it from workmen that have worked in Belgium and other countries and are now working for us.

That is hearsay. He admits he does not know anything of his own knowledge about wages in Europe or labor or price of glass there.

I quote again from his letter, which the Senator from Iowa read:

> A former manufacturer, who carefully investigated the costs some years ago in Europe, informed me—

And so forth.

You see, Mr. President, hearsay again. He does not know anything of his own knowledge.

Further on in this letter he says:

> We learn from intelligent Belgian workmen now employed by us the labor cost in their country, and we figure that the labor cost of the average size 50-foot box of window glass, 24 by 30, in Belgium would be about 44 cents.

Again I quote:

> As to freight rates, we are informed that window glass is used largely as ballast in ships—

And so forth.

Now, Mr. President, I have read extracts from his letter, and every bit of his information is hearsay and comes from others. I happen to know something of the glass industry of Morgantown, W. Va., and I have talked with Mr. Keener, the president of the Morilla Glass Company, and he tells me of the eight glass manufacturers in Morgantown Mr. W. R. Jones is the only free trader in the business. All the rest of the manufacturers of glass want the duty as that reported in the bill before the Senate. Mr. Jones is the only exception. Mr. Keener told me when I was speaking to him about this remarkable letter, and how it was being used in the Senate to reduce the duty, that Mr. Jones was not only a free trader, but he was about the most virile, versatile, and vigorous Democrat in that city, and that he accounted for his statements by saying that Mr. Jones was probably following out his free-trade Democratic principles, but that every other glass manufacturer in Morgantown was favorable to the duty as reported in this bill.

Now, what I say comes from one of the most respectable and one of the best business men in Morgantown. I think it does not lessen the value of the statements of Mr. Jones that he is a Democrat, further than that there is a leaning toward free trade among Democrats.

Mr. CUMMINS. I have not noticed it.

Mr. ELKINS. I can not understand it; I am glad I do not see so much of it as I used to see on the other side of the Chamber; but it does exist, and I can only account for his testimony, which is all hearsay, in that way.

Mr. President, with the Senator's permission—and he has been very kind and indulgent to me—I believe this is the only letter in the House hearings which holds to the view that this duty ought to be reduced. Speaking for my constituents in Morgantown interested in manfacturing glass, every one of them is against the statements or the hearsay opinion of Mr. Jones and favorable to the duty in the bill. We have there, as I said, eight glass factories.

There is one other point. Glass can be made in that city and contiguous country cheaper than in many other localities, because of natural gas and the sand being right at hand.

Mr. CUMMINS. I am glad to yield now to the Senator from Minnesota.

Mr. NELSON. I should like to have credit given where it belongs. The Senator from Vermont spoke of the Iowa idea. It was originally a Minnesota idea and was transported to Iowa and has borne good fruit.

Mr. CUMMINS. I am very glad to acknowledge the paternity of the Iowa idea. It did come from the North, and like all things that come from the North, it came full of vigor and virility.

But answering the Senator from West Virginia, I thought it very strange that a manufacturer from West Virginia would admit that the duty on anything he was making was too high. I marveled at his unselfishness. I do not know whether he is a Democrat or a Republican. I do not know whether he is a truthful man or an untruthful man; but the fact that he was

making an admission against his own interest seemed to me to give his statement unusual weight and credit.

I think it is universally true that a manufacturer of any article would like to have a high duty on it. If I were making glass and consulting only my own interest, I would ask Congress, if I had any hope of obtaining that relief, to prevent absolutely the importation of any glass of any kind, so that the home market might be at my command. I do not wonder at that.

Mr. ELKINS. Mr. President——

Mr. CUMMINS. I do not wonder that the lead producers of Idaho would like to see all lead excluded from the United States. I would be in that position if I were a producer of lead.

Mr. ELKINS. But this constituent of mine is a better Democrat than the Senator from Iowa. He sticks to his principles with a lofty courage, though against his interests. He is unselfish, looking to the good of the public and not to his own personal interest. The glass manufacturers of Morgantown want a high duty and protection on window glass, and I hope they will get it in this bill.

Mr. CUMMINS. Let us see if he is a better Democrat than is the "Senator from Iowa." I have often before heard that insinuation, and it has ceased to dismay or deter me. This particular Democrat seems to have fallen so far under the influence of the Senator from West Virginia as to want a high protective duty upon his commodity, and I suggest that if he be a free trader he has a very peculiar way of expressing his views when he asks for a cent a pound upon common, ordinary window glass; and I am willing to allow the industry a little more. When I see sellers everywhere disposing of their commodities at the prices I have named, and assuming that those prices bear any fair relation to the cost of the articles, then, Senators, there is absolutely no justification for imposing a duty that is higher than the Dingley law, and that is reiterated in the report of the committee. When the selling price of a commodity, taking all the sizes, is substantially the same as the duties upon the commodities, you ought to pause a little while, you ought to reflect a little while before you continue that, as it seems to me, abnormal condition, and you ought to do something to protect those people who may hereafter be called upon to buy glass against the effects of a combination which has been made in a hundred other fields of industry, which has been attempted in this field, and which may be successfully resorted to at any moment in the months to come.

Mr. SCOTT. Will the Senator allow me, for just one moment?

Mr. CUMMINS. I will.

Mr. SCOTT. I have been talking with a gentleman on the floor who is a stockholder in a window-glass factory in Morgantown. He says for five or six years none of them had any dividends out of their money invested. These are right in the heart of this almost free gas country, with sand at their door. It shows that Mr. Jones must be mistaken in what he can manufacture glass for.

I desire to say to the Senator, as to the crystal glass of which I spoke this morning, that 50 per cent of the glass factories in that line have failed within the last nine years and have gone out of business.

Mr. CUMMINS. I want the Senator from West Virginia to remember that I offered no amendment to the paragraph in which he was interested.

Mr. SCOTT. I am not speaking of that.

Mr. CUMMINS. I do not believe the duties upon those articles are higher than they ought to be. If you have any idea that I am passing through this bill to offer amendments to every schedule and item in it, I want you to disabuse your minds of it immediately. I am only offering amendments to those paragraphs and to those commodities and articles upon which I believe there ought to be a reduction.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I should like to ask the Senator whether he believes the price of window glass is too high?

Mr. CUMMINS. I do not. I have answered that question five times.

Mr. SMITH of Michigan. I did not hear the Senator before.

Mr. CUMMINS. I am very glad to answer it again.

Mr. SMITH of Michigan. I am very sorry I did not hear the Senator. I should like to ask again whether he thinks there is fair, legitimate competition in its manufacture?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. Then what would be the object in reducing this duty?

Mr. CUMMINS. To guard the American people against that time at which there will be a combination in this industry.

Mr. SMITH of Michigan. Does not the Senator believe that to reduce the duty would stimulate importations?

Mr. CUMMINS. I do not; if you reduce it to the point suggested in my amendment.

Mr. SMITH of Michigan. Does the Senator believe that by reducing the duty we would add to the revenue?

Mr. CUMMINS. I do not.

Mr. SMITH of Michigan. Then, Mr. President, I can not see the object to be accomplished.

Mr. CUMMINS. I have attempted to explain it. The Senator from Michigan seems to be deluded with the idea that it does not make any difference what the duty on an article is. If we have on it now a duty of 1½ cents a pound, why not put on a duty of $5 a pound? Answer me that question—why not?

Mr. SMITH of Michigan. Let me ask the Senator whether, in the case of window glass, the duty is added to the cost?

Mr. CUMMINS. It is not at the present time.

Mr. SMITH of Michigan. Does the consumer pay the tax?

Mr. CUMMINS. He pays no tax at the present time, but either the Senator must be very dull of comprehension or I must be unfortunate——

Mr. SMITH of Michigan. I have the reputation of being dull.

Mr. CUMMINS. You did not allow me to finish—or I must be very unfortunate in expressing myself. It would not make any difference at the present time if the duty were $10 an ounce upon window glass; but I am sure the Senator from Michigan would not support a proposition to make it $10 an ounce. Why not?

Mr. SMITH of Michigan. No, Mr. President; but the statement made by the Senator from Iowa illustrates the efficacy of protection better than any argument I have heard made upon this floor in the last few days. Every single contention of the protectionist is demonstrated in your answer——

Mr. CUMMINS. I am attempting to speak of it from the protectionist standpoint.

Mr. SMITH of Michigan (continuing). Namely, that the window-glass tariff will stimulate production; that it will not add to the price; that it will maintain the American wage; and that the consumer gets the commodity at a reasonable price. That is our argument.

Mr. CUMMINS. On the contrary, in this particular case while it has stimulated production, it has not added to the wages, and it does not at the present time; the business does not at the present time return a fair reward upon the capital invested.

Mr. SMITH of Michigan. Does the Senator from Iowa claim that the wages of the glass workers of America are not greater than the wages paid to similar employees in Europe?

Mr. CUMMINS. I do not.

Mr. SMITH of Michigan. Does not the Senator know that the wages paid the American glass maker are very much in excess of the European wage for similar workmen?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. The glass tariff has brought about such healthful competition, has given to the consumer this article at a fair price, has given the American wage-earner a fair wage, and such are the very objects for which this bill is being framed.

Mr. CUMMINS. The Senator from Michigan insists all the while upon assuming that we are trying to overthrow protection.

Mr. SMITH of Michigan. No; Mr. President——

Mr. CUMMINS. You are attempting all the while to put me and every other man here who believes in any reduction of duties at all in the attitude of opposition to the system of protection.

Mr. SMITH of Michigan. Oh, no.

Mr. CUMMINS. I am just as ardent a believer in and as faithful to the principle of protection as is the Senator from Michigan. The only difference between him and me is that I believe there is a limit. I believe there is a point beyond which we should not go.

Mr. SMITH of Michigan. No; Mr. President——

Mr. CUMMINS. I believe that that point is the difference between the cost of producing the article here and of producing it elsewhere.

Mr. SMITH of Michigan. The Senator from Iowa says the difference between us is that I am ultraradical in my position and he is willing to be convinced. I desire to say to the Senator from Iowa—and I say it in the kindliest spirit, and I say it as the result of my observations during this debate—that the difference between the Senator from Iowa as a protectionist and myself is this: The Senator from Iowa feels that he is bound to redeem his promises to lower the tariff and I do not feel bound by the same token. That is the difference. I am quite content with the tariff that has brought such prosperity to the American people.

I voted for the Dingley law and I have never made an apology for it anywhere and I never will. It is not perfect, but the fruits are so bountiful that even the Senator from Iowa has picked them with liberality, and I refuse to admit that our party principle should be sacrificed for the purpose of preventing a possible monopoly of this product in the years to come.

Mr. CUMMINS. Mr. President, I am very glad I have given the Senator from Michigan an opportunity to recite the differences between himself and myself. I am not conscious, however, of having given him any cause to become quite so earnest in his denunciation of my position. It is true that I have believed that there are some duties in this schedule which ought to be reduced which are too high. He says there are no duties in this schedule that ought to be reduced.

Mr. SMITH of Michigan. No, Mr. President.

Mr. BEVERIDGE. He did not say that. Will the Senator from Iowa permit me for a moment?

Mr. CUMMINS. My hearing is fairly accurate, and I must be permitted to give my understanding at least of what he said.

Mr. BEVERIDGE. Certainly; but will the Senator permit me for one moment?

Mr. CUMMINS. I will, with pleasure.

Mr. BEVERIDGE. I thought I saw, when the Senator from Iowa made the statement which called the Senator from Michigan to his feet, that possibly the Senator had misrepresented the Senator from Michigan a little in this respect, that he said the difference was that he wanted to reduce some of the duties, and the Senator from Michigan had no limit to them. I do not understand that to be the position of the Senator from Michigan. Neither do I understand it to be the position of the Senator from Michigan that he does not want to reduce any duties. As a matter of fact, I think he does want to make reductions wherever he thinks they are justified by his principles of protection, which we all entertain. I think perhaps the Senator from Iowa misapprehended the Senator from Michigan. I do not understand him to be a protectionist, as the Senator said, without limit.

Mr. CUMMINS. I understood the Senator from Michigan to say first that the result of protection was the creation of competition in our own country that would always reduce the price of a commodity to a fair point. And that involves—mark you, now—the inference or the conclusion that it makes no difference how high that protection or that duty may be placed, because if competition reduces it to the American point then we ought all to be satisfied; and therefore I drew the conclusion that I stated and which I still believe to be correct.

Mr. SMITH of Michigan. Mr. President——

Mr. CUMMINS. One thing further. The Senator from Michigan stated that he voted for the Dingley Act; that he was entirely satisfied with the Dingley duties; that he had never had occasion to apologize for or to criticise the Dingley duties; and from that statement I drew the inference, which, I think, was fair, that he did not believe now that any of the duties should be reduced.

Mr. SMITH of Michigan. Oh, no, Mr. President——

Mr. CUMMINS. What duties do you think ought to be reduced?

Mr. SMITH of Michigan. The Senator from Iowa would not put me in a false light.

Mr. CUMMINS. I do not desire to put you in a false light.

Mr. SMITH of Michigan. The fact is that the Dingley law was the result of compromise. It was the result of great deliberation, with a common object in view, a little giving here and giving there, just as the new law, if it ever passes, will be the result of a compromise of conflicting views. But the principle back of the Dingley law is the principle for which I stand.

Mr. CUMMINS. Who has denied that?

Mr. SMITH of Michigan. And I have no compromise to make with that principle.

Mr. CUMMINS. Who has denied that upon this side of the Chamber?

Mr. SMITH of Michigan. The Senator from Iowa wants to reduce the tariff on window glass, not because the exactions are too great under the present tariff, not because there is no competition in it, not because wages are not what they ought to be, not because the price of glass is too high, but to meet a possible combination some time in the glass business. He wants to throw the markets of Europe and the market of our own country a little closer together. I do not want to do it. I want to keep them apart.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. Certainly; but I want Senators to bear witness that I am not taking up any considerable part of the time in this debate.

Mr. ROOT. I should like to ask a question, which perhaps the Senator from Iowa can answer, or possibly some other Senator more familiar with the manufacture of glass. I assure the Senator that I ask the question not for controversial purposes, but because I am very much interested in the subject, and I should like to get some information if I can.

I observe in the statistics of importation that there was an extraordinary drop in the importations of the article classified as common window glass in the year 1905, in all sizes. Of the first order—that is, not exceeding 10 by 15 inches square—the importations in 1904 were 20,382,739.72 pounds; in 1905 they dropped to 8,359,984.50 pounds. In the second class, not exceeding 16 by 24 inches, the importations in 1904 were 18,947,771.50 pounds; in 1905 they dropped to 5,914,057. In the next class, not exceeding 24 by 30 inches, the importations in 1904 were 7,131,937 pounds, and in 1905 they dropped to 2,162,412 pounds. In the highest class, not exceeding 24 by 36 inches, the importations in 1904 were 2,047,593 pounds, and they dropped in 1905 to 658,425 pounds.

From one year to another there was through all these different classes of window glass a reduction workings of the present tariff as it affects importations.

There has been some recovery, a full recovery in the lowest class—that is, not exceeding 10 by 15—so that we are now importing about the same as we did prior to 1905. But in the other classes there has not been much recovery. We have never gone back to more than about half of the importations that there were in 1904 and preceding years.

I should like very much to know whether that can be ascribed to some specific cause. It may possibly throw light upon the workings of the present tariff as it affects importations.

Mr. CUMMINS. I have not investigated that particular phase of the subject to which the Senator from New York refers, but I think I can give him a very satisfactory answer.

In the years in which importations were made the American window-glass manufacturers, as I have been advised, were holding their prices very high. The reduction, as I remember it, in window glass, the marked reduction, has occurred within the last three or four years. Possibly there are some Senators here who remember the effort made about the year 1901 (it may have been 1900 or 1899) by the window-glass manufacturers to form a combination. It was partially successful, and it did maintain prices, as I remember it, for a time, but those prices within the last few years have been, as I said to the Senator from Michigan, subject to the fullest and the freest competition, and with the reduction in the price of window glass naturally the importations have decreased, because the foreign maker could not compete with the home maker in common window glass, if the duty as it now exists were cut in two. If you will divide the duty half and half, which I do not want to do, and will add it to the foreign cost of this character of glass, the result, without adding the freight, will still be greater than the American cost of the glass in any market of the country.

I confess, Mr. President, to being greatly influenced by the tendency of modern trade. If I believed that we were free from the danger I have attempted to describe, of such strangling of the competitive force in this trade as would eliminate it as a factor in price, I would not care whether the duty was 1¾ cents a pound or 5¾ cents a pound. It is our duty to protect those who are to deal with this commodity in future years, and it is the command of our party, not in its last platform, but in every platform it ever made, to put such rates only upon competitive articles as will give our manufacturers a fair chance and a little better than a fair chance in our own markets. When we pass beyond that point we not only overthrow the natural lines of economics, but we disturb and repudiate the principles of our own party and our own platform. That is the way I look at it.

If any one of you, I care not who he is, will show me or show the Senate that the duty I have proposed upon common window glass does not more than compensate for the difference between the cost abroad and at home, then you will have convinced me that I ought not to press the amendment; but you can not convince me by simply suggesting that the fear of a combination or the fear of some arrangement or concentration that will stifle competition is a baseless one. I know it is not an imaginary one. I have seen it exist in many a field of American industry. I know that it exists in many such fields now, and it is my duty, at least I so esteem it, to attempt to put on all these products that rate and that rate only which is necessary to fully and adequately protect our own interests.

Mr. SMITH of Michigan. Mr. President, before the Senator from Iowa takes his seat, I simply wish to observe——

Mr. CUMMINS. Mr. President, I yield the floor entirely to the Senator from Michigan.

Mr. SMITH of Michigan. I am not in the habit of holding it very long, and I shall not hold it now, except to make one observation. I think the very point the Senator seeks to obtain is one that is most calculated to drive out competition among the glass makers of America. If he reduces the tariff, he will frighten the independent investor and operators, and he will drive them into a combination to meet conditions in Europe that are most unfavorable. Therefore, I would keep the tariff where it is for the purpose of keeping competition where it is, and the Senator from Iowa admits that competition is very fair and very helpful.

Mr. CUMMINS. I desire now to ask the Senator from Michigan a question, if he will permit me.

Mr. SMITH of Michigan. Certainly.

Mr. CUMMINS. Has such a duty prevented combinations in other fields?

Mr. SMITH of Michigan. No; I think it has not; neither has free trade. But the fact that it has prevented monopoly in this field is the thing we are dealing with now, and the thing we ought to deal with in the light of the information we have on this particular subject. When we reach some other schedule the Senator from Iowa may be able to point out a way to meet it.

Mr. CUMMINS. Does the Senator from Michigan believe that this specific duty has brought about the competition which now exists, and would not a duty of one-eighth of a cent higher or an eighth of a cent lower have done it?

Mr. SMITH of Michigan. I believe it is this present duty which has created the competition and stimulated the industry.

Mr. ROOT. Mr. President, before the adjournment, I should like to call the attention of those who support the duty on window glass as it stands in the pending bill to a statement made by Mr. Clause, who was a representative before the Ways and Means Committee of the manufacturers of window glass. Mr. Clause testified before that committee, on page 1656 of the Hearings in these words:

> So far as glazing glass is concerned, I would say that practically there is no glazing glass imported. It is also true that as far as the glazing quality is concerned, the manufacturers are not availing themselves of the present duty.

It seems to me, Mr. President, that those statements, which accord with the statement that has been made here to-day, do call upon gentlemen who wish to retain the rate of duty in the pending bill for some explanation if they wish to have the Senate support that rate. I call attention to it before the adjournment in the hope that the subject will be completely elucidated when we take up this paragraph to-morrow.

Mr. ALDRICH. I think there will be no trouble in explaining that situation to the satisfaction of the Senator from New York when the matter is before the Senate again.

As to the matter to which he alluded in his remarks earlier in the day, I think that the falling off of importations in 1905 was owing to the invention about that time of glass-blowing machines, which were expected to take the place of the old processes and which have taken the place of the old processes of blowing common window glass, and I do not know but in a great many other directions. There was an absolute demoralization of the market both here and abroad for some considerable time owing to the use of the new glass-blowing machines.

I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 4 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 12, 1909, at 11 o'clock a. m.

SENATE.

WEDNESDAY, *May 12, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

Mr. BURROWS. Mr. President, there is evidently not a quorum present. I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Burnham	Cullom	Gallinger
Bacon	Burrows	Cummins	Gamble
Beveridge	Burton	Curtis	Hale
Borah	Chamberlain	Daniel	Heyburn
Bradley	Clapp	Dick	Hughes
Briggs	Clark, Wyo.	Dillingham	Johnson, N. Dak.
Bristow	Clarke, Ark.	Dixon	Johnston, Ala.
Brown	Clay	Dolliver	Jones
Bulkeley	Crane	Fletcher	Kean
Burkett	Culberson	Frye	Lodge
McCumber	Page	Root	Stone
McLaurin	Paynter	Scott	Sutherland
Martin	Penrose	Simmons	Warner
Nelson	Perkins	Smith, Mich.	Warren
Oliver	Rayner	Smith, S. C.	Wetmore
Overman	Richardson	Smoot	

Mr. CHAMBERLAIN. My colleague [Mr. BOURNE] is absent on account of illness in his family.

The VICE-PRESIDENT. Sixty-three Senators have answered to their names. A quorum of the Senate is present. Petitions and memorials are in order.

PETITIONS AND MEMORIALS.

Mr. PAGE presented the petition of T. J. Deavitt, of Montpelier, Vt., praying for the enactment of legislation to abolish the rule of the Pension Bureau requiring the execution of pension vouchers, which was referred to the Committee on Pensions.

Mr. CULLOM presented memorials of sundry citizens of Rock Falls and Sterling, in the State of Illinois, remonstrating against an increase of the duty on the necessaries of life, which were ordered to lie on the table.

Mr. GALLINGER. I have received sundry letters from citizens of New Hampshire asking for a reduction of the duty on wheat to 10 cents a bushel. I present two letters, one from W. L. Chase, of Raymond, N. H., and the other from H. A. Yeaton & Son, of Portsmouth, N. H., making this request. I move that the letters lie on the table.

The motion was agreed to.

Mr. OLIVER presented petitions of sundry citizens of Philadelphia, Frankford, and Tacony, all in the State of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of Waterville, Me., and a petition of sundry citizens of Gardiner, Me., praying for a readjustment of the wool schedule to remedy the inequalities detrimental to the carded woolen industry, which were ordered to lie on the table.

Mr. PERKINS presented a petition of sundry citizens of Santa Clara County, Cal., praying for the enactment of legislation to prohibit the immigration of all Asiatics into the United States except merchants, students, and travelers, which was referred to the Committee on Immigration.

Mr. BROWN presented sundry affidavits to accompany the bill (S. 564) granting a pension to Ida M. Smith, which were referred to the Committee on Pensions.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SMOOT:

A bill (S. 2323) granting an increase of pension to Abram N. Randolph (with accompanying papers); and

A bill (S. 2324) granting an increase of pension to George S. Rust (with accompanying papers); to the Committee on Pensions.

By Mr. WARREN:

A bill (S. 2325) to increase the efficiency of the United States Military Academy, and for other purposes; to the Committee on Military Affairs.

By Mr. PENROSE:

A bill (S. 2326) for the relief of Julius A. Kaiser; to the Committee on Naval Affairs.

A bill (S. 2327) to correct the military record of James Hagerty; and

A bill (S. 2328) to grant an honorable discharge to Alfred L. Dutton; to the Committee on Military Affairs.

A bill (S. 2329) granting an increase of pension to Israel P. Long;

A bill (S. 2330) granting an increase of pension to Charles J. Snyder;

A bill (S. 2331) granting an increase of pension to Hugh McDonald;

A bill (S. 2332) granting a pension to Annie A. Convery;

A bill (S. 2333) granting an increase of pension to John McGlone;

A bill (S. 2334) granting a pension to Theo. S. Fenn; and

A bill (S. 2335) granting an increase of pension to William H. McMailin; to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2336) for the enlargement of the Capitol grounds.

Mr. WETMORE. To accompany the bill, I submit a diagram showing the proposed plan. I move that it be printed facing the last page of the bill, and that it be referred with the bill to the Committee on Public Buildings and Grounds.

The motion was agreed to.

By Mr. HALE:

A bill (S. 2337) granting an increase of pension to Charles S. Crowell (with the accompanying papers); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. OVERMAN submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. STONE submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed. The calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment proposed by the junior Senator from Iowa [Mr. CUMMINS].

Mr. PAYNTER. Mr. President, I would not interrupt the orderly proceedings in the consideration of this bill except that I desire to call the attention of the Senate to a matter that is pending which is of great importance to the people whom I in part represent. We have taken two days or more in discussing the lead schedule. Perhaps there are not one-half so many dependent upon that industry as upon the one which I shall consider and discuss to-day. The purpose that I have in discussing it at this time is that I may call the attention of the Senate to the question in such a way that Senators will become interested and study it, and if they do I hope for a favorable result.

Mr. President, I invite the Senate to hear me on this occasion, not because I flatter myself that I have any oratorical ability that would enable me to entertain and please Senators, or, by the power of logic, to sway judgments from proper conclusions. Neither shall I attempt to do so by an appeal that would tend to arouse passion or prejudice. I shall not deal in invective. If I can aid the Senate to reach a correct conclusion on the question which I shall discuss, I will do so only by a plain statement of a just cause of an oppressed people. Those for whom I shall plead to be relieved from a grievous burden hope only for a triumph over their oppressors by producing a conviction in your minds that their demands are just. In behalf of our fellow-citizens who earn their bread by honest toil, I ask only for a fair and just law—one that will answer their demand for relief and remove the present oppressive burden which, in a large degree, is made possible by the law of the land.

I speak for the farmers and for their laborers and the tenants who are engaged in raising tobacco. The reason I earnestly invite the attention of the Senate to the question is because so many Senators do not represent States where tobacco is grown; hence they have not had an opportunity to be informed as to the real condition of tobacco growers and as to the justice of the law which they demand. They are not asking that the taxpayers in this country make contribution to them directly, nor are they asking that it be done indirectly by the imposition of duties. They simply desire to be given the privilege of selling their tobacco in the market where competition exists; they desire the privilege of legitimate effort to free themselves of the present monopoly which is crushing the life out of their business and impoverishing the toilers engaged in it. I will not quote the statutes which regulate the sale or manufacture of tobacco. For the purpose of this discussion, it is sufficient to state the effect of the statutes, as construed by the Bureau of Internal Revenue. There is no difference of opinion existing as to interpretation of the law. The bureau construes it, and that construction is accepted as being correct. The proposed legislation is predicated upon the idea that the construction of the department is the proper one to be given the statute.

The producer and grower of tobacco does not have the right to hand twist his tobacco and sell it in that condition without the payment of 6 cents per pound on it. The grower now can sell his tobacco in any amount to any person he desires to sell to without tax. He can sell to his neighbor, to any consumer, to a tobacco manufacturer, or to a dealer. There is no limit upon his individual right to sell without tax, so long as he sells the natural leaf. The man who purchases it does not pay a cent of tax for the privilege of purchasing, and he is allowed to sell it without the payment of tax, if he sells to another leaf dealer, manufacturer, or for export. The dealer in tobacco can sell to the manufacturer or to another leaf dealer or to an exporter without paying the 6 cents tax. If, however, he sells to the consumer, then the tax of 6 cents per pound applies, as it does to manufactured tobacco. The farmer can not sell his tobacco through an agent except through a commission merchant, a warehouse man, or a broker. While the farmer can sell his tobacco to the consumer without the payment of the tax, he is required under the law to deliver it himself. Then is when the difficulty arises which makes the present law operate in an oppressive way upon the grower.

Under the law as it exists the farmer can only sell his tobacco to a consumer, and the delivery must be made by himself. As the law now stands, if he would ship his tobacco to a dealer, then the dealer would not be allowed to sell it to the consumer. Thus it will be seen that the tobacco grower and producer is limited in the sale of his tobacco in the natural leaf to persons to whom he can make personal deliveries. What the tobacco grower desires is the privilege of selling his tobacco in the natural leaf to the consumers; that this privilege may be exercised by selling it to tobacco dealers, and they be permitted to sell it to the consumers without the payment of tax. I am glad to be able to inform the Senate that the House of Representatives has, on at least two occasions, passed a bill granting this privilege to the tobacco growers. The Senate failed to take action upon these bills. The House bill which is under consideration contains a provision which is exactly the same as the provision of the bills which it had previously passed. The testimony before the Ways and Means Committee showed the condition of the tobacco growers, and that condition appealed strongly to its members, and they were convinced that the enactment of the law would be of immense benefit to the tobacco growers.

If the tobacco growers and their tenants had been prosperous, there would have been no demand for a change of the law. It was the unfortunate condition in which they found themselves that caused them to begin to investigate what had caused the condition which confronted them, and they demanded a change in the law which would enable them to find markets for the tobacco where there was a competition among those who desired to purchase it.

Kentucky is a large producer of the tobacco which is grown in this country. It consists, principally, of the white Burley and what is known as "dark" tobacco, the Green River tobacco and the Upper Cumberland tobacco. The dark tobacco is grown in the western part of the State. That tobacco is also grown in a section of Tennessee which is situate adjacent to that part of Kentucky where it is grown.

Without at this point going into a discussion of the cause which produced the lamentable condition of which the tobacco growers complain, I desire to quote some testimony which was taken before the House subcommittee in relation to this question. The testimony is given by reputable citizens; by those who would make no complaint if there was no cause for it.

I shall take the liberty of quoting extensively from this testimony with the hope that members of this body will take time enough to read it. I have discovered also that members desire light on these various schedules and demand information, and that they are determined, if they can, to know what the law should be.

Mr. Charles E. Barker, of Pembroke, Ky., testified as follows:

We produce a dark, rich tobacco, and a few years ago we had a good market there, a good trade, and a good deal of competition. We could put our tobacco on the open market, with an auctioneer to sell it, and we would have 15 or 20 men bidding on it. The conditions have come about now so that we only have one man to make a price on it, and he refuses to go into the market at all.

* * * * * * *

Yes, the whole region has been cut up into districts like magisterial or constabulary districts, and the agents of each go around the districts and pick out just such as they want, and we have to take what they offer or leave it alone.

We formerly put the tobaccos on the open market, where the auctioneer put them up for sale; but these men will not go there.

Mr. R. E. Cooper, of Hopkinsville, Ky., testified, and, explaining the situation, said:

As a boy raised on a farm, and later engaging in the tobacco business, for the past seventeen years I have been selling tobacco for farmers in what is known as "tobacco commission warehouses" at Hopkinsville, Ky.

It has been suggested to me, and it is a fact, that Mr. Cooper is one of the largest dealers in tobacco in the country. Mr. Cooper proceeds:

We had there, when I went into the business, eight tobacco warehouses—eight firms. Then the farmers put their tobacco into hogsheads and sent it to us. We had it sampled, as you see these samples here, and sold it in the open market. At that time we had from 40 to 50 buyers on our market, and they would assemble around a table, just as the committee is assembled around this table, and we would start in with these samples of tobacco, all tagged and labeled, and so forth; and each of those buyers represented a distinct and separate manufacturer or country at that time.

Mr. GAINES. You say a distinct manufacturer or country?

Mr. COOPER. Or a foreign country; yes, sir.

As Mr. GAINES has already stated, 80 per cent of the dark tobacco grown in our section is for export. Ten per cent, possibly, of that amount goes into snuff in this country, and possibly 10 per cent goes into home consumption in the way of twist—around the smaller factories that use it in a very limited way.

To-day, instead of having the 40 or 50 buyers, we are without a tobacco market at all. The American Tobacco Company sends Mr. Norman Smith to our town, who has charge of all four of the markets, not only of the Hopkinsville market. His home is Clarksville. He comes down there, and we have to lay out our line of tobaccos, and instead of having competitive bids, he says:

Mr. Cooper, I will use that lot of tobacco for you after it is prized and put in hogsheads. That is the old custom—for it to be prized and delivered—and that would cost him about half a cent a pound to pay the expense of it. He will tell me that he will give me 3¼ to 4 cents a pound for the tobacco, and I have nobody else to sell it to, and I have to accept that price.

The CHAIRMAN. Is he the only licensed dealer?

Mr. COOPER. No, sir; I will explain that more, later on. He represents, however, the control of the larger part of our tobaccos. In the days when we had manufacturers as bidders we had 40 to 50 bidders. Now we are limited to possibly 3 or 4. Mr. Smith is the principal one.

The American Tobacco Company succeeded in closing all the snuff factories. At one time we had 38 snuff factories in the United States. To-day we have 98 per cent of those in the American Tobacco Company, known as the "American Snuff Company." There is one remaining, at Nashville.

Mr. GAINES. That is in the trust, I am told.

Mr. COOPER. Has the Standard gone into it?

Mr. STANLEY. Yes.

Mr. COOPER. Then we are out entirely.

Mr. METCALF. Are they operating all those factories?

Mr. COOPER. The American Tobacco Company?

Mr. METCALF. Yes.

Mr. COOPER. They are principally in New Jersey, Philadelphia, and at Nashville and Clarksville, Tenn.

Mr. METCALF. You said that the snuff factories had gone into the hands of the tobacco trust. Does the tobacco trust operate the snuff factories to-day?

Mr. COOPER. Yes, sir. That was the place we had to put about 10 or 15 per cent of our tobacco, and practically all the place we had in this country. We stood for that a while, and now about 30,000 hogsheads annually go to England; it is stripped and sent on the English market, and, as had been stated to you, they captured the English market under what is known as the "Imperial Tobacco Company," the American Tobacco Company controlling it. That takes out all the English competition we had. And when I say 30,000 hogsheads of tobacco, that means one-third or one-quarter of our entire crop is wiped out.

We sent to Bremen, which had been an open market heretofore, until last year, a quantity of tobacco to sell it on the open market there. This year the American Tobacco Company, when we shipped our tobacco to Bremen, took from their reserve a quantity of tobacco and put it on the market at cost. I was one of the unfortunates. We put our tobacco on the Bremen market, expecting to have a sale for it, but instead the American Tobacco Company put its tobacco on the market there in opposition, and sells it at prime cost here—just what it cost, without any freight or expenses—and it cost us 2¼ cents a pound to ship tobacco and sell it in Bremen to pay the expenses of it. The American Tobacco Company threw their tobacco on the market and just knocked ours out entirely—at a tremendous loss to the American Tobacco Company, of course—but while they can stand the loss, we can not. We have our tobaccos in Bremen to-day, and we can not sell them, from the mere fact that they have put the price lower than the cost of the tobacco at home.

This witness gave a great many interesting facts in addition to those mentioned above, which tend to support the conclusions stated in the part quoted.

Mr. John S. Cunningham, of North Carolina, said:

My chief object, gentlemen, in appearing before the committee is to tell you, Mr. Chairman and gentlemen, the conditon that existed in the tobacco-growing States prior to the tax and prior to these numerous bills which have been passed by Congress, and I want to say this to you, gentlemen, that as the matter now stands in the tobacco-growing States, not only of the South, but of the West and in some of the States that grow tobacco in the North, there is absolutely no competition. Fifteen or twenty years ago—you take, for instance, the Danville market, in Mr. Swanson's district—and they had scores of independent buyers, leaf dealers; but under the existing laws at the present time they have only a few buyers on the Danville market, a few on the Lynchburg, and a few buyers on the Durham and Winston and Norfolk and other markets of my State, and I understand that the same condition exists in other tobacco States.

Mr. Chairman, some years ago in the city of Danville and in the city of Lynchburg there were from 30 to 40 tobacco factories at each one of those cities, and there were tobacco factories throughout the little towns and throughout the country in all the districts; and you take my county—the county of Person—one of the best tobacco-growing counties in the United States, and I had the honor to take the gold medal and the first prize for the best bright tobacco grown, at the exposition in 1900. Some years ago we had a great many factories in that county and throughout the county towns and throughout the country districts.

But you take the counties that adjoin my county, as well as my own, and you take the county of Halifax, Va., one of the largest bright-tobacco counties in the South, and I do not think they have a single bright-tobacco factory in that county. They have none in Danville and none in Pittsylvania County, and the object of the bill, as far as I can see, is to bring about a competition—is to put the country in such a condition that the growers of tobacco, that the American farm laborers, can make a living.

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As I stated a few minutes ago, Mr. Chairman, competition has been absolutely destroyed in the tobacco business. Of course, those foreign nations; the continental nations of Europe, want to buy our tobacco just as cheap as they can, and they come here and buy the farmers' tobacco below the cost of production and take it to Austria and France and Italy and Spain, and those countries are making millions and millions of dollars a year off the manufacture of this raw material, and the tobacco producers of the United States are making nothing; and their lands have gone down, their labor is leaving the country, and a great many of them in districts where we have the public-school system are unable to pay their taxes and unable to provide their children with suitable clothes to go to school and church.

Mr. Charles H. Fort also gave information to the committee touching upon this subject, and said:

We want competition. We need competition. This thing has gone on down in our country until we have only one or two buyers there, and they actually have the territory prescribed and limited and laid off until there is one of my neighbors who had a barn full of tobacco on one side of the road and another barn full of tobacco on the other side; and a buyer came there and he offered him this tobacco on one side of the road and he bought that, and then he offered him the tobacco in the barn on the other side of the road, and the buyer said: "I can not buy that tobacco over there; it is not in my territory." And that man lost $2 on all the tobacco in that barn on the other side, because he could not sell to this buyer his whole crop because it was not in his territory.

I suppose when he says $2 he means $2 a hundred. He proceeds:

I used to sell my tobacco to farmers and they used to rehandle tobacco, and there were a dozen buyers in my neighborhood, and competition was so lively that it would make tobacco go up, and there was quite a boom with the tobacco farmers. Now there are just the agents who buy this tobacco, and there is no competition in the country; and they just set a price and squeeze and squeeze down until they have the life squeezed out of the producers.

Mr. C. P. Warfield, of Kentucky, also testified as follows:

In answer to your question, Mr. Chairman, as to how this competition is going to affect us, I would say that Bremen has been, as you know, probably, the only open foreign country we have; the others are controlled by a Rigi system. Recently the American Tobacco Company has undertaken to go in by Bremen and to sell tobacco there. Now, there are buyers on our markets, Germans, who have been on our little markets—open buyers and independent buyers representing independent firms in Bremen. It has 29 firms in Bremen, and it has been a dumping ground for all our products; it has been the only open market that we have had.

Last year the American Tobacco Company went into Bremen and they put down the price of tobacco. They went in there, and could undersell and did undersell—for the purpose of driving out the competition did undersell—this tobacco, and now the most hotly contested fight that I have ever known is being waged right in Bremen, and Bremen buyers in our country are standing shoulder to shoulder with producers and asking and realizing that they want competition. Don't you see? In other words, they go into our country to buy and they are cut out completely. They see this. They see the result of this.

* * * * * * *

Now, the farmer is there with a crop of tobacco to sell, and he is bound to sell it. Our people are helpless. While we had competition and could expect dealers and speculators in there to buy up that tobacco we could carry every man who was forced to sell; the warehouses would advance him money on his crop, and when the time came to put his tobacco in there he would bring it and put it in there, and we could sell it, and we had speculation and competition, you see.

Now, this past season this competition has been so completely killed that every buyer on our tobacco market has been broken this last year, every one, and these buyers are sitting there waiting, and we know they can not buy, and the Indian people will not buy a pound of it. You can not ship a pound of tobacco to Italy and sell it yourself. It has got to go through the Rigi contract.

Mr. F. M. Flack, of Hopkinsville, Ky., Hon. Joseph E. Washington, former Representative in Congress from Tennessee, and others gave testimony along the same lines as the persons to whom I have just referred. Mr. Felix Grundy Ewing, of Tennessee, a very prominent farmer and tobacco grower, also gave testimony before the subcommittee of the Finance Committee in relation to this question, and said:

We are a trust-ridden people. We are suffering very much from methods that they have resorted to in buying tobacco from us. It has been the custom for the past four years for one buyer to come to a barn and make one bid on that tobacco, and, generally speaking, he does not come any more. He comes and says, "I will give you 4¼ cents," or "I will give you 3 and 1," or "I will give you something else;" and it is that or nothing. Most frequently we will not have an opportunity of selling.

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Again, we recognize the fact that this is the only agricultural product that is taxed. Ours is a tobacco country, a tobacco soil, and a tobacco climate. We can not raise wheat and corn in competition with other sections of the country. Our grass is not spontaneous. We do not raise stock as they do in other sections of the country. We are absolutely dependent upon tobacco.

* * * * * * * *

Yes. These trusts have broken up our foreign markets. If an independent buyer should come in there and offer to buy any of our tobacco—which has happened, and would happen to-morrow but for this state of affairs—they would quickly give him to understand, as soon as he found himself in competition with them, that for every hogshead of tobacco that you are going to sell in Bremen we will have a hogshead

to sell at a lower price. And it happens without exception that when independent buyers come in there and buy our tobaccos and ship them to Bremen, which is our largest open market in Europe, they lose money, or at least make nothing, and the enterprise is dying. There have been thousands of hogsheads of tobacco belonging to independent buyers stored in Bremen that they could not sell, because these corporations are simply offering their tobaccos at a lower price to kill competition in buying.

This evidence conduces to show that tobacco growers are in an unfortunate condition; that their business has not been prosperous; that when it cost 6 cents per pound to produce the tobacco it was bringing 3 and 3½ cents per pound; that the competitive market had been destroyed; that there was practically only one purchaser for their tobacco. At any rate, only one purchaser fixed the price. It shows that the competitive markets in Italy, Spain, France, and the Netherlands had been destroyed by the action of the governments of those countries in refusing to admit any tobacco except that which was purchased by them; that the same agent purchased for what is called the "Rigi" contractors and for the American Tobacco Company; that the Bremen market was the remaining hope for the sale of part of their crop. But when some tobacco dealers sought to enjoy its supposed benefits, and shipped their tobacco there, then the American Tobacco Company began to sell its tobacco at the price at which it purchased it in Kentucky.

The tobacco growers believe that they are in the grasp of a conscienceless monopoly, which is wrongfully devouring their homes and taking from the mouths of their families the bread that has been earned by incessant toil. It is well at this point to inquire as to the facts, and find if there is any evidence which conduces to the support of their testimony and their deductions.

Whatever I may say as to the tobacco trust—and I add that if that term be regarded as too strong and harsh, then it is sufficient to state the case to designate it as the "tobacco combination"—shall not be said with the view of gratifying the harsh feeling of those who conceive they are the victims of its supposed rapacious greed for commercial triumphs and ill-gotten gains, nor for the purpose of gaining the applause of the multitude, which is sometimes more pleased to see some conspicuous figure in the commercial world flayed than it is when merited praise is bestowed upon a public benefactor.

The statements which I shall make with reference to the tobacco trust or combination are with the view of placing before the Senate facts which, in my opinion, are important to be considered in determining the question whether the relief sought by the tobacco growers should be granted. I do not desire to harshly criticise the conduct of a business concern of a quasi public character or its officers, nor am I willing to forbear to do so when a condition has been produced which makes it proper and all important that it should be done to enable the Senate and the country to understand the need of remedial legislation.

In support of the statements of the tobacco growers I shall give you some additional information as to the conduct and the methods which the tobacco combination has employed to produce the unfortunate condition which prevails in the tobacco-growing section of this country.

I think it somewhat important to give a brief history of the American Tobacco Company and to tell you of its purposes, its commercial triumphs, and its monopolistic tendencies. I think it proper for this reason: It, together with its subsidiary companies, and the persons and governments which are acting with it, have destroyed the competitive tobacco market in this country. If this be true, it seems to me that to call the Senate's attention to the fact is sufficient to invite its earnest consideration of the measure of relief which I urge for the tobacco growers.

The capitalization of this company shows that it was not organized simply to engage in the legitimate tobacco business; and its methods and profits show the purpose of its organization. The American Tobacco Company began business with a capital stock of $25,000,000, and its then business was the manufacture of cigarettes. The company now has a net capitalization, excluding intercompany holdings, of $316,346,821. It has absorbed 250 separate concerns. It now controls substantially four-fifths of the output of each important kind of tobacco manufactured in this country. It is one of the greatest combinations in this or any other country. Its rapid growth was the result of combinations, acquisitions, and absorptions. It has not only been engaged in the tobacco business, but in the manipulation of stocks. The evident belief of those who organized the company and directed its movements in the matter of combinations was that it would ultimately control the tobacco business of the world, and thus add millions to its profits.

The so-called "tobacco combination" consists of the American Tobacco Company, its three great subsidiary corporations, the American Snuff Company, the American Cigarette Company, and the British-American Company, besides 82 subsidiary concerns doing business in the United States, Porto Rico, and Cuba. Ten stockholders hold 60 per cent of the outstanding voting stock of the American Tobacco Company, through which company the entire combination is controlled. The combination's control of the plug, smoking, and snuff branch of the industry has steadily increased. As early as 1891, the combination controlled 89 per cent of the cigarette business; in 1906 it controlled 78 per cent of the chewing, smoking, fine cut, and snuff tobaccos. In 1891 it produced 19,199,924 pounds of tobacco out of a total of 270,529,326 pounds.

Its production had so increased in 1906 that it produced 306,039,641 pounds, out of a total production of 394,276,429 pounds. In 1906 it controlled 82 per cent of the plug tobacco, 71 per cent of the smoking tobacco, 81 per cent of the fine cut, and 96 per cent of the snuff. In 1896 it used, in the manufacture of its products, nearly 400,000,000 pounds of leaf tobacco.

The American Tobacco Company is the center, as has been shown, of a large group of companies, the most important of which are the American Cigarette Company, the American Snuff Company, and the British-American Company. They represent a large and distinct branch of the tobacco business, and each has its numerous subsidiary companies. The American Tobacco Company sustains a close relationship to the Imperial Tobacco Company of Great Britain, which is a great combination of British manufacturers. The American Company owns stock in that company and has a working agreement with it, which is to the effect that each is to refrain from doing business in the territory allotted to the other. Likewise, the American Tobacco Company and the Imperial Tobacco Company control a third company, which is known as the "British-American Tobacco Company."

About two-thirds of the stock of the British-American Company is held by the American Tobacco Company. The American Tobacco Company owns about 77 per cent of the common stock of the American Cigarette Company and about 89 per cent of the preferred stock. It owns about 68 per cent of the common stock of the American Snuff Company and about 19 per cent of its preferred stock. It owns about 65 per cent of the common stock of the British-American Company and about 66 per cent of the preferred stock.

There is no conflict in the business of the British-American Tobacco Company and the American Tobacco Company, the American Cigarette Company and the American Snuff Company, as they have respective fields marked off by the character of the tobacco product whose manufacture is their principal business. The British-American Tobacco Company is distinguished from the others, in that it confines its business to export and foreign trade.

The tobacco combination is not only engaged in the manufacture of tobacco, but is engaged in other manufacturing businesses which bear close relationship to the manufacture and sale of tobacco. These enterprises are conducted by separate corporations. Some of these are machine companies engaged in the manufacture and repair of the machinery used in the various machine processes of tobacco production. There are companies controlled by the American Tobacco Company engaged in the business of manufacturing smoking accessories and supplies, including pipes, and cigar and cigarette holders. Some other such companies will be mentioned later.

The total outstanding capitalization, including stocks and bonds, of all the companies of the tobacco combination which do business in the United States, Porto Rico, and Cuba was, at the end of 1896, $450,395,890. Of this amount $134,049,096 was held by other companies in the combination. The American Tobacco group, or combination, included 48 corporations, which manufacture cigarettes and chewing and smoking tobacco. Numerous factories, directed by the American Tobacco Company, manufacture the most of its output.

The other companies are specialized in their work to a great extent. The British-American Company itself has a capitalization of $25,369,302, of which the American Tobacco Company holds $16,757,250. In none of the American Tobacco Company's group of the combination does the American Tobacco Company hold less than 50 per cent of the capital stock. In some of them it holds the entire voting capital stock.

The company, as I have said, has contributory plants. It controls a company that makes 98 per cent of the licorice paste which is produced in the country. It has a plant making wrapping and package material and cotton bags. The Mengel Box Company makes boxes used by the company. One of its companies makes its tin foil; one produces nicotine; and one sheep dip. It even has a company manufacturing "slot machines."

The American Tobacco Company's first achievement was to force its competitors in the manufacture of cigarettes to yield, for it waged such an incessant warfare that they were unable to stand it, and they sold out to the American Tobacco Company. Messrs. Liggett & Myers were the successful manufacturers of plug tobacco, perhaps the largest concern in this country which conducted a prosperous business. The American Tobacco Company was determined to occupy practically the entire field in the manufacture of plug tobacco, and it set about to destroy its chief competitor. Liggett & Myers could not stand the warfare and were forced out of business.

It is claimed that the American Tobacco Company made a great profit in acquiring the business of Liggett & Myers. There still remained as competitors of the American Tobacco Company the great concerns of Finzer Brothers, Louisville; Finfis & Durhoffer, Louisville; Harry Weissenger, Louisville; P. S. Sorg & Co., Middletown, Ohio; Wilson & McCauley, Middletown, Ohio; Lorillard & Co., New Jersey; Buchanan & Lyall, New Jersey; Bagley Tobacco Works, Toledo, Ohio; Daniel Scotten & Co., Detroit; Drummond & Co., and Butler & Co., of St. Louis; and the Durham Company. They could withstand the attacks on their business but a short time. They yielded up the ghost, notwithstanding their capitals were large and their business previously had been profitable.

Without naming those who engaged in the snuff business, it is sufficient to say that they likewise were taken up in the maw of the American Tobacco Company. It was not content with its achievement in this country, but it sailed across the waters and invaded Great Britain. The firm of Ogden & Co., wealthy importers of tobacco, was captured. The Imperial Tobacco Company, another competitor, was then in terror, and was forced to enter into a treaty of peace, the terms of which were, in substance, as follows:

It was also agreed that the Imperial should have the trade of Great Britain and Ireland itself. It was likewise arranged that the American Company, in which, of course, the British had no interest, should remain in undisputed possession of the United States, Cuba, and the Philippines. To deal with the outside trade, the British-American Tobacco Company was formed, with both England and American directors, but with the Americans in control. In other words, the Imperial surrendered the entire foreign market to the control of the Americans and gave them an interest in its own business as the price of the peace.

It might be well at this point to call your attention to the proposition which the American Tobacco Company made to the dealers in that country. The reading of it will show you why it was that the Imperial Company was ready to accept the terms of peace offered by the American Tobacco Company.

Commencing April 2, 1902, we will for the next four years distribute to such of our customers in the United Kingdom as purchase direct from us our entire net profits on the goods sold by us in the United Kingdom. In addition to the above, we will, commencing April 2, 1902, for the next four years, distribute to such of our customers in the United Kingdom as purchase direct from us the sum of £200,000 per year. The distribution of net profits will be made as soon after April 2, 1903, and annually thereafter, as the accounts can be audited, and will be in proportion to the purchases made during the year. The distribution as to the £200,000 per year will be made every three months, the first distribution to take place as soon after July 2, 1902, as accounts can be audited, and will be in proportion to the purchases during the three-months period. To participate in this offer we do not ask you to boycott the goods of any other manufacturer.

The promoters of the American Tobacco Company did not engage in this gigantic enterprise simply for the gratification achievement would give them, but they did so for profit as well, and their hopes have been realized. In recent years the company has been declaring large dividends. In 1895 the dividend on the common stock was 20 per cent; in 1896, 22½ per cent; in 1897, 25 per cent; and in 1898, 32½ per cent, besides leaving large surpluses in excess of dividends.

The combination was not created to help the consumers of tobacco. Notwithstanding the low price of the raw material, the price of the manufactured product did not decrease. It is to the interest of the purchaser of tobacco to obtain the raw material at as low a price as possible, and at the same time to maintain the price of the manufactured article. So the one purchaser to whom I referred is interested in maintaining this condition.

There are many other transactions of the tobacco combination that mark its triumphal march to victory over all of its competitors. The statement of the facts showing its achievement staggers credulity, appalls the imagination, and creates in the mind of the thoughtful lover of his country apprehension of the dangers that may come to the people by combination and misuse of colossal fortunes. In this connection I desire to say that I have no prejudice against the successful man who by his intelligence and integrity has accumulated a vast fortune. Such a man is entitled to and should receive the respect of his fellow-men. Our country needs men of wealth to aid in its development and in the conduct of great industrial and commercial enterprises. It is only when they improperly use their wealth to take from the toilers of the land their reward for honesty and industry or destroy the fortunes of less prosperous business men or deprive the people of their substance by criminal combination that they should be arraigned at the bar of public opinion, regulated by the lawmaking branch of the Government, and be condemned by the judgment of our courts of justice.

TOBACCO TROUBLES.

A large per cent of the tobacco in Kentucky is raised by tenant farmers, aided by their children. These tenants have no opportunity to perform labor other than in the production of the crops of tobacco and in preparing them for market. So they depend almost entirely upon the tobacco crop for bread. The landowners furnish them with necessary supplies to produce the crops for the market. The use of the land and the supplies furnished makes the landowners large investors in the crops. Of course many of our farmers grow crops of tobacco by employing laborers to cultivate and house it.

Since the organization of the tobacco trust or combination there is practically but one buyer on the market. Thus, competition was destroyed and the growers were at the mercy of the trust or combination. The consequence was that the price of tobacco was so low that the tenants did not receive half the compensation for their labor that they should have received, and the landowners did not receive a proper return for their outlay.

When the owner of the land cultivated it by the employment of labor, he likewise suffered a loss. Many of the tenants never performed much labor, except in growing tobacco, and for that reason were not fitted for entering other fields of employment. When they saw that they could not receive a fair compensation for their tobacco, because competition had been stifled, a spirit of antagonism and rebellion arose within them.

The result was that organizations were effected with a view to pooling their tobacco, and thus force the buyer to pay a reasonable price for it. A vast majority of the most reputable farmers in the State joined the organizations for mutual benefit and protection. So the tobacco growers thought their own safety and protection was in organization. With that idea in view, the Planters' Protective Association of Kentucky, Tennessee, and Virginia was organized and duly incorporated. Mr. Felix Grundy Ewing, a leading farmer and a splendid citizen, was placed at the head of it. He was aided by able and reputable lieutenants. Ten thousand growers organized the Stemming District Association, under a system somewhat similar to the others, and Thomas Barrett, a reputable and first-class citizen, was placed at its head. The Burley Tobacco Growers' Association was formed—a large organization—and Mr. Clarence Le Bus, a splendid citizen, and Hon. J. CAMPBELL CANTRILL, now a Member of Congress, were placed at the head of that association.

The farmers refused to sell except through this organization, thereby hoping to procure such prices for the tobacco as they were entitled to receive. The purpose of the organization was, as we have stated, to protect themselves from the tobacco combination, and its object was not to protect itself by violence, although violence did come after this organization was formed. The purpose of those who joined the organization was to bring the price of tobacco up to a living one. There were persons who declined to join the organization, and if the purpose of the organization was accomplished, they enjoyed fully the benefits that were accomplished thereby.

There were persons who either belonged to the organization, or who sympathized with it, who were guilty of acts of violence that no one can justify. In this connection, I wish to say that I desire to disclaim any kind of sympathy for such misconduct. One excess begets another. One wrong frequently breeds other wrongs, and sometimes they follow so fast they tread upon each other's heels. The wrongs which these tobacco growers suffered were such that some misguided persons felt justified in resorting to lawless acts, which they thought tended to protect them in the enjoyment of their property.

While this is true, all who believe that this is a government of law must demand the enforcement of the law and condemn the acts of those who violate it.

I am proud to be a citizen of Kentucky. I am also proud that I have the honor to be one of her representatives in this body. It always distresses me to see her fair name marred by deeds of violence, whatever the cause may be which superinduces them.

I hope that the enactment of the proposed law will remove any cause for trouble in the tobacco-growing section of the State. It will at least allay a feeling that prevails that the laws have placed the tobacco growers in such a position that they are the easy prey of the tobacco combination. When we con-

sider that so many people are engaged in this industry who are entitled to the protection of the law of the land as much as any other class of people in the country, it seems to me that the Senate should give its attention to their earnest appeal for relief.

THE REMEDY.

The tobacco growers have sought to protect themselves by organization. It is expensive, doubtful of success, and has resulted, in some respects, unfortunately. Should the tobacco growers of the country be required to thus organize and postpone the sale of tobacco for years in order to force practically the only purchaser which they have to pay them a reasonable price for their product? Is it not infinitely better to so construct the statute that the laws of trade will remove the evil and give them an opportunity to obtain a living price for their tobacco? They believe if they are permitted to put their tobacco in hands and allowed to sell it in any quantity they choose to whomsoever they please, and that the party to whom they sell is permitted to sell the natural leaf to the consumers, their difficulties would be solved. This is simply allowing them to dispose of their product in its natural condition to those who desire to purchase it.

The evidence before the committee shows that there is an increasing demand for the natural leaf and that, in the South especially, it is very popular with the consumers of tobacco. It can be sold to them much cheaper than the manufactured product. Hence the poor people who use tobacco are permitted to acquire it at a more reasonable price. It will not only help the tobacco grower but it will be a relief to the men who work in the cotton and cane fields and in the mines and elsewhere in the country.

If the tobacco growers could ship their tobacco to merchants and others who would handle it in the various sections of the country, and those to whom it was shipped could then deliver it to the consumers, it would create a demand for the tobacco. There would then be competition in the places where tobacco is sold. The tobacco combination would be aware of the fact that there were purchasers for it other than those who proposed to manufacture it, and as the combination would need the tobacco for the purpose of carrying on its immense business, it would be willing to pay the farmers reasonable prices for it rather than have it shipped and sold directly to the consumers.

Col. Harry Weissenger, a prominent citizen of Kentucky, and at one time a large manufacturer of tobacco, has given this question great thought and attention, and in a letter to Representative STANLEY, among other things, said:

> Now, as a matter of fact, the revenue laws are such that the consumers of tobacco have no opportunity to procure that tobacco, for while there is no direct tax on leaf tobacco, yet leaf tobacco must go through the hands of the dealer, and from the dealer to the manufacturer, and the consumer can not obtain the tobacco except through this circuitous route; and no matter how much he may desire to use this tobacco which has been subjected to the manipulation of the manufacturer, he is preempted from doing so by the revenue laws, and this amounts to a direct tax on the raw material in the hands of the farmer, because there is no way under the existing law for the consumer to get hold of the tobacco which has not gotten into the hands of the manufacturer. Under the law it can not get out of his hands, and amounts to the payment of the 6 cents tax under the present law.
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> Now, it is necessary, in order to relieve the farmer, to so change the law that the farmer can reach the consumer with his product. It is not sufficient to allow the farmer the privilege of selling his product to neighborhood consumers, because there is no demand for it in the neighborhood where it is grown, as nearly every farmer in the neighborhood raises his own tobacco, and John Smith has no reason to buy from Tom Jones; but if the farmer is permitted to dispose of his tobacco to the sections of the United States where the leaf is not grown, and, in turn, the person to whom the farmer sells it is permitted to retail it out to those who wish to use it in its natural state, there will be competition on leaf tobacco that has never existed since the revenue was placed on the manufactured article and the sale of the raw material restricted, as it is and has been by the revenue laws, either to dealers or to the manufacturers.

This man, of large experience in the handling of tobacco, agrees with the tobacco growers that it will be a great privilege for them to enjoy, and, in a measure, free them from the difficulties under which they are laboring.

REVENUE.

The principal objection urged against the bill is that it will seriously affect the revenue of the Government. I confess that if the tobacco growers were required to sell their tobacco to the consumers of the country, it would to some extent take the place of manufactured tobacco. The farmers do not want to sell their tobacco to the consumers. Their best interest is for them to sell it to tobacco dealers and those who would buy an entire crop. They are thus relieved, as it were, of peddling their tobacco over the country. If the enactment of this law would enable them to get a fair price for the tobacco, practically none would be sold to consumers of the country. Hence there would be little displacements of the manufactured tobacco, and, consequently, no loss of revenue. This bill does not give the farmers the privilege of twisting their tobacco and selling it. Mr. Yerkes, Commissioner of Internal Revenue, testified that only about $700,000 was derived from the manufacture and sale of tobacco in the twist. His testimony is that, if this provision should be enacted into law, there could not in any event be a loss of more than $2,000,000 in revenue. It would not be that, if our hopes are realized, for the fact is that the tobacco combination knows that there is no market for this tobacco except that which is furnished by it.

If there were to be a $2,000,000 loss of revenue, it would be a mere bagatelle compared to the immense benefit which the farmers would derive from the law. Tobacco is the only crop that is grown from the soil which is taxed, and, as a result of its production in this country, the Government already receives more than $40,000,000 of revenue. My opinion is that there would be practically no loss of revenue, because, if the law be enacted, it will create the competition which the farmers demand, and result in giving them a fair price for their tobacco. Consequently, the sales would be directly to the dealers in tobacco, or the manufacturers, and not to the consumers. Eighty per cent of the dark tobacco grown in Tennessee and Kentucky is exported, and upon which no tax is paid. Therefore the Government would not lose a cent of revenue on the 80 per cent of the dark tobacco which is produced in the sections mentioned.

I do not anticipate that it is possible that an immediate sale of large quantities of tobacco could be made by the farmers if they were allowed to sell the natural leaf to the consumers. It will take a considerable time to build up trade in the localities where such tobacco might become popular by the use of it.

In the first place, it would be necessary to interest the retailers in the various localities, and, in the second place, they would be compelled to bring the tobacco to the attention of the consumers with a view of inducing them to become purchasers of it in place of the manufactured tobacco which they had been consuming.

Mr. DALZELL, of the House of Representatives, has served a great many years on the Ways and Means Committee. In the beginning of the effort to have the bill in question enacted into a law, Mr. DALZELL was of the opinion that it would seriously affect the revenues of the Government, and declared:

> It seems to me that your proposition was to destroy what might be called "a monopoly" by knocking the bottom out of the entire tobacco revenue system of the United States, taking the foundation out from under the whole business.

After a thorough investigation of the question, Mr. DALZELL became convinced that the proposed law would not seriously affect the revenue of the Government. He reached this conclusion after a thorough examination of the question. The fact that he started in with an opposing view and yielded it after investigation is a strong argument in favor of the conclusion that the bill will not ultimately affect the revenues of the Government. Representative STANLEY has given much thought and attention to the question and has earnestly advocated the repeal of the law. He stated in the House of Representatives that the repeal of the tax would not affect the revenues, and, among other things, said:

> Your Commissioner of Internal Revenue, one of the ablest commissioners you have had since the war, Mr. Yerkes, came before your committee and said that you could take this tax off the back of the farmer and that it would not affect the internal-revenue tax by a single cent.
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> Now, I demand that this committee do one of two things: Either permit my amendment or defend your refusal on the floor of this House. Do not conceal a nameless outrage in the body of this bill; do not put a thing in there of which you are ashamed; do not put a thing in there which you know is wrong and will do a grave injustice to 500,000 men and then treat my appeals with silent contempt; do not refuse to do justice and then refuse to defend the act of injustice.

MANUFACTURERS.

Some manufacturers are contending that it would not be right to enact the law which is sought, because it would be unfair to them. The farmers would not be permitted to sell manufactured tobacco. They would not put upon the market tobacco in the same form into which the manufacturers convert it. Hence there would be no direct competition with them in the sale of the tobacco.

The manufacturers have no right to demand, as a matter of protection to them, that the farmer should not be permitted to sell his tobacco in the natural leaf to whomsoever he pleases. When the internal-revenue laws were enacted the Government was not placed under obligation never to change the system. It made no promise to manufacturers that the farmers should not be permitted to sell their tobacco in the natural leaf to the consumers through the instrumentalities of their vendees. The Government in enacting the internal-revenue laws did not surrender its right to protect the citizens of the country who

might subsequently need it. It did not surrender any of its power to do justice to the people engaged in any industry in this country.

M'KINLEY ACT OF 1890.

By the terms of the McKinley Act of 1890, the then existing statute which imposed restrictions upon the right of the growers of tobacco to sell their product in the natural leaf was repealed, leaving them free to sell the tobacco as they now desire to do it. There was less necessity for that act then than exists now. There was no tobacco combination which sought to control the price, and their product found a ready sale in a market where there were numerous buyers who competed with each other in fixing the price of tobacco. Now it is otherwise, and at the time that the present statute was enacted it was not possible to anticipate the awful condition which now confronts the tobacco growers of the country. Therefore Congress did not consider the question which now confronts it. New conditions make new demands upon Congress for legislation, and the laws, if wise, are always adjusted to suit the new conditions. The history of the legislation of the country shows this to be true. It ever will be true in any country, and especially in a new country like ours, where there is great development in industrial and commercial enterprises. If this were not true, then Congress would have but little to employ its time other than in making appropriations to pay the expenses of the Government.

If every Senator who has stood in the presence of his people and told them that he was a friend of the toilers of the land, and believed in equal and exact justice for all, and that laws should be enacted to protect the weak against the strong will vote for this measure, it will pass with practical unanimity. If he believes that the hand of the oppressor should be stayed, that the weak should be protected and given a fair chance in the struggle for existence, then I appeal to him to vote to give the tobacco growers in this country that which they demand. It is a reasonable demand.

If you believe that you should strike down the hand that is raised to oppress those who need protection, then I ask you to aid me and help to do so.

This great Government of ours, because of the loss of a paltry sum in revenues, can not afford to disregard the demand of one and a half million people who are dependent upon the success of tobacco growing for a livelihood. You impose duties upon imports and collect large sums of money. It is confessed by the chairman of the Finance Committee that such duties are imposed not alone for revenue, but for protection. If you compel the people of this country to contribute large sums to make an enterprise profitable to those who engage in it, then is it unreasonable for a million and a half people of this country to demand that the laws be so made that they might have a fair chance to carry on successfully an important industry?

They do not ask that money be paid into their pockets as profits, but they simply ask that a grinding combination shall not be permitted, by reason of the laws of the land, to reduce the market value of their products below a reasonable price, thus forcing the poor tobacco tenants to labor for almost starvation wages.

The facts show that the tobacco combination is a commercial pirate carrying a black flag, dealing death and destruction to all competitors in the manufacture and sale of tobacco, and reducing those who grow it to penury and want. The death struggle of its expiring competitors has not caused it to hesitate; nor have the tears and suffering of the tenants, white and black, who produce the article upon which it feeds and fattens, excited its compassion.

Senators, you have an opportunity to compel it to dip its flag to one and a half millions of people depending upon the growing of tobacco for support, and to grant to them a chance to have their labor receive its fair reward. Will you do it?

Mr. CULBERSON. Mr. President, I have been interested in the clear and admirable speech of the Senator from Kentucky [Mr. PAYNTER], just delivered. I have been interested in his statement of the extent of the monopoly of the American Tobacco Company and the oppressive measures which that company has resorted to in Kentucky to accomplish its monopolistic purposes. I have been interested also in the remedy suggested by the Senator from Kentucky; but into that I will not now go.

I simply rose for the purpose of inviting the attention of the Senate to the fact that we thought, popularly at least, that there was a remedy already on the statute books of the United States to prevent just such monopolies as this and to dissolve them if they should exist. It so happens that the last administration, through Attorney-General Bonaparte and the district attorney for the southern district of the State of New York, instituted a proceeding to dissolve this corporation and to arrest its monopolistic tendencies. That case, Mr. President, was tried by four circuit judges of the United States, and opinions delivered by four of them, three of them concurring in the proposition that this was a monopoly and existing in violation of the laws of the United States.

I do not know what the purpose of the present Attorney-General is with reference to this matter, but he made a speech recently in the State of New York at a complimentary banquet given to him by the lawyers of New York City in which great doubt is thrown upon the course he proposes taking with reference to the enforcement of this law.

I want to call attention to the fact that the Attorney-General of the United States, where a case brought by his department is now pending before the Supreme Court, criticises the opinion of the court below in favor of the Government against the monopoly; and suggests, Mr. President, if I know the meaning of the English language, that if that is the proper construction, the present administration proposes to amend the law on the subject.

Now, let us see. This speech was delivered on the 30th of April in the city of New York. I ask, Mr. President, that the speech, as reported in the New York World of the 1st of May, may be printed in the RECORD.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Texas? No objection is heard.

The matter referred to is as follows:

TAFT ADMINISTRATION TO DROP ILL-ADVISED SUITS—ATTORNEY-GENERAL WICKERSHAM SAYS METHODS THAT WERE NECESSARY TO AWAKEN THE BUSINESS COMMUNITY ARE NO LONGER ESSENTIAL, BUT THAT ATTEMPTS TO FORM TRUSTS OR MONOPOLIES WILL BE VIGOROUSLY PUNISHED—HOPES TO AMEND SHERMAN LAW.

Before an assemblage of lawyers which comprised, almost without exception, every justice of the supreme court, every justice of the appellate division, every judge of the United States circuit court sitting in or near New York, and practically every personality of prominence in the legal profession, Attorney-General Wickersham, in a speech at Sherry's last night, outlined his programme concerning the administration of his office in general and the exercise of the Sherman antitrust law in particular.

William Nelson Cromwell, Senator CHAUNCEY M. DEPEW, D. Cady Herrick, William B. Hornblower, Martin W. Littleton, John G. Milburn, Victor Morawetz, Alton B. Parker, Francis Lynde Stetson, John E. Stanchfield, Edward M. Shepard, Henry W. Taft, Benjamin F. Tracy, Samuel Untermyer, and a score of other prominent corporation lawyers joined in the general tribute paid to the new Attorney-General by the members of the bar in this city.

MANY EULOGIZED THE GUEST.

Among those who eulogised the guest of the evening were Joseph H. Choate; Judge Gray, of Delaware; Presiding Justice Patterson, of the appellate division; Judge Ward, of the United States circuit court; and De Lancey Nicoll.

"There was a prevailing impression," said the Attorney-General, "that many of the laws dealing with economic subjects had been passed to be pointed to with pride, rather than to be enforced. Then there came a rude awakening. The last administration set to work with vigor, with energy, which was accompanied at times with newspaper clamor, to enforce these laws. Business men who eight years ago had not read the Sherman antitrust law to-day know it by heart, and railroad men and shippers alike have an intimate personal acquaintance with the interstate-commerce act.

"No American business man to-day can truthfully say he does not know that it is a crime for a railroad to give or a shipper to accept a rebate from the established interstate rate.

"The work of the present administration is none the less important than was that of the last in continuing to enforce the laws of the country and in endeavoring to effectuate the intent of the people, speaking through Congress, in preventing the things which the people have come to believe to be inconsistent with the welfare of the Republic; but the methods which were necessary to awaken the business community to a recognition of the existence and vitality of these laws are no longer essential.

"It may be, it probably is, true that in the movement to impress upon the whole business world the meaning and force of certain laws, and the necessity of attention and obedience to them, some suits were instituted and some prosecutions commenced without sufficient consideration and without adequate cause.

"When such conditions are found to exist, the present administration will not hesitate to withdraw the suits or dismiss the prosecutions. Such action must not, however, be taken as any indication of an intention by this administration to abandon in the slightest degree the vigorous, impartial enforcement of the law or to undo in any degree the splendid work of the last administration.

"We have heard frequently of late from representatives of certain business interests of the country cries of 'let us have peace' and 'let us alone.' The price of peace is obedience to law; those who honestly try to keep the law need not fear prosecution.

SHERMAN LAW STILL UNCERTAIN.

"I am perfectly well aware that there is an uncertainty as to the precise scope and meaning of that law which most closely touches all business activities of the country, namely, the Sherman antitrust law, and I should be the last to authorize the institution of a criminal proceeding against men who, without intent to violate the law, have, nevertheless, acted in technical contravention of an extreme and most drastic construction of that amendment.

"But certain of the principles underlying that law are assuredly now understood, and any attempt at this time, with the present construction of that law agreed upon by all the higher courts, to combine in the form of a trust or otherwise, with the obvious intention of restraining commerce among the States or of creating a monopoly of an important part of that commerce, would evidence such deliberate intention to

break the law as to justify and compel the Government to use all or any of the remedies given by law adequate to prevent the accomplishment of such purpose and to punish the attempt.

HOPES FOR EARLY DEFINITION.

"It is to be hoped that the Supreme Court will at an early date authoritatively define the full scope and effect of the antitrust law, and that if a construction should be given to it by that court as far-reaching as some of the judges of the court of appeals in this circuit gave in the tobacco case, Congress may so amend the act as to except from its provisions the ordinary agreements which are the necessary result of healthy business conditions, while still effectively prohibiting the creation of those far-reaching monopolies which are believed to be incompatible with the wholesome growth and progress of the Republic.

"This matter is under consideration by the present administration, with a view to submitting to the next Congress proposed amendments to the law."

Mr. CULBERSON. I will read one particular paragraph in this speech, that which refers specially to the American Tobacco Company case:

It is to be hoped that the Supreme Court will at an early day authoritatively define the full scope and effect of the antitrust law, and that, if a construction should be given to it by that court as far-reaching as some of the judges of the court of appeals in this circuit gave in the tobacco case, Congress may so amend the act as to except from its provisions the ordinary agreements which are the necessary result of healthy business conditions, while still effectively prohibiting the creation of those far-reaching monopolies which are believed to be incompatible with the wholesome growth and progress of the Republic.

This matter is under consideration by the present administration, with a view to submitting to the next Congress proposed amendments to the law.

Now, as I said a while ago, I do not know the purpose of the present Attorney-General with reference to the enforcement of this law; but it occurs to me, Mr. President, that it is extraordinary that the legal representative of the Government in a case pending before the Supreme Court of the United States should criticise the decision below and suggest that if that decision is correct the law ought to be amended and that the present administration contemplates submitting such an amendment to the Congress at the next session.

Mr. SIMMONS. Mr. President, I desire to offer an amendment, in the nature of an amendment to the amendment offered on yesterday by the Senator from Iowa [Mr. CUMMINS] to paragraph 97 of the pending bill. I will read the alteration I propose.

On page 26, line 3, strike out the words "and three-eighths," so that it will read "1 cent per pound;" in line 5, strike out the word "seven-eighths" and insert "one-fourth," so that it will read "1¼ cents a pound;" in lines 6 and 7, strike out the words "two and three-eighths" and insert "one and three-fourths," so that it will read "1¾ cents per pound;" in line 9, strike out the word "six-eighths;" in line 11, strike out the words "three and two-eighths" and insert "two and one-half;" and in line 13, strike out the words "four and two-eighths" and insert "three and one-half."

Mr. President, I offer this amendment——

The VICE-PRESIDENT. Does the Senator desire the Secretary to state the amendment to the Senate?

Mr. SIMMONS. Yes, sir.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from North Carolina.

The SECRETARY. On page 26, line 3, strike out the words "and three-eighths," so that it will read "1 cent per pound;" in line 5, strike out the word "seven-eighths" and insert "one-fourth," so that it will read "1¼ cents a pound;" in lines 6 and 7, strike out the words "two and three-eighths" and insert "one and three-fourths," so that it will read "1¾ cents per pound;" in line 9, strike out the word "six-eighths;" in line 11, strike out the words "three and two-eighths" and insert "two and one-half;" and in line 13, strike out the words "four and two-eighths" and insert "three and one-half."

Mr. ALDRICH. Will the Senator answer me a question? As I followed his amendment, the rates suggested by the Senator from North Carolina are practically the rates suggested by the Mills bill.

Mr. SIMMONS. The Senator is mistaken about that. I have not compared it with the Mills bill.

Mr. ALDRICH. I do not mean the Mills bill. I mean the Wilson law.

Mr. SIMMONS. I have not compared it with the Wilson law.

Mr. ALDRICH. With the exception of one or two brackets at the end, they are the rates fixed by the Wilson-Gorman bill.

Mr. SIMMONS. Mr. President, it may be that the rates are the same as those fixed by the Wilson-Gorman law. That, to my way of thinking, does not at all discredit the amendment, but rather commends it.

However that may be, the rates proposed in my amendment are lower than those proposed in the amendment of the Senator from Iowa [Mr. CUMMINS]. They are the exact rates suggested by Mr. Jones, the glass manufacturer, of Morgantown, W. Va., from whose letter and statement to the Committee on Ways and Means the Senator from Iowa yesterday read. I am glad the Senator from Iowa read that letter, because, if he had not, I should have read it.

I repeat, my amendment follows the suggestion of Mr. Jones, who is one of the largest manufacturers of window glass in the State of West Virginia. It has been suggested, for the purpose, I suppose, of discrediting Mr. Jones's statement, that while he is a manufacturer, he is also a Democrat, and I believe it was stated that he is a free trader.

I do not know whether Mr. Jones is a Democrat or not; but that he is not a free trader is shown conclusively by the letter which he writes and by the rates upon his product which he suggested to the House committee. The rates which he suggested to the House committee on this particular article, while less by about 25 per cent than the Dingley rate on that article, are still about the average rates of the pending bill upon all dutiable products. If Mr. Jones is a free trader, he has a strange way of showing it.

But, Mr. President, the attempt to discredit this witness has failed. Nobody has said—and I think about all that can be said to discredit him has been said—that he is not a man of character. Nobody has denied that he is a man of intelligence. Nobody has denied that he is a large manufacturer of glass, and nobody has denied that he is competent to speak intelligently with respect to what the industry in which he is engaged needs in the way of protection.

What Mr. Jones says is that the present rate upon his product is about 25 per cent higher than is necessary to afford him the protection which he, as a manufacturer, thinks he is entitled to.

Nor is Mr. Jones alone in the position he has taken with respect to this duty. I have here, and I desire to read from it, a statement filed before the Committee on Ways and Means of the House by Mr. Goertner, on behalf of a large number of gentlemen engaged in business connected with the importation of foreign products into this country. Some of them are located in New York, some in Boston, some in Philadelphia, and some in Hoboken. This statement is signed by Semon Bache & Co., of New York, by Seigmond J. Bache, president; the Boston Plate and Window Glass Company, of Boston, by E. A. Hills, director; Benjamin Griffen, D. A. Van Horne & Co., Theo W. Morris Company, Bendit, Drey & Co., Jacques Kahn, New York; John Lucas & Co., Caspar W. Briggs, Philadelphia; Schrenk & Co., by Jul. J. Gibian, secretary, of Hoboken.

It is said that they are importers, and that that fact disqualifies them to speak with reference to what is a proper tariff duty upon any article which they import. The Senator from Rhode Island has stated at sundry times during the course of this debate that his committee in fixing these schedules advised with manufacturers interested in various items of the bill.

I do not criticise the majority of the committee for pursuing that course. On the contrary, I think the committee were entirely right in calling before them men who are interested, whether as producers or consumers, in these schedules, and obtaining the benefit of such information as they might be able to give. I submit, Mr. President, if the manufacturers' interest in raising these schedules is not a discrediting circumstance in the judgment of the committee, the fact that the importer happens to be interested to some extent upon the other side of the question is not a circumstance which should discredit him.

Every lawyer knows perfectly well what is the effect upon his testimony of an interest on the part of a witness. It is supposed to some extent to color his testimony, but it does not discredit it. The weight of testimony of an interested party, in the last analysis, must depend, in this forum, as it does in the court-house and in every other forum where men speak, upon the character and intelligence of the witness.

Who has attacked the character of these importers of New York, Boston, and Philadelphia, or their qualification to speak upon this subject? No one has done so, and I am assured no one can do it successfully. From what I have heard of these gentlemen, I am sure their statements are entitled to respectful consideration from this body, and I will read from them. They say:

Even in 1897—

The year the Dingley Act was passed—

Even in 1897, and for a considerable period before that date, the rates imposed upon practically all varieties of glass were excessive. Under present conditions they are excessive to an inordinate degree; in fact, to a very great extent prohibitory.

Proceeding, the statement says:

Taking up the duties on unpolished cylinder, crown, and common window glass—

That is the paragraph we now have under consideration—

and it is the kind of glass used in building homes, and is strictly a necessity of life—"the present tariff affords almost an exact parallel to that on plate glass"—

Which had just been discussed and characterized as practically prohibitory.

In this, a cheaper article, in which an increased cost bears most hardly upon the poorer classes of our population, the present tariff will average about 100 per cent or more, figuring upon the ordinary window glass, which comprises by far the greater part of the total consumption.

We recommend the adoption of the following schedule on unpolished cylinder, crown, and common window glass:

Sizes not exceeding 10 by 15 inches, three-fourths of a cent per pound.

That is one-fourth of a cent less than Mr. Jones, the glass manufacturer, recommended.

Sizes exceeding 10 by 15 inches and not exceeding 16 by 24 inches, 1 cent per pound.

That is still less.

Sizes exceeding 16 by 24 inches and not exceeding 24 by 30 inches—cents per pound—	1¼
Sizes exceeding 24 by 30 inches and not exceeding 24 by 36 inches—cents per pound—	1½
Sizes exceeding 24 by 36 inches—do—	1¾

Recommending in each case a less rate than that recommended by the West Virginia glass manufacturer and embraced in my amendment.

Here we have the testimony of witnesses called before the Ways and Means Committee of the House by invitation, because it was supposed that they possessed knowledge of this matter, one of them a manufacturer of glass, the others among the largest importers in this country, all concurring in the opinion that the duties imposed by the Dingley bill are too high. The Dingley rates are substantially the same as those carried by the pending bill on this article. In fact, there is no reduction from the Dingley rates upon the smaller glass used in the homes of the people, and there is a reduction of only one-eighth of 1 per cent upon the larger sizes. All of these witnesses suggest that these rates are excessively high.

Mr. President, it is said that a high duty should be placed upon glass in order to stimulate and encourage the industry, which, it is claimed, is not so highly developed in this country as some other industries; that it is still, in a certain sense, in its infancy, struggling against adverse conditions and must have additional protection in order to encourage its further development. I have made some little investigations into the glass business, and I have discovered this situation: In 1890 the total amount of capital invested in the production of glass in this country was $40,966,000. In 1900, ten years afterwards, the amount invested was $61,423,000, an increase of 50 per cent in ten years. In 1905 the capital invested in this industry had increased from $61,000,000, in round numbers, to $89,000,000, an increase in five years of about 45 per cent. In other words, the profit of manufacturing glass was so attractive to capital that the amount invested in it has more than doubled in fifteen years. That does not look like a struggling or moribund industry.

But, Mr. President, the Republican definition of the protection to which the industries of this country are entitled——

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Pennsylvania?

Mr. SIMMONS. Certainly.

Mr. OLIVER. I should like to ask the Senator from North Carolina if these investments to which he refers were in the window-glass industry?

Mr. SIMMONS. No; the glass industry generally, window glass included.

Mr. OLIVER. It could not possibly refer to window-glass investments.

Mr. SIMMONS. The Republican platform definition of the amount of protection to which the industries of this country are entitled is the difference in the cost of production here and abroad plus a reasonable profit.

Let us examine this industry with reference to the application of this principle which we are assured by the chairman of the Finance Committee is the principle upon which this bill is framed. In the first place, I want to call the attention of the Senate to some facts with reference to the difference between the cost of production of window glass here and abroad. I hope to show the Senate that the duty which is now proposed nof only exceeds by four or five times this difference, but it is over twice the amount of the total cost of its production abroad.

In the letter from Mr. Jones, from which I read a little while ago, a statement is made with reference to the material cost abroad. This statement of Mr. Jones is corroborated by the importers from whom I quoted just a minute ago. Mr. Jones's statement with reference to the material cost is as follows:

A former manufacturer, who carefully investigated the costs some years ago in Europe, informed me that the cost of raw material and fuel for the manufacture of window glass is as cheap in this country as in Europe, and in that respect foreign manufacturers have no advantage over us.

Even stronger than this is the statement of Mr. Simon Backe. It is as follows:

Both schedules—

Meaning the plate-glass and window-glass schedules—

violate the preelection pledges, as the duties proposed are anywhere from four to ten times the difference in cost of production between the United States and Europe—in fact, it is an open question if there is any difference. The best modern American factories probably produce glass as cheaply as in Europe.

Mr. President, the difference between the cost of production of this article here and abroad, if any, does not consist in the cost of the raw materials; for, I think, the testimony shows that that is substantially the same. Whatever difference there is—and I do not deny that there is some difference—is to be found in the labor cost.

The labor cost used to be considerably more in this country than it is now; but about 1905 there was invented a machine for making this glass, which before that time had been made by hand. That machine is controlled absolutely by one corporation in this country, and since its introduction the labor cost in making this character of glass in this country has been very small. It is not half what it was before that time, and to-day the difference in the labor cost of this class of glass here and abroad will not exceed 20, certainly not more than 25, per cent.

I wish in support of that proposition to call attention to the total cost of producing this article in Europe and its selling price in this country. I have not been able to get the labor cost in Europe separated from the material cost; I have not been able to get exactly the cost of production in this country; but we have had prepared for us an authoritative statement, showing the total cost of this product, size by size, just as you have it in this bill, in Europe, and the selling cost of each of these sizes in this country. The comparison is not exactly accurate, because, of course, in the selling cost in this country there is included in addition to cost the profits of the manufacturer.

First, take the smaller sizes of this glass, exceeding 10 by 15 and not exceeding 14 by 20—the kind used in the homes of the poorer classes. The foreign cost per box of 50 feet is 95 cents. The selling price of American glass of the same size and dimensions is $1.20, a difference of only 25 cents.

Now, take the larger size. Exceeding 35 by 50 and not exceeding 35 by 54, the foreign cost of a box of 50 feet is $1.65. The American selling price of that glass is $1.88. So the difference between the cost of producing this article in Europe and the price at which it is sold here, with profit added, is only 23 cents per box of 50 feet. The difference in the labor cost here and abroad, therefore, can not exceed, by the most liberal estimate, more than 25 per cent.

Now let us see what is the labor cost of producing glass in this country. I have taken some little pains to find out the labor cost of this article in the United States.

The census tables show that in 1880 it was 43 per cent of the value of the product; in 1890, 50 per cent; and in 1900, 49 per cent, averaging something like 50 per cent.

If the difference between the labor cost here and abroad is 25 per cent, the protection provided in the paragraph under discussion is more than three times this difference. Take, for illustration, the smaller sizes specified in this paragraph, above 10 by 15 inches and not exceeding 16 by 24 inches, the equivalent ad valorem duty prescribed is 71.59 per cent—in some of the larger sizes it is more—on one, as high as 86 per cent—not only three times the difference in labor cost of production, but from 21 to 36 per cent more than the total labor cost in this country.

Mr. ALDRICH. Will the Senator permit me?

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. Certainly.

Mr. ALDRICH. Is that added to the cost of the glass in this country?

Mr. SIMMONS. Under present conditions, no; but under the conditions which may be created any day by according to this industry a greater amount of protection than it needs, even from the protectionist standpoint, a trust may be formed, and in all probability will be formed, in the manufacture of window glass as has been done in the manufacture of plate glass, when domestic competition will cease and the price be advanced to the limit of the excessive protection rate prescribed.

Mr. H. E. Miles, the big Republican and protectionist manufacturer, who figured so conspicuously in the last campaign by reason of his declaration with reference to the excessive rates of the Dingley law, and who figured so prominently of late in the tariff hearings before the Ways and Means Committee of

the House, was absolutely right when he said that when Congress gave an industry more protection than it needed to hold its own with foreign competition the manufacturers regarded it as an invitation to combine and, by suppressing domestic competition, advance the price of their product to the full limit of the duty.

These duties are not now added to the cost of window glass, because domestic competition still exists and keeps down the price; but it is practically certain that, sooner or later, the invitation and temptation of these excessive and prohibitive rates will land this branch of the glass industry into a trust, just as they led the plate-glass manufacturers into a trust.

Mr. President, I did not rise this morning for the purpose of making a speech at all. I simply wanted to submit a few brief observations upon this schedule in an attempt to show, if I could, how utterly unnecessary are the duties it is proposed to place upon window glass, upon either the revenue theory or the protective theory of tariff taxation.

I have not only shown that these duties are two or three times greater than the difference in labor cost here and in Europe, but I have shown that they are from 21 to 36 per cent in excess of the total labor cost in this country.

Mr. McCUMBER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Carolina yield to the Senator from North Dakota?

Mr. SIMMONS. Yes; in a moment. As excessive as is the duty on these smaller sizes, the duty provided upon the larger sizes, 30 by 40 and not exceeding 40 by 60, is even more disproportionate.

Mr. McCUMBER. I wish to ask the Senator a question, just for information.

Mr. SIMMONS. Certainly.

Mr. McCUMBER. I understand that nearly all this character of glass is imported from Belgium. In estimating the comparative cost of production at home and abroad, and the comparative wages, does the Senator wish to be understood as saying that the Belgian laborer in the glass works receives within 25 per cent as much as the American laborer?

Mr. SIMMONS. If the tables I have here are true, the difference can not exceed 25 per cent. These tables refer to the cost in Europe, without specifying any particular country. But the argument I was making when interrupted was that the duty was from 21 to 36 per cent more than the entire labor cost in this country.

Mr. McCUMBER. If the Senator will pardon me, I want to ask him, if he has the information, what is the difference in the cost of production in Belgium of the glass mentioned in subdivision 1 of this paragraph—that is, the paragraph relating to glass under 15 by 10—as compared with this country?

Mr. SIMMONS. The only light I am able to give the Senator upon that question is contained in a table I have here in the hearings, purporting to show the total cost of production of each one of these items in paragraph 97 abroad, and showing the selling price in this country of each one of those different sizes of window glass.

Mr. McCUMBER. I wish to call the Senator's attention to the fact that the price differs very materially in Great Britain and Germany and in Belgium, I understand; and as practically all these importations come from Belgium, I thought that would be the proper country to consider in the matter of comparative cost.

Mr. SIMMONS. The Senator is right in saying the test should be the labor cost in that competing country where labor is cheapest, and that may be Belgium, as he says; but, as he knows, we have to rely for information upon these questions mainly upon the testimony in these hearings, and I have not been able to find anything in them showing the cost in Belgium.

Mr. McCUMBER. I understand that it gives us the production cost in each country.

Mr. SIMMONS. No; only the foreign cost.

Mr. McCUMBER. What are those items?

Mr. SIMMONS. It does not give the production cost in each country. I think it gives the average cost in Europe. I will read it to the Senator.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from Iowa?

Mr. SIMMONS. With pleasure.

Mr. CUMMINS. Possibly I may clear up a little confusion that seems to be creeping into the debate by the suggestion that the cost abroad or the value abroad, as shown by our tables, can not be compared with the cost of the ordinary window glass in this country, because it is not the same kind of glass.

Mr. SIMMONS. That is absolutely true. A comparison can be made, but for the reason given by the Senator it is not accurate.

Mr. CUMMINS. It is not used for the same purpose. The foreign glass of the class which was imported last year, for instance, or in 1907, was greatly more than the selling price of the common window glass in our own country. It is now, I think, recognized and admitted by everybody who has given any study to this subject that the glass we import is not used for window glass. It is used for pictures, and what is known as dry plates in the photographic process. We do not import any common window glass, or, if any, not in an appreciable quantity. So the comparisons that were just being instituted might lead to a false conclusion.

Mr. McCUMBER. As I understand the Senator then, there is no imported window glass used for window glass?

Mr. CUMMINS. Practically none.

Mr. SIMMONS. The statement of the Senator from Iowa is substantially correct. There could not be any importations with the present duty upon this kind of glass and with the present selling price of glass in this country. The duties are absolutely prohibitory upon that particular kind of glass. As I understand, the same sizes are imported; but it is a glass of different quality, a glass of different thickness, known to the trade by a different designation—known as "dry plates," I believe—and is used for a different purpose altogether. It comes in under the duties imposed in these schedules, because it happens to be of the same size; and they pack it in boxes of the same number of feet; and for these reasons the amount of importations of these sizes, as shown by the Statistical Abstract and by the estimates accompanying the bill, is misleading.

There is practically none of this kind of glass imported into this country, and none can be imported as long as it is selling at the prices which now obtain in this country. Mr. President, that is perfectly patent. Take the larger sizes, exceeding 30 by 50 and not exceeding 30 by 54. The foreign cost per box of 50 square feet of that glass was $1.65. The duty is $2.02. The duty is therefore 37 per cent greater than the total cost of production of this class of glass abroad.

Take the smaller sizes. The foreign cost per box is 95 cents; the duty is 98 cents. The duty therefore is 3 cents more than the entire cost—labor, material, and everything else—abroad. When you add that duty and add freight, the selling price of this larger size of the foreign glass in New York is $3.78, as against the American selling price of glass of this size, described in this paragraph, which is $1.88. So with the duty and freight added the cost of the larger sizes of the kind of foreign glass that is brought in here under this paragraph is more than twice the American selling price of the same sizes of window glass made here and intended to be covered by these duties.

Now, Mr. President, I am trying to treat this tariff question from a practical standpoint. I recognize the conditions that exist. I know that this is going to be a Republican bill, and I know that the Republican majority in Congress have been instructed by the people it represents to make it a protective measure. But, while this is true, it is also true that the Republican masses, having in view, probably, former experiences, took the precaution to accompany their instruction and command with a specific definition of what they regarded as the measure of protection which should be accorded the industries of the country.

I do not agree with the tariff declaration of the Republican platform. I do not think we have a right in levying tariff duties to consider primarily the question of difference in industrial and economical conditions here and abroad. Especially I do not agree that we have any right in framing a tariff bill to guarantee the industries of the country a profit of any kind, whether reasonable or otherwise. Every tariff ought to be levied primarily for the purpose of raising revenue to support the Government. It ought to rest as lightly as possible upon the necessaries of life, and it ought to be distributed as much as possible upon all the interests in the country so that each productive industry will bear its part of the burden and receive its part of the incidental benefits of tariff taxation.

I do not advocate free trade; on the contrary, I believe that in levying these duties for the purpose of raising this revenue, we should not lose sight of the fact that there are many things that the foreigner can make cheaper than we can, and where the conditions of competition are obviously unequal, I think in laying these duties we should so adjust them as to afford the largest incidental protection to those things which most need to be secured against unequal foreign competition. In this way the burdens and benefits can in some degree be distributed and counterbalanced.

But, as I said, Mr. President, we are framing a bill not upon Democratic principles, but upon Republican principles, and in the discussion of these schedules we can not lose sight of this fact without running the risk of bringing about a discrimination

against certain industries and certain sections and, instead of decreasing, increasing the inequalities in the burdens and benefits of the tariff.

If the Republican party, who are making this bill and who are responsible for it, make a protective measure, I have no right to complain, because that will be in accordance with the instructions they have received from the people. We have no right to expect anything else. But when it is proposed to levy duties as in the case of the paragraph now under consideration, which violates every known principle of tariff taxation, which raises no revenue, which imposes duties from four to five times higher than are needed for the purpose of protection according to the Republican definition of the amount of protection the industries of the country are entitled to receive, I have a right as a minority Senator, representing a Democratic State which does not believe in the protective system, to protest; and all the people, whether Democrat or Republican, have a right to protest.

What is the result, Mr. President, of a duty which is not only four or five times the difference between the labor cost here and abroad, but two or three times greater than the total labor cost either here or abroad? I can not answer this question better than to repeat the declaration of Mr. H. E. Miles, one of the largest manufacturers and best informed men of the country upon the subject of the tariff, a Republican and a protectionist, when he declared during the last campaign, and I think again in his testimony before the Ways and Means Committee of the House, that when manufacturers are given a larger amount of protection than is needed to cover the difference between the cost of production here and abroad, they regard the action of Congress in voting them this unnecessary protection as an invitation to them to put their product in a trust, suppress domestic competition, and advance the price of their product to the full amount of the duty.

The schedule we are now considering illustrates this condition: The proposed duty, as Mr. Bache says, is four or five times greater than the difference between the labor cost here and abroad. Upon the smaller sizes it proposes a duty of 3 per cent more than the total cost, labor and material, abroad; upon the larger sizes, 37 per cent more than the total cost, labor and material, abroad.

The manufacturers of this character of glass are not now in a trust, but with this inducement and invitation it is almost certain that sooner or later they will follow the example of the plate-glass manufacturers and exploit the American producer to the limit of the duty by the imposition and exaction of exorbitant and monopolistic prices. Of course, Mr. President, the man who will suffer is the ultimate consumer. He not only pays the tax upon imports which the Government receives, but he pays a tax to the domestic producer when the price is advanced as a result of overprotection.

From any standpoint the rate under discussion is indefensible. It is not needed for revenue, because it will bring no revenue—it is prohibitory. It is not needed to protect American capital or labor against foreign competition, because it is several times in excess of the difference in the cost of this product here and abroad. It ought to be reduced, and heavily reduced.

In the amendment I have offered I have adopted the rate of duty suggested by the West Virginia manufacturer of glass, to whom I have before referred, not because I thought that the duty suggested by him was low enough, but because I thought the Republican party would at least be willing to accept the suggestion of a manufacturer of this product as to the amount of duty which in his judgment would be amply sufficient to secure him against unequal foreign competition.

The reduction proposed in my amendment is a moderate one—it only amounts to about 25 per cent. It ought to be reduced more than twice that amount; but, Mr. President, as I said, I am seeking results, and I knew it was useless to ask this body to make so great a reduction as that. I believe that a duty of 25 per cent upon this product would afford abundant protection, even from the Republican standpoint, and it is doubtful whether, even with a duty no greater than that, there will be any considerable importations, with resulting revenue to the Government.

Mr. GALLINGER. Mr. President, I wish to ask the Senator from North Carolina a question.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Mr. President, I have finished; but I shall be glad to answer the question, if I can.

Mr. GALLINGER. The Senator seems troubled over the fact that these duties are so high; but notwithstanding they are high, upon looking at the statistics I do not find that they have kept foreign countries from exporting their glass into this country in very large quantities.

Mr. SIMMONS. I have just undertaken to show—probably the Senator was not here—that the kind of glass imported, as shown by the imports, is altogether of a different kind, as to quality and thickness, and only like this glass in size; and that, therefore, those figures are irrelevant and misleading.

Mr. GALLINGER. Mr. President, I have no disposition to delay the consideration of this or any other schedule. I share with the Senators who want to see the end of this bill as speedily as possible. But I have been somewhat interested in the discussion of this schedule by the Senator from North Carolina. I listened to his very fervent speech on lumber, and I sympathized with him, and I shall vote with him on that schedule. But if he will take the testimony that was given before the Committee on Ways and Means of the other House on the lumber schedule, he will find a great many more witnesses who testified that lumber ought to be on the free list than he has cited to-day in favor of a reduction of duty on glass. So I think those of us who are going to ignore the testimony on the lumber schedule will take with some grains of salt the testimony the Senator has presented here this morning on the part of some importers and one manufacturer in reference to the schedule on glass.

I did not know, Mr. President, whether these duties are too high or not. I know that they are substantially the duties which have prevailed for a great many years, and I know that under the existing law an enormous quantity of foreign glass has been sent into this country that, I presume, could be manufactured by our own people as well as not.

In this connection—and it is all I am going to contribute to the discussion—I want to call attention to a statement made by 11 of the large glass manufacturing concerns in this country, who argue that the duties are too low, and that if they are not increased above the amount in the bill at the present time, disaster will come to the manufacturers of glass in this country on certain grades of glass. As this is a brief and very lucid statement of their side of the case, I desire to ask unanimous consent that it may be placed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The paper referred to is as follows:

PROPOSED COMPROMISE AMENDMENTS—SCHEDULE B, PAYNE TARIFF BILL.

Paragraphs 98, 100, and 101 of the Payne tariff bill should be revised to enable the American plate-glass manufacturers to operate their factories. These paragraphs are so closely linked that changes made in one necessitate changes in the others. They should be amended to read as follows:

"Paragraph 98. Cylinder and crown glass, polished, not exceeding 384 square inches, 8 cents per square foot; above that and not exceeding 720 square inches, 12 cents per square foot; above that, 15 cents per square foot.

"Paragraph 100. Cast polished plate glass, finished or unfinished and unsilvered, not exceeding 384 square inches, 12½ cents per square foot; above that and not exceeding 720 square inches, 18¾ cents per square foot; all above that, 22½ cents per square foot.

"Paragraph 101. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates exceeding in size 144 square inches and not exceeding 384 square inches, 15 cents per square foot; above that and not exceeding 720 square inches, 21 cents per square foot; all above that, 25 cents per square foot: *Provided*, That no looking-glass plates or plate glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate."

(Paragraph 102 should remain as given in the Payne bill.)

WHY THE COMPROMISE RATES ON PLATE GLASS SHOULD BE GRANTED.

1. American factories to produce the same quantities of plate glass cost much more to build than European ones, hence larger investments and need of larger returns per square foot.

2. It costs 18¾ cents more per square foot to manufacture polished plate glass in America than in Europe.

3. The American manufacturer's market is limited to United States, while United States is the dumping ground of all other plate-glass producing countries.

4. Imports under the Dingley law have increased 2,445 per cent in the first bracket, 762 per cent in the second bracket, 557 per cent in the third, and 3,099 per cent in the fourth, an average on all sizes of 864 per cent, while American production has only increased about 100 per cent during the same period, showing the present tariff to be an improper one.

5. Glass in the first two brackets, under the Dingley law, constituting in excess of 40 per cent of the total consumption, must be sold below cost of production. Fully 30 per cent must be cut down from profitable sizes.

(Automobile wind shields constitute 5 per cent of the total consumption and are sold below cost by the manufacturer.

The windows in the new House of Representatives and Senate Office Buildings are all glazed with plate glass sold by the manufacturers below cost of production.

These are the type of "poor" consumers that purchase small sizes of plate glass. There is no justice in this condition. There should be more protection on small glass.)

6. The Payne bill as it stands would still compel the sale of glass in the first two brackets below cost, and by a reduction of tariff on large glass from 35 cents to 22½ cents per square foot would not give the manufacturers an opportunity of making up this loss.

7. The proposed compromise rates of 12½, 18¾, and 22½ cents per square foot, paragraph 100, while still compelling the sale of glass in the first bracket below cost, would allow the sale of glass in the second bracket at cost and glass in the two upper brackets at a slight profit.

assisting the manufacturers to meager returns. The reduction in rate in the fourth bracket should increase imports materially and the Government revenues should be much larger. The average of the compromise rates based on the country's consumption are a reduction on the Dingley rates.

Changes in paragraph 100 to be of value must carry with them the corresponding changes in paragraphs 98 and 101.

Imports under Dingley law of plate glass, cast, polished, finished or unfinished, and unsilvered.

NOT EXCEEDING 16 BY 24 INCHES—(DUTY, 8 CENTS PER SQUARE FOOT).

Fiscal year ending June 30—	Quantity.	Deduct 1898 imports.	Increase over 1898.	
			Quantity.	Per cent.
	Square feet.	*Square feet.*	*Square feet.*	
1898	47,452.00			
1899	74,704.25	47,452.00	27,252.25	57.43
1900	105,323.10	47,452.00	56,871.10	119.85
1901	332,782.03	47,452.00	285,330.03	601.30
1902	382,232.57	47,452.00	334,780.57	705.49
1903	651,728.95	47,452.00	604,276.95	1,273.45
1904	567,892.36	47,452.00	520,440.36	1,096.77
1905	682,597.21	47,452.00	635,145.21	1,338.50
1906	1,050,312.71	47,452.00	1,002,860.71	2,113.42
1907	1,207,575.78	47,452.00	1,160,123.78	2,445.04

ABOVE 16 BY 24 AND NOT EXCEEDING 24 BY 30 INCHES—(DUTY, 10 CENTS PER SQUARE FOOT).

1898	530,769.00			
1899	385,096.45	530,769.00	a 145,673.55	27.44
1900	428,214.15	530,769.00	a 102,554.85	19.32
1901	1,475,244.38	530,769.00	944,475.38	177.94
1902	1,545,802.29	530,769.00	1,015,033.29	191.24
1903	3,294,124.26	530,769.00	2,763,355.26	520.63
1904	2,442,959.60	530,769.00	1,912,190.60	360.27
1905	4,323,668.77	530,769.00	3,792,899.77	714.60
1906	5,178,211.65	530,769.00	4,647,442.65	875.61
1907	4,577,059.11	530,769.00	4,046,290.11	762.34

ABOVE 24 BY 30 AND NOT EXCEEDING 24 BY 60 INCHES—(DUTY, 22½ CENTS PER SQUARE FOOT).

1898	112,959.00			
1899	404,673.99	112,959.00	291,714.99	258.24
1900	369,676.95	112,959.00	256,717.95	227.27
1901	705,308.72	112,959.00	592,349.72	524.39
1902	946,916.03	112,959.00	833,957.03	738.28
1903	1,191,173.32	112,959.00	1,078,214.32	956.29
1904	811,309.45	112,959.00	698,350.45	618.23
1905	792,379.50	112,959.00	679,420.50	601.65
1906	898,294.35	112,959.00	785,335.35	695.42
1907	741,947.26	112,959.00	628,988.26	556.83

ALL ABOVE 24 BY 60 INCHES—(DUTY, 35 CENTS PER SQUARE FOOT).

1898	5,655.00			
1899	60,738.00	5,655.00	55,083.00	974.06
1900	145,611.00	5,655.00	139,956.00	2,474.91
1901	724,724.32	5,655.00	719,069.32	12,715.64
1902	1,329,455.18	5,655.00	1,323,800.18	23,409.37
1903	1,162,111.40	5,655.00	1,156,456.40	20,450.16
1904	595,195.41	5,655.00	589,540.41	10,425.12
1905	265,442.69	5,655.00	259,787.69	4,593.95
1906	164,416.00	5,655.00	158,761.00	2,807.44
1907	180,913.26	5,655.00	175,258.26	3,099.17

TOTAL OF ALL SIZES.

1898	696,835.00			
1899	925,211.69	696,835.00	228,376.69	32.77
1900	1,048,825.20	696,835.00	351,990.20	50.51
1901	3,238,059.45	696,835.00	2,541,223.45	364.68
1902	4,204,406.07	696,835.00	3,507,571.07	503.37
1903	6,299,137.93	696,835.00	5,602,302.93	803.96
1904	4,417,356.82	696,835.00	3,720,521.82	533.92
1905	6,064,288.17	696,835.00	5,367,453.17	770.25
1906	7,291,234.71	696,835.00	6,594,399.71	946.34
1907	6,707,495.41	696,835.00	6,010,660.41	864.00

a Decrease.

Paragraph 100—Payne tariff bill.

PLATE-GLASS DATA.

American cost of manufacture per square foot	$0.325
European cost of manufacture per square foot	.14
Difference per square foot	.185

Brackets.	Dingley rates.	Add foreign cost.	Protection to.	American cost.	Results based on Dingley rates and costs.
Up to 16" by 24"	0.08	0.14	0.22	0.325	$0.105 loss per square foot.
Above and up to 24" by 30".	.10	.14	.24	.325	$0.085 loss per square foot.
Above and up to 24" by 60".	.225	.14	.365	.325	$0.04 gain per square foot.
Over 24" by 60"	.35	.14	.49	.325	$0.165 gain per square foot.

Paragraph 100—Payne tariff bill—Continued.

Brackets.	Payne bill.	Add foreign cost.	Protection to.	American cost.	Results based on Payne rates and costs.
Up to 16" by 24"	0.10	0.14	0.24	0.325	$0.085 loss per square foot.
Above and up to 24" by 30".	.125	.14	.265	.325	$0.065 loss per square foot.
Above and up to 24" by 60".	.225	.14	.365	.325	$0.04 gain per square foot.
Over 24" by 60"	.225	.14	.365	.325	$0.04 gain per square foot.

Brackets.	Proposed compromise.	Add foreign cost.	Protection to.	American cost.	Results based on compromise rates and costs.
Up to 16" by 24"	0.125	0.14	0.265	0.325	$0.065 loss per square foot.
Above and up to 16" by 24".	.185	.14	.325	.325	Sell at cost.
Above and up to 24" by 60".	.225	.14	.365	.325	$0.04 gain per square foot.
Over 24" by 60"	.225	.14	.365	.325	$0.04 gain per square foot.

Brackets.	Country's consumption.	Normal production.
	Per cent.	*Per cent.*
Up to 16" by 24"	10	3
Above and up to 24" by 30"	30	7
Above and up to 24" by 60"	25	25
Over 24" by 60"	35	65
Total	100	100

NOTE.—Thirty per cent of glass produced over 24 by 60 inches must be cut down to sizes up to 24 by 30 inches, cut from a possible profit under Dingley law of 16½ cents to a loss of 8½ cents to 10½ cents per square foot.

Tariff averages.

[Based on consumption of country.]

Brackets.	Consumption.	Dingley.		Payne.		Proposed compromise.	
	Per cent.						
Up to 16" by 24"	10	0.08	0.80	0.10	1.00	0.125	1.25
Above and up to 24" by 30"	30	.10	3.00	.125	3.75	.185	5.55
Above and up to 24" by 60"	25	.225	5.625	.225	5.625	.225	5.625
Over 24" by 60"	35	.35	12.25	.225	7.845	.225	7.845
Average protection per square foot		.21675		.1922		.2027	

NOTE.—The proposed compromise is a reduction on the Dingley law.

Possibility of profit under compromise.

Consumption.	Loss.		Gain.	
10 per cent	0.065	0.65		
30 per cent			0.04	1
25 per cent			.04	1.40
35 per cent		.65		2.40

2.40 less
.65

1.75—$0.0175 profit per square foot on cost of $0.325, or 5.38 per cent.

Revenue from proposed compromise plate-glass rates.

[1906 imports used as basis.]

Bracket.	Quantity.	Rate.	Duty.	Duty under Dingley law.
	Square feet.			
Up to 16" by 24"	1,050,312.71	$0.125	$131,289.09	$84,025.05
Above that and not exceeding 24" by 30"	5,178,211.65	.185	957,909.16	517,821.10
Above that and not exceeding 24" by 60"	898,294.35	.225	202,116.25	202,116.25
All above 24" by 60"	164,416.00	.225	36,993.60	57,545.56
	7,291,234.71		1,328,368.10	861,507.96
			861,507.96	
Increase			466,860.14	

Glass in the first bracket (up to 16 by 24 inches) will still enter the country below American cost of manufacture, and the imports should not diminish. Glass in the second bracket can still enter the country at American cost of manufacture, and in view of the quantities entering in the next two brackets at higher than American cost of manufacture, imports in the second bracket should hold their own, although there might be a slight reduction. The third-bracket rate will remain as it is, and so should the imports. It is reasonable to assume that importations in the fourth bracket (all sizes exceeding 24 by 60 inches), by reduction in tariff from 35 to 22½ cents, making the rate the same as on glass over 24 by 30 inches and not exceeding 24 by 60 inches, will increase proportionately to the ratio of consumption in the two brackets, or about as 35 is to 25. The importation of sizes exceeding 24 by 60 inches should therefore be 1,257,610.09 square feet. The possible revenue under proposed compromise rates should then be:

Bracket.	Quantity.	Rate.	Duty.	Duty under Dingley law.
	Square feet.			
Everything up to 24" by 60".....	7,126,818.71	{$0.125 .185	$1,221,374.50	$868,902.40
Over 24" by 60".....	1,257,610.09	.225 .225	282,962.27	57,345.56
	8,384,428.80	.....	1,574,336.77	861,507.96
			861,507.96	
Increase.....	.....	.....	712,828.81	.....

WASHINGTON, D. C., *May 5, 1909.*

To the Members of the Sixty-first Congress:

HONORABLE SIRS: The Dingley law does not, and the Payne bill as it stands will not, take care of the American plate-glass industry, but will affect it very detrimentally. The proposed amendments given on the first page of this booklet, although not affording as much protection as we originally requested and should have been granted, will allow us to operate without loss, and should, besides, permit increased revenues to the Government.

We solicit your cooperation and support of the proposed amendments, and hope the foregoing statements, based on facts, as they are, will merit the same.

Very respectfully, yours,

Allegheny Plate Glass Company, by W. J. Strassburger, secretary and treasurer; American Plate Glass Company, by A. H. Gaffney, president; Columbia Plate Glass Company, by C. W. Dahlinger, chairman executive committee; Federal Plate Glass Company, by E. F. Achard, general manager; Edward Ford Plate Glass Company, by Edward Ford, president; Heidenkamp Mirror Company, by Joseph Heidenkamp, president; Kittanning Plate Glass Company, by George W. Reese, president; Penn-American Plate Glass Company, by W. L. Kann, vice-president and general manager; Saginaw Plate Glass Company, by W. J. Wickes, president; Standard Plate Glass Company, by J. H. Troutman, secretary and treasurer; St. Louis Plate Glass Company, by W. J. Vance, secretary and assistant treasurer.

Mr. ELKINS. Mr. President, inasmuch as my State is interested largely in the manufacture of glass, I want to submit some testimony that I have here in behalf of sustaining the duty reported by the Senate committee in the bill. Referring again to the statement read by the Senator from Iowa [Mr. CUMMINS] yesterday from Mr. Jones, president of the Jones Window Glass Company, I have received from the president of probably the largest window-glass manufactory in Morgantown a telegram, which I will read. It will be understood that the president of this glass company heard of Mr. Jones's statement, which, by the way, as I said yesterday, was all hearsay. He did not know one thing of his own knowledge. Everything that he puts in his letter is hearsay. I received the following telegram yesterday:

[Telegram.]

MORGANTOWN, W. VA., *May 11, 1909.*

Senator S. B. ELKINS,
Washington, D. C.:

Marilla Window Glass Company strongly opposes reduction on present window-glass schedules. Result would greatly injure the business, and any further reduction in present low wages would close every hand-operated factory. All glass factories here are in line with this, and W. R. Jones is alone in asking for reduction, because he is a firm believer in free-trade Democracy.

JO. L. KEENER,
President Marilla Window Glass Company.

It is strange to say that here is a free trader who is willing to injure his own business to carry out his principles and views. Very few men will make that sacrifice. But as against his statement I put the eight manufacturers of glass in the town of Morgantown, who take the opposite view.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. ELKINS. Certainly.

Mr. SIMMONS. I wish to ask the Senator from West Virginia if Mr. Jones is a man of character and intelligence.

Mr. ELKINS. Oh, yes; of undoubted character.

Mr. SIMMONS. I wish to ask the Senator if he regards the rates that Mr. Jones proposed to the Committee on Ways and Means in the letter which the Senator from Iowa read, and which I read, as a free-trade proposition.

Mr. ELKINS. Well, it is such a reduction, if you please, Mr. President, that, according to the statement of the president of the largest establishment there, it would close up these factories.

Mr. SIMMONS. It is probably about 20 per cent less than the rate proposed in the bill on these articles. Starting with 41 and running to 71, 74, 75, 84, and 89 per cent, I suppose the average of those rates is about 65 per cent. Now, if you take off 25 per cent—that is about Mr. Jones's proposition—that would reduce it to 40 per cent. That is about very near the average rate proposed in this bill. Does the Senator from West Virginia regard that as a free-trade proposition? He says Mr. Jones is a free trader.

Mr. ELKINS. It is not out-and-out free trade, but it is just enough free trade to destroy the industry in that town, according to this statement.

Mr. SIMMONS. Does the Senator from West Virginia, therefore, mean that a rate of 40 per cent is so low that it would destroy the industries of this country?

Mr. ELKINS. I only read from the statements of people who are interested in this business and know more about it than I do. I know that they have had trouble with the operatives in the several glass factories in Morgantown.

Mr. SIMMONS. I should like very much, if the Senator will pardon me and not consider me as persistent, if he would answer that question. Does he regard a rate of 40 per cent so low that it would destroy the industries of this country?

Mr. ELKINS. It might in certain cases; that depends on conditions, Mr. President. But I can only quote the testimony here, by way of answer, that is given by the people in the business. If the Senator will allow me, it is a question of wages. The men in the several glass establishments in Morgantown will not stand any more reduction of wages; and this would cause such a reduction of wages that, according to the president of this large company and the officers of the other glass factories, the men would strike. That is the fear. Now, on the face of it, the Senator's proposition appears to be fair; but I do not put my knowledge against the men in the business. I want to read to the Senator a statement which is entitled to consideration.

Mr. SIMMONS. I should like to ask the Senator one other question.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. ELKINS. Yes, sir.

Mr. SIMMONS. Does the Senator from West Virginia mean to say that the manufacturers of window glass are now using all the protection that is given them by the Dingley law?

Mr. ELKINS. "Window glass," did the Senator say?

Mr. SIMMONS. Yes; common window glass.

Mr. ELKINS. I do not understand the Senator's question.

Mr. SIMMONS. I ask the Senator if he meant that the manufacturers of this kind of common window glass, for that is what it is, are now using all the protection that is afforded them by the Dingley rates?

Mr. ELKINS. I do not know. I can not answer whether they use it all or not.

Mr. SIMMONS. I will ask the Senator if he does not know that they are not using it, and, therefore, that a reasonable reduction of these rates will not affect the wages of laborers in those factories?

Mr. ELKINS. I know that they are not making money, according to their statements, and that if we reduce the duty they will have to reduce wages, and that will imperil their business. That is the best answer I can make to the Senator from North Carolina. It is a question of wages; and I want to protect the operatives in glass factories in my State against a reduction of wages.

Mr. SIMMONS. One other question.

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. ELKINS. I yield for a question.

Mr. SIMMONS. It seems to be conceded that the present rate is a prohibitory rate. Is not the Senator from West Virginia in favor of reducing the tariff rates when they are prohibitory?

Mr. ELKINS. I do not understand that they are prohibitory. I understand that the importations from Europe will drive our people out of business right in that vicinity and in Ohio. The pottery makers of Europe and the window-glass makers can drive our manufacturers of these products out of business unless they are highly protected. Even with our high duties, both glass and pottery come in from Europe and compete in our markets as far west as Ohio.

Mr. President, I should like to call the Senator's attention to the testimony of Mr. Faulkner before the Ways and Means Committee of the House. He is the president of the Window Glass Workers' Association of the United States.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Nebraska?

Mr. ELKINS. I do.

Mr. BURKETT. I should like to ask a question before the Senator begins reading the testimony on that particular point. This is one of the things that has been troubling me, I will say to the Senator, and I shall not occupy much of his time.

Mr. ELKINS. I yield, with pleasure.

Mr. BURKETT. The men interested in this business who have appeared before us have insisted all the way along that they are losing money in the making of glass. One of the contentions has been that there has been no money made. In the hearings in the other House, Mr. Goertner devotes several pages to that one question, and calls attention to a whole list of factories which have apparently not only made money but have made lots of it, for they have been increasing their capital and increasing their plant. In half a dozen years they have grown from small concerns to be concerns with millions of capital, which would seem to refute the statement which the Senator makes, and which these people have made who have been appearing before us from time to time, that the glass industry is not a profitable industry. I should like to ask the Senator, since he has made the statement here, to state how he is going to refute the statement that is made by Mr. Goertner in the hearings of the House, on page 1205?

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Pennsylvania?

Mr. ELKINS. I yield for a question.

Mr. OLIVER. I want to say that I think the Senator from Nebraska [Mr. BURKETT] will find that Mr. Goertner, when he made that statement, was talking about plate glass, and not about common window glass.

Mr. BURKETT. I understand that, Mr. President. Of course I realize that all the people, so far as I have seen their statements, who have been here to present the glass question have been talking about plate glass. I also understand that almost all that is in these hearings is about plate glass. There has been very little evidence, apparently, taken on the question of window glass; but the same contention is made by the Senator now in speaking of window glass that is made by all this evidence with reference to the plate-glass business; and since the Senator has touched on that point, I want to know how he is going to refute this statement.

Mr. ELKINS. The Senator from Pennsylvania [Mr. OLIVER] is right. We are now discussing the window-glass question, but when we get to the plate-glass schedule we shall discuss that. It is easy to read from the testimony of importers and middlemen who get people to make statements of all kinds. I can put a dozen statements against the statement of Mr. Goertner, named by the Senator from Nebraska, and when we come to the plate-glass schedule I propose to do it. But I want to read, for the information of the Senate, from the testimony given before the Ways and Means Committee of the House. Mr. A. L. Faulkner, president of the National Window Glass Workers in the United States, a man of the highest character, who is known to Senators in this Chamber, made a statement in person. He refutes the statements which have been made in favor of a reduction of this duty by importers and others. I will not detain the Senate by reading much of what Mr. Faulkner says. Senators can read it for themselves. In giving his testimony on November 24, 1908, on page 1103 of the hearings in the House, he says:

> In appearing before the House Ways and Means Committee I do so representing the interests of all window-glass workers in this country—

These are the people we want to pay attention to—the workers, the men who do the work, the wage-earners. They are not interested in the business and are fair and impartial—

> their families and their dependents. The Republican platform pledges a revision of the tariff. Mr. Taft in his preelection speeches pledged himself to a speedy and honest revision of the tariff. We believe the pledges will be redeemed and the President-elect will keep his pledge. Believing that revision does not necessarily mean a reduction of the present schedule, but that the term may be aptly applied as meaning an increase as well where necessary, that the labor interests as well as the business interests of this country may be thoroughly and honestly protected, I herewith submit a condensed statement concerning the condition of the window-glass industry as viewed from the worker's standpoint:
>
> There are 6,700 skilled window-glass workers in this country, all of whom are members of organized labor—

Take notice of what Mr. Faulkner says. You will need the glass workers and their friends in about a year and a half from now, in the fall election. What is said here may be quoted as against the claims of organized labor. This man speaks for all the organized labor of the window-glass workers in the United States. He continues:

> Capable of producing annually 11,000,000 50-foot boxes of the sizes and qualities required by American consumers.
>
> By the above I mean to demonstrate the fact that if all the skilled American window-glass workers were employed at their respective trades in the making of window glass, a sufficient number of boxes to supply the entire consumption of the country could be made in six months, thus compelling the forced idleness of the workmen during the remainder of the year.
>
> During a trip through Europe last summer—

This is not hearsay testimony, as was that of Mr. Jones as to what he heard from workmen and what a man told him who had been abroad. This is from a man who went abroad and saw with his own eyes.

> I had the opportunity of studying labor conditions affecting the glass industry and was particularly impressed with the fact that the low rate of wages paid the employees, together with the low cost of glass-producing materials, was a great menace to the American window-glass industry, the only safeguard against which is the tariff.

This man is not an importer; he is not a manufacturer; this is the man who does the work and represents the workers. He gives here a comparison between the wages of American and foreign workmen for the various classes of work. I will ask that this be inserted in the RECORD, but I will now state that the difference in wages is 40, 50, 60, and 70 per cent. He is standing for this difference in wages.

The PRESIDING OFFICER. Without objection, permission to print in the RECORD the matter referred to by the Senator from West Virginia will be granted.

The matter referred to is as follows:

> The comparative wages of American and foreign workmen I will submit as follows:
>
> American workmen: Blowers, $120.50 per month; gatherers, $90.25 per month; cutters, $124 per month; flatteners, $130 per month. Foreign workmen (I use the phrase "foreign" as referring particularly to the Belgian workers, our greatest competitors): Skilled workmen: Blowers, $60 to $80 per place.
>
> Mr. COCKRAN. Sixty dollars to $80 per what?
>
> Mr. FAULKNER. Sixty dollars to $80 per place. I will explain that later.
>
> Mr. COCKRAN. All right.
>
> Mr. FAULKNER. Gatherers, $40 to $50 per place; cutters, $28 to $38 each; flatteners, $40 to $60 each.
>
> In the case of a part of the more unskilled labor, the following were the wages shown by the figures that I was able to obtain:
>
> Lehr tenders, $48 to $60 per month; shove boys, $48 to $60 per month; roller boys, $48 per month. Foreign unskilled labor: Lehr tenders, girls, $15 to $18 per month; shove girls—that is, in place of the boys used in this country—$15 to $18 per month; roller carriers, girls, $18 per month.

Mr. MONEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. ELKINS. For a question. I want to get through with this.

Mr. MONEY. Very well.

Mr. ELKINS. Mr. President, I will not go more into detail, but content myself by quoting the very language and the words of Mr. Faulkner. Again he says:

> The importers, in recommending a decrease in the tariff, are looking solely to their own interests.

The importers are the middlemen. If there was some way to get at the middlemen who stand between the consumer and the manufacturer and make nearly all the profits, sometimes from 100 to 500 per cent, if we could by some legislation that might be enacted do that we might afford the consumer a remedy, but we can not do it. They get profits that are largely more than the manufacturer gets and then state that the consumer is being defrauded by the manufacturer. That is the claim of a great many people.

Generally the manufacturer sells at low enough prices, but he sells in large lots wholesale to middlemen, and they make the tremendous profits and raise the prices to the consumer, which is the cause of so much complaint, but this complaint should be directed not against the manufacturer, but the middleman.

The consumers say the middleman represents the manufacturer. This is not the fact. They should complain against the middleman who sells these products and not the manufacturer.

Mr. McLAURIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Mississippi?

Mr. ELKINS. For a question.

Mr. McLAURIN. That is all I am going to ask; and I ask it for information.

Mr. ELKINS. Very well.

Mr. McLAURIN. Will the manufacturers sell to an individual consumer?

Mr. ELKINS. They will where they get a chance; but the middleman will not allow it. They are organized to sell at retail or small lots to the consumer, and the manufacturer is not.

Mr. McLAURIN. How can the middleman keep them from doing that?

Mr. ELKINS. The middleman is organized, on duty, busy day and night. How can you get rid of him? I have studied that. I am a manufacturer; I am a producer; and I can not get around the middleman. I can not sell direct, because the middlemen are so organized that they will not allow me to do so. Then, again, the manufacturer prefers to sell in large lots or quantities and not engage in retail business. The two are separate and distinct.

Mr. McLAURIN. That is what I wanted to know, why the middleman will not allow you to sell to an individual consumer.

Mr. ELKINS. They will allow me if I can, but I can not. Of course, they will allow me; I am free to do business in any way I choose.

Mr. McLAURIN. I know; but what does the Senator mean by saying he can not?

Mr. ELKINS. I mean that I can not go around and sell in small lots. I can not sell 50,000 tons of coal in bags or in small lots; but I must sell to somebody, some dealer who will take 50,000 tons of coal or coal in carload lots. I can not sell in small quantities, because I have no retail organization. If I should undertake to do so, then the jobbers and middlemen would not buy from me. The middlemen are needed and useful, but for the most part without any outlay of capital and without risk they make more money than the manufacturer.

Mr. McLAURIN. Suppose the individual consumer should go to the Senator at his place of business and offer to purchase from him a lot of coal for consumption in his dwelling, or in his office, or in his place of business, would the Senator sell to that man?

Mr. HALE. He never does.

Mr. McLAURIN. I am saying suppose he does, what then?

Mr. ELKINS. What does the Senator mean? The producer does not have offices in every town in the country, but the middlemen have. Both the consumers and the middlemen are everywhere, and the manufacturer generally only in one place.

Mr. McLAURIN. But that does not answer the question. Would the Senator sell to that individual consumer?

Mr. ELKINS. If I were organized to do it, and could get the price the middlemen get, of course I would do it.

Mr. McLAURIN. What organization would the Senator need to have before he could sell to the individual consumer?

Mr. ELKINS. I would have to organize to do a retail business. I can not have places of business all over this city and all other cities. The Senator understands that as well as I do.

Being a coal operator, my place of business is at the mines, and I send coal to the market in car lots, but generally sell under contract to large consumers and middlemen, who sell retail.

Mr. HALE. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Maine?

Mr. ELKINS. I do.

Mr. HALE. Is it not a well-established rule of business that the manufacturer of any of these great products never can or never does deal with the actual consumer?

Mr. ELKINS. He rarely ever does.

Mr. HALE. He never does, and he never will. When we have protected him from the competition abroad, he makes such a display of efficiency as was yesterday shown by the Senator's colleague [Mr. SCOTT], who demonstrated the remarkably cheap price at which the glass manufacturers sell their product; but when you come to the fireside, the home of the consumer, the article has passed through two or three intermediate stages, and no legislation and no agitation and no cry that we do not regard the consumer will ever change that condition. The consumer will never be put into communication with the manufacturer; but he pays the price that the middleman exacts from him.

Mr. McLAURIN. Then, as I understand, if the Senator will permit me——

Mr. ELKINS. The Senator from Maine is quite right.

Mr. McLAURIN. The Senator from Maine is quite right, the Senator from West Virginia says. Then, as I understand, neither the consumer nor the retailer can purchase from the manufacturer. They refuse his patronage.

Mr. ELKINS. No; they do not. The retailer does not.

Mr. HALE. The Senator got that all wrong. They do not refuse; but the consumer in Mississippi, in Nebraska, in Iowa, or in Colorado, who is only interested in what he pays for the consumption of his own family, never approaches and can not approach the manufacturer.

Mr. McLAURIN. That is what I wanted to know, whether or not he could go to the manufacturer and buy anything.

Mr. HALE. The far-away consumer of a small quantity of an article for his own household necessarily deals with the retailer.

Mr. McLAURIN. Suppose he lives in the same town with the manufacturer?

Mr. ELKINS. What is the question?

Mr. McLAURIN. I say, suppose the consumer lives in the same town with the manufacturer. Can he then buy of the manufacturer?

Mr. ELKINS. I think he can; and undoubtedly the manufacturer would sell to him if he would ask for a carload lot of coal.

Mr. McLAURIN. If he asks for a carload lot; but suppose he wants a small lot?

Mr. ELKINS. I can not start out in the morning before breakfast, as the Senator knows, to sell him 3 or 4 or 5 tons of coal, when my mines are far away and I am not retailing coal, but sell only under contract or to retailers only in carload lots.

Mr. McLAURIN. Suppose a man wanted to buy 8 or 10 tons of coal from the producer; would he sell it to him?

Mr. ELKINS. How many?

Mr. McLAURIN. Eight or 10 tons.

Mr. ELKINS. From the producer?

Mr. McLAURIN. From the producer in his home town. What does he want with a carload of coal to carry to his place of business if he lives in the same town with the producer?

Mr. ELKINS. If he had a retail office or place of business there, he would sell it to him as a retailer, but the producer of coal generally has not a retail place of business; he is not organized to sell at retail, and if asked to sell in small lots, a few tons here and a few tons there, he would have to refuse, because he is not prepared to make the deliveries.

Mr. OLIVER. Mr. President——

Mr. ELKINS. I yield to the Senator from Pennsylvania for a question.

Mr. OLIVER. I simply want to invite the attention of the Senator from Mississippi to something that occurred within a few months in my own personal experience. I had occasion to award a contract for a building in the city of Pittsburg. I awarded the contract for the glass in that building direct to the manufacturer, and he billed the goods direct to me. So that if a consumer wants to buy glass from a manufacturer and goes to the manufacturer, he can buy it.

Mr. McLAURIN. Will the Senator let me ask him if the factory from which it was sold was in the Senator's own town?

Mr. OLIVER. The factory was not in my own town, but the office of the manufacturer was in my own town.

Mr. McLAURIN. That was a special case, I take it.

Mr. OLIVER. Not at all.

Mr. McLAURIN. Does the manufacturer——

Mr. OLIVER. If I had been in Chicago or in New York or in any other place, that same manufacturer would have taken that same order, and he would have been glad to get it.

Mr. McLAURIN. He would do that for the Senator, but would he do it for anybody?

Mr. OLIVER. He would do it for the Senator from Mississippi or for any other Senator or for anyone who had the money to pay for it.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from South Carolina?

Mr. ELKINS. I yield to the Senator from South Carolina.

Mr. TILLMAN. It was stated a little while ago that the manufacturer—I suppose in coal it would be better to call him a producer, although the Senator from West Virginia does not produce coal; he simply owns the coal mine, and has the coal dug out of the ground—it has been stated, however, that the manufacturer or producer never dealt directly with the consumer. Was it not brought out by the evidence in the investigation of the Interstate Commerce Commission in regard to the coal mines of the anthracite field, that there was such a monopoly there that they not only had shut out the middleman, but that they had established coal offices of their own in New York, in Philadelphia, and in those other cities which consume anthracite coal; that they were dealing directly with the consumer, and had put up the prices to such a rate that there was a coal famine, and all that sort of thing? Was there not some such evidence as that before the Interstate Commerce Commission?

Mr. ELKINS. I think there was something of that kind, but that is one case out of a thousand. The anthracite companies were so strong that they did the middlemen's business and got the profit. They organized to sell direct to the consumer by establishing offices and places of business, where they could store coal and then retail it to the consumers.

Mr. TILLMAN. Yes; they took the whole thing, just as kerosene oil is now largely sold by the Standard Oil Company to everybody, and the middleman is shut out or compelled to sell at whatever prices the Standard Oil Company fixes.

Mr. HALE. Let me ask the Senator a question. What he has said is true about such industries; but coal and oil are exceptional, and I think the retail dealers in the country, in the villages, have reason to complain because the great companies have refused their cooperation and have brought themselves to the door of the consumer. But it is the exception that proves the rule. In all other great industries, in almost everything that the tariff deals with, none of these conditions apply. The rate that the consumer pays at his door has practically no relation to the rate that is fixed by the tariff to protect the manufacturer.

I agree with the Senator that in the case of oil, and possibly one or two other products, this rule is violated; but, generally speaking, in all the vast industries that the tariff deals with this condition does not apply; and I appeal to the Senator whether he does not bear me out in the statement that it does not apply to other industries.

Mr. TILLMAN. My understanding of the mercantile conditions and commercial relations is exactly of the kind that the Senator mentions. The manufacturer has grown so rich and impudent that he would not think of dealing with the consumer direct. The harvester trust, for instance——

Mr. HALE. It is not a question of whether he would or would not—he can not.

Mr. TILLMAN. The International Harvester Company——

Mr. HALE. According to the way trade is arranged in this country, with the exception of these few oppressive cases, the manufacturer never deals with the consumer at his fireside; never.

Mr. TILLMAN. I agree with that, as a general rule.

Mr. HALE. Yes.

Mr. ELKINS. Now, Mr. President, I should like to conclude. Replying just a little further to the question of the Senator from Mississippi and other questions proposed by Senators, take the case of buying glassware by the dozen or by the hundred dozen. The manufacturer will sell cheaper to the wholesaler in job lots than he would to people who might call on him for one or two articles and he had to establish places to sell all over the country. The glass manufacturer, or any other manufacturer, is glad to dispose of large quantities, large lots, to dealers. Take the case cited by my colleague [Mr. SCOTT] yesterday. The manufacturer sells glass pitchers for a dollar a dozen, and then the middleman sells them for 50 cents apiece, making 400 or 500 per cent, and the consumer complains against the manufacturer about the high price. How are you going to avoid that? The man who makes the glass is glad enough to sell for a dollar a dozen; he makes a modest profit. The middleman makes the money, but how are you going to reach him and prevent his enormous profit? The Senator from South Carolina has cited the Standard Oil and the Harvester Company——

Mr. CLAPP. Mr. President——

Mr. ELKINS. I want to get through with this statement and then I will yield. The Senator says these corporations have become middlemen themselves.

Mr. TILLMAN. Thy have formed a combination and they have destroyed competition. Therefore they fix the prices to suit themselves and the consumer is not permitted to go into the markets of the world to get relief.

Mr. ELKINS. Let the Senator from South Carolina draw a bill to correct the evils and abuse of these combinations in monopolizing products and their sale.

Mr. TILLMAN. Will you vote for it?

Mr. ELKINS. I will if you will frame a proper one. I should like to see the Senator's bill before committing myself. Now, I yield to the Senator from Minnesota, and then I want to close.

Mr. CLAPP. Mr. President, what I was going to say was that great confusion comes into the discussion of the relation of the manufacturer, the wholesaler, and the retailer by confusing the word "profits" with the percentage of addition to price.

Mr. SMOOT. It is profit.

Mr. CLAPP. It may be profit, but the manufacturer before he talks about profits or dividends or percentage takes his entire year's work, figures the cost of repairs, the money necessary to keep up his plant, and everything of that kind, and then he calls the difference between the receipts and expenditures a percentage. The clothing merchant, for instance, expects, as I have been told for a great many years, to mark a suit of clothes 33⅓ per cent above the purchase price; but that is not all profit to him. Out of it must come the expenses of his business; and while the percentage seems very high, figured as a percentage in the difference between the buying and the selling price, it is not the percentage of profit. That is where we get into confusion on this whole subject.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Utah?

Mr. CLAPP. Just a moment——

Mr. SMOOT. Right here in relation to the profit, I wish to say that I was rather interested in the matter of glass that was spoken of here last night. So I wired to New York and had an appraiser go to several of the stores in New York to find out what a 12 by 14 pane of glass, such as we were discussing yesterday, could be purchased for at retail in New York. The cost of that glass a pane, with the duty added and a large allowance for breakage, is 4 cents. The appraiser went to a picture-framing establishment and asked at what price he could buy a pane of 12 by 14 glass and he was told 15 cents. He went to one of the largest department stores in New York and asked what the same identical pane of glass could be bought for there. Mind you, it cost 4 cents. The price asked for it in the department store was 25 cents per pane of glass. That is not 33⅓ per cent, but 600 per cent.

Mr. CLAPP. It is 600 per cent, but that does not measure all the expense incident to that man's business. I am getting at the difference between the percentage of profit at the end of the year on the entire capital and the percentage of the advance in an article.

Mr. HALE. But it does measure what the consumer has to pay.

Mr. CLAPP. Undoubtedly; but it ought not to be charged——

Mr. SMOOT. I am perfectly willing to allow a profit of 50 per cent on a pane of glass, if you wish—and no business on earth requires to sell goods as high as 50 per cent—but in the instance I have given, 50 per cent would be 2 cents, which, added to 4 cents, would make 6 cents as the selling price; but it is sold for 25 cents, which is 400 per cent more than that.

Mr. CLAPP. There is an old, homely expression, "The proof of the pudding is the eating of the string." I am not complaining of the manufacturer. I think it is a splendid tribute to the development of our industries that we can put these goods out as cheaply as we do, but at the end of the year the manufacturer takes the profit upon a vast business.

Mr. SMOOT. His profit is a very small profit, indeed.

Mr. CLAPP. It is small profit, measured perhaps by the percentage of difference between the cost at which he produces an article and the price at which he sells it; but then he is making money, while you hardly ever hear of a retailer getting rich. The only retailers that get rich are the men who do a great business.

Mr. SMOOT. I believe I can tell the Senator of a retailer in this country who has made more money than all the woolen manufacturers of the country combined.

Mr. CLAPP. Because he has done a vast business.

Mr. ELKINS. I should like to proceed, if the Senators are through.

The VICE-PRESIDENT. The Senator from West Virginia is entitled to the floor whenever he demands it.

Mr. ELKINS. Mr. President, we are all consumers, and many of us producers as well. I do not want to be ruled out of the class of consumers because I am a producer. If it were not for the manufacturers and the producers and their businesses, there are a lot of consumers who would not have employment or the means to purchase what they consume. We must make that distinction. If the manufacturer or producer is not prosperous or gives up business, what becomes of the vast army of consumers who are employed by producers or indirectly get a livelihood out of the producer's business? The consumers, if they are aggrieved, should fight rather the middleman than the manufacturer. The manufacturers and producers contribute to the business of the country, to its glory and its progress, and there is no just complaint that the manufacturer does not generally sell cheaply enough in the first instance. I admit prices may at times be too high. It is the middlemen generally who get the exorbitant profits, and if there is any legislation to prevent extortion complained of by consumers, let some one aggrieved make the move; but let us not complain on account of an abuse against persons not guilty, but rather the middleman.

Mr. TILLMAN rose.

Mr. ELKINS. Will the Senator allow me to read this and to ask a question?

Mr. TILLMAN. Surely; if the Senator is anxious to read it, I do not want to interrupt him.

Mr. ELKINS. I was reading, not from a manufacturer, not from an importer, not from a middleman, but from the official

head of the window-glass workers of this country—their president—and this testimony is impartial and unselfish. He says, "I appear for the wage-earner and those dependent upon him." Now listen to what he says bearing directly upon this question:

The importers, in recommending a decrease in the tariff, are looking solely to their own interests—

They would like to have everything come in free, of course. They want to buy cheap and sell dear. They do nothing but import. They make nothing but money, and they make a great deal of it, but the consumer should not make war on the producer because the middlemen charge high prices.

No matter what the prices for tea, coffee, spices, and many articles are to the middlemen—the grocers—they make a big profit. They often buy coffee at 7 or 8 cents per pound—sometimes higher—but the consumer never pays less than 25 cents per pound, and often 30 to 40 cents per pound; here is 300 or 400 per cent; who makes it? Not the producer. The grocer and middlemen make the profit, whether they buy at low or high prices.

A mere matter of bargain and sale—and are not considering or caring anything about the interests of others.

That is true, too.

The decrease in rates recommended by Mr. Goertner—

That is the friend of the Senator from Nebraska [Mr. BURKETT], who pleases him so much and so comforts him in his notions about the outrage and extortion of producers. Read his evidence. Here is the workingman. Take notice. Listen to him a good deal more than you do to the middleman, because you may need him more.

The decrease in rates recommended by Mr. Goertner, representing the importers, if granted, will be such a calamity that it would put a great many factories permanently out of business, and would ultimately be the ruin of the industry.

This is the word of an honest and impartial mind; this is impartial testimony, and can be relied upon. I commend it to the careful consideration of Senators.

He adds, making a splendid appeal for an American industry and the American wage-earner:

I am making this plea in the interests of American industry and American labor, and I would earnestly recommend that Schedule B, glass and glassware, No. 101, be changed as follows—

What he says I will ask to have inserted in my remarks.

The VICE-PRESIDENT. Without objection, that will be done.

The matter referred to is as follows:

	Cents per pound.
Unpolished cylinder, crown, and common window glass not exceeding 10 by 15 inches square	1¼
Above that and not exceeding 16 by 24 inches square	2¼
Above that and not exceeding 24 by 30 inches square	2½
Above that and not exceeding 24 by 36 inches square	2¾
Above that and not exceeding 30 by 40 inches square	3¼
Above that and not exceeding 40 by 60 inches square	3¾
All above 40 by 60 inches square	4½

Provided that unpolished cylinder, crown, and common window glass imported in boxes shall contain 50 square feet, as nearly all sizes permit, and the duty shall be computed thereon according to the actual weight of the glass.

Mr. ELKINS. Again he says:

The above recommendation is made after a searching investigation and upon the advice of both manufacturers and workers, for the purpose of creating a market in this country of an additional half million boxes of window glass annually of poor sizes and qualities that is now being made abroad and dumped upon the American market, which could and should be made by American workmen.

That is signed by A. L. Faulkner, president of the National Window Glass Workers of the United States, known, as I said, to a great many Senators here, and I think it fully answers a great many questions which have been raised and in a satisfactory way; and I think it is such testimony coming from such a source that we should take notice of in voting upon this schedule.

Mr. BURKETT. Mr. Faulkner explained that the factories are running now only half the time. I should like to ask the Senator if anywhere through all this testimony he has been able to find any answer to this proposition, how raising the tariff will raise the price of glass, when they are now selling glass produced here at less than the tariff? If some one were given the glass in Europe, he could not afford to bring it here and pay the tariff that is imposed beyond what he could buy it for in America. How do they need any more protection, when they could not bring it in if it was given to them in Europe?

Mr. ELKINS. I do not know whether these statements of the Senator are all accurate, but I do know at times men carry on business at a loss in order to keep the business going. They have to do it. It is no answer to the question that they are now selling below what the duty is. Often business men all over the country do it; and why? To keep the factories going until better times come; to keep their laborers employed. That is the reason. I know, as a matter of fact, from people who are informed on this subject that they often run their business at a loss. Mr. Faulkner says so. He is not a manufacturer, but a worker. He says we can do the business in six months, whereas if times were good and the interest were properly protected we might get business for the next six months at better rates.

Mr. BURKETT. Mr. President, I do not know very much about the schedule on window glass; but here for two days now we have been discussing it, and it seems to me that at some time or other we ought to have an explanation of it from some member of the committee who is defending these schedules.

I do not know whether this rate is too high or not. I have read the evidence of these men, representing the laboring men, and without a single exception they fear that a reduction of the tariff will reduce their wages, and the witness to whom the Senator from West Virginia has called attention used the very pathetic illustration of the result of the reduction of the tariff in the Wilson Act. He stated that almost immediately upon the going into effect of the Wilson Act, reducing the schedules, these factories were closed up, the men working in them were turned out of employment and joined the great army of American laboring men who were chasing over the country in search of work.

I do not want to produce that sort of situation again, but I do know that there is a very evident opinion among the people of this country who are using glass that there is some way, somehow, by which the people who produce glass can manipulate the price of glass so as to make it almost disastrous to other manufacturing industries that are using glass or to which the glass is a raw material, so to speak.

I have had letters—and I expect other Senators have had—from people using just this sort of glass, and they are not complaining so much because it is high, perhaps, but they are complianing more because the price is manipulated. First it is comparatively low, and then extremely high, as compared with its former price. So it goes on month by month and year by year.

I have read every syllable of evidence contained in these hearings with reference to the glass schedule, and it is not anywhere explained why it is that the tariff on this kind of glass should be more than they are selling glass for. I should like to have some member of the committee who is defending the glass schedule explain to me why it is, because, as I stated a moment ago, I do not want to be responsible by my vote for precipitating a similar condition that confronted us after the Wilson Act went into effect; and yet we know conditions have changed. It is not necessarily true that the schedule under the Dingley Act is required to-day, because as we find in this evidence and as was stated by the chairman of the Finance Committee, since that act went into operation, a dozen years ago, they have improved machinery for the making of window glass, so that it is made at half what it used to cost, and perhaps even less than that.

I think those of us who are not on the committee and have not had the advantage of the information furnished to the committee ought to have the information why it is necessary under these changed conditions, with the changed prices that obtain to-day, to keep up the same schedule that was put into effect a dozen years ago under entirely different circumstances, when the price of glass was double what it is to-day. It seems to me we are entitled to some sort of an explanation from some member of the committee with reference to it.

Mr. HALE. Mr. President, there is no mystery about the application of the doctrine and theory of protection as applied in the glass schedule. It is better illustrated in the glass schedule perhaps than in any other. The policy of protection, as applied to the manufacturer in this country, and as illustrated in this schedule, is to save him on the one side from foreign competition. The price to the consumer is another question, with which I will deal later. But the American manufacturer of this great product, so largely used by the people, is up against the raid that is made by the foreign competitor producing the same article.

There never has been a time—and it is fortunate in considering all the sides of this question that there never has been a time—when there has been such a raid of the foreign manufacturer and producer in his natural and insatiate desire to get at the great American market as there is to-day. It is not simply Oriental, it is not simply Japan, although that is a very great feature. But there has never been a time when, on the part of the German Empire, which is not only military and dominant in politics, but in business and in trade and industry, there was such a determination and predetermination to secure the immense American market as to-day.

The man is blind, Mr. President, who does not see that. Almost every manufacturer in this country is met by this deter-

mined invasion of our industries by the competing industries of Germany to obtain our market. That is one side of the question.

Mr. OVERMAN. Will the Senator let me ask him a question?

Mr. HALE. I wish the Senator would let me alone until I develop my thought, if I have any thought on this matter.

That is the one side. That is not the side of the consumer. That is another side, entirely distinct from that; and the policy of the Republican party, the policy of protection, is to impose such duties as will be a complete and fair discrimination in favor of our labor in manufactures as against German and oriental labor; and the duties that we impose are meant for the protection of the manufacturer in the great products that go to the people.

We have not yet come to deal with the consumer. That is another side. We are dealing now with the building up of manufacturing industries as against foreign competition. Every imposition in the way of duty is to protect our manufacturers. There never has been such a demonstration of the wisdom and beneficence of the protective theory against foreign competition as is disclosed in the glass schedule.

I said yesterday that the wit of man can not devise a wiser system of protection—not yet considering the consumer—against foreign competition than was disclosed yesterday by the junior Senator from West Virginia [Mr. SCOTT] when he brought forth the wares—glass—the different manufactures that under Republican protection were manufactured in the establishments protected by the Republican policy of protection. It was a revelation to me—the cheapness—and yet I knew as a protectionist that that is what protection does—that it builds up these great hives of human industry throughout our whole country and produces materials for the people at a cheaper rate than could in any other way be produced.

The presentatiop by the Senator from West Virginia of the glass products showed the result that under our system of protection against the foreign manufacturer our manufacturers could produce for the people at a rate at which the article never could be sent to our markets if we gave way to the foreigner.

Then we meet the other side, and the Senator showed the result of protection, how one article of general use among the people was furnished at 90 cents per dozen. Under our system of protection against the foreign manufacturer that single article could be presented and distributed and sold to the American people at 90 cents a dozen, and then we come to the other side, and there is the Democratic fallacy, there is the patent fallacy and absurdity, that whatever rate is put on to protect our manufacturers from this foreign invasion is paid by the consumer.

I am very glad, Mr. President, that I had some hand in bringing out this, I will not say fresh, I will not say new, but this important and essential contribution to the whole controversy, and that is that the rate which enables the producer, protected by the tariff through the Republican party, to open his establishment and present his wares to the American people has no relation to the price that the consumer pays at his own door. The Democratic proposition is that whatever is added by the tariff is paid by the consumer, and if anything has been shown by the discussion to-day and if anything is shown by the thorough investigation into the whole business of the country, it is that the rate at which the protective tariff enables the American manufacturer to present his wares to the American people has the least possible relation to what is paid by the consumer at his own door. Ninety cents per dozen is the price of a single article of every-day production, a pitcher, and yet it is paid for by the consumer at his door at the rate of 50 to 60 cents for each article. And our Democratic friends say that that should be charged to protection.

I assert—and I assert that this discussion will disclose and in the end will bring to the mind of the American people the fact—that the rates which we establish for the protection of these great industries, upon articles that are presented to the public, has no relation whatever to the prices that are charged by the manufacturer. It is the middleman, it is the jobber, it is the retailer, who puts on the price, and the citizen in Florida, the housekeeper in Missouri, the family in North Carolina, and the consumer in Wisconsin and Iowa are paying no tribute to the Republican policy of protection, that builds up these manufactures, but are at the mercy of and are controlled by the prices that are charged to them by the middleman.

Now, I do not arraign——

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from North Carolina?

Mr. HALE. I wish the Senator would let me carry out my views. However, I yield to the Senator.

The prices charged are the prices—I had a controversy yesterday with the Senator from Nevada—charged by the middleman, the jobber, the retailer. I do not know that we can interfere with that. We have not yet a system of government, paternal as it is growing to be and reaching out and assuming functions that were never imagined by the fathers, that seeks to fix the prices which shall be paid by the man who ultimately consumes.

Experiments of that kind have been tried in other countries, and have always been failures. There is no possible way we can do that. But I am trying to help awaken the American people to the consciousness that the large prices they pay at their door are in no degree affected by the protective tariff that we lay in order to build up the manufactures of this country.

Some time, Mr. President, the people will realize this. It is a direct counter proposition and a direct contradiction of the Democratic fallacy that the rate imposed by protection for the benefit of American manufacturers is all charged to and paid by the consumer. A demonstration of how this works shows precisely the contrary.

Mr. NEWLANDS obtained the floor.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. The Chair recognized the Senator from Nevada. Does the Senator from Nevada yield to the Senator from Oklahoma?

Mr. NEWLANDS. I yield to the Senator.

The VICE-PRESIDENT. The Senator from Nevada yields to the Senator from Oklahoma.

Mr. GORE. Mr. President, I desire to say that I do not stand in this place as the chosen champion of the retailers of this country, but I witness with some concern the repeated indictments which are returned in this presence against the millions of retailers in the United States who are struggling for a bare subsistence. The Senate, it seems, has converted itself into a grand jury and has returned a presentment against the retailers and the middlemen of the country. The manufacturers, the trusts, and the monopolies are undertaking to hold up the middlemen and the retailers as a shield to protect themselves against the wrath of outraged consumers. I stand here, I say, not as the chosen defender of the retailers of this country, but in their behalf I desire here and now to enter a plea of "not guilty."

It seems that the senior Senator from Maine [Mr. HALE] has constituted himself the foreman of this grand jury which has returned this wholesale indictment against millions of honest and deserving American citizens. Now, let us examine whether that indictment be true or be false. Take the consumer; take the ordinary citizen. How stands the count with him? Begin, sir, with the hat upon his head. Take the Stetson or Knox hat, and, for aught I know, other varieties, and the retailer has to sell those hats to the consumer at a fixed price. He has no choice and has no discretion. Take the shoes upon his feet, and every standard pair of shoes in the United States is sold to the retailer upon the express condition that he will sell it to the consumer at a fixed price, and he has no liberty; he has no option.

Is the retailer responsible in that case? Nay, sir.

Mr. SMOOT. Mr. President——

Mr. GORE. I yield to the Senator.

Mr. SMOOT. Do I understand the Senator to say that when clothing is sold by Hart, Schaffner & Marx, of Chicago, to a retail merchant, the retail merchant is compelled to sell it at a certain price?

Mr. GORE. I am so informed.

Mr. SMOOT. I want to tell the Senator he has been absolutely misinformed.

Mr. GORE. But, sir, what do you say of hats and shoes?

Mr. SMOOT. I do not know anything about shoes. I doubt very much whether it applies to shoes. I know it does not apply to clothing.

Mr. GORE. I ask the Senator with reference to Manhattan shirts, Earl & Wilson's shirts. Does the Senator say in that case the retail merchant is the robber who outrages the consumers of this country?

Sir, this is a miserable sham invented by the manufacturers. Driven to desperation, in order to defend themselves against their outrages and in order to shield themselves, they indict and they malign the retail dealers of the United States.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Utah?

Mr. GORE. I do.

Mr. SMOOT. Will the Senator apply what he says to the glass schedule here pending? Take a pane of glass, 12 by 14. Is that sold to any retailer with an understanding that he shall retail it at a certain price?

Mr. GORE. Mr. President, I have not so asserted, and I do not so understand. I spoke about clothing. I will say that it not only applies to clothing, but to many other articles, even to articles of food which are sold to the retailer on the express condition that he shall sell them to the consumer at a fixed price, and he dare not vary from the price which is prescribed to him. So some brands of soap and other groceries are sold to retailers upon those conditions. Yet the responsibility for the high prices is charged to the retailer, who is bound hand and foot. I do not defend the retailers in every instance. Doubtless they do charge high prices occasionally. But, sir, the responsibility can not be shifted from the manufacturer to the retailer in this instance.

This has applied at times to lumber. It does not do so at this time, certainly not in all sections of the country. It has applied to farming implements, and the effort was made to extend it to various kinds of hardware, but with the weight of hardware the scheme broke down. I have here an extract from a letter from one of these manufacturers' associations, prescribing the terms upon which stock should be sold to the consumer and requiring the retail man to sign an agreement not to purchase from any other importer or from any other concern. What liberty has the retail man to rob the consumer?

Mr. President, when we hear of the profits of the manufacturers, the net profits, after all expenses have been paid, are exactly expressed in the terms of dividends. I do not understand the accounts of the retail merchant. You say he averages a profit of from 33 to 35 per cent. Admit that he does. What, sir, does that cover? That is gross profit and not net profit. What does it include? It includes the rent. The building is often worth from one-fourth to three-fourths the entire valuation of his stock. Not only that, but it includes the cost of transportation of the goods. Not only that, but it includes insurance upon the building and stock. It includes taxes upon both. It includes advertising, losses from breakage, remnants, and bad accounts. Not only does it include that, but it includes the wages paid to all his clerks, about which Senators on the other side are so extremely solicitous. Not only that, but it includes compensation to the merchant for his time, and after that it includes compensation upon the capital invested. I know not how it may be in other States, but I say that in Oklahoma——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Maine?

Mr. GORE. Certainly.

Mr. HALE. Mr. President, I see the force of the statements that are made by the Senator of the burdens that rest upon the retailer. That is a part of my proposition. I am not arraigning the retailer as being a robber. I am only saying that such is our habit and system of trade that the very reason which the Senator is giving so forcibly, the expenses and burdens of the retailer, shows that when the consumer at his home buys of the retailer he has to pay a price entirely disproportionate to the manufacturer's price. It is because of the very condition the Senator is so well describing. I am not arraigning the retailer as a robber, but what the Senator says proves to a demonstration my argument, that when the article gets from the manufacturer, whom we protect against foreign competition, the consumer has to pay an amazingly disproportionate price compared with what the manufacturer charges.

The Senator will never find in his own State, and no other Senator will find, a different condition. The retailer has to charge, and must charge, and does charge, what brings up the price to the consumer.

Mr. GORE. Mr. President, I was about to say that the retailers in Oklahoma are not guilty of extortion, and I do not believe that the retailers are in the State of Maine, or in the State of Utah, or in the State of California, whose Senators joined in this impeachment here on yesterday. I doubt whether in the State of Oklahoma, and I doubt whether in the State of Maine, any retail merchant has declared net profits aggregating 66 per cent on the entire investment; and I assert——

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Oklahoma yield further to the Senator from Maine?

Mr. GORE. Certainly.

Mr. HALE. The retailer in Maine is precisely like the retailer in Oklahoma. He is not in a conspiracy to defraud and rob the American people, but the conditions of trade and his burdens are such that he has to add to the price. He can not help it. The consumer pays it.

Mr. GORE. Mr. President, to begin with the price at the manufactory, I assert, here and now, that cotton and woolen manufacturers in the State of Massachusetts have declared dividends of 66 per cent on their entire investment. I deny that any retailer in Oklahoma, in Maine, or anywhere else can duplicate those dividends. How will the Senator from Maine, how will the Senator from Utah, and how will the Senator from California explain and justify these enormous, these exorbitant, and these extortionate dividends?

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. Certainly.

Mr. SMOOT. Will the Senator give the names of a number of woolen manufacturers who have declared a dividend of 66 per cent?

Mr. GORE. The Troy Cotton and Woolen Manufactory in 1907 declared a dividend of 67 per cent. The Acushnett Cotton Manufacturing Company, of New Bedford, Mass., the same year declared a dividend of 66 per cent, and the Dartmouth Cotton Manufactory, of New Bedford, Mass., the same year declared a dividend of 66 per cent, and has declared an average dividend for the last nine years aggregating 22 per cent. There is where the extortion practiced by the retailers has its beginning.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Oklahoma yield further to the Senator from Utah?

Mr. GORE. Certainly.

Mr. SMOOT. I should like to ask the Senator if that dividend was payable in cash or was it a stock dividend?

Mr. GORE. It was in cash; and in order to shield such enormous dividends in the future they have resolved to double their capital stock. [Laughter.] If there be any other inquiry, I will yield. Otherwise I shall proceed.

The VICE-PRESIDENT. The Senator from Oklahoma will proceed.

Mr. GORE. Mr. President, the Senator from Maine has asserted that the amount of the duty is not added to the price. As a universal proposition no one would assert that to be true. The law of supply and demand sometimes defies the laws of Congress. But I say to the senior Senator from Maine, when the manufacturer does not add the duty to the price of the article it is not the fault of the lawmakers of this country that he does not do it, but it is owing to the law of supply and demand. The laws of commerce and trade intervene to shield the consumer against the avarice of the manufacturer and the cooperation of Congress. Now, I will cite an instance. From 1879 to 1881 the duty on steel rails was $28 a ton. The price in England ranged from $23 to $35 during those three years, and in the United States the price ranged from $61 to $65, the foreign price, plus the duty, plus the freight.

Senators have talked about glass and razors and oxalic acid. I know that there is a vast interest in oxalic acid in the State of Oklahoma. There is a perfect uproar that Congress should take some hurried action with reference to oxalic acid. It would appear as though Mr. Taft's election was based on the belief of the people that Congress would take a wise course in reference to oxalic acid. The same is doubtless true with reference to razors, concerning which the Senator from Utah [Mr. SMOOT] spoke with such eloquent fervor yesterday.

Mr. President, borax sells in this country for 7½ cents at times, when at the same time it is selling in England for 3 cents, the duty being 5 cents. Will the senior Senator from Maine say whether or not the foreign price plus the duty is charged? I know one reason why the retailer sells glass so high is because the freight is higher on glass than anything else transported in this country. Not only that, but the breakage is more than on any other article. According to Carroll D. Wright, the price declined on glass in ordinary uses from $1.35 a dozen to 25 cents a dozen. In God's name, how long is this protection to continue in behalf of these infant industries? Out in my country we would like to see these bottle babies stand alone and demonstrate that they have deserved the protection so long vouchsafed to them at the expense of the American consumer and at the expense of the American people. You need not lay the flattering unction to your soul that the retailers of this country are responsible for the advance in prices which has occurred during the last dozen years.

Sir, I say I can not sit here in silence and see the millions of retailers in this country made scapegoats to bear away the sins of the greedy trusts and monopolies in this country.

Mr. ALDRICH. Mr. President, the wisdom and efficacy of the protective policy is nowhere better exemplified than in the article now under consideration. The window-glass schedule has always been one of the principal sources of attacks on the part of the opponents of the protective policy. For instance, in 1890, when this schedule was before the Senate, the Senator from North Carolina, Mr. Vance, who then represented the minority of the Committee on Finance, made the following statement:

> Mr. President, if it were possible in human ingenuity, to a rectified and enlightened conscience, to select the worst feature of this whole tariff bill, I think it would be this one of glass, where such a great discrimination is made.

Against the American consumer.

Senator Vest, also a member of that committee, said:

Mr. President, there is not a single provision in this bill which has given rise to more complaint amongst the poorer classes in the country than the one now under consideration.

Then he went on to make a further statement. Both Senators claimed that a duty approximating 100 per cent ad valorem was imposed upon this article, and that the consumers of window glass in this country paid the duty.

This was in 1890, nineteen years ago. What has resulted since? At that time a large part of the glass used in the United States was imported. To-day, as the result of the protective tariff, all of the ordinary window glass used in the United States is made in the United States. American industry and American labor have taken from the foreign competitors the whole American market, practically.

What is the result on prices? The result has been a reduction in prices in this country, so that there has never been a time in history of the country when window glass was sold to the consumer as low as it is at this moment.

Now, the question arises, perhaps, in the minds of some Senators, If this is so, why do they need any duty upon window glass? The paragraph now under consideration not only includes in its terms common window glass that is used by all the people of the country, but it includes also, by necessity, all the 10 by 15 glass, which is common crown or window glass, imported into the country, and it includes not only the low-priced but the high-priced goods. It includes goods, for instance, valued at 2 cents a pound and goods valued at 4 and 5 cents a pound.

The Committee on Finance have been trying to find some description which will enable them to separate that class of goods which are distinctly different in this one paragraph. The courts have finally decided that all kinds of crown and cylinder glass are included in the provisions of this first clause. Some of these are worth 4, 5, 6, and 7 cents a pound, while common window glass, as I said yesterday, is worth less than 2 cents a pound.

I agree that there ought to be a difference in the rates on these two classes of goods. I think this must be apparent to everybody. But I insist further that the present duty of 1½ cents per pound upon common window glass has not raised the price in the United States a single mill. I think that that is beyond dispute here, and that the only effect of the duty, if it has had any effect at all, was to prevent the dumping of the window glass of Belgium upon the United States and upon the American producers at times when there was an excess of production over demand in the foreign countries.

The history of American industry is full of cases where duties have been levied and are levied above the difference in the cost of production here and abroad. Those duties have had no deleterious effect upon the American consumer. The law of supply and demand, to which the Senator from Oklahoma [Mr. GORE] has just alluded, and free competition in the enterprise and industry of the American manufacturer have kept the prices down to the lowest possible level. That is the contention of the protectionists.

Now, so far as this one item is concerned, I am going to ask that it be passed over for the present.

Mr. McCUMBER. I wish to ask the Senator one question about the matter of division. If I understand it correctly, the higher priced window glass or picture glass is made from what is called "crown glass," while the cheaper article is made from cylinder glass. Can not the division be made along the line between those two?

Mr. ALDRICH. No; it can not. If the Senator will examine closely the decisions of the court in recent cases, he will perceive that we have to find some other line of division between the two articles. It is my idea that the committee after investigation will be able to reduce the duties upon the common window glass and possibly, for a better adjustment of rates, increase them somewhat on picture glass, which is not made in this country, and probably can not be made here without a higher rate of duty.

Mr. BURKETT. I should like to ask the Senator a question before he sits down.

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. ALDRICH. I ask that the paragraph be passed over for the present until the committee can have a chance to look at it.

Mr. BURKETT. I was going to ask the Senator to let it go over.

Mr. NEWLANDS. Mr. President, before action is taken upon the suggestion of the Senator from Rhode Island, I wish to say a few words regarding this question. I believe it was in response to my inquiry of the Senator from West Virginia that the facts were brought out regarding the cheapness of the production of glass in this country. I am sure we were all amazed at the low costs he gave of the production of the various articles which he produced, and we were still more amazed to find out the high prices that were charged for those articles by the jobbers and retailers to the consumers of the country. I have in mind particularly one article, a pitcher, which I believe the Senator said could be made for 90 cents a dozen with a profit to the manufacturer, and which were sold by the retailers at $4.80 per dozen.

Mr. SCOTT. The Senator must not ascribe that price to me. He asked me the question, and I told him I was not posted, but the Senator probably could find out what the retailer sold it for if he would go into one of the stores on Pennsylvania avenue; that I was not posted as to what the retailer charged for it. I have been told since by the Senator from Iowa [Mr. CUMMINS] that such pitchers are sold at 25 cents apiece—that is, at the rate of $3 a dozen. I have not priced them.

Mr. CUMMINS. I described the pitcher as best I could, and I was informed that at some retail stores such a pitcher is sold at 25 cents.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. Certainly.

Mr. HALE. Can the Senator from Iowa, in showing the rate charged by the retailer, give any reason why, when the article is furnished at 90 cents a dozen by the manufacturer, right here in Washington it should be sold at $2.50 a dozen? Is the tariff responsible for that?

Mr. CUMMINS. Mr. President, does the Senator from Maine suggest by that question that I have at any time said the tariff is responsible for it?

Mr. HALE. No; but I want the Senator to repudiate that.

Mr. CUMMINS. On the contrary, I stated yesterday that I did not believe there ought to be a reduction in the duty upon the articles named in those paragraphs, and I am not defending the retailer. I suppose that, just like everybody else, he gets everything he can out of the business.

Mr. HALE. Yes; but the consumer pays higher here in Washington, not because we put a rate of tariff that enables the manufacturer to furnish these articles for 90 cents a dozen, for which the consumer in Washington pays $3.50 a dozen. Does the Senator think that the rate charged by the retailer should be charged to the tariff?

Mr. CUMMINS. I certainly do not, because I believe that the manufacturer of that particular article in this country is making it as cheaply as it can be made anywhere in the world, and he is selling as cheaply as it is sold anywhere in the world.

Mr. HALE. The Senator is entirely correct in that. The charge to the consumer does not rest, as the Senator from Oklahoma [Mr. GORE] indicates, upon the manufacturer nor upon the tariff.

Mr. CUMMINS. Certainly not.

Mr. NEWLANDS. Mr. President, we have, then, the statement of the Senator from West Virginia [Mr. SCOTT], as made the other day, somewhat modified. The pitcher in question is produced in this country with a profit to the manufacturer at a price of 90 cents per dozen, and is retailed to the consumer at a price of $3 a dozen.

Mr. SCOTT. I want to correct the Senator from Nevada there, when he states that I said a moment ago it was made for 90 cents at a profit. I made no such statement as that it was made at a profit. Sometimes we manufacture goods at a loss.

Mr. NEWLANDS. Will the Senator state whether there is any loss on that particular product?

Mr. SCOTT. Mr. President, the factory with which I am connected does not make that class of glass at all. We make a fine flint glass at my factory, French edging engraved and cut. I know nothing about the ordinary article, except that I have come into contact with it for the last forty years.

Mr. NEWLANDS. The illustration that we have been dealing with so much in this debate has very little value, then, because of the inaccuracy of the statistics. The Senator now states—though I understood him to state the other day to the contrary, in which I was undoubtedly mistaken—that 90 cents a dozen does not cover the profit, but, adding a fair profit of 10 per cent to include the cost to the manufacturer, we would have a dollar a dozen as the price of this particular pitcher. It is stated by the Senator from Iowa [Mr. CUMMINS] that this pitcher is retailed at $3. There is a difference of $2 between the wholesale and the retail price. I assume, if there is a duty equal to a dollar a dozen upon these pitchers, that to that extent it enables the retailer to charge these increased prices. The duty may not be responsible for the total increase of $2

per dozen, but it certainly ought to be charged with a part of it. To the extent of $1, therefore, this protective wall operates to the advantage of the retailer in enabling him to charge at least $2 a dozen for an article that is given to him at $1 a dozen.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. I do.

Mr. GALLINGER. I wish the Senator would elucidate that proposition a little. How on earth the tariff can have any influence upon the retailer is beyond my comprehension. He can buy these goods of the American manufacturer at 90 cents a dozen, and he can sell them for any amount between that and a million dollars; but how the tariff affects it, I confess I can not possibly see. Will the Senator make it a little plainer to the comprehension of our dull intellects?

Mr. NEWLANDS. I may not be able to make it plain to the Senator from New Hampshire, but I can certainly demonstrate it by facts regarding lead. The Senator knows that the price of lead in the London market is 3 cents per pound and that in the New York market it is about 4½ cents a pound, and that the duty is just a little over the difference between the New York price and the London price. The Senator knows that the price of raw sugar in the London market is about 2 cents a pound and that the price of raw sugar in the New York market is about 4 cents a pound, and that the difference between the two prices is due to the fact that the tariff on sugar in this country amounts to nearly 2 cents per pound.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. The Senator knows, regarding iron and steel and all those other products, that for years the market price in this country has been the foreign price with freight and duty added. Now I yield to the Senator from New Hampshire.

Mr. GALLINGER. I will say to the Senator that I do not know whether his statistics are absolutely correct or not, and I am not particularly interested in that now. We will discuss those questions; we have discussed one of them, and we will discuss the others when we come to them; but what I want the Senator from Nevada to elucidate is, how a pitcher that costs 90 cents a dozen manufactured in this country can possibly have the added value placed upon it by the retailer to the extent of $3 a dozen because of a tariff? That is the point I should like to have the Senator bring out, and confine himself, if he pleases, to this particular thing.

Mr. NEWLANDS. We will assume, Mr. President, on that particular case that the cost of these pitchers in this country of manufacture is $1 per dozen.

Mr. GALLINGER. Ninety cents.

Mr. NEWLANDS. We will assume that the manufacturer turns them over to the retailer at that price; we will assume that the retailer charges——

Mr. SCOTT. That is not a proper assumption.

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from West Virginia?

Mr. NEWLANDS. I do.

Mr. SCOTT. The jobber, who buys from the manufacturer, must pay his freight on that package of pitchers; he must pay the cartage from the depot to the store; he must pay his clerks for their work, and allow for breakage, and so forth.

Mr. GALLINGER. And get his commission.

Mr. SCOTT. It is not fair to say that the article is laid down for a dollar.

Mr. NEWLANDS. Very well, then; we will assume that of the $3 charged the consumer, $1 is chargeable to breakage and freight, and $1 is chargeable to the manufacturer, so that when it comes to the retailer it comes to him with charges imposed upon it to the extent of $2 a dozen, and he sells it for three, making a profit of a dollar. Now, if the foreign article is brought into this country without duty and the cost of manufacturing is the same, namely, $1, and the freight and breakage are the same, namely, $1—$2 in all—could the retailer of the domestic article sell it at $3? But if a duty of $1 were added, making the total cost of the foreign article $3, then the retailer of the domestic article could charge $3.

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Hampshire?

Mr. NEWLANDS. Let me get through, Mr. President.

Suppose there were no duty; suppose this article could be produced for the same price in foreign countries for which it is produced here, $1 a dozen; and suppose there was no duty here, and you then add the freight and breakage, amounting to a dollar, making $2; how could the American retailer sell the domestic product at $3 a dozen, when it could be introduced from abroad at $2 a dozen?

Mr. GALLINGER. If the Senator will permit me, he has cited a case where this product in the foreign market would cost a dollar, the tariff would be a dollar on it, and that would be $2. Now, what retailer or wholesaler in the United States is idiotic enough to buy a foreign article that costs $2 when he can get the American article at 90 cents? I hope the Senator will answer that.

Mr. NEWLANDS. That is true; but I am now asking about his selling price.

Mr. GALLINGER. I judge his buying price determines his selling price.

Mr. NEWLANDS. Not at all; because it is perfectly apparent here that his buying price is $1 and his selling price $3 a dozen. I ask how is it that that immense disproportion exists? I say it is the additional duty of $1 which raises the cost of the domestic product in this country from $1 to $2. The price of the foreign product with the duty added enables the American retailer to charge just so much more for the American product.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Maine?

Mr. NEWLANDS. Yes.

Mr. HALE. Why does the Senator put that proposition, when it is shown that the American manufacturer under this system of protection furnishes the article for 90 cents a dozen? Why does the Senator keep talking about the price being $2 when everybody can buy the article for 90 cents a dozen?

Mr. NEWLANDS. I fixed the price of $2 as the ultimate cost to the retailer himself, in order to satisfy the Senator from West Virginia, who insisted that it was unfair to put the price at 90 cents a dozen, because that did not include the profit to the manufacturer. I added 10 cents to that, in order to make it a dollar. Then the Senator introduced the question of breakage and of freight, and I added a dollar for that——

Mr. HALE. Why?

Mr. NEWLANDS (continuing). So as to make it $2 per dozen; for, of course, the breakage is large and the freight is very heavy upon this class of articles. Therefore I put that at a dollar, making the cost to the American retailer $2 per dozen. Now, I ask, if the foreign product could be sold to the competitor of that particular retailer, who is to charge $3 per dozen, at the price of $1 per dozen without a duty, and the breakage and freight is added, making $2, how in the world could the retailer selling the domestic product maintain a price of $3 per dozen? So the protective duty tends to raise the price to the domestic consumer, whether that additional price is charged by the manufacturer, the jobber, or the retailer, or whether that increase in price is divided between the three. The fact remains that the domestic consumer pays the duty.

Another illustration made by the Senator from Utah in regard to——

Mr. McCUMBER. Will the Senator yield to me just for a moment?

Mr. NEWLANDS. Mr. President, I must decline to yield now.

The VICE-PRESIDENT. The Senator from Nevada declines to yield.

Mr. McCUMBER. I want to ask the Senator a question right there on his own proposition.

Mr. NEWLANDS. I do not wish to occupy the floor long, and I should be glad to get through.

The VICE-PRESIDENT. The Senator from Nevada declines to yield.

Mr. NEWLANDS. The Senator from Utah gave as another illustration of the rapacity of the retailers the fact that he wired to New York and found that a pane of window glass of the smallest proportions covered by this schedule, which costs, with the duty added, 4 cents a pane, is sold by the retailer, I believe, at 15 cents and by a department store at 25 cents.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. I understood the Senator to say that it was common window glass. I said it was the kind of glass that came under the window-glass paragraph, but was used for the framing of pictures. It comes from Germany and is such glass as we were discussing yesterday, coming in under the second clause of paragraph 97. All the importations under that paragraph are made up of that kind of glass.

Mr. NEWLANDS. Could the Senator state what the duty is upon that particular commodity?

Mr. SMOOT. The duty upon that particular piece of glass is 1⅜ cents per pound.

Mr. NEWLANDS. How much would that amount to a pane?

Mr. SMOOT. A box of glass of that size contains 52 pounds, and there are 50 panes in the box, which would make the duty about 1⅜ cents, as near as it is possible to arrive at it hurriedly.

Mr. NEWLANDS. One and three-eighths cents.

Mr. SMOOT. Yes.

Mr. NEWLANDS. So, then, the entire cost of this pane of glass is 4 cents, including 1⅜ cents constituting the duty and freight. I will ask the Senator from Utah whether in that case the duty was added to the price of this commodity in the New York market?

Mr. SMOOT. I will answer the Senator by saying that if the duty had been twice the amount, it would not have made any difference in the retail price to the consumer.

Mr. NEWLANDS. But will the Senator answer my question as to whether in that instance the duty was added to the price charged in this country, not by the retailer, but on the wholesale price upon the article of foreign manufacture?

Mr. SMOOT. Mr. President, I have just stated that the duty upon that particular pane of glass was 1⅜ cents. The duty, no doubt, was added to the cost of the Belgian glass, but if it had been three or four times the amount the consumer would never have paid a cent more for that particular pane of glass.

Mr. NEWLANDS. The Senator therefore admits that, so far as the wholesale price in this country of this particular kind of glass is concerned, the duty was added to the foreign cost and the freight. All that he complains of is that whilst the manufacturers in this country would be enabled to charge a price in this country equal to the cost of the foreign production with the duty added, yet the retailer imposes, in addition to that, a sum eight or ten times as great, shifting the bulk of the extortion to the retailer; and yet a large part of this additional price is, of course, chargeable to the manufacturer himself.

Mr. SMOOT. Mr. President——

Mr. NEWLANDS. Now, we do not contend——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Yes.

Mr. SMOOT. I will ask the Senator if he does not know that the American manufacturer of glass is selling glass as cheaply as the foreigner is selling it, even without all of the duty added?

Mr. NEWLANDS. The manufacturer is?

Mr. SMOOT. The American manufacturer is selling glass to-day, as was stated yesterday by the Senator from Iowa, at a less price per box than the price of Belgium glass with the present duty added.

Mr. NEWLANDS. Will the Senator, then, answer me what the necessity is for that duty?

Mr. SMOOT. Mr. President, that has been discussed here for nearly two days. I can not answer that any differently from the way it has been answered here by every Senator who has spoken upon this subject.

Mr. SCOTT. Will the Senator from Nevada yield to me for a moment?

Mr. NEWLANDS. Certainly.

Mr. SCOTT. In the manufacture of window glass I have no doubt that some other Senators on this floor, as well as myself, know that, as a general rule, it is a losing business to the man who puts his money into it. When you go to sell window glass you put a certain price on it, with the discount off. The manufacturer who knows anything about his business, when he goes to sell a man a carload of glass will limit the buyer to, say, 50 boxes of 8 by 10 or 10 by 15 glass. He will have to take the larger sizes, because the manufacturer, as I said before, if he knows his business at all, knows that he loses money on every box of glass that is under that size. That is the reason for the protection that we are asking on the small sizes.

Mr. NEWLANDS. Do I understand the Senator to contend that the window-glass makers are losing money in this country?

Mr. SCOTT. I do not make any such assertion. I say that I have not a dollar now in window-glass property, but in the past I have had, and I have lost every cent of it. I think the Senator from Pennsylvania [Mr. OLIVER] desires to interrupt the Senator from Nevada, and perhaps he can tell the Senator something about the matter.

Mr. OLIVER. Mr. President, with the permission of the Senator from Nevada, I can say that the window-glass factories running in the United States to-day are not making anything like a fair return on the investment. The reason why they are not using all the duty that is placed upon the different sizes is that, by reason of the competition among themselves, they can not get a sufficient price to compensate them for the amount that they pay out.

I have some knowledge and some little feeling upon this subject, because within four years I invested no small amount of money in a window-glass factory; and I tell you, Mr. President, it disappeared as rapidly as if I had put it on the wrong number at Monte Carlo. It did not last two years. At the end of the first year there was a bad statement submitted to the stockholders. They contributed more money. At the end of the second year there was not only no prospect of profit, but there was a heavy loss, and no promise for the future. The creditors now have that factory, and it is closed up. The manufacturers of window glass to-day are the hewers of wood and the drawers of water in the industrial world of America. They are making no money, and they have no prospect of making money.

Some allusion has been made to the danger of a trust being formed. As the Senator from Iowa [Mr. CUMMINS] said yesterday, there was a combination of window-glass manufacturers in 1900 or 1901. It is in existence to-day. At the time it was organized it comprised practically all, or nearly all, of the window-glass manufacturers of the country. Within three years there were in the field enough independents to make as much of the product as the product of the so-called "trust." While that company is in existence to-day, while it is going on in business, and has the advantage of the sole ownership of the window-glass machine patents, its securities are so low that they are not even quoted on any stock exchange. I will not say that it is bankrupt, but it is so hopelessly involved that no stockholder can sell even his preferred stock at 10 cents on the dollar.

I submit, Mr. President, that the Senators who attack this paragraph of the tariff bill have chosen the poorest of all the great industries of this country to attack. If it does not need the protection it has now just at this time, the manufacturers have hope that at some time in the future the demand for their wares will be such as to enable them to charge the consumers sufficient to give some little return on their investment. I hope—I beg pardon of the Senator from Nevada for trespassing upon his time, for I had expected to say this much in my own time—but I hope that when we come to vote on this paragraph we will bear in mind that, while all of the duty on this product and on other products may not be required just now, we should not allow the specter of a trust or the fear of a combination to lead us to so lower the duty that just as soon as the manufacturers begin to have some profits in sight, the foreigner will come in with his wares and deprive the American manufacturer of almost any profit or any reasonable business return.

Mr. NEWLANDS. Mr. President, I would ask the Senator from Pennsylvania—to whose statement I have listened with a great deal of interest, for it has furnished us a great deal more information than the committee has thus far been able to give us—I would ask him why it is that the window-glass trust to which he refers failed? Was it due to excessive competition upon the part of the independent producers?

Mr. OLIVER. I am glad the Senator has asked me that question, because it is one thing I failed to say when I was talking before. The glass business generally, but particularly the window-glass business, is the easiest business to get into of all the great industries of the country. About all that a man needs to go into the business is a very few thousand dollars in his pocket, a sand bank in his back yard, and fuel reasonably handy. Glass is simply and literally the crystallization of labor.

The raw material costs nothing; it is the labor that costs, and if the manufacturer in America pays very much more for his labor than the manufacturer abroad, it naturally costs him very much more to make his product. So by the formation of the American Window Glass Company—I may as well name it—a great many men and a great many manufacturers who had theretofore been in business were thrown out. They felt very good for about the first year; then they looked around, and, like all men who have been busy all their lives, they wanted something to do, and the most natural thing to do was to take the money they got from the American Window Glass Company and go back into business, which they very promptly did. So within a very few years the American Window Glass Company did not have the hold on the business that it expected to have; but it had very strong competition, which has increased day by day since that time, because, no matter how unpromising a business looks, if a man has a little money, and nothing to do, he will go into the business with which he is acquainted and hope for better times.

To-day the window-glass manufacturers are simply doing business for nothing. They are making no money, and very many of their factories are closed up. As the Senator from West Virginia [Mr. ELKINS] read from the testimony of Mr. Faulkner, president of the Association of Window Glass Workers, there are something over 6,000 skilled glass workers to-day, and plants enough to keep them busy every day in the year,

but if they were engaged for six months in the year they could supply the entire wants of this country. So, the plant and the labor available in this industry to-day are just twice what are sufficient to supply the everyday wants of the country.

The reason why this industry has so suffered from competition is simply because it is so easy for new competitors to come in; and that, Mr. President, will be the safeguard against extortion on the part of any possible trust in this particular industry. It is not like other industries, where great aggregations of capital can obtain control of the reserves of raw material. The sand is found everywhere, the fuel is found in most places, and, with the fuel and the sand, one can put up a glass factory in a few months.

Mr. NEWLANDS. Would it be any more difficult to establish a trust in window glass than in plate glass?

Mr. OLIVER. It would be more difficult, for the reason that plate glass requires an amount of capital and a degree of skill not required in ordinary window glass.

Mr. NEWLANDS. Am I correct in my understanding that there is a trust in plate glass?

Mr. OLIVER. The Senator is not at all correct, Mr. President.

Mr. NEWLANDS. There is no trust?

Mr. OLIVER. There is no trust. In the plate-glass industry in this country there are 12 manufacturers. There is 1 great manufacturer, who turns out a little less than 50 per cent of the plate-glass product of the country. There are 11 entirely independent manufacturers, who turn out the rest. The entire product of plate glass in this country is about 38,000,000 feet, and of that the Pittsburg Plate Glass Company turns out, I think, between seventeen and eighteen millions. The rest is made by independent manufacturers scattered all over the Middle and Central Western States.

Mr. NEWLANDS. There was at one time a plate-glass trust?

Mr. OLIVER. Just as there was a window-glass trust, and independent manufacturers came in and captured the trade, so that there is no monopoly in either line of the business to-day.

Mr. NEWLANDS. As I understand the Senator from Pennsylvania, this industry is entirely without profit to the manufacturer. I do not know whether he goes so far as to say it is conducted with a loss, but, at all events, it is conducted without profit. In order to make a profit it will be necessary for our domestic producers to get a higher price. He wishes a tariff retained upon this particular product so as to relieve them from foreign competition, leaving them subject only to the competition of domestic producers. I would ask the Senator from Pennsylvania how much in addition to the present price for window glass, what percentage, ought to be added to that price in order to give our domestic producers a profit?

Mr. OLIVER. O Mr. President, that is a pretty hard question to ask a man who has never had the slightest experience in the details of the business. I can not state what is a fair degree of profit in any business, except some business with which I have been directly or indirectly connected.

The only connection I ever had with the window-glass business was the sad one to which I referred a little while ago, where I put in a lot of money and never saw it again.

Mr. NEWLANDS. Then I will ask the Senator whether in his judgment it will be necessary for the producers in this country to get double the present price in order to make a fair profit?

Mr. OLIVER. I think it would be within reason to say no to that, because——

Mr. NEWLANDS. Does the Senator think it would be necessary to get 50 per cent additional in order to make a fair profit?

Mr. OLIVER. I have had some little experience in practicing law, early in my career, and I know that a favorite method with cross-examiners is to begin at the top and ask the questions downward; and I must decline to be cross-examined in that way.

Mr. NEWLANDS. This demonstrates the absolute inaccuracy of the explanation supplied to us in this Chamber and the utter inability of a big body of this kind to meet the requirements of the situation regarding investigation. The Senator from Pennsylvania has risen and has given us more definite information regarding this particular industry than any other man upon the floor or any man upon the committee. He has asserted that low prices prevailed in the product of this industry throughout the United States, and that the industries are being conducted without profit to the promoters; and when I asked him how much, what percentage, should be added to the present price in order to give them a fair profit, he says he is unable to answer and finally declines to answer my queries further. And yet this is a most pertinent inquiry. We are determining now, according to the spirit of the Republican platform, what duty it is necessary to impose upon the foreign product in order to paralyze it as a competitor with the domestic product.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. No; I wish to continue my line of thought.

The VICE-PRESIDENT. The Senator from Nevada declines to yield.

Mr. NEWLANDS. We have it admitted that the present duty would permit the men engaged in this domestic industry to charge a price double that which they at present receive, for it is admitted that throughout the United States the prices of the products of this industry are just about equal to the tariff duty. So if you maintain this tariff duty, it means what? That you justify the domestic producers in charging a price double that which they at present receive.

If they are at present conducting this industry without loss, though without profit, an addition of 10 per cent would make a profit; an addition of 20 per cent to the price would mean 20 per cent profit—a large manufacturing profit. And yet it is attempted to sustain here a duty aggregating nearly 100 per cent, and the very purpose of the Senator who has thus spoken is to fix this duty so as to enable the domestic producer ultimately to charge a price equal to the present price with the duty added. They have only been defeated in that purpose by their failure and inability so to combine these industries as to limit and restrain and destroy domestic competition, and thus establish a monopolistic price.

Yet the Senator from Maine [Mr. HALE] says the effect of a tariff duty is not to add the tax to the price paid by the consumer; that it has no appreciable effect upon that price, in face of evidence that the lowered prices in this country are not due to the tariff, but are due to competition amongst producers themselves, which has reduced the price to a point where the industry no longer yields a profit.

Mr. President, the Senator from Maine referred to the fact that Germany was engaged in a great campaign against the industries of the world, and particularly against the industries of this country, and that it is necessary to raise a high-tariff wall against her products. I suggest to the Senator that the example of Germany might well be followed regarding the framing of our tariff, if a protective policy is to be pursued. Germany is upon the protective system, but she shapes her protective tariff in a scientific way, with the aid of a commission or board composed of experts, with which are associated experts in every industry in every locality in every State, so that the whole adjustment of her tariff duties is a scientific adjustment, and not the haphazard adjustment which we pursue here.

When Germany determined to enter upon the protective system she organized an inquiry, submitted it to the scrutiny and the examination not only of the producers, but of the importers, and not only of the producers and the importers, but of the consumers themselves. She made it a subject of discussion in every board of trade and chamber of commerce throughout the entire country, and it was five years before the original proposals made by this expert commission found entry into the statute law of the country itself.

They have scientific inquiry. We have haphazard action, such haphazard action as this, which results in the imposition of a duty as high as the price of the product itself in this country; and that, too, in the imposition of a duty with reference to an industry concerning which the committee has been able to give us no definite information and in reference to which it has been necessary to conduct an inquiry over one day, illuminated only at its very close by one of the Senators who recently entered this body. This body, with its accumulated experience, with its wise men upon the committee, with its chairman of thirty years' experience in tariff matters, has been unable to give us the information essential for us to determine the matter.

And the information given us by the Senator from Pennsylvania is finally found to lack accuracy, for he refuses to permit me to pursue my inquiries, knowing where inevitably those inquiries would end, namely, in the ascertainment of the fact that it would only be necessary to add 10 or 20 per cent to the selling price of this product in this country in order to impose a duty that would be an ample protection and would give this industry from 10 to 20 per cent profit.

The Senator from Maine says we have not as yet come to the consumer; that we have not yet entered upon the propaganda of paternalism so far as to come to the wants and requirements of the consumer. The Senator does not hesitate to embrace paternalism when it involves the protection of the

manufacturer—the most odious form of paternalism; the imposition of a tax upon one class in order to benefit another. He does not hesitate to enter upon that form of paternalism. The Republican party have never hesitated to enter upon the form of paternalism which involves giving something to those who already have, but they always refuse to enter upon that form of paternalism which involves protection of the weaker members of the community. Let me suggest to the Senator from Maine—a convert to paternalism, as he confessedly is, by his maintenance of a protective tariff—that if we are to have paternalism it should involve the protection of the weak and not of the strong; and that if he is to protect the strong, if he is to protect the wealthy, if he is to give to those who already have, let him supplement his paternalism by looking out for the other class involved in this great question—the vast body of consumers of the country.

I have frequently suggested that it is absolutely essential, in order to consider this great question as well as the great trust question, that we should organize the statistical information of the country in such a way as to enable us to act upon information; and whenever I have suggested that the reply has been that I favor a delegation of legislative powers; that I favor the abdication of legislative functions; and that I am desirous of building up commissions so as to organize government by commission instead of government by Congress. I would not have Congress abdicate a single one of its functions; I would not have it delegate a single one of its powers; but I do insist that there is an intelligent way of proceeding with legislation, a scientific way of proceeding with legislation, and there is an unintelligent and an unscientific way, and that scientific legislation involves, necessarily, the exhaustion of information, the ascertainment of the views of men trained in all special lines of effort, and that we can never meet the industrial question in this country, either with reference to the tariff, the control of the trusts, or the intelligent direction of the labor of the country, until we have tribunals organized to inquire into the fact, and which can, operating under the rule laid down by Congress, give the relief that is essential.

I regard the Interstate Commerce Commission as a great tribunal of this kind. It is true that the Republican party has been unwilling to grant that commission the requisite powers. It is true that it stood like a stone wall for weeks and months against the recommendations of its own President with reference to giving it a limited power of condemning a rate. It is true it has refused to enable that commission to get the information essential to inquiry and judgment as to the cost and value of these railroad enterprises, and other matters of that kind. But it has finally, under the pressure of a progressive President of their own political faith, aided by the union of a progressive Republican minority with a progressive and solid Democracy, organized such a tribunal, and if it will only amplify it, increase its powers, give it jurisdiction over foreign commerce as well as state commerce, and enable it at least to enter upon inquiry regarding these matters, we will have a vast mass of statistical information such as has been built up by the Interstate Commerce Commission regarding the interstate transportation of the country.

Who of the men who opposed the regulation of the railroads by the Government would to-day strike out of existence the vast amount of statistical information which the Interstate Commerce Commission has brought into being? Who, of all of them, would to-day destroy the Interstate Commerce Commission? Who would to-day impair a single one of its powers? And yet twenty-five years ago, when the suggestion was first made by Senator Reagan, of Texas, it was opposed, and opposed principally by members of the dominant party, the Republican party, upon the ground that it involved paternalistic control over the transportation of the country.

If you will organize in the Interstate Commerce Commission another department similar to the one which now exists, and appoint upon it men of high character, men of experience, men of capacity, who will inquire into these conditions, who will inquire into the complaint of the importer, who will inquire into the complaint of the manufacturer, who will inquire into the complaint of the consumer, and who will study comprehensively the questions relating to production, foreign and domestic; the questions relating to prices, foreign and domestic, just as the Interstate Commerce Commission now makes inquiry upon the complaint of shippers, of the railroads themselves, or of the communities which are discriminated against, we would in time build up a system of principles upon this subject which, even if we did not give the commission itself the power to carry them into effect upon a rule adopted by Congress, would at least be helpful to Congress itself in the legislation which it seeks to enact.

Mr. President, it is just as essential that we should obtain all this information that is of importance to the consumer and the retailer of the country as it is that we should obtain the information that is of importance to the manufacturers of the country, and to-day, while we have statistics, they are in such disjointed and scattered form as not to be available for such an inquiry as we should enter upon.

You propose to organize practically a commission under the maximum and minimum clause, but it is so limited in its character that it will be of very little importance. I suggest to the dominant party, if this policy of protection is to be maintained—and undoubtedly it will be maintained for a number of years—that it be pursued scientifically, upon inquiry, upon hearings, upon information, in order that the ultimate facts may be ascertained and recorded, and that new conditions may be met by scientific, not haphazard, readjustments. We can imagine how, in a hearing before such a commission as I have described, upon the complaint of the importer or the manufacturer or the consumer, all the facts would be so sifted as to enable a high-class tribunal to record its judgment, as to the cost of foreign production of the articles covered by this glass schedule, as to the cost of domestic production, and as to the reasonableness of the duty imposed, in such a way as to leave no doubt regarding the facts upon which our legislation would be based.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island that the paragraph, with the pending amendment, be passed over? The Chair hears none.

Mr. ALDRICH. I ask that the next paragraph passed over be agreed to.

Mr. SIMMONS. What is the paragraph?

The VICE-PRESIDENT. It will be stated.

The SECRETARY. The next paragraph passed over is on page 26, paragraph 98.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to.

Mr. OVERMAN. What is that?

The VICE-PRESIDENT. Paragraph 98.

The SECRETARY. The next paragraph passed over is paragraph 99.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to. The Chair hears none.

The SECRETARY. The next paragraph passed over is 100.

Mr. ALDRICH. There are some motions or amendments pending to that, some to increase and some to reduce it. I ask that it may be passed over for the present.

Mr. OVERMAN rose.

Mr. ALDRICH. One hundred is the one I allude to.

Mr. OVERMAN. I have an amendment——

The VICE-PRESIDENT. The Senator from Rhode Island asks that paragraph 100 be passed over. Is there objection?

Mr. OVERMAN. My amendment has been offered.

The VICE-PRESIDENT. The Chair hears no objection.

The SECRETARY. The next paragraph passed over is 101.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 101? The Chair hears none.

The SECRETARY. The next paragraph passed over is 106.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 106? The Chair hears none.

The SECRETARY. The next paragraph passed over is 107.

Mr. STONE. I desire to propose an amendment.

Mr. CRAWFORD. I simply want——

The VICE-PRESIDENT. The Senator from Missouri has the floor. For what purpose does the Senator from South Dakota rise?

Mr. CRAWFORD. To make an inquiry.

The VICE-PRESIDENT. Of the Chair or of the Senator from Missouri? Does the Senator from Missouri yield to the Senator from South Dakota?

Mr. STONE. I do.

Mr. CRAWFORD. I notice that paragraph 102 was passed by here as if it had been accepted the other day.

Mr. BEVERIDGE. No; it was passed over.

The VICE-PRESIDENT. Paragraph 102 was accepted the other day—102, 103, 104, and 105.

Mr. BEVERIDGE. That is true.

Mr. ALDRICH. I think there is no objection to 102. I think it is 100 to which the Senator refers.

Mr. CRAWFORD. Then I have made an error in my notes.

Mr. ALDRICH. I think the Senator from South Dakota is mistaken.

Mr. BEVERIDGE. It is 100.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Texas?

Mr. STONE. I do.

Mr. CULBERSON. I was requested to make a statement by the Senator from Oklahoma, but I believe he does not desire it done. I have been so informed since I rose.

Mr. STONE. I propose the following amendment——

Mr. CULLOM. To what paragraph?

Mr. STONE. Paragraph 107.

The VICE-PRESIDENT. The committee amendment to paragraph 107 was agreed to.

Mr. STONE. This is a different matter. My amendment is, first, to strike out the word "and," in line 16, and after the word "section," in the 19th line, to add:

And all manufactures and articles of glass of every description, for use in chemical, bacteriological, biological, and physical laboratories, whether plain, ground, polished, engraved, or etched, unless such grinding or polishing is for the purpose of ornamentation or decoration.

I send the amendment to the desk. What I send to the desk it is proposed to add after the word "section," in line 19.

The VICE-PRESIDENT. The Secretary will read the amendment.

The SECRETARY. On page 29, line 16, after the word "cases," strike out the word "and;" and in line 19, after the word "section," insert:

And all manufactures and articles of glass of every description for use in chemical, bacteriological, biological, and physical laboratories, whether plain, ground, polished, engraved, or etched, unless such grinding or polishing is for the purpose of ornamentation or decoration.

Mr. ALDRICH. I think that is a little too comprehensive in its character. I have sympathy with the general idea of the Senator from Missouri, but I do not see why it is necessary to have etched glass for bacteriological purposes. It seems to me the amendment is a little too broad in its terms. If the Senator will allow the amendment to be printed and go over, the committee will examine it.

Mr. STONE. I will be very glad to do so.

Mr. ALDRICH. The general purposes of the Senator from Missouri, I think, are proper, but I am afraid the amendment goes too far in the description.

Mr. STONE. I will state to the Senator that the form of the amendment was furnished to me by a large dealer in scientific glasses, and the reasons given in his communication strike me as being well taken, but I am perfectly content to follow the suggestion of the Senator from Rhode Island.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Rhode Island that paragraph 107 be passed over? The Chair hears no objection. The Secretary will read the next paragraph passed over.

The SECRETARY. The next paragraph passed over is paragraph 109.

The VICE-PRESIDENT. The Secretary will state the amendments of the committee in their order.

The SECRETARY. On page 29, line 25, after the first word, "marble," strike out the words "or limestone susceptible of polish and ordinarily used for interior work" and insert "breccia and onyx."

The amendment was agreed to.

The next amendment to the paragraph was, on page 30, line 2, to strike out the words "onyx, in block, rough or squared, $1 per cubic foot."

The amendment was agreed to.

The next amendment was, on page 30, line 3, after the word "marble," to insert "breccia and;" and after the word "onyx," in the same line, to strike out the words "or such limestone;" in line 5, after the word "marble," to insert the words "breccia, or;" in the same line, after the word "onyx," to strike out the words "or such limestone;" and in line 7, before the word "cents," to strike out "ten" and insert "eight," so as to read:

109. Marble, breccia, and onyx, in block, rough or squared only, 65 cents per cubic foot; marble, breccia, and onyx, sawed or dressed, over 2 inches in thickness, $1 per cubic foot; slabs or paving tiles of marble, breccia, or onyx, containing not less than 4 superficial inches, if not more than 1 inch in thickness, 8 cents per superficial foot.

The amendment was agreed to.

The next amendment was, on page 30, line 9, after the word "thickness," to strike out the words "twelve and one-half" and insert "ten," so as to read:

If more than 1 inch and not more than 1½ inches in thickness, 10 cents per superficial foot.

The amendment was agreed to.

The next amendment was, in line 11, after the word "thickness," to strike out "fifteen" and insert "twelve and one-half," so as to read:

If more than 1½ inches and not more than 2 inches in thickness, 12½ cents per superficial foot.

The amendment was agreed to.

The next amendment was, in line 14, after the word "marble," to insert the words "breccia, or;" in the same line, after the word "onyx," to strike out the words "or stone;" and in line 15, after the word "loose," strike out "one-half" and insert "one-fourth," so as to read:

If rubbed in whole or in part, 2 cents per superficial foot in addition; mosaic cubes of marble, breccia, or onyx, not exceeding 2 cubic inches in size, if loose, one-fourth of 1 cent per pound and 20 per cent ad valorem.

The amendment was agreed to.

The next amendment was, in line 17, before the word "cents," to strike out "ten" and insert "five," so as to read:

If attached to paper or other material, 5 cents per superficial foot and 35 per cent ad valorem.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 110. The committee propose to strike out paragraph 110 and to insert in lieu thereof the following:

110. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, or of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stones, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for in this section, 50 per cent ad valorem.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will read the next paragraph passed over.

The SECRETARY. The next paragraph passed over is on page 32, paragraph 115½.

Mr. BEVERIDGE. Was paragraph 112 agreed to?

The VICE-PRESIDENT. Paragraph 112 was agreed to.

Mr. OLIVER. Before we pass to Schedule C, I was out of the Chamber, and I should like to know what was done with paragraphs 98, 99, 100, and 101?

The VICE-PRESIDENT. Paragraphs 98 and 99 were agreed to. Paragraph 100 was passed over.

Mr. NELSON. What was done with paragraph 115½?

Mr. ALDRICH. It has not been read.

The VICE-PRESIDENT. That is the pending proposition.

Mr. SIMMONS. I did not understand that paragraph 97 had been agreed to.

The VICE-PRESIDENT. Paragraph 97 was passed over.

Mr. OLIVER. I was out of the Chamber a very few minutes and——

Mr. ALDRICH. The paragraph in relation to plate glass, I will say to the Senator from Pennsylvania, has been passed over.

Mr. OLIVER. But paragraphs 98, 99, and 101?

Mr. ALDRICH. All those have been agreed to, and if there is any change made in paragraph 100 that will make it necessary to return to those it will be done.

Mr. OLIVER. All right.

The VICE-PRESIDENT. Paragraph 115½ will be read.

The SECRETARY. On page 32, after line 8, the committee report to insert a new paragraph, as follows:

115½. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, 25 cents per ton: *Provided*, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

Mr. CRAWFORD obtained the floor.

Mr. RAYNER. Will the Senator from South Dakota yield to me for a moment?

Mr. CRAWFORD. Certainly.

Mr. RAYNER. I do not intend to interrupt the Senator, but if he will permit me I wish to make a motion so it will be pending. I want to move to strike out paragraph 115½. When the time comes I will move to put iron ore on the free list, as it came from the House of Representatives. I want to have the motion pending to strike out paragraph 115½.

The VICE-PRESIDENT. The pending question is to insert the paragraph. The paragraph is not in the bill, so that if that vote is negatived——

Mr. RAYNER. Then it does not require any motion?

The VICE-PRESIDENT. It does not require any motion, but simply a vote to negative the pending question.

Mr. RAYNER. But my motion would be to put iron ore on the free list.

The VICE-PRESIDENT. The Chair does not know whether that motion would be necessary or not. That might be another proposition.

Mr. RAYNER. I will wait until the Senator from South Dakota has concluded.

Mr. CRAWFORD. Mr. President, I am not going to take the time of the Senate very long. I may tax its patience a little,

but I have something to say with reference to the imposing of duties upon natural resources which I had intended to present, if I presented it at all, in connection with the wood schedule. But the imposing of a duty on iron ore and upon coal, lumber, and petroleum is so blended in principle that I think it will be only fair to the Senate for me to present what I have to say at this time upon this subject, as it applies to all of them.

Mr. President, as one of the Members of this body from the State of South Dakota, charged with the duty of participating in its deliberations and of casting a vote upon every question connected with the schedules in the pending bill, I have some convictions which I feel ought to be expressed to show the sentiment and wish of the people of the State which sent me here.

Since the beginning of the Government impost duties have been levied for a twofold purpose: First, to raise revenues for current expenditures; second, to encourage and promote the development of domestic enterprise and the remunerative employment of labor. It is a system of indirect taxation which has served both these purposes effectively and has fully justified the faith of its supporters.

I believe that the majority of the American people favor the continuance of this method of raising public revenue for both the purposes named, and that they prefer it to any form of internal-revenue tax, excise tax, or direct tax that can be devised. So strong is the hold which this system of raising revenues, and at the same time protecting American enterprise from ruinous foreign competition, has upon the people that the Democratic party has not been able, and I doubt if it ever will be able, to unite its own members in the support of a tariff for revenue only.

In both branches of the present Congress are a goodly number of Democratic Members from States interested in the manufacture of lumber, iron, steel, and cotton textiles, in the raising of sugar and tobacco, in the production or mining of coal, iron ore, and lead, who are just as anxious to have the principle and the practice of protection observed in levying duties upon these articles as the most ardent apostle of protection in the Republican party.

It is assumed on both sides that the law to be enacted here will recognize this dual purpose in fixing rates, and the real differences arise in connection with the distribution of the duties upon the vast number of articles imported.

Upon what articles shall the duties be laid and what shall be the rate in each case? What articles shall be allowed to come into the country free? What rate is reasonable in a given case for the purpose of producing revenue and also for the purpose of protecting the American producer?

Does the American owner or producer of a certain article of commerce need protection? If so, what rate will not be so high as to be prohibitive, nor yet so low as to discourage and depress him? How and where and when is the evidence to be procured from which to determine all these things? Is it to be received ex parte and from the beneficiaries only? Is it to be collected from voluntary witnesses during the hearings of a committee of Congress holding all its sessions in Washington and covering the period of only a few weeks? These are really the serious and perplexing questions connected with the system of raising revenues by customs duties.

Assuming that the tariff imposed upon articles which can be successfully produced in this country should be such an amount as will equal the difference in the cost of production at home and the cost of production abroad, allowing a reasonable profit to the American producer, according to the rule declared in the Republican national platform, it must be admitted that a higher rate than this is excessive and unjust to the consumer.

In the very nature of things the difficulty is found in procuring the necessary testimony from disinterested and reliable sources upon which to apply the rule. I have read much of the testimony taken at the hearings of the House Committee on Ways and Means, and believe I am justified in saying that nearly all the witnesses who gave testimony there appeared as special pleaders, directly interested in the particular schedule about which they desired to be heard and concerning which they testified.

The impression left on one's mind, after reading this testimony, is that it is unsatisfactory, highly colored, one-sided, and far from convincing.

It is too large a task to impose upon a committee of Congress the immense work of collecting, sifting, and classifying all the material testimony necessary to an intelligent and successful application of the rule declared in the Republican national platform. No witnesses appear voluntarily before the committee, except those who are directly and pecuniarily interested either as producers on the one hand or as importers on the other. Disinterested witnesses who represent the great mass of our people, whose interests are indirectly affected in one way and another by the tariff, do not appear, and under the circumstances can not be heard by the committee. The research and investigation required to ascertain from authentic and reliable sources the cost of production—including labor—in foreign countries of many thousands of articles that come to these shores from the uttermost parts of the earth, and the research and investigation necessary to secure full and reliable evidence showing the cost of the production of similar articles in the United States, where conditions are constantly changing, involve time, travel, investigation, and expert knowledge inaccessible and impossible to a committee sitting here at the National Capital for a few weeks only. For this reason I favor the creation of a tariff commission of experts, and believe we should accompany this law with another creating such a commission or else we should attach an amendment of that kind to the pending bill. Experts working disinterestedly throughout the year investigating, collecting, classifying, tabulating, and laying before each Congress authentic and reliable evidence upon the pertinent and material issues involved in the revision of tariff schedules, would, it seems to me, obviate the great difficulty we are experiencing here in trying to apply the rule declared in the party platform without the evidence, properly digested and classified, necessary to an intelligent application of that rule. But we are called to revise these tariff schedules at once, and the one thing above all others which we are expected to do is to reduce all duties which are excessive and to remove others which are harmful in their effect and against public policy.

NATURAL RESOURCES.

In my humble opinion, a duty upon lumber, oil, iron ore, and coal is harmful in its effect and is against sound public policy, because these natural resources lie at the foundation of our industrial life and are as necessary to its sustenance and support as the air we breathe is necessary to sustain human life. A tariff upon these natural resources can have but one effect, and that is to check the use of that part of the world's stock lying beyond our borders and to hasten the exhaustion of the supply we have at home. A ton of coal or of iron when taken from the earth is never replaced; neither is a barrel of crude petroleum nor a cubic foot of natural gas. A tree removed from the forest is not soon replaced. Why, then, should the Government put a premium upon their destruction? The most reliable estimates reckon our supply of standing merchantable timber at 2,000,000,000,000 feet. Our annual cut is now 40,000,000,000 feet and is constantly increasing. In 1880 it was only 18,000,000,000 feet, and in 1905 it was 34,000,000,000 feet. Notwithstanding the use of cement and reenforced concrete, the consumption of lumber is increasing each year. It is said that we use annually 500 feet board measure per capita, as against an average of only 60 feet per capita in all Europe.

Mr. Kellogg, of the Department of Agriculture, says that the days of the white pine are rapidly passing; that the supply of southern yellow pine will be exhausted in from ten to twenty-five years; that at the present rate of cutting the supply of Douglas fir will last about seventy years; but that at the present ratio of increase, the cut will more than double within a few years, and there will be comparatively little Douglas fir left in from twenty-five to thirty years.

It is rapidly following in the wake of the white pine. What has become of the vast forests which covered the Mississippi Valley seventy years ago? The great stretches of woodlands in New York, Pennsylvania, Ohio, Indiana, Michigan, Wisconsin, and Minnesota have fallen away under the ax of a relentless army of woodmen as growing vegetation has, in times past, been devoured by myriads of locusts. The value of the remaining stumpage has increased a thousandfold and the timber barons are swiftly reaching out for all that is left.

Mr. Hill, in one of those remarkable addresses of his, speaks thus of fuel and iron:

> The mineral wealth stored in the earth can be used only once. When iron and coal are taken from the mine they can not be restored; and upon iron and coal our industrial civilization is built. When fuel and iron become scarce and high priced, civilization, so far as we can foresee, will suffer as man would suffer by the gradual withdrawal of the air he breathes. The exhaustion of our coal supply is not in the indefinite future. The startling feature of our coal production is not so much the magnitude of the annual output as its rate of growth. For the decade ending in 1905, the product was 2,532,402,746 tons, which is almost exactly one-half the total product previously mined in this country. For the year 1906 the output was 414,000,000 tons, an increase of 46 per cent on the average annual yield of the ten years preceding. In 1907 it was 470,000,000 tons.

President Roosevelt in his address before the conference of governors called attention to the most remarkable fact that the mere increase in our consumption of coal during the year 1907 over the year 1906 exceeded the total consumption of coal in the centennial year 1876. As an answer to the claims of the Senators of West Virginia for a tariff on coal and petroleum, I wish in this connection to call attention to what Mr. I. C.

White, the state geologist of the State of West Virginia, a very eminent authority, has to say upon the "Waste of Our Fuel Resources" in the illuminating address delivered by him at the conference of governors held at the White House.

He says that the oil-producing interests of the country have made a great mistake in not appreciating the enormous fuel value of the natural gas they have destroyed and by throttling all attempts to legislate for its protection. He asks, Why should a few oil producers, in their insane haste to get rich quickly or add to fortunes already swollen beyond safety to the Republic, be permitted thus to despoil the entire country of its choicest fuel? He tells how the deposits of gas were tapped and allowed to escape by billions of cubic feet unnecessarily and without being employed for any purpose, and suggests that the men who have thus permitted the loss of our gaseous fuels, often because they could neither see the substance itself nor realize the extent of what they were doing, should not be so wasteful of solid fuels—the coal beds—something they can readily perceive and handle and weigh. He says that of the total quantity of coal we have produced since mining for commercial purposes began, amounting to over 7,000,000,000 tons, at least an equal amount, and possibly more, has been left in abandoned mines and irretrievably lost; that the people have generally believed that their supply of fuel is inexhaustible, or its exhaustion is so remote that it is not a serious subject for present consideration.

Mr. White contends that this is a very serious error. He cites the Appalachian coal field as an illustration. That field, he says, is the richest of any on the continent; that it is also the most important to the welfare of the country, because it is nearest the seaboard, and because it contains the vast bulk of our coking coals, upon which, he says, our preeminence in the iron and steel industry depends; that, with the exception of a few narrow strips close to regions of rock disturbance or folding in our western country, no first-class coking coals have yet been discovered in the United States outside the Appalachian basin; that the Pittsburg district is located in the heart of the Appalachian field, where fuel of every description is most abundant and most accessible; that the tonnage originating in the Pittsburg district and passing through it now exceeds that of the four greatest seaport cities in the world—London, New York, Liverpool, and Hamburg—combined. He says we can maintain this industrial supremacy in the iron and steel business of the world just so long as the Appalachian coal field shall continue to furnish cheap fuel, and no longer. He says:

> If the wasteful methods of the past are to continue; if the flames of 35,000 coke ovens are to continue to make the sky lurid within sight of the city of Pittsburg, consuming with frightful speed one-third of the power and half of the values locked up in these priceless supplies of coking coal, the present century will see the termination of this supremacy. No portion of the Appalachian field is richer in fuel resources than the Pittsburg district, and if we can estimate approximately how long its fuel will last we shall have gauged, in a rough way, the productive life of the Appalachian field.

According to Mr. White, the Pittsburg coal area embraces five counties in western Pennsylvania. In 1907 Pennsylvania produced 129,000,000 tons of bituminous coal. There remains unmined in Pennsylvania 110,000 acres, which will yield about 8,000 tons of bituminous coal per acre. This is a total stock of 8,800,000,000 tons in Pennsylvania. At the rate of 129,000,000 tons output a year, the supply will be exhausted in sixty-seven years. But this yearly output is increasing rapidly and may be doubled within the next ten years.

Mr. White further says that the West Virginia area of this great bituminous coal bed is about equal to that of Pennsylvania, and that it can add only a few years to the life of the Pittsburg production. Exhaust the supply of bituminous coal in the Pittsburg district and the greatest workshop in the world will become extinct. The warning cry of this great geologist passes unheeded by men who are amassing fortunes in the business of mining and selling coal, and, to accelerate the rate at which the supply is diminishing, they want a tariff imposed upon the imported article. The same is true in regard to iron ore. We are told that the total iron ore mined in the United States doubles once each seven years. It increased from 12,000,000 tons in 1893 to 52,000,000 tons in 1907. The production of pig iron has advanced from 50 pounds per capita in 1850 to 600 pounds per capita, or from an annual output of half a million tons to 25,000,000 tons, two and a half times the product of Great Britain and nearly half the product of the whole world. Speaking of the supply of iron ore, Mr. Hill says:

> The supply of this most precious of all metals is so far from inexhaustible that it seems as if iron and coal might be united in their disappearance from common life.

Mr. Hill further says that the large deposits of iron ore in this country are now located. That for cheap iron the manufacturer depends on the Lake Superior district, because of its high grade, its nearness to the Lakes, and the ease with which it is mined. That at the present rate of consumption it will require 2,000,000,000 tons to supply the demands for forty years, and this would approach the end of all high-grade ore now in sight. But he observes that production is certain to increase even more rapidly than in the past; that the demand for iron ore during the present century may increase to from 50,000,000 to 100,000,000 tons per year, and under the most favorable view of the situation, the conclusion is forced that iron and coal will not be available for common use on anything like present terms before the end of this century. Yet he says:

> We forbid to our consumers access to the stores of other countries, while we boast of our increased exports of that material for want of which one day the Nation must be reduced to the last extremity.

Our fathers believed that we had more public land than could be utilized in a thousand years; but the public domain is already, practically speaking, occupied. What is left must be reclaimed from the desert and the swamp by irrigation and by drainage. Before the end of the twentieth century we will have from 150,000,000 to 200,000,000 of people. Are we to give no thought to them? If we go on recklessly and wastefully converting all our timber, coal, petroleum, and iron ore into gold, leaving nothing for them, how are they to live?

A tariff levied upon these great natural resources is not protective; it is destructive. It should not be levied for the purpose of checking importations of lumber, coal, iron, and petroleum when a wise conservation of the rapidly diminishing stock we have at home suggests that we draw from outside sources and economize in the use of our own stock as much as possible. The sadly impaired stocks of wood and carbon left should warn us that when we eagerly crowd their consumption because we are greedy for the gold they will bring to us we are robbing our children and our children's children.

The courts are beginning to recognize, as a ground for interference with the ownership of private property, the right of a State to restrict the owner from cutting trees on private land when such restriction is necessary to prevent droughts and floods, preserve the natural water supply, and prevent the waste of soil by erosion. For just such a purpose the supreme court of Maine has decided—

> That the property rights of the individual are subordinate to the rights of the community, and especially that the waste of wild timber land derived originally from the State, involving as it does the impoverishment of the State and its people, and thereby defeating one great purpose of government, may properly be prevented by state restrictions.

And the Supreme Court of the United States has held that—

> The State, as quasi sovereign and representative of the interests of the public, has a standing in court to protect the atmosphere, the water, and the forests within its territory, irrespective of the assent or dissent of the private owners of the lands immediately concerned.

How utterly inconsistent with this recognized duty of the State to conserve natural resources is the proposal that the Government shall stimulate and encourage the cutting and selling of timber and the mining and selling of coal and iron ore by checking the importation of these articles by means of tariff duties.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from South Dakota yield to the Senator from Indiana?

Mr. BEVERIDGE. I only want to ask a question.

Mr. CRAWFORD. I yield.

Mr. BEVERIDGE. I think the Senator, earlier in his very admirable address, indicated at what period of years in the future our stock of iron ore will be exhausted if the consumption keeps on increasing as at present. I merely want to ask now, so that I may fix it in my own mind, how soon that will be? Did the Senator say about forty years? It is very important.

Mr. CRAWFORD. I referred to lumber—seventy years, if the consumption goes on at the present rate; but if the accelerated ratio of increase is maintained it will be exhausted in thirty years.

Mr. BEVERIDGE. In thirty years. That is an argument that can not be easily answered. I shall not forget that.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from Michigan?

Mr. SMITH of Michigan. I think, Mr. President, the argument can be very easily answered.

Mr. CRAWFORD. I do not care to yield my time. I have put my remarks in compact form, making them as meaty as I could, so as to take up as little time as possible; and I simply quote the authorities for what I say. I will yield, however, for a question.

The PRESIDING OFFICER. The Senator from South Dakota yields for a question.

Mr. CRAWFORD. I do not, however, want any extended remarks interjected into mine.

Mr. SMITH of Michigan. The Senator need not be afraid of any extended remarks from me, for I do not make them; but I do want to answer his suggestion of thirty years as the limit——

Mr. CRAWFORD. I shall be very glad to have the Senator do that when my address is finished, but I do not like to have it broken into here.

Mr. SMITH of Michigan. But, in one word, I want to say that the Senator is entirely in error and in direct conflict with the Geological Department of the Government, whose report will throw a great deal of light upon that statement.

Mr. CRAWFORD. I make no statement except that which I give from these authorities.

Mr. SMITH of Michigan. I have the statement of the Geological Department, made in connection with the conservation congress; and the figures which are there given, and which I am sure the Senator will accept, are very different from those which he has quoted.

Mr. CRAWFORD. I simply quote authorities like Mr. Hill, a master in his field, and Mr. White, the geologist of West Virginia, recognized everywhere as an authority. I will ask the Senator from Michigan to allow me to present my remarks in compact form, without breaking into them, and I will gladly yield the floor for questions at the end of my speech.

LUMBER.

The situation in regard to lumber is both serious and irritating. The creation of large forest reserves has left an ever-narrowing area of stumpage, in the Southern and Pacific States, in the hands of private owners. All through the West and the Southwest the retail dealers, by some sort of concert, have divided their territory into districts and agreed to adhere to a uniform price, which is high and often exorbitant.

Logs are on the free list, but the consumer of lumber does not buy logs, and with no transportation facilities for shipping them from Canada into the United States, the situation is in no wise affected by placing logs on the free list.

The duty on rough lumber is now $2 per thousand, and the Payne bill reduces it to $1 per thousand. This is good as far as it goes, but it does not go very far, because men who want lumber to build houses and barns and granaries do not buy rough lumber; they buy finished lumber. The duty on finished lumber is $2.50, $3, $3.50, and $4 per thousand. Under the Payne bill it is $1.50, $2, $2.50, and $3 per thousand, which, so far as the amounts added as a differential for the finishing are concerned, is no reduction at all. This differential duty is a prohibitive rate, as the following figures show:

Under the present law rough lumber pays a duty of $2 per thousand, and in 1907 we imported 859,000 M feet, on which we collected a duty of $1,718,679. But of finished lumber, paying a duty of $3.50 per thousand, we imported only 897 M feet, on which the duty was only $3,141; of finished lumber, paying a duty of $3 per thousand, we imported only 2,777 M feet, on which the duty was only $8,333. Of sawed lumber, planed on one side only, which pays a duty of $2.50 per thousand feet, we imported 19,176 M feet, which paid a duty of $47,942.38.

The lower the duty the larger the importations and the greater the amount of revenue received. On finished lumber, which is the kind and, practically speaking, the only kind of lumber which the farmer and home builder buys, the differential in the Dingley law is prohibitive and that differential remains unchanged in the Payne bill. This is not such a revision of the tariff on lumber as the country expects and demands of this Congress. To allow this high rate to stand upon finished lumber is wholly wrong, in my opinion, and will not be excused.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. CRAWFORD. I do, with the understanding that he is not to interrupt except for a question.

Mr. SIMMONS. Simply for a question. Does not the Senator know that the reason there has been so little importation of dressed lumber, at least from the Georgian Bay section of Canada, is because of the fact that they have nothing but a sawmill there, and are without drying kilns, and planing, tonguing, and grooving equipment?

Mr. CRAWFORD. Georgian Bay is only a little speck in Canada. What may be a local condition there is not a statement of the general situation at all.

Mr. SIMMONS. Is it not the point from which comes practically all the lumber that is sold in the Middle West?

Mr. CRAWFORD. Very little Canadian lumber is sold in the Middle West on account of the tariff.

Mr. SIMMONS. I refer to that area of country of which New York is on the east, the Ohio on the south, and the Mississippi on the west?

Mr. CRAWFORD. I am not sufficiently advised to answer that question.

It is everywhere admitted that prices of commodities in general have advanced very materially during the past ten years, but the increase in the price of lumber has surpassed all others. Bulletin No. 75 of the Bureau of Labor, Department of Commerce and Labor, shows this very clearly. I read from page 299:

Relative price of commodities, 1890 to 1907.

[100 represents average price for 1890–1899.]

	1902.	1903.	1904.	1905.	1906.	1907.
Cloths and clothing	102	106.6	109.8	112.2	120	126.7
Fuel and lighting	134.3	149.3	132.6	128.8	131.9	135
Metals and implements	117.2	117.6	109.6	122.5	135.2	143.4
Lumber and building materials	118.8	121.4	122.7	127.7	140.1	146.9

The greatest increase was in the three items fuel and lighting, metals and implements, and building materials; and the one item which advanced more than all others was that of lumber and building materials.

The manufacture and importation of lumber from Canada is surrounded with many difficulties. The Dominion government, unlike ours, has the power to levy export duties, and does levy them in certain contingencies.

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. CRAWFORD. I do.

Mr. SIMMONS. I should like to inquire of the Senator if it is not a fact that during the last eighteen months the price of lumber has fallen much more than have the prices of farm products?

Mr. CRAWFORD. Farm products probably have maintained themselves better than other staples; but the depression of 1907 explains the fall in price, and the tariff had nothing to do with that.

For instance, under an act dated June 29, 1897, as shown at page 16 of Tariff Series No. 20, issued by the Bureau of Manufactures, Department of Commerce and Labor, if any country imposes an import duty upon timber, lumber, or wood, viz, lumber and timber planks and boards of amaranth, cherry, chestnut, walnut, pitch pine, sycamore, Spanish cedar, oak, hickory, white oak, red cedar, and white ash, not otherwise manufactured than rough sawn or split or creosoted; or sawed or split boards, planks, deals, and other lumber when not further manufactured than dressed on one side only; or pine and spruce clapboards; or timber hewn or sawed, squared or sided; or laths, pickets, and palings; or staves, shingle bolts, hoop poles, fence posts, railroad ties, and hickory fellies; or logs and round manufactured timber, coming into such country from Canada, the governor in council may, by proclamation, impose an export duty of not exceeding $3 per thousand feet board measure upon all pine, Douglas fir, spruce, fir, balsam, cedar and hemlock logs, and pulp wood exported to such country from Canada.

Besides this, the Canadian Provinces levy export duties. Ontario prohibits the export of pulp wood entirely. Quebec charges 65 cents per cord for pulp wood cut on crown lands, and allows a reduction of 25 cents per cord when the wood pulp is manufactured into pulp or paper within the Dominion of Canada. British Columbia levies an export duty upon coal and upon coke.

In the matter of stumpage, Mr. F. B. Lynch was a witness. I will not repeat here the able arguments made by others or the figures, except by reference to his testimony. He testified before the House committee that all the timber in Canada carries a minimum royalty to the government of 50 cents a thousand, board measure, and from that up to $6 a thousand in some of the eastern Provinces; that, in addition to this royalty, a bonus must be paid to the Dominion government when the license to cut the timber is issued, which amounts to from 15 cents to $2 per thousand. The bonus is paid to the government in cash when the lumber is sold, and the royalty is paid when the timber is sawed. A royalty is also paid on all the by-products, including lath and shingles. It costs more to erect and equip mills in Canada than in the United States.

The machinery is manufactured in the United States and pays a duty of about 20 to 30 per cent ad valorem when it crosses the line; the freight charges for hauling all this machinery from the United States into the heart of the Canadian timber regions are heavy, and the labor of millwrights and skilled mechanics is American, and can only be induced to come into Canada by paying to it higher wages than are paid for it in the United States. Mr. Lynch testified that two large mills, each having

a capacity of 35,000,000 feet per annum, built by his companies in Saskatchewan and British Columbia, cost about $400,000, and that similar mills in the United States cost only about $250,000 each. Mr. Lynch testified that the difference in cost "is explained by the tariff charged by the Canadian government on American machinery which is used in the Canadian mills, the high freight rates on this machinery, the high cost of labor prevailing in Canada, and the lack of efficiency in the Canadian mechanic as compared with the American mechanic." This statement, even though it is made by a man extensively interested in Canadian lumber, seems to be entirely reasonable, and I believe it to be substantially true. While Canada has only about one-third as much natural timber as we have in this country, she has only about one-tenth as many people to consume it. To find a market for it, her lumbermen must, in the very nature of things, export it long distances from where the mills are located and the logs are cut and find a market in foreign lands. Generally speaking, it is admitted that the standard of living and the rate of wages paid to labor in the lumber industry in Canada compare very favorably with the standard and rate in the United States.

I have read the testimony presented to the Ways and Means Committee upon the cost of labor employed in manufacturing lumber in Canada and in the United States, and, take it all through, it certainly fails to show a higher average wage in the United States. It is true that in the tide-water mills in British Columbia some oriental labor is employed at an average wage of about $1.25 per day, and along the border in lower Canada the French Canadian is employed on the Canadian side for a lower wage than is paid for labor in the lumber industry in Maine and Vermont. To offset these two cases, we find that the labor employed in the lumber industry in the South is largely colored, and that it receives an average wage of only $1.25 per day. We find, also, that in the State of Washington more or less oriental labor is employed, and when employed receives no higher wage than is paid for it in the tide-water mills of British Columbia.

Speaking of this kind of labor, Mr. Theodore M. Knappen, testifying before the House Committee on Ways and Means, said:

> There is no doubt that, as a whole, the oriental labor employed in the coast mills in British Columbia is costlier than white labor, because it is far less productive. It really proves nothing as to labor cost to show a few Orientals on the pay roll, because it is certain that, as a very general rule, their efficiency is much below that of the whites.
>
> What Orientals are employed are almost entirely in the tide-water mills. The mountain mills in British Columbia use few, if any, oriental laborers. They are prohibited from working in the woods at all. White labor is thoroughly organized. The Hindoos—and most of the oriental labor employed is Hindoo—are very inefficient workmen, because of their lack of muscular strength, their unfamiliarity with western methods, and their general ignorance. They draw from one-half to three-fourths as much pay as white men, and one employer says he considers that one white man is worth three Hindoos.

The evidence presented to the House committee shows that the wages generally paid for labor in the production and manufacture of lumber in Ontario and in western Canada are fully as high and in many cases higher than in the middle and western United States.

Witnesses on both sides prepared and put in evidence before the House committee detailed lists with wages paid to employees. An examination and comparison of these tables show no advantage in higher wages to the American.

For the Canadian side, Mr. Lynch filed tables showing wages paid employees in his large mills and logging industries at Fernie, British Columbia, and at Barrows, Saskatchewan. Mr. Knappen, for the same side, filed a comparative table showing scale of wages paid in nine large Canadian mills and in five similar mills in the United States, also a table comparing wages paid in Canadian logging camps with wages paid in American logging camps. In Canada the men work six days in the week and ten hours a day.

For the American lumbermen, Mr. T. B. Walker filed a statement showing scale of wages paid by him; Mr. George K. Smith put in a table showing scale of wages in southern sawmills, including both white and colored labor; and Mr. D. E. Skinner, of the Port Blakeley Mill Company, a corporation which he says probably enjoys the largest output of any single concern in the United States in lumber for the last fifty years, and which is one of the mills in the United States where oriental labor is employed, offered photographs and some ex parte affidavits to show that oriental labor is employed in Canada. I produce these several tables arranged so that they may be easily compared.

I am not going to read the tables. Some of them were offered in connection with the speech of the Senator from North Dakota [Mr. McCUMBER], and others by the Senator from Minnesota [Mr. NELSON]. I have simply made some comparisons in parallel columns, which I ask leave to insert in connection with my remarks.

The VICE-PRESIDENT. Without objection, permission is granted.

The matter referred to is as follows:

Comparative statement of wages paid per day to certain kinds of employees in sawmills in Ontario, Saskatchewan, British Columbia (mountain and coast), averaged, as compared with wages in Oregon and Washington (interior and coast) and Minnesota, averaged, five to nine mills in former class and five in latter.

	Canada.	United States.
Foreman	*$143.33	*$127.50
Band sawyer	6.19	5.20
Filer	7.35	6.83
Engineers (chief)	4.26	3.79
Graders	2.90	2.44
Firemen	2.54	2.78
Millwright	3.99	3.53
Setter	3.38	3.12
Edgerman	3.02	3.20
Trimmer	2.54	2.48
Common laborers (white)	2.30	2.05

* Per month.

Comparative statement of wages paid per day in logging camps in Canada and the United States.

	Canada.		United States.	
	International Timber Company, Campbell River, British Columbia.	Fraser River Saw Mills (Limited), Fraser Mills, British Columbia.	Simpson Logging Company, Shelton, Wash.	Mason County Logging Company, Olympia, Wash.
Barker	$2.75	$3.00 to $3.25	$2.50	$2.50
Blacksmith	3.00	*75.00	3.00	3.00
Blacksmith helper	2.50	2.25		
Buckers	3.00	3.25	2.75	2.75
Cook	*75.00	*75.00	*65.00	
Dogup man	2.50	3.00	2.50	2.50
Engineer	3.25	*65.00	3.00	2.50 to 3.00
Faller, head	3.50	4.00	3.00	3.00
Faller, second	3.00	3.75	2.75	2.75
Fireman	2.50	2.50	2.00	
Flunkey	*35.00	*35.00	*30.00	
Hook tender	4.00	5.00	3.75	4.00
Line horseman	2.50		2.25	2.25
Rigging slinger	3.00	3.50	2.75	2.50
Signalman	2.50	3.00	2.25	2.25
Skidder, head	3.00		3.25	
Skid roadman	2.25	2.25	2.00	2.00
Sniper	2.75	3.25	2.50	
Swamper	2.50 to 2.75		2.25	2.25 to 2.75
Undercutter	3.50		3.00	
Woodcutter, behind donkey		3.00	2.00	

* Per month.

Average wages paid at the mills of the Elk Lumber Company, at Fernie, British Columbia, and of the Red Deer Lumber Company, at Barrows, Saskatchewan, for the years 1903 to 1907, inclusive.

	Per day.
Band sawyers	$7.50
Gang sawyers	4.50
Tail sawyers	2.50 to 3.00
Edger men	3.00 to 3.75
Trimmer men	3.25
Setters	3.75
Carriage riders	3.00
Helpers on trimmer	3.00
Transfer men and laborers	2.00 to 2.60
Band filer	8.50
Round saw and gang filer	7.00
Millwrights	4.00
Engineer	4.00
Fireman	3.00
Blacksmith	3.75
Machinists	3.75
Boom men	3.25
Laborers	2.50
Watchmen	2.50
Grader	2.75
Sorters and transfer men	2.25
Lumber pilers	2.25 to 2.75
Laborers in yard and loading cars	2.25
Oilers in mill and planing mill	2.75
Planing mill:	
Machine feeders	2.50 to 3.50
Helpers	2.25
Teamsters	2.50
Carpenters	4.00
Helpers	2.50
Manager	*4,000.00
Mill foreman	*1,500.00
Yard foreman	*1,500.00
Bookkeeper	*1,200.00
Timekeeper and clerks	b60.00 to 85.00

* Per year. b Per month.

During the same period the same mills have paid wages to their men in the woods, they doing all of their own work and doing no logging through contractors—

	Per day.
Leaders	$2.80
Swampers	1.85
Sawyers	2.25
Teamsters	2.35
Railroad men	2.50
Stable boss	2.60
Hook men	2.25
Blacksmith	3.40
Filer	3.00
Camp tender	2.25
Railroad laborers	2.05
Cook	3.40
Cookees	2.25
River men	3.00
Clerks	3.00
Foreman	4.35
Teams without drivers	3.00

The superintendent receives $1,600 to $2,000 per annum.

All men working in the bush are paid so much per month and their board. The figures given above for their day labor is the amount which they would receive per day, figuring twenty-six working days to the month, and adding the cost of their board, averaged in nine different camps, to the daily wage paid to them.

STATEMENT BY F. B. WALKER.

Labor pay roll rates, 1895 to 1908, inclusive, Red River Lumber Company, Minneapolis, Minn.

	May, 1903.	May, 1904.	May, 1905.	May, 1906.	May, 1907.	May, 1908.
Common labor	$1.75	$1.75	$1.75	$1.75	$2.00	$1.75
Engineers	3.00	3.00	3.00	3.00	3.50	3.50
Millwrights	3.00	3.00	2.75	3.00	3.00	2.75
Filers	10.00	10.00	10.00	10.50	10.50	10.00
Sawyers	6.50	6.00	6.00	7.00	7.00	7.00
Setters	3.50	3.00	3.00	3.00	3.00	2.75
Edgermen	3.00	3.00	3.00	3.00	3.00	2.75
Trimmers	2.50	2.50	2.50	2.50	2.50	2.25
Sort shed grader	2.50	3.00	2.50	2.50	2.50	2.25
Sort shed common labor	2.00	2.00	2.00	2.00	2.00	1.75

Statement by George K. Smith, showing rate of wages paid in southern sawmills, including both white and colored labor.

	Per day.
Foreman	$5.00 to $7.00
Millwrights	3.00 to 3.75
Engineers	2.25 to 3.00
Sawyers	6.00 to 7.00
Filers	5.00 to 7.00
Block setters	2.75
Doggers	1.75
Offbearers	1.75
Cant liners	1.75
Edgermen	2.50 to 3.50
Tailing edger	1.75
Trimmer men	1.75 to 2.50
Scalers	1.75 to 2.50
Graders	1.75 to 2.50
Extra men	1.50 to 2.00
Lumber stackers	1.35 to 1.75
Lumber truckers	1.35 to 1.50
Mule drivers	1.35 to 1.75

Mr. CRAWFORD. I claim for this evidence that it conclusively shows that, so far as the difference in the cost of labor in concerned, so far as the difference in the cost of production is concerned, and so far as the principle in the Republican platform that protection shall be measured by the difference in the cost of production, allowing a reasonable profit to the American manufacturer, is concerned, the advocates of the tariff upon lumber have not a leg to stand on.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from North Carolina?

Mr. CRAWFORD. The Senator from North Carolina was so kind to me when he was on the floor the other day in permitting me to ask questions that I do not like to decline to answer his questions now, but I do not want to delay the Senate or weary it, and the statement I have is so condensed and connected that I do not like to have it broken into.

Mr. SIMMONS. I merely wish to ask a very short question.

Mr. CRAWFORD. Very well.

Mr. SIMMONS. Do I understand the Senator to take the position that the labor cost in Canada in the manufacture of lumber is no higher than in this country?

Mr. CRAWFORD. As a general proposition, I say it is no higher.

Mr. SIMMONS. Does that apply to other labor in other industries in Canada as well as to lumber?

Mr. CRAWFORD. I have not gone into other industries. I remember the ingenuity with which the Senator from North Carolina talked about the labor that was in the belts that were used to run the machinery and in the shoes and boots that the lumbermen wore and in the saws they used, and all that. It was with a great deal of entertaining ingenuity that the Senator brought that in; but, for the life of me, I could not see its materiality as entering directly into the question of a difference in the cost of the production of lumber in Canada and in the United States.

Mr. SIMMONS. Will the Senator permit me just one other question? If there is no difference in the labor cost of production in this country and in Canada, what is the necessity for protecting any article that is produced in Canada and also in this country?

Mr. CRAWFORD. My remarks are directed to the tariff upon lumber, and I am not going to be drawn into a discussion of the tariff upon other articles.

Mr. President, in attempting to base their claim for a protective tariff on lumber upon the difference in labor cost, the American lumbermen have failed. In a desperate attempt to make a showing upon this point between lower Canada and Maine, Col. Albert Clark, of Boston, made a statement, which was presented to the House committee, in which he undertook to show that the wages paid by J. R. Booth, of Ottawa, were less than the wages paid by the St. John Lumber Company, of Portland. For the purpose of doing this, he showed the wages paid by the St. John Company at the present time and compared it with wages paid by Booth, of Ottawa, in 1898—ten years ago—and the only proof he offered of the old scale of wages at Ottawa was a memorial issued in 1898 by lumber manufacturers in the United States.

One of the fairest and most impartial witnesses who testified before the House committee, as it seemed to me, was Mr. M. J. Scanlon, of Minneapolis. I believe he was unprejudiced and impartial, because he has interests on both sides of the line. While he is interested in Canadian stumpage, he is more heavily interested in both stumpage and manufacture of lumber on the American side, and says that for every hundred dollars invested in Canada he has more than a thousand dollars invested in timber and mills on this side of the line. Mr. Scanlon tells us that the cost of labor and cost of producing lumber are greater in Canada than in the United States. He says:

All you need to do to convince yourselves on this point is to compare the rate of wages paid in Canada, our only competitor, with the rate paid on this side of the line. We are operating one very large sawmill at a small town, Scanlon, Minn., cutting about 100,000,000 feet per annum. This year we are paying common labor in and about the plant $1.75 per day of ten hours, in the woods $1.50 per day, and skilled labor in the same proportion. The same general rate of wages prevails throughout the lumber district in Minnesota, Wisconsin, and Michigan, except in some of the larger towns and cities the rate is as low as $1.60 per day. In these three States I contend we have the best and most efficient sawmill and woods labor in the world. We are operating two sawmills in the long-leaf yellow-pine district of Louisiana. At these mills we are paying common labor in the mills and woods $1.25 per day and the higher grade of workmen in the same proportion. In the Province of Ontario, Canada, about the same scale of wages prevails as are paid in Michigan, Wisconsin, and Minnesota. In the Province of Saskatchewan, Alberta, and in the mountain district of British Columbia common labor is paid at the rate of $2.25 per day of ten hours in the sawmills and $2.50 per day in the woods, while in the so-called "coast district" of the Province of British Columbia common labor receives $2.50 per day in the sawmill and $3 per day in the woods, and skilled labor is being paid in the same proportion. There is some oriental labor used in the British Columbia mills, ranging in price from $1.25 to $1.75 per day, depending on the class of work they perform. Concerning the efficiency of this oriental labor, they are more expensive than white, and they would not be employed at all if white labor could be obtained. In fact, the laws of British Columbia prohibit the use of oriental labor in cutting and removing the timber from provincial lands. Wages are so high that I do not think we have anything to fear on that score; the difference in wages paid the Canadian and American workmen in the timber industry is likely to be much more to the advantage of men employed in Canadian mills. * * * The cost of Canadian logs delivered at the mills will always be as great or greater than the cost of logs at the mills of the American operator.

That is the testimony of Mr. Scanlon, who says that for every hundred dollars he has on the Canadian side he has a thousand dollars invested on this side.

So far as the difference in the cost of labor is concerned, the advocates of a protective tariff on lumber can not bring their case within the rule prescribed in the Republican national platform. As to other items of cost, which enter into production, they also fail. Mr. Lynch testified that the logs at the Red Deer mill in Saskatchewan cost $7 per thousand; that the stumpage, together with royalties paid to the Canadian government, cost $3 per thousand. That at the Elk River mill, in British Columbia, where they were sawing cedar, fir, and spruce, the logs cost $6 per thousand; stumpage with royalties $1.50 per thousand. That the cost of manufacturing, including the cost of surfacing, piling, loading, selling, insurance, and taxes at each point, is about $5 per thousand at each place. He adds:

I do not know of any expense item which goes to make up the cost of lumber which is not as heavy or heavier upon the Canadian manufacturer than it is upon the American manufacturer. The Americans are certainly closer to the consumer in the United States than the Canadian mill. This implies lower freight rates and better service for the American mills. The American manufacturer will have little fear from the removal of the tariff, unless he raises his prices much above the present level.

That, Mr. President, is just what we do not want him to do. If the doors were thrown open and lumber, both rough and finished, were allowed to come in free, importations would relieve our home supply of the tremendous drain now made upon it, and we would check the insatiable greed of the men who, by means of the tariff, are seeking to control and to advance the price of stumpage; and we would let in a new source of supply which would be of material help to the people in breaking up the conspiracy of the retailers who now, by concerted action, succeed in maintaining one price, and that an extremely high one for the consumer of lumber.

The only basis of the claim of the American timber owner that the cost of production, including labor, in the United States is higher than in Canada is found by careful examination to be the higher value placed by him upon stumpage. He wants timber lands which he bought for from $2.50 to $6 per acre and which he has marked up to $30 and $60 per acre taken at its present high value and treated as an investment of that much capital entering into cost of production.

Mr. J. D. Lacey, who appeared before the House committee and asked for a retention of the present duty on lumber, admitted that he himself had personal knowledge of the fact that McCormick & Co. and the Weyerhaeuser Company bought a million and a half acres of timber land in the West only a few years ago for $6 per acre that is now worth $50 per acre; that they paid only 15 cents per thousand for stumpage, which is now worth $1, $2, and even $4 and $5 per thousand. Hines, Skinner, Walker, Weyerhaeuser, and the other barons who got this land so low, and now hold it so high, complain of their taxes on it, and ask that the taxes, which go along with the speculation, and which are paid upon the land and standing timber not yet converted into lumber, be considered as a part of the cost of production. That such a claim can not for a moment be considered is so self-evident that no notice need be given to it here.

It appears that in the exportation of lumber the States of Washington and Oregon, without the aid of a tariff, are able to put British Columbia out of business. The table showing a comparison of exports of lumber from these two States with exports from British Columbia for the years 1904, 1905, 1906, and 1907, which I ask to have printed in this connection, shows enormous excesses of exports in favor of Washington and Oregon and that the difference in favor of these States is growing very rapidly each year:

COMPARATIVE EXPORTS.

	Feet.
In 1904:	
Washington exported	186, 144, 995
British Columbia exported	33, 177, 244
Oregon exported	29, 173, 736
In 1905:	
Washington exported	201, 030, 589
British Columbia exported	49, 811, 030
Oregon exported	57, 854, 190
In 1906:	
Washington exported	221, 351, 716
British Columbia exported	79, 176, 862
Oregon exported	112, 526, 918
In 1907:	
Washington exported	262, 720, 536
British Columbia exported	67, 193, 208
Oregon exported	100, 651, 552

(See page 3100 Tariff Hearings, 1908–1909, Schedule D, showing Pacific coast cargo lumber statistics.—From Pacific Coast Lumberman.)

Our exports of lumber into Canada are nearly half as much as the exports of lumber from Canada into this country, and cases have been given in these debates where the American lumberman has been able to undersell the Canadian in his own territory. During the last fiscal year we exported nearly $10,000,000 worth of lumber and other wood, and of forest products we exported more than $126,000,000, and a large part of this is in successful competition with Canadian forest products.

It has been clearly demonstrated upon this floor by the Senator from North Dakota and the Senator from Minnesota that the differential made in the pending bill on account of finished lumber can not be justified by a pretense that the labor expended in finishing requires it—the manner in which it is done by modern machinery having been so fully explained here that no one will, in my opinion, undertake to defend this differential.

Our exports of finished lumber into Canada are made in the face of an ad valorem duty of 25 per cent imposed by the Canadian government. The arguments made in favor of retaining the tariff upon lumber by the United States are absurdly inconsistent, it seems to me, because they undertake at one and the same time to demonstrate that the removal of the tariff by our Government will not reduce the price of lumber to the consumer, while, on the other hand, the retention of the tariff will so increase the value of low-grade lumber made from upper cuts and low-grade material that the lumbermen will not leave it to waste and rot in the forest and add to the danger of destruction by fire. They would have you believe that away down in the Canadian woods the lumberman would manufacture and ship to the United States only his low-grade lumber, while the American lumberman would allow his low-grade lumber, which is nearer to the people who use it and to the transportation facilities and the market, to lie there in the woods and waste. After the tree is felled and the butt sawed and handed away, it involves a comparatively small expense to trim up and haul the upper cut into camp.

If the distant lumberman in Canada can afford to do it, the near-by American lumberman can surely afford to do it. If the removal of the tariff will not reduce the price, of course there would be no reason for greater waste of low-grade lumber. If, on the other hand, it will reduce the price—and the fierce opposition of the American lumberman to the removal of the tariff is sufficient proof that it will reduce the price—the American can afford to produce and sell his low-grade lumber just as well as the Canadian can, and for just as low a price. The whole purpose of the tariff on lumber is to protect the American timber owner, who has been enabled to take advantage of the munificent bounties of our Nation, and to thereby acquire vast holdings under the timber and stone acts and under the homestead and lieu-land laws and by sharing in the ownership of the great forests lands liberally bestowed in land grants to the railroads.

The removal of the tariff will check to a considerable degree the insatiable greed and rapacity of the American timber baron. It will permit a new factor to enter the retail market and tend to break up the combination that has destroyed all competition in the retail lumber market throughout the Middle West and Southwest, and it will, to the extent of importations of foreign lumber, preserve and conserve the American forests. It will not, on the other hand, strike down the wages of the American laboring man, for the reasons already shown, and it will violate in no sense the rule of the Republican national platform. The great States of California, Oregon, and Washington have populations of active, intelligent, pushing men, eager and ambitious to develop their great resources. They are a great people, and their representatives in this body with great ability and faithfulness have presented every possible argument here in favor of the present tariff upon lumber.

The recent depression fell heavily, no doubt, upon the people of those States, but that depression came under the tariff as it is now. No part of the Union has a brighter future. Lying, as they do, upon the coast of the Pacific Ocean, where the commerce of the future will surpass in extent and splendor anything ever known in the history of the world, with the completion of the Panama Canal and the sane and normal development of their resources, the greatest cities and the densest population upon this globe will one day be found along our Pacific coast, where transcontinental railways converge and where the finest deep harbors in the world abound.

No Senator from these magnificent States need have any fear that their growth will be retarded because this Government does not add to the wealth of their great timber owners by a prohibitive tariff and continue in force an excessive and outrageous duty upon finished lumber, which is an article of prime necessity to millions and millions of our people.

My argument is directed against the levying of duties upon lumber, iron ore, coal, and petroleum, because what we have of these commodities are natural resources of this Nation upon which not only the present but all future generations must depend.

OIL.

Take the Standard Oil Company; and I will ask to incorporate in my remarks the report made by Herbert Knox Smith, of the Department of Commerce and Labor, showing its enormous profit, its methods of doing business, its unfairness, its violation of every principle of honor and decency.

The VICE-PRESIDENT. Is there objection to the request of the Senator from South Dakota? The Chair hears none.

Mr. CRAWFORD. The Standard Oil Company is admitted to be the greatest monopoly in the world. It controls the price of crude and refined petroleum and of the products of petroleum all over the world. The claim that "independent" producers of oil must have the aid of a protective tariff is under a well-founded suspicion of being a mere subterfuge. There are no really independent producers of petroleum. The relation may not appear upon the surface, but I am quite convinced that they are either subsidiary companies or that they exist simply by sufferance or toleration. If that be true, the tariff can not help them, and I believe it to be true because the Standard Oil Company for a generation has ruthlessly crushed every competitor who came across its path. The investigation of the affairs of the Standard Oil Company made by the Department of Commerce and Labor, and the report of the former commissioner, Herbert Knox Smith, shows that the average margin between the price of Pennsylvania crude oil and the price of the illuminating oil sold by the Standard throughout the country, after

deducting freight costs, increased in the eight years preceding 1905, 1.03 cents per gallon. From seven-tenths of a cent to 1 cent per gallon is a good profit on the business. During the eight years covered by that report the Standard more than doubled its rate of profit on illuminating oil, and on gasoline, lubricating oil, and paraffin the increase was considerably higher. Its profits for 1904 were about $21,000,000 more than they were in 1898. From 1882 to 1894 its net earnings were about 15 per cent per year, while from 1903 to 1905 the net earnings were 68 per cent yearly. The commissioner states:

The Standard has not reduced the margins during the period in which it has been responsible for the price of oil. During the last eight years covered by this report (1898 to 1905) it has raised both prices and margins. Its domination has not been acquired or maintained by its superior efficiency, but rather by unfair competition and by methods economically and morally unjustifiable. The Standard has superior efficiency in running its own business; it has an equal efficiency in destroying the business of its competitors. It keeps for itself the profits of the first and adds to these the monopoly profits secured by the second. Its profits are far above the highest possible standard of a reasonable commercial return, and have been steadily increasing.

Finally, the history of this great industry is a history of the persistent use of the worst industrial methods, the exaction of exorbitant prices from the consumer, and the securing of excessive profits for the small group of men who over a long series of years have thus dominated the business.

This report shows that the Standard sells its oil in Europe for about 2 cents per gallon less than it charges the people of the United States, and grossly discriminates between localities and between consumers. No matter what may be said in behalf of men who imagine they are "independent" producers, it dominates and absolutely controls the market, and the tariff duty can not reach these men, who are its victims.

A tariff whose only effect can be to give to it an opportunity to increase its exactions is a monstrous wrong. To impose it upon the pretense that it is for the purpose of encouraging the development of American industry is to wear the livery of heaven to serve the devil in. As a protectionist, brought up in that school, and believing in the principle when properly applied, I claim that it is an abuse of it to levy an impost duty on lumber, iron ore, coal, and crude petroleum, or to give its benefits to monopoly. Applied to the development and encouragement of industries and the maintenance of high standards of living among the wage-earners, it is a blessing. Used as a weapon to aid monopoly to become more rich and powerful, it is a curse.

STEEL.

Judge Gary, testifying before the House committee as the head of the United States Steel Corporation, and Mr. Schwab, testifying as the head of the Bethlehem Company, admitted that the price of steel rails had for years been maintained absolutely at one figure—$28 per ton—and that any manufacturer who dared cut that price would be put out of business at once. The following letter, written by Mr. Schwab, was put in evidence at the hearing of the House committee. I think it is a remarkable letter:

PITTSBURG, PA., *May 15, 1899.*

MY DEAR MR. FRICK: You asked me to give my views as to the probable future earnings of the Carnegie interests and as to the proposed reorganization on a basis of $100,000,000 bonds, $250,000,000 preferred stock, and $275,000,000 common stock. Permit me to say that, commencing in 1879 as engineer constructing the works, ten years as general superintendent of our principal works, and over two years as president, I feel that I know the properties and their possibilities as well or better than anyone in or out of the concern.

While we have been highly successful in the past, as everyone knows, I believe we are only now getting in shape to be truly successful and truly profitable. Our April profit and loss sheet shows earnings slightly over $1,500,000, with rails netting us only $17.50 and billets $16. Lowest prices we ever had, on an average, were $16.50 for rails and $14.50 for billets; so you see we have reaped very little of the advantages of increased prices. With prices anywhere near to-day's selling prices, we could easily make over $3,000,000 per month; and then our new works, to be started in two months, will—I estimate on present prices—bring us an additional profit of $600,000 per month, or a total of $3,600,000 per month.

As to the future, even on low prices I am most sanguine. I know positively that England can not produce pig iron at actual cost for less than $11.50 per ton, even allowing no profit on raw materials, and can not put up pig iron into rails, with their most efficient works, for less than $7.50 per ton. This would make rails a net cost to them of $19. We can sell at this price and ship abroad so as to net us $16 at works for foreign business, nearly as good as home business has been. What is true of rails is equally true of other steel products.

As a result of this, we are going to control the steel business of the world.

You know we can make rails for less than $12 per ton, leaving a nice margin on foreign business. Besides this, foreign costs are going to increase year by year, because they have not the raw materials, while ours is going to decrease. The result of all this is that we will be able to sell our surplus abroad, run our works full all the time, and get the best practice and costs in this way.

Very truly, yours,

C. M. SCHWAB, *President.*

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from South Dakota yield to the Senator from Pennsylvania?

Mr. CRAWFORD. I do.

Mr. OLIVER. I should like to ask if Mr. Schwab, at the same time that that letter was produced before the Ways and Means Committee, did not, to a very large extent, disclaim and repudiate it?

Mr. CRAWFORD. Oh, he did not repudiate it; but he tried to discount it a little, saying it was written under different circumstances. Mr. Schwab's interest and attitude, when he was before the Ways and Means Committee seeking to maintain the tariff rate, were undoubtedly different from what they were when he wrote this letter to Mr. Frick, giving him the facts upon which he was asking him to invest millions of dollars. I will take the chance of saying that the statement in this letter is just as near the truth as his statement before the Ways and Means Committee.

Judge Gary testified at great length before the House committee. He frankly declared that the United States Steel Corporation can produce pig iron at least $2 per ton cheaper than any competitor. He admits, with a candor and frankness which compels our admiration, that his great trust permits competitors to do business by sufferance and toleration, because public indignation would be aroused to an uncomfortable point if it should drive them all out of business. He unreservedly declares, however, that the United States steel trust, owning, as it does, high-grade iron-ore beds easily mined and on the lake shore, the coal mines, the coke fields, 110 steel boats on the Lakes, railway transportation, immense capitalization and equipment, perfect organization; and the highest skilled labor, can, if it chooses to do so, drive every competitor in America to the wall. He further admitted that it is so well equipped for the assembling of the raw materials, with high-grade machinery and skilled labor, that it can manufacture steel rails cheaper than any competitor in the world; that it would go on successfully dominating the markets of the world should the tariff be removed entirely. According to his testimony, the properties that were put into the great steel trust when it was organized were valued at less than $800,000,000. No new capital was put in. The trust then issued $360,281,100 preferred stock at par, $508,302,500 common stock, $480,199,000 in bonds, and it assumed the bonded indebtedness of the subsidiary corporations, which amounted to $125,346,000, making the total capitalization $1,474,028,000, based upon property valued at less than $800,000,000.

The parent corporation is not an operating concern at all. It gets its income from dividends declared by the subsidiary companies. He says:

I should guess that of the whole capitalization of $1,782,000,000, at least $1,000,000,000 was capitalized profits, as distinguished from original investment. (Pages 1736, 1745.)

Since the trust was organized, in 1901, it has paid from its earnings $180,711,000 interest; $262,354,600 dividends; for construction, $163,694,000; and carried to surplus, $97,645,000 (page 1735). Upon its enormous capitalization, of which $1,000,000,000 was capitalized profits, it has paid an annual dividend of 7.3 per cent. It is quite evident that a great trust which is able to dominate and control trade and manufactures, as the United States Steel Corporation can and does dominate and control it, should not receive aid from the Government in the form of a protective tariff levied for the purpose of encouraging and developing American industry.

Judge Gary admits that the tariff is not necessary so far as the United States Steel Company is concerned, but he fears its removal from steel rails, billets, pig iron, structural steel, and steel rods would injure the small independent companies.

This is a subterfuge, because his own admissions previously made with the most serene frankness show that there are no independent competing companies. There are other companies, it is true, and they do a good deal of business, but they are not independent competing companies.

A company which is simply allowed to exist and carry on business by the sufferance and toleration of the United States Steel Corporation is not, and in the very nature of things can not be, an independent competing company. It may be a separate corporation, and the United States Steel Company may not own a dollar of its stock, nor a dollar of its bonds, nor be in any manner a parent corporation; and yet, if it is allowed to live and do business only because of the permission or toleration of the United States steel trust, and if it can be easily destroyed and driven from the field, should it dare cut prices, as Judge Gary says it can, it is not in any sense an independent competing company.

Mr. President, one of the pathetic things which has come under my observation since I have been here is the desperate appeal made to Members of the Senate by men of small means, struggling along with small factories for the manufacture of pig iron or some form of steel, imagining that they are running an independent concern, and that we can help them. They are as helpless as a little mouse that would undertake to play on the carpet in front of a cat. We can not help them. We can not aid them in industrial development when they are beyond our reach. When we think we are helping them we are strengthening the giant that can absolutely crush them in a moment.

The price at which a small concern of this kind sells is the price at which the United States Steel Corporation is willing it shall sell, and none other, and it is beyond the reach of help through a protective tariff.

The United States Steel Corporation, according to Judge Gary, owns in fee or leasehold great iron deposits in the Superior region, in Tennessee, and in Alabama, and it can manufacture pig iron at least $2 per ton cheaper than any competitor. It manufactures annually ten or eleven million tons of pig iron, ten or eleven million tons of finished steel, and a still larger tonnage of semifinished steel. Its output includes rails, structural steel, steel wire, wire nails, fencing, billets, bars, slabs, hoops, bands, cotton ties, tubing, pipe rods, sheets, steel plates, spikes, bolts, nuts, rivets, axles, car wheels, merchant steel, and numerous other items. That it is practically in control of the field is shown by the fact that the number of establishments is decreasing all the time, while the output is increasing.

The number of establishments engaged in manufacturing iron and steel in the United States has been growing less. In 1880 it was 1,005; in 1890, 719; in 1900, 669; in 1905, 641. (Statistical Abstract, 1907, p. 714.) I have no figures later.

The reason for the rule which applies the principle of protection in levying a duty where it is necessary to encourage the development of American industry and give remunerative employment to American labor, in which I am a firm believer, does not exist when it is applied to the manufacture of pig iron and the leading steel products which I have named by the few great companies which control their manufacture and fix their prices all over the world. Instead of showing that it costs more to produce these articles in the United States than it does abroad, the evidence shows the contrary. The labor employed is highly organized and is quite capable of taking care of itself. It is of a character and quality which will continue to command and receive the highest wage paid anywhere in the world. The removal entirely, or the very material reduction of the tariff which is no longer necessary to the prosperity of an industry which is admitted to be so completely intrenched that it can challenge the competition of the world, can not harm it.

PIG IRON.

In 1905 the amount of pig iron imported into the United States was only seventy-three one-hundredths of 1 per cent of the total amount consumed; in 1906 it was 1.16 per cent; in the highly prosperous year of 1907 it was only 2.17 per cent. The amount of railroad iron and steel bars imported in 1907 was only thirteen one-hundredths of 1 per cent of the total consumption. (Statistical Abstract of 1907, p. 596.)

These imports are insignificant.

Mr. Schwab says that the Bethlehem Company imports iron ore from Cuba and pays a duty on it. Why should he pay a duty on it and be compelled to compete with the United States steel trust? He gets it from Cuba, saving the exhaustion of our own natural resources. Why should he be compelled to pay a duty on it?

Under the Dingley law iron ore pays a duty of 50 cents per ton; basic slag, $1 per ton; pig iron, $4 per ton; scrap iron, $4 per ton.

In the Payne bill iron ore and slag are placed on the free list, wrought and cast iron and scrap steel bear a duty of 50 cents per ton, and pig iron a duty of $2.50 per ton.

In the bill as reported by the Finance Committee in the Senate iron ore is taken from the free list, where it was placed in the Payne bill, and made to pay a duty of 25 cents per ton; pig iron is charged with a duty of $2.50 per ton, and the duty on wrought and cast scrap iron and scrap steel is raised to $2.50 per ton.

What for? Why should the Burlington Railroad, and the Chicago and Northwestern, and the New York Central, and the Erie, and all the rest of them, when they discard their old locomotives and their old, worn-out steel rails, be protected in their scrap iron by a tariff of $2.50, while a little manufacturer who may want to get raw materials is thus prevented from getting his scrap iron from everywhere? I am told that since this bill has been changed here Canadians are scouring New England and getting old scrap iron to take across the border. What is the reason for it?

It would seem from the evidence presented to the Committee on Ways and Means that, in the interest of justice and the public welfare, the proposals of the Committee on Finance where they involve an increase in the duties provided in the House bill in the iron and steel schedule should be abandoned, and where they propose increased reductions in the rates proposed in the House bill they should be sustained.

I will frankly state that is what I had in mind upon the first reading of the bill, when I asked to have the items in the metal schedule passed. Indeed, I would, if I had the power to do it, put iron ore, scrap iron, basic slag, steel rails, and pig iron on the free list. We can not help the small manufacturer of steel through the tariff. He is beyond our reach. Any attempt to help him simply strengthens the position of his master, the steel trust. When it is conceded that the trust can produce pig iron at least $2 per ton cheaper than its competitors, it is conceded that it has a fundamental advantage which stays with it in every subsequent development of the steel trade. The little manufacturer can only wail. He is beyond help.

AN INTERNATIONAL TRUST.

During the speech of the junior Senator from Iowa, directed to the iron and steel schedules, the senior Senator from New York, by way of a question, said:

> If you take the tariff off in order to hit the United States Steel Corporation, the independent concerns believe it would wipe them out of existence and give the United States Steel Corporation the command of the market, and then that corporation would combine with the foreign companies and we would be at the mercy of a gigantic international combine. How would you get over that?

The purpose of this question was to leave the impression that the removal of the tariff would result in the forming of international combinations which are not possible under tariff protection. As a most complete answer to that suggestion, I cite the international thread trust, known as the "Coates combination," which has monopolized the thread industry in the United States. The leading brand of thread which sells at 6 cents in New York, and about half that amount in England, is made by J. & P. Coates (Limited), of Paisley, Scotland, and by the Coates thread combination in this country. The Coates house early saw the advantages of establishing a factory in the United States and competing for the American trade under the protection of the tariff. Other English firms also saw the advantage, chief among them the Clarke Mile End Spool Cotton Company, of Newark, N. J.

The English concerns in the United States combined themselves into a trust to all intents and purposes. Sixteen of the English companies combined in a $10,000,000 trust, called the "English Sewing Cotton trust." The J. & P. Coates Company took $1,000,000 of the stock, and at least once since then has helped the organization out of trouble by lending it $2,000,000. The two concerns work together. In 1898 the American Thread trust was formed by the union of thirteen of the leading American concerns—all, indeed, but one of the domestic companies.

Then the English trust stepped in and bought the majority of the stock in the American trust. The English trust then owned and controlled the American trust, and dictated its policy from the other side of the water; and this British trust is affiliated with and partly owned by the still larger concern, the J. & P. Coates Company. The $48,000,000 Coates concern controls practically the thread business of England and America. Just as soon as the English secured control of the international trust the price of thread was advanced. Its profits in the second five years of the combination—that is, after the price of thread went up—were nearly a third greater than in the first five years, a profit of $12,636,000 a year on a capital of $48,000,000. Mr. Coates has a monopoly of the business in this country, and the tariff protects him from 180 concerns in England, who, by, competition, affect him over there, and enables him to sell his thread in the United States at double the price he does in England. This has increased his profits in five years 33⅓ per cent, at a time when the cost of his raw materials has largely increased.

So what the senior Senator from New York suggests might happen in the case of the steel trust, if the tariff upon iron ore and iron and steel manufactures were removed, has happened in the case of the thread trust with the aid of the tariff. The removal of the tariff from iron ore, pig iron, scrap iron, and steel rails will not accentuate a danger of that kind, and it is, in my opinion, a false alarm.

INHERITANCE TAX.

As has already been said many times during this debate, this Congress was convened in extraordinary session to revise the tariff by reducing excessive rates and by removing rates no longer needed for protection; to reduce duties on necessities and increase them on luxuries. This we are bound to do or be condemned by our countrymen. If the necessary reductions will result in a deficit, we should resort to an inheritance tax as the House bill provides. There is no legal doubt about the power of the Government to levy a graduated inheritance tax without apportionment. That question is settled. The objection urged, that 32 of the States subject inheritances to state and local taxes, does not appeal to me. The importer who pays duty upon a ship's cargo of merchandise and places it in his warehouse must pay state and local taxes upon the same property. The man who pays local and state taxes upon his store filled with liquors or tobacco must pay an internal-revenue tax upon them. Can it be seriously contended that a reasonable tax upon the transmission of great estates passing to collateral heirs is an unjust burden? And if the provision for an inheritance tax found

in the Payne bill will not insure sufficient revenue to prevent a deficit, then I am heartily in favor of a tax upon incomes. The decision in the Pollock case has never been accepted by the bar of this country as sound, and it never will receive the sanction of public opinion. As the needs of this Nation increase, its annual budget of expense will increase, no matter how conservative and penurious the economy in making appropriations and expending public funds.

We are going on with the great work of building canals, improving navigable streams, building up a navy, reclaiming arid lands, and conserving natural resources. We are going on with the work of prosecuting illegal combinations and regulating interstate commerce. No mere cry of large expense can stop this movement. While our budget of expense will increase, our most powerful manufactures will continue to outgrow the need for a protective tariff and the great labor unions will protect the wages of our workingmen.

The protective system will remain, but it will be supplemented for revenue purposes by federal taxation upon inheritances and incomes. It is not a socialistic scheme for the redistribution of wealth. It is a plan for an equitable distribution of burdens. There are 7,000,000 families of wage-earners in the United States living upon a medium wage of $436 a year and 5,000,000 farmers whose average income is about $350 a year. The vast majority of American families live on $500 or less per year. In the great iron and steel industries, in 1900, the income of the family was about $540 a year, and in 1905, $580 per year. The cost of living has increased from $74.31 in 1896 to $107.26 in 1906; coal increased in price $1 per ton; manufactured commodities advanced 32 per cent. Under these circumstances, it seems to me that where competition has been destroyed and the market price of a commodity is maintained at a high price by a trust the tariff on that commodity should be materially reduced, if not entirely removed, and that the large incomes, both of individuals and of corporations, should be required by an income tax to bear a larger share of the burden of federal taxation than they do now.

INCOME TAX.

A graduated income tax exempting all incomes of less than $3,000 a year would place upon the wealth of the country a share of the burden of maintaining the Federal Government, which it ought to bear and bear gladly and willingly.

England raises an annual revenue of $90,000,000 in the form of death duties, or inheritance taxes, and over $168,000,000 in the form of taxes upon incomes. Her population is 44,000,000 and ours 90,000,000, and yet in this great country of ours, with the richest individuals and the richest corporations ever known since human society was organized, the national revenues are entirely raised by levies upon consumption. We are called here under an implied public obligation to revise the tariff downward. The President is committed to that and the people expect it. On September 5, 1906, in a speech at Bath, Me., Secretary Taft declared that "those schedules of the tariff which have inequalities and are excessive will be readjusted." In his speech at Milwaukee, on September 24, 1908, after his nomination, he said that "there are many schedules of the tariff in which the rates are excessive," adding that "it is my judgment that a revision of the tariff in accordance with the pledge of the Republican platform will be on the whole a substantial revision downward." At Mitchell, S. Dak., at a meeting at which I was present, he declared for thorough revision of the tariff, and in reply to a voice from the crowd which asked, "Which way; upward or downward?" he answered that the test would be the rule of the Republican platform concerning the difference in cost of production, and that, in his opinion, the revision would in most cases be downward.

PARTY PLEDGES.

How, then, can Senators declare that those of us who insist upon reductions are enemies of protection and not orthodox Republicans? I am willing to accept the judgment of the people of the country upon this issue; and so far as my vote will go in determining it, that vote will be for an honest revision of the tariff downward.

Now, then, a word in closing. Mr. President and Senators, I contend that the real principle at the foundation of the Republican party upon the tariff is declared—and declared better than it has ever been declared elsewhere—in our Republican platform. If we will honestly apply that rule here and get the difference in the cost of production abroad and at home, including labor, and apply it to these schedules, it will inevitably result that, in the majority of cases, the revision will be downward.

We are at a disadvantage. I do not want to say anything but what is most kind toward the Committee on Finance. I have not been in entire sympathy with all the criticisms indulged here. I believe that the committee is faithful. I believe its members are striving patiently and earnestly to do their duty as they see it.

But this, nevertheless, is true, no matter if the Senator from Montana [Mr. CARTER] did pile up on his desk a great stack of documents to show how much evidence we have here. We have evidence, of course; an abundance of evidence, but what shape is it in? It is a bewildering mass of undigested material that no man could read carefully in a year's time. I came here not without some knowledge, but I did not know a cotton tie from a necktie. Look at that mass of testimony upon every subject under the sun. It is a sea of confusion, which Members of the Senate are expected to wade through for the purpose of securing some tangible information as to how to vote here.

I say that that is not business. That testimony should have been taken, not during a few weeks here in the Capitol, where only voluntary witnesses appeared who were directly interested, and where the committee could not travel, or investigate, or take time to get the facts from disinterested witnesses; it should have been taken by a competent body of experts, who could deliberately collect the testimony, digest it, and put it into simple, concrete form, and place it on our desks here in a small, handy volume. Why could not that be done? How much more effective would our work then have been than it has been under the circumstances which have faced us here?

For that reason I am in favor of having some tribunal clothed with power the year around to get information upon this great economical and industrial question and present it to the Congress of the United States.

We can not get away from a bad system by criticising the Committee on Finance. It is a system that we ought to be able, it seems to me, to improve. I join in with the spirit that ought to prevail among all of us who belong to the dominant party, responsible for the management of this administration and the Government. Let us keep faith. Let us not stand here criticising and being suspicious of each other, arrayed as standpatters and progressives, but let us go forward in the spirit of true Republicanism, governed by the rule of our party platform; keep faith; discharge our duty in this revision of the tariff.

It seems to me that when we apply that rule to the steel schedule, to the question whether we will impose a duty upon lumber, coal, oil—upon natural resources—we will either remove the duty entirely or we will make it so low that it can answer no purpose except to contribute in a small way to the revenues of the Government.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 25 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 13, 1909, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 12, 1909.

UNITED STATES MARSHAL.

Thomas Cader Powell, of Alaska, to be United States marshal for the district of Alaska, division No. 2. A reappointment, his term having expired January 23, 1909.

UNITED STATES DISTRICT JUDGE.

Henry Groves Connor, of North Carolina, to be United States district judge for the eastern district of North Carolina, vice Thomas R. Purnell, deceased.

CONSULS-GENERAL.

Amos P. Wilder, of Wisconsin, now consul-general of class 2 at Hongkong, to be consul-general of the United States of America of class 2 at Shanghai, China, vice Charles Denby, nominated to be consul-general of class 3 at Vienna.

Charles Denby, of Indiana, now consul-general of class 2 at Shanghai, to be consul-general of the United States of America of class 3 at Vienna, Austria, vice William A. Rublee, nominated to be consul-general of class 2 at Hongkong.

William A. Rublee, of Wisconsin, now consul-general of class 3 at Vienna, to be consul-general of the United States of America of class 2 at Hongkong, China, vice Amos P. Wilder, nominated to be consul-general of class 2 at Shanghai.

AMBASSADORS EXTRAORDINARY AND PLENIPOTENTIARY.

William Woodville Rockhill, of the District of Columbia, now envoy extraordinary and minister plenipotentiary to China, to be ambassador extraordinary and plenipotentiary of the United States of America to Russia, vice John W. Riddle, resigned.

Oscar S. Straus, of New York, to be ambassador extraordinary and plenipotentiary of the United States of America to Turkey, vice John G. A. Leishman, appointed ambassador extraordinary and plenipotentiary to Italy.

REAPPOINTMENT IN THE ARMY.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General with the rank of brigadier-general, for the period of four years beginning May 23, 1909, with rank from May 24, 1901. His present term of four years will expire May 23, 1909.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns in the navy from the 13th day of February, 1908, to fill vacancies existing in that grade on that date:

Robert W. Cabaniss,
Raleigh E. Hughes, and
Claude B. Mayo.

The following-named midshipmen to be ensigns in the navy from the 13th day of September, 1908, to fill vacancies existing in that grade on that date:

Carter L. Wright,
John W. Lewis,
Rufus W. Mathewson,
Willis W. Lawrence,
Irving H. Mayfield,
Philip H. Hammond,
Harvey W. McCormack, and
Ernest D. McWhorter.

The following-named midshipmen to be ensigns in the navy from the 12th day of February, 1909, to fill vacancies existing in that grade on that date:

Bruce R. Ware, jr.,
Claudius R. Hyatt,
William F. Cochrane, jr.,
George C. Logan,
George H. Laird,
Henry G. Shonerd,
Harlow T. Kays,
Robert C. Giffen, and
Richard E. Cassidy.

Ensign Frank D. McMillan to be a lieutenant (junior grade) in the navy from the 2d day of February, 1909, upon the completion of three years' service in the present grade.

Lieut. (Junior Grade) Frank D. McMillan to be a lieutenant in the navy from the 2d day of February, 1909, to fill a vacancy existing in that grade on that date.

The following-named citizens to be assistant surgeons in the navy from the 14th day of April, 1909, to fill vacancies existing in that grade on that date to correct the date from which they take rank as confirmed on April 28, 1909:

John G. Ziegler, a citizen of Pennsylvania;
Glenmore F. Clark, a citizens of Kentucky;
William M. Kerr, a citizen of New York;
George A. Riker, a citizen of New York; and
Tharos Harlan, a citizen of the District of Columbia.

POSTMASTERS.

ARKANSAS.

James W. Harper to be postmaster at Mansfield, Ark. Office became presidential April 1, 1909.

MICHIGAN.

Fred P. Baker to be postmaster at Flint, Mich., in place of James A. Button, deceased.

NEW YORK.

George A. Waterbury to be postmaster at Lyndonville, N. Y. Office became presidential January 1, 1909.

OREGON.

F. O. Minor to be postmaster at Bend, Oreg., in place of Charles W. Merrill, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 12, 1909.

COLLECTOR OF CUSTOMS.

Edward T. Marvel to be collector of customs for the district of Fall River, Mass.

SURGEONS IN THE PUBLIC HEALTH AND MARINE-HOSPITAL SERVICE.

Passed Asst. Surg. Ezra K. Sprague to be surgeon in the Public Health and Marine-Hospital Service.

Passed Asst. Surg. Rupert Blue to be surgeon in the Public Health and Marine-Hospital Service.

Passed Asst. Surg. Charles H. Gardner to be surgeon in the Public Health and Marine-Hospital Service.

Passed Asst. Surg. James H. Oakley to be surgeon in the Public Health and Marine-Hospital Service.

ENVOY EXTRAORDINARY AND MINISTER PLENIPOTENTIARY.

H. Percival Dodge to be envoy extraordinary and minister plenipotentiary to Morocco.

POSTMASTERS.

ILLINOIS.

A. C. Doyle, at Cerro Gordo, Ill.

OHIO.

George T. Baughman, at Larue, Ohio.
Charles Doll, at Lorain, Ohio.
Adolphus D. Haney, at Morrow, Ohio.
Vernie E. Humphrey, at Fayette, Ohio.
John A. Kneisley, at Osborn, Ohio.
Thomas C. Lichty, at Antwerp, Ohio.
Ward B. Petty, at Sycamore, Ohio.
W. A. Ritter, at Napoleon, Ohio.
Charles E. Samuels, at New Paris, Ohio.
George H. Willis, at Bethel, Ohio.

SENATE.

THURSDAY, *May 13, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

BRITISH IRON AND STEEL INDUSTRY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the report of Special Agent Charles M. Pepper on the British iron and steel industry and the Luxemburg iron and steel wages, together with a supplemental article on English chain manufactures, by Albert Halstead, American consul at Birmingham (S. Doc. No. 42), which, with the accompanying paper, was referred to the Committee on Commerce and ordered to be printed.

PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Anna, Cobden, Belleville, Dongola, Springfield, Vergennes, Matthews, Edwardsville, Pinckneyville, Cutler, Carbondale, Cairo, Carterville, Duquoin, and Sparta, all in the State of Illinois, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. DICK presented a petition of Bradford Grange, No. 877, Patrons of Husbandry, of Madison County, Ohio, praying for the repeal of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Toledo, Ohio, praying for the retention of the proposed duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Georgetown, Cincinnati, Ripley, Shelby, Peebles, Portsmouth, Seaman, Belfast, Fairfax, Mount Orab, Sardinia, Buford, and Mowrystown, all in the State of Ohio, praying for the repeal of duty on hides, which were ordered to lie on the table.

He also presented a petition of the International Chamber of Commerce, province of Albay, Philippine Islands, praying for the repeal of the duty on hemp, which was ordered to lie on the table.

Mr. JONES. We have two paper mills in our State. I have here a telegram from the owner and manager of one of those paper mills giving his idea as to the effect taking the tariff off wood pulp may have on that mill. I ask that the telegram be read.

There being no objection, the telegram was read and ordered to lie on the table, as follows:

[Telegram.]

SAN FRANCISCO, CAL., *May 12, 1909.*

Senator WESLEY L. JONES,
Washington, D. C.:

If Payne tariff on news goes through, our mill at Camas, Wash., which employs several hundred people, can not exist. British Columbia will manufacture all the news paper which is used on the coast, and we will be forced to move our mills there. Told you this when I had the pleasure of seeing you in Washington.

L. SCHWABACHER.

Mr. PAGE presented petitions of sundry citizens of Fairhaven, Conn., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. LA FOLLETTE. I present a joint resolution of the legislature of Wisconsin, memorializing Congress in regard to international peace. I ask that the joint resolution be read and referred to the Committee on Foreign Relations.

There being no objection, the joint resolution was read and referred to the Committee on Foreign Relations as follows:

Joint resolution memorializing Congress in regard to international peace.

Whereas the progress of industry and the happiness and prosperity of the people of all countries depends upon the maintenance of peace among the nations of the world; and

Whereas international wars have resulted usually from jealousies due in a large degree to mutual misunderstandings which could have been made clear by conferences and investigations; and

Whereas it would promote the progress of peace in international relations to have a parliamentary union at stated intervals, composed of delegates from all nations; and

Whereas the friendly relations existing between the United States and all nations make it peculiarly fitting that the proposal should come from this country: Therefore be it

Resolved by the assembly (the senate concurring), That we respectfully memorialize the Congress of the United States to initiate proceedings to invite the nations of the world to send delegates to an interparliamentary union for the purpose of discussing and establishing a system of international arbitration and investigation of disputes between nations and to arrange for a permanent interparliamentary union at stated intervals; and be it further

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate of the United States, and the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.
JOHN STRANGE,
President of the Senate.
C. E. SHAFFER,
Chief Clerk of the Assembly.
F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. LA FOLLETTE presented petitions of sundry citizens of Appleton, Oshkosh, Florence, Mazomanie, Milwaukee, Neenah, Menasha, Chippewa Falls, Birch City, Sheboygan, North Freedom, Augusta, Kaukauna, and Rhinelander, all in the State of Wisconsin, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. KEAN. I present a concurrent resolution of the legislature of New Jersey, relative to inheritance taxes. Accompanying the concurrent resolution is a letter from the governor of the State of New Jersey, which I ask may be read, and, with the concurrent resolution, ordered to lie on the table and be printed in the RECORD.

There being no objection, the letter was read, and, with the accompanying concurrent resolution, ordered to lie on the table and to be printed in the RECORD, as follows:

STATE OF NEW JERSEY,
EXECUTIVE DEPARTMENT,
April 5, 1909.

Hon. JOHN KEAN,
United States Senate, Washington, D. C.

MY DEAR SENATOR: The inclosed is copy of a concurrent resolution adopted by the legislature of the State, it having been passed unanimously in each house, in relation to the proposed inheritance tax in the pending tariff bill in the Congress.

I want to add my personal indorsement of this resolution and earnest hope that the request of the legislature may in this regard be complied with by the Representatives of this State.

Yours, very truly,
[SEAL.] JOHN FRANKLIN FORT.

Assembly concurrent resolution. State of New Jersey. Introduced March 16, 1909, by Mr. Lewis.

Whereas there is a proposition pending in the Congress of the United States to impose an inheritance tax upon the property of decedents, resident within the States, as well as those resident within the District of Columbia and the Territories of the United States; and

Whereas it is the sense of the legislature of the State of New Jersey that inheritance taxes should be imposed by the State for State purposes only: Therefore be it

Resolved by the house of assembly (the senate concurring), That the legislature of the State of New Jersey hereby request the Senators in Congress from this State, and the Members of the House of Representatives from this State, to oppose the enactment of any law imposing collateral inheritance taxes for the benefit of the National Government; and be it further

Resolved, That a copy of this resolution be transmitted by the clerk of the house of representatives of this State to the Congress of the United States.

Mr. FRYE presented petitions of sundry citizens of Gardiner, Me., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Wenatchee, Seattle, and Leavenworth, all in the State of Washington, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of sundry importers and publishers of post cards of San Francisco, Cal., remonstrating against an increase of the duty on post cards imported into the United States, which was ordered to lie on the table.

He also presented a memorial of sundry manufacturers, merchants, and producers of the State of California, remonstrating against the retention of the proposed duty on sulphur, which was ordered to lie on the table.

Mr. STONE presented the memorial of John T. Kelly and J. B. Underwood, of Willard, N. Mex., remonstrating against the enactment of legislation authorizing Torrance County, in that Territory, to incur bonded indebtedness in excess of the amount now fixed by law, which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of Springfield, Salem, Darien, Silver Lake, and Vienna, all in the State of Missouri, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of St. Joseph, Willow Springs, Thayer, St. Louis, Lupus, Wooldridge, Jamestown, Jefferson City, Lahman, Seymour, Blythedale, Hannibal, Albany, Kansas City, Quincy, Mexico, Brookfield, Louisiana, Hermann, Washington, Shelbina, Poplar Bluff, Farmington, Bismarck, Sturgeon, Orrick, Kirksville, Moberly, Pomona, Mansfield, and Fordland, all in the State of Missouri, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. BRANDEGEE presented petitions of sundry citizens of Thomaston, Bridgeport, Terryville, Tewell, Reynolds Bridge, and Norwich, all in the State of Connecticut, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented a petition of the National Association of Master Bakers of Jamestown, N. Y., praying for the enactment of legislation to prohibit speculation, manipulation, and gambling in wheat, which was referred to the Committee on the Judiciary.

He also presented a petition of the G. M. Hallstead Division, No. 434, Brotherhood of Locomotive Engineers, of Elmira, N. Y., praying for the passage of the so-called "Burkett boiler-inspection bill" and the "Borah-Dawson full-crew bill," which was referred to the Committee on Interstate Commerce.

He also presented a petition of the Jewelers' Board of Trade, of New York City, N. Y., praying for the creation of a permanent tariff commission, which was ordered to lie on the table.

He also presented a memorial of Local Union No. 6, Cigarmakers' International Union of America, of Syracuse, N. Y., remonstrating against the repeal of the duty on cigars imported from the Philippine Islands, which was ordered to lie on the table.

He also presented a memorial of sundry citizens of Brooklyn, N. Y., remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented petitions of the Fort Stanwix Canning Company, of Rome; of Local Grange No. 1002, Patrons of Husbandry, of Bullville; and of E. O. Rose, of Stony Point, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of Local Union No. 167, International Typograhpical Union, of Schenectady, N. Y., praying for the retention of the proposed duty on print paper and wood pulp, which was ordered to lie on the table,

He also presented a petition of sundry employees of the Warwick Knife Company, of Warwick, N. Y., and a petition of sundry employees of the Robeson Cutlery Company, of Perry, N. Y., praying for the retention of the proposed duty on imported knives or erasers, which were ordered to lie on the table.

STENOGRAPHER FOR COMMITTEE.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred resolution No. 4, reported from the Committee on Indian Depredations by the Senator from Kansas [Mr. CURTIS], to report it favorably with an amendment, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

Senate resolution 4.

Resolved, That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of $1,200 per annum, said employment to continue during the Sixty-first Congress.

The amendment was, in line 5, after the words "said employment," to insert "to commence March 15 and."

The amendment was agreed to.

The resolution as amended was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. DU PONT:

A bill (S. 2338) granting an increase of pension to Ellwood Craig;

A bill (S. 2339) granting a pension to William J. Ricards (with the accompanying paper); and

A bill (S. 2340) granting a pension to Christiana Donahoe (with the accompanying papers); to the Committee on Pensions.

By Mr. GAMBLE:

A bill (S. 2341) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Pine Ridge Indian Reservation, in the State of South Dakota, and making appropriation and provision to carry the same into effect; to the Committee on Indian Affairs.

By Mr. McCUMBER:

A bill (S. 2342) to establish a fish-culture station at or near Sykeston, in the State of North Dakota; to the Committee on Fisheries.

A bill (S. 2343) for the relief of John H. Howlett; to the Committee on Claims.

A bill (S. 2344) to provide for the utilization of state and territorial lands in connection with projects under the reclamation act, and for other purposes (with the accompanying paper); to the Committee on Irrigation and Reclamation of Arid Lands.

A bill (S. 2345) for the relief of registers and former registers of the United States land offices; and

A bill (S. 2346) to provide for refund to Adam Pfeifer of money erroneously paid by said Adam Pfeifer to the Government of the United States in making final homestead proof; to the Committee on Public Lands.

A bill (S. 2347) granting an increase of pension to Jacob Christina;

A bill (S. 2348) granting an increase of pension to Wallace W. Sears;

A bill (S. 2349) granting an increase of pension to Louis Freeman;

A bill (S. 2350) granting an increase of pension to Samuel A. Hogue;

A bill (S. 2351) granting an increase of pension to Edwin N. Josselyn;

A bill (S. 2352) granting an increase of pension to J. L. Kitchen (with the accompanying papers);

A bill (S. 2353) granting an increase of pension to William Crotzar (with the accompanying papers);

A bill (S. 2354) granting an increase of pension to George E. Hanson (with the accompanying papers);

A bill (S. 2355) granting an increase of pension to John S. Taylor (with the accompanying papers);

A bill (S. 2356) granting an increase of pension to Harrison J. Blodgett (with the accompanying paper);

A bill (S. 2357) granting an increase of pension to John Ward (with the accompanying paper);

A bill (S. 2358) granting an increase of pension to Henry Silker (with the accompanying paper);

A bill (S. 2359) granting an increase of pension to Albino R. Stone (with the accompanying paper);

A bill (S. 2360) granting an increase of pension to John Caven (with the accompanying paper); and

A bill (S. 2361) granting an increase of pension to John W. Miller (with the accompanying papers); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. ROOT submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

Mr. TILLMAN submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

STAMPS ON FOREIGN BILLS OF EXCHANGE.

Mr. CULBERSON submitted an amendment intended to be proposed by him to the bill (H. R. 8098) making appropriations for expenses of the Thirteenth Decennial Census for the fiscal year 1910, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

STATEMENT OF INCREASES IN DUTIES.

Mr. CULBERSON. Mr. President, the other day I introduced a statement giving the estimates made by an expert of the Treasury Department of the duties which were lowered and raised and where they remain the same in the tariff bill as reported to the Senate by the Committee on Finance. The Senator from Rhode Island [Mr. ALDRICH] asked at the time if there was an itemized statement. I replied that there was not. Since then a statement has been prepared by this expert showing precisely the increases in the bill. I ask that it may be printed in the RECORD and as a Senate document.

There being no objection, the statement was ordered to be printed as a document (S. Doc. No. 41) and to be printed in the RECORD, as follows:

Estimates of increases in duties of H. R. 1438.

Paragraph.	Article.	Rates of duty.		Per cent of increase.
		Present law.	Senate bill.	
	SCHEDULE A.			
1	Acid, oxalic	Free	1 cent per pound	(b)
35½	Nut oil, or oil of nuts, n. o. p. f.	do	8 cents per gallon	(b)
3	Grease, n. o. p. f.	20 per cent	25 per cent	25.00
22	Glue, valued above 10 cents and not above 35 cents per pound	25 per cent	2½ cents per pound and 15 per cent	103.12
	Glue size, patent and vegetable	20 per cent	25 per cent	25.00
32	Cotton-seed oil	4 cents per gallon	do	123.41
39	Opium, crude or unmanufactured, not adulterated, 9 per cent and over of morphine.	$1 per pound	$1.50 per pound	50.00
	Morphia or morphine, sulphate of	$1 per ounce	$1.50 per ounce	50.00
	All alkaloids and salts of opium	do	do	50.00
65	(L) Perfumery, cosmetics, and toilet preparations:			
	Alcoholic perfumery—cologne and other toilet waters and toilet preparations containing alcohol.	60 cents per pound and 45 per cent	60 cents per pound and 50 per cent	6.42
	Do. (reciprocity with Cuba)	60 cents per pound less 20 per cent	60 cents per pound less 20 per cent	2.72
	Preparations used as applications to the hair, mouth, teeth, etc., and perfumery not containing alcohol, n. s. p. f.	50 per cent	60 per cent	20.00
	Do. (reciprocity with Cuba)	40 per cent	48 per cent	20.00
67	(L) Soap, fancy, toilet or medicinal	15 cents per pound	20 cents per pound	33.33
	Do. (reciprocity with Cuba)	12 cents per pound	16 cents per pound	33.33
	SCHEDULE B.			
99	(L) Plate glass, fluted, rolled, ribbed, or rough, ground smooth and not obscured otherwise:			
	Not exceeding 16 by 24 inches	8 cents per square foot	10 cents per square foot	25.00
	Above 16 by 24 and not exceeding 24 by 30 inches	10 cents per square foot	12½ cents per square foot	25.00
100	(L) Plate glass, cast, polished, finished, or unfinished, and silvered:			
	Not exceeding 16 by 24 inches	8 cents per square foot	10 cents per square foot	25.00
	Above 16 by 24 and not exceeding 24 by 30 inches	10 cents per square foot	12½ cents per square foot	25.00
	SCHEDULE C.			
129	Steel ingots, cogged ingots, blooms, and slabs, etc., valued above 16 cents per pound.	$\frac{4}{10}$ cents per pound	7 cents per pound[a]	48.94
	Sheets and plates, n. s. p. f., valued above 16 cents per pound	do	20 per cent[a]	82.65
136	Steel ingots, blooms, and slabs, n. s. p. f.:			
	Cold rolled, cold drawn, cold hammered, or polished in any way, valued above 16 cents per pound.	$\frac{4}{10}$ cents and ¼ cent per pound	6 cents and ¼ cent per pound[a]	23.73
	Cold rolled, cold hammered, blued, etc., better than the grade of cold rolled, smoothed only, valued above 16 cents per pound.	$\frac{4}{10}$ cents and 1 cent per pound	6 cents and $\frac{4}{10}$ cent per pound[a]	12.28
	Sheets and plates, n. s. p. f., better than grade of cold rolled, valued above 16 cents per pound.	do	7 cents and $\frac{4}{10}$ cent per pound[a]	29.82
136	Steel circular saw plates valued above 16 cents per pound	$\frac{5}{10}$ cents per pound	20 per cent and ¼ cent per pound[a]	61.92
144	Card clothing:			
	Manufactured from tempered steel wire	45 cents per square foot	55 cents per square foot[a]	22.22
	Other	20 cents per square foot	45 cents per square foot	125.00
146	Castings, cast-iron vessels, plates, stove plates, andirons, tailors' irons, etc., castings of iron n. s. p. f.	$\frac{1}{10}$ cent per pound	35 per cent	221.69

[b] Infinite.

Estimates of increases in duties of H. R. 1438—Continued.

Paragraph	Article.	Rates of duty.		Per cent of increase.
		Present law.	Senate bill.	
	SCHEDULE C—continued.			
151	Cutlery, razors and razor blades, finished or unfinished:			
	Valued less than $1.50 per dozen	50 cents per dozen and 15 per cent	6 cents each and 40 per cent [a]	76.59
	Valued $1.50 and less than $3 per dozen	$1 per dozen and 15 per cent	10 cents each and 40 per cent [a]	60.11
	Valued $3 per dozen or more	$1.75 per dozen and 20 per cent	12 cents each and 50 per cent [a]	41.61
153	Table, carving, cook's, kitchen, etc., knives, forks, and steels, with handles of mother-of-pearl, shell, ivory, etc.	16 cents apiece and 15 per cent	14 cents apiece and 15 per cent	(b)
154	Files, file blanks, rasps, and floats of all cuts and kinds, 7 inches in length and over.	$1 per dozen	40 per cent	18.31
157	(L) Sheets, plates wares, or articles of iron, or other metal, enameled or glazed with vitrous glasses.	40 per cent	45 per cent	12.50
163	Needles for knitting or sewing machines, including latch needles	$1 per M and 25 per cent	$1.25 per M and 25 per cent	10.09
171	Antimony as regulus or metal	½ cent per pound	1½ cents per pound	100.00
174	Copper, sheathing, or yellow metal, etc	2 cents per pound	2 cents per pound	[c] 5.50
177	(L) Tinsel wire, lame or lahn, of gold, silver, or other metal	5 cents per pound	10 cents per pound	100.00
	Bullion and metal threads, made of tinsel wire, etc	5 cents per pound and 35 per cent	10 cents per pound and 30 per cent	1.48
	Laces, embroideries, braids, etc., made of metallic threads	60 per cent	1 cent per pound and 60 per cent	19.60
182	Ferrotungsten	$4 per ton	20 per cent	4,900.00
	Ferrochrome	do	do	1,049.42
185	Penholder tips and penholders, or parts of	25 per cent	25 cents per gross and 25 per cent	100.00
189	Watch movements:			
	Having not more than 7 jewels	35 cents each and 25 per cent	65 cents each	13.40
	(L) Having more than 7 and not more than 11 jewels	50 cents each and 25 per cent	$1.35 each	9.51
	(L) Having more than 11 and not more than 15 jewels	75 cents each and 25 per cent	$1.85 each	17.69
190	Zinc in ore	20 per cent	$11.20 per ton	281.75
		Free	do	(d)
	Calamine (zinc ore)	do	do	(d)
	SCHEDULE D.			
208	Osier or willow:			
	Prepared for basket makers' use	20 per cent	25 per cent	25.00
	Manufactures of	40 per cent	45 per cent	12.50
	Do. (reciprocity with Cuba)	32 per cent	36 per cent	12.50
	SCHEDULE G.			
226	Live animals: All other n. s. p. f	20 per cent	25 per cent	25.00
	Do. (reciprocity with Cuba)	16 per cent	20 per cent	25.00
230	Buckwheat flour	20 per cent	25 per cent	25.00
231	Corn or maize	15 cents per bushel	20 cents per bushel	33.33
234	Oats	do	do	33.33
236	Rice, cleaned (from Philippines)	75 per cent or 2 cents per pound	2 cents per pound	33.33
237	Rye	10 cents per bushel	20 cents per bushel	100.00
238	Wheat	25 cents per bushel	30 cents per bushel	20.00
244	Casein	20 per cent	25 per cent	25.00
256	Hops	12 cents per pound	15 cents per pound	25.00
258	Pease, split	40 cents per bushel	45 cents per bushel	12.50
260	Plants, trees, shrubs, and vines: Myrobolan plum, Mahalib or Mozzard cherry, 3 years old or less	50 cents per M and 15 per cent	$1 per M	9.80
265	Yams	Free	25 per cent	(d)
266	Fish: Caviare	¾ cent per pound	30 per cent	3,429.41
270	Fruits:			
	(L) In brine—			
	Citron	Free	2 cents per pound	(d)
	All other	do	do	(d)
	(L) Jellies	35 per cent	1 cent per pound and 35 per cent	28.57
	Do. (reciprocity, Cuba)	28 per cent	¾ cent per pound and 28 per cent	28.57
271	(L) Figs	2 cents per pound	2½ cents per pound	25.00
	(L) Dates	½ cent per pound	1 cent per pound	100.00
	Olives, green or prepared, in other coverings	15 cents per gallon	20 cents per gallon	33.33
272	Grapes, in barrels or other packages	20 cents per cubic foot	25 cents per cubic foot	25.00
273	Lemons	1 cent per pound	1½ cents per pound	50.00
	Do. (reciprocity with Cuba)	1 cent, 20 per cent per pound	1½ cents, 20 per cent per pound	50.00
	SCHEDULE H (ALL L).			
297	Brandy	$2.25 per proof gallon	$2.60 per proof gallon	15.55
	Do. (reciprocity with Cuba)	$1.80 per proof gallon	$2.08 per proof gallon	15.55
	Do. (reciprocity with France)	$1.75 per proof gallon	$2.60 per proof gallon	48.57
	Do. (reciprocity with Germany)	do	do	48.57
	Do. (reciprocity with Italy)	do	do	48.57
	Do. (reciprocity with Portugal)	do	do	48.57
	Do. (reciprocity with Spain)	do	do	48.57
	Do. (reciprocity with Switzerland)	do	do	48.57
	Alcohol	$2.25 per proof gallon	do	15.55
	Do. (reciprocity, Cuba)	$1.80 per proof gallon	$2.08 per proof gallon	15.55
	Do. (reciprocity, France)	$1.75 per proof gallon	$2.60 per proof gallon	48.57
	Do. (reciprocity, Germany)	do	do	48.57
	Gin	$2.25 per proof gallon	do	15.55
	Do. (reciprocity, France)	$1.75 per proof gallon	do	48.57
	Do. (reciprocity, Germany)	do	do	48.57
	Other spirits, n. s. p. f., manufactured or distilled from grain:			
	Whisky	$2.25 per proof gallon	$2.60 per proof gallon	15.55
	Do. (reciprocity, France)	$1.75 per proof gallon	do	48.57
	Do. (reciprocity, Germany)	do	do	48.57
	All other	$2.25 per proof gallon	do	15.55
	Do. (reciprocity, Cuba)	$1.80 per proof gallon	$2.08 per proof gallon	15.55
	Do. (reciprocity, France)	$1.75 per proof gallon	$2.60 per proof gallon	48.57
	Do. (reciprocity, Germany)	do	do	48.57
	Do. (reciprocity, Italy)	do	do	48.57
	Do. (reciprocity, Spain)	do	do	48.57
	From other materials	$2.25 per proof gallon	do	15.55
	Do. (reciprocity, Cuba)	$1.80 per proof gallon	$2.08 per proof gallon	15.55
	Do. (reciprocity, France)	$1.75 per proof gallon	$2.60 per proof gallon	48.57
	Do. (reciprocity, Germany)	do	do	48.57
299	Compounds or preparations of which distilled spirits are a component part of chief value, n. s. p. f.	$2.25 per proof gallon	do	15.55
	Do. (reciprocity, Cuba)	$1.80 per proof gallon	$2.08 per proof gallon	15.55
	Do. (reciprocity, Germany)	$1.75 per proof gallon	$2.60 per proof gallon	48.57
	Do. (reciprocity, Italy)	do	do	48.57

[b] Decrease (Estimated Revenues No. 3 gives 11 per cent increase.) [c] Shown by Estimated Revenues No. 3. [d] Infinite.

Estimates of increases in duties of H. R. 1438—Continued.

Paragraph.	Article.	Rates of duty.		Per cent of increase.
		Present law.	Senate bill.	
	SCHEDULE H—continued.			
300	Cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other spirituous beverages or bitters containing spirits, n. s. p. f.	$2.25 per proof gallon	$2.60 per proof gallon	15.55
	Do (reciprocity, Cuba)	$1.80 per proof gallon	$2.08 per proof gallon	15.55
	Do. (reciprocity, France)	$1.75 per proof gallon	$2.60 per proof gallon	48.57
	Do. (reciprocity, Germany)	do	do	48.57
	Do. (reciprocity, Italy)	do	do	48.57
	Do. (reciprocity, Spain)	do	do	48.57
	Do. (reciprocity, Switzerland)	do	do	48.57
	Vermuth and ginger wine or ginger cordial, in casks or packages other than bottles or jugs, containing 14 per cent or less of absolute alcohol.	40 cents per gallon	do	30.00 (?)
	Do. (reciprocity, France)	35 cents per gallon	do	[a] 48.57 (?)
	Do. (reciprocity, Italy)	do	do	[a] 48.57 (?)
	Containing more than 18 per cent of alcohol	50 cents per gallon	do	[b] 4.00
	Do. (reciprocity, France)	35 cents per gallon	do	[b] 48.57
	Do. (reciprocity, Germany)	do	do	[b] 48.57
	Do. (reciprocity, Italy)	do	do	[b] 48.57
	Do. (reciprocity, Portugal)	do	do	[b] 48.57
	In bottles or jugs containing each not more than 1 pint:			
	Do. (reciprocity with Italy)	62½ cents per dozen	do	[a] 24.30
	Containing each more than 1 pint and not more than 1 quart	$1.00 per dozen	do	[c] 36.84
	Do. (reciprocity, Cuba)	$1.28 per dozen	$2.08 per gallon	[d] 21.87
	Do. (reciprocity, France)	$1.25 per dozen	$2.60 per gallon	[d] 24.81
	Do. (reciprocity, Germany)	do	do	[d] 24.81
	Do. (reciprocity, Italy)	do	do	[d] 24.81
	Do. (reciprocity, Portugal)	do	do	[d] 24.81
	Do. (reciprocity, Spain)	do	do	[d] 24.81
	Quantity in excess of 1 quart or 1 pint per bottle	5 cents per pint	$2.60 per proof gallon	[e] 30.00
	Do. (reciprocity, France)	4 cents per pint	do	[e] 62.50
	Do. (reciprocity, Italy)	do	do	[e] 62.50
302	Bay rum or bay water, whether distilled or compounded	$1.50 per proof gallon	$1.75 per proof gallon	16.67
303	Wines, containing not more than 24 per cent of alcohol:			
	Champagne and all other sparkling, in bottles, containing ½ pint or less	$2 per dozen	$2.40 per dozen	20.00
	Containing more than ½ pint each and not more than 1 pint	$4 per dozen	$4.80 per dozen	20.00
	Do. (reciprocity with Cuba)	$3.20 per dozen	$3.84 per dozen	20.00
	Containing more than 1 pint each and not more than 1 quart	$8 per dozen	$9.60 per dozen	20.00
	Do. (reciprocity with Cuba)	$6.40 per dozen	$7.68 per dozen	20.00
	Do. (reciprocity with Portugal)	$6 per dozen	$9.60 per dozen	60.00
	Quantity in bottles in excess of 1 quart per bottle	$2.50 per gallon	$3 per dozen	20.00
304	Still wines and rice wine or saki and similar beverages:			
	In casks or packages other than bottles or jugs—			
	Containing 14 per cent or less of absolute alcohol	40 cents per gallon	45 cents per gallon	12.50
	Do. (reciprocity, France)	35 cents per gallon	do	28.57
	Do. (reciprocity, Germany)	do	do	28.57
	Do. (reciprocity, Italy)	do	do	28.57
	Do. (reciprocity, Portugal)	do	do	28.57
	Do. (reciprocity, Spain)	do	do	28.57
	Do. (reciprocity, Switzerland)	do	do	28.57
	Containing more than 14 per cent and not more than 24 per cent alcohol	50 cents per gallon	60 cents per gallon	20.00
	Do. (reciprocity, France)	35 cents per gallon	do	71.43
	Do. (reciprocity, Germany)	do	do	71.43
	Do. (reciprocity, Italy	do	do	71.43
	Do. (reciprocity, Portugal)	do	do	71.43
	Do. (reciprocity, Spain)	do	do	71.43
	Do. (reciprocity, Switzerland)	do	do	71.43
	In bottles or jugs containing each not more than 1 pint	80 cents per dozen	92½ cents per dozen	15.62
	Do. (reciprocity, France)	62½ cents per dozen	do	48.00
	Do. (reciprocity, Germany)	do	do	48.00
	Do. (reciprocity, Italy)	do	do	48.00
	Do. (reciprocity, Spain)	do	do	48.00
	Containing each more than 1 pint and not more than 1 quart	$1.60 per dozen	$1.85 per dozen	15.62
	Do. (reciprocity, Cuba)	$1.28 per dozen	$1.48 per dozen	15.62
	Do. (reciprocity, France)	$1.25 per dozen	$1.85 per dozen	48.00
	Do. (reciprocity, Germany)	do	do	48.00
	Do. (reciprocity, Italy)	do	do	48.00
	Do. (reciprocity, Spain)	do	do	48.00
	Do. (reciprocity, Portugal)	do	do	48.00
	Do. (reciprocity, Switzerland)	do	do	48.00
	Quantity excess 1 quart or 1 pint per bottle	5 cents per pint	6 cents per pint	20.00
	Do. (reciprocity, Germany)	4 cents per pint	do	50.00
	Do. (reciprocity, France)	do	do	50.00
	Do. (reciprocity, Italy)	do	do	50.00
305	Malt liquors, viz, ale, beer, and porter:			
	In bottles or jugs	40 cents per gallon	45 cents per gallon	12.50
	In other coverings	20 cents per gallon	23 cents per gallon	15.00
306	Malt extract:			
	Fluid—			
	In bottles or jugs	40 cents per gallon	45 cents per gallon	12.50
	In casks	20 cents per gallon	23 cents per gallon	15.00
	Solid or condensed	40 per cent	45 per cent	12.50
307	Cherry juice and other fruit juice n. s. p. f., not over 18 per cent alcohol	60 cents per gallon	70 cents per gallon	16.67
	Containing more than 18 per cent alcohol (reciprocity, Germany)	60 cents per gallon and $1.75 per proof gallon.	70 cents per gallon and $2.07 per proof gallon.	17.50
	Prune juice or prune wine, not more than 18 per cent of alcohol	60 cents per gallon	70 cents per gallon	16.67
	SCHEDULE I.			
310	Cotton thread and carded yarn, warps or warp yarn, etc.:			
	Not colored, bleached, dyed, advanced, etc.—			
	Nos. up to and including No. 15	3 cents per pound	2½ cents per pound or 20 per cent	24.46
	No. 18	3½ cents per pound	3 cents per pound or 20 per cent	41.95
	No. 20	4 cents per pound	3½ cents per pound or 20 per cent	107.25
	No. 25	5 cents per pound	4½ cents per pound or 20 per cent	42.75
	No. 30	6 cents per pound	5 cents per pound or 20 per cent	11.42
	No. 34	8½ cents per pound	6½ cents per pound or 20 per cent	5.60
	No. 90	22½ cents per pound	18 cents per pound or 20 per cent	17.57

[a] 10 per cent alcohol.
[b] 10 per cent alcohol; should be over 14 per cent alcohol.
[c] On 14 per cent alcohol.
[d] 10 per cent alcohol; should be much more.
[e] 10 per cent alcohol; should be more.

Estimates of increases in duties of H. R. 1433—Continued.

Paragraph.	Article.	Rates of duty.		Per cent of increase.
		Present law.	Senate bill.	
	SCHEDULE 1—continued.			
315	Cotton thread and carded yarn, warps or warp yarns, etc.—Cont'd.			
	Colored, bleached, dyed, combed, or advanced, etc., numbers up to and including No. 20.	6 cents per pound	6 cents per pound or 25 per cent	38.66
	No. 21	5½ cents per pound	do	98.73
	No. 22	5½ cents per pound	do	110.44
	No. 24	6 cents per pound	do	61.71
	No. 25	6½ cents per pound	6½ cents per pound or 25 per cent	59.34
	No. 26	6½ cents per pound	6½ cents per pound or 25 per cent	53.56
	No. 27	6¾ cents per pound	6¾ cents per pound or 25 per cent	17.10
	No. 28	7 cents per pound	7 cents per pound or 25 per cent	42.45
	No. 29	7½ cents per pound	7½ cents per pound or 25 per cent	74.58
	No. 30	7½ cents per pound	7½ cents per pound or 25 per cent	36.99
	No. 32	8 cents per pound	8 cents per pound or 25 per cent	22.43
	No. 33	8½ cents per pound	8½ cents per pound or 25 per cent	50.51
	No. 34	8½ cents per pound	8½ cents per pound or 25 per cent	62.02
	No. 35	8¾ cents per pound	8½ cents per pound or 25 per cent	27.42
	No. 36	9 cents per pound	9 cents per pound or 25 per cent	5.44
	No. 37	9½ cents per pound	9½ cents per pound or 25 per cent	44.68
	No. 38	9½ cents per pound	9½ cents per pound or 25 per cent	37.29
	No. 40	10 cents per pound	10 cents per pound or 25 per cent	2.79
	No. 41	10½ cents per pound	10½ cents per pound or 25 per cent	12.21
	No. 42	10½ cents per pound	10½ cents per pound or 25 per cent	33.90
	No. 45	11½ cents per pound	11½ cents per pound or 25 per cent	12.31
	No. 47	11½ cents per pound	11½ cents per pound or 25 per cent	2.59
	No. 53	13½ cents per pound	13½ cents per pound or 25 per cent	34.70
	No. 67	16½ cents per pound	16½ cents per pound or 25 per cent	44.09
	No. 250	75 cents per pound	65 cents per pound or 25 per cent	33.33
	No. 270	81 cents per pound	67 cents per pound or 25 per cent	54.42
313	Cloth:			
	Not exceeding 50 threads to the square inch, country warp and filling—			
	Not bleached, dyed, colored, stained, painted, or printed	1 cent per square yard	2¼ cents per square yard	125.00
	Bleached	1½ cents per square yard	7 cents per square yard	460.00
	Dyed, colored, stained, painted, or printed	2 cents per square yard	3 cents per square yard	50.00
	(L) Not exceeding 100 threads to the square inch, etc.—			
	Not bleached, dyed, colored, stained, painted, or printed, valued over 7 cents per yard	25 per cent	4⅜ cents per square yard	51.52
	Bleached, valued over 9 cents per square yard	do	5½ cents per square yard	44.60
	Dyed, colored, stained, painted, or printed, valued over 12 cents.	30 per cent	8 cents per square yard	47.60
314	Exceeding 100 and not exceeding 150 threads to the square inch, country warp and fillings—			
	Not bleached, dyed, colored, stained, painted, or printed, exceeding 6 and not exceeding 8 square yards to the pound.	2½ cents per square yard	3 cents per square yard	20.00
	Valued over 9 cents per square yard	30 per cent	4⅜ cents per square yard	[a] 17.87
	(L) Bleached, valued over 11 cents per square yard	35 per cent	6½ cents per square yard	[a] 17.23
	(L) Dyed, etc., valued over 12½ cents per square yard	do	7 cents per square yard	[a] 13.09
315	Cloth, exceeding 150 threads and not exceeding 200 threads to the square inch, etc.—			
	Not bleached, dyed, colored, etc., valued over 10 cents per square yard.	do	5½ cents per square yard	[a] 20.88
	Bleached (L), valued over 12 cents per square yard	do	8 cents per square yard	[b] 32.83
	Dyed, colored, stained, etc. (L), valued over 12½ cents per square yard.	40 per cent	do	[b] 11.20
316	Exceeding 200 and not exceeding 300 threads to the square inch, etc., not bleached, dyed, colored, printed, etc.—			
	(L) valued over 12½ cents per square yard	do	6½ cents per square yard	[b] 1.60
	Bleached (L), valued over 15 cents per square yard	do	8 cents per square yard	[b] .02
	(L) Dyed, colored, stained, etc., valued over 17½ cents per square yard.	do	11¼ cents per square yard	[b] 29.42
317	Exceeding 300 threads to the square inch, etc.—			
	Not bleached, dyed, colored, etc., not exceeding 2 square yards to the pound.	4 cents per square yard	6½ cents per square yard	[b] 62.50
	Not valued over 14 cents per square yard	40 per cent	6½ cents to 12½ cents per square yard [c]	8 to 25
	Bleached, valued over 16 cents per square yard	do	11¼ cents per square yard [c]	20.85
	Dyed, colored, stained, etc., valued over 20 cents per square yard.	do	12½ cents per square yard [c]	16.77
321	Cotton cloth in which other than the ordinary warp and filling threads have been introduced in the process of weaving, etc.; exceeding 50 and not 100 threads to the square inch, etc.:			
	Not bleached, dyed, colored, etc.—			
	Not exceeding 6 square yards to the pound, valued at more than 7 cents per square yard.	3½ cents per square yard	4½ cents per square yard	30.80
	Exceeding 9 square yards to the pound, valued at more than 7 cents per square yard.	3½ cents per square yard	do	13.33
	Dyed, colored, stained, painted, or printed—			
	Not exceeding 6 square yards to pound, valued at more than 7 cents per square yard.	4⅝ cents per square yard	5⅝ cents per square yard	21.05
	Not exceeding 100 threads to the square inch, counting warp and filling—			
	Not bleached, dyed, colored, stained, painted, or printed, valued at over 7 cents per square yard.	25 per cent and 2 cents per square yard.	7½ cents per square yard	36.07
	Bleached, valued over 9 cents per square yard	do	do	31.88
	Dyed, colored, etc. valued at over 12 cents per square yard	30 per cent and 2 cents per square yard.	10 cents per square yard	32.45
	Exceeding 100 and not exceeding 150 threads to the square inch, etc.; not bleached, dyed, colored, etc.—			
	Not exceeding 4 square yards to the pound, valued at more than 7 cents per square yard.	3½ per square yard	do	185.71
	Exceeding 4 and not 6 square yards to the pound—			
	Valued at more than 7 cents per square yard	4 cents per square yard	6⅛ cents per square yard	59.37
	Valued over 9 cents per square yard	30 per cent and 2 cents per square yard.	8½ cents per square yard	32.12
	Bleached, exceeding 8 square yards to the pound, valued at over 11 cents per square yard.	35 per cent and 2 cents per square yard.	10 cents per square yard	10.40
	Dyed, colored, stained, etc., exceeding 8 square yards to the pound, valued at over 12½ cents per square yard.	35 per cent and 2 cents per square yard.	12 cents per square yard	25.89
	(L) Exceeding 150 and not exceeding 200 threads to the square inch, counting the warp and filling—			
	Not bleached, dyed, colored, etc., valued at over 10 cents per square yard.	do	8½ cents per square yard	4.54
	Bleached, exceeding 4½ and not exceeding 6 square yards to the pound—			
	Valued at more than 7 cents per square yard	6 cents per square yard	7⅞ cents per square yard	20.83
	Valued at over 12 cents per square yard	35 per cent and 2 cents per square yard.	12 cents per square yard	27.01

[a] And more. [b] Some values increased more than here shown. [c] Prohibitory.

Estimates of increases in duties of H. R. 1438—Continued.

Paragraph.	Article.	Rates of duty.		Per cent of increase.
		Present law.	Senate bill.	
	SCHEDULE I—continued.			
321	Cotton cloth in which other than the ordinary warp and filling threads have been introduced in the process of weaving, etc.; exceeding 50 and not 100 threads to the square inch, etc.—Continued.			
	(L) Exceeding 150 and not exceeding 200 threads to the square inch, counting the warp and filling—Continued.			
	Dyed, colored, stained, etc., exceeding 4½ and not exceeding 6 square yards per pound—			
	Valued at more than 7 cents per square yard	6¼ cents per square yard	8 cents per square yard	15.63
	Valued at over 12½ cents per square yard	40 per cent and 2 cents per square yard	12 cents per square yard	2.43
	(L) Exceeding 200 and not exceeding 300 threads to the square inch, etc.—			
	Bleached, valued at over 15 cents per square yard	....do	13½ cents per square yard	10.44
	Dyed, colored, etc., valued at over 17½ cents per square yard	....do	14½ cents per square yard	8.14
	Cotton cloth, mercerized or subjected to any similar process		1 cent per square yard additional	(a)
329	Duck	35 per cent	45 per cent	28.57
	SCHEDULE J.			
353	Woven fabrics n. s. p. f. composed of flax, hemp, or ramie, etc., weighing 4½ ounces or more per square yard	35 per cent	45 per cent	28.57
	SCHEDULE L.			
393	Spun silk in skeins, cops, warps, or on beams:			
	Valued not exceeding $1 per pound	20 cents per pound and 15 per cent	35 cents per pound	12.06
	Valued over $1 and not exceeding $1.50 per pound	30 cents per pound and 15 per cent	50 per cent	33.90
	Valued over $1.50 and not exceeding $2 per pound	40 cents per pound and 15 per cent	....do	33.76
	Valued over $2 and not exceeding $2.50 per pound	50 cents per pound and 15 per cent	....do	37.78
	Valued over $2.50 per pound	60 cents per pound and 15 per cent	....do	36.91
	All on which duty does not equal 35 per cent or 37½ per cent	35 per cent	....do	42.86
394	Thrown silk, not more advanced than singles, tram, etc	30 per cent	75 cents per pound (?)	56.23
	Sewing silks and silk threads or yarns of every description	....do	$1 per pound	94.37
395	Velvets, plushes, and other pile fabrics:			
	Plushes	$1 per pound and 15 per cent	$1.75 per pound	40.07
	Plushes on which ordinary duty does not amount to 50 per cent	50 per cent	$1.85 per pound	1.86
	Velvets, velvet or plush ribbons, and chenilles	$1.50 per pound and 15 per cent	$2.50 per pound	25.23
	Velvets on which duty does not amount to 50 per cent	50 per cent	$2.80 per pound	11.32
	Other pile fabrics	$1.50 per pound and 15 per cent	$2.50 per pound	30.80
	Fabrics woven in the piece:			
	Weighing more than ½ ounce and less than 1½ ounces per square yard—			
	In the gum, or dyed in the thread or yarn	$2.50 per pound	$2.72 per pound	8.80
	Boiled off	$3 per pound	$3.25 per pound	8.33
	Dyed or printed in the piece	$3.25 per pound	$3.50 per pound	7.69
395	Weighing more than 1½ ounces and not more than 8 ounces per square yard—			
	In the gum, containing not more than 20 per cent in weight of silk	50 cents per pound	63¾ cents per pound	27.50
	Containing more than 20 per cent and not more than 30 per cent in weight of silk	65 cents per pound	80 cents per pound	23.08
	Containing more than 30 per cent and not more than 45 per cent in weight of silk	90 cents per pound	$1.05 per pound	16.67
	Dyed in the piece—			
	Containing not more than 20 per cent in weight of silk	60 cents per pound	85 cents per pound	25.00
	Containing more than 20 per cent and not more than 30 per cent in weight of silk	80 cents per pound	$1 per pound	20.00
	Containing more than 30 per cent and not more than 45 per cent in weight of silk	$1.10 per pound	$1.25 per pound	13.64
	Dyed in the thread or yarn—black except selvedges—			
	Containing not more than 30 per cent in weight of silk	75 cents per pound	$1.75 per pound	133.33
	Containing more than 30 per cent and not more than 45 per cent in weight of silk	$1.10 per pound	....do	59.09
	Containing more than 45 per cent in weight of silk; exceeding original weight of silk	$1.50 per pound	$1.80 per pound	20.00
	Weight not increased beyond weight of raw silk	$3 per pound	$3.50 per pound	16.67
	Other: Containing not more than 30 per cent in weight of silk	90 cents per pound	$1.75 per pound	93.33
	Containing more than 45 per cent in weight of silk; weighted to exceed original weight of the raw silk	$2.25 per pound	$3.50 per pound	55.56
	Other, on which specific duty does not amount to 50 per cent	50 per cent	75 per cent	50.00
396	Handkerchiefs or mufflers composed wholly or in part of silk, etc.; hemstitched, or imitation hemstitched, or reeved, etc.; weighing not more than ¼ ounce per square yard, dyed or printed in the piece.	$3.25 per dozen and 10 per cent	60 per cent	12.04
401	Horsehair, artificial [The duty on a large number of articles composed of artificial silk is increased by this number.] All silk—(L.).	20 per cent	50 per cent	150.00
	SCHEDULE M.			
408	(L) Lithographic prints from stone, zinc., aluminum, et.c, n. e. s.:			
	On paper or other material—			
	Exceeding $\frac{1}{1000}$ inch and not exceeding $\frac{1}{100}$ inch in thickness—			
	Not exceeding 35 square inches	5 cents per pound	7 cents per pound	40.00
	(L) Lithographic cigar labels, flaps, and bands, etc.:			
	Printed in less than 8 colors, but not including metal leaf printing	20 cents per pound	27½ cents per pound	37.50
	Do. (reciprocity, Cuba)	16 cents per pound	22 cents per pound	37.50
	Printed in 8 or more colors but not including metal leaf printing	30 cents per pound	32½ cents per pound	8.32
	Printed in whole or in part in metal leaf	50 cents per pound	52½ cents per pound	5.00
	Do. (reciprocity, Cuba)	40 cents per pound	42 cents per pound	5.00
	Printed in bronze printing	15 cents per pound	27½ cents per pound	83.33
	Booklets, decorated in whole or partly by hand or by spraying	8 cents per pound	15 cents per pound	87.50
	Decalcomanias, in ceramic colors	20 cents per pound (?)	$1 per pound	400.00
	Decalcomanias, if backed with metal leaf	20 cents per pound	65 cents per pound	225.00
	All other	....do	40 cents per pound	100.00
409	Writing, letter note, hand made, drawing, etc., paper:			
	Not ruled, bordered, embossed, printed, or decorated	2 cents per pound and 10 per cent	3½ cents per pound and 15 per cent	65.42
	Ruled, bordered, embossed, printed, or decorated	2 cents per pound and 20 per cent	3½ cents per pound and 25 per cent	38.78
411	Wrapping paper	25 per cent	35 per cent	40.00

a An increase on a large number of articles.

Estimates of increases in duties of H. R. 1438—Continued.

Paragraph.	Article.	Rates of duty. Present law.	Rates of duty. Senate bill.	Per cent of increase.
	SCHEDULE N.			
422	Button forms: Lastings, mohair, cloth, silk or other manufactures of cloth, woven or made in patterns of such size, shape, or form, or cut in such manner as to be fit for buttons alone.	10 per cent	40 per cent	300.00
425	Cork, manufactured: All other manufactures	25 per cent	30 per cent	20.00
429	Fireworks	20 per cent	75 per cent	275.00
434	(L) Feathers and downs, n. s. p. f., including bird skins or parts of, with feathers on:			
	Crude or not dressed, colored or manufactured:			
	Feathers for beds	15 per cent	20 per cent	33.33
	Ostrich feathers	do	do	33.33
	All other	do	do	33.33
	(Reciprocity with Cuba)	12 per cent	16 per cent	33.33
	Dressed, colored, or manufactured, including dressed and finished birds suitable for millinery ornaments:			
	Ostrich feathers	50 per cent	60 per cent	20.00
	All other	do	do	20.00
	Do. (reciprocity with Cuba)	40 per cent	48 per cent	20.00
	Quills and other manufactures of down	50 per cent	60 per cent	20.00
	(L) Feathers, artificial or ornamental, fruits, grains, leaves, flowers, etc., of whatever material comprised, n. s. p. f.	do	do	20.00
	Do. (reciprocity with Cuba)	40 per cent	48 per cent	20.00
	Boas, boutonnieres, wreaths, and all articles n. s. p. f., etc	50 per cent	60 per cent	20.00
435	Furs, articles of wearing apparel of every description, partly or wholly manufactured, composed of or of which fur is the component material of chief value, but not in part of wool.	35 per cent	50 per cent	42.86
445	(L) Coral, manufactures of, n. s. p. f	50 per cent	60 per cent	20.00
448	Leather, cut into shoe uppers or vamps, or other forms, etc	35 per cent	40 per cent	14.28
	Gauffre leather	20 per cent	do	100.00
	Manufactures of leather n. s. p. f	35 per cent	do	14.28
	Do. (reciprocity with Cuba)	28 per cent	32 per cent	14.28
449	Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes, etc., and manufactures of leather, or of which leather is the component material of chief value, n. s. p. f.	35 per cent	40 per cent	14.28
455	Manufactures of:			
	Bone and horn n. s. p. f	30 per cent	35 per cent	16.67
	Chip, n. s. p. f	do	do	16.67
	Straw and grass n. s. p. f	do	do	16.67
	India rubber	do	do	16.67
	Palm leaf	do	do	16.67
	Weeds	do	do	16.67
	Whalebone	do	do	16.67
465	Pencil leads not in wood or other material:			
	Black	10 per cent	1½ cents per ounce	(?)
	Colored	do	2 cents per ounce	(?)
	Copying	do	3 cents per ounce	(?)
	(If rate of duty not changed, why change the form?)			
471a	(L) Foreign-built yachts, pleasure boats, or vessels not used or intended to be used for trade.	Free	35 per cent	(a)

a Infinite.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The pending amendment will be stated.

The SECRETARY. On page 32, after line 8, the Committee on Finance propose to insert as a new paragraph the following:

115½. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, 25 cents per ton: *Provided*, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clarke, Ark.	Guggenheim	Rayner
Bacon	Crane	Hale	Richardson
Bailey	Culberson	Hughes	Root
Beveridge	Cullom	Johnson, N. Dak.	Scott
Borah	Cummins	Johnston, Ala.	Smith, Md.
Bradley	Depew	Jones	Smith, Mich.
Briggs	Dick	Kean	Smoot
Bristow	Dillingham	La Follette	Stephenson
Brown	Dolliver	Lodge	Sutherland
Bulkeley	du Pont	McCumber	Taliaferro
Burkett	Elkins	McLaurin	Taylor
Burnham	Fletcher	Money	Tillman
Burrows	Flint	Nelson	Warner
Burton	Foster	Oliver	Warren
Chamberlain	Frye	Page	
Clapp	Gallinger	Penrose	
Clark, Wyo.	Gamble	Perkins	

The VICE-PRESIDENT. Sixty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. BURROWS. Mr. President, in the course of the remarks of the Senator from South Dakota [Mr. CRAWFORD] yesterday, I gathered the impression that the Senator is opposed to the pending amendment of the Committee on Finance restoring a duty on iron ore. It is my purpose at this time to make some observations upon the restoration of duty on iron ore as proposed by the Senate bill.

Under the existing law, the rate of duty on iron ore is 40 cents a ton. The House bill removes that duty and puts the product on the free list. The Senate committee, in its desire to conform to the general purpose of the committee to reduce duties wherever it can be done without injury to American industry and American labor, proposed the amendment reported, to wit, a duty of 25 cents a ton on iron ore.

A duty on iron ore has always been a fruitful source of revenue. From the foundation of the Government, under all parties, whether revenue or protective, a duty has been imposed upon iron ore. I propose to submit at this point a table, without reading, asking to have it inserted in the RECORD.

The VICE-PRESIDENT. Without objection, the table will be printed in the RECORD.

The table referred to is as follows:

Tariff on iron ore.

	Per cent.
1789, unenumerated articles	5
1790, unenumerated articles	5
1792, unenumerated articles for two years	7½
1794 to 1797, unenumerated articles	10
1797 to 1800, unenumerated articles	12½
1804, unenumerated articles	15
1806, 1809, 1810, 1812, unenumerated articles	15
1812, July, unenumerated articles	30
1813, unenumerated articles	15
1816, February, unenumerated articles	30
1816, April, unenumerated articles	15
1824, unenumerated articles	12½
1832, unenumerated articles	15
1833, unenumerated articles	15
1841, unenumerated articles	20
1842, unenumerated articles	20

		Per cent.
1846, minerals and bituminous (mineral) substances, crude		20
1857, minerals and bituminous (mineral) substances, crude		15
1861, March, minerals and bituminous (mineral) substances, crude		20
1861, August, December, minerals and bituminous (mineral) substances, crude		20
1862, 1863, 1864, 1865, 1866 (four acts), 1867 (five acts), 1868 (two acts), 1869 (two acts), 1870 (two acts), 1872 (two acts), classification and rate unchanged		20
1874, 1875 (two acts), 1879, 1880, 1882 (two acts), iron ore		20
1883, iron ore	tons	$0.75
1890, iron ore	do	$0.75
1894, iron ore	do	$0.40
1897, iron ore	do	$0.40

Mr. BURROWS. This table shows that under the tariff of 1789 iron ore bore a duty of 5 per cent, and there has never been an hour from that time until the present when a duty was not levied on iron ore for the purpose of securing the needed revenue for the support of the Government. Even the Wilson law, which was intended to be a decided step toward free trade, imposed a duty of 40 cents a ton on iron ore.

It appears from this that a duty has been levied upon iron ore from the foundation of the Government. It is now proposed to take the rash step not to reduce the duty, but to remove it entirely, and expose this product of our mines and their workers to the unrestrained competition of foreign countries.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Michigan yield to the Senator from Maryland?

Mr. RAYNER. Only for a question.

Mr. BURROWS. Certainly.

Mr. RAYNER. I did not hear the Senator. What revenue does the Senator say we would get at 25 cents a ton? What would be the revenue under the Senate committee amendment?

Mr. BURROWS. I have been speaking of the amount of revenue which would be lost by putting iron ore on the free list.

Mr. RAYNER. No; but I should like to know how much would be the revenue under the Senate committee amendment at 25 cents a ton.

Mr. BURROWS. By referring to the schedule on the Senator's desk, he will very readily discover the answer to his question.

THE EFFECT.

Mr. President, if the House provision should be adopted, the immediate result would be a loss of $332,020 in revenue, and under the importations of 1890 there would be a loss of $867,547 in revenue. With a deficiency in the Treasury of the United States to-day of over $94,000,000, it is difficult to comprehend what could have prompted the House to cut off this source of revenue, and it is equally difficult to understand why anyone in the Senate should be willing to ratify such action. The fact that there is such a deficit, the fact that the duty upon iron ore would yield so much revenue, it seems to me is a sufficient reason why the duty should be retained, if not at the present rate of 40 cents then at the moderate tax of 25 cents a ton, as proposed in the Senate bill.

I submit in this connection a table taken from the official records, showing the imports of iron ore from 1894 until 1908, and the duty collected thereon.

The table referred to is as follows:

Imports.

IRON ORE, INCLUDING MANGANIFEROUS IRON ORE, AND THE DROSS OR RESIDUUM FROM BURNT PYRITES.

[Under general tariff.]

Year.	Duty.	Tons.	Dollars.	Dollars.	Dollars.	Per cent.
1894	75 cents per ton	171,377.12	297,510.00	128,532.85	1.74	43.20
1895	do	30,576.21	46,112.00	22,932.16	1.51	49.71
	40 cents per ton	276,579.05	372,860.98	110,631.64	1.35	29.67
1896	do	776,271.06	1,217,314.00	310,508.45	1.57	25.51
1897	do	541,404.82	778,116.97	216,561.94	1.44	27.83
1898	do	352,532.00	466,254.00	141,013.19	1.32	30.24
1899	do	269,110.10	403,298.00	107,644.05	1.50	26.69
1900	do	946,632.97	1,497,713.00	378,653.18	1.58	25.28
1901	do	772,799.66	1,131,765.00	309,119.88	1.46	27.31
1902	do	1,189,983.25	2,333,123.00	475,993.30	1.96	20.40
1903	do	1,044,728.71	2,334,789.00	417,891.46	2.24	17.00
1904	do	583,786.54	1,243,268.00	213,514.64	2.33	17.17
1905	do	254,845.84	503,674.00	101,938.33	1.98	20.24
1906	do	369,571.15	766,222.00	147,828.46	2.07	19.30
1907	do	511,125.07	1,212,607.00	204,450.03	2.37	16.85
1908	do	306,249.00	653,046.00	122,499.00	2.13	18.76
	FROM CUBA (RECIPROCITY TREATY, DECEMBER 27, 1903).					
1904	40 cents per ton less 20 per cent	151,302.00	346,439.00	48,416.64	2.29	13.98
1905	do	502,970.00	1,162,975.00	160,950.40	2.31	13.84
1906	do	614,636.00	1,952,501.00	196,683.52	3.17	10.07
1907	do	584,670.00	2,137,784.00	187,094.40	3.66	8.75
1908	do	651,006.00	2,288,336.00	208,321.00	3.51	9.10

Mr. BURROWS. But, Mr. President, independent of the question of revenue, which I grant you is exceedingly important at this juncture, there are other——

Mr. RAYNER. The schedule makes it only $127,781.27, and I suppose we will have to deduct——

Mr. BURROWS. The Senator's answer conveys no information to me or to the Senate, as that fact appears in the schedules already presented to the Senate, and in no way detracts from my statement that by putting iron ore on the free list we would lose a revenue of $332,020.

But in addition, Mr. President, to the loss of revenue there are other considerations of the highest importance. This duty imposed on foreign ores has resulted in the development of an important industry in the United States, which I am quite sure the Senate will not wholly disregard.

It appears from the official tables that this industry of iron-ore mining exists to-day in 29 States and Territories of the Union. There have been opened and developed 525 mines, producing in 1907, in round numbers, 52,000,000 tons of iron ore, valued at $132,000,000. These industries exist, as appears from the table, in Minnesota, Michigan, Alabama, New York, Wisconsin, Pennsylvania, Montana, New Mexico, Nevada, Utah, Wyoming, Tennessee, Virginia, New Jersey, Georgia, Arkansas, Texas, Missouri, North Carolina, and other States, showing that these industries are established in 29 States and Territories, and that there was a yield of ore of 51,720,619 tons last year, valued at $131,906,147. I insert here a table showing the extent and value of this industry.

The table referred to is as follows:

Rank.	State.	Production, 1907.	
		Quantity in long tons.	Percentage of total production.
1	Minnesota	28,969,658	56.11
2	Michigan	11,830,342	22.87
3	Alabama	4,039,453	7.81
4	New York	1,375,020	2.61
5	Wisconsin	538,744	1.02
6	Pennsylvania	537,287	1.02
7	Montana, Nevada, New Mexico, Utah, and Wyoming	[a] 819,544	1.59
8	Tennessee	813,690	1.57
9	Virginia	786,856	1.52
10	New Jersey	549,760	1.06
11	Georgia	444,114	.86
12	Arkansas and Texas	118,667	.23
13	Missouri	[b] 111,768	.22
14	Kentucky, Maryland, and West Virginia	62,808	.12
15	North Carolina	50,439	.10
16	Connecticut and Massachusetts	37,166	.07
17	Ohio	23,589	.05
18	Colorado	11,714	.02
	Total	51,720,619	100

[a] Includes California and Washington. [b] Includes Iowa.

Rank.	State.	Value, 1907.	
		Amount.	Percentage of total.
1	Minnesota	$76,608,836	58.08
2	Michigan	36,441,330	27.61
3	Alabama	4,863,129	3.69
4	New York	2,820,135	2.14
5	Wisconsin	2,665,737	2.02
6	New Jersey	1,815,586	1.38
7	Virginia	1,538,920	1.17
8	Tennessee	1,325,134	1
9	Pennsylvania	1,296,717	.98
10	Montana, Nevada, New Mexico, Utah, and Wyoming	[a] 967,190	.73
11	Georgia	837,162	.63
12	Missouri	[b] 226,286	.17
13	Connecticut and Massachusetts	136,440	.10
14	Arkansas and Texas	120,060	.09
15	North Carolina	113,488	.09
16	Kentucky, Maryland, and West Virginia	95,891	.07
17	Ohio	41,081	.03
18	Colorado	21,085	.02
	Total	131,996,147	100

[a] Includes California and Washington. [b] Includes Iowa.

Mr. BURROWS. It will appear from this table that Minnesota takes the lead in the production of iron ore, showing an output of 28,969,658 tons, while Michigan is second in the list, and Alabama the third in the production of iron ore.

Leaving the general view of the industry in the United States and coming to the State of Michigan, we find that in 1904 the Lake Superior iron ore region alone yielded 21,000,000 tons, and in 1907 42,000,000 tons, doubling the output. The shipment from ports of the Northwest shows that from six ports in the Lake region there were shipped to the various United States ports where used 42,000,000 tons out of an entire output for the whole country of about 52,000,000 tons. I submit a table as follows:

Shipments by ranges of Lake Superior iron ore.

Gross tons.	1904.	1905.	1906.	1907.
Marquette Range	2,843,703	4,210,522	4,057,187	4,388,073
Menominee	3,074,848	4,495,451	5,109,088	4,964,728
Gogebic	2,398,287	3,706,736	3,641,965	3,637,907
Vermilion	1,282,513	1,677,186	1,792,355	1,685,267
Mesabi	12,156,008	20,153,099	23,792,553	27,492,949
Miscellaneous	67,480	111,391	123,742	76,146
Total Lake Superior	21,822,839	34,354,985	38,521,910	42,245,070

LOCATION.

Marquette Range, wholly in Michigan; Menominee and Gogebic ranges, in Michigan and Wisconsin; Vermillion and Mesabi ranges, in Minnesota.

Shipments by ports, 1907.

	Gross tons.
Escambia	5,761,988
Marquette	3,013,826
Ashland	3,437,972
Two Harbors	8,188,906
Superior	7,440,386
Duluth	13,445,977
Total	41,288,755
Water	41,288,755
All rail	956,315
Total	42,245,070

The extent and value of this industry, existing as it does in 29 States and Territories, is very important. The number of mines opened and in operation in 1902 was 525; operators employed, 332; the number of officials, 2,405; their salaries, $2,113,230; the wage-earners number nearly 39,000; the wages paid amount to $21,531,000; miscellaneous expenses, $8,000,000; supplies and materials, $35,000,000; and the value of the gross output more than $65,500,000.

In 1902 the output was over 35,000,000 tons, and in 1907 over 51,000,000. Based upon this increased tonnage, it is fair to assume that the wage-earners have increased to-day to 56,000 and their earnings $31,500,000.

Census figures for 1902.

[Being the latest available.]

Number of operators	332
Number of officials, clerks, etc	2,405
Their salaries	$2,113,230
Wage-earners	38,851
Wages	$21,531,792
Contract work	$425,290
Miscellaneous expenses	$8,257,714
Supplies and materials	$9,005,608
Product, gross tons	35,567,410
Value	$65,465,321

The increase in output:	
1902	35,567,410
1907	51,720,619
Increase in gross tons	16,153,209

Based upon this increased tonnage, it is fair to assume that the wage-earners have increased to 56,528 and their earnings to $31,328,757.

The output of foreign mines of iron ore in 1907 was 86,000,000 tons. I will submit here, in connection with my remarks, a table showing the output of foreign mines from the various countries named, aggregating the amount I have stated.

The table referred to is as follows:

Foreign ore production, 1907.

	Gross tons.
Great Britain	15,482,984
Germany and Luxemburg	23,841,031
France	9,993,465
Algeria	971,985
Austria	2,537,308
Hungary	2,249,983
Bosnia and Herzegovina	164,647
Austria-Hungary	4,301,864
Spain	9,913,520
Belgium	315,787
Italy	517,170
Sweden	4,473,550
Russia	4,221,060
Norway	129,805
Greece	766,698
India	67,567
Japan [a]	5,641,932
Total	85,590,362

As compared with the domestic output for 1907 of 51,720,619 gross tons.

Mr. BURROWS. There has recently come into existence a very fierce and dangerous competitor in the shape of Cuba, whose mines are practically inexhaustible. Being near to our border, with cheap water transportation and cheaper labor, the mines of Cuba are becoming a serious menace.

I presume the Senate is entirely familiar with this matter; but I desire to read a letter dated August 3, 1907, from Mr. J. G. Butler, jr., in relation to the great ore discovery, as he calls it, in Cuba. He says:

I returned this morning from practically a week's absence in the East, taking in Pittsburg, Philadelphia, and New York, and will give the members the result of my observations and information.

A GREAT ORE DISCOVERY.

I have heard more or less recently in regard to the discovery of an enormous body of iron ore in Cuba by interests identified with the Pennsylvania Steel Company and, incidentally, the Pennsylvania Railroad Company. While in Philadelphia, through Mr. James McCrea and Mr. Felton—

Whose report I will read later—

of the Pennsylvania Steel Company I was given quite full information. It is practically, in a sense, a duplicate of the Mesabi Renge, and as Mr. Tenney, Mr. Felton's assistant, stated, they stumbled onto it. There is no stripping, as what would ordinarily be stripping is the ore itself. More than 10,000 holes have been bored and I was shown the general result of these borings. It is strictly Bessemer ore, averaging about 0.026 in phosphorus. It is, however, very high in moisture, and the plan is to treat the ore and expel the moisture before shipping. The ore body is on the summit of a plateau 10 miles long and 4 miles wide, and in the Province of Oriente, on the northern coast of the island of Cuba. There is a fine harbor 13 miles from the ore body, to which, of course, a railroad must be built. There are about 27,000 acres in the tract.

To make certain there was no mistake regarding the quality of the ore, 6,000 tons were brought down from the mountain on the backs of burros, taken to the seashore, shipped to Sparrows Point, Md., and converted into pig iron by working the ore alone, without any admixture, and this product again put into rails and structural work. The experiments were entirely satisfactory and the quality of the material above question.

The great mass of the ore is sort of a reddish-colored clay, something like the soil in New Jersey, which you observe in passing, but there is considerable of the ore, I was informed, that is rather hard and in the form of large shot. Whether this ore will be imported and sold to consumers has not been determined. I rather judge from what Mr. McCrea said that the use of the ore will be confined to the Pennsylvania Steel Company. There is no mistake about this information. It is certainly the largest discovery of iron ore which has been made since the opening of the Mesabi Range, and has a very important bearing, in my judgment, upon the future of the iron and steel industries of this country. I was informed that the quantity measured up is considerably in excess of 600,000,000 tons. One of the parties to whom I talked said that he thought the deposit was equal to the whole of Lake Superior.

J. G. BUTLER, Jr.

[a] The figures for Japan are for 1906.

Mr. Felton, president of the Pennsylvania steel corporation, in a report to the stockholders of the Pennsylvania Steel Company said:

PENNSYLVANIA STEEL COMPANY,
Philadelphia, April 25, 1908.

To the stockholders of Pennsylvania Steel Company:

You will find inclosed with this a pamphlet, reprinted, by permission, from two articles which appeared recently in the Iron Age. I hope you will read this pamphlet, as it contains a full description of the iron-ore properties in Cuba belonging to the Spanish-American Iron Company, which is owned by Pennsylvania Steel Company.

The articles were written by Mr. Charles Kirchhoff, editor of the Iron Age, who visited the properties in February last.

The old properties at Daiquiri, on the south side of the island of Cuba, which have been producing ore since 1895, are fully described, but it is to the description of the new properties on the north coast of Cuba, near Mayari, that I ask your especial attention.

I feel sure that you will be interested in reading this description of the properties and gratified to know that the Pennsylvania Steel Company, through one of its subsidiary companies, has acquired this great deposit of iron ore, which will furnish more raw material of this class than your companies can use for many years to come. The development and equipment of this Mayari property is well under way, and it is hoped that shipments of ore may be made during the year 1909.

Yours, truly,

E. C. FELTON, *President.*

Mr. BROWN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. BURROWS. Certainly.

Mr. BROWN. I should like to inquire of the Senator what relation, if any, the Pennsylvania Steel Company sustains to the United States Steel Company?

Mr. RAYNER. We can not hear the Senator over here. Some of us have some interest in this question and would like to hear the Senator's inquiry.

Mr. BROWN. My inquiry was as to what relation, if any, the Pennsylvania Steel Company sustains to the United States Steel Company.

Mr. DU PONT. Mr. President——

Mr. BURROWS. Allow me to say, in this connection, that it is not material here. I do not know. It will appear, possibly, later; but, be that as it may, what I am now showing is to demonstrate from official sources the value of these deposits in Cuba.

Mr. DU PONT. I think I can answer that question.

Mr. BROWN. It may become very material as to who is the owner of this property.

Mr. BURROWS. It may later on. Mr. Felton, speaking further of this Cuban property, says:

The deposits themselves are unique in many respects. They are enormous in extent. They can be mined at a cost which can only be duplicated elsewhere under exceptional circumstances, for comparatively very limited areas. Suffice it to state that it is a question of excavating by steam shovel tens of thousands of acres of a deposit of ore averaging a thickness of 15 feet at least, without any stripping whatever. Suffice it to say that operations have begun with only the smaller of two tracts, the Mayari, and that for the present there is in reserve a second larger tract, the Moa, which it is not proposed to touch for the present.

This, I think, justifies the conclusion that the volume of ore in Cuba is practically inexhaustible; and whether it is in the hands of one corporation or another, or of an individual does not matter in this connection. I show this for the purpose of demonstrating that to open our ports to the free importation of ore means the impairment if not destruction of the iron-ore industry in every State in this Union where it exists.

But the Senator from South Dakota [Mr. CRAWFORD] is exceedingly apprehensive that if we do not close our mines they will be exhausted prematurely, and that we shall be left without iron ore. Fortunately, we are able to make somewhat of an estimate of the amount of ore in our mines awaiting the touch of labor and the investment of capital. I think it will be disclosed——

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Michigan yield to the Senator from Iowa?

Mr. BURROWS. I do.

Mr. CUMMINS. I desire to ask this question, if the Senator from Michigan will permit: Does he believe that, with free iron ore, taken in connection with the cost of production in Cuba which he has indicated, Cuban ore could supplant Lake Superior ore at Pittsburg?

Mr. BURROWS. It would lessen materially and restrict the market for our ore, if it did not entirely close our mines.

Mr. CUMMINS. Before the Senator passes into the subject he is just approaching, has he the freight rates from the Lake Superior region to Pittsburg, as compared with the freight rates from Cuba to Pittsburg?

Mr. BURROWS. I have not that information at hand.

Mr. CUMMINS. I ask merely for information, because I had been led to believe that neither the Cuban nor the Nova Scotian mines could get farther west in our country than the Allegheny Mountains. Possibly I am wrong about that.

Mr. BURROWS. That may possibly be so; but whenever you restrict the market for our ores, whenever you close our mines or restrict their output and invite foreign competition, just in that proportion you will cripple the industry.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield further to the Senator from Iowa?

Mr. BURROWS. Certainly.

Mr. CUMMINS. The conclusion of the Senator from Michigan is, I think, a very correct one, if modified a trifle. It seems, if my information is correct, that while free ore from Cuba might very much interfere with the iron mines in Pennsylvania and New York and New Jersey, it does not seem to me that it could very seriously interfere with the iron mines of Michigan, Minnesota, and the South, inasmuch, as I understand, comparatively little of the Lake Superior ore goes east of the Allegheny Mountains.

Mr. BURROWS. My friend, Mr. YOUNG, of the House of Representatives, who represents the upper peninsula, I will say to the Senator from Iowa, has just handed me a note. He is entirely familiar with the industry as it exists in his district. He states that the freight rate from the Lake Superior mines to Pittsburg is $2.28 per ton, while the rate from Cuba to Pittsburg is $2.35 per ton.

I was about to speak of the extent of the iron-ore deposits in the United States. I hold in my hand an advance copy of the report of the United States Geological Survey, by C. W. Hayes, made March 11, 1909. I will say that this report from the Geological Survey is embodied, although the work is not yet completed, in the report of the conservation congress, and approved by it, showing the amount of ore still available in this country. That report is as follows:

IRON-ORE SUPPLIES OF THE UNITED STATES.

[By C. W. Hayes, United States Geological Survey.]

The ore supply of the Lake Superior district available under present conditions is therefore taken to include all ore above 55 per cent iron, estimated at 2,500,000,000 tons, and 25 per cent of all ore containing between 45 per cent and 55 per cent iron, giving a total of 3,500,000,000 tons, exclusive of the Clinton ores. * * * It seems entirely probable, in view of the fact that 40 per cent ore is even now locally in demand, that the depletion of the higher-grade reserves may in time require the use of 35 per cent ore. If so, the tonnage is enormous. Planimeter measurements of areas of the iron formation, multiplied by the depths quite within the limits of actual mining at the present time, give the following results:

Table showing tonnage of iron formations.

District.	Area.	Depth.	Volume.	Quantity.
Michigan:	*Sq. mi.*	*Feet.*	*Cu. mi.*	*Tons.*
Crystal Falls	7.8	1,250	1.95	10,500,000,000
Marquette	28.5	1,250	7.1	71,000,000,000
Menominee	5.6	1,250	1.4	14,000,000,000
Panokee	11.6	1,250	2.9	29,000,000,000
Swanzy	1	1,000	.2	2,000,000,000
Minnesota:				
Mesabi	127	400	10	100,000,000,000
Vermillion	15.6	1,250	3.9	39,000,000,000
Wisconsin:				
Florence	.7	1,250	.175	1,750,000,000
Total	197.8		27.625	276,250,000,000

It is not proven, however, that this enormous tonnage will average as high in iron as these figures from the mining companies would indicate. Indeed, many parts of the formation are known to run lower than this. It is regarded safer, therefore, to use a smaller figure for the tonnage of ore running 35 per cent and over. Just what fraction of the total tonnage of the iron formation should be taken is a matter of more or less arbitrary choice. It is here put at 72,000,000,000 tons, divided as shown in the following table:

Estimates of Lake Superior ores.

[Long tons.]

	Available.	Not available.
Michigan:		
Marquette district	110,000,000	15,900,000,000
Gogebic district	95,000,000	3,900,000,000
Menominee, Crystal Falls, and other districts	80,000,000	7,360,000,000
Minnesota:		
Mesabi district	2,100,000,000	29,000,000,000
Vermillion district	60,000,000	1,005,000,000
Cayuna and other districts	15,000,000	310,000,000
Wisconsin	40,000,000	4,525,000,000
Total	3,500,000,000	72,000,000,000

Summary of foreign supplies.—The total estimated supplies of ore of sufficiently high grade and accessible to mining and transportation to be at present available, and which are so located as to affect the iron industry of the United States, are shown in the following table:

Table of estimated available foreign iron ore.

	Long tons.
Canada:	
British Columbia, magnetite chiefly	30,000,000
Lake Superior district, hematite chiefly	9,000,000
Nova Scotia, Clinton hematite	4,000,000
Newfoundland, Clinton hematite	30,000,000
Cuba:	
Santiago district, hematite	5,000,000
Mayari, Moa, Barocoa, Cubitas, and Pinar del Rio districts, limonite	1,500,000,000
Total	1,578,000,000

IMPORTS AND EXPORTS.

The extent to which foreign ores are now supplying the market is shown by the following table of imports:

Imports of iron ore from foreign countries, 1889 to 1907.

Year.	Cuba.	Newfoundland and Labrador.	Quebec, Ontario, etc.	Spain.	Other countries.[a]	Total.
1889	243,255	14,450	4,091	298,568	293,209	853,573
1890	351,814	6,320	22,211	512,933	353,552	1,246,830
1891	257,189	.....	2,126	323,771	329,778	912,864
1892	307,115	.....	8,606	236,957	253,907	806,585
1893	349,977	.....	372	99,640	76,962	526,951
1894	140,025	.....	443	15,067	11,772	167,307
1895	367,255	.....	.....	77,594	79,304	524,153
1896	380,551	20,800	.....	121,132	160,323	682,806
1897	383,820	29,250	.....	66,193	10,707	489,970
1898	165,623	.....	.....	13,335	8,250	187,208
1899	380,813	77,970	.....	145,206	90,093	674,082
1900	431,265	140,535	5,588	253,694	66,749	897,831
1901	526,583	[b]79,360	163,383	180,810	16,814	966,950
1902	693,375	81,920	203,824	153,527	29,824	1,165,470
1903	613,585	[b]83,730	169,681	94,720	15,724	980,440
1904	364,630	5,400	77,837	36,810	2,886	487,613
1905	539,935	5,600	104,606	191,831	4,150	845,651
1906	639,362	[b]125,395	57,890	171,870	65,873	1,060,390
1907	657,133	80,685	26,878	296,318	159,154	1,229,168
Total	7,776,305	763,415	847,076	3,290,006	2,029,010	14,705,842

[a] Belgium, Brazil, British Columbia, England, France, French Africa, French West Indies, Germany, Greece, Italy, Mexico, Netherlands, New Brunswick, Norway, Nova Scotia, Oceanica, Portugal, Sweden, Turkey in Asia, Turkey in Europe, Venezuela, etc.

[b] Includes Newfoundland only.

Mr. President, the Senator from South Dakota [Mr. CRAWFORD] yesterday was apprehensive that in spite of the existence in the Northwest, in the three States of Michigan, Minnesota, and Wisconsin, of deposits aggregating 75,000,000,000 tons of iron ore we will run short in thirty years. Some little estimate has been made in relation to that matter, and it has been stated that if the output of our mines shall continue at the same rate as for a few years past, it would take a little over 6,000 years to exhaust the ores in the United States. The Senator from South Dakota therefore, it seems to me, need not be alarmed for the generations that shall appear 6,000 years hence.

Just a word more, and I am through. I have sought to show the value and the extent of this industry and that there is not the slightest danger of exhausting it. In addition to that, I want to call attention to the importance of the iron industry to the people I have the honor, in part, to represent. I hold in my hand resolutions passed by the legislature of the State of Michigan, which I beg to submit to the Senate:

Whereas there is at present, and has been since November, 1907, a great depression in the iron-ore market, which has resulted in practically closing the iron mines of Michigan; and

Whereas the operators of the iron mines will gladly operate their mines, if they can do so without absolute loss, and are at present employing a small force of married men so that men with families may be able to buy the necessaries of life for their families; and

Whereas if the duty is removed from iron ore and the ores of foreign countries are admitted free into the United States, the loss will fall upon the men now engaged in iron mining: Therefore be it

Resolved by the senate (the house of representatives concurring), That all Members of Congress from this State, and also our United States Senators, are respectfully requested to use all honorable means to have the tariff or duty on iron ore maintained as at present; and be it further

Resolved, That the secretary of the senate be instructed to forward each Member of Congress and United States Senator from Michigan a copy of these resolutions.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from Nebraska?

Mr. BURROWS. I would prefer that the Senator would wait until I finish.

Mr. BURKETT. Very well.

Mr. BURROWS. Personally, I regret very much that the duty could not have been maintained at 40 cents a ton. I think it ought to have been retained at that rate. I am apprehensive that the reduction to 25 cents a ton is going to cripple the industry and distress our people. In this connection, I also desire to present a remonstrance from the people of the upper peninsula, signed by 586 workers in the mines. This petition, dated Iron Mountain, Mich., April 5, sets forth:

We, the undersigned citizens and qualified voters of the city of Iron Mountain, Mich., protest against the removal of the duty on iron ore, as proposed in the bill recently introduced in Congress, believing, as we do, that to place iron ore on the free list would decrease the demand for the ores of the United States and consequently reduce the value of these ores and the labor required, and therefore indirectly affect the value of all farm products of this State, and we therefore urge you to use your best endeavors to have the duty on iron ore retained.

And, Mr. President, I present also a remonstrance, signed by 982 miners, and the paper bears upon its face, it will be seen, the stamp of authenticity, colored, as it is, with the touch of the mines. These people, in mass convention, say:

Whereas it is apparent to all of us that that clause embodied in the proposed Payne tariff bill, which seeks to take the tariff from imports of iron ore, will work a vital and irreparable injury to Stambaugh Township and the Upper Peninsula of Michigan; and

Whereas we, as a body of citizens assembled, desire to protest most earnestly against the passage of any act that will remove the tax upon iron ore: It is therefore

Resolved, That we, as a body of citizens, hereby protest against the said clause in said bill, and that it is the sense of this meeting that our Senators and Congressmen do exert their utmost powers to defeat the said measure.

Mr. President, this is all I care to say upon this subject. I know of nothing more to say. A large body of our citizens is engaged in this industry in Michigan. All they have on earth is there; they are living in their own homes, built from the fruits of their own toil. Many of the mines are 2,200 feet deep; and they mine this ore and bring it to the surface, and by their toil day and night have accumulated, as I say, all they have in this world. Now it is proposed to cripple this industry, because, forsooth, to continue it is going to lessen our natural supply of ore, which, as I have already shown, will be exhausted in a little over six thousand years. This is done under the pretense of conserving our natural resources, and sometimes upon the plea of free raw material; but the humble miner who, in the caverns of the earth, brings forth the ore to the mouth of the mine presents to the manufacturer not a raw material, but the miner's finished product.

It will be a sad day for this Republic and its industries when the iron mines, the mines of lead ore, the marble quarries, and all the natural resources of this country, from which we draw the raw material for our manufactured products, shall be closed, whenever and as often as we find some place on the globe where quarrying is cheaper, where mining is cheaper, where labor is cheaper, and thus cripple our own industries and deprive our own people of employment while we pay tribute to foreigners. The protective system reaches not only to the manufactured products, but it compasses the raw material in the earth as well, strengthening and nerving the arm of labor to bring it forth for the uses of mankind. I therefore, Mr. President, insist that the amendment proposed by the Senate Committee on Finance ought to prevail.

Mr. RAYNER. Mr. President, I propose to discuss this question very briefly, and I want to place it in a perfectly clear light, if I can, before the Senate. We know that the House of Representatives placed iron ore on the free list. The Senate committee has amended the bill by putting a duty of 25 cents a ton on the iron ore. If we should succeed in having this amendment rejected, iron ore will be put back upon the free list, where the House of Representatives placed it.

Mr. President, before entering into the question I want to read to the Senate a few brief extracts from prominent journals, which will only occupy a few moments, and they have placed the situation about as clearly and have given to it about as much light as I can contribute to the subject-matter. I ask the attention of the Senate to the extracts. The first one that I read is as follows:

WHY THE DUTY ON ORE?

When the tariff bill as framed by the House Ways and Means Committee was made public, there was no other alteration in the Dingley tariff schedules that so greatly impressed the plain common sense of the people as being right and needful as the wiping out of the tax of 40 cents per ton upon imported iron ores. It was never for a moment imagined that the Senate committee would attempt to restore this tax upon the crude product from which steel is manufactured. The proposal of the Senate Finance Committee to place a duty of 25 cents per ton upon the ores on which the American steel plants that are located along the Atlantic coast—

This is where the controversy takes place, I will say in passing—

are entirely dependent has about it the plain appearance of an attempt to discriminate between home industries.

Discussing the matter from this view point, the Philadelphia Press, in a recent issue, declares that "the surest way to make the United States Steel Corporation a greater trust than it is at present is to keep the

duty on iron ore. The key to the whole steel trade situation is ore, for all steel comes from ore. The United States Steel Company has a monopoly of the iron ore that is known to exist in this country. It tightened its grip upon the ore supply when it acquired the Tennessee Coal and Iron Company as a 'panic measure.'" The foregoing being the situation, the Press points out that the independent makers of steel must do one of two things—buy iron ore from the trust at a much higher price than the same ore costs the trust or else import ore from foreign countries.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. RAYNER. I do.

Mr. SMITH of Michigan. From what is the Senator reading?

Mr. RAYNER. This extract is from the Philadelphia Press, but the article is taken from a paper the name of which I have lost; but I know it is a Republican paper, if that is any satisfaction to the Senator.

Mr. SMITH of Michigan. Does the Senator state that from his recollection, or is it a fact?

Mr. RAYNER. I say I know it is a Republican paper, but I do not know what paper. I placed a memorandum at the head of it at the time, but it does not appear to be here now. It is a Republican paper, however.

Mr. SMITH of Michigan. I wish the Senator could give the name of it.

Mr. RAYNER. I can not give the name, because I do not recall it. I have several extracts here, and I had at the head of each the name of the paper from which the extract is taken. This is from a Republican paper, and I will try to give the name to the Senator. I have sent out to see if I can get it. It is, however, as I have said, a Republican paper; but that does not make any difference one way or the other. I do not care whether it is a Republican or a Democratic paper. I want to have the truth of this business, no matter where we get it from.

The steel industries located in the vicinity of Baltimore, like those in the region directly tributary to Philadelphia, are dependent upon foreign ores or chiefly upon Cuban ores. The most valuable of these Cuban ore lands are owned by one of the large independent steel companies—

We might as well have the truth about the entire situation—

And the Press very pertinently asks: "Is there either logic or justice in a tax put upon this ore which American money and American enterprise have acquired? Could there possibly be any folly greater than to strike down an independent company which wishes to bring Cuban ore that it already owns to the United States to convert it into steel by the employment of American workmen?" The inevitable conclusion is that "the Aldrich iron-ore schedule imposes an indefensible duty and gives unnecessary aid to an already dominant trust."

This is from the Philadelphia Press.

Mr. DANIEL. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Virginia?

Mr. RAYNER. Certainly.

Mr. DANIEL. Mr. President——

Mr. TILLMAN. We can not hear the Senator.

The PRESIDING OFFICER. The Senator will observe that the reporters are unable to hear what he says.

Mr. DANIEL. I want to ask the Senator from Maryland if he can tell us what American organization controls Cuban ore? Does the Pennsylvania Steel Company——

The PRESIDING OFFICER. The Chair again suggests to the Senator from Virginia that the reporters are losing his remarks.

Mr. DANIEL. I beg pardon.

Mr. RAYNER. I understood the question.

Mr. DANIEL. I wish to know what is the name of the independent steel trust or company that controls the ore in Cuba. I want to get my question in the RECORD. It is whether or not the Pennsylvania Steel Company, or some large steel company in Pennsylvania, does not in a measure control the Cuban ore. I have seen such a statement.

Mr. RAYNER. I propose to answer that question fully before I conclude. It is a pertinent question and deserves an answer.

I am not connected in any way, directly or remotely, with or have I the slightest interest in the United States Steel Corporation or the Pennsylvania Steel Company or the Bethlehem Company, which may have a proprietorship in these Cuban ores. I would feel myself absolutely dishonored and disgraced if I were speaking here in the interest of any of these colossal corporations. I shall answer the question and give the name of the company, if the Senator will permit me.

Mr. DANIEL. I do not suppose there is a man in the world who is speaking in the interest of anybody except the people.

Mr. RAYNER. I understand that; and the Senator's question requires an answer. It deserves an answer. We want this question put right before the Senate. I do not know anything about these companies, and I do not believe a word that any of them say on either side, because their special interests are involved, and I would not argue this question from any such standpoint.

A steel monopoly in this country can only be made possible by a monopoly in the ownership of home ores and by a tax upon Cuban and other outside ores. Within the past two decades a half score or so of important steel plants—

That is what I want to call the attention of the Senate to—

have sprung into existence along the tidal waters contiguous to the Atlantic coast. These coastal industries, almost without exception, are dependent upon either Spanish or Cuban ores. And traffic in these foreign ores has served to increase and foster the foreign trade of Baltimore and other Atlantic ports.

This is a very important proposition, to which I want to advert hereafter:

The ships that come laden with ore go back with cargoes of coal, grain, agricultural machinery, or other exported goods. The Aldrich proposal to tax ores is a blow aimed both at the coastal industries and at coastal commerce.

I want to read just another communication, or article, from the Philadelphia Public Ledger. I wish to read just a few lines, because it puts the matter clearly. I do not want to discuss this question for hours or days, as has been done with other questions. I want to put it concisely to the Senate, so that the Senate may take whatever action it deems proper in the premises:

The duty on iron ore affords a very striking example of the difference with which any item of the tariff is viewed in different localities. Economic questions are everywhere less dependent on political theory than upon geography. The commanding position of the Pittsburg steel interests is largely due to their control of the exhaustless supplies of ores in the Lake Superior region and the economy with which this ore is brought directly to the furnaces—

That is, the Pittsburg furnaces—

Eastern establishments, which must transport their ore a long distance by rail across the mountains, are thus at a serious disadvantage, so far as they are dependent upon native ores.

There are great supplies of rich ores in the West Indies accessible by water that might be brought cheaply to our eastern mills, thus counterbalancing the economies of lake transportation. But the tariff puts a prohibitive penalty on their use. Thus the interest of eastern Pennsylvania is directly opposed, in this instance, to that of western Pennsylvania—

A peculiar situation, and we want the truth—

The tariff on ores "protects" the valley of the Ohio at the expense of the valley of the Delaware, which has the natural barrier of the Alleghenies upon one side and the artificial barrier of the custom-house upon the other.

Now, just one more extract, and this was a petition that was sent, I think, to the committee at the time the Wilson bill was framed. I will read only a few lines of it, because it reveals the situation. This petition sets forth:

The foreign iron ore trade which began in 1877 at this port—

That is, the port of Baltimore—

and in 1880 first became a large business, has been of incalculable value to our export trade, having furnished a large proportion of the vessels which have loaded our grain, as well as other products, at much lower rates than they could have otherwise been obtained for. Only twelve months ago, when foreign iron ore was being freely imported from the Mediterranean into the United States, ocean grain freights from Baltimore were a full shilling per quarter or 3 cents per bushel lower than they are to-day, when our grain steamers are having to come across the ocean in ballast, because under the existing tariff and changed business conditions almost no iron ore at all is being imported.

The benefits have not been wholly ours, but on the contrary have reached back to the producer of every bushel of grain raised in the country, the price obtained for the surplus fixing the price for the balance. Against the keen and increasing competition of India, Russia, and South America we shall have difficulty enough in maintaining our export trade under any conditions, and homeward iron ore freights for our grain steamers are therefore of supreme importance.

Just one other paper before I make the remarks I intend to make. It is from the Baltimore Chamber of Commerce. I have had resolutions presented to me by the chamber of commerce, by the board of trade—to myself and my colleague—and by the Merchants and Manufacturers' Association, and these gentlemen composing these associations are absolutely disinterested in this matter. They are acting in what they conceive to be the public interest and the business interests of the country, and they are not connected, so far as the associations are concerned, and so far as I am able to ascertain, with any of the conflicting interests engaged in this controversy. Here is a resolution from the Baltimore Chamber of Commerce:

BALTIMORE CHAMBER OF COMMERCE,
OFFICE OF THE SECRETARY,
Baltimore, April 30, 1909.

Hon. ISIDOR RAYNER,
The Senate, Washington, D. C.

DEAR SIR: At a special meeting of the board of directors of this chamber, held this day, at which the question of a duty on iron ore was considered, the following action was unanimously taken, and your particular attention is directed thereto, viz:

Whereas so long ago as February 12, 1894, when the Wilson bill was under discussion, and the House of Representatives had proposed, as it has now in the Payne bill, to make iron ore free, the directors of this chamber, then known as the "Corn and Flour Exchange," unanimously adopted a memorial setting forth in detail the advantages of the Med-

iterranean ore trade to the export trade of the Atlantic seaboard and the incidental advantage to the sellers of every product of our country of which a surplus was being exported; and

Whereas the argument is unanswerable to-day, as it was then, and the situation has only changed to the extent that the Mediterranean iron ores have been displaced by the Cuban iron ores, and exports of coal to Cuban ports and other ports in the West Indies and Central America have correspondingly increased—each has fostered and made the other trade possible: Therefore be it

Resolved, That the foreign iron-ore trade of the Atlantic seaboard being already of supreme importance as return freight for vessels carrying exports, in spite of the present duty of 40 cents per ton, it can not be doubted that the abolition of this duty would inure to the still greater advantage of the producers and sellers of every product of which a surplus is exported; further, be it

Resolved, That a copy of this preamble and resolutions be sent to each of the Senators and Representatives from the State of Maryland, with an earnest request of them to strenuously oppose the imposition of any duty on iron ore by the Senate or any conference committee that may be called to consider the tariff bill as a whole.

Yours, truly,

H. A. WROTH, *Secretary*.

The House of Representatives put iron ore on the free list. Let me read just a few lines from the leader of the Republican party in the other House, the chairman of the Ways and Means Committee, upon this subject. I am reading now from the CONGRESSIONAL RECORD of March 23:

We have put iron ore on the free list after full consideration by the committee. I do not think I will go into that in detail, but I want to say that the evidence of Judge Gary, president of the United States Steel Company, was that in the production of pig iron 2 tons of our iron would go as far as 3 tons of the iron imported from across the sea; and that is true also of the Nova Scotia iron, they yielding about 40 per cent and ours about 60 per cent. Of course, while that is true, it follows that there would be no occasion or necessity of a duty of 40 cents a ton on iron ore.

He says that the Cuban ore yields a better percentage.

The gentleman was solicitous about the steel trust for some reason or other in the hearings, and there has been some fear in some quarters that the steel trust might ultimately drive the smaller concerns out of business. Some of the smaller concerns are located near the Atlantic seacoast—the Pennsylvania Steel Company at Sparrows Point—

That is in our State—

and perhaps this company is at more disadvantage than some of the others who are manufacturing iron and steel goods. If they can get their iron ore a little cheaper on account of the taking off of this duty, it would strengthen that company and help them to keep on in the uneven race which it has with the great concern, the United States Steel Company.

Mr. President, that gives the situation so that anyone can understand it. The mills and furnaces on the Atlantic coast are at an absolute disadvantage as compared with the mills and furnaces west of the mountains, and there is no reason on this earth, as a general proposition, why the enterprises upon the Atlantic seaboard should not be placed upon a par and a level with their western competitors.

I do not think there is a particle of danger in the suggestion made by the Senator from Iowa this morning, or rather in the question asked, that such ore will go west of the mountains, but they will go upon the Atlantic coast, and they will go there so as to enable the eastern enterprises honestly and legitimately to compete with their competitors who have now an absolutely undue advantage over them.

Mr. BROWN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Nebraska?

Mr. RAYNER. Yes, sir.

Mr. BROWN. Who are the competitors on the Atlantic coast of the United States steel trust?

Mr. RAYNER. The controversy, a controversy in which I am not at all concerned and to which I shall presently refer, is between certain companies. Before the Senator's question is answered, I will say that the competitors in the East are the enterprises in my State and in eastern Pennsylvania and Delaware—Wilmington—and other places, perhaps. The Wilmington works and the eastern Pennsylvania and Maryland works are competitors with the other enterprises that not only get their ore much cheaper, but absolutely own the products themselves, as I think I can show in a few minutes. I think I am right on that proposition. If the Senator from Virginia will remain here, I will therefore answer the question he asked me, or I will wait until he returns.

I say free ore puts them upon an equality, and, furthermore, I say, as I think I have shown, that it benefits every shipper in the United States by enabling the ships that leave the eastern ports with the products of the United States to come back with iron ore instead of ballast, and thus lessens the freight rate upon the products exported from the United States. It is a universal benefit, and if it were not I would not stand here for the purpose of taking the position I do. It is a benefit to the shippers of the United States. It is a benefit to the interests that are competing with the United States Steel Corporation, and which should have an opportunity to compete, and I think it is absolutely a benefit to those who become the owners of the products, because when you lessen the duty on the raw material you lessen the price of the product when it comes into the market.

The Senator from Michigan is right in what he says about the revenue, but I do not think that need terrify us to any extent.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. RAYNER. I do.

Mr. SMITH of Michigan. If it will not interrupt the Senator——

Mr. RAYNER. Not at all.

Mr. SMITH of Michigan. I should like to suggest to him that one of the principal owners of Cuban ore, Mr. Schwab, testified before the House Committee on Ways and Means that it would not make any difference in the price of the manufactured product.

Mr. RAYNER. Who testified to that?

Mr. SMITH of Michigan. Mr. Schwab.

Mr. RAYNER. I do not believe anything from interested parties. I will come to that in a minute. This country is filled with tariff liars. There seems to be something about the tariff that seems to make it impossible for a man interested in it to tell the truth. It seems to pervert the faculties of the human mind and the aspirations and longings of the soul for the truth.

Mr. DICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. I do.

Mr. DICK. May I inquire of the Senator if that includes importers as well as producers?

Mr. RAYNER. I place no credence in the testimony of any one of these tariff witnesses who is specially interested either in having the tariff reduced or raised. I must get my information from disinterested parties who are not affected by the schedules, either one way or the other, and I say this with the greatest respect to the witnesses who appeared before that committee. I never in my life saw anything like the situation here. You can not get the truth out of anybody. So far as that is concerned, I am very fond of liars generally. I have studied them by day and by night, and I have met them in every vocation and pursuit of life, but never in my life have I met such an aggregation of them as are assembled to-day in the streets of this capital and the halls and corridor here and before the committees, and the peculiarity about the matter is that they lie with equal facility upon both sides of the same question.

Mr. DICK. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Ohio?

Mr. RAYNER. Yes, sir; I yield.

Mr. DICK. The Senator has read from journals and quoted from bodies or representative citizens in his own State. Does he hold that they are disinterested; and if not, are they truthful?

Mr. RAYNER. I can not hear the Senator. There is so much noise around here that I could not hear the Senator's question.

Mr. DICK. My question was this: The Senator has quoted from certain journals and has read resolutions of certain bodies in his own State, or from his own State. Does he insist that they are disinterested witnesses?

Mr. RAYNER. Undoubtedly the resolutions which have come from the commercial bodies are disinterested. Those people have a public interest in it, and their interest is in connection with the business interests of the country. But they are not interested in it like the United States Steel Company and the Pennsylvania Steel Company and the Bethlehem Company or the Spanish-American Company, which have a direct interest either in keeping the duty on Cuban ore or in having it admitted free. It is an entirely different situation as between the gentlemen who compose these commercial bodies and the gentlemen who compose the other concerns, who are directly interested in the schedules now before the Senate. I think I have answered that question. I am trying to get my information from disinterested sources.

So far as the journals are concerned, of course the Senator will have to conclude whether they are reliable. They are his own journals. They are Republican journals, and, if they are not telling the truth, it is not my fault. I think they are telling the truth.

Mr. DICK. The Senator makes the broad assertion that all the men who testified on tariff matters, if interested, are liars.

Mr. RAYNER. I did not make the statement quite so broad as that, although very close to it.

Mr. SMITH of Michigan. Close to it.

Mr. RAYNER. If I was in a court of justice and a man would come up and give his testimony, a man who was deeply interested in the profits of a concern whose business was at stake, I could not place entire reliance on his testimony.

Mr. SMITH of Michigan. In the case of Mr. Schwab, he was under oath and was giving testimony, which, if accepted as true, was directly opposed to his own interest. Under such circumstances does the Senator from Maryland give credence to what he said?

Mr. RAYNER. The Senator from South Dakota quoted Mr. Schwab yesterday and showed that Mr. Schwab had taken, if I mistake not, two conflicting positions in regard to this matter. If you will give me Mr. Schwab's statement, I will tell you whether it is true or not, because if it is in his own interest, I must ignore it.

Mr. SMITH of Michigan. I think the Senator from Maryland will admit that Mr. Schwab is a large owner of Cuban iron ore.

Mr. RAYNER. As I understand, the owners of these Cuban deposits are the Bethlehem Steel Company and others—whether the Bethlehem Steel Company means Mr. Schwab or not I do not know.

Mr. SMITH of Michigan. The hearings before the House committee show that Mr. Schwab is not only a very large stockholder in the Bethlehem Company, but that he is president of, and speaks for, that company. That company does own these Cuban ores, and Mr. Schwab admits it.

Mr. RAYNER. Let us take it for granted.

Mr. SMITH of Michigan. And when Mr. Schwab says in his sworn testimony that to put iron on the free list would not reduce the price of manufactured steel products, will the Senator from Maryland believe his statement to be true?

Mr. RAYNER. I will believe one or the other of his statements to be incorrect; which one I do not know, and I do not care.

Mr. SMITH of Michigan. The question asked——

Mr. RAYNER. When was that testimony given before the Committee on Ways and Means?

Mr. SMITH of Michigan. It will be found on page 1671 of the testimony.

Mr. SMITH of Maryland. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to his colleague?

Mr. RAYNER. Certainly.

Mr. SMITH of Maryland. I ask the Senator from Michigan whether the Bethlehem Company is the sole owner of that ore?

Mr. SMITH of Michigan. I think the Pennsylvania Steel Company, also.

Mr. SMITH of Maryland. You stated that they owned the Cuban ore. I think there are others besides the Bethlehem Company.

Mr. SMITH of Michigan. I will read from Mr. Schwab, at page 1671, Schedule C, part 1, of the hearings. After giving the price of steel rails, which he says is in obedience to the understanding between the steel-rail manufacturers, and after fixing the price at $28 a ton, Mr. CLARK said:

> Suppose you put the market price of rails and steel products down to the home consumer to the same basis you did to the foreign consumer, do you not think the home consumption would have swelled to the extent of this foreign export?
>
> Mr. SCHWAB. I do not think it would have increased a ton.
>
> Mr. CLARK. I believe, then, there is no hope of getting a lower price.
>
> Mr. SCHWAB. No; I am afraid not. [Laughter.]

Now, Mr. President, if I do not interrupt the Senator against his will——

Mr. RAYNER. The Senator is talking about steel rails, and I am talking about iron ore.

Mr. SMITH of Michigan. I am talking about the products of iron ore.

Mr. RAYNER. I am talking about an entirely different thing. That has no connection whatever with the discussion I am now pursuing. I am talking of iron ore, and to tell me that when you take the duty off of iron ore we would not get it any cheaper than if we kept the duty on is a proposition I would not listen to for a moment.

Mr. SMITH of Michigan. That is the proposition of the witness.

Mr. RAYNER. The witness, as I caught the Senator, is not talking about iron ore at all. He is talking about steel rails.

Mr. SMITH of Michigan. The Senator from Maryland knows the consumers of the country do not want iron ore; they want the finished product. The Bethlehem Company buys this iron ore——

Mr. RAYNER. Suppose it does?

Mr. SMITH of Michigan (continuing). The Pittsburg Steel Company buys this iron ore.

Mr. RAYNER. Does that change the proposition I am discussing? I am discussing the proposition that the eastern manufacturers should be put on a par with the manufacturers west of the mountains, and that does not touch that proposition. If the Senator will permit me to proceed, I am not talking about the product at all. That is another question. The question might come up whether if you lower the duty on the raw material that you get you ought not to lower the compensating duty that they receive upon the finished product. That is quite another question, and it is a question I am not discussing at all now, if the Senator will permit me to proceed.

Mr. SMITH of Michigan. Certainly; I will not interrupt the Senator against his wish.

Mr. RAYNER. I have no objection, but it does not seem to throw any light on the particular subject I am discussing.

Mr. SMITH of Michigan. I do not see any light from that side.

Mr. RAYNER. The Senator perhaps may give us some light on the United States Steel Corporation. I am certainly willing to receive all the light I can get. I should like to have light, and illuminating light, as to how much control there is in the Senator's State by that corporation, and whether it is not absolutely owned and controlled by as great a monopoly to-day as there is in the United States, and that is the United States Steel Corporation.

Mr. SMITH of Michigan. I am prepared to answer that in one word. The United States Steel Company owns comparatively little iron-ore land in my State. It is owned by individuals and small companies, who have leased their product to this company, but the Steel Company does not control by lease more than 45 per cent of the iron ore now in sight in the mines of our State.

Mr. RAYNER. Then, I understand the United States Steel Corporation does control by lease 45 per cent of the entire product of the Senator's State. Is that correct?

Mr. SMITH of Michigan. Probably less than that.

Mr. RAYNER. The Senator said 45 per cent.

Mr. SMITH of Michigan. Not to exceed 45 per cent.

Mr. RAYNER. By lease.

Mr. SMITH of Michigan. All the leases are made to the steel company. I have no interest in the United States Steel Company——

Mr. RAYNER. I am satisfied of that.

Mr. SMITH of Michigan. But I speak for the thousands of men who work in those mines, and I ask the Senator from Maryland if the price of manufactured iron products is not to be reduced to the consumer, who will be the beneficiaries of this open-door policy for the free importation of iron ore?

Mr. RAYNER. The consumer will be the beneficiary, unquestionably.

Mr. SMITH of Michigan. Is the Senator prepared to hand over to Mr. Schwab as a present the millions of dollars that ought to go to the Treasury of the Government from the duty upon iron ore?

Mr. RAYNER. Mr. President, I care as little about Mr. Schwab as I do about the United States Steel Corporation. I care as much about one interest as I do about the other.

Mr. SMITH of Maryland. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maryland yield to his colleague?

Mr. RAYNER. Certainly.

Mr. SMITH of Maryland. I will say that the United States Steel Company controls about 85 per cent, directly or indirectly, of the ore west of the Allegheny Mountains, and they are not dependent upon any mines whatever except their own for their steel products.

Mr. RAYNER. And of course they do not want any free ore to come in competition with them, although I do not think for a moment that the Senator from Michigan is speaking for the interests of the United States Steel Corporation.

Mr. DU PONT. I should like to ask the Senator from Michigan for some information in regard to these leases. Are they long leases, so far as to involve practical ownership?

Mr. SMITH of Michigan. Some of them run for twenty years; some shorter. None of them run for over twenty years, as I am informed.

Mr. NELSON. Will the Senator from Maryland yield to me for a moment?

Mr. RAYNER. Certainly.

Mr. NELSON. I wish to call the attention of the Senator to the fact that in the State of Minnesota and in the State of Michigan the "steel trust," as it is called, operates under the name of the Oliver Mining Company. If you will examine Senate Document No. 2 of this session, it will show you the extent of the iron ore owned by that company, especially in Minne-

sota and Michigan. I say they operate there under the name of the Oliver Mining Company. Down in Alabama they operate under the name of the Tennessee Coal and Iron Company.

Mr. RAYNER. Mr. President, I have not the slightest doubt in the world that the United States Steel Corporation, if that is its corporate name, absolutely controls the product, and it is the corporation that is contesting a reduction of the duty. I do not think for a moment that the Senator from Michigan, however, is representing the steel corporation in any capacity whatever. I think he is representing the industries and the interests of his own State, and I find no fault with him. But I am absolutely satisfied in my own mind that the United States Steel Corporation is fighting the placing of these ores upon the free list, and would like to have a much higher duty even than the Senate committee proposes to give.

Mr. SMITH of Michigan. Mr. President, I thank the Senator from Maryland very much for his kindly reference to my position, and to bear it out I want the Senate to know that not an officer, stockholder, member, or other person interested in the ownership of the steel company has ever written or spoken to me about this subject. I speak for the thousands of miners now working underground, whose little homes and daily vocation is bound up in this great industry; for the thousands of wage-earners who make up the cities in northern Michigan and from whose comfortable, happy homes is radiated all that is purest and best in American life. These honest, hard-working men have met in general convocation and asked the Representatives and Senators from Michigan to help retain their employment, and as a public servant I am proud to obey.

Mr. RAYNER. I am as satisfied of that as I am that I am living. The Senator from Michigan is speaking honestly for the interests of his own State, and I am speaking for competitive interests that have a right to compete with the industries that are west of the mountains and to be put on an equality with them. I am not only speaking for them, but I am speaking for those who ultimately come into the possession of the finished product, because I think when you lower the price of the raw material you necessarily lower to the ultimate consumer the price of the finished product.

Mr. BURKETT. Mr. President——

Mr. RAYNER. I do not care now to pursue this subject any further. I will hear what Senators have to say upon the other side. I think it is at least the duty of the Senate to stand by the conclusion the House of Representatives reached upon this subject. The Senator from Michigan [Mr. BURROWS], who preceded me, spoke of these large interests. I am satisfied that he does not stand here representing the United States Steel Corporation, and he is speaking just as his colleague will speak for the interests of his State, and he has a right to speak for them.

The Senator says it will take six thousand years to consume the iron ores in this country. Are we to have protection here for the next six thousand years to protect them? When is this thing to cease and terminate? Is there any limit to it at all? Is it honest and just to stand with the industries on the Atlantic seaboard that are absolutely powerless in their competition with the western enterprises that obtain their ores before they reach the mountains, and in point of fact do not need to obtain them at all, because they own, as my colleague has said, the greater part of the natural product?

I may have something further to say as this discussion proceeds, but I will not say anything more now, except to add that this is the just side, it is the perfectly honest side, it is the right side, and it will not affect the industries of the State of the Senator from Michigan a particle, because they will still sell all they control to the enterprises that are now protesting against the decision of the House putting iron ore upon the free list. There is no reason why all of the enterprises on the Atlantic seaboard should not be put upon an equality. I have heard no defense at all to the claim that they should not have equal rights and privileges.

Mr. SMITH of Maryland. Mr. President, I wish to say in regard to this question that, it seems to me, this is a special condition requiring special consideration. We find on the one side the corporations west of the Allegheny Mountains manufacturing steel that have a very great advantage over those east of the Allegheny Mountains. We find that their situation is such, owning, as they do, you may say, 85 per cent of all the ores west of the Allegheny Mountains, controlling the products of the mines, that they are enabled to crush out almost entirely the manufacturers east of the Allegheny Mountains if those east of the Allegheny Mountains are prohibited from importing ore into this country free.

I am informed that the difference in the cost of the ore of the eastern manufacturers in getting ore west of the Allegheny Mountains amounts to $1.60 per ton. It seems to me that the people of this country ought to want to stop monopolies, if possible, and that the manufacturers west of the Allegheny Mountains, under these conditions, will have a monopoly in the manufacture of steel products.

There is no reason in my mind why we should not have free iron ore, with the small revenue that is received for this product. The duty on the importations of iron ore would amount, I understand, under the bill that is before the Senate to-day to about $116,000. There is no reason why Congress should not give free iron ore to the manufacturers east of the Allegheny Mountains and on the Atlantic coast. The amount of $116,000 is a very small sum when compared with the great advantages that would accrue to those east of the Allegheny Mountains in the manufacture of steel products. In the first place, it would give a competition which all Americans ought to want, and it would help to beat down a monopoly which practically controls the manufacture of the steel products of this country.

Not only that, Mr. President, but it would give a very great consideration to those growing the cereals, to the people who cultivate the land, in giving them vessels to export their surplus products. We have evidence that when a vessel comes into this country laden with iron ore the farmers in the West can ship their products very much cheaper sometimes, about 3 cents cheaper per bushel, than when they have to bring the vessels here. This applies not only to the people raising grain, but to the people raising cotton and tobacco and the manufacturers of all products.

Mr. President, it seems to me that this is a question which has two sides to it, even when we consider the revenue that the Government may get from the importations.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Maryland yield to the Senator from Michigan?

Mr. SMITH of Maryland. With pleasure.

Mr. SMITH of Michigan. Quoting Mr. Schwab, who seems to be more interested in Cuban ores than anybody else, he says that with the present duty of 40 cents a ton he can put the Cuban ores into Pittsburg at the same cost as the Lake Superior ore. If you take off the duty, he can do it at 32 cents a ton cheaper. If that will not make any difference in the cost to the consumer, we are practically presenting him with a very nice bonus that the Government needs.

Mr. SMITH of Maryland. I do not know anything about Mr. Schwab's ideas of these matters or what his tendencies are and what he is driving at. I do know that the manufacturers east of the Allegheny Mountains feel that they should have iron ore free. I can not see how it can affect the manufacturers west of the Allegheny Mountains, because this ore can not be carried west of the Allegheny Mountains. It can only be used by those east of the Allegheny Mountains and along the Atlantic coast.

It does seem to me that under these conditions the manufacturers of the iron products on the Atlantic coast should be put upon an equal basis as far as possible with the manufacturers west of the Allegheny Mountains, in order that there may not be a monopoly, in order that the people upon a general principle may get the products of the steel manufacturers for less money, and in order that the exporters of grain and other products of the land may be enabled to have their exports made for less money.

Mr. OLIVER. Mr. President, there are two phases of this question to which I should like, in a very few words, to call the attention of the Senate. The imports of Cuban ore during the year 1907 were 584,000 long tons. The value placed upon that averaged $3.65 per ton. I have not the exact figures as to the cost, but I am satisfied I can obtain them. If that ore was worth at the port of shipment in Cuba an average of $3.65 per ton, I can say, from my own knowledge of the iron and smelting business as it exists in western Pennsylvania, that that ore can be brought in and pay a duty of 20 cents per ton, which is the duty that was levied under the Cuban reciprocity treaty, and pay all freight, and be laid down at the port of Baltimore at a less price than the cost of the ores to the owners of smelting furnaces in western Pennsylvania and eastern Ohio. That, I think, can be absolutely demonstrated by showing the cost, with freight added, of Lake Superior ores brought down to the furnaces in our district.

Mr. SMITH of Maryland. May I ask the Senator a question?

Mr. OLIVER. Certainly.

Mr. SMITH of Maryland. Is it not necessary to get some ore from this country in order to mix with the Cuban ore so as to make the proper steel product? If that is the case, you will have to take into consideration the additional cost of the ore that they have to get in this country to mix with the Cuban ore in order to bring about the result.

Mr. OLIVER. In the smelting of iron, as in the smelting of all products, different kinds of ore are necessary. I am not sufficiently acquainted with the character of the Cuban ores to know whether they can be smelted by themselves or not, but I will say to the Senator from Maryland what perhaps he is not aware of, that the Pennsylvania Steel Company and the Bethlehem Steel Company also control large reserves of ore in eastern Pennsylvania. The Pennsylvania Steel Company, I am informed—and I think it is correct—own the large Cornwall iron mines in Lebanon County, Pa., and they can use them for mixture if necessary. I do not know that any ores are necessary for this purpose.

Mr. SMITH of Maryland. I understand it is required to have a mixture for Cuban ores, and that taken into consideration increases the price of their product; that is, the mixture with the Cuban ore makes the product higher in price.

Mr. OLIVER. I could not answer positively upon that point.

Now, Mr. President, upon the question of labor. The Senator from Iowa [Mr. DOLLIVER], in the phillipic which he delivered a week ago against the United States Steel Corporation, said that the wages paid in the Lake Superior region were very low; he said he thought the wages were about a dollar and a quarter a day. I think I quote the Senator correctly. If I had had the figures at hand at that time, I would have interrupted the Senator. I have since been informed, and I find that the minimum rate of wages paid in the mines of Minnesota and Michigan ranges to-day from $2.44 to $2.51 a day; that in 1902 they ranged from about 12½ to 20 per cent less than that, but there have been successive advances which have brought them up to the present rate. So the minimum rate is just about twice the amount that was estimated by the Senator from Iowa.

The Senator from Michigan [Mr. BURROWS], in his address this morning, stated that the wages paid in Cuba amount to about $1 a day. So the American miners have to stand the difference between $1 a day and, say, $2.50 a day, and they should be protected to that extent.

Now, Mr. President, I want to say one word to the Senators who still adhere to the doctrine of a tariff for revenue only. If we were to-day considering this bill upon a revenue basis simply, I do not believe there is a Senator in the Chamber who would vote for a lower duty than at least 50 cents per ton upon iron ore, when considered upon a revenue basis simply and solely. Upon that point I have found that in taxes alone in the States of Minnesota, Michigan, and Wisconsin the subsidiary companies of the United States Steel Corporation, which do its mining, last year paid over $2,000,000. This year their taxes will amount to about 5 or 10 per cent more than that. Their taxes last year averaged them on the amount of ore brought down nearly 15 cents per ton. Last year they brought down comparatively a smaller amount than usual, but taking the average of 1907 and 1908, their local and state taxation amounts, on an average, to over 10 cents per ton on all that they bring down. I have also made the same inquiry from a lot of independent operators, and I find that to them it amounts to from 8 to 15 cents per ton. The Senators who propose to remove this duty, who propose to put this handicap upon our home miners and to allow ores to come in free from Cuba and from Spain—because there is about the same amount imported from Spain as from Cuba—would charge up against our home miners not only the taxes, which amount to approximately more than half the duty proposed, but, in addition, to lay them under the handicap of the additional amount they pay for wages.

Mr. MCLAURIN. Mr. President, I offer an amendment to the pending paragraph—paragraph 115½.

The VICE-PRESIDENT. The Secretary will state the amendment.

The SECRETARY. In paragraph 115½, page 32, line 10, strike out the word "five" and the hyphen after the word "twenty."

Mr. MCLAURIN. This amendment, if adopted, will cut the present law half in two and make the tariff on iron ore 20 cents instead of 25 cents a ton.

Mr. NELSON. Mr. President, I wish to make a brief statement on the subject of iron ores. In the matter of imports it does not seem that the Cuban ore has cut much of a figure. Document 1504, second session, Sixtieth Congress, entitled "Imports and Duties," shows that the imports for 1907 were only 511,000 tons, while away back in 1902 and 1903 it was more than twice that amount. There can not be much of a question of revenue about it. The total amount of revenue we derived from it was $204,000, and cutting it down to a rate proposed in the bill would leave us with $127,000.

Mr. GALLINGER. That is, provided the decrease in rates did not increase the exportation.

Mr. NELSON. I do not think it will.

Mr. GALLINGER. The probability is that it will.

Mr. NELSON. They have conjured up the story about Cuba being covered with iron ore. I do not take any stock in that. It is gotten up for the purpose of creating a little counterbalance in favor of their argument.

The way I look at it, Mr. President, the ores in the Northwest and in the Lake Superior region absolutely need no protection. We have in Minnesota the greatest body of ore in this country. Over one-half of all the ores produced in the United States in 1908 was produced by the State of Minnesota. If we look at this document, and I quote from Document No. 2, first session, Sixty-first Congress, nearly all that iron ore was mined by what is, in general parlance, called the "steel trust." Up there the mining company operates under the head of the Oliver Mining Company, and in Michigan it is the Oliver Iron Mining Company. Most of the iron ore shipped from our State is mined by that company, while the steel trust owns most of the mines that are being worked in our State. It either owns them or has leased them. While it operates under that name, the steel trust owns several lines of railroad running from the mines down to the lake shore. The rates of transportation on the ore from these mines on their railroads were so enormously high that it practically froze out all the independent miners; they could not compete with the steel trust because the transporation rates were so high. The steel trust could stand that, because the very interests that own and operate the mines under the name of the Oliver Mining Company also control the railroads. So the excess in rates they paid on the transportation of the ore from the mines to the lake shore they got back through the companies owned by them.

Proceedings were instituted before our railroad commission some years ago to reduce these rates. I can not recall the figures, but the rates were almost prohibitive. Proceedings were instituted before our railroad commission in Minnesota for the purpose of securing a lowering of the rates, because the rates were so excessive they froze out practically all the independent mining companies. That proceeding proved to be a failure, because the steel trust billed the ore as one continuous shipment from the mines down to the lake shore, and in their ore boats down to the ports on the lower Lakes at Chicago and Lake Erie. Hence the point was made that our state commission had no jurisdiction; that the shipment was an interstate shipment. The fact is, Mr. President—and I am telling what I know of my knowledge to some extent—that within our State, in the matter of railroad transportation of the ore, it is almost impossible for the independent mining companies to operate. They are at a disadvantage.

Constantly new iron deposits are discovered. It was supposed until recently that all our iron region was east of the sources of the Mississippi River, but recently discoveries have been made west of the Mississippi River, and they are even approximating to within 75 miles of my own home. But in all these cases, when the explorers who buy the land discover a mine, no matter how valuable it may be, their only salvation is to sell it or lease it to the steel trust, for it is utterly out of their power to undertake to operate it in competition with the trust.

Mr. KEAN. Mr. President, will the Senator from Minnesota yield to me for a question?

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from New Jersey?

Mr. NELSON. Certainly.

Mr. KEAN. I only wanted to ask the Senator, does not the State of Minnesota get a royalty on all the ore mined?

Mr. NELSON. No, sir; we have in Minnesota——

Mr. KEAN. I merely wanted to ascertain whether that was a fact.

Mr. NELSON. I will give the Senator the information. The legislature of Minnesota has, for several years, been trying to enact what we call a "tonnage tax;" that is, to tax the iron properties by a tonnage tax upon the ore mined. At present iron properties are assessed in Minnesota on the same principle as are farming lands; that is, according to the valuation of the land. It is true they have been increasing that assessment and that the mines are now paying a pretty good tax. The legislature has been trying for years to substitute a system of tonnage tax in lieu of the present crude system. After a great deal of effort, the legislature passed such a law at the last session, but the governor, who is a candidate for the Presidency, or a sort of candidate for the Presidency [laughter], vetoed that bill. I have nothing to say now, however, about that question.

I want to present to the Senate in a nutshell how I look at this matter. In the first place, I do not believe that our iron mines up there need any such protection, for the reason that they have the matter of transportation entirely in their favor. As I understand, along the Atlantic seaboard there are a few

independent concerns. I do not know their names, but I know there are quite a number of them who are trying to compete in manufacturing pig iron and in manufacturing steel billets, or whatever it may be, with the big steel trust, but can not do so owing to the excessive rate of transportation, which appears from the hearings here, to be from $2 to $2.50 a ton. From the Superior mines down to a point where that ore is reduced, the transportation rates are from $2 to $2.50 a ton. That railroad transportation is so heavy that it makes it difficult for the small concerns east of the mountains to compete with the steel trust.

Another proposition—I may be at sea on that; and, if I am, some Senator will correct me—as I understand, is that the Cuban ores, while they do not yield as much iron as our best Mesaba ore, yet it has a property, which I believe they call "nickel"—there is a nickel property in it—in other words, it is a harder ore and is used to mix with the ore that we produce in our State in the manufacture of Bessemer steel to harden it and make it better. I may be mistaken as to that. If I am, perhaps the Senator from Rhode Island [Mr. ALDRICH] can correct me.

I believe in fair play. We do not need this protection in Minnesota. It is a small matter. It amounts, in respect to Cuban ore, to only 20 cents a ton. We do not need this protection for our mines on Lake Superior; but it may be of some help to the competitors of the steel trust on the Atlantic seaboard, and I, for one, am quite willing to give them that advantage in order that we may have competition. That is the way I feel about it. I shall not attempt any revolution if you make the duty 20 cents a ton; but I think, if we want to build up independent competitors of the steel trust, we ought to give them this advantage; and the people of Minnesota are perfectly willing to give the independent concerns east of the Allegheny Mountains this slight benefit and advantage. I hope some of the representatives from other parts of the country, when it comes to other properties, will feel as generous as do the people of Minnesota.

Mr. ALDRICH. Mr. President, I understand the Senator from Minnesota to say that this duty would not hurt the people of Minnesota anyway. So this is a gift that may possibly benefit the people of Minnesota.

Mr. NELSON. It will indirectly be an advantage to the State of Minnesota. If the Senator is very inquisitive, I will say it would be an indirect advantage to the State of Minnesota to this extent: It is to the interest of the State of Minnesota, as it is to all parts of the country, that the great steel trust shall have a competitor in this country. If we can stimulate and keep up competitors who are independent of the steel trust by this little gift, why, in God's name, not give it to them?

Mr. GALLINGER. Just a word, Mr. President. In early days New Hampshire did some mining of ore; but it was long ago abandoned. It was in the White Mountain region; and there is a very charming history connected with it that I shall not rehearse.

I have no interest in this question so far as my people are concerned, unless free iron ore should give a benefit to our manufacturers; but I am not here, Mr. President, alone representing the interest of New Hampshire or New England.

The Senator from Minnesota says "Our iron mines up there do not need protection." Mr. President, I am not going to vote for "up there" on any schedule in this bill. I am going to vote for what I think is for the best interests of the entire people of the United States. I am a protectionist, and, as such, it will give me great pleasure to vote to put a duty of 25 cents a ton on iron ore. I only regret that the duty fixed by the Senate Finance Committee is not the duty which is in the present law.

Mr. CULBERSON. Mr. President, I favor the proposition of the House bill, that iron ore should be placed on the free list. I do so for two reasons, which I shall briefly state.

The report of the National Conservation Commission, which is attached to the President's message of January 22, 1909, under the head of "Minerals," contains the following:

> The known supply of high-grade iron ores in the United States approximates 3,840,000,000 tons, which at the present increasing rate of consumption can not be expected to last beyond the middle of the present century.

Mr. President, I am not unaware of the speculative character, of course, of this information transmitted to us by the President, but I think we ought to take into consideration the probability that, if this information is correct, within a comparatively short time, measured by the life of a nation or the life of a republic, the high-grade iron ore in this country will be exhausted and the American people will be at the mercy of foreigners.

The other suggestion, Mr. President, to which I have to invite the attention of the Senate is the testimony of Judge Gary before the House Committee on Ways and Means last December, in which he states that the United States Steel Corporation, which is the greatest combination of capital ever organized in this country, now practically controls the iron-ore supply of America. At page 5515 of the hearings these questions and answers appear:

> Mr. COCKRAN. You practically do control the ore supply of the country?
> Mr. GARY. No; not now; not for the immediate future.
> Mr. COCKRAN. Well, the ultimate supply?
> Mr. GARY. Yes; I think so—that is, pretty nearly. It is not absolute control.

Mr. President, taking this testimony as true, as I do, we have this great monopoly already in control of the ultimate supply of the iron ore in this country; and if we place a tariff upon foreign ore which may come here, no matter how high or how low, the tendency of that imposition will be to increase the value of this monopoly and to extend the power of the monopoly. Not only that, Mr. President, but it might well have a tendency to shut out competition on the part of whatever independent companies there may be. This imposition of 25 cents a ton or 40 cents a ton will, I repeat, have a tendency to increase the value of the property of this combination, and have a tendency to fix its monopolistic powers upon the American people and to deny to the independent iron people the power to compete with this existing monopoly.

For these two reasons, stated succinctly, I intend to vote against the duty, notwithstanding, as a general rule, I am in favor of a revenue tariff practically upon everything which may come into the United States. This case is an exception, in my judgment, because of the control already obtained by this corporation of the ultimate supply of iron ore in this country.

Mr. TILLMAN. Mr. President, before the Senator from Texas takes his seat, I should like to ask him or some other Senator here, if anybody feels authorized to speak, to answer the inquiry as to whether we, as a Senate, intend to sit quiet forever and make no effort to dissolve the illegal purchase of the Tennessee Coal and Iron Company by the Steel Corporation? I want somebody to say whether or not we are going to quietly lie down and quit.

Mr. CULBERSON. Mr. President, of course the Senator from South Carolina is familiar with the fact that the question of the legality of the absorption was referred to the Committee on the Judiciary; and while no report, in a purely technical sense, has been made by that committee, at the same time the views of the majority of the committee—seven members—have been submitted in writing and are before the Senate for its consideration. My recollection is, Mr. President, that six of the members of that committee stated in writing that, in their judgment, the absorption was illegal, and one of them—the former Senator from Ohio, Mr. Foraker—withheld an opinion upon that point.

Mr. TILLMAN. I understand that. I remember that broken-up, disjointed kind of report, without any force or effect; but even if only one man in this body who is a great lawyer will continue to fight, the people will not forget, and possibly there may come a time when a change in the complexion of this body or something at the Attorney-General's office will bring about an effort to destroy the monopoly which now exists.

Mr. CULBERSON. I will state to the Senator from South Carolina that my mind, at least, has not been idle upon this suggestion. If he will look at the RECORD of this morning, he will see a suggestion on my part that it is time to know what the purpose of the Department of Justice is as to the execution of the antitrust law of the United States. I think that the present Attorney-General has this information about the steel trust and the merging of the Tennessee Iron and Coal Company, but if he has not, Mr. President, and no one else will do so, I will give him direct and official information with respect to it.

Mr. TILLMAN. In that connection, Mr. President, I desire to say that the speech of the Attorney-General, to which the Senator from Texas called attention yesterday morning, would indicate that he had set out on a new departure from that of his predecessor, and if obedience to the law shall be the condition of peace, we ought to have him determine one way or the other, either by an opinion or by some authoritative utterance, whether or not he considers there is any occasion for a suit against this combination or this monopoly. I hope the Senator, who is a great lawyer, will not pursue this inquiry by intimation, but by some kind of positive action whenever, in his judgment, there is any opportunity or chance of securing any result.

Mr. DANIEL. Mr. President, if I were sure of the facts as intimated by the remarks of the Senator from Texas [Mr. CULBERSON], I would vote for free iron ore, but I think I can say that I reasonably know that there is a great deal of iron land and ore in this country and in my own State that is not con-

trolled by the steel trust. I believe that to be true, and I believe also, like the Senator from Texas, in direct methods to put down aggressors upon the law of the land, and I rejoice that he is persisting in methods to ascertain the facts and to apply the law in the case which he has mentioned.

As the matter stands, I shall vote for the very modest tax of 25 cents a ton on iron ore. It is a revenue tax and nothing but a revenue tax. It is a small tax of 10 per cent, about half what was the average tax in the well-known Walker tariff act, enacted before the war. It is true the amount realized will not be very great, only some $127,000, but it is consistent with the principles of all parties to vote for this tax, and well to do it. The fact that the distinguished Senator from Minnesota [Mr. NELSON] and his colleague from New Hampshire [Mr. GALLINGER] deduced their title through protection opinions and that I deduce mine as the result of an opposite view makes no difference. We shall all find before this tariff bill is concluded that there are interlocks of party votes, as there is one now. Where these occur, it makes no practical difference in result from what source a man may deduce his opinion. I think that incidentally—and I have no thought on the subject that I am not willing to proclaim—I think that incidentally this will be of some benefit—not very great, but some—to the owners of iron lands in my State and in other States of this Union. I know, furthermore, that what the trust wants, and what it proclaims that it wants, is free ore. One of Napoleon's maxims of war was not to do things you knew your enemy wished you to do. While I do not esteem myself the enemy of any man, I am the opponent of certain propositions and of certain men who, as I conceive, abuse the law. There is good reason in all directions for this tariff; and, so believing, I shall vote for it at 25 cents a ton.

Mr. RAYNER. Before the Senator sits down, may I ask him a question?

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Maryland?

Mr. DANIEL. Very gladly.

Mr. RAYNER. Does the Senator really think that the United States Steel Corporation wants free Cuban ore?

Mr. DANIEL. I only get my information, as the Senator does, from the newspapers.

Mr. RAYNER. What is the Senator's own opinion about that?

Mr. DANIEL. I do not know.

Mr. RAYNER. I do know that they most decidedly do not want it.

Mr. MONEY. Mr. President, I shall support the committee's proposition on iron ore. I do not think that 25 cents a ton is too much. I am for a revenue tariff, and it seems that I am about the only man who cares for nothing else but a revenue tariff. I have nothing in the world that I want to protect, and I would not protect it if I had, because we have no authority from any source to do it. But in this particular article it is a revenue producer to some extent, and I do not see why we should not get that revenue.

There has been a great deal said here about the reasons why a protective tariff should be levied. Some have said that they wanted to protect every American industry. We have the authority of the chairman of the committee for that. Others, who are called "progressives," insist upon adherence to the Republican platform, which fixes the measure of protection as the amount which marks the difference between the domestic and the foreign labor wages. Others still want a protective tariff that will reduce the price to the consumer. I believe the distinguished Senator from Rhode Island committed himself to that statement the other day. I will not hold him to it, for I thought, in view of what he had said before, that it was an extremely improvident utterance.

Mr. ALDRICH. What is the statement to which the Senator refers?

Mr. MONEY. That the object of protection was to lessen the price of an article to the consumer.

Mr. ALDRICH. Oh, no.

Mr. MONEY. The Senator did not say that? I myself thought I must have been mistaken as to that.

Mr. ALDRICH. The Senator was mistaken. I said that the effect of protection had been, in the great majority of cases, to reduce the price to the consumer.

Mr. MONEY. I accept that statement as at least a correction; but, at any rate, it defeats the purposes of protection when it does that, for there can be no object in protecting an American industry in order to make its products cheaper.

Mr. President, I have here a table, very carefully prepared by an expert. It takes up the different schedules in the bill and gives the total value of the product and the total wages paid under each schedule. The schedule now under consideration embraces not only iron ore, but steel and many other articles of metal.

The table only gives the total wages for the whole schedule. The wages under Schedule C, the metal schedule, are $650,000,000 and the output is worth $3,130,000,000, making the cost of the labor 20.8 per cent of the value of the product; so that, to meet the demand of the Republican platform, as stated on this floor very frequently, the tariff should be just that percentage, 20.8 per cent, that being the percentage of the amount paid to labor in comparison with the value of the whole finished product. I shall ask permission of the Senate, as I can not read the table, to have the Secretary read it. I do so because I want to get the table into the RECORD in order that other Senators may have the advantage of it. If it is not correct—and I can not vouch for any statistics on earth or any book that I have not seen; it may not be correct all the way through, though I believe it is as nearly correct as it can be made—it certainly approximates the truth; but, as I have said, I do not myself pretend to vouch for any table or any statistics on any subject whatever.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Average labor cost of production of all articles under each schedule and the total of all schedules of the Senate bill.

Schedule—	Total wages.	Total value of products.	Per cent.
A—Chemicals	$56,796,143	$767,401,417	7.4
B—Earths and glass	154,652,713	420,944,049	36.7
C—Metals	652,109,633	3,130,253,195	20.8
D—Wood	378,491,021	1,393,489,978	27.1
E—Sugar	23,536,169	413,333,428	5.7
F—Tobacco	62,640,306	331,117,081	18.9
G—Agricultural products	100,839,004	2,194,833,894	4.6
H—Spirits, etc	43,934,676	474,487,379	9.3
I—Cotton	217,965,322	1,014,094,237	21.5
J—Flax and Hemp	27,223,574	185,094,092	14.7
K—Wool	135,069,063	767,210,990	17.6
L—Silk	26,767,943	133,288,072	20.1
M—Pulp, paper	123,903,638	548,957,239	22.6
N—Sundries	273,959,320	1,495,686,437	18.3
Total of all schedules	2,277,838,543	13,270,192,088	17.16

In the above there is no cumulative cost of labor, as it covers all the labor—in one schedule or another—that goes to the production of the finished or manufactured article.

Mr. MONEY. Mr. President, the reason why I have introduced this table at this particular moment is not because of its particular bearing on the metal schedule more than on any other, but believing these facts to be approximately as true as can be had, I want them to be in the RECORD for the examination of Senators who want to ascertain the truth. The difficulty that I have had in ascertaining the truth with regard to any item in the tariff bill has troubled every Senator. With an honest desire to get at the facts, I have found it almost impossible to get a fair and candid statement of the truth from anybody. People have conversed with me about the different schedules in the tariff bill on both sides of the question, and I have never yet been satisfied by the statement that anyone made, even though he agreed with me as to what was wanted. I know the infirmities of human nature. These gentlemen come here with the purpose of advocating their own special interests, and it would be unreasonable to suppose that they would not suppress every fact against them and magnify every one in their favor. It is almost impossible—I would not quite say "impossible"—to find a candid statement on any item in this bill.

I do not intend to speak long. I for one am persuaded that this bill does not provide the revenue demanded by the deficit of $90,000,000, and which is likely to be $100,000,000 within a very short time. You can not reduce the expenditures of this Government; and I venture to say that your next budget, instead of being a billion and thirty-two million dollars, will be a billion one hundred million dollars. The expenditures are going on, and they are going on increasingly, and this deficit must be met; and in view of that fact I have declared here that I am for revenue. I am one man, at least, who is for the United States of America, and of course next I am for the consumers, who constitute the greater part of the population of the country. It is not with any particular reference to the iron schedule that I am going to speak, but I can not see for my soul why one article should not bear the burden of taxation as well as another. Why should raw material be exempt from taxation and wrought material be taxed? If there are benefits from this system, they should be as generally diffused as the burdens, and if we do anything else it will not be fair to the consumer. We can not shut up the United States and, like two men in jail, become opulent by swapping pocketknives. Every man is willing to

pay that which is to support his Government and secure protection of life, liberty, and property, which is insured to him by the Bill of Rights in the Constitution of the United States. I can not understand how a man will want a tax on the things he makes and want free the material which he buys. What is the raw material of one is the wrought material of another, as has been shown here over and over again a dozen times.

I want to say that I am for a tax upon that which will bear taxation and bring revenue, with some consideration for the burden that will rest upon the great mass of the American people, desiring, as I believe everybody should and I hope most do, that the burden should rest most lightly on the poor and most heavily upon those able to bear it and who secure more from this Government than anyone else.

It is embedded in the fundamental law of every nation in the world, however civilized or however barbarous, that all the processes which conserve property interests and that which needs protection should be paid for by the class which has the money with which to pay.

Certain persons want hides put on the free list. In every mail I am receiving such letters, and I have received thousands of letters, most of them prepared by one concern in Chicago, in favor of free hides. It is a stereotyped letter. I believe I will just have that read, if I have it.

Mr. BEVERIDGE. May I ask the Senator from Mississippi a question?

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Indiana?

Mr. MONEY. I did not get up to make a speech; but I yield for a question.

Mr. BEVERIDGE. I understood the Senator to be for the Senate amendment because it furnishes a revenue, whereas the House bill would furnish none.

Mr. MONEY. I did not say anything about the House bill.

Mr. BEVERIDGE. You did not; but I understood you to say you were for the Senate amendment because it would furnish revenue.

Mr. MONEY. Yes.

Mr. BEVERIDGE. That is the position of the Senator from Virginia. If that be the purpose, I find that the revenue to be produced by the Senate amendment will be only $127,000, whereas under the duty provided by the present law it is nearly double that sum, if not quite that. I will ask the Senator whether, according to his logic, they should not be for forty instead of twenty-five?

Mr. MONEY. I am very much obliged to the Senator for the information, which I had before, however.

Mr. BEVERIDGE. If the Senator wants revenue, the present law produces nearly twice as much as the proposed rate.

Mr. MONEY. We are not considering the present law. We are amending the present law; and if we are not to amend it, why all this preparation; why all these meetings and hearings if we are to go back to the present law? I do not suppose anybody wants to readopt the Dingley bill. It is totally unnecessary. We have it already. It only needs to be left alone, if that is what you want. I am merely saying, including the iron schedule incidentally, that I will vote for the duty on iron as I do for these other things.

Mr. BEVERIDGE. Mr. President——

Mr. MONEY. If the Senator will permit me to go on with the remarks I was making, not on iron especially, I ask to have published here, and I am going to have read, this page. This is a circular. I do not want the arguments read; they are not particularly interesting; but I do want this particular page read.

I want to say that a fictitious sentiment——

Mr. BEVERIDGE. Mr. President——

Mr. MONEY. I hope the Senator will pardon me. I do not want to be discourteous, but I desire to finish and sit down. I am suffering considerably with neuralgia. However, I will hear the Senator.

Mr. BEVERIDGE. I desire merely to ask a question. In answer to a question, the Senator said very clearly that we ought not to go back to the present law; that we were revising it. If the Senator wants revenue, why revise it on this item, when the present law will produce nearly twice as much as the Senate committee amendment?

Mr. MONEY. That would be a pertinent question if I belonged to the majority of the committee. But as the minority never has been asked to help frame the bill, I do not consider myself responsible for the bill.

Mr. BEVERIDGE. Therefore the Senator is voting for the amendment.

Mr. MONEY. I am not voting for it "therefore." I am voting for it for the reason I gave and not the one that you gave. I think I will be able to make clear my reason, when I come to discuss this question. But right in this line I want to send up and have read this page. I desire to say that a fictitious sentiment is being created by machine work, by this endless-prayer business. Some gentlemen somewhere have set to work a bureau and they are flooding the country with cards and papers, with the result that Senators have been bombarded here as they were in the House of Representatives on these matters, and a great clamor has been set up by people who do not know what is involved, and half of whom do not read the communications sent to them.

I am not here to listen to anybody's clamor. I am here to vote for revenue for this country, which is sadly lacking and which I do not believe will be furnished by this bill. I will ask the Secretary to read the circular which is sent out through my State by this company.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

DO THIS TO-DAY!

WRITE, AND HAVE YOUR FRIENDS WRITE, EVEN IF YOU HAVE WRITTEN BEFORE—WRITE AGAIN.

Kindly fill out and return this blank.

———, *1909.*

THE FLORSHEIM SHOE COMPANY,
Adams and Clinton streets,
Chicago, U. S. A.

GENTLEMEN: I have to-day written Senators ANSELM J. MCLAURIN and H. D. MONEY, as suggested. I have also secured the promise of the following friends who will write them. ——— ———.

Signed ——— ———,
Address ——— ———.

Mr. MONEY. That is simply the endless-prayer business. The other is simply asking for free hides. If they will give us free hides and free leather and free shoes together in one lump, I might be induced to vote for it, and lose what revenue might otherwise accrue. I can not see why one thing should be taxed and another thing should go free. What, as I said, is the raw material of one is the finished product of another. Lumber is considered a manufacture. The furniture made of lumber is considered a manufacture. Wool is the finished product of the shepherd. The wool is the raw material of the carder, and the carded wool is the raw material of the spinner. Yarn is the raw material of the weaver, the cloth the raw material of the clothes manufacturer. I do not see why things manufactured should be taxed for the benefit of somebody and the raw material which they use should come in free, to the detriment of others. We must consider the consumer, who, perhaps, ultimately pays the tax. I believe that is the generally accepted doctrine.

I repudiate the idea that it is a Democratic policy to have a big free list. I had a letter, a very remarkable letter, from a gentleman who said that all his life he had been a Democrat, and that he was for a tariff for revenue, and he immediately proposed a free list as long as my arm, which would not bring in any revenue at all. There is nothing Democratic in the idea that raw material should be untaxed. I suppose every Senator here is familiar, more or less, with the great struggle with free trade in England, begun by Huskisson and continued for twenty years, until Sir Robert Peel, yielding to the irresistible logic of Cobden, accentuated by the famine in Ireland demanding cheap food, in 1848 reversed the rule and gave them free trade to some extent—not what we call "free trade," by any means, but what they call "free trade," which is free competition and not free from duty. We speak of free trade. The English have a tariff two or three pages long, and they get more revenue from it than we do from our tariff. Their population is only half as large, and yet they get more revenue than we do. They call themselves "free traders" because they permit competition. When they put a tariff on imported articles, they put an excise tariff on the domestic article. Their principal revenue is derived from articles not produced in England, such as tea, coffee, tobacco, sugar, cocoa, and so forth. Their best tax is the income tax, which last year produced $65,000,000.

During the progress of this strife Sir Robert Peel received a letter from the north of Scotland, the eastern coast, on the German Ocean, and the old Scotchman wrote him:

I am a free trader from the top of my head to the soles of my feet; I want free trade in everything; and you will do the greatest service you have ever rendered to the poor of the Kingdom if you will put everything upon the free list and impose no tax at all, except upon Scotch herring. If you do not put a tax on Scotch herring, the Norwegians will drive us out of our trade.

I find a great many north of Scotland men in this body. They want everything to go on the free list except the things they have to sell.

I recollect another letter also that they say was received by Sir Robert Peel from a wealthy merchant in Bristol. The high tariff made smuggling such a profitable industry that the Gov-

ernment could not put it down; it became, not an enterprise, not an adventure, but the business of desperate scoundrels, just as robbing in this country has become a regular business and has become legalized. The letter was from a noted smuggler, who became so famous that he was a favorite along both sides of the channel. This man proposed to him to purchase any bill of goods in the French market, bring it over, and deliver the invoice to him, and all he wanted was 10 per cent of the bill as his profit for transportation. He did not want any smuggling profits; the smuggler would be satisfied with that. Would the robbers under our tariff system to-day be satisfied with a profit of 10 per cent? I do not think so.

That reminds me of a story which I think apropos. A very poor clergyman who had a family and very little else was preaching to a very frugal-minded set of parishioners. They managed to keep the man poor and humble by not paying him much salary. Every time he went into the pulpit he asked the leading member of his church, who was a wealthy man, to lend him $5. He put it in his pocket. When he descended from the pulpit he repaid the sum. That went on with great regularity. One day the deacon said:

I should like to ask you a question. Why do you borrow $5 every time you preach and pay it back as soon as you get out of the pulpit?

Shamefaced, the preacher said:

I can not preach at all unless I feel some money in my pocket, even if it belongs to somebody else.

And so we have the testimony of Senators and of people who manufacture goods that the manufacturers can not do business at all unless they feel somebody else's money in their pockets. They are not at all satisfied with their profit. They want, by the express command of the law, to compel others to pay something to another man in business in which the man who pays is not interested at all.

I know very well what a tax is. Yet the Supreme Court has declared that there can be taxation without taxes. In other words, that Congress can impose taxation upon the people not justified by the Constitution, and therefore it is not taxation; and the Supreme Court has said that whenever this Congress lays the hand of the Government upon one man, to take a dollar from him and give it to another man to advance his enterprise or private fortune, it is robbery in the form of law. In other words, the court says it is not legislation, but it is a legislative decree.

I am reminded now of the declaration made by my distinguished friend, the chairman of the committee, I believe, at the opening of this debate—no; it was when pressed by the distinguished Senator from Nevada [Mr. NEWLANDS], who made such an admirable speech yesterday, until he was about to finish. He asked repeatedly of the Senator from Rhode Island—and it seemed to me the Senator from Rhode Island lacked his usual readiness to mix the issue; he seemed to be reluctant to answer, but he did answer the question as to what was the controlling principle in this bill—was that it?—the controlling principle and motive in framing this bill; and my friend from Rhode Island said the controlling principle in making this bill was to protect every American industry. That was supplemented a little by saying he wanted everybody to be given a chance. I dare him to put that in the title of this bill. I dare him to write it at the head of this bill, "A bill primarily to protect every American industry; incidentally or secondarily to raise revenue for the Government." If the court passed on such a bill, it would declare that it was an unconstitutional measure. Heretofore the title of the bill has never been evolved from the character of it. It had been arbitrarily put there—to do what? To make the court accept as its character that to which it was not entitled by the reading of it, because the court, a coordinate branch of the Government, would never say that Congress had lied about the title to a bill. It will say: "We must take the legislative branch of the Government at its word; and when it entitles a bill, 'to raise public revenue, and for other purposes,' it must mean primarily for public revenues, and that is what it reads."

What does the Constitution authorize the Congress to do? It says that Congress shall have power to lay and collect taxes, imposts, duties, and excises. What for? To pay the public debt, to provide for the common defense, to provide for the general welfare—of whom? Of the United States. To pay the public debt of the people? No. It is ridiculous. For the Government of the United States; and Webster has placed the definition of a tax to be an imposition or charge levied upon the people belonging to a society, to defray the expenses of that society. I want to say that Webster is about as good at definitions as any lexicographer. While he is not so good on derivations, he is on definitions.

Mr. ALDRICH. Does the Senator from Mississippi remember the first act passed by Congress?

Mr. MONEY. No; I do not. I have not studied it. I will take your word for it.

Mr. RAYNER. It was an act to encourage manufactures. If the Senator will let me say a word about that——

Mr. ALDRICH. I thought the Senator had forgotten that act.

Mr. RAYNER. The first act was an act to encourage manufactures. I understood the Senator from Mississippi to say that if an act demonstrated upon its face that it levied prohibitory duties under the taxing power, it would be unconstitutional. I agree with him entirely upon that proposition. Can the Senator from Rhode Island show any authority or decision to the contrary? If the act said upon its face that while it purported to be an act to impose duties, it was really an act to prohibit importations—and that is what I think the Senator from Mississippi meant—I say the act would be unconstitutional.

Mr. MONEY. I trust the memory of the Senator from Rhode Island more than my own. Was that ever brought to the consideration of the Supreme Court? I believe it never was.

Mr. ALDRICH. I will tell you what has been brought to the Supreme Court and decided by it, and that is that the question of the right to levy duties and lay imposts is a matter the character of which is to be decided by Congress and not by the Supreme Court.

Mr. MONEY. I have said that before.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. MONEY. Certainly.

Mr. GORE. I merely desire to say to the Senator from Mississippi that the first act passed, to which the Senator from Rhode Island refers, leveled an average duty of about 7½ per cent. The general rate was 5 per cent. Some duties ranged a little higher than that; up to 15 per cent.

Mr. ALDRICH. If the Senator from Oklahoma will study economic history a little further, he will find that 7½ per cent under conditions then existing was higher than any tariff that has been imposed in this country since.

Mr. GORE. Many of those duties were specific. On shoes, for instance, it was 7½ cents a pair, nothing like so high a rate as is imposed now; and if the Senator from Rhode Island is willing to return to the example and the precepts of the fathers, I have an idea he will find a good deal of company on this side willing to return to their standpoint.

Mr. ALDRICH. I want to say, in further answer to the Senator from Oklahoma, that the duties imposed by those early acts were more nearly prohibitory in their character than those of any act passed since; and that can be established historically beyond question.

Mr. MONEY. There was no decision by the court with respect to that bill, nor any issue ever raised upon it, for the reason that we were then not only in the infancy of our industries, but in the infancy of our national life, and the great care of the people of that day was to make this country self-sustaining for its defense. We were then alarmed about the condition of things because we had lately been emancipated from the yoke of Great Britain, and every student of American history will recognize the fact that the whole Revolution was not about freedom nor independence. It was resenting taxation. It began in resenting taxation without representation, and at least one-third of the American Congress did not believe we had any right to do it. A great many went to the West Indies and Canada and Ireland and elsewhere. Even Mr. Jefferson, who afterwards repudiated the whole idea of protection, said he would like to see a wall around this country for a while, in order that it might get on its feet and establish those industries which make an independent nation; in the sense of a nation which is not dependent on any other nation. That idea he yielded entirely, because he did not believe in the taxation of one man for the benefit of another.

It has been said here, I recollect, I think by the Senator from Montana [Mr. CARTER], a very able and clear-headed man—and I do not know a man more clear-headed in debate—that it is useless to go into definitions. But I think it is always useful to refer to first principles, general principles. We have been going on with schedules and working on details until we have lost sight of every principle except that each man can write in it very largely what he wants.

I was amused by a part of the magnificent speech of the Senator from Iowa [Mr. DOLLIVER], which, I believe, lasted two days, and I was rather astonished to hear his narrative of the pressure brought upon Mr. McKinley by those wanting protec-

tion, and that he threw up his hands in despair and said, "Write what you want." I had heard the story, but it was not that way. There was no despair, but an invitation to everybody to come in and write what he wanted into the bill, and they all did. It was exactly in accord with the wishes of the chairman of the committee, because he was the foremost protectionist in this country. He went so far that protectionists had to draw him back. He went into the bounty business, you will recollect, and that had to be undone by the courts.

Mr. President, I did not rise to speak long. I am not fit to speak to-day; I have a severe neuralgia. I have been led on to these remarks, which I hope I will be permitted at some time to continue, because I should like to speak on this bill purely on the general principles which gentlemen think are unworthy of notice. I am not going to support the bill nor follow the committee. I want a revenue for this Government. It is my duty so far as it lies in me to raise a duty by taxes of this sort, and when we have reached that duty I want to stop, and I want the burden and the enjoyment of the incidental benefits to be extended as equally as possible, as a matter of common justice and of common sense, because there is no morality in taxing one part of the country for the benefit of another, and there is no morality in taxing one man for the benefit of another man. It is not only unconstitutional, but it is immoral.

Mr. President, I will say, as a result of my observations upon the different tariffs of the world (and I do not pretend to be wise or deeply read about this matter), that wherever there is a protective tariff it has built up a system of morality of its own, and I never found that its rules of morals were in accord with any other rules of morals, either religious or secular, ever framed in this world. It has built up a system of morality in this country that not only is wicked, but it allows to be done by authority of law what the man who does it would never do in his private capacity as a citizen. It permits a man not only to covet his neighbor's goods, but to take them away from him by force of law. When we consider that we collected a little over $300,000,000 last year, and the people of this country pay in taxation to these protected interests $2,100,000,000, I think it is about time we are considering whether we are not taxing the American people a little too far. It is well enough to pay one tax, but when the people are bowed down under two burdens it is time that they should be relieved of one of them at least. I do not know a man who is unwilling to fill up his quota to support the Government. I do not know any man anywhere who will not go out to fight his country's battles. There is no lack of patriotism and no lack of common courage. It is one of the commonest attributes of human character. Men go to battle as cheerfully as they go to feast. They are willing to pay taxes to support the Government. But when you tell a man he has to pay to another man, in whom he has no interest, then he halts and asks you to consider the fairness, the justice, and the morality of it, and I will say the common honesty of it.

I am not going to talk about robber barons of the tariff and all that sort of thing. I do not impute dishonesty to men who want protection by law. Men think about it like the better part of humanity—the women—think. There is no woman in this country, in good society, at least, who is not better than the best man in it. Everybody knows who has practiced law that when a good woman goes into court she thinks everything is right that the law will give her, whether it is right or wrong. So it is with the protected interests. The law will give it to them, and though they are the moving power behind the lawmaker, they are perfectly satisfied, and will take the profit—or plunder, I will say—from other people that they would not take under any circumstances if left to themselves.

So I do not intend to indulge in any crimination here against either Senators or their constituents or their interests. It is a simple question whether or not we will do justice to the people of the United States—the 90,000,000 that I think the next census will give us. Here, with 90,000,000 people, we raise a revenue not as great as Great Britain raises out of the 45,000,000 people in the United Kingdom. But there the tax goes into the treasury of the Government; here, three-tenths of it goes into whose pocket? Not into the Government's. We all know it does not, lest we should have a superabundant Treasury; and there is no surplus of the Treasury, but, on the contrary, there is a deficit.

I want to speak for a moment upon the necessity of raising revenue; and I want to show, as I think I can, that the attempt to raise revenue sufficient for the Government by this bill is a failure. You will be compelled to adopt such a measure as that proposed by the junior Senator from Texas [Mr. BAILEY], an income tax, and probably you will have to call in the amendment offered by the distinguished Senator from North Carolina [Mr. OVERMAN], a head tax upon immigrants. You will have to do something besides what there is in this bill. There will be tax enough put in the bill, but it will not go to the Government. It will go elsewhere. It will swell the already exaggerated wealth of men who made their fortunes by this unjust legislation which we have had upon our statute books so long.

Of course, it is a great thing for us to point with pride to the fact that no suffering has been the result of protection. I am not one of those who believe that protection is the cause of the wealth of the country. I think the country has increased in wealth in spite of protection, and not because of it. If it has prospered, that is no argument in favor of protection. You can not say because the country prospers and the people have this burden, it has grown faster than if they had no burden at all. That is a ridiculous inference.

I can show that every free port in the world has enormously increased, faster than any other port. Take Singapore, the great entrepôt of the world there in the Malakka Strait. Look at Hongkong and other ports. The trade that goes there is as large as that which goes to New York, Hamburg, or any other great port in the world. Why? Because it is a free port. Look at the great Venetian commercial republic of the middle ages. See what a splendid exhibit of wealth and what glory of literature and art and science was attained because of the enormous wealth. It is not the best thing in the world to have $114,000,000,000 of wealth. We would be very much better off if the 90,000,000 people in this country had it, instead of it being congested in the hands of a few people. Whenever you make a millionaire, according to the division of property in the country, you make paupers of about 1,000 men, and when you make 100 millionaires, you pauperize 100,000 men. When they are worth twice that much, it is 200,000 men. It produces a feeling of unrest all over this country and begets socialism, which never should have been transplanted from the soil of Europe to this free and independent Republic, where the avenues of wealth should be open to every one of its citizens.

But I do not expect to accomplish anything except to let the country understand, as far as I can make it, that it is not the most desirable thing to accumulate wealth in order that a few may get it. It is the great diffusion of wealth that is best for the country; not the greatest accumulation in a few hands, but the general distribution to all, where the benefit comes from it of education, of time for reflection and for reading, for the contemplation that comes to the man surrounded by objects of art and learning and all those things which have the greatest influence for good upon every growing mind.

Now, Congress should tax for the benefit of the greatest number. Have you arranged this bill for that purpose? I think not. I do not believe this bill has been prepared in a single schedule for the great masses of the people of this country. If it be said that the Republican platform calls for just that tax that would pay the cost of the difference between labor abroad and at home, what does that mean? Does it mean the cost of labor to produce an article or does it mean the weekly or daily wage? If it means the wage, it is very deceptive and misleading. If it means the cost of the labor that goes into the production of an article, it is very different; and you will find not as much difference as you probably suppose, because the mass of testimony that I have examined on this point has been cooked to a great degree and does not represent the truth.

I recollect very well that, I think in 1896, we had this Bureau of Labor just organized under Carroll D. Wright and had experts sent all over Europe to get the wages of labor for use in the great campaign that Mr. McKinley was leading, to show that the cost of labor in this country was so much better than it was abroad, and that our people prospered in the American mode of life as against the pauper labor of the whole world.

The reports were made. They were printed in a large edition. Did anybody ever see a copy of that edition? Some few got it, but it went to the Republican executive committee. It did not suit the necessities of the campaign, and that edition was destroyed and a new edition with enlarged figures to meet the exigencies of that campaign was used. It had an effect, I have no doubt, upon the voters. Yet we have information which is not always considered. There is too much haste generally, but we are told that in some of the protected industries, at some of the large mills, there were placards stating that the mill was closed until it was known that Mr. McKinley was elected.

Just think of that! That was a persuasive argument to the man who had worked and was anxious to work, and though he had been carrying torches and transparencies and hurrahing for Bryan, at the last moment, under this pressure, he was brought to vote for McKinley. That is not a good condition in a free country.

Now, Mr. President, I want everybody to prosper by this tariff. I am not one of those men who dislike to see anybody do well. I hope every protected industry will do well. It will

be a sad thing, indeed, if nobody gets the benefit of this protective scheme. So I hope they will prosper. I do not grudge them one solitary cent. But there must be something done for the United States Treasury, and it ought to be relieved. The 90,000,000 of people who are paying this tax do not get a single compensatory feature. They do not get anything by it. They are not expected to do so, either, and nobody seems to care very much whether they do or not.

Mr. President, I did not intend to say anything. I will close. I leave the floor with the hope to return to this subject again.

Mr. McCUMBER. Mr. President, I have been almost startled by the divergence of opinion in the Senate about the amount of available iron ore in the United States. The very foundation of all our arguments upon the question of the tariff on iron ore is based primarily upon the amount of available iron ore in the United States.

The Senator from South Dakota [Mr. CRAWFORD] quoted from a recent speech made by the president of the Great Northern Railway, in which he stated that the available or merchantable iron ore in the States of Minnesota, Michigan, and Wisconsin amounted to only about 1,500,000,000 tons. Immediately we had figures given by the Senator from Michigan to the effect that those three States have available iron ore amounting to about 265,000,000,000 tons. There is quite a difference between 1,500,000,000 tons of available ore and 265,000,000,000 tons in the same area. Until we can find something about the real fact we are at a little loss to find a basis for any logical argument.

I want to call attention to a portion of the address by Mr. Hill which was mentioned by the Senator from South Dakota. I wish to say in connection with it that the man who can tell you at a moment's notice the exact number of pounds of coal that it takes to move one ton of merchandise between any two points upon his entire line of railway and who computes so closely that he is able to figure out the power that is necessary to lift a given amount of merchandise over a hill and a mountain, and then estimate with mathematical accuracy the cost of what it will take to move that mountain or go through it, and to demonstrate then whether it will be profitable to still go over or to go under, is liable to be conservative in every one of his estimates.

I have no reason to believe from my acquaintance with the man, and from my knowledge of his broad views on every national and international question, and on every point affecting our resources and our commerce, that it is possible for him to have got so far away from the truth as is indicated in the arguments upon this floor. I want to call attention, as I suggested, to his remarks upon the available iron ore in the United States. Speaking on this subject he says:

> The prospect of the mighty iron interest is even more threatening and more sure. Our available iron deposits have been carefully catalogued. All the fields of national importance have been known for at least twenty years. Within that time their boundaries and probable capacity have been estimated, and the whole country has been prospected for this king of minerals. The most reasonable computation of scientific authority affirms that existing production can not be maintained for fifty years, assuming that all the available iron ore known to us is mined. In fact, the limitation is likely to be less than that period.

In speaking of the same deposits, and I especially call the attention of the Senator from Michigan to that proposition, he says:

> Now, the main iron deposits in this country are those in the Lake Superior region. These furnish nearly or quite three-fourths of the entire product of the United States. Deprived of these, our output would shrink to a beggarly 10,000,000 tons or so a year—

This was September 3, 1906—

> and these deposits are not veins of unknown depth and richness, but moles or pockets of ascertainable volume. There is within reach possibly 1,500,000,000 tons of merchantable iron ore in the deposits of Minnesota, Wisconsin, and Michigan. This will keep our industry going, supposing consumption to remain stationary, for thirty or forty years. In the year 1950, as far as our own resources are concerned, will approach an ironless age. For a population of 200,000,000 people, our home supply of iron will have retreated almost to the company of the precious metals.

The very day after that argument is made upon the assumption of the available ore in the United States come the Senators from Michigan and show or attempt to demonstrate, at least, that there are about 265,000,000,000 tons of iron ore in those three States. Am I correct there?

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Will the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. Certainly; I want to get a correct statement, as nearly as I can.

Mr. SMITH of Michigan. I do not want to quarrel with the statement of Mr. Hill. He undoubtedly thought he was making a correct statement. But I do not understand that Mr. Hill is in the iron business or that he is as familiar with that business as he is with the cost of transportation.

However, I wish to say for the benefit of the Senator from North Dakota and other Senators, that we have in the State of Michigan alone 135,000,000,000 tons of iron ore, and if we exhaust it at the rate of 42,000,000 tons a year, which is the present output, it will take, as anyone may figure it, about three thousand years to exhaust our supply.

It is a well-known fact that the deposits in Minnesota are greater than ours, and it is well known that the deposits in Wisconsin, Tennessee, and Alabama are very large.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Michigan yield to the Senator from Kansas?

Mr. SMITH of Michigan. I am in the time of the Senator from North Dakota.

The VICE-PRESIDENT. Will the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. I will yield. I am trying to get information on this subject.

Mr. CURTIS. I desire to ask the Senator if the people of Minnesota can get along without a duty on iron ore, why can not the people of Michigan?

Mr. SMITH of Michigan. With all due respect to the voice you have heard, I think it would be a misfortune to the people of Minnesota. But if the Senator from Kansas will give me his attention for one moment I will demonstrate to him, with the permission of the Senator from North Dakota, that every single penny you take off from the duty on iron ore will inure to the personal, direct advantage of Mr. Schwab and his associates. If the Senator from Kansas and the Senator from Minnesota desire to present Mr. Schwab with the millions that the Treasury of the United States needs, well and good. I can not prevent it.

Mr. CURTIS. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Kansas?

Mr. McCUMBER. Certainly.

Mr. CURTIS. I understand from the schedule furnished that the revenues would not be one million, but only about one hundred and some-odd thousand dollars.

Mr. SMITH of Michigan. I am trespassing upon the time of the Senator from North Dakota, but there is so much misinformation on that subject, I just want to halt long enough to correct a false impression. The Senator from Minnesota [Mr. NELSON] said there were 585,000 tons of iron ore imported from Cuba last year, according to this statement.

Mr. SMITH of South Carolina. I should like to have some information. I see that in the hearings on the schedule of "Metals and manufactures of" one Mr. Frank Samuel says:

> The importation of iron ore to the United States paying a duty of 40 cents per ton for the year 1906 was 1,060,390 tons, and for 1907, 1,229,168 tons. Of the tonnage specified, 639,362 tons were shipped from Cuba in 1906 and 657,133 tons in 1907. The production of iron ore during the same period in America was 47,749,728 tons in 1906 and 51,720,619 tons in 1907. The greater part of ore imported was for special purposes, for which the American ore could not be used, and a further tonnage of the ore was again exported in finished material, for which the manufacturer received in return the 99 per cent duty. The revenue derived by the United States for the importation of ore is, consequently, a small factor.

Mr. SMITH of Michigan. Will the Senator from North Dakota permit me to answer that statement? It is so simple that I do not want to have to repeat it again in this Chamber. All of the ore that has been received into this country from Cuba has come from Santiago, about 587,000 tons. The duty on that is very small, but in the Province of Cardenas, where Mr. Schwab and the Pennsylvania Steel Company own these ore deposits, they say, in their own sworn testimony, that the deposits are greater than on the Mesabi Range, and that the quality is better than the iron on the Minnesota Range. Suppose we open the door and let this ore in without restriction. Suppose there is now taken from the Mesabi Range 26,000,000 tons of ore a year. Suppose you throw the bars down and that there is received from Cuba 10,000,000 tons of ore, the supply necessary for the Bethlehem and the Pennsylvania Steel Company's works. What would be the duty that this Government ought to collect upon this ore from Cardenas? On the basis of the present amendment it would be $2,500,000. On the basis of the present tariff it would be $4,000,000.

Mr. Schwab says they own that iron ore, and that they can get it here 32 cents a ton cheaper with the duty off than they can get it now. He also says that they can put the Cardenas ore into the Pittsburg market at the same price as the Lake Superior ore now, with duty added. Then why should we put into the hands of Mr. Schwab two and one-half million dollars of

duty, at 25 cents a ton on 10,000,000 tons of Cuban ore, when we need the revenue to run our Government? Does any Senator here wish to make a present to poor Mr. Schwab of two and one-half million dollars a year?

The Senator from Texas [Mr. CULBERSON] said this afternoon that if he believed that the removal of the duty would insure competition, he would favor its removal, as he wanted to break down this monopoly. Mr. President, Mr. Schwab, in his testimony before the Committee on Ways and Means, said that he was a stockholder in the United States Steel Company. Every man in this Chamber knows that he was once the president of that company.

The testimony shows that he took pay for the Carnegie steel plants in the bonds and stocks of the United States Steel Company, and there is no evidence to show that he has disposed of them. If Mr. Schwab owns the Cardenas mines and the Steel Company owns 45 per cent of the Lake Superior and Mesabi mines, by throwing down the tariff you join and strengthen these two interests. That there is a certain community between them there can be no doubt; and if the Government is willing to hand over to Mr. Schwab the duty that we ought to collect from him for the benefit of all the people of our country, I mistake the temper of the Senate.

Mr. President, I have trespassed altogether too long upon the courtesy of the Senator from North Dakota [Mr. MCCUMBER]. He is very patient, very kind, and indulgent. The Senator from South Dakota yesterday, standing in his place, spoke, as he said, for the people, asking why should the American people want Mr. Schwab to pay any duty on his foreign iron ore. I ask, Mr. President, in the name of reason, why we should augment his huge fortune at the expense of the Treasury of our country?

Mr. MCCUMBER. Mr. President, having disposed of Mr. Schwab, I now return to the topic of our conversation before we reached that illustrious gentleman. We were speaking at that time about the available iron ore in the United States, and the Senator from Michigan [Mr. SMITH] said that while Mr. Hill was a man of large experience, and due credit might be given to his testimony, he was not a dealer in or a manufacturer of iron. Well, Mr. President, as the head of a great transporting company, his life study has been concerning the resources of this country which his company must transport, and he has studied that question very thoroughly. If the Senator will turn to the last sheet of this little pamphlet [exhibiting] containing his argument, he will find here about twenty different authorities, including the Iron Age, the Mineral Industries, the Scientific American, and so forth, which have been studied by him in getting up this prospectus for the American people; and he states that every pocket of iron ore in the United States has been carefully surveyed and catalogued, so that he knows about how much there is.

Now comes another statement—and I agree with the Senator, extravagant as the statement seems—that instead of thirty years' time being required for the consumption of the iron ore in the United States, at the present rate of consumption it will take three thousand years to exhaust it.

Mr. SMITH of Michigan. That is, for the exhaustion of the ore in Michigan alone.

Mr. MCCUMBER. That is the ore in Michigan alone, but I am estimating it upon the basis, as stated by the Senator's colleague [Mr. BURROWS], of there being about 300,000,000,000 tons in the United States. If the present output would exhaust in thirty years a supply of 1,000,000,000 tons, 30,000,000,000 tons would require thirty times as long, and 300,000,000,000 tons would require very much longer.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Indiana?

Mr. MCCUMBER. Certainly.

Mr. BEVERIDGE. I merely wanted to call the Senator's attention to the slight discrepancy of three thousand years between his estimate and that of the senior Senator from Michigan [Mr. BURROWS] this morning, about three hours ago. It would take, according to the senior Senator from Michigan, six thousand years to exhaust the iron ore——

Mr. GALLINGER. That was all the iron ore in the country.

Mr. BEVERIDGE (continuing). But later, according to the junior Senator from Michigan [Mr. SMITH], it will take three thousand years.

Mr. MCCUMBER. The Senator from Michigan also included another output in Cuba, which would run, perhaps, a hundred or more years.

Mr. SMITH of Michigan. Oh, no——

Mr. BEVERIDGE. It was six thousand years two or three hours ago, and it is three thousand years now. Maybe the Senator from South Dakota [Mr. CRAWFORD] was not so very far wrong after all. When we find six thousand years reduced to three thousand years in two short hours, maybe we shall find in a few hours more that the six thousand years will dwindle to the few score of years stated by the Senator from South Dakota [Mr. CRAWFORD].

Mr. SMITH of Michigan. Evidently the Senator from Indiana did not listen to what my colleague [Mr. BURROWS] said.

Mr. BEVERIDGE. I may be wrong about it, and, if I am, I will withdraw it.

Mr. SMITH of Michigan. What my colleague said was this, that the estimated amount of iron ore in the United States was about 365,000,000,000 tons, and on the basis that we are now consuming, it would last about six thousand years.

Mr. BEVERIDGE. And now the Senator says it will last three thousand years. So I say six thousand years is——

Mr. SMITH of Michigan. The Senator from Indiana is confused.

Mr. BEVERIDGE. I do not know but that I am. Anybody would be—six thousand years reduced to three thousand years in two hours. It is awful.

Mr. SMITH of Michigan. That related to the iron ore in the entire country. The iron ore in the State of Michigan alone is 135,000,000,000 tons, and in the county of Marquette alone, one single county of our State, it is 71,000,000,000 tons. On the basis of 42,000,000 tons a year, the Senator from Indiana, who is very good at figures, may figure for himself how long it would last in Michigan alone.

Mr. BEVERIDGE. If the Senator will permit, I am figuring on some other things, and I will let other Senators do their figuring upon this. I just called attention—it was confusing, I am confused, and everybody is confused—to the fact that about two hours ago, according to the senior Senator from Michigan [Mr. BURROWS], it would take six thousand years; and now, two hours later, according to the Senator from North Dakota, it will take three thousand years.

Mr. MCCUMBER. No; not according to the Senator from North Dakota. I beg the Senator's pardon. I made the estimate which I stated——

Mr. BEVERIDGE. You said three thousand years.

Mr. MCCUMBER. No; I said according to the estimate made by Mr. Hill upon the same basis, computing the tonnage that is given by the Senator from Michigan, that, instead of thirty years, it would take three thousand years.

Mr. BEVERIDGE. The Senators are tossing figures of thousands of years around here very recklessly. I heard six thousand years fixed this morning as the period when it would be exhausted, and now it is placed at a period of three thousand years when it will be exhausted. So I am not so sure that the Senator from South Dakota [Mr. CRAWFORD] was not right after all. Maybe it is forty years, because at this rate of geometrical progression it will not be ten years, if we keep in session until 5 o'clock.

Mr. MCCUMBER. I am not denying the statement of the Senator. I am——

The VICE-PRESIDENT. The Chair desires to remind Senators that the stenographer can not report the speeches when four Senators are talking at once.

Mr. BEVERIDGE. I had the floor, with the permission of the Senator from North Dakota [Mr. MCCUMBER]. Now, we learn that the Senator from North Dakota does not agree with the Senator from South Dakota.

Mr. MCCUMBER. I am afraid I can not allow the Senator from Indiana to say just what my position is on that point. If the Senator will give me time, I will perhaps elucidate it.

Mr. BEVERIDGE. That will be all right, if the Senator will only reconcile these thousands of years that the Senator from Michigan and others are tossing around here, so that we can get down to the Senator from South Dakota's estimate of forty years.

Mr. MCCUMBER. The Senator must understand that it is impossible to reconcile such wide divergences.

Mr. BEVERIDGE. I thought so.

Mr. MCCUMBER. That is the reason I am quoting them.

Mr. BEVERIDGE. I see.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. MCCUMBER. I do.

Mr. SMITH of Michigan. Mr. President, I want to say to the Senator from Indiana [Mr. BEVERIDGE], once for all, that the deposits of iron ore could not be exhausted in the time stated by Mr. James J. Hill, for the simple reason that our borings and our development, and the present ore in sight in one county in our State, with which I am very familiar, and

through the mines of which I have been, demonstrate that there are 71,000,000,000 tons in the mines in Marquette County alone; and, if worked at the present rate of 40,000,000 tons a year, would run considerably over the estimate suggested. We have 275,000,000,000 tons in Michigan, Minnesota, and Wisconsin. Dividing that upon the present basis of output, it would last upward of six thousand years.

Mr. TILLMAN. Is not that enough? [Laughter.]

Mr. SMITH of Michigan. It does not seem to be enough to convince some people that there is no danger of immediate exhaustion.

Mr. TILLMAN. If the Senator from North Dakota will permit me——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from South Carolina?

Mr. McCUMBER. With pleasure.

Mr. TILLMAN. Had we not better address ourselves to taking care of the present Americans and leave our remote posterity to look out for some substitute for iron ore if the mines of Michigan, Minnesota, and Wisconsin can not furnish enough?

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Michigan?

Mr. McCUMBER. I do.

Mr. SMITH of Michigan. The Senator from South Carolina understands that the Senator from North Dakota——

Mr. TILLMAN. Was lamenting the probability——

Mr. SMITH of Michigan (continuing). Was quoting from an authority which contended that we must conserve our iron ore, because it would disappear in fifty years. To offset that, which I do not believe is correct, I made this comparative statement, based upon the reports of the Geological Survey.

Mr. TILLMAN. I understood all that; and I have been very much interested to discover that we are so wealthy in iron ore; that we have got such an immense quantity of it. We have also got a little patch or two of it down in South Carolina.

Mr. BEVERIDGE. There was just a little difference, Mr. President, according to Senators, as to this process of exhaustion, of five thousand nine hundred and fifty years—just a little discrepancy of that kind.

Mr. McCUMBER. There seems to be a little bit of difference of opinion about the amount of iron ore left in this country.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Maryland?

Mr. McCUMBER. I do.

Mr. RAYNER. I desire just now to make a correction.

Mr. McCUMBER. I yield to the Senator.

Mr. RAYNER. There has been a controversy as to the supplies of iron ore. If Senators will look back at the speech of the Senator from South Dakota [Mr. CRAWFORD] they will find that he was not talking about iron ore at all, but that he was talking about lumber.

Mr. McCUMBER. The Senator is mistaken. He spoke about both iron ore and lumber.

Mr. RAYNER. Just wait. It will not take me a moment. I will read the colloquy. It is as follows:

> Mr. BEVERIDGE. I think the Senator, earlier in his very admirable address, indicated at what period of years in the future our stock of iron ore will be exhausted if the consumption keeps on increasing as at present. I merely want to ask now, so that I may fix it in my own mind, how soon that will be? Did the Senator say about forty years? It is very important.
>
> Mr. CRAWFORD. I referred to lumber—seventy years, if the consumption goes on at the present rate; but if the accelerated ratio of increase is maintained it will be exhausted in thirty years.

The Senator from South Dakota was talking about lumber; he was not talking about iron ore at all. [Laughter.]

Mr. McCUMBER. I think the Senator will find——

Mr. RAYNER. No; I will not find it, either.

Mr. McCUMBER. I think the Senator will find, when he goes through the entire address, that the Senator from South Dakota also discussed the question of iron ore, as well as lumber and other products. But if he failed to put in the figures, I will give them again for the benefit of the Senator from Maryland and for the benefit of the Senator from Michigan.

Mr. RAYNER. There is such a great discrepancy between thirty years and six thousand years that I think we might agree on some compromise.

Mr. McCUMBER. Very well. I am trying to give the Senator the material upon which he can base his compromise, and I shall be very glad if he will give us the definite information.

Mr. ALDRICH. Will the Senator allow me to interrupt him?

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Rhode Island?

Mr. RAYNER. I should like to know, Mr. President, whether we are to be protected for the next six thousand years? That is the information I am after.

Mr. McCUMBER. I yield to the Senator from Rhode Island [Mr. ALDRICH].

Mr. ALDRICH. Perhaps I can suggest the proper basis for a compromise. In the Iron Age of April 29, 1909, published just a few days ago, the chief geologist of the United States Geological Survey, Mr. Hayes, makes an estimate of the amount of iron ore that is in sight in the United States.

Mr. McCUMBER. I think that was given by the Senator from Michigan [Mr. BURROWS].

Mr. ALDRICH. All right. Mr. Hayes estimates the iron ore in sight at 80,000,000,000 tons, and at the present rate of production that would only last for fifteen hundred years.

Mr. BEVERIDGE. There is a new figure. First, we had six thousand years, then three thousand, and now one thousand five hundred.

Mr. KEAN. But that refers to the iron ore in sight.

Mr. ALDRICH. That is ore now in sight.

Mr. RAYNER. Then we will have to levy a duty on it, according to the Senator from Rhode Island, for one thousand five hundred years. I just want to get straight on this matter.

Mr. ALDRICH. And that ore, I will say to the Senator, is contained in 36 different States.

Mr. RAYNER. No matter in how many different States it is contained, the duty will have to continue for one thousand five hundred years, and to increase as the product diminishes.

Mr. McCUMBER. Mr. President, I think that we would find our line of compromise not upon the extremes, but by taking into consideration what was in the mind of Mr. Hill as evidenced by his remarks as to what was the amount of the available iron ore. Some Senators would say that the available iron ore to-day, or the merchantable iron ore, is that which contains about 50 per cent of pure iron, and that which does not contain that percentage, although it is greatly in excess of high-grade ore, is at present unmerchantable iron ore, which we may reach by some system in the future. At some future time, when we have exhausted our 90 and our 50 and our 40 per cent iron ore, it may be profitable to use 25 per cent ore.

Mr. SMITH of Michigan. I was speaking, if the Senator will permit me, of 30 per cent ore.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Minnesota?

Mr. McCUMBER. In a moment. The Senator from Michigan makes his basis upon 30 per cent ore, but we can scarcely call that available iron ore under present conditions.

Mr. NELSON. I wanted to call the attention of Senators, while they are on this subject, to the fact that I read in a newspaper a short time ago that, by the aid of the modern telescope, they had discovered large deposits of iron ore on the planet Mars; but there is a question as to how it can be utilized. [Laughter.]

Mr. KEAN. Just overcome the law of gravitation and they can utilize it.

Mr. GALLINGER. They need not overcome it; they can just tumble it off.

Mr. McCUMBER. I want to call the Senator's attention now to the basis of Mr. Hill's calculation. He says:

> In 1870 the United States produced a little more than 3,000,000 tons of iron ore. It increased by about 150 per cent for each decade to 1890. As late as 1895 it was a trifle short of 15,000,000 tons. In 1902 and 1903 it was, in round numbers, 35,000,000 tons, and last year—

That is, the year 1905—

> it rose to about 42,000,000 tons. At this rate, as all the trade statistics indicate, and as our present policy and growth in population require, it will reach 50,000,000 tons almost immediately.

That prophecy is borne out by the statement of the Senator from Michigan, who, I believe, said it amounted last year to about 58,000,000 tons, or over 50,000,000 tons.

Mr. SMITH of Michigan. About 42,000,000 tons from Michigan alone.

Mr. McCUMBER. Yes; but I mean the production in the United States.

Mr. Hill proceeds to say:

> By every possible means we are stimulating consumption, especially by a tariff that places a bounty on the exhaustion of the home supply of both coal and iron, thus prohibiting recourse to outside supplies and compelling the exhaustion of our own reserve.

Mr. President, I am a little inclined to doubt the statement that the iron supply of the United States is going to last for thousands of years. I have as much confidence in what I have read here from the statement of a man who has given the matter especial study as to the available iron ore in the United

States as I have in the statistics that have been read here to-day. I know concerning the things which I can see. I can tell, as any other man can tell, something about the supply of timber and its rapid exhaustion in the United States; but I must leave to those who have made special study of the subject the question of the supply of ore under the surface of the earth. Believing, however, Mr. President, that the available iron supply will be exhausted in probably less than one hundred years, with the accumulating population of the United States, still I am not prepared to say that a duty of 25 cents a ton on iron ore would seriously, if at all, affect the importation of such ore.

I said a few days ago, in discussing those great resources of the country which I believed were likely to be exhausted in a comparatively few years, that we ought not to levy any duty that would accelerate that exhaustion. If I believed that a small duty upon iron ore, such as 25 cents a ton, would seriously interfere with its importation, from my standpoint I would not even vote for the 25 cents per ton duty. In the lucid argument of the Senator from Michigan upon that subject, he said that iron ore from Cuba could be placed in Pittsburg at a less cost for transportation than the Mesabi mines could place their own product in Pittsburg. If that is true, the duty of 25 cents a ton will not prevent the importation.

He also showed, Mr. President, how cheaply iron ore could be mined in Cuba, calling especial attention to the fact that it needed only the removal of a slight covering for a space of 15 feet when ore could be taken out by a steam shovel, transported only about 13 miles, there loaded into a vessel for water transportation to New York and to every place on the coast. With the cheaper production in Cuba—and I believe it is slightly cheaper—then, even with a duty of 25 cents a ton, iron ore could come into this country in competition with American iron ore east of the Alleghenies, but it could not, in my opinion, come in serious competition with the iron ore produced on the shores of Lake Superior.

I do not believe that iron can be produced any place upon the face of the earth cheaper than it can be produced along the shores of Lake Michigan. That being the case, Mr. President, as I said some time ago, I do not believe that we will prevent the importation of Cuban iron ore by the small duty of 25 cents a ton. Therefore I will vote for that small duty, as our Democratic friends would say, on the basis of a tariff for revenue only, because I think we will get some revenue without in any way injuring or accelerating the destruction or the exhaustion of our mines in this country.

Mr. RAYNER obtained the floor.

Mr. NEWLANDS. Mr. President——

Mr. RAYNER. I do not think I want to speak any more at this time on this subject. Does the Senator from Nevada desire the floor.

Mr. NEWLANDS. I should be glad to make a few remarks now.

Mr. RAYNER. Very well; I yield to the Senator.

Mr. NEWLANDS. Mr. President, I find from the schedule which has been presented to us by the committee that the total duties collected on iron ore under the present law amount to about $400,000 and that the estimated revenue on iron ore under the Senate committee amendment will be about $250,000. I assume that that estimate is based upon the assumption that the importations will not increase, but that the importation in tons will be about the same as under the present law. I take it for granted that under any reduction of this tariff the importations will increase, and it is altogether probable that the duties collected under the proposed amendment will equal the duties collected under the existing law. It is true, Mr. President, that the existing duty and the proposed duty are revenue duties; and, so far as I am concerned, I am disposed to vote for all revenue duties; but there are exceptions to that general rule.

There never has been a tariff bill framed, whether by the Republican party or by the Democratic party, that did not contain a large free list; but the question in this case is, whether there are conditions which warrant us in sacrificing this revenue of $250,000 under the estimate of the committee and putting this article upon the free list. So far as I am concerned, I think that such conditions do exist.

We were all amazed at the statement made by Mr. Gary, the president of the steel trust, to the effect that that organization practically controls the iron supply of this country, or will control it in the future. We all realize that that is the greatest combination and trust and monopoly that has ever been organized in the history of the world. We have the statement of the junior Senator from Pennsylvania [Mr. OLIVER], who comes from a region familiar with the organization of trusts and monopolies, that it is almost impossible to organize one of these great combinations unless you can control the raw material; and we have the statement to that effect of another Senator who is familiar with the operations of these great organizations. This accounts for the power and strength of the steel combination. It has added to that power and strength during the last year by acquiring the properties of the Tennessee Coal and Iron Company.

Now, just to the extent that we encourage the importation of foreign ore we will diminish the control of the steel trust over the supply of iron ore, admittedly the very basis of the monopoly which it exercises. The only argument urged against that suggestion is that the iron ore on the outside is also owned by a great organizer of trusts, Mr. Schwab, and the suggestion is made that he was originally interested in the steel trust; that it is not as yet disclosed that he has parted with that interest, and we are led to infer that ultimately these two great trusts will come together and will control the supply of iron, both foreign and domestic.

It is true that that contingency may occur, but it is not upon us now; and I do not propose, so far as I am concerned, to vote upon an apprehension regarding the future, to vote upon an assumption which is not yet realized, and may not be realized. I assume that when that contingency does take place, the Government, driven by public opinion, will act decisively with a view to the dissolution of that trust and that the inquiry set on foot by the Senator from Texas [Mr. CULBERSON] regarding this domestic trust, if it at present halts, will not halt when it adds to its present great property not only the acquisition of the Tennessee Coal and Iron property, but the acquisition of the entire source of foreign ore supply.

I shall therefore not be led away from my purpose by the suggestion of the Senator from Michigan, that, in endeavoring to escape the monopoly of the domestic trust, we will throw ourselves in the arms of Mr. Schwab, who, according to his claim, owns the sources of foreign supply. But I can not believe that these sources in Cuba are the only sources. There must be sources of supply elsewhere—in Central America, in South America, in Africa, in various regions of the world—which have not yet been scientifically explored, and just to the extent that we relax the grasp of the steel trust upon the raw material, which stands at the base of its trust organizations and which gives it the means and the opportunity of monopolistic control, just to that extent will we impair its efficiency in monopolistic control.

So, Mr. President, I shall vote for putting this article upon the free list, as the House committee did and as the House itself did; and failing in that, I shall vote for the lowest duty possible.

I understand the parliamentary status to be that there is a committee amendment providing for a duty of 25 cents a ton on iron ore, which is intended to take the place of the House provision putting iron ore upon the free list, and that the Senator from Mississippi has moved an amendment to that amendment reducing the duty to 20 cents per ton. I imagine at this stage of the proceedings it is not possible to make any further amendment, and that the only thing left for us to do is to adopt, if we can, the amendment of the Senator from Mississippi, and then refuse to adopt the entire paragraph. I ask the Senator from Rhode Island whether it is possible as a matter of parliamentary proceeding now to have a vote on the question of putting it upon the free list, and what the form of the amendment should be?

Mr. ALDRICH. It can be gotten at very easily by voting down the amendment of the Senator from Mississippi and of the committee. We would thereby practically put it on the free list.

Mr. NEWLANDS. By voting down both amendments?

Mr. ALDRICH. Yes.

Mr. NEWLANDS. The difficulty with that would be that those who are opposed to any duty at all would refuse to support the amendment of the Senator from Mississippi [Mr. MCLAURIN], and then the duty fixed by the committee would stand, and if we had not enough votes to put it on the free list and at the same time had enough votes to reduce the duty we would lack the accomplishment of both. I do not profess to be much of a parliamentarian. I am only anxious to reach this question in some practical way, and I do not want to divorce those who are in favor of a reduction of duty in such a way as to make the committee amendment practically triumphant, although a majority of this body may be in favor of a reduction of the duty.

I should like to have the suggestion of the Senator from New Hampshire as to the method of procedure.

Mr. GALLINGER. The Senator from Nevada was looking my way, and I smiled in return to his gracious look, but the only matter that was in my mind at that point was to ask the Senator if he would not be willing to let us have a vote now.

Mr. KEAN. Let us have a vote.

Mr. PENROSE. Question!

Mr. BAILEY. I will oblige the Senators in a moment.

Mr. President, I intend to vote for a duty of 25 cents per ton, which is equivalent to an ad valorem of 10 per cent on imported iron ore, and I desire very briefly to state my reasons for doing so.

The Senator from Mississippi [Mr. MONEY] has very well stated what I think ought to be the position of every Democrat. I think we all ought to favor every duty which is fixed below a protective rate and which will produce any revenue to the Treasury. I am utterly unable to comprehend how a Democrat who professes to believe in a tariff for revenue can obtain his consent to vote to place on the free list the raw material of the most gigantic trust on the American Continent. I understand, of course, the force of the suggestion that the trust, having its raw material, may be interested in having a duty imposed upon the imported article, but a moment's reflection will convince us that that is a mistake. If you make it possible to import iron ore below the cost of production to the steel trust, the steel trust will simply close up its mines and import the ore, if it can import it cheaper than it can produce it.

Besides, if there is any present danger of the exhaustion of the iron mines, then the best investment the steel trust could make would be to lock up its own mines and import its ore free of duty.

Suppose fifteen years ago a lumber company having timber lands of its own and timber lands from which it could purchase its mill supply had left its own forests untouched and bought the timber of its neighbors; it would have realized a much larger profit on the lumber which it kept than it would have realized on the lumber which it cut. In other words, the increase in the price of the raw material would be an immense profit upon the investment. And so it would be as to iron ore. If there is any real danger of the early exhaustion of the iron mines, the trust could well afford to discontinue the operation of its mines, reserving them for use after it had exhausted its near-by sources of supply, as it would be certain to do if it could import from abroad cheaper than it could produce it itself. As long as the trust is left to import iron ore free of duty, I can not conceive how you are going to facilitate competition against it by giving to others only the privilege which the trust itself can and will exercise.

Mr. RAYNER. How does the Senator from Texas explain, then, that the United States Steel Corporation is fighting free iron ore and taking every possible step it can in favor not only of 25 cents but of a higher duty? I know that to be a fact.

Mr. BAILEY. I do not know that to be a fact.

Mr. RAYNER. The Senator may be able to explain it.

Mr. BAILEY. I do not know it to be a fact, and therefore I would not undertake to explain it. I have not myself seen any evidence of it.

Mr. RAYNER. I know it to be a fact that the United States Steel Corporation is not only in favor of 25 cents, but of more than that.

Mr. BAILEY. How does the Senator know that to be a fact?

Mr. RAYNER. I have heard it from a hundred different persons and read it in a hundred different newspapers.

Mr. BAILEY. I understood the Senator to say to-day that he would not believe anything he heard on this question.

Mr. RAYNER. I might not believe anything I heard when the witnesses were before the Ways and Means Committee, but when by the common information that is imparted to us we know that to be a fact, I am bound to give some credence to it. I do not say it can not be explained, but I am talking of the fact itself. I will ask the Senator from Texas whether he does not believe that the United States Steel Corporation would be in favor of a duty of 25 cents rather than to have iron ore free, owing to the fact, as explained this morning, that it has monopolized the deposits to the extent of nearly 85 per cent of the Lake Superior deposits.

Mr. BAILEY. I do not believe any such thing, for the reason that I have no basis for that belief. I am a member of the committee that framed this bill, although I was relieved wholly from the labor and the responsibility for its provisions, and excluded with all other Democrats from the committee room, about which we have heard something and about which I do not propose to say anything now.

Mr. GALLINGER. Excluded by consent of the Senator himself.

Mr. BAILEY. Oh, no; not excluded by consent, but excluded, with a very frank statement on my part, which I have made once before in the presence of the Senate, and which I will repeat whenever the occasion arises, that if we had had the majority we would have excluded the others. I would not think of going into a committee room with five Republicans and seven Democrats to make a tariff bill, because the Republicans would from time to time—and that is the way they would spend their time—find some schedule on which they could take two Democrats away from us; take two Democrats on this and then two Democrats on that, and then two on the third one and, finally, they would make the tariff bill with the Republican minority solid and a defection in the Democratic vote. If we had been in the committee room we would have come near making this tariff bill. I violate the secrets of the full committee room to the extent of saying that it was admitted by the majority members that if we had been present to assist in framing this bill we might have profited by their divisions.

Mr. SMITH of Michigan. Mr. President, the statement of the Senator from Texas that he does not know that the United States Steel Company desires this duty retained is exactly in harmony with my own view. I can see very great advantages that might accrue to the company by its removal; for instance, among others, those given by the Senator from Texas. This additional reason occurred to me. Suppose the Steel Company should have difficulty with its men on Lake Superior and the Mesabi Range, how quickly could they transfer their operations to a foreign State, located as advantageously as is Cuba to our coast?

Mr. BAILEY. That is true and is worthy of consideration. But, returning to the Senator from Maryland, I will say, that though I am a member of the Finance Committee, I do not now recall that I have ever received any documents, written or printed, from anybody whom I suspected was an officer, employee, or stockholder of the steel trust, advocating placing iron ore on the free list.

I can understand how a Senator who represents one of the Atlantic seaboard States would want the duty taken off, so that they could bring in iron ore from other countries and take back exports from this country, but after all the remission of duties to encourage commerce is not very different in principle from the levying of duties to encourage commerce. In other words, it is using the taxing power either by assertion or by omission to encourage and promote industry or the commerce of a particular place or a particular section, and that does not appeal to me with any great degree of favor.

What I believe is——

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Nevada?

Mr. BAILEY. Certainly.

Mr. NEWLANDS. I ask the Senator from Texas whether he believes in any free list?

Mr. BAILEY. I do not believe in a free list, except as to the absolute necessities of life, and never with my vote will any commodity go on the free list except it be an article of universal use and be in a shape ready for the actual consumption of the great multitude of our consumers. I believe in a tariff for revenue, and I will never vote for a duty so high as to be intended for protection, and I will never vote to put any article except a necessary of life on the free list. There are two classes of articles which produce no revenue; one is on the prohibitory list and the other is on the free list; the one is as barren of revenue to the Public Treasury as the other; and if I ever consent to put anything on the free list, the last thing I will vote to put on it is the raw material of the greatest trust ever organized in the history of this Republic.

Mr. President, I am very free to say, so far as I am concerned, it does not satisfy me to say that we are going to punish this trust by a tariff rate. The duty is only 10 per cent. It can well afford that, and it would be, in my opinion, somewhat more favorable to it if the duty was nothing and it was permitted to import iron ore free in an ordinary or extraordinary emergency and leave its great iron deposits for the touch of future generations.

But I have a better way of dealing with that great corporation than through the tariff. If the men who are charged with the duty of administering this Government keep their oaths faithfully to execute our laws, the steel trust must be and will be dissolved. I think it plain that it is a combination in restraint of trade. I go further. I think it is a combination in unreasonable restraint of trade, and even if the soft shells who want the antitrust law's teeth taken out of it and want it reduced to that condition of harmless impotency when a man can only be prosecuted for making an unreasonable combination in restraint of trade—even under a statute like that this corporation could be prosecuted and dissolved and its officers could be and ought to be punished.

I think it is not well for us to be remitting the revenues of the Government upon the expectation that the steel trust is to be perpetuated, because if great monopolies like that are to be

permitted in this country, if they are to be perpetuated either under the law as we make it or under the law as at the other end of the Avenue they administer it, then it is of precious little consequence what kind of a tariff law we frame, because, with the power which they possess to subtract from the earnings of the people, what the Government leaves us the trusts will take, and, for my part, unless there is another remedy, more drastic, more certain, and more effective than the mere difference between no tariff duty at all and a tariff duty of 10 per cent ad valorem, the whole subject loses its interest. If the men who now control this Government do not enforce its laws, mark my words, the people of the United States will engage a new set of men to enforce these laws.

We are told by the latest judicial oracle that the price of peace is obedience to the law, and yet in almost the same sentence that great law officer of the Government declares that he will prosecute no man who happens to violate the law without knowing it. In the same speech there is still the further statement that every man in the country now knows the Sherman antitrust law and that every railroad manager now understands the interstate-commerce law. Yet with that statement on the lips of the Attorney-General, he proceeds to declare, if he has been correctly reported by the newspapers, that he has no purpose of prosecuting anybody, and by that, I assume, he means criminal prosecution, because, without intention, they violate either the antitrust or the interstate-commerce act.

Mr. President, I will tender my good offices to this administration. I will show that I am more of a patriot than a partisan; and God knows I am as much of a partisan as any good citizen ought to be. Yet I am willing to see the Republicans do right, and I am even willing to help them do right.

I will tell them how they can make obedience to the laws of the United States certain. The plan is simply to send one of the malefactors of great wealth to the penitentiary. That will do it. Send one of them there for violating either the interstate-commerce law or the antitrust act, and he will be the last one of his kind to violate it. You can not restrain them by levying a fine, because when the court fines a trust the trust fines the people. They pay the sheriff with one hand and they take a double sum out of the pockets of the people with the other hand. As long as their punishment can be measured in dollars and cents they will continue to violate your laws, because men will take the chance of a pecuniary loss in the hope of a greater pecuniary gain. But send one of them to the penitentiary, and it will operate like magic. The millionaire trust magnate values but one thing in this world more than he does his fortune, and that is his liberty. He does not seem to love justice. He does not seem to love that repose of mind for which other men toil. He seems bent, after having many millions, upon acquiring many millions more.

I never have been able to understand it. It has always seemed to me that when a man had acquired an ample fortune, he ought to buy a farm and sit down like an American gentleman and take life easy. But they will not adopt that advice. They will not follow my prescription. Being rich, they want to be richer, and there is but one thing that will deter some of them from the accumulation of riches in defiance of the law, and that is the open door of the prison house. Long before tariff can produce any serious effect upon the industrial conditions of this land, I hope to see, and I expect to see, the steel corporation problem solved. I expect to see it dissolved, and I expect to see its officers obey the law or I expect to see them sent to prison or become fugitives from justice. That will come to pass, for if the men now charged with the due administration of the law fail to perform their duty, I have an abiding faith that the American people will call into their service another set of men, I hope a set of men from another party; but if not, another set of men from your party.

The stalwarts of this day will become the insurrectionists of that day to come, and the insurgents of this generation will be the stalwarts of the next generation. That is as certain as any event in the future can be, with this single qualification, that in this division and wrangle among yourselves a returning sense of wisdom and of justice among the people will call the Democratic party to power instead of either faction of the Republican party.

Senators sit there now and smile complacently. They feel so secure in their strength and power that they think these things can never be; but remember our fate. We were more united in 1892, incomparably more, than you are now. We were more united in 1892 than you were at the last presidential election, and there has not been a twenty-four hours since that presidential election that you have not been more disunited than we have. When you call the roll, you may find 2 or 3 Democrats over here who agree with you—honest, upright men, doing their duty as they understand it—but when you call that roll and find 2 or 3 of our membership who agree with you, we find 14 or 15 of your membership who agree with us. They are brave and honest and fearless and patriotic, trying to do their duty.

But you ought to be admonished, gentlemen of the Republican party. Your lease of power is not what you dream it is. You are sleeping on a volcano, and at the next election there will come the eruption.

It is rather a hazardous thing to prophesy, but I want to put a prophecy in the RECORD here and now. I am going to say to you now, that if you pass this tariff bill, without an income-tax amendment and without a substantial reduction in duties, the next House of Representatives will be Democratic by 40 majority. I believe that so well, Mr. President, that I am ready to vote on the income-tax amendment. Will the Senator from Rhode Island now agree upon a day to take that vote?

Mr. ALDRICH. Mr. President, what day would the Senator suggest?

Mr. BAILEY. The third day from this. That gives everybody who may be absent, and there are not many absentees, an opportunity to be here.

Mr. ALDRICH. Can we get at the same time a date fixed for the final vote upon the bill?

Mr. BAILEY. I have no right to speak for others, but I will agree to vote——

Mr. ALDRICH. I will agree now to both propositions.

Mr. BAILEY. Well, I will make this proposition——

Mr. ALDRICH. Taken together.

Mr. BAILEY. I ask unanimous consent that the vote on the income-tax amendment be taken on Saturday before the Senate adjourns.

Mr. ALDRICH. And that the vote on the bill and all amendments shall be taken on Monday.

Mr. BAILEY. No; you can not vote then on the bill, I think, but I will make it the 1st day of June.

Mr. DANIEL. The amendment is not yet offered, I understand.

Mr. BAILEY. You could not possibly get that agreement. Let us not try to do the impossible. Let us not make a proposition that is certain to provoke an objection. I believe that we will agree on this side to take the vote on the 1st day of June on the bill and all pending amendments not disposed of before that time.

Mr. ALDRICH. That is satisfactory to me.

Mr. BAILEY. I will ask the clerks at the desk to see what day of the week that will be.

Mr. GALLINGER. Tuesday is the 1st day of June.

Mr. BEVERIDGE. Mr. President, there is not any use to take up time with a request for unanimous consent to vote on the bill the 1st of June or at any particular time. Every man here, I take it, is equally anxious to get through with the bill just as quickly as it possibly can be done. The bill will be voted upon when Senators get through carefully examining and discussing it. It must be manifest to the Senator from Rhode Island that it would be impossible at this time to get half the Senate to agree upon a date to vote on the bill. I say, with reference to the proposition of the Senator from Rhode Island——

Mr. ALDRICH. The Senator from Rhode Island has made no proposition.

Mr. BEVERIDGE. The Senator from Texas, then. I think the Senator from Texas perhaps——

Mr. ALDRICH. I said I was willing to accept the proposition of the Senator from Texas.

Mr. BEVERIDGE. It will not be accepted.

Mr. BAILEY. Then I will modify my request. I will say to the Senator from Rhode Island that I am anxious, of course, that this work be well done most of all—I have no hope of it being well done as long as you are to do it—but next to that, I am anxious that it be speedily done. Of course, I know that the business prosperity of this country waits upon your action, and I am no obstructionist. I will not delay the vote one moment. But the Senator from Rhode Island will understand that if he can get out of his way disputed points of a kind like the income tax, he makes the way for the final vote easier and smoother. So far as I am concerned, I would vote to take the vote on the 1st day of June, if that were permissible; but as, under the rules of the Senate, that can not be done, I will constantly exert my good offices to that end. With that statement, I now ask that the vote on the income tax amendment be fixed for Saturday next before the Senate adjourns.

Mr. ALDRICH. I am not willing at this moment to assent to that proposition, but I may be willing to-morrow morning.

Mr. BAILEY. I will be very glad to have the Senator sleep on it, and I will renew it to-morrow.

Mr. ALDRICH. I will say to the Senator from Texas that I am even more anxious than he is upon both points he suggested; first, that we shall have a good bill, and, second, and above everything else almost, that we shall have that good bill promptly. So far as I am concerned and as far as I am able to speak for the committee and their friends, they are anxious to have the bill voted upon at the earliest possible day.

Mr. BAILEY. Mr. President, I am not interested in schedules. The only value of a schedule is that it illustrates a good or a bad principle. No election ever was, no election ought ever to be, and, in my judgment, no election ever will be carried in a contest over schedules. The schedules are merely the details by which and according to which principles are applied. I have no sympathy with the tendency manifested here and elsewhere to reduce the difference between the two great parties of this country to one of schedules. It is a difference of principle, sir, or it is not important. All I care about the discussion of a schedule is that I can thus exemplify and illustrate the justice or the injustice of a principle; and all the time we occupy in discussing the schedules of this bill is wasted unless it is made to illustrate the injustice and the vice of the policy of protection.

Of course I can understand how some might be high protectionists and some might be low protectionists and some might be medium protectionists. We have three schools of protectionists upon the Republican side. Eight years ago you had only one; you "stood pat." That meant you did not intend to change your law. But you were compelled to promise a change, and now you are compelled to make a change in order, at least, to keep the shadow of the promise if not the substance. But when you finish, your bill will not be appreciably different from the law which now exists. You can not make it much different. Where are you to get your revenue? The majority of you will not accept my income-tax amendment that would supply some $80,000,000 or more, though I rejoice to believe that enough of you are willing to do so to make it possible of adoption. But the Republican majority refuses to accept an income-tax amendment.

The Republican majority of the Finance Committee have stricken from the bill as passed by the House the inheritance-tax provision. You are relying solely upon customs duties to raise the amount of money necessary beyond the other present receipts to sustain the Government, and that reliance can not be safely made with any serious change in the duties imposed by the present law. It makes no difference if the majority of the Republican Senate believe in lower duties, they could not levy them without either bankrupting the Treasury or resorting to the sale of bonds, and in that you would be warned by our example and by our fate. We sold bonds in time of peace to meet the ordinary expenses of the Government. The Democratic majority in the House of Representatives was reduced until it disappeared, and in its stead there came one of the largest Republican majorities that ever sat in that Chamber.

Now, remember my words. If you follow our example, you will experience our fate. You dare not sell bonds to meet the expenditures of the Government, and therefore you can not materially reduce your tariff duties. It is a fiscal impossibility. Reduce duties and you will have a bankrupt Treasury, and if you have a bankrupt Treasury you must either allow your obligations to go by default or you must sell our interest-bearing securities. The men who prepared the bill in the House and the House both understood that, and the men who reported the bill to the Senate understand it. Whatever may be said about the extreme protection tendencies of the chairman of the Finance Committee, he not only knows what he wants to do, but he knows what it is possible for him to do, and that can not be said of all Senators who sit on the other side. Some of them will talk like they will not vote, because if charged with the responsibility of framing and passing a bill to get a given amount of revenue they know the bill for which they speak will not raise it. I know it. I will not say they know it, because I impute no lack of sincerity to any Senator; but any man who understands the revenue necessities of this Government, and every man who understands the collection under these tariff laws, knows perfectly well that a serious reduction in rates is out of the question, and therefore the country need not expect when this bill becomes a law that there will be any material change from the present rates.

If that happens to be the case, and then you do not shift these eighty millions from the consumer to the abundant incomes of prosperous people, I am ready to take the vote. When you pass the kind of a bill you think you are going to pass, and which I think you are going to pass, I will be just as ready to take the judgment of the country then as I am ready to take the judgment of the Senate now.

I repeat, Mr. President, that, except we use them to illustrate the iniquity of the principle, the time we occupy in discussing these schedules is a useless waste. It is worse than a useless waste. Its tendency is to bring the American people to consider the difference between the Democratic and the Republican parties to be a difference in rates instead of a difference of principle. I never have myself thought it worth while to argue with our friends on that side whether protection builds up certain industries or not.

I never have gone beyond the basic proposition that this Government has no right to take a dollar I have earned and give it to someone else, even if it does build up the business of the country. I do not believe that you can build a great and enlarging industrial fabric upon a foundation of injustice. I think every time you pass a law which takes the money I earn and gives it to some other man who did not earn it you perpetrate a foul injustice. No industrial system, though it be as broad based as this continent and though it should rear its splendid head until it reached the skies, can be permanent and sound if it is based upon a wrong. I denounce any law that takes what one man earns and gives it to another under the shallow and selfish pretense of building up a general prosperity. Unless all moral laws are at fault no real prosperity can come out of any system founded upon an injustice to the humblest of our fellow-citizens.

Mr. DOLLIVER. Mr. President, I do not desire to participate in the debate about the income tax or other revenue-producing aspects of the problem which we have before us. In fact, I intend to do everything I can to prevent the present tariff controversy from becoming a mere speculative discussion about new modes of taxation, and that resolution would prevent me from giving consent to the disposition of the pending bill at any fixed day or hour, for I believe it to be the duty of the Senate to make a very careful examination of all the questions that are suggested by the paragraphs of this measure. The very fact that what we do ought to stand the test of years makes our duty all the more serious in fixing the schedules of this law.

I am afraid I do not agree with everybody about the trust system in the United States, but I confess that the most serious strain upon the popular confidence in the protective tariff has been the rise within the last ten or fifteen years of the speculative trusts. It has filled my mind with so much anxiety that I have been trying to study in a practical way, the origin, development, and final outcome of the trust organizations in our market place.

I have said more than once on this floor, and I believe it to be a fundamental proposition of practical economy, that no trust organization can permanently succeed in the face of the present abundance of capital and in view of the existing enterprise of our people without a substantial monopoly of the basic materials out of which the product made by the trust is manufactured.

I traced that doctrine in connection with all the trusts that were organized, beginning about 1898; I was especially interested in the history and misfortunes of the linseed-oil trust, which turned out from the beginning to be entirely unable to control either the supply of flaxseed or the price of oil. I have examined the history of the alcohol trust, which has been reorganized four times within our recollection. I took especial pains in the study of those trusts which had grown up in industries which owe their existence and their life in the United States to the protective tariff.

In 1900 there were four, or possibly five, well-organized glass trusts in the United States—the Pittsburg Plate Glass Company, the American Window Glass Company, and two smaller corporations engaged in the manufacture of domestic utensils of glass, mainly kitchen ware and tableware. At the time they were organized everything looked bright, cheerful, and hopeful for the future, but the existence of sand everywhere and the existence of fuel everywhere and the existence of good money everywhere within four years reduced every one of them to a minor position as a productive agency in that field of industry. They hoped to control from 90 to 100 per cent, because some of them started out by buying every existing institution engaged in that branch of business; but within a few years every one of them had fallen to a minor relation to the total production in that field. The trouble with the glass situation in the United States now is that the trusts are practically powerless. The production is very great. The control of output and of prices seems to be impossible. The result is that we have the interesting spectacle of glass being manufactured and sold in many cases below the cost of production, and in very many cases below the level of the tariff rate of 1897.

I have reflected for so many years about this matter that my confidence has taken the form of a general principle. American capital will undermine and destroy the influence of the greatest of our trusts, if you give the young men of the United States access to the basic materials that enter into production in these lines of industry. I speak of a great corporation—I will not say an unlawful corporation, because great lawyers differ about that. I am not willing to say that my friend from Texas is right in suggesting that the officers of such a corporation as the United States steel ought to be sent to the penitentiary. I think that would turn out to be a very difficult undertaking for the courts of the United States. I do not pass an opinion upon that, although it does not seem to me like a practicable suggestion in the present state of our affairs. But there is one thing which, in my judgment, will gradually shoot through and through the steel monopoly, if one exists in the United States, and that is to give American capital, wherever located, an easy access to the materials out of which iron and steel are made.

For that reason I believe the House of Representatives did a wise thing, a thing not damaging to the industries of the United States in any sense, when they took iron ore, produced here according to all the testimony that we can get more cheaply than it is produced anywhere in the world, and put it upon the free list, so that in the next generation, if anybody desires to go into that business and has the money, if anybody has the enterprise to build up even a little industry based upon this material anywhere in the United States, he will not be subjected to embarrassment and expected to make the negotiation now required of independent producers of steel who are not at the same time the owners of ore supplies that brings the so-called "independent" to the business office of his competitor to buy the material without which his enterprise can not proceed. I do not believe the House of Representatives ever did a wiser thing than when it took into consideration what is due to independent capital interested in this business in view of the fact that this magnificent resource, which God in his wisdom put within the reach of all the people, has practically been taken possession of by one corporation, a corporation that is not even using their own supplies but the material that lies by the side of them, so that within a few years all that portion of the iron-ore deposit owned by outsiders will be used up, and the steel works of the United States will be dependent entirely upon the ore which lies within the control and possession of the United States Steel Company.

I think no wiser thing can be done than to say to American capital, wherever it desires to start this business: "You have the right, if you are not dealt with on fair terms by your competitors in the United States, to search the world for that material without which an independent steel industry can not be built up in this market place."

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Texas?

Mr. DOLLIVER. Certainly.

Mr. BAILEY. While the Senator is applauding the action of the House in placing the raw material for the steel trust and other steel manufacturers on the free list, what has the Senator from Iowa to say about the action of the same House in leaving a duty of more than 50 per cent upon such articles of common necessity as chains? If it be true that the iron itself in its raw state can be mined in this country cheaper than it can in other countries, how is it, then, that the steel can not be manufactured cheaper here than elsewhere?

Mr. DOLLIVER. Mr. President, there is a good deal of testimony, some of it very famous—whether it is as reliable as it is famous I do not know—to the effect that the products of iron and steel can be produced and are produced here as cheaply as they are anywhere in the world. That trace chain, which has come down to us in the traditions of the tariff debate from the time of a venerable gentleman from Kentucky, who always made his annual speech on the subject, very well illustrates the effect on our prices here of building up a great iron and steel industry in the United States.

Mr. BAILEY. Will the Senator permit me to interrupt him?

Mr. DOLLIVER. Yes.

Mr. BAILEY. I happened to be glancing down the list of these articles, and I thought I found the highest duty that is here, and that happened to be 67 per cent. I found that it was on chains. But there are a number of duties here of 40, 41, and 78 per cent. I made a mistake. If I had looked a little more carefully, I should have found one duty of 78 per cent in that column. If they will take the duty off everything made out of iron, then I will vote to take the duty off of iron.

Mr. DOLLIVER. But, Mr. President, the duty on iron ore has no relation to that proposition. Nobody ever pretended that the duty on iron ore made iron more costly here than it is elsewhere.

Mr. BAILEY. Does the Senator mean to say that the duty on any raw material or any basic material does not at least affect the price of everything made out of it?

Mr. DOLLIVER. I will say to the Senator that my studies of the question have convinced me that where the market for the raw material is here, the man who brings it in from the outside pays the duty to get into the market; but where the market is made elsewhere, a duty here lifts up the price of the home product to the level of that market plus the duty.

Mr. BAILEY. Why not apply that philosophy to the products of iron ore the same as to the iron ore itself?

Mr. DOLLIVER. The little handful of iron ore that comes in here, or has hitherto come in, is sold, if it is sold at all, at the price of iron ore that prevails here, and it affects it, I think, in no way whatever, except that it costs a man something to get it in here.

Mr. BAILEY. Then the fact that you take the duty off of it will not affect the price of it?

Mr. DOLLIVER. I do not think so. Otherwise I should probably be found in line with my honored friend from Michigan [Mr. SMITH].

Mr. BAILEY. Then, if it does not affect prices, it is simply a proposition to take this more than $100,000 out of the Treasury and present it to the men who bring the iron ore in.

Mr. DOLLIVER. And at the same time to arm ourselves in this market place with the right and the opportunity to build up an independent steel industry in the United States.

Mr. BAILEY. Mr. President, I am very much more interested, of course, in protecting the thousands of people who use steel than I am in protecting the hundreds of people who produce it. That is my view of the matter. But I think the man who produces steel in one form is entitled to precisely the same kind of treatment as the man who produces it in another form.

Mr. DOLLIVER. Outside of the Lake Superior country, the iron ores of the United States are used at furnaces situated near the ore beds. They neither buy nor sell iron ore.

Mr. BAILEY. I think every community is entitled to the advantages that God and nature gave it; and Michigan has so few of that kind that I would not deprive——

Mr. DOLLIVER. You are in great error about that.

Mr. BAILEY. I would not deprive them of that. In other words, I can hardly reconcile it with my idea of the office of legislation to deprive any people of an advantage that God and nature gave them, or to confer on any people some advantage that God and nature did not give them. If the people of Michigan happen to have that advantage, I would not try to deprive them of any part of it or to increase it. I would not vote to levy a tax or to repeal a tax for any such purpose.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER (Mr. DEPEW in the chair). The Senator from Iowa [Mr. DOLLIVER] is entitled to the floor. Does he yield to the Senator from Michigan?

Mr. DOLLIVER. I do.

Mr. SMITH of Michigan. Mr. President, I desire to call the attention of the Senator from Iowa [Mr. DOLLIVER] to the fact that the principal owner of the iron-ore deposits on the north coast of Cuba is Mr. Schwab, who says that if he is permitted to bring his iron ore into this country free, it will make a difference to him of 50 cents a ton. When asked by a distinguished member of the Committee on Ways and Means if that would reduce the price of his commodity to the consumer, he answered with a laugh that he did not think it would.

Mr. TILLMAN. Mr. President, he had a good right to say that, when he knew that this kind of a tariff would be made to protect him against European competition.

Mr. SMITH of Michigan. He did not attribute it to that.

Mr. TILLMAN. I do not care to what he attributed it. He knew what was coming.

Mr. SMITH of Michigan. He said that the reason why steel products would not be reduced, was because there was an agreement practically between the steel manufacturers, and that agreement would be just as potential if you were to strike off every dollar of duty.

Mr. TILLMAN. Why not let us try it?

Mr. SMITH of Michigan. Because this Government needs the revenue, and the Senator from South Carolina knows it.

Mr. TILLMAN. How much revenue do you get from steel products?

Mr. SMITH of Michigan. According to the statement now before us, the duty upon iron ore is very slight, but since that statement was made, these people have acquired these tremendous holdings, which they say are equal to the great holdings upon the Mesabi Range.

Mr. TILLMAN. How much duty do you get on steel rails or on chains or on wire?

Mr. SMITH of Michigan. I do not want the Senator to——

Mr. TILLMAN. I know the Senator does not want to touch that point, but that is the crucial point.

Mr. SMITH of Michigan. Because we are dealing with the iron-ore schedule.

Mr. DOLLIVER. I understand that right across in Canada, from the Michigan border, there lies unexplored a very large body of iron ore. Is that correct?

Mr. SMITH of Michigan. I think it is.

Mr. DOLLIVER. Which is larger possibly than the body of ore that lies on this side?

Mr. SMITH of Michigan. I shall not admit that.

Mr. DOLLIVER. But not as good as the ore on this side.

Mr. SMITH of Michigan. It is said not to be.

Mr. DOLLIVER. It has something in it, and they have not found a way of getting it out, in order to make it really as good as the Michigan ore.

Mr. SMITH of Michigan. Well.

Mr. DOLLIVER. My notion is, in view of the fact that enterprising persons who did not consult my honored friend from Michigan have staked out claims on these iron-ore ranges of the lake country, that it would be a very good answer for the Government of the United States to open to the people of the United States easy and free access to all that material that there is in the world.

Mr. SMITH of Michigan. Mr. President, if I could be as easily deluded as the Senator from Iowa, I might subscribe to that fallacy; but I am advised that those deposits across the Canadian line are owned by the Steel Company under lease, and I believe further that if you strike down this duty and any difficulty should arise between the men employed and this company they will simply transfer their operations to a foreign state for a time, leaving the thousands of men behind. Does the Senator from Iowa desire that condition to arise?

Mr. DOLLIVER. No; but I do not notice in the report and statement of the assets of the Steel Company any claim for ranges except on the American side.

Mr. SMITH of Michigan. The Steel Company have had their men through Canada for years, just as they have had them in Cuba for years; and we are to get from Cuba each year from eight to ten million tons of ore as soon as developments are complete. That ore is to come from the north coast, and it is owned by strong companies, one of whom is admittedly one of the largest stockholders in the United States Steel Company. Who is to say, if the Government relinquishes its right to ask this contribution to our revenue, that it will not inure solely to the benefit of these gigantic corporations?

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Michigan yield to the Senator from South Carolina?

Mr. SMITH of Michigan. I do.

Mr. TILLMAN. If the Senator from Michigan will permit me, I have been examining the estimates in relation to this schedule, and I find that the revenue derived by this Government from iron rails was the magnificent sum of $215.43, and from steel rails $30,670.02.

Mr. SMITH of Michigan. Yes; and, Mr. President——

Mr. TILLMAN. And that the duty was $7.84 a ton. Why do you put any duty on them at all?

Mr. SMITH of Michigan. Mr. President, I firmly believe that if you strike that duty down you will simply encourage an understanding between the European steel producer and the American steel producer that will still maintain the price at $28 a ton.

Mr. TILLMAN. Have we not got that same combination now on armor plate?

Mr. SMITH of Michigan. You have got it on steel rails.

Mr. TILLMAN. We have got it on everything else, and yet you levy a duty. Why not throw open the markets of the world and let the American railways buy their steel wherever they can?

Mr. SMITH of Michigan. Mr. President, let me answer. It is because, if we are to have European steel here at all to take the place of that made by American workmen, I want the importer to contribute something toward the expenses of this Government.

Mr. TILLMAN. Two hundred and fifteen dollars on iron and a little over $30,000 on steel rails.

Mr. SMITH of Michigan. Many millions of dollars might result from this duty on iron ore, now that desirable deposits have been found so near our shore.

Mr. TILLMAN. I am not talking about iron ore. I am willing to vote with you on iron ore. I will vote for your duty of 25 cents a ton on iron ore.

Mr. SMITH of Michigan. Then, Mr. President, with the assurance of the Senator from South Carolina, I am ready to vote.

Mr. KEAN and others. Question!

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Mississippi [Mr. McLAURIN].

Mr. RAYNER. The Senator from Mississippi moved an amendment to lower this duty, but I think the Senator from Mississippi has agreed with me that I may make a motion to strike this schedule out. I want to strike out paragraph 115½.

Mr. ALDRICH. I suggest to the Senator from Maryland that all he has to do is to vote against the adoption of the committee amendment. The question will be on the adoption of the amendment.

Mr. RAYNER. Are we to take a vote on the adoption of the amendment?

Mr. ALDRICH. If the amendment is voted down, then iron ore will go to the free list.

Mr. RAYNER. It does not necessarily go to the free list.

Mr. ALDRICH. It is on the free list in the bill as it came from the House.

Mr. RAYNER. It will be put on the free list, then?

Mr. ALDRICH. It is on the free list in the House bill.

Mr. RAYNER. But the Senator has reported to take it from the free list.

Mr. ALDRICH. If the amendment of the committee is rejected, that will put it back on the free list.

Mr. McLAURIN. Mr. President, I offered an amendment which, if it were adopted, would reduce the duty from 25 cents to 20 cents. The amount is not great; but I thought if the duty were reduced to 20 cents, I could vote for the paragraph as it would then be. But as it would not reduce the duty to any great amount, with the permission of the Senate, I will withdraw the amendment which I offered.

The PRESIDING OFFICER. The Senator from Mississippi withdraws his amendment.

Mr. SMITH of Michigan. Mr. President, I want to be perfectly fair with the Senator from Iowa [Mr. DOLLIVER]. I have just been handed by my colleague the Representative of the Twelfth Congressional District of my State this statement, and of its verity I have no doubt:

> The steel company's leases of Canada ore beds or deposits all contain a provision that if the tariff is reduced the royalty shall be increased 50 per cent of the reduction of the tariff.

In other words, if we reduce the tariff, those leases shall respond to Canada for it.

Mr. GALLINGER and others. Let us vote.

Mr. BEVERIDGE. Mr. President, I just want to point out two things. Two or three Senators on the other side have said that they would vote for the duty provided in the committee amendment because of the revenue it would produce. The revenue it will produce, according to the statement furnished us, is the magnificent sum of $127,000. If it is for the purpose of revenue, the amendment of the Senators who propose to vote for the committee amendment for that reason should be to amend the committee's amendment by inserting the rate of the present law, which is 40 cents a ton, which produces, according to this statement, nearly twice the revenue estimated to come in under the committee amendment. If Senators on the other side are voting for a revenue tariff on iron ore, they must vote for the present duty instead of the committee amendment, for the latter will produce only a little more than half the present law produces.

Mr. McLAURIN. Mr. President——

Mr. BEVERIDGE. Pardon me a moment. I observe that the argument presented by the Senators from Michigan for this same duty was precisely the reverse of the argument of the Democratic Senators who propose to vote with the Senators from Michigan on this tax. The Michigan Senators want the duty retained solely as a protection to the industry. The Senators on the other side who are going to vote for it are going to do so solely because it produces revenue. We saw the same processes of reasoning by equally intelligent and sincere Senators in connection with the lumber schedule. The Senator from South Carolina, the Senator from Maryland [Mr. SMITH], and notably the Senator from Georgia [Mr. BACON] wanted a duty of $2 on lumber because it was a revenue duty, whereas the Senator from Washington [Mr. PILES] and other Republican Senators wanted it because it was a protective duty.

Mr. SMITH of South Carolina. Mr. President——

Mr. TILLMAN. Put in "North Carolina" for "South Carolina," if you please.

Mr. BEVERIDGE. Pardon me; I meant to say the Senator from North Carolina [Mr. SIMMONS], instead of the Senator from South Carolina.

Mr. TILLMAN. That is all right.

Mr. BEVERIDGE. I would not make a mistake about that. The truth about it is that, whether it is called "revenue" or "protection," the result is the same. "A rose by any other name," as I said before, "will smell as sweet."

Now, just one other point before the vote, and that is this——

Mr. KEAN. Can we not have a vote?

Mr. BEVERIDGE. I hope the Senator from New Jersey will restrain his impatience, or I shall have to say something upon the matter of hurrying this bill; and I am much inclined to do it.

Mr. KEAN. I desire to ask the Senator from Indiana a question. I understood the Senator from Indiana to say that he was desirous of getting through with this bill?

Mr. BEVERIDGE. I am desirous of getting through with this bill, but I am still more desirous that when we do get through with it we will get through with it in a way that we will be through with it for the next ten years.

Mr. KEAN. Does the Senator think he is giving us any information on this bill now?

Mr. BEVERIDGE. I had not intended to go into this matter again, but the Senator compels me. A moment ago, when the mutually and equally entertaining eloquence of the Senator from Texas [Mr. BAILEY] and the Senator from Iowa [Mr. DOLLIVER] engaged our attention, I was about to send to the Secretary's desk something upon that point; but I want a vote to-night, and, therefore, I will not do it. I will say, however, that the Senator's anxiety for a vote is not the method of hastening this bill. This bill is being hastened every day. A great improvement is beginning to be made.

Yesterday the Senator from Utah [Mr. SMOOT] brought in an amendment greatly reducing, as he explained, the duties on a certain article. I congratulated the committee then. I understand that another amendment is to be brought in to-morrow morning, or as soon as may be, making another reduction. I congratulate the committee on that. That is the way to make permanent progress with this bill. And the progress we want to make is permanent progress. How would the Senator like, when the bill is through, for the entire tariff discussion to be raised again within four years? Does he want to see that? I do not, nor do I believe that any business man in this country does.

Now, since the Senator has brought this thing up, I have in my pocket—and I will stop to have it read, because I think I can do it and still get a vote to-night—an editorial upon this very point from the New York Sun of May 11, which I send to the Secretary's desk and ask to have read; and if time is taken by doing so, the Senator from New Jersey [Mr. KEAN] whose close friend I am, personally, is responsible, because I did not intend to say a word about it, until his impatience forced me to do so.

Mr. GALLINGER. Let it be printed without reading.

Mr. BEVERIDGE. No; I think we will have it read.

Mr. SCOTT. I suggest to the Senator that I think all of us have read it.

Mr. GALLINGER. We have all read it.

Mr. BEVERIDGE. At this particular moment I did not intend to press it, but right at this particular moment I think it is opportune as referring to this excessive haste.

Mr. SCOTT. I think it would be well——

Mr. TILLMAN. I ask that it be read, because this is the psychological moment.

Mr. BEVERIDGE. Let it be read.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

AN OPINION OF TARIFF REVISION.

A good many solid citizens, all the self-sacrificing patriots into whose pockets the Dingley tariff empties, men of business generally, who want every shadow of uncertainty removed and know how readily in good times business adjusts itself and picks up when that shadow disappears; seasoned Republican politicians, who set no great store on promises made to get votes—mere springes to catch woodcocks—all or most of these powers seem persuaded that the sooner the tariff bill, "any old" tariff bill, is passed and signed the better for everybody. A mercurial people, easily excited, easily amused, humbugged easily, and not without a cynical consciousness of the humbug, what do Americans care in 1909 for the tariff bait which the Republicans threw at them in 1908?

So long as business is good and money can be made, who cares? Screw certain important duties up in the House; screw them down in the Senate; palaver; let everybody in the Senate speak his piece; confer, concur—with or without the aid of Democratic snappers up of protection manna—pass, sign; let the Dingley law live under a new name and get to business.

In a rough way that seems to be the argument, and there is a good deal in it as a practical, instant way of soothing business. *The danger is that the Middle West, for instance, may decline to accept a settlement that does not settle and a revision that, in the judgment of many, does not revise.* We are not speaking of the justice of such a complaint, should it be made, but the nucleus of economic and political trouble is there. *Business might not be especially tranquillized or encouraged if tariff agitation should spring up as soon as it was supposed to be laid.*

On these points we offer no opinion, and an opinion which we take the liberty of borrowing is not, we regret to say, that of a business man. Possibly, too, it is out of date and negligible now. It was given on *December 16, 1908:*

"Unless we act in accordance with our promises, or if we only keep the word of promise to the ear and break it to the hope, we shall be made accountable to the American people and suffer such consequences as failure to keep faith has always been visited with. It would be better to have no revision at all unless we are going honestly and fairly to revise the tariff on the basis promised by our party."

This is or was then the view of a rather conspicuous Cincinnatian. His name is William H. Taft.

Mr. BEVERIDGE. That editorial, Mr. President, is from the New York Sun of May 11, a protectionist paper and preeminently a business man's paper.

Mr. President, the incident which called forth this part of the discussion, which will be brief, calls to my mind three or four statements that I have heard to-day from both sides of the Chamber, and with which I heartily agree, that the bill should be hastened to its conclusion because the great business interests of the country wait. Everybody agrees to that; nobody disputes that; but, as this editorial of the New York Sun so well says, would not the great business interests of the country be better served by taking a little more time, if necessary, and having the matter settled so that there will be no tariff disturbance for ten years to come?

Always, so far as I have observed, a revision of the tariff is delayed until it is demanded and ordered by the people; and then when Congress, immediately after the election, meets, the order is given to hurry the hearings in the committee, because "business waits." Then, when the bill is reported, the cry is, Hurry the bill—hasten it—because "business waits." Business does wait; but the country, and business, too, waits to see this thing well done. Insistence upon unintelligent haste does not further the bill.

I venture to say that every Senator here on both sides will agree with me that more progress has been made in the last three days, with the patient and kind consideration of the various questions that have come up, than has been made in any three days since the bill was taken up for consideration.

I referred a moment ago to the amendment reported by the committee yesterday, and to the amendment which is to be reported to-morrow. That hastens the consideration of the bill. These mutual discussions, frank and fearless and honest, about the various items of the schedules, and not the discussions about the theories of protection and revenue tariff, with which we are all familiar, hasten the bill. Let us hasten it by all means; but hasten it by patience and industry and exchange of views, so that the truth may be known as far as possible.

Let us pass it as quickly as we can do so in justice. But when we have passed it, above all things let it be passed so that business will not be disturbed again in two years or four years, or sooner than ten years. This was called out merely by another evidence of the insistence for a sudden putting on of steam when we were rapidly approaching a vote.

There is one other point, Mr. President, to which I wish to call attention in this singular discussion.

Mr. GALLINGER. If the Senator will permit me——

Mr. BEVERIDGE. Certainly.

Mr. GALLINGER. Does the Senator think that any further discussion is going to enlighten us on the paragraph we have been considering all day, and are we not prepared to vote on that paragraph?

Mr. BEVERIDGE. In view of the enlightenment in which Senators seem to be, I do not think any amount of discussion will further it, but I may be permitted to call attention, not with respect to our enlightenment, but of our darkness, to this single point. I have heard the steel trust denounced to-day most heartily, and one of the chief arguments made against the House provision for free ore is, that "it will help the steel trust." I am beginning to become familiar, from many repetitions, with the argument that any reduction is going to "help some trust" and never hurt it. I heard the other day that if we took the duty off lumber it would be a tremendous help to the lumber trust, and because we must not help the lumber trust, therefore we must not take the duty off of lumber. I heard the same thing about the lead trust the other day—that a reduction of the duty on lead ore would be a help to the lead trust. It seems to be very popular ground on which to oppose the reduction of a duty to say that it "will help" some "trust." This really deceives nobody, I suppose.

I may be wrong—I often am—but this occurred to me as a curious thing in the intellectual process of reasoning. It has appeared in the hearings and debates that the steel trust owns

and controls—one of the two, according to the testimony which has been read—practically all the ore beds in the country.

Mr. ALDRICH. That statement is simply absurd.

Mr. BEVERIDGE. There are the statements.

Mr. ALDRICH. I have heard no such statements.

Mr. BEVERIDGE. Yes; such statements have been made; and, second, that the competitors of the steel trust have acquired great deposits in Cuba. Now, to what end would the steel trust want free ore in order to let in, to compete with the ore it owns here, the ore abroad which its competitors own? I cite that merely as a curious illustration of the intellectual operation by which some people see an advantage to the steel trust in free ore. It is a remarkable mental process that reaches that conclusion. The steel trust owns or controls the great body of ore in this country. According to the statements—was it not of Mr. Gary—before the committee——

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Indiana yield to the Senator from Rhode Island?

Mr. BEVERIDGE. Yes.

Mr. ALDRICH. According to the lowest estimate mentioned here, there are 80,000,000,000 tons of iron ore in sight in the United States. Now, can the Senator conceive of the Steel Company or anybody else controlling that body of ore?

Mr. BEVERIDGE. The Senator can not conceive of 80,000,000,000 tons, neither can anybody else. There have been so many large figures used to-day—three thousand years and six thousand years and one thousand five hundred years, according to the Senator from Rhode Island, and forty years, according to some other person, and hundreds of billions and trillions of tons of ore, and calculations that no human being can follow. The question of the Senator is reduced by that illustration to the consideration, politely speaking, that it deserves.

I can conceive that the Weyerhaeuser lumber trust with its associates controls most of the stumpage of the country. I can conceive of certain other trusts, one or two of which I have examined into, as I shall point out later, controlling the vast majority of the products in which they deal. I do not know whether the Steel Company owns all this ore or not. I do not know what it owns. But the statement has been made here and the testimony is that it controls most of the ore in the country, and therefore it would appear as a father curious process of reasoning that the steel trust should want free ore in order to let into competition with itself the ore in Cuba owned by its competitors.

Mr. President, I did not intend when I got up to speak more than one moment and to do more than to call attention to the fact that my friends over on the other side who are voting for revenue favor a rate of 25 cents, which will not produce half the revenue now produced, and to call attention to this process of reasoning, all of which would, perhaps, have taken two sentences. But the incident compelled the extension of my remarks.

Mr. President, just one word further. I called attention the other day to the fact of the House committee having had extended hearings. It does not appear that there has been one new fact or one new reason before the committee of the Senate or the Senate that the House did not have before it. The House committee was composed, as I said before, of protectionists. They fixed the duty on the ore at nothing at all. They provided for free ore. It appears to me that the argument here to-day has shown that the House idea on this particular item is right, since no new fact or reason has been presented that the House did not already have. Therefore, I shall vote in any way that will sustain the House action and put ore on the free list.

Mr. NEWLANDS. Mr. President, I asked the Senator from Texas [Mr. BAILEY] whether he believed in a free list, and his answer was that he did not, except as to the necessaries of life. I wish to say that I concur in that view as a general rule, but I can imagine special conditions where the free list should be enlarged, even if it does not involve a necessary of life. I believe we are confronted with one of those conditions with reference to this commodity, and that condition is that the production of this particular commodity, this raw material, is practically within the control of one great organization, and that the only way of giving freedom of opportunity to the independent maker of steel and of iron is to give him his raw material from foreign countries without imposing upon it a duty.

For that reason, and with reference to this special condition, I would enlarge the general rule to which the Senator refers by including iron ore as an article entitled to be put upon the free list.

Mr. DU PONT. I should like to ask the Senator from Rhode Island, when he speaks of the enormous amount of iron ore in sight—80,000,000,000 tons——

Mr. BEVERIDGE. One hundred and eighty billion——

Mr. ALDRICH. Eighty billion. I was quoting from the chief geologist of the United States Geological Survey. I have myself no knowledge of it.

Mr. DU PONT. I should like to ask whether it is not true that a great portion of that is too expensive to be worked, and that from an economic point of view it may be considered as practically negligible?

Mr. ALDRICH. There is enough in sight and available to last, according to the figures I have, ninety-three years before the second class shall be reached, and when that is reached there is enough to last fifteen hundred years after that.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. BEVERIDGE. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. DU PONT. What is the question?

Mr. ALDRICH. The Senator from Mississippi withdrew his amendment. The question now, I understand, is on the committee amendment.

Mr. GALLINGER. That is right.

The Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I have a standing pair with the Senator from Mississippi [Mr. MONEY]. Under a statement made by that Senator, I feel at liberty to vote, and I vote "yea."

The roll call having been concluded, the result was announced—yeas 61, nays 24, as follows:

YEAS—61.

Aldrich	Cullom	Johnson, N. Dak.	Scott
Bacon	Daniel	Johnston, Ala.	Simmons
Bailey	Depew	Jones	Smith, Mich.
Bankhead	Dick	Kean	Smoot
Bradley	Dillingham	Lodge	Stephenson
Brandegee	Dixon	McCumber	Stone
Briggs	Elkins	McEnery	Sutherland
Bulkeley	Fletcher	Martin	Taliaferro
Burnham	Flint	Nixon	Taylor
Burrows	Foster	Oliver	Tillman
Burton	Frazier	Page	Warner
Carter	Frye	Paynter	Warren
Chamberlain	Gallinger	Penrose	Wetmore
Clark, Wyo.	Guggenheim	Perkins	
Clay	Hale	Piles	
Crane	Heyburn	Root	

NAYS—24.

Beveridge	Clarke, Ark.	du Pont	Newlands
Borah	Crawford	Gamble	Overman
Bristow	Culberson	Gore	Rayner
Brown	Cummins	Hughes	Shively
Burkett	Curtis	La Follette	Smith, Md.
Clapp	Dolliver	Nelson	Smith, S. C.

NOT VOTING—6.

Bourne	McLaurin	Owen	Richardson
Davis	Money		

So the committee amendment was agreed to.

Mr. ALDRICH obtained the floor.

Mr. McLAURIN. As I am compelled to leave the Chamber, I ask unanimous consent to be permitted to present two amendments and to have them printed in the RECORD, and I ask the Senator in charge of the bill to pass paragraph 123 when it shall be reached. I ask that the two amendments be printed in the RECORD and be considered as pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments referred to are as follows:

Amendment intended to be proposed by Mr. McLAURIN to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Amend paragraph 123 by striking out all of line 19, after the word "commodity," and inserting in lieu thereof the following words, to wit: "when imported shall be exempt from duty."

Amendment intended to be proposed by Mr. McLAURIN to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Amend paragraph 350 by striking out all after the words contained in brackets, and the brackets, and insert in lieu thereof the following words, to wit: "when imported shall be exempt from duty."

Mr. GALLINGER. I submit an amendment, with the same request—that it be printed in the RECORD, and likewise printed and lie on the table.

The PRESIDING OFFICER. In the absence of objection, it is so ordered.

The amendment referred to is as follows:

Amendment intended to be proposed by Mr. GALLINGER to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

After line 6, page 9, insert the following paragraph:

"301½. There shall be paid in lieu of the tax of $1 now imposed by law a tax of $1.50 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale within the United States, by whatever name such liquors may be called, for every barrel contain-

ing not more than 31 gallons, and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That a discount of 7½ per cent shall be allowed upon all sales by collectors to brewers of the stamps provided for the payment of said tax: *Provided further*, That the additional tax imposed in this section on all fermented liquors stored in warehouse to which a stamp had been affixed shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamp."

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 14, 1909, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 13, 1909.*

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Our Father in heaven, source of all wisdom, power, and purity, we come to Thee not as we would, but as we are able; we bring to Thee our devout offerings. Cleanse us from all guile; pour down upon us Thy spiritual gifts, that we may do the work Thou hast given us to do in accordance with Thy will and good purposes. We thank Thee for all the blessings Thou hast bestowed upon us, especially for our homes, the bulwark of our Republic, the center of all that is nearest and dearest to our hearts on earth.

Touched by the invasion of death into one of our congressional homes, our hearts go out in sympathy to him who has been deprived of a companion who has walked in loving confidence by his side, sharing the joys and sorrows of many years, the mother of his children, the solace of the home, and joy of the fireside; one who endeared herself to all who knew her by the grace, dignity, and sweetness of her manner in private and in public life. Comfort, we beseech Thee, the stricken husband, the bereaved children, by the sweet memories of the past, and help them to look forward with bright anticipations to the heavenly home, where they shall be again united in one of the Father's many mansions. And blessing and praise and honor be Thine, through Jesus Christ, our Lord. Amen.

The Journal of the proceedings of Monday, May 10, was read and approved.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. BOWERS, indefinitely, on account of illness in his family.

To Mr. EDWARDS of Georgia, indefinitely, on account of sickness in his family.

WITHDRAWAL OF PAPERS.

By unanimous consent, Mr. DAVIS was granted leave to withdraw from the files of the House, without leaving copies, the papers in the case of Frank L. Bennett, Sixtieth Congress, no adverse report having been made thereon.

By unanimous consent, Mr. HAMMOND was granted leave to withdraw from the files of the Committee on Invalid Pensions the papers in relation to H. R. 28065, Sixtieth Congress, no adverse report having been made thereon.

PORTO RICO.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of the bill which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 9541) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900.

Be it enacted, etc., That the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, is hereby amended by inserting at the end of section 31 of said act the following additional proviso:

"*And provided further*, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

SEC. 2. That all reports required by law to be made by the governor or members of the executive council of Porto Rico to any official in the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President; and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

Mr. CLARK of Missouri. Mr. Speaker, what is the request?

Mr. OLMSTED. The request is for the present consideration of the bill.

Mr. CLARK of Missouri. It has not been printed yet, has it?

Mr. OLMSTED. It has not.

Mr. CLARK of Missouri. And never referred to the committee?

Mr. OLMSTED. It has not.

Mr. CLARK of Missouri. Mr. Speaker, I object.

Mr. OLMSTED. I wish the gentleman would withhold his motion for a moment.

Mr. CLARK of Missouri. I will withhold it, but I am going to make it.

Mr. OLMSTED. I endeavored to see the gentleman from Missouri, show the bill to him, and consult with him before the meeting of the House, but I did not succeed in finding him.

This bill does not provide for the changing of the form of Porto Rican government in any way or for interference in any of the troubles existing there now, except to provide against the suspension of all the functions of government pending their adjustment. It simply provides that where, as in the present case, the legislature has adjourned without making appropriations for the current expenses of government the moneys appropriated for that purpose for the current year shall be considered as reappropriated for the ensuing year or until the Porto Rican legislature shall act in the matter. It does not interfere with or attempt to change the government of that island. As the matter now stands the legislature has adjourned without making any appropriations for the necessary expenses of government. The civil department, the educational department, the judicial department, in fact, every department of the government, will be hung up on the 30th of June, when their present fiscal year ends. There has been no appropriation made which will be available after that date. Unless something is done, and done promptly, by us the Porto Rican government will be absolutely paralyzed. This is simply to tide over that contingency. The language of the first section of this bill is identical with the language which the House has already adopted providing for the government of the Philippine Islands, and it is also similar to that adopted for Hawaii. In other words, this precise provision for just such contingencies has already been twice adopted by Congress and approved by the President. I hope the gentleman will not object, because the emergency is such as to require prompt action in this case. Whatever other legislation may be necessary for Porto Rico may safely be delayed until the next regular session, but this bill or something of this nature must be enacted and approved promptly or the Porto Rican situation become intolerable.

Mr. CLARK of Missouri. I do not see that the emergency is such as to do away with the printing of the bill and referring it to the committee. This bill is exactly what the President asked for in his message; the message has never been referred, and the bill has never been in evidence. Therefore I object.

Mr. GARRETT. Mr. Speaker——

JOHN R. WILLIAMS.

Mr. HUGHES of West Virginia. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution, which I send to the Clerk's desk.

The SPEAKER. Does the gentleman ask unanimous consent?

Mr. HUGHES of West Virginia. Yes, sir. I will say for the information of the House that it is a funeral resolution, and that there will be no objection to it.

The SPEAKER. It is not a report from the Committee on Accounts?

Mr. HUGHES of West Virginia. No, sir.

The SPEAKER. The gentleman from West Virginia asks unanimous consent for the present consideration of the following resolution, which the Clerk will report.

The Clerk read as follows:

House resolution 59.

Resolved, That there shall be paid out of the contingent fund of the House to the executors of the estate of John R. Williams, late file clerk of the House, an amount equal to six months of his salary, and an additional amount not exceeding $250 to pay the expenses of the funeral of said Williams.

Mr. HUGHES of West Virginia. This is the customary resolution in such cases.

The SPEAKER. Is there objection?

There was no objection.

The question was taken, and the resolution was agreed to.

ANTHONY J. FARRELL.

Mr. HUGHES of West Virginia. Mr. Speaker, I also offer a similar resolution, which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

House resolution 52.

Resolved, That there shall be paid out of the contingent fund of the House to Elizabeth J. Farrell, widow of Anthony J. Farrell, late a private on the Capitol police force, an amount equal to six months' salary of said Farrell, and an additional amount not exceeding $250 on account of the funeral expenses of said Farrell.

The SPEAKER. Is there objection?

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from West Virginia if this is usual?

Mr. HUGHES of West Virginia. That is the usual resolution, and has been thoroughly investigated by the clerk of the Committee on Accounts.

Mr. CLARK of Missouri. It is not setting any new precedent?

Mr. HUGHES of West Virginia. No, sir; not at all.

The SPEAKER. Is there objection?

There was no objection.

The question was taken, and the resolution was agreed to.

COMMITTEE ON INSULAR AFFAIRS.

Mr. GARRETT. Mr. Speaker——

Mr. PAYNE. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman from Tennessee [Mr. GARRETT] rise?

Mr. GARRETT. To offer a privileged resolution.

The SPEAKER. For what purpose does the gentleman from New York [Mr. PAYNE] rise?

Mr. PAYNE. To make a privileged motion. [Laughter.]

The SPEAKER. The Chair will state to the House that the gentleman from New York [Mr. PAYNE] did rise.

Mr. PAYNE. I rose before the gentleman from Tennessee rose. I was trying to get the attention of the Chair for the last seven minutes. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 9135—the Philippine tariff bill.

Mr. CLARK of Missouri. Mr. Speaker——

The SPEAKER. One moment. It is not a recognition of individuals, but a recognition of business, and the Chair will ascertain which business has precedence, in the opinion of the Chair, subject, of course, to the requirements of the rules of the House.

The gentleman from Tennessee [Mr. GARRETT] will state his resolution.

Mr. GARRETT. Mr. Speaker, I desire to offer the resolution which I send to the Clerk's desk.

The SPEAKER. The Clerk will report the resolution.

The Clerk read as follows:

Resolved, That the Speaker be, and he is hereby, respectfully requested to appoint the Committee on Insular Affairs forthwith.

Mr. PAYNE. Mr. Speaker, I make the point of order that that is not a personal privilege.

Mr. GARRETT. Mr. Speaker, I would like to be heard on the point of order.

The SPEAKER. In the opinion of the Chair, this resolution, as well as the motion of the gentleman from New York [Mr. PAYNE], is privileged under the rules, yet it occurs to the Chair that the resolution of the gentleman from Tennessee [Mr. GARRETT] affects the organization of the House and would take precedence of the privileged motion of the gentleman from New York [Mr. PAYNE].

The question is on agreeing to the resolution.

The question was taken, and the Speaker announced that the noes seemed to have it.

Mr. GARRETT. Division, Mr. Speaker.

The House divided; and there were—ayes 85, noes 118.

Mr. GARRETT. I respectfully request tellers.

Tellers were ordered.

The SPEAKER. The gentleman from Tennessee [Mr. GARRETT] and the gentleman from New York [Mr. PAYNE] will take their places as tellers.

The House divided; and tellers reported—ayes 74, noes 104.

So the resolution was rejected.

PHILIPPINE TARIFF.

Mr. PAYNE. I renew my motion.

The SPEAKER. The question recurs on the motion of the gentleman from New York.

Mr. PAYNE. Pending that, Mr. Speaker, can we agree on the time for general debate?

Mr. CLARK of Missouri. Why, I would suggest that we run along to-day until the whole of them that want to may talk. I have only had two applications for time, one for three-quarters of an hour and one for an hour, with perhaps an extension of a quarter of an hour.

Mr. PAYNE. If they confine it to this bill.

Mr. CLARK of Missouri. I think that they want to confine it to the bill.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I suggest to the gentleman that he make the suggestion of the gentleman from Missouri a part of his motion—that all debate be confined to this bill.

Mr. PAYNE. We can not do that. The rule provides for that. My understanding of the rule is that in general debate any subject can be debated.

Mr. HUMPHREYS of Mississippi. Mr. Speaker, I ask unanimous consent that the general debate be confined to the bill under consideration.

Mr. BARTLETT of Georgia. Before agreeing to that, I would like to know first whether we are to be confined to debate on the Philippine tariff for a colonial possession, or we may talk about the tariff or any other question that may arise as to holding possession of the islands.

The SPEAKER. The gentleman from Mississippi asks unanimous consent that debate may be confined to the bill.

Mr. RANDELL of Texas. I raise the question that no quorum is present.

The SPEAKER. The gentleman from Texas——

Mr. PAYNE. I suggest to the gentleman from Texas that we take a viva voce vote on this motion; and then, if he wants, he can raise the question. He can do so when we have a viva voce vote. I request that he defer it until we can vote upon going into Committee of the Whole.

Mr. RANDELL of Texas. I would rather insist upon it at present.

The SPEAKER. The gentleman from Texas suggests that a quorum is not present. The House has just divided by tellers, and it appears 178 were present a few moments ago. It requires 196 to make a quorum. Assuming, which the Chair will not assume, that perchance all did not vote, the Chair will ask that Members arise and stand until counted, for the purpose of ascertaining a quorum. It is impossible for the Chair to determine whether there may not be some present who are not Members. So that, if Members will arise and all others remain seated, the Chair will count and see if there is a quorum. The Chair will request all Members to rise. [After counting.] The Chair has counted, and finds that there are present 201; but 196 constitute a quorum. A quorum is present. As many as favor the motion will say "aye."

The question was taken, and the motion was agreed to.

The SPEAKER. The gentleman from Pennsylvania [Mr. OLMSTED] will take the chair.

Mr. HUMPHREYS of Mississippi. A parliamentary inquiry. Was unanimous consent granted that debate should be confined to the bill?

The SPEAKER. Without objection, the Chair will now present the request of the gentleman from Mississippi for consent that debate on this bill be confined to the bill. Is there objection?

Mr. BARTLETT of Georgia. Mr. Speaker, I want to make a parliamentary inquiry before that consent is given, and to ask what will be the subject for discussion—simply the matter of a Philippine tariff, or the policy of the Government with reference to the Philippines?

The SPEAKER. It is impossible for the Chair to say what the range of debate would be, because the Chair has not even read the bill. It would be for the committee on the one hand, and the chairman presiding over it on the other, in the event the question should arise, to determine as to whether the Member was confining himself to the bill. Is there objection? [After a pause.] The Chair hears none. The gentleman from Pennsylvania will take the chair.

The CHAIRMAN (Mr. OLMSTED). The House is in Committee of the Whole House on the state of the Union for the consideration of the bill (H. R. 9135) to revise and amend the tariff laws of the Philippine Islands, and for other purposes.

The Clerk read as follows:

A bill (H. R. 9135) to revise and amend the tariff laws of the Philippine Islands, and for other purposes.

Mr. PAYNE. Mr. Chairman, I ask unanimous consent that the first reading of the bill be dispensed with.

The CHAIRMAN. The gentleman from New York asks unanimous consent that the first reading of the bill be dispensed with. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Chairman, the necessity for this legislation at the present time arises out of the passage by the House, I hope on its way to become a part of the laws of the Nation, of the general tariff bill, which provides in section 5 in reference to the trade between the Philippine Islands and the United States.

As the House will remember, section 5 provides for free trade on all goods going from the United States to the Philippine Islands and coming to the United States from the islands, after the passage of the act, with the exception of a limited amount of sugar, tobacco, and manufactures of tobacco, and also with an exception as to rice.

The passage of that bill will make a deficit in the amount of revenue to be obtained under the present tariff acts relating to those islands. For instance, the duty collected under the present law for the fiscal year 1908 between the islands and the United States amounted to $999,666, or, in round numbers, to $1,000,000. Of course with free trade between the islands and the United States that entire revenue will be cut off.

There are other deductions that will arise on account of this legislation, some of which can be definitely stated, and some of which can only be estimated. But that is the principal item of reduction when you compare the imports and the exports with the proposed legislation. There is a duty on some of the exports from the islands.

At present the revenues are sufficient to pay the expenses of the islands and a little more, and of course the Congress of the United States does not for a moment desire to curtail in any manner the appropriations made yearly for education, for instance, in the Philippine Islands, because that is one of the great works and objects which this Government is carrying out in our relations with those islands.

Public improvements are going on. Road building has increased and docks have been constructed, which have been paid for out of the revenues of the islands. It is necessary for the Government to take care of all these things which are not yet complete by providing sufficient revenues.

They have now in the islands an internal-revenue system. I think the tax imposed there on tobacco and its manufactures, especially the manufactures of tobacco, and on alcoholic liquors, amounts to about one-quarter of the rate imposed by our internal-revenue tax in the United States, and about half of the rate imposed in the island of Porto Rico.

As is well known, these people in the Philippine Islands are great consumers of cigarettes. It is estimated that they now consume about 11,000,000 cigarettes a day, which would mean about one cigarette every day for every man, woman, and child in the Philippine Islands. They propose (and this is a matter for insular legislation and not for Congress, because we have delegated that power to them) to increase the tax upon cigarettes so that the internal-revenue receipts from this source will amount to $375,791 more than under the present law. It is not supposed that this small increase in the internal taxes will at all interfere with the consumption of cigarettes. The increased consumption there has arisen out of the prohibition of the smoking of opium in the islands. Both the importation and manufacture of opium are prohibited, and the opium fiend has turned to some kindred amusement in order to compensate for the loss of the opportunity to smoke opium. The Filipinos have the cigarette habit worse than some Members of Congress whom I know.

There are other increases which will also be made with reference to internal-revenue taxation, and it is believed that they will increase their receipts from taxes upon distilled spirits $800,000, making a total increase of $1,175,791 in internal-revenue receipts.

In addition to the amount of import duties upon goods coming from the United States to the islands, there was also collected a duty on Philippine products imported into the United States amounting to $269,000 in the last year; making the total loss about $1,851,320 and a gain from internal-revenue receipts of $1,175,791, leaving still a decrease in revenue of $570,956.75.

Now, the internal revenue has been apportioned between the general government and the municipalities in the Philippine Islands. It is proposed hereafter to turn over those revenues in the general tariff bill to the insular government, and let them make the apportionment and not have them apportioned according to the present law. Economies have been instituted in the municipal governments in the Philippine Islands by the substitution of Filipinos for Americans. Of course it costs a Filipino less to live, and it is impossible to get an American to go over there and live, unless he gets at least double the salary that a competent Filipino would require for similar services.

So you see the constant effort of the United States is in the direction of the education of these people, not alone in reading, writing, and arithmetic, and the ordinary school lessons, but also in industrial education, and also, as the opportunity offers, as they show capacity, to give them a chance to engage in real government in various capacities and to participate in the general government of the islands.

The people are making progress, and we hope that under the beneficent influences of the general tariff bill, giving them free trade and a market for their products to the United States, there will be the same growth in the Philippine Islands that there has been in Porto Rico, and that imports and exports in the course of the next ten years will increase tenfold or more, as they have in the island of Porto Rico since the year 1900.

In Porto Rico, after the passage of the bill giving them free trade, the industries and prosperity of the island were so greatly enhanced that they began to increase their imports from foreign countries on which duties were levied, and they increased from considerably less than $2,000,000 to over $3,000,000 in the past year.

Before we took up the government of the island of Porto Rico seriously the expenditures were about $3,000,000 a year and the revenues $3,644,000. Now the expenditures are a trifle over $4,000,000 a year and the revenue about $4,250,000, so that there is a handsome surplus at the end of the year. The principal item of increase in connection with the island of Porto Rico is the million dollars that we pay annually to support the schools in the island. There are some 87,000 children in the schools, and they are constantly advancing. And so in the Philippine Islands we have established schools for four or five hundred thousand children. I have not read the statistics lately, and I may not be correct, but I think there were over 500,000 the last time that I looked the matter up. We propose to keep on in this direction until these people are educated up to the point where they will be enabled to engage in self-government, either as an independent republic or under the United States, as the people of the United States and the people of the islands shall agree when the time comes that they are ready to take up self-government.

Now, Mr. Chairman, there is no doubt that under this bill, which proposes a moderate revenue duty upon nearly all the items, there will be an increase of exports from the United States into the islands. There may be a decrease for the time being of imports into the islands from foreign countries on which duties are paid. It is impossible, of course, to estimate what that difference will be, but those people who have direct charge of the insular affairs believe that, with these excise taxes, internal-revenue taxes, turned over to the general government of the islands, they will not have to economize in any way beyond what is legitimate economy in running the government of the islands, and that the bill, from the start, will give them enough money to pay the expenses of the government.

Judging from the parallel case of Porto Rico there is no doubt that in the course of a very short time the bill will yield ample revenue for the support of the government.

This bill, Mr. Chairman, was prepared in the first instance by Colonel Colton, who is at the head of the customs service in the Philippine Islands, assisted by Mr. Hord, who is at the head of the internal-revenue service, and after open discussion and hearings in Manila, and with the concurrence of 10 or 15 tariff experts, who were active in the preparation of the bill, and also under the direction and final revision of General Edwards, of the Insular Bureau in the War Department.

I introduced this bill as it was prepared by these gentlemen, and it was referred to the Committee on Ways and Means. A subcommittee was appointed, who carefully went over every provision in the bill. The subcommittee recommended a large number of amendments, most of them in the phraseology of the bill, some as to punctuation, and only a few making material changes from the original draft of the bill.

For instance, they had provided for a duty upon petroleum and its products of every kind on a graduated scale. The committee could see no reason for putting a duty on petroleum or any of its products, so they put the whole thing on the free list. Then a high duty was put upon a certain kind of rails of light weight, for use in making tramways or railroads to be used in the sugar plantations, and also a high duty upon the cars and equipage of such a railway, and also a higher rate of duty, not in balance with or corresponding to the other duties of the bill, on sugar machinery. The general duties upon the iron schedule average about 15 per cent ad valorem. On sugar machinery the duty was put at 30 per cent.

The committee, being still of an inquiring mind, found out that some American manufacturers had insisted upon these high rates of duty, and these gentlemen had accommodatingly given way to them, one of them told me, on the threat of the manufacturers that the bill would not be allowed to pass unless they did, though I do not know whether that is so or not. The committee were not intimidated by the report of any such threat, and they cut down the duties on this sugar machinery from 30 to 15 per cent, and put the duty on these lighter rails at the same rate that was put on rails in general in the bill.

There is one item that they wanted as a protective duty. They have organized a company in Manila, and have a shop in operation there employing a thousand Filipinos in fitting up and making the bolts and nuts, and so forth, for structural steel used in building in the islands. They import the rough blocks and fit them up in their shops, and in that way they employ a thou-

sand people there, and desired a high rate of duty upon this structural material in order to keep this shop in operation, so that that is a protective feature of the bill.

The bill continues the present law in regard to export duty. As the House will remember, when the law was passed we put light export duties on hemp and copra, the product of the cocoanut tree, and upon tobacco and its manufactures, and upon sugar. This produced considerable revenue, although we excepted from its operation any of these articles coming into the United States.

Mr. DOUGLAS. If the gentleman will permit an interruption, I will state that the gentleman spoke of the application that was made by the proprietors of a machine shop for a protective duty on structural material which they were making. I do not think the gentleman from New York said what the committee did with respect to that.

Mr. PAYNE. The committee did not amend that. It left it as it was reported by these gentlemen at what was considered sufficient protection. I think we did not change it. We left it as reported by these gentlemen, in order to protect that industry in the islands and keep these men at work.

Some objection has been raised to this form of taxation, export duties. Of course it is foreign to our Constitution and our system of government, so far as the United States proper is concerned, to levy any export tax, but the conditions are quite different in the Philippine Islands. The Constitution does not extend there. They have upon their statute books, and have had for five or six years, a land-tax law making subject to assessment and taxation all improved lands in the islands. When they came to look about for an enforcement of this law it was found that there were a large number of holdings of real estate, and that many of them, most of them, were small holdings, where the proprietor raised a little rice for his family, and that is about all the income he got out of it, and that to enforce that tax meant simply the seizure of these lands and sale for taxation. Of course that would produce not only confusion, but a great deal of distress in the islands. So the operation of that law was suspended. Now, the people who cultivate the cocoanut and the hemp and the tobacco, and the sugar especially, with the impetus that may come to that industry—and there is some exportation to other countries besides the United States of all of these articles beyond the limited amount that may come to the United States under any circumstances—are the people who get money out of their lands. They get an income from those lands. They are able to pay the small tax which was exacted under the law as now upon the statute books, but not enforced. When the committee came to look into this matter it appeared to them that this small export tax at worst was only a tax upon the land, and a very moderate tax upon the land, of those who were able to pay it.

That is, if it all comes back upon the owner of the land. Of course it is claimed there, and there is some reason in the argument, that it does not come out of the landowner, but comes out of the customer who buys. He has to stand this export tax when he buys the manila hemp; but whatever way it is there is no injustice if the owners of these lands that produce are compelled to pay this small tax upon the land. These islands have a complete monopoly of the manila hemp industry. The provision exempting the United States from the payment of this tax has worked a revolution commercially in regard to hemp. When it commenced, I think there were only $2,000,000 worth of hemp coming to the United States, and ten or twelve million dollars' worth coming mainly to London. Now the greater portion of it comes to the United States, six or seven million dollars' worth, and the balance of it goes to England and other foreign countries and pays the export tax. So that this has worked for the benefit of the people of the United States and the people who use manila hemp in manufacture.

Mr. MURDOCK. That is not changed at all in this bill.

Mr. PAYNE. That is left exactly as it is in the present law. Yes; I was right. In 1901 there was $2,400,000 worth of hemp coming into the United States and $12,050,000 going to other countries. In 1907 there was $11,326,000 worth coming to the United States and $9,758,000 worth going to other countries, and that proportion existed in 1905 and 1906. In 1908 there was a slump in the hemp business in the United States and we received $7,684,000 and the other countries $9,247,000.

Mr. [illegible]ES. Will the gentleman yield? Is the export duty collected on that manila hemp shipped to the United States as well as to other countries?

Mr. PAYNE. It is collected and refunded when it goes into consumption in the United States. I hardly see myself how they interpret the law that way. There is an expressed proviso that these products shipped to the United States and entering into consumption should be exempt from the export duty, but they have a practice down there of collecting the export duty, and they pay it back whenever proof is made that the hemp has been manufactured in the United States and goes into consumption, and our people are not complaining about it; and while I, glancing at the law, should interpret it the other way, still down there they interpret it this way, and we have left it exactly as it is. They want it left as it is, and our people are not complaining about it and everybody seems to be satisfied. We put hides on the free list; there was a duty on hides in the Colton draft.

Mr. MURDOCK. Mr. Chairman, I find this curious provision on page 80 of the bill, and I desire to ask the gentleman from New York about it. It is virtually this, that the governor-general, by and with the advice of the commission, may suspend the duty on rice. For what purpose is that inserted?

Mr. PAYNE. It is for this purpose: The gentleman knows, of course, that the principal food there is rice. Now, they have not raised enough rice to feed the people of the islands in a number of years. One year, I think, they imported $11,000,000 worth of rice and only raised three or four. That was the year after the scourge among the carabao, and 80 per cent of the draft animals there were blotted out in that year; and while they have increased to a better condition somewhat, still they are not able to raise enough rice in the islands now to support the people of the islands. People there think that when conditions change so that they can raise sufficient to support the islands a duty ought to be imposed upon it, and so we have provided for that duty in this bill, and they wanted this provision in it that it could be suspended any one year at the instance of the government, so as to guard against a rice famine. These people are poor people——

Mr. MURDOCK. In such event the rice importations are from China, are they not?

Mr. PAYNE. Yes; some from Japan, I think, too, and other oriental countries. Of course they are surrounded by countries that can send them rice. I do not know whether our growers in the United States will ever send them rice. We are supplying the needs of our people, and I take a very cheerful and hopeful view of the rice planting in the Southern States, because I believe with our facilities and our machinery and the facilities for flooding the fields at any moment they desire and then being able to draw the waters off and harvest, not in the wet but in the dry, and use of machinery for the harvesting of it, I can not see any reason why, with the ingenuity and inventive genius of the average American applied to the cultivation of rice, we would not be able in a few years to meet the conditions in oriental countries, even with their cheap labor, in the supplying of rice. I think that, with this duty upon it, there is good reason to believe that our people may export rice to the islands some time in the future and without crippling the industry there, because there the people in a small patch, sometimes no larger than a rod square, raise the rice for the family. They wade around in the water, plant the rice, cultivate it, and afterwards they gather it by wading in the water, because they have no means of flooding except the floods that come from heaven, and they have no means of draining the water off at any time.

There is one item in the bill that is not strictly a tariff measure, but they were very anxious to have it put in. They claim, and I think they are probably right about it, that the general trade-mark law passed by Congress two or three years ago applies to the Philippine Islands, and while there is a provision in the general law to enforce rights under it in the courts of the United States, there is no provision to enforce the rights that grow up in the Philippine Islands in reference to trade-marks in the courts of the islands. So we have put in a section giving jurisdiction of these courts over trade-mark cases arising in the Philippine Islands.

I think I have stated all the features of the bill, unless some gentleman wishes to ask me in regard to it.

Mr. ROBINSON. Before the gentleman takes his seat, I would like to ask him one question. If I understood him correctly, he stated that the expenditures on account of the Philippine government have increased under the American occupation from $3,000,000, or about $3,000,000, to approximately four millions, and that is chiefly due——

Mr. PAYNE. That was in regard to Porto Rico.

Mr. ROBINSON. The gentleman stated, if I understood him correctly, that the policy of this Government, or, at least, the policy of the committee and of this legislation, is to continue the process of education until these people become capable of self-government. I would like to ask——

Mr. PAYNE. I speak more for myself, perhaps, on that than for anybody else.

Mr. ROBINSON. Very well. I would like to ask if he can give the committee an idea as to how long it will be necessary to continue that process?

Mr. PAYNE. I can not, and I say that, too, after a trip to the islands three or four years ago, with unusual facilities there to find out and ascertain how far these people had proceeded. We had hearings, and some gentlemen appeared before us and thought that they were fit for self-government now, but the most of them demonstrated that they were not up to the ideas of a 10-year-old child on government.

I do not know how long it will take. We attended some banquets on the islands, where the waiters were young Filipinos, who were students in the schools, because they could speak the English language, and we found a great many of the younger generation had gotten so that they were speaking the English language, the language which bids fair to become the common tongue in the Philippine Islands. Now, there are 60 or 70 different dialects spoken in the islands, so different that a man speaking in one and another speaking in another can not understand each other any more than I can understand their dialects.

Mr. ROBINSON. Notwithstanding the fact that the gentleman has given careful consideration to that subject, he is unable to give the committee any idea how long it will be necessary for this Government to continue its occupation there?

Mr. PAYNE. The hopeful thing is they are being educated and uplifted; that they are getting a sense of responsibility. The native constabulary there has gotten to be a most respectable police force and a most efficient one. Many of the Filipinos, who compose a minority of the commission in Manila, are men of exceptionally high character and ability. I wish they were all so, but unfortunately they are not. I think they are getting that way. It may be that the next generation will be the generation to carry it into effect and will succeed.

Mr. ROBINSON. Has the gentleman worked out to his own satisfaction the degree of education and the generality of education necessary to entitle Filipinos to self-government?

Mr. PAYNE. Well, I could not lay down a cast-iron rule on that.

Mr. ROBINSON. Can the gentleman lay down any?

Mr. PAYNE. There are various degrees of fitness for self-government. Sometimes I look over a community in the United States and wonder how long it will be before they get up to the plane of self-government; but our people generally, the great mass of them, are fit for self-government. I hope to see the Filipinos that way.

Mr. ROBINSON. The gentleman in this connection asserts that in his opinion there are many communities in the United States that are incapable of governing themselves.

Mr. PAYNE. I should have said "some," if I said "many."

Mr. ROBINSON. Some; and yet he is utterly unable to give any idea as to how long it would require this Government to educate them to his standard for self-government or to give us an idea as to what standard of enlightenment is necessary to constitute the right to self-government.

Mr. DOUGLAS. Would not the gentleman be surprised if the gentleman from New York had indicated any opinion on the subject?

Mr. ROBINSON. I would state that I would be surprised at the members of the Republican party announcing a definite policy toward the Philippine Islands. I will state in that connection, with the permission of the gentleman from New York, that he certainly knows that we acquired the Philippine Islands and assumed control of them upon the theory that we owed those people the duty of enlightening them sufficiently for self-government; and now, after ten years of increasingly enormous expenditures for that purpose, the chairman of the Committee on Ways and Means of the House of Representatives, the leader of the Republican party on this floor, declares that, after years of investigation of this subject, he knows no more about it than when he began. I think it is time for some determination on the subject.

Mr. PAYNE. The gentleman is stating his interpretation of something I did not say. There are those who can jump up in Congress or anywhere else—those who are in the minority—and declaim and say that after fifteen years, or ten years, or one year, they are going to give the Philippine Islands the right of self-government. We have made one experiment in giving self-government to a people near by, and we have had to intervene and keep them from cutting each other's throats; and I am not sure whether we will not have to do it again or not. I do not know. But so far as the Philippine Islands are concerned, I do not want to repeat that experiment.

I do not want to get them into a position where they will be cutting each other's throats. I want to do what is best for them. I never wanted them, and never would have gone into the Cuban war. We struggled against it until it was inevitable; while there on the other side, without a particle of responsibility to the country, they were urging and egging on for war. [Loud applause on the Republican side.] And then there was the blowing up of the *Maine;* there was the finding of the commission that it came from the outside; there was pressure everywhere. There was the opinion of the people; there was the demand of the people, heated up by demagogic cries that came from Washington, for war with Spain. We could hold out against it no longer. If we could have held out a little longer, we would have secured the freedom of the Cubans without the loss of a drop of blood or the expenditure of treasure. But, no; the minority had their way, helped by some misled gentlemen upon this side of the Chamber; and we went into the war; and when the war had closed, after we had assumed these responsibilities, then you gentlemen said: "Stay away; let the people alone, and let them cut each other's throats." They have no responsibility. But we, on this side of the Chamber, recognize the force not only of public opinion in this country, but we are responsible to the Providence that had placed those people in our keeping. We are trying to work out the problem, and all the time we are met by bickerings and criticisms from gentlemen whom the people have not seen fit to give the responsibility of this Government to; but still we are trying to work out this proposition, and we are succeeding. We are lifting them up, and I hope to see the day when they will exemplify the great benefit to them, given to them because under the providence of Almighty God they were given over to the care and custody of the American people. [Loud applause on the Republican side.]

Mr. ROBINSON. Will the gentleman yield to me for a statement?

Mr. PAYNE. I reserve my time; the gentleman can obtain time from gentlemen on the other side.

Mr. CLARK of Missouri. I yield five minutes to the gentleman from Arkansas.

Mr. ROBINSON. Mr. Chairman, I did not expect to say anything in this connection at this time. The very remarkable speech just made by the leader of the Republican party has induced me to reply to some of the statements he has made. He says that it is all right for members of the minority, without any responsibility, to make inquiries as to the conduct of the Government in the Philippine Islands and to ask how long it will require this Government to educate the people of the Philippine Islands so that, in his judgment, they will become capable of self-government.

I want to say to him in that regard that while I am an humble member of the minority, I can not divest myself of some degree of responsibility for the proceedings of this great body. Already the idea has prevailed to too great an extent here and throughout the United States that men in positions of leadership, men who are intrusted with the responsibility of leading great political organizations and directing legislation, should have the sole responsibility of its conduct. We have here exemplified to-day the fact that no Member of this House can divest himself of his responsibility in this body. The gentleman says that after ten years of occupation of those islands and a careful study of conditions there the Filipinos are as yet mere children 10 years old, incapable of governing themselves, and that an indefinite policy is to be pursued by the United States, to the end of time if necessary, by implication, by which the people of the United States are to discharge what he assumes to be an obligation to the people of the Philippine Islands to educate and control them.

Mr. Chairman, I believe that the Philippine Islands are now capable of self-government. I do not agree with the gentleman from New York that there is any part of the United States, under the flag of the United States, either in New York or elsewhere, where the people are incapable of self-government. I believe in the progress of right, but I do not believe that the chairman of the Ways and Means Committee ought to arrogate to himself or to the Republican party the right to determine just when any people are capable of self-government.

Mr. PAYNE. May I ask my friend a question?

Mr. ROBINSON. Yes.

Mr. PAYNE. Does the gentleman include the negroes in his statement that all are capable of self-government?

Mr. ROBINSON. Yes; I do.

Mr. HAMILTON. Then why do not you let them?

Mr. JAMES. They are not capable of the government of other people, however.

Mr. RANDELL of Texas. The gentleman spoke of communities governing themselves.

Mr. ROBINSON. It is very easy for one having the dignity, the rank, and the power of the gentleman from New York to make an insinuation of that kind. I know what he means. I know what he attempts to say; and I say to him now, that while I regard the negro as capable of self-government, I do not believe he is capable of governing the world, and I do not intend that he shall do so.

Mr. DOUGLAS. That is quite obvious.

Mr. ROBINSON. It is contended here by the gentleman from New York [Mr. PAYNE] and some of his associates that in speaking for the right of self-government I am inconsistent. That insinuation is made because I do not proclaim the doctrine of negro supremacy in the South. You do not believe in it, you do not stand for it, and you dare not announce it. It has nothing whatever to do with this Philippine tariff bill. There is no relation between it and the so-called "race problem."

The gentleman has undertaken to divert the issue. You gentlemen on the other side have undertaken to justify what you may yourselves determine to be misgovernment in the Philippine Islands by the insinuation that I stand for the misgovernment of some people. I want the gentleman from New York to understand that I resent the imputation which he makes, that my community or any other community in the United States is less capable of self-government than the community which is honored by having him represent it here. I believe in the right of self-government as inherent in all races and in all peoples; and I believe that the time has now come—as shown in the confession which the gentleman makes when he says, in substance, that he deplores the situation now existing in the Philippine Islands and regrets that this obligation is upon us—when the people of the United States should give to the people of the Philippine Islands the right and power of self-government. [Applause on the Democratic side.]

The CHAIRMAN. The time of the gentleman from Arkansas has expired.

Mr. CLARK of Missouri. I yield thirty minutes to the gentleman from New York [Mr. HARRISON], a member of the committee.

Mr. HARRISON. Mr. Chairman, the people of the United States have no heart for the colonial form of government. They seem to appreciate neither its advantages nor its responsibilities. The Congress takes but a cursory interest in this measure, which affects the economic existence of 8,000,000 of subject people. Our own new tariff bill provides for free trade with the Philippine Islands, and therefore it is necessary for us now to revise the tariff of the Philippine Islands in order to make up for the deficit which will arise from a cessation of the collection of custom duties upon imports from the United States. We are thus called upon to create a new revenue measure for those islands, and yet in this emergency I venture to say that there are not a dozen men in the House of Representatives who can speak with any authority upon the subject of the Philippine revenues.

Now, this bill was not prepared by the Committee on Ways and Means. It is true that we have revised some of the schedules first offered us, but in the main this is the creation of the Bureau of Insular Affairs of the War Department, especially of the chief of that bureau, Gen. Clarence Edwards, and of Colonel Colton, of the army, the collector of customs for the Philippine Islands. These two gentlemen appeared before the Committee on Ways and Means and showed most profound knowledge of the conditions in the Philippine Islands, for which they are entitled to much praise.

But the people of the United States, as they are represented here in this Chamber, know little about this bill, and care less. Now, that shows one of two things, either that we are unfit to carry on a form of colonial government, or that we are not prepared to accept as definite our present colonial policy. I hope that the latter is the true statement of the case.

Mr. NORRIS. Will the gentleman permit a question?

Mr. HARRISON. I will.

Mr. NORRIS. Does not this lack of interest which the gentleman speaks of indicate, or might it not be reasonably said to indicate, a confidence in the membership that the House has in the great Committee on Ways and Means, of which the gentleman himself is an honored member?

Mr. HARRISON. I acknowledge on behalf of the committee and on behalf of myself the somewhat backhanded compliment the gentleman is paying us, but it is not the customary course of legislation in this body that a bill affecting the economic existence of 8,000,000 of people should arouse so little interest in the House.

Mr. NORRIS. The gentleman complains that there is not a greater interest on the part of the membership of the House in this particular bill?

Mr. HARRISON. I do.

Mr. NORRIS. Now, I think that perhaps the gentleman misconstrues the sentiment of the membership, and I believe that while we all recognize that we can not consider everything in detail, when we have the committee able to do it properly, with the ability that the committee has, we sometimes show a lack of interest.

Mr. HARRISON. The gentleman has been a Member of this body a number of years, and I have been here a few years myself, and I venture to say we never saw another measure of equal importance directly affecting an equal number of people arousing so little interest on this floor; on that account I said I hoped that it meant a lack of acquiescence in the permanency of our present colonial form of government rather than the unfitness for colonial government on the part of the American people.

I think myself that the proper tribunal to frame this bill is not the House of Representatives of the United States, but the Philippine assembly. [Applause on the Democratic side.] If we have given these people the form of self-government, we might just as well give them the substance.

Mr. HILL. I am sure the gentleman will pardon an interruption. It was shown the subcommittee who had the bill in charge that for six months, by public advertisement and by public hearings in the city of Manila, all parties, without regard to political consideration, were summoned and were present, and that the discussion of the rates of duties continued for over six months. This was in the city of Manila, and not only the people of the Philippine Islands, but foreign merchants, residents there, participated in that discussion; and the rates of duty were fixed, not by Colonel Colton and General Edwards, but in effect by the people of the Philippine Islands, and then these were submitted to the Insular Bureau and approved and then sent to the House of Representatives of the United States of America for revision and enactment. Now, it may well be, in view of the fact that free trade is to exist between the United States and the Philippine Islands, and naturally so, that the American people do not take the interest in it that the people of the Philippine Islands do; but these people have taken a lively, personal, active interest for between six months and a year, and this is the result of their conclusions.

Mr. HARRISON. Mr. Chairman, granting that all the gentleman from Connecticut says is substantially correct, the fiscal policy embodied in this bill was created, controlled, and directed by the Bureau of Insular Affairs of the army. My opinion is that the people of the islands, as represented in their assembly, are the people who know most about this measure, who care most about it, and are the ones to whom should have been given the responsibility for framing their own fiscal policy.

Mr. HILL. If the gentleman will permit a further interruption, I asked Colonel Colton whether the various residents, foreign merchants, and representatives of European industries had been consulted in regard to this bill. He told me that while they were opposed, of course, as they naturally would be, to free trade between the Philippine Islands and the United States, if free trade between the United States and the Philippine Islands was to exist, they were in accord with the rates of duty laid down in this bill.

Mr. HARRISON. Yes, I know; but the mailed fist of the Department of War directed the framing of this fiscal policy. We do not know what the merchants of the islands or the residents of the island have testified before the army officers who collected this testimony. It was not submitted to us in the committee. It is not submitted to the people of the United States. We derived all the information we have upon this subject from the Department of War.

Mr. HILL. The best information the subcommittee had was that the particular items the War Department injected into this bill were reviewed and rescinded and very much lower rates given, and that the views of the Filipino people themselves were embodied as the final result of their action.

Mr. HARRISON. Mr. Chairman, I address myself to the fiscal policy that this bill expresses rather than to specific rates. To that policy I object, and I voted against it in the committee. What the committee had in the way of evidence upon which this policy was adopted was very slight indeed.

I have already said that these two officials of the Bureau of Insular Affairs in appearing before the committee showed a very profound knowledge of conditions in the Philippine Islands and answered satisfactorily the questions asked of them by the members of the committee, but the fact remains that this measure affecting the economic existence of the Filipinos should have been framed by the Philippine assembly and not by a Congress which knows little about it and cares less.

To deny the Filipinos the right to enact serious legislation is to make a farce of the toy government we have given them. The situation is illogical and absurd; it positively hampers the hoped-for plan of self-government in those islands.

Taxation without representation was abhorrent to an earlier generation of Americans. How signally have we failed in the application of the golden rule. If we are in earnest in our professions of ultimate independence for the islands, let us, at least, be honest with them now, and prepare them for that glorious occasion. Restless as we are under the burdens of our colonial empire, we must retain our hold over the Philippines until that time shall come. To deliver over the Filipinos to another country would be recreancy to our trust. To give them over as pawns to the Japanese would be abhorrent to our sense of justice. To abandon them now to their own resources, a prey to foreign nations, would be equally an act of cowardice.

Therefore, as a Democrat, I say that I believe that we must at present postpone the day of severing our bonds with the Philippine Islands until they have reached, approximately at least, a condition fit for self-government. Now, if it were to be shown to us that that condition exists to-day, I say give them their independence to-day. If it appears that they are not yet fit for independence, we must retain our hold upon them until they do become so, and when they do, educated and civilized by us, we shall have the proud feeling that we enabled them to take their place among the brotherhood of nations.

Mr. NORRIS. Has the gentleman given the subject sufficient study, so that he has formed an opinion satisfactory to himself as to whether the Philippine people are sufficiently far advanced for self-government now?

Mr. HARRISON. I should be inclined to think that they are not.

Mr. NORRIS. Has the gentleman a definite idea as to when—could he fix a time—we should turn them over to themselves?

Mr. HARRISON. The very first moment it does appear to our satisfaction that they are able to take care of themselves.

Mr. NORRIS. I agree with the gentleman fully on that proposition, but as to being more definite, can the gentleman state the time in the future when that should occur?

Mr. HARRISON. Of course I do not propose to deal in prophecy. I can not fix this matter by clockwork, but since the gentleman has given me this opportunity to express my own opinion I believe that the proper solution of the question is the speedy internationalization of the islands, so that a condition may exist similar to that which recently existed in the island of Crete. Then, guaranteed their independence and protected from interference by any of the world powers, they can take their proper stand among the nations of the earth.

Now, for that I believe they are pretty nearly ready. I believe that their present fiscal condition is one of the most serious drawbacks to that solution, and instead of solving the question in this bill, I believe we are still further complicating it and still further postponing the day of independence.

Mr. NORRIS. I agree with the gentleman fully that we ought to give them their independence at the earliest possible moment, and I was moved to ask the questions I did from the questions asked by the gentleman from Arkansas [Mr. ROBINSON] of the gentleman from New York [Mr. PAYNE] that he wanted definite ideas. It seems to me we can not state definitely the time when that independence should occur, but we ought to keep in mind and work toward the end of bringing independence about for them as soon as possible.

Mr. HARRISON. Now, Mr. Chairman, I do not propose to detain the House by a detailed discussion of our colonial policy. This is an economic question, and as such it deserves our close scrutiny and attention. In the first place the bill is a triumph of complexity.

The first 15 pages of the bill are given over to a complex discussion of how the customs duty shall be administered and a great deal of it is absolutely incomprehensible to the ordinary American mind. Perhaps it may better suit the subtleties of the Filipino or Chinese merchant. Lax as we are in our understanding of it, this vice which I have pointed out exists chiefly because we are trying to apply to them our own incorrect system of taxation. We could give them a tariff bill as short as the English tariff bill, which in 5 pages of ordinary pamphlet size contains the provisions for raising an enormous revenue, and yet in raising the revenue for the Philippine Islands we have here a bill of 125 pages, enumerating nearly every object under the sun which could be taxed. If we offered them a tariff for revenue only upon a few specific articles sufficient to raise that revenue we would be giving them a fair start upon their fiscal career instead of giving them a tariff which will be incomprehensible to them and to us.

Now, as a revenue raiser, I believe this bill will fall very far short of what is expected by the committee. The revenues of the Philippine Islands to-day are about $11,000,000 to $12,000,000 a year. Most of that they spend, the money being appropriated by the Philippine Assembly. Now, less than $7,000,000 of their revenues comes from customs duties. This is collected on an average ad valorem of about 20 per cent on over $31,000,000 of imports.

Now these exports come, about $6,000,000 from Great Britain, about $5,000,000 from us, about $2,500,000 from China, about $2,000,000 from Germany, about $1,500,000 from Spain, about $1,250,000 from the British East Indies, and so on. What I regard of importance in these figures is the fact that a comparatively small proportion of their customs revenues at present comes from the United States, say about 17 per cent. Now, this 17 per cent of their revenues, or about $1,300,000, will be at once entirely lost as soon as free trade between our country and the Philippines is adopted. In addition to that the $500,000, which in round figures is about what is refunded to the Philippines as their share of the export tax on commodities imported from them into the United States, will also be stricken out. This makes somewhat less than $2,000,000 of compensatory revenue to be provided for. Now, the Bureau of Insular Affairs, in offering this bill assumed, I believe, that greatly increased prosperity will exist in the Philippine Islands because of the increased importation of American goods there, and that will increase the purchasing power of the Philippine people, thus providing a source from which the deficit will eventually be offset.

In addition, they have a gold-standard fund which is rated at 40 per cent. Officials of the department believe that half that amount would be sufficient, and they claim they will have at least $3,000,000 available for use. Now, all this is true so far as the arithmetic of it goes, but the common sense of the situation is that as the advantages of free trade with the United States will at once become apparent importations will almost cease in many items from other countries, and consequently a great deal more than 17 per cent of their revenues will immediately cease; probably 25, 30, or 50 per cent.

A fair estimate, then, of the future customs revenue, in comparison with the revenue for the last fiscal year, would be as follows:

Imports, 1908, $30,918,745; duties collected, $6,691,485; average ad valorem, 20.64 per cent. Estimated revenue under proposed law: Imports, 1910, $15,000,000; duties collected, $3,750,000; average ad valorem, 25 per cent. Loss from imports to United States, $15,000,000.

If this estimate is approximately verified, the receipts will decline nearly $3,000,000, and that sum must be raised by other modes of taxation, such as increased and enlarged internal-revenue taxes. It is quite possible that the importers and business men of Manila contract some months ahead for the foreign goods they sell, and therefore the loss of revenue in consequence of free trade with the United States will not accrue until another year has passed, or even later; but it would seem to be inevitable that this loss of revenue must soon occur, and a still greater loss from year to year as the dealers and consumers discover the benefit of the lower cost of free American products over the tariff-taxed products of other countries.

If this great deficit is to arise, new sources of revenue must be provided. Now, how are they going to do it? The Filipinos can not amend this tariff bill. We are unlikely to take up the subject here for another ten years. It will have to be done by the Filipinos imposing some more forms of direct taxation upon their own people. The Bureau of Insular Affairs itself proposes to collect some of this deficit revenue by an increase in the internal-revenue taxes. Mr. Chairman, I think that a very grave and serious deficit, extending over a number of years, will at once come into being as soon as free trade is created between the two countries.

We are accustomed over here self-complacently to believe that the Philippine Islands are economically, as well as in all other ways, a great deal better off under American rule than they were under the Spanish. In my opinion, this is a grave mistake. We have been a great deal harder taskmaster to the Filipinos in an economic sense than was Spain. We forced upon them a land tax, the operations of which we had to suspend. We forced upon them our barbarous navigation laws, the operations of which we had to suspend. We forced upon them, almost at the point of the bayonet, our internal-revenue taxes, and now we propose to saddle them with a system which, in my opinion, is a grievous injustice to them. The fact is that trade in the Philippine Islands is almost stagnant, because they lost their market with Spain. We did not give them anything like the same preferential rates the Spaniards had given them,

and our own trade with the Philippine Islands has been substantially the same since 1901. Of course, it will increase now, but it will increase at the expense of the Philippines revenues.

Mr. STAFFORD. Will the gentleman permit?

Mr. HARRISON. With pleasure.

Mr. STAFFORD. As I understand the gentleman's argument, he is protesting against the free-trade policy as carried in the Payne bill between the Philippines and this country?

Mr. HARRISON. I am not. I would vote for that.

Mr. STAFFORD. Then, what is the purpose of the gentleman's protestations?

Mr. HARRISON. I am coming to that, if the gentleman will allow me to unfold my argument. I have but ten minutes more, and I hope to conclude in that time. My protestations are not against the free trade; I am in favor of that. My objections are directed to this tariff bill as a fiscal policy.

I am now coming, Mr. Chairman, to my chief objection to this bill, and thereby I hope to answer satisfactorily the question of the gentleman from Wisconsin [Mr. STAFFORD]. This bill, instead of being drawn for the purposes of the Filipino people, is drawn for the purposes of the industrial monopolies in the United States. Instead of being drawn for the purpose of collecting revenue for the Philippine Islands, it is drawn to render aid, assistance, and comfort to industrial combinations in our own country. The best evidence of that is the testimony before the Committee on Ways and Means of the officials of the Bureau of Insular Affairs.

With engaging frankness officials of that bureau testified before the committee that all the special interests of the United States had been consulted, their advice taken, and their desires appeased at every step. Like seasoned politicians, they proceeded along the lines of least resistance. General Edwards, the chief of that bureau, said this in describing the methods by which they framed this bill:

Take the iron schedule, for instance, and it would be sent to the Iron Age—

That is a periodical published in the interest of the iron manufacturers—

the jewelry schedule to the special jewelry magazine, the watch schedule to the watch magazine, and so forth, and invite recommendations and comment.

Further he says:

Specifications were drawn so as to favor United States goods, especially as to cotton or other goods in regard to the width of looms, and other things. In that way we got quite an intimate association between the special interests of this country. We had a great deal of correspondence with them. I have always given them our proposed schedules.

And above he says:

I think we have reconciled all special interests of the United States except such as have come up, of which I have no knowledge.

Not one but what was to have a finger in the pie if he has his say! Every single special interest in the United States was invited to come forward and to have a hand in framing this tariff bill. Now, I have no doubt that that is the usual way that Republicans frame their tariff bills, but such an amazing exhibition of the machinery by which it is done has never before been given to the Congress of the United States.

Mr. HILL. Will the gentleman yield to me?

Mr. HARRISON. Certainly.

Mr. HILL. The gentleman bases his opinion entirely on the testimony of General Edwards? Has he examined the schedules themselves to see whether they have been manipulated in that direction? The metal schedule, the report says, has not been changed an iota. It is 16 per cent now, and it was that under the old law.

Mr. HARRISON. I will give the gentleman two instances of what I referred to, and in doing so I will call his attention to the fact that he is not arguing fairly when he refers to any goods in this bill being taxed at the same rates as those at present existing in the Philippine tariff law, because free trade with the United States will upset the whole balance of trade and rates which may have been fair before will, as against the new condition of affairs, be absolutely unfair. I see the gentleman acknowledges his assent to that proposition.

Mr. HILL. I will concede that here; but I will concede, too, that no exploitation will be permitted in any changes made by the committee; that it is purely a revenue measure, intended to raise enough to meet the current expenditures of the Philippine Islands. I would ask the gentleman to specify a single item in which a rate has been made to exploit the Philippine Islands.

Mr. HARRISON. I will state two items in which I consider that to be the case, and if the advocates of high protection in the Philippines had any justification it should be in these two items. Upon analysis, however, their whole position will collapse. Those two items are structural steel and matches. Those are two instances in which they might have claimed that infant industries exist in the Philippine Islands. The plant in Manila for making structural steel used really to import steel from the United States and assemble it there to the extent of putting in steel bolts and screws.

Now, the rate on structural steel in this bill is fifty-six one-hundredths of 1 cent. The rate on structural steel in the Dingley bill is one-half of 1 cent. The rate on structural steel in the Payne bill is three-tenths of 1 cent. Therefore it will be obvious that the rate upon structural steel in this bill is not only a higher rate than in the Payne bill, but even higher than the rate of the Dingley bill, and is, in all human probability, utterly prohibitive as to any importations in competition with American structural steel.

But does it protect the infant industry in Manila? Most certainly not, because American structural steel will now be imported completely finished, free of duty, and no protection against this is afforded to this so-called "infant industry." So it is obvious that the thing is a ridiculous farce.

Now, take up the match schedule. That was another instance of an infant industry. The officials of the Bureau of Insular Affairs——

Mr. STAFFORD. Will the gentleman permit an inquiry?

Mr. HARRISON. Certainly.

Mr. STAFFORD. Can the gentleman give the committee the amount of the present duty on structural steel?

Mr. HARRISON. I believe it is fifty-six one-hundredths of 1 cent.

Mr. STAFFORD. What is the proposed rate?

Mr. HARRISON. Fifty-six one-hundredths of 1 cent; the same rate.

Mr. STAFFORD. Will the gentleman permit another inquiry?

Mr. HARRISON. Certainly.

Mr. STAFFORD. Does it follow from your argument that there is going to be a swamping by reason of American manufactures being sent there, when this bill continues the same rate of duty and such condition does not exist at present?

Mr. HARRISON. Yes; because in the present law the duty applies against the importations of structural steel from the United States, but under the new conditions of affairs they will come in free. I observe that my time is nearly out.

Mr. FOSTER of Vermont. I ask unanimous consent that the gentleman may have ten minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. HARRISON. The other item as to which I claim this bill provides protection for American industries, not Filipino, is in the instance of the match industry in Manila. Officials of the Bureau of Insular Affairs testified that representatives of the match factory came before them and asked for protection.

In response thereto he says:

We gave them the Payne rate.

Now the testimony shows that the match company in Manila uses American match machinery, and therefore prohibitive protection is given to them. In other words, so long as they are helping to exploit an American industry they are entitled to a protection which is admitted to be prohibitive as to all the rest of the world.

These are two examples, Mr. Chairman, which show most clearly the real purpose of this bill. It is from top to bottom simply and solely a selfish exploitation of the islands in behalf of certain American industrial monopolies.

Now, a few words more, Mr. Chairman, and I am done. We had a magnificent opportunity here. We could have started the Philippine Islands now upon the straight path of economic reform. There were no great industrial combinations existing there, insisting upon high protection or strong enough to secure the enactment into law of their will and desires. We could have given the Philippine Islands a tariff for revenue only. We could have collected that tariff upon a few items, which would have supplied sufficient revenues to run their government, and as to all the rest of the items of this bill we might have in the Philippine Islands free trade as wide as the world. A tariff for revenue only is possible now. Will it ever be so again? This, in my opinion, would have benefited not only the people of the Philippines, but the people of the United States, beyond their wildest dreams of commercial empire. It would have made out of the city of Manila an entrepôt for American commerce.

It would have made that city the rival of Hongkong in the East. It would have made of Manila a door through which would open up to us the commerce of all the vast markets of Asia. In this way we could recoup ourselves for our stupendous expenditures in the Philippines. But instead of doing that,

willfully, without any rational excuse, we are thrusting upon them a system which will be a curse to future generations. And this is done not for the purpose of raising revenue, nor for the purpose of protecting Philippine industries, which are practically nonexistent, but in order to shut out competition with the tax-free American commodities. Thus we instill into the islands the elements of future discord and corruption. We are sowing the dragon's teeth from which armed forces will hereafter spring. [Applause on the Democratic side.]

Mr. CLARK of Missouri. I do not want to make any speech, but by request of certain parties I want to have a resolution read, so that it will appear in the RECORD.

The CHAIRMAN. It will be read in the time of the gentleman from Missouri.

The Clerk read as follows:

To the honorable the House of Representatives in Congress assembled:

The following resolution was adopted by and for the Anti-Imperialist League at a special meeting of the executive committee, Boston, May 11, 1909:

Whereas it is proposed that the Congress shall, by enactment, lay a tariff on goods entering the Philippine Islands from other countries, without consultation with the Philippine assembly, a body organized by our own Government to represent the Filipino people; such enactment meaning taxation without representation; and

Whereas it is proposed that the tariff on goods passing between the Philippines and the United States shall be either lowered or abolished; and

Whereas every commercial favor between the Philippine Islands and the United States not granted to other countries constitutes a tie which prejudices the independence of the islands: Therefore

Resolved, That the Anti-Imperialist League, through its executive committee, recommends respectfully that all reference to the Philippine Islands be stricken out from the tariff bill now under consideration. If, however, any action be taken to modify the Philippine tariff, the league urges that, as a proper notification to investors under the law, either a promise of independence at a definite period be incorporated as an amendment to any such enactment or that an amendment may be added thereto directing the Executive to make arrangements looking to the neutralization of the Philippine Islands when their independence shall be declared.

MOORFIELD STOREY, *President.*
ERVING WINSLOW, *Secretary.*

Mr. CLARK of Missouri. Mr. Chairman, I should like to know how much of my hour I have used? I yielded thirty minutes to the gentleman from New York [Mr. HARRISON], five minutes to the gentleman from Arkansas [Mr. ROBINSON], and then this little time has been used in the reading of this resolution.

The CHAIRMAN. The gentleman has twenty-three minutes remaining.

Mr. CLARK of Missouri. I reserve the rest of my time.

Mr. UNDERWOOD. Mr. Chairman, does some gentleman on the other side of the House desire to occupy the time?

Mr. HILL. I understand that there is no one.

Mr. UNDERWOOD. Mr. Chairman, I do not think the bill we have before the House, to establish a new tariff law for the people of the Philippine Islands, is by any means a perfect bill; but it is so much better than the tariff laws we have enacted for our own people that I feel that the people of the Philippine Islands are entitled to be congratulated upon this piece of legislation.

I do not agree with my colleague on the committee [Mr. HARRISON] as to the views he has just expressed to the House in reference to this bill. It is true there are a few prohibitive items in the bill. I agree with him as to the two that he referred to—the duties levied on structural steel and matches; but in the main this is a revenue bill. It is written along revenue lines. It would be practically impossible for this Congress to enact a bill to raise revenues for the Philippine government along the lines of the British customs-revenue laws. The British customs-revenue laws levy their duties on four or five articles. The principal sources of income are from duties levied on alcoholic spirits, tobacco, tea, and coffee. Now, excepting some of the Americans in the Philippine Islands, people there do not drink alcoholic liquors. There is, comparatively speaking, a small consumption of alcoholic liquors in the islands. It would be impossible to raise any great amount of revenue from duties levied along the lines of the English customs laws. The rates of duty now imposed on these articles could not be increased to any extent without reducing the revenue. The revenue derived from these sources for the year 1908 was $54,380 on coffee, $28,620 on tea, $5,083 on tobacco, $39,874 on malt liquors, $258,259 on distilled spirits, and $135,165 on wines, making a total of $481,507.

They are producers of tobacco in large quantities and exporters; they import very little; therefore you raise very little revenue on tobacco. As to tea and coffee there is a small amount of revenue raised from those sources, and it could not be materially increased.

So that it would be impossible to raise a million dollars of revenue from the sources suggested by the gentleman from New York or from any other limited number of articles, much less the $7,000,000 that it is necessary to raise at the custom-house to support their government.

Of course, with a great consuming nation like Great Britain, the economic principles they apply to their revenue laws are determined by their material conditions at home, and in writing a tariff bill for the Philippine Islands we must consider the economic and social conditions of these people. We must take our position and govern our legislation with a view to articles that will be imported into the Philippine Islands and that the people want to purchase from abroad. To do that and raise sufficient revenue it is necessary to levy your taxes on a large number of articles.

Now, as to the revenue rates of this bill, outside of the tax on distilled spirits, which amounts to 140 per cent, there is no tax levied in this bill on any class of articles that exceeds 38 per cent, which is collected on manufactured silks. The average rate of duty collected by this bill, in my judgment, will not exceed 20 per cent ad valorem.

A statement of revenue from import duties under this bill was prepared by the Bureau of Insular Affairs, which I desire to call to the attention of the House:

Statement of revenue from import duty under the proposed Philippine tariff law of 1909.

Commodity.	Imports for fiscal year 1908 from—			
	United States.		All other countries.	
	Value.	Duty.	Value.	Duty.
Cattle			$1,055,236	
Breadstuffs, except flour	$94,717	$3,773	234,915	$98,052
Flour	507,235	43,598	537,335	47,480
Cement			331,143	11,346
Coal	63	3	567,157	54,361
Chemicals, drugs, and dyes, except opium	100,724	22,130	324,522	56,642
Cotton goods	685,919	121,713	7,825,915	1,898,110
Manufactures of fibers, vegetable	6,335	1,665	607,804	151,372
Fish and fish products, including shellfish	138,904	17,289	255,756	32,383
Iron, steel, and manufactures of	802,313	108,091	1,962,594	222,340
Leather, and manufactures of, including boots and shoes	402,756	54,415	209,206	45,964
Malt liquors	43,756	12,022	46,836	10,219
Illuminating oils	619,545	302,561	186,567	55,174
Paper, and manufactures of	167,928	32,010	358,506	92,119
Provisions, including beef, hog, and other animal and dairy products	195,027	22,450	1,325,342	86,149
Rice			5,861,256	1,254,515
Distilled spirits	68,760	47,643	171,460	170,742
Silk, and manufactures of	12,978	6,003	521,633	199,631
All other articles	1,172,710	204,300	4,555,886	1,265,241
Total	5,079,670	999,666	25,839,075	5,691,819

Commodity.	Ad valorem rate.		Estimated duty under proposed tariff.	Probable loss through increase in United States trade.	Revenue under import tariff rates, proposed law, 1909.
	Present.[a]	Proposed.			
	Per ct.	*Per ct.*			
Cattle		8	$85,000		$85,000
Breadstuffs, except flour	16	15	35,237	$10,000	25,237
Flour	9	10	53,734	47,000	6,734
Cement	3	5	16,557		16,557
Coal	10	10	54,361		54,361
Chemicals, drugs, and dyes, except opium	17	20	66,904	40,000	26,904
Cotton goods	26	26	1,898,110	300,000	1,598,110
Manufactures of fibers, vegetable	25	25	151,372		151,372
Fish and fish products, including shellfish	13	13	32,383	5,000	27,383
Iron, steel, and manufactures of	16	16	222,340	100,000	122,340
Leather, and manufactures of, including boots and shoes	22	25	52,301	40,000	12,301
Malt liquors	22	22	10,219	10,000	219
Illuminating oils	30				
Paper, and manufactures of	26	20	71,701	45,000	26,701
Provisions, including beef, hog, and other animal and dairy products	7	15	198,801	85,000	113,801
Rice	21	[b] 26	1,523,933		1,523,933
Distilled spirits	99	140	240,052		240,052
Silk, and manufactures of	38	38	199,631		199,631
All other articles	27	[c] 26	1,173,025	250,000	923,025
Total			6,085,661	932,000	5,153,661

[a] Computed on basis of 1908 imports from other countries.
[b] After May 1, 1910.
[c] Opium duty of $100,000 eliminated.

When we consider that not in three-quarters of a century have the people of the United States enjoyed as low rates of duty at the custom-house as the taxes named in this bill for the people of the Philippine Islands; when we consider that the Walker tariff bill, the ideal Democratic tariff, carried duties to the amount of 30 per cent ad valorem, you can realize that this bill as a whole is a great boon to the people of the Philippine Islands as compared with the laws we have written on the statute books for our own people at home.

I agree fully with the assertion that this bill is experimental, to a large extent, as to its revenue features, because when we grant the people of the Philippine Islands absolute free trade with the United States we change the economic conditions and channels of trade entirely, and as to how far certain rates that were revenue rates in the past will become prohibitive rates in the future, by reason of this change of economic conditions and changes of the channels of trade, is problematical. No man can determine it from any fixed standard, and the only possible way that it can be determined for the future is to put the bill on the statute books and ascertain hereafter at the custom-house by the customs receipts what rates in this bill have become prohibitive and what are revenue rates.

I do not think the committee have altogether written the bill along correct revenue lines. I think they have made mistakes in some instances, but I say that the bill as a whole is, in the main, correct. As to the proposition the gentleman from New York [Mr. HARRISON] refers to about structural steel, I do not think there is any justification whatever for that item in this bill, either as a protective-tariff item or a revenue-tariff item.

Under the present tariff laws of the Philippine Islands all goods going into the Philippine Islands from the United States and foreign countries go in on equal terms; all pay the same duties at the custom-house. Under that condition of affairs, where it was necessary for the producer of structural steel in the United States to meet his competitor at Manila on equal terms, the United States producer of structural steel absolutely controlled the Philippine market. That being the case, of course a duty levied on structural steel that is higher than the Dingley bill would be prohibitive; if we reduce the rate to the Payne bill—three-tenths of 1 per cent—in my judgment, it would still be prohibitive. I am inclined to believe that if we reduce the rate to the minimum, the American producer of structural steel will still have control of that market.

So that as a revenue matter I do not think it makes much difference to a Filipino what the rate is, but I do object to that particular duty, because it raises a wall behind which the American producer can exploit his goods in the Philippine markets at the expense of the Filipino, without any opportunity for competition. There were several instances in this bill when it came before the committee in which similar prohibitive rates were found. It was so on sugar machinery and on rails, and it was so on petroleum; but the subcommittee that considered the bill went through it, and reduced the rate on each one of those items until they came to structural steel, and there a majority of the committee balked and refused to cut the rate. In most of the schedules they cut out the prohibitive rates that were in the bill when it first came before the committee.

Now I want to call the attention of the committee to a few of the rates in the bill, showing the rates of duty that the Ways and Means Committee deem to be sufficient for the people of the Philippine Islands as compared to the law on the statute books to-day in the United States. Under the head of "Stones and earth"—the first paragraph as to marble, onyx, jasper, alabaster, and similar fine stones; subdivision A, in blocks, rough or squared only, and marble dust, 20 per cent ad valorem. The old rate in the Philippine bill on this item was 50 cents a hundred kilos, or equal to an ad valorem rate of 40 per cent. This bill cuts it in two and makes it 20 per cent. Yet on the same articles in the Dingley bill we find that the American people have to pay a tax of 42.46 per cent at the custom-house. The next subdivision, B, is slabs, plates, or steps, sawed or chiseled, polished or not, but without ornamentation, 30 per cent ad valorem. The old rate was $2 a hundred kilos, or 31 per cent ad valorem. The Dingley rate on that same class of goods is 48.15 per cent. Turn now to paragraph 15, common hollow glassware, articles of general use throughout the United States and the Philippine Islands. Subdivision A provides—

On demijohns, carboys, jars, bottles, flasks, and similar receptacles, whether empty or in use as containers of merchandise dutiable by weight or measure, except in those cases in which a classification of such containers is otherwise specially provided for, 10 per cent ad valorem.

The old duty was 80 cents a hundred kilos, or an ad valorem rate of from 15 to 20 per cent. Here again is a reduction in this bill from the present law in the Philippine Islands of one-half. The people of the United States on this class of articles pay at the custom-house from 40 to 50 per cent ad valorem. We next consider paragraph 16, "Glass, crystal, and glass imitating crystal," in decanters, glasses, tumblers, cups, goblets, saucers, plates, dishes, pitchers, bowls, candlesticks, pillar lamps, bracket lamps, and so forth. The rate of duty fixed in this bill is 25 per cent ad valorem. The rate of duty under the old law amounts to 56 per cent ad valorem, a reduction of that duty one-half. The duty under the Dingley bill that the American people pay on such articles amounts to 45 per cent ad valorem, showing that this bill is a radical reduction in many particulars over the present law in the Philippine Islands and levied at nearly one-half the rates of the Dingley bill in most instances.

Let us consider now common window glass, neither polished nor engraved; the rate is 25 per cent ad valorem. Under the old Philippine bill it was $2.25 a hundred kilos, or 50 per cent ad valorem, and the American people pay on common window glass at the custom-house from 14 to 155 per cent ad valorem.

So that it seems to me that our wards in the Philippine Islands, those for whom we hold this trust, are being better taken care of by this bill than a Republican Congress has ever attempted to do for our own people. Mirrors of all kinds, framed or mounted, are taxed 35 per cent ad valorem. The rate under the Dingley bill is 45 per cent ad valorem. Of course I am not going into all the articles in each schedule, but in the main there is an equal difference between the rates in this bill and those in the Dingley bill. Now, on jewelry, plate and goldsmith's work, under the old Philippine bill and this bill the tax amounts to $12.50 a hectogram, or an ad valorem rate of 26 per cent. The Dingley bill provides an ad valorem rate of 45 per cent on similar articles. On steel rails the rate of duty is 40 cents a hundred kilos. The present Dingley rate is $7.84 a ton; at 40 cents a hundred kilos it would amount to about $4 a ton, or practically the same rate that was fixed in the Payne bill when it passed the House of Representatives.

Terne plate and tin plate, 100 kilos, $1.20, which would amount to $12 a ton. The present duty on tin plate and terne plate in the Dingley bill amounts to $33.60. In other words, on tin plate that was at one time a national issue—at one time our friends on the Republican side of the House contended that unless there was an enormous rate of duty placed on tin plate it would be impossible to manufacture the same in the United States—when they came to write a tariff bill for the Philippine Islands, a part of the territory of the United States in which the American producer must pay an ocean freight rate to reach the market as the foreign producer, a disadvantage that he does not have at home, they reduce the rate on tin plate and terne plate from $33.60, as fixed in the Dingley bill, to $12 a ton in this bill.

Note that on manufactures of terne plate and tin plate we find a great contrast between the rates fixed in this bill for the Filipino and the taxes assessed in the Dingley bill on the American people. "On copper and alloys thereof, in wire," paragraph 46, we find a 15 per cent ad valorem rate in this bill. Under the old Philippine law the ad valorem rate was about 10 per cent, an increase in this bill, but greatly under the rate in the Dingley bill, which is 45 per cent ad valorem. In pigments, paints, dyes, and varnishes we find in paragraph 58 that mineral pigments of common, natural occurrence, and so forth, are taxed at the ad valorem rate of 10 per cent. Under the Dingley bill the customs duties alternate from 19 to 38 per cent. Pigments and paints not otherwise provided for, as shown in paragraph 59, white or red lead, dry, 15 per cent ad valorem, the same as in the present law, but the Dingley rates change from 38 to 80 per cent ad valorem on these commodities. "In animal oils and fats," paragraph 82, crude, 10 per cent ad valorem; refined, in receptacles weighing each more than 2 kilos, 15 per cent ad valorem, as compared with the old rate under the Philippine law of 25 per cent and the rate under the Dingley law of from 24 to 33 per cent ad valorem. Starch and dextrin, paragraph 87, in this bill pays $2 a hundred kilos, the same as it was under the present law, or an ad valorem rate of 31 per cent. Under the Dingley bill the tax at the custom-house on these commodities runs from 27 to 60 per cent ad valorem.

On explosives, dynamite, giant and blasting powder, and similar explosives, miners' fuses and caps, and explosive signals, paragraph 89, 10 per cent ad valorem. Under the present law the duty amounts to about 17 per cent ad valorem. Under the Dingley bill the ad valorem rate on dynamite amounts to about 30 per cent; blasting powder, 24 to 43 per cent; miners' fuses, 90 to 124 per cent, as compared with 10 per cent at the custom-house for these articles for the Filipino. As to the cotton schedule, I must say that this schedule in this bill, like

the cotton schedule in the Dingley bill and the Payne bill, to a large extent is Greek to me. In the Dingley bill and the Payne bill they fix the rate according to the number of threads in each square yard. In this bill they fix the rates according to the number of threads in each kilogram, and for one who is not an expert in the cotton business it is practically impossible to compare the two rates of duty all the way through. The average rate of duty on manufactures of cotton under this bill is 26 per cent ad valorem, and the average rate of duty under the Dingley bill is 44.84 per cent ad valorem. The Filipino will pay about one-half the taxes at the custom-house on his cotton goods that the American citizen pays under the benign rule of the Republican administration. Paragraph 92 provides that yarns, not otherwise provided for, in hanks, cops, or bobbins, shall be taxed 15 per cent ad valorem. Under the present law this rate amounts to about 24 per cent ad valorem. Under the Dingley bill it runs all the way from 9 to 40 per cent ad valorem.

Now, as to knitted goods, and in view of the recent fight we had in the House over the Payne bill and the rejection in the Senate of some of the schedules in the Payne bill in relation to stockings and gloves, it is interesting to note the rates of duty fixed in this bill on knitted goods. Paragraph 105 reads as follows:

Knitted goods: (*a*) In the piece, 20 per cent ad valorem.

The old rate in the Philippine law amounted to 25 per cent ad valorem, while the Dingley rate amounts to 56 per cent ad valorem.

The second subdivision of this paragraph reads:

(*b*) In jerseys, undershirts, drawers, stockings, or socks, 25 per cent ad valorem.

In the present Philippine law the tax amounts to about 29 per cent ad valorem. The rates under the Dingley law are from 50 to 64 per cent ad valorem.

Mr. NORRIS. I suppose that was to induce them to wear stockings over there.

Mr. UNDERWOOD. Absolutely; but our legislation in this country seems to indicate that the American people should not wear stockings. [Laughter.]

Mr. NORRIS. Yes; I think there is something in that, too.

Mr. UNDERWOOD. Because when we look at the Dingley law we find that the rate of duty on this class of goods runs from 50 to 64 per cent, and the Payne bill raises that rate. But when we come to legislate for the Filipino, who has been paying a duty of 29 per cent, we reduce the rate to 25 per cent, as my friend from Nebraska says, so that he may wear stockings.

Mr. RANDELL of Texas. Does that mean that they want to discount the use of stockings in America?

Mr. UNDERWOOD. It looks so from the late action of this House. It is very evident to my mind that this bill was not written by the members of the Ways and Means Committee for the purpose of giving the foreign manufacturers the advantage in the Philippine market. It was undoubtedly written to give the American manufacturers a fair, equal chance, and yet raise some revenue for the Philippine Islands. When you find so great a discrepancy existing in the rates of duty between the bill we have under consideration and the present law in the United States, it seems to me that it is an argument that goes without answer that our friends on the other side of this Chamber realize that the duties fixed in the Dingley bill and in the Payne bill were far above the difference in labor cost, the difference in the entire cost at home and abroad, or they would not cut the rates of duty on these particular classes of cotton goods practically half in two.

Here is another paragraph along the same lines, namely, paragraph 125:

Knitted goods: (*a*) In the piece, or made up into jerseys, undershirts, drawers, stockings, or socks, 30 per cent ad valorem.

The old duty under the Philippine law amounted to 41 per cent ad valorem on stockings and socks, and they reduced it for the benefit of the Filipinos to 30 per cent ad valorem, and yet we find the Dingley law bears on these articles an ad valorem rate of from 47 to 67 per cent, and the tax to the American consumer has not been reduced in the Payne bill.

Mr. RANDELL of Texas. I would like to ask the gentleman a question.

Mr. UNDERWOOD. Yes, sir.

Mr. RANDELL of Texas. In reference to the cotton schedule, is the gentleman aware of what revenue it is expected to bring in on cotton and manufactures of cotton under this proposed bill?

Mr. UNDERWOOD. Why, I can not tell you that absolutely, but the amount of duty collected for the year 1908 on the articles I named a while ago, namely, jerseys, undershirts, drawers, amounted to $9, and on stockings and socks it amounted to $43. The very small amount collected indicates the reason for the reduction in this bill.

Mr. RANDELL of Texas. Is it not expected by the manufacturers in this country to control the trade in cotton goods?

Mr. UNDERWOOD. Well, I presume that our friends on the Republican end of the Ways and Means Committee and on the other side of this House have not written this bill for the purpose of allowing the foreign manufacturers of cotton goods to have the advantage of the American manufacturers; and they evidently believe that rates of duty, one-half of those collected under our law, will not be a serious menace to the American manufacturer. If we can pay the ocean freight rate, carry our manufactured cotton goods to the Philippine Islands, and compete with the foreigner there at one-half the rate of duty charged at home, it seems to me self-evident that we can reduce the rates here where we do not have any ocean freight rate to pay and the foreign manufacturer has a freight rate to pay in order to come to our shores.

Mr. CRAIG. Is there any pretense on the part of the committee that this bill is written for the protection of Philippine industries?

Mr. UNDERWOOD. My Republican colleagues on the committee claim that there are a few items on which they have put a protective tariff—for instance, on structural steel; and there is no doubt in that instance that they have done so. But considering the bill in all its detail, I am of the opinion that it is written along the lines of a tariff for revenue and not for protection.

Mr. CRAIG. I think so, too; but what I want to find out is, whether or not the committee had in its mind that the infant industries of the Philippine Islands did not require as much protection as the infant industries of this country?

Mr. UNDERWOOD. As to many of these articles there are no infant industries in the Philippine Islands.

Mr. CRAIG. But those that they have, as I understand; they are protected in this bill.

Mr. UNDERWOOD. They are.

Mr. CRAIG. Are they protected as fairly in this bill as the same industries in this country are under the Payne bill?

Mr. UNDERWOOD. They are so represented, although I can not tell. There is fifty-six hundredths of 1 cent a pound on structural steel for the protection of a plant out there. I think that the duty in that particular is far above a protection basis. There is also a protective—a very high protective—duty on matches, but these are isolated cases, and do not indicate the general character of the bill.

Mr. RANDELL of Texas. Mr. Chairman, if the gentleman will permit me——

Mr. UNDERWOOD. Certainly.

Mr. RANDELL of Texas. As the importation of iron and steel products from the United States to the Philippines amounts to only about two-fifths of the consumption of those articles there, is it not a fact that the new rates will so disturb the revenues as to make it difficult for the revenue to be sufficient for the exigencies of the government of the islands? In other words, is there anything in this bill to supply the loss of revenue by reason of the increased amount of iron and steel and products thereof from the United States which will go in free?

Mr. UNDERWOOD. Well, I will say to my friend it is problematical as to what effect the changed conditions will have on the revenue. For the fiscal year 1908 the value of iron and steel products entering the Philippine Islands from the United States amounted to $802,313, and from all other countries to $1,362,594, showing that the foreign producers of iron and steel had somewhat the advantage under the then existing conditions.

You take pig iron that was imported into the Philippine Islands. Practically every pound was purchased in foreign countries, showing that in the low-grade products of iron and steel, where labor was matched against labor, the foreign producer had an advantage over the home producer.

But in the higher grade of products, such as structural steel, where advanced methods and improved machinery eliminated the difference in the cost of labor, we were enabled to compete with them on equal terms. Now, that is one fault I have with this bill. The report of the insular collector of customs, which I hold in my hand, shows that all pig iron that went into the Philippine Islands came from abroad. This bill puts pig iron on the free list. If I had been writing the bill according to my own ideas, I would have put a small tax upon pig iron, because I think under these conditions it would have produced some revenue for the insular government; but the committee did not agree to that proposition. But that illustrates and answers my friend's question.

Mr. RANDELL of Texas. You mean the members of the majority did not agree to that?

Mr. UNDERWOOD. That is what I mean.

There are some things in the cotton-goods schedule that are produced abroad which are not produced in the United States, and which the Filipino prefers to similar articles produced in the United States that will be imported into the Philippine Islands and will be a source of revenue.

Mr. CULLOP. I would like to ask the gentleman a question as to the operation of the sugar schedule. There was a duty on sugar in the old law.

Mr. UNDERWOOD. I have not that at hand, but I will say this to the gentleman: The Filipinos are producers of sugar and producers of rice, and are exporters of sugar and of rice. We left the duties in this bill at the same rate as the Dingley bill or the Payne bill that will be enacted, in order to prevent the importation of sugar into the Philippine Islands to take the place of sugar exported to the United States. And therefore the rates on sugar and the rates on rice, the rates on tobacco and the rates on alcohol, are along the same basis as the rates in the United States.

Now, in paragraph 177, boots and shoes, we find that on boots and shoes made of cowhide, horsehide, calfskin, and canvas a duty of 15 per cent ad valorem is levied under this bill. The duty under the Dingley bill amounted to 25 per cent ad valorem. In other words, to encourage the Filipinos to wear shoes, they will be enabled to purchase their shoes from abroad much cheaper than the American people can purchase theirs.

On draft harness and parts thereof the rate of duty fixed in this bill is 20 per cent ad valorem, the same rate of duty as in the present Philippine tariff law. The American people pay a rate of duty of 45 per cent ad valorem.

Here is a paragraph that will interest every housekeeper in the land, paragraph 190:

(b) Cooking and heating apparatus and utensils, chandeliers, desk and table lamps, flatirons, soldering and curling irons, thermocauteries and cauterizing instruments, surgical, dental, and therapeutic appliances, including so-called electric belts, X-ray machines, vibratory apparatus, electroplating outfits, cigar lighters, other instruments, implements, utensils, and articles used in connection with, for, or by the application or production of electrotechnical, thermoelectric, galvanic, or galvano-magnetic force, and detached parts for any of the foregoing, not otherwise provided for, 20 per cent ad valorem.

In the United States the rate of duty on the articles named is 45 per cent. In other words, when the housekeeper in the Philippine Islands desires to purchase her cooking utensils or heating apparatus or flatirons from abroad, she pays a rate of duty of 20 per cent ad valorem; but when the housekeeper in the United States desires to replenish her kitchen, she pays to the custom-house officer here a rate of 45 per cent.

Mr. CULLOP. Going back a little, I should like to ask the gentleman a question: Does not this seem to be a bill more to discourage infant industries in the Philippines than to encourage them, if they make a difference of 20 per cent on the articles he has named?

Mr. UNDERWOOD. I can not say that. I think the foundation for the great industries of America was laid before the civil war. As I said a while ago, under the Walker tariff bill the highest rate of duty we had was an ad valorem rate of 30 per cent. We did not have a great population to feed or to supply; we did not have the necessity for the use of the great amount of capital or the employment of the great number of workmen that we employ to-day; but before the civil war, under duties nearly as low as these named in this Philippine tariff bill, the American manufacturer was enabled to meet foreign competition, to build up his infant industries—and they were real infant industries then—and compete with the foreign manufacturer.

Mr. CULLOP. Now, does not that sustain the argument that the tariff is not levied for the purpose so much of encouraging infant industries as it is to keep up the overgrown industries?

Mr. UNDERWOOD. You mean the tariff here in this country?

Mr. CULLOP. Yes; and the same over there. Our people get a monopoly of that market.

Mr. UNDERWOOD. Well, of course when we go into the argument of the question as to whether our people get a monopoly of the Philippine market, then we come to the argument of a question that is foreign to this bill. Under the tariff laws of the United States the manufacturers of the Ohio have a monopoly, so far as the tariff allows them to have it, of the markets of Alabama and Georgia.

The man who produces steel rails in Birmingham has a monopoly of the markets of New York, Porto Rico, and Hawaii, and it is a right difficult question for us to determine to what extent he is entitled to this same amount of control of the markets of the Philippine Islands. But what I do say is this, that when the manufacturer here at home meets his foreign competitor, whether he meets him in Porto Rico, Hawaii, New York, or Ohio, he meets him under a tariff rate of 46 per cent on an average standing between him and that competition; but when he meets him in the Philippine Islands, he meets him with an average tariff rate of less than 20 per cent ad valorem. So that I say this law is to the interest and advantage of the people of the Philippine Islands, a distinct advantage over what the legislation here at home is giving to our own people.

Mr. RANDELL of Texas. Will the gentleman yield for a question?

Mr. UNDERWOOD. Certainly.

Mr. RANDELL of Texas. If the tariff is prohibitive, no matter whether it seems high or low, whether it is 45 per cent or 30 per cent, no revenue will be produced.

Mr. UNDERWOOD. Certainly.

Mr. RANDELL of Texas. Now, if it be prohibitive to the importation of goods from other countries except the United States, then the Filipinos get no revenue; and does it not show that if the tariff is sufficient for those people, it is an admission that the tariff on the same articles, in reference to the imports into this country, is not for the purpose of protection of the industry, but to exploit the market?

Mr. UNDERWOOD. That is my argument; that is what I have been contending for for an hour.

Mr. RANDELL of Texas. That is what I understood the gentleman to mean.

Mr. UNDERWOOD. I have been contending for that conclusion for an hour. If the duty we are levying in the Philippine tariff bill is sufficient there, where we have to pay the freight to get into the market across the sea, it should be sufficient here, where we have no freight rate to pay and our competitor has to pay the freight rate to meet us.

Now, on wagons and carts and other merchandise the rate fixed for the Filipino is 15 per cent ad valorem. The rate under the Dingley bill is 45 per cent. On automobiles, the rate for the Filipino is 15 per cent at valorem, and the American citizen has to pay 45 per cent ad valorem.

Now, then, as to the breakfast table. Our friends have discriminated in favor of the Filipino. It is true under this bill they have raised the duty above what it was under the old Philippine customs tax on poultry, meats, and fish, but it was necessary to do that in order to get revenue. I do not myself agree that that is the best form of taxation, but there was doubt about how much revenue could be raised on iron and steel, because they are not great consumers of iron and steel. Practically no revenue could be raised on woolen goods, because it is a warm country.

Very little taxes could be raised on cotton goods on account of the heat and habits of the people, so it was necessary to raise a large portion of the revenue for the government on food products, and for that reason the members of the committee increased in this bill the rates of duty over and above what they were under the laws now governing the Philippine Islands.

I find on poultry and game (paragraph 291) not otherwise provided for, dressed or not, $4 per 100 kilos. Under the old law it was $3, amounting to a duty of about 10 per cent ad valorem. The present rate will be an ad valorem rate of about 12 per cent. Under this rate it will amount to $40 a ton, whereas the Dinlgey rate amounts to $112 a ton. Fresh meats under this bill amount to $1 per 100 kilos, or $10 a ton, and the Dingley rate amounts to $22.40 a ton.

In other words, the gentleman in Manila when he orders a beefsteak for breakfast will only be confronted by a tax at the custom-house of one-half of what the American consumer will be required to pay at home. The same thing is true in reference to all classes of meats. On ham and bacon the tax under this bill is $4 per 100 kilos, which amounts to $40 a ton. Under the Dingley bill it is 5 cents a pound, or $112 a ton. The tax on hams and bacon in this country amounts to three times as much as the Filipino will have to pay, and yet we are the greatest home producers of that kind of meat almost in the world, and ship it to Germany and Europe and to the Philippines, and yet one-third of the duty is a sufficient tax for the Filipino to pay, whereas the American consumer must have the price of his breakfast table raised by a tax three times that which we levy for people in the Philippine Islands.

Mr. BARTLETT of Georgia. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will yield to the gentleman from Georgia.

Mr. BARTLETT of Georgia. Will the gentleman from Alabama tell us what reason there is, either in the Dingley bill or the Payne bill, or the Payne-Aldrich bill, when it comes out, for a tariff tax on fresh meats coming to this country?

Mr. UNDERWOOD. Well, I do not think there is any necessity at all. We are great producers of fresh meat. We ship it abroad, compete on even terms in the markets of the world, and collect practically no revenue from the taxes imposed at home. I think it would be wise to very greatly reduce the tax on all food products in the United States, and especially on those that we can produce more cheaply than any other country in the world.

Mr. CULLOP. Mr. Chairman, I would like to ask the gentleman this question: What is the theory upon which hides are put upon the dutiable list in this bill and on the free list at home?

Mr. UNDERWOOD. My friend is mistaken in respect to that. The bill, as reported to the House, has hides on the free list.

Mr. CLAYTON. The bill I have gives it at 10 per cent.

Mr. CLARK of Missouri. That is the old bill.

Mr. UNDERWOOD. That was the bill originally introduced; but the bill I have before me is the bill that was reported from the committee, and is No. 9135.

Mr. CULLOP. That is the one I have, No. 9135.

Mr. CLARK of Missouri. The gentleman must have the bill that was introduced by Chairman PAYNE.

Mr. CULLOP. I have the one numbered 9135.

Mr. GREGG. Well, they would carry the same number.

Mr. UNDERWOOD. Possibly my friend from Connecticut [Mr. HILL] can answer the question.

Mr. HILL. Hides are on the free list.

Mr. CULLOP. This is the copy that was handed to me this morning.

Mr. HILL. Under the present law they are dutiable at $1.50 a hundred kilos, and under the new bill they are free.

Mr. UNDERWOOD. That is true. I did not read the paragraph carefully when the gentleman from Indiana [Mr. CULLOP] first called attention to it. Under this bill raw hides are on the free list, and it is only tanned or manufactured hides that are dutiable.

The CHAIRMAN. The time of the gentleman has expired.

Mr. CLARK of Missouri. Mr. Chairman, I ask unanimous consent that the gentleman may be permitted to conclude his remarks.

The CHAIRMAN. The gentleman from Missouri asks unanimous consent that the gentleman from Alabama may be permitted to conclude his remarks. Is there objection?

There was no objection.

Mr. UNDERWOOD. Mr. Chairman, I thank the House for the courtesy shown me, and I shall not take a great deal more of the time of the House on the bill. I have endeavored to point out a number of instances where this bill is a reduction in its rates from the present Philippine tariff law, and to show the House how greatly the rates are below those fixed by the Dingley law for the United States. There are two other questions, however, that I desire to call to the attention of the House before I take my seat.

This bill reenacts the present law and provides for a duty on exports of hemp, sugar, copra, and tobacco, and at a rate varying from 5 cents to 50 cents per 100 kilos. My objection to this clause in the bill is that it is not justified by any economic principle of government; that an export tax has been abandoned by practically all the civilized nations of the world as a means for raising revenue. There was a time one hundred years ago when many of the great governments of the world levied an export tax and in that manner collected revenues for their treasury.

Our forefathers in writing the Constitution of the United States, recognizing the false principle on which an export tax was based, put it in the fundamental law of our land that the United States Government should not levy export taxes. Since that time I think it has been abolished in all the great nations of Europe. I know of no instance where a great European nation has adopted an export tax in recent years except one, and that was during the recent Boer war, when the English Government adopted an export tax on coal, but with that exception it has been abolished by all the great civilized nations of the world. The reason for the change is very apparent. Whenever you put a tax on your people for engaging in an export trade, to that extent you limit their ability to successfully meet their foreign competitor and reduce the territory in which they can successfully dispose of their surplus products abroad. Take copra, dried cocoanut. It is a product of the Orient. A great many other nations produce copra besides the Philippine Islands. They can produce it as cheaply with the same class of labor and can reach the foreign markets as easily and as cheaply as can the people of the Philippine Islands. When you put a tax of 10 cents a hundred kilos on copra you say to the Filipino, "You have got to pay that before you can meet in competition the copra from China or other oriental countries."

It means that he must take that tax out of his pocket, not out of the foreigner's pocket, and pay it to the government. It means that he has got to produce that copra that much cheaper than the foreigner does in order to compete with him; that he must reduce his cost of living to that extent below the foreigner or he can not face competition and succeed; and therefore it discourages him in the production of all commodities on which he has to pay an export tax. I say that the export tax levied in this bill is not fair to the American producer of articles that compete with similar products from the Philippine Islands. A large amount of the sugar from the Philippine Islands will be admitted into the United States free of duty. If there were equal terms and equal conditions in the sale of the export sugar from the Philippine Islands between this country and the Orient, I have no doubt that a large amount of the Philippine sugar would not come to the United States but would go to the markets of the Orient; but when you put an export tax on Philippine sugar of 5 cents a hundred kilos, you drive that Philippine sugar to the American market and out of the Orient, because when it comes to the American market it comes free.

Mr. SLAYDEN. Will the gentleman yield?

Mr. UNDERWOOD. I do.

Mr. SLAYDEN. Do I understand the gentleman from Alabama to say that there will be an export tax on Philippine sugar of 5 cents a hundred kilos?

Mr. UNDERWOOD. Yes.

Mr. SLAYDEN. That is 5 cents on 220 pounds.

Mr. UNDERWOOD. Yes.

Mr. SLAYDEN. Five cents on a hundred kilos——

Mr. UNDERWOOD. Five cents a hundred kilos.

Mr. SLAYDEN. That is 5 cents on 220 pounds. Does the gentleman believe that will affect the destination of that sugar?

Mr. UNDERWOOD. It will, to the extent of the tax.

Mr. SLAYDEN. Why, it is negligible.

Mr. UNDERWOOD. No; I do not consider it so.

Mr. SLAYDEN. Five cents on 220 pounds is such an infinitesimal small fraction of additional charge per pound that it appears to me to be negligible.

Mr. UNDERWOOD. The gentleman must remember that the greatest fortunes that have been made in this world have been made by saving a cent on a very large product, and a few cents difference in the cost of a product will determine to which market it will go.

It may not amount to a great deal here, but the tendency would be that way. Of course, the tax on copra and tobacco amounts to a good deal more. On tobacco it amounts to $1.50 a hundred kilos in some classes of tobacco. On copra it amounts to 10 cents on a hundred kilos; but the tendency of this export tax would be to drive other exports to the American markets and interfere with their having fair competition in the markets abroad.

Now, the contention is made by the gentlemen of the committee who desire to levy this export tax that it is necessary to do so in order to produce revenue. I have no means of ascertaining the amount of revenue this bill will produce myself; the only way by which I can come to a conclusion about it is to accept the report of the collector of customs in the Philippine Islands. He says that the enactment of the bill that we have presented to the House will reduce the import duties $1,537,000, export duties, $44,000, and duties collected on Philippine products in the United States, $269,000, making a total reduction of $1,851,000.

Now, the total duties that were collected heretofore by an export tax only amounted to $743,000. Of course, some of those goods will of necessity come to the United States; but assuming that we lose all of that difference by repealing the export tax and add it to the $1,851,000 the collector of customs says they will lose, it would make a loss of duty under this bill of $2,551,000.

Under the law as it stands to-day, the insular government has been collecting from internal-revenue taxes $5,542,022, but a large proportion of these taxes has been turned over to the provinces and municipalities. The insular government had a surplus of about $3,000,000, which was turned over to the local governments for local improvements. The insular government only received $2,458,000, leaving a total of $3,000,000 that went to the provinces last year and under this bill will now be retained by the insular government. Now, subtracting the loss of revenue as figured by the collector of customs, with the $700,000 they now collect from exports added to it, amounting to $2,551,000, from the $3,000,000, it leaves $525,000 in excess of their expenditures. So, if the figures that are given by the collector of customs for the Philippine Islands by the Insular

Bureau that presented this bill to the House and to the committee originally are correct, then from a revenue standpoint there is no necessity whatever for maintaining the present duty on exports. When the proper time arrives in the consideration of the bill, I shall make a motion, not to wipe out the export duties at once, but allow them to operate for two years as they are, and then to reduce them one-fifth each year for a period of five years, so that we may not disrupt the machinery of the government there, so that we will take no chances in the matter, so the approach to the abolishment of these duties shall be gradual and no one could be injured by it, and so that this legislation will march up to the standards of civilization of all of the great countries of the world.

To-day, if we enact this law, we write into the statute books for the Philippine Islands legislation that is little short of barbarism, legislation that no government in the civilized world, except Turkey and Persia and other second-class nations, countenances to-day. But if we repeal these duties as I have indicated, there is no chance in the world of its working an injury, because it will come gradually and systematically to the Filipino. He will realize in advance that he must prepare for the future. If his present revenues are not sufficient to meet the needs of his government, he must either economize and cut down expenditures to meet them or seek for sources of revenue somewhere else; and we will give him seven years in which to gradually adapt himself to the new standard, and then we will have on the statute books of the Philippine Islands a law that is worthy of the standard of civilization and is not besmirched with the marks of barbarism, as this law will be if we put on these people a tax on their ability to compete with the nations of the world in foreign markets. [Applause on the Democratic side.]

Mr. ROBINSON. Mr. Chairman, I desire to ask unanimous consent that the gentleman from New York [Mr. HARRISON] be granted leave to extend his remarks in the RECORD.

The CHAIRMAN. Is there objection?

There was no objection.

[Mr. BENNET of New York addressed the committee. See Appendix.]

Mr. HILL. I do not intend to take the time of the committee, except to offer a word of explanation concerning the item of structural steel. It is true that the rate in the old law on unperforated and unassembled structural steel is 60 cents per hundred kilos; under the new law it is 40 cents per hundred kilos. On finished or assembled structural steel the rate is $1.25 in this bill, as against $1 in the present law. This will make a slightly greater differential than now exists. The reason for it is this: Gentlemen have an idea that the conditions of the Philippine Islands are like the conditions in the United States, and that a rule that is applicable here is equally applicable there. You may travel for hundreds of miles in the Philippine Islands and will not see a house that has any iron in it; that is, among the mountains and in the agricultural section. Structural steel is not an ordinary article of commerce in the Philippine Islands. Only $200,000 worth all told was imported last year, and that was chiefly for bridges or public buildings built by the government.

Now they have got one establishment in the Philippine Islands that is engaged in the steel and iron industry and that employs a thousand Filipino people in the manufacture or bringing together of steel and iron of various forms. It is exceedingly desirable that these people should be continued in their employment. The great bulk of their output is bought by the government for use in the construction of bridges, in harbor or dock improvements, and things of that kind. This change was made at the request of and insisted upon by the collector of the Philippine Islands, to give this differential of $8.50 a ton, in order that these people might be continued in their employment. The rate on the unfinished article is just the same as it is in the Payne bill—$4, or $3.92 in the Payne bill. On the completed and finished structural iron it is somewhat larger than in the Payne bill.

Now, as to the general range of duties in this bill, I heard the gentleman from Alabama claim that they averaged 25 per cent. While the gentleman was making that statement, I figured it out. Striking out the spirit schedule—and it always should be eliminated in ascertaining the average rate of a bill—the average rate of this bill is 18 per cent, as against 19 under the old law. In the cotton schedule there is no change. Under the old law it was 26 per cent, and under the new law it is still 26 per cent.

This is purely a revenue measure. So far as the export duties are concerned, it is absolutely necessary to have these duties continued. It would not be safe to make the experiment of eliminating the duties heretofore received from the American trade and striking off the export duties at the same time. It is in reality a land tax. It is a tax upon the products of the land, payable by the large producers, who are the only ones who are able to pay it. These people are very poor.

Mr. UNDERWOOD. I would like to ask the gentleman from Connecticut how he reconciles that statement with the statement of General Edwards, of the Bureau of Insular Affairs, that is contained in this report. Now, my friend knows under this bill the insular government will receive $3,000,000 more from internal-revenue taxes than it is receiving now.

Mr. HILL. Oh, no.

Mr. UNDERWOOD. That is in the report.

Mr. HILL. He reports it $920,000.

Mr. UNDERWOOD. If the gentleman will allow me——

Mr. HILL. They only get about $3,000,000 in all.

Mr. UNDERWOOD. Here is what the report says, published here in the statement made by the insular bureau:

> It should be noted that while in the statement of revenues of the Philippines internal-revenue collections accruing to the insular government for last year amounted to $2,458,915.94, the entire collections made by the bureau of internal revenue for the same period were $5,542,022.18, the difference being turned over to the provinces and municipalities of the islands under various acts of the Philippine Commission.

Now, if the gentleman recollects, Colonel Colton, when before the committee, stated that they had $3,000,000 on which they could rely for the conduct of insular affairs, and the surplus they turned over to the provinces.

Mr. HILL. I think if you will read the report clear through, you will find that the increased internal revenue does not amount to anything like $3,000,000, but that it was added to somewhat by an increased tax on cigarettes, on tobacco, and malt and spirituous liquors.

Mr. PAYNE. May I suggest right there that these municipal governments must still be supported out of this internal revenue?

Mr. HILL. Certainly.

Mr. PAYNE. Although the control is turned over to the general government, still they must appropriate to support these municipal governments. It will be done more economically, and there will be some saving, but not the entire amount.

Mr. HILL. Of course not.

Mr. UNDERWOOD. If the gentleman from Connecticut will allow me, I will call attention to this fact: That when the witnesses from the Philippine Islands, Colonel Colton and the collector of internal revenue, Mr. Ford, were before the committee, they stated that the municipalities and the local governments would use other sources of revenue, and that this $3,000,000 could be used to supply any deficiency. That was absolutely the testimony before the committee.

Mr. HILL. I think the gentleman is mistaken; and if he will read the report again, he will find that this is simply referred to in this way: The Philippine assembly used half of the internal-revenue receipts, and, if I am not mistaken, paid over arbitrarily to the various towns, whether they needed it or not, the other half. Now, this reverses that rule and provides that the internal revenue collected by the general government shall be paid into the Philippine treasury, and the assembly shall use their discretion, so that, in case there is a deficiency, he simply says that that $3,000,000 could be made available; but the same necessity for the payment will exist in many cases as exists now, so that it is impossible to assume that that $3,000,000 is to be used in that way. Now, if you will go on and read further in the report, you will find this——

Mr. UNDERWOOD. If the gentleman will allow me, the report says——

Mr. HILL (continuing). He will find that certain increased rates of internal-revenue tax are prescribed and intended to be used to make up this deficiency, but there will still be a deficiency of six or seven hundred thousand dollars even then. At the same time, the hope is expressed that they will be able, by increased prosperity and increased business, to make up that deficiency. Now, there is one other thing——

Mr. UNDERWOOD. I should like to have my friend take this report that he has there on his desk and turn to page 4, where the insular bureau says:

> Summarizing, there will be under this bill the following losses in the customs revenues:
>
> | | |
> |---|---|
> | Import duties | $1,537,824 |
> | Export duties | 44,468 |
> | Duties collected on Philippine products in the United States | 269,028 |
> | Total estimated loss | 1,851,320 |
>
> Against which there will be in wharfage dues an increase of $104,572.25, giving under this bill an estimated decrease of customs revenues of $1,746,747.75.

Now that is all that the same bureau estimates the loss will be, and yet on that same page down here they say this, referring to the increased internal-revenue collection:

This would immediately give an increase of $3,083,105.24 in the receipts of the Philippine insular government—

Out of which this deficit may be made up.

Mr. HILL. The gentleman is still mistaken. If he will read down through page 4, he will find that the increase in revenue is expected to amount to $375,791 from malt liquors, distilled spirits, and so forth, and about $800,000 from the internal-revenue tax on cigarettes. Then it says to meet this remaining deficit, as compared with the revenues of the last fiscal year, there will be the increased receipts of $3,083,106.24 heretofore paid into the municipal and provincial treasuries.

Mr. UNDERWOOD. My friend does not understand me at all. I never contended that they were going to increase the amount. I said that they were now raising $3,000,000 more than they needed.

They were giving that to the municipal governments in the provinces. It is exactly the same proposition as under the Dingley bill we raised $100,000,000 more than we needed and we gave it to the States, as we did in Jackson's time. It is the duty of the provinces and municipalities, and always has been under the Spanish régime, and after the Americans arrived there, to raise their own taxes, but the insular government had these $3,000,000 surplus, and therefore they divided it out for improvements of the municipalities. Now they have got other uses for it, and they can hold it in the insular treasury, and that is what General Edwards and Colonel Colton testify to before the Ways and Means Committee.

Mr. HILL. Now, in regard to the match question, all I have to say about that is this: I was in the Philippine Islands in 1900 and they had a match factory there, and I presume they have got it still. It is not an industry, it is an isolated case.

They want to keep it there and I guess they have made the duty high enough to keep it there. It is 20 cents a kilo under the present law, and, I think, the same under the new bill. It is nowhere near as high, and they do not pay as much as they did for matches under the Spanish régime, when, as I understand, the manufacture of matches was a monopoly.

The whole bill has been made with reference to two things—one a revenue bill for the Philippine Islands, and the other, I think, influenced a good deal by the hope of bringing trade to the United States, without exploiting the islands, and that is what we ought to do and that is what we have a right to do, without wronging them at the same time. If you can disassociate these two things and give the trade where it belongs—to the United States—we ought to have it. It has come to us in Porto Rico. Under the old Spanish régime Porto Rico had $22,000,000 and now she has $56,000,000 of trade with the world. Under that régime we had one-fifth of that trade, and to-day we have five-sixths of it, and it belongs to us. We are responsible for the islands, and if, without wronging them we can get it, we ought to do so.

You can not go to any country in the world to-day; you can not go to any Province, any municipality, or any sphere of influence and find a neutral market—not one. I remember in 1900 I was coloring a map of the world showing the monetary systems of the world at a glance, and was amazed to find that Africa had been all carved up and parceled out. I have been to Hongkong, to Hamburg, and other so-called "free ports," and every one gives a preferential rate, by port charges or in some other way, to its own people. We have got to do the same thing or we shall get left in the race.

I would not exploit them one particle, and the best evidence of that is that I voted for free pig iron in the Philippines, notwithstanding some of my friends favored a duty. At the same time, I say that their trade belongs to us; we have a right to it, and it is our duty to the American people to make this tariff bill without wronging them, being absolutely fair to them, so that that trade will come to us, and I think it will do it under this bill. [Applause.]

The CHAIRMAN. If there be no further time desired for general debate, the Clerk will read the bill by paragraph.

The Clerk read as follows:

SEC. 9. That the rates of duties to be collected on articles, goods, wares, or merchandise imported into the Philippine Islands shall be as follows: *Provided*, That no article bearing evident signs of being for sanitary construction shall pay a higher rate of duty than 20 per cent ad valorem: *And provided further*, That no article shall pay a higher rate of duty than 100 per cent ad valorem, except and unless the same shall be classified under paragraphs 92, 260, 261, 263, or 264, in which event the rate of duty thereby resulting shall be collected, anything in this act to the contrary notwithstanding: *And provided further*, That articles of foreign growth, produce, or manufacture shall be dutiable upon each importation, even though previously exported from the Philippine Islands, except as otherwise specifically provided in this act.

Mr. PAYNE. Mr. Chairman, I offer the following committee amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 19, lines 16, 17, and 18, strike out the words "ninety-two, two hundred and sixty, two hundred and sixty-one, two hundred and sixty-two, two hundred and sixty-three, or two hundred and sixty-four," and insert "ninety, two hundred and thirty-seven, two hundred and fifty-seven, two hundred and fifty-eight, two hundred and fifty-nine, two hundred and sixty, two hundred and sixty-one, or three hundred and one."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

GROUP 4.—COPPER AND ALLOYS THEREOF.

46. Copper and alloys thereof, in bars, pipes, and sheets, and alloys of copper (except Muntz metal), in lumps and ingots, 10 per cent ad valorem.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 35, line 5, strike out "(except Muntz metal);" and in line 6, after the word "ingot," insert "any of the foregoing except Muntz metal."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

58. Mineral pigments of common, natural occurrence (including ochers, haematites, barytes, and manganese), substances prepared for calcimines and whitewash, any of the foregoing when dry, 10 per cent ad valorem.

NOTE.—Any substance otherwise subject to classification under this paragraph shall, when imported in the form of a liquid or paste, be dutiable under clause (d) of paragraph 61.

With the following committee amendment:

Page 39, line 10, strike out the word "sixty-one" and insert in lieu thereof the word "fifty-nine."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

77. Opium in any form, and preparations thereof, for medicinal purposes, not otherwise provided for, subject to the provisions of section 6 of this act, 35 per cent ad valorem.

With the following committee amendment:

Page 43, line 1, strike out "six" and insert "four."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

114. Ribbons or bands for the manufacture of any of the articles enumerated in paragraph 115, 15 per cent ad valorem.

With the following committee amendment:

Page 53, line 20, strike out the word "fifteen" and insert the word "thirteen."

The CHAIRMAN. The question is on the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

132. Ribbons or bands for the manufacture of any of the articles enumerated in paragraph 133, 20 per cent ad valorem.

With the following committee amendment:

Page 60, line 5, strike out the words "thirty-three" and insert "thirty-one."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

153. Books and albums of lithographs, engravings, etchings, photographs, maps, or charts, not otherwise provided for, and painted designs, pastels, and ink drawings, made by hand, for use in manufacturing and in the industrial arts and sciences, 30 per cent ad valorem.

NOTE.—This paragraph shall not apply to works of art introduced for use as such, even when imported for sale, which shall be classified under paragraph 326.

With the following committee amendment:

Page 63, line 19, strike out the words "twenty-six" and insert in lieu thereof the words "twenty-five."

The CHAIRMAN. The question is on the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

167. Straw for manufacturing purposes, rushes, vegetable hair, genista, osiers, bamboo, broomcorn, rattan, reeds, piths, not otherwise provided for:

(a) Crude, or not further advanced in manufacture than cut into straight lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes, 10 per cent ad valorem.

Mr. PAYNE. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 66, line 23, after the word "canes," insert:
"And straw braids suitable for making or ornamenting hats, neither bleached, tied, colored, or stained."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. PAYNE. I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 66, after line 24, insert a new paragraph, as follows:
"NOTE.—The term 'straw' as used in this clause shall be understood to mean that substance in its natural form and structure, and not the separated fiber thereof."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

188. Automatic slot machines, not otherwise provided for, and detached parts therefor (subject to the provisions of section 6 of this act), 35 per cent ad valorem.

With the following committee amendment:

Page 71, line 23, strike out the word "six" and insert the word "four."

The CHAIRMAN. The question is on the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

199. Detached wooden parts for any of the articles classified under paragraph 197 or paragraph 201.

With the following committee amendment:

Page 75, lines 6 and 7, strike out the word "ninety-seven" and insert the word "ninety-four."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment:

Page 75, lines 7 and 8, strike out the words "two hundred and one" and insert the words "one hundred and ninety-eight."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

Provided, That upon proof satisfactory to the collector of customs that adequate facilities are not afforded in the Philippine Islands for such repairs, the same shall be subject to the provisions of paragraph 351 of this act; and

With the following committee amendment:

Page 75, line 24, strike out the word "fifty-one" and insert the word "fifty."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

204. Hams, bacon, other meats, and sausages, dry, cured, or smoked, not preserved in cans, including weight of immediate containers, 100 kilos, $4.50.

Provided, That sausages classified under this paragraph may be imported in any kind of package exceeding in weight 10 kilos each; and

Provided further, That salt used for the packing of any article classified under this paragraph shall be dutiable under clause (c) of paragraph 74.

With the following committee amendment:

Page 77, line 12, strike out the word "seventy-four" and insert "seventy-two."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

206. Canned or potted meats, such as beef, veal, mutton, lamb, pork, ham, and bacon, plainly prepared and simply preserved, not otherwise provided for, common preparations thereof, with or without vegetables or other simple ingredients, such as Irish stew, corned-beef hash, chili con carne, hog and hominy, dry chipped beef, and the like, 15 per cent ad valorem.

Mr. PAYNE. Mr. Chairman, page 77, line 20, I move to strike out the words "such as" and insert "including."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

In line 20, page 77, strike out the words "such as" and insert the word "including."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

(c) Fish, shellfish, sea food, and preparations thereof, such as anchovies, merluza, angulas, awabi, sardines not otherwise provided for, lampreys, whiting, turtle, fish roe, eels in jelly, sharks' fins in any form, shrimp, bloater, and fish pastes and butters, similar products of delicatessen class, 25 per cent ad valorem.

Mr. PAYNE. Mr. Chairman, on page 78, line 23, I move to strike out the words "such as" and insert the word "including."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 78, line 23, strike out the words "such as" and insert the word "including."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I would like to go back to page 77 and offer the same amendment to line 24.

The CHAIRMAN. Without objection, the amendment will be considered as agreed to. [After a pause.] The Chair hears no objection.

The Clerk read as follows:

237. Sugar:
(a) Raw, gross weight, 100 kilos, $3.70.
(b) Refined, including weight of immediate containers, 100 kilos, $4.20.

With the following committee amendments:

Page 84, line 18, strike out "seventy" and insert "seventy-two;" and in line 21, strike out "twenty" and insert "twenty-two."

The CHAIRMAN. The question is on agreeing to the amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

278. Horn, bone, whalebone, celluloid, and imitations of any of the foregoing, or of any of the substances enumerated in paragraph 281, including weight of immediate containers.

With the following committee amendment:

Page 93, line 2, strike out "eighty-one" and insert "seventy-seven."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

301. Tobacco:
(a) Wrapper tobacco, filler tobacco when mixed or packed with more than 15 per cent of wrapper tobacco, leaf tobacco the product of two or more countries or dependencies when mixed or packed together, any of the foregoing unstemmed, kilo, $4.80.
(b) The same, stemmed, kilo, $5.50.
(c) Filler tobacco, not otherwise provided for, unstemmed, kilo, 77 cents.
(d) The same, stemmed, kilo, $1.02.
(e) Cigars, cigarettes, cheroots, paper cigars and cigarettes, including wrappers, kilo, $9.90 and 25 per cent ad valorem.
(f) Other tobacco, manufactured or unmanufactured, not otherwise provided for, kilo, $1.20.

With the following committee amendments:

Page 99, line 4, strike out "eighty" and insert "eight."
Line 5, strike out "fifty" and insert "fifty-two."
Line 8, strike out "seventy-seven" and insert "seventy-eight."
Line 10, strike out "two" and insert "eleven."
Line 14, strike out "ninety" and insert "ninety-three."
Line 18, strike out "twenty" and insert "twenty-two."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

304. Cost of repairs upon articles of easy identification (except those provided for in paragraph 203), exported from the Philippine Islands and reimported therein, 25 per cent ad valorem.

Provided, That any such article, exclusive of the repairs thereon, shall be free of duty when reimported, upon the compliance with the regulations of the insular collector of customs governing such exportations and reimportations, otherwise the terms of section 12 shall apply.

With the following committee amendments:

Page 100, line 12, strike out the words "and three;" and in line 20 strike out the word "twelve" and insert the word "nine."

The CHAIRMAN. The question is on agreeing to the committee amendments.

The question was taken, and the amendments were agreed to.

The Clerk read as follows:

NOTE.—Store, office, and business signs, otherwise those for advertising local business houses, firms, offices, associations, corporations, trades, or professions, shall not be classified under this paragraph.

Mr. PAYNE. Mr. Chairman, I desire to offer the following committee amendment.

The Clerk read as follows:

Page 103, lines 3 and 4, strike out the words "otherwise those" and insert in lieu thereof the word "used."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

328. Public documents issued by foreign governments, correspondence, manuscripts, and typewritten documents, not prohibited by section 6 of this act, and collections of stamps of national issue, used or unused.

With the following committee amendment:

Page 103, line 17, strike out "six" and insert "four."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

337. Supplies and materials imported by or for the use of the United States Government, or the government of the Philippine Islands, or any of their subordinate branches: *Provided*, That title shall have passed to one of said governments before such supplies are released from customs custody: *And provided further*, That any article (except those enumerated in paragraph 218) which would otherwise be classified under this paragraph shall, if imported for sale to private or corporate persons, be dutiable under the corresponding paragraph of this act.

With the following committee amendment:

Page 106, line 22, strike out "eighteen" and insert "fifteen."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

338. Wearing apparel, articles of personal adornment, toilet articles, books, portable tools and instruments, theatrical costumes, and similar personal effects, accompanying travelers or tourists in their baggage or arriving within a reasonable time, in the discretion of the collector of customs, before or after the owners, in use of and necessary and appropriate for the wear or use of such persons according to their profession or position for the immediate purposes of their journey and their present comfort and convenience: *Provided*, That this exemption shall not be held to apply to merchandise or articles intended for other persons or for barter or sale: *And provided further*, That the collector of customs may, in his discretion, require a bond for the exportation of or the payment of duties upon articles classified under this paragraph within the time and in the manner prescribed by paragraph 340.

With the following committee amendment:

Page 107, line 18, strike out "forty" and insert "thirty-nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

340. Professional instruments and implements, tools of trade, occupation, or employment, wearing apparel, domestic animals, and personal and household effects, including those of the kind and class provided for under paragraphs 339 and 340, belonging to persons coming to settle in the Philippine Islands, in quantities and of the class suitable to the profession, rank, or position of the person importing them, for their own use and not for barter or sale, accompanying such persons or arriving within a reasonable time, in the discretion of the collector of customs, before or after the arrival of their owners, upon the production of evidence satisfactory to the collector of customs that such persons are actually coming to settle in the Philippine Islands, that the articles are brought from their former place of abode, that change of residence is bona fide, and that the privilege of free entry under this paragraph has never been previously granted to them: *Provided*, That neither merchandise of any kind, nor machinery or other articles for use in manufacture, shall be classified under this paragraph: *And provided further*, That officers and employees of the United States Government or of the government of the Philippine Islands, or religious missionaries taking station in the islands shall be considered as "coming to settle" for the purposes of this paragraph.

Also the following committee amendment:

Line 12, page 108, after the word "paragraphs," insert "338 and."
Line 13, page 108, strike out "and 340."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The amendment was agreed to.

The Clerk read as follows:

341. Vehicles, animals, birds, insects, and fish, portable theaters, circus and theatrical equipment, including sceneries, properties, and apparel, devices for projecting pictures and parts and appurtenances therefor, panoramas, wax figures, and similar objects for public entertainment, upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within the time and in the manner prescribed by paragraph 340.

With the following committee amendment:

Line 23, page 109, strike out "forty" and insert "thirty-nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

345. Pumps for the salvage of vessels, upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within the time and in the manner prescribed by paragraph 340.

Also the following committee amendment:

Page 111, line 1, strike out "forty" and insert "thirty-nine."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

346. Wearing apparel and household effects, including those articles provided for under paragraphs 339 and 340, belonging to residents of the Philippine Islands returning from abroad, which were exported from the said islands by such returning residents upon their departure therefrom or during their absence abroad, upon the identity of such articles being established to the satisfaction of the collector of customs, under such regulations as the insular collector of customs shall prescribe; articles of the same kind and class purchased in foreign countries by natives of the Philippine Islands during their absence abroad and accompanying them upon their return to said islands, or arriving within a reasonable time, in the discretion of the collector of customs, before or after their return upon proof satisfactory to the collector of customs that the same have been in their use abroad for more than one year.

Also the following committee amendment:

Page 111, line 10, after the word "paragraphs," insert "338 and."
And in line 12, page 11, strike out the words "and three hundred and forty."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

The Clerk read as follows:

EXPORT DUTIES.

SEC. 13. That upon the exportation to any foreign country from the Philippine Islands, or the shipment thereof to the United States or any of its possessions, of the following articles, there shall be levied, collected, and paid thereon the following export duties: *Provided, however*, That all articles the growth and product of the Philippine Islands coming directly from said islands to the United States or any of its possessions for use and consumption therein, shall be exempt from any export duties imposed in the Philippine Islands:

354. Abaca (hemp), gross weight, 100 kilos, 75 cents.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer an amendment that will affect all of section 13. I want to know if it will be in order to offer it at the end of paragraph 361, as it affects the whole section?

Mr. PAYNE. I would like to have the bill read to paragraph 361, and then let the gentleman offer his amendment and have it considered as pending, and I shall make a motion to rise.

Mr. UNDERWOOD. I desire to offer it at the end of paragraph 361, if it will be in order to the whole section.

Mr. PAYNE. I ask that the following paragraphs, down to and including 361, be considered as read.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. Then, I offer the following amendment.

The Clerk read as follows:

Amend by inserting at the end of section 13, on page 115, line 21, the following:

"*Provided*, That the export duties authorized to be collected under section 13 of this act shall remain in force and be operative for two years, and thereafter the amount of the duties named in said section shall be reduced one-fifth each succeeding year for the period of five years. Seven years after the enactment of this law no export duties or other charges shall be levied, collected, and paid upon the exportation of any articles from the Philippine Islands."

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9135, the Philippine tariff bill, and had come to no resolution thereon.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 17 minutes p. m.) the House, under the order previously adopted, adjourned until Monday next, May 17.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Interior, transmitting a detailed report of a drainage survey of certain wet, overflowed, or swampy lands ceded by the Chippewa Indians in Minnesota (H. Doc. No. 27)—to the Committee on Public Lands and ordered to be printed, with illustrations.

A letter from the Assistant Secretary of the Department of Commerce and Labor, transmitting the report of Special Agent Charles M. Pepper on British iron and steel industry (S. Doc. No. 42)—to the Committee on Interstate and Foreign Commerce.

A letter from the Secretary of the Treasury, transmitting, with copy of a communication from the Secretary of War, an estimate of an appropriation for subsistence of the army (H. Doc. No. 28)—to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. WANGER: A bill (H. R. 9504) to amend an act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission"—to the Committee on Interstate and Foreign Commerce.

By Mr. HEALD: A bill (H. R. 9505) to provide for the erection of a monument to mark the location of the De Vries Dutch settlement near Lewes, Del.—to the Committee on the Library.

Also, a bill (H. R. 9506) for the relief of members of the Fifth and Sixth Regiments of Delaware Volunteer Infantry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9507) to provide for the acquisition and improvement of the Chesapeake and Delaware Canal—to the Committee on Railways and Canals.

By Mr. GOULDEN: A bill (H. R. 9508) to prevent and punish the desecration, mutilation, or improper use of the flag of the United States of America—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: A bill (H. R. 9509) to amend sections 4924 and 4927 of the Revised Statutes, relating to patents—to the Committee on Patents.

Also, a bill (H. R. 9510) to amend an act relating to the sale of gas in the District of Columbia—to the Committee on the District of Columbia.

Also, a bill (H. R. 9511) to determine powers of United States judges as to instructions to juries—to the Committee on the Judiciary.

Also, a bill (H. R. 9512) granting a pension of $30 per month to United States soldiers, war with Mexico—to the Committee on Pensions.

Also, a bill (H. R. 9513) to add 31,000 acres of land by purchase or condemnation to the Chattanooga and Chickamauga National Military Park, and appropriating $761,000 for that purpose—to the Committee on Military Affairs.

Also, a bill (H. R. 9514) granting right of way for road through government reservation north of national cemetery, Chattanooga, Tenn.—to the Committee in Military Affairs.

Also, a bill (H. R. 9515) recognizing the military service of and giving pensionable status under all pension laws of the United States to persons serving under United States officers as home guards, militia, or other provisional troops during the civil war—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9516) authorizing juries to fix punishment of defendants convicted in United States courts in certain cases—to the Committee on the Judiciary.

Also, a bill (H. R. 9517) to limit the jurisdiction of district and circuit courts of the United States in law and equity to sums exceeding $5,000—to the Committee on the Judiciary.

Also, a bill (H. R. 9518) to provide for the erection of a public building at Sparta, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9519) to provide for the erection of a public building at Athens, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9520) to provide for the erection of a public building at McMinnville, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9521) to provide for the erection of a public building at Winchester, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9522) to appropriate $50,000 to complete custom-house and post-office building at Chattanooga, Tenn.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9523) to provide for the erection of a public building at Madisonville, Tenn.—to the Committee on Public Buildings and Grounds.

By Mr. LEE: A bill (H. R. 9524) to add 31,000 acres of land, by purchase or condemnation, to the Chattanooga and Chickamauga National Military Park, and appropriating $761,000 for that purpose—to the Committee on Military Affairs.

By Mr. MOORE of Pennsylvania: A bill (H. R. 9525) to provide for the lading or unlading of vessels at night, to facilitate the entry of vessels, and for other purposes—to the Committee on Ways and Means.

Also, a bill (H. R. 9526) defining the offense of train wrecking, or attempts so to do, and providing punishment therefor—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 9527) to establish a fish-culture station in New Mexico—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9528) for the purchase of a site and the erection of an electrical power plant for irrigation purposes in Portales, N. Mex., or vicinity—to the Committee on Public Buildings and Grounds.

By Mr. BOWERS: A bill (H. R. 9529) to purchase a dredge for use in the harbor and channel at Gulfport, Miss., and for the maintenance thereof—to the Committee on Rivers and Harbors.

Also, a bill (H. R. 9530) to extend the application of the several acts to regulate interstate commerce to certain public-service corporations and persons engaged in interstate commerce—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9531) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, a bill (H. R. 9532) to subject intoxicating liquors transported from one State into another for delivery or sale to the laws and regulations of such latter State, and to prohibit the issuance of federal licenses to sell same in such localities where such is prohibited by the laws or regulations of such State or locality—to the Committee on the Judiciary.

Also, a bill (H. R. 9533) to distribute the surplus in the Treasury of the United States to the several States and Territories and the District of Columbia for the sole purpose of improving the roads therein—to the Committee on Ways and Means.

Also, a bill (H. R. 9534) to appropriate $500,000 for the prosecution and extension of the work of the Bureau of Soil Surveys in the Department of Agriculture—to the Committee on Agriculture.

Also, a bill (H. R. 9535) to establish an agricultural experiment station in the Sixth Congressional District of the State of Mississippi—to the Committee on Agriculture.

Also, a bill (H. R. 9536) to establish a fish-hatching and fish-culture station at a point on the Gulf of Mexico in the State of Mississippi—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9537) to acquire certain ground in the District of Columbia for a government reservation—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9538) to establish an experimental wood-distillation laboratory—to the Committee on Agriculture.

By Mr. CARLIN: A bill (H. R. 9539) for the relief of acting (volunteer) officers of the United States Navy in the civil war—to the Committee on Naval Affairs.

By Mr. AUSTIN: A bill (H. R. 9540) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900—to the Committee on Ways and Means.

By Mr. OLMSTED: A bill (H. R. 9541) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900—to the Committee on Ways and Means.

By Mr. SLAYDEN: A bill (H. R. 9542) to provide for the erection of a public building at Brownwood, Tex.—to the Committee on Public Buildings and Grounds.

By Mr. LLOYD: A bill (H. R. 9543) to amend an act entitled "An act to authorize the Secretary of the Navy to loan naval equipment to certain military schools," approved March 3, 1901—to the Committee on Naval Affairs.

By Mr. BURKE of South Dakota: A bill (H. R. 9544) to authorize the sale and disposition of a portion of the surplus and unallotted lands in the Rosebud Indian Reservation in the State of South Dakota, and making appropriation and provision to carry the same into effect—to the Committee on Indian Affairs.

By Mr. HOWELL of Utah: Joint resolution (H. J. Res. 54) authorizing the Secretary of War to loan cots, tents, and appliances for the use of the forty-third national encampment of the Grand Army of the Republic at Salt Lake City, Utah—to the Committee on Military Affairs.

By Mr. HUMPHREY of Washington: Concurrent resolution (H. C. Res. 16) accepting invitation to Congress to attend the Alaska-Yukon-Pacific Exposition, and authorizing the appointment of committee to attend—to the Committee on Industrial Arts and Expositions.

By Mr. BARTHOLDT: Resolution (H. Res. 70) calling for report on Mississippi River—to the Committee on Military Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ALEXANDER of New York: A bill (H. R. 9545) granting a pension to John D. Smith—to the Committee on Pensions.

Also, a bill (H. R. 9546) granting an increase of pension to Andrew M. Clarke—to the Committee on Invalid Pensions.

By Mr. ASHBROOK: A bill (H. R. 9547) granting an increase of pension to Samuel F. Gilbreath—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9548) granting an increase of pension to George W. Medick—to the Committee on Invalid Pensions.

By Mr. BARCLAY: A bill (H. R. 9549) granting an increase of pension to Thomas Evers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9550) granting an increase of pension to George W. Brink—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9551) granting an increase of pension to John R. Lemon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9552) granting an increase of pension to Newton Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9553) granting an increase of pension to George R. White—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9554) to remove the charge of desertion from the military record of Albert B. Ketterman and to grant him an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 9555) granting an increase of pension to Robert Shull—to the Committee on Invalid Pensions.

By Mr. BOEHNE: A bill (H. R. 9556) granting an increase of pension to James F. Thurman—to the Committee on Invalid Pensions.

By Mr. BOWERS: A bill (H. R. 9557) for the relief of the estate of J. M. Fortinberry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9558) for the relief of Emily Donnelly or her legal representatives—to the Committee on War Claims.

Also, a bill (H. R. 9559) for the relief of Martha B. Moore—to the Committee on War Claims.

Also, a bill (H. R. 9560) for the relief of Louis T. Barnes—to the Committee on War Claims.

Also, a bill (H. R. 9561) for the relief of the estate of Capt. John Bolino, late of Pass Christian, Harrison County, Miss.—to the Committee on War Claims.

Also, a bill (H. R. 9562) for the relief of the estate of Nevin Phares—to the Committee on War Claims.

Also, a bill (H. R. 9563) for the relief of the heirs of Wright Mann, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9564) for the relief of the heirs of John Fornea—to the Committee on War Claims.

Also, a bill (H. R. 9565) for the relief of heirs of John W. Ford, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9566) for the relief of June Poitevent, administrator of the estate of William J. Poitevent, deceased—to the Committee on Claims.

Also, a bill (H. R. 9567) to carry out the findings of the Court of Claims in the case of John C. McDaniel, administrator of John W. McDaniel, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9568) to correct the military record of Elias H. Lewin, alias William Harrington—to the Committee on Military Affairs.

Also, a bill (H. R. 9569) to correct the military record of J. E. Mariner—to the Committee on Military Affairs.

Also, a bill (H. R. 9570) to authorize the Secretary of the Treasury to convey certain lands to the city of Biloxi, Miss., for street purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 9571) to grant American registry to the Norwegian bark *Mizapore*, to be used as a barge or lighter—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9572) for the relief of the heirs at law of Samuel Hollingsworth, deceased—to the Committee on War Claims.

By Mr. BRADLEY: A bill (H. R. 9573) granting a pension to Delia Reynolds—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 9574) authorizing and directing the Secretary of the Interior to pay arrearage to Thomas F. Haywood, Nashville, Tenn.—to the Committee on Invalid Pensions.

By Mr. CAMERON: A bill (H. R. 9575) granting a pension to John White—to the Committee on Invalid Pensions.

By Mr. CARLIN: A bill (H. R. 9576) granting a pension to Laura C. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9577) granting an increase of pension to William E. Stewart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9578) for the relief of the personal representatives of John Wharton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9579) for the relief of Martin Maddox—to the Committee on Claims.

Also, a bill (H. R. 9580) for the relief of W. J. Tapp & Co.—to the Committee on Claims.

By Mr. CLINE: A bill (H. R. 9581) granting an increase of pension to James Ryan—to the Committee on Invalid Pensions.

By Mr. COWLES: A bill (H. R. 9582) to correct the military record of Jacob M. Pruitt—to the Committee on Military Affairs.

Also, a bill (H. R. 9583) to correct the military record of Smith F. Carroll—to the Committee on Military Affairs.

By Mr. CULLOP: A bill (H. R. 9584) granting an increase of pension to Joseph Gimber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9585) granting an increase of pension to Samuel Bond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9586) granting a pension to Daniel W. Reynolds—to the Committee on Invalid Pensions.

By Mr. CUSHMAN: A bill (H. R. 9587) granting an increase of pension to Junius Thomas Turner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9588) granting an increase of pension to John Klay—to the Committee on Pensions.

By Mr. DE ARMOND: A bill (H. R. 9589) granting an increase of pension to Joshua T. Parrish—to the Committee on Pensions.

By Mr. FOSTER of Illinois: A bill (H. R. 9590) for the relief of James Wiley—to the Committee on War Claims.

Also, a bill (H. R. 9591) granting a pension to William German—to the Committee on Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 9592) granting an increase of pension to Christian W. Abbaduska—to the Committee on Invalid Pensions.

By Mr. GODWIN: A bill (H. R. 9593) for the relief of Thomas D. Meares, administrator of Armand D. Young, deceased—to the Committee on War Claims.

By Mr. GOULDEN: A bill (H. R. 9594) for the relief of Alexander McKenna—to the Committee on Military Affairs.

By Mr. HAMER: A bill (H. R. 9595) granting a pension to Albert Small—to the Committee on Invalid Pensions.

By Mr. HANNA: A bill (H. R. 9596) granting an increase of pension to Thomas Lovell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9597) granting an increase of pension to Joseph Elliott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9598) granting an increase of pension to Edwin R. Hill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9599) granting an increase of pension to William Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9600) granting an increase of pension to Bradford G. Ostrander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9601) granting an increase of pension to William B. Powers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9602) granting an increase of pension to Catherine Frederick—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 9603) granting an increase of pension to David W. Travis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9604) granting a pension to James Burke—to the Committee on Invalid Pensions.

By Mr. HIGGINS: A bill (H. R. 9605) granting an increase of pension to Timothy Quinn—to the Committee on Invalid Pensions.

By Mr. JONES: A bill (H. R. 9606) for the relief of the estate of Robert R. Berry, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9607) for the relief of Ezer W. Edwards—to the Committee on War Claims.

By Mr. KENNEDY of Ohio: A bill (H. R. 9608) granting an increase of pension to O. P. Shanafelt—to the Committee on Invalid Pensions.

By Mr. KINKAID of Nebraska: A bill (H. R. 9609) to grant to John Rivett privilege to make commutation of his homestead entry—to the Committee on Claims.

By Mr. LAFEAN: A bill (H. R. 9610) granting a pension to Annie M. Tinsley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9611) granting an increase of pension to Charles B. King—to the Committee on Invalid Pensions.

By Mr. LAMB: A bill (H. R. 9612) for the relief of Charles S. Mills—to the Committee on Claims.

Also, a bill (H. R. 9613) for the relief of the estate of Samuel C. Hull, deceased—to the Committee on War Claims.

By Mr. LLOYD: A bill (H. R. 9614) granting an increase of pension to Harvey Moore—to the Committee on Invalid Pensions.

By Mr. McCALL: A bill (H. R. 9615) to amend the military record of Stephen A. Merrill, alias George Holmes—to the Committee on Military Affairs.

By Mr. McKINNEY: A bill (H. R. 9616) granting an increase of pension to William B. Houck—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 9617) granting a pension to Angeline Buckley—to the Committee on Invalid Pensions.

By Mr. MOON of Tennessee: A bill (H. R. 9618) for the relief of Charles Hassett, of Chattanooga, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 9619) for the relief of R. H. Sively—to the Committee on Military Affairs.

Also, a bill (H. R. 9620) for the relief of James Moore—to the Committee on Military Affairs.

Also, a bill (H. R. 9621) for the relief of W. P. Qualls—to the Committee on Military Affairs.

Also, a bill (H. R. 9622) for the relief of Jasper N. T. Hamilton—to the Committee on Military Affairs.

Also, a bill (H. R. 9623) for the relief of James Nipper—to the Committee on Military Affairs.

Also, a bill (H. R. 9624) for the relief of Hansell Hatfield, of McMinn County, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 9625) for the relief of Isom M. Qualls—to the Committee on Military Affairs.

Also, a bill (H. R. 9626) for the relief of William M. White, of James County, Tenn.—to the Committee on Military Affairs.

Also, a bill (H. R. 9627) for the relief of Lovenia Hodges (née Grant)—to the Committee on War Claims.

Also, a bill (H. R. 9628) for the relief of Mrs. E. L. Eblen—to the Committee on War Claims.

Also, a bill (H. R. 9629) for the relief of George W. Penney and the heirs of Thomas Penney, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9630) for the relief of G. R. West—to the Committee on War Claims.

Also, a bill (H. R. 9631) for the relief of Sarah E. Abernathy, widow of J. J. Abernathy—to the Committee on War Claims.

Also, a bill (H. R. 9632) for the relief of the estate of Samuel Y. B. Williams, of Chattanooga, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9633) for the relief of D. J. Rogers—to the Committee on War Claims.

Also, a bill (H. R. 9634) for the relief of Lydia A. Newby—to the Committee on War Claims.

Also, a bill (H. R. 9635) for the relief of James B. Hoge—to the Committee on War Claims.

Also, a bill (H. R. 9636) for the relief of Sarah Crabtree and the estate of Eli Crabtree, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9637) for the relief of James B. Brown—to the Committee on War Claims.

Also, a bill (H. R. 9638) for the relief of John H. Jackson—to the Committee on War Claims.

Also, a bill (H. R. 9639) for the relief of John Coppinger—to the Committee on War Claims.

Also, a bill (H. R. 9640) for the relief of Jesse Walling—to the Committee on War Claims.

Also, a bill (H. R. 9641) for the relief of Mrs. Laura Barrett—to the Committee on War Claims.

Also, a bill (H. R. 9642) for the relief of Jesse A. Wallace—to the Committee on War Claims.

Also, a bill (H. R. 9643) for the relief of James B. Hoge—to the Committee on War Claims.

Also, a bill (H. R. 9644) for the relief of George W. Penney and the heirs of Thomas Penney, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9645) for the relief of P. H. Schoolfield, of Pikeville, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9646) for the relief of Ruth Ann True—to the Committee on War Claims.

Also, a bill (H. R. 9647) for the relief of Abner Souder—to the Committee on War Claims.

Also, a bill (H. R. 9648) for the relief of Joseph G. Richardson, administrator, etc.—to the Committee on War Claims.

Also, a bill (H. R. 9649) for the relief of the widow of the late Capt. Daniel C. Trewhitt—to the Committee on War Claims.

Also, a bill (H. R. 9650) for the relief of John M. Heard—to the Committee on War Claims.

Also, a bill (H. R. 9651) for the relief of Edward D. Pickett—to the Committee on War Claims.

Also, a bill (H. R. 9652) for the relief of Nathaniel R. and William C. Carson—to the Committee on War Claims.

Also, a bill (H. R. 9653) for the relief of Ruth Holder—to the Committee on War Claims.

Also, a bill (H. R. 9654) for the relief of William Roberts—to the Committee on War Claims.

Also, a bill (H. R. 9655) for the relief of James B. Brown, of Hamilton County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9656) for the relief of James N. Davis, administrator of William Davis, deceased, of Mount Airy, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9657) for the relief of trustees of the Boiling Fork Baptist Church, of Cowan, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9658) for the relief of William H. Bean—to the Committee on Claims.

Also, a bill (H. R. 9659) granting a pension to James M. Ikard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9660) granting a pension to Mary J. Pearson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9661) granting a pension to Peter Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9662) granting a pension to Andrew J. Hollaway—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9663) granting a pension to Tilman Giles, alias Robert Powell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9664) granting a pension to Margaret J. Ferguson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9665) granting a pension to Sarah E. Harvey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9666) granting a pension to Robert Axmacker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9667) granting a pension to Sarah J. Watson, or Hunter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9668) granting a pension to Harriet E. Aiken—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9669) granting a pension to Seborn J. Mullins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9670) granting a pension to J. L. McDowell, alias Leander Dickey—to the Committee on Pensions.

Also, a bill (H. R. 9671) granting an increase of pension to Rebecca A. Cole—to the Committee on Pensions.

Also, a bill (H. R. 9672) granting an increase of pension to Benedict Ellis—to the Committee on Pensions.

Also, a bill (H. R. 9673) granting an increase of pension to Nancy Jane Fisher—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9674) granting an increase of pension to George W. Holland—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9675) granting an increase of pension to Matison M. Kilgore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9676) granting an increase of pension to Milton J. Beebe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9677) granting an increase of pension to Thomas R. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9678) granting an increase of pension to Luther M. Blackman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9679) granting an increase of pension to Robert B. Weathers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9680) granting an increase of pension to Andrew H. Stansberry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9681) granting an increase of pension to Sarah A. Weber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9682) granting an increase of pension to John W. Roy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9683) granting an increase of pension to James L. Dungan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9684) granting an increase of pension to Mary L. Wright—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9685) granting an increase of pension to Frederick Dauchy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9686) granting an increase of pension to James A. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9687) granting an increase of pension to John Skelton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9688) granting an increase of pension to James T. Foster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9689) granting an increase of pension to Gideon T. Denton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9690) granting an increase of pension to Charles May—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9691) granting an increase of pension to Rachel S. Marshall—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9692) granting an increase of pension to William F. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9693) granting an increase of pension to Andrew Stoops—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9694) granting an increase of pension to Foster Drake—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9695) granting an increase of pension to Samuel Teague—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9696) granting an increase of pension to Mary E. Wood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9697) granting an increase of pension to W. A. Pryor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9698) granting an increase of pension to Scott Thompson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9699) granting an increase of pension to Burnett M. Trew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9700) granting an increase of pension to William R. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9701) granting an honorable discharge to Marion Hixson—to the Committee on Military Affairs.

Also, a bill (H. R. 9702) to remove the charge of desertion from the name of Gabriel P. Keith—to the Committee on Military Affairs.

Also, a bill (H. R. 9703) to remove the charge of desertion against the name of Thomas J. Schrimpsher—to the Committee on Military Affairs.

Also, a bill (H. R. 9704) to remove the charge of desertion against the name of Samuel J. Rayl—to the Committee on Military Affairs.

Also, a bill (H. R. 9705) to remove charge of desertion against Henry H. Walker—to the Committee on Military Affairs.

Also, a bill (H. R. 9706) for the relief of the estate of William Roberts, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9707) for the relief of the estate of N. T. Power, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9708) for the relief of the estate of Hampton Hudgens, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9709) for the relief of the estates of Asa Faulkner, deceased; Lewis L. Faulkner, deceased; and S. B. Spurlock, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9710) for the relief of the estate of William Duncan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9711) for the relief of the estate of Patrick Henry Watkins, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9712) for the relief of the estate of Aaron Murdock, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9713) for the relief of the estate of Alexander Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9714) for the relief of the estate of Martin Hartman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9715) for the relief of the estate of P. W. Key—to the Committee on War Claims.

Also, a bill (H. R. 9716) for the relief of the estate of J. K. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 9717) for the relief of the estate of John A. Pickett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9718) for the relief of the estate of Casandra Smith, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9719) for the relief of the estate of Mary A. Henderson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9720) for the relief of the estate of Robert Langford, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9721) for the relief of the estate of Austin Hackworth, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9722) for the relief of the estate of Preston Gann, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9723) for the relief of the estate of H. B. Henegar, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9724) for the relief of the estate of John A. Heard, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9725) for the relief of the estate of George M. Carroll, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9726) for the relief of the estate of Washington Turner, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9727) for the relief of the estate of Washington Pryor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9728) for the relief of the estate of Louisa M. Kirklin, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9729) for the relief of the estate of Daniel B. Harold, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9730) for the relief of the estate of Burrell L. Bennett, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9731) for the relief of the estate of W. G. Hoge, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9732) for the relief of the estate of George P. Carmichael, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9733) for the relief of the heirs of Simeon Graves, deceased, of McMinn County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9734) for the relief of the heirs of James C. Connor, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9735) for the relief of the heirs of Christopher Wood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9736) for the relief of the heirs at law of Robert Worthington—to the Committee on War Claims.

Also, a bill (H. R. 9737) for the relief of the heirs of Erban Powell, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9738) for the relief of the heirs of Margaret Sivley, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9739) to carry out the findings of the Court of Claims in the case of James E. Meacham—to the Committee on War Claims.

Also, a bill (H. R. 9740) for the relief of the trustees of Hennegans Chapel, Methodist Episcopal Church South, of Dunlap, Sequatchie County, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9741) for the relief of Rachael C. Stiefvater, of Chattanooga, Tenn., to reimburse for the use and destruction of property by United States Army in 1864—to the Committee on War Claims.

Also, a bill (H. R. 9742) to carry out the findings of the Court of Claims in the case of Laura E. Raulston, administratrix of James W. Raulston, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9743) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Chitwood, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9744) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of John Henson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9745) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of W. W. Sharp, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9746) to carry into effect the findings of the Court of Claims in the matter of the claim of the estate of Josiah J. Bryan, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9747) to carry into effect the findings of the Court of Claims in the matter of the claim of the Methodist Episcopal Church South, of Cleveland, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9748) to carry into effect the findings of the Court of Claims in the matter of the claim of the trustees of the Methodist Episcopal Church South, of Chattanooga, Tenn.—to the Committee on War Claims.

Also, a bill (H. R. 9749) to correct the military records of the United States so as to muster in and out of service in United States Army James Kirkland—to the Committee on Military Affairs.

Also, a bill (H. R. 9750) to complete the military record of Daniel Cook, deceased, and for an honorable discharge—to the Committee on Military Affairs.

Also, a bill (H. R. 9751) to amend and correct war records so as to muster in and muster out of service in United States Army Joshua E. Carlton, of Charleston, Tenn., and to grant to him an honorable discharge—to the Committee on Military Affairs.

By Mr. MOORE of Texas: A bill (H. R. 9752) granting a pension to Michael Gibney, alias John Gibney—to the Committee on Invalid Pensions.

By Mr. A. MITCHELL PALMER: A bill (H. R. 9753) granting an increase of pension to Alton E. Cobb—to the Committee on Invalid Pensions.

By Mr. PERKINS: A bill (H. R. 9754) granting a pension to Mary Bay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9755) granting a pension to Kenneth Stewart Crane—to the Committee on Pensions.

By Mr. RAUCH: A bill (H. R. 9756) granting an increase of pension to John F. Staley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9757) granting a pension to Salem Williams—to the Committee on Invalid Pensions.

By Mr. SIMMONS: A bill (H. R. 9758) granting a pension to Bernice L. Frink—to the Committee on Invalid Pensions.

By Mr. TENER: A bill (H. R. 9759) granting a pension to Sarah Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9760) granting an increase of pension to William A. Bane—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 9761) granting an increase of pension to Jesse K. Freeman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9762) granting an increase of pension to Nathan R. Mathis—to the Committee on Invalid Pensions.

By Mr. VREELAND: A bill (H. R. 9763) granting a pension to Thomas C. Wilson—to the Committee on Invalid Pensions.

By Mr. WATKINS: A bill (H. R. 9764) for the relief of T. Alonzo Walker and Augusta C. Todd—to the Committee on War Claims.

By Mr. WILSON of Illinois: A bill (H. R. 9765) granting an increase of pension to Frederick Kinner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Memorial of Jose Templo, of Lipa Batangas, Philippine Islands, in relation to certain claims for losses sustained by destruction of property—to the Committee on Insular Affairs.

By Mr. ASHBROOK: Petition of Leroy Baker Post, No. 120, Ashbrook bill—to the Committee on Invalid Pensions.

Also, petition of citizens of Tuscarawas County, Ohio, favoring creation of tariff commission—to the Committee on Ways and Means.

Also, petition of citizens of New Philadelphia and Baltic, Ohio, opposing duty on raw and refined sugar—to the Committee on Ways and Means.

Also, papers to accompany bill granting an increase of pension to William A. Crane—to the Committee on Invalid Pensions.

By Mr. BELL of Georgia: Petition of citizens of the Ninth Congressional District of Georgia, opposing parcels post—to the Committee on the Post-Office and Post-Roads.

By Mr. BUTLER: Petition of Ione Council, No. 765, Junior Order United American Mechanics, favoring exclusion of all Asiatics save merchants, students, and travelers—to the Committee on Foreign Affairs.

Also, petition of many citizens of the Seventh Congressional District of Pennsylvania and of East Lynn Grange, favoring a duty of 2¼ cents per pound on casein or lactarene unground and 2½ cents on casein or lactarene ground—to the Committee on Ways and Means.

By Mr. CARLIN: Petition of Francis P. B. Sands, favoring bill in aid of volunteer officers in civil war—to the Committee on Military Affairs.

By Mr. CARY: Petition of city government of Neenah, Wis., against reduction of duty on print paper—to the Committee on Ways and Means.

By Mr. CLARK of Missouri (by request): Petition of Anti-Imperialistic League, against all reference to the Philippine Islands in the present tariff bill—to the Committee on Insular Affairs.

By Mr. COOPER of Wisconsin: Petition of National Association of Master Bakers, transmitted and indorsed by Colvin's Baking Company, of Jonesville, Wis., against gambling in food supplies—to the Committee on the Judiciary.

By Mr. COWLES: Paper to accompany bill for relief of Jacob M. Pruett—to the Committee on Invalid Pensions.

By Mr. CRAIG: Petition of S. Z. Champion, favoring reduction of duty on raw sugar—to the Committee on Ways and Means.

Also, petition of Farmers' Union No. 221, of Shelby County, Ala., against gambling in cotton futures—to the Committee on the Judiciary.

By Mr. DAVIDSON: Petitions of common councils of Stevens Point and Neenah, Wis., favoring present duty on print paper—to the Committee on Ways and Means.

By Mr. DANIEL A. DRISCOLL: Petition of Keasbey & Mattison, favoring an amendment to tariff bill—to the Committee on Ways and Means.

Also, petitions of Buffalo Envelope Company and Michael M. Brook, opposing an amendment of Post-Office Department to act of Congress approved June 26, 1906—to the Committee on the Post-Office and Post-Roads.

Also, petition of L. J. Callahan, in favor of duty on tea—to the Committee on Ways and Means.

By Mr. FULLER: Petition of B. F. Lincoln, of Ottawa, Ill., favoring duty on plate glass—to the Committee on Ways and Means.

Also, petitions of Carter Macey & Co., John Emmans & Co., F. D. Malt & Co., and L. J. Callanan, all of New York City, favoring a duty on tea—to the Committee on Ways and Means.

Also, petitions of sundry citizens of the cities of De Kalb, Hinckley, Kirkland, Lee, Malta, Sandwich, Shabbona, Somonauk, Sycamore, and Waterman, in Dekalb County, Ill.; and of Durand, Pecatonica, and Rockton, in Winnebago County, Ill.; and of Belvidere and Capron, in Boone County, Ill.; and of Oswego and Yorkville, in Kendall County, Ill., in opposition to the enactment of the proposed parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Edmund J. James, president of the University of Illinois, opposing an appropriation for George Washington University, in District of Columbia—to the Committee on Agriculture.

Also, petition of J. C. H. Eddey and others, of Winnebago County, Ill., in favor of proposed postal savings banks—to the Committee on the Post-Office and Post-Roads.

Also, resolution of state legislature of Illinois, favoring an investigation of old-age insurance and old-age pension—to the Committee on the Judiciary.

Also, petition of Cincinnati Manufacturers' Boot and Shoe Association, favoring free hides—to the Committee on Ways and Means.

Also, petition of Durbrow & Hearne Manufacturing Company, of New York City, concerning duty on embroidery machines and needles—to the Committee on Ways and Means.

Also, petition of wholesale dry goods merchants of New York City, concerning proposed cotton schedule—to the Committee on Ways and Means.

Also, petition of C. D. Peacock, Chicago, Ill., against a higher duty on diamonds—to the Committee on Ways and Means.

Also, petition of Cigar Makers' Industrial Union of America, against free cigars from the Philippines—to the Committee on Ways and Means.

Also, petition of Charles A. Stewart, of Fox, Ill., against a change in tariff on wool—to the Committee on Ways and Means.

Also, petition of the Pyro One Light Electrical Sign Company, of Chicago, Ill., against a tax on display signs—to the Committee on Ways and Means.

Also, petition of George A. Townsend, jr., Aurora, Ill., concerning tariff on bristles—to the Committee on Ways and Means.

Also, petition of Keasbey & Mattison Company, of Ambler, Pa., favoring duty on magnesia, etc.—to the Committee on Ways and Means.

Also, petition of National Association of Employing Lithographers, favoring tariff on lithographic products—to the Committee on Ways and Means.

Also, petition of Farm Life, of Chicago, Ill., against increase of duty on lumber—to the Committee on Ways and Means.

Also, petition of Republican Club of New York, against a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of Raymer Sarver, of Pecatonica, Ill., for retention of the tariff on wool—to the Committee on Ways and Means.

Also, petition of National Immigration League of New York City, against increase of $12 head tax on immigrants—to the Committee on Ways and Means.

Also, petition of the Commercial Exchange of Philadelphia, Pa., for commercial reciprocity treaty with Canada—to the Committee on Ways and Means.

Also, petition of the Casein Manufacturing Company, of New York City, favoring placing casein on dutiable list—to the Committee on Ways and Means.

Also, petition of Thomas Cooney, secretary of Amalgamated Wood Workers' Council of Chicago, against reduction of duty on lumber—to the Committee on Ways and Means.

Also, petition of American manufacturers of Fourdvinier wire cloth, concerning duty on wire cloth—to the Committee on Ways and Means.

Also, petition of Hutchens & Potter, of Johnstown, N. Y., concerning proposed duty on men's and women's gloves—to the Committee on Ways and Means.

Also, petition of American Newspaper Publishers' Association of New York, against increase of tariff on wood pulp—to the Committee on Ways and Means.

By Mr. GOULDEN: Petition of Hall & Rucker, opposing increase of duty on soda ash—to the Committee on Ways and Means.

By Mr. GRIEST: Petition of Publishers' Association of Lancaster County, Pa., opposing supplying general public with en-

velopes and other printed matter—to the Committee on the Post-Office and Post-Roads.

Also, petition of cigar manufacturers of Lancaster County, Pa., opposing free importation of tobacco from the Philippines—to the Committee on Ways and Means.

Also, petition of Pennsylvania Tobacco Growers' Association, opposing free importation of tobacco from the Philippines—to the Committee on Ways and Means.

By Mr. HAMER: Paper to accompany bill for relief of Albert Small—to the Committee on Invalid Pensions.

Also, petitions of Jones-Robinson Company (Limited), of Montpelier, and Conant & Dunning and 31 others, of Burley, all in the State of Idaho, against duties to be assessed under H. R. 1438 on articles of wearing apparel, particularly leather gloves and cotton hosiery—to the Committee on Ways and Means.

By Mr. HEALD: Petition of Board of Trade of Wilmington, Del., for a change of date of Inauguration Day—to the Committee on the Judiciary.

Also, petition of committee of trade and commerce and the legislative committee of the Wilmington (Del.) Board of Trade, against maximum and minimum provisions of tariff bill—to the Committee on Ways and Means.

By Mr. HIGGINS: Petition of Amelia J. Perkins, against the Payne bill—to the Committee on Ways and Means.

Also, petition of Cigar Makers Local Union No. 407, against duty-free cigars from the Philippines—to the Committee on Ways and Means.

By Mr. HILL: Petition of citizens of East Norwalk, Conn., favoring dredging north end of Norwalk channel—to the Committee on Rivers and Harbors.

Also, petition of citizens of New Hartford, Conn., favoring reduction on raw and refined sugars—to the Committee on Ways and Means.

Also, petition of citizens of New Haven, Conn., favoring reduction of duty on wheat—to the Committee on Ways and Means.

By Mr. KAHN: Petition of California Jewelry Company and 14 other jewelry importers of San Francisco, Cal., favoring a 10 per cent ad valorem duty on cut diamonds and other precious stones and 20 per cent on imitation stones—to the Committee on Ways and Means.

Also, petition of Hinz & Land (Incorporated) and 8 other residents of San Francisco, Cal., favoring maintaining Dingley rates on gloves—to the Committee on Ways and Means.

By Mr. LINDBERGH: Petition of business men of Buffalo and Howard Lake, Minn., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. McKINNEY: Petition of Tri-City Typographical Union, No. 107, of Rock Island and Moline, Ill., and Davenport, Iowa, favoring reduction of duty on wood pulp and news print paper—to the Committee on Ways and Means.

By Mr. MOORE of Pennsylvania: Petitions of Society Italiana di M. S., S. Pietro Celestino Cittadino d' Tsernia, Society Italiana di M. S. Del Santissimo Salvatore, Society S. Marzidu Maria S. S. Dellrose, all of Philadelphia, favoring adoption of October 12 as a legal holiday, to be called "Columbus Day"—to the Committee on the Judiciary.

By Mr. MOON of Tennessee: Papers to accompany House bill granting a pension to S. J. Mullins—to the Committee on Pensions.

Also, papers to accompany House bill granting an increase of pension to W. R. Snyder—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Scott Thompson—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting an increase of pension to Burrell M. Trew—to the Committee on Invalid Pensions.

Also, papers to accompany House bill granting a pension to William M. White—to the Committee on Invalid Pensions.

Also, papers to accompany bill for the relief of James M. Davis, administrator of William Davis, of Mountairy, Tenn.—to the Committee on War Claims.

By Mr. PAYNE: Papers to accompany H. R. 9247, granting a pension to Catherine E. Tainter, widow of John B. Tainter—to the Committee on Invalid Pensions.

By Mr. SULZER: Petition of Surbrug & Co., opposing additional duty on tobacco—to the Committee on Ways and Means.

Also, petition of Charles Adler & Sons, of New York City, opposing an increase of duty on diamonds and precious stones—to the Committee on Ways and Means.

Also, petition of George O. Street & Sons, of New York City, opposing tax on uncut diamonds and other precious stones—to the Committee on Ways and Means.

Also, petition of Republican Club of New York City, opposing a tariff commission—to the Committee on Ways and Means.

Also, petition of Edward Lauterbach, of New York, opposing an increase of head tax—to the Committee on Immigration and Naturalization.

Also, petition of J. C. Wirtz, of New York City, opposing an increase of duty on mattings—to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petition of Denver Chamber of Commerce, opposing reduction of duty on lead and lead products—to the Committee on Ways and Means.

By Mr. THOMAS of Kentucky: Petition of American Society of Equity, of Cedar Dale, Ky., opposing tax on sugar—to the Committee on Ways and Means.

By Mr. WEEKS: Petition of Monday Club, of Needham, Mass., against increase of duty on gloves—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of Retail Lumber Dealers' Insurance Association, of Wisconsin, favoring removal of duty on lumber and creation of a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of common council of the city of Portage, Wis., favoring an appropriation to repair the levee on the bank of the Wisconsin River at Portage—to the Committee on Rivers and Harbors.

Also, petition of citizens of Cedarburg, Wis., favoring free hides—to the Committee on Ways and Means.

Also, petition of Commercial Exchange of Philadelphia, favoring a treaty of reciprocity with Dominion of Canada relative to the tariff—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 14, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

THE BROWNSVILLE AFFRAY.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, inclosing an application dated the 10th instant from Lieut. Gen. S. B. M. Young, United States Army, president of the Brownsville court of inquiry, requesting the reference to that court of certain exhibits filed in the office of the Secretary of the United States Senate in connection with the Brownsville affray (S. Doc. No. 44), which, with the accompanying paper, was referred to the Committee on Military Affairs and ordered to be printed.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication of the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of the St. James Evangelical Lutheran Church, of Gettysburg, Pa. *v.* United States (S. Doc. No. 43), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a joint resolution of the legislature of Wisconsin, which was ordered to lie on the table and be printed in the RECORD, as follows:

Joint resolution petitioning Congress for the establishment of a permanent, nonpartisan, expert tariff commission.

Whereas for many years the tariff has been the subject of political contention which has led to periodical upheaval and uncertainty in the commercial activities of the Nation; that it has not always been adjusted in manner to best promote and protect the industrial interests as a whole, and has too often been dealt with as a purely political question, without giving full consideration to the grave economic principles involved in the same.

Whereas a study of the methods under which other great commercial nations of the world are handling these subjects leads to the conclusion that the United States must call into its service in the near future the aid of a trained body of men to enable us to meet intelligently the various perplexing questions arising out of the general adoption of maximum and minimum tariffs by several of our strongest competitors for the world's trade: Therefore be it

Resolved by the senate (the assembly concurring), That we respectfully memorialize the Congress of the United States to speedily enact such legislation as will create a permanent, nonpartisan tariff commission, with semijudicial functions, such as the power to summon witnesses, which shall make an unbiased investigation of the operation of our customs duties, regulation, and classification; hear complaints; study domestic and foreign market conditions; and report to the Executive and to Congress from time to time such modifications as in their judgment may safely and properly be made in the interests of the general welfare.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. STONE. I present a resolution adopted by and for the Anti-Imperialist League at a special meeting of the executive committee held in Boston, Mass., May 11, 1909, relative to the establishment of the independence of the Philippines. The resolution is not long, and I ask that it be read and referred to the Committee on the Philippines.

There being no objection, the resolution was read and referred to the Committee on the Philippines, as follows:

To the honorable Senate in Congress assembled:

The following resolution was adopted by and for the Anti-Imperialist League at a special meeting of the executive committee, Boston, May 11, 1909.

Whereas it is proposed that Congress shall, by enactment, lay tariff on goods entering the Philippine Islands from other countries, without consultation with the Philippine Assembly, a body organized by our own Government to represent the Filipino people, such enactment meaning taxation without representation; and

Whereas it is proposed that the tariff on goods passing between the Philippine Islands and the United States shall be either lowered or abolished; and

Whereas every commercial favor between the Philippine Islands and the United States not granted to other countries constitutes a tie which prejudices the independence of the islands: Therefore

Resolved, That the Anti-Imperialist League through its executive committee recommends respectfully that all reference to the Philippine Islands be stricken out from the tariff bill now under consideration. If, however, any action be taken to modify the Philippine tariff, the league urges that, as a proper notification to investors under the law in the Philippine Islands, either a promise of independence at a definite period be incorporated as an amendment to any such enactment, or that an amendment may be added thereto directing the Executive to make arrangements looking to the neutralization of the Philippine Islands when their independence shall be declared.

MOORFIELD STOREY, *President.*
ERVING WINSLOW, *Secretary.*

Mr. FLETCHER presented petitions of sundry citizens of Dellwood and Pensacola, in the State of Florida, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. GUGGENHEIM presented memorials of sundry citizens of Colorado Springs, Colo., remonstrating against a reduction of the duty on sugar, which were ordered to lie on the table.

Mr. BURTON presented petitions of sundry citizens of Archbold, Logan, Sidney, Washington, College Corner, Morning Sun, Huron, Sardinia, Georgetown, Winchester, Greenville, Bloomingburg, Columbus, Williamsport, Pherson, Circleville, and Canton, all in the State of Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. HUGHES. I present a joint resolution of the legislature of Colorado, which I ask may be read.

The joint resolution was read, and ordered to lie on the table, as follows:

House joint resolution 18. By Mr. Howell.

Whereas the several States are now taxing inheritances with marked success, and need all the revenue that can properly be drawn from this source; and

Whereas the Federal Government readily raises additional revenue when required from other sources: Therefore, be it

Resolved by the general assembly of the State of Colorado:

First. That the taxation of inheritances should be reserved to the several States as a source of revenue for their exclusive use and benefit.

Second. That the general assembly of the State of Colorado hereby respectfully requests and urges the Senators and Representatives of the State of Colorado in the Congress of the United States to support a properly drawn joint resolution when proposed for adoption in the two Houses of the Congress, declaring it to be the policy of the Federal Government to refrain from the taxation of inheritances for federal purposes, to reserve this source of revenue for the exclusive use and benefit of the several States.

Third. That the Senators and Representatives of the State of Colorado in Congress are requested to oppose with all their vigor any measure which will give to the National Government the taxation of inheritances.

H. L. LUBERS,
Speaker of the House of Representatives.
STEPHEN R. FITZGARRALD,
President of the Senate.

Approved March 27, 1909.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Mr. HUGHES. I present a joint memorial of the legislature of Colorado, which I ask be read and referred to the Committee on Public Lands.

There being no objection, the joint memorial was read and referred to the Committee on Public Lands, as follows:

(Certificate.)

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full and true copy of senate joint memorial No. 2, by Senator Napier, duly passed by the seventeenth general assembly of the State of Colorado, approved April 23, 1909, and duly filed in this office on the 24th day of April, A. D. 1909, at 12.30 o'clock p. m.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 28th day of April, A. D. 1909.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

Senate joint memorial 2. By Senator Napier.

To the Senate and House of Representatives of the United States in Congress assembled:

We, your memorialists, the senate and house of representatives of the seventeenth general assembly of the State of Colorado, in regular session assembled, do hereby most respectfully and earnestly represent:

That under the authority of an act of your honorable body authorizing the President of the United States to withdraw public lands for the purpose of establishing national forest reserves thereon, there has been withdrawn within this State, we are informed, about 16,000,000 acres of the public lands, a section comprising nearly a quarter of the total area of this State.

That under further acts of your honorable body the Secretary of Agriculture has been authorized to make reasonable rules and regulations for the protection and use of the lands so withdrawn, and that under this authority the said Secretary of Agriculture has assumed to make rules and regulations and to set up a government within this State over the areas so segregated, without regard to the rights of the citizens of this State or the laws of your memorialists as guaranteed by the Constitution.

We call the attention of your honorable body to the fact that, acting under the authority granted by you to make rules and regulations, the said Secretary of Agriculture is attempting to exercise municipal jurisdiction over said lands within this State, to charge and collect taxes and fees with no authority under the law so to do, beyond the authority granted to make rules and regulations.

Assuming that the rules and regulations made by the said Secretary of Agriculture have all the force and effect of law, he utterly disregards the laws of this State when they conflict with the said rules and regulations, and even interferes with the operation of the laws of your honorable body in regard to the disposition and settlement of these lands.

Acting under the said rules and regulations made and promulgated by himself, the said Secretary of Agriculture has gone into the lumber business in the interest of the United States and has cut and sold many thousands of acres of valuable timber which has been centuries in developing and will require centuries to replace.

While less than a third of the lands so segregated into national forests are forest lands in fact, nor contain merchantable timber, the said Secretary of Agriculture has assumed charge of the grasses and forage thereon and is renting out the privilege of grazing upon these lands for valuable considerations.

The most valuable mineral lands in this State are located upon the said forest reserves, and the Secretary of Agriculture has made rules and regulations to govern prospecting, location, and development of said mineral lands and insists upon the right to pass upon the validity of mining claims without any authority of law and with no authority beyond the authority granted him by your honorable body to make rules and regulations.

While the laws of your honorable body permit and encourage the settlement of these public lands by citizens, the Secretary of Agriculture has assumed to dictate what lands may be settled and what may not and who shall be permitted to enter and settle thereon, seriously interfering with the settlement and development of lands within this State.

Through the collection of taxes and fees the said Secretary of Agriculture is gathering large sums from the citizens of this State which are used largely to pay the expenses of his system of government upon said reserves.

He has assumed all the authority of a private landlord or sovereign over the lands within the reserves within this State, and, by rules and regulations which are made and unmade at his pleasure and which he seeks to give all the force and effect of law, he seeks to harass and annoy the citizens of this State.

We, your memorialists, wish most respectfully to protest against the acts of the said Secretary of Agriculture, and we humbly represent that, in our opinion, said acts are unlawful and without authority of the Constitution of the United States.

We most respectfully express our doubts that the Government of the United States has the power under the Constitution to thus take possession of lands within a State to hold perpetually for the purpose of producing revenue for the General Government or for any other purpose, other than those necessary for actual government.

We call your attention to the fact that the constitution of the State of Colorado expressly grants us the power to protect and care for the forests upon the public lands within this State, and we are now and have been at all times prepared to exercise that authority.

The operation of this new form of government by rules and regulations, administered by one man assuming plenipotentiary powers, is working great and serious injury to the citizens of this State. It is interfering with and retarding development and is preventing the settlement of the public lands within our State. Our natural timber is being cut and sold and shipped from the State. Prospecting for mines has practically been stopped. Our live-stock industry is being hindered and gradually destroyed. The State of Colorado is being deprived of the right to conduct and regulate its own internal affairs, as other States have done under the rights guaranteed us by the Constitution, and it has never relinquished its authority either expressly or by implication.

While the laws of the United States encourage the development of the natural resources of the country and provide that rights of way over public lands shall be granted for irrigation canals and other enterprises of public value, the Secretary of Agriculture has assumed to make rules and regulations that enable him to charge and collect fees for permits for such improvements, which permits are revocable at his will and without recourse.

The officers and agents of the said Secretary of Agriculture seek, by threats and intimidations, to force the obedience of the citizens of this State to the said rules and regulations, and much grievous wrong has been done our citizens thereby.

Wherefore your memorialists respectfully submit this our memorial that you may be advised of these conditions complained of, and that

you will take such action as will restrain the Secretary of Agriculture from interference with the complete authority and control of the State of Colorado over the lands within its borders.

We earnestly ask that your honorable body take such action as will at once eliminate all lands not actual forest lands from these reserves, and that prospective settlers, miners, prospectors, and citizens have the right to go upon all public lands as heretofore and unmolested, and to enter and locate such lands as provided by the laws of the United States.

And we hereby express to your honorable body our willingness to do any and all things necessary for the protection and care of the forests within this State upon all public lands, having express authority under our constitution so to do, and we urge that you take such action as will permit us to exercise this authority without interference.

And for this your memorialists will ever pray.

STEPHEN R. FITZGARRALD,
President of the Senate.
H. L. LUBERS,
Speaker of the House of Representatives.

Approved April 23, 1909.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

Mr. HUGHES. I present a joint memorial of the legislature of Colorado, which I ask may be read and referred to the Committee on Public Lands.

There being no objection, the joint memorial was read, as follows:

(Certificate.)

STATE OF COLORADO,
OFFICE OF THE SECRETARY OF STATE.

UNITED STATES OF AMERICA, *State of Colorado, ss:*

I, James B. Pearce, secretary of state of the State of Colorado, do hereby certify that the annexed is a full and true copy of senate joint memorial No. 3, by Senator Napier, duly passed by the seventeenth general assembly of the State of Colorado, approved March 26, 1909, and duly filed in this office the 27th day of March, A. D. 1909, at 9.58 o'clock a. m.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Colorado, at the city of Denver, this 28th day of April, A. D. 1909.

[SEAL.]

JAMES B. PEARCE,
Secretary of State.
By THOMAS F. DILLON, Jr.,
Deputy.

—

Senate joint memorial 3. By Senator Napier.

To the Senate and the House of Representatives
of the United States of America in Congress assembled:

Your memorialist, the seventeenth general assembly of the State of Colorado, respectfully present—

That in some of the national forest reserves of this State there are large tracts of land which, by reason of their altitude, or for other causes, are incapable of yielding and do not yield any considerable revenue.

That other tracts within said reserves, because of small local demand for lumber or pasture, yield a revenue much less in proportion to their area than many other parts of the reserves.

That by reason of these facts, a distribution of the State's proportion of the revenue from forest reserves of the counties of this State in proportion to the area thereof in such counties is not equitable, and is unfair to those counties in which the revenue derived from the reserves within their boundaries is largely in excess of the average revenue per acre from the entire reserve.

And your memorialist represents that the fair and just way to apportion such fund is to divide it among the counties affected in proportion as it has been derived from lands within their respective borders.

Your memorialist further represents that such fund should not be applied solely to school purposes, but that it should be left to the county commissioners of the several counties to be divided, in such proportion as they deem best, between the school fund and the road fund, from time to time.

Your memorialist therefore prays that such legislation be had in your honorable bodies as will affect the changes in the law as above suggested.

STEPHEN R. FITZGARRALD,
President of the Senate.
H. L. LUBERS,
Speaker of the House of Representatives.

Approved March 26, 1909.

JOHN F. SHAFROTH,
Governor of the State of Colorado.

The VICE-PRESIDENT. The memorial will be referred to the Committee on Public Lands.

Mr. CLARK of Wyoming. I notice, in reference to this memorial and the one immediately preceding it, more especially the former, that they deal almost entirely with the legality or constitutionality or unconstitutionality of the action of a department of the Government. I suggest to the Chair that under those conditions possibly the proper reference of the former memorial, at least, would be to the Judiciary Committee.

The VICE-PRESIDENT. It is the impression of the Chair that the Senator from Wyoming is correct. If the Senator from Colorado has no objection, the Chair will refer both memorials to the Committee on the Judiciary.

Mr. HUGHES. Very well.

The VICE-PRESIDENT. They are so referred.

Mr. CURTIS presented petitions of sundry citizens of Salina, Kansas City, Hutchinson, Moriand, Hill City, Waldo, Great Bend, Wellington, Iola, Douglas, Augusta, Wichita, Caldwell, Perth, Milan, and Eureka, all in the State of Kansas, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. FRYE presented petitions of sundry citizens of Jefferson, Me., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BULKELEY. I present a memorial of sundry citizens of Middletown, Conn., employed in the cigar industry, remonstrating against the free admission into this country of Philippine manufactured cigars in any quantity. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and be printed in the RECORD, as follows:

MIDDLETOWN, CONN., *April 29, 1909.*

Hon. MORGAN G. BULKELEY,
Hartford, Conn.

DEAR SIR: We the undersigned citizens of Middletown, Conn., being employed in the cigar industry, do vigorously protest against the free admittance of Philippine manufactured cigars in any quantity.

Since October, 1907, the cigar industry, owing to the general depression in business, has seriously suffered. We believe that if the cigar business received any additional impairment a good percentage of the cigar makers in this country would have to give up their trade, in which they served three long years' apprenticeship, and be forced to go into competition with the cheaper paid and less skilled laborers.

We protest against being pitted against oriental labor in our struggle for existence. We hold that no amount of legislation on the part of the Congress of the United States can or ever will lift the Filipinos to our standard.

We respectfully call your attention to the fact that while the Filipino lives in a country where clothing, shoes, and warm houses are unnecessary, we live in a climate which necessitates these protections for our bodies, and we have to pay American prices for them. Again, we can not live on 6 cents' worth of rice a day.

For these reasons we beg of you to use your voice and vote against the enactment of any bill providing for free trade in Philippine cigars.

Respectfully, yours,

Chas. Anderson, E. B. Convey, Charles Twenty, J. F. Richey, J. J. Convey, Chas. H. Smith, Charles P. Abbey, Stephen Spaw, Daniel Robert Convey, Bruno Daigle, Jas. Daly, Jas. W. Convey, William Fluhrer, L. L. May, John C. Graham, Frank E. Convey, Fredrick J. La Rouche, James A. Dunn, John R. Hill, Jack S. La Vialette, John J. Smithwick, Edmond Fitzgibbons, John T. Barry, Wm. O'Donnell, Humphrey O'Connor, John Cushing, John Anderson, Gus Boden.

Mr. BULKELEY. I present a petition of sundry manufacturers of pen and pocket knives with factories located in the State of Connecticut, relative to the proposed duty on knives and erasers. I ask that the petition lie on the table and be printed in the RECORD.

There being no objection, the petition was ordered to lie on the table and be printed in the RECORD, as follows:

To the Hon. MORGAN G. BULKELEY,
Senate of the United States, Washington, D. C.:

The undersigned manufacturers of pen and pocket knives, with factories located in the State of Connecticut, respectfully petition for the adoption of Senate substitute for H. R. 1438, paragraph 151, as reported by the Finance Committee, with particular reference to the proviso beginning line 2, page 50, reading as follows:

"*Provided*, That any of the foregoing knives or erasers, if imported in the condition of assemble, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished knives and erasers valued at more than $3 per dozen."

Also the proviso beginning line 20, page 50, reading as follows:

"*Provided further*, That all the articles specified in this paragraph shall have the name of the maker and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of each and every blade."

The rates prescribed in this section are identical with existing law, under which imports have steadily increased from $604,732 in 1899 to $1,007,799 in 1907, an increase of 67 per cent in eight years, with a corresponding increase in revenue.

We regard with serious apprehension the recent enormous increase of importations of pocketknives assembled and lacking but a few inexpensive operations to completely finish, yet of such appearance as to give a false impression of their real value. Knives in this condition have not, and can not have, a market value either in the country of origin or in this country, thus offering unlimited opportunity for gross undervaluation, which the present law fails to prevent.

Of equal importance to the American pocketknife industry is the increasing importation of cutlery bearing fraudulent marks, implying, and intending to imply, American manufacture after the stamp of the country of origin has been removed, a common practice with deliberate intention to deceive the American consumer.

We believe that the provisions of paragraph 151 as recommended by the Finance Committee will effectually protect the American workman against this unfair and unscrupulous competition.

Very respectfully,

Miller Brothers Cutlery Company, Meriden, by Chast Rockwell, general manager; American Shear and Knife Company, Hotchkissville, by A. S. Dorwitzer, president and treasurer; Empire Knife Company, Winsted, by S. L. Alvord, secretary; Holley Knife Company, Lakeville, by M. D. Rudd, treasurer and manager; Humason & Beckley Knife Company, New Britain, by W. L. Humason, president; Thomaston Knife Company, Thomaston, by J. R. Warner, secretary; Waterville Cutlery Company, Waterville, by George J. Babcock, president; Northfield Knife Company, Northfield, by F. H. Catlin, president; Challenge Cutlery Company, Bridgeport, by W. M. Taussig, president.

Mr. LA FOLLETTE. I present a joint resolution of the legislature of Wisconsin, which I ask may be read.

There being no objection, the joint resolution was read and ordered to lie on the table, as follows:

Joint resolution petitioning Congress for the establishment of a permanent, nonpartisan, expert tariff commission.

Whereas for many years the tariff has been the subject of political contention which has led to periodical upheaval and uncertainty in the commercial activities of the Nation; that it has not always been adjusted in manner to best promote and protect the industrial interests as a whole, and has too often been dealt with as a purely political question, without giving full consideration to the grave economic principles involved in the same;

Whereas a study of the methods under which other great commercial nations of the world are handling these subjects leads to the conclusion that the United States must call into its service in the near future the aid of a trained body of men to enable us to meet intelligently the various perplexing questions arising out of the general adoption of maximum and minimum tariffs by several of our strongest competitors for the world's trade: Therefore be it

Resolved by the senate (the assembly concurring), That we respectfully memorialize the Congress of the United States to speedily enact such legislation as will create a permanent, nonpartisan tariff commission, with semijudicial functions, such as the power to summon witnesses, which shall make an unbiased investigation of the operation of our customs duties, regulation, and classification, hear complaints, study domestic and foreign market conditions, and report to the Executive and to Congress from time to time such modifications as in their judgment may safely and properly be made in the interests of the general welfare.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. LA FOLLETTE. I present a joint resolution of the legislature of Wisconsin, which I ask may be read and referred to the Committee on the Judiciary.

There being no objection, the joint resolution was read and referred to the Committee on the Judiciary, as follows:

Joint resolution relating to investigation of stock exchanges.

Whereas the recent wheat deal has again demonstrated to the American people that even the bread supply of our land is at the mercy of speculators; and

Whereas the recent panic has demonstrated that it is unwise and unsafe for our country to allow the control of our great commercial and industrial conditions to exist in the hands of stock gamblers without check of any kind; and

Whereas it is of interest to all citizens to know the means by which the huge combine of money in Wall street can be manipulated, and it is also the interest of the welfare of all the people that the white light of publicity should be thrown upon the stock-exchange business in general: Therefore be it

Resolved by the assembly (the senate concurring), That we request our delegation in Congress to use every effort to bring about the thorough investigation of stock-exchange business in this country, and that a most rigorous and searching investigation be at once instituted of the methods of buying and selling in these exchanges, their relation with the banking system and the great financial interests; and be it further

Resolved, That our Representatives in Congress are hereby requested to introduce such remedial legislation into our National Congress as will effectually check the evils of this system; and

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to each of the Senators and Representatives of this State in the Congress of the United States.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. LA FOLLETTE. I present a joint resolution of the legislature of Wisconsin, which I ask may be read and referred to the Committee on Education and Labor.

There being no objection, the joint resolution was read and referred to the Committee on Education and Labor, as follows:

Joint resolution indorsing United States Senate bill 8323.

Resolved by the assembly (the senate concurring), That we heartily indorse Senate bill No. 8323, introduced into the United States Senate and referred to the Committee on Education and Labor, creating a national children's bureau, and request our United States Senators and Members of Congress to support the same; that a copy of this resolution be transmitted to each of our United States Senators, Members of Congress, and to the chairman of the Senate Committee on Education and Labor.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. LA FOLLETTE. I present a joint resolution of the legislature of Wisconsin, which I ask may be read and referred to the Committee on Immigration.

There being no objection, the joint resolution was read and referred to the Committee on Immigration, as follows:

Joint resolution relating to cooly and Mongolian labor.

Whereas the overpopulation of the Asiatic nations of Mongolian origin has caused the overflow of those people into other countries; and

Whereas the conditions in this country peculiarly favor the immigration of those people to our shores; and

Whereas the immigration of those people, by their lower standards of living and of society, has resulted and does result in the lowering of wages and of the standard of living of the American laborers; and

Whereas such people are unfit to become citizens of this Republic and have no intention or desire to fit themselves to become such, but, rather, to return after a few years to their native lands, thus resulting in an economic loss to this country; and

Whereas the exclusion of the Chinese has tended to preserve the economic and social welfare of this country: Therefore be it

Resolved by the assembly (the senate concurring), That we memorialize Congress to extend the present Chinese exclusion laws so as to apply to all Asiatics of Mongolian origin; and

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to the President of the United States, the President of the Senate, and the Speaker of the House of Representatives, and to each of the Senators and Representatives from this State.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. LA FOLLETTE presented a memorial of the mayor and common council of Appleton, Wis., and a memorial of the mayor and common council of Green Bay, Wis., remonstrating against a reduction of the duty on print paper and wood pulp, which were ordered to lie on the table.

Mr. OLIVER presented the petition of G. W. E. Mayville, of Mayville, Pa., and the petition of L. L. Stearns & Sons, of Williamsport, Pa., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. WARNER presented a petition of sundry citizens of St. Louis, Mo., praying that a pension be granted Allen Barnes, which was referred to the Committee on Pensions.

He also presented petitions of sundry citizens of Jefferson City, St. Louis, Kansas City, Hutchinson, Bowling Green, New London, Perry, Hannibal, Barry, and Jacksonville, all in the State of Missouri, praying for the repeal of the duty on hides, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Liberty, Trenton, Blackburn, Balm, St. Louis, St. Clair, Mount Hope, Frohna, Orrick, Summersville, De Kalb, Union Star, and Amity, all in the State of Missouri, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DOLLIVER presented petitions of sundry citizens of Clear Lake, Clarion, Laporte, Mount Auburn, Delaware, Earlville, Aurora, Mason City, Oneida, Cresco, Lime Springs, Calmar, Ridgeway, Ossian, Chester, Riceville, Independence, Osage, St. Ansgar, Hampton, Waverly, and Charles City, all in the State of Iowa, praying for the retention of the present duty on sugar, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Kesley, Wightman, Ellenberg Center, Kirkman, Ramsen, Mount Vernon, and Bonaparte, all in the State of Iowa, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a memorial of Julien Lodge, No. 379, International Association of Machinists, of Dubuque, Iowa, remonstrating against the adoption of the piecework system at the navy-yards of the country, which was referred to the Committee on Naval Affairs.

He also presented petitions of sundry citizens of Sioux City and Davenport, in the State of Iowa, praying for the repeal of the duty on asphalt, which were ordered to lie on the table.

He also presented a memorial of sundry citizens of Oskaloosa, Iowa, and a memorial of sundry citizens of Gouverneur, Iowa, remonstrating against an increase of the duty on imported gloves, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Lawler, West Union, Hazleton, Cedar Rapids, Waterloo, Marion, Independence, Walker, Volga City, Dubuque, Marshalltown, Elkport, Sioux City, Littleport, Guttenberg, Chester, Nora Springs, Greene, Mason City, Osage, and Ossian, all in the State of Iowa, praying for the repeal of the duty on hides, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. OLIVER:

A bill (S. 2362) granting an increase of pension to Joseph R. Snyder (with the accompanying papers); and

A bill (S. 2363) granting an increase of pension to George W. Newbury (with the accompanying papers); to the Committee on Pensions.

By Mr. BULKELEY:

A bill (S. 2364) granting an increase of pension to Martin W. Frisbie (with the accompanying papers); to the Committee on Pensions.

By Mr. BRANDEGEE:

A bill (S. 2365) granting an increase of pension to Maria A. De Forest; to the Committee on Pensions.

By Mr. HUGHES:

A joint resolution (S. J. R. 36) to secure to the Third Regiment Colorado Volunteer Cavalry, who served during the late war of the rebellion, and to their widows and minor children, the benefit of the provisions of the general pension laws, the act of June 27, 1890, and the act of February 6, 1908, and to restore the status of said regiment; to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. GORE submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

THE TARIFF.

Mr. DEPEW. Mr. President, I desire to give notice that on Monday, immediately after the routine morning business, I shall make some remarks upon the pending tariff bill.

THE BUSINESS OUTLOOK.

Mr. SCOTT. Mr. President, I ask unanimous consent to present a very short interview, to be read by the Secretary. Yesterday we had read at the desk an editorial from the New York Sun which probably three-fourths of us had already read and with which we were familiar. I have no doubt almost every Senator on the floor has read the interview I am going to ask the Secretary to read, but it will take only a moment.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none; and the Secretary will read the matter sent to the desk by the Senator from West Virginia.

The Secretary read as follows:

J. J. HILL IS OPTIMISTIC—LOOKS FOR ERA OF PROSPERITY AT AN EARLY DAY—SAYS "SHUT OFF ORATORY"—WANTS COUNTRY TO GET DOWN TO FARMING AND BUSINESS.

[From the Washington Evening Star, Thursday, May 13, 1909.]

James J. Hill, railroad man, business man, likewise farmer, is optimistic as to the outlook. All that is necessary to bring on a great era of prosperity at an early date, he believes, is to get rid of the tariff agitation, cut it off short, shut off the oratorical steam, and let the country get down to farming, business, and banking.

"You know thousands of people turn their eyes to Washington," Mr. Hill said. "Some of them seem to think that legislation will cure the toothache, set a broken limb, or make crops. Agitation and talk here keep these people in suspense, make them forget their business. What we want is to have the tariff agitation over and let these thousands of people turn their attention to their business and work, aiding the great wheels of progress to turn. Then things will begin to hum. Yes; the outlook is good in all directions."

"The stock and bond business in New York seems to be discounting the possibilities?"

"Oh, that is all made in New York. The millions of people of the country are not bothering with stocks or bonds. What we must look to now is our crops.

WHEAT OUTLOOK IS GOOD.

"The Great Northern road runs through a section that supplies one-sixth of the wheat of the United States. The wheat outlook is good. I do not think there will be a big crop. It promises to be a fair one, however. The trouble is that the acreage is not a large one. Heavy snows late in the spring prevented plowing, the ground being too wet. After the ground was ready to plow many farmers put in oats and barley. The plowing should have been done last fall."

"You talk as if you knew something about real farming, Mr. Hill."

"Well, I believe I do. I own two big farms, one of 20,000 acres and another of 6,000. I have given much study to the subject. It was necessary for me to do so in connection with my railroad business."

And Farmer Hill talked learnedly of agricultural publications and the possibilities of agriculture in the South and West.

"The West and the South are to be the great sections of this country in the future," said Farmer Hill. "The West is now, for that matter, and the South is coming forward with leaps and bounds. The South exhausted her soil before the war by her methods of improvident agriculture and is now struggling to restore the soil. She is succeeding, too, and has a great future."

Mr. SCOTT. I wish to say in connection with this interview from one who is, in my opinion, the greatest transportation master in this or any other country, that it is in line with letters I am receiving not only from my own State but from all over the country, begging and praying that we gentlemen here shall get through with our wind jamming and let the country go ahead with its business. They say they are all ready and waiting for us to adjourn. I hope that this interview of Mr. Hill will make an impression.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed. The first bill on the calendar will be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. BEVERIDGE obtained the floor.

Mr. BROWN. I desire to suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Nebraska suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Cullom	Heyburn	Piles
Bacon	Cummins	Hughes	Rayner
Beveridge	Curtis	Johnson, N. Dak.	Root
Bradley	Daniel	Johnston, Ala.	Scott
Briggs	Depew	Jones	Simmons
Bristow	Dick	Kean	Smith, Md.
Brown	Dillingham	La Follette	Smith, Mich.
Bulkeley	Dixon	Lodge	Smith, S. C.
Burkett	Dolliver	McCumber	Smoot
Burnham	du Pont	McEnery	Stephenson
Burrows	Fletcher	McLaurin	Stone
Burton	Flint	Money	Sutherland
Carter	Foster	Nelson	Taylor
Chamberlain	Frazier	Oliver	Tillman
Clapp	Frye	Overman	Warner
Clark, Wyo.	Gallinger	Page	Warren
Clarke, Ark.	Gamble	Paynter	
Clay	Guggenheim	Penrose	
Culberson	Hale	Perkins	

The VICE-PRESIDENT. Seventy-three Senators have responded to the roll call. A quorum is present.

Mr. BEVERIDGE. Mr. President, on the 19th of February I read in the papers a rather conspicuous account of an important report by one of the departments of the Government. So forcibly did it strike me that from that time until this moment I have been patiently investigating the subject about which I am going to ask the Senate's indulgence to make a statement. The fruit of this research I have embodied in an amendment to the present bill, which I send to the desk. It need not be read now. It may be printed and lie on the table.

The VICE-PRESIDENT. That order will be made, without objection.

Mr. BROWN. I suggest that it be printed in the RECORD.

Mr. BEVERIDGE. The Senator from Nebraska [Mr. BROWN], who always is vigilant, suggests to me that it be printed in the RECORD. The suggestion is a good one, as the ideas of the Senator from Nebraska [Mr. BROWN] usually are. So if there is no objection to that, I ask to have it printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

[H. R. 1438, Sixty-first Congress, first session.]

Amendment intended to be proposed by Mr. BEVERIDGE to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, viz: Insert the following:

SEC. —. That upon tobacco, snuff, cigars, and cigarettes manufactured and sold, or removed for consumption or use, there shall, from and after July 1, 1909, be levied and collected, in lieu of the taxes now imposed by law, the following taxes:

On snuff manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of 12 cents per pound. And snuff flour, when sold or removed for consumption or use, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

On all chewing and smoking tobacco, fine cut, cavendish, plug or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine cut shorts and refuse scraps, clippings, cuttings, and scrapings of tobacco, a tax of 9 cents per pound.

On cigars weighing more than three pounds per thousand, a tax of $3 per thousand: *Provided*, That on such cigars of a wholesale value or price of more than $35 per thousand and not exceeding $75 per thousand, the tax shall be $4.50 per thousand; and on such cigars of

a wholesale value or price of more than $75 per thousand and not exceeding $110 per thousand, the tax shall be $6 per thousand; and on such cigars or cigarettes of a wholesale value or price of more than $110 per thousand, the tax shall be $9 per thousand.

On cigars weighing not more than three pounds per thousand, a tax of $1 per thousand.

On cigarettes weighing not more than three pounds per thousand, a tax of $1.50 per thousand: *Provided*, That on such cigarettes of a wholesale value or price of more than $4 per thousand and not exceeding $8 per thousand, the tax shall be $3 per thousand, and on such cigarettes of a wholesale value or price of more than $8 per thousand the tax shall be $4.50 per thousand.

On cigarettes weighing more than 3 pounds per thousand, a tax of $3.60 per thousand.

That in addition to the packages of smoking tobacco and snuff now authorized by law there shall be packages of 1¾ ounces, 2 ounces, 2½ ounces, 3 ounces, 3½ ounces, and 4 ounces; and there may be a package containing 1 ounce of smoking tobacco.

SEC. —. That section 3 of the act of April 12, 1902, entitled "An act to repeal war revenue taxation, and for other purposes," and all amendments thereof, and all other acts and parts of acts in conflict with sections —— of this act are hereby repealed.

SEC. —. That until appropriate stamps are prepared and furnished, the stamps heretofore used to denote the payment of the internal-revenue tax on tobacco, snuff, cigars, and cigarettes, may be stamped or imprinted with a suitable device to denote the new rate of tax, and shall be affixed to all packages containing such articles on which the tax imposed by this act is paid. And any person having possession of unaffixed stamps heretofore issued for the payment of the tax upon such articles shall present the same to the collector of the district, who shall receive them at the price paid for such stamps by the purchasers and issue in lieu thereof new or imprinted stamps at the rate provided by this act.

Mr. BEVERIDGE. Upon this amendment, Mr. President, I desire to make a brief statement, and the facts stated, I think, will be found to be accurate.

Mr. President, from the beginning of this discussion the question has been sharply raised whether the present act will bring in enough revenue. This amendment partly answers that question, for it will bring in at least $21,461,954.62 more revenue each year than we now are getting or than the present bill will produce. But this amendment does more than provide this needed revenue; it corrects an injustice to the American people, which has lasted for nearly eight years. We can not undo the wrong that has been done during these years, but we can stop it in the future.

TAX RAISED; PACKAGES REDUCED.

In 1898 the tax on all forms of tobacco was raised in order to supply the Government with a needed increase in revenue. But at the time Congress put this increased tax on tobacco it authorized manufacturers to *reduce the size of the packages in which the tobacco was sold to the people.* This enabled the manufacturer to collect the tax from the consumer. Congress made the manufacturer pay a bigger tax, but permitted the manufacturer to sell a smaller amount of tobacco for the same price formerly paid for a larger amount of tobacco.

TAX REMOVED; SHORT-WEIGHT PACKAGES CONTINUED.

In 1901–2 this increased tobacco tax was removed, *but the short-weight packages of tobacco were continued by the very law that removed the tax.* Nor did the manufacturers restore the larger packages of tobacco after the tax had been removed; neither did they reduce the price. Therefore, for seven years the people have been compelled to pay the same price for these smaller packages which Congress authorized in 1898; while the manufacturer has been relieved from the increased tax which these short-weight packages enabled him to collect from the people.

The manufacturer still collects the war-time tax from the people, but instead of paying it to the Government he keeps it for himself.

LOSS TO GOVERNMENT.

In this way the Government has handed over to tobacco manufacturers and lost to itself $12,897,993.67 in 1902, $25,681,607.21 in 1903, $26,915,270.88 in 1904, $27,524,955.49 in 1905, $29,326,009.97 in 1906, $31,198,451.32 in 1907, and $30,546,268.89 in 1908. *All told, the Government has lost $184,090,557.43 in the last eight years;* most of this has come out of the pockets of the people and gone into the pockets of the manufacturer.

So that Senators may see when they come to read this statement in the RECORD, the amount of revenue which we have gotten after the tax was removed and the amount we would have gotten if the tax had not been removed, I shall ask leave to put into the RECORD the figures without, of course, reading them.

I have carefully tabulated them in parallel columns, which show at a glance the amount of money the Government has lost by the removal of the war tax, and the amount of money the people have lost because Congress *specifically authorized the war-time short-weight package at the very time it removed the war tax.*

The table referred to is as follows:

COMPARISON OF ACTUAL REVENUES ON TOBACCO MANUFACTURES WITH REVENUE AT SPANISH WAR RATES, FISCAL YEARS 1901–1908.

1901.

	Actual.	At 1901 rates.	Difference.
Cigars:			
Large	$20,775,363.73		
Small	684,504.05		
Cigarettes:			
Small	3,407,433.94		
Small, under $2 per thousand			
Large	19,609.89		
Tobacco	35,292,205.76		
Snuff	2,003,021.32		
Total	62,182,138.69		
Total, exclusive of cigars	40,722,270.91		

1902.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$18,311,142.25	$21,973,370.70	$3,622,228.45
Small	410,903.48	760,932.37	350,028.89
Cigarettes:			
Small	2,457,550.86	3,413,265.08	955,714.22
Small, under $2 per thousand	198,424.02	551,177.83	352,753.81
Large	31,164.67	31,164.67	
Tobacco	28,612,644.15	35,765,805.19	7,153,161.04
Snuff	1,696,029.02	2,120,536.28	424,107.26
Total	51,718,258.45	64,616,252.12	12,897,993.67
Total, exclusive of ordinary cigars	32,996,212.72	41,881,949.05	8,885,736.33

1903.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$20,359,171.60	$24,431,005.92	$4,071,834.32
Small	345,869.93	640,499.87	294,629.94
Cigarettes:			
Small	2,743,594.89	3,810,548.46	1,066,953.57
Small, under $2 per thousand	265,425.17	737,292.14	471,866.97
Large	29,041.06	34,849.27	5,808.21
Tobacco	18,640,059.20	37,280,118.40	18,640,059.20
Snuff	1,130,455.00	2,260,910.00	1,130,455.00
Total	43,513,616.85	69,195,224.06	25,681,607.21
Total, exclusive of "large" (ordinary) cigars	22,808,575.32	44,123,718.27	21,315,142.95

1904.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$20,122,415.59	$24,146,898.71	$4,024,483.12
Small	376,296.25	696,844.91	320,548.66
Cigarettes:			
Small	2,921,852.50	4,058,128.47	1,136,275.97
Small, under $2 per thousand	281,482.17	781,894.92	500,412.75
Large	25,264.83	30,317.80	5,052.97
Tobacco	19,719,042.61	39,438,085.22	19,719,042.61
Snuff	1,209,454.80	2,418,909.60	1,209,454.80
Total	44,655,808.75	71,571,079.63	26,915,270.88
Total, exclusive of "large" (ordinary) cigars	24,157,096.91	46,727,386.01	22,570,239.10

1905.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$20,582,743.73	$24,699,292.48	$4,116,548.75
Small	393,348.22	728,422.63	335,074.41
Cigarettes:			
Small	3,004,925.40	4,173,507.50	1,168,582.10
Small, under $2 per thousand	316,372.18	878,811.61	562,439.43
Large	25,262.71	30,315.25	5,052.54
Tobacco	20,069,346.60	40,138,693.20	20,069,346.60
Snuff	1,267,911.66	2,535,823.32	1,267,911.66
Total	45,659,910.50	73,184,865.99	27,524,955.49
Total, exclusive of "large" (ordinary) cigars	24,683,818.55	47,757,150.88	23,073,332.33

COMPARISON OF ACTUAL REVENUES ON TOBACCO MANUFACTURES WITH REVENUE AT SPANISH WAR RATES, FISCAL YEARS 1901–1908—cont'd.

1906.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$21,524,415.67	$25,829,298.80	$4,304,883.13
Small	483,768.41	895,867.43	412,099.02
Cigarettes:			
Small	3,371,972.43	4,683,295.04	1,311,322.61
Small, under $2 per thousand	356,977.54	991,604.28	634,626.74
Large	28,481.07	34,177.28	5,696.21
Tobacco	21,294,929.95	42,589,859.90	21,294,929.95
Snuff	1,362,452.31	2,724,904.62	1,362,452.31
Total	48,422,997.38	77,749,007.35	29,326,009.97
Total, exclusive of "large" (ordinary) cigars	26,414,813.30	51,023,841.12	24,609,027.82

1907.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$22,470,434.38	$26,964,521.26	$4,494,086.88
Small	622,152.05	1,152,133.43	529,981.38
Cigarettes:			
Small	4,671,500.16	6,488,194.67	1,816,694.51
Small, under $2 per thousand	446,255.47	1,239,598.53	793,343.06
Large	45,477.68	54,573.22	9,095.54
Tobacco	22,151,178.16	44,302,356.32	22,151,178.16
Snuff	1,404,071.79	2,808,143.58	1,404,071.79
Total	51,811,069.69	83,009,521.01	31,198,451.32
Total, exclusive of "large" (ordinary) cigars	28,718,483.26	54,892,866.32	26,174,383.06

1908.

	After removal of tax.	What revenue would have been if tax had not been removed.	Loss to Government, yet collected from the people.
Cigars:			
Large	$20,714,276.35	$24,857,131.62	$4,142,855.27
Small	545,050.24	1,009,352.30	464,302.06
Cigarettes:			
Small	4,879,346.50	6,776,870.14	1,897,523.64
Small, under $2 per thousand	467,257.25	1,297,936.81	830,679.56
Large	57,394.45	68,873.34	11,478.89
Tobacco	21,846,563.72	43,693,127.44	21,846,563.72
Snuff	1,352,865.75	2,705,731.50	1,352,865.75
Total	49,862,754.26	80,409,023.15	30,546,268.89
Total, exclusive of "large" (ordinary) cigars	28,603,427.67	54,542,539.23	25,939,111.56

Mr. BEVERIDGE. I have given the grand totals, and also the totals exclusive of cigars, because I propose to raise the tax *only* on *high-priced* cigars. The term "little cigars" applies to things not usually considered *cigars* at all—small tobacco-wrapped affairs that, practically, are not much more than cigarettes.

Although the war tax has been removed, yet the tobacco manufacturer has still continued to collect it from the people, because, by authority of Congress, he has still sold the war-time short-weight package for the same price; *so that Congress, unwittingly, has authorized the transfer of this tax from the Treasury of the Government to the treasury of the Tobacco Trust.*

THE AMERICAN TOBACCO COMPANY.

It was because of the development of the Tobacco Trust, which has so nearly monopolized the business, that this situation exists, for this Trust was organized in its present wide-reaching scope just when the tax was raised and the size of packages reduced—before this there was competition except in cigarettes.

I use the words "Tobacco Trust" advisedly, for it is a fact capable of mathematical demonstration—and I have the figures to demonstrate it at any time it is desired, that the bulk of this tax, except on cigars, has gone into the treasury of the American Tobacco Company, which is known as and, in fact, is the Tobacco Trust, perhaps the most compact and effective private monopoly in existence.

This amendment simply restores the tax which the Tobacco Trust formerly collected from the people and paid to the Government and which, by authority of Congress, unintentionally given, of course, *it still collects from the people but keeps for itself.*

SHOULD THE PEOPLE STILL PAY FOR SHORT PACKAGES AND THE TRUST BE RELIEVED OF THE TAX AT THE SAME TIME?

Either Congress should compel the Trust to sell nothing but the larger packages of tobacco sold before 1898, when the size was reduced and the tax increased, or else Congress ought to restore the tax, to enable the manufacturers to pay which the size was reduced.

Why should the Trust be authorized to still sell the short-weight packages and yet be relieved of the tax, to collect which these short-weight packages were provided? Why should the Trust be permitted to still collect the tax from the people and put it in the Trust's treasury to swell the Trust's profits instead of putting it in the Government's Treasury to swell the Government's revenues?

CIGAR MAKERS NOT AFFECTED BY THIS AMENDMENT.

At this point, before going further, I wish to point out that this amendment does not affect the cigar makers of the country. It does not increase the tax on any cigars except those which sell for 10 cents (or three for a quarter) or over. I wish this positive statement to be clearly understood so that tens of thousands of cigar makers in the thousands of little independent factories all over the country may understand that no burden whatever is laid upon them. I do this because I know the desperate fight which the Tobacco Trust—whose legal name is the American Tobacco Company—will make upon this amendment.

Within five hours from the time this amendment is printed in the newspapers the ablest men employed by the Tobacco Trust to watch legislation affecting it will be in Washington and remain here until this amendment is voted upon. I am not sure that they are not here now. And within twenty-four hours from the time this amendment is published in the newspapers agents of the American Tobacco Company will be at work among the cigar makers all over the country trying to persuade them that this amendment will bear heavily upon them and attempting to frighten them into besieging Congress with petitions and resolutions against it. Therefore, I want now in the most emphatic way to reassure the cigar makers of the country.

At the very beginning of this discussion I want them to understand that they are not affected by this amendment in any manner, shape, or form, directly or indirectly—and they ought not to be. The manufacture of cigars is the only part of the tobacco business in which the trust has not gotten control of the greater part. The manufacture of cigars, especially those selling for less than 10 cents, is the only portion of the vast tobacco industry of the country which yet remains absolutely free and independent. And the present tax upon cigars selling for less than 10 cents is large enough for times of peace, and this amendment does not increase it.

ABSURD SYSTEM OF CIGAR TAXATION.

I emphasize the price of cigars in relation to the tax because this amendment does not increase the tax except on high-priced cigars; but upon high-priced cigars it does increase the tax and upon an ascending scale determined by the price. For one of the most curious absurdities in our whole system of taxation is found in this startling fact—we tax cigars regardless of their price.

For example, the man who buys two cigars for 5 cents pays precisely the same tax on each of those 2½-cent cigars as the man who buys a 10-cent cigar. Worse than this, the man who buys a 2½-cent cigar pays the same tax as the man who buys a 25-cent cigar. Still worse than this, the man who buys a 2½-cent cigar pays the same tax as the man who buys a 50-cent cigar.

The workingman, the limit of whose luxury is an occasional 5-cent cigar, pays just as much tax to the Government as Mr. Ryan pays when he buys a dollar cigar.

Is there any possible justification for that? Can anything more absurd be imagined? Is it not outrageous that the man *who buys the very cheapest cigar made must pay exactly the same tax as the man who buys the most expensive cigar made?* Such ridiculous injustice never has or can be defended; it has crept into the law, apparently without much attention being given to it. It is like so many archaic provisions on our statute books, relics of the good old days when things were taken for granted and before the disturbing spirit of inquiry awoke.

Nor is this the worst. Well-to-do people smoke cigars, and high-priced cigars, but the great majority of the people consume smoking and chewing tobacco, which is a cheaper form of tobacco indulgence. Yet Congress has seen fit to remove the war tax on all forms of tobacco without restoring the full-weight packages on this form of tobacco. So the great body of the people are still paying the war tax on smoking and chewing tobacco and on snuff, but instead of paying it to the Government they are now paying it to the trust.

FIGURES AND FACTS IN THIS STATEMENT ARE OFFICIAL.

The figures that I have presented and shall present to the Senate and the country are official. They are taken from the reports of the Commissioner of Internal Revenue from the year 1898 to the year 1908; and the estimates of revenue which the present amendment will bring to the Government are calculations based upon the figures contained in the reports of the Internal Revenue Commissioner. Any Senator or any citizen can compute them for himself.

In connection with these figures, I will lay before the Senate—and I invite very careful attention to this—the changes in the law by which the present short-weight package was authorized; by which it was continued and even emphasized. And then later on, I shall show the advantage which the Tobacco Trust—the American Tobacco Company—or rather the financiers in control of it, took of the action of Congress.

In all of this I shall rely solely upon the language of the law itself, upon the figures in the reports of the Commissioner of Internal Revenue and upon published government reports. I shall indulge in no loose denunciation or denunciation of any kind, but rely solely upon facts which are all the more startling because they can not be contradicted even by the Tobacco Trust or its various agents, who from this time forth will bend every effort to defeat this amendment and to continue their looting of the people under authority of law.

THE TAX RAISED AND PACKAGES LOWERED.

Prior to 1898 the law required smoking, cut, and granulated tobacco to be sold to the people in packages of 2, 3, 4, 8, and 16 ounces, and the tax was 6 cents a pound.

The law of 1898, which raised the tax from 6 cents a pound to 12 cents a pound, authorized packages of 1⅞ ounces "in lieu of" 2 ounces, 2½ ounces "in lieu of" 3 ounces, and 3½ ounces "in lieu of" 4 ounces; and it also authorized a 1-ounce package of smoking tobacco, which did not exist before.

The language of the act of 1898 making this change is as follows:

In lieu of the 2, 3, and 4 ounce packages of tobacco and snuff now authorized by law—

Mark this language, and the words I emphasize—

there *may be* packages of 1⅞, 2½, 3½ ounces—

and so forth; and the 1-ounce package referred to. The same changes were made as to fine cut and snuff. A little later on I shall set out in parallel columns the various provisions of the law fixing the size of these packages of tobacco.

THE TAX LOWERED; AND SHORT PACKAGES CONTINUED.

In 1901 the first reduction in the tax of 1898 was provided for; and this act, which removed the tax authorized by the law of 1898, *instead of also removing the short-weight packages authorized in 1898, continued them by not mentioning them* and by merely providing for 2, 3, and 4 ounce packages in the following language: "*In addition* to packages of smoking tobacco now authorized by law there shall be packages of 2 ounces, 3 ounces, and 4 ounces."

It will be observed that this did not disturb the short-weight war-tax packages provided for in 1898 because the language of the act of 1901 reducing the tax is that "*In addition* to the packages now authorized," etc.; and as the short-weight war-tax packages were then authorized they were, of course, still authorized.

The only way in which anyone could conceive that the act of 1901 did not continue to authorize the short-weight war-tax packages was that by not specifically mentioning the short-weight packages and by specifically mentioning the full weight packages, the short-weight war-tax packages were discontinued by implication.

I think, perhaps, what I am coming to is possibly the most important of all this comparison of the laws.

WAR TAX ENTIRELY REMOVED AND SHORT-WEIGHT WAR-TIME PACKAGE SPECIFICALLY CONTINUED.

This very thought evidently occurred to some one, because in 1902 *when the remainder of the war tax was removed* the law removing it *specifically reenacted the short-weight war-tax packages in more positive language than the law which authorized the short-weight packages in 1898.* For in the act of 1902 which *entirely removed* the war tax, we find this language specifically *continuing* the short-weight package:

In addition to the packages of smoking tobacco and snuff now authorized by law there SHALL BE—

Not "*may be*," as in the act of 1898, which imposed the war tax and provided for the short-weight war-time package; no, not "MAY BE," but the act of 1902, which *entirely removed the war tax*, says:

There SHALL BE packages of 1⅞ ounces, 2 ounces, 2½ ounces, 3 ounces, 3½ ounces, and 4 ounces; and there may be a package containing 1 ounce of smoking tobacco.

That these changes in the law may be seen at a glance, I ask permission of the Senate to print in this statement the provisions of the law with reference to size of packages.

The VICE-PRESIDENT. Without objection, permission to do so is granted.

The matter referred to is as follows:

ACTUAL LANGUAGE OF LAWS BEFORE WAR TAX WAS IMPOSED; IMPOSING WAR TAX AND WAR PACKAGE; REMOVING WAR TAX BUT CONTINUING WAR PACKAGE.

(Language of law of 1879 *before* tax was increased.) 20 Stat., 345, 45th Cong., Mar. 1, 1879, an act to amend laws relating to internal revenue.	(Language of law of 1898 which *imposed* war tax.) 30 Stat., 450, 55th Cong., June 13, 1898.	(Language of the law of 1901, which *partly* removed the war tax.) 31 Stat., 934, 940, 56th Cong., Mar. 2, 1901.	(Language of law of 1902, which *entirely* removed the war tax.) 32 Stat., 96, 57th Cong., April 12, 1902.
This law imposed a tax of *six* cents a pound on manufactured tobacco and snuff and fixed the packages as follows:	This law imposed a tax of *twelve* cents a pound and provided the following regarding packages:	This law *partly* removed the war tax but *continued* the war short-weight packages by merely adding:	This law *entirely* removed the war tax, but *expressly* enacted the war-size packages.
All manufactured tobacco shall be put up and prepared by the manufacturer for sale or consumption, in packages of the following description, and in no other manner.			
All snuff in packages containing *one-half, one, two, three, four, six, eight, and sixteen ounces*, or in bladders and in jars containing not exceeding twenty pounds;	*In lieu* of the two, three, and four ounce packages of tobacco and snuff now authorized by law, there *may be* packages thereof containing *one and two-thirds* ounces, *two and one-half* ounces, and *three and one-third* ounces, respectively, and in addition to packages now authorized by law, there may be packages containing one ounce of smoking tobacco.	*In addition* to the packages of smoking tobacco now authorized by law there shall be packages of two ounces, three ounces, and four ounces, etc. (Rebate on unbroken packages must be called for within sixty days following date of reduction and for an amount not less than ten dollars.)	That, *in addition* to the packages of smoking tobacco and snuff now authorized by law, there *shall be* packages of *one and two-thirds* ounces, two ounces, *two and one-half* ounces, three ounces, *three and one-third* ounces, and four ounces; and there may be a package containing *one ounce of smoking tobacco.*
All fine-cut chewing tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing, *one, two, three, four, eight,* and *sixteen* ounces, except that fine-cut chewing tobacco may, at the option of the manufacturer, be put in wooden packages containing ten, twenty, forty, and sixty pounds each;			
All smoking tobacco and all cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing which has passed through a riddle thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, in packages containing *two, three, four, eight,* and *sixteen* ounces each.			

Mr. BEVERIDGE. That the removal of the war tax and the express and specific *reenactment* of the *short-weight war-tax packages* which were first provided by the act of 1898, for the purpose of enabling the manufacturer to collect the war tax from the people, may become still plainer to the eye than the above parallel, I have devised another form of parallel columns, which I will print in my statement without reading.

SIZES OF PACKAGES OF TOBACCO PRESCRIBED BY LAW.

	1879.	1898.	1901.	1902.	
	Ozs.	*Ozs.*	*Ozs.*	*Ozs.*	
Smoking tobacco, cut and granulated tobacco.	.....	1	1	(b)	The 1½, 2½, and 3½ ounce packages were provided for in this language (1898): "In lieu of the 2, 3, and 4 ounce packages of tobacco and snuff now authorized by law there *may be* packages of 1⅛ ounce, etc."
	.....	1⅛	1⅛		
	2	2	2		
	.....	2½	2½		
	3	3	3		
	.....	3½	3½		
	4	4	4		
	8	8	8		
	16	16	16		
Fine cut, and tobacco not otherwise provided.	1	1	(a)	(b)	In 1901 the only provision as to packages was: "*In addition* to the packages of smoking tobacco now authorized by law there shall be packages of 2 ounces, 3 ounces, and 4 ounces."
	.....	1⅛			
	2	2			
	.....	2½			
	3	3			
	.....	3½			
	4	4			
	8	8			
	16	16			
Snuff	½	½	(a)	(b)	1902. Revised section of act of 1898: "*In addition* to the packages of smoking tobacco and snuff now authorized by law there *shall be* packages of 1⅛ ounces, 2 ounces, 2½ ounces, 3 ounces, 3½ ounces, and 4 ounces; and there may be a package containing 1 ounce of smoking tobacco."
	1	1			
	.....	1⅛			
	2	2			
	.....	2½			
	3	3			
	.....	3½			
	4	4			
	6	6			
	18	18			
	.....	.....			

a Unchanged.
b Unchanged and specifically reenacted.

So we see that the act of 1898, which established the war tax on tobacco and authorized the short-weight package to enable the manufacturer to collect this tax from the people, said that—

"There *may* be packages of 1⅛ ounces, 2½ ounces, 3½ ounces, and a 1-ounce package."

Whereas the act of 1902, which entirely *removed* the war tax, provides that—

"There *shall* be packages of 1⅛ ounces, 2 ounces, 2½ ounces, 3 ounces, 3½ ounces, and 4 ounces; and the 1-ounce package."

Thus, unintentionally of course, Congress authorized the Tobacco Trust, *which in 1902 was fully formed*, in positive language, to sell short-weight war-time packages and *yet pay no war tax upon them.*

In the war-tax act the language authorizing the short-weight war-tax packages is "there *may be;*" in the act of 1902 *removing the war tax entirely* the language in continuing the short-weight war-tax packages is "*there shall be.*" Between these two acts there is the act of 1901, which some one evidently thought might by implication discontinue the short-weight war-tax package.

THE CHANGES IN THE LAW AND THE OPERATIONS OF THE TRUST.

The import of these sections of the law comes to us with great force when we consider the operations of the Tobacco Trust, as I shall do briefly in a moment; for I shall demonstrate that most of this tax which formerly went to the Treasury of the Government has, by the language of these acts, gone to the treasury of the Tobacco Trust. Anyone can see that this might be the case, and I shall prove by government figures that it has been the case and is the case right now.

The history of the Tobacco Trust is, perhaps, the most amazing in all the chronicles of high finance. Particularly is this so when we consider the advantage it took of the law fixing the war tax and reducing the size of the packages, and of the law removing the war tax and expressly continuing the war-time short-weight package. If it becomes necessary I shall hereafter go into this history very minutely, but for the present I will content myself with an outline.

Mr. CLARKE of Arkansas. Mr. President——

The VICE-PRESIDENT. Does the Senator from Indiana yield to the Senator from Arkansas?

Mr. BEVERIDGE. I hope the Senator will not interrupt me. I want to get this in connectedly. I do not want my statement broken. I have prepared it with care.

The VICE-PRESIDENT. The Senator from Indiana prefers not to be interrupted.

Mr. BEVERIDGE. Oh, no.

Mr. CLARKE of Arkansas. The Senator from Indiana has not explained how——

The VICE-PRESIDENT. The Senator from Indiana declines to yield.

Mr. BEVERIDGE. No; go ahead.

Mr. CLARKE of Arkansas. I beg the Senator's pardon.

The VICE-PRESIDENT. Does the Senator from Indiana yield, or does he not yield?

Mr. BEVERIDGE. I can not refuse to yield to the Senator from Arkansas for anything. I should like to get my statement in connectedly; but I yield gladly to the Senator from Arkansas.

Mr. CLARKE of Arkansas. I wish to inquire in reference to what the Senator has said. There is one feature of the controversy which he has not made clear to my mind; that is as to how the reduction of the size of the package of tobacco affected the question when the tax was laid on a pound of tobacco.

Mr. BEVERIDGE. I will come to that. I will explain that very clearly, I think. If I do not do it this morning, I certainly will do it hereafter. I will stop, however, for just a moment to make a brief explanation of that right now. I had better call the Tobacco Trust the American Tobacco Company, because I am going to show how much it controls—and all this is in the government reports—so I had better call it that.

HOW THE TRUST GETS THE TAX OUT OF THE PEOPLE.

These short-weight packages were provided in order to enable the manufacturers to collect this tax from the consumer, and this is the way they got it. Of course, if they sold a 1⅛-ounce package instead of the 2-ounce package which they sold before, for the same price, which was the case, they would get more packages out of a pound.

Mr. CLARKE of Arkansas. The consumers were accustomed to paying 5 cents for a package.

Mr. BEVERIDGE. Certainly. The Senator states the point exactly. The Trust would get that much more a pound, because they would make that many more packages out of a pound. That is clear, is it not? It is the same way with plug. I will explain the plug matter a little later on. Now, of course, the tax is placed upon the pound of tobacco; but the Trust is specifically authorized by law to sell smaller packages; and so since a pound will make a larger number of these smaller packages, the Trust gets more money for a pound.

That is the way the war tax was collected from the people; and as the law now specifically authorizes the same short-weight war-time packages, the Trust, of course, still gets the war-time price for a pound of tobacco, since these short-weight war-time packages are still sold at the same price.

So the Trust collects the war-tax now, just as it did during the war; only it paid it to the Government during the war, and now it pays it to itself. If necessary, I am going to trace out the connection between the millions of money which I shall show it has collected and its capitalization.

In the case of plug, of course the tax is also on the pound, and of course no particular size cut of plug is prescribed in the law, as there is in the case of packages; but Senators who have examined into this question—and there may be some here—know how that is done. The Trust, or the manufacturer, sends out a long plug. On this plug are marked the places where it is to be cut and sold to the consumer; that is to say, a 5-cent cut or a 10-cent cut, and so forth. So that by making it vary perhaps one cut more to the plug and then taking off of each cut that a man might buy an amount equivalent to a single chew, the tobacco company will get the tax on the pound. Is that clear?

Mr. CLARKE of Arkansas. Yes.

Mr. BEVERIDGE. Very well. Now, Mr. President, I come to a brief outline of the history of the American Tobacco Company, and you will see its connection with these laws.

THE TOBACCO TRUST (AMERICAN TOBACCO COMPANY) AND EXTENT OF ITS MONOPOLY.

The American Tobacco Company was organized in 1890 with a capitalization of $25,000,000, and only $5,000,000 of tangible assets. At this time its sole business was that of manufacturing and selling cigarettes, of which it even then had the monopoly. So great were its profits upon this branch of the tobacco industry that it determined to take in all other branches of the industry. It began with the plug and smoking tobacco business; then extended its operation to the snuff business, and finally even entered the field of the cigar business.

Now, mark how much it controls and you will see why it can be demonstrated by figures from government reports that most of the revenue that has been lost has gone into its treasury by taking advantage of the law, which of course Congress unwittingly passed.

By cutting prices so as to compel competitors to sell to it or enter the new combinations which it from time to time organized, it has at the present time secured control of MORE THAN 82 PER CENT OF THE ENTIRE OUTPUT OF CHEWING TOBACCO OF THE COUNTRY; MORE THAN 71 PER CENT OF THE SMOKING-TOBACCO OUTPUT OF THE COUNTRY; MORE THAN 82 PER CENT OF THE CIGARETTE OUTPUT OF THE COUNTRY; AND MORE THAN 96 PER CENT OF THE SNUFF OUTPUT OF THE COUNTRY.

The Tobacco Trust has absorbed about two hundred and fifty separate concerns and smaller combinations. Nor was it content with this. Since 1899 the combination has secured the control of many concerns for wholesale and retail distribution of tobacco products; of several concerns that produce leaf tobacco in Cuba and Porto Rico; of others which make materials and packages used in manufacturing tobacco; of still others holding patents for the manufacture of tobacco machinery; of others making tobacco machines; and of others that take care of by-products, making smokers' supplies, etc. It has also secured a complete monopoly of the licorice used so extensively in tobacco manufacture.

MEN IN CONTROL OF TOBACCO TRUST.

The Tobacco Trust has passed through many forms of corporate duplication and combination. These reached their consummation *about the time when the war tax was removed and the war-time package was specifically continued by express words of the law.* It is worthy of note that when the war was drawing to its close and farseeing men knew that the war tax would be removed, such men as Ryan, Dolan, Whitney, Brady, Widener, Elkins, and others well known to the world of finance forced their way into the inner councils of the Tobacco Trust. That was done, of course, through the formation of the Union Tobacco Company and its final absorption, after a desperate fight, by the American Tobacco Company. All of this I shall go into later if it becomes necessary.

It is still more worthy of note that when, according to the newspapers, Mr. Thomas F. Ryan last year determined to retire from most of his financial enterprises, he retained as his one favorite enterprise his holdings and active participation in the American Tobacco Company, which is the Tobacco Trust. The men now in control of the American Tobacco Company, the Tobacco Trust, are James B. Duke, Thomas F. Ryan, Oliver H. Payne, I think Anthony N. Brady, and the banking and brokerage firm of Moore & Schley, Whitney, Elkins, and Widener having died.

At a convenient time in the future, if it shall become necessary, I shall present to the Senate the detailed transactions of this mighty organization controlled by these well-known men. It is sufficient for the present moment to say that, to quote a government publication—

"STARTING IN 1890 AS THE AMERICAN TOBACCO COMPANY, A MANUFACTURER OF CIGARETTES, WITH A CAPITAL OF $25,000,000, TWENTY MILLIONS OF WHICH WAS WATER, THE TOBACCO TRUST HAS NOW A NET CAPITALIZATION (EXCLUDING INTERCOMPANY HOLDINGS) OF $316,346,821."

It is also well to note at this moment that the larger part of its astonishing growth since the Spanish war closed and the war tax was removed and the war-time short-weight packages were continued would have been very difficult but for that legislation.

AMOUNTS TRANSFERRED FROM GOVERNMENT'S TREASURY TO TRUST'S TREASURY.

Approximately, $20,000,000 of the $25,939,111.56 revenue, which the Government lost last year by reason of the reduced taxes on those classes of tobacco which the Trust monopolizes, went into the treasury of the Trust.

I want to repeat that approximately $20,000,000 of the $25,939,111.56 which the Government lost *last year* on the classes of tobacco controlled by the Trust went into the treasury of the Trust instead of the Treasury of the Government; and practically the same proportion is true of the $26,174,383.06 which the Government lost in 1907, the $24,609,027.82 which the Government lost in 1906, the $23,073,332.33 which the Government lost in 1905, the $22,570,239.10 which the Government lost in 1904, the $21,315,142.95 which the Government lost in 1903, and the $8,885,736.33 which the Government lost in 1902 on these classes of tobacco controlled by the American Tobacco Company—the Trust.

I want to say that in giving these figures they are not the total amount lost to the Government. I have excluded cigars, because the cigar business is a business that is still independent, and the only tobacco business that is.

So that, Mr. President, approximately $120,000,000 which the Government would have received since 1901 if the tax had not been removed has gone into the treasury of the Tobacco Trust. It could not have gone any place else. It has been collected from the people who have been charged the same price for short-weight packages that they were charged before the tax was removed; it has not been paid to the Government since the tax was removed; so that it could have gone no place but into the treasury of the Tobacco Trust.

A small per cent of it, of course, has gone to swell the profits of the few remaining independent manufacturers of tobacco who now exist only because the American Tobacco Company thinks it wise policy to let them exist; but this per cent is very little, as is shown by the statement of the per cent of output which the Trust now controls.

ANALYSIS OF AMENDMENT.

Most of these independent companies manufacture chewing (plug and twist), smoking, and fine-cut tobacco; and that they may continue to exist, my amendment does not restore the full war rate of 12 cents per pound, which they probably could not stand; but it increases it only to 9 cents, which they certainly can stand. The present rate is 6 cents per pound; my amendment increases this to 9 cents per pound for this reason, although, as I have shown, more than 80 per cent of this business is done by the Trust. If the Trust had practically all of it, as is true of all other forms of tobacco, except cigars, I should propose in my amendment to restore the war rate of 12 cents a pound, as I have done in other forms of tobacco, except cigars. In the matter of cigars, the Trust, as I have said, controls a small proportion of the output—probably not over one-sixth.

CIGARS.

Therefore the amendment does not increase the present tax on cigars worth less than three for a quarter; but on cigars selling at 10 cents straight and three for a quarter it proposes an increase graduated by the selling price of the cigars. Thus on cigars worth at wholesale from $35 to $75 a thousand (namely, cigars retailing at three for a quarter or 10 cents straight), it increases the tax from $3 a thousand to $4.50 a thousand; upon cigars selling from $75 to $110 a thousand (namely, cigars selling from two for a quarter to 15 cents straight), it increases the tax from $3 to $6 a thousand; upon cigars worth at wholesale over $110 a thousand (namely, cigars selling at 20 cents and upward), it increases the tax from $3 to $9 a thousand. This would increase the revenue upon the item of high-priced cigars alone by at least $3,000,000 a year. This estimate is made on the basis of the output of 1908. Can anybody have any possible objection to getting $3,000,000 more a year from the increased tax upon the high-priced cigars that now pay no more tax than a two-and-a-half-cent cigar?

SNUFF.

The amendment proposes to increase the present tax of 6 cents a pound on snuff to 12 cents a pound, which was the tax fixed when the packages were reduced in size. This would increase the revenue $1,352,865.75.

CHEWING, SMOKING, AND FINE CUT.

My amendment increases the present rate of 6 cents a pound on chewing, smoking, and fine-cut tobacco to 9 cents a pound (which is 3 cents less than the war rate), which would increase the revenue $10,923,281.86. I put the rate at 9 cents because of the few independent concerns that still exist. If it were all monopolized by the Trust I should put it at 12 cents per pound.

CIGARETTES.

The present taxation of cigarettes is as absurd as the tax on cigars. All cigarettes worth over $2 per thousand are now taxed at the rate of $1.08 per thousand; so that the higher-price cigarette pays the same tax that the cheaper cigarette pays. The amendment therefore proposes to increase the tax on cigarettes selling at wholesale from $2 to $4 a thousand (namely, those retailing at 5 cents for a package of 10 cigarettes) from $1.08 a thousand to $1.50 a thousand; on cigarettes selling at wholesale from $4 to $8 a thousand (namely, retailing at 10 cents for a package of ten), it increases the tax from $1.08 per thousand to $3 per thousand; on cigarettes worth at wholesale over $8 a thousand (namely, retailing at 15 cents and over per package of ten), it increases the tax from $1.08 per thousand to $4.50 per thousand. On these types of cigarettes the amendment would increase the revenue $4,879,346.50.

There is a type of exceedingly cheap cigarettes worth at wholesale under $2 per thousand (retailing at 5 cents per package of twenty), upon which the present tax is 54 cents per thousand. On this inferior cigarette the war tax was $1.50 per thousand, and this amendment restores the war tax. Upon this latter type of cigarette, which is made almost exclusively by the Tobacco Trust, the amendment would increase the revenue $830,679.56.

I pause right here to say that that is the smallest item of revenue in the amendment. Yesterday afternoon we heard

arguments for 25 cents a ton on iron ore because it would bring in $127,000 revenue a year. Yet this little insignificant item of the most inferior of cheap cigarettes, my amendment, will increase the revenue $830,679.56.

On cigarettes weighing over 3 pounds per thousand (which are practically cigars) the present tax is $3 per thousand; the amendment restores the war rate on this type to $3.60 per thousand, which would increase the revenue $11,478.89. That does not amount to anything. Thus the total increase of revenue under the present amendment on cigarettes alone would be $5,721,504.95.

Without increasing the tax on cigars selling for less than 10 cents a piece or three for a quarter, the amendment increases the revenue from all other forms of manufactured tobacco $21,461,954.62, estimated on the basis of the output of 1908, which you will find in the reports of the Internal-Revenue Commissioner.

NO HARDSHIP ON THE TRUST OR ANYBODY ELSE.

Most of this vast amount now goes to the American Tobacco Company instead of to the Government. In view of the fact that since 1901 the Tobacco Trust alone has put into its pockets several scores of millions of dollars which would have gone to the Government if the tax had not been removed, or remained in the pockets of the people if the short-weight war-time package had not been expressly continued by law, it can not be said that this amendment works any hardship upon the Tobacco Trust. And in view of the fact that the few millions of revenue lost to the Government for the same reasons have gone into the pockets of other tobacco manufacturers, it can not be said that this amendment works a hardship upon them.

ANALYSIS OF REVENUES THIS AMENDMENT WILL PRODUCE.

Mr. President, I have worked out with a great deal of care a statement of figures, in parallel columns, which shows the actual revenue raised under the present law on these various forms of tobacco in 1908. Then there is set out the revised rate I have provided for in this amendment; and then set out the revenue on the basis of 1908 output; and then set out the increased revenue on all, which, I say, amounts to $21,461,954.62; and Senators can see it in the RECORD at a glance. I ask that it be printed as a part of my remarks.

The VICE-PRESIDENT. Without objection it will be printed in the RECORD.

The table referred to is as follows:

PRESENT REVENUE FROM TOBACCO AND ESTIMATED REVENUE AT REDUCED RATES; CALCULATED BY TAX FIXED BY AMENDMENT ON BASIS OF OUTPUT OF 1908 AS SHOWN BY REPORT OF COMMISSIONER OF INTERNAL REVENUE.

	Present rate.	Actual revenue, 1908.	Revised rates.	Revenue on basis of 1908 output.	Increase in revenue.
Chewing (plug and twist), smoking, and fine cut.	6 cents per pound..	$21,846,563.72	9 cents per pound (war rate, 12 cents)	$32,769,845.58	$10,923,281.86
Snuff.....	6 cents per pound..	1,352,865.75	12 cents per pound (war rate).....	2,705,731.50	1,352,865.75
Cigarettes:					
Worth over $2 per thousand	$1.08 per 1,000.....	4,879,346.50	(Worth $2 to $4, $1.50; Worth $4 to $8, $3.00; Worth over $8, $4.50) estimated	9,758,693.00	a4,879,346.50
Worth under $2 per thousand.....	54 cents per 1,000 ..	467,257.25	$1.50 (war rate)	1,297,936.81	830,679.56
Weighing over 3 pounds per thousand.....	$3 per 1,000	57,394.45	$3.60 (war rate)	68,873.34	11,478.89
Total cigarettes.....	.....	5,403,998.20	.....	11,125,503.15	5,721,504.95
Cigars:					
Weighing over 3 pounds per thousand.....	$3.00 per 1,000.....	20,714,276.35	(Worth up to $35, $3.00; Worth $35 to $75, $4.50; Worth $75 to $110, $6.00; Worth over $110, $9.00) estimated	23,714,276.35	3,000,000.00
Weighing under 3 pounds per thousand.....	54 cents per 1,000..	545,050.24	$1.00 (war rate)	1,009,352.20	464,302.06
Total cigars.....	.....	21,259,326.59	.....	24,723,628.65	3,464,302.06
Total.....	.....	49,862,754.26	.....	71,324,708.88	21,461,954.62

a Estimated double present revenue.

PLUG TOBACCO.

Mr. BEVERIDGE. It may be said that the continuation by law of the short-weight war-time package after the war-time tax had been removed does not affect the plug-tobacco business. That is the matter the Senator from Arkansas [Mr. CLARKE] asked me about. But this is only true in appearance and not in fact. The law fixes the size of the cut that is sold from plug tobacco. But the manufacturer of plug tobacco (and practically all of it is manufactured by the Tobacco Trust) got the war tax upon this article out of the people by selling a smaller cut from the plug; and this practice it still continues. When a box of plug tobacco is sold by the Trust to the retail dealer, there is marked upon each plug a place for the cut.

By decreasing the size of these cuts very slightly, the Tobacco Trust, through the retailer, gets the war-time price for a cut from a plug of tobacco by marking the cut a little smaller. So by taking off from a cut of plug tobacco a single chew of it, the Tobacco Trust was able to collect the tax which the Government placed upon this tobacco and pay it to the Government before the tax was removed; and by selling the same size cut it is still able to collect the tax which the Government has removed, and instead of paying it to the Government it pays it to itself.

PRICE FIXED BY CUSTOM; PACKAGES FIXED BY LAW.

It is said that the retail price is not fixed by law; the answer is that it is fixed by custom. Consumers of tobacco get used to paying a fixed price for a package of snuff or tobacco or a cut of plug—5 cents, 10 cents, 15 cents, etc. The size of either could be reduced without any striking difference to the observer. But if the difference did strike the observer at first, it was not long before he became accustomed to it. Thus it is that the Trust has been able to collect the war tax from the people, and instead of paying it to the Government, has paid it to itself; and thus, too, it is that the Tobacco Trust has been able by government aid, which we did not intend to give, to so swell its astonishing profits that it has grown in a few brief years to be the mighty organization it is to-day.

Mr. President, if it should become necessary later on in the discussion, which I hope it will not, because I am as anxious to hurry this bill to a conclusion as anyone else, I will go into this matter more at length and in detail.

Mr. President, I present a resolution for which I ask immediate consideration. The reports that I have relied upon are the reports of the Commissioner of Internal Revenue, the two published reports of the Department of Commerce and Labor referred to in the papers of February 23, and since those reports indicate that that is only a part of what they have, I ask immediate consideration for the resolution I send to the desk, that we may have all the further information.

The VICE-PRESIDENT. The Secretary will report the resolution for which the Senator from Indiana asks immediate consideration.

The Secretary read the resolution (S. Res. 44), as follows:

Senate resolution 44.

Resolved, That the President be requested to transmit to the Senate all information collected by the Department of Commerce and Labor affecting the prices of tobacco and the operations of corporations and others dealing in the same.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. Without objection, the resolution is agreed to. The Secretary will report the committee amendment to paragraph 116.

Mr. ALDRICH. Perhaps I had better ask that the whole paragraph go over. I thought at first I would ask that the paragraph relating to wrought and scrap iron go over, but perhaps the whole paragraph should go over.

The VICE-PRESIDENT. The Senator from Rhode Island asks that paragraph 116 be passed over.

Mr. ALDRICH. The committee is considering certain amendments in regard to wrought and scrap iron.

Mr. CUMMINS. Mr. President, before the paragraph is passed over, I desire to offer an amendment to the paragraph, so that the committee may consider it.

The VICE-PRESIDENT. The Senator from Iowa offers a substitute for the paragraph, which will be printed and referred to the committee and be passed over with the paragraph. Does the Senator desire to have it read?

Mr. CUMMINS. Let it be printed in the RECORD.

The VICE-PRESIDENT. Without objection, that will be done, and the paragraph will be passed over.

The amendment referred to is as follows:

Substitute offered by Mr. CUMMINS for paragraph 116, H. R. 1438:

"Iron in pigs, iron kentledge, spiegeleisen, ferromanganese, $2.50 per ton; wrought and cast scrap iron and scrap steel, 50 cents per ton; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel and unless it shows upon inspection that it had been advanced in manufacture to the final form for use, and, having been used, had become unfit for further use and is in such physical form as to be fit only to be remanufactured.

The SECRETARY. The next amendment passed over is in paragraph 119. On page 33, line 20, the committee proposes to strike out "whether plain or punched, or fitted for use" and insert "but not assembled or manufactured or advanced beyond hammering, rolling, or casting."

Mr. CUMMINS. Does the RECORD show that paragraphs 117 and 118 have been disposed of?

The VICE-PRESIDENT. They have both been agreed to.

Mr. CUMMINS. Was that under the arrangement that any amendment might be offered to either of them?

The VICE-PRESIDENT. Oh, yes.

Mr. CUMMINS. I should like to ask the Senator from Rhode Island a question with regard to paragraph 117. According to the information of the committee, what is the average cost of turning pig iron, or the process from pig iron, into the articles mentioned in 117?

Mr. ALDRICH. My impression is it is about $6 a ton. Of course it would depend very largely upon the character of the bar iron. It is sometimes more and sometimes less, depending upon circumstances.

Mr. CUMMINS. I supposed the cost was a little greater than that; but if it be no greater, it seems to me there ought not to be a duty of $7.24 a ton upon the articles mentioned in 117. We have a duty of $2.50; we will assume the duty is so, at any rate, upon pig iron. If the cost of turning pig iron into bars is not more than $6, why should there be an additional duty of substantially $5 upon that process?

Mr. ALDRICH. The difference in duty is of course $3.50 a ton. What does the Senator say it costs to make bar iron from pig iron?

Mr. CUMMINS. I asked that question of the Senator.

Mr. ALDRICH. I am asking the Senator from Iowa.

Mr. CUMMINS. The Senator says $6 a ton. I thought that a little low.

Mr. ALDRICH. The duty is $3.50 a ton.

Mr. CUMMINS. If it costs only $6 a ton, then the duty of three-tenths of 1 cent per pound amounts to $7.24 a ton.

Mr. ALDRICH. The Senator must be mistaken in his arithmetic. Three-tenths of a cent a pound is $6 a ton, according to my arithmetic.

Mr. CUMMINS. That depends upon whether you take a short ton or a long ton.

Mr. ALDRICH. The short ton is always used in tariff matters. It is $6 a ton.

Mr. CUMMINS. It is $7.24 a ton if you take a ton of 2,240 pounds.

Mr. LODGE. A ton in tariff matters always means a short ton.

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. Certainly.

Mr. OLIVER. I can give the Senator information as to part of the difference between manufacturing iron here and abroad. This paragraph refers to puddled iron, which is made now only as a specialty. In all the vast works of the United States Steel Corporation there is not one where a ton of puddled iron is made. Puddled iron is made by individual manufacturers here and there, and it is used for special purposes, very largely for making pipes used by plumbers. Puddled iron is not subject to the same degree of action by acids and water as steel. In England the wages for puddlers in the Northumberland district is $2.25 a ton; in the west of Scotland, $2.43 a ton; in the Midlands, $2.31 a ton.

The universal rate of wages in this country is $6.50 to $6.62½ a ton. That refers to puddling alone. There is a difference of, say, 66⅔ per cent that we pay out in labor to the puddlers.

When you come to consider that a puddler is only one man of the many connected with the manufacture of this material, you can readily see, as I firmly believe, that in labor alone we will swallow up the entire amount of this duty in the difference in cost between here and abroad.

Mr. CUMMINS. I do not believe that anyone who reads the testimony given before the House committee will get the impression that it costs twice as much or more to convert ore or pig iron into the finished form in this country as it does abroad. If the cost of converting this particular commodity is but $6 a ton, it does not seem to me possible that we need a duty of $3.50 a ton upon it. I am now excluding the $2.50 a ton upon pig iron.

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield further to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. The difference in cost is not $6.50 a ton. The difference in the labor of one man alone is $4.25 per ton. He is only one man.

Take pig iron and make bar iron out of it, and it requires, first, the work at the puddling furnace, which is very hard and very severe work. It is taken from the puddling furnace and put through what is called the "muck rolls." That is one process. The muck bar is then allowed to cool. It is cut into small pieces, which are bundled together and put into the heating furnace, put through another process of heating, then rolled; so that we have not only the puddler to pay, but the muck rollers, the heaters, the rollers in the bar mill, and an army of men.

You must consider that this is not done in these great mills. It is done in the old-fashioned bar mills. The product is small and the margin is very, very light.

I am advised by the manufacturers, who still continue to make this speciality, that the duty proposed here is entirely too low, and I think the Senator from Iowa is speaking without knowledge upon the subject or he would not make this effort at a decrease upon this very reasonable provision.

Mr. CUMMINS. I have not very much knowledge with regard to the cost of turning pig iron into these bars, and it was for that reason that I asked the question of the Senator from Rhode Island, and the answer is—and the Senator from Pennsylvania has not disputed it—$6 per ton, or substantially that. If we start into this iron schedule upon the hypothesis that it costs twice as much to produce steel in America as it costs abroad, we will reach before we have finished some very strange conclusions.

Mr. PENROSE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. PENROSE. I should like to call the attention of the Senator from Iowa to the fact that this is a cut of 50 per cent on the Dingley rates.

Mr. CUMMINS. I observe that, and I have not proposed to offer any amendment to it, but I did not want the paragraph to be passed without some understanding with regard to the general view adopted by the committee; whether it was intended that upon all these products we should place a duty based upon the hypothesis that it costs twice as much to produce steel in the United States as it costs abroad. I can not yield to that hypothesis, if it is intended to be carried through the entire schedule.

I have no amendment to offer at this time to this particular paragraph.

Mr. ALDRICH. The Finance Committee has advanced no such proposition as that it costs twice as much to produce steel in the United States as abroad.

Mr. CUMMINS. I did not understand that it had.

Mr. ALDRICH. No.

Mr. CUMMINS. But, in answer to my question, I was informed that the cost in America of this particular work was $6 a ton, and you are putting a duty upon this particular work of $3.50 a ton. That means evidently that it costs twice as much here as abroad.

Mr. ALDRICH. No. I want to call the attention of the Senate to the fact that in 1883 the duties upon the items contained in this paragraph were 1.1 cents; in 1890 it was 1 cent; in 1894, under the Wilson-Gorman bill, it was six-tenths of a cent; in 1897 it was made six-tenths of a cent; and it is now reduced by this paragraph to three-tenths of a cent.

Mr. CUMMINS. I have observed that history, and I am very much gratified with the reduction, although I believe the reduction is not yet what it should be. However, I have not, as I said, proposed any amendment to this paragraph.

Mr. President, I do offer an amendment to paragraph 118.

Mr. ALDRICH. I ask that this paragraph be adopted.

The VICE-PRESIDENT. The paragraph has once been read. The Senator from Iowa now offers an amendment to the paragraph.

Mr. ALDRICH. It is to paragraph 118, as I understand.

The VICE-PRESIDENT. To 118.

Mr. KEAN. Let us agree to 117.

Mr. ALDRICH. I ask that paragraph 117 be agreed to as amended.

The VICE-PRESIDENT. Without objection, paragraph 117 is agreed to.

Mr. KEAN and Mr. LODGE. As amended.

The VICE-PRESIDENT. The Secretary will state the amendment proposed by the Senator from Iowa.

The SECRETARY. On page 33, paragraph 118, in line 7, strike out the word "six-tenths" and insert instead "five-tenths;" in line 11, strike out the word "four-tenths" and insert in lieu "three-tenths."

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Iowa.

Mr. PENROSE. Mr. President, I hope the amendment will not be agreed to. The reduction in the House bill is from eight-tenths to six-tenths under the Dingley rate, a very substantial reduction. All these articles in the metal schedule are going down nearly to the point when the iron and steel industries will be extinguished if persisted in in further downward revision. I sincerely hope the amendment will not be agreed to.

Mr. CUMMINS. Mr. President, I do not intend to consume the time of the Senate in any considerable discussion of this amendment or the others which will follow. I attempted at a former time to show that, in so far as one particular manufacture of this product is concerned, it needs no protection whatsoever.

I believe that I demonstrated as clearly as any proposition can be proven that the United States Steel Corporation is making its product as cheaply as it is made anywhere in the civilized world. I was told, and I agreed to that, although my judgment was not wholly convinced, that in order to preserve certain so-called "independent manufactories" it was still necessary to impose some duty upon these products; but when it is proposed to impose upon a product of this sort a duty of $12 per ton in the one case and of $8 a ton in the other, it seems to me that we are forgetting the rule under which these duties ought to be imposed.

Is there any Senator here who believes that it costs in this country, to make round iron in coils and rods and other such iron as is here specified, $12 a ton more than it costs abroad? I have not the figures before me, but I assert with a great deal of confidence that the difference between the market price of this iron abroad and at home is less than $12 per ton. We need no such duty in order to stimulate and protect our own manufactures, and if we intend to reduce these duties at all, so that in the operation of the ordinary courses of trade the consumer or the buyer is to have a benefit, then we must reduce them below the point named by the Finance Committee.

It is for this reason, because I believe that a duty in the one case of $10 a ton will be more than ample, and in the other a duty of $6 a ton will be more than sufficient, that I have offered these amendments.

Mr. ALDRICH. Mr. President, in 1890 the duty upon round iron in coils and rods was 1.1 cents; in 1894, by the Wilson-Gorman law, it was eight-tenths of a cent; in 1897 it was eight-tenths of a cent. The House reduced the duty to six-tenths of a cent, and the Senator from Iowa, without any statement of the necessity for it or the reasons, so far as I have heard him, proposes still further to reduce it to five-tenths of a cent. I think the Senate should stand by the action of the House committee.

Mr. LODGE. If I may call attention to it, I will state the ad valorem rate under the bill on what is covered in this paragraph. On the first item it is 10.75 per cent, on the next it is 9.15 per cent, and on the next it is 19.17 per cent. Those are very low ad valorems. They certainly extend hardly beyond a fair revenue duty.

Mr. BURKETT. Mr. President, I wish to ask the Senator a question. As I said once before, I am not so much concerned about how much you reduce the duties; I would rather have some information as to whether the $12 a ton in line 7 is necessary. I have tried to go through the hearings in the House. Every witness, apparently, said there was not much need for protection on the manufactures of iron. I read through the couple hundred pages of Mr. Carnegie's evidence; I have read through Mr. Gary's statements, and all of them, and they have all testified, so far as I can find out, that there is not any particular need of this duty.

I understand, of course, that there ought to be on all of these manufactured products some protection to keep a foreign country from unloading on us their surplus stock at some time, from which we would get no revenue, and thus injure our industries, but $12 a ton for this particular product seems to me pretty high, in view of the evidence contained in the two volumes of the House hearings that there is not any particular use for any tariff on the manufactures of iron.

So I submit to the chairman of the committee that what I would rather have is some explanation as to why this duty is needed, rather than simply a statement that it is a reduction of two-tenths from what it has been for the last twenty years. I should like to ask the Senator from Rhode Island if there is any evidence or any statement showing that it is needed. I am asking in good faith, because if anybody has shown anywhere any evidence that there is need for this much duty, I should not want to reduce it; but if there is not anybody along the line anywhere who has suggested that there is a need of this rate, it seems to me that we ought to reduce it.

Mr. ALDRICH. I am not sure but that if the real facts in this case were thoroughly understood, the Senate committee rate ought to be increased. The importations of the articles covered by this paragraph amount to about a million and a half dollars, and the revenue collected in 1907 was about $450,000. The average ad valorem rate, as has already been stated, is only from 9 to 19 per cent. I am inclined to think that we have probably cut too far in the proposition which is now before the Senate. I think if we are going to change the Senate committee rate at all, it ought to be upward instead of downward.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from South Dakota?

Mr. CUMMINS. Certainly.

Mr. CRAWFORD. I simply rise for some information. I will say that where the House made a reduction and the Senate committee has left it alone, or reduced it, I have not felt disposed to interfere; but where the House has made a reduction and the Senate committee has increased it, I have felt that we were entitled to have an explanation. With reference to this item, if the Senator from Iowa will permit me, I do not quite understand the statement of the Senator from Rhode Island. This is paragraph 118, is it not?

The VICE-PRESIDENT. It is.

Mr. CRAWFORD. In the statement here under Schedule C, at paragraph 118, under the name of "bars or shapes of rolled or hammered iron and round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter," the revenue from imports, according to these figures, was only $1,031.26, which is certainly a very small amount indeed; and on the second item, "slabs, blooms, loops, or other forms less than iron in bars and more advanced than pig, except castings," the revenue was only $124.62 according to this statement. That was practically no importation at all.

Mr. ALDRICH. But if the Senator will look at No. 2629—I do not know what it is called——

Mr. LODGE. "Bars, blooms, billets, and slabs" are the last bracket.

Mr. ALDRICH. Bars, blooms, billets, slabs, or loops.

Mr. LODGE. It is all a part of the same paragraph.

Mr. ALDRICH. It is all a part of the same paragraph.

Mr. CRAWFORD. But they are different items.

The VICE-PRESIDENT. Does the Senator from Iowa yield further?

Mr. CRAWFORD. I simply want to get that information.

Mr. CUMMINS. I had the matter before me and was about to explain that while it is all in the same paragraph I think the Finance Committee will, on reflection, see that I have offered no amendment to that part of the paragraph under which there have been any importations at all. As to the two parts of the paragraph to which I have offered each an amendment, you will find, upon examining the statement mentioned by the Senator from South Dakota, that upon the first there has been and was an importation of 128,908 pounds, a negligible quantity, and the duty paid upon that was $1,031.26; but upon the second part of the paragraph to which I have offered an amendment the importations were 24,594 pounds this year and the duty was $124.62. So the duties as they have been heretofore have been prohibitory. There have been no importations whatever, or, at least, so nearly none that they need not be considered here.

I agree now that with respect to the charcoal iron, which is referred to in the last part of the paragraph, there have been importations, and noticing that fact and being desirous of

keeping our own market for our own people, I have made no suggestion of an amendment. But the Finance Committee has not said, and I am sure that it will not say, that it believes there is a difference of $12 a ton in the first part of the paragraph or of $8 a ton in the second part of the paragraph between the cost of producing those commodities here and abroad.

I know—that is, if I may make my inferences from the testimony which has been submitted to the House committee and is now submitted to the Senate—that with respect to one company, it can produce these things as cheaply as they can be produced anywhere, and that $10 a ton and $6 a ton, respectively, will amply protect those independent manufacturers, of whom it is said, although not with entire certainty, that it costs more for their production than it costs the larger companies.

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. Certainly.

Mr. OLIVER. Mr. President, the Senator from Iowa perhaps may have forgotten the statement which I made a few minutes ago. I stated that iron is no longer made either by the United States Steel Corporation or by any other of the great corporations which are engaged in the manufacture of steel. Their business is confined entirely to steel and steel products. This iron business, as distinguished from steel, is conducted by, I suppose, 100 small manufacturers from New England clear to the Pacific coast. Although the Senator from Iowa does not represent what is called a "manufacturing State," I have no doubt there are some mills in Iowa. It is beyond possibility for them to think of combining or forming themselves into a trust. This effort to reduce the duty upon their products will simply result, if successful, in driving the very class of men out of business whom the Senator appears to be so solicitous to continue in business. Iron is no longer made by the large corporations. They make steel alone. This paragraph refers to iron alone.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Iowa yield to the Senator from Massachusetts?

Mr. CUMMINS. Certainly.

Mr. LODGE. The Senator keeps reiterating that $12 a ton is such an enormous difference. I find that under the first bracket of this paragraph the import value indicated a material worth over $100 a ton and the equivalent ad valorems indicate the value of the product at from $100 to $120 a ton. A difference of $12 a ton in the cost of manufacture is not large on that basis.

Mr. CUMMINS. I hope the Senator from Massachusetts will pursue that investigation a little further, because it will open up a very interesting field. I assume that he would not suggest to the Senate that the American price for this product is $100 a ton.

Mr. LODGE. I was taking what I assumed to be that on which the whole of the Senator's argument must rest, that the foreign product is much cheaper. I took the import value of the foreign product, which, as nearly as I can figure it on the official figures, is about $100 a ton.

Mr. CUMMINS. The Senator from Massachusetts was quite right in his mathematics, but it is true of this paragraph precisely as it was true of the glass paragraph. The iron that has been imported under this paragraph is not made in the United States at all. The quantity of iron that comes in is little; but what comes in is not made, as I am advised, in the country at all, and the ordinary American price for the round iron is much less than $100 a ton. Possibly the Senator from Pennsylvania will correct me if I am wrong in that respect.

Mr. OLIVER. I was not attending to the Senator's remark.

Mr. CUMMINS. Then I will not pursue it.

It makes no difference whether the ad valorem duty is 10 per cent or 20 per cent; what we are trying to do is to protect the American manufacturers. We are trying to protect our own workshops. We have found that under the duty imposed in the Dingley law there were no importations. Therefore it goes without saying that our manufacturers do not need the quantity of duty imposed by the law of 1897. Now, how much do they need? The Finance Committee, apparently without any basis for comparisons so far as appears here, has reduced the duty, or it has accepted the House reduction of the duty, to six-tenths of a cent. But is six-tenths of a cent the right duty?

Mr. ALDRICH. Will the Senator from Iowa be kind enough to enlighten the Senate as to why the rate should be five-tenths of a cent?

Mr. CUMMINS. Yes, sir; I will enlighten the Senator with regard to five-tenths of a cent, although the Senate possibly has a better right to look to the Finance Committee for information than to me. The Finance Committee is organized for the purpose of giving us information upon these subjects. But I can answer why, I think, five-tenths of a cent is quite high enough.

The general testimony delivered before the Ways and Means Committee of the House indicates that we could produce these forms of iron and steel in the United States at substantially the cost for which they can be produced abroad. As I said before, if it were not for the protection of the small manufacturers named by the Senator from Pennsylvania, I do not think you ought to put any duty upon it unless it were a revenue duty, and there is no revenue from it. I predict that the amendment I have offered will no more admit foreign manufactures to our markets than the duty in the Dingley law. It will not produce any revenue in either case, but it will protect. If you reduce the duty to five-tenths, it will at least do that much more toward protecting the American consumer against any combination or trust that will prevent and interrupt the ordinary laws of trade. Therefore I propose five-tenths of a cent instead of six-tenths of a cent, and I frankly say I think that is higher than is necessary for a protective duty.

Mr. CARTER. Mr. President, I should like to ascertain from either the Senator from Iowa or the chairman of the committee the extent to which this duty is compensatory. We have a protective duty on the material of which this class of iron is made of $2.50 per ton. First, what amount of pig iron on which a duty of $2.50 per ton is placed is required to make a ton of this finished product, and to what extent did the Senate committee compute the compensatory duty in fixing the duty here named at six-tenths of 1 cent per pound?

Mr. PENROSE. If the chairman of the committee will permit me, I will inform the Senator from Montana that, in the opinion of the producers of the products of iron and steel, none of these duties are adequately compensatory for the duty imposed on iron ore and on scrap iron.

Mr. CARTER. The discussion, as I understood it, was proceeding between the Senator from Pennsylvania and the Senator from Iowa and the chairman of the committee upon the theory that six-tenths of 1 cent per pound was based purely upon the difference in the cost of labor here and abroad in the production of the kind of iron named in paragraph 118. According to my understanding, all of these items are correlated. When a duty is placed upon the basic material, for protective or for any other purpose, necessarily that duty must be offset by a compensatory duty on the product of the basic material.

Mr. ALDRICH. That is true. The duties in this schedule run from the duties on iron ore and pig iron up to the finished product—say, a watch spring. That pound of iron ore made into watch springs is worth several hundred dollars a pound. In this particular case we have a duty of $2.50 on pig iron, and then we have a duty——

Mr. CARTER. Primarily we have a duty of 25 cents per ton on ore.

Mr. LODGE. If the Senator will allow me a word, I will state that the House duties were based throughout on free iron ore, and we have not altered their arrangement, but have left their reduction, which proceeded on the basis of free iron ore. So we have put all their reductions lower than they were before, by our action.

Mr. CARTER. No allowance being made for any compensatory duty on iron ore at all.

Mr. ALDRICH. We have first the duty on iron ore, and then the duty on pig iron of $2.50 a ton. Then we have, by the paragraph just agreed to, a duty of three-tenths of a cent a pound on round iron not less than seven-tenths of an inch in diameter. Then we have, by this paragraph, a provision of six-tenths of a cent a pound on iron less than seven-sixteenths—that is, iron rods that have to be taken from the round wire and drawn through rollers, at a great expense, into the fine rods that are provided for in this paragraph at six-tenths of a cent—showing a progression from iron ore and pig iron to round iron, and to iron in rods, round iron in coils and rods less than seven-tenths of an inch in diameter, thus making a progressive duty which is supposed to equalize the difference in the cost of production of these various articles here and abroad.

Now, one other word right there. The articles provided for in this paragraph are expensive articles. They are imported, when imported, from Sweden. They are made of charcoal iron by the old-fashioned process. As the Senator from Pennsylvania [Mr. OLIVER] says, there is nobody in this country interested in the manufactures of steel who is interested in these wire rods or iron wire—the drawn wires that are covered by this paragraph.

The Senator talks about $12 a ton and $10 a ton. As long ago as 1883 we imposed a duty of $24 a ton on all articles made

from iron in the production of which charcoal is used. Michigan was then a large producer, and I imagine she is to-day to a considerable extent, of charcoal iron. It is a very expensive article to make. It is only used for particular purposes, and it seems to me to ruthlessly—I was about to say ignorantly—strike down these duties is certainly not the part of wisdom on the part of the Senate.

Mr. CARTER. I did not understand from any part of the discussion that it was the intention of the Senator from Iowa to cut below a protective standard. I believe, in the light of the explanation of the chairman of the committee, which comports with the general judgment, I think, of the Senate in reference to the rules which obtain in this matter of levying duties, there would be, of the $12 per ton allowed by paragraph 118 as a duty, a deduction of $2.50 per ton compensatory duty on the material out of which this wire is made.

Mr. ALDRICH. Six dollars a ton under the paragraph. Paragraph 117 imposes a duty of $6 on the raw material from which these articles must be made.

Mr. CARTER. That leaves but $6 a ton as a duty to protect the labor employed in the manufacture of these articles.

Mr. ALDRICH. That is all, on a very expensive article.

Mr. CRAWFORD. Mr. President, I wish to ask a question. I am not asking the question in the attitude of opposition to what has been done, but I have not understood what the explanation is of the fact that there was practically no importation of the first two items in the paragraph.

Mr. ALDRICH. It is because the American producers have the American market at the old rate; that is, on those two particular clauses of the paragraph. On the last, they have not.

Mr. CRAWFORD. Does the chairman of the Committee on Finance think that this reduction will take the market away or bring in any additional importations?

Mr. ALDRICH. I think it is quite likely it would. It is impossible, of course, for anybody to say definitely.

Mr. CRAWFORD. According to the estimates of the committee, the importations under it are very small indeed.

Mr. ALDRICH. I understand that.

Mr. CRAWFORD. Ninety-nine dollars is what you received from one of the items, and $773 from another, under the new schedule.

Mr. NEWLANDS obtained the floor.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER (Mr. PILES in the chair). Does the Senator from Nevada yield to the Senator from Montana?

Mr. NEWLANDS. Certainly.

Mr. CARTER. In connection with the subject being discussed, I should like to make just one additional observation. I understand, then, in a progressive way, taking paragraph 116 with $2.50 per ton on pig iron, we approach paragraph 117, which levies a duty of $6 a ton, a half of that amount being compensatory duty arising from the duty fixed by paragraph 116, and, in turn, the combined duty, compensatory and protective, provided by paragraph 117, must be deducted from the duty prescribed in 118, in order to determine the amount of protective duty provided for the difference in labor cost in the manufacture of the article.

Mr. TILLMAN. Does the Senator make no allowance for the fact that this iron ore is not imported? We have got hundreds of millions and billions of tons. What is the use to undertake to subtract the cost of the duty on iron ore from this product?

Mr. CARTER. There is no computation in this calculation of duty on iron ore, as I understand it. It is the duty on pig iron.

Mr. TILLMAN. I know, but the Senator is speaking of a duty on iron ore of $2.50 a ton.

Mr. LODGE. No; that is the duty on pig iron.

Mr. CARTER. It is the duty on pig iron, scrap, and so forth.

Mr. NEWLANDS. Mr. President, I wish to make an inquiry of the chairman of the committee. There is one thing I can not understand. The value of these forms of ore is placed by the Senator from Massachusetts at $100 a ton, very much in excess of the value of steel rails and of structural steel. It is hard for me to realize that any form of iron could be worth so much.

Mr. KEAN. I will state to the Senator from Nevada that iron pipe and iron sheets are more expensive than are steel sheets and steel pipe.

Mr. ALDRICH. If the Senator will look at the last clause in this paragraph in relation to billets, bars, and so forth, in the manufacture of which charcoal is used, he will find that the unit value on large importations was over $40 a ton, which is, of course, vastly in excess of the duty upon steel of a corresponding character.

Mr. NEWLANDS. Mr. President, that must be so. I am told by the Senator from Pennsylvania [Mr. OLIVER] that the value is largely in excess of that of the forms of steel to which I have referred. I am not, of course, familiar with these forms of production, but it struck me as very disproportionate.

Mr. BRIGGS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. I do.

Mr. BRIGGS. Mr. President, I wish to say to the Senator from Nevada that the production of steel is in great quantities at large furnaces, where an immense tonnage is at once turned out, while the production of iron is in small furnaces. There is a great deal more labor in it. I imagine that the iron referred to there is the high-class Swedish iron for special forgings that the low-carbon mild steel can not be used for. I think that is undoubtedly the reason for the high prices.

Mr. NEWLANDS. I observe that this paragraph covers three forms of iron, and that, of these three forms, the first two in the paragraph are not productive of revenue, the revenue being nearly nominal, about $1,000 per annum in one case and $124 per annum in the other. It seems to me that that is very conclusive proof that the duty itself, low as it is, of about 10 per cent, is practically prohibitive of importations. It is, therefore, too high to cover the policy of protection mapped out by the Republican party in its platform and is also too high to produce revenue. For that reason, I shall join with the Senator from Iowa in an endeavor to lower these two duties.

As to the third duty, it is productive of a very large amount of revenue—nearly a half million dollars—and I observe that the committee has reduced the duty fixed by the House about 20 per cent, I believe. It seems to me that that duty, even as established by the House, is a fairly revenue duty, and might perhaps have been left undisturbed; but as to the first two duties, it seems to me they are prohibitory and excessive.

Mr. BACON. Mr. President, I should like to ask the Senator from Pennsylvania [Mr. OLIVER], as a matter of information about which I need some instruction or light, a question. I understood the Senator from Pennsylvania to say that the United States Steel Company is not engaged in the production of iron.

Mr. OLIVER. Not to the extent of one ton.

Mr. BACON. That is the point which struck me and produced the inquiry upon my part.

Mr. OLIVER. I mean iron as explained here.

Mr. BACON. The Senator means this particular shape of iron?

Mr. OLIVER. They make plenty of pig iron, of course, I will say to the Senator.

Mr. BACON. That is what I referred to.

Mr. OLIVER. But they do not make and put on the market any iron article as iron is understood in these days. Their product is confined entirely to steel—Bessemer steel and open-hearth steel—made in great girders and pieces, and in which machinery is the principal element, whereas in puddling iron, man is the principal element.

Mr. BACON. Mr. President, I misunderstood the Senator from Pennsylvania. I thought, from what the Senator said, that he meant to be understood that the Steel Company did not engage in the production of iron in its generic sense—in other words, that they did not make pig iron, or did not from pig iron make the high class of iron.

Mr. OLIVER. Pig iron is the basis of steel.

Mr. BACON. Of course. The Senator, then, does not mean to be understood to the effect that they do not make the pig iron from which they make the steel?

Mr. OLIVER. Oh, no.

Mr. BACON. They make the steel from the pig iron.

Mr. President, in connection with the suggestion of the Senator from South Carolina [Mr. TILLMAN], responding to the proposition of the Senator from Montana [Mr. CARTER], as to the compensatory duty, suggesting that the duty imposed upon iron should be taken from that which should be chargeable properly to steel, the Senator from South Carolina inquired if Senators did not know the fact that the Steel Company procured all their ore in this country. The Senator from Montana then replied that he was not speaking of a compensatory duty as regards the ore, but that he was speaking of a compensatory duty as it related to iron, when the further suggestion was made by the Senator from South Carolina that, of course, pig iron was the product of ore, practically the same thing. I merely want to call attention to the fact that the Statistical Abstract shows that the production of pig iron in the United States for the year 1907 was 25,781,361 tons. It is practically true that those engaged in the steel manufacture produce their own iron, and, so far as the market quotations of iron are concerned, that is really not the expense to which they are subjected in the pro-

curement of the materials out of which they make the steel. The expense to them is not the market price of iron; but the expense to them is the cost of production, for they have the iron mines from which they dig iron ore, and from the iron ore they themselves produce the pig iron, and from the pig iron they themselves manufacture their steel. So the question is not in any manner, it seems to me, concerned with that of the rate of duty on pig iron, because they do not have it to buy and are not interested in that part of that expense. Their expense, in the procurement of iron from which they make the steel, is measured by the actual cost of digging the ore from the ground and converting it into steel. Their actual investment in the ore beds must also be considered.

Mr. CARTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Montana?

Mr. BACON. I do.

Mr. CARTER. Mr. President, it is, of course, conceded that the companies mining the iron ore within the United States and manufacturing the pig iron here do not pay the duty to the Government; but the whole theory upon which the bill is framed is that they pay to the laborer employed the amount of these duties in excess of what their competitors pay for like services abroad.

Mr. BACON. Mr. President, if I can lay my hands on it before this discussion is concluded, I am going to read to the Senate a little about the labor employed by the manufacturers of steel and the wages they pay them. I have not it with me here to-day.

I think, Mr. President, that this steel schedule should be very materially reduced all along the line. I do not think that what was true fifteen years ago as to proper rates of duty can be conceded here to-day as a conclusive argument as to what the rates should be to-day. There have been great developments since then and great progress in methods and appliances, to all of which the public is entitled to the benefit in cheapening production as well as the manufacturer.

Mr. President, even as far back as ten years ago we had a very high authority for the contention, which was recently made by Mr. Carnegie before the Ways and Means Committee, that there was not required any duty at all, practically. Of course the matter to which I am now about to refer did not have relation to the question of duty, but it did have relation to the question of the cost of production—to the question of the relative cost of production in this country and in other countries. The question of the cost of labor is not always a criterion; but it is the cost of production, not simply the cost of labor. There may be different capacities in labor for production; there may be advantages of different kinds which, while there may be great differences in the cost of labor, make the cost of production itself not correspondingly great.

I do not know whether there has been read in this debate—because frequently we are called out in the Marble Room and elsewhere, and do not hear everything that is said—a very celebrated letter written by Mr. Schwab in 1899, ten years ago. I am told by the Senator from Texas, who sits on my left, that the Senator from South Dakota [Mr. CRAWFORD] has read it, and therefore I shall not read it now.

Mr. CRAWFORD. I incorporated it in my remarks.

Mr. BACON. I shall not, therefore, burden the RECORD with the repetition of it. I have myself read it once before in the Senate in a former debate. I well know the contention of those who insist that there should be a high rate of duty on steel, that the estimate of Mr. Schwab, in this letter of 1899, was based upon the cost of pig iron, which can not be relied upon as the basis of an estimate; that the cost of pig iron is very much greater than that stated in that letter. I will say, however, before alluding to that, that we had a discussion of that matter here in 1904, in which I read this very letter, and in which reply was made by the honorable Senator from Rhode Island [Mr. ALDRICH] to the statements made in Mr. Schwab's letter that his estimate was probably reliable if the cost of pig iron was always such as he stated it, but that it was unreliable if the value of pig iron had changed, which the Senator then alleged that it had.

But we are met face to face, when that condition is presented, with the fact, to which I have already alluded, that the cost of pig iron to the steel manufacturers of the United States is not the market price, but it is the cost to them of production, because they themselves own the ore beds, dig the ore, and make the pig iron, and from the pig iron make the steel. That being the case, of course the thing upon which the estimate is to be based is not the market price, but the cost of pig iron to the producer. The steel company can make the market quotations of pig iron what it pleases and thus apparently advance the cost to themselves of making steel.

In this letter of Mr. Schwab—which I shall not again read, because it has so recently been read to the Senate by the Senator from South Dakota—Mr. Schwab, whom I recognize as one of the leading authorities in the United States upon the subject of the cost of the production of steel and of the manufacture of steel, in the most emphatic manner, not in one sentence but in successive sentences, in which the matter is argued and the reason for his contention set forth, asserts most positively that even ten years ago, when the steel company did not have the opportunity for cheap production that it has now, steel could be made in this country and sold in England cheaper than it could be made and sold in England. That was Mr. Schwab's contention, that in America——

Mr. OLIVER. Mr. President, will the Senator yield to me?

Mr. BACON. I will in a moment. Mr. Schwab contended that in America it was competent for the Steel Company, of which Mr. Schwab was then a very high and influential officer, to themselves not only make steel cheaper than England could make it and sell it in the United States, but that they could make steel cheaper in America, send it to England, and sell it in England cheaper than the Englishmen could make it and sell it in their own market.

Now, I yield to the Senator from Pennsylvania.

Mr. OLIVER. I should like to ask the Senator from Georgia if he has received any information concerning the relative cost of steel—of course we are not talking about steel now; we are talking about iron—the relative cost of producing steel ten years ago and producing it now?

Mr. BACON. No, Mr. President; and I do not think that is material. I suppose the Senator means the market price.

Mr. OLIVER. Not at all.

Mr. BACON. To what does the Senator refer?

Mr. OLIVER. I mean the cost of production.

Mr. BACON. Well, Mr. President, if the Steel Company had to buy its iron, of course the suggestion of the Senator from Pennsylvania would be a most material one; but the Steel Company does not have to buy its iron.

Mr. OLIVER. I leave that entirely out of consideration.

Mr. BACON. Well, I do not think it can be left out of consideration. I think it is a most important fact.

Mr. OLIVER. Consider it or not, just as you please; but the cost of the manufacture of steel to-day is very much more than it was ten years ago. There are a number of elements entering into the matter, which are very ably set forth in the testimony of Mr. Schwab before the Ways and Means Committee of the House, in which he gives a very thorough explanation of the circumstances under which he wrote that famous letter, and distinctly and in terms repudiates it, and attributes it to his youthful exuberance. Those who know Mr. Schwab will know he has a great deal of it.

Mr. BACON. I think it is rather to be attributed to the fact that that letter was written to Mr. Frick and not intended for the public, and what he is saying in explanation of it is intended for the public. That letter was written, Mr. President, not with reference to what interest the public would have in this product, but it was written in the confidence of the intercourse between those interested in the same subject; it was rather a self-congratulatory communication, where there would be no possible inducement to misrepresent. Of course Mr. Schwab is now interested in having a different construction put upon the letter. Mr. Schwab may have been at that time a comparatively young man and may have been exuberant, but he was none the less recognized as one of the authorities in the United States on the subject of steel products, to such an extent that the great king of the iron and steel industry in the United States had selected him of all men to take charge of his magnificent and stupendous business, having every confidence in his ability, in his judgment, and in his knowledge, having seen him grow up from a young man, in a very subordinate capacity, to a position where he thought he could thus put him in charge of all those great interests.

Mr. TILLMAN. I was just going to call the Senator's attention to the fact—he is familiar with it, of course—that Mr. Schwab, in this very letter, says that after serving as superintendent for ten years and as president for two, he feels able to speak.

Mr. BACON. Of course. Mr. Schwab can not now shelter himself behind the claim that he was at that time inexperienced.

Mr. President, of course there are other Senators here who are very much more familiar with the steel industry and with iron products than I am, but I do think that there is nothing

which the Senate ought to consider with more care than the question as to whether or not steel and all the vast products made from it can be cheapened to the American people. There is no product, not even the one of lead, about which we were talking here the other day—in fact, not nearly so much in the case of lead—that so certainly and necessarily enters into every household, and into every department of every household, and into every department of business of a material or industrial character, as that which is connected with the iron and steel industry. Therefore I do hope that we will, Mr. President, see to it that, so far as it can be done with justice and propriety, these rates are lowered.

There is a tremendous protection to the iron and steel industry in the mere matter of transportation. I will say very frankly that I am not in favor of putting articles on the free list, as a general rule, from which any revenue can be derived; but because of its natural advantages in the United States and in the great protection which it has in the mere matter of transportation charges, I am so satisfied that the steel trust can maintain itself, certainly as to all the larger and heavier products, as against any foreign competition that I do not believe any revenue would come if we had a low rate of duty put upon steel products. Therefore I am ready—I will not say as to the minor and smaller manufactures, but as to the larger and heavier articles of iron manufacture—to vote to put them on the free list—iron rails, for instance. I do not believe that if iron rails were on the free list we would get any revenue from them, because of the increased advantages of production in this country and of the cost of transportation.

Mr. LODGE. Do I understand the Senator to say if iron rails were on the free list we should not get any revenue from them?

Mr. BACON. I did not mean that, of course.

Mr. LODGE. I agree with the Senator.

Mr. BACON. Of course, if I said that, I suppose Senators would naturally recognize——

Mr. TILLMAN. You meant there would not be any importation of them.

Mr. BACON. Yes. Senators would naturally recognize that that was a slip of the tongue.

Mr. LODGE. I so recognize it.

Mr. BACON. I am very much obliged to my learned and distinguished and honorable friend from Massachusetts for calling my attention to it, because whenever I make a slip in rhetoric or grammar or definition, I bow and yield to him with a confidence in which I am utterly lacking when it comes to a question of political science. [Laughter.]

The Senator from South Carolina [Mr. TILLMAN] has suggested that what I intended to say was that if iron rails were on the free list there would be no importations, and if a low rate of duty were imposed, I do not believe there would be any revenue. For that reason, I will be perfectly willing to vote to put steel rails upon the free list.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. Certainly.

Mr. SMOOT. Do I understand the Senator to say that steel rails can be manufactured in this country as cheaply as in Germany?

Mr. BACON. Mr. President, I do not claim to be an expert in the matter. When I find a very great authority giving me information, I will generally leave the subject to him, and not myself go into details and inquire whether or not he is correct.

Mr. SMOOT. Mr. President——

Mr. BACON. The Senator will pardon me. He asked a question and he must wait and get the reply. When I have so high and distinguished and reliable authority as Mr. Schwab, who tells me in this letter that the steel industry of the United States has such advantages in the great wealth of raw materials and other things which he takes into consideration that the steel makers of the United States can make rails in the United States and ship them to England and sell them in England for less than the English manufacturer can himself make them and sell them in England, I am ready to stop at that, unless the Senator from Utah or others can show me that Mr. Schwab is mistaken.

Mr. SMOOT. According to the testimony before the committee, if you take any kind of testimony at all there as being truthful, there was shown to be a great difference——

Mr. BACON. I hope the Senator will speak a little louder. There is some confusion and we can not hear the Senator very well.

Mr. SMOOT. I say there is a difference in the cost of making steel rails in Germany and in the United States, because, according to the testimony given here, steel rails can be made in Germany for about $17.75 a ton, as against the very lowest cost in the United States of $22.81.

Mr. BACON. Mr. President, the Senator has had opportunity for hearing the testimony, and so forth, and the statements in the bosom talks which they have been having across over the way, from which I have been debarred; but I presume that it is a recognized fact that in a very much greater degree than existed ten years ago a very large part of the steel product is sold abroad at much cheaper rates than it is sold in the United States. So long as that continues to exist, Mr. President, it will take nothing short of a mathematical demonstration—and I do not think that this is a matter that can be subjected to a mathematical demonstration, because there are elements entering into it that are not matters of mathematics—but nothing short of an absolute mathematical demonstration would satisfy me of the fact that these products are sold abroad at a loss.

I will not stop to do so now, as possibly this particular stage in the discussion might not warrant it, but at some time I am going to read again to the Senate two letters, which I read once before to the Senate, as to the matter of the difference in cost of steel rails to a railroad company that wants to lay them in the United States and a railroad company that wants to lay them in Canada or in Mexico.

I have a most remarkable letter here from the president of a railroad that lies partly in Mexico and partly in the United States, giving an instance of where he bought from a steel company rails to be laid upon that road, part of it in the United States and part in Mexico, where he had to pay some seven or eight dollars a ton more for the rails that he bought for the part of the road in Texas than he had to pay for the part of the road that lay in Mexico—rails bought at the same time from the same factory in the United States. I will not stop to have it done now, but before this debate is over I am going to put it in again, because I do not think it can be put in the RECORD too often. Since I offered those letters in the Senate and read them in the course of a speech made by me on this subject some four or five years ago, both of them have been read in speeches made in the House of Representatives, and no man has ever challenged either the accuracy of the statements made there or the fact which is necessarily shown by those statements which I have just mentioned.

Mr. President, the Senator from Iowa has gone very much more into these matters in detail than I have, and I do not profess to be able to follow him into the intracacies of it; but, if I understand him correctly, under this duty there is probably ten or twelve dollars—I have forgotten the exact amount—of advantage to the steel manufacturer. Am I correct in that, I would ask the Senator from Iowa?

Mr. CUMMINS. The duty is equivalent to $12 a ton.

Mr. BACON. Yes, Mr. President, it does seem to me that that is a duty which ought to be reduced, and, for myself, I propose to vote to reduce it if I have the opportunity.

Mr. MONEY. Mr. President, in this proceeding here, where the Senate is trying to live up to the promise of the distinguished chairman of the Finance Committee to protect every American industry, I feel constrained again to try to bring the Senate to a consideration of their authority for doing anything of that sort; and I ask the Secretary to read what Mr. Webster gives as two primary definitions of taxes.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

TAXES.

[Webster's Dictionary.]

A charge or burden laid upon persons or property for the support of a government.

* * * * * * *

A sum imposed or levied upon the members of a society to defray its expenses.

* * * * * * *

Mr. MONEY. Those are both primary definitions in Webster's Dictionary, and I do not believe that any lexicographer stands higher for definitions. I do not consider him so good as others on derivations, but on definitions I think he is without a superior.

Now I will ask the Secretary to read what I send up to him from Cooley.

The Secretary read as follows:

The bills of rights in the American constitutions forbid that parties shall be deprived of property except by the law of the land; but if the prohibition had been omitted, a legislative enactment to pass one man's property over to another would, nevertheless, be void. (See Cooley's Con. Limitations, p. 208.)

Nor, where fundamental rights are declared by the Constitution, is it necessary at the same time to prohibit the legislature, in express terms, from taking them away. The declaration is itself a prohibition, and is inserted in the Constitution for the express purpose of operat-

ing as a restriction upon legislative power. (See Cooley's Con. Limitations, p. 209.)

Cooley also states on page 587, in speaking of the power of taxation, as follows: "Taxes are defined to be burdens or charges imposed by the legislative power upon persons or property, to raise money for public purposes."

Again, on page 598, he says: "Everything that may be done under the name of taxation is not necessarily a tax; and it may happen that an oppressive burden imposed by the Government, when it comes to be carefully scrutinized, will prove, instead of a tax, to be an unlawful confiscation of property, unwarranted by any principle of constitutional government. In the first place, taxation having for its only legitimate object the raising of money for public purposes and the proper needs of government, the exaction of moneys from the citizens for other purposes, is not a proper exercise of this power, and must therefore be unauthorized.

Mr. MONEY. Mr. President, those quotations are from one of the greatest jurists this country ever produced—Judge Cooley, of Michigan. I do not know any clearer writer on law, and especially on constitutional law, than Mr. Cooley. I will ask the Secretary to read a decision which is a leading case.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Minnesota?

Mr. MONEY. Certainly.

Mr. CLAPP. I assume that the Senator is going to take the position that an act of the legislature may be invalid as violative of the spirit of our institutions, although not specifically prohibited by the Constitution, the position which Mr. Cooley has quoted in the document just read from.

Mr. MONEY. That is one of the quotations.

Mr. CLAPP. I wanted to say to the Senator, as a historical fact, that the first case ever decided in this country where an act of the legislature was held invalid, the first time when a court ever assumed that function, was one in which they set aside an act not because it violated a provision of the Constitution, but because it violated the spirit of American institutions.

I presume the Senator is familiar with it, but I thought it would fit in with his argument.

Mr. MONEY. It will fit in well, and I am obliged to the Senator, but I think I can make out the case without it. Nevertheless, I am obliged to him for the contribution.

I will say in that connection that what power we have comes from one single clause in the Constitution, in a very few words; and in Thorpe's Constitutional History of the United States, he only uses a part of this paragraph—that Congress shall have power to lay and collect taxes, duties, excises, and imposts—and stops there, and does not go any further at all. He does not complete it, because it is not necessary, except to define the purpose and not to delegate the power. He stops right there.

I will ask the Secretary to read a decision made by the Supreme Court of the United States in a celebrated case, which goes directly to the point.

The PRESIDING OFFICER. The Secretary will read as requested.

The Secretary read as follows:

To lay with one hand the power of the Government on the property of the citizen and with the other to bestow it upon favored individuals to aid private enterprises and build up private fortunes is none the less a robbery because it is done under the forms of law and is called taxation. This is not legislation; it is a decree under legislative forms. (20 Wallace, 664, in Loan Asso. *v.* Topeka.)

Mr. MONEY. That is a decision by one of the greatest judges who has ever been upon the Supreme Bench in my day—the late Judge Miller. In my opinion he was one of the strongest men on the bench during my time.

That was followed by a celebrated case, where the city of Boston, which, under authority of its general court or legislature, had issued a hundred million dollars of bonds to enable the people of the burnt district to rebuild their houses, upon ample security, and stated to be for the general good, in the sense that everybody was interested in it. But that is not the purpose within the meaning of the Constitution, as has been shown elsewhere. That same principle was announced afterwards in the State of Maine in a quite celebrated case. I have forgotten the volume of the Maine Reports. There a township voted $100,000 to establish a cotton factory, and that was also held to be illegal, unconstitutional, and of no effect.

I do not want to be didactic and open a school here, but I only wish to put this in because I should like the Senators when they are voting upon these schedules to consider their authority to protect anybody, anywhere, or for any purpose whatsoever. However desirable it may be that certain industries should flourish and that certain people should become rich, yet those who have to help to make them rich must be considered also, and we have to know where we get any authority at all.

Apropos of this schedule now under consideration and another one not yet reached, I want to publish some tables which are concise, and I think they are correct. I think they are as near correct as any tables can be, and they are derived from the best sources, and I will ask the Secretary to read them. They supply completely, I think, the information that was lacked by my friend the Senator from Georgia [Mr. BACON] a moment ago. They give the price of rails abroad and at home, showing that we can make them cheaper and send them abroad in competition with the whole world, and that we do so. I will ask the Secretary to read them.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

Cost of indirect taxation.

PRICE OF SUGAR (GRANULATED).

Year.	London.	New York.	Difference.
	Cents.	*Cents.*	*Cents.*
1900	2.47	4.52	2.05
1905	3.17	5.20	2.03

2,993,979 tons of sugar consumed in the United States in 1907, at 1.95 cents per pound	$130,777,002.72
Duty collected by the United States	60,135,181.00
Cost to the people above the revenue collected by the Government	70,641,821.72

PIG IRON.	Per ton.
United States	$17.75
United States duty	4.00
United States price, less duty	13.75
Germany	11.21
France	11.25
Belgium	11.75
England	11.00

United States production of pig iron, 1907, 25,781,361 tons; duty, $4 per ton; tax on consumer, $103,125,444; government revenue, 1907, $1,466,825.

BILLETS, STEEL.	Per ton.
United States	$24.71
United States duty	6.72
United States value, less duty	17.99
Germany	14.88
France	15.00
Belgium	15.50
England	15.14

United States production, 1906, 23,398,136 tons; duty, $6.72 per ton; tax on consumers, $157,235,474; government revenue, 1906, $590,663.

RAILS, STEEL.	Per ton.
United States	$25.41
United States duty	7.84
United States price, less duty	17.57
Germany	17.84
France	17.99
Belgium	18.59
England	18.14
Average of above—Europe	18.14
United States price	25.41
Difference	7.27

United States production of steel rails, 1907, 3,977,872 tons; difference in price, home and abroad, $7.27; tax on consumer, $28,919,129; government revenue, 1907, $30,670.

NAILS.	Per ton.
United States	$47.13
United States duty	11.20
United States price, less duty	35.93
Germany	33.60
France	34.60
Belgium	33.00

United States production, wire nails, 1906, 512,800 tons; United States duty, $11.20 per ton; tax on consumer, $5,743,360; government revenue, 1907, $91; cost to the people for each dollar collected by the Government, $63,114.85.

RÉSUMÉ.

	United States revenue.	People pay additional.	Cost to the people for each $1 tax collected by the Government.
Sugar	$60,135,181.00	$70,641,821.00	$2.17
Pig iron	1,466,825.00	103,125,444.00	71.23
Steel billets, etc	590,663.00	157,235,474.00	267.05
Steel rails	30,670.00	28,919,129.00	943.91
Nails, wire	91.00	5,743,360.00	63,114.85

Authority for sugar quotations, Willett & Gray, of New York.

Authority for iron and steel items, a sworn statement containing a table showing prices here and abroad, submitted to the Ways and Means Committee of the House by Mr. Gary, of the trust.

The prices given above include freight to the seaboard, and in every case show that, without the so-called "protective" duty, the American

people could get the article at a price lower, at least by the amount of this duty, than they are now forced to pay.

The United States Census of Manufactures for 1905 gives as the value of the output of the sugar-refining industry, $277,285,449; and the labor cost, for wages, $7,575,650; and for salaries, $2,156,679. This means that the total labor cost of the industry was 3.5 per cent of the value, or $9,732,329 for labor, and $130,777,002 to protect this labor.

The same census report for the iron and steel industry, covering blast furnaces and steel works and rolling mills, gives a total labor cost, including salaries and wages, of $162,177,898, and a total production valued at $905,787,733. That means that the labor cost was 16.8 per cent.

Mr. MONEY. Mr. President, I should like very much if Senators who are interested in these schedules would study that table. I think they can rely upon its accuracy. It was intended to be just as fair and accurate as I could have it made. If there is any mistake in it of course it will soon be detected, but the authorities from which those facts are drawn are given, and they can be verified or falsified by a little bit of study and examination, and I should like to have it done. So far as I am concerned, I do not want to proceed here upon any false hypotheses or any misstatement of facts, whether made innocently or otherwise. We ought to proceed with information, and upon information of the very best available character, and I think I have given it to the Senate in that table.

Mr. President, I submitted yesterday a table which showed how much of the cost of production was the wages of labor in this country, and that it averaged 17.16 per cent of the produced article, which is very much below what seems to be the estimate made in the Senate of the cost of labor, if we believe that the protective tariff is simply to cover, as the platform of the Republican party says it should, the difference in the cost of labor between this country and elsewhere.

I wish to say before I close, for I do not intend to speak—in fact, I can not do it—that there is not a market in Europe where American manufactures are not found. In Sheffield and in Birmingham, the great hardware and tool markets of the world, except, perhaps, Liege, which makes all the gun barrels in the world, there will be found the American carpenter's tools, because they are the very best made, and they find a ready market there; and there is not a city in Europe where they are not found. You can not go to a city in Europe where you will not find American shoes and American hosiery on sale. I recollect very well once that I had to hunt up American hosiery abroad to get what I wanted. It does prove, it seems to me, that the cost of labor in this country is not to be rated by the wages paid per day, but how much the labor item enters into the cost of the finished article. If I can get one man at $2 a day who will do as much as 4 men at 50 cents a day, it does not cost me any more to manufacture an article.

I ask consent of the Senate that the two tables I presented to-day and yesterday be printed as a document for the use of the Senate.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Mississippi? The Chair hears none, and it is so ordered.

Mr. BURTON. Mr. President, I must admit some surprise at the insistence that the duties in this paragraph be lowered. If there is any one item in the iron and steel schedule—in fact, I may say in the whole bill—in reference to which we should proceed with care in lowering the rate, it is this.

I want to call attention to a fundamental fact which seems to have been overlooked by some in this discussion. There is a difference between iron and steel. This paragraph pertains to iron bars. They are in sharp competition with steel bars. The amount of labor required for the iron bar is, perhaps, four times as great as for the steel bar. The steel bar is rapidly displacing the iron bar, it is true, but nevertheless the manufacture of the articles included in this paragraph is still an important item of business. It employs a great many people. The puddler, who at one time was one of the best known of the iron workers, is engaged in the manufacture of the iron bar.

It has already been said that the steel corporation does not manufacture this article. It manufactures the steel bars. I have received numerous letters from independent and small manufacturers, stating that there should be a discrimination in favor of the iron bar; that the duty upon it should be somewhat larger. There is a manifest reason for that, because more and more the manufacture of the steel bar is accomplished by the use of machinery.

Attention has been called to a general fact in this discussion, and that is the comparatively light importations of steel and iron. Anyone familiar with these trades knows it to be a fact that, save in certain forms of iron and steel, what may be called "fancy articles," those of a higher grade, used for distinctive purposes, such as the Swedish iron, the foreign producer has virtually abandoned the American market in recent years. That does not mean that when the prices of iron and steel are high here a supply will not come in from abroad. But the general fact is very similar to that which exists when a boat between two places is taken off because the traffic has become so small that the route is abandoned. But with a substantial reduction in these duties it is evident that the manufacturers of Germany, France, and England will again give attention to this market; and if it be profitable, by discriminating freight rates, by rebates among syndicates, and by lower cost of labor, to make a large inroad into the American market, the attempt will no doubt be made.

The reductions throughout this schedule are very substantial. But there is a point beyond which we should go only with caution, and it is particularly true of this paragraph. Where so large a share of the cost depends upon labor, and so much less advance having been made in the use of machinery, a reduction here, such as is made in the report of the Finance Committee, one-tenth of a cent per pound upon one form and two-tenths of a cent upon another, would seem ample to meet the demand for a revision in the tariff and for a revision downward.

Mr. STONE. Mr. President, the junior Senator from Pennsylvania [Mr. OLIVER], in reply to some observations of the Senator from Georgia [Mr. BACON] relating to a famous letter written by Mr. Schwab, said that Mr. Schwab had since stated that that letter was attributable to youthful exuberance and inexperience. I hold in my hand a clipping from the New York Sun, of March 28 last, which I offer as a contribution to this literature. I can not, of course, vouch for the authenticity of this writing, which purports to be an interview with Mr. Schwab, telegraphed from Chicago. But it appears in a first-class paper and goes out under its authority. I feel warranted, therefore, in presenting it, and I ask the Secretary to read it.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

SCHWAB NOT ALARMED—STEEL, HE SAYS, CAN STAND ANY CUT THE TARIFF REVISERS MAY MAKE.

CHICAGO, *March 27.*

"Cut the tariff on steel or anything else all you please. American labor can stand it. I don't care," said Charles M. Schwab to-day at the Auditorium Annex.

"I believe in a reduction. I feel just as Andrew Carnegie does on that matter. In my estimation American steel can stand all cuts in tariff that are made. American labor can make the best steel in the world, and with it we can compete with the world.

"I know nothing about other lines—that is, technically— but I have enough confidence in American labor to believe that cuts can be made in them without hurting business.

"I have been in contact with labor of all kinds for years, and I know what it can do. I know that American laborers can produce more steel in a given time than any other workmen in the world. I know that they can put out better steel than any others.

"We can compete with any other country. We have nothing to fear by a cut in tariff, because we have the best goods. It is true that we have to pay our workmen most; you always have to pay the most skillful workmen the highest wages.

"The Americans are the best workmen on earth. The highest paid labor is the cheapest to the employer. The man that understands his work thoroughly and executes it without mistakes is the man that makes money for his employer.

"The man that is employed at a cheap wage and goes slowly and makes blunders produces cheaper steel or any other goods and can not compete with the man that thoroughly understands his business and produces good material."

Mr. Schwab looked the picture of health, despite recent reports of his illness.

Mr. NELSON. Mr. President, while I am aware of the fact, in view of what has transpired in the Senate, that it may be love's labor lost to say anything on this subject, yet in reference to paragraph 117, and that is connected with 118, I beg leave to call the attention of the Senate to certain facts which we have in the testimony in this case upon which we can stand. If I understood, although I could not catch the Senator's remarks correctly, the junior Senator from Pennsylvania [Mr. OLIVER] contended that there was this difference between the cost of production here and abroad; that it was all owing to the cost of labor.

Now, fortunately on that point we have some definite testimony. I call attention on this question to the testimony of J. H. Nutt, found on page 1521 of the House hearings. Mr. Nutt came here on behalf of the Western Bar Iron Association. He gives in his testimony the cost of production of bar iron in England, citing three places—in the Northumberland district $2.25 a ton, in the west of Scotland district $2.43 a ton, and in the Midlands district $2.31 a ton—and he averages the three at $2.33 a ton to produce bar iron in England.

On the next page, 1522, he states the cost of doing the work here, as against the work in England, and this is the labor cost I refer to, and he states it is from $6.50 to $6.62½ per ton.

This makes a difference, taking his own figures. If you take $6.50 as the labor cost a ton in this country and $2.33 as the average cost in England, it makes a difference of $4.17 a ton. That is the difference, according to Mr. Nutt's testimony, be-

tween the cost of labor in England and the cost of labor here. In paragraph 117 the duty levied by the Senate committee's bill is three-tenths of 1 cent a pound; in other words, $6 a ton, to make up for the difference of $4 in labor cost, or an increase of between 45 and 50 per cent over the difference in the labor cost in Europe and here.

Mr. BURTON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from Ohio?

Mr. NELSON. Certainly.

Mr. BURTON. I would call the attention of the Senator from Minnesota to the fact that those wages are merely for puddling, which is but a part of the work of making bar iron.

Mr. NELSON. That is the work of making that kind of iron, and the difference in the labor cost would continue to be the same throughout.

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Minnesota yield to the Senator from Pennsylvania?

Mr. NELSON. Certainly. I am always glad to get information from first hand.

Mr. OLIVER. I wish to emphasize what the Senator from Ohio has said and to which the Senator from Minnesota appears to have paid no attention. The difference of four dollars and odd cents per ton alluded to by the Senator from Minnesota is simply the difference in the labor of one man among the army of men engaged in this manufacture. Around those mills there are probably 100 men, and the puddler is only one man out of the hundred. Still the difference amounts to two-thirds of the difference in the proposed duty upon the bar.

Mr. LA FOLLETTE. Mr. President, I should be very glad indeed if some one entirely familiar with this paragraph would furnish the Senate with the exact difference in the cost of producing in this country and in competing foreign countries the articles covered by the paragraph and embraced within the amendment of the Senator from Iowa. It seems to me that either the Finance Committee or some of the Senators upon this floor who appear to have considerable familiarity with this subject ought to be able to furnish that information. I have waited for some time to see if it would not be forthcoming. I have been disappointed in this expectation, as I have in this respect with most of the discussion up to the present time.

I have been, sir, as diligent a reader as it was possible for me to be of the testimony and all the printed matter that has been furnished to the Senate. Occasionally one may dig out of this mass of material something that helps somewhat toward a conclusion. From such investigation as I have been able to make I believe that in all this testimony it will not be possible for anybody to furnish—and certainly up to the present time no member of the Finance Committee has furnished—to the Senate any of the information necessary to an ascertainment of the difference in the cost of production between this and the competing foreign country.

It has not been forthcoming. It will not be forthcoming, I apprehend, Mr. President. We may approximate to it, but the specific information which the Senate ought to have to make a tariff bill in conformity with the pledge made by the Republican national convention has not yet been presented. I say that occasionally you will find in this testimony some information that helps along a bit, but it is never conclusive or entirely satisfactory.

For my own part, Mr. President, I want to give to every industry in this country that protection which is necessary to measure the difference in the cost of production between this and the competing foreign country. I should qualify that somewhat in the case of producers who are clearly demonstrated to be in combination to destroy competition. But I know enough, if I do not know much about this subject, to know that the manufacturers who appeared before the Ways and Means Committee of the House and before the Finance Committee of the Senate usually asked for all the protection they needed.

I find with respect to bar iron—not bar steel, but bar iron—that the president of an association of manufacturers which had its meeting in New York on the 23d of November, preparatory to presenting their case before the Ways and Means Committee, selected Mr. James Lord to make that presentation. Mr. Lord, on the 3d day of December, transmitted to the Committee on Ways and Means, after having previously appeared in person before that committee, a statement of the wishes of the manufacturers of bar iron with respect to the duty. Prior to addressing the committee he had communicated with some 30 of the manufacturers of bar iron, all of them excepting those upon the Pacific coast, whom he had not had time to reach. And he states that while they would prefer to have existing rates continued because of the disturbance to business incident to any change, nevertheless 25 out of the 30 manufacturers, representing a great majority of the tonnage produced in the United States, wanted to be counted for a duty of five-tenths of a cent a pound, precisely the amount fixed in the amendment offered by the Senator from Iowa.

Why the Ways and Means Committee increased that duty beyond the amount asked for by the representatives of these manufacturers with respect to bar iron I do not know. I have not been able to find anything in the testimony taken by the House committee to warrant that increase. But I do find right in this communication of the president of these manufacturers a reason for a much less duty than five-tenths of a cent a pound upon bar iron. He says in this statement that the wages paid abroad in the production of a ton of bar iron is a little less than one-half the wages paid in this country. A Senator on this floor only a few moments ago informed me that one puddler could make a ton of bar iron a day. He told me that the wages paid to that puddler would be $6.

Mr. OLIVER. Mr. President——

Mr. LA FOLLETTE. I am taking the statement of a Senator on this floor for that fact.

Mr. OLIVER. I do not know whether I was the man or not.

Mr. LA FOLLETTE. Oh, no.

Mr. OLIVER. I meant to say $6.50.

Mr. LA FOLLETTE. I did not refer to the Senator from Pennsylvania.

Mr. OLIVER. I thought the Senator would want to know, and I told him.

Mr. LA FOLLETTE. The communication was voluntarily made to me by another Senator. But put it at $6.50. The wage cost, the labor cost, entering into a ton of this product is not more than double in this country, or very little more than double, the amount paid in England.

Now, why should we put a $12 duty on a unit of product into which there enters but little more than $6 of labor? The measure of a fair protective duty is not the total labor cost in this country, but the difference between the labor cost in the two countries. We have great advantages outside of the wage cost, as every man knows who has made an investigation of this subject. We have great advantages over any competitor in the world—advantages in the improved machinery, in the advanced processes, in the specialization of labor, in all that makes for higher efficiency and that cheapens production in any great industrial operation. We have a great advantage over any country in the world. In the matter of wages——

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I do.

Mr. OLIVER. The Senator's remarks would perhaps be applicable if applied to the steel business, but I want to say right here, and I speak from knowledge, that so far as the iron business is concerned as distinguished from the steel business—that is, the art or the process of taking pig iron and converting it into what is known as "bar iron and its products"—the industry has advanced scarcely anything in the last forty years, and that is because it depends so much upon hand labor. In producing iron the iron has to be manipulated by a man. In producing steel it is manipulated by machinery.

The Senator talks without knowledge of the subject upon which he is speaking when he talks about great improvements that have occurred in machinery and in the development of the iron and applying them to the manufacture of puddled iron.

Mr. LA FOLLETTE. Mr. President, I confess, of course, to a lack of practical experience in this business. I have not any interest in and never have had any connection with it.

Mr. OLIVER. I want to say that neither have I, not a dollar in this business, or in any other enterprise applied to the business.

Mr. LA FOLLETTE. I am very glad to have that announcement from the Senator.

Mr. OLIVER. I formerly had.

Mr. LA FOLLETTE. I have no interest in this business further than trying to get the truth in respect to it. I have no knowledge derived from practical connection with the business. But if the Senator from Pennsylvania is right about there never having been any improvement in making bar iron from pig iron in forty years, let it stand at that. The same would be likewise true of any other country. I must say that I very much doubt that no improvements have been made in the processes, and I very much doubt if bar iron is made entirely by hand labor. I may be wrong about it.

Mr. OLIVER. I think you are.

Mr. LA FOLLETTE. But if I am wrong about it, Mr. President, putting it upon a hand-labor basis, neither the Senator

from Pennsylvania nor any other Senator need tell me that the efficiency of the American workman does not surpass the efficiency of any other workman on the face of the earth, and if it is simply and solely a question of making this article for market and making it all by hand, there is no justification for a duty of five-tenths of a cent a pound, or indeed of more than three-tenths of a cent a pound, to afford full protection for the difference in the cost of production. The representative of these interests who appeared before the House committee gives the cost of the refined bar iron of commerce in this country at from $1.35 to $1.50 per hundred pounds. That would be, taking the $1.50 rate, about $30 a ton. Put it at $30 a ton. He states in the same communication that the price of refined bar iron in England, November 1, was $29.84 a ton.

Now, there you have it. There is the selling price of this product in England almost matching the selling price of the product in this country.

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Pennsylvania?

Mr. LA FOLLETTE. I do.

Mr. OLIVER. I again call the attention of the Senator to the fact that Mr. Nutt stated $1.32 to $1.50.

Mr. LA FOLLETTE. I said $1.35 to $1.50.

Mr. OLIVER. At $1.35 it would be $27 a net ton, not a gross ton, and $1.50 would be very considerably more.

Mr. LA FOLLETTE. About $30.

Mr. OLIVER. A net ton. This article is gauged by the gross ton all the time.

Mr. LA FOLLETTE. Well, making an allowance for that, they have no right to claim a duty here of $12 or even $10 a ton on this product. There is no necessity for it. We can safely reduce this duty not only to what these men ask—a duty of five-tenths of a cent a pound, the exact amount named in the amendment offered by the Senator from Iowa [Mr. CUMMINS]. Indeed, sir, we can with perfect safety reduce it to three-tenths of a cent a pound.

Mr. RAYNER. I should like to ask the Senator a question. I made a little calculation here. I do not know whether I am right or not. This duty is calculated on about four times the amount of the difference between foreign and American labor.

Mr. LA FOLLETTE. I think it is.

Mr. RAYNER. It is twice the amount of the whole American labor on the product.

Mr. LA FOLLETTE. It is. Perhaps, as suggested, the rest is added under the guaranty of a reasonable profit. I do not know; I have not been able as yet to learn how much of the duties proposed in this bill measure the difference in the cost of production and how much is allowed as a "reasonable profit" to the domestic manufacturer.

Mr. CULBERSON. Mr. President, it has been stated by the Senator from Pennsylvania [Mr. OLIVER], and also by the Senator from Ohio [Mr. BURTON], that the United States Steel Corporation did not manufacture any iron, as described in paragraph 118 of the bill which we are now considering. Apparently that matter is regarded as important. I therefore invite the attention of those Senators to the statement on page 28 of the seventh annual report of the United States Steel Corporation for the year ending December 31, 1908. Before calling specific attention to it, I will read a portion of paragraph 118:

> Round iron, in coils or rods, less than seven-sixteenths of 1 inch in diameter, and bars and shapes of rolled or hammered iron.

And so forth.

At the page I referred to a moment ago we find the following statement in this report:

> Rolled and other steel and iron products for sale.

Now, the capacity of this company to produce rolled or other steel and iron products, April 1, 1901, as stated here, was 7,719,000 tons. That was increased by the purchase of the Union and Clairton companies, 1,103,000 tons, and by the purchase of the Tennessee Iron and Coal Company, 400,000 tons, and due to additions and improvements made by the companies after their acquirement by the United States Steel Corporation of 3,678,000 tons, making the total capacity for rolled and other steel and iron products for the year 1908, 12,900,000 tons.

I do not know how important it may be as to whether or not the steel corporation manufactures any of this iron; I do not know which one of these statements may be the correct one; but I invite the attention of the Senators to whom I have referred to this at least apparently authoritative statement of the company itself.

Mr. OLIVER. Mr. President, as the Senator from Ohio [Mr. BURTON] is absent, I will say that, in response to the inquiry of the Senator from Texas, that I do not think there is a single exception to the universal statement that the United States Steel Corporation do not manufacture any puddled iron whatever. If in any of their small mills they have a few puddling furnaces, I am not aware of the fact. I am told by people connected with that corporation that they are not at all in the iron business; that they rely entirely upon the great Bessemer and open-hearth steel business for manufactured pig iron. They turn that into steel in Bessemer converted and in open-hearth furnaces. They convert that steel into various shapes and articles of manufacture and of consumption, and put it out to the world. They do not go after the small business, like the puddled-iron manufacturers do. I think there is no exception whatever to that statement. They are steel manufacturers and not iron manufacturers, so far as the finished products are concerned. They do not go beyond pig iron.

Mr. ROOT. Mr. President, I have listened with a good deal of interest and some perplexity to the remarks of the Senator from Wisconsin [Mr. LA FOLLETTE] with regard to bar iron. He seems to have found in the testimony taken before the House committee ground for believing that the duty on that product ought to be reduced, according to the statement of one witness, to five-tenths of a cent a pound, and according to his judgment upon all the testimony to three-tenths of a cent a pound. I say that I have listened to it with perplexity, because it seems to me that the duty upon bar iron, which is provided for in paragraph 117, an article regarding which the Senator from Wisconsin has been addressing us, is, under the present law, six-tenths of a cent a pound, was reduced in the House bill which has been sent to us to four-tenths of a cent a pound, and is reduced by the amendment proposed by the Finance Committee to three-tenths of a cent a pound, the lowest figure which the Senator from Wisconsin finds warrant for in the testimony.

Mr. President, I want to say a word, induced by the observations of the Senator from Wisconsin [Mr. LA FOLLETTE] regarding the duty of the Finance Committee to the Members of this Senate. We are not making a tariff bill in this body. The Constitution precludes us from the performance of any such office. The House of Representatives makes a tariff bill and sends it to the Senate. It is the privilege and the duty of the Senate to concur or refuse its concurrence and to amend or propose amendments in accordance with its judgment.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. CULBERSON. I ask the Senator from New York if the only constitutional requirement is not that the bill shall originate in the House of Representatives?

Mr. ROOT. It is; but the bill that originates in the House is, and always must be, the bill with which we deal. Upon the provisions of that bill we are bound to pass. That bill came to the Senate and it was referred to the Finance Committee. In the discussion which took place in this Chamber at about the time of the arrival of the bill, fair notice was given to the Senate that the Finance Committee did not propose to take additional testimony regarding the subject-matter of the bill. The chairman of the Finance Committee stated it to the Senate, and it was accepted by the Senate. He said to us in substance:

> The Finance Committee will consider the bill when it is referred to us upon the testimony taken before the Ways and Means Committee of the House, and such information as we can obtain informally and individually.

I say this proposed course of procedure was accepted by the Senate because no Senator arose in his place to object to it, and no Senator proposed that the Finance Committee should be called upon to take additional testimony.

The committee proceeding thus, and in accordance with the will of the Senate, has reported to the Senate the amendments which it proposes to the bill—the amendments which it thinks ought to be made to the bill—and those amendments are now before us. I submit to the fairness of the Senate that there is no duty imposed upon the Finance Committee to do our work for us in regard to any matter that has been charged upon them by the Senate. I do not ask them to furnish me with industry or application or intelligence, and I do not think that any Senator should ask it or find fault with them for not doing it. Upon all those provisions of the bill as it came from the House as to which the Finance Committee proposes no amendments the provisions stand before the Senate for concurrence or nonconcurrence, and any Senator is at liberty to move any amendment he chooses. If he sees fit to move an amendment, it is his business to bring before the Senate the facts and to substantiate the facts which, in his judgment, justify the amendment he proposes. It is not the business of the Finance Committee to foresee the amendments different Senators will propose and undertake to furnish them in advance with the facts upon which they may maintain them. So far as I have been

able to see, the Finance Committee has been ready to substantiate by facts and by appropriate arguments the amendments which it proposes; and the argument of the Senator from Wisconsin, who has just taken his seat, substantiates and demonstrates the wisdom of the amendment of the committee which is now before us, to wit, the reduction of the duty upon bar iron below the point to which the House proposed to reduce it—to three-tenths of a cent a pound, which is one-half the duty imposed by the present law.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Iowa?

Mr. ROOT. I do.

Mr. CUMMINS. I only wish to suggest to the Senator from New York that he is mistaken in supposing that paragraph 117 is now before the Senate. The Senate has already adopted that paragraph. As I understand, the question now before the Senate is upon the amendment offered by myself to a portion of the House bill with which the Finance Committee has not interfered in any way.

Mr. ROOT. May I say to the Senator from Iowa that I was addressing my remarks to a criticism upon the committee by the Senator from Wisconsin, which he supported by reading the testimony regarding the duty upon bar iron? Whatever the Senator from Iowa may have considered to be before the Senate, we had just been listening to an argument regarding bar iron and a demonstration by the Senator from Wisconsin that the duty upon bar iron ought to be precisely what the Finance Committee has proposed, coupled with a criticism of the committee that it had not presented the facts necessary to understand what the duty ought to be.

Mr. RAYNER. Mr. President, before the Senator takes his seat, will he permit me to ask him a question?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Maryland?

Mr. ROOT. Certainly.

Mr. RAYNER. I should like to ask the Senator from New York whether we can not amend every paragraph of this bill?

Mr. ROOT. If the Senator can get the votes.

Mr. RAYNER. I am not talking practically about getting the votes; but the Senator raised a quasi legal-constitutional question, and I should like the Senator to state whether or not, when this bill comes from the House of Representatives, we can not amend every paragraph and section of the bill, and thus virtually make a new bill?

Mr. ROOT. Certainly.

Mr. RAYNER. With the House of Representatives bill as the basis.

Mr. ROOT. Certainly.

Mr. RAYNER. That would be making a new bill.

Mr. ROOT. My proposition is that, when the Finance Committee report no amendment to the House provision, the House provision stands before us for action, not as if it were proposed by the Finance Committee, but as it is proposed by the House without action on the part of the Finance Committee. Therefore no responsibility is thrown upon the Finance Committee to furnish facts or arguments in respect to that particular provision.

Mr. RAYNER. But, then, Mr. President, the Senator somewhat qualifies the statement that he made before, as I caught the statement.

Mr. ROOT. Not in the least.

Mr. RAYNER. Because, in my judgment—I may be wrong about it—we can amend every paragraph and section of this bill. We can strike out every paragraph and section of this bill and make a new bill. That is the way in which I interpret section 7 of Article I of the Constitution. That section reads:

> All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

In other words, so far as concurrence with amendments or any proposition with reference to amendments is concerned, we have precisely the same right to do that with this bill as we have with any other bill that comes to us from the House of Representatives.

Mr. ROOT. Precisely; but it is always the House bill; it is never the Finance Committee bill.

Mr. RAYNER. But, Mr. President, there would be nothing but the title of the bill left in the case I suggest. If we were to strike down or amend every section of this bill, there would be nothing left but the title of the bill; and we could amend the title of the bill if we wanted to do so.

Mr. ROOT. Certainly; but it is always the House bill; and when the Finance Committee report the bill back every provision of it to which the committee proposes no amendment is the House provision, and not the Finance Committee provision.

Mr. RAYNER. But, Mr. President, if we amend every paragraph and section of the bill and amend the title of the bill, what is left of the House bill?

Mr. ROOT. Nothing; but if the Finance Committee does not report any amendment to a particular provision of the bill, then the supposition of the Senator from Maryland does not apply, and we are dealing with the House provision. To substantiate that provision, we look to the testimony taken by the House and arguments made in the House upon which the House acted.

Mr. RAYNER. But, Mr. President, that does not answer the constitutional question that we can make a new bill in this body and send that new bill back to the House of Representatives.

Mr. ROOT. Well, it serves my purpose, Mr. President.

Mr. RAYNER. I know; but, then, the Senator was misunderstood in the first statement which he made.

Mr. ROOT. I think not. It serves my purpose. I was dealing with the question as to whether the Finance Committee is under any obligation to this Senate to furnish to us facts, figures, or arguments regarding the provisions of this bill which they did not originate and which they do not propose to amend; and upon that I say, as to all provisions which the Finance Committee do not propose to amend, the Finance Committee have no duty to this Senate; the provisions stand as provisions coming from the House of Representatives, open to amendment on the motion of any Senator upon his own responsibility and upon his own obligation to furnish facts to sustain his amendment.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Texas?

Mr. ROOT. Certainly.

Mr. CULBERSON. At the risk of interfering in the controversy between the Senator from New York and the Senator from Wisconsin, I call the attention of the former Senator to the fact that the committee propose to amend paragraph 118, which we are now considering.

Mr. ALDRICH. The committee does not propose to change the duty, however. It only proposes to change the phraseology. There is no change in the rate of duty.

Mr. McLAURIN. Mr. President, I have no criticism to make of the Committee on Finance for anything they have done. I think the committee have been very diligent in examining the bill and that the committee have been very diligent in furnishing to the Senate all the information that was accessible to the committee or that they could gain by the most diligent research; but I can not sit still and hear the proposition of the Senator from New York [Mr. ROOT] go by without any challenge at all.

As I understand, when the bill was referred to the Finance Committee it was the House bill, to be sure, as it is now, but every paragraph of that bill was referred to the Finance Committee and it was supposed that the committee would examine, and I am satisfied they did examine, every individual paragraph of the bill. If a particular paragraph was satisfactory to the committee and the committee thought that it should stand as it came from the House, for good reasons that presented themselves to the committee and controlled the judgment of the committee, it was reported to the Senate without any amendment; but if there were paragraphs that the Senate committee upon investigation concluded ought to be amended, then the committee, upon investigation and consideration and upon their judgment, reported those paragraphs with amendments, which they recommended to this body.

In my judgment, the committee had reasons for recommending that certain paragraphs should be adopted by the Senate without amendment, just as well as they had for suggesting that other paragraphs should be adopted with amendments; and those reasons were based upon the investigation and upon the information that the committee acquired by reason of that investigation. So that it is to be supposed that the committee had information with respect to all the paragraphs in this bill.

I could not permit the matter to go by without saying this much. I am satisfied that the committee have given the bill the most careful investigation and the most deliberate consideration, and have given us the benefit of all the information that they possessed; in fact, I have been sometimes astonished at the amount of information that has been acquired by the committee.

Mr. LA FOLLETTE. Mr. President, when this bill came from the House to the Senate and was referred to the Committee on Finance, it passed under their jurisdiction, with full power to make changes in every duty and in every paragraph of the bill. The reasoning by which the Senator from New York [Mr. ROOT] seeks to arrive at the conclusion that the Senate Finance Committee has no responsibility for any part of

the bill in which they make no change, after having that bill in its entirety, from its title to the last line, under consideration, I do not believe will appeal to the judgment of the Senate, and I know it will not appeal to the judgment of the country.

Is it to be assumed or to be argued that when, after full consideration of a duty proposed by the House, the Finance Committee reports that House duty back to the Senate without amendment, the committee does not thereby sanction and approve that duty? If we are to proceed upon that theory, of what meaning is it that a bill is considered by a committee and reported back to us with the recommendation of the committee that the bill pass as reported, both its amended and unamended provisions?

Mr. President, it is well understood how legislation proceeds in the Senate and who has the responsibility for it. No hair-splitting argument will relieve any committee of this body or will relieve those who control the appointment of the committees of their responsibility for the legislation of this body. This bill came here and went to the Committee on Finance. No man on this floor had it in his power to make a suggestion with respect to it. No man had any control over it whatever. The Finance Committee took it into their committee room. It is fair to say to the Senator from New York, if he does not know it—and if he does not know it, he is probably the only Senator on this floor who is not aware of it and was not aware of it—that the Senate Finance Committee was at work upon a bill prior to the time this bill passed the House. It was the talk on this floor for weeks that they were considering and preparing a bill, schedule by schedule. You may make your fine-spun arguments with respect to the letter of the Constitution, but things are done in the Senate according to the method prescribed by those who manage the Senate.

I say that this tariff bill went to the Committee on Finance. They had full power and control over it. They made their organization for conducting their investigation as they saw fit. They took testimony, and, according to the statement made by the Senator from Rhode Island [Mr. ALDRICH] on this floor, some of that testimony—so much of it as suited their purpose—they had reduced to writing by stenographers who had been detailed for that purpose from the departments. It was considered important, Mr. President, for the Senate Finance Committee to give hearings to some people who came here; it was considered important before the report of this bill that they should take what is called "testimony." If they took it with respect to some paragraphs and made a modification of those paragraphs, but made no modification of some other paragraph, it is fair to assume that upon investigation they determined that the paragraph which they did not change was right as it stood. I think the Senate has a right to proceed upon that theory and that this committee are as responsible for a paragraph in this bill or a rate in this bill that they do not change as they are for a rate that they do change. They have, by reporting the bill, approved the whole bill.

Now, Mr. President, if they are so responsible, if that reasoning has practical common sense to support it, then, if they have reasons for making changes in any portion of this bill or for recommending the passage of some portions of it without amendment, those reasons should be furnished to this body. The Senator from New York may be well satisfied with the reasons that have been furnished in the course of the argument; he may be well satisfied with the statement made by the chairman of the Finance Committee when he brought before the Senate this bill—a great bill to revise the tariff schedules affecting 90,000,000 people; a revision for which the people of this country have made urgent demand for years; a revision in which the people of the country are deeply interested in every part and paragraph affecting their daily living expense.

The statement made by the chairman of the Finance Committee related wholly and solely to the revenue features of the bill. I doubt, sir, if ever before in this body—I am sure that never in any other legislative body—did the chairman of a committee reporting out a great tariff measure content himself with a fifteen or twenty minute statement with respect to the revenues alone and the effect of the bill upon the revenues, and with no report whatever accompanying the bill from the committee.

What is it that satisfies the Senator from New York? Schedules are taken up here, rates upon important items entering into the consumption of the people of this country are advanced, with no man rising here to give any reason for the advance, no reason for the advance to be found in any report made by the committee, no reason for the advance to be found in any statement printed by the committee or furnished by the committee to the Senate, and no reason given on this floor for it. It strikes me that the Senator from New York is pretty easily satisfied if he can content himself with these advances in rates without any argument or any reason or any fact being furnished for them. I am confident that the people of this country will not be satisfied in that way, and, for my own part, I am not.

I say that when the Finance Committee and the committee of the other House took up in due course the investigation of this subject, they took it up under a weight of responsibility that has not rested upon any committee charged with the revision of the tariff, at least since the days of the civil war.

Mr. RAYNER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maryland?

Mr. LA FOLLETTE. Certainly.

Mr. RAYNER. Is there any doubt at all in the Senator's mind that the Finance Committee has accepted every paragraph of this bill as it came from the House that is unamended?

Mr. LA FOLLETTE. I can not conceive——

Mr. RAYNER. Neither can I.

Mr. LA FOLLETTE. That is possible. If they have got some system here under this provision of the Constitution or any other provision which relieves a committee of this body of its responsibility for the provisions of a bill which it reports for passage because the bill originates, and must originate under the Constitution, in the other branch of Congress, I think it is a new constitutional discovery to the Members of the Senate and, I believe, to the country.

Mr. RAYNER. It is to me, Mr. President; but what I want to ask the Senator is this: As I understand, when this bill came from the House of Representatives, the Finance Committee took it up. They accepted certain provisions in this bill and amended other provisions in the bill. The amendments are before us; but the paragraphs that they have not amended have been absolutely accepted by the Finance Committee and so reported to the Senate. Is not that the Senator's contention? It seems to me to be an unanswerable proposition.

Mr. LA FOLLETTE. It seems to me that it can not be gainsaid that every single line and paragraph of this bill that has not been changed has the sanction and approval of the committee upon it, and they are charged with exactly the same responsibility for one of those provisions as they are for any change they have made, and I think they ought to be prepared to stand here and inform the Senate as fully with respect to a House provision which they have approved as with respect to an amendment which they recommend, for it is fair to assume that they have investigated this whole bill and that they know as much about the provisions which they have not changed as they do about the provisions which they have changed.

Mr. President, I took the platform resolution adopted at Chicago to mean something. I understood it to mean that if the Republican party was charged with the responsibility of doing this business it would do it according to the terms laid down in that platform; that it would revise the tariff, measuring to the producers of this country that standard of duty which would put them on a level with the producers of foreign and competing countries. That resolution contained a provision with respect to guaranteeing profits, which I think had no business there, which I think was crowding the old Republican party too hard. You can analyze the provisions of the platforms of the Republican party since 1860, and you will find only one instance when anything suggestive of that idea was incorporated in the platform.

I, perhaps, ought not to take a moment to speak of that, but I am just going to say this in passing: I believe that those who were instrumental in putting that provision into the Republican platform will regret it. If you are going to measure out reasonable profits, then you have to know every fact with respect to the conduct of that business, and these gentlemen will have to come before the committees which make tariff bills and unbosom themselves with respect to the cost of production and with respect to their profits.

It was suggested by the chairman of the Finance Committee, in response to a question which I asked at an earlier stage——

Mr. DICK. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Not now; I will yield later.

At an earlier stage of the proceedings here he said, with respect to one duty which had been proposed, that it was proposed with the purpose of allowing the American manufacturers a protection to equal not only the difference in the cost of production, but a reasonable profit besides. No bit of information has ever been furnished to the Senate which would enable it to know how these duties have been determined—whether they are intended to equal the difference in the cost of production and

something more, or whether they have taken simply a blind guess at what should be fixed and based it upon the application of the men who wanted the duty.

I think the statements made by the chairman of the Finance Committee, over and over again on this floor, that he gave heed to the testimony of manufacturers who are maintaining industries in this country, and, practically, that he did not heed the testimony of anyone who appeared upon the other side, because they were seeking to destroy the industries of this country, give support to the belief that these duties have been fixed generally about as suggested by the gentlemen who are to be the beneficiaries. If that is the sort of tariff making which is satisfactory to the Senator from New York, I again say I do not believe it is to a majority of the Senators on this floor, and I know it is not to the country.

Mr. GALLINGER. Mr. President, during my term of service in this body I have never witnessed anything like what has occurred in this debate during the past month. The flood of denunciation that has been poured out against the committee which has had charge of this bill, and especially against the distinguished chairman of the committee, I think is unparalleled in our recent history. It may serve the purpose of some Members of this body to indulge in that kind of vituperation, but I submit it is not serving the interests of the people of the United States, and it is not doing any good so far as this body is concerned.

I have been astounded, Mr. President, that the Senator from Rhode Island has been able so to conduct himself as to treat with kindness, courtesy, and patience the attacks which have been made upon him. He has a better temper, a better disposition, than some of us have or he would have struck back in different fashion from what he has.

Mr. President, the Senator from New York was right in his contention. Under the Constitution of the United States the House of Representatives made this bill. It comes here for our consideration, and it is our privilege to amend it as much as we please. But it remains always a House bill. That is never changed. After we have passed it it goes into conference. When it emerges from conference it is the bill of the House of Representatives and not a Senate bill; and I submit, Mr. President, that it is our duty in good temper, with courtesy toward each other, to proceed to consider this bill precisely as we are in the habit of considering appropriation bills that come to us from the other House.

I recall, Mr. President, that during the last session an appropriation bill came into my possession. I suggested to the committee 383 amendments which were made to that bill; but it was the House bill. It went to conference. A number of those amendments were agreed to, and a number of them were not agreed to; but when it was reported back to the two Houses it was the House bill. So I say the Senator from New York is right so far as the Constitution is concerned, and he is right as to the proper procedure in this body in the consideration of the measure now before us.

But, Mr. President, I wish to occupy a few minutes of the time of the Senate on another matter. I am not taking much time in this debate, but I wish to call attention to one thing which has been insisted upon here over and over again and that has gone out to the country without being challenged. I recall the circumstance that the distinguished senior Senator from Georgia [Mr. BACON] in a very fervid address charged that the duties levied upon the consumers of the United States under this tariff bill would amount to at least two thousand million dollars; that is, that the duties under this bill would be added to the cost of the articles that the consumers of this country had to buy. If I understood the paper aright that was read at the desk a little while ago and ordered to be printed as a Senate document submitted by the honorable Senator from Mississippi [Mr. MONEY], the same accusation was made—that the duties levied upon these steel products were added to the cost of the articles to the consumers of the United States.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Georgia?

Mr. GALLINGER. Certainly.

Mr. BACON. I desire to state, with the permission of the honorable Senator, that that particular statement I not only once, but two or three times, disavowed. It was first suggested by the Senator from Montana, in a colloquy which I had with him two or three days preceding the day when I had the honor to address the Senate, and then I stated that while that was true in some instances, nobody would claim it was true in all instances, and gave the reason.

There is an admitted consumption of over thirteen thousand million dollars a year of domestic products in the United States; and if the duty were in each instance added to the cost of the article, it would amount, instead of two thousand million dollars, to some six or seven thousand million dollars.

Mr. GALLINGER. That is a fatal "if" the Senator has put in his argument.

Mr. BACON. I understood the Senator to say that that was my contention. I was endeavoring to express the thought that it could not be my contention, because if such were my contention, I would not limit the suggestion to two thousand millions, but I would necessarily be carried to six or seven thousand million dollars. In other words——

Mr. GALLINGER. The Senator, I think, the other day put it as high as ten or more thousand million dollars.

Mr. BACON. No; I did not.

Mr. GALLINGER. I think the RECORD will show that——

Mr. BACON. No; it will not.

Mr. GALLINGER. Unless it has been changed.

Mr. BACON. I beg the Senator's pardon. On the contrary, when the learned Senator from Rhode Island sought with a great deal of persistency to make me say even three thousand million dollars—he first started at four thousand million dollars—he said I had said four thousand million dollars, which I denied; then, coming down, he insisted that I should admit that it would be as much as three thousand million dollars, and I declined to do that; and the most I would say to the Senator was two thousand million dollars, more or less; and that I hoped that that would satisfy him.

Mr. GALLINGER. Two thousand millions, more or less?

Mr. BACON. I did go on to say that if the estimate made by some of 10 to 1 instead of 7 to 1 was correct, it would be in the neighborhood of three thousand million dollars.

Mr. GALLINGER. The Senator's speech, which has gone out to the country, stated that at least two thousand million dollars was added to the consumers of this country, because of the tariff bill. There is no question about that, and the Senator, in the exuberance of his imagination, said it might be ten thousand million dollars.

Mr. BACON. No.

Mr. GALLINGER. But take seven thousand million dollars, which the Senator now admits he may have suggested.

Mr. BACON. Never. I never suggested either one—either now or then.

Mr. GALLINGER. The Senator's memory is a little at fault.

Mr. BACON. I am willing to appeal to the original notes of the stenographer.

Mr. GALLINGER. I asked the Senator the other day if he would not deduct something from his statement, at least the amount we would collect under a revenue tariff, and he admitted he would, and he made a computation as to how much that would be.

Mr. President, there never was a greater fallacy on earth than the fallacy stated on this floor; and that was stated, if I understood it correctly, in the article the Senator from Mississippi sent to the desk, that the tariff rates are added to the cost of the article to the consumer. It is a very old fallacy. It has been exploded over and over again, and I confess that I have thought it hardly worth while to dispute it during this debate. For that reason I have not made any suggestion about it until this moment.

Mr. BACON. If the Senator will pardon me, I will suggest that he is setting up a very muscular man of straw and knocking him down with great facility——

Mr. GALLINGER. I do not agree——

Mr. BACON (continuing). Because I have not made any such statement.

Mr. GALLINGER. What did the Senator say?

Mr. BACON. The Senator from Georgia said that the estimate of 7 to 1 would make it, on the basis of $300,000,000 tariff, $2,000,000,000 of excess in the increased price of domestic products.

Mr. GALLINGER. Yes; and does the Senator accept that?

Mr. BACON. The Senator from Georgia further said, in response to a suggestion made by the Senator from Montana on one day, I think possibly by the Senator from New Hampshire on another day, that it was the contention of some that the tariff rate was added to the cost; that that was not his contention, because if it were his contention, he would have to raise the figure from $2,000,000,000, according to the rate of tariff, to some six or seven thousand million dollars, which he did not do.

Mr. GALLINGER. Will the Senator state how much he really thinks the duties do increase the cost to the American consumer?

Mr. BACON. I have stated several times, and I will repeat it, with great pleasure, that according to the estimates, which I

think are reliable, in the case of a protective tariff—of course it must be of that character to do it; one which largely bars importations and which largely limits the consumers to the use of domestic products; almost entirely so—that $7 for every dollar of revenue is a conservative estimate, and those who have figured upon it and made the estimates—very much more expert in such matters than I can claim to be—range from about 5 to 1 to about as high as 10 to 1. I took less than the average, and put it at 7, and with the average at 7 the increased cost of domestic products to the consumers of the United States according to that would be at least two thousand million dollars a year; and if the Senator will figure out what that is in each State, he will find it quite a gigantic sum for the people of each State.

Mr. GALLINGER. That is a very satisfactory answer, and it seems to me to be what the Senator a moment ago denied that he had said.

Mr. BACON. I am exceedingly unfortunate in my power of expression if that is true.

Mr. TILLMAN. Mr. President——

Mr. GALLINGER. I will proceed.

Mr. TILLMAN. Mr. President——

Mr. GALLINGER. I yield to the Senator from South Carolina.

Mr. TILLMAN. Without undertaking to explain exactly how or why it should be charged up to the tariff, I will simply call the attention of the Senator to the fact that some days ago the Senator from West Virginia [Mr. SCOTT] gave a very interesting exhibit of glass. He said that while the manufacturer would sell those pitchers at 90 cents a dozen, somebody, some malefactor somewhere, was charging the poor people, the consumers, 25 cents or a dollar apiece for them. They varied in price from $3 a dozen to a dollar apiece. How did that hocus-pocus come about if it was not due to the tariff?

Mr. GALLINGER. I will say to the Senator that, in my judgment, the tariff had nothing more to do with that than any other impossible thing that the Senator can conceive of. The fact is it was shown that under a high tariff we are making in this country pitchers selling at 90 cents a dozen, and before we had a tariff, and when we were being supplied with pitchers from abroad, we were paying six or eight or ten times as much as we are paying for them now.

Mr. TILLMAN. I will leave the Senator to wrestle with that problem.

Mr. GALLINGER. It does not need any wrestling with. It speaks for itself.

Mr. TILLMAN. I call the attention of the Senator to the fact that the Senator from Montana this morning wanted to explain the duty on round iron, that we are discussing now, by saying it was due to the fact that we had to add the duty of $2.50 a ton on pig iron.

Mr. GALLINGER. That had to be taken into consideration.

Mr. TILLMAN. It is one of the burdens which the consumer has to carry.

Mr. GALLINGER. It has to be taken into consideration in reaching the differential.

Mr. TILLMAN. The differential is there always against the consumer, and the poor tariff baron, or whatever he may be, gets off scot-free upon the plea of the Senator from West Virginia that he is manufacturing pitchers at 90 cents a dozen; but somehow the other people have to pay $3 a dozen for them.

Mr. GALLINGER. Notwithstanding the Senator's jocularity, the Senator from West Virginia did demonstrate that we are manufacturing in this country at the present time glass pitchers, 2 quarts in size, for 90 cents a dozen.

Mr. TILLMAN. Mind you, I do not want to be offensive to the Senator from West Virginia, and I do not intend this as at all applying to him, but I must express my own belief that the Senator from Maryland [Mr. RAYNER] is very nearly correct when he says there is an awful lot of lying being done about this business.

The Senator from West Virginia did not himself produce those pitchers. He had to take somebody's word for it. He says he does not make that kind of glass, but the finer, the better glass—wineglasses, champagne glasses, cut glass, and all that sort of stuff. But I say right here and now that I do not believe any pitchers can be manufactured in the United States at 90 cents per dozen which are sold to the people for $3 a dozen, because there is not, even in the consciences of our friends on the other side, a desire for such an inordinate profit as that.

Mr. GALLINGER. The statement made by the Senator from Maryland, to which the Senator from South Carolina alludes, was not original with him. There is higher authority than this body can produce for the statement that all men are liars, and it is very possible there has been some lying done about this tariff bill. I take it for granted it has not all been done on one side.

But I am going to proceed. I am going to detain the Senate just long enough to give a couple of illustrations. I presume they are familiar to a great many Senators, and I suppose some Senators will dispute their accuracy. But notwithstanding that, they are taken from official figures. There was a very distinguished man in the other House before my advent to that body, a very distinguished Democrat. He was a protectionist—Mr. Randall, of Pennsylvania—and in 1883 Mr. Randall, in a speech in the House, demonstrated that steel rails cost in this country $30.03 a ton at that time, and I presume Mr. Randall was correct in the figures he then presented.

Mr. President, the tariff on steel rails at that time was $17 a ton. So if the tariff rates are to be added to the cost of the article, those steel rails ought to have cost $47 a ton, but the fact is that at that time steel rails were selling in this country at $35 a ton. So it is absurd to talk about the duty being added to the product. A little while before that——

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Oklahoma?

Mr. GALLINGER. I think I will proceed. I want to get through, so as to expedite the consideration of the bill.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. The Senator from New Hampshire prefers not to yield at present.

Mr. GORE. I want to ask——

The VICE-PRESIDENT. But the Senator from New Hampshire prefers not to yield.

Mr. GALLINGER. Let the Senator ask his question. The Senator is always polite. Let him ask his question.

The VICE-PRESIDENT. The Senator from New Hampshire yields to the Senator from Oklahoma.

Mr. GORE. I want to get the Senator's theory. He says it is claimed that the duty is added to the domestic price. My understanding has been that the contention on this side, and of tariff-for-revenue people, is that the duty ought to be added to the foreign price in order to reach a conclusion; in other words, that in this country steel rails sell at the foreign price plus the duty plus the freight. To make it concrete, I understand they sell now for about $28, or did until recently, whereas they are sold in foreign countries for $20—our rails competing with the English rail at nineteen or twenty dollars plus the duty of $7, which brought it up to $28. The $7 was not added to the domestic, but to the foreign, cost.

Mr. GALLINGER. That illustrates the fallacy of the argument that is being forced upon us here to-day. The Senator from Oklahoma says that steel rails are selling in foreign countries at $20 per ton.

Mr. GORE. About that.

Mr. GALLINGER. And the truth is that statistics show that they are made in Great Britain at $28, and there is no question about that. So they are not selling at $20 a ton if it costs $28 a ton to manufacture them.

Mr. President, let us go back a little in the history of steel rails. It is within the memory of some gentlemen sitting in this Chamber when we were paying $150 a ton for steel rails, but at that time we were entirely dependent upon foreigners to supply us with steel rails.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield further?

Mr. GALLINGER. I think I will yield just once more.

Mr. GORE. If steel rails cost $28 a ton in England, and they are being produced and sold in this country at $28, and if the duty is merely to cover the difference between the cost of production, why have any duty at all?

Mr. GALLINGER. I had remarked that it is within the memory of some gentlemen in this Chamber when we were paying in this country $150 a ton for steel rails.

Mr. DEPEW. One hundred and seventy dollars.

Mr. GALLINGER. Yes; I recall that we were paying $170 a ton; and it is still fresh in the minds of some men younger than I am when we were paying $60, $70, and $80 for steel rails. But that was before we put a tariff of $27 on steel rails; and when we put the duty of $27 a ton on steel rails, and when Mr. Randall said they cost $30.03 to make, they were sold in our market for $35 a ton.

I want to make another illustration. I heard the words "wire nails" in the article read from the desk. That is an interesting theme for protectionists. In 1882 there were made in this country just 50,000 kegs of wire nails. We were dependent upon foreign markets for all of our wire nails except

the 50,000 kegs which were manufactured in this country, and the price for wire nails at that time was 8.35 cents per pound. We imposed a duty of 4 cents a pound on wire nails, the duty at that time being 1 cent. Under the duty of 1 cent we were able to make only 50,000 kegs of wire nails in the United States, and we had to buy from foreigners at 8.35 cents a pound all the wire nails we consumed except the 50,000 kegs which we made. What was the result?

If the duty was to be added to the cost of those nails, the 3 cents additional duty would have made the cost 11.35 cents a pound; and yet under the McKinley tariff law, with a duty of 4 cents a pound, we manufactured in 1901, in place of 50,000 kegs, 9,803,822 kegs, and they were sold in the American market at 2.45 a pound, or less than one-third of what they cost when we were dependent upon foreign countries. So in 1901, under adequate tariff, we were making 196 times as many wire nails as we made in 1882, and they were being sold at 30 per cent of what they cost in 1882.

I want in these few minutes to get back to the protection facts on this question, and to say to the Senate and to the country, if the country chooses to know the fact, that there is not one iota of truth in the declaration being made here in season and out of season that the duties that are levied upon foreign products are added to the cost to the American consumer. In a great many instances it has resulted precisely to the contrary, because when the foreigner has the market he does with us exactly as he did in regard to steel rails and wire nails; he fixes his own price, and the American consumer of necessity must pay that price. But when the foreigner is even partially excluded from our markets and American ingenuity and American enterprise and American capital are put into our industries, and competition results, then this great and marvelous reduction in price that has come to the American people on steel rails and wire nails is an inevitable and never-failing result.

Mr. President, what I have said is not exactly germane to the question under consideration, but it is a contribution that I felt I ought to make to this discussion at some time, and I thank the Senate for listening to me for a few minutes.

Mr. ROOT obtained the floor.

Mr. TILLMAN. Will the Senator from New York allow me one minute to put in the RECORD a paragraph of Mr. Carnegie's testimony?

Mr. ROOT. Certainly.

Mr. TILLMAN. It is very brief, succinct, clear cut, Scotch, brave, and hot.

Mr. GALLINGER. Does the Senator believe him?

Mr. TILLMAN. I believe in him, because he says he is telling the truth this time.

Mr. GALLINGER. Does the Senator from Maryland believe him?

Mr. RAYNER. Not altogether.

Mr. TILLMAN. Well, I will read it, and let you all see what you think about it.

Mr. BAILEY. Mr. President, I simply want to protest against this universal distrust of everybody.

Mr. GALLINGER. I did not intend——

Mr. BAILEY. I suggest to the Senator from New Hampshire that when he made that quotation about all men being liars, he ought to have added the whole of it, "I said in my haste, all men are liars."

Mr. GALLINGER. If the Senator from South Carolina will permit me, I imagine that the Senator from Maryland said it in haste, and I did not accept it.

Mr. BAILEY. But the Senator from New Hampshire was giving to the country and to the Senate his indorsement of it. I believe there are many people in this country who, in spite of their selfish interest, will tell the truth. If there are not, then you enact tariff bills and pass all other kinds of laws to little purpose——

Mr. GALLINGER. I agree with the Senator.

Mr. BAILEY (continuing). Because a generation of liars can never maintain a free republic.

Mr. RAYNER. If the Senator from New York will allow me, I should like to say a word to the Senator from Texas.

Mr. BAILEY. I was trying to rebuke the Senator from New Hampshire.

Mr. ROOT. Mr. President, I yielded to the Senator from South Carolina.

Mr. GALLINGER. Will the Senator from South Carolina give me one word?

The VICE-PRESIDENT. The Senator from South Carolina can not grant permission. Does the Senator from New York yield to the Senator from New Hampshire?

Mr. ROOT. I think, as I chance to have control of the floor, I will try to bring the discussion of the afternoon somewhere in the neighborhood of the pending tariff bill by limiting my yielding to the Senator from South Carolina.

Mr. TILLMAN. The Senator from South Carolina had the floor snatched from him without his consent by a half dozen Senators here. I do not want to impose on the courtesy of the Senator from New York. I was just going to answer as best I could from Mr. Carnegie's testimony a statement made by the Senator from New Hampshire. Here is what Mr. Carnegie said:

> Now, Judge Gary has just read his annual report to his directors, and he shows one hundred and fifty-eight millions of profit, averaging $15.50 on every ton of steel he sold, and what do they think of that?

The VICE-PRESIDENT. The Senator from New York will proceed.

Mr. ROOT. Mr. President, I observed with regret that my friend, the Senator from Wisconsin [Mr. LA FOLLETTE], wholly lost sight of the atrocity in regard to the duty on bar iron, on which he had been addressing the Senate, and as to which he had attacked the Finance Committee of the Senate for not furnishing facts, supporting his attack by reading from the testimony before us that sustains the amendment proposed by the committee.

The Senator from Wisconsin has had a very interesting colloquy with the Senator from Maryland [Mr. RAYNER] about the responsibility for the provisions in the bill, paying as little attention to what I said about responsibility and to the real subject of my observations as he has to bar iron. The subject of the discussion was the responsibility of the Finance Committee to furnish facts to the Senate, and my proposition was that where the Finance Committee report propositions of the House bill as to which they see no occasion for amendment upon the facts which were before the House, they are under no responsibility to furnish to the Senate further and other facts. That proposition has not been touched by the gentlemen who have spoken since I took my seat, and I apprehend that it can not be.

Where the Finance Committee reports to the Senate a proposed amendment, of course they are under obligation to furnish to the Senate the reasons why they think the amendment should be made. Wherever they do not report an amendment and an individual Senator proposes an amendment, he is under obligation to lay before the Senate the facts and the reasons why he thinks the amendment should be made, and he has no right to call upon the Finance Committee to furnish him with those facts and those reasons.

So far as I have seen, Mr. President, there have been no proposals for the increase in these duties as to which the Finance Committee have not been ready to furnish the reasons for the increase. We may agree with them in regard to some of them and in regard to others we may not; with some of them I do not agree; but in every case the committee have been ready to give reasons for the amendment they have proposed.

Mr. LODGE. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from New York yield to the Senator from Massachusetts?

Mr. ROOT. Certainly.

Mr. LODGE. I understand the Senator's proposition to be, so far as the Finance Committee is concerned, that he does not consider that the Finance Committee is bound to furnish information in support of an amendment which they do not approve.

Mr. ROOT. I should think that was a reasonable proposition.

Mr. President, there is one further observation which was made by the Senator from Wisconsin in commenting upon the opening statement made by the chairman of the Finance Committee. I undertake to say, sir, that in my very humble individual judgment, and I believe in the judgment of the Senate, and while I have not had as much opportunity of testing the judgment of the people of the country as the Senator from Wisconsin in my opinion, in the judgment of the people of the United States, it would be much better for the business that we have to perform if we should all confine ourselves to simple, plain, direct business statements, like the admirable statement made by the chairman of the Finance Committee in reporting this bill, and refrain from declamation, refrain from general discussion for home consumption, and utilize our time in the transaction of business.

I join with the Senator from New Hampshire [Mr. GALLINGER] in an expression of admiration and surprise, caused by the admirable poise, self-control, and good temper of the chairman of the Finance Committee after all these months of trying and wearisome duty in our behalf, doing our work, conducting the most difficult and trying and perplexing piece of legislation for the final conclusion of which we must rely upon his leadership, if it is to be concluded at all, and subjected to constant attack and misrepresentation and fault-finding.

Mr. RAYNER. If the Senator will allow me——

Mr. ROOT. Allow me one moment, if the Senator from Maryland will permit me, and I will yield.

I want to enter a protest here against turning this discussion concerning the business interests of the United States, which ought to be dealing with questions of fact as they arise upon the reading of the bill, into a controversy for a committee or against a committee, for a chairman or against a chairman, for any purpose, even including the purpose of strengthening the gentlemen in their own home States. We have been here now more than one month since the bill was reported to the Senate, and we have not passed through one-seventh of the paragraphs which we have to discuss and upon which we have to vote. If gentlemen think that the people of the country will applaud that, in my judgment they are much mistaken.

Mr. RAYNER. Mr. President, I want to say only one word before the Senator sits down. I should like to know where there has been any attack whatever made on this side of the Chamber upon the chairman of the Finance Committee, where there has been any insinuation or intimation made against him. He has treated us all with the kindest consideration and courtesy, and throughout the whole of this debate we have recognized that. I see no foundation upon which the Senator from New York states the proposition that any attack whatever of any sort has been made against the chairman of the Finance Committee of the Senate. I have not heard one word upon this side of the Chamber conveying any such idea or intending to convey it.

Now, before I take my seat—and it will take only a moment, if the Senator will permit me—I want to call attention to the original proposition the Senator stated in reference to the bill, and I want to confront the Senator from New York with the chairman of the Finance Committee in reference to the proposition he originally stated when this discussion commenced. I read a few remarks now from the address of the Senator from Rhode Island in his opening argument here in the Senate. He said:

> There will be no attempt, however, to restrict debate upon the other side of the Chamber. There will be no attempt by me or any other member of the majority of the committee to explain in a lengthy speech the principles upon which the bill was constructed or the various provisions of its paragraphs. As these are reached in order the committee will be prepared to explain and defend their provisions.

That, Mr. President, means every one of the provisions of the bill, not only Senate committee amendments, but including every paragraph the House of Representatives sent to us. In order to sustain that construction of the Senator's address, I desire to read the remaining few lines to show that there is not the slightest doubt about my being right upon this proposition:

> Perhaps I should allude—

Said the Senator from Rhode Island—

> to a misapprehension which exists with reference to three items of the bill that were reported by the committee practically without recommendation. One is as to the provisions of the House bill on coal, putting it on the free list, with reciprocal provisions; the other is in regard to news print paper and wood pulp; and the third is in regard to hides. It is not the purpose of the committee—and when I use the word "committee," I shall always mean the majority of the committee—to try to evade responsibility with reference to these items. As soon as the requisite data can be secured by the committee, they will report amendments which they will recommend to the Senate upon each of these three items.

But, with the exception of those three items, the chairman of the Finance Committee declared himself ready to explain and defend every one of the provisions of the bill as they were reached, which necessarily means, as I have said, not only the Senate committee amendments, but every provision of the bill as it came to us from the House of Representatives.

Mr. LA FOLLETTE. Mr. President, on taking the floor before, I did not reply to the criticism that the Senator from New York made with respect to the testimony which I cited on the subject of bar iron, because I desired still further to examine the testimony and the language of the bill to see whether I had erred in applying that testimony to paragraph 118. Of course I have not, I suppose, the fortunate endowment of the Senator from New York to determine a matter of that sort at once. I have to plod somewhat with my investigations and do the best I can. I devote a good many hours of labor daily to this subject, but I am liable to err. It may be I make more mistakes than some men in this body, but I believe that I am not less industrious than other Senators.

Mr. President, even now, except for the supreme confidence with which the Senator from New York makes his statement, I am not sure that he is right. I am not sure whether the testimony offered by Mr. Lord, who represented 25 of the bar-iron manufacturers of this country, applies to one paragraph or to both. Paragraph 117 says:

> Bar iron, muck bars, square iron, rolled or hammered, comprising flats not less than 1 inch wide nor less than three-eighths of 1 inch thick, etc.

The other paragraph includes bars or shapes of rolled or hammered iron. The testimony, as I have run through it, leads me to believe that Mr. Lord was speaking, or had written his letter, with reference to all the bar-iron manufactures and all of the tariff provisions affecting bar iron. I may be wrong about that, but I made an honest endeavor to lay before the Senate a piece of testimony that did seem to me to have a bearing upon the subject that we were considering.

Now, Mr. President, I have not taken much of the time of the Senate with interrogating the chairman of the committee or any member of the committee. If I have erred in any respect, I have felt that I was remiss in not asking questions upon every item, with respect to the cost of production, the amount produced in this country, the number of producers in this country, the elements of raw material entering into the dutiable product, the cost of producing the raw material in this country as compared with the cost in the competing country, the cost of producing the finished product in this country as compared with the competing country, the element of wage cost or labor cost that enters into every product as compared with the wage cost of the competing country, and the efficiency of the labor in this country as compared with the efficiency over there.

Those are question, Mr. President, that are not to be brushed aside with any sweeping criticism with respect to declamation. We have not all the same way of speaking. I regret that I have not the finished manners of the Senator from New York. I have to speak in my plain, direct fashion. I speak earnestly because I feel earnestly when I speak, and I do not speak otherwise.

Now, Mr. President, so much for that. On this other subject, I want to refer to one thing with respect to the provisions of the House bill which the Senate Committee on Finance have not changed. We have no call here, according to this high constitutional authority which we have been so fortunate as to acquire lately, to say one word to this committee. If a paragraph is reached which has not been in any way amended, we are limited, sir, to whatever some other body, over which we had no authority, did.

I say, Mr. President, that, according to this authority, we have no right—or, at least, I have no right—to ask any questions with respect to a paragraph that the Senate Finance Committee reported back without amendment. Of course I do not expect to have accorded to me all the rights the Senator from New York assumes to exercise.

The other evening, when paragraph 97 of the glass schedule was under consideration, a paragraph which had in no way been amended by the Committee on Finance, but was just as passed by the House, he called upon those who were interested in maintaining the rates fixed in that paragraph to come forward with their explanations if they wanted to sustain the House rate. Of course, coming here with all his prestige, he may well take to himself rights that do not belong to other Senators on this floor.

Mr. President, I have talked longer this afternoon than I have since this extra session began the consideration of the tariff question. I have not said a word for "home consumption," and I say to the Senator from New York that I do not have to. I am going, however, to serve notice on him and this body that I will be the judge for myself of the share that I take in the discussion of measures before the Senate, and that I purpose to take some time on the provisions of this bill, notwithstanding the views of the Senator from New York.

Mr. MONEY. Mr. President, I do not rise particularly to defend my reputation for veracity as attacked by my friend the senior Senator from New Hampshire [Mr. GALLINGER]. I do not think it is necessary, however, to do that, but I do wish to say one word about the treatment that I understand for the first time from the Senator from New Hampshire and the junior Senator from New York [Mr. ROOT] the chairman of the Finance Committee has been subjected to during the discussion of this bill. I have not heard anybody denounce the Senator from Rhode Island, nor have I heard one word of vituperation. I will be very glad if the Senator from New Hampshire will show me a place in the RECORD where anybody has denounced the Senator from Rhode Island or vituperated him, to call for that remarkable exhibition of angelic sweetness and patience and forbearance on the part of the Senator from Rhode Island, which would not have belonged to the Senator from New Hampshire if he had been the Senator from Rhode Island and the Senator from Rhode Island had been the Senator from New Hampshire.

I have heard nothing but respect given to the Senator from Rhode Island, which he deserves. I for one, and I believe my colleagues on this side of the Chamber, sympathize with that distinguished gentleman in the great labor which he has under-

gone, the trial of patience which he must have had when conflicting interests were before him disputing the proposition in every case. I have yet to know a man on this side who has either entertained or has spoken one word to touch the sensibilities of the senior Senator from Rhode Island, either publicly or privately, as has been suggested to me by my friend from Georgia [Mr. BACON]. I think the Senator from New Hampshire rather ran away with himself when he used that language, and that he does not really mean it now since he has cooled off.

I think he will voluntarily, without any further suggestion, withdraw that language from his remarks in the RECORD, because it goes to the country. When he gets up here and makes an announcement not confirmed by facts, I hope he will withdraw the language. It puts the Senator from Rhode Island in the ridiculous attitude of having been insulted and denounced and vituperated without the courage or manhood to resent it; for the Senator from New Hampshire intimated that if he had been in his place, he would have dealt with these people very differently.

Mr. GALLINGER. I will thank the Senator to tell me what language he refers to.

Mr. MONEY. I refer to your language, when you said the Senator from Rhode Island, in charge of the bill, had been denounced and vituperated, and had shown remarkable patience in enduring these repeated insults; and you also remarked, perhaps you would not have borne them if you had been in his place.

Mr. GALLINGER. I did not use the word "insult" at all.

Mr. MONEY. I know you did not. You said "vituperated" and "denounced."

Mr. GALLINGER. I stand by that.

Mr. MONEY. Very well; I will see whether the RECORD stands by you.

Mr. GALLINGER. That is all right.

Mr. MONEY. Now, I want to disabuse the mind of my friend from New Hampshire. If he thinks anybody over here feels as he expressed toward the Senator from Rhode Island, he is mistaken. As far as I am concerned—and I believe the senior Senator from Rhode Island understands me and has understood me all the time—I deeply sympathize with him in the tremendous labor, of the most exacting nature, which he has undergone. As a result it would make a man irritable under any circumstances. I would not blame him at all if he did become so; but he has not done it, and that is very much to his credit, because the man who controls himself is greater than he who conquers a city, or words to that effect.

My distinguished friend from New York [Mr. ROOT] has delivered the Senate a lecture on how it should conduct its business and how individual Senators should conduct themselves. When he has got fairly warm in his seat and has learned a little more about the Senate he will not indulge himself in any lectures on this subject [laughter], for two reasons: First, because they are utterly ineffectual curtain lectures, and they are generally the outcome of a brand-new Member; and, in the next place, they are utterly unnecessary. He will understand, also, that the most unfortunate thing that has happened to the Senate is having a new Senator come in here to do things on "business methods." I hope that here business will be dropped and "business methods" also. In this bill I fear there has been too much of business methods. "Business methods" would not honor the Senate. We want a man, when he comes here, to drop his business methods at the door and adopt the legislative and Senatorial methods as the best way for transacting the public business. If laws are to be passed, vitally affecting the people in their purses and their rights, without that freedom of debate which has found its best refuge in this honorable body, then we may look to have a law worse even than that proposed—a hundred times worse. There will be no end to it.

I beg gentlemen to content themselves. Do not get so impatient to correct everybody else; do not give the lie broadcast until somebody else has told one; and do not talk about vituperation here until you hear it.

Now, as for the table I introduced and submitted here, I did it for the benefit of the Senate. I said that I would not vouch for it; that I believed it was correct, and I think it has the internal evidence of its correctness. But I invited the Members of this Senate to examine it and to correct it if it was not true.

As for the argument of my distinguished friend from New Hampshire [Mr. GALLINGER], I have never heard one so absolutely flimsy in my life. He denied that the tax placed upon the price of goods here is what the people pay to the manufacturer; and he undertook to tell us what the cost of production was here. The Senator from Oklahoma [Mr. GORE] endeavored to inform him that the price of the goods abroad that could be introduced here, delivered, as they are, f. o. b. for the price named in the schedules, would be the price that the people here would pay for a certain article, perhaps steel rails—I think that is what we were talking about at the time—or any other article; it does not make any difference what it may be.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from New Hampshire?

Mr. MONEY. Certainly.

Mr. GALLINGER. Does the Senator think that it would be good policy for the United States to get low-cost foreign goods and have them brought into this country, to the exclusion of goods which were being manufactured by our own people?

Mr. MONEY. Mr. President, that is not the question. It is absolutely outside of it; it is a diversion which I will not follow. I was speaking of the argument which the Senator made, and I say now that if you will take the schedule prices, as shown in the table which I have submitted, as they prevail in four different countries of Europe, and then see what the same thing is sold for here, you will have the difference which the American people pay.

I am not advocating the repeal of the duty; I am advocating a duty on everything—nothing to go free. That is what I am advocating here. But the only way you can arrive at what the consumer in this country pays is by ascertaining, if you can get it, what a similar article costs abroad and what the domestic consumer pays to the home manufacturer, which includes the tax. I have given the exact table, what amount of revenue is derived from exports into this country, and then I have given the amount which has been produced in this country, and subtracted one from the other, which shows exactly what the people would pay. Nobody can say with any accuracy that it is $2,000,000,000, or $1,000,000,000, or $40,000,000,000, so far as that is concerned. It is only an estimate according to the best authority. I would not say that it was certainly $2,000,000,000, but I believe it is about that figure. It is only information and belief, for there is no knowledge about it; but certainly you can not accept the proposition laid down by the Senator from New Hampshire.

Mr. President, the table which I submitted to-day was simply upon two schedules, and not all of those two; but it does show conclusively what the people of this country, in my opinion—it may be in error in detail somewhat, but it is approximately correct—it does show what revenue is collected by the Government—that is, the taxes paid by the consumers of the United States. It also shows the amount paid by the consumer to the protected interests, whatever they may be, on those two schedules.

I shall go through more of these items before this debate closes, but I do not intend to present a table here unless it is most carefully prepared by the very best authority; and I shall not vouch for anything that I present, unless I believe it to be true. I have challenged this whole Senate to find fault with that table, and I will ask my friend from New Hampshire to give it his critical attention. He can then come into the Senate and say whether or not he can prove to the contrary of what it asserts.

Mr. President, we do not want any lectures in our business here. It does not become a man, however important he may consider himself, or whatever position the world may give him, to come into the Chamber of his peers and tell us that we can not talk, or that we ought to talk, or that we ought to do business in this way or that way, which may happen to be approved by his judgment, or his taste, or his habits, or his opinion, or anything else that concerns him. We come here to do exactly what we please, each man responsible to his constituents, and to no one else in this world. The man who comes here simply to please somebody else ought to be immediately kicked out of this Chamber and sent home, and let the people send a man here in his place. I hope the Senate will proceed in order all the time, as it has done. I must say this has been one of the most interesting debates I have ever listened to; and some of the finest speeches I have ever heard on this or any other question have been delivered.

I have not seen any such exhibition of bad temper and bad manners as that which has been referred to so freely. When the bill goes to the conference committee of 10 or 12 or 16 members, and takes six months, then you may complain about talking; but I am confident of one thing, that when the bill emerges from that conference committee about the middle of September, or October, or November, or next year, or some other year, the name "ALDRICH" will be written very large over every solitary page of it. It will probably be a worse bill than that which is here to-day; but it is going to be ALDRICH'S bill. I have got that much respect for the chairman of the Committee

on Finance. I believe he has the ability to manage this bill in conference just as he as shown the ability to manage it on the other side of the Senate, with a whole lot of recalcitrants attacking him at every turn. He knows how to manage men.

He can placate them when he wants to; he can put them down when he wants to; and he has managed to do a little better than we can do in the matter of discipline. For one, I sympathize with him all the way through; and I want to say that I find no fault with the members of the committee on the Republican side. I recognize the almost impossibility of their attempting to frame a bill in committee with the Democratic minority proposing amendments, and so forth. If such a course had been followed, it would have taken to the crack of doom to have reported anything to the Senate.

The bill is here; we have to do the best we can with it; but if any gentlemen think that a bill which came here in this way, which was never even seen by the minority members of the committee before it came hot from the press to their desks, is going to be pushed through on "business lines" and on "business manners," they had just as well go home and take a Rip Van Winkle sleep for twenty years and come back here and learn something more about it. We are not going to proceed in that way. We are going to proceed deliberately; and we are going to debate every solitary schedule and item, if anyone wishes to do so. If gentlemen are tired of speeches, they can do less speechmaking themselves and retire to the cloakroom when others are talking.

Mr. SCOTT. Mr. President, I only entered the Chamber when my friend from South Carolina [Mr. TILLMAN] was suggesting some doubt as to the cost at which pitchers could be produced. I will say to the Senator from South Carolina that if he wants a carload of tumblers at the price named, or a carload of pitchers, I will have them shipped to him, provided his credit is sufficient to pay for the goods when they arrive. [Laughter.]

Mr. TILLMAN. The insinuation against my honesty——

Mr. SCOTT. Not at all.

Mr. TILLMAN (continuing). Or of my commercial rating is unworthy of the Senator from West Virginia. I told him the other day that I wanted a dozen; I can handle that many, but I have no more use for a carload than I would have for a coal mine in West Virginia. [Laughter.]

Mr. SCOTT. If the Senator will have patience, I will send him a barrel of pitchers. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Iowa [Mr. CUMMINS] to paragraph 118.

Mr. SCOTT. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CUMMINS. Mr. President, I have just a word to say before the vote is taken. I suppose I am responsible for beginning the debate, and I would not be satisfied if I were not in at the close.

The Senator from New York [Mr. ROOT] says that when an amendment is offered to any part of the House bill which has not been changed by the Senate committee, it is the obligation of the Senator who offers it to submit testimony to support it. Without agreeing to the soundness of that proposition, I nevertheless undertook this morning to sustain that obligation. We have drifted far away from the question with which the discussion began. So far as I am concerned, I care nothing whatsoever with respect to the criticisms which, it is said, have been showered upon the head of the Finance Committee. I have endeavored heretofore to say what I believe to be true, and I expect to continue to say so through the remainder of this debate. If I can not hereafter get the information which is necessary for me to reach a conclusion from the hearings before the House committee, then I will seek it elsewhere; and, if I can not get it elsewhere, then I shall occasionally have the courage to ask the chairman of the Finance Committee if he has it and can supply me with it.

I am sure the chairman of the committee said something this morning that he did not intend. As I understood him, he suggested that this amendment arose from inattention or, as he was about to say, from ignorance. I may be ignorant of the subject-matter, but I am not ignorant of the amenities of debate, and I shall not attempt to justify myself against that intimation. I have been diligent, however. I have read every word upon this subject that was submitted to the House committee; I have read every word accessible to me anywhere; and I assert, without any fear whatsoever of contradiction, that there is nothing in the testimony given to the House committee, and nothing, so far as I know, considered by the Senate committee, that even tends to determine the difference between the cost of producing this particular commodity abroad and in the United States. We are compelled, therefore, to resort largely to that general information that we acquire during the course of life.

The Senator from Rhode Island said this morning—and I think he was rather under the truth than above it, and he was rather on my side than against it—that the cost of manufacturing the articles in the preceding paragraph was $6 per ton. I asked him to verify my own information upon it, because I had reached the conclusion that the cost of manufacture was a little more than $6 per ton, and therefore his answer to me, which was wholly frank and candid—and for it I am grateful to him—rather tended to reduce the duty than to raise it.

I offered no amendment to that paragraph because the Senate committee had already reduced it 50 per cent; but when we came to the next paragraph, in which a duty of $12 a ton was sought to be imposed upon a commodity that sells in this country regularly and habitually for $35 to $40 a ton, I knew, and every man in this Chamber knows if he will but examine that information which comes to him gradually by his observations of human affairs, that the duty of $12 per ton is a great deal more than will measure the difference between the cost of producing this wire abroad and in the United States. Why, Senators, if we are to give any attention to the principle of protection; if we are to give any attention to those tests that have been laid down from time to time, we can not impose upon such a commodity as this a duty of $12 a ton.

I know—at least I am so advised, and I believe my information is accurate—that this same wire is selling abroad at a price not to exceed $3 a ton less than it sells for in the United States. If that be true—and if it be not true, I hope that I will be corrected—will you tell me that this furnishes no evidence with regard to the difference between the cost of producing it there and producing it here?

I have asked to reduce the duty to $10 a ton. That duty is ample; it is more than is necessary to enable every ton, every pound of this commodity to be manufactured within the United States if the manufacturers are willing to sell it at a fair price. I can not agree that the duty we fix upon these commodities is immaterial. I agree with the Senator from New Hampshire that it is not always true that to the price at home there is added the duty that we impose; but it is true that it is always possible to add to the cost of production at home the duty that we put upon the article; and in framing a tariff bill we ought to pursue the old definition, or leave the old definition, and put upon these things that duty which will fairly measure the difference between the cost of production at home and abroad.

This is no impeachment of the work of the Finance Committee; this is no criticism upon the chairman of the Finance Committee; but it is an attempt, at least, upon my part to reduce this duty at least to the point or nearer the test and definition of our cause or our principle than is represented in the provision of the House; for, as I understand, this duty has been imposed by the House, and it has not been either reduced or increased by the Finance Committee.

Mr. LODGE. Mr. President, I am sorry that my friend the Senator from Mississippi [Mr. MONEY] acted so rapidly on his own principle just expressed and left the Senate the instant he concluded speaking, because I wanted to say to him that when he has been here as long as I have—and I have not been here very long—he will find that nothing is commoner than a suggestion that the Senate should do business. I heard it in the first year I entered the Senate; I heard it from Senators long in service; I heard it from Senators new in service; and I hear it every time a much-tried chairman of an appropriation committee is trying to get his bill through in the midst of what he thinks is needless delay. The view that the Senate does not exist purely for conversation, but really for action, is not a new one; and the mere fact, Mr. President, that a Senator has not served here so long as another Senator does not seem to me to alter the merits of the question at all. Lord Thurlow, in a famous speech, once said that "he begged to say that the peerage solicited him, not he the peerage;" and the mere fact that a Senator by his coming adds luster to the Senate, instead of the Senate adding luster to him, does not seem to me to deprive him of that right of free speech and fair criticism which we all cherish so much in this body.

Now, Mr. President, in regard to this particular paragraph, I desire only to say on the question of an amendment to the House provision that I am unable to see why the Finance Committee should be called upon to furnish information in behalf of amendments which they do not approve. I think their duty is to sustain their own amendments and to show reasons why amendments to which they are opposed should not be adopted. I do not propose to discuss this amendment further. The reasons why it should not be adopted have been amply shown.

The VICE-PRESIDENT. The question is on the amendment proposed by the Senator from Iowa [Mr. CUMMINS], upon which the yeas and nays have been ordered.

Mr. STONE. Before the roll call is begun, I ask that the amendment be again stated.

The VICE-PRESIDENT. The amendment will be again stated.

The SECRETARY. In paragraph 118, page 33, line 7, after the word "section," it is proposed to strike out "six-tenths" and insert "five-tenths;" and in line 11, after the words "duty of," to strike out "four-tenths" and insert "three-tenths."

The Secretary proceeded to call the roll.

Mr. LODGE (when Mr. CRANE's name was called). My colleague [Mr. CRANE] has been suddenly called away from the city. He stands paired with the Senator from Indiana [Mr. SHIVELY]. My colleague would vote "nay," if present.

Mr. CURTIS (when his name was called). I have a pair with the Senator from Oklahoma [Mr. OWEN] for to-day.

Mr. McCUMBER (when his name was called). I have a pair with the junior Senator from Louisiana [Mr. FOSTER]. In his absence I withhold my vote.

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]; and if he were present, I should vote "yea."

Mr. STONE (when his name was called). I have a general pair with the junior Senator from Wyoming [Mr. CLARK], who is not present. If he were present, I should vote "yea."

The roll call was concluded.

Mr. STONE. I am advised that I can shift my pair to the senior Senator from Texas [Mr. CULBERSON], and unless some other arrangement has been made——

Mr. ALDRICH. A pair has already been announced with the Senator from Texas.

Mr. STONE. Has it?

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON], and I voted. I find that he is not in the Chamber. I transfer my pair to the junior Senator from Wyoming [Mr. CLARK], and allow my vote to remain.

Mr. STONE. That being done, I will vote. I vote "yea."

Mr. McLAURIN. My colleague [Mr. MONEY] was called from the Chamber. He is paired with the senior Senator from Wyoming [Mr. WARREN]. If my colleague were present he would vote "yea."

Mr. BAILEY. I simply rise to say that the Senator from Indiana [Mr. SHIVELY] is detained from the Senate by illness.

Mr. CHAMBERLAIN. I desire to make the same statement with reference to my colleague.

The result was announced—yeas 35, nays 42, as follows:

YEAS—35.

Bacon	Clapp	Gore	Paynter
Bailey	Clarke, Ark.	Hughes	Simmons
Bankhead	Clay	Johnston, Ala.	Smith, Md.
Beveridge	Crawford	La Follette	Smith, S. C.
Borah	Cummins	McLaurin	Stone
Bristow	Daniel	Martin	Taliaferro
Brown	Dolliver	Nelson	Taylor
Burkett	Fletcher	Newlands	Tillman
Chamberlain	Frazier	Overman	

NAYS—42.

Aldrich	Dick	Heyburn	Piles
Bradley	Dillingham	Johnson, N. Dak.	Root
Brandegee	Dixon	Jones	Scott
Briggs	du Pont	Kean	Smith, Mich.
Bulkeley	Elkins	Lodge	Smoot
Burnham	Flint	McEnery	Stephenson
Burrows	Frye	Nixon	Sutherland
Burton	Gallinger	Oliver	Warner
Carter	Gamble	Page	Wetmore
Cullom	Guggenheim	Penrose	
Depew	Hale	Perkins	

NOT VOTING—14.

Bourne	Curtis	Money	Shively
Clark, Wyo.	Davis	Owen	Warren
Crane	Foster	Rayner	
Culberson	McCumber	Richardson	

So Mr. CUMMINS's amendment was rejected.

Mr. McLAURIN. I offer an amendment to the paragraph.

The SECRETARY. It is proposed to add at the end of the paragraph the following:

Notwithstanding anything in this bill contained, trace chains, log chains, lock chains, plows, plow stocks, plow handles, plow beams, colters, singletrees, doubletrees, clevises, clevis pins, lap rings, backbands, bellybands, hames, hame strings, bridles, halters, plow lines, hooks and cuffs for singletrees or doubletrees, axes, ax helves, hoes, hoe helves, hatchets, hatchet helves, hammers, hammer handles, horseshoes, horseshoe nails, spades, shovels, saws, squares, rakes, nails, tacks, staples, staple rings, door hinges and screws, window hinges and screws, and all other kinds or character of farming implements or tools, and all carpenters' tools and blacksmiths' tools, when imported into this country, shall be exempt from the payment of a duty.

Mr. McLAURIN. Mr. President, I have heard a great deal since this discussion has been on and a great deal before that time about protection to American labor, and if one were to take all the speeches made for protection and make up his judgment from them, he would come to the conclusion that nobody in the world is interested in the poor manufacturer; that the only man in the world who is considered by the protectionists is the laborer.

I wish to give an opportunity for Senators in this body to put themselves on record in favor not of protecting labor, but of allowing the laborers to keep what they make, and to spend it as they desire. The doctrine of protection is that the vast mass of the people shall be taxed and the money derived from that taxation shall be given to the manufacturers, in order that the manufacturers may employ the labor and that the labor may be hired to work for the manufacturer. I have often thought it would be a good deal better to give this money, if it is for the laborers, directly to the laborer, instead of it being given to the manufacturer, and letting it drip down to him, percolate until it gets down to the laborer, and then after he has been employed to do the work for the manufacturer, get about one-tenth of the amount of money that is taxed out of the people and given to the manufacturer.

The farming people of this country do not ask that you give them any protection, when "protection" is used in the sense of an opportunity or power to rob the masses of the people, or to take the money that belongs to others and put it into their own pockets; but they do ask an opportunity to devote the price of their labor to their own interest, their own protection, their own comfort, and their own welfare. They ask that you take off of them the heavy hand of what you call "protection," but what really, in fact, is an opportunity for extortion.

The farmers of the country produce the provisions upon which all of us live. They produce the clothing that clothes us. Will you not give them an opportunity to buy their farming implements without the heavy hand of what you call "protection" being placed upon them and allowing the price to be raised on them? Will you not take away the taxgatherer from them and not call upon them to pay a tax to the manufacturer on their trace chains, their clevises, their hooks and cuffs that go on the whiffletree, their plows, and the saws that they use on their farms? Will you not take away your taxgatherer and let them for one time buy without the taxgatherer taking away their money to be paid into the coffers of those already immensely rich?

Mr. SCOTT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from West Virginia?

Mr. McLAURIN. I do.

Mr. SCOTT. Does not the Senator admit that the farmers are perhaps to-day the most prosperous citizens we have in the United States?

Mr. McLAURIN. I do not know about that, but I will say this: That they have the most independent business of any business in the United States, and if they are prosperous they are prosperous in spite of the oppression of protective extortion. It is not on account of it, but in spite of it.

Mr. President, I want to put it to the Senate, and I desire every man by his vote to say whether he is willing to give the farmers an opportunity to expend, if they desire, the money they earn on the farm instead of putting it into the hands and the coffers of the manufacturers.

This may appear ridiculous to some at first reading, but it is a just proposition, and if there is anybody on the face of the earth who ought not to be protected in the sense of the doctrine of Republican protection, but who ought to be favored by the laws of the country, it is the farming class of the country.

Here is the opportunity. Here are the carpenters' tools. They are laborers. They have to furnish in nearly all instances the tools with which they do their work. Will you not take off of them the tax which compels them to pay an extortionate price for those tools? There are the blacksmith's tools. Will you not do the same thing for him? Do you not mean what you say when you claim that the protective tariff is for the benefit of the laborer, and not of the owner or the manufacturer? If you do, here is your opportunity to demonstrate it.

Mr. ALDRICH, Mr. GALLINGER, and others. Question!

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. McLAURIN. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BROWN (when Mr. BEVERIDGE's name was called). The Senator from Indiana has been called from the Chamber and desired me to announce that if present he would vote "nay."

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. Were he present, I should vote "nay."

Mr. RAYNER (when his name was called). I am paired with the junior Senator from Delaware [Mr. RICHARDSON]. If he were present, I should vote "yea."

Mr. STONE (when his name was called). I have a pair with the junior Senator from Wyoming [Mr. CLARK]. I transfer it to the senior Senator from Texas [Mr. CULBERSON], and will vote. I vote "yea."

The roll call was concluded.

Mr. LODGE. I desire again to announce the pair of my colleague [Mr. CRANE] with the Senator from Indiana [Mr. SHIVELY]. If my colleague were present he would vote "nay."

Mr. CURTIS. I desire to announce my pair with the Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 22, nays 52, as follows:

YEAS—22.

Bacon	Daniel	Martin	Stone
Bailey	Frazier	Newlands	Taliaferro
Bankhead	Gore	Overman	Taylor
Chamberlain	Hughes	Paynter	Tillman
Clarke, Ark.	Johnston, Ala.	Simmons	
Clay	McLaurin	Smith, S. C.	

NAYS—52.

Aldrich	Clapp	Gallinger	Oliver
Borah	Crawford	Gamble	Page
Bradley	Cullom	Guggenheim	Penrose
Brandegee	Cummins	Hale	Perkins
Briggs	Depew	Heyburn	Piles
Bristow	Dick	Johnson, N. Dak.	Root
Brown	Dillingham	Jones	Scott
Bulkeley	Dixon	Kean	Smith, Mich.
Burkett	Dolliver	La Follette	Smoot
Burnham	du Pont	Lodge	Stephenson
Burrows	Elkins	McEnery	Sutherland
Burton	Flint	Nelson	Warren
Carter	Frye	Nixon	Wetmore

NOT VOTING—17.

Beveridge	Curtis	Money	Smith, Md.
Bourne	Davis	Owen	Warren
Clark, Wyo.	Fletcher	Rayner	
Crane	Foster	Richardson	
Culberson	McCumber	Shively	

So Mr. MCLAURIN'S amendment was rejected.

Mr. BAILEY. Mr. President, I observe that the Republican party is reunited, and I have no doubt its members are ready to fix a day for taking a vote on the income-tax amendment. I ask unanimous consent that on Monday next, before the Senate adjourns, we proceed to vote on the income-tax amendment to the pending bill.

The VICE-PRESIDENT. The Senator from Texas asks unanimous consent that on Monday next, previous to adjournment, a vote be taken upon his income-tax amendment to the pending bill. Is there objection?

Mr. BAILEY. There are two amendments, and I would not, as I prefer the request, wish to discriminate between them, and I will say upon the income-tax amendments——

Mr. HALE. Amendments?

Mr. BAILEY. Making it plural.

Mr. ALDRICH. I suggest to the Senator from Texas that he amend his request for unanimous consent so as to ask that on the 1st day of June, if that is the proper day, we vote upon the bill and all amendments.

Mr. BAILEY. If I can have unanimous consent for the order which I have just requested, I will prefer the request which the Senator indicates, but from what occurred yesterday afternoon I think we ought not to be required to dispose of the entire subject in order to reach a disposition of an important part.

Mr. ALDRICH. I suggest that there will be no objection to taking a vote on the 1st of June upon the bill and all amendments.

Mr. BAILEY. So far as I am concerned, there will not be. I indicated yesterday that there ought to be no delay, and I believe that there ought to be none.

Mr. President, without intending to give the present request a partisan complexion, I will remind our friends on the other side that their party has had this bill now for more than six months. The House Committee on Ways and Means, as I now recall, began its hearings on the 10th of last November and continued them until the meeting of Congress, the first Monday in December. Those meetings were then continued through the session and until the bill was reported.

The House occupied until, I believe, the 9th of April in considering it. The bill then came here, and, certainly, with the loss of less than a week it was reported back to the Senate. It is now the 14th day of May, making, since the 10th of last November, a continuous consideration of this subject by a Republican majority; and if they have not accommodated their differences by this time, I think the country may well despair of their ability to do it; and if they are not able to do it, we might just as well proceed to take the vote and allow the majority to determine the result.

But while I feel that way about it, of course I would like to separate the request for the vote upon the income-tax amendment. I will follow that with the other proposition, of course, not guaranteeing for anybody but myself an acquiescence in that request; but I will exert my good offices so far as they will go toward a vote on the bill itself and all amendments upon the 1st of June.

Senators from time to time are called away by sickness and otherwise, and I want everybody advised as to the day of the vote on this important amendment.

We have this condition this afternoon. The Senator from Indiana [Mr. SHIVELY], a new Senator and one who does credit to this body, because I had the honor to serve with him in the House of Representatives, is detained at his room, sick. If we were to act on the income-tax amendment unexpectedly, he might not be able to reach here; but if he knew the vote was coming, he could not be so sick that he would not be in his place; and I assume that other Senators are of the same mind. For that reason, I believe it is in the interest of a full and fair decision of it that we fix a time in advance, so that every Senator who desires to be here may have an opportunity to come.

If the request is granted, I will follow it with a request for a vote on the bill and all pending amendments upon the 1st day of June.

Mr. NELSON. Mr. President, I shall object to that. I think we are not prepared to vote on the income-tax amendment until we know in what shape we get this tariff bill. If it were an independent proposition, I might, under such circumstances, vote for an income-tax measure. I think if the tariff bill will bring sufficient revenue, we ought not to inject an income-tax proposition in it.

The VICE-PRESIDENT. The Senator from Minnesota, then, objects to the request of the Senator from Texas?

Mr. NELSON. I want to say further, while I am on my feet, that I look upon the matter of an income tax as a very important question, that ought to be considered and disposed of by the Senate as an independent proposition. I believe that the last decision of the Supreme Court was, in two respects, revolutionary in character. It was revolutionary, first, because it superseded all the decisions of our courts and all the practices of our Government in the course of a hundred years. I shall not enter into a discussion of that branch of the question. But it was revolutionary in another respect, and that is in depriving this country, in the great emergency of a war, of one of the most important resources for obtaining revenue. However, I will not go into that discussion. While, as an independent proposition, I might support an income tax, I am utterly opposed to placing it as an attachment to this bill unless it is necessary as a matter of revenue.

I want to say further, while I am on my feet, there is no use of this seance between the Senator from Texas and the Senator from Rhode Island about asking for a vote on the bill the 1st of June. I hope we will get around to a vote; but two of the most important schedules in the bill are left—I refer to the cotton and the woolen schedules—and until we have made some progress in those schedules, I for one am not prepared to agree upon a time to vote.

Mr. BAILEY. Mr. President, I will ask the Senator from Minnesota what he means by a "seance between the Senator from Texas and the Senator from Rhode Island?"

Mr. NELSON. I meant it in a Christian spirit. [Laughter.] As the Senator is very inquisitive, I will kindly tell him that I noticed the Senator from Rhode Island went over to the Senator's chair and whispered to him and then immediately following that came this unique proposition.

Mr. BAILEY. Mr. President, I have always observed that a candid and honest man will not suspect the good motives of other men, and when I find a man suggesting improper conduct on the part of others, I readily conclude that he would be guilty of such misconduct himself.

I will tell the Senator from Minnesota and the Senate exactly what happened, and it is not creditable to the Republicans with whom the Senator from Minnesota is associated. I observed that every Republican voted against the amendment of the Senator from Mississippi, and I expressed the opinion that what are known as the "Republican insurgents" had an understanding that they would not support a Democratic amendment, and the Senator from Rhode Island said he heard one of them say so.

Now, is the Senator from Minnesota satisfied?

The VICE-PRESIDENT. The Senator from Minnesota objects to the request of the Senator from Texas.

Mr. LA FOLLETTE. Mr. President, I want to say, as a Republican, that I purpose to support any amendment offered here which I believe to be for the best interest of the

country, and it will make no difference to me whether it is proposed by a Republican or by a Democrat.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 118? The Chair hears none, and the paragraph is agreed to.

Mr. ALDRICH. I ask that paragraph 119 may go over. I should like to dispose of the next three or four paragraphs, to which I think there will be no objection.

The VICE-PRESIDENT. Is there objection to paragraph 119 being passed over? The Chair hears none. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 120, as follows:

120. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for in this section, not thinner than No. 10 wire gauge, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at 1 cent per pound or less, three-tenths of 1 cent per pound; valued above 1 cent and not above 2 cents per pound, four-tenths of 1 cent per pound; valued above 2 cents and not above 4 cents per pound, seven-tenths of 1 cent per pound; valued at over 4 cents per pound, 20 per cent ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than No. 10 wire gauge shall pay duty as iron or steel sheets.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 120?

Mr. PENROSE. I suggest to the chairman of the committee that it go over. It was incorrectly drawn, and I wish to have it corrected.

Mr. ALDRICH. It can be corrected afterwards. There is no amendment to paragraph 120.

Mr. LODGE. There is no amendment to paragraph 120. Paragraph 119 has gone over?

The VICE-PRESIDENT. Paragraph 119 has gone over.

Mr. PENROSE. I withdraw the request as to paragraph 120.

The VICE-PRESIDENT. The question is on agreeing to paragraph 120.

Mr. CLAPP. It is absolutely impossible to understand what the amendment is.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 120, to which there is no amendment? The Chair hears no objection, and the paragraph is agreed to.

The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 122. The committee proposes to strike out the remainder of the paragraph after the word "made," in line 10, page 35, as follows:

Steel bands or strips, untempered, suitable for making band saws, hack saws, or butchers' saws, 1½ cents per pound and 20 per cent ad valorem; if tempered, or tempered and polished, 3 cents per pound and 20 per cent ad valorem.

So as to make the paragraph read:

122. Hoop, band, or scroll iron or steel, not otherwise provided for in this section, valued at 3 cents per pound or less, 8 inches or less in width, and less than three-eighths of 1 inch thick and not thinner than No. 10 wire gauge, three-tenths of 1 cent per pound; thinner than No. 10 wire gauge and not thinner than No. 20 wire gauge, four-tenths of 1 cent per pound; thinner than No. 20 wire gauge, six-tenths of 1 cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed, or punched, with or without buckles or fastenings, shall pay one-tenth of 1 cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to. The next paragraph passed over will be read.

The SECRETARY. Paragraph 123——

Mr. OVERMAN. I ask that that paragraph may go over.

Mr. ALDRICH. At the request of the Senator from Texas and the Senator from Mississippi, I ask that the paragraph may go over.

The VICE-PRESIDENT. The Senator from Rhode Island asks unanimous consent that the paragraph be passed over. Without objection, it is passed over.

Mr. ALDRICH. I suppose we will hardly be able to dispose of paragraph 124 to-night.

Mr. TILLMAN. Hardly.

Mr. ALDRICH. I ask that it be passed over.

The VICE-PRESIDENT. Is there objection to passing over paragraph 124? The Chair hears none. The next paragraph passed over will be read.

The SECRETARY. Paragraph 125——

Mr. OVERMAN. At the request of the Senator from Texas, I ask that that paragraph be passed over.

Mr. ALDRICH. The Senator from Texas is interested in paragraph 124, but not in paragraph 125, I am sure.

Mr. OVERMAN. The Senator from Texas sent me a note, saying that he wanted to have paragraphs 125, 128, and 129 passed over. At his request, I ask that these paragraphs go over.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none.

Mr. ALDRICH. Has paragraph 126 been agreed to?

The VICE-PRESIDENT. Paragraph 126 has been agreed to; paragraph 127 has been agreed to; and paragraph 128 has been agreed to.

Mr. ALDRICH. Paragraph 129 will have to go over.

Mr. McLAURIN. Has paragraph 125 been passed over?

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. Paragraph 125 was passed over.

Mr. McLAURIN. Was paragraph 123 also passed over?

The VICE-PRESIDENT. Paragraph 123 was passed over.

Mr. ALDRICH. What is the next paragraph?

The SECRETARY. Paragraph 129.

Mr. ALDRICH. That can go over, at the request of the Senator from North Carolina.

The VICE-PRESIDENT. Paragraph 129 will be passed over.

The SECRETARY. The next paragraph passed over is paragraph 133, wire rods. The amendment of the committee is, on page 39, line 20, after the word "pound," to strike out "four-tenths" and insert "three-tenths," so as to read:

133. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, in coils or otherwise, valued at 4 cents or less per pound, three-tenths of 1 cent per pound.

The amendment was agreed to.

The SECRETARY. The next committee amendment is, on page 39, line 21, after the word "pound," to strike out "three-fourths" and insert "six-tenths," so as to read:

Valued over 4 cents per pound, six-tenths of 1 cent per pound.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph as amended is agreed to if there be no objection.

The SECRETARY. Paragraph 134, round iron or steel wire, the committee amendment is in line 7, on page 40, after the word "and," to strike out "one-half" and insert "three-fourths."

Mr. WARNER. I ask that that paragraph be passed over.

The VICE-PRESIDENT. Is there objection to passing over the paragraph? The Chair hears none, and it will be passed over.

Mr. ALDRICH. I give notice now that these paragraphs that are passed over I shall return to to-morrow morning and take them up in order.

The VICE-PRESIDENT. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is, on page 45, paragraph 140, automobiles, bicycles, and so forth.

Mr. LA FOLLETTE. I ask that that be passed over.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the paragraph will be passed over.

Mr. ALDRICH. Let it go over under the same conditions as the others. What is the next paragraph passed over?

The SECRETARY. The next paragraph passed over is paragraph 150, at the bottom of page 47, lap-welded.

Mr. BULKELEY. What was done with paragraph 140?

The VICE-PRESIDENT. It was passed over.

Mr. CRAWFORD. I was not here. Was paragraph 144 passed over?

The VICE-PRESIDENT. Paragraph 144 was agreed to.

Mr. BACON. I should like to inquire of the Senator from Rhode Island whether paragraph 135 has been finally disposed of.

The VICE-PRESIDENT. Paragraph 135 was agreed to.

Mr. BACON. At what time?

The VICE-PRESIDENT. On the first reading of the bill.

Mr. ALDRICH. Paragraph 135, I will say to the Senator, is merely transposed to another place. It is the present law. It is the administrative provision only.

Mr. LODGE. It carries no rate.

Mr. BACON. I understood that all matters which were acted on——

Mr. ALDRICH. It was simply transposed to another place in the bill; the two paragraphs were simply transposed.

Mr. BACON. I wish to make an inquiry of the Senator. I may be mistaken about it, but I want to see whether my apprehension was correct. Under the terms of paragraph 135——

Mr. ALDRICH. As amended.

Mr. BACON. As specified in the amendment, is it true that under those terms any canned goods of any kind which are imported have, in addition to the duty levied on the goods themselves, a duty upon the tin cans which contain them?

Mr. ALDRICH. That has nothing whatever to do with this question. The Senate committee reported an amendment in another place; I forget the number now.

Mr. BACON. Which has that effect?

Mr. ALDRICH. Which had that effect. But it has been modified by the committee. It applies only to packages containing dutiable goods. It has been or will be modified when the paragraph is reached.

Mr. BACON. But this paragraph 135——

Mr. ALDRICH. Has no reference to it.

Mr. BACON. It does not in its terms embrace that?

Mr. ALDRICH. It does not.

Mr. BACON. I will state to the Senator that from a rather general reading of it, I think it might be so construed. That is the reason why I made the inquiry.

Mr. ALDRICH. That is the law. It has been in effect ever since 1890.

Mr. BACON. I understand that. I wanted to know whether it could be so construed.

Mr. ALDRICH. The paragraph the Senator refers to is paragraph 192, on page 67.

Mr. BACON. In order that we may have the direct information, I understand the Senator to say that that paragraph can not be construed so as to include that class of duty?

Mr. ALDRICH. It certainly can not.

Mr. BACON. Very well.

Mr. TILLMAN. I want to say to the Senator from Rhode Island that, in my judgment, this rushing to push the bill along and pass over every paragraph that is jolted does not make any real progress. We have been here now for over six hours. There has been a good deal of mental strain on some people, though not with me. I am ready to rush this matter. I made an appeal the other day, and I appeal now to the Senator to let us adjourn; and if he wants to start at 10 o'clock on Monday and work us until dark, I will not object.

Mr. ALDRICH. I was about to give notice that I would to-morrow morning at the meeting of the Senate move that on and after Monday the Senate shall meet at 10 o'clock. Perhaps I may as well make the motion now. I move that the hour of the daily meetings of the Senate on and after Monday shall be 10 o'clock.

The VICE-PRESIDENT. The Senator from Rhode Island moves that on and after Monday, the 17th instant, the Senate shall meet daily at 10 o'clock a. m.

The motion was agreed to.

Mr. TILLMAN (to Mr. ALDRICH). Can you not now move to adjourn over until Monday?

Mr. ALDRICH. Oh, no; I can not do that. I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 15, 1909, at 11 o'clock a. m.

SENATE.

SATURDAY, *May 15, 1909.*

The Senate met at 11 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Association of Credit Men of Pittsburg, Pa., praying for the creation of a permanent tariff commission, which was ordered to lie on the table.

Mr. BRIGGS presented a petition of the Board of Trade of Hoboken, N. J., praying for the creation of a permanent tariff commission, which was ordered to lie on the table.

Mr. BURROWS presented petitions of sundry citizens of River Rouge, Detroit, Grand Rapids, and Alton, all in the State of Michigan, praying for a reduction of the duty on raw and refined sugars, which were referred to the Committee on Finance.

Mr. CURTIS presented petitions of sundry citizens of Traer, Topeka, and Iola, all in the State of Kansas, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. HEYBURN presented a paper to accompany the bill (S. 838) granting an additional pension to soldiers who were confined in confederate prisons during the war of the rebellion, which was referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 15) to amend the military record of Jonas O. Johnson, which was referred to the Committee on Military Affairs.

Mr. DEPEW presented a petition of Local Union No. 113, International Brotherhood of Stationary Firemen, of Palmer, N. Y., praying for the enactment of legislation to license firemen, stokers, or water tenders in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a petition of Horseshoe Lodge, No. 250, Brotherhood of Railroad Trainmen, of Rensselaer, N. Y., praying for the passage of the so-called "Borah-Dawson full-crew bill," which was referred to the Committee on Interstate Commerce.

He also presented a petition of the New York State League of Cooperative Savings and Loan Associations, praying for a reduction of the duty on materials entering into the construction of dwelling houses, which was ordered to lie on the table.

He also presented a petition of the Steel Founders' Society of America, of New York City, N. Y., praying for a reduction of the proposed duty on ferrosilicon, which was ordered to lie on the table.

Mr. DANIEL presented petitions of Mrs. G. O. Stevenson, of Swetnam; J. T. Malony, of Swetnam; Robert Cunningham, of Fairfax; F. G. Ford, of Swetnam; C. F. Brewer, M. D., of Catharpin; E. R. Swetnam, of Swetnam; J. M. Harrison, of Swetnam; E. H. Munn, of Swetnam; William Sheppard, of Front Royal; Ramsey & Frenang, of Front Royal; S. R. Wilkinson, of Front Royal; Reeve & Co., of Front Royal; W. E. Lake & Son, of Front Royal; J. H. King, of Front Royal; J. F. Forsythe & Co., of Front Royal; G. W. Amiss & Son, of Front Royal; B. C. Atwood, of Front Royal; Compton & Co., of Front Royal; W. C. Weaver & Co., of Front Royal; Roy Collins, of Front Royal; Mck. Willes & Co., of Front Royal; T. S. Duncan, of Front Royal; W. W. Pettit, of Front Royal; J. H. Anderson, of Front Royal; R. H. Jackson & Son, of Front Royal; A. Brinkley & Co., of Norfolk; T. H. Self, of Martinsville; W. B. Bennand, of Martinsville; Davis & Davis, of Martinsville; T. W. Carter, of Martinsville; J. W. Booker & Co., of Martinsville; J. P. Harpteel, of Martinsville; James Cheslin & Son, of Martinsville; N. F. Burge & Son, of Martinsville; C. P. Keerfott, of Martinsville; J. E. L. Bohman, 214 Maple avenue, Berkley; T. J. Cocke, of Whittles Depot; A. V. Cocke, of Whittles Depot; A. G. Cocke, of Whittles Depot; W. H. H. Cocke, of Whittles Depot; W. H. H. Cocke, jr., of Whittles Depot; J. M. Grim, of New Market; L. J. Hidermaier, of Abingdon; John D. Cosby, of Abingdon; Josie Clarke Sandoe, of Abingdon; E. C. Hamilton, of Abingdon; G. N. Wertz, of Abingdon; George E. Worden, of Abingdon; Maj. D. A. Jones, of Abingdon; W. Y. Hagy, of Abingdon; John W. Neal, of Abingdon; T. H. Crabtree, of Abingdon; C. O. Wickam, of Alleghany Spring; C. A. Wickham, of Alleghany Spring; D. L. Cole, of Simpsons; J. A. Black, of Otey; V. T. Connor, of Copper Hill; Carl Black, of Alleghany Spring; W. T. Showalter, of Otey; N. W. Hoback, of Alleghany Spring; H. C. Clim, of Front Royal; A. D. Long, of Front Royal; Front Royal-Riverton Board of Trade, of Front Royal; J. E. Pleasent, of Vrgilina; C. A. Whitfield, of Virgilina; B. L. Lawson, of Virgilina; F. H. Little, of Virgilina; W. A. Morris, of Virgilina; Retail Grocers' Association, of Richmond; W. E. Hazelgrove, of Richmond; W. C. Shepperd, of Otey; J. W. Boothe, of Otey; Virginia Seed and Feed Company, of Lynchburg; M. B. Kemp, of Cash; G. D. Fitzhugh, of Cash; O. B. Bland, of Cash; F. E. Duval, of Cash; H. G. Losee, of Cash; W. L. Meredith, of Cash; H. H. Roane & Son, of Cash; H. H. Roane, of Cash; J. A. Jordon, of Goods Mills; W. L. Roane, of Freeport; M. T. Meyerhoffer, of Port Republic; Joe Greyer, of Port Republic; J. E. Meyerhoffer, of Port Republic; Ed Kennedy, of Penn Laird; Ben Meyerhoffer, of Penn Laird; M. M. Parrish, of Richmond; Roper & Co., of Petersburg; Robinson, Tate & Co., Lynchburg; Lynchburg Grocery Company, of Lynchburg; B. A. Nunnally, of Manchester; H. P. Harrison, Company (Incorporated), of Petersburg; J. S. Shoemaker, of Singer Glen; B. R. May, of Linville; S. Henton Swank, of Singer Glen; C. B. Fadely, of Singer Glen; S. W. Brewer, of Singer Glen; J. P. Hoover, of Singer Glen; D. M. Hollar, of Singer Glen; M. T. Whezel, of Singer Glen; A. C. Byers, of Lacy Spring; J. J. Cole, of Lacy Spring; C. J. Sangane, of Lacy Spring; Bettie Harrison, of Lacy Spring; M. T. Morris, of Lacy Spring; A. S. White, of Lacy Spring; T. A. Moore, of Harrisonburg; Michael Summers, of Lacy Spring; and C. H. Allebaugh, of Harrisonburg; all in the State of Virginia; E. A. Karnes and R. A. Shrewsbury, of Spanishburg, W. Va.; William Hodges Mann, jr., of New York City; and H. B. Tunit, 950 Louisiana avenue, Washington, D. C.; praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. PERKINS:

A bill (S. 2366) to authorize the Secretary of the Treasury to designate subports of entry or delivery in the various cus-

toms districts within the United States; to the Committee on Commerce.

By Mr. OLIVER:

A bill (S. 2367) for the relief of David A. McDonald (with an accompanying paper); to the Committee on Claims.

By Mr. McCUMBER:

A bill (S. 2368) to pay Irvine Church for services rendered the United States as examiner of Chippewa Indian lands; and

A bill (S. 2369) for the relief of Francis B. Jones; to the Committee on Claims.

A bill (S. 2370) granting an increase of pension to John O. Donnell;

A bill (S. 2371) granting an increase of pension to Anson H. Gallup;

A bill (S. 2372) granting an increase of pension to James K. Tuft;

A bill (S. 2373) granting an increase of pension to Thomas P. Connelly;

A bill (S. 2374) granting an increase of pension to Alfred J. Henry (with an accompanying paper);

A bill (S. 2375) granting an increase of pension to Alfred Larkins (with the accompanying papers);

A bill (S. 2376) granting an increase of pension to Thomas G. Anderson (with an accompanying paper);

A bill (S. 2377) granting an increase of pension to Joseph Luckman (with the accompanying papers);

A bill (S. 2378) granting an increase of pension to George C. W. Langworthy (with the accompanying papers);

A bill (S. 2379) granting an increase of pension to Henry A. Johnson (with the accompanying papers);

A bill (S. 2380) granting an increase of pension to Marcus M. Chatfield (with the accompanying papers);

A bill (S. 2381) granting an increase of pension to James Kenyon (with an accompanying paper);

A bill (S. 2382) granting an increase of pension to Elijah H. Bean (with an accompanying paper);

A bill (S. 2383) granting an increase of pension to George Auld (with the accompanying papers);

A bill (S. 2384) granting an increase of pension to Thomas Kerr (with the accompanying papers); and

A bill (S. 2385) granting an increase of pension to Thomas Uttley (with the accompanying papers); to the Committee on Pensions.

By Mr. CURTIS:

A bill (S. 2386) granting an increase of pension to Abbie B. Cloud (with an accompanying paper);

A bill (S. 2387) granting an increase of pension to David Detty (with the accompanying papers);

A bill (S. 2388) granting an increase of pension to James Clark (with the accompanying papers);

A bill (S. 2389) granting an increase of pension to William Callis;

A bill (S. 2390) granting an increase of pension to W. H. Ruckle;

A bill (S. 2391) granting an increase of pension to Almon Sparling;

A bill (S. 2392) granting an increase of pension to A. R. Williams;

A bill (S. 2393) granting an increase of pension to William Smith;

A bill (S. 2394) granting an increase of pension to S. R. Cook; and

A bill (S. 2395) granting an increase of pension to Robert L. Thompson; to the Committee on Pensions.

A bill (S. 2396) for the relief of Green Edmonson;

A bill (S. 2397) for the relief of William Martinson;

A bill (S. 2398) for the relief of Franklin Bannon;

A bill (S. 2399) for the relief of James Carroll, alias James Clingen;

A bill (S. 2400) for the relief of William T. Grady;

A bill (S. 2401) for the relief of Henry C. Smith;

A bill (S. 2402) for the relief of William Harshberger;

A bill (S. 2403) for the relief of Samuel Liverpool;

A bill (S. 2404) for the relief of James S. Risley;

A bill (S. 2405) for the relief of Andrew Jackson;

A bill (S. 2406) for the relief of Stephen Murphy;

A bill (S. 2407) for the relief of James Chard;

A bill (S. 2408) for the relief of James Barrett;

A bill (S. 2409) for the relief of Daniel G. Cormack;

A bill (S. 2410) for the relief of A. R. Williams;

A bill (S. 2411) for the relief of Cumberlain Smith;

A bill (S. 2412) for the relief of Daniel W. Boutwell;

A bill (S. 2413) for the relief of William Davis;

A bill (S. 2414) for the relief of Gustav A. Hesselberger;

A bill (S. 2415) for the relief of Joseph P. Tyler;

A bill (S. 2416) for the relief of Samuel D. Jarman;

A bill (S. 2417) for the relief of John Mitchell; and

A bill (S. 2418) for the relief of Thomas H. Barrett; to the Committee on Military Affairs.

A bill (S. 2419) for the relief of C. E. Moore;

A bill (S. 2420) for the relief of David H. Lewis; and

A bill (S. 2421) for the relief of W. H. De Long; to the Committee on Post-Offices and Post-Roads.

A bill (S. 2422) for the relief of William H. Sparrow (with the accompanying papers);

A bill (S. 2423) for the relief of registers and former registers of the United States land offices (with the accompanying papers);

A bill (S. 2424) for the relief of Edward Duffin (with the accompanying papers);

A bill (S. 2425) for the relief of Mrs. William C. O'Brien (with the accompanying papers);

A bill (S. 2426) for the relief of Daniel M. Frost; and

A bill (S. 2427) for the relief of Daniel W. Boutwell; to the Committee on Claims.

A bill (S. 2428) for the erection of a monument to the memory of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.; to the Committee on the Library.

A bill (S. 2429) for the relief of the estate of James Mitchell, deceased; to the Committee on Finance.

A bill (S. 2430) for the relief of the heirs of John W. West, deceased; to the Committee on Indian Affairs.

By Mr. PAYNTER:

A bill (S. 2431) for the relief of the estate of John Wesley Eubanks, deceased; and

A bill (S. 2432) to carry into effect the findings of the Court of Claims in the claim of Irene E. Johnson, administratrix of the estate of Leo L. Johnson, deceased; to the Committee on Claims.

By Mr. HEYBURN:

A bill (S. 2433) to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend D'Oreille River in the State of Washington; to the Committee on Commerce.

By Mr. DANIEL:

A bill (S. 2434) for the relief of the heirs of Samuel Tucker, deceased (with the accompanying papers); to the Committee on Claims.

AMENDMENTS TO THE TARIFF BILL.

Mr. BURTON submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

Mr. BRADLEY submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed, and the calendar will be taken up.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. BURROWS. Mr. President, evidently there is not a quorum present.

The VICE-PRESIDENT. The Senator from Michigan suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Culberson	Heyburn	Piles
Bankhead	Cullom	Hughes	Rayner
Beveridge	Cummins	Johnston, Ala.	Root
Borah	Curtis	Jones	Scott
Bradley	Dick	Kean	Smith, Mich.
Briggs	Dolliver	La Follette	Smith, S. C.
Bristow	du Pont	Lodge	Smoot
Brown	Fletcher	McCumber	Stephenson
Burkett	Foster	Martin	Stone
Burnham	Frazier	Money	Sutherland
Burrows	Frye	Nelson	Taylor
Burton	Gallinger	Oliver	Tillman
Chamberlain	Gamble	Overman	Warner
Clapp	Gore	Page	Warren
Clark, Wyo.	Guggenheim	Penrose	Wetmore
Clay	Hale	Perkins	

The VICE-PRESIDENT. Sixty-three Senators have answered to their names. A quorum of the Senate is present.

Mr. RAYNER. My colleague [Mr. SMITH of Maryland], who is paired with the junior Senator from Massachusetts [Mr. CRANE], is necessarily absent to-day engaged in dedicating an institution in the State of Maryland for the relief and cure of

patients suffering with tubercular troubles. He is at the head of this praiseworthy undertaking.

OCCUPATIONS AND THEIR RELATION TO THE TARIFF.

Mr. CULBERSON. Mr. President, several days ago I asked unanimous consent to have printed as a Senate document (S. Doc. No. 46) an article entitled "Occupations and their relation to the tariff," by Edward Atkinson, in February, 1903. The Senator from Rhode Island [Mr. ALDRICH] objected at that time to the resolution; but I understand he has no objection now to its further consideration, and I ask that it be adopted.

The VICE-PRESIDENT. Is there objection to the consideration of Senate resolution No. 43, previously submitted by the Senator from Texas?

There being no objection, the resolution was agreed to, as follows:

Senate resolution 43.

Resolved, That there be printed as a document an article by the late Edward Atkinson, contained in The Quarterly Journal of Economics for the month of February, 1903, pages 280 to 292.

PROPOSED INVESTIGATION BY FINANCE COMMITTEE.

Mr. GORE. Mr. President, I desire to offer a resolution, for which I ask immediate consideration.

The resolution (S. Res. 45) was read, as follows:

Senate resolution 45.

Whereas it has been repeatedly asserted and generally admitted in the Senate during the debate on the pending tariff bill that current prices in the United States are unreasonable and exorbitant; and

Whereas there is a radical and irreconcilable division of opinion as to who is responsible for these extortionate prices; and

Whereas there are those who believe that the manufacturers are primarily responsible and others who believe that the wholesale and retail dealers are responsible; and

Whereas it is important that the truth should be known, that the innocent should be vindicated and the guilty alone charged with the blame and responsibility: Now, therefore, be it

Resolved by the Senate of the United States, That the Committee on Finance, or any subcommittee thereof, consisting of representatives of both political parties, are hereby instructed to investigate and report to the Senate at the earliest possible date—

First. The import prices of various articles of general and ordinary consumption.

Second. The wholesale prices of said articles.

Third. The retail prices of said articles.

Fourth. The prices of similar articles of domestic production, as fixed, charged, and received by the manufacturers thereof and the wholesale and retail dealers therein. And be it further

Resolved, That the said committee or subcommittee is hereby empowered to subpœna witnesses, administer oaths, compel the production of books and papers, and do all other acts and things necessary to carry this resolution into effect.

Mr. HALE. I move that the resolution be referred to the Committee on Finance.

Mr. CULBERSON. Will the Senator pardon a suggestion? I invite his attention to the fact that this resolution raises a very important question, which has been discussed in the Senate, and that it is particularly important that these facts be obtained before the conclusion of this debate.

Mr. HALE. The resolution does not give the Committee on Finance any power that it has not now. It can investigate and report, so far as time is given to the committee, upon every subject-matter, and there is nothing gained by stepping in on any particular subject that arises by discussion on the floor and calling for special action and investigation by the committee. The subject as to where the burden of the imposition of tariff duties falls is at the bottom of the entire question, and no new duties are devolved upon the committee by passing this resolution.

I can say to the Senator from Texas and to the Senator who introduced the resolution that the committee has not forgotten this side of the subject. It will act upon not only the particular schedule on which the debate arose, but upon all the schedules. Calling for this special investigation by the committee will have no real result except, possibly, an embarrassment to the committee.

I think, Mr. President, I must insist on my motion that the resolution be referred to the Committee on Finance.

Mr. CULBERSON. The resolution not only invites the attention of the committee specifically and pointedly to this subject, but instructs it to make the investigation. Of course, the committee has general power, but the resolution goes beyond that. It particularizes this subject, and the importance of it at this time can not be overstated or overestimated. On the motion to refer, as against the proposition of the Senator from Oklahoma to adopt it, I ask for the yeas and nays.

The VICE-PRESIDENT. May the Chair suggest that the resolution requires the expenditure of money and must of necessity go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. HALE. It had better be decided now by the Senate. I move to refer the resolution to the Committee on Finance.

The VICE-PRESIDENT. Upon the motion of the Senator from Maine, the Senator from Texas asks for the yeas and nays.

Mr. GORE. Mr. President, I desire to say that the Senator from Maine is eminently correct when he states that the resolution confers no additional power upon the Committee on Finance; but a power unused is equivalent to no power. There are a good many Senators in this Chamber who have some curiosity with respect to these prices, and, I might add, with reference to a great many other subjects that are important and indispensable to a rational decision upon many features and many schedules of the pending bill.

I am aware that the Committee on Finance has this power. I am equally aware that it has not exercised it, and I do not believe that it will exercise it. It is but just to the wholesale men and the retail men of this country that this investigation be made. Solemn Senators have gravely and deliberately impeached their fair dealings with their customers. It has been charged here that the retailers of this country have been perpetrating extortions upon their friends and their neighbors, for the customers of the retail men of this country are their neighbors and their friends, living within the limits of their cities or within their immediate communities. It has been deliberately charged that they have been filching and fleecing unreasonable prices from the men of their cities and their communities, whose interests are identical with their own, who are affected by the same droughts and the same floods, who are equally affected and afflicted by disasters of that sort. This impeachment has been deliberately made here in this presence.

Senators who are responsible for those charges are entitled to the greatest respect in the Senate, and they receive it. Their opinions are entitled to the greatest respect throughout this country. There are other Senators who disclaim that responsibility in behalf of the retailers and in behalf of the wholesale dealers of the country. There is no coward so great as he who fears to face the truth, and there is no cause so weak as that which is unwilling to stand upon the facts and upon the truth.

If the manufacturers are not responsible, they have a right to be exonerated. They have a right to be vindicated against the suspicion entertained against them. If the retail men are the wretches and the robbers they have been here depicted, then, sir, they ought to be sought out, and their guilt ought to be established beyond a reasonable doubt, and they should be held up to the wrath and the execration of their countrymen.

Now, one illustration in point. The junior Senator from West Virginia [Mr. SCOTT] has stated in this presence that glass pitchers which sell at the manufactory for 90 cents a dozen are retailed, I believe he said, for 25 cents apiece.

Mr. SCOTT. Mr. President, I must insist that the Senator shall not put words in my mouth. Three times I have stated on the floor of this Senate that I did not know what the pitchers sold for. The Senator from Iowa [Mr. CUMMINS] told me he priced them and that they were 25 cents. I hope that I will not have to make this statement again to the Senate.

Mr. GORE. He shall not, so far as I am concerned. I am glad to hear the Senator acquit himself of that responsibility. But I am informed by as reliable men as there are in the United States outside of the Senate that those pitchers retail for 15 cents apiece, and that in the 5-and-10-cent stores they can be bought at times for 10 cents apiece.

I have marked the rapture with which Senators on the other side, driven from pillar to post, driven from one sophistry to another, have taken refuge in this house of glass, and I hardly know whether I have been more amused or more amazed at the ecstacy, at the transports of delight, which they have exhibited when they found themselves surrounded by the protecting walls of that crystal palace. But I desire to remind Senators on the other side of the old adage that people who live in glass houses ought to change their clothes in the dark.

The Senator from California [Mr. FLINT] stated that Haviland china, which is bought at about $5 a set in France, and which costs—tariff, freight, and so forth—about $10 or $11, retails for $35, I think he said, in the stores of this city, and in the interior cities at from 20 to 30 per cent more. I have the highest regard for the Senator from California; but I am informed by two reliable merchants in this city, men who are as responsible as anybody outside of the Senate, that the proposition is preposterous, and if it ever happened in the history of the world somebody "underweighed sugar."

Responsible retail dealers tell me that the Haviland china which costs them $18 they retail for $25, and that Haviland china which costs them $20 they retail for $27.50. I confess myself largely indifferent to the duties on Haviland china. I have more concern about what is eaten from the ordinary plates

in this country and worn upon the backs of people who are unable to purchase Haviland china. But I say such an investigation as I propose is but fair to the interests of truth and justice, no matter where the responsibility belongs. Senators who think the retailers are to blame ought to be willing to have the investigation. Others who believe they are innocent and who think that the manufacturers are responsible certainly want the investigation.

I ask for the yeas and nays, because I look upon the Finance Committee as a tomb. If the resolution goes to that committee, I admonish the Senate now, I admonish the country, and I admonish the retail and wholesale men of the country, that they are not to have their day in court, for their accusers are unwilling for them to have an opportunity for vindication, even at the hands of their accusers, for their accusers would be both judges, jurors, and, it would seem, witnesses in the same case. But I ask, in the name of justice and in the name of truth, that the resolution be not buried alive, for the Finance Committee is a cemetery, and on the tomb of the resolution I see that brief and significant epitaph, "Hic jacet," which, I believe, means "Here it lies," and lies forever.

I ask for the yeas and nays on the motion to refer the resolution.

Mr. HALE. Mr. President, I think we had better have the yeas and nays. I simply wish to say that the Senator has built up his man of straw to assail. He is responsible for the use of the words "conspiracy" and "robbery," as applied to the retail dealer.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Oklahoma?

Mr. HALE. I do not propose to take any of the Senate's time.

The VICE-PRESIDENT. The Senator from Maine prefers not to yield.

Mr. HALE. Nobody has arraigned the retailers as being in a conspiracy or as being robbers or as deserving of execration and reproach. But it has been claimed, and it will be discussed—it may be hereafter—that the course of trade is such that when a cheap article is put upon the market of the country by the manufacturers, the stages it passes through before it reaches the consumer from the wholesale dealer, the jobber, and the retailer enhance the price, in some cases more and in some cases less. But there has been no attempt to set up the claim that the retail dealer in the country anywhere is deserving of reproach as a man who is robbing the people. The prices that he asks are a part of the system of the trade, by which every article passes through one hand and then another, and in each case the price is enhanced.

All that I, or that any Senator who spoke of it, sought to claim was that the rate fixed by the tariff upon the manufacturer had little to do with the price the consumer pays at his own door. That is not a new proposition. It is an old question.

I am entirely willing, and hope that the yeas and nays will be ordered.

Mr. CLAPP. Mr. President, I do not myself think that a distinctive protective tariff, as distinguished from a revenue tariff, is necessarily added, as I undertook to show the other day. I do regret that in this debate a single pane of glass has been brought in here, and the difference between what that pane of glass would cost and the price at which it is sold characterized as profit, and the retailer charged with that exorbitant profit.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Will the Senator from Minnesota yield to the Senator from Utah?

Mr. CLAPP. Certainly.

Mr. SMOOT. I have not charged the retailer with any exorbitant profit any more than I charged the jobber. It is the different stages of handling the goods from the time they leave the manufacturer's hands until they reach the consumer. There may be one, two, or three handlings by jobbers and then one, two, or three from the jobber to the retailer. It is the whole system of trade that I spoke of in relation to the price of glass.

Mr. CLAPP. What I was speaking of, Mr. President, is the unfairness—not intentional perhaps—of characterizing the difference in cost to the retailer on what he sells as a profit, when out of that increased difference in price must come the share of the entire expense of the business.

Mr. President, I not only think we ought to have this information for our own use, but I believe that, unintentionally perhaps, an injustice has been done the retailers of this country.

Mr. FLINT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Minnesota yield to the Senator from California?

Mr. CLAPP. With pleasure.

Mr. FLINT. The Senator looks around to me when he speaks of injustice being done to the retailer. As far as any statement I have made in reference to the retailer is concerned, I reiterate it—I think no injustice has been done the retailer. In my opinion, the retailers of this country are making exorbitant profits. Many of the retailers who have been making exorbitant profits have taken pains to circulate the report that the high prices are caused by the protective tariff. This is not a fact. I think many of these articles that have appeared in the public press have been inspired by department stores. The effect of the articles has been to call attention to the fact that they are making extravagant and exorbitant profits out of their business. I want to repeat and reiterate what I have said on this subject.

Mr. CLAPP. Mr. President, I have not been able during this controversy to see where any necessity existed in the defense of a protective tariff to thus characterize the profits of the retail dealer. The retailers feel that this has been——

Mr. FLINT. If the Senator will allow me a moment more——

The VICE-PRESIDENT. Does the Senator from Minnesota yield further?

Mr. CLAPP. With pleasure.

Mr. FLINT. I say that the retailers in this country have taken pains to circulate petitions in their stores asking that the duty on this article or that article be reduced on the ground that the tariff upon the article made the high cost to the consumer. I want to say that in each instance where they have sent in these petitions the tariff is not a factor in fixing the price, but it is the exorbitant price charged by the retailer, and a reduction in the duty would not reduce the price charged by the department stores and other retail stores throughout the country.

Mr. CLAPP. Mr. President, I received yesterday a petition purporting to be signed by a man in the West and it was mailed to me from Wall street. There is no doubt that some retailers have been, unwittingly perhaps, the instrumentality of circulating petitions, but the fact remains that there are thousands of retailers in this country who barely make a living from one end of the year to the other, and to-day they have to face their people and their trade with this charge, if I may characterize it as a charge, emanating from the American Senate, that they are putting an extortionate price upon their goods. I have a letter——

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. CLAPP. Certainly.

Mr. ALDRICH. Does the Senator think the Finance Committee can take up this investigation at this moment and proceed with it?

Mr. CLAPP. I think probably the Finance Committee has a great deal of data, and that in a very short time it could be laid before the Senate and before the American public.

Mr. ALDRICH. They have no data upon the subject at all, except such as is in the minds of the members of the committee. It seems to me it would not be the desire of the Senate to impose any new duties on the Finance Committee at the present time; that is, if we are ever going to get through with the bill.

Mr. CLAPP. Not anticipating a resolution of this kind, I began an investigation upon my own responsibility as to glass.

Mr. ALDRICH. Will the Senator permit me to make another observation?

Mr. CLAPP. Certainly.

Mr. ALDRICH. The tendency of the resolution and its consideration are against the order of the Senate, but I would be very glad to get it out of the way if I can. We have spent a great deal of time in the last two days in discussing extraneous matters, and I am extremely anxious, if possible, to get the Senate down to the consideration of the paragraphs of the bill.

Mr. CLAPP. Having taken up this investigation on my own responsibility and proceeded with it to some extent in the glass matter, I want to submit and have inserted in the RECORD a statement of one of the reputable glass dealers in this city, to the effect that while it may be true that a particular kind of glass bought in one piece might bring 15 or 20 or 25 cents, of the common, cheap window glass that is used in the ordinary plain house a single light can be bought in this city for 8 cents, and in any sufficient quantity to complete a small home as low as 3.6 cents. I ask to have the letter inserted in the RECORD.

The VICE-PRESIDENT. Without objection, it is so ordered. The Chair hears no objection.

The letter referred to is as follows:

WASHINGTON, D. C., *May 14, 1909.*

Hon. MOSES E. CLAPP,
United States Senate, Washington, D. C.

DEAR SIR: I notice in CONGRESSIONAL RECORD proceedings in the Senate of the United States, Monday, May 3, 1909, on page 2029, something said there by Senator SMOOT as to the cost and also as to selling price of a pane of glass 12 by 14 inches.

There are different qualities of glass; common window glass has four qualities; picture glass has a higher grade than any one of the common window glass grades, therefore it is difficult to determine as to the kind of glass called for by the appraiser who had been wired to by Senator SMOOT.

A light of common window glass, third quality, 12 by 14 inches, can be purchased by me in carload lots, delivered on tracks in Washington, D. C., at a cost of 2.9 cents per light for single thick. If I buy the same light of glass from the jobber, it will cost me in hundred-box lots or less, landed down on the platform of any railroad entering Washington, single thick, 3.4 cents per light. A single light of this glass called for by a customer desiring to purchase will be charged 8 cents for it. The time consumed by a clerk taking this light of glass out of stock to his counter, wrapping it up and giving the cost of string, would be considerable, and if that clerk and other clerks in the same business house continued through the day to sell single lights of glass at the indicated profit the house would be calling for proceedings in bankruptcy before many years. Whilst if this same customer desired a sufficient number of lights to glaze in windows in a 6-room house, he can have the same light of glass in sufficient quantities to complete his house, delivered at the building site, at 25 per cent more than the manufacturer's price, that is to say, that the light of glass costing me on tracks here 2.9 cents will be delivered by me to the purchaser at the building site for 3.6 cents per light, and it is quite possible if the customer is shrewd, gets an estimate of cost from two or more dealers in Washington, that he will purchase the glass necessary for his home at less than 25 per cent over and above the manufacturer's delivered price to me or them on tracks in Washington.

Yours, very respectfully,
THOS. W. SMITH,
First and Indiana Avenue NW.

Mr. WARREN. Mr. President, it seems to me there is a good deal of room between the two extremes of statement, that the retailer makes little or no profit, and that the retailer makes an exorbitant profit. There is a large field of expense and a great many items of expense that are perfectly natural on the part of the wholesaler and on the part of the retailer in passing merchandise on from manufacturer to consumer.

Take the matter of glass, for instance. In the first place, it requires expensive packages in which to ship it. It meets heavy freight charges. It requires labor in unpacking, cleaning, and placing upon the shelves; and there is a large percentage of breakage in glassware and crockery between the point of shipment and their place upon the shelves of the merchant.

The manufacturer and the jobber can afford to handle goods upon a small margin, because they turn over their stock of material or goods often; because they can do business in much cheaper buildings, in more obscure streets if in cities or towns, or in the country, as is often the case in manufacturing. On the other hand, the retail trader is at a tremendous expense and many and varied risks. The purchasing public, in quest of some little article—or large one, for that matter—usually goes to the place which is in the most popular location and is making the greatest exhibit. They demand that they may go on the most fashionable and most frequented of the business streets, preferably into corner stores; that the storerooms shall be brilliantly lighted and magnificent in all detail; that there must be plenty of clerks, men or women, or both; that these clerks must be well groomed and attractive in appearance, and affable and engaging in manner. In fact, the retail purchaser usually loves to buy of the most luxurious establishment in the town. This is not quite so marked in grocery stores, markets, and so forth, but it is true in a measure, nevertheless, as to every place where merchandise is sold at retail. The customer may be more careful in buying groceries, and so forth, which are everyday purchases, but if he wants a bit of glassware or crockery, some trinket or gift, a piece of jewelry—or if a lady wishes some article of wearing apparel, or, for that matter, I might include the gentlemen as well—they are bound to go to the so-called "fashionable shops." They want what they want just at that particular time, and they want to get it at that particular place, and they want it to bear that shop's trademark, so that they may be able to say afterwards that the article was purchased at so-and-so's store, naming the most fashionable retail establishment in the vicinity, and it does not so much matter about the price.

I had some experience in early life in mercantile matters. I have often figured over the books and balance sheets of concerns where the store expenses outside of packing and transportation charges—simply the ordinary running expenses of the store—took from 25 to 33⅓ per cent of the entire amount of money taken in. And these concerns were not the great fashionable shops in large cities, where the insurance is considerable, the rent enormous, and the advertising equally so.

So the retail price of goods depends, first, upon the number of people or firms who may have to handle the goods and through whose hands they pass before reaching the retailer, and also at what point and under what circumstances they may be sold. It depends, again, upon the relative cost of the naked article and the package charges, the weight and freight charges, the risk in breakage or leakage or damage in shipping, and so forth. I have seen freight bills paid upon merchandise that amounted to 100 to 300 per cent upon the original cost at the manufactory; and while this increase, added to the other expenses upon the goods en route, through sales, and so forth, to the consumer, made the total increase perhaps 500 per cent or more, still none could be accused of having made an exorbitant profit. It is a wide field, and one that ought to be well understood without the necessity of making any special examination. What some trinket or article not in ordinary use—or even in ordinary use—may bring when sold in some fancy, illuminated, and bedecked, centrally located shop or establishment has nothing to do, legitimately, with the first cost at the manufactory, or, for that matter, with the price paid the jobber.

Mr. BORAH. Mr. President, I ask that the resolution be read again. We were not able to hear the resolution in this part of the Chamber.

Mr. ALDRICH. I think I will object to the further consideration of the resolution.

The VICE-PRESIDENT. The Senator from Rhode Island objects to further consideration at this time. The resolution goes over under the objection until to-morrow.

THE TARIFF.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. JOHNSTON of Alabama. Mr. President, I congratulate myself that I am not so new in the Senate as not to attract your attention, and I am not so old in my seat as to be apprehensive about vacating it soon.

The bill that we have up for consideration reminds me of the second commandment. There is nothing like it in the heavens above or in the earth beneath or in the waters under the earth. I think that when it becomes a law, as it is predestined to become, there will be none to fall down and worship it except the idiots, the insane, and the protected manufacturers.

My friend the junior Senator from Mississippi [Mr. MCLAURIN] yesterday attempted to improve it by introducing some plebeian articles on the free list—plows, belly bands, trace chains, and so forth—and I think he had no apprehension of the aristocratic company that they were to keep.

Having waded through 192 pages of this bill, I struck the free list, and the thirteenth item that appeared on this privileged class was "apatite." A little further on, I found that teeth, natural or unmanufactured, were let in free, I suppose to wait upon apatite and do its perfect work. I thought these were the cruelest things in the whole bill; that after putting a duty of 5 cents a pound on hams and bacon and about 40 per cent on nearly every article necessary to sustain life, the framers of the bill should turn loose free appetites and free teeth. Distrusting the apparent error in spelling the word, I finally consulted the dictionary, and found that the word "apatite" was not the good old-fashioned craving for something to eat, which seems to be constantly increasing under Republican administration, but was a "vitreous, sea-green, brown, blue-black, white," and so forth, "transparent to opaque, calcium chlorophosphate or fluophosphate ($Ca_5FP_3O_{12}$), usually crystallizing in hexagonal prisms; used formerly as a gem and called 'moroxite;'" and that this word was derived from the Greek "apate," which meant "deceit." That is a good word to put in this bill. I was greatly relieved. I knew how the people must crave for this deceitful gem and how little use they had for a good, old-fashioned English appetite. They will not have the least use for either natural or artificial teeth if this exorbitant protective tariff continues to increase and the trusts to multiply.

Pursuing my studies further, I discovered in this free list catgut, whip gut, or worm gut. I was not amazed that the human article was not included, because we shall be able to diminish the number we need as the duties increase. [Laughter.] But the people are not left entirely without hope, for there is included in the free list manna, joss sticks, ipecac, nux vomica, dragon's blood, asafetida, and balm of gilead. These may be said to be in the nature of countervailing duties on apatite. I do not object to any of them, but there is one still further on which I shall move to strike out; that is leeches. [Laughter.] I think there will be a great increase in their production under this bill, and that the supply will largely exceed the demand. Spunk is also put on the free list.

I am delighted at that, for if some of my friends on the other side of this Chamber had a little more of it, I am satisfied that the country would have lower taxes on the necessaries of life.

Looking further into this admirable free list, I find raw silk free—the duty on the manufactured article is 50 per cent—whilst a duty of nearly 135 per cent is laid on woolen or worsted cloths valued at not more than 40 cents per yard, an article largely in use by a vast number of the people of this country. So that when a woman buys 10 yards of cloth for a worsted dress, worth $4 abroad, she has to confront a protective duty or tax of 135 per cent and contribute $5.40 to a benevolent government or a protected manufacturer, making the cloth cost her $9.40; at the same time her more favored sister gets her 10 yards of silk by paying a duty of only $5. Uncut diamonds come in free, and the cheapest blankets are taxed 107 per cent. Imitation diamonds and pearls are 20 per cent. Not many of our people are able to buy the genuine article, and if they adorn themselves with imitations, they are charged heavily for it. Furs, undressed, are admitted free of duty and Brussels carpets taxed at 75 per cent. Rags are wisely put on the free list and common shawls bear a duty of 92 per cent. It must be a great comfort to our people to know that under Republican rule they still may get rags without paying a cent of tribute to the Government or to any trust or manufacturer. The women of the country will be delighted to know that whilst frocks are high and stockings are going up, rags are coming down. [Laughter.] Next year, whether we see them or not, I expect there will be as many darned stockings as there will be damns for this bill.

I want, Mr. President, to call attention to this pregnant fact, that not only has no substantial change been made in this bill looking to a reduction of the taxes upon articles of necessity, but it is observable that in a great many cases the duties are lower on the finer and more expensive grades, especially of woolen or worsted goods, than on the cheaper. It will be perceived that those valued at not over 40 cents per pound bear a duty of 134 per cent, whilst those valued at over 70 cents per pound are taxed at 94 per cent. So with blankets. Those valued at 40 cents per pound are taxed at 107 per cent, whilst those valued in excess of 50 cents per pound are taxed at 71 per cent. The same thing appears in paragraph 376 on dress goods. Those valued at not exceeding 15 cents per square yard are taxed at 105 per cent, and, when they are valued at above 70 cents, at 94 per cent. Oriental carpets woven whole for rooms, paragraph 387, bear a duty of 60 per cent, whilst ingrain three-ply carpets are taxed at 66 per cent. Champagne bears a duty of 65 per cent and wearing apparel of 86 per cent.

So it is cheaper to drink champagne than to wear clothes. So with hats and bonnets, those costing not over $5 per dozen are taxed at 62 per cent, and those valued at more than $20 per dozen at 35 per cent. Whenever we buy a yard of foreign cloth we patriotically pay the duty to the Government; when we buy the homemade article we pay the duty all the same to the manufacturer, but with less pleasure and patriotism.

Whether or not there has been a compliance with the platform of the Republican party, or the recommendation of the President, or the expectations of the country, I will undertake to say of the 14 schedules of the bill containing some thousands of articles, that in 9 of these the duties have been raised, 2 remain the same as in the Dingley Act, and in 3 only is there an apparent reduction; and the honorable chairman of the committee advises us that—

> The changes we propose to make in the administration act include (1) new definitions of dutiable value and new methods in its proper ascertainment, (2) more efficient collection machinery, and (3) a provision for the creation of a customs court to insure uniformity of decisions in customs cases. The provisions suggested will, in the opinion of the committee, result in the collection of a certain percentage more revenue in the importation of the same articles than was collected under the act of 1897—

And adds that—

> The extent of the undervaluations practiced under existing law is variously estimated at from 10 to 25 per cent of the revenue collection.

So, if the chairman and the committee are right, there will be, under this bill, from 10 to 25 per cent more added to the duties and revenues of the Dingley Act. From being standpatters some five years ago, the Republican leaders were driven last year to a declaration for revision. If the revision was not to be downward, why abandon their former position? Was it to deceive the voters of the country or to mislead their nominee for President? For he stated in his inaugural that "we should make the taxation as light as possible." The argument during the campaign was made everywhere that we were to have a revision downward; that it should be had, but it ought to be made by the friends of protection and not its enemies. It was conceded that the Democrats would revise downward largely, especially on the necessaries of life, and the Republican position was that this would bring on numerous disasters. Now, when the bill is brought into this Chamber, it is a complete disappointment to all those who hoped for a reduction of duties; and when the administrative features are added, it will be distinctly more oppressive than the Dingley Act. The reduction is upward. We ridiculed the standpatters; we prayed to be delivered from them; but we had fared better at their hands, and now they begin to have a more amiable appearance. The letter of the platform may have been kept, but the spirit and the understanding of it by the people is crucified.

One good thing will result—the people will become convinced that they can not rely upon those now making the laws, and, despairing of securing any revision downward by the friends of protection, they will turn to the friends of the people.

Is it possible that the eloquent Senators from Iowa or the wise Senator from Wisconsin, and other Senators of great ability, were deceived last year when, in supporting the Republican ticket, they advised the voters that the platform meant revision downward? Did anyone contradict them then? If not, why not?

Republicans are amusing themselves by charging that Democrats are leaning to protection because they desire to see the products of their States treated fairly. When we find ourselves confronted with a bill framed on protective lines, we want to see it made equal and fair in its operation upon all sections of the country. We do not want a protective tariff for one section and free trade for another. That would not only compel the people of one section to pay their share of the burdens of government, but at the same time compel them to pay tribute to another section. So far as I have observed, not a single Democrat has advocated protection for a single article; and in no case, so far as I have observed, has a proposal been made to impose a revenue duty greater than 20 per cent, whilst the average rate under this bill is nearly 45 per cent. Reductions have been made in this bill in only three schedules; and it is noticeable that two of these include articles largely produced in the South, and in the other the reduction is less than 1 per cent.

Protection has enough sins to answer for without adding to them unfair discrimination.

Mr. President, I shall not by my vote add one protective infant to this chosen band, whose interests and profits are to be secured through congressional legislation by laying burdens upon the shoulders of the people of the whole country. I do not wish to see another industry relying upon laws and not upon its own skill and industry for profits. To do so is to strengthen the confederation who already seem able to dictate schedules and to measure the extent of their exactions. The pirates of Tarifa took all; but these men, wiser in their generation, permit the victims to live and work, so that they may be plucked again.

I am persuaded that every article imported into this country not controlled by a trust, should bear its fair and equal share in furnishing the revenues necessary for the expenditures of the Government. The chairman of the committee frankly informs us that if we reduce the rates imposed by the bill to a revenue basis, it means an absolute increase of revenue, rather than a reduction, and that the only way the revenue can be reduced substantially is either by adding to the prohibitory duties or by placing articles on the free list; and this is the answer of the Senator to the President's statement "That in the making of a tariff bill the prime motive is taxation, thereby securing a revenue." The Senator seems to think a reduction of taxes the least desirable of the three.

The Senator seems to be confident that this bill will supply the necessary revenue. Others, amongst them myself, have grave doubts; but the Senator seems willing to incur the risk and to supply the deficiency of revenue, in a time of profound peace and Republican prosperity, by an issue of bonds, rather than increase the revenue by a reduction of duty, even on articles of common use and necessity. He assumes that the receipts derived from the internal revenue will remain the same in the face of the Treasury report that they have declined $6,000,000 during the present fiscal year, and, it seems to me, they must continue to decline more largely under the constantly increasing prohibition laws of the several States.

We are indebted to the honorable Senator for some very frank expressions. He says the fact that Congress appropriated less than the estimates of the departments does not relieve it from responsibility for its "unprecedented extravagance," and that no excuse can be found for similar legislation in the future. Again, he speaks of the "inconsiderate waste of the public money." He says that from an investigation, more or less superficial, the appropriations made last year could have been reduced fifty millions "without impairing the efficiency of the Government." He concludes his interesting confession that, if

the revenues are less than anticipated, it is the imperative duty of Congress to reduce expenditures, the last resort of Republican extremity.

Now, Mr. President, this is a good, wholesome, honest confession. But confessions have no virtue unless they are accompanied by repentance and sometimes by restitution. According to the Senator's admission, it shows that in so far as the people of my own State are concerned, that his party took from them in extravagant and unnecessary appropriations more than $1,000,000, and all the other States fare equally as bad. What a pity that the Senator did not make these discoveries when the appropriation bills were before us. Where was Roderick then? One blast upon his bugle here was worth $50,000,000. I believe every one of these appropriation bills was increased in the Senate over the House appropriations, and yet if the Senator had thrown his great weight and influence against them we should have reduced the extravagant appropriations of the House instead of enlarging them. We can congratulate the Senator that it is better to repent now than never to repent at all. Whether this repentance shall stand the rude current of the next appropriation bills remains yet to be seen.

The Senator reminds me of an old man down in my State, who, desiring to break a steer, concluded that the best plan was to yoke himself up with the steer. He lived near a court-house town. After he had yoked himself up, the steer ran away with him, and he had to keep a rapid pace in order to prevent his head from being pulled off by the yoke that he was wearing. Finally, they got into the court-house town; the steer ran him around the square, and he yelled out to the by-standers: "Won't somebody stop us durned fools quick?" [Laughter.] So it is with these appropriations.

Mr. President, the chairman of the Finance Committee says that he expects this bill to produce three hundred and forty-five millions of revenue for 1910.

I read last year in the American Economist an article, as I remember, from Mr. Van Cleave, president of Manufacturers' Association, stating that for every dollar paid into the Treasury under the Dingley bill, $3 were contributed to the manufacturers. If that be true, then the people of the United States, the producers and other classes, will have to pay, in order to raise this three hundred and forty-five millions for the Government, over one thousand millions to the protected manufacturers, a burden of over $10 for each man, woman, and child in this country, and a sum nearly equal to one-third of all the money in the United States. The Senator from Iowa [Mr. CUMMINS] is reported to have said that—

> All the robberies committed by all the insurance companies, for all time, did not equal one-fifth of the amount that the American people were robbed of every year under the protective-tariff system.

Mr. CUMMINS. Mr. President——

The PRESIDING OFFICER (Mr. JONES in the chair). Does the Senator from Alabama yield to the Senator from Iowa?

Mr. JOHNSTON of Alabama. Certainly.

Mr. CUMMINS. I beg to say that the quotation which the Senator has just attempted to give is not accurate. I know that it is somewhat current about the Capitol, but I should like the Senator to examine the speech from which that is supposed to have been taken and at some future time give the extract exactly as I gave it myself.

Mr. JOHNSTON of Alabama. I will be very glad to furnish the Senator with the authority I have.

I am very glad, Mr. President, that we have no statistics which show how much is collected from the people and not paid into the Treasury, but to manufacturers under the operations of this tariff, because I remember that Lord Beaconsfield said there were three kinds of liars—a liar, a "durned" liar, and statistics. So I prefer that we shall leave this estimate to Senators to judge by their own experience and observation.

If the people were called upon to vote a direct tax of $1,000,000,000, or even half that amount, to give a fair and reasonable profit to the manufacturers, I imagine that such a measure would receive support from that class alone; but because this tax is indirectly taken the people continue to suffer it to be laid.

It is claimed in behalf of this policy that it is better for the people to pay these exorbitant and unnecessary prices, for the money is kept at home. I doubt whether any citizen of this country derives very much consolation from knowing that the money of which he has been robbed is still in the country. For myself, I rather think that I should resent more keenly being robbed by my neighbor than by a foreigner.

I think there is no Senator on this floor who advocates free trade. We have to raise an enormous revenue to meet the "unprecedented extravagance" of our appropriations, and we are practically agreed that this money should come largely from duties laid on imports. A revenue tariff impartially laid on all articles of import, excluding coffee and tea, to support the Government with the higher rate on the luxuries would require a duty of about 25 or 30 per cent and give our manufacturers an advantage of that per cent over foreign producers; certainly more than the difference between cost of labor at home and abroad, because the table presented by the Senator from Texas [Mr. CULBERSON] yesterday showed that the whole cost of labor in the manufactured products of the United States was not exceeding 18 per cent of the cost of the article. I find no authority in the Constitution or in common justice for the Congress to take money from one class in order that another may make a profit.

No one proposes that the farmer, the miner, or the merchant, or those engaged in the professions shall be guaranteed by the Government a fair return on his labor, skill, or investment. The manufacturers alone enjoy this bounty. How long shall this one class be guaranteed by law a profit, whilst all other classes must labor and sweat and take the precarious chances of seasons and markets aided by no other laws than those of nature and trade?

After fifty years of protection these manufacturers are still clamoring for more protection and, in many cases, selling their products cheaper abroad than at home. The home market and the home people footing the bills are not favored by them. The corridors of the Capitol are besieged by them; the offices and the mail of Senators are filled to overflowing by their appeals, every one with one voice and one mind demanding higher rates, or that no reduction be made in the most protective bill ever framed. They are now demanding as a right what they formerly sought as a favor. The men who foot the bills are not seen in these corridors. They are at work at home; they are unable to bear the expense of a visit to Washington. Their voices are not heard, or if heard, I fear are unheeded.

The Senator from Maryland [Mr. RAYNER] seems to think that an interest in the tariff makes a man careless with his facts. I think that even the contemplation of it and the statistics and arguments furnished in its behalf tends to give a man intellectual strabismus. I feel that it is something like the Presbyterian elder who was whipping his child for misstating the facts about the cost of production or the cost of appropriating a watermelon, and he asked him, in the course of his correction, what the Bible said about liars. The boy disclaimed knowing; but as the switch came down with greater vigor he finally decided that he knew, and said, "I know what it is," and his father said, "What is it?" The boy said, "A liar is an abomination in the sight of the Lord, but a very present help in time of trouble." [Laughter.] Certainly this is a time of trouble for the manufacturer.

The imposition of any tax can be justified only by its necessity; and when the tax is not taken for the support of the legitimate purposes of government, it is oppression. However small the tax upon the individual, in most cases it means self-denial; often it takes the book out of the child's hand and denies him education, and in a vast majority of cases it means a complete bar to all the luxuries of life enjoyed by the favored few.

Government is not the creator of wealth and can not give to the few without taking from the many.

Our fathers established this Government to enjoy political freedom, religious liberty, and to secure to all its people equality of opportunities and burdens. I well remember when but one man in all this great and happy country was reported as worth a million dollars, yet we lived to see the day when great fortunes are numbered by the thousands, while millions are toiling for the necessaries of life and bearing an unequal share of the burdens of government.

It is time for us to take thought of the men to whom this country must look to sustain its honor, defend its territory, and assert its liberties in time of peril.

Mr. President, recently I picked up an old book; the title was "The Gentleman's Magazine or Monthly Intelligencer," printed at St. John's Gate, London, by F. Jeffries, in the year 1733, third volume, and on pages 86 and 127 I find this.

At a certain time, along about the Middle Ages, a most interesting episode occurred in the career of the senate of Florence. A coterie of senators was seeking to impose upon the people an exceptionally burdensome tax. There was one who protested in behalf of the people—Gulielmo Peggio. This is what he said in a speech to the senate:

> Most magnificent lords, some noble Florentines have given me to understand that our whole business of meeting here is to drain the people by taxes and imposts, in order to swell the pride and fill the coffers of some private families among ourselves. With this extraordinary taxa-

tion you propose to create more offices; offices which have the appearance of use, yet one man with common sense might do the business which five or six favorite drones have large appointments to execute. What an alteration have these things occasioned! The spirit of the people seems fled with their money extorted from them by taxation, and they humbly and meanly wait at the doors of these upstarts, to be directed in the choice of magistrates, and only to have thrown back to them a scrap of the bread which was taken from them in taxes.

Should I be asked if I would let the State suffer for want of a present revenue, I would answer, no. Let it be raised from those who are able to spare it. * * *

I prefer this method to permitting them to remain as they are, and accepting donations from them at certain times; because the latter would be a kind of acknowledgment that they were of some good use after all, which would be against my conscience.

That speech of Gulielmo Peggio in behalf of the people against their plunderers had its answer, but the answer was not made in the open senate, where the people could hear it. It was made by their chief of his party, the most cunning and astute of them all, made to his own faction, all others being excluded, because they, being in control of the government, regarded themselves as alone responsible for its conduct. This is what Furfante, the brilliant chief of finance of the Florence senate, said to his loyal associates:

Most magnificent lords and noble companions, you have heard with what insolence Peggio inveighed the other day against those excellent customs which we have introduced in order to establish ourselves in wealth and greatness. His invectives I take as a level against me, which I receive as compliments to my superior genius, for I glory in being counted the man who first brought the art of fleecing the people into so great credit and reputation. I say without vanity that those very persons whom the disaffected, through envy, stigmatize with the names of knaves and plunderers owe their establishment and security to our indefatigable labors—labors by which the ingenious art of legerdemain is so improved in this city that if only 10 persons were set ashore in an uninhabited island with only one of us among them, if in a month's time he did not cheat the other 9 of all they had I would not own him to be one of us.

Let the disaffected reproachfully remind us of the conduct of Camillus, Regulus, and Cincinnatus, who from conquest went back to the plow. Did any of them have as much money as any of us here present? * * *

Let the wisdom of the head be theirs, and be ours the wisdom of the fingers. Our enemies seem to have found means to engage the affections of the giddy multitude, which might prove fatal to us did I not take care to tax the trade of this city. Meum and Tuum disturb this world. Stick together. Upon that depends our common safety. Never admit anything advanced by the disaffected, though never so evident; but if I should think it necessary to assert that 3 and 2 make 150, you must swear to it. Hear no reasons; but face them down.

* * * Let us fleece on; the wool will grow again, for the flocks are made for the use of the shepherds.

This closed Furfante's speech, and his companions crowded around him and assured him he had spoken like an angel.

Mr. ALDRICH. Paragraph 119, I think, is next.

Mr. KEAN. One hundred and nineteen.

The SECRETARY. On page 33, paragraph 119, relative to beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structual shapes of iron or steel.

The PRESIDING OFFICER. The committee amendment has already been agreed to.

Mr. ALDRICH. It has been.

Mr. CRAWFORD. In 119?

Mr. ALDRICH. I want to withdraw the amendment increasing the rate from three-tenths to four-tenths.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Rhode Island? He withdraws the amendment. There are two amendments, the clerk says. Which amendment does the Senator withdraw?

Mr. ALDRICH. The last amendment only.

Mr. CUMMINS. Do I understand both committee amendments have been agreed to?

Mr. ALDRICH. They were agreed to when we passed upon the schedule before; but I propose, by unanimous consent, to withdraw the amendment which increases the rate from three-tenths to four-tenths. I propose to return to the House rate of three-tenths.

Mr. CUMMINS. The committee does not intend to change the classification?

Mr. ALDRICH. No, sir. That is absolutely necessary for the protection of the business in this country.

Mr. BEVERIDGE. I understand what the committee proposes to do is merely to withdraw its amendment which increases the House rate from three-tenths to four-tenths. There is an increase of one-tenth.

Mr. ALDRICH. There is no increase.

Mr. BEVERIDGE. I say that is what the committee withdraws.

Mr. CUMMINS. I hope the Senate will not receive the impression that the withdrawal of the amendment in regard to the duty—that is, substituting three-tenths for four-tenths—restores this paragraph to the form or effect which it had when it passed the House. I would be wholly satisfied with that restoration, and it may be the reclassification contained in the committee amendment is necessary, although from the information I have—and that is contained in the hearings before the House—there seems to be no reason for such a duty. I think this clearly falls within the suggestion made yesterday that there should be some explanation for it.

It will be observed that in the House paragraph it is provided that these beams, girders, and so forth, "together with all other structural shapes of iron or steel, whether plain or punched, or fitted for use," shall pay three-tenths of 1 cent per pound. The Senate committee has recommended the striking out of the words "whether plain or punched, or fitted for use," and insertion of the words "but not assembled or manufactured or advanced beyond hammering, rolling, or casting."

I take it that the elimination of such forms from this paragraph will place them under the general paragraph, and that upon such forms there will be levied an ad valorem duty of 45 per cent; and this means a duty of substantially $14 a ton. If I am wrong about that, I will ask what will be the duty under the 45 per cent ad valorem?

Mr. ALDRICH. The foreign price of structural steel is about $20 a ton, and the duty would be 45 per cent, or $9 a ton.

Mr. NEWLANDS. It is impossible to hear the colloquy.

Mr. CUMMINS. I did not quite hear the Senator from Rhode Island.

The PRESIDING OFFICER. Senators can not be heard.

Mr. CUMMINS. Do I understand the statement of the Senator from Rhode Island to be that steel of this character is worth only $20 a ton abroad?

Mr. ALDRICH. What I said is that the foreign price of structural steel is about $20 per ton.

Mr. CUMMINS. That is not my recollection. If the foreign price is only $20 a ton, the duty is too high. But according to the information furnished by the committee, the foreign price as a whole was a cent and four-tenths per pound. That would make substantially $28 a ton.

Mr. BEVERIDGE. I rise to make a suggestion, in order to get the Senator's mind upon it. Would the Senator have any objection to the committee withdrawing the last part of its amendment, which substitutes the word "four-tenths" for "three-tenths," and then consider the other part of the amendment?

Mr. CUMMINS. Certainly not. I have no objection to that.

Mr. BEVERIDGE. The committee does withdraw that part, restoring it to three-tenths. The rest of it can be discussed, so that we may see where we are.

Mr. LODGE. That part has been withdrawn.

Mr. BEVERIDGE. That part has been withdrawn, so we may understand where we are.

Mr. CUMMINS. I understand we are discussing only what may be called the "classification," taking out some forms and putting them under the general law, which imposes upon them a duty of 45 per cent. I may be wrong, but I have every reason to believe that the general value of structural material is rather above than below $30 per ton; and if it is $30 per ton, then the ad valorem which would be put upon these forms that are thus excepted from this paragraph would be $14 per ton, instead of $6 a ton, upon the forms which remain in the paragraph, according to the committee's action this morning.

If that be true, I should like to know why these particular forms should bear a duty of $14 a ton, or something like that. I understand that structural steel passes from the rolling mill to what may be called the "punching mill," or the "fabricating mill," and the purpose here, I take it, is to entirely exclude the importation of structural steel that is advanced so far as to be ready for the riveting which may take place when it is used in the building for which it is proposed.

Mr. SMOOT. Mr. President, I wish to give the Senator the reason for the advance as a whole. Of late great buildings in the city of New York have been constructed with structural steel in this way.

Not only do the shipments come from foreign lands of what was formerly known as "structural steel," but they have gone so far of late as to come and take the measurement of a vast building—the window and door frames—and in foreign countries have it manufactured and shipped here and placed in the building, with no other work to do in this country than to bolt them together, and that is why we have changed the wording in the law to restrict that class of goods from coming in here at three-tenths of a cent per pound.

I know of a number of buildings in the city of New York that were constructed in the year 1907 and also in 1908 where every single bit of structural steel—I do not mean the girders, but I mean the window and door frames, and all of the iron

in the building—came in under paragraph 119, and would come in at three-tenths of a cent. The old rate was five-tenths, and it would come in under the new rate of three-tenths to-day, and the wording which the committee have reported here is for the purpose of taking that class of finished product and putting it under the law at 45 per cent.

Mr. CUMMINS. The purpose of the committee is perfectly obvious, and I for one do not complain of it; that is, the reclassification. I agree that the duty upon structural steel, which is advanced to the point suggested by the Senator from Utah, ought to be more than the duty on structural steel that has had nothing done upon it except the rolling. But, it seems to me, the duty is altogether too high; and inasmuch as the Senator from Utah has mentioned the importations under the old paragraph at five-tenths of a cent per pound, I beg to call the attention of the Senate to what has actually been done in this country with regard to structural steel.

We imported for the year ending June 30, 1907, 34,359,271.40 pounds. That means that we imported practically 17,000 tons of structural steel, a mere negligible quantity as compared to that which we have used. But that is not the point that I desire to impress upon the Senate.

Mr. SMOOT. Mr. President——

Mr. CUMMINS. Just a moment. We exported during the same year of structural steel a quantity of the value of $6,954,818, and the value of our entire product in this country was $32,730,901. So that we exported nearly one-fifth of our entire manufacture, and imported about 17,000 tons.

Mr. SMOOT. The Senator must certainly understand that our importations were not of ordinary structural steel; it was the finished product, and the price itself demonstrates that. It cost $28 a ton, whereas ordinary structural steel does not cost any more than $20. So it is proved, beyond all question, that all the importations into this country were of the finished product.

Mr. CUMMINS. I have no reason to doubt that statement; but what I rose to do was to ask whether, having reduced now the duty upon the paragraph generally to three-tenths of a cent, instead of four-tenths, the committee still is of the opinion that we ought to have $14 a ton or 45 per cent ad valorem upon the other?

Mr. SMOOT. I have no doubt in the world that it is necessary upon the class of articles that would fall under this particular paragraph, because it is all a very high-finished product.

Mr. CUMMINS. I was not advised until just now that this particular amendment had been adopted. I thought the whole paragraph was open. Therefore I have not at hand the amendment which I had in mind to present. It seems to me this duty is too high; then I shall offer the amendment in the Senate.

Mr. NEWLANDS. I ask the Senator from Iowa if he is able to state the cost of the production of steel that has simply been rolled and has not yet been assembled or punched?

Mr. CUMMINS. Of course the assembling and the punching are two different operations.

Mr. NEWLANDS. Yes.

Mr. CUMMINS. As I understand it, the amendment of the committee excepts or withdraws from the operation of this paragraph any structural steel that has been advanced beyond merely casting or rolling.

Mr. CRAWFORD. I should like to make a suggestion.

Mr. CUMMINS. I do not hear the Senator from South Dakota.

Mr. NEWLANDS. The Senator will permit me to continue my inquiry until I am through?

Mr. CRAWFORD. Yes.

Mr. NEWLANDS. I desire to ascertain how he determines that if this paragraph stands as it is, with the new classification fixed by the Senate committee, it will mean a duty of $14 a ton on the finished structural steel?

Mr. CUMMINS. It would, if the structural steel was worth $20 a ton.

Mr. NEWLANDS. I had the impression it was worth much more.

Mr. SMOOT. Under the paragraph it is only three-tenths. Under paragraph 119 it is——

Mr. NEWLANDS. As I understand under this paragraph, with the withdrawal suggested this morning by the Senator from Rhode Island, the rate of the duty upon steel which has simply passed through the rolling mill and has not been assembled and punched and made into structural steel will be about $6 per ton; and, as I understand the Senator from Iowa, the difference in the classification as to the perfected structural steel, which has passed beyond the mere process of rolling, will result in an increase of that duty to $14 a ton, thus placing the duty at $8 a ton above that fixed by the House provision, which is three-tenths of a cent per pound, or $6 per ton. Is that the Senator's understanding?

Mr. CUMMINS. Assuming that the product itself is valued at $30 per ton, the conclusion stated by the Senator from Nevada is right.

Mr. NEWLANDS. My impression is, to illustrate, that structural steel ready for buildings is worth in San Francisco $55 a ton, and that the freight is $15 a ton. So it makes $40 a ton, and it would raise the duty above that fixed by the Senate.

Mr. CUMMINS. I stated that structural steel, in this form, as I understood it, was worth more than $30 a ton anywhere.

Mr. SMOOT. The record shows that the average ad valorem is 1.4, which would be $28 a ton, as quoted by the Senator from Iowa.

Mr. CUMMINS. But with the change in the paragraph as made by the committee this morning, the amendment that I had prepared can not be offered at this moment; and therefore, if I remain of my present mind, I shall vote for the paragraph as it came from the House, because I think the duty is too high.

Mr. CRAWFORD. Mr. President, this was the suggestion I had in mind: The article under discussion, whether it is $30 a ton or not, is excluded from this paragraph now. The rate here will be three-tenths of a cent per pound. What is excluded comes under another paragraph, with which we can deal when we reach it. So, it seems to me we ought to accept the suggestion of the chairman of the Finance Committee.

Mr. CULBERSON. Mr. President, I have been out of the Chamber for a few moments, necessarily, and possibly what I am about to ask has already been before the Senate. But I will ask the Senator from Rhode Island the necessity or the reason for reclassifying this product, which seems to have been materially changed, so as to include a less finished form of product than in the original amendment?

Mr. ALDRICH. There has been some time spent in the discussion of that proposition. Perhaps the Senator from Texas was not present.

Mr. CULBERSON. I stated that I was out of the Chamber.

Mr. ALDRICH. The reason for this change—and it is in my mind imperative—is that structural steel is now being imported into the United States manufacturing up into buildings, practically. Take the Singer Building in New York, for instance. All the windows and all the doors and all of the inside finishing of that building were practically completed abroad, except for putting them in place, and imported into this country as structural iron and steel. That sort of thing is going on not only on the Atlantic but on the Pacific coast, and there are very large importations of structural iron or steel all the time. In one year 139,000,000 pounds were imported, at five-tenths of a cent per pound, which is substantially the advanced rate which would be given to manufactured products under this paragraph as it now stands. We are reducing the duties upon iron and steel products in this bill nearly one-half; and I desire to place on record now my grave apprehension that we may be doing a great injury to this enormous industry in this country. The disposition on the part of foreign manufacturers to dump their products upon this country whenever they have an excess and whenever the market is in such condition that they can do it profitably is such that this is liable, in my judgment, to place a very great and serious injury upon this great industry in the United States. If it is proposed here to perpetuate the practice of allowing the manufacturers of structural steel in Germany and Belgium to bring over to this country finished buildings, where it is only necessary to put them in place, at the rates imposed upon the raw product, upon the structural iron of which these buildings are built, then it is proposed to do a very great injustice to the manufacturers of steel and iron in the United States.

Mr. CLAPP. I wish to ask a question for information.

Mr. ALDRICH. Certainly.

Mr. CLAPP. Do I understand the chairman to say that if we leave the amendment as the committee has it, it leaves the duty upon what we may call, in this debate, the "finished product" as it is under the old law?

Mr. BEVERIDGE. No; it reduces it, does it not?

Mr. ALDRICH. That is a matter of calculation.

Mr. CLAPP. Approximately.

Mr. ALDRICH. Approximately.

Mr. BRISTOW. I should like to inquire what will be the duty on structural steel in the completed form under this provision?

Mr. ALDRICH. Forty-five per cent ad valorem, the same as all other manufactures of iron and steel. I ask that the paragraph may be agreed to.

Mr. SMITH of South Carolina. Mr. President, respecting structural steel of all kinds, I find in the hearings before the

Ways and Means Committee of the House on this schedule some testimony from Mr. Carnegie. When approached as to the question of steel manufactures in America, he said what I shall read:

Mr. COCKRAN. We would not only be protected against any arbitrary advance in this country, but against any arbitrary exaction——

Mr. CARNEGIE. I am glad you asked that.

Mr. COCKRAN. I want that clear.

Mr. CARNEGIE. My opinion is, and I have stated it over and over again, that if I did not think this was true I would not be prepared to favor a tariff taking it all off at once. My opinion is that the American steel industry is on such a foundation that even if the tariff were taken off I do not believe that any foreign steel rails or steel of any kind would come in here to any extent, gentlemen, now.

The VICE-PRESIDENT. Is there objection to agreeing to the paragraph as amended? The Chair hears none.

Mr. NEWLANDS. Mr. President, as I understand the proposed action of the Senator from Rhode Island, it is simply to restore the duty to the duty fixed by the House, but it leaves the new classification imposed by the Senate committee still standing, and the result of that new classification will be that whilst the duty on merely rolled steel will be $6 per ton, the duty on structural steel, which has been completed by assembling and puncturing, will be $14 per ton if the value is $30 per ton and $16 per ton or more if it is $40 per ton. So this classification means a very substantial increase in the duties fixed by the House upon the perfected structural steel and a very substantial increase upon the duty fixed by the Dingley Act.

Now, then, the Senator, as his justification for that increase of duty, insists that foreign producers are importing into this country structural steel, not simply the rolled steel, but the perfected steel, the assembled and punctured steel, ready to be put in buildings, with the holes all ready for riveting and everything of that kind, so that but little labor will be spent in the arrangement of that structural steel in the building itself in this country; and he insists upon it that these imports have been increasing largely and that their tendency, of course, is to displace so much American labor as has heretofore been engaged in the assembling and the puncturing of the steel. From the protective standpoint that argument is conclusive so far as it goes, provided the price charged by the American producer of the perfected structural steel is a reasonable price.

But I assume that that price has not been a reasonable price and that it has been so high as to encourage the foreign producers of perfected structural steel to introduce it into this country. I suggest that the best way of preventing the foreign importations of this perfected structural steel is to lower the price of the domestic steel. So far as the price of the domestic steel is concerned, I have occasion to say that in San Francisco during the period of construction the price of structural steel was uniformly about $55 per ton, and that the cost of freight was about $15 per ton, leaving the cost of the perfected structural steel at the rolling mills about $40 per ton.

The Senator from Iowa says he understands the price is now $30 per ton, but there seems to be some uncertainty about that. I believe that recently—so it is currently reported in the newspapers—there has been a reduction in the price of perfected steel, both the steel used in mills and the steel used in structures, and that that has been the result of the competition of the independent producers. If, as a matter of fact, within a year or a year and a half the price of structural steel at the factory in this country has been diminished from $40 a ton to $30 a ton, it will doubtless prevent all importations of rival steel in Europe. But as to that we have no exact information. I should like to ask whether there is anyone in the Senate who can give the present price of perfected structural steel, assembled and punctured, at the factory. I would ask the Senator from Pennsylvania [Mr. OLIVER], who has information upon this subject, as to what the price of perfected structural steel—that is, steel that has been assembled and punctured at the factory—is to-day as compared with a year ago?

Mr. OLIVER. I understand there is a difference of something like $8 per ton between the price now and the price a year ago.

Mr. NEWLANDS. What is the price now, may I ask?

Mr. OLIVER. The price of fabricated steel, I think, runs about $30 a ton, or something like that, perhaps a little more, perhaps a little less. The price of imported unfabricated structural material free on board at New York is 1 cent per pound. The cost of fabricating that material in this country runs from $8 to $12 a ton. The cost of fabricating it in Germany will run just about half that, from $4 to $8 per ton. The difference between fabricated structural steel and unfabricated, as it comes from the rolls, is altogether labor, with the exception of the cost of the rivets to put it together.

The differential between the cost of rolled structural material and fabricated material is absolutely, entirely labor, except the small amount that the rivets cost. As the labor over there confessedly costs less than half what it does here, this duty of 45 per cent is certainly not extortionate.

I will say, Mr. President, that one of the most notable buildings that has been erected in this country in the last two or three years—the Singer building, in New York—I am informed was furnished, from first to last, with steel brought over to this country, thereby depriving our manufacturers and our laborers of that much employment. I think this differential of 45 per cent is rather less, if anything, than it will cost, particularly as the specific duty on the raw structural steel, at three-tenths of a cent per pound, is, in the opinion of all who have advised me, utterly inadequate for protection.

Mr. NEWLANDS. Mr. President, I will ask the Senator from Pennsylvania another question, and that is whether the production of the perfected or fabricated structural steel, as he calls it, at $30 per ton gives a profit to the mill?

Mr. OLIVER. I can not answer that, Mr. President, but I would say not. I am not conversant with the figures.

Mr. NEWLANDS. Is the Senator, then, of the opinion that the mills of the country, in lowering their price from $40 per ton for the fabricated steel at the mill to $30 per ton, the present price, have reduced it to a price that is not profitable?

Mr. OLIVER. Generally speaking, I would say that fabricated steel at $30 per ton would net the manufacturer a loss. That would be my opinion, but it is only an opinion.

Mr. NEWLANDS. Then, as I understand the Senator, the entire business——

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Texas?

Mr. NEWLANDS. Certainly.

Mr. CULBERSON. Will the Senator allow me, in connection with what he is saying, to ask the Senator from Pennsylvania a question? As the chairman of the Committee on Finance has stated, the amendment proposed by the Senate committee fixes an ad valorem tariff of 45 per cent under paragraph 119. I will ask the Senator from Pennsylvania if, in consideration of the minimum freight charge of $2.50 a ton, or about an average of a cent per pound, 20 per cent ad valorem would not be sufficient to provide for the difference in the cost of production between Europe and the United States.

Mr. OLIVER. Decidedly not, Mr. President, for this reason: The freight from the German mills to many of the points of consumption in the United States is less than from the Pittsburg mills to the same points of consumption, in addition to which the difference in labor cost alone, I am absolutely certain, is more than sufficient to justify the ad valorem rate of 45 per cent. Do I make myself clear?

Mr. CULBERSON. I understand the Senator; but my information is that the minimum freight cost between the countries is about $2.50 a ton; and if that is taken into consideration an ad valorem of 18 or 20 per cent would more than pay the difference between the cost of production in the two countries.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Will the Senator from Nevada yield to the Senator from Iowa?

Mr. NEWLANDS. I will state to the Senator from Iowa that I propose to yield the floor in a few moments.

Mr. CUMMINS. I merely wish to ask a question of the Senator from Pennsylvania.

Mr. NEWLANDS. Certainly; I yield for that purpose.

Mr. CUMMINS. The Senator from Pennsylvania has said more than once that the protection we now have upon this commodity is inadequate. I should like to know how he explains the fact that during the year 1907 we exported nearly $7,000,000 worth of this commodity and sold it in competition with the world, in the markets of the world, if our protection is inadequate?

Mr. OLIVER. I can not explain that, Mr. President, except upon the theory that perhaps by reason of an excessive desire to keep the mills running full the manufacturers in all probability cut the prices, perhaps below the cost of manufacture. I know that that is done sometimes. I know that I myself have done it. I have in my career as a manufacturer sold goods frequently below the actual cost of production in order to supply the surplus that would keep my establishment running full, and thereby enable me to give employment to all the men for whose well-being I felt myself responsible, and at the same time lower the cost of production to such a point as to enable me to meet all kinds of competition.

Mr. NEWLANDS. Mr. President, I wish to call attention to the fact——

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. Certainly.

Mr. TILLMAN. I should like to ask the Senator from Pennsylvania what he would do with the statement of Mr. Carnegie, which I read yesterday, and which I will read again. It is a quotation from the report of the United States Steel Corporation. It is Mr. Gary's report to his directors, in which he said that the steel trust showed $158,000,000 of profit for the year, averaging $15.50 on every ton of steel he sold. If that trust can make $15.50 profit, what is the use to come in here and talk about the difference between the labor cost in Germany and here?

Mr. OLIVER. I am not here as the defender or the advocate of the United States Steel Corporation. I feel that I ought to stand up for all manufacturers of all commodities in this great country and to keep the men as busily employed as possible. I particularly represent, Mr. President, the great body of actual independent manufacturers in this country. There are more iron and steel industries in the State of Pennsylvania which are absolutely and entirely independent of the steel corporation—I not only say more in number, but a far greater proportion of the industries are owned outside of the steel corporation than in it.

There is a gentleman sitting in the galleries here to-day who represents a great concern established sixty years ago by his father, another great ironmaster of this country, which to-day is running under management of the sons and grandsons of those two men, and which has an invested capital of over $30,000,000. Their property is big enough and valuable enough to have justified them, within a few months, to go out and bond their works for $15,000,000 in order to extend their plant. A part of their extensions consist in an immense tin-plate plant, which they are about to establish in direct competition with the United States Steel Corporation.

There is another establishment in my own neighborhood which has been built by citizens of Pittsburg within the past few years, who have invested $10,000,000 of money in it. They are absolutely independent of and competitors of the United States Steel Corporation. As to the independent steel manufacturers of this country, their name is legion, and we are standing up for their interests, not for that great aggregation of capital which appears to be a target for the shots of the gentlemen who wish to reduce duties at this time.

Mr. TILLMAN. Will the Senator——

Mr. NEWLANDS. I will yield the floor in a few moments. I should like to finish what I have to say.

The VICE-PRESIDENT. The Senator from Nevada declines to yield further.

Mr. NEWLANDS. Mr. President, it seems by the Senator from Pennsylvania, who has more knowledge of this subject than most of us, that the price of fabricated structural steel, ready to be put in a building, has been reduced from about $40 per ton to $30 per ton; and it also appears by his statement that the cost of turning steel as it comes from the rolling mill into structural steel is $8 per ton, and that the foreign cost is one-half of that, or $4 per ton.

Now then, upon the basis of the protective policy the Senator from Rhode Island would be justified in adding in addition to the duty imposed upon the raw steel, if I may term it such, as it has passed from the rolling mill, a duty sufficient to give $4 per ton, namely, the difference between the foreign cost of production of fabricating the steel and the American cost of production. But in place of that he proposes to give us a duty of $14 per ton. Now, $4 a ton added to the $6 a ton imposed upon the steel that has passed through the roller would make only $10 per ton of justifiable duty; and yet under the suggestion of the Senator from Rhode Island the duty is to be made $14 per ton.

I should like to inquire what the parliamentary status is regarding this particular paragraph. The Senator, I understand, has withdrawn the amendment increasing the duty upon structural steel from 3 cents per pound or $6 per ton, imposed by the House, to four-tenths of a cent per pound or $8 per ton, but he leaves this classification. I should like to know what action is necessary for us. It is still, I understand, necessary for us to defeat, if we can, this amendment in order to prevent the new classification from going into operation, which would practically increase the duty upon structural steel from $10 a ton imposed by the present law to $14 a ton.

The VICE-PRESIDENT. There is no pending amendment. Without objection, paragraph 119 will be agreed to.

Mr. NEWLANDS. I understand the Senator has simply withdrawn his amendment increasing the duty from three-tenths of a cent to four-tenths.

Mr. LODGE. The other amendment was agreed to.

Mr. NEWLANDS. When was the other amendment agreed to?

The VICE-PRESIDENT. On the first reading.

Mr. ALDRICH. If any Senator desires the yeas and nays taken, I am quite willing.

Mr. LODGE. The Senator from Nevada can move to reconsider the vote by which the amendment was adopted.

Mr. NEWLANDS. I understand that that can be done at any time hereafter.

Mr. ALDRICH. Yes.

The VICE-PRESIDENT. Without objection, paragraph 119 is agreed to.

Mr. TILLMAN. Mr. President, I desire to present some statements for the consideration of the Senate. Probably most Senators have read them, but they have not appeared in the RECORD that I know of. I want to have the comments of the Senator from Pennsylvania [Mr. OLIVER] on them. On page 1783 of the House hearings, Mr. Carnegie having been summoned and appearing as a witness, made this statement——

Mr. ALDRICH. That has already appeared in the RECORD, I will say to the Senator.

Mr. LODGE. It was read by the Senator's colleague this morning.

Mr. TILLMAN. I do not know how much he did read.

Mr. CULBERSON. It can be read again.

Mr. TILLMAN. It can not appear too often, and may finally make its way into the minds of the American people so that they will understand how they are being robbed by the tariff.

Mr. LODGE. Mr. Carnegie's statement might be inserted every morning at the beginning of the debate.

Mr. TILLMAN. It is too long for that. If the Senator wants to cover up Mr. Carnegie's flow of language and wit and humor——

Mr. LODGE. No; I want to save the time of the Senate and not have it read two or three times a day.

Mr. TILLMAN. The Senator is very urgent because I want to put in a few words from Mr. Carnegie; but I am not going to be rushed off my feet by the Senator from Massachusetts.

Mr. LODGE. Certainly I had no thought of entertaining such a forlorn hope.

Mr. TILLMAN. Then, do not attempt to bulldoze me in that way.

Mr. Carnegie had already made the statement that the industry needed no protection. Sombody has read that here. Here is what I want to get to. He speaks of Judge Gary's solicitude for the independent steel companies like our friend over there who has just discussed these independents who are put in here as a pretense for continuing this duty:

> But the solicitude of the Judge for his competitors, or those who should be his competitors, is sublime.
>
> * * * * * * *
>
> It reminds me of one of Æsop's fables, where the monkey wanted to rake the chestnuts out of the fire, but put that duty upon the cats. And that is what Judge Gary is trying to do here. When he told you that his vast company could do without a tariff, that was the judge who spoke. But when he introduced the smaller concerns, that was the lawyer, and he is equally eminent in both.
>
> * * * * * * *
>
> Judge Gary is the ablest man in that business. If I had followed the advice which parties gave me, to gain control of the United States Steel Company when its prices were at $8 or $9 a share, which I could easily have done, I should immediately have said to Judge Gary: "Judge, I want you to remain with me; you are the ablest manager I know;" and I would have doubled his salary, or, better still, I would have followed my practice and made him a partner. The judge spoke the truth, just as Schwab spoke the truth when he told you the cost of our steel rails, which was $15, against your $22; but it was the "judge" who spoke, as I said before, but when he pities the other people, it is the "lawyer;" and the judge is equally eminent in both. I can describe him best by a Scotch term that comes to me, and if there was a Scotchman here I would speak it, but it is not translatable, because I can not find a synonym. The judge is what the Scotch call a "pawky chiel."

In the preceding page he says the judge appeared in a dual capacity there. In one he was the agent of the steel company and spoke the truth; in the other he was using his shrewdness as an attorney in trying to befuddle and cover up the situation.

Mr. Carnegie said further:

> What is best for the country? Remember, I am one who believes that the total abolition of the duties on steel they make will not affect one of these companies to any serious extent.

Again he says:

> Now, I have said he can not figure cost, anyway. That is the same gentleman who told you he had no agreement with other steel com-

panies; that he could sell where he pleased, to whom he pleased, and as much as he pleased—

He was one of those independents whom the Senator from Pennsylvania is so anxious to protect—

Well, Mr. Chairman, if you had asked him if he had not a sort of understanding, which had the same result as the agreement, he would have had to tell you that he had; and I do not like witnesses to talk in a double sense. We have not only to tell the truth, but we have to tell the whole truth, and I tell it.

Now, Mr. Carnegie has obtained through favoritism in this Congress and its predecessors such a grip upon the American market that he has more millions than I presume the Senate, taking the whole bunch of us, could muster in our own names of right, although there are a great many wealthy men here. He has given away more millions than all the southern Senators here own, ten times over, I expect. Where did he get it? He got it out of my pocket, because I buy nails, steel wire, wagons, and so forth. He got it out of every man's pocket in this country. How does he get it? He gets it through acts of Congress which allow him to collect this duty out of the consumer, because he adds the duty to the cost price of $15.50, and we are helpless to do more than protest.

The VICE-PRESIDENT. Does the Senator from Rhode Island desire that we shall now take up the paragraphs passed over yesterday?

Mr. ALDRICH. Yes.

Mr. BACON. Has paragraph 119 been submitted to the Senate?

The VICE-PRESIDENT. That paragraph has been submitted to the Senate and has been agreed to.

Mr. BACON. I did not so understand. I did not understand that it had been submitted to the Senate.

The VICE-PRESIDENT. The Chair will submit it again; but the Chair did submit it, and there was no objection to agreeing to it.

Mr. LODGE. It was submitted three times.

Mr. BACON. I am not making an issue with the Chair.

The VICE-PRESIDENT. The question is on agreeing to paragraph 119 as amended.

Mr. BACON. Mr. President, I simply desire to ask the Senator from Rhode Island a question. His words, of course, carry great weight, necessarily and properly. The Senator from Rhode Island said he feared that the proposed reduction in the steel schedule would work great injustice to those engaged in the manufacture of steel. I desire to ask the Senator from Rhode Island if his apprehension is that the injustice will be done to the steel company by reason of the fact that the reduction in the rates which are proposed will result in reducing the price of the product to the consumer? Is that the avenue through which the injustice will reach the producer?

Mr. ALDRICH. That is a question a little too complicated to my present state of mind.

Mr. BACON. I will put it a little more simply, then, because I can not give the Senator entire credit for sincerity and candor in that reply. There is no man in this Chamber, and, I presume, very few on the whole North American Continent, who have a clearer view as to the intricacies of the tariff than the Senator from Rhode Island. I do not pretend to approach even in sight-seeing distance of him in that regard, and for that reason I appeal to him for the information.

I do not know that I can express myself any more clearly, but I will try. The Senator said he apprehended that the reduction proposed in the steel schedule in this bill in the rates of tariff would result in great injustice and injury, I think he said, to those engaged in the production of steel. The question which I desire to ask the Senator, and which I have attempted to ask him, is this: Is that apprehension on the part of the Senator based on the belief that the reductions proposed will result in cheaper steel to the consumers in this country?

Mr. ALDRICH. No; not exactly that. My apprehension was that the steel producers of Germany and Belgium might at times throw into this country their surplus stock and sell it for whatever price it would bring here and put out of employment a large number of people engaged in this country in the same industry, and thus give to foreign labor the business which ought to be given to American labor.

Mr. BACON. The apprehension of the Senator is, then, the effect on labor and not the effect on the owners of this enterprise?

Mr. ALDRICH. The effect upon labor must affect the employer, of course.

Mr. BACON. Very well. Then that brings us to the question. The apprehension of the Senator, then, is that by reason of the competition which will result from the introduction of foreign products the price will be lowered to the consumer?

Mr. ALDRICH. No; I will not put it in just that way. I prefer to put it in my own way, if the Senator will permit me.

Mr. BACON. Very well.

Mr. ALDRICH. I say—and that is the same rule which applies to all protective duties, and there is no question about it—that protective duties are levied for the benefit of giving employment to the industries of Americans, to our people in the United States and not to foreigners. That is the whole question about it. Anything which invades that market, which we claim belongs to the American people by the highest possible right, especially if it invades it in a way which is not, perhaps, legitimate, is an injury to the American workman and, therefore, to American industry.

Mr. BACON. Yes; but I want the Senator from Rhode Island to answer my question, whether or not he thinks the competition which will result from the introduction of the foreign product will or will not lower prices to the consumer?

Mr. ALDRICH. Mr. President, that question is at the bottom of the whole protective system.

Mr. BACON. I want to know as a question of fact. I am not talking about what it invades.

Mr. ALDRICH. It is not a question of fact, but it is a question of theory; it is a question of opinion, and nothing else.

Mr. BACON. If the Senator declines——

Mr. ALDRICH. It is a matter of speculation, at which the Senator from Georgia is a past master.

Mr. BACON. No; I am not a past master in anything which is connected with the tariff.

Mr. President, I do not suppose that anybody doubts the fact; but the Senator from Rhode Island declines to answer the question.

Mr. ALDRICH. I do not decline to answer the question.

Mr. BACON. Then, I will repeat the question, and ask the Senator to answer it.

Mr. ALDRICH. I will answer the Senator's suggestion. I say that anything which brings about an injurious reduction of prices in the United States, which puts American laborers out of employment and reduces the purchasing power of the American people, is not only injurious to the interests primarily affected, but is injurious to the people of the entire country.

Mr. BACON. Very well; but still that does not answer my question.

Mr. ALDRICH. I think I have answered the question.

Mr. BACON. The question I am asking the Senator from Rhode Island is not as to what the effect will be in its injury simply, but the direct cause of injury; whether or not that injury is to result from the fact that by reason of competition the consumers of structural steel in this country will get their structural steel cheaper than they are now getting it; and that, as a necessary complement of that proposition, as the consumers get their steel cheaper, the producers must receive less for it. That is the proposition.

Mr. ALDRICH. Mr. President, take a supposititious case of a man who is erecting a steel building in New York, who desires to have that work done, if you please, by the product of American industry. Some foreigner finds that he has a surplus stock and he comes over here and bids lower than any American can bid for the work. That consumer possibly gets a lower price—I have no objection to conceding that—but what is the general effect of it? One man gets a lower price to-day; but suppose the whole American people get lower prices than the article can possibly be made for in the United States, does the Senator, then, think that the consumers, as he calls them, are benefited? Suppose you destroy absolutely the iron and steel industry of the United States; are the American consumers to be benefited by that? Does the Senator suppose that prices would be kept down or that the minute that those foreign gentlemen had control of the American market that the American consumer would not then have to pay more than he is now paying? I think so.

Mr. BACON. Mr. President, I decline to accept the accompanying suggestion of the Senator from Rhode Island that it would result in the destruction of the steel industry. We have every reason to believe that it will not result in the destruction of the steel industry. The fact is that if the importations were limited, as the Senator from Rhode Island suggests, to the amount which might be found as a surplus upon the hands of the German or the English manufacturers, it would be so very small in comparison to the gross product in this country as not to affect prices.

So, Mr. President, the real apprehension is not as to the "dumping"—using a favorite term of those who advocate the protective tariff—the great apprehension is not in the "dump-

ing" here and there of a little surplus, but the real apprehension is that by lowering the rate there may be, not simply a driving out of the market of the American producer—not to that extent at all—but that there may be such an encouragement to importations as will not only bring revenue to the Government, but succeed in lowering materially prices to the consumers of the country, which is the great end that the revision of the tariff, so far as I have any concern in it, is designed to accomplish.

There is no reason to believe, Mr. President, that the iron industry or the steel industry is one which stands upon such a narrow edge that the slightest interference with it is going to topple it over into the abysm of destruction and ruin. On the contrary, all the information we have is that there is no more prosperous industry in the United States, if in the whole world, than the industry of the iron and steel people of the United States. The vast colossal fortunes which have been piled up prove that. The very figures given here to-day by the Senator from Pennsylvania [Mr. OLIVER] of the vast millions that men of his acquaintance are about to invest in this, that, and the other industry prove the vast——

Mr. ALDRICH. Is that a matter of regret to the Senator from Georgia?

Mr. BACON. By no means whatever. I am not regretting it, except in so far as—and I do regret it in this respect, and I am glad the Senator has asked me this question—I do regret it in so far as there has been a condition of affairs in this country which has enabled those men who have piled up these colossal fortunes to make those fortunes out of an undue exaction by extortionate prices from the consumers. I regret it to that extent. I do not regret, Mr. President, the prosperity of those who have engaged in the iron and steel industry; but I do regret the burden which has been placed upon the people, in order that those colossal dividends and revenues should be derived from the iron and steel industry.

But, Mr. President, what I was saying in that regard was merely by way of illustration. I was replying to the inquiry of the Senator, whether or not I would be willing for a condition of affairs which would wreck and ruin all these industries, followed by the usual question as to whether or not, when they were wrecked and ruined, there would not be a corresponding raising of prices by those who would thus be given the monopoly in other countries, and who would take advantage of the opportunity to extort from us. It was following that suggestion, Mr. President, and not by way of inveighing against or finding objection to the amassing of fortunes in the prosecution of this business, except for the very reason which I have given; it was for that reason that I was alluding to the fact that those industries are not in a precarious position. They are in a position of absolute security against all such possibility. They are in a position which the best authorities think is such that, even if all tariffs and all restrictions were removed, they would still have the market.

Mr. President, it does seem to me that it is a most serious question in this day, when everything which the consumers have to use is at such exorbitant prices—everything connected with the iron and steel industry; not simply the structural steel, but the steel which enters into every business of life—every use of those things upon which we must necessarily depend for our comfort. In all of them we have to use the products of the steel industry, and all of them are to-day a burden upon the people.

Of course we are only now speaking of structural steel, but when it is proposed that there shall be this great difference in the duty upon structural steel as it is rolled and structural steel when assembled and made ready for use in a building, I think that it is time that we should see whether this is a duty which is too high or whether it is required for any legitimate purpose. The effect of the duty, Mr. President, it seems to me, would be to absolutely bar all importations. I think I am correct in saying that, as compared with the product of the United States, the importations are now extremely small. Am I not correct in that, I will ask the Senator from Rhode Island? That may be, in the concrete, large; but as compared with the gross, immense product of the United States, the importations of structural steel into the United States are very small.

If the instance given by the Senator of the introduction of steel completed in its form, out of which the Singer Building has been constructed, is one which gives rise to apprehension on the part of those who believe in the protective system that the foreign product is going to usurp the market of the United States, that is a very serious consideration from their standpoint; but they have told us of only one building. Is there any reason to believe that even under the present rates and the present classifications there will be such importations from abroad as will yield a very comparatively small revenue to the Government on account of such importations; and is it not true that, with the reclassification and with the result of the high duty which will accompany it, it will be an absolutely prohibitive duty, and that the Government will get no revenue from it at all?

The VICE-PRESIDENT. Without objection, paragraph 119 is agreed to.

Mr. BRISTOW. Mr. President, I want to inquire of the Senator from Rhode Island in reference to paragraph 119. As I understand the figures given by the Senator from New York [Mr. ROOT], the duty under the present law is about 36.75 per cent.

Mr. ALDRICH. The duty is five-tenths of a cent a pound, to be accurate.

Mr. BRISTOW. It aggregates, so I am advised—and I think it is correct—about 36.75 per cent.

Mr. ALDRICH. That depends upon the value of the product when it is imported.

Mr. BRISTOW. Yes. The figures were made from the value given here. Now, that part of these articles that have been exempted from the provisions of this paragraph—that is, these beams, girders, and so forth, after assembled, manufactured, or advanced beyond the hammering, rolling, or casting state—take a duty of 45 per cent, or an increase of 8½ per cent over the prevailing duty on those articles.

Mr. ALDRICH. Under any proper construction of the law, they should have paid about 45 per cent under the Dingley Act. There is no proper construction of law, in my judgment, under which those articles would not have been made dutiable at 45 per cent under the existing law.

Mr. BRISTOW. As to those that have not been advanced to this state of hammering, rolling, and so forth, the duty has been decreased to 22½ per cent. I should like to know, if the Senator from Rhode Island has the information available, what per cent of these articles are used in the advanced state which has been exempted from the provisions of this paragraph, and what per cent are used in the state which is still covered by the provisions of this paragraph, in the ordinary commercial use?

Mr. ALDRICH. Does the Senator mean what percentage of articles of this nature were imported in 1907?

Mr. BRISTOW. What per cent of the articles included in paragraph 119 are used in the advanced state which has been exempted from the provisions of this paragraph, and what per cent are used in the state still covered by the provisions of the paragraph?

Mr. ALDRICH. In this country?

Mr. BRISTOW. Yes.

Mr. ALDRICH. They are all ultimately going into the finished product, of course. Nobody uses structural steel in its crude condition, I assume. I never heard of a case of that kind.

Mr. TILLMAN. Will the Senator from Kansas allow me?

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from South Carolina?

Mr. BRISTOW. Certainly.

Mr. TILLMAN. I want to ask the Senator from Rhode Island whether or not the striking out of the words in the House bill, "whether plain or punched or fitted for use," and the substitution of the words in italics, which I suppose are to remain, does not absolutely nullify the House purpose of reducing the duty? In other words, can you use these things unless they are punched?

Mr. ALDRICH. They can be punched in this country with American labor, and they can be fitted in this country.

Mr. TILLMAN. Is that done by hand or by machinery?

Mr. ALDRICH. Largely by hand; almost entirely by hand. The punching may be done by machinery.

Mr. TILLMAN. Are you going to cause a man to ship these things somewhere in the country and pay the freight in order that we may get it into a machine and punch it?

Mr. ALDRICH. No; they punch it on the ground.

Mr. NEWLANDS. Mr. President, I think the Senator——

The VICE-PRESIDENT. The Senator from Kansas has the floor. Does he yield to the Senator from Nevada?

Mr. BRISTOW. I yield.

Mr. NEWLANDS. I think the Senator from Rhode Island is mistaken in saying that the puncturing is done by hand. My understanding is that the puncturing is always done in machine shops. The riveting is done in the building, and is done by hand, but all the holes are punched at the factory before the steel is put in the building.

Right there, if the Senator from Kansas will permit me, in order to clarify the situation, I wish to ask the Senator from Rhode Island whether the effect of his amendment is not this:

Under the present law the duty upon both fabricated and unfabricated structural steel is $10 per ton?

Mr. ALDRICH. The duty was not $10 under existing law. Any fair or reasonable construction of the existing law would have made these articles, as I have stated over and over again, dutiable at 45 per cent ad valorem as "manufactures of iron and steel not otherwise provided for." No man ever had an idea that any such construction of that paragraph relating to structural iron and steel would be made, or that anybody would ever think of bringing completed buildings into this country as structural iron or steel.

Mr. TILLMAN. Is that due to the work of the appraisers?

Mr. ALDRICH. That is due to the misconstruction of the law itself by the courts, and not by anybody else. The Senator from Nevada has had this matter explained to him at least a dozen times, I think, and I hope that he now understands my own view about it.

Mr. NEWLANDS. Well, Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield further to the Senator from Nevada?

Mr. BRISTOW. Yes.

Mr. NEWLANDS. The Senator from Rhode Island states that the present status is that both fabricated and unfabricated structural steel pay $10 per ton duty.

Mr. ALDRICH. Under an erroneous construction of the court.

Mr. NEWLANDS. That is true; under a construction placed by the court upon the statute which the Senator says is erroneous. The present status, then, is that both are taxed $10 per ton. Now, the action of the Senate committee would so result that as to unfabricated steel—the steel which has simply been rolled and has not been assembled and punched—the duty is reduced to $6 per ton; but as to fabricated steel—the steel that has been assembled and punched—the duty is increased to $14 per ton. Did the Senator hear my statement?

Mr. ALDRICH. I think I have heard it at least a dozen times, and the Senator ought to understand my position by this time.

Mr. NEWLANDS. I do not think I have made this statement and put to the Senator the question relating to this particular item until now. I was stating that the effect of the Senate amendment is to reduce the duty on unfabricated steel from $10 per ton to $6 per ton and to increase the duty above the duty now, according to the construction of the court, chargeable against fabricated steel from $10 per ton to $14 per ton. Am I correct in that statement?

Mr. ALDRICH. The Senator is not correct.

Mr. NEWLANDS. Very well, then; I should like to be corrected. I am afraid that I am trespassing too much upon the time of the Senator from Kansas [Mr. BRISTOW], but I should like to know in what respect that statement is defective.

Mr. ALDRICH. If this paragraph should be adopted as it stands, it would impose a duty upon unfabricated structural steel, to use the Senator's own language, of $6 per ton, and upon that fabricated 45 per cent ad valorem—not $14 per ton, but 45 per cent ad valorem—which is the same rate that Congress clearly intended should be imposed upon that article.

Mr. NEWLANDS. I would ask, what does 45 per cent ad valorem amount to per ton?

Mr. ALDRICH. That is a mathematical question, which I trust the Senator from Nevada can answer as well as myself.

Mr. NEWLANDS. The Senator has heard the statement that the value of the fabricated steel is $30 per ton, and that it was, a year ago, $40 per ton.

Mr. ALDRICH. That is, in the United States.

Mr. NEWLANDS. In the United States.

Mr. ALDRICH. That has nothing to do with the foreign value.

Mr. NEWLANDS. The duty is collected upon the valuation abroad, is it not?

Mr. ALDRICH. If the Senator has not arrived at that state of knowledge in regard to tariff matters, I am a little puzzled to go on with the conversation.

Mr. NEWLANDS. I do not profess to be very well informed about tariff matters, and I would be glad to be instructed by the Senator from Rhode Island at any time regarding the facts. I will ask the Senator from Rhode Island if he is able to state the foreign price of fabricated structural steel, ready to put in a building?

Mr. ALDRICH. It depends entirely upon the amount of labor that is put upon it. It may be $1 a ton, it may be $10 a ton, or it may be $20 a ton. That is a question which no man can answer.

Mr. NEWLANDS. And yet the Senator does not hesitate to affirm my statement that, as to the domestic fabricated steel, the price is $30 per ton.

Mr. ALDRICH. I have made no statement about it. I assume the Senator from Pennsylvania [Mr. OLIVER] is correct.

Mr. NEWLANDS. I should like to know, then, how much less is the value of the fabricated steel on the outside than the value of the fabricated steel on the inside, so that we can see just what amount of duty per ton would be paid upon such steel.

Mr. ALDRICH. I stated at the beginning of this discussion, the beginning of my explanation, that the Belgium and German price of structural steel was in the neighborhood of $20 per ton.

Mr. NEWLANDS. Twenty?

Mr. ALDRICH. Twenty dollars per ton. Forty-five per cent of that is $9 a ton, or forty-five one-hundredths per cent a pound. I am willing to give the Senator that information, if that is any help to him.

Mr. NEWLANDS. Then, I understand the Senator to contend that the 45 per cent valuation would give exactly the same duty as imposed now by the Dingley Act, which imposes a duty of five-tenths of a cent per pound, or $10 a ton?

Mr. ALDRICH. Not exactly the same.

Mr. NEWLANDS. Or rather it is a little less. Am I correct, that upon the Senator's statement the foreign price of fabricated steel is $20 a ton, and under the amendment 45 per cent would be imposed upon it, making a duty of $9 a ton, and that under the amendment the duty will be $1 a ton less than under the existing Dingley law? I will be very glad to know if that is the fact, and I inquire of the Senator whether it is the fact.

Mr. ALDRICH. Mr. President, if the Senator has not been advised by the discussions which have been going on for the last three hours, I am not competent to advise him.

Mr. NEWLANDS. Mr. President, it reduces itself, then, to this: That the Senator has declared that, owing to the construction of the court, this form of fabricated steel has been introduced into this country from abroad to the disadvantage of American labor, and that, therefore, it is necessary to raise the duty; and yet when we come to the computation of the factors by which we will ascertain what the duty is, the Senator seriously asserts that the effect of his amendment will be to reduce the duty upon fabricated steel from $10 a ton to $9 a ton. Now, I stand upon the record with the Senator upon that statement.

Mr. BRISTOW. Mr. President, I took the floor to find out, if I could, from the chairman of the committee what was the per cent of these articles used in the less finished and in the more completely finished states. I understood the chairman of the committee to state that practically none was used in the unfinished state. Am I correct in that?

Mr. ALDRICH. No; the Senator is not correct. It is impossible for anybody to say what proportion of the importations of any particular year, of 1907, for instance, were imported finished or what were imported unfinished. That is entirely without the knowledge of any man.

Mr. BRISTOW. The question was not as to importations, but as to our domestic production.

Mr. ALDRICH. Our domestic production is for the purpose of erecting buildings.

Mr. BRISTOW. Yes.

Mr. ALDRICH. It all ultimately goes into building; it may be buildings of one kind or another; it may be bridges; it may be any one of a thousand different forms of structure. It is intended for that purpose, and ultimately it all reaches there.

Mr. BRISTOW. But, Mr. President, here is the classification, and different rates of duty are fixed upon these articles. If there is not any data by which you can ascertain the amount which is used of one class and of the other, it is impossible then to tell whether this is an increase or a decrease of duty.

Mr. NELSON. Mr. President, will the Senator yield to me for a moment?

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Kansas yield to the Senator from Minnesota?

Mr. BRISTOW. Certainly.

Mr. NELSON. It seems to me that the question involved here is very simple. The rate in the Dingley law was 36.75 per cent ad valorem. The difference between that rate and 45 per cent is 8.25 per cent; that is all the increase, while we have reduced the rate on the class of goods covered by the phrase in italics from 36 per cent to 22 per cent. "Iron not assembled, manufactured, or advanced beyond hammering, rolling, or casting," will come in at about 22 per cent, while in the finished product there is only an increase above the existing rate of the Dingley law of 8.25 per cent. Am I correct in that, I will ask the chairman?

Mr. ALDRICH. Yes.

Mr. NELSON. So that is the maximum increase.

Mr. BRISTOW. What I was trying to get at was how much of the steel that comes in at the reduced rate is used and how much that comes in at the increased rate is used—whether more of the steel is used that comes in at the lower rate or at the higher rate. You must ascertain the amount used that belongs to these classes in order to determine whether the aggregate is an increase or decrease of duties.

When I asked the amount of the first classification used, I was told practically none, as I understood the Senator. What I want to get at, if possible, is how much of this that comes in at a duty of 22 per cent do we use and how much that comes in at a duty of 45 per cent do we use. Then we can determine whether or not we are increasing or decreasing the duty on structural steel; and I think it a very important item.

Mr. BURKETT. Let me say to the Senator, in response to that inquiry, that I made an inquiry and tried to find that from some of the departments, with reference to several items, and I was not able to get that from any department. In my opinion there is not any place, unless, perhaps, at the ports of import, where they keep such track of the invoices as to show which do come in. But let me call the Senator's attention to what has been stated with reference to this particular item. It is stated by the Senator from Utah that under that paragraph large quantities came in, for example, at San Francisco during the last year. There is where foreign countries can meet us—on the Pacific coast. They can compete with us on account of the lower freight rates.

Also, the Senator from Rhode Island has suggested at least one great building in New York which has been finished with this competing structural or assembled steel, I think the words are. If the Senator will take the figures of the imports and put together what the Senator from Utah and the Senator from Rhode Island have said, he will very readily see that the very largest part that has come in under this paragraph has been that completed or assembled—if that is the right word to use—assembled structural iron. As the Senator has just stated, and he, I take it, was acting for the committee, the committee has reduced the rate on the structural iron that is not assembled——

Mr. BRISTOW. And which is not used.

Mr. BURKETT (continuing). And has proposed to raise it on that which is assembled, so as to meet what is exactly the probable condition, that the most coming in is the structural material assembled and in form for immediate use.

Mr. BRISTOW. Mr. President——

Mr. BURKETT. But, as I have said to the Senator, I have tried on two or three paragraphs to find out exactly what portion of each was admitted, and I was not able to find out from the department. I do not know whether anybody knows.

Mr. ALDRICH. The officers of the customs can not tell. There is no such record.

Mr. BRISTOW. If it is possible to get the information, without being too insistent, I should like to get it. I do not want to impose upon the patience of the committee or of the Senate.

Mr. NELSON. If the Senator will allow me, I can readily see the difficulty that occurs to the Senator from Kansas, but there are no data, as I understand, from which we can get the exact facts from the archives of the Government. The custom-house returns do not indicate what proportion of the structural steel is assembled and what is not. They do not indicate in what condition they come here; only they are classed at that rate. That is all.

Mr. BRISTOW. Does the steel have to be assembled before it is used in the erection of a building?

Mr. BACON. Oh, yes.

Mr. BRISTOW. If it has to be assembled before it is used in the erection of a building, then the duty is 45 per cent ad valorem on importations of this steel which heretofore has been 36.75 ad valorem. Is that right?

Mr. NELSON. That is correct. It is an increase of 8.25 per cent.

Mr. BRISTOW. Then we are increasing the duty on structural steel 8.25. Is that right?

Mr. NELSON. But reducing it on structural steel not assembled.

Mr. BRISTOW. Which is not used; it can not be used, so we are told, until it is assembled. What is the use to reduce it on an article not used? If they bring it in here not assembled, to assemble it they have to send it somewhere to be riveted. That is not practical, is it? So, as a matter of fact, we are increasing the duty on the only items in this paragraph which it is practical to use. Is that right?

Mr. TILLMAN. That is a part of the hocus-pocus of the game.

Mr. BRISTOW. I should like to know if I have the proper analysis.

Mr. SCOTT. The Senator surely understands that the assembling in Europe is done by cheap labor, and this increase has been put on to protect our home labor, where it is assembled in this country.

Mr. BRISTOW. We are increasing it for the purpose of protecting home labor?

Mr. SCOTT. The Senator knows that in assembling or putting it together in Europe it is done by European labor. If we bring it over here without that, our workmen get a chance to assemble it.

Mr. BRISTOW. The Senator from West Virginia is doubtless well informed upon this matter. What is the process of assembling? After the bars are made into girders and joists, and so forth, they are assembled by riveting. Is that correct? Is not that done by a mechanical process? It is not done by hand, by the blacksmith?

Mr. BURKETT. I think the Senator ought to notice that all of this paragraph is not on beams, I beams, and things like that, but it is all forms of structural shapes. The illustration the Senator from Utah cited was that an agent of a foreign manufacturer of window frames and door frames of steel came here and made estimates, and went home and completed those forms entirely. He then simply brought them in and set them in place. Everything was done over there. It is not all beams. I do not know, but I would imagine, just from what I know of the structural business, that very few of the imports were of beams and such articles as the Senator refers to. It is the higher class of structural steel, and, as is suggested to me by a Senator, the average import price is such as to indicate probably the higher forms of structural steel.

Mr. BRISTOW. It goes through the same process in this country as in any other country in order to prepare it for placing it in the building. Now, what I have been trying to find out is whether this reclassification here takes those articles which are prepared for placing in the building out of that paragraph and increases the duty on them, and whether or not the articles that are left in this paragraph would have to go through another process after being imported before they could be used in the building, and, if they do, it is necessary to send them to a foundry or a machine shop of some kind and have that work done. So it would not be practicable to import them for structural purposes, because the expense of transportation to the factory or the foundry and the cost of the work there would make it impracticable to use them. Do they not come in from abroad in the same state that they are shipped from the local steel manufacturing establishment in this country to the building?

That has been my understanding, and I have been trying to get it plainly before the Senate whether or not we are really, by this change in phraseology, increasing the duty on structural steel. It seems to me that it would be a little more easy to understand by many of us if the duty on this second classification had been fixed a little higher—in tenths of a cent, or whatever it might be—than the way it has been increased. If a statement had been made as to the cost of labor at home and abroad in this additional finishing process, we could better understand this increase, for I can not escape the conclusion that we ought to make this bill so as to provide protection for American labor against foreign competition. And in order to do that we ought to know in detail the amount of protection that is necessary. I regret that we have not such data, because it would make a basis from which we could intelligently proceed and would remove many points of discussion.

Mr. BURKETT. Mr. President, let me say to the Senator, with all deference to his opinion, that in my judgment this is a decrease. There may be classifications that would have the opposite effect, but, in my opinion, we can very well afford to make classifications like this. For instance, a great amount of the ordinary structural steel of which the Senator was speaking could not possibly come in at the high rate of the old law. Now, by this classification that rate has been put down, and there is only contained in the other rate the higher class of structural steel that this bill specifically defines.

Now, in my opinion, that is a reduction by a classification of rates as a whole, rather than an increase, and as I have listened to the discussion and as I have investigated somewhat, in my opinion, this provision is an improvement, and for one I would rather vote for it with that change made than to vote to leave it as the old law contains it—all in one blanket clause.

Mr. BRISTOW. I understood the Senator from Rhode Island to say that a misconstruction of the old law permitted these articles to come in at a lower rate, and for that reason the

duty was increased. As I understood him, that was his justification of the increase. So the Senator from Nebraska must be mistaken or the Senator from Rhode Island was mistaken a while ago.

Mr. BURKETT. No; the old rate absolutely prohibits the lower grades of this structural steel coming in. Now it segregates that part of it as to which the old rate was prohibitory, and reduces it on that part of it, and only increases it on the higher grade.

Mr. BRISTOW. I beg pardon of the Senate for having taken so much time. I was simply trying to get some information, and I am obliged to the Senators who have spoken.

Mr. NEWLANDS. Mr. President, the Senator from Nebraska [Mr. BURKETT] indicates his view to be that as to unfabricated steel, the lower form of steel, this change involves a reduction, and as to the higher forms of steel it also involves a reduction. The Senator from Nebraska must bear in mind that there are almost no importations of the lower forms of steel, the unfabricated steel, and that there is almost no production of the unfabricated structural steel. The economical production of structural steel involves, first, the process of rolling, which is done at the rolling mill, and then the steel is removed to another mill where the assembling and the puncturing are done, and the purpose is to put the structural steel into such shape as to enable it to be put up in the building with the least expenditure of human labor. The first form of steel, therefore, hardly enters into the market, whether produced by our own country or produced abroad, for obviously you would vastly increase the expenditure upon a building if you were to remove the unfabricated steel to the building and then put it through a slow process of being punctured and assembled by human labor instead of by machinery. The reduction in this bill therefore amounts to nothing, because there is hardly any production of the commodity upon which it operates.

Now, let us see how it operates upon the fabricated steel. Under the existing Dingley Act a duty of five-tenths of a cent a pound, or $10 a ton, is imposed, under the construction of the courts, of which the Senator from Rhode Island complains. The Senator has introduced an amendment which is intended to divide this steel into two classes—one the unfabricated, upon which he reduces the duty, and the other the fabricated steel, upon which he professes his purpose to increase the duty. The question is, What is that increase? There is a change made from a specific duty, imposed by the present law, of five-tenths of 1 cent per pound, or $10 per ton, to 45 per cent ad valorem.

In order to ascertain in terms of tons what the ad valorem duty amounts to, it is necessary for us to get the foreign price upon which the ad valorem duty is imposed. The Senator from Rhode Island, when questioned regarding that, states that the foreign price is only $20 per ton, as against $30 here and $40 per ton a year ago. So his statement involves this contradiction: If the foreign price is $20 a ton, and you assess 45 per cent ad valorem upon it, the duty will be $9 per ton; and so the Senator is involved in this contradiction, that whilst claiming that the present duty of $10 is too low, according to his own statement, he proposes a duty that will yield only $9 per ton. And upon a paragraph which comes within the rule laid down by the Senator from New York [Mr. ROOT], as a paragraph which has been amended by the committee and for which it is responsible and which it is compelled to defend and with reference to which it is under obligation to produce information, this is the information that is given to intelligent men in the Senate for their action.

Mr. President, as to the necessity for an increase, the Senator from Rhode Island and the Senator from Utah base their contention upon their statement that foreign steel, fabricated and ready for putting up into a building, as all fabricated steel is—foreign steel does not differ from domestic steel in that particular—has been brought into New York, and whole buildings, so far as steel construction is concerned, have been made of it. We are not told when those importations took place. Did those importations take place when the high rate of $40 per ton for fabricated steel prevailed in this country at the factory, only one year ago, six months ago, or did this take place under the reduced price of steel at $30 per ton, the existing price, a price which presumably is compensatory to the steel factories?

The date is not given. I can but assume that the importations took place when the extravagant price of $40 per ton for structural steel was imposed by the manufacturers in this country, when the foreign price of structural steel, according to the statement of the Senator from Rhode Island was only $20 per ton. Of course under those conditions, with the high price maintained by our domestic steel producers under the protection of a tariff wall which absolutely cut off foreign competition, the foreign producer had only to add the duty of $10 a ton to the $20, the foreign price, to enable him to put that steel into the New York market at $30 per ton, as against the steel of the steel trust at $40 per ton. And possibly this very competition of the foreign producer had the effect of compelling the domestic producer to come down to the reasonable price of $30 per ton for fabricated steel.

The Senator from Rhode Island, in his contention, claims that that beneficial effect of foreign competition must be absolutely eliminated; that when steel in this country is charged for at the rate of $40 per ton by the domestic producers and is charged for at the rate of $20 per ton by the foreign producer, in such a case, where the disproportion of the American price to a fair international price be so exaggerated, the tariff wall should be raised still higher in order to keep out the beneficial competition of the foreign producer; and he accompanies this with information absolutely inaccurate, with information involving a contradiction, for whilst he declares that his purpose is to increase this tariff wall, to raise its level, he at the same time in his computation declares the effect to be to reduce the height of that tariff wall. But whilst the existing duty is $10 per ton, the ad valorem duty of 45 per cent upon $20 a ton, the foreign price, will yield only $9 per ton, and he expects intelligent men to act as to a schedule of this kind upon information involving such contradictions and such inaccuracies.

Mr. JONES. I desire to ask some member of the Finance Committee a question with reference to these words, "or manufactured." I can see a definite classification in the term "but not assembled or advanced beyond hammering, rolling, or casting," but what would be the condition of a beam or girder or joist or any shape of iron or steel that is not manufactured?

Mr. SMOOT. It would just simply be an I beam or——

Mr. JONES. Would it not be manufactured?

Mr. SMOOT. Not beyond rolling or casting.

Mr. JONES. But that is not it. That is a separate classification. It reads:

But not assembled—
That is one form—
or manufactured—
That is another—
or advanced beyond hammering.

And so forth.

I can see what would be the condition of a beam not advanced beyond hammering; but if it is a beam at all, is it not manufactured, and do not those words establish a classification there under which you would shut every one of these articles from this duty?

Mr. SMOOT. The wording of the bill seems to me to be simple. It certainly would not keep out an I beam——

Mr. JONES. Would it not be manufactured?

Mr. SMOOT (continuing). Or a girder.

Mr. JONES. Would not a girder be manufactured, if it is a girder?

Mr. SMOOT. Yes; but it is not manufactured beyond rolling or casting.

Mr. JONES. But that is not the proposition.

Mr. SMOOT. You can not manufacture it without rolling or casting it. It has to be done one way or the other. It either has to be rolled or cast, and that is exactly what we say here.

Mr. JONES. It seems to me you have three qualifying phrases or clauses, and they are independent of each other. If advanced beyond hammering, then it is excepted from the three-tenths of a cent per pound.

Mr. SMOOT. That is true.

Mr. JONES. But when manufactured, you shut it out under the term "or manufactured." It is independent of the other. It seems to me the words open the doors——

Mr. SMOOT. They do not open the doors as to anything except assembled articles or manufactured articles or advanced beyond hammering, rolling, or casting. That simply means this: That any girder or any I beam can come in under paragraph 119 at three-tenths of a cent per pound, but if it is manufactured beyond——

Mr. JONES. No; it does not read that way.

Mr. SMOOT. That is just exactly what it does say.

Mr. JONES. I beg the Senator's pardon.

Mr. SMOOT. It says if manufactured or if advanced beyond——

Mr. JONES. If you leave out the comma and the word "or," you will have your meaning; but if you do not, you have not your meaning.

Mr. SMOOT. I could not agree to that, because I think it is absolutely plain that that is what it means.

Mr. BACON. I desire to ask a question of the Senator from Rhode Island. I will not detain him a minute. I understand the Senator has instanced one case in which structural iron has been brought in in a perfected state and put up in New York—in the Singer Building. Does the Senator regard the now proposed amendment as one which will prevent that in the future?

Mr. ALDRICH. Not prevent it, but make it pay a higher rate of duty; that is all; not prevent it.

Mr. BACON. Does the Senator regard this as a rate which will be so high that there will be no importations under it?

Mr. ALDRICH. Oh, not at all. It will simply make those people pay a little higher price for their material.

Mr. BACON. There is now, as I understand, a very slight importation of structural steel——

Mr. ALDRICH. I do not know what the Senator calls slight. A hundred million pounds is not slight, according to my notion. It may be according to the Senator's.

Mr. BACON. The Senator did not permit me to finish my sentence. I said, according to the production in this country.

Mr. SMOOT. I can tell the Senator just what it would be. If he will look at the book before him, he will see that 1.4 cents a pound is the valuation of foreign structural steel coming in here; that is $28 a ton. Under this paragraph the assembled parts of the structural steel coming here would fall under the 45 per cent ad valorem clause.

Mr. BACON. I understand that.

Mr. SMOOT. And that 45 per cent——

Mr. BACON. I am not talking about those features.

Mr. SMOOT (continuing). Would be $12.60, and the old rate was five-eighths of a cent.

Mr. BACON. I am not asking about those things; I think they are perfectly clear; I do not think there is any confusion about them. I simply want to get the opinion of the committee whether it would be a prohibitory rate.

Mr. ALDRICH. It certainly would not be.

Mr. BACON. I desire to say, before the paragraph is passed, that it is in a peculiar position. There has been an amendment agreed to that, personally, I would not favor. There is an amendment proposed which I do favor. Therefore, we are in a position where we can not reach the one to which I am opposed, except by a motion to reconsider. I understand that those who are opposed to that particular amendment propose now to let the matter go over and to reach it when we come into the Senate.

The PRESIDING OFFICER. The Secretary will read the next paragraph.

The SECRETARY. Paragraph 123, page 35——

Mr. ALDRICH. I promised the Senator from Texas to allow this paragraph to go over still further.

The PRESIDING OFFICER. Without objection, it will be passed over. The next paragraph passed over will be read.

The SECRETARY. The next paragraph passed over is paragraph 124, in the following words:

124. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, seven-fortieths of 1 cent per pound; railway fishplates or splice bars, made of iron or steel, two-tenths of 1 cent per pound.

The PRESIDING OFFICER. The question is on agreeing to the paragraph. Without objection, the paragraph is agreed to. The next paragraph passed over will be read.

The SECRETARY. Paragraph 125, as follows:

125. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at 3 cents per pound or less, thinner than No. 10 and not thinner than No. 20 wire gauge, five-tenths of 1 cent per pound; thinner than No. 20 wire gauge and not thinner than No. 25 wire gauge, six-tenths of 1 cent per pound; thinner than No. 25 wire gauge and not thinner than No. 32 wire gauge, eight-tenths of 1 cent per pound; thinner than No. 32 wire gauge, nine-tenths of 1 cent per pound; corrugated or crimped, eight-tenths of 1 cent per pound; all the foregoing valued at more than 3 cents per pound, 30 per cent ad valorem: *Provided*, That all sheets or plates of common or black iron or steel not thinner than No. 10 wire gauge shall pay duty as plate iron or plate steel.

The PRESIDING OFFICER. Without objection, the paragraph is agreed to.

Mr. NEWLANDS. May I ask what amendment has been agreed to in paragraph 125?

The PRESIDING OFFICER. There is no amendment to paragraph 125.

Mr. NEWLANDS. Then what action has been taken in regard to it?

The PRESIDING OFFICER. It was agreed to.

Mr. ALDRICH. It has been agreed to.

The PRESIDING OFFICER. The next paragraph passed over will be read.

The SECRETARY. Paragraph 129, steel ingots, and so forth.

Mr. CULBERSON. I was in the rear of the Chamber when paragraph 124 was agreed to. I desire to submit an amendment to that paragraph.

Mr. ALDRICH. It can be done in the Senate.

Mr. BACON. But we want to do it now.

Mr. CULBERSON. It can be done in the Senate, it is true, but if it is agreeable I should be glad to have the paragraph passed over for the present.

The PRESIDING OFFICER. The paragraph has been agreed to. What is the suggestion of the Senator from Texas?

Mr. ALDRICH. I hope the Senator will not try to raise that question now. There will be plenty of time to consider the question when the bill is in the Senate.

Mr. BACON. The only objection would be that as we well know by the time the bill is reported from the Committee of the Whole much time will have elapsed and Senators will be impatient, and there can not be the same consideration given in the Senate as in the Committee of the Whole.

Mr. ALDRICH. I think so.

Mr. BACON. I think not.

The PRESIDING OFFICER. The next paragraph passed over will be read.

The SECRETARY. Paragraph 129, steel ingots, and so forth——

Mr. CULBERSON. What was done with paragraph 124?

Mr. ALDRICH. It was agreed to.

Mr. CULBERSON. I ask the Senator to allow it to be passed over for the present.

Mr. ALDRICH. I want to dispose of these questions as we go on. The Senator can offer his amendment now or wait until the bill comes into the Senate. I have no objection if the Senator prefers to go on with the consideration of the paragraph now, but I would prefer that he should wait until the bill gets into the Senate.

Mr. CULBERSON. I am not prepared to submit the amendment just now.

Mr. ALDRICH. Then we had better go on with it in the Senate.

The PRESIDING OFFICER. The Secretary will read the next paragraph passed over.

Mr. ALDRICH. One hundred and twenty-nine is the next paragraph.

The PRESIDING OFFICER. The Chair understands that paragraph 128 was agreed to.

Mr. ALDRICH. It was agreed to.

The PRESIDING OFFICER. The Secretary will read paragraph 129. The Chair understands that the amendments of the committee to this paragraph have been agreed to.

Mr. ALDRICH. Then, I ask that the paragraph be agreed to.

The PRESIDING OFFICER. Without objection, the paragraph is agreed to.

Mr. CULBERSON. I wish to invite the attention of the Senator from Rhode Island to paragraph 129, that he may explain it before the paragraph is agreed to. I have not the paragraph before me, but my recollection is that the original paragraph contained 11 different items, and that as amended by the Senate it contains 14, the additional items 12, 13, and 14. Those items have been added by the Senate committee. As I remember, they increase the rate. Item 13, for instance, increases the rate about 49 or 50 per cent, relatively, and item 14 increases the rate 70 odd per cent, relatively speaking.

My information, further, is that in the same grade there were more than one-third of the total importations under paragraph 129 under the Dingley Act. So, apparently, unless the Senator from Rhode Island can explain it, taking into consideration the importations and the reclassification, paragraph 129 makes an increase in the rate. I will ask the Senator if that is not the case, and why this reclassification has been made by the committee, introducing three additional classes, in one of which is included more than one-third of the total importations in 1907?

Mr. ALDRICH. Mr. President, the three brackets to which the Senator alludes are to provide for entirely new classes of steel that were never heard of or known when the act of 1897 was passed. The Senator is more or less familiar, I take it, with some of the very great discoveries which have been made within the last few years in steel making. Steel is now made which costs from 60 to 70 cents a pound. It is called "high-speed steel," and it is used in machinery running at a very high rate of speed and in tools which require frequent hardening. It is steel which in its character is entirely unlike any steel which was known when the act of 1897 was passed.

Some of these discoveries, in the opinion of the people who ought to know about such matters, it is believed may revolutionize the whole business of manufacturing steel in the world. In these products there is used a great variety of new metals

in combination with these various kinds of steel. They are extremely expensive to make. The purpose is to encourage their production in this country, where we certainly want to take advantage of all the new discoveries in the iron and steel industry. We want to be kept abreast of the world not only in questions of armament, in which these steels are largely used, but in all the progressive manufacturing or mechanical purposes.

I think there is not one provision of this bill that has more merit and is more desirable than the three brackets to which the Senator has alluded. The production of these various kinds of steel is absolutely an infant industry, and should be properly taken care of by this act.

The PRESIDING OFFICER. Without objection——

Mr. CULBERSON. In view of what the Chair was about to say, I beg leave to suggest that the best way would be to submit the question to the Senate and not to suggest that unless there is objection an amendment is agreed to. Of course, if the Chair thinks that one objection would defeat the paragraph, it is well enough, but I beg respectfully to suggest that it does not.

The PRESIDING OFFICER. The Chair will endeavor to comply with the wishes of the Senator from Texas.

Mr. CULBERSON. Very well.

The Senator from Rhode Island, as I understood him, states that these three additional grades are inserted because there is a new kind of steel. I do not understand that to appear from this paragraph. I have a memorandum here, prepared partly by myself and partly by an expert, a portion of which at least I will read:

12. The next grade created is that valued above 24 and not above 32 cents a pound, and upon this the duty is 6 cents a pound, or a relative increase of 27 per cent over the 4.7 cents a pound of the Dingley Act.

13. The last grade created is that valued at above 32 and not above 40 cents per pound, upon which the duty is fixed at 7 cents, a relative increase over the 4.7 cents of the Dingley Act of nearly 49 per cent.

14. The last grade created is all valued above 40 cents a pound, and upon this there is proposed a 20 per cent ad valorem, or from 8 cents a pound upward. Upon a minimum basis of 8 cents a pound duty the relative increase is more than 70 per cent above the 4.7 cents a pound of the Dingley Act.

Indicating, Mr. President, that the classification is as to value alone. As I said a while ago, more than one-third of the total importation under paragraph 129, as shown by the imports of 1907, belong to class 13, where the per cent of increase is 49. I invite the attention of the Senator from Rhode Island to my suggestion that this new division is upon a basis of value, and not upon a new kind of steel.

Mr. ALDRICH. I understand that.

Mr. CULBERSON. Of course the Senator may be able to explain it. I am unfortunately one of those Members of the Senate who is not an expert in steel, having had no experience with the matter.

Mr. ALDRICH. Paragraph 129 includes all kinds of steel, and therefore it includes all these new kinds. The only way in which they can be reached for classification is by a classification for value. There were no steels practically in existence with the high prices in 1897. They have been coming in. They came in in 1907. A lot of these new steels came in under the paragraph as it stood, and that is the reason why they appear all in one paragraph, above 30 cents a pound, I think. But some of these steels were then of immense value.

Mr. TILLMAN. I am greatly interested in what the Senator is telling us. Are the inventions of these processes of this steel, which, I take it, are better than cast steel——

Mr. ALDRICH. Very much better.

Mr. TILLMAN. Are these inventions of very high-grade steel American or foreign?

Mr. ALDRICH. Some are American and some foreign. I think the most valuable are English inventions. The Senator from Pennsylvania [Mr. OLIVER] perhaps can give a little more definite information on the subject. I think the more valuable of the inventions are English.

Mr. OLIVER. The additional brackets in paragraph 129 were put in to cover what is known as "high-speed" and "tool" steel. At the time of the enactment of the Dingley law what is known as "crucible steel"—tool steel—was manufactured largely in this country and very little of it, comparatively, was valued above 16 cents a pound. Some of it ran up as high as 20 cents a pound. The market was in the hands of the American manufacturers. They supplied substantially all the tool steel used in this country except a few specialties.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Pennsylvania yield to the Senator from South Carolina?

Mr. OLIVER. I hope the Senator will not interrupt me, because, in order to cover this matter, I will have to talk consecutively and without interruption.

Mr. TILLMAN. I was simply going to ask the Senator a question, but if he objects I will wait.

Mr. OLIVER. I have no objection, Mr. President, to any question that may be asked by the Senator from South Carolina, but I hope that he will allow me to proceed without interruption in explaining this paragraph.

In 1901 a British manufacturer introduced into this country a new kind of steel. It was made by taking about 80 per cent of the highest grade of Swedish bar iron and alloying it with about 20 per cent of valuable minerals, chiefly tungsten, with a slight mixture of chromium and vanadium. These materials are extremely rare and valuable. The tungsten that goes into this high-speed steel is worth from $1,400 to $1,500 a ton, and as the steel contains almost 20 per cent of tungsten, you can easily realize that the tungsten alone that goes into a ton of this steel is worth between $275 and $300.

The other elements, chromium and vanadium, are equally valuable, although they go in in smaller quantities. The Swedish bars which are used as a basis of this raw material carry under the present tariff a duty of $12 a ton, and under the proposed tariff $8 a ton, all made of charcoal iron.

To show the extent to which this steel invaded our trade I will read the imports of steel valued at above 16 cents per pound which were made in 1901 and the years following. In 1901 it was 778,736 pounds; in 1902, 2,133,461.84 pounds; in 1903, 2,299,439.75 pounds; in 1904, 1,556,313 pounds; in 1905, 1,724,612.50 pounds; in 1906, 2,897,682.24 pounds; and in 1907, 3,535,707.94 pounds.

Now, Mr. President, every pound of this steel that is used displaces at least 5 and sometimes as high as 10 pounds of the ordinary tool steel that was formerly used and made in this country. By reason of this admixture the utility of the steel is so increased that you can put it in a lathe and run the lathe to any speed you want and it will cut iron or cut steel and do its work just as well if it is red hot as it will at any ordinary temperature.

So, as this steel displaces so much of our steel, you can easily understand the inroads that have been made upon the trade of our manufacturers. Our manufacturers have not been idle. This was a secret process, of which not one, but a great many, of our manufacturers have discovered the formula. They are making it to-day, but by reason of the exceedingly high price of the materials entering into it, owing to the fact that it uses up their crucibles faster, it uses up their refractories faster and involves infinitely more labor and more care than had heretofore been used in the art, it is absolutely necessary, if we are to make it in this country, to place upon it a higher rate of duty.

I call the attention of the Senator from Texas and the other Senators who are opposed to this duty to the fact that it does not increase the price of steel to the users of it. When you consider the amount of work that can be done by 1 ton or 1 pound or 1 unit, they are getting the same work done for less money than they heretofore were able to do.

This steel, when it was first introduced, and until our manufacturers discovered the formula, was put upon the American market at 75 cents a pound. The price to-day of some grades of it has come down as low as 34 cents a pound. That is what has been done by our home competition as against foreign competition, for I tell you, Mr. President, there is no tyranny so absolute as the tyranny of a foreign producer who puts goods into a market away from his home.

By the adoption of these amendments you will afford perhaps not adequate protection, but some protection to our manufacturers, and you will be giving to the users of this product their steel at less money than they were paying heretofore for the same amount of work that the steel formerly used would do under the lower rates of duty, and you will be saving money to our consumers and putting the manufacture in the hands of our people instead of those abroad.

Mr. FLETCHER. Mr. President——

Mr. BEVERIDGE. May I ask a question before the Senator from Florida begins?

Mr. FLETCHER. Certainly.

Mr. BEVERIDGE. It is merely this: I listened very attentively to the explanation of the Senator from Pennsylvania, from which I gather, and I want to know whether I am right in gathering it, that this is protecting new steel that has not been in the market before and has not been manufactured here before.

Mr. OLIVER. It is a new article of commerce, Mr. President, that never was heard of prior to 1900 or 1901.

Mr. BEVERIDGE. That being true, of course it follows that the statement in the comparative schedule, that these steel bars heretofore had a certain duty, was erroneous. If this is an absolutely new article, that is incorrect.

Mr. ALDRICH. No; it did pay that rate of duty, because there was no other classification for it; it had to pay that rate.

Mr. CULBERSON. The suggestion of the Senator from Indiana is one I have been endeavoring to bring out, that the same character of steel, valued at the same price, was imported into this country in 1907 at a certain duty, and that the effect of this amendment is simply to increase the duty.

Mr. BEVERIDGE. I do not so understand it. If the Senator will permit me, I understand from what the Senator from Pennsylvania says that instead of being an increase of duty it is a new duty, simply because this steel did not exist when the former law was passed, and the duty which it paid was by reason of a classification made by the appraisers. In reality it has not been specifically provided for by law before.

Mr. TILLMAN. If the Senator from Florida will permit me.

Mr. FLETCHER. Certainly.

Mr. TILLMAN. I note that there were imported in 1907 3,535,707 pounds, valued at 16 cents per pound, and the Senator from Pennsylvania tells us the reason why this steel is so high——

Mr. OLIVER. I beg the Senator's pardon; it is valued at an average of 34 cents a pound—that is, the foreign value.

Mr. TILLMAN. I am only quoting the schedule as we have it printed—"valued above 16 cents per pound."

Mr. OLIVER. I was reading, Mr. President, from the imports and duties of 1894 to 1907.

Mr. TILLMAN. I am not disputing the Senator's statement at all. I am merely giving the statement which we have here, and I was calling attention to the fact that the House committee did not think it worth while to have any hearings on this subject, that there was no light thrown upon it, and that somebody had given the Finance Committee new light—I suppose the Senator from Pennsylvania—which has enabled it to reason out the necessity for this big increase.

Mr. ALDRICH. The people who came before the members of the committee were the people who were engaged in trying to make this high-priced steel.

Mr. TILLMAN. I am not objecting to that at all. I am not finding any fault with this infant industry. I am glad to see the Senator is so solicitous about infant industries, for I am going to remind him about infant industries before we get through with this bill.

Mr. ALDRICH. I am extremely solicitous about this, because I think it is one of the most important things in the bill.

Mr. CULBERSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Texas?

Mr. FLETCHER. I do.

Mr. CULBERSON. By the courtesy of the Senator from Florida, I am permitted to make a further suggestion. Under the Dingley Act there were 11 different grades of steel, while by the proposed amendment there are 14. No. 13, which is created by this act, is that valued at above 32 and not above 40 cents a pound, upon which a duty is fixed of 7 cents, a relative increase over the 4.7 cents of the Dingley Act of nearly 49 per cent.

The steel imported in 1907 under No. 13, valued at above 32 cents and not above 40 cents, the average of which is 34 cents a pound, constituted $1,202,672. Considerably more than one-third of the total of the two grades constituted in value about 80 per cent of the imports; in other words, the steel which is described by this act as No. 13, which was imported under the Dingley Act, amounted to over a million dollars.

It is now put in class 13, the duty on which is increased to 49 per cent relatively to the Dingley Act. So that it is not a new kind of steel according to this law, with due respect to the Senator from Pennsylvania—and I know he is perfectly sincere concerning his statement; and he may be right—but, according to this law, the same kind of steel, which is described as No. 13, and upon which the ad valorem increase is 49 per cent, was imported in 1907.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Indiana?

Mr. FLETCHER. Certainly.

Mr. BEVERIDGE. As I gather the drift of this discussion, this really is a new kind of steel which has been invented since the Dingley law was enacted.

Mr. CULBERSON. How can it be a new kind of steel, so far as the importation is concerned, when it came into this country in 1907?

Mr. BEVERIDGE. I will say to the Senator that, in view of the fact that the Dingley Act did not provide for it, because it did not then exist, it was classified by the Board of Appraisers under the only caption under which it could pay any duty at all, which is the reason why it paid this duty. So it is a new kind of steel which did not exist when the Dingley Act was enacted. Is that correct?

Mr. ALDRICH. That is correct. If the Senator from Texas [Mr. CULBERSON] will read paragraph 138, he will find that it was not possible to have imported these articles under any classification except the classification of steel. It is the only place it could come in, for paragraph 129, now under consideration, includes all the steel that is made. A large part of the steel manufactured in the United States is valued at less than a cent a pound, probably; from that up to 75 cents a pound. Paragraph 129 is all-embracing; it includes all classes of steel that are produced in the world.

Mr. CLAY. Let me ask the Senator a question. As I understand, quoting from line 21, "valued above 16 cents and not above 30 cents per pound, 4.6 cents per pound." That was the Dingley law.

Mr. BEVERIDGE. No——

Mr. CLAY. Yes; it was.

Mr. BEVERIDGE. That was the classification under the Dingley law.

Mr. CLAY. That is what I mean—"valued above 30 cents per pound, 15 per cent ad valorem." If I understand it, the Dingley law intended to tax all steel ranging from 16 cents a pound clear up as far as it went 4.6 cents a pound. That included steel worth 40 cents; it included steel worth 32 cents; it included all steel mentioned in the three paragraphs to which the Senator from Rhode Island refers.

Mr. ALDRICH. Undoubtedly.

Mr. CLAY. In other words, as I understand, under the Dingley law, on steel worth 24 cents the duty would be 4.6, and on steel worth above 24 cents and not above 32 cents, the duty would be the same, while under this amendment it would be 7 cents. It strikes me that under the Dingley law all steel in this class, ranging from 16 cents a pound and upward, would be 4.6 cents.

Mr. BEVERIDGE. According to the statement of the Senator from Pennsylvania, this kind of steel was not then invented. So, afterwards, when it was imported, that was the only place it could be put; otherwise it would come in free of duty.

Mr. CLAY. That is true. If that class was not in use at the time the Dingley law was passed, and that class of steel was afterwards manufactured, then, in my opinion, this paragraph 129 would apply to it, and that steel would come in, and has been coming in, at 4.6 cents a pound. It is a very serious question—and I always like to look at a thing in a practical way—to increase the duty on steel of this class from 4.6 cents to 7 cents a pound. It is an increase of almost 80 per cent. The Senator from Pennsylvania [Mr. OLIVER] has made a very clear statement as to the kind of steel this is; but the trouble with me is that if this steel has been coming in here for seven years—since 1901, if I recollect correctly—paying this identical duty, to now change that rate from 4.6 to 7 cents a pound is a very serious question; and there ought to be indisputable facts to sustain such an increase.

Mr. GORE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Oklahoma?

Mr. FLETCHER. Certainly.

Mr. GORE. I merely want to ask the Senator from Pennsylvania whether this was a patented process?

Mr. OLIVER. Mr. President, I will answer the Senator from Oklahoma that it is not a patented process. It was at first a secret process, but the secret has been discovered, and is now utilized by our American manufacturers.

Mr. GORE. It is, then, available to every man?

Mr. OLIVER. It is available to everybody. This steel is made in Pittsburg and in Reading, Pa.; it is also made in New Jersey; some of it is made, I think, in Chicago, and some in Syracuse, N. Y. Its manufacture is widespread over the country.

While I am up, Mr. President, I want to say that the manufacturers inform me that there are other formulas which they think by other admixtures will enable them—and they are also in the possession of foreigners—to make steel of still higher utility, the price of which may go up to 75 cents or $1 a pound; and which, even at this high price, will still be very much cheaper for use than the low-priced steel. That is the reason why there should be fixed this very low and reasonable ad valorem rate of 20 per cent to cover such things in the future.

Mr. President, before I sit down, if the Senator from Florida will excuse me—and as addressed to my associates who be-

lieve in a protective tariff and not to our Democratic friends—I wish to read this quotation:

The tariff in a number of the schedules exceeds the difference between the cost of production of such articles abroad and at home, including a reasonable profit to the American producer. The excess over that difference serves no useful purpose, but offers a temptation to those who would monopolize the production and the sale of such articles in this country to profit by the excessive rate. On the other hand, there are other schedules in which the tariff is not sufficiently high to give the measure of protection which they should receive upon Republican principles, and as to those the tariff should be raised.

That is from the speech of William H. Taft, in Cincinnati last summer, accepting the nomination as the Republican candidate for the presidency.

Mr. NELSON. Will the Senator from Florida yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Minnesota?

Mr. FLETCHER. Yes.

Mr. NELSON. I desire to call the attention of the Senator from Pennsylvania [Mr. OLIVER] to this phraseology in the paragraph under consideration, which is new and which to me is a greater mystery than the increase in the rate. Beginning on line 18 are the words:

Not advanced in value or condition by any process or operation subsequent to the process of stamping.

That is new in this proposed law. It is not contained in the old law. I should like to understand the mystery or the meaning and the effect of that phrase. Will it operate, as it did in paragraph 119, to put most of this product under the general classification of a 45 per cent ad valorem rate? What does it exclude and what does it include?

Mr. BEVERIDGE. From what point does the Senator from Minnesota read?

Mr. NELSON. The language to which I refer is in paragraph 129, page 37, line 18:

Not advanced in value or condition by any process or operation subsequent to the process of stamping.

Those are the new words that were injected, and that is the mystery which I should be glad to have explained.

Mr. ALDRICH. That applies to "stamped shapes"—just that one class, and nothing else.

Mr. NELSON. It does not so appear in the bill. There is a semicolon after the words "mill-shafting material," and then the words "pressed, sheared, or stamped shapes."

Mr. ALDRICH. The phrase only applies to those shapes. It does not apply to anything else.

Mr. FLETCHER. Mr. President, of course I do not wish to interfere with the course of the discussion here at all. I rose to submit a statement, which ought to have peculiar value, inasmuch as it is a statement delivered by a gentleman who declares himself to be a manufacturer, a Republican, and a protectionist.

When paragraph 124 was reached the Senator from Texas asked to have it passed over, when the Senator from Rhode Island objected and suggested that any amendment to the paragraph might be offered in the Senate. I understand that an amendment will be offered to the bill in the Senate putting the articles described in that paragraph on the free list.

Mr. ALDRICH. Is the Senator from Florida speaking about paragraph 123 or paragraph 124? I think paragraph 123 is what the Senator has reference to.

Mr. FLETCHER. No, sir; I refer to paragraph 124.

Mr. ALDRICH. Railway bars, steel rails?

Mr. FLETCHER. Steel rails.

Mr. ALDRICH. Did the Senator say "on the free list?"

Mr. FLETCHER. I understand an amendment will probably be proposed, or possibly be proposed, to put them on the free list.

Mr. BEVERIDGE. If the Senator from Florida is speaking about paragraph 129, will he permit me to ask the Senator from Pennsylvania a question before that discussion is closed?

Mr. FLETCHER. If the Senator will allow me, I shall be through in a minute. I want to submit this statement, as bearing upon this general subject in reference to what has been said and read. I might respond that I had been unable to find in the Constitution of the United States or in the laws of the United States any authority in Congress to guarantee reasonable profits to anybody about anything or upon any industry. I am not able to find that there is any authority or power in Congress to discriminate in favoring one industry or manufacture over another. But I submit this statement, which was published in what is called "Tariff Revision," last September, by Mr. H. E. Miles:

This man—

Referring to a man with whom he had a conversation—

This man knows that when the Dingley bill was passed the cost of the manufacture of steel rails was $12 per ton in Pittsburg and $16 in England; ocean freight was, and is, about $3.50, making $19.50 the English cost delivered in New York, or 63 per cent above the Pittsburg cost. Imagine any Congressman being so foolish or so daring as to attempt to explain why, with this 63 per cent of "natural protection," $7.80 per ton, or 65 per cent, more protection was given by Congress. The granting of a tariff like this is a farming out of the taxing power for private considerations and to private interests.

Not long after the passage of this bill steel makers, guided by Wall-street promoters, put about $1,000,000,000 of water into one corporation, and partly, at least, by the powers given to them in that tariff by Congress and the President, they have transferred the wealth of the people into that watered stock, in amount not less than $1,000,000 per week, until it has become a most substantial property. Lesser concerns have taken as much more. Sales prices have been doubled. Seeking relief from abroad, domestic users have found the Government of the United States practically preventing relief through importations at one-fourth lower prices, although these lower prices were being gladly met by our makers in neutral markets, and very profitably.

Americans owning factories both in the United States and in Canada are buying Pittsburg steel cheaper for their Canadian factories, and are supplying foreign markets from Canadian factories formerly supplied from the United States. Leading political manipulators, sometimes called "statesmen," and even protectionists, knowingly made all this possible in the name of protection to American industries and labor.

Or consider pig iron. The wage cost at the furnace of converting the raw materials there assembled into pig is, as stated by Mr. Schwab, 41.1 cents per ton of pig produced. Indeed, Mr. Schwab says that this covers, at the best furnace, also maintenance and overhead expenses. This seems almost incredible, but for more than a generation our steel men have taxed the belief of the manufacturing world by the actual facts of their accomplishments. Certainly pig, like all other steel and iron products, is produced cheaper in this country than anywhere else on earth. Mr. Gary fairly conceded this to a congressional committee, which, however, for some reason failed to act upon the information.

In utter disregard of the principle of protection Congress, in the name of the principle thus set at nought, put a duty of $4 per ton on pig iron—a duty about 10 times the total wage cost of production at the furnace.

I submit that statement, Mr. President, as bearing on this subject; and under it it would seem that all claims that there should be a duty to protect a great American industry in this instance vanishes into thin air.

Mr. BEVERIDGE. Mr. President, before the vote is taken—I do not think there will be a vote, perhaps—I want to ask the Senator from Pennsylvania, who has made a most luminous statement about this whole subject, just two questions. Perhaps I was not in the Chamber and he may have already answered them. Can he tell us what is the difference between the cost of production on this particular item of steel here and abroad? That is the first question. The second question is, What is this particular kind of steel used for?

Mr. OLIVER. I would like the Senator to repeat his first question.

Mr. BEVERIDGE. I ask what is this new steel, this new invention, used for; and, then, what is the difference between the cost of production here and abroad? That is all.

Mr. OLIVER. Mr. President, I am sorry that I can not just now give the Senator the figures as to the difference in the cost of production. My information upon that point is general. I think, perhaps, I have it among my papers; but I can not get at it just now.

Mr. BEVERIDGE. Perhaps the committee can give it to us, then.

Mr. OLIVER. No; I do not believe the committee can if I can not, because I think I have given the subject very exhaustive study, and I rather think perhaps that some of the members of the committee have relied on me; but I will be glad to give it later.

Mr. BEVERIDGE. Of course, the rate of $7 must have been based upon the difference in cost here and abroad. I think everybody on both sides of the Chamber is impressed with the Senator's statement. I understand this particular kind of steel did not exist when the present law was passed and that it was put under the classification as stated; otherwise it would have come in free. Therefore, of course, the present rate is based upon the difference in cost here and abroad. That and the explanation of what it is used for would, I think, settle the question.

Mr. OLIVER. Will the Senator repeat his second question, so that I can get a clear understanding of it? I think I can answer it.

Mr. BEVERIDGE. What is this new steel used for?

Mr. OLIVER. Anyone who has ever been in a machine shop perhaps has noticed the working of a lathe. They put a piece of tool steel in the teeth of a lathe; set the lathe to going; and it goes very, very slowly, tearing off and shaping up the tool. As a usual thing, under the old practice, the machinist running that lathe could set the lathe to going, go off and go to sleep for an hour, and come back and set it again at the end of that time. The cutting of tools naturally heats the steel, and

if you would heat the ordinary tool steel, such as is used in this way, beyond a certain temperature, it would not cut, as it would become so heated itself.

Mr. BEVERIDGE. Then this is a hard steel, so hard that it can cut other steel?

Mr. OLIVER. This steel is very hard. By introducing other high-priced ingredients—chromium, vanadium, and tungsten—you can heat the steel red hot and just let it plow along. That is the reason they call it "high-speed steel." You can start the machines going at a high speed, and it does five or ten times as much as the old steel, and will last that much longer.

Mr. BEVERIDGE. How about the cost of production?

Mr. OLIVER. I will have to give it to you later on, because I have not got the items of cost. I do know, though, that from the very nature of things it must cost immensely more than other steel. One element of cost I will now give.

The pending bill levies a duty of $8 a ton on Swedish charcoal iron—and all of this class of steel is made from Swedish iron—which now pays a duty of $12 a ton. Tungsten carries a duty under the pending bill of 25 per cent. Every ton of this steel requires $300 worth of tungsten. The duty upon that tungsten alone amounts to two and a fourth cents a pound—not the cost of the tungsten, but the duty alone, and the tungsten in the steel will cost from 12 to 15 cents a pound. There is a duty of $8 a ton on Swedish iron, and there is 2¼ cents a pound for tungsten. These are two elements of cost that the foreigners do not have to pay. In addition to that we have the increased labor cost, the cost of investment, and the cost of refractories, all of which would bring it up to a point where 4.6 cents per pound does not cover anything like the difference between the cost here and abroad. Twenty per cent ad valorem may make up the difference; but, if so, it will not more than adequately do so.

Mr. TILLMAN. Mr. President, before the Senator takes his seat—I am very much interested in this matter, and he seems to be about the only man here who knows what is the reason for this duty—would he tell me whether we have any tungsten in this country? I have never seen the word, and I may be pronouncing it wrong.

Mr. OLIVER. I understand that there are tungsten mines in this country, but not sufficient to supply our wants.

Mr. TILLMAN. Where are they?

Mr. OLIVER. There are some in Colorado that I know of, but I have been told by a manufacturer of this steel that the country has to rely upon the foreign markets for something like half of the tungsten that it uses to-day.

Mr. TILLMAN. What about the other ingredients—vanadium and chromium, or something like that?

Mr. OLIVER. They are mostly imported.

Mr. TILLMAN. We have none of them here?

Mr. OLIVER. I can not answer that.

Mr. ALDRICH. Several Southern States produce them.

Mr. TILLMAN. I just wanted to know whether you people were gobbling up all these protected things and we did not have anything down our way, unless it might be something that some northern man has gone down and asked you to protect.

Mr. ALDRICH. Virginia and North Carolina both produce the articles referred to.

Mr. HUGHES. Mr. President, I should like to inquire of the Senator from Pennsylvania if he understands that the bill, as amended by the committee, proposes any duty whatever upon tungsten, of which there is not only a production in Colorado to meet the demand, but an exportation in 1907 to Germany of the tungsten metal?

Mr. ALDRICH. I will say to the Senator from Colorado that the committee propose to recommend an amendment putting a duty upon tungsten.

Mr. HUGHES. But as the law stands to-day, I understand there is no duty.

Mr. TILLMAN. Why do you want a duty if we are exporting it?

Mr. ALDRICH. Both Senators from Colorado, I think I can say, believe that by putting a small duty upon tungsten ore they can very largely increase the production in this country.

Mr. TILLMAN. If they are already exporting it, if we are making more than we need, what is the use of any duty?

Mr. ALDRICH. We are not exporting very much of it, I think.

Mr. HUGHES. No. That which was exported was the metal, not the ore. It was exported during the time when they did not need all that they had in the factories at Pittsburg and elsewhere.

Mr. NEWLANDS. Mr. President, I wish to make an inquiry of the Senator from Pennsylvania. I have been impressed with the clear and luminous statement which he has made regarding the steel industry. I may say that I have been impressed throughout with the fullness of his information and his apparent openness and candor upon these subjects. I am sure that if the system of protection presented always as its beneficiaries personalities as attractive as the Senator from Pennsylvania it would be an argument in favor of the system of protection; but as I understand the Senator from Pennsylvania, according to his own statement, is a manufacturer, that he belongs to the employing class, and represents a district which, as I understand, is one of the most highly protected districts in this country——

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. NEWLANDS. Certainly.

Mr. OLIVER. I think the Senator from Nevada was not present yesterday when, in response to a statement made by the Senator from Wisconsin [Mr. LA FOLLETTE], I stated that I was not interested in manufacturing and had not been for about eight years. Unfortunately, the business in which I am engaged is publishing a newspaper.

Mr. NEWLANDS. Mr. President, then I was certainly under a misapprehension. The Senator will recall that the other day he spoke of having been interested at one time in the window-glass industry, and I supposed that he was largely interested in manufacturing. But he does come from a region which is regarded as the most highly protected region in this country, and I wish to inquire as to the effect of this system there, not only upon the employers, but upon the employed; not only with reference to its creation of great wealth, but with reference to its effect in securing the general prosperity and happiness of the wage-earners engaged in the various industries at Pittsburg.

I wish to call his attention to an inquiry which has recently been made under the patronage of the Russell Sage Foundation into the economic conditions that prevail at Pittsburg, Pa. I understand that that inquiry has been made not by radicals, not by anarchists or socialists, but has been made by men who are profoundly interested in sociological questions, conservative men, who are interested in these great problems relating to the general prosperity of the masses of the people, their housing, their clothing, their food, and the ability of a family to maintain itself under the pressure of economic competition.

I have read over some of these papers, though not carefully, and I find that the general summary of these inquiries into conditions there is that the industrial conditions of Pittsburg, where more wealth has been created through protectionism than any other portion of the country, with respect to the average wage-earner are worse than in almost any other part of the country. It is contended for them, if I recollect aright, that even the Sabbath is not observed, that men are engaged in work seven days in the week, that they are engaged in work twelve hours a day, and that the wages are such that it is utterly impossible for a wage-earner to support a family under the conditions which ought to obtain in family life in America. Illustrations are given showing that labor there employed is largely composed of men coming from the southern parts of Europe, men accustomed to a low standard of living, men huddled together five or six in a room; that they are subject to this grinding labor seven days in the week and twelve hours a day, and under conditions which make the factories almost a pandemonium.

I should like to ask the Senator from Pennsylvania whether he has read the reports of the gentlemen who have been conducting this inquiry, and whether he knows if those reports are exaggerated or are correct?

Mr. OLIVER. Mr. President, an answer to that question would be entirely foreign to the subject under discussion, and would require time and preparation—time which nobody has, and preparation which I have not had the opportunity to make. I think I could, and I believe I will some time, refute many of the slanders contained in the publications referred to; but I will not attempt to do so now, when things of more immediate importance are at stake.

Mr. NEWLANDS. I, of course, accept the statement of the Senator from Pennsylvania as to his unpreparedness to make a statement at this time regarding the matter. I differ with him, however, as to the relevancy of the question I have propounded. Throughout this entire discussion the main contention of those who believe as the Senator from Pennsylvania does, in the system of high protection, has been that it has operated to the great advantage and prosperity of the laboring men and of the wage-earners of the country. The contention always is that the high protective duty is necessary, not to protect wealth, but to protect labor. We all know that Pittsburg, Pa., is the very center of protectionism in this country; that there are more

protected industries established there than in any other part of the country; that greater wealth has been accumulated there through the manufacture of protected commodities than in any other portion of the country. It seems to me when we are considering the tariff question, and when we are considering this very schedule which relates to the most prominent industry of Pittsburg, and when the contention is made that these high duties should be maintained and increased, with a view to benefiting the laboring man and advancing his prosperity, it is entirely proper for us to inquire as to whether the conditions of the laboring man in that highly protected community are of the low and ignoble character described by these gentlemen, professors in colleges, sociologists, economists, under the patronage of the Russell Sage Foundation, or whether they are slanderous and untruthful.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. There are several other verbal amendments to the paragraph which I should like to make. I will send the amendments to the desk.

Mr. CRAWFORD. What is the paragraph?

The PRESIDING OFFICER. Paragraph 129.

The SECRETARY. In line 20, after the word "steel," insert the words "bands, circular and other."

Mr. CULBERSON. What page?

The PRESIDING OFFICER. Page 37.

Mr. ALDRICH. Page 37, line 20.

The PRESIDING OFFICER. The question is on agreeing to the amendment which has been stated.

The amendment was agreed to.

The SECRETARY. In line 24, after the word "sheets," insert the word "strip" and a comma.

The amendment was agreed to.

The SECRETARY. In the same line, after the word "plates," strike out the word "and" and insert "of."

The amendment was agreed to.

Mr. ALDRICH. I ask that the paragraph as amended may be agreed to.

The paragraph as amended was agreed to.

The PRESIDING OFFICER. The Secretary will state the next paragraph passed over.

The SECRETARY. The next paragraph passed over is 134, page 40, where in line 7——

Mr. ALDRICH. There is an amendment in paragraph 130.

The PRESIDING OFFICER. Paragraph 130.

Mr. ALDRICH. I want to withdraw the committee amendment.

The PRESIDING OFFICER. Without objection, the committee amendment is disagreed to. The amendment will be stated.

The SECRETARY. On page 39, paragraph 130, withdraw the committee amendment, and then, in line 5, strike out "forty" and insert "thirty-five."

Mr. ALDRICH. That reduces the House rate from 40 to 35 per cent ad valorem.

Mr. BEVERIDGE. Paragraph 130?

Mr. ALDRICH. Paragraph 130.

The PRESIDING OFFICER. Is there objection to the amendment? In the absence of objection, the amendment is agreed to.

Mr. BEVERIDGE. According to the comparative statement here, the House has 40 per cent and the Senate 11 cents a pound.

Mr. ALDRICH. That is withdrawn. Eleven cents a pound would be very much higher than 40 per cent on some classes.

The PRESIDING OFFICER. The amendment has been agreed to.

The SECRETARY. The next paragraph passed over is 134, on page 40.

Mr. ALDRICH. Mr. President——

Mr. LODGE. Paragraph 133, line 19.

Mr. ALDRICH. In line 19, after the word "rods," I move to insert "all the foregoing."

The PRESIDING OFFICER. What is the amendment?

Mr. LODGE. "All the foregoing," in line 19, page 39, after the word "rods."

The SECRETARY. On page 39, line 19, after the word "rods" it is proposed to insert "all the foregoing."

The amendment was agreed to.

Mr. ALDRICH. In the next paragraph there are a number of verbal amendments, which I send to the desk.

Mr. CLAY. What is the paragraph?

Mr. ALDRICH. Paragraph 134.

The PRESIDING OFFICER. The Secretary will state the amendments.

The SECRETARY. On page 40, line 8, after the word "foregoing," strike out "valued at more than 4 cents per pound."

The amendment was agreed to.

Mr. CRAWFORD. As I have it here, on the first reading of the bill the amendment reported, for instance in line 7, was an increase of the rate of the House bill from 1½ to 1¾. Now, what are we doing with that?

Mr. BEVERIDGE. We have not yet reached that.

Mr. ALDRICH. That has not been agreed to. I am proposing several amendments which reduce the rates in some other paragraphs.

Mr. CRAWFORD. When are we to act upon this?

Mr. ALDRICH. Whenever we get through. I suggest that we may act upon it after we get through with the amendments which I have sent to the desk, which are verbal amendments.

Mr. BEVERIDGE. I understand we have not reached that yet.

The PRESIDING OFFICER. The next amendment will be stated.

The SECRETARY. In line 10, strike out "forty" and insert "thirty-five."

Mr. BEVERIDGE. That is a reduction?

Mr. ALDRICH. Yes.

The amendment was agreed to.

The SECRETARY. In line 13, strike out the words "steel strips."

The amendment was agreed to.

The SECRETARY. In line 14 strike out the words "strip steel, or."

Mr. LODGE. So that it will read——

The SECRETARY. "Corset clasps, corset steels, dress steels, and all flat wires, and steel in strips."

The amendment was agreed to.

Mr. ALDRICH. Disagree to the next committee amendment.

The SECRETARY. The committee recommend that the Senate disagree to the amendment in lines 14 and 15.

The amendment was rejected.

The SECRETARY. At the end of line 15 it is proposed to insert the words "made from wire, or tempered steel wire rods," so that it will read:

Twenty-five one-thousandths of 1 inch thick, or thinner.

Mr. ALDRICH. Oh, no; that goes out. That is disagreed to.

Mr. LODGE. That is disagreed to.

The PRESIDING OFFICER. It is restored.

Mr. ALDRICH. I beg pardon.

The SECRETARY. "Made from wire or tempered steel wire rods."

The amendment was agreed to.

The SECRETARY. In line 17, after the word "whether," insert "rolled or."

The amendment was agreed to.

Mr. OLIVER. I should like to ask the Senator from Rhode Island whether the words "not exceeding 10 inches in width" are to be left in line 15.

Mr. ALDRICH. I think those ought to go out. My impression is they ought to.

Mr. OLIVER. My impression is undoubtedly that they should go out, because they are provocative of a great deal of fraud.

Mr. ALDRICH. They are out in the present amendment.

Mr. LODGE. They are out.

Mr. ALDRICH. They are out in the present amendment.

Mr. OLIVER. They are out?

Mr. ALDRICH. They are out in what is being read.

The SECRETARY. In line 17, after the word "rolls," insert "or otherwise produced."

The amendment was agreed to.

Mr. ALDRICH. I suggest that this paragraph as proposed to be amended be read.

The PRESIDING OFFICER. The Secretary will read the paragraph as it will read if amended.

The Secretary read as follows:

134. Round iron or steel wire, not smaller than No. 13 wire gauge, 1 cent per pound; smaller than No. 13 and not smaller than No. 16 wire gauge, 1¼ cents per pound; smaller than No. 16 wire gauge, 1½ cents per pound: *Provided*, That all the foregoing shall pay duty at not less than 35 per cent ad valorem; all wire composed of iron, steel, or other metal except gold or silver, covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel in strips, twenty-five one-thousandths of 1 inch thick, or thinner, made from wire or tempered steel wire rods, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, and all wire not specially provided for in this section, shall pay a duty of not less than 40 per cent ad valorem; on iron or steel wire coated by dipping, galvanizing or similar process with zinc, tin, or other metal, there shall be paid two-tenths of 1 cent per pound in addition to the rate imposed on the wire of which it is made: *Provided further*, That articles manufactured wholly or in chief value of any wire or wires provided for in this paragraph shall pay the maximum rate of duty imposed in this section upon any wire used in the manufacture of such articles and in addition thereto 1 cent

per pound: *And provided further*, That no article made or composed of wire shall pay a less rate of duty than 40 per cent ad valorem; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, 45 per cent ad valorem; barbed wire fence, $1\frac{1}{5}$ cents per pound, but the same shall not be subject to any additional or other rate of duty hereinbefore provided.

Mr. ALDRICH. The one and seven-twentieths should be changed.

Mr. BURKETT. If I may offer an amendment, I move to amend it by making it three-fourths.

Mr. ALDRICH. The proviso should be modified so as to make it read "three-fourths of 1 cent per pound."

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. BEVERIDGE. As I gather it, all these amendments taken together are substantial reductions. Is that correct?

Mr. ALDRICH. It is.

Mr. BEVERIDGE. I am very glad to hear that. We are making progress.

Mr. CRAWFORD. It seems to me this amendment ought to be printed, in order that we may have an opportunity to compare the paragraph with the amendment. It is a long amendment.

Mr. ALDRICH. They are mostly changes in phraseology. The only changes in rates are reductions.

Mr. CRAWFORD. There is an increase in line 7, page 40.

Mr. ALDRICH. That is the only increase in the whole paragraph, and there are eight or ten different reductions.

Mr. CRAWFORD. It occurred to me from hearing the proviso read that it added a cent a pound.

Mr. ALDRICH. No.

Mr. CRAWFORD. And put a maximum——

Mr. ALDRICH. The House bill had a rate of a cent and a quarter a pound.

Mr. CRAWFORD. I may be mistaken, but it seems to me——

Mr. ALDRICH. The Senator is mistaken.

Mr. CRAWFORD. It shows the reason for having the amendment printed.

Mr. ALDRICH. The Senator is mistaken. Where a cent a pound is provided in this amendment, it is a cent and a quarter in the House bill.

Mr. SMITH of Michigan. There is no addition to the present Dingley rate——

Mr. ALDRICH. Oh, no.

Mr. SMITH of Michigan (continuing). As to any of the articles embraced in paragraph 134?

Mr. ALDRICH. None whatever.

Mr. SMITH of Michigan. There are several reductions from the House bill.

Mr. BEVERIDGE. Taken altogether, they are substantial reductions.

Mr. CRAWFORD. Why was there an increase in the item in line 7?

Mr. SMITH of Michigan. That is no increase over the Dingley rate.

Mr. CRAWFORD. It is an increase over the House rate.

Mr. SMITH of Michigan. But not over the present law.

Mr. CRAWFORD. Why is it? As I recollect the figures——

Mr. ALDRICH. Because in the opinion of the committee the adjustment was not correct. This very fine wire would not stand the reduction made in the House. That was the opinion of the committee.

Mr. CRAWFORD. As I recollect it, and I went over the case, if the Senator will excuse me—and of course I was interested somewhat in fencing wire, barbed wire, wire used in the West—it occurred to me that the rates were pretty high upon that line.

Mr. ALDRICH. The Senator perhaps was not noticing that the amendment offered by the Senator from Nebraska reduced the duty on fence wire nearly one-half.

Mr. CRAWFORD. Very well.

Mr. BURKETT. The reduction was to three-fourths of a cent.

Mr. ALDRICH. It reduced it nearly one-half.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. SMITH of Michigan. After the word "strips," in line 14, are the words "twenty-five one-thousandths of 1 inch thick or thinner" retained.

The PRESIDING OFFICER. They are restored.

Mr. ALDRICH. They are restored.

Mr. SMITH of Michigan. And the words "not exceeding 10 inches in width" are stricken out.

Mr. ALDRICH. Yes.

The PRESIDING OFFICER. The next paragraph passed over will be stated.

The SECRETARY. Strike out paragraph 140 and insert the following:

140. Automobiles, bicycles, and motorcycles, and parts of any of the foregoing, including tires, axles, and ball bearings, 45 per cent ad valorem.

Mr. DOLLIVER. I notice tires for automobiles in this paragraph. I understand they are manufactured of rubber. It seems to me more appropriate that they should be included in the sundry schedule, under the head of "Manufactures of rubber not otherwise provided for."

Mr. ALDRICH. The Senator from Connecticut has an amendment, I think, to offer to this paragraph.

Mr. BRANDEGEE. I do not think the amendment I intended to offer touches the point raised by the Senator from Iowa.

Mr. ALDRICH. As long as the Senator has an amendment to propose, I think, perhaps, inasmuch as the colleague of the Senator from Connecticut is very much interested in it, that the paragraph had better be passed over.

Mr. BRANDEGEE. To that I have no objection.

The PRESIDING OFFICER. It will be passed over.

The SECRETARY. The next passed-over paragraph is on page 48, paragraph 151——

The PRESIDING OFFICER. The Secretary will state the amendment.

The SECRETARY. On page 47——

Mr. BRISTOW. Was 150 passed over?

The PRESIDING OFFICER. The Chair understands there is an amendment to it.

The SECRETARY. On page 47, line 25, strike out the word "one-half" and insert "three-fourths."

The PRESIDING OFFICER. That amendment has already been agreed to. The Secretary will state the next passed-over paragraph.

The SECRETARY. The next paragraph passed over is on page 48, paragraph 151, line 3, after the word "gas," to strike out the word "or."

Mr. BEVERIDGE. Where is that?

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

The SECRETARY. In the same line, after the word "liquids," it is proposed to insert "or other material, whether full or empty."

Mr. BEVERIDGE. Nobody can understand where the Secretary is reading, not even the chairman of the committee.

The PRESIDING OFFICER. He is reading from page 48.

Mr. BEVERIDGE. But he said paragraph 151. Nobody knows where he is.

The PRESIDING OFFICER. Paragraph 150.

Mr. LODGE. He said 151.

Mr. BEVERIDGE. He did say paragraph 151.

Mr. ROOT. I ask unanimous consent to offer an amendment to paragraph 151, and to have it referred to the Committee on Finance.

The PRESIDING OFFICER. Without objection, it is so ordered.

The SECRETARY. On page 48, line 3, after the word "gas," strike out "or."

The amendment was agreed to.

The SECRETARY. After the word "liquids," in the same line, insert "or other material, whether full or empty."

The amendment was agreed to.

Mr. DOLLIVER. Mr. President, I am absolutely unable to locate the paragraph.

The PRESIDING OFFICER. It is paragraph 150, the third line of page 48.

Mr. LODGE. Has that paragraph been agreed to?

The PRESIDING OFFICER. Without objection, the paragraph as amended is agreed to.

Mr. CRAWFORD. I was called out for just a moment, and I think this is one of the paragraphs I asked to have passed at its first reading. It was simply for the purpose of having some explanation given for the raise in the House rate on the last line of page 47, where the rate is raised from one-half to three-fourths. Perhaps that has been explained.

Mr. BEVERIDGE. What is the question of the Senator from South Dakota?

Mr. CRAWFORD. Has the amendment at the foot of page 47, increasing the rate fixed by the House from one-half to three-fourths cent, been acted on?

The PRESIDING OFFICER. The Chair understands it has been agreed to.

Mr. CRAWFORD. Without discussion at all?

The PRESIDING OFFICER. The question is on agreeing to the paragraph as amended.

The paragraph as amended was agreed to.

The SECRETARY. The next paragraph passed over is 151.

Mr. CLAPP. That will undoubtedly lead to considerable discussion, and I suggest to the chairman that it be passed over.

Mr. ALDRICH. I should like to go on with it now.

Mr. LODGE. Why not go on with it now?

Mr. ALDRICH. We might as well go on with it at one time as another, unless the Senator has objections.

Mr. CLAPP. I think that is the paragraph which requires the placing of the name of the maker on the article.

Mr. BAILEY. That is in the proviso on page 50.

Mr. CLAPP. Yes. It seems to me it is perfectly proper; in fact, I believe that a foreign-made article should be branded "foreign made," so that when we buy it, if anybody wants to buy a foreign article, which I do not, he will see what he is getting. But I do not believe we have any right, in a mere revenue measure, to require the placing of the name of the maker of an article upon it. It conduces in no manner to the collection of the revenue; it adds nothing to the certainty of the collection of the revenue. It may take away from people property which they have acquired in the name of an article, and if there is any disposition to take that up at this time and insist on that phase of it, I should feel inclined to oppose it.

Mr. ALDRICH. There has been a great difference between importers and manufacturers as to the character of this provision. I will say that so far as the manufacturers and importers are concerned, they have agreed to certain changes in regard to marking.

Mr. CLAPP. Has the Senator the changes to propose?

Mr. ALDRICH. I have.

Mr. CLAPP. That may obviate the difficulty I presented.

Mr. BURKETT. A good many of us have had communications on this subject, and if there is any amendment offered, I should like to have it stated.

Mr. ALDRICH. The amendments are in paragraph 151, page 50, after line 20. I will read it as it will be if amended:

Provided further, That all articles specified in this paragraph when imported shall have the name of the maker or purchaser, and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of at least one, or, if possible, on each and every blade thereof.

Mr. BEVERIDGE. Either the maker or the purchaser.

Mr. ALDRICH. Either the maker or the purchaser. That provision is satisfactory to the importers and to the manufacturers.

Mr. CLAPP. The objection to that, as it comes to me from one of our large dealers, is the difficulty of compliance with the provision. It does not say "as near as may be?"

Mr. ALDRICH. No; it does not say "as near as may be." It says "on the shank or tang of at least one, or, if possible, on each and every blade."

Mr. CLAPP. That is just the question, whether it is possible.

Mr. BEVERIDGE. Does not that leave it to his judgment to say whether it is possible?

Mr. CLAPP. That is to say, whether the name of the maker shall be put on or the name of the party for whom it is made.

Mr. BEVERIDGE. I suppose that is optional. The only question is as to whether or not it shall be on every blade. Who is to determine it?

Mr. ALDRICH. "When imported, shall have the name of the maker or purchaser."

Mr. CLAPP. But that does not leave it to the importer.

Mr. ALDRICH. It has to be imported that way.

Mr. BEVERIDGE. The language carries that.

Mr. ALDRICH. The language itself.

Mr. CLAPP. I submit the language does not carry that, and the government officials can say which of those two things shall be done.

Mr. PAYNTER. In addition to the reason which the Senator from Minnesota [Mr. CLAPP] has given as an objection to the provision there is another one, and to show it I desire to have read a part of a letter which has been received by me from one of my constituents. I desire to invite the attention of the Senate to it to see whether there is any merit in it or not. I have indicated the parts of the letter necessary to be read.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

We have just been reliably informed that there is a paragraph in the Senate substitute bill that requires the name of maker and name of country of origin to be conspicuously placed on the shank or tang of each and every blade of pocketknives and razors that are imported by jobbers in this country. We wish to enter our protest against this, and believe that it will be a serious injury to the jobbing trade throughout the country.

No doubt you are aware that the various large hardware jobbers throughout the country are importing large quantities of the above goods under their special brand and name which they have gotten established at quite a large expense, and were the above substitute tariff bill passed it would reveal to competitors and to the trade in general the name of makers of these goods and put them in a position to purchase these articles without trouble or expense and have the very same patterns that have been created by enterprising importers who study the wants of their trade.

We have no objection whatever to the present ruling, namely, that the name of the country shall be stamped in a conspicuous place on each blade. This, we think, would be entirely sufficient to identify the goods as being a foreign make.

We certainly would appreciate your efforts to so modify this portion of the substitute tariff bill as to let it remain as it is.

Mr. LODGE. Mr. President, this question of marking opens up a question entirely different from any question of rates. It is the same principle that was involved in the question of the pure-food act—that the purchaser should know what he was buying. The practice has been to sell the foreign knife as an American knife. They bring them in, and comply with the present law, with the name of the country of origin etched, as it is called, upon the blade. A moment on the buffing wheel, and that disappears after it gets in, and it is then sold as an American knife, and often of an inferior quality to that which it pretends to be.

I can not see any sound argument why the purchaser should not know what he is buying. If it is a foreign knife made elsewhere, let him know it. If it is a knife made here, let him know it. That is merely honest dealing.

The question of revealing the name of the maker, that is spoken of in the letter, is disposed of by the amendment which allows them to use the name of the purchaser—that is, of the importer in this country—but the name of the country of origin ought to be die sunk on some portion of the knife.

Mr. CLAPP. Will the Senator pardon me?

Mr. LODGE. Certainly.

Mr. CLAPP. I do not think the Senator understood me; at least he did not if his remarks were in any manner intended as an answer. All the men I have heard from have unanimously agreed that it is perfectly proper to stamp the foreign origin of the knife so indelibly that it can not be removed; but they do object to putting the name of the maker on the knife.

Mr. LODGE. That is avoided by the modification of the amendment by the committee.

Mr. CLAPP. I fully agree with the Senator that when an article comes from a foreign country every American ought to be able to tell whether it is home or foreign made.

Mr. LODGE. I merely wanted to emphasize the proposition that under the present system the law is met by simply etching it, as it is called, on the blade, which can be removed in a moment. It is the fraudulent competition of that kind, injurious to the native manufacturer, that, I think, ought to be removed, and it is removed by this amendment. It is not a question of rates at all.

Mr. BAILEY. Mr. President, if we are going to introduce the principle of the pure-food act into this tariff legislation why not apply it to everything? Why not require all importations to be so stamped?

I take no stock in the idea that the Government is under any obligation to advise every purchaser as to the particular kind of an article he is buying. I think, of course, that every seller ought to be obliged to tell what he sells. That is common honesty; and no dealer ought to be permitted to perpetrate a fraud. But I am not able to discern a good reason why this restriction should be applied to this particular article, when, I understand, it is singular in that respect.

Mr. LODGE. If the Senator from Texas will allow me; I may be wrong, it is some time since the act was passed, but I think we have in the pure-food law very drastic provisions about the labeling of articles which have been imported from foreign countries.

Mr. BAILEY. But that proceeded upon the theory that the food contained deleterious or poisonous ingredients and called for a drastic governmental supervision. I am not able to see that the health or life of anybody is involved in the question as to whether a knife was made in one country or in another, whereas it might be a matter of supreme importance as to whether a man purchased flour containing a poisonous ingredient.

Mr. LODGE. A life might be conceivably involved in the use of a knife.

Mr. BAILEY. But it would not depend on where it was made.

Mr. LODGE. It would not depend on where it was made, I quite agree. It seems to me this is simply requiring what every

honest dealer ought to be ready to do. There is not any question that there is any amount of fraud in these things, that an inferior article is brought in from abroad and sold with a false mark as an American article. They not only injure them by underselling them, but they injure them by selling an inferior article in the name of the American article.

Mr. BAILEY. It might be safely left to the business acumen of an American merchant who understands that his prosperity depends upon the fair treatment of his customers.

Mr. LODGE. I am not thinking of the American merchant; I am thinking of the American consumer, about whom we hear so much.

Mr. BAILEY. It is delightful to hear that the consumer is now and then taken into consideration by Senators on the other side.

Mr. LODGE. I knew the Senator would be gratified to find that I was thinking of the consumer in at least this instance.

Mr. BAILEY. It seems to me that it is wholly unwise that we should undertake in tariff legislation to say it, and to say it in such a way as to follow the identity of a particular article.

To my mind the difference between protecting people against fraud that affects their health and even their life is altogether a different proposition from protecting them against the harmless commercial fraud, if any fraud could be harmless, of selling them one knife and giving them another. It might be that they would give them just as good, or it might be that they would give them just a little better. But whether they give them better or worse, it is only at last a question of dollars and cents. I hardly think it worth while for the Government to enter upon a supervision of private business concerns in matters like that.

Mr. LODGE. I think, Mr. President, that it is very common in other countries. I am sure that in England, which is a free-trade country, articles made in foreign countries are stamped, and in Germany, I know, you see a great deal of it there. I think it is not an uncommon provision, both for the protection of the manufacturer and of the purchaser.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Michigan?

Mr. LODGE. Certainly.

Mr. SMITH of Michigan. It seems to me this provision is very wise and very opportune. At a time when there seems to be so much interest in foreign manufacture and the use of foreign goods it might enable the Department of Commerce to locate the customers for those foreign-made goods in America with greater ease, and I favor it for that reason. I should like very much if the committee would enlarge the scope and apply it to furniture and other things we ought to buy at home if we have as good here as in Europe.

Mr. BAILEY. In other words, the mark "Grand Rapids" would add something to the value of the furniture.

Mr. SMITH of Michigan. Exactly; for it is used in Texas and every civilized country.

Mr. BRANDEGEE. I should like to have the amendment read.

Mr. ALDRICH. The suggested amendment?

Mr. BRANDEGEE. The proposed amendment.

Mr. LODGE. The proposed modification is the committee amendment.

Mr. STONE. What was done with the amendment offered by the chairman of the committee?

Mr. ALDRICH. It has not been acted upon yet.

The PRESIDING OFFICER. The amendment has not yet been acted upon. The Senator from Connecticut desires to have the amendment read.

Mr. ALDRICH. It reads:

Provided further, That all articles——

Mr. TILLMAN. What line?

Mr. ALDRICH. Line 20, page 50—

Provided further, That all the articles specified in this paragraph when imported shall have the name of the maker or purchaser, and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of at least one or if possible each and every blade thereof.

Mr. McCUMBER. I wish to ask the Senator from Rhode Island the necessity of compelling the die stamp upon more than one blade.

Mr. ALDRICH. "Of at least one blade."

Mr. McCUMBER. But if you leave in the words "of at least one blade" and leave the rest out of the amendment, it compels somebody to determine when a blade is large enough to make a die stamp on it.

Mr. BEVERIDGE. That is the precise question I asked a moment ago. Who is to decide?

Mr. McCUMBER. If required to be placed upon one blade, why not say the largest blade? That would make it definite; or say "of one or more blades."

Mr. ALDRICH. The custom-house officers, of course, have to decide that question. They are the people who ascertain whether the law is being enforced correctly or not.

Mr. BEVERIDGE. That being true, it is perfectly clear that the words "if possible, more than one blade" do not hurt anything.

Mr. PAYNTER. I desire to ask the Senator from Rhode Island a question. Under the law as it now stands, is the name of the purchaser required to be placed upon the blade?

Mr. ALDRICH. It is not.

Mr. PAYNTER. So this will be an additional requirement?

Mr. ALDRICH. It will be.

Mr. PAYNTER. Under the law as now construed, I understand it is necessary to show that it is of foreign make.

Mr. ALDRICH. Yes.

Mr. PAYNTER. As well as the country of origin?

Mr. ALDRICH. The country of origin.

Mr. BEVERIDGE. Why not strike out the word "maker," since it is optional with the importer, according to the Senator from Rhode Island, whether the name of the purchaser or of the maker shall be stamped upon the blade. Of course the importer never would have the name of the maker stamped there, so why not strike that word out and remove all doubt?

Mr. ALDRICH. I think we had better leave the name of the maker there.

Mr. BEVERIDGE. The suggestion I have just made came from a member of the Senator's own committee.

Mr. ALDRICH. Well, I am sorry. I think we had better change the word "possible" to "practicable." I think that is better.

Mr. HEYBURN. Mr. President——

Mr. NELSON. Will the Senator yield to me a minute to make a suggestion to the Senator from Rhode Island?

Mr. HEYBURN. I yield for a moment.

Mr. NELSON. I suggest to the Senator from Rhode Island to require it only on one blade in the knife, and that the largest blade. I think that is sufficient.

Mr. FLINT. All the blades may be of the same size.

Mr. SMOOT. Mr. President——

Mr. HEYBURN. I desire simply, before further interruptions, to call attention to a feature of this provision with which many Senators may not be conversant. It would be impracticable to require it on one blade of a knife, because the enumeration preceding this provision here includes blades, and knives are seldom made complete at any one place—that is, when made on a large scale. They are made in different places by different classes of artisans, and then they are assembled. They come here in packages of a certain size and certain class, and then they are assembled. They do not come from the same factory. They are not made by the same people. So it would be utterly impracticable to require a stamp only on one blade, and probably allow two or three other blades in each knife to come in without any guaranty such as this is intended to furnish.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. In just a moment. I suggest to the Senator from Rhode Island that the proviso be re-formed so as to read as follows, which would seem to cover the objections:

Provided further, That all the articles specified in this paragraph shall have the name of the maker, firm, or trade name wherever possible, and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of each and every blade.

That would be satisfactory to the importer.

Mr. BEVERIDGE. It would not be satisfactory to anybody else.

Mr. ALDRICH. I will say that the importers' committee—they have a cutlery committee here—have agreed to the provision I have read.

Mr. HEYBURN. I do not know who that committee may be, but I am speaking from a careful observation of one of the largest, if not the largest, importers in this country. I will read from the letter that accompanies the statement, briefly:

I notice a provision in the cutlery schedule that requires that the name of the manufacturer, as well as the country of origin, shall be stamped on cutlery.

I presume you know that cutlery and other things are, to some extent, made abroad under the special brands of American merchants, the fact that such goods are made abroad being certified by the stamping of the name of the country of origin, where possible to stamp them, and where not possible, the name of the country where manufactured being placed on the labels.

To change the law so as to require the name of the manufacturer would shut off the importation of a large amount of cutlery that is now

brought in and pays the Government a large revenue—somewhere between 60 and 100 per cent on the cost abroad.

It looks to me as though the restrictions on the importation of cutlery are already great enough and the tariff high enough, and I think it is bad policy to either increase the duties or add other conditions that will tend to restrict the business further.

The name of the manufacturer of the cutlery made in Germany is a right difficult point to determine, as the conditions under which cutlery is made there make it almost a community enterprise. One family makes the blades, another makes the scales, another the springs, another does the fitting, another the polishing, and the wrapping is probably done at some central point by a party who might be called a "manufacturer," but who is in no sense properly such.

I can not see any point in making this change in the law except that I presume it has been suggested by the American manufacturers in order to entirely shut off this business.

I read that from a man who is at the head of one of the largest concerns in America.

Mr. PAYNTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kentucky?

Mr. HEYBURN. In just a moment, please. And it is from the same source that the suggested amendment comes. The following comment is made in regard to the language of the amendment proposed:

The word "fully" should be omitted, and the sentence left to read "but not finished," etc., etc.

Mr. ALDRICH. I have some further amendments to offer to another part of the paragraph.

Mr. HEYBURN (reading):

As it would then be open to the interpretation that cheap articles that are commercially known as "finished knives," would not be prohibited. It is reasonable to expect that a knife that costs $2 per dozen, foreign value, will be better finished than the knife that costs 50 cents per dozen. If this clause is aimed at so-called "skeleton knives," sold to silversmiths and goldsmiths for the purpose of fitting with solid silver or solid gold handles, then the paragraph should be changed to read—

Mr. ALDRICH. The memorial or brief from which the Senator is reading is the brief of the very men who have agreed to the paragraph as it is now presented from the committee.

Mr. HEYBURN. I desire to correct the Senator. The letter which I read was not from the combination, but is a separate letter from the head of one of the very largest concerns in this business in the United States. He sent me this letter because it contains an amendment that was satisfactory to himself and those with whom he is associated. The Senator has the document that was sent, and I have this personal letter from the head of this great concern.

Mr. PAYNTER. I desire to ask the Senator from Idaho a question.

Mr. HEYBURN. Certainly.

Mr. PAYNTER. If I understood the amendment, the import of it is that on each blade the name of the maker shall be stamped and also the country of origin.

Mr. HEYBURN. The country or origin is to be stamped, not the name of the maker. I will give a little further information.

Mr. PAYNTER. I beg the Senator's pardon, because I knew the importers objected to being required to stamp the name of the maker, and the letter which you have just read, as I understand it, is an argument against doing that very thing.

Mr. ALDRICH. I think the language of the amendment submitted by the committee is right.

Mr. HEYBURN. I should like to have it read again, because I should like to follow it.

Mr. ALDRICH. It reads:

That all articles specified in this paragraph when imported shall have the name of the maker or purchaser, and beneath the same the name of the country of origin——

Mr. HEYBURN. "Maker or purchaser." That is optional with the importer.

Mr. ALDRICH. It is optional with the importer, unquestionably—

and beneath the same the name of the country of origin, die sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, on each and every blade thereof.

Mr. HEYBURN. I think that would be satisfactory.

Mr. ALDRICH. I think that is all right.

Mr. HEYBURN. I think that would be satisfactory. I merely wanted to present the views of those who have presented the matter to me. I think the amendment would cover it.

Mr. ALDRICH. I have two or three other suggested amendments. In line 3, on page 50, I move to strike out the word "assemble" and to insert the word "assembled."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. ALDRICH. I move to amend the amendment by striking out the word "fully," so that it will read——

Mr. CLAY. Before that amendment is agreed to, I wish to say that I have a letter from one of my constituents——

Mr. ALDRICH. I should be glad if the Senator would allow me to make these verbal changes.

Mr. CLAY. Very well.

Mr. ALDRICH. I move to strike out the word "fully," in the third line, after the word "not."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. ALDRICH. I now move to strike out the word "fully," in the fifth line, after the word "upon."

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. ALDRICH. In line 6, after the word "*Provided*," I move to insert the word "further," so as to read: "*Provided further*," and so forth.

The PRESIDING OFFICER. Without objection, the amendment to the amendment will be agreed to.

Mr. BURKETT. Mr. President, I should like to ask the Senator from Rhode Island a question. I have observed the course of this discussion. I have over 150 of these letters. I want to say to the Senator that they are practically copies of the brief which has been read from. I want to ask the Senator if he seriously thinks that these letters were written in the interest of the manufacturers of knives in this country or in the interest of the man who is going to import them?

Mr. ALDRICH. Does the Senator from Nebraska refer to the suggested amendment?

Mr. BURKETT. Yes. What is the object of it? Is it in the interest of the home manufacturer or in the interest of the importer?

Mr. ALDRICH. This amendment as suggested has the approval of both the manufacturers and the importers. The original proposition was inserted at the suggestion of the manufacturers of the United States.

Mr. BURKETT. I will say to the Senator that the reason why I asked the question was because when I began to get these letters and to look into the matter, I could not persuade myself that it was altogether in the interest of the manufacturers. The reason I asked the question was to ascertain if the Senator had investigated the matter sufficiently to persuade himself that that was the real object of this amendment, for I am not yet persuaded that it is; and I ask the Senator if, in his judgment, it is so?

Mr. ALDRICH. It is absolutely in the interest of the manufacturers, because if this provision is passed there will be no knives sold in the United States that do not have the maker and the name of the country in which made stamped upon them.

Mr. BAILEY. Did I understand the Senator from Rhode Island to say that both the importers and the manufacturers have agreed to this provision?

Mr. ALDRICH. They have.

Mr. BAILEY. I want to ask the Senator if this is another case where the shepherd and the weaver have reached an agreement?

Mr. ALDRICH. I hope the Senator from Texas understands that, from my standpoint, it is important to get all the information we can from everybody who has information upon these subjects; and I have never hesitated to get information from a manufacturer, an importer, or anybody else whom I thought could furnish me information for use in an investigation.

Mr. BAILEY. But after an experienced member of the Committee on Ways and Means of the other House has detailed the way in which conflicting interests are reconciled in these tariff schedules, I must be pardoned for being a little suspicious about a schedule as to which both sides have agreed.

Mr. ALDRICH. This is another instance of the same kind, I think.

The PRESIDING OFFICER. The question is on agreeing to the amendment as amended.

Mr. SIMMONS. Mr. President, I desire to offer an amendment to the amendment.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Nebraska?

Mr. BURKETT. Who has the floor, Mr. President?

The PRESIDING OFFICER. The Senator from North Carolina [Mr. SIMMONS].

Mr. BURKETT. Very well.

Mr. SIMMONS. Mr. President, on page 50, line 13, in the paragraph that we have under consideration, I propose to strike out the words "6 cents each" and insert the words "50 cents

per dozen;" in line 14, to strike out the word "forty" and insert "ten;" in line 15, to strike out the words "10 cents each" and insert "$1 per dozen;" in line 16, to strike out the word "forty" and insert "ten;" and, in line 17, to strike out the words "12 cents each" and insert "$1.25 per dozen."

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Michigan?

Mr. SIMMONS. I do.

Mr. SMITH of Michigan. Are these reductions intended to be for revenue?

Mr. SIMMONS. Well, I will not discuss the question of whether they are for revenue or for tariff. This is a proposition to reduce the duty in this bill upon razors.

Mr. SMITH of Michigan. Are the amendments intended to make it easier to buy knives abroad than at home?

Mr. SIMMONS. The proposition is to enable the consumers in this country to secure razors at a reasonable price.

Mr. SMITH of Michigan. For domestic or social purposes? [Laughter.]

Mr. SIMMONS. Down in my country they are sometimes used for social purposes by a certain part of the population, especially the colored population.

Mr. BAILEY. Principally among the Republican population, however. [Laughter.]

Mr. CLAY. If the Senator will permit me to call his attention to the fact——

Mr. SIMMONS. I have one other amendment. In line 17 I move to strike out "fifty" and insert "twenty."

Mr. CLAY. With the Senator's permission, I wish to say that the committee amendment is a remarkable increase, and——

Mr. SIMMONS. I was going to discuss that, if the Senator from Georgia will pardon me for just a moment.

Mr. CLAY. It is an increase of nearly 100 per cent.

Mr. SIMMONS. Exactly. Mr. President, upon razors valued at less than $1.50 a dozen the duty under the present law is 50 cents a dozen and 15 per cent ad valorem. I should say, first, as to razors of that character, that the average import value of razors valued at less than $1.50 per dozen is $1.21 per dozen. Under the House bill it is 50 cents per dozen and 30 per cent ad valorem. Under this bill the duty is 6 cents each, which is equal to 72 cents a dozen and 30 per cent ad valorem. The present equivalent ad valorem duty upon razors of the value of $1.21 a dozen is 56.43 per cent. The duty proposed by the committee is 99.65 per cent, lacking only 0.35 per cent of being 100 per cent upon the value of the razors of this grade. This schedule is an increase of about 100 per cent.

Mr. President, on the next item of this paragraph—razors valued at a dollar and a half and less than $3 a dozen—under the present law the duty is $1 a dozen and 15 per cent ad valorem. Under this bill it is proposed to impose upon them a duty of 10 cents each and 40 per cent ad valorem, or $1.20 per dozen, plus 40 per cent ad valorem, thus raising the present duty from 54.85 per cent to 87.82 per cent.

Upon the next grade of razors the increase is even greater. Razors valued at $3 per dozen under the present law have a duty imposed on them of $1.75 per dozen, plus 20 per cent ad valorem. Under the House bill the duty was $1.75 per dozen plus 30 per cent ad valorem. Under the proposed bill it is 12 cents each and 50 per cent ad valorem, or $1.44 per dozen, plus 50 per cent ad valorem, making an increase in equivalent ad valorem over the present law of about 65 per cent.

Mr. President, I do not know what may be the reasons of the committee for this enormous increase in the duties upon razors. Why the committee thinks it is proper and necessary to increase the duty on common razors, the cheapest of razors, the kind so largely used by my colored constituents—and it is said with some degree of truth that every darkey in the South carries somewhere about his person a razor—why the committee should see fit to increase the duty upon the common razor from 56 per cent, the rate fixed in the present law, to 99.65 per cent is more than I can understand.

I have not investigated it, and the committee may have some good reason for that enormous increase; but I think, Mr. President, when, in a bill that the people have been led to believe would reduce duties, it is proposed to raise the duty from 56 per cent to 99.65 per cent, that the committee ought, at least, to give the Senate some explanation of the reasons leading them to make that enormous increase.

Mr. SMOOT. The question of the price of razors, Mr. President, was thoroughly considered by the committee.

Mr. SIMMONS. I have no doubt about that; but I want to know the reasons why the committee has made this enormous increase, nearly doubling the duty upon the common razor.

Mr. SMOOT. If the Senator will give me the time, I will tell him. In years past the razors manufactured in this country amounted to nearly 90 per cent of all the razors used, but to-day we find that there are only about 5 factories engaged in this industry, whereas some twelve years ago we had 67. Last year there were imported into this country——

Mr. SIMMONS. Will the Senator from Utah let me ask him a question right there?

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. I should like to have the Senator, if he has the data before him, give the Senate the benefit of a statement as to what is the difference between the cost of making a razor of the lower grade here and abroad.

Mr. SMOOT. Mr. President, I can give the Senator the wage scale, if that is what he wants, and that is all I can give.

Mr. SIMMONS. The chairman of the Finance Committee stated to the Senate a few days ago that this bill was being framed upon the definition given by the Republican platform as to the amount of protection that the industries were entitled to—to wit, the difference between the cost of production here and abroad—and that if it could be shown that any item of this bill carried a duty greater than that difference, then the committee would be glad to take that into consideration in connection with any suggested amendment. I want to know—and the Senate is entitled to know, I think—what is the difference between the labor cost of making a dozen razors of this grade here and abroad. This bill puts a duty upon them of practically 100 per cent. Is that the difference in the cost of production of this class of razors here and abroad?

Mr. SMOOT. Mr. President, there is no question in the world that there is that difference. If the Senator will turn to this book, he will find also that the duty on penknives is almost as great as the duty on the lower-grade razors. The average rate in this bill on razors, taking the high-priced razors into consideration, is 66⅔ per cent, and the average rate under the Wilson law was 89 per cent. Under that law Americans manufactured the razors used in this country, but since the Dingley bill became a law, the manufacture of razors in this country has diminished to almost nothing; or, in other words——

Mr. SIMMONS. Will the Senator allow me one question? He says the duty under the Wilson bill was how much?

Mr. SMOOT. Eighty-nine per cent.

Mr. SIMMONS. If that was not sufficient, will the Senator please tell me why the Republican party, when, in 1897, at the end of the life of the Wilson law, they revised the tariff, reduced the duty to 56 per cent?

Mr. SMOOT. Mr. President, that is just what was done, and that is just what has almost driven the razor manufacturers out of America.

Mr. CARTER. Mr. President, I have felt, on general principles, that this was one schedule that ought to be very materially reduced. The statement of the Senator from Utah [Mr. SMOOT] challenges attention. The suggestion is that the present law offers such little protection, or none at all, that the American manufacturers of razors have been driven out of that business. Mr. President, I observe here that the total importation of razors, as shown by the tabulated statement with reference to Schedule C, amounts to less than $500,000 per year; that the total production in the United States amounts to $18,614,929; and that our exports exceed $600,000 per year, or about $100,000 a year in excess of the imports.

Mr. SMOOT. Mr. President, I want to explain to the Senator that all those razors exported are patented articles, such as safety razors and specialties that are made in this country under patent.

Mr. ALDRICH. They include all kinds of cutlery as well as razors.

Mr. SMOOT. Yes; they include all kinds of cutlery as well as razors.

Mr. ALDRICH. There are always large exportations of table cutlery.

Mr. CARTER. That portion of the table which relates to the importation of razors shows a combination of items aggregating less than $500,000 per year.

Mr. ALDRICH. But about 3,000,000 razors. The quantity of razors used in the United States, owing to the greater use of safety razors, is rapidly diminishing; so that practically all the other razors used in the United States are now being imported.

Mr. FLINT. The Senator does not understand, in addition, that the razors that are imported for about $3 a dozen are sold to the consumers for from about $2 to $3 a piece.

Mr. CARTER. Mr. President, this estimate is not based upon the cost to the consumer, but upon the valuation in the custom-house, as I understand. I recall very distinctly a gentleman interested in the cutlery schedule appearing before the committee many years ago when this item was under consideration who made a great impression on me, because he was so deeply affected in talking about razors and jackknives, that he actually shed tears—a very emotional man and easily stirred. I later learned—perchance the information was incorrect, but it may have been correct—that such was the line of duties fixed on this cutlery schedule that the foreigner had been driven out of the market and the whole monopoly given to a few people engaged in the cutlery manufacture in this country.

Mr. SIMMONS. Mr. President——

Mr. CARTER. Now, while on this matter, I wish to call the attention of the Senator from Utah to another proposition, which I should like to ask him to consider in connection with his remarks, if the Senator from North Carolina will indulge me for a moment.

Mr. SIMMONS. I only want to call the attention of the Senator—it may have escaped his attention—to the fact that in 1907 there were imported into this country of razors valued above $3 per dozen only 20,000 dozen, and the total value of them was only $95,981, showing that there are practically no importations of razors.

Mr. CARTER. Mr. President, the proviso to which I direct the attention of the Senator from Utah, beginning in line 20, on page 50, of the bill, reads:

Provided further, That all the articles specified in this paragraph shall have the name of the maker and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of each and every blade.

Mr. President, to put that proviso into operation at once would obviously shut out all importations, as far as existing stock is concerned. There may be some cases where the foreign manufacturer has his name as the maker stamped and other cases where the name of the country is stamped upon the blade; but this requires the combination of the name of the maker and the country of origin, and specifies the manner in which the impression shall be made. I suggest to the Senator that it would inevitably follow that this proviso, put into operation at once, would be an absolute prohibition upon the importation of any article of cutlery until new articles could be manufactured to correspond with the requirements of this proviso; and I shall, at the proper time, offer—and I invite the Senator's attention to the subject now—an amendment to that proviso, which will read that "after January 1, 1910," certain things shall be done as to articles manufactured abroad; otherwise I can only reach the conclusion that between the time of the passage of this bill and January 1, 1910, no article of this sort is expected to be imported.

Mr. ALDRICH. I think that is a very good suggestion. I myself think there should be some time allowed. I certainly agree with the Senator upon that proposition.

Mr. CARTER. I am glad the chairman of the committee accepts that view.

EXECUTIVE SESSION.

Mr. ALDRICH. The Senator from Illinois [Mr. CULLOM] tells me it is desirable to have an executive session. I therefore move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After fifteen minutes spent in executive session the doors were reopened, and (at 4 o'clock and 45 minutes p. m.) the Senate adjourned until Monday, May 17, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 15, 1909.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Louis Leon Bennett, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

Cadet William Pitts Wishaar, of Washington, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

Cadet Gordon Thomas Finlay, of Michigan, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

Cadet William Williams, of New York, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

Cadet John H. Cornell, of Massachusetts, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

Cadet Paul Henry Harrison, of Maryland, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

Cadet John Patrick Gray, of Pennsylvania, to be a third lieutenant in the Revenue-Cutter Service of the United States. To fill an original vacancy.

PROMOTION IN THE NAVY.

Lieut. Commander Hutch I. Cone to be engineer in chief and chief of the Bureau of Steam Engineering, in the Department of the Navy, with the rank of rear-admiral.

POSTMASTERS.

ARIZONA.

George D. Burtis to be postmaster at Roosevelt, Ariz. Office became presidential January 1, 1909.

CONNECTICUT.

Frederick W. Wersebe to be postmaster at Washington, Conn. Office became presidential July 1, 1908.

FLORIDA.

Henry W. Driggers to be postmaster at Punta Gorda, Fla., in place of Joshua Mizell, removed.

GEORGIA.

John W. Berryhill to be postmaster at Milltown, Ga. Office became presidential April 1, 1909.

T. K. Dunham to be postmaster at Darien, Ga., in place of Charles R. Jackson, removed. H. B. Lemcke declined appointment.

Hugh B. Sasser to be postmaster at Senoia, Ga., in place of Alice C. Fall. Incumbent's commission expired January 20, 1906.

ILLINOIS.

Alice M. Clement to be postmaster at Lamoille, Ill., in place of Alice M. Clement. Incumbent's commission expired March 3, 1909.

IOWA.

William Carden to be postmaster at Winfield, Iowa, in place of William S. Browning, resigned.

William Robert Law to be postmaster at Waterloo, Iowa, in place of William M. Sindlinger, deceased.

Thomas H. Thompson to be postmaster at Kanawha, Iowa, in place of Bert C. Ellsworth. Incumbent's commission expired January 9, 1909.

NEBRASKA.

George Williams to be postmaster at Cambridge, Nebr., in place of George Williams. Incumbent's commission expired January 20, 1909.

NEW YORK.

Rufus R. Clement to be postmaster at Atlanta, N. Y. Office became presidential April 1, 1909.

Hattie A. Walker to be postmaster at Bergen, N. Y., in place of Hattie A. Walker. Incumbent's commission expired January 9, 1909.

NORTH DAKOTA.

Ezra M. Crary to be postmaster at Edmore, N. Dak., in place of Henry R. Aslakson. Incumbent's commission expired November 23, 1907.

Walter E. Krick to be postmaster at Berthold, N. Dak., in place of Frederick C. Walther, resigned.

OHIO.

Mathias Tolson to be postmaster at Salineville, Ohio, in place of Reuben M. Hull, deceased.

OKLAHOMA.

Elmer D. Immell to be postmaster at Helena, Okla. Office became presidential January 1, 1909.

PENNSYLVANIA.

Jesse Ehrhart to be postmaster at Dallastown, Pa. Office became presidential October 1, 1908.

Frederick D. Freudenberger to be postmaster at Tamaqua, Pa., in place of Charles S. Shindel. Incumbent's commission expired January 10, 1909.

Howell P. Williams to be postmaster at McDonald, Pa., in place of Howell P. Williams. Incumbent's commission expired January 6, 1909.

WASHINGTON.

William H. Imus to be postmaster at Kalama, Wash., in place of William H. Imus. Incumbent's commission expired February 27, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 15, 1909.

SECOND SECRETARY OF EMBASSY.

A. Campbell Turner to be second secretary of the embassy at Constantinople, Turkey.

THIRD SECRETARY OF EMBASSY.

Charles B. Curtis to be third secretary of the embassy at Constantinople, Turkey.

SECRETARY OF LEGATION.

Gustavus L. Monroe, jr., to be secretary of the legation at San José, Costa Rica.

PROMOTIONS IN THE MARINE CORPS.

Second Lieut. William F. Bevan to be a first lieutenant in the Marine Corps.

Second Lieut. John Potts to be a first lieutenant in the Marine Corps.

REAPPOINTMENT IN THE ARMY.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General with the rank of brigadier-general.

POSTMASTERS.

ILLINOIS.

John F. Ahrens, at Gillespie, Ill.
George W. Gaultney, at Patoka, Ill.
Edwin A. Mead, at Hebron, Ill.
Noble S. Songer, at Iuka, Ill.
William L. Tohill, at Flat Rock, Ill.

IOWA.

Delbert W. Duncan, at Sioux Center, Iowa.
Andrew F. Newquist, at Stanton, Iowa.

MISSOURI.

Thomas J. Akins, at St. Louis, Mo.

WISCONSIN.

Alvin P. Colby, at Union Grove, Wis.

SENATE.

MONDAY, *May 17, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of the proceedings of Saturday last was read and approved.

FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the assistant clerk of the Court of Claims, transmitting a certified copy of the findings of fact filed by the court in the cause of Mary S. Lloyd, administratrix of James Lloyd, deceased, *v.* United States (S. Doc. No. 49), which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a resolution of the house of representatives of the Territory of Hawaii, which was referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed in the RECORD, as follows:

House resolution.

Be it resolved by the house of representatives of the Territory of Hawaii, That the Congress of the United States be importuned and urged to so amend an act of the Congress of the United States, entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900; that the same shall and may more efficiently and effectively comply with the desires and satisfy the present needs and requirements of said Territory and its inhabitants, and more nearly conform to existing conditions therein, and aid the development thereof along traditional American lines, and to that end that the Congress of the United States be earnestly urged to enact a bill amendatory thereof, substantially in the following words and figures:

"A bill to amend an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900.

"*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled:*

"SECTION 1. That section 5 of an act entitled 'An act to provide a government for the Territory of Hawaii,' approved April 30, 1900, is hereby amended so that the proviso thereof shall read as follows:

"'*Provided*, That sections 1841 to 1891, inclusive, 1910, and 1912 of the Revised Statutes, and the acts of June 8, 1878; December 23, 1880; July 30, 1886; March 3, 1887; March 2, 1897; March 4, 1898; and June 6, 1900, all relating to the Territories, shall not apply to Hawaii.'

"SEC. 2. That section 26 of said act is hereby amended to read as follows:

"'SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of 10 cents a mile each way, the sum of $600 for each regular session, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of $200 for each special session: *Provided*, That they shall receive no compensation for any extra session held under the provisions of section 54 of this act.'

"SEC. 3. That section 52 of said act is hereby amended to read as follows:

"'SEC. 52. That appropriations, except as otherwise herein provided, shall be made by the legislature.'

"SEC. 4. That section 55 of said act is hereby amended so that the latter part thereof, limiting the amount of indebtedness that may be incurred by the Territory or any political or municipal subdivision thereof, shall read as follows: 'But the total of such indebtedness incurred in any one year by the Territory or any such subdivision shall not exceed 1 per cent of the value of the property in the Territory or subdivision, respectively, as shown by the then last general assessment for taxation, whether such assessment is made by the Territory or the subdivision, and the total indebtedness of the Territory, and of any such subdivision, shall not at any time be extended beyond 7 per cent and 3 per cent, respectively, of such assessed values, but nothing in this act shall prevent the refunding of any indebtedness at any time, nor shall any such loan be made upon the credit of the public domain or any part thereof; nor shall any bond or other instrument of any such indebtedness be issued unless made payable in not more than thirty years from the date of the issue thereof; nor shall any such bond or indebtedness be issued or incurred until approved by the President of the United States.'

"SEC. 5. That section 73 of said act is hereby amended by adding thereto the following:

"'In addition to the other methods of disposing of public lands, under the land laws of Hawaii, as amended by this act, the commissioner, with the approval of the governor and subject to the approval of the board as hereinafter provided, may sell such lands, after public notice as hereinafter provided, the purchaser of each lot, in the event of more applicants than one, to be determined by ballot or lot, at a fixed and stated price per lot, in lots of such area not exceeding 160 acres, as may be deemed requisite for the support of a family, and upon such terms of payment, residence, cultivation, and other terms as may be deemed appropriate for the promotion of bona fide homesteading on the lands in question, and may deliver possession under an agreement to be called a homestead agreement, compliance with the terms of which, and of the laws applicable thereto, shall entitle the purchaser to a patent. The commissioner may also, with such approval, give a preference right to purchase, at a price determined by three disinterested appraisers appointed by him, any parcel of public land that has actually been resided on and improved, or so much thereof, together with such adjoining land as may reasonably be required for a home, to any person who alone, or in conjunction with his predecessors in interest, has for not less than five years immediately preceding the date of sale so actually resided on and improved the same.

"No person shall be entitled to receive any certificate of occupation, right of purchase lease, cash freehold agreement, or homestead agreement who or whose husband or wife shall then be the owner of an amount of land which, with the land in question, will exceed 160 acres, or shall hereafter have taken or held any land under any such certificate, lease, or agreement, or under any homestead lease or patent based thereon, or who is an alien, unless he has declared his intention to become a citizen of the United States as provided by law, nor shall any person hereafter become entitled to receive a homestead lease or a patent upon a sale of any kind unless he is a citizen of the United States, nor shall any person who, having so declared his intention, hereafter take or hold under any such certificate, lease, or agreement continue so to hold unless he shall have become a citizen within five years after so taking. No land hereafter disposed of for homestead purposes nor any interest therein or control thereof shall thereafter, whether before or after patent issued, be in any way, directly or indirectly, transferred to or acquired or held by or for the benefit of any alien or aliens or any corporation or corporations, more than 20 per cent of whose stock is owned, held, or controlled by an alien or aliens, or any person or corporation who or which owns, holds, or controls, directly or indirectly, other land or the use thereof which, together with the land in question, exceeds 160 acres in area, provided that this prohibition shall not apply to acquisitions by inheritance or in good faith, in the ordinary course of justice, in the collection of debts, any land in respect of which this provision shall be violated shall forthwith be forfeited and resume the status of public land, and may be recovered by the Territory or its successors in an action of ejectment or other appropriate proceeding. No such certificate, lease, or agreement, or rights thereunder, nor the land covered thereby or any part thereof or interest therein shall, before the patent therefor becomes issuable, be, or be contracted to be, conveyed, assigned, mortgaged, leased, or otherwise transferred or disposed of without the written consent of the commissioner, and noncompliance with the terms of any such certificate, lease, or agreement, or other agreement of sale, or of the law applicable thereto, shall entitle the commissioner, with the approval of such board, with or without legal process, notice, demand, or previous entry, to retake possession and thereby determine the estate: *Provided*, That the times limited for compliance with any such terms may be extended by the commissioner, with such approval, upon its appearing that an effort has been made in good faith to comply therewith. All questions respecting such compliance shall be decided by the commissioner, subject to appeal to the circuit judge in whose jurisdiction the premises in question are situated, and such circuit judge shall have full and exclusive authority in chambers without the intervention of a jury for adjudicating such matters, and his decision shall be final. Any lot not taken, or taken and forfeited, in any tract opened for settlement, or any lot or part thereof surrendered with the consent of the commissioner, which is hereby authorized, shall be subject to sale or other disposition without further notice, in accordance with the law applicable to sales or other disposition of public lands, and any sale, drawing, or allotment may take place at the office of the commissioner or in the district in which the land is situated, for each of which districts the commissioner is hereby authorized to appoint one or more subagents, and the notice of any such sale, drawing, or allotment shall be by publication in one or more newspapers of general circulation, printed, published, and circulated in the Territory, for such period of time as may be determined by the commissioner as giving sufficient public notice of such sale, drawing, or allotment, but such period of time shall in no event be less than sixty days.

"'All lands in the possession, use, and control of the Territory shall hereafter be managed by the commissioner, except such as shall be set aside for public purposes as hereinafter provided; all sales of such land shall be made by the commissioner or under his direction, for which purpose, if necessary, the land may be transferred to his department from any other department by direction of the governor, and

all patents and deeds of such land shall issue from the office of the commissioner, who shall countersign the same and keep a record thereof. Lands conveyed to the Territory in exchange for other lands that are subject to the land laws of Hawaii, as amended by this act, shall, except as otherwise provided, have the same status and be subject to such laws as if they had previously been public lands of Hawaii. And no exchange or sale by which the Territory shall convey land exceeding either 40 acres in area or $5,000 in value, shall be made, without the approval of two-thirds of a board constituted and appointed as provided in section 80 of this act, and until the legislature otherwise provides, said board shall consist of six members and its members be appointed for terms of four years. All orders setting aside lands for forest and other public purposes, or withdrawing the same, shall be made by the governor, and lands while so set aside for such purposes may be managed as may be provided by the laws of the Territory. The commissioner is hereby authorized to perform any and all acts, and, with the approval of said board, to prescribe forms of oaths and make such rules and regulations as may be necessary and proper for the purpose of carrying the provisions of this section and the land laws of Hawaii into full force and effect. The parts of said laws set forth in the following sections and parts of sections of the Revised Laws of Hawaii are hereby repealed: Section 252 to 254, inclusive; the last three paragraphs of section 262; section 274; section 276, except the first and last paragraphs thereof; sections 279 and 292; the second paragraph of section 296; sections 298, 300, 310 to 312, inclusive; 315, 320, 329 to 333, inclusive; and 347.'

"SEC. 6. That section 79 of said act is hereby repealed.

"SEC. 7. That section 84 of said act is hereby amended so that the last sentence thereof shall read as follows:

"'Nor shall any judge sit in any case in which he may have been of counsel or on an appeal from any decision or judgment rendered by him, and the legislature of the Territory may add other causes of disqualification to those herein enumerated.'

"SEC. 8. That section 91 of said act is hereby amended by adding thereto the following:

"'And any such public property taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii may be restored to its previous status by direction of the President; and the title to any such public property in the possession and use of the Territory for the purposes of schools, cemeteries, parks, roads, wharves, waterworks, sewer works, electric works, public buildings, or other public purposes, or required for any such purposes, may be transferred to the Territory by direction of the President, and any such property may thereafter be transferred to any city, county, or other political subdivision thereof, by direction of the governor of the Territory when thereunto authorized by the legislature.'

"SEC. 9. That section 92 of said act is hereby amended to read as follows:

"'SEC. 92. The following officers shall receive the following annual salaries, to be paid by the United States: The governor, $10,000; the secretary of the Territory, $5,000; the chief justice of the supreme court of the Territory, $6,000; the associate justices of the supreme court, $5,500 each; the judges of the circuit courts, $4,000 each; the United States district judges, $6,000 each; the United States marshal, $4,000; the United States district attorney, $5,000. And the governor shall receive annually, in addition to his salary, the sum of $1,000 for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of $2,000 annually for his private secretary.'

"SEC. 10. That section 97 of said act is hereby amended by adding thereto the following:

"'*Provided*, That for the prevention and suppression of infectious and contagious diseases and the improvement of sanitary conditions in Hawaii such sum as shall be necessary, not exceeding $25,000, shall be appropriated annually, to be expended under the direction of the governor as occasion may require.'

"SEC. 11. That section 100 of said act is hereby amended by adding thereto the following:

"'All records relating to naturalization, all declarations of intention to become citizens of the United States, and all certificates of naturalization filed, recorded, or issued prior to June 29, 1906, in or from any circuit court of the Territory of Hawaii, shall for all purposes be deemed to be and to have been made, filed, recorded, or issued by a court with jurisdiction to naturalize aliens, but shall not be by this act further validated or legalized." And be it further

Resolved, That certified copies of this resolution be forwarded to the President of the United States, the President of the Senate, the Speaker of the House of Representatives, the Delegate of Hawaii to Congress, the chairman of the Committee on Territories of the House of Representatives, and to the governor of Hawaii.

THE HOUSE OF REPRESENTATIVES OF THE TERRITORY OF HAWAII,
Honolulu, Hawaii, April 28, 1909.

We hereby certify that the foregoing resolution was this day adopted in the House of Representatives of the Territory of Hawaii.

H. L. HOLSTEIN,
Speaker House of Representatives.
EDWARD WOODWARD,
Clerk House of Representatives.

The VICE-PRESIDENT presented a memorial of the mayor and city council of Clovis, N. Mex., expressing disapproval of the act of the thirty-eighth legislative assembly of that Territory relative to the publication of legal notices and other matters wherein publication is required, etc., which was referred to the Committee on Territories.

He also presented petitions of sundry citizens of New York, Oklahoma, Kentucky, Michigan, New Mexico, Minnesota, Maine, Maryland, Illinois, Pennsylvania, and Ohio, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CULLOM presented petitions of sundry citizens of Galesburg, Raleigh, Eldorado, McLeansboro, Broughton, Omaha, New Haven, Richview, Walnut Hill, Chicago, Ashley, New Burnside, Odin, Nashville, Mount Vernon, Dahlgren, Dongola, Belleville, Pleasant Plains, Taylorsville, Pawnee, Jacksonville, Dawson, Springfield, Barry, Pittsfield, and Raymond, all in the State of Illinois, praying for the repeal of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. SMOOT presented petitions of sundry wholesale grocers, banking institutions, and business firms of Salt Lake City, Utah, praying for the retention of the present duty on all grades of sugar, which were ordered to lie on the table.

Mr. FRYE presented a petition of sundry citizens of Bucksport, Me., praying for the protection of the carded-wool industry, which was ordered to lie on the table.

Mr. PAGE presented petitions of sundry citizens of St. Johnsbury, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. PILES presented petitions of sundry citizens of Lynden and Fernalde, in the State of Washington, praying for a reduction of the duty on raw and refined sugar, which were ordered to lie on the table.

Mr. PERKINS presented a memorial of the Printing Pressmen's Union, of Stockton, Cal., remonstrating against the imposition of a duty on post cards, which was ordered to lie on the table.

Mr. RAYNER presented petitions of sundry citizens of Baltimore, Frostburg, and Hagerstown, all in the State of Maryland, praying for the removal of the duty on hides, which were ordered to lie on the table.

SAMUEL LIVERPOOL.

Mr. WARREN, from the Committee on Military Affairs, to whom was referred the bill (S. 2403) for the relief of Samuel Liverpool, asked to be discharged from its further consideration, and that it be referred to the Committee on Naval Affairs, which was agreed to.

LAWS RELATING TO ALASKA, CUBA, ETC.

Mr. SMOOT. I am directed by the Committee on Printing to report back and recommend the printing of a compilation prepared by the Bureau of Insular Affairs embracing all legislation enacted by the Fifty-ninth Congress relating to Alaska, Cuba, the Canal Zone, the Philippines, and so forth, together with the treaties and proclamations affecting any of the above Territories (S. Doc. No. 47).

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the papers prepared by the Bureau of Insular Affairs embracing all legislation enacted by the Fifty-ninth Congress relating to Alaska, Cuba, the Canal Zone, the Philippines, etc., together with all treaties and proclamations affecting any of that territory, be taken from the files of the Senate and printed as a document.

ALCOHOL AND OTHER NARCOTICS.

Mr. SMOOT. I am directed by the Committee on Printing, to whom were referred certain papers concerning the study of the alcohol problem, to report them back and ask that they be printed as a document (S. Doc. No. 48).

There being no objection, the order was reduced to writing and agreed to, as follows:

Ordered, That the papers concerning the alcoholic problem and its practical relations to life be printed as a document.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. FRYE:

A bill (S. 2435) granting an increase of pension to George L. Dustan; and

A bill (S. 2436) granting an increase of pension to Frederick D. Reed (with the accompanying papers); to the Committee on Pensions.

By Mr. PILES:

A bill (S. 2437) for the relief of Edward L. Wells; to the Committee on Public Lands.

By Mr. WARREN:

A bill (S. 2438) granting an increase of pension to James Early (with the accompanying papers); to the Committee on Pensions.

AMENDMENT TO THE TARIFF BILL.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed and the calendar is in order. The Secretary will announce the first bill on the calendar.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize

duties, and encourage the industries of the United States, and for other purposes.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clay	Hughes	Piles
Bacon	Crane	Johnson, N. Dak.	Root
Beveridge	Crawford	Johnston, Ala.	Scott
Bradley	Cullom	Kean	Simmons
Brandegee	Cummins	La Follette	Smith, Md.
Briggs	Curtis	Lodge	Smith, Mich.
Bristow	Daniel	McCumber	Smith, S. C.
Brown	Dillingham	McEnery	Smoot
Bulkeley	Dolliver	McLaurin	Stone
Burkett	Flint	Nelson	Sutherland
Burnham	Frye	Oliver	Taylor
Burrows	Gallinger	Overman	Tillman
Burton	Gamble	Owen	Warner
Chamberlain	Hale	Page	Warren
Clark, Wyo.	Heyburn	Perkins	

Mr. PILES. Mr. President, I desire to announce that my colleague [Mr. JONES] is necessarily absent for a few moments this morning.

The VICE-PRESIDENT. Fifty-nine Senators have answered to their names. A quorum of the Senate is present.

Mr. SUTHERLAND obtained the floor.

Mr. BRISTOW. I ask the Senator from Utah to yield to me for a moment.

Mr. SUTHERLAND. Certainly.

Mr. BRISTOW. I think it was on the 29th of April that a resolution was passed asking the Secretary of the Treasury for certain information in regard to the importation of sugar. I should like to know if there is any possibility or probability of receiving a reply from the department soon. We shall reach the sugar schedule in a few days, and that information is important in order to properly consider the question.

The VICE-PRESIDENT. No answer to the inquiry has come to the desk. The Chair will suggest that a telephone message or departmental telegram would bring the Senator from Kansas the information he desires.

Mr. SUTHERLAND. Mr. President, it is no part of my purpose to discuss the pending bill or any of the schedules therein contained. I am a firm believer in the Republican policy of protection, because, as I interpret the history of my country, whenever a protective-tariff law has been spread upon the federal statute books it has been followed by the prosperity, well-being, and happiness of the American people, and whenever a law has been passed which has ignored the protective policy, precisely the contrary result has followed. I am not a protectionist in spots. I believe that the protective policy ought to be maintained as a whole or abandoned as a whole. I agree entirely with the protective plank which is contained in the last Republican platform.

I believe that the duties should be laid in such a manner as to equalize the difference between the cost of production abroad and at home, but so far as I am concerned, in casting my vote upon the various schedules in the pending bill I shall give the home producer and the home manufacturer always the benefit of the doubt. If I am to err upon either side, I prefer to vote for a duty that is a little too high than to vote for one that is a little too low. If I were going out upon a fishing expedition and the reports were somewhat conflicting as to the depth of the trout streams in the neighborhood where I was going, and it appeared that the depth was anywhere from 14 to 18 inches, I would consider it the part of prudence to equip myself with a pair of wading boots at least 19 inches in height, because I would realize that the burden of carrying the additional length of boots would not be as great as carrying a couple of wading boots full of water if they turned out to be too low.

I shall vote for a duty upon the products of other States precisely the same as I shall for duties upon the products of my own State. I can see no consistency in casting my vote for a protective duty upon lead and lead ores, upon wool, sugar, and hides, which are the principal products of my own State, and declining to vote for a protective duty upon lumber, steel, and the various products of the other States.

I took the floor this morning not for the purpose of discussing the protective policy, but for the purpose of discussing as briefly as the subject will admit the income-tax proposition which has been submitted to the Senate in the form of proposed amendments by the Senator from Texas [Mr. BAILEY] and the Senator from Iowa [Mr. CUMMINS]. I do not intend to discuss the merits of that proposition. I shall occupy sufficient of the time of the Senate if I shall confine myself, as I intend to do, to a discussion of the question as to whether the amendment proposed is valid under the Constitution of the United States.

The Constitution of the United States recognizes and provides for a dual form of government. On the one hand, there is the Federal Government itself, constituting an indissoluble union of all the States. On the other hand, there are the States which make up the Federal Government. Each of these governments is supreme within the limits of its powers. To each of these governments the power of raising revenue is absolutely essential.

The power is conferred upon the Federal Government in broad and general terms, without limitation, as to the subjects upon which the taxes may be imposed. Within the limit of the power of the States, and except as restricted by the Constitution, the power of the States is unlimited; but the Supreme Court of the United States has held from the beginning that neither government may tax the means or the instrumentalities of the other, because, as has been well said, "the power to tax is the power to destroy," and if the Federal Government upon the one hand were permitted to tax the means and the instrumentalities of the States, it might in that way destroy the States. If the States were permitted to tax the means and instrumentalities of the Federal Government, while they perhaps might not destroy the Federal Government, they might greatly embarrass its operations.

I think, in addition to that principle, it was within the contemplation of the framers of the Constitution, and, in my judgment, it accords with sound public policy, that the Federal Government in imposing its taxes shall impose them to the fullest extent possible upon a class of subjects which the States under the Constitution can not, or by common consent do not, tax. Under the Constitution the Federal Government is given the power to impose duties upon imports, and that power is substantially exclusive. By common consent the imposition of internal-revenue taxes upon liquors and upon tobacco has been given over to the Federal Government.

I think that except in cases of necessity the taxes of the Federal Government should be confined to those things as to which either under the Constitution or under the operation of this common consent the power of the Federal Government is exclusive, because when we undertake to impose taxes upon subjects which are also open to state taxation, it is bound to result in more or less confusion and in more or less inequality. It will result in double taxation, in multiple taxation, sometimes. If we impose a tax upon incomes, we are taxing a subject which is also open to the State, a subject which has heretofore not engaged very much the attention of the state taxing power, but a subject which is taxed in some of the States of the Union, and which may be taxed in all of them.

I can illustrate best what I mean by that by calling attention to the proposition which was contained in the bill as it came from the House proposing a tax upon inheritances. Twenty-one, I think, of the States of the Union already impose a tax upon inheritances, and several of the States, through their legislatures, protested to the Congress of the United States against imposing taxes of that class, because it would interfere with and embarrass the State. In the same way, if we impose taxes upon incomes, and as that subject of taxation becomes more popular with the States, we shall find that we are engaged in a conflict of interests which will become more and more embarrassing as time goes on.

So I say that form of taxation or any other form of taxation laid upon the subjects which are also open to the States ought not to be adopted, except in cases of emergency.

Now, I come to a discussion of the question as to whether the tax proposed is valid under the Constitution. One of the great weaknesses of the Confederation was its inability to exact taxes. The Confederation was obliged to collect whatever it did collect in the way of revenue by making requisitions upon the various States. That method turned out to be an utter failure, and it was one of the prime reasons for the calling of the Constitutional Convention and the framing of the Constitution as we have it to-day.

When we come to construe the provisions of the Constitution we must adopt precisely the same tests which are applied by the ordinary, every day citizen when he endeavors to ascertain what is meant by any writing. The rules of statutory construction are simply the rules of common sense which have been crystallized into formal expression. Whenever the layman is undertaking to find out what is meant by any written language he first of all appeals to the language itself. He compares one part of the writing with other parts of the writing and endeavors by an examination of the whole document to ascertain what the writer of it meant. If that is not perfectly clear, he

next inquires under what circumstances the written instrument was prepared, in order to see whether those circumstances will throw light upon the question.

He then inquires how those who have been charged with the duty of acting under the written instrument have acted so as to determine what the practical construction of it has been, and, last of all, or perhaps in connection with the other methods, he inquires what conclusion has been arrived at by others, skilled in the mysteries and subtleties of language, as to the meaning.

Now, I propose to seek these four sources of information upon this subject in the effort to ascertain what is meant by the Constitution when it speaks of direct taxes being apportioned among the several States according to numbers. First of all I shall discuss the language of the Constitution itself; second, the history and the circumstances leading up to and surrounding the adoption of the taxing provisions; third, the practical construction of the language, in order to see whether or not the various acts of Congress which have been passed upon this subject throw any light upon the question; and, fourth, I shall discuss the decisions of the Supreme Court which have from time to time been handed down upon the subject of the meaning of this expression in the Constitution.

THE LANGUAGE OF THE CONSTITUTION.

There are three clauses in the Constitution which we must consider when we come to apply the first test, namely, to read and compare the various provisions in order to see wheher or not they will throw light upon what was meant by this particular provision. Those three provisions are as follows: The third clause of section 2, Article I, provides:

> Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers.

The first clause of section 8, Article I, provides:

> The Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts, and excises shall be uniform throughout the United States.

The fourth clause of section 9, Article I, provides:

> No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

It will be observed that the Constitutional Convention seemed to attach a great deal of importance to the proposition that direct taxes should be apportioned among the several States according to the population, because it is twice expressed in the Constitution, and, so far as my memory serves me, this is the only thought which is twice expressed in the Constitution. It is first expressed affirmatively that direct taxes shall be apportioned in this way, and then, apparently for fear that the affirmative proposition would not be sufficiently strong, it is expressed negatively that no capitation or other direct tax shall be laid except according to this rule.

So it is seen that the Constitutional Convention laid special stress upon this particular thing. It is insisted in this argument that the only kinds of direct taxes are a capitation tax and a land tax. I want to call attention to and put in contrast two of these provisions of the Constitution upon that question. The order in the Constitution is not the order in which I shall speak of them.

> That Congress shall have power to lay and collect taxes, duties, imposts, and excises.
> * * * but all duties, imposts, and excises shall be uniform throughout the United States.

Why are taxes, the most general term used in the clause, omitted in this limitation upon the exercise of the power? Taking that provision by itself, it is seen that of the four things mentioned, three of them, namely, duties, imposts, and excises, must be laid according to the rule of uniformity. Why did the makers of the Constitution omit the word "taxes" in that enumeration? Because they recognized that "taxes" had already been provided for in another part of the Constitution, where it had been declared that direct taxes should be laid according to the rule of apportionment; and so they provided in this section that duties, imposts, and excises should be laid according to the rule of uniformity. The conclusion, it seems to me, is perfectly clear that, taking those provisions together, what they mean is that taxes which do not fall within the description of duties, or imposts, or excises, are direct taxes and come within the other rule of the Constitution.

I am not without authority on that proposition. Mr. Tucker, in his work on the Constitution, first volume, page 458, speaking upon that subject, says:

> From these uses of the term "taxes" in the clauses mentioned and "direct taxes" in the two clauses mentioned, it would seem that the framers of the Constitution had in their minds certain forms of taxes which they called "direct taxes," and other forms of taxes which were the alternate of "duties." So that taxes which were the constitutional synonym of duties were to be distinguished from the taxes which were "direct taxes." In other words, it would seem to be the true construction of the Constitution that taxes which were "direct taxes" were to be laid according to the apportionment plan, which in the second case where those terms are used is connected with their use, and all other taxes which were not embraced in the term "direct taxes" and were synonymous with "duties," etc., were properly embraced within the terms "duties," "imposts," and "excises."

And again, at page 459, he says:

> This conclusion results from the fact that while the Constitution limits the power of Congress in reference to direct taxes by requiring them to be laid according to the census apportionment, and that duties, imposts, and excises must be uniform throughout the United States, it could not have meant to allow any taxation which was not included within one or the other of these groups.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Will not the Senator permit me to finish this quotation, and then I will yield? Mr. Tucker proceeds:

> For if it did, then it would follow that taxes which were not direct, on the one hand, or within the terms "duties, imposts, and excises," would be laid at the discretion of Congress without being subject to either of the limits prescribed for direct taxes or for duties, imposts, and excises. It would seem, therefore, to be an inevitable construction of the Constitution that no tax could be laid upon the citizen by Congress which was not either subject to the census apportionment or to the requirement of uniformity, else it would leave to Congress some unrestrained power to lay taxes which were neither direct, nor duties, imposts, and excises. All taxation, therefore, which is not direct "taxation," must have been intended to be a general term embraced in the words "duties, imposts, and excises."

Now, I will yield to the Senator from Idaho.

Mr. BORAH. As I understand the suggestion of the Senator from Utah, it is that keeping out of the clause of the Constitution the Senator has just quoted the word "taxes" indicates that there was a belief in the minds of the framers that taxes measured a different kind of charges to what duties did, and that taxes being left out, it necessarily excluded the idea of uniformity as to that. Then why did they put in the words "direct taxes" at all, if they were using duties and taxes in the sense in which the Senator suggests? Why did they not say that Representatives and taxes shall be apportioned if taxes meant something other than duties?

Mr. SUTHERLAND. I think it might have been expressed in that way, but in the general clause conferring the taxing power they were undertaking to confer it as broadly as language would confer it.

Mr. BORAH. But the Constitution says that Representatives and direct taxes shall be apportioned. Therefore, it would seem to follow that when they used the word "direct" they were distinguishing a certain kind of tax, and that there were other taxes which were not direct taxes.

Mr. SUTHERLAND. I think the word "taxes" in the clause to which I have directed attention is the generic word, which includes direct taxes, duties, imposts, and excises—those four classes—and the capitation tax——

Mr. HEYBURN. Mr. President——

Mr. SUTHERLAND. If the Senator will permit me—and Congress carved out of the general expression "taxes" the three classes, namely, duties, imposts, and excises, which were to be laid according to the rule of uniformity, and carved out of the generic term again the expression "direct taxes and a capitation tax," which were to be laid according to the rule of apportionment.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. HEYBURN. I would inquire of the Senator from Utah if he does not think that the difference between taxes and duties that was in the minds of the framers of the Constitution was that which had always existed? Taxes are the result of the exercise of the supreme power without considering the will of the party taxed. Duties are the result of a contract between the sovereign and the subject. That always distinguished taxes from duties. One of them was the imperial edict of the sovereign power that he taxes. Duties, I repeat, resulted from the agreement that the subject should contribute to the lord of the fee or whatever the supreme power might be. I think that was in the minds of the makers of the Constitution.

Mr. BURKETT. Mr. President——

Mr. SUTHERLAND. Permit me just a moment. Of course the word "taxes" and the word "duties" are subject to a variety of shades of meaning. I am speaking of the way in which I think the words were used in the Constitution.

Mr. HEYBURN. That is what I was speaking of.

Mr. SUTHERLAND. My idea about that is that the word "taxes" is the broadest and the most comprehensive word of all the words that were used; that the word "taxes," as I have said, is generic, and includes all the varieties by which a citizen may be compelled to contribute to the support of the Government.

Mr. HEYBURN. If the Senator will permit me, it will be apparent that a citizen can not be compelled to contribute to the support of the Government through duties, because he may perform no act, do no thing, to which a duty attaches; but as to taxes, he can not avoid them by anything that he can do. Those distinctions were carried all through the English law before we adopted it. I think the Senator will find that the reason why they left out "taxes" in the second enumeration was because it was the only one that the citizen could not avoid, but he could avoid paying any of the other duties by avoiding the transactions that carried the duty.

Mr. SUTHERLAND. The Senator may be correct about that.

Mr. BURKETT. I wish to make a suggestion to the Senator in connection with this question. The question was asked at one time in the discussion of the Constitution, in the convention, What are direct taxes? and it was not answered. I have sent for the Madison Papers, and I hope I can find it. I call to the Senator's attention the discussion as to what were indirect taxes. A statement was made there that indirect taxes concerned duties, imposts, and excises. There was that definition given of indirect taxes earlier in the discussion. So far as I have listened to this debate, I have never heard that discussed. I have sent for the Madison Papers, and I think I can turn to it.

Mr. SUTHERLAND. If the Senator will do me the honor to listen to me until I finish what I have to say, he will find that I shall refer to that specific matter.

Mr. BURKETT. I am not only doing the Senator the honor, but I am going to do so in justice to myself, because the Senator from Idaho raised that question.

Mr. SUTHERLAND. It has been sometimes suggested by both the Supreme Court of the United States and by counsel appearing before that court, and upon the floor of the Senate, that there may be a form of tax which is not subject to either of these rules. Nobody has ever undertaken to point out what particular subject which was liable to a tax would not come within either the rule of apportionment or the rule of uniformity; but in some vague, general way it has been stated that perhaps there may be a form of taxation that would not come within either class. In the Pollock case (157 U. S., 557) the Chief Justice, speaking upon that subject, observes:

> And although there have been from time to time intimations that there might be some tax which was not a direct tax, nor included under the words "duties, imposts, and excises," such a tax for more than one hundred years of national existence has as yet remained undiscovered, notwithstanding the stress of particular circumstances has invited thorough investigation into sources of revenue.

If I am correct in the construction of these provisions of the Constitution that imposts, duties, and excises, and those forms of taxation alone, are subject to the rule of uniformity, and other "taxes," or "direct taxes," are subject to the rule of apportionment, let me inquire, What becomes of a tax which is imposed upon the corpus of personal property? Both the Senator from Texas and the Senator from Idaho insist that the term "direct taxes" shall be confined to a land tax; that a tax upon personal property is not a direct tax. Suppose a tax is laid upon all of the personal estate of a citizen. That is not a duty; it is not an impost; it is not an excise. If I am correct in saying and if Mr. Tucker is correct in saying that all taxes must be subject to one rule or the other, it must be a direct tax. The Constitution says that "no capitation or other direct tax shall be laid," and so forth.

Mr. OWEN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oklahoma?

Mr. SUTHERLAND. Certainly.

Mr. OWEN. I should like to ask the Senator from Utah if he understands by "a capitation and other direct tax," a capitation and other direct tax on the citizen or on the State exclusively, which must be apportioned?

Mr. SUTHERLAND. I heard the Senator's argument upon that subject the other day, and he presented the matter with great ability and plausibility, but I am not prepared to assent to his view. I think that the language in the Constitution with reference to a direct tax meant a tax levied upon the citizen, and not a tax levied upon the State. That was the very thing which the framers of the Constitution were endeavoring to get away from. Under the Confederation the tax in a way was imposed upon the State in the form of a requisition upon the State, but it was found that the States would not comply with the requisitions. So that whole system was abandoned and the power was conferred upon the Federal Congress of imposing direct taxes upon the citizens of the States.

Mr. OWEN. Mr. President, I should like to ask the Senator from Utah how a capitation tax, apportioned upon population, counting three-fifths of the slaves, can be other than a tax on the State exclusively?

Mr. SUTHERLAND. Well, a capitation tax, of course, would not be imposed upon the slave in the sense that the slave would be compelled to pay it, because the slave was property. That was simply the rule by which the amount of the tax was to be measured. The amount of the tax having been ascertained, then it was imposed upon either the property of the State or raised by a tax upon the heads of the various citizens of the State.

Mr. OWEN. Then I understand the Senator from Utah assents to the proposition that the capitation tax referred to in the fourth paragraph of section 9 of Article I of the Constitution is not a direct tax on the citizen.

Mr. SUTHERLAND. No. The Senator misunderstands me if he understands that, because the Constitution itself says that it is a direct tax. It says a "capitation or other direct tax."

Mr. OWEN. The Constitution, Mr. President, says "capitation or other direct tax," but it does not specify whether it is a direct tax on the State or on the citizen. I call the attention of the Senator from Utah to the fact that a capitation tax, a direct tax on a citizen, can not be apportioned under the constitutional rule, and, therefore, must necessarily be a direct tax upon the State. That is a proposition I wish him to answer.

Mr. SUTHERLAND. Mr. President, it was no part of my purpose to discuss that phase of the question; and to enter upon it would lead me entirely too far afield, if the Senator will pardon me for saying so.

Mr. OWEN. I beg pardon of the Senator from Utah. I did not wish to interrupt his argument. I thought perhaps he had considered that.

Mr. SUTHERLAND. Mr. President, I am discussing this tax upon the assumption that the decisions of the Supreme Court in that respect are right—that it is a tax upon the citizen and not upon the State.

I was about to say, when the Senator from Oklahoma interrupted me, that the language of the Constitution is "no capitation or other direct tax." It is manifest that, according to the argument made by the Senator from Texas and the Senator from Idaho, the words "other direct tax" meant but one kind of a tax, namely, a land tax. If it had been intended by the framers of the Constitution that those words "other direct tax" should include a land tax and nothing more, it seems to me that the plain and direct way would have been for the framers of the Constitution to have said so in precise words—to have simply said that "no capitation or land tax shall be laid, except in accordance with this rule."

The Senator from Texas the other day in his discussion called attention to the language of the Articles of Confederation upon that subject, which provided for a contribution from the several States, to be measured by the value of their lands and improvements. So the framers of the Constitution were familiar with that form of expression. If they had not intended to vary the sense which was conveyed by that expression used in the original Articles of Confederation, it is somewhat remarkable that they varied the language. If they had not intended to include more than was included by the terms used in the Articles of Confederation, why is it that they did not use the same language that was used in the Articles of Confederation instead of using an expression which, at least, apparently seems to include very much more?

Upon this same subject the Senator from Idaho [Mr. BORAH] quoted from the plan of Alexander Hamilton, which was that "taxes on land, houses, real estate, and capitation taxes" should be apportioned; and the Senator argued that that was evidence of what was meant in the Constitution by the use of the words "direct tax." The makers of the Constitution had this language of Alexander Hamilton before them. Alexander Hamilton had used in his proposed plan these precise words: "Lands, houses, real estate, and capitation taxes."

Again, I inquire if the framers of the Constitution intended to limit the taxation subject to the rule of apportionment to taxes on land, houses, real estate, and capitation taxes, why did they not adopt the language proposed by Mr. Hamilton instead of taking the general expression "direct tax," which, again I say, apparently means much more than was meant by the language of Mr. Hamilton.

This construction of the Constitution, according to the plain reading of its terms, it seems to me, is fully borne out by the history and circumstances leading up to and accompanying the adoption of the Constitution.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. Before the Senator passes to a new subject I should like to know definitely whether he assents to the distinction suggested by the senior Senator from Idaho [Mr. HEYBURN] between a tax and a duty.

Mr. SUTHERLAND. No; I do not, as the Senator has stated it. I think that the Senator accurately stated the primitive meaning of the word "duty," but I do not believe that it was used in that restricted sense in the Constitution.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. HEYBURN. I think I perhaps was not explicit enough in my statement to convey the full meaning. I intended to submit the proposition that a tax can not be avoided by any act on the part of a subject, while either of the others, imposts or duties, may be avoided by the subject declining to enter into the business that carries with it that class of taxation. That is a distinction about which there can be no doubt.

Mr. SUTHERLAND. I will agree with the Senator to this extent, that a direct tax does imply the idea of coercion.

Mr. HEYBURN. Sovereignty.

Mr. SUTHERLAND. Of coercion upon the subject who is to pay the tax, while the word "duty," which is imposed upon articles of consumption——

Mr. HEYBURN. Which may not be consumed.

Mr. SUTHERLAND. Articles which may be imported.

Mr. HEYBURN. Or which may not be imported.

Mr. SUTHERLAND. The citizen may pay or not, according as he determines to use or not to use the article upon which the particular duty is imposed.

Mr. HEYBURN. Just a word, and then I will be ready to leave the subject to the judgment of the Senate or of those who may choose to consider it.

I reassert that duties may be avoided by the act of the party—that is, the act of the citizen, because he may do nothing that carries with it the duty. Imposts come within the same class exactly, as do also excises. These three, in my judgment, are distinguished from taxes because they belong to an entirely different class of burdens resting upon the citizen. There is nothing on earth that the citizen can do to avoid taxes except to die.

Mr. SUTHERLAND. Then, if I understand the Senator from Idaho, he agrees with what I have said, namely, that by the word "tax" in that clause of the Constitution is meant direct taxes; and by the words "imposts, duties, and excises" are meant indirect taxes. That is precisely what I am contending.

Mr. HEYBURN. I will reply in my own time.

Mr. CUMMINS. I think the Senator from Utah will recognize that that is not the suggestion made by the senior Senator from Idaho. He did not intend to be understood as saying that excises, duties, and imposts were the only indirect taxes that could be levied by the Government. He intended to say that from the very nature of things a duty arose out of the voluntary act of the person upon whom it was imposed, and that a tax was an exercise of sovereignty imposed in an involuntary way upon the persons upon whom it rests. I want to know whether the Senator from Utah assents to that distinction?

Mr. SUTHERLAND. I have stated to the Senator from Idaho exactly what I did agree to, and I dislike to be obliged to say that I assent to language which has been used by others when I have undertaken to put in clear language precisely what my own view is. The Senator can himself make the comparison.

Mr. CUMMINS. Will the Senator, then, permit me to ask one further question?

Mr. SUTHERLAND. Certainly.

Mr. CUMMINS. Would it make any difference in the constitutionality of the statute if the burden that is proposed to be placed upon incomes is called a "duty" rather than "tax?"

Mr. SUTHERLAND. I do not think it would make the slightest difference. I do not think you can change the substance of things by changing the name.

Mr. CUMMINS. Certainly in that respect I agree with the Senator from Utah, but does the Senator believe that there are any indirect taxes other than those that have historically been classified as excises, imposts, and duties?

Mr. SUTHERLAND. If I understand the Senator's question, I do not. I think that those three terms embrace the indirect taxes, and that all other taxes that do not come within one or the other of those descriptions are direct taxes.

Mr. HEYBURN. Mr. President——

Mr. CUMMINS. Just a moment, if the Senator from Idaho will permit me.

Then it is the Senator's view that those burdens which have been heretofore called in various countries and in various States "excises, imposts, and duties" are the only indirect taxes known to the law?

Mr. SUTHERLAND. Or other taxes of the same kind or description.

Mr. CUMMINS. Precisely.

Mr. SUTHERLAND. I would not undertake to say that the various countries of the world have exhausted all the possibilities of the excise and all the possibilities of imposts and of duties; but either those things which have heretofore been treated as excise taxes, or impost taxes, or duties, or things of the same nature, constitute the indirect taxes.

Mr. CUMMINS. But the Senator has not yet attempted a definition that will describe the difference between indirect and direct taxes, except to suggest that excises, imposts, and duties are the indirect taxes. What is the essential difference between a direct tax and an indirect tax?

Mr. SUTHERLAND. Mr. President, the Senator is asking a question that has been answered in a very great variety of ways. I would not undertake to lay down a hard and fast definition.

Mr. HEYBURN. Now, Mr. President——

Mr. SUTHERLAND. I think—if the Senator from Idaho will permit me for just a moment—that the division between direct and indirect taxes is rather a zone than it is a line; in other words, we may put our fingers upon a particular exaction and say this is a direct tax because it lies entirely outside of the zone upon one side, or we may put our fingers on another form of exaction and say this is an indirect tax because it lies entirely outside of the zone upon the other side; but within the zone there may be more or less doubt as to precisely whether or not a particular exaction is a direct or an indirect tax.

Mr. HEYBURN. Mr. President, I would not like to be understood within the limits suggested by the Senator from Iowa [Mr. CUMMINS], that there is only one class of taxes outside of duties, imposts, and excises, and that that is a direct tax. I believe that there is a class of taxes other than duties, imposts, and excises that is dual in character, divisible in its purpose, and that on one side of the line lie direct taxes and on the other indirect taxes, the indirect purely distinguishable from either duties, imposts, or excises. I do not like to anticipate what I will perhaps feel impelled to say in regard to the subject later, but I believe that it is within the power of Congress to levy a class of taxes—strictly taxes—that are not direct, and at a future time I will perhaps ask the Senate to listen to some suggestions on that matter.

THE HISTORY LEADING UP TO FRAMING THE CONSTITUTIONAL PROVISION.

Mr. SUTHERLAND. Now, Mr. President, I come to the consideration of the second source of information which I laid down in the beginning, namely, the history and circumstances leading up to and surrounding the adoption of the Constitution. Under the government of the Confederation there was no power to lay or collect taxes; the only power was to make requisitions upon the various States.

Article 8 of the original Articles of Confederation provided that war and other expenses should be defrayed out of a common treasury.

To quote the language of the article—

> Which shall be supplied by the several States, in proportion to the value of all land, within each State, granted to or surveyed for any person, as such land, and the buildings and improvements thereon, shall be estimated, according to such mode as the United States in Congress assembled shall, from time to time, direct and appoint.

This measure of the proportion which should be exacted from each State was found to be utterly unsatisfactory, and Congress in 1783 recommended to the several States that the provision should be altered so as to provide that the common Treasury should be—

> Supplied by the several States, in proportion to the whole number of white and other free citizens and inhabitants, of every age, sex, and condition, including those bound to servitude for a term of years, and three-fifths of all other persons, etc.

It will be observed that there is no provision for, and it is not within the contemplation of this article that the contributions which are exacted from the States shall be raised by a levy upon lands and improvements and houses, but only that the value of the lands, improvements, and houses in each State shall be the measure of the amount which the State shall contribute. That measure being found unsatisfactory, another measure of the amount which the State should be compelled to contribute was formulated by the Congress, namely, that the amount should be measured by the number of population. The

value of lands being found unsatisfactory, it was thought that the number of people in each State would afford a better measure of the ability of the State to contribute than the value of its land.

Mr. BAILEY. Mr. President, will the Senator permit me to interrupt him?

Mr. SUTHERLAND. Surely.

Mr. BAILEY. I think the Senator's statement is not exactly accurate. The change was made because in that day, as in this day, people undervalued their property for the purpose of escaping their taxes, and it was concluded that it was possible to ascertain with exactness the number of people, when it was not possible to ascertain the exact value of the land. They adopted it, not because the population was a more satisfactory method of gauging these contributions, but simply because they could make the ascertainment with exactness when counting the people, and they had not been able to make it with exactness in estimating the value of land.

Mr. SUTHERLAND. The Senator from Texas simply states in another and better way than I have stated or could state what I intended to say. What I say is, that the measurement of the ability of the State to pay taxes by the value of its land was found to be unsatisfactory—I am not undertaking to go into any discussion of the reason—but it was found to be unsatisfactory, and the measurement by population was adopted as being more satisfactory.

Mr. OWEN. Mr. President——

Mr. SUTHERLAND. I yield to the Senator.

Mr. OWEN. Would not such a tax, whether based on the value of land or on population, being a requisition on the State to be paid by the State, be necessarily a direct tax on the State and not on the citizen?

Mr. SUTHERLAND. Mr. President, I am not to be beguiled into a discussion of that subject by the Senator from Oklahoma. I said to him a little while ago that I did not agree with him upon that proposition. I believe that the Constitution did not contemplate a direct tax upon the States as such; but, as I have already stated, to enter upon that subject would be entirely afield from what I had intended to discuss.

THE DEBATE IN THE CONVENTION.

In the Constitutional Convention several plans of taxation were submitted. Among them was the plan of Mr. Pinckney, the plan of Mr. Randolph, and the plan of Mr. Paterson. On July 12 Mr. Morris moved to add to the clause empowering the legislature to vary representation according to the wealth and number of the inhabitants a proviso "that taxation shall be in proportion to representation." Some objection was made to this plan, and Mr. Morris admitted the force of the objection, but stated that he supposed that these objections "would be removed by restraining the rule to direct taxation, because," as he explained, "with regard to indirect taxes on exports and imports and on consumption, the rule would be inapplicable." Of course that is manifest. A duty imposed upon goods imported into this country obviously can not be apportioned among the several States at all, while a direct tax upon the capital and property of individuals of the States can be apportioned with varying degrees of fairness.

Mr. Wilson stated that he "approved the principle, but could not see how it could be carried into execution, unless restrained to direct taxation." We are then told that Mr. Morris modified his motion by inserting the word "direct," and the provision passed in the following language:

Provided always, That direct taxation ought to be proportioned to representation.

After that the Constitution was so framed as to provide that duties, imposts, and excises should be laid according to the rule of uniformity, as I have already discussed.

Taking these circumstances and all the debates together, it seems to me clear that the convention intended that every form of taxation should be subject either to the rule of apportionment or of uniformity.

In fixing the rule of population as the measurement for direct taxation, I think it is apparent from a consideration of the debates in the convention itself and of those in the various state conventions called for the purpose of ratifying the Constitution, that there was no intention to limit the rule to taxes on lands alone. I quote, first, from Mr. Madison. Mr. Madison said:

Future contributions, it seemed to be understood on all hands, would be principally levied on imports and exports.

This, by the way, was before the provision in the Constitution forbidding export duties had been adopted.

Further on he said that he would admit that the number of inhabitants was not an accurate measure of wealth. Now, observe, it is not the language of Mr. Madison that the number of the inhabitants is not an accurate measurement of the value of their *lands and houses*, but not an accurate measure of *wealth*.

And again, quoting from the debates:

He contended, however, that in the United States it was sufficiently so for the object in contemplation.

Mr. Gorham said that in Massachusetts it had been found, "even including Boston, that the most exact proportion prevailed between numbers and property."

Not—again it will be observed—between numbers and landed estates, or lands and houses and improvements, but between numbers and *property*. What property? It is not qualified in any way; therefore, *property of every description*.

Mr. HEYBURN. Would it interrupt the Senator if I should ask him a question?

Mr. SUTHERLAND. Not at all.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. HEYBURN. I think there has been a failure to distinguish between tangible and intangible property. The value of real estate is not alone what it will bring as an income. It is the value for which you can sell it, even though it brings you no income. I have been impressed, whenever I have read the last decision of the Supreme Court, with the idea that they got away from that point, and that it is an important distinguishing point. An income tax is a tax upon an intangible thing—a thing that may vary over night or disappear in a day, a thing that may come and go. It is not the same kind of property as the thing from which an income may or may not be derived. That thought has occurred to my mind many times in considering this question.

Mr. SUTHERLAND. Certainly an income from rentals, an income from landed estates, is not an income from an intangible thing.

Mr. HEYBURN. It is not an income from an intangible thing, but it is in itself an intangible, uncertain, indefinite, and varying thing. The house may be rented to-day and not rented to-morrow.

Mr. BEVERIDGE. It may burn up.

Mr. HEYBURN. Yes; as the Senator from Indiana suggests, it may burn up. But I think we must distinguish between the thing of value and the revenue which comes from it or does not come from it, according to the circumstances. I think a direct tax is a tax upon a thing of value, and an indirect tax is one upon a thing that may or may not exist.

Mr. SUTHERLAND. I will undertake to show a little further along—I should be anticipating if I should discuss it now—that a tax upon the income derived from land is, in substance and effect, a tax upon the land itself.

Mr. HEYBURN. Mr. President, I think that that is probably the dividing of the roads in this discussion at all times, whenever it arises.

Mr. SUTHERLAND. But I shall not turn aside to discuss that particular proposition now.

Again, referring to these debates, Mr. Wilson contended that numbers would be a fairly accurate measure of *wealth* and *ability* to contribute to the public wants.

Again, he does not compare the numbers of inhabitants with the value of their landed estates, but regards it as a measure of their wealth and ability to pay taxes.

Doctor Johnson thought that the numbers of population was the best measure of wealth.

Mr. Ellsworth offered an amendment providing that the rule of contribution by direct taxation should be the number of white inhabitants and three-fifths of others; and then added, to quote his language:

Until some other rule, that shall more accurately ascertain the *wealth* of the several States, can be devised and adopted by the legislature.

I pause to ask here, Mr. President, If it had been intended by the members of that convention that the term "direct tax" should be confined to a land tax, why do they constantly say that the rule of population is the best rule by which to ascertain the *wealth* of these States, the *property* in these States, the *ability* of these States to contribute to the General Treasury?

Mr. HEYBURN. Mr. President, I think the Senator is passing over Mr. Franklin's second suggestion as of less importance, when, as a matter of fact, it was of first importance. The subjects referred to by Mr. Franklin in the second paragraph are those that are directly before us for consideration. What do you tax? He suggests that the *per capita* tax is the safest basis until something else is discovered that may be taxed. What is it that you tax? You tax the house; you do not tax the rent that may come from it. You tax the land; you do not tax that which may be derived from it as profit.

Mr. SUTHERLAND. No; either I do not interpret correctly what Mr. Ellsworth says, or the Senator does not. What he says is that the rule of contribution by direct taxation should be the number of population, until some other rule——

Mr. HEYBURN. Yes; "until."

Mr. SUTHERLAND. Until some other rule that shall more accurately ascertain the wealth of the several States shall be found.

Mr. HEYBURN. Yes.

Mr. SUTHERLAND. He is not talking about the subjects of taxation; he is talking about the rule by which it is proposed to measure the ability of the inhabitants of the State to pay the tax.

Mr. HEYBURN. Is that all of that?

Mr. SUTHERLAND. No.

Mr. HEYBURN. Will you not read Mr. Franklin's statement?

Mr. SUTHERLAND. Then he proceeds:

> The sum allotted to a State may be levied without difficulty according to the plan used by the State in raising its own supplies.

First of all, he discusses the rule of measuring the amount of the contribution, and then he discusses the method by which it shall be raised; and he says, with reference to the latter part of it:

> The sum allotted to a State may be levied without difficulty according the plan used by the State in raising its own supplies.

Mr. HEYBURN. Did not the Senator pass over Mr. Franklin's statement in reading Mr. Ellsworth's?

Mr. SUTHERLAND. No; I have not Mr. Franklin's statement at all.

Mr. HEYBURN. I had it in my mind, and therefore may myself have confused it with Mr. Ellsworth's statement.

Mr. SUTHERLAND. It is reported in these debates that Mr. King upon one occasion asked what was the precise meaning of "direct taxation;" and Mr. Madison informs us that no one answered. I suggested to the Senator from Idaho when he was upon his feet the other day that if the question had been susceptible of as simple an answer as has been attempted to be made by some of the decisions of the Supreme Court and by Senators upon this floor, it is a little remarkable that somebody did not answer it.

Mr. BORAH. Mr. President——

Mr. SUTHERLAND. Just a moment. Evidently it challenged the attention of Mr. Madison, because he took pains to observe and record the fact that no one answered.

According to the contention made here, a direct tax is only a capitation tax or a land tax. If it had been understood by the members of that convention in that way, is it not remarkable that somebody did not say "A direct tax is simply a capitation tax or a tax on land?" No one answered the question, however, because no one in the convention could formulate in his own mind at the moment a precise definition; and no one undertook to formulate it, although, as the debates show both there and elsewhere, the general nature of a direct tax was perfectly understood.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the junior Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. Mr. President, I presume the Senator from Utah will concede that the framers of the Constitution recognized this matter of taxation as one of the most important subjects with which they had to deal, and one with which they had to deal with the utmost accuracy. Does the Senator from Utah believe that after the attention of the makers of the Constitution was called to the meaning of the word "direct" they still proceeded to put into the Constitution a term the meaning of which they did not understand? Does the Senator mean to say that after their attention had been specifically directed to the matter, and they did not know, they still continued to insert in the Constitution a phrase the meaning of which they did not understand?

Mr. SUTHERLAND. No; I have not so said, Mr. President. I have said that the members of the Constitutional Convention did understand, but that they were not able to formulate at the moment a precise definition. My contention is that the framers of the Constitution understood by "direct taxes" taxes upon those subjects which were made the subject of direct taxation in the various States at the time the Constitution was framed. As those subjects differed in various States, they could not have undertaken to make an enumeration of them; and they were unable, as I said, to formulate a precise definition.

Mr. BORAH. In other words, if the question had been asked, "What is a duty?" or "What is an excise?" the same silence would likely have resulted, because it covered a wide range of territory, and it would have taken some time to define it.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the senior Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. HEYBURN. Blackstone's Commentaries were the latest legal publication at the time of the sitting of the Constitutional Convention. Mr. Blackstone defines in very explicit language what are direct taxes, and limits them to per capita and land taxes. I presume the framers of the Constitution took it for granted that a principle that was so well established and so generally recognized was sufficient, and, perhaps, settled this question by an aside, one to the other, rather than by a public discussion.

Mr. SUTHERLAND. It may have been, at the time Mr. Blackstone wrote, that the only form of direct taxation which was in use in England was that form to which the Senator has directed attention. But neither Mr. Blackstone nor any other writer upon English law ever intended to say that direct taxes were confined, at all times and under all circumstances, to capitation and land taxes.

Mr. HEYBURN. Mr. President, a very familiar rule of interpreting statutes is that of taking into consideration the origin of the principle which was being adopted and formulated by the party who was enacting a law or making a constitution; and the very knowledge in the minds of the makers of the Constitution that this term had been interpreted by the English law writer of most distinction at that time would be accepted by them as we accept the decisions of the supreme courts of the States from which we take statutes.

Mr. SUTHERLAND. The Senator from Idaho will agree with me that the English Parliament and the English courts have some familiarity with Mr. Blackstone and the various writers upon English law; and the English Parliament and the English courts, having all those authorities before them, and considering all of those authorities, have uniformly held that an income tax is a direct tax.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the junior Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. BORAH. They never held that, did they, prior to the adoption of the Constitution of the United States?

Mr. SUTHERLAND. No; because prior to the adoption of the Constitution of the United States no income tax had been imposed; and Mr. Blackstone could not have spoken of an income tax at the time he wrote, because if he had he would have spoken of something that did not exist. But the English Parliament and the English judges interpreted Mr. Blackstone's language defining direct taxes in a different manner from that of the Senator from Idaho.

Mr. HEYBURN. Mr. President, there was no occasion for the English courts or the English Parliament to "shy off" from the question of what was and what was not direct taxation, because there was no constitutional limitation that governed the English Parliament in regard to levying a certain kind of tax or that limited them in any way.

Mr. SUTHERLAND. No; but there were evidently other considerations which made it important for the English Parliament and the English courts to assign the income tax to its proper classification; and they assigned it to the class of direct taxes, and not to the class of indirect taxes, with all the information before them from Blackstone and from the other English writers that the Senator from Idaho has before him.

Luther Martin said:

> Direct taxation should not be used but in cases of absolute necessity, and then the States will be the best judges of the mode.

Finally, on September 14, 1787, the provision in section 9 of Article I, "No capitation tax shall be laid, unless," etc., being under consideration, Mr. Read moved to insert after "capitation" the words "or other direct tax."

> He was afraid that some liberty might otherwise be taken to saddle the States with a readjustment by this rule of past requisitions of Congress, and that his amendment, by giving another cast to the meaning, would take away the pretext.

And in that form it was carried.

Mr. OWEN. I wish to call the attention of the Senator from Utah to the report of Luther Martin to the legislature of Maryland, in which he expressly stated that this very Constitution authorized the Congress to lay direct taxes on the citizen in every case.

Mr. SUTHERLAND. I have the report and I shall read from it later on in my remarks.

Now, I want to call attention to the fact that in the debates of the Constitutional Convention there is no hint or suggestion

that direct taxes should be confined to capitation and land taxes, although the question was asked what was meant. The discussion assumed rather a wide range, but nowhere in the debates was it ever suggested that the tax should be confined to a land tax and a capitation tax.

On the contrary, the whole debate from beginning to end indicates that in the minds of the majority population was considered the fair measure, and that landed estates were not considered the fair measure of the ability of the various States to contribute, but that wealth and property generally should be the subjects from which the taxes should be gathered. Population was regarded as the measure of the amount, and the amount itself realized by taxing the wealth and property of the States, and not their landed estates only.

Mr. HEYBURN. I desire to ask the Senator if it is not apparent upon the face of the proceedings that the Constitutional Convention did not get away from the idea of a central government apportioning and levying taxes, for the State to collect and turn in, until almost the last days of the convention? It had been accustomed to it under the articles, and it was only in the latter days of the convention that it adopted the present system, which entirely eliminated the idea of imposing a tax upon the State, to be accounted for to the General Government.

Mr. SUTHERLAND. It was insisted by some that the old plan should be adhered to.

DEBATES IN THE STATE CONVENTIONS.

I now come to a brief discussion of the debates and proceedings in the various state conventions upon the question of the ratification of the Constitution. I shall submit that from a consideration of the various things that were said by the members of these conventions that it was not understood by any of them that the words "direct tax" in the Constitution were used in this restricted sense.

Roger Sherman and Oliver Ellsworth, writing to the governor of Connecticut, September 26, 1787, say:

> It is probable that the principal branch of revenue will be duties on imports. What may be necessary to be raised by direct taxation is to be apportioned on the several States, according to the number of their inhabitants; and although Congress may raise the money by their own authority, if necessary, yet that authority need not be exercised if each State will furnish its quota.

In the Massachusetts convention Judge Dana, after urging the necessity of Congress being vested with the power to levy direct taxes, said:

> It was not to be supposed that they would levy such unless the impost and excise should be found insufficient in case of a war.

Clearly indicating that in the mind of that distinguished gentleman the line of division was between imposts and excises and that character of tax upon the one side and direct taxes upon the other.

Mr. Sedgwick, commenting upon the same subject, said:

> Congress would necessarily take that which was easiest to the people; the first would be impost, the next excise, and a direct tax will be the last; for, * * * drawing money from the people by direct taxes being difficult and uncertain, it would be the last source of revenue applied to by a wise legislature.

In his mind, evidently, the impost and excise included the forms of indirect taxation; all others were direct taxes.

Mr. GORE understood the matter in the same way. He speaks of the imposts and excises being sufficient for the purposes of government in times of peace, but in time of war requisitions must be made to supply the deficiencies of this fund.

Mr. Pierce called attention to the fact that gentlemen in different parts of the House had agreed that Congress would not lay direct taxes except in case of war, for that—

> To defray the exigencies of peace the impost and excise would be sufficient; and, as that mode of taxation would be the most expedient and productive, it would undoubtedly be adopted.

He went on to say, however—

> But, Mr. President, if Congress had the power of direct taxes, in the manner prescribed in this section, I fear we shall have that mode of taxation adopted in preference to imposts and excises.

He was evidently against the system of direct taxation entirely, but in his mind the contrast was between imposts and excises, which he regarded as indirect taxes, and all other kinds of taxes, which he regarded as direct taxes.

In the Connecticut convention Oliver Ellsworth discussed the matter at some length. He first discussed the objection to the clause, that it extended to all the objects of taxation.

Gentlemen in that convention had insisted that the power conferred was altogether too broad; that it should have been limited. But Ellsworth pointed out that while the power had been given to Congress to levy taxes upon all subjects of taxation, it did not extend to all exclusively.

It did not say that Congress should have all these sources of revenue and the States none, but that all, excepting the impost, still lay open to the States.

He said that all nations had seen the necessity and propriety of raising a revenue by indirect taxation—by duties upon articles of consumption.

In the New York convention Chancellor Livingston, after discussing the proposed amendment, that no excise should be laid on the manufactures of the United States, said:

> But if you impose upon the Union all the burdens and take from them a principal resource, what will they do when the imposts diminish and the expenses of government increase? Why, they must have recourse to direct taxes; that is, taxes on land and specific duties.

Mr. HEYBURN. What does he mean by that other expression?

Mr. SUTHERLAND. I do not know precisely what he meant, but I am citing it for the purpose of showing that in his mind the direct tax extended to something beyond the tax on land.

Mr. HEYBURN. What does he name it?

Mr. SUTHERLAND. Specific duties, he calls it. I think in all probability he did not use a happy phrase, but evidently he believed that under the Constitution direct taxes were not confined to a land tax, but extended to something else.

Mr. Jay, discussing the proposed amendment, that direct taxes should not be levied until requisitions had first been made, said:

> It ought to be considered that direct taxes were of two kinds, general and specific. With respect to the latter, the objection could not apply. The National Government would, without doubt, usually embrace those objects which were uniform throughout the States.

Not that under the Constitution they were confined to such objects, but that, considering the expediency of the matter, they would carry out the constitutional provisions so as to tax only such objects as were uniform throughout the States.

In the Virginia convention Mr. Madison, answering the objection that 10 men deputed from that State, and others in proportion from other States, would not be able to adjust direct taxes so as to accommodate the various citizens in 13 States, said:

> Could not 10 intelligent men, chosen from 10 districts from this State, lay direct taxes on a few objects in the most judicious manner?

If these direct taxes under the Constitution were confined to land, what need of 10 men to adjust the direct taxes? What need of 10 men to "lay direct taxes on a few objects in the most judicious manner" if direct taxes meant only a tax upon land?

Again, he said:

> There is a proportion to be laid on each State, according to its population—

Now, mark this—

> The most proper articles will be selected in each State. If one article in any State should be deficient, it will be laid on another article.

Again clearly indicating that it was not in his mind that the direct tax was confined to land, but that it would be laid in the various States upon the most proper articles, and if one article should be deficient in any State, it would be laid upon another article.

Mr. HEYBURN. Would the Senator consider an intangible sum to be derived or not to be derived as an income, as an article within the meaning of the suggestion or expression of Mr. Jay?

Mr. SUTHERLAND. Incomes were taxed. Direct taxes were imposed upon incomes in one or two of the States.

Mr. HEYBURN. Would it come within that definition of an article?

Mr. SUTHERLAND. It would come within that term as used by Mr. Madison——

Mr. HEYBURN. I think that Mr. Jay——

Mr. SUTHERLAND (continuing). As used by Mr. Madison in the Virginia convention.

Mr. BORAH. I presume, perhaps, the Senator from Utah is going to reach that subject. I do not know whether he is or not. But does not the argument which the Senator is now pursuing reason as strongly against an inheritance tax as an income tax?

Mr. SUTHERLAND. I think it does not. I think the inheritance tax proceeds upon an entirely different theory. As I undertook to point out the other day, an inheritance tax is not imposed upon property. It is imposed upon the right to succeed. It is imposed upon the devolution of the property. It is imposed in precisely the same way that a stamp duty is imposed upon a deed by which we transfer a piece of land.

Mr. BORAH. Does the Senator contend that the right to inherit property is not an article within the meaning of the phrase?

Mr. SUTHERLAND. I contend that it is not an article within the meaning of that phrase.

Mr. BORAH. Does the Senator contend that the tax on the right to inherit is any more than the tax on the right to receive an income from the property?

Mr. SUTHERLAND. If the Senator does not understand what I mean, I have evidently not expressed myself clearly. I say again, a tax on the right to inherit belongs to one class and a tax upon the income from real estate or personal property belongs to an entirely different class, just as the stamp duty upon a deed belongs to one class and the tax upon the land belongs to another class.

Mr. BORAH. Under the statutes of every State in the Union, a man has a right to inherit. That is fixed by law. It is a substantial right, and they tax that right. Now, what is that when taxing it? Is it an article? Is it a property right? Is it an interest? Is it something you may sell, something you may realize from, or what is it?

Mr. SUTHERLAND. They are taxing the transfer of property from the dead to the living, whether that transfer is accomplished in pursuance of a statute or in pursuance of a will, just as they are taxing the transfer of the real estate in the case of a stamp duty on a deed from the living to the living.

Mr. BORAH. Let me put it in another way. Suppose I should be so fortunate as to have an uncle die and leave me a vast amount of property. I have the right to inherit it. I could go and transfer that right, sell my interest, and the other party could step into my shoes, might he not?

Mr. SUTHERLAND. Will the Senator repeat the last part of his question?

Mr. BORAH. I can transfer my right to take an interest in this property?

Mr. SUTHERLAND. I think so.

Mr. BORAH. Then he wills to me a certain amount of property. May I not transfer that right?

Mr. SUTHERLAND. I will make the supposition. What is the question?

Mr. BORAH. What am I selling? What am I transferring?

Mr. SUTHERLAND. You are selling your property, your inheritance.

Mr. BORAH. And that is what we are taxing.

Mr. SUTHERLAND. No; we are not taxing the property.

Mr. BORAH. But you are taxing the right to inherit.

Mr. SUTHERLAND. I can not put it in plainer language. What is being taxed in that case is the devolution of property, the transfer of property, and not the property itself, and in that case it is an excise and not a direct tax.

Now, I will quote very briefly from what was said by Mr. Marshall, afterwards Chief Justice of the Supreme Court of the United States, upon this subject:

> The objects of direct taxes are well understood; they are but few. What are they? Lands—

Does he stop there? No—

> slaves, stock of all kinds, and a few other articles of domestic property.

He was speaking of the objects of direct taxes in his own State and they were not limited to land there. He was interpreting the meaning of the phrase of the Constitution with reference to a direct tax by calling attention to what was understood to be a direct tax in his own State. That is the only way that it could have been arrived at.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield?

Mr. SUTHERLAND. In just a moment. That is the only way it could have been arrived at, because the National Government in existence prior to the Constitution never had had any power to tax anything. Therefore, there could have been no direct tax under the National Government, and the framers of the Constitution could only have referred to the direct taxes as imposed in the various States.

Mr. HEYBURN. I should like to ask the Senator from Utah, is there anything other than tangible property enumerated by Chief Justice Marshall?

Mr. SUTHERLAND. No; I will answer the Senator.

Mr. HEYBURN. Absolutely nothing.

Mr. SUTHERLAND. It so happened that in Virginia nothing but those classes of property were taxed, but if Mr. Marshall had been speaking in Delaware, he would have included in his enumeration incomes, because the taxes in Delaware were realized from incomes at that time. Mr. Marshall proceeds:

> He—
>
> Referring to a member who had spoken upon the subject—
>
> then spoke of a selection of particular objects by Congress, which he says must necessarily be oppressive; that Congress, for instance, might select taxes, and that all but landholders would escape. Can not Congress regulate the taxes so as to be equal on all parts of the community? Where is the absurdity of having 13 revenues? Will they clash with, or injure, each other? If not, why can not Congress make 13 distinct laws, and impose the taxes on the general objects of taxation in each State, so as that all persons of the society shall pay equally, as they ought?

Mr. HEYBURN. When was that stated?

Mr. SUTHERLAND. It was stated during the debate in the Virginia convention preceding the ratification of the Constitution.

Mr. HEYBURN. That was, of course, on the basis of the Articles, rather than of the Constitution.

Mr. SUTHERLAND. Not at all. It was——

Mr. HEYBURN. That is the practice that had been in vogue under the Articles.

Mr. SUTHERLAND. The Senator is entirely mistaken. The debate was on the question of the ratification of the Constitution.

Mr. HEYBURN. It had not been ratified and we had not yet a Government.

Mr. SUTHERLAND. But they were attempting to ratify it, and Chief Justice Marshall was discussing the meaning of the phrase in the proposed Constitution. That was not the language of some layman, of some irresponsible person, but it was the language of Chief Justice Marshall. He saw no difficulty in imposing a direct tax upon one class of articles in one State and a different class of articles in another State, and clearly in his mind the direct tax was not confined to a land tax.

Mr. McCUMBER. Will the Senator read the statement again?

Mr. SUTHERLAND. The Senator from North Dakota asks me to read the statement again.

> He—
>
> Referring to a member who had spoken upon the subject—
>
> then spoke of a selection of particular objects by Congress, which he says must necessarily be oppressive; that Congress, for instance, might select taxes, and that all but landholders would escape.

That is, that Congress might select to impose the direct tax only upon land, and in that event all but the landholders would escape. But answering that objection Mr. Marshall said:

> Can not Congress regulate the taxes so as to be equal on all parts of the community? Where is the absurdity of having 13 revenues? Will they clash with, or injure, each other? If not, why can not Congress make 13 distinct laws, and impose the taxes on the general objects of taxation in each State, so as that all persons of the society shall pay equally, as they ought?

Can there be any mistake as to the understanding of Chief Justice Marshall in reference to this phrase in the Constitution? Can there be any doubt that Chief Justice Marshall understood that the term "direct taxes" in the Constitution did not only include land taxes, but included the great variety of subjects of taxation in the various States which were to compose the Union? Mr. Nicholas said:

> Nine-tenths of the revenue of Great Britain and France are raised by indirect taxes; and were they raised by direct taxes they would be exceedingly oppressive. At present the reverse of this proposition holds in this country, for very little is raised by indirect taxes.

Revenue was raised, as he says, in the main, with what apparently in his mind was an immaterial exception, by the imposition of a direct tax, yet we find in all these various States that not only lands, but horses, cattle, stock, and various other objects were the subjects of taxation by the States.

Mr. Nicholas then discusses the objection——

Mr. HEYBURN. I should like to ask the Senator, Did the United States ever under any circumstances levy a tax upon horses and cattle and stock?

Mr. SUTHERLAND. No.

Mr. HEYBURN. Then that reference is to the power of the State and not of the United States.

Mr. SUTHERLAND. I will come to that in a moment. I think I shall be able to show the Senator that Congress has not imposed direct taxes upon that class of articles, not because Congress recognized that it had no power to do it, but because Congress recognized that it was inexpedient to do it.

He then discusses the objection that the General Government ought not to impose direct taxes, because its Members would not be acquainted with the local situation of the people. He answers this by saying that they can get information from every source from which the state representatives get theirs, so as to enable them to impose taxes judiciously, and that the consequence of laying taxes on improper objects would be to decrease the amount collected.

An examination of all the debates from beginning to end, I submit, will show that the members of these various state conventions, called for the purpose of ratifying the Constitution, called for the purpose of debating the meaning of the various phrases in the Constitution, held that the term "direct taxes" included not only taxes upon land but taxes upon all this great variety of objects in the various States.

Luther Martin, in a most elaborate discussion of this subject before the Maryland house of delegates, uses the language which I shall read, and it is so clear and apposite upon this

question that I desire to quote from it upon that particular subject at some length. He said:

By the eighth section of this article Congress is to have power to lay and collect taxes, duties, imposts, and excises. When we met in convention, after our adjournment, to receive the report of the committee of detail, the members of that committee were requested to inform us what powers were meant to be vested in Congress by the word "duties" in this section, since the word "imposts" extended to duties on goods imported, and by another part of the system no duties on exports were to be laid. In answer to this inquiry we were informed that it was meant to give the General Government the power of laying stamp duties on paper, parchment, and vellum. We then proposed to have the power inserted in express words, lest disputes might hereafter arise on the subject, and that the meaning might be understood by all who were to be affected by it; but to this it was objected, because it was said that the word "stamp" would probably sound odiously in the ears of many of the inhabitants and be a cause of objection. By the power of imposing stamp duties the Congress will have a right to declare that no wills, deeds, or other instruments of writing shall be good and valid without being stamped; that, without being reduced to writing, and being stamped, no bargain, sale, transfer of property, or contract of any kind or nature whatsoever shall be binding; and also that no exemplification of records, depositions, or probates of any kind shall be received in evidence unless they have the same solemnity. They may likewise oblige all proceedings of a judicial nature to be stamped to give them effect. These stamp duties may be imposed to any amount they please; and under the pretense of securing the collections of these duties, and to prevent the laws which imposed them from being evaded, the Congress may bring the decision of all questions relating to the conveyance, disposition, and rights of property, and every question relating to contracts between man and man, into the courts of the General Government—their inferior courts in the first instance and the superior court by appeal. By the power to lay and collect imposts they may impose duties on any or every article of commerce imported into these States to what amount they please. By the power to lay excises—a power very odious in its nature, since it authorizes officers to go into your houses, your kitchens, your cellars, and to examine into your private concerns—the Congress may impose duties on every article of use or consumption, on the food that we eat, on the liquors that we drink, on the clothes that we wear, the glass which enlightens our houses, or the hearths necessary for our warmth and comfort. By the power to lay and collect taxes——

Now, observe the language:

By the power to lay and collect taxes, they may proceed to—

To what?—

they may proceed to direct taxation on every individual, either by a capitation tax on their heads or an assessment on—

On what? Not upon their lands, not upon their houses, not upon their buildings, but an assessment—

on their property. By this part of the section, therefore, the Government has power to lay what duties they please on goods imported; to lay what duties they please, afterwards, on whatever we use or consume; to impose stamp duties to what amount they please and in whatever case they please; afterwards, to impose on the people direct taxes, by capitation tax or by assessment, to what amount they choose.

Mr. HEYBURN. On their property?

Mr. SUTHERLAND. On their property.

Mr. HEYBURN. Now, I should like to inquire if the Senator believes that incomes were intended to be included within the property as there referred to?

Mr. SUTHERLAND. Mr. President, the whole purpose of the discussion I am now engaging in is to demonstrate, or attempt to demonstrate, that precisely what I do claim is that incomes were included within that term.

Mr. HEYBURN. I want to say that I am one of those who believe it is within the power of Congress to enact an income-tax law, but I am not in favor of exercising that power. I make this statement so that there may be no misunderstanding.

Mr. SUTHERLAND. I am sorry that the Senator from Idaho differs with me upon that question, because I have a very high regard for his opinion upon a legal proposition.

It is perfectly clear that Mr. Martin understood indirect taxes to be included within the terms "duties, imposts, and excises;" that he further understood that *duties* were to be confined to stamp taxes, *imposts* to duties on imports, *excises* to taxes upon articles of use or consumption, and that all *taxes outside of these* were *direct* taxes on lands or on other property, because he says, and let me repeat a sentence:

By the power to lay and collect taxes, they may proceed to *direct* taxation on every individual by an assessment on their property.

Showing that in his mind the term "taxes" as used in that clause was equivalent to the words "direct taxes" used in other parts of the Constitution.

In several of the States where the question of the ratification of the Constitution was considered, resolutions were introduced proposing to amend the Constitution so that Congress should not lay direct taxes except when the moneys arising from imposts and excises are insufficient for the public exigencies.

Clearly there was a case which did not depend upon the spoken word which is sometimes uttered without much reflection, but they proposed by a solemn written resolution to amend the Constitution so as to confine the laying of direct taxes to cases where the imposts and excises were insufficient. Is there any doubt that in the minds of the members of the conventions which framed that proposed amendment the words "imposts and excises," and in one State the word "duties" was added, were used as the very antithesis of direct taxes, including in the form of indirect taxes those three things, and in the form of direct taxes everything else?

That was the form of resolution in Massachusetts and that was the form of resolution in New York. In South Carolina the language was "that the direct tax should be only imposed when the moneys arising from duties, imposts, and excises," using the very language of the Constitution, "were insufficient." In New Hampshire the language was that "direct taxes should be only laid when the moneys arising from imposts, excises, and from other resources are insufficient for the public exigencies."

And so it is perfectly clear, as it seems to me, that in the minds of the members of these conventions the words "direct taxes" included all forms of taxation that were not included within the three expressions, "duties," "imposts," and "excises."

The object of the whole of the provisions of the Constitution with reference to the subject of direct taxation was to protect the accumulated capital of the citizens of the various States against the inroads of a majority of the representatives. They recognized, as the Supreme Court has repeatedly recognized and pointed out, that the power to tax is the power to destroy, and they did not propose that a majority of the representatives should impose taxes upon the citizens of a particular State or group of States in such way as to make it unfair or so as to destroy property in the States.

LEGISLATIVE CONSTRUCTION.

Now, I come to the question of the legislative or practical construction. Not only is much stress laid upon that particular matter by the Senator from Texas [Mr. BAILEY] and the Senator from Idaho [Mr. BORAH], but much stress has been laid upon it by the Supreme Court in some of the cases. It is pointed out, in the first place, with reference to the carriage tax, that Congress in the early part of its history imposed a tax upon carriages which were used or hired for use, and thereby recognized that it was not a direct tax. Then attention is called to the fact, which is a fact——

Mr. BEVERIDGE. The carriage tax was held to be an excise.

Mr. SUTHERLAND. Yes; the carriage tax was held to be an excise. I will discuss that in a moment. It is true that in all of the laws which have been passed by Congress levying direct taxes they have been limited to lands, houses, and improvements, except in one case where it was extended to slaves. It is argued from that that that amounts to a practical construction of that provision of the Constitution by Congress. If it stood alone and we had nothing else but that, there would be much force in that suggestion, but when we come to consider the history which led up to the adoption of these various laws we find that Congress in limiting its direct taxes to lands and houses and the improvements on land was doing it not because it recognized that that was the limit of its power, but because it recognized that it was not expedient to extend the taxes to any other objects.

THE CARRIAGE TAX.

First of all, let me discuss very briefly the carriage tax. It was clearly understood, as will be seen by the debates, that the tax on carriages was a tax on the use or consumption and not upon the property itself. Let me call attention very briefly to what Mr. Sedgwick said upon that subject. I quote the language which is reported in the Pollock case (157 U. S., 568).

Mr. Sedgwick said, when the proposition was first presented, that:

A capitation tax, and taxes on land and on property and income generally, were direct charges.

Now, notice the language. These are the debates in Congress leading up to the adoption of the carriage tax:

A capitation tax, and taxes on land and on property and income generally, were direct charges, as well in the immediate as ultimate sources of contribution. He had considered those, and those only, as direct taxes in their operation and effects. On the other hand, a tax imposed on a specific article of personal property, and particularly if objects of luxury, as in the case under consideration, he had never supposed had been considered a direct tax, within the meaning of the Constitution.

Mr. Dexter observed that his colleague had stated the meaning of direct taxes to be a capitation tax, or a general tax on all the taxable property of the citizens; and that a gentleman from Virginia [Mr. Nicholas] thought the meaning was that all taxes are direct which are paid by the citizen without being recompensed by the consumer; but that where the tax was only advanced and repaid by the consumer the tax was indirect. He thought that both opinions were just and not inconsistent, though the gentlemen had differed about them. He thought that a general tax on all taxable property was a direct tax, because it was paid without being recompensed by the consumer.

Afterwards, when the bill was put upon its passage in the House, the following occurred, and this is all that did occur, so far as the debate is concerned, when the bill was finally passed.

On May 29, 1794—and I quote directly from the Annals of Congress—this appears:

Mr. Madison objected to this tax on carriages as an unconstitutional tax, and, as an unconstitutional measure, he would vote against it.
Mr. Ames said—

Now, mark you, Mr. Madison and Mr. Ames upon the final debate are the only ones who spoke upon the question, one representing one side of it and the other the other side of it—

Mr. Ames said that it was not to be wondered at if he, coming from so different a part of the country, should have a different idea of this tax from the gentleman who spoke last. In Massachusetts this tax had been long known; and there it was called an excise. It was difficult to define whether a tax is direct or not. He had satisfied himself that this was not so—

Now mark—

The duty falls not on the possession, but the use.

Mr. BEVERIDGE. Mr. Ames thought that if it had been a direct tax he also would have been against it, but he was for it because he did not think it was a direct tax but an excise, as it was so considered in Massachusetts. Is that correct?

Mr. SUTHERLAND. That is correct. He understood that it was not a direct tax, because the duty fell not upon the possession, but upon the use. He went on to say:

And it is very easy to insert a clause to that purpose which will satisfy the gentleman himself. Mr. Madison had said that the introduction of this tax would break down one of the safeguards of the Constitution. Mr. A. really saw very little danger to the Constitution from it.

Now, the law, in terms, imposes a tax upon carriages kept for use by the owner or kept by the owner for hire to others. I am not quoting precisely the language, but that, in substance, is the language. Therefore it is not a tax directly upon the property, but it is a tax, when reduced to the last analysis, upon the use, upon the consumption.

Mr. BAILEY. Will the Senator from Utah permit an interruption?

Mr. SUTHERLAND. Certainly.

Mr. BAILEY. I think when the Senator examines that statute he will find that those are merely terms of description, and that the tax is upon the carriages described and not upon the use. If I had any doubt about that, that doubt would be solved to my mind by the circumstance that the man who kept a carriage for his own use, though he might not use it in a year, would pay precisely the same tax as a man who kept a carriage and used it every day. In other words, the owner of a carriage who might be abroad or away from home at any given place, and might not have used it once within the twelve months, yet would be compelled to pay the tax the same as another owner who used his carriage every day. That being true, it does not seem possible to conclude that the tax is on the use instead of on the article, because in the cases I have instanced it would not be used in one case, and it would be used daily in the other, and yet the tax would be still the same. It seems to me that the terms of the statute are merely a description of the carriage.

Mr. SUTHERLAND. And so, Mr. President, if any individual who would buy a bottle of whisky had self-control enough not to make use of it for a year, he would pay in the price the excise tax precisely the same as if he had used it in a single day.

Mr. BAILEY. Therefore the excise tax is not on the use of the whisky; it is on the whisky itself. The man who sells it pays an occupation tax, but the man who uses it pays no occupation tax, and the only tax that he pays is on the article. The Senator's illustration is unfortunate for his argument, it seems to me.

Mr. SUTHERLAND. The tax is upon the consumable commodity. It is not upon it as a property, but it is upon it because it is an article of consumption.

Mr. BAILEY. Let us apply the Senator's own illustration. There is an excise occupation tax. Every man who sells whisky in this Republic is required to obtain from the General Government a license, and for that he pays, I believe, the sum of $25; but the sum is immaterial. Then, in addition to that, every man who manufactures whisky has to pay a tax on the article itself. The one is an occupation tax, pure and simple; that is, the revenue license that is issued and paid for. The other is a tax upon the article. One is plainly an excise or an occupation tax, and the other is plainly a tax on the article itself.

Mr. SUTHERLAND. What does the Senator from Texas think Mr. Ames meant when he said, answering the objection of Mr. Madison?—

The duty falls not on the possession, but the use.

Mr. BAILEY. I think Mr. Ames was mistaken, just like I have heard other men in both Houses of Congress quite equal to Mr. Ames explain pending bills, with mistakes sometimes grosser than that. Mr. Ames did not satisfy Mr. Madison with that explanation, and consequently his invention did not serve its purpose. Mr. Madison voted against that law. Mr. Madison followed it from Congress into the public prints, and afterwards into the courts, and attacked it.

Mr. SUTHERLAND. I think, on reflection, Mr. Madison did agree with Mr. Ames, because when Mr. Madison was President of the United States he approved an act almost in identical terms.

Mr. BAILEY. That was because the court had in the mean time decided that Mr. Madison was wrong, and Mr. Madison acquiesced. I use the word "acquiesced" advisedly. Mr. Madison never did adopt the opinion of the court, but he acquiesced in it.

Mr. SUTHERLAND. I think, Mr. President, when we come to consider the circumstance that Mr. Madison was regarded evidently as the spokesman upon that side which declared the statute unconstitutional—for no one else spoke upon that side, but others voted with him—and that Mr. Ames must be regarded as the spokesman for the opposite view—for the majority voted with Mr. Ames and said nothing—it may be well concluded that Mr. Ames spoke the opinion of the majority of the House of Representatives upon that question when he said:

The duty falls not on the possession, but the use.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SUTHERLAND. Certainly.

Mr. BEVERIDGE. This might be pointed out, that whether Mr. Ames was right or wrong, he fortified his opinion by saying that this was the way the tax was understood in Massachusetts, where it had been known for a long time, and he gave the opinion of the State which had employed this method of taxation. It was not his opinion only, but the opinion of the people who had used it. Is that correct?

Mr. SUTHERLAND. That is correct. In addition to that, Mr. Hamilton, in a brief made in the Hylton case in regard to this very tax, called attention to the fact that in England this sort of tax was regarded as an excise tax, while in England, not at that time but later on, an income tax was regarded as a direct tax.

The other question which is suggested here is, that Congress has given a practical construction to this provision of the Constitution.

Mr. BAILEY. Mr. President, will the Senator permit me just there, before he goes further, to make a suggestion?

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Texas?

Mr. SUTHERLAND. I do.

Mr. BAILEY. A final and a sufficient answer to Mr. Ames's explanation is, that when that very law reached the Supreme Court of the United States, although it was elaborately argued and considered from every point of view, there was not a justice there who adopted the suggestion of Mr. Ames. Not one of them construed the law as a tax upon the use of carriages. Judge Chase, it is true, in arguing as to the character of the tax, said it might be considered as a tax on expense, but the court plainly indicated that they understood the difference between a tax upon use or a tax upon occupation and a tax on the property itself. All of the judges in that case treated it as a tax on the identical article of property as such, in so many terms, but in classifying it as to whether it would be an excise or a duty or a tax, whether direct or indirect, Judge Chase, who delivered probably the most elaborate opinion in the case, did describe it as falling within a tax on expense, and not on the use of the carriage.

Mr. SUTHERLAND. Two of the judges—Justice Chase, and I have forgotten now whether the other was Paterson or Iredell—agreed in the view that it was a tax upon expense, and maintainable as such. They seem to imply—because they quote from Adam Smith upon that subject—that if it had been a tax upon revenue, which is another name for income, applied to income, they would not have sustained it, because they quoted from Adam Smith, who sharply distinguishes between a tax upon revenue which he describes as a direct tax, and a tax upon expense, which is an indirect tax.

Mr. BAILEY. The Senator from Utah, who is usually very accurate, will find himself mistaken when he says that anybody else in that case expressed the opinion that this was a tax on expense. I think it was Justice Paterson who closed what he called his "discourse"—rather a peculiar way to describe a judicial opinion, but a very proper way to describe some modern ones, I should say—he concluded his discourse, as he describes it, by that quotation from Adam Smith. I do not say positively, for those matters are not very material and escape the most attentive of us, but still I think the Senator from Utah will find

upon reference to the case that Justice Chase was the only one who undertook to classify it as a tax upon expense.

Mr. SUTHERLAND. Mr. President, I think the Senator from Texas, and not myself, is mistaken upon that matter. Justice Chase, in the course of his opinion, uses this language:

* * * It seems to me that a tax on expense is an indirect tax, and I think an annual tax on a carriage for the conveyance of persons is of that kind, because a carriage is a consumable commodity, and such annual tax on it is on the expense of the owner.

Mr. Justice Paterson said—and he is the other judge whom I have in mind:

The impossibility of taxing people in proportion to their *revenue*, by any capitation, seems to have given occasion to the invention of taxes upon consumable commodities; the State, not knowing how to tax directly and proportionately—

He quotes from Adam Smith—

the *revenue* of its subjects, endeavors to tax it indirectly by taxing their *expense*, which it is supposed in most cases will be nearly in proportion to their revenue. Their expense is taxed by taxing the consumable commodities upon which it is laid out.

So both of the justices concur in the view that this is a tax upon expense.

Mr. BAILEY. The justices did not concur in saying that the particular tax under consideration was a tax on the use of the carriage. Neither of them said that. Justice Chase did treat it as a tax on expense, but Justice Paterson simply was classifying it——

Mr. SUTHERLAND. But they both say that a carriage is a consumable thing; and that being so, the tax upon that consumable thing is a tax upon expense. How would they otherwise tax the use of a thing?

Mr. BAILEY. Now let us reverse it. Then, it can not be a tax on its use.

Mr. SUTHERLAND. Why?

Mr. BAILEY. Because very plainly the tax on the use of a carriage would be from day to day a tax on something consumed—consumed at once, consumed in the use, and the single use of it, as food. A tax on that would be permissible, but it would not be a tax on the use of it.

Mr. SUTHERLAND. The Senator will not insist that consumable commodities are only those which can be consumed at once?

Mr. BAILEY. Oh, no. The Senator does not contend anything of that kind. The Senator is only contending that a description which includes them can not be accurate for the purpose which the Senator has in hand; in other words, a carriage is a consumable commodity, it is true, but the consumption might extend over a period of five or ten years.

Mr. SUTHERLAND. How is it consumed? By the use, of course.

Mr. BAILEY. No; but by the wear and tear. A carriage will last longer when used every day than it will if stood up in a carriage house and not used at all.

Mr. SUTHERLAND. Then it is not consumed. It wears itself out.

Mr. BAILEY. It wears and rusts.

Mr. SUTHERLAND. We do not speak of anything which has been laid away and left alone and left to rust as having been consumed by any person.

Mr. BAILEY. No; but it is consumed, and that kind of a carriage would have paid the tax under the act in question in the Hylton case precisely as would a carriage that had been used every day. Therefore the tax could not have been on the use, but it was on the possession.

Mr. SUTHERLAND. The Senator from Texas certainly would not insist that an article of food which had been laid away and permitted to spoil had been consumed. Neither has a carriage that is laid away and permitted to wear out in that way been consumed.

Mr. BAILEY. The Senator from Utah confirms my argument.

Mr. SUTHERLAND. When we speak of a carriage having been consumed, or other things having been consumed, we mean they have been consumed by use.

Mr. BAILEY. The Senator confirms my argument, if he will permit me. Take the case of food tainted or diseased, and not used at all, and yet it is subject to a tax. You pay the tax just the same whether you throw it to the dogs or feed it to people.

Mr. SUTHERLAND. But because——

Mr. BAILEY. Not because it may be used. Under my argument that would be true; but under the Senator's argument it would be because it was used; in other words, the Senator says that carriage tax was on the use of the carriage, and I say it was on the possession of the carriage, because the tax was levied on a carriage possessed and not used, precisely as on a carriage possessed and used, and the terms of the statute are merely descriptive. They describe the carriage subject to the tax and not the use.

Mr. SUTHERLAND. The Senator from Texas is always so plausible in what he says that I am never quite certain whether he has convinced my intellect or only stirred my emotions, but it seems to me that when the justices of the Supreme Court say that a carriage is a consumable thing, and that the tax is on the expense of the owner, it is not different when analyzed from their having said that it was a tax upon the use of the carriage. I am unable to see the distinction; and either the Senator from Texas or myself is refining overmuch upon the question. I will not undertake to say which.

THE STATUTES IMPOSING DIRECT TAXES.

Now I come to the second branch of this question, the practical construction of the constitutional provision. It is true, as I have said, that by various acts of Congress which have been passed, beginning in 1796, up to and including 1864 or 1865, Congress has always levied these direct taxes upon lands, houses, and improvements. Therefore it is argued by the Senator from Texas and others who agree with him that Congress by that in effect has said that it had no power to impose taxes upon anything else except those objects. I think I fairly state the proposition. That might lead to this conclusion, which is, of course, an extreme one: If Congress had not levied a direct tax at all according to that sort of reasoning it would be a construction upon the part of Congress that it had no power to levy a direct tax upon any article. Certainly that conclusion can not be justly arrived at. I submit when we come to consider the history surrounding the adoption of this first law—and all the other laws were founded upon it—it is found beyond question that Congress confined its direct taxes to this class of property because it recognized that it was expedient to do so, not because it recognized that it had no power to do otherwise. On April 1, 1796, the House having under consideration a resolution calling on the Secretary of the Treasury to formulate a system for direct taxation, Mr. Williams, after expressing his wish to see a plan brought forth by the Secretary, although such tax should be resorted to only in time of war or necessity, said:

If the tax be indirect, it will be optional with them—

And the context shows that he was speaking of the farmers—

whether they pay it or not, in times of scarcity, and when their crops return they will purchase a larger quantity, and by that means pay a double tax.

His opinion clearly was that an indirect tax is one imposed upon consumption. He proceeds:

Indirect taxes are paid at the option of the consumer, and those taxes operate as a spur to industry, as well as an encouragement to their own manufactories.

Mr. Gallatin, during the course of the debate upon this resolution, said:

By the present resolution the Secretary of the Treasury is ordered to make out such a plan of direct taxation as shall be agreeable to the laws of the different States.

Let me stop there to say that this resolution which was introduced and afterwards passed called upon the Secretary of the Treasury to present a plan for imposing direct taxes agreeable to the laws of the different States. If Congress had been following the dictum in the Hylton case, a direct tax would have been limited to lands, and they would not have submitted to Mr. Gallatin a request to formulate a plan for putting taxes upon the objects which were taxed in the various States. They would have simply followed that dictum and themselves at once imposed taxes upon the articles which had been mentioned by the Supreme Court.

Mr. Gallatin pointed out that the proper objects of direct taxation, in his opinion, were visible, and especially—not alone, but especially—real property; that he thought the only way to tax invisible property was in an indirect way, because of the impossibility of valuing it; and yet his argument concedes that even invisible property may be taxed in a direct way.

Yet in the Eastern States—

He goes on to say—

Yet in the Eastern States they taxed in a direct way real and personal, visible and invisible, known or supposed property, and it was a question with him whether that was not the chief cause of the prejudices which existed against direct taxation in those States.

Mr. Gallatin thought it would be better if the committee had reported—I call your attention to this—for a tax on *houses and land*, which might be raised without difficulty, instead of the *present plan* to be applied to the laws of the different States and to embrace the defects of all.

That was nearly two years after the decision in the Hylton case. Had it been understood that the dictum in the Hylton case to the effect that direct taxes should be confined to land

taxes was controlling, would not Mr. Gallatin or somebody have said, "Gentlemen, there is no use considering this question; the Supreme Court has decided that the tax must be confined to land." But, instead of doing that, Mr. Gallatin said that he was sorry that the committee had not reported for a tax on houses and lands, which might be raised without difficulty, instead of the present plan. If he believed that the Hylton case was controlling, would he not have said that the committee should have reported for that plan, not because it was the convenient one, but because the Supreme Court of the United States had decided that it was the only one?

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. BORAH. The Senator from Utah, of course, will remember that Mr. Gallatin was one of the men who insisted that the difference between direct and indirect taxation was the distinction which was made by Adam Smith, that it could be shifted.

Mr. SUTHERLAND. Yes; I will come to that in a moment.

Mr. BORAH. The Senator from Utah knows that the Supreme Court has rejected that doctrine.

Mr. SUTHERLAND. I am not so certain about that. When I come to discuss the decision of the Supreme Court, I am not at all certain that I shall agree with the Senator upon that proposition.

The resolution was finally adopted to report a—

> Plan for laying and collecting direct taxes, by apportionment among the several States, agreeably to the rule prescribed by the Constitution, adapting the same—

Now mark this—

> as nearly as may be to such objects of direct taxation and such modes of collection as may appear, by the laws and practices of the States, respectively, to be most eligible in each.

The original draft of the resolution left out the words "as nearly as may be," so that it read that it should be "adapted to such objects of direct taxation as were most eligible in each State."

But it was recognized, as the debates show, that perhaps that was unwisely tying the Secretary of the Treasury to a hard and fast rule and that he should be given some leeway, and so the words "as nearly as may be" were inserted, leaving him to select from these various objects some of them if he saw fit.

On December 14, 1796, the Secretary of the Treasury, Mr. Oliver Wolcott, jr., transmitted, in response to this resolution, a most elaborate report. He first discusses the revenue necessary to be raised, and he suggests that a direct tax amounting to $1,484,000 shall be imposed. Then he proceeds to give the amount which shall be apportioned to each State in detail. Then he takes up and reviews at great length the taxing laws of the various States and quotes, not in precise terms, but in substance, all the various state laws with respect to the subject of taxation and the modes of taxation. A review of these various laws shows that the systems in force in the various States were utterly different both as regards the objects of taxation and the methods of imposing the tax.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield further to the Senator from Idaho?

Mr. SUTHERLAND. Yes.

Mr. BORAH. Before the Senator from Utah leaves that subject, do I understand the Senator contends that Congress did levy direct taxes on other property than that of land?

Mr. SUTHERLAND. I do not. I have already said that Congress, in all of these laws which have been passed upon that subject, has confined indirect taxes to lands and buildings and the improvements upon land.

Mr. BORAH. Then, whatever the argument of Mr. Gallatin and those other men might have been individually, Congress accepted what the Senator calls "the dictum in the Hylton case."

Mr. SUTHERLAND. No; the Senator misconceives entirely what I have said. What I say is that Congress did not follow the Hylton case at all, the dictum of which was that Congress had no power to levy any other direct tax except upon lands and houses and improvements. Congress expressly recognized by this resolution that it had the power to impose direct taxes upon all the things that were taxed in the various States, and it requested the Secretary of the Treasury to report a plan of direct taxation which should be, in the language of the resolution, "adapted as nearly as may be to such objects of direct taxation as are most eligible in the various States," recognizing——

Mr. BORAH. Mr. President——

Mr. SUTHERLAND. If the Senator will pardon me—clearly recognizing the power to impose direct taxes upon other objects, but, as I shall show the Senator in a moment, the Secretary of the Treasury reported that it was inexpedient to impose direct taxes upon any other objects except land, and pointed out the reasons why the Congress, as a matter of expediency, and not as a matter of power, should impose the taxes upon land.

Mr. BORAH. But the fact remains that, whether the Congress considered it expedient or not, Congress never exercised the power contrary to the dictum, as the Senator calls it, in the Hylton case.

Mr. SUTHERLAND. I have already said so.

Mr. BORAH. And never has in its history?

Mr. SUTHERLAND. Never has in its history.

Mr. BORAH. So expediency has become almost synonymous with power.

Mr. SUTHERLAND. It has been recognized that the opinion of the first Congress regarding the inexpediency of levying a tax upon any other articles was sound; and it has been followed. That is all. Now, let me call attention very briefly to the various things which were the subject of taxation in the States, as shown by this very elaborate report which I have upon my desk. First, there were capitation taxes, which were imposed in Vermont, New Hampshire, Massachusetts, Rhode Island, Connecticut, North Carolina, and Georgia. Second, taxes on horses and cattle, with certain exceptions, in Vermont, New Hampshire, Massachusetts, Connecticut, New Jersey, Pennsylvania, and Kentucky. In Virginia horses alone were taxed. All the stock of farms was included in Rhode Island, New York, Delaware, and Maryland. In all the other States no part of the stock on farms was subject to taxation. Third, taxes were imposed on the mass of real and personal property, with certain exceptions, in Rhode Island, New York, Delaware, and Maryland. In the other States specific objects were designated. Fourth, land was taxed in all the States except Vermont and Delaware.

I call especial attention to the fact that lands in all the States except Vermont and Delaware—and it was pointed out that in the case of the latter State they were about to adopt a tax upon lands, leaving only Vermont out—that lands were taxed in all the States, with this exception, and that they were taxed in a variety of ways in the different States. In Massachusetts and New Hampshire they were taxed according to the produce or supposed annual rent or profit. Fifth, stock employed in trade and manufactures, and money loaned were taxed in some States, but not in all. Sixth, assessments at discretion on supposed property or income of individuals were permitted in various degrees, and under different modifications, in some States. In Delaware, for example, the tax is imposed upon the estimated annual income, without reference to specific objects.

The Secretary of the Treasury then proceeded to lay down the plans which may be considered, as follows:

First. Declaring quotas of different States, fixing time for payment, and prescribing in case of delinquency assessment and collection upon the same objects of taxation and under the same rules by which the last taxes are assessed and collected by the respective States.

He dismisses that plan at once, because he points out that that simply undertakes to put in operation the plan of requisitions which had been an utter failure under the Confederation. The second plan was: Assessment and collection under authority of the United States upon the same objects and under the rules by which taxes were collected in the respective States.

The third plan was: Defining certain objects of taxation and principles of assessment, according to which taxes should be assessed, to be collected under uniform regulations.

These two propositions he considers at length. Let us inquire, then, for a moment, what they are. First, a plan which will impose the taxes upon all the various objects which are taxed in the various States of the Union, which, as I have already shown, includes land, houses, the improvements of real estate, horses, cattle, the mass of personal property, and incomes, resulting from whatever source they may. That is the first plan which he proposed. Next, he proposed a plan which would collect out of these various things which were the subject of taxation in the States some articles which are most eligible for taxation, not imposing the tax upon all the articles, but upon some of them. He said:

> It appears from the account already given of the fiscal systems of the several States that in many instances they have been long established; that in general they are well approved by the people; that habit has rendered an acquiescence under the rules they impose familiar. A presumption in favor of their intrinsic merit arises from their having been enacted by legislatures possessed of a minute and particular knowledge of the circumstances and interests of the respective States; and it may be conceded that so far as the principles of the state systems can

with propriety be adopted by Congress, the hazards of new experiments and the delays incident to the organization of a new plan will be avoided.

He then proceeded to point out objections to this method which arise from the variety and the lack of harmony in the objects taxed by the various States. He says:

If an article is taxed in one State and is entirely exempted or differently taxed in another State, the action of the tax upon the same subject must be different in these different situations; in the State in which the article is taxed it must suffer not only from the new and disadvantageous relation in which it will be placed in respect to other branches of industry, but it must also suffer from competitions of industry similarly employed in other States.

After discussing that phase of it most exhaustively, he concludes:

The Secretary presumes that it has been evinced that there are weighty, if not insuperable, objections against an adoption of the state systems by the United States; the more difficult task of proposing a plan not attended with difficulties of equal or greater magnitude remains to be attempted. To this end, a review of the principal taxes collected in the several States appears to be necessary.

Then he goes on and reviews the various objects of taxation, and among them he points out capitation taxes, taxes on stock and produce of farms, taxes on stock employed in trade and manufactures, and money loaned at interest, taxes on profits resulting from certain employments, and taxes on land, as to which he observes:

A direct tax, in the sense of the Constitution, must necessarily include a tax on lands; it therefore only remains to determine on a mode of assessment, of which the principles shall be, as nearly as possible, certain, uniform, and equal.

He then goes over the various methods of imposing the tax upon land in the various States. He dismisses a tax on quantities as being manifestly unequal. He says that in some States taxes are imposed proportionate to the annual income or rent, but he thinks this does not afford as correct a standard as taxes proportioned to value; that is, the amount for which lands will sell.

And he concludes, finally, his review of the subject, as follows:

It does not appear expedient that the proposed direct tax should be extended to any other objects than have been mentioned. These are as follows:

First. Lands which it is proposed should be taxed ad valorem, but under limitations, to be prescribed by law, in respect to the estimated value of unincloased and unimproved lands, in districts to be defined.

Second. Houses exceeding in value those most generally occupied by farmers and laborers; which are proposed to be distributed, in each of the States, into three classes, with reference to their value; to be taxed uniformly in each class, at specific rates, to be prescribed by law.

Third. Slaves in general, or of such descriptions as shall be determined by law, to be taxed at one uniform rate.

The plan, which was suggested by the Secretary, was accepted by the Committee on Ways and Means, and that committee reported a resolution substantially approving the plan.

Let me pause for a moment to call attention to the significance of this situation. The Hylton case had been decided. Undoubtedly the Congress was familiar with that case. But instead of following its dictum on the subject of what constitutes a direct tax as a matter of course, when they came to consider the question of formulating a plan for direct taxation they submitted the question to the Secretary of the Treasury, who was to report a plan of direct taxation adapted as nearly as might be to the objects of taxation in the various States.

If there can be a clearer repudiation of the dictum of the Supreme Court in the Hylton case, I am unable to see it. Instead of following it, they repudiated it. Instead of accepting the dictum of the Supreme Court, they set it aside and called upon the Secretary of the Treasury to report to them, not a plan in accordance with that laid down by the Supreme Court, but a plan of taxation entirely different from that laid down in the dictum of the Supreme Court.

Speaking of this plan in the Congress, Mr. Harper, in discussing the advisability of direct or indirect taxes, said:

The whole question was: Which way will be the most convenient to draw the sum wanted from them—

Meaning as between direct taxes and indirect taxes—

whether by a circuitous or indirect mode or by a direct and positive method?

Mr. Henderson, a Member of the House, speaking against direct taxation, said:

The drawing of revenue by coercion from our citizens appears to me one of the most delicate and difficult subjects that Government can engage in.

Mr. Varnum discussed the comparative advantages of direct and indirect taxation, saying that he thought additional sums needed ought to be raised by duties on imposts and excises, this being a method of taxation with which they were acquainted and which experience had taught them the operation of under this Government. He then proceeded:

But such is the variegated interest of the United States, and such their diversified method of levying and collecting direct taxes, that no uniform system of direct taxation can be devised which will apply to the custom of any two of the States; and unless you adopt the rules of some one of the States, your system will be diverse from any one which has ever been practiced upon in any part of this Union. But if you adopt the method which has been prescribed by any one of the state governments, and which may probably be very properly adopted, to suit the circumstances and conciliate the feelings of the people of such State, even in that case you will have the prevailing opinion of the people in 15 States out of 16 directly opposed to your system. And this opinion having been acquired from long experience of the operation of direct taxes (which most of the States have of necessity constant resort to for the support of their state governments and for discharging the debts contracted in the late war with Great Britain), and which, being founded on social circumstances, habits, and attachments, are very hard to be eradicated, will very much retard the operation of the system, if not render it entirely impracticable.

He then discusses the Secretary's report and the three modes therein set forth. He differs with the Secretary respecting his conclusion that the third mode is preferable, because it destroys the equality of taxation and saddles the farmers with an undue burden. He says:

And shall a system of direct taxation be adopted under the Government, which the people have formed upon the principle of equal liberty, which will oblige the industrious farmer to pay a land tax and a tax on his building—which in most instances includes nineteen-twentieths of his property—and all the money holders, holders of all other kinds of property, and those who, from profession or emolument derived from the operation of our Government, are living in affluence be exonerated from any part of the burden, except a small pittance for the houses they live in? * * *

* * * If a direct tax should ever become necessary under this Government, I hope it will embrace all the objects of taxation which have been designated by the particular state governments; and notwithstanding the ingenious reasonings in the Secretary's report against the practicability of the second mode therein stated, I am unable to figure to myself any possible inconvenience which would arise from it on the ground of the objections. And why that system was not adhered to in the report I am at a loss to know, for the resolve directing the report to be made contemplated no other.

All the way through these debates, which I shall not attempt to quote from further, it clearly appears that the differences of opinion were not upon the question of power, but only regarding the question of expediency. There was absolutely no question raised in the debates, from one end to the other, as to the power of Congress to impose direct taxes upon any of these various objects.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Michigan?

Mr. SUTHERLAND. I do.

Mr. SMITH of Michigan. I have been very much interested in the quotations from the contemporaneous debates in connection with the report of Secretary Wolcott. I was rather impressed the other day, when the Senator from Texas [Mr. BAILEY] was speaking, with the idea that he dismissed that matter as having no special bearing upon the situation, because of the liberality and freedom with which we introduce resolutions. I should like to ask the Senator from Utah whether he has reached any conclusion as to the deliberation with which that was done in those times as compared with the present? It seems to me it was in a formative situation; and, being in that situation, that Congress called for information and advice and plans with greater care and solemnity than we do now; and that its action in this respect can not be dismissed with a mere wave of the hand as a practice to which no weight should be attached.

Mr. SUTHERLAND. I think the Senator from Michigan is quite correct about that; and in addition to what he suggests, this may be also considered: The early Congresses were not confronted and embarrassed by the great multiplicity of things with which the modern Congress has to deal. Because of the very fact that there were few questions presented to them, they could consider them with greater deliberation. Here is the Congress of this day having literally thousands of bills introduced at every session—literally hundreds of different questions coming up. It is perfectly manifest that we can not give the various questions as much care, as much deliberation as the early Congresses were able to give them, and history bears out that statement.

But the debates themselves show that this question was considered day after day. One Member would speak upon one side of the question of expediency; another on the other side of the question of expediency. But always it was the question of expediency as to whether this tax should be confined to land, and never the question as to the power to do it. Never was there a suggestion made, when that law was being discussed, that the power of Congress in imposing direct taxes under the Constitution was limited to land, houses, and improvements. But there was a concession and a claim, running through all these debates, that the power of Congress reached to all the various objects of taxation; and it was simply a question of expediency as to whether it should be confined to some of them; and, if to some of them, to which?

Senators say here that the Congress was following the Hylton case, which was decided two years previously. Senators may search in vain the debates upon this very tax law to find a single reference to the Hylton case. The Hylton case was left entirely out of consideration. Nobody in the Congress paid the slightest attention to it. The whole debate was upon the report of the Secretary of the Treasury.

I will simply say, with reference to these subsequent statutes, that the questions were not debated. In view of the fact that they had been thrashed out as fully and completely as they were in the First Congress, which adopted the law, subsequent Congresses simply followed its action without question.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the junior Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. BORAH. Does the Senator from Utah mean to say that the subject was not again debated by Congress? There was an extensive and prolonged debate in 1813 in which it was discussed in detail.

Mr. SUTHERLAND. Upon what question?

Mr. BORAH. Upon the question of the advisability of levying a direct tax.

Mr. SUTHERLAND. If I said that was not debated, I was in error. It was debated; but what I mean to say is that Congress never debated the question of the power to impose the tax. What they were debating was the question of the expediency of imposing it. The subsequent Congresses simply followed the pathway which had been marked out by the First Congress upon that subject.

Mr. BORAH. Mr. President, one of the great arguments against this tax law has always been that the direct tax was not contemplated to cover anything but land, because it was inexpedient to levy it upon anything else.

Mr. SUTHERLAND. That may be true, but I fail to see how that detracts in any manner from the suggestions that I have made.

Mr. BORAH. It detracts in this way——

Mr. SUTHERLAND. If the Senator will permit me, the claim of the Senator seems to be that because the First Congress passed laws confining its direct taxes to lands and improvements, that is a concession that Congress has no power to impose them upon anything else. That is the argument of the Senator.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER (Mr. CUMMINS in the chair). Does the Senator from Utah further yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. BORAH. Was not this law, confining this tax to lands, enacted at a time when Congress was searching everywhere for something to tax? As said by Justice White, in his dissenting opinion, it is rather remarkable that at a time when Congress was searching for things upon which to lay a direct tax, it nevertheless confined its operations to lands under those circumstances. It is just as strong an argument, it seems to me, in favor of the proposition that Congress understood they could not go further than lands in laying a direct tax.

Mr. SUTHERLAND. It seems to me that that argument fails of its weight when we come to consider the fact that the Members of Congress, dealing with the subject over and over again, asserted that they had the power to impose direct taxes upon all the objects of taxation in the various States, but argued the question only as a matter of expediency.

THE DECIDED CASES.

So much for that. The final and last phase of the matter that I desire to discuss is the decisions of the Supreme Court upon this question. Prior to the Pollock case, five cases were decided by the Supreme Court which are relied upon here and elsewhere as establishing the rule that a direct tax within the meaning of the Constitution includes only a capitation and land tax. Those cases are Hylton *v.* United States (3 Dall., 171), Pacific Insurance Company *v.* Soule (7 Wall., 433), Veazie Bank *v.* Fenno (8 Wall., 533), Scholey *v.* Rew (23 Wall., 331), and Springer *v.* United States (102 U. S., 586).

I have read those cases, every one of them, not only once, but some of them several times, with great care, and I think every one of them, with the exception of the Springer case, can be clearly reconciled with the majority decision in the Pollock case; and inasmuch as the Hylton case is the foundation for the decision of the Supreme Court in every one of the cases which followed, I think a somewhat careful analysis of that case should be made first, because if that case, which was the foundation case upon which the other cases rest, is incorrect, they all fall. If you put in a foundation which is insecure, it makes no difference how high the superstructure may be. When you tear out the foundation, the superstructure comes with it. And if the Hylton case is bad law, necessarily the cases which follow it and depend upon it must be equally bad. When I say the cases which follow, I mean the dictum in the various cases upon the subject of direct taxation.

There were three opinions delivered in the Hylton case, seriatim, by Justices Chase, Paterson, and Iredell.

Justice Chase, after discussing the question of taxation under the Constitution generally, says:

> The Constitution evidently contemplated no taxes as direct taxes, but only such as Congress could lay in proportion to the *census*. The rule of apportionment is only to be adopted in such cases where it can reasonably apply; and the subject taxed must ever determine the application of the rule. If it is proposed to tax any specific article by the rule of apportionment, *and it would evidently create great inequality and injustice*, it is *unreasonable to say* that the *Constitution intended such tax should be laid by that rule.*
>
> It appears to me that a tax on carriages can not be laid by the rule of apportionment without very great inequality and injustice. For example: Suppose two States, equal in census, to pay $80,000 each, by a tax on carriages of $8 on every carriage, and in one State there are 100 carriages and in the other 1,000. The owners of carriages in one State would pay ten times the tax of owners in the other. A in one State would pay for his carriage $8, but B in the other State would pay for his carriage $80.

Then he goes on to say:

> It seems to me that a tax on expense is on an indirect tax; and I think an annual tax on a carriage for the conveyance of persons is of that kind, because a carriage is a consumable commodity and such annual tax on it is on the expense of the owner.
>
> I am inclined to think—

Notice the caution with which he uses the expression—

> I am inclined to think, but of this I do not give a judicial opinion, that the direct taxes contemplated by the Constitution are only two, to wit, a capitation or poll tax, simply, without regard to property, profession, or any other circumstance, and a tax on land.

How under heaven can an expression of that kind be tortured into a decision that the only direct tax under the Constitution is a tax on land? Does a judge who undertakes to decide a question say, "I am inclined to think, but of this I do not give a judicial opinion?" Is such an opinion binding authority? It is the purest kind of dictum, and it does not rise to the dignity of dictum ordinarily, because when a judge ordinarily uses the expression, he uses it positively.

Mr. Justice Paterson, discussing the question, said:

> I never entertained a doubt that the principal—

Here is another opinion which is said to be the foundation for the decision that direct taxes are confined to land—

> I never entertained a doubt that the principal, I will not say the only, objects that the framers of the Constitution contemplated, as falling within the rule of apportionment, were a capitation tax and a tax on land.

He does not say positively that in his opinion these are the only direct taxes, but only that in his opinion those are the principal ones. Then he goes on and discusses the inability to apportion in somewhat the same way that Mr. Justice Chase has done. Then he proceeds:

> How would it work? In some States there are many carriages, and in others but few. Shall the whole sum fall on one or two individuals in a State who may happen to own and possess carriages? The thing would be absurd and inequitable. * * * All taxes on expenses or consumption are indirect taxes; a tax on carriages is of this kind, and of course is not a direct tax. Indirect taxes are circuitous modes of reaching the revenue of individuals, who generally live according to their income.

He then says he will close his "discourse"—he does not call it an opinion or decision—by reading a passage or two from Smith's Wealth of Nations. Let me read one quotation:

> The impossibility of taxing people in proportion to their revenue, by any capitation, seems to have given occasion to the invention of taxes upon consumable commodities; the State, not knowing how to tax directly and proportionably the revenue of its subjects, endeavors to tax it indirectly by taxing their expense, which it is supposed, in most cases, will be nearly in proportion to their revenue. Their expense is taxed by taking the consumable commodities upon which it is laid out.

Clearly, in the opinion of Adam Smith, which the Supreme Court in this earliest case cited with approval, a direct tax is upon the revenue of the taxpayer, while an indirect tax is a tax upon his expense; and yet the Senator from Texas [Mr. BAILEY] the other day in his remarks said that a tax on expense was not distinguishable from a tax on income. Here we have the Supreme Court asserting and quoting Adam Smith as saying that there is the greatest difference between a tax upon revenue, which is income, and a tax upon expense.

Justice Iredell, on the question of the difficulty of apportionment, discusses the subject in somewhat the same way, and says:

> As all direct taxes must be apportioned, it is evident that the Constitution contemplated none as direct, but such as could be apportioned. If this can not be apportioned it is, therefore, not a direct tax, in the sense of the Constitution.

He then, by an illustration, points out the difficulty of apportioning the carriage tax. He further says:

> Perhaps a direct tax, in the sense of the Constitution, can mean nothing but a tax on something inseparably annexed to the soil—something capable of apportionment under all such circumstances. A land or a poll tax may be considered of this description.

But nowhere in that decision, from beginning to end, is it asserted in positive terms that, in the opinion of the Supreme Court, the only kind of direct taxes are taxes upon land. "Perhaps it may be," says one; "I am inclined to think," says another; "the principal direct taxes are taxes upon land," says another. And yet Senators assert and the Supreme Court has asserted that this case was authority for the proposition that direct taxes should be confined in this manner.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. The Senator will concede, I presume, that they did hold that a tax upon personal property was not a direct tax.

Mr. SUTHERLAND. I do not concede that; I concede that they held that a tax upon the *use* of personal property was not a direct tax.

Mr. BORAH. The tax in this case was laid upon the carriages, regardless of use.

Mr. SUTHERLAND. Let me ask the Senator from Idaho the same question I asked the Senator from Texas. What did Mr. Ames mean by saying that this was not a tax upon property, but a tax upon use?

Mr. BORAH. Mr. Who?

Mr. SUTHERLAND. Mr. Ames, in the debate upon the carriage bill, and he spoke for those who voted in favor of the carriage bill.

Mr. BORAH. That is digressing from the subject which I am discussing. That is what the court decided under the statutes as finally enacted, because the tax was upon carriages, whether used at all or not, and the court sustained the tax.

Mr. SUTHERLAND. No; what the Supreme Court decided in that case was this, and I quote its language:

> All taxes on expenses or consumption are indirect taxes; a tax on carriages is of this kind, and, of course, is not a direct tax. Indirect taxes are circuitous modes of reaching the revenue of individuals who generally live according to their income.

It was clearly within the understanding of the members of the Supreme Court that this was a tax upon expense, and not upon property.

Mr. BORAH. It is not very material what we call it, but I presume the Senator from Utah will concede that under that definition we might call any kind of a tax on income a tax upon an expense.

Mr. SUTHERLAND. A tax upon incomes is not a tax upon expense. A tax upon income is a tax upon revenue, which the Supreme Court in that case, quoting with approval Adam Smith, says is a direct tax. They distinguish and place in sharp contrast with one another a tax upon revenue and a tax upon expense.

Certainly the Senator will not contend that an income is not revenue.

Now, taking these various opinions together, the result shows that Justice Chase's opinion is based on three propositions:

First, that the Constitution contemplates no taxes as direct except such as can be fairly apportioned.

Second, that in his opinion the only direct tax contemplated by the Constitution is a capitation and a tax on land.

Third, that the carriage tax is a tax on expense.

Justice Paterson proceeds upon the same grounds, while Justice Iredell bases his decision upon two propositions only:

First, the difficulty of apportionment.

Second, that perhaps the only direct taxes contemplated were capitation and land taxes.

Let us take these two propositions: First, that a direct tax is only a tax upon land, and, second, that a direct tax within the meaning of the Constitution is only a tax which can be fairly apportioned.

I put an illustration to the Senator from Idaho the other day when he was addressing the Senate which I think shows that these two propositions of the judges can not possibly stand together, that they are mutually destructive because they say, first, that a land tax is a direct tax, that a tax upon houses and a tax upon improvements on land is a direct tax, and then they say that only such taxes as can be fairly apportioned among the States are direct taxes.

Now, I submit that these two propositions can not possibly stand together. Let me repeat the illustration which I gave the Senator from Idaho the other day. A tax, according to this test, is one which can be fairly apportioned. Suppose a tax is imposed by Congress upon all buildings in the United States over 12 stories in height, or suppose that a tax is imposed upon all buildings in the United States over the value of $5,000,000 each. According to the first test that is a direct tax because it is a land tax, but according to the second test it is not a direct tax because it can not be fairly apportioned. One or the other of these rules must fall.

Mr. BORAH. Does the Supreme Court anywhere say that only such taxes as can be apportioned are direct taxes?

Mr. SUTHERLAND. The Supreme Court has repeatedly called attention to the fact that Congress has passed laws imposing direct taxes upon land and buildings and houses, and those laws are valid. Does the Senator think a tax upon land is a direct tax, or does he think that sometimes it is and sometimes it is not?

Mr. BORAH. I think a tax upon land is a direct tax, but I maintain that the Supreme Court has not anywhere laid down the rule on which the Senator is now testing its decision.

Mr. SUTHERLAND. Mr. Justice Chase says in his opinion he is inclined to think the direct taxes contemplated by the Constitution were only two, to wit, capitation or poll taxes and taxes on land. Justice Paterson agrees with him. Justice Iredell agrees with Justice Paterson. All three of them agree that a tax on land is a direct tax.

Now, suppose the case I have given by way of illustration, a tax imposed upon all buildings of this description. It is perfectly apparent that such a tax could not be as fairly apportioned as a tax on carriages, because in many of the States of the Union there are no such buildings as that at all, and it is only in a few States that there are many such buildings.

Mr. SMITH of Michigan. And there would be less if this rule prevailed.

Mr. SUTHERLAND. Yes; the number would be very much less if this rule prevailed.

So it seems to me these two propositions have destroyed one another and we must come to the conclusion that either the difficulty of apportioning the tax is no test of its being direct or that its being a land tax is no test of its being direct.

Mr. BORAH. I will not interrupt the Senator again, because I know he wants to get through, but I wish to repeat, so that it will not be misunderstood, that the Supreme Court do not anywhere lay down the rule, in my opinion, by which the Senator is now testing their decision. They have simply suggested the question of apportionment as an argument against it, but they have not said that only such taxes as can be apportioned are direct taxes.

Mr. SUTHERLAND. I do not know how the Senator can spell anything else out of their language. I will not undertake to go over it again. This rule of apportionment would destroy a tax upon land itself. Suppose it was imposed according to the value of the land? Here are two States of equal population, one of them having only one-tenth of the value of land that the other has. It is manifest that in that case the taxes could not be fairly apportioned, because for every dollar that was paid in the one State $10 would be paid in the other upon the same valuation. Or, if a tax were imposed upon the quantity of land in two States with an equal population, one having one-tenth of the area of the other, it is manifest that a direct tax imposed under such circumstances would be paid by an assessment upon a citizen in one State ten times as high as in the other State. The final result of adopting the test which the Supreme Court lays down in the Hylton case would be to declare that even a land tax is not a direct tax. After all, whatever the Supreme Court says upon these two propositions is by way of dictum.

The decision of the court upon the validity of the carriage tax in the end is bottomed upon the proposition that it is a tax upon the expense and upon the use of the carriage and not upon the property itself.

This view is confirmed by comments of Albert Gallatin in his Sketch of the Finances of the United States, written a year or two after the decision. He says:

> The most generally received opinion, however, is that by direct taxes in the Constitution those are meant which are raised on the capital or revenue of the people; by indirect, such as are raised on their expense. As that opinion is in itself rational and conformable to the decision which has taken place on the subject of the carriage tax, and as it appears important, for the sake of preventing future controversies, which may be not more fatal to the revenue than to the tranquillity of the union, that a fixed interpretation should be generally adopted, it will not be improper to corroborate it by quoting the author from whom the idea seems to have been borrowed. (Naming Doctor Smith's Wealth of Nations.)

He then quotes from Smith the same statements contained in Justice Paterson's opinion, and continues:

> The remarkable coincidence of the clause of the Constitution with this passage in using the word "capitation" as a generic expression,

including the different species of direct taxes, an acceptation of the word peculiar, it is believed, to Doctor Smith, leaves little doubt that the framers of the one had the other in view at the time, and that they, as well as he, by direct taxes meant those paid directly from and falling immediately on the revenue; and by indirect, those which are paid indirectly out of the revenue, by falling immediately upon the expense. It has, indeed, been held by some that "direct taxes" meant solely that tax which is laid upon the whole property or revenue of persons to the exclusion of any tax which may be laid upon any species of property or revenue—an opinion equally unsupported by the vulgar, or any appropriate sense of the word itself, and contradictory to the very clause of the Constitution which, instead of admitting only one kind of direct tax, expressly recognizes several species by using the words "capitation" or "other direct tax" and "direct taxes."

Should those considerations be thought correct, it results that all taxes laid upon property which commonly affords a revenue to the owner (whether such property be, in itself, productive or not) in proportion to its value are direct; a class which will include taxes upon lands, houses, stock, and labor, all of which, therefore, must, when laid, be apportioned among the States according to the rule prescribed by the Constitution.

Now, I come to the case of the Pacific Insurance Company against Soulé, reported in Seventy-fourth United States, page 433. That decision was based on the act of June 30, 1864, amended by that of July 13, 1866, which laid a tax on amounts insured, renewed, or continued by insurance companies; and upon the gross amount of premiums received and assessments by them; and upon dividends declared as part of the earnings, incomes, or gains of certain companies (naming them), as well as upon undistributed sums added during the year to their surplus or contingent funds.

That case has been sometimes referred to as though it sustained a statute which imposed a tax upon income, but the statute is upon dividends declared as a part of the earnings, incomes, or gains of certain companies. In other words, the tax is measured by the amount of dividends paid out by the company, which dividends are paid out of course from the earnings, incomes, or gains received. The court declares that this is a tax upon the business of the insurance company, not a tax upon its property, and it calls it a "duty" or "excise." It followed, and they must have had fresh in their minds, the three cases which were decided at the preceding term of the court.

In the first of these cases the court held that a statute which imposed a tax equal to three-fourths of 1 per cent on the amount of deposits in a savings society was not a tax on property—that is, on the money—but on the franchise. In the second case, where the tax was on the amount of deposits for certain periods, it was held to be a franchise and not a property tax. And in the third case, where the statute imposed a tax on the excess of the market value of the capital stock of the corporation over the value of its real estate and machinery, it was held that the tax imposed was a franchise and not a property tax.

So all the way through that case and the cases which preceded, the distinction is made between a tax upon property and a tax upon the franchise or the business of the company, which was not a property tax at all.

In the case of Veazie Bank *v.* Fenno, reported in Eighth Wallace, page 533, the statute imposed a tax on the circulation of state banks or national banks. It was held that the tax was not a direct tax. Surely not, because it was not a tax upon the revenue; it was not a tax upon the notes, but it was a tax upon the circulation of the notes in a certain way. It was a tax upon the act of doing a thing in a particular way and not upon the thing itself. But the court goes out of its way to discuss the question as to what is a direct tax, and follows in that respect the dictum of the Hylton case. The court concludes as follows:

> The tax under consideration is a tax on bank circulation and may very well be classed under the head of duties. Certainly it is not, in the sense of the Constitution, a direct tax. It may be said to come within the same category as the tax on incomes of insurance companies, which this court, at the last term, in the case of Pacific Insurance Company *v.* Soulé held not to be a direct tax.

The court is in error in saying that the Soulé case involved a tax upon incomes. It was a tax upon the dividends paid out. The decision is right that the tax is not upon the property, but on the right to circulate notes and money.

In the Scholey *v.* Rew case (23 Wall., 331), it was held that a "succession tax," imposed by the acts of June 30, 1864, and July 13, 1866, on every "devolution of title to any real estate," was not a "direct tax" within the meaning of the Constitution, but an "impost or excise."

The court says: That it is the succession or devolution of real estate which is the subject-matter of the tax, or, "in other words, it is the right to become the successor of real estate upon the death of the predecessor."

The court further says that the question is not affected by the fact that the tax is made a lien on the land, as that is merely a regulation to secure its collection.

I have already, perhaps, sufficiently discussed during the course of the debate that it is a tax not upon the property, but is a tax upon the devolution of the property; and it is precisely of the same description as the stamp duty upon a deed, which is a tax, not upon the land conveyed by the deed, but an excise upon the act of conveying, upon the transfer. So this is not a tax upon the property inherited, but it is a tax upon the transfer of the property inherited.

In the course of the opinion the court refers to the decisions in the English courts, construing the act of Parliament from which the law in question was largely borrowed, where it was held that a succession duty was neither a tax upon income nor upon property, but upon the benefit derived by the individual.

The English courts did not intend to put that in the same classification with the income tax, because those courts have uniformly held that an income tax is a direct tax, and they distinguish the inheritance tax from an income tax.

Now I come to the final case of Springer *v.* The United States, and I am frank to say that in my judgment that case is authority for the proposition that an income tax is a direct tax. The Supreme Court in the Pollock case does attempt to distinguish it, but I think not very successfully. But that case is based upon the dictum in the Hylton case and upon the dicta in these other cases to which I have referred, and it is dicta after all. So in the end we simply have the Springer case upon the one side of the question and the Pollock case upon the other side of the question, and at most the whole matter may be considered at large.

It is asserted here, and is asserted by the Supreme Court in the Springer case, that a tax upon land is a direct tax, and that a tax upon personal property is not a direct tax. I wish somebody who believes that would point out to me what element of indirection there is in a tax upon the corpus of personal property that is not in the tax upon real estate. Both are paid by the owner of the property and paid ultimately by him. So far as the question of direction or indirection goes there is not a particle of difference between the two cases. Suppose the Senator from Michigan [Mr. SMITH] lives in a house upon his land and I, his next door neighbor, live in a house upon leased land. My lease provides that I shall have the power to remove my house at the end of the lease. The house the Senator from Michigan lives in is real estate. The house I live in is personal property. A tax is levied upon both. What element of indirection exists in the tax upon my house that does not exist in the tax upon the other? Yet, according to these decisions, the tax upon his house is direct and the tax upon my house is indirect.

What element of indirection exists in the tax on rentals derived from land or income derived from personal property that does not exist in a tax on the real or personal property itself? No element of indirection can be pointed out, as it seems to me. What difference in the ultimate result is there between a tax laid on the land in proportion to the rental value or the actual rent received, which would be a direct tax, and a tax on the rent itself? Both taxes fall upon the land. Both are paid out of the land. If my tenant pays me rent and I pay a tax either on the amount of the rent of the land or upon the land itself, the land bears the burden in either case.

We are to look to the substance of things, not to the mere form of things. A tax upon land falls upon the land and a tax upon the rent which comes from the land falls upon the land ultimately as well. If a 10 per cent tax is levied upon the income which I derive from my landed estate, does it not reach it in the most direct and profound manner imaginable? If I own a piece of property that is paying an income of a thousand dollars a year, and a tax is imposed upon that income of 10, or 20, or 50 per cent, can I sell my land for as much money in the market? It affects the land itself directly, not indirectly. The principle is as old as my Lord Coke, because it was he who declared that a conveyance of the profits of land to one and his heirs carries the land itself, because, as he observes, "What is the land but the profits thereof?"

Senators, the other day, in speaking about this matter, said that a conveyance of the receipts of land for a year would not convey the land. That is true, but it is the equivalent of the conveyance of the land for a year, because for the year the person to whom the rents are assigned is getting the entire benefit of the land.

The Supreme Court of the United States has repeatedly decided that where a particular property or a particular status is

not taxable no tax imposed on an incident which substantially falls upon the principal thing can be maintained. Let me take an illustration. Suppose for reasons the constitution of a State should provide that no tax should be imposed upon any fruit orchard for a certain length of time, and the legislature of the State should pass a law providing that the owners of these properties should contribute to the treasury a third of their fruit crop gathered each year, would not that be an evasion of the constitution? It would not be a tax upon the fruit orchard, but it would be a tax upon the proceeds of the fruit orchard and the burden of it would fall upon the orchard itself.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. Certainly.

Mr. BORAH. Could the Senator not find a good illustration also in the inheritance case there?

Mr. SUTHERLAND. I have discussed the inheritance tax with the Senator half a dozen times, and I have said to the Senator that I think the inheritance tax proceeds upon altogether different principles.

Mr. BORAH. When you tax a man's right to inherit and collect it out of the property, taxation there is an incident to the right itself.

Mr. SUTHERLAND. I repeat to the Senator you do not do that any more than you tax the land by imposing a stamp duty upon the deed by which it is conveyed. The two propositions can not be distinguished, in my judgment.

As I have said, the Supreme Court has repeatedly insisted that it was the substance and not the form of the thing to which attention should be paid. Shylock, was it not, who said:

> You take my life,
> When you do take the means whereby I live.

And so you take my land when you take everything that makes my land of any use.

Cases of that character could be multiplied without number.

In LeLeup *v.* Port of Mobile (127 U. S., 640) the Supreme Court held that a tax imposed by a State on the gross receipts of a telegraph company doing interstate business was void. The State not being permitted to tax the business, could not tax the receipts from the business.

In Welton *v.* Missouri (91 U. S., 275) it was held that a tax on the occupation of selling imported goods was in effect a tax on the goods themselves and invalid, as it interferes with the power to regulate commerce.

In Cook *v.* Pennsylvania (97 U. S., 566) it was held that a tax on sales by an auctioneer of imported goods in original packages was a tax on the goods themselves.

In Brown *v.* Maryland (12 Wheat., 419, 444) a tax on the importer of goods was held to be a tax on the goods. The court said:

> A tax on the sale of the article imported only for sale is a tax on the article itself—

And in effect—

> varying the form without varying the substance.

In Railway Company *v.* Jackson (7 Wall., 262) it was held that the State could not impose taxes on the income derived from bonds where it could not tax the bonds by reason of the fact that they were issued upon railroad property in another State, and therefore beyond the jurisdiction of the taxing State.

In the case of the State Freight Tax (15 Wall., 232, 274) it was held a tax imposed on certain companies proportioned to amount of freight coming into and going out of the State was a tax on interstate commerce and void. The court said: The constitutionality of the law is to be determined "not by the form of agency through which it is to be collected, but upon the subject upon which the burden is laid," and the court submits as the test question: Where does the substantial burden rest?

Suppose the Constitution had declared that no land tax should be imposed at all. Would not the Supreme Court have held within the principles of the cases cited that a tax on rentals derived from land was, in substance, a tax on the land itself?

I undertake to say that there is no distinction in principle between a tax on personal property and a tax upon land, and I may repeat the same question with reference to that. If a tax upon personal property is a direct tax, what is there to distinguish it from a case where the tax is imposed upon the income, which is the incident that makes the personal property valuable?

I come, finally and lastly, to the Pollock case. I shall not attempt to review that case, because I have already spoken longer than I had any intention of doing and much longer than I should have spoken. This is a case which was decided after most elaborate argument and after most elaborate consideration. It has been denounced as having set aside the opinions of the Supreme Court and of Congress for a hundred years. Lawyers and judges are usually conservative. Their training makes them so. They have a high regard, and properly so, for precedent, and a departure from precedent is always made reluctantly. But, after all, a precedent is only the opinion of a former traveler as to the location of the pathway. It is not the pathway itself. A decision is not law in another case. It is only evidence of the law. We may question the opinion of the traveler as to the location of the pathway; we can not question the pathway itself. That is an indisputable finality.

Mr. BORAH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SUTHERLAND. I do.

Mr. BORAH. Then the Pollock case ought not to deter us from enacting a law providing for an income tax?

Mr. SUTHERLAND. The Pollock case ought to deter the Senator from Idaho from enacting it, because he complains of the Pollock case as being a dangerous invasion of the rule of stare decisis, and he ought to be willing to be bound by his own rule upon that subject.

Mr. BORAH. But the Senator says that a precedent is not the law; that it is simply pointing to the pathway and is not the law itself, as I understand him.

Mr. SUTHERLAND. I stand by that. The Senator invokes the rule of stare decisis. I do not. Stare decisis is an adviser, not a dictator. Stare decisis operates by way of persuasion, not by way of compulsion. I submit that there is as much virtue in setting aside a wrong precedent as there is in following a right precedent.

It has been said that this decision in the Pollock case is entitled to little weight because it overrules former decisions; but, on the contrary, it may be entitled to more than ordinary weight, for the very reason that it does overrule the former opinions, if it does so.

The Supreme Court of the United States is the greatest court this world has ever seen. In the year 1895, when the Pollock case was decided, its members were as magnificently equipped in learning and ability as any who have sat in that august tribunal before or since. It is apparent from the reading of this case and the opinion upon the rehearing, that they gave to the question more careful consideration by far than was ever given to it in any preceding case. If the effect of their decision is to set aside the prior decisions of the court for a hundred years, we may be sure that those judges did not do that for light or trivial reasons. The rule of stare decisis was invoked there; indeed it was made the basis of at least one dissenting opinion, that of Mr. Justice Brown; but even if we concede its application, the reasons for a contrary judgment were so imperious and controlling that a majority of the court refused to be governed by the rule. The majority decision in the Pollock case is condemned on the ground that it is a dangerous infraction of the rule of stare decisis, and yet those who make this complaint in the same breath take the astounding position that the Pollock case which is now stare decisis upon that question in its turn shall be reviewed, discredited, and reversed.

Mr. DEPEW obtained the floor.

Mr. NELSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. CUMMINS in the chair). The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Curtis	Johnson, N. Dak.	Piles
Bailey	Depew	Johnston, Ala.	Rayner
Bankhead	Dick	Jones	Richardson
Beveridge	Dillingham	Kean	Root
Borah	Dolliver	La Follette	Scott
Brandegee	du Pont	Lodge	Simmons
Bristow	Elkins	McCumber	Smith, Md.
Brown	Fletcher	McLaurin	Smith, Mich.
Bulkeley	Flint	Martin	Smith, S. C.
Burkett	Foster	Money	Smoot
Burrows	Frazier	Nelson	Stephenson
Burton	Frye	Newlands	Sutherland
Carter	Gallinger	Nixon	Taylor
Chamberlain	Gamble	Oliver	Tillman
Clark, Wyo.	Gore	Overman	Warren
Clay	Guggenheim	Page	Wetmore
Crane	Hale	Paynter	
Cullom	Heyburn	Penrose	
Cummins	Hughes	Perkins	

The VICE-PRESIDENT. Seventy-three Senators have answered to their names. A quorum of the Senate is present.

Mr. DEPEW. Mr. President, I doubt if it is possible to shed much new light upon the question of the tariff. It has been the subject of legislation for centuries. It has been the cause of many great wars and internal revolutions. The present discussion has wandered far afield. The experience which Senators have had with the wants of their constituents and the requirements of their States has developed the almost insurmountable

difficulties which are in the way of the preparation of a fair and just bill. New York is the largest manufacturing State, and there is hardly an industry in the 2,000 items in this measure which does not directly or indirectly affect our citizens.

One result of this discussion has been to rescue the fame and rehabilitate the reputation of the lamented General Hancock. Little things, single remarks, make and mar the careers of statesmen. General Scott's request that he might delay his letter accepting the nomination for the Presidency until he could take a hasty plate of soup closed his campaign. General Hancock's answer to the committee of notification that the tariff was a local issue in his State of Pennsylvania laughed him out of the canvass. In the cloud of generals who were famous in the civil war he is nearly forgotten. I remember as if it was yesterday the telegram which General McClellan sent to his wife after one of the great battles of the civil war, "Hancock was superb to-day." All that is forgotten by the crowding events of advancing time. But now it is brought home to every Senator and to the whole country that General Hancock uttered a pregnant truth, and his fame is likely to be embalmed in his phrase "The tariff is a local issue" everywhere. It is breaking party lines in States where its productive energies are producing prosperity. The favorite method now of attacking the protective principle is to proclaim loyalty to the principle of protection and oppose its application.

The wool schedule gave to the Senate and the country one of the most entertaining addresses ever delivered upon this floor by the senior Senator from Iowa [Mr. DOLLIVER]. We are apt to think that wool is American as a political question. But wool created and then destroyed Florence and Flanders; impoverished and then enriched Great Britain. Without going into a general tariff discussion, the history of wool is illuminating. In the middle ages the people of civilized countries were clothed in woolen garments. Wool and its manufactured products were the commerce of the world. England grew the wool and sold it to Flanders, where it was turned into the finished product. England did not have the machinery nor could she procure from the Papal states alum, a substance absolutely necessary in those days for the finishing of cloth. But in the reign of Elizabeth alum was found in sufficient quantities in England, and then began the tariff legislation which we have inherited. England placed an export duty upon wool which made it impossible for continental nations to compete with her manufactures. She placed a tariff duty which shut them out of her market.

When Lancashire, the greatest cotton-manufacturing center in the world, demonstrated in a small way that it could make cotton goods, Great Britain prohibited the importation of cotton goods from India into England. Then the great English inventors, Arkwright and Hargreaves, gave to their country the perfected spinning jenny, and Great Britain controlled the cotton market of the world. Her own markets were closed to the foreigner, and the English statesmen saw that this little island, with its growing population which had come from manufactures, must find foreign trade. The greatest of English statesmen, Pitt, saw that the philosophers whose ideas created the French Revolution were controlling the policy of France. Knowing that Great Britain, because of her cheap coal and because of her monopoly of inventions, could make woolen and cotton goods cheaper than France, he proposed to the idealists that there should be free trade. The proposition was hailed by the disciples of Rousseau and Quesnay as an approach to the millennium. In a few years every factory in France was closed. There have been many causes assigned for the French Revolution. Undoubtedly tyranny and bad government had much to do with it, but the French Revolution began in Paris, which was the manufacturing center of France, and then spread to the other manufacturing cities. It was the starving unemployed who had been driven from all occupations by the genius of the British statesman and the folly of their philosophers which more than anything else precipitated and prolonged the French Revolution. Then came the struggle by the Jacobins to support the people from the plunder of the nobility and the cutting off of their heads; then the plunder of the rich business men in every branch; then the plunder of the farmers, because they would not accept the worthless paper money.

A million lives were sacrificed by the French terror, of whom only 2,000 belonged to the noble class and the rest to the productives who still had a little property in their farms or in their small occupations and against whom was directed the rage of the unemployed who had got possession of the Government. Then, when the revolutionists had guillotined each other, Napoleon came to the front. His first idea was that France could be supported by the plunder of the Continent, but that great original genius, when in supreme power, soon saw his mistake and built a tariff wall not only around France, but around the Continent, and the reviving industries of his country provided the means for his wars and recruited, clothed, and fed his armies.

Two men have had dominating influence upon American industries, both men of extraordinary ability, and one a commanding genius of all time. They were Alexander Hamilton and Robert J. Walker. Hamilton was one of those marvelous intelligences which can be accounted for by no rule, who have no predecessors or successors. We know little or nothing of him before he landed in New York at 17. He asked Princeton if she would graduate him if he could do the four years in two, and that sturdy old president, Doctor Witherspoon, said: "No; the curriculum must be gone through." Kings College, now Columbia, in New York, accepted the proposition. Before he was 20 he had so stated in a pamphlet the American argument that its authorship was ascribed to the greatest minds of the revolution. He proposed to Morris, the banker of the revolution, a scheme for refunding the continental currency which would have saved the national credit, and which was substantially adopted during and after the civil war. He organized the customs and the internal revenue of the country upon a basis which continues with few modifications to this day. He found our country purely agricultural. He knew that Great Britain had prohibited manufacturing in the colonies and the entrance into the market of products of any other lands except the mother country. He grasped as no other man of his time did the boundless natural resources of the United States. He saw that if we remained purely agricultural we must be a country of limited populations, widely distributed, and so dependent upon the rest of the world that we never could become a prosperous, powerful, and productive people. He was the first to recognize the fact that there is no limit of growth to a country of sufficient area if it possesses both the raw material and productive power. His report upon manufactures made as Secretary of the Treasury to the Congress is the foundation upon which we have builded the greatest industrial nation the world has ever known.

Robert J. Walker lived and was educated in a part of our country whose almost sole product was cotton. Its people manufactured nothing. They even relied upon outside territory for their food and clothes. The practical question with him was the cheapest products in clothing, food, machinery, and all the necessities of life for a people engaged in one form of agriculture. But it was more than that which created Robert J. Walker. If we read the speeches of the southern statesmen of his period, we find in them a wealth of learning in the classics of English literature and a complete absorption in the theories of Adam Smith. Many of them were educated in the best schools abroad. They had leisure for wide reading and refined culture at home, and they had no touch with or understanding of those thriving industrial communities which were inviting immigration, building cities, constructing railroads, and planting factories beside the water powers. He declared that the tariff should be levied for the purposes of revenue only, and he committed his party to the principle.

The ideas of Hamilton and of Walker have been struggling ever since for the conquest of the world. Hamilton is master of every State in our Union. No matter what plea may be entered as to the purpose for which protection is desired, the Senator who asks for it acknowledges at once the supremacy of Hamilton. Hamilton's policy has repaired the ravages of war. It has created in the States which were—and some still are—dominated by the Walker view new industries, which are developing local and national wealth and supporting large populations. The ideas of Hamilton have crossed the oceans; they have captured every country in the world except Great Britain; they have become the controlling policy in every one of the British colonies. The fight to the death is now going on in the last citadel of Adam Smith, Richard Cobden, and Robert J. Walker—the British Isles. It is a contest which I believe must result there, as everywhere else, in the triumph of the ideas of Alexander Hamilton.

Great Britain's control of the wool and cotton industries now is shared with protective countries whose markets she formerly monopolized. She is fighting with them a losing battle in Asiatic markets, where all the world competes. Her great rival, Germany, with as good machinery and cheaper labor and an equal command of the raw materials, is entering the English market under that well-known economic rule by which manufacturers of every country, in order to keep their mills in operation and their men employed, sell the surplus practically at cost in other countries. This process is filling the English market and driving one industry after another to the wall. Great Britain is grasping slowly the economic fact that anything pro-

duced in another country and sold within her territory puts out of employment and reduces to public charity exactly the number of men in England who are employed in producing this article in Germany.

The unemployed wandering idly about the streets looking for any stray job, however poor it may be, to satisfy the pangs of hunger, see in the shop windows everywhere the things upon which they at one time worked and could make a good living for themselves and families, marked "Made in Germany." It is stated that there are to-day in Great Britain 7,000,000 of unemployed. How to care for them or furnish them support is the most anxious problem of the British statesmen. John Morley has stated in one of his speeches that at one time in the course of their lives 45 per cent of the workingmen of Great Britain who have reached 60 years of age have been in the pauper class.

Great Britain made a tentative experiment recently in protection, though disavowing any such intention. A law was passed affecting patents. Under it the goods manufactured under a foreign patent must, to enjoy the advantages of the patent, be made in Great Britain, otherwise the patent was open for use to British subjects. Before that was in operation two years a hundred and thirty millions of continental capital had been invested in England and tens of thousands of the unemployed found again remunerative labor and wages. If England to-day had a tariff which would equalize the cost of production with Germany, Belgium, France, and Holland, including fair wages to her people, she might again become not the workshop of the world, as she once was, but very much nearer to it than she is to-day. Anyway, she could hold her own.

The eloquent and learned speeches which have been delivered here have developed a new kind of protection. The new school believe in the principle, but oppose its application. Our southern friends reject the principle of protection, but believe in its application to their own products. I believe if a committee were appointed, composed exclusively of the Senators on our side who object most violently to this bill, that they would have more difficulty in agreeing with one another than it is understood our Democratic Members had when they caucused the measure.

Human nature is fallible and so is human testimony. When a committee whose ability, experience, industry, and integrity are cordially admitted on all sides, after months of examinations which have included the testimony of both sides, the manufacturer and the importer, and have had constantly at their sessions and to aid in the review of this testimony the trained experts of the Treasury Department, the General Appraiser's Office, and the custom-house, make a report, I hesitate to place my judgment against theirs, when theirs is unanimous, upon subjects on which superficial inquiry and a limited amount of information only are possible to any Senator. I have found that I can do better after hearing the statements of both sides to ascertain if I have gained any information which was not available to the committee in arriving at their conclusions. I know it is possible in the many subdivisions of the different schedules for some article to have had its relations to the markets so changed by invention or discovery that a new light has come not visible before even to the parties most interested; but I have found in all such cases on a fair presentation of the matter if there was anything new the committee had an open mind for a review. There is scarcely an article in these schedules upon which I have not received conflicting testimony from the parties interested, upon which it would be possible to base an argument on either side. But it would be an enormous and an impossible task for any Senator to constitute himself a court of appeal and claim that he had greater sources of information upon which to base a judgment than it was possible during all these months for our committee to obtain. They had the benefit of the 13 volumes of testimony taken by the Ways and Means Committee of the House as well as their own.

The Senators who have criticised so severely the Finance Committee are especially severe upon its chairman, the distinguished Senator from Rhode Island. Some of these Senators complain that the Senate is not informed. Their argument amounts to this: That if the Senate would sit as a committee of the whole month after month and listen to and question the witnesses and sift the testimony, which work has been so faithfully, ably, and laboriously done by the Finance Committee, they would understand the bill. Such a system would produce chaos from which eternity could not evolve order. Some Senators claim that they can not vote intelligently upon these 2,000 schedules unless the chairman of the committee, the Senator from Rhode Island, will furnish a detailed statement with each item of the cost in the country or countries where it was produced and the cost in the United States. Would these critical Senators read the volumes which contained such information after a couple of years had been spent in gathering it? On the contrary, I fear that, still claiming they had no access to information upon which they could intelligently vote, they would demand of this most amiable, as well as most capable, of chairmen, who has so superbly done the work which we elected him to do for us, the data upon which he had furnished these figures and then denounce the data as both insufficient and incorrect.

Nothing so amazes me as the frequent statement of certain Senators that in some way they are deprived of their rights on this floor by the chairman of the Finance Committee, and insisting they will have them, as if anybody stood in their way. There are 91 Members of this body; we are all equals. We have practically no rules. Any Senator can talk when he likes, on any subject he chooses, and as long as he is able. We select our own committees in our own way by vote, and the Committee on Finance, which is so much criticised, received on its appointment the unanimous vote of the Senate. The intelligence of the entire Senate is never so seriously questioned as when such statements are made.

The Senator from Minnesota [Mr. CLAPP], in a very eloquent and attractive address, feared that the Republican party was rushing rapidly and blindly upon the rocks because the pledge of the party and the expectation of the people were that there should be a general revision downward. In my judgment the pledge of the party and the expectation of the people are that we should do exact justice in this matter, upon every schedule in the bill, and upon every one of the 2,000 items which are affected. I believe that the practice of protection, which has made our country what it is and our people what they are, has as firm a hold upon the electorate as ever. I believe that it is thoroughly understood and assented to by the masses that we should so arrange our tariff policy as to constantly enlarge the area of production and employment within our own borders, and do it by imposing a duty which will equalize the cost of production, with due regard to the higher wage which we expect our artisans to have over those which prevail in countries in competition with us.

We have lost sight in this debate of changes in the cost of production; that from 1860 to 1909 wages have more than doubled; that they have advanced 25 per cent since the Dingley bill was enacted; that the hours of labor have been reduced from a third to a quarter; and that, inasmuch as in every production labor is from 60 to 90 per cent of the cost, we have thus increased our cost from 25 to 50 per cent. We have lost sight of the fact that this beneficent but almost revolutionary movement for the benefit of the workers has not advanced in anything like the same proportion in European countries.

Our labor leaders recognize that one of the acute difficulties which meet them is that the immigrants who come here are glad at first to accept from a quarter to a third less in wages than we are accustomed to. It is only the labor unions and the contract-labor laws against immigration which prevent us being swamped in this respect. Congestion of population always results in lower wages and longer hours. When the line is closely drawn between employment and starvation, because there are two, or three, or four, or ten hungry for a single job, there is a loss of independence and individuality, and the doctrine of self-preservation compels conditions which are abhorrent to us. The first principle of that American citizenship upon which must rest our future, as has rested our past, is adequate compensation for the American standard of living and the comforts of the American home. Immigrants, when they first come here and receive our wages on a scale to which they have never been accustomed, are apt to live as they did in their own country, with the result that they save 60 per cent, and in a few years are able to return to the land of their birth as capitalists. That process is going on constantly with us to the extent of hundreds of thousands a year. It is not healthy for our body politic to have that kind of citizenship.

The telegraph, the cable, the flying steamers, have made practically all the world one. No country to-day of the highly organized industrial nations has any superiority over another in its machinery. The inventions of one land are quickly copied and duplicated in another. The German chemists, who are the most expert and patient workers in the world, have produced some 400 different articles out of coal tar. They have enormously enlarged the pharmacopœia of all nations. The formulas are soon understood and other nations can use them. We have the raw material. To the extent to which we can duplicate we have that much more employment among ourselves. To the extent that we purchase on the other side we lose just that amount of employment in our own country. If all the world was alike, if the cost of production was the same everywhere, if wages and hours were the same in all nations and among all

races, then we could have the same conditions that exist between our own States.

The city of Dundee in Scotland had a very large industry in the making from jute of cotton bagging. It was a monopoly. They made the bagging for the cotton not only for the United States, but for all the other countries. Our manufacturers found that with a sufficient tariff this bagging could be successfully produced in this country. It led to the creation in different States of some 300 mills with the employment of many thousands of people. The tariff did not destroy the Dundee factories, because it was not high enough to prevent competition, and the Dundee factories still had other fields than the United States for their operation. But mills were established in India where labor was 30 cents a day, against 75 in Dundee and $1.50 to $2 in the United States. Great Britain being a free-trade country the Dundee millers were bankrupted, and a large population added to the already increasing numbers of the unemployed. Now we are met with a demand to wipe out our own mills and throw out of employment our own people in order to let in this cheap Indian production, with which it is impossible to compete except by tariff protection. Who would be benefited? There are no shrewder manufacturers and merchants in the world than the English, and they control these factories and are already in our market. When they have a monopoly the cost to the cotton farmer will be raised far beyond what he pays to-day and he will be utterly helpless. You may say he could escape that by again renewing the tariff, but it takes hundreds of thousands of dollars to organize a mill, and capital after such an experience would never enter upon the uncertain sea of hysterical legislation.

Eighty per cent of the petroleum in this country is produced from wells owned by 500,000 farmers who are independent producers. It is purchased by the Standard Oil Company, which is a refining corporation and not an oil-producing one, and by a few independent refiners who are still in business. There has been discovered in Mexico, on the coast, an exhaustless field of petroleum. It can be piped to the tank steamers of the Standard Oil Company on the Gulf at 20 per cent of the cost which carries the oil from the Oklahoma field, or New York, or Illinois, or West Virginia. The bogy of the Standard Oil Company creates a sentiment dangerous to the politician against giving any protection to the American farmer who produces oil for fear it might help the Standard Oil Company, when it is as plain as two and two make four that the Standard Oil Company would be the sole beneficiary at the expense of the American independent producers of the free trade in oil between Mexico and the United States.

I might cite a hundred such instances where the changing conditions of production and of cost, as governed by wages, by hours, and by invention, make the rule of a revision downward simply the adoption of practically free trade.

What has been accomplished by protection is happily instanced in our State of New York among many industries. Hats have built up a thriving city at Yonkers and are building other industrial communities in other parts of the State. The protection for men's gloves has created a community of 30,000 people and reduced the price from two and one-half to three dollars, as it was when England had the monopoly, to a dollar and a dollar and a half. Now, the great English manufacturers are moving to Gloversville. An equivalent protection for women's gloves would lead in two years to the employment of 50,000 men to the destruction of the foreign monopoly and would give to our own people an article much cheaper and better than they have now. The same results have followed in a thriving community of 30,000 in the finishing of lumber at Tonawanda and corresponding results at Ogdensburg and other places. I might enlarge this list almost indefinitely.

No country can show figures like these: That since Republican protection became a fixed policy the wealth of the United States has increased six times, our foreign trade three times, the wages in our factories three times, our railroad mileage six times, our foreign commerce three times, and the value of our manufactured products seven times, our exports from 1897 to 1909 300 per cent. Except for these conditions we never could have had our railroads carrying populations to the farms and productive possibilities carrying the factory near to the raw material; we never could have had manufacturing centers which brought the markets to the farmer's door; we never could have had the consumers, whose numbers and whose prosperity give the farmer his opportunity, the manufacturer his opportunity, the merchant his opportunity, the railroad its opportunity, and the steamboat and the canal their opportunities.

There never was greater nonsense than this attempt to establish irreconcilable antagonism between producers and consumers. They are constantly interchangeable. Our country buys one-third of the productions of the earth. Why? Because we have the money. Why the money? Because we have the employment, and with the employment the wages, and with the wages the acquisition of the habits which make the luxuries of to-day the necessities of to-morrow.

My friend, the senior Senator from Iowa, in one of the ablest and most eloquent addresses delivered in this Chamber, has attacked the wool and cotton schedules. That speech has been very widely quoted, more, I think, than any which has been made here. A can of dynamite intelligently exploded will get more headlines and editorial comment than all the railroad trains of the country carrying the products of the farmer to the factories and the market, and of the markets of the country in distributing the results of their sales back to the farms and the factories. Automatic prosperity is like the air we breathe—it has to be questioned to interest anybody.

A close examination of the picturesque presentation of my distinguished friend reduces his criticism more to the manner of administration than to the subject-matter of the law. No tariff act could be prepared covering, as we are attempting to do now, the whole field of protective legislation without having paragraphs which are highly technical. Wool at one time was used only for clothes; now the subdivisions in which it is used are almost infinite. The difficulty of compressing within the law language which will not permit the shrewd and dishonest to escape its protection is exceedingly difficult.

The moment a tariff law is enacted tariff lawyers, importers, and experts are at work to find out how its provisions may be evaded by some change in manufacture or some device in the mixture of other articles which will enable what was intended to be placed under the highest duty to come in under the lowest. That is the most subtle and ingenious method of smuggling. No one can have read over even cursorily this testimony or listened to the people from his own State who are engaged in these manufactures without learning to what extent this species of smuggling is carried on. It is right here that the customs expert must be both able and honest. A deficiency in this respect is the opportunity of the importer and the injury of the domestic manufacturer and home labor.

The appraiser, the customs officer, the treasury official on a salary of five or six thousand dollars a year is thus pitted against the $50,000 lawyer and the $25,000 expert in the service of the importer. It is a magnificent tribute to the civil service of our Government that it has officers to do this work so ably and honestly. There are men in these departments who have ability sufficient to be at the head of great business enterprises or to be Cabinet officers who are proud to serve their country in these minor positions with an intelligence and devotion deserving of the highest commendation.

There is nothing which gives me more pain than to have my idols broken. I wish that those professors of destructive criticism who have murdered William Tell and Arnold Winkelried and almost destroyed our faith in George Washington and Napoleon Bonaparte had never lived. The Bacon cryptograph which demonstrates that there never was a Shakespeare does not appeal to me. Much of the argument made by professing protectionists has been to throw from their pedestals the statues of William Allison, William McKinley, and Governor Dingley. These three eminent creators and advocates of tariff bills are charged to have known little about what they were doing. No one charges them with dishonesty, either in thought or purpose, but the general impression left by the criticisms upon them is that their countrymen were never more mistaken than in the estimate which they have of them that they were the most distinguished as well as the best informed of protectionists. We must believe, if we are to credit the mistakes and failures which they are alleged to have made in 1892 and 1897, that no statesmen ever occupied permanent positions in either House who were so easily fooled. My faith in them is unimpaired.

There is nothing new under the sun, and the oldest of free-trade cries is the one of revision downward. In all the speeches that have been made here, so far as I can recall them, the only open and direct attack upon the protective system as a policy or a system has been from the distinguished Senator from Georgia [Mr. BACON], but attacks have, nevertheless, been effective and deadly, and have produced their impression upon the country because they came from our own household, from those who proclaim their undying faith in the principle, but claim that in practice it leads to nearly all the disastrous results which are charged against it by its open enemies. Congressman Morrison presented the only true rule if we are to adopt a revision downward. He proposed a horizontal reduction in the whole schedule of 25 per cent. To have accepted his plea would have been to admit his contention that there should be no such

thing as a duty upon any article which should equalize the cost of production between this and other countries with due regard to the wages of American labor.

I was a delegate to the national convention at Chicago, and mingled as much as anyone with the representatives of the Republican party. I was one of the vice-presidents. At dinners given to favorite sons I frescoed and covered with flowers of rhetoric their candidates, and while admiring friends prophesied his success, we all, except him, knew that he was in the class of those "mentioned." I spoke at public gatherings and in the halls of hotels for the candidate I wanted, and he, happily, as Vice-President, is the presiding officer of the Senate. I was up as late as the youngest and as early as the oldest member of the convention. The absorbing question was not revision of the tariff, but the hope that Roosevelt would accept and the fear that he might take a renomination. The subject uppermost in all minds was not the tariff, but whether anarchy or sanity would prevail in the resolutions. When sanity won, there were the same progressive predictions of disasters, which were answered at the election by the largest of our popular majorities for Taft and the platform. There was no discussion of, public or private, and no committals to, public or private, any method of the revision of the tariff. There was an understanding, in which all Republicans are agreed, that the constantly changing conditions of production and invention and in cost in different countries not only justified but demanded an examination of the tariff schdules which have been in existence for ten years, with a view to doing equal and exact justice to every one of these items within protective principles which have been inserted in the Republican platform ever since the formation of the party.

There has been brought to my attention by constituents of mine changes which have taken place within the last few years which entirely alter the relations of the American manufacturer to particular articles. There are many industries which have grown up in this country since the Dingley tariff, in which are invested many millions of dollars and employment given to tens of thousands of people. I refer now specially to industries where the raw material has come from India, South America, or the East. The change has come about by the English starting factories in the countries where the raw material is produced and where labor is nominal compared with ours. It is easy to name several industries which were prosperous at one time which are now struggling to live because the manufactured article comes into this country either under no duty, because it was not produced anywhere else at one time, or under a duty which is now wholly inadequate because the English manufacturer in India, South America, and the East has the raw material at his door; has his wages at one-quarter those paid in the United States, and much less when you consider the length of hours; with whom transportation is a negligible quantity; and who, unless the revision is upward instead of downward, will command the American market, drive our manufacturers out of business, and then, with his monopoly, make his own prices to us, his helpless victims. Undoubtedly there are other articles where the perfection of American machinery, the command of the raw material, the opportunities for transportation, and the elements of cost, including higher wages, justify a reduction to a point where the tariff shall not be prohibitive. Competition and not prohibition is the real object of the principle for which we are contending.

The newspapers tell us that France is on the eve of a revolution and that it originates, as always, in Paris. The remark was once made by a distinguished observer that, to maintain peace and order, Paris had to be shot over about once every thirty years. I do not know that there is any truth in this broad generalization, because broad generalizations are seldom true, but it is true, and that has been our history, that it requires a lesson in modified free trade to bring our people to a full realization of its effects. The lambs in their gambols frisked us fifteen years ago into a wool schedule which reduced the flocks from useful producers of national wealth to expensive ornaments on the plains and on the hillsides. The lambs of the present day have forgotten their experience, and it may require 11-cent wool to smash, as it did twelve years ago, the rainbows and dreams of the college idealists and the political theorist.

It has been charged here that the United States Steel Corporation made last year $9 a ton profit in excess of any legitimate return to which they were entitled. As the duty on their product was $7, if that statement is true, it is evident, after taking the entire duty off, they would still have made $2 more than a legitimate return upon their investment. There must be some error in the calculation which would justify the remark quoted by my eloquent friend from Iowa, that the chief practical use of statistics was to keep the other fellow from lying to you. Out of the Carlyle generalization has grown an American one that figures will not lie unless a liar makes the figures. No one charges and no one believes that there has been an intentional misrepresentation of the figures which have been presented by any Senator on any of the schedules in these debates, but if the profits of the United States Steel Corporation had been so preposterous, then the independent companies which are as well situated, without any water in their capital, with the latest machinery and the best of management, would have been able to make large money.

Even if it is true that the United States Steel Corporation made $9 in excess of any fair and legitimate return, even if it is true that the United States Steel Corporation can make iron $2 a ton cheaper than the independent companies, there would still have been for the independent companies $7 of profit in addition to a legitimate return upon their capital. As a matter of fact, they got no return at all.

The question has been raised why we should keep a tariff upon steel to protect independent producers, who have 50 per cent of the business and employment, at the expense of the American public. Why not, in order to reach the United States Steel Corporation, take the tariff all off and let the independent companies be absorbed and the whole iron and steel business of the country placed in one great monopoly? No one would dare argue or urge that, because the sufferers would be the consumers on the one side and the wage-earners on the other, with no possibility of relief in sight. Then why does not the United States Steel Corporation, having the power, as it apparently has, to produce more cheaply, crush its independent rivals? The American business man above all other qualities has good sense. With equal opportunities he fears no rivals. With too great opportunities he fears public opinion and legislation. To crush out the independent steel companies it would be necessary for the United States Steel Corporation to forego dividends upon its common and preferred stock and carry on its business on a scale of meager profits for a number of years, while by dividing and leaving the market open to fair and reasonable competition, with the independent companies controlling one-half of the output and the business, it is enabled to earn profits which keep its works up to the standard, which give value to its bonds and its preferred stock, and which now and then permit a return upon the common. If it had a monopoly and the American market was thrown open to competition, the laws of trade would lead to an understanding with those gigantic trusts which control the markets of Great Britain and of the Continent, especially Germany, to whose tyranny and operations the lamp post would not be an effective remedy. You can hang a man, not a corporation. You can hang a man upon a basis which would bring about the terrors of the French Revolution and the disruption of society, but the United States Steel Corporation is owned by 100,000 stockholders, of whom 27,500 are workers in the mines, the mills, and the furnaces, and on the railroads, and the steamboats of the corporation.

My eloquent friend from Georgia, in his brilliant defense of the South, claimed that the prosperity which has created a new South would have come without any protective tariff, and that the protection which, in our judgment, has made the new South, has created a class who live by placing tax burdens upon their neighbors who owe them nothing and receive no benefits whatever from their existence. Now let us see. At the close of the war the South, as he says, was purely agricultural, and all its property destroyed but land, and, as the Senator from Massachusetts has so ably demonstrated, it was that which presented such a frightful handicap during the civil war upon as gallant, brave, and resourceful a people as ever existed.

Soon after the civil war protection enabled capitalists to take advantage in the South of the principle that where the raw material and the manufactory are side by side there is prosperity for both. Now, see this remarkable result: The manufactured products of the South in 1880 were four hundred and fifty millions; in 1900 one billion four hundred and fifty millions; in 1908 $1,908,000,000. In view of these figures, where is the claim that the South is still an agricultural country and dependent entirely upon agriculture for its living? There is not a person, I believe, interested in the manufacturing industries of the South, who intelligently understands them, who would assent to-day to the repeal of the tariff upon cotton products and iron products because protection is an oppression upon their farming neighbors.

Now, my friend the Senator from Georgia gave a very illuminating exposition, as he always does, the other day upon conditions in the South in reference to the principle of protection. He is the only real, honest free trader who has spoken here, and I love his courage.

Mr. BACON. I will accept a part of it, but not the other.

Mr. DEPEW. The other means, I think, that there are others.

Mr. BACON. No. I am very much obliged to the Senator for connecting my name with the very honorable epithet of honest, but I am not such a doctrinaire as to be a free trader. I believe in a very liberal tariff, but I do not believe in one for the protection of any particular business at the expense of everybody else.

Mr. DEPEW. That means that you are in favor of a tariff for revenue only?

Mr. BACON. The Senator has expressed it with absolute accuracy.

Mr. DEPEW. And that is free trade?

Mr. BACON. No; it is not. It has no relation to free trade. They are as far awide as the poles.

Mr. DEPEW. The relationship is so near that it would take a genealogist to describe the difference.

Now, in that admirable speech of his he defends the South. The South needs no defense. In the North to-day, wherever you may find the northern man of to-day or the northern woman of to-day, there is nothing but fraternal feeling; and, more than that, admiration for the courage and the sacrifice of the South during the civil war for their ideals, under conditions which to any other people than ours would have been absolutely hopeless.

As the Senator says, the South was handicapped so that she could not make her arms, she could not clothe her people, she could not do any of the things necessary for her, except as she got them from the outside.

Mr. BACON. Mr. President, the honorable Senator will pardon me, but I said no such thing.

Mr. DEPEW. Substantially.

Mr. BACON. I did not mean to even imply any such thing. On the contrary, I said that the resources were ample, but that the odds were 5 to 1 against the South, and that the resources there were in the course of a merciless and bitter war absolutely destroyed.

Mr. DEPEW. My memory is at fault. That was the statement of the Senator from Massachusetts. Now we have come to the point I wished to make just now. All her industries were destroyed, all her property of a personal kind was destroyed, her houses were burned, her stock was gone, and she had the bare land to start anew on.

Now, accepting that, suppose there had been no protection, would capitalists have been found in the South for industry, especially for the cotton and iron industry?

Mr. BACON. What is the Senator's question?

Mr. DEPEW. Suppose there had been no protection upon cotton and iron as protection, would capitalists have been found in the South or elsewhere for the cotton and iron industry?

Mr. BACON. Mr. President, if the Senator will permit me to reply, there certainly has been no protection as to the production of cotton.

Mr. DEPEW. I mean the manufacture of cotton.

Mr. BACON. And cotton has not been produced——

Mr. DEPEW. I mean the manufacture of cotton and iron.

Mr. BACON. Well, Mr. President, the manufacture of cotton and iron in the South has grown up after the prosperity had been restored there, but their agricultural products, far from having any assistance from the protective tariff, bore an onerous and grievous burden all the time that they were thus restoring prosperity. The manufactures of the South have been the result of the wealth which has been dug out of the ground by the agriculturists of the South, and without any aid either from the protective tariff or, generally speaking, from any other source outside of their own energy and their own perseverance and labor.

Mr. DEPEW. The manufactures of the South in 1880 were $450,000,000; in 1900, $1,450,000,000; and in 1908, $2,000,000,000, in round numbers.

Mr. BACON. And, Mr. President, all that magnificent growth and development is the surplus profit which has been piled up by the southern people in the prosecution of their agricultural interests at a time when they have borne a most tremendous tax to the manufacturing producer under the protective tariff, when they themselves were receiving no reciprocal benefits from it.

Mr. DEPEW. Now, if that view of the Senator is correct, and if his view is correct that no capital has come in from outside sources, and these manufacturing developments have been wholly by the profits of agriculture in the South, then the profits of agriculture in the South must be beyond anything ever known in agricultural production and in surplus income anywhere in the world. For instance, from 1865 to 1880, when the South is acknowledged to have had no personal property, there was $250,000,000 capital put into manufactures.

Mr. BACON. Mr. President, what is $250,000,000 to a section that makes $800,000,000 worth of cotton and its by-products a year? Of course, when I speak of the agricultural industry, mercantile and other kindred industries grow up with it, and there are reciprocal benefits between those who produce the cotton and those who furnish other things upon which the men who produce the cotton must live.

As I have said, it has been the result of the agricultural industry, and, of course, other industries have accompanied it, but they have been the industries of our own people. If the Senator will figure a little, and not despise figures, as he indicated just now he would be prone to do, he will find that the cotton crop of the South has not only enriched the South and that out of its profits have grown these immense industries of other kinds, manufacturing included, but he will find if he will examine the balance sheets that but for that cotton and but for that agricultural profit which has been made in spite of the protective tariff and not through any aid of it, the balance of trade would have been frequently against the people of the United States.

Mr. President, the cotton crop sends out of this country something like five hundred million dollars a year which is the equivalent of gold, and it brings back into this country either actual gold or keeps gold from going out of the country by furnishing bills of lading, which stand for gold.

Mr. ALDRICH. Will the Senator permit me to ask him a question?

Mr. BACON. With pleasure.

Mr. ALDRICH. What is it that makes the marketing of that great cotton crop of the South possible?

Mr. BACON. The world's demand for it.

Mr. ALDRICH. It is the industrial prosperity of the world, and the industrial prosperity of the United States is the one important and controlling factor in that prosperity.

Mr. BACON. Mr. President, the prosperity of the United States is not the factor which makes the demand of the world for cotton.

Mr. ALDRICH. If you will look at the statistics showing the consumption of cotton in the United States, you will find that we are the great and important factor in the consumption of the cotton of the South.

Mr. BACON. Between two-thirds and three-fourths of the cotton of the South is exported for the consumption of the world—of the whole world.

Mr. ALDRICH. Yes; but $73,000,000 of that comes back to the United States in the form of manufactured goods, every dollar's worth of which should be produced in the Southern States.

Mr. BACON. Oh, well, what may be done is no matter, but what is $73,000,000 compared with this $500,000,000 that comes back in gold for the raw product? If I am not intruding on the Senator from New York, I will say that of course I do not underrate the importance of manufacturing. I am proud of the manufactures of the South. The three States, North Carolina, South Carolina, and Georgia, manufacture, I will not say the most of, but much the larger portion of the cotton that is manufactured in the South, and my State is close up to the other two, South Carolina being in the lead and North Carolina following, and Georgia being behind them. In general manufacturing, the money product of Georgia leads the others. But, Mr. President, the manufacturing industry of the South has been the product and the result of the agricultural prosperity of the South, and it is not due to the protective tariff.

Mr. ALDRICH. Mr. President, one other question. Where would the price of cotton be to-day if you should lose the American market, the market of the producers of the United States, of the men who are employed in the mills and upon the farms of this country? Does the Senator think the cotton growing in the South would be prosperous if it were to depend entirely upon the foreign market?

Mr. BACON. For what?

Mr. ALDRICH. For purchasers.

Mr. SMITH of South Carolina. Let me ask one question. Will the chairman of the Finance Committee state where the price of cotton is fixed?

Mr. ALDRICH. The price of cotton is fixed in the markets of the world and it is fixed by the law of supply and demand. Of that demand the United States furnishes by far the most important portion.

Mr. BACON. Mr. President, if there was not a bale of cotton spun and woven in the United States there would still be the demand for it and there would be the same price of cotton. There has got to be a certain amount of manufactured cotton.

If it were not manufactured in this country, it would be manufactured in another. I am not speaking about the question whether it is to our advantage to have any manufactured here. I am speaking of the question whether the manufacture of cotton here increases the price of the staple of the raw cotton. The world requires more than 13,000,000 bales of cotton to clothe the people of the world in garments that are made out of cotton.

I will not trespass further on the time of the Senator from New York. It is unjust.

Mr. DEPEW. Mr. President, to continue one moment. As I said, from 1865 to 1880 the South got $250,000,000 of capital in manufactures, from 1880 to 1890 she found $650,000,000, from 1890 to 1900 she found $1,150,000,000, and from 1900 to 1908, $2,100,000,000. It would make the farmers of the world stand up and listen if told that that $2,100,000,000 came from the surplus profits of agriculture in the South, by which in that brief period people who had no money and no personal property to begin with could give to manufactures such fabulous capital.

Mr. GALLINGER. And, Mr. President——

The VICE-PRESIDENT. Will the Senator from New York yield to the Senator from New Hampshire?

Mr. DEPEW. Certainly.

Mr. GALLINGER. If we did not have a tariff on the finished product of cotton, and foreign countries were supplying us with cotton goods, as they did in the early days, what would become of the $2,100,000,000 now invested in cotton manufactures in the South?

Mr. DEPEW. I believe that if the protective principle was taken out of our legislation the cotton industries of the South would disappear.

Mr. GALLINGER. Of course they would.

Mr. DEPEW. And with that would come a paralysis of all industries of the South. I believe that if this protective principle was taken out of legislation, instead, as the Senator from Georgia believes, the agriculturists contributing from their surplus for the support of other people, they could do nothing for them, and the iron and coal industries of West Virginia and of Alabama and of Kentucky and of Tennessee would be destroyed.

Mr. BACON. If the Senator will pardon me, I wish to make a statement, in order that what I have said may not be misunderstood. When I speak of the manufacturing industries of the South being solely the representative of the profit upon the agricultural industry of the South, of course I do not mean that absolutely the clear profit made is the only money which has been invested in those industries. Of course the people of the South have utilized their land and other property, which has resulted from this agricultural prosperity as a basis for credit to secure money which they have invested in manufacturing enterprises. Money has been borrowed, but borrowing money by our own people upon satisfactory security is a very different thing from money being sent in by others for investment.

Mr. DEPEW. Repeal the protection upon cotton and you wipe out the manufacturers in North Carolina, South Carolina, and Georgia. Repeal the protection upon iron and the phenomenal progress and development of Alabama, Tennessee, and West Virginia will cease. I do not wish to differ with my friend from Georgia, but it is hard for me to understand, if his statement is correct, that the South found its own capital for these manufacturing enterprises, where a purely agricultural people, who had no personal property in 1865, got two hundred and fifty millions of capital in 1880, six hundred and fifty millions in 1890, one billion one hundred and fifty millions in 1900, and two billions one hundred millions in 1908 and that none of it was contributed from outside sources. The profits of cotton must be beyond precedent.

My friends from Florida, I think, state as fairly as any of the Senators on the Democratic side the Democratic position, which is, that they wish the idea of protection to be entirely eliminated from the schedules and that the tariff should be based upon the Walker doctrine of only sufficient revenue to yield the sum required for carrying on the Government. Upon that basis the junior Senator from Florida made a most eloquent appeal on behalf of a revenue upon pineapples, not for protection, but purely for revenue. Under the schedule proposed by Florida, the duty upon pineapples will be raised to 128 per cent. The distinguished Senator, in the course of his eloquent remarks, said the nerves of the human anatomy were gathered at the base of the spine, and an injury to the base of the spine attacking the whole nervous system led to the paralysis of the entire body. In the anatomy of our country, with the head in Maine, the base of the spine, as he believes, is Florida. Then, a failure to put 128 per cent, not for protection, but for revenue, upon pineapples would lead to national paralysis. We will take care of pineapples, but not on a revenue basis. Under the practice of protection, the national nervous system will be unimpaired.

New York is the largest manufacturing State and has the greatest variety in the product of her mills and her factories. I have been in receipt of at least a hundred letters a day for months and have had at least a thousand of my constituents here upon these questions. They have been the manufacturers and the employees, men and women, in the factories, and the farmers and the people of the localities in which these manufacturing industries are located. There is almost unanimity of sentiment that they are all consumers as well as all producers.

The 30,000,000 people who are in gainful pursuits, eliminating those who are single, and giving an average family to those who are married, make up nearly the entire population of the United States. In their living as well as in their prosperity they are absolutely dependent upon each other. None of them can live by himself and no occupation can exist by itself. It is the interdependence of the industries of our States which constitutes the strength of the American people and the wealth of the American Union. I was asked by Mr. McKinley in 1896 to make campaign speeches through the wheat and corn belts of the West. I found the farmers everywhere looking to free silver or any other panacea for relief from their condition. Wheat was 60 cents and corn 15 cents a bushel. Upon that they could not meet the interest upon their mortgages and they had difficulty in paying their taxes and there was no market for their horses and cattle. Why was there this condition among the farmers? We had a larger population in 1896 than we had in 1890 when they were prosperous. It was because the experiment of modified free trade had closed the factories and turned 3,000,000 wage-earners in possession of jobs to 3,000,000 out of a job and out of money. In other words, the farmer had lost his market because the consumer had lost his job.

We have had since 1897 phenomenal prosperity, employment, and wages, the farmers now getting a dollar and twenty-five cents a bushel for wheat and sixty cents for corn, and there is an open market for their stock. The farmers have paid off their mortgages, they have large surplus in the banks, and they are enjoying a prosperity such as has never been known by any agricultural people in the world and never known by our farmers before. It is because protection has created the market, has created the money maker, has created the money spender, and has demonstrated the interdependence between the farm and the factory and between the producer and the consumer. The rise in the cost of living is not in rents, clothes, boots and shoes, or railroad travel, but it is in food. To suppose that under these conditions the farmers of the country believe that under this principle they are burdened and oppressed in order to support their fellow-countrymen who are engaged in other pursuits and who, by being engaged in these remunerative pursuits, are their consumers and customers, is absurd.

I have admired the Senate all my life. The giants of the early period—the great triumvirate, Webster, Clay, and Calhoun—created the sentiment that this is the most august assembly in the world. But their speeches, wonderful in their literature, covering exhaustively a wide range of subjects, very platitudinous and lengthy, would not command a Senate of to-day. They are devoid of humor, and humor is necessary for a modern statesman. The thoughtful and thoroughly prepared speeches delivered during this session are worthy the best efforts of the greatest reputation of the Senate and more interesting.

An income tax has been urged by the Senators from Texas [Mr. BAILEY], Iowa [Mr. CUMMINS], and Idaho [Mr. BORAH]. It is advocated with great ability and a great array of precedents is cited to support their contention, and the answer of the Senator from Utah [Mr. SUTHERLAND], who has just taken his seat, has been most able and conclusive.

The whole question rests upon these words of the Constitution:

> Direct taxes are to be laid in such a manner that each State shall bear a proportion of the whole tax equal to its proportion of the whole population.

In rendering the opinion of the court in the Pollock case, Chief Justice Fuller summed up his conclusions as follows:

> Our conclusions may therefore be summed up as follows:
> First. We adhere to the opinion already announced that taxes on real estate, being indisputably direct taxes, taxes on the rents or income of real estate, are equally direct taxes.
> Second. We are of opinion that taxes on personal property or on the income of personal property are likewise direct taxes.
> Third. The tax imposed by sections 27 to 37, inclusive, of the act of 1894, so far as it falls on the income or real estate and of personal property, being a direct tax within the meaning of the Constitution, and therefore unconstitutional and void because not apportioned according to representation, all those sections, constituting one entire scheme of taxation, are necessarily invalid.

The object and aim then of these long speeches which are as able as any ever delivered at any time in this body are to have the Senate reverse the Supreme Court. It is better when a decision of the court of last resort is against the judgment of counsel to present to the public what the counsel would have said if he had been a judge than to adopt the remedy which Judge Grover, of our New York court of appeals, said was the only one left for the defeated attorneys and that was to go down to the tavern and curse the court. One Senator wishes distinctly to challenge the Supreme Court with the idea that the argument and decision in the Pollock case will be reversed. Another Senator wishes to have it introduced as a principle in our political economy, even if the tariff is to be reduced in order that there may not be an excess of income over expenditures.

Unless, as in war times, there is an absolute necessity for an income tax, it is the most direct possible attack upon the protective system. The only way in which the surplus revenues it would produce, and which are not now needed, could be taken care of, would be either a horizontal reduction of the tariff to bring the revenues down to the expenditures or else to enter upon a bacchanalian saturnalia of extravagance.

No one has been able to refute the conclusions of the Finance Committee that the bill under discussion will yield several millions in excess of expenditures. It is claimed that the income tax will produce between sixty and eighty millions of dollars annually. This would create a dangerous surplus and impose a burden for no other purpose than to establish a theory. A theory which will cost the taxpayers of the country, and, in the analysis of distribution, all the people, $80,000,000 which the Government does not need and for which it has no use, is the most expensive educational propaganda ever exploited. It has been suggested by its advocates that the tariff could be reduced to meet the excess caused by the income tax, but a reduction would lead to larger importations and greater revenues and at the same time take our American market from our own workers and give it to their foreign competitors. On the other hand, if a prohibitory tariff was adopted to decrease customs revenues, that would defeat the Republican doctrine of competition with protection and create monopolies.

There is one point which strikes me in the question as to whether the fathers in forming the Constitution intended that the clause providing that direct taxes should be apportioned among the States according to population referred only to revenue from land and not income from personal property. The Constitution was a compromise between the large and populous and the small and sparsely populated States. The small States demanded that in some way they should be protected. The device to protect them was that, regardless of their population, each State should have in the Senate practically two ambassadors with equal vote and equal power. There was as great disparity then as there is now between the States of large population and those of smaller population. The taxing power and its destructive possibilities were thoroughly understood, and the great States of New York, Pennsylvania, Virginia, and Georgia never intended that they should be outvoted and made to bear undue burdens because of the votes in the Senate of the smaller States. There are 15 States with 30 Senators in this body whose aggregate population differs only a few thousand from that of the single State of New York with two Senators. New York has one-seventh of the property of the country. It has one-twelfth of the population. Yet, under an income tax, it would pay 33 per cent of the burdens of the Government. It is absurd to suppose that with the States rights views that existed among the statesmen of the formative period and in the Constitutional Convention they ever intended that any system should prevail which would distribute so unequally the burdens of the Government among the various States.

There is another view which strikes me very forcibly and which has not been presented. The time has come to draw the line between the sources of revenue for the Federal Government and those which shall be left with the States. The Federal Government has unlimited opportunities for revenue through the customs and by internal-revenue taxation of almost limitless varieties and by other methods. The States must deal directly with their people. I was talking a few days since with the Hon. Edwin A. Merritt, chairman of the committee on ways and means of the lower house of the New York legislature, who expressed alarm at the inheritance and income taxes being absorbed by the Federal Government. The expenses of the States, with the public improvements which have become necessary by the extraordinary development of the last quarter of a century, are increasing in geometric ratio.

When I was chairman of the committee on ways and means in the lower house of the New York legislature, forty-six years ago, a tax levy of $8,000,000 would have led to a political revolution. The tax levy this year is thirty-seven millions, and it has increased from twenty-two to thirty-seven within the last decade. There was levied in the State of New York in 1907 by direct taxes—that is, city, village, county, and town—$180,942,341.27, and by indirect tax, $32,339,707.49, making a total of direct and indirect taxes of $213,282,048.76. A direct tax for State purposes has been abolished in our State. The State government is carried on by indirect taxation. This came because of the enormous burdens of local taxation, amounting to $181,000,000 a year. Our indirect taxation comes from taxes on corporations, organization of corporations, inheritances, transfers of stock, traffic in liquor, mortgages, and racing associations, according to the following table:

Tax on corporations	$8,581,223.44
Tax on organizations of corporations	391,423.18
Tax on inheritance	5,435,394.97
Tax on transfer of stock	5,575,986.64
Tax on traffic in liquor	9,697,504.24
Tax on mortgages	2,442,249.73
Tax on racing associations	215,925.29
Total	32,339,707.49

It is evident from this that, with the budget five millions more than the amount raised from these sources last year, the State must soon find other sources of revenue. Several States have already adopted an income tax. No one would advocate that there should be double taxation by the General Government and by the States, for the burden would be intolerable. It seems to me, therefore, that it is a fair claim on behalf of the States that this direct contact with their citizens by inheritance and income taxes should be left to their administration.

My colleague, Senator Root, clearly and ably answered the question the other day as to whether the property owners bore a substantial part of the burdens of the Government by proving what they paid and its percentage in the country as a whole. This New York tax levy, I think, is a close and up-to-date illustration of the same point from our own State. I know from personal experience with the estates for which I am counsel that real estate located in the best parts of New York City pay to-day double the taxes which they did eight years ago and without any increase in rents. The effect of this is that the income from real estate in New York is nearer 3 than 4 per cent.

The taxes on railroads in the State of New York are first upon their real estate, at full value, in the several towns, then a franchise tax, then a tax upon capital stock, then a tax upon bonded debt, gross earnings, and dividends. In the case of the New York railroads which pay dividends, this amounts to over 15 per cent of their net income. Of course this is an assessment upon the income of the stockholders to that amount.

The income and expenditures of the Government can be calculated for a series of years to come with almost mathematical certainty. I have heard no criticism which successfully controverts the conclusions of the Ways and Means Committee of the House and the Finance Committee of the Senate. Including pensions, 55 per cent of our total expenditure is on account of war. Expenditures are not likely to increase as fast as revenues, and there will necessarily come in the course of nature, now that forty-four years have passed since the close of the civil war, an annual decrease in pension appropriations. The civil expenditures are entirely in administrative control.

All European nations are burdened with gigantic national debts. These debts are the inheritances of great and little wars. Our national debt has been so reduced since the civil war that it is a negligible quantity compared with our resources. We should enlarge the national debt, not for war but for the most beneficent purposes of peace, if we are to enter upon a proper policy. We have begun on the right course in the Panama Canal by borrowing the money for its construction. It is proper that posterity should bear their proportion of a burden of which they are to be the principal beneficiaries. If we enter upon, as we will in the future, an intelligent and thoroughly prepared scheme of inland waterways, that also should be done by the issue of long-time bonds, for posterity again will be the beneficiaries and ought to bear their share of the burden.

We are all in receipt of letters and resolutions of commercial bodies in reference to the creation of a permanent tariff commission. The Senator from Indiana [Mr. BEVERIDGE] and the Senator from Nevada [Mr. NEWLANDS] have ably and eloquently presented the affirmative of that proposition. They base their argument largely upon the success of the Interstate Commerce Commission; but there is no analogy between the duties performed by and the obligations which rest on the Interstate Commerce Commission and those which would devolve on a permanent tariff body. It is the nature of a commission to seek to enlarge its powers and to exploit its beneficence. A permanent tariff commission, with a permanent lobby representing the 2,000 items in the tariff bill and backed by the influence of the

Senators and Members from the States where these particular industries are located, would keep alive what the country most deprecates and most fears—a perpetual tariff disturbance. Pass some law quickly and adjourn is what the country wants.

I believe in the scheme outlined by our Committee on Finance of creating from the experts of the Government, who are familiar with every phase of this question and in constant touch with its administration, a body within the existing departments which can inform the President, Congress, and the Secretary of the Treasury of the inequalities as they arise in the practical application of tariff duties, so that without agitation, without an eternal tariff war and a perpetual tariff lobby, with all that means in the disturbance of business, an effective and noiseless machinery would be automatically solving problems as they arise. Such a commission would meet the criticisms upon the ambiguity of the law and the mistakes in its administration, which were so ably presented in the speech of the senior Senator from Iowa.

I noticed in the papers of this morning that William J. Bryan and Governor Johnson, of Minnesota, deplored yesterday the situation of the Republican party. They said that if this tariff bill as suggested either by the House or Senate committee became a law it would lead inevitably to the election of a Democratic House of Representatives two years from now and the Senate and the Presidency to follow four years from now. The tears which they shed should have been caught after the manner of the Pompeians, in a glass bottle, and preserved in the archives of the Smithsonian Institution. I am sorry for the progressive brethren of our own household who are lamenting with great earnestness the impending ruin which they are so fearful will follow if they fail to have their way. I say to our distinguished Democratic sympathizers with Hamlet to the ghost of his father, "Rest, rest, perturbed spirit."

Mr. President, the country wants speedy action upon this subject. In all the phenomenal times of prosperity of the past none of them equal the present in its opportunities and its promise. Large contracts for important construction are held up, the stocks of the merchants are depleted, the storehouses of the manufacturers are empty, the supplies on hand have been used up, and no new production undertaken for fear of the result of the action of this Congress.

The impatient horses attached to the car of progress and prosperity are held in with difficulty, because of their impatience to enter upon the Marathon race of production and development. The fate of parties in power depends upon the effect of their action on the country. If because of this bill, when perfected, becoming a law we enter, as I believe we will, upon another decade surpassing in its beneficent results that which began with the Dingley tariff, popularity will follow prosperity and the party can confidently rely upon the judgment of the people.

Mr. OWEN. Mr. President, on the 7th instant I undertook to show to the Senate that under the Constitution of the United States the direct taxes referred to in that instrument, limiting the broad right of Congress to lay and collect taxes, related alone to direct taxes upon the States of the United States and not to direct taxes upon the citizens. I desire to ask the indulgence of the Senate for a few moments only, that I may submit a few authorities with regard to that matter, in addition to what I have stated heretofore. I shall not take the time of the Senate to go into any elaborate discussion of this matter. I shall dispose of it in a very few minutes, so far as my comments are concerned.

The authority which was given to Congress by section 8 of Article I of the Constitution was the authority "to lay and collect taxes," not to lay and collect duties, imposts, and excises which should be uniform, but "to lay and collect taxes," as well as duties, imposts, and excises, for all that that means, and there was no body of men in the world more capable of determining the value of the omission of an adjective or of a limiting word than was the Constitutional Convention which drew that great instrument. They did not limit the word "taxes." They said that Congress should have the right to lay and collect taxes; and that meant taxes direct and taxes indirect, direct taxes on the United States as component parts of the preceding Confederacy and of the succeeding Union; it meant as well direct and indirect taxes on the citizen. And I wish to again call the attention of the Senate to the proof which I offered as to this proper interpretation out of the debates of the Constitutional Convention, which I shall not here repeat.

I want to call the attention of the Senate to the authorities, and, without reading them, I ask permission to insert in the RECORD the authorities to show that the power of taxation is an inherent attribute of the sovereignty of the United States.

The VICE-PRESIDENT. Without objection, the request will be granted. The Chair hears none.

The authorities referred to are as follows:

POWER OF TAXATION AN INHERENT ATTRIBUTE OF SOVEREIGNTY.

United States: Weston *v.* Charleston, 2 Pet. (U. S.), 449; Providence Bank *v.* Billings, 4 Pet. (U. S.), 514; McCulloch *v.* Maryland, 4 Wheat. (U. S.), 316; North Missouri R. Co. *v.* Maguire, 20 Wall. (U. S.), 46; Wheeling, etc., Transpt. Co. *v.* Wheeling, 99 U. S., 273.
Florida: Young *v.* Thomas, 17 Fla., 171; 35 Am. Rep., 93.
Illinois: Porter *v.* Rockford, etc., R. Co., 76 Ill., 561.
Iowa: Hanson *v.* Vernon, 27 Iowa, 28; 1 Am. Rep., 215; Stewart *v.* Polk County, 30 Iowa, 9; 1 Am. Rep., 238.
Kentucky: Louisville, etc., R. Co. *v.* Com., 10 Bush (Ky.), 43.
Maine: Allen *v.* Jay, 60 Me., 128; 11 Am. Rep., 185.
Missouri: Glasgow *v.* Rowse, 43 Mo., 479.
Nebraska: Tillotson *v.* Small, 13 Nebr., 202.
Nevada: Ex p. Robinson, 12 Nev., 263; 28 Am. Rep., 794.
New Jersey: State *v.* Jackson, 31 N. J. L., 189; State *v.* Parker, 32 N. J. L., 426.
New York: Guilford *v.* Chenango County, 13 N. Y., 143; Clarke *v.* Rochester, 24 Barb. (N. Y.), 446.
Ohio: Board of Education *v.* McLandsborough, 36 Ohio St., 232.
Pennsylvania: Com. *v.* Mann, 5 W. & S. (Pa.), 416; Kirby *v.* Shaw, 19 Pa. St., 258.
South Carolina: Ex p. Lynch, 16 S. C., 37.
Texas: Clegg *v.* State, 42 Tex., 608.
Virginia: Eyre *v.* Jacob, 14 Gratt (Va.), 422; 73 Am. Dec., 367.
Wisconsin: Knowlton *v.* Rock County, 9 Wis., 418; Wisconsin Cent. R. Co. *v.* Taylor County, 52 Wis., 53.

The sovereign right to levy and collect taxes grows out of the necessities of Government—an urgent necessity, which admits no property in the citizen while it remains unsatisfied. The right to tax is coequal with all governments. It springs out of organization of the government. All property is a pledge to pay the necessary debts and expenses of government. (Parham *v.* Justice, 9 Ga., 352. See also Philadelphia *v.* Tryon, 35 Pa. St., 401, in which it was said that every man holds his property subject to the taxing power.)

Mr. OWEN. I ask further authority to introduce in the RECORD the authorities bearing upon the proposition that the taxing power of the United States is unlimited unless restricted by the Constitution.

The VICE-PRESIDENT. Without objection, the request is granted.

The authorities referred to are as follows:

TAXING POWER UNLIMITED UNLESS RESTRICTED BY CONSTITUTION.

United States: Weston *v.* Charleston, 2 Pet. (U. S.), 449; Providence Bank *v.* Billings, 4 Pet. (U. S.), 514; Lane County *v.* Oregon, 7 Wall. (U. S.), 77; State Tax on Foreign-held Bonds, 15 Wall. (U. S.), 319; North Missouri R. Co. *v.* Maguire, 20 Wall. (U. S.), 62; Kirtland *v.* Hotchkiss, 100 U. S., 497; Hagar *v.* Reclamation Dist. No. 108, 111 U. S., 709; Railroad Tax Case, 8 Sawy. (U. S.), 248; 13 Fed. Rep., 731; Forbes *v.* Gracey, 9 Fed. Cas., No. 4924.
California: Mackey *v.* San Francisco, 113 Cal., 399.
Colorado: Hall *v.* American Refrigerator Transit Co., 24 Col., 291; 65 Am. St. Rep., 223.
Illinois: Porter *v.* Rockford, etc., R. Co., 76 Ill., 561; Greenleaf *v.* Board of Review, 184 Ill., 226; 75 Am. St. Rep., 168.
Kansas: Newton *v.* Atchinson, 31 Kan., 153; 47 Am. Rep., 487.
Kentucky: Lexington *v.* McQuillan, 9 Dana (Ky.), 516; 35 Am. Dec., 159; Cincinnati, etc., R. Co. *v.* Com., 81 Ky., 500.
Louisiana: Second Municipality *v.* Duncan, 2 La. Ann., 182.
Maine: State *v.* Western Union Tel. Co., 73 Me., 526.
New Hampshire: Berry *v.* Windham, 59 N. H., 288; 47 Am. Rep., 202.
New Jersey: Rudderow *v.* State, 31 N. J., L. 512; Standard Underground Cable Company *v.* Attorney-General, 46 N. J., Eq. 270, 19 Am. St. Rep., 394.
New York: Chenango Bank *v.* Brown, 26 N. Y., 467; People *v.* Flagg, 46 N. Y., 401; People *v.* Home Insurance Company, 92 N. Y., 328; Lawton *v.* Steele, 119 N. Y., 232, 16 Am., St. Rep., 813; Astor *v.* New York, 37 N. Y. Sup. Ct. 560; People *v.* Molloy, 35 N. Y., App. Div., 136, affirmed 161 N. Y., 621.
Oregon: Crawford *v.* Linn County, 11 Oregon, 488.
Pennsylvania: Kirby *v.* Shaw, 19 Pa. St., 260; Pullman's Palace Car Company *v.* Com., 107 Pa. St., 155.
Tennessee: South Nashville Street Railway Company *v.* Morrow, 87 Tenn., 432.
Texas: Hutcheson *v.* Storrie (Tex. Civ. App., 1898), 48 S. W. Rep., 789.
Virginia: Com. *v.* Maury, 82 Va., 888.
West Virginia: State *v.* Sponaugle, 45 W. Va., 410.
Wisconsin: State *v.* Thorne, 112 Wis., 81.

"The power to tax" says Chief Justice Marshall, "involves the power to destroy;" that is, by the levy of a tax equal in amount to the value of the property taxed. (McCulloch *v.* Maryland, 4 Wheat (U. S.), 431.

Taxation is an incident of sovereign power which acknowledges no limits except the discretion of those who use it, unless it be as to those objects of taxation which have been withdrawn from the general power. (Com. *v.* Mann., 5 W. & S. (Pa.), 416.)

Mr. OWEN. Mr. President, the income tax has heretofore always been defended on the ground that it is an indirect tax. I hold that that defense is unnecessary, and dangerously weak besides. And without undertaking to pass any judgment with regard to that, I do say that the Constitution of the United States, in the only limitation upon the taxing power imposed upon Congress, where reference was made to direct taxation, meant, and necessarily meant, direct taxation upon the States, and did not mean, and can not by any imagination or ingenuity be made to mean, a direct tax upon the citizen. The limitation in clause 4, section 9, that "no capitation or other direct tax shall be paid unless apportioned," necessarily means a direct tax upon the States, because you can not lay a capitation tax upon

the citizen under the constitutional apportionment. You can lay a poll tax upon the citizen, but the capitation tax, under the constitutional rule of apportionment, was a gross amount fixed by population—men, women, and children, the deaf, the dumb, the blind, sane and insane, and three-fifths of the slaves—and apportioned to the several States. The direct tax limited in this clause likewise was exclusively a direct tax on the States, which alone could be apportioned under the constitutional rule, and since the direct tax on the citizen could not be apportioned, it could not have been referred to in this clause requiring the apportionment of such direct tax. A duty, impost, or excise may be either a direct tax on the citizen or indirect, depending on whether the payee is the immediate consumer. I pay a duty of 10 cents on a few cigars I smoke; it is a direct tax. I pay $100 tax on cigars I sell to my customers, charging each his pro rata; the tax or duty collected is indirect in relation to them.

Congress interpreted the limited right of a "direct tax" on the States in its immediate acts after the adoption of the Constitution. The act of 1798, the act of 1813, and the act of 1815, declared in the most specific terms that "a direct tax" is laid upon the United States—not upon a citizen—to be apportioned under the constitutional rule. Let me see you apportion a capitation tax in any other way than among the several States.

Not only must a capitation tax of necessity be held to mean a tax upon the States in gross, but the other "direct taxes" referred to in the same sentence which are required to be apportioned can not be apportioned in any other way except upon the States. The meaning of that clause is, direct taxes on the States and on nothing but the States, and the only limitation on the power of Congress to lay taxes in the broadest manner on State and citizen is that direct taxes laid on the States shall be apportioned under the constitutional rule.

There are many different kind of taxes; for example, according to method and purpose of the imposition: Federal taxes; state taxes; county taxes; municipal taxes; district taxes, and so forth; capitation taxes on States; direct taxes on State, county, municipality, or citizen; indirect taxes on citizen; ad valorem taxes; specific taxes; duties; imposts; excises; poll taxes; income taxes; occupation taxes; license taxes; personal taxes; real estate taxes; succession taxes; privilege taxes; import taxes; export taxes; commodity taxes; corporation taxes; inheritance taxes, and so forth.

When the Constitutional Convention used the words authorizing Congress "to lay and collect taxes," without limitation, it meant what it said, and the limiting clauses of the Constitution must be confined to the necessary meaning of that language, within the meaning of the language itself. The interpretation which I have given to it is sustained by the previous history and by the subsequent proceedings in Congress, as well as by the debates in the Constitutional Convention bearing upon this matter.

Mr. President, before I take my seat I wish to present an amendment upon an entirely different matter, which, with the indulgence of the Senate, I shall read:

After the last line of paragraph 471d, page 193, insert the following:

"That the rate fixed on all articles enumerated in Schedules A, B, C, D, E, I, J, K, L, M, and N of this act shall be reduced 5 per cent per annum of the rate fixed in this act, annually on June 30, for each of the next ensuing ten fiscal years: *Provided*, That if such graduated reduction shall cause a diminution of the annual revenue from any one or more of the articles enumerated therein, the President is authorized and directed to fix the rate on any such article or articles severally at the point at which any such article is found to have the greatest normal revenue-producing power, but not at a rate higher than the rate fixed in this act: *And provided further*, That such rate shall not hereunder be reduced or fixed below the point at which it would produce an amount equal to the difference in the cost of the production of any such article in the United States and abroad.

"The difference in the cost of the production of any such article in the United States and abroad shall be determined by the Secretary of the Treasury, from time to time, upon proper evidence and duly recorded."

Mr. President, at the early convenience of the Senate I shall submit some observations in regard to the amendment now offered.

The VICE-PRESIDENT. Does the Senator from Oklahoma desire his amendment to be printed, and to be considered when the portion of the bill to which it relates is reached?

Mr. OWEN. I should like to have it printed in the RECORD.

The VICE-PRESIDENT. Is there objection? The Chair hears none.

The Secretary will report the pending amendment.

The SECRETARY. The pending amendment, offered by the Senator from North Carolina [Mr. SIMMONS], is, on page 50, paragraph 151, line 13, after the words "per dozen," to strike out the words "6 cents each" and insert "50 cents per dozen;" in line 14, to strike out the word "forty" where it appears before the words "per cent ad valorem" and insert "ten;" in line 15, after the words "per dozen," to strike out "10 cents each" and insert "$1 per dozen;" in line 16, to strike out "forty" and insert "ten;" in line 17, to strike out the words "12 cents each" and insert "$1.25 per dozen;" and in the same line, to strike out "fifty" and insert "twenty," so that, if amended, it will read:

That blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than 50 cents per dozen and not exceeding $1.25 per dozen; razors, finished, valued at less than $1 per dozen, 45 per cent ad valorem; valued at $1 and less than $1.50 per dozen, 50 cents per dozen and 10 per cent ad valorem; valued at $1.50 and less than $2 per dozen, $1 per dozen and 10 per cent ad valorem; valued at $2 or more per dozen, $1.25 per dozen and 20 per cent ad valorem.

The amendment was rejected.

Mr. STONE. Mr. President, I move to strike out that part of the committee amendment beginning with the word "razors," on page 50, line 11, and ending with the words "ad valorem," in lines 17 and 18, and to insert the following:

Razors and razor blades, finished or unfinished, valued at less than $1.50 per dozen, 50 cents per dozen and 15 per cent ad valorem; valued at $1.50 per dozen and less than $3 per dozen, $1 per dozen and 15 per cent ad valorem; valued at $3 per dozen or more, $1.75 per dozen and 20 per cent ad valorem.

Mr. President, the amendment proposed by the Senator from North Carolina [Mr. SIMMONS], which has just been disagreed to, decreases the duties as fixed in the Dingley Act and, of course, still more decreases the proposed duties as fixed in the committee amendment to the pending bill. What I am now suggesting as an amendment is simply to restore the Dingley rates.

Mr. President, as has been already stated, the increase on these articles is enormous and would be practically prohibitory. I have in my hand a letter from the President of the Simmons Hardware Company, of St. Louis, which is the largest hardware establishment in America, and therefore in the world. Mr. Simmons says:

I have been in this business fifty-three years, and during that time I believe I have bought and sold more razors than any man who ever lived in the United States. I hope I may be considered somewhat as authority on this subject.

He says further:

The rate of wages paid the workmen who make razors in this country is very little more than is paid for the same kind of labor in Germany and England, and the trouble is that we have never made good razors in this country. I doubt if you have ever shaved with a good razor made in the United States or ever been shaved by a barber with one of domestic manufacture. There is a peculiar art in making a razor or grinding it. This art has attained its highest state of perfection in Solingen, Germany, so that English manufacturers often send their blades to Germany to be ground, and then they are sent back to England to be finished and mounted.

I have letters from other large dealers, wholesale dealers, and importers to the same effect.

Mr. President, it seems to me the duty proposed by the committee is beyond all reason, and that the business men who have established a large export trade and who are handling the best class of razors are entitled to some consideration. I offer this amendment as expressive of the view and judgment of a very large class of business men.

Mr. SIMMONS. Mr. President, I was temporarily out of the Chamber when this paragraph was reached and the vote taken upon the amendment I offered yesterday. If I had been in the Chamber, I should have modified my amendment so as to have conformed it very largely to the amendment now offered by the Senator from Missouri [Mr. STONE].

I desire, Mr. President, now to read a few extracts from a letter from Mr. Norvell, president of the Norvell-Shapleigh Hardware Company.

Attached hereto is an article from the Iron Age, which speaks for itself. I shall ask to have it read within a few minutes.

Mr. Norvell says:

We believe in protecting the American laboring man; we believe in building up American manufactures, but we do not believe in tying up the distributers and consumers of this country hand and foot and delivering them bodily to the manufacturers to be done with as they please. * * *

To shut out the importation of razors on account of the small manufacturing industry of this country strikes us as being absurd. To advance the duty to 100 per cent, as proposed, means there will be no revenue for the Government and that the business will be turned over to the cutlery manufacturers on this side, who already have an association—

Meaning a trust, I suppose—

There is practically no competition on cutlery between our manufacturers.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from North Carolina yield to the Senator from New Hampshire?

Mr. SIMMONS. Yes.

Mr. GALLINGER. The Senator is misinformed when he suggests there is a trust in the manufacture of cutlery. There is nothing of the kind.

Mr. SIMMONS. I beg the Senator's pardon. I did not suggest that. I so understood the writer to say.

Mr. GALLINGER. Then the Senator's correspondent is misinformed, because there is no such trust or combination in this country.

Mr. SIMMONS. He does not say so in specific terms. He says "an association." I interpret that to mean in that connection a trust.

I send to the Secretary's desk and ask to have read what I have marked in brackets from the Iron Age. We have heard a great deal in this Chamber in the last two days about the high prices now prevailing in this country being the result, not of extortionate prices charged by the manufacturers, but of the unreasonable prices charged by retailers and jobbers. The article which I send up deals with that phase of this question, and I think it well to have it read to the Senate.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

There are other interests in this country to consider besides those of the manufacturers.

On many goods, especially in the hardware line, the tariff was placed so high it meant absolute prohibition. The goods stopped coming from Europe. As there were no importations, naturally it followed there was no revenue. So the Government lost out. The entire trade of the country on these lines was turned over to the American manufacturers. Many of these manufacturers formed trusts and selling combinations to protect themselves from each other. Therefore there has been no foreign competition, and there has been no domestic competition. The jobber, the retailer, and the consumer have been at the mercy of the manufacturer.

So we have had the spectacle of a number of manufacturers protected by the tariff, protected by patents on goods and machinery, protected by the copyright laws, and then still further protected by selling agreements. The result has been just what might be expected under such conditions.

Then a number of these manufacturers, having their own nests so nicely feathered, have absolutely forgotten that the jobber should have a percentage of profit on their goods that slightly more than covered the cost of distributing them. In almost every case where manufacturers have been able to bring about this condition they have cut down the profits of jobbers on their goods. This not only true of hardware, but of other lines.

These same manufacturers have then sold their goods to catalogue houses and permitted them to demoralize the retail profit, so the retailers, by reason of this competition, were cut out of their profits.

Therefore we find by this condition that the Government loses revenue, the jobber is compelled to sell the goods at about the cost of distribution, the retail merchant is cut out of his profits by the competition of catalogue houses, while the manufacturers have derived enormous profits.

We believe in protecting our manufacturers; we believe, of course, the Government must have revenue; but we believe the pendulum has swung entirely too far on the side of many of our great manufacturers. Take, for instance, a specific case.

There has been a tariff of about 55 per cent on razors. It is now proposed to advance this tariff to 100 per cent. Razor manufacturing in this country is a very small industry. Razors are made by skilled mechanics. These skilled mechanics in Europe receive good wages. Living in Europe is cheap. We are informed it is impossible to persuade these European razor grinders to come over to this country. Now it is proposed to turn the enormous razor business of this country over to a few American manufacturers. It would be impossible for them to handle the business. The price of razors is already high enough, but this change would mean the price would be doubled to consumers.

Not satisfied with this, the cutlery manufacturers of this country are trying to have a law passed that all cutlery manufactured in a foreign country should not only bear the name of that country, but the name of the manufacturer should also be stamped on the goods. This means the source of supply of every dealer in cutlery in this country would be exposed. This requirement is not made of American manufacturers. Why should it be made of foreign manufacturers or on any other class of foreign importation?

Mr. SMOOT. Mr. President, I desire to say that the committee in considering this paragraph determined that there was no doubt but that there must be an increase over the Dingley rate to even maintain the few manufacturing institutions that we have left in this country.

As I stated last Saturday, some years ago we had 67 of them. To-day there are only 5. We are manufacturing in this country to-day between 17 and 20 per cent of the razors that are used in the country. During the year 1908 there were imported 218,975 dozen razors. The valuation of the same was $463,883.79. The duties paid on the same was $263,935.11, or a total amount of $727,768.90.

I wish, also, to call the attention of the Senate to the fact that that does not include all by any manner of means. They have been sent in here as handles and as blades not assembled, but shortly after entering they would be brought together and form a razor. The reason why they were shipped in that way is because the value of the handles or the value of the blades shipped alone would bring them under the lower class or rate of duty of 45 per cent.

Mr. President, the price to jobbers of all American-made razors manufactured in this country for 1908 amounted to only $140,000. As far as the letter read from the hardware establishment in St. Louis is concerned, I wish to say that the wages of the workers in the United States are nearly three times what the wage is in Germany. Forgers in Germany receive a weekly wage of from $4.30 to $7, while in the United States they receive from $15 to $21. The dry grinders receive $4.30 to $5.70 in Germany and in the United States from $12 to $18. Polishers receive in Germany from $4.30 to $5.70 per week, while in the United States they receive from $12 to $21.

I could go through all the list and compare the wage in Germany with the wage in the United States and it is in about the same ratio.

Mr. STONE. Where does the Senator get the statistics he is reading?

Mr. SMOOT. They can be found at the Department of Commerce and Labor or in the reports made by our consuls showing the amount of wages paid to the workmen in foreign countries.

Mr. STONE. My question was where the Senator got the statistics he has read. What is the paper from which he reads?

Mr. SMOOT. This is signed by Mr. H. L. Henry for the Geneva Cutlery Company, Mr. C. W. Silcox for the Robeson Cutlery Company, and Mr. Tint Champlin for the George W. Korn Razor Company, a committee representing the cutlery manufacturers of this country.

Mr. STONE. Manufacturers of razors?

Mr. SMOOT. A part of them manufacturers of razors.

Mr. SIMMONS. Mr. President, I wish to ask a question for information.

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. Certainly.

Mr. SIMMONS. Can the Senator tell us what part of a particular razor is labor?

Mr. SMOOT. I can tell just about the part there is. Out of 10 assorted grades of razors, the cost of labor was $31.11, the material was $5.72, and the total cost was $36.83. In other words, the cost of labor was $31.11, whereas the material cost was $5.72, showing that nearly 87 per cent of the cost of manufacture is labor.

Mr. SIMMONS. Do I understand the Senator to say that the labor cost is 87 per cent of the value of the product?

Mr. SMOOT. It is nearly 87 per cent of the cost of the product.

Mr. SIMMONS. The labor cost alone?

Mr. SMOOT. The labor cost alone.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Certainly.

Mr. NEWLANDS. I will ask the Senator whether the purpose of this amendment is to increase the domestic price of razors in order to make their production profitable by American manufacturers?

Mr. SMOOT. I am very thankful that the Senator has asked me that question, because I will demonstrate to him, I think, and to every Senator here that if this duty was increased 200 per cent, it would not make one cent's difference to the consumer who buys the razor.

Mr. NEWLANDS. Will the Senator answer my question specifically, whether the purpose of this amendment is to increase the domestic price of razors in order to enable the domestic manufacturers of razors to produce them profitably?

Mr. SMOOT. This amendment, Mr. President, is intended to protect the American manufacturer of razors so that he can manufacture razors in this country as against the cost of manufacturing similar goods in foreign countries. If the Senator will allow me, I will show to him, I think, and all Senators here, that it will not cost the consumer, the purchaser of the razor, a cent more with the increased duty.

Mr. NEWLANDS. Before the Senator enters upon that, will he also answer another inquiry?

Mr. SMOOT. Certainly.

Mr. NEWLANDS. I observe that the reason why this amendment is introduced is that the importation of razors is large as compared with the domestic production.

Mr. SMOOT. That is the fact.

Mr. NEWLANDS. I will ask the Senator where they find the importation of any commodity is very small as compared with domestic production, whether they regard such a duty as practically prohibitory, and therefore reduce the duty?

Mr. SMOOT. So far as I am concerned, it would depend entirely upon my judgment, I will say, as to whether it was

prohibitory or not. If I thought that it was and it could stand a reduction, I certainly would not object to it. If I thought it could not stand a reduction, even though the importations did not amount to more than 10 per cent, I would still insist upon the rate.

Mr. NEWLANDS. In this connection, if the Senator will permit me, I will call his attention to an amendment which I have offered to the pending bill which provides that whenever the importations do not equal one-tenth of the domestic production, then the rate of duty shall be diminished at the rate of one-tenth annually until the importations do equal one-tenth of the domestic production. It seems to me that if the committee is to apply the rule that wherever the importations are large the duty should be increased, they should also apply the rule that where the importations are disproportionately small, the rate of duty should be diminished.

Mr. SMOOT. In relation to the price, the George W. Korn Razor Manufacturing Company, of Little Valley, N. Y., wrote a letter to the Marshall-Wells Hardware Company, of Portland, Oreg., ordering one-fourth dozen of assorted Elliott razors. Elliott razors are made in Germany. That order was filled by the Marshall-Wells Hardware Company on April 21, 1909. The invoice shows one-fourth dozen assorted Elliott razors at $5.50 a dozen, a total of $1.38 for 3 razors. The postage on the 3 razors was 10 cents, making the 3 razors cost $1.48 to the George W. Korn Razor Manufacturing Company, of Little Valley, N. Y.

Mr. President, the 3 razors retail for $9. They cost the George W. Korn Razor Manufacturing Company $1.48, or 49 cents apiece. Here is the razor [exhibiting] as it came through the mail in April last, 3 razors at $3 apiece—$9—and they cost the man who ordered them only $1.48. Remember, they did not cost the Marshall-Wells Hardware Company $5.50.

I say again, Mr. President, if this rate here was increased 200 per cent, it would make no difference to the man who purchases the razor. I thought the other day that I would find out how it was here in Washington.

Mr. McLAURIN. Mr. President——

The VICE-PRESIDENT. Will the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. Certainly.

Mr. McLAURIN. I desire to ask the Senator from Utah if the Korn Company bought the razors for the purpose of selling them?

Mr. SMOOT. I take it for granted that that is what they bought them for. This is the invoice.

Mr. McLAURIN. Have they sold them?

Mr. SMOOT. They have not sold these particular razors; I have them in my possession.

Mr. McLAURIN. They have not sold those three razors for $9?

Mr. SMOOT. But I want to say to the Senator from Mississippi that there is no question but what they will sell them for $9.

Mr. BAILEY. Not after the Senator's statement, I think.

Mr. SMOOT. That is a question. I hope the Senator from Texas is absolutely correct, and after this they will not sell them at that immense profit. I can go on here and tell you about razors bought right here in this city. I have an invoice of a razor here that cost $2.50, and I have the receipted bill showing what was paid for it. That razor was made in Germany. The very highest value of razors that are imported in this country, as you will notice by the estimate sheet, is $4.79 a dozen. Here is a receipted bill for $2.50 apiece. If you want the name of the firm, I can give it you.

Mr. ALDRICH. I hope my colleague on the committee will not lose sight of what to me is the most striking part of this case. A large part of the razors that are imported in the United States are imported at a unit of value of 10 cents each, $1.21 a dozen. Did anyone here present ever see a 10-cent razor or anything approximating a 10-cent razor? I venture the statement——

Mr. BACON. I have. A 25-cent razor is the most common razor used by a certain class of population in the South.

Mr. McLAURIN. The best razor I ever saw cost only 25 cents.

Mr. ALDRICH. When was that?

Mr. McLAURIN. Some thirty-five or forty years ago.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from North Carolina?

Mr. SMOOT. I do.

Mr. SIMMONS. I should like to ask the Senator from Utah one question. I understood the Senator to say that that razor could be imported here delivered in New York for $1.40 a dozen.

Mr. SMOOT. I said the highest valuation placed upon any razor imported here by the Book of Estimates is $4.79 per dozen.

Mr. SIMMONS. I was speaking about that particular razor.

Mr. SMOOT. This particular razor may be even less than that. It could not be higher than the valuation as shown by the invoice.

Mr. SIMMONS. Did you not make a statement as to what those razors cost the hardware dealer?

Mr. SMOOT. I know, as far as the valuations were concerned, that they could not have cost more than $4.79 without the tariff added.

Mr. SIMMONS. And what would that be apiece?

Mr. SMOOT. I am not going to say that these three particular razors cost that much. They may have cost a great deal less.

Mr. SIMMONS. Assuming that those razors cost a dollar apiece imported from Germany, any manufacturer, any dealer——

Mr. SMOOT. But the assumption is wrong to begin with. There is no object in assuming a thing that can not be possible.

Mr. SIMMONS. I was fixing a high price.

Mr. SMOOT. I do not want to go any higher than the valuation. Let us stay right where the value is.

Mr. SIMMONS. Then, we will put it at 40 cents apiece. Could not any hardware man in this country import those razors at the same price?

Mr. SMOOT. You mean the retailer, or jobber?

Mr. SIMMONS. I mean the jobber.

Mr. SMOOT. I think the Simmons Hardware Company, of St. Louis, more than likely would import direct, and a number of other large hardware institutions.

Mr. SIMMONS. That is, any hardware dealer in this country could buy those razors in Germany at the same price the hardware company paid that you read from.

Mr. SMOOT. Not at the same price.

Mr. SIMMONS. Why not, then?

Mr. SMOOT. Because they do not buy in quantities; because their credit is not as good; and there are other reasons.

Mr. SIMMONS. If they could buy in sufficient quantities, any hardware dealer in this country could buy them at the same price that the hardware dealer you read from paid for them?

Mr. SMOOT. If they had the money and paid cash for them and ordered the same quantity, I do not think there is any question about it.

Mr. SIMMONS. I desire to ask the Senator another question. If that razor can be imported from Germany, we will say, at anywhere below a dollar and be retailed in this country at $3, does not that fact show that there is no competition in this country between dealers in that article, and therefore does not that fact alone establish some sort of trade agreement or trust?

Mr. SMOOT. That is exactly what I am trying to establish, and what we are trying to create is competition between the retailers and wholesalers and jobbers of this country.

Mr. SIMMONS. Does the Senator mean to say that at this time there is no competition between hardware dealers in razors in this country?

Mr. SMOOT. There are so few of them, I do not know whether there is very much or not.

Mr. SIMMONS. There may be but few manufacturers, but there are plenty of razors bought in this country, either made here or brought from abroad. The question which I asked the Senator is this: Does the Senator mean to say that there is no competition to-day in the price of razors between the jobbers and the retailers in this country?

Mr. SMOOT. I think the importers, jobbers, and retailers are perfectly willing to make all they possibly can out of razors, and that is exactly what they are doing.

Mr. SIMMONS. How can the Senator reconcile the fact that a razor worth only a dollar, or less than a dollar, is sold in this country for $3 if there is competition in that article?

Mr. SMOOT. Mr. President, razors are not, like sugar, sold every day, and everybody can tell its worth.

Mr. SIMMONS. I do not think there is any difficulty about buying all the razors in this country you want.

Mr. ALDRICH. The Senator from North Carolina must have lost sight of the fact, which the Senator from Utah stated, that the domestic production of razors last year amounted to $140,000.

Mr. SIMMONS. If the Senator will pardon me, I was not talking about the domestic production at all.

Mr. ALDRICH. I am talking about the production of the American market which the domestic manufacturers have. The total amount of the American production was $140,000. The total amount of importations at the foreign value was half a million dollars, and the domestic price, with the duty added, is at least $1,000,000. There are 3,000,000 razors imported costing the American people $1,000,000 as against a production valued at $140,000 in the United States.

Mr. BEVERIDGE. May I ask the Senator from Utah a question? I wish to understand this matter clearly. I understand the Senator to say that there were 67 establishments making razors. How long ago?

Mr. SMOOT. About twelve years ago.

Mr. BEVERIDGE. And under the present law those 67 establishments have been reduced to 5?

Mr. SMOOT. To 5.

Mr. BEVERIDGE. Are those 5 establishments making their present small product at any profit whatever?

Mr. SMOOT. I can only say that they are not, in some cases, from the evidence that they have given not only to me personally, but to the committee.

Mr. BEVERIDGE. So the Senator reasons, I suppose, and the committee also, that if the present duty continues the whole industry will be extinct?

Mr. SMOOT. Absolutely.

Mr. STONE. Will the Senator from Utah permit me? There were 67 establishments manufacturing razors ten or twelve years ago, and the Senator says the number has been reduced to 5 now. What drove those industries out of business?

Mr. SMOOT. Foreign competition.

Mr. STONE. Foreign competition?

Mr. SMOOT. Foreign competition.

Mr. STONE. If the Senator can tell me, what was the difference in price between razors ten or twelve years ago and now?

Mr. SMOOT. I have not the figures here, but I should think that the price is about the same. I do not know that there is any difference to speak of.

Mr. STONE. If a razor costing 40 cents in Germany sold for $3 here, and if the American manufacturer can produce a blade of as good, or approximately as good, quality, does not the Senator think, with the tariff provided in the Dingley Act, the American manufacturer ought to be able to make razors for home consumption and sell them at a price far below that at which the foreign razor is sold, and protect his own market?

Mr. SMOOT. I do not think that, or I would not ask for an increase of duty. Owing to the very fact that the labor in a razor is nearly 90 per cent and the very fact that the labor in Germany costs only about one-third what it does in this country, the present duty of the Dingley law will not allow the American manufacturer to manufacture razors in competition with Germany.

Mr. BEVERIDGE. I wish to ask the Senator just one other question. The Senator from Missouri stated when he offered his amendment that it was impossible to make a razor in this country as good as that made abroad. Can the Senator give any information upon that question?

Mr. SMOOT. Mr. President, the very fact that the cutlery of the United States is made here and made in a better blade is the reason why the American importers here import knives and cutlery from a foreign country and have stamped upon the blade with an asphalt mixture "made in Germany," and as soon as it comes over here they remove it from the blade. Why? Because it is not as good as an American knife.

Mr. STONE. I did not make the statement on my own account attributed to me by the Senator from Indiana. I read the statement from the president of the Simmons Hardware Company, the largest hardware establishment in America, and one of the oldest and most responsible. Mr. Simmons is a man who, as a citizen and in the business world, stands as high as any man in any State in this country. He says that he has been engaged in this business for over a half a century, and he has bought and sold more razors than any other man who ever engaged in the business in this country. He makes that statement, and I simply read from his letter what he stated. I believe that Mr. Simmons would not make an intentional or knowing misrepresentation, and he would not make that statement, with his long experience, unless he absolutely believed it to be true.

Mr. CARTER. Mr. President——

Mr. BAILEY. I wish to ask the Senator from Utah a question.

The VICE-PRESIDENT. Will the Senator from Montana yield to the Senator from Texas?

Mr. CARTER. I yield for a question.

Mr. BAILEY. The Senator from Utah said a moment ago to the Senate that the number of razor-making establishments had been reduced from sixty-odd twelve years ago to five now. Does the Senator from Utah possess the information which will enable him to tell the Senate what became of them? Were they absorbed or did they go into bankruptcy?

Mr. SMOOT. Mr. President, most of them went into bankruptcy.

Mr. BAILEY. Then, Mr. President, it is rather a surprising circumstance that people manufacturing an article that can be sold for 40 cents, while the people who use it are compelled to pay $3 for it, will still go into bankruptcy. I think the American Congress will have a difficult task before them if they undertake to rehabilitate an industry that realizes only 40 cents for an article for which the consumer pays $3. Men who are familiar with industrial conditions in this country for the past twelve years will conclude that the disappearance of those sixty-odd establishments, or, at least, their reduction to 5, is explained by the absorption of 62 by the 5 now existing. That is not without a parallel. Take, for instance, the bagging trust. You might tell us that the number of establishments manufacturing cotton bagging had been reduced and ask for an increase of duty, but those of us who happen to be familiar with that industry know that they were absorbed by a combination and many of their plants closed. I suspect that is precisely what has happened here.

Mr. CARTER. Mr. President, I apprehend the discussion is apt to take quite a wide range, and I should be glad——

Mr. BAILEY. It would if the Senator should undertake to explain that.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Massachusetts?

Mr. CARTER. Yes.

Mr. LODGE. If the Senator will allow me to say a word on the question of combinations, I will say that is not the case in this industry. They have not been absorbing the others; but the others have gone out of existence owing to inability to stand the competition. These are simply the survivors. The existing establishments are no larger than they were, and they have not absorbed the others. It can be seen by the total actual production that what kills them is the sale to the jobbers of a razor at 49 cents which can not be made at that price.

Mr. BAILEY. The Senator from Utah [Mr. SMOOT] has said that it would be precisely the same under an increased duty, that the jobber——

Mr. LODGE. Not at all. Three dollars is the price charged by the retailer, but the American manufacturer sells to the jobber just as the foreigner sells to the jobber, and he can not sell that razor at 49 cents.

Mr. BAILEY. I perfectly understand that.

Mr. LODGE. If he could sell his razors over the counter for $3, he would be all right.

Mr. BAILEY. So the purpose of the increase is to compel the American jobber to pay a higher price to the American manufacturer? That is the purpose?

Mr. LODGE. Not at all; though it would have that effect.

Mr. BAILEY. The purpose is to give the manufacturer a higher price, and the effect will be to make the jobber pay that higher price. The result is precisely the same, whatever the form in which you state the operation.

Mr. SMOOT. Mr. President——

Mr. LODGE. But this industry is reaching the desired point. It will be very briefly extinguished, and then we shall have that admirable situation which the Senator from Georgia desires.

Mr. BAILEY. Mr. President——

The VICE-PRESIDENT. Does the Senator from Montana yield to the Senator from Texas?

Mr. BAILEY. If the Senator from Montana will indulge me for just a moment, I want to make this comment: Under the platform which pledges you to so regulate your duties as to cover the difference in the labor cost of production, the Senator from Utah and his associates have reported to the Senate a rate that is equivalent, upon an average, to practically the whole cost of the article. Therefore your difference assumes that the labor cost is nothing in the Old World, for your rates are 99, 87, and 88 per cent, an average of about 90 per cent. Then the labor cost is nothing on the other side.

Mr. CARTER. Mr. President, manifestly Senators desire to express themselves quite freely, and I am now weary of surrendering my time, so I will relinquish the floor and let the discussion take its course.

Mr. SMOOT. Mr. President, of course, I have not any desire to take the floor. I was simply trying to answer a question

asked by the Senator from Texas [Mr. BAILEY]. I have no desire whatever to go on.

Mr. CARTER. Mr. President, I merely rise to inquire of the chairman of the Committee on Finance as to what disposition has been made or is to be made of an amendment offered by me on Saturday afternoon upon line 21, page 50. I offered an amendment with the belief that some date in the future should be fixed for the operation of this proviso to apply. Senators will remember that this proviso provides:

Provided further, That all the articles specified in this paragraph shall have the name of the maker and beneath the same the name of the country of origin die sunk conspicuously and indelibly on the shank or tang of each and every blade.

It occurred to me that this requirement in the law would be equivalent to saying that no article of this kind embraced in this schedule of foreign manufacture could be imported into the United States from any existing stock, and that all importations in the future under the paragraph must of necessity be of articles hereafter manufactured. I do not know that the 1st of January is the proper date to fix, but I submit to the chairman of the committee the propriety of some amendment of that character, and I will leave it with him.

Mr. BEVERIDGE. Mr. President, before getting away from the thing which seems to be rather influential on the minds of a great many Senators—the statement of the Senator from Utah [Mr. SMOOT], that under the present law 67 establishments of this country have been reduced to 4 or 5, the suggestion is made in answer to that——

Mr. CARTER. I would be very thankful if the Senator from Indiana would permit the chairman of the committee to advise me.

Mr. BEVERIDGE. Certainly; but I understood the Senator from Montana to say he would leave the matter with the suggestion which he had made.

Mr. ALDRICH. Mr. President, the suggestion of the Senator from Montana will certainly be adopted, but I am not sure as to what date will be fixed.

Mr. CARTER. I suggest that the paragraph go over, so that the committee may make the proper amendment.

Mr. ALDRICH. If the paragraph goes over until to-morrow morning I shall be glad to report the matter promptly.

Mr. KEAN. We can adopt the present schedule, subject to that amendment.

The VICE-PRESIDENT. The amendment offered by the Senator from Missouri [Mr. STONE] is the pending question.

Mr. ALDRICH. I suppose we might, perhaps, dispose of that amendment.

Mr. CARTER. The amendment proposed by the Senator from Missouri?

Mr. ALDRICH. Yes.

Mr. CARTER. I have no doubt about that.

Mr. BEVERIDGE. I want to ask the chairman of the Committee on Finance if I understood him correctly a moment ago to say that the entire domestic production of this article at the present time is only of the value of $140,000?

Mr. ALDRICH. Yes; last year it was $140,000.

Mr. BEVERIDGE. If that is true, of course it would pretty conclusively demonstrate that there is no considerable trust or combination. We are informed that the total domestic production is only $140,000 and that the importations were over $700,000. I have not heard those figures yet disputed, and when they are not disputed, I take it for granted they are correct. We are also told that 67 establishments have been reduced under the present law to 4, which are not now making any money. Those statements have been made; they have not been controverted, and therefore we must accept them as true until they are controverted. If they are true, of course it could not be a large trust.

Mr. BAILEY. There is one further inquiry which I desire to submit to the Senator from Utah, and that is, if he is prepared to say what the production of the 67 establishments was twelve years ago when they existed, as compared with the production of the 5 establishments now?

Mr. SMOOT. Mr. President, I have not those figures here; but if the Senator from Texas will look at the importations he will find a great increase, and I suppose the increase of importations represented about what was the decline of the home manufacture.

Mr. BAILEY. It might simply measure the increase in cleanliness, Mr. President. It might be caused by the increased use of razors.

Mr. President, there is one other observation which I desire to make. It is a singular condition to me that we are told that, with 5 establishments only to compete with each other, there is no extortionate charge, that there is no combination and no understanding, and yet when we get down to the retail dealers, who are almost numberless, they have some sort of an understanding which enables them to charge $3 for an article for which they pay but 40 cents.

That, Mr. President, is an absurdity on its face. In every town and village in this land almost every establishment that deals in hardware carries a stock of razors. They are all competing for the patronage of the citizen. In the city of Washington there are five times as many people competing for the patronage of the individual who wants to buy razors as there are establishments in the United States manufacturing razors; and yet the intense competition of the retail dealers has not produced a reduction of price, according to the Senator from Utah; and the very intense competition of these five establishments leaves them no way in which to make a living.

Now, one of two things is certain. Of course I do understand that a razor is not an article that is daily bought and sold by the retail establishments. I understand that they are required frequently to carry them for such a length of time that they must have a large profit in order to have a sure profit, but it is taxing our credulity beyond all reason to ask us to believe that the retail dealers of this country habitually realize any such profit as 500 or 600 per cent.

Mr. SMOOT. Mr. President, I do not want the Senator from Texas to become confused as to what the retailer pays. I do not know anything about what Walford, of Washington, pays for this razor [exhibiting] that he sold the other day for $2.50; but I do know that to the importer in this country it can not have cost $7.50 a dozen from the value to be found in the compilation "Estimates of Revenue." I do not know what profits the importer charges the retailer. I can not say as to that; but as I stated here the other day, in the whole trend of the trade from the importer to the consumer is where the great amount of this percentage of increase falls. As to the particular place it falls I can not say.

Mr. BAILEY. Mr. President, if I were a retail merchant, and I found a man buying my wares to prove that I was making an exorbitant profit, I would charge him $2.50 for a razor also; and possibly the merchant knew the purpose for which this razor was bought. But whether that is true or not, I only want to emphasize this point, and then I will detain the Senate no longer: Our friends on the other side are engaged in an earnest, persistent, and systematic effort to compel the American retail merchant to abate a part of his profit and to give it over to the manufacturer. That is exactly the sum of all your set of figures on this increase, and I am willing to adjourn the question to the country on that proposition, especially when I remember that a large majority of the manufacturers grow rich and an overwhelming majority of the retail merchants wind up in the bankruptcy court.

Mr. ALDRICH. Mr. President, I am willing to venture the statement—which I think can not be successfully contradicted—that the prices at which this and similar articles are imported into this country do not in any degree represent the real value of the article.

Mr. BAILEY. You mean the importer swindles the Government?

Mr. ALDRICH. I mean to say that there is the most persistent and flagrant undervaluation of cutlery and of all similar articles by the importer. Take this matter of razors: In the case of razors which are imported, valued at 10 cents apiece, 10 cents does not represent the real value of the razor and the customs valuation does not represent within many per cent the price which those razors are sold for to jobbers in this country, to say nothing about the retailer. I say that the import value does not represent the real value of the goods abroad.

Mr. BAILEY. That hardly answers the illustration of the Senator from Utah, because he shows where they bring them in and sell them for $5 a dozen, and then the retail merchant sells them for $3 each.

Mr. ALDRICH. The importer does not sell them for $5 a dozen. It is true he does not sell them for 10 cents apiece, but he probably sells them for 40 cents apiece, or something of that kind, to the man who sells them for a much higher price later. That is a question which I perhaps may go into hereafter.

Now, as indicative of the change that is taking place in the domestic production of razors as compared with the foreign importation, I will say that in 1898 of the lower class of razors 17,000 dozen were imported, while in 1907, 117,000 dozen were imported. Of the next grade there were 30,000 dozen imported in 1898 and 118,000 dozen in 1907, showing that the foreigner has taken or is taking the whole control of the American market; and the attempt to fix this duty is to give the American producer a fair chance for competition, and nothing more.

Mr. BAILEY. Mr. President, it is hardly according to the Republican platform, I return to say, because, as I read that

singular document, I understood you to promise the people that you would only burden them to the extent that would cover the difference between the labor cost here and the labor cost abroad, plus a fair profit.

Mr. SMOOT. That is just what we are trying to do in this case.

Mr. BAILEY. If that is what you are trying to do, it is not what you have done because——

Mr. ALDRICH. I hope the Senator will correct his statement——

Mr. BAILEY (continuing). Because you have levied a duty of 90 per cent, on the average, of the value of the imported article, and this rate assumes that the labor cost is nothing abroad, because not only have you the tariff to help to cover the difference in the labor cost, but you have the ocean freights and insurance, not inconsiderable items in every importation.

Mr. HALE. Will the Senator allow me a moment?

The VICE-PRESIDENT. Does the Senator from Texas yield to the Senator from Maine?

Mr. BAILEY. I do.

Mr. HALE. Mr. President, what to me in this discussion is brought out more clearly than anything else, and which is extremely depressing, is the raid that has been made in the last few years by foreign producers, particularly those of Germany, to get possession of our markets for this product. The statements made by the chairman of the committee [Mr. ALDRICH] and by the Senator from Utah [Mr. SMOOT] show what the discussion upon every schedule in this bill has disclosed—the determined invasion into the American market of foreigners, and especially the Germans. I am not filled with much faith that in this instance the progress of that invasion can be arrested. It is a melancholy exposition that the manufacture of this important article in this country has been practically destroyed. If there is anything in the protective system, the article should be produced by our labor, and we should be able to distribute it here to the jobber and the retailer at a fair rate.

There has been no combination; there has been no absorption here, as has been shown. The dwindling amount of the entire production from year to year establishes that with unerring truth. These 60 establishments, Mr. President—and I think the Senator must see that—have not been absorbed or combined in a trust; they have died, that is what has become of them; they have died under the pressure and under the advance of the foreign manufacturer in gaining possession of our markets.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. HALE. I will in a moment. I am not, I repeat—and I do not want to use much time—I am not much impressed with the belief that at this dying stage, and in view of this German invasion, we can resuscitate the industry. The result will be, in my judgment, I will say to the Senator from Texas and to the Senator from Georgia, what I suppose the Senator from Georgia seeks to reach—the entire extinction of this dwindling branch of American industry; and then we shall have the felicitous condition of the manufacture and dissemination of this article entirely in foreign control, and after that is established and this invasion has been completed and those that have not died do die, the next thing will be the establishment of the prices by the foreigner.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. HALE. Mr. President, I am afraid that this instance is an exposition of that invasion. I have tried before to call the attention of the Senate—not that it is fresh; but I do not think the Senators on the other side or on this side realize it—to the profound determination of this amazing Government of Germany, which means to dominate not only in a military and a sentimental way the politics of the world, but to dominate trade and manufacture; and the thing that Germany to-day looks upon as the apple of its eye is this invasion and the securing of the American market. I am afraid that this industry has gone too far, Mr. President, to be revived.

Mr. BACON. I want to ask the Senator from Maine a question before he takes his seat.

Mr. ALDRICH. I wish to say to the Senator from Texas——

Mr. BAILEY. I yield first to the Senator from Georgia.

Mr. BACON. I want to ask the Senator from Maine a question, and possibly it may furnish a ground for his despair in regard to this industry or an explanation of the probability of the result which he foresees. The present rate of duty under the existing law on razors is an average of 55 per cent. I want to ask the Senator if an industry which can not, with an advantage of 55 per cent, compete against its foreign competitor must not necessarily attribute its failure to compete successfully to the fact that it does not make an article of equal merit with its competitor?

Mr. HALE. Mr. President, part of that has already been answered by the statement of the chairman of the committee, that we do not get anything like a fair valuation. There is no doubt about that.

Mr. BACON. If that is true, if you made the rate of duty 100 per cent or 250 per cent, dishonesty could still circumvent and defeat the demands of the Government to get proper revenue.

Mr. HALE. There is an attempt by the committee in other clauses of the bill—and it will be explained more fully hereafter—to restrain and regulate and control these conditions of fraud, so that the evils of valuation that are now apparent and rife in the custom-house at New York will to a large degree disappear. But I acknowledge to the Senator that those are only incidental conditions. What I wish to call the attention of the Senate to is that under any circumstances, in reckoning upon the rates necessary to maintain what I call the "benefit" of the protective system, we must consider this advance invasion by Germany; and if 55 per cent is not sufficient for that, I would, if I thought it would be efficacious, make it 65 or 75.

Mr. BACON. This bill as reported would make it nearly 100 per cent.

Mr. HALE. I say, in the case of this one item I would be willing to do that; and I should then be merely hoping that against this invasion we could sustain and revive this industry.

Mr. ALDRICH. If the Senator will permit me, the Senator from Texas [Mr. BAILEY] is a little involved in his mathematics, and I want to try to get him straightened out if I can.

Mr. BAILEY. I am glad to have the instruction of the Senator from Rhode Island.

Mr. ALDRICH. Assuming that the price fixed by the reports is the correct one, if it costs 10 cents to produce a razor in Germany and 20 cents in the United States, it will require 100 per cent duty to equalize the conditions in the two countries. That does not mean that it does not cost anything to produce a razor in Germany, or that there is no labor involved in the production of razors in Germany; but it means that it costs twice as much to produce a razor under equal conditions in the United States as it does in Germany. And so far as I am concerned, I shall have no hesitancy in voting for a duty which will equalize the conditions.

Mr. BAILEY. The Senator from Rhode Island would vote unhesitatingly for a duty of 300 per cent.

Mr. ALDRICH. If it was necessary——

Mr. BAILEY. If he thought it was necessary.

Mr. ALDRICH. Certainly. If it was necessary to equalize the conditions, and to give the American producer a fair chance for competition, other things being equal, of course, I would vote for 300 per cent as cheerfully as I would for 50.

Mr. BAILEY. And the Senator from Rhode Island would not hesitate to collect that money, and, if the Government could not spend it otherwise, he would lock it up. Or he might do what a distinguished Senator from Maine once said he would do—that if he had occasion to collect more than the Government could properly spend, he would ship it to the open sea and sink it to the bottom of the ocean. That was once the philosophy of the Republican party. We do not hear quite so much of that now as we did aforetime.

But will the Senator from Rhode Island tell the Senate that the wages in Germany are half what they are in the United States?

Mr. ALDRICH. Not half; in many instances not one-third.

Mr. BAILEY. The Senator can not find an industry in Germany where the wages are below one-third what they are in this country.

Mr. ALDRICH. I think the Senator is mistaken.

Mr. BAILEY. The Senator is not mistaken.

Mr. ALDRICH. Before this discussion is completed, I will present some statements of comparative wages in Germany, Great Britain, and the United States that are very recent—statistics which have been secured for me by the Department of Commerce and Labor, under Doctor Neill; and I think I will show to the satisfaction of the Senator from Texas that German wages are, on an average, about one-third what they are in the United States.

Mr. BAILEY. Mr. President, I commend to the Senator from Rhode Island a new edition of that very excellent and interesting book "Industrial Efficiency," which is a comparative study of the conditions in Germany, Great Britain, and the United States; and he will find no support in it for his statement. He will find that the scale of wages in Germany, even in the case of unskilled labor, is about in the ratio of 75, that in Great

Britain 100, and that in the United States from 125 to 140. I am referring now to unskilled labor.

Mr. ALDRICH. The Senator may be aware that the British Board of Trade has lately been making a very exhaustive examination into comparative wages and costs of living between Great Britain and other foreign countries. Their agents are now in the United States conducting that inquiry. The results of the inquiry, so far as Great Britain and Germany are concerned, have already been published; and I have here the volume embodying them. The results as between Great Britain and the United States have not yet been published. But the Department of Commerce and Labor, at my request, have collected statistics which will enable us to make the comparison fully as between the wages in certain classes of occupations and the cost of living in Great Britain and Germany and the United States in the year 1905. I hope to submit that to the Senate before this discussion ends.

Mr. BAILEY. No work of that kind will ever be reasonably accurate. The Senator from Massachusetts seems a little amused at that statement.

Mr. GORE. Mr. President——

Mr. BAILEY. I will yield to the Senator from Oklahoma in just a minute.

Mr. LODGE. Then there can be no statistics in the world that are worth anything. The importer's statistics are discredited, the manufacturer's statistics are discredited, and now the Senator from Texas says that the official statistics are worthless.

Mr. BAILEY. I did not say "official statistics."

Mr. LODGE. Whose are the statistics that are worth anything?

Mr. BAILEY. I did not say statistics are worthless; but I do say that wage statistics can never be entirely satisfactory, and I will tell you why. To-day the scale of wages in Boston is not the same as it is in Philadelphia, and the scale of wages in Philadelphia is not the same as it is in the city of Washington. That is true not only in this country, but in every country in the world. You can go to Great Britain, and in two towns 50 miles apart you will find different scales of wages; you will find different rent accounts; you will find different levels of civilization and different costs of living.

You will find the same in this country. If you take the scale of wages in the cotton factories of Massachusetts, you will find that they are very much higher than in the cotton factories of South Carolina. Only a few years ago a distinguished Representative from Massachusetts introduced a constitutional amendment authorizing the Congress to regulate the hours of labor, and when pressed before a committee for his reasons, he frankly said that the difference in the scale of wages was so great between the cotton industries of the Southern States and the cotton industries of Massachusetts that they had to have such a regulation in order for the Massachusetts industries to survive.

Mr. GORE. Mr. President——

Mr. BAILEY. But, Mr. President, what I intended to illustrate was this; and when I make the illustration I will hear what the Senator from Oklahoma has to say: That wages vary in the same country and in the same employment even in places only 50 miles apart; and every man who has ever undertaken to make a systematic study of the matter knows perfectly well that anything like an attempt to establish an average wage for any country is largely guesswork. But before I proceed to that, I will hear what the Senator from Oklahoma has to say.

Mr. GORE. Mr. President, I merely wish to suggest to the Senator from Texas that this imaginary invasion of our markets by the Germans, Teutons, Vandals, Goths, and Visigoths has become so intense, and the Germans are so anxious to capture our markets, that their laborers work for nothing, pay a bounty for the privilege, and ship razors over here as ballast on their ships. [Laughter.]

Mr. BAILEY. It is something of a relief, however, to have our friends on the other side invent a new danger. It was formerly the invasion from free-trade England that threatened us. It is now the invasion from protected Germany.

Mr. HALE. Yes; that is true.

Mr. BAILEY. And it is a little remarkable that they now admit that the low scale of wages in Germany is what constitutes the menace; yet in the next breath they will ask us to believe that a protective tariff makes a high scale of wages in any country that adopts it. Yet every Senator on this floor knows that the wages in free-trade England are 25 per cent higher than in protection Germany. So it is a little remarkable that we are now to be menaced with a deluge of cheap-labor-made goods from a highly protected country—a little irreconcilable, I must say, with your favorite argument.

But, Mr. President, admitting that the labor cost in Germany is 50 per cent less, admitting that the labor cost in Germany is 80 per cent less, than it is here, that would not justify this duty, because against that difference in labor cost you have the cost of ocean freight and insurance; you have the profit to be made, and you are now providing, according to your own platform, an excessive duty. There is not a protectionist who believes in the Republican doctrine—well, I will not say there is not a protectionist who believes in it, because I really think the Senator from Maine [Mr. HALE] and the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Massachusetts [Mr. LODGE] represent the Republican doctrine on the tariff question; and it is eminently fit that they should sit three in a row.

Mr. HALE. I hope we do.

Mr. ALDRICH. We are flattering ourselves that we do.

Mr. FLINT. I hope the Senator will not leave me out of that.

Mr. BAILEY. No, Mr. President; the picture would not be complete with the Senator from California left out, because California is more highly protective in its sentiments and in its practices than New England. If you give California a high duty on lemons and raisins, they will give the balance of the country any duty they want on anything else. [Laughter.] But it must be admitted that California is perfectly willing to give to everybody else on their products what they ask for their own.

Mr. FLINT. That is all I wanted the Senator to say.

Mr. BAILEY. The Senator from Texas, of course, is always willing, not only to admit but to assert what is true; and our friend from California is not like some of our other friends, who want a high duty on everything they sell and no duty at all on anything they buy. We will see whether Massachusetts is that kind of a protectionist when we come to the insignificant duty of 15 per cent on hides.

Mr. President, I can understand how a man can be a protectionist. I can not understand how a man can persuade himself to believe that if every man gives every other man something, and then takes an equal something from every other man, everybody is better off. I can not understand that process of reasoning, but I can understand that there are gentlemen who reason that way.

I have always believed that if there is a general contribution to a common fund, and then every man is permitted to take out exactly the same as he puts in, the only result of that procedure would be the trouble and expense of putting it in and taking it out. I have never been able to believe in a system of protection that operated justly and equally on all, because if it did operate equally and justly on all it simply neutralized itself. But this modern protection does not operate equally and justly upon all. This doctrine assesses 17,000,000 men who work, and work for daily wages, in enterprises that can not have the benefit of your protective duties, and gives the assessment thus taken to the two and a half millions who are getting the benefit of it, according to your doctrine of equalizing wages, and then an exorbitant profit to the manufacturers.

I wish to ask the Senator from Utah, with reference to this particular schedule, what are the total wages paid in these five manufacturing establishments?

Mr. SMOOT. I could figure out about what it is. The total production of the razor manufacturing institutions of this country was $140,000 in the year 1908, and of that amount about 90 per cent was paid in wages, which would be $126,000.

Mr. BAILEY. One hundred and twenty-six thousand dollars, and yet they propose to tax us $500,000——

Mr. SMOOT and others. Oh, no.

Mr. BAILEY (continuing). To pay $126,000 in wages.

Now, let us see if my mathematics are again involved. The duty under the present law amounts to $79,904, plus $162,534 and $54,225—about $300,000. The duty under the proposed law would be $141,117, $260,231, and $76,813—$476,000. In other words, you propose to charge the people of the United States over $176,000 more for their razors than they now pay, and your whole expenditure for wages now is only $126,000. We can pay the $126,000 and let the razor makers do nothing and then save $50,000 to the people of the United States. I am in favor of doing it.

Mr. ALDRICH. The Senator from Texas considers that the rate under the present law, which is a pure revenue duty, is imposed also upon the people of the United States?

Mr. BAILEY. Of course the people of the United States have to pay it. The importers pay it to the Government, and then they charge it to the people. I have not yet seen any importer who was charitable enough to pay it to the Government out of his own pocket, and bear the loss.

Mr. ALDRICH. Then the contention of the Senators who believe with the Senator from Texas, that protective duties are added to the cost of the American as well as the foreign article, is also true of a revenue duty?

Mr. BAILEY. Undoubtedly. No Democrat with sense ever denied that, and few Democrats are deficient in that respect. [Laughter.]

Mr. SMOOT. I desire to call the Senator's attention to this one thing, that, no matter whether the increase of duty is made, the consumer would not pay a cent more for his razor.

Mr. BAILEY. That goes back to the proposition whether we pay it to the tariff or pay it to the greedy retail merchant. I resent this imputation upon the retail merchants of the country. I do not believe they are such extortioners as they are pictured here. I have long been associated with them, as a boy in an humble way, and when I came to the bar they were my clients, and I regret to say they had frequent occasion to consult me, because the statistics show that 95 per cent of them lose money.

Mr. SMOOT. Of what?

Mr. BAILEY. Of the retail merchants of the United States 95 per cent lose money. No such percentage of manufacturers have suffered, and I can not bring myself to believe that a class of people of whom but the small ratio of 5 per cent prosper are either dishonest or practice extortion. If they were as dishonest or as extortionate as our friends on the other side describe them, such a large percentage of them would not be compelled to finally settle their accounts before a master in bankruptcy. If we are going to give an advantage to anybody, I do not hesitate to say I would rather give it to the 5,000 retail hardware merchants in the United States than to the 5 razor manufacturers.

Mr. BEVERIDGE. Mr. President, I regret to say that on the showing just made, unless a further showing shall be made, it seems to me no case whatever has been made out for the amendment of the Senator from Missouri [Mr. STONE].

In the first place, it has been stated here by the Senator from Utah [Mr. SMOOT] that before the present law was enacted there were 67 establishments; that now there are only 5. That statement has not been answered. It has been stated here by the chairman of the Committee on Finance that the present total product is only $140,000 a year. That statement has not been answered. That small product shows there can not be any combination or trust which amounts to anything.

It has been stated that the importation is over $700,000 a year. That statement has not been answered. It has been stated that the wages in Germany are only one-third of what they are here. That statement has not been answered. Therefore, very much to my regret, because I earnestly wanted to vote for the amendment of the Senator from Missouri, as it seems to me that no case has been made out for the amendment, I shall have to vote against it.

Furthermore, the Senator from Missouri [Mr. STONE] said——

Mr. BACON. Mr. President——

Mr. BEVERIDGE. Pardon me for a moment, and I will be through.

The Senator said we can not make good razors in this country. In reply to that statement it is shown that we can make the best in the world, so far as this particular item goes. No facts have been shown to the contrary. This case is just the reverse of that cited by the Senator from Wisconsin [Mr. LA FOLLETTE] at the beginning of the discussion as to quebracho. Upon his statement of facts it was necessary to vote with him. But under the statement and the facts in the case, which have no been disputed or denied, no case has been made out for this amendment.

I do not agree with the Senator from Maine that this is true of every schedule. On the contrary, it has appeared to me thus far that the preponderance of testimony has been upon the other side. But in this particular instance, the only instance presented which I have seen, there has not been one fact presented in support of the amendment, and the statements made by the Senator from Utah have not been answered by the proponents of the amendment; and unless those statements are answered I shall have to vote against the amendment, and I am sorry to say it, because I wanted to vote for it.

Mr. BRISTOW obtained the floor.

Mr. ALDRICH. Will the Senator from Kansas permit a vote to be taken upon this amendment, and then I will let the matter go over until to-morrow and move that the Senate adjourn.

Mr. BRISTOW. In two minutes. I should like to inquire——

Mr. STONE. If the Senator will allow me for a moment——

The VICE-PRESIDENT. Will the Senator from Kansas yield to the Senator from Missouri for a moment?

Mr. BRISTOW. I will get through in one minute.

If these five institutions have gone out of business, it is presumable that the men engaged in them have gone into some other occupation more profitable, and we have had the benefit of the labor of those men in other lines of industry, which have been more profitable to them and the people of the United States than if they had stayed in this industry, which it does not seem possible to develop in this country under a 56 per cent premium.

Now, is it not better for us to go into some line of occupation where we can develop successful institutions and conduct business in a successful way where we do not have to have to exceed 50 per cent duty in order to protect them?

Mr. STONE. I desire to ask the Senator from Utah a question. I should like for the Senator, if he will oblige me, to tell me, if he can do it, what razor that is which he said sold for $3 at retail.

Mr. SMOOT. It is the William Elliott & Co. razor, made in Germany.

Mr. STONE. William Elliott & Co. is an American firm.

Mr. LODGE. Yes.

Mr. SMOOT. If I had the time that would be a very nice subject to go into right now, and I could explain to the Senator another fraud which they perpetrate on the American consumer.

Mr. STONE. I do not care about that. Can the Senator tell me who the manufacturer is?

Mr. SMOOT. I think it was marked on here and erased after it came into this country.

Mr. STONE. The Senator informs me there is no name on it. Is the Senator sure it is a German-made razor?

Mr. SMOOT. I am sure, because it says here "Made in Germany."

Mr. STONE. That is stamped on the razor?

Mr. SMOOT. Yes; that is stamped on the razor. It says "William Elliott & Company; made in Germany."

Mr. STONE. Will the Senator tell me from whom he got that razor?

Mr. SMOOT. I told the Senate just exactly where the razor came from. It was bought by the Korn Company, of New York, from a wholesale hardware house in Portland, Oreg.

Mr. STONE. At $3?

Mr. SMOOT. Oh, no. They cost $5.50 a dozen. A quarter dozen would be $1.38.

Mr. CARTER. Mr. President——

Mr. CUMMINS. I wish to suggest that we can not hear on this side the conversation between the Senator from Utah and the Senator from Missouri.

The VICE-PRESIDENT. The conversation is now concluded.

Mr. CUMMINS. We have some interest in this controversy over here.

Mr. CARTER. I really believe that the Senator from Missouri was suppressed by the close proximity of the razor and the demonstration of the Senator from Utah. [Laughter.]

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Missouri [Mr. STONE].

Mr. LA FOLLETTE. I wish to request of the Senator from Rhode Island that he permit this amendment to go over with the balance of the paragraph until to-morrow morning.

Mr. ALDRICH. I suggest to the Senator from Wisconsin that we have been discussing this very question——

Mr. LA FOLLETTE. I am aware of that.

Mr. ALDRICH (continuing). For several hours. I do not intend to ask for a final vote upon the matter until to-morrow.

Mr. LA FOLLETTE. You do not intend to ask for a final vote on this amendment?

Mr. ALDRICH. Upon the rest of the paragraph.

Mr. STONE. On this amendment, you are asking for a final vote?

Mr. ALDRICH. On this amendment; but I expect that the paragraph will be open to-morrow morning.

Mr. BEVERIDGE. Other amendments will be offered to-morrow.

Mr. ALDRICH. Unquestionably.

Mr. LODGE. This is the amendment of the Senator from Missouri.

The VICE-PRESIDENT. That is the pending question. The question is on the amendment offered by the Senator from Missouri to the paragraph.

Mr. STONE. On that I ask for the yeas and nays.

Mr. PENROSE. Let us have the yeas and nays.

Mr. LA FOLLETTE. I should like to inquire of the Senator from Utah upon what authority he states that there are in this country only five establishments manufacturing razors?

Mr. SMOOT. I have been told by a number of men who appeared before the committee that there were only five, and also the paper I had here was signed by the manufacturers of the

cutlery interests of the United States. I gave the names, but I have it not here. My secretary just took it out or I would read it again.

Mr. LA FOLLETTE. I sent out just after the discussion began to one of the hardware dealers in the city, and here in one single document are the names of eight manufacturers of these razors and of ten manufacturers of safety razors.

Mr. SMOOT. That is different entirely.

Mr. LODGE. That is entirely different. That is covered by a patent.

Mr. LA FOLLETTE. I understand that it is. I know the difference between a safety razor and a common razor. I bear evidence of it every day. I do not believe the Senator from Massachusetts does.

Mr. LODGE. No; I am happy to say I do not. I thought the Senator understood the difference between the razors, but I did not know that he knew that safety razors are covered by a patent, which takes them entirely out.

Mr. LA FOLLETTE. I understood even that.

Mr. LODGE. I am very glad the Senator did understand as much as that.

Mr. SMOOT. I wish to ask the Senator from Wisconsin whether the eight manufacturers whose names he has there are manufacturers, or do they merely assemble the parts together?

Mr. LA FOLLETTE. I asked for the number of manufacturers.

Mr. SMOOT. I think the information the Senator has is not correct.

Mr. LA FOLLETTE. I have the names and addresses and will give them to the Senator. I have no authority for them except the hardware dealer of this city who furnished me the names and addresses of these manufacturers. They are given in a volume which he sent me. However, there is not a great discrepancy between the number furnished me by this hardware dealer and the number stated by the Senator from Utah.

But, Mr. President, with respect to the condition of the business, I was carried back in my recollection to some testimony given by the manufacturers of cutlery before the Ways and Means Committee of the House some twenty years ago. I remember that those manufacturers who appeared before that committee also made a very dubious statement as to the condition of the cutlery business in this country. I remember a list was furnished of those at that time engaged in the manufacture of pocket cutlery. A statement was made of the great difficulty they had to maintain their business with the protection then afforded them, and it was claimed that nearly one-half of the list furnished to the committee had failed in five years and had sustained a loss of nearly half a million dollars.

Mr. President, in less than three years there was published an announcement of the formation of a trust or combination in the cutlery-manufacturing business. I have that announcement, and in it are three of the very manufacturers who made the doleful representations respecting the condition of the cutlery business when the testimony was furnished to the House committee. At the time this list was presented to the committee the total amount of capital invested by these cutlery firms, as stated by them, aggregated $350,000. They had represented the cutlery business as having been in a very reduced condition for many years, and made their appeals for an increase in protective duties to provide against the disaster that they said they feared was about to overtake them. Yet in a short time they set forth in an advertisement a prospectus inviting investment in their proposed organization, stating that their business had been very prosperous for many years.

This combination included four of the leading cutlery companies of the country, and three of these were in the list furnished to the House committee. One was the Miller Brothers Cutlery Company, of Meriden, Conn.; another the New York Knife Company, of Walden, N. Y.; and the third the Walden Knife Company, of Walden, N. Y. When before the Ways and Means Committee they stated the total amount of invested capital at that time to be $350,000. When they organized their trust they did so with a capital of $1,600,000, and this combination included just one company in addition to these three. They organized under the name and title of the United States Cutlery Company, and in this advertisement they say:

> The United States Cutlery Company has been formed to purchase, unite, and take over as going concerns four of the oldest, largest, and best-known business properties in the United States, viz, those of the Miller Brothers Cutlery Company, of Meriden, Conn.; the New York Knife Company, of Walden, N. Y.; the Walden Knife Company, of Walden, N. Y.; and that of Dwight Divine, of Ellenville, N. Y.
>
> The company begun business on or about July 1, 1899.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. Can the Senator tell us whether or not that combination is now in existence?

Mr. LA FOLLETTE. I will say now that for some reason this organization miscarried. I am not informed whether the failure to consummate this combination was a result of the panic of 1893 or what was the cause of the failure. It is not my purpose to demonstrate the existence of a cutlery trust today, but to bring home to the Senate at this time the fact that you can not always rely on men who are to be beneficiaries of legislation for the testimony upon which to enact tariff schedules.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield further?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. The Senator, of course, will admit that those companies might have put in additional capital in attempting to organize this combination. My attention was attracted to one of the companies——

Mr. LA FOLLETTE. I know nothing about that. It may be some of these companies proposed to or did put in some additional capital.

Mr. GALLINGER. My attention was attracted by the name of one company that I know is now an independent organization. That is the reason why I asked the Senator the question.

Mr. LA FOLLETTE. They may all be independent organizations at this time. But the fact remains that they attempted to form a combination and made definite and positive statements that their business had been in a very prosperous condition for many years. Here is what they said respecting the financial soundness of these companies for years prior to the time when they represented to the Committee on Ways and Means of the House that the cutlery business had been in a depressed condition.

Mr. BEVERIDGE. Will the Senator permit me?

Mr. LA FOLLETTE. Certainly.

Mr. BEVERIDGE. What engages my attention at this stage of the discussion is that the Senator from Utah has stated that 62 enterprises of this kind have died in the last few years, only 5 surviving, and that statement has not yet been controverted. Second, that the domestic production is only $140,000 a year, and that statement has not yet been controverted. Again, that the importations amount to over $700,000 a year, and that statement has not yet been controverted; and that the wages in Germany are only one-third what they are here, and that statement has not yet been controverted.

Mr. LA FOLLETTE. I can not state as a fact, but I apprehend——

Mr. BEVERIDGE. I do not know whether it is true or not. Those statements have not been controverted.

Mr. LA FOLLETTE. I apprehend that some of those statements upon which the Committee on Finance relied were based on the evidence of men who gave testimony before the Ways and Means Committee in 1889.

Mr. BEVERIDGE. That may well be. I agree with the Senator about that. I go further. I fully agree that interested parties are not to be given the fullest possible credence. But the point to which I call the attention of the Senator is that up to this hour the proponents of the amendment have not controverted a single statement of fact that has been made upon the other side.

Mr. McLAURIN. Will the Senator from Wisconsin indulge me just a moment?

Mr. LA FOLLETTE. Certainly.

Mr. McLAURIN. I have heard the Senator from Indiana assert time and again "the proponents of the amendment." I should like to know who the proponents of the amendment are.

Mr. BEVERIDGE. The Senator from Missouri [Mr. STONE] is the last proponent, and the Senator from North Carolina [Mr. SIMMONS] was the other proponent.

Mr. McLAURIN. The Senator from North Carolina has never proposed this amendment.

Mr. BEVERIDGE. Not this one, but another amendment, that was voted on while the Senator was out. I will say "the proponent," to be grammatically correct. The point which struck me is that there have not been any so-called "facts" asserted which have been thus far controverted.

Mr. LA FOLLETTE. I say to the Senator from Indiana that the statement made by the Senator from Utah rests upon assertions made by interested parties. That is the reason I inquired

from whom he got his information to the effect that there were but five companies manufacturing razors in this country to-day.

Mr. SMOOT. I had better also state that——

Mr. LA FOLLETTE. I say if it rests on no better authority than the statement of the men who appeared before the Ways and Means Committee of the House of Representatives in 1889, I am attempting to show that it is not very reliable.

Mr. SMOOT. Mr. President——

Mr. LA FOLLETTE. And it is not such authority as the Senate ought to accept upon which to make an increase of 100 per cent in duties.

Mr. SMOOT. I also ought to add——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Utah?

Mr. LA FOLLETTE. In a moment. I wish to complete this statement without further interruption.

The VICE-PRESIDENT. The Senator declines to yield further for the present.

Mr. LA FOLLETTE. When I complete this brief statement, I will yield to the Senator with great pleasure.

Mr. SMOOT. I just want to say——

The VICE-PRESIDENT. The Senator from Wisconsin declines to yield now.

Mr. LA FOLLETTE. I had read to the Senate that portion of the advertisement naming the companies that composed this combination. It proceeds:

These four concerns manufacture about 65 per cent of all the pocket cutlery made in the United States.

This business, with a record of over twenty years, has steadily grown into a profitable undertaking. The manufactured goods now equal the best foreign makes, and it is impossible now to turn the channel of trade back to the foreign manufacturers.

The company acquires, free of incumbrance, all the property of the four concerns used in connection with their business.

The real estate, buildings, machinery, fixtures, patterns, etc., used in manufacturing have been valued, under oath, by experts at	$692,000
Stores and manufactured goods on hand at cost price, and cash in the treasury	440,000
Total	1,132,000

They say further:

Chartered accountants, and, according to their report, the business of these companies has steadily increased year by year, and the net profits for a period of over three years are largely in excess of the sum necessary to have paid 8 per cent dividends upon $800,000 preferred stock, and the amount available for dividends in 1891 was $131,500. From returns already to hand since then, taking into consideration the new works now in operation, which produced no goods up to January, 1892, the profits for 1892 may be fairly estimated to be not less than sufficient to pay 8 per cent on the preferred stock and 15 per cent on the common stock.

The preferred stock amounted to $800,000 and the common stock amounted to $800,000.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Rhode Island?

Mr. LA FOLLETTE. I do.

Mr. ALDRICH. Evidently the Senator is not likely to finish his argument to-night. I will therefore move that the Senate proceed to the consideration of executive business.

Mr. LA FOLLETTE. I think I would conclude in a few moments.

Mr. BEVERIDGE. It is better to yield now.

Mr. LA FOLLETTE. Very well.

The VICE-PRESIDENT. The Senator from Rhode Island moves that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 5 o'clock and 35 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, May 18, 1909, at 10 o'clock a. m.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 17, 1909.

AMBASSADORS.

William Woodville Rockhill to be ambassador extraordinary and plenipotentiary to Russia.

Oscar S. Straus to be ambassador extraordinary and plenipotentiary to Turkey.

CONSULS-GENERAL.

Amos P. Wilder to be consul-general at Shanghai, China.

Charles Denby to be consul-general at Vienna, Austria.

William A. Rublee to be consul-general at Hongkong, China.

COLLECTOR OF CUSTOMS.

Rentfro B. Creager to be collector of customs for the district of Brazos de Santiago, Texas.

PROMOTION IN THE ARMY.

COAST ARTILLERY CORPS.

Second Lieut. Allison B. Deans, jr., to be first lieutenant.

PROMOTIONS IN THE NAVY.

The following-named midshipmen to be ensigns:

Robert W. Cabaniss,
Raleigh E. Hughes,
Claude B. Mayo,
Carter L. Wright,
John W. Lewis,
Rufus W. Mathewson,
Willis W. Lawrence,
Irving H. Mayfield,
Philip H. Hammond,
Harvey W. McCormack,
Ernest D. McWhorter,
Bruce R. Ware, jr.,
Claudius R. Hyatt,
William F. Cochrane, jr.,
George C. Logan,
George H. Laird,
Henry G. Shonerd,
Harlow T. Kays,
Robert C. Giffen, and
Richard E. Cassidy.

Ensign Frank D. McMillan to be a lieutenant (junior grade).

Lieut. (Junior Grade) Frank D. McMillan to be a lieutenant.

The following-named citizens to be assistant surgeons in the navy:

John G. Ziegler,
Glenmore F. Clark,
William M. Kerr,
George A. Riker, and
Tharos Harlan.

POSTMASTERS.

CALIFORNIA.

Manson M. Cochran, at Dinuba, Cal.

MICHIGAN.

Fred P. Baker, at Flint, Mich.

NEW YORK.

George A. Waterbury, at Lyndonville, N. Y.

HOUSE OF REPRESENTATIVES.

MONDAY, *May 17, 1909.*

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

JOURNAL.

Mr. GARRETT. Mr. Speaker——

The Journal of the proceedings of Thursday last was read.

The SPEAKER. Without objection, the Journal will stand approved.

Mr. GARRETT. Mr. Speaker——

The SPEAKER. Does the gentleman rise to a question as to the approval of the Journal?

Mr. GARRETT. I wish to submit a parliamentary inquiry.

The SPEAKER. Relating to the Journal?

Mr. GARRETT. Well, I do not know.

The SPEAKER. Without objection, the Journal will stand approved.

There was no objection.

The SPEAKER. The gentleman from Washington.

Mr. HUMPHREY of Washington. Mr. Speaker——

Mr. GARRETT. Mr. Speaker——

The SPEAKER. The gentleman will be recognized.

Mr. GARRETT. The parliamentary inquiry——

The SPEAKER. The gentleman will state it.

Mr. GARRETT (continuing). Was this: Whether when it was desired to make a point of order upon the reference of a bill it was necessary to make it before the approval of the Journal; and if so, I did desire to make a point of order upon the reference of bills that were presented on the last legislative day.

The SPEAKER. Motions, by direction of a committee, as the rule provides, are in order immediately after the Journal is approved; and unanimous consent is in order at that time also. But in the meantime——

Mr. GARRETT. I do not desire to make a motion. I desire to make a point of order.

The SPEAKER (continuing). The rules provide how a correction of reference of bills shall be made. Does the gentleman rise by the direction of a committee to make a motion to change the reference of a bill?

Mr. GARRETT. Mr. Speaker, it has not been my fortune as yet to go upon a committee, and so I do not arise upon the direction of a committee.

The SPEAKER. Does the gentleman desire to submit a request for unanimous consent?

Mr. GARRETT. I desire to make a point of order upon the reference as to bills.

The SPEAKER. The gentleman from Washington.

INSPECTION OF VESSELS ON NAVIGABLE WATERS.

Mr. HUMPHREY of Washington. Mr. Speaker, I desire to ask unanimous consent for a reprint of the bill H. R. 6865.

The SPEAKER. The gentleman asks unanimous consent for a reprint of the bill indicated.

Mr. CLARK of Missouri. Reserving the right to object, what bill is this?

Mr. HUMPHREY of Washington. It is to provide for the greater security of life and property on the navigable waters, for the inspection of vessels, and other purposes. It is practically a bill for the revision of the laws respecting steam vessels. There is a great demand for copies of the bill throughout the country. I introduced it early so that people might have some knowledge of it.

Mr. CLARK of Missouri. Are the numbers already printed exhausted?

Mr. HUMPHREY of Washington. Yes; and I have been asked for 500 copies myself.

Mr. CLARK of Missouri. Where are you going to put them?

Mr. HUMPHREY of Washington. I am going to give them to these gentleman who are asking for them.

Mr. CLARK of Missouri. But I want to know where they are going to be deposited.

The SPEAKER. They will be deposited under the rule unless the gentleman asks for some other disposition.

Mr. HUMPHREY of Washington. No; I will ask to have them deposited under the rule.

Mr. CLARK of Missouri. That will be in the document room. If you will make it the folding room, I will not object.

Mr. STAFFORD. The proper place for them is in the document room.

Mr. CLARK of Missouri. Yes; and the way that runs, a few people will get them all. The men in charge out there have no reason to object.

Mr. STAFFORD. I will say to the gentleman from Missouri that the Members generally do not desire copies of this bill.

Mr. CLARK of Missouri. Then put half of them in the document room and half of them in the folding room.

Mr. STAFFORD. I do not see why we should encumber the folding room with these bills when it is not necessary.

Mr. CLARK of Missouri. I shall object unless you put half of them in the folding room.

Mr. HUMPHREY of Washington. Then, Mr. Speaker, I will modify my request.

The SPEAKER. Is there objection?

Mr. STAFFORD. I object.

Mr. FITZGERALD. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. If 250 of these bills are deposited in the folding room, how will they be divided among 391 Members of the House?

The SPEAKER. That is hardly a parliamentary inquiry; that is a mathematical question. [Laughter.]

Mr. FITZGERALD. I would suggest to the gentleman from Missouri that these bills are only asked for by persons who live in the seacoast towns. So far there has been no request by Members generally for copies of this bill. I imagine they are wanted up in the district of the gentleman from Washington who is advocating this change of law.

Mr. HUMPHREY of Washington. The gentleman from New York is mistaken; I have had no request from my district for copies of this bill. This change of the law was suggested by a commission appointed for that purpose. They reported that the law be revised in these particulars, and I introduced the bill so as to get it before the people early.

Mr. CLARK of Missouri. The gentleman from New York is mistaken in saying that the country people do not want any of these bills. There are certain libraries all over the country, and institutions like that, that undertake to keep congressional documents. Now, I can get them out of that hole that the gentleman suggests. Instead of printing 500 copies let us have 984 printed, or 1,000. Nine hundred and eighty-four would give us 3 apiece.

Mr. HUMPHREY of Washington. Mr. Speaker, then I will modify my request and make it a thousand copies, because there is already a demand for one-half that number.

The SPEAKER. The gentleman from Washington modifies his request and asks that 1,000 copies be printed, one-half to go to the document room and one-half to the folding room. Is there objection?

Mr. STAFFORD. I object.

FOURTEEN-FOOT CHANNEL ON THE MISSISSIPPI RIVER.

Mr. BARTHOLDT. Mr. Speaker, I ask unanimous consent for the present consideration of House Resolution No. 70.

The Clerk read as follows:

House resolution 70.

Resolved, That the Secretary of War be, and he is hereby, directed to transmit forthwith to the House of Representatives, if not incompatible with the public interest, the report of the findings of the Special Board of Army Engineers authorized under the provision of the rivers and harbors act approved March 2, 1907, to wit: "To examine the Mississippi River below St. Louis and report to the Congress at the earliest date by which a thorough examination can be made upon the practicability and desirability of constructing and maintaining a navigable channel 14 feet deep and of suitable width from St. Louis to the mouth of the river."

The SPEAKER. Is there objection?

Mr. ALEXANDER of New York. Mr. Speaker, reserving the right to object, I desire to make a brief explanation. The gentleman from Missouri on last Thursday very courteously called my attention to this resolution, and since then I have given it some attention. The report asked for at this time was received by the Chief of Engineers a little over a month ago.

It is a mass of evidence, maps, plans, estimates, opinions, and recommendations. It came in a box 3 feet square by 4 feet long, and it was at once referred to the Board of Engineers. No one in the Engineer's Office had time to read it. The Board of Engineers, the five members, have individually read it, and it has been divided into sections for each member to consider, but up to this time no consideration has been given it by the board. This resolution asks for the findings of the commission. I desire to say to the House, and especially to the gentleman from Missouri [Mr. BARTHOLDT], that there are no findings. The report of any board or of any engineer must first go to the Board of Engineers, under the law of 1902. It is not a report, a finished, completed report, until it has been passed upon by that board. Now, this report has gone in due form to the Board of Engineers, but until they have acted it is not a report, and there can not be findings. Local engineers, in making their reports, are authorized under the law to say whether commercial necessity will vindicate the estimated expense. That is the vital point on which all reports usually turn. Will the commercial necessity for the proposed Mississippi River improvement vindicate the proposed expense? This board is not authorized to answer that. Any gentleman who will read the act of 1907, by which the board is appointed, will notice that this information is not called for, but is left for the Board of Engineers. Therefore until the latter board acts there are no findings, and of course none can be given at this time. The principal finding must be the commercial necessity and whether it will vindicate the expense.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman a question. When does he suppose this Engineering Department is going to make this report unless we pass this resolution?

Mr. ALEXANDER of New York. This resolution will not facilitate the making of or hasten the report. There can be no objection on the part of the Engineer in Chief, or on the part of the Board of Engineers, to making a report whenever it is ready.

Mr. CLARK of Missouri. Would not this resolution hurry them up in getting ready?

Mr. ALEXANDER of New York. I think not, because the Board of Engineers, as every gentleman knows who has served upon the Rivers and Harbors Committee, are industrious and get their reports out as rapidly as possible.

Mr. CLARK of Missouri. There was a report in the newspapers—I do not know how correct it was—that President Roosevelt called for this either in January or February; and there was another report that somebody asked them up there about it, and they said that Congress could go to hell; that they would report when they got ready.

Mr. ALEXANDER of New York. I know nothing of that.

Mr. BARTHOLDT. Mr. Speaker, if my distinguished friend from New York intends to object, I hope he will withhold his objection so that I can make a statement.

Mr. ALEXANDER of New York. Mr. Speaker, I desire simply to repeat that the board can have no possible objection to

making public this report whenever it is ready; but until the findings are made there is nothing to report under this resolution. I suggest to the gentleman from Missouri [Mr. BARTHOLDT] that he does not want an unfinished report sent out to the country at this time. Let me call his attention, in illustration, to the report respecting the improvement of the Ohio River. The Board of Engineers, in their examination, corrected and improved it. To have published it in advance of these modifications would have been premature and unfortunate.

Mr. BARTHOLDT. Mr. Speaker, as the House has noticed from the remarks of the gentleman from New York [Mr. ALEXANDER], this pertains to the great project of a deep waterway from the Lakes to the Gulf. One part of the way of that great project has been surveyed, namely, the part between Chicago and St. Louis. Now, we want to know about the other part lying between St. Louis and New Orleans. The river and harbor bill passed in the Fifty-ninth Congress contained a provision authorizing the Secretary of War to appoint a commission of five army engineers to report upon the feasibility of a 14-foot channel between St. Louis and New Orleans. That board was duly appointed in accordance with that provision. The five engineers met and went all over the route between St. Louis and New Orleans, and after due deliberation and examination and after two years' work spent upon it, they submitted their report to the War Department some time ago.

The people of the Mississippi Valley and of all the States bordering on the Mississippi River, about 20,000,000 in number, want to know what that report is. They are greatly interested in the subject and are entitled to know what is what. Under the very terms of the law under which that surveying board was appointed a report is to be made "to Congress at the earliest date after a thorough examination can be made." Now, there may be no findings, but there certainly is a report which the Bixby Board sent to Washington and submitted to the Secretary of War, and the people are entitled to the information contained in that report. It has been stated, and I think with a great deal of force, by some men who are well acquainted with the way in which these reports are handled at the War Department that the report might be kept back until doomsday. As a matter of fact, this report ought to be made to Congress promptly and it should not be necessary for us to pass a resolution calling for its transmission here.

Mr. RODENBERG. Will the gentleman allow me a question?

Mr. BARTHOLDT. Certainly.

Mr. RODENBERG. Does the gentleman know how long the report of this Board of Engineers has been in the possession of the War Department?

Mr. BARTHOLDT. I was under the impression it was made and sent to Washington three months ago, but was advised this morning by the gentleman from New York [Mr. ALEXANDER] that it reached here only one month ago; but, no matter whether it reached here one month ago or yesterday, no matter whether that report contains findings or not, it certainly contains valuable information. We want to know from the army engineers whether that great project is technically feasible or not, and if it is not feasible, if that report says that it can not be carried out, then we are going to drop this agitation and quit; but if those army engineers say that the plan is feasible, then we want to go ahead, and come back to Congress next December for the purpose of carrying this great project through.

Mr. HUMPHREYS of Mississippi. The gentleman says that if the engineers say it is not feasible we want to drop it, and I presume by "we" he means those who are now advocating this 14-foot project. Suppose the Engineering Board who have made this examination report against it and the Board of Engineers for rivers and harbors and the Chief of Engineers do not concur in the findings, but, having examined all the facts reported, reach an opposite conclusion, that it is feasible, that it is desirable, does the gentleman still want to drop it?

Mr. BARTHOLDT. No; certainly not.

Mr. HUMPHREYS of Mississippi. Does not the gentleman, then, think the better course to pursue, and which is universally pursued in such matters, is to let the report of the examining engineers be submitted to this Board of River and Harbor Engineers, who are the most expert board that we have in our Corps of Engineers, and let them pass their judgment on it first before we undertake to take any action in the matter whatever?

Mr. BARTHOLDT. That is a supposition which would seriously reflect on the experts who are most competent to judge.

Mr. HUMPHREYS of Mississippi. The gentleman is not warranted in saying that, because the Board of Engineers for Rivers and Harbors very frequently disagree with the findings of the engineers who make the investigation, and although the examining engineers sometimes report against the desirability of a proposition, it is frequently the case this board of engineers overturn that and make an opposite report.

Mr. BARTHOLDT. It is hardly to be expected, Mr. Speaker, that five army engineers, all of them competent men, who make a personal examination into a project should be overruled in this manner by any superior board who have no personal knowledge of the engineering difficulties presented in the case.

Mr. HUMPHREYS of Mississippi. Yet that is the course that is always pursued.

Mr. BARTHOLDT. Now, Mr. Speaker, we are opposed to having this report doctored by anybody. We want this report as it comes directly from the hands of the army engineers who made the survey. We want to know what conditions they have found, and we are willing to accept their report and their judgment upon the engineering features of the case. When it comes to the question of the expediency of undertaking this great project, then I think Congress should be the body to pass upon that question and not the Board of Army Engineers or the Secretary of War or anybody else.

Mr. HUMPHREYS of Mississippi. Just a word on that. The gentleman says he does not want the report of the examining engineers doctored. None of us want it doctored, but under the law and under the rule we always proceed upon, the report of this examining board will be sent to Congress undoctored—exactly as it got to the Board of Engineers. We will get that. In addition to that, we will get the judgment of this board upon it. But it will not be doctored by them and not be altered or changed in any respect by them.

Mr. LLOYD. There is no purpose, as I understand it, in the resolution of the gentleman from Missouri to get anything except the report.

Mr. BARTHOLDT. That is all.

Mr. LLOYD. All that you desire and all that is desired by the people of Missouri, in which the gentleman and myself are concerned, is not to get anything at all except information that is already obtained. The information that we have is that the report has been made and is on file. What we want to know is what is in that report, so that we may tell the people what it is.

Mr. BARTHOLDT. I further submit for the consideration of the gentleman from New York [Mr. ALEXANDER], whom we do not wish to antagonize, as we want to keep on good terms with him for obvious reasons, and as we may need his strong aid and cooperation next winter, that in that law of 1902, which creates a board of engineers to which all of these survey reports must be submitted, there is not a word that these reports should be kept secret. They are to become public property under the law as soon as Congress wants to make them public property and common knowledge; and certainly there is nothing in the law which would prevent the transmission of this report to Congress.

The SPEAKER. Is there objection?

Mr. ALEXANDER of New York. I desire to say one word in reply to the gentleman from Missouri [Mr. BARTHOLDT]. There is not the slightest desire on the part of the Board of Engineers or of the Engineer in Chief to suppress this report. If it were ready, they would send it here to-morrow. They will report it at the earliest possible moment.

Mr. RODENBERG. Has the gentleman any idea of when that will be?

Mr. ALEXANDER of New York. No; but it will be before Congress meets in December. It will be made public just as soon as the Board of Engineers can intelligently pass upon it. It has taken five engineers over a year to make the investigation.

Mr. PAYNE. Has not the gentleman by this time convinced himself of his attitude on this question? We want to get on with some other business.

Mr. ALEXANDER of New York. I will say to my colleague from New York that I was convinced before I began, but I wanted to make it plain to the gentlemen who are interested in this Mississippi Valley improvement that there is no intention on the part of anybody to suppress, delay, or withhold this report. Congress will have it the moment it is ready, but we do not want to pick an apple blossom for an apple. We want to wait until the fruit is ripe.

Mr. GRAFF. Will the gentleman yield for a question?

Mr. ALEXANDER of New York. Certainly.

Mr. GRAFF. Has the gentleman from New York any information which leads him to the conclusion that the board will be able to report upon this project before the convening of the next session of Congress?

Mr. ALEXANDER of New York. The Engineer in Chief stated to me on Saturday that it would be ready by the time Congress convened, if not before. I have no doubt of it.

Mr. BARTHOLDT. May I not submit to my friend from New York if, as he says, that report is not ready now, all that is necessary for the War Department to do is to say so to Congress? But I am asked by my people for this information and the legislatures of Missouri and Illinois have passed resolutions in favor of securing it. We are asking here merely to secure this information, so that the people may know whether to go ahead with their agitation or not. Preparations are being made now for a great river and harbors congress, to be held in New Orleans. If that report should be unfavorable here, the people would simply stop making further preparations for that great congress.

Mr. ALEXANDER of New York. Mr. Speaker, the gentleman from Missouri has the information he would get if this resolution went to the War Department and was answered. I object.

The SPEAKER. Objection is heard.

QUESTION OF PERSONAL PRIVILEGE.

Mr. HOLLINGSWORTH. Mr. Speaker——

The SPEAKER. For what purpose does the gentleman rise?

Mr. HOLLINGSWORTH. I rise to a question of personal privilege

The SPEAKER. The gentleman will state it.

Mr. HOLLINGSWORTH. Mr. Speaker, in so doing it is necessary, and I ask to have read at the Clerk's desk an editorial published in the Daily Clarion Ledger, of Jackson, Miss., in its issue of April 30, 1909, in which the claim is made that the paper has a larger circulation than any paper in Mississippi, and in bold italics it is announced as "The Official Journal of Mississippi." It was sent to me by mail.

The SPEAKER. The gentleman asks to have read the communication which he sends to the desk, as a basis of a question of personal privilege, as the Chair understands.

The Clerk read as follows:

WAVING THE "BLOODY SHIRT."

The war is supposed to be over, and the country generally without regard to section recognises the fact; and the days of the "bloody shirt" are also supposed to belong to the past. But not so with Representative HOLLINGSWORTH, of Ohio, who has given notice of his intention to introduce in the House a resolution inquiring into the proposition of this State to present a silver service to the battle ship *Mississippi*, bearing an engraving of Jefferson Davis.

The resolution, which Mr. HOLLINGSWORTH announces he will introduce to-day, is published in the telegraphic news columns from Washington, together with his comments thereon.

The resolution calls on the Secretary of the Navy for information relative to the report that "Mississippi is preparing an elaborate silver service to be presented to the battle ship whose centerpiece bears an engraved portrait of Jefferson Davis." The resolution asks: "By whom and on what authority is such gift to be accepted, and what lesson of loyalty or patriotism is such portrait-engraving intended to teach, and with what ideals of government is it expected thereby to inspire the officers and men now and hereafter to be in control of such battle ship?"

The Secretary of the Navy is asked to ascertain and inform Congress whether or not the proposed gift thus decorated is agreeable or desired by the officers now in command of the *Mississippi*.

Mr. HOLLINGSWORTH, in advance of presenting his inquisitorial resolution, says this effort on the part of Mississippi to have the engraving of Mr. Davis on the silver service follows the line of the resolution introduced by Senator MONEY, challenging the validity of the fourteenth amendment, charging that the Senator seeks to revive unhappy discussions and issues of the reconstruction period. He looks upon the act of Mississippi as "humiliating to four-fifths of the officers and men on board the vessel—the culmination of a maudlin sentiment recently developed, and which seems to manifest itself in sentimental efforts to win the South by such acts as the restoration of the name of Davis on Cabin John Bridge." After making this criticism on one of the last acts of President Roosevelt, Mr. HOLLINGSWORTH says: "This extreme tenderness toward the ruling elements of the South may be wise, but to one who remembers the result of President Hayes's generous acts in extending the same olive branch, doubts and misgivings must be excused."

This man HOLLINGSWORTH is serving his first term in Congress and is evidently a South-hater of the rankest kind, who is seeking to make political capital for the future, an admirer of Rutherford B. Hayes, who, as every one knows, was never elected to the Presidency, but was counted in by the theft of the votes of three Southern States, sanctioned by the infamous electoral commission with its Republican majority.

Raised in a section notorious for its hatred of the South, of southern men and southern institutions, in a restricted and narrow sphere, and with no public experience, and taught to believe that Jefferson Davis was a traitor who should have been tried, convicted, and hung, it is perhaps natural that such a contemptible little whelp should rise up to abuse the man and slander the section that appreciates him. HOLLINGSWORTH belongs to the past, though a young man, to that class of narrow-minded political wretches who think it a virtue to wave the "bloody shirt" and an honor to denounce the South's great chieftain.

HOLLINGSWORTH wants to know all about the silver service, with its design of the man who helped make Mississippi great, which contains no less an engraving of the explorer who discovered the river from which the State takes its name—fitting and appropriate in both cases; a gift from the people of Mississippi, not from the Federal Government, a trophy for the battle ship which bears the name of their State. The design may never have been submitted to the Navy Department, as it surely was never presented to the officers of the boat, for it is not the custom of those who give presents to describe them in advance and inquire if they will be acceptable.

The design of the silver service was selected by the state commission having the matter in charge, by those who raised the money to pay for it, and it was never thought necessary to have the Government's "O. K." thereto; and as to the "officers" of the battle ship, no thought was ever given them, because they are creatures of the Government and have no power to act for themselves—to receive or reject the trophy except as agents of federal power. Therefore it is all nonsense in this little Ohio Congressman to talk about the "proposed gift being agreeable to the officers," or to ask "by whom and on what authority is such gift to be accepted." It will be accepted by the captain of the ship as the representative of the Government, who would violate the proprieties of the occasion by declining or commenting thereon, except under instructions from the Secretary of the Navy.

The gift is Mississippi's, the design is Mississippi's, and the Navy Department has known for months what the design would be, and no word of displeasure has been received, no suggestion as to change made; so it is safe to say that no attention will be paid to the cheap resolution of the political nonentity from Ohio, and the service will be presented without change or friction.

Mr. HOLLINGSWORTH. Mr. Speaker, I also ask the Clerk to read, for the same purpose, the following editorial from the Southern Sentinel of May 6, 1909, published at Ripley, Miss.

The Clerk read as follows:

The Ohio Congressman who got up in the House the other day and raised all manner of sand about the picture of Jefferson Davis being put on the silver service presented by the State to the battle ship *Mississippi* ought to be informed that nobody cares what he says about it. A politically prejudiced gas bag from Ohio can no more cast a reflection upon the life and character of Jefferson Davis than a mangy, flea-bitten, bobtailed cur dog can insult the moon by getting up at 2 o'clock in the morning and barking himself to death at that pale-faced luminary.

Mr. HOLLINGSWORTH. Mr. Speaker, I would like to have order just now.

The SPEAKER. The House will be in order.

Mr. BARTLETT of Georgia. Mr. Speaker, I rise to a question of order. I make the point of order that the editorial just read from the Jackson Clarion, and the one now being read of the same nature, does not raise a question of personal privilege.

The SPEAKER. The Chair has heard the editorial read from the first paper mentioned, but has not heard and does not know what the second editorial contains.

Mr. CLAYTON. I hope, Mr. Speaker, that we may have the benefit of that picturesque description.

The SPEAKER. The Chair can not rule upon the point of order until the Chair knows whether the matter raises a question of privilege or not. The gentleman stated that he does rise to a question of personal privilege, and as a foundation for that question of personal privilege he asks that the editorial be read; and when the editorial is read, if the point of order should be made, the Chair can then rule upon the point of order intelligently. The Clerk will proceed.

The Clerk resumed the reading, as follows:

Everybody in America who knows the history of the two men knows that in point of education, native ability, culture, oratory, legal attainment, character, and unselfish patriotism that Jefferson Davis was a greater man than Abraham Lincoln, and knows furthermore that the cause for which the southern soldier fought was the cause of right. Yet the South entertains no unkindly feeling for the northern soldier and patriot, neither does it think unkindly of the memory of Abraham Lincoln, whose death was a great calamity to the South and made the period of reconstruction more trying and more odious than it would otherwise have been. But Davis is the idol of the South and will continue to be long after that windy misfit from Ohio has been retired by his constituency and everlasting forgotten by the Nation.

Mr. HOLLINGSWORTH. Mr. Speaker, I also ask to have read the following editorial from the Caucasian, of May 4, 1909, published at Shreveport, La., as a part of the basis of my question of personal privilege.

The SPEAKER. The gentleman also sends to the Clerk's desk the following to be read, as he states, as a foundation for his question of personal privilege.

Mr. BARTLETT of Georgia. Mr. Speaker, I raise the point of order now that before a Member can have read at the Clerk's desk a newspaper article as the foundation for a question of personal privilege the Member is required to state that in his opinion it does present a question of personal privilege.

Mr. HOLLINGSWORTH. I so state.

The SPEAKER. The gentleman says he so states, and the Clerk will read.

The Clerk read as follows:

CONGRESSMAN HOLLINGSWORTH.

It would be interesting to know when and where Congressman DAVID A. HOLLINGSWORTH, of Ohio, "fit and bled and died" for his country.

A few days since he lashed himself into a fury at the bare mention of the name of Jefferson Davis. So great was his distemper that he fairly raved as the man from Bitter Creek who fattened on snakes.

It appears that this Congressman from Ohio is disturbed over the fact that the State of "Mississippi is preparing an elaborate silver service to be presented to the battle ship whose centerpiece bears an engraved portrait of Jefferson Davis."

In his fulmination this Congressman from Ohio desired to know why the portrait of Abraham Lincoln was not substituted for Jefferson Davis.

Such manifest ignorance and prejudice is a reflection of discredit inexcusable and unpardonable. Had Congressman HOLLINGSWORTH been informed as he should have been, he would have known that whatever are the designs and ornaments and figures and emblems on this silverware were selected by a commission of men named by the State; that the money for this service was contributed by citizens of Missis-

sippi, and that nothing has been done without the approval of the Secretary of the Navy at Washington.

Lincoln was not a Mississippian, Jefferson Davis was, and there is no part of the history of his State or of the United States which is not enshrined in glorious deeds of war and of statesmanship, as the achievements of the gallant and heroic Jefferson Davis while he lived and while he was in the service of his country.

In revering the memory of Jefferson Davis the State of Mississippi has honored itself and exalted the patriotism of her gallant sons and the devotion and heroism of her daughters. Besides the portrait of Jefferson Davis, every emblem and ornament on this silver service has a direct connection with the historical record of the State.

It is not possible to form at this distance the size nor the caliber of Congressman HOLLINGSWORTH, but, measured by his frothings, he is indeed a little man. If aged enough to have enlisted in the great struggle between the States, he was not one of the brave men who were actively engaged in active service and on the fighting line. Brave men, men who experienced the hardships of the march, the camp, and the bivouac, and the shock of battle do not "wave the bloody shirt." Perhaps Congressman HOLLINGSWORTH was one of the "Home Guards" or one of "Sherman's bums" who robbed defenseless women, old men, and children.

Who is HOLLINGSWORTH?

Has he ever "fit and bled and died" for his country?

Mr. HOLLINGSWORTH. Mr. Speaker, I also ask to have read the following from a Mississippi paper which has just arrived by mail, which also contains, as I think, a basis for my question.

The SPEAKER. The Clerk will read.

The Clerk read as follows:

THAT INFAMOUS RESOLUTION.

One HOLLINGSWORTH, who warms a seat in the Congress of the United States and holds a commission as Congressman from the governor of Ohio, has pulled himself out of obscurity by threatening to introduce a resolution calling upon the Secretary of the Navy to know what of the report that the people of Mississippi are to present a silver service to the battle ship *Mississippi*, with the portrait of Jefferson Davis engraved upon one of its pieces.

I know nothing of HOLLINGSWORTH, his past, or his prospects.

He is a thing to his countrymen unknown, or rather he was before this untimely deliverance.

But there is no question but that he is an ass of the first magnitude—a demagogue devoid of those qualities which distinguish the higher type of American citizen.

He is evidently of the peculiar class who place a greater estimate upon ignominious notoriety than modest virtue.

In his desperate struggle against oblivion this pusillanimous little creature would revive sectional animosity, tear open the painful wound caused by the most unfortunate war ever fought.

He would array brother against brother, father against son, section against section, revive the animosities of forty years ago, and curse the Republic with hate.

The people of Mississippi have contributed the money to buy the silver service for the battle ship *Mississippi*, bearing the name of their State.

And the people who contributed it believe in the purity and nobility of the life of Jefferson Davis.

They sympathized with him during the war between the States.

They honor his memory and admire beyond expression his superb qualities.

Had the State of Virginia had engraved upon its silver service a portrait of Robert E. Lee, I dare say that Mr. HOLLINGSWORTH would not have threatened Congress with his infamous resolution.

There does not seem to be any objection on the part of the northern people to Lee. On the contrary, his memory is revered by them.

Northern men, in speaking favorably of the men from the South who took part in the war between the States, always mention Lee and Jackson.

And in the North they speak of Lincoln and Grant.

It seems that Jefferson Davis is the one object—the one man against whom all of their venom has been centered.

His name is a target for obloquy and detraction.

Now, if Lee was right, if Jackson was admirable, if there was anything good in either of them brought out by the war, it was done in the service of the government of which Davis was the president.

Lee fought to maintain secession.

Jackson did the same thing.

They represented on the field of battle all that Davis represented in the halls of state.

If Mr. Davis was wrong, Lee was wrong.

If Davis was a traitor, Jackson and every officer and private in the confederate army was a traitor.

The man who holds the position of Secretary of War to-day in the Cabinet of President Taft believes in Jefferson Davis.

And if Davis deserves the contempt and execration that this pusillanimous pigmy from Ohio would heap upon his name, the son of a confederate soldier, who believes in his father's political creed, has no place in the Cabinet of Mr. Taft.

It is a great misfortune that there are men in the North and in the South of the HOLLINGSWORTH type.

It will be a great thing for the Republic when all of them are dead.

They are in the way.

Now, I do not know whether the portrait of Mr. Davis has been put on the silver service to be presented to the battle ship *Mississippi* or not. I hope it has. And I hope this protest will not cause his excellency, Governor Noel, to have it effaced.

If they do not want to take it with Mr. Davis's picture on it, let them decline it.

There is one thing certain, if I had anything to do with it now, if the portrait was not on the silver service, I should have it put on the service; and I would put it in such a conspicuous place that it would be impossible to look at the service without seeing the best likeness possible of the incomparable man who served as president of the confederacy, and died the vicarious sufferer for all the South lost in that momentous conflict.

And I would not give a continental tinker's hurrah in hell's half acre for what Mr. HOLLINGSWORTH or any other narrow-minded, prejudiced, cramped, soul-quenched, South-hating, cowardly cuss might say about it.

Mr. HOLLINGSWORTH. Mr. Speaker, I now ask, in like manner, to have read House resolution 64, submitted by me, and also a copy of my interview referred to, as they were published, and constituting the only basis for this editorial attack upon me.

Mr. FITZGERALD. Mr. Speaker, I rise to a question of order.

The SPEAKER. The gentleman will state it.

Mr. FITZGERALD. I submit that the Chair should, at this time, decide whether the editorials so far read raise a question of privilege. If they do not, I shall object to the RECORD being encumbered further with editorials such as these. I do not believe that it comports with the dignity of this House to have more of them unnecessarily read. I ask the Chair to rule whether the gentleman has laid a basis for his question of personal privilege.

Mr. HOLLINGSWORTH. Mr. Speaker, I desire to state that this constitutes the basis on which these charges have been made, and I ask that it be read.

Mr. FITZGERALD. The gentleman is entitled to a reasonable latitude to develop whether he has been assailed in his official capacity; but he can not in claiming that privilege encumber the RECORD with editorials of all sorts, on all questions, without some basis for the privilege being laid.

Mr. HOLLINGSWORTH. On the question of latitude——

Mr. FITZGERALD. And if the gentleman is not at this time entitled to the floor because his privileges have been invaded, then I shall object to further editorials of a similar character being placed in the RECORD—I do not care what they are.

Mr. HOLLINGSWORTH. The articles that I now ask to be read——

The SPEAKER. Does the gentleman from Ohio desire to be heard upon the point of order?

Mr. HOLLINGSWORTH. Nothing further than this, Mr. Speaker, that I desire that the Speaker and the House may know that the articles that I am now desiring to have read are the resolution introduced, but not upon the RECORD, and my interview, published and referred to in these articles attacking me, already read, as a basis for the question of privilege, and the remarks which I propose to make.

The SPEAKER. The Chair has listened to the reading of the editorials or papers that were read at the request of the gentleman from Ohio.

The gentleman from Ohio stated that, in his judgment, a question of personal privilege was presented. The Chair listened with as careful attention as practicable, and while there were many things in the editorials that the Chair can conceive were unpleasant to the gentleman from Ohio, and possibly unpleasant to gentlemen on both sides of the House, yet great latitude is sometimes taken and at all times allowed to the press. Severe denunciation constantly abounds, sometimes against all the Members of the House, sometimes against the minority of the House, and sometimes against the majority of the House, and sometimes against various individual Members of the House. If in any communication in the public prints or otherwise an attack is made on a Member in his representative capacity, that would present a question of personal privilege. But after listening to these editorials that have been read, the Chair, following the precedents, and there is a long line of them, is inclined to the opinion that they do not reflect upon the gentleman from Ohio in his representative capacity. Therefore the Chair sustains the point of order, but would recognize the gentleman, if he desires to be recognized to ask unanimous consent that the resolution he refers to, which was introduced, should be read or printed in the RECORD, along with the editorials, and also the interview.

Mr. MACON. Mr. Speaker, before that is submitted, I would like to ask if in the Clarion editorial the resolution introduced by the gentleman from Ohio was not recited. If it was recited in the Clarion editorial, I should object to its being repeated.

The SPEAKER. Only in part, the Chair is informed, was it recited. Is there objection to printing the interview and resolution in the RECORD? [After a pause.] The Chair hears none.

The following is the matter referred to:

JEFF DAVIS SILVER—REPRESENTATIVE HOLLINGSWORTH OF OHIO CALLS A HALT ON THE RECRUDESCENCE OF THE REBELLION.

Representative DAVID A. HOLLINGSWORTH, of the Sixteenth Ohio district, has introduced in the House the following resolution:

"Resolution requesting information from the Secretary of the Navy as to proposed gift of silver service with portrait decorations of Jefferson Davis for use on the battleship *Mississippi*.

"Whereas the dignity and character of the United States Government and its creditable standing at home and abroad require that its battleships should be in command of officers imbued with high American ideals, healthy loyalty, and a just pride in the history and institutions of the Government they serve; and

"Whereas public monuments, paintings, engravings, and other works of art exhibited or used in government buildings, structures, or in other public places belonging to the General Government are intended and should be calculated to inspire reverence for such ideals and teach valuable lessons of patriotism and love of country; and

"Whereas it is reported in the public press and not contradicted that an elaborate silver service set of 62 pieces, with the centerpiece thereof decorated by an artistic portrait engraving of Jefferson Davis, the head of the late southern confederacy, has been purchased for presentation to the battleship *Mississippi* for the permanent use of its officers at social and public functions, to the exclusion of any other service which might be furnished by the Government or presented by other donors; and

"Whereas of the 37 officers now in command of the vessel, including Capt. John C. Fremont, of California, a worthy descendant of a brave Union general in the civil war, only seven were appointed from the States lately adhering to the confederacy, and such proportion of appointments from the different States of the Union is likely to be continued in the future: Therefore be it

"*Resolved*, That the Secretary of the Navy be requested to inform the Congress by whom and on what authority such gift is to be accepted, and what lesson of loyalty or patriotism such portrait engraving is intended to teach, and with what ideals of government it is expected thereby to inspire the officers and men now or hereafter to be in control of such battleship, and especially to ascertain and inform the Congress whether or not the proposed gift of silver service thus decorated and such use of it are agreeable to or desired by the officers now in command of the *Mississippi*."

INTERVIEW WITH REPRESENTATIVE HOLLINGSWORTH.

In an interview with Congressman HOLLINGSWORTH, of Ohio, relative to the gift of silver service, with portrait of Jeff Davis, to battle ship *Mississippi*, he said:

"My resolution speaks for itself. It follows the line, although in contrary direction, of the one introduced by Senator MONEY, of Mississippi, at this extra session, in which he seeks to revive war memories by requiring the Attorney-General to file in the Supreme Court proceedings to question the validity of the fourteenth amendment to the Constitution of the United States. He challenges directly the official records and integrity of the Government and the separate States in the adoption of that amendment. He seeks to revive the unhappy discussions and issues of the reconstruction period. At the same time his State and his people seem to think it quite the thing to place the portrait of President Davis, of the Southern Confederacy, instead of that of President Lincoln, of blessed memory, on the dining service of a United States battleship for use at all social functions, at home and among foreigners, by United States officers in command, many of whom, like Capt. John C. Fremont, are worthy descendants of the patriotic men who fought on the side of Lincoln and against Davis during the civil war.

"I look upon it as humiliating to four-fifths of the officers and men on board the vessel. It is the culmination of a maudlin sentiment recently developed, and which seems to manifest itself in sentimental efforts to win the South by such acts as the restoration of the name of Davis on Cabin John Bridge, at Washington, and Senator MONEY'S resolution to impeach the integrity of the fourteenth amendment and like suggestions which a few years ago would have met with a storm of protests.

"This extreme tenderness toward the ruling elements of the South may be wise, but to one who remembers the result of President Hayes's generous acts extending the same olive branch, doubts and misgivings must be excused. It is all well enough to hide away the scars of the war, but there is such a thing as the pendulum of time swinging backward beyond the perpendicular. The thoughtful men of both the South and the North are content to abide by the impartial judgment of history, and not seek by such puny sentimental displays to divert the thoughts and judgment of the present generation from the eternal truths vindicated and settled by the civil war."

Mr. HOLLINGSWORTH. Mr. Speaker, I now move, as a matter of privilege, that the committee to which my resolution was referred more than seven days ago be discharged and the resolution be now taken up for consideration.

Mr. HAY. Mr. Speaker, I make the point of order that was made some days ago against a similar motion by me, that the committee has not been appointed, and therefore the resolution is not privileged.

Mr. HOLLINGSWORTH. I will refer the Speaker to the Manual, page 500, in which it says that if a resolution fails to reach the committee for any reason, it shall not affect the privilege.

The SPEAKER. To what committee was the resolution referred?

Mr. HOLLINGSWORTH. To the Committee on Naval Affairs, over seven days ago.

The SPEAKER. The Chair is prepared to rule.

Mr. HOLLINGSWORTH. I would like in that connection to say that I have some remarks and I have now completed my statement, and I would like these remarks to go in the RECORD, also.

The SPEAKER. Does the gentleman ask unanimous consent to address the House for a stated time?

Mr. HOLLINGSWORTH. I do.

Mr. SPIGHT and Mr. HARRISON objected.

The SPEAKER. The gentleman from New York [Mr. HARRISON] and the gentleman from Mississippi [Mr. SPIGHT] object. The Chair sustains the point of order at this time. The motion of the gentleman to discharge the Committee on Naval Affairs from consideration of the resolution, in the opinion of the Chair, is not in order, and therefore the Chair sustains the point of order made by the gentleman from Virginia.

Mr. PAYNE rose.

Mr. HOLLINGSWORTH. Mr. Speaker, I have not yet relinquished the floor.

The SPEAKER. The gentleman from Ohio had the floor on a matter of personal privilege. So far as anything comes to the knowledge of the Chair at this time, it seems to the Chair that the gentleman is not entitled to the floor any further, because the point of order has been sustained that within the rules of the House the gentleman has not presented a question of personal privilege. If the gentleman from Ohio has anything in addition to present to the House involving a question of personal privilege, the gentleman will state it.

Mr. HOLLINGSWORTH. I have this further to suggest. I have put in the RECORD the position of the State of Mississippi in regard to this silver-service incident. I have put in the RECORD the resolution and my interview which called forth these vindictive attacks. I have prepared my own views, and I will say to my friends of both the South and the North that after they have listened to them, if they have any objection, I will never rise to another question of privilege. I understood the rule to be that I might move to take my resolution out of the committee after it had rested there seven days. That has been ruled against me. I have no desire to appeal or question the matter further; but I have some remarks that I do not think anyone on either side of the Chamber would object to, if they knew what they were. I now repeat my request for unanimous consent that I may print my remarks in the RECORD, or that I be allowed thirty minutes' time to state them.

The SPEAKER. The gentleman asks unanimous consent in the alternative, first, that he be permitted to print his remarks in the RECORD, or that he be granted thirty minutes' time in which to address the House. Is there objection to the first proposition?

Mr. HARRISON. Mr. Speaker, to both of those requests I object.

The SPEAKER. The gentleman from New York [Mr. HARRISON] objects.

Mr. HOLLINGSWORTH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HOLLINGSWORTH. Is there objection to my request other than to the amount of time to be consumed?

The SPEAKER. Well, the Chair can not tell what moved the gentleman from New York to object, because the Chair is not a mind reader.

Mr. HOLLINGSWORTH. That is very satisfactory; but I was led to believe that my motion would be in order immediately after the reading of the Journal, and I present a parliamentary inquiry to know whether that is so or not.

The SPEAKER. At this time, in the opinion of the Chair, as the Chair ruled on a former occasion at this session, in the case of a resolution introduced by the gentleman from Virginia [Mr. HAY], a similar motion to this was not in order at that time, as this, in the opinion of the Chair, is not in order at this time.

Mr. HARRISON. Mr. Speaker, I demand the regular order.

PHILIPPINE TARIFF.

Mr PAYNE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill H. R. 9135, the Philippine tariff.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the Philippine tariff bill, with Mr. OLMSTED in the chair.

The CHAIRMAN. The committee will be in order. The Chair will call attention to the fact that when the committee rose on the last day of meeting there was a motion pending, an amendment offered by the gentleman from Alabama [Mr. UNDERWOOD].

Mr. UNDERWOOD. Mr. Chairman, I ask that that amendment may be again reported by the Clerk.

The CHAIRMAN. Without objection, the Clerk will again report the amendment.

The Clerk read as follows:

Amend by inserting at the end of section 13, on page 115, line 21, the following:

"*Provided*, That the export duties authorized to be collected under section 13 of this act shall remain in force and be operative for two years, and thereafter the amount of the duties named in said section shall be reduced one-fifth each succeeding year for the period of five years. Seven years after the enactment of this law no export duties or other charges shall be levied, collected, and paid upon the exportation of any articles from the Philippine Islands."

Mr. UNDERWOOD. Mr. Chairman, my purpose in offering this amendment is to strike out of the bill the paragraph pro-

viding for an export tax, a means of taxation that I do not believe is worthy of the legislation of this House or is necessary at this time to produce a revenue sufficient to conduct the business of the insular government in the Philippine Islands. I do not think that there is any contention on the part of those who desire this provision to stay in the bill to defend it on the merits or to defend the doctrine of export taxation. I believe they merely contend that it is necessary to keep this clause in the bill in order that sufficient revenue may be had to run the insular government of the Philippine Islands. Now, Mr. Chairman, there is no way in which we can obtain the facts on this question except from the report of the officers of the Insular Bureau. It seems that the Insular Bureau has made two reports. On May 5 a letter was filed with the chairman of the committee by General Edwards, in which he stated that the export duties collected on hemp shipped to all countries last year—that is, the year 1908—were approximately $950,000; on sugar, $190,000; on tobacco, $200,000; amounting in round figures to something over $1,000,000. He states in this letter that the Government could not well dispense with these export duties, stating it on the authority of the Philippine government; but we have a representative of the Philippine government here.

There was a representative of the Philippine government before the Ways and Means Committee, the representative of the Philippine government who was informed on this very question, and that is the collector of customs for the Philippine Islands. On May 6, a day later than the date of this letter of General Edwards, the Insular Bureau filed a report showing the facts which were concurred in by the collector of customs, who is in this city to-day, which report stated that the amount collected from export taxes amounted to only $743,000. Now, that same report said that, by reason of the granting of free trade between the United States and the Philippine Islands, the revenues of the insular government would be reduced as follows: On import duties, $1,537,000; on duties collected on Philippine products in the United States, $269,000; the falling off of export duties would amount to $44,000, making a total of $1,817,000. But the same report shows that by increasing the duties on custom revenues and the internal revenues, as provided by the laws now in force in the Philippine Islands and that will go into effect this year, the receipts will be increased to the amount of $1,175,000 over what they were last year. This report further shows that in the last year the internal-revenue taxes collected in the Philippine Islands were not all used by the insular government, that $3,000,000 of the internal-revenue taxes were turned over to the municipalities and the provinces and used by them, because the insular government had a surplus and there was no necessity for them to use the entire amount of the internal-revenue taxes. That surplus amounted to over $3,000,000. The Insular Bureau in its report to Congress says:

> The present internal-revenue law of the Philippine Islands provides that on January 1 next there shall be an increased revenue tax on cigarettes and distilled spirits manufactured in the islands, which will give an annual increase in collection of $800,000—

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. UNDERWOOD. Mr. Chairman, I ask leave of the House to continue for ten minutes more.

The CHAIRMAN. The gentleman from Alabama asks unanimous consent to continue his remarks for ten minutes. Is there objection? [After a pause.] The Chair hears none.

Mr. UNDERWOOD. It goes on to say:

> To meet this remaining deficit, as compared with the revenues of the last fiscal year, there will be the increased receipts of $3,083,000, heretofore paid into the municipal and provincial treasuries. The insular government may retain as much of this as it finds necessary.

Now if you count the increased internal-revenue collections and place in the insular treasury the money that it has been giving to the provinces and the municipalities, and then deduct from that the entire collections of export duties for the last year, it will leave a surplus in the treasury of something over $1,000,000. I think the fundamental objection to the passage of this legislation requiring that articles shipped from the Philippine Islands of a certain kind—copra, tobacco, sugar—shall be taxed before they are exported, is that it taxes the energy of the people; it is a tax on the development of the resources of the islands; it is a tax that has been abandoned for many years by all of the civilized nations; it is a relic of barbarism. The founders of our great Government in adopting the Constitution of the United States provided that no export taxes should be levied by the Government of the United States, realizing that a tax of that kind ties the hands of the people, hampers their ability to compete in foreign markets, prevents the development of their country and their country's resources, and I say it is unfair, it is unjust to levy such a tax on these people, for whom we are legislating.

I say that it is not necessary, that the taxes already collected will be more than sufficient to meet the necessary expenses of the insular government, but in order that we may be absolutely safe and absolutely sure that we do not take the revenues away from their treasury that may be necessary to conduct its business the amendment that I have offered proposes that this present export tax shall remain for two years and thereafter it shall be diminished one-fifth each year for a period of five years before it is entirely taken away. This gives ample time for the insular government to adjust itself to the new conditions, if it needs adjustment. It is not radical. If it turns out hereafter that we have made a mistake and there is not enough money to run the government, why Congress will have ample time to correct its mistake.

But if we enact this bill to-day with this provision in it providing for an export tax on the goods leaving the Philippine Islands, we will adopt a system there that we can not get rid of. When we put that system in the statute books of the Philippine Islands, the insular government will adapt themselves to the system we give them and attempt to do no better. But if we write in the statute books a provision for the gradual repeal of these export taxes, we will put them on notice that they must either by economy reduce expenditures or provide an additional tax, if the present taxes are not enough to support the government—and I believe they are—within the next seven years. If we adopt this amendment, we will put their tax laws on an equal basis with that of the great nations of the world. We will not put them in the class with Turkey and Persia and second-class nations, but we will put their tax laws on the same basis and in accordance with the same high ideals that have been adopted for our own people here at home.

Mr. MACON. Mr. Chairman, I dislike very much to oppose an amendment offered by the gentleman from Alabama, especially so when he is a member of the Committee on Ways and Means that reported this bill. Still, I feel it is my duty as a representative of the people to protest against it upon constitutional grounds. The framers of our Constitution at the time of its adoption saw fit to incorporate the following paragraph as a part of section 9 of the Constitution:

> No tax or duty shall be laid on articles exported from any State.

If we had had at that time, Mr. Chairman, outlying territory, if we had had colonial possessions, I am sure the framers of the Constitution would have provided that no export tax or duty should be laid upon articles exported from any State or Territory of or colonial possession belonging to the United States. That being the case, I am opposed to section 13 as carried in the Philippine tariff bill or any amendment thereto except to strike it out, and shall at the proper time move to strike out the entire section. But, recognizing that the friends of the section have the right to perfect it by amendment if they can before my motion to strike out would lie, I take the opportunity of saying now that I am opposed to this particular amendment for the reason just given.

Mr. UNDERWOOD. Will the gentleman from Arkansas allow me to interrupt him?

Mr. MACON. I will.

Mr. UNDERWOOD. I do not desire to be put in the category of being the friend of this section. I opposed it in committee and am opposing it now. I offer this temporary amendment in order that these people may have the opportunity of adjusting themselves to the situation, and I have only taken the position as opposed to these export taxes.

Mr. MACON. I am sure the gentleman, so far as that is concerned, is not in favor of an export tax. He could not be if he is in favor of the maintenance of the Constitution, and I believe he is in favor of its maintenance. But his amendment provides that for two years we shall have the export tax in full force as carried in this provision. After the expiration of that time one-fifth of it shall be stricken out, and so on for five years, and after seven years it is all, I believe, to be eliminated from the bill. But the framers of the Constitution did not say that on and after the period of two years there should be no export tax levied against any of the exports from any of the States. They did not say that after the expiration of two years one-fifth of the export taxes laid against the exports of the States should be abolished. If I vote for this amendment, I will commit myself to a policy of recognizing the principle of an export tax under the Constitution, when, in my judgment, it does not exist.

I also oppose it as I would oppose the enactment of a law postponing the time for the punishment of crime or one allowing it to exist for a stated time. I do not think it would be right to enact that crime should exist for a certain length of

time or that the law punishing it should be suspended for a certain length of time or that the Constitution should be overridden for a certain length of time, and after that time that crime should not be committed, the law no longer suspended, and the Constitution no longer overridden. Therefore I oppose this amendment, and I hope at the proper time the committee will see fit to strike out section 13 and let us live up to the Constitution as adopted by its framers.

Mr. PAYNE. Mr. Speaker, this is one of the most popular of the forms of taxation for the Philippines. It is a taxation upon the more prosperous of the Filipinos, the people who raise these articles that are exported and are doing well.

If it is a land tax, it is a land tax upon those who can afford to pay the tax. There is no question as to the absolute necessity for these export taxes in order to produce revenue to take care of these people. I do not intend to follow the gentleman from Alabama in his figures further than to say that General Edwards says that of the $3,000,000 internal-revenue taxes turned over to the municipalities and the territorial governments there a deduction might be made. He did not say the whole of the $3,000,000 might be, and did not say how much could, but a little could be if necessary for the first year or so to help out the government. It is necessary to have the taxes. They are taxes they have always had there; they are accustomed to them, and like them better than any other form of taxation. I hope the amendment will be voted down.

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the Chairman announced that the noes appeared to have it.

Mr. UNDERWOOD. I ask for a division.

The committee divided; and there were—ayes 34, noes 34.

So the amendment was rejected.

Mr. MACON. Mr. Chairman, I move to strike out all of section 13, beginning with line 16, on page 114, down to and including line 20, on page 115.

The CHAIRMAN. The gentleman from Arkansas offers an amendment which the Clerk will report.

The Clerk read as follows:

Strike out all of section 13, beginning on page 114, line 16, ending with line 20, page 115.

Mr. PAYNE. I make the point of order against that, Mr. Chairman. I think an amendment can only be applied to the last paragraph of the section.

The CHAIRMAN. The gentleman from New York makes the point of order that such an amendment would be in order only as to the last paragraph, the other paragraphs having been read and disposed of.

Mr. MACON. As to the last paragraph?

Mr. PAYNE. The gentleman's motion is to the entire section—to paragraphs which have been already agreed to by the committee.

Mr. MACON. Mr. Chairman, it was distinctly understood that the amendment of the gentleman from Alabama alluded to this whole provision, beginning on page 114, line 16, and including those lines mentioned in my amendment. That being the case, it being mutually understood that his amendment went to the whole provision, I could not make a motion to amend by striking out until that amendment had been disposed of; and hence I insist that the gentleman's point of order can not be well taken, under the circumstances.

The CHAIRMAN (Mr. OLMSTED). Just one moment. The amendment offered by the gentleman from Alabama and just rejected would, if it had been agreed to, affect all the export duties authorized in the section. No point of order was made against that amendment. The amendment now offered is to strike out a portion of the bill which has already been agreed to by the committee.

Mr. PAYNE. Further than that, it was agreed by unanimous consent that we might read to the close of the paragraph, and the gentleman from Alabama could offer his amendment, which was to limit the time. No other amendment was agreed to be pending but simply his, and this leaves the amendment of the gentleman from Alabama [Mr. UNDERWOOD] as if it had never been offered at all.

Mr. MACON. Mr. Chairman, I desire to call the Chair's attention to the exact language of the gentleman from Alabama when he offered his amendment. I will read from the RECORD of last Thursday:

Mr. UNDERWOOD. Mr. Chairman, I desire to offer an amendment which will affect all of section 13.

Thus you see that if I had moved to strike out the first part of section 13, at the time the gentleman from Alabama offered his amendment, the Chair would properly have held that I would have had to wait until the gentleman's amendment had been disposed of—until the friends of the section could have had opportunity to perfect it, if they wanted to do so—before I could have been recognized to make the motion to strike it out. Certainly the Chair will not insist that that would not have been the case at that time.

The CHAIRMAN. At the time that the amendment of the gentleman from Alabama was offered it might or might not have been found out of order if a point of order had been made, but there was no point of order made. The amendment was not agreed to and is not included in the bill. The gentleman is entitled to move to strike out the last paragraph, but not any preceding paragraph which has already been read and agreed to, and is therefore no longer open for amendment. An amendment can only be offered to a paragraph which is under consideration. The motion to strike out the entire section, embracing a number of paragraphs already read and agreed to, is not in order. The Chair therefore sustains the point of order.

The Clerk read as follows:

SEC. 22. That upon the exportation of articles manufactured or produced in the Philippine Islands, including the packing, covering, putting up, marking, or labeling thereof, either in whole or in part of imported materials, or from similar domestic materials of equal quantity and productive manufacturing quality and value, such question to be determined by the insular collector of customs, there shall be allowed a drawback equal in amount to the duties paid on the imported materials so used, or where similar domestic materials are used, to the duties paid on the equivalent imported similar materials, less 1 per cent thereof: *Provided*, That the exportation shall be made within three years after the importation of the foreign material used or constituting the basis of drawback: *And provided further*, That when the articles exported or coverings thereof are in part of materials grown or produced in the Philippine Islands not subject to drawback under this act, the imported materials, or the similar domestic materials of equal quantity and productive manufacturing quality and value entitled to drawback, shall so appear in the completed articles or packages that the quantity or measure thereof may be ascertained: *And provided further*, That the imported materials, or domestic materials entitled to drawback under this act, for which drawback is claimed, shall be identified; that the quantity of such materials used and the amount of duty paid thereon or if domestic materials, paid upon its equivalent, shall be ascertained; and that the fact of their exportation shall be established; and the refund if made shall be paid to the manufacturer, producer, or exporter, to the agent of any of them, or to the person such manufacturer, producer, exporter, or agent shall, in writing, order such refund paid, under and in accordance with such rules and regulations as the insular collector of customs may prescribe: *Provided, however*, That no drawback shall be paid under this section on account of any articles, goods, wares, or merchandise exported to the United States of America or to any Territory or place under the jurisdiction and the control of the Government thereof, wherein such articles, goods, wares, or merchandise are admitted free of duty.

Mr. UNDERWOOD. Mr. Chairman, I desire to offer the following substitute for that paragraph.

The Clerk read as follows:

Amend by striking out all of section 22 and insert in place thereof the following:

"SEC. 22. That upon imported materials used in the manufacture or production of articles in the Philippine Islands, or in the packing, covering, putting up, marking, or labeling of articles grown, produced, or manufactured therein, and upon which the required amount of duty has been paid, there shall be allowed a drawback of the corresponding proportion of the amount so paid, less 1 per cent thereof, upon proof satisfactory to the collector of customs of the exportation of the whole or part of any importation upon which duty has been paid as aforesaid used in any of the ways above set forth: *Provided*, That when the articles exported, or the coverings thereof, are in part of materials grown or produced in the Philippine Islands, the imported materials or the parts made from such materials shall so appear in the completed articles or packages that the quantity or measure thereof may be ascertained: *And provided further*, That the imported materials for which drawback is claimed under this section shall be identified, and the quantity of such materials used and the amount of duties paid thereon ascertained, if necessary; the facts of their use in manufacture, production, or packing in the Philippine Islands and their exportation therefrom determined, and the refund, if made, shall be paid to the manufacturer, producer, or exporter, to the agent of any of them, or to the person to whom such manufacturer, producer, exporter, or agent shall, in writing, order such refund paid, under and in accordance with such rules and regulations as the insular collector of customs may prescribe: *Provided, however*, That no drawback shall be paid under this section on account of any articles, goods, wares, or merchandise exported to the United States of America or to any territory or place under the jurisdiction or control of the Government thereof wherein such articles, goods, wares, or merchandise are admitted free of duty or at any rate of duty lower than the minimum rate of duty applicable to articles, goods, wares, or merchandise imported therein from foreign countries."

Mr. UNDERWOOD. Mr. Chairman, my purpose in offering the amendment is this: The bill introduced in the House, as the chairman of the committee stated, came from the Bureau of Insular Affairs, and it contained a provision in reference to drawbacks similar to that which the Clerk has just read at the desk, which I have offered by way of amendment.

Mr. LONGWORTH. Will the gentleman yield for a question?

Mr. UNDERWOOD. I will.

Mr. LONGWORTH. Is this provision similar to that in the drawback provision of the Dingley law?

Mr. UNDERWOOD. I think it is. I have not changed it any. I just cut the provisions out of the original bill and offered it by way of amendment. The amendment reads as the

main bill read in reference to drawbacks when it passed the House. The amendment I offer reads as the Dingley bill reads in reference to drawbacks. The main difference is this: The drawback under the Dingley bill must go to the man who imports the goods for the purpose of manufacturing them, and he must show that these imported goods were manufactured and exported again. Now, I have no objection to that class of drawbacks. I think it is a good provision. It may help our foreign trade without injuring anybody. But the provision that is carried in this bill to-day, not asked for by the Insular Bureau, because the bill they sent up here had only the Dingley provision in it, and there was no testimony upon it that I heard on the part of anyone representing the Insular Bureau or the Philippine people that they wanted this new drawback rate.

The new drawback rate provides that whenever a man imports goods into the Philippine Islands under this bill or into the United States under the Payne bill that he can dispose of them if he states that he intends to introduce them for manufacturing purposes, and he can dispose of them to anybody he wants to. If he holds a certificate of the custom-house at any time within three years, he can have similar domestic articles manufactured and export them abroad and call on the Government for a drawback of 99 per cent of the amount originally paid.

Now, I say that that procedure is going to open the door of the Treasury to all kinds of frauds, whether it be in the United States or in the Philippine Islands, and you will not be able to keep up with it. Every man that introduces any goods that come into the United States or into the Philippine Islands that can possibly be manufactured into something else will declare that he introduces them for the purposes of manufacture and will sell them at the highest market price, and if the opportunities of the market afterwards make it profitable within three years, he will manufacture domestic material in place of it and export it again, and claim his drawback from the Government. It opens the door to speculation on the part of the manufacturer at the expense of the Treasury. There is absolutely no need for it in the Philippine Islands. There are comparatively few manufacturers there who import goods for remanufacture. There will be no question or trouble about their tracing the goods they import under the old law. The present law, the law I offer as a substitute, gives ample opportunity for the manufacturing interests to get their drawback if they are doing a legitimate business, and there is no necessity for a change in the law that has not been asked for on the part of the insular authorities.

The CHAIRMAN. The question is on the amendment.

Mr. PAYNE. Mr. Chairman, before the question is taken I want to say a word. The gentleman from Alabama objects because we have a three years' clause in which they may import for manufacture and get drawbacks. He is not aware that under the section he has offered, which was in the Dingley law, the courts have held that they had twelve years, and perhaps longer than that.

Mr. UNDERWOOD. Yes; but that was to the same man; it could not go to some one else.

Mr. PAYNE. Now, the difficulty is that the gentleman has not kept up with the times. The committee of which he is a member has been at work and a new drawback, a better provision than that in the Dingley bill, has been drawn, and when Colonel Colton saw the bill the House sent over to the Senate, and a drawback clause that was a better one than they had, at their earnest solicitation I put in this one instead of the one that was originally drawn and was in the bill as I introduced it.

The CHAIRMAN. The question is on the amendment.

The question was taken; and on a division (demanded by Mr. UNDERWOOD) there were—ayes 29, noes 48.

So the amendment was rejected.

The Clerk read as follows:

SEC. 23. That containers, such as casks, large metal, glass, or other receptacles which are, in the opinion of the collector of customs, of such a character as to be readily identifiable may be delivered to the importer thereof upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within one year from the date of importation, under such rules and regulations as the insular collector of customs shall prescribe.

With the following committee amendments:

SEC. 24. That in addition to the taxes imposed by this act there shall be levied and collected on goods, wares, or merchandise when imported into the Philippine Islands from countries other than the United States the internal-revenue tax imposed by the Philippine government on like articles manufactured and consumed in the Philippine Islands or shipped thereto, for consumption therein, from the United States.

The CHAIRMAN. The question is on the committee amendment.

Mr. POINDEXTER. Mr. Chairman, before the question is taken I would like to ask the chairman of the committee whether there are any internal-revenue taxes collected by the Philippine government on goods imported from the United States?

Mr. PAYNE. Do I understand the gentleman to ask if there are any internal-revenue taxes collected in the Philippine Islands?

Mr. POINDEXTER. On goods imported into the Philippine Islands from the United States.

Mr. PAYNE. No; they are collected in the United States, not in the Philippine Islands.

Mr. POINDEXTER. I understand the gentleman's amendment is intended to cover internal-revenue——

Mr. PAYNE. Goods coming from the United States to the islands pay an internal-revenue tax here in the United States, and goods coming from the islands to the United States pay an internal-revenue tax there under this amendment.

Mr. POINDEXTER. That is my understanding. I would suggest that the gentleman's amendment does not cover any internal-revenue taxes levied by the United States. If it is intended to have that effect, it does not have that effect. It refers only to internal-revenue taxes levied by the Philippine government, not to any revenue taxes levied by the United States; and I offer an amendment, Mr. Chairman, to this amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Page 124, section 24, line 10, after the word "or," insert "imposed by the United States on like articles."

Mr. PAYNE. Mr. Chairman, the only objection to that is that it is already the law, as I understand it. Goods going to the Philippine Islands pay the internal-revenue tax here. I can not point to that provision now.

Mr. POINDEXTER. Mr. Chairman, the amendment is not intended to add internal-revenue taxes. The amendment offered by the committee, as I understand it, is that there shall be levied an import duty, a tariff duty, equal to the internal-revenue tax. It is true, as was stated by the gentleman from New York [Mr. PAYNE], that it is already the law that internal-revenue taxes are levied upon goods imported into the Philippine Islands from the United States; but the purpose of this amendment is to have a tariff tax equivalent to the internal-revenue tax upon goods imported from the United States, thereby accomplishing the object stated by the gentleman from Connecticut [Mr. HILL], a member of this committee, to give a preference in the trade of the Philippine Islands to the manufacturers and dealers of the United States. The amendment offered by the gentleman from New York [Mr. PAYNE], as the chairman of the committee, contains these words:

Or merchandise when imported into the Philippine Islands from countries other than the United States the internal-revenue tax imposed by the Philippine government on like articles manufactured and consumed in the Philippine Islands, or shipped thereto for consumption therein, from the United States.

Now, there are no such taxes levied by the Philippine government upon goods shipped thereto from the United States. The gentleman has just stated that the intention is to cover internal-revenue taxes levied in the United States, and this amendment I offer, by inserting after the word "or," in the tenth line, the words "imposed by the United States Government on like articles," simply has the effect of adding to the tariff, the import duty, an amount equivalent to the internal revenue which is levied and collected by the United States.

Mr. PAYNE. Mr. Chairman, I want to say to the gentleman that none of these liquors can be imported to the islands from the United States without paying our internal-revenue duties, and it is not necessary to put in this amendment here.

Mr. POINDEXTER. That does not reach the point.

Mr. PAYNE. It reaches all the points that I can make out of reading the amendment. I confess that the amendment is rather confusing to me.

Mr. GAINES. Mr. Chairman, what does the gentleman from Washington understand the present law to be? We will assume that whisky is exported from the United States into the Philippine Islands. Does the gentleman understand that that whisky pays an internal-revenue tax here before it is exported? I ask for information.

Mr. POINDEXTER. I would say it pays an internal-revenue tax in the United States, levied by the United States—not levied by the Philippine Islands or the government, as stated in this amendment.

Mr. GAINES. It seems to me, Mr. Chairman, if the gentleman is correct in saying that articles exported from the United States to the Philippines which have already paid in the United States the revenue tax required to be paid here should be charged with an additional tax there it would amount to

an exclusion of such articles made in the United States from competition in the Philippines.

Mr. POINDEXTER. That is not the purpose or effect of this amendment. This is to levy upon like articles imported from other countries a tariff duty equal to the internal-revenue tax which those goods have to pay in the United States before they are shipped, in order to put the two upon an equal basis.

Mr. HILL. That is the exact purpose of the amendment offered by the committee, that the Philippine Islands may get on foreign liquors imported into the Philippine Islands from other countries the privilege of putting upon those liquors after they are imported the same internal-revenue tax that they would put upon them if they were manufactured in the Philippine Islands or imported from the United States, either one.

Mr. POINDEXTER. I understand——

Mr. HILL. That is the purpose.

Mr. POINDEXTER. I agree with that purpose; I am in sympathy with it, but in order to carry it out I offer this amendment, because, unless the provision is amended in this way, the Philippine tariff act now being passed will not include any internal-revenue taxes levied by the United States Government.

Mr. HILL. This authorizes the levying of internal-revenue taxes upon foreign liquors coming direct into the Philippine Islands from countries other than the United States, so that we may have equal and not an unfair competition there, because foreign goods coming into the United States and paying our tariff pay a higher rate of duty than if they went direct to the Philippine Islands. This amendment provides that the Philippine Islands may add the same internal-revenue tax which would be paid if they were the product of the United States and shipped from here.

Mr. POINDEXTER. What internal-revenue tax, may I ask?

Mr. HILL. I do not remember the amount.

Mr. POINDEXTER. What government is it levied by?

Mr. HILL. It is satisfactory to that government, they get the same internal-revenue tax.

Mr. POINDEXTER. But there is no internal-revenue tax levied by the Philippine government upon goods imported into the Philippines from the United States.

Mr. HILL. Yes, there is; and an internal-revenue tax here on importations from the Philippine Islands into the United States and the internal-revenue tax is put on here just as it is on articles from Porto Rico. The internal-revenue tax is assessed and paid in the country of consumption and articles coming from Porto Rico, for instance, cigars, must pay an internal-revenue tax here and articles coming from the Philippine Islands must pay an internal-revenue tax here and our articles going over there pay an internal-revenue tax there. Now, if the foreign liquors or cigars did not bear an internal-revenue tax, of course we would be unable to compete with foreign countries in the Philippine Islands and the committee amendment is to authorize them, in addition to their lower customs duties, to put an internal-revenue tax upon those foreign liquors equivalent to the internal-revenue tax which they would put there on their own or ours and make a fair and equal competition in that way.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Washington.

The question was taken, and the amendment was rejected.

The CHAIRMAN. The question now is upon the committee amendment.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

SEC. 24. That the insular collector of customs shall, subject to the approval of the secretary of the department having jurisdiction over the customs service, make all rules and regulations necessary to enforce the provisions of this act.

With the following committee amendment:

Page 124, line 13, strike out "twenty-four" and insert "twenty-five."

The CHAIRMAN. The question is on agreeing to the amendment.

The question was taken, and the amendment was agreed to.

Also the following committee amendment:

The Clerk read as follows:

Insert a new section, section 26, as follows:

"SEC. 26. That original jurisdiction in all cases arising in the Philippine Islands is hereby conferred upon the courts of first instance of the Philippine Islands and appellate jurisdiction upon the supreme court of the Philippine Islands in matters arising under the act of Congress approved February 20, 1905, entitled 'An act to authorize the registration of trade-marks used in commerce with foreign nations or among the other States or with Indian tribes and to protect the same,' identical with the jurisdiction conferred upon courts of the United States by section 17 of said act.

Mr. GAINES. Mr. Chairman, I move to strike out the last word. I do that, Mr. Chairman, not for the purpose of addressing myself under the rules to the amendment, but for the purpose of asking permission to insert in the RECORD a clipping from a recent issue of the Washington Post, showing that the Canadian government has already begun to take steps to increase the license tax upon timber lands in that country by the exact amount that we determined to reduce the tariff on rough lumber.

The CHAIRMAN. The gentleman from West Virginia [Mr. GAINES] moves to strike out the last word for the purpose of inserting in the RECORD the clipping to which he has referred. Is there objection?

Mr. STAFFORD. Will the gentleman permit a question in that connection? I do not wish to make any objection to the article.

Mr. GAINES. I yield.

Mr. STAFFORD. Was not the Canadian government, prior to any action being taken by our Congress in seeking to reduce the duty on lumber, considering the question of increasing the limits on the crown lands or their stumpage rights?

Mr. GAINES. I will say to the gentleman, I think not.

Mr. STAFFORD. I would like to say to the gentleman, for his information——

Mr. PAYNE. Mr. Chairman, I am going to object to this debate.

Mr. STAFFORD (continuing). In Ottawa we found that an increase of stumpage duties had been considered for a long time.

The CHAIRMAN. Is there objection to the request of the gentleman from West Virginia [Mr. GAINES]?

There was no objection.

The article is as follows:

CANADA EYES REVISION—HAD HOPED FOR ADVANTAGE TO FARMERS OF DOMINION—LUMBER INTERESTS PLEASED—GENERAL GOVERNMENT WATCHING WITH MUCH INTEREST THE PROGRESS OF THE TARIFF BILL—DISAPPOINTMENT FELT OVER PROBABLE RATES ON GRAINS AND COAL—PLANS OF SHREWD AGRICULTURISTS.

(Special to the Washington Post.)

OTTAWA, *April 25.*

The Dominion government is watching with much interest the progress of the tariff-revision bill at Washington, particularly with reference to the effect which the proposed changes will have upon Canadian industries. It was hoped that some advantage would be gained for the grains and other products of Canadian farms by a reduction of the duties, and also that coal would be placed upon the free list in the new tariff law, and there is much disappointment in the outlook, which seems to indicate that no material changes seem likely to be made.

There is, however, much satisfaction expressed over the report that the duty on Canadian lumber is to be lowered, and a very material advantage thus given to the export trade of the northwestern Provinces. The Dominion government is equally interested with the lumbermen in this phase of the American tariff measure, as it will mean a large increase in Canadian revenues.

LOOKING FOR AN EXCUSE.

For some time the Dominion government, as well as the local governments of the timbered Provinces, has been looking for an excuse to raise the royalties which the timbermen are obliged to pay for the right to cut lumber. Under the Canadian plan timber lands are leased by contract to lumbermen at a stipulated ground rental, and, in addition to this, a crown royalty of 50 cents a thousand feet is exacted when the timber is cut. The provincial royalty when the lands are owned by the Provinces is the same.

The farming element, which predominates in the Parliament, is more or less jealous of the privileges which the timbermen enjoy, and they feel keenly the advantage which lumber is likely to obtain in the American tariff over their own farm products. They have, accordingly, started a movement to grasp that advantage for the government by increasing the timber royalties. Should the American Congress finally decide to reduce the duty on Canadian lumber from $2 to $1 a thousand, it is proposed correspondingly to increase the royalties exacted of the lumbermen from 50 cents a thousand to $1.50 a thousand.

NO HARDSHIP TO LUMBERMEN.

It is argued that this increase would work no hardship upon the Canadian lumberman, whose royalties are now regarded as low, for the reason that he would obtain a like advantage through the reduced rates of duty which he would have to pay in entering the United States market. The advance would be paid by purchasers in the States, and the increase would yield a handsome revenue to the Dominion government. It is likely that the legislatures of the Provinces which own and lease timber lands will pursue a like course. In this way a great burden of taxation would be removed from the Canadian taxpayer, for the reason that the major portion of timber cut in Canada is exported, and under the reduced duty an increased market would be found in the United States.

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

The Clerk read as follows:

SEC. 25. That all existing decrees, laws, regulations, orders, or parts thereof, inconsistent with the provisions of this act, are hereby repealed, but the repeal of such decrees, laws, regulations, or orders, or parts thereof, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal takes effect; but all rights and liabilities under said decrees, laws, regulations, or orders shall continue and may be

enforced in the same manner as if said repeal had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the time when this act shall take effect under any decree, law, regulation, or order embraced in, modified, changed, or repealed by this act may be prosecuted or punished in the same manner and with the same effect as if this act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in, modified, changed, or repealed by this act shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the time when this act shall take effect may be commenced and prosecuted within the same time and with the same effect as if this act had not been passed.

Also the following committee amendment:

Page 125, line 4, after the word "section," strike out "25" and insert "27."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was agreed to.

Mr. JAMES. Mr. Chairman, I desire to offer the following amendment.

The CHAIRMAN. The gentleman from Kentucky offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding at the end of line 3, page 126, the following:
"*Provided*, That the provisions of this bill shall continue in force no longer than July 4, 1914, and nothing herein contained shall be construed to mean that it is the purpose of the Congress that the United States shall permanently retain sovereignty over the Philippine Islands, but it is hereby declared to be the settled purpose of the Congress to give the Philippine Islands their independence and all the rights of self-government on July 4, 1914, to the end that the said islands shall be recognized by the United States as a free and independent nation, as was done in the case of Cuba."

Mr. PAYNE. Mr. Chairman, I make a point of order against that. It is not germane.

The CHAIRMAN. Does the gentleman from Kentucky [Mr. JAMES] desire to be heard?

Mr. JAMES. Mr. Chairman, this is a limitation upon the life of this act, and that part of it is certainly germane and will not be questioned by the gentleman from New York [Mr. PAYNE]. In the Wilson tariff law there was a limitation upon the life of the income tax, and it was held germane; and I merely place a limitation upon this act, that it shall run until July 4, 1914, for the reason, as my amendment declares, that we intend at that time to give liberty and independence to the people of the Philippine Islands. It is merely a declaration of the long-delayed and often-promised purpose of the Republican party to give freedom to the people that they have long held in subjugation. And I fixed the term five years longer in order that there may be no objection to it at all, even from a Republican standpoint.

The CHAIRMAN. This is a very long bill, but the Chair has read it through in all its parts, and finds that it contains no provisions whatever except such as relate strictly to the tariff laws of the Philippine Islands, export duties, and kindred matters. There is nothing in the bill relating at all to the question of the sovereignty of the United States over the Philippine Islands or to the giving of independence and self-government to the people of those islands. The amendment offered by the gentleman from Kentucky [Mr. JAMES] seems, therefore, to the Chair to introduce an entirely new subject, not germane to anything found within the limits of the bill. This case is very similar to one which arose when the question of the tariff between the United States and the Philippine Islands was before the House in 1906. An amendment was then offered by the gentleman from Massachusetts [Mr. MCCALL] almost identical with that now offered by the gentleman from Kentucky [Mr. JAMES].

The amendment then offered was:

And provided further, That nothing herein contained shall be construed to mean that it is the purpose of the Congress that the United States should permanently retain sovereignty over the Philippine Islands, but it is hereby solemnly declared to be the settled purpose of the Congress to fit the people of the said islands for self-government at the earliest practicable moment, and when that result shall have been accomplished to leave the government and control of the said islands to the people thereof, to the end that they shall be recognized by the United States as a free and independent nation, as was done in the case of Cuba.

That amendment was ruled out of order as not germane to the bill (5 Hinds' Parliamentary Precedents, 5860.) The occupant of the chair at that time was one in whose decision the present occupant would naturally have considerable confidence, being the same person who now occupies the chair. [Laughter.] The gentleman from Massachusetts, not having equal confidence in the correctness of the ruling—which was a very elaborate and carefully considered one, and need not be repeated here—appealed therefrom. Upon his appeal the ruling of the Chair was sustained by a vote of 198 to 193. That case seems really squarely to rule the question now presented; the point of order must therefore be sustained.

Mr. JAMES. But the McCall amendment, to which the Chair makes reference, contained many provisions, but did not provide any limitation upon the life of the act, which my amendment does. I do not presume the Chair would hold an amendment would not be in order where it is a limitation of the life of the act.

The CHAIRMAN. The bill itself contains no reference to the intention of Congress in regard to retaining sovereignty over the Philippine Islands. The amendment does. It introduces an entirely new subject not germane to the bill, and consequently out of order; and therefore the whole amendment is out of order, because containing matter not in order. The fact that it also contains matter which standing by itself might be in order does not make it in order as a whole.

Mr. JAMES. Then I offer the first part, "that the provisions of this law shall continue in force no longer than July 4, 1914."

The CHAIRMAN. Let the amendment be read.

The Clerk read as follows:

Amend by adding, after line 3, page 126, the following:
"*Provided*, That the provisions of this bill shall continue in force no longer than July 4, 1914."

Mr. PAYNE. I make the point of order it is not germane to this section. This section is the repealing section of a former act.

The CHAIRMAN. Is this offered as an amendment to the paragraph?

Mr. JAMES. I offer it as a new section.

The CHAIRMAN. The Chair thinks that, while not germane to the section just read, it is, as an independent section, germane to the bill, and is in order. The question is on the amendment offered by the gentleman from Kentucky.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

SEC. 26. That this act shall take effect sixty days after its passage.

Mr. HUMPHREYS of Mississippi. Mr. Chairman, in view of the fact that there seems to have been a divided court rendering the decision on the amendment offered by the gentleman from Massachusetts [Mr. MCCALL] three years ago, and acting on a suggestion which comes from very high authority that under such circumstances it is well to take the sense of the court anew, I now offer that same amendment.

The Clerk read as follows:

After line 3, page 126, add:
"Nothing contained in this bill shall be construed to mean that it is the purpose of the Congress that the United States should permanently retain sovereignty over the Philippine Islands; but it is hereby solemnly declared to be the settled purpose of the Congress to fit the people of said islands for self-government at the earliest practicable moment, and, when that result shall have been accomplished, to leave the government and control of said islands to the people thereof, to the end that they shall be recognized by the United States as a free and independent nation, as was done in the case of Cuba."

[Applause.]

Mr. PAYNE. I make the point of order against that amendment that it is not germane. It is a little worse than the amendment of the gentleman from Kentucky.

Mr. HUMPHREYS of Mississippi. That is because it was copied from an amendment offered by a Republican. [Laughter.]

The CHAIRMAN. The Chair sustains the point of order.

The Clerk read as follows:

In section 26 strike out "26" and insert "28," so as to read "section 28."

The amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I offer the following amendment to the title.

The Clerk read as follows:

Amend the title so as to read: "A bill to raise revenue for the Philippine Islands, and for other purposes."

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Mr. Chairman, I ask to go back to page 90, line 10, to offer the following amendment:

The Clerk read as follows:

Page 90, line 10, strike out the words "two dollars and twenty-five" and insert in lieu thereof the words "three dollars and forty."

Mr. MACON. I object, Mr. Chairman.

Mr. PAYNE. Mr. Chairman, I move that the committee do now rise and report the bill with amendments to the House.

Mr. MACON. I make the point of order of no quorum.

The CHAIRMAN. A quorum is not required on a motion to rise. The Chair is not certain as to a motion to rise and report. Does the gentleman from Arkansas insist upon his point of order?

Mr. MACON. What do I understand the Chair to ask?

Mr. Chairman, I would like to ask the gentleman from New York, chairman of the committee, what his amendment was that I objected to a while ago?

Mr. PAYNE. It was to increase the duty on beer.

Mr. MACON. I will withdraw that objection.

Mr. STAFFORD. I demand the regular order.

The CHAIRMAN. The question is on the motion of the gentleman from New York that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 9135, the Philippine tariff bill, and had directed him to report the same back with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

Mr. PAYNE. Mr. Speaker, I move the previous question on the bill and amendments to its passage.

The question was taken; and on a division (demanded by Mr. MACON) there were—74 ayes and 50 noes.

Mr. MACON. I make the point of no quorum.

The SPEAKER. The gentleman from Arkansas makes the point that no quorum is present.

Mr. PAYNE. I am satisfied of that, Mr. Speaker, and I move that the House do now adjourn.

The SPEAKER. Will the gentleman from Arkansas withhold his point of no quorum until the Chair can submit some personal requests?

Mr. MACON. I will.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted as follows:

To Mr. TAYLOR of Alabama, indefinitely, on account of important business.

To Mr. DENT, indefinitely, on account of important business.

To Mr. SIMMONS, indefinitely, on account of important business.

THE TENNESSEE COAL AND IRON COMPANY.

Mr. BURLESON. Mr. Speaker, while the point of no quorum is being withheld, I wish to ask unanimous consent for the consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. Does the gentleman from Arkansas withdraw his point of no quorum?

Mr. MACON. I do.

The SPEAKER. Will the gentleman from New York withdraw his motion to adjourn?

Mr. PAYNE. I will withdraw the motion, Mr. Speaker.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of the following resolution, which the Clerk will read.

The Clerk read as follows:

House resolution 60.

Resolved, That the Attorney-General of the United States be, and he is hereby, requested, if not incompatible with the public interest, to inform the House what steps, if any, have been taken by him, or any official of the Department of Justice under his direction, to annul the contract of purchase or acquisition of control of the Tennessee Coal and Iron Company by the United States Steel Corporation.

Mr. BURLESON. Mr. Speaker, that is a simple resolution of inquiry directed to the department.

The SPEAKER. Is there objection to the present consideration of the resolution? [After a pause.] The Chair hears none.

The resolution was agreed to.

LOANS OF TENTS, ETC., TO GRAND ARMY ENCAMPMENT AT SALT LAKE.

Mr. HOWELL of Utah. Mr. Speaker, I ask unanimous consent for the present consideration of the following resolution which I send to the Clerk's desk.

The Clerk read the resolution, as follows:

House joint resolution 54.

Joint resolution authorizing the Secretary of War to loan cots, tents, and appliances for the use of the forty-third national encampment of the Grand Army of the Republic at Salt Lake City, Utah.

Resolved, etc., That the Secretary of War is hereby authorized, at his discretion and under such restrictions as are usual in such cases, to loan to the citizens' committee having charge of the arrangements for the forty-third national encampment of the Grand Army of the Republic, to be held in August, 1909, at Salt Lake City, Utah, and to deliver to F. M. Sterrett, the executive director of said committee, for the use of said committee, such cots, tents, and appliances as may be required at said encampment; the same to be delivered to F. M. Sterrett, executive director aforesaid, at such time prior to the date of said encampment as may be agreed upon between the Secretary of War and said executive director: *Provided*, That the said F. M. Sterrett, or his successor in office, shall indemnify the War Department for any loss to such cots, tents, and appliances as not necessarily incident to such use.

The SPEAKER. Is there objection to the present consideration of the resolution?

Mr. MACON. Reserving the right to object, Mr. Speaker, I would like to ask the gentleman from Utah if this involves any additional expense on the part of the Government?

Mr. HOWELL of Utah. No, I think not; it is within the discretion of the Secretary of War.

Mr. MACON. I want to know whether or not it involves any expense to the Government.

Mr. HOWELL of Utah. It is the usual resolution.

Mr. HAY. Does this require the parties to whom the tents and other property is to go to pay for the transportation?

Mr. HOWELL of Utah. I assume that the Secretary of War will insist that they do that.

Mr. KEIFER. He has no authority to do it in any other way.

Mr. HAY. If it is not provided for in the resolution and the resolution says that these parties shall be furnished with the property, then the Government would have to pay for the transportation.

Mr. HOWELL of Utah. It provides that the property shall be furnished them under "such restrictions as are usual in such cases."

Mr. HAY. I think there can be no objection to inserting that provision.

Mr. HOWELL of Utah. I have no objection.

Mr. HAY. Then let a provision be inserted that it shall be without expense to the Government of the United States.

The SPEAKER. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 4, after the word "cases," insert the words "without expense to the Government of the United States."

The SPEAKER. Is there objection to the consideration of the resolution? [After a pause.] The Chair hears none.

The amendment was agreed to.

The resolution as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

DISCOVERY OF LAKE CHAMPLAIN.

Mr. FOSTER of Vermont. Mr. Speaker, I ask unanimous consent for the present consideration of House joint resolution No. 55, which I send to the desk and ask to have read.

The Clerk read as follows:

House joint resolution 55.

Joint resolution authorizing the Secretary of War to loan certain tents for use at the tercentenary celebration of the discovery of Lake Champlain, to be held in Burlington, Vt., in July, 1909.

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to loan, at his discretion, to the executive committee of the city of Burlington, Vt., having in charge the arrangements for the tercentenary celebration of the discovery of Lake Champlain, to be held in Burlington, Vt., in July, 1909, 400 tents, with poles, ridges, pins, and 1,500 cots: *Provided*, That no expense shall be caused the United States Government by the delivery and return of such property, the same to be delivered to said committee designated at such time prior to the date of said celebration as may be agreed upon by the Secretary of War and the chairman of said executive committee: *And provided further*, That the Secretary of War shall, before delivering such property, take from the chairman of said committee a good and sufficient bond for the safe return of said property in good order and condition, and the whole without expense to the United States.

The SPEAKER. Is there objection?

Mr. STAFFORD. Mr. Speaker, reserving the right to object, I would like to ask the gentleman where there is any precedent for the department loaning tents and materials for purposes of private entertainment.

Mr. FOSTER of Vermont. We passed two resolutions similar to this at the last session.

Mr. STAFFORD. Extending the provisions to what kind of organizations?

Mr. FOSTER of Vermont. One was to some kind of an encampment at Cincinnati—the German Turnfest.

The SPEAKER. Is there objection? [After a pause.] The Chair hears no objection.

The question is on the engrossment and third reading of the joint resolution.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

REVENUES FOR PORTO RICO.

Mr. OLMSTED. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9541) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That the act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, is hereby amended by inserting at the end of section 31 of said act the following additional proviso:

"*And provided further*, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropri-

ated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

SEC. 2. That all reports required by law to be made by the governor or members of the executive council of Porto Rico to any official in the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President; and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

The SPEAKER. Is there objection?

Mr. GARRETT. Mr. Speaker, reserving the right to object——

Mr. HARRISON. Mr. Speaker, I object.

The SPEAKER. The gentleman from New York objects.

Mr. OLMSTED. Mr. Speaker, I hope the gentleman from New York will not object. This is a very urgent matter.

Mr. HARRISON. Mr. Speaker, I am opposed to the bill. I voted against it in the committee and should vote against it on the floor. I object to this method of bringing it up also.

Mr. OLMSTED. The gentleman can of course voice his objection to the bill. The request asks merely for its present consideration, not unanimous consent for its passage; that will be for the House after the bill shall have been considered.

Mr. HARRISON. I do not think it has been referred to the proper committee.

Mr. OLMSTED. Even if it had been referred to no committee, I suggest to the gentleman from New York that it is a matter of such pressing importance that it ought to be considered by the House at the earliest possible moment.

Mr. HARRISON. Mr. Speaker, with all due respect to the opinions of the distinguished gentleman from Pennsylvania, I object.

The SPEAKER. Objection is heard.

PHILIPPINE TARIFF.

Mr. PAYNE. Mr. Speaker, I suggest now to the gentleman from Arkansas [Mr. MACON] that in this general era of good feeling he ought to refrain from making his point of no quorum.

Mr. MACON. Mr. Speaker, the gentleman seems to be a little more courteous now than he was a moment ago when I asked him about the suggestion he made to return to a certain paragraph for the purpose of offering an amendment.

Mr. PAYNE. Oh, I did not understand the gentleman to be referring to that beer amendment. So far as beer is concerned, I am anxious to have it go in on the amended scale. I think it might go in the bill before it becomes a law. It increases the tariff on beer in the Philippine Islands. I will ask unanimous consent that I may offer that amendment now.

The SPEAKER. The gentleman asks unanimous consent——

Mr. PAYNE. No; I shall withdraw that. I have a right to offer it as an amendment, anyway. I also withdraw my request for the previous question.

The SPEAKER. Does the gentleman from Arkansas withdraw his point of no quorum?

Mr. MACON. For the present I do.

The SPEAKER. Has the previous question been ordered?

Mr. PAYNE. No.

Mr. MACON. I desire to ask what the amendment proposes.

Mr. PAYNE. Let the Clerk read the amendment.

The clerk read as follows:

Page 90, line 10, strike out the words "two dollars and twenty-five cents," and insert in lieu thereof the words "three dollars and forty cents."

Mr. MACON. Now, I would like to have an explanation of that. Why is the amendment proposed?

Mr. PAYNE. It was done at the request of Colonel Colton and this commission from the Philippine Islands, which has been very anxious and very urgent in the preparation of this bill. He said he was afraid that the $2.25 was not sufficient, and wanted to increase the duty.

Mr. FITZGERALD. What is this item about?

Mr. PAYNE. It is revenue duty. Of course we all realize——

Mr. MACON. Mr. Speaker, I did not hear the chairman of the committee. This, you say, is an increased tax upon beer of $1 per barrel?

Mr. PAYNE. It increases the tax on beer $1.15. It is for the purpose of getting additional revenue on beer. The gentleman will not object to that?

Mr. MACON. No; I do not object to it.

The question was taken, and the amendment was agreed to.

Mr. PAYNE. Now, Mr. Speaker, I move the previous question.

The question was taken, and the Chair announced the ayes seemed to have it.

Mr. MACON. Mr. Speaker, I make the point that no quorum is present.

Mr. PAYNE. Mr. Speaker, I am sorry I so misunderstood the spirit of my friend from Arkansas in the matter of making my amendment.

The SPEAKER. Evidently there is no quorum present.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 2 o'clock and 41 minutes p. m.) the House adjourned to meet on Thursday next.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. PAYNE, from the Committee on Ways and Means, to which was referred the bill of the House (H. R. 9541) to amend an act entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April 12, 1900, reported the same without amendment, accompanied by a report (No. 8), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the assistant clerk of the Court of Claims, transmitting a request for the return of the findings filed by the court in the case of George G. Hall (H. Doc. No. 29) against The United States—to the Committee on War Claims and ordered to be printed.

A letter from the Acting Secretary of State, submitting a statement as to representation of the United States to the International Antialcohol Congress (H. Doc. No. 30)—to the Committee on Foreign Affairs and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for rent of building for storage of Patent Office models (H. Doc. No. 31)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of the Interior submitting an estimate of appropriation for heating apparatus in Department of the Interior and repairs of the Pension Office building (H. Doc. No. 32)—to the Committee on Appropriations and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a letter from the Secretary of Commerce and Labor submitting an estimate of appropriation for immigrant station, Ellis Island, N. Y. (H. Doc. No. 33)—to the Committee on Appropriations and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. KENDALL: A bill (H. R. 9766) to regulate the issuance of restraining orders and injunctions, and the trial of contempts—to the Committee on the Judiciary.

By Mr. GOULDEN: A bill (H. R. 9767) to prevent and punish the desecration or improper use of the flag of the United States of America—to the Committee on the Judiciary.

By Mr. SLEMP: A bill (H. R. 9768) to establish an experiment station at Norton, Va.—to the Committee on Appropriations.

By Mr. SMITH of California: A bill (H. R. 9769) to provide for the erection of a public building at San Bernardino, Cal.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9770) to provide for a site for a public building at Bakersfield, Cal.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 9771) to provide for the disposal of lands chiefly valuable for oil and asphaltum—to the Committee on Mines and Mining.

Also, a bill (H. R. 9772) to divide the southern judicial district of California into three divisions, and to provide for the holding of terms of court at the cities of Fresno, Los Angeles, and San Diego—to the Committee on the Judiciary.

Also, a bill (H. R. 9773) affecting widows' pensions—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9774) appropriating money for the improvement of San Diego Harbor, California—to the Committee on Rivers and Harbors.

By Mr. BROWNLOW: A bill (H. R. 9775) for the erection of a monument to Samuel Doak—to the Committee on the Library.

By Mr. ANTHONY: A bill (H. R. 9776) for the erection of a monument to the memory of Brig. Gen. James Shields in St. Mary's Cemetery, Carrollton, Mo.—to the Committee on the Library.

By Mr. CASSIDY: A bill (H. R. 9777) to provide for the examination and survey of the Cuyahoga River from Cleveland to Akron, in the State of Ohio—to the Committee on Rivers and Harbors.

By Mr. LANGLEY: A bill (H. R. 9778) extending the provisions of an act approved February 6, 1901, entitled "An act amending the act of August 15, 1894, entitled 'An act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaties and stipulations with various Indian tribes for the fiscal year ending June 30, 1895, and for other purposes,'" to any person claiming any right in the common property of the Choctaw or Chickasaw Indians or tribes—to the Committee on Indian Affairs.

By Mr. MAYS: A bill (H. R. 9779) to provide for the repair, maintenance, and construction and preservation of the public works on the rivers and harbors and for dredging of certain portions of the Apalachicola River and the harbors of Apalachicola and Carrabelle, in the State of Florida, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. HULL of Tennessee: A bill (H. R. 9780) to amend an act entitled "An act to create a new division in the middle judicial district of the State of Tennessee"—to the Committee on the Judiciary.

By Mr. MAYS: A bill (H. R. 9781) to provide for the dredging of a channel through East Pass and Camels Back Shoals at the harbor of St. Andrews Bay, in the State of Florida, and for other purposes—to the Committee on Rivers and Harbors.

By Mr. GREGG: A bill (H. R. 9782) to provide for the digging of a ditch across the channel at Galveston, Tex., for the purpose of laying therein a water main and electric cables to the immigrant station—to the Committee on Immigration and Naturalization.

Also, a bill (H. R. 9783) to establish a fish-hatching and fish-cultural station in the county of Houston, State of Texas—to the Committee on the Merchant Marine and Fisheries.

Also, a bill (H. R. 9784) conferring jurisdiction on the United States circuit court for the southern district of Texas, holding sessions at Galveston, in the case of the schooner *Dreadnaught*—to the Committee on the Judiciary.

Also, a bill (H. R. 9785) to create a new division of the eastern judicial district of Texas, and to provide for terms of court, at Palestine, Tex., and for other purposes—to the Committee on the Judiciary.

By Mr. CAMPBELL: A bill (H. R. 9786) to promote the safety of employees and travelers upon railroads, by compelling common carriers by railroad to equip their locomotives with safe and suitable boilers and appurtenances thereto—to the Committee on Interstate and Foreign Commerce.

By the SPEAKER: Memorial of the legislature of the State of Illinois, praying that the taxation of inheritances may be reserved for the States—to the Committee on Ways and Means.

By Mr. CARY: Memorial of the legislature of Wisconsin, asking Congress for the establishment of a permanent, nonpartisan, expert tariff commission—to the Committee on Ways and Means.

Also, memorial of the legislature of Wisconsin, petitioning Congress to investigate the stock-exchange business in this country and to check the evils of this system—to the Committee on Interstate and Foreign Commerce.

By Mr. McKINNEY: Memorial of the legislature of Illinois, calling attention to the violation of the river and harbor act of March 3, 1899, by the construction of unauthorized obstructions across the Kankakee River in the State of Illinois, etc.—to the Committee on Rivers and Harbors.

By Mr. WEEKS: Memorial of the legislature of Massachusetts, protesting against the imposition by the Federal Government of a tax on inheritances—to the Committee on Ways and Means.

By Mr. PRINCE: Memorial to improve certain rivers in Illinois, passed by the legislature of Illinois—to the Committee on Rivers and Harbors.

Also, memorial by the legislature of Illinois, relating to old-age insurance—to the Committee on Ways and Means.

Also, memorial of the legislature of Illinois, urging an appropriation for the Lincoln Farm Association—to the Committee on Appropriations.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ANDERSON: A bill (H. R. 9787) granting an increase of pension to Peter Schoendorff—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9788) granting an increase of pension to Alonzo G. Akers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9789) granting an increase of pension to David Frazier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9790) granting an increase of pension to Joseph C. Berry—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9791) granting an increase of pension to Henry Robison—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9792) to correct the military record of Samuel Cole—to the Committee on Military Affairs.

Also, a bill (H. R. 9793) to correct the military record of James L. Bowers—to the Committee on Military Affairs.

Also, a bill (H. R. 9794) to remove the charge of desertion and grant an honorable discharge to Benjamin F. Church—to the Committee on Military Affairs.

By Mr. ANTHONY: A bill (H. R. 9795) granting an increase of pension to George B. Ashford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9796) granting an increase of pension to Charles T. Jacobs—to the Committee on Invalid Pensions.

By Mr. AUSTIN: A bill (H. R. 9797) granting an increase of pension to Elizabeth Leinart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9798) granting an increase of pension to Hilery Humphery, alias Umphus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9799) for the relief of estate of William H. Dawson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9800) for the relief of Rev. William Jasper McGhee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9801) for the relief of heirs of Bryant Wheeler, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9802) granting a pension to William Jasper McGhee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9803) granting a pension to Henry Kline—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 9804) granting an increase of pension to John Dickson—to the Committee on Invalid Pensions.

By Mr. BYRNS: A bill (H. R. 9805) granting an increase of pension to Augustus Barber—to the Committee on Invalid Pensions.

By Mr. CANTRILL: A bill (H. R. 9806) granting a pension to John Hedrick—to the Committee on Invalid Pensions.

By Mr. CULLOP: A bill (H. R. 9807) granting an increase of pension to Daniel W. Burgess—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: A bill (H. R. 9808) granting an increase of pension to John W. Hall—to the Committee on Pensions.

By Mr. GARDNER of Massachusetts: A bill (H. R. 9809) granting an increase of pension to George S. Dodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9810) granting an increase of pension to Charles H. Hayward—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 9811) for the relief of John J. Nanry—to the Committee on Military Affairs.

By Mr. GREGG: A bill (H. R. 9812) for the relief of John P. Anderson—to the Committee on Claims.

Also, a bill (H. R. 9813) for the relief of W. S. Randolph—to the Committee on War Claims.

Also, a bill (H. R. 9814) for the relief of Harry Devlin—to the Committee on Claims.

Also, a bill (H. R. 9815) for the relief of Simon Longnecker, of El Paso, Tex., and Albert Longnecker, of Galveston, Tex.—to the Committee on War Claims.

Also, a bill (H. R. 9816) granting a military bounty land warrant to John B. Anderson—to the Committee on the Public Lands.

Also, a bill (H. R. 9817) for the relief of the heirs of C. K. Bowen, deceased—to the Committee on Claims.

By Mr. HARRISON: A bill (H. R. 9818) granting a pension to Philippine Stelzle—to the Committee on Invalid Pensions.

By Mr. HULL of Tennessee: A bill (H. R. 9819) granting a pension to Lewis K. Grigsby—to the Committee on Pensions.

Also, a bill (H. R. 9820) granting a pension to Schofield Henderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9821) granting a pension to Margie E. Cardwell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9822) granting an increase of pension to Robert Morris—to the Committee on Invalid Pension.

Also, a bill (H. R. 9823) granting an increase of pension to Sarah Toney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9824) for the relief of Shadrick Garrett—to the Committee on Military Affairs.

Also, a bill (H. R. 9825) for the relief of Charles G. Jones—to the Committee on War Claims.

Also, a bill (H. R. 9826) for the relief of R. L. Thompson—to the Committee on War Claims.

Also, a bill (H. R. 9827) for the relief of the heirs of J. T. Minton, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9828) for the relief of the heirs of James M. Marchbanks—to the Committee on War Claims.

Also, a bill (H. R. 9829) for the relief of the heirs of Dillard McMillen, deceased—to the Committee on War Claims.

By Mr. KAHN: A bill (H. R. 9830) for the relief of the widow and children of John W. Geering, of Vallejo, Cal.—to the Committee on Claims.

By Mr. LANGLEY: A bill (H. R. 9831) for the relief of G. W. Adkins—to the Committee on War Claims.

Also, a bill (H. R. 9832) for the relief of Harriet Auxier—to the Committee on War Claims.

Also, a bill (H. R. 9833) for the relief of Elizabeth Bevins—to the Committee on War Claims.

Also, a bill (H. R. 9834) for the relief of J. William Burroughs—to the Committee on War Claims.

Also, a bill (H. R. 9835) for the relief of Elizabeth Caskey—to the Committee on War Claims.

Also, a bill (H. R. 9836) for the relief of J. F. Clark—to the Committee on War Claims.

Also, a bill (H. R. 9837) for the relief of J. C. Creed, of Winchester, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 9838) for the relief of J. M. Daniel—to the Committee on War Claims.

Also, a bill (H. R. 9839) for the relief of Peter Daniel—to the Committee on War Claims.

Also, a bill (H. R. 9840) for the relief of William H. Dotson—to the Committee on War Claims.

Also, a bill (H. R. 9841) for the relief of Clary Fulkerson—to the Committee on War Claims.

Also, a bill (H. R. 9842) for the relief of Henry G. Gardner—to the Committee on War Claims.

Also, a bill (H. R. 9843) for the relief of M. L. George—to the Committee on War Claims.

Also, a bill (H. R. 9844) for the relief of John E. Groves—to the Committee on War Claims.

Also, a bill (H. R. 9845) for the relief of Phoebe J. Hammond—to the Committee on Claims.

Also, a bill (H. R. 9846) for the relief of John Henry, of Clark County, Ky.—to the Committee on War Claims.

Also, a bill (H. R. 9847) for the relief of Mrs. John Wesley Leap—to the Committee on War Claims.

Also, a bill (H. R. 9848) for the relief of E. W. McCormick—to the Committee on War Claims.

Also, a bill (H. R. 9849) for the relief of H. Clay McKee—to the Committee on Claims.

Also, a bill (H. R. 9850) for the relief of Eliza Magowan—to the Committee on War Claims.

Also, a bill (H. R. 9851) for the relief of John T. Magowan—to the Committee on War Claims.

Also, a bill (H. R. 9852) for the relief of Joseph Nickell—to the Committee on War Claims.

Also, a bill (H. R. 9853) for the relief of Col. Azor H. Nickerson—to the Committee on Military Affairs.

Also, a bill (H. R. 9854) for the relief of William H. Nolcini—to the Committee on War Claims.

Also, a bill (H. R. 9855) for the relief of Elijah Patrick—to the Committee on War Claims.

Also, a bill (H. R. 9856) for the relief of Jake T. Patrick—to the Committee on Claims.

Also, a bill (H. R. 9857) for the relief of Merida Risner—to the Committee on War Claims.

Also, a bill (H. R. 9858) for the relief of Wesley Row—to the Committee on War Claims.

Also, a bill (H. R. 9859) for the relief of John J. Sewell—to the Committee on War Claims.

Also, a bill (H. R. 9860) for the relief of James Stafford—to the Committee on War Claims.

Also, a bill (H. R. 9861) for the relief of Zera Welch—to the Committee on Claims.

Also, a bill (H. R. 9862) for the relief of R. F. Wells—to the Committee on War Claims.

Also, a bill (H. R. 9863) for the relief of George H. Witten—to the Committee on War Claims.

Also, a bill (H. R. 9864) for the relief of Gilbert Yates—to the Committee on War Claims.

Also, a bill (H. R. 9865) for the relief of the legal representatives of Adam Baum—to the Committee on War Claims.

Also, a bill (H. R. 9866) for the relief of the legal representatives of James M. Bullock—to the Committee on War Claims.

Also, a bill (H. R. 9867) for the relief of the legal representatives of John Clark—to the Committee on War Claims.

Also, a bill (H. R. 9868) for the relief of the legal representatives of Mrs. Polly Clark—to the Committee on War Claims.

Also, a bill (H. R. 9869) for the relief of the legal representatives of J. M. Fidler—to the Committee on War Claims.

Also, a bill (H. R. 9870) for the relief of the legal representatives of J. M. Fidler and Thomas O. Marrs—to the Committee on War Claims.

Also, a bill (H. R. 9871) for the relief of the legal representatives of Arch Huffman—to the Committee on War Claims.

Also, a bill (H. R. 9872) for the relief of the legal representatives of George W. Johnson—to the Committee on War Claims.

Also, a bill (H. R. 9873) for the relief of the legal representatives of Evan Jones—to the Committee on War Claims.

Also, a bill (H. R. 9874) for the relief of the legal representatives of Thomas O. Marrs—to the Committee on War Claims.

Also, a bill (H. R. 9875) for the relief of the legal representatives of Samuel Marrs—to the Committee on War Claims.

Also, a bill (H. R. 9876) for the relief of the legal representatives of Mary Phillips—to the Committee on War Claims.

Also, a bill (H. R. 9877) for the relief of the administrator of the estate of James K. Hunter—to the Committee on War Claims.

Also, a bill (H. R. 9878) for the relief of Paymaster Robert H. Woods, United States Navy—to the Committee on Claims.

Also, a bill (H. R. 9879) for the relief of Joseph E. Lindsey, surviving partner of John Lindsey & Son—to the Committee on War Claims.

Also, a bill (H. R. 9880) for the relief of the estate of Martin Preston, deceased—to the Committee on War Claims.

Also, a bill (H. R. 9881) to correct the military record of Clark Williams—to the Committee on Military Affairs.

Also, a bill (H. R. 9882) to correct the military record of James G. Whit—to the Committee on Military Affairs.

Also, a bill (H. R. 9883) to correct the military record of James Webb—to the Committee on Military Affairs.

Also, a bill (H. R. 9884) to correct the military record of Andrew H. Vanover—to the Committee on Military Affairs.

Also, a bill (H. R. 9885) to correct the military record of Morgan Sowards—to the Committee on Military Affairs.

Also, a bill (H. R. 9886) to correct the military record of John F. Rudd—to the Committee on Military Affairs.

Also, a bill (H. R. 9887) to correct the military record of Henry Ritchie—to the Committee on Military Affairs.

Also, a bill (H. R. 9888) to correct the military record of C. W. I. Pugh—to the Committee on Military Affairs.

Also, a bill (H. R. 9889) to correct the military record of L. C. Prater—to the Committee on Military Affairs.

Also, a bill (H. R. 9890) to correct the military record of W. M. Penix—to the Committee on Military Affairs.

Also, a bill (H. R. 9891) to correct the military record of Harrison Pack—to the Committee on Military Affairs.

Also, a bill (H. R. 9892) to correct the military record of Jesse Osban—to the Committee on Military Affairs.

Also, a bill (H. R. 9893) to correct the military record of Norval Noland—to the Committee on Military Affairs.

Also, a bill (H. R. 9894) to correct the military record of Andrew Napier—to the Committee on Military Affairs.

Also, a bill (H. R. 9895) to correct the military record of Sylvester B. Miller—to the Committee on Military Affairs.

Also, a bill (H. R. 9896) to correct the military record of W. J. May—to the Committee on Military Affairs.

Also, a bill (H. R. 9897) to correct the military record of Martin Lunsford—to the Committee on Military Affairs.

Also, a bill (H. R. 9898) to correct the military record of William Linden—to the Committee on Military Affairs.

Also, a bill (H. R. 9899) to correct the military record of David B. Kimbrell—to the Committee on Military Affairs.

Also, a bill (H. R. 9900) to correct the military record of Nelson Joseph—to the Committee on Military Affairs.

Also, a bill (H. R. 9901) to correct the military record of Jacob Heard—to the Committee on Military Affairs.

Also, a bill (H. R. 9902) to correct the military record of John Harvey, sr.—to the Committee on Military Affairs.

Also, a bill (H. R. 9903) to correct the military record of James Grooms—to the Committee on Military Affairs.

Also, a bill (H. R. 9904) to correct the military record of Henry Collins—to the Committee on Military Affairs.

Also, a bill (H. R. 9905) to correct the military record of Jonathan Chany—to the Committee on Military Affairs.

Also, a bill (H. R. 9906) to correct the military record of Levi Carpenter—to the Committee on Military Affairs.

Also, a bill (H. R. 9907) to correct the military record of Jarvey Burks—to the Committee on Military Affairs.

Also, a bill (H. R. 9908) to correct the military record of Stephen Burk—to the Committee on Military Affairs.

Also, a bill (H. R. 9909) to correct the military record of Lewis Bellware—to the Committee on Military Affairs.

Also, a bill (H. R. 9910) to correct the military record of John Barnett—to the Committee on Military Affairs.

Also, a bill (H. R. 9911) to correct the military record of Solomon Back—to the Committee on Military Affairs.

Also, a bill (H. R. 9912) to correct the military record of W. R. Adkins—to the Committee on Military Affairs.

Also, a bill (H. R. 9913) for the relief of the heirs at law of George Boone, deceased—to the Committee no War Claims.

Also, a bill (H. R. 9914) for the relief of the heirs of William O'Bryant—to the Committee on War Claims.

Also, a bill (H. R. 9915) for the relief of the heirs of William Ragan—to the Committee on War Claims.

Also, a bill (H. R. 9916) granting an increase of pension to William H. Smallwood—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9917) granting an increase of pension to George W. Knox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9918) granting an increase of pension to George H. Clay—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9919) granting an increase of pension to William Billetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9920) granting an increase of pension to George W. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9921) granting an increase of pension to Cornelius Meek—to the Committee on Pensions.

Also, a bill (H. R. 9922) granting a pension to Armulda Combs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9923) granting a pension to D. L. Maddox—to the Committee on Invalid Pensions.

By Mr. McKINNEY: A bill (H. R. 9924) granting an increase of pension to Adam M. Working—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9925) granting an increase of pension to Edwin B. West—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 9926) granting an increase of pension to Henry G. Wilson—to the Committee on Invalid Pensions.

By Mr. MOORE of Texas: A bill (H. R. 9927) granting a pension to Richard L. Napier—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9928) granting an increase of pension to Alexander Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9929) granting an increase of pension to James C. Clouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9930) granting an increase of pension to Julian O. Bradley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9931) granting an increase of pension to Avery H. Baucom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9932) granting an increase of pension to Aaron S. Taggard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9933) granting an increase of pension to Elias Johnston—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9934) granting an increase of pension to Joseph F. Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9935) granting an increase of pension to William H. Furber—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9936) granting a pension to M. R. Leonard—to the Committee on Invalid Pensions.

By Mr. PATTERSON: A bill (H. R. 9937) granting a pension to Edwin R. Mears—to the Committee on Pensions.

By Mr. PAYNE: A bill (H. R. 9938) granting an increase of pension to John Boyst—to the Committee on Invalid Pensions.

By Mr. RAUCH: A bill (H. R. 9939) granting a pension to Priscilla A. Wallace—to the Committee on Pensions.

By Mr. RUCKER of Colorado: A bill (H. R. 9940) granting an increase of pension to George M. Harris—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9941) granting pensions to the surviving members and widows of the members of the Forsythe Scouts—to the Committee on Pensions.

By Mr. SMITH of California: A bill (H. R. 9942) granting an increase of pension to Wing Greene—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9943) granting an increase of pension to Cornelius S. Forgy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9944) granting a pension to C. L. Woods—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9945) granting a pension to Sarah A. Salter—to the Committee on Pensions.

Also, a bill (H. R. 9946) for the relief of David C. McGee—to the Committee on Claims.

Also, a bill (H. R. 9947) to correct the military record of A. J. Arnold—to the Committee on Military Affairs.

Also, a bill (H. R. 9948) to correct the military record of Frederick Marshall—to the Committee on Military Affairs.

Also, a bill (H. R. 9949) to correct the military record of David Campbell—to the Committee on Military Affairs.

Also, a bill (H. R. 9950) to reimburse the Southern Pacific Company the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River—to the Committee on Claims.

By Mr. STERLING: A bill (H. R. 9951) granting an increase of pension to John H. Watson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9952) granting an increase of pension to John C. Keach—to the Committee on Invalid Pensions.

By Mr SULLOWAY: A bill (H. R. 9953) granting an increase of pension to George E. Crooker—to the Committee on Invalid Pensions.

By Mr. TAYLOR of Ohio: A bill (H. R. 9954) granting an increase of pension to John Hockenmiller—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 9955) granting a pension to John W. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9956) to remove the charge of desertion from the military record of T. J. Caskey—to the Committee on Military Affairs.

Also, a bill (H. R. 9957) placing the survivors of Middle Green River Battalion Volunteers of Kentucky in pensionable position—to the Committee on Invalid Pensions.

By Mr. TOWNSEND: A bill (H. R. 9958) granting a pension to Benjamin C. Barnes—to the Committee on Invalid Pensions.

By Mr. WILSON of Illinois: A bill (H. R. 9959) granting an increase of pension to Samuel J. Mack—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9960) granting an increase of pension to Frederick Gardner—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petition of the Iowa Association of Cement Users, praying for a continuation of the investigation of structural material by the United States Geological Survey—to the Committee on Appropriations.

Also, petition of Indian Hill Citrus Association, of California, praying for the creation of a national highways commission—to the Committee on Agriculture.

Also, petition of Ramon Reyes and 9 others, of San Juan, P. R., praying for indemnification for their rights as to certain buildings in the San Juan marine—to the Committee on Insular Affairs.

Also, petition of Pacific Religious Liberty Association, protesting against the passage of Senate bill 3940, known as the "Johnston District Sunday bill"—to the Committee on the District of Columbia.

Also, petition of Tulsa Commercial Club, of Tulsa, Okla., praying for an additional appropriation for the improvement of the inland waterways—to the Committee on Rivers and Harbors.

Also, petitions of Benjamin Franklin Council of the Order of United American Mechanics and C. A. Hilton and 22 others, of Denver, Colo., praying for the restriction of Asiatics into the United States—to the Committee on Foreign Affairs.

Also, petitions of Booth & Hodge and 13 others, and A. W. Wolfe and 10 others, of Paris; Wood Brothers and 11 others, of Martinsville; Scudmore Brothers and 14 others, of Casey; John A. Payne & Co. and 8 others, of Kansas; W. E. Horsus and 4 others, of Westfield, all in the State of Illinois, protesting

against the establishment of a parcels post—to the Committee on the Post-Office and Post-Roads.

Also, petition of E. Blanckenberg and 37 others, of Danville, protesting against the imposition of a duty on teas and coffees—to the Committee on Ways and Means.

Also, petitions of Frank Beatles, of Galena, and Joseph Jungels and 15 others, of Menominee, all in the State of Illinois, praying for a duty on casein and lactarene—to the Committee on Ways and Means.

Also, petitions of Reader & Elder, of Coshocton, Ohio, and other firms and individuals of the United States, praying for the removal of the duty on sugar—to the Committee on Ways and Means.

Also, petition of United Mine Workers of Krebs, Okla., praying for a duty on oil—to the Committee on Ways and Means.

By Mr. DE ARMOND: Paper to accompany bill for relief of Joshua T. Parrish—to the Committee on Pensions.

By Mr. ESTOPINAL: Memorials of A. C. Hutchinson, superintendent of Division No. 53, Brotherhood of Locomotive Engineers, of Algiers, La., favoring passage of the Burkett boiler-inspection bill (S. 236), and the Borah-Dawson full-crew bills (S. 1936 and H. R. 7553)—to the Committee on Interstate and Foreign Commerce.

By Mr. GOULDEN: Petition of Keasbey & Mattison Company, of Ambler, Pa., against tariff on magnesias and carbonates—to the Committee on Ways and Means.

Also, petition of J. G. Johnson & Co., of Spuyten Duyvil, N. Y., against tariff on silicons—to the Committee on Ways and Means.

Also, petition of L. J. Callanan, of New York, favoring tax on tea—to the Committee on Ways and Means.

By Mr. GRAHAM of Illinois: Petition of business men of Pana, Ill., against a parcels-p[illegible]t law—to the Committee on the Post-Office and Post-Roads.[illegible]r the [illegible].

By Mr. HOWELL of Nebee on Wa[illegible]Petition of Long Branch Lodge, No. 742, favoring a[illegible] for the relief care of the American elk—to the Committee on the Public Lands.

Also, petition of Methodist Episcopal Church of New Jersey, against all favors to liquor traffic in the tariff bill—to the Committee on Ways and Means.

By Mr. MANN: Petition of South Side Club, of Chicago, favoring lower tariff on sugar—to the Committee on Ways and Means.

Also, petition of Chicago Advertisers' Association, against bill providing for a license tax on display signs—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of Henry G. Wilson—to the Committee on Invalid Pensions.

By Mr. ROBERTS: Petition of Master Bakers' Cooperative Association of Boston, favoring legislation to stop gambling in food supplies—to the Committee on the Judiciary.

By Mr. SIMS: Petition of Merchants' Exchange of Memphis, favoring placing oleo stearine on the free list—to the Committee on Ways and Means.

By Mr. SULZER: Petition of New York State League of Cooperative Savings and Loan Associations, favoring low tariff on material entering into construction of dwelling houses—to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Petition of Printing Pressmen's Union and Denver (Colo.) Press Association, for duty on postal cards—to the Committee on Ways and Means.

Also, petition of Denver (Colo.) Board of Trade, for creation of a tariff commission—to the Committee on Ways and Means.

Also, petition of citizens of Colorado, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Fred H. Beecher Post, No. 70, Grand Army of the Republic, of Colorado, favoring pensions for Forsythe Scouts—to the Committee on Invalid Pensions.

By Mr. TOU VELLE: Petition of Ohio Steel Foundry Company (through E. J. Galvin), of Lima, Ohio, favoring a fixed rate of duty on ferrosilicon—to the Committee on Ways and Means.

Also, petition of American manufacturers of paper, makers of felts and jackets, favoring present tariff on news print paper and wood pulp—to the Committee on Ways and Means.

By Mr. WEISSE: Petition of Cincinnati Boot and Shoe Manufacturers' Association, favoring free hides—to the Committee on Ways and Means.

Also, petition of Wisconsin Natural History Society, for free lumber—to the Committee on Ways and Means.

Also, petition of mayor and common council of Neenah, Wis., against reduction of the tariff on news printing paper—to the Committee on Ways and Means.

SENATE.

TUESDAY, *May 18, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Vice-President being absent, the President pro tempore took the chair.

The Journal of yesterday's proceedings was read and approved.

LAWS RELATING TO ALASKA, CUBA, ETC.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, requesting the return to the War Department of a compilation prepared by the Bureau of Insular Affairs, War Department, containing all acts of the Fifty-ninth Congress applying to the noncontiguous territory of the United States and Cuba; all proclamations of the President, and all treaties to which this country was a party issued and entered into during the period of that Congress bearing upon any of that territory, together with the decisions of the Supreme Court of the United States from January 1, 1907, to June 1, 1908, upon cases in which any of this territory was interested, etc., which was read.

The PRESIDENT pro tempore. The printing of these papers was ordered on yesterday (S. Doc. No. 47), and the communication will lie on the table.

INCOME AND INHERITANCE TAXES.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of Commerce and Labor, transmitting, pursuant to law, the reports of Special Agent Charles M. Pepper on the laws of the United Kingdom in relation to income and inheritance taxes (S. Doc. No. 52), which, with the accompanying papers, was ordered to lie on the table and be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. Browning, its Chief Clerk, announced that the House had passed the following joint resolutions, in which it requested the concurrence of the Senate:

H. J. Res. 54. Joint resolution authorizing the Secretary of War to loan cots, tents, and appliances for the use of the forty-third national encampment of the Grand Army of the Republic at Salt Lake City, Utah; and

H. J. Res. 55. Joint resolution authorizing the Secretary of War to loan certain tents for use at the tercentenary celebration of the discovery of Lake Champlain, to be held in Burlington, Vt., in July, 1909.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented a petition of members of the North Arizona bar, requesting the appointment of Hon. E. M. Doe as associate justice of the supreme court for that Territory, which was referred to the Committee on the Judiciary.

Mr. WARNER presented petitions of sundry citizens of St. Charles, St. Louis, Kansas City, Kirksville, Mexico, and St. Joseph, all in the State of Missouri, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. PAGE presented the petition of C. W. Richmond, of Newport, Vt., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

He also presented a memorial of Memphremagog Grange, No. 424, Patrons of Husbandry, of Newport, Vt., remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

Mr. LA FOLLETTE presented petitions of sundry citizens of Catawba, Mount Horeb, Perry, Racine, Five Points, Plymouth, Ashland, Galesville, Ettrick, Frenchville, Independence, Whitehall, and Hartford, all in the State of Wisconsin, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented petitions of sundry citizens of Stanley, Berlin, Fall Creek, Oshkosh, Monticello, Milwaukee, Kenosha, Albany, Neshkoro, New Richmond, Readstown, Columbus, Cleveland, Black Earth, Mazomanie, Palmyra, Eagle, and Prairie du Sac, all in the State of Wisconsin, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. FRYE presented a petition of sundry citizens of Madison, Me., praying for the protection of the carded-wool industry, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 2439) to provide for the erection of a granite pedestal and bronze standing statue of Washington Irving on

the northwest corner of First and B streets SE., in the city of Washington; to the Committee on the Library.

By Mr. SCOTT (by request):

A bill (S. 2440) for the allowance of certain claims reported by the Court of Claims under the provisions of the acts approved March 3, 1883, and March 3, 1887, and commonly known as the "Bowman" and the "Tucker" acts, and for other purposes; to the Committee on Claims.

COMPANIES B, C, AND D, TWENTY-FIFTH INFANTRY.

On motion of Mr. WARREN, it was

Ordered, That upon the application of the court of inquiry appointed in pursuance of an act of Congress approved March 3, 1909, entitled "An act to correct the records and authorize the reenlistment of certain noncommissioned officers and enlisted men belonging to Companies B, C, and D of the Twenty-fifth United States Infantry who were discharged without honor under Special Orders, No. 266, War Department, November 9, 1906, and the restoration to them of all rights of which they have been deprived on account thereof," said court of inquiry is authorized to withdraw from the files of the Senate for temporary use all papers and exhibits filed in connection with the so-called "Brownsville affray," said papers and exhibits to be returned intact to the Senate files as soon as they shall have served the purpose for which they are desired.

REPORT OF SUPERINTENDENT OF INSURANCE.

Mr. GALLINGER. I submit a resolution, for which I ask present consideration.

The resolution (S. Res. 46) was read, as follows:

Senate resolution 46.

Resolved, That the superintendent of insurance of the District of Columbia is hereby authorized and directed to deliver, through the Commissioners of the District, to the Public Printer texts of part 1 and part 2, together with statistical and percentage tables and abstracts for each, of the sixth annual report, covering the business of 1907, of the department of insurance of the District of Columbia; and be it further

Resolved, That 1,000 copies each of part 1 and part 2 of said reports be published for members of the Senate and House of Representatives; also 700 copies of part 1 and 500 copies of part 2 be published for the department of insurance for distribution by the superintendent of insurance, all of which shall be bound in cloth.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. BULKELEY. I should like to ask the Senator from New Hampshire if there is any necessity for having the resolution considered this morning.

Mr. GALLINGER. The matter was called to my attention this morning. The department of insurance, District of Columbia, turns into the Treasury about $80,000 a year. The expense of conducting it is eight or nine thousand dollars a year. The superintendent made application to have his report printed. Heretofore the money has been found in the contingent fund, but he has no money there this year, and the auditor rules that there is not any money available for this purpose. It is a mere question as to whether we will have the report of the commissioner of insurance printed or not. Calls have already been made for it from all parts of the country. I will allow the resolution to go over until to-morrow, and the Senator can examine it.

Mr. BULKELEY. If the Senator will permit me, I will ask him if this covers the report for the year ending December 31, 1908.

Mr. GALLINGER. No; it covers whatever report the commissioner now has in hand.

Mr. BULKELEY. The report of the preceding year has never been printed.

Mr. GALLINGER. This is that report, then. The commissioner is undoubtedly behind somewhat in this matter; but I presume there is a good reason for it.

Mr. BULKELEY. It is not any fault of the commissioner. I think the report of the year 1907 has been ready for some time, but there are no funds available for its publication. Now it seems another report is ready and the only question is whether the report for the past year is to be printed, with the one of the year before not printed.

Mr. GALLINGER. Let the resolution lie over and I will examine it more carefully.

The PRESIDENT pro tempore. The resolution will lie over.

INDIAN HOME GUARDS OF KANSAS.

Mr. CURTIS. I ask unanimous consent for the adoption of a resolution of inquiry.

The resolution (S. Res. 47) was read, as follows:

Senate resolution 47.

Resolved, That the Secretary of War be, and he is hereby, directed to furnish to the Senate a complete roster of regiments Nos. 1, 2, and 3 of the Indian Home Guards, who enlisted in Kansas and served during the late civil war, showing the respective dates of enlistment, the time of service, casualties, and the date of final muster and discharge.

The PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

Mr. WARREN. I ask the Senator if these guards were regularly enlisted in the service.

Mr. CURTIS. I understand they were enlisted for the Indian service, and there is some question about the length of time they served.

Mr. WARREN. Then the department has the rolls?

Mr. CURTIS. Yes; as I understand.

Mr. WARREN. They would naturally be with the State, I should think.

Mr. CURTIS. I think you are wrong. I am informed they are in the War Department.

Mr. HALE. I doubt whether under the order of the Senate any business of this kind can be transacted.

Mr. CURTIS. If there is any doubt, I will ask that the resolution be referred to the Committee on Military Affairs.

The PRESIDENT pro tempore. It is so referred, in the absence of objection.

CALLING OF THE ROLL.

Mr. OVERMAN. Mr. President, I suggest the want of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Crawford	Johnson, N. Dak.	Penrose
Bacon	Culberson	Johnston, Ala.	Perkins
Beveridge	Cullom	Jones	Piles
Borah	Cummins	Kean	Richardson
Briggs	Curtis	Lodge	Root
Bristow	Dick	McCumber	Scott
Brown	Dixon	McLaurin	Simmons
Bulkeley	Fletcher	Money	Smith, Mich.
Burkett	Flint	Nelson	Smoot
Burnham	Frazier	Nixon	Stephenson
Burrows	Frye	Oliver	Stone
Carter	Gallinger	Overman	Sutherland
Clark, Wyo.	Gore	Owen	Tillman
Clay	Hale	Page	Warner
Crane	Hughes	Paynter	Warren

Mr. CRAWFORD. I wish to state that my colleague [Mr. GAMBLE] is absent on business, but will be here in a few minutes.

The PRESIDENT pro tempore. Sixty Senators have responded to their names. A quorum is present.

PROPOSED INVESTIGATION BY COMMITTEE ON FINANCE.

Mr. GORE. Mr. President, I desire to call up Senate resolution No. 45.

The PRESIDENT pro tempore. The Chair lays before the Senate a resolution, which will be read.

Mr. GORE. In order to perfect the resolution, as on the assurance of the Senator from Maine and the Senator from Rhode Island a portion of it at least is unnecessary, I desire to omit the second resolution in regard to the summoning of witnesses, and so forth. That power resides in the committee already. I shall ask for a vote on the first resolution. I ask that the resolution be read.

The PRESIDENT pro tempore. The Senator from Oklahoma withdraws a portion of his resolution. The resolution, as modified, will be read.

The Secretary read Senate resolution 45, submitted by Mr. GORE on the 15th instant, as modified, as follows:

Senate resolution 45.

Whereas it has been repeatedly asserted and generally admitted in the Senate during the debate on the pending tariff bill that current prices in the United States are unreasonable and exorbitant; and

Whereas there is a radical and irreconcilable division of opinion as to who is responsible for these extortionate prices; and

Whereas there are those who believe that the manufacturers are primarily responsible, and others who believe that the wholesale and retail dealers are responsible; and

Whereas it is important that the truth should be known, that the innocent should be vindicated and the guilty alone charged with the blame and responsibility: Now, therefore, be it

Resolved, That the Committee on Finance or any subcommittee thereof, consisting of representatives of both political parties, are hereby instructed to investigate and report to the Senate at the earliest possible date—

First. The import prices of various articles of general and ordinary consumption.

Second. The wholesale prices of said articles.

Third. The retail prices of said articles.

Fourth. The prices of similar articles of domestic production as fixed, charged, and received by the manufacturers thereof and the wholesale and retail dealers therein.

The PRESIDENT pro tempore. The pending question is on the motion to refer the resolution to the Committee on Finance.

Mr. GORE. Mr. President, I send a clipping to the desk, which I ask to have read. It is from the Boston Traveler, and is an interview with one of the leading retail dealers of Boston.

The PRESIDENT pro tempore. If there be no objection, the paper will be read by the Secretary.

Mr. HALE. Owing to the confusion in the Chamber I could hardly get the purport of the resolution just read. So far as I could tell, it is not the resolution the Senator submitted the other day, but a different resolution. I ask the Senator, because we could not hear his resolution perfectly, Is it the same that was submitted the other day or a modified resolution?

Mr. GORE. The resolution is identical so far as it goes. In order to perfect it I have withdrawn the second resolve, on the assurance of the Senator himself, as well as the assurance of the Senator from Rhode Island, that that part of the resolution at least is unnecessary.

Mr. HALE. What was the part withdrawn?

Mr. GORE. The part relating to the subpœnaing of witnesses, the administration of oaths, and the production of papers. I understand that that power inheres in the committee without repeating the instruction.

The PRESIDENT pro tempore. The resolution will be again read.

Mr. LODGE. Just the resolution, without the preamble.

The Secretary again read the resolution.

Mr. ALDRICH. Mr. President, that clearly involves not only a great deal of time, but a great deal of expense, and it would have to be considered first by the Committee to Audit and Control the Contingent Expenses of the Senate. In the next place, the preamble should be stricken out in any event. Does the Senator from Oklahoma agree to strike out the preamble?

Mr. GORE. Mr. President, I think the preamble sheds some light on the resolution itself and might serve as a guide to the committee charged with the execution of the resolution.

Mr. ALDRICH. It may from the Senator's standpoint be a desirable thing. It may state supposed facts from the Senator's standpoint, but that might not be true of other Senators.

Mr. GORE. What I am driving at is to get the Senator from Rhode Island to view this subject from my standpoint, or to make, at least, a thorough investigation. I do not care whether the standpoint is justified. All I want are the facts and the truth. If the report of the committee should convict the retailers under the charges preferred against them here, for my part I shall be content. If the report of the committee acquits the manufacturers, I shall be content with the truth and the verdict found upon the facts, no matter what the report may be. But that presents the exact issue, and the Senator from Rhode Island must face that issue sooner or later.

Mr. ALDRICH. We are confronted with that issue every minute, I think. So far as I am concerned I would not object to having this inquiry made. I think it is a very important one and has great significance. Of course, it can not be made in time for the pending tariff bill. It may be made in time for the next, if the next does not occur in ten years.

It could not have any effect, of course, upon existing conditions. It is a very proper and appropriate inquiry to make, and as far as I am concerned I have no objection to the committee being ordered to make the inquiry, but I do object to its being made based upon the theory of the Senator from Oklahoma about extortion, and so forth. That is entirely aside from anything contained in the resolution.

Mr. CARTER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Montana?

Mr. GORE. I will yield, if I have the floor.

Mr. CARTER. I inquire whether the resolution does not contemplate an investigation along the same line and for the same purposes contemplated by an expert commission, which has been suggested by an amendment which will probably be incorporated in the pending tariff bill? Some difference of opinion has existed as to the form of the commission. It was originally contemplated that a commission be appointed, vested with certain delegated legislative powers, if you please, but that idea did not seem to meet with very general approval. Now it has been suggested by an amendment to the pending bill that a commission be created, or a bureau in the Treasury Department be brought into existence, by this act, which will be charged hereafter with the investigation of the identical questions contemplated by the resolution of the Senator from Oklahoma.

It would certainly be a useless expense to have the Committee on Finance prosecuting an investigation and the proposed body of experts at the same time covering the same field. If the resolution is to be adopted, it will necessarily obviate all need of the proposed commission or bureau, because it is plain that its line of activities could be extended beyond the scope of the present resolution, and to that extension no Senator would object at all if the Committee on Finance is to conduct the investigation, instead of the bureau of experts contemplated by the proposed amendment. I should think it might be well not to detail out this work of investigation until the Senate shall have determined whether the creation of a board or bureau is wise and expedient, and if such a board or bureau is created in the Treasury Department or elsewhere, manifestly the object of its creation will only be fulfilled by prosecuting inquiries along the line contemplated by the resolution.

There is in connection with the Government too much duplication of work. We have in every department of the Government certain lines of inquiry being prosecuted identical with those being prosecuted in other departments. I hope Congress will not make the mistake of providing by a resolution for an inquiry to be prosecuted by Congress, through the Finance Committee, and at the same session of Congress adopt an amendment to a tariff bill directing the Treasury Department to investigate the same identical subject. It is simple folly to needlessly burden the Government by incurring expense connected with two investigations of the same subject at the same time.

The PRESIDENT pro tempore. The Senator from Oklahoma asks for the reading of a clipping which he has sent to the desk.

Mr. GORE. Mr. President, before it is read, I wish to say that not the reasons but the excuses assigned by the Senator from Montana and the Senator from Rhode Island are very transparent not only to me, but to every Member of the Senate and to the country at large. I really admire the striking consistency exhibited by the senior Senator from Montana. He is afraid of an oversupply of information. He is not willing for the Finance Committee to prosecute this inquiry, else we might ordain a commission that should also be required to pursue a similar inquiry. The Senate might indeed be surfeited with an overamount of wisdom and information upon this subject.

Now, that is not the reason. That is a transparent subterfuge. Those Senators have made mistakes. They have charged the responsibility for high prices on the retailers of this country. They stepped on a live wire unwittingly. They are now trying to retreat and to cover their retreat as best they can.

Now, sir, I take very little stock in this tariff commission. I know the object of all commissions. When public opinion becomes aroused, whenever it becomes acute on any particular subject in regard to which the Senate is not willing to respond to public sentiment, then, sir, a commission is to be created, time lost, and public sentiment allowed an opportunity to abate and recede.

I say to Senators on the other side and I say to the American people that these commissions are mere political lightning rods to avert from the two Houses of Congress the thunderbolts of public opinion. That is what they are, nothing more and nothing less.

Now, in response to what the Senator from Montana says, we want this information now. We want it before the present tariff bill is enacted into law. We want to know where the responsibility resides for the prices conceded on every hand to be unreasonable and exorbitant. If the committee exonerates the manufacturers, I am content. If it exonerates the retail dealers, I am content.

But, Mr. President, this is one of those unfortunate dilemmas from which the committee can not escape. It must impale itself on one or the other horn. They are not willing to say that the manufacturers are responsible, and they are not willing to say officially, by a report, that the retailers are responsible. They are disposed to evade the responsibility.

I realize that the Committee on Finance is an overwrought committee. They have been so much occupied in ascertaining the difference between the labor cost of various articles in the United States and in that frightful Germany to the east and Japan to the west, they have been so much occupied in formulating an exact definition for "reasonable profits," that they have not had time and probably will not have time to furnish the information called for in this resolution. Sympathizing with the tremendous labors to which that committee have been subjected, solicitous for their welfare, I am unwilling to impose upon them a task to which they are unequal in the limited time at their disposal. I am perfectly willing that a select committee, unencumbered by these labor costs, shall be designated by the Senate to perform this task, to pursue this inquiry, and to ascertain and report this information to the Senate. I ask the senior Senator from Rhode Island if he is willing to have a select committee charged with these duties?

Mr. ALDRICH. Is it the Senator's idea that we are to delay the passage of the tariff until that committee shall report?

Mr. GORE. Mr. President, if we will appoint a working committee, in three weeks that committee can ascertain whether the statement here made with reference to razors is true or not.

That committee can within a fortnight ascertain whether the statement made with reference to glass pitchers is true or false. That the committee can ascertain whether the statement here made with reference to Haviland china is true or false. It can ascertain whether the statement here made is true with reference to ready-made clothing, whether the retail dealers are extortionate or not. That committee, if disposed to perform its duty, can ascertain that information within two weeks.

I repeat, Is the Senator willing to have a select committee commissioned to this task, for the Democratic members of the Finance Committee have not been exhausted with these labors?

Mr. ALDRICH. Mr. President, the Democratic members of the Finance Committee can carry on this investigation if they see fit. There is no objection to that on anybody's part that I know.

Mr. GORE. Will the Senator allow one or two good Republicans to be designated so that the manufacturers can have their friends at court? We ask for no ex parte investigation. Has the Senator recovered his——

Mr. ALDRICH. I am not sure that the Senator was addressing me. I was not paying, at the moment, attention to the remarks of the Senator as I should have been doing.

Mr. GORE. It probably would have been profitable to the Senator. I ask if the Senator is willing to have one or two good Republicans designated to cooperate with the Democrats. We do not ask, we do not desire, and we can not accept an ex parte investigation. We do not want to give this a partisan cast. All we want is the whole truth, and nothing but the truth, ascertained by men who can not be suspected of partisan purposes, bias, or prejudice.

Mr. ALDRICH. If the Senator simply desires to make a speech upon this subject, Mr. President, that is one thing. If he desires to have this information secured at some time in the future for the benefit of our successors and our children and grandchildren, and will allow the resolution to go to the Committee on Finance, the Democratic members of that committee are always vigilant in the interest of the public, and I have no doubt that some result can be accomplished in the way of a future inquiry upon the subject.

Mr. SIMMONS. I should like to ask the Senator a question. Will he allow the minority members of the committee to be present at the deliberations?

Mr. ALDRICH. We allow the Democratic members of the committee to be present at its deliberations except when we are considering matters of pure party responsibility.

Mr. SIMMONS. Not in considering matters which affect the tariff, and this does affect the tariff.

Mr. ALDRICH. I do not think there would be any trouble about having the Democratic members present. We are always glad to have the Democratic members of that committee present in our deliberations except when we are charged with the responsibility of preparing a tariff bill. I do not think that there has ever been any other meeting of the committee from which they have been excluded. If the Senator will allow the resolution, without further discussion, to go to the committee, I am sure that we will be able to arrive at some proper basis of an investigation upon this subject, if the Senator so desires.

Mr. GORE. I shall insist upon the motion to adopt the resolution.

Mr. OWEN. Will the Senator permit me to interrupt him?

Mr. GORE. Certainly.

Mr. OWEN. I should like to make an inquiry of the chairman of the Committee on Finance. During the last campaign the country was informed that the Republican leaders desired only a tariff which would measure the difference in the cost of production at home and abroad. Why has not the Finance Committee furnished that report to the Senate?

Mr. ALDRICH. We are furnishing it constantly for the information of the Senator from Oklahoma and other Senators who have not the information themselves.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma still further yield to his colleague?

Mr. GORE. Certainly.

Mr. OWEN. I call the attention of the chairman of the Finance Committee to the fact that the Senate has been furnished with no proper report upon this matter by the Committee on Finance. There is no report showing the difference in the cost of production at home and abroad. The voluminous testimony, if it might be so called, a part of which was sworn to and a very great part of which was not sworn to, is no information to the Senate with regard to these particular schedules. To invite a Member of this body to go through 8,000 pages of undigested stuff, prepared by those with a peculiar interest to serve, makes it impossible for a Member of this body to properly pass upon the very basis upon which this tariff was proposed to be written, and when I ask why it has not been done, there is no answer.

Mr. GORE. Mr. President, I will ask for the reading of the clipping which I sent to the desk.

The PRESIDENT pro tempore. If there be no objection, the paper will be read by the Secretary.

The Secretary read as follows:

[From the Boston Traveler, May 13, 1909.]

LARGE-PROFIT TALES FALSE, SAYS FILENE—BOSTON MERCHANT TAKES EXCEPTION TO SENATOR SMOOT'S TARIFF-DEBATE STATEMENT.

Edward A. Filene, the well-known business man of this city, does not agree with Senator SMOOT in his statement that gloves costing $7.50 a dozen retail for $2 a pair.

"I am afraid that the Senator does not know what he is talking about," said Mr. Filene. "The ordinary $1 glove costs from $9 to $10 a dozen, while $2 gloves cost from $16 to $20 a dozen.

"The fact is that competition in gloves is so intense and the margin so narrow that specialty glove stores are steadily being obliged to go out of business, while even the department stores in many cases fail to make their glove departments pay."

Mr. Filene said further that retail competition is so untrammeled that it is impossible for a man familiar with the actual conditions to conceive of such large profits being made as was referred to by some of the Senators in debate.

"The average net profits," continued Mr. Filene, "of retail stores are not more than 5 per cent. I know no store that averages 10 per cent on its sales."

Relative to the alleged sale for $36 of a china dinner set that cost $10.89, spoken of in the debate, Mr. Filene said that where a unique article, on which there can be no competition, is imported, any price the whim of the customer may induce him to pay may be obtained.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. GORE. Yes, sir.

Mr. SMOOT. I should like very much to have the Senate understand that we were discussing the question of the cost of manufacturing gloves, and I have never yet said that the retailer paid only $7.40 for those gloves.

Mr. NELSON. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Minnesota?

Mr. GORE. Yes, sir.

Mr. NELSON. I suppose we are on razors, not on gloves.

Mr. SMOOT. If the Senator had been listening, he would know very well that the subject-matter presented here was not on razors; it was on gloves.

Mr. President, I do not want the Senator from Oklahoma to try to make it appear that I say that all the profit between the manufacturer and consumer is made by the retailer. No such statement or claim has ever been made. The only statement I have ever made referred to the great difference between the manufacturer's cost and the final price paid by the customer. That is the question and the difference that has been spoken of by every Republican Senator on this floor discussing the subject. It is not all chargeable to the retailer, and I want the retailer to understand that no one has so stated. Even as to the pane of glass that was spoken of, it was the cost of the glass as it entered this country with the duty added, and then the added cost to the consumer through the different stages of trade. That was not by the retailer only. No one stated how many hands that pane of glass passed through before it reached the customer.

Mr. GORE. Mr. President, I wish to say that I have no purpose to misstate the exact issue between this side and the other side of the Senate. I accept the suggestion made by the senior Senator from Utah [Mr. SMOOT]. We do not insist, and have not suggested, that the other side charge the retail dealer as being exclusively responsible for the extortions practiced in this country. As I understand, they join in this indictment the jobbers and the wholesale dealers and the retail dealers of the country. This resolution calls in explicit terms for information upon each particular point, the prices charged by the manufacturers, the prices charged by the wholesale dealers, and the prices charged by the retail dealers. It is full and exact information which the resolution seeks, and which the committee will undoubtedly furnish when it discharges the duties imposed by this resolution.

Sir, I think the Senator from Utah mends the case but slightly when he arrays on one side the manufacturer and on the other side the jobbers, the wholesale dealers, and the retail dealers. I accept his amendment and his suggestion; but I desire to enter a disclaimer in behalf of each and every one of those indicted classes.

I remember the Senator from Utah did say that razors, which were sold to the retailer for $9 a dozen, were resold by him at $2 apiece or $24 a dozen. That, of course, was not a charge; it was a mere intimation, a mere insinuation that the retail

dealer was extorting unreasonable profits from his customers. We want that question investigated, and we want to know the truth and the facts.

The Senator from North Carolina [Mr. SIMMONS] yesterday had an extract read from the Iron Age, which, in express terms, stated that the jobbers, the wholesale men, and the retail merchants were at the mercy of the manufacturers. That is what I believe, and I believe a majority on this side concur in that opinion. We want the matter investigated, and if they be not guilty, allow them to be vindicated. That article from the Iron Age stated and charged in express terms that the retail men, the wholesale men, and the jobbers were at the mercy of the manufacturers, notwithstanding the senior Senator from Maine [Mr. HALE] admitted that the manufacturers were not responsible, notwithstanding the senior Senator from Maine admitted that the middlemen and the wholesale and retail dealers were responsible for prices fixed to the consumer. That is the exact issue which we want determined.

I will merely add, Mr. President, that the common thief, the red-handed assassin are entitled under our form of government to a fair trial by an impartial jury. We do not ask even so much as that for the retail and the wholesale men and the jobbers; but we are willing for such a trial as we can obtain, not by an impartial jury, but by one which may have some predilections in the matter. If Senators on the other side who have made these charges are not willing to fix the responsibility for high prices where that responsibility belongs, then I want to fix the responsibility for that refusal where it belongs.

Mr. GALLINGER and Mr. ALDRICH. Question!

The PRESIDENT pro tempore. The question is on the motion to refer the resolution submitted by the Senator from Oklahoma [Mr. GORE] to the Committee on Finance.

Mr. GORE. I ask for the yeas and nays on that question.

Mr. OWEN. Mr. President, I should like to make a suggestion with regard to the manner in which, under the commercial practice in this country, prices are frequently fixed, even if it be not a uniform rule. As I understand it, it is the practice that the manufacturers determine not only their own price to the wholesaler and to the jobber, but that they go further and require the retailers not to go below a fixed price; and, if they do go below a fixed price, the jobber is compelled to cut that retailer off of his list.

Mr. SMOOT. Mr. President——

Mr. OWEN. One moment. And if the jobber does not carry out this fixed ironclad trade rule, in that case the manufacturer cuts off the jobber. I understand that to be the practice in relation to the cotton goods made in New England, for example, by the American Print Company. It may not be true, but I believe it is true. I have been informed by men capable of knowledge in the matter and in a position to know that it is true. It is well to inquire into the matter as to whether or not it is true. I do not think it is a right thing in the Senate for gentlemen in the body here without information to stigmatize the retailer as guilty of fleecing the public; and I think it is equally reprehensible as a practice to charge any man, whether he is a wholesaler, a jobber, or a retailer——

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. OWEN. I do, with pleasure.

Mr. GALLINGER. What was the exact statement the Senator made concerning the cotton manufacturers of New England?

Mr. OWEN. I said I was informed that the American Print Company imposed a rule upon the wholesaler and the jobber handling their products and upon the retailer that if the goods were sold for less than the price fixed at which the retailer should sell them he was cut off from the handling of those goods; in other words, he was blacklisted.

Mr. GALLINGER. Has the Senator any evidence of that?

Mr. OWEN. I will undertake to furnish the evidence to this committee when the committee is organized and ready for the investigation.

Mr. GALLINGER. It seems to me the Senator ought to furnish it this morning. He is making an accusation, and it is a very serious one.

Mr. OWEN. I am making no accusation. I am simply stating what has been said, and I think it is worthy of an inquiry.

Mr. GALLINGER. Of course, Mr. President, there are thousands of things worth inquiring into, but time is short and human life has its limitations.

In reference to this particular resolution, which the Senator's colleague has introduced, I think every Senator who has taken a sane view of the present situation sees that we can not go into an investigation of that kind and pass the pending tariff bill within any reasonable time.

Mr. OWEN. I ask the Senator why this investigation has not been prosecuted heretofore?

Mr. GALLINGER. I will answer that by saying that I certainly know of no reason why it should have been made.

Mr. OWEN. Does the Senator think that the proposition that this tariff should be based upon a difference in the cost of production at home and abroad affords no reason for this inquiry?

Mr. GALLINGER. I take it for granted that to ascertain the details of that matter, the State Department would have to communicate with our consular agents and other representatives abroad, and that it would be an inquiry that would take months, if not years, to conclude.

Mr. OWEN. A circular letter might do that.

Mr. GALLINGER. How long would it take the agents abroad to ascertain the cost of goods manufactured in the various industrial centers of Europe?

Mr. OWEN. Why has no effort been made in regard to the matter?

Mr. GALLINGER. Well, Mr. President, I answer the Senator by saying that I think the committee has furnished all the evidence that was available in this discussion.

Mr. ALDRICH. The consuls have been engaged in this work for two or three years.

Mr. GALLINGER. And I do think, Mr. President, that we had better turn our attention to the consideration of the schedules of this bill. A gentleman, pretty well informed, stated recently that the country was losing $10,000,000 a day because of the delay in the consideration of this tariff bill; and I have no doubt that that is an underestimate. It seems to me that we ought to give the business men of this country an opportunity to do business.

Mr. OWEN. Who is it that is losing money?

Mr. GALLINGER. The business interests of the United States.

Mr. OWEN. Does the Senator make that charge without specification and proof?

Mr. GALLINGER. I make it upon the authority of a well-known gentleman in the other House; and I think he probably had looked into the matter. He is a man who is not in the habit of making wild statements. I make the statement also upon the authority of business men in this country who are today hoping that Congress will be wise enough to speedily pass this bill, so that they can start up their industries and give employment to labor.

Mr. OWEN. If I understand, Mr. President, there is no adequate answer to my suggestion as to why this inquiry has not previously been made.

Mr. GALLINGER. Mr. President, the inquiry itself is so absurd that it does not require an answer.

Mr. OWEN. It may be absurd, Mr. President, to the Senator who has just taken his seat, and he may regard the pledge made to the American people as ridiculous and unworthy of fulfillment, but I take it when the pledge is made that this tariff bill will be based upon the difference in the cost of production at home and abroad, the legislators in this body should have that information, and it is not absurd to ask for it.

Mr. GALLINGER. Mr. President, why do not the Senator and his associates obtain it? They have as much leisure as any of us.

Mr. OWEN. In answer to that, I will say that the minority members of the Finance Committee were not even honored with the privilege of hearing the matters presented before the majority members of the Finance Committee, and it was the pledge of the Republican platform that I am insisting is not being carried out.

Mr. GALLINGER. Mr. President, that has been thrashed over half a dozen times.

Mr. OWEN. But it has not been answered satisfactorily, and can not be.

Mr. GALLINGER. The members of the minority on that committee have found no particular fault about it, I will say to the Senator, and I do not know why he should.

Mr. OWEN. The reason why I object to this omission is because I represent a State in this body with a million and a half of people, whose interests are involved, and I have a right to know what the facts are upon which this tariff bill is being made; and when I ask for the difference in the cost of production at home and abroad, upon which the Republican party in its last platform declared they would write this tariff bill, I am told that the inquiry is absurd. It is a most unreasonable response.

Mr. DU PONT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Delaware?

Mr. OWEN. With pleasure.

Mr. GALLINGER. If the Senator from Delaware will permit me, the Senator from Oklahoma does not quote me correctly. I did not mean to say that the inquiry was absurd; but I say it is absurd to think that we can obtain the information desired during the pendency of this bill.

Mr. DU PONT. Mr. President, I should like to call the attention of the Senator from Oklahoma [Mr. OWEN] to the provision of this bill for a tariff commission, whose function it would be to inquire into all such intricate questions and to present the information desired, which, in my opinion, it will take a good deal of time to procure and which may be utilized for future reference.

I should like to ask the Senator from Oklahoma if he does not see that the methods of modern business have changed enormously in the last few years? As I understand, no charge has been made against the retailers or the jobbers explicitly, but the general statement has been made that the tariff per se did not necessarily increase the price of articles of necessity or otherwise to the consumer. If one considers the enormous army of runners and business agents that are traveling all over the country, the money paid for advertisements in the leading newspapers, and all those things of this generation, he can readily perceive that there is an enormous amount of money expended in those directions. Somebody has to pay for it. It is evident that the cost of doing modern business, owing to competition between the sellers, whether they be jobbers, wholesalers, or retailers, has increased immensely and must necessarily result in increased cost to the consumer.

Mr. OWEN. In answer to the Senator from Delaware——

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to his colleague?

Mr. OWEN. In just one moment.

Mr. GORE. I merely want to make one suggestion.

Mr. OWEN. I yield.

Mr. GORE. The Senator from Delaware joins the Senator from Montana in suggesting that a tariff commission should ascertain this data. I want to say to those two Senators that the resolution I have offered does not call for a coroner's inquest; it does not ask for a post-mortem investigation; we do not care to inquire into the cause of death; we want a committee of safety, to anticipate and prevent dissolution. [Laughter.]

Mr. OWEN. Mr. President, I should like, in response to the Senator from Delaware, to ask him whether it is a fixed policy agreed upon, and he authoritatively states it, that a tariff commission will be made a part of this bill?

Mr. DU PONT. I have no information——

Mr. OWEN. The Senator made that as a preamble to his remarks.

Mr. DU PONT. In answer to the Senator, I will say that I have no information in that case further than what I have seen authoritatively stated. I do not know whether there has been any official notice of that kind, but I gather information of those things from the public press.

Mr. OWEN. I will say that the Senator from Delaware made that as a preamble for his remarks. I now ask the chairman of the Committee on Finance whether the suggestion made by the Senator from Delaware and by the Senator from Montana is true, that it is proposed to have a tariff commission provided as a part of this measure?

Mr. ALDRICH. Mr. President, if the Senator from Oklahoma had shown his usual industry in examining the amendments suggested by the committee, he would have ascertained that fact for himself.

Mr. OWEN. Then it is a fact?

Mr. ALDRICH. The Senator would know that if he had read the amendment suggested by the committee.

Mr. OWEN. I did not know it, and will carefully examine it.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. I do, with pleasure.

Mr. SMOOT. Mr. President, in answer to the Senator from Oklahoma, I wish to say that I am fully aware that in some cases institutions that sell the product of an author—for instance, such as a book—may have a stipulated retail price, but sometimes books are sold to the general trade, and the great department stores will make a "sale day" and sell them many times under the cost. There has been such a thing in this country as the publisher of a certain book stating that he would not sell those goods unless they were sold at a regular price.

Mr. OWEN. The suggestion which I made with regard to cotton goods was one which I thought a very important one, because it relates to a necessary of life, and it bears directly upon the question of whether or not the retailer is guilty of exorbitant charges.

Mr. SMOOT. Mr. President, I do know this——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Utah?

Mr. OWEN. With pleasure.

Mr. SMOOT. I do know that the cotton goods which are purchased from the cotton manufacturers in this country, so far as the great institutions that buy them in my State are concerned, are never limited to a price of any kind. They may sell under cost if they wish, or they may have whatever profit they can get over that.

Mr. OWEN. I think there never was a more erroneous statement in the same number of words than that made by the Senator from Utah.

Mr. SMOOT. Well, Mr. President, I am perfectly prepared to prove to the Senator that that is absolutely true.

Mr. OWEN. I should like to have a committee charged to hear the evidence and give us the facts.

Mr. SMOOT. I am not talking of the committee's work at all; I am talking about the absolute facts concerning cotton goods.

Mr. OWEN. The Senator from New York [Mr. DEPEW] well stated yesterday his view with regard to the relative veracity of the testimony submitted to Members of this body, and I do not feel prepared to receive any statement made merely upon the word of some gentleman who has a purpose to serve. We are constantly being misinformed on both sides of every case. Somebody ought to digest the truth and make known the truth, so that the Senate may rely upon it. The matter about which I wished to make an inquiry was, why was it that the Finance Committee, charged with that responsibility and with unlimited means at their disposal, during all of these months have made no such inquiry and made no such digest for our information and guidance as legislators? I think it is a very serious omission. I do not mean to make that statement in a critical or unkind spirit at all, and I think I owe an apology to the chairman of the Committee on Finance in not having observed the amendment proposing a commission.

I confess I had not done so. I have had eight thousand and odd pages of miscellaneous matter laboriously to wade through in a vain effort to get something out of it that I could really regard as a finality; and obviously it is almost impossible; but I will say, with all of the traveling men in the employ of the manufacturers, with all of the information available in the business houses of our own country with regard to prices and to the cost of production of every article made in the known world, that information is available; it is not far distant; it can be obtained; and it ought to be obtained before this bill goes to its passage. It ought to be obtained in three weeks easily; and I believe it could be obtained if a proper inquiry were made.

Mr. CARTER. Mr. President, has the Senator from Oklahoma concluded?

Mr. OWEN. I have concluded, and yield the floor to the Senator from Montana.

Mr. CARTER. Mr. President, one hour of the day has been spent in a characteristic discussion, and it is, I think, proper enough to make some observations upon the discussion itself and the conditions leading up to it.

For many years the Republican party of the country has been charged with maintaining a system of organized robbery under the form of a protective tariff. I at once acquit many enlightened members of the Democratic party from any responsibility whatever for this loose and unwarranted but widely-spread charge. It is astonishing, however, to perceive that in this Chamber there are still Senators of the opposition who adhere to that ancient and discredited notion. The two Senators from Oklahoma have this morning displayed a desire for information that would be very creditable to them as students in an academy, but not at all creditable to Senators of the United States.

The violent presumption may be indulged that a Senator representing a State in this Chamber is familiar with the current literature of the time relating to particular matters engrossing the attention of Congress. It must be known, and is known to both Senators, that the consular reports of the United States, issued with regularity in pamphlet form and subsequently in bound volumes, contain information from every part of the civilized world with reference to the cost of production, market relations, and even social conditions. The Senator from Oklahoma would have the Senate exonerate him

from any responsibility, if you please, in the matter of informing himself and pass over that responsibility to a committee composed of his fellow Senators. The Senator comes forward with the discredited charge, slightly veiled and often made, that the tariff is robbery, that it is based upon injustice, and that it exacts from the people of the country an unjust measure of their substance for the support of special interests.

Mr. OWEN. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. I do.

Mr. OWEN. Mr. President, I should like to plead guilty to the charge that I regard this tariff bill as little better than a robbery, and I shall at the convenience of the Senate demonstrate that this bill contains precisely what the Supreme Court described as "robbery" in the Topeka case. (Citizens' Savings and Loan Association of Cleveland *v.* Topeka, 20 Wallace, 655.)

Mr. CARTER. Mr. President, I realize that I was not misquoting, nor did I misinterpret, the views of the Senator, but the Senator brings the charge with the same unfortunate equipment that has characterized those who have made that charge from the beginning.

Mr. OWEN. Mr. President——

Mr. CARTER. Just a moment. The Senator makes the indictment, but he can not establish the venue; he can not particularize or show the character of the property nor the value involved.

Mr. OWEN. Mr. President——

The PRESIDENT prc tempore. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. Certainly.

Mr. OWEN. With the permission of the Senator from Montana, I shall reduce that matter to a mathematical demonstration within a very few days and submit the proof of guilt so plain that the Senator can not answer the indictment or the proof.

Mr. CARTER. Mr. President, I am now engaged in an earnest effort to show that the Senator from Oklahoma should do that for himself which he seeks to have the Finance Committee do for him. We can not take an intellectual spoon and feed Senators in this Chamber. [Laughter.] They must, Mr. President, inform themselves, or else hold their peace.

Mr. OWEN. Mr. President——

Mr. CARTER. I know the Senator from Oklahoma can, without any difficulty whatever, frame the indictment to which he refers with as much accuracy and truth—and there is very little truth in it—as any other Senator on this floor; and I therefore point to the fact that the demand of the Senator for collated data and specific information made of the Finance Committee is a demand for that which he already has in his possession and which is available to every Senator possessed of an inquiring disposition.

Mr. BACON. Will the Senator permit me to suggest that the party with which he acts has too much need for spoons to feed infant industries to spare one for any other purpose. [Laughter.]

Mr. CARTER. I am very glad, indeed, Mr. President, that the Senator from Georgia is not one of those on this floor who needs the bottle-fed treatment, so far as information is concerned. [Laughter.]

Mr. TILLMAN. Will the Senator from Oklahoma permit me?

Mr. OWEN. I have not the floor. I have been trying to ask the Senator from Montana a question.

Mr. TILLMAN. Well, will the Senator from Montana permit me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from South Carolina?

Mr. CARTER. Yes; I will yield to any Senator.

Mr. TILLMAN. I want to say that the wish or request of the Senator from Oklahoma is entirely unreasonable, because he is expecting you to furnish a rope to hang yourselves, and you will not do that. [Laughter.]

Mr. CARTER. Mr. President, the Senator from Oklahoma and the Senator from South Carolina have been speaking for a party that for a generation has made certain charges with reference to this protective tariff, and they come here as empty-handed as the day they were born, when they undertake to sustain the charges, and in that naked condition they piteously appeal to the Finance Committee for definite information with which to support their party claims. Where is the system of robbery and what are the proofs with reference to the charges heretofore made by the Senators against this bill or existing law? Why, Mr. President, the senior Senator from Oklahoma [Mr. GORE] presents a resolution asking that a committee of Senators be now deputed to leave this Chamber, where the presence of every Senator is necessary for the proper guarding of the interests of the people or of the State he represents; that these Senators go hence into some committee room or across the ocean to get some particular fact which is unknown to the Senator from Oklahoma; to get some statement of the difference between wages in Hongkong and San Francisco, so that the Senator may be advised with reference to the difference in wages in the two places named.

The task prescribed by the resolution could not be well and faithfully performed short of two years' time. An intelligent preparation of the data called for from original sources by that resolution would require extensive travel, extensive reading, and a careful compilation of statistical matter reduced to percentages and involving a world-wide exploration of social, industrial, and economic conditions generally.

I now submit to the Senate that probably neither Senator from Oklahoma will vote right on this bill because of the lack of this information; but they ought to hold their peace, and permit Senators who do know to proceed with the public business while they are informing themselves.

Mr. OWEN. Mr. President, will the Senator permit me?

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Oklahoma?

Mr. CARTER. I do.

Mr. OWEN. I should like to suggest to the Senator from Montana that one of the most valuable reasons why the Senator from Oklahoma should not hold his peace is the bringing out of the Senator from Montana, with his brilliant apologies for a very bad bill.

Mr. CARTER. I am making no apology for any bill. I have not mentioned the bill. But since the Senator does bring the matter up, permit me to call his attention to the peculiarities of the assaults made on this bill. There has been no attempt in the course of this discussion to argue the merits of the policy or principle of protection as opposed to the doctrine of tariff for revenue only, or free trade. I think the Senator from Texas very properly said that there was no such thing thought of as free trade. That was an expression cut away and downstream. The only contention existing here, according to his lucid view, was as to the application of the duties with a view to protection, or the application of the duties for the purpose of raising revenue and for that purpose only.

Outside of the Senator from Texas, we have had learned discussions from the opposite side upon special points. The inability of the opposition to assail the doctrine of protection, and their consciousness of that inability, are made manifest by the fact that side issues are industriously selected.

In the course of a discussion some days ago the Senator from Utah made the observation that the high price of articles throughout the country could not be traced exclusively to the protective tariff. Indeed, I think he alleged that it could not be traced to the tariff at all; that the retail price of articles had no special relation to the manufacturer's cost, or to the price at which the manufacturer sold. That statement by the Senator from Utah has been warped and distorted from time to time so that the senior Senator from Oklahoma would have it now read that the Senator from Utah said that the retail dealers of this country were engaged in a vast conspiracy to raise prices without reference to cost; that they were oppressing the people; and that they, and not the protective tariff, were responsible for high prices throughout the country.

I submit that the RECORD itself will show that no such contention was made by the Senator from Utah, nor by any Member on this side of the Chamber. There has been no such charge made in this body. Eulogies upon the retail dealers of the country are, therefore, supererogatory and unnecessary. We all know who the retail dealers are—the men who conduct the stores in the villages and at the crossroads of the country; an honorable, upright body of citizens, constituting at the crossroads, as the merchant does, the only exchange the farmer knows, the place where he sells the eggs and gets the coffee, where he sends the butter and the cheese to market and gets in exchange the calico and the various things the family needs at home. This retail merchant may sell some things at a high price, but he frequently sells other things below actual cost in order to keep goods from becoming shopworn.

But it is useless to go into the details of this relation of the country merchant to the farmer and his other patrons, because there has been no charge made on this floor, and no one pretends to support or suggest the charge, that the country merchants are in combination to raise prices and then to charge the raise to the protective tariff.

The country merchants of the United States as a rule are protectionists. They have observed that under the reign of the

protective policy trade is better, the purchasing power of the people is greater, work is more generally given to men who are willing to work, and wages are better. So that the country merchant, the beneficiary of active trade, is a protectionist in the majority of cases. As a rule, you will find that the country store is the headquarters for the protection propaganda in the neighborhood. The country merchant is not in conspiracy with anybody to create the impression that the high price of goods is attributable to the protective tariff.

On that side track we have lingered for three or four days; and every morning, I doubt not, with almost unvarying regularity, some Senator will be found to rise to defend the country merchant from a charge that has never been made. Thrash out this man of straw, and in some remote quarter it will be understood that the fight was real; that the good name of the country merchant was actually assailed; and that a bold, brave, and fearless statesman rose in his place to defend this kindly citizen, the country merchant, from a gross and violent assault. Mr. President, the side tracks will be numerous, and discussion with reference to the false issues raised will consume time, but will not enlighten anybody upon any line of information worthy of serious notice.

I am gratified to observe that the great body of our colleagues on the opposite side of the Chamber are earnestly, anxiously waiting to vote on the merits of this bill. It may be that the Senator's statement of $10,000,000 per day as a loss to the country because of our continued delay may be but a speculative estimate of an important fact. But that the country's great business interests are affected by uncertainty and doubt no one will seriously question.

No greater injury can be inflicted upon the business of any community than to involve the future in doubt or the basis of calculation in uncertainty. No merchant, no manufacturer in this broad land to-day knows what conditions will be thirty days from now as to an economic measure touching every interest in all the country, from the humblest home to the largest enterprise in all the land. It may not be ten million; it may be only five million; but it may be $50,000,000 per day of injury.

I do know that about 2,000,000 men are alleged to be idle in this country to-day, and I verily believe that the 2,000,000 men who are now idle will be employed inside of thirty days after the passage of this bill, and that, too, without reference to whether a schedule is a shade above or a shade below a given rate.

What the country wants to know is the exact condition that is to obtain for a reasonable time in the future. It wants to know where the bed rock is located, so that it can lay a foundation on it. No prudent business man will violate the old biblical injunction by building on the sand, and the present relation of these tariff schedules to the business world is precisely as the bed of sand to the foundation of the house.

What we desire is to cooperate with our good friends on the other side for a full and free debate on the merits of these policies, if that debate be deemed essential. This carping criticism with reference to a remark made upon one side or the other with a view to getting up speeches for the next campaign little befits the occasion with which we are called upon to deal.

I know that no Senator will deliberately procrastinate. I realize that every Senator on the floor is anxious that the bill be passed and passed at an early day. And I hope that with that understanding we may have universal accord with the proposals to proceed with the consideration of the paragraphs and the disposition of the bill at the earliest possible hour.

Mr. SIMMONS. Mr. President——

Mr. CARTER. I yield to the Senator from North Carolina.

Mr. BAILEY. Mr. President, before the Senator from North Carolina proceeds, I desire to ask the Senator from Oklahoma if he is not willing to modify his resolution so as to refer this matter to a special committee instead of the Finance Committee? A moment's reflection will convince him that it is obviously impossible for the Finance Committee to perform this work pending the consideration of this bill. We must all be here in the Chamber.

Mr. CARTER. Mr. President, I will ask the Senator from Texas how the members of the special committee could attend to this work and be in the Chamber at the same time?

Mr. BAILEY. In view of the fact that they are not specially charged with the consideration or conduct of this bill, they would doubtless willingly perform any duty with which the Senate would specially charge them. I see no reason why a special committee might not undertake the inquiry; and without reference to the period which will be required to conclude it—that being left open—it might be a valuable one. But it is absolutely certain that the Finance Committee could not undertake it.

I therefore ask if the Senator from Oklahoma is not willing to strike out "the Finance Committee," and substitute "a special committee to be appointed by the presiding officer of the Senate," to consist of four Republican and three Democratic Senators, if he chooses to inject the element of politics into it? I see he has suggested that the Finance Committee is composed of members of both political parties. I hope the Senator from Oklahoma can see his way clear to do that.

While I am on my feet, I want merely to make this reply to the Senator from Montana: It is not our fault, nor are we in anyway reponsible for the fact, that a new rule for the construction of a tariff bill has been devised and laid down.

The Republican national convention itself has prescribed the rule according to which this bill should be framed, and I can see no reasonable ground for complaint on the part of those having in charge the measure, that Senators on this side demand of them that they at least demonstrate that the bill falls within the rule prescribed by the convention of their party. It is no hardship to require a Senator having charge of this bill to show that it falls within the requirements of his own party's platform. It is true, as the Senator from Montana says, that every Senator on this floor has access equal to that which the Senators on the Finance Committee have to these public documents, and Senators may work it out to their own satisfaction. But if Senators do not find themselves satisfied with the information accessible or obtainable, they have a perfect right to demand that Senators on the other side shall lay before the Senate and the country facts and arguments that at least will vindicate their bill according to the rule established by their own platform.

Mr. CARTER. I ask the Senator from Oklahoma to permit me to make one observation in reply to the Senator from Texas.

Mr. GORE. Certainly.

Mr. CARTER. It has been often suggested here that the Republican party platform adopted at Chicago made a new rule for the guidance of those called upon to carry the protective policy into legislative enactment. According to my conception of the fact, there never has been any other rule for the guidance of those engaged in protective-tariff legislation. There never was, according to my idea, any disposition on the part of any Republican Congress or statesman to impose a duty higher than that which made up the difference between the cost of wages here and abroad, plus a reasonable return on the capital invested. That rule, of long standing, was crystallized into a plank in the platform at Chicago for the first time, but it was like an old rule of the common law with us from the beginning as a rule of action.

Mr. BAILEY. If that rule was well established and well understood, then the Republican party was engaged in a foolish procedure to promulgate it. I thought, inasmuch as it made its appearance in the Chicago Republican platform for the first time, I was warranted in saying it was the first authoritative enunciation of the rule, although I agree, as the Senator says, that that has been the argument of Republican Senators and Republican orators and editors. But, then, they for the first time, as I understand, succeeded in forcing it into the Republican platform as an authoritative declaration.

I desire to say this, too, while I am on my feet, and then I will not trespass further upon the Senator from Oklahoma. I myself have not complained of this lack of information. I have found more matter available for my use than I have found time to use, and I myself make no such complaint. But Senators on both sides feel—and I am not perfectly sure but that they have a perfect right to feel—that members of the committee will not select from this vast mass of matter—some irrelevant and some relevant—those parts of it which will contribute to the enlightenment of Senators and the country; and I understand that to be the complaint which the Senators from Oklahoma are now making.

Mr. GORE. Mr. President——

Mr. OWEN. Will the Senator from Oklahoma allow me for just a moment?

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to his colleague?

Mr. GORE. Certainly.

Mr. OWEN. I should like to say, as far as my comments are concerned, that I impose no restrictions whatever on the minority members of the Committee on Finance. I understand they were not even permitted to be present when the consideration of the bill was in progress.

Mr. BAILEY. I do not want to do my adversaries an injustice. While that is true, we had a rule of the committee authorizing us to hold our own sessions, at least to employ all the experts we wanted, and we had the same rights they had. They are bad enough at best, and I am not willing to charge

them with being worse than they are. We could have, and did have, all the experts we needed.

Mr. GORE. Mr. President, I desire to say at the beginning that out of deference to the opinion of the Senator from Texas I am perfectly willing to substitute a select committee for the Finance Committee. I am perfectly indifferent as to whether it be a standing or a select committee which performs this task. I am only concerned that the task be performed, and I cherish as tender a solicitude for the health and the happiness of the Finance Committee as any other member of this body.

Now, to the Senator from Montana I desire to say that I disclaim that the charge of conspiracy or organized robbery has escaped my lips. He will search the RECORD in vain to find where I have given utterance to that charge in that form. I must confess, however, that the thought did come to my mind, and that those words came to my lips, as they came to the lips of the senior Senator from Montana, but they escaped his lips instead of mine. But, sir, the circumstances suggest robbery and suggest conspiracy, and they justify the epithets.

I appreciate the lecture read to me in this presence by the senior Senator from Montana, and I may say in my self-defense that my lack of knowledge possibly is due to the fact that the senior Senator from Montana is a Member of this august assembly. We all can have free recourse to his universal information, and I understand that he admits that he knows everything about every question. Then why should the ordinary Member like myself concern himself with these arduous inquiries?

Mr. President, in ancient times, before the Diamond Match trust was organized, the ancients kept a fire burning upon their altar, so that those who chanced to lose it in their dwellings could go to the temple and rekindle their fires. The Senator from Montana is one of those splendid luminaries who shine with original luster. The rest of us are mere satellites, which must borrow the light which we reflect. But, like the sun itself, the Senator has spots upon him. He emits darkness as well as light. In one breath he suggests that the information is before us now, and charges my colleague and myself for not taking notice of that fact. In another breath he suggests it could not be obtained in a less time than two years. Others may concern themselves about which statement to believe. There are those who will disbelieve both.

I would not say the Senator is an encyclopedia of information, nor shall I suggest that if there be any truth in the old adage that ignorance is bliss the senior Senator from Montana ought to be supremely happy.

But, sir, the Senator from Montana says that the rule adopted at Chicago was not a new rule, that it was not a new principle, that the Republican party did not proclaim a new policy when it declared for a tariff high enough to measure the difference between wages here and abroad plus a reasonable profit.

That only confirms the suggestion just made. I say to the senior Senator from Montana that it is a new rule; that it is a new principle. I say to him that the national Republican platform of 1892 declared that the tariff rate ought to be high enough to cover the difference between the labor cost abroad and at home. There the platform stopped. The permanent chairman of that convention, as I remember, was the late martyr, McKinley, and if I remember correctly, the senior Senator from Montana was the chairman of the national Republican committee which conducted the campaign upon that platform declaration. Can it be possible that the Senator does not remember the platform upon which he waged that campaign; or is it perhaps because the Republican party admonished by the defeat which it suffered in the contest, fearing a similar calamity, has added this little appendix, "plus a reasonable profit?" And if it does not precipitate an acute attack of appendicitis, the country may well marvel at its failure.

Mr. President, another remark. The senior Senator from New Hampshire [Mr. GALLINGER] has suggested that the country is losing $10,000,000 daily by the delay upon the tariff bill. Whenever that Senator deliberately pronounces judgment upon a proposition I yield my assent. I regard him as the supreme judge upon the subject. For he gravely advanced here the other day the proposition that we on this side contended that the duty was added to the domestic price. In the history of the human race nobody else every thought that. Nobody ever said that in the history of the world. You may search the tariff debates from the beginning of time to the present hour, and nobody ever suggested that the duty was added to the domestic price. Nobody ever thought or ever suggested that anybody ever thought or said such a thing except the senior Senator from New Hampshire. He has a right to a copyright upon that statement and a patent upon that invention.

I will merely suggest to that Senator that it might be added as a duty to the select committee, of which the Senator should be a member, to ascertain, if this country is losing $10,000,000 a day by the pendency of this bill, how long it would be before there would not be a dollar left remaining in this country. But those who are losing a million dollars a day have a million to lose, and if it be true, I regret it as much as any man on this floor.

Mr. GALLINGER. How much does the Senator think has been and is being lost to the laborers and industries of this country by delay in the consideration of this bill?

Mr. GORE. That would be a matter of pure speculation.

Mr. GALLINGER. The Senator, I think, must have an opinion on that point.

Mr. GORE. I have not figured it out with such absolute accuracy as has the Senator from New Hampshire. The pendency of a tariff bill always disturbs business more or less. But I will suggest to the Senator that the people who are losing a million dollars a day are not the only ones concerned in this measure. The consumers as well as the trusts feel a slight interest in the passage of this bill.

Mr. GALLINGER. Mr. President, the Senator has raised a question that has been frequently raised here, as to consumers. There is one manufacturing establishment in New Hampshire that employs 13,000 people. The chances are that they represent at least twice that number of persons, perhaps three times.

Several SENATORS. Four times.

Mr. GALLINGER. No; some of them are unmarried. Are not they consumers, and is it not important that they should have employment to provide for their families? Who are the consumers of this country as distinguished from the producers, including the men and women who earn wages?

Mr. GORE. Mr. President, this is not the first time that question has been asked during this debate. The senior Senator from Rhode Island, the chairman of the Finance Committee, exclaimed in fine scorn a few days ago, "Who is the consumer?" Mr. President, have the consumers of this country fallen into such hands as this, that they not only have no regard for the consumer, no concern for his welfare, but they even challenge and deny his existence? Has it come to this, that a tariff measure is being revised by those who have not even discovered the consumer? I ask Senators in whose name and for whose benefit is the tariff being revised, if not for the consumer?

Now, I answer the Senator's question. The statement was made a few days ago by the senior Senator from Massachusetts, that 7,000,000 and more were concerned in the manufacturing and mechanical industries of this country and the Senator through some process of reasoning concluded that 30,000,000 were dependent upon those laborers. I would first say to the Senator from Massachusetts that his statement included not only those who were engaged in manufacturing, but those who were engaged in agricultural pursuits, including carpenters, brick masons, stone masons, and men who derive no benefit from protection, but who suffer all its penalties; men who are consumers and not protected manufacturers.

Who are the consumers? Edward Atkinson says there are only a million people in this country who are directly benefited by a protective tariff. But the census of 1900, more elaborate than the senior Senator from Massachusetts suggested, says there are a little more than 5,000,000 people engaged in manufactories in this country. How that Senator arrived at 30,000,000 dependents I have been unable to cipher out. According to that census there were 29,000,000 people engaged in gainful occupations, and there were all told 75,000,000 people in the country. I presume the Senator multiplied his 7,000,000 by 4, making 30,000,000, but if he adopts that rule, then, multiplying 29,000,000 by 4, we have 130,000,000 people in the United States, a self-evident misstatement of the facts.

I accept the census and will admit for the present argument that there are 5,000,000 people engaged in manufactories, and all those are benefited by a protective tariff. Multiply those by 2½, which is the rule we must adopt according to the census return itself. Then you have about twelve or thirteen million people who are benefited by this tariff—twelve or thirteen million out of 75,000,000. I say to the Senator from New Hampshire that the other 62,000,000 people are the consumers.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. Certainly.

Mr. GALLINGER. During the years 1894, 1895, and 1896 there were taken from the savings banks of New Hampshire, to meet their immediate wants, $12,000,000 by the operatives, the farmers, and the laboring men who had deposited that money

there. What has the Senator to say about those consumers? That money was taken from the banks for the reason that the kind of tariff the Senator is advocating threw them out of employment and they had to go to the savings banks and take their earnings, which they had deposited there, a few dollars at a time, and use it to keep the wolf from the door and to keep their wives and children from suffering. Now, who are the consumers? Were those people consumers?

Mr. GORE. Mr. President, I am glad the Senator has at length discovered the consumers.

The senior Senator from Montana [Mr. CARTER] stated a minute ago that there were 2,000,000 people in this country out of employment and many more million who have no accounts in the savings banks or in any other banks, under a high Republican protective tariff. I am informed Mr. Bradstreet shows that the aggregate amount of failures in 1907 and 1908 exceeded by $140,000,000 the aggregate of failures during 1893 and 1894. I would ask the senior Senator from New Hampshire if those men had been taking their savings to those banks before the Wilson tariff law passed in August, 1894? Did they not begin prior to that date?

Mr. GALLINGER. I will say to the Senator, Mr. President, that it began when disaster came to the country as the result of the success of the Democratic party in that election. I will say, furthermore, to the Senator that with the large amount of deposits in the savings banks of New Hampshire—and it is very large—the average amount is $400 to each depositor. Almost one-half of our people—men, women, and children—have deposits in the savings banks, and they are mostly credited to the operatives in our mills, to our laboring men, and to our farmers.

Mr. GORE. It is well known to that Senator and all Senators that there is an army of unemployed in this country to-day; that soup houses were opened during the last year; that benevolent people distributed bread and other necessaries of life; and that one great city passed an ordinance to give to the unemployed work upon public improvements in order to relieve the distress of their situation.

Mr. GALLINGER. Mr. President——

Mr. GORE. I ask the Senator from New Hampshire this question; it illustrates his position: Suppose the panic of 1907 had been delayed for thirteen months, and a Democratic President had been chosen last November, would not every Republican editor and every Republican Senator have ascribed the panic to the election of a Democratic President?

Mr. GALLINGER. If the Senator will permit me, there is some difference between the recent panic and the panic to which I alluded.

Mr. GORE. I admit——

Mr. GALLINGER. During those three lean years of Democratic ascendency and low tariff our people took $4,000,000 a year from the savings banks of my little State. Last year and the year before they increased their deposits about $600,000 each year.

Mr. BAILEY. And under this bill——

Mr. GORE. That is a splendid illustration of what a protective tariff does for New Hampshire at the expense of the remainder of this country.

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Texas?

Mr. GORE. Certainly.

Mr. BAILEY. I simply want to suggest that under this bill they will take that $4,000,000 out of the pockets of other people instead of from their savings bank accounts.

Mr. GALLINGER. We do not agree to that.

Mr. BAILEY. We do not agree to your statement that it was a Democratic triumph that produced the panic of 1893.

Mr. GALLINGER. We have heard of the Minnesota idea, the Iowa idea, and now we have the Texas idea.

Mr. BAILEY. It is the right idea.

Mr. GORE. The New Hampshire idea is that the community should be licensed by law to put their hands in the pockets of everybody else and increase their savings deposits at the expense of the rest of this great Republic.

Mr. GALLINGER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from New Hampshire?

Mr. GORE. Certainly.

Mr. GALLINGER. In another body not long ago a distinguished gentleman said:

> The tariff bill is nothing short of an outrage. The witches whom Macbeth met on the heath never brewed a hell broth half so vile as this legislative compound.

Then that gentleman plunged his hands into the caldron of broth and pulled out a prize package inscribed "Lumber" and voted for a duty on it.

Mr. GORE. Mr. President, I remember another passage from that high tragedy. I remember that Macbeth himself had occasion to exclaim:

> "And be these juggling fiends no more believed,
> That palter with us in a double sense;
> That keep the word of promise to our ear,
> And break it to our hope."

No one in this body is better qualified to enact that rôle than the senior Senator from New Hampshire. [Laughter.]

Mr. GALLINGER. That is precisely what this gentleman did. He was arguing against protection, but he voted for a protective duty, as the Senator will probably vote for a duty on agricultural products.

Mr. GORE. Mr. President, I am not deceived by that mocking, miserable sham, and I will not betray the farmers of this country with a Judas kiss. It is a glittering sham that deceives nobody. The man who believes in a tariff on corn ought not to be allowed to run at large anywhere outside of the United States Senate. [Laughter.]

Mr. GALLINGER. We will see when the vote is taken what the Senator's associates will do. I will ask the Senator if he is going to vote for a duty on hides?

Mr. GORE. I will not. Are you?

Mr. GALLINGER. I will answer that question when the time comes. [Laughter.] I am gratified to discover that there is one real free trader on the other side of the Chamber.

Mr. GORE. Mr. President, the term "free trader" has no terrors for me, and yet I am not, and could not be under existing circumstances, a free trader. I doubt not, unless there be a decided change in his opinions, that the Senator from New Hampshire will vote for free hides and for free coal in order to fire his factories.

Mr. GALLINGER. The Senator is not accurate in his statement. He ought to inform himself before he expresses an opinion as to what I will do on this bill.

Mr. GORE. I tried to do that. The Senator declined to inform me. I yield for that purpose now. [Laughter.]

Mr. GALLINGER. I will inform the Senator very promptly that I shall vote for a duty on coal. Now, the Senator stated that I would not do that.

Mr. GORE. I am glad the work of the Senator from West Virginia has had such a beneficial effect.

Mr. GALLINGER. I will answer the Senator on the other point that I propose to hear the arguments on both sides concerning the duty on hides, and I will vote as my conscience dictates at the time. I have not yet made up my mind.

Mr. GORE. Mr. President, that word "conscience" comes charmingly from the Senator's lips.

Now, in passing upon this lumber duty, I know that side has had frequent occasion to chide this side for voting for a proposed duty on lumber. I shall not vote for a duty on lumber, and I will remind the Senator from New Hampshire that the present duty on lumber is 10 per cent ad valorem, and the proposed duty, I am informed, is about 5 or 6 per cent ad valorem. If that Senator desires the people of this country to construct their homes without exorbitant charges, and will include structural steel, nails, window glass, and lumber in one schedule, and fix a uniform rate of 6 per cent, I do not speak advisedly, but I believe that he would command almost the unanimous support of this side of the Chamber.

Sir, when men on this side vote for 6 per cent lumber, why should you not agree to vote for a similar rate of duty on structural steel? Either do that or else cease to banter this side of the Chamber for its support of that which you are pleased to allege is a protective tariff.

Now, Mr. President, back to the point. Senators on that side are fond of sidetracks in this discussion. Alluding to the ten millions, I want to say to the Senator from New Hampshire that the men who are losing a million of dollars in this country are not the retail merchants. My own observation and information has been that the millionaires of this country are not the retail merchants. I know very few who have amassed that fabulous sum. If I am correctly advised, the millionaires of this country are the beneficiaries of a protective tariff. Take the steel trust. We can enumerate several who have amassed millions by your protection, perhaps more than all the millionaire retail merchants in the United States combined. Take other protected interests. You will find those who by unreasonable profits have amassed millions; and the retail merchants and the consumers have been the common victims—the fellow-victims of the same conspiracy and the same robbery. I borrow the words.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Oklahoma yield to the Senator from Rhode Island?

Mr. GORE. Certainly.

Mr. ALDRICH. I ask that the unfinished business be laid before the Senate.

The PRESIDENT pro tempore. The morning hour has expired.

Mr. GORE. I was not aware of that.

The PRESIDENT pro tempore. Under the well-settled practice in the Senate, the resolution goes to the calendar.

Mr. GORE. I shall not insist, in view of the suggestion by the senior Senator from Rhode Island.

Mr. BAILEY. I ask unanimous consent that a vote be taken on the resolution. It will require but a moment or two.

The PRESIDENT pro tempore. The Senator from Texas asks unanimous consent that a vote be taken on the resolution. Is there objection?

Mr. LODGE. The motion is to refer to the committee, I understand.

The PRESIDENT pro tempore. The motion is to refer to the committee. Is there objection to the request of the Senator from Texas? The Chair hears none.

Mr. GORE. I wish to say merely that I do not object to this proceeding. I have not witnessed it before, but I yield, sir, without complaint.

Mr. BAILEY. I supposed the Senator from Oklahoma wanted a vote on his resolution, and I tried to get it.

Mr. GORE. And I should like to have it. I appreciate the Senators' suggestion.

The PRESIDENT pro tempore. The request was made and no objection was made. A vote will now be taken.

Mr. GORE. I wish first to offer an amendment to strike out the words "Finance Committee or any subcommittee thereof" and insert——

Mr. ALDRICH. That is not in order.

Mr. GALLINGER. That was not the agreement.

Mr. GORE. And to substitute "a select committee consisting of four Republicans and three Democrats."

The PRESIDENT pro tempore. Is there objection?

Mr. ALDRICH. The question is on the motion to refer.

Mr. BAILEY. The Senator will not make any progress by an objection of that kind, because the Senator understands that when I preferred the request for unanimous consent to vote on it I preferred it in view of the interchange that had occurred between the Senator from Oklahoma and myself; and the Senator readily acceded to the suggestion that we propose to have the investigation made by a special committee instead of the Finance Committee. The Senator from Oklahoma said that was entirely acceptable to him.

Mr. GORE. Yes.

Mr. ALDRICH. That motion is not in order.

Mr. BAILEY. The Senator from Oklahoma can change his resolution.

Mr. BACON. He can modify his resolution.

Mr. ALDRICH. But the motion is to refer, and a motion to refer takes precedence.

Mr. BAILEY. But I want you to refer the resolution, just as the Senator from Oklahoma wants to have it.

Mr. ALDRICH. I do not object to the Senator from Oklahoma modifying his resolution, if that is what he desires.

Mr. BAILEY. That is all.

Mr. GORE. I intended to do that, on the suggestion of the Senator from Texas.

The PRESIDENT pro tempore. Will the Senator from Oklahoma send his modified resolution to the desk?

Mr. GORE. Yes, sir; I modify it to meet the suggestion.

Mr. BAILEY. If the Senator from Oklahoma will permit me, in order to save time, I suggest to strike out the words "the Committee on Finance or any subcommittee thereof" and insert "a select committee consisting of three Republican and two Democratic Senators be appointed by the President of the Senate, who are instructed to investigate and report to the Senate at the earliest possible date," if that suits the Senator.

Mr. GORE. That is the suggestion I made a moment ago.

The PRESIDENT pro tempore. The question is on agreeing to the motion to refer the resolution to the Committee on Finance.

Mr. GORE. I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. RICHARDSON (when his name was called). I am paired with the senior Senator from Arkansas [Mr. CLARKE].

The roll call was concluded.

Mr. CURTIS. I desire to announce that the Senator from Oregon [Mr. BOURNE] is paired with the Senator from Arkansas [Mr. DAVIS]; that the Senator from Kentucky [Mr. BRADLEY] is paired with the Senator from Indiana [Mr. SHIVELY]; and that the Senator from Nevada [Mr. NIXON] is paired with his colleague [Mr. NEWLANDS].

Mr. SIMMONS (after having voted in the negative). I desire to inquire whether the junior Senator from Minnesota [Mr. CLAPP] has voted.

The PRESIDENT pro tempore. The Chair is informed that he has not.

Mr. SIMMONS. I withdraw my vote.

Mr. NELSON. The junior Senator from Minnesota [Mr. CLAPP] is unavoidably detained from the Chamber. If he were present, he would vote "yea."

Mr. SIMMONS. I have withdrawn my vote.

The result was announced—yeas 50, nays 29, as follows:

YEAS—50.

Aldrich	Cullom	Gamble	Perkins
Borah	Cummins	Guggenheim	Piles
Brandegee	Curtis	Hale	Root
Briggs	Depew	Heyburn	Scott
Brown	Dick	Johnson, N. Dak.	Smith, Mich.
Bulkeley	Dillingham	Jones	Smoot
Burkett	Dixon	Kean	Stephenson
Burnham	Dolliver	Lodge	Sutherland
Burrows	du Pont	McCumber	Warner
Burton	Elkins	Nelson	Warren
Carter	Flint	Oliver	Wetmore
Clark, Wyo.	Frye	Page	
Crane	Gallinger	Penrose	

NAYS—29.

Bacon	Daniel	McLaurin	Smith, S. C.
Bailey	Fletcher	Martin	Stone
Bankhead	Foster	Money	Taliaferro
Bristow	Frazier	Overman	Taylor
Chamberlain	Gore	Owen	Tillman
Clay	Hughes	Paynter	
Crawford	Johnston, Ala.	Rayner	
Culberson	La Follette	Smith, Md.	

NOT VOTING—12.

Beveridge	Clapp	McEnery	Richardson
Bourne	Clarke, Ark.	Newlands	Shively
Bradley	Davis	Nixon	Simmons

So Mr. GORE's resolution was referred to the Committee on Finance.

IMPORTS OF TOBACCO.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in response to a resolution of the 20th ultimo, a statement relative to the duties per pound which are levied and collected by foreign governments on imports of tobacco from the United States, and respecting which countries prohibit importations thereof, etc. (S. Doc. No. 50), which, on motion of Mr. DANIEL, was ordered to lie on the table and be printed.

HOUSE JOINT RESOLUTIONS REFERRED.

The following joint resolutions were severally read twice by their titles and referred to the Committee on Military Affairs:

H. J. Res. 54. Joint resolution authorizing the Secretary of War to loan cots, tents, and appliances for the use of the forty-third national encampment of the Grand Army of the Republic at Salt Lake City, Utah; and

H. J. Res. 55. Joint resolution authorizing the Secretary of War to loan certain tents for use at the tercentenary celebration of the discovery of Lake Champlain, to be held in Burlington, Vt., in July, 1909.

THE TARIFF.

The PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which is House bill 1438.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The PRESIDENT pro tempore. The pending question is on the amendment of the Senator from Missouri [Mr. STONE] to paragraph 151.

Mr. STONE. Mr. President, before the vote is taken I desire to occupy a little while in animadverting on some matters discussed on yesterday and into which I have examined somewhat since the adjournment last evening.

However, Mr. President, before doing that I desire to say that it seems to me that the Finance Committee, and others who think as the majority of that committee do, keep in mind while framing this bill but one class of people—the manufacturers. They seem to lose sight, at least to a large degree, of all others. The manufacturers seem to be the subjects of their sole and supreme care. I am sure I am as anxious as any man to see the manufacturing industries of the country prosperous. I recognize the importance of manufacturing, and that manufacturing is one of the great arms of our national activity and industrial strength; but, Mr. President, there are others equally entitled to consideration at our hands. The wholesale mer-

chants and the importers are as much entitled to consideration as the manufacturers.

The wholesale merchants have builded up great and prosperous businesses, starting often from small beginnings, and they, too, add enormously to the industrial activity and welfare of the country; and they, too, employ large numbers of men and pay them generous wages, and upon their wages these men and their families depend for a living. They have men employed in their warehouses, in their sales rooms, and traveling salesmen besides by the thousand.

Then, Mr. President, it seems to me that the thousands of barbers scattered over the country, who are following the tonsorial art for a living, and who use the razor as their chief tool of industry, are entitled to our consideration. Again, putting aside the retail merchants, about whom so many ill things have been said, the people who buy razors for their own use—the private consumers—are also entitled to consideration equal to that given to the manufacturer. My contention is that all should be treated upon a general level of absolute justice and equality. I protest against making just one class the subject of special governmental consideration to the exclusion or detriment of others.

Now, Mr. President, after these general observations, I wish to take up one or two things which were discussed on yesterday. The Senator from Utah [Mr. SMOOT] stated on yesterday that ten years ago, or thereabout, there were 67 concerns engaged in manufacturing razors in the United States.

Mr. SMOOT. Mr. President——

Mr. STONE. And that they had been run out of business by cheap foreign competition, until the number had been reduced to five.

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I do.

Mr. SMOOT. Mr. President, I want to say to the Senator from Missouri that, in examining the testimony given, I find that there were 67 names of such establishments, but they include all that had assembled razors, but not all were manufacturers. In looking at my notes, I find I made a mistake as to the number of real manufacturers, and included those that assembled razors and claim to be manufacturers. This statement is due the real manufacturers of razors, which I gladly make.

Mr. STONE. I do not know how many are engaged in assembling razors. That is a separate and entirely different kind of industry from the manufacturing of razors.

Mr. SMOOT. Mr. President, some of them assemble razors, and they call themselves manufacturers, and so advertise themselves, whereas they never manufacture a blade nor a handle in their shops. I say again to the Senator that the number of establishments named by me includes those who assemble razors.

Mr. STONE. Whatever they may claim to be or whatever they call themselves, they are not manufacturers; at least they are not the makers of razors. They merely put together disjointed parts already manufactured.

Mr. President, I find in the House hearings a brief filed on December 3 last, signed by H. L. Henry, for the Geneva Cutlery Company; C. W. Silcox, for the Robeson Cutlery Company; and Tint Champlin, for the George W. Korn Razor Company.

They open their brief with the statement that they represent over 80 per cent of the razor manufacturers of the United States, and then proceed to say:

> In asking you to increase the tariff on the schedule covering razors, finished and unfinished, the undersigned committee, representing 80 per cent of the product of the manufacturers of American razors, submit the following facts for your consideration:
>
> The razor industry in the United States is not controlled by any trust or combination. This is an industry that had not assumed any proportions at the time of the passage of the Dingley bill. There being only one factory in the United States at that time, no one appeared before the committee to ask for any protection.
>
> Since the enactment of the Dingley bill, however, an effort has been made to manufacture razors in this country. Within the last eight years nine factories for the manufacture of American razors have been started, but owing to the inadequate protection afforded by the present tariff five of them have been forced out of business, or at least to discontinue the manufacture of razors. There are to-day only five manufacturers of American razors.

That is all I care to put into the RECORD from that brief. I wish now to read an extract from a statement made by Representative VREELAND before the Ways and Means Committee of the House on November 27 last. He appeared before the committee to advocate an increase of duty on razors, there being, as he said, a manufacturing establishment of that kind in his district. I quote the following:

> I assume, Mr. Chairman, that it is the purpose of this committee in revising the tariff not only to provide adequate protection, but to maintain the existence of industries which we now have, and if there is opportunity it will put on duties sufficient to create new industries in this country as the tin-plate industry was created by the last tariff. I want to say that in this country "when the Dingley bill was adopted there was practically no manufacturing of razors in this country. There was only one man trying to make razors." He was making a specialty and selling it not generally on the market. So no one appeared before the committee asking for protective duties or furnishing information upon which proper schedules could be made up. Therefore, this is really creating an industry, the industry of making razors, which I suppose would employ something like 1,000 or 1,200 skilled workmen if they had the right to fill the American market.

Mr. SIMMONS. Mr. President——

Mr. STONE. Let me finish reading this extract—just a line or two—and then I will yield to the Senator.

> Under the existing tariff 10 factories in this country, many of which made cutlery, have endeavored to make razors. Five of them have made a failure of it, and discontinued entirely. "There are only at present two firms making razors exclusively in the United States. One is the factory which I represent, and the other is located in Geneva, N. Y."

Now, I yield to the Senator from North Carolina.

Mr. SIMMONS. I have thought, Mr. President, that the Senator from Missouri would probably like to have introduced into the RECORD the statements made by the Senator from Utah [Mr. SMOOT] on last Saturday in regard to this matter, because the statements made last Saturday, in view of the statements of the manufacturers and Mr. VREELAND, show to what degree the Senator from Utah is confused about this whole matter. The statement I suggest that the Senator from Missouri would like to have go into the RECORD at this point is made in the course of a little colloquy between the Senator from Utah and myself. The Senator from Utah was speaking when I interrupted him.

> Mr. SMOOT. The question of the price of razors, Mr. President, was thoroughly considered by the committee.
>
> Mr. SIMMONS. I have no doubt about that; but I want to know the reasons why the committee has made this enormous increase, nearly doubling the duty upon the common razor.
>
> Mr. SMOOT. If the Senator will give me the time, I will tell him. In years past the razors manufactured in this country amounted to nearly 90 per cent of all the razors used, but to-day we find that there are only about 5 factories engaged in this industry, whereas some twelve years ago we had 67.

A little bit later, after he had been interrupted again by myself, he answered:

> Mr. SMOOT. Mr. President, there is no question in the world that there is that difference—

Referring to the labor cost—

> If the Senator will turn to this book, he will find also that the duty on penknives is almost as great as the duty on the lower-grade razors. The average rate in this bill on razors, taking the high-priced razors into consideration, is 66⅔ per cent, and the average rate under the Wilson law was 89 per cent. Under that law—

Meaning the Wilson law—

> Under that law Americans manufactured the razors used in this country, but since the Dingley bill became a law, the manufacture of razors in this country has diminished to almost nothing.

Mr. SMOOT. Mr. President, just a word of explanation——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I do.

Mr. SMOOT. I will again state to the Senator from North Carolina—I do not know whether he was in the Chamber or not when I made the statement to the Senator from Missouri—that the number of manufactories as reported by me as being 67 includes all those who assemble razors. I made this statement to the Senator from Missouri, and now repeat that this is exactly what I meant when I said there were 67. The 67 included those who assemble razors and claim they sell American manufactured razors, and vast quantities are sold as American manufactured razors.

Mr. SIMMONS. But the Senator stated that under the operation of the Wilson law there grew up a sufficient number of razor factories in this country to supply the American demand.

Mr. SMOOT. I did not say "supply all the American demand;" and if you will turn——

Mr. SIMMONS. You said 90 per cent, which is practically all.

Mr. SMOOT. If you will turn to the importations, you will find that——

Mr. SIMMONS. Pardon me. You said that after the Dingley law reduced the rate from 89 to 56 per cent these 67 manufacturers went out of business.

Mr. SMOOT. The 89 per cent, of course, was on the cutlery schedule; but I want to say to the Senator that the importations under the Wilson law were small as compared with the importations now. They have been increasing all the time since; but the razors which purported to be of American manufacture were not all manufactured in this country, but were assembled by men who then claimed that they were manufactured in this country.

Mr. SIMMONS. But, if the Senator will pardon me, the object I had in bringing out his statement of Saturday was to show how badly confused the Senator was upon this whole matter, because the Senator from Missouri has just read a statement from the manufacturers of razors to the effect that at the time the Dingley law was enacted there was but one manufacturer of razors in this country.

Mr. SMOOT. So far as the very man from whose testimony the Senator has read is concerned, he said that there were only five actual razor manufacturers in this country to-day, and that is exactly what I say. In relation to wages, I have a sworn statement from a man direct from Germany as to wages in Germany, and they agree exactly with the wages I quoted, and I would like to have the affidavit put in the RECORD.

Mr. STONE. Wages, Mr. President, is not the question at this moment. We will come to that later. The Senator did say that the industry had grown under the Wilson law until, I think he said, 90 per cent of the razors used in this country were supplied by American manufacturers.

Mr. SMOOT. American manufacturers, as they claimed to be. They assembled the razors here and sold them as of American manufacture, although they were not manufactured here.

Mr. STONE. The statement made on Saturday has been modified by the Senator to-day.

Mr. SMOOT. I said to the Senator, and I say now, that there are some people in the United States now who say they are manufacturers of razors who never manufactured a razor.

Mr. STONE. I accept the Senator's statement; but putting aside those employed in assembling razors, as the Senator designates it, Mr. VREELAND declared that:

> When the Dingley bill was adopted there was practically no manufacturing of razors in this country. There was only one man trying to make razors.

That is the point I am pressing at this time, because of what the Senator from Utah said on yesterday.

Mr. SMOOT. The others were all assemblers of razors and called and advertised themselves as "manufacturers."

Mr. STONE. There was only one manufacturer, according to the testimony, when the Dingley law was enacted.

Mr. SMOOT. And all of the others were engaged in assembling razors.

Mr. STONE. That is an entirely different proposition. It has been suggested that I ask, and I will ask, the Senator from Utah if he can tell how many concerns are now engaged in assembling razors and posing as manufacturers?

Mr. SMOOT. I can not tell exactly how many; but the statements made by men who have been before the committee and also before me personally, are to the effect that at that time there were about 60 who were engaged in that business.

Mr. STONE. Then this illustrates how unwise it is for Senators, like the Senator from Utah and other members of the committee which he adorns, to accept statements made to them by interested parties without further inquiring into the real truth of the matter.

Mr. SMOOT. I want to say, so far as the committee is concerned, that if they have got to choose between two classes of citizens, both, as we believe, thinking they are telling the truth, and we can go to the appraisers in the employment of the Government and they take sides with one or the other, I for one am going to take the advice of the government employees. I think that is the safest way and the best way to do. The government appraisers claim this advance is absolutely necessary to keep alive the industry of razor manufacturing in this country.

Mr. STONE. Mr. President, I will hold no controversy with the Senator from Utah as to whether he will accept preferably the testimony given by manufacturers as against that given by importers or wholesalers, or as to the reliability of testimony given by appraisers. I do say, however——

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. STONE. In just a moment I will yield.

I do say, however, that when a Senator makes a statement on the floor of the Senate to influence the judgment of his colleagues, based upon representations made to him which afterwards are shown not to be accurate, then I am justified in saying that Senators who assume to make statements of fact ought to look closely into the testimony before they make assertions.

Mr. SMOOT. Mr. President, I have tried to make no statement here that has not been the absolute testimony as given by men whom we thought were absolutely reliable.

Mr. STONE. I am sure the Senator has not made any intentional misstatement, but he has made inaccurate statements based upon wrong information.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Oklahoma?

Mr. STONE. I yield to the Senator.

Mr. GORE. I merely want to ask the Senator from Utah whether, when he states he will believe the government custom-house appraisers, he alludes to the weighing of sugar or the valuation of razors?

Mr. BEVERIDGE and Mr. SIMMONS addressed the Chair.

The PRESIDENT pro tempore. Does the Senator from Missouri yield, and to whom?

Mr. STONE. I yield to the Senator from Indiana, who first asked me.

Mr. BEVERIDGE. With the permission of the Senator from Missouri, I want to get this thing straight in my own mind. I understood the Senator from Utah to say last night—and his statement was not then controverted—that there were 67 manufacturers of razors at the time of the enactment of the present law, of whom 62 had failed. Is that statement modified now?

Mr. SMOOT. Mr. President, I just modify it in this way, that the statement which was made covered the men who claimed to be manufacturers of razors, all but 5 of whom merely assembled the razors. By taking the blade and the handle, which they did not manufacture, but which they assembled, they turned out and sold the razors as American-made razors. I say this—and it is corroborated by the evidence of the gentleman to whom the Senator from Missouri has referred—that there are only 5 real manufactories of razors now in existence in this country.

Mr. STONE. And only one when the Dingley bill was passed.

Mr. BEVERIDGE. I know; but the statement last night as I understood—and that is the reason I want to get it straight in my own mind—was that there were 67 manufacturers of razors, without any limitation of that term, of which number all had gone out of business except 5; that they had gone out of business because the rates were too low, and that therefore the industry was on the point of entire extinction. Is there any modification of that general statement?

Mr. SMOOT. There is a modification as to all of the 67 being manufacturers.

Mr. BEVERIDGE. That is a pretty large modification, for the whole argument was that 62 manufacturers had gone out of business because the rates were not high enough, leaving only 5, who would probably meet the same fate. That was the argument; and I merely want to get the facts straight.

Mr. STONE. Let me make this statement. I want the Senator to get it straight, for he seemed on yesterday to have his mind pretty well made up on the basis of the statement then given.

Mr. BEVERIDGE. I did indeed, Mr. President, if the Senator will permit me. I understood that there was a statement that 67 manufacturers existed at the time that the present law went into effect, which number, under the operations of the present law, has been reduced to 5—that statement had not been answered or even contradicted—that only 5 now exist, and that they were in process of extinction, unless the rates were raised; and that statement had not been contradicted. Now, it seems that there has been a modification.

Mr. STONE. Now, it appears—and my statement so far stands uncontradicted—that when the Dingley bill was enacted, instead of there being 67 manufacturers of razors, there was only 1, whereas there are 5 now.

Mr. BEVERIDGE. Is that admitted?

Mr. SMOOT. There are 5 now.

Mr. STONE. And I make the further statement that there have never been more than 8 or 9 persons engaged in the manufacture of razors in the United States, and for the most part the manufacture of razors was in conjunction with the manufacture of cutlery.

Mr. SMOOT. As it is to-day.

Mr. STONE. As it is to-day, I presume, although it was said by Mr. VREELAND that the establishment in his district and one other are engaged exclusively in the making of razors.

Now, if I can have the attention of the Senator from Indiana, I will complete my statement. The Senator from Utah varying, as he has, the statement into which he was misled on yesterday, says that there were 67 people engaged in the manufacture of razors and the assembling of razors; but he is not able now to tell me how many persons are still engaged in assembling razors.

Mr. SMOOT. Mr. President——

Mr. STONE. So that we do not know how many of those have gone out of business.

Mr. BEVERIDGE. Assembling is one thing and manufacturing is another. We are not protecting the assemblers.

Mr. STONE. That is entirely different.

Mr. BEVERIDGE. It is entirely different. So why not eliminate them and say how many manufacturers of razors there are? I understood last night there were 67 all told. How many manufacturers are there? Eliminate the assemblers—we are not protecting the assemblers—how many manufacturers were there at the time the Dingley law was enacted and how many are there now?

Mr. STONE. There are five now.

Mr. ALDRICH. I understood from the testimony read by the Senator from Missouri and his statement taken together, that there were eight or nine people engaged purely in the manufacture of razors, and that there is only one now.

Mr. STONE. No; five.

Mr. ALDRICH. Oh, no. I think the Senator read from Mr. VREELAND'S testimony, as I understood, that there was only one.

Mr. STONE. The Senator is mistaken. Mr. VREELAND said there was but one at the time the Dingley law was enacted.

Mr. ALDRICH. No; but the latter part of Mr. VREELAND'S statement, as I understood, was that there were only two engaged at all in the business, and only one of those exclusively in manufacturing razors.

Mr. STONE. No; here is what he says:

> There are only at present two firms making razors exclusively in the United States——

Mr. ALDRICH. Yes; two.

Mr. STONE (continuing)—

> One is the factory which I represent, and the other is located in Geneva, N. Y.

Mr. BEVERIDGE. How many are there manufacturing razors altogether?

Mr. STONE. Five, including the two.

Mr. BEVERIDGE. How many were there when the present law was enacted?

Several SENATORS. One.

Mr. STONE. When the Dingley law was enacted?

Mr. BEVERIDGE. Yes.

Mr. STONE. One.

Mr. SMOOT. That is exactly what is said here—that the manufacturers——

Mr. BEVERIDGE. We are talking about the manufacturers; we are not talking about the assemblers. The Senator does not want to protect the assemblers of imported razors?

Mr. SMOOT. No.

Mr. BEVERIDGE. Then the Senator can not include some 60 assemblers as manufacturers.

Mr. SMOOT. I was speaking of the assemblers furnishing razors in the United States. They were then furnished by assembling, as the small importations of razors will show, twelve years ago, and they have been increasing right along. To-day we are told that if these increases continue the few manufacturers left can not survive with the extremely sharp competition of foreign manufacturers.

Mr. BEVERIDGE. But, Mr. President, the Senator's statement last evening furnished a chain of facts, very briefly, the logic of which facts themselves was unanswerable, which was that there were 67 American manufacturers at the beginning of the present law; that on account of the low rate of duty 62 of those have died; that the 5 remaining are threatened with extinction; and that those who believe in protection as a principle do not intend to see anything of that kind done. Now it appears, if I get it straight, that 60 some odd of these were assemblers and not manufacturers, and that at the beginning of the operation of the present law there was but 1 genuine manufacturer, and now there are 5. That is as far as I can sift out these varying statements. The trouble about that is that that state of facts presents in itself a reverse argument to the state of facts presented by the Senator yesterday afternoon.

Mr. SMOOT. Allow me to say this to the Senator: Taking up the question of the manufacturer alone, and not the assembler——

Mr. BEVERIDGE. That is what I am doing.

Mr. SMOOT. I want to do that. I am told that to-day there are only 5 actual manufacturers, but that they had increased, even under the Dingley bill, to some 10 or 11. So the ones that started up under the Dingley law have been decreased until now there are only 5.

Mr. BEVERIDGE. There is a new statement.

Mr. STONE. I think that is pretty well understood. We need not occupy further time in that particular discussion.

Mr. BEVERIDGE. Does the Senator mean to say that he thinks it is well understood that there were 10? This, again, is an entirely new statement—that there were 10, which have been reduced to 5.

Mr. STONE. No; I did not say that.

Mr. BEVERIDGE. If the Senator admits that, he again admits the argument of the other side.

Mr. SMOOT. The Union Razor Company, of Pennsylvania, closed. They used to manufacture razors, but they are not doing so to-day. The R. W. Case & Sons Cutlery Company, of Bradford, Pa., are not manufacturing razors to-day.

Mr. OVERMAN. What are they manufacturing now?

Mr. SMOOT. They are manufacturing shears.

Mr. STONE. Mr. President, I stated some time since—as the Senator from Indiana would have remembered if he had given attention to what I said—that there never had been, according to this testimony, more than eight or nine persons in the United States who were engaged in any way whatever, directly or indirectly, in the manufacture of razors; that there was one—only one—so engaged when the Dingley law was passed; that there are five now engaged in making razors, two exclusively in that work and three making razors in connection with the manufacturing of other cutlery. As to the three or four others, said in former times to have engaged more or less in the manufacture of razors, I am not informed beyond what I find in this testimony. I do not know to what extent they were manufacturing, or when or why they discontinued it.

But I do not care to go on with that discussion because I think the matter is pretty well understood, except to this extent: I should like to again ask the Senator from Utah if he can tell the Senate how many persons or firms or corporations were engaged in the assembling of razors when the Dingley bill was enacted and how many are engaged in that business now?

Mr. SMOOT. I have not the information which will enable me to say how many there were and how many firms are engaged in that business now, because I have no testimony on the point from any source whatever.

Mr. STONE. Then there may be as many now as there were then?

Mr. SMOOT. Of course I can not say as to that, because I have not the testimony.

Mr. STONE. Very well.

Mr. President, I desire now to say a very few words with reference to the cost of production of razors and the selling prices.

I think, as others have said, that statements as to the difference in the cost of labor in production in the United States and in Germany and other foreign countries, when made by persons who are interested, as were the gentlemen who appeared before the House committee and the Committee on Finance in regard to razors, should be taken with a good many grains of allowance, and not be accepted with entire faith and credit. It is stated, Mr. President, in this brief from which I have quoted, that the rate of wages paid to razor makers in Germany is about one-third what it is in the United States.

Mr. BEVERIDGE. That was the statement last night.

Mr. SMOOT. That is quite true.

Mr. STONE. And the statement made last night, I assume with confidence, was predicated upon the statements made by the manufacturers from whose brief I have quoted.

Mr. SMOOT. The statement made by me was not altogether based on the statements of the manufacturers, because I have here sworn statements from workmen who were formerly employed in Germany and have come from Germany over to this country. I have here the sworn statements of those people.

Mr. STONE. It seems to me rather remarkable that there should be such a wide range of difference in Germany in the scale of wages among workmen employed in substantially similar lines of work.

Mr. BEVERIDGE. What is that statement, please?

Mr. STONE. I am going to make it plain, if I can. There appeared before the Committee on Ways and Means, on February 18 last, Mr. Harry L. Wheatley, representing the American shear manufacturers, asking for an increase in the tariff duties. In a brief signed by him and filed with the committee, he made this statement, among others:

> While the actual wage of a German mechanic is apparently two-thirds of that paid in this country, the difference is really greater. In Germany the work is done entirely by contract and not in a factory. The workman takes to his home the rough material, and with the aid of the family the product is finished.

Now, it appears from the testimony given before the Ways and Means Committee by razor manufacturers and Mr. VREELAND that exactly the same course is pursued in Germany in the making of razors as in the making of shears. That is to say, the steel is taken home and worked up in the family. The conditions, as stated, are identical in the two cases.

I do not pretend to have expert knowledge about these matters, but I have some general knowledge. It seems to me that the production of steel shears, made of highly tempered metal

and capable of being ground or honed to the sharpest edge, belongs to exactly the same class of industry as the manufacture of razors.

I can not understand, therefore, why the making of steel into razors in Germany should bring but one-third the wage received by American workmen, while the German mechanic making a like steel by the same general process into shears receives two-thirds as much as the competing American workman. The situation is such as to cast grave doubt upon the accuracy of assertions made on the floor of the Senate, to influence the judgment of Senators, to the effect that the American workman receives three times as much wage as the German workman, when both are engaged in the same kind of employment.

Mr. SMOOT. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Missouri yield to the Senator from Utah?

Mr. SMOOT. Perhaps I had better read later what I have here.

Mr. STONE. Very well.

Mr. President, I am practically through what I wish to say. I will close with this suggestion: Even if it be true that the wage paid the German razor maker is only one-third that paid the American razor maker, still the present duty, which is not less than 55 per cent ad valorem, is more than sufficient to cover the difference in the labor cost of production in Germany and in the United States. I will make this simple illustration: Take a razor, the cost of making which we will place at $1. The Senator from Utah says that the labor cost in this country in the production of that razor would be 80 cents, and that the labor cost of making it in Germany would be 30 cents. The difference, therefore, would be 50 cents. That difference is less than the duty fixed in the present law, which is about 55 per cent. But the committee proposes, through its amendment, to raise the duty until it amounts to 90 per cent ad valorem. It is proposed to add 40 cents or thereabouts to the tax burden, when the duty already more than covers the difference in the cost.

That is all I care to say.

Mr. SIMMONS obtained the floor.

Mr. STONE. If the Senator will pardon me, there is one further matter I desire to refer to.

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. I do.

Mr. STONE. Just a moment; there is a matter I overlooked.

The Senator from Utah [Mr. SMOOT] called the attention of the Senate on yesterday to what he said was a fact, and no doubt believed to be a fact—that imported razors, which cost the jobber or wholesale dealer 49 cents each, are sold here at retail for $3 each; and to prove it the Senator advanced on me in amiable mood with one of the razors drawn. I then asked him who made the razor, who imported it, and from whom he obtained it, and he answered. After the Senate adjourned I sent the following telegram to Mr. E. C. Simmons, president of the Simmons Hardware Company, of St. Louis:

WASHINGTON, D. C., *May 17, 1909.*

Mr. E. C. SIMMONS,
Simmons Hardware Company, St. Louis, Mo.:

Senator SMOOT said to-day that certain German razors were imported at a cost of 49 cents each to the importer and sold at retail for $3 each. What is cost to importer plus duty and freight of best grade of German razors? And what is wholesale price made by him to trade, and what is customary retail price of same?

He also declared that ten years ago there were 67 razor manufacturers in this country, and only 5 now, others having been driven out of business. Is this correct?

WM. J. STONE.

I have two wires in response; one sent last night; the other this morning. The first is as follows:

ST. LOUIS, MO., *May 17.*

W. J. STONE,
United States Senator, Washington, D. C.:

Both statements absolute mistakes. Razors costing 49 cents usually retail at $1, or at $1.25 after being honed or sharpened. There never were 60 razor makers in this country or one-half that number; there are 5 now.

E. C. SIMMONS.

The second telegram received this morning is as follows:

ST. LOUIS, MO., *May 18.*

Senator WILLIAM J. STONE,
Washington, D. C.:

We have sold lots of those razors in our retail store at $1 each. I can send you St. Louis newspaper clipping where a large retail hardware store advertises them at 89 cents.

E. C. SIMMONS.

As the Senator no doubt knows, the Simmons Hardware Company has several large warehouses; it has large wholesale salesrooms and large retail salesrooms, and here is the statement of this gentleman—whom I do not hesitate for one moment to credit—of things done by himself. He says he imports these razors, 49-cent razors, and that they are retailed in his retail store at $1, and are sold as specialties at 89 cents in another of the stores in St. Louis, and are so advertised now.

I put in that statement from this business man, who stands in the very front rank of the successful business men of this country and in the very front of the citizenry of this country. He would not intentionally commit a falsehood any more than any Senator on this floor or any gentleman anywhere outside of this Chamber.

Mr. BEVERIDGE. From the statement last night it would appear that 49-cent razors were sold at retail at three dollars and a half.

Mr. STONE. That they were being sold at $3.

Mr. BEVERIDGE. Your statement now is that they are being sold at a dollar.

Mr. STONE. Mr. Simmons says a dollar.

Mr. BEVERIDGE. Those statements must be reconciled.

Mr. STONE. Mr. Simmons would not intentionally make a false statement. He says what he has done himself and is doing now as importer, as wholesaler, and as a retailer. He either states the truth as it is or he is guilty of a deliberate falsehood, and the last I believe to be impossible.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I yield the floor. I was occupying it by the courtesy of the Senator from North Carolina [Mr. SIMMONS].

Mr. SMOOT. The Senator thinks this ought to be explained.

Mr. SIMMONS. I yield to the Senator from Utah.

The PRESIDING OFFICER. The Senator from North Carolina yields to the Senator from Utah.

Mr. SMOOT. The Senator thinks it ought to be explained, and with respect to this matter I know whereof I speak. I do not have to take a manufacturer's word for it in any way. It was not to the Simmons Hardware Company that I referred; nor did I speak of the Simmons Hardware Company with reference to this razor.

The invoice is dated April 21, 1909, from Marshall-Wells Hardware Company, of Portland, Oreg. George W. Korn Razor Manufacturing Company, Little Valley, N. Y., ordered from Marshall-Wells Hardware Company one-fourth dozen assorted Elliot razors, German razors. I have here the invoice of those razors from the Marshall-Wells Hardware Company to George W. Korn Razor Manufacturing Company, which says that the price is $5.50 a dozen, or the one-fourth dozen costing $1.38, with postage of 10 cents. The invoice is $1.48; in other words, each razor cost the Korn Razor Manufacturing Company 40 cents, and here are the three razors [exhibiting] marked "William Elliot & Company; made in Germany;" price "$3" on the case. Here they are [exhibiting]; and not only that, but here is a razor made in Germany and purchased from a hardware house in this city——

Mr. McLAURIN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Mississippi?

Mr. SMOOT. In just a moment I will. Here is a bill for the razor, and any Senator can come and examine the razor and the invoice. On April 21, 1909, the razor cost $2.50. There [exhibiting] is a German razor and there [exhibiting] is the bill from the retail hardware house in the city of Washington. That is what I stated yesterday, and that is what I state to-day.

Mr. GAMBLE. What does the razor cost at wholesale?

Mr. SMOOT. The Senator asks me what the razor costs at wholesale. If he will look in the Book of Estimates, the estimated value of the highest class of razors imported is $4.79. With the duty added would be the limit of cost.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. Here is the statement of the Senator from Utah—and anything he says in the Senate both sides, I think, take as what he absolutely believes. On the other hand, here is a statement concerning absolutely the same kind of razors, made on the authority of a telegram, which was read by the Senator from Missouri, in which there is a difference of 200 per cent. Yes; it is more than that. One sells for $1; the other for $3.50. These two gentlemen will have to sift those two statements. How does the Senator from Utah know that this very same razor was sold at St. Louis at this price?

Mr. SMOOT. He did not say the same razor.

Mr. BEVERIDGE. A 49-cent razor.

Mr. SMOOT. The telegram to the Senator from Missouri

from the Simmons Company did not say that it was the William Elliot razor, made in Germany.

Mr. BEVERIDGE. But they are 49 cents apiece, both of them.

Mr. SMOOT. They say that the one telegraphed about cost 49 cents and retails for $1. I am speaking of facts here as they actually exist. Here are the goods and here is the razor, with the receipted bill, which was sold at a retail store in the city of Washington on the 21st day of April, 1909.

Mr. BEVERIDGE. I do not doubt that. But the cost is the important thing. I am trying to grope for some explanation as to the divergence in price for razors which are precisely the same. Perhaps it is in the brand. Perhaps Mr. Elliot has built up a trade. Perhaps it is stamped in the blade. I should like to hear the Senator from Missouri on that point.

Mr. SMOOT. "William Elliot" is stamped on the blade, and there is also stamped on the blade "Made in Germany." Those are absolute facts that you can not get around, and that is the condition existing, as I called the attention of the Senate to it yesterday.

Mr. STONE. It is true I did not say in my telegram to Simmons that it was the Elliot razor.

Mr. BEVERIDGE. But 49-cent razors.

Mr. STONE. I said that the Senator from Utah had asserted that a German razor, which had cost 49 cents, was being sold at retail for $3. I did not recall, when I sent the telegram, the exact brand of the razor which the Senator from Utah exhibited or I would have mentioned its name——

Mr. SMOOT. Mr. President——

Mr. STONE (continuing). But it seems to me, if the Senator will permit me, that there can not be any such vast difference in two razors, worth the same amount of money, costing the same amount for production, because one bears the name of Elliot and the other a different name. There is nothing in the mere name of the manufacturer that would add so much value to it.

Mr. SMOOT. Sometimes it makes a great difference in the cost of the goods and also in the sale of the goods.

I call the attention of Senators to the fact that this is the invoice for the razors.

Mr. CLAPP. What does it show?

Mr. SMOOT. It shows that the cost of the three razors was $1.38.

Mr. CLAPP. Where is the authority for the statement that the same razors sold at retail for $3 each?

Mr. SMOOT. Here [exhibiting].

Mr. CLAPP. That is simply the mark on the box.

Mr. SMOOT. That is exactly what they are sold at.

Mr. CLAPP. But the very invoice shows they are not being sold for that, but for very much less than that.

Mr. SMOOT. No; the invoice is the wholesale price, not the retail price.

Mr. CLAPP. That is what we are talking about.

Mr. SMOOT. No; I am talking about the retail price.

Mr. CLAPP. The Senator has no invoice as to the retail price. This whole controversy grows out of discussing two things entirely different.

Mr. SMOOT. I have the receipt of a retail store here, and I have the razor here.

Mr. CLAPP. That is only $2.50.

Mr. SMOOT. That is one razor, and the razors that come in here——

Mr. TILLMAN. Will the Senator tell us what make the $2.50 razor is?

Mr. SMOOT. It is the J. A. Heuckels Twin razor.

Mr. TILLMAN. Made in Germany?

Mr. SMOOT. Made in Germany. It is made at Solingen, Germany.

Mr. TILLMAN. It is hardly possible that any razor made in Germany costs above $6 a dozen.

Mr. SMOOT. That is what I am saying, Senator.

Mr. TILLMAN. But what you are trying to prove is that somebody is getting an exorbitant and extortionate value or price.

Mr. SMOOT. That is the statement.

Mr. TILLMAN. You are about to run one of your retailers up a tree, in other words.

Mr. SMOOT. That is exactly what I am stating here, from the invoices I have at hand. I say if the tariff was increased 200 per cent, it would not make a cent's difference in the cost to the consumer. That is the statement I made yesterday. I showed the very razors here and what they were sold for to prove it. That is how the question came up.

Mr. TILLMAN. Does that prove that if you did not have this tariff somebody would sell those razors cheaper?

Mr. SMOOT. I do not think they would sell them cheaper.

Mr. TILLMAN. Anybody could import them if he did not have to pay a duty, or even with the duty.

Mr. SMOOT. Anyone can import them if he has the money to pay for them.

Mr. TILLMAN. You can go down the street here and see $3 Douglas shoes. Do you not know that you can buy them for less?

Mr. SMOOT. On sales days, perhaps.

Mr. TILLMAN. I suppose sales days come for these razors when anybody has the money to buy them.

Mr. SMOOT. On April 21, 1909, there was no sales day, judging from the invoice I have.

Mr. SIMMONS. Mr. President, there are one or two features of this matter that I desire to discuss before the vote is taken. The Senator from Indiana [Mr. BEVERIDGE], who, I believe, is the leader of what we are in the habit of calling the "insurgents," stated on yesterday that he was anxious to vote for the amendment offered by the Senator from Missouri, but he could not do so because he said the burden of making out a case was upon the proponents, so to speak, of the amendment.

Mr. BEVERIDGE. Oh, no; I beg the Senator's pardon.

Mr. SIMMONS. He said the case had not been made out.

Mr. BEVERIDGE. I said the second part of the Senator's statement, and it was true. I did not say where the burden rests. I have been trying to get at the truth, and I said last night that, much to my surprise, the statements of the Senator from Utah absolutely had not been answered and not even explained.

Mr. SIMMONS. In other words, the Senator said those proposing to amend the paragraph had not made out their case.

Mr. BEVERIDGE. That is true, as yet.

Mr. SIMMONS. I submit, what every lawyer, I think, knows, that the burden of proof in a case, such as we have before the Senate at this time, is upon the Finance Committee, because the existing law imposes a duty of 56 per cent upon this article. The Finance Committee is proposing to change that law and raise the duty practically to 100 per cent. The man who proposes to change the law takes upon himself the burden of showing that there ought to be a change in the law.

Now, Mr. President, what have the committee presented to the Senate to justify this change, outside of the fact that there are more razors imported into this country than are made in the country? I submit to the Senate that the Finance Committee, acting under the platform adopted by the party which they represent which prescribes and defines the protection to which the industries of this country are entitled, after having made a statement to the Senate through its chairman that this bill was to be framed in strict accordance with that definition of the protection the industries were entitled to, have not furnished the Senate any evidence, upon which we could reasonably act, showing that the difference in the cost of the production of this article abroad and here is the amount of duty that they propose to levy against it.

In fact, Mr. President, when you come to the question of labor cost here and abroad, the Senate practically has nothing before it except the uncorroborated statement of the Senator from Utah——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. I hope the Senator will not interrupt me just at this point.

Mr. SMOOT. Just for a minute.

Mr. SIMMONS. Very well.

Mr. SMOOT. Would the Senator from North Carolina object if I at this time put in some sworn statements from men who worked in Germany and also here in the United States?

Mr. SIMMONS. I prefer that at the conclusion of my speech the Senator would put it in the RECORD, but not at this time.

The PRESIDING OFFICER. The Senator from North Carolina will proceed.

Mr. SIMMONS. Mr. President, I have no doubt the Senator from Utah believes every word he has stated with reference to the effect of the Dingley law upon this industry. Senators will remember that yesterday and on Saturday he said that the reduction of rates by the Dingley law from those of the Wilson law had practically destroyed the razor industry. I have no doubt his statements with reference to the difference between labor cost here and abroad are honestly made. But, Mr. President, neither of those statements is supported by the facts. The Senator from Utah, in the goodness of his nature, has allowed the manufacturers of razors to mislead and to deceive him about this matter.

The Senator from Missouri has just shown, with reference to the effect of former tariff laws upon this industry, that the Senator from Utah is wholly mistaken. The Senator from Utah stated on Saturday positively that under the stimulus of the duty imposed by the Wilson law, which he stated was 87 per cent, the production of razors in this country had increased until in 1897, when that act was repealed, the manufacturers in this country were making practically all the razors consumed in this country. The Senator was mistaken about that. The Senator was using that as an argument to show that the reduction of this rate by the Dingley law to the extent of thirty-odd per cent had destroyed the industry, and that it was necessary, therefore, to return to the Wilson rate or to a higher rate in order to restore the industry.

I have no doubt some of the manufacturers of razors told the Senator from Utah that, and that the Senator believed their statement. But if the Senator is furnishing the Senate with information upon which he expects it to act he ought to have verified the statements that he gets from these interested manufacturers. That, I say, he has not done, as the testimony before the Ways and Means Committee, which the Senator from Missouri has read, and which I intended to read if he had not, conclusively shows.

Mr. SMOOT. I think the Senator wants to be perfectly fair in this matter.

Mr. SIMMONS. Of course I want to be fair.

Mr. SMOOT. I will say that the importations show exactly the statement I made to be true, and that instead of being direct manufacturers they were assemblers of these razors. I think I made that statement plain before.

Mr. SIMMONS. Again, Mr. President, the manufacturers, in my judgment, are playing upon the Senator and upon the Senate in this matter by trying to draw a distinction between the manufacturers of razors and those who simply assemble the parts of razors. The statement which was read by the Senator from Missouri this morning was a statement from three of the largest manufacturers of razors in this country. That statement, if taken as true, is calculated to leave the impression upon the Senate that there are only five manufacturers of razors in this country to-day. That is what the Senator from Utah wishes the Senate to believe.

Mr. SMOOT. That is exactly the statement that was made.

Mr. SIMMONS. Mr. President, that is not, in my judgment, the fact. In my judgment, when these manufacturers are speaking about five they must mean manufacturers who are engaged exclusively in making razors.

Mr. SMOOT. No, Mr. President; that is not what is meant at all.

Mr. SIMMONS. Then if they did not mean that, they have not stated the facts about this matter. If the Senator will just wait for a moment, I will show him the facts about it.

Mr. SMOOT. All right.

Mr. SIMMONS. Yesterday the Senator from Wisconsin [Mr. LA FOLLETTE] presented to the Senate a list of domestic manufacturers of razors, furnished him by a wholesale dealer in this city. In that list 8 domestic manufacturers of razors were enumerated. I find also a list of 10 manufacturers of safety razors, but of manufacturers, as distinguished from this special kind, there were 8. In that list, which I have before me by the courtesy of the Senator from Wisconsin, I find that there is not the name of a single one of the 3 great manufacturers of razors who appeared before the Committee on Ways and Means of the House, and whose statements the Senator from Missouri has just read.

Mr. SMOOT. Mr. President, will the Senator——

Mr. SIMMONS. Admittedly they were the largest manufacturers of this product in the country, and they are not in this list, showing that they ought to be added to that list, making the number 11 instead of 5, as claimed by the Senator from Utah.

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Utah?

Mr. SIMMONS. Certainly.

Mr. SMOOT. Will the Senator please read the list of the 8 manufacturers he speaks of?

Mr. SIMMONS. H. Boker & Co., Wiebusch & Hilger & Co., Adolph Kastor, A. L. Silberstein, Smith & Hemenway Company, Jackson Knife and Shear Company, Cronk & Carrier Manufacturing Company. There are three who went before the Ways and Means Committee and, as a committee, represented the other manufacturers, and their names are not in this list. Here is a list of safety-razor manufacturers nearly as long as my arm, but I was not speaking about that.

Mr. SMOOT. I will put in a list of manufacturers here as they exist to-day.

Mr. SIMMONS. Mr. President, I do not mean to say that the gentlemen representing the manufacturers, and who are deeply interested in securing high rates of duties, are not to be credited generally in their statements; but I have discovered in my intercourse with them that unless you interrogate them pretty closely they sometimes withhold a few things to their interest and mislead you about a great many other things to their interest.

Mr. ALDRICH. Mr. President——

Mr. SIMMONS. The statement made by the Senator from Utah yesterday——

The PRESIDING OFFICER. Does the Senator from North Carolina yield to the Senator from Rhode Island?

Mr. SIMMONS. Certainly.

Mr. ALDRICH. I would be glad, if I could, to appeal to Senators to allow a vote to be taken upon this item.

Mr. SIMMONS. I am not going to take much of the time of the Senate.

Mr. ALDRICH. We have been discussing it for the last twenty-four hours. I think we have exhausted pretty much every phase of the question.

Mr. SIMMONS. I think the Senator will admit that the Senator from Utah considerably confused this matter yesterday, and I want to untangle it if I can, and I think I can. The Senator from Utah stated, in effect, yesterday that most of the men who are engaged in the manufacture of razors had, as the result of reducing rates, gone out of business entirely.

My impression, upon reading the testimony before the House, is that nobody has been driven out of business by a reduction of the rate on this article by the Dingley law. Some who were manufacturing razors along with other lines of cutlery have ceased to manufacture them, but they have not failed and gone out of business. There is not in all the hearings a statement of the specific failure of a single specific manufacturer of razors.

Mr. SMOOT. No; not in the statements, but what about W. R. Case & Sons and Case Brothers——

Mr. SIMMONS. If there has been any failure——

Mr. SMOOT (continuing). The Union Razor Company, the Worcester Razor Company, and the Electric Cutlery Company, and so forth?

Mr. SIMMONS. Does the Senator think they have failed and gone out of business or did they simply stop manufacturing razors?

Mr. SMOOT. Certainly they failed in manufacturing razors.

Mr. SIMMONS. They were manufacturing other articles of cutlery, and they simply suspended manufacturing razors.

Mr. President, I do not want to pursue this line of argument further, because the Senator from Missouri has covered it pretty fully, and, I think, has completely overthrown the contention in that respect of the Senator from Utah.

I want now to ask the attention of the Senate a little while for the purpose of showing that the statements made by the Senator from Utah with regard to the difference in the cost of production of these articles here and abroad is not borne out by the facts. The Senator from Utah told us yesterday that the labor cost of making razors was 87 per cent. I think I quote him correctly—if I do not, I would be glad to be corrected.

In other words, according to the statement of the Senator, the duty imposed covers both the labor cost and the material of this article here. By what authority, I want to ask, does the Committee on Finance assume to give to the manufacturers of this country a protection measuring the full cost of labor and material of that product in this country? Who has said that the manufacturers of this country were entitled to a duty upon imports of their products to the full extent of the labor and the material cost? The Republican party did not say so. The Republican party said they were entitled only to the difference between labor and material cost here and abroad, plus a reasonable profit.

Now, Mr. President, I want to discuss for a few minutes what that difference is. The Senator says it is 87 per cent. I have a statement here that I wish to read to the Senate.

I am not going to take any more time, I will say to the chairman of the Committee on Finance, than is absolutely necessary to develop the point I have in my mind; I am just as anxious as he is to get a vote upon this bill. I believe if the Senator will ask for a vote upon the bill the 1st day of June he will not find a single man on this side of the Chamber objecting to fixing that date. The trouble he is having about getting a vote on the bill does not come from this side, Mr. President. It comes from the recalcitrant element in his own party. When he can get their consent to fix an early day he can get ours. Any attempt on the other side to mislead the country into a

belief that the Democrats upon this floor are filibustering or are unreasonably and unduly delaying the consideration of the bill is not justified by the facts in the case.

Now, Mr. President, I want to read from the same statement, signed by the three great manufacturers of razors, from which the Senator from Missouri [Mr. STONE] read a little while ago, upon the point of labor cost in this country and abroad.

It says:

We are advised that the average proportion of labor to cost of all merchandise imported is about 30 per cent. We know that the proportion of labor to cost of American-made razors is actually over 80 per cent.

Mr. SMOOT. That is what I said.

Mr. SIMMONS. It is about 7 per cent lower than the Senator from Utah fixed it a little while ago. But, Mr. President, I believe—and I think what I am now going to read, when properly analyzed, will show—that the Senator is wrong, and that these manufacturers of razors have not correctly stated the facts. I take it the Senator largely got his figures from the statements of these manufacturers. Fortunately, in the interest of the truth, after making this general statement about the difference beween the labor cost here and abroad, these three manufacturers, representing all the razors manufactured, put in their statement a table showing what they claimed was the difference in the labor cost here and abroad of the laborers in the several different departments which make up the business of manufacturing razors. The table is as follows:

	Weekly wages paid.	
	Germany.	United States.
Forgers	$4.30 to $7.00	$15 to $21
Dry grinders	4.30 to 5.70	12 to 18
Hardeners and temperers	4.30 to 6.00	15 to 21
Concavers	4.30 to 9.00	16 to 24
Polishers	4.30 to 5.70	12 to 21
Razor-handle makers	4.30 to 5.00	12 to 18
Honers	2.50 to 6.00	9 to 15

I have taken the pains to work out what, upon the figures given by these manufacturers, would be the weekly wage in America in this business. I have worked it out very carefully, and I have had an expert to verify those figures. I find that it would be an average of $17 per week. I find, by the simple process of multiplying that by 52, the number of weeks in a year, that according to the statement of the manufacturers the average wage in this industry is $840 a year. You can work it out and you will find that is the amount of it.

Now, Mr. President, I have taken the trouble to make an investigation with reference to the cost of wages in the industries of this country. I find that in all the industries of the country the average cost of labor—I am taking these figures from the Twelfth Census of the United States, 1900—for men is $491; women, $272; and children, $152. I find that in the manufacture of hardware the average yearly cost of wages is $432 for men.

Now, Mr. President, from the same reports I have tried to find out as best I could what was the average annual wage paid in the several States in which this business is most largely carried on.

I find this: Cutlery and edged tools, in New York the average annual pay is $480; in Pennsylvania it is $450; and in Massachusetts, $550.

Then, we have this state of facts: The census reports, taking the whole country, show an average annual wage in this industry of $432, and show an average wage in this industry in New York, Pennsylvania, and Massachusetts of less than $500. When the manufacturers come here before this committee for the purpose of fixing the labor cost of their product, in order to influence the committee, they tell the committee, and file statements to that effect, that they are paying $880 per annum for the laborers employed in their factories, or nearly twice what the record shows is paid in the manufacture of cutlery and edged tools. Therefore I conclude—and I think the conclusion is justified—that they have greatly exaggerated the labor cost in the manufacture of this article, and that instead of being 80 per cent, it is not over 50 per cent greater.

I do not contend, Mr. President, that per diem wages are not lower in Germany than they are in this country; it is probable that they are very considerably less. But when the Senator from Utah [Mr. SMOOT] comes before the Senate—and he has been the chief spokesman in regard to this matter of labor cost abroad—and tells the Senate, as he did in this case, that the labor cost in Germany is only about one-third what it is here in the manufacture of razors, and when a few days ago he held up some picture cards showing pictures of certain scenes here in Washington and told the Senate that those cards could be made in Germany for one-fourth of what they could be made for here, I thought the Senator from Utah was exhibiting a very remarkable degree of credulity, and I think so still. I say I have no doubt there is a difference in the labor cost in Germany and here.

Mr. STONE. Mr. President, will the Senator from North Carolina yield to me?

The PRESIDENT pro tempore. Does the Senator from North Carolina yield to the Senator from Missouri?

Mr. SIMMONS. Certainly.

Mr. STONE. Will the Senator from North Carolina permit me to call attention at this point to something very pertinent?

Mr. SIMMONS. I shall be very glad to have the Senator do so.

Mr. STONE. It is pertinent to the matter which the Senator is discussing. I hold in my hand a paper, handed to me a few moments since by Montague Lessler, who was a Member of the Fifty-seventh Congress, and has been writing some of the briefs and doing considerable of the expert work done for the Finance Committee, so he tells me. The chairman of that committee and the other members of it know what value they place upon his statements. I wish to read what he says about the labor cost of razor making in Germany. He says:

The rates of wages stated in the Senate to-day—

That is, yesterday—

were given because of the hearings before the Ways and Means Committee in the House of Representatives. The Government of Germany states the rate of wage paid the forgers, hardeners, polishers, handle makers, honers, and grinders, and transmitted them to the State Department at Washington.

The following table shows the average weekly earnings of these workmen, and also the manufacturers, as set forth in the tariff hearings before the Ways and Means Committee.

Actual earnings—

Under that heading follow the earnings in German marks and American dollars, and in a parallel column is a statement which he describes as the "incorrect statement as submitted in the tariff hearings." Now, I read the earnings.

Mr. SIMMONS. What is that, I will ask the Senator? I wish to compare them.

Mr. STONE. At Schmiede forgers receive 35 to 45 marks.

Mr. SIMMONS. What is that in English money?

Mr. STONE. Eight dollars and thirty-two cents to $10.71.

Mr. SIMMONS. In the statement the committee have furnished us it is from $4.30 to $7.

Mr. STONE. The statement made before the committee, as the table shows, was from $4.30 to $7.

At Haerter, the hardeners receive as wages from 42 to 48 marks, or from $10 to $11.43, while the statement to the committee was from $4.30 to $6.

Mr. SIMMONS. The Senator refers to the statement I have just read?

Mr. STONE. Yes.

At Schleifer the concavers (polishers) receive from 65 to 75 marks, or $15.47 to $17.85, as against $4.30 to $9, as stated to the committee.

At Reider handle makers receive from 40 to 44 marks, or from $9.52 to $10.47, as against $4.30 to $5, as stated to the committee.

At Abzieler honers receive from 40 to 45 marks, or from $9.52 to $10.71, instead of $2.50 to $6, as stated before the Ways and Means Committee. The larger wage is the one shown by the report of the German Government to the State Department, while the smaller wage is that given to the Ways and Means Committee of the House of Representatives.

Mr. SIMMONS. Has the Senator from Missouri worked out the difference by comparisons between the rates of wages given here in his table and the rates furnished to the State Department by the German Government?

Mr. STONE. I have not worked it out. The table was handed to me but a moment ago. I will state, however, that it is evident from a casual glance that the wage given by the German Government is just about double the wage given in the testimony before the committee.

Mr. SIMMONS. So, Mr. President, we have this state of facts: We have the manufacturers, for the purpose of influencing legislation in their behalf, giving a statement as to the cost of wages in their factories, which is twice the average wage paid according to the census reports in that industry; and we have them giving a rate in Germany, for the purpose of comparison, at about one-half what it actually is, according to the

statement furnished the State Department by the German Government.

Mr. President, I was going on to say that there may be a difference, and I think there is a difference, in labor cost in Germany and here. Labor is cheaper in Germany than it is here. The per diem rate is very considerably less in Germany than it is here; but I do not believe there is any testimony to support the contention that the actual difference in labor cost in Germany and here is anything like as great as contended by the other side of this Chamber.

I do not think it is anything like one-third the wage here or one-half the wage here. I do not believe the difference is more than 15 or 20 per cent. Why, Mr. President? Because Germany is a great country; the German people are a great people; they are the best scientifically educated and industrially trained people, probably, in the world. It is not conceivable, to my mind, that a people of that class, with this training and this education, would content themselves with receiving one-third or one-fourth of the wages paid in a country so near to them as the United States.

Certainly, Mr. President, there can be no contention that the wages in Germany in this particular industry are so much lower than they are here, because these hearings show upon their face, and these manufacturers make the statement, and the Iron Age, from which I read an extract on yesterday, makes the statement, that repeated efforts had been made to induce these trained razor makers of Germany to come to this country, but that those efforts had been unsuccessful. This would not have been the case if the difference in the wages paid here in that industry and in Germany had been sufficient to attract them.

Germans in other callings—farmers, merchants, brewers—come over here because of the inducements which this country offers, but in this particular industry we have the evidence of the manufacturers themselves that the difference in wages here and there is not sufficient to induce them to come. But whatever is the difference in the wage scale here and in Germany, it is overcome by the greater efficiency and proficiency of the labor in this country. I want to read one statement upon that point taken from the census of 1900. It is the statement of Mr. Mulhall, the great English statistician, who is regarded, I believe, all over the world as probably the greatest authority upon questions of this kind, and of Mr. North, the present Director of the Census, who was at that time chief of the Bureau of Manufactures.

At page 55, part 1, Manufactures, Census 1900, Mr. North says:

> In 1900 there were 1,000,000 more persons employed in our factories than in Great Britain; that the value of our products in 1894 were equal to the combined value of the manufactures of England and France; that Mr. Mulhall computed that each employee in Great Britain produced products to the value of $500, and in the United States to the value of $1,300. Mr. North computed that each factory employee in the United States in 1900 produced goods to the value of $2,450, being nearly five times as much as each employee produced in Great Britain.

Making all due allowances for the increased value of any product because of the tariff, it appears that labor in this country is much more efficient than abroad.

And, according to Mr. North—

> The average product per wage-earner is $2,450, nearly five times Mr. Mulhall's estimate for Great Britain.

In other words, according to Mr. Mulhall, the output per employee in this country is more than twice as great as in Europe.

Mr. President, for the sake of the argument, I will take the estimates of the manufacturers as to the labor cost of making razors as correct. They claim that the labor cost in this country is 80 per cent of the total product, and that the labor cost in Germany is only 30 per cent. That makes a difference in labor cost, according to my calculation, of 50 per cent.

They say that the difference in the material cost—and the Senator from Utah confirms them in that—is about 13 per cent of the total value of the product. Say the material cost is twice as much here as in Germany, the difference in the material cost here and in Germany would be 7 per cent; so that we have, according to the testimony of the manufacturers themselves, a difference in labor cost of 50 per cent and a difference in material cost of 7 per cent, making a difference in labor and material cost of about 57 per cent. It is now proposed to increase the duty on razors from 56 per cent to 100 per cent, or 40 per cent above this difference in labor and material cost. What is that additional 40 per cent for, Mr. President?

The Republican platform further says that the manufacturers are entitled to a reasonable profit in addition. Is it contended that the manufacturers of razors in this country are entitled to a profit of 40 per cent? If they are not, upon what ground does the committee ask the Senate to add 40 per cent after allowing the difference in the labor and material cost of this article as claimed by the manufacturers themselves?

It is a small article, it is true, but an article used extensively by the common people of this country. It is said that every man has not a razor. That is true, especially if he be a city man. Most gentlemen who are fortunate enough to live in the city have access to a barber and they do not bother themselves about razors; but for every man who lives in close access to a barber there are 20 men scattered upon the hills and in the valleys of this country, the very bone and sinew of American manhood, who have to shave themselves; and they generally have to have two or three razors, in order that they may keep them in proper condition. It is a small article, but it is an article of common use among the people, and they are entitled to have it at a reasonable price.

Mr. President, I have felt justified in consuming as much time as I have to-day and on last Saturday in discussing this schedule, not only because of the rights of the consumer of this article but because it illustrates the principle upon which this bill is constructed, and shows that it is being constructed not downward, but upward, not upon the principle that the masses of the Republicans of this country instructed this Congress to construct it, but upon no principle of tariff taxation that has ever been advocated by any living man; constructed, Mr. President, manifestly and obviously in the interest of a few manufacturers of this particular article.

Mr. STONE. Mr. President, I have here the paper to which I referred during the speech of the Senator from North Carolina [Mr. SIMMONS] just concluded, and a part of which I read. I shall not take the time of the Senate to read this entire document, which covers three pages and is a very instructive document, prepared by Hon. Montague Lessler, who, as I said, was a Member of the Fifty-seventh Congress and has been engaged in expert work during the consideration of this bill by the Finance Committee. I ask leave, Mr. President, to print this document in the RECORD.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Missouri? The Chair hears none, and that order is made.

The paper referred to is as follows:

The statement was made in the Senate that 67 razor factories in the United States manufactured razors prior to 1897.

The following were the factories in the United States during the operation of the Wilson bill when the Dingley bill was enacted:

Torrey Razor Company, Worcester, organized 1894.
Electric Razor Company, Newark, N. J.

Razor factories in existence May, 1909:

J. R. Torrey Razor Company, organized about 1875, Worcester, Mass.
Challenge Razor Company, organized 1899, Bridgeport, Conn.
Korn Razor Company, organized 1900, Little Valley.
Geneva Cutlery Company, incorporated 1902, Geneva, N. Y.
J. Wiss & Son Company, Newark, N. J.
Compton Razor Company, Newark, N. J.
Robeson Cutlery Company, Rochester, N. Y.
Claus Razor Company, Fremont, Ohio.
Jackson Razor Company, Fremont, Ohio.

Nine in number, seven of which started the manufacturing of razors under the Dingley law and in the past ten years.

The statement was made in the Senate that the industry manufactured $140,000 worth of razors a year.

An estimate of the American Razor Manufacturers' Association brings their product up to about one-half million dollars and over. A statement before the Ways and Means Committee gives the figure as $400,000.

The statement was made in the Senate that the percentage of labor in manufacturing of razors was 85 to 90 per cent.

This is an error. The percentage of labor in the cheap razors is about 55 per cent.

ILLUSTRATION.

A domestic razor selling at $2.50 per dozen: Rubber handle, 62½ cents; cases and boxes, 25 cents; blades (steel), 35 cents; total material cost, $1.22½, about 45 per cent, making the labor cost about 55 per cent. J. R. Torrey Company selling a razor at $3.50 per dozen, with double shoulder, comparing favorably with the imported razor costing 9 marks a dozen, which, together with the duty of $1 and 15 per cent ad valorem, makes the cost here $3.55 without freight and insurance, or $3.65 with freight and insurance. The items representing the cost of this Torrey razor are estimated as follows:

Steel	$0.45
Handle	.62½
Boxes	.30
Division piece	.03
Total	1.40½

This represents about 40 per cent material, or 60 per cent for the labor. The higher priced razor that is sold by the American manufacturers at $5 per dozen, the percentage of labor would be at the highest 70 per cent.

As to jobbers and retailers of razors, the $3.50 razor herein referred to is sold by jobbers at $5 to $6 a dozen. The retailer sells this at $1, and the question has been raised as to the $2.50 razor bought by Senator SMOOT in Washington. The reason for the high price is because with every such razor a guaranty is given by the dealer to exchange the razor until the same suits the purchaser or user, and it is quite possible that a man will exchange a razor three or four times before he gets one to suit him, and the dealer will then have to have the razor repolished in order to sell it again.

Statement made in the Senate as to the manufacture of razors and razor blades imported under section 153:

The high year was 1907, and the total amount of razors imported into this country was $833,903.88, bearing a duty of $296,663.20, an average rate of 55.53 per cent.

Statement as to the rate on razors under the Wilson bill:

This was stated to be 89 per cent in the Senate; it was a straight-out ad valorem rate of 45 per cent.

Statement as to the wages in Germany and England of grinders, etc., of razors:

The rates of wages stated in the Senate to-day were given because of the hearings before the Ways and Means Committee in the House of Representatives. The Government of Germany stated the rate of wages paid to forgers, hardeners, polishers, handle makers, honers, and grinders and transmitted them to the State Department at Washington. The following table shows the average weekly earnings of these workmen and also the manufacturers as set forth in the tariff hearings before the Ways and Means Committee:

	Actual earnings.		Incorrect statement as submitted in the "tariff hearings."
	Marks.	*Dollars.*	*Dollars.*
Schmiede (forgers)	35 to 45	8.33 to 10.71	4.30 to 7.00
Haerter (hardeners)	42 to 48	10.00 to 11.43	4.30 to 6.00
Dry grinders			4.30 to 5.70
Schleifer concavers (polishers)	65 to 75	15.47 to 17.85	4.30 to 9.00
Reider (handle makers)	40 to 44	9.52 to 10.47	4.30 to 5.00
Abzieher (honers)	40 to 45	9.52 to 10.71	2.50 to 6.00

Mr. McLAURIN. Mr. President, the discussion of this amendment has impressed one thing upon my mind, which I desire to commit to the RECORD. On yesterday the senior Senator from Utah [Mr. SMOOT] read from a document to show certain facts that he claimed were relevant to the consideration of the amendment. It was set forth that there were 67 razor manufacturing establishments in this country some ten years ago, I believe it was, and that there are now but 5. When he was asked to state from what document he read, it turned out to be a document prepared by a committee representing the manufacturers of cutlery in this country.

A very short examination and a very few minutes' investigation by the Senator from Wisconsin [Mr. LA FOLLETTE] developed the fact that there were known to his informant at least 8 manufacturers of razors, an increase of 60 per cent over that which was given by this committee representing the manufacturers of cutlery. That impressed upon my mind that the information that is to be derived from the hearings before the Finance Committee is very unreliable. That information seems to have been derived from the testimony of voluntary witnesses who were interested in the revision of the tariff upward, instead of a revision of it downward, and that it was an ex parte proceeding, where there was no opportunity by anybody who favored a tariff for revenue to cross-question the witnesses who were voluntarily before that committee.

I have myself seen some of these witnesses. I have not seen them before the committee, but I have seen them waiting their turn to get before the committee. I have not seen anybody who looked to me to be one of the consumers of this country. I have seen no man in his plain every-day garb, or no one who seemed to be a laborer. I have never seen any man who was sitting around that door, the cut of whose jib would indicate to me that he was a farmer or a mechanic or a blacksmith or a carpenter or a laboring man. I have seen nobody around that committee with his overalls on. The men present there are the men who wear silk hats, carry gold-headed walking canes, and wear kid gloves. I have no objection to a man wearing kid gloves, and wearing a silk hat, or carrying a gold-headed walking cane, if he is able to do so by money that he has honestly earned, but I do object to these men carrying their gold-headed canes and wearing their silk hats and kid gloves that were bought with money that has been extorted from the consumers of this country by the operation of law.

These are the men who have gone before that committee. They have represented themselves; they have had an ex parte proceeding. Nobody has been there to represent the consumers; nobody has been there to cross-question these people. They have made out a splendid case for themselves; and they have shown in connection with the razor industry that there are only five manufacturing establishments in this country which manufacture razors, whereas it was developed on a very short examination that there were at least eight, and probably a further examination would develop a good many more. I do not know how that is.

They developed for themselves another thing that has been stated here by the Senator from Utah, and that is that the per cent of labor in the making of a razor is nearly 87 per cent. I look over the book that has been furnished to us by the Committee on Finance, and I find that of razors finished, valued at less than $1 per dozen, not one was imported into this country during the year ending June 30, 1907; valued at $1 and less than $1.50 per dozen, not one imported into this country; valued at $1.50 and less than $2 per dozen, not one imported into this country; valued at $2 or more per dozen, not one imported. Then I find, when I run out opposite the words "valued at $1 and less than $1.50 per dozen," the cost of labor was $7,076,018; the value of the product, $18,614,929, which shows a little more than 38 per cent as the cost of labor in the production of this cutlery. So that when you get the testimony of these interested witnesses, they put it up to nearly 87 per cent; but when you get at the figures here given us by the committee, evidently from statistics more reliable than the testimony of these interested witnesses, we find that it is something like 38 per cent, or a very small fraction over 38 per cent. I am not going to charge that the men who appeared before the committee in their own behalf corruptly misstated the truth, but they can not see the truth nor know the truth when they are interested.

As Robert Burns said:

> If self the wavering balance shake,
> It's rarely right adjusted.

The manufacturers who are interested in this matter have brought an indictment against the retailer, and that indictment is being prosecuted by the Senator from Utah [Mr. SMOOT] and the Senator from California [Mr. FLINT] and, I believe, by my friend the Senator from Maine [Mr. HALE].

Mr. HALE. No, Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Maine?

Mr. McLAURIN. Yes.

Mr. HALE. I have never arraigned the retailers. I have simply said, and believe now, that the condition of business, the passing of the article through the different hands, each stage enhancing the price, carries it way beyond the price at which the manufacturer sends it out to the country. The ordinary retailer, the man in the small town or city, is an industrious and careful man, and is not engaged in any conspiracy.

I will say to the Senator that I do think that what we may call the "great department establishments," or "department stores," which retail goods, are somewhat to blame in this matter. I think they have taken advantage of the revision of the tariff to send out circulars and statements to the effect that prices will be raised and must be raised because of the tariff revision; but I do not think the country retailer has anything to do with that, or is in any way accountable for it. He charges his customers a great deal more than the manufacturer charges, but the course of trade obliges him to do so. My impression is, although I have no detailed figures, that the department stores, the great hives of retail trade, have sought to impress upon their customers the view that they will have to put up their prices because of the revision of the tariff. That is all that I feel can be laid at the door of the retailer.

Mr. McLAURIN. I discharge the Senator from Maine, and he stands acquitted.

Mr. GORE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Mississippi yield to the Senator from Oklahoma?

Mr. McLAURIN. I do.

Mr. GORE. In order that the Senator from Mississippi may not go amiss as to the views and remarks of the Senator from Maine, I send to the desk what the Senator from Maine stated a few days ago.

The PRESIDENT pro tempore. Does the Senator from Mississippi yield for that purpose?

Mr. McLAURIN. I yield to the Senator from Oklahoma, if he desires it read.

The PRESIDENT pro tempore. If there is no objection, the Clerk will read as requested.

Mr. GALLINGER. What is the request, Mr. President?

The PRESIDENT pro tempore. That certain remarks of the Senator from Maine may be read.

Mr. HALE. If I had had the RECORD here I should have put them in myself, as showing what my attitude has been in regard to the matter. But I am obliged to the Senator from Oklahoma for furnishing the extract.

Mr. ALDRICH. It is not necessary that it be read, is it? It is in the RECORD already.

Mr. McLAURIN. I ask unanimous consent, then, if that will be satisfactory to the Senator from Oklahoma, that it be printed in the RECORD at this point. Is that satisfactory to the Senator from Oklahoma?

Mr. GORE. That will be satisfactory. Of course, I had in view the fact that certain Senators, when these charges are

reiterated, interrupt each speech and insert a sort of an explanation. I should like to have the origin of this discussion presented, so that it may be fully understood.

Mr. McLAURIN. Very well, then; I have no objection to its being read.

The PRESIDENT pro tempore. The Secretary will read as requested.

Mr. ALDRICH. Is the extract a long one?

Mr. GORE. No, sir.

The PRESIDENT pro tempore. It is very short.

Mr. GORE. It is very brief and very pointed, Mr. President.

The Secretary read as follows:

[From page 2031 of the CONGRESSIONAL RECORD of May 12, 1909, from the remarks of Mr. HALE.]

I assert—and I assert that this discussion will disclose and in the end will bring to the mind of the American people the fact—that the rates which we establish for the protection of these great industries, upon articles that are presented to the public, have no relation whatever to the prices that are charged by the manufacturer. It is the middleman, it is the jobber, it is the retailer, who puts on the price, and the citizen in Florida, the housekeeper in Missouri, the family in North Carolina, and the consumer in Wisconsin and Iowa are paying no tribute to the Republican policy of protection, that builds up these manufactures, but are at the mercy of and are controlled by the prices that are charged to them by the middleman.

Mr. HALE. That is precisely what has been my attitude in this matter from the beginning.

Mr. McLAURIN. Mr. President, proceeding from where I left off, I desire to defend the retail merchants and the wholesale merchants against the charge that the prices that are paid by the consumers are to be laid at the doors of the retail merchants and wholesale merchants. I contend that they start with the manufacturer. If you put 100 per cent duty on an article which could otherwise be sold for a dollar, you make the price of it $2. Whenever a wholesale dealer adds a profit to an article, he puts it not only on the $1 original cost of that article, but on the tariff that he has paid to the manufacturer, if it is paid to the manufacturer in this country, or to the importer if it is paid to the importer. So the increase goes on through every intermediate stage until it gets to the consumer, on the $2—not on the original dollar, but on the other dollar which goes to make up the $2.

I want to say for the retailers and the wholesalers that they have not been represented at all in this matter. If any charge is to be brought against them, they ought to have a hearing. One of the first principles I learned when I began to study law was that before you can take judgment against a man the court must have jurisdiction of the subject-matter and of the person; and it must get jurisdiction of the person by serving notice on him, and it must let him have an opportunity to come in and be heard. But in this instance there has been no opportunity for the wholesale man and the retail man to be heard. Judgment has been taken against them by default without jurisdiction ever having been taken of them by summoning them into court and letting them have a hearing before the committee.

Therefore I protest against undertaking to put the blame for this extortion upon the wholesale dealer and upon the retail dealer. Let us put it upon the manufacturer, where it belongs. If we are going to take as our guide the hearings before the Finance Committee or before the Committee on Ways and Means, they ought to be hearings where somebody is allowed to testify in behalf of the consumer, instead of all the witnesses being voluntary witnesses in their own behalf. And there ought to be an opportunity for the cross-examination of witnesses who voluntarily present themselves to give testimony in their own behalf, if they are the only ones who are to be permitted to testify.

Mr. TILLMAN. Mr. President, from the keen debate yesterday afternoon and this morning, it is very evident that there is a demand here for information which it seems difficult to obtain. I have an amendment pending, proposing to add $10,000,000 to the revenues of this Government, and incidentally to protect one of my constituents, by levying a tax of 10 cents a pound on tea. In order that Senators who may feel any interest in this matter may not come to the vote in ignorance, I ask permission, out of order, to have some material which I have gathered, relating to the tea trade, and to the matter of prices, and to the production of tea in South Carolina, printed as a document.

The PRESIDENT pro tempore. Is there objection? The Chair hears none; and the matter presented by the Senator from South Carolina will be printed as a document (S. Doc. No. 51).

Mr. GORE. Mr. President, I desire to say that I was astounded yesterday when the senior Senator from Utah [Mr. SMOOT] stated that ten years ago there were 67 manufacturers in this country engaged in the making of razors, and that the number had dwindled down to about 5. That death rate seemed to make a deep impression on the senior Senator from Indiana [Mr. BEVERIDGE], and, I presume, upon every other Senator present. It certainly was an astounding statement to me; and if it had come from a less authority than the Senator from Utah I could not have believed it. But during that discussion the Senator from Wisconsin [Mr. LA FOLLETTE]—rather too alert to suit some in obtaining information; I might suggest for him a place on the committee on information, and he would probably not require two years to supply the lack of information here—obtained, in a few minutes, information to the effect that there were at least 8 razor manufacturers in the United States.

Last night I wired the Iron Age, in order that we might obtain some reliable data upon this subject; and I present their answer for whatever it may be worth. I think if Senators will mark the location of these razor manufacturers, they will understand why the duty was increased without any reference to the labor cost here and abroad, and will perceive that the high rate is designed to insure high profits rather than high wages.

Mr. President, I send the telegram to the desk.

The PRESIDENT pro tempore. The Secretary will read the telegram sent to the desk by the Senator from Oklahoma.

The SECRETARY read as follows:

NEW YORK, *May 18, 1909.*

Hon. T. P. GORE,
Senate Chamber, Washington, D. C.

Manufacturers of regular razors, not safety, are J. R. Torrey Company, Worcester, Mass.; Clauss Shear Company, Fremont, Ohio; Geo. W. Korn Razor Manufacturing Company, Little Valley, N. Y.; Challenge Cutlery Corporation, Bridgeport, Conn., and Geneva Cutlery Company, Geneva, N. Y., also Robeson Cutlery Company, Rochester, N. Y.; Case Brothers Cutlery Company, Kane, Pa.; Union Razor Company; Tidioute, Pa., with some difference of opinion as to whether they manufacture or not. Perhaps three or four more manufacturers in 1899 than at present. In safety razors approximately 50 manufacturers; constantly changing.

THE IRON AGE.

Mr. BEVERIDGE. Mr. President, the statement that has been referred to did make an impression on my mind last night. It was then stated, and not disputed, that there were formerly 67 manufacturers of razors, which number had, since the passage of the present act, been reduced to 5; these 5 were in the course of extinction, and that the wages paid here were three times as high as those in Germany. This morning it appears, on the contrary, that 62 of these 67 manufacturers were not manufacturers at all, but assemblers of imported razors, which we are not protecting; that at the beginning of the present law there was 1 razor manufacturer, and now there are 5; that the labor of Germany is paid two-thirds what the American labor is paid instead of one-third, as was said here. That point is disputed. And, finally, it is stated that the retail price of a razor costing the importer 49 cents is in some places in the country less than a dollar and at other places three dollars and a half. Those statements made this morning, all but one of which were admitted, also produced an impression upon my mind.

Several SENATORS. Question!

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Missouri [Mr. STONE].

Mr. McLAURIN and Mr. STONE demanded the yeas and nays, and they were ordered.

Mr. BACON. Before the vote is taken, I desire to state that while I shall vote for this amendment, I shall do so simply because it will be a less rate of duty than that which is proposed in the bill. I think that the amendment offered, if it should be adopted, will still put the duty much too high.

The Secretary proceeded to call the roll.

Mr. RICHARDSON (when his name was called). I am paired with the senior Senator from Arkansas [Mr. CLARKE]. If he were present, I should vote "nay."

The roll call having been concluded, the result was announced—yeas 36, nays 43, as follows:

YEAS—36.

Bacon	Culberson	Hughes	Paynter
Bailey	Cummins	Johnston, Ala.	Rayner
Beveridge	Daniel	La Follette	Simmons
Bristow	Dolliver	McLaurin	Smith, Md.
Brown	Fletcher	Martin	Smith, S. C.
Chamberlain	Foster	Money	Stone
Clapp	Frazier	Nelson	Taliaferro
Clay	Gamble	Overman	Taylor
Crawford	Gore	Owen	Tillman

NAYS—43.

Aldrich	Cullom	Hale	Piles
Brandegee	Curtis	Heyburn	Root
Briggs	Dick	Johnson, N. Dak.	Scott
Bulkeley	Dillingham	Jones	Smith, Mich.
Burkett	Dixon	Kean	Smoot
Burnham	du Pont	Lodge	Stephenson
Burrows	Elkins	McCumber	Sutherland
Burton	Flint	Oliver	Warner
Carter	Frye	Page	Warren
Clark, Wyo.	Gallinger	Penrose	Wetmore
Crane	Guggenheim	Perkins	

NOT VOTING—12.

Bankhead	Bradley	Depew	Nixon
Borah	Clarke, Ark.	McEnery	Richardson
Bourne	Davis	Newlands	Shively

So Mr. STONE'S amendment was rejected.

Mr. ALDRICH. I move to amend by inserting after the word "that," in line 21, on the fiftieth page, the words "on and after October 1, 1909."

The PRESIDENT pro tempore. The Senator from Rhode Island offers an amendment, which will be stated.

Mr. KEAN. He modifies it.

Mr. ALDRICH. I modify the amendment.

The SECRETARY. It is proposed to modify the amendment on page 50, line 21, after the word "that," by inserting "on and after October 1, 1909."

The PRESIDENT pro tempore. Without objection, the amendment to the amendment is agreed to.

Mr. BACON. I offer an amendment to the paragraph.

The PRESIDENT pro tempore. The Senator from Georgia offers an amendment, which will be stated.

The SECRETARY. It is proposed to strike out paragraph 151, and insert in lieu thereof the following:

Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, and all knives by whatever name known, including such as are denominatively mentioned in this section, or parts thereof, wholly or partly manufactured, razors and razor blades, finished or unfinished, 40 per cent ad valorem.

Scissors and shears and blades for the same, finished or unfinished, 30 per cent ad valorem.

Mr. BACON. That enumeration, so far as I have been able to effect it, covers all the articles specified or included in paragraph 151.

It will be noticed that the proposition is, instead of the duty specified in the paragraph, so far as concerns knives and things of that kind, that the duty shall be 40 per cent ad valorem; and as to scissors and shears, and things of that class, it shall be 30 per cent ad valorem.

Mr. President, I am not going to occupy five minutes of the time of the Senate, but I simply desire to show what is the present law and what is the proposed law upon these important articles of everyday, common use.

Under the law which now is on the statute books upon knives of the various kinds specified, the cheapest, which are not clasp knives, but simply little blades for pruning and things of that kind, valued at not exceeding 40 cents a dozen—which, of course, are insignificant—the rate of duty is 40 per cent. That is the lowest rate of duty prescribed for any class of cutlery. And then the next rate of duty is for those valued at 40 cents and not more than 50 cents a dozen, and the rate is 64.95 per cent. The present law and the proposed law are the same as to this class of cutlery—64.95 per cent for the class I have just mentioned.

Then for the class higher than that, valued at more than 50 cents and not exceeding $1.25 a dozen, the rate is 93.23 per cent; then, valued at more than $1.25 and not exceeding $3 per dozen, the rate is 91 per cent. Those last two classes, if my information is correct, embrace almost all the classes of knives known as "pocketknives," and that is the rate per cent upon this important article of use so universal in its needs to the entire population of every class in the country.

Then on a still higher class, valued at more than $3 per dozen, which is the highest possible class of importation, the rate is 84.16.

This amendment would include razors, but I shall not say anything about razors, which point has been pretty fully discussed, except to call attention to the fact that the rate is 90 per cent on one class and 87 upon another, and 80 upon the third.

As to scissors, the rate, I think, is the same. The only raise is in the case of razors. The rate is the same—52.20 on scissors, 57 per cent upon the higher grades, then comes 46 and 35.

I simply desire to call the attention of Senators to the fact that if there is to be any revision which shall be of any benefit to the people, it seems to me the revision ought to be particularly in the cases of such articles of common use as the matter of cutlery, for instance, as well as crockery and others which we have already passed. Therefore, Mr. President, I submit the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Georgia.

Mr. BACON. I ask for the yeas and nays on it.

The yeas and nays were ordered.

Mr. BEVERIDGE. Let the amendment be stated.

Mr. LA FOLLETTE. I wish to have the amendment read.

The PRESIDENT pro tempore. The amendment will be read.

The SECRETARY. It is proposed to strike out all of paragraph 151 and to insert in lieu the following:

Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, and all knives by whatever name known, including such as are denominatively mentioned in this section, or parts thereof, wholly or partly manufactured, razors and razor blades, finished or unfinished, 40 per cent ad valorem.

Scissors and shears and blades for the same, finished or unfinished, 30 per cent ad valorem.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment proposed by the Senator from Georgia.

The question being taken by yeas and nays, the result was announced—yeas 28, nays 51, as follows:

YEAS—28.

Bacon	Fletcher	McLaurin	Simmons
Bailey	Foster	Martin	Smith, Md.
Chamberlain	Frazier	Money	Smith, S. C.
Clapp	Gore	Overman	Stone
Clay	Hughes	Owen	Taliaferro
Culberson	Johnston, Ala.	Paynter	Taylor
Daniel	La Follette	Rayner	Tillman

NAYS—51.

Aldrich	Clark, Wyo.	Gallinger	Penrose
Beveridge	Crane	Gamble	Perkins
Borah	Crawford	Guggenheim	Piles
Brandegee	Cullom	Hale	Root
Briggs	Cummins	Heyburn	Scott
Bristow	Curtis	Johnson, N. Dak.	Smith, Mich.
Brown	Dick	Jones	Smoot
Bulkeley	Dillingham	Kean	Stephenson
Burkett	Dolliver	Lodge	Sutherland
Burnham	du Pont	McCumber	Warner
Burrows	Elkins	Nelson	Warren
Burton	Flint	Oliver	Wetmore
Carter	Frye	Page	

NOT VOTING—12.

Bankhead	Clarke, Ark.	Dixon	Nixon
Bourne	Davis	McEnery	Richardson
Bradley	Depew	Newlands	Shively

So Mr. BACON'S amendment was rejected.

Mr. NELSON. Mr. President, I desire briefly to call attention to one paragraph of the amendment reported by the Senate committee. I shall not make a motion to amend, but I simply call the attention of the committee to the facts of the case.

If Senators will look at the schedules on their tables they will see that under the head of "knives" there are five different classes of knives and five different classes of duties, running from 40 per cent ad valorem to 93.23 per cent ad valorem. On the top of page 50 there is the following language:

That any of the foregoing knives or erasers, if imported in the condition of assemble, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished knives and erasers valued at more than $3 per dozen.

I will concede that, as a matter of protection, it is fair and just that knives that are imported here in a "condition of assemble" and not finished entirely should pay the full rate of a finished knife. But this amendment goes a step beyond that, and is in the nature of a penalty, to my mind. It makes all these razors not only pay the duty of the finished product, but it makes them pay the duty on the highest class of the finished product.

Mr. ALDRICH. This particular clause does not apply to razors.

Mr. NELSON. No; but it applies to knives. So I wish to make a suggestion, and that is all I can do under the circumstances, as Senators are aware. I suggest that the words "valued at more than $3 per dozen" be stricken out of this amendment. If that be stricken out, I think it would be just and fair, and would be on protective lines. But with these words in, it savors of a penalty.

For instance, on knives coming under the first head there is an ad valorem rate of 40 per cent. You make an assembled knife, if it is not finished, not only pay the duty of such a knife, but to pay the duty of the knife that is over $3 a dozen, which would be, according to this table, 84.16 per cent. In other words, to my mind you penalize it. I will concede that it is perfectly just and clear in the interest of protection, and I am willing to agree where they import an assembled knife, but not completely finished, it should pay the same duty as a finished knife of that class. But when you go beyond that and put it in a higher class it becomes more in the shape of a penalty than of protection.

This is only a suggestion. I am perfectly aware that it would be useless for me to make a motion to amend it.

Mr. ALDRICH. The committee have considered that very point. Of course this is intended to be a penalty for what it seems to the committee is a fraud upon the Government in evading the law, because if knives are permitted to come in in an unfinished condition as they have it is impossible to enforce the law as to the value or as to the character of the importations. They import these blades separately. They

erase the country of origin and sell them for something entirely different from what they are.

Mr. NELSON. But that can not apply to this. It applies to the paragraph relating to razors.

Mr. ALDRICH. Oh, no; these blades are imported separately. They are put on an emery wheel.

Mr. NELSON. What is the phraseology? "If imported in the condition of assemble, but not fully finished." That paragraph reads entirely different from the paragraph relating to razors. The paragraph relating to razors reads as follows:

That blades, handles, and unfinished razors shall pay no less duty than that imposed on finished razors—

And so forth.

That is a different case. But here it is a knife assembled, but not completely finished.

Mr. ALDRICH. What we are intending to cover is the importations of blades in such a shape that the words "Made in Germany" can not be ground off, as is constantly done, and the law evaded. I am not sure whether the penalty here imposed is too much or not, but if the Senator will trust the committee we will make very careful investigation upon the subject, and if we find it is too high we will report a modification.

Mr. NELSON. The Senator understands me?

Mr. ALDRICH. I understand the Senator.

Mr. NELSON. I am quite well satisfied that when they are imported in that condition they ought to pay the duty on the finished article to the full extent. It is only that part of it, to my mind, that penalizes it to which I object.

Mr. SMITH of Michigan. I suppose it was the intention of the committee to exclude this importation and prevent the blades from being assembled in a form which would produce an article entirely different.

Mr. ALDRICH. It was intended to prevent that altogether.

Mr. PENROSE. It is an effort to prevent fraud.

Mr. ALDRICH. Yes; to prevent fraud.

Mr. SMITH of Michigan. So that we may know just what is coming in.

The PRESIDENT pro tempore. The question is on agreeing to the paragraph as amended.

Mr. STONE. That is, on agreeing to the entire paragraph?

Mr. ALDRICH. Yes.

Mr. STONE. Before that is done, I should like to ask the Senator from Rhode Island a question, with his indulgence. There is a clause on the fifteenth page providing for the stamping of the name of the maker, and so forth, on the imported article. It was amended, I understand, so that the name of the maker or the importer might be stamped at the option of the importer.

Mr. ALDRICH. That amendment was agreed to.

Mr. STONE. That was agreed to and that, I think, improved the text of the bill. What I wish to ask the Senator is in reference to section 11 of the House bill. I have had numerous letters from large dealers, not only in cutlery, but in other things, in reference to section 11. I see it has been stricken out in the bill as reported by the Senate Finance Committee.

Mr. ALDRICH. But the Senate committee has reported an amendment to the whole administrative act, which is on the desks of Senators. The eleventh section, I suppose, is the one the Senator refers to in regard to domestic valuation.

Mr. STONE. I simply desire to ask the Senator whether section 11 was substantially restored.

Mr. ALDRICH. Section 11 is restored, modified.

The PRESIDENT pro tempore. Without objection, the paragraph as amended is agreed to. The Secretary will read the next paragraph and amendment passed over.

The SECRETARY. Paragraph 153, on page 52. The committee proposes to strike out the proviso and to insert a new proviso, as follows:

That none of the above-named articles shall pay a less rate of duty than 45 per cent ad valorem.

Mr. ALDRICH. The committee modify that amendment so as to make the rate 40 per cent ad valorem instead of 45.

Mr. BEVERIDGE. That makes it what the House fixed it?

Mr. ALDRICH. Yes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

Mr. BACON. I offer an amendment to the paragraph.

The PRESIDENT pro tempore. The Senator from Georgia proposes an amendment, which will be read.

The SECRETARY. It is proposed to strike out paragraph 153 and to insert in lieu thereof the following:

Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners,' plumbers', painters', palette, artists', and shoe knives, forks, and steels, finished or unfinished, 30 per cent ad valorem.

Mr. BACON. I simply desire to say that the bill reduces the rate from the Dingley rate; but the present rate as proposed in the bill runs from 45 to 80 per cent, speaking generally, without mentioning the fractions. I think that 30 per cent upon this class of goods would be sufficient. I ask for the yeas and nays on the amendment.

Mr. BEVERIDGE. Before the yeas and nays are taken, I would simply suggest to the Senator from Georgia, who is always for revenue and for revenue only, that his amendment would greatly reduce the revenue.

Mr. BACON. I do not know that it would.

Mr. BEVERIDGE. I know it.

Mr. BACON. I think it would increase it.

The PRESIDENT pro tempore. The Senator from Georgia demands the yeas and nays on agreeing to his amendment.

The yeas and nays were ordered.

Mr. DOLLIVER. I desire to have the amendment read.

The PRESIDENT pro tempore. The amendment will be again read.

The Secretary again read the amendment.

Mr. BRISTOW. I understand the amendment reported by the committee reduces the duty from the Dingley rate about 10 per cent, and the amendment which has been offered by the Senator from Georgia reduces it still further.

The PRESIDENT pro tempore. The Secretary will call the roll on agreeing to the amendment.

The question being taken by yeas and nays, the result was announced—yeas 23, nays 53, as follows:

YEAS—23.

Bacon	Fletcher	Money	Smith, Md.
Bailey	Foster	Overman	Smith, S. C.
Chamberlain	Frazier	Owen	Taliaferro
Clay	Hughes	Paynter	Taylor
Culberson	Johnston, Ala.	Rayner	Tillman
Daniel	McLaurin	Simmons	

NAYS—53.

Aldrich	Clark, Wyo.	Gallinger	Penrose
Beveridge	Crane	Gamble	Perkins
Borah	Crawford	Guggenheim	Piles
Brandegee	Cullom	Hale	Root
Briggs	Cummins	Heyburn	Scott
Bristow	Curtis	Johnson, N. Dak.	Smith, Mich.
Brown	Dick	Jones	Smoot
Bulkeley	Dillingham	Kean	Stephenson
Burkett	Dixon	La Follette	Sutherland
Burnham	Dolliver	Lodge	Warren
Burrows	du Pont	McCumber	Wetmore
Burton	Elkins	Nelson	
Carter	Flint	Oliver	
Clapp	Frye	Page	

NOT VOTING—15.

Bankhead	Davis	Martin	Shively
Bourne	Depew	Newlands	Stone
Bradley	Gore	Nixon	Warner
Clarke, Ark.	McEnery	Richardson	

So Mr. BACON's amendment was rejected.

Mr. BULKELEY. The article covered by this paragraph is one of the most important industries in my State; also those covered by pen and pocket cutlery in paragraph 151, for which the Senate very wisely, I think, provided a proper marking of the same to guard against fraud upon the manufacturer and the public. In line with the marking provided for pocket cutlery I offer a similar amendment to paragraph 153. I have endeavored to have it conform as far as possible.

Mr. ALDRICH. The committee have considered that amendment. If it is in the same form as the other, I think it ought to be adopted.

Mr. BULKELEY. I have filled in the duty as the committee reported.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Connecticut will be stated.

The SECRETARY. On page 52, at the end of paragraph 153, it is proposed to insert:

Provided, That all the articles specified in this paragraph and imported after October 1, 1909, shall have the name of the maker or purchaser, and beneath the same the name of the country of origin indelibly stamped or printed thereon in a place that shall not be covered thereafter.

The amendment was agreed to.

The paragraph as amended was agreed to.

The PRESIDENT pro tempore. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is at the foot of page 53, paragraph 160.

Mr. KEAN. No; paragraph 154.

Mr. SCOTT. Paragraph 158, I think, is the next in order.

Mr. ALDRICH. In place of paragraph 157 the committee report the amendment which I send to the desk.

The PRESIDENT pro tempore. The Senator from Rhode Island, from the Committee on Finance, reports an amendment, which will be stated.

The SECRETARY. It is proposed to insert in lieu of paragraph 157 the following:

157. Table, kitchen, and hospital utensils, or other similar hollow ware of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated or lithographed with other printing, 40 per cent ad valorem.

Mr. BEVERIDGE. Is that a matter of classification?

Mr. ALDRICH. It is a matter of classification entirely.

The amendment was agreed to.

Mr. ALDRICH. In paragraph 159 the committee withdraw the amendment.

Mr. SCOTT. I will say to the Senator in charge of the bill that I asked that paragraph 158, in relation to cut nails, go over when the bill was first considered.

Mr. ALDRICH. I think the Senator's request must have escaped the attention of the Secretary, for it is not marked in my copy of the bill.

Mr. SCOTT. I have been sitting here waiting for paragraph 158 to come up. That is my "long suit." [Laughter.] I can prove that the duty there ought to be increased. I have got the facts right here. I know I never expected such a duty to be placed on iron and steel beams of the length and weight described here, and put a higher rate on them than you put on cut nails. I have been waiting fifteen days for this to come up, and I want to restore what the committee has stricken out.

Mr. ALDRICH. I think the Senator had better let that go until the bill gets into the Senate.

Mr. PENROSE. Was not that considered as in Committee of the Whole?

Mr. ALDRICH. We will give the Senator a chance in the Senate.

Mr. SCOTT. I referred a letter to the Senator from Utah [Mr. SMOOT]. I only got back yesterday, and I supposed the matter had been taken up. I ask the Senator from Utah if he does not think that my understanding is correct?

Mr. SMOOT. I have the letter to which the Senator refers, in relation to the nail paragraph; but the committee have not held a meeting since the Senator gave me that letter until last evening; and I did not then have the letter with me so as to take up the subject with the committee.

Mr. SCOTT. I will allow the matter to go over, with the understanding that the committee will give me some consideration.

Mr. ALDRICH. We will.

Mr. SCOTT. This matter is most important to my people. We once held the lead in the nail making of the world, and now we are making scarcely any nails. I want to show the committee how we can get that trade back.

Mr. ALDRICH. In paragraph 159 the committee withdraw the amendment.

Mr. BEVERIDGE. In reference to paragraph 159, I see there is a duty of $7.50 per thousand on horseshoe calks and parts thereof. Where does that leave horseshoe calks?

Mr. ALDRICH. Under manufactures.

Mr. NELSON. What became of paragraph 159?

Mr. BEVERIDGE. That is what we are now on. In that paragraph the committee withdraw the amendment.

Mr. ALDRICH. We were satisfied that the rates established were too high.

The PRESIDENT pro tempore. The amendment was agreed to; and it will be necessary to reconsider the vote by which it was agreed to.

Mr. ALDRICH. I suggest a reconsideration of the vote.

The PRESIDENT pro tempore. Is there objection to the reconsideration? The Chair hears none. The question recurs on the adoption of the committee amendment.

The amendment was rejected.

Mr. ALDRICH. In paragraph 163, I move to strike out lines 11, 12, and 13, and to insert what I send to the desk.

Mr. CRAWFORD. What has been done with paragraph 161?

Mr. ALDRICH. Paragraphs 160 and 161 were, I think, agreed to.

Mr. CRAWFORD. I did not understand that paragraph 160 was agreed to.

The PRESIDENT pro tempore. Paragraphs 160, 161, and 163 were passed over.

Mr. OLIVER. Paragraph 160 was passed over, was it?

The PRESIDENT pro tempore. Paragraph 160 was passed over.

Mr. ALDRICH. With reference to paragraph 160, the Senator from Pennsylvania [Mr. OLIVER] and some other Senators think the rate on wire nails is too low.

Mr. OLIVER. It is entirely too low.

Mr. ALDRICH. The majority of the committee have not yet had an opportunity to take that question up with the care that they intend to, but sooner or later they will report their conclusions to the Senate.

Mr. OLIVER. That is entirely satisfactory to me.

The PRESIDENT pro tempore. That the paragraph shall be passed over?

Mr. ALDRICH. For the present. What is the next paragraph passed over, Mr. President?

The PRESIDENT pro tempore. Paragraph 161, to which the committee propose an amendment—"Spikes, nuts, and washers," and so forth.

Mr. ALDRICH. The committee propose an amendment in that paragraph, in line 5, to strike out "one-half" and insert "three-fourths."

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDENT pro tempore. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 163, in relation to needles for knitting or sewing machines.

Mr. ALDRICH. I offer an amendment to that paragraph; to strike lines 11, 12, and 13 and insert the provision which I send to the desk.

The PRESIDENT pro tempore. The amendment proposed by the Senator from Rhode Island will be stated.

The SECRETARY. In paragraph 163, page 54, it is proposed to strike out lines 11, 12, and 13 and to insert:

Needles, for knitting or sewing machines, $1 per thousand and 25 per cent ad valorem; latch needles, $1.25 per thousand and 25 per cent ad valorem.

Mr. ALDRICH. I offer this amendment with full knowledge that the duty upon latch needles is not sufficient to give the American market to the American producer. I hope at some time in the future to be able to persuade the Senate that the duty on latch needles ought to be increased beyond the rate established in this amendment.

Mr. GALLINGER. I wish, Mr. President, the Senator from Rhode Island would agree to make a slight increase in the duty on latch needles from 25 to 35 per cent ad valorem.

The manufacturers of latch needles have petitioned Congress, showing very clearly that they are being underbid to a very great extent in the American market. I shall not stop to read what they say about prices, and of the relative wages between this country and Germany, but I will state, what I have no doubt is correct, that 85 per cent of the cost of making a latch needle is labor, there being a very small amount of material in it.

We imported last year 18,000,000 needles. I have knowledge of this industry for the reason that in the immediate vicinity of my home in New Hampshire there are four establishments which make these needles, and they are having a very hard time of it. They are being underbid and the market is being taken away from them to a very large extent. They have asked a large increase over the rates of duty in the existing law, and it ought to be allowed.

Mr. President, here is a letter which I want to read from a concern with which I am very familiar. They are not making any money, to my knowledge. They are employing skilled labor, and are only able to get along in a very poor way, and they are losing their trade regularly. The treasurer of the company writes me under date of April 5 as follows:

GEO. H. ADAMS & CO.,
Hill, N. H., April 5, 1909.

Hon. J. H. GALLINGER,
United States Senate, Washington, D. C.

DEAR SIR: I am writing you, as one of the latch needle makers of New Hampshire, in regard to the tariff on needles which are being shipped into this country from Germany. As I understand that you are already informed as to the action of the needle makers, I will not go into detail.

I inclose a letter received from a prospective customer which explains itself. This was a case where I quoted a low price, knowing when I did so that Rockford, Ill., knitting mills are nearly all users of the German needles, but, for the reason given, you will see that we failed to receive the business. It seems to me that it is a serious matter to the needle makers of this country, and unless we can receive some help in the way of a higher tariff this branch of business must certainly fall through.

While the number of knitting machines have been steadily increasing, the needle business has at the same time suffered a large falling off.

If you can use your influence in any way to assist in this matter, providing you consider our claims just, I trust you will do so. Thanking you, I am,

Very truly, yours, JEAN M. SHAW, *Treasurer.*

The letter to which Mr. Shaw alludes is as follows:

FOREST CITY FURNITURE COMPANY,
Rockford, Ill., March 31, 1909.

GEORGE H. ADAMS & CO., *Hill, N. H.*

GENTLEMEN: I have your favor of the 27th, and beg to state that I received quotation from Germany on needles which was considerably below what you quoted, hence my reason for not placing order with you.

Thanking you, however, for the interest displayed, I am,
Yours, truly,

O. E. LANDSTROM.

That is the situation of an industry that deserves consideration, and I should like very much—I am not going to ask for the increase that these gentlemen think they ought to have—but I should like very much to have the ad valorem increased and have the bill go to conference in that way.

Mr. BEVERIDGE. Mr. President, the Senator does not intend to press his amendment this afternoon, does he?

Mr. GALLINGER. If this paragraph is to be considered, I will ask for a vote on it. I am not going to occupy any time.

Mr. BEVERIDGE. I am merely afraid it might lead to a discussion, and we are getting along very rapidly.

Mr. GALLINGER. I am not going to occupy a moment more.

Mr. ALDRICH. I ask the Senator from New Hampshire to allow the rate to go at 25 per cent now, and later on the committee will consider the subject carefully. Personally, I sympathize very much with the Senator's view of the matter.

Mr. GALLINGER. This is really a very urgent case, but I am willing, at the suggestion of the Senator from Rhode Island, to let it go over for the present, feeling sure that the committee will see the justice and necessity of increasing the protection.

The PRESIDENT pro tempore. The question is on agreeing to the amendment proposed by the Senator from Rhode Island [Mr. ALDRICH].

The amendment was agreed to.

Mr. BULKELEY. Mr. President, I desire to offer an amendment, in the interest of one of the small industries of my State, to strike out the word "crochet," in line 14, and to insert it after "latch needles," in line 12. I will state that in the business of crochet needles the market in this country is almost absolutely monopolized by the German manufacturers.

Mr. ALDRICH. I ask the Senator from Connecticut to withhold that amendment now, and the committee will carefully examine this case, as well as the other.

Mr. BULKELEY. Very well; I withdraw the amendment.

The PRESIDENT pro tempore. Does the Senator from Rhode Island desire to have the paragraph passed over?

Mr. ALDRICH. No; I desire to have it adopted.

The PRESIDENT pro tempore. Then the question is on agreeing to the paragraph as amended.

The paragraph as amended was agreed to.

The PRESIDENT pro tempore. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 164, which the committee propose to amend, on page 55, line 6, after the word "printing," by striking out "twenty" and inserting "twenty-five."

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The paragraph as amended was agreed to.

The next paragraph passed over was paragraph 167, which the committee propose to amend, on page 55, line 25, after the word "length," by striking out "two" and inserting "three;" on page 56, line 2, after the word "length," by striking out "four" and inserting "five;" in line 3, after the word "length," by striking out "six" and inserting "eight;" and in line 4, after the word "length," by striking out "eight" and inserting "twelve."

The amendment was agreed to.

The paragraph as amended was agreed to.

The next paragraph passed over was paragraph 168, which the committee propose to amend, on page 56, line 8, after the word "otherwise," by striking out "35 per cent ad valorem" and inserting the word "and."

Mr. DOLLIVER. Mr. President, that paragraph I asked to have go over largely out of curiosity, so as to ascertain why the rate provided in the House bill had been changed and why the classification had been so arranged as to change the Dingley rate on a portion of these articles.

The business of manufacturing umbrellas is very widely scattered all over the country, and the necessity for using them is practically universal, yet I notice that the reduction made by the House upon ribs and stretchers seems to have been rejected by the Senate, and the tubes which are now dutiable under paragraph 152 of the Dingley Act at 35 per cent are put in with the ribs and stretchers and are assessed at 50 per cent. I should like to know the reason for it.

Mr. ALDRICH. The Senator from Pennsylvania [Mr. PENROSE] is familiar with this industry and can explain it to the Senator.

Mr. PENROSE. Mr. President, I understand that 35 per cent is the Dingley rate. These frames [exhibiting] are sold to the trade, the small frames for about 8 cents and the others for a little over 11 cents. It appeared when the Dingley bill was drafted that a large part of umbrella frames was of wood; now they are made almost entirely of metal—the shank and every part of them, and these tubes——

Mr. DOLLIVER. Under the Dingley law, if my recollection serves me aright, the duty on that metallic tube was 35 per cent.

Mr. PENROSE. Yes; I understand that; but the shank was of wood when the Dingley law was framed.

Mr. DOLLIVER. I do not recall whether it was that way or not.

Mr. PENROSE. The metal shanks are used very largely now in the umbrella business.

Mr. President, German manufacturers are now making quotations to customers for these umbrella tubes—that is, to the umbrella manufacturers, the people who cover them with silk or cotton or whatever may be the cover—and there is hardly any margin whatever in this business. I am informed that there is no complaint on the price at which they get these frames. There are some 15 concerns in New Jersey, Pennsylvania, and New York which make the frames. I am further informed—and I believe it is correct—that the Japanese are beginning to make these frames, and with the low labor cost in Japan are becoming a serious menace.

Mr. BEVERIDGE. Will the Senator permit me to interrupt him?

Mr. PENROSE. Yes.

Mr. BEVERIDGE. And yet I see that even under the Dingley rate of 35 per cent there was last year only $17,553 of importations, which would not indicate that the domestic concerns are in any grave danger of extinction from the foreigner, if that is correct.

Mr. PENROSE. The domestic manufacturers are in such grave danger that I venture the prediction, without fear of contradiction, that unless the duty is allowed by the Senate at this rate, every one of them will be driven out of business.

Mr. BEVERIDGE. I merely wanted to call the Senator's attention to the fact that the importations last year, all told, were only a little over $17,000 in value.

Mr. PENROSE. That may be, Mr. President, but the Senator will find that there is nothing more misleading than merely to consult statistics and not look at the practical side of these questions. Every month or every half year may alter the condition of the American manufacturers in competition with the German product.

This frame does not enter to any appreciable extent in the cost of an umbrella to the consumer.

I offer these three exhibits:

First. The finished product—a 28-inch umbrella made on a paragon frame.

Second. A 26-inch paragon frame.

Third. A 26-inch solid frame.

The 28-inch paragon frame is sold at 12.08 cents.

The 26-inch paragon frame is sold at 11.33 cents.

The 28-inch solid frame is sold at 8.33 cents.

The 26-inch solid frame is sold at 8.08 cents.

And I also submit the following table giving percentages of the various materials entering the manufacture of the umbrella, with the labor, overhead charges, and profit:

Seven-rib frame umbrella.

	26 inches.	28 inches.
	Per cent.	*Per cent.*
Frame	3.98	3.89
Cover	46.66	47.01
Labor	4.21	3.88
Handle	17.54	16.14
Overhead charge	15.67	15.44
Profit	11.93	13.64
Total	100	100

You will observe what an infinitesimal part of the cost of the umbrella the frame, or hardware, amounts to, being less than 4 per cent of the cost of the finished product.

Mr. DOLLIVER. Would the Senator from Pennsylvania have any objection to allowing the Dingley paragraph to stand? That

would give 50 per cent on the ribs and stretchers and allow the present duty upon the tubes.

Mr. PENROSE. No; as I understand, it is one of the important features of the committee amendment to cover the tubes.

Mr. DOLLIVER. I have called attention to the fact that the Dingley rate on the tubes is now 35 per cent.

Mr. PENROSE. I know it is.

Mr. DOLLIVER. And I would not object to a restoration of the Dingley rate on the stretchers, provided the Dingley rate on the tubes is allowed to stand.

Mr. BEVERIDGE. The Senate committee make it 50 per cent on both.

Mr. DOLLIVER. Yes.

Mr. PENROSE. If the Senator will consult the House hearings on page 4333, he will see the statement that the industry in this country has, since the passage of the Dingley bill, been completely revolutionized. This statement is made:

> The industry in this country has since that time been completely revolutionized in this respect. The use of wooden sticks or shanks has been practically abandoned in this country, and there has been substituted therefor the steel rod or tube. The industry abroad is rapidly undergoing the same change. The manufacturers of umbrella furnishings in foreign countries are at the present largely engaged in manufacturing articles of this kind for home consumption and for importation to this country.
>
> The manufacture of this steel rod or tube in this country is a growing industry. They are made from sheet steel, made into tubes, swagged and brazed, plugged and swagged, slotted and punched, and into which are inserted a nickel-plated brass thumb spring made on presses. The ferrule end is nickel plated and the entire rod or tube is japanned, the labor in the manufacture of which bearing the proportion to the cost of material of 2 to 1.

The PRESIDENT pro tempore. The question is on the adoption of the amendment of the committee.

Mr. CULBERSON. On that I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. BEVERIDGE. Is this a committee amendment?

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 56, paragraph 168, line 8, after the word "otherwise," it is proposed to strike out "35 per cent ad valorem" and insert the word "and."

The PRESIDENT pro tempore. The Chair understood that that amendment had been agreed to.

Mr. BEVERIDGE. The amendment now pending is the one in line 9.

The PRESIDENT pro tempore. The amendment will be stated.

The SECRETARY. On page 56, paragraph 168, line 9, after the word "finished," it is proposed to strike out "thirty-five" and insert "fifty."

Mr. BACON. If I understand correctly, the amendment proposes to change the House provision, and a vote against the amendment leaves the House provision in the bill.

Mr. ALDRICH. Mr. President, the duty on ordinary manufactures of iron and steel is 45 per cent. We propose to establish a duty of 50 per cent on these stretchers, which, as can be seen by an examination of the samples shown by the Senator from Pennsylvania [Mr. PENROSE], are a very delicate and expensive article to manufacture. There can be no reason in the world why they should not have 5 per cent additional duty as compared to the ordinary manufactures of iron and steel. The committee are fully satisfied from an investigation that the 50 per cent duty is necessary for the industry.

Mr. BEVERIDGE. But the House committee, after several months' hearings, did not think so; and they had the industry at heart. This is an increase, is it not, over the House rate?

Mr. CULBERSON. Mr. President, I simply want to call attention to the fact that, if I am not misinformed, the House in this paragraph reduced the rate from 50 to 35 per cent. The proposition now pending, taking the whole paragraph together, is to restore the Dingley rate on umbrellas; and then not only to restore the Dingley rate on tube, but to increase the rate on tube beyond the rate prescribed by the Dingley Act—in other words, to 50 per cent. That is the proposition upon which we desire the yeas and nays.

The PRESIDENT pro tempore. The question is on agreeing to the amendment reported by the committee, on which the yeas and nays have been ordered.

The Secretary called the roll.

Mr. CURTIS (after voting in the negative). I desire to inquire if the Senator from Virginia [Mr. MARTIN] is recorded?

The PRESIDENT pro tempore. The Chair is informed he has not voted.

Mr. CURTIS. I desire to withdraw my vote, and to announce my pair with that Senator.

The result was announced—yeas 44, nays 37, as follows:

YEAS—44.

Aldrich	Cullom	Hale	Perkins
Borah	Depew	Heyburn	Piles
Brandegee	Dick	Johnson, N. Dak.	Root
Briggs	Dillingham	Jones	Scott
Bulkeley	Dixon	Kean	Smith, Mich.
Burkett	du Pont	Lodge	Smoot
Burnham	Elkins	McCumber	Stephenson
Burrows	Flint	Nixon	Sutherland
Carter	Frye	Oliver	Warner
Clark, Wyo.	Gallinger	Page	Warren
Crane	Guggenheim	Penrose	Wetmore

NAYS—37.

Bacon	Crawford	Hughes	Simmons
Bailey	Culberson	Johnston, Ala.	Smith, Md.
Bankhead	Cummins	La Follette	Smith, S. C.
Beveridge	Daniel	McLaurin	Stone
Bristow	Dolliver	Money	Taliaferro
Brown	Fletcher	Nelson	Taylor
Burton	Foster	Overman	Tillman
Chamberlain	Frazier	Owen	
Clapp	Gamble	Paynter	
Clay	Gore	Rayner	

NOT VOTING—10.

Bourne	Curtis	Martin	Shively
Bradley	Davis	Newlands	
Clarke, Ark.	McEnery	Richardson	

So the amendment was agreed to.

The PRESIDENT pro tempore. The Secretary will read the next paragraph passed over.

The SECRETARY. The next paragraph passed over is 171, page 57, where, in line 6, after the words "Antimony, as regulus or metal," it is proposed to strike out "three-fourths of 1 cent per pound" and to insert "1½ cents per pound; antimony ore, stibnite and matte containing antimony, 1 cent per pound on the antimony contents therein contained: *Provided*, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishment, they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishment, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph."

Mr. BURTON. Mr. President, I desire to oppose the imposition of a duty on antimony ore, at least unless there is an increase in the duty on antimony oxide. The present duty on the oxide is 25 per cent. With this the manufacturers are satisfied, and a considerable industry has been commenced.

Mr. ALDRICH. It is the intention of the committee, if the duty on antimony is fixed at a cent and a half a pound, to change the duty upon the products to correspond with that.

Mr. BURTON. That will be satisfactory, as far as the oxide is concerned. I think, Mr. President, that we should also have some explanation of the reason why a duty is proposed on the ore.

Mr. DIXON. Mr. President, with reference especially to the remarks of the Senator from Ohio, I shall be glad to enlighten him somewhat as to why the committee has acted very justly in fixing a duty on antimony ore. It is only fixed at 1 cent per pound, according to the metallic contents of the ore. As a matter of fact, a little less than 10 per cent of duty is fixed on the ore as against three or four times that amount for nearly every other ore contained in the metal schedule. I will give the figures showing what the United States is using at this time.

During the past few years the United States has imported from one million to over two million dollars' worth of antimony ore and metal every year, rising from 3,900,000 pounds in 1904 to nearly 9,000,000 pounds in 1907. Practically every ton of it is imported at this time, notwithstanding the fact that in 10 or 12 of the Western States antimony ore is found in abundance. It is found all through the mountain ranges of the West. Its importation comes largely from Japan, Mexico, China, and Labrador.

All the committee has given in this amendment is a duty of 1 cent per pound on the metallic contents of the ore—less than

10 per cent duty. I think that in this case the committee has fixed a schedule that will appeal as much to the Senators who believe in a tariff for revenue only as it will to those of us who believe in protection. It is one of the lowest duties in the whole schedule, and I have no doubt that within twelve months from the time this bill is enacted into law, instead of importing all of our antimony, amounting at this time to over $2,000,000 a year, we will produce every pound of it within the United States. As my friend the Senator from West Virginia says, we will have the antimony and our money too.

At this time the whole antimony trade of the world is practically controlled by one house in London. We are utterly at their mercy. A dozen times in the Western States antimony mines have been opened and smelters erected, but the man in London, with his thumb on the button, raises and depresses the price in such a way as to put the western smelters out of business every time they go into commission.

To show the complete control the foreigners exercise over the antimony market, I will state that its price during the last eight years has ranged from 8 to 24 cents a pound. Whenever the price goes up, the western miners try to operate. They are utterly at the mercy of the British manufacturers, however. As soon as a smelter goes into commission, the British manufacturers depress the price of the metal, and the men here go out of business. While they wanted 2 cents a pound, they have only been given 1 cent a pound. I think that if the duty is fixed according to the committee amendment, it will bring about such a continuity of conditions in the metal market that we can produce our own supply here at home.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Montana yield to the Senator from Michigan?

Mr. DIXON. Yes.

Mr. SMITH of Michigan. Can the Senator from Montana give us figures showing what it costs to install a plant for this purpose?

Mr. DIXON. I will first read the Senator from Michigan a letter I have on my desk from some men out West, who started to put up a smelter and came in conflict with the men over across the water. It is addressed to my friend from Colorado [Mr. GUGGENHEIM]. He says:

DENVER, COLO., *May 9, 1909.*

If not too late, I would respectfully request that you use your kind offices to assist us in trying to secure some relief from the foreign import of antimony "crude" products. We are the owners of large deposits of stibnite ore in Nevada. Mr. ———, of the Cookson antimony trust, has visited the property, and says we have the largest deposits known in the United States; but he also says that we can not operate the property on account of the fact that the mines in southern Australia, China, and other foreign countries are able to reduce their low-grade ores, putting it into what they term "crude"—a product of sulphide carrying about 74 per cent metallic antimony—which is admitted duty free, the same as ore. This, together with the very low water freights, practically precludes the working of our mines. Our transportation is, of course, much higher, and, while we are ready to install reduction works, we feel it is a great injustice to have to meet the cheap foreign labor and transportation on a product that is admitted free under the present tariff as "ore," which, in fact, is not ore at all, but almost a refined product.

We believe we are as much entitled to protection on our antimony products as are the lead producers on their ores.

Anything you may be able to do for us will be gratefully appreciated.

It is signed by the Antimony King Mining Company, J. M. Pine, treasurer. The mine is situated in the State of Nevada.

I have on my desk another letter from a gentleman at Butte, Mont., who two years ago became interested in an antimony smelter in Utah. They got it in operation, produced some metal, when the trust put the price down 3 or 4 cents a pound, and they went out of commission:

BUTTE, MONT., *March 23, 1909.*

Hon. JOSEPH M. DIXON,
United States Senate, Washington, D. C.

MY DEAR SENATOR: During the recent copper excitement, when money was plentiful, we organized this company and erected a concentrator, thereby exhausting our funds. We can produce concentrates running 65 per cent antimony. Had we an additional volatilization plant, we could undoubtedly produce star metal on the ground, but owing to the present conditions, and the necessity of accepting whatever the Cookson interests dictate, our company does not have a look in.

It might interest you to learn more of our antimony deposits, its inexhaustible supply of this ore, the vast quantities of stibnite which are found in it, and I can furnish you reports thereon, if desired. Indeed, the United States Geological Survey has devoted considerable time to our property in years gone by, and in the archives of this department in Washington may be found a report thereon. We have all along believed were there a duty placed on this product we could profitably work this deposit, and, naturally, we are heart and soul in favor of the work undertaken by you, and certainly will do all we can to assist you.

Trusting that I may see you in Montana, if perchance this letter reaches you before your departure for the West, I am,

Very sincerely, yours,

L. P. SANDERS.

I know of my own knowledge of a mine and a smelter, situated on the backbone of the mountains between Idaho and Montana, where the same thing occurred some ten years ago. In addition to the letters from which I have quoted, I know of another antimony mine in Nevada and another in Washington. There are five or six antimony smelters through the West which have tried to operate, and they have all been thrown into bankruptcy by the absolute dictation of the one single antimony company which controls the markets of the world.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Montana yield to the Senator from Indiana?

Mr. DIXON. With pleasure.

Mr. BEVERIDGE. The Senator first said that all of our importations came from Japan, and then he said that the whole antimony business is controlled by London. Does the London concern control the Japanese mines?

Mr. DIXON. The London house, which is the mother house, imports the ores from Japan and China and Mexico and reduces them to the star metal in London.

Mr. BEVERIDGE. It controls all these mines elsewhere?

Mr. DIXON. Yes.

Mr. BEVERIDGE. Except here?

Mr. DIXON. Yes. I have on my table a circular from the same firm in Cleveland, Ohio, in whose behalf, I presume, the Senator from Ohio is interested, saying that last year they imported direct from China a million and a half pounds of antimony, sulphide ore, or stibnite, which is the form in which the ore occurs——

Mr. DU PONT. I should like to ask the Senator from Montana what duty he thinks is necessary to protect the miners of the West?

Mr. DIXON. It ought to be 2 cents a pound. The committee in their wisdom have fixed it at only one, and while we do not believe it will be sufficient—one and one-half on the metal and one on the ore——

Mr. DOLLIVER. Does this metal occur in connection with other metal-bearing ore?

Mr. DIXON. Only in insignificant quantities; there is some antimony found in connection with lead ore, but a very, very small amount.

Mr. DOLLIVER. What proportion of antimony is found in the lead ores which come in from Mexico?

Mr. DIXON. That I can not answer. But the antimony that is found in the lead mines in this country is probably not 5 per cent of the amount that is used.

Mr. CARTER. I can state as a fact that the antimony is regarded as a waste. The quantity is negligible. It is not saved.

Mr. DOLLIVER. I notice in the smelting of lead ore it appears to be recovered.

Mr. CARTER. The presence of antimony in a given ore—lead, copper, or any other ore—is a detriment to that ore. It makes the ore base and more difficult to smelt.

Mr. DOLLIVER. Is not the antimony recovered in the reduction of the lead?

Mr. DIXON. About 1 per cent——

Mr. CARTER. About 1 per cent.

Mr. DIXON (continuing). Of the antimony used, and that is in a low form, because it is hard to separate.

Mr. DOLLIVER. I do not wish to appear to be hostile to the mining interests, but this is a metal which appears to enter into the manufacture of type metals and britannia and babbitt and a great variety of ware. If the duty on the metal contents, the product of the ore, is so high, on the principle of compensation we will have to follow them to the ends of the earth in the duties on these articles of common use in the country.

I should like to inquire what evidence there is that this rate, 1¼ cents a pound, as contrasted with the rate established by the House, is necessary for the maintenance of a fair profit in these mining enterprises?

Mr. DIXON. All tariff schedules are largely a matter of estimates. There is no mathematical certainty, I apprehend, in connection with any schedule. Lead carries 2½ cents.

Mr. DOLLIVER. No.

Mr. DIXON. Pig lead. This ore is only 1 cent, as against 1½ cents for lead.

Mr. DOLLIVER. The Senator will notice we are acting on the theory that these duties on the crude ore operate to lift up the price of the whole body of such products in the country, and therefore when we come to assess duties on pig lead we have to advance the duty, and so in the articles of final manufacture the rates become apparently very high.

Mr. DIXON. But in this case, if the Senator from Iowa will notice, the rate fixed by the committee is less than 10 per cent. It is one of the lowest rates in the whole schedule.

Mr. DOLLIVER. But the rate fixed by the House committee after taking testimony upon the subject seems to be very much less.

Mr. DIXON. I know positively that the House committee never took a bit of testimony. It had no hearings on the antimony schedule. It took it from the old rate. The Wilson Act, the McKinley Act, and the Dingley Act carried the same rate on antimony that the House bill now carries. As a matter of fact, under those schedules——

Mr. DOLLIVER. Usually these indorsements arising out of the flight of time have an effect to establish a rate rather than to dispute it.

Mr. DIXON. But the fact is patent and apparent, and we can but regard it now that the old schedules have resulted in not a ton of antimony ore being mined in this country, except a little, about 1 per cent, as I recall the figures, a side product of some of the lead mines, thus giving to miners in foreign countries a complete control of the production of this most important metal, when we ought to be producing all of the $2,000,000 worth of antimony that we now import here at home.

To-day we are absolutely at the mercy of foreigners. The fixed ammunition and shrapnel shell now used in the United States Army and fired from American guns must contain a certain percentage of antimony. During the Jap-Russian war one of the factors that contributed to increase the price from 8 to 24 cents a pound was the fact that the Japs shot most of the antimony they had been producing at the Russians instead of exporting to the United States as they had been doing previous to that war.

Mr. SMITH of Michigan. Mr. President——

Mr. DIXON. I will yield to the Senator from Michigan.

Mr. SMITH of Michigan. I am impressed with the idea that the cost to establish a smelter for the purpose of utilizing this antimony ore is so great that unless we fix a duty which is fairly compensatory and sufficient to induce capital to go into an enterprise of that kind we shall not make any headway at all. I am deeply impressed with the necessity that we ought not to be dependent upon the foreign supply for this article. The fact that is has been on the free list hitherto, I think, is no argument at all.

Mr. LODGE. Oh, no.

Mr. SMITH of Michigan. Yes; the ore is on the free list now.

Mr. DOLLIVER. Antimony ore, which is the crude sulphide, is on the free list, but antimony is now dutiable.

Mr. SMITH of Michigan. That is exactly what I am talking about. I should like to have the Senator from Montana tell us, if he can, about what it would cost to establish the business in this country.

Mr. DIXON. In the way of a duty?

Mr. SMITH of Michigan. No; in the cost of smelting.

Mr. DIXON. To be perfectly frank with the Senator from Michigan, I would not be able to answer that question, except I know that a smelter is always a very expensive proposition to erect. I should say, off-hand, that $50,000 would be a fair estimate of the cost of an average smelter.

Mr. SMITH of Michigan. Does the Senator believe that if we fix this duty at 1 cent it will be sufficient to encourage capital to go into this industry?

Mr. DIXON. In my judgment, it ought to have been 2 cents.

Mr. SMITH of Michigan. Then I hope the Senator from Montana will move to amend the committee's amendment in that respect.

Mr. DIXON. In the widespread feeling among Senators that there ought to be tariff revision downward, my judgment is that the committee hardly had the moral courage to give us what we really need and what they really believed we should have.

Mr. SMITH of Michigan. We could not certainly revise this rate downward. It is at the bottom now, and antimony ore is on the free list. Why should we not fix a rate that will establish this industry?

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Kansas?

Mr. DIXON. Certainly.

Mr. CURTIS. I should like to ask the Senator from Montana if it is not true that the industry would not be developed in this country without a duty; but if a duty is placed upon it, it will be developed?

Mr. DIXON. That is my conscientious, firm faith and belief. I wish to say one other thing to the Senator from Rhode Island. At this time the United States Government is absolutely at the mercy of foreign governments so far as the ammunition that is used in our army and navy is concerned. If a foreign war broke out to-morrow and our coasts were blockaded, we would not have the antimony mines developed in this country to supply this ammunition for the United States Army and Navy. That consideration alone would make it the patriotic duty of every Senator here present to see that this most meritorious amendment is made to the House bill.

Mr. BEVERIDGE. Mr. President, I merely wish to say that it seems to me with the statement made by the Senator from Montana [Mr. DIXON] the case has been made out. The fact that this is in the absolute control of one London house and that even for the antimony in our army we are dependent upon foreigners establishes a case.

But the proposition of the Senator from Michigan [Mr. SMITH] to raise the rate 100 per cent more than the committee proposes, is not supported by the facts thus far. Unless there is some answer to the statement of the Senator from Montana, the case has been made out either from the point of view of revenue or from the point of view of protection.

Mr. SMITH of Michigan. If the Senator from Indiana will give us his assurance that this is a fair rate and will establish the industry in the United States, I am content to take his judgment.

Mr. BEVERIDGE. I do not know. The Senator from Montana seems to think it will. If that is true, there is no use in raising the duty except it be for revenue.

Mr. NIXON. Mr. President, it is not my intention to take up any of the time of the Senate on these questions, but I wish simply to corroborate what the Senator from Montana [Mr. DIXON] has said. I am myself personally familiar with this industry and I am familiar with the property he refers to in my State. I know all the circumstances connected with it. I know the property was being conducted upon lines that were paying its stockholders until the price was reduced and the mine was closed down. I had several letters from interested parties in connection with it, and they gave me to understand that with the duty which the committee have seen fit in their wisdom to place upon this metal they will be able to reopen this particular property. I trust that the Senate will vote in favor of the duty proposed by the committee.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the committee.

Mr. HEYBURN. Mr. President, I do not desire to leave the question just where it is. I had hoped that the committee would give us at least 2 cents a pound. We have partially developed enough undeveloped antimony mines in Idaho to produce more than we import. Several times they have just reached the condition where they could work at a profit, but they have been compelled to close down under just the circumstances stated by the Senator from Montana. One of those mines at least, which is in the very camp in which I live, is in such a condition today that could the prices be maintained it would be a steady producer of antimony. The deposit, in the nature of a ledge, is very large and it is a very high grade. They have erected the plant and they have spent a great deal of money, but they have been compelled to close down.

There is a great deal in the suggestion that this Government is at the mercy of the foreign market, for which we must pay. We could not compete in time of war; we would not be able to match, so to speak, the ammunition and the necessary equipment of other countries. They would have it and we would not have it. We would have to use some substitute for it, and there is no substitute for it known in the world.

I had hoped that the committee would make the rate 2 cents instead of 1 cent.

Mr. ALDRICH. The committee gave quite a great deal of attention to this subject. They are very anxious to have antimony produced in the United States. They believed that the rate suggested was sufficient to reestablish the industry here, and I still think so. If the Senate agrees to this proposition, and then the committee find later that an additional duty will be required, they will report that fact to the Senate.

Mr. GUGGENHEIM. Mr. President, to remove a possible misapprehension I am led to say that the American Refining Company are not purchasers of antimonial ores. It is a fact that antimony in lead ores is disadvantageous and injurious in the smelting of lead-silver ores. However, a little of the antimony is collected in the refining of the bullion, and it is sold to the consumers of this country, but the quantity is nominal.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the paragraph as amended will be agreed to.

Mr. ALDRICH. I offer an amendment, to be added at the end of the paragraph. I move to insert:

Antimony, oxide of, 1½ cents per pound and 25 per cent ad valorem.

Mr. BEVERIDGE. What does that mean? What is the change proposed?

Mr. ALDRICH. Oxide of antimony now pays 25 per cent ad valorem as a chemical salt. This adds simply 1½ cents a pound to the duty.

Mr. BEVERIDGE. Differential?

Mr. ALDRICH. Differential.

The amendment was agreed to.

The PRESIDING OFFICER. The paragraph as amended will be agreed to. The next paragraph passed over will be read.

The SECRETARY. Paragraph 173——

Mr. ALDRICH. I ask that there be a reconsideration in that case in order to enable the committee to make a change.

The PRESIDING OFFICER. The Senator from Rhode Island moves a reconsideration of the vote whereby paragraph 173 was agreed to. Is there objection? The Chair hears none, and the vote is reconsidered.

Mr. ALDRICH. I desire to withdraw the amendment and to change 12 cents to 10 cents a pound.

The SECRETARY. It is proposed to disagree to the committee amendment in lines 9 and 10 and in line 10, before the word "cents," to strike out "twelve" and insert the word "ten," so as to read:

173. Bronze powder, brocades, flitters, and metallics, 10 cents per pound; bronze, or Dutch-metal or aluminum, in leaf, 6 cents per 100 leaves.

Mr. BEVERIDGE. That is a reduction of 2 cents from the House rate?

Mr. ALDRICH. It is.

The PRESIDING OFFICER. The Chair understands the Senator to ask that the committee amendment be disagreed to?

Mr. ALDRICH. I ask that the committee amendment be disagreed to.

The PRESIDING OFFICER. Without objection, it will be disagreed to. The Senator from Rhode Island moves to strike out "twelve," before the word "cents," in line 10, and to insert the word "ten." The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the paragraph as amended will be agreed to.

The SECRETARY. The next paragraph passed over is paragraph 178, hooks and eyes.

Mr. ALDRICH. I suggest that that paragraph be agreed to, and then we will investigate the question, unless the Senator from Connecticut has an amendment to offer now.

Mr. BULKELEY. I have an amendment to leave the rate 5½ cents a pound.

Mr. ALDRICH. I think we had better let it go at the present rate and we will make an investigation.

Mr. BEVERIDGE. Just as the needle matter did.

The PRESIDENT pro tempore. The paragraph will be agreed to, if there be no objection. The Chair hears none.

The SECRETARY. The next paragraph passed over is, on page 61, paragraph 182, chrome or chromium metal.

Mr. ALDRICH. The committee have some amendments to suggest to paragraph 177. On page 59, line 1, I move to strike out "ten" and insert "five," so as to read:

Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, 5 cents per pound.

The amendment was agreed to.

Mr. ALDRICH. In line 3, I move to strike out "ten" and insert "five," so as to read:

Bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, 5 cents per pound and 30 per cent ad valorem.

The amendment was agreed to.

Mr. ALDRICH. In line 5, after the word "ornaments," I move to insert "toys" and a comma.

The amendment was agreed to.

Mr. ALDRICH. In line 7, I move to strike out "ten" and insert "fifteen," so as to read "15 cents per pound and 60 per cent ad valorem."

The PRESIDENT pro tempore. Without objection, the amendment will be agreed to.

Mr. BEVERIDGE. I wish an explanation of the last amendment proposed. The first amendments of course are acceptable; but this raises the rate from 10 to 15 cents per pound.

Mr. ALDRICH. This is an arrangement of all these articles. On the wires and more expensive goods, which are absolute luxuries, we have increased the rate as it should be increased.

Mr. BEVERIDGE. The rate is increased only on the luxuries?

Mr. ALDRICH. We have reduced the rate on two and increased it on one. I am willing to let it go over and bring it up afterwards if it is not satisfactory.

Mr. RAYNER. What became of paragraph 177?

The PRESIDENT pro tempore. It is proposed to amend the committee amendment by increasing the rate to 15 cents a pound.

Mr. RAYNER. What changes have been made in the last line?

Mr. ALDRICH. We modify the committee amendment by making the rate 15 cents instead of 10 cents a pound.

Mr. RAYNER. I should like to ask the Senator from Rhode Island why that change is made. Ten cents is about 10 cents too much. I do not see why you should add 5 cents more.

Mr. ALDRICH. I have already explained that the committee propose to reduce the rate on two clauses and to increase the rate on the other. The increase is on "laces, embroideries, braids, galloons, trimmings, and so forth, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads," which certainly is an article of luxury. An increase can not be opposed by any Senator upon any reasonable ground, I think.

Mr. RAYNER. What is the luxury about it?

Mr. ALDRICH. It is gold and silver lace. It is not a matter of common use in Maryland or in any State, I take it.

Mr. RAYNER. I do not know anything about its use in Maryland, but is it the kind of tinsel wire used on Christmas trees?

Mr. ALDRICH. No; it is not.

Mr. RAYNER. What is the tinsel used on Christmas trees? It is called "tinsel" or "lahn."

Mr. ALDRICH. The metal thread used on Christmas trees we propose to reduce.

Mr. RAYNER. To reduce from 10 cents to 5?

Mr. ALDRICH. From 10 cents to 5.

The PRESIDENT pro tempore. Without objection, the amendment is agreed to. The paragraph as amended will be agreed to. Paragraph 178 is agreed to.

The SECRETARY. Paragraph 182, chrome or chromium metal.

Mr. HEYBURN. I do not understand that paragraph 181 was passed over.

Mr. ALDRICH. No; paragraph 181 has not been passed over.

Mr. HEYBURN. I desire to consider paragraph 181.

Mr. BURTON. I have introduced an amendment relating to salts of thorium. There is some question as to where it properly belongs. In the form in which it was introduced it was for insertion at the end of paragraph 181. I should like to ask the committee to consider that amendment.

Mr. ALDRICH. The committee have considered the amendment offered by the Senator from Ohio, but we have not yet arrived at a conclusion. The rates suggested by the Senator from Ohio seem to the committee to be very high, but we will consider them further.

Mr. BURTON. I will ask that that paragraph be passed over.

Mr. PENROSE. I wish to say that I intend to move to put this monazite sand on the free list at the proper time.

Mr. HEYBURN. This might be the proper time. I intend to move to restore the present duty.

Mr. ALDRICH. I think, perhaps, in this conflict of interests we had better let the paragraph go over for the time being. Then we will take up paragraph 182.

Mr. HEYBURN. It is understood that paragraph 181 is passed over.

Mr. ALDRICH. The rates on monazite sand and thorite go over for consideration hereafter. The Senator from Ohio [Mr. DICK], I understand, wants paragraph 182 to go over. Is it on account of ferrosilicon, or some other product covered by the paragraph?

Mr. DICK. Ferrosilicon.

Mr. ALDRICH. The low grade or high grade?

Mr. DICK. The low grade.

Mr. ALDRICH. Does the Senator want more than $4 a ton?

Mr. DICK. We want $6 a ton.

Mr. ALDRICH. Then I suppose we will have to let that paragraph go over until we can reconsider it further.

The PRESIDENT pro tempore. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 183, nickel, nickel oxide, alloy of any kind, and so forth.

Mr. OLIVER. What became of paragraph 182?

Mr. ALDRICH. Paragraph 182 goes over.

Mr. LA FOLLETTE. What was done with paragraph 181?

Mr. ALDRICH. Paragraph 181 went over. The next is paragraph 183, which I ask may be agreed to.

The PRESIDENT pro tempore. The question is on agreeing to the paragraph.

The paragraph was agreed to.

The SECRETARY. The next paragraph passed over is paragraph 189, at the top of page 64, watch movements.

Mr. DOLLIVER. I desire to direct the attention of the chairman of the committee to paragraph 186, which seems to have been passed.

Mr. ALDRICH. We have suggested an amendment to that paragraph, to strike out all after "ad valorem."

Mr. DOLLIVER. That is what I was going to suggest.

Mr. ALDRICH. The committee recommend that amendment. I think it has been agreed to; I am not sure.

Mr. LODGE. The next paragraph is 186, on page 62.

Mr. ALDRICH. In line 24, after the words "ad valorem," I move to strike out the rest of the paragraph.

The SECRETARY. On page 62, paragraph 186, pins with solid heads, and so forth, line 24, after the words "ad valorem," it is proposed to strike out the remainder of the paragraph.

The PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The PRESIDENT pro tempore. Without objection, the paragraph is agreed to as amended.

The SECRETARY. The next amendment passed over is paragraph 189, watch movements, and so forth. The committee propose to strike out all of the paragraph and to insert a new paragraph.

Mr. LODGE. That paragraph has been read. I think it has been adopted. There is a typographical error in line 4. After the word "having" the word "not" should be inserted.

The PRESIDENT pro tempore. That has been agreed to.

Mr. LODGE. Then, in line 14, before the word "clock," I move to insert the word "lever." That seems to me to make it correspond.

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment, which will be stated.

The SECRETARY. In the committee amendment, on page 65, line 14, before the word "clock," insert the word "lever."

The amendment to the amendment was agreed to.

Mr. LODGE. In line 23, I move to strike out the word "sixty" and to insert "3 cents per dial and forty."

The PRESIDENT pro tempore. The Senator from Massachusetts offers an amendment to the amendment, which will be stated.

The SECRETARY. In the committee amendment, in line 23, page 65, strike out the word "sixty" and insert in lieu the words "3 cents per dial and forty."

The amendment to the amendment was agreed to.

Mr. KEAN. I should like to suggest an amendment in line 3, after the word "movements," to insert "including those used for watchmen's time detectors."

Mr. LODGE. I have no objection to that.

Mr. TILLMAN. Would not that cause a little confusion? Do time detectors have jewels? You will get the grammar badly mixed, I am afraid.

Mr. ALDRICH. I suggest to the Senator from New Jersey that he withdraw that amendment, and the committee will consider it later.

Mr. KEAN. I withdraw the amendment to the amendment.

The amendment as amended was agreed to.

The PRESIDENT pro tempore. The paragraph as amended will be agreed to.

Mr. BURKETT. I should like to ask the Senator from Rhode Island or the Senator from Massachusetts a question. I notice in changing the schedules, paragraph 189, for instance, in the fourth line, the rate has been raised from 35 cents to 65 cents; then the next one has been reduced from $1.50 to $1.35, making, as it seems to me, a peculiar sort of change, also a peculiar kind of difference between a 7 and an 11 jewel watch. I do not know whether that is a mistake or has it been estimated for?

Mr. LODGE. No; I think the House fixed the duty on watches having not more than seven jewels at 70 cents, and the Senate reduced it to 65. The Senate kept the increased provision, which is an increase over the Dingley rate, which was 50 cents and 25 per cent ad valorem. This provision of the House bill substitutes a specific duty. In the Dingley law the rates were compound rates. The only increase is in the first rate which, I repeat, the House put at 70 and we reduced to 65 cents. The second one, 7 but not over 11 jewels, is just the same as the average ad valorem collected during the last two years; and the third is the same. The others are somewhat less.

Mr. BEVERIDGE. Does that include all classes of watch movements?

Mr. LODGE. Yes; all classes of watch movements which are enumerated in the schedule.

The PRESIDENT pro tempore. The question is on agreeing to the paragraph as amended.

Mr. BEVERIDGE. Mr. President, does that include the proviso beginning in line 23?

Mr. LODGE. Certainly. That proviso is a part of the House bill.

Mr. BEVERIDGE. Upon that——

Mr. LODGE. We have modified it somewhat.

Mr. BEVERIDGE. I have been out of the Chamber for a moment; and I merely want to call attention to what, perhaps, attention has already been called, that if you inscribe or have engraved on the watch the country of origin and also the name of the manufacturer, then I want to suggest that you provide only for the name of the country, and not for the name of the manufacturer. I think the provision ought to be modified accordingly.

Mr. LODGE. The House provision is:

> Shall have the name of the manufacturer and of the city, town, or village, and country of manufacture cut, engraved, etc.

We struck out "city, town, or village," leaving the name of the manufacturer and the country of manufacture.

Mr. BEVERIDGE. I think that with reference to these watches and charms——

Mr. LODGE. "Charms" are not named here.

Mr. BEVERIDGE. There are many watches used as charms. I am going to call attention to——

Mr. LODGE. They are not included in this paragraph unless they are watches.

Mr. BEVERIDGE. Yes; but I say that there are some watches used as charms. The reason which was yesterday applied to cutlery, where cutlery was imported and the name of the country and the name of the manufacturer were directed to be put on, applies far more to watches, because it is physically impossible for many watches to be inscribed not only with the name of the country, but with the name of the manufacturer, when the retail dealer here has, in the case of cutlery, a perfect right to put his name on also; and we agreed yesterday that the name of the manufacturer of cutlery need not be put on knives. Why on watches?

Mr. LODGE. Mr. President——

Mr. BEVERIDGE. There are many ladies' watches——

Mr. LODGE. I believe I have the floor.

Mr. BEVERIDGE. I thought I had it, but perhaps the Senator had it. I am glad for him to go ahead.

Mr. LODGE. I thought I had the floor, but I am perfectly willing to yield it until the Senator has finished.

Mr. SCOTT. Has not the paragraph been adopted, and are not both Senators out of order?

Mr. BEVERIDGE. No; the paragraph has not been adopted. We are not doing things in that way.

Mr. LODGE. The amendment has been adopted; but, of course, it can be discussed.

I was simply going on to say that there is no watch so small—as I can demonstrate to the Senate in two minutes—on which there can not be legibly imprinted the name of the maker, or, if you choose, the importer—I see no objection to having that, as was done in the case of knives—and the country of origin. There is not the slightest difficulty in putting it on the clock movement. I will illustrate: First, there [exhibiting] is a little medal, smaller than any watch made, smaller than the "eighteen," which is the smallest. It was struck at the Philadelphia mint. On it, perfectly legible, is the inscription, "United States Mint, Philadelphia, 1882," and on the back is engraved the Lord's prayer. It is a little medal which is commonly sold at the mint, and is merely used to show how perfectly easy it is to make the markings. There [exhibiting] is a watch which is one of the smallest watches used. On the back of it is engraved "Fifteen jewels, Francillon, St. Imier, Switzerland." It is perfectly legible on that watch. The whole of that and the number of jewels is imprinted on the back of the watch.

Mr. BAILEY. I think a man who could get along with a watch of that size could get along without any at all.

Mr. LODGE. If the Senator is curious to examine it, it is a little Swiss watch.

Mr. BEVERIDGE. It is a lady's watch.

Mr. BACON. I suppose there is a good reason for it, but it does not occur to me, and therefore I ask the Senator if he will kindly state what is the object sought to be accomplished by the requirement of these inscriptions upon watches of the name of the manufacturer, the place of manufacture, and so forth?

Mr. LODGE. I will tell the Senator in a moment why it has become so very necessary to have the engraving done. I thought I had it here, but this is one which will answer, and I will send for the other in a moment. There is a maker of watches in this country, which are extremely well known, named Ball. He makes watches particularly for the use of railroad men, conductors, engineers, and so forth, to whom it is very important to have a good movement.

The movement, though often placed in an inexpensive case, is a valuable one and is a standard one among railroad men. I have sent for one, which I have here, which was sold—and I have the affidavits about its sale—on which appear the words "Time Ball Special," to give the impression that it is one of Ball's watches, and underneath "7 jewels, adjusted." It has never been adjusted. The adjustments of a watch are each a separate process, involving a great deal of care and labor. They are adjusted to temperature and are adjusted to four or five different positions, so that they will maintain their accuracy in any position or in any temperature. Each adjustment is a separate process, and is an expensive process. This watch, of which I am speaking, which was marked "Time Ball Special," had never been—here it is; I have it in my hand—adjusted at all. It is a Swiss watch of the very commonest kind. It has, however, on it "Time Ball Special; 7 jewels, adjusted." It is a 7-jewel watch of a very common manufacture—the lowest grade—and, as I have said, it has never been adjusted. It was sold as an American watch, as a Ball watch, and sold, of course, at a low price, for $5 or so. That is an example, merely, of the necessity of marking. It is absolutely necessary to prevent the frauds which in this article are probably more ingenious and more elaborate than in almost any other article of manufacture.

Mr. BURKETT. Let me ask the Senator what the committee has provided in the bill to prevent that? I have received two or three communications from watchmakers saying that that is a fraud that is practiced, and that some law should be provided to regulate it. What has the committee provided to meet this case?

Mr. LODGE. The language of the committee amendment is:

Provided, That all watch and clock dials shall have indelibly painted or printed thereon the country of origin, and, if attached to movements, in addition to the country of origin shall have the name of the maker, or makers, of such watch or clock movements indelibly painted or printed thereon, and that all watch movements, lever clock movements with jewels in the escapement, and cases of foreign manufacture shall have the name of the manufacturer and country of manufacture cut, engraved, or die sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals.

That is to avoid having the word "adjusted" on it or having "jewels" on it without any reference to the number of jewels. Watch movements sell on the number of jewels. That is what classifies them, until you get up to the very highly jeweled watches, in which there are no frauds, practically, they being so expensive; but the jewel is what decides the grade of a watch, and it is necessary to have the name of the maker on the movement, because the name of a maker in the case of a watch is very largely a guaranty of what the watch is and of its quality.

Mr. BEVERIDGE. Is the Senator through?

Mr. LODGE. I am, and I yield the floor.

Mr. BEVERIDGE. The reasoning that applied in the case of cutlery and the conclusion that we arrived at in the case of cutlery applies far more in the case of watches. It was decided yesterday afternoon, I believe, that it was not wise to require the name of the maker to be stamped into the shank of the knife, but that the name of the country was sufficient, and we all remember the debate——

Mr. LODGE. This is a wholly different case. I do not, however, want to interrupt the Senator.

Mr. BEVERIDGE. I am going to draw the parallel.

Mr. LODGE. There is no objection in the matter of the case to having inscribed the name of the manufacturer as you would on a knife, but the name of the maker on the movement is essential to proving the quality of the watch. That is exactly what needs to be secured.

Mr. BEVERIDGE. The Senate proviso reads:

Provided, That all watch and clock dials shall have indelibly painted or printed thereon the country of origin—

That is the first thing—

and, if attached to movements, in addition to—

That is, the dial shall have in addition—

the country of origin shall have the name of the maker, or makers—

That is No. 2—

of such watch or clock movements indelibly painted or printed thereon—

That is on the dial, not on the movement—

and that all watch movements, lever clock movements with jewels in the escapement, and cases of foreign manufacture shall have the name of the manufacturer and country of manufacture cut, engraved, or die-sunk.

And so forth.

Mr. LODGE. Mr. President——

Mr. BEVERIDGE. Pardon me just a moment. It is provided that all this shall be upon the dial. Now, Mr. President, in the case of many watches that all of us have seen, ladies' watches, watches that are used for charms, to mark them in that way is, first of all, absolutely a physical impossibility, notwithstanding the statement that has been made; and, second, it destroys the watch or the watch charm for the very purpose for which it is worn. Then upon the dial it destroys its beauty. There is not a single reason that has been advanced, either in the case of cutlery or in the case of watches, for the stamping of the name of the manufacturer that is not subserved by putting on merely the name of the country.

We all know very well that if this provision goes in it certainly will increase smuggling. These are watches and watch charms that are not made in this country; but I venture to say that there is not a town of any size in any State of this Union where there are not jewelers who sell watches of our own manufacture and who also have built up a trade in these little imported watches that are not made and can not as yet be made in this country.

That being the case, Mr. President, when you take away from those local jewelers who have built up this trade and who, as in the case of cutlery manufacturers, as an advertisement for themselves and as a local guaranty to customers have had their own name engraved upon the watches instead of the name of the manufacturer, you deliberately destroy that branch of their business. That is true in a great number of cases of small jewelers in every town in this country. Every purpose is subserved by merely putting on the name of the country; but to put on, in addition, the name of the manufacturer would simply ruin that business to no good end.

In addition, if you encourage smuggling, Mr. President, or if you stop the importation of these little watches, which, as I say, are used as ladies' watches and as charms, you take off the revenue. You destroy one of the purposes of the bill, and you do not accomplish any more than if you merely put on the name of the country.

Now, this applies to the dial. I submit, Mr. President, that that part of the amendment should be modified. The Senators in their anxiety—in which I share—to protect the manufacturers of watches must take into consideration also the trade in every city and town in this whole country, which is built up by every jeweler as a part of his business. They have as much right, or a greater right——

Mr. BURROWS. Mr. President——

Mr. BEVERIDGE. Just in a minute, because I shall be through in a minute.

They have a greater right to have their names engraved on the watch than the importer of cutlery has to have his name engraved on his goods. We agreed yesterday that he might do that, and that the name of the country was sufficient. Therefore I trust that the committee will remodel this portion of the amendment in accordance with this suggestion, which I think will serve every purpose.

Mr. BURROWS. I understood the Senator from Indiana to say that the amendment should be modified. What amendment does the Senator propose?

Mr. BEVERIDGE. What I propose as the most reasonable and easy way is to have the committee take it into consideration and reshape this proviso; but if I were to offer an amendment now, I think the most feasible way to do it——

Mr. BURROWS. The Senator does not offer an amendment now?

Mr. BEVERIDGE. I shall if I must, but I hope the committee will take it up and reshape it. I am discussing the committee amendment. If I had to offer the amendment now, I would frame it in such a way that merely the name of the country would be engraved and not the name of the manufacturer and all that. That would be quite sufficient. If we do it in the case of cutlery, why should we not do it in the case of watches?

Mr. LODGE. Where the dial is imported separately the only requirement is that the country of origin shall be painted upon it.

Mr. BEVERIDGE. But if attached to movements——

Mr. LODGE. If it is attached to a movement—that is, if it is a complete watch—it is required that, in addition to that, the maker's name shall be marked, because otherwise they can put an American name on the watch movement and make it appear as if the movement had been made here.

Mr. BEVERIDGE. How could that be if the name of the country of origin was also stamped there?

Mr. LODGE. But that is only for the dial.

Mr. BEVERIDGE. Then, let us remove everything but the name of the country with reference to the dial.

Mr. LODGE. If the inscription only had reference to the dial it would enable them to put an American movement behind the dial or a foreign movement behind the dial. The object is, if the watch is complete, to have it known by the maker's name as well as the country. The name of the maker is the great guarantor of the goodness of a watch. It is entirely different from the case of pocket cutlery. The dial is to have, as I have said, merely the names painted on.

Now, as to the business of watchmaking, I merely want to say a few words. Mr. President, American invention has revolutionized the entire business of watchmaking. We were the first to make watches by machinery. There is not a kind of watch, whether a cheap or a costly watch, the least expensive or the most expensive, or the smallest or largest of watches, which can not be made, and is not and has not been made, in this country. We had complete control of the watch business until foreigners adopted our machinery and gradually habituated themselves to making watches in the same way.

The proviso will not affect the revenue one way or the other; it will only secure the honesty of the product and prevent undervaluation and frauds upon the revenue to a very large extent.

Mr. BEVERIDGE. Mr. President, just one word more. I came in when this provision was being discussed. The Senator says that the name of the maker upon the watch is the great guaranty of the watch. It happens to be a matter of fact that all the local dealers in every town and in every city in this country are the real guarantors of these watches. That is the reason they want their names on them, if any name goes on them. If they sell a good watch and their name is upon it, it becomes a perpetual advertisement, and if there is anything the matter with it the purchaser brings it back and has it repaired; whereas if it bears the name of a maker abroad, they, the local jewelers, are not only deprived of that, but they can not build up their business in that particular thing.

I have not yet heard why the same reasoning that is applied to cutlery does not apply far more to watches. I trust that the Senator from Massachusetts will do several of us the kindness to let this matter go over until to-morrow morning, because we can not get a vote on it to-night.

Mr. TILLMAN. Can we not get a vote to-night?

Mr. BEVERIDGE. No; I do not think that can be done.

Mr. SCOTT. I ask if the amendment has not already been adopted?

Mr. BEVERIDGE. Some of us are called from the Chamber once in a while——

Mr. LODGE. The matter came up, and it has been thoroughly discussed. The whole marking question was thoroughly discussed in regard to knives.

Mr. BEVERIDGE. Oh, yes; and why are you not willing to accept what was done with reference to knives?

Mr. LODGE. The Senator, of course, can carry it over; but we might just as well finish it now.

Mr. BEVERIDGE. It is in the interest of time that I want to carry it over.

Mr. LODGE. The amendment was up and thoroughly considered by the committee and by a subcommittee of the full committee. It has been very carefully prepared, and, until the Senator spoke, I thought it had been adopted and that the Senator was satisfied with the explanation. Of course, if the Senator wishes to discuss it further, he can carry it over perfectly easy; but there is nothing to gain by passing it over, and we might as well settle it now as at any other time.

Mr. BEVERIDGE. I want to say, with reference to the thorough discussion of the committee, that the same thing occurred with reference to cutlery, and yet the Senate, after a discussion of the whole matter——

Mr. TILLMAN. Mr. President——

Mr. BEVERIDGE. Wait a moment until I get through with this sentence. After a discussion of the whole subject, the committee agreed to modify what the committee itself had previously done with reference to cutlery.

Mr. ALDRICH. But I will suggest to the Senator from Indiana that the modification by the committee in that case was preceding the discussion.

Mr. BEVERIDGE. That is all right. If it preceded the discussion, so much the better, and the committee deserves so much the more credit, but there was a good deal of discussion here in regard to the matter. It has not been shown that the reason which finally resolved our action in that case, under which merely the name of the country will be placed on cutlery, does not also apply to watches, and I think we are prepared to show that it applies with more force in the case of watches. I have, I want to say to the Senator, a very large correspondence upon this subject, as I know other Senators have—yes, as all of us have—and it is in the interest of time, I say with all frankness, that I suggest that this paragraph go over until to-morrow morning. I do not think we will take ten minutes on it then. Senators are not prepared for it now.

Mr. LODGE. I thought the Senator desired that we should pass it over altogether.

Mr. BEVERIDGE. Oh, no.

Mr. LODGE. I have no objection to its going over until morning.

Mr. TILLMAN. Mr. President, while I am enjoying in a quiet way the contest between the Senator from Massachusetts and the Senator from Indiana——

Mr. BEVERIDGE. Not "contest."

Mr. TILLMAN. I meant a contest of words rather than of wit.

Mr. BEVERIDGE. That is true; there is no wit in watches.

Mr. TILLMAN. Can not the Senator see a difference between a knife and a delicate piece of machinery upon which a man, for instance, a railroad engineer, depends for his life and the lives of his passengers, and all that kind of thing in keeping a schedule?

Mr. BEVERIDGE. And yet the reasoning, so far as the fixing of the name of the country alone, applies in the case of the railroad watch quite as much as in the case of cutlery; that is, the purchaser is safeguarded as much by the name of the country as by the name of the maker; and in the case the Senator from Massachusetts cited, that fraud would have been absolutely impossible if the name "Switzerland" had been stamped on the watch.

That is a plain and sufficient answer to that. I do not object to anything that will prevent fraud, but I am talking about the business of every little dealer in the Senator's own State and every other State who has built up a business in selling these little watches.

Mr. TILLMAN. And you want them to print their own names and perpetrate a fraud on somebody?

Mr. BEVERIDGE. Not at all; that is obviously the thing I want to prevent, but I do not want to take their business away from them. Furthermore, I do not want the revenue taken from the Government; but, as the Senator from Massachusetts has agreed to let the subject go over until to-morrow, I do not desire to take any more time upon it.

Mr. TILLMAN. I have got nothing to do with running this machine, but I thought the Senator from Rhode Island was anxious to get along with the schedules of the bill.

Mr. BEVERIDGE. We are getting along right now.

Mr. TILLMAN. Why, then, do we not have a vote on this amendment?

Mr. BEVERIDGE. Because it is going over until to-morrow morning. The Senator from Massachusetts has agreed to that.

Mr. TILLMAN. If the Senator wants to bulldoze me, I will sit here until 12 o'clock to-night to get a vote on it.

Mr. BEVERIDGE. It has been agreed that the paragraph may be passed over.

Mr. TILLMAN. If those high muck-a-mucks over there agree to let it go over, all right. [Laughter.]

Mr. LODGE. Mr. President, the Senator from South Carolina is absolutely right in the contention he has just made. I hold in my hand the watch of which I was speaking, that was sold marked "Time-Ball Special." If the name of the true maker had been on that watch it could not have been fraudulently sold.

Mr. BEVERIDGE. Nor could it have been fraudulently sold if the name "Switzerland" had been there.

Mr. LODGE. Certainly it could. There is no name of any country there. But that does not make any difference.

Mr. SMITH of Michigan. But it is not against the law to put "Switzerland" on that movement. Switzerland does not make any watches. Somebody in Switzerland makes them, but Switzerland does not make them.

Mr. BEVERIDGE. Oh, the country of the maker is what is meant, as in the case of cutlery.

Mr. SMITH of Michigan. But it is no offense to write "Switzerland" on it.

Mr. LODGE. The distinction between watches and cutlery is that one is a knife and the other is a watch. The whole system of manufacture and all the purposes of the articles are entirely different. What is quite sufficient on a knife is very insufficient on a watch. I use this merely as an illustration of

the kind of fraud that is being perpetrated; and when the Senator from South Carolina puts it in that way, this watch is a complete illustration of what he says.

Mr. BEVERIDGE. Illustrations were given yesterday of great numbers of frauds in cutlery committed in the same way. Whether it is fraud in the one case or the other case, it is fraud. But I shall be obliged if the Senator will let this matter go over until to-morrow morning.

Mr. LODGE. It is a little more important that a watch should be accurate, especially in the hands of railroad men, to whom this fraud applies, than that a knife should be a little better or a little worse. In the case of the knife it is not quite so important.

Mr. ALDRICH. I suggest to the Senator from Indiana that he let this paragraph be readopted, if he is willing——

Mr. BEVERIDGE. Let it go over until to-morrow morning.

Mr. ALDRICH. And then, if the Senator to-morrow morning shows reasons for any change——

Mr. BEVERIDGE. The Senator from Massachusetts [Mr. LODGE] is willing that it shall go over until to-morrow morning. We can dispose of it in ten minutes then.

Mr. LODGE. Of course I want it disposed of to-night; but the Senator can carry it over if he chooses to talk against it.

Mr. BEVERIDGE. Oh, no; not at all. I said that we are not prepared and have not looked over our correspondence sufficiently to pass on it at this time. I think we can dispose of it in ten minutes in the morning.

Mr. LODGE. Ten minutes in the morning is apt to be a long ten minutes. This matter has been under consideration by the committee for a very long time, and the Senate has heard all the debate. The amendment was agreed to, and the matter was reopened by unanimous consent.

Several SENATORS. "Vote!"

Mr. BEVERIDGE. No; you agreed that it should go over, and I want it to go over.

Mr. LODGE. I did not agree to it. I had no right to agree to it. I said that as far as I was personally concerned, I had no objection to its going over.

Mr. BEVERIDGE. The Senator from Rhode Island says that the Senator from Massachusetts is the Senator, who, as a member of the Committee on Finance, has this matter especially in charge; and I hope it will go over.

Mr. SCOTT. Mr. President, I rise to a point of order. Does the RECORD show whether or not this paragraph was adopted?

The PRESIDENT pro tempore. It was agreed to, but agreed to with a great deal of rapidity——

Mr. SCOTT. But the RECORD will show that it was adopted?

The PRESIDENT pro tempore. And the Senator from Indiana rising, the Chair regarded it as an open question.

Mr. BEVERIDGE. Yes. Now, let it go over, and we will get along.

Mr. LODGE. I have no objection to letting it go over until to-morrow morning, so far as I am concerned.

The PRESIDENT pro tempore. Senators in favor of the——

Mr. BEVERIDGE. No; it is agreed, Mr. President, that it shall stand over until to-morrow morning.

Several SENATORS. "Vote!"

Mr. LODGE. If I agree that this paragraph shall go over, I want to have a time agreed upon for a vote upon it.

Mr. BEVERIDGE. On this amendment?

Mr. LODGE. On this amendment.

Mr. BEVERIDGE. So far as I am concerned, you can vote upon it within half an hour from the time we meet.

Mr. LODGE. Very well, Mr. President. Then I ask that we agree to take the vote upon this paragraph at half past 10.

Mr. BEVERIDGE. You had better make it 11. [Laughter.] I will say, so far as I am concerned, I shall not occupy the attention of the Senate for ten minutes; perhaps not for five minutes.

Mr. CLAPP. Will the Senator from Indiana yield for a moment?

Mr. BEVERIDGE. Certainly.

Mr. CLAPP. It strikes me that we can just as well vote on this matter to-night. We know whether or not we propose to invade the domain of this business. I am not going to suggest the question of the legal right to do that; but I do, as a citizen and a Senator, protest against putting in this bill provisions that have no earthly reference to either protection or revenue, and are clearly an invasion of private rights. We know what we are doing. Let us take the vote now and settle this question one way or the other.

Mr. BEVERIDGE. Mr. President, I make this suggestion: We have lost some time already, and the Senator from Massachusetts has agreed to let the matter go over until to-morrow morning; and the Senator from Rhode Island has also agreed to take the vote at half past 10 o'clock.

Mr. LODGE. I have no personal objection to its going over, provided that a time be fixed when we can take a vote upon it.

Mr. BEVERIDGE. I will agree to that.

Mr. LODGE. But I can not dictate the will of the Senate. It is for the Senate to say what it will do.

Mr. BEVERIDGE. Certainly; but the Senator from South Carolina [Mr. TILLMAN] said he was willing that that course should be taken, so far as he was concerned.

Mr. TILLMAN. What—that this shall go over? No, indeed! I said that if it was left to me I would see you sit here until midnight before it would go over.

Mr. BEVERIDGE. I am always glad to see the senior Senator from South Carolina, at midnight or at any other time.

Several SENATORS. "Vote!"

Mr. PENROSE. I call for the yeas and nays.

Mr. BEVERIDGE. Well, if Senators wish to vote now, I am perfectly willing to do so. But the rights of thousands of retail jewelers should be considered, and many other Senators think the same thing. This subject will be considered, too, when the bill reaches the Senate.

The PRESIDENT pro tempore. The question is on agreeing to the paragraph as amended.

The paragraph as amended was agreed to.

Mr. BEVERIDGE. Now, it will be brought up in the Senate; so it is just as well.

The PRESIDENT pro tempore. The next paragraph passed over is 190, on page 66.

Mr. SMOOT. On behalf of the Committee on Finance, I send to the desk and ask that it be read a committee amendment on paragraph 190, and also, at the same time, a committee amendment on page 67, line 10.

Mr. BAILEY. Let them be printed.

Mr. SMOOT. I ask that they be read and printed.

The PRESIDENT pro tempore. The Senator from Utah, on behalf of the committee, offers an amendment to paragraph 190, which will be stated.

The Secretary read as follows:

On page 66, strike out all of line 14 after the figures "190" and up to the word "Provided," on line 15, and in lieu thereof insert the following:

"Zinc-bearing ore of all kinds, including calamine, containing less than 20 per cent of zinc, one-quarter of 1 cent per pound on zinc contained therein; containing 20 per cent of zinc and less than 25 per cent, one-half of 1 cent per pound on the zinc contained therein; containing 25 per cent of zinc and less than 30 per cent, three-fourths of 1 cent per pound on the zinc contained therein; containing 30 per cent of zinc or more, 1 cent per pound on the zinc contained therein."

Also—

On page 67, line 10, after the word "one" insert the words "and one-third;" and in the same line strike out the word "cent" and insert in lieu thereof the word "cents;" in line 11 strike out the words "one-fourth" and insert in lieu thereof the words "one-half;" in line 13, strike out the words "one-half" and insert in lieu thereof the words "three-fourths;" so that paragraph 191 will read as follows:

"Zinc in blocks or pigs, 1½ cents per pound; in sheets, 1½ cents per pound; in sheets, coated or plated with nickel or other metal, or solutions, 1¾ cents per pound; old and worn out, fit only to be remanufactured, 1 cent per pound."

Mr. ALDRICH. This is a pretty important amendment, and I imagine the Senate would like to see it in print before taking it up for consideration. There are only two other paragraphs of the metal schedule——

Mr. CLAPP. Will the Senator yield for a moment?

Mr. ALDRICH. Certainly.

Mr. CLAPP. I wish to suggest that the committee can to-night, in connection with this amendment, furnish a statement somewhat similar to the statement we already have with relation to the duty under this amendment, the existing duty, and the duty proposed by the House.

Mr. SMOOT. There is no existing duty on zinc ore, but the duty on the products from zinc ore under the proposed amendment will be decreased from the existing Dingley rates.

Mr. BACON. Mr. President, I was going to suggest to the Senator that when the reprint is made we be also given information as to the change in the equivalent ad valorem.

As it is a specific duty, we can not form a correct idea as to the change. I would suggest that as this is a specific duty, it might be well also, if it is going to be printed, if the Senator can indicate the change in the equivalent ad valorem.

Mr. ALDRICH. I think that can be done without difficulty, so that we can have the statement here in the morning.

Mr. STONE. What was the suggestion of the Senator from Rhode Island about the amendment?

Mr. ALDRICH. That this amendment be printed; and I think we can have a statement printed and on the desks of the

Senators in the morning to show what the effect will be on the ad valorem of this proposition as compared with the House proposition.

Mr. STONE. Is it the intention to consider it to-morrow?

Mr. ALDRICH. Yes, sir; the first thing in the morning. These are quite substantial reductions on a great many of the classes.

Mr. STONE. Yes; but I think at least the first, the amendment to section 190, ought to lie over until another day. There are marked changes in the House bill that I should like to look into.

Mr. ALDRICH. I shall not ask the Senate to act upon the amendment until there is a full opportunity for examination. I would be glad if we could dispose of the remaining paragraphs of the metal schedule.

The PRESIDENT pro tempore. They have been disposed of.

Mr. ALDRICH. They have been disposed of? I have an amendment in the nature of a substitute to paragraph 192, which I should like to have adopted.

Mr. GALLINGER. We will have to reconsider the paragraph.

Mr. ALDRICH. I ask that the paragraph be reconsidered, for the purpose of offering the amendment.

The PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from Rhode Island, on behalf of the committee, offers an amendment, which will be stated.

The SECRETARY. In place of paragraph 192, the committee reports the following:

192. Cans, boxes, packages, and other containers of all kinds (except such as are hermetically sealed by soldering) composed wholly or in chief value of metal lacquered or printed by any process of lithography whatever, if filled or unfilled and whether their contents be dutiable or free, 4 cents per pound and 35 per cent ad valorem: *Provided*, That none of the foregoing articles shall pay a less rate of duty than 55 per cent ad valorem; but no cans, boxes, packages, or containers of any kind of the capacity of 5 pounds or under shall pay less duty than if the same were imported empty, and the dutiable value of the same shall include all packing charges, cartons, wrappings, envelopes, and printed matter accompanying them, when such cans, boxes, packages, or containers are imported wholly or partly filled with merchandise exempt from duty (except liquids and merchandise commercially known as drugs) and which is commonly dealt in at wholesale in the country of original exportation in bulk or in packages exceeding 5 pounds in capacity.

Mr. BACON. I should like to inquire of the Senator from Rhode Island if that is not the clause which contains the particular provision to which I asked his attention some days ago?

Mr. ALDRICH. It is; and the changes which have been made, I will say to the Senator from Georgia, are to restrict its application. As originally prepared and presented, it would have covered sardines and all that class of goods, and as changed it exempts from its provisions all that class of material.

Mr. BACON. I think that is a very important change.

Mr. ALDRICH. Yes.

Mr. BACON. I should like to know, if the Senator can explain, in so far as it does apply, what it does apply to. If sardines and articles of that kind are exempted——

Mr. ALDRICH. It applies, for instance, to this class of goods. There has been imported——

Mr. BURKETT. Mr. President, this is a paragraph in which some more of us are interested, and I can not hear the Senators.

Mr. ALDRICH. It applies to importations of this kind. It has been the habit of certain people to import, say, from Canada, 5-pound packages containing tea, which is on the free list, but those packages were valuable; that is, they were lithographed, they were practically works of art, and under the law as it now stands those packages came in free, because tea was free. So there were certain people sending tea to China and putting it up in 5-pound packages which were of themselves practically works of art, and importing those packages into the United States free of duty.

The same thing was true as to a large class of articles coming in from Germany, where highly decorated containers of tin were imported without duty because the contents were free or because the contents were liable to a low rate of duty.

Mr. TILLMAN. I submit to the Senator from Rhode Island that this is a long amendment, and we have not even had time to read it. I suggest that it be printed along with the other and go over.

Mr. ALDRICH. That is all right. I have no objection to that. It is a modification in the direction of liberality of an amendment which has already been agreed to.

Mr. TILLMAN. We will be very glad to discover that in the morning, and will take the Senator's word for it in the meantime.

Mr. BACON. I suppose the words "except such as are hermetically sealed by soldering" were inserted——

Mr. ALDRICH. If the amendment is adopted and if in the morning the Senator from South Carolina sees anything in it to criticise, I will move to have it reconsidered.

Mr. TILLMAN. Will the Senator then immediately move an executive session?

Mr. ALDRICH. I will after it is agreed to.

Mr. BURKETT. This is paragraph 192?

Mr. ALDRICH. Yes. It has already been adopted, and this is in the direction of liberalizing it.

Mr. BURKETT. Here is a long substitute for paragraph 192. I listened to its reading as well as I could and I could not understand what it means. I have several letters here objecting to paragraph 192 the way it is. I hope this amendment does reach all of those objections.

Mr. ALDRICH. I think it does. I have no objection to its being printed.

Mr. BURKETT. If it goes over, I do not know that I shall have any objection to it.

Mr. DOLLIVER. I should like to inquire what is the parliamentary status of paragraph 195. I desire to offer an amendment to it.

The PRESIDENT pro tempore. It was agreed to when read before.

Mr. DOLLIVER. It was agreed to on the first reading of the bill, with the understanding that amendments could be later offered. I desire to offer an amendment to that paragraph.

Mr. ALDRICH. I give notice that when we have completed the articles in the remaining paragraphs of the metal schedule, I shall ask the Senate to go back and act upon the paragraphs which have been passed over in Schedules A, B, and C.

I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After eight minutes spent in executive session the doors were reopened and (at 5 o'clock and 12 minutes p. m.) the Senate adjourned until to-morrow, Wednesday, May 19, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 18, 1909.

CIVIL SERVICE COMMISSIONER.

William S. Washburn, of New York, to be a Civil Service Commissioner, vice James Thomas Williams, jr., resigned.

COLLECTOR OF CUSTOMS.

John G. Bair, of Montana, to be collector of customs for the district of Montana and Idaho in the State of Montana, in place of Charles M. Webster, deceased.

APPRAISER OF MERCHANDISE.

Herbert J. Grant, of Ohio, to be appraiser of merchandise in the district of Cuyahoga, in the State of Ohio, in place of Miner G. Norton.

COLLECTORS OF INTERNAL REVENUE.

Alfred N. Rodway, of Ohio, to be collector of internal revenue for the eighteenth district of Ohio, in place of Frank McCord, resigned.

Willis G. Bowland, of Ohio, to be collector of internal revenue for the eleventh district of Ohio, in place of David H. Moore, resigned.

UNITED STATES MARSHAL.

Hyman D. Davis, of Ohio, to be United States marshal for the northern district of Ohio, vice Frank M. Chandler, term expired.

RECEIVER OF PUBLIC MONEYS.

Charles C. Hoag, of Oklahoma, to be receiver of public moneys at Woodward, Okla., vice Edward S. Wiggins, deceased.

GOVERNOR OF ALASKA.

Walter E. Clark, of Connecticut, to be governor of Alaska, to take effect October 1, 1909, vice Wilford B. Hoggatt, resigned.

COMMISSIONER OF IMMIGRATION.

William Williams, of New York, to be commissioner of immigration at the port of New York, N. Y., in the Department of Commerce and Labor, vice Robert Watchorn, resigned April 26, 1909.

PROMOTIONS IN THE ARMY.

INFANTRY ARM.

Second Lieut. Edward H. Pearce, Twenty-second Infantry, to be first lieutenant from April 5, 1909, vice Dillingham, Eighteenth Infantry, promoted.

Second Lieut. Joseph O. Mauborgne, Sixth Infantry, to be first lieutenant from April 13, 1909, vice Gibson, Third Infantry, promoted.

TO BE PLACED ON THE RETIRED LIST.

With the rank of brigadier-general.

Col. Edgar S. Dudley, judge-advocate.
Col. Owen J. Sweet, Twenty-eighth Infantry.

With the rank of lieutenant-colonel.

Chaplain Charles S. Walkley, Coast Artillery Corps.

APPOINTMENTS IN THE ARMY.

CHAPLAIN.

Rev. John Rivera, of Porto Rico, to be chaplain with the rank of first lieutenant, from May 14, 1909, to fill an original vacancy.

MEDICAL RESERVE CORPS.

Dr. Thomas Collins Austin, of South Carolina, to be first lieutenant, from May 15, 1909.

POSTMASTER.

Charles J. Tiffany to be postmaster at Clyde, Ohio, in place of Benjamin F. Jackson. Incumbent's commission expired February 4, 1909.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 18, 1909.

COLLECTOR OF CUSTOMS.

John G. Bair to be collector of customs for the district of Montana and Idaho.

UNITED STATES CIRCUIT JUDGE.

William M. Lanning to be United States circuit judge for the third judicial circuit.

UNITED STATES DISTRICT JUDGES.

Edward E. Cushman to be United States district judge, third division, district of Alaska.

John Relistab to be United States district judge for the district of New Jersey.

William I. Grubb to be United States district judge for the northern district of Alabama.

Charles A. Willard to be United States district judge for the district of Minnesota.

George Donworth to be United States district judge for the western district of Washington.

UNITED STATES ATTORNEY.

William G. Whipple to be United States attorney, eastern district of Arkansas.

UNITED STATES MARSHAL.

Harry J. Humphreys to be United States marshal for the district of Nevada.

ASSOCIATE JUSTICES, SUPREME COURT, ARIZONA.

Ernest W. Lewis to be associate justice of the supreme court of the Territory of Arizona.

Edward M. Doe to be associate justice of the supreme court of the Territory of Arizona.

PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Cadet Louis Leon Bennett to be a third lieutenant.
Cadet William Pitts Wishaar to be a third lieutenant.
Cadet Gordon Thomas Finlay to be a third lieutenant.
Cadet William Williams to be a third lieutenant.
Cadet John H. Cornell to be a third lieutenant.
Cadet Paul Henry Harrison to be a third lieutenant.
Cadet John Patrick Gray to be a third lieutenant.

PROMOTION IN THE NAVY.

Lieut. Commander Hutch I. Cone to be Engineer in Chief and Chief of the Bureau of Steam Engineering, in the Department of the Navy, with the rank of rear-admiral.

POSTMASTERS.

ARIZONA.

George D. Burtis, at Roosevelt, Ariz.

ARKANSAS.

James W. Harper, at Mansfield, Ark.
B. D. Muzzy, at Carlisle, Ark.

CONNECTICUT.

Frederick W. Wersebe, at Washington, Conn.

GEORGIA.

John W. Berryhill, at Milltown, Ga.
T. K. Dunham, at Darien, Ga.
Hugh B. Sasser, at Senoia, Ga.
Isaac A. Smith, at Tennille, Ga.
Leon P. Wimberly, at Abbeville, Ga.

ILLINOIS.

Alice M. Clement, at Lamoille, Ill.

IOWA.

William Carden, at Winfield, Iowa.
William Robert Law, at Waterloo, Iowa.
Thomas H. Thompson, at Kanawha, Iowa.

NEBRASKA.

George Williams, at Cambridge, Nebr.

NEW YORK.

Rufus R. Clement, at Atlanta, N. Y.
Hattie A. Walker, at Bergen, N. Y.

NORTH DAKOTA.

Ezra M. Crary, at Edmore, N. Dak.
Walter E. Krick, at Berthold, N. Dak.

OKLAHOMA.

Elmer D. Immell, at Helena, Okla.

PENNSYLVANIA.

Frederick D. Freutenberger, at Tamaqua, Pa.

WASHINGTON.

William H. Imus, at Kalama, Wash.

SENATE.

WEDNESDAY, *May 19, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The VICE-PRESIDENT resumed the chair.

The Journal of yesterday's proceedings was read and approved.

Mr. BEVERIDGE. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from Indiana suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Culberson	Hughes	Piles
Bacon	Cummins	Johnson, N. Dak.	Richardson
Beveridge	Curtis	Johnston, Ala.	Root
Borah	Dick	Kean	Scott
Brandegee	Dillingham	La Follette	Smith, Md.
Bristow	Dolliver	Lodge	Smith, S. C.
Brown	du Pont	McCumber	Smoot
Bulkeley	Elkins	McLaurin	Stephenson
Burkett	Fletcher	Martin	Stone
Burrows	Flint	Nelson	Sutherland
Burton	Frazier	Oliver	Tillman
Carter	Frye	Overman	Warner
Chamberlain	Gallinger	Page	Warren
Clapp	Gamble	Paynter	
Clay	Guggenheim	Penrose	
Crane	Hale	Perkins	

Mr. PILES. My colleague [Mr. JONES] is necessarily absent for a few minutes this morning.

The VICE-PRESIDENT. Sixty-one Senators have answered to their names. A quorum of the Senate is present. The presentation of petitions and memorials is in order.

PETITIONS AND MEMORIALS.

Mr. BURTON presented a petition of the Western Reserve Chapter, Daughters of the American Revolution, of Cleveland, Ohio, praying for the enactment of legislation providing for the maintenance of Fort McHenry as a permanent garrison post, which was referred to the Committee on Military Affairs.

Mr. SMOOT presented petitions of sundry citizens, dry goods merchants, and candy manufacturers of Salt Lake City and Sugar City, in the State of Utah, praying for the retention of the present duty on all grades of sugar, which were ordered to lie on the table.

Mr. BRANDEGEE presented a petition of Local Union No. 47, International Typographical Union, of New Haven, Conn., praying for the retention of the proposed duty on print paper and wood pulp, which was ordered to lie on the table.

Mr. NELSON presented a petition of sundry citizens of Minnesota, praying for the repeal of the duty on hides, which was ordered to lie on the table.

Mr. WARREN presented petitions of sundry citizens of Lovell, Worland, and Cowley, all in the State of Wyoming, praying for the retention of the present duty on all grades of sugar, which were ordered to lie on the table.

He also presented a petition of the Indian Fighters' Association of Denver, Colo., praying for the enactment of suitable pension laws in behalf of the survivors who served in the regular

and volunteer forces of the United States on the frontiers during the Indian wars prior to January 1, 1882, which was referred to the Committee on Pensions.

Mr. DICK presented a memorial of sundry consumers and independent producers of oil of Prairie Depot, Ohio, remonstrating against the repeal of the duty on crude oil, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Fremont, Ohio, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. PAGE presented the petition of E. E. Whitcomb, of South Fairlee, Vt., praying for a reduction of the duty on raw and refined sugars, which was ordered to lie on the table.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

Joint resolution relating to investigation of stock exchanges.

Whereas the recent wheat deal has again demonstrated to the American people that even the bread supply of our land is at the mercy of speculators; and

Whereas the recent panic has demonstrated that it is unwise and unsafe for our country to allow the control of our great commercial and industrial conditions to exist in the hands of stock gamblers without check of any kind; and

Whereas it is of interest to all citizens to know the means by which the huge combine of money in Wall street can be manipulated, and it is also the interest of the welfare of all the people that the white light of publicity should be thrown upon the stock-exchange business in general: Therefore be it

Resolved by the assembly (the senate concurring), That we request our delegation in Congress to use every effort to bring about the thorough investigation of stock-exchange business in this country, and that a most rigorous and searching investigation be at once instituted of the methods of buying and selling in these exchanges, their relation with the banking system, and the great financial interests; and be it further

Resolved, That our Representatives in Congress are hereby requested to introduce such remedial legislation into our National Congress as will effectually check the evils of this system; and

Resolved, That a copy of the foregoing be immediately transmitted by the secretary of state to each of the Senators and Representatives of this State in the Congress of the United States.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

Mr. STEPHENSON presented a joint resolution of the legislature of Wisconsin, which was ordered to lie on the table and be printed in the RECORD, as follows:

Senate joint resolution 52.

Joint resolution petitioning Congress for the establishment of a permanent, nonpartisan, expert tariff commission.

Whereas for many years the tariff has been the subject of political contention, which has led to periodical upheaval and uncertainty in the commercial activities of the Nation, that it has not always been adjusted in manner to best promote and protect the industrial interests as a whole, and has too often been dealt with as a purely political question without giving full consideration to the grave economic principles involved in the same.

Whereas a study of the methods under which other great commercial nations of the world are handling these subjects leads to the conclusion that the United States must call into its service in the near future the aid of a trained body of men to enable us to meet intelligently the various perplexing questions arising out of the general adoption of maximum and minimum tariffs by several of our strongest competitors for the world's trade: Therefore, be it

Resolved by the senate (the assembly concurring), That we respectfully memorialize the Congress of the United States to speedily enact such legislation as will create a permanent, nonpartisan tariff commission with semi-judicial functions, such as the power to summon witnesses, which shall make an unbiased investigation of the operation of our customs duties, regulation, and classification, hear complaints, study domestic and foreign market conditions, and report to the Executive and to Congress from time to time such modifications as in their judgment may safely and properly be made in the interests of the general welfare.

JOHN STRANGE,
President of the Senate.

F. E. ANDREWS,
Chief Clerk of the Senate.

L. H. BANCROFT,
Speaker of the Assembly.

C. E. SHAFFER,
Chief Clerk of the Assembly.

Mr. STEPHENSON presented a memorial of sundry cigar makers of Madison, Wis., remonstrating against the admission of cigars from the Philippines free of duty, which was ordered to lie on the table.

He also presented a petition of sundry citizens of Wisconsin, praying for the removal of the duty on hides, which was ordered to lie on the table.

He also presented a memorial of the mayor and common council of Green Bay, Wis., remonstrating against a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented a memorial of the mayor and common council of Appleton, Wis., remonstrating against a reduction of the duty on news printing paper, which was ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BRANDEGEE:

A bill (S. 2441) for the relief of the next of kin of Stewart & Co., and the heirs of C. A. Weed, for whom A. P. H. Stewart was agent; to the Committee on Claims.

By Mr. DU PONT:

A bill (S. 2442) granting an increase of pension to Thomas Hutt (with the accompanying papers); and

A bill (S. 2443) granting a pension to James H. Jones (with the accompanying papers); to the Committee on Pensions.

By Mr. BEVERIDGE:

A bill (S. 2444) granting a pension to W. J. Vigus (with the accompanying paper); to the Committee on Pensions.

AMENDMENTS TO THE TARIFF BILL.

Mr. SMOOT, on behalf of the Committee on Finance, submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. JOHNSTON of Alabama. I submit an amendment intended to be proposed by me to the pending bill, which I ask may be read.

There being no objection, the amendment was read and ordered to lie on the table, as follows:

Amendment intended to be proposed by Mr. JOHNSTON of Alabama to the bill H. R. 1438:

Provided, That nothing contained in this act shall prevent the admission free of duty of the following articles: Lumber, laths, shingles, doors, and door locks and hinges, window frames, window sashes, bricks, lime, cement, slate roofing, nails, carpenters' tools, common window glass not exceeding 16 by 24 inches, tin plate for roofs, linseed oil, and white lead.

SAFETY UPON RAILROADS.

Mr. LA FOLLETTE. I submit a resolution, and I will ask for its consideration to-morrow.

The resolution (S. Res. 48) was read, as follows:

Senate resolution 48.

Resolved, That the Interstate Commerce Commission be directed to furnish the Senate a list of all common carriers by railroad subject to the provisions of an act entitled "An act to promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon," approved March 4, 1907, with the respective miles of road operated by each, which have failed to comply with the order of the commission of March 3, 1908, requiring monthly reports of all employees on duty for more than the statutory period; also, what carriers, if any, have filed suits to enjoin the commission from enforcing said order, with the result of such suits.

The VICE-PRESIDENT. The Senator from Wisconsin asks that the resolution may go over for consideration to-morrow.

Mr. HALE. There was much confusion in the Chamber. What was done with the resolution?

The VICE-PRESIDENT. It went over until to-morrow.

REPORT OF SUPERINTENDENT OF INSURANCE.

Mr. GALLINGER. Mr. President, I submitted Senate resolution No. 46 yesterday, which went over at my request. I ask that it may lie on the table subject to my call. I want to perfect it.

The VICE-PRESIDENT. Without objection, it is so ordered.

THE TARIFF.

The VICE-PRESIDENT. The calendar is in order. The Secretary will state the first bill on the calendar.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The pending question is on the amendment offered by the committee to paragraph 192.

Mr. BEVERIDGE. Mr. President, I wish to give notice now that I reserve the right when the bill shall have reached the Senate to present amendments to paragraph 189, and I have particular reference to the proviso in that paragraph. I am aware that that notice might be given later, but now is as good a time as any. It had been my earnest hope that it might have been discussed in half an hour this morning and disposed of. It had been my still more earnest hope that it might have been discussed, as it well could have been, last night and have been disposed of then.

But a situation was created which prevented that, Mr. President, and so this matter will be brought up in the Senate. We shall find out then whether or not the tens of thousands of retail

and wholesale jewelers of this country who think that their rights are invaded and business partly destroyed by this proviso are to be denied even a brief half hour's hearing in this body.

We shall find out whether tens of thousands of retail and wholesale jewelers, whose business is as dear to them as the great interests of the watch trust are to it, can not have a hearing, even of a brief half hour in the Senate of the United States. We shall find out whether these honorable business men in every city and town of the Nation can not have their case even presented to the Nation's lawmakers.

Yesterday afternoon I was called from this Chamber for only a moment—I think it was the only moment I was absent from the Chamber—and while I was absent, in what the RECORD shows the President of the Senate himself declared was a very hasty procedure, the whole paragraph with this offensive proviso was adopted. When I rose to present some very brief views upon that question I and all here who were interested were met with the objection, as the RECORD shows, from the junior Senator from West Virginia [Mr. SCOTT] that this proviso and the whole section had been agreed to and that everybody was out of order who ventured to discuss it. That objection was persisted in by the Senator from West Virginia [Mr. SCOTT], as the RECORD shows, and finally a condition was created here which made it perfectly clear that not even a limited discussion could be had; that not even a brief presentation of the rights of the men who feel that their business is imperiled by this proviso could be submitted to the Senate; and, while the Senator from West Virginia [Mr. SCOTT] may not have intended such a result, yet the RECORD has gone out; and every retail and wholesale jeweler in his State will know that the person who led the opposition to the consideration or even the presentation of their case before this body was their junior Senator.

Mr. President, I was told last night that when the bill reaches the Senate everybody will be in such haste and so tired that Senators will not listen to those men or to anyone, and that this proviso will pass without discussion. If that is the scheme, it will fail. Let those who entertain that fond hope abandon it. For we shall find out whether even in that late day the business interests of tens of thousands of reputable retail and wholesale men throughout this country are to be sacrificed without even a brief hearing. Only half an hour was asked this morning, an hour at the outside—only ten minutes for myself—to represent the views of those who have a right to have their views presented.

Mr. President, protection is not the point in this proviso; no, but destruction is the point. We want to protect the watch manufacturers of this country. No person wants that done more earnestly than I. I will vote for every cent of protection they need. But that is not the question here involved. The question involved in this proviso is not at all whether we shall protect the American watch industry, and it ought to be and is protected, but the question here is whether or not we shall ruthlessly destroy, for the benefit of that great monopolistic combination, the watch trust, the business interests of men who are making their living as retail and wholesale jewelers and watch dealers in this country.

When I rose yesterday afternoon, I had not intended to say as much in presenting their claims as I have said this morning. But a disposition was evinced last night which we have seen offensively exhibited before in considering this bill. It is such exhibitions which have been the only thing that in reality has delayed the bill. I want to forward this bill with all possible speed, but not at the expense of a poor half hour's hearing of tens of thousands of business men in this country whose interests are as dear to them as the great watch combination's interests are dear to it, and far more righteous.

So, Mr. President, these methods and those who practice them are delaying this bill and nothing and nobody else. To present their cause to this body, is their inalienable right, Mr. President. That they shall at least be heard is their historic privilege as American citizens, and, deeper than that, as men in whose veins runs the blood of our race. Even criminals are heard before they are condemned. Shall honorable citizens be despoiled without at least the same consideration?

A brief hearing when asked would have saved much time, because now the whole question will be investigated and submitted to the Senate as it should be. No objection of a Senator who has gotten into the bill all he wants and now wishes to jam it through to the exclusion of other people's interests will prevent us in the future.

So, Mr. President, I see fit to say this much in reserving the right to offer amendments when the paragraph reaches the Senate; and the cherished expectation of those who think that they can pass a matter of this kind by denying a hearing, however brief, in the Committee of the Whole, and then—when we get to the Senate to find everybody so tired that no one will listen to these men—those hopes will be dashed to pieces; for these tens and scores of thousands of American business men shall be heard. If they are wrong, let us vote against them; if they are right, let us vote for them; but let us do neither without hearing them.

Mr. DOLLIVER. I desire to ask my friend from Indiana if he would state a little more fully what the complaint of the retail jewelers is in respect to this provision.

Mr. TILLMAN. If I may be permitted——

The VICE-PRESIDENT. Does the Senator from Iowa yield to the Senator from South Carolina?

Mr. DOLLIVER. Certainly.

Mr. TILLMAN. In order that I may be permitted, if possible, to get some light which I did not have last night, and that the Senator from Indiana may have the fullest opportunity, I suggest to the chairman of the Committee on Finance that we reconsider the vote upon this paragraph, and give the Senators the balance of the day to tell us wherein the people are being robbed of their rights.

Mr. BEVERIDGE. No, Mr. President, that phase of the question, so far as I am concerned, has been closed. I tried to stand upon my rights and upon the courtesy of the Senate last night merely in order to voice briefly the interests and, as they think, the rights of tens of thousands of American citizens, but that was made impossible by the creation of a situation with which we are becoming familiar. Now, I stand further on my right and reserve it for the Senate. I am not prepared this morning to go into the matter as fully as it will be gone into then. That course would have been the course to pursue last night, but now it is too late. So once more we see how unfairness delays the bill.

Mr. CULBERSON. I desire to ask the Senator from Indiana if he understands that under the rules of the Senate he must reserve the right to move to amend when the bill reaches the Senate?

Mr. BEVERIDGE. I have just done that, I will say to the Senator from Texas.

The VICE-PRESIDENT. The reservation, however, is not necessary.

Mr. BEVERIDGE. I will state that there has been a difference of opinion here upon that point, and so that no question might arise, the first thing I did, I will say to the Senator from Texas, was to serve notice that I now reserve that right.

Mr. CULBERSON. I ask the Senator if he understood that that was necessary?

Mr. BEVERIDGE. Yes; I have heard it stated that it was necessary. Certainly it is the practice. Anyhow, I will take no chances.

Mr. CULBERSON. My understanding is that at this moment a notice to reserve is not at all necessary, but that a Senator can move any character of amendment after the bill is reported to the Senate.

The VICE-PRESIDENT. Surely no harm can come from it.

Mr. BEVERIDGE. No harm whatever; and it has been the practice; and I saw fit in view of the situation thus created to take no chances.

Mr. PAYNTER. Mr. President, I have just ascertained that it is marked by the Clerk that paragraphs 193 and 194 have been agreed to. If so, it was when the bill was first read. I desire that those paragraphs shall be passed over.

Mr. ALDRICH. Paragraph 192 is now under consideration.

The VICE-PRESIDENT. On the first reading, paragraphs 193 and 194 were agreed to.

Mr. PAYNTER. I simply desire to call attention to the fact that I shall desire to have them considered when reached in regular order.

Mr. ALDRICH. I ask that the amendment proposed by the committee to paragraph 192 be adopted.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee to paragraph 192.

Mr. BURKETT. I wish to ask the Senator from Rhode Island a question before it is adopted. I have had several communications with reference to some of the cheaper grades of fish. The Senator from Massachusetts, as I understood a few days ago, moved an amendment relative to kippered herring, and so forth, and which I understood adjusted the matter. However, since that time I have had several communications stating that the same question is also involved in paragraph 192, raising the tariff on cans.

Mr. LODGE. It is, and it has been provided for, by the words "such as are hermetically sealed." That takes them all out.

Mr. ALDRICH. It excludes all fish cans.

Mr. BURKETT. That removes the excess of duty.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee to paragraph 192.

The amendment was agreed to.

The VICE-PRESIDENT. The paragraph as amended will be agreed to, without objection.

Mr. ALDRICH. The committee propose an amendment to paragraph 194.

Mr. BACON. I wish to inquire of the Senator from Rhode Island if that is not the paragraph we were on yesterday afternoon, to which the Senator said he intended to offer an amendment to-day?

Mr. ALDRICH. Yes; the amendment is on the Senator's desk. It is the amendment offered last night. It excludes from the terms of the paragraph all sardines and everything that is hermetically sealed, and applies only to boxes in chief value of metal lacquered or printed by any process of lithography. It applies only to those particular things.

Mr. BACON. The object being to prevent the class of importations which the Senator designated yesterday evening——

Mr. ALDRICH. Exactly.

Mr. BACON (continuing). Where boxes in themselves valuable were brought in on the plea that they contained nondutiable articles.

Mr. ALDRICH. That is precisely what is intended to be covered by the paragraph, and nothing else.

Mr. PAYNTER. Is it the purpose now to pass on paragraph 193? I think it might as well be disposed of.

Mr. ALDRICH. Has the Senator an amendment to suggest to that paragraph?

Mr. PAYNTER. I desire to call the attention of the Senate to paragraph 193.

Mr. ALDRICH. I ask that the vote by which the paragraph was agreed to may be reconsidered.

The VICE-PRESIDENT. Without objection, the vote will be reconsidered.

Mr. LODGE. Paragraph 193?

Mr. ALDRICH. Paragraph 193.

The VICE-PRESIDENT. The vote on paragraph 193 will be reconsidered, no objection being heard.

Mr. PAYNTER. Mr. President, I wish to call the attention of the Senator to that paragraph. The present law imposes a duty of 45 per cent ad valorem upon bottle caps. A reputable citizen and business man of Kentucky, who is an earnest Republican, who contributes his time and reasonable expenses to support that cause, has invited my attention to this paragraph of the bill, and in doing so he has written me a letter in relation to it. I desire, in this connection, to call the attention of the "progressives" on the other side of the Chamber to what he says. He says that the understanding was—and I infer that he voted the Republican ticket upon the idea—that the tariff was to be a revision downward, and not upward. He also makes a remark that is worthy of consideration when he says that an industry that can not be sustained when it is protected by an ad valorem duty of 45 per cent does not deserve to exist.

It is a singular fact that the duty has been increased upon bottle caps, notwithstanding the record before us shows that not one has been imported into the country. I do not know whether there is an anticipation that the Germans will take possession of our market or that some other country may do it, but at any rate no bottle caps have been imported into this country, and still the rate has been increased 10 per cent ad valorem. With the permission of the Senate, I should like to have the letter read by the Secretary.

The VICE-PRESIDENT. Without objection, the Secretary will read the letter.

The Secretary read as follows:

BERNHEIM DISTILLING COMPANY,
Louisville, Ky., March 31, 1909.

Hon. THOMAS H. PAYNTER,
United States Senate, Washington, D. C.

DEAR SIR: We beg to call your attention to the provision in the new tariff bill in Schedule C, whereby the rate on colored and decorated bottle caps is to be advanced from 45 per cent to 55 per cent. We are very large consumers of these bottle caps, and naturally we feel that our interests should be consulted, as well as that of the manufacturer. We understood, as good Republicans, that this was to be a revision downward and not a revision upward, and in this particular manufacture we can see no reason whatever why the rate should be raised. Domestic manufacturers are doing well under the present rate, and we think that if they can not live with a protective duty of 45 per cent, they do not deserve to live at all. The principal raw metal used in this manufacture is lead, and the duty on that is being reduced, so that will give the domestic manufacture a new advantage, so there is no possible necessity of advancing the duty on caps.

Feeling sure that you will not object to our writing you as being interested in this matter, we beg to remain,

Very respectfully,

BERNHEIM DISTILLING COMPANY,
By L. S. BERNHEIM.

Mr. LODGE. Will the Senator allow me a moment?

Mr. PAYNTER. Certainly.

Mr. LODGE. The Senator is mistaken, I think, in saying that none have been brought in. They came in under the non-enumerated articles, and therefore are not classified. A large number were brought in; millions were brought in.

It appears by the tables that none were brought in, but they came in under the basket clause of articles not enumerated. Also, the duties on lead have not yet been reduced.

Mr. PAYNTER. At any rate, if they were brought in, the rate of duty was 45 per cent ad valorem. I should like very much to see the party of which I am a humble member triumph in the coming election, but at the same time I would be delighted to be able to give to my Republican constituents the assurance that the Republican majority had kept faith with those whose votes gave the Republican party power at the last election. However, I will not be able to do so if the amendment of the Finance Committee is sustained. I do not think there is any reason why this duty should be increased. I trust the Senate will not agree to it.

Mr. SMOOT. Mr. President, I desire to call the attention of the Senator to the fact that when the House adopted this rate the duty on lead was lower than the rate that has been established by the Senate, and all these caps contain at least 95 per cent lead. Therefore the rate we are keeping here is even a lower rate than that fixed by the House.

Mr. PAYNTER. I should like to ask the Senator a question. Does the rate fixed by the Senate increase the duty that previously existed upon lead?

Mr. SMOOT. That is, on pig lead?

Mr. PAYNTER. Yes.

Mr. SMOOT. No; the duty on pig lead is the same as it was.

Mr. PAYNTER. Then there is no necessity for increasing the duty on bottle caps for the reason given by the Senator from Utah.

Mr. SMOOT. The increase is upon the fancy lacquered caps or the highly finished product. Lithographing the man's name upon it and the work of finishing is the great part of the cost of the cap itself.

The VICE-PRESIDENT. Without objection, the paragraph will be agreed to. No objection is heard. The Secretary will state the amendments to paragraph 194.

The SECRETARY. The committee propose to strike out the proviso beginning on line 16, page 68, in the following words:

Provided, however, That all embroidery machines and lace machines, lever or go through lace machines imported prior to July 1, 1911, shall be admitted free of duty.

Mr. ALDRICH. I ask that the proviso be stricken out.

The VICE-PRESIDENT. The question is on agreeing to the amendment striking out the proviso.

Mr. BEVERIDGE. What is the effect of that, Mr. President?

Mr. ALDRICH. The paragraph as it came from the House admitted embroidery machines and lace-making machines free of duty up to July 1, 1911. The Senate committee have changed it so as to admit two classes of machines free of duty. The effect of the present amendment is to strike out all and not let any of them in.

The committee found that there were quite a number of people in this country who had imported these machines of various kinds and had paid duty on them, and they are now in use in this country, and it would be probably an unfair discrimination to let other people import machines free of duty.

Mr. PAYNTER. I propose to offer an amendment that the duty be fixed at 10 per cent ad valorem. I do not think there ought to be any duty. I do not know that I fully understand the Senator from Rhode Island.

Mr. ALDRICH. My proposition is to strike out the proviso entirely.

Mr. PAYNTER. What would be the effect of that?

Mr. ALDRICH. Then if lace machines come in they will pay the same rate of duty as other machines.

Mr. PAYNTER. That would be 45 per cent.

Mr. ALDRICH. Forty-five per cent. There are two or three million dollars' worth of lace machines now in this country.

Mr. BEVERIDGE. Do we make any lace machines in this country?

Mr. ALDRICH. Not at all.

Mr. BEVERIDGE. If we do not make any——

Mr. ALDRICH. We are liable to make them.

Mr. BEVERIDGE. Then this duty is on a liability.

Mr. STONE. The Senator from Rhode Island stated that he wanted to put on this duty because somebody else had brought in machines upon which they had paid a duty and that it would be an unfair discrimination to permit others now to bring them in free. Was that his statement?

Mr. ALDRICH. Yes; that is one statement I made.

Mr. STONE. On that theory we would not put anything on the free list at any time or reduce it.

Mr. ALDRICH. The House provision proposed to admit lace and embroidery machines into this country for a certain period free of duty.

Mr. STONE. Why was that?

Mr. ALDRICH. I suppose on the theory of encouraging embroidery and lace manufacturing in this country. That is the only reason I can imagine. I am convinced myself that there are a large number of manufacturers in the United States who are now engaged in producing embroidery and lace by machines that have been imported and upon which a duty has been paid. I have very grave doubt personally about the policy of admitting any machinery into the United States free of duty. This is a very advanced stage of metal manufacture, and I am perfectly certain that the mechanical genius of the mechanics of the United States will in time enable them to produce machinery for every possible purpose. As a matter of fact, machines are now being constructed in the United States for the production of lace, and I think it would be unfair to all the interests, perhaps, to make this exemption.

Mr. PAYNTER. Mr. President, I do not propose to address myself to the question of clothing or of articles for personal adornment, but to a question that affects the acquisition of knowledge. My remarks shall be confined to the question of reducing the duty on typesetting machines.

Mr. ALDRICH. That is not involved in the proviso.

Mr. PAYNTER. Mr. President, my attention was called to the question, which I will discuss briefly, by one of my constituents, who is a man of intelligence and character, and whose suggestion was worthy of investigation. He is the editor of a weekly newspaper in my State. I made a sufficient investigation to satisfy me that the amendment which I shall discuss should be adopted. The duty on linotype and typesetting machines, under the present law, is 45 per cent ad valorem. Under the House bill it is 30 per cent ad valorem. The amendment, if adopted, would reduce it to 10 per cent ad valorem. The present duty is certainly prohibitive, as no such machines have been brought into the country. Such machines are of so useful a character that publishers and newspapers should be able to obtain them at a reasonable price. The price of the machines is such now that they are not within the reach of any but those who do a large and prosperous business. But few country newspapers can afford them. They should not be deprived of them by a prohibitive duty.

So far as I can learn, it has not been made to appear to the Ways and Means Committee or to the Finance Committee that any duty is necessary to protect the manufacturers of them Indeed, I do not believe that any duty on them is necessary to protect the manufacturer. This is the only country, save Canada, where the duty is 10 per cent, that imposes a duty on linotype or composing machines. This country is a large user of such machines. If the price was reasonable, the use of them would be enormously increased. There is one manufacturer of linotype machines in this country, and that one, I am told, holds several hundred patents for parts of the machine and for composing machines, and but few of them are in use. It would seem that the Government has given this manufacturer an abundant protection by the numerous patents which have been granted. One manufacturer should not be given the absolute control of our market for the sale of these useful machines. Those who use them should be allowed to purchase them in a competitive market, not one where the price is fixed by the manufacturer. The price fixed is excessively high. It amounts to an extortion on those who are able to buy, and works a great wrong upon those who are unable to buy, by reason of the exorbitant price. Besides, it inflicts a great wrong upon the reading public.

The present prices are a hindrance to the dissemination of useful knowledge, a tax upon knowledge. The tax thus imposed in not for revenue, as none is derived therefrom. It is imposed and is for the benefit of a single manufacturer. By reason of patents the manufacturer of linotype machines enjoys a monopoly of the market, as no machines exactly like it can be made and sold here. The manufacturer also enjoys another monopoly, because the prohibitive duty prevents the importation and sale of composing machines in our market.

The linotype machine in use in this country was invented in 1884–5 and placed on the market in 1888. I am advised that these machines are sold at 300 or 400 per cent profit. While this information can not be exact, yet there are some circumstances which go to prove that the profits of the company are enormous. By an examination of a book entitled "Washington Securities, 1909," the information is obtained that the Mergenthaler Linotype Company was incorporated under the laws of the State of New York on December 16, 1895. The business is that of manufacturing, selling, and leasing linotypes and other printing-office machines and appliances. The machines are sold at from $1,500 to $3,600 each, and are leased for a term of six years at from $500 to $775 per year. The company has further income from the sale of parts and supplies. Its plant is located in the Borough of Brooklyn, N. Y. It maintains agencies in New York, Chicago, San Francisco, and New Orleans, and foreign agencies are being established.

On February 23, 1909, the stockholders voted to purchase 75 per cent or more of the stock of the British Linotype Machinery Company (Limited), which owns the Canadian-American Linotype Corporation, and 65 per cent of the stock of the Mergenthaler-Setzmaschinen-Fabrik, of Germany. The capital stock of the Mergenthaler Linotype Company is $15,000,000, $10,996,000 par value $100. Its assets are $18,433,166.76, a part of which is a surplus fund of $7,389,932.65.

The statement in the book to which I have just referred is as follows with reference to dividends:

April 1, 1896, to April 1, 1897, 16 per cent; July 1, 1897, 2½ per cent; October 1, 1897, to December 31, 1900, 10 per cent regular and 10 per cent extra; March, 1901, June, 1901, and September, 1901, 2½ per cent each; December, 1901, 2½ per cent regular and 3½ per cent extra; and since then to 10 per cent regular, payable quarterly on the last days of March, June, September, and December, and 5 per cent extra, payable with the regular December dividend.

The stock is now selling at about 208, which shows it is making immense profits, and is declaring large dividends. In order to make the stock attractive to the public, the action of the company is given with reference to the proposition to buy the controlling interest in foreign companies, presumably the only companies that could compete with this machine with its product in foreign markets or in the markets in this country.

The mere statement of the fact shows that the company has the purpose of acquiring the absolute control of the markets of the world where these machines may find sale. By reason of the high duty that has been fixed upon composing machines, it has destroyed all competition in this country. As an evidence of the fact, many composing machines have been patented, but only three or four are manufactured, and there seems to be no competition in their sale. Perhaps there is an agreement between these manufacturers in relation to the matter.

It may be said that duty is necessary to protect the manufacturer from competition in the American market. I do not think it is. The Mergenthaler Company certainly does not really believe so, because it states in a book entitled "Washington Securities, 1909," that it is preparing to establish foreign agencies. Of course, that is an admission that it can sell the machines in foreign countries in competition with typesetting machines manufactured in those countries. Otherwise it would be folly to establish foreign agencies. If it can do this, it certainly ought to have no apprehension of serious competition here.

The rapid growth in wealth of the company, as shown by its dividends and almost seven and one-half millions of a surplus fund, shows that there is no occasion for fear of any kind of competition. The average increase of the surplus fund during the past four years amounts to nearly $1,000,000 per year, which is about equivalent to the 10 per cent upon the paid-up capital stock.

The facts show that a monopoly exists. In an editorial which appeared in the Bath County (Ky.) World, it is said:

By reason of this monopoly on composing machines, two manufacturers are enabled to demand from $3,000 to $3,600 for machines that cost them only from $500 to $750 to manufacture; one of these same manufacturers, and another of a different class of machines, each get $1,500 for a product whose estimated cost is only from $250 to $300; and a third manufacturer gets $1,100 for a machine the estimated cost of which is about $225. This matter affects chiefly the country publishers. The city publishers can and do pay the exorbitant prices demanded, but thousands of country publishers are not able to do so and must continue to resort to laborious and tedious hand composition, whereas but for this monopoly they would be able to buy composing machines at from $500 to $1,000, possibly the best make of machine at the latter figure.

The Publishers' League issued a bulletin, giving some information in regard to composing machines, and, among other things, said:

Every publisher recognizes the necessity of composing machines. The pages of nearly every daily newspaper, and of most magazines, are set by mechanical means. *In offices where they are not used, it is due largely to their excessive cost.* It is a well-known fact that if composing machines were sold at a reasonable price, that would give a fair profit to the manufacturer, thousands more would be in use.

Those publishers who are now compelled to pay a high price in purchase, or submit to exorbitant rentals, would be able to use more machines and see better returns for the money invested in this class of machinery.

A saving of from $1,000 to $1,500 in the price of a machine, or the reduction in rental to, say, $200 per year, would mean a degree of prosperity to which publishers are entitled. *Weekly newspapers now compelled to rely upon an indifferent quality of labor for hand composition, could enjoy the advantages of machine composition at a reasonable cost.*

The responsibility for the present high price of composing machines rests with the Mergenthaler Linotype Company, of the United States. Through the protection afforded by an import duty of 45 per cent, through the impotent and incomplete laws of the Patent Office, through oppression and intimidation and the suppression of competitive machines, this concern has been able to hold up publishers and compel them to pay tribute to their monopoly.

Mr. BURKETT. Mr. President, I should like to ask the Senator from Kentucky a question.

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Kentucky yield to the Senator from Nebraska?

Mr. PAYNTER. I do.

Mr. BURKETT. Do I understand the Senator's amendment is in regard to linotype and type-setting machines provided for in this paragraph?

Mr. PAYNTER. Yes; my proposition is to reduce the duty to 10 per cent ad valorem. So far as I am personally concerned, I should be very glad to put them on the free list, but anticipating that there might be some opposition to the suggestion that they may come in free, I propose to fix the duty at 10 per cent.

Mr. BURKETT. I understood the Senator to say he would strike them out of this paragraph, and I was going to call his attention to the fact that that would leave them under the general provision in the next paragraph at 45 per cent. I did not understand that the Senator proposed to reduce the duty to 10 per cent ad valorem.

Mr. PAYNTER. If what the Senator from Nebraska suggests is true, of course that ought to be corrected. My attention had not been called to that. Upon reflection, I can say the effect of my amendment will not be as suggested by the Senator from Nebraska. My amendment clearly substitutes 10 per cent for the previous rate of duty.

The present tariff (45 per cent) prohibits competition. Remove the duty and composing machines will be sold at a fair price and still yield a reasonable profit to their makers.

When the linotype was first placed on the market it sold for $3,000, and the estimated cost of manufacture was $1,500. To-day the selling price is $3,000, and in some instances $3,600, although the cost of manufacture, *according to expert testimony*, has been reduced to less than $500 per machine. Such improvements as have been made are charged to the publisher at extraordinary rates. For instance:

Simplex linotype costs to build, $500; selling price, $3,000; rental, $500 a year.

Standard two-letter linotype costs to build, $500; additional cost of improvements, $25; selling price, $3,125; rental, $600.

Duplex linotype costs to build, $600; additional cost of improvements, $35; selling price, $3,250; rental, $600.

Double magazine costs to build, $750; additional cost of improvements, $100; selling price, $3,600; rental, $700.

The official report of the Mengenthaler Linotype Company for the year ending September 30, 1905, states that during the year previous 868 machines were sold for $2,436,978. *The gross profit on these sales, involving less than half a million dollars to manufacture, was more than $2,000,000. Surely the publishers in the United States have paid well for their machines.*

Had American inventive genius been given an opportunity, there would not exist to-day any monopoly in composing machines. There would have been at least 100 different composing machines on the American market and the United States would have been the manufacturing center of this class of machinery for the entire world. It is not through any lack of brains that there are not any other machines on the market. *Patented improvements on composing machines have been brought out by the hundreds, not for the purposes of manufacturing, but simply to be shelved.* Inventors have been literally scared into subjection, and every effort toward competition has been stifled. For what reason? Simply to permit the Mergenthaler Linotype Company to occupy the field alone.

There are 13,000 country newspapers in this country without composing machines. Their type are set in the same old way. They should have the chance to obtain at reasonable prices modern instrumentalities to produce their papers to meet the demands of a progressive and exacting reading public. The means of obtaining, giving, and disseminating knowledge should be produced as cheaply as possible. Every facility for the press should be afforded. The Government can not put its functions to a more beneficial use than in lending the necessary aid in the education of the people and the distribution of knowledge. The country newspaper is intended to meet the need of the towns and country. As there is a segregated population in the cities, there is such a demand for the great daily newspapers that they obtain immense circulation. While the country newspapers can not obtain so great a circulation as the dailies, still they supply the demand for newspapers in their respective localities. Their weekly arrival is as anxiously awaited by their patrons as are the dailies by their patrons. They are just as much needed and appreciated in their sphere of circulation as are the dailies in theirs. The country newspaper carries interesting news; is instructive and useful. It contains a record of important events of the week, gives an account of the acts of public servants, and contributes largely to the formation of public opinion and greatly aids in the creation of a healthy public sentiment for the enforcement of the penal and remedial statutes of the country. An honest and independent press is essential to the preservation of the rights of the people. Let us hope that it possesses both of these attributes.

The following quotation is attributed to Richard Brinsley Sheridan, in Bent's Short Sayings of Great Men. In supporting the liberty of the press, in 1810, he said:

Give them a corrupt House of Lords, give them a venal House of Commons, give them a tyrannical prince, give them a truckling court, and let me have but an unfettered press; I will defy them to encroach a hair's breadth upon the liberties of England.

If Congress would safeguard the independence of the press it should not retain on our statute books laws which prevent newspapers from obtaining the material they need at reasonable prices, for their prosperity and success remove from their pathway obstacles which do not conduce to independence.

I believe that 10 per cent ad valorem is more than sufficient to protect a manufacturer of composing machines in a home market.

I appeal to the Senator from Rhode Island [Mr. ALDRICH] to accept my amendment. If he does, he will not do an injustice to anyone, but will give the struggling country newspapers hope for the future and render his country a great service.

Mr. CLAY. Mr. President, I ask that paragraph 213 of the bill be read.

The PRESIDING OFFICER. Without objection, that paragraph will be read, at the request of the Senator from Georgia.

The Secretary read paragraph 213, as follows:

SCHEDULE E.—SUGAR, MOLASSES, AND MANUFACTURES OF.

213. Sugars not above No. 16 Dutch standard in color, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above 75°, ninety-five one-hundredths of 1 cent per pound, and for every additional degree shown by the polariscopic test, thirty-five one-thousandths of 1 cent per pound additional, and fractions of a degree in proportion; and on sugar above No. 16 Dutch standard in color, and on all sugar which has gone through a process of refining, 1.90 cents per pound; molasses testing not above 40°, 20 per cent ad valorem; testing above 40° and not above 56°, 3 cents per gallon; testing above 56°, 6 cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

Mr. CLAY. Mr. President, I do not want the Senate to reach the conclusion, because I have several pages of manuscript here on my desk, that I intend to occupy much of the time of the Senate. I do not intend speaking exceeding forty or fifty minutes, and probably I shall be able to complete my remarks in less time than that.

Mr. President, I shall devote these remarks almost entirely to the sugar schedule. I will say, before I begin that discussion, that I am one Senator, and I speak for myself, and I believe that I voice the sentiment of the people of Georgia when I say that I hope by the 1st day of June the Senate will vote on the bill and let the country know what we intend to do in regard to the tariff. We are all now fully aware of the fact, Mr. President, what the Senate intends to do in regard to the passage of this bill. We have seen by the votes which have been taken that this bill, in all probability, will pass the Senate just as the Finance Committee has reported it, because on the different test votes it has been demonstrated that a majority of the Senate will sustain the Finance Committee, and it is useless to keep the Senate here for weeks or months, until August or September, discussing this bill. We shall not do the country any good by delay unless we can accomplish some results.

Again, the Senator from New York [Mr. DEPEW], in his discussion the other day, referred to the fact, when he was addressing my colleague [Mr. BACON], that the Democratic party was absolutely a free-trade party. Mr. President, I insist that a tariff for revenue sufficient to support this Government, expending a billion six hundred thousand dollars a year, will give all the protection that the most ardent protectionist could possibly desire.

Neither Alexander Hamilton nor Henry Clay ever contemplated that such protection would be given to the industries of our country as a tariff for revenue sufficient to support the Government at this time would give.

Again, I do not subscribe to the doctrine that we ought to have in this country, generally speaking, free raw material. I believe that a tariff for revenue for the purpose of supporting this Government ought to be levied in such a way as to do substantial justice to every section of our country and to every product of our country.

Mr. President, if the Democratic party was in power and I had anything to do with shaping tariff legislation, I should insist that a tariff for revenue should give the same consideration to the State of Massachusetts and to the State of Indiana that it did to the State of Georgia; and if the Republican party

believes in a tariff for protection, it is manifestly just that the Republican party shall levy that tariff so that the burdens and benefits accruing under it shall be distributed to every section of our country.

But, Mr. President, I did not rise upon this occasion for the purpose of discussing the tariff generally. I will say, however, before I begin the discussion of the sugar schedule, that I noticed the Senator from Utah [Mr. SMOOT] said something the other day on the floor of the Senate during the course of his remarks that I have heard here before. He was speaking of the tariff in regard to the razor manufacturing industry in this country, and the Senator told the Senate that 90 per cent of the cost of razors came from labor. I was at one of the departments this morning, and I was unable to find any manufactured article where 90 per cent of the cost went into labor. The Senator from Utah, Mr. President, read a statement from the manufacturers of razors. That was a colored statement; and, I fear, in many instances, this bill has been framed and based upon the testimony of those interested when the whole case was not heard. Every argument that I have heard upon the floor of the Senate to sustain an increase has come from those who were deeply and vitally interested in the result.

But, Mr. President, I shall confine my remarks to the sugar schedule. I regard the sugar schedule as one of the most important in this bill, because during the last twelve years one-sixth of the revenue flowing from customs duties has come from taxation on sugar.

The American people are great consumers of sugar. The consumption of sugar in the United States for the year 1908 was 3,185,789 tons, about 81 pounds per capita. Nearly two-thirds of this sugar came from foreign countries into the United States. Under the present law there were imported into the United States for the fiscal year ending June 30, 1907, 2,329,564 tons of sugar. This included the sugar coming from Hawaii free of duty. We received 347,509 tons of sugar paying the full tariff duty. We received from the Philippine Islands 10,700 tons of sugar, from Cuba 1,340,000 tons, from the Hawaiian Islands 418,102 tons, and from Porto Rico 212,853 tons. The total amount of beet sugar produced in the United States last year was only 440,200 tons, and the total amount of cane sugar produced was only 335,000 tons. Thus it will be seen that only a small amount of the sugar we use in the United States is produced in our country. The American Sugar Refining Company, called the "sugar trust," goes into foreign countries, purchases raw sugar, brings it into this country after paying tariff duties, refines it, and sells it to the people of the United States. The American Sugar Refining Company, commonly called the "sugar trust," owns the principal sugar refineries in the United States, and is almost without competition in refining sugar. In calculating the cost of sugar to the American people we must understand the tariff duties levied by Congress on raw sugar and refined sugar; we must know what advantage the American Sugar Refining Company, or the sugar trust, has over foreign refineries. We must clearly understand that the tariff duty on refined sugar is nearly 2 cents per pound, and is so high as to almost entirely prohibit the importations of foreign sugar into this country. We must clearly understand that the American Sugar Refining Company, commonly called the "sugar trust," controls nearly all of the refineries in the United States, controls the entire market in the United States both as to raw and granulated sugar.

The beet grower and the cane grower of sugar both are compelled to sell to the sugar trust in order to get raw sugar refined and ready for the market, and are bound to take the price fixed by the sugar trust. Now, what does the tariff on sugar cost the American people annually? The total duties collected on raw sugar for the year 1907 were $54,310,082. This vast sum was paid by the American people who consumed sugar in tariff duties on one of the necessities of life. Look at the price of sugar in London, Hamburg, and New York. This clearly illustrates what the tariff on sugar costs each American consumer. I insert the average market values per pound of refined sugar in London, New York, and Hamburg from 1904 to 1908:

		Cents.
1904	London	3.65
	New York	4.77
	Hamburg	2.49
1905	London	4.06
	New York	5.26
	Hamburg	2.97
1906	London	3.41
	New York	4.52
	Hamburg	2.29
1907	London	3.50
	New York	4.65
	Hamburg	2.39
1908	London	3.22
	New York	4.96
	Hamburg	2.64

Mr. FOSTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. CLAY. I prefer not to yield until I get further on, because I want to keep to the line of my argument if I can.

Mr. FOSTER. Very well.

The PRESIDING OFFICER. The Senator from Georgia declines to yield.

Mr. CLAY. The average wholesale price of granulated sugar in Hamburg for 1908 was 2.64 and in New York 4.96 cents per pound. As I have before said, the American people consume about 81 pounds of sugar per capita annually. When the new census is completed I believe the figures will show 90,000,000 people in the United States. If each person in the United States consumes 81 pounds of sugar annually, the total amount consumed would be 7,200,000,000 pounds, provided we have 90,000,000 people. Now, I have said that sugar was selling in Hamburg at 2.64 cents per pound at wholesale prices and in New York at 4.96 cents per pound. Now, what is the difference in the selling price in New York and Hamburg? Two and thirty-two one-hundredths cents per pound. Multiply the number of pounds the American people consume by the difference of price in Hamburg and New York markets and you will ascertain how much more the same amount of sugar would cost in the United States than in Hamburg.

I have some figures and facts which go to show that the average difference, taking the last dozen years, would be 1.89 cents per pound. Take this as a definite basis and multiply the number of pounds of sugar we consume by the difference of price in Hamburg and New York markets and it will amount to $136,080,000. These figures may not be absolutely correct, but they are substantially so. I am basing this calculation on a population of 90,000,000 people. The Government only gets fifty-three millions in customs duties, leaving eighty-three million and eighty thousand, most of which goes to the sugar trust. Only a small part of it, if any, goes to the grower of beets or to the producers of raw cane sugar. The American people have paid taxes on an average of fifty millions per year during the last twelve years on sugar, amounting to fully $600,000,000. The American consumers of sugar have paid to the American Sugar Refining Company, commonly called the "sugar trust," at least fifty-five millions per year in profits, amounting in twelve years to $660,000,000.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. I would like to get along——

Mr. SMOOT. I was just going to ask the Senator where he gets those figures. I have the figures here from Willett & Gray.

Mr. CLAY. I got my figures from the Agricultural Department; I did not get them from the American Sugar Refining Company. I got them from a department that represents the American people.

The American people are not aware of the fact that if the sugar we import came into this country free of any duty, both raw and refined, the cost of sugar to the American consumer would be reduced nearly one-half. I am not insisting that both refined and raw, or either, should come to this country free of duty, but there ought to be a substantial reduction over the rates fixed in the Dingley law. The argument has been made that sugar is a great revenue producer and that we expend a large amount of money and must resort to this tax on the American consumer in order to raise revenue to carry on the expenses of our Government. Why should we take one of the necessities of life used by the entire American people and increase its cost to the consumer one-half when the amount of the revenue now produced by sugar could easily be supplied by an income tax? The Senator from Texas [Mr. BAILEY] estimates that if this income-tax amendment to the tariff bill is adopted it will produce in revenue the sum of $80,000,000.

Mr. NELSON. Will the Senator yield to me for a moment?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. I would rather go on, because I do not desire to consume the time of the Senate.

Mr. NELSON. Just a moment for a suggestion, which I think will help the Senator. There seems to be some mistake about the profits. They can not have made that much, for they have been obliged to cheat the Government to the extent of two and a quarter million dollars, I believe.

Mr. CLAY. I like to yield to the Senator always; but he is making part of my speech. [Laughter.]

Yes, they have had us give them free sugar from the Hawaiian Islands since the Dingley law was passed; they have had us give them free sugar from the island of Porto Rico; they have had us give them concession sugar from the island of Cuba; and,

notwithstanding that fact, they have stolen from the Treasury of the United States during the last seven years more than $9,000,000.

The Senator from Iowa [Mr. CUMMINS] has also introduced an income-tax amendment, and he sets forth figures to show in the event it is adopted it will produce forty or fifty millions of revenue. Who will deny that it is to the best interests of the American people to take the tariff off of sugar and give to the American people cheap sugar costing about one-half what they now pay for granulated sugar and to supply this loss of revenue by taxing incomes above $5,000? I have no war to make on wealth, but an income tax is a just and proper tax. A citizen who owns a million of dollars or a half million with an income of $50,000 per year is able to pay the income tax, and by reason of the protection that his property receives at the hands of the Government, and by reason of the benefits accruing to him as a citizen from the Government, ought to be willing to bear the burdens of the Government in proportion to his wealth. The Government is called upon almost daily to interfere with strikes and prevent the destruction of property and to protect men of great wealth engaged in operating railroads, coal fields, iron furnaces, and to save their property from destruction. It is just and right that those who have been successful in business and who have accumulated large wealth and who have been the recipients of such benefits from the Government should take from their income a reasonable sum to assist in paying the expenses of the Government. They receive more benefits from the Government than the plain citizen who works for his daily bread. They look to the Government to protect their wealth, and how any patriotic citizen who is so fortunate as to enjoy a large income and who is so fortunate as to have his property protected from all danger by the strong arm of the Government can oppose paying an income tax I can not understand.

Let us give to the American people cheap sugar. Let us grasp the sugar trust by the throat and strangle it to death and keep in view the interest, the happiness, and welfare of the plain people of America. We must remember that sugar is an important article of food daily consumed by every man, woman, and child in the country. This being true, the people had the right to expect that the Finance Committee of the Senate would treat it as a necessity and tax it accordingly; but, on the contrary, it has been singled out as a subject of attack equal to 78 per cent of its bond value. I have been confronted with facts and figures which show that this food product pays a tax of nearly 80 per cent, while many articles of luxury in this country are taxed at much lower rates. Why should we place a tax on sugar at nearly 80 per cent and only 45 per cent on automobiles? Why should we place a tax on sugar of nearly 80 per cent and 10 per cent on diamonds? Why should we place a tax of nearly 80 per cent on sugar and 35 per cent on costly furs? Why should we place a tax of 80 per cent on sugar and only 50 per cent on expensive feathers and trimmed hats? I have figures and facts before me which clearly show that the American Sugar Refining Company, commonly called "the sugar trust," has repeatedly sold considerable quantities of sugar for export at nearly 2 cents per pound less than the price quoted in the domestic market. Why should the American Sugar Refining Company be placed in a condition by law which enables the company to sell to the American people at nearly 5 cents per pound and to export and sell in other countries at 3 cents per pound? If the American Sugar Refining Company, commonly called "the trust," can export and sell sugar at 3 cents per pound abroad and this trust sells the same sugar in America at nearly 5 cents per pound, who can wonder that the sugar trust has doubled, and even quadrupled, its investments yearly?

I have been dealing with the year ending June 30, 1908. Take the sugar we imported in 1907, 3,726,339,201 pounds. At Hamburg prices this sugar would cost $100,611,158, while at New York prices the same sugar would cost $181,125,523. The difference would be $80,514,365 against the American people. The Payne bill provides that sugar testing 96° shall pay a duty of $1.68½ per hundred pounds, and for each degree above 96° 3½ cents per hundred pounds shall be added until refined sugar is reached, and when this is done an extra 7½ cents per hundred pounds shall be added, which excess is called a refiner's differential. This makes the duty on refined sugar $1.90 per hundred pounds, while under the Dingley law the whole duty on refined sugar is $1.95 per hundred pounds. Before the American consumer or merchant can purchase refined sugar in foreign countries (except Cuba), a tariff of nearly 2 cents per pound must be paid; consequently the sugar which the consumer buys in America is without competition. The tariff is so high on refined sugar that the foreign refiner of sugar can not send his sugar into America. Last year only 219 tons of refined sugar came into the United States from foreign countries. By reason of this legislation the American people are helpless. They necessarily must purchase their sugar from the sugar trust and pay the price fixed by the trust, for the trust is without competition. It is inconceivable to me how the Finance Committee of the Senate and the Ways and Means Committee of the House in revising the tariff have neglected so vital an interest affecting the entire American people. The sugar trust, so far as I know, has had no representative here, either before the Ways and Means Committee, or the Finance Committee of the Senate. Judging from the treatment which the sugar trust has received, this corporation needed no representative before either committee. The Finance Committee has granted the trust all the favors desired without a hearing and so has the Ways and Means Committee of the House.

Under the bill reported the consumer of sugar in the United States must continue to pay 5 cents per pound for the sugar consumed. We must remember that the American workingman during the last few years has had a hard time to earn a living. We must not only consider the wages which he draws, but we must consider the necessaries of life which he consumes. Flour has almost doubled in value, meat and meal have advanced in price, so has clothing, and it costs the American workingman nearly twice as much to live to-day as it did twelve or fifteen years ago. We must strive to decrease the cost of living, and we must not by legislation create fortunes for any particular class. We must not create conditions by legislation which will enable the rich and powerful to double their fortunes at the expense of the plain people of America. We must not forget that sugar is one of the necessaries of life and that the American people spend nearly $400,000,000 per year for sugar and that the cost of sugar could be reduced at least one-third by a proper revision of the tariff. Now, what is the differential? When we find the tariff rate fixed on 100 pounds of raw sugar and the tariff rate fixed on 100 pounds of refined sugar and subtract the one from the other, this will leave the differential allowed the sugar refiners of the United States as against the sugar refiners of foreign countries. I have heard it said that the differential under the Dingley bill was 26½ cents per hundred pounds and 21½ cents under the Payne bill—that is, the differential between the tariff on raw and refined sugar. That is raw sugar testing 96°.

Such a statement is not a fair one and can not be borne out by the facts. Last year we had imported into this country 347,509 long tons of sugar, which paid the full tariff duty of $1.68½ per hundred pounds, while refined sugar paid a duty of $1.95 per hundred pounds under the Dingley law, which would leave a differential of 26½ cents per hundred pounds and which would leave a differential of 21½ cents per hundred pounds under the Payne bill. Mark you, this is the differential on sugar coming into this country which pays a full duty. Concession sugar coming into the United States may be summed up as follows; that is, raw sugar which does not pay a full duty:

	Tons.
Philippines	10,700
Cuba	1,340,400

And this raw sugar comes into the United States with a reduction of 20 per cent of the tariff fixed by the Dingley bill, consequently raw sugar coming from Cuba pays a duty of only $1.48½ per hundred pounds, and the differential in favor of the refiner on sugar coming from Cuba would be 20 cents per hundred greater than sugars paying full duties. In other words, the sugar trust engaged in refining sugar, instead of paying a tariff duty of $1.68½ per hundred pounds on raw sugar coming from Cuba, would pay a tariff duty of only $1.48½ per hundred pounds, and the sugar refiner, instead of having a differential of 21½ cents under the Payne bill, would have a differential of 41½ cents per hundred pounds on all sugar coming from Cuba.

We receive sugar free from the Hawaiian Islands; consequently the American sugar refineries, commonly called "the trust," purchase raw sugar in the Hawaiian Islands without the payment of any duty whatever, and we receive from these islands 418,102 tons of raw sugar, and we receive from Porto Rico, without any duty, 212,853 tons of raw sugar. In fact, most of this raw sugar was produced in these islands by the American sugar refineries at a cost of about 2 cents per pound. This great trust has purchased the sugar plantations in those islands and dominates and controls the production and price of raw sugar therein. Now the sugar trust, by reason of the reciprocity treaty with Cuba, purchases raw sugar at 20 cents per hundred pounds cheaper than before the ratification of the reciprocity treaty with Cuba. Notwithstanding this fact the sugar trust continues to sell refined sugar at the same price,

pocketing the reduction that was intended for the American and Cuban people, and adding this 20 cents per hundred pounds to its colossal fortunes. The American sugar refineries control the production of sugar in the Hawaiian Islands, and we receive from those islands 418,102 tons of raw sugar and from Porto Rico 212,853 tons of raw sugar, without any tariff duties, and notwithstanding this fact the trust did not give the American people the benefit of this free sugar; but, being without competition, continued to sell refined sugar to the American people for the same price.

Neither did the people of those islands receive any substantial benefits by reason of this reduction on tariff duties. In fact, the information I have leads me to the conclusion that the sugar trust has purchased large plantations in Cuba, controlling the production of sugar in that island and producing sugar, which this corporation refines, at less than 2 cents per pound. It will do no good to reduce the tariff on raw sugar and allow the high tariff to remain on refined sugar. The sugar trust, controlling practically all of the refineries in the United States and the tariff being so high on refined sugar that foreign competition is destroyed, can keep up the price of refined sugar, regardless of the fact that the trust is able to buy raw sugar at reduced prices. We must allow sugar to come into this country even free of duty if by such competition we can destroy the American Sugar Refining Company. It does no good to give the sugar trust cheap raw sugar to refine when the trust refines it and continues to sell to the American consumer as though a tariff duty was paid of $1.68½ per hundred pounds. This trust has wrung millions wrongfully from the pockets of the American people, and deserves no mercy or consideration at the hands of the American Congress. We must not get a mistaken idea in regard to the average differential between refined and raw sugar. The calculation heretofore has been made on the theory that the American Sugar Refining Company pays a tariff of $1.68½ per hundred pounds on all raw sugar coming into this country, when this is not true. If you will take the sugar imported into this country paying full duty, the sugar coming from the Philippines with a reduced duty, the sugar coming from Cuba with a tariff reduced 20 per cent over the Dingley bill, and the free sugar coming from the Hawaiian Islands and Porto Rico, you will find that the average tariff duty paid on sugar by the sugar trust, instead of being $1.68½ per hundred pounds, amounts to $1.04.

I hold in my hands a statement furnished me by an expert, which I am sure correctly describes the situation:

	Long tons.
Full dutiable sugar	347,509
Concession sugar in the Philippines	19,700
Concession sugar in Cuba	1,340,400
Free sugar in Hawaii	418,102
Free sugar in Porto Rico	212,853
Total	2,329,564

The total duties on all raw sugar were $54,310,082. The sugar refiners of this country got all of this raw sugar at a tariff cost of $54,310,082, or $23.31 a long ton. The raw sugar when equalized in this way amounts to 1.04 cents per pound. In other words, when you take the sugar coming into this country paying the full duty and the concession sugar coming from the Philippines and Cuba and the free sugar coming from Hawaii and Porto Rico and equalize the tariff duties, the sugar trust pays $1.04 per hundred pounds on all raw sugar received instead of $1.68½ per hundred pounds. In fixing the present rate for refined sugar five one-hundredths of a cent was deducted from the old rate of $1.95 per hundred pounds, so that the present differential between 96° sugar and refined sugar is 21½ cents per hundred pounds. Now, the real tariff paid on raw sugar by the sugar trust is $1.04 per hundred pounds. The duty on refined sugar is $1.90 per hundred pounds as fixed in the Payne bill. There is no reason for adding the differential of 21½ cents per hundred pounds on refined sugar to $1.68½, the duty on raw sugar testing 96°. This assumes that the refiners pay $1.68½ per hundred pounds on all raw sugar, while, as a matter of fact, they only pay $1.68½ on 341,961 long tons of sugar. On all dutiable refined sugar the trust pays on an average $1.37 per hundred pounds, and all imported raw sugar $1.04 per hundred pounds; that is, when we add together the sugar paying full duty and the concession sugar coming from the Philippines and Cuba and the free sugar coming from Hawaii and Porto Rico. If 21½ cents be assumed as a proper differential and the Payne bill makes that assumption, then it should be added to what imported raw sugar as a whole costs refiners, to wit, $1.04 per hundred pounds, and not to what a particular item costs them, $1.68½ per hundred pounds.

The duty on refined sugar, even from a Republican standpoint, should not be more than one hundred and twenty-five and a half hundredths, instead of one hundred and ninety hundredths, as the Payne bill proposes. The duty imposed in the Payne bill on refined sugar proceeds on the idea that the refiners have actually paid $1.68½ per hundred pounds on all raw sugar imported, when in fact the trust has paid this duty only on 344,961 tons of raw sugar. The sugar trust actually get 2,329,564 tons of raw sugar at a duty of $1.04 per hundred pounds and the differential of 21½ cents per hundred pounds should attach to this and not to the duty of $1.68½ per hundred pounds. This calculation is made on sugar testing 96°.

This analysis has been furnished to me by an expert familiar with the sugar business, and, I believe, will be found to be absolutely correct. I have considered the figures myself most carefully and made comparisons, and I challenge a successful contradiction of these figures. It is amazing to me with what indifference the Ways and Means Committee of the House and the Finance Committee of the Senate have treated this subject, of such vital importance to the entire people of the United States. We were called in extra session to make a substantial revision of the tariff, and here is one item, by reason of existing duties, that costs the American people nearly $400,000,000 per year, and there has not been given to this item the slightest attention. Such a revision of the tariff is a sham and a humbug. I quote from the Washington Times an article full of meat on this important subject, and the figures and facts set forth therein will be found to be absolutely correct. The Washington Times asked the question:

> Who gets the benefit of the high protection which the Dingley law places on sugar? Practically the same protection is retained by the Payne and Aldrich bills. Somehow or other it makes the American people pay for sugar about $113,000,000 more per annum than they would pay if they got the prices which prevail abroad. The Government gets $52,000,000 of that excess in revenue. But whence goes the rest? Does it go to the beet-sugar producer?

The Times further adds:

> The testimony adduced before the Ways and Means Committee of the House seems to indicate that most of the benefits go to the trust.
>
> The trust controls a large proportion of the beet-sugar producing capacity of the country. If the beet-sugar people get the benefits, then the sugar producer gets much of it. But does the beet-sugar producer need it? Does he need all he gets under the present law?
>
> The answer in part is to be found in the simple statement of some trade facts. Denver is the point of origin of a great beet-sugar traffic. The Colorado granulated sells in Denver at $5.25 per hundred. The same sugar is shipped 1,000 miles east, to Chicago, pays the highest freight rates on the continent, and sells for $4.85. The Colorado market is monopolized by the Colorado producers because of the long distance from the Hawaiian sugar at the Pacific or the Cuban sugar at the Atlantic coast; so Colorado, which ought to have sugar at $4.85, less the freight to Chicago, is held up for 40 cents more than it ought to pay.

The article, going further, says:

> Now let the Pacific coast situation be investigated. Beet granulated is produced in California at large profits. The Hawaiian sugar, 450,000 tons annually, is practically duty free, and the San Francisco refineries are the nearest to it. California should have the cheapest sugar in the United States; yet San Francisco quotes $5.40—55 cents more than Chicago and 15 cents more than Denver.

Sugar at Chicago ought to cost more than at either Denver or San Francisco. In fact, it costs considerably less.

This is possible simply because there is such an immense margin for manipulation within the limits of profitable prices that the trust charges just what it pleases, wherever it pleases. So the trust has a general deal with the Hawaiian producers of raw sugar, by which it takes practically their entire output and hauls it to New York by way of the Pacific for refining. California is left to the tender mercies of the California beet-sugar producers, and pays the highest price on the continent, or nearly that, when it ought to have the lowest.

Whether the beet-sugar industry could continue in business if the protection were reduced is the subject of a difference of opinion. It is noted, however, that most of the witnesses before the Ways and Means Committee who were neither sugar-trust agents nor beet-sugar people believed that a reduction of one-half or thereabouts in the duty would be perfectly safe, so far as concerned the beet interests. The substance of all this testimony—the only testimony from people not concerned in the trust—was well stated by Claus Spreckels, of the Federal Sugar Refining Company of New York. This company refines about one-tenth of the sugar refined in the country. Mr. Spreckels declared that the tariff as now adjusted gives all the advantage to the trust. He said:

> I would be perfectly satisfied if you should agree upon free trade in both raw and refined sugars. I would prefer absolute free trade to the present schedule, under which the sugar trust is the principal beneficiary and enabled to exact special privileges and conditions on sugars produced in Louisiana and the Hawaiian Islands.

Mr. Spreckels said:

> I claim that beet-sugar factories in proper localities, such as Colorado, California, Utah, Idaho, and Oregon, should, and I am informed can, produce granulated sugar at 2.5 cents per pound.

As far as Louisiana is concerned, I contend that the sugar trust is in position to seize, in its discretion, a large share if not all of the benefit of the protection granted, and as far as our colonies are concerned they are to-day able to produce sugar in competition with the rest of the world.

Mr. Spreckels further said:

Under the circumstances I believe the sooner our Government reduces and gradually wipes out entirely the duty on sugar the better it would be for the country and all concerned.

The article in the Times was well written, and commenting upon Mr. Spreckels's testimony, says:

This from a man who is fighting the sugar trust, and who, though his business is small in proportion to that of the trust, is willing to take his own chances in the competition with the duty entirely removed.

Mr. Spreckels does not believe the beet people need the protection; he does not think the Louisiana growers get it, because the trust takes it away from them; he finds that the colonies can compete with the world and take care of themselves, and finally, as an independent refiner, he would prefer free trade in sugar.

Well does the Times say:

This testimony seems to point the conclusion that the sugar trust is the only real beneficiary from the tariff as now adjusted.

Once more the question may be asked: "Is the sugar trust worth what the country is paying to maintain it?"

The Times, concluding this editorial, says with force:

There ought to be some way of getting answers to that question. If the Finance Committee is not prepared to give a convincing answer it has not done its duty well.

The article written in the Washington Times above quoted in my judgment is unanswerable. I doubt if the Finance Committee of the Senate will attempt to answer it. The Washington Post, one of the great newspapers in this country, in an editorial recently published, plainly tells Congress the way to secure a cheaper sugar is to reduce the excessive duty on refined sugar. The Habana Post, published in Habana, Cuba, in an editorial which I hold before me, says:

The sugar imported from Cuba is raw. It is imported by the trust. By the time it is refined and reaches the consumer the price is just as high as it was before Cuban reciprocity. The trust gets its raw material cheaper, sells at the same old figure, and pockets the difference. The money made out of Cuban reciprocity should be in the Treasury or in the pockets of sugar consumers. Not a dollar of it gets away from the trust.

The same paper says:

The way to secure cheaper sugar is to reduce the excessive duty on refined sugar. Let the sugar trust surrender a part of its exorbitant protection. Give foreign refined sugar a chance to make fair competition with the sugar trust. Then the consumer may receive some benefit.

The Habana Post was quoting from the Washington Post, and says:

Our contemporary is right in demanding reduced duty on refined sugar. Little of the refined product is imported by the United States and the decrease in revenue from this source would be comparatively nil. Lower duty on refined sugar would unquestionably help to solve the problem of cheaper sugar in the United States.

What do we understand by the term "sugar trust?"

The American Sugar Refining Company is commonly called the "sugar trust." This trust has constantly violated both the criminal and civil laws of our country. It is unconscionable and has continually robbed the American people since its organization. Instead of knocking at the door of Congress seeking to increase its fortunes at the expense of the masses of the people by reason of favorable legislation, its officers and those directing and controlling its formation and operation ought to be at the bar of the criminal courts on trial for most serious criminal offenses, and instead of enjoying their ill-gotten wealth they deserve to be serving long terms in our federal prisons.

I hold in my hands a short editorial from a reputable newspaper in New York, published many years ago, paying its respects to the American Sugar Refining Company. This editorial says:

Press reports of the trial of the sugar trust, ended yesterday by a jury verdict of guilty, hardly have brought out the shocking nature of the charge and of the evidence to support it. It was a case of plain stealing of the most contemptible kind. False weights were systematically used in order to defraud the Government, so the jury found, and their verdict of guilty also included the finding that this habitual cheating could not have been carried on without the knowledge of the officers of the corporation. This makes up about the most damning case against a rich company that we have had. Here was no question of rebating or secret trade agreements, but just pilfering day after day. The fat hand of the sugar trust was filching daily from the Treasury till. For depravity and sneaking meanness this would be hard to beat.

I hold in my hands a semimonthly publication published by thte Tariff Reform Club, No. 2 Williams street, New York City, published in New York, July 30, 1890, worthy of the attention of the Finance Committee of the Senate. This article gives facts and figures showing that for the last two years previous to the publication the profits of the sugar trust in 1888 were 27½ per cent, and 24½ per cent in 1889 on its nominal capitalization of $50,000,000, over two-thirds of which was water. On its real valuation the profits for 1888 were over 92 per cent and for 1889 over 80 per cent. Every cent of the profits of sugar refining in 1888–89, above a fair profit, was taken from the consumers of sugar in this country in the form of an indirect bounty that could never have been squeezed from the people of this country had sugar been on the free list. I quote from a speech made in the House when the Dingley bill was under consideration by Mr. Swanson, who was a Member of Congress from Virginia and who is now governor of his State. It was a masterly speech against the tariff fixed in the Dingley bill on sugar, and the argument produced by him on that occasion, in my judgment, is unanswerable. Mr. Swanson said:

Let us examine and see the immense profits made by the sugar trust on account of the beneficial legislation given it by Congress.

Mr. Swanson further said:

Senator Jones, of Arkansas, told me that when the Wilson bill was under consideration he wrote to Bradstreet and to Dun to furnish him an estimate of the value of the property owned by the trust. They fixed its value at about $10,000,000.

Mr. Swanson further said:

The best evidence is that when organized not over $9,000,000 in cash was put into the trust. It was organized in 1887. With this amount of original investment the company was capitalized at $37,500,000 of preferred stock and $37,500,000 of common stock.

Mr. Swanson said during the debate that the preferred stock could be sold to-day at $115 per share, which would make it worth about $43,000,000. The common stock could be sold to-day at about $145 per share, which would make it worth about $45,000,000. Thus the trust to-day could dispose of its stock for about $88,000,000. Thus by a sale to-day they could pay about $9 for every $1 in cash put in. But this does not measure entirely the great profits received by its organizers.

Quoting further from Mr. Swanson, he said:

It has paid a dividend of 7 per cent on its preferred stock and of 12 per cent on its common stock annually, which would make an aggregate of $7,100,000 each year. Thus the company pays each year a dividend of about 70 per cent upon the real money invested. For the last seven years these dividends would aggregate more than $50,000,000, which, added to what could be received for the stock to-day, would make it about $138,000,000. Thus those who contributed to the organization of this trust can to-day, after seven years, receive about $15 in value for every $1 put in.

Mr. Swanson, further describing the trust, said:

There is scarcely anything in the annals of speculation or investment that can rival the profits made by these favorites of legislation. Then it must be remembered that these vast profits have been made during times of distress and of business depression, while merchants, manufacturers, farmers, and those engaged in other enterprises and industries have been depressed and many become bankrupt, yet this favored trust has been each year growing richer and making greater profits. While others have gone to wreck and ruin this trust has attained unsurpassed prosperity. How has this come about? How has the trust been enabled to make these vast profits? It has been done alone by favors which Congress has bestowed upon it. Their opportunity has come alone from law.

He could have added:

These large profits have been made at the expense of the American people.

Mr. H. O. Havemeyer, in a sworn statement, said that nowhere in the world could sugar be more cheaply refined than in the United States. If this be true for refined sugar, it should be as cheap to the American as to the English consumer, and if it were not for the duty sugar could not for any length of time sell in the United States more than one-fourth cent higher than in England, including the cost of transportation.

From the best information I have been able to obtain, the sugar trust was formed in November, 1887, by the consolidation of 20 of the leading refineries, whose total true value at the time the trust was formed was estimated to be between seven and ten millions of dollars. While the actual value of the property of the trust was not greater than $10,000,000, the sugar trust stocked the company at $50,000,000. By dismantling certain plants and annexing others, the trust reduced the number of refineries in operation to 10, with a total capacity of 28,500 barrels. Outside of the trust there were only 5 refineries, with a total capacity of 10,400 barrels. Of late years it has been impossible to secure any accurate returns of the profits of the American Sugar Refining Company. If the profits were so large as I have described up to the passage of the Dingley bill and a few years after the passage of the Dingley bill, of late years the profits must necessarily have been much greater. The cheaper the sugar trust can buy raw sugar from abroad and bring it into this country the greater the profits they make on refining it, and the more free sugar the trust is able to buy with the present high tariff on refined sugar the greater will be the profits of the trust. Now, when the duty on raw sugar is $1.68½ per hundred, and this duty has to be added to the price of raw sugar, and the duty on refined sugar

is $1.90, the difference in the tariff between refined and raw sugar would only be 21½ cents per hundred. Every time the tariff on raw sugar is reduced, which enables the sugar trust to purchase raw sugar at low rates, such reduction goes to the sugar trust, because the sugar trust has no foreign competitor, for the reason that the duty on refined sugar is so high foreign countries can not afford to attempt to ship it into this country. The present tariff law allows the sugar trust an absolute monopoly of the sugar market in the United States. The sugar trust buys raw sugar from abroad and at home as cheaply as possible, refines it, and sells it at a high price, because foreign countries can not afford to pay $1.95 per hundred on refined sugar and export it to this country.

Sugar from the Hawaiian Islands has been coming into this country free for many years even before the Dingley law was enacted, but at the time the Dingley law was enacted only a small amount of sugar was produced in the Hawaiian Islands. Each year the sugar industry has developed wonderfully in those islands, and every pound of that sugar comes into this country free of duty, and the sugar trust buys it without paying any tariff duties, manufactures it into refined sugar, and sells it to the American people at about 5 cents per pound, selling it at the same price the trust sells sugar on which it pays a duty of $1.68½ per hundred, and instead of the American people getting the benefit of the free sugar which comes from the Hawaiian Islands the sugar trust gobbles it up and the Government gets no revenue from the sugar coming from the Hawaiian Islands, and neither do the American people get any benefit in the way of reductions.

From information which I have in my possession I am sure the American sugar refineries control the production of sugar in those islands either directly or indirectly.

In 1898 the Hawaiian Islands produced 499,766,798 pounds of sugar, which came into this country free of duty; in 1899, 462,299,880 pounds; in 1900, 504,713,105 pounds; in 1901, 690,800,832 pounds; in 1902, 720,553,357 pounds; in 1903, 774,825,420 pounds; in 1904, 763,492,092 pounds; in 1905, 832,721,387 pounds; in 1906, 746,602,637 pounds; in 1907, 821,014,811 pounds; in 1908, 1,077,570,637 pounds; from July 1 to December 31, 1908, 383,448,790 pounds. Most of this sugar was produced by the American sugar refineries. These refineries purchased plantations in the Hawaiian Islands and produced sugar at less than 2 cents per pound. If this sugar had paid a tariff duty of $1.68½, the revenue to the United States would have been $132,014,236. The Dingley bill did not contemplate that the American sugar refineries would ever receive this amount of free sugar from the Hawaiian Islands. If the sugar trust received this amount of free sugar from the Hawaiian Islands without paying the $1.68½ per hundred, there ought to have been either a corresponding reduction in refined sugar to the American people or an increased price to the people of the Hawaiian Islands. This is impossible, because most of the sugar produced in those islands was produced by the American refineries. Not only has the sugar refineries had the benefit of free sugar from the Hawaiian Islands, as above stated, but they have been the recipient of other favors at the hands of the Government of the United States.

Porto Rico became a part of the United States after July 25, 1901. In 1900 Porto Rico produced 52,212,796 pounds of sugar; in 1901, 142,956,601 pounds; in 1902, 183,817,049 pounds; in 1903, 226,143,508 pounds; in 1904, 259,231,607 pounds; in 1905, 271,319,293 pounds; in 1906, 410,554,618 pounds; in 1907, 408,149,992 pounds; in 1908, 469,205,082 pounds; from July 1 to December 31, 1908, 58,297,520 pounds of sugar. So soon as Porto Rico was made a part of this country after July 25, 1901, sugar came from Porto Rico to the United States free of any tariff duty and the sugar trust purchased this raw sugar without paying a cent of tariff duty. When annexation took place, and even before, the sugar trust purchased large plantations in Porto Rico and took control of the production of sugar in those islands. Wherever the sugar refineries produced their own sugar in those islands it cost about 2 cents per pound. The American sugar refineries, commonly called "the trust," have been wideawake looking to the production of raw sugar in the Hawaiian Islands, Porto Rico, and Cuba. The sugar trust has purchased, either directly or indirectly, large tracts of sugar lands in those islands producing an abundance of raw sugar at about 2 cents per pound; consequently since the passage of the Dingley Act the trust has been able to purchase a large part of raw sugar refined at low prices. Congress was not aware of the fact that the sugar trust was to have the benefit of this free sugar at the time Porto Rico was annexed to the United States, for this sugar coming from Porto Rico had paid the same tariff duty that raw sugar paid coming from either France or Germany into this country. The revenue going into the Treasury on the sugar coming from Porto Rico since 1901, if the Dingley rate had been imposed, would have amounted to $39,175,242. Who received the benefit of this vast sum? The benefit going to the people of Porto Rico was hardly appreciable. The sugar trust undoubtedly received the greater part of this sum. If this corporation had manifested the slightest interest in the welfare of the American people when this free sugar was received from Porto Rico, most assuredly a reduction would have been made to the American consumer corresponding to the reduction in refined sugar. This is not the only special favor the American Sugar Refining Company had from the American people. The reciprocity treaty with Cuba took effect December 27, 1903, fixing the duty on sugar at 20 per cent less than the regular rates; consequently when the sugar trust bought raw sugar in Cuba and brought it into this country for the purpose of having it refined and ready for use, instead of paying a tariff duty of $1.68½ per hundred, the trust received the sugar with a tariff duty of $1.48½, and necessarily the raw sugar purchased in Cuba by the trust was at a much lower rate than the raw sugar purchased from either France or Germany or anywhere else outside of the United States.

The sugar trust, after the reciprocity treaty with Cuba, immediately invested large amounts in sugar plantations in Cuba and began the cultivation and production of raw sugar. The raw sugar produced in this way cost the trust about 2 cents per pound. The argument was made, and at the time it was made I thought it was true, that when raw sugar came into this country cheaper by reason of the reduction of the tariff duty, then the American consumer would necessarily receive refined sugar at a lower rate. But such was not the case. This selfish corporation instead of reducing the price on refined sugar purchased the raw sugar in Cuba at a reduced rate or produced it at 2 cents per pound, refined it in America, and sold it at the same prices, without making the slightest reduction; consequently most of the reduction on raw sugar in Cuba went to benefit the American Sugar Refining Company, commonly called the "sugar trust." How much did the sugar trust receive by reason of this reduction? Mark you, when the American sugar refineries received the right by law to bring raw sugar from Cuba with a reduction of 20 per cent over the Dingley bill, the American refineries immediately purchased large sugar plantations in those islands, controlling the production of sugar and producing it at about 2 cents per pound.

In 1904 Cuba produced 1,964,922,816 pounds of sugar, which came into this country with a reduction of 20 per cent over the Dingley bill; in 1905, 1,924,842,312 pounds; in 1906, 2,522,590,500 pounds; in 1907, 3,166,163,975 pounds; in 1908, 2,462,063,894 pounds. From July 1 to December 31, 1908, 552,405,387 pounds.

By reason of the reduction of the tariff of 20 per cent over the rates fixed in the Dingley bill, or by reason of the duty remitted, $41,071,313 was taken from the Treasury of the United States, and the American consumers of sugar did not receive any reduction whatever in the price of refined sugar. Most of this vast sum intended to be for the benefit of the American and Cuban people went into the pockets of the American Sugar Refining Company. I say the people of Cuba did not receive any substantial benefit by increase of price in raw sugar, and that this vast sum went to the sugar trust, and I produce the figures to sustain my position.

In 1901, before the reciprocity treaty with Cuba, the average price of raw sugar was $2.40 per hundred pounds; in 1902, $1.85 per hundred pounds; in 1903, $1.78 per hundred pounds—and the reciprocity treaty went into effect December, 1903; in 1904, $2 per hundred pounds; in 1905, $3.42 per hundred pounds; in 1906, $2.16 per hundred pounds; in 1907, $2.18 per hundred pounds; in 1908, $2.59 per hundred pounds.

Mark you, the price of raw sugar in Cuba in 1901 was $2.40 per hundred pounds, and the first year after the reciprocity treaty went into effect the price of raw sugar in Cuba was $2 per hundred pounds, a decrease instead of an increase.

I repeat, neither did the American people nor the people of Cuba receive any substantial benefit by reason of this reduction. This demonstrates that a reduction of the duty on raw sugar without a reduction of the duty on refined sugar, will be of no substantial benefit to the American people.

On March 8, 1902, Congress fixed the duty on sugar coming from the Philippine Islands into this country at 75 per cent of the regular rates, making a reduction of 25 per cent; and from that day until the present time raw sugar has been coming from the Philippine Islands into the United States at 75 per cent of the regular rates. Not the slightest benefit has ever accrued to the American consumer by reason of this reduction. During this time since the Dingley law was enacted the duty on refined sugar has been $1.95 per hundred pounds. The cheaper sugar re-

fineries of this country can buy raw sugar, the greater the profits of the trust. The trust was enabled by reason of these tariff laws to buy raw sugar at an exceedingly low price. The trust in reality fixed the price of beets consumed by the refineries. The trust fixed the price of raw cane sugar and they supplied almost the entire market in the United States with refined sugar because the tariff on refined sugar is so high, being $1.95 per hundred pounds; companies engaged in refining sugar have no foreign or domestic competition. Think of it! The American sugar refineries during the last dozen years have received the principal part of the $132,014,236 on the free sugar coming from the Hawaiian Islands. That is, if a tariff had been imposed on this sugar of $1.68½ per hundred pounds, this amount of revenue would have gone into the Treasury and would have been added to the cost of raw sugar used by the sugar trust.

Surely, some substantial benefit ought to have gone either to the people of the Hawaiian Islands or to the people of the United States by reason of this free sugar. The sugar trust has received the principal part of $41,071,313 lost to the Treasury by reason of the adoption of the Cuban reciprocity treaty. This treaty was made in good faith and those of us who supported it expected a substantial benefit both to the people of Cuba and to the American people. This same corporation has received a large part of the $39,175,242 lost to the Treasury by reason of free sugar coming from Porto Rico, which sum ought to have gone either to the people of Porto Rico or to the American consumer of sugar. Congress intended that the American consumer should have the benefit of the free sugar coming from the Hawaiian Islands into this country and the free sugar coming from Porto Rico into this country and the reduction in the duty on sugar coming from Cuba into this country and the reduction in the Philippine sugar coming into this country. The argument was made that both the American consumer and the people of these islands would be benefited by these sugar concessions. I doubt if one dollar of this vast sum has gone into the pockets of the American people and certainly this large amount was lost to the Treasury of the United States. If, in its early history, this corporation organized in the State of New Jersey with ten millions of capital, has made as high as 91 per cent on its actual investments, who can estimate its profits for the last seven or eight years with an abundance of free sugar coming from the Hawaiian Islands, Porto Rico, and a reduction of the tariff on sugar coming from Cuba and the Philippine Islands? If the same rate of duty ($1.68½ per hundred pounds) had been charged on sugar coming from the Hawaiian Islands, Porto Rico, Cuba, and the Philippine Islands during the last ten years, the sugar brought from these places to the United States would have paid into the Treasury $212,220,773. This vast sum has not gone to the American people. It has not gone into the Treasury of the United States. Notwithstanding the fact that Congress intended that this free sugar and concession sugar from Cuba and the Philippines should give to the American consumer a reduction in refined sugar, the sugar trust, grasping and selfish, forgetful of the necessities of the American people, has placed most of the duties received into its coffers. If there had been a corresponding reduction on refined sugar, so that the sugar trust would have had foreign competitors, then the sugar refineries of this country would necessarily have had competition, and these reductions, amounting to over two hundred millions, would have gone in part to the American consumers and not to the American Sugar Refining Company. The American people would be astounded if they had the facts and figures going to show the profits made by the sugar trust during the last dozen years.

I have said the reduction of the tariff of 20 per cent on raw sugar in Cuba December 27, 1903, over the Dingley rate gave no substantial benefit to the people of Cuba, and neither did the reduction reduce the price of refined sugar to the American people; thus necessarily this reduction went into the pockets of the sugar refineries of the United States. The facts and figures which I have set out in my argument heretofore demonstrate this proposition to a mathematical certainty. No one contends that the American consumer received his refined sugar any cheaper than he did before. It is true that raw sugar sold higher in the Hawaiian Islands than in Cuba, and some substantial benefit went to the people of the Hawaiian Islands by reason of the sugar coming to this country free, but the inhabitants of those islands have produced only a small part of the sugar produced there annually. The sugar refineries of the United States recognized that sugar could be produced in those islands cheaper than anywhere else in the world, and that sugar had no tariff duty to pay coming from Hawaii and a reduced duty to pay coming from Cuba. The sugar trust has taken advantage of these conditions and has bought most of the sugar lands in Hawaii and actually controls the production of sugar in those countries at a cost of 2 cents per pound, and the cost of refining ranges from three-eighths to five-eighths of a cent per pound. I am informed that of late years the cost of refining has been reduced to one-fourth of a cent per pound; consequently the sugar refineries in this country owning plantations in the Hawaiian Islands produce their raw sugar at about 2 cents per pound. The cost of refining can not exceed one-half cent per pound. The total cost of production and refining would be 2½ cents per pound, and the trust sells this sugar to the American people at from 4½ cents to 5 cents per pound, doubling their money on every pound of sugar sold to the American consumer. The same can be said of Porto Rico. The American sugar refineries control most valuable sugar lands in Cuba and produce raw sugar there at less than 2 cents per pound, bringing it to this country with a reduction of 20 per cent over the Dingley bill, refine and sell it to the American consumer at a profit of 1 cent per pound—that is, if I have been correctly informed in regard to the amount of money that it costs the refineries to produce raw sugar on their plantations in Hawaii and Cuba. The most grasping and unconscionable trust to be found anywhere is the American Sugar Refining Company, commonly called the "sugar trust." The steel trust and the Standard Oil, in point of dishonesty and unscrupulous conduct, are suckling babes in comparison to the sugar trust.

The sugar trust now controls and owns a majority of the stock in the sugar-beet factories of this country—that is, about 51 per cent of the stock. When the Dingley Act was passed, nearly all of the raw sugar we used came from foreign countries——

Mr. FOSTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. CLAY. Certainly.

Mr. FOSTER. I do not want to interrupt the Senator, but he is stating a historical fact now as to the reduction of the tariff on sugar by congressional action in so far as Cuba is concerned. I should like to ask him whether every sugar producer in this country, beet and cane, did not violently protest against this action of Congress, and did not the Senator from Georgia vote for that treaty?

Mr. CLAY. I voted in favor of the reciprocity treaty with Cuba. I believed that sugar would come into this country cheaper. I believed that the people of Cuba would probably get a little more for their sugar. I found that I was mistaken; that the trust, while buying its raw sugar cheaper, continued to sell its refined product to the American people at the same price.

We only import into this country now 340,000 tons a year on which the importer pays a duty of $1.68½ per hundred pounds. At the time the Dingley bill was passed we imported into this country more than 2,000,000 tons, paying a duty of $1.68½ a hundred. There has been a revolution in the situation since the Dingley bill passed. And for this Congress to sit here and simply allow the Dingley rate to stand when the sugar trust is receiving to-day one-third of its sugar without paying any duty, is criminal to the American people.

I say to you that you will put into the pockets of the trust hundreds of thousands and millions of dollars if this tariff law stays upon the statute books for ten, twelve, fifteen, or twenty years.

The differential between 96-degree sugar and refined sugar is 26½ cents per hundred pounds, as fixed by the Dingley bill——

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. Yes.

Mr. SMOOT. I know the Senator wants to be fair.

Mr. CLAY. I do, most assuredly. I proposed to get through in forty minutes, but I find I will not be able to do it.

Mr. SMOOT. I think the Senator from Georgia wants to know what the actual differential is to-day between the raw sugar coming into this country and the refined sugar.

Mr. CLAY. I understand it as well as I do my A, B, C's.

Mr. SMOOT. May I ask the question I have in mind?

Mr. CLAY. Yes.

Mr. SMOOT. I will ask the Senator if a duty of $1.90 per hundred pounds, on the basis of 96 per cent sugar, does not give to the refiner a differential of only 7½ cents?

Mr. CLAY. I will answer that.

Mr. SMOOT. Is not that true?

Mr. CLAY. No. I take this position, and I know I am right. I do not always know I am right, and I never say I am right unless I feel that I am on sure ground. I think I can give

you the entire sugar schedule. Raw sugar, testing 75°, pays a tariff duty of 95 cents per hundred pounds.

Mr. SMOOT. That is true.

Mr. CLAY. On every degree above that it pays a tariff of 3½ cents additional until it reaches 100°.

Mr. SMOOT. That is true.

Mr. CLAY. When it reaches 100° there is, under this bill, 7½ cents additional duty placed on it. Under the Dingley bill it was 12½ cents per hundred pounds.

Mr. SMOOT. That is the differential of 7½ cents.

Mr. CLAY. I understand what the differential is. I am giving you the whole law. I thought at one time that nearly all of the sugar that comes into this country was either 95 or 96° sugar. That is not true.

Mr. SMOOT. If it came in at 81°, or if it came in at 75°, or any other percentage, the same differential would apply.

Mr. CLAY. Why, Mr. President, the census reports show that most of the sugar ranging from 96° to 100° is consumed as raw sugar and is never refined.

Mr. SMOOT. Why, Mr. President——

Mr. CLAY. Five per cent of the sugar that we consume in this country, Mr. President, is a high class of raw sugar. Sugar ranging from 96° to 100° is a very high-class sugar. We do not refine much sugar between 96° and 100°, if the reports of the Census Office are correct.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. Yes.

Mr. SMOOT. All I want the Senator to understand is what the real differential is. I say, Mr. President, that to-day, no matter what the percentage of the sugar is——

Mr. CLAY. I will answer the Senator's question right now.

Mr. SMOOT. Under the bill, as reported to-day, with a duty of $1.90, the differential is 7½ cents; and when the duty was $1.95 the differential was 12½ cents. I care not what the test of sugar may be, whether it is 80 per cent or 90 per cent.

Mr. CLAY. I know what I am talking about and I am not guessing at it. I know that what I have said is correct, because I have gone over it repeatedly, and I state to the Senator that the differential between 96° sugar and refined sugar is 26½ a 100. Am I correct?

Mr. SMOOT. Absolutely.

Mr. CLAY. I know I am right about it.

Mr. SMOOT. That which——

Mr. CLAY. Ninety-seven degree sugar——

Mr. SMOOT. Wait a minute.

Mr. CLAY. I want to answer the question.

Mr. SMOOT. I want to tell the Senator.

Mr. CLAY. I do not want any instruction on it. I know exactly how to answer it.

Mr. SMOOT. Your statement only half states it.

Mr. CLAY. Up to 100°——

Mr. SMOOT. I want the Senate to understand it. On 96°, of course, there is 26½ cents difference, but, mind you, there are 4 additional points on refined sugar, because refined sugar is 100 per cent, and if each one of these points represents 3½ cents amounts to 14 cents, deducted from 26½ cents, leaves 12½ cents differential. On the $1.90 rate there is 5 cents less; and the Senator knows these are the facts.

Mr. CLAY. If the Senator had kept his seat quietly I would have explained the very point that he has been trying to explain.

Mr. SMOOT. The Senator admits——

Mr. CLAY. Will the Senator give me a half minute and let me get through? I will then explain it in brief.

Mr. SMOOT. That is all I want.

Mr. CLAY. I stated that the differential between sugar testing 96° and refined sugar was 26½ points. On sugar testing 97° and refined sugar the difference is 3½ points less. On sugar testing 98° the difference is still 3½ points less. On sugar testing 99° the differential is 3½ points less. On sugar testing 100° there is a differential of 7½ cents. Does the Senator think I understand it?

Mr. SMOOT. That is just exactly what I stated.

Mr. CLAY. Then if the Senator had been quiet he would have gotten the information. I have not tried to point out anything in this case except what I can sustain by the evidence.

Mr. SMOOT. Does the Senator say that the differential on refined sugar under the bill as reported here at $1.90 is only 7½?

Mr. CLAY. The difference on 100° refined sugar is 7½.

Mr. SMOOT. Is not all the sugar refined here by the refiners 100°?

Mr. CLAY. All refined sugar is 100°.

Mr. SMOOT. That is what the committee——

Mr. CLAY. I want to go along with this argument. It is an imposition on the Senate and an unnecessary consumption of time. I do not intend to do it, and I never have done it.

Mr. FOSTER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Louisiana?

Mr. CLAY. Certainly.

Mr. FOSTER. It is a practical proposition which is presented to this body. I ask the Senator this practical proposition—whether it is not a fact that the difference between refined sugar to-day and raw sugar is, under the Dingley bill, less than ever in the history of this country? That is a practical proposition, which goes to the consumer.

Mr. CLAY. I will say this to the Senator: If the same conditions existed to-day that existed when the Dingley law went into effect, when the tariff on refined was $1.95 and on raw sugar $1.68½, that would be true. But I insist that conditions have changed, that an abundance of free sugar has come into this country; and the average differential instead of being 12½ cents, as under the Dingley law on refined sugar, at this time is 91 cents, and I believe I can demonstrate it to the Senate.

Mr. FOSTER. I admit the free importation of sugar from all these islands; I admit for the sake of the argument every statement the Senator from Georgia has made; but I submit to him this practical proposition: With free sugar coming from Hawaii, Porto Rico, with concessionary sugar coming from Cuba, is it not a fact that the difference between raw sugar and refined sugar—that which the consumer obtains—is under the Dingley bill less to-day than ever in the history of sugar production in this country?

Mr. CLAY. I do not think so.

Mr. FOSTER. Is not that a fact?

Mr. CLAY. It is not. I do not think so. I will say to the Senator——

Mr. FOSTER. I can demonstrate it, I think, beyond any controversy.

Mr. CLAY. When I get through with my remarks I will yield to hear the speech of the Senator and to answer any questions which Senators may desire to ask.

Mr. CLAPP. Will the Senator pardon an interruption?

Mr. CLAY. Most assuredly. I am going to quit directly and continue some other day.

Mr. CLAPP. I think, in describing the reciprocity treaty with Cuba, the Senator omitted a very important fact. It was one of the most truly reciprocal arrangements I ever knew of, because the rate of duty which we took out of sugar just about corresponded with the advance in price of the stock of the American Sugar Refining Company. It was truly reciprocal.

Mr. CLAY. Will the Senator repeat that? I did not catch it.

Mr. CLAPP. I say, in discussing the Cuban reciprocity treaty, when any schoolboy ought to have seen that the only purchaser of raw sugar was the trust, and that reducing the duty on raw sugar would not benefit the American consumer, nevertheless we adopted that plan of reciprocity; and I say it was truly reciprocal, because the proportion of points we reduced the duty just about corresponded to the increase of points in the stock market of the stock of the American Sugar Refining Company.

Mr. CLAY. I quite indorse the speech of the Senator from Minnesota. There is no contention between us in the least on that point.

We are to have under this bill 300,000 tons of free sugar from the Philippine Islands.

Mr. NEWLANDS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Nevada?

Mr. CLAY. Certainly.

Mr. NEWLANDS. Did I understand the Senator to say that the present importations from the Philippine Islands amount to 300,000 tons?

Mr. CLAY. No; I did not say that. Our present importations from the Philippine Islands are only a small amount, I think 10,400 tons; but I will say to the Senator this bill provides that hereafter the people of the Philippine Islands shall be allowed to import into this country 300,000 tons of sugar free of duty. The sugar that comes from the Philippine Islands at this time pays a duty of 75 per cent of the Dingley law. The sugar that comes from the Philippine Islands in the future will be absolutely free to the extent of 300,000 tons.

Mr. FOSTER and Mr. SMOOT addressed the Chair.

Mr. FOSTER. Will the Senator allow me to ask him a question?

The VICE-PRESIDENT. To which Senator does the Senator from Georgia yield?

Mr. CLAY. I will yield to both. I will yield first to the Senator from Louisiana and then to the Senator from Utah.

Mr. FOSTER. If we have free sugar in the Philippine Islands, Hawaii, and Porto Rico, and then practically have free sugar from Germany and the other sugar-producing countries of the world, what will become of the domestic industry?

Mr. CLAY. I will reach that point later. I am not in favor of free sugar. I believe we ought to reduce the duty on refined sugar since we have given the trust so much cheap raw sugar, so that there will be only a small difference between the tariff on the refined sugar and the tariff on raw sugar. In fact, I would abolish the differential.

Mr. FOSTER. Will the Senator give me an idea as to what he would suggest as a proper reduction on refined sugar?

Mr. BORAH. Mr. President, I can not hear the Senator from Louisiana. I should like to hear him.

Mr. FOSTER. I ask the Senator if he will suggest what he thinks is a fair reduction on refined sugar and a fair reduction on raw sugar.

Mr. CLAY. When the Dingley law was passed Mr. Dingley thought that the differential of 26½ points between 96° sugar and refined sugar was about right. I mean after it reached 100 points it ought to have 12½ cents additional. If now we are getting raw sugar in this country that has reduced the average tariff on raw sugar from $1.68½ to $1.04, even if you follow the Dingley law there must be a corresponding reduction in the duty on refined sugar. Mr. Dingley insisted that under no circumstances should the differential be more than 12½ points after it reached 100, or more than 26½ points on 96° sugar. It is now 91 cents.

Mr. SMITH of Michigan. Mr. President——

Mr. CLAY. In one moment. I will first yield to the Senator from Utah.

Mr. SMOOT. The Senator made a statement that all the refineries were in the hands of the sugar trust. Mr. Spreckels testified before the Ways and Means Committee—and he, by the way, is an independent refiner—that from 50 to 60 per cent of all the sugar refined in America is refined by independent refiners.

Mr. CLAY. I am not in close touch with either Mr. Spreckels or the sugar trust. I never talked with them about it. I do not know what they think about it.

Mr. SMOOT. Does the Senator say that all the refineries in this country are owned or controlled by the American Sugar Refining Company?

Mr. CLAY. No; I do not. I will tell you what Mr. Moody says on trusts. He says himself that 90 per cent of the sugar refined in this country is either refined by the trust or by subsidiary companies that the trust controls.

Mr. SMOOT. I have stated that the figures show that there is not 28 per cent or nearly 28 per cent——

Mr. BRISTOW. Mr. President——

Mr. CLAY. I will yield to the Senator from Kansas as soon as the Senator from Utah gets through.

Mr. BRISTOW. I should like to ask if the Senator will give me permission to ask the Senator from Utah a question.

The VICE-PRESIDENT. The Senator from Georgia has yielded to the Senator from Utah, and he has promised that he will yield to the Senator from Kansas when the Senator from Utah has concluded.

Mr. BRISTOW. By permission of the Senator from Georgia and of the Senator from Utah, I should like to ask the Senator from Utah a question.

The VICE-PRESIDENT. Will the Senator from Georgia yield for that purpose?

Mr. CLAY. Yes.

Mr. BRISTOW. I should like to know where the Senator from Utah gets his figures, and what is his source of authority?

Mr. SMOOT. The testimony of Mr. Spreckels before the Ways and Means Committee.

Mr. BRISTOW. That is your source for the amount of money the trust has invested in beet sugar?

Mr. SMOOT. No.

Mr. BRISTOW. What is the source?

Mr. SMOOT. The source is the statement of their resources and liabilities as published and sworn to.

Mr. BRISTOW. The statement of the sugar trust?

Mr. SMOOT. It is the statement of their resources and liabilities, the annual statement that they publish.

Mr. BRISTOW. Whose statement?

Mr. SMOOT. The statement that the sugar refining company itself published for its stockholders.

Mr. BRISTOW. The sugar trust's statement as to the amount it controls?

Mr. SMOOT. That is exactly what I said. I do not see how anybody else knows, if they do not know.

Mr. BRISTOW. I just wanted your authority, and I have it.

Mr. SMOOT. It is made public; everybody knows it.

Mr. CLAY. Is the Senator from Utah through?

Mr. SMOOT. In relation to the sugar trust owning sugar lands in Hawaii, does the Senator know that they own one acre of land there?

Mr. CLAY. Mr. Spreckels, the old gentleman, originally did own those lands; but the information I have here, and which I am going to put in the RECORD before I get through, is that since his death that interest has been sold out.

Mr. SMOOT. Mr. Spreckels is competing in this country in refining sugar with the sugar trust, and the sugar trust, I am told, does not own an acre of land in Hawaii.

Mr. SMITH of Michigan rose.

Mr. CLAY. Now I will yield to the Senator from Michigan; but I want to get through. I will be through in a few minutes, I am sure.

Mr. SMITH of Michigan. I was very much interested in the statement of the Senator from Georgia as to the productive sugar capacity of the Philippine Islands. As I understood him, upon some one's information he asserted that there was a possibility of producing 1,000,000,000 tons of sugar in the Philippine Islands.

Mr. CLAY. I do not know it myself. I have been informed that in five years that country could bring into this country at least 300,000,000 tons of sugar annually.

Mr. SMITH of Michigan. Does the Senator from Georgia believe that it is good policy to develop the sugar industry in the Philippine Islands to that extent?

Mr. CLAY. I certainly would not be in favor of admitting free sugar from the Philippine Islands into the United States at all if you are going to allow the present tariff duty to stand on refined sugar. I am not in favor of free sugar.

Mr. SMITH of Michigan. I am very glad to hear that.

Mr. CLAY. If sugar is made a revenue producer, and we are compelled to have revenue, I would not insist that free sugar ought to be brought into this country. I want the Senator to understand me. I insist that inasmuch as we now have free sugar coming to this country from the Hawaiian Islands and free sugar from Porto Rico and concession sugar from Cuba, with the probability of free sugar coming here from the Philippine Islands, by all means the duty on refined sugar should be greatly reduced, because the refiner gets his sugar much cheaper than he did before.

Mr. SMITH of Michigan. The reason why I asked the Senator from Georgia the question was because of the general sugar situation in the world——

Mr. CLAY. Mr. President, I can not yield for a speech. I am glad to yield for a question.

Mr. SMITH of Michigan. I have no intention of making one.

Mr. CLAY. I will yield for a question.

Mr. SMITH of Michigan. If the Senator does not care to be interrogated, I will cease.

Mr. CLAY. No; go on.

Mr. SMITH of Michigan. If there is to be a thousand million tons of sugar produced in the Philippine Islands——

Mr. CLAY. I did not mean a thousand million tons——

Mr. SMITH of Michigan. That is what the Senator said.

Mr. CLAY. It was a slip of the tongue.

Mr. LODGE. The Senator meant to say 300,000 tons.

Mr. CLAY. Yes.

Mr. SMITH of Michigan. I beg the Senator's pardon. I understood that he did say it.

Mr. CLAY. If I did, I did not mean it. In speaking rapidly one can easily fail to make a distinction between a hundred thousand million and a hundred thousand.

Mr. SMITH of Michigan. The Senator from Georgia did not make that statement, because——

Mr. CLAY. I would not stand for a statement of that kind.

Mr. SMITH of Michigan. Let me say to the Senator that a well-recognized sugar statist tells us that the capacity of Cuba alone for sugar production is 5,000,000 tons, nearly twice the ability of this country to consume; and with that area, which is many times multiplied in the Far East—I do not think the Philippine Islands could produce as much sugar as the Senator stated, or half that amount, or as much as Cuba could produce—I would take it as a most serious handicap to the people of the Philippine Islands to encourage them to produce a product which they could not sell for a profit in any country of the world.

Mr. CLAY. I did not rise for the purpose of discussing that feature of this case. I intended to present in a logical way, and I believe I could have done so if I had not been interrupted so often, the reason why, in my judgment, the tariff on refined sugar ought to be reduced.

Senator BAILEY said the American Sugar Refining Company would be the recipient of that reduction, and his words have absolutely come true to-day. We have taken $41,112,000 out of the Treasury since that treaty was ratified and we have neither given it to the American people nor to the people of Cuba.

The benefits of that reduction have gone into the pockets of the American Sugar Refining Company. The Senator from Texas [Mr. BAILEY] predicted that this reduction would go to the sugar trust.

Mr. SMITH of Michigan. Mr. President——

Mr. CLAY. I hope the Senator will let me get through.

The VICE-PRESIDENT. The Senator from Georgia declines to yield.

Mr. CLAY. I will yield directly.

Mr. SMITH of Michigan. I wish to make the observation that the Senator from Texas is not the only man who made that statement.

Mr. CLAY. Then I am glad to know that there are two Senators, one on one side and one on the other, who were right.

Mr. SMITH of Michigan. It is not difficult to get the Senator from Texas and myself to agree upon any sound policy.

Mr. CLAY. Then I should think the Senator from Michigan on all propositions would agree with the Senator from Texas.

Mr. SMITH of Michigan. Almost all, except those extreme views of Democracy.

Mr. CLAPP. The only thing that staggered those of us who fought against that treaty was that a man of the discernment of the Senator from Georgia failed to see it as we did at the time.

Mr. CLAY. I am one of those Senators when I make a mistake am always ready to confess it and to correct it. I never thought it was any crime for a man to acknowledge that he was wrong.

Mr. CLAPP. Certainly not.

Mr. FOSTER. I wish to ask the Senator only one question.

Mr. CLAY. Certainly. I yield for that purpose.

Mr. FOSTER. Was that the price of sugar in Cuba or was it the price of sugar in New York?

Mr. CLAY. It was the price of sugar in Cuba.

Mr. FOSTER. I ask the Senator what was the price of that same sugar in New York?

Mr. CLAY. Those figures I have not now before me.

Mr. FOSTER. That is the standard to judge by.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. Certainly.

Mr. NELSON. Does not the Senator from Georgia think that the discount of 20 per cent on Cuban sugar is enough of a differential to the sugar trust without giving them anything extra?

Mr. CLAY. I should think so.

Mr. BORAH. Mr. President——

The VICE-PRESIDENT. Will the Senator from Georgia yield to the Senator from Idaho?

Mr. CLAY. Certainly.

Mr. BORAH. I simply want to ask the Senator, by way of information, if he has any accurate information as to the extent to which the sugar trust controls the beet-sugar industry?

Mr. CLAY. My information leads me to believe at least 51 per cent of the stock of the beet factories.

Let us go further into the history of the sugar trust. Let us see what refineries it controls; what power it possesses to control the production and price of raw and refined sugar; what profits it has made out of the American people. Then let us see whether or not this infant industry deserves any special favors at the hands of Congress. Of late years it has been difficult to ascertain its earnings. The trust has successfully concealed from the people its operations. Every day in the year since it was organized the sugar trust has violated the criminal laws passed by Congress to protect the American people against these unlawful and wicked combinations. The trust has filched the Treasury of the United States out of more than ten millions of revenue that justly belonged to the Treasury of the United States, needed to pay the legitimate expenses of the Government. Mr. Moody, in his work, The Truth about Trusts, gives a brief history of the sugar trust. Mr. Moody says:

The trust was incorporated under New Jersey laws January 10, 1891, as successor to the Sugar Refineries Company, otherwise known as the sugar trust, which was itself formed in 1887 to consolidate the sugar-refining business of the United States. The property acquired in 1891 consisted of over 20 refineries located in New York, Boston, New Orleans, St. Louis, San Francisco, and Portland, Oreg.

Since its formation in 1891 the company has acquired control of other corporations from time to time and formed many new ones, and it now has large interests in the sugar-beet business, and also in Cuban sugar plants.

Among the sugar-beet plants which it controls or dominates are the following:

American Beet Sugar Company, Colorado and California; Alameda Sugar Company, Alameda, Cal.; Valley Sugar Company, Saginaw, Mich.; Saginaw Sugar Company, Saginaw, Mich.; Alma Sugar Company, Alma, Mich.; Bay City-Michigan Sugar Company, Bay City, Mich.; Tawas Sugar Company, East Tawas, Mich.; Peninsular Sugar Refining Company, Caro, Mich.; Sebewaing Sugar Refining Company, Sebewaing, Mich.; Sanilac Sugar Refining Company, Sanilac, Mich.; Menominee River Sugar Company, Menominee, Mich.

The National Sugar Refining Company of New Jersey, which was formed in 1900 to consolidate the Mollenhauer Sugar Refining Company, of Brooklyn; the National Sugar Refining Company, of Yonkers; and the New York Sugar Refining Company, of Long Island City, began as rivals of the sugar trust, but are now operated in entire harmony with that company. This is also the case with several so-called "independent" properties which were ostensibly formed to fight the trust.

Capital stock authorized and issued, $45,000,000 7 per cent cumulative preferred and $45,000,000 common stock; par, $100. The preferred stock has no preference as to assets. Dividends on the preferred have been regularly paid at the rate of 7 per cent per annum since the formation of the company. Common-stock dividends were paid at the rate of 12 per cent per annum from 1894 to January, 1900. In 1900, 7½ per cent; 1901 to date, 7 per cent per annum.

The sugar trust, from its inception, adopted the policy of making no public statements to its stockholders regarding earnings or financial conditions. The only statement which becomes public regarding this corporation is that which it is obliged to file with the State of Massachusetts annually. This statement is simply an annual balance sheet showing the assets and liabilities of the corporation in a greatly condensed form, issued on December 31 of each year.

Officers: Henry O. Havemeyer, president; Arthur Donner, treasurer; C. R. Heike, secretary; directors: H. O. Havemeyer, W. B. Thomas, John E. Parsons, Lowell M. Palmer, J. Mayer, C. H. Senff, and Arthur Donner.

New York office, 71 Wall Street.

II. HISTORY.

The American Sugar Refining Company was incorporated at Trenton on January 10, 1891, to take over the entire assets and business of the various companies represented by the certificate of the Sugar Refineries Company, which was itself reorganized in June, 1890. The sugar trust was originally formed in 1887, but in 1889 the trust, after two years of practically no competition and very large profits, began to feel the vigorous competition of the plants built by Claus Spreckels at Philadelphia, Pa., and also Arbuckle Brothers, Claud Doscher, of New York, and others. This keen competition continued for several years and was not ended until the absorption of all competitors a few years later.

In January, 1892, the stock was increased to the full amount authorized, the proceeds to be used for buying up other refineries and for buildings. Accordingly, in March of that year a controlling interest was purchased in the E. C. Knight Company, of Philadelphia, $800,000; the Franklin Sugar Company of Pennsylvania, $5,000,000; the Spreckels Sugar Refining Company of Pennsylvania, $5,000,000; and the Delaware Sugar House, $96,000. Legal proceedings to prevent the completion of these sales were instituted, but were ultimately set aside. These purchases practically eliminated the Philadelphia competition.

Dividends were begun on the common stock in July, 1891, when 4 per cent was paid. In 1892 the company paid 10½ per cent; 1893, 11½ per cent; 1894, 12 per cent; and from 1894 to January, 1900, the rate paid was 12 per cent per annum. In 1900 the rate was reduced to 7½ per cent, and since that year 7 per cent only has been paid.

During the period from 1894 to 1900 the competition with the trust was not severe, and its earnings were said to be very large. Its most important competitors were Arbuckle Brothers and one or two less important concerns. At this time the beet-sugar industry had not developed to any extent.

On June 2, 1900, the National Sugar Refining Company of New Jersey was formed as a consolidation of the Mollenhauer Sugar Refining Company, of Brooklyn; National Sugar Refining Company, of Yonkers; and New York Sugar Refining Company, of Long Island City. The capacity of this company was stated to be about 3,500,000 pounds of refined sugar per day. This company was formed as a rival to the large trust, and its capital consisted of $20,000,000, one-half common and one-half preferred. It has, however, operated in complete harmony with the larger corporations.

In March, 1899, the American Beet Sugar Company was formed under New Jersey laws to consolidate beet-sugar plants at Oxnard and Chino, Cal., and Norfolk and Grand Island, Nebr. These four factories were said to have a capacity of 3,450,000 tons daily. Shortly after its formation the company erected a fifth factory at Rocky Ford, Colo., with a capacity of 1,000 tons daily. The capital of the American Beet Sugar Company consists of $5,000,000 6 per cent preferred and $15,000,000 common stock. Dividends have been regularly paid on the preferred from the beginning.

This company operated for several years as a rival to the American Sugar Refining Company, or "sugar trust," but early in the year 1903 harmonious relations were brought about between the competing interests, and it is now authoritatively stated that the sugar trust owns or controls a majority of the Beet Sugar Company's stock.

Since 1901 several large sugar plants have been established in Cuba, one of which is known as the "Chaparra Sugar Company." The latter is controlled by the same interests that dominate the National Sugar Refining Company of New Jersey, and is therefore in harmony with the trust. While the trust itself does not announce its investment holdings in other companies to its stockholders in detail, yet these holdings are without doubt much more extensive than those named above. In its balance sheet to the State of Massachusetts, on December 31, 1902, its investments in other companies were given a valuation of $45,270,776, which was an increase of more than $6,000,000 over the same item one year previous.

This last increase was chiefly represented by the purchase of a number of Michigan beet-sugar factories during 1902. The American Beet Sugar purchase does not figure in the 1902 report.

It will be noted that while the sugar trust proper produced but 57 per cent, yet in view of the fact that a number of the so-called "independent" refineries are really allied with the sugar trust (as are also the leading beet-sugar producers), the trust really dominates the market as completely as it would if it directly produced 90 per cent. Full details are given in text.

During the year 1903 further acquisitions were undoubtedly made in the line of controlling the beet-sugar industry.

NOTE.—So many analyses and reviews of the famous sugar combination have appeared during the past ten years and the subject has been worn so threadbare that the writer will not give space here to any particular review of the subject. A feature which, however, stands out very conspicuously is the trust's practical domination of the entire American market. Although supplying technically only about 53 per cent of the consumption, yet the ramifications and influences of the combination among its ostensible rivals are so complete that its control over the situation, as far as America is concerned, is all inclusive. It is a splendid example of one sort of monopoly—the kind of monopoly which has been succinctly described as a combination of "special privilege, efficient labor, and brain power."

In response to a resolution adopted by the Senate the Secretary of the Treasury gives valuable information in regard to this trust. I insert from that report on pages 5 and 6, Exhibit G, giving the cases now pending against the sugar trust for violation of the criminal laws:

EXHIBIT G.

UNITED STATES CUSTOMS SERVICE,
Port of New York, April 8, 1909.

SIR: I am in receipt of letter of Assistant Secretary Reynolds (64453 C. A. H.) dated the 6th instant, inclosing copy of Senate resolution dated the 1st instant, relative to sugar matters, and inviting attention to paragraph 5, which reads as follows:

"He is also directed to inform the Senate what suits are pending in the United States courts by the Government against the sugar trust or any branch thereof and the nature of such suits."

In accordance with department's request I have conferred with the United States attorneys for the southern and eastern districts of New York, respectively, and inclose herewith letters from them dated the 7th and 8th instants, respectively, such letters covering all civil proceedings now pending in their jurisdiction as well as criminal cases arising out of the so-called "sugar frauds."

I have to state that since March 27, 1909, the American Sugar Refining Company has paid into this office the sum of $1,239,088.38, being the duties found due upon reliquidation of various entries of said company on the ground of fraud. In addition there was paid into this office the sum of $17,458.20 on October 9, 1908, pursuant to a reliquidation, there having been a discrepancy between the weight returned by the United States weigher and the actual weight as appeared from his dock book as applied to an importation ex steamship *Elleric*, December 1, 1899, warehouse bond No. 8212, entry No. 194738, the counsel for the American Sugar Refining Company having stipulated for a reliquidation after the error had been discovered by this office more than a year subsequent to date of importation.

Respectfully,

WM. LOEB, JR., *Collector.*

THE SECRETARY OF THE TREASURY,
Washington, D. C.

DEPARTMENT OF JUSTICE,
OFFICE OF UNITED STATES ATTORNEY,
EASTERN DISTRICT OF NEW YORK,
Brooklyn, N. Y., April 8, 1909.

SIR: I beg to acknowledge receipt of your letter of the 8th instant, No. 85876, requesting me to furnish you with a report of all cases which are now pending in my jurisdiction, and the status thereof, relative to the importation of sugar, etc. In reply I submit to you herewith the following list of criminal cases pending in this district growing out of the alleged frauds in weighing sugar at the docks of the American Sugar Refinery Company in Brooklyn:

Calendar No.	United States versus—	No.	Violation.
727	Thomas Kehoe	1	Sec. 9, chap. 407, laws 1890.
729	Oliver Spitzer	2	Sec. 26, chap. 407, laws 1890.
745	Patrick J. Hennessey, James F. Halligan, jr, John R. Coyle, Jean M. Voelker, Thomas Kehoe, Oliver Spitzer	.....	5440, Revised Statutes.
751	Oliver Spitzer	4	5451, Revised Statutes.
760	John R. Coyle	.....	Sec. 9, chap. 407, laws 1890.
761	James F. Halligan, jr	.....	Sec. 7, chap. 407, laws 1890.
762	Patrick J. Hennessey	.....	Sec. 9, chap. 407, laws 1890.
763	Jean M. Voelker	.....	Do.
775	Patrick J. Hennessey, James F. Halligan, jr, John R. Coyle, Jean M. Voelker, Thomas Kehoe, Oliver Spitzer, Ernest W. Gerbracht, Andrew Portavecchia	.....	5540, Revised Statutes.

In all the above cases pleas of not guilty have been entered. The cases have been on the calendar a number of times and have been from time to time adjourned. They will be called again on Thursday, April 15, 1909.

WM. J. YOUNGS,
United States Attorney.

THE COLLECTOR OF CUSTOMS,
New York City.

DEPARTMENT OF JUSTICE,
OFFICE UNITED STATES ATTORNEY,
SOUTHERN DISTRICT NEW YORK,
New York, April 7, 1909.

(United States *v.* American Sugar Refining Co. of N. Y.)

SIR: In accordance with your request, I beg to state that there are pending in this office the following cases and claims against the sugar trust and its New York branch:

1. An action in the circuit court to recover a million and a quarter dollars for duties out of which the Government alleges that it was defrauded by the company's using a fraudulent device upon the scales. This case covers entries which since its institution have been reliquidated by the collector of customs at this port at an aggregate amount of $1,239,088, and it is expected that the duties will be collected under this reliquidation instead of under the pending suit. The collector found the fact of the fraud as a basis for these reliquidations, and the company is making payments in protest. I am informed by the company's counsel that the company now concedes the fact of the fraud and the main principles on which the reliquidation by the collector was based.

2. An action against the American Sugar Refining Company of New York in the district court for the southern district of New York for about $134,000 penalties for some of the above-mentioned frauds. This case was tried in February and resulted in a judgment for the Government for the full amount. The time of the defendant to sue out a writ of error has not yet expired, but it is understood that the company expected to pay the judgment.

3. Additional fines may be levied against this corporation and possibly also against the New Jersey corporation for their fraudulent entries not covered by the above suit.

4. I have now under way negotiations with the sugar trust (the New Jersey corporation) looking to the restitution to the Government of about $1,000,000 further duties out of which the Government claims to have been defrauded by the New Jersey corporation during a period which began at the time the Dingley tariff act went into effect and ended when the frauds were discovered. If the pending negotiations should fail, suits will be instituted to recover these duties.

Very respectfully,

HENRY L. STIMSON,
Special Assistant to the Attorney-General.

THE COLLECTOR OF CUSTOMS,
New York, N. Y.

Recently the public press has announced that the sugar trust has paid into the Treasury more than $2,000,000, of which large sum its officers and agents had robbed the Treasury of the United States. Suit is now pending in New Jersey against this trust to recover a million of dollars for revenues due the Government, and it is admitted by the officers of this company, including its counsel, that this unprincipled organization has robbed the American people of this vast sum and which they are now trying to compromise. Officials representing the Government who have made an investigation into these fraudulent transactions, believe that the American Sugar Refining Company has robbed the Treasury of more than $9,000,000 justly due the Treasury. It deserves no mercy at the hands of Congress and most assuredly no favors at the hands of Congress. The criminal and civil laws ought to be rigorously enforced against it, and the best way to destroy it is to give it healthy foreign competition.

I do not believe the beet farmers have received any substantial benefits in the sale of their beets to the factories by reason of existing law. From the best information I have been able to secure the beet-sugar factories, many of them under the control of the sugar trust, have been largely benefited by reason of existing rates on sugar. I hold in my hands Senate Document No. 22, from the Secretary of Agriculture, which ought to be reliable on this subject. He tells us that the average price of beets sold to the refiners has been between $4.75 and $5 per ton. Beets containing 12 per cent of sugar bring $4.50 per ton. Beets with 14 per cent of sugar bring $5 per ton. A ton of beets weighing 2,000 pounds would produce 280 pounds of sugar. This sugar would bring in the market, selling at the price of 4½ cents per pound, $12.60. The cost of the beets deducted from the sales of the sugar would leave $7.60. Now, when you get the cost of refining and deduct that sum from $7.60, you have the profits made by the beet-sugar refineries on a ton of beets.

The average price of beets per ton, as will appear from the table furnished by the Agricultural Department, for the last eleven years is as follows:

	Per ton.
1897	$4.10
1898	4.38
1899	4.60
1900	4.73
1901	4.60
1902	4.84
1903	4.86
1904	4.95
1905	5.10
1906	5.10
1907	5.20
1908	5.35

In corroboration of what I have said as to the profits made by the beet-sugar refineries, I quote an article from the Washington Times of date April 4, as follows:

Nobody knows from what they have told us just what the expense of making beet sugar in this country is.

In 1901 Consul Wyndham, of Great Britain, made a report to the British Government on the beet-sugar industry of the United States, which was published in the Blue Books and is in the Library of Congress. He had no object in view except that of getting the truth. He estimated the cost of beet sugar produced in a mill with a capacity of 1,000 tons per day in Colorado, Nebraska, or Illinois at 2¾ cents a pound. At that time the mills were paying about $4 a ton for beets and were getting about 4.1 cents a pound from the jobbers for their product. The labor cost of their yearly output of 24,000,000 pounds of sugar was estimated at $54,000, or only a quarter of a cent per pound. At the prices ruling under the tariff the American consumers were making these infant industries a profit of $534,000 per year on an investment of $537,000, or almost 100 per cent. Their product realized them a profit of 2.2 cents a pound.

If the foreign producer gets his labor for nothing, the difference in labor cost is in his favor, and the tariff necessity of the American sugar manufacturers can not be more than a third of a cent per pound.

The article still further says:

Mr. Wyndham's figures are as good to-day as when he made them.

Mr. J. R. Kelsey, of Addison, Mich., who recently appeared before the Ways and Means Committee of the House, said:

I was one of the first to raise beets in this neighborhood, and each year I have been trying to make up for what I lost the year before. This year I raised in round numbers 13⅛ acres, on which I made a profit of nothing minus $2. The crop brought me $504 and it cost me $506, and still I am only about 30 miles from the Bliss field (Mich.) factory, where they are marketed.

I have read from an article in a farm paper a letter written by Mr. J. R. Downey. The writer says:

I am glad to see you turning your guns on the beet-sugar graft. I indorse all Mr. Fessenden says in regard to their agents, and will add that, in my opinion, with very little trouble they could organize an Ananias Club of their own. I raised six crops for them, and I send you one of my contracts and statements from the company. You can figure out how much of the farmers' share I got for six years' work. I learned that each year they found a new way of getting a little more of it, but they had not got to docking a man for what he could not raise.

Mr. Downey submits his statement, showing his crop netted him a profit of $53.22.

The sugar-beet factories have made money. They are making money. Many of them are under the control of the sugar trust. They do not deal with the beet farmers justly in buying their beets. The sugar-beet factories have joined with the sugar trust in fixing the price of beets, and in fixing the price of sugar produced from beets as well as sugar produced from cane.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., May 8, 1909.

Hon. ALEXANDER S. CLAY,
Senate of the United States.

DEAR SIR: In harmony with your telephonic message I had my expert, Mr. Bryan, give me an estimate from his own experience of many years in a beet-sugar factory of the cost of making a ton of beets into sugar. He also cites you to some material of the same kind in the tariff hearing which you, doubtless, have already seen.

I hope this information is what you desire.

Respectfully,

H. W. WILEY, *Chief.*

Inclosure: Memorandum to Dr. Wiley, dated May 8, 1909, from A. Hugh Bryan.

UNITED STATES DEPARTMENT OF AGRICULTURE,
BUREAU OF CHEMISTRY,
Washington, D. C., May 8, 1909.

Memorandum to Doctor Wiley:

As regards the cost of manufacture of one ton of beets into sugar, I would say that—

One hundred pounds of sugar costs $3 to $3.50, average $3.25, to manufacture. The beets from which this was manufactured cost $5 a ton, plus about 50 cents freight, and contained 16 per cent sugar. The amount of sugar in one ton was then 320 pounds and the amount of the sugar recovered as white sugar was 88 per cent of 320 pounds, or 282 pounds. Then the cost of the beets was $5.50÷2.82 pounds, or $1.95, which would make the cost of manufacture $1.30 a hundred pounds, or in this case $1.30×2.82=$3.66 a ton.

In the "Tariff hearing before the Committee on Ways and Means of the House of Representatives, Sixtieth Congress, first print No. 5, Monday, November 16, 1908," page 328, Mr. Carmen N. Smith, representing the Owasso Sugar Company, of Michigan, stated that "the cost of labor in the factory is 47 cents a hundred, supplies 63 cents a hundred, which would make $1.10 a hundred pounds as the cost of manufacture, exclusive of cost of beets. Taking 15 per cent as the sugar content of beets and 85 per cent of that extracted as white sugar, then a ton of beets gave 255 pounds of white sugar and the cost of manufacture of a ton of beets was then $2.80.

On page 336 Mr. F. T. Shoals, of Cleveland, Ohio, secretary and treasurer of Continental Sugar Company, gave in his testimony the pounds of sugar produced and tons of beets used, which, figured out, would equal 213 pounds of sugar to a ton of beets. In the cost of manufacture he gives the total wages of operating the plant and also the total amount paid for coal, coke, lime rock, etc. Summing up this and dividing by the pounds of sugar produced, we have $1.41 as the cost of manufacture of 100 pounds of sugar. This multiplied by 213 pounds gives $3 as cost of manufacture for one ton of beets. If insurance and freight is added, the cost goes up to $2.13×$1.78=$3.79 for one ton of beets.

A. HUGH BRYAN.

But, Mr. President, I desire to be accurate in my figures. Now, who reaps the benefit of this high prohibitive duty on refined sugar? What part of it goes to the growers of beets in the United States, and what part of it goes to the sugar-beet refineries? I have sent to the Agricultural Department to find out the average prices paid the farmers for sugar beets during the last eleven years, the cost per ton for beets each year, the cost per ton for converting beets into refined sugar, the net profits per ton to the sugar refineries after the beets are converted into refined sugar, and this calculation demonstrates that only a small profit goes to the beet farmer, while the sugar refineries make large and unreasonable profits. The Agricultural Department surely can be trusted to make this calculation, which is attached hereto, and which I would ask be made a part of the RECORD. I take it for granted that these figures are absolutely correct. Surely no Senator will question their accuracy.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. I will yield.

Mr. SMOOT. The Senator must know that the farmer gets over 2 cents a pound on the sugar contained in the beet. That is the price the sugar factories in all the Western States pay for the beet. Is not that true?

Mr. CLAY. I presume the Senator from Utah got his information from the same place.

Mr. SMOOT. No, Mr. President; I got this information from absolute experience, and I know whereof I speak. I know what they pay for beets in the Western States, and I know how much saccharine they carry. I know, and so does the Senator know, that so far as the price of beets to the farmer is concerned the price paid is over 2 cents on the sugar content.

Mr. CLAY. If my friend will just keep quiet, I will show him how much the beet buyers have paid for beets in the last eleven years.

Mr. SMOOT. I know——

Mr. CLAY. I have that information from the Agricultural Department. I sent to the Agricultural Department and had that department give me the price of beets per ton each year since 1897. I had the department also give me the number of pounds of sugar which a ton of beets make, how much it cost to convert the beets into sugar, also how much the sugar sold for, and what profit the refiner made. Say what you please about the Agricultural Department, I have always found that the man who occupies the head of that department is an honorable and a reliable man.

Mr. SMOOT. I fully indorse that remark, and I am perfectly willing to stand by what the Agricultural Department says as to the amount of sugar in a ton of beets and as to the cost per ton.

Mr. CLAY. I am glad I am able to find something that the Senator from Utah will stand by.

Mr. President, I deny that either the beet grower or the cane grower has made——

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. CLAY. Certainly. I was on another subject. I will leave that.

Mr. SMITH of Michigan. I was in hopes the Senator would let that stand.

Mr. CLAY. I will let it stand later on.

I have a letter from the Agricultural Department, and I want the Senator from Utah to see that I am correct. I will yield to him if I am incorrect. In 1897 the price of beets per ton was $4.10; in 1898, $4.38 per ton; in 1899, $4.60 per ton.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. CLAY. I will yield.

Mr. SMOOT. I wish to say right now, that the beet-sugar farmers in the State of Utah, in the State of Idaho, and in the State of Colorado receive more than $4.10 a ton for their beets, and always have done so. I say that to-day they are receiving $4.75 a ton, not at the factory, but loaded on the cars near the place where the beets are raised.

Mr. CLAY. I have given the report of the Agricultural Department in reply to a resolution introduced by my friend the Senator from Montana [Mr. CARTER]. The Senator has just stated that he will stand by what the Agricultural Department said.

Mr. SMOOT. On the question as to the amount of sugar, I said the sugar costs 2 cents a pound based on the price paid for beets grown in my State, and I say so yet.

Mr. CLAY. The Senator then says he will stand by a part of the report of the Secretary of Agriculture and a part of it he will not.

Mr. SMOOT. The Senator asked me to interrupt him if the figures were not right, and I say now that the farmers in the States of Utah and Idaho get $4.75 a ton for the beets.

Mr. CLAY. How much did you pay in 1900?

Mr. SMOOT. I do not think there has been any change for many years.

Mr. CLAY. The Agricultural Department furnished me this in reply to a letter I addressed to the Agricultural Department, which I will put into the RECORD.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Minnesota?

Mr. CLAY. Certainly.

Mr. NELSON. I presume the figures the Senator from Georgia gives are the average for the whole country.

Mr. CLAY. That is right.

Mr. NELSON. Not for any particular State.

Mr. CLAY. I said what the Agricultural Department gives as the average price of beets per ton, as will appear from the table furnished by the Agricultural Department, for the last eleven years.

Mr. NELSON. Will the Senator now give the amount of sugar which is produced from a ton of beets?

Mr. CLAY. I am going to do that. I asked the Department of Agriculture to give to me accurately, to make it absolutely correct, the number of pounds of white sugar that a ton of beets made, and they sent back the figures. They said that a ton of beets would average 282 pounds of white sugar; that a ton of beets cost the refiner, on an average, $5; that converting those beets into sugar cost $3.60, making a total of $8.60; and the refined sugar from a ton of beets sold in the market for $4.32 more than it cost the refiners.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. CLAY. I do.

Mr. SMITH of Michigan. The Senator from Georgia, I know, means to be perfectly accurate and correct.

Mr. CLAY. I do.

Mr. SMITH of Michigan. But quoting from Senate Document No. 22, being a letter from the Secretary of Agriculture, I find that for the year 1905, which seems to be the year on which he predicated his statement from a number of reports secured from all sections of the country, it appears that about $5 per ton, on an average, was paid to the farmer for the beets, the price, however, often depending upon the saccharine content, which in the Mississippi Valley runs the price up to $5.50 per ton.

Mr. CLAY. Mr. President, the American Sugar Refining Company has violated the criminal laws of this country since it was organized, and the American Sugar Refining Company absolutely dominates our sugar markets to-day in this country. The American Sugar Refining Company fixes the price of raw sugar in this country. The cane farmer and the beet farmer can not get his sugar refined anywhere else. There are not enough independent refiners to do it.

Mr. SMITH of Michigan. The beet-sugar factories refine their own sugar. I understand the Senator to say, and it is true, that since the establishment of these beet-sugar factories the quantity of refined sugar which is produced in the world is much greater than before the beet industry was established, and the price has accordingly fallen.

Mr. CLAY. At the time the Dingley bill was passed my recollection is that we produced less than 200,000 tons of beet sugar, while now we produce about four hundred and forty or four hundred and forty-seven thousand tons—I am not certain which. The production of beets has about doubled in the last ten years. I have no misstatements to make to this Senate.

Mr. CARTER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Montana?

Mr. CLAY. Certainly.

Mr. CARTER. The statement of the Senator from Georgia with reference to the average yield to the farmer in the way of profit on sugar beets challenges my attention, because it is somewhat in conflict with information received direct from those engaged in producing sugar beets.

If the Senator will permit me to explain, I think the low average proceeds from the attempt to raise sugar beets in sections of the country little adapted to the culture of sugar beets. Originally the attempt was made in certain portions of the Mississippi Valley with little success. At Billings, in the State of Montana, a beet-sugar factory, which is producing about 1,200 tons per day, has wrought wonders in the agricultural community tributary to that factory. My information from the farmers engaged directly in the production of beets is that they raise from 15 to 20 tons per acre, and that the cost of cultivation is about $20 per acre. Indeed, they are able to contract for the culture of the beets at $20 per acre. They receive $5 a ton and upward for the beets at the station where loaded on the cars, or at the factory if hauled there in wagons. A brief calculation will show, I think, that the average receipt per acre is over $75 and even reaches as high as $100 per acre. Assuming $80 to be the average receipt by the farmer for the beets raised on each acre, and $20 per acre as the amount of expense, it follows that there exists a profit of about $60 per acre per year.

In the production of the sugar beets in the Yellowstone Valley of Montana it is said, and I have no doubt truly, that the climate and soil of that region happen to be better suited to the culture of these beets than any other; but this would yield, I submit to the Senator from Georgia, in the regions especially adapted to the growth of the beet, $3 or $4 per ton instead of less than $2 per ton, as the Senator has suggested as the average shown by the figures of the Agricultural Department.

I submit to the Senator for his consideration the fact that the low average to which he refers is the result of ill-advised experiments in sections of the country not adapted to beet culture at all.

Mr. CLAY. Mr. President, I wrote to the Agricultural Department and asked the department to give me the average price paid for beets all over the country. There are not very many States producing beets. I also asked the Agricultural Department to give me the average amount of sugar made from a ton of beets, the cost of refining, and the average price received for the sugar after it was refined. The statement which I shall insert in the RECORD is in reply to my letter.

Mr. SMITH of Michigan. Mr. President, will the Senator object to an interruption?

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Michigan?

Mr. CLAY. I do.

Mr. SMITH of Michigan. I notice by this report, which is exceedingly interesting, that within the last twelve years there has been paid out for beets at the factories to the American farmer $121,063,619.

Mr. CLAY. I have all of that in my statement here, and also how much is paid by the refiners and how much was paid for the beets to the farmers. I have that in full, and I expect to insert the document.

Mr. SMITH of Michigan. The Senator from Georgia, of course, recognizes the desirability of diversifying the products of the American farmer in that manner, does he not?

Mr. CLAY. Yes.

Mr. SMITH of Michigan. And that anything which will help such diversification will add to the volume of sugar produced in the world and tend, of course, to make the price a little lower to the consumer?

Mr. CLAY. There have been very slight changes in the price of refined sugar in the past twelve years.

Mr. SMITH of Michigan. The Senator does not question the wisdom of our course with reference to the production of domestic sugar?

Mr. CLAY. I do not believe any substantial benefit has gone to the beet grower. The testimony taken before the Ways and Means Committee states that in the State of Colorado, in the State of Utah, and in the States of California and Idaho beets can be produced cheaper than anywhere else in the world. The Senator does not get my point. My point is simply this: I want to show, on account of the changed conditions in this country in regard to the admission of free sugar, that we ought to reduce the tariff on refined sugar; and I think the Senator from Michigan agrees with me.

Mr. SMITH of Michigan. If I do not annoy the Senator I should like——

Mr. CLAY. I have been speaking for an hour and a half. I hope the Senator will let me get through.

Mr. BACON. Will the Senator permit me to ask him a question?

Mr. CLAY. Certainly.

Mr. BACON. I should like to know whether he has stated the amount of revenue the Government gets from the importation of refined sugar?

Mr. CLAY. Last year only 219 tons of refined sugar came from foreign countries to our country.

The Agricultural Department tells us that the farmer sells his beets for about $5 per ton to the sugar refineries. These beets contain 16 per cent sugar. The amount of sugar in one

ton of beets is 320 pounds and the amount of sugar recovered as white sugar would be 88 per cent of 320 pounds, or 282 pounds. The cost of refining is $1.30 per hundred pounds. Let us see what profits the refineries make out of a ton of beets. The refiner pays the farmer $5 for a ton of beets; the cost of converting the beets into refined sugar at $1.30 per hundred would be $3.66; adding this to the cost of the beets we have $8.66, the total cost of the 282 pounds of refined sugar realized by the refiner from the ton of beets. Now, how much does the refiner receive for the 282 pounds of refined sugar obtained from the ton of beets? The wholesale price of refined sugar in New York is $4.96 per hundred pounds. This would give to the refiner $12.98 for his refined sugar realized from his ton of beets, a profit of $4.32. Thus the refiner makes a profit on each ton of beets almost equal to the price the farmer receives for his beets. After the farmer pays for his labor in cultivating the beets, he realizes in profits less than $1 per ton and in many instances he loses money, while the sugar trust makes a clean profit of $4.32 on each ton of beets purchased and converted into sugar. We produce annually in this country about 440,000 tons of beets. The sugar trust makes a profit of $4.32 per ton in manufacturing these beets into sugar, while the farmer who cultivates the beets makes a profit of not exceeding $1 per ton—that is an average profit.

Now, who gets the benefit accruing by reason of this high duty on sugar. The American consumers do not get it, neither does the grower of beets. Then, who does get it? The question is easily answered. The sugar trust, beyond dispute.

Will we continue to legislate in the interest of criminals and against the interest of the American people? If this sugar schedule shall be enacted into law in the interest of these confessed criminals, who have openly combined and confederated to destroy all competition and who have wrenched wrongfully from the American people more than fifty millions per year in profits and who have robbed the Government of at least ten millions of revenue justly due the Government, then what hope has the American people?

The operations of the sugar trust with the Government and the indictments now pending against the employees of the trust demonstrate beyond question that those in control of this combine are criminals and have been criminals since its organization. The defense that the officials have not been connected with this underweighing and smuggling against the Government is not worthy of the consideration of any intelligent man. These employees drawing small salaries, working for wages, were directed by those high in authority. The officers of the sugar trust were not even willing to make a reasonable divide with the employees who committed these crimes, giving them each $5 per week extra for stealing, while such thefts brought to them and their associates on an average of more than two hundred thousand per month.

How long will the American people tolerate this conduct? How long will we continue to legislate for the benefit of this class of criminals and against the interests of the American people?

If the sugar trust can find a defender on the floor of the Senate, then we have reached a condition of affairs most deplorable. If we are to continue to legislate millions of profits into the pockets of this class of men at the expense of the American people, then let us adopt the sugar schedule provided by the Finance Committee of the Senate.

If we are to continue to rob the American people of more than fifty millions per year that justly belongs to them for the benefit of the sugar trust, then let the American people know it and let us see if they will approve it. I insert some figures and facts sent me by the Agricultural Department in regard to the cost of refining beet sugar. I also insert a letter written from McKeesport, Pa., April 27, 1909, to a Member of Congress, that correctly describes the situation relative to the trust, leaving out the name of the Member of Congress to whom it was addressed. This letter was addressed to a Representative from Kansas.

McKEESPORT, PA., *April 27, 1909.*

SIR: I have been delayed in answering your favor of recent date owing to press of business, due to moving my grocery business to a new location.

You ask me for my authority in stating in my letter to the Hon. JOHN DALZELL that the profit of the beet-sugar industry would be found eventually stowed away in the pockets of the sugar trust. You also desire to know if I have made any personal investigations of the subject.

To the latter question I can state that beyond keeping as well posted as possible on a matter which is naturally of so much interest to me, I have made no extended personal investigation.

The fact that the sugar trust controls the domestic beet-sugar industry is one that is never disputed in sugar circles, and proof that such a condition does exist is readily obtainable. The statement which the sugar trust makes shows that they have $22,000,000 invested in domestic beet-sugar factories. How much more is in the hands of their directors is not stated, but it is a well-known fact that this stock is placed so as to control the whole. The beet-sugar factories of the country are for the most part divided up into groups and controlled by parent companies.

For instance, the Great Western Sugar Company is one of these, operating quite a number of the larger factories, and produces in all about one-third of our total domestic beet-sugar production.

Mr. H. C. Havemeyer, until his death, was president of this company. The president is now Mr. H. E. Morey, whose office is at No. 117 Wall street, New York, the American Sugar Refining Company's building.

The American Beet Sugar Company is another one of these parent companies, and Mr. J. Moody, in his book, The Truth About the Trusts, on page 64, says the following in reference to their relation with the American Sugar Refining Company:

"The capital of the American Beet Sugar Company consists of $5,000,000 6 per cent preferred and $15,000,000 common stock. Dividends have been paid regularly on the preferred from the beginning.

"This company operated for several years as a rival to the American Sugar Refining Company, or sugar trust, but early in the year 1903 harmonious relations were brought about between the competing interests, and it is now authoritatively stated that the sugar trust owns or controls a majority of the Beet Sugar Company's stock."

Mr. C. D. Warren, president of the Michigan Beet Sugar Company, you will note, is the gentleman who, acting with authority for all the domestic beet-sugar men, made an agreement with Mr. Taft that, provided he would not insist on lowering the sugar schedule in the interest of the consumer, they would not fight against the admission of Philippine sugars, up to 300,000 tons, free of duty.

The country thought we were to have a substantial revision of the tariff. Senator DOLLIVER demonstrated there has been no substantial revision so far as the woolen schedule is concerned. It is in reality an increase over the Dingley law.

Senator CUMMINS has demonstrated that there has been no substantial reduction in steel and iron that can possibly be of any benefit to the consumers' market. There has been a continued and persistent effort on the part of Mr. ALDRICH, the chairman of the Finance Committee, to reenact the Dingley law. There are Republicans on the other side of the Chamber who recognize the obligations they owe to the American people, and they have resisted manfully the tariff bill as framed by the Finance Committee of the Senate, and they deserve credit for their good work. We ought to give to the American people a reduction of at least one-third over the existing law on sugar. We ought to give to the American people free hides, free lumber, free materials for the preparation of fertilizers, free salt, free twine, free bagging and ties, and if there is any deficiency in the revenue, let us make it up by the passage of a proper income tax.

The most severe arraignment that I have read against the Republican party was made by Senator ALDRICH, who is considered the head of the Republican party in the Senate, though many of its valuable members no longer bow to his will and dictation.

In his opening tariff speech, delivered on the floor of the Senate on April 19 last, is a severe arraignment of the Republican party, and from his own confession he has been derelict in the discharge of his duty to the American people.

What did he say? I quote his exact language:

From an investigation more or less superficial I am myself fully satisfied that the appropriations made last year could have been reduced at least $50,000,000 without impairing the efficiency of the public service. There are periods in the life of a nation when the spirit of extravagance pervades the atmosphere and the public money is scattered right and left, often without reference to the results to be secured. I hope and expect to see a radical reform in this direction. We have within the past few years created many unnecessary bureaus and multiplied employees beyond the possibility of efficient work.

And the Senator could have said that every one of these extravagant items had his approval and support.

Senator ALDRICH further said:

No one committee or official has been charged with the duty of attempting to coordinate expenditures with revenue, and extravagant and unwise appropriations have been made without reference to the economical administration of the Government.

In this work of necessary reduction in expenditure and in reform in methods of appropriation to which the Senate is pledged, I am authorized to say that we shall have the earnest support and active cooperation of the President and the administration.

Mr. BEVERIDGE. Mr. President——

Mr. CLAY. One moment. When I heard those words from the Senator from Rhode Island—and we all know his untiring industry and his great ability—I said to myself, in the future no item will pass the Senate that ought not to go in an appropriation bill.

Mr. BEVERIDGE. I merely wanted to say that the statement the Senator quotes from the speech of the Senator from Rhode Island was pretty hard on the Appropriations Committee as then constituted.

Mr. CLAY. Yes, Mr. President. I am a member of that committee, and the RECORD will bear me out that time and again on this floor I have tried to reduce appropriations, but we were never able to get the Senator from Rhode Island to help us.

Mr. ALDRICH. The Senator is very much mistaken in that. In the first place, I am not a member of that committee; but

my voice, and my vote have always been for economy in the Senate; and I am not quite so sure about my friend from Georgia.

Mr. CLAY. I will give the Senator a week to examine the RECORD to find any extravagant items that I have voted for.

The Senator in this speech admits that we are spending $50,000,000 each year more than we ought to expend to administer this Government. I challenge the Senator to point out during the last twelve years a single instance where he has made any effort to reduce our expenditures. The Senator is the leader of the Republican party. The country believes he molds and shapes its policy. Why, during this last session of Congress, when an effort was made to increase the salary of the President to $100,000 per year and to almost double the salaries of the federal judges, the Senator from Rhode Island exerted every influence possible to secure the increase. When an effort was made by the Senator from Maine [Mr. HALE] to cut down the expenses of the navy, the record will show that the Senator from Rhode Island was the first Senator to vote against reducing the expenditures in the Navy Department. When an effort was made to force the banks to pay 2 per cent interest on nearly $300,000,000 of money on deposit in those banks belonging to the American people, the Senator from Rhode Island was the first Senator to vote against such amendment. If the Senator openly admits on the floor of the Senate that each year we have spent $50,000,000 of money more than we ought to have spent, and he has never raised his voice against this extravagance and has never pointed out to the Senate or the country what items of extravagance could have been avoided, then he has been derelict in his duty to the people of his State and the country. When did the Senator become clamorous for economy and reform? Ah, Mr. President, when he saw that the income tax in all probability would become a law, he became alarmed and endeavored to show the country that we could produce enough revenue and reduce the tariff downward to support the country without an income tax. And he was exceedingly anxious when the income tax confronted him to cut down the expenses of the Government to avoid the adoption of an income tax.

When the Senator from Maine [Mr. HALE] moved to reduce the naval expenditures of the country nearly $6,000,000, whose name was first called? That of the Senator from Rhode Island, and he voted against the reduction.

Mr. ALDRICH. Mr. President, I take it for granted that economy is a question of intelligence in expenditures, and I would be quite willing, if the occasion required and I had the time, to discuss these propositions with the Senator from Georgia.

The Senator is mistaken in his last proposition as well as in his first. I voted with the Senator from Minnesota on that proposition.

Mr. CLAY. Then, if he did, I will give the Senator credit for it and say that for once he was right.

The Senator has surely forgotten that speech. This tariff bill provides for a customs court, to be composed of five judges, drawing a salary of $10,000 per year each; a marshal, clerk, and attorney-general, $10,000 per year each; and four assistants, at a salary of $6,000 per year each; and will cost annually a quarter of a million dollars.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Rhode Island?

Mr. CLAY. Certainly.

Mr. ALDRICH. I have not only not forgotten that speech, but I am endeavoring to carry it into practical effect. The general estimate of the amount of money which is lost to the Government of the United States by undervaluations and by erroneous interpretations of law is from fifty to sixty million dollars a year. Many cases have been tried before a court in New York that involved from one to ten million dollars a year, at which the Government was not properly represented. But I do not intend to go into that question now. I think every man who has examined the question, whether on the committee or off the committee, believes that the expenses of this court for ten years would be often saved in a single case.

Mr. CLAY. Yes; the economy the Senator stands for means increased expenditure every time. I say the statement made by the Senator from Rhode Island is a reflection upon the courts of the great State of New York.

Mr. ALDRICH. Mr. President, the courts of the great State of New York do not decide customs cases at all, I believe.

Mr. CLAY. The federal courts do.

The Senator has not been consistent. He has never been an economist. He has never stood for economical, plain, simple government. We do not think alike. I do not criticise his integrity or his intelligence. I appreciate his great ability. The Senator believes in a strong central government—the government of the classes and not the government of the masses. He represents what is called in his party the "Stalwarts." If he had his way, he would not change our tariff laws. He is satisfied with the Dingley law.

Many members of his party differ with him. Their views have been expressed on this floor time and again in the interest of the masses of the people. By their votes and speeches they have demonstrated that on many public questions they are in line with the Democracy.

Mr. President, this tariff bill, if enacted into law in its present shape, will give no substantial relief to the American people. The question may well be asked: Why was Congress called in extra session and the American people put to the extra expense of an extra session of Congress if we simply intend to reenact the Dingley law?

If the President of the United States entertains now the views which he so often expressed during his canvass, he can not regard this measure as a substantial revision of the tariff downward.

Mr. NEWLANDS obtained the floor.

Mr. ALDRICH. I should like to have the pending amendment stated, so that we may take a reckoning as to where we are.

Mr. NEWLANDS. I have the floor.

The VICE-PRESIDENT. The Senator from Nevada has the floor. Will he permit the pending amendment to be stated?

Mr. NEWLANDS. I do not wish to speak regarding the pending amendment.

Mr. McLAURIN. Let the pending amendment be stated.

Mr. NEWLANDS. Very well.

The VICE-PRESIDENT. Without objection, the Secretary will again state the pending amendment.

The SECRETARY. On page 68, line 16, it is proposed to strike out the proviso at the end of paragraph 194, reading as follows:

Provided, however, That all Lever or Goughrough lace machines, including machines for making lace curtains, nets, or nettings, imported prior to July 1, 1911, shall be admitted free of duty.

Mr. NEWLANDS. Mr. President, if I understood correctly the Senator from Georgia [Mr. CLAY] in his very clear and interesting speech, he claimed that the price of sugar in this country is about double what it is in other countries, and that American consumers pay over 4 cents a pound for their sugar, while in other countries they pay about 2 cents a pound. A difference of 2 cents a pound on sugar amounts to $40 a ton; and as the total consumption of sugar in the United States is over 3,000,000 tons annually, it means that the American people pay over $120,000,000 more per annum for their sugar than they would if they received it at the international price. That $120,000,000 additional cost imposed upon the American consumer is caused by a tax imposed upon imported sugar; and the question arises as to how much of that $120,000,000 the Government of the United States receives as revenue.

Upon referring to the statistics we find that the total amount of revenue received from sugar is only $59,000,000, so that over $60,000,000 annually of additional cost imposed upon the American people for their sugar goes to other interests. It goes in part to the producers of sugar in this country, in part to the producers of sugar in islands having certain relations to the United States and in part to the sugar trust.

With reference to this diversion of revenue I have to say that we find that by reason of favors to insular countries the amount of revenue which the United States receives from this tax has been constantly diminishing. We annexed Hawaii. Under ordinary conditions Hawaii, as a foreign country, would be compelled to pay, on its 400,000 tons of sugar imported into the United States, $40 a ton, or about $16,000,000 annually. That duty is entirely remitted by reason of annexation. There is no complaint to be made of course, so far as I am concerned, regarding annexation. I favored annexation. But this illustrates my point—that $16,000,000 which otherwise would have gone into the Federal Treasury goes now to the planters in the Hawaiian Islands, and goes to them as a price above the international price which they would otherwise receive if they did not have the advantage of this favored market.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Idaho?

Mr. NEWLANDS. Certainly.

Mr. HEYBURN. It was suggested to my mind that if it were not for the fact that this Hawaiian sugar comes in free we would not import anything like that amount.

Mr. NEWLANDS. Possibly not. Possibly Hawaii would not be able to produce that amount. The very fact that Hawaii re-

ceives a price in these markets double what she can receive in any other country in the world has, of course, stimulated production in the Hawaiian Islands.

Then we have Porto Rico. Under the conditions that existed prior to the annexation of Porto Rico the 200,000 tons of sugar which she now produces would have been compelled to pay a duty of nearly $40 per ton, or $8,000,000 per annum. That has been remitted; and Porto Rico producers now receive $8,000,000 more in the price of their sugar, in this favored market, from the domestic consumers of the United States, than they could by any possibility receive anywhere else in the world's markets.

We come now to Cuba. Cuba, at the close of the Spanish war, was producing only about 300,000 tons of sugar annually. Her present product is 1,400,000 tons, according to the statement of the Senator from Georgia [Mr. CLAY]. Upon that 1,400,000 tons there is remitted one-fourth, or 25 per cent, of the duty which would otherwise be taken. Cuban producers, whether those producers be the American sugar trust owning lands in that island or the native producers themselves, thus receive for their product $14,000,000 annually more than they would be able to get in any other market in the world; and that $14,000,000 is lost to our National Treasury.

I opposed the reciprocity treaty with Cuba. I opposed it because I felt that ultimately Cuba must become a part of the United States; and I felt that if we would simply take advantage of the economic conditions and refuse to her a commercial treaty which would give her this large bounty, economic necessity would compel her to apply to us for political union instead of commercial union. I should have been glad to see Cuba admitted as a Territory of the United States, with the ultimate prospect of statehood; for I regard that island as the most valuable of all the islands with which we have had to deal. She has a population to-day of only one and a half or two million people, and an ability to support 14,000,000 or 15,000,000 people. As it is, we are bribing Cuba, by this bounty of $14,000,000, to maintain her independent position, and enabling her to receive in this country $14,000,000 annually more than she could receive anywhere else in the markets of the world. I have been against commercial union with Cuba. I have always been for political union with Cuba.

We come next to the Philippine Islands. The fatal policy which we have pursued with reference to the islands of the world, resulting in a bounty to those islands, and alien abstraction of revenue from the United States Treasury, is about to be pursued there. The committee recommends that 300,000 tons of Philippine sugar annually be admitted into this country duty free. What does that mean? That the Philippine producers, whether those producers be the sugar trust, which will own the sugar lands in that country, or the native producers themselves, will receive nearly $40 per ton more for their sugar than they can get anywhere else in the world. And $40 a ton upon 300,000 tons means $12,000,000 annually paid to the Philippine producers and lost to our National Treasury.

I am opposed to this arrangement. I believe that it will, in the end, prove injurious to the Philippine people themselves; that it will place their industry upon stilts, just as we have placed the industries of this country upon stilts; and that a day of reckoning will come. I believe that when independence finally comes the industries of those islands will be prostrated, by reason of the fact that they will be compelled to accept the world's prices, and will no longer receive the favored prices of the United States.

I am against this bounty to the Philippine Islands, because it will tie those islands effectually to us for all time. It will tie the people of those islands to us. The producers of sugar, receiving those $12,000,000 annually, will object to the severance of relations that gives them this favored market in the United States. It will also build up in that country great American interests, great property interests, receiving a bounty from the consumers of the United States in the shape of an increased price for sugar. Therefore we will have interests at home that will be influential in legislation here and will prevent the final proper solution of the Philippine question, which means, according to the declarations of both parties, ultimate independence for the Philippine Islands when they shall have become fitted for self-government.

The parties may differ as to the time; the parties may differ as to the policy of declaration. One party may be in favor of now fixing the time definitely at ten, fifteen, or twenty years hence; and the other party, according to the declaration of Mr. Taft, may prefer to leave the time as a question to be determined in the future by a test of the capacity of the people themselves for self-government. But both parties unite on this policy of ultimate independence for the Philippine Islands, and the sentiment of the country is in favor of it. The people of this country do not believe in maintaining valueless islands 7,000 miles away, in contact with all the belligerent forces of the world, where at any time an electric spark may light up a war that will cover this entire country, and involve it in expenditures equal to, if not surpassing, the expenditures of the Boer war. The traditions of the country are against holding a people in subjection against their consent, and this sentiment will grow.

What effect will the action which you propose to take have upon the policies of both parties, as thus far declared through their leaders? What effect will it have upon the sentiment of the Filipino people themselves? You propose to subsidize those people. You propose to subsidize the great sugar interests of this country that will be interested in production there. You propose to give them a bounty of $14,000,000 annually from the American consumers; and then you expect that it will be an easy task, when the American people shall come to the conclusion that the possession of those islands is undesirable, to cut the tie that binds them.

There is but one way of dealing with the Philippine Islands consistent with humanity and integrity. That is to regard those islands as a separate unit, absolutely distinct in their form of government, absolutely distinct in their fiscal system, absolutely distinct in their industrial system, dependent upon us in no way except in the commission itself which forms the connecting link. If we do not complicate their industrial system with ours, if we do not complicate their fiscal system with ours, all we will have to do in the future will be to substitute Filipino commissioners for the American commissioners; and they will then go out as a nation, with a distinct industrial system of their own and a distinct fiscal system of their own, able to contend in the world for the world's prices.

But if you feed them upon the bottle of protection and of subsidy, and accustom them to prices in these favored markets double those which they could get anywhere else in the world, when separation comes you will throw them upon the world absolutely helpless in the economic struggle that will take place.

Mr. President, the Senator from Georgia [Mr. CLAY] has opened up a most important question—one of the most important questions that has been presented to us. It shows how the tariff tax is added to the cost of every article to the American consumer; how that tax is diverted from the Federal Treasury into the pockets of the interests that are connected with the production of the various commodities. It tends to show the folly of our policy regarding these islands in the ocean—these islands in these heated regions that have been unable to maintain themselves in their economic struggle with the temperate region even in such products as sugar, which have been heretofore regarded as the exclusive monopoly of the tropical regions. It shows the absolute folly of building them up by bounties and subsidies, particularly in the case of the Philippine Islands, if we wish to absolutely separate them from us, give them an individual life, and train them to struggle with the world for competitive prices.

I hope that the speech of the Senator from Georgia [Mr. CLAY] will be widely read and that the statistics will be carefully considered by the Senate; and I hope that both parties will unite in preventing this monumental blunder with reference to the Philippine Islands, which will result in enfeebling the people themselves in their struggle for economic equality with the rest of the world, which will accustom them to the bottle of subsidy, which will build up industries here and there that will be opposed to separation, and which, when separation finally comes, will cast those islands outside of the favored markets of the United States in a fatal struggle with the rest of the world without the industrial and economic training essential to its successful conduct.

The PRESIDING OFFICER (Mr. DIXON in the chair). The question is on agreeing to the amendment proposed by the committee.

Mr. STONE. Mr. President, I wish to make a single observation before the vote is taken. The proviso as it came from the House of Representatives was:

> That all embroidery machines and lace-making machines, including machines for making lace curtains, nets, or nettings, imported prior to July 1, 1911, shall be admitted free of duty.

The Senate committee has stricken out the words "embroidery machines and lace-making" and inserted "lever or go-through lace."

Mr. ALDRICH. That amendment has been withdrawn. The proviso has been stricken out entirely.

Mr. STONE. The Senator from Rhode Island withdraws the Senate amendment?

Mr. ALDRICH. I have moved to strike out the entire proviso.

Mr. STONE. As I understand, the Senator withdraws the Senate amendment in the proviso and moves to strike out the whole proviso.

Mr. ALDRICH. That is right.

Mr. STONE. Now, upon that I wish to say just a word with a view to emphasizing and attracting particular attention to a remark made by the Senator from Rhode Island this morning when this proposed amendment of his to strike out was under consideration.

Mr. President, the Senator from Rhode Island has been the victim—I am sure the unwilling victim—of a shower of compliments in the last two or three or four weeks that ought to satiate him unless he is a vainer man than I think him to be. He already stands knee deep in flowers, and I do not care to throw an additional bouquet on the heap. Still a statement made in plain language, not in fulsome language, would be permissible and not violate the rule that I have suggested for my own observance.

The Senator from Rhode Island we know to be one of the—I will not say the only—important individual force in congressional legislation. He is one of the strongest factors—I will not say the only strong factor—in this particular legislation, although his position as chairman of the committee gives him exceptional prominence. I know, too, that he is one of the recognized leaders in the country of the Republican party, and therefore a statement coming from him is entitled to some special consideration. When he makes a startling statement it is well to pause a little just to think about it and try to estimate its significance.

This morning the Senator said that lace-making machines ought not to be put upon the free list because some machines of that kind had at some time in the past been imported, upon which the importer had paid a duty, and that it would be an unjust discrimination to put them upon the free list now and permit others in the future to import them free of duty.

Mr. President, that is a very far, radical advance, even on the declarations of the Chicago platform. That platform declared that a tariff should be levied sufficient to cover the difference in cost of labor production in this country and abroad, to protect labor, and that the duty should be made still higher for the purpose of insuring a profit to the manufacturer who employed the labor. That was a new and bold declaration of party policy.

But now the Senator from Rhode Island advises us that a machine should not be put on the free list because, forsooth, some persons have paid a duty upon such machines in the past. If that is to be the policy of the country, then we are closed at once against the possibility of putting anything on the free list or of reducing the duty upon it.

Mr. President, moreover, the Senator from Rhode Island said there were no machines of this kind made in this country—not one——

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Rhode Island?

Mr. STONE. Certainly.

Mr. ALDRICH. I think I stated, and if not I will now state, that there is every probability that they will be made in the United States at an early day; and I will state further, what I did not state before, that parts of the foreign machines used in some of the countries abroad are of American invention, and they should be of American manufacture.

Mr. STONE. Machines made abroad may be made in accordance with some American invention, but they are not manufactured in this country. There is no capital invested in them. There is no labor employed in their manufacture.

But the Senator says we may tempt or encourage or induce some one or another to enter upon this enterprise, to invest capital and employ labor in the making of these machines. This tariff, therefore, is to be maintained, this exaction is to be made upon persons who need these machines and must buy them abroad if they buy them and have them at all, not to protect even an infant industry, but merely to tempt or induce somebody to venture upon the enterprise. These, Mr. President, are the things which I wish to emphasize because they are new declarations of party policy. That is all I care to say.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Rhode Island.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the paragraph as amended will be agreed to.

Mr. McLAURIN. There is a good deal of objection to that.

Mr. PAYNTER. I have an amendment pending, but it should be changed in view of the fact that the proviso has been stricken out. I withdraw the amendment and move the amendment I send to the desk, because it would not be intelligible if it were left the other way. I offer this amendment in lieu of the other.

The PRESIDING OFFICER. The Senator from Kentucky offers an amendment which will be stated.

The SECRETARY. On page 68, line 16, after the words "ad valorem"——

Mr. PAYNTER. In line 11, strike out the words——

The SECRETARY. In line 11, strike out the words "linotype and all typesetting machines"——

Mr. PAYNTER. And add——

The SECRETARY. And in line 16, after the words "ad valorem," add:

Provided, On linotype and all typesetting machines, 10 per cent ad valorem.

Mr. PAYNTER. I think that meets it; and on that question I demand the yeas and nays.

Mr. ALDRICH. I believe all these linotype machines are patented. I think every one of the articles covered by the amendment of the Senator from Kentucky is a patented machine. He might, by the adoption of this amendment, be doing the very thing the linotype company would like to have done—that is, they might like to bring the machines in here for their own use or sale at 10 per cent and thereby take the work away from American mechanics for the benefit of foreign mechanics.

I understand that none of these machines can be sold in this country except by the consent of the linotype company—whatever the name of it is—the Mergenthaler Company.

Mr. KEAN. The Mergenthaler Company.

Mr. PAYNTER. I am very glad to be able to relieve the Senator from Rhode Island of any apprehension on that score. I have received a letter from the president of that company, in which he complains very bitterly because composing machines are singled out for a reduction of the duties thereon. So the Senator need not have any apprehension on that question.

Mr. ALDRICH. Is it or is it not a fact that the machines are patented machines?

Mr. PAYNTER. Yes; they are patented.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky.

Mr. PAYNTER. On that I demand the yeas and nays.

The yeas and nays were ordered.

Mr. BORAH. Let the amendment be again reported.

The PRESIDING OFFICER. The Secretary will again state the amendment offered by the Senator from Kentucky.

The SECRETARY. On page 68, line 11, it is proposed to strike out the words "linotype and all typesetting machines," and add, in line 16, after the words "ad valorem," the following:

Provided, On linotype and all typesetting machines, 10 per cent ad valorem.

Mr. BURKETT. I submit to the Senator from Kentucky that that does not read very well. It seems to me it should read: "*Provided*, That."

Mr. ALDRICH. The word "Provided" does not need to be there.

Mr. PAYNTER. It follows the proviso. I studied it very carefully.

Mr. ALDRICH. The proviso is stricken out. All the Senator needs to say is "linotype and typesetting machines, 10 per cent."

Mr. BURKETT. I think it would be better to leave out the word "Provided," at least. The proviso has been stricken out.

Mr. PAYNTER. I am quite willing to leave out the word "Provided." It means the same thing.

Mr. BRISTOW. I should like to inquire if the Senator from Kentucky has any information as to what would be the difference in the cost of manufacturing these machines abroad and here? I am in hearty accord with reducing the duty on linotypes, but I think they ought to be made in this country.

Mr. PAYNTER. That is a matter of not very much importance. If these gentlemen have carried out their design they have a controlling interest in the foreign companies. They say they have made a proposition, and they expect to buy 75 per cent of the capital stock owned in competing foreign countries.

The PRESIDING OFFICER. The Secretary will call the roll on agreeing to the amendment of the Senator from Kentucky [Mr. PAYNTER].

The Secretary proceeded to call the roll.

Mr. WARREN (when his name was called). I am paired with the Senator from Mississippi [Mr. MONEY]. I do not see him in the Chamber, and I withhold my vote.

The roll call was concluded.

Mr. RICHARDSON. I am paired with the Senator from Arkansas [Mr. CLARKE].

The result was announced—yeas 35, nays 43, as follows:

YEAS—35.

Bacon	Culberson	Johnston, Ala.	Rayner
Bailey	Cummins	La Follette	Simmons
Borah	Daniel	McLaurin	Smith, Md.
Bristow	Dolliver	Martin	Smith, S. C.
Brown	Fletcher	Nelson	Stone
Burkett	Foster	Newlands	Taliaferro
Chamberlain	Frazier	Overman	Taylor
Clapp	Gore	Owen	Tillman
Clay	Hughes	Paynter	

NAYS—43.

Aldrich	Curtis	Hale	Perkins
Brandegee	Dick	Heyburn	Piles
Briggs	Dillingham	Johnson, N. Dak.	Root
Bulkeley	Dixon	Jones	Scott
Burnham	du Pont	Kean	Smith, Mich.
Burrows	Elkins	Lodge	Smoot
Burton	Flint	McCumber	Stephenson
Carter	Frye	Nixon	Sutherland
Clark, Wyo.	Gallinger	Oliver	Warner
Crane	Gamble	Page	Wetmore
Cullom	Guggenheim	Penrose	

NOT VOTING—18.

Bankhead	Clarke, Ark.	McEnery	Warren
Beveridge	Crawford	Money	
Bourne	Davis	Richardson	
Bradley	Depew	Shively	

So Mr. PAYNTER'S amendment was rejected.

Mr. McLAURIN. I offer an amendment to paragraph 194.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. It is proposed to strike out the words "printing presses, sewing machines, and typewriters," and to add at the end of the paragraph the following:

Notwithstanding anything in this bill contained, printing presses, sewing machines, and typewriters, when imported into this country, shall be exempt from the payment of duty.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Mississippi.

Mr. McLAURIN. Mr. President, I do not suppose that there is any possibility, to say nothing of a probability, of getting a majority of the Senate to listen to any appeal on behalf of those who are not able to come here and represent themselves before the committee. But at the risk of incurring the impatience of the Senate I am going to make some suggestions in reference to the amendment which I have just proposed.

I see here by the estimated revenues document furnished to Senators that in paragraph 194, of machinery not elsewhere specified, there were imported into this country for the year ending June 30, 1907, $4,978,090.67 worth and exported $58,690,651 worth. The tariff was 45 per cent. I see in the line that includes printing presses, sewing machines, and typewriters the following:

Cash registers, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and all steam engines, no importation at all.

The exports were $35,317,448. The census of manufactures for the calendar year 1904 shows $132,539,087. The tax on these articles is 30 per cent ad valorem; revenue none.

There must be no necessity for protection in this matter, and it does not make any difference with me whether there is a necessity for protection as it is called protection by the committee and by the Republican majority in the Senate. There is no necessity for extortion, and if anybody is to be protected it ought to be those who use these articles.

I see a man clothed in purple and fine linen get in his automobile and start out and pass a printing office. He finds that that printing-office man has bought his press, and, as he is not able to employ all the help he needs, he must work at it himself, as I know from observation is the fact in a good many places in this country. As he goes by that printing office, he finds that the man has bought a printing press. One-third of it, or nearly one-third of it, is per cent that he has paid.

He goes along a little farther, and he passes where there is a young lady working on a typewriter. She is compelled to make her living. Senators may sneer at the idea of any protection for that class of people, but they are American citizens.

Mr. LODGE. The Senator is speaking now of a patented article, and under our laws they are given a monopoly here.

Mr. McLAURIN. I am not talking about——

Mr. LODGE. The typewriter is patented.

Mr. McLAURIN. But the patents have run out on a great many of them

Mr. LODGE. Not on typewriters.

Mr. McLAURIN. I think the Senator is mistaken about that.

Mr. LODGE. The Senator will find that there are parts of all these machines patented. All the improvements are patented.

Mr. McLAURIN. Then let us let in the foreign typewriter and kick that patent out.

Mr. LODGE. You can not buy that patented machine except here. You are proposing to give them a chance to make it abroad and make our people pay double.

Mr. McLAURIN. Are there no typewriters made abroad?

Mr. LODGE. There are a great many American typewriters. Here they are sold under a patent.

Mr. McLAURIN. Are there none made by any foreigners?

Mr. LODGE. I have never seen them.

Mr. McLAURIN. Then what is the necessity for this provision?

Mr. LODGE. Because our manufacturers of typewriters would then make them abroad and bring them in here. They would have absolute control of the market under the patent and get them made by cheaper labor elsewhere.

Mr. McLAURIN. Mr. President, if there is no typewriter made anywhere in the world except here——

Mr. LODGE. I did not say that, for I do not know. I say I never happened to see abroad anything but American typewriters.

Mr. McLAURIN. Then give that girl who works on a typewriter the benefit of the doubt.

Mr. LODGE. The benefit of what doubt?

Mr. McLAURIN. Whether there are any made in any other portion of the world or not. The Senator does not say that any are made anywhere else.

Mr. LODGE. The American typewriter is usually used abroad because it is an American invention.

Mr. McLAURIN. This girl is making her living by typewriting. To be sure, she is not able to ride in an automobile, but she sees one passing by her door. When she buys that typewriter out of which she is making her living, she pays $90 for it, and $30 of that is per cent.

We go along a little farther and we see some woman out on the farm sewing on a sewing machine. She has paid probably $60 for that machine, and $18 of that is per cent. That helps to make up the amount of money that enables this man to ride in his automobile. He stops there to get a drink of water, and while he is getting his drink of water he enters into conversation with this lady. He says to her, "What did that sewing machine cost?" She says, "It cost $60. I have been told that $18 of that is per cent. Now, inasmuch as that is so, I should like to have it at $42. Have you anything to do with that?" "Oh, I am a protected manufacturer. The law protects me." "Well," she says, "am not I an American citizen, and have not I any right to protection either?" "Why, you are protected in the fact that you buy this machine and you give me the money that enables me to run my factory." "Can you not run your factory without taxing the people who have to make a living by sewing? I have my little children around me here. I have five or six for whom I have to make their wearing apparel, and I make it on this sewing machine. Must I pay taxes in order that you may be enabled to ride in this splendid automobile by my house?" "But you are protected." "How am I protected?" "You are protected in your needles." "How am I protected in my needles? I am not a manufacturer of needles." "But you do not have to pay any per cent on your needles." "They tell me that I have to pay a heavy per cent on the needles. You will not put them on the free list." She goes along through this dialogue with him until after a while he says, "I see you have a gourd out there. You drink your water out of it. We have that on the free list. You do not have to pay anything on that." She says, "I do not know about that. We raised that gourd, and before we could prepare the gourd for use we had to boil it in a pot and the pot had a tax on it. So I have had to pay a tax for boiling the bitterness out of the gourd, and then when I went to cut it I had to cut it with a knife, and there is a tax on the knife. You do not exempt that from duty and I have had to pay a per cent on the knife with which I have cut the gourd. So in everything in the world I use you tax me in order that you may ride in this automobile."

Now, I say to Senators, the people are going to hold you to an account for this, and they ought to do it. You may be mad with power, you may have been elected to office time and again, and the people may have committed to your charge the administration of this Government until you have come to the conclusion that you are not responsible to anybody, but they will hold you responsible.

I offered the other day an amendment to the bill to exempt from duty the agricultural implements that the farmer uses to cultivate his crops, the husband of the wife who has paid her money for the purpose of keeping up the manufacturers of sewing machines and typewriters and printing presses. This woman who has done that has a husband who is out in the field hoeing and plowing, with implements that are taxed high, for the purpose of making provision to feed your body and the

clothing that clothes you. You voted that down. The people are going to call you to an account, and they ought to call you to an account, mad as you may have become with the power that has been committed to your charge. I may not be able to present it to the people, but there are those who will present it to the people all over this country.

> But were I Brutus,
> And Brutus Antony, there were an Antony
> Would ruffle up your spirits, and put a tongue
> In every wound of Cæsar, that should move
> The stones of Rome to rise and mutiny.

You tax everything that these people consume. You make them pay the expenses of this Government, and when you are called upon to contribute a small modicum of the expenses of government by an income tax you laugh it to scorn and say it is double taxation. You know it is not double taxation. It is a righteous tax that you ought not only to be willing to pay, but that you ought to be anxious to pay. You do not pay your proportionate share of the expenses of the Government when it is levied by customs taxes. You only pay on the imported goods that you use. You do not pay on imported goods in proportion to the amount that is paid by the humble man who follows the humble walks and the humble callings of life. You ought to be compelled to do it, and the people of this country are going to hold you to an account. You said to them last year in effect—you did not say in words, but you intended them to understand that you were going to revise the tariff downward. You have not done it, and you now say you never said you were going to revise it downward. You did not in your platform use the word "downward," but you knew, and every man who went before the American people as a Republican campaign orator in the last campaign knew, as I knew, that the people understood when you spoke of a revision of the tariff that you would revise it downward, and no man rises in his seat to say he did not understand at that time that the people understood it was the intention to revise the tariff downward.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Idaho?

Mr. McLAURIN. Yes, sir.

Mr. HEYBURN. I do not think I stand alone, but I say for myself that I took occasion wherever I went to say that the Republican party was not pledged to a downward revision, but that it was to be a revision of the tariff along intelligent lines, and, perhaps, in many cases it would raise it.

Mr. McLAURIN. Mr. President, I accept the statement of the Senator from Idaho, but I want to say to him that that did not get out on him. I never heard of it before, and I do not think anybody else ever heard of the Senator having made a speech last year in which he said that the revision meant a revision upward instead of a revision downward. If it did not mean a revision downward, it meant a revision upward, because a revision meant a change in the tariff. Who will say it did not mean a change of the tariff when you spoke of revision? Because if you did not intend to raise it or lower it there could be no revision of the tariff.

Mr. HEYBURN. The few Democrats there were in the State of Idaho heard us and used it against me, but the people were with us.

Mr. ALDRICH. Will the Senator allow me?

Mr. McLAURIN. With pleasure.

Mr. ALDRICH. Mr. President, it is really refreshing to hear the kind of a speech which the Senator from Mississippi is now making——

Mr. McLAURIN. After the strenuous efforts of the Senator from Rhode Island, I am glad to have an opportunity to refresh him.

Mr. ALDRICH. From a man who has courage enough to be a free trader without apology and without excuse.

Mr. McLAURIN. I make no apology for being a free trader, so far as we can be free traders and get a revenue sufficient to defray the expenses of the Government when that Government is administered economically.

Mr. ALDRICH. But I hope that my friend from Mississippi will agree with me that it is doubtful, to say the least, whether he is authorized to speak for the Republican party.

Mr. McLAURIN. Mr. President, I am only speaking of what the Republican party did and what they said. I know that the whole trend of Republican oratory last year was that they intended to revise the tariff downward; that that is what they meant, and the people understood them to mean that. If they had not, they probably would not now be revising this tariff; but it would be revised by the friends of the consumers, instead of by those who are extorting from the consumers.

Mr. President, this amendment ought to be adopted. There ought not to be any desire or disposition to tax the printing presses of the country, to tax the sewing machines of the country, or to tax the typewriters. The people who work on sewing machines and typewriters are people who are compelled to work. They do not perform that work for fun. They do it because they are compelled by their necessities to work, to use a common expression, to make buckle and tongue meet.

I repeat, Mr. President, this amendment ought to be adopted, but I do not expect a Republican Senate to adopt it. The time will come when it will be done, and I want to say to the Republican Senate that I take no part in the statements that have been made here that we are making a tariff for ten years or twelve years. My friend from Georgia [Mr. CLAY] this morning, who made a splendid and a very instructive speech, was mistaken when he said that he thought we were making a tariff for ten years or more. My friend from Indiana [Mr. BEVERIDGE], whom I do not now see in his seat, who is constantly telling us about what length of time we are making this tariff for, is mistaken about that. We are making a tariff which could be made to last for many years; but it will not be so made because of the obstinacy of the majority of the Republican party, commonly known as "standpatters." We are making a tariff that will last for two years and a little more than that, because your bill ought to be labeled "A bill to elect a Democratic Congress," instead of "A bill to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes," as you have entitled it. That is what it will accomplish.

Mr. SMITH of Michigan. Will the Senator permit me to interrupt him?

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Michigan?

Mr. McLAURIN. I always love to hear the Senator from Michigan.

Mr. SMITH of Michigan. Are we to understand from the Senator from Mississippi that when the Democratic party do get into power they are going to turn over the cash-register manufacturing, the printing-press manufacturing, the sewing-machine manufacturing, the typewriter manufacturing, and the steam-engine manufacturing to our competitors on the other side of the ocean?

Mr. McLAURIN. Has the Senator from Michigan seen anything in my amendment about linotypes or cash registers or anything except sewing machines, printing presses, and typewriters?

Mr. SMITH of Michigan. Well, does the Senator propose to have free trade in those?

Mr. McLAURIN. I surely would, if I had the power. I can not speak for the Democratic party, but only for myself, a humble member of it, and a partisan.

Mr. SMITH of Michigan. Does the Senator from Mississippi believe his party will enact that kind of legislation if they get into power?

Mr. McLAURIN. Mr. President, "sufficient unto the day is the evil thereof."

Mr. SMITH of Michigan. Yes; it is sufficient; that is true. [Laughter.]

Mr. McLAURIN. Whenever the Democratic party gets into power—if it is the Democratic party—it will not enact a tariff that will be for extortion, but a tariff for revenue, and revenue alone.

Mr. SMITH of Michigan. Mr. President——

Mr. McLAURIN. I say, if the real Democratic party gets into power, which I hope will be the result of the mismanagement of this bill by the Republicans——

Mr. ALDRICH. What does the Senator mean by the "real Democratic party?"

Mr. McLAURIN. I mean Democrats who are Democrats.

Mr. ALDRICH. What is the line which the Senator would draw?

Mr. McLAURIN. Will the Senator tell me what is the line between his class of Republicans in this Senate and the "insurgents?"

Mr. ALDRICH. We are all Republicans on this side.

Mr. McLAURIN. Yes; and we are all Democrats on this side. [Laughter.]

Mr. BEVERIDGE. Except on iron ore and other things.

Mr. GALLINGER. We are a happy family.

Mr. McLAURIN. Yes; we are a very happy family, because we see your family in such distress. I see some very anxious countenances on the other side of the Chamber, and I have been seeing them all along. When I heard the splendid speech that was made in favor of the consumer, which proposed to reduce the tariff as your party promised to do—and I thought it one of the best speeches I have heard in this body since I have been here by a Republican, one of your number, all of whom, as the Senator from Rhode Island says, are Republicans—when I heard

that Senator make a speech which advocated the interests of the consumer, as well as the consumer's rights, I saw some very sick faces on the other side of the Chamber; and while the Senator from New Hampshire [Mr. GALLINGER] was not among the sickest of them, I will say that he was not among the healthiest looking men at that time.

Mr. President, I have said about all I intended to say on this subject. I did not intend to say this much and would not have done so had I not been interrupted by Senators, but I want a yea-and-nay vote on the amendment.

Mr. ALDRICH. Will the Senator tell us why he curbed his youthful enthusiasm in this matter by only putting in three articles out of all those on the free list? Why not put them all on the free list?

Mr. McLAURIN. Is that relevant to the question whether these three articles ought to be on the free list, I will ask the Senator?

Mr. ALDRICH. It would seem to me so. If the Senator from Mississippi is so exceedingly anxious about the consumers, why not give them everything free?

Mr. McLAURIN. I ask the Senator the question, Is he willing, if I put them all on the free list, to vote for such an amendment?

Mr. ALDRICH. I am not willing to vote for any part of this amendment.

Mr. McLAURIN. No. Then I would suppose that it were better for the Senator from Rhode Island to let me prepare my own amendment——

Mr. ALDRICH. Certainly.

Mr. McLAURIN (continuing). Instead of his preparing it. I give no reason for not putting the other articles on the free list; but I have given a good reason why these articles should be put on the free list. I think I could give reasons for putting others on the free list if I were called upon to do so and if they were in the amendment; but it would not be germane to the amendment to give any reason why others should be put on that are not put on in the amendment. It is germane, however, to give the reason why I think these ought to be put on the free list.

There is not a dime's worth of revenue obtained from any of these articles, neither from printing presses, sewing machines, nor typewriters; nor is there a dime's worth of revenue from all these listed in those two lines which I have read; and yet there was $35,313,448 worth exported from this country. I hope the Senate will give me a yea-and-nay vote on the amendment.

Mr. CLAPP. Mr. President, before the vote is taken, I propose, with the indulgence of the Senate, to submit a few remarks, especially for the benefit of my Democratic brethren.

There are some Republicans on this side of the Chamber who recognize the fact when a party meets in convention, makes a platform, and selects a standard bearer—who was recognized even in advance of the making of the platform as being the standard bearer—that the attitude of that standard bearer as to the interpretation of the platform has some force; and whatever may have been the arguments of men in the campaign last fall, when we come to sum up the entire situation in the inaugural address of the President, delivered in this Chamber on the 4th of March, it is a plain, clear declaration that the spirit of this revision should be that of a downward revision. He accentuates that, and merely speaks of the exception, if any, to the contrary of that position. I believe that there are Democrats in this Chamber who would like to see that kind of a revision; Democrats who would rather see that kind of a revision than take the chances which may come to them, possibly, of a revision which will not stand popular approval. If there are, I feel for them upon this question. Where the House or where the Senate committee have made a reduction of the Dingley rate, it does seem to me that it is unfair and unwise for us to attempt to go further than that. Upon that plan we may unite and we may possibly get a revision of the tariff along this line. In this very schedule the committee has reduced the Dingley rate of 45 per cent to 30 per cent, I believe.

Mr. ALDRICH. That is right.

Mr. CLAPP. To 30 per cent. If we can go through this schedule upon any such approximation as that, we will have fulfilled this pledge; we will have given this country a tariff revision that will stand for years to the best interests of every American citizen in avoiding again the clamor, the excitement, and the depression incident to tariff revision.

I want to say to the Senator from Mississippi [Mr. MCLAURIN], who has just taken his seat, that if he is in earnest, it seems to me, while it is not my province to administer any lecture to any man——

Mr. McLAURIN. I did not catch the last remark of the Senator. Did he say if I am in earnest?

Mr. CLAPP. If the Senator is in earnest in seeking a revision along the line he has laid down——

Mr. McLAURIN. Does the Senator doubt that I am in earnest about it?

Mr. CLAPP. Wait until I get through—revision along the line he has laid down as being the promise of the Republican platform—I say if it is the desire of the Senator, then it seems to me that he is simply interfering with the carrying out of that desire with amendments such as he has offered to-day and such as the one he offered the other day.

Mr. McLAURIN. Will the Senator allow me to interrupt him?

Mr. CLAPP. Certainly.

Mr. McLAURIN. I am not desirous of a tariff on the line of the Republican platform. The Republican platform, as I understand, proposes, after making good the difference between what it costs for labor in this country and labor abroad, to then guarantee to the manufacturer here a profit over and above that. That would absolutely exclude all importations from abroad, because if you equalize the difference in cost between foreign production and the cost of domestic production and then add to the domestic producer a reasonable profit on that, it would be impossible for the importer to come in.

Mr. CLAPP. Mr. President——

Mr. McLAURIN. One word further. The three articles which I have proposed in this amendment to put upon the free list produce no revenue at all to this country.

Mr. CLAPP. That is true.

Mr. SCOTT. Will the Senator from Mississippi allow me a minute?

Mr. McLAURIN. Certainly.

Mr. SCOTT. I will say to the Senator from Mississippi that this duty is a reduction of the duty in the Wilson-Gorman bill, framed by your own party. That bill had 35 per cent on sewing machines and typewriters, and now we propose to make it 30 per cent.

Mr. McLAURIN. Is the Senator from West Virginia willing to go back to the Wilson-Gorman bill and take that?

Mr. SCOTT. I just thought I would call the Senator's attention to it.

Mr. McLAURIN. If not, it is not relevant.

Mr. SCOTT. Would the Senator from Mississippi join with me in an effort to take the Wilson-Gorman bill?

Mr. BEVERIDGE. That far?

Mr. SCOTT. No; I am talking about the whole bill.

Mr. McLAURIN. I would take it in preference to the bill you are going to adopt here. I commend the Walker tariff as better.

Mr. SCOTT. The American people do not want it.

Mr. McCUMBER and Mr. KEAN addressed the Chair.

The VICE-PRESIDENT. Does the Senator from Minnesota yield, and to whom?

Mr. McCUMBER. If the Senator does not so desire, I will not interrupt him.

Mr. CLAPP. I am willing to yield——

Mr. McCUMBER. I will not take the Senator's time now.

Mr. CLAPP. I want to say here, Mr. President, that I believe in these debates; instead of a man starting in and insisting upon making a speech he has outlined, it is infinitely better to permit interruptions. If there is any light to be thrown on a subject, it may be thrown upon it in that kind of a debate.

Mr. McCUMBER. Mr. President, then I will take occasion for just a moment's interruption upon a matter concerning which I thought I would speak to the Senator from Mississippi, and that is in regard to the revenue obtained from sewing machines and other machines, and the fact that we receive no revenue justifying us in placing them upon the free list. The Senator is usually conservative, but I must say that he has somewhat abandoned his usual attitude in these tariff discussions. The Senator understands as well as I do that the same manufacturing companies have their branches and their manufacturing establishments in the Old World. I think the Singer Company, for instance, has one in London, has it not?

Mr. KEAN. They have one in Canada——

Mr. McCUMBER. Yes; and one in Berlin.

Mr. KEAN (continuing). One in Germany and one in Russia.

Mr. McCUMBER. And one in Russia.

Mr. KEAN. I should like to say to the Senator that they have an establishment in my town which employs nearly 9,000 people, and they employ in the distribution of sewing machines over the United States more than 50,000 people.

Mr. McCUMBER. But, Mr. President, the point is that these machines are manufactured on the other side of the ocean and are supplying the demand on that side. If we place them on the free list, what do we gain by it? They will simply be manufactured there, shipped over to this country, and sold for

exactly the same price that our manufacturers now sell them, and our laborers on this side of the ocean will be entirely thrown out of employment. I do not think there can be any question about that.

I do not believe, and I do not believe that the Senator thinks, that taking the duty off of those sewing machines would reduce the price a single cent. The only question is whether they shall be manufactured in this country for a given price, or whether they shall be manufactured by laborers in another country by the same manufacturers, brought over to this country, and sold in the markets of this country for practically the same price at which they are being sold to-day. I want to correct the Senator——

Mr. McLAURIN. Will the Senator allow me to ask him a question?

Mr. McCUMBER. In a moment I will. I want to correct the Senator's statement as to the matter of valuation. I think he will find it to be the fact that sewing machines sell all the way from $18 to $30 apiece; some of them may cost $30, depending on the finish; but they can be purchased within those limits. Now, the only thing, as I have said before, is the question where this manufacturing will be done. I now yield to the Senator.

Mr. McLAURIN. I should like to ask the Senator, if these machines are being made in this country and abroad by the same people, how it is that $35,000,000 worth of them are exported from this country?

Mr. McCUMBER. The reason is, Mr. President, that they are not manufacturing very much abroad. Our sewing machines seem to satisfy the people of the old countries, and they are willing to buy the American make. They are practically, or nearly, as I understand, the only machines that are sold on the other side; but they are manufactured as well on that side.

Mr. KEAN. Will the Senator yield to me for a moment?

Mr. McCUMBER. Certainly.

Mr. KEAN. I can tell the Senator that the sewing machine manufacturers of this country are chiefly shipping to South America. Very large exportations of sewing machines manufactured at Elizabeth are made to South America and to countries that do not have factories.

I want to add to what I have already said that the employees of the company in Elizabeth receive their wages weekly, and that the company distributes in wages to their employees nearly $125,000 every week.

Mr. McLAURIN. I do not care to what country those machines are exported if the same people are manufacturing them here and abroad. If they are all manufactured by the same concern, what difference does it make whether there is a tariff on them or not, and whether they are shipped to South America or to any other country?

Mr. McCUMBER. The difference is that they can be manufactured a great deal cheaper in Germany and in Russia than they can be manufactured on this side.

Mr. McLAURIN. Then, why are they sent from this country there?

Mr. McCUMBER. And without this tariff, of course, they would all be manufactured exclusively on the other side and shipped here, and it would not make any difference in price to the consumer.

Mr. McLAURIN. If there are now more than are consumed in this country manufactured in this country, and they are exported to Germany and other countries, I can not see how it would make any difference if they were put on the free list. I again express my doubt about there being just one trust in all this business. I think in all the world they might get up two or three trusts for sewing machines, and they might get up some competition.

Mr. KEAN. This is not a trust at all.

Mr. McLAURIN. I do not know what it is, if they are the same people.

Mr. KEAN. I only spoke of one company; there are numerous companies.

Mr. McLAURIN. There are other companies?

Mr. KEAN. Yes; there are other companies.

Mr. McLAURIN. Then they would compete, would they not?

Mr. KEAN. They do compete.

Mr. McLAURIN. They are cut off from competition here by the tariff.

Mr. KEAN. I beg the Senator's pardon. They are not cut off by the tariff at all.

Mr. McLAURIN. I ask the Senator from North Dakota if he would be willing to vote for a tariff of 10 per cent? He speaks of my conservatism and nonconservatism, and I have retrograded, according to the Senator from North Dakota, lately, but from the conservatism to which I had entitled myself in his estimation I want to know if I will be so conservative as to put the rate at 10 per cent if the Senator from North Dakota will support with his usual eloquence and ability a tariff of that amount?

Mr. McCUMBER. I certainly would not.

Mr. McLAURIN. I thought so.

Mr. McCUMBER. The reason I would not is that the difference in the cost of production at home and abroad, in my opinion, is fully 30 per cent; and that is the only tariff we have placed upon the machines, about 30 per cent ad valorem. I believe that by taking off the 30 per cent you would probably close some of the factories on this side, and just to the extent they were being closed on this side you would necessarily transfer the manufacture to the same amount on the other side.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the junior Senator from Minnesota yield to the senior Senator from Minnesota?

Mr. CLAPP. Yes.

Mr. NELSON. I want to say to the Senator from North Dakota that American sewing machines are sold by scores and scores in Europe for a much less figure than we can get them for here.

Mr. McCUMBER. I think the Senator——

Mr. NELSON. And of our manufacture.

Mr. McCUMBER. But I think the Senator will find that they are also manufactured there. I do not understand that they are all shipped from this country and sold there.

Mr. NELSON. They are by the scores and by the hundreds shipped from this country and sold there.

Mr. McCUMBER. I think the Senator is mistaken. I think they are manufactured there. I should like to ask the Senator what reason on earth would there be for making a machine on this side at an extra cost when they have got their shops on the other side that can make them 30 per cent cheaper than they could be shipped from this side? I think the Senator will find on investigation that the Singer sewing machine that is sold on the other side of the ocean is also manufactured on that side.

Mr. NELSON. I know, Mr. President, that when I was across the ocean some nine or ten years ago I found a variety of American sewing machines sold for less than we could get them for in this country. I do not have to go to any statistics to ascertain that for I found it out with my own eyes.

Mr. McLAURIN. Mr. President, I wish to say that, according to this estimate, one-fourth of those produced in this country are shipped abroad—exported.

Mr. CLAPP. Now, Mr. President, to resume. When I referred to the analysis of our platform by the Senator, I referred to the analysis as he had stated it; namely, that this should be a revision downward. If he believes in that, it seems to me the proper thing for him and for other men who do believe in it, to act as much together upon that proposition as they can. We shall not, however, reach that end by constant efforts to put these various items on the free list. I propose to stay here, if necessary, all summer to get a reduction of this tariff; but there is no use of our wasting our time in making attempts to put matters upon the free list simply for the sake of getting a vote upon them, and I believe that we simply weaken our case when we attempt it.

Mr. BEVERIDGE. Mr. President, will the Senator from Minnesota permit me to interrupt him?

Mr. CLAPP. With pleasure.

Mr. BEVERIDGE. I merely wish to observe that, as I understand, both the House bill and the Senate bill, as reported, make a reduction upon these machines of 15 per cent. Is that correct?

Mr. CLAPP. Yes.

Mr. McLAURIN. No, sir; there is no reduction at all.

Mr. BEVERIDGE and Mr. CLAPP. Oh, yes.

Mr. McLAURIN. The House bill provides a duty of 30 per cent and the Senate bill provides a duty of 30 per cent.

Mr. CLAPP. But it is 45 per cent under the existing law.

Mr. McLAURIN. No; by the present law it is "(n. e.)"—I do not know what that means unless it is New England, or northeast, or something of that kind.

Mr. CLAPP. They would then come under section 195, which would make the duty 45 per cent. The Senate committee has reduced it; and where the committee does that, it does seem to me that we would make headway if we would all join together and go along on that line.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Mississippi [Mr. McLAURIN], on which he has demanded the yeas and nays.

The yeas and nays were ordered and taken.

Mr. CLARK of Wyoming (after having voted in the negative). I notice that the Senator with whom I am paired, the

Senator from Missouri [Mr. STONE], is not present, and I therefore desire to withdraw my vote.

Mr. McCUMBER (after voting in the negative). I desire to ascertain whether the junior Senator from Louisiana [Mr. FOSTER] has voted.

The VICE-PRESIDENT. The Chair is informed that he has not.

Mr. McCUMBER. I have a general pair with that Senator, and I therefore withdraw my vote.

Mr. RICHARDSON. I wish to announce that I am paired on this question and on all questions connected with this bill with the Senator from Arkansas [Mr. CLARKE], and therefore am not at liberty to vote.

The result was announced—yeas 23, nays 53, as follows:

YEAS—23.

Bacon	Gore	Money	Smith, Md.
Bailey	Hughes	Newlands	Smith, S. C.
Chamberlain	Johnston, Ala.	Overman	Taliaferro
Culberson	La Follette	Paynter	Taylor
Fletcher	McLaurin	Rayner	Tillman
Frazier	Martin	Simmons	

NAYS—53.

Aldrich	Clay	Gallinger	Perkins
Beveridge	Crane	Gamble	Piles
Borah	Crawford	Guggenheim	Root
Brandegee	Cullom	Hale	Scott
Briggs	Cummins	Heyburn	Smith, Mich.
Bristow	Curtis	Johnson, N. Dak.	Smoot
Brown	Dick	Jones	Stephenson
Bulkeley	Dillingham	Kean	Sutherland
Burkett	Dixon	Lodge	Warner
Burnham	Dolliver	Nelson	Warren
Burrows	du Pont	Nixon	Wetmore
Burton	Elkins	Oliver	
Carter	Flint	Page	
Clapp	Frye	Penrose	

NOT VOTING—15.

Bankhead	Clarke, Ark.	Foster	Richardson
Bourne	Daniel	McCumber	Shively
Bradley	Davis	McEnery	Stone
Clark, Wyo.	Depew	Owen	

So Mr. McLAURIN's amendment was rejected.

The VICE-PRESIDENT. Is there objection to agreeing to the paragraph?

Mr. NEWLANDS. Mr. President, I have an amendment to that paragraph. I move, on page 68, line 13, paragraph 194, that the word "twenty" be inserted instead of "thirty," making the duty 20 per cent instead of 30 per cent.

The VICE-PRESIDENT. The Senator from Nevada proposes an amendment, which the Secretary will report.

The SECRETARY. On page 68, line 13, before the words "per centum," strike out "thirty" and insert "twenty."

Mr. NEWLANDS. Mr. President, with reference to this amendment, I will state that I do not generally favor placing any of these articles upon the free list. I believe that almost everything should pay a fair duty. Hence, I should prefer a low duty upon these necessary articles to putting them upon the free list.

Mr. BEVERIDGE. Mr. President, will the Senator permit a question?

Mr. NEWLANDS. Yes.

Mr. BEVERIDGE. What evidence has the Senator that his duty of 20 per cent is any fairer than the duty fixed by the House and the committee—30 per cent—which is a 15 per cent reduction from the present law? If he can give any facts or reasons why it is any fairer, it will enlighten us somewhat.

Mr. NEWLANDS. Mr. President, I am proceeding upon my general rule, which, in the absence of evidence to the contrary, usually governs me. That is, that upon articles which may be regarded as necessaries, such as sewing machines and other articles covered by this paragraph, there should be no higher duty than from 20 to 30 per cent.

Mr. BEVERIDGE. This is 30 per cent.

Mr. NEWLANDS. Very well; but I think this is one upon which the duty should be 20 per cent, and I believe that upon articles regarded as luxuries there should be no duty in excess of 50 per cent.

I have therefore moved that this particular duty be reduced from 30 to 20 per cent, and I will ask for the yeas and nays nays on the amendment.

Mr. BAILEY. Mr. President, something like three weeks ago I observed what I then believed was an effort to neutralize the effect on the Republican party of the dissensions within it over this tariff question, by creating in the public mind a belief that equal or even greater dissensions exist within the Democratic party over the same question. I have watched with close attention the development of that plan of campaign, and I am now fully convinced that it was deliberately and systematically inaugurated to obscure the differences on that side of the Chamber by exaggerating and even misrepresenting the differences on this side.

I do not say that the Senators here are responsible for it, because I am inclined to believe they are not; and it may have originated without any general understanding, and was taken up because it afforded Republican editors such an inviting opportunity to escape the injury which their party seemed doomed to suffer from its divisions. But however that may be, it has progressed until it is now almost universal among Republican newspapers and Republican leaders outside of Congress; and I am persuaded that the only hope which these partisans now indulge of escaping the consequences of their own division is through making the country believe there are still more serious divisions among us. I am the more persuaded to that belief because in all of these misrepresentations concerning the differences on this side there seems to be a studied absence of any allusion to the differences on that side.

Mr. HALE. Mr. President, will the Senator yield for a question?

Mr. BAILEY. Certainly.

Mr. HALE. I am a little at a loss to find what is the complaint of the Senator from Texas.

Mr. BAILEY. It is not against the Senator from Maine, because I will do him the justice to say he does not do by indirect methods the things as to which I am about to make complaint.

Mr. HALE. Exonerating me, Mr. President, does not resolve the doubt that I have as to what is the real ground of the Senator's complaint. The divisions—I will use that word—which have been shown in debate and in votes, upon this side and upon that, are not such divisions as are created by conspiracy or by newspaper comment. They are divisions that, to my mind, are in a certain way fundamental.

Mr. BAILEY. The Senator from Maine misapprehends what I am about to say. I am neither attempting to explain nor to complain about differences. I am about to call the attention of the Senate and the country to a studied and systematic effort to exaggerate the differences that do exist, and to pretend that differences exist which do not exist.

Mr. HALE. Did the Senator ever know, in his large experience in both branches of Congress, an occasion where there were divisions, and almost revolts and insubordination in his party, and, if I may use the same terms, in our party, where everything of that kind has not been exaggerated by the press? There has been a studied purpose on the part of the press, and is to-day, to give prominence to such matters. There is something picturesque, Mr. President, in the idea of insubordination and revolt and dissension on the Democratic side; and it is equally so on the Republican side.

The Senator will never see the day when such things will not be taken up by the press and exaggerated.

In a day's debate here, if there is a symptom or an appearance of dissent from the common party action upon the Senator's side of the Chamber on various articles in the schedules involving action by the party and dissent from it, an earnest discussion between the Senator from Louisiana and the Senator from Mississippi, or between another Senator and another Senator, at once the newspapers make that the feature of the day. The same thing is true if there is on this side, Mr. President, a serious discussion involving the general attitude of the party in favor of protection.

It is my belief and expectation that this bill will ultimately emerge as a strong protection measure; there will be reductions, but the final outcome of the bill will not be an abandonment of the doctrine of protection. Almost everybody on this side believes in that. Very few men go beyond that. But if in the course of the discussion a Senator upon this side of the Chamber—I need not enumerate, I need not call names—expresses a contrary opinion upon a schedule, and he has an issue with the chairman of the committee or with other members of the committee or with other Members of the body, the whole force and the whole display of newspaper comment will be upon that feature and will exaggerate it.

The Senator never will see the day when that will not be the fact. This, which we may call "revolt" or this dissent from the general position of the party by new men or by old men, will always be taken up by the newspapers, and will be the main feature of their comment, because it is picturesque.

I do not think the Senator ought to say, because of that, that there is a widespread conspiracy anywhere to exaggerate these differences. In the end no serious rift will appear. When the Senator from Mississippi, who is a Simon-pure, old-fashioned free trader—as near as the climate will permit—introduces, and instead of being remorseful says that he is proud of it, a Simon-

pure free-trade proposition, he will find nearly everybody on that side voting with him; and he will find, as the last vote disclosed, almost every Republican voting against him. This shows that at the bottom there are the old lines of difference between protection—for which this bill will stand when it goes through, I predict—and the Simon-pure doctrine of free trade, or the evasion of that, the doctrine of tariff for revenue only, the latter will get most of the votes upon the other side.

But, Mr. President, in some schedules, on some important features of this bill, there will be a rift, and men on this side, honest in their expression and belief, will not follow the committee.

Mr. McLAURIN. Mr. President, will the Senator allow me to interrupt him for one moment?

Mr. HALE. Certainly.

Mr. McLAURIN. Mr. President, there is no difference on the strict words of a tariff for revenue between the Senator's party and me. I am for a tariff for revenue for the Government only. The Senator's party is for a tariff for revenue for the manufacturer; and we just differ on that.

Mr. BACON. I wish to inquire, if I should now interrupt the Senator from Mississippi, who would have the floor?

The VICE-PRESIDENT. The Senator from Texas has the floor, and he yielded it temporarily to the Senator from Maine.

Mr. HALE. I am speaking temporarily by the indulgence of the Senator from Texas, who is always indulgent and generous in conducting debate. I was saying——

Mr. BACON. I will say to the Senator, by way of apology, that I thought interruptions ought to be limited as amendments are—not to go beyond the second degree.

Mr. HALE. When the Senator from Texas calls me to order, and says I am unduly trespassing on his patience and on the patience and endurance of the Senate, I will drop into my seat at once.

Mr. McLAURIN. In answer to what the Senator from Georgia says, I merely desire to say that the Republican party and I are both for a tariff for revenue—I for a tariff for revenue for the Government, and that party for a tariff for revenue for the manufacturers first and the Government incidentally.

Mr. HALE. Mr. President, I was saying, or attempting to say, that upon important schedules in this bill there will be found on this side those who really believe an improvement can be made, and who, perhaps, exaggerate the constant cry of revision downward, which never was put into the Republican platform; but I do not question the sincerity of those Senators. I do not say it is conspiracy on their part, or on the part of anybody, except, possibly, the newspapers, to exaggerate their position.

Now, when we come to the Senator's side, there will be schedules—I could name them, although we have not reached them, with the ken of a prophet—where Senators upon the other side will take a view opposed to the general run of their party and the old-fashioned principles of the party. But they will be serious. It will be upon matters affecting them and their constituents, and I have not been one of those, as Senators will bear me out, who have engaged in taunting the other side with being inconsistent. I do not deem them inconsistent. All of the tariff schedules have to be taken together, and there will be instances time and again when there will be these defections from the general line pursued by the party. There is no conspiracy, there is no disposition to exaggerate this, except, as I have said, that any Senator who takes a position which itself is a kind of picturesque attitude, attracts the attention of the newspapers.

I am not a prophet nor the son of a prophet, but I predict that when we get through, as we shall, and the final upshot is the question of the passage of this bill, which will be found to have many reasonable and suitable reductions of tariff duty, but which will be broad and large as every such measure passed by a Republican Congress has been, a thoroughgoing protection bill, and a vote is taken, these divisions, which the Senator fears are being exaggerated, will disappear, and a pretty nearly united vote will be found upon one side of this Chamber for the bill as finally reported, and a pretty nearly united vote will be found upon the other side against it, and the two parties will go into the forum of public observation and scrutiny and decision upon the bill as passed—for and against.

While I know the philosophic mind of the Senator from Texas, and that he does not live in the realm of mares' nests and does not discover or believe he discovers generally what has no real existence, I think his apprehension on this score of exaggeration of the difference has not the usual merit or weight that things presented by him do have. I am not in any way fearful of that.

Mr. BAILEY. Mr. President, when I conclude I think the Senator from Maine will change his opinion. I think also, however, that what the Senator from Maine has said about the final attitude of the parties and the final judgment of the country has been well and accurately said. But I am now undertaking to call the attention of the Senate to certain facts, and I candidly say I am more interested in calling the attention of the country to them than I am in calling the attention of the Senate to them, because I believe this trouble exists outside of the Senate and not inside.

Now and then some Republican Senator, with more flippancy than sincerity, talks about our inconsistency. But no Senator here, at least no Senator who ought to be here, believes it. They all perfectly understand that the attitude of the Democratic party to-day upon the tariff question is probably more nearly one, both as to sentiment and as to action, than ever before in the history of this country.

Mr. President, when the Walker tariff bill was pending in this body it passed to its third reading by the vote of the Vice-President, who indicated from his high place that if he were a Senator from Pennsylvania representing that smaller constituency, he would vote "nay," but as the Vice-President of the United States and speaking for the larger constituency, he voted "yea."

And these divisions which have existed time out of mind upon these questions are not new. It is a matter of some satisfaction to me to believe that the Democratic party is to-day more nearly united than ever before in its history, both in its sentiment and, as it will appear finally, in its vote.

I am not one of those sensitive and delicate souls that complain every time our political adversaries attempt to save themselves by attacking us, and I could easily understand this exaggeration and misrepresentation concerning the votes and the attitude of the Democratic party if it were confined to Republican newspapers, for although I do not believe it defensible even for Republicans to misrepresent Democrats, it has been so usual for them to do so that I have become accustomed to it. But those misrepresentations the country will appraise at their proper value and for them intelligent men, at least, will allow a proper discount.

But some of the people now engaged in this propaganda of misrepresentation and exaggeration can not offer a partisan excuse. This morning's Washington Post prints what apparently is a statement given out on behalf of a distinguished gentleman who was once a candidate for the presidential nomination of the Democratic party, and who, if all signs are not at fault, intends again to become a candidate for that nomination. This article appears under a New York date line, and proceeds to say that Governor Johnson is of the opinion that the Democratic Senators who have betrayed their constituencies will not be able to lead their constituencies so far astray as the Senators themselves have gone. I know how unreliable these newspaper reports are, and what I say is said only upon the assumption that this correctly represents the view of Governor Johnson. If it does, he could spend his time more profitably at home studying the tariff question than in thus early seeking the favor of Democratic voters in the several States.

More than that, Mr. President, if this interview or statement was either given out or authorized or sanctioned by Governor Johnson, he shows himself so utterly reckless of the truth as to disqualify him for high service in any station. Assuming a great division among the Democrats in the Senate, he attempts to explain it, and his explanation is that the railroads of the South have interested themselves in this legislation, and that they have overcome the conscience and the principles of some Democratic Senators. Governor Johnson owes it to himself, to the Democratic party, to the cause of candor, and, I might well say, to the cause of truth to specify those whose votes and whose speeches furnished him a predicate for that slander upon the Democrats of the Senate. Instead, sir, of swelling this volume of misrepresentation and exaggeration, if he is worthy to wear the honors of the Democratic party and to receive its nomination, he would not publish an unfounded imputation upon the honor and fidelity of Democratic Senators who are striving faithfully and honestly to do their duty by their party and their country. I challenge Governor Johnson, and I challenge the smaller politicians who will repeat his calumny, to show by the record where any Democrat in the Senate has cast a vote that will give the semblance of countenance to the charge which he has made.

Strangely enough, in this same morning paper that printed this grossly unjust attack of Governor Johnson there is printed another article from the New York Tribune. I have no reproach for the New York Tribune, because I have never expected

fair treatment for the Democratic party or for Democratic Senators at its hands. It takes as the text of its sermon to Democrats the vote on iron ore, and it complains against us because we would not vote to give the steel manufacturers of this country their raw material free of duty.

There was a time, Mr. President, when the Democrats of the United States labored under that kind of a hallucination, but, happily, that time has passed, and never again can any man speaking in the name and on behalf of the Democratic party advocate the fatal and foolish policy of giving the manufacturers of the United States their raw materials without a tax while still leaving a tax on their finished product.

When the Democratic party was seduced into the belief that it could bribe New England with this kind of a tariff doctrine, they did propose to put iron and wool and many other articles on the free list, and great apostles of Democracy invaded the precincts of New England banquet halls and sought to persuade the manufacturers assembled there from their Republican allegiance by promising them greater favors than the Republican party had accorded them. They stood there and declared that though the Republican party gave them a tariff on their finished product, it charged them a tax on their raw material, while the Democratic party proposed to take all the duty off their raw material and still leave them a duty on their finished product sufficient to command the American market. But you can call the roll of this Senate, and the Senators who taught that doctrine are no longer here. The Democratic party repudiated that heresy, as it was bound to do under the teachings and traditions of our Democratic fathers.

The gravest criticism which Robert J. Walker, in his famous report on the tariff question, made against the Whig tariff act of 1842 was that it laid a higher rate of duty on the manufacturers' finished product than it did on the raw material out of which it was made; and yet men who profess adherence to the opinions and doctrines of Robert J. Walker affront our intelligence and our sense of justice by demanding that we give the manufacturer his raw material without any tax, and still leave him to tax the American people on his finished product.

I desire to incorporate into the RECORD the New York Tribune's complaint, which reads thus:

> The Republican party is not committed unconditionally to the policy of free raw materials.

That is true. The Republican party is not committed unconditionally to deal with the tariff according to any fixed or settled principle, and it amuses me immensely to hear some Republican Senators, when they make a reduction of 5 per cent, rise up and in an unctuous manner declare that "we are making progress," because half the time that reduction is made on some material which the manufacturer wants to import. It is no relief to the American consumer at all, but a benefaction to the American manufacturer; and that is precisely the kind of a favor which we refused to bestow on the steel trust and about which the New York Tribune complains:

> The Republican party is not committed unconditionally to the policy of free raw materials. With Republicans their admission free is entirely a matter of expediency. If they can be admitted without harm to domestic industry and are needed to supply the wants of domestic manufacturers, sound protection policy justifies their admission. Under protective tariffs hides have been admitted free, and it is believed by a great majority of protectionists that they should be put again on the free list. It is the same with coal and iron ore.

Mark you, "it is believed by a great majority of protectionists." Do you know why they want to take the duty off the manufacturer's raw material? So that they can make a deeper cut on the manufacturer's finished product and still leave the manufacturer the old profit. That is exactly it. The consistent Republicans are the Republicans who believe in protection for everybody, the producer of the raw material as well as the manufacturer of the finished product. The consistent Democrat is the Democrat who does not believe in protection for anybody, but who believes that every man who imports an article that will yield a revenue ought to be compelled to pay for the privilege of importing it. Between these two party creeds stands a faction of each party. There are some Democrats who believe in the doctrine of free raw material, and there are some Republicans who believe in it if it suits their purpose.

That I have not misinterpreted this criticism against us I want to make still more apparent by reading a passage from a paper that calls itself "The Dallas Morning News," published at Dallas, Tex. It does not pretend to be a Democratic paper. I believe it sometimes calls itself an "independent Democratic paper," but my experience has always been that an independent Republican in the North is one who votes the Democratic ticket, and an independent Democrat in the South is one who generally sympathizes with the Republican party.

This paper calls itself an independent Democratic paper, and here is its explanation as to how the vote of Democratic Senators against giving the steel trust its raw material free fell like a pall upon the pious souls of tariff reformers. Listen:

> The result of this wholesale desertion of Democrats over to the Aldrich standard on this particular rate has had a disheartening effect on the tariff reformers, as the placing of iron ore on the free list was the basis for the cuts which the Payne bill made in the products of the steel trust.

In other words, they did not intend to take anything from the steel trust. The scheme was to reduce its cost of production and leave its profits undiminished.

Mr. President, we might just as well have this matter understood here and now. I speak for nobody but myself. I am not authorized to speak for anybody but myself. But never will I give the steel manufacturer his raw material free until I can take the tariff from the finished products of his mill. Never will I vote to give the shoe manufacturer free hides until I can take the tariff from his shoes. Never will I vote to give the woolen manufacturer free wool until I can take the duty from the woolen clothes he makes. I will vote to give a manufacturer the raw material which he buys free of all taxes when the revnue necessities of the Government will permit us to emancipate his finished products from tariff duties; but not until then.

For instance, take the duty on ore. It is 25 cents per ton, or less than 10 per cent ad valorem. Will anybody say that is protective? Take the duty on hides, and they complain that some of us favor that; it is 15 per cent, and a large quantity of hides that Congress intended should pay a duty has been admitted free by a ruling of the Treasury Department. The law allowed a calf's hide to come in, and the wise men of the Treasury Department proceeded to rule that a hide was a calf's hide until it weighed over 25 pounds. Except for that ruling of the Treasury Department, the duties on hides would to-day be fetching the Treasury more than $3,500,000. Of that sum, it is true, they disburse something like $1,000,000 in drawbacks.

In 1907 the Government, even under this misconstruction, as I believe, of the Treasury Department, collected more than $3,100,000 in duties on hides, and paid back something like $900,000 in drawbacks, leaving a net revenue of more than $2,000,000. Yet men say that because I vote for a 15 per cent duty, which yields more than $2,000,000 to the Public Treasury, I am betraying the Democratic party!

Mr. President, under the Walker tariff law, which is generally accepted by Democrats as an ideal expression of their views and principles, the average duty never fell below 24 per cent.

I have sometimes seen it stated as low as 19 and 20, but if you will examine the book issued by the Government, you will find that under that law the average duties never rose above 27 per cent and never fell below 24 per cent. Yet they say that I violate the doctrine of the Democratic party because I vote for a duty 50 per cent lower than the average duty of an ideal Democratic tariff law.

The men who talk that way, Mr. President, are either ignorant or vicious. A man can say it is wrong, and I will debate the merits of it, but when a man tells me it is un-Democratic to vote for a duty of 15 per cent that will raise a revenue of $2,000,000 I will not vex my civil disposition by arguing that question with him.

The Democratic view, as I understand it, is this: Recognizing the necessity of collecting a large sum of money through the custom-houses to support the Government, we will vote to levy a duty on any article that will raise revenue, and the only exception we make to this rule is in favor of those articles of common and daily use which all men must buy.

I voted for the amendment of the Senator from Mississippi [Mr. MCLAURIN] to put all farming implements and mechanics' tools on the free list, and I never cast a vote in my life that accorded better with my judgment and my conscience. If you ask me if they are a necessary of life, I answer that a man must have tools to do his work, and I answer further that tools are so necessary that the statutes of every State in this Union exempt them from execution sale.

The very States represented by Senators who voted against taking the tax from them will not allow a creditor to take a mechanic's tools on execution in payment of an honest debt. You deem it so important, and you wisely deem it so, that the mechanic shall have the tools with which to earn a living for himself and family that you deny the sheriff, armed with the writ of the State, the right to enter upon his premises and take his tools. You count them sacred, even against all honest obligations. And yet, while you will not permit an honest creditor to take them in satisfaction of a debt, you refuse to let him buy them free of tax.

If you want another illustration, I will vote for a tax on tea, but not for a tax on coffee. A tax on coffee would raise a round sum in revenue, but it is an article of universal use. It gives comfort and strength to the poor as they go about their daily toil and refreshes them when they come from it at nightfall; and as a concession to the hard circumstances of such men I refuse to tax it. On the other hand, I will cheerfully vote for a duty on tea because, as I understand it, the people who consume tea are well able to pay a moderate tax on it.

I might detain the Senate with other illustrations, but these are sufficient. Let no man charge us with the advocacy of protection until we vote for a duty that shall at least rise above the average duties of the Walker tariff law. As long as we vote only for moderate duties, never exceeding 20 or 25 per cent, it is an outrage upon truth and justice and decency for men to assail us and pretend to think that we have abandoned our principles.

To Senators who think it a Democratic virtue to proclaim that they are free traders, I put this question: Suppose we should come into power at the next election. Suppose that a great change in public sentiment would elevate our candidate to the Presidency, return a majority to the House of Representatives, and give us control of this body. Does any man imagine that we could keep a free-trade pledge? No, sir. Obligated by the necessities of the Government, as we would be, to raise a vast sum of money, we would be compelled to resort to collections through the custom-houses, and I warn Democrats who allow their imagination and their emotion to take possession of their judgment against the wrath of that day when we come into power and are unable to fulfill the rash promises which they make to the people.

We can never administer this Government and defray its legitimate expenses without a tariff duty, and we will be fortunate indeed if we ever see the hour again when we can lay a tariff whose rates will not average more than 25 per cent. Between the lower rates, like 12, 15, and 20 per cent, upon the articles of common necessity and the higher rates of 50, 80, and even 100 per cent upon articles of luxury, the Democratic party will make, as it has always made, its selection; but it is an Utopian dream for any man to suppose that, clothed with power in every department of the Government, we could ever give the people of this country the blessings of free trade or could ever enact a tariff law whose rates would fall below the average of 25 per cent.

My attention has just been called to another case, and, as it mentions my name, I think I ought to incorporate it in the RECORD. The Courier-Journal of May 17—these things would be more persuasive to me if they came from sources that have always been loyal in their support of the Democratic party and its candidates—published an editorial paragraph that runs this way:

Senator BAILEY, demanding that the magnates of the steel trust—

And, by the way, that is what excited the ire of some of these papers like the Chicago Tribune. It was my suggestion of putting men in jail that provoked them to write the editorial which they did and by which I feel greatly complimented. My rule in this world is to esteem the censure of some men as high a tribute as the praise of other men. I go by the rule of contraries with papers like the New York Tribune and the Chicago Tribune; the worse they say of me the better I like myself.

The Courier-Journal says:

Senator BAILEY, demanding that the magnates of the steel trust be put in jail, votes to put them in palaces by voting for a tariff on iron ore and against the old Democratic doctrine of free raw materials.

The old Democratic doctrine of free raw materials! How old? Old enough, thank God, to have perished before this day; and yet not so old as that it ever received the indorsement of the Democratic fathers. It was, in a season of madness and folly, proclaimed as a Democrat doctrine; but it has long since been rejected as a Democratic heresy.

Mr. SMITH of Maryland. Mr. President, I wish to say that upon general principles I agree entirely with the Senator from Texas [Mr. BAILEY]. He spoke in regard to free iron ore. I voted for free iron ore, and I have no apology to make for casting my vote that way. My idea in voting for free iron ore was not in any way to help the steel manufacturers, because, in fact, when you take the steel manufacturers or those who manufacture the largest proportion of the steel product of this country, they are opposed to free iron ore. They are opposed to it because they themselves control the iron ore. They control 85 per cent of the free iron ore of this country. Hence they want a duty in order that the independent steel manufacturers may be put at a disadvantage. I voted for free iron ore because I wanted competition, and I believed that in voting for free iron ore I would help, if I were successful in securing free iron ore, to bring about a competition which would not benefit the United States Steel Company.

The steel manufacturers east of the Allegheny Mountains are at a very great disadvantage compared with those west of the Allegheny Mountains, because they can not get their ore except at an increased price—I understand at about $1.60 a ton. My object in voting for free iron ore was that these independent manufacturers might be able to get the ore from which they make their steel products, in order to compete with the United States Steel Company, which owns or controls 85 per cent of the iron ore of this country.

I do not make these remarks in the way of apology, but in order to give my views as to why there should be free iron ore in order to stop to an extent a monopoly.

Mr. BAILEY. Mr. President, I had no thought of suggesting that the Senator from Maryland was influenced in casting his vote by a desire to benefit the steel trust, and I was in private conversation advised of his view; but that view is not comprehensive enough. The trouble with it is, that when two corporations are engaged in competition against each other, it requires us to sacrifice our principle to aid one of those corporations in its contest with the other. That system of dealing with the tariff, carried to its logical conclusion, would not only lead us to abandon the only effective method of dealing with the trusts, but would reduce our tariff legislation to other than revenue purposes. That can never succeed. Because this corporation is engaged in a competition with that corporation is no reason why we should give either corporation its raw material free of duty. If the corporations really compete against each other, that is a benefit to the American people, and we ought not to discourage it by giving to the one or to the other a favor which might determine the supremacy between them.

I said the other day, and I say now, that the only effective and sovereign remedy for the trust evil is to be found in the criminal courts of this Republic. We must lay our taxes for revenue to support the Government and then we must resolutely set ourselves to the task of putting into the common jail the men who will not obey our antitrust laws. I decline to consider the tariff, not as a question of taxation, but as a means of regulating contests between different corporations.

But, Mr. President, I did not rise to make that explanation. I only rose to emphasize the fact that at last the difference between the Senator from Maryland and the Senator from Texas is a difference over a question of fact and not over a question of principle. The Senator from Maryland believed that he was serving a useful purpose when he voted for free iron ore; and I freely say that the 8 or 9 Democratic Senators who voted with him believed the same way; but I just as confidently assert that the 16 Democratic Senators with whom I voted were actuated by a principle as high as ever governed men. Our view was that all corporations ought to be compelled to pay their taxes share and share alike, and if one corporation obeys the law and the other does not, to put the officers of the offending corporation in jail and let the contest between honest, law-abiding competitors proceed.

Mr. SMITH of Maryland. Mr. President, I have no disposition whatever to criticise any Democrat who voted for a duty on iron ore, but there is a semblance of competition in regard to steel manufactures in this country. There is no question in my mind but that the United States Steel Company and those west of the Allegheny Mountains did want a duty on iron ore; and there is no question but what the independent manufacturers did not want a duty on iron ore.

Mr. BAILEY. Will the Senator permit me to interrupt him?

Mr. SMITH of Maryland. Certainly.

Mr. BAILEY. The Senator perfectly understands that no corporation or no manufacturer wants a duty on his raw material.

Mr. SMITH of Maryland. It is a fact that they did want a duty on this because they do not buy any iron ore, but they have their own iron ore, and it is to their interest for their competitors to pay as high a price as can be obtained for it.

Mr. BAILEY. If the Senator will pardon me, that argument can be reduced to an absurdity in this way, that whether they do not buy or whether they do buy, there is one thing certain, they do not sell the iron ore.

Mr. SMITH of Maryland. No; they sell the manufactured product.

Mr. BAILEY. They sell the manufactured product.

Mr. SMITH of Maryland. I agree with that.

Mr. BAILEY. So, if you have no tax on iron ore, there is no tax on that which they do not sell.

Mr. SMITH of Maryland. They did want a duty on iron ore, and I know it.

Mr. BAILEY. Mr. President, they felt more at liberty to talk with the Senator from Maryland about it than they did to me.

Mr. SMITH of Maryland. Possibly they did, but such, nevertheless, is the case. It was to their interest in order that their competitors might not have an equal advantage with them. As to the revenue on iron ore, it is so small that the advantages accruing from free iron ore in this country are more than met by the advantages of the shippers of the product in this country in having vessels coming in here laden instead of coming in here light to transport their product.

Mr. BAILEY. There is the real basis of the opinion of the Senator from Maryland. It is to give certain Atlantic ports an advantage of certain trade by the remission of certain duties. I do not complain that that is true, because it is only a part of the general line of argument which led the Senator from Maryland and others representing Atlantic seaboard States to try to equalize the seaboard and the interior by the abolition of those duties. Now, Mr. President——

Mr. SMITH of Maryland. Go ahead, sir.

Mr. BAILEY. I thought the Senator was through.

Mr. SMITH of Maryland. I am not.

Mr. BAILEY. I beg the Senator's pardon. I thought he had resumed his seat.

Mr. SMITH of Maryland. I have not.

Mr. BAILEY. I will wait until the Senator does so.

Mr. SMITH of Maryland. I want to say with regard to the advantage which would be given to the Atlantic coast in the export of their commodities, that that certainly would not intimidate me into voting for it. At the same time that, in connection with the fact that it was creating a competition between the independent steel manufacturers of this country and the United States Steel Company, who own the iron ore of this country, induced me to vote for free iron ore.

Mr. TILLMAN. Will the Senator, before he takes his seat, answer me a question?

Mr. SMITH of Maryland. If I can.

Mr. TILLMAN. He stated a moment ago that he did know that the steel trust wanted a duty on iron ore. Will he give us the source of his information?

Mr. SMITH of Maryland. Well, I do not know that I care to give the source, but I have it. I was called upon in regard to the matter, and urged to vote for a duty on iron ore by people representing the United States Steel Company or some of their subsidiary factories.

Mr. TILLMAN. Does the Senator know that there is a single independent steel manufacturer?

Mr. SMITH of Maryland. I think so. I do not know.

Mr. TILLMAN. I will read again something I read in the Senate some days ago. It is the testimony of Mr. Carnegie, who ought to know something about steel. He has filled his pocket with hundreds of millions of dollars taken from the pockets of the consumers by act of Congress under the leadership of our friends on this side of the Chamber.

Mr. BAILEY. Not this side.

Mr. TILLMAN. I am pointing right to the side over there—the Republican side of the Chamber.

Mr. BAILEY. But the trouble of it is the RECORD does not show which way your finger points.

Mr. TILLMAN. All right. I thank the Senator for keeping me from making a mistake. Here is what Mr. Carnegie says:

> That is the same gentleman who told you he had no agreement with other steel companies; that he could sell where he pleased, to whom he pleased, and as much as he pleased. Well, Mr. Chairman, if you had asked him if he had not a sort of understanding, which had the same result as the agreement, he would have had to tell you that he had; and I do not like witnesses to talk in a double sense. We have not only to tell the truth, but we have to tell the whole truth, and I tell it.

Mr. Carnegie says that they are under the direction and control and have an agreement with each other, and the steel trust compels them, in a way, to sell at certain prices, which it fixes. I do not want any controversy with the Senator from Maryland. I give him full credit for doing what he believes to be his duty in trying to give some so-called "independent steel manufacturers" down in Baltimore free ore. I have no fault to find with him for voting that way; but, as I voted the other way, I do not want anybody to assail me or impugn my motives as undertaking to bolster up the steel trust, because the Senate has been told——

Mr. SMITH of Maryland. I will say to the Senator from South Carolina that I said that I did not criticise his vote or any other man's vote.

Mr. TILLMAN. I was rather trying to get after these so-called "Democratic" papers at Louisville, Ky., and Dallas, Tex., which are undertaking to say that the Democratic party is split wide open. When this iniquitous bill, which our friend from Rhode Island [Mr. ALDRICH] is trying to engineer through, and will succeed in doing—let us round up and show the country that we are Democrats still.

Mr. SMITH of Maryland. I am not responsible for the papers of this country, either Republican or Democratic; but I am responsible for my vote.

Mr. BAILEY. Mr. President, there is only one thing I want to say in reply to the suggestion which the Senator from Maryland has made, and that is, that whenever we consent to waive our principles, which require all of the manufacturer's raw material to pay a duty, in order that we may help one corporation as against another corporation, we generally find that we have been victimized by precisely the conditions the Senator from South Carolina now lays before the Senate upon the sworn testimony of Mr. Carnegie. Mr. Carnegie perhaps knows more about the condition of the steel industry in the United States than any other one man; and he tells the Ways and Means Committee that, after all, there is an understanding between the so-called "competing companies" that makes real competition impossible. If that is true, and that it is true I have no doubt, then the only effect of taking the duty off of iron ore was to violate our general principle against untaxed raw material for the sole and only purpose, or rather, I will say, with the sole and only effect of aiding a combination that is part of a colossal conspiracy against the commerce of the United States.

Mr. OVERMAN. Mr. President, do I understand the Senator to say that we voted for it with that as "the sole and only purpose?"

Mr. BAILEY. No.

Mr. OVERMAN. I understood the Senator to say that; but he then withdrew it and said "the sole and only effect." We want to get in no party division here. I will not answer the Senator, but I do want to understand what he did say. I hope he did not say that.

Mr. BAILEY. If the Senator from North Carolina had been attending closely, he would have perceived that I at once saw the impropriety of phrasing it in that way, because the purpose with which you do a thing and the effect of having done it are sometimes as wide apart as the poles. I have seen the most honest of men produce a bad effect; but I never knew an honest man to do a thing with a bad purpose; and before I concluded the sentence I saw that it was not a correct expression and withdrew it, or, rather, I corrected it.

I pass that, however, as a mere difference among Democrats over a question of fact, and in saying that I am but repeating what I have already said.

I want for one moment to call the attention of the Senate to another argument that assails us at every point: Every time a man wants a thing done he tells us that the trusts do not want it done, and every time he does not want a thing done he tells us that the trusts do want it done. Two excellent gentlemen spent an hour with me the other day trying to convince me that the Standard Oil Company wants free oil. I am going to vote to put oil and all the products of it on the free list—and, by the way, our Republican friends must not forget that the State which I in part represent is now one of our largest oil-producing States—but no oil is imported, and therefore a duty on it will not bring any revenue to the Treasury, and its only effect is to increase its price to the people of the United States who must use it for light and heat.

So it is, Mr. President, from day to day and from schedule to schedule, these arguments are pressed upon us—sometimes honestly and always with some effect—but I have one answer to every argument of that kind. I shall vote to levy taxes with a view to revenue and to justice and I shall vote for laws with teeth in them to send the men who conspire against the commercial peace and commercial competition in these United States to prison for that offense.

We must separate the one from the other, and then, when they tell us that a trust wants a thing done, call them before the grand jury and make them tell where that trust is located, for if it be a trust, we have a law condemning it; and we have men who have taken an oath to execute that law. So it is easy enough to solve questions of that kind if only we enforce the law.

I want to say this, Mr. President, and then I have said all I intend to say this afternoon about it: I can take the office of the Attorney-General of the United States to-morrow, and, if they will let me select my assistants, I can break up every unlawful combination in the United States in the next two years.

All you need to do is to prosecute and convict one or two of them, and that will be the end of it. When I say I can do it I do not assume to be a better lawyer or so good a lawyer as the gentleman who occupies that high position. I have had very little experience with the prosecution of criminal cases, but I have no doubt that those laws can be enforced. Neither have I any doubt that the sensible thing for us to do is to enforce the laws that we have instead of continually making more laws.

If any man doubts the justice of my criticism, I only need to remind him that in all the proceedings of this Federal Government against the men who have violated our antitrust laws the action has been against the corporation, and not against the individuals. The same facts that would convict the corporation, and sentence it to pay a fine, will convict the officers of the corporation and sentence them to prison. A corporation can not act except through its authorized agents and officials; and whenever a corporation commits a crime, it commits it through the act of some authorized agent or official. Therefore it is as plain as the day that if, instead of prosecuting the corporation and sentencing it to pay a fine, you will prosecute the officer, you can send him to prison, and if you will do that, in a little while they will not be able to find men with respectability enough that they are willing to trust them, who will accept their offices and violate the laws of this Republic.

Only the other day—and perhaps we ought not to comment on it here, and I will not comment by name or by specification, but I will allude to the circumstances—within the last ten days, in one of the southern towns, eminently respectable and prosperous men have been found guilty of a violation of our antitrust laws, and two of them have been sentenced to serve a term in the common jail. I am willing to go on record here and now that that action will dissolve that trust. It is the same with all men who violate the law. Suppose you would merely fine a man who stole money, how long do you think it would take you to suppress the crime of theft? Suppose that you allowed a man who stole a million dollars to pay a fine of $100,000. The honest man would not be tempted to steal by that premium on theft, but every scoundrel in the country would be looking for an opportunity to steal something if he could acquit himself to the majesty of law by surrendering to the State a part of what he had stolen.

Yet that is exactly the premium that you are to-day putting upon the violation of your antitrust laws. You tell these men to go on and violate the law and that, if they are caught, you will only take from them a part of what they have first taken from the people, and if you happen to take a little more than they have already taken from the people, they soon supply the deficiency by taking still further sums from the helpless victims your law subjects to their avarice. But instead of taking their money, take their liberty; and my word for it, Mr. President, we shall hear no more in the Senate Chamber of the United States about remitting taxes to rich and prosperous people in order to help them sustain themselves in competition against other rich and prosperous people.

Mr. RAYNER. Mr. President, I have only a few words to say; and I do not intend to make any speech.

I agree with the Senator from Texas [Mr. BAILEY] in some things that he has said, and I disagree with him in other things that he has said. I agree with him on his general propositions of party policy. I disagree with him as to the facts of this particular case. And that is a question upon which each one of us must form his own opinion.

I voted for free iron ore, and I will vote for it again and again; and I do not regret my vote. On the contrary, I am glad that I voted that way. I voted for it for this reason and for this motive, and for no other motive: I thought it was a move in the direction of breaking down the United States Steel Corporation, which, in my judgment, is one of the greatest monopolies in the United States. I may be wrong, and the Senator may be right; but that was my motive in voting for it. I believed when I voted for free iron ore that the United States Steel Corporation owned about 85 per cent of the raw material in the United States. If the United States Steel Corporation was not in control of the raw material, the argument of the Senator might be logical. I assert that the raw material is practically controlled by the United States Steel Corporation. I apprehend that every one of us who, from honest motives—just in the same way that those who voted the other way voted from honest motives—voted to put iron on the free list, did so in order to break down this great monopoly that is dominating the American market.

Mr. President, I want to say this to the Senator from Texas: I think the proposition that he has stated is a very important one. I agree with him upon the general proposition which he states in reference to the policy of the party in connection with raw materials. I think it would be perfectly ridiculous for us to stand here and vote for raw materials for the benefit of the manufacturer, and then keep up the duty on the manufactured product. I do not think there is a Democrat here that will dissent from the views of the Senator from Texas on this branch of the question. I want to read just a few lines from the platform of the Democratic party at the time Mr. Cleveland was nominated, that sustain the general proposition of the Senator from Texas:

> We denounce the McKinley tariff law enacted by the Fifty-first Congress as the culminating atrocity of class legislation; we indorse the efforts made by the Democrats of the present Congress to modify its most oppressive features in the direction of free raw materials.

But it did not stop there. It went on to say:

> And cheaper manufactured goods.

In other words, when you give your manufacturer his raw materials free, take off the compensating duty upon the manufactured product. When you give him free iron ore, lower the duty upon the manufactured products of iron. When you give the woolen manufacturers of New England free wool, lower the duty upon manufactured woolen goods. When you give them free hides, if you can, lower the duty upon leather and shoes and all the products of free hides.

That does not mean for a moment that I am not in favor of voting for free raw material in cases where it is impossible to lower the duty. That does not bind me to say that I do not intend to vote for free hides, for I do intend to vote that way, notwithstanding that it is impossible for me here in this presence to lower the duty upon the manufactured product. I believe, not as a question of party policy, but as a question of economy, that whenever you give a manufacturer raw materials free, you necessarily, by competition, cheapen in the American market the product of his manufacture.

Mr. President, that is about all that I desire to say, except this: I want to be perfectly frank about this, just as the Senator from Texas is in voting the other way, and as we all are. I do not think there is any great difference between us upon questions of party policy, but there is a great difference between us upon some of these schedules. I apprehend that each one of us is absolutely honest in the motives that induce him to vote one way or the other on the various schedules. If the manufacturing interests of my State had asked me to vote for free iron ore simply for the purpose of giving them free iron ore and to keep the duty up on the manufactured product, I would not have acceded to the proposition. I stand here now ready to vote for a reduced duty upon every manufactured product that the competitive steel industries of the United States are manufacturing. Bring out your lower duty upon every manufactured product into which iron enters, and I will vote for that lower duty.

I voted for free iron ore simply because I believed, and I believe now—and I have not heard a word from the Senator from Texas upon the facts which contradict the view that I had when this schedule was up—that my vote helps to break down one of the greatest monopolies of the country. And I want to be understood about this: Without regard to reducing the duty upon the manufactured product, whenever I can vote for a free raw material that will break down and destroy these monopolies that are oppressing the American market, I propose to vote for free raw material. The difference between us is simply upon a question of fact.

Another thing I shall not do is this: I shall never stand in this Hall and vote for a protective duty. I do not mean for a moment to say that there is any difference of opinion between us upon that subject. Whenever you have a duty proposed that is not a revenue duty, but is a protective duty, in either my own State or my own city or any other place, I shall vote against it. I say that because I believe in a constitutional tariff for revenue, and I will never change my opinion about that. I do not think this Government has the right to levy any duty except a duty for revenue.

The VICE-PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. NEWLANDS. Mr. President, the Senator from Indiana [Mr. BEVERIDGE] asked me what reason I had for this amendment. As I understand it, the status regarding this particular paragraph is as follows:

The articles enumerated in this paragraph, such as sewing machines, and so forth, are not enumerated in the present tariff law. They fall under the general basket clause which imposes a duty of 45 per cent. The House has specially enumerated these articles in the proposed bill, and suggests a duty of 30 per cent, and my amendment calls for a reduction of that duty to 20 per cent.

The reasons why I urge the reduction are these: The statistics furnished to us by the committee show that the annual exports of these articles amount to $35,000,000; that the total annual production in this country amounts to $132,000,000, and that there are no imports. Wherever there are no imports of any article that is an indication to me that the existing duty is a prohibitory one. Therefore the present duty of 45 per cent is condemned.

But why place the duty at 20 per cent, according to my amendment, instead of 30 per cent? Simply because there have been no imports whatever; and I believe that wherever the statistics show that there are no imports of any given article, the existing duty should be very materially reduced.

Another reason I have for this amendment is that most of these articles—all of them, I believe—are under the control of combinations and trusts in this country which have practically stifled free competition at home. I regard it as good policy, and the Democratic party has so declared in its platform, wherever a product is controlled by a domestic trust, and domestic competition is stifled, to introduce foreign competition; and the only question that remains is whether we shall put that article upon the free list absolutely and bring against the domestic monopoly the full force of foreign competition or whether we shall moderate the foreign competition by imposing some lower duty.

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Michigan?

Mr. NEWLANDS. I prefer to go on with my statement.

The VICE-PRESIDENT. The Senator from Nevada prefers not to yield.

Mr. NEWLANDS. I will yield to the Senator toward the close, but just now I wish to go on consecutively.

Mr. SMITH of Michigan. I simply wanted to ask the Senator from Nevada——

The VICE-PRESIDENT. The Senator from Nevada prefers not to yield.

Mr. NEWLANDS. Mr. President, this duty therefore I placed at 20 per cent. It is a revenue duty, or I hope it will be. I hope it will not prove a prohibitory duty. If I thought so I would still further reduce it. But it is introduced in a tentative way, with a view to introducing foreign competition in order to prevent domestic monopoly and with a view to obtaining revenue by the reduction of duties from which at present no revenue is obtained.

I am now ready to answer the question of the Senator from Michigan.

Mr. SMITH of Michigan. I was simply going to ask the Senator from Nevada if he believed in free trade on these two items with respect to which he seeks to amend the rates?

Mr. NEWLANDS. I have already stated that——

Mr. SMITH of Michigan. Does the Senator believe in free trade on these two items—cash registers and sewing machines?

Mr. NEWLANDS. Yes. I voted to put them on the free list.

Mr. SMITH of Michigan. I know you voted for it, but I want to know whether you believe in it.

Mr. NEWLANDS. I voted then upon the assumption that almost all these articles are controlled by a trust, and I was therefore absolutely warranted in voting to place them upon the free list. I prefer, however, to move along tentatively in the way of a reduction of duty, so that foreign competition may be introduced as a factor in breaking up the domestic monopoly, at the same time producing revenue and without the destruction of any American industry.

I wish to say, with regard to the question of free trade and the free list——

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Wisconsin?

Mr. LA FOLLETTE. Will the Senator yield to me for just a moment to bring to his attention a little item of testimony which I find in the hearings?

Mr. NEWLANDS. Certainly.

Mr. BEVERIDGE. We can not hear the Senator from Wisconsin.

The VICE-PRESIDENT. Will the Senator speak a little louder?

Mr. LA FOLLETTE. I wish to bring to the attention of the Senator a bit of evidence, upon the sale of sewing machines in this country and abroad, which I find in the tariff hearings, furnished by a Mr. Arnold, who testified before the Ways and Means Committee. He is a manufacturer of varnish, and appeared before the committee to request that there be no lowering of the duty on his product, not because the conditions of the business required the duty to be maintained, as he stated, but because he preferred not to have the business disturbed. He was examined by members of the committee and was testifying with respect to varnish.

Mr. COCKRAN. But, as a matter of fact, you are able to compete with the foreigner?

Absolutely—

The witness answered, and he continued:

We go into the foreign countries and compete with the world. We sell the goods, and those shipments are increasing from year to year, the goods being sold at a profit. There is no dumping ground for varnish. I have sold goods in foreign countries—all over the world—myself as far back as 1882. I do not believe this story about giving away goods to get rid of them. I will say that I sold sewing machines in 1882 abroad at a price of $19.50 for the same machines that were selling in this country for $65, and they were not made anywhere else excepting in this country. And I will say, too, that I made money out of it.

Then Mr. POU took a hand in questioning the manufacturer:

Mr. POU. And the same kind of machines were sold as here?

Mr. ARNOLD. Yes; and at a price of $65. I sold plows in South Africa for $8.50 that you could not buy for less than $12.50 up to $20 in this country. And I say that all this rubbish about dumping goods in foreign countries is nonsense.

Now, on the subject of typewriting machines, everybody knows that typewriter machines are sold in this country at about $100 apiece. I am informed that they have been sold abroad for $35 apiece for years.

There has been a typewriter combination for years. As early as 1893 the manufacturers organized under the laws of New Jersey for the purpose of controlling the business. The trust was incorporated as the "Union Typewriter Company." The following concerns were consolidated: The American Writing Machine Company, the Remington Typewriter Company, the Densmore Typewriter Company, the Smith-Premier Company, and the Yost Writing Machine Company. Total capital issued, par value, was $18,015,000. The element of monopoly is strong, consisting of tariff benefits, patents, trade-marks, and so forth.

They control the business in this country absolutely and compel American purchasers to pay the exorbitant price of $100 for machines which they sell abroad at $35.

Mr. BEVERIDGE. May I ask the Senator whether those companies make abroad the machines which they sell abroad cheaper than they do at home, or do they export them?

Mr. LA FOLLETTE. They are made here and are sent all over the world.

Mr. BEVERIDGE. Of course the Senator knows and we all know—and I want to hear him upon that point—that everything manufactured in any country, regardless of its policy, whether protective or free trade, is sold, for various reasons, outside of that country cheaper than at home. One of the reasons is the occupation of new markets. One is the disposal of surplus. I want to know whether either one of those causes operated in this instance?

Mr. LA FOLLETTE. I am very certain they do not. That these type machines have been sold cheaper abroad than at home for many years is a matter of almost common knowledge.

Mr. NEWLANDS. I am very glad to have the information presented by the Senator from Wisconsin regarding sewing machines and typewriters. The evidence seems to be conclusive, and it is a matter of common knowledge that with reference to these two commodities it has been the custom of the manufacturing companies in this country to sell abroad at prices very much less than those charged at home, and the price charged abroad is compensatory to them. That is one of the considerations.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Utah?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. Does the Senator know what difference there is between the wholesale price of a sewing machine in this country and the wholesale price in foreign countries?

Mr. NEWLANDS. I do not.

Mr. SMOOT. I want to tell the Senator. There is this question to be taken into consideration: I know that many of the manufacturers of this country sell sewing machines in carload lots at a very low rate. I know they have sold as low as $19 apiece, and then they are retailed—that is, to the consumer—for $60 or $65.

I desire to call attention to the fact that that is on account of the way the business is done in this country, and it is never done the same way in a foreign country. I know they have an agent, and they go from door to door. They sell the machine on time, and if they can get as the first payment what the machine cost they will take an old machine in, and they will call it $60 or $65, whereas that machine the manufacturer has sold as low as $19. Does not the Senator know that that is the absolute fact?

Mr. NEWLANDS. I do not.

Mr. SMOOT. Mr. President, I know it is the fact.

Mr. McLAURIN. Will the Senator allow me to ask the Senator from Wisconsin a question?

Mr. NEWLANDS. Certainly.

Mr. McLAURIN. The price at which this sewing machine was testified to have been sold I understood to be $95 or $100 instead of $60.

Mr. LA FOLLETTE. Sixty-five dollars.

Mr. SMOOT. That is an entirely different machine.

Mr. BEVERIDGE. It was the Senator from Wisconsin——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. I yielded to the Senator from Mississippi, whose question——

Mr. McLAURIN. In the testimony of Mr. Arnold that he read as to sewing machines which were selling in Europe for $35, I believe it was, as I caught it, they were selling in this country at about $90 or $100.

Mr. LA FOLLETTE. They were selling abroad for $19.50, and were selling in this country at $65 at that time.

Mr. McLAURIN. Sewing machines?

Mr. LA FOLLETTE. Yes, sir. The Senator must have had in mind the figures I gave with respect to typewriting machines.

Mr. McLAURIN. Those were sold at $35 in foreign countries and a hundred here. I had that in my mind.

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Indiana?

Mr. NEWLANDS. Certainly.

Mr. BEVERIDGE. I merely want to ask the Senator from Wisconsin, who called attention to these figures, what he has to say with reference to the statement of the Senator from Utah about the wholesale price in car lots?

Mr. SMOOT. Sewing machines.

Mr. LA FOLLETTE. I have nothing to say about that, because I did not give any figures on sewing machines except such as I read from the testimony.

Mr. BEVERIDGE. I wish the Senator from Utah would make his statement again, because I was diverted and did not hear it. But I got the impression that the wholesale price wiped out that difficulty. If the difficulty can be disposed of, I should like to have the whole facts presented. So I ask the Senator from Utah to state it again. We were all diverted by conversation.

The VICE-PRESIDENT. Does the Senator from Nevada yield for that purpose?

Mr. NEWLANDS. Certainly.

Mr. SMOOT. I now make the statement again, that the manufacturers of sewing machines in this country sell in carload lots at about $19 apiece for sewing machines that are sold to the consumer for $60 to $65; and I went on to explain why that was—the heavy expenses of men traveling from door to door and selling the machine at $65, with a first payment made, and taking old machines at a high price. It is the system of selling machines in this country. It does not exist in a foreign country.

Mr. McLAURIN. Will the Senator allow me to ask him where he gets this information?

Mr. SMOOT. I get the information from the very fact that I have seen these invoices to institutions in my own State that have bought the machines in carload lots. So it is not the manufacturer; it is the mode of doing business.

Mr. LA FOLLETTE. It is perfectly apparent the witness was not stating the wholesale price abroad. He was speaking of the sale of single machines there, as he was speaking of the sale of single machines in this country, and was making the comparison to show that they were sold abroad at the lower price. It would have been entirely misleading and an imposition upon the committee had he been dealing in one case with the wholesale price and in the other with the retail price.

Mr. SMOOT. I simply called attention to the fact that the manufacturer has only to do with the wholesale price, and I wanted to say that much for the manufacturer.

Mr. NEWLANDS. In answer to the Senator from Utah, I wish to say that he makes the usual answer which he has always made during the consideration of the pending bill when he has been confronted with the high prices prevailing in this country regarding certain articles and commodities as compared with the foreign market, and that he invariably endeavors to charge the imposition of these high prices not upon the manufacturer, but upon the retailer.

Mr. SMOOT. I have not said anything in relation to the retailer here any further than I have said that the mode of handling the sewing machines is such that in my belief it actually compels him to sell at the high price in order to pay the expenses attached thereto. In England, I will tell the Senator, the machines are, in the stores, sold exactly the same as any other commodity, and in this country in some instances, especially of late, the same way of selling machines is coming into vogue.

Mr. NEWLANDS. Well, Mr. President, accepting the Senator's amendment, I understand his statement to be that the methods of business conducted by retailers in this country are such as to result in the charge of a price in this country amounting to two, three, and four times the amount that is charged in other countries in the retail business for such commodities.

Mr. SMOOT. Mr. President, I want the Senator to be perfectly fair in this matter. I have already stated that it is not the custom in everything; but in the sale of sewing machines, which we are discussing now, it has been the custom in the past to take an old machine and give a good price for it. They take that off the price, but they never again sell the old machine for the amount they allow for it. That is to be taken into consideration. I do not believe that in the end the retailer makes such a very big profit, when the way of selling the goods is taken into consideration.

Mr. BEVERIDGE. Mr. President, let me ask the Senator from Utah what the facts are along the line he is talking in the case of typewriters?

Mr. SMOOT. I have had no experience whatever with typewriters. I know nothing about the wholesale cost. I do not know anything about how they are sold.

Mr. BEVERIDGE. The Senator does not answer the Senator from Wisconsin.

Mr. SMOOT. I do not answer the Senator from Wisconsin on the question of typewriters, because I know nothing about them.

Mr. NEWLANDS. Mr. President, we have the evidence, then, unanswered so far as typewriters are concerned, that the charge in this country is $100 for each typewriter, and abroad the charge is $35. Whilst the Senator from Utah objects to the precise method in which I speak of his general replies to and defenses regarding the charges of high prices in this country as compared with abroad, yet the fact remains, generally, that he states the conditions of business and the customs of business are such in this country as to result in many commodities in an imposition upon the purchasers of a price two, three, and four times as high as that imposed in foreign countries.

The American people are interested in the fact that high prices prevail throughout this country, that prices have advanced out of proportion to the advance of wages in the country, that a given wage will not buy as much of commodities as it would years ago; and the country demands some satisfactory answer regarding the question. We charge that the high prices are largely due to the protective system. The Senator denies it. The denial is made generally by that side of the House, that the high tariff wall is raised and that domestic competition between rival competitors gradually reduces the price behind the protection of the tariff wall, and this, too, in the face of the fact that prices are constantly advancing.

Inasmuch as the Senator from Utah has raised the contention that these high prices are not due to the protective system, but that on the contrary the protective system lowers domestic prices instead of raising them above the average of the world, and that these high prices are chargeable to the customs and methods of retail business throughout the country, I suggest to him that it is time the Finance Committee were making an inquiry into that question. The duty devolves upon them to report immediately to the Senate the resolution proposed by the Senator from Oklahoma [Mr. GORE], calling for the appointment of a special committee to inquire into these abuses, ascertain their cause, and point out a method of their correction; and that this is a pertinent inquiry now that ought to proceed pari passu with the inquiry into our tariff conditions. If such a special committee is appointed, it can, before the close of the debate upon this subject, make a report, and then we will be acting upon definite information rather than upon conjecture and innuendo, as we are compelled to act now. The lack of fullness of information many of us have called attention to throughout this debate. We lack that fullness of information which a committee sitting as a commission regarding this matter under the instructions of the Senate and bound to give it every fact within its reach should give.

Mr. President, so far as the Democratic side of the Chamber is concerned, it is charged that there are certain inconsistencies and certain differences, just as there are upon the Republican side. I do not deny that certain inconsistencies in view and opinion and in vote exist upon this side of the Chamber. But they are not appreciable. For instance, one or two of the Senators upon this side of the Chamber voted for a protective duty upon lead. A few Senators on this side of the Chamber will doubtless vote for a protective duty upon sugar and upon rice. A few

more will doubtless vote for protective duties upon cotton fabrications. But when you consider the vast area of duties covered by the bill, that there are 4,000 articles under 400 items or paragraphs with reference to which we can make inquiry as to excessive duties, it will be apparent that inconsistencies or differences as to those few items are absolutely inconsequential.

The Senators who appear to be thus inconsistent are probably justified by the public sentiment of the communities which they represent. I can understand what the sentiment of a community like the State of Louisiana would be, which has been largely built up upon the protective system as to sugar and as to rice. I can imagine how destructive it might be to the prosperity and the energies of that State if suddenly those duties were withdrawn and if, instead of being able to obtain in our domestic markets for sugar a price double the world's price, they were compelled to settle down quickly and immediately to the world's price.

I can understand how the people of a community agreeing with us in the general principle that a protective system can not be justified, yet having their industries built upon the abuses of that system, might demand of their representatives that they should not rudely withdraw the props from under their industries, that they should not rudely knock them off their stilts and reduce them to confusion.

So it may be with other cases, but as a rule you will find that upon the vast bulk of these items the Democratic party will stand for a reduction of excessive duties, and that is the only practical question before the Senate. The practical question before the Senate is not whether we shall have tariff for revenue or tariff for protection. The question is whether duties absolutely far in excess of the requirements of the protective system itself shall be reduced. That is the only practical question, and upon such a question the progressives of the other side of the Chamber and the consistent proponents of a tariff for revenue upon this side of the Chamber can stand together. So far as I am concerned, I trust this debate will last until the country is convinced, as it will be convinced, whatever may be the final vote upon the pending bill, that these abuses exist; and that the only remedy is to elect a Senate and a House of Representatives that will reduce the excessive duties. That is the only practical question.

Mr. President, the imports into this country aggregate about $1,100,000,000, of which six hundred million are dutiable. You collect an average duty of 45 per cent and you raise from it nearly $300,000,000. We do not advocate the raising of a less amount in the aggregate than $300,000,000, for we believe that amount is essential to the conduct of the business of the country and that we must from customs duties raise at least that amount.

So, we are not for free trade. We are for a tariff for revenue, and we are for a tariff that will produce as revenue $300,000,000. We claim that that can best be done and that this deficit will be cured by absolutely reducing the excessive duties, so that the commodities which they cover can be introduced into this country and pay duty instead of perpetuating the present condition under which high duties are imposed and yet little or no revenue collected.

If we were to impose a duty on the entire list of imported articles, aggregating $1,100,000,000, we would have to impose a duty of nearly 30 per cent in order to raise $300,000,000. So the Democratic party can not stand for an average duty of less than 30 per cent. Our theory is that the necessaries of life should be taxed upon a different basis from the luxuries of life. If we are to have an average duty of 30 per cent, and if we are to have a difference of duty between the duties on the necessaries of life and the duties on the luxuries of life, we are necessarily compelled to make the duties on the necessaries of life below 30 per cent and the duties on the luxuries of life above 30 per cent. Any Democrat upon a question of luxury, outside of spirits and tobacco, which, of course, are always subject to high taxes, can vote for a duty upon luxuries of at least 50 or 55 per cent, or even more, without involving the charge of inconsistency, and he can vote for a duty of between 20 and 30 per cent upon the necessaries of life. But he can also exercise his judgment as to whether the condition is such as to warrant him in putting a particular commodity upon the free list or putting it upon the revenue list. He is not to be charged with disregard of party principles either by his party associates or by the other side if he exercises his judgment either one way or the other. The principle is as I have described it. Upon matters of detail Democrats may well differ as to whether a particular necessary of life shall be put upon the free list or whether a tax shall be imposed upon it. If you look through the votes thus far, outside, perhaps, of the duty on lead, you will find that every one of the votes upon this side of the House is in accordance with the principles of the party.

So far as the duty on iron is concerned, that is purely a revenue duty. A Democrat could exercise his judgment as to whether he would put upon it a revenue tariff or whether he would put it upon the free list. He might regard iron as the basic material upon which all the steel industries and iron industries are based as a necessary of life, and if he chose to do so he might vote to put it upon the free list. He might feel that that particular basic material was under the control of a great trust and combination in this country, as I believe it to be, and that the only way of introducing competitive energies in this country would be to let iron ore in free, so as to stimulate domestic competition, or he might, in pursuance of his view that the revenue demanded it, impose reasonable revenue duties upon it.

That is what the Democrats have done. They have not acted together as a unit, but they have acted entirely consistently with Democratic principles, whether they voted for a revenue tariff of 25 cents a ton or whether they voted to put it on the free list.

Mr. ALDRICH. Mr. President, will the Senator consent to take a vote upon the pending amendment?

Mr. NEWLANDS. I will state to the Senator from Rhode Island that I think his question is entirely unwarranted. I doubt the propriety of a Senator interrupting another Senator whilst he is making a speech and insisting upon a vote.

Mr. ALDRICH. I can not insist upon the Senator's stopping, of course.

Mr. NEWLANDS. No, sir; I think not.

Mr. ALDRICH. I was only making a request.

Mr. NEWLANDS. Now, Mr. President, I wish to call attention to this particular schedule. The average rate of wages paid under the metal schedule is only $556 per annum, and yet we know how enormous fortunes have been created under this schedule and under the protective system. Will you tell me that the average wage of $556 given to every worker in these industries is a sufficient wage upon which to support a family? Is not that the wage of poverty? Are you not face to face with the fact that the same protection system which has created these enormous fortunes has at the same time made the average wages of the numerous employees, working, as I am told, in the city of Pittsburg seven days in the week and twelve hours in the day, only $556?

If this is the great prosperity to which you refer as the vindication of your system, I beg of you to try a system of tariff for revenue, for you will find that in the unprotected industries of the country the wages are in excess of $556.

Mr. RAYNER. Mr. President, I do not desire to interrupt the Senator from Nevada, but in the conclusion of the few remarks I made just now I omitted just one line and a half from the platform of 1908. In 1908 Mr. Bryan was nominated for President and Mr. Kern, of Indiana, was nominated for Vice-President. I do not believe they were elected, but the platform says:

> We favor immediate revision of the tariff by the reduction of import duties. Articles entering into competition with trust-controlled products should be placed upon the free list.

If iron is an article that comes into competition with a trust-controlled product, and the United States Steel Corporation controls the trust, ought iron, or ought it not, to be placed on the free list, in accordance with the platform? I should just like the Senator's opinion on that subject.

Mr. NEWLANDS. Regarding that, as I have already stated, any Democrat could consistently with Democratic principles vote for putting iron either upon the free list or upon the revenue list. The party may give him a specific instruction regarding it, and the specific instruction which seems to have been given by the Democratic party at the last convention was where a product is in such a condition as to be controlled by a trust to vote to put it upon the free list. But there still remains the determination of the question as to whether the product is controlled by a trust. That is left to the individual judgment of every Democrat. I understand that Democrats on this floor differ as to that fact, and so I do not question any man's vote regarding iron.

Mr. President, I was speaking of the protective system under this particular schedule, which has built up the enormous and swollen fortunes, with which every man here is familiar, and with which the country is familiar; and yet the fact remains, according to the very statistics furnished by the committee itself, that the wage of every wage-earner is only $556 a year, and that upon that sum every wage-earner must maintain a family, educate his children, and maintain his household, in the face of the high prices that have prevailed throughout the country, that have increased from 25 to 50 and 100 per cent; in the face of increasing rent, and in the face of increasing prices for all commodities that are needed in ordinary life.

We have only recently had presented to us the survey called the "Pittsburg survey," a report made by scientific men, so-

ciologists, and economists, under the direction of the Russell Sage foundation, of the economic conditions of the city of Pittsburg, which is acknowledged to be the greatest beneficiary of the tariff system. Read that survey and you will be indignant that such industrial conditions could exist in this country. You will find there the story how men work seven days in the week, Sabbath and all. You will find the story how those men work, without control as to the hours of the day, from ten to twelve hours a day. You will find there the story that these factories are almost entirely manned by foreigners from southern Europe living under conditions that are critical; four and five of them living in a single room. These are the conditions which are referred to as conditions of prosperity in the city which has been the greatest beneficiary of the tariff system.

Mr. OLIVER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from Pennsylvania?

Mr. NEWLANDS. Certainly.

Mr. OLIVER. Mr. President, the Senator from Nevada has three times alluded to the seven days' work in the city of Pittsburg. I want to say that in no establishment in the city of Pittsburg or in the Pittsburg district is seven days' work carried on, except in blast furnaces. Everybody familiar with the industry knows that the operation of a blast furnace is a continuous operation, and it is impossible to suspend the work.

In connection with that, I wish to ask the Senator from Nevada what is the universal custom in the State of Nevada with regard to six days' or seven days' work? I will answer that. For my sins I was condemned to spend Sunday in the State of Nevada within the last year, and I know there is no such thing known as Sunday in the State. It is the universal custom there to work seven days in the week. I myself have some interests in that State, and my associates and I endeavored to induce the operatives to work only six days in the week, but were unable to do so, they saying that it was the custom of the country to work seven days, and that they did not know there was such a day as Sunday. It is a State where the faro table and the roulette table are a part of the furnishment of every hotel in the State—not of the barroom, but of the office part of the establishment—and guests can not get away from it. I spent one day—the sorriest day I ever spent—in the city which is the Senator's home. The only place where I could get away from the rattle of dice and the clink, clink of the faro chips was by going to the Carnegie library, given to the city of Reno by one of Pittsburg's millionaires. [Laughter.]

Mr. NEWLANDS. Well, Mr. President, I will ask the Senator from Pennsylvania whether the gambling games, the faro and the keno games, and so forth, to which he refers are the result of the protective system? If they are, we should vote for abolishing the protective system.

So far as conditions in Nevada are concerned——

Mr. BRIGGS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. Yes.

Mr. BRIGGS. I should like to call the attention of the Senator from Nevada to the fact that in Pittsburg, as in nearly all the other iron districts, the hours of work are regulated by agreement between the labor unions and the manufacturers—principally by the labor unions—and I think that if the Senator will investigate pretty carefully he will ascertain that none of the labor unions allow twelve hours of work, except possibly where a man is on piecework or is paid by the ton or by the finished article.

While I am on my feet, I will ask——

Mr. NEWLANDS. I will ask the Senator whether it is not a fact that since the Homestead affair there have been no labor unions in the iron industries of Pittsburg?

Mr. BRIGGS. I think there is a regular scale there in most of the mills.

Mr. NEWLANDS. I am told that there is not; that the unions were effectually broken up then, and that they have not been in existence since. If my memory is correct, I found that fact stated in the report of one of the gentlemen who took part in the Pittsburg survey; and the fact that employees there are utterly unable to protect themselves by union is referred to. That is one of the reasons given for the extraordinary condition of labor which exists there.

Mr. BRIGGS. Mr. President, I would say, in reply to that, that within a month I have seen in the newspapers accounts of a conference to determine the rate of wages in some of the mills around Pittsburg.

Mr. NEWLANDS. We can refer to the Senator from Pennsylvania, who doubtless has knowledge upon the subject. I ask him whether labor unions do exist in Pittsburg with relation to the metallic industries there?

Mr. OLIVER. I will answer the Senator from Nevada by saying that in almost every branch of industry there are labor unions, but in many of the establishments there are not. I presume that of the workingmen in the Pittsburg district probably 75 per cent belong to labor unions. In the Homestead district, to which the Senator refers—that is, at Homestead—I believe there is no trade union in control. They work what is known as "open shop;" that is, they make no distinction between union and nonunion men; but I will state that, while I am only speaking from recollection, I do not believe that the conditions of squalor, to which the Senator so eloquently refers, are even in that wonderful document referred to as existing in and about Homestead, because, if so, the statement is utterly and absolutely false. Homestead is a prosperous community. The working people as a general thing are well housed, are well taken care of, and they are contented.

I will further say that the condition of seven days' work in the week does not exist in Homestead at all. There are no blast furnaces in Homestead. The plant is altogether devoted to finishing, and the blast-furnace industry is not there at all. The workingmen there work on what they call "twelve-hour turns," or, really, eleven-hour turns. They go to work a 7 o'clock in the morning; there is an interval of an hour at noon; and they get out at 6 o'clock in the evening. The night turn go on from half past 6 to 7, and they work, with an interval for supper in the middle of the night, until 6 o'clock in the morning. The plant works only six days a week. I think if the Senator would at any time take the trouble to stop off at Pittsburg—and I should be very glad to entertain him—he would change his mind about the conditions existing in and around that great city.

Mr. NEWLANDS. Mr. President, I wish to continue what I have to say with the utmost fairness. I am very glad to hear anything which the Senator from Pennsylvania has to say regarding the conditions in Pittsburg. I do not pretend to know anything of my own knowledge. I have quoted my authority—the authority of the survey made by men of prominence, not socialists, not extremists, but men who have an interest in the humanities of life, who have been interested in sociology; and under the direction of that great educational foundation—the Russell Sage foundation—and I do not think that I have exaggerated——

Mr. BRIGGS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS (continuing). I do not think I have exaggerated what they have said. I do not pretend to know anything about this of my own personal knowledge. If the Senator from New Jersey will wait for a moment, I shall be glad to listen to him.

The Senator from Pennsylvania [Mr. OLIVER] has referred to the information which I have given, based entirely upon the report of the Pittsburg survey, by referring to certain conditions which he alleges exist in the State of Nevada, and of which he seems to have personal knowledge; for I assume that he has been in the gambling houses, and so forth, to which he refers, and I hope he was a winner.

Mr. OLIVER. They were right in the office of the hotel where I was staying, in the Senator's own city.

Mr. NEWLANDS. I have no doubt of it. But I must say one thing, Mr. President, that the system of protection can hardly be charged with that abuse, though it can be charged with a great many abuses in this country. All I can say with reference to gambling and with reference to the hours of labor and wages in the State of Nevada is that Nevada is a State of great freedom; that it has been accustomed to view with apprehension any attempt to restrain the individual liberty of the citizen. The people there have felt that any man had a right to ruin himself if he chose. The sentiment, however, has changed in that particular, and I am glad to say that during the past year an act was passed absolutely abolishing gambling in the State of Nevada.

Now, as to the wages which prevail there, the average wage of the miner there is not——

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. I do.

Mr. KEAN. I should like to ask the Senator is that law enforced?

Mr. NEWLANDS. That law is not in force as yet, but that law is to go into force at a certain time in the future, and it will be operative before long.

Mr. McLAURIN. Will the Senator allow me to ask him just one question?

Mr. NEWLANDS. Yes.

Mr. McLAURIN. The Senator was speaking of the great freedom that was exercised by the people of the State of Nevada. Does that freedom go to the extent of allowing a man to stop at a hotel where gambling is carried on in the office?

Mr. NEWLANDS. Oh, yes. I have no doubt that the statement of the Senator from Pennsylvania [Mr. OLIVER] is correct.

Mr. RAYNER. Mr. President, is there any schedule here about gambling? [Laughter.] What paragraph or duty are we on? What schedule are we on?

Mr. NEWLANDS. Now, as to the wages, I have to say that the wages throughout the mining region of Nevada are about $4 a day, and that they are not a result of the protective system. I have also to say that the hours of labor are eight a day, and that they are not a result of the protective system. Nevada is a very progressive State. Whilst individual liberty has prevailed there to a very large degree and whilst we have only recently inaugurated a system of restraining the liberty of the individual where that liberty may result in an injury to the community, yet we have been in advance in progressive legislation. We have on our statute books to-day an eight-hour law; we have an employer's liability act; and we have the referendum, under which any act passed by the legislature can be referred to the supreme legislature—the people. We are about to inaugurate, through constitutional amendment, the initiative and the recall. So we have there a government of the people, for the people, and by the people. As a result, many abuses which have hitherto existed are gradually being wiped out, and as a result of this progressive action upon the part of the State of Nevada we have a condition of the laboring man there far in advance, I think, of that of the condition of the laboring man in almost any other State; certainly in advance of the condition of the men who are engaged in these metal industries, which are obliged, according to the contention of the other side, in order to maintain themselves and to create these enormous fortunes, to impose duties upon foreign importations amounting from 25 to 80 per cent.

Mr. KEAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from New Jersey?

Mr. NEWLANDS. I do.

Mr. KEAN. I heard the Senator mention the word "recall."

Mr. NEWLANDS. Yes.

Mr. KEAN. Is that in force at the present time?

Mr. NEWLANDS. No. I said a moment ago that they were in process of passing these two constitutional amendments.

Mr. KEAN. I should like also to ask the effect of the word "recall;" what it means in legislation?

Mr. NEWLANDS. The Senator will pardon me if I do not go at length into these refinements. An attack was made upon my State in a humorous way, and I simply met it by showing the progressive action of the people of that State, which has resulted in industrial conditions that give more freedom of opportunity in that State than in almost any other State in the Union, and that the result of it is that the average man in that State, which has not a single protected industry in it, receives an annual wage that enables him to support a family in comfort, to educate his children, to maintain his household, an average wage far in excess of that enjoyed by the metal workers, according to the statistics supplied us by the committee, who have an income of only $556 a year, as compared with the fortunes amounting to millions wrested from the American people through the industries protected by this bill.

Mr. BURKETT. Mr. President, before the question is put on the amendment of the Senator from Nevada [Mr. NEWLANDS], I want to call attention to the evidence that was taken in this matter in the House. I find in the hearings that there was some evidence taken, especially upon the question of sewing machines. I have been, as everybody must have been who has any particular information as to what a sewing machine costs, somewhat amused at the statements that have been made here to-day with reference to the cost of sewing machines in this country. I undertake to say that the price of sewing machines in the United States in twenty years has not been $65. No person who has paid money for a sewing machine has had to pay for it over $35. A fancy cabinet may have cost more, or in trade he may have nominally paid more.

However, I want to call attention to the evidence that was presented in the House. There was a firm of manufacturers in New York interested in reducing the tariff on sewing machines, and they wrote at some length to the committee. Their letter is found on page 2260 of the hearings. After setting forth the lack of need of so great protection on sewing machines, they finally got down to a rate of 25 per cent; and that is the lowest rate suggested by those appearing before the committee advocating the reduction of the tariff on sewing machines. So far as I can find, as I have said, 25 per cent is the lowest rate suggested by those advocating a reduction. The committee have reduced it to 30 per cent.

On the other hand, there appeared before the committee representatives of some of the sewing machine companies, who said that they could not stand any reduction, and insisted on the old 45 per cent rate being retained. It seems to me the committee acted very wisely in the matter.

As I have said several times, I am going to favor all the reductions that, in my opinion, ought to be made, but I am not going to vote for a reduction that might in any way interfere with any factory in this country. I am not particularly blaming the Senator from Mississippi, looking at the tariff question as he does, for introducing almost any sort of an amendment to these schedules; but, so far as my own vote is concerned and so far as the vote of any Republican believing in a protective-tariff policy is concerned, he ought to be careful, it seems to me, that he does not vote for a rate that is below absolute safety and that will guarantee maintaining factories in this country. If we err I prefer to err on the side of keeping the manufactory in this country.

It seems to me in regard to this schedule, and considering the evidence which I have looked over, that when the House has reduced this tariff from 45 per cent to 30 per cent, within 5 per cent of the lowest demand made by anybody who appeared before the committee asking for such a reduction, it has gone a long, long way in that direction, and it seems to me, as protectionists, we ought not to go below that rate. That is a reduction of 33⅓ per cent. If they had made the same reduction on some other articles that I would like to see a reduction of duty on, the bill would be entirely satisfactory to me, and, in my opinion, satisfactory to many others.

I call attention to this evidence, because in all that has been said we have gotten away from the real question at issue, and that is where the point of safety is in reducing schedules.

Mr. McLAURIN. Mr. President, will the Senator allow me to ask him a question?

Mr. BURKETT. Certainly.

Mr. McLAURIN. Has the Senator taken into consideration the fact that the tariff, which has been reduced, as the Senator from Nebraska has said, 33⅓ per cent, is still absolutely prohibitive, and that under the present tariff there has been exported one-fourth of the product of these machines made in this country?

Mr. BURKETT. Yes, Mr. President, I have thought of that; but, in my opinion, there are, perhaps, on most of this machinery covered by this paragraph enough patents to protect them in this country anyway. I am not disturbed by the fact that there are not any sewing machines brought into this country. I do not want any sewing machines brought into this country from anywhere, I will say to the Senator very frankly. I do not want to see a sewing machine which has been manufactured anywhere else on earth sold in the United States of America. There is no complaint about the price of sewing machines——

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from South Dakota?

Mr. BURKETT. I will in a moment. There ought not to be any complaint in the United States about the price of sewing machines. There may be complaint about the price of automobiles and about the price of typewriters, but there ought not to be very great complaint about the price of sewing machines. If the Senator will go down on F street, he will find that he can buy a sewing machine there all the way from $19 up, and "up" means, of course, according to the kind of case the machine is placed in. There is enough competition, in my opinion, in the sewing machine business in this country to keep the prices down to the very lowest plane.

I do not want to throw down the bars and let in sewing machines, or any other machinery, for that matter, from other countries so long as there is sufficient competition at home to keep the price down. In my opinion, we ought to be satisfied with the one-third reduction in the duty on that article unless we have some more evidence that a greater cut is advisable. I only rose to call to the attention of the Senate this evidence because it has not been called to the attention of the Senate in this debate.

Mr. CRAWFORD. Mr. President, just a word before the vote is taken. A statement has been made here that the present duty is practically prohibitive and that there are no importations. I find that paragraph 194 of the present bill specifically names a number of articles, such as machine tools, printing presses, sewing machines, typewriters, steam engines, and sev-

eral other articles which in the existing law are listed under the general term of "machinery," which bear a duty of 45 per cent. Under that paragraph there were imported articles valued at $4,978,090, upon which a duty was paid of $2,240,140. That is quite a good deal of duty upon that importation. It is impossible to say what the items of the imports were, because this statement does not give the details.

While I have favored, and do now favor, reducing the rates wherever it can be done intelligently and safely, I can not vote to simply make a stab in the dark here, and reduce the rate on these different items, machine tools and the other items, to 10 per cent, inasmuch as the committee have already made a cut of 15 per cent and it does appear that there were importations amounting to $4,978,090, paying a duty of $2,240,140.

Mr. McLAURIN. Mr. President, the Senator from South Dakota is speaking of——

Mr. CRAWFORD. Paragraph 194.

Mr. McLAURIN. I understand he is speaking of one set of items, and the amendment is in reference to another. If the Senator will look further down under "cash registers, linotypes," and so forth, he will see that no revenue at all was derived and there were no importations.

Mr. CRAWFORD. If the Senator will permit me, I understand that those articles under the existing law come under the general term "machinery."

Mr. LODGE. If the Senator will pardon me, there is, of course, no entry of revenue, because they come in under the nonenumerated class, and the Senator from South Dakota is perfectly right. They come in under the general machinery clause.

Mr. McLAURIN. The Senator from South Dakota was speaking of machinery not elsewhere specified.

Mr. LODGE. Certainly he was.

Mr. McLAURIN. And that is the machinery of which $4,978,090.67 worth was imported and $58,690,651 exported. But of cash registers, linotypes, and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and steam engines, there were $35,317,448 worth exported, and not a dime's worth imported, according to this book—and I am going according to the book—that is furnished by the committee.

Mr. LODGE. If the Senator will carry his investigation just two lines farther, he will see, under "present law," the letters "n. e."

Mr. McLAURIN. I thought that meant "New England" or "northeast;" but I have been informed since I have been here that it means "not enumerated."

Mr. LODGE. It means "not enumerated." Therefore they can come in under the general clause of machinery.

Mr. McLAURIN. Why were they not enumerated? They are enumerated so as to show the amount of exports of these articles. You do show the amount of the exports.

Mr. LODGE. Certainly; but for purposes of duty they come in under what is known as the "nonenumerated clause" or "basket clause," which takes in all machinery not otherwise specially provided for.

Mr. McLAURIN. That is what you have here—"machinery, not elsewhere specified."

Mr. LODGE. That is it.

Mr. McLAURIN. And you put that down, and then you put the other items right under that.

Mr. LODGE. In italics. They are not enumerated, and they come in under the head of "machinery, not elsewhere specified," as the Senator from South Dakota correctly pointed out.

Mr. McLAURIN. Then it gives us very insufficient, not to say inaccurate, information.

Mr. LODGE. But if the Senator will allow me one word more, under these basket clauses or nonenumerated clauses, as they are called, the articles are returned, as a rule, simply under the clause. No record is kept of the different articles. It is simply so much under the clause "machinery, not elsewhere specified."

Mr. McLAURIN. But there is a record here of the amount of exports.

Mr. LODGE. Certainly. Exports are a different thing.

Mr. McLAURIN. If that had been added to the other, it would have shown the exports.

Mr. LODGE. The exports come from another source. The goods are entered for export.

Mr. McLAURIN. I understand that, since the Senator has explained it.

Mr. LODGE. For import they are simply entered as "machinery, not elsewhere specified."

Mr. McLAURIN. Yes. If you add the exports, then the $35,000,000 to the $58,000,000, you will get something like $94,000,000. Disregarding the odd hundreds of thousands you get something near $94,000,000 of exports. They are divided so as to make them, at one place, $58,000,000, and at another——

Mr. LODGE. No; you deduct the $35,000,000. They are part of the $58,000,000.

Mr. McLAURIN. Oh!

Mr. LODGE. Yes; they are part of the "machinery, not elsewhere specified." I can assure the Senator that that is correct.

Mr. McLAURIN. So that whenever it is against the manufacturers it must be deducted.

Mr. LODGE. No, Mr. President. Those articles are specified for export. They are not specified for import. When they are specified for export and are given as $35,000,000, or whatever it is, they are to be taken from the general total. In one case there is a record of the exports. There is no record of the details of the imports.

Mr. McLAURIN. Is the $132,000,000 to be taken from the $722,000,000?

Mr. LODGE. What does the Senator mean?

Mr. McLAURIN. That is the value of the product.

Mr. LODGE. Yes; I should suppose so.

Mr. McLAURIN. With the explanation of this explanation, Mr. President, I will leave that part of the subject.

I want to call attention now to what was said by the Senator from Nebraska [Mr. BURKETT]. He says he does not desire to see foreign-made sewing machines come into this country. The Senator from Utah [Mr. SMOOT] said that these machines, which were sold by the wholesalers to the retailers at $19 apiece, were sold by the retailers at from $60 to $65, I believe.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Mississippi yield to the Senator from Utah?

Mr. McLAURIN. I do.

Mr. SMOOT. I stated that they are sold at distant points, where the salesman goes with a wagon and calls at the house, at a high price, where an old machine is taken in part payment.

Mr. McLAURIN. What are they sold for when cash is paid?

Mr. SMOOT. I know that there are lots of them sold for $30, and I have been told that you can go down here now and buy a good many of them for $27.50.

Mr. McLAURIN. Then, were these people who were selling them for a high price, and taking the old machines in part payment, juggling with the purchasers?

Mr. SMOOT. I said that it was a custom, and I know that it is a custom in many parts of this country; and then they quote that price as the retail price of the machine.

Mr. McLAURIN. If you put it at $60, that is an increase of over 300 per cent. The Senator seems to think that when he has found a case where he has seen them sold at $30, that is a great bargain that the purchaser has gotten. Even that would be over 50 per cent increase over the value of the machines. I do think, where none of them are imported, that 300 per cent on the cost price is too much to charge to those who have to work with sewing machines, and therefore have to purchase them.

Mr. RAYNER. Mr. President, I rise to a parliamentary inquiry. I have no reference to this last colloquy; but I should like to know whether Rule XIX is still in force, or whether it has become obsolete by nonuser, misuser, or abuse? I will read the last four lines of this rule, because I agree with the Senator from New York that we ought to have some business methods in conducting this debate:

> No Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate, which shall be determined without debate.

If that rule is in force, Mr. President, does it mean that when a Senator speaks more than twice there shall be leave of the Senate, or does it mean that if he proceeds without leave the President of the Senate will infer that there is leave?

The VICE-PRESIDENT. The Chair thinks the latter is the proper construction.

Mr. McLAURIN rose.

Mr. RAYNER. I am not referring to this last colloquy.

Mr. McLAURIN. I suppose this has reference to me; and I wish to say that there is not a Senator in this Chamber who speaks oftener in one day than the Senator from Maryland.

Mr. RAYNER. Mr. President, if the Senator had heard what I said, he would not say that. I said that I had no reference to him at all, and it is because he did not hear me that he has made the remark he has. When I rose, I said I had no reference at all to this colloquy. I had intended early in the day to call attention to the rule. There is no one in this Chamber who speaks less than I do. I do not suppose there is anyone in this Chamber who does speak who speaks less than I do. But I had no reference at all to the Senator from Mississippi, not the slightest, and I so stated.

I intended earlier in the day, and I intended yesterday, to call the attention of the President to this rule, and to see whether we could not proceed with some greater expedition than we are now doing. Of course if it is impossible, the rule has practically become obsolete and antiquated.

Mr. FRYE. Let us have a vote.

Several SENATORS. Vote!

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Nevada [Mr. NEWLANDS], on which there is a demand for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BANKHEAD (when his name was called). I am paired with the senior Senator from New York [Mr. DEPEW]. If he were present, I should vote "yea."

Mr. GUGGENHEIM (when his name was called). I am paired with the senior Senator from Kentucky [Mr. PAYNTER]. As he is not in his seat, I withhold my vote.

Mr. MCCUMBER (when his name was called). I believe the junior Senator from Louisiana [Mr. FOSTER] has not voted, and in his absence I withhold my vote.

Mr. TALIAFERRO (when his name was called). I have a general pair with the junior Senator from West Virginia [Mr. SCOTT]. If he were present, I should vote "yea."

The roll call was concluded.

Mr. CURTIS. I wish to announce that the Senator from Oregon [Mr. BOURNE] is paired with the Senator from Arkansas [Mr. DAVIS]; the Senator from Delaware [Mr. RICHARDSON] is paired with the Senator from Arkansas [Mr. CLARKE], and the Senator from Kentucky [Mr. BRADLEY] is paired with the Senator from Indiana [Mr. SHIVELY].

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from Michigan [Mr. SMITH], and will vote. I vote "nay."

The result was announced—yeas 29, nays 43, as follows:

YEAS—29.

Bacon	Cummins	La Follette	Smith, Md.
Bailey	Daniel	McLaurin	Smith, S. C.
Beveridge	Dolliver	Money	Stone
Bristow	Fletcher	Nelson	Taylor
Brown	Frazier	Newlands	Tillman
Chamberlain	Gore	Overman	
Clapp	Hughes	Rayner	
Clay	Johnston, Ala.	Simmons	

NAYS—43.

Aldrich	Crane	Gallinger	Penrose
Borah	Crawford	Gamble	Perkins
Brandegee	Cullom	Hale	Piles
Briggs	Curtis	Heyburn	Root
Bulkeley	Dick	Johnson, N. Dak.	Smoot
Burkett	Dillingham	Jones	Stephenson
Burnham	Dixon	Kean	Sutherland
Burrows	du Pont	Lodge	Warner
Burton	Elkins	Nixon	Warren
Carter	Flint	Oliver	Wetmore
Clark, Wyo.	Frye	Page	

NOT VOTING—19.

Bankhead	Davis	McEnery	Scott
Bourne	Depew	Martin	Shively
Bradley	Foster	Owen	Smith, Mich.
Clarke, Ark.	Guggenheim	Paynter	Taliaferro
Culberson	McCumber	Richardson	

So Mr. NEWLANDS's amendment was rejected.

The VICE-PRESIDENT. Without objection, the paragraph will be agreed to. The Chair hears no objection.

Mr. ALDRICH. Has paragraph 195 been disposed of?

The VICE-PRESIDENT. It has, on the first reading.

Mr. DOLLIVER. Mr. President, I desire to offer a suggestion as to paragraph 195, the general basket clause of the metal schedule. I desire to suggest that in line 23, the third word, "part," be stricken out and the words "in chief value" substituted.

Mr. President, the language in nearly all the other schedules conforms with the suggestion I have made, and I think very properly, because the various paragraphs intend to include all the articles that are known, and the basket clause catches articles which may have been omitted by failure to recall their names, the purpose being to prevent any articles manufactured from metals from escaping some tariff rate.

Put in the form in which this clause stands in the metal schedule, it operates, I think, to confuse any rational classification of merchandise, and I desire to call the attention of the chairman of the committee to the fact that within very recent years the most astonishing variety of articles has been transferred to this basket clause from the schedules to which they belong, and in which Congress placed them.

For example, Treasury decision 28187 holds that silver pellets, such as are sometimes used to disguise the situation when one comes home very late at night, an ordinary medicinal preparation, covered with an almost imperceptible coating of silver, or supposed silver, are now dutiable under the metal schedule.

A recent Treasury decision, 27883, puts into the metal schedule a bunch of feathers tied up or held together by an ordinary little wire.

A recent Treasury decision, No. 24946, transfers shoes with a negligible percentage of metal nails in their composition from the schedule where they would naturally belong to the iron and steel schedule.

A recent Treasury decision, No. 28255, transfers furniture with a slight addition of metal tacks or other metallic ornamentation from the furniture schedule.

I hold in my hand decisions of the courts of the United States making mattresses composed of hair and waste of cotton dutiable under the metal schedule as manufactured in whole or in part of some of these metals when they appear only in fractional quantities.

I have here also a recent decision that a piece of furniture with any kind of metal in any part of it under the present law is dutiable under the basket clause of the metal schedule. I have not been able to locate any articles that are actually intended by Congress to be included in this schedule. It catches nearly everything except manufactures of metal.

Therefore I think that these basket clauses ought to be framed so as not to make the classification of articles of merchandise ridiculous in the eyes of the community. That has been done with respect to cotton goods. In order to get into the cotton schedule, goods must be manufactured in chief value of cotton. In order to get into the jute and linen schedules, the chief value must consist of those materials. In order to get into the silk schedule the same is true, and I think it is a very wise provision.

There is no trouble in separating the articles upon that basis. I want articles manufactured in chief value of any of these metals to be dutiable here, and I think a very slight attention to the classification will suggest the propriety of excluding from the metal schedule articles in which the metals appear only in fractional or insignificant proportion.

Mr. TILLMAN. Do I understand the Senator to tell us that by these decisions of the appraisers and the courts, and one thing and another, articles have been transferred to the metal schedule with an increase of duty or a decrease in duty?

Mr. DOLLIVER. Usually an increase of duty. These pellets, for example, were dutiable at 25 per cent as a medicinal preparation.

Mr. TILLMAN. And then they were put in here at 45 per cent?

Mr. DOLLIVER. These feathers—unmanufactured feathers—were 20 per cent.

Mr. TILLMAN. What scheme of interpretation would a man with any sense employ to transfer these things to the metal schedule?

Mr. DOLLIVER. It is not a question of interpretation. The law provides that an article, when manufactured in whole or in part of any of these metals, shall pay a duty of 45 per cent.

Mr. TILLMAN. It is a kind of dragnet.

Mr. DOLLIVER. The suggestion I make is that the language should be such as to relieve the courts and the appraisers from making a decision of that sort, by providing that this clause shall be applicable to articles wholly manufactured from metals or where the metal is its chief value. That is the only suggestion I make.

Mr. ALDRICH. The act of 1883, in the nonenumerated provisions, reads precisely as this does. Precisely the same language was employed in the act of 1890. The same language was employed in the act of 1894, prepared by Mr. Wilson, and passed the Senate without any amendment. The same language was used in the act of 1897, word for word—the Dingley Act.

So, for twenty-five or twenty-eight or twenty-nine years the unbroken practice of the Senate and of the House has been to maintain this phraseology. The purpose of it is stated fully in Notes on Tariff Revision, prepared by the Ways and Means Committee of the House, and which is now before Senators for their examination.

There has been great difficulty in the past in determining the chief value of a great variety of articles that are in part of metal, and attempts are constantly being made to admit at lowered rates of duty articles upon the ground that they were in chief value of some other material.

In the Tariff Notes there are enumerated 18, 20, or 25, perhaps 30, different decisions which, in the opinion of the Committee on Ways and Means, make it absolutely necessary that this language should be retained in the present law.

I think the Senator from Iowa is entirely mistaken in his suggestion that this ought to be changed. The only purpose of a change would be to allow a great variety of articles to come in at a lower rate of duty than has heretofore been imposed upon them by this paragraph.

This provision, as I said, has been here a long time; it has been tested; it has been adjudicated. There has been no

trouble from it, so far as I know. No complaint has ever been made except upon the part of certain people who want to have admitted into the United States at a much less rate of duty a great variety of articles on the claim that their chief value was something else.

I could, if I had the time and if the Senate desired to hear it, take up these cited cases and show by a great variety of cases that the courts and the general appraisers have administered this law wisely, and I can see no reason for making the change.

Mr. DOLLIVER. What the Senator has said is just as applicable to the cotton schedule as to this. It is just exactly as applicable.

Mr. ALDRICH. It is not applicable to the cotton schedule, because no such condition ever existed there.

Mr. DOLLIVER. Exactly; but articles manufactured partly of cotton and partly of something else come in——

Mr. ALDRICH. The Senator from Iowa probably is aware, as I am, that the "not otherwise provided" paragraph in the cotton schedule and in the linen schedule and all the textile schedules except wool provide the same rate—45 per cent—while under this schedule there is a constant attempt being made to introduce articles into the United States at 20 or 25 per cent for the purpose of evading the law.

Mr. DOLLIVER. If it will not trouble the Senator from Rhode Island, I should like to know what articles the committee has in mind as being included in this paragraph.

Mr. ALDRICH. If the Senator will take his Notes on Tariff Revision and read them——

Mr. DOLLIVER. The notes on tariff revision were made by a young man, I believe, an attorney in the customs division of the Treasury; and while they are very valuable, I very much prefer to know what the committee intended to include in this paragraph.

Mr. ALDRICH. I suggest that the Senator read the cases that are cited on page 247 of Notes on Tariff Revision. I think the Notes on Tariff Revision may have been prepared by a young man, but if they were, he was a young man of ability, certainly——

Mr. DOLLIVER. Undoubtedly.

Mr. ALDRICH (continuing). And judgment. They had the approval of the Committee on Ways and Means of the House.

Mr. DOLLIVER. But the thing I wanted to get at was what articles were in the minds of the committee which had not been enumerated in the metal schedule and yet naturally fall in the basket clause.

Mr. ALDRICH. Will the Senator look at those cases? It is not necessary for me to take the time, I think.

Mr. DOLLIVER. It would not take much time to say if one article manufactured out of any of these metals was in the mind of the committee as properly belonging in this basket clause.

Mr. ALDRICH. Sieves, for instance, were claimed to be in chief value of horse hair, and were admitted at 30 per cent; fishing flies, in chief value of feathers. A great variety of articles are included in this memorandum showing that the purpose of Congress was—and so far as this paragraph is concerned, the purpose of the committee was—to have these articles pay a proper rate of duty.

Mr. DOLLIVER. I have no objection in the world to an article manufactured out of material the chief value of which is included in this list of metals paying its rate, but I think it is unnecessary and likely to be more or less troublesome to have a list of articles a great deal longer than I have undertaken to give here, because I have not finished my reading of the decisions included in the schedule that was intended to cover other kinds of goods.

Mr. NELSON. I find here on the page cited by the Senator from Rhode Island an illustration that fits this case. It reads:

Wreaths made of artificial flowers and wire were held dutiable, nevertheless, as articles or wares wholly or in part of metal not specially provided for.

Mr. DOLLIVER. Of course nobody would deny that such articles as that ought to be dutiable under the schedule at the rate provided and applicable to them.

I ask for the yeas and nays on agreeing to the amendment.

The yeas and nays were ordered.

Mr. BACON. I ask that the amendment may be read.

The VICE-PRESIDENT. Without objection, the Secretary will read the amendment.

The SECRETARY. In paragraph 195, page 68, line 23, before the words "of iron," it is proposed to strike out the word "part" and insert the words "chief value," so that it will read:

Articles or wares not specially provided for in this section composed wholly or in chief value of iron, steel, etc.

The VICE-PRESIDENT. The Secretary will call the roll on agreeing to the amendment of the Senator from Iowa [Mr. DOLLIVER].

The Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer that pair to the junior Senator from Michigan [Mr. SMITH] and vote "nay."

Mr. GUGGENHEIM (when his name was called). I have a general pair with the senior Senator from Kentucky [Mr. PAYNTER], who is not here; so I will not vote.

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. He being absent, I will withhold my vote.

Mr. TALIAFERRO (when his name was called). I again announce my pair with the junior Senator from West Virginia [Mr. SCOTT]. As he is absent, I will withhold my vote.

The roll call was concluded.

Mr. WARREN (after having voted in the negative). I wish to ask if the Senator from Mississippi [Mr. MONEY] has voted.

The VICE-PRESIDENT. The Senator has not voted.

Mr. WARREN. I withdraw my vote, as I am paired with the Senator from Mississippi [Mr. MONEY].

The result was announced—yeas 30, nays 40, as follows:

YEAS—30.

Bacon	Clay	Hughes	Simmons
Bailey	Crawford	Johnston, Ala.	Smith, Md.
Beveridge	Cummins	La Follette	Smith, S. C.
Bristow	Daniel	McLaurin	Stone
Brown	Dolliver	Nelson	Taylor
Burkett	Fletcher	Newlands	Tillman
Chamberlain	Frazier	Overman	
Clapp	Gore	Rayner	

NAYS—40.

Aldrich	Crane	Gallinger	Page
Borah	Cullom	Gamble	Penrose
Brandegee	Curtis	Hale	Perkins
Briggs	Dick	Heyburn	Piles
Bulkeley	Dillingham	Johnson, N. Dak.	Root
Burnham	Dixon	Jones	Smoot
Burrows	du Pont	Kean	Stephenson
Burton	Elkins	Lodge	Sutherland
Carter	Flint	Nixon	Warner
Clark, Wyo.	Frye	Oliver	Wetmore

NOT VOTING—21.

Bankhead	Depew	Money	Smith, Mich.
Bourne	Foster	Owen	Taliaferro
Bradley	Guggenheim	Paynter	Warren
Clarke, Ark.	McCumber	Richardson	
Culberson	McEnery	Scott	
Davis	Martin	Shively	

So Mr. DOLLIVER's amendment was rejected.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to.

Mr. ALDRICH. I desire to give notice that I will ask the Senate to consider the passed-over articles of the chemical schedule to-morrow morning.

I move that the Senate adjourn.

The motion was agreed to; and (at 5 o'clock and 20 minutes p. m.) the Senate adjourned until to-morrow, Thursday, May 20, 1909, at 10 o'clock a. m.

SENATE.

THURSDAY, *May 20, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The Journal of yesterday's proceedings was read and approved.

PUBLICATION OF LEGAL NOTICES.

The VICE-PRESIDENT presented a communication from the secretary of the Territory of New Mexico, which was referred to the Committee on Territories and ordered to be printed in the RECORD, as follows:

(Certificate of comparison.)

TERRITORY OF NEW MEXICO,
OFFICE OF THE SECRETARY.

I, Nathan Jaffa, secretary of the Territory of New Mexico, do hereby certify that there was filed for record in this office, at 9 o'clock a. m., on the 18th day of March, A. D. 1909, council substitute for House bill No. 213, an act relative to the publication of legal notices, passed by the thirty-eighth legislative assembly of the Territory of New Mexico in 1909; and also, that I have compared the following copy of the same with the original thereof now on file, and declare it to be a correct transcript therefrom and of the whole thereof.

Given under my hand and the great seal of the Territory of New Mexico, at the city of Santa Fe, the capital, on this 14th day of May, A. D. 1909.

[Seal.]

NATHAN JAFFA,
Secretary of New Mexico.

Council substitute for House bill No. 213.

An act relative to the publication of legal notices, and other matters wherein publication is required, regulating the price to be charged therefor and providing a penalty, repealing certain sections of the compiled laws of New Mexico of 1897, and for other purposes.

Be it enacted by the legislative assembly of the Territory of New Mexico:

SECTION 1. All legal notices, and all matters which are by law required to be published, shall hereafter be published in the English language in an English newspaper, and such publications shall also be made in Spanish in a Spanish newspaper in all counties wherein a Spanish newspaper is published, and for the purpose of this act any newspaper which is published and printed partly in the English language and partly in the Spanish language shall be considered a Spanish newspaper. The publications, the printing of which are hereby required to be made in English, shall in all cases be made in a daily newspaper whenever a daily newspaper is published in the county wherein such publication is required, and shall be inserted in such daily newspaper once each week, on the same day of the week, for four consecutive weeks. In all cases the last insertion of any publication shall be at least four weeks before the return day of any process or day fixed for a sale or other action concerning which such notice is given; and in any city, incorporated town, or county in which no such daily newspaper is published, such legal and other notices required by law to be made or given by publication shall be published four times in four successive issues of a weekly newspaper published within such county; and if there be no newspaper published in such county, then publication shall be made in some daily newspaper published in the Territory of New Mexico of general circulation in such county.

SEC. 2. All public notices now or hereafter required by law to be given or publications required to be made by any board of county commissioners shall be published in both Spanish and English, and such notices shall be published by the city council or board of trustees, or any incorporated city, town, or village, if in the judgment of such city council or board of trustees the best interests of such city, town, or village so require; provided there be in such county, city, town, or village newspapers published in both languages.

SEC. 3. Before a proposed ordinance or franchise shall be finally adopted or granted by the city council of any city or board of trustees of any incorporated town, such ordinance or franchise shall be published in full in some newspaper published in such city, town, or village, and if no newspaper be published in such city, town, or village, such ordinance or franchise shall be posted in three of the most public places in such city, town, or village, one of which places shall be the post-office, for at least three days before final action on such ordinance or franchise is taken; and after the passage and approval of any ordinance by the city council of any city, or the board of trustees of any incorporated town or village, notice shall be given by the publication of such ordinance by one insertion in three consecutive issues of a daily newspaper, and in any city, town, or village where there is not published such daily newspaper such ordinance shall be published two times in consecutive issues of a weekly newspaper, and if there be no newspaper published in such city, town, or village three copies of such ordinance shall be posted in three of the most conspicuous places in such city, town, or village, one of which places shall be the post-office, for at least ten days; and all such ordinances and franchises shall take effect upon the completion of such publication.

SEC. 4. The city council of each incorporated city and the board of trustees of each incorporated town or village shall within ten days after any regular or special meeting of such city council or board of trustees cause to be published in one issue of a newspaper a copy of the minutes of such meeting for the information of the people of such city or town.

SEC. 5. All notices and publications required by law to be made or given shall be inserted in a newspaper of general circulation, which has been regularly published and issued for at least nine months next preceding such publication.

SEC. 6. The legal rate for the publication of all notices and other matters required by law to be made shall be 30 cents per hundred ems of the type in which the notice or publication is set for the first insertion thereof, and 20 cents per 100 ems of the type in which the notice is set for each subsequent insertion; and any publisher of any newspaper who shall charge or exact an additional rate than that herein specified shall be guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding $500.

SEC. 7. All publications required to be made by any county, city, incorporated town, or village shall be paid for out of the general fund of such county, city, incorporated town, or village.

SEC. 8. Any public official or officials required by law to make, or cause to be made, publication in a newspaper of any matter of public record, who shall fail or refuse to make such publication, or cause the same to be made, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding $500.

SEC. 9. Notice of sale of all property belonging to nonresidents, sold under execution or by order of court, when the judgment shall exceed $100, shall be published two times in a daily newspaper, which newspaper shall be designated as the official newspaper of New Mexico by the secretary of the Territory, and upon such designation all notices of sale of property of nonresidents shall be published as herein provided, and the costs of such publication shall be taxed together with costs of sale.

SEC. 10. Hereafter each insurance company, either life or fire, doing business in the Territory of New Mexico, shall be required to publish at least one time in the manner herein provided for, in each county in the Territory of New Mexico in which such company may be doing business, annually, a statement of the financial condition of such company.

SEC. 11. Sections 2611, 2612, 2613, 2614, 2615, and 2616 of the Compiled Laws of New Mexico of 1897 and all acts and parts of acts in conflict with this act are hereby repealed; and this act shall be in full force and effect from and after its passage: *Provided*, That this act shall not affect any publication being made at the time of the passage of this act.

CHAS. A. SPIESS,
President of the Council.

WM. F. BROGAN,
Chief Clerk of the Council.

E. A. MIERA,
Speaker House of Representatives.

E. H. SALAZAR,
Chief Clerk House of Representatives.

Approved this 17th day of March, A. D. 1909.

GEORGE CURRY,
Governor of the Territory of New Mexico.

Filed in office of secretary of New Mexico, March 18, 1909, 9 a. m.
NATHAN JAFFA, *Secretary.*

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Surety Association of America, of Baltimore, Md., praying for a modification of the requirements and practices in the business of furnishing customs bonds and for a reorganization of the system under which customs bonds are now required to be executed, which was referred to the Committee on Finance.

He also presented a memorial of the city council of Las Vegas, N. Mex., remonstrating against the provisions of the legislative act of that Territory relative to the publication of legal notices and other matters wherein publication is required, which was referred to the Committee on Territories.

Mr. JONES presented petitions of sundry citizens of Fruitland, Turk, and Seattle, all in the State of Washington, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. LA FOLLETTE presented a memorial of sundry citizens of Appleton, Hortonville, and Medina, all in the State of Wisconsin, remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

Mr. HALE presented a petition of sundry citizens of North Anson, Me., praying for a readjustment of the wool schedule to remedy the inequalities detrimental to the carded woolen industry, which was ordered to lie on the table.

Mr. DEPEW presented a petition of Chenango Lodge, No. 252, Brotherhood of Railroad Trainmen, of Norwich, N. Y., praying for the passage of the so-called "Burkett boiler-inspection" and the "Borah-Dawson full-crew" bills, which was referred to the Committee on Interstate Commerce.

He also presented petitions of sundry citizens of Poplar Ridge and Aurora, in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of New York, praying for the creation of a permanent tariff commission, which was referred to the Committee on Finance.

He also presented petitions of sundry citizens of Brooklyn, New York City, Glens Falls, Cortland, and Rochester, all in the State of New York, praying for the repeal of the duty on hides, which were ordered to lie on the table.

Mr. SMOOT presented petitions of the Weber Club and the Business Men's Association of Ogden, of sundry farmers of Kanesville, Wilson, Taylors, West Weber, Marriott, and Hooper, all in the State of Utah, and of sundry farmers of Lewiston, Preston, and Whitney, all in the State of Idaho, praying for the retention of the present rate of duty on all grades of sugar, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. GUGGENHEIM:

A bill (S. 2445) granting an honorable discharge to Peter Fleming (with the accompanying paper);

A bill (S. 2446) granting an increase of pension to Joshua Brown Hannum;

A bill (S. 2447) granting an increase of pension to James R. Holdeman;

A bill (S. 2448) granting an increase of pension to Theodore Parker (with the accompanying papers); and

A bill (S. 2449) granting an increase of pension to George H. Teagarden (with the accompanying papers); to the Committee on Pensions.

By Mr. RAYNER:

A bill (S. 2450) for the relief of N. Lehman & Bro.;

A bill (S. 2451) for the relief of the heirs of Isaac R. Maus, deceased;

(By request) a bill (S. 2452) for the relief of the heirs of Jasper M. Jackson and Anna D. Jackson, deceased; and

A bill (S. 2453) for the relief of the estate of Alexander F. Dulin, deceased; to the Committee on Claims.

AMENDMENT TO THE TARIFF BILL.

Mr. PILES submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed and the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The Secretary will read the next paragraph passed over.

Mr. ALDRICH. In paragraph 192 there is a verbal correction that I should like to have made by unanimous consent.

Mr. BRISTOW. Mr. President, I suggest the lack of a quorum.

The VICE-PRESIDENT. The Senator from Kansas suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Crawford	Hale	Perkins
Bacon	Cullom	Hughes	Piles
Beveridge	Cummins	Johnson, N. Dak.	Root
Brandegee	Curtis	Jones	Scott
Bristow	Daniel	Kean	Simmons
Brown	Depew	La Follette	Smith, Md.
Bulkeley	Dick	Lodge	Smith, Mich.
Burkett	Dillingham	McCumber	Smith, S. C.
Burnham	Flint	McLaurin	Smoot
Burrows	Frazier	Martin	Stone
Chamberlain	Frye	Nelson	Sutherland
Clapp	Gallinger	Nixon	Taylor
Clay	Gamble	Page	Warner
Crane	Guggenheim	Paynter	

Mr. SIMMONS. I desire to announce that my colleague [Mr. OVERMAN] is necessarily absent from the city to-day.

The VICE-PRESIDENT. Fifty-five Senators have answered to their names. A quorum of the Senate is present.

Mr. ALDRICH. I ask unanimous consent to modify the amendment adopted yesterday as paragraph 192. I desire to insert, in line 10 of the amendment, after the word "under," the words "subject to duty under this paragraph."

Mr. NELSON. What paragraph is it?

The VICE-PRESIDENT. Paragraph 192.

Mr. ALDRICH. It is simply a verbal amendment to make the meaning of the paragraph clear. It is inserted at the suggestion of the Senator from Georgia [Mr. BACON].

Mr. BACON. The amendment which the Senator from Rhode Island has proposed is one which carries out the purpose, as I understand it, which the committee indicated yesterday. So far as we are able to judge, it does effect the purpose.

Mr. ALDRICH. I think there is no question about that.

Mr. BACON. In other words, the exception being made in the former part of the paragraph, the insertion of those words will make the provisions of this clause relate back to the first part.

Mr. NELSON. I ask the chairman of the committee if it changes the exception?

Mr. ALDRICH. Yes; it changes the exception so as to make it perfectly clear that the provision adopted in the first part in regard to hermetically sealed goods shall also apply to the proviso.

The VICE-PRESIDENT. Is there objection to agreeing to the amendment? The Chair hears none, and the amendment is agreed to.

Mr. ALDRICH. I ask unanimous consent to take up paragraph 21, it being my purpose to go on and dispose of the various paragraphs we have passed over, as far as possible.

The VICE-PRESIDENT. Without objection, that order will be followed. The Chair hears no objection. The Chair calls the attention of the Senator from Rhode Island to the fact that paragraph 5 was also passed over.

Mr. ALDRICH. I have an understanding with the Senator from South Carolina [Mr. TILLMAN] that that paragraph is not to be taken up in his absence.

The VICE-PRESIDENT. Paragraph 21, then, will be read.

The SECRETARY. In paragraph 21, line 1, page 8, the first committee amendment was agreed to. The second committee amendment is in line 5, after the word "quebracho." The committee propose to strike out "not exceeding in density 28° Baumé, one-half of 1 cent per pound; exceeding in density 28° Baumé, seven-eighths" and to insert "one-half," so as to read:

Extracts of quebracho, one-half of 1 cent per pound.

Mr. LA FOLLETTE. I believe there is an amendment pending to the amendment of the committee, and a roll call was ordered upon it.

Mr. BEVERIDGE. Let it be read.

The VICE-PRESIDENT. The Secretary will state the pending amendment to the amendment of the committee.

The SECRETARY. In the committee amendment, strike out "one-half" and insert "one-fourth," so as to read:

Extracts of quebracho, one-fourth of 1 cent per pound.

Mr. DANIEL. Mr. President, on the amendment offered by the Senator from Wisconsin, I wish to say some words before the vote is taken,

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from Wisconsin?

Mr. DANIEL. Certainly.

Mr. LA FOLLETTE. I do not think the amendment to the amendment was reported. The committee amendment was read by the Secretary, but I did not hear the pending amendment.

The VICE-PRESIDENT. The Secretary will again state the amendment to the amendment.

Mr. LA FOLLETTE. Some Senators did not hear it, and it is for their information that I desire to have it read again.

The SECRETARY. The committee reports in favor of striking out, after the word "quebracho," the words "not exceeding in density 28° Baumé, one-half of 1 cent per pound; exceeding in density 28° Baumé, seven-eighths" and to insert "one-half," so as to read:

Extracts of quebracho, one-half of 1 cent per pound.

The Senator from Wisconsin [Mr. LA FOLLETTE] moves to amend the amendment by striking out "one-half" and inserting in lieu "one-fourth," so that it will read:

Extracts of quebracho, one-fourth of 1 cent per pound.

The VICE-PRESIDENT. The yeas and nays have been ordered on agreeing to the amendment of the Senator from Wisconsin to the amendment of the committee.

Mr. DANIEL. Mr. President, in the view which I shall advocate, the proposition of the pending act—that is, seven-eighths of 1 cent per pound—is a correct, scientific and useful rate of duty for the tariff on the solid tanning extract known as "quebracho," with a half cent on the liquid extract of the same essence. I shall therefore oppose the amendment offered by the Senator from Wisconsin to reduce the rate fixed by the committee amendment from half a cent a pound to a quarter of a cent a pound; and I shall also oppose the committee amendment to the Payne bill regarding both amendments as bases of the perpetuation of an error.

Quite a history hangs around this provision in the bill, and I shall endeavor to state the different stages that this matter has been through.

The quebracho tree is a growth of subtropical countries, such as the Argentine, Paraguay, and southern Brazil and Buenos Aires.

The name "quebracho" is Portuguese, and signifies "ax-breaker," a name attached to it on account of its density and hardness.

The name did not appear in commerce until the last quarter of a century, and in recent years it has become common on account of a tanning extract produced from it.

The French are said to have introduced it into France experimentally in 1875.

Samples were brought to the United States in 1883, experimentally also, but it was not until the tariff act of July 24, 1897, known as the "Dingley Act," that it appears to have been mentioned as a commodity of tariff taxation.

EQUALIZATION OF TARIFF ON THE LIQUID AND THE SOLID POUND OF QUEBRACHO EXTRACT.

According to my conception, an error was made in the Dingley Act, or rather a mistake committed, by placing a half cent per pound on quebracho extract for tanning purposes without distinguishing between the liquid pound and the solid pound. The solid pound is nearly double in intensive power and in value to the liquid pound.

The case is a peculiar one. It has no twin, and I am pretty sure has no close kindred in any of the multitudinous items of this bill.

This is a case in which a tariff provision leaked or was dissipated and evaporated by reason of a changed method of manufacture. Powerful foreign rivals in South America began to get the best of our domestic manufacturers of tanning extracts to such degree that while our products decreased from six and one-half million dollars to less than $3,000,000 in value, the chief imports produced out of the quebracho tree increased from $637,000 to $3,315,000, according to the selling prices in this country.

It is proposed in the pending act to put seven-eighths of a cent tax on the solid quebracho and a half cent on the fluid, so as to proportion the tax laid to the amount and potency of the tanning extract imported. I favor this proposition because, in my view, it will produce a tendency and exercise an influence toward the accomplishment of these good purposes:

First, it will reduce the Dingley tariff on the quebracho extract by 6¼ per cent.

NO INCREASE, BUT A REDUCTION OF TARIFF ASKED.

It is not for an increase of the tariff that I am asking. It is for an equalization of tariff or its approximate. If the proposition as the Payne committee had it is effected, there will be a reduction of the Dingley tariff by 6½ per cent and the better service, as I think, of all American interests involved.

In the second place, instead of destroying or mutilating our American industries, those who are making chestnut-oak extracts will preserve a competitive relation between foreign and domestic manufacturers, a situation evidently in the interest of the people and greatly commended by political economists.

In the next place, Mr. President, I think it will preserve the existing revenue from foreign importations and in likelihood increase it, for the need of the quebracho extract is growing daily; and at a reasonable rate, which does not prohibit it, I think it is sure to find a constantly enlarging market in this country.

And, in the next place, which can not be an indifferent consideration, it will steady and assure the employment of many American laborers, instead of scattering them away from broken-down American establishments.

Finally, it will give to the American manufacturers what they have not now on account of the Dingley Act—a fighting chance. Such, it is believed, will be the result of the proposed amendment of the law.

THE DIFFERENCE OF FOREIGN AND DOMESTIC LABOR COST—THE DEMOCRATIC VIEW.

I think that the question of labor is extravagantly stated in some cases, but neither the Democratic party nor the Republican party have ever been indifferent to it; nor should they be. I feel careless of the criticism made upon me that I said in a recent address we must respect labor and put the difference in labor cost in favor of our American laborers. It has been so long that not only the platform declaration of the Democratic party, but also those advocated by its leaders, with whose utterances I am familiar, that I think it useless and trite to pause to defend it. But I will insert here the Democratic platform of 1888, and refer to the utterances of President Cleveland in his messages. The Democratic platform of 1888 says: "Our established domestic industries and enterprises should not and need not be endangered by the reduction and correction of the burdens of taxation. On the contrary, a fair and careful revision of our tax laws, *with due allowance for the difference between the wages of American and foreign labor*, must promote and encourage every branch of such industries and enterprises by giving them assurance of an extended market and steady and continued operations. In the interests of American labor, which should in no event be neglected, the revision of our tax laws contemplated by the Democratic party should promote the advantage of such labor by cheapening the cost of necessaries of life in the home of every workingman and at the same time securing to him steady and remunerative employment. Upon this question of tariff reform, so closely concerning every phase of our national life, and upon every question involved in the problem of good government, the Democratic party submits its principles and professions to the intelligent suffrages of the American people."

WHAT WAS ASKED BEFORE THE HOUSE COMMITTEE.

In the hearings on these subjects both sides have appeared. The foreign elements, who are seeking to get quebracho upon the free list and who declare that they will be so justified in asking, have constantly pleaded for a lower tariff than any committee has felt justified in giving them. On the other hand, quite recently the American manufacturers asked before the Payne committee for a tax of 1 cent per pound upon liquid extract and 10 per cent ad valorem. Neither party was favored by the committee, but they pursued a moderate course, and a course much lower with respect to a rate of taxation than has been pursued in many cases. A tax of fifty one-hundredths was a very low tax on the American extract. It was cut in two practically by the manufacturers who produced the foreign extract quickly turning from the liquid extract to the solid, and thus nearly double weight through the tariff. They seek now to reduce it by another half, and if this is done, such is the present situation of the foreign industry and such our own situation in the United States, it is almost self-evident that a great trust, with its headquarters in London, with its capital provided by both Germany and England, will be seated steadily in the saddle. Unless history reverses itself, instead of diversified industries all over this country competing with it, you will have a broken-down lot of American industries and a triumphant and high-priced foreign master.

Now, I proceed, Mr. President, to show a little more in detail the relations of this matter.

AMERICAN MANUFACTURERS.

The American manufacturers of extract are in the old colonial States of New York, Connecticut, Virginia, North Carolina, and Pennsylvania, and also Tennessee and West Virginia.

The 23 tanning extract factories in the United States are located as follows:

	Plants.
Virginia	9
West Virginia	1
North Carolina	6
Tennessee	4
Pennsylvania	1
New York	1
Connecticut	1
Total	23

The 9 factories in Virginia are at Stokesville, in Augusta County; the Excelsior plant, at Broadway, in Rockingham County; at Basic City, in Augusta County; at Lynchburg, in Campbell County; at Buena Vista, in Rockbridge County; at Bristol, in Washington County; at Damascus, in Washington County; at Big Stone Gap, in Wise County; and Stamford, at Lynchburg, in Campbell County.

As I am informed these 23 factories when running full have an annual capacity of 425,000,000 pounds of liquid extract. Of this quantity 317,000,000 pounds is chestnut extract, which would have a value of $3,962,500; the balance is quebracho, with a value of $2,500,000. Total value would be $6,462,000.

Labor required at full capacity, over 7,000 men.

Wages which would be paid annually, over $4,000,000.

In 1904, as I am told, every American extract plant was running full capacity; since then the output has decreased gradually to about 50 per cent at the present time.

Since the adoption of the solid form of manufacture, and since the Dingley Act, either by accident, oversight, or otherwise, put the same tariff on the extract of quebracho without distinguishing between the liquid and solid forms, the American interests have been withering and the Argentine interests have been increasing every day.

THE PROPOSED REDUCTION OF DUTY WHICH I FAVOR.

I ask you to observe that the extract manufacturers are not asking for an advance in duty, as the rate of one-half cent in the Dingley bill was placed on the liquid extract containing 35 per cent of tannin, and since 1905 it has been imported in solid form containing 65 per cent tannin, which was equivalent to reducing the Dingley duty by nearly half, whereas to carry out the intent of the Dingley bill it requires a duty of seven-eighths cent or more on the solid extract to equalize the difference in value. This difference between liquid and solid is recognized by all European countries, extract of a density of 28° Baumé being the dividing line between liquid and solid.

On the contrary, reduction of duty is proposed in this wise: The seven-eighths of 1 cent will only apply to the solid extract—not to the fluid. Seven-eighths of a cent per solid pound is not equal to the present rate of one-half cent or fifty one-hundredths on the fluid pound. On the contrary, it amounts to ninety-four one-hundredths on the solid pound, which has twice as much potency in tannin, and in 1 pound contains the percentage of the liquid pound in tannin value, equal to forty-seven one-hundredths instead of fifty one-hundredths, the extant tariff under the Dingley Act. This is a little over 6 per cent reduction of the Dingley rate.

The proposed reduction is not a sweeping or a destructive reduction, but one that will conserve every American interest and leave full play to the competitive forces, both foreign and American, without assuring final success to either.

THE JEFFERSONIAN PRINCIPLE OF COMPETITIVE TARIFFS.

Whenever there is a fair fight between an American and a foreigner for the control of American things, not involving oppressive or monopolistic charges on the people, I stand with the American.

It is only when American enthusiasts overstep the line which seems to me that of wisdom and fair play that I would seek to restrain them by abating excesses, so that the disproportionate burdens may be removed from our fellow-Americans.

The experience of history, from generation to generation, has denoted that if we allow the reins of control to slip from our hands and pass to those of aliens, they will immediately increase the cost of whatever we get from them.

In the course I am pursuing I have Thomas Jefferson as one of the sponsors for it, and it is sound Democracy of an old and well-attested brand.

Jefferson advocated a metallic circulation that will take its proper level with the like circulation in other countries, and then he says:

Our manufacturers may work in fair competition with those of other countries, and the import duties which the Government may lay for the purpose of revenue will so far place them above equal competition.

THE DINGLEY TARIFF ACT OF 1897.

Now, Mr. President, I turn to the adoption of the various tariff acts. Paragraph 22 of the Dingley Act, the act of 1897, provided as follows:

22. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this act, seven-eighths of 1 cent per pound; extracts of quebracho and of hemlock bark, one-half of 1 cent per pound; extracts of sumac, and of woods other than dyewoods, not specially provided for in this act, five-eighths of 1 cent per pound.

In that form the Dingley Act went into effect.

It will be observed that the tax thus fixed in section 22 in the Dingley Act in 1897 was "on extracts and decoctions:"

(1) On logwood;
(2) Other dyewoods;
(3) And extracts of bark, such as are commonly used for dyeing or tanning and not specially provided for in this act—

seven-eighths of 1 cent per pound.

These provisions included all tanning extracts except those in that section specified, viz:

(1) Extracts of quebracho and of hemlock bark, one-half of 1 cent per pound.
(2) Extracts of sumac and of woods other than dyewoods not specially provided for in this act, five-eighths of 1 cent per pound.

The rate of seven-eighths of 1 cent per pound applied, of course, to all the chestnut-oak extracts, chestnut oak being a term applied indiscriminately to extracts made of chestnut-oak wood or bark or of mixtures thereof. At any rate, the American extracts made from the woods or barks which are common, and, indeed, abundant in this country, were all covered by seven-eighths of 1 cent per pound.

Some of the extracts of quebracho and of hemlock bark, which were fixed at one-half of 1 cent per pound, were prepared and marketed at that time in a liquid form, and the quebracho extract was of a density of 28° Baumé.

EVAPORATION OF THE TARIFF FROM THE LIQUID QUEBRACHO EXTRACT.

For some years after the Dingley Act of 1897 the quebracho extract continued to be marketed in a liquid form and generally in barrels, but in a few years the form of manufacture was changed and it was put upon the market here in solid cakes packed in bags.

A pound of quebracho extract made in these solid cakes was a great deal more in amount as a tanning element than it had been when it was taxed at a half cent per pound in its liquid shape. In fact, the cake was nearly doubled in value per pound as compared to the liquid value per pound.

In short, the tariff of a half cent per pound on the quebracho liquid pound was a wholly different thing. When that liquid was transformed into a solid, with its nearly redoubled intensive power, the tariff evaporated just in proportion as the percentage of tanin in the pound of goods increased.

There is 35 per cent of tannin, as I wish to repeat and impress upon the Senate, in a pound of quebracho liquid, and 65 per cent of tannin in a pound of quebracho solid. It would consequently take ninety-four one-hundredths of a cent to operate in the same way on quebracho importation as fifty one-hundredths of a cent, or a half cent, had operated before the change. The consequence was that the tariff on quebracho was so reduced that it rapidly increased in sales in our market, while the American extracts declined. In short, the tariff was thus reduced on quebracho extract from a half cent a pound to twenty-seven one-hundredths of 1 cent—that is to say, 23 per cent.

THE PENDING PAYNE TARIFF ACT.

The pending act, as introduced into the House of Representatives March 17, 1909, and as committed to the Committee of the Whole, contained in paragraph 21 certain provisions which would work out an economical correction of the disparity I have pointed out, and the House adopted it. It is as follows:

21. Extracts and decoctions of logwood and other dyewoods and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, seven-eighths of 1 cent per pound; extract of nutgalls, one-fourth of 1 cent per pound and 10 per cent ad valorem; extract of Persian berries, 20 per cent ad valorem; chlorophyll, 20 per cent ad valorem; *extracts of quebracho, not exceeding in density 28° Baumé, one-half of 1 cent per pound; exceeding in density 28° Baumé, seven-eighths of 1 cent per pound;* extracts of hemlock bark, one-half of 1 cent per pound; extracts of sumac, and of woods other than dyewoods, not specially provided for in sections 1 or 2 of this act, five-eighths of 1 cent per pound; all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, not containing alcohol and not medicinal, and not specially provided for in sections 1 or 2 of this act, 15 per cent ad valorem.

Thus we perceive that section 21 of the Payne Act, as passed by the House of Representatives, fixes the tariff of seven-eighths of 1 cent on the solid extract only—that is, on the extract "exceeding in density 28° Baumé," as well as on "the extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this act." It was in this manner that the Payne Act equalized the competitive relations existing naturally between the quebracho extract and the other extracts and decoctions of logwood and other dyewoods mentioned. At the same time it contained the tax of one-half of 1 cent per pound on the extracts of quebracho not exceeding in density of 28° Baumé. Thus the extracts and decoctions of logwood and other dyewoods, such as are commonly used for dyeing and tanning, were placed on the same footing with the quebracho extract, and a tariff more scientific was created.

ALDRICH SENATE BILL.

We come now to the proposed Senate amendments to the Payne bill in the Senate measure before us.

The reported Senate bill provides for the striking out of the words which are in brackets, dispensing with the difference in density of the extract, and putting, just as before, a rate of one-half of 1 cent per pound upon the product. Section 21 of the Payne bill, as recommended by the Republican members of the Senate committee, is as follows, the words proposed to be amended being in brackets. I should like to have that inserted in my remarks.

The PRESIDING OFFICER (Mr. BURKETT in the chair). Without objection, it will be inserted.

The matter referred to is as follows:

21. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, seven-eighths of 1 cent per pound; extract of nutgalls, *aqueous*, one-fourth of 1 cent per pound and 10 per cent ad valorem; extract of Persian berries, 20 per cent ad valorem; chlorophyll, 20 per cent ad valorem; extracts of quebracho, [not exceeding in density 28° Baumé, one-half of 1 cent per pound; exceeding in density 28° Baumé, seven-eighths] *one-half* of 1 cent per pound; extracts of hemlock bark, *and of mangrove bark*, one-half of 1 cent per pound; extracts of sumac, and of woods other than dyewoods, not specially provided for in [sections 1 or 2 of this act] *this section*, five-eighths of 1 cent per pound; all extracts of vegetable origin suitable for dyeing, coloring, staining, or tanning, not containing alcohol and not medicinal, and not specially provided for in [sections 1 or 2 of this act] *this section*, 15 per cent ad valorem.

Mr. DANIEL. And it is justly proposed to reject the Senate amendment to effectuate the change in the form of quebracho manufacture and to fix the same tariff on its solid as existed under the Dingley Act in its liquid form.

The Senator from Wisconsin [Mr. LA FOLLETTE] has proposed the amendment to strike out the half cent for the solid quebracho extract and to insert twenty-five one-hundredths of a cent per pound. This means greater destruction to many American industries which manufacture tanning extracts and puts the foreign quebracho rival in possession of our markets.

It is my hope that both this amendment and the committee amendments will be voted down, and that the proposition of the Payne bill of seven-eighths of 1 cent per pound on the foreign extracts will be confirmed and become the law.

Having thus stated this case in its simple legal relation, we have those who ask a much higher tariff or a somewhat higher tariff, and we have the foreign competitors, who have already succeeded in their form of manufacturing in getting the tariff reduced half and now deliberately ask that that half be again halved, with intimations that they desire its abolition. But a medium course was pursued.

Thus, Mr. President, we have an ideal relation produced by the various manufacturers of the world, one in which the American manufacturer has the advantage of his raw material near all his factories, with the sea between him and his foreign competitors. So, under this situation each party will be striving to do its best, and it will be to the one who does the best that will go the trade.

This is not a satisfactory relation according to all preachments of the Republican party, and it is due to their dissatisfaction with this relation that we have often had specific, cumulative, and ad valorem tariffs. If we were pursuing their example in many cases, such a tariff would be asked in this case.

THE MIDDLE GROUND.

I believe in, and I am in this case approaching, what I consider to be the moderate middle-ground. Not only is it the fact, Mr. President, that the American tanning-extract makers arose to their position without the domination of an American trust, but within the menace and manifested purpose of an inchoate, if not completed, foreign trust. We have it in the advertisements and in the papers of those who are trying to get the American tariff obliterated or so decreased as to leave scarce any chance for the American manufacturer that they formed a trust in 1907, which was broken down by the hard times which flooded the whole country.

THE FORMING TRUST.

It rests upon information which I believe to be correct, though it is very difficult to get correct and assured information on such topics, that the manufacturers in Argentina are banded together. We know that the Klipstein house, of New York, is

their common agent. We know, furthermore, that Klipstein went to South America and tried to form a trust in 1907. We have it from financial reports, which we believe to be correct, that after their success in getting ahead of the American manufacturers by this twist in the Dingley tariff, they have formed a trust in the city of London, and I have the following statement of facts from a gentleman whom I regard as perfectly reliable and honest:

In 1900 a business was formed in London in the name of Harteneck & Co. (German) and capitalized at	$800,000
In 1901 this business was incorporated as the Forestal Company (German) of Argentina, at	1,350,000
In 1906 this business sold out to an English syndicate for	5,000,000
In 1908 it was reorganized as the Forest Land, Timber and Railways Company at a capitalization of	9,000,000

In one of the advertisements which is associated with it, the schemes of the people who are getting control of this foreign extract of quebracho, it is said:

In the month of October, 1898, Carlos Harteneck sailed from Antwerp with the machinery and practical extract makers for the new plant. Before sailing a conference was held in Antwerp between Mr. Harteneck and Mr. E. C. Klipstein, of New York, to arrange for the direct shipment to the United States of the product of the new Argentine plant.

The new plant was located on the "French" Railway, in the Province of Santa Fé, at a place called Calchaqui. The erection of the plant was pushed so vigorously that *A. Klipstein & Co. received* the *first shipment* on account of their contract in April, *1900*.

The success of this venture was such that in 1904 the brothers Portalis, of Buenos Aires, large owners of quebracho land, joined the Hartenecks and the *Compania Forestal del Chaco* was formed to operate the Calchaqui works and to build a new factory with a capacity for 20,000 tons of extract yearly some 300 miles north of Calchaqui, and still further in the heart of the Chaco wilderness. Not only an extract plant but a town and 50 miles of railroad has to be built.

So energetically was this enterprise pushed that the new city *Villa Guellermina, in May*, 1905, began *shipping extract to the United States*, whose requirements meantime had increased to 18,000 tons yearly.

In 1906 a third plant was completed with a capacity of 7,000 tons yearly, while the consumption in the United States went up to 30,000 tons of Argentine extract, besides the liquid extract made by the two American manufacturers.

Such large operations necessitated more money for conducting them, and therefore the *Forestal Company* was merged into *The Forestal Land, Timber and Railways Company*, with a capital of *£1,000,000 sterling*—furnished largely in *England*. This capital has since been increased to *£1,800,000* ($9,000,000), additional quebracho lands purchased, and also the extract plant at *Pegucho*, on the Parana River, with a capacity of 7,000 tons yearly.

At the present time the *Forestal Land, Timber and Railways Company operates 4 plants*, producing *yearly 50,000 tons of solid extract*.

The capital now, as I am advised, is $9,000,000. It has been stated, Mr. President, in the advertisements of this new and imposing combination, that the quebracho extract, made from the quebracho tree, is necessary to help the chestnut extract of this company and to provide the most serviceable tanning fluid. To some extent this may be true; but I have either here or in my office as fine a piece of sole leather as I have ever seen. It was prepared with 90 per cent of chestnut tannin and 10 per cent of quebracho. The chestnut extract as an element for tanning has certain advantages; the quebracho has certain advantages; and the combination of the two makes the best.

GIVE AMERICANS A FIGHTING CHANCE—NO PROHIBITIVE TARIFF.

Therefore it is not unwise that we should not put any prohibitive tariff on the quebracho extract. We should give to them both a fighting chance. A fighting chance in life is the great thing that equitable and honest minds desire to have. In any fair fight—and the tariff all over the world is becoming a fight—that does not involve oppression, greed, sharp practice, or something of the sort, I stand in all things on the side of the American. It is a natural instinct of a patriotic man to do so; and he ought to do so. When you go to building five and six story tariffs, with towers and steeples on the top—specific, cumulative, compensatory, ad valorem, prohibitive, and all that—I must speak to them, examine, and when they overpass what is just, fair, and equitable to the American man, I vote against them. Show me what the just thing is and, I do not care what name you call it, I am for it. Conjurers sometimes use the names "protection" and "free trade" without distinctive meaning. I may vote for a 10 per cent tariff on lumber in some form, and when I do I fear I shall be immediately proscribed by such new enthusiasts as perhaps my distinguished friend from Indiana [Mr. BEVERIDGE] as voting for a protective tariff.

Mr. BEVERIDGE. Oh, no. I will commend the Senator for voting for a protective tariff, but not for departing from the principle of revenue.

Mr. DANIEL. I do not wish to inject a debate into my own.

Mr. BEVERIDGE. No.

Mr. DANIEL. You will never lose an opportunity nor lack the wit to avail of it to hammer anybody on any side, and I leave you to improve that opportunity as you may find it; but when either you or any other high protectionist is expounding the difference between protection and tariff for revenue, I hope one of you will tell me where the line lies. I note that some are frequently asking the Democrats where the line lies, but never have been able to discover it yourselves, although you may fling the Democratic man over on the protective line if he thinks it is injudicious to remove some revenue tariff that is extant.

Now, if we are to indulge in criticisms and satires on each other on account of the use of these terms, I hope that the gentlemen will hereafter hang their criticisms or satires upon some definition upon which the applicability of their remarks may be tested.

GENERAL PRINCIPLES BEFIT PLATFORMS.

I observe, too, that there are large tendencies toward free trade in this body. It is not unnatural that there should be, whatever may be the motive actuating the minds that move toward it. For instance, I see we are told by some that we must put everything upon the free list which is controlled by a trust. If we should adopt that as laying down a primary, elemental, and moral law with which to proceed, we should play right into the hands of a great many of the largest and most onerous trusts. General principles, defining the large relations of government, are the only things that have any permanent home in platforms, and the only ones that ought to get lodgment there at all. Going into refined schedules, which may be shifted by to-morrow's invention, or a chemical or a mechanical process, or by a complete turn in the course of trade, is merely reckoning without your host. It is in the great general lines that have divided men since the Revolutionary war that men most differ and that men may more properly differ. Each side is in some degree right; and in finding the balance is the great operation of inquiry of the human mind, which will lead us to that which is highest and best.

AN AMERICAN CASE.

Mr. President, I am confronted here with a case that is broadly American in all of its aspects. It is not sectional; it is peculiar in the fact that my own State of Virginia has more of these chestnut-extract establishments than any other State; but they have gone along so quietly in their business that they have never been challenged by anybody as doing anything illegal to advance it. They are not associated with any trust that I have ever heard intimated, and they have grown up under the laws which you created, not making them the favorites of Congress, but giving them, as matters stood, a living chance. But for that leak in the Dingley law—I do not blame them, its authors, for it, or the foreigners; but it was on account of the miscarriage of a moderate tariff that this leak occurred, and that this question arises. Otherwise they would have been all right and been able to maintain their competition.

If you will look, Mr. President, at the scale of rates of the article of quebracho, especially if you are one who is accustomed to read market reports and to note the fluctuations in the values of such products, you will see the creeping methods of the trust denoted in the exchange by the advance of these combinations of quebracho extractors to the consummation of their purpose.

THE GERMANS AND THE ENGLISH.

The Germans and the English are not only the most progressive, but they are the most aggressive people in the world. The rise of the Germans since the days when Stein and others taught them how to organize and their succession of military chieftains at the head of the Government disciplined and imperialized and trained their forces has been one of the most remarkable of all the demonstrations of human history.

I wish to avoid in every way we can collisions and just grounds of complaint from other nations; but we know their wary methods; we know the great capital they have behind them; we know the studious, scientific industry of scholarship which they apply to them; and under these conditions, with strifes ahead of us, I should be slow to crush out any sort of well-doing and honest American industry which was not backed by an oppressive tariff.

PROPOSITIONS.

So, Mr. President, without going further at this time, I submit these propositions: First, that seven-eighths of a cent per pound is a reasonable and, in large measure, an habitual tariff on extracts; second, that it is necessary to equalize the difference between the solid and the liquid extract by putting on that tariff; third, that it is desirable to do so to give a fair fighting chance for success to 23 American establishments which are now organized, with capital invested, and labor at hand, and which must inevitably diminish and wither if this equalization is not made. I see nothing in it objectionable to any party creed.

Things extant and things concrete are always greater than things abstract. The abstract sciences are the only things that we know of that are perfect and represent divinity in complete accuracy and nicety of their lessons; but it is only with

things concrete with which we can deal here; and concrete science applied for human good remains, so far as men are concerned, a thing that is divine, if it be faithful and truthful.

Mr. SMITH of South Carolina. Mr. President, my attention has been called to the particular paragraph which we are now discussing. I want to say at the outset that there has been some discussion pro and con as to what constitutes a Democrat and what constitutes a Republican, and as this is my first attempt at national legislation, I wish to say that I have some ideas; and this American extract, coming as it does from the bark of the oak and the chestnut, illustrates this particular point. I find that in the mountains of North Carolina, South Carolina, and Virginia vast areas are absolutely being deforested to get the bark from which this extract is taken.

One of the great questions before us to-day is the preservation of our forests. That is a permanent good. The secondary consideration is getting from the outside those things which can substitute cheaply for us those elements which enter into the manufactured product and preserve for us those things that are of permanent good. Last year in South Carolina and in parts of North Carolina a flood, 7 feet higher than was ever known in the history of my State, swept from the mountains to the seaboard, entailing a greater loss than the income duties from this would amount to for a score of years. Millions and millions of property were swept away by the uncontrolled floods that came by reason of the fact that the watersheds had been denuded, and the downpour of rain, having no check, swept into our rivers and swept crops and property away. Here we are spending money, taxing our ingenuity to preserve our forests, and attempting to put a tax on that which would substitute these tan-bark extracts.

The same is true in reference to our lumber. In our attitude toward forest preservation and the saving of the crops from the mountains to the seaboard that are dependent upon whether or not the rivers overflow, we are met with the argument that a tax on lumber would preserve our forests. I got a little note the other day from a gentleman in Texas which seemed to me to illustrate our attitude. He said we have a tax of $2 a head on the wolves of the plains—these little coyotes that destroy a good deal of property—and he said that he did not think that the tax of $2 a head would be instrumental in propagating wolves. We are putting a $2 tax on lumber; we are putting a duty on tan bark; and then, on the other hand, we are attempting to legislate for forest preservation.

I want to say right here, in this connection, that, so far as the revenue feature of this bill is concerned, it does not interest me after all so much as the preservation of the forests intact on the watersheds of Virginia, North Carolina, and South Carolina. That has got to be done. I do not think there is any question of Democracy or Republicanism involved in it. The question of a high protective tariff should not enter into this discussion on this particular schedule. It is simply a question of preserving that which is of inestimable value to every man who is interested in the production of cotton and in the production of grain on the seaboard between the mountains and the ocean. If you were to go with me, even in my section of the country, you would see thousands upon thousands of acres destroyed just for the purpose of getting this bark.

I know that a great many mountaineers are engaged in this industry, and it may be their livelihood; but I am persuaded that it is not so much for sake of the mountaineer that this duty is wanted. The American laborer has been made the object of solicitude on both sides; and yet I have never heard of any man who, when he declares a dividend of 40 or 50 per cent from the profits of his business, puts his hand in his pocket and voluntarily divides with the labor that helps produce it. We only encourage labor when labor encourages us; and this protective tariff, from start to finish, is not for the purpose of benefiting labor. There is not a man on this floor who believes that we are voluntarily legislating here for the benefit of labor.

The forests have got to go; the cotton fields of my State have got to go; the grain growers of the West have got to pay their quota, in order to bolster up the idea that the American Congress is committed to the salvation and preservation of the American laborer. Cut the forests off the watersheds and leave the fields at the mercy of the floods, take the proceeds from the fields and the laborers from the fields, and all for the so-called "benefit to labor," and yet labor to-day is organizing itself to keep from being ground between the upper and the nether millstones.

Mr. DANIEL. Mr. President, if I am not obtrusive, I should like to ask my distinguished friend from South Carolina if he has read the views of the forester of the Biltmore estate in the tariff hearings—the statement of Mr. Kerr—on the production of these extracts from the wastes of chestnut wood? I find them in the compilation of tariff hearings pertaining to the manufacture of American extracts. I think that his statements would modify my friend's views.

Mr. SMITH of South Carolina. Well, Mr. President, I have been there; I spend my summers there; and there is not a more pitiable destruction going on in America to-day. I take it that on the other side and on this side we may differ as to certain minute details, but I do hope that we are all Americans, not Democrats and Republicans, when it comes to the welfare of this country, but deep down in heart we are all Americans, looking for the welfare of America, whether in Massachusetts or in South Carolina. The great question to consider here is not the question of expediency for to-day, but the permanent benefit and perpetual good of the Nation at large. I have been up there and seen for myself, and I have seen hundreds and hundreds of acres denuded and the timber left on the ground when it was not used for paper pulp.

Here we have a tax to keep out the importation of timber to take the place of our failing supply of paper for publication. Whatever else may be involved, I say here and now that if we propose to preserve that which is rapidly disappearing—the lumber supply of this country—here is a good place to start right now. Wood pulp is used in paper manufacture; the bark is used in the manufacture of tanning extracts; and the two inducements are sweeping the hillsides of this country and the forests.

I do not stand here as an advocate of free raw materials, so called. I stand here for the purpose of seeing that the man who produces the raw material under a republican form of government has as much right to the consideration of the Government as the man who makes the finished product. If in the nature of the case you can not protect the producer of the raw material, according to the eternal laws of justice you have no right to protect at his expense the man who makes the finished product.

The contention of this side, as I understand it, is that there are millions of people engaged in production of raw material who, by the very nature of the case, can not become the beneficiaries of the protective policy, and in framing this bill you are not following the doctrine of equal rights to all and special privileges to none.

I am not here criticising anybody; I am simply trying to take care first of my section and next of the whole country at large. The cotton crop of the South can not be affected without it meaning more to England, as Henry W. Grady said, than the invasion of a foreign army. There is not a shower that falls in my section of the country that is not telegraphed the world around, and there is not a frost that comes that is not of vast moment to the entire civilized world, and yet in spite of the tremendous position that my section of the country occupies; in spite of the fact that we produce that crop which is one of the two primary considerations of the human family, viz, what we shall eat and what we shall wear, my section answering the last question and the West answering the first question, and out of these two the world looks for its food and its clothing—and yet we have got to be sacrificed in order that the profits that come from these favors of God shall pour in an unceasing stream into the coffers of those who need no protection.

I have said this much in reference to forest preservation, because upon the preservation of the forests depends that great stretch of country that lies from the shadow of the mountains to the sea. It is enough for us to buy fertilizers now. The boll weevil is already invading our territory, and to the added cost of fertilization comes the added cost of fighting this pest that is not to be exterminated. We are making that upon which the whole world is waiting to be clothed. The element of cotton has entered so far into the uses of the human family that it has become really the king of the fibers. Flax, wool, and silk have gone before its steady march, giving to the toiling nations of the earth a cheap form of clothing that is as good and as serviceable as that which comes from the other three fibers; and yet in every single measure brought here no consideration is extended to that section, which, without protection or the consideration of the Government, is making the foundation of the wealth of New England and that upon which the very commercial structure of England is dependent. Yet she must become the hewer of wood and the drawer of water and suffer from every single act of legislation that comes before this body. There is no protection from floods; no protection from the inroads of free competition; and I do enter my protest, Mr. President, against the passage of any act that lays or

threatens to lay any further burden upon my already overtaxed section.

Mr. SIMMONS. Mr. President, there are some Senators in this Chamber who think that we can regulate everything in this country through the tariff.

We constantly hear it asserted here when a Senator is in favor of a duty that the trusts are opposed to it, and when a Senator is opposed to a duty that the trusts are in favor of it, and we are asked to raise or remove the duty because of the supposed attitude of the trusts. Undoubtedly, Mr. President, there is a connection between the tariff and the trusts. There are duties which foster and shelter the trusts. That is generally the case with excessive and prohibitory duties, and where that is clearly the case these duties ought to be either reduced or removed. But we can not effectually regulate the trusts through the tariff. In the last analysis we have got to rely upon the civil and criminal laws against these conspiracies—the civil law to dissolve them, and the criminal law to punish them.

When we were discussing the lumber schedule we were told that the way to protect our forests was by a duty on lumber, and now comes the Senator from South Carolina and advises us that the way to protect not only our forests but our waterways is through removing the duty on quebracho, and the Senate is solemnly assured that unless we reduce this duty on quebracho one-fourth of 1 cent that our forests will be destroyed and torrential floods will destroy the navigability and water power of our streams. Carried to its logical conclusion, the position of these Senators is that we must not use our forests for lumber or for tannin extracts or for any other purpose lest we destroy them.

Mr. President, I am very much obliged to the Senator from South Carolina [Mr. SMITH] for his solicitude about the forests in western North Carolina. I have had some communication with the people of that particular section upon this very question, and I have some measure of familiarity with the conditions up there. I have not had a single letter from a constituent of mine living in the Appalachian region of my State, where this tanning is carried on, suggesting that the making of tannin out of chestnut oak was in any way injuriously affecting the forests or the water flow of streams in that section.

There was a time in the beginning of this industry when these trees were cut, the bark peeled off, and the tree left in the woods. That was a waste that nobody could justify; but that time has passed. These trees, when the bark is taken off of them for tanning purposes, are either manufactured into lumber or used for the purpose of making extract.

These trees are not used for the bark until they have become ripe. When a tree is ripe and ready to be cut, there is no law of economy which interdicts its being cut and used for whatever purpose it may be valuable. It is economy to have it out of the way. The chestnut oak is a rapid-growing tree. It is very much like the loblolly pine of eastern North Carolina. If you cut down the ripe pine, in ten or fifteen years you can get another cutting almost as good as the first.

The growth of the smaller trees is accelerated by removing the mature trees, which tend to utilize and exhaust the fertility of the soil and retard the growth of the young trees. The same is true with reference to the chestnut oak. These trees grow at an elevation of from 2,000 to 5,000 feet. Most of this land is worthless for farming purposes.

In cutting down the ripe trees you do not clear away the forest and thereby cause the undue precipitation of the waterfall, resulting in the floods about which my friend from South Carolina has just spoken. You leave the undergrowth; you leave the smaller trees. Every protection remains that the Senator from South Carolina contends for, so far as water precipitation and flow is concerned. You simply give the smaller trees a better opportunity to grow, and, as I say, in a very few years, ten or fifteen years, you have another crop of ripe timber, and this process will continue, under careful cutting, indefinitely.

I have made some little investigation into this matter, because there is no Senator in this body who favors more ardently than I the preservation of our forests and the protection of the watersheds of our streams in such a way as to prevent constantly recurring floods. I have, therefore, as I say, made some investigation in my own State as to the effect of this cutting. The result of that investigation has convinced me that the amount of timber that is being cut there for tanning purposes, and the way in which it is being cut, is such that it is not seriously injurious to the forests or to the proper regulation of the water flow of streams in that section.

It is not the mature tree that regulates the water flow so much as the small growth, especially the undergrowth. That is not at all affected in this part of the country, because we do not remove and cut away the chestnut tree for the purpose of converting the land into farms, thereby leaving it bare. As I say, the elevation is so great, and the land is of such a character, that it is not suitable for farms. If you were to cut away all these trees, the smaller ones and the mature ones, you would still leave an undergrowth there which would, in most cases, afford ample protection to the land and the streams.

Mr. President, I desire to incorporate in my remarks, with reference to the effect upon the forests of this tanning industry, a letter from the chief forester of the great Biltmore property in western North Carolina, comprising several hundred thousand acres, owned by Mr. George Vanderbilt. He is a great authority, I believe, next to Mr. Pinchot, the greatest authority in this country upon the subject of forestry. He lives right there in those mountains. He discusses the very question raised by the Senator from South Carolina, and answers it conclusively:

FOREST DEPARTMENT, BILTMORE ESTATE,
Biltmore, N. C., December 15, 1908.

CHAMPION FIBER COMPANY,
Asheville, N. C.

GENTLEMEN: In response to the queries contained in your letter of December 15, I beg to make the following statements:

1. In western North Carolina, on the property in my personal charge, comprising 180,000 acres, second growth of chestnut will be fit for removal within thirty years from the first cutting, on an average.

The forest department of the Biltmore estate in my charge is footing on a thirty years' rotation in chestnut, which means to say that we intend to cut over in 1938 the same lands which we have been cutting in 1908.

2. Under conditions of careful and systematic cutting, with sylvicultural care, the average acre of land in western North Carolina produces close to 1 cord of chestnut per acre per annum.

3. Chestnut is growing from elevations exceeding 5,000 feet down to elevations of 2,000 feet. It is occupying soil unfit for agricultural purposes. It does not grow in the bottom lands along the river, whereon alone agricultural pursuits are found to be remunerative.

Chestnut is growing, and chestnut will and should be growing, on nonagricultural lands occupying notably the northern or cool aspects of the Appalachian Mountains at altitudes running between 2,000 and 5,500 feet.

Chestnut is found usually on sloping land, which, converted into farms, is sure to erode viciously within ten years from the clearing. Such land, as a consequence, should be kept under forests and should never be turned over to the plow.

4. Assuming that the domestic demand for chestnut extracts expands to an annual consumption of 3,000,000 barrels, an area of chestnut-producing lands of 3,000,000 acres, approximately, would be required to fill the American demand for tanning material by American chestnut extract.

5. From the forester's standpoint nothing can be better than the maintenance of a high price of wood goods.

No one will raise cotton unless it pays to raise cotton, and no one will raise chestnut in second growth unless the prospects of a remunerative outcome of the investment are good.

Forestry as a business must obey the same economic law which agriculture obeys as an economic enterprise. Goods are raised in the forest which it pays to raise.

Forestry in the southern Appalachian region will receive a very severe blow if foreign tanning materials are allowed to compete, without bounds and limits, with the tanning material grown on our native soil.

Unless the Congress of the United States finds ways and means to protect the financial results of forestry there will not be any forestry in the country of Stars and Stripes and dollars and cents.

Hoping that I have answered your queries, I am,

Very respectfully, yours,

C. A. SCHENK.

The duty proposed is a pure revenue duty, because the quebracho tree does not grow in this country, and no quebracho extract is manufactured here except from a few logs imported from the Argentine Republic. So that every cent that is collected under this duty will be revenue and go into the Treasury.

Mr. President, it is manifest—and I do not think the committee will disagree with me about this—that there ought to be a differential between the liquid extract of quebracho and the solid extract. The amendment of the committee makes no distinction. And yet, as a matter of fact, in a pound of liquid extract there is only 35 per cent of tanning matter, while in a pound of solid extract there is 65 per cent of tanning matter. If you permit, as this bill does, both the solid and the liquid to come in under the same duty, it is very obvious that the liquid extract will pay twice as much duty as the solid extract. The effect has been, and will be in the future, that no liquid will be introduced, and the solid extract alone will come in.

At the time the Dingley rate was fixed—and I believe the Senate bill continues the Dingley rate—there was no quebracho extract coming into this country except the liquid extract. Now, there is practically none coming in except the solid extract. So that the Dingley rate of half a cent was twice as much as the same rate under present conditions of importation.

Last year, Mr. President, we received a revenue of about $382,000 from this quebracho extract. It has been argued that it is in the interest of the manufacturers of chestnut-oak tanning material to let this extract come in at a low rate, because by mixing it with the home product a superior article is produced, thereby providing a larger market for the American product.

I concede that the mixture of the two extracts makes a better article in some respects; it gives a richer color, but I deny that it improves the quality of the leather; there are those who contend it does not produce as good a quality. It was not until about 1897 that quebracho was imported into this country at all. How did we tan our leather up to that time? We tanned it with chestnut-oak extract, just as we could do to-day if there were no quebracho shipped into this country. I repeat, it made just as good leather as we are making to-day. Probably the color was not quite so rich; but as far as all the essential qualities of good leather are concerned, the extract of the chestnut oak will to-day make just as good leather as a mixture of that extract with quebracho.

In 1902 only about 3,000 tons of quebracho extract were imported into this country. In seven years the imports have increased to 67,000 tons, and it is estimated by the importers that there will be needed for the use of our manufacturers during the present year 70,000 tons of solid quebracho.

At first we imported only liquid quebracho. Now we import the solid extract. Seventy thousand tons of solid quebracho are equal to 140,000 tons of liquid quebracho. While there has been during the past few years this enormous increase in the amount of quebracho imported and consumed, the amount of chestnut extract used has fallen off about one-half. It is apparent that this foreign product is rapidly driving out of our market the product of the home manufacturers.

Again, Mr. President, in 1898, shortly after we began to import quebracho, chestnut extract was selling for 2½ cents a pound in barrels. In that year quebracho was bringing from 4 to 4¼ cents a pound.

In 1909 the price of chestnut extract, the American product, has fallen to a cent and a quarter a pound, while the price of quebracho is to-day quoted from 4¼ to 4½ cents a pound. One has fallen off nearly half, while the other has actually increased in price.

What is the cause of this? It is this, Mr. President: The whole quebracho business is controlled by five manufacturing corporations in Argentina, and they are in a hard and fast trust. They absolutely fix the price of their product. While the price of the American product, which is free from trust control, has declined in nine years from 2½ to 1¼ cents per pound, the price of the foreign product, under trust control, has been maintained and slightly increased.

Mr. President, there is no one asking that the duty upon quebracho be reduced or removed except the tanners of leather. They are demanding not only free quebracho, but free hides; while they resist any reduction in the duty on their product.

I submit that the cattle raiser is entitled to as much consideration as the maker of leather, and I submit that the 23 manufacturers of chestnut extract—6 of which are located in North Carolina and 9 in Virginia—are also entitled to equal consideration, and if there is any way by which we can save this industry from demolition by this foreign trust, I believe it is our duty to do it.

Mr. LA FOLLETTE. Mr. President, the manufacture of leather depends upon certain barks and extracts of bark for tanning. Oak and hemlock have been the products most largely used. The supply is rapidly diminishing. Chestnut oak is also an important tanning agent; but, as I am informed, the supply of chestnut oak is rapidly diminishing. Right in the section referred to by the Senator from North Carolina [Mr. SIMMONS], I am informed by the junior Senator from Tennessee there is a large area of mountain country which a few years ago was well wooded with the chestnut oak. It has been completely denuded in a short period of time, the timber having been cut off in order to secure the bark to manufacture into chestnut extract. The junior Senator from Tennessee says that within his recollection the river flowing along the base of these mountains has diminished to one-third its former size since the chestnut-oak timber was cut from those mountain sides.

Aside from its effect upon the tanning industry and the price of leather to the consumer, the amendment which I have offered, reducing the duty upon quebracho extract, is even more important, as tending directly to conserve our forests and restore our water courses.

Mr. President, as I have been advised by those who know all about this business, the supply of hemlock, which has been the chief substance used in tanning many kinds of leather, is, excepting in the extreme northwestern portion of this country, practically exhausted. It will last but a few years longer in both Michigan and Wisconsin. It is wise, sir, for us to do anything within reason to prolong the life of the oak and the hemlock in this country.

It was fortunately discovered a few years ago that the quebracho tree, a native of Argentina, could be converted into a valuable tanning agent. It was found that the extract of quebracho could not be used except in combination with hemlock, oak, and other material.

Mr. President, it can not be made to appear in this debate, because it is not true, that quebracho comes in competition with the chestnut extract or with any other bark or extract produced in this country for tanning purposes. The tanners state that they are unable to produce a salable leather from the quebracho extract or from the chestnut extract alone. I have no doubt that it is possible to make an exhibition sample of leather tanned by quebracho extract or by chestnut extract alone; but I deny that either can be used to make a salable commercial product except it be used in combination with the other, and I deny that quebracho extract can be used to make a salable commercial product unless used in combination with one of our native tanning agents.

Mr. SIMMONS. I should like to ask the Senator if we did not tan hides before the importation of this article began?

Mr. LA FOLLETTE. We certainly did; but we did not with the chestnut extract alone as a tanning agent. It was used in combination with other tanning extracts.

Mr. SIMMONS. Made in this country?

Mr. LA FOLLETTE. Made in this country, the supply of which is very rapidly diminishing, just as chestnut oak is.

Mr. SIMMONS. I should like to ask the Senator——

Mr. BURKETT. Mr. President, we are unable to hear a word of the discussion.

Mr. SIMMONS. I should like to ask who is asking for the reduction of the duty on this article. Is anybody doing it except the leather manufacturers?

Mr. LA FOLLETTE. No one except the tanners, so far as I know.

Mr. SIMMONS. They want free hides and free quebracho and everything else free, but they do not want anything taken off of their products.

Mr. LA FOLLETTE. They have consented to a reduction of the duties on leather in this bill, and many of the tanners who have discussed the subject with me have said that if they can be given these tanning extracts free, with free hides, they would agree to put their product on the free list. But the Senate refuses to make a fair beginning in any direction which will benefit ultimately the consumers of this country. You keep the duties on all the important basic products just as high as possible to serve some one exercising a single control of the products or some small but powerful body of interested individuals, and tax all the consumers of the country to maintain such duties.

Mr. President, there are just two manufacturers of quebracho in this country. It is stated that one of them has recently transferred his establishment to Argentina, because it is an economic folly to attemp to build up the business of manufacturing quebracho extract here. For many years these two institutions struggled along trying to do it. They imported the wood from Argentina. The freight charge upon the wood is a heavy burden. In the first place, it has to be transported about 1,500 miles from the interior and then freighted from Buenos Aires to New York. The impossibility of maintaining that business as an economic proposition was realized, and one of those manufacturers transferred his business to Argentina and is building his factory in the forest where he can get his raw material near at hand. The other manufacturer is the man who has furnished nearly all of the data upon chestnut extract which has been quoted in this debate. Realizing the weakness of his own case, he had very little to say about his own establishment when he appeared before the Committee on Ways and Means, but he was the special champion of the manufacturer of chestnut extract. He is the man who maintains the lone industry at Stamford, Conn. He asks a duty high enough to enable him to transport quebracho wood from Argentina to Connecticut—when it takes 4 tons of wood to make a ton of extract—and enough duty in addition to meet the difference in the cost of labor and afford him a reasonable profit.

I am not seeking to strike down any industry that can be maintained in this country as a reasonable, economic proposition. But I maintain the materials required for tanning which we produce in this country are rapidly diminishing, and I protest against levying a high duty upon an imported product which we can use in combination with our native extracts and barks. Such a duty imposes unnecessary burdens upon manufacture, which finally fall upon the consumer. Canada offers all these extracts free to her tanning industries. Manufacturers in other lines have transferred their business to Canada. Is it wise to impose unnecessary burdens upon the tanning in-

dustry and make it more profitable for them to move their tanneries to Canada or the Argentine?

And now, Mr. President, I wish to submit evidence in support of the statement which I make, that quebracho extract does not in any degree compete with chestnut extract.

I make the following statement upon the authority of Mr. A. H. Lockwood, editor of Hides and Leather, the leading trade paper of the tanning industry:

Quebracho and chestnut-wood extract are not interchangeable commodities. Our natural bark supply is rapidly becoming exhausted and what are called blended tannages are used.

Blended tannages consist of chestnut-wood extract, quebracho, and frequently other substances blended together in the tan vat, just like blended coffees or wines. One substance is used for color, one for weight, and another for strength of tannic acid.

Quebracho imparts color and tanning strength. The chestnut-wood extract gives weight and solidity. This chestnut-wood extract is not an adulterant, but is a necessity in the making of sole leather. One of the great essentials of sole leather is that it shall have body, substance, density, and this is given to the leather by the chestnut-wood extract.

As the chestnut-wood extract is essential, so also is the quebracho. These products go hand in hand. Either can not be used successfully without the other.

Myrabolans is another product used in making blended tannages. It is on the free list. Its use is not as extensive as that of quebracho.

When this subject was first before the Senate I received a letter from Harry K. Grubb, a tanner, of Parsons, W. Va., which I wish to read. I have no doubt the writer of the letter is known to the Senators from that State, and they can inform the Senate as to his credibility. I do not know him. He is a tanner and makes his own chestnut-wood extract. So he is a manufacturer of that product. He says:

HON. ROBERT M. LA FOLLETTE,
United States Senate.

DEAR SIR: I notice your remarks in CONGRESSIONAL RECORD of May 5, 1909, relative to quebracho-extract duty, and wish to say that you are correct in your statements. Might say in connection with this that we manufacture our own chestnut extract, but, at the same time, we also purchase quebracho extract to be used with the chestnut extract we make ourselves. I mention this to show you that your statement that the two extracts are used together is correct, for we most certainly would not purchase quebracho extract if we thought that chestnut extract was just as good. I beg to remain,

Yours, very truly,

J. K. MOSSER COMPANY,
Parsons, W. Va.
HARRY K. GRUBB, *Manager.*

WASHINGTON, D. C., *May 6, 1909.*

I will now submit the statement of another tanner of Kenosha, Wis., whom I personally know to be a most reliable man, and one who has spent his whole life in the business of tanning leather:

THE NEW WILLARD,
Washington, D. C., May 6, 1909.

HON. ROBERT M. LA FOLLETTE,
1864 Wyoming Avenue, Washington, D. C.

MY DEAR SENATOR: Owing to the constantly diminishing supply of bark, both oak and hemlock, tanners in the last few years have been forced to find other tanning substitutes. The two agents most generally in use by the heavy-leather tanners—sole, harness, and belting—are quebracho and chestnut wood extracts. Neither one, in my opinion, are as good as bark, but they make the best substitute obtainable, and they seem to work best in a combination of the three. Quebracho is the harshest of the three. I have never seen a good piece of leather made from it alone. Chestnut-wood extract leaves the leather too coarse and open. The three together make a very good substitute. As the bark supply continues to diminish we would have to use more quebracho and chestnut-wood extract, but owing to the harsh nature of the quebracho I believe the larger proportion used will be of the chestnut-wood extract. It is no wonder the hemlock forests disappeared when, before we commenced using extract three years ago, our one shop ground nearly 60,000 cords of bark.

Thanking you very kindly for the attention you gave our committee this afternoon, I am,

Very sincerely, yours,

C. W. ALLEN.

The secretary of the National Association of Tanners sent me a statement in regard to this matter, from which I shall read, and then I will not detain the Senate further in relation to this subject.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. Certainly.

Mr. GALLINGER. I am interested in this discussion. I assume that there is a scarcity of bark for tanning purposes.

Mr. LA FOLLETTE. Yes; and this scarcity of bark is a very serious handicap to the tanning industry of this country.

Mr. GALLINGER. I assume furthermore that the inferior quality of leather we are now getting is due to the fact that these extracts are being used instead of the bark which was used in the olden time.

Mr. LA FOLLETTE. I am not advised as to that.

Mr. GALLINGER. If the Senator was even as much of a farmer as I am, he would know that we used to buy harness that would last a good many years, while it is almost impossible to-day to buy harness that will last any considerable time. I think they are making leather very much as they are washing——

Mr. LA FOLLETTE. I am enough of a farmer, if the Senator will permit me to interrupt him, to say that I do know that to be the fact. I suspect I am more of a farmer than the Senator. The only home I have is on a farm.

Mr. GALLINGER. I am glad to know that. I have an impression that they are using our leather to-day very much as they are washing our linen in Washington. In place of using soap they are using chloride of lime. It produces a very pleasing effect to the eye, but, unfortunately, it is very detrimental to our purse.

Yet I take it there is no remedy for this condition, if the bark is disappearing from the country, as the Senator suggests. I feel a certain degree of sympathy with the position the Senator takes. I shall support the amendment the committee has reported, it being a reduction from the duty placed on this article by the House as the bill came to us.

Mr. LODGE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Massachusetts?

Mr. LA FOLLETTE. Certainly.

Mr. LODGE. I think the inferiority in tanning comes more from the chemical processes which are being used, owing to the disappearance of the oak and the hemlock, rather than to these wood extracts. But I may be mistaken on that point. My own impression is, and it is quite a strong one, that the quebracho extract, united with the chestnut extract, makes a very excellent tanning mixture, better than the chemicals, and as near, probably, to the old oak and hemlock tanned leather as it is possible to get. I think quebracho has proved a great success in tanning. I know all the tanners of leather are profoundly interested in the use of that extract.

Mr. LA FOLLETTE. It is my information that quebracho is better combined with the chestnut-wood extract and other tanning agents which we produce in this country than anything which has been discovered up to the present time. As the Senator from Massachusetts says, it makes a compound that takes the place of the natural tanning barks that were used from the establishment of the industry down to the time when the supply of barks made it necessary for the tanners to find a substitute.

Now, Mr. President, I will ask the Senate to listen to the statement made by the secretary of the National Association of Tanners. He says:

The use of quebracho is the foundation of the chestnut-extract industry, because chestnut extract can not be used alone in tanning. It absolutely requires about 70 per cent of some other tanning agent to render it possible to use 30 per cent of chestnut extract.

I think that is variable. I think in producing certain kinds of leather they can use about an equal quantity of chestnut extract with the quebracho, but for heavier leather it requires more of the quebracho.

Quebracho extract has proved to be just the necessary material, and since its introduction the manufacture of chestnut extract has been developed to its present proportions.

Before the advent of quebracho the only plant making chestnut extract after a struggling existence went into bankruptcy.

It is historically true that the price of quebracho extract has in no way affected the price of chestnut extract. The production of chestnut extract began seriously about the year 1898.

From these facts it is evident that the more quebracho extract there is used the more chestnut extract there can be used, and hence for the benefit of the chestnut extract industry itself the duty on quebracho extract should be reduced to one-fourth cent per pound in order to increase its use and thereby increase the use of chestnut extract.

It is not true that there is a monopoly in Argentina controlling quebracho extract, but if it were the same monopoly would control the wood, and in that case any duty on the extract here would simply be that much extra burden on the tanning industry here. It is even possible that the leather industry would be driven from the United States to the Argentine Republic, where both free hides and cheap quebracho extract are obtainable. This would ruin the makers of the chestnut extract in America.

The foregoing statements are strikingly confirmed by Canada, which puts no duty on either quebracho or chestnut extract. Since the Dingley bill was passed Canada has become, next to the United States, the largest consumer of both extracts. Her imports of chestnut extract were largest when quebracho extract was lowest—that is, when it sold at 2½ cents per pound.

The statement made by the manufacturers of domestic tanning extracts that the request for a lower duty on quebracho extract was made by New York importers alone is without foundation.

Our membership, as large consumers of both chestnut wood and quebracho extracts, unanimously petitions that the duty on quebracho extract be fixed at one-fourth cent per pound.

NATIONAL ASSOCIATION OF TANNERS,
JOHN E. WILDER, *Secretary.*

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Virginia?

Mr. LA FOLLETTE. Certainly.

Mr. DANIEL. Will the Senator permit me to ask him what he considers to be the best combination in proportion of the two extracts, chestnut and quebracho?

Mr. LA FOLLETTE. I have been informed by tanners that it depends upon the kind of leather to be produced; that heavier forms of leather require a different combination than upper or finer leather, and that in some leathers in which both are used it requires about a 50 per cent mixture of chestnut and quebracho.

Mr. DANIEL. With the Senator's permission, I should like to exhibit a specimen of sole leather.

Mr. LA FOLLETTE. Certainly.

Mr. DANIEL (exhibiting). This is a piece of sole leather tanned in Pennsylvania. I get it from a reliable source. Of course, I do not know anything personally. In it was used 10 per cent of Argentine quebracho extract and 90 per cent of chestnut extract. It looks to me like a first-class article, though I am no judge.

Mr. LA FOLLETTE. I have no doubt that the sample which the Senator presents could have been produced by using the chestnut extract alone, but I venture to say that it can not be sold upon the market if tanned with less than 30 per cent of some other product combined with it. That is the information I have. I do not, of course, speak from personal knowledge.

I was called out of the Chamber while the Senator from Virginia was speaking to meet the president of the Eisendrath Tanning Company, of Racine, Wis., who wished to make a statement on this subject. In order not to be detained, I asked him to dictate what he had to say. His letter has just been handed me. It is as follows:

WASHINGTON, *May 20, 1909.*

Hon. ROBERT M. LA FOLLETTE,
Washington, D. C.

DEAR SENATOR: As a tanner of leather during a period of forty years in Illinois and Wisconsin, I am thoroughly familiar with all the tanning agents commonly employed in the industry, and I assert positively that quebracho extract, while a valuable tanning material, is always used in connection with other tannins. Different blends are used according to the kind of leather produced. As a practical tanner, I would say that quebracho extract can not be employed in making leather successfully except in combination with other wood extracts. Chestnut-wood extract, while a valuable tanning agent, can not be used alone. To be used successfully, it must be combined with some other tanning agent, and quebracho is the most successful agent which has been combined with it. The more quebracho used the more chestnut-wood extract can be used. So that instead of being competitors, the one is an aid to the consumption of the other.

Sincerely, yours,

B. D. EISENDRATH,
President B. D. Eisendrath Tanning Company, Racine, Wis.

Mr. President, the Senate has been occupied already for a considerable period with the consideration of this amendment, and I do not wish to protract the debate, but it does seem to me that it presents a case where there should be a reduction of duty to the revenue basis; that it will promote the manufacture of chestnut-wood extract in this country; and that it will be a valuable aid to the tanning industry in cheapening their product to the consumer.

Mr. SIMMONS. Will the Senator, before he takes his seat, let me ask him a question or two?

Mr. LA FOLLETTE. Certainly.

Mr. SIMMONS. I was very much interested in the Senator's statement. I understood the Senator to admit that the only persons asking for a reduction of this duty are the tanners.

Mr. LA FOLLETTE. They are the only ones who have communicated with me with respect to it; they are the only ones I have heard from.

Mr. SIMMONS. The tanners of leather are asking not only for free quebracho, but for free hides, while they are not willing to abate one jot or tittle of their protection.

Mr. LA FOLLETTE. I understand they are willing to reduce the duty upon their finished product.

Mr. SIMMONS. In the pending bill, while it proposes to take the duty off of hides, the amount that is retained for the benefit of the tanners is not affected; it is in effect the same as the present law, or a little bit higher, probably.

Mr. LA FOLLETTE. I understand that it is in effect a reduction.

Mr. SIMMONS. There is a reduction in amount of duty, but with free hides the amount of the duty retained will be the same protection as the old duty; probably it will be a little higher; certainly not lower.

Mr. LA FOLLETTE. I have gathered my information, I will say to the Senator, from my interviews with the representatives of this industry. I will not say that they have been unanimous in voicing this view, but the very great majority of those who interviewed me said if they could have this quebracho extract reduced and could have free hides, they would be willing to stand for free leather.

Mr. SIMMONS. That is the part of the statement of the Senator that interested me.

Mr. LA FOLLETTE. It interested me.

Mr. SIMMONS. I want to say to the Senator that when the shoe people first appeared before the Ways and Means Committee they said if they could get free hides they would be willing to have free shoes. In about a week they returned and took all that back.

Now, we have quite a number of tanners in my State, and nearly every one of them, through a representative, has been here to see me and try to get me to agree to vote for free hides. The largest one came the other day. When I told him that I would not vote for free hides under any circumstances unless leather and shoes were also put on the free list, he said: "We tanners do not care about the duty on leather. If we can get free hides it will be perfectly satisfactory." I said, "Go and put that in writing, sign it, and send it to me." He said he would do it. In about two or three hours after that I got a letter from him inclosing a very lengthy argument in favor of putting hides on the free list and retaining the duty on leather, and not saying a word about the conversation he had had with me.

I hope very much that the Senator is right in saying that the tanners of leather are willing that the product shall go on the free list, because I should like to see, and I think the interest of the consumer of the shoes of this country requires, that hides and leather and shoes should all be put on the free list; but if one goes on the free list the rest ought to go on the free list.

Mr. LA FOLLETTE. Well, Mr. President, I think that question is not now before us.

Mr. SIMMONS. The Senator introduced it.

Mr. LA FOLLETTE. There is a good deal to be said on the position as it has been stated by the Senator from North Carolina. But, coming back to the question which is now before the Senate——

Mr. SIMMONS. I just wish to express the hope that the Senator was right in stating that the tanners were willing that the duty might come off their product provided it was taken off of hides.

Mr. LA FOLLETTE. I have no doubt that if the duty is taken off of hides, both the manufacturers of leather and manufacturers of shoes should take a reduction down at least to a point needful to prevent the importation of products in large volume under extraordinary market conditions. These leather industries in this and in the competing countries have reached pretty nearly a basis of equilibrium as regards the cost of production. But some small measure of protection might be necessary to prevent a flooding of the markets at a time when the conditions changed very markedly and very suddenly.

But that has nothing to do, Mr. President, with the proposition that is before the Senate. I believe the amendment which has been offered here is one that for every sound reason should appeal to Senators for their support, and with that I shall submit it.

Mr. BRANDEGEE. Mr. President, the adoption by the Senate of the amendment proposed by the Senator from Wisconsin [Mr. LA FOLLETTE] would certainly entirely destroy the business in this country and drive it down to the Argentine Republic. The Dingley law originally provided a duty of half a cent a pound upon quebracho extract. At that time the extract was made in liquid form, and in that form it contained a percentage, as they call it, of 35 degrees efficiency.

In 1904 the Argentine people, instead of making this extract in the liquid form, made it in solid form, evaporating and driving off the water, and they exported it into this country, a pound of solid extract containing an efficiency of 65 per cent tanning efficiency to the pound. So if, after 1905, an importer imported into this country 1 pound of quebracho extract, he imported the equivalent of 2 pounds, or twice the tanning efficiency that he would have done at the time the Dingley law was passed. That was equivalent, therefore, to cutting in two the protection granted by the Dingley law to this industry.

The House committee fully realized the situation and endeavored to correct that change of conditions made by the invention of this solid extract by the provision in the House bill raising the duty upon the extract of 28° Baumé to seven-eighths of 1 cent, and I may say in passing that the 28° Baumé simply means solid extract. Now, the Senate committee has reduced it to one-half, which is the same as the old Dingley rate.

The industry located in my State, to which the Senator from Wisconsin has referred, has had all it could do during the last five years, since the invention of this solid extract, to maintain itself at all. They have not made one penny of profit, and if the amendment of the Senator from Wisconsin should prevail, that business, with all the hands they employ and all the capital they have invested, will be driven from this country down into the Argentine Republic, or else they will abandon the business.

I have no sympathy with the plea so often set up by the tanners as to what they will do if they are given all their raw materials free. I believe that every producer of any article of import in this country is deserving of protection, and I for one will never vote to take the duty off of any product for the purpose of giving somebody raw material free as long as he maintains and asks a duty upon his manufactured product.

To show how the change of the production of this extract from liquid to solid has affected the industry, it is only necessary to call the attention of the Senate to the fact that in the year 1901 the Americans had 65 per cent of this business and 35 per cent was imported; in 1908 the Americans had dropped from 65 to 30 per cent of the business and given 70 per cent of the business to the foreigners.

Mr. SMITH of Michigan. What was the first year the Senator stated?

Mr. BRANDEGEE. I referred to the year 1901, in which the Americans had 65 per cent and the foreigners had 35 per cent. In 1904 the Americans dropped to 50 per cent and the foreigners rose to 50 per cent. In 1905 the Americans dropped to 46 per cent and the foreigners rose to 54 per cent.

In 1906 the Americans had 54 per cent and the foreigners had 46 per cent. The decrease was not continuous and uniform. In 1907 the Americans dropped to 35 per cent and the foreigner increased to 67 per cent.

Mr. SMITH of Michigan. If the Senator will pardon me, was that 33 per cent of the gross amount?

Mr. BRANDEGEE. Yes.

Mr. SMITH of Michigan. Does that show an increased volume of consumption?

Mr. BRANDEGEE. Yes. I will give the Senator the figures. In 1908 the American product was 30 per cent and the foreigners increased to 70 per cent. In the nine months ending March 30, 1909, the American had dropped to 24 per cent and the foreigners had increased to 76 per cent.

Mr. SMITH of Michigan. Will the Senator permit me to ask him a question?

Mr. BRANDEGEE. Certainly.

Mr. SMITH of Michigan. I should like to ask whether the increase in importations has not been largely due to the disappearance of the ingredients formerly used here and the disappearance or scarcity of tan bark?

Mr. BRANDEGEE. I am not sufficiently informed as to the details of the trade to say to what the increased importation was due, except, I suppose, in a large measure, it was due to the fact that the foreigners manufactured it cheaper in Argentina with the cheaper labor and the cheaper cost of plant.

Mr. SMITH of Michigan. I am inclined to think that the importations which the Senator has just read, showing a large increase from year to year, were due to the necessity rather than the desire of the domestic user, and that he has been driven to import his extract because of the scarcity of the material here necessary for his work.

Mr. BRANDEGEE. Without positively denying the statement of the Senator from Michigan, because, as I said, I am not sufficiently informed upon this subject, my opinion is strongly the other way, because the industry in my State, about which I am speaking, has for the last four years been running only on half time and has been producing only half what it could have produced if it could have profitably produced and supplied the demand.

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from South Dakota?

Mr. BRANDEGEE. Certainly.

Mr. GAMBLE. The statement has been made in the discussion that one of these establishments is in his own State. I should like to be informed as to the capital invested in the enterprise and the number of people employed in it.

Mr. LA FOLLETTE. I am unable to hear the Senator.

Mr. BRANDEGEE. I can answer the question, I think. Mr. President, I am informed that there is over a million dollars invested in this plant, and I believe, although I will not say definitely, that they employ some 700 hands.

Mr. LODGE. How many men are employed in this industry?

Mr. BRANDEGEE. I believe there are 7,000 men employed in this industry in this country.

Mr. LODGE. In making quebracho?

Mr. BRANDEGEE. No; but that and chestnut extract.

Mr. LODGE. I am speaking of chestnut extract.

Mr. GAMBLE. I am speaking of this particular industry.

Mr. BRANDEGEE. I can not answer the Senator any more accurately than I have done.

Mr. GAMBLE. I think the senior Senator from Wisconsin stated that there were two factories producing this product in the United States.

Mr. LA FOLLETTE. There is but one now, though there were two. There never have been more than two.

Mr. GAMBLE. And that one is located in the State of Connecticut.

Mr. BRANDEGEE. Mr. President, I understand that there are two factories here, and the proprietor of one of them attempted to establish his business in Argentina, being, as he thought, about to be driven out by the conditions of the trade, and he is now considering whether he can permanently maintain the business there. He states that, unless this inequality which has grown up since the passage of the Dingley rate upon this article is corrected, he will move to Argentina, where he has a plant, and will operate it there and abandon his American plant. I can say as to the establishment in my State, there is no doubt that that course will be taken, because it can not be prevented.

Mr. NELSON. Mr. President——

The VICE-PRESIDENT. Does the Senator from Connecticut yield to the Senator from Minnesota?

Mr. BRANDEGEE. I do.

Mr. NELSON. I understand that there is only one factory, and that it employs only about a hundred hands. Is that all?

Mr. BRANDEGEE. I understand there are a great many more than that employed.

I say that if the Finance Committee wants to do justice to this industry, instead of reducing this duty of one-half cent per pound, which it has recommended, to one-fourth of a cent, which would be just as fatal to the industry as putting this product upon the free list—instead of reducing it, it ought to be raised to the House provision; that ought to be restored. I shall not make a motion to that effect, but shall leave that for the consideration of the conference committee.

If there is any sincerity in Republican professions of maintaining and establishing American industries and not driving them out of the country and allowing the capital and labor of foreign countries to enjoy what we ought to be conferring upon our own people, I hope that the amendment offered by the Senator from Wisconsin will not prevail.

Mr. SMITH of Michigan. Mr. President, I think the Senate is entitled to all the information upon this matter that is available. I have a letter here from one of the most prominent tanners in the State, a man whom I know very well personally, a student, and a man who would state the thing just as it is. I ask that it be read for the information of the Senate.

The VICE-PRESIDENT. Without objection, the letter will be read.

The Secretary read as follows:

WALLIN LEATHER COMPANY,
Grand Rapids, Mich, May 10, 1909.

Hon. WILLIAM ALDEN SMITH,
United States Senator, Washington, D. C.

DEAR SENATOR SMITH: I wired to you to-day as per copy herewith. Since I saw you last I have been carefully studying the duty on quebracho extract, and am convinced that this duty is of no value to the manufacturers of extract in this country, except to the two firms who are making quebracho extract from logs brought in from South America. There are only two firms making quebracho extract in this country—one in Stamford, Conn., and one in Brooklyn.

The fight for an increased duty on tanning extracts has been mostly carried on by a large group of chestnut-extract manufacturers located in the Alleghenies, principally in Virginia and farther south.

If I believed that a reduction in the duty on mangrove extract (which comes largely from East India) or quebracho extract (which comes from South America) threatened to any extent the prosperity of the chestnut-extract manufacturers of our own country, I would be in favor of a substantial duty on these imported extracts, because I am a protectionist, and believe in protecting our American industries. But the facts are that, to a very large extent, the imported extracts and the chestnut extract supplement each other, and to a large extent the use of chestnut extract will be stimulated by cheaper imported extracts; and it is my honest belief that if the tanners of this country have the advantage of cheap quebracho and mangrove extracts free of duty, such as the Canadian tanner has, that the use of domestic chestnut extract will be increased. The chestnut-extract manufacturers of this country are now shipping their extract to Canada, where the Canadian tanner brings in mangrove and quebracho extracts free of duty.

As absolute verification of the above statements, I would say that during the past six months quebracho extract has advanced in this market more than the entire amount of the present duty of one-half cent per pound, and yet chestnut extract sold last week at the lowest price that I have ever known it to be sold.

The chestnut-extract manufacturers have, indeed, been selling extract at a very low price, and some of them have felt that this was due to the competition of quebracho and mangrove extracts. The fact is, however, that the chestnut-extract manufacturers a few years ago were making money very rapidly, and this stimulated an increase in the production of chestnut extract of over 100 per cent in about two years. This immense increase in production has resulted in an overburdening stock of extract, with the resulting low price now prevailing.

Yours, truly,

V. A. WALLIN.

Mr. MARTIN. Mr. President, the questions involved here have been so thoroughly discussed, and, indeed, practically exhausted, that I shall not occupy, I think, five minutes of the time of the Senate in further debating them. It is a little remarkable that the tanners of the country, getting very liberal

duties on their own manufactures and the products of what they manufacture, should not be satisfied with that, but should come here undertaking to present what they claim to be matters of special importance to the manufacturers of this extract.

Mr. LODGE. What does the Senator call a liberal duty?

Mr. MARTIN. Well, I think the tanners are now getting, or expecting to get, 10 per cent on sole leather, and up to 25 per cent.

Mr. LODGE. They have got 5 per cent as proposed in this bill.

Mr. MARTIN. I do not think the Senator from Massachusetts will be content to let them be limited to 5 per cent.

Mr. LODGE. That is not a very extravagant duty.

Mr. MARTIN. I did not say they were getting extravagant duties. I said they were being—as the Senator from Massachusetts is quoted in the paper as saying some time ago—pretty well protected, pretty well cared for in this bill, and will be pretty well cared for.

Mr. LODGE. I never said anything about the leather industry.

Mr. MARTIN. As a general proposition, the manufacturers of the country——

Mr. LODGE. I was speaking of the cotton industry; but I do not think the duties are very high on the products of the tanners.

Mr. MARTIN. Mr. President, the Senator from Massachusetts seems to be very sensitive about the matter. I have not charged that the duties were extravagant. I said that the tanners of the country were getting pretty fair duties on leather and the products of leather.

Mr. LODGE. Is the Senator willing to make the duty on quebracho 5 per cent?

Mr. MARTIN. I am willing to make the duty on quebracho——

Mr. LODGE. If the Senator is willing to make the duty on quebracho the same as the duty on sole leather, I think there will be no trouble.

Mr. MARTIN. Mr. President——

Mr. BACON. Can we also agree to make the duty on shoes 5 per cent?

Mr. LODGE. Shoes are reduced to 15 per cent.

Mr. MARTIN. I think the Senator——

Mr. LODGE. I do not know whether the Senator from Georgia is relying on revenue duties—because a revenue duty is a protective duty for yourself and something else for your neighbor—but the duty on boots and shoes proposed in this bill is 15 per cent. It has been cut to 10 per cent.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. MARTIN. I will yield to the Senator from North Carolina directly.

Mr. SIMMONS. I simply want——

Mr. MARTIN. I will yield to the Senator from North Carolina directly, but not at present. I say to the Senator from Massachusetts [Mr. LODGE] that the reduction of this duty, even if adopted as reported by the Finance Committee, is a reduction practically of about 50 per cent.

Mr. LODGE. A reduction on what?

Mr. MARTIN. On quebracho.

Mr. LODGE. The present duty is half a cent, and we are giving it the present duty. It is not a reduction.

Mr. MARTIN. Yes, sir; that duty of half a cent a pound was fixed in the Dingley bill when, as an article of commerce, quebracho was imported as a liquid; but now as an article of commerce it is imported as a solid.

Mr. LODGE. I am aware of that.

Mr. MARTIN. That is an increase of 100 per cent, approximately, in the tanning extract carried or in density. So that, although the duty of the Dingley law was half a cent a pound, that half a cent a pound was fixed when it was imported as a liquid. Now, when it is imported as a solid of twice the density of the liquid product, I say, if you keep the duty at the same rate of half a cent a pound, it is a reduction of 50 per cent. Is the Senator willing to see that reduction of 50 per cent on leather and the products of leather?

Mr. LODGE. Mr. President, the duty on sole leather has been reduced from 20 per cent to 5 per cent. The Senator from Virginia can find out by a little calculation whether that is more than 50 per cent or not.

Mr. MARTIN. The Senator from Massachusetts picks out a single commodity. I say that the leather paragraphs are far more than 10 per cent, and they have not been subjected to any such reduction as that.

Mr. SIMMONS. It is on that point I wish to interrupt the Senator.

The VICE-PRESIDENT. Does the Senator from Virginia yield to the Senator from North Carolina?

Mr. MARTIN. I will be obliged if the Senator——

Mr. SIMMONS. I wanted to get that statement. Undoubtedly the Senator from Massachusetts is correct in stating that the duty on leather is reduced to 5 per cent, but that is only on a certain kind of leather—sole leather.

Mr. MARTIN. That is what I have said to the Senator.

Mr. LODGE. I am speaking of sole leather.

Mr. SIMMONS. As to many other kinds of leather, there is a protection of from 15 to 25 per cent.

Mr. MARTIN. The Senator from Massachusetts restricted his statement to that particular kind of leather.

Mr. President, I say that I think the tanners are being very well cared for——

Mr. LODGE. I am not speaking of leathers in which the tanning extracts are used.

Mr. MARTIN. The tanning extracts, to a certain extent, are used in the tanning of all leathers.

Mr. LODGE. Oh, no; not of the finer skins.

Mr. MARTIN. Surely the Senator from Massachusetts does not undertake to say that these extracts are used only in the manufacture of sole leather?

Mr. LODGE. Oh, no; not at all; but that is the principal product in which they are used.

Mr. MARTIN. I say it is a product used in the tanning business generally. I am not an expert in it, and I am not going to undertake to differentiate all the uses that it is applied to; but I do say that the tanners of this country have been pretty well cared for, even if they do not get free hides. They are here clamoring for free hides, which would be just as much a protection to them as is the duty on the manufactured product. When they get the materials out of which they manufacture free of duty or at a low rate, it is worth just as much to them as the duty on the article that they manufacture.

I say, Mr. President, that I think things have come to a pretty pass when the best information we can get with relation to this schedule on quebracho has to come from the tanners. The manufacturers of quebracho extract do not take that view of it, and I think that if the leather manufacturers are to take care of their own interests they had better let the manufacturers of chestnut extract, which competes with quebracho extract, look to their own interests. They do not need the assistance of the tanner to say what is best for the manufacturers of chestnut extract in this country.

I think, Mr. President, a reduction of 50 per cent is a pretty fair cut, and it is conceded and not denied by anybody, and can not be denied by anybody who knows anything about this question, that when you leave the duty as the Committee on Finance reports it, at one-half a cent a pound, it is practically a reduction of 50 per cent from the duty which was fixed by the Dingley Act, because when that half a cent a pound duty was fixed in the Dingley Act this article was imported as a liquid, while now it is imported as a solid, of twice the density and twice the value that it had at the time the Dingley Act was passed.

I respectfully submit to the Senate that, independent of any question of protection, independent of any question of free trade, and independent of any party question, the duty as fixed by the committee should not be lowered. I dislike to see party questions brought into the consideration of a tariff bill. We all want, or ought to want, and I believe do want, a bill framed on fair, just, and equitable lines, applying its benefits and its burdens equally to all sections of the country and to all industries of the country. If that rule is to prevail, Mr. President, I say you have dealt harshly with the manufacturers of chestnut extract when you reduce the duty over 50 per cent. It is a greater cut than is being made on many other articles—I will not say that such a cut has not been made on some articles, for no doubt it has been; but it is a far greater cut than the average, and the proposition to reduce it to a quarter of a cent is a harsh and unreasonable treatment of this industry.

I sincerely hope that the report of the committee will be adopted and this duty will be left at one-half of 1 cent per pound, which is, as I have said, a reduction of 50 per cent from the rate fixed by the Dingley Act.

Mr. LODGE. Mr. President, if the Senator from Virginia will allow me, I do not want him to misunderstand me. I am going to vote for the rate proposed by the committee; I have no intention of doing otherwise, but it was only when he spoke of the duties given to the tanners that I wanted to call his attention to the fact that, if this was a 50 per cent cut on the extract of quebracho which they use, their principal product, which is

sole leather, was cut 75 per cent, and that I did not think they could be said not to have borne their share of the reduction, so far as the bill stands at the present time.

Mr. MARTIN. I had supposed, until the Senator's interruption, that he was in accord with the committee, of which he is a member.

Mr. LODGE. I have just stated, Mr. President, that I was going to vote for the committee amendment.

Mr. MARTIN. I merely alluded to that statement made by the Senator from Massachusetts, which I heard and understood, and added that I had supposed all along that was his position, although I did get a little doubtful when he interrupted me at the time he did; but I am gratified to know that my first interpretation of his position was correct.

Mr. LODGE. I thought the Senator was unnecessarily reflecting on the advantages of the tanners, as compared with the makers of quebracho extract—for I do not think the chestnut extract has really anything to do with the matter—but on that I did not think they were so extraordinarily well treated as the Senator seemed to think they were.

Mr. MARTIN. Mr. President, I have told the Senator from Massachusetts several times, and the RECORD will bear me out, that I have at no time stated they were treated with any extraordinary extravagance. I said they had gotten pretty fair consideration in the bill; and I think the Senator from Massachusetts will admit that if they had not gotten pretty fair treatment he would be here now clamoring for them to have such treatment. I have not charged that they were getting any extravagant or unreasonable protection or had been cared for in any unjust manner, but I said that, treated as they had been, I thought it was as little as they could do to let the extract people alone and not undertake to dictate to them what kind of duty should be put on their article of manufacture.

Mr. DANIEL. Mr. President——

The VICE-PRESIDENT. Does the Senator from Virginia yield to his colleague?

Mr. MARTIN. I yield to my colleague.

Mr. DANIEL. I beg leave to call the attention of the Senator from Massachusetts and my colleague to the fact, which has not been mentioned, but which appears conspicuously all through these papers and hearings; that is to say, the tanners, in their petitions here, have been actuated by the foreign quebracho-extract men to appeal to Congress to do what the quebracho men want. It was not upon the initiative of the tanners, but they are being used by other people respecting a collateral tariff.

Mr. MARTIN. Mr. President, I have no criticism whatever to make of the tanners. I am simply asking that justice may be done to this industry. I think only meager justice will have been done to it when you give it a duty which is a reduction of 50 per cent from the duty fixed by the Dingley Act.

Mr. SCOTT. I desire, on behalf of a firm that is making chestnut extract, to send to the desk and have read a portion of a letter.

The VICE-PRESIDENT. Without objection, the Secretary will read as requested.

The Secretary read as follows:

THE TANNERS AND DYERS' EXTRACT COMPANY,
Charleston, W. Va., April 12, 1909.

Hon. NATHAN B. SCOTT,
Washington, D. C.

DEAR SIR: The domestic extract manufacturers use chestnut wood almost entirely, and it is a material that is practically worthless for any other purpose, and in working up this timber it is taken clean, so there is a revenue derived that otherwise would be left to rot, thereby giving employment to a large number of people in this and other States in which are located similar industries.

The duty of seven-eighths cent per pound, as covered by paragraph 21, Schedule A, of the Payne bill, would mean the additional cost of only one-half of 1 cent per pair on shoes, so the duty will not be felt by the consumer, and it will mean the life of the domestic-extract business, which, on account of the increased consumption of quebracho extract during the past few years, has been on the verge of its deathbed.

Directly and indirectly in the State of West Virginia we employ about 700 men, and in their behalf as well as for our own protection we appeal to you, in order that we may not be forced out of business by a combination of foreigners whose own governments have prohibitive duties, and they are dumping their South American product into this country at the expense of the local manufacturers.

Yours, very truly,

THE TANNERS & DYERS' EXTRACT CO.
WM. P. STINE, *Manager.*

Mr. LA FOLLETTE. Mr. President, the Senator from Connecticut [Mr. BRANDEGEE] made one point to which I wish briefly to reply. He called attention to the diminishing supply furnished by the local manufacturer and to the great increase year by year in importation of the product. That is true for two reasons, first, because the demand for quebracho used in connection with other extracts has been increasing every day, and because economically it is not possible to build up this industry unless it is given a duty that is absolutely prohibitory. You might just as well try to raise pineapples in North Dakota. You might do it, I suppose, as a hothouse proposition, but when you seek to build up an industry where you must import your raw material, the freight upon it costing four times as much as the freight upon the extract, you are confronted with a proposition for which no reasonable man can stand.

Mr. CLAPP. Mr. President——

Mr. LA FOLLETTE. Just a moment. The prices of this product have not varied with the increased importations, and the encroachment upon the production of the local manufacturers has not been made, because their prices have been forced down by increased importations. This product is selling to-day exactly at the same point at which it was selling one year after the duty was laid upon it in 1898. That is all I have to say.

I yield now to the Senator from Minnesota.

Mr. CLAPP. As the Senator is more familiar with the subject than I am, I desire to ask him a question. I listened with interest to the speech of the Senator from Virginia and to the letter which the Senator from West Virginia had read, but I am unable to see any relation between the duty on this particular item and the industry represented by the letter of the Senator from West Virginia. I understand there is no such relation. I would simply like to have the Senator make it plain.

Mr. LA FOLLETTE. I went over that ground, and I do not wish to weary the Senate with repetition. From all the information I can get, there is not a pound of quebracho extract that competes with a single pound of chestnut extract. There is a manufacturer in the State of West Virginia who has written me a letter. I have read it to the Senate, but there are many Senators here now who were not here at that time—the Senator from West Virginia among them. I am not acquainted with this man, but I have no doubt the Senator is. He may not be reliable; I do not know about that; but I will read the letter in the Senator's presence. It is dated May 6, and is as follows:

Hon. ROBERT M. LA FOLLETTE,
United States Senate.

DEAR SIR: I notice your remarks in CONGRESSIONAL RECORD of May 5, 1909, relative to quebracho-extract duty, and wish to say that you are correct in your statements. Might say in connection with this that we manufacture our own chestnut extract, but at the same time we also purchase quebracho extract to be used with the chestnut extract we make ourselves. I mention this to show you that your statement that the two extracts are used together is correct, for we most certainly would not purchase quebracho extract if we thought that chestnut extract was just as good.

I beg to remain,
Yours, very truly,

J. K. MOSSER COMPANY,
Parsons, W. Va.
HARRY K. GRUBB, *Manager.*

WASHINGTON, D. C., *May 6, 1909.*

Mr. SCOTT. Mr. President, I will say to the Senator from Wisconsin that Mr. Grubb is a very reputable man, and any statement that he may make may be believed.

Mr. LA FOLLETTE. Mr. President, if I get the meaning of this letter, it is just this: Here is a tannery that has connected with it an establishment for the manufacture of chestnut-bark extract. This factory is located where the raw material for the manufacture of chestnut extract is at their very door, according to the statement of the Senator from West Virginia.

Is it to be supposed that they would purchase an imported article, that has to be transported into this country all the way from the Argentine, if they could produce something that would take its place which they could themselves manufacture? They purchase this quebracho extract and use it in combination with chestnut extract which they manufacture, because they can turn out a good product that commands the respect and the patronage of the trade.

I do not believe, Mr. President, that it is necessary to add one word to what has already been said. You can maintain this duty; you can possibly maintain this institution in Connecticut on its unsteady legs for a time, but you are making a bill which is not in accord with any principle of a rational protective policy.

Mr. BRANDEGEE. Mr. President, the argument and the philosophy of the Senator from Wisconsin [Mr. LA FOLLETTE], that no business should be tolerated in this country which imports its raw material, are, it seems to me, absurd. By a parity of reasoning——

Mr. LA FOLLETTE. Mr. President, I was unable to hear what the Senator said. I understood him to be quoting me, and I want to be certain that he quotes me correctly.

Mr. BRANDEGEE. I was not quoting the Senator from Wisconsin, but was alluding to his argument. I said that the argument and the philosophy of the Senator from Wisconsin seemed to me to be absurd, and would result, if carried to their logical conclusion, in the doctrine that no industry is to be tolerated in this country which imports its raw material.

That theory, if applied in practice, would drive out of this country every manufacturer of rubber boots and shoes and rubber goods. According to the theory of the Senator from Wisconsin, if I understand it, all the rubber-manufacturing concerns should go to Africa or South America, where the raw material is produced, and make their goods there with foreign labor. The adoption of that theory, it seems to me, would drive out of this country many of our manufacturing plants.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the Senator from Wisconsin [Mr. LA FOLLETTE], on which the yeas and nays have been ordered. The Secretary will call the roll.

The Secretary proceeded to call the roll.

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire to announce that my colleague is unavoidably absent from the city to-day. I think, although I do not know, that if he were here, he would vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the Senator from North Carolina [Mr. OVERMAN]. As he is absent, I withhold my vote.

Mr. SCOTT (when his name was called). I have a pair with the senior Senator from Florida [Mr. TALIAFERRO], and as he was called to Baltimore to-day on important business, I withhold my vote.

Mr. SUTHERLAND (when his name was called). I have a pair for the day with the junior Senator from Tennessee [Mr. TAYLOR]. If he were present, I should vote "nay."

The roll call was concluded.

Mr. BRIGGS. I am paired with the Senator from Alabama [Mr. JOHNSTON]. If he were present, I should vote "nay."

Mr. CURTIS. I desire to announce my pair with the senior Senator from Oklahoma [Mr. OWEN].

The result was announced—yeas 29, nays 38, as follows:

YEAS—29.

Bacon	Chamberlain	Gamble	Rayner
Bailey	Clapp	Gore	Smith, Mich.
Bankhead	Clay	Hughes	Smith, S. C.
Beveridge	Culberson	La Follette	Stephenson
Borah	Cummins	McCumber	Tillman
Bristow	Dolliver	McLaurin	
Brown	Fletcher	Nelson	
Burkett	Frazier	Paynter	

NAYS—38.

Aldrich	Depew	Hale	Penrose
Bourne	Dick	Heyburn	Piles
Brandegee	Dixon	Johnson, N. Dak.	Root
Bulkeley	du Pont	Jones	Simmons
Burnham	Elkins	Kean	Smith, Md.
Burrows	Flint	Lodge	Smoot
Burton	Foster	Martin	Warner
Crane	Frye	Nixon	Wetmore
Cullom	Gallinger	Oliver	
Daniel	Guggenheim	Page	

NOT VOTING—24.

Bradley	Curtis	Newlands	Shively
Briggs	Davis	Overman	Stone
Carter	Dillingham	Owen	Sutherland
Clark, Wyo.	Johnston, Ala.	Perkins	Taliaferro
Clarke, Ark.	McEnery,	Richardson	Taylor
Crawford	Money	Scott	Warren

So Mr. LA FOLLETTE's amendment was rejected.

Mr. ALDRICH. Mr. President, I move the adoption of the committee amendment.

The VICE-PRESIDENT. The question is now upon the committee amendment.

The amendment was agreed to.

The VICE-PRESIDENT. The Secretary will report the next amendment.

The SECRETARY. Also, in line 8, the committee proposes, after the words "extracts of hemlock bark" and the comma, to insert "and of mangrove bark."

Mr. LODGE. I ask that it be passed over for the present.

Mr. ALDRICH. I withdraw the amendment. I do not want any more amendments passed over.

The VICE-PRESIDENT. The committee amendment is withdrawn.

Mr. ALDRICH. I now ask for the insertion of a new paragraph after paragraph 32 as amended.

The VICE-PRESIDENT. Without objection, paragraph 21 is agreed to.

Mr. ALDRICH. After paragraph 32, I move to insert, as a new paragraph, "Cotton-seed oil, 3 cents a gallon."

The VICE-PRESIDENT. The Secretary will report the new paragraph.

The Secretary read as follows:

32½. Cotton-seed oil, 3 cents per gallon.

Mr. BEVERIDGE. What is the present duty on cotton-seed oil?

Mr. ALDRICH. Four cents a gallon.

Mr. BEVERIDGE. Was there not a colloquy here the other day, as shown by the RECORD, the result of which was to the effect that cotton-seed oil might go on the free list?

Mr. ALDRICH. I do not know what the RECORD shows. I think one or two Senators said——

Mr. BEVERIDGE. The Senator participated in that colloquy.

Mr. ALDRICH. I think one or two Senators said it might go on the free list; but the committee are satisfied it ought not to be on the free list, and they therefore recommend this reduction of duty.

Mr. BEVERIDGE. I think I remember a colloquy between the Senator from Rhode Island [Mr. ALDRICH] and the Senator from Georgia [Mr. BACON], in which the Senator from Rhode Island himself proposed that cotton-seed oil should go on the free list.

Mr. ALDRICH. Oh, no; I did not say that.

Mr. BEVERIDGE. And the Senator from Georgia [Mr. BACON] said he was not willing to consent to it at that time.

Mr. ALDRICH. Oh, no; the Senator is mixed in his memory.

Mr. BEVERIDGE. No; I am clear and accurate in my recollection, as the RECORD shows.

Mr. TILLMAN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I do.

Mr. TILLMAN. It is possible that there may be some makers of cotton-seed oil in the South who have seen the Senator's committee and have requested this duty. But if there are any Senators from the South who are in favor of it, I do not know who they are, and I should like to have them speak up.

Mr. BACON. What was the point?

Mr. ALDRICH. The question of putting cotton-seed oil on the free list.

Mr. BACON. I beg the Senator's pardon. I desire to hear what the Senator from Indiana [Mr. BEVERIDGE] said with reference to myself. I did not catch it.

Mr. BEVERIDGE. I asked the Senator from Rhode Island if there was not a colloquy on the floor, when this subject first came up, in which the Senator from Rhode Island suggested—or perhaps I did it myself—to the Senator from Georgia [Mr. BACON] that cotton-seed oil might go on the free list; and I remember the Senator from Georgia saying at that time that he was not yet ready to see it go on the free list.

Mr. ALDRICH. I think not.

Mr. BACON. On the contrary——

Mr. BEVERIDGE. I think it will be found exactly that way in the RECORD.

Mr. BACON. I said, on the contrary, that if it did not bring in any revenue, it might as well go on the free list; and the RECORD will bear me out in that statement. I am in favor of its going on the free list.

Mr. BEVERIDGE. Very well.

Mr. TILLMAN. And as everybody knows that there is no revenue from it, and as everybody knows that the South exports millions of dollars' worth of it, it seems to me absurd for the Senator from Rhode Island to undertake to say this is anything in the line of protection. Why he wanted to put it on this list as bearing a duty of 3 cents a gallon I do not know, but I presume he can explain it.

Mr. ALDRICH. I think so. The producers of cotton-seed oil have suggested that a duty be placed upon the article for the purpose of preventing a dumping of cotton-seed oil upon the American market under conditions which might be unfavorable to the United States.

Mr. TILLMAN. Who is going to dump any cotton-seed oil here?

Mr. ALDRICH. The producers of oil from American seed in Germany or in other countries, where they are at this moment practically paying a bounty for the production of cotton-seed oil. Nobody can tell precisely what will happen, and I think as a matter of justice this duty ought to be imposed.

Mr. CLAY. Will the Senator allow me to ask him what the present duty is?

Mr. ALDRICH. Four cents a gallon.

Mr. CLAY. At this time? That is the Dingley law?

Mr. ALDRICH. That is the Dingley law.

Mr. CLAY. And the Senator proposes to make this rate the same as that contained in the Dingley law?

Mr. ALDRICH. No; I propose to reduce it to 3 cents a gallon.

Mr. SIMMONS. What percentage is that? How much ad valorem is it?

Mr. ALDRICH. I think it is about 10 per cent. That is my recollection.

Mr. SIMMONS. It is my impression that it is about that.

Mr. ALDRICH. It is not over 10 per cent. It is a duty for revenue in case of the starting of the dumping process to which I have referred. I say without any hesitancy that the conditions in some foreign countries are such that they are trying to encourage the production of this oil by bounties, or what is equivalent to bounties, and I think in the long run this is a very desirable duty to impose upon this article.

Mr. BEVERIDGE. I will suggest to the Senator from Rhode Island that the Senators from the section of the country where this very product is manufactured not only do not fear any dumping, and not only do not request this duty, but are actually against it. Applying the rule that the Senator from Rhode Island applied here one morning concerning the lead schedule, that the Senators from the States where the thing is produced ought to know whether a given duty is necessary or not, would it not follow, if he carries out the same logic he advanced in the case of the lead schedule, that there ought not to be any duty on cotton-seed oil, since the Senators from the very States where it is produced are not in favor of it?

Mr. ALDRICH. I do not think I have advanced any such doctrine, nor do I hold any such doctrine. I think all the industries of the United States, whether they are located south of one line or north of it, east of one line or west of it, are entitled to fair treatment under this bill; and, so far as I am concerned, I intend to extend fair treatment to every industry, no matter where it is located.

Mr. BEVERIDGE. But the Senators from the section where this industry is located do not say this is fair treatment. They do not ask for it.

Mr. ALDRICH. One Senator may ask for one thing and other Senators may ask for another; but they are not preparing this bill. They are not responsible for its condition.

Mr. MONEY. That is true.

Mr. ALDRICH. We are; and I say that whatever may be the opinion of individual Senators upon this subject, I have no doubt myself that this duty should be imposed.

Mr. BURKETT. Mr. President, I will say to the Senator from Rhode Island that under the Wilson bill cotton-seed oil was free, as I understand it. This dumping process does not seem to have obtained according to whether there was a tariff or whether there was not, if I read this table aright; and I have followed it through several years.

Mr. ALDRICH. But conditions have absolutely changed in regard to the production of cotton-seed oil abroad. There are several governments that are at this moment engaged in an attempt to have cotton seed imported into their country, and to produce there the oil for their own use, and to drive out of business so far as they can the American producers of cotton-seed oil.

Mr. BURKETT. I want to say, Mr. President, that one year when it was free 7,621 gallons came in, the next year only 103, the next year 25, and the next year the importation rose to 808.

Mr. ALDRICH. But the Senator apparently does not understand the statement I have made, which is that the conditions have entirely changed. To-day Austria, Germany, and several other European countries are making every effort to import the seed from the United States and to encourage the production of cotton-seed oil in their own countries, to prevent the exportation of oil from this country, and upon occasion to send their oil to this country. Whatever may be the opinions of individual Senators upon the subject, I know that the people who are engaged in producing cotton-seed oil in the South hold the same opinion that I do with reference to the matter.

Mr. TILLMAN. Does the Senator want the men who produce the cotton seed to have any consideration here? Are the millions of farmers down there who produce cotton seed in order to sell it to be shut in, and compelled to let the trust monopolize our market, and not export any cotton seed if they want to?

Mr. ALDRICH. Not at all.

Mr. TILLMAN. That is exactly the purpose of this amendment.

Mr. ALDRICH. I beg the Senator's pardon; there is no such purpose.

Mr. TILLMAN. That will be the effect of it, then. I will not say that is the purpose, but that is the effect.

Mr. ALDRICH. Is the present law, which provides a duty of 4 cents a gallon, doing that? Has anybody undertaken to show that a duty of 4 cents a gallon is producing that result?

Mr. TILLMAN. Suppose France and Germany should put a duty on cotton-seed oil, and admit cotton seed free? They are importing millions of gallons of cotton-seed oil to be used in adulterating olive oil, or to be transformed into olive oil.

Mr. ALDRICH. Unquestionably.

Mr. TILLMAN. Very well. If they want to import cotton seed and produce the oil themselves, why not let them do it?

Mr. ALDRICH. Does the Senator mean he would prefer to have that done in France rather than in the United States?

Mr. TILLMAN. If it gives us a better market for cotton seed; yes. We do not want to be shut in and be compelled to let the cotton-seed mill trust fix the price of cotton seed in our country.

Mr. BACON. Mr. President, if the Senator from Rhode Island will permit me, I desire to say to him that what is the principal interest in reference to cotton-seed oil, the principal interest of the producers of cotton-seed oil, and the principal interest of cotton-seed producers back of the oil producers, is that they shall not be deprived of their foreign market for oil. The danger to which I wish to call the attention of the Senator from Rhode Island is this: France is one of the largest consumers of cotton-seed oil, and the high rates of duty which are imposed upon the products of France coming into this country are constantly putting in jeopardy, and have for twelve years put in jeopardy, the interests of the cotton-seed oil producers by the danger that it involves, which results from it, of the raising of the duty by France upon cotton-seed oil imports.

The Senator knows, and everybody who is connected with this business knows, that for more than ten years past we have stood upon the very edge where the Government of France, with its maximum and minimum rates of tariff, has been threatening to put cotton-seed oil imports up to the maximum rate, which would have been a most serious injury to the cotton-seed oil product of this country. There is the danger. It is not the danger of other oils coming into this country and coming into competition with it, but that the markets of the world will be closed to the export of cotton-seed oil or put under such embarrassment as to make its exportation unprofitable.

Mr. ALDRICH. The Senator must be aware, if he has——

Mr. BACON. I have not quite finished, if the Senator will pardon me.

This matter has been particularly brought to my attention not only by the fact that I am from the section which produces this product, but am on the Committee on Foreign Relations and have been for twelve years, and we have had negotiated with France one treaty which in its provisions was designed to prevent the consummation of that danger—the danger that France would put the maximum duty upon the importation of cotton-seed oil.

Since that time, as the Senator well knows, there have been revivals of those negotiations, and there has been elaborate testimony taken before the Committee on Foreign Relations with a view to reciprocal agreements which would guarantee and insure to cotton-seed oil the benefits of the minimum tariff; and the Senator himself has been present at some of those hearings. There is the danger—the danger that in protecting certain industries in this country such high protective duties will be put upon imports into this country of French manufacture as to cause France to retaliate by putting cotton-seed oil at the maximum rate of duty. There is our danger. There is no danger of importations of cotton-seed oil into this country, but there is great danger of the other.

Mr. ALDRICH. Mr. President, when the provisions of this bill in regard to maximum and minimum rates are before the Senate I shall be very glad to discuss that matter with the Senator from Georgia. I am, of course, entirely familiar with the attempts which have been made to negotiate reciprocity treaties with France upon the basis of reciprocal reductions or reciprocal advantages.

I will say to the Senator, what he already knows, and I think I am not disclosing exeeutive secrets when I say it, that the opinion of the Senate was almost overwhelmingly against the character of treaties which the Senator has referred to, and they were not ratified by the Senate.

Mr. BACON. I do not agree with the Senator about that.

Mr. ALDRICH. Whatever may have been the sentiment of the Senate, they were not ratified.

Mr. BACON. I know they were not.

Mr. ALDRICH. I think it is perfectly safe to say that no treaty of that kind will be ratified.

Mr. BACON. Very well.

Mr. ALDRICH. I think the suggestions in regard to the maximum and minimum rates will be absolutely efficacious in doing away with all the suggestions made by the Senator from Georgia in the direction he has named.

One word more about cotton-seed oil. The Senator from Georgia is as well aware as I am that in East Africa, in Egypt, and everywhere else throughout the world where there is any possibility of raising cotton, all the governments and everybody interested in the prosperity of those countries are trying their best to raise some kind of cotton and some variety of cotton that may be sent to the United States. I suppose the Senators are aware that we imported, in the year 1907, 95,000,000 pounds of Egyptian cotton, for which we paid practically 20 cents a pound.

Mr. MONEY. Seventeen.

Mr. ALDRICH. More than that, I think.

Mr. MONEY. Seventeen cents, and 90,000,000 pounds.

Mr. ALDRICH. The Senator from Mississippi and I probably have different years in mind, because certainly in one year—I will not undertake at this moment to state which year—we imported 95,000,000 pounds, at an average valuation of 20 cents a pound.

I agree with what the Senator from Indiana [Mr. BEVERIDGE] says. If the whole South and all the Senators from the South object to this duty, I shall not insist that it be imposed. But having in view a great American interest and a great American industry, I desire to state what I think should be the action of the Senate upon this question. I do not pretend to know better than you do, gentlemen, as to what the future may bring forth, and if it is the universal sentiment of Senators upon the other side that this duty should not be imposed, I shall withdraw the amendment.

Mr. BEVERIDGE. Mr. President——

Mr. BACON. Will the Senator from Indiana allow me?

Mr. BEVERIDGE. Yes; I will.

Mr. BACON. I simply desire to say that if these importations or possible importations are such as the Government will derive revenue from, I will favor it. Otherwise, I am absolutely opposed to it. I do not believe the Government will derive any revenue from it, and therefore I am in favor of this article going on the free list.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Utah?

Mr. BACON. I do.

Mr. SMOOT. I wish to say that I favored a duty of 3 cents a gallon upon cotton-seed oil on account of the representations made by men from the South.

Mr. CUMMINS. I wish the Senator from Utah would speak a little louder.

The VICE-PRESIDENT. The Senator from Utah will speak a little louder.

Mr. SMOOT. I will. The facts are these: In Austria at the present time they allow cotton seed to come in free, but they impose a duty upon the oil of 27 cents. The same is true in Germany—not the same amount, the same principle. Under those conditions, they say, cotton seed going into Germany and into Austria is manufactured into oil, and the seed coming from South America, Egypt, and India at a very small freight rate, they can manufacture in those countries now, with free seed, cotton-seed oil, and if there is no duty they can ship to the border States of America cheaper than the product can be produced here. It is for that reason that I have supported the duty of 3 cents per gallon.

Mr. TILLMAN. Cheaper than it can be produced in the South, with negro labor at 50 and 75 cents a day? Whoever told the Senator that lied to him, and he knew he was lying—and I do not care who he is.

Mr. SMOOT. There are many countries which have cheaper labor than 50 cents a day. I think you could go to Germany to-day and find that the men working in those mills producing oil are not receiving an average of 50 cents a day.

Mr. BEVERIDGE. Mr. President, the rule was stated here by the Senator from Rhode Island in the discussion of the lead schedule, when a question was asked as to the sources of information, that when Senators who live in a certain section which produces a commodity upon which we propose to put a tariff stated what the necessities of that section are, with reference to that particular article, that that was influential and practically, he said, controlling. The Senator says no, but I think his memory is at fault; his memory is not always trustworthy. For example, I recall that when I had read from the RECORD the remark the Senator inadvertently made about not having read the House hearings, he said that he referred to orange mineral in them; yet he was, as a matter of fact, talking about cotton when he said that he had not read the House hearings. So I think my recollection is more accurate than the Senator's.

What struck me as peculiar is that there should be, out of a clear sky, a proposition to impose a duty upon a product from a section whose Senators do not ask it and some of whom are vociferously protesting against it. When we ask for an explanation for this curious proceeding we find that the explanation does not depend upon a single present fact, but upon anticipation. This is a duty upon anticipation. This is a tax on expectations. This is a proposed tariff upon "maybes" and "perhaps-sos." It does not have the force of any established commercial fact.

On the contrary, in the comparative statement furnished by the committee itself we find that last year the exports of this product were $17,074,403, and the imports were only $9,342. It would not seem that any industry was in very much danger of foreign competition, which Senators admit does not now exist, but exists only in imagination and anticipation, when such industry imports only $9,000 and exports $17,000,000.

The Senator says "There is no telling what they may import," but had not the Senator better wait until we can tell—at least until this imaginary danger can be seen upon the distant horizon?

Mr. SMOOT. Mr. President——

Mr. BEVERIDGE. Wait a moment. Not only does it not have the basis of any established commercial fact as shown by the exports and imports prepared by the committee itself, but neither does it have the demand of the section where it is produced. And, furthermore, it does not have the sanction of a revenue-producing measure, because I find here that under the present law the total revenue from this source was hardly over $1,000 last year, and that would not go very far in supporting the Government. Now I yield to the Senator.

Mr. SMOOT. My suggestion to the Senator was that the importations were very light. He must remember the fact that it was 4 cents a gallon. Can the Senator say that there would have been only that much importation if it had been 3 cents a gallon?

Mr. BEVERIDGE. I can no more say what might have been in the future or the past than the Senator can say. But I will say this: Does the Senator think that the industry is very much in peril when it exports, to compete with the very industries abroad which he thinks are going to extinguish this one, $17,000,000 and more, whereas the imports are only $9,000?

Mr. MONEY. Mr. President, it must be very gratifying to a Senator from a cotton State, born on a cotton plantation, and making cotton all his life, to find such a lively and benevolent interest manifested in the people of his section of country and its product by a gentleman from Utah and one from Rhode Island, who make no cotton and do not know anything about it.

Mr. SMOOT. I can say to the Senator that we can grow cotton in Utah.

Mr. MONEY. But you have not grown it there. You may be able to grow oranges in hothouses.

Mr. ALDRICH. Mr. President——

Mr. MONEY. I am going right on, and I ask Senators not to interrupt me.

Mr. ALDRICH. Will the Senator allow me to withdraw this amendment?

Mr. MONEY. Certainly; but I am not going to withdraw my remarks. I have some remarks to make on this subject.

The PRESIDING OFFICER (Mr. HEYBURN in the chair). The Senator from Mississippi declines to yield for that purpose.

Mr. MONEY. I want the Senate to understand this case. I do not know anything about the Senator from Rhode Island and the Senator from Utah understanding it, but I want the Senate to understand the position they seem to place us in by a paternal desire to benefit our constituents without our wish.

There are a good many oil mills in my State. Mississippi is the third cotton-producing State in the Union. I want to say that we know cotton from the time it is put in the ground and is put through the gin and the press and the compress and goes to market, and we are more familiar with it than anybody else. I note very carefully what the Senator from Rhode Island says about the danger to come from East Africa and from every other country.

Mr. ALDRICH. The dangers that I have suggested were not imaginary statements of mine. They were statements made to me by cotton-seed oil producers of the section of country in which the Senator from Mississippi lives.

Mr. MONEY. Very well. It does not make any difference to me whose imagination it comes from. I am from a cotton State, and there the cotton producer has never communicated his imagination to me.

Mr. BEVERIDGE. It is merely a repeated imagination.

Mr. MONEY. It is a cumulative sort of concern. Like a snowball, it gathers as it goes.

In 1863, when we were in the war between the States and cotton went to a dollar and a half a pound, there was a convention held at Manchester of 27 countries capable of making cotton, because a dollar and a half a pound was a little too much for anybody to successfully attempt to work the raw cotton in competition with linen, wool, hemp, and so on. Every possible effort was made and it was successful, to some extent, in the Orient. Lord Dalhousie, who at that time was viceroy of India, spent $48,000,000 in making railroads to develop the Punjab district and bring the cotton down to Bombay. Every effort has been made to extend cotton cultivation over the earth as far as it would grow. I want to say that the South does not appear in competition. The Senator alluded to cotton selling at 20 cents, but that is not the ordinary price. I tell him that the price for two years has been about 17 cents in the market.

Mr. ALDRICH. The importations for 1907 were 99,462,105 pounds, and the average unit of value was 19.9 cents a pound.

Mr. MONEY. What was it in 1908?

Mr. ALDRICH. I have it not for 1908.

Mr. MONEY. That was a year later. You will find that it was 90,000,000 pounds, and that 17 cents a pound was the price.

Mr. ALDRICH. I think very likely; but I do not want the Senator from Mississippi to act under a misapprehension about the reason the committee had for proposing this amendment. A large number of cotton-seed oil producers came before the members of the committee, accompanied by four or five southern Senators, who vouched for their respectability, at least, and honesty about this matter.

Mr. MONEY. Nobody disputes about their honesty.

Mr. ALDRICH. For that reason the committee proposed the amendment. I thought it was the universal feeling of Senators on the other side that this provision ought to be inserted in the law. I withdraw it.

Mr. MONEY. It is a poor lawyer who argues a case after he has got the verdict; but some things have been said here that ought to be answered.

I want to say that I have not had a communication from a single oil mill in Mississippi that asked me for this, but they say that you put oleo stearin on the free list, and you have taken it off the free list and put it on the tax list. That is the only thing they have ever requested me to see to. It was on the free list. It is one of the most important elements in compound lard, which the oil mills are largely interested in the manufacture of. That is the one thing they are interested in. Nobody approached me and asked me about cotton-seed oil.

Mr. ALDRICH. I did not say the Senator from Mississippi was one of the four or five southern Senators.

Mr. MONEY. I understood that you did not, because it was not so. I was not one of them. I repeat what I have said, that I have not had a single request in regard to cotton-seed oil. The people are my personal, as well as political, friends who are engaged in this business, and they have asked me but for one thing, and that is for free oleo stearin, oleo stearin being admitted into Great Britain free of taxation, and the process of making compound lard is so extensive that the mill men have been using a great part of it in composing that ordinary culinary material. They want to have oleo stearin put on the free list, and they ask nothing for their oil.

Mr. ALDRICH. I have now the figures for 1908 here, if the Senator would like to hear them.

Mr. MONEY. Certainly.

Mr. ALDRICH. The importations were 70,000,000 pounds, valued at $14,000,000, and the unit of value was 21.

Mr. MONEY. I will admit that is true. It makes no difference to me whether it is 17 or 20.

A few years ago the Corps Legislatif of France proposed to put a duty on oil, as was done in Italy, and it was afterwards revoked. I went myself to the late lamented and most distinguished Secretary of State, Mr. Hay. I represented to him the inequity of this proceeding. We were then negotiating a treaty of reciprocity with France, which the Senator from Rhode Island was so anxious to defeat and so instrumental in defeating. I requested the Secretary of State to take diplomatic steps at once to stop that bill. He could not see his way to do it. I then suggested retaliation, and he did it. He succeeded in having that bill withdrawn from the Corps Legislatif.

I do not want to be put in the attitude here of neglecting anybody's interest in Mississippi, and I will not be put in the attitude of trying to protect an interest in Mississippi or anywhere else in this world, because, as I have said here over and over again, there is no authority to do that thing. And Congress and this committee proceed all the time ultra vires when they undertake to do that thing.

Now, let us see about the danger that arises from this. In the first place, cotton seed is extremely bulky. A ton of cotton seed makes considerable space in shipping in any vessel in the world; I do not care how it is arranged for it. You have got to stand all the risk in shipping cotton seed, and there is risk about it. I am aware that these gentlemen on that committee know nothing whatever of it. It is what the farmer calls "heating." Cotton seed is one of the hottest things in the world when it becomes heated, as it is called, and then it is absolutely worthless. It will not germinate and the oil dries out of it. There are a thousand dangers attending the transportation of cotton seed.

It is simply ridiculous for Senators to rise in their places and tell the Senate that we in the Southern States that produce over 13,000,000 bales of cotton, when from each bale of cotton they get over half a ton of cotton seed—that is, over 6,500,000 tons of cotton seed—with an oil mill in almost every county in the State, certainly at every important junction or railroad town, can not take care of ourselves in cotton-seed oil.

I tell the Senator if he will be kind enough to take oil off the tax list and place oleo stearin on the free list, he will comply with the real and the general wishes of the cotton-seed producers.

Mr. ALDRICH. I know nothing about the wishes of the cotton-seed producers except the statements which were made to the committee, and made by respectable men——

Mr. MONEY. Oh, they were all respectable.

Mr. ALDRICH (continuing). Vouched for by five or six Senators from your point of view. If both the Senators and the producers are at fault, I certainly have done everything I can to make amends by withdrawing the amendment.

Mr. MONEY. The Senator has acted very fairly and very kindly, and I want to ask him to go a step further, for this product is used in every cotton-seed mill in the South, and it is not represented here in person or by proxy or by people with Senators accompanying them; I ask you to put oleo stearin on the free list.

Mr. ALDRICH. We will consider that question.

Mr. MONEY. It has been on the free list. I know you will consider it when you come to it, but a favorable answer I do not expect.

There is another thing touched upon by my friend from South Carolina [Mr. SMITH] which you should consider. How is it that the man who makes the raw material has no consideration in this body? It is only a man who manufactures something who is considered a business man. The farmer who goes out and works from early morn until dewy eve is not a business man. The lumberman who fells trees in the forest is not a business man. He does not figure on any pay roll. Nobody is a business man unless he buys or sells or manufactures or insures somebody or changes money over a bank counter. I have heard it stated all around; I have seen it in the newspapers; I have had some letters addressed to me personally, with certain compliments to me of a left-handed sort, with the wish that we might deal with this question like business men, and that everything would be done right if business men would do it. I should like to see a committee of business men draw a bill. They could draw a tariff bill that is right in giving them what they want, but to frame a whole bill is something utterly beyond their comprehension. The same thing happens when they ask for a free list. One is just as bad as the other. As a matter of fact, we can not get the honest truth from men on either side of the question that has been before the Senate. I am not imputing it as any fault to these gentlemen. Nobody says that the men who come here are not honest men, that they do not tell what they think, but it is one of the infirmities of human nature that when they come to ask a favor they make the best possible of their side and suppress or put in the background all that can be said against them. When a man comes here to have an article taxed, or when a man comes here to have an article put on the free list, you can not get a straight story from either one of them. Naturally, without any intention of deceiving anyone, they go according to their interests. But the great masses of the people who do not send anybody here, the mass of consumers, the people of the United States, working to produce the raw material, have had no representative here asking for anything for them.

I want to say another thing while I am up, though I am continuing these remarks much longer than I intended. It seems to me that the making of revenue has been entirely lost sight of on this floor. There is a sort of a craze for putting things on the free list, and we have been told here that it is Democratic doctrine. I deny that it is Democratic doctrine. I recollect one platform, from which my distinguished friend

from Maryland [Mr. RAYNER] read here, prepared, I believe, by Grover Cleveland. It was all for the free list. Who ever said that, before or since? Senators may ask me, Are you not going to stand on your platform? I can retort, Are you going to stand on yours? If you want to know about my standing on mine, I say no—not all of it. I am not disloyal to my party because I do not choose to follow every single policy which they adopt. I am a Democrat from principle—I suppose I always will be—but I am open to conviction, and the very moment that I see the policies that are advocated by that party are not best for the prosperity and happiness of the people of this country and the preservation of their liberties, I will turn to any party that can show better. If I did not do that I would not be a good citizen, much less a good Senator. I could not be a good citizen if I cleaved to an organization regardless of its policies. It is not simply because of the name or past history; it is because of its living principles. The living principles of the Democratic party with reference to tariff taxation is to raise revenue, and for nothing else whatever, and it is just as much opposed to a free list of raw materials as it is to a tax list of wrought materials. Is there any reason, is there any sense or justice, for the making of revenue that raw material, that engages the industries of more than two-thirds of the people of this country, shall be put on the free list and everything that the people buy put on the tax list? I think the junior Senator from Texas answered well. The papers may charge, as one of the editors did, that they should not vote for a protective tariff to save the soul from hades.

Mr. ALDRICH. Will the Senator allow me to ask him a question?

Mr. MONEY. Certainly.

Mr. ALDRICH. Did he vote with his party associates yesterday to put several manufactured articles upon the free list?

Mr. MONEY. I do not recall any such vote.

Mr. ALDRICH. It was day before yesterday.

Mr. MONEY. I do not recall a vote then.

Mr. BEVERIDGE. It was the amendment of the Senator from Mississippi [Mr. MCLAURIN].

Mr. MONEY. I am not quite sure; but that was an exceptional case, and there was no revenue in it.

I want to say that I am not a fanatic on the subject of keeping everything off the free list. When it means something in a case of that kind, which is neither protective nor revenue bearing, and when I see such things that do not bring any revenue, then I do not see why they should not go on the free list. If you could show me something that brings revenue, I will say, No free list for that; but I should like to know why things should be placed on the tax list when they do not produce revenue and do not protect anybody either. It was the sewing-machine amendment that the Senator from Rhode Island probably alluded to.

Mr. BEVERIDGE. No; it was the McLaurin amendment about trace chains, and so forth.

Mr. MONEY. I was not here when that amendment was voted on. I do not know anything about it.

Mr. President, it is a matter of absolute indifference to me, personally and officially, what any newspaper or anybody else says about my course here. I am willing that Senators who surround me on both sides of this Chamber should do what they conceive to be their duty. We are from different localities; we are surrounded by different interests; and I am sorry to say we take a different view of the organic law of our being. I wish that it were otherwise. I can never hope that in a Republic covering the whole continent from ocean to ocean and from the Lakes to the Gulf there should be a unison of interest all the time; but there can be, as there should be, a correct and proper and unanimous understanding of the Constitution under which we live and which gives a being to this Senate and has permitted us to be here at all. That is a question which is ignored. We are told that it is too academic. Why? Because the protective policy has been so long approved by the majority of the people of the United States.

I want to make a free criticism. Without any disrespect to the people of the United States, I say that they do not consider these things very much. I have known a man who violated the Constitution, without seeming to know it, all the time, and he had the popular applause all the time.

Mr. President, it is only in the Senate and in the coordinate branch of the other House of Congress that people are called upon to study the Constitution and to see how far their authority extends to impose burdens upon the people of this country, whether just or unjust. I declare again here to my friends my earnest belief that whenever you take the burden from any man and put it upon another to promote a private enterprise and provide for private fortunes, you are proceeding against the Constitution and you have exceeded your authority.

Mr. ALDRICH. May I ask the Senator a question?

Mr. MONEY. Certainly.

Mr. ALDRICH. Does not the Senator think that it is a matter of public thanksgiving that all the people of the United States are not continuously thinking about the Constitution of the United States?

Mr. MONEY. Well, I expect from the point of view of the Senator from Rhode Island it is, but not from mine. I have heard a long time ago, away back when people were making sacrifices for liberty, that eternal vigilance was the price of liberty; but here it is laissez faire—let well enough alone. You are getting along first rate. You are doing business. You are making money. You are not properly distributing money, but you are accumulating it. You are making it. How? By imposing burdens upon one set of people in order to promote the private interests and individual fortunes of another set. When the statement and the table which I filed the other day, carefully compiled, was announced false, without reading, by an honorable and distinguished Senator, my friend here forgot that I had used the words of the Supreme Court of the United States and the most distinguished jurists in this country and not my own language, although my thoughts ran in accord with theirs.

Mr. President, if we could get the people to think more, we would have reason for thanksgiving. The difficult task of self-government is almost beyond human achievement. It has been a signal failure from the beginning of time until to-day, because our form of government is artificial, the most artificial ever known in the world. It is unnatural; it is abnormal; and its constant disposition is to revert, as in the case of all flora and fauna.

It is because they become so much engaged in profits and gain that they cease to consider the principles upon which they have their existence; for one of the greatest men ever produced by New England—and you may say he was the father of American independence, Sam Adams—when contesting the ratification of the Constitution along with Patrick Henry and Thomas Jefferson and Richard Henry Lee and others, said in a letter to Richard Henry Lee:

> We have achieved a great liberty; we have wrought out a great Constitution; but my only fear is that our people, who are now poor and simple and love liberty because they have made sacrifices for it, will after a while grow rich and will prefer their riches to their liberty.

O my prophetic soul! If that has not come to the verge of verification to-day, then I can not read the signs of the times.

Mr. President, it does seem to me that it is not at all out of place even on the tariff bill to examine into the authority of the Senate and of the Congress to put upon the people the burdens which ought not to be borne except to defray the expense of that organized society which secures to them life, liberty, and the pursuit of happiness.

I do not intend to make a speech, because I am not able to do it. But, Mr. President, when we go along in this mechanical business way, I am sorry to say, to consider only how much good you can do to a few favored individuals, to use the strong arm of the United States Government to pull a man and take from him something that belongs to him by his own toil and right and give it to any other human being, to protect his interest, to promote his interest, to secure his interest, then we have committed a wrong. You may call it by any name you please, but the desire to get somebody else's money or property for nothing is about as universal as human nature itself, and it is very hard to distinguish in the motive between the man who steals into your hall and steals your coat from your hatrack and carries it off and another man who asks the law to aid him in stealing the hat off the head or the coat off the back of another to give to a man who is engaged in making a living for himself.

Something is given for nothing; nothing in compensation and nothing to be returned in service of any sort. Commerce is an exchange of services, they say; yet we are having a bill here to regulate commerce in this country which had its foundation principle, as announced by the distinguished Senator from Rhode Island [Mr. ALDRICH], in this very principle—that it was done to protect every American industry. Well, how are you going to protect some American industries without taxing other American industries? I have submitted tables, which I believe to be correct, and I ask the gentlemen in this Senate to critically examine them and investigate them, and, if there is any fault in them, I want it pointed out, not for their benefit, but for my own, because I can not see how a man of self-respect or a man who cares to advance at all will submit a proposition which he believes to be false. Even if he waives the danger of detection and exposure, as a matter of fact, for himself, does he want to make a mistake? It does not make any difference whether it is intentional or unintentional so far as his self-

respect is concerned; but he can have it criticised and corrected. That I am willing to do, and, if that table is worth anything, it will stand the test.

The table submitted by me and one submitted by the distinguished senior Senator from Georgia [Mr. BACON] very early in the debate show that, while about $300,000,000 is collected by the taxgatherers for the revenue of this country—that is, to protect society—there is about $2,000,000,000 that is collected and put into the pockets of the men who have nothing to do with the administration of the Government whatever, which goes to private citizens and to private industries and enterprises.

I should like to know by what rule of morality and by what rule of constitutional law that is done. As I have said here, I believe, once before in making a few remarks, the school of protectionists seems to raise up a school of morality individual and peculiar to itself. It does not accord with any school of morality on earth; it does not accord with any moral code laid down in any religion of which I have ever heard, and I have studied every one that I have heard of with profound concern and interest, I will say, because I want to get at the truth. With no human code of morality does it square itself. "Thou shalt not covet thy neighbor's goods." "Thou shalt not steal." These commands are obviously necessary to the conduct of human affairs; they are not omitted from any code of morality, either religious or any other sort, that has ever been extant in the world, nor ever will be, because society can not exist without them. They are a corrective force, a conservative force of society. Yet there are honorable gentlemen whom I would trust with my life, as honest as they can be, yet they are governed by such a perversion—I will say a sort of moral strabismus—that they can not see straight upon this question of morality.

I am no preacher, and I do not intend to get off on the moral side of this thing, because I know very well that nobody is going to debate the moral side of this question here nor anywhere else, because there is only one side to it, and nobody can make an argument on the other side.

Mr. President, when the free-trade struggle ran for twenty years in Great Britain, it seemed like the better element in society, as they called it, were all for the high protective tariff that was destroying the industries of Great Britain. That seems like a singular statement; it would seem to be a sort of paradox, but it was the truth. They were destroying the industries of Great Britain at the dictation of the most enlightened and honorable class of men in the world—the landowners of Great Britain—men who, in succeeding generations, have been capable of any sacrifice for the public good, because the great income tax which brought last year $165,000,000 to the British exchequer is upheld by the people who pay it, who do not try to skulk around and avoid the burden of the general government, which they have imposed more lightly upon lower shoulders than theirs.

Yet it took twenty years of struggle to convince the voting masses of Great Britain that there was something dishonest, immoral, oppressive, and tyrannical in a protective system. So they had the annual motion of Villers, that got to be called the "annual motion" because he made it every year, the same thing over and over again; but it took all the eloquence of John Bright, the wit of Sydney Smith, the splendid logic of Richard Cobden, the persistence of George Purcell, and of Robert Peel and others, until it broke down under this continual hammering. Then the Irish famine came along and accentuated the situation, and they had a free-trade law in Great Britain. They call it free trade. Is it free trade? They talk here about free trade. What is free trade? What do you call free trade? We speak of Gibraltar, Hongkong, Singapore, and other English cities as free ports, because there is no taxation upon goods going into those ports; but that is not what England calls free trade.

Here is the English tariff circular [exhibiting]—about 40 schedules, comprising hundreds of articles. That is what is called free trade in England, but it is not free trade in the sense that nothing is taxed. They make as much revenue off of tariffs and customs with 40,000,000 people as we do with 90,000,000 people, and that is called free trade. What is free trade in England? When there is free competition in trade, it is called free trade. When England raises her taxes $2.50 a gallon on spirits, she puts on an excise duty of $2.50, so as to put the home manufacturers exactly on a competitive level with the manufacturers of other countries; and her greatest revenue is derived from those things which she never makes at all—tobacco, tea, coffee, cocoa, and so forth.

Mr. ALDRICH. Is the Senator from Mississippi aware that, in the treatment of beer, for instance, Great Britain levies a protective duty upon beer?

Mr. MONEY. I was not.

Mr. ALDRICH. The Senator had better examine that question.

Mr. MONEY. I will take the Senator's word for it that they do have protection on beer; and I suppose that there is something peculiarly favorable to beer, or they would not impose such a duty, because the English really consume more beer than any other people in the world. They consume more than the Germans do.

Mr. ALDRICH. They impose an internal tax on beer, and they have a duty on beer which is much greater, and which is prohibitory as to foreign beer.

Mr. MONEY. I will take the Senator's statement as correct, and I think it is quite likely you will not find a general rule in this world that has not its exceptions, for it has become a common saying that by the exceptions you prove the rule; and I do not know of any rule in the world that does not have its exceptions. But I am speaking of a general fact that will not be denied. That is what free trade is in Great Britain.

Mr. President, I do not want to address the Senate at length to-day. I do not know that I shall do so at all. These remarks were called forth simply because the question came up as I came through the door, although I had not heard that it was coming up to-day. The Senator from Rhode Island has very kindly consented to listen to Senators from my section in regard to this one article which is in controversy now; but I have strayed away and have gone pretty far afield, I admit, perhaps because I did not take note of the landmarks.

At any rate, I got pretty far away from the subject; but I desire to say that I do not want the Senator from Rhode Island or any other Senator to think that I am here simply finding fault with him or anybody else. I want the whole Senate to understand that I do not find fault with any Senator for any vote he may cast. I do not care whether it is for free trade or for a tariff for revenue or a tariff for protection to American industries. He acts according to his lights; he is doing what he thinks is best. I want to give credit to every Senator in this Chamber for doing what he thinks is his duty.

I want to say, moreover, that I think every Senator owes it to himself and to his constituents to give expression to the reasons why he votes for anything, and that the time consumed in hearing such remarks by Senators for the benefit of the home constituents—and there is where it ought to go—is well spent. By that I do not mean that I would unnecessarily protract the discussion of this question. I should hope that the remarks would be pertinent to the schedules under which they were delivered, more so than mine have been to-day, because they have been extremely desultory.

Mr. BEVERIDGE. Mr. President, do I understand that the Senator from Rhode Island withdraws the amendment, and that this article goes on the free list?

Mr. ALDRICH. Yes.

Mr. TILLMAN. It remains on the free list; it is already there.

Mr. SIMMONS. Mr. President, with the consent of the Senate, before this matter——

The PRESIDING OFFICER. The Chair will state, before the Senator from North Carolina proceeds, that the amendment has been withdrawn, and that paragraph 40 is the next paragraph passed over.

Mr. SIMMONS. Mr. President, I want, by unanimous consent, to make a statement with reference to the matter which has just gone over. I do not suppose any Senator will object to my making that statement. The Senator from Mississippi [Mr. MONEY] was proceeding a little while ago, as I understood, by unanimous consent, there being nothing before the body.

Mr. President, I am not going to make any objection to the committee withdrawing this amendment; but I do not, by my silence, wish it to be understood that I assent to the proposition that this article ought to go upon the free list. I do not think that there ought to be a large duty placed upon it, but I do think that there ought to be some duty placed upon it. The present law imposes a duty of 4 cents a gallon, which is equivalent to 11½ per cent ad valorem.

The rate now imposed is about 9 per cent ad valorem—a very small duty. Some revenue has been derived from the present duty, though not very much. In 1907 we imported about 26,000 gallons, and the revenue amounted to about $1,000. It is not, therefore, so much on account of the present importations as on account of what I am certain will be the future importations of this article that I think a duty ought to be put upon it.

Mr. President, in the State of North Carolina we manufacture all the cotton we make. It is the only State in the Union where all the cotton that is raised is manufactured. As a result of that my State gets out of its cotton crop just about

four or five times as much as it would get if we did not manufacture any of it. In my State all the cotton seed we raise we manufacture into oil. As a result of that, we get two or three times as much out of our cotton seed as we would get out of them if we did not manufacture them into oil.

Mr. President, it is said that there is no danger of any competition from Europe in this particular product, because, it is said, we make three-fourths of the cotton seed of the world and therefore we need not fear competition from abroad in this product. We do not raise any greater proportion of the cotton seed of the world than we raise of the raw cotton of the world. We raise just the same proportion of the one as we raise of the other. We raise about three-fourths of all the cotton of the world, and we raise about three-fourths of the cotton seed of the world. The fact, Mr. President, that we raise three-fourths of the raw cotton of the world has not protected us against European competition in cotton goods. So, as a matter of fact, for years Europe has been importing about two-thirds of our raw cotton, manufacturing it into cotton goods, sending cotton goods back to us, and selling them to such an extent in competition with our manufactures of cotton that the Republican party, carrying out its policy of protection, has felt justified in putting a duty of about 43 per cent ad valorem upon imports of cotton goods to protect cotton goods made in this country against the cotton manufactured in Europe out of our raw cotton.

Mr. President, if they have been able to do that with reference to our raw cotton, why can they not do that with reference to our cotton seed? The manufacture of cotton is an old industry; the manufacture of cotton seed into oil is a new industry. Up to this time Europe has not made much oil to send over here in competition with us; but Europe is getting ready to import our cotton seed and to convert them into oil.

It is said that cotton seed can not be transported across the Atlantic without material injury. I talked to a leading cotton-seed oil man a few weeks ago about this matter—Colonel Haskell. He stated to me that the story that cotton seed can not be transported across the ocean because of their being subject to "heating" was a myth; that there was not a pound of cotton seed upon the American Continent that could not, by linting, be put in condition to stand water transportation without injury. He said that last year he had himself shipped to Europe 10,000 tons of cotton seed, and that he had a friend engaged in the business who had also shipped 10,000 tons abroad in that year.

Now, as a matter of fact, Germany is to-day constructing, and has nearly finished, cotton-seed oil mills of sufficient capacity to convert 500,000 tons of cotton seed into oil annually, and she will buy the bulk of the seed from America. I do not object to selling her all the seed she wants, if we can spare them and she will pay the price; but if Germany buys annually 500,000 tons of our cotton seed and in addition to her present output converts them into oil, is it not absolutely certain that she will export a part of this oil to this country, just as Europe is shipping cotton goods made of our raw cotton to this country? It is for the purpose of protecting our own manufacturers against this probable contingency that I think this article ought not to go upon the free list. I am not going to make any fight about it, because I do not want to enter into any controversy with my associates on this side. I recognize the fact that the majority of them are against me upon this proposition, but not all of them. I will not enter into any controversy about it, but I want to state here, so that it may become a matter of record, that I do not consent to the proposition that cotton-seed oil ought to go on the free list.

Mr. President, I repeat, I rose simply for the purpose of making a statement, so that I might make a record of my position, but I want to say before I conclude that when this matter was first proposed to the Senate, I made an argument in favor of a small duty on this product. That speech was published in the leading papers of my State a few days after it was made, and I have not had a word of protest from anybody in my State on account of it; but, on the contrary, I have received letters of commendation from my State, from men interested in this matter as well as from farmers interested in the price of seed.

Mr. CLAY. Mr. President, just a word. I do not desire to do the Senator from Rhode Island any injustice, and it is proper that I make a statement of a minute or two. It is true that gentlemen engaged in the cotton-seed oil business in my State, living near Atlanta, came to me and said they wanted a letter of introduction to the chairman of the Finance Committee; that they were engaged in the cotton-seed oil business, and that they desired to be heard, stating that they were liable to have competition in Germany of a most serious nature and character. I did give those gentlemen a letter of introduction to the Senator, saying that they were men of the highest integrity and splendid business capacity, and what I said was true.

The PRESIDING OFFICER. The next amendment passed over will be stated.

The SECRETARY. On page 11, line 23, paragraph 40, after the word "unmanufactured," it is proposed to strike out "one dollar and fifty" and insert "seventy-five."

Mr. ALDRICH. The Senator from Missouri [Mr. WARNER] was anxious that this amendment should not be agreed to. I do not see him in the Chamber at the moment.

Mr. CURTIS. I ask the chairman of the committee to consent to let the matter go over until the Senator from Missouri returns.

Mr. WARNER entered the Chamber.

Mr. CURTIS. The Senator from Missouri is here now.

The PRESIDING OFFICER. Section 40 was passed over at the request of the Senator from Missouri.

Mr. ALDRICH. I will ask the Senator from Missouri if he is ready to go on now.

Mr. WARNER. I will ask the Senator to let the paragraph go over for to-day.

Mr. ALDRICH. Then, it may go over until to-morrow; but I will try to take it up at that time and dispose of it.

The PRESIDING OFFICER. The amendment will be passed over until to-morrow. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over was paragraph 42.

The PRESIDING OFFICER. That paragraph was passed over at the request of the Senator from Connecticut [Mr. BRANDEGEE].

Mr. ALDRICH. I think the Senator from Connecticut has no objection to that paragraph being agreed to, and I ask that it may be agreed to.

Mr. BRANDEGEE. I have no objection.

Mr. ALDRICH. I ask that it be agreed to.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in paragraph 42.

The amendment was agreed to.

Mr. ALDRICH. Let the paragraph be agreed to as amended.

The PRESIDING OFFICER. The amendment will be stated, so that it will be in the RECORD.

Mr. ALDRICH. That has all been previously read.

Mr. SCOTT. It has been read, and it has all been agreed to.

Mr. ALDRICH. I ask that the paragraph be agreed to as amended.

Mr. SIMMONS. What paragraph is that?

Mr. ALDRICH. Paragraph 42.

The PRESIDING OFFICER. In the absence of objection, the paragraph as amended will be agreed to. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over is paragraph 51, on page 13.

Mr. CURTIS. I desire to offer an amendment in line 14, page 13, to strike out the word "seven" and insert in lieu thereof the word "six," so as to make it read "six-eighths cents per pound."

Mr. ALDRICH. "Three-fourths," I think, would be better phraseology; that is the usual phraseology.

Mr. CURTIS. Then I move to strike out the word "seven-eighths" and insert in lieu thereof the word "three-fourths."

Mr. ALDRICH. The committee are willing to accept that amendment.

The VICE-PRESIDENT. Is the amendment offered as a committee amendment? The Secretary will state the amendment.

The SECRETARY. On page 13, line 14, paragraph 51, it is proposed to amend the amendment of the committee by striking out "seven-eighths" and inserting "three-fourths."

The VICE-PRESIDENT. That is stated as a committee amendment.

Mr. ALDRICH. The committee agree to that amendment.

Mr. BACON. Mr. President——

The VICE-PRESIDENT. The Senator from Kansas has the floor. Does he yield to the Senator from Georgia?

Mr. CURTIS. After I make a statement. I have proposed the amendment, and, as I understand, the committee agree to it. It is not a committee amendment.

The VICE-PRESIDENT. The committee agree to it, so that it becomes a committee amendment.

Mr. GALLINGER and others. Oh, no.

Mr. CURTIS. I do not care whose amendment it is.

Mr. ALDRICH. The committee will modify their amendment so as to read "three-fourths," instead of "seven-eighths."

The VICE-PRESIDENT. That is as the Chair understood.

Mr. BACON. I simply desire to call attention to the fact that upon my copy of the bill I find a note that that paragraph had been passed over at the request of the senior Senator from Wisconsin [Mr. LA FOLLETTE]. He is not in his seat. That is the point to which I wish to call attention. We are considering paragraph 51, are we not?

Mr. ALDRICH. Yes; but it would hardly be necessary to pass it over, unless the Senator has some authority to speak for that Senator and to request that it go over.

Mr. BACON. I have none whatever. He has never said a word to me about it. I find that memorandum, and I presume that is the fact. The Senator is only temporarily absent. He has been in his seat.

Mr. ALDRICH. The Senator can suggest any amendment if he comes in.

Mr. BACON. That is sufficient, of course, if the Senator lets the reservation stand.

Mr. PENROSE. If we are going to pass over a paragraph because a Senator is not present, we will never get through.

Mr. ALDRICH. I ask that the paragraph be agreed to.

The VICE-PRESIDENT. The question is on the amendment offered by the Senator from Kansas [Mr. CURTIS].

Mr. BRISTOW. Mr. President, referring to the duty on white lead, it appears that my colleague has offered an amendment reducing the duty from 2⅞ cents a pound to 2¾ cents a pound, making a reduction of one-eighth of 1 cent per pound. The bill as it came from the House provided for a duty of 2¾ cents per pound. The Senate amendment increased it four-eighths of a cent. They now accept the amendment offered by my colleague, reducing the rate to two and three-fourths, an increase of three-eighths over the House provision.

I want to oppose this amendment because it is an excessive duty on a product that is controlled by a trust and which charges the American people exorbitant prices for this product. The duty on pig lead was fixed by the Senate at 2½ cents per pound. The duty fixed by the House on white lead was 2¾ cents, making a differential of two-eighths of a cent per pound between pig lead and white lead.

I did what I could, and protested as much as I was able, against increasing the duty on pig lead above the rate fixed by the House. The Senate fixed a differential between lead ore and pig lead, as Senators will remember, of five-eighths of a cent a pound. There is not a line of evidence before this body, nor has there been any presented, to show that it costs the smelters five-eighths of a cent a pound to reduce lead from ore to pig lead. There is evidence here that it costs $8 a ton, and no evidence that it costs more. The Senate fixed a differential of twelve dollars and a half a ton—four dollars and a half a ton more than it costs the smelters to take the lead ore through that process of reducing it to pig lead.

Mr. HEYBURN. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Idaho?

Mr. BRISTOW. Certainly.

Mr. HEYBURN. I would suggest to the Senator from Kansas that the lead bullion is not reduced to white lead where it is smelted or converted into bullion, but it is frequently shipped entirely across the continent.

Mr. BRISTOW. That may be; but I was just preparing for the remarks I intended to make in regard to white lead. In fixing a differential of twelve and a half dollars a ton for a process that costs but $8 a ton, all told, it appears from the information that I have been able to collect that the Senate has made a present to the smelter trust of the United States of one and a half million dollars, for which they do not give the American people a dollar's worth of service in return. Under this amendment it is proposed to present another trust with almost an equal amount of money, when there is no evidence here to demonstrate that it is at all necessary from the standpoint of protection.

I want to read from the hearings of the House in regard to this. I read from page 2380 of the hearings.

It has been alleged here that since the duty on pig lead was increased over that fixed by the House, it is necessary to give a corresponding increase in the duty on white lead, because white lead is made from pig lead. Mr. Burbridge, of Idaho, who, I suppose, is a reliable man—if he is not, the Senators from Idaho can say so—said:

If reference be made to the table attached hereto, showing the prices of pig lead and dry white lead for the years 1895 to 1907, inclusive, it will be seen that there is not a direct relation between the two prices. Taking the period of ten years, 1898 to 1907, during which the present tariff has been in existence, and comparing it with the period of three years, 1895 to 1897, during which the tariff was only one-half of the present tariff, we find the prices averaged as follows:

	Pig lead.	Dry white lead.
	Cents.	*Cents.*
1898-1907	4.527	5.500
1895-1897	3.263	4.958
	1.264	.542

Showing that although in the earlier period the price of pig lead was 1.264 cents per pound lower than in the later period the price of white lead was only 0.542 cent lower.

In the fall of 1907 the price of pig lead fell 2½ cents per pound, but the price of white lead fell only three-fourths cent per pound.

Clearly showing that there is no relation between the selling price of white lead and that of pig lead. When pig lead falls in price white lead may come down to some extent, or it may not.

Again, Mr. John B. Winfield, on page 2451, in referring to the price of white lead, said—this refers to the trust or combination that controls it:

PUEBLO, COLO., *December 12, 1908.*

WAYS AND MEANS COMMITTEE,
Washington, D. C.

GENTLEMEN: As substantial evidence of the injustice to the American people of the present duty on lead, I wish to draw your attention to the fact that the resident of Canada buys his white lead to beautify and preserve his house, barn, railroad cars, etc., at 4 cents per pound—made in Germany—while the American neighbor just across an imaginary line is compelled to pay 6 to 6½ cents for an inferior quality of the same common necessity. Why?

Very sincerely, JOHN B. WINFIELD.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. Was the Senator from Kansas satisfied with the differential made by the House between pig lead and white lead?

Mr. BRISTOW. I am satisfied with the duty fixed by the House on pig lead and white lead.

Mr. SMOOT. I asked, Mr. President, whether the Senator was satisfied with the amount of the differential between lead bullion and white lead as fixed by the House?

Mr. BRISTOW. I am not satisfied with the differential which the Senate is trying to fix, or which the Committee on Finance is trying to fix.

Mr. SMOOT. Then, Mr. President, I will tell the Senator in another way what the House has done.

Mr. BRISTOW. Very well.

Mr. SMOOT. The Senator is arguing here as to what the House has done in this matter. I want to tell him what the House did do.

The House placed on lead bullion a duty of 1½ cents. It placed a duty on white lead of 2¾ cents. In other words, there is a differential of seven-eighths of a cent per pound. The Senate has placed on pig lead a duty of 2½ cents. And now it is proposed to place a duty of 2¾ cents on white lead, or a differential of only five-eighths of a cent per pound. So, as far as the action of the Senate is concerned, there is a quarter of a cent difference now between the differential——

Mr. BRISTOW. Why? Why does the Senator fix that differential?

Mr. SMOOT. Why do I do so?

Mr. BRISTOW. Yes, sir.

Mr. SMOOT. Simply because it takes that amount, as the testimony will show here, to take lead bullion and convert it into white lead.

Mr. BRISTOW. I will ask the Senator to cite the testimony which is his authority for that statement.

Mr. SMOOT. I did not know, Mr. President, that this matter was coming up to-day, or I should have had the evidence here. But I want to ask the Senator from Kansas whether he has any evidence that it does not cost that much, or even more?

Mr. BRISTOW. There is evidence here, furnished by the Senate committee, that the white lead of this country is controlled by a trust.

Mr. SMOOT. The Senator does not mean the Senate committee, of course.

Mr. BRISTOW. I mean evidence has been furnished for the information of Congress to the effect that but one-fourth of 1 per cent of the amount of white lead that is consumed in the United States is imported.

Mr. SMOOT. Mr. President, we were talking about the differential between the bullion and the white lead itself.

Mr. BRISTOW. There is but one-fourth of 1 per cent of our white lead imported. This legislation will compel the people of this country in the future to pay from two and a quarter to two and a half cents a pound more for their white lead than is paid across the line in Canada. There is not a bit of evidence submitted here by the Senator from Utah, or by the Committee on Finance, to show that there is any added cost in manufacturing that would exceed that covered by the one-quarter of a cent a pound differential which would exist if the Senate amendment was rejected.

On page 457 of the hearings there is a letter which was written to President Taft. It reads as follows:

COLUMBUS, OHIO, *December 4, 1908.*

HON. WILLIAM H. TAFT,
Hot Springs, Va.

DEAR SIR:

* * * * * * *

In purchasing dry white lead, which carries a 40 per cent duty, there is a practical monopoly on the article in this country.

There is, practically speaking, but one place to purchase, and yet a protection of 40 per cent. We do not think this is fair and right.

We see statements in the paper that those who have anything to say should appear before the commission at Washington. A good many in the trade, having but the one place to purchase, feel cowed.

Yours, very respectfully,

THE HANNA PAINT MFG. CO.,
By J. B. HANNA, *President.*

It is proposed to impose a duty here that will perpetuate this condition in the United States, thereby prohibiting and forbidding the American people to have any other place to go to buy this commodity, which is used in every home on this continent. Senators may be satisfied to cast their votes that way. I do not think it is right, and I am here to protest against it.

Again, on page 414 of the hearings, the following appears:

The present rates represent an ad valorem duty of about 60 to 65 per cent in the case of white lead, 45 to 55 per cent on orange mineral, 50 to 60 per cent on red lead. Surely this is more protection than the National Lead Company needs, and helps them in their control of the market.

That these duties are prohibitive is shown by the fact that the imports (1903–1906, inclusive) bear the following small percentage ratio to the American products: White lead less than one-fourth of 1 per cent, red lead between 3 and 4 per cent, orange mineral and litharge, combined, less than 3 per cent. These small imports are possible only because of the greater uniformity and superior quality of the foreign goods. A reasonable duty and fair competition would do more than anything we know of to raise the standard of American goods.

That is from a statement made by Mr. F. A. Reichard, of New York.

I suppose, Mr. President, it is useless for me to stand here and talk against the adoption of this amendment. The experience we have had in considering these amendments of the committee to the bill has not been very encouraging for getting practical results. But, at the same time, I want to stand here and protest against legislation that perpetuates a monopoly that is imposing on the American people. If the Senate defeats the amendment offered by the committee there still remains a differential between pig lead and white lead of one-quarter of a cent a pound; and there is no evidence offered here that that is not abundant. I have asked, and I should like to again inquire, if any member of the Committee on Finance has any evidence to show, and will submit it to the Senate in defense of its amendment, that there is needed more than a quarter of a cent differential? Is there any reason why the Senate of the United States should enact into law a duty that will perpetuate a monopoly, when there is not a Senator who will stand on this floor and say that that monopoly does not exist?

Mr. SMITH of Michigan. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Michigan?

Mr. BRISTOW. Certainly.

Mr. SMITH of Michigan. As I understand the amendment, it proposes to change the present law by reducing the rate downward from seven-eighths to three-fourths of a cent. Is that correct?

Mr. BRISTOW. That is the amendment of the committee as modified, if I understand it.

Mr. SMITH of Michigan. I thought that was the amendment of the colleague of the Senator from Kansas.

Mr. GALLINGER. It is.

Mr. BRISTOW. If I understand the parliamentary status, it is this: My colleague offered an amendment reducing the duty as fixed by the Senate committee to six-eighths of a cent, and the chairman of the Finance Committee accepted the amendment, so it now becomes the committee amendment.

Mr. SMITH of Michigan. That seems to be as far as they are willing to go.

Mr. BRISTOW. Yes; and I am talking against the committee amendment, in favor of defeating the committee amendment, modified by the acceptance by that committee of the amendment offered by my colleague, and asking that the House provision shall stand.

Mr. BEVERIDGE. How much lower is the House provision than the Senate provision as amended? It is lower——

Mr. BRISTOW. Three-eighths of a cent.

Mr. BEVERIDGE. That is the House provision.

Mr. SMITH of Michigan. I should like to ask the Senator from Kansas, if we were to defeat the amendment of his colleague, which is a material reduction from the present law, what assurance have we that any lower rate will be fixed?

Mr. BRISTOW. If the Senator will permit me, if we defeat the amendment which is now the amendment of the Senate committee, the House provision will stand, which is 2⅜ cents per pound.

Mr. SMITH of Michigan. This is a substantial reduction from the present law. That is the point I make.

Mr. BRISTOW. The point——

Mr. NELSON. The amendment proposes only one-eighth of a cent reduction.

Mr. SMITH of Michigan. It is one-eighth of a cent downward.

Mr. NELSON. If we reject the Senate committee amendment, as modified by the Senator from Kansas [Mr. CURTIS], it will leave the House provision, which is a proper reduction.

Mr. BRISTOW. That is exactly as I understand it, and that is the reason I am making an argument against accepting the Senate committee amendment, as modified by the chairman of the committee, by accepting the amendment offered by my colleague; and in contending for that I contend that the differential which will then exist between pig lead and white lead will be one-fourth of a cent per pound, and that is abundant, and the Senate committee offers no evidence that it is not.

Mr. SMITH of Michigan. It seems to me we are in a position where we must either adopt the amendment of the Senator from Kansas, which makes it 2¾ cents a pound, or take the amendment of the committee, at 2⅜ cents a pound.

Mr. BEVERIDGE. Oh, no.

Mr. SMITH of Michigan. If that is the alternative——

Mr. BEVERIDGE. Oh, no; it is not.

Mr. SMITH of Michigan (continuing). Then I would much prefer the amendment of the Senator from Kansas.

Mr. BEVERIDGE. The Senator is all mixed up.

Mr. NELSON. That is not the alternative. The alternative is to adopt the Senate committee amendment, with the amendment proposed by the Senator from Kansas; and if you reject that amendment as amended, it leaves the House provision to stand.

Mr. BEVERIDGE. That is right.

Mr. SMOOT. In other words, the Senate Finance Committee have accepted two and six-eighths instead of two and seven-eighths, which now becomes the committee amendment.

Mr. BEVERIDGE. That is right.

Mr. NELSON. If the Senator from Kansas will allow me——

Mr. BRISTOW. Certainly.

Mr. NELSON. I further wish to say—and it is a notorious fact, and this book of notes shows it—that white lead, as it is called, ground lead; that is, mixed in oil—and it is nearly all that—is adulterated with barytes, so that you can scarcely get any pure white lead to-day. I read from the report:

White lead is frequently adulterated, the usual adulterant being barytes.

It is almost impossible to-day to get any pure white lead.

Mr. SMITH of Michigan. I do not understand that the amendment relates to that feature of it.

Mr. NELSON. They mix it. How can you segregate it? It comes under the clause which places the duty according to the chief value of the product. If the chief part is white lead, although there may be one-quarter of barytes mixed in, they charge on the white lead.

Mr. DU PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Delaware?

Mr. BRISTOW. Certainly.

Mr. DU PONT. I should like to ask the Senator from Kansas whether he does not think, so far as the interests of the consumer are concerned, that the quality of the white paint is more important than the price. My observation is that the consumer generally is forced to buy a very bad and inferior article, which does not last. That is really the greatest cause of complaint. He ought to be willing to pay a good price if he can get a good article, but he now pays a good price and gets a very bad article.

Mr. BEVERIDGE. That is right.

Mr. BRISTOW. If the Senator from Delaware remembers, in some part of the testimony I read it was stated that but one-fourth of 1 per cent of the amount consumed was imported, and that amount was imported only because the importer could get a superior quality to that which is offered here for sale at 2¼ cents a pound more than it can be bought for in Canada.

Mr. McCUMBER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from North Dakota?

Mr. BRISTOW. Certainly.

Mr. McCUMBER. If I understood the Senator correctly, he stated that there was imported only one-fourth or one-half of 1 per cent of the amount consumed.

Mr. BRISTOW. One-fourth of 1 per cent.

Mr. McCUMBER. I notice that in the schedule which we have before us it is shown that in 1907 there were imported 617,507 pounds, and the production for that year was 14,669,000 pounds. That would make nearly 5 per cent.

Mr. BRISTOW. Just one minute, please. If the Senator will notice, the 14,669,000 is dollars instead of pounds.

Mr. McCUMBER. The Senator is correct, and I stand corrected.

Mr. BRISTOW. And if the Senator will figure it out, he will find that the importations equal one-fourth of 1 per cent of the entire amount.

Mr. McCUMBER. I say the Senator is correct.

Mr. BRISTOW. Now, Senators, I want to appeal to you, and to ask if the Senate thinks it is right to absolutely prohibit the importation of this product, which is used in every home in this country, when the sole beneficiary of such legislation is admittedly a trust that controls the price and the output. I think that is all I have to say.

Mr. NELSON. I want to add that it is an adulterated trust. They adulterate most of their products.

Mr. BEVERIDGE. Mr. President, the paint that they put on houses, as I was told by a Senator sitting back here a moment ago—in his own experience, within a year—either fades or scales or falls off within a year or a year and a half, and that is because of the complete control of this product, as indicated.

The House, after long hearings, put what was supposed to be a correct rate upon this article. Even as modified by the Senator from Kansas, the committee rate is much higher than the House rate, and no reason or fact for it has been shown.

Mr. SMOOT. I should like to correct the Senator from Indiana. He said the House rate was right. Does the Senator from Indiana——

Mr. BEVERIDGE. No; I did not say the House rate was right. I said the House fixed it at a much lower rate even than as modified by the Senator from Kansas.

Mr. SMOOT. I will ask the Senator this question: Is he willing to accept the same differential between lead bullion and white lead that the House fixed? Would he vote for the same differential?

Mr. CRAWFORD. Mr. President, I suggest the absence of a quorum.

The VICE-PRESIDENT. The Senator from South Dakota suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Crane	Gore	Paynter
Bacon	Crawford	Guggenheim	Penrose
Bailey	Cullom	Hale	Perkins
Bankhead	Cummins	Heyburn	Piles
Beveridge	Curtis	Hughes	Rayner
Borah	Depew	Johnson, N. Dak.	Root
Bourne	Dick	Jones	Scott
Brandegee	Dillingham	Kean	Simmons
Briggs	Dixon	La Follette	Smith, Md.
Bristow	Dolliver	Lodge	Smith, Mich.
Brown	du Pont	McCumber	Smoot
Bulkeley	Elkins	McEnery	Stephenson
Burkett	Fletcher	McLaurin	Stone
Burrows	Flint	Martin	Taliaferro
Burton	Foster	Money	Taylor
Carter	Frazier	Nelson	Tillman
Chamberlain	Frye	Nixon	Warner
Clapp	Gallinger	Oliver	Warren
Clay	Gamble	Page	Wetmore

The VICE-PRESIDENT. Seventy-six Senators have answered to the roll call. A quorum of the Senate is present. The Senator from Kansas will proceed.

Mr. BRISTOW. Mr. President, I wish to add a very brief review of the question which is before the Senate. I will state that the question now is whether or not the Senate committee amendment to the bill amending paragraph 51 shall increase the duty on white lead from 2⅝ cents per pound to 2¾ cents per pound. The original amendment of the Senate committee to the House bill increased the duty from 2⅝ to 2¾. An amendment to the committee amendment was offered by my colleague [Mr. CURTIS] fixing the duty at 2⅞, which amendment was accepted by the chairman of the Committee on Finance. So the question before the Senate now is, Shall the Senate fix 2¾ as the duty on white lead?

My contention is that 2⅝, the amount fixed by the House, is abundant. That is a differential of two-eighths or one-quarter of a cent per pound over the duty on pig lead from which white lead in part is made. I further declare—and I have read from the testimony taken by the Ways and Means Committee to show that white lead is manufactured and the control of it is in the hands of a trust—that white lead is selling in the United States for 2¼ cents a pound more than it sells across the Canadian line.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Kansas yield to the Senator from Utah?

Mr. BRISTOW. Certainly.

Mr. SMOOT. Does not the Senator know that Canada pays a bounty on lead produced in Canada?

Mr. BRISTOW. Does Canada pay a bounty on white lead produced there?

Mr. SMOOT. Lead is the base of white lead, and the Senator must know that Canada pays a bounty on lead.

Mr. BRISTOW. What bounty does it pay?

Mr. HEYBURN. Eight dollars a ton.

Mr. SMOOT. I think it is $8 a ton.

Mr. BRISTOW. Is that the same kind of information that was furnished us by the Senator from Utah in regard to the assembling and manufacture of razors?

Mr. SMOOT. Well, Mr. President, I think it is about as good information as the Senator has ever given in this Chamber.

Mr. BRISTOW. I have read from testimony given to the Committee on Ways and Means. I should like the Senator from Utah, if he will, to cite some evidence before this body which shows that one-quarter of a cent a pound is not enough for the differential.

Mr. SMOOT. Any evidence the Committee on Finance may submit, if the Senator does not desire to accept it, he rejects it; he never takes it into consideration.

Mr. BRISTOW. When have I had an opportunity to reject such evidence? You state that I reject it. Again I ask, When has the Senate committee ever furnished evidence where I have challenged its reliability, except that relating to the manufacture of razors?

Mr. President, since white lead is controlled by a trust, since that trust adulterates it and it is of an inferior quality, since it is costing the people of the United States 2¼ cents a pound more than it costs the people in Canada across an imaginary line, since the differential in the duty which the House has fixed is a quarter of a cent more than that on pig lead fixed by this body, and there is no evidence presented by the Committee on Finance to show that that is not enough, since there is but one-fourth of 1 per cent of the entire amount that is used imported, I ask the Senate if it is willing to go on record and maintain that duty? There never has been presented to a legislative body in this country evidence of a case where a duty contributes more to the sustaining of a trust that not only adulterates its products, but charges an exorbitant price for them. I want the Senate to pass upon that question, and I ask for a roll call when the amendment is submitted.

The VICE-PRESIDENT. The Senator from Kansas demands the yeas and nays on agreeing to the amendment of the committee.

The yeas and nays were ordered.

Mr. HEYBURN obtained the floor.

Mr. CLAPP. Mr. President, one moment.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. CLAPP. I wish to make a parliamentary inquiry. Would it be in order to offer an amendment to the amendment now pending?

The VICE-PRESIDENT. The Chair thinks it would, because the amendment having been accepted by the committee, it is practically an original amendment.

Mr. CLAPP. Then, before the vote is taken, I shall desire to offer an amendment.

Mr. HEYBURN. Mr. President, we have listened to much about trusts and about the adulteration of white lead. It has nothing whatever to do with the question of a proper duty upon white lead. The question here is whether we must protect our white-lead industries in this country against importations and the competition of white lead in other countries. We produce

in the United States only about one-third of the lead in the world. We have two-thirds out against us. It is ultimately all reduced to bullion. When it is in the shape of bullion or white lead, as it may be, base or otherwise, it can be corroded into white lead. White lead is a very large item of commerce.

We produce in this country of white lead $14,669,591 worth. That is represented in part by raw material and in part by the machinery and the plant requisite to convert it and partly by wages. It embraces those three items. They all represent the investment of American capital or American labor. They are practically the same in my judgment.

The Senator from Kansas has discussed this question without any reference to the locality where the article is produced. He has made no allowance whatever for the transportation of the bullion from the place of its production to the place of its conversion. He has assumed that the lead was mined and that it was smelted and that the white lead was produced and used all at the same place. Lead ores that are reduced to pig lead or bullion in Colorado and transported to Omaha or New Jersey or San Francisco for the purpose of being corroded into white lead bear a freight charge that represents more than any possible differential that is proposed in this case. Those are legitimate charges against the product. Then the great bulk of the product is at one of five places in the United States, and it must then from those places where it is produced as white lead be transported to the market.

The foreign importations arrive at seaboard towns, and they are distributed through the commercial representatives who handle that product and bear their expense of freight. But the American producer is not interested in that freight item. He is interested in the cost to him of transporting his raw material, which in this case is lead bullion, to the place, first, of conversion, and, second, of distribution, and, third, of use.

The price of white lead varies in this country to the consumer under the rule of location. White lead at points 50 miles from a railroad, hauled there in wagons, will command a very much greater price and cost the consumer much more than lead that is to be used in some place on the line of a railroad. The lead that is to be transported from the distributing point, which is ordinarily the wholesaler, say, in Chicago, to a point in North Dakota or Arizona commands an entirely different price.

Now, that is the relation the consumer bears to these articles, and that is true not only of this schedule but of a dozen others that we have been discussing.

The question of the cost to the consumer has been assumed to be uniform. It is not. It varies in every part of the United States. I wonder if the Senator from Kansas could tell the cost of the white lead to the consumer to-day at some point in his State 20 miles from a railroad. Does he know the price he would pay to the merchant who handles it in his town?

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. It is a well-known fact that any article of this kind will cost more in a town off a railroad, where the transportation costs more, but I have read from the testimony of a gentleman who resides in the State of Colorado, who says that the cost of white lead on the American side of the imaginary Canadian line is 6¼ cents a pound, while it is 4 cents across the line on the Canadian side. It might be 10 cents a pound in some remote town or community in Nevada or Idaho or in some place a long distance from a railroad.

Mr. HEYBURN. We have already, at least tentatively, protected the American lead producer against the competition across the Canadian line in regard to the basis of white lead. Now, under what rule of consistency would you leave the door open to the product and close it against the raw material? We have the raw material in this country for the purpose of conversion into the condition of use. What inducement would there be to convert our raw material of lead into white lead for consumption on this side if the lead could come over from Canada or Mexico free, or comparatively free, or at a less rate than would represent the difference in the conditions of production and transportation? What object would there be?

Mr. BRISTOW. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield further to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. The House bill gives a differential of one-fourth of a cent as between pig lead and white lead, and that differential is abundant, so far as any evidence that has been presented to the Senate to the contrary shows.

Mr. HEYBURN. That is $5 a ton.

Mr. BRISTOW. Certainly.

Mr. CUMMINS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. CUMMINS. I do not know much about white lead, but I am very much interested in the observations that are being made by the Senator from Idaho with respect to transportation. I understand it is his position that this differential is necessary in order to equalize transportation.

Mr. HEYBURN. Well, that was one item.

Mr. CUMMINS. Precisely. Now, what point in the United States do you take in order to determine what differential shall be necessary to equalize transportation?

Mr. HEYBURN. I take the seaboard, where the foreign product lands, as the basis upon which to determine the equity between the foreign producer and our own. I then give our own producer and our own consumer, one the credit and the other the debit, for the cost of taking it to the place of use.

Mr. CUMMINS. Then I understand, Mr. President, it is the view of the Senator from Idaho that the duty upon lead, upon any form of lead, upon any product of lead, should be sufficient to compensate for the transportation from Idaho or Colorado to New York as against the ocean transportation from some country across the sea.

Mr. HEYBURN. No; I have been unfortunate in my use of language if I have left any such impression on the mind of the Senator from Iowa, because I did not present the question from that standpoint at all. I was attempting to demonstrate the absolute failure of attempting by any rate to give equal benefits or facilities to all the people who claim to be consumers.

Mr. CUMMINS. In that respect I concur entirely with the Senator from Idaho. More than once in this debate there has crept into the discussion the suggestion that it is our duty to equalize freight rates, and it will be found by many of these schedules that there is such an attempt. I for one disclaim any adherence to any political doctrine that attaches a duty to any article in the effort to equalize rates of transportation.

Mr. HEYBURN. Mr. President, I am not going to enter upon a consideration of the question of equalizing rates of transportation, because while it might possibly by a strained construction be brought into the consideration of the principles I have suggested, yet it is not at all a necessary principle in the solution of this question.

I was illustrating a condition, not proposing a theory. We are here to meet existing conditions in the legislation upon these tariff schedules, and we are under no obligation to attempt to determine upon any evidence every mooted question that might be brought up. We might just as well take up the question as to the reasonableness of wages that are paid in the mines, we might just as well take up the question of the economy of the treatment of the ores, and consider whether some improvements can not be made in those respects.

Mr. CUMMINS. In the suggestion that we at once put out of our consideration the great inequality in freight rates that exists, not only in comparison between our own country and other countries, but which exist in still more startling inequality within the borders of our own country, I agree with the Senator entirely; and I now ask the question which really concerns me, at least, and respecting which I have heard very little in this debate: What is the difference in the cost of reducing pig lead to white lead in this country and our competing countries? I should like to have the Senator from Idaho answer first what is the cost of the entire operation of reducing pig lead to white lead per pound.

Mr. HEYBURN. I think I will have no difficulty in shedding some light upon that question, if the Senator will state where the pig lead is and where the corroding plant is. Then I will tell him.

Mr. CUMMINS. I am assuming that pig lead has in some way or other met the corroding substance at the plant.

Mr. HEYBURN. That it has traveled on a free pass?

Mr. CUMMINS. I do not know how the Senator rides in Idaho. I fancy that is yet fashionable in Idaho. It is not in Iowa.

Mr. HEYBURN. We have not that privilege in the transportation of our metals and ores or anything else, and never have had it. Of course, it must be obvious to the Senator and to all within my hearing that the question of the cost of converting pig lead into white lead depends upon the facilities; it depends upon the geography, upon the freight rates, and a hundred other things. Then, again, does the Senator suppose that the lead is corroded in the open air, without any machinery or plant or expense? I would state candidly that after the pig lead is at the corroding plant it costs nothing to corrode it but the expenses of assembling these conditions. The difference between

the rate on the ore here and the proposed rate accepted by the committee represents $5 a ton on the pig lead.

We produce our lead ores far from smelting processes, even. We ship them to the smelters at distant points. We ship large quantities to Leadville, Colo., and pay the freight on it. If it is reduced to bullion there or pig lead, it must go another thousand miles or two to a corroding plant and pay its way. It must be handled. It must be placed on board cars. It must pay all the little incidental expenses that surround everything that is shipped from one point to another; and when it is landed, there must be an expensive plant there that some one must have built and paid for before the lead arrives. When it arrives there, it is taken from the cars, not without expense, and it is placed within the process of corroding. The mere corrosion of it costs practically nothing. It costs something, of course, but it is not a big item.

Now, you must take those things into consideration when you are talking about equalizing these duties. The difference of $5 a ton, I undertake to say, will not cover the bullion that is sent from some of the greatest smelting centers in the country to the nearest corroding plant. Some of it comes, I think, from the State of New Jersey. We are farther from corroding plants in the great lead-producing and smelting centers than Mexico is, and Mexico can produce bullion enough to supply every pound of white lead that is used in this country. They do not need to ship their ores nor their bullion here if they can get a free market, or a comparatively free market, for their white lead. They can keep it in Mexico, reduce it to bullion, reduce it to white lead, and send the white lead in here, and put it up against something like 65 per cent of the white lead that is made out of our bullion.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I should like to inquire if the white lead produced in Mexico would not have to pay a duty of 2⅜ cents per pound under the bill as it came from the House, or one-quarter of a cent a pound more than the bullion would have to pay? What, therefore, would be the object in reducing it to white lead in Mexico and pay an additional duty of one-quarter of a cent because of such reduction?

Mr. HEYBURN. Because it would have the advantage of the difference between these two differentials.

Mr. BRISTOW. The advantage, when it is against them? It is one-quarter of a cent more on white lead than it is on pig lead.

Mr. HEYBURN. White lead is worth more than pig lead when it is in the market.

Mr. BRISTOW. Certainly.

Mr. HEYBURN. They bring in a higher priced commodity and thereby benefit by it.

Mr. BRISTOW. It depends, therefore, on the cost of the process of changing from pig lead into white lead. What is that cost in this country and abroad?

Mr. HEYBURN. I have been giving Senators a basis upon which they may estimate that difference. It is not convenient when you are on your feet addressing the Senate to solve every mathematical problem that may be submitted to you. I can do it at a desk. The Senator from Kansas is at his desk, and can readily do it.

There is another item which is not inconsiderable. There is tied up every day in the year in this country more millions of dollars in unconverted bullion than I would undertake to estimate without making the actual figures. An interval of months, of many months, must intervene before that dead, idle capital is gotten into such shape that it can be realized upon. That is one of the items of expense. Does the Senator have any knowledge as to the cost of a corroding plant?

Mr. BRISTOW. Would not that same process have to be gone through in any other country in the process of transforming from pig lead to white lead?

Mr. HEYBURN. I am not concerning myself as to the inconvenience or expense that people of other countries are subjected to.

Mr. BRISTOW. But would it not be the same process exactly—the same delay and the same investment?

Mr. HEYBURN. I hope it would be more. I am not trying to see how I can contrive a way by which the foreigner can derive some advantage over us.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. Did I correctly understand the Senator to say that, on an average, it costs about $5 a ton to make pig lead into white lead?

Mr. HEYBURN. No; I did not say that, nor anything like it.

Mr. NELSON. What does it cost?

Mr. HEYBURN. I assembled a number of the items. It would aggregate more than that.

Mr. NELSON. How much?

Mr. HEYBURN. I want to know what items the Senator refers to. I have just enumerated the items.

Mr. NELSON. You stated the aggregate of the items.

Mr. HEYBURN. I have already stated that $5 was not more than enough to pay the expense of converting the bullion into white lead.

Mr. NELSON. If the Senator will allow me, the difference between a duty of 2½ cents on pig lead and 2⅜ cents on white lead is five-eighths of a cent. That is equal to $12.33 a ton for converting pig lead into white lead.

Mr. HEYBURN. Yes; but the Senator is assuming that this bullion comes from the smelter in the shape of pure lead. There are other items than those I have enumerated. I am merely illustrating the principle in question. When our lead comes from the smelters it is not pure lead, but it has to go through the process of refining and separating. We have bullion that comes out in the shape of a combination of lead, copper, silver, gold, and other metals.

Mr. NELSON. Do you not get a duty of a cent and a half on converting ore into base bullion, and then you get 2½ cents for converting it into pig lead or refined lead? That includes both the reduction and refining of it. So you have a right to start with a basis of 2½ cents for refined lead; and here you make a differential between that and this of 12.33 cents a pound for converting it into white lead.

Mr. HEYBURN. If the Senator will carry out the line of his reasoning, he will go back and begin with the ore in the ground and the miner taking it out. I have started at the right point; but if I were to go back and follow all these items of expense, of course we would include those suggested; but I do not intend to do it. It is not necessary to do so in order to illustrate the necessity and the wisdom of the duty proposed by this amendment as it has been amended.

Mr. SMOOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I do.

Mr. SMOOT. I want to suggest to the Senator from Idaho that the differential in the Senate bill is five-eighths of a cent and the differential in the House bill is seven-eighths of a cent.

Mr. NELSON. Oh, no.

Mr. SMOOT. The Senator had better figure it again and see. The House bill rate on bullion was 1½ cents and on this it is 2⅜. That is a difference of seven-eighths of a cent, whereas the Senate——

Mr. NELSON. But you have increased the differential here from 2⅜ to 2⅜.

Mr. SMOOT. I want the Senator——

Mr. NELSON. Does the Senator deny that fact? Is that not in the bill?

Mr. SMOOT. I want to say that——

The PRESIDING OFFICER. The Senator from Utah [Mr. SMOOT] has the floor.

Mr. SMOOT. The duty the House put on was a cent and a half on the bullion. Will the Senator deny that?

Mr. NELSON. That also included pig lead.

Mr. SMOOT. That is just what I intended to say.

Mr. NELSON. It included pig lead and refined lead.

Mr. SMOOT. That is right. That is just what I wanted to say. The House rate was a cent and a half, was it not?

Mr. NELSON. Yes.

Mr. SMOOT. The rate on white lead in the House was 2⅜.

Mr. NELSON. But you segregated it and made it a double rate, and placed 2½ cents on the refined product.

Mr. SMOOT. The difference is between 1½ on pig lead in the House bill and 2⅜ on white lead. They have in their bill a differential of seven-eighths of a cent, whereas in the Senate committee bill the rate on pig lead is 2½ cents. The Senator from Kansas [Mr. CURTIS] has offered an amendment, which the committee accepted, of 2⅜ cents. Therefore the Senate committee differential is five-eighths of a cent, instead of seven-eighths, as in the House bill.

Mr. HEYBURN. Mr. President, I sought to avoid wrapping up this question in extraneous suggestions. Of course the lead does not come out of any process pure and ready for the corroder at all. It has to be prepared for it, for when you make white lead, you make it out of pure lead.

Mr. NELSON. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I do.

Mr. NELSON. I understood the Senator to say they ship their lead ore down to Leadville.

Mr. HEYBURN. We ship some of it there. We ship it to eight or ten different places.

Mr. NELSON. Where do you ship it when you want to have it reduced to white lead?

Mr. HEYBURN. We never do want to have it reduced to white lead. The purchaser has that under consideration. No mine owner follows his ore beyond the sampler.

Mr. NELSON. Who follows it, then?

Mr. HEYBURN. The next commodity man, whoever he may be.

Mr. NELSON. Is he not the refiner—the man who runs the refinery?

Mr. HEYBURN. No; the refiners have nothing to do with that ore until it goes to them in the shape of lead ready for refining.

Mr. NELSON. Where does it go, then?

Mr. HEYBURN. I might give the history of it. It would be rather interesting, perhaps.

Mr. NELSON. I should like to hear it.

Mr. HEYBURN. The Senator speaks of it as though it were some item, and single in character. We ship our ore to Pueblo, to California, to Leadville, to Omaha, to Illinois, to Helena, and I might name some other places, according to the character of the ore, sometimes according to the necessities of the smelter, and so forth. There are no two carloads of ore that are alike in combination, in value, or in the requirements of treatment. In mining a block of ore 10 feet square, there is that lack of uniformity that runs through the entire process of treatment—a different per cent of iron, a different per cent of silica, and a different per cent of lead. All of these questions enter into the requirements in considering the methods and the place of treatment.

Mr. NELSON. May I ask the Senator another question?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. Is it not a fact that as to most of your lead ores the silver found in them amounts to more in value than the lead you extract from them? Is it not a fact that you would rather mine them for silver than for lead?

Mr. HEYBURN. It is not. The silver is a by-product of the mines. There are exceptions, of course. I have known mines which would between daylight and dark develop into an entirely different character of mine. I have known mines that were running lead ore to suddenly strike copper ore, and, instead of producing 30 ounces of silver and 65 per cent of lead, would produce a product of from two to three or four hundred ounces of silver. Those conditions change so rapidly and so continually that there is no fixed rule on the subject.

Those ores all require different treatment, according to the percentage of silica and according to the percentage of iron, and they have to be treated in view of the combination which they contain. But I am getting away off; I am being led off by these questions. It is not necessary to consider them.

The differential proposed here by the Senate amendment is lower than I think it should be; but I have yielded to it, because in the consideration of this bill we must at times yield. No Senator can have his own judgment affirmed in every case.

Mr. BRISTOW. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Kansas?

Mr. HEYBURN. Certainly.

Mr. BRISTOW. I should like to inquire what duty the Senator from Idaho thinks ought to be fixed?

Mr. HEYBURN. Well, that would require me to say what is the difference between my judgment and that of the Finance Committee; and I am not going to do it, inasmuch as, if I were going to do it, I should put it in the shape of an amendment.

Mr. BRISTOW. Does the Senator think that the importations are too large and that the duty therefore ought to be raised?

Mr. HEYBURN. I would be very glad to see the importations decrease. I am content with the judgment of the committee, because they have considered the question of the revenue that is to be produced. From the selfish standpoint of a producer, or one representing producers, of course the higher the duty the larger our market at home; but we are also here considering the question in a broader way, and we must keep an eye on the question of the revenue to be produced.

Mr. BRISTOW. Does the Senator think that an increase in the rate would increase the revenue?

Mr. HEYBURN. Just for the purpose of answering that question, I will accept the statement of the Senator from Kansas made in regard to Canadian white lead coming over the line. It is not necessary for me to determine hypothetical questions in arriving at a conclusion in regard to this matter. The reduction by the committee is an ample reduction.

There is no hardship accruing to the farmer out of these conditions at all. The farmers are not complaining. I have letters and petitions by the score from farmers petitioning for a retention of the existing duties on lead ore and its products.

The farmers gather their wealth from the miners. The millions of dollars paid in wages buy our farmers' products. Before the mines of the Coeur d'Alene country were discovered it was a wilderness unpeopled, and since the mines have been discovered and developed we have there right around those mines ten or twelve thousand people that otherwise would be out competing with somebody else, perhaps in Kansas, for a livelihood.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Michigan?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. I understood the Senator to say that the cost of corroding a ton of pig lead was not a very large item of expense?

Mr. HEYBURN. No; it is like fermenting; you put substances in and the rest is a chemical process.

Mr. SMITH of Michigan. Then, of course, no large amount of labor is required?

Mr. HEYBURN. I mentioned the labor. Of course the labor in assembling is like the labor in picking apples, bringing them to the cider mill, filling the cider mill, and making the cider, and then you are ready to convert it into vinegar.

Mr. SMITH of Michigan. That process in Mexico would be very much less expensive than in our own country?

Mr. HEYBURN. Certainly.

Mr. SMITH of Michigan. One more question. I understand this bill reduces the Dingley rate——

Mr. HEYBURN. Yes; very materially.

Mr. SMITH of Michigan (continuing). Quite materially—about $2 a ton. The Senator from Idaho is a very excellent lawyer, and I should like to ask him whether, if we reduce this a little further, as proposed, it would have any effect to dissolve the trust that seems to control it in the estimation of the junior Senator from Kansas [Mr. BRISTOW]?

Mr. HEYBURN. Mr. President, I have long since ceased to be appalled by the threat of a trust in every case. We are not bothered with the trusts, nor is the farmer bothered with the trusts in this matter. The only time he ever thinks of them is when, during a political campaign or some lecture tour, his attention is called to the fact that he is being hurt. He never knew it. He simply gets his first notice and first advice, and probably feels his first imaginary pains, through the eloquence and oratory of those who must have an issue, those who must have some startling sensation to spring upon the people. I have not been in this body as long as some, but I have been here some time, and I have never met these hobgoblins face to face. I have read descriptions of them, and I have heard the terrible things that they would do; but I have not seen American industry paralyzed; I have not seen farms deserted, machinery stilled, and the mines silent because of the trusts. Those men do not care who pays them their wages; they do not care who buys their product; and the farmer does not care. I see they are now——

Mr. NELSON. Mr. President——

Mr. HEYBURN. In a moment. I see they are now talking amongst themselves of forming one of the most gigantic trusts in the world. These trusts are ghosts. [Laughter.]

Mr. NELSON. Will the Senator yield to me a moment?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. I do not know what the conditions of the farmers out in Idaho may be, but I want to say to the Senator from Idaho that the farmers in Minnesota are not so stupid that they are not conscious when they encounter a trust.

Mr. HEYBURN. Mr. President, I am very glad to have such an account of the farmers of Minnesota. I know something about the conditions of the farmers of Idaho. They are a thinking people, and they do not believe every foolish story that is told them. They are intelligent enough to sift the

stories down and determine the truth that lies under them; and that is that a man alone in the world would mean nothing in the way of prosperity, but that it is the bringing together of men and the weapons with which men fight in this world that makes business and makes markets and makes opportunities; and that is what our people want. They only want the opportunity to pursue their industries and their enterprises. They ask nothing more; they will take care of the rest. And that is the only duty that the Government owes to the people—opportunity. It owes no man anything directly from the Government to the man. Under our system of government, the best and only good government is that which gives the people an opportunity, each according to his own worth.

There is no reason, knowing the facts as I know them, from the ore in the ground to the paint on the building, why, merely for the purpose of keeping an imaginary promise, we should scale down this duty. Talk about the paint peeling off the building! What has that got to do with this? Talk about the adulteration of paint! What has that got to do with this?

Mr. NELSON. Will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. I do.

Mr. NELSON. I understood the Senator to say that the chief cost of reducing pig lead to white lead was the transportation, and that after you got it to the reducer it practically cost nothing.

Mr. HEYBURN. I am sorry the Senator——

Mr. NELSON. Then it will follow from that that you will need a differential of $12.32 a ton to get the pig lead to the reducer.

Mr. HEYBURN. I am sorry the Senator understood me in that way, because I would like to feel that I have expressed myself so fully and so plainly that nobody could misunderstand me.

Mr. NELSON. The Senator from Michigan [Mr. SMITH] also understood the Senator that way.

Mr. HEYBURN. I would rather have that from the Senator from Michigan. I enumerated a number of items of expense. The Senator evidently was so paralyzed with the first one that he did not hear the others. [Laughter.]

Mr. SMITH of Michigan. I understood the Senator from Idaho perfectly, as I always do. He is a clear speaker, and does not mislead.

Mr. HEYBURN. Thank you.

Mr. SMITH of Michigan. Mr. President, we have heard very much talk about the effect of this tariff on the farmer, and I should like to have the Secretary read a brief quotation from a speech made by one of the great leaders of the Democratic party, when the last tariff revision was undertaken by that party.

Mr. NELSON. Will the Senator allow me?

Mr. SMITH of Michigan. Yes.

Mr. NELSON. I submit that is not fair. This discussion is now on this side of the Chamber.

Mr. SMITH of Michigan. No; it is on the other side.

Mr. NELSON. We do not want the Democratic party in this affair.

Mr. SMITH of Michigan. It is on the other side.

Mr. BAILEY. That is the constant practice in trying to divert attention from the breach over there.

Mr. HEYBURN. I should like to say a word here.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

TARIFF WILL CRUSH THE FARMER.

Protection has been our cannibal tree, and as one after another of our farmers has been driven by the force of circumstances upon that tree and has been crushed within its folds, his companions have stood around and shouted, "Great is protection!" * * * Thus in every State, so far as these statistics have been collected, the proportion of home-owning farmers is decreasing and that of tenant farmers increasing. This means but one thing—it means a land of landlords and tenants; and, backed by the history of every nation that has gone down, I say to you that no people can continue a free people under a free government when the great majority of its citizens are tenants of a small minority. Your system—protective tariff—has driven the farm owner from his land and substituted the farm tenant. (William J. Bryan; speech on the protective tariff in the National House of Representatives, March 16, 1892.)

Mr. HEYBURN. Mr. President, I have either heard that or something like it very frequently. I have heard it prophesied that if the policy of the Republican party was adopted, if the Government of this country was intrusted to it, men would be homeless and poverty stricken; that the land would flow with blood, and anarchy would be rampant; and that the laborers would be out of employment. I heard it all in 1896, when that condition, in a measure, did exist, and I saw the Republican party come into power and apply the principles of protection, for which we stand in this hour, and——

Mr. NELSON. Mr. President——

Mr. HEYBURN. Just a moment. (Continuing.) I saw the records of the counties in every State cleared of the mortgages; I saw the borrower become the lender; I saw the idle man industrious at profitable occupation; I saw that building which had become racked with the blight of free trade painted with the "white lead" of Republican prosperity, with a higher duty on it than we are proposing to put upon it to-day. [Laughter.]

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Yes.

Mr. NELSON. Was not that in the good old days, when, instead of a duty on lead, you forced us to buy silver at the rate of 4,500,000 ounces a month, whether we wanted it or not?

Mr. HEYBURN. Gracious alive! That silver ghost has arisen in the Senate of the United States again. [Laughter.] I will allow it to take care of itself. I am not going to be led off into a discussion of the silver question. I never followed the silver god out of the Republican party.

Mr. NELSON. But you are following the lead god. [Laughter.]

Mr. HEYBURN. Why does not the Senator finish his speech? I was waiting for the Senator to finish. I am not following it out of the Republican party, and I am not going to follow different gods of any kind out of the Republican party and in the interest of anything in this country. I am not going to abandon the principle of protection for which the Republican party stands.

Mr. President, no one need undertake to rob the Republican party of the glory of its achievements under the banner of protection. Never was the hour so dark or the country so desolate that the protective-tariff policy of the Republican party has not lifted it up into the sunshine of prosperity. Can the Senator from Minnesota [Mr. NELSON] tell me on what occasion this political doctrine has failed to meet the requirements of the American people?

Mr. NELSON. I will answer the Senator. The nearest it came to doing so was when you compelled us to buy your silver at the rate of 4,500,000 ounces a month.

Mr. HEYBURN. That is stale.

Mr. SMITH of Michigan. That was not the fault of the tariff.

Mr. HEYBURN. No; it was the fault of a lot of reactionary theorists who did not understand the Government under which they lived. They only thought they did; and enough of them got together to tamper with the wheels of prosperity for a few brief years; that is all——

Mr. NELSON. I concur with the Senator.

Mr. HEYBURN (continuing). Until the Republican party got back into power and started things right again. There is nothing to be gained by opening up the consideration of that question.

The existing duty on white lead is higher than we are proposing to make it. Are the farmers of this country suffering because of it? Are their buildings lacking in paint and polish because of it? I think not. I remember coming down through the great valleys of the West just before the Republican party enacted the Dingley tariff bill—in fact, before the election—and remarking how badly the country needed painting. I remember coming down again shortly afterwards and admiring the work of the painter. [Laughter.] The farmer must have something to buy paint with. If he has nothing to buy it with, he will not buy it; it does not matter what the price is. And if he has prosperity, he will buy it, regardless of the price.

The farmers of this country are to-day the money loaners of this country. They are the capitalists of this country. With wheat at the price quoted to-day and with every other product of the farm at the price it now brings, they are not complaining. A banker in a neighboring State told me recently that his institution was maintaining its magnificent palace for the purpose of guarding the money of the farmers; that if a man wanted to borrow money, he did not come to the bank but went to the farmer, and all they ever knew of it was through the check of the farmer coming in to make the loan.

That is the condition out in our country. The farmers there have grown prosperous because of the great mining industries that make a market that pays the farmer twenty millions a year or more for his supplies, for which he would have a very much decreased market in the absence of those industries.

Of course, in the case of any of these schedules, you can by assuming false premises arrive at the conclusion that the coun-

try is crying out for relief. From what does this country to-day want relief? The people are not needing or demanding it. All they desire is that this question shall be settled, and that its settlement shall leave no threatened disturbance behind it; that its settlement shall be such as to give no man or set of men the power to change it.

The great value of the law, as was said by the great commentator, lies in its unchangeable and fixed character. The law that contains any element of a promised change is a dangerous law. People will not attempt to adjust themselves to it until they know that it has passed beyond the possibility of change by the people.

The people of the United States are to-day within the walls of this Chamber. We are the only representatives of the people in this hour. Each man came from a community that trusted him. And here assembled, it is useless and vain to talk about conditions outside and beyond as a guide to us in determining upon our duty. We bring the knowledge here, and we have it here. We are the people, and all the people of the United States, here to-day in the Senate of the people.

Mr. CURTIS. Mr. President, I want to say just a word on this amendment. It reduces the rate fixed in the Dingley bill on white lead by one-eighth of a cent a pound. Surely that is a concession.

My colleague says that this industry is controlled by a trust. I find, in Ingalls's work on The Mineral Industry During 1907, at page 651, the following:

> A concession of from one-eighth to one-fourth of a cent a pound on white lead was made last year as a result of aggressive competition.

If this industry is controlled by a trust, it is not likely there would have been aggressive competition.

I also find, in the same work, that the author says:

> Last year the industries of the consolidated interests and the independent plants were employed to almost their full capacity.

This is also evidence tending to show that this industry is not wholly controlled by a trust.

The distinguished Senator from Minnesota [Mr. NELSON] said "the trust" was "an adulterated trust," because it sold adulterated paints. I submit to the Senator from Minnesota, if he desires to have his barn or his house painted and is willing to pay for first-class paint, he may stipulate in the contract for the use of white lead, and he will get it. That is the experience of every Senator in this body.

I submit that the amendment is below the rate fixed in the Dingley bill; and I hope it will be agreed to.

Mr. DU PONT. Mr. President, something has been said here about the adulteration of paint; but I do not think it has been shown at all that these adulterations are made by the makers of white lead. If there be adulterations, they are presumably made by those who are engaged in grinding the white lead with oil and in selling prepared paint. In my judgment, if we really wish to benefit the consumer we should endeavor to pass appropriate legislation in the future which will prevent the adulteration of paint, as we have already done in the case of the food we eat.

Mr. BRISTOW. Mr. President, I am in thorough accord with the suggestion of the Senator from Delaware [Mr. DU PONT]. I believe that legislation should be enacted that will prevent the adulteration of these prepared paints.

Referring to the suggestion of my colleague as to whether or not the white-lead industry of this country is controlled by a trust, I will state that it is a matter within the knowledge of everyone engaged in the business of handling white lead commercially that it is controlled by a trust and that its prices are fixed by the trust.

While a great many eloquent remarks have been made here in regard to the glories of the Republican party, with which I am in thorough accord, and there has been much defense here of the protective system, for which I stand, I have failed to hear anyone state what is the cost of reducing pig lead to white lead abroad and here, and whether or not one-fourth of a cent a pound is ample protection for the labor that is involved in assembling it. It has been said that there is no cost in the process of reduction.

If it does not cost over one-fourth of a cent a pound in this country more than it costs in other countries to reduce pig lead to white lead, why do you want a duty of more than one-fourth of a cent a pound? And if it does cost more, how much does it cost? That is the question we are considering.

We are not engaged in a political campaign here, trying to determine whether or not the Republican party should be perpetuated in power. We are here trying to determine what is legitimate protection for an American enterprise or industry. And I think it would be more to the satisfaction of Senators who have inquiring minds to know whether six-eighths, or three-eighths of a cent a pound as a differential is necessary for the proper protection of this industry.

One-fourth of 1 per cent of the amount of white lead consumed annually in this country is imported, and no more, which is evidence that the tariff is prohibitive. I appeal to the intelligent judgment of the Senators here as to whether or not this white-lead industry is controlled by a trust or combination. That is shown here by the testimony presented by the House committee. That is the testimony that I have heard from every man who handles paint.

The price of this product is of deep interest to every mechanic in this country who is engaged in the construction and painting of buildings. It does not affect the farmer alone. It affects every man who has a home. I, for one, am not willing to vote for a duty that has not been demonstrated to be necessary, and that is an actual evil and against the public welfare.

Mr. GORE. Mr. President, the senior Senator from Idaho [Mr. HEYBURN] made one statement that was gratifying to me. He said the trusts are ghosts. I merely wish to say that I did not even know that the trusts were dead. But if the Department of Justice of this country will do its full duty, it will open up a ghost factory and will make ghosts out of these trusts.

Mr. PENROSE. Mr. President, as an illustration of the elevated character of the statesmanship which has delayed the business of the Senate for half a day, I desire to call the attention of the Senate very briefly to the following figures, which I have had carefully compiled, and which can not be contradicted:

In the case of ready-mixed paints, which are the paints usually used by the oppressed farmer to decorate his premises, 10 gallons are required to paint a farm house or cottage of from 6 to 10 rooms. In that 10 gallons of mixed paint there are 43 pounds of metallic lead, equal to 54 pounds of dry white lead. The House rate on 52 pounds of white lead, at 2½ cents per pound, amounts to a little over $1.23 in painting a house of from 4 to 5 rooms. The Senate rate on 52 pounds of white lead, at 2¾ cents, which is the difference in controversy to-day, equals a little over $1.49. This makes the issue in altercation before the Senate of the United States, and the issue apparently delaying the public business and causing a loss of millions of dollars every day to the American producer, the sum of 25 cents in painting a farm house. [Laughter.]

Mr. CUMMINS. I did not intend, Mr. President, to say one word with respect to this matter, but in view of the statement just made by the Senator from Pennsylvania [Mr. PENROSE] I should look upon myself as faithless to every sentiment I hold dear if I did not refer to it in the terms in which I feel with regard to it. To suggest that the paint trust, if there be a paint trust, or any other trust, can rob the American people with impunity, simply because it robs them equally and takes but small amounts from each of them, is abhorrent to my sense of duty.

Mr. PENROSE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. PENROSE. For the information of the Senator from Iowa, I will inform him that the figures which I have quoted come from a very reputable firm in Philadelphia, which is not in the paint trust.

Mr. CUMMINS. I have not one particle of doubt with respect to the accuracy of the statement made by the Senator from Pennsylvania, if he adds to it his own verification; but the thing against which I protest is the suggestion that the trust, or the combination, or the individual—I care not which it be—may be set loose to steal from the American people because it steals only 25 cents.

My manhood resents a robbery of that kind, if it be a robbery, just as emphatically and indignantly as it resents a robbery of all I have. Suppose, Senators, that a foreign pirate instead of a home pirate were to land upon our shores and say, "I levy an exaction of 25 cents upon every American citizen." How many would yield to it? How many would so far abdicate their manhood and desert the traditions of their fathers and yield to such a demand, even though it might not represent the luxuries of a single day?

I do not like to see that sentiment introduced in this debate. If this product is entitled to a duty of 2¾ cents per pound, then give that duty to the product; but if it is entitled to a duty of only 2½ cents per pound, then to give it a duty one farthing greater would be to abandon every high and honorable sense that the men of America possess.

I do not agree with the Senator from Idaho [Mr. HEYBURN] in his eulogy upon trusts. I hope his voice will not be accepted as the voice of the Republican party as he lifts it in eulogy of this modern tendency.

Mr. HEYBURN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Idaho?

Mr. CUMMINS. I do.

Mr. HEYBURN. I am somewhat astonished that the Senator should think I delivered any eulogy of the trusts. I did not think the occasion required that I should express my real view about trusts. Had I my way and were the power within my grasp, I would destroy every one of them before to-morrow morning. But is there a white-lead trust?

Mr. CUMMINS. I do not know.

Mr. HEYBURN. Neither do I.

Mr. CUMMINS. Whether there is a white lead trust or not, anyone who heard the Senator from Idaho could not possibly escape the conclusion that he believed that the ordinary sentiment that somehow or other, by some combination or other, competition in many of our important products is stifled or at least impaired in its force, was a mere whim, a mere hobgoblin, if you please, in order to disturb the serenity of the weak and ignorant farmers of the West.

Mr. HEYBURN. If the Senator from Iowa will permit me, I was directing my remarks to the single question before us, and the Senator said in reply to my question that he does not know that there is any white lead trust.

Mr. CUMMINS. I do not know——

Mr. HEYBURN. I should like permission to say further that there is no man to-day who watches more closely and anxiously than I the attempts going on, which I hope will be successful, to destroy the trusts that do exist. Merely because, like the Senator from Iowa, I do not know of any white lead trust, I am not to be held up as being in sympathy with any other trust.

Mr. CUMMINS. I am doubly glad that I made the reference I did, because I am sure the country would have understood from the Senator from Idaho that he believed that trusts or monopolies were a mere idle dream——

Mr. HEYBURN. This trust?

Mr. CUMMINS (continuing). Of some ignorant farmers; and I have given him the opportunity to correct that impression. Some day or other he will be grateful to me.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. CLAPP. I wish to ask the Senator from Idaho why, if he was dealing only with the simple proposition of a lead trust, he referred to this subject in the plural, when he spoke of trusts as ghosts?

Mr. HEYBURN. I should like to see the Reporter's notes before I undertake to determine whether I spoke in the plural. But that is rather a fine distinction.

Mr. CLAPP. I beg the Senator's pardon. It is not a fine distinction. Every Senator in this Chamber understood him as referring to trusts and the trusts collectively as ghosts.

Mr. HEYBURN. Are all of them dead?

Mr. CLAPP. I believe that would be the verdict of every Senator in this Chamber. It is not a fine distinction.

Mr. HEYBURN. I have never undertaken to guess what a verdict was until I heard it rendered. I shall not in this case anticipate. The Senator knows, doubtless, that there is before one of the standing committees to-day—and there has been for several sessions—a bill which I introduced, which could not leave in the mind of anyone any doubt as to my attitude upon this matter.

Mr. CLAPP. I did have it in mind when the Senator spoke, and I wondered how the Senator would reconcile his utterance with the paternity of that bill.

Mr. HEYBURN. The atmosphere may be a little clearer now to the Senators to whom it seemed murky, but there never has been an hour or day when my sentiment in regard to that question has not been known.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Texas?

Mr. CUMMINS. I do.

Mr. BAILEY. I merely wish to ask if the Senator from Michigan did not have another extract from a Democratic speech to introduce?

Mr. SMITH of Michigan. Yes; I have several, including some from the Senator from Texas.

Mr. BAILEY. I commend them to the careful consideration of the Senator from Michigan.

Mr. SMITH of Michigan. I have considered them very carefully, and I think the Senate will be glad to consider them later.

Mr. BAILEY. I know, Mr. President, that the Senator from Michigan will not be able to produce anything that I have said which I will modify or retract. I would only make this suggestion to him, that if he will search what I have said in the proper spirit, he will be greatly benefited by the attention which he gives it.

Mr. SMITH of Michigan. There is no doubt of that, but it is difficult to catch the spirit.

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do; it is interesting.

Mr. SMITH of Michigan. I recollect very distinctly some prophecies by the Senator from Texas regarding the effect of the Dingley law if we insisted upon its passage.

Mr. BAILEY. The Senator from Michigan will find that I made a report on that bill, in which I described the trusts that were certain to come as the evolution of it, and if I had vanity enough, I would reproduce that report now to show its fulfillment, and I would call for my witnesses the distinguished Senator from Iowa [Mr. CUMMINS], the Senator from Idaho [Mr. HEYBURN], as he has revised his view of it, and the Senator from Minnesota [Mr. CLAPP].

Mr. SMITH of Michigan. That was not the special part of the Senator's prophecy that I had in my mind. I had in mind the statement of the Senator from Texas when the Dingley bill was under consideration, that if it brought about prosperity, well and good; perhaps no criticism would fall upon it; but he gave it as his opinion that it would not bring prosperity to the country.

Mr. BAILEY. That is still my opinion.

Mr. SMITH of Michigan. The Senator is as much in error now as he was then.

Mr. BAILEY. I think I could demonstrate to anybody except a blind protectionist that God's seasons and nature and the energies of people produced the prosperity which this country has enjoyed.

Mr. CUMMINS. Mr. President, we are far away from the tariff question.

The PRESIDING OFFICER. The Senator from Iowa is entitled to the floor.

Mr. BAILEY. The Senator from Iowa will permit me simply to say to the Senator from Michigan that if he will take the reports of the Agricultural Department, he will find a difference between the crops of the United States from 1893 to 1896, as compared with the years from 1896 on, that will explain and fully explain the difference in the condition of the country. He will find that not only the crops were more abundant but he will find that we found a larger patronage for those crops in the other countries of the world. I think that even so extreme a protectionist as the Senator from Michigan will scarcely insist that a protective tariff in the United States enabled our competitors in the other portions of the world to buy more largely of our agricultural products. Of course, if the Senator will contend that, then he is beyond all hope of convincing, and he is not amenable to an argument.

That is what I mean; and when the Senator is ready to reproduce for the edification of the Senate or for the embarrassment of the Senator from Texas that quotation from my speech, I will be delighted in my own time, without trespassing further on the time of the Senator from Iowa, to have that out with him.

Mr. CUMMINS. Mr. President, resuming my argument at the point of interruption, I reexpress my pleasure and delight in the statement made by the Senator from Idaho, because it indicates that he sees clearly the greatest problem of modern times. Above and beyond every other task laid upon the American people, and which will by them be intrusted to the American Congress, is the task of fostering, stimulating, and protecting the competitive factor in American business.

No matter why—it is unnecessary to inquire—every intelligent man knows that the tendency of modern times is to stifle, to destroy, to annihilate competition. I charge this tendency upon no political party, upon no association. It arises out of the commonest motives of the human heart, and it has taken possession of American business. Unless we are alert and intent in extending the same fostering care to competition that we have extended to protection, the industrial enslavement of the American people is as sure as time is coming.

Therefore I have offered an amendment to this bill, which I do not intend to discuss at the present time, but which I wish to present to the Senate at an appropriate time, which will declare that whenever competition, substantial competition—I do not mention trusts, I do not mention monopolies—but whenever competition ceases upon any article or commodity in the United States, then the American people shall have the right to seek, without restriction or without limitation, the competition of the

world. I wish to establish that proposition as it seems to me by an overwhelming weight of history as well as observation; but I do not intend to discuss it at the present time.

I am not voting upon these schedules with any regard to the existence or the nonexistence of a trust. I do not think that we can establish a particular schedule because we believe or do not believe that a trust exists with respect to the manufacture or the production of the commodity. I shall give my vote in accordance with what I believe to be the truth respecting the comparative cost of producing the article here and elsewhere.

Therefore, to me the particular discussion before us is not whether there is a lead trust or whether there is a paint trust, but it is whether 2⅜ cents per pound will furnish a sufficient protection for this industry or whether we need 2¾ or 2½, as was proposed by the committee.

Once more, I desire to refer to a speech of the Senator from Idaho, and I hope that he will make the same correction here that he has done in the other part of his discourse. In an impassioned and eloquent climax, he seemed to lead Senators to believe or want them to believe that the Republican policy required 2¾ cents per pound upon white lead, and that anyone who did not believe in 2¾ cents per pound—neither more nor less—was either faithless to the political doctrines of his party or had never espoused the principles of the party to which the Senator and I belong. Did he not intend that the Senate should so believe?

Mr. HEYBURN. I do not think that my language could be construed so as to be subject to mean that I stated that, because a member differed with me, he was not faithful to the Republican party. I certainly said nothing that could be so construed.

If the Senator will pardon me a moment, I will say that in something more than six years I have been a member of this body I have on several occasions made a statement like this: I believe that the principle of protection fosters individual prosperity, that it enables the individual to engage in business for himself on a safer and better and more profitable basis. I believe in individual enterprise. I believe that the larger the per cent of men engaged in any occupation on their own account the higher the grade of civilization. I think that one of the elements that tends to degrade men is that pay-window stoop that they get. When they go up to get an assured certainty it takes just a little from their dignity. The man who works for himself or who is engaged in business for himself steps a little higher, a little firmer, than the man who is engaged or occupied at the privilege of another.

That is the way I look at it. It is because I believe this and because I believe that protection offers the opportunity for men to engage in business for themselves that I am a protectionist.

Mr. CUMMINS. Mr. President, again the Senator from Idaho and myself are in absolute and perfect accord. I believe in giving every man his opportunity. I believe that the highest type of manhood is only seen when the struggle is severe. I do not believe that civilization can live or develop in the atmosphere of ease and comfort and luxury. I entirely agree with the Senator from Idaho. But again I recall him and the Senate to the impression I received from his discourse, which was that if one did not believe in and vote for 2¾ cents per pound upon white lead, then he was not faithful to the doctrine of protection; or, in other words, that the policy of the party involved just 2¾ cents, and that if 2⅜ were adopted, the policy of the party would have been abandoned.

I can not agree to it; and I am sure the Senator does not now insist that there can be any such interpretation of our party faith. I for one believe, upon the statements of the Senator himself, that one-quarter of a cent per pound between the duty on pig lead and the duty on white lead is amply sufficient to protect Americans in the process of turning pig lead into white lead, and therefore I shall vote for a duty of 2⅜ cents per pound, if I ever get an opportunity to do it.

Mr. ALDRICH. I appeal to the Senate to permit a vote to be taken upon this paragraph. We have discussed almost everything else except the duty upon white lead. If we are going to make any progress with the bill at all, we will have to take votes more frequently than we are seeming to do.

Mr. CLAPP. Will the Senator pardon me? I agree that we may have broadened out in this discussion, but repeatedly and repeatedly it was sought to confine it to the question asked as to the difference in cost of producing this article here and abroad, and every time that question was brought forward and we were trying to get an answer to it, we got a peroration on a protective tariff.

Mr. ALDRICH. I think the Senate is advised upon this question, and I appeal to Senators to allow a vote to be taken upon it.

Mr. BRISTOW. Mr. President, I will occupy the attention of the Senate but a very few minutes. I want to read from a speech delivered by Congressman PERKINS, of New York, bearing upon the question as to whether there is a white-lead trust. It has been asserted here on the floor by my colleague that there was no such trust. I want to submit the evidence that has been accumulated bearing upon this point. Mr. PERKINS, a Member of Congress from New York, says:

> The American Smelting Company was organized in 1899, very shortly after the passage of the Dingley bill. It was made up by a combination of smaller companies and was organized with a capital of $65,000,000, one-half preferred, at 7 per cent, and one-half common stock, which was afterwards increased to $100,000,000, one-half preferred and one-half common. Out of that hardy tree has grown a considerable number of vigorous offspring. There have been since organized and are owned or controlled by that corporation, first, the Federal Mining Company, with a capital of $30,000,000, $20,000,000 preferred and $10,000,000 common stock; next, the American Smelters' Securities Company, with a capital of $77,000,000, $47,000,000 preferred and $30,000,000 common stock; last, the United Lead Company, with a capital stock of $25,000,000, $10,000,000 preferred and $15,000,000 common stock.

John Moody, in his book entitled "The Truth About the Trusts," says:

> NATIONAL LEAD COMPANY—THE LEAD TRUST, ALLIED WITH THE SMELTERS' TRUST—STANDARD OIL DOMINATION.
>
> Incorporated under New Jersey laws December 7, 1891, as successor to the National Lead Trust. The property of the company consists of white-lead works, smelters, and refineries in New York, Pennsylvania, Missouri, Ohio, Massachusetts, Illinois, and other States, and comprises 26 plants. It manufactures white lead, oxides, and kindred products, also castor oil, American and Calcutta linseed oil, linseed-oil cake and meal and refines and smelts lead.
>
> In December, 1902, a movement was on foot to consolidate this property with the Union Lead and Oil Company and the American Linseed Company, but the plan was not carried out. Relations are harmonious, however.

Mr. Lissberger, of Brooklyn, N. Y., presents a tree here in which he says that from this combination referred to in Mr. PERKINS's speech has grown a number of these trusts, one for the—

> National Lead Company; capital, $50,000,000. Controls, through United Lead Company, 65 per cent of white lead, lead oxide, sheet lead, lead pipe, shot, lead traps, and bends produced in the United States.

Mr. H. E. Miles, of Racine, Wis., in the tariff hearings recently taken by the Ways and Means Committee, in a table which he presents, says:

> United Lead Company (lead trust) controls 85 to 95 per cent.

Mr. President, it seems to me that the evidence is conclusive that there is a lead trust, which is to be protected from competition, which is to be maintained by a duty that will put into the pockets of that organization over a million dollars a year. This money is being exacted from the American people for the benefit of this trust, and for which it gives them nothing whatever in return. I stand here and with all the earnestness at my command protest against the action of this body.

The PRESIDING OFFICER. The question is on the amendmen of the committee, on which the yeas and nays have been ordered.

The Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). I desire to announce my pair with the senior Senator from Oklahoma [Mr. OWEN]. Were he here, I should vote "yea."

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. SIMMONS (when Mr. OVERMAN's name was called). I desire again to announce the absence of my colleague [Mr. OVERMAN] from the city, and to state that if he were here he would vote "nay."

Mr. PERKINS (when his name was called). I have a general pair with the senior Senator from North Carolina [Mr. OVERMAN]. He is absent from the Chamber, and I will withhold my vote.

Mr. SUTHERLAND (when his name was called). I again announce my pair with the junior Senator from Tennessee [Mr. TAYLOR]. If he were here, I should vote "yea."

The roll call was concluded

Mr. CURTIS. I have been requested to announce a pair between the junior Senator from New Jersey [Mr. BRIGGS] and the senior Senator from Alabama [Mr. JOHNSTON].

Mr. BURNHAM (after having voted in the affirmative). I withdraw my vote, as a pair has been arranged between me and the Senator from South Carolina [Mr. SMITH].

The result was announced—yeas 41, nays 32, as follows:

YEAS—41.

Aldrich	Depew	Johnson, N. Dak.	Root
Borah	Dick	Jones	Scott
Bourne	Dillingham	Kean	Smith, Mich.
Brandegee	Dixon	Lodge	Smoot
Bulkeley	du Pont	McCumber	Stephenson
Burrows	Elkins	McEnery	Warner
Burton	Frye	Nixon	Warren
Carter	Gallinger	Oliver	Wetmore
Clark, Wyo.	Guggenheim	Page	
Crane	Hale	Penrose	
Cullom	Heyburn	Piles	

NAYS—32.

Bacon	Clapp	Frazier	Nelson
Bailey	Clay	Gamble	Newlands
Bankhead	Crawford	Gore	Paynter
Beveridge	Cummins	Hughes	Rayner
Bristow	Daniel	La Follette	Simmons
Brown	Dolliver	McLaurin	Stone
Burkett	Fletcher	Martin	Taliaferro
Chamberlain	Foster	Money	Tillman

NOT VOTING—18.

Bradley	Curtis	Owen	Smith, S. C.
Briggs	Davis	Perkins	Sutherland
Burnham	Flint	Richardson	Taylor
Clarke, Ark.	Johnston, Ala.	Shively	
Culberson	Overman	Smith, Md.	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. Without objection, the paragraph as amended will be agreed to.

The next paragraph passed over is paragraph 52.

Mr. ALDRICH. I ask that the committee amendments to that paragraph be adopted.

The PRESIDING OFFICER. The committee amendments were agreed to upon the first reading, and the paragraph was then passed over.

Mr. ALDRICH. I ask that it be agreed to as amended.

The PRESIDING OFFICER. If there be no objection, the paragraph as amended will be agreed to. The next paragraph passed over will be stated.

The SECRETARY. The next paragraph passed over was paragraph 53, zinc, oxide of——

Mr. ALDRICH. Until the zinc duties are fixed, I think that paragraph had better go over.

Mr. TILLMAN. Mr. President, I ask the indulgence of the Senate for a moment while I presume to give some advice to the distinguished chairman of the Committee on Finance. We have just spent the best part of the day in what I consider as a useless wrangle—I do not reflect on any of the speakers who have expressed themselves—resulting always in the same victory by from 6 to 10 votes for the astute manager who is in control of this bill. Before we begin another wrangle I want to call attention to a method of relief which he might call on to get more frequent votes. I read from Rule XIX of the rules of the Senate:

1. When a Senator desires to speak, he shall rise and address the presiding officer, and shall not proceed until he is recognised, and the presiding officer shall recognize the Senator who shall first address him. No Senator shall interrupt another Senator in debate without his consent, and to obtain such consent he shall first address the presiding officer; and no Senator shall speak more than twice upon any one question in debate on the same day without leave of the Senate.

I am not in favor of a gag rule, and no man would resent or resist such a rule more promptly than I; but if this continued discussion of the question of protection—this glorious goddess who hovers on the other side and once in a while alights over here [laughter]—if we are to have a repetition, day after day, of this profession of faith, and men grow eloquent and outdo the American eagle in flying up in the skies, and we consume time indefinitely while we are told by those who are interested that the American industries are perishing and throttled, and that everything is at a standstill, why does not the Senator who is in charge of the bill do something to expedite its passage? Is he afraid that the "progressives" will get more recruits if he undertakes to apply the rules of the Senate?

Mr. ALDRICH. Mr. President, I am not sure that I do not deserve the criticism of the Senator from South Carolina; but I have been hoping that what seemed to me to be an unnecessary discussion, both of the paragraphs and of the bill itself, would soon cease.

Mr. TILLMAN. But the flood of talk grows wider and deeper every day, apparently.

Mr. ALDRICH. Oh, not deeper. [Laughter.]

Mr. TILLMAN. I did not intend to convey the idea that there was any depth of wisdom or reason in it, but just simply that the water or the air or whatever else it is flowing through this Chamber was there. [Laughter.]

Mr. ALDRICH. I have very strong hope that in the immediate future what seems to be an absolutely unnecessary and futile discussion will cease and we will get down to a practical discussion of the paragraphs.

Mr. TILLMAN. Well, but we are discussing the paragraphs now.

Mr. ALDRICH. I understand——

Mr. TILLMAN. And then we roam off into all manner of excursions.

Mr. ALDRICH. We are nominally discussing the paragraphs.

Mr. TILLMAN. Only nominally.

Mr. ALDRICH. But really discussing everything else under the sun, I think, but the paragraphs. I shall, however, try from this on to expedite the consideration of the bill, and I accept the criticisms of the Senator from South Carolina because I think they are deserved.

Mr. BACON. I should like to inquire of the learned Senators whether, in reference to this rule about prohibiting speaking more than twice, the interruptions of Senators or the injection of remarks are considered as within the prohibition of the rule; because, if they are, my friend from South Carolina will be found to be one of the chief offenders.

Mr. TILLMAN. Certainly, they are not. I think we can always rely upon the justice and fairness of the presiding officer, although he may not be the Vice-President.

Mr. BACON. I was simply suggesting—I do not think the Senator from South Carolina heard me—that he is the principal offender.

Mr. TILLMAN. I submit that I am not the principal offender and that I always say something when I interrupt, even though the Senator from Georgia may not like it.

Mr. BACON. That is true. I frequently do not like it—I will be very frank with the Senator—but the Senator did not hear what I said. I did not say that the Senator spoke in the way of set speeches more frequently than others, but I said that if every interruption and every injection when somebody else was speaking was counted as a speech, the Senator from South Carolina would be found among the chief offenders.

Mr. TILLMAN. When I begin to interrupt a man on any paragraph more than twice, I will be bottled up, or bottled down, or buckled up, or whatever it may be, by the presiding officer. [Laughter.]

Mr. BACON. And the galleries will have very much less to amuse them if you are.

Mr. CLAPP. Mr. President——

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from Minnesota?

Mr. TILLMAN. I do.

Mr. CLAPP. Mr. President, I would suggest that during the last few minutes the two Senators have transgressed the rule four times by speaking to one another without first addressing the Chair.

Mr. TILLMAN. I was in possession of the floor and am not compelled to address the Chair.

Mr. CLAPP. Then I was going to say——

Mr. TILLMAN. You did not yourself address the Chair then. [Laughter.]

Mr. CLAPP. I submit, Mr. President, that I did address the Chair and was recognized by the Chair. Am I not right?

The PRESIDING OFFICER. The Chair inquired of the Senator from South Carolina if he would yield to the Senator from Minnesota, and he yielded.

Mr. CLAPP. Then I did address the Chair.

The PRESIDING OFFICER. The Senator from Minnesota has a right to the floor by courtesy of the Senator from South Carolina.

Mr. CLAPP. I was going to suggest to the Senator from Rhode Island [Mr. ALDRICH], though he hardly needs the suggestion, that in making this concession to the Senator from South Carolina [Mr. TILLMAN], it might be wise to insist, as a part of the price of concession, that the Senator from Rhode Island should have the hearty cooperation of the Senator from South Carolina in complying with the concession.

Mr. TILLMAN. I make no bargains with anybody on the other side of the Chamber; but I will say that if the Senator from Rhode Island will make an earnest and an honest effort to have this debate proceed according to the rules of the Senate, and have the Chair appealed to to stop any Senator who gets up here a dozen times on the same paragraph, I will cooperate cheerfully.

Mr. ALDRICH. Mr. President, it is my intention, at an early day, to satisfy the Senator from South Carolina, and I trust every other Senator, that this bill is to be proceeded with morning, afternoon, and night until it is disposed of.

Mr. TILLMAN. We do not want any "night" when we get seven hours here.

Mr. CLAPP. I rise to a point of order. [Laughter.]

Mr. TILLMAN. Mr. President, will the Senator from Rhode Island yield to me?

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. I yield to the Senator from South Carolina.

Mr. TILLMAN. I want to say that if the Senate will begin to compel obedience to its own rules, that no man be allowed to speak unless he addresses the presiding officer and gets permission to speak, and that no man shall be allowed to speak more than twice on any paragraph without we all consent because we want to hear what he says, we shall progress, and we shall get

votes; and if the Senator will always roll up his usual majority, it will soon be seen that it is absolutely useless and a waste of time to continue to have all of these—I do not want to offend anyone, because somebody might castigate me—but these speeches for home consumption are getting to be a little too frequent for my comfort [laughter]; and I submit that we can make progress, and substantial progress, if we obey the rules.

Mr. ALDRICH. I will do the best I can to follow the instructions of the Senator from South Carolina in the future; and I thank the Senator for his suggestion.

The PRESIDING OFFICER. The next paragraph passed over will be stated.

Mr. PAYNTER. I should like to ask the Senator from Rhode Island a question, and I really have a burning desire to have it answered. He says that this discussion is unnecessary and fruitless. I should like to understand what he means by that. Does he mean that it is unavailing to make any opposition to the amendments of the Finance Committee, and therefore it is unnecessary to have any discussion, or is it so uninteresting and lacks use in informing the country, that it ought not to take place?

Mr. ALDRICH. Mr. President, the discussion I had reference to was what seemed to me a useless repetition of statements and arguments. I do not know—perhaps I am unusually sensitive on the subject—but I think the Senate will agree with me that we have had to-day useless repetitions of the same statements and the same arguments, if they can be dignified by that term.

Mr. BEVERIDGE. And most of them from the Senator's own side.

Mr. ALDRICH. I do not know what the Senator means by my "own side." I thought he was on my side.

Mr. BEVERIDGE. I am, but not upon this particular amendment.

Mr. TILLMAN. I rise to a point of order.

The PRESIDING OFFICER. The Senator from Indiana will address the Chair, and get permission of the Chair before proceeding.

Mr. PAYNTER. I think I have the floor, and I simply want to say that I agree with the Senator from Rhode Island that so far all the discussion has been fruitless.

Mr. BACON. If I may be pardoned for saying one word—and I will occupy but one moment in saying it—I think there is a greater need of dignity and decorum in the Senate than there is of the economy of time.

The PRESIDING OFFICER. The Secretary will state the next amendment passed over.

The SECRETARY. Page 14, line 13, paragraph 56: Lead, acetate of, white—the committee propose, after the word "white," to strike out——

Mr. ALDRICH. I modify the amendment by reducing the rates one-eighth in each case.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. In line 13 it is proposed to strike out "two and seven-eighths" and insert "three and one-eighth;" in line 15, to strike out "one and seven-eighths" and insert "two and one-eighth;" in line 16, to strike out "one-eighth" and insert "three-eighths;" and in line 17, to strike out "one-fourth" and insert "five-eighths."

The PRESIDING OFFICER. The question is on agreeing to the amendment as modified.

The amendment as modified was agreed to.

The paragraph as amended was agreed to.

The PRESIDING OFFICER. The next paragraph passed over will be stated.

The SECRETARY. Page 14, paragraph 58, bichromate and chromate of potash. In line 20, after the words "chromate of," it is proposed to insert the word "potash;" and in the same line, before the word "cents," to strike out "one and one-half" and insert "two and one-fourth."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. LA FOLLETTE. I hope, Mr. President, that this amendment will not prevail. I believe the House provision should stand. I trust, at least, that the duty will not be changed from that fixed by the House unless the committee furnish some good reason for making this increase.

In making an investigation with respect to any of the duties provided for in this bill, a Member of the Senate not a member of the Committee on Finance is compelled to rely, very largely, upon the testimony taken by the Ways and Means Committee of the House. With reference to this particular paragraph I have read, as carefully as I could, all the testimony taken. It covers many pages of the House hearings, and I am wholly unable to find any reason in the material furnished to that committee for making this duty a fraction of a cent more than 1½ cents per pound.

Bichromates are used in coloring, printing, dyeing, and also in tanning. The first testimony furnished to the Ways and Means Committee of the House upon this subject I find on page 482, and I wish to read, for the information of the Senate, a statement in relation to this paragraph and the duty which this product should carry. This communication, which is addressed to the chairman and members of the Committee on Ways and Means of the House, was submitted by Mr. C. J. Matthews, of Philadelphia. He wrote:

> I wish to bring to the attention of yourself and the Ways and Means Committee the present duty on bichromate of potash and bichromate of soda, and ask in behalf of the consumers, among whom are the leather and morocco manufacturers, paint and color manufacturers, woolen manufacturers, cotton manufacturers, wall-paper manufacturers, and others, that this duty be lowered, and the consumers thereby relieved from being at the mercy of the monopoly, who, through this duty, have been enabled to pile up large profits to the detriment of such consumers, and at the same time have cut out, with the aid of this duty, competition of any sort.
>
> I think that tariff is all right, except where same fosters monopoly, and in the case of the protection given to bichromate of soda and bichromate of potash, the former 2 cents a pound and the latter 3 cents a pound, which is equivalent to 46 per cent on the potash and 36 per cent on the soda, based on the published price of this article in trade journals abroad, which are 3¼ pence on potash and 2¾ pence on soda, equal to 6½ cents for potash and 5¼ cents for soda, though both these prices can be shaded very considerably where an actual purchase is made.
>
> I would further call your honorable committee's attention to the fact that the manufacture of the above-named articles is controlled by one concern in this country. Three concerns formerly manufactured these articles, and they entered into a combination and advanced their prices 15 per cent, but after a short time this combination was abandoned on account, I suppose, of the fear that they were violating the Sherman Act, and then a single company was formed, in which the principal officers of the three original companies to the combine held the chief offices and direction.
>
> Further, while these manufacturers were selling independently at 6 cents a pound for the bichromate of soda and 8 cents a pound for the bichromate of potash, and secretly sold to large buyers at 5¾ cents and 7¾ cents, led to the purchase of the Baltimore Chrome Works, and just at that time they fully contemplated the building of other works.
>
> The American monopoly has controlled in the very recent past the Scotch manufacturers. This control was brought about by shipping large quantities of their product into England, thereby breaking the Scotch manufacturers' price in the home market and thereby bringing them to terms. Recently the monopoly has tried the same tactics on the German manufacturers and tried to intimidate them in the same manner in which they intimidated the Scotch manufacturers, but, fortunately, the German manufacturers rather courted the shipment of goods into the German market, as it would have then shown your committee that the Americans were able to sell their product in competition with the foreign goods.

I ask, Mr. President, the attention of the Senate to this statement, because it furnishes to the Senate the only facts submitted up to the present time for fixing a duty in conformity with the rule laid down in the Republican platform—that is, by determining the measure of the difference between the cost of production in this country and in competing foreign countries. Mr. Matthews says further:

> The cost of labor entering into the manufacture of bichromate of potash and bichromate of soda is not over 1 cent a pound. In fact, in my estimation, that would be a very high percentage compared to the cost.
>
> In view of the above facts I would ask, or rather suggest, that the duty on these two articles be equalized at not over 1 cent a pound.
>
> I might further add that the cost of chrome ore, soda ash, coal, lime, etc., as used in the manufacture of bichromates is no more in America than abroad.
>
> And, furthermore, the actual amount of capital invested in the manufacture of the above-mentioned articles in this country will not exceed $2,000,000, and the employees will not exceed 1,000; while the consumers, as mentioned in my first paragraph, have hundreds of millions of dollars invested and employ hundreds of thousands of help.

Now, Mr. President, there is a specific statement laid before the Committee on Ways and Means for their guidance in determining the cost of production. It might have given more details, but at least it placed in the possession of that committee some facts of importance. The committee evidently gave heed to these facts, as is attested by the measure of duty which they finally reported to the House upon this product.

In opposition to the statement of Mr. Matthews I find one submitted by the Mutual Chemical Company of America, of which Mr. F. W. White is president. Mr. White denies Mr. Matthews's statement that to-day there is only one manufacturer of bichromates in this country. I will read his language:

> Mr. Matthews makes the statement that there is only one manufacturer to-day of bichromates, while there are at least three who are absolutely independent.

That statement raises an issue. It is met by an additional statement from and the testimony of Mr. Matthews.

Mr. PAGE. Mr. President——

The PRESIDING OFFICER (Mr. GALLINGER in the chair). Does the Senator from Wisconsin yield to the Senator from Vermont?

Mr. LA FOLLETTE. I will yield presently. I wish to get all the facts before the Senate.

Mr. PAGE. I wished to ask a question at this point.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Vermont?

Mr. LA FOLLETTE. Certainly.

Mr. PAGE. Just a question. Do I understand the Senator from Wisconsin to say that there is only one manufacturer of chrome in this country?

Mr. LA FOLLETTE. I am giving the facts, Mr. President, as I glean them from and as they were presented in the testimony taken by the Ways and Means Committee. When I have completed the statement the Senate can judge for itself as to the weight which should be given to these statements. In so far as I can, I shall give the facts as presented upon both sides—not fully, but the salient facts as I gather them from an examination of the testimony.

Mr. PAGE. I think that statement is erroneous.

Mr. LA FOLLETTE. I shall now place before the Senate the counter statement, the statement of Mr. White, made in opposition to that of Mr. Matthews. This is in relation to the number of manufacturers producing this material in this country. Mr. White denies that there is but one manufacturer, and states there are three absolutely independent companies manufacturing bichromates.

Mr. White makes another point, and that is with respect to the labor cost. He says that the cost of labor in the manufacture of bichromates is far more in this country than in Europe. That is all he says in answer to the statement of Mr. Matthews that the labor cost is fully covered by a duty of 1 cent per pound.

It is a rather vague statement coming from a man whose business was arraigned; a rather vague statement coming from one in full possession of all the facts and who knew to the last fraction of a cent the wage cost, the labor cost, of manufacturing this product.

Mr. Matthews presented some further facts to the committee as to the business in this country, the number of manufacturers engaged in it, and as to whether they were independent or under one ownership or control. I want to bring those facts to the attention of the Senate.

He says—I am now reading the statement of Mr. Matthews, which follows the statement made by Mr. White, president of the Mutual Chemical Company, and in reply to it:

> The letter of Mr. F. W. White, president of the Mutual Chemical Company of America, has just come to my notice, and, inasmuch as his letter particularly applies to my letter to you under date of November 19, asking that the tariff on bichromate of potash and bichromate of soda be lowered, I feel it my duty in behalf of the National Morocco Manufacturers' Association, of which I am chairman of the chemical section, to state, in the first place, that in anything I am doing toward the relief of the morocco manufacturers from the hands of a monopoly I am not influenced by any representative of any bichromate importer in this country.
>
> Second. I notice that Mr. White makes the statement "that there are three manufacturers of bichromates in the United States to-day that are absolutely independent." I would ask your body to request Mr. White to state who these three makers are. If there are independent manufacturers, they manufacture for their own consumption only, and the only manufacturer selling goods to the consumers to-day is the Mutual Chemical Company of America, the formation of which company I will refer to later.
>
> * * * * * * *
>
> Referring again to the combination mentioned by Mr. White, I wish to say to you that the Mutual Chemical Company of America consists of an amalgamation of the Henry Bower Chemical Company of New Jersey and the American Chrome Works, of Arlington, Mass. The consolidation was incorporated in New Jersey on October 7, the directors of the new company being the owners or stockholders of the companies heretofore mentioned. I attach a clipping taken from the Chronicle, dated October 31, 1908, showing the companies consolidated therein. The sale of the different companies has been made, as I notice in a statement made by the Henry Bower Chemical Company to a commercial agency, under date of December 3, that they hold over $2,000,000 value in stock and notes of the Mutual Chemical Company of America.

The exhibit which he files, being an advertisement from the Journal of Chemical Industry of November 16, 1908, published in London, is as follows:

EXHIBIT A.

> John & James White, 7 West George street, Glasgow, Scotland, manufacturers of bichromate of potash (crystal, powder), soda (patent crystal, cake, powder). Agents: E. G. Jepson & Co., Leeds, Yorkshire district; Tennants & Co., Manchester, Liverpool, Lancashire district; D. W. Greenhough & Son, London, London district; Leisler, Bock & Co., Glasgow, Continent and export; J. L. & D. S. Riker, New York, U. S. A.

He also appends the following, taken from the Chemical and Financial Chronicle of October 31, 1908:

> *Mutual Chemical Company of America—Consolidation.*—Through this company, incorporated in New Jersey on October 7, the Mutual Chemical Company of New Jersey interests have taken over and merged with that property the Baltimore Chrome Works (the Henry Bower Chemical Manufacturing Company) and the American Chrome Company. The authorized capital stock is $4,000,000, consisting of $2,000,000 common and $2,000,000 6 per cent cumulative preferred stock, par value of shares $100. The concerns included in the merger are the three largest manufacturers of bichromate of soda and potash in the country, and, it is stated, handle practically the entire business in this line. New bonds, if any, not known.
>
> The directors of the new company are Frederick W. White (president), Herbert M. Kaufman (general manager), William H. Peters, Junius Beebe, and George R. Bower. The treasurer and secretary is Sumner White. New York office, 92 William street.
>
> [The Henry Bower Chemical Manufacturing Company was organized early in 1900 under the laws of Pennsylvania and took over the property, franchises, and business of the Baltimore (Md.) Chrome Works Company, the Kalion Chemical Company, of Philadelphia, and the Ammonia Company, of Philadelphia. The company issued at organization fully paid common stock of $2,000,000, first preferred 6 per cent stock $500,000, and second preferred 6 per cent stock $150,000; also 6 per cent thirty-year redeemable gold coupon mortgage bonds aggregating $750,000, which have all been paid off. The entire issue of bonds and first preferred stock, it was reported, was taken at par by Mrs. Annie M. Walker, of Philadelphia, and the entire issue of second preferred stock by W. L. Rowland, of Philadelphia.]

Mr. Bower, of the Henry Bower Chemical Manufacturing Company, filed with the Ways and Means Committee statements, inclosing letters which he had received from leather manufacturers asking that this duty be not reduced, and stating that they were entirely content with the duty of 3 cents per pound. But the Ways and Means Committee were evidently impressed with the belief that those letters, coming from the manufacturers of morocco leather to one of the officers of this combination, were not the free expression of those manufacturers with respect to their views upon this duty. And whether they were or not, they were for the most part mere generalizations. They did not meet the specific and definite statements of Mr. Matthews.

So, Mr. President, after a full consideration of all the facts in the case, the Ways and Means Committee fixed this duty at one and a half cents a pound. This rate is half a cent more than the only definite statement which they had before them with respect to the difference in the labor cost of producing this material. I submit, Mr. President, that with these facts presented to the Senate, this increase in duty over the House provision should not be adopted without some statement from the Finance Committee which shall bear directly upon the question of the difference in the cost of production in this country and in competing countries.

No such statement has been presented. I believe therefore that this amendment should be rejected.

Mr. McCUMBER. Mr. President, I have here a table of comparative prices of bichromates in the United States and in Europe. It may probably be subject to some question, because it is presented by those who are interested in upholding the present duty; but I will ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, that order will be made.

Mr. LA FOLLETTE. I was unable to hear the exact statement of the Senator from North Dakota, and I should like to ask him whether or not he has supplied figures which show the difference in the cost of production between this and foreign countries?

Mr. McCUMBER. That is the purpose of this table.

Mr. LA FOLLETTE. Will the Senator please state what is the difference in the cost of production?

Mr. McCUMBER. I have just sent it to the desk, and the Secretary can read it. It will take only a minute.

Mr. LA FOLLETTE. Let me inquire of the Senator, before he takes his seat, whether what he has sent to the Secretary's desk is simply a statement of difference in prices or whether it is a statement of the actual difference in the cost of production in the two countries?

Mr. McCUMBER. The statement will show for itself, if the Secretary will read it.

The Secretary read as follows:

Table of comparative prices.

	United States prices.	European prices for European buyers.	European prices for export to United States.
	Cents.	*Cents.*	
Bichromate of potash	8½	6½	6 cents in bond in Philadelphia.
			4½ cents in bond in Philadelphia.
Bichromate of soda	6½	5½	4½ cents in bond in New York.
			4½ cents in bond in Milwaukee.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. BURNHAM (when his name was called). I again announce my pair with the junior Senator from South Carolina [Mr. SMITH.]

Mr. CHAMBERLAIN (when his name was called). I am paired with the junior Senator from Pennsylvania [Mr. OLIVER].

Mr. CLAPP (when his name was called). My pair is absent. I should vote "nay" if he were present.

Mr. FLINT (when his name was called). I again announce my pair with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. McCUMBER (when his name was called). I again announce my pair with the junior Senator from Louisiana [Mr. FOSTER]. Were he present, I should vote "yea."

Mr. PERKINS (when his name was called). I again announce my pair with the junior Senator from North Carolina [Mr. OVERMAN].

Mr. SUTHERLAND (when his name was called). I again announce my pair with the Senator from Tennessee [Mr. TAYLOR]. If he were present, I should vote "yea."

The roll call having been concluded, the result was announced—yeas 40, nays 20, as follows:

YEAS—40.

Aldrich	Clark, Wyo.	Gallinger	Penrose
Beveridge	Crane	Gamble	Piles
Bourne	Cullom	Guggenheim	Root
Brandegee	Depew	Hale	Scott
Brown	Dick	Heyburn	Smith, Mich.
Bulkeley	Dillingham	Johnson, N. Dak.	Smoot
Burkett	Dixon	Kean	Stephenson
Burrows	du Pont	Lodge	Warner
Burton	Elkins	Nixon	Warren
Carter	Frye	Page	Wetmore

NAYS—20.

Bacon	Cummins	Jones	Newlands
Bailey	Dolliver	La Follette	Paynter
Bristow	Fletcher	McLaurin	Rayner
Clay	Gore	Martin	Stone
Crawford	Hughes	Nelson	Taliaferro

NOT VOTING—31.

Bankhead	Culberson	McCumber	Shively
Borah	Curtis	McEnery	Simmons
Bradley	Daniel	Money	Smith, Md.
Briggs	Davis	Oliver	Smith, S. C.
Burnham	Flint	Overman	Sutherland
Chamberlain	Foster	Owen	Taylor
Clapp	Frazier	Perkins	Tillman
Clarke, Ark.	Johnston, Ala.	Richardson	

So the amendment of the committee was agreed to.

The PRESIDING OFFICER. Without objection, the paragraph as amended is agreed to.

Mr. ALDRICH. I ask that the next paragraph passed over be stated.

The SECRETARY. Paragraph 69, page 17, in line 9, after the word "soda," the committee proposes to strike out "1 cent" and insert "1¾ cents," so as to read:

69. Bichromate and chromate of soda, 1¾ cents per pound.

Mr. BURKETT. Was 59 passed over?

Mr. LODGE. No.

Mr. ALDRICH. It has been agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the paragraph as amended is agreed to.

The SECRETARY. In paragraph 71, line 16, page 17, it is proposed to strike out "30 per cent ad valorem" and insert "three-eighths of 1 cent per pound," so as to read:

71. Hydrate of, or caustic soda, one-half of 1 cent per pound; nitrite of soda, 2 cents per pound; hyposulphite and sulphide of soda, three-eighths of 1 cent per pound.

The amendment was agreed to.

The paragraph as amended was agreed to.

The SECRETARY. On page 20, paragraph 85——

Mr. BURTON. I do not quite understand the amendment there, or the object of the amendment.

Mr. ALDRICH. Which amendment is that?

Mr. BURTON. I have an amendment to change the rate on sulphide of soda.

Mr. ALDRICH. There is an amendment which has been offered by the Senator from Ohio which has not been read?

Mr. BURTON. Yes; on sulphide, containing more than 35 per cent.

Mr. ALDRICH. The committee agree to the amendment which has been offered by the Senator from Ohio.

The PRESIDING OFFICER. Without objection, the vote agreeing to the amendment and to paragraph 17 as amended will be reconsidered, and the paragraph is open.

The Senator from Ohio [Mr. BURTON] offers an amendment, which will be stated.

The SECRETARY. It is proposed to amend the paragraph so as to read:

71. Hydrate of, or caustic soda, one-half of 1 cent per pound; nitrite of soda, 2 cents per pound; sulphide of soda containing not more than 35 per cent of sulphide of soda, and hyposulphite of soda, three-eighths of 1 cent per pound; sulphide of soda, concentrated, or containing more than 35 per cent of sulphide of soda, three-quarters of 1 cent per pound.

The amendment was agreed to.

The paragraph as amended was agreed to.

Mr. ALDRICH. I give notice that to-morrow morning I shall call up the paragraphs in Schedule B which have been passed over.

EXECUTIVE SESSION.

Mr. BEVERIDGE. Let us have an executive session.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After seven minutes spent in executive session the doors were reopened, and (at 5 o'clock and 15 minutes p. m.) the Senate adjourned until to-morrow, Friday, May 21, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nomination received by the Senate May 20, 1909.

ASSISTANT TREASURER OF THE UNITED STATES.

Oscar L. Whitelaw, of Missouri, to be assistant treasurer of the United States at St. Louis, Mo., in place of Thomas J. Akins, resigned.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 20, 1909.

GOVERNOR OF ALASKA.

Walter E. Clark to be governor of Alaska.

COMMISSIONER OF IMMIGRATION.

William Williams to be commissioner of immigration at the port of New York, N. Y.

COLLECTOR OF CUSTOMS.

George W. Huntley to be collector of customs for the district of Miami, Ohio.

COLLECTOR OF INTERNAL REVENUE.

Willis G. Bowland, to be collector of internal revenue for the eleventh district of Ohio.

HOUSE OF REPRESENTATIVES.

THURSDAY, *May 20, 1909.*

The House met at 12 o'clock noon and was called to order by its Chief Clerk, W. J. Browning, who read the following communication:

SPEAKER'S ROOM,
HOUSE OF REPRESENTATIVES,
Washington, D. C., May 20, 1909.

I hereby designate Hon. JOHN DALZELL, of Pennsylvania, for Speaker pro tempore for this day.

J. G. CANNON.

Mr. DALZELL assumed the Chair as Speaker pro tempore.

Prayer by the Chaplain, Rev. Henry N. Couden, D. D.

The Journal of the proceedings of Monday, May 17, was read and approved.

PHILIPPINE TARIFF BILL.

The SPEAKER pro tempore. The question is on the motion of the gentleman from New York [Mr. PAYNE] on ordering the previous question on the Philippine tariff bill and amendments thereto, to its final passage.

Mr. MACON. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER pro tempore. The gentleman from Arkansas makes the point of order that there is no quorum present. The Chair will count. [After counting.] One hundred and twelve gentlemen are present; not a quorum.

ADJOURNMENT.

Mr. PAYNE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 5 minutes p. m.) the House adjourned to meet on Monday next.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Department of Commerce and Labor, transmitting the report of Special Agent Charles M. Pepper on the laws of Great Britain as to income and inheritance taxes (H. Doc. No. 34)—to the Committee on Ways and Means and ordered to be printed.

A letter from the Attorney-General, transmitting a reply to the inquiry of the House as to an annulment for the purchase of the Tennessee Coal and Iron Company by the United States Steel Corporation (H. Doc. No. 35)—to the Committee on the Judiciary and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of John H. Fout, administrator of estate of George Fout, deceased, v. The United States (H. Doc. No. 36)—to the Committee on War Claims and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of Peter H. Harlan, administrator of estate of George B. Harlan, deceased, v. The United States (H. Doc. No. 37)—to the Committee on War Claims and ordered to be printed.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BATES: A bill (H. R. 9961) authorizing that commission of ensign be given midshipmen upon graduation from the Naval Academy—to the Committee on Naval Affairs.

By Mr. HAWLEY: A bill (H. R. 9962) to reimburse the State of Oregon for moneys expended during the civil war—to the Committee on War Claims.

By Mr. ENGLEBRIGHT: A bill (H. R. 9963) to provide for the erection of a public building at Grass Valley, Cal.—to the Committee on Public Buildings and Grounds.

By Mr. SMITH of California: A bill (H. R. 9964) to provide for the disposal of lands chiefly valuable for oil and asphaltum—to the Committee of the Public Lands.

By Mr. KINKAID of Nebraska: A bill (H. R. 9965) to promote the safety of employees and travelers upon railroads by compelling common carriers by railroad to equip their locomotives with safe and suitable boilers and appurtenances thereto—to the Committee on Interstate and Foreign Commerce.

By Mr. STEENERSON: A bill (H. R. 9966) relating to the compensation of letter carriers in the rural-delivery service—to the Committee on the Post-Office and Post-Roads.

By Mr. BURLESON: Resolution (H. Res. 71) requesting the Secretary of Commerce and Labor to advise Congress as to the status of the investigation of market fluctuations of cotton—to the Committee on Agriculture.

By Mr. HAMILTON: Memorial of the legislature of the Territory of Hawaii, asking that Congress amend the law creating a territorial government for Hawaii—to the Committee on the Territories.

By Mr. CHAPMAN: Memorial of the legislature of Illinois, protesting against inheritance tax, etc.—to the Committee on Ways and Means.

Also, memorial of the legislature of Illinois, relating to old-age insurance—to the Committee on Ways and Means.

Also, memorial of the legislature of Illinois, relating to an appropriation for the Lincoln farm—to the Committee on Appropriations.

By Mr. FOSTER of Illinois: Memorial of the legislature of Illinois, protesting against the violation of river and harbor act of March 3, 1899, in reference to Kankakee River in the State of Illinois—to the Committee on Rivers and Harbors.

By Mr. HOWELL of New Jersey: Memorial of the legislature of New Jersey, opposing inheritance tax—to the Committee on Ways and Means.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. AUSTIN: A bill (H. R. 9967) granting a pension to Samuel Thomas Smith, alias Thomas Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9968) granting a pension to William R. Phillips—to the Committee on Invalid Pensions.

By Mr. BARNHART: A bill (H. R. 9969) granting an increase of pension to Ananias Swihart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9970) granting an increase of pension to Richard Murphy—to the Committee on Invalid Pensions.

By Mr. BARTLETT of Nevada: A bill (H. R. 9971) granting an increase of pension to Lewis O. Hills—to the Committee on Invalid Pensions.

By Mr. BATES: A bill (H. R. 9972) granting an increase of pension to Cyrus J. Stockton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9973) granting an increase of pension to Isaiah Clark—to the Committee on Invalid Pensions.

By Mr. CANNON: A bill (H. R. 9974) granting an increase of pension to Joel B. Bacan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9975) granting an increase of pension to William Sheffer—to the Committee on Invalid Pensions.

By Mr. CHAPMAN: A bill (H. R. 9976) granting an increase of pension to William Frailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9977) granting a pension to Barbara Locklar—to the Committee on Pensions.

By Mr. COVINGTON: A bill (H. R. 9978) granting an increase of pension to Oscar Ernst—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9979) granting an increase of pension to Annie M. Wallace—to the Committee on Invalid Pensions.

By Mr. ENGLEBRIGHT: A bill (H. R. 9980) granting a pension to William I. Armstrong—to the Committee on Invalid Pensions.

By Mr. HAWLEY: A bill (H. R. 9981) granting an increase of pension to Harmon Ellis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9982) granting an increase of pension to Harvey C. Veatch—to the Committee on Pensions.

Also, a bill (H. R. 9983) granting an increase of pension to John W. B. Morriss—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9984) granting an increase of pension to Milton Lee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9985) granting an increase of pension to Monroe Abbott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9986) granting an increase of pension to Charles A. Spaulding—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9987) granting a pension to Augusta M. Syphers—to the Committee on Pensions.

Also, a bill (H. R. 9988) authorizing the appointment of Col. James Jackson to the rank of brigadier-general—to the Committee on Military Affairs.

By Mr. HOWELL of New Jersey: A bill (H. R. 9989) granting a pension to Jane E. Higgins—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9990) granting an increase of pension to Max Sekel—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: A bill (H. R. 9991) granting an increase of pension to John J. Wiltse—to the Committee on Invalid Pensions.

By Mr. HUMPHREYS of Mississippi: A bill (H. R. 9992) for the relief of Edward L. Wells—to the Committee on Private Land Claims.

By Mr. LAFEAN: A bill (H. R. 9993) granting an increase of pension to James J. Poleman—to the Committee on Invalid Pensions.

By Mr. MACON: A bill (H. R. 9994) granting an increase of pension to Gabriel M. Settlemire—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 9995) removing the charge of desertion from the military record of Dennis W. Scott—to the Committee on Military Affairs.

Also, a bill (H. R. 9996) removing the charge of desertion from the military record of William Karch—to the Committee on Military Affairs.

Also, a bill (H. R. 9997) to remove the charge of desertion from the military record of John Upton—to the Committee on Military Affairs.

Also, a bill (H. R. 9998) granting a pension to Jesse Johnson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 9999) granting an increase of pension to Duncan Medley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10000) granting an increase of pension to Elisha Clark—to the Committee on Invalid Pensions.

By Mr. OLDFIELD: A bill (H. R. 10001) granting a pension to William D. Gibson—to the Committee on Pensions.

Also, a bill (H. R. 10002) granting a pension to Harry G. Brandenburg—to the Committee on Pensions.

Also, a bill (H. R. 10003) granting an increase of pension to Andrew J. Fortner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10004) granting an increase of pension to Monroe Pettigrew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10005) granting an increase of pension to Isaac B. Carter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10006) for the relief of L. D. Bryant, jr.—to the Committee on the Post-Office and Post-Roads.

By Mr. SMITH of Michigan: A bill (H. R. 10007) granting an increase of pension to Albert A. Forbey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10008) granting an increase of pension to George Alexander—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10009) granting a pension to Clara Robinson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10010) granting a pension to Freeman A. Cobb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10011) granting a pension to Lucy A. Palmer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10012) granting a pension to Edward H. Dickerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10013) to correct the military record of Joshua Herringon—to the Committee on Military Affairs.

By Mr. SMITH of Texas: A bill (H. R. 10014) to reimburse Hilery Windham for loss of money order funds—to the Committee on Claims.

By Mr. STURGISS: A bill (H. R. 10015) granting an increase of pension to Jacob Zirkle—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10016) granting an increase of pension to Andrew A. Stewart—to the Committee on Invalid Pensions.

By Mr. TAWNEY: A bill (H. R. 10017) granting an increase of pension to Solomon Robertson—to the Committee on Invalid Pensions.

By Mr. THOMAS of Kentucky: A bill (H. R. 10018) granting a pension to Sarah Wade Garnett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10019) granting a pension to Eugene U. Proctor—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10020) granting a pension to James Mesker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 10021) granting an increase of pension to Thomas M. Garrison—to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ENGLEBRIGHT: Memorial of legislature of California, against an inheritance tax—to the Committee on Ways and Means.

Also, petition of J. J. Jackson and others, of California, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of J. E. Gries and others, of California, favoring a tariff on casein—to the Committee on Ways and Means.

Also, petition of J. M. Foley and others, of California, against tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Merchants' Exchange, of Oakland, Cal., against reduction of tariff on wool—to the Committee on Ways and Means.

Also, petition of R. Castagona and others, of California, against a tariff on tea and coffee—to the Committee on Ways and Means.

Also, petition of Los Angeles (Cal.) Chamber of Commerce, against a national consular school—to the Committee on Foreign Affairs.

By Mr. FULLER: Petition of D. M. Frederiksen, of Chicago, Ill., favoring a horizontal reduction of the tariff—to the Committee on Ways and Means.

Also, petition of Chamber of Commerce of New York City, for a permanent tariff commission—to the Committee on Ways and Means.

Also, petition of J. C. Wistz, of matting importers' committee, of New York City, favoring 4 cents per yard duty on matting—to the Committee on Ways and Means.

Also, petition of American builders of machines for paper making, against reduction of tariff on paper and pulp—to the Committee on Ways and Means.

Also, petition of American manufacturers of paper makers' felts and jackets, favoring reduction of present duty on news print paper and wood pulp—to the Committee on Ways and Means.

Also, memorial of legislature of the State of Illinois, for improvement of the Kankakee and Iroquois rivers of Illinois—to the Committee on Rivers and Harbors.

By Mr. HAYES: Petitions of Chamber of Commerce of Portland, Oreg.; traffic bureau of Merchants' Exchange of San Francisco, Cal.; Associated Shippers of Los Angeles, Cal.; transportation bureau of Seattle Chamber of Commerce; Traffic Association of Tacoma, Wash.; and Merchants and Manufacturers' Association of Sacramento, Cal., against division of powers now exercised by the Interstate Commerce Commission and against railways controlling water rates, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. HULL of Iowa: Memorial of legislature of Iowa, favoring appropriation to improve post-roads in Iowa and for acquisition of land for a national park at the confluence of the Wisconsin and Mississippi rivers—to the Committee on the Post-Office and Post-Roads.

By Mr. HUMPHREY of Washington: Petition of Washington Grange, No. 82, of Vancouver, Wash., favoring parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. LANGHAM: Petition of New Bethlehem Window Glass Company, against reduction of duty on window glass—to the Committee on Ways and Means.

By Mr. MACON: Paper to accompany bill for relief of Gabriel M. Settlemire—to the Committee on Invalid Pensions.

By Mr. MURPHY: Petitions of various farmers' unions of Texas County, Mo., for parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. OLDFIELD: Paper to accompany bill for relief of Samuel A. Strond—to the Committee on Invalid Pensions.

Also, petition of John C. Farr, against a tariff on tea and coffee—to the Committee on Ways and Means.

By Mr. PAYNE: Paper to accompany bill for relief of John Boyst, of Lyons, N. Y.—to the Committee on Invalid Pensions.

By Mr. RAINEY: Petition of citizens of Manito, Ill., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of citizens of Hull, Ill., for repeal of tariff on lumber—to the Committee on Ways and Means.

Also, petition of business men of Jacksonville, Fla., against advance of duties on razors—to the Committee on Ways and Means.

By Mr. SHEFFIELD: Petition of the Shepord Company, of Providence, R. I., opposing increase of duty on foreign gloves and hosiery—to the Committee on Ways and Means.

Also, petition of Wool Sorters' Union of Providence, R. I., and vicinity, against reduction of tariff on textile goods—to the Committee on Ways and Means.

Also, petition of Rhode Island Horticultural Society, against importation of and interstate traffic in infected honey and bees—to the Committee on Interstate and Foreign Commerce.

Also, petition of J. C. Hall & Co., of Providence, R. I., and 33 of their employees, asking for increase of duty on lithographic products—to the Committee on Ways and Means.

SENATE.

FRIDAY, *May 21, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The VICE-PRESIDENT. The Secretary will read the Journal of yesterday's proceedings.

The Secretary proceeded to read the Journal.

Mr. STONE. Mr. President——

The VICE-PRESIDENT. The Journal should be first read before any business intervenes.

Mr. STONE. I did not desire to intervene in order to transact any business. I intended to intervene that I might make a suggestion that there is no quorum present.

The VICE-PRESIDENT. Until the reading of the Journal has been concluded, not even that suggestion can be made. Before the Journal is approved, the suggestion can be made, under the rules of the Senate. The Secretary will read the Journal.

The Journal of yesterday's proceedings was read and approved.

SUGAR IMPORTATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting, in response to resolution No. 40, submitted by Mr. BRISTOW on the 29th ultimo, reports from the collectors of customs at New York, Boston, Philadelphia, New Orleans, San Francisco, and Port Huron, showing the amounts of raw sugar imported by sugar refineries at those ports during the fiscal year ended June 30, 1908, etc. (S. Doc. No. 53), which, with the accompanying papers, was ordered to lie on the table and be printed.

PETITIONS AND MEMORIALS.

Mr. SCOTT presented a memorial of sundry citizens of Clarksburg, W. Va., remonstrating against an increase of the duty on print paper and wood pulp, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Wheeling, Morgantown, and Independence, all in the State of West Virginia, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. CULLOM presented sundry papers to accompany the bill (S. 303) granting an increase of pension to Jacob Souder, which were referred to the Committee on Pensions.

Mr. PAGE presented petitions of sundry citizens of St. Johnsbury, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. BURKETT presented a petition of Subdivision No. 303, Brotherhood of Locomotive Engineers, of Chadron, Nebr., praying for the passage of the so-called "Burkett boiler-inspection" and "Borah-Dawson full-crew" bills, which was referred to the Committee on Interstate Commerce.

Mr. OLIVER presented a petition of Laughlin Lodge, No. 633, Brotherhood of Locomotive Firemen and Engineers, of Pittsburg, Pa., praying for the passage of the so-called "Burkett boiler-inspection" and "Borah-Dawson full-crew" bills, which was referred to the Committee on Interstate Commerce.

He also presented a petition of Welcome Council, No. 134, Junior Order of United American Mechanics, of Pittsburg, Pa., praying for the enactment of legislation to prohibit the immigration into the United States and the Territory of Hawaii of all Asiatics except merchants, students, and travelers, which was referred to the Committee on Immigration.

He also presented a memorial of Local Grange No. 1020, Patrons of Husbandry, of Indian Orchard, Pa., remonstrating against an increase of the duty on imported gloves, which was ordered to lie on the table.

He also presented petitions of sundry citizens of Westfield and Sabinsville, in the State of Pennsylvania, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DILLINGHAM presented petitions of sundry citizens of Cavendish, Vt., praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. DEPEW presented petitions of Local Grange No. 117, Patrons of Husbandry, of Lorraine; of Local Grange No. 66, Patrons of Husbandry, of Orwell, and of sundry citizens of Perch River, all in the State of New York, praying for a reduction of the duty on raw and refined sugars, which were ordered to lie on the table.

He also presented a petition of the Board of Trade of Schenectady, N. Y., praying that the lowest possible rate of duty be placed on sugar imported into the United States, which was ordered to lie on the table.

He also presented a memorial of sundry importers of foreign hops and dealers in and importers of American hops in the United States, remonstrating against an increase of the duty on imported hops, which was ordered to lie on the table.

He also presented a petition of the Chamber of Commerce of Buffalo, N. Y., praying for the appointment of a permanent tariff commission, which was ordered to lie on the table.

He also presented a memorial of Local Grange No. 66, Patrons of Husbandry, of Orwell, N. Y., and a memorial of Local Grange No. 117, Patrons of Husbandry, of Lorraine, N. Y., remonstrating against the increase of the duty on imported gloves, which were ordered to lie on the table.

BILLS INTRODUCED.

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BURKETT:

A bill (S. 2454) granting an increase of pension to Alfred N. Scott; to the Committee on Pensions.

By Mr. SCOTT:

A bill (S. 2455) granting an increase of pension to Joseph L. Buckley (with the accompanying papers); to the Committee on Pensions.

By Mr. WETMORE:

A bill (S. 2456) granting an increase of pension to Charles H. Bartlett; to the Committee on Pensions.

By Mr. BURNHAM:

A bill (S. 2457) granting an increase of pension to John F. Clough; to the Committee on Pensions.

A bill (S. 2458) to amend the act of March 3, 1883, commonly known as the "Bowman Act," and the act of March 3, 1887, commonly known as the "Tucker Act;" to the Committee on Claims.

By Mr. CRAWFORD:

A bill (S. 2459) authorizing the Minnesota, Dakota and Pacific Railway Company to build a bridge across the Missouri River; to the Committee on Commerce.

AMENDMENTS TO THE TARIFF BILL.

Mr. DICK submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. BROWN submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

Mr. ELKINS submitted two amendments intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which were ordered to lie on the table and be printed.

THE PHILIPPINE ISLANDS.

The VICE-PRESIDENT. The morning business is closed.

Mr. STONE. Mr. President, before we take up the tariff bill in regular course I wish to occupy just a few moments of the time of the Senate. I desire to place a matter in the RECORD, and I may as well do it now as at any time. It is an interview printed in a paper a few days ago given by Mr. OCAMPO, one of the Resident Commissioners of the Philippine Islands at Washington. This interview concerns the relations existing between the United States and the Philippine Islands. It is my purpose at the proper time to offer an amendment to the pending bill declaratory of the purpose of the United States with reference to those islands. I wish to insert this matter in the RECORD, hoping that Senators will take occasion to read it.

Mr. ALDRICH. What is the nature of the article to be printed in the RECORD?

Mr. STONE. I had just stated, while the Senator's attention was diverted, that it is an interview recently printed given out by Mr. OCAMPO, one of the Philippine Commissioners. It is not long.

Mr. ALDRICH. I have no objection.

Mr. STONE. Permit me to say that Mr. OCAMPO is a real Filipino of high class, and thoroughly representative of his people. He is well qualified to express their feeling and sentiment upon public questions, and has been delegated to do that.

Mr. President, I believe the longer we maintain political relations such as exist now with the Philippine Islands and people the worse it will be for all concerned. The closer our political and industrial life becomes identified with theirs, the more difficult it will be for us to sever relations with them, because the firmer will become our foothold and the greater the reluctance on the part of many influential men to yield any larger liberty to those people or anything more nearly approximating autonomy in government.

I believe if we go on as we are, if we establish free trade, for instance, with the islands and continue our present connection with them, not many years will elapse until the great resources of those islands—their fields and forests and mines and their principal industries—will be in a large measure absorbed and controlled by Americans.

It is because of that belief which I entertain, and which Mr. OCAMPO entertains, that I desire to insert this interview of his in the RECORD.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

In reply to a question about a statement that appeared Tuesday morning in the Washington Post purporting to be a protest against free trade between this country and the Philippines from some Filipinos residing in Boston, Mr. OCAMPO, one of the Resident Commissioners from the Philippine Islands, said:

"When I spoke in the House last month, discussing the proposed free trade relations between this country and the Philippines as contained in the Payne bill, I clearly stated that the establishment of such relations would inevitably hinder the political aspirations of the Filipinos; in other words, their constant and profound desire of being an independent country would be imperiled by such commercial ties.

"The Philippine assembly, the true representative of popular sentiment, has, in conjunction with the upper house, which is composed largely of Americans, expressed itself before this in opposition to free trade, and since the passage of the bill by the House of Representatives, the feeling against it has grown more intense for the reasons stated above, apart from the economic view point of the matter, which also is in no way encouraging, because it necessarily will embarrass the Philippine government financially.

"This free-trade proposition is a case of life and death with us. The ambition of the Filipinos to live an independent life is one which is undeniable and persistent, and any measure tending to oppose it would only stir the people of the islands and operate to prevent the development of a better feeling between Americans and Filipinos.

"The Filipinos who signed the protest have done nothing more than to give expression to a feeling universal in the islands against free trade for the consequence it would bring to the islands in the long run.

"I hope that no one will think that in expressing the aspiration of the Philippine people for ultimate reasonably prompt and absolute independence, I am lacking in or that they have ceased to feel profound gratitude for the opportunity that the American Republic gave us to be rid of Spain. Surely in the land of Washington, Jefferson, and Adams it can be permitted us to express the wish that we may be allowed to govern ourselves. It ought to be understood that in the centuries of protest against the rule of Spain we were not merely trying to throw off one foreign yoke to go under another.

"Providence in its wisdom made us a different race. Our problems are not those of Europe or America, and we can not approach their consideration with the same mind. What is best for Europe or America is not necessarily best for Asia, and Asiatic problems ought better be left to the people of that part of the world for solution. But one idea we do have in common, and that is a desire to be permitted to govern ourselves. This thought is stronger with us than the desire for more economic gain, and while we would like the greatest possible commercial prosperity, we are willing to defer it rather than forever lose our hope of independence by an artificially rapid development through American corporations. I concur in the protest of the Filipinos who reside in Boston."

THE TARIFF.

The VICE-PRESIDENT. The morning business is closed and the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

The VICE-PRESIDENT. The next amendment passed over will be stated.

The SECRETARY. The next paragraph passed over is on page 20, paragraph 85, as follows:

85. Lime, 5 cents per 100 pounds, including weight of barrel or package.

Mr. JONES. It was my understanding that when paragraphs to which no amendment had been offered by the committee have been passed over amendments by individual Senators are not in order until after the committee amendments have been disposed of.

Mr. ALDRICH. They are in order now.

Mr. JONES. They are in order now?

Mr. ALDRICH. Yes; under the present procedure of business the amendments of individual Senators are in order.

Mr. JONES. I did not understand that. I desire to say that some data with reference to this paragraph I have not yet received, and I wish to recur to it later on.

Mr. ALDRICH. I suggest to the Senator from Washington to allow the paragraph to be agreed to, and if subsequently he has an amendment to offer it can be offered either in the Senate or by general consent as in Committee of the Whole. I will see that the Senator loses no rights in relation to the matter.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Washington yield to the Senator from Maine?

Mr. JONES. Certainly.

Mr. HALE. I have the same interest in this product the Senator has, and under the suggestion made by the chairman of the committee I am sure that no rights of his or mine will be lost. If the paragraph is adopted for the present, the Senator and I will confer and bring it up in the Senate.

Mr. JONES. That will be satisfactory to me.

Mr. ALDRICH. I ask that the paragraph be agreed to.

The VICE-PRESIDENT. Without objection, the paragraph will be agreed to.

Mr. BURTON. Was not an amendment proposed to paragraph 82 referring to magnesite brick and chrome brick?

Mr. ALDRICH. The committee had an amendment which I think, has been agreed to. There was an amendment suggested to paragraph 82, I think, proposed by the Senator from Ohio.

Mr. BURTON. I have not the phraseology of it before me, I will say.

Mr. ALDRICH. The Senator from Pennsylvania perhaps has the amendment of the committee if it has not been agreed to.

Mr. PENROSE. I have the amendment. In line 5, on page 19, I move to add the words "magnesite brick, chrome brick, and."

Mr. ALDRICH. That amendment was agreed to by the committee, and I thought it had been agreed to by the Senate.

Mr. PENROSE. It does not alter the present law. It conforms to judicial decision and puts it in statutory phraseology.

Mr. NELSON. The RECORD does not show that it has been adopted.

Mr. ALDRICH. I thought it had been adopted. I was mistaken.

Mr. PENROSE. I offer it now.

The VICE-PRESIDENT. The amendment proposed by the Senator from Pennsylvania will be stated.

The SECRETARY. On page 19, line 5, after the words "ad valorem" and the semicolon, insert "magnesite brick, chrome brick, and," so as to read:

Magnesite brick, chrome brick, and brick other than fire brick.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Pennsylvania.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph as amended is agreed to. The next paragraph passed over will be read.

The SECRETARY. On page 20, line 7, in paragraph 86, the committee propose, before the word "cents," to strike out "forty" and insert "twenty," so as to read:

Plaster rock or gypsum, crude, 20 cents per ton.

The VICE-PRESIDENT. The question is on agreeing to the amendment of the committee.

Mr. CURTIS. I ask for a yea-and-nay vote on the amendment.

Mr. ALDRICH. I hope the Senator will not ask for the yeas and nays. It will simply take the time of the Senate.

Mr. CURTIS. I will let it go.

The VICE-PRESIDENT. The Senator from Kansas demands the yeas and nays on agreeing to the amendment of the committee.

The yeas and nays were not ordered.

The amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph as amended is agreed to.

Mr. ALDRICH. I should like to have the paragraph agreed to with the understanding that later on the committee may recommend a specific rate in place of the ad valorem rate on Keene's cement.

The VICE-PRESIDENT. Is there objection to the committee returning to it?

Mr. ALDRICH. The committee may ask to return to it.

Mr. NELSON. What was done with paragraph 85?

Mr. ALDRICH. Paragraph 85 has been agreed to. I ask that paragraph 86 be agreed to as amended.

The VICE-PRESIDENT. Without objection, paragraph 86, as amended, is agreed to. No objection is heard. The next paragraph passed over will be read.

The SECRETARY. Paragraph 87, pumice stone.

Mr. ALDRICH. I ask that the paragraph be agreed to; but the committee may have an amendment to substitute a specific duty in that case.

Mr. BROWN. I wish to suggest that this paragraph has been passed over twice, on the first reading at my request and on the second reading at the request of the committee. My understanding, also, is that the committee has practically agreed upon an amendment. I have understood that the amendment is agreeable to the people interested in this business. I am very much in hopes that the committee may offer that amendment now, if it will do so.

Mr. ALDRICH. The committee think there ought to be an amendment, but the Senator is misinformed if he thinks they have agreed upon any particular amendment. I think there ought perhaps to be a change in the paragraph.

Mr. BEVERIDGE. Can not that be done during the day?

Mr. ALDRICH. I do not know whether it can or not. I suggest that the paragraph be agreed to, and if we subsequently agree upon an amendment, I will ask the Senate to reconsider its action.

Mr. BROWN. I can not consent to the adoption of the paragraph with the understanding that possibly the committee may offer an amendment to it. I have been led to believe by members of the committee that there would be an amendment offered—not that there might be, but that there would be.

Mr. ALDRICH. The Senator from Nebraska of course can offer any amendment he desires.

Mr. BROWN. I understand I have that right, but I have found from observation that the committee amendment is the one that is adopted. I should like to have that amendment presented now, if the committee will do so. If not, I will offer an amendment myself.

Mr. BEVERIDGE. If the chairman of the committee will offer the amendment during the day, will that satisfy the Senator?

Mr. ALDRICH. I will say to the Senator from Nebraska that as soon as I get an opportunity to consult with various members of the committee as to this particular amendment, I will then state to the Senate frankly whether we think it ought to be adopted or not.

Mr. BROWN. I am willing to have the paragraph passed over, but not adopted.

Mr. ALDRICH. It can be passed over for the present.

The VICE-PRESIDENT. Without objection, the paragraph will be passed over.

Mr. PENROSE. I desire to offer an amendment to paragraph 88, which I believe has been accepted by the committee. On page 21, line 12, after the words "fluor spar," I move to insert

the words "and feldspar." I believe this amendment was offered by the Senator from Kentucky [Mr. BRADLEY], who is not here to-day.

The VICE-PRESIDENT. The amendment will be stated.

The SECRETARY. On page 21, line 12, after the words "fluor spar," insert the words "and feldspar."

The amendment was agreed to.

Mr. ALDRICH. The Senator from Kentucky has an amendment pending to this particular clause to make the duty $3 a ton instead of $1.50 a ton.

The VICE-PRESIDENT. The Secretary will state the pending amendment.

Mr. BURTON. On what is that?

Mr. ALDRICH. On fluor spar. The Senator from Kentucky is still ill. The committee are willing to accept the amendment, and I ask that it may be adopted.

Mr. RAYNER. I should like to ask the Senator from Rhode Island why is this duty put upon fluor spar? I understand that it is found in only one State, and there is not much of it left in that State.

Mr. ALDRICH. It is found in several States.

Mr. RAYNER. In what States?

Mr. ALDRICH. In Kentucky, Tennessee, and various other States. It is found in a number of other States.

Mr. RAYNER. I think not, Mr. President. It is found in Kentucky, and Kentucky is the only State in which it is found. I should like to have the amendment passed over for the present.

Mr. SMOOT. The product is found quite extensively in the State of Illinois.

Mr. RAYNER. The testimony before the Senator's committee does not show that to be the fact.

Mr. BEVERIDGE. But before the House committee.

Mr. CULLOM. I can state that it is found in Illinois in large quantities.

Mr. RAYNER. All I desire to say is that the testimony does not show it.

Mr. CULLOM. I do not know what the testimony shows, but I know the fact.

Mr. RAYNER. I should like the amendment, at least, to be passed over so that I can look at it. I have had quite a number of communications on the subject.

The VICE-PRESIDENT. The Senator from Maryland asks that the amendment be passed over. Without objection, it will be passed over.

Mr. ALDRICH. I will take it up later in the day, after the Senator has had a chance to examine it.

The VICE-PRESIDENT. Without objection, the amendment is passed over until later in the day.

Mr. CULBERSON. Mr. President——

The VICE-PRESIDENT. The amendment presented by the Senator from Kentucky [Mr. BRADLEY] has not yet been stated. Will the Senator permit the amendment to be stated so that the RECORD will show it?

Mr. CULBERSON. Certainly.

The SECRETARY. It is proposed to strike out, after the words "fluor spar," the words "crude or crushed, ground or otherwise treated or manufactured, $1.50 per ton" and insert the words "or gravel spar, crude, $3 per ton; crushed, ground, or otherwise treated, $3.50 per ton."

Mr. ALDRICH. The committee do not accept anything of the amendment except the rate of $3 a ton on fluor spar.

Mr. PENROSE. The amendment adding the words "and feldspar" has been adopted, I understand.

The VICE-PRESIDENT. That amendment has already been adopted.

Mr. CULBERSON. Mr. President, with the indulgence of the Senate I propose to take advantage now of the latitude of debate to submit some general observations upon the pending bill, and that not at length.

Mr. GALLINGER. Will the Senator allow the next paragraph to be acted upon, as I may be absent, and I am quite interested in it? I think it will be passed in a moment. It is paragraph 89, mica.

Mr. CULBERSON. Very well.

Mr. ALDRICH. I am willing that the paragraph in regard to mica shall be acted upon, but I am not certain but that the committee may have an amendment to offer to the paragraph later on. The committee withdraws its amendment to the paragraph as it stands, and I am willing that the paragraph shall be agreed to, but I give notice that subsequently the committee may report a different provision.

Mr. NELSON. Mr. President——

Mr. CULBERSON. If it provokes debate, I hope the Senator will let me make my observations now.

Mr. GALLINGER. The Senator from Texas yielded to me, and I was about to say if there is to be any debate on the matter, I will not ask that it be considered now.

Mr. NELSON. Mr. President, I rise to a question of order. I am here all the time trying to keep track of the bill. If amendments are agreed to, I want to know what they are. If the committee have any amendments to a paragraph, I insist that those amendments shall be presented before we vote on the paragraph and not after it is passed over, and then afterwards say that it shall be amended. By such a proceeding we do not know where we are.

Mr. ALDRICH. I made the suggestion, if the Senator had listened to me with his usual attention——

Mr. NELSON. I am trying to keep track of the bill here, and I want to know what amendments are offered.

Mr. ALDRICH. For the very purpose which the Senator now suggests, I said the committee might subsequently have an amendment to offer.

Mr. NELSON. Then, do I understand that paragraph 88 is passed over?

Mr. ALDRICH. That was passed over at the request of the Senator from Maryland [Mr. RAYNER].

Mr. NELSON. Very well; that is all.

The VICE-PRESIDENT. The Chair suggests, however, to the Senator from Rhode Island that the Secretary has not yet stated the amendment to paragraph 88, as the Senator desires it to be offered, and the Senator will again indicate it to the Secretary, so that it may be stated and the RECORD may show it.

Mr. ALDRICH. On page 21, lines 13 and 14, strike out "$1.50 per ton" and insert "$3 per ton."

The VICE-PRESIDENT. By unanimous consent the amendment will be passed over for the present.

Mr. GAMBLE. Mr. President——

The VICE-PRESIDENT. The Senator from Texas has the floor. Does he yield to the Senator from South Dakota?

Mr. CULBERSON. I prefer to go on now.

Mr. GAMBLE. Do I understand that paragraph 89 has gone over for the present?

The VICE-PRESIDENT. It has not been taken up.

Mr. ALDRICH. It has not been taken up yet.

Mr. GAMBLE. I want to be heard on that paragraph.

Mr. CULBERSON. Mr. President, I stated a moment ago that I would take advantage, with the indulgence of the Senate, of the latitude of debate to submit some general observations upon the pending bill, and that not at any great length. Before attempting to apply them, as I shall do only in a very general way, to the great question of tariff taxation now pending here, let me state somewhat briefly my conception of the fundamental principles of the Democratic party.

Mr. ALDRICH. I beg the Senator's pardon. Did the Senator say he expected to occupy only a few minutes?

Mr. CULBERSON. I said that I would speak comparatively briefly, and I think when I have finished the Senator from Rhode Island will agree that I have kept my promise. If that were not the case, I think all Senators will bear witness that I have occupied very little of the time of the Senate in this debate, and even outside of that I am entitled to occupy as much time as I want; and I intend to do so.

Mr. ALDRICH. My suggestion was not in that line at all.

Mr. CULBERSON. I understood the facetious character of the suggestion of the Senator, and it was none the less out of place.

Mr. ALDRICH. I beg the Senator's pardon. My suggestion was not as to the time the Senator has occupied. He has occupied very little time, of course, and I realize that; but when he was stating, as I understood him to state, that he proposed to lay down the fundamental principles of the Democratic party, I thought it would probably take him more than a few minutes to perform that task.

Mr. CULBERSON. It occurred to me, in view of the speech of the Senator from Rhode Island at the outset of the debate, in which he undertook to lay down the Democratic doctrine, that probably some of us on this side from time to time should do so. As I said, Mr. President, before attempting to apply them to the question of tariff taxation now before the Senate, I want to state, somewhat briefly, my conception of the fundamental principles of the Democratic party.

The Democratic party arose, in some measure, from the character of the Constitution of the United States and the relation of the several States to the Union which that instrument established, but in a better and larger sense perhaps it sprung from the essentials of individual right and public authority. Since the adoption of the Federal Constitution the founder, in his lifetime, and the loyal adherents of the Democratic party in every generation, as opposed to the Federalist, the Whig, and the Re-

publican parties, have contended for the proper limitation and restriction of all public authority, for the separation and independence of the three great divisions of government, and for such construction of that Constitution as would maintain, unimpaired, the just and constitutional distribution of state and federal powers.

While the Democratic party stands more resolutely than any other party for the rights of the States and is their foremost and historic champion, it is not the state-rights party alone; and, while it contends for all the constitutional powers of the General Government, it is not the Federal party. It is, rather, Mr. President, the party of the Constitution.

Jefferson rightly declared that the essential principles of our Government, which affect this particular subject, consist "in the support of the state governments in all their rights, as the most competent administrations for our domestic concerns, and the surest bulwarks against anti-republican tendencies;" and, on the other hand, "the preservation of the General Government in its whole constitutional vigor as the sheet anchor of our peace at home and safety abroad."

Besides the natural and inherent objection to a strong government, with its tendency to encroach upon private rights and to vex, harass, and oppress the citizen, the Democratic party conceives that especially in a great country like the United States, with a population spread over a far-extended continental territory, the people immediately affected and concerned can best regulate their own local and domestic affairs, and that a consolidated, central government will in time become extravagant, corrupt, and oppressive. Instead of consolidating, it would therefore decentralize the Government within its fair constitutional limits, as was the aspiration of the founders, not only because that is the constitutional mandate, but also because within that principle lies the public welfare, for the nearer the seat of power is placed to the people the more responsive will it be to their will, and the farther it is removed from them the more it will be disregarded. It has insisted that the Government of the United States is one of limited and enumerated powers, and as declared in the tenth amendment—

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.

As a necessary consequence, Mr. President, the Democratic party for more than a century has combated the great mass of implied powers in the Federal Government contended for by Alexander Hamilton and the several political parties which have succeeded to his views.

Not content, sir, with the progress of the ancient doctrine of implied powers, the imperious and baseless dogma of constructive constitutional amendment has very recently been boldly proclaimed by one of the great leaders of the Republican party, and the Democratic party should resist it as it would an army with banners.

But, Mr. President, as I have already suggested, the organic principles of the party are even stronger than constitutional law. The political philosophy of the party finds deeper root than in the interpretation of the limitations and safeguards of a written Constitution, precious though they be.

While believing in such a Constitution, and while part of its mission is to preserve the one under which we live as the best hope of mankind yet devised, the great aim of the party is to achieve and perpetuate personal and political and religious freedom. Appealing to the philosophic truth of history, the party bears ever in mind that the natural course of affairs is for government to encroach upon private rights, for the functions of government to be perverted, "for freedom to lose and government to gain ground."

This inevitable movement, Mr. President, would unduly enlarge the powers of state and abridge the rights and liberties of the citizen. The political philosophy of the party, indeed, rests upon those manhood liberties to which Jefferson gave imperishable voice in the Declaration of Independence, in the Bill of Rights which he forced into the Federal Constitution, and in his first inaugural address.

This philosophy is woven indestructibly in the belief that free institutions are founded in unceasing and sleepless vigilance; in the fearless restriction of government to its legitimate purposes; in jealousy and distrust of rulers and not in faith and confidence in them; in equal rights to all and special privileges to none; in the theory that the government is best which governs least; in individualism and not paternalism; in dispersion, not concentration, of governmental power; in the limitation of taxation to the necessities of a frugal administration; and in an abiding conviction of the efficacy and wisdom of popular sovereignty. These are its proverbs; in these are comprised the vital forces of Democracy.

For more than half a century the Democratic party, almost without interruption, conducted the Federal Government in consonance with these principles and made it the marvel of the world. The Republican party, on the other hand, like the Federalist and the Whig parties of which it is the successor, antagonized these principles, both those of a constitutional and those of a more general character.

During and since the civil war, and partly by reason of the reactionary and centripetal forces it developed, Republican policies largely prevailed. They have resulted in evils inseparable from such policies; in extravagance, and sometimes in profligacy and corruption; in the decline of individualism and the growth of paternalism; in the dwarfing of home rule; in the overthrow of state authority; in the creation of favored and privileged classes; in the perversion of the functions of government; in the encroachments of government upon the natural and reserved rights of the people; in the imposition of taxation not for public purposes alone but for private purposes also; and in the centralization of irresponsive and often despotic power at the capital.

When we turn, Mr. President, to the question of tariff taxation and apply to it the basic principles of the two great parties which are pertinent, it is obvious that they are antagonistic and irreconcilable. Whatever may be thought of the several schedules of the pending tariff bill, the measure as a whole is avowedly constructed on the principle of protection; that is, on the principle that the power of the Government may be used to tax imports, not primarily to raise revenue to support the Government, but primarily to protect American producers and manufacturers against foreign competition, whereby the price of the home articles to American consumers may be enhanced to the extent of the tax. By legislative decree, by operation of law, a burden is laid upon consumers not based upon natural trade conditions, not their share of the expenditures of government, but is levied for the sole purpose of augmenting the profits and private fortunes of manufacturers and producers. This is the Republican doctrine of protection, stripped of sophistry and embellishment. It is founded neither in constitutional nor moral right, and is opposed to the nature, the spirit, and the genius of our institutions.

Individual Democrats may doubtless be found who believe in free trade or in protection, yet the Democratic party believes in neither. It stands for a revenue tariff—that is, for a tariff which will admit imports and yield revenue primarily—and is opposed to a protective tariff, whether the duties are levied on finished products or on raw material. Under whatever grant of federal power it is sought to be justified, a tariff law which compels the great body of consumers of the country to pay mere tribute to those from whom they purchase is a gross and palpable abuse of legislative authority.

No greater or more unjust burden in the guise of taxation was ever laid upon a free people than that contained in the present tariff law. With astonishing candor, it has been admitted by some who took part in framing the law that the rates were deliberately placed excessively high, higher than the demand of the most rapacious protectionist, in order to negotiate reciprocity treaties with foreign countries, and yet such treaties have not been negotiated, or if negotiated have not been ratified. For twelve years the people have borne the burden, for twelve years they have poured part of their earnings into the coffers of the oil, the sugar, and the steel combinations, out of which monuments in benevolences and in charities have been erected throughout the land to those whose avarice and greed and lawlessness wrung the exactions from the toiling millions; and now that tariff revision in some form can no longer be postponed, it is said with familiar and characteristic audacity that it must be done by the friends and beneficiaries, who would fasten the indefensible and vicious system upon the country.

While it is not my purpose to discuss the pending bill to-day in detail, something of the oppressive character of the present law and the failure to relieve it by the proposed measure should be succinctly pointed out. The average existing ad valorem rate on all articles is 44.88 per cent. In 1906 tariff taxes actually paid on 91 groups of articles were 100 per cent or over. It has been estimated by a leading Republican and protectionist that under the Dingley Act the people pay to the protected interests annually a mere tribute or subsidy of at least $500,000,000. This is practically divided among the trusts, among them the sugar trust receiving $20,000,000, the oil trust $20,000,000, and the steel trust $80,000,000 yearly. Notwithstanding the exorbitant rate now imposed, the pending bill carries a higher one, an average rate of 46.45 per cent, or 1.57 per cent over the Dingley rate.

Mr. Jefferson asserted as a just limitation upon government that after making provision for an economical and efficient

administration it should not take from the mouth of labor the bread it has earned. At the bottom of this is the Democratic doctrine of individualism and its opposite is the Republican doctrine of paternalism, the one embodying the idea, as applied to taxation, that the property of the citizen may not be taken except for public purposes, and the other that it may also be taken for private advantage. As long as a large part of the revenue of the Federal Government is raised by taxes on imports, as is now the case, incidental and unavoidable benefit will accrue to American products by lessening foreign competition, even when such taxes are imposed on a purely revenue basis. A tariff levied, however, not for necessary revenue, but wholly for protection is perhaps the highest and most pernicious form of paternalism, because in addition to imposing unnecessary taxation the powers of government are grossly perverted in order to enhance the private interests of the favored class. Against such injustice and such perversion of the taxing power the Democratic party has ever protested, and the practical consequences which have followed the protective system justify the condemnation.

The protective policy has fostered a dependence upon government for the promotion of trade and industry which is hurtful to individual effort and detrimental to general prosperity. It has increased the cost of living enormously, out of all proportion to the increase in wages when that has occurred, and thus in the end has injured the wage-earners. It has enabled protected interests to sell cheaper to foreign than to home markets and to demand extortionate profits from the people of the United States. Under the operation of the Dingley Act during the past ten years the steel corporation alone exacted perhaps $250,000,000 more from American consumers than it would have been satisfied with from foreign consumers. The protective tariff has undoubtedly encouraged and contributed to the formation of trusts and combinations in trade in this country by stifling foreign competition and limiting the field of operations of these combinations, for the larger the field the more difficult will be its control and monopoly. It has created a favored and privileged class, and has enabled that class to amass colossal fortunes, which are used to bind the protective system upon the people by degrading and debauching the suffrage and the national conscience. Mr. President, although there is penury and want in every community in the land, and although this is due in part to the burden which the people bear for protection's sake, yet the wealth of its beneficiaries rivals the wildest dreams of kings. These vast fortunes, challenging the credulity of mankind, are not the fruit of unaided individual or corporate effort, but result in large degree from the operation of these unequal and unjust laws.

The Democratic party makes no war upon wealth nor would it embroil capital and labor nor embitter the poor against the rich. But on this subject it would gradually embody in legislation equality of right; it would dissolve the government copartnership with special privileges and protected interests, and it would not by law give to any man or class a favor or advantage above another in the race and struggle of life.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 89, to which the committee amendment in line 15 has been withdrawn?

Mr. GALLINGER. Let that go over, Mr. President.

Mr. ALDRICH. I ask that the paragraph may be agreed to as it stands; but I give notice, as I said before, that the committee may later on recommend an amendment.

Mr. GAMBLE. Mr. President, when this paragraph was reached on the first reading of the bill it was suggested by the chairman of the Finance Committee that it be passed over, and he coupled that request, as I recall it, with the suggestion that the committee might report an amendment placing mica on the free list.

Mr. ALDRICH. My statement was that a large number of industries specially engaged in the electrical business believed that mica should be on the free list. They have made certain statements to that effect to the committee, and have asked to be further heard with reference to it. The committee are now willing to agree to the House provision, but if it should appear to them later on that some changes should be made, they reserve the right to recommend an amendment.

Mr. GAMBLE. It was my purpose, Mr. President, when this paragraph was reached to submit some observations thereon, because of the great interest of the western part of our State in the production of mica. If, however, the paragraph is not to be finally disposed of at this time I would not care now to unduly take up the time of the Senate. If it is proposed to take up the paragraph later I should like an opportunity to be heard, and possibly at some length.

Mr. ALDRICH. I will give the Senator from South Dakota due notice when the paragraph is to be taken up.

Mr. GAMBLE. Mr. President, the reduction as proposed from the Dingley Act of 1897 on unmanufactured mica is from 6 to 5 cents a pound and on the manufactured article from 12 to 10 cents a pound. The ad valorem duty of 20 per cent remains as in the existing law. The industry is being very rapidly developed in this country against most active foreign competition, and it occurs to me, Mr. President, the rate of duty provided by the present law should be retained, in justice to this industry. The people of 11 States are interested in this industry, and are producers of mica. There has been an immense increase in the production of this article during the past two or three years, and at this time nearly 50 per cent of the consumption of the United States is produced in this country as against the importations from abroad.

The importation for 1908 was 1,310,877 pounds, with a valuation of $567,550. The domestic production for the year 1907 was 1,060,182 pounds, with a valuation of $349,311. The domestic production for the year 1902 was 373,266 pounds. It will be observed the production during the five years increased nearly 400 per cent.

The statistics for the year 1908 show a very marked decrease in importations over that of 1907. For the former year the importations were 1,310,877 pounds, against 3,448,452 pounds for the latter.

Mr. NELSON. To what paragraph does the Senator refer?

The VICE-PRESIDENT. Paragraph 89 is before the Senate.

Mr. GAMBLE. Mr. President, I am addressing myself briefly to paragraph 89. I repeat, this industry is largely in process of development. The product is essential to the development and to the uses of many industries, and should receive the protection and encouragement. There are inexhaustible mines of this product in South Dakota, where last year one-third of the mica in the United States was produced. A large plant in the western part of the State has been successfully operated for the past two years. I am informed another of equal capacity is being installed and will be in operation within the next sixty days. I am assured from the extensive and rich supply in that region, with both plants in operation, they will be able to produce a sufficient supply for all the electrical uses of the entire country. The production of mica is largely in competition with the cheapest labor in the world. The largest importations for 1908, as shown by the statistics of the Government, were from India.

Mr. ALDRICH. Will the Senator permit me to ask him a question?

Mr. GAMBLE. Yes, sir.

Mr. ALDRICH. Among the representations which were made to us by people who wanted lower duties on this product, or the placing of it on the free list, is that it is controlled by one concern, and that to keep this duty up would simply be for the benefit of the trust. I should like to have the Senator from South Dakota explain to us whether or not that is true, and how many people there are engaged in the production of mica in this country.

Mr. GAMBLE. I have not the statistics at hand at this moment to show the number of people employed in this industry, but they are scattered over 11 of the States of the Union.

In the matter of trusts, I have more particular knowledge in relation to conditions in my own State.

In the vicinity of Custer, from a report of the Geological Survey just issued, there are 13 mines, 4 of which, I am informed, are operated and owned by the Westinghouse Company. It is my understanding the 9 other mines are owned and operated by independent concerns and individuals.

North Carolina has been the largest producer of mica and has the greatest number of producing mines. In no sense do I understand this industry is owned or controlled by a trust, and have never heard such a statement made. The production comes from so many States and from such an extended area I do not believe such a condition is likely to occur.

Mr. President, it is my purpose, on account of the statement made by the chairman of the committee, to take the time of the Senate on this paragraph only for a moment. As I stated before, the largest importation is from India; and the statistics of last year show an importation of 543,722 pounds from that country, where there are between fifteen and sixteen thousand people engaged in the mining of mica at the lowest possible wages. Against such competition the American laborer should receive the full measure of protection.

Mr. ALDRICH. Can the Senator from South Dakota give us the relative wages in South Dakota and India upon this product?

Mr. GAMBLE. The comparative rate of wages between India and this country has been frequently given during this debate. The rate there is only a few cents per day, and is only a frac-

tion of the rate of wages paid in this country. The information furnished us by the Finance Committee is that mica from India can be mined and landed in this country at a price lower than the cost of production at some of the mines in the United States.

It seems to me, Mr. President, the rate of the present law should be retained. If the paragraph is to be again taken up, I will not longer detain the Senate at this time. However, should the committee propose a further amendment of the nature suggested, I will again ask to be heard at greater length.

Mr. ALDRICH. I do not ask to have it go over. I ask the Senate to agree to the House provision.

Mr. GALLINGER. Mr. President, the Senator from Rhode Island is undoubtedly incorrect, or he is the victim of misrepresentation, when he imagines that mica is controlled by a trust. It is not. We have independent companies operating in the little State of New Hampshire and doing considerable business.

The Senator asked about the wages in India as compared with the wages in this country. I understand that they get 8 or 10 cents a day in India, and we pay considerably more than that in the United States.

But what I rose for more particularly was to call attention to a fraud that has been perpetrated in the importation of mica, and to ask the chairman of the committee, or some member of that committee, if we will be reasonably protected against that fraud if the paragraph shall be agreed to as it came from the House of Representatives? Here is a piece of mica [exhibiting] imported from India. That was called "rough trimmed" mica. It is almost a complete sheet of mica; in fact, it looks like a complete sheet to me; and yet the Board of Appraisers in New York ruled that that was rough-trimmed mica, and it came in and was accepted as rough-trimmed mica. The friends of this industry propose that the words "thumb trimmed" shall be inserted in place of "rough trimmed," that having been a former process by which they broke off the edges with the thumb, but I understand that has been abandoned. The Board of Appraisers, as I am informed, have since decided that this character of mica can not come in as "rough trimmed;" but the question I wanted to ask was whether it may not come in almost as completely manufactured as this under the term "rough trimmed?" What protection have we, as a matter of fact, against this fraud that has been perpetrated and which, it seems to me, may be continued only in a less degree? The Senator from Utah [Mr. SMOOT] has given a good deal of consideration to this matter, and I will ask him if he thinks we will be really protected, as we ought to be, in reference to this matter if we agree to the House phraseology and leave in the words "rough trimmed?"

Mr. SMOOT. My opinion is that to entirely protect the American mica the words "thumb trimmed" should be used instead of "rough trimmed."

Mr. GALLINGER. Yes; and the Senator understands this piece which I have here was at one time imported and passed the custom-house as "rough trimmed." Now I understand that decision has been reversed; but may it not be imported not in quite as complete a form and yet be admitted as "rough trimmed?"

Mr. SMOOT. The decision of the court in New York was that whenever it comes in in shapes and forms it always comes under a higher rate, and wherever it is sickle cut, then it comes under a lower rate. It is true that in the past that form of mica did come into this country, or they tried to get it into this country, as "rough trimmed."

Mr. GALLINGER. They did actually, I think, at one time, did they not?

Mr. SMOOT. At one time they did.

Mr. GALLINGER. I am quite willing to have the paragraph agreed to with the phraseology of the House; but will take occasion to repeat what the Senator from South Dakota [Mr. GAMBLE] said, that I can see no earthly reason why the rates on this product should be reduced from those in the existing law.

Mr. DU PONT. Mr. President——

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Delaware?

Mr. GALLINGER. Certainly, I yield.

Mr. DU PONT. Why would not the term used by the Senator from Utah, "in shapes and forms," be a complete protection? I suggest that to the Senator from New Hampshire. People in my State also are interested in the mica industry.

Mr. GALLINGER. I understand, Mr. President, that the committee are going to give this matter further consideration with a view to making this paragraph conform to what some of us think it ought to be, if in their wisdom they think it necessary to change it; but I think for the present we had better agree to it as the House passed it.

The VICE-PRESIDENT. Without objection, paragraph 89 is agreed to, the committee amendment having been withdrawn. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 94—gas retorts.

Mr. ALDRICH. I will say that the committee proposes to ask that the paragraph regarding pumice be adopted as it came from the House. I do not know whether the junior Senator from Nebraska [Mr. BROWN], whom I do not see in the Chamber at this time, but who is interested in it, desires to offer an amendment or not. Perhaps I had better defer action upon it until the Senator comes into the Chamber. We will take up, therefore, the next paragraph—carbons and gas retorts.

The VICE-PRESIDENT. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 94, page 23. The committee proposes, in line 12, to strike out "$3 each" and insert "30 per cent ad valorem."

The VICE-PRESIDENT. The question is on agreeing to the amendment.

The amendment was agreed to.

The SECRETARY. In lines 14 and 15 the committee proposes to strike out "35 per cent ad valorem" and insert "70 cents per 100 feet."

Mr. ALDRICH. The committee modifies its amendment in that respect and moves to insert the words which I send to the desk.

The VICE-PRESIDENT. The Secretary will state the amendment as modified.

Mr. ALDRICH. The amendment is to take the place of lines 14 and 15.

Mr. BAILEY. What page?

Mr. ALDRICH. Page 23, line 14, after the words "ad valorem," to strike out "carbons for electric lighting, 70 cents per hundred feet," and insert the words which I send to the desk.

The VICE-PRESIDENT. The amendment as modified will be stated.

The SECRETARY. On page 23, line 14, after the words "ad valorem," it is proposed to modify the committee amendment by striking out the words "carbons for electric lighting, 70 cents per hundred feet," and insert "carbons for electric lighting made entirely from petroleum coke, 35 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 65 cents per hundred feet."

The VICE-PRESIDENT. The question is on agreeing to the amendment as modified.

Mr. LA FOLLETTE. Mr. President, I hope that amendment will not be adopted. Electric carbons are used in every city in America and in nearly every village. They are also used by every industrial and commercial establishment of any size in this country. The rate under the existing law is 90 cents per hundred carbons. That is equal to about 47 per cent ad valorem.

The House took considerable testimony upon this subject, and fixed a rate of 35 per cent ad valorem; and the Senate bill as first reported proposed a duty of 70 cents per hundred feet, an increase of 55 per cent over the existing rate. The committee amendment proposed this morning makes a new classification. It proposes a rate of 35 cents per hundred feet on low-grade carbons and a rate of 65 cents per hundred feet on high-grade carbons.

Mr. President, this rate of 35 cents per hundred feet on low-grade carbons in this new classification has no significance whatever.

There are no low-grade carbons imported into this country, and there can be none. That statement is based upon the testimony of Mr. Crider, secretary of the National Carbon Company, who appeared before the Ways and Means Committee, representing this monopoly, which is the sole producer of high-grade electric carbons and dominates the market for low-grade carbons in this country.

Mr. Crider says:

> The common grade of carbon is made from petroleum coke (a raw material that they do not have at a reasonable price abroad).

At another place in his testimony he reaffirms that statement in language equally definite, clear, and positive. Just what the purpose of the committee was in making this new classification and this apparent reduction in the duty, I do not know. It has not been explained. I shall be glad to hear an explanation when it is made. None has been offered, but a vote has been demanded upon this amendment.

Mr. SIMMONS. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. I have just come into the Chamber; and as I did so I heard the Senator say that this reduction was an

apparent one. Perhaps the Senator had, before I came in, given the reasons for that statement. I did not hear them, however.

Mr. LA FOLLETTE. I will say to the Senator from North Carolina that I was speaking especially of the new classification and the 35-cent rate that is provided for low-grade carbons. I had just read the testimony of the secretary of the National Carbon Company, which has a monopoly of the manufacture of high-grade carbons and controls the market of low-grade carbons in this country, to show that low-grade carbons are not manufactured at all in foreign countries, because they can not get, at reasonable prices, the petroleum coke out of which these low-grade carbons are made.

Mr. SIMMONS. I wish the Senator to understand that I am in entire sympathy with him in desiring a reduction in the duty. I had heretofore supposed that a reduction had been made, because I noticed in our Book of Estimates that the duty under the present law is 90 cents per hundred, while under the Senate bill it is 70 cents per hundred.

Mr. LA FOLLETTE. The Senator is misled by the figures. The duty under the present law is about 47 per cent. It is 46.79 per cent.

Mr. SIMMONS. Yes; but I was not speaking about the ad valorem duty.

Mr. LA FOLLETTE. I mean the ad valorem equivalent.

Mr. SIMMONS. I was not speaking about the ad valorem equivalent.

Mr. LA FOLLETTE. I beg the Senator's pardon.

Mr. SIMMONS. The ad valorem equivalent indicates there has been a reduction of about 10 per cent; but the specific duty is 90 cents per hundred under the present law, and under the Senate bill 70 cents per hundred, which would indicate a reduction. The ad valorem rate also indicates a reduction; but I understood the Senator to say that the reduction is only apparent.

Mr. LA FOLLETTE. Those figures are utterly misleading. They show an apparent reduction, but if correct would show an increase of 55 per cent over the existing rate. I am speaking of the amendment as first reported by the committee. The amendment proposed by the committee this morning is an increase of about 45 per cent over the existing rate.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. I wish to ask the Senator if it is a fact that in one case the duty is laid per hundred and in the other case it is laid per hundred feet? Is that true or not?

Mr. LA FOLLETTE. That is true.

Mr. GORE. The reason why I asked the question is that I have here a letter from a party concerned, who says that in the change of the duty from so much per hundred to so much per hundred feet there is concealed a "joker" that will result in a large and unreasonable increase.

Mr. SIMMONS. That is the reason I asked the question.

Mr. LA FOLLETTE. There is really an increase instead of a decrease.

Mr. SIMMONS. I wanted to see the "joker" worked out. I noticed that myself.

Mr. LA FOLLETTE. I do not care to call it a "joker" or to charge anyone with bad faith. But in effect and in operation it will work out as an increase of duty of 55 per cent as first reported in the Senate bill, and 45 per cent as proposed in this last committee amendment.

Mr. GORE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Oklahoma?

Mr. LA FOLLETTE. I do.

Mr. GORE. I wish to state that the reason I used the term "joker" was that I remembered that the word was used in the letter to which I have referred. I am not responsible for the expression; and I am sure that if any such consequence should follow, it will be due to mere oversight on the part of the committee and not due to design.

Mr. LA FOLLETTE. Oh, certainly.

Mr. JOHNSON of North Dakota. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from North Dakota?

Mr. LA FOLLETTE. I do, if it is for a question.

Mr. JOHNSON of North Dakota. Before we leave the point about the so-called "increase" in the duty on carbons, whereas on the face of it there is an apparent reduction, I should like to ask the Senator from Wisconsin if this is not a fact: At the time the present law was written, the only carbons that were known to commerce under this schedule were about 11 inches long, and the present law levied on them a duty of 90 cents per hundred; and afterwards the importers invented a method of circumventing our tariff laws by making these carbons 6 feet long and subsequently cutting them off, so that they could import under this duty of 90 cents per hundred a much larger quantity than the framers of the law contemplated? Is it not true that in that way the importers really wrote our tariff law in this respect, and very largely reduced the duty on this article?

And is not that the only excuse or semblance of excuse for the Senator's contention that there is a "joker" in this language? We are now revising the tariff law for the purpose of bringing it up to date and correcting these inequalities which have not been written in our laws, but have been crowded into them by the ingenuity of importers.

Mr. LA FOLLETTE. I will say to the Senator that when he interrupted me I was about to take up this very proposition and present it fully to the Senate.

It is true that the importers did increase the length of the carbons for importation, and thus obviated what otherwise would have been a prohibitive duty. It is also true that the courts held that they could lawfully do that. And I think it will appear that this was not more ingenious than the advantage that was taken by somebody who must have imposed on the conferees in getting into the conference report the rate that was fixed by the Dingley law. That rate put upon a product that is manufactured largely by mechanical processes a duty from 100 to 150 per cent, laying the foundation, as it did, for the formation of the carbon monopoly that we have in this country to-day, with headquarters at Cleveland, Ohio.

I desire to place before the Senate all the facts that I have been able to gather relating to this subject.

The reason for this change in the duty on electric-light carbons is that under the present law, which fixes the duty at 90 cents per hundred, the carbons are imported in double lengths—that is, twice the length required for ordinary use, which is about 1 foot. I will say to the junior Senator from North Dakota [Mr. JOHNSON] that it would not be possible to import such carbons in 6-foot lengths. I have no doubt the importers would do it if they could. I am not apologizing for or defending the importers.

I presume they tried to import these carbons, under the provisions of the Dingley bill, in lengths as great as it was possible to handle without loss by breaking; and I think they found, upon trial, that they could not import them longer than double lenghs without sustaining a greater loss from breakage than gain from increasing the length of the carbons.

Under the present law, which fixes the duty at 90 cents per 100, carbons are now imported in double lengths—that is, twice the length required for the ordinary use, which is about 1 foot. But in computing the ad valorem equivalent under the duty proposed by the Finance Committee, the rate is given on the assumption that 12-inch carbons are imported.

Under the present law probably 80 per cent, certainly a large proportion, of the carbons imported are imported in 2-foot lengths. Two hundred feet of carbon is imported for a duty of 90 cents, which is about equivalent to a 47 per cent ad valorem. Under the proposed amendment of the Senate committee, as I have before stated, 200 feet of carbon would be subject to a duty of $1.30, an increase in the duty over the existing rate of 45 per cent, thus making a great increase in the existing rate instead of a great reduction, as would appear on its face.

Mr. President, I am ready to stand for an increase of the rate in this bill whenever it can be justified as necessary to encourage production in this country, and there is reasonable hope that the higher duty will increase production and, under competition, reduce the cost to the consumer.

Mr. SIMMONS. Will the Senator from Wisconsin pardon me?

The PRESIDING OFFICER (Mr. ROOT in the chair). Does the Senator from Wisconsin yield to the Senator from North Carolina?

Mr. LA FOLLETTE. I do.

Mr. SIMMONS. If the Senator is right in his contention—and I think he is—and if all the carbon came in in lengths of 2 feet, under the present law the rate would be only 45 per cent per foot, would it not?

Mr. LA FOLLETTE. The ad valorem equivalent is about 47 per cent.

Mr. SIMMONS. This is a specific raise of 30 cents per hundred feet.

Mr. LA FOLLETTE. Twenty cents per 100 feet, I think.

Mr. SIMMONS. No; the difference between 45 and 70.

Mr. LA FOLLETTE. The pending amendment is 65 cents per 100 feet.

Mr. SIMMONS. I was not here when the amendment was introduced.

Mr. LA FOLLETTE. The Senate committee has offered as a substitute for this proposed amendment to the bill an amendment which makes a new classification, putting a rate of 35

cents per 100 feet on the low-grade carbon and a rate of 65 cents per 100 feet on the high-grade carbon.

Mr. SIMMONS. I was not in the Chamber when the amendment was offered.

Mr. LA FOLLETTE. The representative of the National Carbon Company, of Cleveland, Ohio, the so-called "carbon trust," argued before the House committee that the Government was being defrauded on account of the increased length of the carbons. This argument has been repeated here. The senior Senator from Massachusetts [Mr. LODGE], the first time this paragraph was read for consideration, made that statement, and made it, I suppose, upon information which came from the same source. The suggestion of the Senate amendment is that the importers, and the consumers, who may fairly be assumed to have benefited by the reduced price made possible by the practice of the importers, are now to be punished by this increase of duty. It may be that Congress did not, in fixing the duty in the Dingley bill, contemplate that the length of the carbons should be increased for import. The length of the carbons imported at the time of the enactment of the Dingley bill was the commercial length of about 12 inches; maybe a trifle below that. Because I want the Senator to have full possession of all the facts I have, I will say that on the enactment of that law, and for the purpose of bringing——

Mr. BEVERIDGE. Mr. President——

Mr. LA FOLLETTE. In just a moment.

Mr. BEVERIDGE. Very well.

Mr. LA FOLLETTE. For the purpose of bringing in the carbons at all, the importers did increase the length. If they had not done so they would have been up against the barrier of a prohibitory duty ranging from 100 to 150 per cent—that is, the rate under the Dingley law—assuming it to have been intended to apply to carbons of just that length and not to have permitted the importation of carbons of greater length. But the court decided that it did permit the importation of carbons of any length, and simply gauged the duty by the number of carbons imported. A hundred carbons paid a duty of 90 cents, no matter what their length. It was soon found that owing to the large percentage of breakage they could not be imported in lengths exceeding 2 feet.

I now yield to the Senator from Indiana.

Mr. BEVERIDGE. I wish to ask the Senator a question. I gather from his argument that the Senator is assuming that the duty fixed by the Senate committee is an increase over the present law. Is that right?

Mr. LA FOLLETTE. It is an increase over the present law. It is not an assumption. It is a fact. I think that is very clear.

Mr. BEVERIDGE. I see here—I have not studied this—in the comparative statement that the present law is 90 cents per hundred carbons, the Senate bill is 70 cents per hundred feet, and the House bill is 35 per cent ad valorem. Therefore, the Senate rate at first was made 5 per cent. I understand that an amendment has been brought in by the Finance Committee which reduces that 5 cents per hundred feet, which makes the ad valorem about what the House rate is, which, as I understood from the Finance Committee the other day, is a reduction. Is the statement of the Finance Committee correct in that connection?

Mr. LA FOLLETTE. It is not correct at all. I will restate that, because I desire the Senator and every other Senator to understand it, if it can be made clear. I should like the attention of the Senator from Indiana, since he asked me the question, if the Senator from Rhode Island will permit. It is not quite fair when one has been asked to restate a proposition to have the Senator who asked it engage in conversation.

Mr. BEVERIDGE. The Senator shall have my entire attention.

Mr. LA FOLLETTE. The percentage rate given by the Finance Committee in the table of estimates is computed upon the assumption that the carbons are imported at a 12-inch length under the Dingley law. If they had been imported at that length, the ad valorem equivalent stated in the tables furnished by the Finance Committee would have been correct.

The Dingley law made it impossible to import carbons into this country at all at the rate of duty it fixed, if they were imported at the 12-inch length. But the law did not specify the 12-inch length, and the importers changed the carbons and imported them—after they found out what they could do in packing, and so forth—in 24-inch lengths. When imported in this length, the duty of 90 cents per hundred carbons amounts to 45 cents per hundred feet and, on the actual importations, to 47 per cent ad valorem. This ad valorem, given in the committee's table, is taken from the statistics of Imports and Duties, furnished by the Bureau of Statistics, and is correct. But the mistake or misstatement is made in computing the ad valorem rate of duty under the proposed amendment. The duty under the amendment is estimated on a basis of 70 cents a hundred carbons, disregarding the double length and disregarding the fact that the duty proposed is 70 cents per hundred feet, which would be $1.40 per hundred carbons of the length now imported, or 55 per cent more than under the present law.

Mr. BEVERIDGE. Let me ask the Senator a question right here, so that I may clearly understand it.

Mr. LA FOLLETTE. That is at 90 cents under the present law.

Mr. BEVERIDGE. I understand.

Mr. LA FOLLETTE. That is the way the carbons have been imported.

Mr. BEVERIDGE. I know. Let us see if we can get it clear. When the Dingley bill was passed carbons were imported at 12 inches, and the law provided 90 cents per hundred.

Mr. LA FOLLETTE. Yes, sir.

Mr. BEVERIDGE. Just as soon as they found they could import them at a greater length they still paid 90 cents a hundred for the 24-inch, just as they had paid it before for the 12-inch.

Mr. LA FOLLETTE. That made the duty on importations of last year about 47 per cent ad valorem.

Mr. BEVERIDGE. Yes; it practically cut the duty in two.

Now, I wish to ask the Senator whether it was the intention of those who framed the Dingley law to provide a [illegible] of 90 cents, assuming that the carbons were 12 inches long?

Mr. LA FOLLETTE. That is anticipating somewhat what I intended to say, but I will answer it right here. I presume it was the intention of whoever secured that phraseology to get that high rate of duty, which, expressed in the ad valorem equivalent, would have been from 100 to 150 per cent and absolutely prohibitory. I do not believe it was the intention of the Congress which adopted that law to fix a 100 to 150 per cent rate, because when the Dingley bill passed the House of Representatives it carried an ad valorem rate of 50 per cent; so that, so far as the House of Representatives expressed its legislative intention in reference to the duty necessary, it put it at 50 per cent. The bill came to the Senate, and in conference was changed to this particular phraseology, which, as applied at that time to importations, worked out to be a duty of 100 to 150 per cent——

Mr. BEVERIDGE. Right here——

Mr. LA FOLLETTE (continuing). And bears upon its face some of the characteristics of a "joker."

Mr. BEVERIDGE. That is very important. I will see if I catch it clearly. I understand when the House passed the Dingley bill, it fixed the rate at 50 per cent ad valorem.

Mr. LA FOLLETTE. Yes, sir; the Senator is right.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield further to the Senator from Indiana?

Mr. BEVERIDGE. And the change to the specific rate of 90 cents per hundred was made in the Senate or in conference?

Mr. LA FOLLETTE. In conference.

Mr. BEVERIDGE. Of course, it could not have been changed in conference unless the Senate had made some change in the bill. It could not otherwise have been changed in conference. However, that is immaterial.

Mr. LA FOLLETTE. It was changed in conference.

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. I do.

Mr. BEVERIDGE. I wish to state to the Chair that I was not trying to take the Senator from Wisconsin from his feet, and I had been recognized by the Chair; and having been recognized by the Chair, and the Senator from Wisconsin having yielded to me to ask him a question, I was entirely within my rights.

The PRESIDING OFFICER. The Chair is bound to inform the Senator from Indiana that he made several observations, not asking for recognition——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER (continuing). Unless the Chair failed to notice the request of the Senator from Indiana.

Mr. BEVERIDGE. Mr. President, we might as well have this ruling settled here and now as at any other time. Is it understood to be the ruling of the Senate that when one Senator interrupts another to ask him a question, and gets the Senator's permission and asks him the question, in the succeeding questions which he asks, that interruption having been permitted by the Senator, he must for each question while he is still on the floor get the Chair's attention and again the consent of the

Senator? Because, if that is the ruling, of course we would take up more than two-thirds of the time in merely asking the Chair every time. That is an interesting proposition.

The PRESIDING OFFICER. In the opinion of the Chair, there must be some limit to the extent to which a general conversation shall continue, and the Chair supposed in this case that the conversation had gone as far as the request of the Senator from Wisconsin intended that it should go.

Mr. BEVERIDGE. Then, of course, that would mean that in asking a series of questions which the Senator occupying the floor had conceded the right to have asked him, it is for the Chair to determine whether a Senator is through asking his questions and the Senator through answering them or not, and it is not for Senators to determine.

Mr. LA FOLLETTE. Now, Mr. Presiednt, I do not believe that it was the real legislative intent to put a prohibitory duty upon carbons. I find on reference to the testimony with respect to the history of this duty that in enacting the Dingley bill the Senate simply struck out the House duty of 50 per cent and threw the matter into conference; the provision which became the law was reported as a part of the conference report not therefore subject to amendment, and it had to go through in that form as a part of the conference report and without reference to its merits.

Mr. President, I do not believe that the question whether the duty imposed in the Dingley law worked out in practice as some people intended it should and wanted it to work out is very material in this discussion. Certainly an evasion or purpose to evade the law is not so clearly established as to warrant us here in enacting a punitive duty that will impose an unwarranted burden upon the public. It does not make any difference what these importers have done; the question that confronts the Senate is where this rate shall be fixed under all the existing circumstances.

The existing rate of duty is already high, and by implication the Senate Finance Committee recognized this in their compilation. They purported to be reducing the duty to 36 per cent ad valorem, or practically to the rate carried in the Payne bill.

In contrasting the House bill and the bill reported by the Finance Committee I do not wish to be understood as always favoring the rates imposed by the House bill. But it is worthy of careful consideration that the Ways and Means Committee of the House spent months in the investigation of this subject and in the preparation of the bill which they reported.

After they heard the testimony upon both sides and presumably weighed it, they wrote into that bill a rate of 35 per cent as their judgment of a fairly protective duty to impose upon these high-grade carbons. That rate represented a slight reduction from the present law. I submit that when this committee reverses the action of the other House and asks the Senate to vote for a duty increasing the present rate 45 per cent some facts and reasons should accompany that request.

Mr. RAYNER. Mr. President, would it interrupt the Senator from Wisconsin——

Mr. BEVERIDGE. Mr. President, I call the Senator from Maryland to order. According to the ruling of the Chair, the Senator from Maryland did not address the Chair.

Mr. RAYNER. I beg pardon; I said "Mr. President." The Senator from Indiana ought to be a little more particular about his criticism.

Mr. BEVERIDGE. I am not at all criticising the Senator from Maryland.

Mr. RAYNER. I said "Mr. President" when I rose.

Mr. BEVERIDGE. The Senator was not recognized. I called the Senator to order to show how absurd the ruling is.

The PRESIDING OFFICER. Does the Senator from Wisconsin yield?

Mr. LA FOLLETTE. If in trying this case out it is necessary to take testimony, I want to say that the Senator from Maryland did address the President of the Senate, and then, in a lower tone of voice, asked me if he might interrupt me.

Mr. RAYNER. I distinctly addressed the President. It is a pity the Senator from Indiana had not something more important to do than to make a criticism of that sort. He is wasting most of the time over there, anyway.

Will it interrupt the Senator from Wisconsin if I ask him one or two questions?

Mr. LA FOLLETTE. Not at all.

Mr. RAYNER. I am with the Senator on this proposition. I have received a communication. I did not want to break into the current of the Senator's discussion. It reads as follows:

> According to the rate of duty now proposed by the Finance Committee of the Senate the importation of carbons will be absolutely impossible, and the entire business will fall into the hands of the National Carbon Company, of Cleveland.

I do not want to read some other lines that are personal.

> The National Carbon Company has already, as admitted by their secretary in the hearing before the Committee on Ways and Means, absolute control of the business, and therefore must be considered a trust. In fact, it is one of the strongest trusts in the country, and the only competition it has is the imported article.
>
> * * * * * * *
>
> I might add that the capital stock of the National Carbon Company is $10,000,000, of which $4,500,000 is preferred, on which they pay 7 per cent, and $5,500,000 common, which is all water and on which they are paying 4 per cent. The common stock has been selling for six months at 65 and will no doubt go up to 100 if the Senate bill is passed.

As I said the other day——

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. I do not want——

Mr. BURTON. If the Senator will yield to me a moment, I wish to ask the Senator from Maryland if he vouches for that statement?

Mr. LA FOLLETTE. Mr. President——

The PRESIDING OFFICER. The Senator from Wisconsin has the floor and declines to yield further.

Mr. LA FOLLETTE. If the Senator from Maryland has not completed his statement, I will yield.

Mr. RAYNER. I only want to ask the Senator whether he knows anything about the facts. As I said the other day, I do not know who to believe on either side, but I do believe the Senator from Wisconsin, and I want to know whether it is true or not from either the Senator from Wisconsin or the Senator from Ohio. It is just information which has been given to me, and I do not know whether it is reliable or not.

One other word and I will sit down. In this same communication occurs the following paragraph:

> Competition against the carbon trust by manufacturing the carbons over here is excluded for the mere reason that the raw material for the manufacture of carbons has to be bought from the Standard Oil Company, which is closely related to the carbon trust.

If anybody can throw any light on this communication I should be glad to hear from the Senator from Wisconsin or anybody else. That is all I wanted to say.

Mr. LA FOLLETTE. I think I will cover this case in the course of my remarks. I think I will be able to show the facts with respect to the existence of this National Carbon monopoly and its capitalization. I do not think the question will be involved in any doubt.

It was suggested by the senior Senator from Massachusetts [Mr. LODGE] when this subject was up for consideration at the first reading of the paragraph, and I think in response to a question which I submitted to him, that the only consumers interested in this commodity are wealthy corporations who can well afford to pay more for what they use. I think he stated that the Westinghouse Company and the General Electric were the principal purchasers of these high-grade carbons.

Mr. President, if such a contention were true it would not warrant imposing the proposed duty. It makes no difference who the consumer is, the duty should be fixed with reference to justice and to existing economic conditions, and it should not be fixed to promote a monopoly of the business in this country and to suppress competition.

But in this case, Mr. President, the consumers, the purchasers of these carbons, really compose the great body of the people of the country. They buy these carbons when they make their purchases in a dry-goods store that is lighted by the consumption of these carbons. They buy these carbons when they pay an electric-light company in a village or city for the light which they consume. They buy these carbons when they pay their taxes in every municipality which owns its own electric-light plant.

Mr. President, according to the last census there were 3,600 central electric-lighting stations in this country. Of course, that number is greatly increased now. One-fourth of those plants, according to the census, were under municipal ownership, and there, of course, every cent of overcharge in the purchase of these carbons is paid directly by the taxpayers. The city of Chicago alone pays something over $30,000 a year for electric-light carbons. Of course, a great proportion of these carbons are used by industrial and commercial establishments of the country. The suggestion that the selling price of this commodity is a matter of no concern to the public begs the whole question of the regulation of public-utility companies. It may be these concerns generally would make no voluntary reduction in their charges to the public if their carbons cost them less, but the people are more and more taking these questions into their own hands. In my own State no public-utility corporation is allowed to charge whatever it pleases for its services.

In other States similar legislation has been and is being enacted, and ultimately, Mr. President, every State in this Union will put all the public-service corporations of that State absolutely under control and regulation either by state authority or by municipal authority.

My attention was first attracted to this subject by a letter which I received from a dealer in carbons in Milwaukee. After the statement of the Senator from Massachusetts that only a few great corporations in this country were the real purchasers of these carbons, I wired my constituent in Milwaukee to know who his patrons were, and I got a telegram in reply, saying that—

We sell to consumers, electric-light stations, industrial plants, and people who produce their own light.

Subsequently I received a letter from Mr. E. E. Cary, a New York importer, who testified before the House committee, and in this letter he states:

The fact, which is well known to the electrical fraternity, is that the National Carbon Company practically have the entire central-station business of inclosed electric carbons in this country. The importers sell to very few electric-light companies, as the National Carbon Company are in a position to cut their selling prices to a prohibitive point as against the cost of the importation.

I received, also, from Mr. L. E. Frorup, another New York importer, a letter inclosing the following statement:

Every city, town, and village in this country using arc lamps must have carbons, and we submit that it is manifestly unfair that this enormous industry should be placed absolutely in the hands of a gigantic monopoly that has already admitted that they control 80 per cent of the business of the country and are now using every means, political and otherwise, to keep the foreign-made carbons out of the country.

I know of no authority for the statement that the only consumers of these carbons are the Westinghouse and General Electric companies or rich electric-lighting companies, other than the suggestion made here the other day by the Senator from Massachusetts [Mr. LODGE]. On the other hand, a very large proportion of the first-hand consumption is by small consumers and municipal lighting plants, and of the whole consumption it must be manifest, upon any fair consideration, that the people are the consumers who will finally pay this tax.

As an indication of the extent of the use of these "high-grade" carbons for electric lighting over the country, I will put in the RECORD the advertisement of the National Carbon Company in Electrical World for last November:

COLUMBIA.

Inclosed arc carbons produce a greater amount of light for a given consumption of current than any other carbons made. That is why they are the cheapest to use. That is why they have been adopted by practically all lighting companies in the United States.

NATIONAL CARBON COMPANY,
Cleveland, Ohio.

On the 13th of last month (April) the city of Chicago advertised for bids for 2,060,000 electric-light carbons. The amount of the contract, at the prices at which it was awarded to the National Carbon Company, or its representative, was over $30,000—$31,237.50. The standard "high-grade" carbons were furnished at $23.50 to $25 per thousand. The most that the representatives of the carbon trust have claimed that it cost to produce these carbons, including factory cost, packing, depreciation, and interest on their capitalization is $16 to $18 per thousand, and it is claimed with much force of supporting circumstances that the actual cost is about half of that amount.

When this duty was under consideration here a few days ago, I asked the Senator from Massachusetts, who seemed to have a great deal of information on this subject, how many establishments there are engaged in the production of these carbons in this country. It was my understanding that the only American producer of carbon of the kind affected by this duty was the National Carbon Company, of Cleveland, the head of the so-called "carbon trust." But the Senator assured me that there were a great number of manufacturers of these carbons scattered throughout the country.

Subsequent investigation leads me to the conclusion that my first impression was correct and that the Senator from Massachusetts was in serious error in his statement. All testimony submitted to the House committee, both by the representative of the National Carbon Company and the importers, as well as the letters which I have received, are of one accord on this point. I will not weary the Senate by quoting the testimony of the importers, but I desire to call attention briefly to the evidence submitted in the public hearing of the House committee by J. S. Crider, secretary of the National Carbon Company.

The only kind of electric-light carbons of any importance imported into this country are the so-called "high-grade" carbons used in inclosed arc lights. This is the testimony of Mr. Crider, found on page 1055 of the House hearings. He says:

The only carbons in which the importers are interested (since the copper-coated petroleum coke grade is not made by their principals)—

That is the grade upon which it is here proposed to fix the duty at 35 per cent. That grade is not imported. It is not made by the foreign manufacturers. It can not be imported into this country. I do not know just what was the intended purpose of that 35-cent rate. But its effect on the Senate might be to sugar coat the 65-cent rate, which is prohibitory on the grade of carbons which is now imported. Repeating the testimony of Mr. Crider:

The only carbons in which the importers are interested (since the copper-coated petroleum coke grade is not made by their principals), and the only carbons really involved in this issue, are high-grade carbons, the consumption of which we believe to be about 40,000,000 per year.

So that the high-grade carbons are the only carbons affected by this duty.

I find that when Mr. Crider was before the House committee he was asked practically the same question which I addressed to the Senator from Massachusetts, but his answer was different. I quote from the testimony, page 1062:

Mr. UNDERWOOD. Is there any other manufacturer in this country that manufactures these high-grade carbons except the company that you represent?

Mr. CRIDER. I do not know of any other manufacturer of the high-grade arc-lighting carbons in the United States.

It is fair to presume that if there were any the secretary of the National Carbon Company would have them located.

Mr. UNDERWOOD. And you have a monopoly of the American market, therefore?

Mr. CRIDER. Practically that, because we are the only concern that has been able to make it. There are a number of other carbon manufacturers, but they do not make the high-grade electric-light carbons.

It seems to me that this concern is proved to be a monopoly by its own evidence. There is no competition in this country to protect the American consumer against the extortion of this monopoly.

Mr. GALLINGER. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from New Hampshire?

Mr. LA FOLLETTE. I do.

Mr. GALLINGER. Can the Senator tell us why those other companies can not make these high-grade carbons? Has the duty anything to do with keeping them from the manufacture of that class of goods?

Mr. LA FOLLETTE. No; but I think the existence of the National Carbon Company has to do with it. I think the Senator from New Hampshire pretty well understands why this market is in the control of the National Carbon Company, a $10,000,000 organization, connected as closely as this one is with the Standard Oil interests and having as close an association with the producers of the raw material from which these products are made, to say nothing about the power in the markets of a great organization of that kind as against the individual manufacturers. I think he pretty well understands why this market is in the control of the National Carbon Company.

Mr. GALLINGER. If the Senator will permit me, my attention was attracted by his observation that there were other manufacturers——

Mr. LA FOLLETTE. Of low-grade carbons.

Mr. GALLINGER. But they did not manufacture this particular class of goods, and I could not quite see why they might not go into that manufacture if they chose to do so and if it was profitable as a business. I can not imagine why American capital will not enable them to do so; that is all.

Mr. LA FOLLETTE. They are made, in the first place, out of different raw material, and for reasons which, I think, the business interests of this country and the consumers of this country have come to pretty well understand this field is occupied by this organization which controls.

Mr. Crider further testified (p. 1062) that his corporation was capitalized at $10,000,000—$4,500,000 preferred stock and $5,500,000 common stock. On this capitalization he said they are paying 7 per cent on the preferred and 4 per cent on the common. He was unable to give the committee any information as to the actual value represented by the capitalization.

The committee sought diligently to obtain that information. It is claimed by others—the importers—that the common stock of this company is water. Mr. Crider further stated (p. 1063) that in addition to paying these dividends the company had piled up a surplus of $400,000 and had made improvements and betterments of its plant out of earnings.

Mr. CRAWFORD. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from South Dakota?

Mr. LA FOLLETTE. Yes.

Mr. CRAWFORD. I understood the Senator to say that the low-grade carbons are made from petroleum coke, but I do

not understand what the high-grade carbon is made of. I have not heard that stated. What is it?

Mr. LA FOLLETTE. It is chiefly gas-retort carbon and lampblack. The consolidated gas companies of the country have pretty absolute control of that product. If the Senator has studied the merging and consolidation of business by these companies, he will be able to determine from an investigation of this subject how these different institutions, industrial, commercial, and transportation, run together in their control into the hands of a very limited number of men.

Now, Mr. President, as confirmatory, if any confirmation were needed, of this statement made by the secretary of the National Carbon Company with respect to this organization, I want to read just a few lines from the report of one of the leading commercial agencies of this country. The report says:

> This company was incorporated in 1899, under the laws of New Jersey, with an authorized capital stock of $10,000,000, of which $4,500,000 is preferred and $5,500,000 common stock. The company is a consolidation of the National Carbon Company and similar concerns. The company controls plants in various parts of the country, some operated as independent corporations and others directly under the main company, but have always declined to furnish names and locations of the latter companies.

That the difference in the cost of production between this and foreign countries does not warrant this proposed duty seems conclusively established. The labor cost in this product is comparatively small. It is distinctly a machine product. The principal labor cost is that involved in handling and packing the carbons after they are made.

The representative of the carbon trust before the House committee failed to give the details of the domestic cost of production in any manner that would enable a comparison of the cost of producing 1,000 carbons in this country with the cost abroad, or that would shed any light upon the reasonableness of this proposed duty of $6.50 per thousand feet of carbon. He claimed that the cost of production of high-grade carbons in this country was $16 to $18 per thousand. This cost, he said, included interest on investment, salaries, labor, cost of material, depreciation, and cost of packing, including the packing boxes. In the comparison that he did give of the domestic and foreign cost he gave what he claimed were the prices for the cost of the material used. The prices which he gave for the cost of material in this country were practically twice as high as the prices which he gave on these materials in foreign countries (p. 1060). These same figures for domestic cost of material presumably are the basis of his computation of cost of production in this country at $16 to $18 per thousand. These claims, made by Mr. Crider, are clearly extravagant in the light of common sense, because, with the exception of lampblack, all of these materials may be imported free from the countries in which Mr. Crider says they may be bought for about half the price which he pays for their use in domestic manufacture.

On the comparison of the cost of production between this country and Europe, I desire also to read a paragraph or two from a statement which is sent me from Mr. L. E. Frorup, of New York:

> The representative of the National Carbon Company has stated, before the Ways and Means Committee, that the cost of production in this country of the ordinary lighting carbons of one-half inch diameter and 12 inches long, is $16 to $18 per 1,000. This can hardly be borne out by facts, and it has been generally admitted by other manufacturers that have since been driven or bought out that the cost does not exceed $7 per 1,000. This would appear to be nearer right, and we question if the same carbons can be produced for any less in Europe, even allowing for the difference in wages, as it is a well-known fact that a great many more carbons can be produced in a given time by American methods in this country than can be done in the average European factory.
>
> Our carbons are made in Berlin, and we doubt very much if the scale of wages in a city like Berlin is any lower than in the city of Cleveland. In Cleveland all the material necessary for the manufacture of carbons is right at hand. In Berlin it is the contrary, and all material must be brought from considerable distances.
>
> In any event, a carbon, such as above referred to, costs us $12 per 1,000 feet, plus the cost of cutting, repacking, plus at least 10 per cent for breakage in transportation from Europe, and other incidental charges, exclusive of the duty.
>
> The writer believes in the principle of protection, believes that American manufacturers should be given a fair protection as against cheaper foreign production, but is opposed to any law that becomes merely the tool of injustice and monopoly.

On pages 1074–1075 of the House hearings, Mr. E. E. Cary gives a detailed statement of the cost of manufacture and transportation of the imported carbon. This cost, including the transportation and the cost of remanufacture in New York, totals up to $9.71 per thousand carbons, commercial size. This committee amendment proposes to impose a duty of $6.50 per thousand feet upon these carbons. Nowhere in any public evidence that I have been able to find is it shown, or attempted to be shown, that the difference between the foreign and domestic cost of production equals or approximates this amount. Why should this prohibitive duty be imposed to destroy the only protection which the American consumer has against the extortion of a self-confessed and absolute monopoly without proving that there is any legitimate necessity for it?

Mr. President, this National Carbon Company is said to be the head of a combination of carbon manufacturers in this country which embraces nearly all the makers of low-grade carbon, as well as the absolute monopoly of the production of high-grade carbon. It was testified before the House committee that the trust uses its absolute monopoly of the one kind of carbons to compel all users of both kinds to buy also the other kind from the trust, and it thereby drives its rivals out of business. So that this duty on the high-grade carbon operates to perfect the trust control of the entire carbon situation and to maintain and perfect a tariff-protected monopoly in an important article of general public use throughout the entire country.

For example, the electric-lighting company of St. Louis, I believe, uses only the high-grade carbons. On its business the importers can compete and do compete. On this contract the price has been driven down by this competition from $24 to $22, and from $22 to $20, and finally to $18, and below this point the importers can not compete. So the National Carbon Company is furnishing this St. Louis Electric Light Company at $18 per thousand. Now, a few days ago the city of Chicago advertised for bids for electric-light carbons. It uses both the low-grade and the high-grade carbons. The low-grade carbons can not be imported because of the prohibitive tariff, and because they are not manufactured, as stated by Mr. Crider, abroad at all. They must be bought from the trust. But the trust will not furnish these carbons unless it can furnish the high-grade carbons also. So the importers can not bid on this contract, and the result is that the city of Chicago pays $23.50 and $25 for its high-grade carbons, the same carbons that the St. Louis company buys for less than $20, because its business is such that the importers can compete for it.

Mr. President, this is only a little trust, but it is a growing trust, and it is a bad trust, and this protection in this bill offers a good illustration of what we see in paragraph after paragraph, if Senators will dig down into the testimony and gather the facts bearing upon this great bill. Its representative went before the House committee and asked that this word "feet" be inserted in this schedule, so that the duty would be thereby practically doubled. It is admitted by everybody that the present duty imposed according to the number of carbons imported is wasteful and irrational in operation, but no cause has been shown in any public hearing for an increase in the rate of duty. The House, after public hearing and full consideration, fixed a duty of 35 per cent ad valorem, which was a slight reduction from the existing law.

The bill came here and went to the Committee on Finance, and without any public hearing, and upon consideration presented to them in secret—that is, presumably presented to them, but of that we have not been informed—the Finance Committee changed and increased the duty practically first 55 and then 45 per cent above the existing law.

We find in the original committee amendment the duty presented in the precise form and nearly at the high rate designated by the representative of this trust to the House committee and rejected by that committee.

Mr. President, this is relatively a small matter, but it is the product of a vicious system of legislation. It is typical, I believe, of many of the amendments in this bill. I felt warranted in directing attention to it not because of its intrinsic importance, but because of what it shows of the character and policy of this legislation and of the legislative procedure of which it is a product.

Mr. President, I will ask to submit a telegram and a letter from Mr. Robert W. Kiewert, of Milwaukee, and ask to have them printed in this connection.

The VICE-PRESIDENT. Without objection, the papers referred to will be printed in the RECORD.

The papers referred to are as follows:

CHARLES L. KIEWERT COMPANY,
Milwaukee, U. S. A., April 17, 1909.

Hon. ROBERT LA FOLLETTE,
United States Senate, Washington, D. C.

DEAR SIR: This company pays the United States Government approximately $35,000 to $40,000 per year duty moneys through various ports of entry and is vitally concerned as to the final adjustment of the pending revision of the tariff.

The importations consist mainly of electric-light carbons, now taxed 90 cents per hundred pieces and are to be taxed 35 per cent ad valorem under H. R. 1438 (Report No. 1), Schedule B, 94.

Information has reached us that in the United States Senate this was revised to 70 cents per 100 feet, which means an advance of more than 50 per cent over present conditions, and for this reason: The Dingley tariff reads 90 cents per 100 pieces, which was absolutely prohibitive had it not been for the fact that carbons, instead of being made in the usual commercial length of 12-inch, 10-inch, and 9½-inch, were then produced by foreign manufacturers in double lengths, enabling the importers to cut the carbon sticks in half, and likewise the duty. In this way only was the importer able to compete with the National Carbon

Company, of Cleveland, Ohio, the sole manufacturers of this much-needed commodity in the United States, who have bought up all the plants in this country and merged them into a monopoly.

Approximately 75,000,000 carbons are consumed annually in the United States; of this amount 60,000,000 carbons are made and sold by the National Carbon Company.

Fifteen million carbons are imported by various importers.

A high tariff, such as is proposed by the Senate bill, will shut out competition and impose a hardship upon the consumers.

Regular electric-light carbons should be subject to 30 to 35 per cent ad valorem, but the proposed tariff ought to be amended by adding provision for

FLAME CARBONS

used in flaming arc lamps—the new powerful light distributor seen in front of places of amusement, used for lighting foundries, factories, etc. This kind of a carbon can not be produced in satisfactory quality by the National Carbon Company, due to the fact that the manufacture is kept a secret by the foreign makers.

Flame carbons should not be subjected to more than 20 per cent ad valorem, in order to further the use of flame lights for street lighting and commercial purposes.

We plead to you, as citizens of Wisconsin, that you protect our interests.

Respectfully, CHAS. L. KIEWERT COMPANY,
By ROBERT W. KIEWERT.

P. S.: A schedule showing the present tariff, the proposed Payne tariff of 35 per cent ad valorem, and the Senate's amendment of 70 cents per 100 feet, applied to the carbon business, is attached herewith.

FLAME CARBONS.

These carbons can not be cut, but remain intact. Here is a popular size:

Dingley tariff, 9 by 10 by 600 millimeters—

	Per 1,000.
Cost	$40.00
Duty	9.00
Freight	1.00
Total	50.00

Payne bill, 35 per cent—

Cost	40.00
Duty	14.00
Freight	1.00
Total	55.00

An increase of 55 per cent, which would put an effective damper on the business of selling flame lamps for lighting factories, foundries, and streets.

Senate bill, 70 cents per 100 feet, 9 by 10 by 600 (23 inches)—

Cost, (per 1,000 pieces 23-inch length)	$40.00
Duty, 23,000 inches (duty $7 per 100 feet, 1,200 inches)	13.42
Freight	1.00
Total	54.42

An increase of 50 per cent. Practically the same applies here as to what is said where the 35 per cent duty is taxed. Besides it will be a rather tedious task for the collector of customs to ascertain the exact amount of duties to be paid.

Here are some facts about a popular size of regular electric-light carbons:

½ by 12 solid carbon is sold at (average price) $24.

Imported cost, per 1,000 pieces	$13.00
Duty (duty $9 per 1,000 pieces carbons, imported in double lengths and cut)	4.55
Cost of cutting	.75
Freight	1.00
Total	19.55

National Carbon Company sells at, per 1,000, $20 to $24.

Domestic cost, per 1,000 pieces	10.00
Profit	14.00
Total	24.00

The Payne bill calls for 35 per cent ad valorem.

Imported cost, per 1,000 pieces, brought in in single lengths	13.00
Duty	4.55
Freight	1.00
Total	18.55

The Senate bill calls for 70 cents per 100 feet.

Imported cost, per 1,000 pieces of 12-inch lengths (1 foot)	13.00
Duty	7.00
Freight	1.00
Total	21.00

Making it impossible to secure large business where the National Carbon Company offers at $20.

MILWAUKEE, WIS., *April 23, 1909.*

Hon. ROBERT M. LA FOLLETTE,
United States Senator, Washington, D. C.:

Domestic cost of production high-grade electric-light carbons about $8 per thousand, or $10 including selling expenses, salaries, advertising. While labor cost here is about 50 per cent higher, living expenses bear the same relation. Senate's proposed tariff of 70 cents per hundred feet would give National Carbon Company 150 per cent profit. We sell to consumers, electric-light stations, industrial plants, and people who produce their own light urge you to have amendment inserted covering flame carbons. See my letter. [Have telegraphed New York importers to give you additional facts.]

ROBERT W. KIEWERT.

Mr. LA FOLLETTE. I hope that the committee amendment will not be adopted.

Mr. BACON. Mr. President, I do not desire to consume the time of the Senate in the repetition of anything the Senator from Wisconsin has already said, but I only desire to say that I have had similar communications to that spoken of by the Senator from Maryland and the Senator from Wisconsin. I want to ask the Senator from Wisconsin, however, if I correctly understood him in his statement, that these carbons can practically only be imported in 2-foot lengths?

Mr. LA FOLLETTE. The importers have tried to import them in longer lengths, but it has been found that the breakage is a greater loss to them than any gain which they would make in a lowering of the duty by so importing them. So they are now importing them in 2-foot lengths.

Mr. BACON. That was the inquiry I desired to make, because I recall a statement made, I think, by the Senator from Massachusetts [Mr. LODGE] when the paragraph was formerly before the Senate, to the effect that the evil was the abuse of the law by the importation of carbons of very great lengths, which could be cut up into shorter lengths; but I understand from the Senator from Wisconsin that by experience it is shown that it is practically only 2-foot lengths that are imported or that can be profitably and advantageously imported. I thought that was an important fact, and I was very much impressed by the statement first made by the Senator from Massachusetts that the length could be very much greater than that.

Mr. LODGE. I have been imformed that they could be very much longer than that.

Mr. BURTON. Mr. President, a few simple considerations, briefly stated, will, I think, sufficiently dispose of this question.

In the first place, I should like to ask the Senator from Utah [Mr. SMOOT] whether representatives of the carbon companies and of the electric-light companies of the country—one representative of each—did not appear before him and express their acquiescence in a rate of 65 cents per hundred for high-grade carbons?

Mr. SMOOT. Mr. President, not only did I have one meeting with a representative of the users of carbons, General Harries, and also with Mr. Crider, the representative of the carbon makers, but I had a great many meetings. It was agreed between General Harries, representing the consumers of these carbons, and Mr. Crider, representing the National Carbon Company, that there should be a rate of 65 cents a hundred on high-grade carbons and a rate of 35 cents a hundred on the low-grade carbons.

Mr. BURTON. That, Mr. President, would seem to leave the question before us as one not between the producer and the consumer, but between domestic interests and the importer. There are, however, some other questions which I think might be briefly touched upon.

Prior to 1897 no carbon was known with a greater length than 12 inches. The understanding of the trade included two kinds of carbons; one a trifle less than 12 inches and one about 7 inches in length, with some intermediate lengths. The Dingley law, so called, provided for this rate of duty:

Carbons for electric lighting, 90 cents per hundred.

Under any rational interpretation of that expression, it would mean a carbon less than a foot in length, for among the millions which have been burned in this country, not one at that time was in general use of a greater length than 1 foot. It was a staple article of commerce.

For reasons which it is unnecessary to explain—indeed, I do not quite understand them myself—after the appraiser had decided that this meant a carbon stick less than a foot in length, and after the Treasury Department, in a letter of October 28, 1897, had directed the collector of customs at New York City to interpret this provision as meaning a carbon less than a foot in length, it was nevertheless decided that they might be imported, under the payment of this duty, in sizes of a greater length. It is not necessary to use names. Names do not after all have very great significance. I will not say this was a fraud, but it was at least a bald and palpable evasion which the Finance Committee in its recommendation to the Senate sought to correct, and they should have sought to correct it.

Now, as regards the rate of duty in the bill, I want to make just a few remarks. The rate under the Wilson bill was 30 per cent. Under that rate domestic manufacturers made about 10 per cent of the total number of carbons consumed in this country. Under the first and natural interpretation of the provision of the Dingley law, that it means carbons a foot in length or less, by 1903, 70 per cent of the carbons used in this country were made by domestic producers. Then, under the custom of bringing them in in sizes of 2 feet or more in length, the domestic production gradually dropped in proportion, and it is now about 50 per cent.

There has been a very vigorous newspaper campaign instigated by the importers of this article. I know of none advocating any contention on any particular schedule who have taken the newspapers into their confidence more than the importers of this article, and but for that I think we should

look at this paragraph dispassionately, with very little question as to the judicious thing to do.

There is ample opportunity under the 65-cent rate of duty to bring in these carbons and make a profit. The claim of the importers has been that they could be manufactured abroad and landed at New York City for 95 cents per hundred feet, each stick 1 foot in length. Add 65 cents to that, and that would make $1.60. Under the payment of a duty of 45 cents, they could bring them in for approximately $1.40. They have been selling them for $2.30, realizing a profit of the difference between $1.40 and $2.30 on the sales that they have been making.

I want to call attention to the effect of the domestic production on prices. In 1897, when the Dingley Act was passed, the price of these carbons was $27.25 per thousand; in 1908 it was a little less than $23 per thousand, showing a reduction of about 15 per cent. I want to say to the Senate that if I thought the adoption of this amendment would raise the price of those carbons I would not vote for it, although it is a local industry.

I believe the omission to provide a remedy for this evasion would be more likely to cause an increase of price than would a local monopoly; and I must confess that, if there is to be a monopoly anywhere, much as I would deprecate it, I should very much prefer that it should be in my home city than to have it exist in some foreign land.

I have a letter, which I shall ask to have printed in the RECORD, from the American Carbon and Battery Company, of East St. Louis, Ill., in which they ask for a duty. They state that they have prepared a plant and expect to market their output of high-grade electric-light carbons about the 1st of July or the 1st of August. I ask permission to have the letter inserted in the RECORD, without reading.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Ohio? The Chair hears none, and permission is granted.

The letter referred to is as follows:

AMERICAN CARBON AND BATTERY COMPANY,
Signal Hill, East St. Louis, Ill., May 3, 1909.

Hon. THEO. E. BURTON,
United States Senate, Washington, D. C.

HONORABLE SIR: We respectfully draw your attention to proposed tariff rate on carbon products in general and particularly as applied to high-grade carbons for electric arc lamps.

We started the manufacture of carbons some eight years ago, commencing in a small way to make carbon specialties, and gradually increased our line with the growth of our business until to-day we manufacture a complete line of carbon, with the one exception of carbons for electric lighting. For the past twelve months we have been experimenting and preparing our plant for the manufacture of high-grade electric arc-light carbons in expectation of marketing our product about July or August, 1909.

We have not entered into the manufacture of arc-light carbons before this time owing to foreign competition and due to the fact that the manufacturing costs of carbons were high and profit afforded by line but slight. The foreign manufacturer, owing to low costs of raw materials and labor, is able to produce carbons at much lower cost than American manufacturers, and owing to the loophole afforded by the old tariff rate, which specifies duty of $9 per thousand, irrespective of length, foreign competitors could bring in carbons in several lengths, thereby reducing duty much lower than it was the intention of the old tariff bill to establish.

We believe the tariff should afford sufficient protection to American manufacturers to equalize the advantage secured by foreign competitors owing to exceptionally low cost of raw materials and labor. The rate suggested for electric-light carbons (70 cents per hundred feet), under paragraph No. 94, and carbon products in general (35 per cent ad valorem), under paragraph 93, is hardly sufficient to cover the difference in manufacturing costs, and for this reason the bill should certainly not carry any lower duty when finally passed.

We would ask that you exert all efforts possible to see that rates fixed by Finance Committee are not reduced in any way. We hope the favors we ask from you will not conflict materially with your views and that you will be able to extend to us the favors asked.

Yours, very truly,

AMERICAN CARBON & BATTERY CO.,
HAROLD J. WRAPE, *Secretary.*

Mr. BURTON. I understand there is no monopoly in this industry. I understand $20,000 or less will provide any existing carbon plant, of which there are many competitive concerns, for the manufacture of high-grade carbons.

Now, just a word about the proposed duty of 35 per cent on low-grade carbons. I myself do not think that the duty on low-grade carbons makes very much difference; but a newspaper campaign of a great deal of intensity has been indulged in, in which reference has been made to the high rate of duty on petroleum or low-grade carbons, and it was largely, I conjecture, to disprove this argument that this provision for petroleum carbons at 35 cents a hundred was inserted. There is no impossibility in their being made abroad; but it is not likely they will be, as the supply of petroleum there is not so great.

Mr. President, I have lived at Cleveland for some time, and if this company is a trust I do not know it. It is proceeding with its business and enlarging its plant, employing a large number of men, paying them liberal wages, adding to the prosperity of the city, and, as I believe, to the prosperity of the country. This question should be settled on broad, general principles, rather than on any accusation relating to the nature of this organization.

I also ask to have printed in this connection the letter from the Treasury Department, dated October 28, 1897, to which I referred a few moments ago.

The VICE-PRESIDENT. In the absence of objection, permission is granted.

The letter referred to is as follows:

TREASURY DEPARTMENT,
OFFICE OF THE SECRETARY,
Washington, D. C., October 28, 1897.

COLLECTOR OF CUSTOMS, *New York, N. Y.*

SIR: The appraiser at your port calls the attention of this department to the fact that manufactures of carbon electric lighting are imported at your port in lengths from 32 to 40 inches, and are claimed by importers to be entitled to entry under paragraph 98 of the act of July 24, 1897, at the rate of 90 cents per hundred as carbons.

The appraiser states that prior to the passage of the present tariff act carbons for electric lighting were exclusively imported in lengths from 7 to 12 inches, and that the present importation in lengths from 32 to 40 inches is purposely designed to evade the payment of duties which the act contemplated.

In view of the facts stated, and in order to reach an authoritative decision on the subject, you are hereby directed to classify such carbons at the rate of 90 cents per hundred, according to the commercial length which existed at the time of the passage of the tariff act of July 24, 1897, so that sticks of carbon 36 inches in length would be chargeable with duty as consisting of three carbons of 12 inches each, and other lengths in proportion.

Respectfully, yours,

W. B. HOWELL,
Assistant Secretary.

Mr. STONE. Mr. President, I do not want to consume time, but I should like a little information, if I can obtain it, with reference to some matters that have been submitted to me by a correspondent. I have in my hand a letter from the Wesco Supply Company, of St. Louis, and I gather from it that there are at least three distinct classes or kinds of carbons. I will read a few lines from the letter. It sets forth what I have in mind:

Regular electric light carbons should be subject to 30 per cent to 35 per cent ad valorem; but the proposed tariff ought to be amended by adding provision for flame carbons, used in flaming arc lamps——

Mr. BURTON. If I may be permitted to interrupt the Senator——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. If the Senator will let me complete a few more lines, I will then yield.

Mr. BURTON. Certainly.

Mr. STONE. The writer continues:

the new powerful light distributors, which are seen in front of places of amusement and used for lighting foundries, factories, and so forth. This kind of carbon can not be produced of satisfactory quality in the United States, due to the fact that the process of manufacture is kept a secret by foreign makers.

Flame carbons should not be subjected to more than 20 per cent ad valorem in order to further the use of flame lights for street lighting and commercial purposes.

That ends the reading, and I now yield to the Senator from Ohio.

Mr. BURTON. I would say, Mr. President, that the flaming-arc carbon, as it is called, is a special carbon. It is from 24 to 27 inches in length. The high-grade carbons are placed one over the other with a vacuum between, while the flaming-arc carbons are placed almost side by side, not exactly parallel, but with the tips coming near together, so that the current is transmitted at the lower end of the two carbons. It is not used on any large scale, but most frequently in the front of theaters and other similar places for display or advertisement. I do not believe there would be any objection to a provision in the bill relating to them except that it would be almost impossible to prevent fraud in importations. If an amendment should be drawn, it should clearly discriminate between the different classes of carbons. If this can be accomplished, I do not see that there would be any objection.

Mr. SMOOT. Mr. President——

The VICE-PRESIDENT. Does the Senator from Missouri yield to the Senator from Utah?

Mr. STONE. I yield.

Mr. SMOOT. In answer to the Senator from Missouri, I will state that the committee have had this matter under consideration and are now trying to see if we can not frame an amendment to cover the flaming arc-light carbon. I should like to have it understood that in adopting this paragraph of course we will reserve the right to bring in an amendment covering the flame carbons, to which the Senator from Missouri has referred.

Mr. STONE. I can see, of course, Mr. President, that there might be difficulty in the administration of the present law in

preventing fraud, but it would be easy to insert a provision that would discriminate between the two kinds of carbons.

Mr. SMOOT. There is no discrimination other than——

Mr. STONE. But I said "to discriminate."

Mr. SMOOT. The flaming arc carbon is a very small carbon in size. The diameter is very small, and therefore in lighting it is consumed a great deal faster, some seven or eight times as fast, I think, as the ordinary carbon, and, of course, it gives a very much higher degree of light. As the Senator from Ohio [Mr. BURTON] says, it is simply used as an advertising light.

Mr. STONE. Well, my correspondent says it is also "used for lighting foundries, factories, and so forth."

Mr. ALDRICH. Mr. President, the committee have already under consideration the suggestions of the correspondent of the Senator from Missouri, and before this bill passes and becomes a law they will be able to report their conclusions upon it.

Mr. STONE. So the Senator from Utah [Mr. SMOOT] informs me. I would like to inquire of the Senator now on the floor, the Senator from Rhode Island, whether the duty on flame carbons, used exclusively in flaming arc lamps, could be made lower than the duty on other carbons by a proviso in this paragraph?

Mr. ALDRICH. Possibly; but I am not able to answer that question positively at the moment.

Mr. STONE. I should like to ask the Senator from Ohio, if he will permit me, whether, in his judgment, a duty of 20 per cent ad valorem on that particular kind of carbon would be adequate.

Mr. BURTON. I should not think that would be symmetrical with the other provisions relating to carbons. I would state also that some local companies are now experimenting in the manufacture of flaming-arc carbons. They are of a different construction from the other carbons. There is a metallic substance—wire, or something similar—which is run through the center; also their diameter is less, I believe. They are making efforts to manufacture them, and as yet their manufacture is not regarded as hopeless.

Mr. STONE. Mr. President, I will not offer any amendment. I will leave the matter in the hands of the committee for the present. Unless something, however, is proposed, I will suggest an amendment in the Senate.

Now, before the Senator calls for a vote—I do not care to delay it—but, as bearing upon the vote about to be taken, I wish to read ten lines, perhaps, from a letter very recently received, since this amendment reported by the Senator from Utah was presented. This letter is from Hugo Reisinger, of 11 Broadway, New York, engaged in the business of furnishing electric lights and lighting products. He says:

> Since I had the honor of writing to you regarding the duty on electric-light carbons, an amendment has been proposed by Senator SMOOT, changing the Senate Finance bill rate of duty from 70 cents per 100 feet to 35 cents per 100 feet on carbons made of petroleum coke; all other kinds, 65 cents per 100 feet.
>
> This looks like a material reduction at first sight, but, in fact, is only a reduction of 5 cents per 100 feet, inasmuch as carbons made of petroleum coke are neither manufactured in Europe nor imported—

In other words, they are wholly a domestic product, according to this statement—

> A reduction of 5 cents per 100 feet on carbons which are imported, from the enormous rate of duty of 70 cents per hundred feet, amounts to so little that the import of carbons will be just as impossible at the rate of 65 cents per 100 feet as it would be at the rate of 70 cents per 100 feet.

I read that by way of supporting the contention of the Senator from Wisconsin.

Mr. ALDRICH. Mr. President, the Senator from Ohio [Mr. BURTON] has stated this question very clearly; but there is one aspect of it that I desire to call to the attention of the Senate.

In 1897 there were no carbons in existence, certainly none imported into the United States, that exceeded 12 inches in length. The Congress of the United States imposed a duty of "90 cents per hundred" on carbons, meaning, without the slightest doubt, 90 cents on a hundred carbons less than 12 inches in length. The importers, with the ingenuity that always characterizes them, and leads them to endeavor, on account of their self-interest, to break down the American tariff, succeeded in getting from the courts an interpretation that a carbon 24 inches or 36 inches in length should bear the same rate of duty as a carbon 12 inches in length, notwithstanding the decisions of the Treasury Department and of the appraisers. What was the result? It was to reduce the duty that was intended one-half in the case of a 24-inch carbon and two-thirds in the case of a 36-inch carbon, if such a thing be possible.

What happened? Through this plain case of evasion, of fraud—I call it a fraud; I am a little less sensitive about the use of words than the Senator from Ohio—through this fraud upon the revenue and upon domestic producers, these gentlemen succeeded in getting from the courts an interpretation of some possibly doubtful language, language that perhaps was not as definite as it might have been, reducing these duties.

What is the proposition of the committee at this time? Not to restore the full duty, but to restore to a large extent the duty intended by Congress in 1897.

Under the original act the duty of 90 cents a hundred was virtually reduced to 45 cents a hundred by importing carbons twice the length of those that were in contemplation at the time the act passed. The suggested amendment of the committee makes the duty 65 cents a hundred. Upon the basis of the evasive duty, the duty which was fixed by the courts instead of by Congress, that is an increase above the present law.

But what is the duty of Congress? Are we obliged to perpetuate every fraud that importers have imposed upon the people of the United States? Is that the kind of revision of the tariff to which the party we represent is committed? If, by misinterpretation of the law, of the plain intent of Congress, these gentlemen have succeeded in reducing the duties that Congress meant to impose, are we here to perpetuate that fraud? And are we to be confronted with the suggestion that because we are trying to carry out the plain intent of Congress, we are increasing the existing duties?

I think not. I do not understand my duty in that way; and I do not believe that the Members of the Senate will so interpret their duty.

Mr. RAYNER. Mr. President——

The PRESIDING OFFICER (Mr. KEAN in the chair). Does the Senator from Rhode Island yield to the Senator from Maryland?

Mr. ALDRICH. I do.

Mr. RAYNER. I should like to ask the Senator from Rhode Island whether the courts were parties to that fraud?

Mr. ALDRICH. I have nothing to say about the courts. The Senator from Maryland knows as well as I do that a large number of the best lawyers in the United States are to-day employed in devising schemes by which duties can be evaded and the plain purpose of Congress misinterpreted.

Mr. RAYNER. But are the federal courts helping those lawyers?

Mr. ALDRICH. I am quite willing to admit that in this case the language used, "90 cents per hundred," was perhaps indefinite. I agree to that. I have taken part in the preparation of quite a number of tariff bills, and, with the assistance of officers of the Government and of everybody who was in favor of having the law enforced as it should be, we have always endeavored to use language that had no doubtful meaning; that was susceptible of but one construction. I can say truthfully that whatever language has been used in all these acts has in many cases been interpreted by the courts in a manner entirely different from the intention of Congress. That may have been, if you please, the fault of Congress in using language that could be construed in two different ways. But when the question is presented to Congress itself, whether or not it will perpetuate one of these frauds, the responsibility is with us, and not with the courts.

Mr. BAILEY. Mr. President, it is unfortunate that the Senator from Rhode Island [Mr. ALDRICH] did not follow the more moderate language of the Senator from Ohio [Mr. BURTON], and describe this as an evasion rather than as a fraud. I am not able to denounce a man for dishonesty because he brings himself within the terms of the law as finally construed by the courts. Every man in the world will pay just as light a tax as he can pay under the law; and he is an unusually good citizen if he pays all the tax the law requires him to pay.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. I do.

Mr. ALDRICH. Conceding that to be true, and supposing that such a man is acting entirely within his rights, which I concede——

Mr. BAILEY. Then, if he is, he is not committing a fraud.

Mr. ALDRICH. I did not say that these men were committing frauds. I said the result was a fraud upon the revenue, and a fraud upon domestic production.

Let me go a step further: Conceding what the Senator says to be true, when a matter of this kind is brought to the attention of Congress, which is legislating upon the subject, does not the Senator concede that it is our duty to correct the evasion, or whatever it may be termed?

Mr. BAILEY. Undoubtedly, Mr. President. From the point of view according to which our friends on the other side legislate, they esteem it their duty to raise rates whenever they are low enough to permit competition. On this side, according to our view, we would reverse that process. The tables which we

have here, submitted by the Senator from Rhode Island, show an estimated reduction of the revenue by raising the rate. The Senator from Rhode Island several days ago advanced before the Senate the doctrine that lowering the duties would result in increasing the revenue. But he has not applied his doctrine in this case, or else his experts did not apply it for him; because, according to this estimate as I read it, the present law brings in a revenue of $73,000 under this item, while it is estimated that the Senate bill will bring in a revenue of $57,000.

Mr. ALDRICH. Mr. President, the Senator from Texas, of course, understands how these estimates are made, and by whom they are made. The expert who made that examination and who made that estimate, of course, contemplated that under the present law the rate was 90 cents per hundred—it could not be made in any other form—and that 70 cents was a reduction. He had not taken into consideration the construction which had been placed by the court upon the length of the carbons.

Mr. BAILEY. But the revenue that has been received is an actuality, and not an estimate. The revenue to be received, of course, is only an estimate. It is estimated that less will be received under the law as it is now proposed than has been received under the law as it now exists.

Mr. ALDRICH. But if the Senator will pardon me——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from Rhode Island?

Mr. BAILEY. Yes.

Mr. ALDRICH. The Senator will realize that if the present rate is 45 cents per hundred and the new rate is 65 cents per hundred, the revenue will be increased.

Mr. BAILEY. That will depend, of course, upon the volume of importations.

Mr. ALDRICH. Yes; I mean with the same volume.

Mr. BAILEY. But I was not calling the attention of the Senator and of the Senate to this apparent inconsistency. I was only calling attention to it for the purpose of saying that, as a Democrat, of course I would not vote for a duty that laid a higher tax on the people and brought a lower revenue to the Government.

But, Mr. President, the special circumstance which moved me to take the floor was to protest against both extremes. Protectionists, like the Senator from Rhode Island, seem to regard every importer they encounter as a public enemy. That is one extreme. I think it is a false opinion, however, because I believe that in the economies of this world importers serve their uses as well as other people. If we were all producers and nobody was left to exchange our products, the world would make less progress than it does.

The other extreme—and it is one that I occasionally find—is that some men hate the sight of a factory, and regard a manufacturer in almost the same light in which the Senator from Rhode Island and his school regard an importer.

My own opinion is that both are useful people in this world. But my own opinion also is that neither of them ought to be allowed to put his hand into the pocket of anyone else. The importer ought not to be allowed to put his hand into the Treasury and take out the just dues of the Government. I am willing that any provision of law that will render that impossible shall be adopted. I also think that the manufacturer is one of the most useful men in society. He not only consumes and thus furnishes a market for our raw materials, but he finishes them into a product ready for our comfort and our use.

But the trouble is that the manufacturer seems to think, and our friends on the other side seem to think with him, that because he performs this useful service for society he should be permitted to tax society beyond all conscience and beyond all justice.

The manufacturers of this country have reached the point where they are no longer content with the moderate profits that other men are willing to accept as a return upon their capital and upon their enterprise. Only yesterday I read an extract from a speech delivered by a man of close connection with and wide experience in a certain industry, which I will not name now, because one of my friends intends to refer to it in his speech. But the profits of that business, as stated by this man familiar with it, were astounding. They startled the imagination. They even satisfied the dreams of avarice and surpassed anything that I had supposed any legitimate industry of this country returned to the people who owned and controlled it.

Mr. SCOTT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. SCOTT. Will the Senator tell us how many hundreds and thousands of manufacturing concerns, of which you read nothing, have had money invested for years and never have derived a cent of profit from it?

Mr. BAILEY. I never have come across that kind.

Mr. SCOTT. I could point the Senator to very many of them, right from memory, if I cared to do so.

Mr. BAILEY. But the prosperity of the Senator from West Virginia is a standing contradiction to the statement that manufacturers are not prosperous.

Mr. SCOTT. I think it is just as well——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. SCOTT. I think it is just as well now as at any other time to make the announcement that, so far as my connection with any manufacturing establishment is concerned, I am used as president of a company in which I was once actively engaged, but am now simply nominally; that the amount of stock I have in any manufacturing establishment, especially in glass, would not afford the Senator a good comfortable living for six months.

Mr. BAILEY. Of course the Senator from West Virginia understands, and all the other Senators understand, that my reference was not intended to imply that he was interested in tariff legislation. That is a low kind of argument to which I am not in the habit of resorting.

Mr. SCOTT. Oh, I did not take it in that way. The Senator knows that.

Mr. BAILEY. Yes. I used the Senator, however, to illustrate how manufacturers can prosper to such an extent that they are able to retire from business and devote their services to the country's welfare. The Senator from West Virginia, I am glad to say, is one of that kind.

I have no prejudice against manufacturer or importer. In fact, I have taught myself to free my mind from prejudice against every class. Every man in this country who does any kind of useful work contributes something to the wealth of the Nation and the happiness of the people, and I would not subtract one farthing from his honest accumulation or his honest earnings. But what I protest against is that we shall enable by the law one man, who is making much, to take something from other men who are making less. I do not believe we ought to enact a law enabling a man who is making a little to take something from a man who is making much. But I doubly protest against legislation which enables those who are making much to take from those who are making but little.

So far as I have been able to learn, even from the protectionist standpoint there is no call upon the generosity of Congress to increase the profit of this particular line of manufacture. My understanding is that they are not crying for help, so far as I know—and I seldom myself inquire about those matters, because it does not interest me, so far as making a tariff bill is concerned, whether a man makes money or not. My doctrine is that if a man can not make money by pursuing one kind of business, he ought to quit that business and go into some other kind where he can make money. I have no patience with a system that taxes people engaged in profitable employments in order to pay bounties to people to induce them to engage in unprofitable employments.

But, looking at it from the point of view from which the majority legislate, I can see absolutely no excuse and no defense for increasing the cost of every electric light used by the people of these United States in order to increase the profits of people who, if we are to accept what is commonly understood, are already prosperous enough.

Mr. STONE. Mr. President, just a word or two before the vote is taken. I do not know much about carbons—about the cost of production or the cost to the consumer—and I doubt if any Senator on this floor would assume or pretend to be an expert; but there are men in the country, manufacturers and dealers, who know all about the business.

The Senator from Rhode Island proposes by the amendment to increase the duty on carbons about 50 per cent, and the reason he assigns for it is that under the existing law a practical fraud, working as an evasion of the law, is perpetrated against the Public Treasury. However that may be, Mr. President—and I do not enter into it—there is a question whether the application of the present tariff law, under the decisions of the court, does not impose a duty ample, and more than ample, for the proper protection, so called, of the American industry.

Mr. President, I read a bit ago a brief extract from a letter written to me by the Wesco Supply Company, of St. Louis. The general manager of that company, in his letter, says this, among other things:

> The Dingley tariff reads 90 cents per 100 pieces, which was absolutely prohibitive had it not been for the fact that carbons, instead of being made in the usual commercial length of 12 inches, 10 inches, and 9½ inches, were then produced by foreign manufacturers in double lengths.

In other words, this dealer, who I suppose is an importer, although as to that I am not advised, states that if the carbons

had not been manufactured and imported in double lengths, but had been manufactured in ordinary lengths used in actual consumption, the duty would have been absolutely prohibitory; that the rate would not permit them to come in at all except for the fact that they were manufactured in double lengths. If that statement is true——

Mr. BURTON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Missouri yield to the Senator from Ohio?

Mr. STONE. I do.

Mr. BURTON. The statement is so clearly an error that I feel called upon to notice it. The claim of the importers is that they can not bring the article here at 90 cents; but it does not sell below $2.30. How can a 65-cent or a 45-cent duty or any other duty less than a dollar and ten or twenty cents be prohibitory? I notice that that statement has been made repeatedly by dealers, who evidently all got it from the same source.

Mr. STONE. I have not any doubt that the Senator from Ohio has more particular information in regard to this matter than I have, as the chief manufacturer of carbons is a corporation resident in his own State. But, Mr. President, without entering into any controversy with the Senator from Ohio as to the facts, I present this statement from a business man of high character and large experience for what it is worth as a matter of evidence before the Senate, and along the same line I wish to read the concluding sentence of the other letter to which I adverted this morning. Hugo Reisinger, of New York, protesting against the increase of these duties, says:

> If you have means to look into the affairs of the National Carbon Company, of Cleveland, and see the enormous business which it has been doing the past years at the old duty and the fabulous profits which it has been making at a time when every line of business was at a standstill, you will surely come to the conclusion that the carbon trust needs no further protection, and that it is the consumers who need the protection and not the trust.

Mr. President, if it be true that this corporation constitutes substantially what is known as a "trust" and monopolizes the manufacture of this article, and if, notwithstanding the industrial depression which has so widely prevailed for months past, when the cloud was thickest and darkest, this concern conducted its business without any appreciable loss in volume and has been making very large profits upon its product, why should additional burdens in the form of taxation be laid upon the consumers of this country for the further protection and benefit of this monopoly?

Mr. FLETCHER. Mr. President, as I understand the situation in regard to this paragraph, the Senate committee proposes to amend the bill as it came from the House by striking out the ad valorem rate and inserting the rate of 70 cents per 100 feet. That has been amended further by making the rate 70 cents per 100 feet on all carbons except those manufactured from petroleum coke, on which the duty shall be 65 cents.

Mr. BURTON. It is 65 on the high grade and 35 on the petroleum coke grade.

Mr. FLETCHER. Sixty-five?

Mr. BURTON. On the high grade.

Mr. FLETCHER. Thirty-five per cent on the petroleum coke grade?

Mr. BURTON. Yes.

Mr. FLETCHER. As I understand further, there are no carbons of petroleum coke exported from or manufactured in Europe. It would seem that a reduction of 5 cents a hundred on other carbons would not any more let in importations than the rate as proposed originally of 70 cents per 100 feet.

I offer this amendment to the amendment as now proposed. In line 15 I move to strike out the word "sixty-five," which the committee propose to substitute for "seventy," and in lieu thereof to insert "thirty-five," so that the rate of duty shall be 35 cents per 100 feet of carbon without reference to the materials from which it is made.

The PRESIDING OFFICER. The Senator from Florida offers an amendment to the amendment, which will be stated.

The SECRETARY. On page 23, line 15, strike out "sixty-five" and insert "thirty-five."

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Florida to the amendment of the committee.

The amendment to the amendment was rejected.

Mr. BEVERIDGE. Mr. President, I wish to ask the Senator from Utah, or some other Senator on the Finance Committee, two questions concerning points brought out in this debate which have impressed me.

The first is this: The Senator from Ohio [Mr. BURTON] has stated that the rate fixed in the Senate committee amendment was so fixed after both the consumer and the producer had agreed to it. The first question I wish to ask is whether that is accurate. I am not questioning the Senator from Ohio, of course, but I want to hear about it.

The second question is this: I have understood from the Senator from Utah and others that the reduction brought in the other day by the Senator from Utah from the committee amounts in reducing it in ad valorem terms to about the ad valorem fixed by the House. Those are the two points. Is that true?

Mr. SMOOT. Mr. President, in answer to the first question asked by the Senator from Indiana, I will state that the representative of the consumers of the electric-light carbons and the representative of the manufacturers of the electric-light carbons agreed that 65 cents is a proper rate of duty. Further, answering the second question——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. So we have it clearly and authoritatively stated, and thus far not controverted, that this rate is satisfactory both to the consumer and producer?

Mr. SMOOT. To the representatives——

Mr. STONE. That is important.

Mr. SMOOT. I say, to the representatives of the consumers and of the manufacturers.

Mr. STONE. Who represented the consumers?

Mr. SMOOT. I stated that General Harries appeared in my committee room and stated that he was representing the consumers, and I judge he was, and also Mr. Crider was representing the manufacturers of carbon.

Mr. STONE. I am particularly inquiring as to the representative of the consumers and who the consumers were whom he represented.

Mr. SMOOT. I suppose the great bulk of them.

Mr. STONE. By what authority?

Mr. BURTON. Will the Senator from Utah allow me to ask a question?

Mr. SMOOT. Certainly.

Mr. BURTON. Is it not true that there was a meeting of electric-light companies or their representatives and they chose General Harries and perhaps one other to act as their representatives here at Washington?

Mr. SMOOT. I was so informed, but I would not like to state it, because I do not know that that meeting occurred. However, it was so told to me.

Now, Mr. President, in relation to the importations of carbon, if the Senator from Missouri will turn to page 62——

Mr. BEVERIDGE. Mr. President——

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Indiana?

Mr. SMOOT. Certainly.

Mr. BEVERIDGE. Before the Senator goes on I wish he would not forget the second question, which was whether our understanding was correct that the amendment the committee has brought in has reduced the rate in ad valorem terms to the rate fixed by the House.

Mr. SMOOT. The House fixed the rate at 35 per cent ad valorem, and that is on the high-grade carbon. Those carbons sell for $23.50 and $25.50, according to the letter from the city of Chicago which was read by the Senator from Wisconsin.

Mr. STONE. I wish the Senator would state if it is not a fact—I so understood—that the House ad valorem rate is higher than the Senate committee rate.

Mr. SMOOT. No; Mr. President, that is not correct. Take the basis of the cost of the high-grade carbons at New York at $18. The 35 per cent ad valorem as carried in the bill as passed by the House would make it 63 cents a hundred, and our rate here is 65 cents a hundred.

Mr. BEVERIDGE. So the Senator figures, as I understand it, and that is the statement of the committee, that the last amendment to their amendment practically reduces the Senate rate to what the House rate was, within a difference of perhaps 1 or 2 cents?

Mr. SMOOT. That is correct. We also further reduce the lower grade, as stated here, to 35 cents a hundred feet.

Mr. BURKETT. Mr. President——

Mr. SMOOT. I will be through in just a minute. The Senator from Missouri quoted from Mr. Hugo Reisinger, of New York, a number of letters. I want to quote also from him. I send to the desk and ask to have read a statement made by him in the Electric World of April 22, 1909.

The PRESIDING OFFICER. Without objection, the Secretary will read as requested.

The Secretary read as follows:

GERMANS MAY MAKE CARBONS IN AMERICA.

[Electric World, April 22, 1909.]

Hugo Reisinger, the principal importer of carbons for arc lamps in this country, and representative of some of the most important manufacturers in Germany, both of flaming-arc and inclosed-arc carbons, announces that if the new schedules of tariff which is proposed in the Aldrich bill becomes a law he will establish a factory for the manufacture of carbons in this country, which will be backed by German capital to any amount that is necessary, and which will manufacture the same carbons that are now imported from Germany. He says that such a factory can be established in this country to compete in the carbon business, and that the result of such competition will be the practical cutting in half of the present prices charged for carbons to consumers. Mr. Reisinger says that there is plenty of money available for this purpose just as soon as it is determined that the present high rates of duty will be maintained, or that an increase is to be adopted. He says: "I know that such a factory in this country would speedily bring the carbon trust to terms, and that the consumer would get all the benefit. We would have the advantage of a thoroughly modern, compact plant, and we would not have to pay dividends on inflated capital."

Mr. LODGE. As the statement has been made and in something the Senator from Missouri read concerning the gigantic profits of this company, I merely wish to call attention to the fact that it is all in evidence before the Ways and Means Committee, by which it appears that the company paid "7 per cent on the preferred stock, and at the present time," Mr. Crider says, "we are paying 4 per cent on the common stock. For some years it did not pay anything."

Mr. NELSON. How much?

Mr. LODGE. They first paid 2 per cent, and 3 per cent, and this year 4 per cent.

Mr. NELSON. Can the Senator inform me how much stock is preferred and how much is common, and how much it is capitalized for?

Mr. LODGE. The capital stock was $4,500,000 preferred and $5,500,000 common; no bonds.

Mr. NELSON. I understood from the Senator from Ohio that they could establish such a factory or plant for a few hundred thousand dollars.

Mr. LODGE. The Senator knows, of course, that these electric-light carbons are only about 15 per cent of the company's business. They are only a very small fraction of the company's business.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Massachusetts yield further to the Senator from Minnesota?

Mr. LODGE. I merely wished to put in that. It shows a dividend on the common stock—first nothing, then 2, 3, and 4 per cent. It was not extravagant.

The PRESIDING OFFICER. Does the Senator from Massachusetts yield to the Senator from Minnesota?

Mr. LODGE. I do not desire to occupy the floor in my own right.

Mr. NELSON. Will the Senator from Massachusetts allow me a moment?

Mr. LODGE. I yield the floor entirely.

Mr. BURTON. Mr. President, I will state that I think the Senator from Minnesota misunderstood me. What I said was that in establishing the manufacture of carbons they could provide the additional equipment for the making of these electric-light carbons for about $20,000. I will state that of the total business of the National Carbon Company probably its manufacture of carbons for lighting is not more than 20 per cent.

Mr. BEVERIDGE. Before the Senator takes his seat, since he was the first authority for the statement that the consumers and producers had agreed upon this rate, which if it is true, of course, very largely obviates our difficulties; there seemed to be expressed some question, when the Senator from Utah stated in confirmation of what the Senator from Ohio had said that General Harries represented the consumers—I do not know who he is; I never heard of him. The Senator from Ohio has just said that the consumers had had a meeting and elected General Harries to represent them, which establishes his authority. I would be glad to know if my understanding is correct, because it is conclusive in my mind unless it is denied.

Mr. BURTON. I will state to the Senator from Indiana that I have no information on this subject except at second hand, though every presumption is in favor of its correctness. My information is that there was a convention of men interested in electric lighting, including the leading corporations, and that a committee was chosen to appear here at Washington and represent their interests, a sort of a committee on legislation, especially with a view to the tariff bill that is pending. That is the extent of my information. I have no reason to doubt its accuracy.

Mr. STONE. Mr. President, I made a statement a moment ago which several Senators negatived. The duty as reported in the Senate amendment in the first instance was higher than that fixed by the House in the bill.

Several SENATORS. Oh, no.

Mr. STONE. Senators say "no" again, and that is evidently correct as to the electric-light carbons, but I have tables sent me by a large manufacturer and importer and jobber of electric machinery, telephone supplies, and so forth, and they show what I shall state as to what are called "flame carbons." I should like the attention of the Senator from Rhode Island, but the Senator from Utah will answer as well as the Senator from Rhode Island. In these tables he gives the duty on 1,000 carbons under the Dingley law, the Payne bill, and the Senate committee bill on flame carbons. There were three items in each. These, I believe, are what he calls carbons 23 inches in length.

The first cost is $40 per 1,000. The duty under the Dingley law would amount to $9 per 1,000, so he says, and he has figured it out; I have not. I have accepted these tables as being correct. The duty under the Payne bill would be $14 per 1,000, or an increase of 55 per cent, while the duty under the Senate bill as first reported would be $13.42 a 1,000, or about 50 per cent. I speak now of flame carbons, and I will ask the Senator from Utah whether that statement is correct?

Mr. ALDRICH. We have not taken up that subject yet. I promise the Senator from Missouri that we will take it up, but it is not now before the Senate.

Mr. STONE. The bill covers that character of carbons?

Mr. ALDRICH. It covers it, but we are trying to get some classification of it.

Mr. STONE. I understand; but the Senator was not giving his attention when I asked the Senator from Utah a question. He was talking about some entirely different matter from what I was talking about.

Mr. ALDRICH. I think the Senator has read that same letter at least three or four times, and I have tried to give as good attention as I could to its various provisions. I thought he understood that the matter of flame carbons was not finally disposed of.

Mr. STONE. I understand what the Senator says about that. There is no occasion for petulance on his part.

Mr. ALDRICH. Oh, no; I have none.

Mr. STONE. The question I asked the Senator from Utah was, whether, after reading what I read from the tables, it is a fact that the duty now prescribed in the bill on flame carbons in the Senate amendment is not higher than the rate fixed by the House?

Mr. SMOOT. I think that the best way to answer is by the same table, that on that particular carbon the rate will be a little higher than 35 per cent, as provided in the House bill.

Mr. LA FOLLETTE. Mr. President, at the present time carbons coming into this country are dutiable at 45 cents per hundred feet. Why do I say that? Because 90 cents per hundred carbons, imported in 2-foot lengths, makes 45 cents per hundred feet. The present duty yields 47 per cent of the value of the carbons, and that is substantially the figure placed in the Book of Estimates furnished by the committee.

A duty of 65 cents will yield, in round numbers, an ad valorem of 70 per cent. It is juggling with figures to make any other statement. The House, after most mature deliberations on the subject, fixed a rate of 35 per cent ad valorem.

Now, Mr. President, with reference to an agreement here between the consumer and the producer, I want to say that my good friend from Indiana——

Mr. BEVERIDGE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Wisconsin yield to the Senator from Indiana?

Mr. LA FOLLETTE. Certainly.

Mr. BEVERIDGE. Before the Senator leaves that point—I am interested in what he is saying—the Senator stated that the rate of the Senate committee would be 65 per cent ad valorem. Is that correct?

Mr. LA FOLLETTE. No.

Mr. BEVERIDGE. How much—70 per cent?

Mr. LA FOLLETTE. I say that, at 65 cents per hundred feet, it will yield about 70 per cent ad valorem.

Mr. BEVERIDGE. I understood the Senator from Utah to say that the last amendment of the Senate reduced it to about 35 per cent. So there is exactly 100 per cent difference between the two statements. How is it to be reconciled?

Mr. LA FOLLETTE. It is a very simple matter of computation. Any Senator can make it for himself by taking the figures as given in the table of imports and applying the rate of duty provided in the pending amendment.

I desire, Mr. President, to call attention to the statement of the Senator from Utah [Mr. SMOOT] as to an agreement made between the consumer and the producer by which the rate of

duty was fixed at 65 cents per hundred feet. The Senator from Utah said that in the making of this agreement General Harries represented the consumers. Who authorized this man Harries to represent the people of Wisconsin or of Indiana, who are consumers and who pay for these carbons? If he bore a commission from some large electric-light corporation and entered into an agreement with this monopoly, I should like to know something about the consideration before I should consent to bind the people of Wisconsin by that agreement. He never was authorized to represent the public, who are the consumers of these carbons.

Mr. President, with respect to the statements of the Senator from Rhode Island as to the manifest intention of Congress in fixing the duty at 90 cents per hundred in the Dingley law, I desire to call attention to the manner in which this particular paragraph was framed in 1897.

The record shows that the House fixed the duty at 50 per cent ad valorem. An amendment to increase this rate was proposed in the Senate. It was not adopted. The deliberate action of the Senate upon this matter was not only in its failure to adopt this proposed amendment, but also to strike the House provision from the bill, thus making the paragraph one of the subjects of conference between the Houses. The rate of the present law was fixed in conference. Under conditions as they existed in 1897 in the carbon business, carbons came into this country in lengths of 12 inches and under. The fixing of the duty at 90 cents a hundred carbons was in practice the fixing of the duty at from 100 to 150 per cent ad valorem.

The action of the House of Representatives in fixing the rate at 50 per cent ad valorem was the deliberate action of that body. The deliberate action of the Senate was to refuse to increase the rate fixed by the House and to refuse to adopt the House provision. The rate as it finally appeared in the law did not represent the deliberate action of either body. The item was considered not separately, but with a mass of other items. There could not then be a separate vote upon each item. The report must be accepted or rejected as a whole. So far as the deliberate judgment of Congress found expression in the action of either House, it was for a 50 per cent duty in one branch and against an increase of this duty in the other. When the record is analyzed it seems to me that it was manifestly not the intention of Congress to have ever fixed a duty of 100 or 150 per cent upon these carbons. The highest rate which may be said to have been representative of the judgment of Congress was 50 per cent, and that is practically the duty collected at the present time.

Now, Mr. President, I think the suggestion of the Senator from Missouri is very pertinent. Has the National Carbon Company been prosperous under the existing rate with the imports coming in as they do, in 2-foot lengths, bringing the rate down to a 47 per cent duty? On the statement of the secretary of the company itself before the Ways and Means Committee, they were paying 7 per cent on their preferred stock and 4 per cent on their common stock, and, applying the knowledge that the students of the subject of the organization of these great combinations must have, where no bonds are issued the common stock is always at least so much additional water. When you take the best testimony that can be gotten from the highest authority of this country as to the extent of the control of the business of this great corporation here, I think that the Senate can not afford to go on record as raising this duty from 47 per cent to 70 per cent, the rate which will be applied to these high-grade carbons, the only kind that is imported into this country, if the Senate committee amendment is adopted.

I want to incorporate in the RECORD before the vote is taken the exact facts with respect to the organization of this company and its holdings.

The National Carbon Company—

And I am reading from John Moody, recognized by every student and by every trained man in this country who has made a study of this problem as the highest authority in the country—

NATIONAL CARBON COMPANY.

[The carbon trust.]

Incorporated under New Jersey laws January 16, 1899, as a consolidation of the following companies engaged in the manufacture of lighting carbons, carbon brushes for generators and motors, carbon batteries, carbon diaphragms and back plates for telephones, carbons for electrolytic purposes, and kindred products:

American Carbon Company, Noblesville, Ind.
Brush Carbon Works, Cleveland, Ohio.
Faraday Carbon Company, Jeanette, Pa.
Globe Carbon Company, Ravenna, Ohio.
National Carbon Company, Cleveland, Ohio.
Partridge Carbon Company, Sandusky, Ohio.
Phœnix Carbon and Manufacturing Company, St. Louis, Mo.
Solar Carbon and Manufacturing Company, Pittsburg, Pa.
The Standard Carbon Company, Cleveland, Ohio.
Thomson-Houston Carbon Company, Fremont, Ohio.
The Washington Carbon Company, Pittsburg, Pa.

The foregoing companies covered practically the entire carbon industry of the United States.

Capital stock authorized and issued, $4,500,000 7 per cent non-cumulative preferred, and $5,500,000 common. Par, $100. Dividends on preferred, 7 per cent per annum.

No bonded debt.

The net earnings of the company during the past four years have been as follows: Year ending January 31, 1900, $451,687; 1901, $508,739; 1902, $586,812; 1903, $594,371.

That statement was published in 1904. In the testimony before the Ways and Means Committee, Mr. Crider, the secretary of the company, says that its business has become more and more prosperous year by year. Its prosperity increased as it has reached out and controlled a larger field of production and established a fixed standard of prices, so that the company now pays 7 per cent on its preferred and 4 per cent on its common stock.

Mr. President, reminding the Senate again of the statement of Mr. Crider before the Ways and Means Committee as to how this company applies its earnings, as to the surplus it is accumulating, and how improvements and betterments are paid for out of its earnings, the richness of this company's field will be better understood by reading further from this statement:

Number of plants acquired	11
Proportion of industry controlled (about)—per cent	87

Products: Lighting carbons, carbon brushes, batteries, diaphragms, etc.
Element of monopoly: Important (patent rights, etc.).
Total capital issued, par value, $10,000,000.

Mr. President, I have gone more fully into this subject perhaps than its importance—though it is important—warrants, because it illustrates the general character of many provisions of this bill, and should put Senators upon inquiry with respect to the bill as a whole.

Mr. BURKETT. Mr. President, I undertook to ask a question of the Senator from Utah [Mr. SMOOT] when he had the floor. He has apparently gone out of the Chamber. I also tried to ask a question of the Senator from Massachusetts [Mr. LODGE], and he has gone out of the Chamber. I think I shall now have to ask the chairman of the Committee on Finance, although he was not engaged in that colloquy. In the statement which the committee has prepared for us, the present rate on this article is given as 46 per cent; the rate, according to the House bill, is 35 per cent; and the Senate bill has brought in a rate of 36.39 per cent. As the Senator from Utah has said, it has amended it and still further reduced it; but it can not reduce it much more to get it down to the 35 per cent of the House. I should like to ask the chairman of the committee, if the tariff is practically the same as in the House bill, why all this fuss and all this time taken to change it from an ad valorem to a specific duty?

Mr. ALDRICH. Mr. President, as a protectionist, whenever a specific duty can be used, I think it clearly the duty of Congress to impose one. There is not a shadow of doubt in my mind about that question, and I hope there is not any in the mind of the Senator from Nebraska.

Mr. BURKETT. I think, Mr. President, it is not a sufficient test as to whether a Senator is or is not a protectionist that he favors a specific or an ad valorem duty, because I think nobody disputes the fact that the men who made this bill in the other House, especially the great leaders of the Ways and Means Committee, were as strong advocates of protection as this country has ever had. I cite, also, the fact that as the bill is made up, and as all protection bills are made up, there has never been much consideration given as to whether a duty should be specific or ad valorem.

Mr. ALDRICH. The Senator is very much mistaken about that proposition.

Mr. BURKETT. I may be; but I know enough about tariff legislation to know that it is not practical at all times to make a specific rate——

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Will the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. BURKETT (continuing). And when it is not practicable to make a specific rate, then you have to adopt an ad valorem rate. As we go through the bill we find a great many paragraphs which have both specific and ad valorem rates; so I think it is not a test of a Senator being a protectionist whether he is in favor of a specific or an ad valorem rate. What I want to know is, if there is not any difference, what is all this time being consumed about? What is all this fuss being made about?

Mr. ALDRICH. I have been asking myself that question for five hours. I think that the Senate were as well qualified to

vote upon this question five hours ago as they are now. I think they are ready to vote upon it at any time when Senators will permit them to do so.

Mr. LA FOLLETTE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Wisconsin?

Mr. BURKETT. I do.

Mr. LA FOLLETTE. While the Senator from Nebraska is on the matter of the change from ad valorem to specific rates, let him read the first three lines of the three paragraphs, where for some reason or other a specific duty was changed to an ad valorem rate, resulting in an increase of some 200 or more per cent, and in the same paragraph, without any change in party allegiance so far as I know, the committee shifts around and changes from a specific rate to an ad valorem rate, or changes from an ad valorem rate to a specific rate, working out an increase of 55 per cent over the existing rate, and, taking it as they have changed the amendment now pending, it substantially means 45 per cent over the existing rate.

Mr. BURKETT. I was not going to make any specific illustrations, because I think the general knowledge of everybody is sufficient to dispute the contention of the Senator from Rhode Island. I am rather surprised that he stated it here. It is one of those things which rather shakes people's confidence in working out this bill, I am frank to say. I do not believe that that rate has been changed from an ad valorem to a specific rate without some object other than to conform to the rules of protection. I believe that there is some other purpose in it.

This is not a matter that I have any particular interest in, and I probably should not have attempted to speak but for the difference in the figures given by the Senator from Wisconsin [Mr. LA FOLLETTE] and those given by the Senator from Utah [Mr. SMOOT]. I followed the figuring of the Senator from Wisconsin, and also that of the Senator from Utah in response to an inquiry of the Senator from Indiana.

I have had some two or three letters from those who use these carbons in my State. They are not importers; they have no particular concern in importers more than in manufacturers. They are interested in supplying light. They are honorable men; they are men whose word I would take for almost anything that they knew about. They have said to me that this does change the rate, and that it will change the cost of carbons to the men who buy them.

I do not understand why the duty could not have been left ad valorem just as well as in the case of retorts, which is immediately before it, if it is intended not to change the rate. There must be a difference, I take it, and I have gathered it not only from the letters I have received, but I know also that another Senator here showed me a letter which he had received to the same effect. There must be a difference in the length of these carbons. With a specific rate, a man who buys the shorter carbon is going to pay more tariff than the man who uses the longer carbon.

I asked the question fairly, and I did not expect to be told that one had to favor that change in method to be a good protectionist or anything of that sort. In my opinion, there must be some other reason why this change has been insisted upon and urged by those who manufacture these carbons other than simply being a protectionist. I believe, in short, from what information I can get and from the letters which I have had upon this subject, that this change does increase the rate and that it is going to raise the price of carbons to the consumer.

Upon the rate that we have had nobody has contended, so far as I have heard, that the manufacturer of this product has not been making a good income. I want him to make good money. I do not want to drive his industry out, as I have said half a dozen times.

Mr. ALDRICH. Mr. President——

The VICE-PRESIDENT. Does the Senator from Nebraska yield to the Senator from Rhode Island?

Mr. BURKETT. I do.

Mr. ALDRICH. Will the Senator from Nebraska tell us frankly who the gentlemen are who are the consumers of these carbons in Nebraska who have found fault about these rates?

Mr. BURKETT. I have some letters from some of the electric-light companies.

Mr. ALDRICH. From anybody else who consumes carbons in Nebraska except the electric-light companies?

Mr. BURKETT. Well, no; I do not think I have.

Mr. ALDRICH. Are those gentlemen of whom the Senator is speaking the subjects of public charity?

Mr. BURKETT. I will say, Mr. President, that, according to a great many of those gentlemen, including the gentleman who wrote to me, the supplying of light for little towns and the running of electric-light plants under such conditions is almost a charitable proposition. A good many of those little towns out there have electric-light plants that are not exceedingly paying institutions. The companies make money on private lighting, but on that they furnish to the towns they do not make very much, as I understand it. I remember the hearing that we had, even in this city of Washington, on the subject of electric lighting demonstrated that the electric-light company furnishes light to the District at very little, if any, profit. I think that that is generally the case with a light plant. They provide light to a city at a good deal less profit than they do to individuals, and in most of the little towns where they manage to have electric street lighting the plants are not very great financial successes. I doubt if any of them are making very much money. But that is neither here nor there.

Mr. ALDRICH. Those people are all monopolists, I take it, every one of them.

Mr. BURKETT. Yes; they are very fortunate to have one plant in those little towns. But if we are going to increase the cost of carbons, it will result finally in reaching the consuming public. It seems to me that the chairman ought to give us some better reasons than he has given us for this change. I have listened very carefully to this discussion. I do not want to vote against the committee or its recommendations, if the chairman can show to me that the committee provision is better than the House provision. The House committee considered this a long time. Those who made the bill in the House are all protectionists, and I should like to know, before I vote to change the House rate, persuaded as I am by my correspondents that it is an increase, why it has been increased?

Mr. GORE. Mr. President, I wish to say that the proposed increase of this duty is in perfect harmony with the entire plan of tariff revision as proposed in the pending measure. There seems to be a manifest purpose on the part of the other side to levy an increased duty on light of every description, or, at least, to levy a duty upon light. They have imposed a tax upon window glass, which is nothing more nor less than levying an impost upon the sunlight of heaven. Not only does natural light, which has been provided by Providence, come under the ban of this protective tariff, but even artificial light is to share the burdens of protection. Higher authority than myself has said that there are those who prefer darkness rather than light. The reason for that preference I do not now remember; but, Mr. President, we are now dealing directly with a trust, or with one of those ghosts which flitted about the Senate Chamber on yesterday.

That the National Carbon Company is a monopoly is admitted, and is not denied. There is one conclusion at least upon which everybody can agree. It is true that the Senator from Ohio [Mr. BURTON] says that if the National Carbon Company is a trust, he is not aware of that fact.

Mr. President, the high character of that Senator no doubt serves as a shield to protect him against the confidence of that trust; but, while that statement is a compliment to his high character, it is no proof whatever that this concern is not a monopoly. One that is in a situation to know has stated, I believe under oath, that the company was a monopoly. In the hearings before the House Ways and Means Committee, Mr. UNDERWOOD, of Alabama, propounded this question to the secretary of this company, "You have a monopoly on the business?" And the secretary of the concern answered, "Practically that"—practically a monopoly.

Mr. President, if it has a practical mononopoly, no matter whether it is a theoretical monopoly or not, it is one of those ghosts which are calculated to flay the people in excessive charges. Mr. Crider, secretary of this company, is one of the sanctified manufacturers who can not sin, and is not a perjured importer. The only instance where the testimony of a manufacturer has been impeached is when he made the confession that his concern, about which he probably knows more than anybody in the Senate, was a monopoly. He may not be better advised than anyone else, but we are at least to indulge that presumption until we have proof to the contrary.

Not only that, Mr. President, but it has been charged here that the National Carbon Company is an adjunct of the Standard Oil trust, and is a subsidiary concern. That charge has not so far been denied. Before this debate has progressed much further we will hear in this Chamber a good deal about hostility—I will not say "affected hostility"—to the Standard Oil Company. There will be a sham battle pulled off before long against that concern. Now, sir, here is an opportunity to demonstrate real opposition to this great and gigantic monopoly.

The Senator from Utah [Mr. SMOOT], the high priest of the high tariff, the annointed apostle of protection, has said here that there is a combination between this monopoly and the electric-light companies of the country. The fact that the trust is

increasing in magnitude does not enhance its character or its credibility. I challenge the right of that Senator and I challenge his credentials to speak for the consumers of Oklahoma; I impeach his power of attorney to represent both the monopoly and the consumer. No man can properly represent both sides to a contest of that kind. How he succeeded in obtaining this testimony from the consumers that they were willing to pay a higher price on carbons, I do not know. It must be some divine afflatus, some heavenly illumination, by which he overpowered and mesmerized the consumers of this country.

I have not heard any clamor on the part of consumers of any kind to have their burdens increased, but I have been struck—I had almost said with the folly of contending that the electric-light companies are consumers. They are mere conductors, through which this electric charge passes from the carbon trust to, I may say, the ultimate consumer. If the price of carbons is increased, the electric-light companies must do one of two things: They must either raise their rates to the ultimate consumer or else diminish their profits—God save the mark—profits which are the objects of the most tender consideration on the part of the Finance Committee.

There is one electric-light man in my State who is not a party to this combination of the electric-light companies and the electric-carbon companies. I send to the desk and ask to have read a letter which I have received from him, beginning with the sentence that is underscored. The rest is purely personal.

The VICE-PRESIDENT. Without objection, the Secretary will read.

The Secretary read as follows:

THE STETTMUND ELECTRIC COMPANY,
Chandler, Okla., February 18, 1909.

* * * * * * *

I noticed that while the Committee on Ways and Means are in session regarding the revision of the tariff, that the National Carbon Company, of Cleveland, the so-called "carbon trust," is trying to have the duty on electric carbon increased by adding to the present wording of the duty paragraph the word "feet."

The paragraph referred to is 98, reading: "Carbon for electric lighting, 90 cents per hundred." Now, if the word "feet" were put after "hundred" it would be "per hundred feet," which would mean an increased duty of $9 per thousand.

These carbons are made in this country at a cost of $10 per thousand and sell at $24. You can see that there is no more protection needed along this line.

The records of this State show that only 18 per cent of the electric companies are making expenses. If the additional duty of $9 were put on, it would mean greater expense. The thousands of electric companies in the United States are entitled to more protection than the carbon trust, which wants to corner the market and make greater profits.

"A friend in need is a friend indeed," and I would be pleased to have you use your influence in lowering the duty, and do all in your power to keep the paragraph from being amended by the word "feet."

With best wishes to yourself, I remain,
Your friend,
H. G. STETTMUND.

Mr. GORE. Mr. President, I confess that I feel very much flattered by his allusion to my "influence," but he does not understand the methods of the Committee on Finance. This electric-light man at least has signed no commission to General Harries to represent him before the Finance Committee or any other committee.

I wish that the testimony of those interested parties who may or may not own stock in the National Carbon Company had been reduced to writing and placed before the various Members of this body so that this illumination might not have been confined to the members of that select body.

I share the indignation expressed by the chairman of the Finance Committee at the fraud practiced in connection with this or any other schedule of our revenue laws. I shall join with him in carrying on a crusade against all frauds in every department of our Government. No man will suspect that this change from 90 cents per hundred to 65 cents per hundred feet was inspired by any but the most lofty and statesmanlike motives; but why add "feet" to these ghosts, to enable them to stalk with greater facility through Congress or to enable them to fly and seek security from the foreign competitor, from those hideous Germans and Japs?

Mr. President, this is the vital point in this connection: Has the National Carbon Company been able to pay reasonable wages to its laborers and to realize a reasonable profit under the existing duty? If you answer in the affirmative, then you must vote against this proposal. If you answer in the negative, then the question is open as to what would be a reasonable guaranty and insurance of profit.

The testimony adduced here demonstrates that this is a rather prosperous concern; that last year they paid 7 per cent on a preferred capital stock of $4,500,000 and 4 per cent on $5,500,000 of common stock—may I say watered stock? That expression has been challenged, and in answer to the challenge I merely say that the company was organized in the State of New Jersey. [Laughter.]

Mr. President, is 7 per cent on preferred and 4 per cent on common stock a reasonable profit or not? We are now approaching a test of the committee's conception of "a reasonable profit." The amount of the company's surplus, unfortunately, I am not able to state. They have, Mr. President, under the sheltering wall of the present tariff, been able to monopolize the electric-light carbon business of this country. According to their own admission they have been able to drive their competitors from the field, if they ever had any competitors; they have been able, notwithstanding the fraud and the low duty, to realize a high return of profit; they have been able to realize 7 per cent on the preferred and 4 per cent on the common stock; and all this notwithstanding the fraud perpetrated against them and the low rate of the existing duty!

No one has stated, and no one will state, that they have not enjoyed sufficient protection to insure the difference between the labor cost here and abroad and to vouchsafe a reasonable profit to this trust and this monopoly.

Mr. President, this amendment joins the issue squarely. It is in the direct interest of the National Carbon Company, an admitted trust. We are asked to increase its profits. We can by the vote on this amendment determine who are the friends and who are not the friends of this trust; and if the allegation that this concern is an adjunct to the Standard Oil Company goes unchallenged and undenied, then we have, sir, an additional issue presented to this Senate, and will now have an opportunity to vote to increase the enormous profits of the Standard Oil trust and its auxiliaries, or to vote against the enhancement of their enormous, outrageous, and unreasonable profits. That, sir, is the issue presented to the Senate.

Mr. BURTON. Mr. President, I do not desire that the Senate shall believe, because I fail to answer in extenso much that has been said this afternoon, that the statements made in opposition to this amendment are correct. I have never heard in the city of Cleveland the slightest intimation that the Standard Oil Company had anything to do with the National Carbon Company. Its list of stockholders is entirely distinct and is scattered over the country. If anyone made that statement in Cleveland, it would be supposed that it was the product of a diseased imagination or some muckraking attack upon those who are engaged in legitimate business. I have never heard it termed a "trust."

I am not here with any brief for the National Carbon Company; I am here, in the first instance, for a local industry, and for a fair and a judicious tariff. Is every organization which is prosperous to be placed in the pillory, as this has been today? Is it to be subjected to false accusations and to groundless suspicion? Certainly, if this had been done in the past, our country would be much nearer to the condition when the tomahawk was prevalent and the prairies were unsettled. Must you pounce on any corporation or any man simply because he is successful? I do not know whether there was any "water," as you call it, added to the stock of the National Carbon Company; but I do know that its success is due largely to twenty years of excellent business endeavor.

One man, who is now dead—a Mr. Lawrence—contributed more to bring about its success than anyone else. He devised improved processes. This was his favorite enterprise among other important business enterprises. He added to the economy with which the different articles could be made and placed upon the market, the assembling of the material, and so forth.

Taking up one statement that has been made here, I will state that it is not true that this company has been enjoying during these months of depression the same prosperity which it enjoyed before. Their trade has fallen off very largely—15 per cent in the case of this item of electric carbons.

There is one other point that I did not make before—and I will detain the Senate only a few minutes. I really do not think we will add to our knowledge of this subject or our ability to pass upon it dispassionately and properly by making accusations against these corporations, unless we know the grounds of those accusations. This is not an organization that has made great profits. It is not an organization that is a trust—certainly not in the ordinary sense of the word.

As I stated before, when the Dingley bill was passed, in 1897, 10 per cent of the carbons used in this country were made at home, and 90 per cent of them were imported. Under the first interpretation placed upon the law—which, I submit to the Senate, was the honest interpretation—interpreting it to mean a carbon stick a little less than a foot long, the domestic production grew to 70 per cent in the six years from 1897 to 1903. Then commenced this importation of double and triple lengths. Since that time the home production has gradually

gone down, until now, instead of being 70 per cent as in 1903, it is 50 per cent or less of the total consumption. In the year 1907 there were imported something like 8,000,000 of these carbon sticks, no doubt of an average length of more than 2 feet each, amounting to about 20,000,000 sticks of commercial length or something more than half of the domestic consumption. This gradual increase of importation and the gradual falling off of home production—and it was not so gradual, after all—show the danger to this as a domestic industry.

We who are protectionists in this Chamber must meet this question: Are you willing that there shall be a fair and rational interpretation of the law of 1897 as it was intended, or do you intend to allow this duty to be so decreased that the manufacture of this article will pass from this country to another country?

It does not answer that question to fill the air with denunciations of trusts and monopolies. There is not any monopoly there.

I have already read to the Senate a letter from a manufacturer in the State of Illinois, in which he says that in July or August his factory will be ready to put these carbons on the market. Any other carbon company that has the requisite skill and ability and the very small capital necessary can manufacture them as well.

We can not obscure this issue. The amount of importation in proportion to the total consumption is increasing year by year and month by month.

I am perfectly aware that there has been a campaign made in this case by the agents of the importers which has involved more publicity and more recklessness of accusation than perhaps in relation to any other item or paragraph in this bill. But I appeal to the Senate to stand by an American industry and give it fair play, and to rectify that which, to say the least, has been an error, if not a fraud, in the interpretation of the act of 1897.

Mr. President, I trust the committee amendment will prevail.

Mr. LA FOLLETTE obtained the floor.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. HALE. I do not ask the Senator to yield. I must insist, Mr. President, on the enforcement of the rule which was brought to the attention of the Senate last evening by the Senator from South Carolina [Mr. TILLMAN].

Mr. LA FOLLETTE. Mr. President, I believe I was recognized; and I rise to offer an amendment to the pending amendment.

The VICE-PRESIDENT. The Senator can be recognized for an amendment; but when the observance of the rule is insisted upon, the Senator can not be again recognized to speak on this amendment.

Mr. LA FOLLETTE. Mr. President, if I offer an amendment, can I not be recognized to speak on that amendment?

The VICE-PRESIDENT. The Senator may offer his amendment.

Mr. LA FOLLETTE. It would certainly be a strange rule that would prohibit it.

Mr. HALE. Mr. President——

Mr. LA FOLLETTE. I desire to state my amendment, if I may have the floor for that purpose.

I move to amend the pending amendment by substituting "36 per cent ad valorem" for the entire provision; and on that amendment I desire to be heard.

The VICE-PRESIDENT. The Secretary will state the amendment.

Mr. HALE. Let the amendment be read.

The VICE-PRESIDENT. Will the Senator from Wisconsin kindly send his amendment in writing to the desk? The Secretary has not it clearly in mind.

Mr. LA FOLLETTE. I will, if the Secretary will kindly furnish me with a copy of the pending amendment. I have not had that, and I could not frame my amendment in writing to cover it without having it before me.

I will say, Mr. President, that I could have finished what I intended to say in two minutes if the Senator from Maine [Mr. HALE] had not insisted upon my laying the foundation for being heard.

Mr. HALE. Mr. President——

The VICE-PRESIDENT. Does the Senator from Maine rise to a point of order?

Mr. HALE. No. I have learned that I can depend on the Senator when he makes a statement. I will withhold my point for two minutes.

Mr. LA FOLLETTE. If I may be heard for a couple of minutes, it is all I desire. I have offered the amendment for the moment for the opportunity to be heard.

Mr. MONEY. Mr. President, I ask the Senator from Wisconsin to allow me one moment.

The VICE-PRESIDENT. Does the Senator yield?

Mr. LA FOLLETTE. Yes; if I may be permitted to yield.

Mr. MONEY. I simply desire to make a parliamentary inquiry. Has the Chair ruled that when any Senator has spoken twice on an amendment, and he then offers another amendment, he is not to be permitted to be heard on the latter amendment?

The VICE-PRESIDENT. The Chair has not ruled upon that question.

Mr. LA FOLLETTE. Mr. President, I simply wish to say, in conclusion, upon this subject, and in reply to what the Senator from Ohio [Mr. BURTON] has just stated, that I have heard no charges made in this debate with respect to this company being a monopoly that were not based upon the testimony of the secretary of that company, given before the Committee on Ways and Means of the House. I will take just one minute to refer to what he said.

Mr. BURTON. May I ask the Senator a question?

The VICE-PRESIDENT. Does the Senator from Wisconsin yield to the Senator from Ohio?

Mr. LA FOLLETTE. Yes.

Mr. BURTON. It depends somewhat on the Senator's definition of a monopoly. Suppose a company at one time is manufacturing all that is made of an article, and yet other companies are entering the business, or could enter it. Does the Senator call that a monopoly?

Mr. LA FOLLETTE. No; and I will say to the Senator from Ohio that that is not the testimony of the secretary of this company. If he will be patient for a moment, I will read it:

Mr. UNDERWOOD. Is there any other manufacturer in this country that manufactures these high-grade carbons except the company that you represent?

Mr. CRIDER. I do not know of any other manufacturer of the high-grade arc-lighting carbons in the United States.

Mr. UNDERWOOD. And you have a monopoly of the American market, therefore?

Mr. CRIDER. Practically that, because we are the only concern that has been able to make it.

That comes pretty near being a definition of the strictest sort of a monopoly.

Now, with reference to "water." The Senator from Ohio [Mr. BURTON] says he does not know anything about any water in this company. I know he states exactly the fact when he says that; but I desire to read just a question and answer from Mr. Crider on that subject:

Mr. UNDERWOOD. It was stated here to-night by one of the witnesses that in the organization of your company only a certain percentage of the capital was actual cash and the rest was water. How was your company organized?

Mr. CRIDER. The company was not organized until January 16, 1899, instead of 1897, as has been testified. I was not one of the incorporators of the new company, and I can not tell you just how much real value there was in it.

Mr. President, it seems to me that answer from the secretary of this company, who knows its records and who must have known every step of its progress from its inception to the hour that he was testifying, is a confession.

He says further:

Mr. CRIDER. We are paying 7 per cent on the preferred stock, and at the present time we are paying 4 per cent on the common stock. * * *

Mr. UNDERWOOD. Have you a surplus?

Mr. CRIDER. We have a surplus of, I think, about $400,000. I have forgotten the amount.

Mr. GORE. Mr. President, I wish to say, in response to the Senator from Ohio [Mr. BURTON] that, in the first instance, he disqualified himself as a witness in this case; at least, he stated in this presence that if this concern was a monopoly he did not know it. He has since screwed his courage and his conscience up to the point of saying there is no monopoly, and that this company is not a monopoly.

The Senator's denial would command my instant belief if it were weighed in the balances against the testimony of anyone other than the secretary of this concern. I felt justified in believing that the secretary of this monopoly knew more about it than the Senator from Ohio. But, sir, it seems we were mistaken. That, however, merely turns upon the difference in the definition of the word "monopoly."

Merely because this was the only company engaged in this industry in the United States, and merely because it entirely controlled this business, Secretary Crider drew the erroneous conclusion that it was a monopoly. But the Senator from Ohio has a different definition for the word "monopoly." His definition commands my credence; and I conclude that he is right in his assertion that this concern, which has exclusive control of the American market, is not a monopoly. I conclude that the secretary of this corporation misrepresented the facts. I conclude that he maligned his own company. I conclude that he slandered the National Carbon Company. And I yield my ready

belief to the very reasonable statement and conclusion of the junior Senator from Ohio.

But the Senator did not say whether this corporation is an adjunct of the Standard Oil trust or not. I listened attentively for a denial on that score. We know that the Standard Oil Company has had considerable business in the city of Cleveland. We know that it has considerable influence or connection with the raw material from which these carbons are made, and he has not yet denied that this concern was subsidiary to the Standard Oil trust.

Mr. President, I am not in the confidence of the Standard Oil Company; I neither enjoy nor covet such a relationship with that concern; but if any Senator will rise in his place and avow such a confidence, will admit such a relationship, if any Senator will say he has inside information coming from the Standard Oil trust which is authoritative, then, sir, I shall accept the statement from that higher authority than has yet been presented.

The VICE-PRESIDENT. The question is on agreeing to the committee amendment.

Mr. LA FOLLETTE. I should like to have a statement of the question.

The VICE-PRESIDENT. The Secretary will again state the amendment.

The SECRETARY. On page 26, paragraph 94, lines 14 and 15, it is proposed to strike out "carbons for electric lighting, 35 per cent ad valorem," and to insert:

Carbons for electric lighting, made entirely from petroleum coke, 35 cents per hundred feet; if composed chiefly of lampblack or retort carbon, 65 cents per hundred feet.

The VICE-PRESIDENT. The question is on agreeing to the amendment which has been stated.

Mr. LA FOLLETTE. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. FLINT (when his name was called). I am paired with the senior Senator from Texas [Mr. CULBERSON]. If he were present, I should vote "yea."

Mr. SIMMONS (when Mr. OVERMAN'S name was called). I desire to state that my colleague is unavoidably absent from the city to-day. If present, he would vote "nay" on this amendment.

Mr. PERKINS (when his name was called). I have a general pair with the junior Senator from North Carolina [Mr. OVERMAN]. In his absence, I withhold my vote.

Mr. JONES (when the name of Mr. PILES was called). My colleagne has been called from the Chamber by important business, and he asked me to announce that he is paired with the junior Senator from South Carolina [Mr. SMITH] to-day and to-morrow. If he were present, he would vote "yea."

Mr. TILLMAN (when the name of Mr. SMITH of South Carolina was called). My colleague is unavoidably absent from the city, and is paired with the Senator from Washington [Mr. PILES]. If my colleague were present, he would vote "nay."

The roll call was concluded.

Mr. FLINT. I am paired with the senior Senator from Texas [Mr. CULBERSON]. I transfer the pair to the junior Senator from Idaho [Mr. BORAH], and will vote. I vote "yea."

The result was announced—yeas 43, nays 36, as follows:

YEAS—43.

Aldrich	Cullom	Guggenheim	Penrose
Bourne	Depew	Hale	Root
Brandegee	Dick	Heyburn	Scott
Briggs	Dillingham	Johnson, N. Dak.	Smith, Mich.
Bulkeley	Dixon	Jones	Smoot
Burnham	du Pont	Kean	Stephenson
Burrows	Elkins	Lodge	Sutherland
Burton	Flint	McCumber	Warner
Carter	Frye	Nixon	Warren
Clark, Wyo.	Gallinger	Oliver	Wetmore
Crane	Gamble	Page	

NAYS—36.

Bacon	Clay	Gore	Owen
Bailey	Crawford	Hughes	Paynter
Bankhead	Cummins	Johnston, Ala.	Rayner
Beveridge	Curtis	La Follette	Simmons
Bristow	Daniel	McLaurin	Smith, Md.
Brown	Dolliver	Martin	Stone
Burkett	Fletcher	Money	Taliaferro
Chamberlain	Foster	Nelson	Taylor
Clapp	Frazier	Newlands	Tillman

NOT VOTING—12.

Borah	Culberson	Overman	Richardson
Bradley	Davis	Perkins	Shively
Clarke, Ark.	McEnery	Piles	Smith, S. C.

So the committee amendment was agreed to.

The VICE-PRESIDENT. Without objection, the paragraph is agreed to. No objection is heard. The Secretary will report the next amendment passed over.

The SECRETARY. Paragraph 97, page 26, unpolished, cylinder, crown, and common window glass.

Mr. ALDRICH. I ask to go back to paragraph 87, and I ask that the paragraph, which was passed over for the time being, be agreed to.

The VICE-PRESIDENT. The Senator from Rhode Island asks to return to paragraph 87. Is there objection? The Chair hears none.

Mr. ALDRICH. I ask that the paragraph be agreed to.

The VICE-PRESIDENT. Is there objection to agreeing to paragraph 87?

Mr. BROWN. I have an amendment which I desire to propose to that paragraph.

The VICE-PRESIDENT. The Senator from Nebraska offers an amendment to paragraph 87, which will be stated.

The SECRETARY. In lines 13 and 14 strike out the words "$6 per ton" and insert "three-eighths of 1 cent per pound;" in lines 14 and 15 strike out the words "15 per cent ad valorem" and insert in lieu the words "one-fourth of 1 cent per pound."

Mr. ALDRICH. I suggest to the Senator from Nebraska that he allow the paragraph to be agreed to and let his amendment, which largely increases the duty above the House bill and above the present law, go to the committee for consideration. I think, perhaps, he will preserve his rights in that way, and the matter can be reported upon by the committee in the Senate or at a later day by unanimous consent while the bill is in Committee of the Whole.

Mr. BROWN. I suggest to the chairman of the Finance Committee that as long as he proposes to have the paragraph go over, with the understanding that we shall possibly go back to it, even though we adopt it now, the fair and reasonable way is to let the paragraph and the amendment both go over without action. There certainly can be no reasonable objection to that request. I have offered an amendment to the paragraph, which is pending. The Senator is willing to have the paragraph go over, to be brought back for amendment some time, if it is adopted now.

Mr. ALDRICH. That is, if the committee should so conclude.

Mr. BROWN. That is it exactly. If the committee makes up its mind to come back to it. I appeal to the Senator from Rhode Island whether I am asking anything that is unfair——

Mr. ALDRICH. No; I do not——

Mr. BROWN (continuing). When I ask that this paragraph, with the amendment, go over?

Mr. ALDRICH. We must dispose of this bill, and we must dispose of the paragraphs which have been passed over. I think my suggestion is entirely fair to the Senator from Nebraska, that the committee, which have not yet been able to consider the amendment he has proposed, will take it up and consider it at a future time and will, if their judgment agrees with that of the Senator from Nebraska, report an amendment to the paragraph. But I see nothing in my suggestion that we agree now to the House provision, subject later to revision, to which the Senator can object. That has been done in several cases. We are treating the Senator from Nebraska the same as we have treated every other Senator in this regard.

Mr. PENROSE. I was treated in that way in a great many cases.

Mr. BROWN. It never has been done except with perfect agreement and accord with the Senator who was trying to amend a paragraph amended.

Mr. ALDRICH. We have treated all the same in every case.

Mr. SCOTT. I know a paragraph was passed which the chairman of the committee promised me he would go back to. It is one of the most important paragraphs to my section of the country in the bill, and I allowed the paragraph to be adopted.

Mr. BROWN. That may be true; but this particular paragraph has a little history that perhaps did not apply to the other paragraphs that have been passed. The record of the Senate will show that on the first reading this paragraph was passed over at my request; on the second reading it was passed over at the request of the committee; and I state now the fact to be that I was led to believe, and did believe from the statement of the chairman and other members of the committee, that an amendment would be brought in by the committee. I have had an amendment pending to this paragraph for weeks.

Mr. GALLINGER. Let us vote on it.

Mr. BROWN. There has been no report of the committee upon it yet.

Mr. President, I do not want to delay this paragraph. I do not want to insist on a vote on the amendment now, if the committee is considering the possibility of offering an amendment along the same line. But it does seem to me that when the paragraph goes over it ought to go over with this amendment.

The PRESIDING OFFICER (Mr. KEAN in the chair). The Chair will state to the Senator from Nebraska that his amendment was offered on the 15th of April and was ordered to lie on the table and be printed. It is not pending.

Mr. BROWN. It has been printed and is lying on the table.

Mr. CURTIS. I should like to suggest to the junior Senator from Nebraska that if he will permit paragraph 87 to go over, it will be in exactly the same position as paragraph 86, that went over this morning at the suggestion, I understand, that amendments to it will be considered.

Mr. ALDRICH. The Senator from Nebraska appeals to me to allow this paragraph to go over until to-morrow morning, and I can not very well decline to accede to his request.

Mr. GALLINGER. Each Senator has the same right in this matter that every other Senator has, and in giving my consent that it may go over I want to serve notice that when it is up again I shall insist upon its being considered and settled.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The Secretary will state the next paragraph.

The SECRETARY. Paragraph 97. The pending question is on the amendment of the Senator from North Carolina to the amendment of the Senator from Iowa.

The PRESIDING OFFICER. The amendment to the amendment will be stated.

Mr. ALDRICH. The committee have in preparation an amendment to that paragraph which we have not yet been able to complete. Several Senators are interested in the subject, including the Senator from Iowa, with whom I have not been able to confer as to the precise terms of the amendment. I therefore am not able at this moment to take up this paragraph for consideration.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The next paragraph will be stated.

The SECRETARY. The next paragraph passed over is paragraph 100, on page 27.

Mr. ALDRICH. On page 23, line 7, in paragraph 93, I have a committee amendment to suggest. I ask that the paragraph be reconsidered for the purpose of submitting the committee amendment.

The PRESIDING OFFICER. Without objection, it is so ordered, and the paragraph is reconsidered.

Mr. ALDRICH. In line 7, I move to strike out the words "or carbon," and at the end of the paragraph to insert "carbon, 20 per cent ad valorem." It reduces the duty from 35 per cent to 20 per cent on carbon.

The PRESIDING OFFICER. The question is on agreeing to the amendment submitted by the Senator from Rhode Island.

The amendment was agreed to.

Mr. McCUMBER. I wish to submit an amendment to paragraph 97, as a substitute. I ask that it may be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered. The next paragraph passed over will be stated.

The SECRETARY. Paragraph 100. Cast polished plate glass.

Mr. ALDRICH. That is the paragraph in relation to plate glass, and the suggestion is that the House paragraph be agreed to. I believe there is no pending amendment to it.

The PRESIDING OFFICER. There is none. The question is on agreeing to the paragraph.

Mr. OLIVER. Mr. President, that paragraph and the other paragraphs relating to plate glass were passed over upon the assurance of the chairman of the Committee on Finance that that committee would consider an amendment and would report it. I seriously object to having the paragraph adopted as it stands. It would be a great injustice to the manufacturers of plate glass. I think that the promise made by the chairman of the Finance Committee for the consideration of the suggestions made by the manufacturers, and his promise to consider an amendment making some modification in these various paragraphs, ought to be carried out, and that the Senate ought to have the opportunity of voting upon them.

I believe the Senate would be prepared to vote and to adopt at least some of the amendments that have been suggested. I myself would have offered the amendments before if it had not been the understanding that some like modification of the paragraphs would be offered by the committee.

Mr. CUMMINS. Mr. President, I am not satisfied, either, with the House provision, but I assume it is for a different reason than the one which moves the Senator from Pennsylvania. In order that the matter may be brought before the Senate, I move to amend paragraph 100, in line 17, on page 27, by striking out the word "ten" and inserting the word "eight," and in line 19 by striking out the words "twelve and one-half" and inserting the word "ten."

I have no objection, if it is thought desirable by the committee, that the paragraph shall go over and be considered at the time the window-glass paragraph comes before the Senate; but, if it is to be adopted or rejected now, then I desire my amendment to be considered.

All I have to say with respect to my amendment is this: The House raised the duty upon these two kinds of glass, these two sizes known as "the smaller brackets," in the one case 2 cents a foot and in the other 2½ cents a foot. Under the Dingley law plate glass not exceeding 384 square inches bore a duty of 8 cents per square foot. Above that and not exceeding 720 square inches it carried a duty of 10 cents a square foot.

What I ask the Senate to do is to be content with the duties of the act of 1897 and not to raise those duties above the requirements of the law under which we have been operating for twelve years.

I do not intend this afternoon to enter upon a careful investigation of the testimony with regard to the cost of making plate glass. There is a very wide difference of opinion. I desire to say that the plate-glass manufacturers have presented to me, and I have no doubt to other Senators, a very complete showing with respect to the cost which attends this manufacture. While I have some reason to believe that they are mistaken in some respects, I do not intend to ask Senators to enter upon a close and critical examination of the evidence which has been submitted. It would be impossible in an argument that would fall within the lines permissible here to consider that testimony.

It is sufficient to say that the plate-glass manufacturers claim that it cost them substantially, in normal times, 32 or 33 cents per square foot to manufacture plate glass. They claim, also, that it does not cost abroad more than 14 cents per square foot. I asked one of the chief manufacturers of the United States this question: "Do you see any reasonable hope of being able to produce plate glass in this country for less than the amount you have given me?" He was not willing to aver that in the immediate future, at least, this commodity could be produced for less than it is now costing. That means that we are attempting to bridge the difference between 14 cents a foot and 32 cents a foot by our tariff duty. I have some doubt, if this disparity is to continue always, whether we ought to attempt to bridge it by tariff duties; but I do not put my argument at this time or my vote upon that proposition.

I have moved to reduce the duties as fixed by the House upon the smaller sizes for this reason: The plate-glass manufacturers during the year 1908 have been selling the smaller stock size which is described in the bill at 11, 12, 13, and 14 cents per square foot. They say that it costs them 32 cents per square foot to make that glass; and if their figures are correct, there is a sense in which that is true, because they cast this glass. It is all of the same size, and the smaller sizes result from breakage, from defects, and other incidents to the manufacture.

But for years, and now, in the market the smaller sizes take a lower price, and what we ought to do is to protect them against importation; that is all. We do not attempt to revolutionize that business; we are not here to classify their various kinds of glass and determine how they shall sell it. When you take a piece of glass of the smaller size, not exceeding 5 square feet or 3 square feet, the question is, What duty is necessary to protect our manufacturer against his foreign competitor? If that glass sells, as it does in our country, for 11 and 12 and 14 cents a square foot, it is the height of folly, it is the extreme of absurdity, to put a duty upon it such as is suggested in the provision made by the House. So it is, substantially, with the higher size.

I have a great deal of material here; and I want to say that these manufacturers have been entirely candid and fair. They have disclosed to me the process by which they have sold their glass during the last year and the year before, and their statements do not differ materially from the statements presented to me by the much despised class, whom we have been accustomed here to put out of consideration, by calling them "importers." There is no serious difference between them. I assert that the very sizes of glass which are sought here to be protected by duties, respectively, of 10 cents a square foot and 12½ cents a square foot are selling now to persons in the city of Washington or anywhere in the United States, by manufacturers, at not to exceed 16 cents a square foot, and there is much of it being sold at less than 12 cents a square foot.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. I will ask the Senator from Iowa if he does not know—and if he does not know, I do know—that glass is

sold altogether upon averages? The man who wants to put up a building has all sizes of glass to deal with, and the manufacturer or the jobber who sells the glass sells it invariably upon averages. It is the same way with other articles. One article in particular which I know about is nails. The larger sizes of nails have from the very inception of the industry been sold below cost, but when you take the average of the large nails and the small nails the manufacturer can obtain a price that will net an average profit. The manufacturer to-day or any other day who sells a 10-penny or a 12-penny nail sells it at a loss and has to make up his profit upon the smaller sizes, upon which he makes more.

The plate-glass business is directly the reverse. From the money the manufacturers make upon the small sizes they net a loss invariably. The reason for that is that at the beginning of this industry plate glass was only used in very large sizes. As a consequence, when there was any breakage they would cut the pieces up into smaller sizes and sell them for what they could get. From this grew the custom of quoting small sizes at very low prices and getting a higher price for the larger ones. But in the development of the industry the demand for small panes of glass has grown to such an extent that they are now in regular demand. The manufacturer in order to fill his orders must take the large plates and cut them up so as to satisfy his customers in such sizes as they want. As a result, as the industry exists to-day, the small sizes are sold not only at a loss but at a very great loss. The manufacturers ask, and I think they are entitled, to have a higher rate of duty fixed upon these small sizes, and they are willing to concede a very large reduction in the rate of duty on the larger sizes.

I did not intend to trespass so far upon the time of the Senator from Iowa, but I felt that this explanation should be made just at this time.

Mr. CUMMINS. Mr. President, I am very grateful to the Senator from Pennsylvania for taking a part of my time, because he has made a better argument for the amendment I propose than I could possibly have made myself. He has stated the case with extraordinary clearness, and his statement comes from, I think, a profound knowledge of the business. I believe it to be true that the plate-glass manufacturer must make his profit upon the large sizes, provided he charges up against all his plate glass an equal cost of manufacture. That is to say, after having his metal ready for casting, it is rolled out upon a plate or die. There it is of the same size, and of course it costs just as much to manufacture, save the polishing, a piece that is not larger than your thumb nail, and that you can not use for any purpose whatsoever, as it does to manufacture a piece that goes into general use.

But I thank the Senator from Pennsylvania for making it clear that in the manufacture there must be these losses; there must be this waste; there must be this breakage. All these things are incident, and necessarily incident, to the manufacture of plate glass. But when these things do happen, then the human mind is so constituted, and the markets of the world are so organized, that the manufacturer can not sell these small pieces of glass for as high a price as he sells the larger pieces, even though they be just as good and even though they cost him just as much.

Mr. SUTHERLAND. Will the Senator yield to me for a question?

Mr. CUMMINS. Certainly.

Mr. SUTHERLAND. I understood the Senator to say that glass of this description, namely, containing 720 square inches, was sold in this market at from 10 cents to 13 cents per square foot. Do I quote the Senator correctly?

Mr. CUMMINS. Please repeat the size.

Mr. SUTHERLAND. Seven hundred and twenty square inches.

Mr. CUMMINS. No, sir; I did not so state, or I did not intend to so state. I said the smaller size, the "first bracket," as it is ordinarily known to the trade, has been sold, and is now being sold, at from 11, 12, 13, 14, and 15 cents a square foot. I can tell the Senator in a moment what the next bracket is being sold for. I did not suppose I could, but I must affirm the proposition suggested by the Senator from Utah. Here is an invoice of glass from the Pittsburg Glass Company. It is, I assume, much the largest manufacturer of this commodity in the United States. Here is the next size, 3 to 5 square feet, and the price is 14 cents a square foot.

Mr. SUTHERLAND. I am not questioning the Senator's figures at all.

Mr. CUMMINS. I am sure of that. I did not know that any part of that bracket was or had been sold for so low a price.

Mr. SUTHERLAND. I was not undertaking to challenge or contradict what the Senator says in reference to the selling price of the glass, but I wanted to direct the Senator's attention to the fact that we imported last year of that character of glass—the size stated in the paragraph, 720 inches and under—nearly a million dollars' worth.

Mr. CUMMINS. I think a little over a million.

Mr. SUTHERLAND. No; of that particular size.

Mr. CUMMINS. Of 720 square inches and under.

Mr. SUTHERLAND. Nine hundred and twenty-nine thousand two hundred and fifty-nine dollars is the amount as reported here.

Mr. CUMMINS. But if you include the smaller size, 16 by 24, you will find it amounted to more than a million.

Mr. SUTHERLAND. That is true. I am only including one size. The import price quoted here is 20 cents in round figures. I can not understand—and what I would be glad to have the Senator explain, if he has any information upon that subject, is—how glass could sell in this country from 12 to 14 cents a square foot, and yet be imported from foreign countries in that enormous quantity to be sold in competition with that price? In other words, I can not understand how any foreign producer could import glass to this country, pay a duty of 10 cents per square foot, and sell it in competition with glass in this country if sold at from 10 to 14 cents per square foot.

Mr. CUMMINS. The explanation of that is very easy.

Mr. NELSON. Will the Senator let me ask him a question?

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. It is shown here that the import price for the smallest size of glass is from eighteen and a half cents per square foot up to twenty-seven and a half cents.

Mr. CUMMINS. Mr. President, the explanation is exactly the same that I gave the other day with respect to common ground cylinder glass. There is no glass imported in these sizes of the ordinary glazing stock. The glass which is imported is used mainly for mirrors in furniture and for mirrors for general use, small in size, and for other purposes that require extraordinary or unusual finish and brilliancy, and our manufacturers do not attempt, so I have been informed, to compete seriously in that trade.

Mr. OLIVER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Pennsylvania?

Mr. CUMMINS. I do.

Mr. OLIVER. I wish to say that the Senator has not been correctly informed in that respect. Our manufacturers compete on everything, with the very best qualities of plate glass for mirrors and for all other purposes. I want to correct the statement he has just made.

Mr. CUMMINS. Mr. President, I understand that; but I understand further that there are no importations—no substantial importations—of plate glass of that size for glazing purposes. It then becomes simply a question of selecting glass with reference to its being used for mirrors in furniture and other things of that sort. You should not compare glass that is used for only one purpose, and that is fit for only one purpose, with that which is intended for another purpose and that is fit for another purpose. All our glass, or substantially all our glass, of these sizes is sold in the American market by American manufacturers for less than similar sizes, although intended for a different purpose, can be bought for abroad.

What is here proposed is to put such a duty on these smaller sizes as will enable our domestic manufacturers to so increase their price as to prevent the indirect competition, if you please, between the good and the poor; in other words, we will be paying, if this amendment is adopted, for common stock glazing plate glass, the price which we ought to pay for the finest selection of mirror glass. I feel sure that the committee does not intend to do any such injustice to our people. You know that to put a duty of 10 cents a square foot upon a piece of glass that sells for 11 or 12 cents in our own markets by our own manufacturers is absurd. It is not only absurd, but it is an injustice; it is not only an injustice, but it is an imposition upon those who are compelled to use or who do use this glass. It is not necessary for the protection of our manufacturers. I want them to make this glass at home, provided they can in the end reduce that vast difference between the cost abroad and the cost here.

There is not a man here who does not know that the company whose appeal I have just read was organized in order to consolidate and concentrate within itself all of the plate-glass manufacture of the United States, and that there was a time—

and in this respect I am sure the Senator from Pennsylvania [Mr. OLIVER] could come to my support again if he would—there was a time when it practically had embraced within its own limits the entire plate-glass manufacturing of this country; but its profits were so alluring and its prosperity was so amazing that other companies entered the business, just as I hope they always will when an attempt is made to monopolize any considerable industry in our country.

Now, however, it manufactures—I can not remember just the proportion, but it probably manufactures a little more than one-half, possibly less than one-half, of all of our plate glass. But there are something like 11 independent plate-glass manufacturers in the East, or in that part of the country lying east of Chicago. I am perfectly willing to give them a high duty upon their large sizes, a duty that bears some proportion and some relation to the selling price of their glass; but I am not willing to give them a duty that is practically 100 per cent of their own selling price in their own country. If we do that, and if we do not attempt to discriminate between these kinds of glass and put upon each a duty that will fairly protect it against the foreign manufacturer, then we will have failed to compose a tariff measure that will command the respect and the confidence of the people of the United States.

It can not be true that we are to add duties here without regard to their necessity. I am not, however, speaking now about duties necessary to protect these manufacturers in certain sizes of glass; I leave that for future consideration; but I do say that when you have the facts—and no one dare dispute them—that this very glass on which you are imposing a duty of 10 cents a square foot and 12½ cents a square foot is selling from 11 cents a square foot to 18 cents a square foot in our own country, you can not, if you have in view the principles of protection and the welfare of the people of the United States, insist upon increasing this duty.

I am willing, so far as I am concerned, to stand upon the law as it has been for now twelve years; but I am not willing to increase these duties and thereby give an opportunity to increase unduly the prices of this important commodity.

Mr. SMITH of Michigan. Mr. President, this is a very important item in the tariff bill—important to the glass manufacturer and important to the consumers, numbering many large and small furniture-manufacturing establishments in this country. I do not believe that the consumers of glass would make an unfair exaction. I think it is their disposition to pay a reasonably fair profit to the glass manufacturers of this country, and I feel very sure that the glass manufacturers are interested in seeing their principal customers get this product at a reasonable price.

The bill as we have it before us seems to be unamended as it came from the House of Representatives, and the disposition of the committee seems to be to have at least informal action upon this schedule to-day. I should like to suggest that the Committee on Finance extend to the Furniture Manufacturers' Association and to the glass people an opportunity to be heard upon this schedule, and that if we do pass it informally to-day, we shall be given a full opportunity, with the new light and the new information that would come to us, to have this matter taken up again in the Senate later. Now, if that would be at all agreeable to the Senator from Iowa, who has an amendment of considerable merit, and to the chairman of the Committee on Finance, I should like to make the suggestion.

Mr. ALDRICH. What is the suggestion?

Mr. SMITH of Michigan. That a conference between these people should be arranged while the bill is still pending in the Senate.

Mr. ALDRICH. Mr. President, what I desire in this case, as in the case of the paragraph just passed over, is that we shall agree to the House provision, and that the committee will then hear both the manufacturers of plate glass and the furniture people who are interested in having the rate lowered, with a view of seeing if any reasonable arrangement can be made for amendment. The House provision then would stand, in case there were no amendment. It seems to me that that is a very good way to dispose of the whole subject.

Mr. CUMMINS. I beg the Senator's pardon.

Mr. SMITH of Michigan. Would that be agreeable to the Senator from Iowa?

Mr. CUMMINS. I gathered, although I was interrupted just at that moment, that the suggestion was to agree to the paragraph now.

Mr. SMITH of Michigan. Informally to pass it.

Mr. CUMMINS. And then rest in the hope that the Finance Committee might make some change in it hereafter?

Mr. SMITH of Michigan. Mr. President, I would hardly be satisfied to leave it there. The chairman of the Finance Committee says that he will get these people together and see if some agreement can not be perfected between them which will be satisfactory.

Mr. ALDRICH. Mr. President, I did not say "get them together;" I said that we would confer with the different parties in interest and see whether any amendment could be made that was satisfactory to the committee. That is my notion about it.

Mr. SMITH of Michigan. If that is done, I can see a possible advantage to all concerned.

Mr. CUMMINS. I assume—at least it is probable—that when we take the vote that is what will be done; but the suggestion of the Senator from Rhode Island does not even offer any midway position. I have no doubt that with regard to this paragraph or any other, if he becomes convinced before the bill leaves the Senate that any particular paragraph is wrong, he will be the first to suggest that it be righted; but I do not see in his suggestion any change at all in the general situation.

Mr. ALDRICH. It is very easy for the Senator from Iowa to test the Senate upon this amendment. I am quite willing that it should be voted upon now.

Mr. SMITH of Michigan. I should much prefer, Mr. President, that if it is to be voted upon, it be voted upon in the light of information that may be gathered from a meeting of the consumers and the manufacturers of this product. There is a very important industry concerned in the consumption of this product; and I do not believe they have been before the Committee on Finance. They are fair, and would not make any exaction that was not creditable to them as prudent business men. If they do come together with the glass manufacturers and both can be made to see wherein our action could be helpful to each, then I think we ought to be permitted to have that solution.

Mr. ALDRICH. Mr. President, in justice to the members of the committee, I must say that the committee have heard a great many people on this subject upon both sides of the question, and I think that they have not neglected any phase of it. There is a very wide discrepancy of opinion in this matter. The manufacturers of plate glass are perfectly certain that if these rates are established the industry will stop in this country, or at least be seriously crippled; and the purchasers of plate glass, especially the furniture manufacturers, think the rates of the House bill are too high. I am not at all certain that we can ever arrive at any conclusion as between these two contending factions; but the committee will give their very best thought and consideration to this question, and be able, if they believe that any amendment ought to be adopted, to suggest some amendment before the bill leaves the Senate.

Mr. ROOT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from New York?

Mr. CUMMINS. I do.

Mr. ROOT. Mr. President, I contemplated at one time offering the same amendment which has been offered to-day by the Senator from Iowa [Mr. CUMMINS]. At that time evidence had been produced in behalf of the importers of plate glass and a certain number of furniture manufacturers in the State of New York to the effect that the foreign factory cost of the manufacture was but 14 cents per square foot and that the domestic factory cost of manufacture was but 18 cents per square foot. Since that time evidence has been brought to my attention apparently establishing the fact that the domestic cost is about 26 cents per square foot. If that be true—and it seems to be true so far as can be developed with my very insufficient means of testing the value of the evidence produced—if that be true, it presents an entirely different state of affairs to be dealt with.

While I was satisfied that the difference in the cost was only between 14 and 18 cents a square foot, it seemed to me that the increase of duty by the House was not justified. If the difference is between 14 and 26 cents a square foot, then it would seem to be justified. If that question of fact can be any further or more satisfactorily resolved, I should be very much gratified. I do not know whether it can be with the machinery at our command.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I want it clearly understood that my purpose in making this suggestion is to facilitate a proper understanding between the consumers and the producers of glass, that neither one may be injured by this bill; and I have in mind the possibility that, upon a hearing between the parties interested, they may be able to come to some conclusion that will be mutually advantageous; such, for instance, as a flat rate on all sizes. It might be acceptable to the trade generally.

Mr. CUMMINS. That is precisely what the manufacturers of plate glass want.

Mr. SMITH of Michigan. What is that?

Mr. CUMMINS. That is what they want—a flat rate on all sizes.

Mr. SMITH of Michigan. It is possible that the furniture people will want it.

Mr. CUMMINS. It does not make any difference to me what the furniture people want. That would not suit me.

Mr. SMITH of Michigan. At any rate, suppose they would come together and thrash this matter out, and that when this bill comes up in the Senate we act in the light of the information that we then have. Does not the Senator from Iowa believe we can act more intelligently then, and does he not believe there will be better opportunity for effectuating our purpose than there would be to-day?

It is no satisfaction whatever to me to have an amendment offered to-day that will not be accepted by the Senate, because that is a blank cartridge; it goes nowhere and accomplishes nothing. If we can accomplish something by hearing these people, I shall be very glad. I should like to see something accomplished that would be helpful to both, if possible. I know that is a difficult task; but the Senator from Iowa is actuated by the same desire as myself to see this tariff bill framed equitably and fairly, in order that our industries may prosper and that we may make and use our own products.

Mr. CUMMINS. Mr. President——

Mr. NELSON. Will the Senator yield to me for a minute?

Mr. CUMMINS. Yes.

Mr. NELSON. I desire for just a moment to call the attention of the Senator from New York [Mr. ROOT] to these facts:

I understood him to say that the manufacturers of this glass have made it clear to him that it costs 26 cents per square foot. I find that the import price on the lower grade is 18½ cents per square foot. Adding that to the import price, we have a total of 26½ cents, or half a cent more than the difference between the import price and the tariff rate.

In the case of the next bracket, under which there seems to have been the greatest importation, the import price is 20.3 cents. Adding to that the Dingley rate of 10 cents, we have a total of 30 cents and a fraction. So that, if it costs the manufacturers 26 cents a square foot to make this glass here, they still have under that bracket a margin of 4 cents a square foot, which seems to me to be ample protection.

Will the Senator from Iowa [Mr. CUMMINS] allow me to make a suggestion to him, with a view to expediting business? It is to let the amendment be disposed of now and trust to the committee. If it does not effect a reasonable reduction, the item can be excepted when the bill is reported to the Senate. Then the amendment can be offered there, and we can have a yea-and-nay vote.

Mr. BEVERIDGE. That is a wise solution.

Mr. NELSON. I am willing, for once, although I confess I have not much reason for it, to trust to the fairness and generosity of the committee. [Laughter.]

Mr. BEVERIDGE. Mr. President——

Mr. CUMMINS. It is somewhat embarrassing, when one's friends insist upon a course, to be compelled to doubt its wisdom. I yield to the Senator from Indiana.

Mr. BEVERIDGE. I was merely about to indorse what the Senator from Minnesota [Mr. NELSON] has said. It seems to me that what he has proposed is an unusually wise disposition to make of the matter at this time, and one that will not result in the loss of anyone's rights.

Mr. CUMMINS. I could not quite catch the remark of the Senator from Indiana.

Mr. BEVERIDGE. I said that I merely wanted to indorse, in a sentence, what the Senator from Minnesota has said. It seems to me to be a wise and practical solution of this matter at the present moment, and one that will not result in the loss of anyone's rights.

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Minnesota?

Mr. CUMMINS. I do.

Mr. NELSON. I want to remind the Senator that that is the style of the Senator from Indiana in pronouncing "Amen." [Laughter.]

Mr. CUMMINS. Mr. President, my position was embarrassing enough when approached only by my friend the Senator from Minnesota; but when to that is added the persuasiveness of my friend from Indiana, I assure you that my position is painful to the last degree.

I can not, however, see what this is all about. No matter what we do now, there will be an opportunity to offer an amendment to this paragraph in the Senate. I can not imagine that the chairman of the Finance Committee will become angry at me, or at anybody else, because I have offered this amendment, and therefore be less open-minded than he otherwise would be. That is not possible.

Mr. NELSON. Will the Senator from Iowa allow me to interrupt him a moment?

Mr. CUMMINS. I will.

Mr. NELSON. I should have been more candid with the Senator than I was a moment ago. I could see signs of "scrapping" between the furniture men and the glass men, and therefore I felt like acceding to the disposition requested by the Senator from Rhode Island.

Mr. CUMMINS. Mr. President, I want to suggest, in answer to the statement of the Senator from Michigan, that because a shot fired in this Chamber does not take effect here it does not necessarily follow that it is a blank cartridge. There is something else to be considered than merely securing votes. I offered this amendment because I believed it to be right. I believed this to be a sufficient duty upon this article. If I had not so believed I should not have offered it. I assume that when the bill comes into the Senate either the Senator from Michigan or the Finance Committee, if it is in the meanwhile so advised, will or can offer any amendment that may be necessary to meet new conditions.

Mr. SMITH of Michigan. Mr. President——

The PRESIDING OFFICER. Does the Senator from Iowa yield to the Senator from Michigan?

Mr. CUMMINS. I do.

Mr. SMITH of Michigan. I have no doubt at all about the sincerity of the Senator from Iowa in offering this amendment; but I very much fear that the amendment, even with the merit it possesses, may not be able to get such a hearing to-day as it may be able to get later with further information. I should very much dislike to see Senators by a formal vote committed against the proposition of the Senator from Iowa, or committed against any similar proposition of my own, and then have to undo that action by testimony that may later be taken.

I think that if we informally pass this paragraph, with the understanding that the Committee on Finance will hear these people, who are greatly interested in this matter—the consumers whom I speak for now, representing an investment of over $40,000,000 of capital, and the cost of labor being the predominating charge in all that they do—we may, with that information, be able to reach a fair conclusion. That is my motive and my hope.

Mr. CUMMINS. I hope profoundly that we may have a better opportunity to consider this matter in the Senate, and that the Senator from Michigan will add his influence to my own to prevent an increase in the duties upon these sizes of glass. And while I can not recognize that there is any difference between a formal and an informal adoption of the paragraph——

Mr. ALDRICH. None whatever.

Mr. CUMMINS (continuing). Nevertheless, I shall yield to his suggestion, and shall not at the present time insist upon a vote on my amendment. But I give notice that if, when we reach the Senate with this paragraph, the Senator from Michigan [Mr. SMITH] does not move to reduce these duties, as I have moved now to reduce them, I shall then renew my amendment.

The PRESIDING OFFICER. The Senator from Iowa withdraws his amendment.

Mr. CUMMINS. And I hope the Senator will see his way clear to take this action then, because his people are as much interested in this particular matter as they can be in any subject in the bill.

Mr. SMITH of Michigan. The Senator from Iowa may rest assured that whatever may be the outcome of this hearing will be the basis of my action. I have no interest to subserve except a public interest, and hope that the producer of glass in this country and the consumer may be able to agree upon a fair and reasonable price.

Mr. CUMMINS. I am very sure of that; and being sure of it, I doubt not that the Senator will offer this amendment when the time comes.

Mr. ALDRICH. I understand that the Senator from Iowa withdraws his amendment. I therefore ask that the paragraph may be agreed to.

Mr. GORE. Mr. President, in view of the withdrawal by the Senator from Iowa of his amendment, I have only this to say: It is not my intention, now or at any other time, to discuss the glass schedule; but it is my intention at all times to join one issue whenever that issue can be joined.

The people of this country believe in a tariff revision. In my judgment, the majority of them believe in a revision downward. The Republican party promised to revise the tariff. I

will not say what they meant, but I believe I know what the people understood. Yet I can not speak advisedly even upon that point. But there is a political party that believes in placing trust-made articles, in great measure, on the free list. It seems to be the policy of the dominant party to increase in the pending bill the tariff on trust-made articles. I wish, as often as possible, to join this issue between the protected manufacturers upon the one hand and the unprotected people on the other—between the protected combinations that enjoy excessive profits as a result of the tariff and the unprotected consumers that pay those excessive profits.

I do not charge that there is a plate-glass trust in this country; but I believe that a few years ago there was one in this country. I think I have evidence upon the point that is conclusive. And while the energies of that trust were devoted to a material so brittle that often its trip to the consumer broke it, it may be the object, and if not the object it may possibly be the effect, of the proposed increase to resuscitate that deceased trust, to resurrect that dead monopoly, and to reincarnate the ghost of the glass trust.

I send to the desk two letters written by the Pittsburg Glass Company itself. Of course there are grave Senators who will assert that this company did not know what it was writing about, and who will cast their own guess into the balance against the deliberate declaration of the company. As the Finance Committee is to reconsider this schedule, I desire to have these letters read. They shed a white light upon the methods of the glass trust when it was alive. They shed a white light upon the business methods prevalent in this country among the trusts. I commend them to the consideration of those Senators who innocently believe in the mild methods of the protected manufacturers toward those who retail the finished articles in this country.

Mr. ALDRICH. I ask the Senator to allow the letters to be printed in the RECORD without being read. They have undoubtedly been printed once at the expense of the Government.

Mr. GORE. They are very brief.

Mr. ALDRICH. I ask the Senator to allow them to be printed in the RECORD. It certainly can serve no useful purpose to have them read here.

Mr. GORE. I should rather have them read.

Mr. ALDRICH. The Senator must realize that he is taking up the time of the Senate in having read something that has already been printed by the Government. He certainly can not expect to change any votes upon this subject. The letters to which he refers have been in print for six months, and I assume that every Senator interested in the subject has read them.

Mr. GORE. I do not expect to change any man's vote on this bill. I know that there are men on the other side, including the chairman of the Finance Committee, who, like Ephraim of old, are joined to their idols, and who will vote in their interest no matter what the truth discloses here. I do not expect to influence their decision; but I intend to shed this light upon the bill for the benefit of the Senate and for the benefit of the people of the United States, and no effort on the part of the Senator to suppress light here or elsewhere will have any influence with me.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD without being read. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. Mr. President——

Mr. GORE. I want the letters read, unless objection is made.

The PRESIDING OFFICER. The Chair made the announcement that they would be printed in the RECORD.

Mr. ALDRICH. I shall not insist upon my objection, of course, but I reiterate it is a useless waste of the time of the Senate.

Mr. RAYNER. Mr. President, has not the Senator a right to have them read?

Mr. ALDRICH. I think not, but I will not raise that question.

Mr. RAYNER. Has he not a right to have them read as a part of his speech? I have never known such an objection to be made.

Mr. ALDRICH. I think not, but I will not make any objection. I will not raise the question.

The PRESIDING OFFICER. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Page 208, Industrial Commission, Trusts and Combinations.]

PHILADELPHIA, PA., *October 27, 1900.*

GENTLEMEN: We have just been advised by our general office that any permission that has been given to the jobbers whereby they were allowed to import plate glass must be at once withdrawn, and we hereby beg to notify you to this effect.

We will ask you to send to this office at once a memorandum of any foreign glass that you may have ordered which you have not received. Please include in this memorandum that which may already be on the water, as well as the portion that has not yet been shipped from abroad. Kindly give this matter your prompt attention, and oblige

Yours, truly,

PITTSBURG PLATE GLASS CO.

The other letter, which is also signed "Pittsburg Glass Company," reads:

PHILADELPHIA, PA., *November 30, 1900.*

GENTLEMEN: At a meeting of the manufacturers and "A" jobbers of plate glass in Pittsburg, on the 14th instant, it was resolved that no "A" or "B" buyers would be permitted to import plate glass or to purchase plate glass that had been imported into this country. The manufacturers will expect all the "A" and "B" buyers to conform strictly to this resolution.

The PRESIDING OFFICER. The question is on agreeing to the paragraph as amended.

The paragraph, as amended, was agreed to.

The SECRETARY. The next paragraph passed over is 107, on page 29.

Mr. ALDRICH. Before we take up that paragraph, I desire to offer an amendment on page 28, line 23, after the word "glass." I send it to the desk.

The SECRETARY. On page 28, paragraph 104, line 23, after the word "glass," strike out the comma and insert the word "or;" and after the word "pebble" strike out the words "or paste."

The amendment was agreed to.

The paragraph as amended was agreed to.

Mr. ALDRICH. On page 29, line 7, I offer the amendment I send to the desk.

The SECRETARY. On page 29, line 7, paragraph 105, after the word "form," insert:

Including those used in the construction of gauges.

The amendment was agreed to.

The paragraph as amended was agreed to.

Mr. ALDRICH. I think the next is paragraph 107.

The PRESIDING OFFICER. It is.

Mr. ALDRICH. There was an amendment offered by the Senator from Missouri [Mr. STONE], which the committee can not accept and which could not be accepted. I will ask that the paragraph go over, reserving to the Senator from Missouri any rights which he would have if present.

The PRESIDING OFFICER. It will go over.

The SECRETARY. The next paragraph passed over is 116, on page 32.

Mr. ALDRICH. It will have to go over again.

The PRESIDING OFFICER. Without objection, it will be passed over.

Mr. GUGGENHEIM. It is in order to offer an amendment to paragraph 115½.

Mr. ALDRICH. We have not yet reached that.

Mr. GUGGENHEIM. We are at 116 now, I believe.

Mr. ALDRICH. One hundred and fifteen and a half has been passed over. I suggest to the Senator that he reserve his amendment until it is again reached.

To paragraph 123 the senior Senator from Texas [Mr. CULBERSON] has an amendment. I have promised that the paragraph should not be taken up in his absence.

Mr. STONE entered the Chamber.

Mr. ALDRICH. I suggest to the Senator from Missouri, who was absent when this matter came up, that I examined the amendment which he has suggested, and it would not be possible for the committee to accept it. It is altogether too wide.

Mr. STONE. The amendment as to glass?

Mr. ALDRICH. Yes; on glass.

Mr. NELSON. What has been done with paragraph 116?

Mr. PENROSE. It went over.

The PRESIDING OFFICER. It has gone over.

Mr. NELSON. The other day?

Mr. STONE. What is the number of that paragraph?

Mr. ALDRICH. One hundred and seven. The Senator can offer the amendment in the Senate, if he desires.

Mr. STONE. The Senator stated that he was in sympathy with the general idea.

Mr. ALDRICH. I was, but when I came to examine the amendment I found it altogether too comprehensive in its character.

Mr. STONE. The Senator suggested at that time that he thought it was too comprehensive, but——

Mr. ALDRICH. I will confer with the Senator some time in regard to it, and we can offer an amendment in the Senate, if we can agree upon the terms.

Mr. STONE. I have no objection to that. Only I am afraid the Senator will not agree.

Mr. ALDRICH. Paragraph 140, I think, is the next one. Paragraph 123 has gone over at the request of the Senator from Texas [Mr. CULBERSON], who desires to have it stricken out and the article put on the free list.

The SECRETARY. Paragraph 140, page 45——

Mr. CUMMINS. What was done with paragraph 116?

The PRESIDING OFFICER. It was passed over.

Mr. ALDRICH. It was passed over again.

The SECRETARY. The committee propose to strike out paragraph 140, as printed in the bill, and to insert a new paragraph, with the same number:

140. Automobiles, bicycles, and motor cycles, and parts of any of the foregoing, including tires, axles, and ball bearings, 45 per cent ad valorem.

Mr. ALDRICH. The committee modifies the amendment by striking out the word "tires," in the thirteenth line, and inserting the word "finished," after the word "and," in the twelfth line.

The PRESIDING OFFICER. Which "and?"

Mr. ALDRICH. The second "and."

The PRESIDING OFFICER. So as to read "finished parts?"

Mr. ALDRICH. Yes.

The SECRETARY. In line 13 of the committee amendment, it is proposed to strike out the word "tires," and in line 12, after the word "and" and before the word "parts," to insert "finished."

Mr. DOLLIVER. I should like to ask the chairman of the committee what effect the last amendment will have?

Mr. ALDRICH. It will make the castings, the various crude parts which might be used for automobiles, dutiable at the rate they would bear if they were not enumerated.

Mr. DOLLIVER. Does it restore tires as a part of the paragraph?

Mr. ALDRICH. Certainly not.

Mr. DOLLIVER. If they are finished?

Mr. ALDRICH. I should say absolutely not.

Mr. DOLLIVER. My idea was—I do not want to insist upon it—that parts of the machines manufactured of rubber ought to be disposed of in the paragraph concerning manufactured rubber.

Mr. ALDRICH. That is the intention of the committee, and I have no doubt it is carried out by the language used, "if not finished."

Mr. DOLLIVER. But the tires are finished, as a rule. They are a part of the machines. I got the notion they might be included in the term "finished parts."

Mr. LODGE. They could not be held to be a part of the machine.

Mr. ALDRICH. I do not think so.

Mr. LODGE. That certainly is not intended.

Mr. BRANDEGEE. I should like to ask the chairman of the committee what the object of the committee is in changing the House provision in that paragraph? In other words, the House provision applies to automobiles, bicycles, and motor cycles, and parts thereof. The Senate provision practically repeats that same language and then proceeds to mention certain articles which are parts thereof. Unless it mentions all articles that are parts thereof, it would seem to me to exclude them.

Mr. LODGE. Axles were put in, for example, because the very next paragraph refers to axles, and it was thought necessary to include them specifically here. Otherwise they might be thrown under the other paragraph.

Mr. BRANDEGEE. If that is the object of the committee, I will suggest that there are other parts that should be enumerated. My colleague has an amendment to cover that point.

Mr. BULKELEY. I had in mind the same question which my colleague asked the chairman. While the provision as contained originally in the bill as sent here by the House would be preferable, I think, to mentioning the various parts of automobiles, bicycles, and motor cycles, instead of the substitute for the provision sent in by the committee I move to amend by inserting on line 13, page 45, after the word "axles," the following——

Mr. ALDRICH. I think there is no substantial difference between the Senate committee amendment and the House provision; and if it is to lead to any discussion or controversy, I will withdraw the committee amendment and allow the House provision to stand. There is no substantial difference.

Mr. BRANDEGEE. Unless the Senator does object to it, I think the language of the House is much simpler and can not possibly lead to any confusion.

Mr. ALDRICH. Then I withdraw the amendment of the committee.

Mr. BULKELEY. I withdraw the amendment I was going to propose.

The PRESIDING OFFICER. The amendment of the committee is disagreed to, without objection; and the question is on agreeing to the paragraph.

Mr. LODGE. That leaves out the word "finished."

Mr. ALDRICH. Perhaps we had better put in the word "finished."

Mr. BRANDEGEE. Allow me to call the attention of the Senator from Massachusetts to the word "axles." I do not think that that word needs to be in the paragraph.

Mr. LODGE. I was not speaking about the word "axles," but the word "finished," which is not in the House provision and is in ours, and it is important.

Mr. BRANDEGEE. I do not object to having the word "finished" inserted.

Mr. LODGE. I move the word "finished" be inserted in the House provision before the word "parts" in each case.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. In line 9, before the word "parts," insert the word "finished."

Mr. LODGE. It will have to appear in three places. I think the Senate committee amendment is much better.

Mr. BULKELEY. I understand that if the word "finished" is inserted in this paragraph, when the articles that are enumerated there as connected with these various machines come in in an unfinished condition, they come in under the basket clause providing the same rate, 45 per cent, on unfinished parts.

Mr. ALDRICH. If they are metal, unquestionably.

Mr. BAILEY. What will be the purpose of inserting the word "finished," and thus taking them out of the basket clause and putting them in this paragraph? No good purpose could be served by it.

Mr. ALDRICH. I think there might be some cases where castings might be made dutiable at 45 per cent by this paragraph, when otherwise they would come in at a lower rate of duty, as all castings of steel or iron whatever.

Mr. LODGE. Castings come in under a special paragraph. There are a number of such things. I do not know why they should go into the basket clause necessarily.

Mr. BAILEY. Castings coming in in that way differ from the parts of an automobile?

Mr. ALDRICH. Unquestionably.

Mr. BAILEY. That being true, it being expressly provided for, it would pay this duty instead of any other duty. In other words, there would be a general enumeration including them.

Mr. ALDRICH. My impression is that the Senator from Texas will conclude, upon consideration, that the construction of tariff acts of this nature has been that where an article is mentioned specifically it bore the rate mentioned in that paragraph and not otherwise enumerated.

Mr. BAILEY. That would be the rule of construction in law.

Mr. ALDRICH. If axles were mentioned in the paragraph by themselves, even if they were parts of an automobile, they would be dutiable as axles and not as parts of an automobile.

Mr. BAILEY. I think the rule would be different. If they were a part of an automobile and imported as a part of an automobile, then they would fall under the provision relating to automobiles and parts thereof, and the axles coming in under the general provision would be axles not falling under the special provision. That is undoubtedly the rule.

Mr. ALDRICH. But if the rate upon axles is lower than the rate upon parts of an automobile, they never would be imported as parts of an automobile, but always as axles.

Mr. BAILEY. That is undoubtedly true, because everybody will bring it in in the best way possible.

Mr. BULKELEY. I should like to ask the chairman of the committee, if there is no objection, to insert the word "unfinished," so as to read "and parts thereof, whether finished or unfinished."

Mr. ALDRICH. I think that would not be necessary. I think we had better leave the language as it is, "automobiles and parts thereof."

Mr. BULKELEY. All right; I do not press it.

Mr. BAILEY. I can probably learn a little about an automobile right here. I want to know if the automobile axle is susceptible of use for purposes other than that of automobiles.

Mr. ALDRICH. The rear axle certainly would not be. I should think very likely the front axle might be used for other purposes.

Mr. BAILEY. If from their nature and character they are only fit for use on automobiles, they could not be brought in under the pretense that they were for some other purpose.

Mr. ALDRICH. No; but they would import them as axles, without any reference to their use, and they are dutiable at a specific rate as axles. There is a provision in the next paragraph for axles.

Mr. BAILEY. Probably the appraiser or officer, possessing some technical knowledge of the automobile, would be able to say that it is an automobile axle. I wonder if the chairman of the committee is prepared to say whether this duty of 45 per cent is the maximum revenue-producing duty or whether he thinks a higher duty would fetch more revenue.

Mr. HALE. Mr. President——

Mr. BAILEY. I have asked that question of the chairman of the committee. I regard this as essentially a luxury.

Mr. HALE. I will yield for the present.

Mr. BAILEY. Of course, if the Senator from Maine would answer it, the answer would be accepted from either Senator.

Mr. HALE. I had another thought in my mind which I think will appeal to the Senator. I think the House provision probably covers the subject, but if the provision of the House is agreed to without amendment it passes from all further consideration, and the suggestions made by the Senator from Texas and other Senators would be unavailing, because they could not be considered in conference. It takes very little in the way of a change to leave a matter open. I should say if the word "finished" is inserted, or any word, it leaves the subject to the consideration of the two Houses when they meet in conference. It would be safer and better to do that than to foreclose it now by accepting the House language with no amendment.

I think I should agree with the Senator from Texas that any increase of the duty that could be afforded and could be paid by the owners of automobiles, which are not only a luxury but a nuisance, would be extremely proper for the Senate to consider, but all of that will be left to the wisdom of the conference between the two Houses if any amendment is made. The word "finished" leaves the whole subject open, which I think is better, though I would be willing to agree to the House proposition unless we should raise the duty and do something to limit, to control, and regulate, if possible, this new introduction.

Mr. BAILEY. I wonder if a mere amendment inserting the word "finished," where both provisions fix the same rate, would leave the rate open. My understanding is that we collected something more than $1,700,000 the last fiscal year from the importation of automobiles.

Mr. HALE. Which is in itself a small mitigation for their presence.

Mr. BAILEY. I thoroughly agree with the Senator, although he and I are probably the only ones not reconciled to these "red devils." Probably we may hereafter become reconciled ourselves.

Mr. HALE. I think the Senator and I are behind the times, but I am very glad to have his company.

Mr. BAILEY. Mr. President, I never can be very far out of place while I am in hailing distance of the Senator from Maine. [Laughter.] But if we can raise more money by reason of this duty I would not hesitate to raise it, because the article is at best a luxury, and at worst, as the Senator from Maine very properly says, a nuisance. I would make people who import luxuries which are also nuisances pay for the privilege, and I would only be deterred by the fear that an increase in the duty might decrease the importations. In this, like in all other duties levied upon luxuries, I would stop only at the maximum revenue-producing point.

Mr. LODGE. I suggest that the House form has two needless repetitions. The form of the Senate paragraph is much better, and I suggest that we substitute for the House provision the words of the Senate committee:

> Automobiles, bicycles, motor cycles, and finished parts of any of the foregoing, 45 per cent ad valorem.

That is precisely the same in effect as the House provision, which involves unnecessary words.

Mr. HALE. Will the Senator leave out the including words?

Mr. LODGE. Yes; leave out those words.

Mr. DOLLIVER. Mr. President, I do not pretend to know whether 45 per cent is an excessive duty upon the tires of automobiles, but I would not like the RECORD to leave me under the suspicion of not knowing that if we put these finished parts in the paragraph the word "tire" is ineffective, because it looks to me as if the tire is a finished part of an automobile.

Mr. ALDRICH. It is easy enough to take care of that by suggesting "not including tires."

Mr. DOLLIVER. Or by correcting the phraseology of the rubber paragraph.

Mr. ALDRICH. No; I think it would be better to say here "not including tires."

Mr. President, in answer to the question of the Senator from Texas—which, of course, is a serious question—as to what rate would bring the most revenue, I have no question whatever that within a very few years the great mass of the automobiles that are used in this country will be made here. There can be no question about that. I think the American automobiles today are the best in the world; but there are now, and will be for some time to come, a great many people, undoubtedly, who will buy some fancy makes of French or German automobiles. I am inclined to think that if we make the rate any higher we would in the end get less revenue.

Mr. TILLMAN. And we would not get rid of automobiles.

Mr. ALDRICH. And we would not get rid of automobiles, because they are here to stay.

Mr. TILLMAN. They are bound to stay.

Mr. ALDRICH. No duty that we can impose upon them would exclude them from use. So the committee thought probably 45 per cent would be the best rate we could use for revenue.

Mr. BAILEY. If that is the judgment of the committee, and my own judgment is not clearly contrary to it, I shall not insist, because I would regret very much to vote for an increased duty even on a luxury and have it result in a decreased revenue.

Mr. BACON. I was not in while the debate was going on, but I want to say that in a conversation the other day with a gentleman very much more conversant with automobiles than I am, he stated the fact that practically under the present duty but one class of automobiles are imported at the present time. He gave me the name. It is a French machine. I do not remember it.

I do not propose to take any issue with the committee on the subject because I quite agree with the closing words which I heard from the chairman and also from the Senator from Texas, that the end to be accomplished is to get the best revenue we can from this importation. I only stated that fact in order to know whether it accords with the information which the committee has as to practically but one machine being imported.

Mr. ALDRICH. That is not correct.

Mr. BACON. I do not state it as being exclusively so, but speaking generally.

Mr. ALDRICH. It is not correct. There are at least half a dozen leading makes of automobiles that are imported largely.

Mr. BACON. I have no information on the subject myself.

Mr. ALDRICH. Eight or ten makes would include certainly most of the importations.

Mr. BAILEY. If we could have the name of the maker and the country from which they come engraved on them, we could tell which Senators are riding in imported automobiles.

Mr. ALDRICH. The foreign makers look out for that.

Mr. HALE. The Senator need not be alarmed about that. The marks will be on the machine.

Mr. BAILEY. According to my belief, the marks of the people ought to be on some of the Senators who ride in imported automobiles.

Mr. ALDRICH. I hope no Senator would ride in an imported automobile.

Mr. BAILEY. I saw the Senator from Rhode Island riding in a very finely finished one, and I wondered if it was made in this country.

Mr. ALDRICH. It was made in this country. It was made in Detroit, Mich.

Mr. SMITH of Michigan. We are very proud of it.

Mr. BULKELEY. We are not accustomed in this body to give the information from parties interested in these matters of tariff a great deal of weight, but I should like to read a few words from a letter from a gentleman representing the manufacturers of bicycles, automobiles, and motor cycles, in which he says:

> The changes and insertion asked for are not important enough—

Neither the provision as presented by the House nor by the Senate—

> in the opinion of our automobile and bicycle manufacturers, to delay the harmonious passage of the paragraph; and I have the authority from H. B. Joy (Packard Motor Car Company), chairman of the automobile manufacturers' tariff committee, and Col. George Pope (Pope Manufacturing Company), chairman of the bicycle manufacturers' tariff committee, to state that paragraph 140, either as it appears in the House or Senate bill, is acceptable to our manufacturers, and that we do not object to the omission of the word "finished"—

Or its insertion; but, like all our other people in Connecticut who are interested in this as they are in other industries of the country, they ask for a speedy passage of this whole measure.

Mr. ALDRICH. I ask that the paragraph as we now have it be read.

The PRESIDING OFFICER. The Secretary will read the paragraph as modified.

The SECRETARY. Strike out the House provision and insert:

> 140. Automobiles, bicycles, and motor cycles, and finished parts of any of the foregoing, not including tires, 45 per cent ad valorem.

Mr. ALDRICH. That is right.

The VICE-PRESIDENT. The question is on agreeing to the amendment.

Mr. HEYBURN. Mr. President, I had hoped the committee would find that this particular importation would stand a very much higher duty. I am in entire sympathy with the expressions of the Senator from Maine and the Senator from Texas. I believe no greater imposition has entered this country at any time than these great snorting steam machines that occupy that which belongs to the people, who can scarcely support a handcart, and drive the people out from that which is their own.

Mr. SMITH of Michigan. No only occupying, but destroying, the roads.

Mr. HEYBURN. Yes; destroying the roads. I have never had any sympathy with them. I have always felt perfectly satisfied to have those who desire to own and keep them have roads of their own upon which to run them, but I never dreamed that any court in the United States would hold, as it has been held, that they have an equal right upon the public highways with other vehicles and with the people who have a right to walk upon them.

The roads were never made nor were the road laws of the country ever passed in contemplation of such a use. They are made throughout the country by the taxes and the labor of people who never can afford to own these machines, and they must stand off or flee to some place of safety as this great engine of destruction goes over the roads.

I think I am not narrow in mind in regard to these things. I look at it from a practical standpoint. I have known, and every man in this room has known, of carriages driven by women being tossed aside and people injured or killed by these machines. I have in my mind more than one instance of the kind. They shout with glee as they see the farmer flying through the air, his horses in one direction and the farmer in another. Why, it is a subject of jest in the papers. The automobile goes along, and the farmer is distributed over the fence, perhaps into his own field.

I had hoped that the committee would find that this tax upon pride might pay at least 100 per cent, because that is all it is. No one ever bought a foreign automobile, except as instigated by the pride of ownership of something of superior name, if not of quality. I hope that the committee may find, before the question is finally disposed of, that imported automobiles will bear a duty of 100 per cent.

Mr. BEVERIDGE. Mr. President, I rise merely to congratulate the committee, and especially the Senator from Maine [Mr. HALE], upon his resourcefulness in forwarding this bill and saving time by the introduction into this discussion of the advisability of having automobiles in this country, and as to whether they are nuisances, which has now consumed about half an hour, with no reference to the tariff.

Mr. HALE. Mr. President, I do not suppose that I have intruded in this discussion in the four weeks in which the bill has been before the Senate one minute where the Senator from Indiana has intruded twenty minutes. I have been very careful not to consume time and not to make suggestions that consume time. I am not eager to appear in the public prints. I do not wait until the discussion of the day is nearly terminated, and then intrude myself into the discussion, in order that I may appear in the newspapers.

I bide my time. I keep no account with the Committee on Finance, debit and credit, voting with them half the time and voting against them half the time. I will not submit to the implied censure of my young friend from Indiana, and it would be well for him to curb his impatience in criticising older Senators—not better Senators. I say to him that I shall not appear here in disturbing the progress of this bill, as he appears constantly to do; but when the time comes that I see fit to make a suggestion, I shall make it without any hesitation, and the Senate will notice the difference between him and me in this regard.

Mr. BEVERIDGE. Mr. President, I am surprised that the Senator from Maine, who had been indulging in pleasantries upon this subject, which were enjoyed by us all, could not have also taken in the spirit in which it was given the pleasantry indulged in by me to the extent of just one sentence—for that was what it was, of course. The suggestion was a mere pleasantry, following the spirit of levity in which the Senator from Maine and other Senators had indulged, and properly indulged. It involved no criticism whatever, but came of the fact that this humorous discussion, which was not at all as to what should be the rate of duty on automobiles, but whether they were a nuisance or not, had, as a matter of fact, consumed considerable time. There was no criticism in that; not at all. Nevertheless, since the subject has been raised I am forced to say this: I have heard a good deal in the last two or three days about delaying the bill. This is not the first time.

As to the personal suggestions of the Senator from Maine concerning myself, they call for no reply or even notice. I have had the RECORD searched, and it will show that I have not occupied as much time, nor a small fraction as much time, as any Senator here who has actively supported the committee or any Senator here who has actively opposed it. Yesterday evening, however, I will say, now that this subject is up, there was a good deal of comment upon this matter; and the RECORD will disclose that more than half of the time taken yesterday, after the discussion was practically closed, on the paragraph we were considering—I say more than half the time which was taken yesterday, after we thought we were ready to vote, was taken by Senators supporting the committee.

I had no idea that this mere pleasantry would raise this question; but since it is raised, those facts ought to be noted. I am one of those who believe that we should confine ourselves in the haste—considerate haste, not inconsiderate haste—that now ought to govern us to the concrete discussion of the schedules.

Rebukes have been uttered here—yes, showered upon Senators—because they saw fit to discuss the bill at greater length than others thought they should. They were performing what they thought was their conscientious duty; but that did not save them from criticism. I have not been so criticised, because I have not occupied the floor very much. I have been upon the floor a good many times, but not at any length, so that the criticism is not directed at me. That is the reason that I can speak freely now about delaying the bill. I say now that the RECORD shows that what I have said is true, and yesterday was a good illustration of that.

I do not think the Senators supporting the committee who took that time yesterday are to be criticised for that at all, and they are not being criticised; but neither should those who have been in the discharge of what they thought was their conscientious duty and their obligation to their constituents be criticised for opposing the committee if they thought that was carrying out the duty imposed upon them by their oath of office.

Now, Mr. President, I only interjected a single sentence, which was brought out by the engaging jollity of the Senator from Maine; but it does not seem that the constant talk about delaying the bill should perhaps be emphasized so much hereafter, in view of the fact that we have had at least half an hour taken in entertaining and nerve-relieving pleasantries, for which no person who has been against the committee amendments at times is responsible.

I did not mean to criticise anybody for this waste of time; but this sensitiveness compels me to again remark that it has been wasted, and uselessly wasted, and not by those who have opposed the committee, either.

Mr. HALE. Mr. President, I hope the Senator from Indiana hereafter, when he is indulging in pleasantries, will label his article.

Mr. BEVERIDGE. I think my pleasantry was quite apparent to everybody except, I am surprised to say, the Senator from Maine, who usually has a keen eye for those things; but I think that he was unusually sensitive, because he recognizes that he has been responsible for this half-hour delay which, of course, he was very anxious to avoid.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

Mr. STONE. Mr. President, I rise simply to call attention to the fact that we are making progress. [Laughter.]

Mr. ALDRICH. Mr. President, in that connection, as there seems to be an era of good feeling, I desire to say that, while I shall not ask for a time to be fixed to-night for taking a vote upon this measure, I shall ask to-morrow that a time be fixed at as early a day as possible for taking the final vote upon this bill and all of its amendments.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. GUGGENHEIM. I wish to have a telegram read.

Mr. HALE. Mr. President, I wish——

The PRESIDING OFFICER. Does the Senator from Colorado yield to the Senator from Maine?

Mr. GUGGENHEIM. Certainly.

Mr. HALE. I wish to introduce a resolution, which I ask be read and referred to the Committee on Finance.

The PRESIDING OFFICER. The resolution proposed by the Senator from Maine will be read.

The resolution (S. Res. 49) was read and referred to the Committee on Finance, as follows:

Senate resolution 49.

Resolved, That until otherwise ordered the Senate shall meet at 11 o'clock a. m.; that at half past 5 a recess shall be taken until 8 o'clock p. m.; and that the Senate shall adjourn for the day not later than 11 o'clock.

Mr. GALLINGER. I ask that the pending amendment be stated.

The PRESIDING OFFICER. The pending amendment will be stated.

The SECRETARY. It is proposed by the Committee on Finance to strike out paragraph 140 of the bill, and in lieu thereof to insert a new paragraph, as follows:

140. Automobiles, bicycles, and motor cycles, and parts of any of the foregoing, including tires, axles, and ball bearings, 45 per cent ad valorem.

Mr. GALLINGER. Mr. President, I have a substitute which I desire to offer for that amendment, and I will only occupy a moment in reference to it.

The PRESIDING OFFICER. The amendment proposed by the Senator from New Hampshire will be stated.

The SECRETARY. It is proposed to insert as a substitute for the committee amendment the following:

140. Automobiles and finished parts thereof, not including tires, 50 per cent ad valorem; bicycles and motor cycles, including the finished parts thereof, not including tires, 45 per cent ad valorem.

Mr. GALLINGER. Mr. President, the only point in which that amendment differs from the amendment of the committee is that it puts the high-priced automobiles, which are imported from France, Italy, and possibly other countries, at 50 per cent, instead of 45 per cent. It will send the matter to conference, and I feel quite confident, if it is looked into, the committee will agree that this is one source where they will find a greater additional revenue without doing any harm. The men who import limousine machines and other foreign machines will not balk at paying an additional 5 per cent.

Mr. ALDRICH. I accept that amendment in lieu of the committee amendment.

The PRESIDING OFFICER. The committee amendment is withdrawn. The question now is on agreeing to the amendment of the Senator from New Hampshire [Mr. GALLINGER].

Mr. TALIAFERRO. Mr. President, are we not entitled to a vote on that amendment?

The PRESIDING OFFICER. The Chair so understands.

Mr. TALIAFERRO. I call for a vote.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from New Hampshire.

The amendment was agreed to.

The PRESIDING OFFICER. If there be no objection, the paragraph as amended will be agreed to.

Mr. LA FOLLETTE. Before the vote is taken upon the paragraph as amended, I rise for the purpose of securing some information. I have here a copy of a circular letter which I received, inclosed with another letter, which states that the circular letter is sent out by the Automobile Manufacturers' Association. I wish to read two or three paragraphs of this circular letter as bearing upon the construction which may be placed upon this amendment. It says:

The automobile industry of this country is under obligation to the tariff committee of the Associated Automobile Manufacturers, headed by Benjamin Briscoe and Henry B. Joy, who are to be congratulated on the fact that the pending tariff provisions conform to their ideas generally.

Several paragraphs follow, in which the provisions of the Dingley law are discussed, and the claim is made that great advantage and greatly increasing duties will come from the construction of the pending paragraph. Then, at the conclusion, citing an illustration, this follows:

Let us take gas-engine cylinders as an illustration. Assuming the cast-iron cylinders of an ordinary four-cylinder engine, weighing 250 pounds, cost 10 cents per pound, the duty under the present Dingley tariff law is, at eight-tenths of 1 cent per pound, $2.

Under the proposed law, these cylinders would, if classified as castings valued at more than 2 cents per pound, be assessed, the foreign market value remaining the same, $8.75, the rate of duty under this classification of the current act being 35 per cent ad valorem.

In commenting upon this provision, the man who sent me that illuminating circular said:

I inclose herewith copy of a circular letter which the automobile association is sending out to its members. You will see that they congratulate Henry B. Joy and another member of their tariff committee in getting the Senate committee to change the wording of the Payne proviso so that anything that is imported to be used in the making of an automobile in this country is to carry 45 per cent duty, being the rate upon the automobile itself. The circular clearly states that a cylinder casting for an automobile engine would come in at $2 if it were brought in for other purposes than for automobiles, but under Mr. Joy's magnificent manipulation, when used on an automobile it would pay $8.75. In my judgment this is the kind of protectionism we curse.

These people make no claim that $2 is too low a rate. They make no effort to raise the rate as a matter of protection to American manufacturers who cast these cylinders; either they are regardless of all other manufacturers or they assume this $2 is enough, and then they rejoice that by manipulation their committee gets for themselves $8.75.

No one has been so noisy and noisome as Henry B. Joy. We imported $3,000,000 of automobiles and exported $5,000,000 last year. A good many automobile manufacturers think no duty at all is needed. I, however, agree that the great majority of them need a considerable protection; whether so or not, I wholly disapprove of such efforts as are praised in the inclosed circular.

Mr. President, I would not have read that letter, except that I know the writer to be a man of high standing and of very accurate information. From a study of the paragraph, I am not able to determine whether the criticism of it is well founded and I place the matter before the Senate with the sole purpose of securing information.

Mr. ALDRICH. The word "finished" was inserted in the amendment to cover cases like that suggested by the Senator from Wisconsin. I think it does this. I think that the crude parts, casting parts, would pay the same rate of duty they do now, and not the higher rate suggested by the writer of the letter.

Mr. LA FOLLETTE. As there will be further opportunity for investigation before the matter is finally disposed of in the Senate, I do not care to take any more time upon the subject to-night.

Mr. ALDRICH. At the end of paragraph 134, on page 41, I offer the amendment which I send to the desk. I will first ask if paragraph 140 as amended was agreed to?

The PRESIDING OFFICER. It was agreed to.

Mr. ALDRICH. Then I offer the amendment I send to the desk, to come in as paragraph 134.

The PRESIDING OFFICER. The amendment will be stated.

The SECRETARY. Add, at the end of paragraph 134, page 41, the following:

Wire heddles or healds, 25 cents per thousand, and, in addition thereto, 40 per cent ad valorem.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. ALDRICH. I am not sure whether the provisions in regard to marking in paragraph 153 were adopted or not. I think they were, however.

Mr. GORE. Mr. President, I should like to ask the Presiding Officer or the Senator from Rhode Island if section 134 is now agreed to?

Mr. ALDRICH. Yes; it has been agreed to.

Mr. GORE. I have had an amendment for some time that I desired to present to that paragraph. Will there be an opportunity to do so later?

Mr. ALDRICH. There will be an opportunity in the Senate.

The PRESIDING OFFICER. The Secretary will state the next paragraph passed over.

Mr. CRAWFORD. What was done with paragraph 153?

The PRESIDING OFFICER. The Chair understands it was agreed to on the first reading. The Secretary will state the next paragraph passed over.

The SECRETARY. Paragraph 160. Wire nails made of wrought iron or steel——

Mr. ALDRICH. I think that was agreed to on the first reading.

The PRESIDING OFFICER. Without objection, the paragraph is agreed to.

Mr. BURTON. Mr. President, amendments are pending to that paragraph, changing the rate from one-fourth of a cent a pound to one-half a cent a pound. I think that paragraph was passed over.

Mr. ALDRICH. If those amendments are to be offered, I ask that the paragraph go over.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The Secretary will state the next paragraph passed over.

The SECRETARY. The next paragraph passed over was paragraph 181, page 60, Metallic mineral substances in a crude state——

The PRESIDING OFFICER. The Chair understands the committee amendment has been agreed to there. The question is on agreeing to the paragraph as amended.

The paragraph as amended was agreed to.

Mr. ALDRICH. What paragraph is that?

The PRESIDING OFFICER. Paragraph 181.

Mr. BURTON. There is also another amendment relating to that paragraph pertaining to chrome or chromium metal——

Mr. HEYBURN. Mr. President, paragraph 181 has not been agreed to. It went over. That is the paragraph which carries monazite sand and thorite.

Mr. ALDRICH. That is the paragraph we are now considering.

Mr. HEYBURN. I desire to have that taken up for some consideration, because I shall ask the restoration of the present duty and desire to give some——

Mr. ALDRICH. The Senator from Ohio has an amendment, I think, to that paragraph. I was about to ask that it be agreed to as amended here, with the understanding that we will take the matter up later. The committee are not ready to act upon it finally now.

Mr. BURTON. I would state, Mr. President, that I would like to address the Senate at some length, perhaps for ten or fifteen minutes, upon an amendment to that paragraph.

Mr. ALDRICH. Is the Senator ready to do so to-night?

Mr. BURTON. I should prefer a later time.

Mr. ALDRICH. Then the paragraph had better go over.

The PRESIDING OFFICER. Without objection, the paragraph will be passed over. The next paragraph passed over will be stated.

The SECRETARY. Paragraph 182. The committee propose to strike out all of the paragraph as contained in the bill and to insert——

The PRESIDING OFFICER. The amendment has heretofore been read. The question is on agreeing to the amendment.

Mr. ALDRICH. The committee have an amendment, in line 19, after the word "ferrosilicon," to insert "valued at $90 a ton or less, or."

The PRESIDING OFFICER. Is that a modification of the committee amendment?

Mr. ALDRICH. Yes.

The PRESIDING OFFICER. The amendment as modified will be stated.

The SECRETARY. On page 61, line 19, paragraph 182, in the committee amendment, after the word "ferrosilicon," it is proposed to insert "valued at $90 or less, or."

Mr. ALDRICH. "Valued at not exceeding $90 a ton," I think would be better phraseology.

The SECRETARY. In paragraph 182, page 61, line 18, after the word "ferrosilicon," it is proposed to insert "valued at not exceeding $90 per ton or."

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BURTON. Is this not a very great increase of the duty as it now is?

Mr. ALDRICH. No; $4 a ton is not a very large increase.

Mr. BURTON. I refer especially to chrome or chromium metal.

Mr. ALDRICH. I think the present rate is 20 per cent ad valorem, and this is 25, which is not a very large increase. These metals are all used, as the Senator from Ohio knows, in the production of new classes of steel; they are all expensive metals to produce; and I would suggest that I think the rates are all right. If they are not, when the bill reaches the Senate we will try to make satisfactory amendments.

Mr. DICK. Mr. President, I desire to offer an amendment increasing the rate on the cheaper or lower grades, those containing not more than 15 per cent, and which in the bill stand at $4 a ton, to $6 per ton.

Mr. ALDRICH. I hope the Senator will not offer that amendment now.

Mr. DICK. Why not?

Mr. ALDRICH. A large number of Senators, a number of people interested in blast furnaces, and people who are engaged in producing pig iron and various forms of metal, are desirous of having the rate decreased from $4 to $2.50 a ton.

Mr. DICK. This large number ought to be willing to allow a sufficient protection to this industry to give it a chance to live in this country. I do not care to press the consideration of this matter at this time if the chairman of the committee wishes to have it passed over; but I am unwilling that this industry, which is struggling to live in this country, and which can live if given sufficient protection, shall be eliminated from consideration.

We can make in this country all the ferrosilicon of the cheaper grade that is consumed in this market, with a tariff that will insure the home market to the home producer. A duty of $6 will do it. A duty of $4 will not do it; a duty of $5 will not do it; but one of $6 will. And the pending amendment will be pressed for consideration, unless the Senator in charge of the bill thinks it wiser to have it go over.

Mr. ALDRICH. Four dollars a ton is the present rate. It is the rate fixed in the House bill. A good deal of pressure was brought to bear upon the committee to reduce it to the same rate as pig iron, which is $2.50 a ton. It now bears the same rate that pig iron does in the present law. It is true that the producers in Ohio and some of the other States thought the rate ought to be increased to $6. If this paragraph can be agreed to, the committee will give the matter further consideration, and will hear the Senator from Ohio [Mr. DICK].

Mr. PENROSE. That is the best way.

Mr. SMITH of Michigan. The Senator refers to the amendment proposed as to ferrosilicon?

Mr. ALDRICH. Yes; the amendment proposed by the committee.

Mr. SMITH of Michigan. I do not see just why that should be offered.

Mr. ALDRICH. I think it is a fair and proper amendment.

Mr. SMITH of Michigan. It seems to me it tends to shut out all products of a less value than $90 a ton.

Mr. ALDRICH. I think not. I think it has just the opposite effect.

Mr. SMITH of Michigan. Then, if it sold for, say, $80 or $70 a ton——

Mr. ALDRICH. It would pay a duty of $4 a ton.

Mr. TILLMAN. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from South Carolina?

Mr. ALDRICH. Yes.

Mr. TILLMAN. I simply wish to remark that, as I understood it, the proposition of the Senator from Ohio would make this duty a prohibitive one.

Mr. ALDRICH. Hardly that, I should think. Ferrosilicon is a very important element in the production of steel.

Mr. TILLMAN. The Senator from Ohio stated that if the duty was raised to $6 we would produce in this country all we needed, but that we could not do it at a duty of $4.

Mr. DICK. No, Mr. President; the Senator from South Carolina misunderstood my statement. I said we could produce here all that is consumed in this country. I did not say that a $6 rate would be prohibitive and give us the market, but it would put the American producer upon precisely the same footing with the foreign producer in this country and in this market.

Mr. TILLMAN. But, if I understood the Senator—and I think the reporter's notes will show that I am right—he stated this: That $5 or $4 would not do it, but $6 would. Would do what? Would enable us to produce all that we need in this country.

Mr. DICK. No; that was not what I meant.

Mr. TILLMAN. If you did not mean it, very well. Just say what you mean, and then I will not undertake to comment on what you say.

Mr. DICK. It is sometimes pretty difficult to have the Senator from South Carolina understand just what is meant, especially when he is disinclined to agree.

Mr. TILLMAN. That is a reflection, Mr. President, under which I am not willing to labor.

Mr. DICK. What I meant to impress upon the Senate, Mr. President, was that this industry will go out of existence in this country unless sufficient protection is afforded it. A dozen years ago we had in this country a dozen of these furnaces. To-day but two exist. These two will go out of blast and out of business for good if the foreign competitor is allowed, under this low rate, to usurp the entire American market. So far as the industry in this country is concerned, it would be as well to let this substance come in free as to put a $4 tariff upon it. Of course it will continue to produce revenue. We consume about 150,000 tons of it annually. I repeat that we could make it all in this country. We have the ingredients, the labor, and the opportunity.

Mr. TILLMAN. The Senator said a little while ago that at times it is a little difficult for me to understand what is said. I confess that when a murky statement is made I can not see through it. I do not profess to be able to see through mud. [Laughter.]

The Senator has just stated that we consume annually 150,000 tons of this material. That means we import practically all we consume. Is not that the meaning of the statement? He said our own furnaces were going out of blast.

Mr. DICK. Our own furnaces are going out of blast. We do import about 150,000 tons of the substance annually.

Mr. TILLMAN. Of what—ferrosilicon?

Mr. DICK. Ferrosilicon of the lower grade; and we produce in this country about 15,000 tons annually.

Mr. TILLMAN. The statement given us by the Finance Committee says that we import 12,000 tons annually. There is considerable difference between 12,000 tons and 150,000 tons.

Mr. DICK. I am not responsible for the report. The information I have is derived from those who are engaged in the business, and who ought to know. Ferrosilicon containing not more than 15 per cent of silicon, commonly known as "blast-furnace ferrosilicon," is at present classified in the same schedule as pig iron and pays the same duty of $4 a ton, as stated by the chairman of the Finance Committee.

The Payne bill, paragraph 182, reads:

Chrome or chromium metal, ferromanganese, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrosilicon, ferrovanadium, manganese metal, molybdenum, titanium, tantalum, tungsten or wolfram metal, 15 per cent ad valorem.

The Senate bill increases the duty on all the items in the paragraph, but takes out ferromanganese, making it dutiable at $2.50 a ton, the same as pig iron, and separates ferrosilicon, containing not more than 15 per cent of silicon, leaving the duty as it is at present, at $4 a ton.

The paragraph as now proposed reads:

Chrome or chromium metal, ferrochrome or ferrochromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrosilicon containing more than 15 per cent of silicon, ferrovanadium, molybdenum, titanium, tantalum, tungsten or wolfram metal, valued at $200 per ton or less, 25 per cent ad valorem; valued at more than $200 per ton, 20 per cent ad valorem. Ferrosilicon containing not more than 15 per cent of silicon, $4 per ton.

To make it possible to continue the manufacture in the United States of this low-grade ferrosilicon it is absolutely necessary that the duty be increased from $4 a ton to $6 a ton.

Ferrosilicon is used by every maker of open-hearth steel and steel castings. It is a common ferro alloy used to deoxidize the molten steel. It disappears and is lost in the operation. It gives temper to the steel, but being used in such comparatively small quantity, only about 1 per cent, does not add to the cost of the steel in any appreciable degree, but is valuable as giving a certain pliability.

Blast-furnace ferrosilicon is a low-grade pig iron and is cheap compared to the other alloys named in the same paragraph. The market prices of these alloys, so far as I have been able to learn them, is as follows:

Ferromanganese, 80 per cent. Present selling price about $42 per ton ex-ship seaboard.

Manganese metal, 92 to 93 per cent. Sold at 75 cents per pound within the last five years, or $1,680 a ton.

Ferromolybdenum. We can not find what is the selling price, and possibly it is not a commercial metal.

Molybdenum metal, 98 per cent. Sold at about $1.50 per pound in small lots about a year ago, or $3,360 a ton.

Ferrotitanium, 10 per cent. Present selling price, 15 cents per pound in small quantities and 12½ cents per pound if sold in ton lots, or $280 to $336 a ton.

Titanium. This metal is not now produced, I am told.

Ferrovanadium, 33 per cent. Present selling price is 5 cents per unit of contained vanadium per pound, or about $5 per pound of contained vanadium, or $11,200 a ton.

Ferrotungsten, 70 to 75 per cent. Sold at 50 cents per pound in small lots several years ago, about 1904, or $1,120 a ton.

Tungsten metal or wolfram metal, 98 per cent. Sold at 65 cents per pound in small lots about 1904, or $1,465 a ton.

Ferrochrome or ferrochromium, 50 to 60 per cent. Has sold at $400 per ton within about four years.

Chrome or chromium metal. We can not find that it is made or used.

Ferrophosphate (probably means ferrophosphorus), 20 per cent. Has sold at about $50 per gross ton delivered, Pittsburg, within five years.

Ferrosilicon, 10 per cent. Present selling price, $23, Pittsburg, Pa. Ferrosilicon, 50 per cent. Electrolytic, $62, Pittsburg.

Tantalum. We can not find anything about this metal.

It is possible these other alloys need the higher protection proposed in the bill. The low-grade ferrosilicon clearly needs additional protection. Bulletin No. 78, Census Bureau, shows that the production of open-hearth steel in the United States increased, from 1900 to 1905, 91.2 per cent, and of steel castings, 62.2 per cent, while the production of ferrosilicon decreased, and would have been wiped out entirely but for the business boom of 1906. The reason for this lies in the steadily increasing inability of the domestic manufacturer to compete with the foreign maker. I have a number of recent quotations from importers on ferrosilicon delivered f. o. b. this country, duty paid, and the average price is $23 a ton. This is the actual selling price in normal conditions of 10 per cent silicon, which is the standard. For each 1 per cent of added silicon the price per ton increases $1. At this rate the cost of manufacture abroad is not over $17 a ton. I quote from a statement showing the operation of one furnace in the United States making ferrosilicon containing less than 15 per cent silicon, covering a period of four years:

1905.

	Tons.	Value.
Ore	17,182	$54,424.95
Limestone	8,843	7,349.02
Coke	14,125	50,963.09
Coal	16,870	20,214.14
Total raw material	57,020	132,951.20
Paid to employees		25,462.25
Manufacturing expense		13,500.27
Selling expense		1,695.35
Total expended		173,609.07
Average cost		21.83

In operation 216 days, made 7,991 tons; average silicon, 10.88 per cent.

1906.

	Tons.	Value.
Ore	31,534	$107,357.26
Limestone	17,029	14,419.66
Coke	21,635	81,227.22
Coal	27,000	33,788.63
Total raw material	97,228	236,792.77
Paid to employees		45,376.02
Manufacturing expense		22,773.39
Selling expense		6,481.23
Total expended		311,423.41
Average cost		21.10

In operation 332 days, made 14,712 tons; average silicon, 10.70 per cent.

1907.

	Tons.	Value.
Ore	36,542	$130,339.86
Limestone	17,825	15,298.48
Coke	24,997	95,538.13
Coal	30,017	37,521.50
Total raw material	109,381	278,697.97
Paid to employees		50,891.21
Manufacturing expense		27,535.08
Selling expense		5,900.83
Total expended		363,025.09
Average cost		21.58

In operation 356 days, made 16,841 tons; average silicon, 10.25 per cent.

1908.

	Tons.	Value.
Ore	9,160	$29,954.73
Limestone	4,914	3,931.17
Coke	6,739	21,378.08
Coal	8,091	10,085.09
Total raw material	28,904	65,349.07
Paid to employees		13,460.46
Manufacturing expense		26,527.56
Selling expense		3,550.72
Total expended		108,887.81
Average cost		24.60

In operation 101 days, made 4,435 tons; average silicon, 10.17 per cent.

The following figures give the itemized cost per ton to produce ferrosilicon in blast furnaces in this country, covering a period of the past five years. They show the item of labor is the largest single constituent of the cost:

	Ore.	Limestone.	Fuel.	Labor.	Manufacturing expense.	Selling expense.	Total.
1905	$6.81	$0.02	$8.91	$3.18	$1.69	$0.32	$21.83
1906	7.30	.96	7.81	3.08	1.55	.38	21.10
1907	7.74	.91	7.90	3.02	1.63	.38	21.58
1908	6.75	.89	7.09	3.04	5.98	.85	24.60
1909	7.22	.86	7.74	2.80	1.70	.60	20.92
Average for 4 years	7.32	.93	7.96	3.06	2.03	.43	21.73

The cost for February, 1909, was somewhat more.

	Per cent.
Ore	7.92
Limestone	.92
Fuel	7.94
Labor	2.84
Manufacturing expense	2.05
Selling expense	.66
Total	22.33

This one Ohio furnace shipped 44,596 tons in all, distributed as follows:

	Tons.	Per cent.
Pittsburg territory	24,439	54.8
East of Pittsburg	11,262	25.3
Total	35,701	80.1
West of Pittsburg	8,895	19.9
Total	44,596	100

The difference in cost between this country and Europe is made up principally of the difference in the cost of labor. The cost per ton of making the alloy in the United States is $21.73, made up as follows:

Fuel	$7.96
Ore	7.32
Limestone	.93
Labor	3.06
Manufacturing expense	2.03
Selling expense	.43
Total cost	21.73

The highest single item of cost is the fuel. They use a mixture of 1.5 tons of coal and 1.8 tons of coke. As it takes 2 tons of coal to make a ton of coke, this mixture equals about 5 tons of coal to 1 ton of alloy made.

	Per ton.
Cost of mining coal in Ohio	$0.90
Cost of mining coal in England	.45
Advantage to foreign manufacturer in cost of mining coal	.45

The figures given by the Labor Bureau as the cost of mining coal in Great Britain were 30 to 45 cents per ton. The larger have been used.

If our miners were on the same basis as their miners, we would save on fuel alone $2.25 per ton in producing our alloy.

We pay our common laborers $1.50 to $1.75 per day, while foreign countries, as per Bulletin No. 54, Bureau of Labor, pay from 50 cents to $1 per day. The difference in the prices paid semiskilled and skilled labor are much greater. If our scale of wages were on the same basis, we would save $1.50 per ton on labor in production.

If the ore miner worked under the same conditions in this country as in Europe, there would be a saving in ore of at least 50 cents per ton, which would mean a saving of $1 per ton in production, as it takes a little more than 2 tons of ore to produce 1 ton of alloy.

There would also be a saving in freights and cost of material used for repairs, and so forth, which would reduce the manufacturing and selling expenses at least $1 per ton.

Summary of saving in the cost of production if labor conditions in this country were the same as in England:

Fuel	$2.25
Labor	1.50
Ore	1.00
Manufacturing and selling expenses	1.00
Total saving	5.75

Comparison of wages of occupations represented in the manufacture of ferrosilicon containing not more than 15 per cent of silicon. Taken from Bulletin No. 54, Bureau of Labor, year 1903:

	Great Britain.	United States.
	Per hour.	*Per hour.*
Blacksmith	$0.1740	$0.2951
Boilermakers	.1719	.2848
Bricklayers	.2062	.5472
Carpenters	.2028	.3594
Iron molders	.1787	.3086
Laborers	.1019	.1675

If wages and living conditions were the same in this country as in Great Britain there would be a saving, as shown above, which would put the American manufacturer in position to compete with the English manufacturer without any duty.

If, however, we are to maintain the high standard of the American workman, it is necessary to have a sufficient duty to cover the differences in the labor conditions.

As it requires $6 per ton to do this, and the request of the American producer is in accord with the plan of this legislation, why, then, are they to be denied adequate protection?

The following figures show how impossible it is for the American article to compete with the foreign product:

Pittsburg territory.

American cost price per ton at furnace, figuring no profit	$21.73
Freight per ton to Pittsburg	1.90
	23.63
Foreign selling price per ton Pittsburg, on $4 tariff	23.00
Advantage to foreigner over domestic absolute cost price	.63
Selling price per ton Pittsburg of foreign, at $6 tariff	25.00
Domestic cost price Pittsburg, figuring no profit, as above	23.63
Profit to home manufacturer if a $6 per ton duty were imposed	1.37

This profit represents less than 6 per cent per annum on the investment.

Philadelphia territory.

Domestic cost price per ton, figuring no profit	$21.73
Freight per ton to Philadelphia	3.30
	25.03
Selling price per ton of foreign, at $4 per ton tariff	22.50
Advantage per ton to foreigner over domestic cost price	2.53
Domestic cost price per ton delivered Philadelphia, as above	25.03
Selling price per ton for foreign, at $6 per ton tariff	24.50
Advantage to foreigner, even at $6 per ton tariff	.53

This shows the domestic producer can not compete with the foreign product in the Philadelphia territory, even with a $6 per ton tariff. In figuring the foreign cost of production, in order to prove beyond a reasonable doubt the necessities of the case of the domestic producer, let us assume the value of the foreign product at $25 per ton Baltimore, duty paid, which we know is abnormal:

Value per ton of foreign at Baltimore, duty paid		$25.00
Deducting tariff per ton under present law	$4.00	
Deducting for ocean freights and incidental expenses	2.00	
Deducting profit to importer for tying up capital	1.00	
Deducting profit to foreign manufacturer	1.00	
		8.00
Cost per ton of foreign product at port of export		17.00
Domestic cost per ton at furnace		21.73
Foreign cost per ton at port of export		17.00
Advantage of foreigner in cost of manufacture		4.73

With a $6 per ton tariff, the domestic producer would enjoy a profit of $1.27 per ton provided the freight rate from the domestic furnace to the point of consumption was the same as the freight rate from the seaboard. This means a profit of 5½ per cent per annum on the investment.

As neither the act of 1897 nor the Payne bill provide a tariff on blast-furnace ferrosilicon as distinct from electric-furnace ferrosilicon and other alloys, the domestic manufacturers ask that the proposed tariff legislation provide a specific duty of not less than $6 per ton on blast-furnace ferrosilicon.

The principal use of blast-furnace ferrosilicon is in the manufacture of steel castings. Its consumption has increased in this country in the last decade with the marvelous growth of the steel-casting industry, while its production in this country has decreased. The Columbus and Hocking Coal and Iron Company at one time had five furnaces; a New York company, two furnaces in the same district; the Ashland Iron and Mining Company, two furnaces; making nine in all. In 1903 there were three furnaces left in the Ohio district and two in Ashland. Now, one furnace alone is left producing this material, the two furnaces of the Ashland company having been shut down for a year and a half, waiting to resume in case adequate protection is obtained. If adequate protection is not obtained, the last domestic manufacturer will be compelled to discontinue the manufacture of ferrosilicon, and the many users in this country will be entirely dependent upon the foreign manufacturer for their supply.

This country is the largest consumer of blast-furnace ferrosilicon in the world, and produces all the raw material necessary for its manufacture.

The snuffing out of this industry would mean not only a loss to our workmen, but to all the men employed in furnishing the raw material.

Had this industry grown in this country as it has in Europe we would have at least 10 furnaces, representing an investment of at least $5,000,000, consuming 1,093,810 tons of raw material and expending $3,630,250.90 annually in this country, giving employment to at least 3,000 men. Why should not this industry receive sufficient protection to encourage its growth?

The figures of cost of material, as given above, compared with those of the United States Steel Corporation, show that the domestic plant is well located and the cost of raw material is not excessive. Figures taken from Tariff Hearings before the Ways and Means Committee, Schedule C, part 1, pages 1683 and 1684. Statement made by Judge E. H. Gary, representing the corporation.

	United States Steel Corporation.	Domestic makers of ferrosilicon.
Ore cost per ton delivered at furnace	$4.70	$3.41
Fuel cost per ton delivered at furnace	3.93	2.35
Limestone cost per ton delivered at furnace	1.06	.84

The above figures show that the domestic producer can assemble raw material at a lower cost than the United States Steel Corporation. The higher cost of making the alloy per ton over that of pig iron is due to the larger amount of fuel and limestone necessary to produce a higher grade of product and the larger amount of labor involved per ton and the higher manufacturing cost due to more frequent and expensive repairs necessary in the production of a high-grade article.

The increase of duty asked for blast-furnace ferrosilicon is not to be compared with the increases given other alloys named in the same paragraph, as is shown by the following comparison of tariff bills:

	Dingley bill, ad valorem.	Senate bill, ad valorem.	Increase.
	Per cent.	*Per cent.*	*Per cent.*
Ferrochrome	1.74	20	1,049
Tungsten	.40	20	4,900
Ferrosilicon containing more than 15 per cent of silicon	5.54	25	351
Ferrosilicon containing not more than 15 per cent of silicon	[a] $4.00	[a] $4.00	([b])

[a] Specific. [b] No increase.

There were once nine furnaces in this country making ferrosilicon, representing an investment of over $3,000,000. Only one remains, and that must shut down if the duty is not raised to $6 a ton. The use in this country amounts to at least 150,000 tons a year, which would mean the output of about ten furnaces, which is the number of furnaces which are in successful operation in Great Britain alone. Even with a duty of $6 a ton the Ohio producer could not successfully compete in the Philadelphia market, which consumes 25 per cent of the product used here. Only the Pittsburg territory, using 55 per cent of the product, would be open for the present home producer, with the additional protection which is here asked for. With the last American furnace closed, the foreign maker will raise the price. The home product is equal to the foreign, and only needs adequate protection to secure the maintenance of another profitable home industry, employing thousands of men. I know of no fair protests against this slight increase here asked for, and there is no good reason why it should not be granted.

Mr. TILLMAN. That is another evidence that the information furnished to us is not always reliable. But I am not responsible for that, either. [Laughter.]

Mr. CRAWFORD. Mr. President, in regard to ferrosilicon, I became somewhat interested in what information I could get from some Ohio manufacturers who were in my office. I confess that they impressed me with the difficulties under which they are laboring in their effort to maintain the industry. Really, this is one of the very few cases in which I have felt that there is justice in the demand for an increase in the duty.

I do not pretend to speak with very much knowledge upon the subject. Perhaps the Senator from Ohio [Mr. DICK] can give the Senate some information in regard to these figures:

In the volume entitled "Imports and Duties, 1894–1907," on page 491, under the heading "ferrosilicon," it is stated that in 1902 the imports were only 3,567.63 tons. The very next year they jumped up to 23,795.35 tons.

In 1904 and 1905 they fell to something like 6,000 tons. In 1906 and 1907 they began to increase.

The gentlemen to whom I have referred said, as I remember their statements, that ferrosilicon is a sort of tonic that is used in some processes of making steel, and that more is imported than is manufactured in this country. They added that unless the duty is raised the entire manufacture of ferrosilicon will go out of the country.

But the figures given by the Senator from Ohio [Mr. DICK] are somewhat surprising to me, because in this statement the total imports for 1906 are given as only 10,275.20 tons, and those in 1907 as 12,653.12 tons. As I remember it, these gentlemen said that they manufactured a still smaller quantity than that in this country.

Mr. ALDRICH. I am inclined to accept the amendment of the Senator from Ohio [Mr. DICK] and make this rate $6 a ton.

Mr. LA FOLLETTE. I hope the paragraph will not be disposed of to-night. I have some data relating to the matter that I should like to consult.

Mr. ALDRICH. If the Senator will allow it to be disposed of to-night, I will see that the Senator's rights are preserved in regard to making an amendment hereafter.

Mr. DU PONT. Mr. President, I should prefer to have it go over until to-morrow.

The PRESIDING OFFICER. The amendment as amended will be reported.

Mr. HEYBURN. Mr. President, I understood that some Senator had the floor. I have not so far had an opportunity of calling the attention of the Senate to the item of tungsten, which is included within this enumeration.

Mr. ALDRICH. As I understand, the Senator from Idaho desires an amendment upon tungsten ore, as the Senator from Colorado does, and not upon the metal.

Mr. HEYBURN. I want to cover the metal and the ore.

Mr. ALDRICH. The metal is covered by this provision.

Mr. HEYBURN. I want to cover both.

Mr. ALDRICH. The metal is covered in this paragraph.

Mr. CUMMINS. Mr. President, we can not hear a single word of the colloquy that is going on.

Mr. BAILEY. The shepherds and the weavers are getting together.

Mr. HEYBURN. If I may have the attention of the Senate for a moment, I think I may save some time.

The PRESIDING OFFICER. The Senator from Rhode Island [Mr. ALDRICH] has the floor.

Mr. HEYBURN. I thought I was recognized and had the floor. I beg pardon of the Chair.

Mr. ALDRICH. If I have any right to the floor, I yield it to the Senator from Idaho.

Mr. HEYBURN. I had the floor when the Senator rose.

The PRESIDING OFFICER. The Senator from Idaho [Mr. HEYBURN] has the floor.

Mr. HEYBURN. Mr. President, the item of tungsten is a comparatively new one and has not heretofore been provided for; but, as was said a few days since by the Senator from Pennsylvania, I believe, it has become an article of very great importance. Its use has made it possible for us to manufacture a class of steel that this country has never before been able to produce.

We mine tungsten ore in large quantities, and its production in our State is increasing enormously. It is proper, therefore, that along with other ores and metals tungsten should receive the protection to which it is entitled. The mere fact that it may, perhaps, have been an unfamiliar subject to the committee, or to the Senators, affords no reason why it should be rushed through.

It is a very reasonable assertion that tungsten mining, at the present rate of development, will in the immediate future become one of the most important of the mining industries of the country. We not only have the mines developed and are producing the ore in large quantities, but we are now making preparations to enlarge the production and build very extensive works.

Tungsten is worth more than iron or steel. It is a very valuable product. The annual production is worth a very large sum of money, and it is not reasonable that the market should be left open until Congress again revises the tariff on a rate that amounts to no protection at all.

When this question comes up again Senators will find that this item will be stated in millions of dollars instead of a few hundreds of thousands. I say that because it has revolutionized steel making in the United States. It will continue to revolutionize it until we will make just as fine spring steel as is made in the world, and we will produce the mineral that makes it possible to do it in our own country with our own labor. So I suggest——

Mr. ALDRICH. Will the Senator allow me to make a suggestion?

Mr. HEYBURN. Yes.

Mr. ALDRICH. The duty on tungsten is 25 per cent ad valorem.

Mr. HEYBURN. Yes.

Mr. ALDRICH. Will the Senator tell us what the metal is worth to-day?

Mr. HEYBURN. The metal, according to its quality, is worth about 20 cents a pound.

Mr. ALDRICH. That is $400 a ton.

Mr. HEYBURN. Yes.

Mr. ALDRICH. This rate would be $100 a ton.

Mr. HEYBURN. Yes.

Mr. ALDRICH. Does the Senator think that is too little?

Mr. HEYBURN. I do. I think it is too small in an industry which is just being developed in this country. It is not out of proportion for a metal of that kind.

Mr. BURTON. If I may have the attention of the Senator from Idaho and the Senator from Rhode Island——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Ohio?

Mr. HEYBURN. Certainly.

Mr. BURTON. I do not think we ought to act hastily upon this item, but for a different reason from that stated by the

Senator from Idaho. This article, tungsten, which is coming to be used as a very valuable ingredient in steel, is now dutiable at $4 a ton. According to the statistics for the year 1907 (Imports and Duties, p. 491), while but a small quantity was imported, it was valued at $993 a ton, and paid $4 per ton. At 25 per cent ad valorem when valued over $200 per ton, the duty would be about $200, or fifty times as great a duty as we now levy. If it is worth less than $200 a ton 20 per cent ad valorem, would mean, on a ton of maximum value at the latter rate, $40. It seems to me some very sufficient reason should be given why there should be such an enormous increase as is proposed in this rate of duty.

Mr. HEYBURN. I suggest it is in order that this industry may be developed. That can not be done without capital, nor by mere assertion. It is a mining proposition. These ores are found under circumstances similar to those under which silver ores and gold ores are found, and they are required to be mined from the ground and treated by most expensive processes. Not only has its former scarcity given it value, but the method of producing it and fitting it for application in the process of which it becomes a part are expensive. It is a very important question. I entirely agree with the Senator from Ohio that it ought not to be passed over lightly.

Mr. ALDRICH. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Rhode Island?

Mr. HEYBURN. Certainly.

Mr. ALDRICH. My information is entirely different from that of the Senator from Idaho. My information is that tungsten is worth $1,200 a ton, instead of $993, as stated by the Senator from Ohio, and then duty would be $300 a ton under the present price of tungsten. It seems to me to be a reasonable rate on a crude metal.

Mr. HEYBURN. I do not think there is any State in the Union which has quite as much interest in this question as has the State which I represent in part, and I think we ought to have more knowledge on the subject. I shall ask that the paragraph go over until that item——

Mr. ALDRICH. I rather think we ought to have more knowledge if the Senator thinks $400 a ton is not sufficient.

Mr. HEYBURN. It is not out of proportion to a dozen schedules here.

Mr. ALDRICH. But the Senator said $993 a ton, and my understanding is it is $1,200 a ton.

Mr. HEYBURN. It depends upon the quality. It depends upon the condition to which it has been reduced——

Mr. ALDRICH. It depends upon the metal——

Mr. HEYBURN (continuing). As with all other metals. Metals which have a certain amount of alloys in them are not worth so much as those chemically pure.

Mr. NELSON. I find by examining the Tariff Notes that it is worth from $1,000 to $1,500 a ton.

Mr. ALDRICH. I think that is correct.

Mr. NELSON. And if you take 25 per cent on that, it is a pretty good duty.

Mr. ALDRICH. That is the way it seemed to the committee, but we may be wrong.

Mr. HEYBURN. This item should not be run over rapidly. It is one of importance.

Mr. ALDRICH. We are not trying to run over it rapidly. It has been reported here for some time.

Mr. HEYBURN. I think we might very fairly and reasonably put a specific duty on it, because they will send it here in a condition where the valuation placed upon it will be favorable to the country exporting it and against the industry in this country. I would rather have seen a specific duty placed on it.

Mr. BAILEY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Yes.

Mr. BAILEY. Before we determine whether we shall pass over this item or not, I should like to ask the chairman of the committee if he will not move that when the Senate adjourns to-day it be to meet on Monday?

Mr. ALDRICH. I can not consent to that.

Several SENATORS. No.

Mr. BAILEY. We have been coming here at 10 o'clock in the morning and staying until after 5 o'clock in the afternoon. I do not know what is the case with other Senators, but for almost a month I have been unable to dispose of my mail.

Mr. ALDRICH. If the Senator will allow me to make a suggestion——

Mr. BAILEY. I think we ought to have at least one day that we may dispose of the accumulations which demand our attention. If one of a Senator's constituents writes him, he is entitled to an answer inside of two weeks.

Mr. ALDRICH. I am going to make a suggestion which I think will save any trouble about the matter. It is my purpose to take up the lumber schedule to-morrow morning, and I know myself of four or five formal speeches that will be made upon that subject, and I can assure the Senator and the Senate that if we take up the lumber schedule we will not take any votes upon it until Monday.

Mr. BAILEY. That is just simply an invitation for Senators to absent themselves from the Senate while other Senators are addressing the Senate.

Mr. ALDRICH. No; I did not intend that.

Mr. BAILEY. That is a very polite way, at least.

Mr. ALDRICH. No; I did not intend that.

Mr. BAILEY. The Senator from Rhode Island knows that I have no disposition at all to delay this measure. This is the first time in the history of tariff legislation that the minority has offered no kind of obstructive tactics. We have our opinion of the bill. Those of us who have not yet expressed it are ready to express it, and we are content to take the vote and let the country decide between us.

Besides, we know very well—at least, we think we know; we have gone far enough to see—that the committee have a fixed majority, and that however we may struggle, however we may offer amendments, there will be no substantial modifications of this bill except such as the committee agrees to.

Feeling that way about it, I think nothing is to be gained for the country or for the Democratic party or for any other cause by delay. But I do feel that Senators are entitled to a day now and then out of the Senate that they may devote themselves to those matters which call for attention. I think our constituents have a right——

Mr. ALDRICH. I will agree now that there shall be nothing done to-morrow except the consideration of the lumber schedule, and that there shall be no votes taken.

Mr. BAILEY. In other words, the Senator from Rhode Island means that there will be nothing done except speaking.

Mr. ALDRICH. Except a day of general debate upon the lumber schedule, which is sure to come—perhaps several days. We shall not save any time by——

Mr. BAILEY. If it is true that the lumber schedule is going to occupy several days, then I give notice that I am going to offer the income-tax amendment to-morrow. I am not going to let the lumber schedule or any other schedule that will require three or four days and probably result in amicable arrangements to go ahead of the income-tax amendment.

Mr. ALDRICH. The Senator, of course——

Mr. BAILEY. The Senator from Rhode Island, of course, will have the floor, and he will have the eye of the Chair, and he can call that up probably before I can offer the other.

Mr. ALDRICH. I hope so.

Mr. BAILEY. I think the Senator can be relied upon to get that advantage. But, then, in view of the fact that the Senator announces that he intends to exclude it in that way, I should like to get an agreement this afternoon that we vote on the income-tax amendment immediately after the lumber schedule is disposed of.

Mr. ALDRICH. I think the Senator from Texas was not in the Chamber when I said that to-morrow I would try to get a time fixed for a vote upon the bill. I did not make the other suggestion at that time, because the Senator from Texas was not present, and I knew his desire to have a vote taken. I should be very glad, so far as I am concerned, to arrange with the Senator from Texas and the Senate to have a time fixed for taking a vote upon the income-tax proposition and the bill generally.

Mr. BAILEY. The Senator knows I have no objection to that. I am especially anxious for a vote on the income-tax amendment, because I have a very well-founded suspicion that there has been a systematic effort to reduce our strength on the income-tax amendment, and I think the quicker we vote on it the more votes we will have.

Mr. BURKETT. Mr. President——

The PRESIDING OFFICER. Does the Senator from Rhode Island yield to the Senator from Nebraska?

Mr. ALDRICH. Certainly.

Mr. BURKETT. I understood the Senator from Rhode Island to say that he could assure Senators that there would not be any vote taken to-morrow; that the Senate would consider the lumber schedule. But some of us have amendments which we wish to offer to that schedule and to have them voted on. I do not understand how the Senator can prevent votes.

Mr. ALDRICH. What I said was that I knew there were formal speeches to be made, which would take the time of the Senate to-morrow; and I think it is much better to have it understood by the Senator that no votes are to be taken upon the lumber schedule to-morrow.

Mr. BURKETT. And that only formal speeches shall be made?

Mr. HEYBURN. Then there will not be a quorum.

Mr. ALDRICH. There will be a quorum of the Senate present. Senators need not be troubled about that.

Mr. BURKETT. There ought to be.

Mr. ALDRICH. There will be; there is no question about that.

Mr. BAILEY. You can bring them here, but you can not keep them here.

Mr. ALDRICH. I think so.

Mr. BAILEY. If the Senator will try that to-morrow, he will find he lacks the ability to do it, because he can not keep everybody here.

Mr. ALDRICH. I feel very certain that we can.

Mr. BAILEY. All right; we will see about that. I move that when the Senate adjourns to-day it adjourn to meet on Monday.

Mr. CUMMINS. Will the Senator from Texas withhold that motion for just a moment?

Mr. BAILEY. I will.

Mr. CUMMINS. I wish to ask about the reply which the Senator from Rhode Island made to the Senator from Texas with regard to fixing a time for voting upon the income-tax proposition. I am quite anxious that it shall be voted upon, but I do not want the time fixed without my hearing it, and I could not hear the reply.

Mr. ALDRICH. I simply stated that so far as I personally was concerned I would be very glad to have a time fixed for taking a vote upon the income-tax amendment and the bill generally.

Mr. CUMMINS. Does that mean that you are not willing to fix a time for a vote upon the income-tax proposition until the time is fixed for voting upon the bill?

Mr. ALDRICH. I am not willing at present. That is what I meant to say.

Mr. CUMMINS. I could not hear just what the Senator said, and therefore I made the inquiry.

Mr. ALDRICH. I was trying to compose any differences with the Senator from Texas about the lumber schedule, and therefore I made the suggestion which I did. I certainly hope that the party responsible for this legislation will not consent to have the Senate adjourn from to-day until Monday. I withdraw the suggestion which I made about to-morrow, because I am extremely anxious that the bill should pass.

Mr. CULLOM. It had better go over regularly.

Mr. ALDRICH. It had better go over regularly until to-morrow.

Mr. BAILEY. I will withdraw the motion if the Senator from Rhode Island will agree on a day when we may take a vote on the income-tax amendment.

Mr. ALDRICH. I can not make any agreement upon that subject.

Mr. BAILEY. How can the Senator expect us to agree to his request to fix a day for the final vote on the bill when he will not agree to fix a day for a vote on an amendment to the bill?

Mr. ALDRICH. I will agree to them jointly, as far as I am concerned, and make an agreement to vote on the bill at the same time.

Mr. BAILEY. I will agree to them disconnected myself. I do not think it is necessary that we agree to vote on the bill before we vote on the amendments, because the orderly procedure requires us to vote on the amendments before we vote on the bill.

I want to say, in addition to the statement I made a while ago—a very frank statement—I have not been unaware of what has been going on here to defeat the income-tax amendment. I was moved twice before to prefer this request, because I felt the ground slipping from under us. I want to be frank again, and say to the Senator from Rhode Island that there are a number of Senators who from time to time are called away for one reason or another—some by illness and some by engagements of a quasipublic kind. They want to be here, and I believe that if a day can be agreed upon in advance we will have the satisfaction of seeing, perhaps, the fullest vote cast on that particular amendment which has been cast in the Senate in quite a season.

I think, for the accommodation of Senators, to enable them to be here if it is possible, we ought, in common fairness, to fix a day far enough in advance to enable all to come who are now away.

Mr. ALDRICH. The orderly method of procedure would be to fix a time for taking the final vote upon the bill. Then I would certainly be willing, after that has been done, to fix a day for taking the vote on the income tax and upon the other important schedules and amendments to the bill. I think that would be the orderly course, and until that is done I can see no reason for fixing a time for voting upon any one of the numerous amendments to this measure.

Mr. ELKINS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Texas yield to the Senator from West Virginia?

Mr. BAILEY. I do.

Mr. ELKINS. It is now 15 minutes after 5. I hope the Senator in charge of the bill will let the paragraph which has been under discussion be passed over.

Mr. ALDRICH. I do not see how I can do anything else, with the great variety of views that have been expressed on the subject.

Mr. BAILEY. I ask for a vote on my motion, that when the Senate adjourns to-day it adjourns to meet on Monday.

Mr. DANIEL. Mr. President——

Mr. BAILEY. I withdraw the motion until the Senator from Virginia can be heard.

Mr. DANIEL. Mr. President, I wish to make a very few remarks. I should like to inquire beforehand if the Senator from Rhode Island has finished reporting the bill?

Mr. ALDRICH. We have finished reporting a bill, but that we shall report amendments to the bill from time to time, of course, the Senator from Virginia understands.

Mr. DANIEL. Have the committee reported all the subjects included in the complete bill?

Mr. ALDRICH. They have not.

Mr. DANIEL. I just wanted to know that. The most extensive conceivable accommodation has been extended to the chairman of this committee. We went into this debate without having seen the bill and without the Senator having reported it, except in part. Such parts as he has pleased to give us have been retailed to the Senate, and he is not yet done with the process of the evolution of the bill.

Mr. ALDRICH. Mr. President——

Mr. DANIEL. I have the floor, if you please.

Mr. ALDRICH. Would the Senator like to have an explanation?

Mr. DANIEL. No, sir; not now. Running explanations have been going on, and I want to make my observation and stop.

There is no man in the Senate who is more anxious than I am to conclude this debate and let what is going to happen happen. I have not delayed the Senate consciously one moment, and I have made only such remarks as I felt I was called on to make.

On the contrary, Mr. President, while every courtesy in the way of parliamentary accommodation outside of the committee has been extended, it is well known that whenever Democrats objected that they were not permitted to attend committee meetings, which is unparliamentary and against law, as I understand parliamentary law, we were told to wait and we could thrash everything through the Senate. Our presence in the Senate has been constantly burdened with inquiries about which we should have been as well informed as any of the rest of the committee.

I took the position at the beginning that it was not parliamentary for a committee to pass on anything without the privilege of the presence of every member. I do not understand that anyone gainsays it. Certainly no one here replied to or joined issue on that proposition. I do not deny that Senators of committees, majorities of committees, minorities, or any other body of Senators have the right, unincommoded, uninterfered with, to hold any kind of private consultation that they please.

If I were mistaken in any conception which I formed as to what was done in the private consultations of the members of this committee, it was through their own statement and on times and occasions when I was not present. It was stated by the next senior member of the committee, the Senator from Maine [Mr. HALE], that they had had hearings; that officials of the Government were there to participate in it, and so on. Since then two members of the committee on the Democratic side, who had never made known to me their views before, one of them the Senator from Texas, have informed the Senate that if the Democrats had been in power they would have done the same thing.

I can only answer for myself. I aver that I would not have done the same thing, and that I do not think the same thing, whether done by Democrats or Republicans at any time heretofore, was the right thing. So much for that. I let it drop. I have not incommoded the Senate by any restatement of my views, for I know that I am helpless either to summon the rights of parliamentary law or to change a result which has been thus established.

I will say one thing as to the Democrats who are said to have so acted some seventeen or more years ago—that all of them are passed away, and that I would be glad if some of them were

living to give their explanation of it. But I will not gainsay a word which has come to us from the Senator who has just spoken.

Mr. President, we are not going to get through one bit earlier than we will in the natural course of events by overpressure upon a wearied body. Senators have attended here habitually. I am in the same situation that, no doubt, every other member of the committee, if not of the Senate, is in. I have piles of mail concerning this subject, in which, in the due course of things, the correspondents would receive, as they are entitled, a reply; but it can not be done when we have our minds occupied with determining how we shall vote on different propositions and necessarily occupied in attendance upon the Senate.

But the Senator from Rhode Island can rely upon this body, for we know its sense as well as he does. There is not going to be any undue delay. It is as important to some Senators to lay their views before the Senate in a fitting way as it is to other Senators. Such a prodigious matter as this, which he hopes, and his side hopes, may be of long continuity and bring peace to the country, can not be disposed of by dragooning. That is one thing which the Senate always flinches from doing, and which they will not permit, in my judgment, to be done. I do not mean to intimate that that is the spirit of the Senator, but, having been aroused here by a few jests on yesterday of the Senator from South Carolina, he seems to have gotten into an instant passion of haste and to wreak it upon the Senate.

Mr. President, it would help the movement of this body to adjourn over until Monday. My colleague [Mr. MARTIN] has gone away. The lumber schedule is very important. He will be back here Monday. Of course, the Senate is not going to stop for one man at any time, but there was no contemplation of that matter coming up to-morrow. I think we had better go along with such matters as they arise in their due course and let it come later. That is all I have to say.

Mr. ALDRICH. Mr. President, as far as the colleague of the Senator from Virginia is concerned, he came to see me before he left the Chamber and I explained to him precisely what was going to happen; that the lumber schedule would be taken up to-morrow, and that there would be nothing but speeches; and he said that was perfectly satisfactory to him.

I think every Member of the Senate will agree that there has never been a time in the memory of anyone who has any knowledge of the subject, when a tariff bill was before the Senate, that more hours have not been occupied in its discussion and consideration than in the tariff bill which is now before the Senate. In 1890, when I had charge of the McKinley bill in this body, the Senate met every day at 10 o'clock and remained in session continuously until 6, and a large part of the time had evening sessions. In 1897 the same thing was done.

The Senate certainly have not remained in session to an undue length of time at any time since the pending bill has been before the Senate, and it is not my purpose, certainly, to crowd the Senate. I have shown no such disposition. But it is the paramount duty of this body to pass the bill, and to pass it as speedily as possible. So far as I have any responsibility about the matter I intend to ask the Senate to stay here not unreasonably, but certainly every day, until the bill is disposed of.

Mr. BAILEY. Mr. President, perhaps the architects of this Capitol are partly responsible for the inconvenience of long sessions. It is built on the principle of a jail. It is a house within a house. I have never been able to spend seven consecutive hours here without leaving it with a headache, and I know that is the experience of some other Senators, at least.

I believe that the interests of the country shall be above the personal comfort or the personal convenience of Senators, but it seems to me when a Senator is giving from fifteen to eighteen hours every day to the service of his country, it is not unreasonable for him to consult his comfort by taking one day in a month, even if he asks it for personal reasons.

But in this case, speaking for myself—I assume it fairly states the case of other Senators—I expect to employ that one day, if I can have it free from the sessions or demands of the sessions of the Senate, in correspondence with those people who have a right to expect a reasonably prompt reply to the letters which they write. I am sure the Senator from Rhode Island has so many letters that he has quit reading them. He lays them aside. They may permit that in Rhode Island, but they do not permit it in Texas and they do not permit it in many other States.

I think that if we can give one day in two weeks to our correspondence it is as little consideration as we can show those people. I myself would rather come here at night and have an occasional day. I can employ myself about my correspondence and many of these letters concern these very questions, as the Senator from Virginia has said. And your constituent does not feel any too well pleased with the fact that he writes you a letter about a schedule and gets an answer to it after the tariff bill has passed. If he can make and does make a sensible suggestion he is entitled to recognition at the hands of a Senator. I do not know how others feel, but I was taught that common politeness requires us to make an answer to a civil letter received from anybody under any circumstances. The correspondence of a Senator is the work of a man. It has become a burden. It is a burden that occupies altogether more of our time than is well for the knowledge we ought to acquire and for the knowledge which the discharge of our duties does require.

Still I see no way out of it in this day of general enlightenment. Men have learned to write, and men exercise their talent in this way. If I could find a constituency that could not write I think I would move out there. Probably I would find after I got there that they voted the Republican ticket, and I would not be able to come to the Senate from a State like that. But at the same time this correspondence has grown until every Senator here knows that I but speak his experience when I say that it takes almost half our time to answer our letters. If it does take half our time ordinarily and we stay here continually without the intermission of a day, it simply means that some of us will have too much work in explanations and letters after the tariff bill is disposed of, and when my distinguished friend from Rhode Island is on the high sea bound for a vacation in the Old World. I think he ought to consent that some of us who are not going to take a vacation may take a day off now.

Mr. ALDRICH. I move that the Senate adjourn.

Mr. BAILEY. My motion is pending and has precedence. I withdrew the motion merely——

Mr. ALDRICH. But the motion to adjourn takes precedence.

Mr. BAILEY. It does not. A motion to adjourn to a day takes precedence. I submit that matter to the Chair.

Mr. ALDRICH. A motion to adjourn is always in order.

Mr. BAILEY. But a motion to adjourn to a day takes precedence. It is proper for the house to fix a time to which it will adjourn before it is to adjourn.

Mr. ALDRICH. On some subjects I will be glad to submit to the superior judgment of the Senator from Texas; but it is undoubtedly the fact that a motion to adjourn is always in order.

The PRESIDING OFFICER. Rule XXII provides that—

> When a question is pending, no motion shall be received but—
> To adjourn.
> To adjourn to a day certain, or that when the Senate adjourn it shall be to a day certain.
> To take a recess.
> To proceed to the consideration of executive business.
> To lay on the table.
> To postpone indefinitely.
> To postpone to a day certain.
> To commit.
> To amend.
> Which several motions shall have precedence as they stand arranged; and the motions relating to adjournment, to take a recess, to proceed to the consideration of executive business, to lay on the table, shall be decided without debate.

Mr. ALDRICH. I move that the Senate adjourn.

The motion was agreed to, and (at 5 o'clock and 30 minutes p. m.) the Senate adjourned until to-morrow, Saturday, May 22, 1909, at 10 o'clock a. m.

SENATE.

SATURDAY, *May 22, 1909.*

The Senate met at 10 o'clock a. m.

Prayer by Rev. Ulysses G. B. Pierce, of the city of Washington.

The VICE-PRESIDENT being absent, the President pro tempore took the chair.

The Journal of yesterday's proceedings was read and approved.

FOREIGN PRODUCTS IN DOMESTIC MARKETS.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of State, transmitting, in further response to resolutions of March 6, 1909, and April 5, 1909, additional reports of the consular officers of the United States relating to the practice of selling foreign manufactured goods in this country at a lower price than the domestic price (S. Doc. No. 16, part 2), which, with the accompanying papers, was ordered to lie on the table and be printed.

RIVER AND HARBOR BALANCES.

Mr. BURTON. I am directed by the Committee on Commerce, to whom was referred the joint resolution (S. J. R. 33) relating to the provisions of section 10 of the sundry civil act of March 4, 1909, to report it favorably without amendment, and I submit a report (S. Rep. No. 4) thereon. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDENT pro tempore. The joint resolution will be read.

The Secretary read the joint resolution, as follows:

Senate joint resolution 33.

Resolved, etc., That the provisions of section 10 of the act entitled "An act making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1910, and for other purposes," approved March 4, 1909, shall not be construed as applying to the unexpended balance of any river and harbor appropriation the use of which may be essential, in the judgment of the Secretary of War, for the further maintenance or prosecution of the work to which it pertains as heretofore authorized by Congress.

Mr. HALE. Mr. President, I do not like to interfere with the Senator, but I think he must be aware of the fact that the resolution or bill, whichever it may be, is entirely opposed to the order of business which was established by the Senate, that no legislation should be taken up excepting the census and the tariff bills until after the tariff bill had been disposed of. I will say to the Senator that I have no doubt, because the case has been presented to me from the department, that it is a case of need, but I suppose there have been a dozen different committees who have desired to have exceptions made in their cases and to have legislation passed for needed relief, and the only way is to deal with all alike.

I hope the Senator will do what others have done. Whenever we get out of the jam and can take up the action of all the different committees I shall help the Senator and the other Senators in getting measures through, but I can not consent that the joint resolution shall go through and the others remain unacted upon.

Mr. BURTON. Mr. President, I trust the Senator from Maine will withdraw his objection, at least until the measure is briefly explained. It stands in a class by itself, because until the section was adopted in the sundry civil act of March 4 last, under express conditions of law, the river and harbor balances were not covered back into the Treasury, but were retained for future expenditure or application. There are obvious reasons for that. An emergency may arise from a storm which may cause congestion in a channel or injury to some public work, which may require immediate reparation and the expenditure of money. River and harbor works differ from other public works in that they are of a continuing nature. An improvement may be authorized, but its prosecution and the expenditure of the appropriation are frequently postponed because of litigation. There are two or three pending illustrations of that.

The policy of retaining these funds to the credit of the various improvements was the settled policy of legislation until this section was inserted last winter. The act of June 20, 1874, provided a general rule that unexpended balances of appropriation should be carried to the surplus fund after two fiscal years—

Provided, That this provision shall not apply to permanent specific appropriations, appropriations for rivers and harbors—

And so forth.

Congress thus made an express exception in 1874 as to appropriations relating to river and harbor improvements.

Mr. BAILEY. Mr. President, I suggest the absence of a quorum.

Mr. HALE. Will the Senator withhold that until this matter passes over on my objection?

Mr. BAILEY. Certainly; I do not wish to interfere with it.

Mr. CLAPP. Will the Senator from Ohio pardon an interruption?

The PRESIDENT pro tempore. Does the Senator from Ohio yield to the Senator from Minnesota?

Mr. BURTON. Certainly.

Mr. CLAPP. The Senator from Ohio must know without my suggesting it that there is nothing personal, of course, in what I am going to say, but if the Senator from Maine should withdraw his objection, I should feel constrained to press the objection. I do not think that at this time the entering wedge ought to be permitted as against the rule we have established. There is not a day that we do not have to say to our constituents, "There is no use talking, we can not expect to get the measure through at this time." The only way we can be consistent is to make a rule for all. I shall feel constrained to interpose an objection if the Senator from Maine does not.

Mr. HALE. Let me also say that as soon as the tariff bill is completed here——

Mr. BAILEY. Mr. President, I insist on the point of no quorum.

Mr. HALE. Will the Senator allow me to complete the sentence?

Mr. BAILEY. I can not refuse the Senator that.

Mr. HALE. As soon as the tariff bill is completed here and goes to the House, it is the intention to take off the embargo and then this and other measures can be considered.

Mr. BURTON. Is the point of no quorum insisted on, or will the Senator from Texas kindly permit me to finish my remarks? It will take but a moment.

Mr. BAILEY. Of course I do not want to interfere. I simply want to keep my assurance to the Senator from Rhode Island that I would help him to keep a quorum here to-day, and that he will not do any business unless he does keep a quorum. But I will suspend that until the Senator from Ohio finishes.

Mr. BURTON. The exceptional claims of this joint resolution are based upon the fact that it is a restoration of the law to what it formerly was and had been for nearly thirty-five years. I have no doubt this provision was inserted without a sufficient consideration of the claims of this class of improvements. I want to say to the Senators from Maine and Minnesota that important public works will suffer if this measure be allowed to be postponed until the passage of the tariff bill. Contracts naturally and necessarily have to be made at this season of the year. In fact, quite a number of them already have been delayed by reason of the provisions of the last sundry civil act.

I want to say another thing. The river and harbor act of the last session was passed in reliance upon the utilization of these balances, and it would be almost an act of bad faith to the respective localities scattered through the Union in many States to deny to them the use of the balances remitted which the joint resolution would restore.

It seems to me it is altogether an exceptional case, not like an ordinary measure, and that the Senator from Minnesota, always facile in explaining matters to his constituents, will without the least difficulty be able to explain his permission to allow the joint resolution to pass.

Mr. CLAPP. If the Senator will pardon me, the trouble is that there will be other matters that will be urged with the same force, and if we begin now there will be no end to it. As I understand the situation, if this is done before the 1st day of July, it answers every purpose. We have at least six weeks in which to do it. It is like everything else, and if you once open the door it is hard after that to draw the line. I do not want to be an objector, but——

Mr. BURTON. I will state in this connection that the Senator's impression is hardly correct, because in important cases contracts have to be made, and those contracts can not be made unless the department is assured of the amount available. For instance, there is one case at Petersburg, Va., where there is a most pressing emergency, and it is desirable that the contract should now be made and the work prosecuted as rapidly as possible. Then, again, in other places the emergency has arisen or might arise at any time.

I think it is altogether easy to show to the Senate that no other claims for appropriation or for the application of money can be presented here with anything like the same merit or in which there is the same universality of interest. This is not an appropriation. It is restoring the status of those funds to the condition in which they have been under existing law from 1874 to 1909, a period of about thirty-five years.

It is impossible for Senators and Members of the House to keep track of every bill. I should most assuredly have objected to this provision in the sundry civil act if it had been called to my attention at the time it was passed, and I have no doubt numerous Senators would have made the same objection had they been aware that it was included.

The PRESIDENT pro tempore. Objection being made——

Mr. BURTON. Do I understand that there is objection?

Mr. CLAPP. Yes; I object.

Mr. HALE. The Senator from Minnesota tells me if I do not object he will.

The PRESIDENT pro tempore. The joint resolution will take its place on the calendar.

PETITIONS AND MEMORIALS.

The PRESIDENT pro tempore presented the petition of Frank Simper, a resident of the State of Iowa, praying Congress to authorize him to bring action in the courts of the District of Columbia for the loss of certain property in that State, which was referred to the Committee on the Judiciary.

Mr. GUGGENHEIM. I present a telegram which I received yesterday and which I should like to have the Secretary read and to have inserted in the RECORD. It is signed by a number of prominent people of Denver and by the governor of the State, as well as the mayor of Denver.

The PRESIDENT pro tempore. If there be no objection, the Secretary will read the telegram.

Mr. BAILEY. Mr. President, I renew the point that there is no quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Crane	Hale	Perkins
Bacon	Crawford	Heyburn	Piles
Bailey	Culberson	Hughes	Root
Beveridge	Cullom	Johnson, N. Dak.	Scott
Borah	Cummins	Jones	Shively
Bristow	Depew	Kean	Simmons
Brown	Dick	Lodge	Smith, Mich.
Burkett	Dillingham	McCumber	Smoot
Burnham	Fletcher	McLaurin	Stone
Burrows	Flint	Nelson	Sutherland
Burton	Frye	Overman	Tillman
Chamberlain	Gallinger	Owen	Warner
Clapp	Gamble	Page	Warren
Clay	Guggenheim	Paynter	

Mr. PAYNTER. I desire to announce that my colleague [Mr. BRADLEY] is absent from the Chamber by reason of illness. He has been absent for the last two or three days owing to the same cause.

The PRESIDENT pro tempore. Fifty-five Senators have responded to their names. A quorum of the Senate is present. If there be no objection, the Secretary will read the petition in the nature of a telegram sent to the desk by the Senator from Colorado [Mr. GUGGENHEIM].

There being no objection, the petition was read and ordered to lie on the table, as follows:

DENVER, COLO., *May 20, 1909.*

Hon. SIMON GUGGENHEIM,
Senate Chamber, Washington, D. C.

Strong sentiment in Colorado that best interests of business demand prompt disposition of tariff legislation. Trust you will do all possible for speedy determination.

JOHN F. SHAFROTH,
Governor.
R. W. SPEER, *Mayor.*
H. M. TELLER,
D. H. MOFFATT,
J. A. THATCHER,
C. B. KOUNTZE,
DENNIS SHEEDY,
Chamber of Commerce.
By F. L. BARTLETT,
President.

Mr. GUGGENHEIM presented petitions of sundry citizens of Denver, Berthoud, Hillrose, Lafayette, Lyons, Fort Lupton, Goodrich, Ault, Lucerne, Orchard, Fort Morgan, Greeley, Sterling and Wellington, all in the State of Colorado, praying for a retention of the duty on raw and refined sugars, which were ordered to lie on the table.

Mr. FLETCHER. I present a resolution of the house of representatives of Florida, which I ask may be read and referred to the Committee on Commerce.

There being no objection, the resolution was read and referred to the Committee on Commerce as follows:

Whereas the beautiful and historic Suwanee River, if properly improved, would be an important means of transportation through the most fertile sections of the State of Florida: Therefore be it

Resolved by the house of representatives, That our Senators and Representatives in Congress be requested to use all laudable means to procure an appropriation for the dredging and removing of the shoals and otherwise improving said river.

Resolved further, That the chief clerk be instructed to transmit copies of this resolution to each of our Senators and Representatives in Congress.

Adopted March 5, 1909.

J. G. KELLUM,
Chief Clerk of House.

Mr. SHIVELY presented petitions of the Connersville Buggy Company, of Connersville; of C. A. Niblick and sundry other citizens of Decatur; of O. A. Baker and sundry other citizens of Huntington; of Oskar Duenweg and sundry other citizens of Terre Haute; of F. M. Allen and sundry other citizens of Berne; of J. A. Mackey and sundry other citizens of Logansport; of C. D. Knight and sundry other citizens of Coatesville; of O. F. Brown and sundry other citizens of Westfield; of Mossman, Yarnell & Co., of Fort Wayne; and of the Seymour Saddlery Company, of Seymour, all in the State of Indiana, praying for the removal of the duty on rawhides, which were ordered to lie on the table.

Mr. BURTON. I present a joint resolution of the legislature of Ohio, which I ask may be read.

There being no objection, the joint resolution was read and ordered to lie on the table, as follows:

House joint resolution 12.

Joint resolution relative to requesting Congress to remove the duty on lumber, timber, and their raw products.

Whereas the researches of the National Conservation Commission, under the direction of the President, indicate the exhaustion of the domestic forests within twenty to thirty years, which will be a national calamity; and

Whereas in this State and in all others lumber and its products are one of the necessaries of life and in general use by all our people; and

Whereas the only present practical means of extending the duration of our domestic forests is to reduce the drain on them; and

Whereas the price of lumber and all forms of wood continuously advance, thereby imposing a great hardship on our people; and

Whereas the Government should not be a party by its fiscal legislation to the imposition of these exorbitant prices: Therefore be it

Resolved by the general assembly of the State of Ohio, That our United States Senators and Representatives in Congress are hereby respectfully requested to use all honorable means within their power to have all duties on lumber, timber, and their raw products forthwith removed, and to have the same placed as soon as possible on the free list.

Resolved further, That copies of this resolution, duly signed by the respective officers of both houses, be sent to each of our said Representatives in Congress, and to the Hon. SERENO E. PAYNE, chairman of the Ways and Means Committee of the National House of Representatives.

GRANVILLE W. MOONEY,
Speaker of the House of Representatives.
FRANCIS W. TREADWAY,
President of the Senate.

Adopted March 5, 1909.

OHIO, UNITED STATES OF AMERICA,
OFFICE OF THE SECRETARY OF STATE.

I, Carmi A. Thompson, secretary of state of the State of Ohio, do hereby certify that the foregoing is an exemplified copy, carefully compared by me with the original rolls now on file in this office, and in my official custody as secretary of state, as required by the laws of the State of Ohio, a joint resolution adopted by the general assembly of the State of Ohio on the 5th day of March, A. D. 1909.

In testimony whereof I have hereunto subscribed my name and affixed my official seal at Columbus, this 19th day of May, A. D. 1909.

[SEAL.] CARMI A. THOMPSON,
Secretary of State.

Mr. ROOT. I present a memorial of the International Longshoremen's Association and the Amalgamated Woodworkers' International Union, of Ogdensburg, N. Y., which I ask may be read.

There being no objection, the memorial was read and ordered to lie on the table, as follows:

To the United States Senate, Washington, D. C.:

Whereas the tariff bill is now before the Senate for consideration, and it being rumored that it is proposed to put dressed and manufactured lumber on the free list; and

Whereas such a course would, in our judgment, lead to the closing of the planing mills, box shops, and lumber yards in Ogdensburg, and necessitate their removal to Canada, thereby depriving the members of the labor unions named in the following resolution of their only means of employment and livelihood here:

Resolved, therefore, That we, the members of Locals No. 217, No. 238, and No. 429, of the International Longshoremen's Association, and Local No. 239, of the Amalgamated Woodworkers' International Union of America, at Ogdensburg, N. Y., numbering about 800 men, and employed for the most part in the plant of the Skillings, Whitneys & Barnes Lumber Company, at Ogdensburg, N. Y., in mass meeting assembled on the 15th day of May, 1909, do hereby most earnestly and solemnly protest against putting dressed and manufactured lumber on the free list.

WILLIAM M. KELLY,
President Local I. L. A. No. 217.
HARLOW A. OLMSTED,
Vice-President Local I. L. A. No. 217.
JOHN J. KELLY,
President I. L. A. Local No. 238.
EDMOND RAMIE,
Secretary I. L. A. Local No. 238.
LOREN D. WILSON,
President I. L. A. Local No. 429.
ADOLPHUS A. DOWNEY,
President A. W. I. U. of A. Local No. 239.
WM. J. BLAKELY,
Recording Secretary A. W. I. U. of A. Local No. 239.

Mr. SUTHERLAND presented petitions of sundry citizens of Syracuse, Wilson, Kanesville, Marriott, Plain City, North Ogden, West Weber, Willard, Brigham, and Perry, all in the State of Utah, praying for the retention of the present duty on all grades of sugar, which were ordered to lie on the table.

Mr. DEPEW presented a petition of Local Union No. 9, Wall Paper Machine Printers and Color Mixers' Association, of Sandy Hill, N. Y., praying for an increase of the duty on wall paper, which was ordered to lie on the table.

He also presented a petition of Subdivision No. 419, International Brotherhood of Locomotive Engineers, of Brooklyn, N. Y., praying for the passage of the so-called "Burkett boiler-inspection" bill and the "Borah-Dawson full-crew" bill, which was referred to the Committee on Interstate Commerce.

Mr. PILES presented a petition of sundry citizens of Tacoma, Wash., praying for a reduction of the duty on print paper and wood pulp, which was ordered to lie on the table.

AMENDMENT TO THE TARIFF BILL.

Mr. GUGGENHEIM submitted an amendment intended to be proposed by him to the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes, which was ordered to lie on the table and be printed.

THE TARIFF.

The PRESIDENT pro tempore. The morning business is closed and the calendar is in order.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 1438) to provide revenue, equalize duties, and encourage the industries of the United States, and for other purposes.

Mr. McLAURIN. Mr. President, the administration of the business affairs of the Government ought to be conducted upon the same principle upon which is conducted any other well-

managed business or establishment. All extravagance and useless expenditure of money should be eschewed.

In theory, at least, all the people of this country have formed a partnership to equally protect the life, liberty, and property of every member of the organization. Everyone has surrendered so much of his natural liberty and natural right as is necessary to the accomplishment of this purpose. To do this, it is necessary to have laws, and officers to expound, administer, and execute such laws. It is proper to make all necessary military and naval preparations to defend the honor and integrity of the body politic and of the country against foreign aggression.

One of the rights surrendered by every member of the society is a right of the Government to tax him proportionately to the benefit received by him to raise revenue to defray the economical expenses of the Government. To tax any man more than this is an act of tyranny that can not find any justification in morals or principle.

To the lawmaking department is committed the power and the duty of determining what laws will protect life, liberty, and property, and what expenses should be therefor incurred, and what proportion of taxes shall be levied upon the different members of society to raise the revenue sufficient to meet these expenses. For the lawmaking department to be unfaithful, unjust, or inequitable in the discharge of this duty is just as reprehensible as it is for the officers of a private corporation to be untrue to the duty and powers and functions committed to them.

The Constitution, Article I, section 8, authorizes Congress—

To lay and collect taxes, duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States.

This is the whole authority of Congress to lay or collect taxes, and the only purpose for which taxes can constitutionally be laid or collected.

Every Member of Congress, when he enters upon the discharge of his duties, obligates himself to support this Constitution, which is an obligation that he will not, so far as his voice and vote goes, lay or collect any taxes for any purpose except to pay the debts and provide for the common defense and general welfare of the United States.

The fact that there is no power or authority in the administration of the Government to which an appeal can be taken, and that can review the motives and purposes of a legislator in the laying and collecting of taxes, is not a reason for the loose construction of the Constitution and the usurpation of power and authority not therein conferred; but it ought to be a strong incentive to a strict construction of the Constitution, and to the abnegation of any power or authority that is not constitutionally conferred, but which may be with impunity exercised.

There is a principle of law universally accepted, or to be more accurate, legal maxim, "That the naming of one is the exclusion of all others." So that when the Constitution says that Congress may lay and collect taxes, it virtually says that nobody else is authorized to lay and collect taxes.

There is another principle of law that is universally accepted that—

No power delegated by the Constitution to one branch of the Government can be legally delegated by that branch to anybody else.

It follows, therefore, than when the Constitution delegates to Congress the power to lay and collect taxes, Congress has no authority to delegate that power to manufacturers, or to anybody else.

Congress is to lay and collect taxes, and out of the taxes thus collected Congress is to pay the debts, and Congress is to provide for the common defense, and Congress is to provide for the general welfare of the United States. No money can be lawfully applied to the payment of the debts, or applied to the provision of the common defense, or applied to the provision of the general welfare of the United States, except it be appropriated by Congress. The money thus collected for the purposes enumerated forms the Treasury of the United States; and in section 9, Article I, of the Constitution it is said that no money shall be drawn from the Treasury, but in consequence of appropriations made by law.

I have called attention to the consideration of these provisions of the Constitution that it may be seen how utterly preposterous is the loose construction of the Constitution which claims authority of Congress to delegate to the manufacturers the power to collect taxes from the consumer under that grant by the Constitution to Congress of the power to collect taxes to provide for the general welfare of the United States.

In the early years of the Government a school of politicians resorted to this loose construction of the Constitution that they might, as they claimed, nourish infant industries until they were able to stand alone; and expressed the intention of then returning to a sane, sound, and logical construction of the Constitution.

Out of that false construction and misguided patriotism has grown up the iniquitous system known as the "protective policy," but which in fact is a policy of extortion. This is an exemplification of the danger attending the first step out of the "straight and narrow way," which, if long pursued, must inevitably lead to destruction. Under this policy of extortion, denominated by its advocates "protection" for the sake of euphony, the consumer is required to pay to the manufacturer the price of his product with a reasonable profit, and in addition thereto the equivalent of the tariff laid on the article consumed.

This additional amount of the tariff thus laid on the article consumed is taxes unconstitutionally collected by the manufacturer from the consumer. That the manufacturer is thus permitted to add the equivalent of the tariff to the price of his wares is the avowed purpose of the extorsive tariff. That he is supposed to do so, I quote from the junior Senator from Iowa when he was speaking of the conduct of a vice-president of a certain railway company. He said: "I suppose he, or his company, takes from you whatever he can, and that seems to be the habit in these days." If, then, the manufacturer has the power to take, and it is the habit to take, whatever he can, he adds the equivalent of the tariff to the price of his goods.

The junior Senator from New York on the 11th day of this month said:

In 1895 and 1896, when we had a duty of 30 per cent on these articles included in paragraph 192, the revenue was not substantially different from the revenue which is now derived from the present duty of 55 per cent.

He had to explain this failure of the 30 per cent tariff to produce more revenue than the 55 per cent tariff by saying that—

Our people had not the money with which to buy china ware from abroad or anywhere else, and, therefore, no greater revenue was produced by the revenue duty of 30 per cent than is produced by the protective duty of 55 per cent.

The scarcity of money was caused by the panic of 1893, which panic was under a Republican tariff law enacted in 1890, and which threw its shadow over the four succeeding years.

I may be pardoned for digressing long enough to read this further from the speech of the junior Senator from Iowa, which will be found on page 1879 of the RECORD:

But if he takes from you, or if his company takes from you $25 per ton, based on the actual transportation from Salt Lake City to New York City, then, I believe, the people of Utah ought quickly to awaken to some sense of the slavery under which they are held and try to emancipate themselves.

I commend this thought to the consumers of the United States, and apply it by saying that they ought quickly to awaken to some sense of the slavery under which the extorsive tariff holds them and try to emancipate themselves.

The beneficiaries of the extorsive tariff are the ones who advocate and proclaim its beneficence. They patriotically claim the American markets for themselves, because, they say, they are American producers. When they are thus advocating a policy that makes them rich at the expense of those upon whom they have no claims for pecuniary contributions, their bursts of fervid eloquence and rhythmic rhetoric and flights of fancy are direfully pathetic. They convince themselves that they are really influenced by a spirit of patriotism to advocate laws that will enable them to rob their fellow-citizens.

This is not strange, for it has been said, "We believe that without which our nature would be dissatisfied, and this belief takes its rise in the feelings—the blind expressions of intellectual want—which form the first stage toward completed insight." But it is strange that they can so illusionize themselves as to believe that they are influenced by the disinterested and unselfish desire to exclusively benefit the laboring man. I commend to them one of the proverbs of the ancient Greeks—"Know thyself."

I crave your indulgence while I devote a minute or two to this interesting subject. I find, if my information and inquiry are correct, that the dutiable importations for 1907 were, in round numbers, $780,000,000; that the customs receipts were $329,000,000, which would show that the tariff paid on dutiable goods imported averaged a little more than 42 per cent for that year. Our domestic production was a little more than $14,000,000,000; our exports nearly $2,000,000,000; so that the domestic productions consumed amounted to a little more than $12,000,000,000. If we include in that the 42 per cent of the tariff, the manufacturers have been the beneficiaries of the tariff to the extent of $3,550,000,000, in round numbers.

The wages paid to laborers in 1904 amounted to $2,331,938,518. A liberal estimate for 1907 would be two and a half billions of dollars paid to laborers. So that the manufacturers were the

beneficiaries of the tariff more than $1,000,000,000 in excess of what they paid to laborers for labor.

If I were addressing a convention of protected manufacturers, I would say to them: You have collected, through the tariff, under the guise of benefiting labor, $3,550,000,000 and you have only delivered to laborers $2,500,000,000; you are, therefore, in debt to them for all the work they have done, and you are further indebted to them in the sum of $1,050,000,000, which you have collected in their name and fraudulently withheld from them.

I do not claim that the figures that I have given are perfectly exact, but they are accurate enough, for all practical purposes, to show that the manufacturers neither need this protection to enable them to compete with foreign producers, nor do they pay to laborers whom they employ the amount of money they collect in their name; indeed, they do not pay them out of their own pockets anything, but require the consumers to pay them their wages, and then withhold one-third of that which the consumers pay for wages of the laborers.

Returning to the discussion before this digression, I can not consent to that doctrine that as a Democrat I should vote for a tariff bill to raise revenue sufficient for the extravagant administration of the Government. I can understand how Republicans, who have extravagant and profligate ideas of the administration of the Government, after having voted for extravagance and profligacy, will vote for the collection of exorbitant revenues to meet such profligate expenditures; but I do not feel called upon to vote for a tariff bill to raise revenue more than sufficient, in my judgment, to meet the expenses of an economical and business administration of the Government. As a Democrat, I feel that it is my duty to endeavor to limit the expenses of the Government to its reasonable requirements, and to vote for the raising of a revenue sufficient to meet these expenses.

I think the Philippine Islands are a burden that we should throw from our shoulders. In so doing we could, and ought to, reduce the army and navy expenditures a hundred millions of dollars.

We can, and ought to, reduce the expenditures on account of pensions. The pension laws ought to be equal and uniform. There should be no private pension bills. If one man, an ex-soldier, with a certain disability, is pensioned, another man, an ex-soldier, with the same disability, ought to be pensioned an equal amount. The private soldier who performed the drudgery of camp life and incurred most of the dangers in battle and on the sentinel's post should have a pension equal to the officer who enjoyed the distinction and privileges and authority of the army and had the best of the camp and was exempt from many of the dangers to which the private soldier was exposed.

It is no answer to say that the officer was of a higher rank and received a higher salary during the time he and the private soldier were in the actual active service of the country. They have both been relegated to private life and are private citizens, who are, or ought to be, on a perfect equality before the law. The pension laws are not for the payment to either of these men for the service he has rendered; but having done military service to his country, these laws are intended to recognize such service; and if by misfortune he should fall upon evil days, the Government for which he fought will in this way shelter him. This is the only principle upon which pension laws can be enacted.

There are other places that will occur to those in authority, if they are looking for them, where the expenses of the Government are greater than they should be and can be reduced and ought to be reduced.

When these expenses are reduced to the reasonable necessities of governmental expenditure the taxes raised to defray them ought to be levied and collected by some system that will apportion them among the taxpayers in proportion to the benefits of government received.

I do not inveigh against the rich man. I like to see men become rich, but I want them to become rich out of the proceeds of their own industry and not out of the proceeds and earnings of others. The rich do not pay customs taxes in proportion to their wealth as much as do those of moderate means. Let me illustrate this: The man worth $3,000 must use strict economy if he purchases less than $300 a year of dutiable goods. One hundred dollars of this is a tax paid to the Government if he buys imported goods and paid to the manufacturer if he buys domestic goods. This tax amounts to one-thirtieth of what he is worth.

The man worth $3,000,000 would have to consume $300,000 of dutiable goods, and thereupon pay a tax of $100,000 before he would pay a proportionate part of the expenses of the Government. The man with $30,000,000 would have to consume $3,000,000 of dutiable goods and pay $1,000,000 of taxes to the Government before he would pay in proportion to the man worth $3,000. You know the rich do not pay their proportion of the expenses of the Government. The man worth $3,000,000 has a thousand times as much protection from the laws of the country as the man with $3,000; and the man with $30,000,000 has ten thousand times as much protection from the laws of the country. All these men, or a good many of them, are unwilling to pay in proportion to the benefits derived from government.

I do not say that a man ought to pay more than his proportionate share of the taxes to support the Government merely because he is rich, but I do say that he ought not to be exempt from payment of his proportionate share of the Government's expenses merely because he is rich. You may say that men can not be compelled to buy dutiable goods and thus contribute to the revenue of the Government. That is true. Neither can men of small means live without buying more dutiable goods than multimillionaires are required to buy in proportion.

The law in laying and collecting taxes should be mindful of both these facts and should lay and collect taxes with reference to both of them. To make this levy of taxes somewhat more equal, it is proposed to collect a revenue of 2 or 3 per cent upon the incomes of all persons in excess of $5,000 a year. There is opposition to this because it is said that it impinges that part of section 9, Article I, of the Constitution, which says that no capitation or other direct tax shall be laid, unless in proportion to the census or enumeration directed to be taken.

A great deal of learning and investigation by the courts have been devoted to this clause of the Constitution, which seems to me to require for its interpretation nothing but a plain, practical reading. After all the investigation and learning devoted to it by the courts the Supreme Court of the United States for a hundred years held that a law imposing an income tax does not violate this clause of the Constitution. With the long train of decisions that accumulated within the century staring them in the face, the Supreme Court in the Pollock case by a majority of one declared that an income tax is violative of this clause of the Constitution.

At once upon reading this clause it is discovered that the framers of the Constitution mentioned capitation tax as a direct tax. This is shown by the use of the word "other." Then, when capitation is specified as a direct tax, and all other direct taxes are excluded, by a familiar rule of construction other direct taxes must be of the same kind.

A capitation tax is defined to be a tax upon each head of persons without reference to property. Then, any other direct tax must be a tax without reference to property; a tax upon the individual and not upon his property. Manifestly, when the framers of the Constitution used the word "capitation," it occurred to them that there might be some way of evading its force by some other word that would tax the individuals instead of the property of the country, and to prohibit that it was stated "or other direct tax." And for this reason nobody did or could answer the query propounded to the convention, "What is a direct tax?"

A capitation tax, which is a tax without reference to property, is the only direct tax that can be imposed. If the taxing of any property could be denominated a direct tax, then the taxing of all property is a direct tax. A man's business is his property, and if you tax his business, it is as much a direct tax upon his property as to tax his land. All the refinement of the learning of the courts for a hundred years has never been able to show that it is any less the taxing of property to tax a man's business or profession than to tax his land.

The only thing required by the Constitution is that the tax shall be equal and uniform. So that when a tax is imposed upon an income it does not violate this clause of the Constitution. And as it is demonstrable that an income tax is absolutely necessary under the provisions of this bill to in any degree equalize the burdens of raising revenue for the Government, it is a tax eminently proper.

It has been estimated by the proponent of this amendment for an income tax, the Senator from Texas [Mr. BAILEY], that it will produce a revenue of from sixty to eighty millions of dollars.

Another item of revenue production that would be just and fair would be the imposition of a head tax upon immigrants. Twenty millions of dollars could thus be raised through those who come to our country to enjoy the blessings of liberty. If they are worthy to come, they will not object to paying something for the privileges they receive. If they are not worthy, a head tax can not be raised too high in order to exclude them.

If you are in earnest in your desire to benefit the labor of the country, here is an opportunity for you to do something for them. You ask the Government to allow you to tax the consumer because, you say, you want to benefit the laborers. Your plea is that you do not want the American laborer to have to compete with the cheap labor of Europe. If you are sincere,

here is an opportunity for you to show it. Exclude the cheap labor of Europe by putting a head tax high enough to prevent that cheap labor's entrance.

After raising $70,000,000 from an income tax and $20,000,000 from a head tax on immigration to this country, you will then, if you desire to be equitable and just in the enactment of your tariff laws, reduce the duty on articles used by the plain laboring people of the country.

When I say laboring people, I mean those who labor, not only with their hands but with their brains—the man who labors in the field and factory, behind the counter and in the offices of the professions, in the schoolroom, and in every other vocation.

You can do another thing. You can take the tax off farm implements and the tools of carpenters and blacksmiths and of workingmen. A few days ago I offered an amendment looking to the putting of farm implements, carpenter's tools, and blacksmith's tools upon the free list. You voted it down. Afterwards I offered an amendment in an effort to put printing presses, sewing machines, and typewriters on the free list. You voted that down.

If you will reduce the extravagance and profligacy of the Government and impose these taxes that I have just mentioned, you can then put farming implements, carpenter's tools, blacksmith's tools, printing presses, sewing machines, and typewriters and other necessary articles upon the free list. You can then, and even now, with your bill as it is, afford to put bagging and ties on the free list.

The amount of bagging manufactured in the United States last year was 83,650,000 yards, and 16,350,000 yards imported. The revenue realized by the Government on bagging and ties was a little more than $120,000. I hear Senators in their places say to the Senate that there are in their States certain industries which require that you shall lay a tax upon the importation of products such as theirs, enough to enable them to tax the consumers sufficient to keep these industries in operation, and they call that "protection."

I do not ask you in behalf of the cotton growers of the South to lay a tax upon anybody, or upon anybody's property, for their benefit, but I do ask you not to lay a tax upon them for the benefit of somebody else. All I ask for the cotton growers of Mississippi is that you do not, directly or indirectly, tax the product of their toil.

There is scarcely anything in Mississippi that is benefited by a tariff. When other individual States have legislation in this bill for the benefit of the industries of those States, is it not as reasonable to ask for the same consideration for the State of Mississippi?

The people of the South produce about 12,000,000 bales of cotton annually. It requires the labor of about 6,000,000 of people. The laborers each get about $100 in the cultivation of this crop. True, they raise other crops—corn, oats, wheat, and so forth—but the crop to which they look for ready money is the cotton crop.

I judge a fair average for this crop is 10 cents a pound—$6,000,000 a year put into circulation, and going to make up the balance of trade with the world in our favor, and without which the balance of trade would be against us. Cotton is the only product of the United States that will, at all times and under all circumstances, bring to this country the gold of Europe. And this by the labor of men and women who are not benefited one particle by any provision of tariff taxation.

These people ask you to give them free bagging and ties; that is, to take the tariff off of bagging and ties, and thus save to them from three to five millions of dollars a year of the money they earn. In behalf of these people, I ask you to do this act of justice. If you will not do this, then I say away with your honeyed expressions of interest in the South.

These laborers work the entire year to make, gather, and prepare for market the cotton which they are glad to sell for 10 cents a pound. When it is converted into the plainest articles of manufacture it is worth from 35 cents to $1 a pound. In the plain manufacture it turns out from 4 to 8 square yards to the pound. In the fine fabrics produced from cotton the increased value to the manufacturer is relatively greater.

It has been said that when the farmer sells his bale of cotton he sells the bagging and ties at the price of the cotton, and thereby receives more for the bagging and ties than he pays for them. That is a mistake. When the cotton reaches Liverpool, where the price of cotton is fixed, 30 pounds a bale is deducted for tare, and that on account of the bagging and ties, and of course the purchaser in this country must necessarily calculate that in the price he makes.

I ask leave to print in the RECORD as an appendix a table showing the prices of cotton from 1860 to 1907, and I call attention especially to the price of cotton in 1864, which shows the estimate put upon this staple by the world at a time of its greatest scarcity.

The PRESIDENT pro tempore. The Chair hears no objection.

The table referred to will be found at the end of Mr. McLAURIN's remarks, as Appendix B.

Mr. McLAURIN. Mr. President, loath as I am to occupy the time of the Senate, I can not conclude what I have to say without expressing my most solemn protest against the amendment which proposes to tax coffee. This is not any longer an article of luxury. In three-fourths of the homes of this country it is an article of dire necessity. Thousands of men and women, who work that they may eat and live and have clothes and shelter, would drag themselves through their day's labor suffering the tortures of excruciating headaches if they could not have a cup of coffee for breakfast. It is true that in many cases they are compelled to use a cheap quality; nevertheless, they must use some coffee of some quality. To place a tax upon these people of 5 cents a pound upon their coffee, and deny the rich the benefits of paying an income tax, is a species of iniquitous legislation that I am not prepared to believe even the Republican party will enact.

If I were enacting this bill, I would take all the tax off tobacco. I would not encourage the use of tobacco. I think it is a deprecable habit. But there are millions of people who have used it so long that they think they can not live without it, and far the greater number of these are people who can not well afford to have to pay an extortionate price for tobacco.

I intended to say something before I concluded in behalf of the reduction of the tax on sugar. The tariff on all raw sugar should be the same and there should not be any tariff on refined sugar. The sugar trust has made hundreds of millions of dollars out of the tariff that has been enacted for their benefit, and with these hundreds of millions of dollars they ought to be able to live in comfort the balance of their lives, and I am told that when one of them dies he does not take a nickel of it with him to the next world.

But as I have already occupied too much of the time of the Senate, I will ask leave to print, as an appendix to what I have to say, a table on sugar, which I will send to the desk.

Now, Mr. President, in conclusion I have but a few more words to say. In the days of the Roman Empire the right to tax provinces was sold by the government to the highest bidder. The purchaser of this right paid the money for it into the treasury. The operation of this system was so tyrannical that they became a byword to the taxpayers and were called "publicans." In this day and in this Government the right is given to certain interests and interested persons to tax the people, and they pay nothing for it. They tax without remorse, and they are called "Re-publicans."

Mr. President, I ask leave to have prinfed in the RECORD as an appendix to my remarks a table I have prepared on the sugar schedule.

The PRESIDENT pro tempore. The Chair hears no objection.

The table referred to, marked "Appendix A," is as follows:

APPENDIX A.

Sugar production of the world, 1906–7.

[From report No. 86, United States Department of Agriculture, and prepared in the Division of Foreign Markets, Bureau of Statistics.]

	Long tons.
1. Cane sugar, United States, including Louisiana, Texas, Hawaii, and Porto Rico	845,871
2. Cuba	1,427,673
3. Other West Indies	279,631
4. Mexico	108,000
5. Central America	19,000
6. South America	610,151
7. Asia	3,455,446
8. Africa	349,000
9. Oceanica	249,000
10. Europe	16,400
Total cane sugar	7,360,172

United States production 11.48 per cent of the world's production.

1. Beet sugar, United States	long tons	431,796
2. Beet sugar, Canada	do	11,367
3. Beet sugar, Germany	metric tons	2,238,000
4. Beet sugar, Austria-Hungary	do	1,344,000
5. Beet sugar, France	do	756,000
6. Beet sugar, Russia	do	1,470,000
7. Beet sugar, Belgium	do	283,000
8. Beet sugar, Netherlands	do	181,800
9. Beet sugar, other countries	long tons	445,000
Total beet sugar		7,160,163

The long ton is 2,240 pounds; the metric, 2,204.622.

Licht, the European compiler, uses the metric ton, and American compilers do not change. The difference—35 pounds—is immaterial in a general argument or calculation.

The United States production of beet sugar, 431,796 tons, is about 6.03 per cent of the world's production.

Total world's production of sugar.

Cane—long tons	7,360,172
Beet—tons	7,160,163
Total	14,520,335
Deducting 95,000 tons for difference between the metric and long ton for Europe	95,000
Total world production—long tons	14,425,335

The United States production of cane and beet sugar is slightly more than 8.8 per cent of the world's production.

These figures are not exactly correct, as the Bureau of Statistics includes the sugar from the Philippines in Asia.

The production of the Philippine Islands in 1907 was 145,500 long tons of cane sugar. Should it be deemed advisable to consider this a United States production, the figures will stand:

United States cane sugar, 991,371 long tons, or 13.4 per cent of the world's production of cane sugar, and 9.8 per cent of the world's production of both cane and beet sugar.

Sugar consumption of the world, 1907.

	Long tons.
Foreign sugars in United States	2,337,352
Domestic	656,627
Total United States consumption	2,993,979
World's production	14,520,335
World's consumption outside the United States	11,526,356

United States consumption, 25.96 per cent of all the rest of the world—20 per cent of the world's production.

Of the total quantity consumed in the United States in 1907, nearly 80 per cent was imported from either foreign countries or our insular possessions.

	Tons.
Imported from Hawaii	392,871
Imported from Porto Rico	210,000
Imported from Philippines	145,500
Total imported from insular possessions	748,371
Imported from all sources	2,337,352
Total imported from foreign countries	1,588,981

About 53 per cent of the United States consumption comes from foreign countries, 25 per cent from our insular possessions, 8.1 per cent from Louisiana and Texas, and 13 per cent of domestic beet sugar.

Character of the importations as to duties.

Nearly 85 per cent of the sugar imported comes from Hawaii, Porto Rico, the Philippines, and Cuba, under tariff concessions, while about 15 per cent comes from other countries and pays full duties.

Cuba alone furnishes about 58 per cent of the foreign sugar consumed in the United States, and about 45 per cent of all the sugar consumed in the same country. Nearly all the imported sugar is made from cane, less than 1 per cent of the imports in 1907 being from beets.

Imported sugar in 1907, with concessions.

	Long tons.
From Hawaii, free	418,102
From Porto Rico, free	212,853
From Philippines, 25 per cent less than regular rates	10,700
Cuba, under reciprocity, 20 per cent less than regular rates	1,340,400
Total, with concessions	1,982,055

Imported sugar, with full duties.

	Tons.
Raw cane, from 95 cents to $1.75½ per hundredweight	347,509
Raw beet	6,789
Refined beet, $1.95 per hundredweight	949
Refined cane	50
Total dutiable	355,297
Total with concessions	1,982,055
Total imports	2,337,352

Paying full duties, about 16 per cent; free, about 28 per cent; with concessions, about 55 per cent.

Character of importations as to conditions.

	Tons.
(a) Imports paying full duties:	
Raw cane sugar	347,509
Raw beet sugar	6,789
Total raw sugar	354,289
Refined cane	50
Refined beet	949
Total refined sugar	999

But little more than one-fourth of 1 per cent of the importations were of refined sugar.

	Tons.
(b) Imports, with concessions:	
Raw sugar (no refined sugar)	1,982,055
(c) Imports, with duties and concessions:	
Raw, with concessions	1,982,055
Raw, with duties	354,298
Total raw	2,336,353
Total refined	999

The percentage is too insignificant to calculate.

Raw and refined sugar.

Willett & Gray have compiled the following table, which has been adopted by the Department of Agriculture in Report No. 86.

Consumption of refined and raw sugar in the United States and quantities refined by different classes of refiners in 1907:

Classes.	Quantities.	Percentage refined.
Refined sugar manufactured by:	*Long tons.*	
American Sugar Refining Co	1,401,061	49.27
Independent refiners	1,064,827	37.44
Beet-sugar factories	375,354	13.19
Hawaiian cane-sugar factories	1,674	.06
Foreign refiners	1,068	.04
Total refined	2,843,928	100
Raw sugar consumed	150,051	

About 5 per cent in 1907, and, if the two preceding years be considered, less than 5 per cent of the sugar consumed in the United States is used in a raw, unrefined condition, while more than 95 per cent is refined.

About one-half of the sugar refined is turned out by the American Sugar Refining Company, about three-eighths by the independent refineries, one-tenth by American beet-sugar factories, and only the smallest fraction of 1 per cent by foreign refineries. In fact, the high rate of duty on refined sugar—$1.95 per 100 pounds, or nearly 2 cents a pound—practically bars out all importations of refined sugar and creates an excessive importation of raw sugar to be refined by American refineries, at a rate of profit nearly equal to the duty on refined sugar. In other words, the price of refined sugar in the United States has been raised to the consumer to the advantage of the American refineries without a corresponding increase to the Government in revenues. Duties which should have improved the government revenues have been silently changed into profits for American refineries.

The import prices for sugar not above No. 16 Dutch standard in color, cane, were for the year 1906–7 as follows:

1906.	Cents.
July	0.0198
August	.0216
September	.0196
October	.0196
November	.0196
December	.0190
1907.	
January	.0221
February	.0215
March	.0207
April	.0208
May	.0228
June	.0234

Average for a year—0.0208 cent per pound.

The wholesale price for standard A for 1907 was 0.0445 per pound, and for granulated 0.0465. The export price of sugar refined in 1907 was 0.0386 cent, or about 4 cents a pound.

In other words, the average foreign cost per pound was 2.08 cents in 1907, while the wholesale price of granulated sugar in New York for the same year was 4.65 cents per pound, and the export price of all refined sugar 3.86 cents.

The consumption in the United States for 1907 was 2,993,979 long tons, or 6,706,512,960 pounds, an average of 77.5 pounds per capita, or 387.5 pounds per family of five.

SUGAR SCHEDULE E.

1. A most complicated one. This paper, however, will endeavor to present its actual workings in 1907: Molasses, not above 40°, duty 20 per cent. Cuba, 20 per cent less 20 per cent. No. 3229, imports 170,651.53 gallons, duties $5,053, ad valorem 20 per cent; from Cuba, 20,402,994 gallons, duties $92,215.20, ad valorem 16 per cent.

2. Above 40 and under 56, 3 cents a gallon; Porto Rico, 15 per cent of 3 cents; Cuba, less 20 per cent. No. 3230, imports at 3 cents, 888,945.50 gallons, duties $26,668.37, ad valorem 15.51 per cent; Porto Rico, 1,344,060 gallons, duties $8,048.28, ad valorem 2.05 per cent; Cuba, 990,271 gallons, duties $23,766.50, ad valorem 27.93 per cent.

3. Over 56°, 6 cents a gallon; Porto Rico, 15 per cent of 6 cents; Cuba, 6 cents less 20 per cent. No. 3231, imports at 6 cents, 10,910 gallons, duties $654.60, ad valorem 34.76 per cent; Porto Rico, 3,584 gallons, duties $32.26, ad valorem 4.13 per cent; Cuba, 217.25 gallons, duties $10.46, ad valorem 9.61 per cent.

No. 3232. Sirup, refined, 20 per cent; imports, 33,457 pounds; duties, $509.20; ad valorem, 20 per cent.

Molasses above 40° are practically prohibited. Between 40 and 56° a great quantity comes in, but it is nearly all from Porto Rico, whose rate is practically a free one. A better schedule, possibly, would combine Nos. 3229, 3230, 3231, and 3232 into a simple schedule, molasses and sirup, at an ad valorem rate of 20 per cent, with concessions to Cuba and Porto Rico.

Beet sugars.	Pounds.	Duties.	Ad valorem.
No. 3239, not above 75, 0.95 cent per pound	1,939	$18.42	*Per cent.* 36.12
No. 3247, not above 88, 1.405 cents per pound	6,090,088	93,995.74	69.39
No. 3253, not above 94, 1.615 cents per pound	306,396,065	4,948,296.46	78.26
No. 3254, not above 95, 1.65 cents per pound	9,995,095	114,739.07	76.56
No. 3255, not above 96, 1.685 cents per pound	28,523,776	480,625.63	87.16

No. 3253 produces nearly all the revenue. A better classification would seem to be a single item for all beet sugars of all degrees, polari-

scopic test, with a rate of 1 cent a pound. This would not hurt the beet-sugar men of the United States and would help consumers.

Cane sugars.	Pounds.	Duties.	Ad valorem.
			Per cent.
No. 3259, not above 75, 0.95 cent per pound	1,236,000	$11,742	23.89
Cuba, 20 per cent off	6		10
Philippines, 25 per cent off	3,360	23	36.27
No. 3260, not above 76, 0.965 cent per pound	3,405	33	54.10
No. 3261, not above 77, 1.02 cents per pound	45,898	4.68	40.12
No. 3262, not above 78, 1.055 cents per pound	6,148	64	30.08
No. 3263, not above 79, 1.09 cents per pound	52,768	575	42.42
No. 3264, not above 80, 1.125 cents per pound	55,538	624	40.06
No. 3265, not above 81, 1.16 cents per pound	739,831	8,581	107.49
Philippines, 25 per cent off	131,830	1,146	27.27
No. 3266, not above 82, 1.195 cents per pound	5,099	60	25.45
Philippines, 25 per cent off	11,501	103,080	43.29
No. 3267, not above 83, 1.23 cents per pound	35,266,696	433,780	91.08
Philippines, 25 per cent off	9,258,632	80,841	44.88
No. 3268, not above 84, 1.265 cents per pound	306	3	27.36
No. 3269, not above 85, 1.3 cents per pound	2,988	38	30.34
Philippines, 25 per cent off	17,136	167	48.71
No. 3270, not above 86, 1.335 cents per pound	4,072,119	54,362	82.08
Philippines, 25 per cent off	6,295,444	63,013	46.39
Cuba, 20 per cent off	169,158,508	1,806,612	62.90
No. 3271, not above 87, 1.37 cents per pound	74,579	1,021	46.16
Philippines, 25 per cent off	16,354,078	165,469	61.40
No. 3272, not above 88, 1.405 cents per pound	31,634,257	444,461	81.81
Philippines, 25 per cent off	18,228,856	192,086	48.60
Cuba, 20 per cent off	906,972	11,205	69.43
No. 3273, not above 89, 1.44 cents per pound	1,265,067	18,216	87.73
Philippines, 25 per cent off	8,717,685	94,150	43.65
Cuba, 20 per cent off	959,725	11,056	56.70
No. 3274, not above 90, 1.475 cents per pound	1,016	14	36.56
No. 3275, not above 91, 1.51 cents per pound	116,216	1,754	120.19
No. 3276, not above 92, 1.545 cents per pound	52,091	804	64.90
No. 3277, no importation in 1907.			
No. 3278, not above 94, 1.615 cents per pound	29,985,311	388,105	75.33
Cuba, 20 per cent off	5,595,019	72,300	67.34
No. 3279, not above 95, 1.65 cents per pound	38,615,356	687,153	70.65
Cuba, 20 per cent off	2,904,241,322	38,335,985	59.84
No. 3280, not above 96, 1.685 cents per pound	593,412,212	9,998,995	90.46
Cuba, 20 per cent off	85,211,423	1,148,649	64.36
No. 3281, not above 97, 1.72 cents per pound	14,243,666	244,991	97.64
No. 3282, not above 98, 1.755 cents per pound	1,621,428	28,456	69.40
Total	3,980,128,265	54,310,082	

Average duty 1.37 cents per pound on imports regular, and with concessions. Four hundred and eighteen thousand one hundred and two long tons came in free from Hawaii. This is equal to 936,548,480 pounds. The refiners get this much free sugar, and 3,980,128,265 pounds at an average duty of 1.37 cents per pound. Adding the free and dutiable sugars, we have a total of 4,916,675,745 pounds of raw cane sugar, which comes to the American refineries at a tariff cost of $54,310,082, or an average duty rate of 1.104 cents per pound. The tariff rate on refined sugar is 1.95 cents per pound, which makes the real differential to the refineries 0.746 cent, instead of 0.26½ cent, as claimed by them. Their argument rests on 96° sugar, which carries a duty of 1.685 cents, and gives a differential of 0.265 cent. Ninety-six-degree sugar, however, covers but 678,623,635 pounds of import, while 95° sugar covers 2,942,856,678 pounds, or three-fourths of the raw cane sugar imported. The differential on the 95° sugar is 0.3. Granting a loss of 5½ pounds for refining, or 0.14 cent, the protection left refineries on 95° sugar is 0.16 cent, or about one-sixth, instead of one-eighth as argued. But it is misleading to argue the rate of protection on either 95° sugar or 96° sugar. The protection is really the differential between the average rate on all imported raw cane sugar, free and dutiable, which is (1.95 less 1.104) 0.846 cent. It is illogical to deduct anything for the 5½ pounds loss in refining, inasmuch as this is a common loss to both foreign and domestic refineries; but granting it at their claim of 0.14 cent, the differential is then 0.706 cent, instead of 0.125 as claimed—seven-tenths cent per pound, instead of one-eighth cent. The difference between 0.706 cent, the protection actually received by the refineries, and 0.125 cent, the amount admitted, is 0.581 cent, or more than one-half cent a pound filched from the pockets of the consumer, without corresponding advantage to Government, and transferred to the pockets of the refineries. Four billion nine hundred and sixteen million six hundred and seventy-six thousand seven hundred and forty-five pounds of raw sugar come in and go to the refineries at a revenue or tariff cost to them of $54,310,082. Allowing one-nineteenth loss for refining, an allowance not permitted by reason or law, inasmuch as foreign refiners must suffer the same loss, we have left 4,657,905 pounds of sugar, ostensibly protected at one-eighth cent, but really protected at seven-tenths cent. In other words, by reason of selecting a most important grade of sugar, 96°, but by no means the most important item, as 95° sugar covers three-fourths of the raw cane sugar imported, and by ignoring the fact that the refineries get the benefit of all other items, and more especially the free sugar, the important fact is lost sight of that imported raw sugars come to the refineries at 1.104 cents a pound and that the real protection is seven-tenths, instead of one-eighth, and that thereby more than one-half cent per pound is treacherously conveyed to the pockets of the refineries without adding to government revenues.

One-half cent on 4,657,905,328 pounds of raw sugar amounts to $23,289,567 profit for the refineries. This half cent enters into the wholesale price of all the 6,706,512,960 pounds of refined sugar consumed in the United States and represents a charge to the consumers of $33,532,564 at wholesale prices.

This is not all. There is no reason for the allowance, in fact and in argument, of the loss of refining of 5½ pounds, or about one-nineteenth of import. All refineries suffer the same loss and the allowance is not valid. The real protection enjoyed by the refineries is $1.95, less the average tariff rate on free and dutiable sugars, 1.104 cents, or 0.846 cent per pound, or nearly seven-eighths cent a pound, instead of the one-eighth so confidently relied upon. The difference between seven-eighths cent absolutely received and one-eighth cent argued and defensible is six-eighths cent, or three-fourths cent per pound, or an unwarranted profit to refiners of three-fourths cent a pound on the 3,980,128,265 pounds of raw sugar actually imported at concession rates, and the 4,916,676,745 pounds free and dutiable, and, as well, the entire 6,706,512,960 pounds consumed, or a total of $50,298,847 profit to the refiners, a sum equal to the Government revenue on all raw sugar imported.

The above calculations exclude 212,000 tons of raw sugar imported from Porto Rico free, which, if calculated, will make the differential that much greater.

WHAT ARE THE SUGAR PROFITS?

The Census Department, in Bulletin No. 57, for Manufacturers, 1905, gives the following facts:

Sugar and molasses refining.

Number of establishments, 1905	344
Salaries paid 1,886 officials and clerks	$2,153,679
Wages paid 13,549 workmen	7,575,650
Miscellaneous expenses	8,600,754
Materials	244,752,802
Total expenses	263,082,885
Value product	277,285,449
Profit	14,202,564
Capital	165,468,320

Or a profit of a little more than 8 per cent.

This on its face shows its absurdity. Analyzing the figures, we find that "Miscellaneous expenses" cost more than labor, a thing easily explainable in some minor industries, but entirely unusual in a business of the magnitude of sugar. This statement, at least, negatives all reason for protection on the Taft idea of a difference between domestic and foreign wages. In sugar refining, labor is the least element of value, as reported by its managers, except salaries paid officials and clerks. Labor costs sugar refiners, according to their own showing, seven two-hundred-and-sixty-thirds of all their expenses, or about 2.6 per cent. The tariff on refined sugar $1.95 per hundredweight, to cover the difference between foreign and domestic labor, can well be abolished: (1) Because it produces no revenue, and (2) because the labor cost of sugar refining in the United States is practically nothing, a measly 2.6 per cent of the expenses. Analyzing the showing further, we find that the cost of materials is enormous—sufficiently enormous to cast a doubt on the accuracy of the returns:

	Cost of materials.	Cost of labor.
Boots and shoes	$197,000,000	$69,000,000
Bread	155,000,000	43,000,000
Carriages	61,000,000	30,000,000
Cars	151,000,000	142,000,000
Clothing	185,000,000	57,000,000
Clothing, women's	130,000,000	51,000,000
Cotton goods	286,000,000	96,000,000
Foundry	324,000,000	229,000,000
Hosiery	76,000,000	31,000,000
Iron and steel	620,000,000	141,000,000
Leather	191,000,000	27,000,000
Lumber	183,000,000	50,000,000
Paper	111,000,000	32,000,000
Slaughtering	706,000,000	37,000,000
Sugar	244,752,802	7,575,650

In sugar refining the labor cost is but one thirty-second of the cost of materials, as shown by the refiners. The import price of sugar was about 2 cents in 1907, and the average duty 1.104 cents. Had the refiners bought all the sugar imported which paid duties, viz, 3,980,128,265 pounds, and the free sugar, 936,548,480, or a total of 4,916,676,745 pounds, at the import price, 2 cents, the entire cost, without duties, would have been $98,333,534. Had they paid all the duties the Government received for raw sugar, $54,310,082, the cost of raw materials would have been $152,643,616. It is true that there are other materials used in refining, but the raw material is the very largest part of it; freights go to miscellaneous expenses, and the return $244,752,802 for material is $92,000,000 more than the raw sugar cost, duties added, and fully $50,000,000 more than the cost of all raw materials. The returns to the Census Department are evidently prepared for an emergency—doctored to suit the case, and the profits instead of being $14,202,000, are fully $64,000,000, or about 30 per cent of the capital. In other words, while $14,202,000 profits are admitted, a further profit of $50,000,000 is covered up in tariff technicalities and classifications coupled with doctored returns to the Census Office.

GENERAL REMARKS.

This cane-sugar classification was evidently intended to show accurate scientific determinations, but the most casual examination of its working will show that for all practical purposes it is useless. The

very greatest number of the items or numbers cover few importations and yield little revenue. To retain and operate them casts upon the Government an extra expense for their scientific determination, without any corresponding advantage, leads to confusion in settlements and arguments, and blinds the public to the real merits of the question.

This paragraph has 24 items or numbers producing a revenue of $54,310,082, of which two items, or Nos. 3279 and 3280, produce $50,930,628, leaving $4,189,300 for the remaining 22 items, and one of these, No. 3276, produces nearly $2,000,000; 21 items of the paragraph may appear scientific, but are worthless in a practical common-sense tariff schedule, whose object is to win money, although disguised to win labor votes. The two items yielding the greatest revenue carry an ad valorem rate of 90.46 per cent and 64.36 per cent.

Sugar, continuation of Schedule E.

	Pounds.	Duties.	Ad valorem.
			Per cent.
Maple sugar, No. 3295, 1.95 cents	4,318,995	$84,220.00	72.57
Maple sugar and sirup, No. 3301, 4 cents	2,579,024	103,160.00	49.65
Candy and confectionery:			
No. 3304, 4 cents and 15 per cent	252,915	13,058.00	66.58
Cuba, 20 per cent off	6,003	278.00	38.58
Candy and confectionery, n. s. p. f.:			
No. 3305, 50 per cent	259,394	$7,141.00	50
Cuba, 20 per cent off	575	52.00	40
Sugar cane:			
No. 3306, 20 per cent		1,120.00	20
Cuba, 20 per cent off		.48	16

Duties produced.

Molasses	$154,956
Sugar beet	5,637,694
Sugar cane	54,310,082
Total	60,102,732
Maple sirup	103,160
Sugar cane	1,120
Maple sugar	84,220
Candy and confectionery	50,529
Total revenue, Schedule E	60,341,761
The total duties collected on merchandise for the year 1907, according to the Statistical Abstract, page 655, amounted to	329,480,040
Duties, Schedule E	60,341,761
Duties on sugar alone	59,947,776

Practically one-fifth of the tariff revenue is collected from sugar alone.

Taking the refiners' returns to the Census Department for salaries paid officials and clerks, wages paid labor, and miscellaneous expenses, the cost of refining becomes a simple proposition. The cost of materials does not enter into the cost of refining. They report:

Officials' and clerks' salaries	$2,153,679
Wages	7,575,650
Miscellaneous expenses	8,600,754
Total expenses of refining	18,330,083

They refine 3,000,000 tons. The price per ton for refining is $6.11. The price per pound is 0.27 cent per pound, or about one-fourth cent per pound. The refineries claim that this cost is from three-eighths to five-eighths cent per pound, another instance of the truth of the doctrine of total depravity, so far as it pertains to sugar manufacturing.

APPENDIX B.

Prices of cotton and its manufactures.

MIDDLING COTTON AND STAPLE MANUFACTURES OF COTTON IN THE NEW YORK MARKET: AVERAGE PRICES, 1860 TO 1907.

[Prepared by Mr. Joshua Reece, jr., to 1892; since then by Mr. Alfred B. Shepperson, of New York.]

Calendar year.	Middling cotton, per pound.[a]	Standard sheetings, per yard.	Standard drillings, per yard.[a]	New York Mills, bleached shirtings, per yard.[b]	Standard prints, per yard.	64 by 64 printing cloths, per yard.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1860	11.00	8.73	8.92	15.50	9.50	5.44
1861	13.01	10.00	9.58	15.33	9.71	5.33
1862	31.29	18.55	18.94	21.00	14.40	9.81
1863	67.21	36.04	33.41	35.33	21.24	15.20
1864	101.50	52.07	53.02	48.35	33.25	23.42
1865	83.38	38.04	37.33	49.58	29.00	20.24
1866	43.20	24.31	25.14	45.90	21.15	14.13
1867	31.59	18.28	18.79	35.21	16.58	9.12
1868	24.85	16.79	16.49	26.65	13.88	8.18
1869	29.01	16.19	16.49	24.79	14.00	8.30
1870	23.98	14.58	14.98	22.50	12.41	7.14
1871	16.95	13.00	13.64	20.83	11.62	7.41
1872	22.19	14.27	15.14	20.66	12.00	7.88
1873	20.14	13.31	14.13	19.41	11.37	6.69
1874	17.95	11.42	11.75	18.04	9.75	5.57
1875	15.46	10.41	11.12	15.12	8.71	5.33
1876	12.98	8.85	8.71	13.58	7.00	4.10
1877	11.82	8.46	8.46	12.46	6.77	4.38
1878	11.22	7.80	7.65	11.00	6.09	3.44
1879	10.84	7.97	7.57	11.02	6.25	3.93
1880	11.51	8.51	8.51	12.74	7.41	4.51

[a] Including 1881 and since, the prices of standard drillings are net; raw cotton prices are also net for the entire period.

[b] After 1905 the figures represent Wamsutta Mills shirtings.

Prices of cotton and its manufactures—Continued.

Calendar year.	Middling cotton, per pound.[a]	Standard sheetings, per yard.	Standard drillings, per yard.[a]	New York Mills, bleached shirtings, per yard.[b]	Standard prints, per yard.	64 by 64 printing cloths, per yard.
	Cents.	*Cents.*	*Cents.*	*Cents.*	*Cents.*	*Cents.*
1881	12.03	8.51	8.66	12.74	7.00	3.95
1882	11.56	8.45	8.25	12.95	6.50	3.76
1883	11.88	8.32	7.11	12.93	6.00	3.60
1884	10.86	7.28	6.86	10.46	6.00	3.36
1885	10.45	6.75	6.36	10.37	6.00	3.12
1886	9.28	6.75	6.25	10.65	6.00	3.31
1887	10.21	7.15	6.58	10.88	6.00	3.33
1888	10.03	7.25	6.75	10.94	6.50	3.81
1889	10.65	7.00	6.75	10.50	6.50	3.81
1890	11.07	7.00	6.75	10.90	6.00	3.34
1891	8.60	6.83	6.41	10.64	6.00	2.95
1892	7.71	6.50	5.60	10.25	6.25	3.39
1893	8.86	6.90	5.72	9.75	5.25	2.80
1894	6.94	5.11	5.07	9.50	4.90	2.75
1895	7.44	5.74	5.69	9.85	5.25	2.86
1896	7.93	5.45	5.48	9.50	4.60	2.60
1897	7.00	4.78	4.75	9.25	4.70	2.48
1898	5.94	4.20	4.10	8.00	3.96	2.06
1899	6.88	5.28	5.13	9.50	4.25	2.69
1900	9.25	6.05	5.95	10.75	5.00	3.21
1901	8.75	5.54	5.48	10.25	4.62	2.84
1902	9.00	5.48	5.52	10.50	5.00	3.11
1903	11.18	6.25	6.37	10.75	5.00	3.25
1904	11.75	7.13	7.31	10.50	5.00	3.44
1905	9.80	7.00	7.00	9.00	4.75	3.13
1906	11.50	7.25	7.37	10.93	5.12	3.63
1907	12.10	7.62	7.62	13.00	6.00	4.62

[a] Including 1881 and since, the prices of standard drillings are net; raw cotton prices are also net for the entire period.

[b] After 1905 the figures represent Wamsutta Mills shirtings.

During the delivery of Mr. McLAURIN's speech,

Mr. OWEN. Will the Senator from Mississippi yield to me to make a request?

Mr. McLAURIN. With pleasure.

Mr. OWEN. I ask the consent of the Senate to have printed as a document an article by Mr. James G. Parsons on "Protection's favors to foreigners" (S. Doc. No. 54).

The PRESIDENT pro tempore. The Senator from Oklahoma asks unanimous consent that there may be printed as a document the paper which he sends to the desk.

Mr. McLAURIN. And in the RECORD, I suggest.

Mr. OWEN. And in the RECORD.

Mr. ALDRICH. What is the request?

The PRESIDENT pro tempore. Will the Senator from Oklahoma state what the paper is?

Mr. OWEN. It is a paper prepared by James G. Parsons, showing the favors of the tariff to foreigners.

Mr. ALDRICH. What is asked to have done with it?

Mr. OWEN. To have it printed as a Senate document and in the RECORD.

Mr. ALDRICH. I object to its being printed in the RECORD, and I think the practice of having matters of this kind printed as public documents ought not to be extended too far. I object to its being printed in the RECORD.

The PRESIDENT pro tempore. The Senator from Rhode Island objects to its being printed in the RECORD.

Mr. ALDRICH. I do not object to its being printed as a document.

The PRESIDENT pro tempore. The Senator from Rhode Island does not object to the paper being printed as a document.

Mr. OWEN. I so understood. I do not care to read it into the RECORD at this time.

Mr. KEAN. How large a document is it?

Mr. OWEN. It is a document of 60 or 70 pages.

The PRESIDENT pro tempore. Is there objection to the request? The Chair hears none, and the order is made.

After the conclusion of Mr. McLAURIN's speech,

Mr. BAILEY. Mr. President, I did not want to interrupt the very excellent and instructive address of the Senator from Mississippi, but now, as he has concluded, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Bristow	Burton	Crane
Bacon	Brown	Carter	Culberson
Bailey	Bulkeley	Chamberlain	Cullom
Bankhead	Burkett	Clapp	Cummins
Bourne	Burnham	Clark, Wyo.	Curtis
Brandegee	Burrows	Clay	Daniel

Depew	Heyburn	Nixon	Smith, Mich.
Dick	Hughes	Overman	Smoot
Dillingham	Johnson, N. Dak.	Owen	Stone
Dixon	Johnston, Ala.	Page	Sutherland
Elkins	Jones	Perkins	Taylor
Fletcher	Kean	Piles	Tillman
Flint	La Follette	Root	Warner
Foster	Lodge	Scott	Warren
Frye	McCumber	Shively	
Guggenheim	McLaurin	Simmons	
Hale	Nelson	Smith, Md.	

The PRESIDENT pro tempore. Sixty-five Senators have answered to their names. There is a quorum present.

Mr. ALDRICH. Mr. President, I gave notice on yesterday that I would to-day ask that a time be fixed for a final vote upon this bill. I now ask that the Senate agree that on Wednesday, the 5th, I think it is, of June the final vote be taken upon the bill and all pending amendments without further debate.

Mr. CUMMINS. Mr. President——

The PRESIDENT pro tempore. The Chair will state the request of the Senator from Rhode Island. It is for unanimous consent that the final vote be taken on this bill and all pending amendments on Wednesday—the first Wednesday will be the 2d and the second Wednesday the 9th day of June——

Mr. DANIEL. I object.

Mr. ALDRICH. I meant to have stated the 5th of June, but I will make it Wednesday, the 2d.

Mr. DANIEL. I object, Mr. President.

The PRESIDENT pro tempore. Objection is made.

Mr. CUMMINS. Mr. President, has objection been made?

Mr. SCOTT. Yes.

Mr. CUMMINS. I rose to say that I hope the Senator from Rhode Island [Mr. ALDRICH] will not insist upon his request. There are certain Senators of the Republican faith who honestly believe that the duties reported by the committee should, in some instances, be reduced. There ought to be an opportunity for an expression of our views upon those subjects. I can not think that the Senators who so believe have unduly retarded the progress of the bill up to this point. I think they have, in the main, confined themselves somewhat strictly to the exact point at issue as the various items have appeared.

Personally, I am just as anxious that this bill shall be speedily disposed of as is the Senator from Rhode Island. I think it is our duty to pass along with it just as rapidly as we can, having in view all the time a full and fair discussion of the points of difference.

If there has been any error—and I do not accuse any Senator of committing any error—it has been in the desire to widen the scope of the discussion. So far as I am concerned—and I know that I speak for some Republican Senators who believe in a reduction of these duties—I intend to do whatsoever I can, and I know they will do whatsoever they can, to speed this bill just as fast as it can be speeded, giving an opportunity for a fair expression of our views as the various paragraphs appear.

Mr. ALDRICH. Mr. President, I fully appreciate the position of the Senator from Iowa [Mr. CUMMINS]; and of course I have no idea of trying to prevent a full discussion of the remaining paragraphs and schedules of the bill. I think the Senator from Iowa will agree with me, without saying who is responsible for it, that there has been a good deal of what seemed to me irrelevant discussion upon the bill. I hope that we shall be able to go ahead with the discussion of the remaining paragraphs and schedules; and I hope that at an early day we shall be able to arrive at a general agreement in regard to fixing a time for a final vote.

Mr. HALE. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Maine?

Mr. ALDRICH. I do.

Mr. HALE. Will the Senator permit me to ask him a question?

Mr. ALDRICH. Certainly.

Mr. HALE. What proportion of the bill, considered by pages, has the Senate passed upon in the four weeks' time that we have been here considering the bill? I ask the question in order that the Senator may, in his answer, bring before the Senate the important fact that only a small portion of the text of the bill has thus far been considered, and that we must give constant attention to the real purposes of the bill.

Mr. ALDRICH. Mr. President, in number of paragraphs we have passed over about one-half of the dutiable list. My impression is we have passed over a much larger proportion than that of the paragraphs which will be in dispute. Of the remaining paragraphs, at least half are matters about which, I imagine, there will be no contention. So I think the majority of the disputed paragraphs have already been passed upon by the Senate.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from Rhode Island yield to the Senator from Texas?

Mr. ALDRICH. I do.

Mr. BAILEY. I simply want to interpose a remark in reply to the statement of the Senator from Rhode Island that there has been a good deal of irrelevant discussion. I venture to say that the RECORD will disclose that there has been less irrelevant discussion—indeed, there has been less general discussion—on this bill than on any other tariff bill in the history of the country. The discussion here has been confined almost entirely to a discussion of schedules and items. And while—as I think will always happen in the consideration of a bill of this kind, and even with a less important bill—some time has been spent in digression, I do not think the Senator from Rhode Island can safely say that any of it, or that much of it, in any event, has been wasted in irrelevant discussion.

Mr. CLAPP. Mr. President, while this matter is up I want to take the liberty of making a suggestion to the chairman of the Finance Committee regarding the resolution offered yesterday by the Senator from Maine [Mr. HALE], proposing to change the hour of meeting from 10 to 11 o'clock. In my humble way I suggest that we retain 10 o'clock as the hour for the opening of the morning session, and that, beginning next Monday, we proceed with evening meetings. I would not curtail the morning session by an hour.

I hope the committee will see its way clear to report the resolution in such shape as to retain 10 o'clock as the hour of meeting, and provide for evening sessions.

The PRESIDENT pro tempore. The Secretary will report the pending amendment.

The SECRETARY. On page 61, paragraph 182, line 20, it is proposed to strike out "four" and insert "six."

Mr. ALDRICH. I suggest that the amendment might be disposed of at this time. I think there is no particular objection to it, and before we go on with another schedule I should like to have the pending amendment disposed of.

Mr. HEYBURN. I should like to have the amendment reported again before the question is put.

The PRESIDENT pro tempore. The Secretary will again report the amendment.

Mr. CUMMINS. On what page is it?

The SECRETARY. On page 61, paragraph 182, fixing the rate on ferrosilicon valued at not exceeding $90 per ton and containing not more than 15 per cent of silicon, the amendment of the committee reads "$4 per ton." It is proposed to amend that by striking out "four" and inserting "six."

Mr. LA FOLLETTE. Mr. President, when this paragraph was up yesterday I understood the Senator to say that it could be recurred to for amendment without moving to reconsider.

Mr. ALDRICH. Yes; that is my purpose now.

Mr. LA FOLLETTE. Then, if this amendment is adopted——

Mr. ALDRICH. It will still be open.

Mr. LA FOLLETTE. With the understanding that it will be open for amendment without moving to reconsider——

Mr. ALDRICH. Or I will myself move to reconsider.

Mr. LA FOLLETTE. With that understanding, I shall interpose no objection. That is, it will be open for amendment in the committee?

Mr. ALDRICH. Yes; I understand.

Mr. BEVERIDGE. It will be open in the Senate anyhow.

Mr. ELKINS. Mr. President——

Mr. ALDRICH. If the Senator will permit me, I hope this amendment will be disposed of now.

Mr. ELKINS. I will say, that if it is distinctly and clearly understood that this matter can be again taken up for consideration, I am willing to have it disposed of now, as suggested. My State is interested in this industry, and at the proper time I want to say something about the amendment.

The PRESIDENT pro tempore. The question is on agreeing to the amendment, which has been stated.

The amendment was agreed to.

The paragraph as amended was agreed to.

Mr. HEYBURN. Just a moment, Mr. President. Paragraph 182 includes tungsten. I understand it is agreed that the ore will be specified, with the usual provision for sampling the value of the tungsten in the ore. While it is not so expressed now, with that understanding I shall not insist upon a postponement of action upon the paragraph.

Mr. ALDRICH. It is the intention of the committee to report a separate provision for tungsten ore.

Mr. HEYBURN. With that understanding, I will not insist upon a postponement.

The PRESIDENT pro tempore. The Secretary will state the next paragraph passed over.

Mr. ALDRICH. I ask that the lumber schedule be now taken up.

The SECRETARY. Schedule D, at the top of page 69. The first paragraph passed over is 196—"Timber, hewn, sided, or squared," etc.

Mr. ALDRICH. I move to strike out the words "otherwise than by sawing" and that the word "or" be inserted before "sided."

Mr. CRAWFORD. Mr. President, I think the chairman of the Finance Committee made the statement very plainly that there was to be no roll call on this bill to-day. My colleague——

Mr. ALDRICH. This is simply a change of phraseology.

Mr. NELSON. I desire to say to the Senator from South Dakota that this amendment restores the Dingley rate in the case of this paragraph and is what we who believe in free lumber advocated.

Mr. CRAWFORD. I was not rising to object to that.

Mr. ALDRICH. There will be no vote except by unanimous consent.

Mr. CRAWFORD. My colleague went away with the understanding that there were to be no votes taken to-day.

Mr. ALDRICH. There will be none, except by unanimous consent. I thought everybody was in favor of this.

Mr. LODGE. This is merely an amplification of the paragraph.

Mr. CULBERSON. I suggest to the Senator from Rhode Island that unanimous consent on the part of those present would not live up to the agreement of yesterday.

Mr. ALDRICH. I withdraw the suggestion. There was no agreement. I withdrew the statement yesterday; but I am not raising the question now. I withdraw the amendment and will offer it later.

Mr. DANIEL. I will remind the Senator from Rhode Island that he did not withdraw the statement that there would be no vote.

Mr. ALDRICH. I beg the Senator's pardon; I did.

Mr. DANIEL. I did not hear that.

Mr. ALDRICH. I did; I took it back. I afterwards withdrew the statement.

Mr. STONE. When did the Senator afterwards withdraw it?

Mr. ALDRICH. Yesterday; but that is not a matter of any consequence. I am not going to press this amendment.

Mr. LODGE. Then, the paragraph goes over?

Mr. ALDRICH. The paragraph goes over.

Mr. CRAWFORD. I did not rise for the purpose of making an objection. I simply wished to call attention to the fact that my colleague is absent; and he is interested in this matter. He went away with the understanding that there was not going to be a roll call to-day.

Mr. ALDRICH. But the Senator's colleague is in favor of this amendment. However, I shall not press the point now. It may go over until some later time.

Mr. CRAWFORD. I did not rise with any reference to this particular proposition; and I certainly do not want to interpose any obstacle to its adoption.

Mr. McCUMBER. Mr. President, I offer the amendment I send to the desk.

The PRESIDENT pro tempore. The Senator from North Dakota submits an amendment, which will be stated.

The SECRETARY. Strike out paragraphs Nos. 197, 199, 200, 201, 203, 204, and 205, in Schedule D; also strike out all of paragraph No. 708, free list, after the word "planking," line 25, page 220, and insert in lieu thereof the following:

And all kinds of lumber, timber, laths, shingles, pickets, palings, staves of wood, clapboards, paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods, and all other lumber not specifically provided for.

Mr. McCUMBER. Mr. President, I have already spoken at some length upon the question of free lumber, and I am not going to reiterate what I have said or make any further address. The matter has already been quite thoroughly considered. But in again proposing this amendment, it seems to me proper to epitomize in a very few short sentences my reasons for advocating free lumber.

I move this amendment for free lumber, Mr. President, for the following reasons:

First. Under the relation the forests of the United States bear to consumption in the United States, a protective policy as applied to the lumber industry has no warrant or justification in principle.

I advocate free lumber again, because, on account of the limited supply of the raw material, the forests, the industry itself, must necessarily become exhausted in a comparatively few years, and it will be brought to a speedier termination in exact proportion to its expansion.

I favor free lumber for the further reason that just to the extent that our forests diminish by exhaustion the price of lumber must necessarily increase.

It is therefore evident, Mr. President, that the reverse of the principle of protection should be applied to lumber. The duty should be discontinued, because the prices of lumber—which are to-day excessive as compared with the prices of former years—have increased so rapidly as to become a source of danger to the very best interests of the country.

It may be stated that the price of lumber has gone down considerably within the last year. But that has been due to economic conditions in this country; and as soon as normal conditions return, the prices will undoubtedly go back to the old rates. And I believe, Mr. President, they will rise even above those old rates.

While the cost of production has increased during the last fifteen years only from 25 to 40 per cent, the price of the lumber itself has increased from 50 to more than 200 per cent.

I believe the time has passed for any further protection of that industry, because it has been conclusively shown that no business in the United States has given such enormous profits year in and year out, for the last fifteen years, as the lumber business.

I believe in free lumber because we are paying out for the conservation of our forests immense sums of money, while we are aiding in the destruction of those forests by a duty which, at least to some extent, will keep out foreign importations, and to the extent that it keeps out those foreign importations it is accelerating the destruction of home forests.

I believe in this reduction because the disastrous floods resulting from the denudation of our forests have already caused losses of millions upon millions of dollars to the American people. I also propose it because the tariff mainly benefits the great holders of the stumpage, of lands purchased in many instances for about 15 cents per thousand, which have advanced in value in a great many instances as high as 2,000 per cent, and because this advancement will far more than offset any possible diminution of profits by a reduction of the tariff.

I believe that this should be put upon the free list because the tariff is not needed for protection. The evidence is overwhelming that the cost of production, on the average, is as great in Canada—our only competitor—as it is on this side of the Canadian line.

I support the proposition for free lumber because the consumers themselves have an interest in the subject far above that of the producer. Not only have the consumers of the present generation an interest in this subject, but the consumers in the years to come will be deeply and more deeply interested as they behold our great forests almost totally destroyed. I favor the reduction because there is a systematic effort on the part of the great lumber interests of the country to-day who own timber on both sides of the line—in Canada and in the United States—to retain this duty upon lumber until they have disposed of their holdings on this side of the line; and as soon as their American holdings become exhausted, they will be ardent supporters of free lumber.

Mr. President, I have stated again and again that I do not expect by the reduction in the tariff that we will seriously reduce the price of lumber. On the contrary, I insist that the diminishing supply of the raw material at the rate at which it is being diminished yearly will be an absolute guaranty of rising prices under ordinary conditions. This being true, there is no danger whatever of closing any of the American mills. The advancing prices and the growing demands of an increasing population will more than keep pace, in my opinion, with any possible importations from Canada.

I support this reduction also, Mr. President, because we are able not only to compete with the Canadian producer at the very doors of his mills, but we are able to compete with him in all of the great markets of the world. While, in the lumber trade between Canada and the United States, to-day we receive more from Canada than we export to that country, our exportations are growing more rapidly than the importations from Canada, and while in the last ten years, say, the Canadian exports abroad have increased in the neighborhood of about 50 per cent, our exports to the same markets have increased from about 150 to 200 per cent, thus indicating very clearly that we are able to compete with the Canadian producer of lumber both in this country and outside of it.

I am in favor of this reduction because it will favorably affect every home builder in the United States, not, as I have stated, by suddenly reducing the cost of the American product, but by preventing a too rapid rise of that cost. It will act, and act favorably, as a regulator of those prices. The interest of economy demands the conservation of our forests. The interests of the lands that are destroyed by floods demand it. The interests of navigation fed by the streams conserved by our forests also demand this conservation.

Mr. President, it is frequently asserted that the consumer does not make himself heard here. The consumer has been heard

throughout the United States upon the question of the lumber tariff. The National Grange, representing 1,000,000 farmers, declared for free forest products at the annual meeting in Washington November 18, 1908. The Democratic National Convention at Denver last July, largely of the consuming class, declared for free lumber, thereby expressing the popular and also the historic attitude upon that question. A number of the Republican States, including my own, Minnesota, Ohio, a strong Republican State, as we have heard to-day, and, I believe, Wisconsin, have resolved in favor of free lumber; and Minnesota and Wisconsin are both largely interested in the production of lumber.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I do.

Mr. BORAH. I assume the Senator from North Dakota does not quote the Democratic platform as being a very strong factor in this matter since the interpretation of it in this Chamber.

Mr. McCUMBER. It ought at least to have some weight with those who are following the banner of that party and who helped to make that platform.

Mr. BORAH. But we are told that platform was not made under such conditions as to represent the popular cry.

Mr. McCUMBER. It undoubtedly represented the cry of a certain portion of the American public.

Mr. BORAH. I desire to say, in answer to that, that that portion of the Democratic platform was not discussed to any considerable extent in the Northwest.

Mr. McCUMBER. That is very true; but the question of free lumber was discussed very much in that section of the Northwest in which I live.

Mr. CRAWFORD. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from South Dakota?

Mr. McCUMBER. I do.

Mr. CRAWFORD. The Republican party in the State of South Dakota most emphatically in its platform declared in favor of the removal of the tariff upon lumber.

Mr. McCUMBER. I mention this as showing that some of the strongest Republican States in the Union, by their representatives, either in legislature or by the representatives of their party in convention, have declared most emphatically for free lumber, and it is not to be assumed that they are free traders because they believe that some products should be placed upon the free list any more than the Senator from Idaho can be said to be a free trader because he will vote, undoubtedly, that a large number of articles be placed upon the free list.

We view it in this way: The lumber industry is not and can not be a growing industry; in a very short time it must necessarily be extinguished; and therefore will soon, and in the very near future, become a product only of foreign lands, to be imported. We support it because we desire to conserve the great national resources of our country just as long as they can be conserved for the benefit of the American people, and because we believe that we not only gain in the conservation of our forests, but we gain in many other things that are dependent upon such conservation.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield.

Mr. BORAH. I merely suggest, in answer to the suggestion of the Senator from North Dakota, that I believe that protection, if it is anything at all, is a system. If it is to be confined to this or that particular schedule, it is a privilege, and a privilege is always wrong and can never be justified. Unless we discuss the protective policy upon the theory that it is a system which builds up all the industries of the United States and diversifies those industries and gives opportunity for labor to be employed in all of the different industries, it can not be justified at all. There is no argument in the world by which you can justify the building up of one industry under the policy of protection. It must be a system to include the whole country, or it is not justified upon any theory whatever.

Mr. McCUMBER. There is where we possibly agree. The only difference is that the Senator is considering a proposition where it is impossible to expand the industry, because just to the extent that you expand it you diminish an exhaustible commodity which can last but a few years. Already we have probably reached the limit of lumber production in the United States. The greater the expansion to-day, necessarily the greater the contraction to-morrow.

If I believed, as, possibly, the Senator does, that we had an inexhaustible supply of timber in this country, and also believed it was not in the hands of a comparatively few people who could dominate the price, I then would be in favor of protecting this product the same as I would be of protecting the fabrics of the mills.

But the conditions are entirely different. The policy which declares in favor of a protective tariff for building up an industry by expanding it and thereby reducing the value of the commodity to the consumer, and also to give added work for the American laborer, has absolutely no application, because, as I have said, the material itself is bound to be exhausted in such a short time that we can not expand the industry.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield to the Senator.

Mr. BORAH. It seems to me that the Senator falls into the error which so many of the conservationists adopt in discussing the question of timber conservation. They assume that because the timber which the God of Nature gave us is to be exhausted as it was left to us, that that is the end of the supply. It is a fact that the only means by which we can replenish it is by the cooperation of man with nature by the replanting of lands which are not fit for anything in the world except to produce timber. There is one great industry in the United States to-day which has already planted and is to-day supplying all the timber that is necessary for that particular industry.

It is incredible to me that the human race is going to perish rather than plant trees upon those lands where nothing else will grow except trees. We have simply arrived at a point where the timber is only exhausted as nature gave it to us, and we have arrived at a point where mankind must take hold of it and replant trees where timber must grow. When we do that we will find that we have enough land in this country which will supply nothing but timber to supply to the full satisfaction and necessity of the entire people. Instead of taking the duty off, if you are going to increase that which has been, you will put a duty on, if you are consulting alone the question of conservation.

Mr. McCUMBER. Mr. President, I am not at all afraid that the American public are going to perish because of the exhaustion of our timber supply. Why? Because while they may wake up too late in the day, as they have already done, to properly conserve their forests, they will be obliged by the necessity of conditions to reforest all of the mountain ranges of the United States. It will be a slow job. It will be a project that will require not a few years, but a few centuries. It will be a project that will require not a few thousand or a few million dollars, but billions of dollars before we can ever bring our forest sections up to a condition where they will be able to supply the demands of the people, and I am not satisfied that they ever will supply that demand.

Mr. President, when the Senator travels from one ocean to the other over that vast section of land which was once covered with these immense forests, when he recalls that we, perhaps, have not used any more than what the American public demanded, and yet when he sees a third of a mighty State covered with nothing but black stumps, those solitary reminders of the past glory of our forests, and sees around them nothing but a few willows, some poplars, and some other woods that will never grow into timber, he will become convinced that it is going to take some few years for us ever to reforest that country with the same timber that we have to-day. Out in the Senator's own State he will find trees that are a thousand years old and probably are still growing. He will find that that which they are cutting to-day is probably mostly over a hundred years old, and it will require, in my opinion, at least a hundred years to reforest the sections that we have cut off and to produce good, merchantable timber.

I am willing to admit that you can take some little tree in a lawn and turn your hose on it and water it and care for it and you can produce a pretty good tree in twenty-five or thirty years, but you are not going to do it out in the country where the land has been once deforested.

Mr. BORAH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from North Dakota yield to the Senator from Idaho?

Mr. McCUMBER. I yield to the Senator.

Mr. BORAH. May I ask the Senator in what respect the taking off of this duty would regulate the manner of cutting trees in the forests?

Mr. McCUMBER. I discussed that at considerable length a few weeks ago. It was not my intention to take up and rediscuss it again to-day, but to place in a very few short sentences my reasons for the amendment, all of which were included in the former statement. Of course, I could go into the

question of reforesting and the question of the use of the tops and the increased destruction when lumber is low in price, but that subject has already been discussed.

Mr. BORAH. I am well aware that the Senator discussed it at length, and I will do him the credit to say that I have read his speech some two or three times with a view of arriving, if I could, at some conclusion upon that very proposition. No one yet has undertaken to state how that would conserve the forests in that particular and has supported it with any arguments or any facts.

The fact is that it is a generalization which the facts dispute. I ask the Senator now to tell me in as specific a way as he can how the taking off of the duty would conserve the forests.

Mr. McCUMBER. May I ask the Senator one question right here?

Mr. BORAH. Yes.

Mr. McCUMBER. Does the Senator believe that by taking off the duty we would increase the importations from Canada?

Mr. BORAH. I think so; on certain kinds of lumber, unquestionably.

Mr. McCUMBER. All right. Mr. President, we will say that we need for the use of the American public next year 4,500,000,000 board feet of lumber. Now, we only need that quantity. If we import the 500,000,000 feet from Canada, that means 500,000,000 feet that will be cut for use in the United States. That is a case of simple mathematical calculation.

Mr. BORAH. That is very simple. Is that the answer?

Mr. McCUMBER. That ought to be the answer. If the Senator needs any further answer, if his ideas are on different lines, I will try and answer him.

Mr. BORAH. Permit me to say that undoubtedly if you follow it no further that would be true. However, the people who cut lumber in this country are not going to cease cutting, but they are going to continue to cut, and they must cut in competition with the Canadian forces; and they will only cut such portions of the lumber out of which they can make a profit, and that which they can not make a profit out of they will permit to rot in the forest. The result will be that you are not conserving the forests, but you are bringing in competition the cutting of the best lumber and the rest will be wasted.

Mr. McCUMBER. That is a double-edged sword that cuts both ways. It cuts deeper backward than it does forward. If the importation from Canada reduces the price of lumber, as our theorists on the other side say that it will, they say that they are forced to cut only the most valuable of that lumber; that they can use only a certain portion of the log cut, and that other portions will go to waste. That is their argument. That is the argument of Mr. Pinchot. But they forget another thing that is clearly established by the hearings. If lumber is excessively high, the owners of the stumpage that has been cut over once never resist the temptation to cut the smaller timber again before it gets its growth. As was suggested by one of the witnesses before the Ways and Means Committee, they are cutting, in Minnesota to-day, saplings that are fit for only laths and lumber, and which they only cut when lumber is high. So, what you will gain on the one side you more than lose on the other; you are deforesting more rapidly than ever by the higher price of lumber.

Mr. President, I did not intend to take up any more time in the discussion of this subject. I think it has been shown, and shown very clearly, that by diminishing the supply the prices are bound to soar upward in any ordinary conditions of the country, and that no mills will be closed; but by the importation of a certain amount of Canadian lumber we will not only be able somewhat to regulate the prices, but we will be enabled to stem the too rapid depletion of our present forests.

Mr. SUTHERLAND. Before the Senator takes his seat, I understand the Senator's position to be that if lumber is put upon the free list the importation of Canadian lumber will increase and the production of lumber in our own forests will consequently decrease. Do I correctly apprehend the Senator's statement?

Mr. McCUMBER. That would follow, as a natural result. In other words, we would not produce for home consumption quite as much if we were not drawing from the other source.

Mr. SUTHERLAND. The Senator has insisted that the supply of timber in this country is not inexhaustible. Is it not also true that the supply of Canadian timber is not inexhaustible?

Mr. McCUMBER. That is true.

Mr. SUTHERLAND. That being so, if we put lumber upon the free list, and the result of that is to materially increase the importation of lumber from Canada, is it not quite likely that the Canadian government will put an export duty upon their product, and the final result of that will be that the export duty put on the lumber by the Canadian government will increase the price upon this side in precisely the same way as the import duty imposed upon this side would do, and with the further result that the export duty put upon the lumber in Canada will go into the Canadian treasury and to that extent deprive the Treasury of the United States of the amount which it would receive from the present import duty?

Mr. McCUMBER. Mr. President, I am not looking for any export duty upon Canadian lumber to any extent in the near future. The Senator must remember that while the Canadian lumber supply is less than that in the United States, the population is something like one-tenth of the population in the United States; and so the Canadian government, in proportion to its population, has a very much greater supply of standing timber than this Government has. To-day, while they are conserving to a certain extent, they are naturally looking for markets for their product, and if we take off the tariff I am not at all afraid that they will immediately put an export duty upon it. If they did, of course it would counteract what we have done, and leave us in practically the same condition we are in to-day.

Mr. BAILEY. Mr. President, I think a quorum of the Senate ought to be here to hear this interesting colloquy, and I make the point that there is no quorum present.

The PRESIDENT pro tempore. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Crane	Johnson, N. Dak.	Root
Bacon	Crawford	Jones	Scott
Bailey	Cullom	Kean	Shively
Beveridge	Cummins	La Follette	Simmons
Borah	Curtis	Lodge	Smith, Md.
Bourne	Daniel	McCumber	Smith, Mich.
Brandegee	Depew	McEnery	Smoot
Bristow	Dick	McLaurin	Stephenson
Brown	Dillingham	Money	Stone
Bulkeley	Dixon	Nelson	Sutherland
Burkett	Elkins	Oliver	Taliaferro
Burnham	Flint	Overman	Tillman
Burrows	Foster	Page	Warner
Chamberlain	Frye	Penrose	Warren
Clapp	Guggenheim	Perkins	Wetmore
Clark, Wyo.	Heyburn	Piles	
Clay	Hughes	Rayner	

Mr. CRAWFORD. I desire to state that my colleague [Mr. GAMBLE] is unavoidably absent and it will be impossible for him to be here perhaps during to-day's session. I make that statement now in reference to this roll call, and any future one that may be taken to-day.

Mr. TILLMAN. I wish to announce that my colleague [Mr. SMITH] is unavoidably absent, and is paired to-day with the Senator from Washington [Mr. PILES].

The PRESIDENT pro tempore. Sixty-six Senators have responded to their names. There is a quorum present.

Mr. BAILEY. Nobody seems desirous to proceed. I move that the Senate adjourn.

Mr. LODGE. On that I ask for the yeas and nays.

The PRESIDENT pro tempore. The question is on the motion of the Senator from Texas that the Senate adjourn.

Mr. LODGE. I will allow the Chair to put the question first.

The PRESIDENT pro tempore. The question is on agreeing to the motion that the Senate adjourn.

The motion was not agreed to.

Mr. ELKINS. Mr. President, I wanted to speak this morning, but my friend on the committee has made some suggestion which I should like to look up. I am so surprised that the committee have free-trade notions imbedded in their rock-ribbed principles that I do not know where they took them up. In wandering over the plains of North Dakota, under the stars of night, the Senator from North Dakota might find some theory to justify him. Because a man is sick and is well again, he wants to make him sick so that he will last longer. That is his idea of the conservation of our industries. I am just debating in my own mind whether to speak to-day or to defer speaking until Monday.

Mr. BAILEY. I suggest to the Senator from West Virginia that he ought to wait until Monday. He has already observed that the only way to keep Senators here is to make the point of no quorum, and then they come in, and as soon as the roll call is finished they disappear. If I were in the place of the Senator from West Virginia, I would wait until Monday to make my speech.

Mr. CLAPP. I hardly think the remark of the Senator from Texas applies. If the Senator from West Virginia would prefer to speak to-day, I think the Senate would be very glad to remain here and listen to him.

Mr. BAILEY. I know that is true, except the fact that so many Senators understood yesterday afternoon that there would be practically a cessation of all business to-day that they are about their correspondence and their other work.

Mr. ALDRICH. The Senator could not have understood that in the face of the statement which I made.

Mr. BAILEY. The Senator from Rhode Island says I could not have understood that, because he said, with very considerable emphasis, that there would not be anything done to-day except general debate, and then, later on, he did, as he has said, withdraw that.

Mr. ALDRICH. The only statement I made was that there would be no vote on the lumber schedule to-day.

Mr. BAILEY. Nothing but general debate.

Mr. ALDRICH. No; I did not say that. The RECORD will show.

Mr. BAILEY. I may be mistaken; but I believe I will resort to the RECORD to see. The Senator from Rhode Island has a habit of saying things and then saying he did not say it. From the RECORD I read the following:

> Mr. ALDRICH. I will agree now that there shall be nothing done to-morrow except the consideration of the lumber schedule, and that there shall be no votes taken.
>
> Mr. BAILEY. In other words, the Senator from Rhode Island means that there will be nothing done except speaking.
>
> Mr. ALDRICH. Except a day of general debate upon the lumber schedule, which is sure to come—perhaps several days. We shall not save any time by——

Then there was an interruption. I think I was not mistaken. I thought when I made the statement I was not mistaken.

Mr. ELKINS obtained the floor.

Mr. ALDRICH. If the Senator had read a little further, he would have seen that I said:

> I think it is much better to have it understood by the Senator that no votes are to be taken upon the lumber schedule to-morrow.

I afterwards withdrew the whole proposition.

Mr. BAILEY. I understand that, and I did not contradict the statement that the Senator afterwards withdrew it, but he withdrew it under such circumstances that it did not impress the Senators. I understood it because I happened to be engaged in the colloquy, but there was not one Senator in ten who understood, until the Senator said so this morning, that he had withdrawn the statement made. But the fact that he withdrew it confirms my statement that he made it.

Mr. ELKINS. Mr. President, it looks to me like neither the Senator from Rhode Island nor the Senator from Texas wants to have the bill expedited from what has just occurred. The time of the Senate has been consumed for ten or fifteen minutes.

The PRESIDENT pro tempore. The Senator from West Virginia is entitled to the floor.

Mr. ELKINS. Mr. President, West Virginia is interested in the duty on lumber, coal, and oil, which are the three leading products of the State, and I may say in a measure leading products of the South.

West Virginia is in an unfortunate position so far as the pending bill is concerned. It would seem that the Committee on Finance, that reported the bill, is not overfriendly to her products. What is termed as the "progressives" in this honorable body—I do not mean this in any offensive sense—I greatly fear will not vote for a duty on coal, oil, and lumber, calling them "raw materials." The Finance Committee has gone so far as to put oil on the free list; coal is in suspense; and the duty on lumber is reduced 50 per cent in the bill, and the most violent free trader as to lumber, coal, and oil I have ever known is a leading member of the committee from the State of North Dakota [Mr. MCCUMBER]. I hope I do not do him any injustice when I make this statement. These two powerful elements in the Senate shake hands across the chasm that divides them on everything else and seem to agree as to the products of West Virginia. What is to be the outcome I do not know. West Virginia, it appears, can not get the relief she deserves from the Finance Committee, and I know in her distress she can not get sympathy from the "progressives."

The Senator from North Dakota argues that because a product is not long-lived its life ought to be prolonged by putting it on the free list. Timber, he says, can not last long; and as a remedy to prolong its life, it should not have a duty, should not be protected, no matter what becomes of the people who own timber lands, or the money they have invested, of their mills and plants, of their homes and means of making a living, and of the wage-earners employed in the lumber industry. No matter what the injustice may be, his aim is to prolong the life of timber, even if he destroys the lumber industry; but he does not fail, however, to vote the highest duties on the products of his State, even if they should be short-lived. He seems to be the author of his own peculiar theory as to putting some products on the free list because they are short-lived and can never be reproduced when once exhausted. I am sure he will remain the undisputed author of this new and strange doctrine; no one will want to take the honor from him. I have recently gone over all of the great writers on political economy, Jevons, Ricardo, John Stuart Mill, Walker, Adam Smith, and others, and none hints at such a theory or notion as that advanced by the Senator from North Dakota.

Mr. President, I agree fully with what the Senator from Idaho [Mr. BORAH] stated in reply to the remarks of the Senator from North Dakota, when he said that protection is either a principle or not. Protection can not be a great cardinal principle, an important national policy, and at the same time be local and distributed around in spots. I do not wish to offend the Senator from North Dakota, but he seems to favor protection in spots. He is what may be termed a "spotted protectionist." He is for high duties on all the products of his State and no duties or protection on many of the products of other States.

Now, let us see what duties the Finance Committee has reported on farm products in the pending bill. The committee increases the duty 5 cents a bushel on oats. That is about 20 per cent increase. North Dakota raises oats, and yet the Senator is a revisionist downward when he comes to the products of my State; not only downward, but downward clear out of sight, until he reaches the free list. The Senator and the committee put 5 cents a bushel more on wheat, an increase of 25 or 30 per cent, and increases the duty on rye to 100 per cent. The duty on buckwheat is increased 5 cents a bushel, again a 25 per cent advance. Rice is the only product of the South that gets an increased duty, a raise from 1½ to 2 cents per pound.

The duty on corn is increased from 15 to 20 cents a bushel, and no nation on earth can compete with us in corn, nor does any nation wish to do so. I can not understand what the committee meant by advancing the duty on corn, nor on wheat, rye, and barley.

Mr. ALDRICH. Mr. President, will the Senator allow me to interrupt him?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. I do.

Mr. ALDRICH. Is the Senator from West Virginia opposing these increases on agricultural products?

Mr. ELKINS. Not at all. I am not opposing them in any way. All I ask is, that the distinguished Senator will put a fair duty on the products of West Virginia, which are worth just as much—yes, more in many localities—and entitled to the same consideration. All I desire is that the Finance Committee be just, fair, and consistent. This is all I ask for West Virginia at the hands of the committee; nothing more; no discrimination against our products.

Mr. ALDRICH. Is the Senator from West Virginia trying to make a trade with me or with the Senator from North Dakota [Mr. MCCUMBER]?

Mr. ELKINS. I had rather trade with the chairman of the committee, the Senator from Rhode Island. [Laughter.] He can deliver more, and I think West Virginia would get better treatment from him.

Mr. MCCUMBER. The Senator from West Virginia has already got very much the best of me in the trade. I have voted for protection on about a dozen articles in my State; but in looking over this bill I find I have voted for protection for about 300 articles in his State. Therefore, for the few—eight or ten—in my own State the Senator has got about 300 in these schedules. So I do not think the Senator can complain very much.

Mr. ELKINS. If you have left out one product not highly protected in your State, tell me. I will give you plenty of time.

Mr. MCCUMBER. That does not answer the question. I say that I have voted for three or four hundred articles for your State, while I have taken but eight or ten for myself.

Mr. ELKINS. We have not three or four hundred protected articles in West Virginia. The Senator is mistaken.

Mr. MCCUMBER. If the Senator will allow me to take the bill and go over the items with him——

Mr. ELKINS. I am not through with the Senator yet.

Mr. BAILEY. Will the Senator from West Virginia permit me to interrupt him a moment?

Mr. ELKINS. I want to say why I had rather trade with the Senator from Rhode Island [Mr. ALDRICH] than with the Senator from North Dakota [Mr. MCCUMBER].

Mr. BAILEY. Because the Senator from Rhode Island can deliver the goods. I know why. [Laughter.]

Mr. ELKINS. Yes, Mr. President, he can. But I must go on.

Mr. BAILEY. But I wanted——

Mr. ELKINS. I want to say that the Senator from Rhode Island is broad, liberal, and a fair protectionist; he does not confine protection to the products of his own State, but he is handicapped on his committee. He can not always get the products protected which he desires. He is liberal, and generally fair, but he is influenced by his environment. No man can emancipate himself from the influence of his colleagues, and I greatly fear at the solicitation of my friend from North Dakota and other members of his committee he has consented to a partial injustice in dealing with the products of West Virginia.

Mr. BAILEY. Will the Senator from West Virginia yield to me?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. Yes.

Mr. BAILEY. I just wanted to direct the attention of the country to the fact that, after all, his principle of protection is mere bargain and trade in application.

Mr. ALDRICH. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. I do.

Mr. ALDRICH. I think that will be more or less apparent on both sides of the Chamber before this lumber schedule is disposed of.

Mr. ELKINS. I want to get the "progressives" and the Finance Committee together long enough to vote some of the products of West Virginia on the dutiable list, and not allow her leading products to go on the free list.

Mr. BAILEY. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Texas?

Mr. ELKINS. I do.

Mr. BAILEY. I thought, perhaps, we might reach an agreement. Responding to the suggestion of the Senator from Rhode Island [Mr. ALDRICH], I would be delighted to vote for a duty on every article on the dutiable list, even 10 per cent higher than the present duty on lumber is; and we can on this side agree to vote on this bill on next Monday morning, if you will construct it on that principle.

Mr. ELKINS. We would like——

Mr. ALDRICH. Mr. President, we have heard——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Rhode Island?

Mr. ELKINS. I do.

Mr. ALDRICH. We have heard that suggestion on several occasions.

Mr. BAILEY. But never acted on it.

Mr. ALDRICH. I have responded once, and I will make the same response again, that 10 per cent is now supposed to be protection on lumber by its friends; and whatever rate is a protective rate and gives to our industries fair treatment, whether it be 10, 20, 30, 40, or any other per cent, I am for; but I am afraid that the Senator from Texas is not.

Mr. BAILEY. The Senator from Texas will vote for 10, 12, 15, or 20 per cent duty on any article, except the common necessities of life, that will put revenue into the Treasury of the Government. That is my position.

Mr. ELKINS. I think the Senator from Texas is more liberal than the Finance Committee is toward lumber, and I thank him for it. He does not want to see the products of the South put on the free list while products of other States are highly protected.

Mr. BAILEY. I am not more liberal, but more just.

Mr. ELKINS. I will not discuss this question just now. I am trying to reach the mind of the chairman of the Finance Committee and convince him he has not done justice to lumber, oil, and coal in the pending bill.

But let us see what the Finance Committee has done besides what I have stated. I do not understand how a committee broadly for protection can single out a lot of products in one State and advance the duty on them from 25 to 100 per cent when not one of them needs such an advance, either from the standpoint of revenue or protection, and when there is little or no importation of any of these products. I find 100 per cent duty on rye. Think of that! My friend from North Dakota seems to have had influence enough with the other "progressives" on the committee in framing the bill to secure high protection on all the products of his State, and then comes into the Senate and makes free-trade speeches as to products of West Virginia and the South.

Now, as to lemons and oranges. Away over on the Pacific the great State of California, an empire, lies like a ribbon on the edge of the Republic, 3,000 miles distant. California fares well in the pending bill. The duty on lemons is advanced 50 per cent, besides all of her citrus fruits, berries, prunes, olives, and raisins are highly protected. Further down in the bill I find hay has a duty of $4 a ton, which shuts out hay from Canada. I suppose hay is sacred; corn is sacred; rye, wheat, barley are all sacred, but lumber and the investments in lumber are not sacred. A man who has an investment in a lumber mill or in oil or in coal gets scant consideration at the hands of the committee.

Mr. CURTIS. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Kansas?

Mr. ELKINS. I do.

Mr. CURTIS. Does the distinguished Senator from West Virginia not believe that his industries have been protected to a greater extent than have the farming interests of this country?

Mr. ELKINS. No; I know they have not been.

Mr. CURTIS. Have not your industries all been built up under the protective system?

Mr. ELKINS. They have; but that is not what I am complaining about. What I object to is that the Finance Committee wants to cut down the leading products of West Virginia and put them on the free list.

Mr. CURTIS. Your industries have been built up by protection.

Mr. ELKINS. Surely; I fully agree with the Senator. We built them up under protection given the country under the Morrill, McKinley, and Dingley bills.

Mr. CURTIS. And are you objecting to giving the farmers protection on hay and other farm products?

Mr. ELKINS. Not at all. I will vote with the Senator for the amplest protection on hay, corn, and all the products of his State, with pleasure; but I want to say here that if there is to be protection, I want it all along the line for all American products competing with foreign products. I do not want a duty of 50 to 100 per cent in some States on some products, and the products of my State placed on the free list. I have made no objection to the protective rates in the bill, and I have voted uniformly with the committee on all their amendments. My contention is not against protecting all American products, but I do not want discrimination against the products of my State, and I do not think the committee has done West Virginia products quite justice.

Mr. President, do you find long-staple cotton on the dutiable list? Do you find a duty on any cotton, much less advancing the duty 25 to 100 per cent? One hundred and seventy-eight thousand bales of long-staple cotton were imported last year into the United States. Severe competition, and no hint of a duty—not even 5 per cent. Is this fair? I appeal to the Senate whether, in making a great bill under a national policy to which the Republican party is committed, is it fair, just, or right? Long-staple cotton and all cotton is an agricultural product as much as hay, corn, wheat, rye, barley, and all other agricultural products highly protected. Why protect these and keep cotton on the free list?

Mr. ALDRICH. I am not sure whether the Senator is addressing his criticism to the committee or to the Senator from North Dakota.

Mr. ELKINS. Both.

Mr. ALDRICH. The committee have not reported any provision for free lumber.

Mr. ELKINS. A 50 per cent reduction is getting uncomfortably close to it.

Mr. ALDRICH. Is it?

Mr. ELKINS. Do not go any further, I beg of the committee. I think it has gone too far, and I become alarmed when a leading member of the committee appeals again and again that lumber be placed on the free list.

Mr. ALDRICH. If the Senator——

Mr. ELKINS. If you are apologizing for that, I will yield.

Mr. ALDRICH. If the Senator is talking about free lumber, the committee have not reported in favor of free lumber; and while the Senator from North Dakota [Mr. MCCUMBER], a member of the committee, will vote for free lumber, I think he is the only member of the committee who will do so.

Mr. ELKINS. I will tell the Senator what the Finance Committee has done. West Virginia products were in the low-duty class in the Dingley bill. Lumber was protected at about 12 per cent ad valorem—only $2 on a thousand feet. Fifteen million dollars of American money went out of this country to pay for lumber under that duty. In the face of this the committee reduced the duty to 5 or 6 per cent ad valorem, yet I know the chairman is a good protectionist.

Mr. ALDRICH. Mr. President, of all the important items which have been passed upon in this bill, nine-tenths of them

in number are items in which the State of West Virginia is very much interested——

Mr. ELKINS. I do not agree with the Senator. West Virginia is not interested in producing one-third of the articles in the bill.

Mr. ALDRICH (continuing). With duties ranging from 60 to over 100 per cent. So I would suggest to the Senator that I think it would be better taste and better judgment on his part to talk about the lumber schedule without reference to what his State has received in the paragraphs of the bill that have already been passed upon.

Mr. ELKINS. It might be better judgment if the distinguished Senator objects; but there is no question about the taste in this discussion. As to matters of taste we learned long ago from the ancients "De gustibus non disputandum est." This is good philosophy, even in these modern days. That may be Choctaw, I will say to the Senator from Rhode Island, if he wants to know what it is. [Laughter.]

Mr. President, I do not mean to make any complaint whatever against the chairman of the Finance Committee. I know he is a protectionist and wants to be just and fair; and whatever infirmities possess him and are apparent in him in the conduct of this great transaction of framing a tariff bill they are not due to what he feels, but are due to his surroundings. He can not help this great disparity in the schedules, some enjoying high duties and others none. I know what he means by "West Virginia products." I know we have greater products than lumber. I have named them. We have iron, steel, glass, and many other products, and I may say with our deposits of coal, oil, and gas, our water power, and our great advantages in reaching the markets east and west, one day West Virginia will rival Pennsylvania and New England in mills and manufacturing plants. This is her sure and certain destiny.

Mr. President, according to a table I have, the products covered by a duty and are protected may be divided into three classes. The first, running from 50 per cent to 270 per cent, may be called the "high-duty class." The medium class is from 25 per cent to 50 per cent, and the low-duty class is from 5 or 6 to 25 per cent ad valorem. Unfortunately, West Virginia products already fall in the low-duty class.

West Virginia has not been too ambitious as to her products. She was willing to remain in the low-duty class. She did not ask an advance in duties or more protection. If it is found necessary to reduce duties, why select products already in the lowest class of the dutiable list? Why not reduce on products enjoying a duty from 50 to 170 per cent, such as sugar, woolen and cotton goods, gloves, and many others?

Mr. President, in the pending bill oil is put on the free list, we do not know where coal is yet, but I am hopeful about it. We do know that the duty on lumber has been cut in two, reduced 50 per cent, and we know that the duty on steel has been considerably reduced. Five or 10 per cent off the high-duty class would have been only a slight reduction on single articles, but the aggregate would have been considerable.

Mr. President, we ought to decide in making this bill one thing that has disturbed the country since Hancock's time, and that is whether the tariff is national or local in principle and application, whether in making a tariff there should be fair dealing and no discrimination. I believe a majority of the people of this country have so often declared in favor of a protective policy as a principle that it ought to be adhered to in making a tariff bill. I believe all American products competing with products from abroad in our home markets ought to have some measure of protection, some share in the distribution of duties, and I think this rule, if adhered to, would satisfy fair-minded people and all good protectionists.

The Government requires the raising of sufficient revenue, if duties should be justly and fairly distributed, to protect every American industry needing protection. I think the chairman of the Finance Committee will agree to this. The free list should not be increased by putting on it American products competing with foreign products; but rather there should be placed a duty on all foreign products that compete with American products, the rates to be fixed according to the conditions and the rule laid down in the Republican platform. I will be perfectly willing, so far as the products of West Virginia are concerned, to do that. We do not ask high protection or high duties; we are willing to be left in the low-duty class, but object to putting any of the West Virginia products on the free list or reducing the already low duties now laid upon them.

I believe the average duties of 45 per cent in the pending bill could and should be reduced by reducing the duties on highly protected products and putting more duty, low or high, as the case may be, on all foreign products competing with American products. That would be a just, fair, and equitable revision of the tariff, such as promised in the Republican platform and in the speeches made by President Taft before and since the campaign. I want to adhere precisely to that rule, principle, or policy in making this tariff. In other words, I want to treat as nearly as may be all American products alike. I mean in the matter of affording some protection. I do not mean all alike as to rates. Tariff rates should be adjusted according to labor conditions and the difference between the cost of labor here and abroad. One thing above all others, in making the present tariff bill, we must protect American wage-earners in their wages and employment against foreign labor.

As I have said, under the Dingley bill the rates of duty on the products of West Virginia were fair, though in the lowest class. We had a duty of $2 a thousand feet on lumber—that is, about 12 per cent; on coal we had 67 cents per ton, and a countervailing duty on petroleum and its products, which afforded protection. Under the Payne bill the duty on lumber is reduced 50 per cent; the Finance Committee has not yet reported the duty on coal, but it places oil on the free list and concurs in the reduction of 50 per cent on lumber.

I am trying to get justice for my State and its products, and I desire to be just to the chairman of the Finance Committee in all I say and ask.

Mr. President, putting a low duty on some of the products of West Virginia and putting others on the free list is an unjust discrimination. I am proud to stand by, defend, and be loyal to my people and my State and their interests here and elsewhere. There are no better and no more patriotic people in the wide world. Why should these products I have just named be discriminated against? Human beings, good and worthy citizens, are engaged in the business of owning and managing these great industries in my State and in other States; wages are paid; capital is invested; employment furnished to thousands of good people, and whole communities are built up and around the production, sale, and transportation of coal, oil, and lumber. Must these great industries be stricken down or impaired while sugar, tobacco, shoes, cutlery, gloves, cotton and woolen goods, and many other products enjoy protective duties ranging from 50 to 200 per cent? From the standpoint of revision of the tariff downward such an adjustment would not be fair, and from the standpoint of a fair and equitable revision it would not be just. West Virginia products can not stand any reduction of duty, while the products I have named can.

There is another suggestion I wish to make. If there is to be a general reduction of duties, I am willing that the products of my State and section, although they are in the low-duty class, should stand their fair share of reduction with the products of other States; but I am not willing that they should be reduced at the rate of 50 per cent and others put on the free list when there is no corresponding reduction in the duty on highly protected products of other States and sections. Coal, oil, iron, steel, and lumber constitute 80 per cent of the manufactured products of West Virginia.

To better illustrate my position, a farmer, a coal operator, a timber owner with his sawmill, and the owner of a woolen mill are all located near the Canadian border doing business, their industries having been in active operation for many years. Each has all of his capital invested, employing labor, paying wages, each making reasonable profits, educating his family, and all being good citizens.

The products of all four industries, however, compete in our market with products of like industries in Canada, and all enjoy some degree of protection under the Dingley bill and are prosperous. Now, I wish to ask if, in revising the tariff, it is just and fair to continue high duties and ample protection on the woolen manufacturer's products and on the farmer's products and levy a low duty, or none at all, on the coal operator's coal and the timber owner's lumber?

Under these circumstances the coal operator and lumber producer would be greatly injured if the duties were taken off their industries or if they should be greatly reduced. So far as the coal operator and the timber owner are concerned, this would not be revision, but destruction.

Is this fair? These people live there together. They are honest people, and good citizens, and have all their money invested, and, say what you please, if you let Canadian lumber in free or reduce this duty, it will destroy or impair the lumber industries of the United States as far as Canadian lumber can be hauled by rail cheaper than our lumber can be hauled.

I know it will be in the interest of the people of the State of the Senator from North Dakota to have free lumber in a sense. Locally it would, and so far as his State is concerned; but we are making a tariff bill not for one State or its products, but for the whole country. The American people believe in protection. How can we ever make a tariff bill if we levy duties on the products of a dozen or so States and deny protection to the products of other States? This will not do; this is the narrow and selfish view, and will not work.

Mr. McCUMBER. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. ELKINS. Yes.

Mr. McCUMBER. I appreciate the fact that during the last forty or fifty years of protection the people of my State and of the Northwestern States generally have, year in and year out, never surrendered the banner of the protective policy, and they have been growing immensely wealthy and have produced millionaire upon millionaire, while the poor people in West Virginia, with their coal and their iron and their thousands of manufacturing industries, have all become very, very much pauperized. Now, as I look at the happy countenance of the Senator from West Virginia, I can hardly believe that he is one of those who has suffered so very much from a protective duty that has so benefited the northwestern section and from which the Senator from West Virginia has received no benefit whatever. [Laughter.] I think, Mr. President, if the Senator will allow me, he will find that we have stood by protection about as long and about as often as even the people of West Virginia, even when we were getting the benefit only indirectly.

I want the Senator to understand that the Senator from North Dakota, in his own State and in all the Northwestern States, has been preaching protection for a good many years. While we could not show directly to our farming constituents that they got the direct benefit, we could show them that by building up the great industries of the East, by seeing every smokestack sending up volumes of smoke, like a prayer of incense rising to the skies and prayers of thankfulness for Republican policy, we got our benefit; but at the same time the Senator must recognize—I am not going to take the Senator's time, but he has alluded very often to me—the Senator must recognize that every one of these smokestacks is an argument, when it is alive, for protection, and that every man that is working under it preaches most eloquently for that policy.

We have stood by you upon all of those matters. We have stood by you when lumber advanced from $12 per thousand up to $40, and we never said a word about it; but when you wanted to get it up to $50 or $60, and exhaust the entire lumber supply of the country in a very few years, then we said—and our people, I think, said correctly—that is not an object that ought to be further protected.

Mr. ELKINS. Mr. President, the value of lumber has not reached such a price as that which the Senator states. Twenty dollars a thousand feet for rough lumber is the prevailing retail price—the price at the mills is much less—and there is no use talking about it being forty or fifty dollars per thousand.

Mr. President, I said nothing about what the Senator and his people have done in the past. So far as I know, he and they have been good protectionists. What I complain about is the Senator's present position as a member of the Finance Committee, which is while protecting all the products of his State he wants to put the leading products of West Virginia on the free list. In this bill the farmers have hay, wheat, barley, and all agricultural products highly protected. They are making money, and I am glad of it. Our coal and lumber operators buy their hay and buy their wheat, meat, and corn, all highly protected, while the Senator urgently pleads to put the products of West Virginia on the free list. In the past the Senator from North Dakota and others of like mind may have been good protectionists, but are they now, when they ask that important American products competing with foreign products shall go on the free list because, as I believe, their States do not produce them?

Mr. McCUMBER. I think, Mr. President, if the Senator will allow me—— .

Mr. ELKINS. I hope the Senator will not make a speech in asking a question.

Mr. McCUMBER. I think one-half the farmers of my State will trade their entire farms for what the Senator from West Virginia himself owns as a single individual——

Mr. ELKINS. Mr. President, this personal reference to me——

Mr. McCUMBER (continuing). So I do not think they have become so very rich, and I do not think the Senator from West Virginia has become so very poor.

Mr. ELKINS. Mr. President, the Senator is in error as to his statement about exchanging half the farms of his State for what I own in West Virginia. I do not know how to meet this except to say what I own in West Virginia is greatly exaggerated, and the value of a few farms would cover it; but I am glad to say nearly all I own in the world is in West Virginia, and I am proud of it. It is a great State to live in and invest in, but I stand here not for my own interests, but the general good and interests of the entire State and her people. I must, and will, defend both and see that they have justice.

Mr. President, there is no use saying anything to divert attention from the main point in this debate. I know it hurts when a protest is made against injustice and discrimination, and I sympathize with the Senator from North Dakota in the unpleasant and unfortunate position in which he finds himself in trying to be a protectionist in his State and a free trader in my State, as to its products.

Mr. McCUMBER. The Senator never wasted his sympathy more than he does in a case of this kind.

Mr. ELKINS. He is appealing to prejudice when he talks about the millionaires of West Virginia. We will have neither millionaires, nor wages, nor industries of any kind if our products are put on the free list. West Virginia does not produce millionaires, but produces lumber, coal, iron, and oil—great products needing protection. She has nothing artificial. [Laughter.] I am sure I do the Senator no injustice when I say that next to being an able Senator, as he is, from his State he would like to be a millionaire. Being a millionaire is a disease that is catching—I mean everybody is standing around trying to catch the disease.

Mr. President, the coal operator makes only 15 cents on a ton of coal, and the Senator makes 30 cents a bushel on his barley, wheat, and other agricultural products due to the protection. I know he does not like to hear this. We make little on our products, while our capital invested is enormous.

Mr. McCUMBER. If the Senator would multiply it, I would like it better.

Mr. ELKINS. I sympathize with the farmers all over the country. Protection gives them our home market, the best in the world. I am not opposing a duty on farm products. I am a protectionist. I want duties on all foreign products competing with American products high enough to keep our home markets for our own people and high enough to protect our wage-earners against the low wages of foreign labor. I am not willing to destroy or impair, even in the slightest degree, the industries of any State. I want them all to have a fair chance and prosper.

Mr. SCOTT. Will my colleague allow me?

Mr. ELKINS. Yes.

Mr. SCOTT. You are going to vote for all these?

Mr. ELKINS. Every one of them, whenever the chairman of the Committee on Finance brings them before the Senate for a vote. [Laughter.] I do wish Senators would vote the same way on the products of West Virginia.

Mr. SCOTT. That is, we are loyal.

Mr. ELKINS. We are loyal, but the Senator from North Dakota is not loyal to the broad principle of protection—surely not in its application. The Senator does not need this protection on his farm products, except it may be, possibly, on hay and on cattle. He should not ask it, and in the same breath ask coal, oil, and lumber to be put on the free list.

Mr. SMITH of Michigan. Mr. President——

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from Michigan?

Mr. ELKINS. For a question.

Mr. SMITH of Michigan. I would like to suggest to the Senator from West Virginia that, while they may need this tariff on hay, when the Wilson bill was the law of the land they had their hay on their farms; they did not have any market for it.

Mr. ELKINS. Yes. I thank the Senator from Michigan. I remember well under the Wilson bill—because our mills and mines were closed—the farmers' hay remained in the field unused.

Mr. President, I will now take up seriatim the arguments made by the free traders of the Senate on lumber. I do not like the idea of calling Republicans free traders; but I am bound to do so, especially when they are on the Finance Committee and ask that important competing American products go on the free list.

Let us look at the history of this matter of duties on lumber. I want to give a brief review of the lumber industry for a long time back. The Senator from North Dakota talked several hours on this question, and his speech was very able and very entertaining.

ALWAYS A DUTY ON LUMBER EXCEPT UNDER WILSON LAW.

Mr. President, from 1846 until now, more than sixty years, there has been a duty on lumber, except under the Wilson law, which provided for free lumber, and we had it for a period of three years when the Democrats had every department of the Government. If the Republicans had controlled every department of the Government, lumber would not have been on the free list; but under the Wilson law not only every industry of the United States was disastrously affected, but lumber especially. Ninety per cent of the mills of West Virginia were closed, shut down, and the grass grew in the roads leading to the mills until we got relief under the Dingley bill. It is now proposed by the

Finance Committee to reduce the rate on lumber, already in the low-duty class, as I said before, and increase the duty on other products manufactured in other States and parts of the country.

Mr. McCUMBER. Will the Senator allow me to ask him a question?

Mr. ELKINS. Just a question.

Mr. McCUMBER. I want to ask the Senator if, during that period of what he calls "free trade in lumber," there was any particular increase in the lumber importations from Canada?

Mr. ELKINS. Mr. President, the Senator does not know the history of the lumber industry in this country or he would not have asked this question.

Mr. McCUMBER. I want to ask whether there was any, because——

Mr. ELKINS. Absolutely, yes; an enormous quantity of lumber was imported.

Mr. McCUMBER. There has been an increase since then.

Mr. ELKINS. An increase, yes; both during and since the Wilson law.

Mr. McCUMBER. Not as much was imported then as we import now.

Mr. ELKINS. This country has expanded during the fifteen years that have elapsed since then. I will tell him that the lumber from the northern part of West Virginia that formerly reached New York and New England was driven out of these sections by the Wilson law and our mills shut down.

Mr. McCUMBER. The point that I was making——

Mr. ELKINS. I am making this speech; or I am trying to, at least.

Mr. McCUMBER. I do not know; I thought the Senator was talking to me. Will the Senator allow one question?

The PRESIDENT pro tempore. Does the Senator from West Virginia yield to the Senator from North Dakota?

Mr. ELKINS. Yes; this time.

Mr. McCUMBER. Very well. I think the Senator will find that while it is true that the mills in his State and a great many of those elsewhere in the United States were closed, all other mills were closed as well and there was no money in the country to buy lumber.

Mr. ELKINS. Especially, however, was the lumber industry prostrated.

Mr. SCOTT. I will ask the Senator from North Dakota whether there was not at that time an export duty on lumber from Canada, and whether that was not the reason it did not come in?

Mr. ELKINS. It came in even with an export duty.

If the Senator will give me his attention, I will state that last year we imported, in round numbers, 782,000,000 feet of lumber, valued at $15,000,000, or about $19 a thousand. The revenue derived from this source was only $2,230,000. From this it would seem that the $2 duty cut very little figure. Think of fifteen millions of American money going out of this country to buy foreign timber, when we had so much timber standing untouched in our forests, giving employment to foreign mills and foreign wage-earners! Think of the $2,000,000 revenue, and that much timber saved from being cut in our forests being our only return for the $15,000,000 paid in gold to the lumbermen of Canada.

Is the present duty so high that it keeps out lumber? Not at all. If the duty on lumber had been as high relatively as on other articles, it would have been $5 a thousand on lumber. This might have prevented another recurrence of sending $15,000,000 of American money out of the country to buy products we have at home.

People can not limit themselves to the products of their own States and their own wishes in making a tariff. The various sections of this country are too closely connected for that. The South can not go forward in the industrial race of the Nation unless she has the same opportunities and enjoys the same advantages as other sections. She can not make the race handicapped with her products on the free list and the products of other sections enjoying high protection. If her finished and manufactured products are on the free list, or bear only a very low duty, while others are highly protected, she can not achieve the prosperity and progress to which she is entitled. She would not have a fair chance; she would stand still while other sections would grow and move forward.

The Canadian importers bought this lumber, paid the duty, and made money. If they had not made money they would not have imported the lumber. They made money. The duty on lumber ought to be $4 or $5 a thousand feet, if you put it on the same basis as woolen or cotton goods, wheat, rye, or barley. It ought to be $10 a thousand feet to keep pace with the highly protected products of the Eastern States.

Mr. President, last year we sold to Canada 782,000,000 feet of lumber—not much when we consider that one State alone, Washington, has 800,000,000,000 feet of standing lumber.

I am mistaken about the standing timber in the State of Washington. I should have said the Pacific coast States—Washington, California, Oregon, Idaho, and Montana—have, according to the best estimates, 1,400,000,000,000 feet of standing timber. We cut 40,000,000,000 feet a year. With the present annual production, it would take thirty-six years to exhaust the timber of these States if you did not touch another stick of timber in the country. The Senator from North Dakota [Mr. McCUMBER] must permit a Senator from a lumber State to know something about these statistics and figures. The Senator has a sort of hallucination—I will not say "hysteria"—about the exhaustion of timber. I am astonished when he has this spasm of apprehension about saving the forests. I want to save his barley and wheat as much as he does, but they will give out long before lumber gives out. Your soil will become poor and exhausted, as other soils have. There is no denying these facts.

Mr. McCUMBER. I understand that the Senator does not want interruptions.

Mr. ELKINS. I am glad to answer questions from so amiable a person as the Senator from North Dakota.

Mr. McCUMBER. If the Senator asks the question of me, I will answer it; but I do not want to interrupt the Senator.

Mr. ELKINS. The Senator had three hours for his speech, and he has made these statements.

It will take more than thirty-six years' consumption, according to some statisticians, to exhaust the lumber of the Pacific Coast States, cutting 40,000,000,000 feet a year, our present production. We have the second crop in some States, and in Maine we have the second and third crops. We can with care and attention prolong the life of this industry, without ruining it by letting foreigners come here and enjoy it as we do. According to the theory of the Senator, let the lumber industry live; it is virile and vigorous now. But if we let in lumber free to compete with the lumber of the United States, the man who has only a few hundred acres of timber, while he can go on with the industry, and it will last longer, he will make nothing. How is his family to live? How is the man himself to live? How is he to pay wages? It simply drives him out of business, because if a man can not make anything in his business he will give it up. It is true the timber on the few hundred acres will last until the foreign timber gives out. The life of the timber would be prolonged, it is true; meantime the owner of the timber would be ruined. The Senator seems to be reckless on this branch of the subject.

EXTENT AND IMPORTANCE OF THE LUMBER INDUSTRY.

There is invested in the lumber industry in the United States $600,000,000 of just as good money as is invested in the Senator's farms. I do not mean all of this for the Senator from North Dakota. I am addressing myself to him because he is a leading and conspicuous member of the Finance Committee—a protection committee, too. There are 30,000 sawmills operated and from 600,000 to 700,000 men employed, on whose labor 3,500,000 people depend. That is an enormous industry, an enormous investment.

I do not say that free lumber would affect all the people owning lumber in the same way, not at all. Free lumber would destroy these industries on the Canadian border to the extent of millions of dollars; and generally it would have the effect of lowering the price of lumber all over the country. Mexican lumber would come into the Southern States, and Canadian lumber from the North. That is the effect it would have on the lumber business world.

If the price of a commodity is reduced, wages must come down. The best form of distributing wealth known to society thus far is through the payment of wages; if business is good, wages are good, then the distribution of wealth is greater. We know how to accumulate money, but we have not learned how to distribute it wisely and in the best way that it should be distributed. Let us maintain good wages and not break down the best means for the distribution of wealth we have learned thus far, founded in justice, by breaking down our home industries.

The retail price of lumber varies from seventeen to twenty dollars per thousand feet. For the last two years it has been much lower. The Senator has repeatedly stated, and I believe other Senators have also said, that it is forty or fifty dollars per thousand feet. The latter figures refer to planed lumber and some fine or hard woods, but they are all too high, even for retail prices. All the machinery, tools, implements, and appliances connected with or used in the making of lumber are highly protected and most expensive. The Senator voted for a duty on every one of these things; yet he wants to make lumber free.

I assert, Mr. President, that there is no such thing as a lumber trust or lumber combination. I have heard of one man up in the Northwest—Mr. Weyerhaeuser—who is said to have bought up all the timber in his section of the country. He has

not bought it all, I am sure. From what I hear he is simply a sort of individual walking trust by himself; and everyone else has the same right that he has to buy timber lands. I dare say the Senator and his constituents would buy them, too, if they could.

There are about 50 timber holdings in the United States that exceed 1,000,000,000 feet of stumpage. Timber holdings are general, and as honestly held as farm lands.

In transportation, lumber stands third in railroad tonnage in the United States. Lowering the duty on lumber, or impairing the industry in any way, will have the effect of closing many mills. I do not say it will close all the mills, but it will close many of them. It will also reduce wages and reduce the volume of business on the railroads and in the country. All this should be prevented, and can be by maintaining the present duty of $2 a thousand feet, or, better, increasing it to $4, to keep pace with present duties on many articles.

If the standing timber were confined to Pennsylvania, New Jersey, New York, and New England, and lumber protected as the manufactured products of those States, I am sure the duty would be double what it is now, or $4 per 1,000 feet. I make this statement after reading the schedules. Look at the protection the people of those sections and States enjoy on their principal products. I vote for that protection. I am making no war on it. But why should the committee deny us protection on our products?

If all the forests could be assembled in one place in the East and Northwest, what protection lumber would have! And we would vote for it. It makes some difference just where a product is raised or grown as to the share of protection it gets.

Timber lands are at this moment being bought in Canada and Mexico and held for a reduction of the duty on lumber, or its being placed on the free list. There is an organized force at work here, I am told, composed of the agents of railroad owners and the owners of foreign timber lands, to keep the duty off lumber in the present tariff, although lumber has been protected for more than sixty years. So far as I can learn, the importers and American owners of timber lands in Canada are most clamorous for free lumber.

I will give one example to support what I say; I could cite others: The Mexico Transportation Company (Limited), organized under the laws of Great Britain, with a capital of $40,000,000—a company organized under the laws of a foreign country, with foreign capital—has commenced the construction of a railroad to timber lands it has purchased in Mexico, about 300 miles from El Paso. These timber lands bear good pine lumber. They cost the purchasers, I am told, only about $1 an acre. They will cut from 4,000 to 5,000 feet per acre. This company has already acquired 2,700,000 acres of these lands. The estimate of the timber now standing is 8,000,000,000 feet, which is ready to be shipped into the United States as soon as the railroad can be built.

This company took the action in respect to building the railroad to which I have referred, notwithstanding the duty of $2 a thousand on lumber. They bought this tract of land, fully recognizing the duty. If the duty is taken off, of course they will make that much more. I suppose that is what these Senators want—to let this foreign company thrive and grow fat at our expense and break down our industries. These are able men, wise men, and they put $40,000,000 in building a railroad and buying these lands to ship lumber to the United States, knowing what return they were going to get; and yet there are Senators willing to give them our home markets.

Mr. President, as a general proposition free lumber would reduce the earnings of American railroads; it would reduce wages in the United States; it would break down industries that live on lumber. We should keep our home market for lumber the same as we do for other products and not open it to foreign lumber. I can not name a product of the State represented so ably here by my distinguished friend the Senator from Massachusetts [Mr. LODGE] that does not enjoy a reasonable—I may say, a high—degree of protection, if it competes with a foreign product. I say "reasonable," although many people think it is unreasonable. I vote for it, however. I do not say the Senator is going to vote for free lumber. I do not charge him with that. I am merely illustrating. But there is not a thing Massachusetts produces that has not high protection if it competes with foreign products.

LUMBER IN THE SOUTH.

Mr. President, I have given in a brief way the general outlines of the lumber industry in the United States. Let us now look at the lumber industry in the South, and I invite the attention of southern Senators to what I am about to say. Next to cotton, lumber is the chief industry of the South. It brings annually to the South $100,000,000. It is a good friend—a great friend. The people of the South agree with me—and I belong to the South—in having no apprehension about its giving out. We are not afraid of its giving out in this generation or in ten generations. It is the most important factor in southern industry. It continues the year around. Cotton comes in once a year, and then the business is over for the next six months. The lumber business, however, is a continuing one, and it is doing more to help the South than any other industry.

The South should not be indifferent to the striking down of its second largest industry, when other sections enjoy high duties. The South has to fear Mexico; the Northwestern and New England States have to fear Canada in the lumber industry.

I wish the Republican party could learn, and learn now, in making this bill, to treat the people of the South, in the matter of protection to their industries, as fairly and justly as it treats other sections. I think we would have more Republicans down South if we did. We may not think we need them, but I think the time is coming when we will need them perhaps to take the place of free traders elsewhere.

Let us give the South the same protection on their products other sections enjoy. I do not mean necessarily to the same extent; I mean the same kind of protection that is given to other sections of the country. I do not want a duty of 50 or 100 per cent on lumber. We can get along without it. But merely because we can get along with a slight duty, do not deny us the little that we have.

The South has power in this Chamber to-day, if it would unite, to write into this bill reasonable protection on all her industries, the same as other sections of the Union enjoy. It seems to me Senators should stand together in a common cause to bring about this result. By refusing to do this they will only render aid to the States wanting lumber free and wanting all other products highly protected.

The South can not prosper equally with other sections of the country if what she produces and manufactures is put on the free list or only a very low duty imposed. Under such conditions she would be obliged to sell her products at low prices and pay high prices for what she consumes.

LUMBER IN WEST VIRGINIA.

Take the State of West Virginia: There are about 1,900 sawmills in the State of West Virginia, with a capital invested of $20,000,000. That is all good, hard money, just the same as is invested in the farm lands and in the products of New England, New Jersey, and Pennsylvania. It is not "stage money," but real money. And now the Senator says: "Well, let that capital be impaired; that does not make any difference. That does not affect North Dakota."

There are about 1,500 sawmills in operation in West Virginia, with a capital of $20,000,000; about 15,000 men are employed; the wages paid are about $3,700,000 annually. The value of the product last year was about $20,000,000.

West Virginia is one of the great timber States of the Union. Seventy-three per cent of its area is covered with timber, and to reduce the present duty from $2 to $1 would work a great injustice to this most important industry, the third in importance in the State. We have tried free lumber, and know the disastrous results. We have had all the experience we want or need with free lumber.

A reduction of $1 in the duty would open some of our markets to Canada, close a great many sawmills, reduce the value of timber lands, number of men employed and their wages, and would diminish the transportation of lumber over our railroads.

These are far-reaching and serious results, and yet some Senators contemplate them with the most complacent indifference. "High duties on everything North Dakota produces, and no duty on what West Virginia produces;" that seems to be the motto of the Senator from North Dakota and Senators who sympathize with him.

West Virginia has had experience with free lumber. In 1894, under the Wilson bill, 90 per cent of the mills of West Virginia were closed, grass grew in the roads leading to them, and Canada took most of the lumber trade West Virginia had as far south as New York City.

Before the passage of the Wilson bill there were two large elevators built in New York City with lumber from West Virginia for the New York Central Railroad.

I am sorry I do not see present the distinguished Senator from New York who then presided over that great railroad with so much ability. After the Wilson bill was passed, two were built of Canadian lumber. Do you want any greater illustration of the effect of free lumber? Free lumber will take the trade away from us as far south as Pittsburg.

The Senator from North Dakota is alarmed at the advancing price of lumber. I will show him later on wages have increased much more. He is not alarmed because of the advance in meat,

hay, wheat, and barley and other products of his State. They may advance in price, and the poor people who are struggling to get them may suffer, but these products need protection to keep up the price. Let them advance, but great industries like lumber, oil, coal, and iron should take care of themselves and not advance in price.

The advancing price applies equally to other products.

New York was once a wheat-producing State. Forty or fifty years ago it shipped flour West. Now it produces but little wheat, the soil having become exhausted. You can not renew it. If it could be done it would have been done in New York and Ohio. New York now gets all of her wheat and flour from the West. Yet the Finance Committee, and especially the Senator from North Dakota, demands long and loud that the wheat, barley, and rye of his State have the highest duties.

How much has the duty of $2 a thousand to do with the high price of lumber? If the price is going sky high, as the Senator said in his able speech the other day, $2 did not prevent $15,000,000 of our money going into Canada to buy Canadian lumber. The importer would pay the duty and go on importing. If we are going to get lumber up to $50 a thousand, as the Senator says, Canada will pay the duty and flood the country. So his argument answers itself.

Mr. President, I think, with proper attention to tree planting, we may reforest the country largely and preserve our forests, at least as long as free-trade Senators can preserve the soil of their States.

I will not detain the Senate much longer. I desire to give some figures with respect to the lumber industry—cost of producing lumber, wages paid here and in Canada.

In the tariff hearings before the Ways and Means Committee of the House, on page 3162, the following appears:

Taking the Forest Service report of the output of lumber, lath, and shingles, as distinct from the other manufactures of wood, and which are not under discussion in this brief, and reducing lath and shingles to board measure, the value of the 1907 lumber output, on the basis of $15 per M feet, f. o. b. mills, was $630,735,000. As compared with other commodities it is as follows:

	Value.
Lumber products, 1907	$630,735,000
Wheat, 1908	546,827,000
Cotton, 1907	640,311,538
Wool, 1907	129,410,942

I may add: Hay, $744,000,000; corn, $1,616,000,000. Hay is highly protected in order to protect the farmers of the Northwest, and I am glad of it, though this adds to the cost of the hay the lumberman and coal operator of West Virginia buy.

Mr. BACON. I wish to say to the Senator that the unprotected article of cotton, which he has just mentioned, is worth more than $640,000,000. With its by-products—that is, the seed—it is $800,000,000.

Mr. ELKINS. Eight hundred million dollars. I accept that correction. The Senator is right.

I will name the value of the crops of Minnesota, Nebraska, Kansas, North Dakota, and South Dakota for last year:

Value of all crops (including corn, wheat, oats, barley, rye, buckwheat, rice, and Kaffir corn).

Minnesota	$113,092,602
Nebraska	92,056,580
Kansas	112,684,696
North Dakota	53,928,010
South Dakota	44,069,331
Total	415,831,219

These five States want free lumber. It is to their interest, in a local sense, to have lumber free; but shall we, who have other things to protect, vote this high protection for their products and pay it out of our own pockets, while they vote against a duty on our products?

Think of the annual products of lumber being one-third more in value than the agricultural products of the five States I have named, all enjoying high protection!

Mr. SIMMONS. Mr. President——

The PRESIDING OFFICER (Mr. DIXON in the chair). Does the Senator from West Virginia yield to the Senator from North Carolina?

Mr. ELKINS. Certainly.

Mr. SIMMONS. I want to ask the Senator what were the figures as to the annual product of hay?

Mr. ELKINS. Seven hundred and forty-four million dollars last year.

Mr. SIMMONS. What is the amount of the protection?

Mr. ELKINS. Four dollars a ton.

Mr. SIMMONS. Does Canada raise much hay?

Mr. ELKINS. Yes, sir; she does; and she is a rival of all these States. That is the reason they have the duty of $4 on a ton of hay.

Mr. SIMMONS. I desire to state to the Senator that we buy probably one-third of all the hay we use in my State—and I think that is true of the South—from the West; and year before last I think timothy hay of the West sold in the town in which I live for $26 a ton.

Mr. ELKINS. That is right. We buy hay from the Northwestern States to supply the horses used in the mines and the lumber industries of my State and for use in the camps. We are glad to do it. There is no objection to it. But I can not conceive why that section is opposed to protecting our products modestly. Twelve per cent ad valorem is all we ask, and they get 20 per cent increase in addition to an existing high duty on all their products.

The value of the following products applies to 1906:

Coal at mouth of mine		$513,079,809
Lumber		621,151,388
Petroleum	$92,444,735	
Natural gas	46,873,932	
		139,318,667

I said there was no trust or combination in lumber. I read from the House hearings.

[Page 3183, Tariff Hearings. From brief of D. E. Skinner and others representing the Pacific coast lumber and timber interests and 190,000 wage-earners.]

DIVERSITY OF INTEREST MAKES LUMBER COMBINATIONS IMPOSSIBLE.

Combinations or trusts are only possible where the raw material entering into an article can be controlled. In the case of the lumber business of the United States this is an impossibility, for the sufficient reason that the number of firms, corporations, and individuals engaged in the manufacture of lumber aggregated, according to the last census, in excess of 43,000, and the number of sawmills aggregated 28,850. Just stop and analyze for a moment the utter absurdity of attempting to bring into anything like a combination 43,000 men, representing 28,500 different mills. The average man who has ever tried to get even his neighbor in the same line of trade to act with him in any legitimate form of policy or respect fair trade ethics will realize at once the weakness of this statement regarding combinations among lumbermen. So much for the producer of lumber.

Distribution of mills.

There are 28,850 saw and shingle mills in the United States, according to the United States Census and Forest Service Bulletin "Forest Products, No. 2," issued November 18, 1908. These are as follows:

New York	2,185
Pennsylvania	2,131
North Carolina	1,668
Virginia	1,652
Kentucky	1,451
Arkansas	1,146
Tennessee	1,104
West Virginia	1,044
Washington	1,036
Indiana	999
Ohio	987
Maine	927
Missouri	916
Michigan	906
Alabama	892
Mississippi	823
Georgia	788
Wisconsin	778
Texas	673
Oregon	644
Vermont	612
New Hampshire	544
Louisiana	531
Massachusetts	518
Illinois	499
Minnesota	429
South Carolina	365
California	321
Florida	302
Idaho	247
Connecticut	236
Colorado	230
New Jersey	166
Montana	130
Oklahoma	129
Delaware	106
Iowa	100
Utah	80
Wyoming	73
South Dakota	64
New Mexico	52
Rhode Island	41
Arizona	12
All other States	6
Total	28,850

The foregoing proves that the lumber-manufacturing industry is in so many hands that its control by a trust is impossible.

The production of these mills in 1907 amounted to 40,256,154,000 feet of lumber, 3,663,602,000 laths, and 11,824,475,000 shingles. At the present time this product bears 12 per cent duty, which is practically a revenue-producing duty and not a protective tariff, and hence should not be reduced.

AS IT AFFECTS THE PACIFIC COAST.

The output of the Pacific coast States during the year 1907 was as follows:

State.	Number mills.	Lumber.	Lath.	Shingles.
		Feet.	*Pieces.*	*Pieces.*
Washington	1,309	3,777,606,000	480,791,000	6,886,542,000
Oregon	644	1,635,563,000	281,000,000	300,000,000
California	321	1,345,943,000	90,000,000	707,421,000
Idaho	247	513,788,000	65,000,000	----------
Montana	130	343,814,000	10,000,000	----------
Total	2,651	7,616,714,000	876,791,000	7,893,963,000

The estimated amount of stumpage in these States is 1,400,000,000,000 feet, which at the present rate of output would require ninety-three years to exhaust. In other words, owing to the rapid growth of timber on the Pacific coast, another crop of timber will be ready for harvest before the present crop is garnered. In fact, there are localities in the State of Washington where a second crop is now being cut, the first being harvested in 1853. It may also be stated that the standing timber has been greatly underestimated. It is safe to say that the standing timber on the Pacific coast is nearer 1,400,000,000,000 feet than 800,000,000,000 feet.

There is a second crop of timber coming on in a great many of the Pacific States, also in other States.

There are many reasons why Canada can undersell the United States. Taxation is one; transportation is another; lower wages another. The excessive taxation of American mills and American lands helps the Canadian producer. One can go to Canada and get a lease, according to the House hearings, and pay rental, and when he stops cutting, that is the end of the business. When Americans owning lands stop cutting, they own the lands and have to continue paying taxes.

Mr. President, there is another feature about Canadian lumber. Much of it reaches the United States by water. From the Georgian Bay country, through the streams and rivers flowing into Lake Superior, they can bring down the lumber for $1.75 a thousand and reach all the great markets, whereas we pay from $10 to $12 by rail when it is moved within 800 or 900 miles of Chicago and other cities on the Lakes and from the South or the Pacific coast.

The amount of lumber imported into this country from Canada has increased extensively both in volume and value per thousand feet, as the table below will show:

Importations of lumber from Canada.

Year.	Feet.	Value.	Per thousand.
1892	663,226,000	$7,540,700	$11.37
1893	742,351,000	8,217,331	11.06
1894	514,461,000	6,134,204	11.92
1895	600,790,000	6,859,078	11.41
1896	786,001,000	8,503,641	10.82
1897	883,770,000	9,073,312	10.26
1898	353,134,000	3,499,569	9.91
1899	423,720,000	4,186,664	9.88
1900	680,069,000	7,464,208	10.27
1901	490,570,000	6,343,823	12.93
1902	664,751,000	9,288,970	13.88
1903	719,135,000	10,569,066	14.69
1904	586,459,000	8,744,393	14.91
1905	705,396,000	10,726,273	15.20
1906	944,275,000	14,592,634	15.45
1907	924,863,000	15,867,631	17.15
1908	782,789,000	14,989,179	19.14

There has been an increase in wages. I want to give the figures:

Comparative average wages paid by pine sawmills of Wisconsin, Minnesota, and Michigan.

	1895.	1898.	1900.	1902.	1904.	1906.	1908.
Foremen	$3.19	$3.85	$4.50	$5.00	$6.00	$7.00	$6.50
Millwrights	2.55	2.88	3.50	3.75	3.80	4.00	3.25
Engineers	2.55	2.80	3.50	3.50	4.00	4.50	4.00
Sawyers	3.50	4.50	5.25	5.50	6.00	6.50	6.00
Setters	2.25	2.50	2.75	2.80	2.85	2.90	2.75
Edger men	2.25	2.50	2.75	2.80	2.85	2.90	2.75
Trimmer men	2.00	2.50	2.60	2.60	2.75	2.80	2.50
Graders	2.25	2.50	3.00	3.00	3.25	3.25	2.50
Tallymen	2.00	2.25	2.25	2.40	2.50	2.60	2.25
Pilers	1.55	1.75	1.90	2.00	2.15	2.25	2.15
Blacksmiths	2.00	2.50	3.00	3.00	3.00	3.25	2.75
Laborers	1.25	1.75	1.80	1.85	1.90	2.00	1.75
Sorters	1.50	1.80	1.90	2.00	2.25	2.50	1.95
Boom men	1.50	1.65	2.00	2.15	2.25	2.50	2.25

Lumber has increased from 30 to 60 per cent in the last ten years, I admit, but wages in the lumber industry in the United States have increased much more.

Here is a comparison of wages in Canada and the Pacific coast States:

WAGES.

Brief of D. E. Skinner et al., representing Pacific coast lumber interests before the Ways and Means Committee of the House.

Comparison of wages, Canada and Pacific coast States.

Following are average daily wages on Puget Sound, in the State of Washington, and in western British Columbia:

	Puget Sound.	British Columbia.
Circular sawyers	$4.77	$4.00
Edger men	3.01	3.00
Setters	2.71	2.75
Circular filers	4.80	4.00
Planer foreman	3.63	3.75
Planer hands	2.28	2.00
Tallymen	2.66	2.25
Engineers	3.29	3.50
Firemen	2.40	2.00
Common labor (white)	1.97	1.85
Average	3.14	2.91

Oriental common labor in British Columbia, 80 cents to $1.50.

In a mill cutting 100,000 feet of lumber per day 25 men are skilled and 75 unskilled. On the basis of white labor the British Columbia lumber manufacturer still has the advantage in the cost of labor over his American competitor. In the case of oriental labor, which predominates in British Columbia saw and shingle mills, the advantage is pronounced. The wages of the 75 Orientals, at an average of $1.15 per day, would be $86.25, while the wages of 75 American unskilled laborers would be $169.75. It will be conceded, perhaps, that this item alone would enable the British Columbia lumber manufacturer to undersell his American competitor, provided the duty be removed.

The foregoing statement of wages for Puget Sound was compiled from reports received from over 100 sawmills. The British Columbia statement is from the Reliable Labor Agency, of Vancouver, British Columbia, and is included in Exhibit B. (See Exhibit B.) Covering the cost of labor in eastern British Columbia—a section covered in the testimony of Mr. Lynch—the affidavit of Mr. F. D. Becker, of Seattle, Wash., may throw some light. This is included in Exhibit C.

I have here a statement showing the difference in wages paid in Maine and Canada, right across the border, and it is 30 to 40 per cent higher in Maine than Canada. I will insert this also:

Col. Albert Clarke, of Boston, Mass., furnishes statement of Canadian and Maine lumber labor cost.

DECEMBER 7, 1908.

Hon. SERENO E. PAYNE,
Chairman Committee on Ways and Means,
Washington, D. C.

SIR: In my statement of Friday evening, November 20, I promised to furnish figures of the wages in lumber mills and forests in the State of Maine and in Canada. In compliance therewith I give figures furnished to me by Mr. James W. Parker, treasurer of the St. John Lumber Company, of Portland, Me., and a table of the wages of similar employees in the Province of Quebec and in the mills of J. R. Booth, of Ottawa, Ontario.

In Maine:	
Setters	$2.50
Doggers	2.00
Sawyers	5.50
Edgers	3.00
Common labor	1.50 to 1.75
Carpenters	2.00
Teamsters	1.75
Filers	4.00 to 6.00
In Canada:	
Setters	1.50
Carriage riders	1.25
Sawyers	1.75 to 2.00
Edgers	1.50 to 1.66
Common labor	.70 to .90
Carpenters	1.00
Horse teamsters	.90
Filers	1.75 to 2.00

In Maine the wages paid in the woods in the winter of 1907–8 were $26 to $35 per month and board—the $35 being paid to teamsters and choppers. Wages are lower this winter, because so much labor is out of work. They range from $24 to $30.

In Canada the wages in the woods ranged from $8 to $18 per month and board during the winter of 1897.

As to the cost of the lumber in building a house, Senators speak as if lumber were nearly all the cost that goes into a house. It is but a small percentage of the cost of a house. I have two exhibits here, taken from the hearings in the House, in which lumber was $821, including everything, in a house costing $9,000; $637 in a house that cost $4,564.

EXHIBIT 1.—JULY, 1908.

Estimated cost of six-apartment building, Benton street, Portland, Oreg.:

Excavating and concrete	$795.00
Plumbing	1,320.00
Painting	398.00
Plastering	582.00
Brickwork	158.00
Tin work	88.00
Roof	138.00
Millwork (90 per cent labor)	982.00
Hardware, paper, and nails	198.60
Insurance and permit	11.30
Cartage	8.00
Electrical work	182.00
Window and door frames	197.00
Tile work	94.00
Heating plant	1,383.00
Lumber, 48,000 feet	624.90
Carpenter work	1,872.00
Total	9,031.80

EXHIBIT 2.—AUGUST, 1907.

Estimated cost of eight-room residence, East Seventh and Broadway streets, Portland, Oreg.:

Excavating and concrete	$420.00
Plastering and brickwork	430.00
Plumbing	470.00
Painting	235.00
Millwork (90 per cent labor)	535.00
Electrical work	65.00
Tin work	80.00
Heating plant	480.00
Hardware, paper, and nails	95.00
Permit, insurance, and cartage	16.00
Shingles, 22,000	63.80
Tile work	87.00
Window and door frames	[illegible]
Lumber, 28,000 feet	5[illegible]
Carpenter work	1,015.00
Total	4,564.30

From this it appears the cost of lumber in building a house is only from 8 to 12 per cent.

There is another thing which must be considered. There are substitutes for lumber—glass and cement are being used extensively. Cement is protected 25½ per cent, and a good many concrete houses are going up. In the mining regions of West Virginia, we have had under consideration, and serious consideration, the question whether we would not take cement and glass and make a durable house, and in the end it would be cheaper than making it out of lumber.

The effect of removing the duty, according to the hearings of the House, would be most disastrous. I will ask that the following extract from these hearings be inserted as part of my remarks:

The removal or the material reduction of the existing tariff would only enable those who operate under Canadian timber licenses to flood the American markets with their low-grade product to the detriment of both American labor and employers, without benefiting the average consumer, who would be obliged to pay as much for the ordinary grades of lumber he purchases as he does at present.

It would prevent the American manufacturer from utilizing the raw product to as close an extent as he now does; hence would increase the waste in our forests. It would hasten the destruction of the Canadian forests and would reduce the revenue of our Government.

The wages paid in the Pacific States only last year were $127,000,000, and those are the States which would be most seriously affected.

Another argument for free lumber is, it would help the conservation of the timber in our forests. In taking this position Senators insist that we put the burden of conservation on the individual, by denying him protection, when the State ought to bear the burden of conservation. All States, all governments, should reforest and conserve their natural products and should pay the expense out of the treasury and not punish the individual by imposing the burden on him. Now, are we to make the industry unprofitable in order to conserve the forests? Suppose that were to apply to everything else. But the moment you make the lumber industry unprofitable for the purpose of conservation or any other purpose it will be abandoned. But why single out one industry? This theory or argument simply means confiscation.

Mr. President, England is about to adopt a policy of reforestation. The Government proposes to select 9,000,000 acres for this purpose. The present chancellor of the British exchequer, Mr. Lloyd George, has approved of a plan which will involve the expenditure of about £400,000,000, but at the end of a certain number of years, I think eighty years, the Government will get back £562,000,000. This will give employment, if carried out, to 200,000 persons.

Germany gives employment, I believe, to 200,000 people in restoring her forests. She does not put the expense of conservation on the individual, but on the Government. I will ask to insert in the RECORD an editorial on this subject from the Washington Post.

The editorial referred to is in part as follows:

A ROYAL COMMISSION.

It recommends the carrying out of a national scheme of afforestation, the acquiring by the state of 9,000,000 acres of land for that purpose, and the planting of 150,000 acres yearly, the total outlay at the end of a rotation term of eighty years being estimated at £400,000,000. As a set-off to this prodigious outlay, the opinion of the commission is that the value of the property would in the eighty-first year be £562,075,000. The reason given by the commission for dealing annually with one-sixtieth instead of one-eightieth of the land to be planted on a rotation of eighty years is that "the 'unemployed' problem is so insistent on receiving public attention as to justify some departure from the theoretical ideal"—a statement which is in itself highly significant.

Whatever may be thought of the budget proposals of the present chancellor of the British exchequer, Mr. Lloyd George—and some of them are sensational, if not revolutionary—it is to his credit that, though faced by a deficit of £15,762,000 and by an unprecedentedly heavy naval expenditure, at which, in his own words, the taxpayers will absolutely shudder, he has yet had the courage to grapple with this problem and to propose a remedy. He does not, it is true, go the whole way with the royal commission; but at least he has made a beginning.

Under his scheme, as outlined in his five-hour speech, the resources of the country are to be systematically developed, reafforestation is to be promoted by a tax out of public funds, and a new forestry department is to be created for the United Kingdom. The figures he employed make out an unanswerable case. In Germany, out of a total area of 133,000,000 acres, 34,000,000, or about 25 per cent, are wooded; in France, out of 130,000,000 acres, the percentage is 17; in Belgium, out of 7,208,000 acres, the figure is also 17 per cent; while in the United Kingdom, out of 77,000,000 acres, only 3,000,000, or 4 per cent, are under wood. In Germany, in 1906, £8,000,000 were paid annually in salaries for the formation, administration, and preservation of forests, representing the maintenance of about 200,000 families, or about 1,000,000 souls; and in working up the raw material yielded by the forests wages were earned annually to the amount of £30,000,000, maintaining about 600,000 families, or 3,000,000 souls. In the United Kingdom, on the other hand, the number of people directly employed in forest work is only 16,000. The contrast is so striking as to need no comment. The proceedings of the forestry department of Great Britain and Ireland will be followed everywhere with the greatest interest.

Statistics show the following interesting facts:

Lumber and lumber products:		
Value of product		$580,022,000
Wages paid		$183,021,000
Wage-earners' share	per cent	32
Average duty, Senate bill	do	5–6

Can any other schedule in the pending bill make any such showing, wages 32 per cent, while the duty is 5 to 6 per cent? The duty is generally much larger than wages.

Mr. President, all that I ask is that in this national policy of protection West Virginia and the South have a fair show. We are already in the low-duty class and we are satisfied to remain there. We do not want our products to be put on the free list nor the duties reduced. They ought not to be reduced in fairness. I appeal to a Republican Senate and a Congress committed to protection, for fairness and justice in the framing of a tariff bill so far as the leading products of West Virginia are concerned.

Mr. SCOTT. Mr. President, I merely desire to add a word to what my colleague has said, and very ably said, indeed, in regard to the South.

I am sorry there are not a few more of my Republican colleagues in the Senate Chamber. I desired to call their attention to the fact that in the dark days of the civil war, when a certain portion of the country was trying to make it appear that the war was a failure, when that great and good man, one of the greatest, I think, that the world has ever produced, President Lincoln, was almost ready to throw up his hands in despair, when gold was at a great premium, when an election was to be held in the fall, it was thought in all probability that the next Congress of the United States would be Democratic and that the policy of the country and the policy of President Lincoln would not be upheld for the lack of means to support the army, that it was the border Southern States which came to the rescue and upheld the hands of President Lincoln and made it possible for him to carry that war to a successful termination. Notwithstanding that many of the great Republican States like Massachusetts, New York, and Pennsylvania failed to elect a united Republican delegation then, the States of Delaware and Maryland, the States of West Virginia, Kentucky, and Missouri sent enough Republican Members to Congress in that election to save this country from the disgrace of having to ask the soldiers of the Republic who were offering up their lives to go without their pay and of having the war declared a failure.

Mr. President, we of the border States ask for nothing more than we are willing to give to any other State in this Union. I am willing to vote for a tariff that is fair and right to every section of the country, whether we produce any of the articles in my State or in the Southland. The southern people are not selfish; they are a generous people; they are warm-hearted; and they only ask for themselves what they are willing to give to others. I hope when it comes to lumber, coal, and oil, and when it comes to other articles for which we are asking only a fair protection in the great bill that is before the Senate, the South, not particularly West Virginia, but the entire South, will be taken care of; and I predict, as I did a few days ago, that the time is not far distant when the greatest protectionists, the most earnest advocates of the principle of protection, will come from the so-called "Southern States." I ask in fairness and candor, and, as I stated before, on the same line that we are willing to give to others, to the farmer, and to the mechanic, and to the laborer, that the same measure may be meted out to us.

I ask the chairman in charge of the bill if it is in order to offer an amendment?

Mr. ALDRICH. There is an amendment pending to the paragraph.

Mr. SCOTT. While I have the floor, I wish to call the attention of the Senate to the fact that brier wood, laurel, and such like woods were put on the free list by the Senate committee. In the House there was a duty of 25 per cent placed on these woods. If the committee will restore to the present bill the 25 per cent rate that was in the House bill, we can go on in this country and make pipes. We have the wood and the laurel root growing along the entire length of the Allegheny Mountains. But, owing to the competition of cheap German labor, that industry has virtually gone out of existence. This [exhibiting] is a sample of the laurel root that is grown all along the Allegheny Mountains. If the committee will restore the rate the House gave us, 25 per cent, we can build up in this country a great industry in making the so-called "brier-root" or "laurel-root" pipes. This [exhibiting] is an imported pipe, made from the wood of Italy or some other foreign country, and I hold in my other hand [exhibiting] a pipe made out of laurel root and laurel wood in this country. Of course the wood of these pipes is stained. We can make just as good pipes here, and it will

build up an industry that will give employment to hundreds and thousands of men. Certainly that is in the line of the policy of protection. When the pending amendment is out of the road, I shall offer an amendment to restore the rate fixed by the House.

Mr. CLAPP. Mr. President, I would suggest the want of a quorum at this time.

The PRESIDING OFFICER. The absence of a quorum has been suggested. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clapp	Frazier	Penrose
Bailey	Clark, Wyo.	Frye	Perkins
Bankhead	Clay	Guggenheim	Piles
Beveridge	Crane	Heyburn	Root
Borah	Crawford	Hughes	Scott
Bourne	Cullom	Johnson, N. Dak.	Smith, Md.
Brandegee	Cummins	Jones	Smith, Mich.
Bristow	Daniel	Kean	Smoot
Brown	Depew	La Follette	Stephenson
Bulkeley	Dick	McCumber	Sutherland
Burkett	Dillingham	Money	Taliaferro
Burnham	Dixon	Newlands	Tillman
Burrows	Elkins	Oliver	Warner
Burton	Fletcher	Overman	Warren
Carter	Flint	Page	Wetmore
Chamberlain	Foster	Paynter	

The PRESIDING OFFICER. Sixty-three Senators having answered to their names, a quorum of the Senate is present.

Mr. HEYBURN. Mr. President, I am actuated to speak upon this occasion only by the representation that at least one question of prime importance affecting the lumber schedule will be voted upon before the schedule is laid aside. I am not fond of talking in anticipation of possible questions that may arise hereafter. I want to feel that there is an interest, or that I can create one, before I undertake to discuss questions of political or economical importance.

The lumber business is the second largest business in the United States. It interests more people than any other business in the United States, because it interests every man, woman, and child who has a home and who must be a consumer of lumber. Homes are made of lumber. The great forests were intended for a permanent protection to the human family from the discomforts of life. If I believed as the Senator from North Dakota [Mr. McCUMBER] has expressed himself, I would be in mortal terror for fear that the human family would freeze to death at some time. But an industry that produces 7,000,000,000 feet of lumber west of the Rocky Mountains is not to be lightly considered by those who live east of the Rocky Mountains. An industry that west of the Rocky Mountains has 3,000 sawmills in operation, of the minimum value of $60,000,000 in investment, is an industry entitled to the first consideration. An industry that pays $130,000,000 in wages every year in the United States for the support of the people of the East as well as the West is an industry not to be lightly considered. Of the $130,000,000 paid in wages west of the Rocky Mountains in the lumber business, two-thirds of it finds its way East. It goes to buy the cotton and the wool and the cloth and the furniture and utensils and everything that goes to make up the accumulated necessities of the household. It buys the product of your mines. In our camp there is more than $6,000,000 in machinery, mined and forged and cast in the foundries and the mines of the East or the Middle West, and the East has been paid for it. The tools that are used in these forests amount to millions of dollars. They came from the East. We make none west of the Rocky Mountains. New England shoes that are worn come from the East. We make none of them west of the Rocky Mountains. I say this in order that we may not fail to comprehend that this is not a western question that can be divorced from the consideration of those questions that interest the East. Turn 130,000 men out of employment in the West, what effect does it have upon the prosperity of the East? They cease to buy your products; they cease to send to you their products; and you have to find two things—another market for your products and another place to buy your necessities.

The Senator from Virginia [Mr. DANIEL] propounded the interrogatory as to what is protection, and asked for a definition of it. I had it in mind, without interrupting the Senator at that time, to reply that protection is the imposition of those duties and conditions that put the foreign competitor under a strain in our market, and whether that strain is light or great is the question for consideration in adjusting these duties. No duty is protective that does not put the competitor under that handicap. It is based upon the same principles that govern us in our household. We see to it in the household that the family eats at the first table, and the casual stranger takes chances after the family is fed. That rule is just as old as the human race. It was the rule of the old patriarchs. In the early dawn of government the first government was the patriarchal form, where the head of it said:

> We will look first to the interest of the family, and then we will cast our vision abroad to include those next entitled to consideration.

That is the rule of the American people. That is the rule of nations. That is the reason why the Nation exists. Otherwise we need no Constitution; we need no geographical lines; we roam the world, as the Arab roams the desert, selecting to-day and to-morrow and at another time the choice of location.

Mr. President, this Nation grew directly out of the necessity for the establishment of a protective tariff. As I said earlier in the discussion of this question, in a moment when I had the floor, the first necessity for the call of the convention that made the Constitution grew out of a dispute as to the right of intertrade between Virginia and Maryland. They agreed to submit it to Alexander Hamilton, and he took it under consideration, in order that he might advise them. It resulted in the calling of a convention. At the time the call was issued no one ever dreamed that they were going to make a Constitution at all. Not half the members went there with the knowledge that they were called together for the purpose of making a Constitution of the United States. The idea developed out of the necessity that arose from the discussion of the question. It was a progressive necessity, becoming more imminent, more pressing, every day, until finally they said, "Well, the old foundation found in the Articles of Confederation is no longer sufficient; we must make a Constitution;" and they made it.

I am not going to wander off into the field of history or reminiscence, except only to ask you to bear in mind that the best evidence of the intention of men who act in an assembly is to be gathered from the acts of the men when the assembly is broken up. The Constitutional Convention, in making the Constitution, provided for the legislative branch of the Government and gave it its powers. What was the first thing that they did? The presumption is that the first thing they did was the thing of first necessity, in their judgment. They passed a protective tariff act, and they named it in its title and specified in its text that it was for the purpose of affording protection in the field of competition between this, then new, country, and the outside world. In other words, it for the first time spread the table for the American people. That bill was signed on the 4th of July by President Washington, and it was the first act of the First Congress of the United States.

There is an indication of the intention and the purpose expressed by those who made the Government that it was bound to consider, and we can not disregard it. Had they told you otherwise at another time, you would have reproached them with the fact that we are going to take your act in judgment rather than your statement. They expressed the principle of a protective and discriminative tariff in that bill. They did not leave it to doubt. They enumerated, practically and substantially, the same classes of items that we enumerate to-day. They enumerated the items that we are to-day considering with reference to their relation to the tariff question, as to whether their production involves a competitive idea or whether it is something that we may treat merely as a revenue-producing item, or whether it is something that should come in free.

At that time the population was scattered sparsely along the Atlantic coast. When the Constitution was made that portion which constitutes the real Government of this country to-day territorially did not even belong to the United States. The people knew nothing of its resources or its possibilities as to its natural state or its future population.

When I listened to the argument of the Senator from North Dakota I thought of an idea some writer gave me at one time by inquiring what must have been the condition of Adam's mind when he first saw the sun go down; in other words, the idea of a man that as soon as reverses meet him feels that there is no possible redemption, no possible hereafter. He sees a man cut a tree, and he throws up his hands with horror and says, "The tree has gone; I shall never see it again; and what am I going to do for trees?" while right at his back and all around him nature is renewing herself with the seasons and with the decades and with the centuries—new geology, new growth of everything.

I am not so constituted, and I doubt if there are many so constituted, as to lose faith in the ability of the God that governs, to perpetuate the great instruments of the universe in all of its branches.

Why, the Senator complains that water runs downhill; he complains that the earth is washed from the crags of the mountains into the valleys. He would rather have all the soil which constitutes the fertile valley of the Potomac River upon the mountain tops; he would rather have the soil of the Ohio, the Mississippi, the Platte, the Missouri, and the Arkansas valleys up at the head of the streams, in the crags of the mountains,

and the beds of those valleys exposed as they were when they were created; for those valleys grew, and they were slower in growth than the great forests of which the Senator despairs so much. History shows us the effect of this process at the mouth of the Tigris and the Euphrates rivers, which at one time debouched into the Persian Gulf, 50 miles above, and to-day are one river, with a new country as large as the State of Massachusetts. It did not exist in those old times when the patriarch Abraham and his cotemporaries were wandering over that country, a new country that came down from the mountains, a storehouse laboratory, where nature makes her soil and furnishes the great valleys and plains that constitute the great fertile, producing States of the Union. Would you keep it up on the mountains? Right here, within a mile of the Union Depot, you can see, on a small scale, the thing of which the Senator complains, transpiring right here under the shadow of the Capitol—great gullies washed out of these mountains which, when I first remember them, were fertile tobacco fields, and they are now abandoned farms being washed into gullies that, with their environments, correspond with the great rivers of the West; yet Congress, sitting within half an hour's ride of them, does not feel exercised over it.

Why should we, in discussing this economic question relative to the tariff, attempt to divert the minds of others by a discussion of these processes of nature that have been going on from the beginning of time and will go on forever? Merely draw the parallel between the things at home that we do not think it worth while to give a moment's attention to and those things that, because they are far away, form the basis of very charming fairy stories.

Mr. President, the question is, from a business standpoint, Shall we retain the existing duty on lumber? The solution of that can only be found in a consideration of the relations which the lumber industry to-day and to-morrow, viewed in the light of yesterday, and the judgment and wisdom that grows out of it, may shed upon the question. Lumber in the State of Idaho of what I shall call the "standard grade"—and I shall discuss the question from that standpoint—costs us something like $25.50 a thousand on the cars at the market. I have heard much talk here about the cost of lumber. Sometimes it was stated very high and sometimes very low, as it seemed to fit the circumstances—and I say that without any intention to reflect upon those who stated it—but I am speaking from the concrete situation.

Idaho—and I will take that State for a text—cuts about 600,000,000 feet of lumber every year. We have about 3,000 logging camps. We have $20,000,000 invested in plants. I mean by that the milling plants and the timber plants that correspond to them. We pay $20,000,000 in wages in Idaho in the lumber business. We pay it to men who within thirty days have distributed it into the channels of industry. They have paid it to the grocer who bought his coffee from the man who bought it from the New York coffee house, who bought his flour from the mills that ground the wheat of the Dakotas as well as of Idaho. They have spent it for the beef that comes to us sometimes from our own market and sometimes from Chicago; they have spent it for clothing that was made in the South or in the North or in the East, and there you get your distribution of it. Shut it off, as you did in 1896, when I saw every mill stand still for three years in that Northwest, and I saw the men who should have been employed and earning wages go into other fields of labor seeking wages, with the result only of depressing wages, as competition always does. I saw them transformed from consumers to men who neither produced nor consumed.

I have heard much of the consumer's interest here; that he was to be considered. The only real, Simon Pure consumers I know are Members of Congress in the two Houses, because they do not do much but consume. [Laughter.] I do not know what they could be credited with producing. Seriously speaking, however, out in the great world the producer is a consumer, and the consumer is a producer. The men in our mines produce the ores and consume the fruits of the soil and of the loom in fair and equal proportion. It may do for a stampede cry in a political campaign to undertake to align the people in columns, and say, "this represents the consumers" and "that the producers," and then attempt to antagonize them and have a battle royal. This, however, is not a political campaign. This is going on in the Senate of the United States. It is the performance of the duties of government which rest upon us. There ought to be no political alignment upon these questions of economics; but there is, and there always will be. There was in the First Congress, and there will be in all future Congresses.

Mr. President, it was stated time and again in the convention that discussed the adoption of the Constitution that it was contemplated from the beginning that the expenses of the Government should be paid from the receipts at the ports of the United States and that every other source of revenue that was to be used, or might be used, for that purpose was only to be used in case of necessity; that the rule was that we were to collect the moneys necessary to pay the expenses in the ports. Because of that, and in order to clear the financial deck, every State was deprived of that power, which is one of the few powers that the States were deprived of, so far as financial or economical questions were concerned. The States were deprived of the power to levy any duty, because the Government realized the necessity of having no rival in that field for the collection of revenue. That is the foundation principle of this Government. Every presumption is in favor of it, and none against it. Every presumption is against raising revenue in any other way than by duties collected in the ports and internal revenues, which are in the nature of fines levied upon certain industries within our own country. The States may do neither. The Government has the sole right.

On these other mooted questions, the income tax and the inheritance tax, the Government has no exclusive right at all. It reserves to itself no exclusive right to collect or derive revenue from those sources, but gave the right to the States to enjoy that exercise, reserving to itself only that which every Government must reserve against the hour of direst need—the right in the hour of necessity to resort to those means—and the Government should never resort to them except where it has first exhausted the sources of revenue contemplated and provided for by the Constitution of the United States.

The reason that we ask the retention of the present duty on lumber is because under that law, with a knowledge of its existence, with the presumption that the law will never be changed, which is a fair presumption in every case, we have builded up a great industry, not for our own aggrandizement, but, primarily, in order to afford a livelihood for those who engage in it, and secondarily, to supply the demands of the country with the necessary lumber.

We builded first, before we sent you any of it, the great cities on the Pacific slope; we builded the great cities of Seattle, Tacoma, San Francisco, Portland, Spokane, and all that great line of cities. They took hundreds of thousands and millions of feet of lumber to build them.

Mr. CULLOM. And Los Angeles.

Mr. HEYBURN. Yes; Los Angeles. Not only that, we built the cities through Montana and some in the Dakotas with our lumber. They could not, however, have builded them without borrowing from a neighbor nation had it not been for our production. Did you borrow it from a neighbor? To what purpose? Would you transfer the wages represented by our exports last year to Canada? When money goes abroad in that way it never comes back; it never finds its way back into the channels of American business or commerce. Would you have sent the $1,825,000, represented by the Canadian lumber in wages that came in last year—and last year was an off-year product of something like $300,000,000—would you have sent those wages to Canada?

For what? To gain an advantage for the consumer of that lumber? You would gain none, because the foreign market is like a seesaw—you put another weight on our end of the board, and their end goes up higher; you take the weight off of our end, and their end goes down lower; that is all. They do not allow any possible margin of profit to escape them. If they found that they had not competition in this country to hold them down with the tariff on it, they would raise their prices.

They can cut lumber, in round figures, for a dollar a thousand less at any time in Canada than we can cut it; and in many parts of British Columbia they can cut it for two dollars and a half less than we can. We have got to strike averages in making a bill of this kind, and I want the average to be high enough to protect all classes; I want it to be high enough to protect the man who can pretty near compete with them, and I want it high enough to protect the man who can not compete with them at all except for the tariff.

Of course, there are some industries that thrive in this country, because of the especial circumstances that surround them, without any duties at all. Take lead ores, for instance. I know of ores that need no duty, because of the peculiar rich and favorable conditions that surround them; but then we can not adjust our duties to individual cases of that kind; otherwise we would drive out the people who really need protection. So it is with the lumber schedule. One cent on the wrong side of the balance sheet means bankruptcy as much as would a dollar. It is a question of whether or not the enterprises can live and pay their bills. A boarding-house keeper with a $12 board bill can put them in the hands of a receiver as quickly as an overdrawn bank account. We have now in the hands

of a receiver one of the biggest lumber concerns that ever came to Idaho. When the panic came on they had a very large stock of lumber on hand, and they could not carry it. Like other business men, of course, they carried a line of financial credit in order to sustain their great business. When the financial panic came, the banks were no longer open to them and they were thrown into the hands of a receiver, and are there to-day. They have one of the most magnificent plants in the United States, with every modern improvement and facility for making lumber.

Mr. President, I find the acoustic properties of this room are much better when there is a larger attendance, and I would suggest that there is hardly enough to make a cushion for my voice.

Mr. BEVERIDGE. I suggest the absence of a quorum.

The PRESIDENT pro tempore. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Aldrich	Clark, Wyo.	Gore	Perkins
Bacon	Clay	Guggenheim	Piles
Bailey	Crane	Hale	Rayner
Beveridge	Crawford	Heyburn	Root
Bourne	Cullom	Hughes	Scott
Brandegee	Cummins	Johnson, N. Dak.	Smith, Md.
Bristow	Curtis	Jones	Smith, Mich.
Brown	Daniel	McCumber	Smoot
Burkett	Dillingham	McEnery	Sutherland
Burnham	Elkins	Money	Warner
Burrows	Fletcher	Nelson	Warren
Burton	Flint	Oliver	Wetmore
Carter	Foster	Overman	
Chamberlain	Frazier	Page	
Clapp	Frye	Paynter	

The PRESIDENT pro tempore. Fifty-seven Senators have answered to their names. There is a quorum present.

Mr. HEYBURN. Mr. President, it is not my intention, under the circumstances, to attempt to conclude my remarks upon this question this afternoon. I think it would be unprofitable and unwise to do so. I will, however, before yielding the floor call the attention of the Senate to some expressions of sentiment and statements of facts from Idaho on this question. I have a telegram here from the manager of the largest lumber mill in the world—and that is saying a great deal—dated April 23, addressed to myself in response to an inquiry for facts. He says:

APRIL 23, 1909.

Hon. W. B. HEYBURN,
Washington, D. C.:

About 20,000 men directly engaged in production of lumber in Idaho, with average wage $3.10 per day. There are many more indirectly dependent on lumber operations. No oriental labor employed in lumbering in our State.

WM. DEARY.

William Deary is the manager of that company.

I have a telegram from one of the most considerable railroad owners and operators and mill and lumber men in the United States—I do not mean in regard to railroads, but certainly one of the large operators in the Northwest, who has built whole lines of railroad there that are operating. He is interested in some of the largest lumbering enterprises in that country. This telegram is dated the 1st of May, and is addressed to myself.

SPOKANE, WASH., *May 1, 1909.*

Senator W. B. HEYBURN,
Washington, D. C.:

It will please me very much to have you do all you can to retain the present tariff on lumber; the manufacturers are having all they can do to keep their mills going and employees at work under present conditions. If there is a deduction in tariff, matters will be in bad shape.

F. A. BLACKWELL.

Here is another one I received yesterday from Sand Point. There are two very large plants at Sand Point, among the largest lumber plants of the country:

SAND POINT, IDAHO, *May 20, 1909.*

Hon. W. B. HEYBURN,
Senate Chamber, Washington, D. C.

Trust you will do everything possible to secure $2 duty on lumber. Lumber industry even under existing tariff is in a deplorable condition.

T. J. HUMBIRD.

They are in the lumber business, and it means a great deal to this country that they are in the lumber business. If they were not, then I am afraid the Senator from North Dakota and myself and others might have to go out and whipsaw our own lumber, as I have had to do in my life, in order to make a house to live in. I wonder if the Senator ever whipsawed any lumber? You take an 80-pound saw upon a scaffold, roll the log upon it, and there is one man up above and one man down in the pit, and one man pulls the saw up and the other pulls it down, and the sawdust is thrown down the neck of the man underneath; and they keep that up. I have paid $120 a thousand feet for whipsawed lumber, and I have never begrudged the price, because I knew I would not want to saw it myself for that amount. So we will not reproach a man because he has built a large modern mill and is supplying us with the lumber for our houses free from burdens of that kind.

Another telegram from the Potlatch Company:

About 20,000 men directly engaged.

That is the telegram the confirmation of which I read. He revises his figures in that telegram. He says:

Collective distribution of wages and supplies, $10,000,000. The other figures stand.

That is, the figures in this telegram stand. That is a correction of figures that were not consistent, and about which I further inquired.

I have another telegram here to which that correction applies:

Eight big mills cut, 1908, 264,000,000. Expect to cut 310,000,000, 1909. Value said 8 plants, $5,000,000. One hundred and twenty-two smaller plants cut approximately 250,000,000, 1908. Expect to cut 1909, 350,000,000 feet. Value said plants, $12,000,000.

That is, the value of these lesser plants.

Working capital all mills—

That is, the mills enumerated here—

$20,000,000. Distribution wages: To laborers, $10,000,000; to farmers, supplies to feed men, $5,500,000.

He merges those items because they deduct the supplies they furnish the men from the wages of the men. They pay them $3.10 a day, and charge them up with a reasonable amount for board, which is not complained of.

To feed horses—

The stock employed in the hauling and dragging of these logs in the woods—

$3,000,000 annually. Reduction transportation charges imperative, instead of tariff reduction, to reduce price lumber to consumers and still protect wage-earners and farmers of our State.

I have other telegrams here about the methods and the cost of dressing this lumber, tonguing and grooving it, and those other processes. When I take up the subject again I shall briefly treat of them.

I want to say right here that the charge, direct or implied, of vandalism in the forests has no foundation whatever. No man ever cut a tree for his own amusement, except, perhaps, that great English statesman, of whom it is said that he went out every morning and cut down a tree before breakfast. But men do not go to the frontier in those forests and cut trees for their own amusement. They do not cut them unless somebody wants them cut, and is ready to buy them and make use of them. Lumber is not cut or manufactured to rot on the ground. When it is cut and manufactured, it is done to build cities and towns and homes and barns and fences and railroads—to substitute civilization for the hollow silence that rested in that country and in those forests when I first knew them.

Mr. President, I think I shall suspend for to-day when I have called attention to the fact that was referred to by the Senator from Minnesota and the Senator from North Dakota in regard to the great waste of lumber from fires. I felt somewhat curious about that. We have in our State a fire-protection patrol and board which is part of the organization of the state government. They have statistics, and those statistics somewhat surprised me. I sent for them, and this is the response:

In Idaho we have a fire patrol, covering the dry season in the timber, independent of the Forestry Service. It is maintained under the law of the State. It covers the forests of north Idaho.

I will say that there are 20,000,000 acres of forest reserves in Idaho; so some of the little patches of timber land elsewhere would probably lose their importance when compared with those great fields.

There are nine associations operating together—

That is, nine subdivisions of this forestry fire patrol—

The law provides that the state board of land commissioners shall divide the State into fire districts, with due consideration as to the forest area. A chief fire warden is appointed by the board for each district, and each chief warden appoints as many deputies as are found necessary.

This is the method of this State of "vandals" that you have heard held up here by the Forestry Service, which has asked you to provide protection against them, almost to incarcerate them, for fear they would destroy the timber on the public lands of the State they love so well, where they have made their homes. That is the way they organize.

The wardens patrol the districts under orders of the chief warden during the fire season. The object is to detect the fires in their incipient stage and put them out—

Not to report on them to Washington, and telegraph for orders; but when they detect fires, it is their duty to put them out—

And when not able to handle them alone, to get help and control them. These wardens under the law are state appointees, and have police power to make arrests without warrants, and can compel assistance to control the fire when required.

Each member of the association—

That is, each of these men that form the association—

Is assessed on his acreage—

His acreage of timber lands—

to pay the costs, and the State is assessed on the same basis.

That is done because the State has large ownership of lands that are scattered all through these timber areas.

The officers of the association are elected yearly, and serve without remuneration.

These are the "vandals" of Idaho!

The associations forming this association during 1908 were as follows—

This is an interesting column—

The Coeur d'Alene Fire Association; 14 members, 23 patrolmen; 358,060 acres; cost—

This was cash paid out in the year 1908—

$26,548.98.

That is the district in which I am so fortunate as to live.

The Clearwater Association, whose territory adjoins this, has 9 members, 27 patrolmen, and an acreage of 268,790 acres. Cost during 1908, $7,312.09.

Adjoining that is the Potlatch Association. Number of members, 10; patrolmen, 10; acreage, 314,068 acres; cost, $9,738.36.

Pend d'Oreille: That is the one from which the telegram from Mr. Humbird came to-day. I am sorry I have not here, and I can not state them offhand, the figures which will enable me to give the investment in mills in that district. It is a good many millions of dollars. This is the Pend d'Oreille district. It has 17 members—that is, there are 17 associations of lumbermen there that join together. It has 15 patrolmen, and covers 300,840 acres. During the year 1908 it spent $8,870 in putting out these fires.

To summarize, I will state that the fire associations that cover the timber lands of north Idaho expended, in 1908, $52,469.43 in putting out fires; and they spent it out of their own pockets, because they are assessed according to their acreage to pay that money—these "vandals" of Idaho!

Thirty townships covered by the Coeur d'Alene Association are within the limits of the Coeur d'Alene and Palouse Forest Reserves, and are supposed to be protected by the Forestry Service of the Government; but a large item of the expense of the association is the care of this territory within the forest reservation.

That is a nice story to read and reflect upon in view of what we have heard here about the necessity for the Forestry Service, with its chief telling the people in his annual report that we owe the safety of our timber lands and of the Government's property to the watchful care over the forest reserves of the Forestry Service. And yet we find the people in Idaho, at their own expense, putting out these fires and saving this timber.

During the year 1908 the Clearwater Association handled 15 fires, built 2 miles of wagon road—

That is, this association that I have spoken of, that covers 268,790 acres of land. They—

Handled 15 fires, built 2 miles of wagon road, 19 miles of new trail, and opened up 40 miles of old trail. The fires in this district were started—

How do you suppose?—

by lightning.

Every one of the 15 fires in that district last year was started by lightning. Yet we are told here with horror of the carelessness of the frontiersman and of the homeseeker in starting fires and burning up the Government's forest lands. Last year there were 15 fires in that district of over 250,000 acres, and every one of them was started by lightning.

I can appreciate this. I have lived in those mountains for more than a quarter of a century. I sat on my porch one evening about 5 o'clock and saw a bolt of lightning strike a dead tree just across the gulch from me and set it on fire. It started a fire that it took hours to put out. When the lightning struck that tree, which was dead and partly rotten, it threw the fragments of the tree over an area of perhaps an acre. Each separate firebrand started a new fire for itself. On more than a dozen occasions in my experience in those great forests I have seen the lightning start the fires, and the poor prospector and immigrant is charged with doing it. And yet every one of the fires in that district last year was started by lightning.

In 1908 the Coeur d'Alene Association handled 80 fires—

That is a neighboring one—

57 of which were controlled by the patrolmen alone. Fifty of these fires were started by lightning.

I will tell you how the others were started directly.

The Pend d'Oreille Association in 1908 handled 130 fires, 105 of which were handled by the patrolmen alone.

Very few of the fires in this district were set by lightning, the railroad engines and section crews being the greater source of danger. One-half of the limits of this association are within the Government's reserves and supposed to be adequately protected by the Forestry Service, but the timber owners find it necessary to expend these large sums of money and at least three months of sleepless vigilance in order to safeguard their own and the government property, for it is necessary for them to protect the property of others, in many cases, in order to protect their own. Much has been said by and for the Government and its methods as to its endeavor to protect the forests from fire, but if its methods had been as faithful to fighting fires in timber as they have been in fighting them in camp or the press of the country, the timber owners would not have to spend so much money in the forest reserves. As a sample of the efficiency—

I am taking this from the official report—

As a sample of the efficiency of the government patrol, there is herewith included a portion of the Clearwater Association's report for the years 1905, 1906, 1907, and 1908:

"In 1905 there was fire on the reserve, which started at a point, French Mountain, in 36–6 E, and ran east 11 miles. This fire was approximately 11 miles long and 3 miles wide. During the year 1905 we never had the pleasure of seeing a forest ranger."

The report of this association gives numerous instances similar to the above.

One of its members told me he saw the forestry ranger, supposed to take charge of this question, and told him, at the forks of the St. Joe River, of the existence of the fire, about 13 miles away, and he was about 10 miles from the nearest point where he could communicate with the outside world; and the forestry officer said: "I will go down and report it to Washington." The gentleman said he gathered up some men in the timber and went up, and he had been fighting the fire three days and had it under control when the forestry officer came again, and he said he had been ordered to inspect and report the condition. That is the cooperation.

But I am not here to indict the service. I am here only to give these official facts.

Mr. President, I think, with the permission of the Senate, I will suspend my remarks for the afternoon, with the privilege of resuming them when the Senate is again in session and this paragraph is under consideration. I have dealt largely with the general and preliminary questions. I desire to present some specific facts controlling the question as to the advisability of retaining the present duty.

Mr. McCUMBER. Mr. President, I understand the Senator in charge of the bill is desirous of an early adjournment this afternoon, and I will take not to exceed five minutes in replying very briefly to some of the arguments that have been given here in defense of the retention of the duty upon the lumber imported into this country.

Mr. President, I have not heard one single, solitary statement here to show that a reduction of tariff on lumber would destroy the business of a single mill in the United States.

Mr. HEYBURN. I will give you some.

Mr. McCUMBER. I have heard the argument that the lumber interest is not doing so well to-day as it was a year ago, or prior to the little financial flurry that we had in 1907. I have not heard any argument that demonstrates that a reduction of the tariff will necessarily reduce the price of lumber, and I think I have established clearly by the figures I have given that it will not reduce the price; that all we can hope for it is that it will prevent the price from mounting too high and too rapidly.

Mr. President, the Senator from West Virginia [Mr. ELKINS], who is not in his seat, adduced two or three arguments in favor of the retention of the present duty. But when you simmer them down and get at the foundation of them, the only arguments that he made were that inasmuch as I have been in favor of placing a duty upon the farm products of my State, therefore he should have a duty upon the products of his State, and especially upon lumber and iron and coal and oil.

I have never been laboring under the idea that this was the rule by which we determined whether or not an article should go upon the dutiable list. I supposed we took into consideration, first, whether the article itself needed protection and, second, whether the protection was for the best interests of the American people; and if it can be established to my satisfaction, first, that the lumber industry does need the protection; secondly, that that protection would ultimately result in benefits to the American people, not immediately, not to-day, but at least for a few years in the future, I should certainly vote for a protective duty.

I can see a vast difference between those articles which we produce month after month reproduced again and again, and which we can go on producing indefinitely without exhausting anything, and those articles the supply of which, in the very nature of things, can not last more than a very few years—resources which we should retain for the best interests of the American people just as long as it is possible to retain them.

Mr. President, the Senator from West Virginia constantly alluded to the higher prices of farm products, and again and again he stated, substantially, that I was satisfied so long as beef kept

advancing, so long as the price of agricultural products kept advancing, although his people might be starving for those articles; that I had no heart for them.

It is probably proper to diverge for just one moment at this time and analyze honestly and fairly the condition of the American farmer, and I do not care whether it is on the plains of the Dakotas, in the hills and dales of Maine, or wherever it may be, and let us see whether we are reaping all the benefits of this tariff and whether the poor laborers in the mills are suffering as the result.

I want to tell the Senator from Idaho and the Senator from West Virginia that every article which is produced upon the farm to-day requires more expended energy for the value of the product than any other article produced on the American Continent, and I can establish that beyond any possibility of doubt. Mr. President, I can appreciate the difference between the farmer who rises at 4 or 5 o'clock in the morning, keeps on with his work continuously until 9 or 10 o'clock at night, and the laborer in the mines or mills of West Virginia, receiving his $3 or $4 or $5 a day for eight hours of labor. I have compared the work of the laborers upon the great public buildings with the labor on our farms. Before the chime of the hour of 4 o'clock had died upon the listening ear, I have seen the uplifted hammer fall, with the nail half driven in its course, the hoisted mortar dry in the hod, while the sun was still high in the heavens.

God knows I want to see the laborer paid good wages for his services. I believe the best interests of this country demand that the value of labor shall go higher and higher as the years go on. I believe that the very best interests of this country will be subserved when the child of the laborer can sit side by side with the child of the owner of great mills in any of the great universities of this country. I know it can not be done in one moment; I know that the struggle to reach that condition will require a great many years; but I believe the time is coming when labor will reap the legitimate proportion of the value of the things it produces. But I want to see my farming community equally well served.

What is the farmer on the plains of North Dakota and South Dakota and in Maine doing when your laborer here stops work in your mills at 4 o'clock in the afternoon? I can see him out on the prairies, the beads of sweat trickling down his sunburnt face, with at least six or seven hours of hard labor to be accomplished before his tired limbs can rest. I want to measure the value of the product of his labor with the value of the labor of the constituents of the Senator from West Virginia, who has accused me of wanting to injure his people for the benefit of my own. I can establish to the satisfaction of the Senator or any other man upon the face of the earth that we put in more hours of labor, five times over, to produce a dollar's worth of property than any laborer in any mill in his State.

Mr. HEYBURN. Mr. President——

Mr. McCUMBER. I yield to the Senator.

Mr. HEYBURN. I wish to make a suggestion to the Senator from North Dakota as a further reply. What is the man thinking about when he quits work in the lumber woods at the mill? He is just thinking, How am I going to sell this product I am working on, and who is going to buy it?

Mr. McCUMBER. I have gone over that matter. If I agreed with the Senator that the great forests of this country were inexhaustible, if I believed that all the government experts who have measured every acre of the timber land in this country were falsifiers or did not know anything about the subject, if I believed that we could raise, as the Senator from Idaho thinks, merchantable timber in ten or fifteen or twenty years, if I believed that we were reforesting all of our vast timber lands as rapidly as he believes we are doing, I probably would be just as high a lumber protectionist as he is. But as I travel from Minneapolis to Duluth, a distance, I think, of about 120 miles—is it not, I will ask the Senator from Minnesota?

Mr. NELSON. Yes.

Mr. McCUMBER. As far as I can see, where there was once one great pine forest we can see nothing but burnt stumps; and as I travel over that great State of Minnesota, which forty years ago had one-third at least of its acreage in those mighty forests, and now look upon it to-day, nearly all of that a black, burned, destroyed district, I ask the Senator from Idaho if he can tell us where we have reforested that section of the country. I have gone through sections of Idaho. I have gone through those valleys. I know something about them. As you look out from the train window upon the mountain side you still see the old black stumps, and you do not see anything else. As I went through Oregon a few years ago I drove along one of the great rivers of that State and for miles and miles along the valley, as I looked up the mountain side there was nothing but the same fire-devastated districts. There was not even a shrub left that you might cling to to help you in ascending it. Yet we are told that they are still reforesting.

Mr. President, the $4,000,000 appropriated by Congress last year to reforest what was destroyed is an answer to the claim that we are reforesting about as rapidly as we are deforesting the country.

I was going to tell the Senator from West Virginia [Mr. ELKINS] something about the cost of the production of things upon the farm, when these farmers and their wives and their children are working sixteen hours a day. The Senator from West Virginia forgets that the farmer spends two-thirds of his working life before he is the owner of his farm and before he owns the capital which he invests in his business. Now, let us take any one of his products as an illustration. Take the product of wheat, that the Senator is complaining about. As I have said, two-thirds of the farmer's working life is given to hard labor before he earns and owns his farm. Then what? He must plow it and he must harrow it several times, and then he must seed it, and then he must care for it prior to harvest, and then he must harvest it, he must cut it, he must bind it, he must pick it up two or three times and put it back when the wind scatters it over the field, he must set it out to dry whenever there has been a heavy rain, he must then stack it, he must hire his men and thrash it, and finally he must haul it to the mill. That represents the farmer's labor upon that wheat.

We will suppose, for instance, that he gets on an average, as he has got lately out in my section of the country, say, 90 cents a bushel for that wheat. What becomes of it? It now leaves his hands. Then there is the expense of transporting it to the mill, which is certainly not above 10 per cent; the grinding of it by the miller; the sending of it to the baker; and the baker making it into bread and selling that bread for 5 cents a loaf. The baker receives about $4 a bushel for that grain. The farmer receives about 90 cents. The amount of expended labor upon that bushel of wheat by the farmer is four times the amount of labor expended upon it after it leaves his hands and is converted into bread. Yet by the time it leaves the baker it is four times as valuable as it was when it left the hands of the farmer.

I can give you another illustration that will probably be still more startling than that.

Mr. SCOTT. Mr. President, will the Senator allow me? I do not want the Senator to use up all his energy in talking to me. I believe it was my colleague who had the colloquy with him. I have spent as many hard days on a farm perhaps as the Senator from North Dakota. I know all about the hours of the farmer. I have put the harness on horses before daylight and hitched up before breakfast. I know all about it. The Senator need read me no lecture about farming.

Mr. McCUMBER. I know the Senator knows all about farming. I referred, of course, to the Senator's colleague, who was speaking upon this subject.

But I want to give you another illustration. Here is the farmer. Two-thirds of his life, I say, is spent in earning his farm at the present prices of farm lands anywhere in the United States. He raises a bushel of tomatoes, for instance. Let us make a little calculation on that. You will find that he has got to plow the land. He has then got to harrow it. He has then got to plant his seed. He has then got to sow it. He has then got to water those vines. He must then keep the bugs off of them. He must then gather his tomatoes and then haul them to market from 1 to 10 miles. What does he get for them at some seasons of the year? Sometimes as low as 25 cents a bushel. I have known them to be that cheap.

Now, I will follow that same 25-cent bushel of tomatoes into your restaurant right down here where the Senators take their meals, and I will see what they pay for them then. It passes through the wholesaler, possibly also the retailer, to the restaurant. Let us see the rapid advance in price the moment other labor operates upon them. You will pay 25 cents for one of those tomatoes down here in the restaurant when it is sliced. There are about 300 tomatoes in a farmer's bushel, because they are always well heaped up and they are good, honest bushels. The farmer gets 25 cents for that bushel. Then the restaurant man gets 25 cents apiece, or $75, for that same bushel!

That is not all, Mr. President. If the farmer is well enough off to go into that restaurant, he will pay the value of 300 tomatoes for the privilege of eating one that he has raised. And he will not stop there. He will have to go into his pockets, if he is going to be treated nicely, and give the colored waiter who serves him another quarter, another 300 tomatoes, for slicing that one. There is a little illustration of the difference between the value of his labor that is put upon a given article before it leaves the farm and the value of the labor that operates upon that product after it leaves the farmer's hands.

So it is with every other product of the farm. I am not satisfied to allow anyone to say here that our farmers are getting rich and we are wanting to put things upon the free list so that we will grind down somebody else. I could tell the Senator from West Virginia, if he were here, that we raise more wheat than anything else in our State, and when he goes down to this same restaurant he does not pay a cent for his bread. It is so cheap that they give it away the same as they give away water. They do not even charge for the butter that goes on it that is raised by the farmer. There is the farmer's labor and his product, the staff of life served in almost every restaurant in the United States absolutely free, because it is of such insignificant value.

I want to say, before I close, one word upon the tariffs that are placed upon the farmer's products. If I can not demonstrate when we reach that schedule that every one of the products on which I have asked a tariff to be levied should be levied upon it, then I am willing that it should be reduced.

But I know something about the conditions of the Northwest to-day. I know the growing conditions of our Canadian border line for 2,000 miles. I know some of the conditions that will confront us before another ten years shall elapse, and I am going to guard the interests of those people for the next ten years. Why? Because before the expiration of that time we will not be exporting one bushel of wheat from the United States. Then we will have the direct benefit of that tariff. I know how we are going to be received on the other side of this question just as soon as that condition arises. Then the cry will go up over this country for free food. I know what the farmers, who have stood by you during years of hardship to build up your industries, will meet, because I have observed it in every other country—as in Great Britain, where the laborer said, "We demand cheaper food," and the tariff went off food products.

When we get that condition, Mr. President, I hope to see the farmers in my section as thoroughly organized as the labor unions are to-day; and if they are organized, I will tell you, you are going to have a pretty difficult task in cutting down the duties upon breadstuffs for the benefit of anybody upon the face of the earth.

Mr. President, I have talked, perhaps, a little longer than I intended to do in the closing of this matter, but I want to say just one word in reference to the forests, in answer to the Senator from Idaho. He says that these forests were intended by the Almighty for the permanent use of the people. Well, Mr. President, if they were so intended, then I must say that the will of the Almighty has been signally frustrated by the rapacity of His children, because, as I look over the country, we are not going to keep them for the future; we are not going to protect them for the permanent interest of the American people, but they will be out of existence in about thirty years, as can be demonstrated with mathematical accuracy, even after allowing for the annual growth of those same products.

The Senator thinks that these are inexhaustible, I know. But, Mr. President, the Senator from Idaho differs from every man in government employ who has carefully measured the amount of timber there is in the United States, who has carefully calculated the consumption in the United States, and who has carefully estimated reproduction. Those experts say we will practically exhaust our forests within the next thirty years, at the present rate of consumption.

The Senator said another thing—that I was in favor of keeping the soil upon these mountain sides. I judge from the argument of the Senator from Idaho that he is in favor of running the soil down to the ocean. He thinks we need the floods, that we may bring the soil down from the mountain side to resoil the farms in the valley.

Mr. President, has any farm ever received any benefit from the soil from the mountain side? I would keep it there. The Senator from Idaho would send it all into the ocean, because there is where it does go. I would rather have it upon the mountain sides as a retained soil for the benefit of future conservation than to despoil those mountain sides to-day and denude the timber lands and have, as a result of that, the destruction of both forest and farm.

Mr. SCOTT. Mr. President, I am very sorry that my colleague [Mr. ELKINS] was not present in order to defend himself against the very earnest and, at least, very energetic talk of my friend from North Dakota.

I was surprised at many of the illustrations he gave. They were so thoroughly ridiculous that I was surprised the Senator would make them. For instance, in quoting the price of a tomato, he does not think it is necessary for the man who keeps a restaurant to have tablecloths, knives and forks, dishes—which are often broken—napkins, and servants in order to serve the tomato. I could go on indefinitely, but the Senate is not here to listen to a discussion of that kind, and I will turn it over to my colleague, who, I have no doubt, will reply.

Mr. McCUMBER. I want the Senator to understand that the farmer has to have hoes, pitchforks, machinery, horses, and all those things just as well as the restaurant keeper needs spoons, and so forth.

Mr. President, I was simply attempting to illustrate how rapidly the value of the product advanced just as soon as it left the farmer's hands, not for the purpose of criticising these men, but for the purpose of showing that labor employed in any other industry receives far greater remuneration for a given number of hours than on the farm; and I think I have established that.

Mr. SCOTT. There is no one, I think, who will say that I have not always been willing and perfectly anxious to do the farmer justice. He is the hardest working man, I think, in the country; he labors longer hours. I have been there, and I know of the life myself. I do not know whether the Senator from North Dakota ever labored on a farm, but I myself have. I want to say, Mr. President, I am in favor of protecting the farmer and everything he produces, everything that grows, the same as I am in favor of protecting the man who is engaged in manufacturing or in any other pursuit in this country.

Mr. President, who is suffering to-day? Is it the farmer? In conversation with a hotel keeper in southern California, whom I have known for years, who runs one of the finest winter resorts in that southern climate, he told me that in the last two or three years he has missed the eastern man, the manufacturer, the merchant, the banker, but his house has been overrun with the farmer, with his wife and his children; that they all have plenty of money, and his rooms were not too good nor his table too expensive for any of them. I was very glad, indeed, to hear it. So the depressed and downtrodden farmer in the last few years has certainly had an equal advantage with those of us who have been engaged in manufacturing.

EXECUTIVE SESSION.

Mr. ALDRICH. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and (at 3 o'clock and 5 minutes p. m.) the Senate adjourned until Monday, May 24, 1909, at 10 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate May 22, 1909.

ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE PHILIPPINE ISLANDS.

Charles B. Elliott, of Minnesota, vice Charles A. Willard, to be effective upon the date of the resignation of the latter.

RECEIVER OF PUBLIC MONEYS.

George H. Kimball, of Eureka, Cal., to be receiver of public moneys at Eureka, vice Daniel J. Foley, deceased.

CONFIRMATIONS.

Executive nominations confirmed by the Senate May 22, 1909.

ASSISTANT TREASURER.

Oscar L. Whitelaw to be assistant treasurer of the United States at St. Louis, Mo.

INDIAN INSPECTOR.

Ernest P. Holcombe to be an Indian inspector.

RECEIVER OF PUBLIC MONEYS.

Charles C. Hoag to be receiver of public moneys at Woodward, Okla.

POSTMASTERS.

NORTH CAROLINA.

Jesse C. Randall, at Bryson City, N. C.

OHIO.

Peter Schatzman, at Glendale, Ohio.
Charles J. Tiffany, at Clyde, Ohio.
Mathias Tolson, at Salineville, Ohio.

OREGON.

Benjamin P. Cornelius, at Hillsboro, Oreg.
F. O. Minor, at Bend, Oreg.

PENNSYLVANIA.

Jesse Ehrhart, at Dallastown, Pa.
Howell P. Williams, at McDonald, Pa.